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Do Bee & Don't Bee:

A Kashrus Guide to Honey and Other Bee Derivatives

RABBI DOVID HEBER
STAR-K KASHRUS ADMINISTRATOR

As we look toward the beginning of the new year, we turn our thoughts to *teshuvah*, and the hope that our *tefillos* will be answered for a sweet new year. This request has been symbolized for hundreds of years on *Rosh Hashana* by eating *challah* and apples dipped in honey.¹

The question regarding the kosher status of honey is older than the custom of dipping an apple on *Rosh Hashana*. There is a well known *halacha* that states that derivatives of non-kosher species are not kosher;² this would include camel's milk and ostrich eggs. Since a bee is a non-kosher insect, how can honey which comes from a bee be permissible to eat? Furthermore, if honey is kosher, are all products manufactured by the bee, e.g. royal jelly, beeswax, bee venom, and propolis (described below) also kosher?

I. THE KASHRUS OF HONEY

A brief entomological review of this remarkable insect is necessary in order to understand the *kashrus* status of bee derivatives. Bees suck nectar from flowers with their proboscis (mouth). The nectar mixes with saliva and is swallowed into the honey sac, where enzymes from the saliva break down (invert) the nectar into honey. The nectar is never "digested" it is merely transformed into honey by the saliva. Upon the bee's return to the hive, the honey is regurgitated and the water is evaporated, thereby thickening it into honey which is then sealed in the honeycomb. Beekeepers then extract millions of drops of honey from the cavities of the honeycomb by using a machine that applies centrifugal force to the comb.

The *Gemara*³ explains that honey is kosher since it is not an actual secretion of the bee; the bee functions only as a carrier and facilitator.⁴ Honey is kosher flower nectar, which enters the bee's honey sac and is transformed into honey. The second opinion in the *Gemara* permits honey because of a *g'zairas hakasuv*, a deduction from a *pasuk*.⁵ Therefore, the *halacha* is that honey is kosher despite the fact that it comes from the non-kosher honeybee.⁶ One may purchase without a kosher certification 100% pure bee honey from Montana, North Dakota, or any state or country.⁷

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¹ "To Bee or Not To Bee", written by this author, appeared in *Kashrus Kurrents* 15 years ago. The article above is based on this previous article and also addresses additional topics not discussed in the original article. For a full discussion regarding honey and other *simanim* on *Rosh Hashana*, see "Starting the New Year Right: A Guide to the *Simanim* on *Rosh HaShana*" by Rabbi Moshe Schuchman.

² *Hayotzei min hatamei tamei*

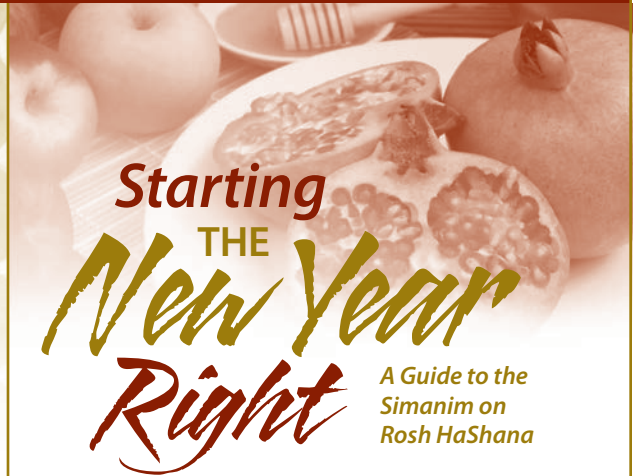
³ *Bechoros* 7b

⁴ *Mipnei shemachnisos oso ligufan v'ain mimatzvos osan migufan*

⁵ *Vayikra* 11:21 *Ach es zeh...*

⁶ *Shulchan Aruch* Y.D. 81:8. The *brocha* on honey is *Shehakol*. It should be noted that there is no issue of *bishul akum* with honey, as it is edible raw.

⁷ Honey is one of the seven *mashkin* (liquids) that are *machshir l'kabel tumah*. This primarily impacts on *Hilchos Tumah* and *Tahara* (the laws of impurities and purities that were most relevant in the days of the *Bais Hamikdash*), but also has a practical implication on *Hilchos Challah*. Ideally, dough should be kneaded with water, honey or any



Starting THE New Year Right

A Guide to the Simanim on Rosh HaShana

RABBI MOSHE SCHUCHMAN
STAR-K KASHRUS ADMINISTRATOR

INTRODUCTION

On *Rosh HaShana*, everything we do is imbued with extreme significance. We stand in judgment before the Heavenly Court while each of our actions, words, and thoughts are scrutinized. To assist our efforts in currying Divine mercy, we employ various customs transmitted by our ancient *mesorah*. Among them is the regimen of the *simanim*, literally signs or omens. These are the foods that we bring to the table at the beginning of the evening meal as auspicious indications of a propitious year to come. What are the origins of this unusual custom? How can we be meticulous in its performance? How do we harness its power to usher in a year of prosperity?

