

Insights into Halacha

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(PhiloTorah editor's notes in green)

Weighty Waiting Options

We often find that the Torah's description of even simple actions of our great forebearers impart to us a treasure trove of hanhaga, hashkafa, and even halacha.

Sometimes though, it is the exact opposite: a halacha is gleaned from the acts of those far from being paragons of virtue or exemplars of excellence. Indeed, sometimes we learn fascinating halachic insights from people whom we would not consider role models by any stretch of the imagination.

Double Agents

Every Tish'a B'Av, and every time we read Parashat Sh'lach, we are reminded of the grave sin of the Meraglim, the spies whose evil report about Eretz Yisrael still echoes, with repercussions felt until today. Of the twelve spies sent, only two remained loyal to Hashem: Yehoshua bin Nun and Kalev ben Yefuneh.

Kalev's father's real name was actually Chetzron. See Divrei HaYamim Alef 2:18 and Sota 11b.

The other ten chose to slander Eretz Yisrael instead and consequently suffered immediate and terrible deaths. Due to their vile report, the Jewish People were forced to remain in the desert an additional forty years, and eventually die out before their children ultimately were allowed to enter Eretz Yisrael.

Hashem called this rogues' gallery of spies an EIDA literally, "a congregation". The Gemara famously derives from this incident that the minimum requirement for a minyan is a quorum of ten men, since there were ten turncoat "double-agents" who were contemptuously called "a congregation". If ten men can get together to conspire and hatch malevolent schemes, then ten men can assemble to form a congregation for D'VARIM SHEBIK'DUSHA, sanctified matters. This exegesis is duly codified in halacha, and all because of the dastardly deeds of ten misguided men.

Covetous Carnivores

Another prime example of halacha being set by the actions of those less than virtuous, *(see footnotes 7 & 8 on the website for much more)* is the tragic chapter of the rabble-rousers who lusted after meat, and disparaged Hashem's gift of the Heavenly bread called manna, chronicled at the end of Parashat B'ha'alot'cha. The pasuk

states that “the meat was still between their teeth” when these sinners met their untimely and dreadful demise. The Gemara extrapolates that since the Torah stressed that there was meat between their teeth, it means to show us that meat between the teeth is still considered tangible meat and requires one to wait before having a dairy meal afterward.

There are actually several different ways to understand the Gemara’s intent, chief among them Rashi’s and the Rambam’s differing opinions:

There are however, other opinions. For example, the Kreisi U’Pleisi and Chochmas Adam posit that the waiting period is actually dependent on digestion.

The Rambam writes that meat tends to get stuck between the teeth and is still considered meat for quite some time afterward.

Rashi however, doesn’t seem to be perturbed about actual meat residue stuck in the teeth, but simply explains that since meat is fatty by nature, its taste lingers for a long time after eating.

However, Rashi would still agree that any meat found in the oral cavity even after six hours must be removed and kinuach and hadacha required.

In any case, regarding the general separation necessary between meat

and milk, the Gemara itself does not inform us what the mandated waiting period is. Rather, it gives us several guideposts that the Rishonim use to set the halacha. The Gemara informs us that Mar Ukva’s father would not eat dairy items on the same day that he had partaken of meat, but Mar Ukva himself (calling himself “vinegar the son of wine”) would only wait MISEUDASA LISUDASA ACHRINA - from one meal until a different meal.”

Although the Aruch HaShulchan maintains that the waiting period starts from when one finishes the seudah that he partook of meat, nevertheless, most authorities, including many contemporary authorities, follow the Dagul Mervava, and are of the opinion that the waiting period starts immediately after one finishes eating the actual meat product and not the entire seudah.

The various minhagim that Klal Yisrael keep related to waiting after eating meat are actually based on how the Rishonim understood this cryptic comment.

Six Hours

This, the most common custom, was first codified by the Rambam. He writes that meat stuck in the teeth remains “meat” for up to six hours, and mandates waiting that amount. This is the halacha as codified by the Tur and Shulchan Aruch, as well as the vast majority of authorities. The

Rashal, Chochmas Adam, and Aruch HaShulchan all write very strongly that one should wait six hours. The mandated six hours seemingly comes from the many places in Rabbinic literature where it mentions that the “meals of a Torah scholar” are six hours apart. Therefore, this fits well with Mar Ukva’s statement that he would wait from one meal until the next after eating meat, meaning six hours.

Five Hours and Change

The idea of waiting five hours and a bit, or five and a half hours, is actually based on the choice of words of several Rishonim, including the Rambam and Meiri, when they rule to wait six hours. They write that one should keep K'MO SHEISH SHA'OT, approximately six hours. Several contemporary authorities maintain that “six hours” does not have to be an exact six hours - that waiting five and a half or the majority of the sixth hour (or according to some even five hours and one minute) is sufficient, as it is almost six hours. However, it should be noted that not everyone agrees to this, and many maintain that the six hours must be exact.

