

HALOCHOSCOPE

Congregation Shaaray Tefillah, Pittsburgh, PA

The question:

One who is accustomed to waiting six hours between meat and dairy foods wants to have a coffee with milk but is unsure what time he finished eating meat foods. May he assume that he finished at the earliest reasonable time or should he be concerned that the six-hour waiting period is not yet over?

The issues to discuss:

- (A) The separation of meat and dairy.
- (B) The waiting period between them.
- (C) A *Sofeik D'rabanan*, doubt concerning a Rabbinical ruling.

(A) Meat and Dairy

We are Scripturally forbidden to cook meat with milk, to eat the food cooked like this, or to derive benefit from this food, such as feeding it to one's animals or selling it to a gentile. These commandments only apply to meat from domesticated kosher animals, cattle, sheep and goats, cooked in milk from one of the same. Rabbinically, the meat of undomesticated animals, like venison, and of poultry, were added to the prohibition against eating them together. Scripturally, only meat and milk products that were actually cooked together are prohibited. However, it is Rabbinically forbidden to eat meat with dairy products even if they are cold, and were not cooked together; one may not even serve them at the same table at one time. This does not mean that one may not eat them separately, one after the other. Accordingly, we are accustomed to permit eating meat after eating cheese provided that one has removed the remnants of the cheese by rinsing one's hands and mouth, and wiping the mouth by eating bread or the like. There is a practice, supported by some Poskim as Halacha, to wait after eating hard cheeses before eating meat. After meat, the prevailing practice is to abstain from dairy foods for a required time period. [See Chulin 103b-105b, 108a, etc. 113 a-b. Commentaries. Poskim. Rambam Hil. Maachalos Assuros 9. Shulchan Aruch Yoreh Deah 87-89. Commentaries.]

(B) The Waiting Period

Originally, there was a need to distinguish between the eating of meat and dairy products to prevent their being eaten together. The Talmud quotes a sage saying that whereas his father would not eat cheese a full twenty-four hours after meat, he himself would eat it in the next meal. There are primarily two explanations for the choice of a meal as a distinction. Tosafos says that the idea is simply to show clearly that they are being eaten separately, and consequently

one need not do more than clear the table of the meat meal, "Bentch" and then begin eating cheese. There is even an opinion that this stringency only applies if one did not wash and wipe one's hands and mouth. Rif and Rambam, however, interpret the Talmud as a comparison between two waiting periods: a self-imposed stringency (the twenty-four hour wait) vis-a-vis the standard wait, which is until the next meal. This is usually about six hours, and so, one should always wait six hours after eating meat before eating dairy products. The reason this stringency was imposed after eating meat is because some meat is always left between the teeth after wiping out the mouth. There is also an opinion, based on Rashi's commentary, that the reason for the different meal is so that one no longer has taste of meat in one's mouth when eating the cheese. According to this, too, one would be required to wait for a time-period, rather than nominally end the meal, i.e., when the Talmud suggests waiting until another meal, it means the normal interval between meals. Some commentaries say that these opinions allow for the time taken to digest meat. [See Chulin 104b, Tosafos, 105a, Rashi, Tosafos, Rif, Ran. Rambam Hil. Maachalos Assuros 9:28. Lechem Mishna. Sh. Ar. Y.D. 89:1,3 Taz, Shach, Biur Hagra 2, Dagul Merevava. commentaries.]

There is also a practice to wait the same time, six hours, after cheese before meat, although the Talmud specifically permits it immediately (after rinsing and wiping). The first mention of this practice refers to a personal Chumra adopted because of an incident where the Maharam of Rothenburg found some cheese in his mouth a long time after his meal. Later, when the Zohar was rediscovered, a source was found there indicating that the prohibition was imposed both after meat and cheese. This, however, is not enough to change the Halacha which is based on the Talmud, since the Zohar is quoting minority opinions which were known in Talmudic times and the Talmud nonetheless rules against them. However, there are opinions that one must wait for certain cheeses, and that it is commendable to wait for all cheese. [See Chulin 105a, Rosh, Hagahos Ashri 5. Divrei Chamudos 23 citing Bais Yosef O.C. 173. Sh. Ar. Y.D. 89:2 Rema commentaries.]

There are various other customs pertaining to the waiting time: The best-known, and most controversial, is to wait one hour. Although it is definitely an old custom, its origin is questioned by many Poskim. One reconciliation offered is that it is a compromise between not waiting at all (like Tosafos, which this opinion feels is the true interpretation), and waiting some time. Another reconciliation offers a source to this practice in the same Zohar mentioned earlier, which says that one should not eat cheese and meat in the same hour. [Accordingly, although the one-hour wait after meat is no longer widely practiced except in some German and Netherland communities, those who conduct themselves according to the Zohar do wait one hour after even soft cheese. See Shach Y.D. 89:16 Darkei Teshuva 19.] The other times that are observed include waiting less than six hours because Rambam says "about" six hours. Accordingly, at least five hours must pass, but not a full six. The reasoning here is that when the Talmud says another meal it cannot be timed precisely to six hours. Another variation is to calculate the seasonal hours, (meaning the daylight time is divided into twelve equal parts) and one waits six of these hours. In Talmudic times, two full meals were eaten every day, one at the end of the morning and one in the early evening; the time between them changed with the seasons. Since in winter in northern Europe this time can be as short as three

hours, and still be a valid interval between meals, many communities were accustomed to wait three hours all year round. According to the opinions that require six hours for digestion of meat, they could not be seasonal, but would be the same six hours throughout the year. [See Sh. Ar. Y.D. 89:1. Rema. Commentaries. Pischei Teshuva 3. Darkei Teshuva 6. Gilyon Maharsha.]