ORIGINS OF THE CUSTOM

There are two different *Talmudic* passages¹ discussing *simanim*. In both tractates, *Abbaye* deduces that it is worthwhile to interact with various foods on *Rosh HaShana* to effect a benevolent judgment in Heaven. The version in *maseches Horayos* quotes *Abbaye* as saying that the benefits are gained by merely 'gazing' at these items, while in

¹ *Horayos* 12a, *K'risos* 6a

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Do Bee & Don't Bee:

A Kashrus Guide to Honey and Other Bee Derivatives



RABBI DOVID HEBER
STAR-K KASHRUS ADMINISTRATOR

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Nevertheless, there are two important issues that one must bear in mind when purchasing honey. Honey is usually described by the flower from which the bees draw the nectar. One of the most popular varieties of honey, Clover Honey, has been processed by the bees from the nectar of the clover plant. Orange Blossom Honey comes from nectar that originates from orange groves, where the bees have sucked the nectar from orange blossoms and transformed it into honey. However, some companies flavor their honey with an orange flavor and call it "orange honey." This orange flavored honey would require a *hechsher*, as flavors can be composed of various non-kosher ingredients. One should always check the label carefully to verify that the product is 100% pure honey with no added flavors.

The second issue relates to the use of pure honey on *Pesach*. Honey has the potential to be adulterated with additives, such as corn syrup. Corn syrup, a *yotzei min hakitniyos* sweetener, is derived from corn, which is a legume and may not be used by *Ashkenazim* on *Pesach*. For example, soda companies must substitute this sweetener with liquid sugar when producing Kosher for Passover soda. Some honey producers have been found to mix the inexpensive corn syrup into honey and illegally label and sell it as "pure honey," with no mention of this almost undetectable "filler." There are historical records that indicate the use of flour⁸ in the adulteration of honey. Sir John Hill in his 1759 book, *The Virtues of Honey...*, addresses this subject: "Beware of honey with a dishonest mixture of flour and other ingredients." Although this practice is the exception, one should nevertheless purchase pure honey for *Pesach* with a reliable *Pesachdik hechsher*. This problem does not impact the use of honey during the rest of the year.

II. OTHER PRODUCTS OF THE BEE⁹

1. Bee Pollen - Bees have brushes on their legs which collect the pollen from the flowers. The pollen is brushed toward the back of the bee and is pressed into baskets found on their legs. The bees add traces of saliva¹⁰ and nectar to make a more effective "press," because pollen is naturally dusty and requires a binding agent. This popular health food product is kosher.

2. Propolis - Another important product of the bee is propolis. Bees collect resins from the sap of trees and carry it in their proboscis. In its pure state, propolis is kosher and is used as an anti-bacterial and anti-fungal remedy, polishing agent, and preservative. However, companies commonly process the propolis with other ingredients such as alcohol. Therefore, such a product would require a reliable *hechsher*.

of the other seven *mashkin*. A *brocha* is recited prior to *Hafrashas Challah* (assuming there is enough dough to be obligated in this *mitzvah*) and the *Challah* is burned. It should be noted that when using more than 2.6 lbs. of flour, one should *l'chatchila* not knead dough without any of the seven *mashkin* in the dough (i.e. one should not knead dough using fruit juice as the only liquid). If one kneaded dough with only fruit juice, a *brocha* is not recited on the *hafrasha* and one can not burn the dough after being *mafrish Challah*. For further details, see *Shulchan Aruch* and *Rama Y.D.* 329:10. For a list of the seven *mashkin* and additional information regarding these *halachos* see *Shulchan Aruch - Hilchos Netilas Yadayim* O.C. 158:4.

⁸ This would obviously pose a serious problem for both *Sefardim* and *Ashkenazim*.

⁹ The purpose of this section is to address the kosher status of these bee derivatives. It is in no way intended to advise consumers as to whether a specific product is effective. Consult your physician or health advisor regarding the use of these products.

¹⁰ This does not compromise the kosher status of the pollen. See *Pree To'ar* 81:1. A similar issue relates to propolis, as well.

3. Royal Jelly - The most important bee in the hive is the Queen Bee, who attains her "royal" status by her constant extra nutritious diet of royal jelly. What is royal jelly? This product is a secretion from the hypopharyngeal and mandibular glands located in the head of the bee. It is rich in protein and vitamins, as well as fatty and amino acids. Royal jelly is readily available in health food stores, and is a common ingredient in various health food products and remedies. Because it is a *yotzei min hatamei*, an actual product that is secreted from the bee, royal jelly should not be eaten.¹¹

4. Beeswax - Used to form the honeycomb in the hive, beeswax is secreted from wax glands located on the underside of the abdomen. Bees grow from larvae into mature bees in the cells of the honeycomb. They also store various other products besides honey.

In its original state, beeswax is used in non-food grade applications since the human body cannot adequately digest this material. It is commonly used in candles, lipstick, shoe and floor polish, as well as buffing wax for surfboards. Since it is not a "*ma'achal*," a food, its status as a *yotzei min hatamei* (an actual product that is secreted from the bees) does not make it non-kosher.¹² Therefore, beeswax is considered kosher provided that no non-kosher solvents are used in its processing, and it contains no non-kosher additives.

