YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**the laws of THE Berakhot**

For easy printing, go to:

[www.vbm-torah.org/archive/blessings/05berakhot.htm](http://www.vbm-torah.org/archive/blessings/05berakhot.htm)

**Shiur #05: The Nature of *Birkot Ha-Nehenin***

**Rav David Brofsky**

**Introduction**

 The *mishna* (*Berakhot* 35a) records the various blessings that are recited before eating, known as “*birkot ha-nehenin.*”

What blessings are said over fruit? Over fruit of the tree one says, “Who creates the fruit of the tree,” except for wine, over which one says, “Who creates the fruit of the vine.” Over that which grows from the ground one says, “Who creates the fruit of the ground,” except over bread, for which one says, “Who brings forth bread from the earth.” Over vegetables one says, “Who creates the fruit of the ground.” R. Yehuda, however, says: “Who creates diverse kinds of herbs.”

The Talmud investigates the origin of this obligation and offers a possible Biblical source. After questioning the validity of this Biblical source, the *gemara* concludes: “The fact is that it is a reasonable supposition (*sevara*) that it is forbidden for a man to enjoy anything of this world without saying a blessing.” Tosafot (s.v. *ela*) explain that although initially the *gemara* thought that the obligation to recite a blessing before eating may be a Biblical obligation, the *gemara*’s conclusion indicates that the source was merely an “*asmachta*” and that the obligation is of Rabbinic origin.

Some *Rishonim*, however, suggest that we can distinguish between the different *berakhot*. Rabbeinu Chananel (s.v. *ve-asikna*), for example, interprets the passage differently, concluding that the *birkot ha-nehenin*, or at least some of them, are *mi-de’oraita*. Similarly, the *Rashba* (*Berakhot* 48b, s.v. *hakhi*) suggests that some opinions cited in the Talmud believe that the *berakha* over bread may be *mi-de’oraita*.

Interestingly, R. Ya’akov Yehoshua Falk (1680-1756) insists in his *Pnei Yehoshua* (*Berakhot* 35a, s.v. *be-gemara*) that even a *halakha* described as a “*sevara*” should be viewed as a Biblical obligation (see *Bava Kama* 46b). R. Yechezkel Landau (1713 –1793), known as the *Noda Bi-Yehuda* after his book of halakhic responsa, disproves R. Falk’s claim (Tzlach, *Berakhot* 35a).

The Rambam (*Hilkhot Berakhot* 1:1-2) rules that all blessings, aside from *birkat ha-mazon*, are *mi-derabbanan*.

Nature of *Birkot Ha-Nehenin*

The *Acharonim*, based upon different Talmudic passages, disagree as to the nature of the *birkot ha-nehenin*. On the one hand, the *gemara* (*Berakhot* 35a) implies that *birkot ha-nehenin* serve as a “*matir*,” a formula which permits the eating of food:

Our Rabbis have taught: It is forbidden to a man to enjoy anything of this world without a blessing, and if anyone enjoys anything of this world without a benediction, he commits *me’ila* (misuse of sacred property for secular purpose). What is his remedy? He should consult a wise man. What will the wise man do for him? He has already committed the offense! Said Rabba: What it means is that he should consult a wise man beforehand, so that he should teach him blessings and he should not violate *me’ila*.

R. Yehuda said in the name of Shmuel: To enjoy anything of this world without a blessing is like violating *me’ila*, as it says. “The earth and its fullness is the Lord's” (*Tehillim* 24:1). R. Levi contrasted two texts. It is written, “The earth and its fullness is the Lord's,” and it is also written, “The heavens are the heavens of the Lord, but the earth has He given to the children of men” (*Tehillim* 115:16). There is no contradiction: In the one case, it is before a blessing has been said; in the other case, after.

R. Chanina bar Papa said: To enjoy this world without a blessing is like robbing the Holy One, blessed be He, and the community of Israel.

This passage, which equates one who eats food without a blessing and one who misuses sacred property or one who steals from God, implies that a *berakha* permits one to eat food, which otherwise belongs to God.

 On the other hand, other sources indicate that a *birkat ha-nehenin* is a *birkat ha-shevach*, a blessing of praise, recited before eating food. For example, the passage mentioned above that the *gemara* suggested was the Biblical source for reciting *birkot ha-nehenin*, “the fruit thereof shall be holy, *for giving praise unto the Lord*” (*Vayikra* 19:24), implies that *birkot ha-nehenin* are a “praise unto the Lord.” In addition, the following passage may imply that a *birkat ha-nehenin* is not simply a “*matir*” recited before eating:

R. Chisda was asked: If one has eaten and drunk without saying a blessing, should he say the blessing afterwards? He replied: If one has eaten garlic so that his breath smells, should he eat more garlic so that his breath should go on smelling? Ravina said: Therefore, even if he has finished his meal, he should say the blessing retrospectively, since it has been taught: If a man has taken a ritual immersion and come out of the water, he should say on his emerging, “Blessed be He who has sanctified us with His commandments and commanded us concerning immersion.” This, however, is not correct. In that case [of immersion], the man at the outset was not in a fit state to say a blessing; in this case, the man at the outset was in a fit state, and once it has been omitted it must remain omitted.

