


HALOCHOSCOPE



This week's question:

Someone said the *brocha* on fruit blossoms on a tree that was less than three years old – *orlah*. Must he repeat the *brocha* on a three year old tree? Should he recite it without the Names of Hashem?

The issues:

- A) *The brocha on blossoms*
- B) *Safeik brocha, doubt about a brocha*
- C) *Orlah, the prohibition on fruits of the first three years of a tree*
- D) *The varying views on our question*

A) *The brocha on blossoms*

The Talmud says that when one goes out in the days of *Nissan* and sees the trees blossoming, he should recite a blessing. Most poskim agree that this refers to fruit bearing trees, as opposed to ordinary flowering trees. The terminology used by the Talmud raises a number of issues. It is clear that this *brocha* is only recited once, right at the beginning of the season. Some say that if one did not recite it the first time he saw the blossoms, he may not recite it later. The majority maintain that one may recite later. However, the ideal is to recite it as soon as possible.

There is a suggestion that if one mentioned the beauty of the blossoms, he has already fulfilled his basic obligation. If the object is to praise Hashem on the beauty, he already did so. He might not be able to recite the *brocha* from now on.

Some maintain that one must go out to the fields to recite this *brocha*. Others contend that the main point is to see the trees outdoors. The consensus is to recite it on any tree. Some also maintain that one should only recite it in the presence of two or more trees. This is partly due to the same reasoning. The *brocha* is intended to be recited on an orchard or field of trees.

There is a question about seeing the tree when reciting the *brocha*. A further discussion arises with regard to ever having seen the blossoms. The issue is, assuming that one need not be in the tree's presence, may one recite it without ever having seen it? Is it sufficient to have the knowledge about the blossoms conveyed by someone who saw them? Evidently, these views do not require two trees!!

The poskim debate whether the month of *Nissan* is essential. Many maintain that this is the standard. *Nissan* is when the blossoms begin to sprout forth. One could recite it earlier, or later. This is very important for those living in the southern hemisphere.

The poskim also discuss whether one may recite the *brocha* after the blossoms fall off, and if so, for how long. Some say that one may even recite it on the completely grown fruit. Others maintain that the *brocha* is specifically on the blossoms. Yet others

say that one may still recite it after the blossoms wither and drop, but not when the fruit is fully developed. Thus, in the southern hemisphere, there should be no issue with reciting it, even in Nissan, if applicable.

The poskim discuss reciting it on a detached branch with blossoms on it. The issue is whether the blossoms must be able to develop into fruits. [See Brochos 43b Rosh Hashanah 11a, Poskim. Tur, BY Sh Ar OC 226, commentaries. Halochoscope V:19.]

B) Safeik Brocha

Reciting a *brocha* involves using the Name of Hashem. This may not be uttered in vain. The Rabbis are authorized to obligate us in the *brochos*. If the Rabbis did not obligate a certain *brocha*, and deemed it unnecessary, it involves an unnecessary pronouncement of Hashem's Name. Some consider it a violation of the negative *mitzvah*, *lo sisa*. Others maintain that this could not apply to a *brocha*. Rather, it is a violation of the *mitzvah* to fear Hashem. Yet others maintain that when used in praise, albeit unwarranted, it could not be forbidden Scripturally, but Rabbinically. If there is a doubt about the obligation for a *brocha*, reciting it touches on a possible Scriptural violation. Not reciting it possibly violates a Rabbinical obligation. When in doubt about a Scriptural law one tends to stringency – rather not mention the Name of Hashem in this situation. When in doubt about a Rabbinical law one tends to leniency. One would not recite a *brocha*. One might otherwise try anyhow to practice stringency and fulfill the Rabbinical obligation. In this case, stringency on the Rabbinical law leads to leniency on the Scriptural law.