Although pure beeswax is generally not eaten, its kosher status is important for various reasons. Beeswax may be extracted to create a chemical used in the flavor industry. This extract is a kosher chemical (provided that all additives and solvents are approved), since the actual beeswax is not considered food. It is even permissible for one to chew beeswax for its pollen content, or even to swallow it, with or without the honey mixed in.

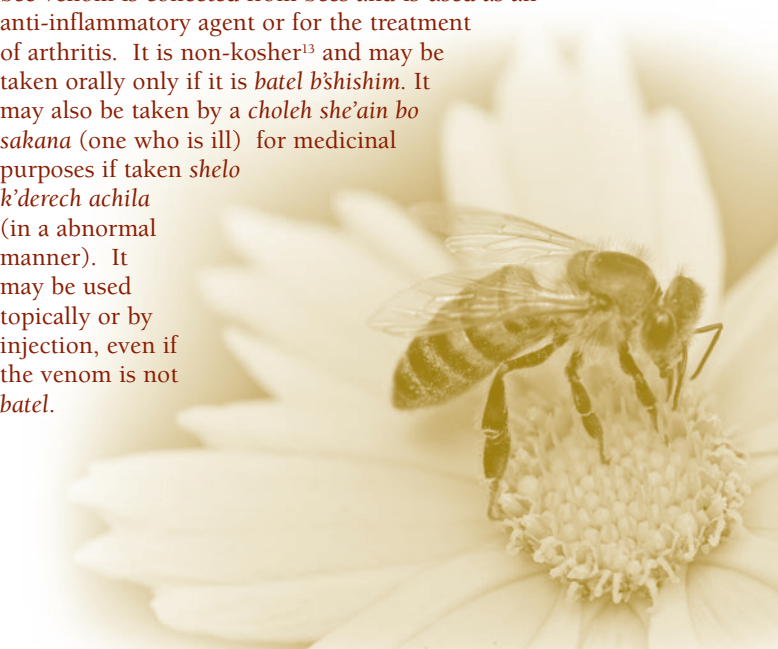
5. Bee Bread - This is also known as ambrosia and is a mixture of honey and pollen. Therefore, this is considered a kosher food.

6. Bee Venom - This product is synthesized in the venom glands of the bee and is released when a bee stings. Using a machine, bee venom is collected from bees and is used as an anti-inflammatory agent or for the treatment of arthritis. It is non-kosher¹³ and may be taken orally only if it is *batel b'shishim*. It may also be taken by a *choleh she'ain bo sakana* (one who is ill) for medicinal purposes if taken *shelo k'derech achila* (in an abnormal manner). It may be used topically or by injection, even if the venom is not *batel*.

¹¹ See *Minchas Shlomo* 2:64, who states that he cannot "*matir* or *assur*" this product. Therefore, one should ideally not consume royal jelly. Also see *Tzitz Eliezer* 11:59 who allows it.

¹² See *Igros Moshe*, Y.D. 2:24 - *V'gam*. See also *Mishna Brura* 158:14.

¹³ Since it is a *yotzei min hatamei*, an actual product that is secreted by the bee.



RABBI TZVI ROSEN
EDITOR, KASHRUS KURRENTS



Drinking Responsibly II: A Perspective

There has probably never been more oversight in the food manufacturing arena than in the areas of consumer awareness, consumer protection and consumer advocacy. Most notably, this has been evident in nutritional labeling, HAACP, ISO, QAI Organic, allergen disclaimers, and salmonella recalls – the list goes on and on.

Kosher food certification has become increasingly popular, serving as another set of 'eyes' to ensure quality assurance for both manufacturers and consumers. Kosher certification has also entered arenas that in decades past have been closed to consumers as a whole, and *kashrus* in particular – that of the liquor industry. A few decades ago, firsthand knowledge of a company's proprietary manufacturing secrets was unprecedented. Today, however, with all that has been made available along the information highway, all that was sacred is now available for the liquor enthusiast's taking.

Coupled with the fact that kosher certification has become an attractive means to capture market share, the industry is booming. Twenty years ago it was impossible to find a kosher certified product, except for *heimishe mashke*. Now first class scotch companies boast that they are kosher certified – absolutely amazing!

Kosher food certification has also grown with the times. Certification agencies have become more sophisticated, and the responsibility to the *klal* is a front burner priority. This kosher quality assurance has its pitfalls, but one could say that we are a kosher consumer protection agency, as illustrated by the following true scenario.

A very large company that owned multiple distilleries, distributorships and other holdings approached a very reputable and responsible *kashrus* agency for certification. The kosher

certification agency correctly and responsibly questioned whether there was Jewish ownership in the corporation. To their surprise, they found out that the corporation was a family owned business, and that the sole owners were Jewish and non-observant. This can be a fatal flaw and major disaster in the liquor business, due to the fact that a Jew cannot possess *chometz* during *Pesach*. Optimally, a Jewish homeowner must rid himself of all *chometz* in his possession. In the event that the Jew's inventory is so great that it is impossible to do so, the *Rabbonim* instituted a legal method of discarding the excess *chometz*. The *chometz* may be sold to an *aino Yehudi*, who takes full possession of the *chometz* during *Pesach* with the hope that after *Pesach*, the *chometz* will then be repurchased from the *aino Yehudi*. In the event that the *chometz* is not sold, and the Jew does violate the *halachos* of owning *chometz* during *Pesach*, the *Rabbonim* placed a penalty on that *chometz*. They forbade one to eat or derive any enjoyment or benefit from the 'tainted' *chometz*.

