

HALOCHOSCOPE

This week's question:

On Tu B'shevat some people eat *esrog* in the form of preserves, made with a lot of sugar, or candied rinds. What is the *brocha*? May they recite *shehecheyanu*?

The issues:

- A) The *brocha* on *esrog* rinds and preserves
- B) *Shehecheyanu*
- C) The issues arising in this particular case

A) The *brocha* on candied rinds and preserves [excerpted mainly from Halochoscope XIII:19]

Brochos are based on a Scriptural concept, though most are Rabbinically ordained. *Bircas hamazon*, the grace after a bread meal, is a Scriptural obligation. Many maintain that *bircas hatorah*, recited before fulfilling the *mitzvah* of Torah study, is also Scripturally mandated. Based on this, the Rabbis instituted *brochos* of three types. *Birchos hamitzvah* recited before performing a *mitzvah*. *Birchos hashevach* recited as praise on the existence of Hashem's Creation, His control and monitoring of nature, and other kindnesses. *Birchos hanehenin* are recited before benefiting from the bounty of the Creation.

The principal benefit referred to is eating and drinking. The logic for instituting *birchos hanehenin* is that before benefiting from this world one should acknowledge Hashem Who created it. Taking it without a *brocha* is akin to stealing. The *brocha* is to 'ask permission' before benefiting from the item in the way Hashem intended it. Hashem created types of foods, used in their intended way to benefit mankind. When benefiting in an unintended way, the *brocha* recited would need to reflect this usage.

Accordingly, products of a plant other than its main fruit do not take the standard *brocha*. Vine leaves, for example, are considered *pri ha'adamah*, fruit of the ground. The classic Talmudic example of a multiple fruit plant is *tzlaf*, the caper bush. It has four edible parts. Certain products are not even really meant for regular consumption, but can be altered to make them edible. Thus, if one manages to turn wood into something edible, it would take the *brocha shehakol*. The Talmud compares the laws of rinds, shells and pits of *orlah*, fruit grown on a young tree less than three years old, to the *brocha* laws. Based on this, the poskim maintain that one should recite *ha'aitz* on edible pits. The shells or rinds are sometimes an integral part of the fruit, sometimes a protective cover, and sometimes they are not critical to the protection of the inner fruit. This raises some question about how much they can be considered a part of the fruit.

In terms of edibility, rinds could fall into either category. Some fruits are eaten with their peel. One who desires to eat the peel should recite *ha'aitz*. Other rinds are edible but not usually eaten. These should take the *brocha ha'adamah*. Nut-shells are not edible. Softer shells made edible by processing could take the *brocha shehakol*.

The poskim debate the status of rinds. It seems that all are in agreement that if the tree is planted with the intent to eat the rinds of the fruit, the *brocha* on the rind would be *ha'aitz*. On other rinds, some maintain that one would recite *ha'aitz* when eating them separately, cooked in sugar or honey. They consider them a part of the fruit itself, like the pits. Others maintain that the pits are inside the main body of the fruit. The rinds are outside, and are like leaves. Their *brocha* is *ha'adama*. A third opinion maintains that the *brocha* on the rinds cooked in sugar is *shehakol*. This is partly based on the *minhag*, prevailing practice in many communities. As a result some poskim suggest that since there are three opinions, and one is anyhow decidedly *shehakol*, one should always recite *shehakol*. *Esrog* [and *tznon*] rinds are different. They are very thick and are considered the main fruit. One eating them without the meat of the fruit recites *ha'aitz*. This refers to the thick middle rind. The thin outer peel is not considered *ha'aitz* when eaten by itself.

When two foods with different *brochos* are combined, which *brocha* should be recited, or should both of their *brochos* be recited? Generally, the rule is to recite the *brocha* of the major component, known as the *ikar*. This becomes the only food requiring its own *brocha*. The *tafel*, secondary food, is exempted by the *brocha* on the *ikar*.

When a food is cooked in sugar, the issue is whether sugar is a separate entity, or is simply used to sweeten the other food. In some cases, it certainly looks as though the other food functions as a flavoring for the sugar. In others, the sugar enhances the main food. In some cases, there is very much sugar, but the main food is very distinct. In these situations, it is hard to decide which food is primary and which is *tafel*.