In our case, there is a Rabbinical obligation to recite this *brocha*. The person recited it, but might have acted wrongly in his recital. If so, he did not fulfill his obligation. On the other hand, perhaps he has indeed fulfilled his obligation. He may not repeat the *brocha*, since it only applies one time each year. In such situations, two solutions are recommended. If the *brocha* is on a *mitzvah* or on food, one may not proceed without reciting it first. One could ask another person who has not yet fulfilled his obligation to recite it aloud. He should have in mind to discharge the obligation of the listener through *shomaia keoneh*. If the *brocha* is praise and thanks, sometimes one recites a questionable *brocha* without mentioning Hashem's Name. This avoids *lo sisa*, while still praising Hashem. [See E.g, Brochos 33a 39a, Temura 4a, Poskim. Tur, Sh. Ar. OC 206:6.]

C) Orlah

For the first three years after a tree is planted, its fruit is forbidden to eat or to benefit from. Outside *Eretz Yisroel*, *orlah* applies, with a major leniency. It is only forbidden if it is known *orlah*. It is permitted in cases of doubt. Such doubt has further leniencies. One example is giving *orlah Chutz Laaretz* to a fellow Jew who does not know that it is *orlah*. There are problems associated with the person giving it. He might benefit from giving it to his friend. However, he cannot be implicated in feeding forbidden food to his fellow, since the fellow is not forbidden to eat it, unless he knows of its *orlah* status. Rabbinically, there might be other issues as well. These *halachos* apply to many types of grafts and layers as well. Thus, though it is unusual for a newly planted tree to produce a viable crop in its early years, *orlah* can apply to some established healthy trees.

Orlah forbids benefit as well as eating. The prohibition applies primarily to the fruit.

It does not apply to the blossoms, or the initial stages of development. The poskim debate the exact point at which it is forbidden. The question is, at which point is it still known as '*smadar*'. Some say this is only at the blossom stage or immediately afterwards. Others maintain that it is until the basic fruit is visible. The poskim also debate whether all benefit is forbidden, or only the type of benefit that the tree and fruit is primarily cultivated for. Thus, eating the fruit is obviously forbidden, including all edible uses, such as using the acid to curdle milk. Dyeing cloth with the peels and shells, or using them as fuel are also standard types of benefit. However, smelling the fruit is debated. The wood and leaves are not forbidden. They may be eaten and benefited from. [See *Orlah* 1, *Tur Sh Ar YD* 294, commentaries.]

D) Opinions on the *brocha* on *orlah* blossoms

Some permit the *brocha* on *orlah* blossoms. Others forbid it, implying that if one recited it, it is considered a *brocha levatalah*. He did not fulfill his obligation, and must repeat the *brocha* on a permissible blossom. One who recites a *brocha* while violating a *mitzvah* would be considered angering Hashem rather than blessing. A third view maintains that it remains a *safeik*, doubt, whether one may recite this *brocha* on *orlah*. He suggests that the same issues apply to reciting *shehecheyanu* on seeing a new *orlah* fruit. However, on a tree that is *safeik orlah* one may recite the *brocha*. To support this, he cites the permissibility of eating *safeik orlah Chutz Laaretz*. Some say this only applies *Chutz Laaretz*. Others say that *Chutz Laaretz* shows that the rules of *safeik* are lenient. Therefore, one may recite the *brocha* on a *safeik orlah* tree even in *Eretz Yisroel*.

Those who forbid the *brocha* base it on the nature of the *brocha*. The Talmud mentions it with the *brochos* on smelling fruits. This implies that it has the status of a *bircas hanehenin*, *brocha* on benefit. The language of the *brocha*, according to the accepted version, mentions benefit. Such *brochos* are required before benefiting from the item. It is thus assumed that the *brocha* is to permit one to benefit from the blossoms. Presumably, the *brocha* applies to blossoms that will produce beneficial fruits. Therefore, if the fruits will be forbidden as *orlah*, one may not recite the *brocha*. As an aside, according to this strict view, one may not gain pleasure from the blossoms before reciting the *brocha*. Furthermore, one who recited the *brocha* on *orlah* must repeat the *brocha* on permissible blossoms before benefiting from them.

