



לע"נ ברוך בענדיט וברכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

לע"נ אסתר אביגיל בת חיה רבקה וציפורה רחל בת אסתר מחלה THE DIMONT FAMILY EDITION

# THE שבוע MATTERS

שבת קודש פרשת ויחי | מסכת יבמות דף ע"ג

## INSIGHTS FROM OUR CHABUROS

לדברי האומר שתי שבתות צריך שתי שבתות ושלישים

**R**av issued a statement that the halacha follows Rebbe Yosi in the halacha of אנדרוגינוס and in the halacha of planting saplings. The second reference is to a Mishnah (Shvi'is 2:6) where the guidelines are listed for the limits until when planting can be done before Shemitta. Tanna Kamma requires that a sapling be placed into the ground no less than thirty days before Shemitta commences. Rabbi Yehudah contends that if a tree has three days for its roots to take hold, this is sufficient. Rebbe Yosi and Rabbi Shimon rule that the minimum time interval is two weeks. These are the three opinions in the Mishnah, and, as we saw above, Rav rules according to Rebbe Yosi. Rav Nachman explains that each of the opinions presented in the Mishnah must be concluded before the period of שביעית - an additional thirty days which the rabbis added prior to Shemitta itself. Therefore, the thirty days required by Tanna Kamma actually add up to thirty days plus the thirty of תוספות. The three days of Rebbe Yehudah now are three days in addition to the thirty additional days, and Rebbe Yosi and Rebbe Shimon require two weeks plus thirty days. Rambam (Hil. Shemitta v'Yovel 3:11) rules that one may plant up until 44 days before Shemitta (the 15th of Av would be the latest date to plant). If one planted later than this, the plant must be uprooted. Noda B'Yehudah (O.C. 2: #84) explains that in this case, we do not say ככולו היום—*that part of the day counts as the entire day*. Therefore, it would be necessary to plant a sapling a full forty four days prior to Shemitta, and not on the 44th day beforehand. This means that the last day to plant is on the 15th of Av. The statement of Rebbe Yosi is that we require "שתי שבתות," and we do not find any leniency to say that "part of a week counts as a full week." Chazon Ish (Shevi'is 26:2) discusses this issue at length, and he disputes the conclusion of the Noda B'Yehudah. He holds that one may even plant a sapling on the 16th of Av up until just before sundown. Meiri writes explicitly that planting must be completed on the 16th of Av, and any later than this would result in the plant having to be uprooted. This concurs with the ruling of Chazon Ish. Rambam, however, apparently understands as the Noda B'Yehudah explains, that we do not say "a part of the day counts as a day" when the time interval was presented in terms of weeks.

## PARSHA CONNECTION

**In this week's daf** the Gemara discusses the story of a טומטום who had seven children. When hearing the story רבי יהודה said "check on the children to determine where they come from." We find a similar idea in this week's Parsha, when יעקב asked יוסף about אפרים and מנשה, "Who are they?" The Midrash says that he hesitated to bless them because he saw רשעים amongst their descendants, and יוסף assured him that they are legitimate, by showing him his כתובה. When blessings his grandchildren יעקב actually blessed יוסף, the verse says as follows: (48:15) ויברך את יוסף ויאמר האלקים אשר התהלכו אבותי לפניו אברם ויצחק האלקים הרעה אתי and he blessed Yosef and said, etc. Why didn't יעקב bless מנשה and אפרים directly? Some מפרשים explain that a blessing for a child is a blessing for the child's parent, since having good children is itself a blessing. But the Alshich Hakadosh offers a different insight and explains that the ברכה had to go through יוסף because יעקב felt that they would obtain a bigger blessing if Yosef was the conduit.

## STORIES OFF THE DAF The Early Rains

שלישים צריך שלישים ושלישים

**T**oday's Gemara discusses the various opinions on how long before shemittah one must stop planting. There has been an ongoing struggle for nearly one hundred years to try and convince the non-religious settlements in Israel to observe this holy mitzvah. The staunchly secular who reject Torah and mitzvos view the farmers who straddle the fence with sarcasm and criticism, and they make it difficult for them to make this great commitment. The truth is that it is very challenging for the farmers to overcome their natural instinct for survival because it really seems that if they don't work they will certainly lose their whole crop and livelihood. The Keren Hashivi'is was established many years ago to raise money to support farmers. This helps them overcome their fears and observe this mitzvah that demands much self-sacrifice and trust in Hashem.

1980 was a shmittah year and the yishuvim that raised cotton had to harvest early. The bitterly secular taunted their religious neighbors for their foolishness in doing an early harvest and causing themselves certain loss. The Keren aided those who kept shemittah that cycle, but its resources were limited. Many who were more religious also had a big test with their cotton crop. Would they be able to strengthen their emunah sufficiently to overcome this challenge? In addition to the problems with the cotton crop, all religious farmers needed rain early since they had already done all the planting. Without early rain, even those plants would not grow. In Israel, it is very unusual for it to rain early. But that year, there were several early rains. Those who hadn't planted early had a very difficult time plowing and planting later, because their tractors sank into the muddy fields and were practically useless. Miraculously, all of the early rains came just in time to develop the crop, paused long enough to enable the early harvest, and later, when the rains returned, the farmers who did not plan to observe shemittah received a big surprise. All cotton left in the fields was completely destroyed by a second spate of early rain. Anyone who didn't keep shemittah that year lost their entire crop and wound up observing shemittah against their will!