The *halacha* refers to *chometz* that has violated the *Pesach* mandate *chometz sheavar alov haPesach*, *chometz* that has 'passed over' *Passover*. Failure to sell one's *chometz* can be a nightmare if one owns a large inventory of *chometz*. The nightmare is compounded when liquor is stored in warehouses, where inventory has been aged in casks for many years. It can take many *Passovers* before the whisky sees the light of day. During that period, the distillery owners have violated multiple prohibitions of *chometz sheavar alav haPesach*, thereby rendering the entire inventory unusable. This *halachic* bombshell was discovered with potential far reaching ramifications.

This issue has been thoroughly and accurately researched. Once all the facts were gathered, the issue was presented to the *Poskim* of the major *kashrus* organizations, which comprise AKO's (the Association of *Kashrus* Organizations) executive committee. The issue was carefully presented and the various *tzdadei kula*, lenient options, were carefully scrutinized. The consensus of the *Poskim* was that one is forbidden to use the unsold *chometz* due to the severity of the violation of *chometz sheavar alov haPesach*, except in cases of extreme financial loss where a *rav* or *posek* should be consulted. Ignorance of the law is no excuse.

Regardless of one's view on the subject, this was an outstanding example of *daas Torah* in action and *kashrus* organizations working for the betterment of the *klal*. Our job as a *kashrus* certification agency is to try to bring the widest array of kosher products to the kosher consumer. At the same time, it is also our primary responsibility to certify quality kosher products and protect the kosher consumer from any *kashrus* impropriety.

7. Bee Parts – If one purchased unfiltered honey with bee parts, he would need to strain out the bee parts as they are non-kosher.¹⁴ If prior to filtration the honey was heated (in kosher equipment) with the parts inside, the honey would not become *treif*.¹⁵ This is because the bee parts only impart a bad taste into the honey that *b'dieved* do not compromise the *kashrus* status of the honey (*nosain ta'am lifgam*).

8. Apis Mellifica - This homeopathic remedy is derived from the body of the honeybee and is not kosher. In most homeopathic remedies, however, the active ingredient is less than one sixtieth of the product and is therefore



Rabbi Z. Goldberg during an inspection of a Star-K certified honey producer

batel b'shishim (nullified).¹⁶ If the inactive ingredients are kosher, and the body parts of the honeybee are *batel* and non-recognizable, this product would be *halachically* permissible to ingest.

9. Honey In The Honeycomb - This product is Kosher. If one purchased honey in the honeycomb, one may not squeeze the honey out of the comb on *Shabbos*. The honey should be removed before *Shabbos*.¹⁷

The bee's ability to produce such a wide spectrum of ingredients is quite fascinating. Appreciating these *niflaos haBorei*, wonders of our Creator, especially at the time of year when the world was created,¹⁸ enhances our *emunah* and *bitachon* in the *Borei Olam*, our Creator. It is also the key to understanding the *kashrus* status of the many products that are derived from this fascinating insect.

¹⁴ Although bee parts are not kosher, bee legs are considered inedible "atzamos" and are not *treif* (*Pri Chadash* Y.D. 81:27, based on *Tosfos Avoda Zara* 69a – "Hahu"). The *Rosh* (*Avoda Zara* 5:11) notes that bee legs and wings are "k'afar b'alma," like dust, and are therefore not *treif*.

¹⁵ See *Shulchan Aruch* YD 81:8.

¹⁶ This is true if the dilution is at least 2x (1:10²) and higher, or at least 1c (1:100) and higher. There is no problem of *ayn mitvatlin issur l'chatchila* when a gentile produces such a product for sale in the general marketplace. Therefore, a *Yid* may purchase it (see *Darchei Teshuva* beginning of 108:20). For a full discussion of homeopathic products and their inactive ingredients, see "A *Kashrus* Guide to Medications, Vitamins, and Nutritional Supplements."

¹⁷ See *Shulchan Aruch* OC 321:13. If the honeycomb is attached to the ground, it is prohibited as it is similar to *tolesh*. The *Mishna Brura* SK 48 notes that even if the comb is no longer attached to the ground (e.g. it is in a jar), it is still prohibited to remove the honey from the comb on *Shabbos* because it is "mefarek." One would have to be "merasek" the comb before *Shabbos* in order to eat the honey on *Shabbos*.

¹⁸ As we say in *Mussaf* on *Rosh Hashana*, "Zeh *Hayom* *Techilas* *Ma'asecha*," like the opinion of *Rabbi Eliezer* – *Rosh Hashana* 10b – *B'Tishrei* *Nivra* *Ha'olam*.



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maseches K'risos the text states that these items must be 'eaten'. A third variation of the *Talmudic* text is quoted by the *Ran*,² 'to bring' these items to the table. The *Ran* reports that *Rav Hai Gaon* would have a basket of these foods brought to the table, whereupon he would hold each item and recite an appropriate *bakasha*.