Those permitting the *brocha* cite various reasons. It is not clear that it is *bircas hanehenin*. Why would it apply only once a year, and not every time one gains any benefit? Rather, it seems to be *bircas hashevach*, a praise *brocha*, like those on thunder and lightning. This explains the debate on seeing it before or during the *brocha*. If it is a *bircas hanehenin*, there are permissible benefits. A gentile may benefit. Some add, the language of the *brocha* includes gentiles' benefit specifically. [The other view maintains that this is either not the true meaning, or that partial benefit is insufficient.] *Chutz Laaretz*, one may give *orlah* to a fellow Jew, who may eat it. [However, the giver may not benefit from this.] Thus, it may be eaten under certain circumstances. A sick person or a child may eat or benefit from the fruit. The juice has various leniencies, except grape or olive plants. [The response is that these are not the main benefits.] The *brocha* is not on the

fruit, but on the flower or on the tree, which are permissible. [The response to this is that the *brocha* only applies to fruit bearing trees, and many allow the *brocha* at later stages of development.] The *brocha* seems to be on a time of year that brings benefit to the world, rather than the specific fruit or blossom. The *brocha* is a *mitzvah*. *Mitzvos* are not considered benefit, even if one benefits indirectly.

The opinion that considers it a doubt could be unsure which of the above is true. There is another way to view this. A *bircas hanehenin* is recited before benefit, but refers to the creation of the tree by Hashem, with the purpose of benefiting mankind. Thus, it praises Hashem for the initial Creation. Any tree will always be *orlah* initially.

Another way to view it is to analyze the benefit from the blossoms. With what purpose did Hashem create them? If it was to benefit mankind by seeing their beauty or by smelling them, this benefit is permitted from *orlah* blossoms. If it was to give mankind the pleasure of knowing that the blossoms will eventually turn into fruit to be eaten, the benefit of *orlah* blossoms is problematic. However, there are two other benefits in the blossoms. They seem to be their true role in Creation. Blossoms produce honey and are pollinated by bees, allowing the fruit to grow. [This could explain why the *brocha* also refers to 'good creatures', i.e., the bees.] These blossom benefits are permitted from *orlah*. The doubt could be about which of these benefits were included in the *brocha*, assuming it is a *bircas hanehenin*. Therefore, one should not recite it ideally, since some benefits are forbidden. However, if one did recite the *brocha* on *orlah* blossoms, he fulfilled his obligation. If it is a praise *brocha*, he did nothing wrong. If it was a *bircas hanehenin*, he included permissible benefits. [See Brochos 43b 45a (Tosafos), Poskim. Sh Ar OC 226, RAE. Rav Pealim 9. Divrei Malkiel 2. Neta Sorek OC:9. Dovev Maisharim III:5. Ezras Mitzar p. 62. Chelkas Yaakov OC:56. Lehoros Nasan V:12. Yabia Omer V:OC:20. Shevet Halevi VI:53:4. Tzitz Eliezer XII:20 XV:15. Or Letzion 6:4. Be'er Moshe V:OC:56. Kuntres Tavlin 6:1.]

In conclusion, he should not repeat the *brocha*, even without Hashem's Name.

On the Parsha ... *Take the fruit of a beautiful tree .. and rejoice before Hashem .. [23:40]* *There is no fruit of a tree more beautiful than the esrog. [Ibn Ezra]* According to this interpretation, the joy is connected to the beauty of the fruit that one holds. The words of the Torah could mean the beautiful fruit of a tree, or the fruit of a beautiful tree. If it is the tree that is beautiful, how does holding its fruit bring joy? One should gaze at the tree instead! *Pri aitz hadar* could also mean both of the above. It seems that the beauty of this tree is in its fruit. This holds all the bountiful benefit that Hashem invested in it at the time He created it.

Sponsored by Joshua Sandler in memory of Beryl Szlepek, Berel ben Moshe z"l,

whose *yahrzeit* is the 3rd of Iyar. ☞

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