There is also a question when one begins counting the six hours: at the end of the meat meal or immediately when one finishes eating the meat. According to the view that the "next meal" is itself a distinction, one would have to begin after Bircas Hamazon on the meat meal. However, that view does not require six hours. With regard to digestion, one need only wait from when one finishes the meat. If the Talmud's "meals" are to measure the time, one could, theoretically, eat a lot of Parve (neutral) foods between the meat and dairy even in the same meal, provided that six hours lapse between eating the meat and the dairy (although in practice, the Poskim rule that one should always bentch first.) Therefore, although some are accustomed to waiting from after Bircas Hamazon, the widespread practice is to begin counting six hours from finishing the meat part of the meal. [See Dagul Merevava on Shach Y.D. 89:3. Aruch Hashulchan Y.D. 89:4. Badei Hashulchan 89:7.]

(C) Sefeika Derabonon

When there is an unresolved question on the Halachic status of something, a *Sofeik*, certain rules go into effect. Generally, if the question is whether something is permitted or forbidden Scripturally, a *Sofeik Deoraisa*, one must take the stringent side and forbid it. If, however, it is a doubt on a Rabbinical prohibition, a *Sefeika Derabonon*, one takes the lenient side and permits it. One reason for this is that since the Torah itself does not forbid it, but it was appended by the Rabbis, it simply is not as stringent. Or, when it was first decreed by the Rabbis, they only forbade it in cases of absolute certainty. According to the second view, we are not being lenient because of doubt, but because there is nothing to be stringent about since a *Sofeik* is not forbidden at all. [See e.g. Beitza 3b. Berachos 21a, etc. Rambam and Ramban Sefer Hamitzvos Shores 1 (pp. 7-11, standard ed.) commentaries. Kuntres Divrei Sofrim 1:41-45]

Accordingly, in our case, where the prohibition against eating dairy food after meat is Rabbinical, when one is in doubt as to when he finished eating the meat, he should be able to take the lenient approach and assume that the six hours are up.

There is, however, a problem that is usually an exception to the rules of leniency in cases of doubt: *Davar Sheyesh Lo Matirin*. This means that if the possible prohibition in the article will anyway leave, i.e., it will become permissible automatically later, we do not show any leniency at present. Rather wait until it is definitely permitted without resorting to the rules of *Sofeik*. In the same way, why should this person rely on a *Sefeika D'rabonon* to eat dairy foods now, when he could wait until he is sure that six hours have passed? However, it could be argued that, true, the person can wait, but his eating in another hour is not the eating of the present so that the "article" in question, the eating of now, is not going to become permissible. In cases like this, one should not apply the exclusion of *Davar Sheyesh Lo Matirin*. Although this argument is not accepted by all authorities, there are additional reasons for leniency here. Since it does

appear that the Rema, the primary authority for Ashkenazic communities, really considers the one hour interval as Halacha, one can be more lenient in a Sofeik regarding the *Chumra*, stringency, of six hours. In addition, there is an opinion that one need not wait a full six hours ever. Furthermore, according to the opinion that the Rabanan did not decree in cases of Sofeik, there is good reason to say that in our case there is no prohibition. Moreover, since the idea of a six-hour interval is based on the time between meals, if a person is unsure of the exact time lapse, but thinks that he has waited the time he usually waits, especially since Rambam says "about" six hours, we may be lenient. [See Beitza 3b. Sh. Ar. Y.D. 102. Pischei Teshuva 6. Darkei Teshuva 89:5. Bidei Hashulchan 89:9.]

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ANNOUNCEMENTS

SCHEDULE:

SHABBOS SHACHARIS	9:00 AM
SHABBOS MINCHA	8:00 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY - FRIDAY	7:00 AM
MINCHA SUNDAY - THURSDAY	8:10 PM
CANDLE-LIGHTING SHOFTIM	7:53 PM
Plag Hamincha-earliest time to light candles	6:46 PM
MINCHA EREV SHABBOS SHOFTIM	7:00 PM

Kiddush this week is given by Dr. Danny Rosenblatt for the Yortzite of his grandfather on the 11th of Av.

SHIURIM:

GEMORO MAKOS	SUNDAY	7:15 AM
HALACHA B'YUN	MONDAY	9:00 PM
HALACHOS OF BUSINESS	THURSDAY	4:30 PM
HILCHOS SHABBOS	SHABBOS	8:15 AM
DAF YOMI:	SHABBOS	6:00 PM
	SUNDAY	8:50 AM
	MON -THURS	7:20 PM

This issue of HALOCHOSCOPE has been sponsored in honor of the Bar-Mitzvah of Avrohom Yitzchock Nadoff by his grandparents, Rabbi and Mrs. Binyomin Nadoff.

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