It is our custom to eat the *simanim*. Nevertheless, there are situations when one may merely 'gaze' at the items. For instance, the *Kaf HaChaim*³ writes that if one is concerned about insect infestation in one of the *simanim*, or if one does not enjoy eating a particular *siman*, he may fulfill the custom by placing the item on the table and looking at it.⁴

IDENTIFYING THE SIMANIM

Abbaye lists five significant *simanim*: *Kara*, gourd (such as pumpkin); *karsi*, leek; *silka*, beet; and *tamri*, date. The translation of the last item, *rubia*, is disputed.⁵ This word resembles the Hebrew term for abundance and increasing (*l'harbos*); therefore, it is associated with plants that produce many off-shoots. The *Mechaber* follows *Rashi's* interpretation of *rubia* as *tilsan*, a type of shamrock or clover, while others identify it as fenugreek, sesame seeds, or black-eyed peas.

Why have these particular foods been singled out? *Rashi* (*K'risos* 6a) explains that these foods either have quick growth cycles or possess a sweet taste.⁶ The *Geonim*, cited by the *Mordechai*,⁷ points to a linguistic significance of their names, which is suggestive of good omens. *Rubia* indicates that our merits or assets should increase in the coming year.⁸ *Karsi* suggests that our enemies should be "cut down"; *silka* and *tamri* refer to the removal and "obliteration" of our enemies.⁹

The *Geonim* mention the age-old custom of eating additional items not mentioned in the *Talmud*. This includes eating the head of a sheep, as a request that *Hashem* place us in a position of leadership and not subordination.¹⁰ Another ancient practice is partaking of fatty meat¹¹ and sweet beverages as a sign of a prosperous and sweet new year. The *Geonim* trace this custom back to the second *Beis HaMikdash*, when *Ezra* and *Nechemia* instructed the people on *Rosh HaShana* to "Go and eat fatty dishes and drink sweet drinks."¹²

The *Tur* remarks that Jews have always added to the list of *simanim*. In fact, regarding the *siman* of *rubia*, the *Magen Avraham*

states that any food which sounds like the word for 'abundance' in any language may be used. For this reason, many individuals eat carrots since the Yiddish word for carrots is *mehren*, which is similar to the word *mehr* or 'more'. Accordingly, many years ago, *Rav Heinemann shlita* introduced a now famous Baltimore *siman* to take lettuce, half a raisin and celery as an indication to 'let-us-have-a-raise-in-salary'.

APPLE IN HONEY

Any preschooler will tell you that the most important *siman* is the apple¹³ dipped in honey.¹⁴ Although it is not mentioned in the *Talmud*, the *Tur* records it as an old *Ashkenazic* custom. While some simply attribute its origin to the lack of availability of the items mentioned in the *Talmud*, the major commentators attach deep and esoteric meaning to this *minhag*. *Maharil*¹⁵ says that the *tapuach* is reminiscent of the sweet aroma that accompanied *Yaakov* when he appeared before *Yitzchok* to receive the *brachos*.¹⁶ Moreover, honey represents an additional significance in that the numerical representation (*gematria*) of honey (*d'vash*) is equivalent to 'Merciful Father'.¹⁷



The *Levush* mentions that there is also an *Ashkenazic* custom to dip *challah* in honey. The *Kaf HaChaim*¹⁸ notes that this *minhag* has also been adopted among some *Sefardim*. This *minhag* is commonly followed during all of the meals on *Rosh Hashana*, at the *seudah hamafsekes* before *Yom Kippur*, and on *Hoshana Rabbah*; others maintain the custom through *Simchas Torah*.

RELATED PRAYERS

From the *Talmudic* statement, it appears that the *siman* is effective alone simply by eating or gazing at it. Nonetheless, the *Ran* recounts that *Rabbenu Hai* recited an appropriate *tefillah* as he took each *siman*.¹⁹

Rishonim and later *Poskim* both emphasize that eating the *siman* is secondary to the *tefillah* which accompanies it.²⁰

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² Commentary on *Rif*, *Rosh HaShana* 12b, see also *Meiri to Horayos*.

³ 583:6

⁴ *Teshuvos v'Hanhagos* (II:266) recommends fulfilling both versions and to gaze at the *siman* before consuming it.

⁵ *Rubia* is similar to *rubya*, which means bean in Arabic. See *Kaf HaChaim* 583:10, *Teshuvos v'Hanhagos* (IV:136), *Birkei Yosef* 583:2.

⁶ *Rashi* in *Horayos* explains that these items grow rounder than other foods. *Divrei Yatziv* (*O.C.* 252) states that *Rashi* wrote this explanation in *Horayos* which indicates 'to gaze', where a description of the taste would be irrelevant.

⁷ Beginning of *Meseches Yoma*, also in *Or Zarua* 257.

⁸ The *Geonim* mention assets, later *Poskim* mention merits.

⁹ Enemies here can refer to either our mortal foes, or to our sins. Direct mention of sin is largely avoided on *Rosh HaShana* (*Zohar*, *Tetzava*). This is one reason for the custom of not eating nuts, since the numerical value of 'egoz' (nut) is equivalent to 'chet' (sin), *Rema* 583:2.