Sugar is the main product of a plant. Some consider sugar cane *aitz*, while others maintain that it is *ha'adamah*. Others say that the juice of any plant other than grape vines and olive trees cannot be considered fruit. Although the only way to eat sugar-cane or sugar beets is by extracting the sugar, it does not merit a specific *brocha* based on the plant. This is the view we follow nowadays, and we recite *shehakol*. However, the other views are taken into account, especially in cases such as ours. A second matter of debate is whether a food that needs to be candied to be edible could be considered fruit. One way to view this is that this is the intended use of the fruit in Creation. The other way is to consider it a non-fruit because it cannot be eaten by itself. In practice, it depends on how the item appears raw. If it is the main fruit, or if it can be eaten at some point raw, it retains its main *brocha*. Candied *esrog* rinds, or *esrog* preserves, where the pieces are recognizable, retain the *brocha ha'aitz*. [See Brochos 35a, Poskim. Tur, Sh Ar OC 202:3 5-8 15-18 Rema MA 17 Kaf Hachaim 55-56, 203:(ArH 2) 6-7 204:11-12., 203:6-7, 204:11-12 TZ 15, commentaries.]

B) Shehecheyanu [excerpted from Halochoscope XI:31]

Shehecheyanu is known as '*zman*', *brocha* on joy at reaching a particular time. It is required on occasion of a joyous event and the first time a particular *mitzvah* is fulfilled. Cyclical joy includes fruit coming into season. Some maintain that the Talmudic reference to this *brocha* implies that it is not obligatory, but voluntary. Others maintain that one is not obliged to see it or to eat it, but one who does so must recite the *brocha*.

The *brocha* is based on the *simcha* of the time. For a new fruit the *brocha* is for the general *simcha* felt by the world. The ideal time would be when the fruit appears. It's

newness is visible to everyone. Thus, when one first sees it he should recite the *brocha*. Even if one does not own it, but sees it on a tree or in his fellow's hands, he may say the *brocha*. If reciting it while it is still on the tree, one should wait until it has finished growing. The prevailing custom is to recite it when it is first eaten. This adds a personal touch to the joy, despite the main reason for the *brocha* being the general joy in the world at large. It is still considered 'new' until one eats it. Thus, it is possible to recite this *brocha* long after seeing it for the first time, and even after purchasing it. The joy is not necessarily felt in the purchase, but in either seeing it or on the prospect of consuming it. One could purchase a new fruit, and then wait until an opportune moment for the *brocha*. It would be recited before eating it.

Shehecheyanu is recited due to the joy of seeing or eating a new fruit in season. If one has not eaten the fruit for a year, but it never went out of season, he does not feel the same joy as for a seasonally new fruit. Therefore, we do not recite *shehecheyanu* on fruits that are available all year round. This excludes fruits that have no specific season, but can grow at all times and are picked at all times of year. It also excludes vegetables that are kept for very long periods, in or above the ground. They remain 'in season' artificially. Some suggest that accordingly, one should never recite it on vegetables, since it is hard to distinguish between them. Others maintain that one would not recite it on the species that are kept like this. Yet others say that one should never recite it on any vegetables or on bread, even if one is sure that they are fresh, to avoid confusion. One should make an effort to taste every new fruit in season, and to recite *shehecheyanu*, so that he is able to show how precious Hashem's Creation is to him. [See Brochos 59b-60a, Yerushalmi 9:3, Eruvin 40b, Sukah 46a, Poskim. Tur Sh. Ar. OC 223 225:3-7, commentaries. Halocho-scope III:25 V:34 VIII:7 XI:2 20.]

C) The issues arising in this particular case

Our case raises three issues. Firstly, *esrog* can remain on the tree for more than one season. Can pleasure be gained from a fruit that is present throughout the year, when one eats it for the first time in this year. A stringent minority view was adopted by some prominent later authors. Nonetheless, the prevailing custom in many communities has always been to recite *shehecheyanu* on *esrog*. The objection to fruit that remains throughout the seasons is that it is always available. It has no season. *Esrog* and citrus fruits have a season. They can remain on the tree through the dormant season and into the following season. This does not mean that they cannot be part of a new crop in season.

