

# HALOCHOSCOPE

**This week's question:**

**May one recite the *brocha shehecheyanu* on a genetically modified fruit?**

**The issues:**

- A) *Shehecheyanu* on new fruits in their season
  - B) *Kil'ayim*, the prohibition against grafting plants
  - C) *Shehecheyanu* on *kil'ayim* fruits; the status of GMOs
- A) *Shehecheyanu*

*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 one follows the practice of reciting it while it is still on the tree, he should wait until it has finished growing. One reciting it when eating it may only do so the first time he eats it. One reciting it on seeing it need not recite it the first time he sees it.

[Some link this to the *mitzvah* of *bikurim*, offering the first fruits as a *korban* and given as a gift to the *kohain* in *Eretz Yisroel*. Nowadays, this *mitzvah* is fulfilled by giving gifts to Torah scholars. One should try to bring a new fruit to the scholar, that he will recite *shehecheyanu* over.]

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. If one is also reciting its *bircas hanehenin*, the order of the two *brochos* is debated. Either way is acceptable. If one has already tasted a piece of the fruit, it is too late to recite the *brocha*. It is no longer 'new'.

For many new fruits eaten at one sitting, one recites one *shehecheyanu*. If one breaks between them, he recites a new *brocha* on each type. The poskim debate whether one should recite a separate *shehecheyanu* for each sub-species in a species of fruit. For example, if light and dark figs were each taken on a separate occasion, the issue arises with regard to the second one. On the one hand, they are all the same type of fruit. On the oth-

er hand, the *brocha* has a personal side to it. One feels a separate joy for each subspecies. In practice, one may follow either view. To avoid the dispute, one may take another fruit at the same time, that definitely requires *shehecheyanu*, and have this fruit in mind as well. [Theoretically, this could apply to different species of apples and pears. Practically, this might not be relevant anyhow, see below.]

Grapes and their wine are also the subject of debate. If one drinks the wine after it has aged a full season, there is no *shehecheyanu* requirement. If it is fresh this season, one should recite it on the wine, as long as it tastes fresh. [Once it starts tasting like slightly aged wine, there is no clear difference in taste between this season's wine and the last season's wine. Therefore, no *shehecheyanu* should be recited.] What if one already recited it on the grapes? Some say that the wine brings with it a new joy, requiring its own *brocha*. If it was first recited on the wine, one does not repeat it for the grapes.

*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 would exclude fruits that stay on their trees for a whole year, and do not show signs of ripening at any particular time. It also 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. Some also suggest that many vegetables are not considered special enough to warrant this *brocha* on joy. [It seems that some poskim make the assumption that one indeed does not feel the joy. One should really feel an appreciation to Hashem for all new vegetables.] Actually, one of the Talmudic sources for reciting this *brocha* on new fruits refers to a new gourd or pumpkin in season. In practice there are many different *minhagim* with regard to *shehecheyanu* on vegetables.

The poskim debate whether to recite *shehecheyanu* on a scent, such as that of roses, that is renewed each year. The prevailing practice is not to recite it.

One should make an effort to taste every new fruit in season, and to recite *shehecheyanu*, so that one 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. Halochoscope III:25 V:34 VIII:7 XI:2 20.]

### **B) Kil'ayim**

*Kil'ayim* is the word used by the Torah to denote various forms of mixing species. Those that are forbidden are sowing grain in a vineyard, mixing plants in a field, including grafting trees, mating two species of animal, driving or working two species of animal together, and mixing wool and linen fibers. In some of these cases, the mixed product is forbidden, and in others only the act is forbidden. *Kil'ei hakerem*, vineyard mixtures, forbid the entire product. One may not benefit from it. It must be burned. *Sha'atnez*, mixed fibers may be mixed, but the product is forbidden. Mating animals is forbidden, but the product is permitted. Grafting trees is forbidden, but the product may be eat-

en. This is derived from the laws of the product of a forbidden mating.

The Torah calls these laws *chukos*, statutes. Usually, this means that they do not need a logical reason. However, the Talmud debates the use of the word in this context. In one view, it refers to the laws of nature, set down at Creation, when Hashem made plants 'in their species'. One may not try to pervert the natural order, making 'improvements' with new mixes that did not exist at Creation. The other view maintains that the rules of *kil'ayim*, to some extent, were forbidden to Noah and his sons. That is, they were forbidden to all mankind before the Torah forbade them for Jews. This does not refer to all the types of *kil'ayim*, but to mating and grafting. The poskim debate the conclusive ruling. Basically, the Noachide laws are usually assumed to be seven. Adding this would make them eight. We usually do not follow an opinion that there are eight of them. However, this is reconciled by saying that while gentiles are punishable with death for the other seven, there is no punishment for *kil'ayim*. Nonetheless, it is forbidden.