¹⁰ *Mishneh Berurah* says that if a sheep's head is not available, any animal will suffice. *Tur* records that *Maharam Rotenberg* used the head of a ram which is reminiscent of the ram that was offered at the *Akeidah*.

¹¹ Later sources add that, unlike other *Yomim Tovim*, on *Rosh HaShana* one should moderate indulgence in fatty foods to avoid ill effects that may impede concentration in *davening*. See *Yesod v'Shoresh ho'Avodah* (11:1)

¹² *Nechemia* 8:10

¹³ A sweet variety of apple should be used and not one that is sour (*Rav Yaakov Kamenetzky*, *Emes L'Yaakov*). *Tapuach* is commonly translated as 'apple'. However, *Rabbeinu Tam* (*Tosafos Shabbos* 88a s.v. *Pteryo*) holds that it is an *esrog*. Incidentally, according to the *girsah* of the *Tur*, *esrog* is among the items on *Abbaye's* list.

¹⁴ If someone is unable to use honey, the *minhag* can be fulfilled by dipping in sugar. (*Kaf HaChaim*)

¹⁵ Cited by *Rema* in *Darkei Moshe* (583:3)

¹⁶ According to *Midrashim*, this occurred on *Rosh HaShana*, see *Biur HaGra*.

¹⁷ דבש = הרחמי הרחמים = 306. *B'nei Yissoscher* 2:13, *Igra D'Pirka* 368.

¹⁸ *O.C.* 583:4, see also *Teshuvos v'Hanhagos* II:267

¹⁹ *Divrei Yatziv* cites *sefer Melachim* (II:13) as a source, which relates the way *Elisha* demonstrated to King *Yehoash* that he would be victorious in his upcoming war against *Aram* by commanding the king to take a bow and arrow in his hand. *Elisha* then placed his hands on top of those of the king and ordered him to open the window and shoot the arrow and proclaimed, "An arrow of salvation for *Hashem*; and an arrow of salvation against *Aram*." Evidently, to fully harness the power of a *siman* it must be accompanied by a *tefillah*.

²⁰ *Ran*, *Abudarham*, *Meiri* (to *Horayos* 12b)



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Parsippany, NJ
JUICE & JUICE CONCENTRATES

KOHR BROTHERS

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ICE CREAM CONES

LARA'S BAKE SHOP

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LOBLAWS

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ICE CREAM CONES

MEIJER CO.

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Insights from the Institute

SHAILOS FROM THE
INSTITUTE OF HALACHAH



RABBI MORDECHAI FRANKEL
DIRECTOR OF THE INSTITUTE OF HALACHAH

Q: I have been invited to eat out on Succos. The Succah has canvas walls which shake in the wind. Is this a problem?

A: The Mishna¹ states that a person can use the trunks of trees as a succah wall. This Mishna is referring to a scenario where the tree trunks are very close to one another or the space between them has been filled with some other material, and the overhang of the tree branches will not invalidate the s'chach. The Gemara² states that this is true only if the tree trunks do not sway. If the tree trunks are supple and sway in a normal wind, the succah wall is not valid. The Shulchan Aruch³ codifies this halacha and adds that if the tree trunks are supple, one can tie them to each other in such a manner that they will no longer sway in the wind. However, he states that it is not ideal to do so, as it is possible that the ties will loosen on Yom Tov rendering the succah invalid.

How rigid do the succah walls need to be? The Chazon Ish⁴ suggests that a wall formed from tree trunks is invalid only if the trunks will sway more than three tefachim away from each other, or if the top of the wall will sway more than three tefachim away from the s'chach. There is a general principle in halacha called lavud, which means that any gap of three tefachim or less is not halachically significant and can be considered as filled. Therefore, if the top of the wall is within three tefachim of the s'chach we would consider those three tefachim as filled by s'chach, thereby reaching the top of the wall. However, if the top of the wall sways more than three tefachim, one could not consider the wall to be connected to the s'chach. According to the Chazon Ish, three tefachim is approximately 11½ inches.⁵

There is another principle in Hilchos Succah known as gud asik mechitzos.⁶ This means that, if a wall of a succah is halachically kosher, we would consider that wall to extend vertically for any distance. If the wall of a succah is ten tefachim high, which is the minimum height requirement for a succah wall,⁷ we consider that wall to extend upward towards the sky. Therefore, if a succah wall is ten tefachim high, the vertical distance between the top of the wall and the s'chach is immaterial, as long as the horizontal distance between the edge of the s'chach and the top of the wall is three tefachim or less. It would therefore follow that, according to the Chazon Ish, if at the height of ten tefachim the tree trunks are rigid enough that they do not sway more than three tefachim, the succah wall is kosher.

Furthermore, it would seem that according to the Chazon Ish, if a canvas wall was tied at the top and bottom, so that the bottom was always vertically within three tefachim of the ground and the top was always horizontally within three tefachim of the s'chach, the wall would be kosher even if the middle of the canvas moved in the wind. However, the Igros Moshe⁸ states that that no part of the canvas should sway more than three tefachim to each side in a regular wind, including the middle of the canvas.