Second, one probably recited *shehecheyanu* this year when taking the *esrog* for its *mitzvah*. The poskim debate whether *shehecheyanu* on a *mitzvah* can be combined with that on seeing the new fruit. Usually, this arises when there is a doubt about the obligation of the *brocha*. On the second night of *Rosh Hashanah* one might not have to recite the customary *shehecheyanu* recited on the second night of any *Yomtov Chutz La'arets*. Therefore, it is customary to recite it on a new fruit. One *minhag* was to eat *esrog* for this. [One source maintains that this is specifically before *Sukos*. After *Sukos*, the issue under discussion negates the *shehecheyanu* on the fruit!] The issue is also raised when one of the other three species were not available on *Sukos*. The question is whether the *brocha* may be recited anyhow on seeing the new *esrog*. In our case, the issue is in re-

verse. The *brocha* was recited on the act of doing the *mitzvah*. Now that the fruit is being consumed, the same people wish to recite the *brocha* on the joy of eating the new fruit.

The original institution was to recite *shehecheyanu* on seeing the fruit. We wait until eating it because some people do not derive joy from seeing it. On *Sukos*, all derive joy when seeing it and reciting *shehecheyanu* on the *mitzvah*. Thus, the *brocha* on the joy was already said, with a dual purpose. The objection is, if the *brocha* on the *mitzvah* is an obligation, one would not bundle the two *mitzvos* of *shehecheyanu* into one. It is only because of the doubt (2nd night of *Rosh Hashanah*) that one wishes to recite it on one of the two. On *Sukos* itself, one would intend not to discharge his obligation on the fruit, so that his *brocha* is on the *mitzvah*. Though ordinary people do not think about this, it is considered their presumed intent. The majority of people taking the *esrog* never recite a *shehecheyanu* on seeing new fruit. In addition, those reciting the *brocha* on seeing also have in mind that they plan on eating the fruit later. Some point out that the *esrog* is forbidden to eat as long as it is designated for the *mitzvah*. Therefore, it is impossible, at that time, to recite the fruit *shehecheyanu*. In addition, some maintain that one cannot combine *brochos* of two types in one. Others counter that *shehecheyanu* is all about 'time', or season, both of the *mitzvah* and of the newness of the fruit in season. This is one single theme.

A third issue arises with a sour *esrog*. The types of *esrog* eaten on *Rosh Hashanah* were sweet. Some suggest that *esrog* is considered unripe. In one view *shehecheyanu* is not said on fruit before it ripens. Most poskim maintain this only applies to immature fruit. However, the issue is raised that due to their only being eaten as preserves, one cannot see the difference between the new and the old season's *esrogim*. Since the *brocha* was originally instituted on seeing it, when eating it as a preserve, one cannot recite it. [See refs to section B. Tur Sh Ar OC 125:6 Be'er Heitev, MB ShTz, Kaf Hachaim 43. Eshel Avraham. ShT Maharshal 8. Shaarei Efraim 35. Pri Ha'adamah, Brochos p. 26. Ha'elef Lecha Shlomo OC:92. ShT Ksav Sofer OC:23. Ben Ish Chai Re'ay 11. Piskei Teshuvos (Pietrokovsky) I:99, footnotes. Tehila Ledavid (Mandelbaum, Tu Bishevat) p. 50 etc.]

In conclusion, the *brocha* on *esrog* itself, or on a piece of *esrog* preserves without bread, is *ha'eitz*. On candied rind, there are varying opinions. If one is also eating other fruit, he should exempt the candied rind with that *ha'eitz*. There are a few reasons to refrain from reciting *shehecheyanu* on *esrog* preserves. Therefore, it is preferable to recite it on another fruit with *esrog* in mind as well.

On the parsha *Yisro rejoiced for all the good that Hashem did ... and Yisro said Baruch Hashem .. [18:9-10]* Yisro could have said a *brocha* when he heard the initial good news that brought him to the Midbar in the first place. Had he done so, perhaps he could not repeat it again later when he was told the details first hand. Perhaps there was another reason. One recites *shehecheyanu* when he feels joy on seeing an acquaintance after a long time. If they had been in contact, it is not recited. Accordingly, Yisro, who had sent messages, could not recite it right away. After Moshe told him the details of the miracles, he felt ready to recite a *brocha*.

Sponsored by Debbie Rotenstein and Noah Bass in memory of Debbie's mother, Rochel bas

Chaim, a"h, whose *yahrzeit* is on the 17th of Shevat. ם

© Rabbi Shimon Silver, January 2014.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com