

## When Does Fruit Not Grow on Trees – Rabbi D Cohn

ט"ו בשבט תשע"ז – 11<sup>th</sup> February 2017 – שבת פרשת בשלח

This question is neither intended to focus upon the Medrash that fruit was made available to Klal Yisroel as they passed through the Yam Suf, nor to the Medrash that the Mon tasted of whatever a person desired, making shopping for Tu Bishvat considerably easier !

Nowadays we regularly buy and consume a range of fruits, none of whose Berocho is Borei Pri Hoeitz, but Borei Pri Hoadomo instead. Tu Bishvat is not relevant to these, because although they are certainly fruits, the vegetation on which they grow, are not halachically defined as trees, but as plants. Tu Bishvat is the New Year for the fruits of trees only.

The answer to the question posed in the title is that fruit does not grow on trees when it is the type of fruit that grows on a plant!

What is the Halachic definition of a tree? Surely it does not depend on the size of its fruit, because all types of melons grow from plants and hence their Berocho is Hoadomo. Cherries, in contrast, grow on trees and their Brocho is Hoeitz. It is also seemingly nothing to do with the plant's size, because the melon plant is small and the banana plant is very tall, and both seem to be deemed plants according to Halocho. Vines and olive trees are much smaller than the banana plant and yet they are classified as trees.

The Gemoro in Berochos 35a says that if a shrub produces fruit, survives the winter and produces more fruit the next year, it counts as a tree, and otherwise it counts as a plant. The Rishonim disagree as to which part of the tree needs to remain and produce fruit again. According to Tosafos, as long as the root survives the winter, even if the trunk, branch or stalk doesn't, it is considered a tree. According to Tosafos, the Berocho for bananas, pineapples, strawberries and rhubarb, is Hoeitz! The Shulchan Oruch [OC 203] however, adopts the opinion of Rashi, that it is the trunk, branch or stalk that must survive the winter and grow new fruit **on that same** branch again for it to be considered a tree. The stalks of bananas, pineapples, strawberries and rhubarb plants perish after they have produced one year's crop. Another stalk or branch grows **out of the root** on which the next year's fruit will grow. Hence the Brocho we are accustomed to make on these is Hoadomo. It then transpires that the Berocho that the Shulchan Oruch explicitly tells us [OC 203, 3] to recite before eating a banana is Hoadomo, even though the banana plant is several meters high and indeed remains intact for up to forty years. This is merely because the branch on which the bananas grew will die subsequently, and never bear fruit again, even though the banana plant as a whole will!

Whether vegetation is classified as a tree or plant has other halachic ramifications, the most important of which is the question of **Orloh**. If a fruit is Orloh it may not be consumed, nor may any benefit be gained from it for the first three years after its planting. About thirty years ago a delegation of Talmidei Chachomim visited HaGaon HoRav Sholmo Zalman Auerbach ztvk"l to suggest that although we recite Hoadomo for bananas, maybe this is only out of Sofek due to the difference in opinion between the Rishonim as to whether it is a tree or a plant. The question may not have been decided conclusively, leaving the question of Orloh open and a necessity to be stringent as a result. Horav Auerbach dismissed the suggestion saying that this very question had been raised and fully explored some eighty years previously in Yerusholayim and the Talmidei Chachomim of the time had concluded that Shulchan Oruch had made a firm decision to follow the opinion of Rashi completely, namely, that the banana is a plant and does not have any of the Dinim of a tree. Horav Auerbach then said firmly "This matter has already been fully investigated and decided, and it should be left and accepted!"

There is a fruit that is commonly assumed to be Borei Pri Hoeitz. However in truth its Berocho is Borei Pri Hoadomo. This is the **physallis** which belongs to the tomato family although it tastes quite sweet and different.

Another fruit for which the correct Berocho is not commonly known is the **papaya**. Its Berocho is hotly debated. There isn't space to elaborate in the scope of this article. However, in our evening Kollel, in its warm and vibrant atmosphere, we explored the various opinions and sources which introduce still further deciding factors, affecting the Berocho of other fruits too. The bottom line seems to be that we are not entirely sure and therefore we recite Borei Pri Hoadomo in practice but only misofek. With regards the question of **Orloh**, unlike the banana, we are concerned and since papaya trees/plants only produce fruit for between 5-8 years, papayas from Eretz Yisroel may not be eaten (or used in any way) at all unless we know that they are definitely not Orloh. However papayas from elsewhere are permissible, because there is a halocho le Moshe miSinai that sofek Orloh bechutz laoretz is allowed. This is indeed the ruling of HaGaon HoRav Elyashiv ztvk"l.

May our effort to learn the dinim of Berochos, in turn bring Berocho into our lives.