**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

**THE LAWS OF THE BERAKHOT**

**Rav David Brofsky**

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**Dedicated in memory of Gertrude Spiegel *a"h***

**by Patti and Michael Steinmetz and Family**

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**Shiur #28
The Blessing of *Borei Peri Ha-Gafen* and Using Cooked Wine and Grape Juice for *Kiddush***

**Introduction**

This week, we will discuss the blessing of *Borei Peri Ha-Gafen*, the blessing recited before drinking wine.

The *mishna* (*Berakhot* 35a) teaches that although one recites the blessing *Borei Peri Ha-Etz* before eating fruit, before drinking wine, which is produced from grapes, one says the blessing *Borei Peri Ha-Gafen*:

What blessings are said over fruit? Over fruit of the tree one says *Borei Peri Ha-Etz* (Who creates the fruit of the tree), except for wine, over which one says *Borei Peri Ha-Gafen* (who creates the fruit of the vine).

This is indeed somewhat perplexing, as the *gemara* (*Berakhot* 38a) teaches that although one recites the blessing of *Borei Peri Ha-Etz* before eating crushed fruit, before drinking their juices, one says *She-Hakol*, as the liquid is considered to be “*ze’ah be-alma*” (mere moisture).

The *gemara* (*Berakhot* 35b) asks why wine is different than other fruit juices and concludes:

Why is a difference made for wine? Shall I say that because [the raw material of] it is improved therefore the blessing is different? But in the case of oil also, [the raw material of] is improved, yet the blessing is not different, as R. Yehuda has laid down in the name of Shmuel, and so R. Yitzchak stated in the name of R. Yochanan, that the blessing said over olive oil is *Borei Peri Ha-Etz*... The fact is that wine does both – it sustains and makes glad.

The *gemara* notes that although both wine and olive oil (under certain circumstances; see continuation of *Berakhot* 35b) retain their original blessing, unlike other fruit juices, wine is deserving of its own blessings, as it “sustains and makes glad” (*zayin ve-same’ach*).

Wine emerges as a unique drink, upon which the Rabbis instituted a blessing in a single form, after being produced from grapes. Are there ways in which wine may “lose” its special status, and then merit a different, “lower-level” blessing”?

**Cooked Wine – The Proper Blessing and *Kiddush***

The *Rishonim* debate whether cooked wine is considered to have been changed so that its proper blessing would be *She-Hakol*. Rashi (Teshuvot Rashi 88; see also Tosafot, *Bava Batra* 97a, s.v. *ileima*, and Rif, *Teshuvot* 295) rules that when cooked, the proper blessing to be said before drinking wine is *She-Hakol*. Tosafot (ibid.) and the Rosh (*Bava Batra* 6:10) disagree and rule that the *berakha* remains *Borei Peri Ha-Gafen*.

The *Rishonim* offer different reasons why the blessing over cooked wine may be different than that recited over regular wine. Rashi, for example, explains that the wine has been “changed for the worse,” and therefore the blessing is changed. The Shibbolei Ha-Leket (145) cites Rabbeinu Yitzchak, who suggests that cooked wine may not even be categorized as wine!

The Shulchan Arukh (OC 202:2) rules that one says *Borei Peri Ha-Gafen* before drinking cooked wine. This is, of course, especially relevant nowadays, as many wines and grape juices are pasteurized, which may be considered to be a cooking process.

The *Rishonim* debate whether one can use cooked wine for *Kiddush*. The Rambam (*Hilkhot Shabbat* 29:14) rules that one may not. This ruling is based upon a *gemara* (*Bava Batra* 97a) that teaches that only wine that can be used for the libations on the *mizbe’ach* may be used for *Kiddush*. Elsewhere (*Menachot* 86b), the *mishna* states that cooked wine cannot be used on the *mizbe’ach*. Tosafot (ibid.), however, rules that one may use cooked wine for *Kiddush* and the *Arba Kosot*.

The Shulchan Arukh (OC 272:8) cites both views regarding reciting *Kiddush* on cooked wine. However, based upon his ruling concerning the proper *berakha* for cooked wine, it seems that the Shulchan Arukh concedes that one may recite *Kiddush* even over cooked wine. The Rema agrees, and even adds that if the better wine is cooked, it is preferable to use the better wine for *Kiddush*.

In a fascinating responsum, R. Ovadia Yosef (Yechave Da’at 2:35) suggests that had R. Yosef Karo seen the Teshuvat Ha-Rif cited above, he most likely would have ruled in accordance with the Rif and Rambam, two of the three pillars upon which halakhic decisions are based. Therefore, theoretically, there may be room for Sephardim to be stringent and not recite *Kiddush* over cooked wine. However, R. Yosef concludes that Sephardim may *le-chatchila* recite *Kiddush* over cooked wine. This conclusion is based in part upon the opinion of R. Shimon Ben Tzemach (*Tashbetz* 1:85), who suggests that the process of cooking only disqualifies wife when it is worsened. If, however, the wine remains of the same quality or is even improved, then certainly one may recite *Kiddush* over such wine.