Both of these views are cited. In fact, the two are somewhat reconciled. One could say that the reason that all mankind, including gentiles, are forbidden to graft different species is because this perverts the order of Creation. Accordingly, the question would arise whether the product of such grafting is detestable to Hashem. The product of a Jew's grafting is permissible, only due to a Scriptural dispensation. Otherwise, it is considered *to'avaah*, abominable. One would be forbidden to eat it even if had no specific Scriptural prohibition. If a gentile's grafting is forbidden, it is also *to'avaah*. While it is permitted to eat, its existence does not please Hashem, nor should one be praising it. [See Parshas Kedoshim 19:19, Ki Saitzai 22:9-10, Midrashim, commentaries. Mishna Kil'ayim. Kidushin 39a, Sanhedrin 56b 60a, Poskim, commentaries. Tur, Sh Ar YD 295:1 2 7, 296 297 (I & II:4 5), commentaries. Yabia Omer V:19:3.]

### **C) Shehecheyanu on Kil'ayim or GMO fruits**

This raises an interesting debate with regard to *shehecheyanu* on such fruit. One view maintains that 'maybe' it is impossible to recite a *brocha* on the 'joy' of seeing or tasting a product of a sinful act. This is especially true if the reason is that it is a perversion of the order of Creation. While the Torah makes a dispensation to permit eating it, it does not make sense to recite the *brocha* on seeing it. This view then defends his position against a possible comparison to the *brocha* recited on a beautiful looking animal or even a wicked gentile who has outstanding looks. He maintains that the Talmud does not rule conclusively that a *brocha* is indeed recited, and that a person can always repent and become great. The other poskim debate this position on a few points. First, why should one not recite a *brocha* on the item, just as one recites the *bircas hanehenin*, benefit blessing, before eating it. The sight of the fruit also benefits the person, which is the reason for *shehecheyanu*. This is rejected by distinguishing between the benefit by ingesting, that is considered stealing when no *brocha* is recited, and the benefit of sight, sound or smell, that can not be 'stolen'. Second, if a gentile grafted the fruit, no violation was done. Therefore, it would not be inappropriate to recite a *brocha* on it. However, we have shown that many poskim believe that a gentile would be in violation. Furthermore, the mixture is still a perversion of Creation. Third, one would recite *shehecheyanu* on seeing his friend after thirty days, even if he were a *mamzer*, product of forbidden 'mixture'. This, too, may be countered by the possibility of the *mamzer* being a pious sage or schol-

ar. It is also possible that one does not recite that *brocha* on a *manzer*.

Later poskim are divided on which view to follow. Some say that one should try to have another fruit that definitely requires *shehecheyanu* at the same time. Others maintain that not all grafts are the same. Many of our citrus fruits are products of original grafts. These include oranges, sweet lemons, and some grapefruits. These fruits are grafted from species that are anyhow very similar. Combined with the fact that the original graft was by a gentile, and the fact that by now the fruit is the product of its own trees, many recite *shehecheyanu* on these. There is even a question whether to recite *shehecheyanu* on one of the original species, if one has already recited it on the graft.

Our case raises some of the same issues. In some markets, the law is that if a fruit is GMO it must be stated on the label. However, many markets do not require this. It is likely that one would see a new fruit in season and wish to recite *shehecheyanu*, without knowing that it is really GMO. Our question is whether GMO is the same as grafting. One could argue that the act of modifying the fruit is a perversion of the order of Creation. On the other hand, one has not actually mixed the two species. He has used a scientific trick to cause the modification. However, the Talmud forbids grafting trees with vegetables, and barren trees with fruit-bearing trees. Presumably, these will not produce a new crossed breed. In fact, the prohibition is debated, and this is one reason given for the lenient view. One can only speculate that the practice was initiated as a primitive [or maybe not so primitive] form of GMO, possibly without knowing the science but observing the results. However, that practice is openly mixing the two plants. GMO does not require grafting, but isolating the gene and implanting it. The implanted gene has lost the appearance of the original source. There is no outward act of mixing plants. Nonetheless, this is insufficient reasoning to permit the practice outright.

In conclusion, many poskim maintain that *shehecheyanu* may be recited on *kil'ayim*, and the GMO are less like *kil'ayim*. Even if the label identifies them as GMO, it would appear that one may rely on this reasoning to recite *shehecheyanu*. [See *Kil'ayim* 1:7-8, *Poskim*. *Tur Sh' Ar YD* 395:3, commentaries, *OC* 225:3, *Biur Halacha*, commentaries. *Yabia Omer* V:19. *Igros Moshe* *OC* II:58 (esp. end). *VeZos Haberacha* p. 162.]

*On the Parsha ... Make the Mishkan, ten tapestries, twisted linen and blue, purple and red wool ... [26:1] Make the Parochess, blue, purple and red wool, and twisted linen ... [26:31] Tapestries for the courtyard of twisted linen ... [27:9] The change in order symbolizes which fiber was the main one ... [Haamek Davar] The temptation to mix wool with linen is to combine the king of plant fibers with the king of animal fibers. There are four basic levels of existence, mineral, vegetable, animal and human. Wearing *sha'atnez* symbolizes intentional mingling of levels of existence. Nonetheless, wool and linen are indeed the kings of their kind. The *Mishkan* utilizes all levels. They should all sanctify Hashem and 'contain Him' in ascending order. The metals used are kings of the mineral. The outer courtyard used linen drapes. Further in, the *mishkan* used linen, with the wool added. Inside, the *parochess* used wool, with the linen added. Since it was part in the *kodesh* and part in the *kodesh hakadashim*, it had to have some linen with the wool. Inside the *kodesh hakadashim* the *keruvim* were in human form.*



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