The canvas succahs that are commonly used nowadays are tied at the top and bottom and do not sway more than three tefachim

in the wind; therefore, such a succah would be kosher. However, as mentioned above, the Shulchan Aruch states that it is not ideal to use such a succah due to the concern that the ties might become loose. Therefore, the Igros Moshe says that such a succah should ideally be used only if the canvas would not sway more than three tefachim without the ties. It seems that the Igros Moshe would accept lechatchila a canvas wall, if the canvas has been sewn around a metal frame in such a manner that no part of the canvas sways more than three tefachim from the frame in a normal wind.

The Moadim Uzmanim⁹ suggests that nowadays, where the canvas succahs are very well attached, the concern of the Shulchan Aruch that the ties may become loose no longer applies; however, he concludes that it is advisable not to rely on this. He also questions the ruling of the Chazon Ish that the wall is kosher if it sways less than three tefachim from the schach. Rav Shlomo Zalman Auerbach zt"l¹⁰ and Rav Ovadiah Yosef shlit"l¹¹ also pasken that the wall should not sway at all. The Mishneh Halachos¹² points out that it is a commonly accepted custom to use canvas succahs. He suggests that the concern of the Shulchan Aruch that the ties will loosen is limited to a scenario where the tree trunks are tied only to each other, with no further structure supporting the wall. However, if a person constructs a square frame and securely ties the canvas to it, the resulting wall is kosher lechatchila.

The Mishneh Halachos quotes the Gaon MiTchebin as advising a person with a canvas succah wall to do the following: Tie a taut string from one edge of the canvas to the other, parallel to the ground and within three tefachim of the ground. Tie a second taut string likewise, above and within three tefachim of the first string. Tie a third string likewise, above and within three tefachim of the second string, and a fourth string above and within three tefachim of the first string. The strings should be distanced from each other so that the fourth string is more than ten tefachim above the ground. As the distance between each string is less than three tefachim, the rule of lavud allows us to consider the space as filled, thereby creating a wall with a height of ten tefachim. As the strings are taut and do not move in the wind, the Shulchan Aruch's concern that the ties may loosen does not apply, and the resulting wall is kosher lechatchila.

According to Rabbi Heinemann shlit"l, lechatchila one should follow the psak of the Igros Moshe, that no part of the canvas wall should sway more than three tefachim. Bedieved, one may use a succah if the canvas wall is tied at the top and bottom, in accordance with the ruling of the Chazon Ish.¹³

Halachic queries regarding all topics may be presented to The Institute of Halachah at the Star-K by calling 410-484-4110 ext. 238 or emailing halachah@star-k.org.

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Starting THE New Year Right

A Guide to the
Simanim on
Rosh HaShana

CONTINUED FROM PAGE 4

Abudarham mentions two customs of how this is done. The first is to utter a short supplication with each *siman* i.e. on a pumpkin one says, “Our decree should be torn.” The second custom proscribes an entire prayer, “*Yehi Ratzon Mil’fanecha*”, complete with recitation of the *Shem HaShem*.²¹ It is permissible to use the *Shem HaShem* because it is in the context of a prayer. However, Rav Shlomo Zalman Auerbach²² would recite it for the first *siman* only, since one must have the proper concentration when uttering it.²³ (If a particular *siman* is unavailable, the *Kaf HaChaim* notes that the *bakasha*, supplication, may still be recited.)

BROCHOS

Does one recite separate *brochos* on the *simanim* during the meal? Generally, the *brocha* of *Hamotzi* includes foods eaten during the course of a meal. However, since the apple dipped in honey is not a normal ‘meal’ food, it does require its own *brocha*.²⁴ The *minhag* that places the apple at the beginning of the order raises a problem, since the *simanim* also include items belonging to the *Shivas Haminim* such as dates and pomegranates, which take precedence in the order of *brochos*. Therefore, some *Poskim* recommend keeping fruits of the *Shivas HaMinim* off the table or in a different room until after the *brocha* is made on the apple, while having in mind to include the other fruits with that *brocha*. There is *halachic* justification for those who leave the fruits on the table.²⁵

The foods used for the *simanim* requiring a *ho’adama*, such as pumpkin and carrots, are usually in a form of a regular ‘meal’ type food and therefore do not require their own *brocha*.²⁶ Those who use candies, such as jellyfish, should make a *she’hakol* before eating them.

Another issue is when to recite the *bakasha*. If it is said between reciting the *brocha* and eating the fruit, this may constitute a *hefsek* (interruption) and invalidate the *brocha*. *B’d’eved*, if this was done, the *brocha* does not need to be repeated since the *tefillah* can be justified as relating to the *brocha*.²⁷ To resolve this problem, the *Rema* writes that one should say the *bakasha* after eating the fruit. It is sufficient to eat only a small bit, less than a *k’zayis*. For those *simanim* that do not require their own *brocha*, it is proper to say the *tefillah* before eating them.²⁸

WHEN TO SERVE THE SIMANIM

Abbaye established having the *simanim* at the “beginning of the year.” Some *Poskim* maintain that this means that these

²¹ Shulchan Aruch HoRav and Kitzur Shulchan Aruch omit mention of the *Shem HaShem*.