The *gemara* questions whether one who forgot to say a blessing before eating may make the *berakha* afterwards. The *gemara* suggests that just as we do not say that one who has “eaten garlic so that his breath smells should he eat more garlic so that his breath should go on smelling,” forgetting to say a blessing before eating does not preclude one from say the blessing after having eaten. This assumption clearly does NOT view *birkat ha-nehenin* as a “*matir*,” but rather as a blessing a praise for He has provided the food he is currently eating.

 The *gemara* concludes that one should not recite the blessing after eating, but not necessarily because the initial understanding was rejected.

Although the Rambam (*Hilkhot Berakhot* 4:2) rules that one who forgot to recite *ha-motzi* and has finished his meal may not say the blessing of *ha-motzi* afterwards, the *Ra’avya* (*Teshuvot U-Bi’urei Sugyot* 972) disagrees. The *Ra’avya* rules in accordance with Ravina; accordingly, one who forgot to recite a *birkat ha-nehenin* may recite the blessing afterwards. The Shulchan Arukh (OC 167:9) rules in accordance with the Rambam; thus, one who forgets to say a blessing and has already finished his meal does not say a *birkat ha-nehenin* (but does say a *berakha acharona*).

There may be halakhic differences during these two approaches.

For example, the *Rishonim* debate whether the principle of “*safek berakhot le-hakel*” applies only to *birkot ha-mitzvot* or to *birkot ha-nehenin* as well. Some *Rishonim* (Rif, *Berakhot* 6a; Rambam, *Hilkhot Berakhot* 8:12) rule that in a case of doubt, the principle of “*safek berakhot le-hakel*” applies to *birkot ha-nehenin*. Other *Rishonim* (Ri, *Berakhot* 12a, s.v. *lo*; Me’iri (*Berakhot* 35a, s.v. *vekhol ha-neheneh*) disagree and insist that the rule should be “*safek berakhot le-chumra.*” Therefore, when in doubt, one must recite the blessing if one continues to eat. R. Akiva Eiger (*Gilyon Ha-Shas*, *Berakhot* 12a) cites the Maharsha (*Pesachim* 102), who explains that while one can still fulfill a *mitzva* even without reciting the blessing, one in is not permitted to eat without first say a *birkat ha-nehenin*; the principle of *safek berakhot le-hakel* should therefore not apply to *birkot ha-nehenin*. In other words, these *berakhot* are not considered to be merely *birkot ha-shevach*, but rather they “*matir*” (permit) one to eat. Accordingly, in case of doubt, one cannot eat without first saying a blessing.

Furthermore, the *Acharonim* disagree as to why the principle of *safek* *berakhot le-hakel* applies to *birkot ha-nehenin* at all. Many explain that since the obligation to recite a *birkat ha-nehenin* before eating is only *mi-derabbanan*, the principle of “*safek de-rabbanan le-kula*” applies. Alternatively, the Pnei Yehoshua (see above) explains that even if the obligation to recite a *birkat ha-nehenin* before eating is *mi-de’oraita*, the principle of “*safek berakhot le-hakel*” (when in doubt one does not recite a blessing) may still apply to *birkot ha-nehenin* (see below), due to the prohibition of reciting unnecessary blessings.

In addition, this question may challenge us to understand the numerous cases in which a *birkat ha-nehenin* is not said. For example, this *gemara* mentions that at times, *po’alim* (day workers, see *Berakhot* 16a), a *ba’al keri* (one who experiences a seminal emission, see *Berakhot* 20b), and one who inadvertently put food into his mouth without a blessing (*Berakhot* 60b) can eat food without first saying a *berakha*. Some explain that since the *birkat ha-nehenin* is simply a *birkat ha-shevach*, *be-di’avad*, in extenuating circumstances, one may eat without saying a *berakha*, as *birkot he-nehenin* are merely another example of *birkot ha-shevach*. Alternatively, some suggest that the prohibition to eat without first saying a blessing only exists when there is actually an obligation to recite a blessing! Therefore, in a case in which there is no obligation or one is unable to say a blessing, the prohibition does not exist.

Interestingly, R. Shlomo Zalman Auerbach (*Minchat Shlomo* 1:18:8) discusses this issue and concludes the *birkot ha-nehenin* cannot be based upon the notion that one who does not recite a blessing “steals” from God. He derives this from the laws of *aninut*, which teach that an *onen* (a person whose relative has just recently passed away, before the burial) is exempt of the positive *mitzvot* of the Torah. He notes that had the *berakhot* have been viewed as a “*matir*” then an *onen* would have been required to say the blessing.

Next week, we will continue our study of *birkat ha-nehenin*.