Some people, especially outside of Israel, prefer using cooked wine in order to avoid the prohibition of *stam yeinam* (wine handled by a non-Jew). Incidentally, the Shemirat Shabbat Ke-Hilkhata (chapter 57, note 95) records the opinion of R. Shlomo Zalman Auerbach, who maintains that pasteurization is not considered to be “*bishul*” regarding the laws of *stam yeinam*. He insists that the wine is cooked for a short time and its impact is minimal. R. Yosef Shalom Elyashiv (cited in Yabi’a Omer 8:15) concurs. Most American *poskim*, including R. Moshe Feinstein (Iggerot Moshe YD 3:31), disagree, and it is customary to view pasteurized wine as “*mevushal*.”

**Pasteurized Grape Juice**

Although the Talmud (*Bava Batra* 97b) records that “A man may press out a cluster of grapes and proclaim over it the *Kiddush* of the day,” implying that one may use grape juice for *Kiddush* and that its blessing is *Borei Peri Ha-Gafen*, the contemporary *poskim* discuss whether this applies to pasteurized grape juice. Some (see, for example, R. Moshe Shternbuch, Mo’adim U-Zemanim 3:255 note 1) suggest that pasteurized grape juice may no longer be able to ferment, and therefore may no longer be considered to be “*zayin ve-same’ach.*”

Many Acharonim disagree and permit the use of pasteurized grape juice, including R. Tzvi Pesach Frank (Har Tzvi OC 1:158), R. Shlomo Zalman Auerbach (Minchat Yitzchak 4), R. Yosef Dov Soloveitchik, R. Moshe Feinstein, and R. Ovadia Yosef. Of course, we should keep in mind that the Magen Avraham, cited by the *Acharonim* as well (Mishna Berura 272:5), notes a preference for “aged” wine. When possible, there may be a preference for wine that is not cooked, in accordance with the position of the Rambam cited above.

 R. Shlomo Zalman Auerbach (Minchat Shelomo 4) discusses this question, and suggests that since pasteurized grape juice has no potential to ferment and become alcohol, it cannot be used for Kiddush. He insists that the proper blessing may still be *Borei Peri Ha-Gafen*, but one should preferably not recite *Kiddush* over this juice. R. Yitzchak Weiss, in his *Minchat Yitzchak* (8:14), disagrees and maintains that one may recite *Borei P'ri HaGafen* on pasteurized grape juice.

**Grape Juice Made from Concentrate**

Although most authorities, as cited above, maintain that one says *Borei* *Peri Ha-Gafen* before drinking grape juice and that grape juice may be used for *Kiddush*, some challenge whether this is true regarding reconstituted grape juice.

R. Shlomo Zalman Auerbach (ibid.) argues that it is not at all clear that one should say *Borei Peri Ha-Gafen* before drinking grape juice from concentrate, as its form is much different than the original juice and it has no ability to ferment and become wine (see Rashbam, *Bava Batra* 97b, s.v. *yayin* *koses*). He concludes that one may justify the practice of saying *Borei Peri Ha-Gafen* over reconstituted grape juice, but he insists that it is not fit to be used for *Kiddush*. Once dehydrated, the grape juice become unfit for consumption, and therefore can no longer be used for *Kiddush* even after reconstitution. (The status of reconstitution is itself an interesting halakhic question; most authorities believe that when food is reconstituted, it retains its original status. See, for example, Chazon Ish YD 41:4. The requirements for *Kiddush*, however, may differ from the standards for *kashrut* and *berakhot*.)

It seems that most contemporary *poskim* disagree (see, for example, R. Gedalya Felder, Yesodei Yeshurun 3:219-221, Minchat Yitzchak 7:61; see also R. Yisroel Belsky’s [support](http://www.ou.org/pdf/mesorah/mes12.pdf) for using reconstituted grape juice for *Kiddush*). It is customary to use grape juice, both natural and reconstituted, for *Kiddush*.

R. Chaim Jachter presents these issues in a clear and comprehensive manner [here](http://koltorah.org/ravj/15-25_May_We_Use_Grape_Juice_for_the_Arba_Kosot_1.htm) and [here](http://koltorah.org/ravj/15-26_May_We_Use_Grape_Juice_for_the_Arba_Kosot_2.htm). For further reading, this [article](http://americanjewisharchives.org/publications/journal/PDF/1991_43_02_00_sprecher.pdf) discusses Rabbinic responses to the nationwide ban on the sale of alcoholic beverages in America, known as the Prohibition, between 1920-1933.