Several other contemporary authorities maintain that one should strive to keep the full six hours lechatchilla, but may be somewhat more lenient in times of need, and not waiting an exact six hours.

Four Hours

Waiting four hours is first opined by the Pri Chodosh, who comments that the six hours mandated are not referring to regular “sixty-minute” hours, but rather halachic hours, known as SHA'OT Z'MANIYOT. This complicated halachic calculation is arrived at by dividing the amount of time between sunrise and sunset into twelve equal parts. Each of these new “hours” are halachic hours and are used to calculate the various z'manim throughout the day. The Pri Chodosh asserts that in the height of winter when days are extremely short, it is possible that six halachic hours can turn into a mere four actual hours! Although several authorities rule this way, and others say one may rely on this exclusively in times of great need, *...who allow one to rely on the Pri Chodosh only if one is sick or in times of great need* - nevertheless, his opinion here is rejected out of hand by the vast majority of authorities, who maintain that the halacha follows six true hours. The Yad Efrayim points out that if one follows SHA'OT Z'MANIYOT in the winter, then he must also follow it during the summer, possibly needing to wait up to eight hours!

One Hour

Waiting only one hour between meat

and dairy, mainly germane among Jews in and/or from Amsterdam, is codified by the Rama, citing common custom, based on several great Ashkenazic Rishonim, including the Maharil and Maharai (author of the Terumas HaDeshen). The Rama himself, though, concludes that it is nevertheless proper to wait six hours.

Three Hours

Interestingly, and shocking to some, the common German custom of waiting three hours does not seem to have an explicit halachic source.

There is no mention of a three hour wait in any traditional halachic source, save for one. And, although the Badei HaShulchan and several others cite Rabbeinu Yerucham's Kitzur Isur v'Heter as a possible source for this minhag, as it does mention waiting GIMEL SHA'OT, it is important to note that this is an apparent misprint, as in the full sefer itself Rabbeinu Yerucham spells out unequivocally that one must wait L'CHOL HAPACHOT SHEISH SHA'OT, at least six hours! Additionally, the source he cites for his three hour quote is Rabbeinu Peretz, who also actually mandates waiting six hours. Furthermore, the actual quote is waiting GIMEL SHA'OT K'RASHI, three hours as per Rashi's shita. As the Chida points out, there is no record of Rashi holding such an opinion; rather the opposite in Sefer Ha'Orah, that one must wait SHIUR SEUDASA ACHARITI between eating meat and cheese. Moreover, it

seems likely that Rabbeinu Yerucham is not the author of the Kitzur Isur v'Heter attributed to him... [In an interesting counter-point, in his English translation of Chorev, titled "Horeb", Dayan Dr. Isidor (Yishai) Grunfeld added a footnote supporting the "widespread minhag" in "western countries" of "waiting only three hours."]

In fact, one who delves into the sefarim of great Rabbanim who served throughout Germany, from Rav Yonason Eibeshutz to Rav Samson Raphael Hirsch, will find that they all recommended keeping the full six hours! Yet, there are several theories explaining how such a widespread custom came about:

An additional rationale was posited by Rabbi Shimon Silver in his recent Talei Oros. He cites that regarding certain halachot, we find that between one set meal and the next, there should be three hour wait. For example, the halacha states that on Erev Shabbat, one may not start a seudah after the 9th hour - which is three (halachic) hours before the onset of Shabbat, as then he will enter Shabbat too full to be able to accord the proper honor and respect due a Shabbat seudah. Hence, he posits that this possibly is the Gemara in Chullin's intent with waiting MISEUDATA L'SEUDATA ACHRINA, meaning the amount of time in between set meals necessitated in other places in Shas, which is three hours.

One, by the Mizmor L'Dovid, is that it

is possibly based on the Pri Chodosh's opinion of sha'ot z'maniyot. He posits that if in the middle of winter, three hours is deemed sufficient waiting time, it stands to reason that it should suffice year-round as well.

Another hypothesis, by Rav Binyomin Hamburger is that their original custom was to wait only one hour like the basic halacha cited by the Rama, following the majority of Ashkenazic Rishonim. Yet, when the six hours mandated by the Rambam and other Rishonim became more widespread, those in Ashkenaz decided to meet the rest of the world halfway, as a sort of compromise. According to this explanation, it turns out that waiting three hours is intrinsically a chumrah on waiting one hour.