²² Halichos Shlomo, Rosh HaShana, note 70.

²³ See Chayei Odom, K’lal 5.

²⁴ The honey requires no *b’racha* since it is *tafel* to the apple, *Sha’arei Teshuva* 583:2.

²⁵ The *Kaf HaChaim* (13) provides a justification for those who make the *brocho* on the apple even with the other fruits on the table.

²⁶ *Divrei Yatziv* posits that in this context, even the *ho’adama* items, when eaten as *simanim*, will require their own *brocho*. This is also the view of the *Elef HaMagen*.

²⁷ See *Magen Avraham* 583:2. There are some who have this *minhag* l’chatchila.

²⁸ *Kaf HaChaim*, Mikra’ei Kodesh

simanim should be eaten at all four meals of *Rosh HaShana*. *Elyah Rabba* and *Match Efraim* say that they should be eaten at both night meals, but not during the day. The *B’nei Yissoscher* derives from the words “*Reish Shata*” that the proper place is at the very beginning of the new year, on the first night only. *Rav Shlomo Zalman Auerbach* would also eat the *simanim* on the second night, but without all of the fanfare accorded to them on the first night.²⁹

SIMANIM OR SORCERY

The *P’risha* (16th century, student of *Maharshal*) raises a serious issue concerning the entire *minhag* of the *simanim*. The *Torah* prohibits any form of sorcery or divination.³⁰ If so, how can we suggest that using certain foods can influence our fortunes in the coming year? There are three different approaches to resolve this difficulty.

1) This problem was raised many centuries earlier by the *Geonim*.³¹ They were challenged by those who state that this *minhag*, as well as others (such as *kapporos* before *Yom Kippur* and gazing at the fingernails in the light of the *havdalah* candle) violate a *Torah* prohibition of divination. They responded that any action which is established in the written *Torah* or Oral Law cannot be considered *nichush*.³²

2) An opposite approach is taken by the *Meiri*.³³ He holds that *simanim* do not have intrinsic power or benefit.

The purpose of *simanim* is to simply awaken our hearts and inspire us to direct our goals for the new year along the proper path. To accomplish this, he explains that *tefillos* were instituted to accompany each *siman*.

3) A third opinion is offered by the *Maharsha*.³⁴ He draws a distinction between *simanim* which are an omen for a positive outcome, and forms of sorcery where a negative result is understood to signify an ominous future. The latter may constitute *nichush*, interpreting a situation as a negative omen (e.g. food falling from one’s mouth or a deer crossing one’s path³⁵), something which is prohibited by the *Torah*. On the other hand, partaking of the *simanim* on *Rosh HaShana* is permitted since these actions symbolize a good future, while refraining from them is not indicative of anything at all.³⁶

THE GREATEST SIMAN

The *simanim* remind us that our every activity on *Rosh HaShana* is charged with meaning. If the foods we eat are so consequential, then certainly our conduct is critical. Accordingly, the *Mishneh Berurah* reminds us to spend these awesome days with a pleasant comportment in a mood of sublime joy. No less than abstaining from sour foods, any trace of anger or annoyance should be diligently avoided.³⁷ Thus we will be insured a favorable judgment for a pleasant and sweet new year.

²⁹ *Matteh Efraim*, *Ben Ish Chai* (Nitzavim), *Ben Yehoyada*, *Siach Yitzchok*.

³⁰ *Parshas Kedoshim* 19:26

³¹ Cited in note 7.

³² Similarly, *Sefer Chasidim* (12th century Germany) decries the widespread practice of witchcraft and fear of superstitions that were prevalent in his times. He counts four potential *issurim* involved in these practices. Nevertheless, he asserts that anything the *Talmud* deems to be a *siman* is permissible.

³³ *Horayos* 12b

³⁴ *Horayos*; *Rav Betzalel Ranshurg* in *Horeh Gever* assumes this is also the approach of *Rashi*.

³⁵ See *Sanhedrin*, chapter 7.

³⁶ *Maharsha* basis this approach on the theological premise that only good emanates from *HaShem* while evil and suffering derive from man’s sins which drive away the Heavenly blessings. Once it is decreed that a person will receive good, it will never be rescinded. However, a prediction of doom and destruction can never be guaranteed since, as products of man’s misdeeds, by deciding to do *teshuva*, the decree can be averted. Our *simanim* are indicators of impending good that is *en route*, but one that indicates future success or failure is form of *nichush*.

³⁷ The *B’nei Yissoscher* illustrates the importance of avoiding anger during *Rosh HaShana*. See notes to *Iggro D’Pirka* page 234, citing *Magid Ta’alumos*, *B’rachos* 18b.



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A.J. Levin

EDITOR:
Rabbi Tzvi Rosen

MANAGING EDITOR:
Mrs. Pesi Herskovitz

COPY EDITOR/COORDINATOR:
Ms. D. Rosenstein

CONTRIBUTING WRITER:
Mrs. Margie Pensak

Phone: (410) 484-4110

Fax: (410) 653-9294

E-mail: info@star-k.org
www.star-k.org

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