## HALACHA HIGHLIGHT

Non-Kosher Medication

אין אדם אוסר דבר שאינו שלו

*A person cannot prohibit something that is not his*

There is a dispute concerning the parameters of the prohibition against making an image of a person. Shulchan Aruch<sup>1</sup> rules that the prohibition is limited to where the image protrudes outwards but if the image is engraved it is permitted. Rav Dovid Halevi<sup>2</sup>, the Taz, on the other hand, cites the opinion of Ramban that an engraved image of a person is also prohibited. Rav Avrohom Danzig<sup>3</sup>, the Chochmas Adam, rules that one should be careful regarding that position. This dispute has interesting ramifications when it comes to the issue of taking a photograph. It would seem that according to Shulchan Aruch there is no prohibition whereas according to Taz it would violate a prohibition.

Rav Shmuel Halevi Vosner<sup>4</sup>, the Shevet Halevi, suggests that since it is the camera that makes the image, rather than a person, perhaps the prohibition against making the image of a person is not violated. Rav Moshe Shternbuch<sup>5</sup>, the Teshuvos V'Hanhagos, leans towards prohibiting the activity but writes that many people are lenient and allow others to take their picture since they are not the one taking the photograph. Rav Menashe Klein<sup>6</sup>, the Mishnah Halachos, concludes that it is permitted but it is an act of piety for one to be strict and refrain from having one's picture taken.

A related issue is whether one can prohibit another from taking his picture. Rav Yosef Chaim Zonenfeld<sup>7</sup>, the Salmas Chaim, was asked about this matter and the questioner asserted that since taking another's picture does not damage or hurt him it should be permitted. On the other hand one could argue that it should not be permitted for the photographer to benefit from another's property without permission. Rav Yosef Chaim Zonenfeld responded that the restriction against doing business with another's property is limited to actions with another's property but merely drawing someone's image does not violate this principle since the artist hasn't taken the property of the model. Therefore, it is encompassed by the principle that one does not have the capacity to prohibit something that is not in his domain.

1. שו"ע י"ד סי' קמ"א סעי' ד'
2. ט"ז שם ס"ק י"ב
3. חכמת אדם כלל פ"ה סעי' ח'
4. שו"ת שבט הלוי ח"ז סי' קל"ד סק"ה
5. שו"ת תשובות והנהגות ח"ג סי' קי"ד
6. שו"ת משנה הלכות ח"ז סי' קי"ד
7. שו"ת שלמה חיים ח"ב סי' י"ט

## MUSSAR FROM THE DAF

Thoughts Can't Harm Me

רבי יוסי ורבי שמעון אומרים אין אדם אוסר דבר שאינו שלו

The Gemara tells us that a person cannot cause an object that does not belong to him to become forbidden from benefit. Tosafos asks that we find instances that appear to contradict this rule, e.g., if the person throws milk into his friend's pot of meat? In answer, Tosafos teaches us a **תוס' תוס'** that when one potentially forbids an object in which the person's thoughts (מחשבה) is the vehicle through which the other object becomes forbidden - we employ the principle of Reb Yose and Reb Shimon of our Gemara that one cannot cause another's item to be forbidden. However, when it is the person's actions which cause the object to become forbidden - then he has the power to affect his friend's object.

We can learn a great lesson in living a life of Menuchas Hanefesh from Tosafos's principle. Many people suffer great distress when pondering how others may view them. They suffer needlessly through worrying and trying to gain others approval of themselves. However, if they remember Tosafos's principle, i.e., that others cannot affect us through their mere מחשבה, they will be able to free themselves of unnecessary pain. If you have not done anything wrong, and somebody harbors ill will towards you, while it may be appropriate to try to engage the other, one cannot let the other's feelings bring you down.

## POINT TO PONDER

**The Gemara discusses** the opinion of רבי יוסי בר' יהודה who says that a טומטום should not do Chalitzah because maybe he will turn out to be a male and a סריס. The Gemara then asks "does every טומטום turn out to be a male?" meaning that maybe he will turn out to be a female. Since יבום is only possible for a male, what is the Gemara asking? Obviously there is no need to consider the possibility of him being a female, since there would be no יבום anyway?

### Response to last week's Point to Ponder:

What is the din where a סאה תרומה and a סאה חולין fell into two large containers, one of them חולין and the second תרומה and we don't know which fell into which where there is less חולין than תרומה? Would רבי יוחנן still maintain that we say חולין fell into חולין and תרומה fell into תרומה?

There are two main opinions regarding the amount of היתר that is needed for אומר. The רשב"א writes that according to ר' יוחנן who doesn't require רוב חולין, it is enough if there are equal parts of חולין and תרומה (half and half), and the same would apply to most cases of היתר. The ר"א writes that even if there is LESS היתר than אומר we still assume that it fell into the אומר or that the Terumah fell into the Terumah. (See יורה דעה סימן קיא סק"א) The רשב"א explains that ר' יוחנן eliminates the need for ביטול since we are assuming that there is no issue.

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien, לענ"ג

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, [dafaweek.org](http://dafaweek.org), or download the app

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