An additional possible theory is that since many in Germany were accustomed to eating five light meals throughout the day, as opposed to the current common three large ones, their interpretation of MISEUDATA L'SEUDATA ACHRINA would be waiting the three hours they were accustomed to between their meals.

Bentch and Go

Another opinion, and one not accepted l'maseh, is that of Tosafot, who posits that "from one meal to another" means exactly that. As soon as one finishes his meat meal, clears

off the table and recites Birkat HaMazon, he may start a new dairy meal. Some add that this includes washing out the mouth and cleansing the palate (kinuach and hadacha). This is actually even more stringent than Rabbeinu Tam's opinion, that all one needs is kinuach and hadacha, and then one may eat dairy - even while part of the same meal! It is important to realize that his opinion here is categorically rejected l'maseh by almost all later authorities.

A Day Away

The most stringent opinion is not to eat meat and milk on the same day (some call this a full twenty-four hours, but it seems a misnomer according to most authorities' understanding). First mentioned by Mar Ukva as his father's personal hanhaga, several great Rabbanim through the ages, including the Arizal, have been known to keep this. Interestingly, this custom is cited by Rav Chaim Palaji as the proper one, and in his opinion, only those who are not able to stick to it can rely upon a "mere" six hours.

Just Sleep on It

Another remarkable, albeit not-widely accepted custom is that of sleeping after eating a meat meal. The proponents of this, including Rav Yosef Shalom Elyashiv and Rav

Yaakov Yitzchak Ruderman, Rosh Yeshivas Ner Yisrael, maintain that sleeping causes the food to digest quicker, thereby lessening the required waiting period. It is told that the Chatam Sofer wanted to start relying on this leniency, but upon awakening, every time he tried drinking his coffee (presumably with milk) it would spill. He concluded that this heter must not have been accepted in Heaven. The majority of contemporary authorities as well do not rely on sleeping as a way of lessening the waiting time. The Steipler Gaon is quoted as remarking that this leniency was the exclusive domain of Rav Elyashiv, as most people sleep six hours a night and he only slept three hours nightly.

Although there are many different and widespread opinions about the proper amount of time one is required to wait after eating meat, and everyone should follow his or her proper family minhag as per the dictum MINHAG AVOTEINU TORAH HI, nevertheless, it is interesting to note that the core requirement of waiting is based on the actions of those with less than perfect intentions. As it states in Pirkei Avot, "Who is wise? One who learns from everyone."

Postscript: **Children's Waiting:** Although waiting six hours is indeed the most common minhag, nonethe-

less, most contemporary Poskim are of the opinion that this is not obligatory for children, following the lead of several Rishonim, including the T'rumat HaDeshen and the Meiri, who briefly mention that children are not mandated to keep the full waiting period. Several authorities, including the Chelkas Yaakov, Rav Yaakov Kamenetsky, and Rav Nissim Karelitz, maintain that young children need only wait an hour, and only once they reach nine years old should they start waiting longer. Rav Ovadiah Yosef is more lenient, ruling that children only need to start waiting the full amount from a year before their Bar or Bat Mitzva.

Other Poskim, including the Debreciner Rav, Rav Yosef Shalom Elyashiv, and Rav Moshe Sternbuch prefer a staggered approach. Once a child reaches age two-three, he should wait an hour. When he turns five-six, he should wait three hours, and from age nine-ten, he should wait the full six hours.

Others, including the Ponovezh Rosh Yeshiva Rav Elazar Menachem Mann Shach, Rav Shlomo Zalman Auerbach, and Rav Shmuel Halevi Wosner maintain that there is no specific set age, but rather depends on each individual child, his needs, and specific situation. All agree that the child should be educated and trained to gradually wait longer, building up to

the full waiting period.

Many stress that this leniency for children is only applicable to real food or milk, as they are satiating and nutritional, as opposed to milchig candies and chocolates, etc. which are decidedly not, and for which no dispensation should be given.

On the other hand, and contrary to all the above, there is the minority noteworthy opinion of the Steipler Gaon, who held that all minors should still keep the full six hours. His son, Rav Chaim Kanievsky holds this way as well. As with all inyanei halacha, one should ask his personal local halachic authority for guidance as to which opinion he should follow.

Rabbi Spitz's footnotes are very extensive. The ones I decide to include are few among the many. If you want more than this PhiloTorah column provides, click on the website, find the topic and do some more reading.

For any questions, comments or for the full Mareh Mekomot / sources, please email the author: yspitz@ohr.edu

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Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

Rabbi Yehuda Spitz's English halacha sefer, "Food: A Halachic Analysis" (Mosaica/Feldheim) containing over 500 pages featuring over 30 comprehensive chapters discussing the myriad halachic issues pertaining to food, is now available online and in bookstores everywhere.