

THE LAX FAMILY EDITION



צורבא מרבנן

TZURBA M'RABANAN

WITH ENGLISH TRANSLATION, COMMENTARY AND ESSAYS

A concise learning method from the Talmudic source
through modern-day halachic application

THE DR. AGATSTEIN CHABURA OF LOS ANGELES VOLUME

Volume 4 Sample

SELWYN & ROS SMITH AND FAMILY



MIZRACHI



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THE LAX FAMILY EDITION
IS DEDICATED
IN LOVING MEMORY
OF OUR DEAR SONS AND BROTHERS

Jonathan Theodore Lax ז"ל
Ethan James Lax ז"ל

לעילוי נשמת

יונתן טוביה בן מרדכי ז"ל
איתן אליעזר בן מרדכי ז"ל

ת.ג.צ.ב.ה.

MARSHA AND MICHAEL LAX
AMANDA AND AKIVA BLUMENTHAL
REBECCA AND RAMI LAIFER

**Basar B'chalav I:
How Long Must One Wait
after Eating Meat?
הלכות בשר בחלב א':
זמן המתנה בין אכילת בשר לחלב**

Eating Dairy after Meat: The Basics

The Reasons for Waiting between Meat and Dairy

Must Children Wait Between Meat and Dairy?

If One is Uncertain Whether the Time Measurement has Passed



**DEDICATED BY
THE DARCHEI NOAM OF FAIR LAWN
CHABURA**





Tanach



Talmud (Chazal)



Rishonim



Acharonim



Contemporary *Poskim*

The next few volumes of the *Tzurba M'Rabanan* English series are dedicated to the halachot of Kashrut. Although some of the halachot are quite complex, they are important to be familiar with as they address issues that arise frequently in the home as well as out of it. We will begin our study of Kashrut in this volume with a number of *shiurim* focusing on the various laws of *basar b'chalav*, the prohibition of cooking meat and dairy together, and then continue with other prohibitions related to consumption of forbidden substances.

INTRODUCTION TO BASAR B'CHALAV AND THE THREE PROHIBITIONS

The Torah mentions the prohibition of mixing meat and dairy on three separate occasions using exactly the same phrase.



**Shemot 23:19, 34:26;
Devarim 14:21**

You shall not cook a kid in its mother's milk.

1. שמות | כג:יט, לד:כו,
דברים | יד:כא

לא תבשל גדי בחלב אמו.

Although the language of the *pesukim* focuses specifically on not **cooking** meat (a young goat being the example) with dairy (the milk of its mother), the **Gemara** in **Chullin** explains that the reason this phrase is repeated three times is to teach three different prohibitions.



Masechet Chullin 115b

The school of Rabbi Yishmael taught: The Torah states **three times**: “You shall not cook a kid in its mother’s milk.” **One** verse serves to teach **the prohibition** against **eating** meat cooked in milk, **and one** serves to teach **the prohibition** against deriving **benefit** from it, **and one** serves to teach **the prohibition** against **cooking** meat in milk.

2. מסכת חולין קטו:

דבי רבי ישמעאל תנא: “לא תבשל גדי בחלב אמו” שלוש פעמים, אחד – לאיסור אכילה, ואחד – לאיסור הנאה, ואחד – לאיסור בישול.

If the prohibition of *basar b'chalav* includes cooking, eating, and deriving benefit from meat and dairy, then why does the Torah present the prohibition as one of cooking in all three cases? The **Tur** explains that the formulation of cooking demonstrates that one only violates each of these prohibitions on a *de'oraita* (biblical) level where the meat and milk were actually cooked together. On a rabbinic level, however, any mixing is prohibited.

**Tur, Yoreh De'ah Siman 87**

It is written: “Do not cook a kid in its mother’s milk.” This is written three times in the Torah. One time is to [teach] the prohibition of cooking, one time regarding eating, and one time regarding the prohibition of deriving benefit. **The Torah used the description of cooking concerning the prohibition of eating to teach that the Torah prohibition only applies when they are cooked together, but on a rabbinic level [eating] is forbidden in any case.** And in addition, [when the Torah states] a “kid,” it does not mean this exclusively, for the same rule applies to ox, sheep, and goats. And it also does not make a difference whether it is the mother’s milk or the milk of another [animal]. Rather, the Torah deals with the common case.

3. טור | יו"ד סימן פז

כתיב "לא תבשל גדי בחלב אמו", ונאמר שלוש פעמים בתורה: אחד לאיסור בישול, ואחד לאיסור אכילה, ואחד לאיסור הנאה, והוציא איסור אכילה בלשון בישול לומר שאינו אסור מן התורה אלא דרך בישול, אבל מדרבנן אסור בכל ענין, וגדי לאו דוקא. דהוא הדין נמי שור ועז ולא שנא בחלב אמו ולא שנא בחלב אחרת אלא שדבר הכתוב בהווה.

The **Aruch HaShulchan** notes that there are two unusual elements that distinguish the prohibition of *basar b'chalav* from most other prohibitions in the Torah.

**Aruch HaShulchan, Yoreh De'ah 87:2**

The prohibition of meat and milk is different from other prohibitions in two ways.

1. One is permitted to derive benefit from the majority of [foods that are forbidden by] Torah prohibitions other than *orla* (fruit grown during the first three years of a tree) and *kilai hakerem* (growing grapes in a vineyard together with other species), while meat and milk where one is prohibited to derive benefit.
2. Regarding all other prohibitions, the prohibition only includes eating or deriving benefit from them, but not cooking alone. But it is prohibited to cook meat and milk together even without eating or deriving benefit from it.

4. ערוך השולחן | יו"ד פז:ב

משונה איסור בשר בחלב מכל האיסורים בשני דברים:
א. דרובי איסורי תורה מותרים בהנאה, לבד ערלה וכלאי הכרם, ובשר בחלב אסור בהנאה.
ב. וכל איסורי תורה אין האיסור רק באכילתם בלבד או איסורי הנאה גם בהנאתם אבל לא בבישולם, ובשר בחלב אסור גם בבישול בלבד בלא אכילה וגם בלא הנאה.

There are a number of other important details as well concerning these prohibitions that are mentioned by the **Mishna** in **Chullin**. The Mishna states that the Torah prohibition applies only to meat from a domesticated kosher animal cooked with milk from a domesticated kosher animal. However, the meat of non-domesticated kosher animals, non-kosher animals, or poultry is not prohibited biblically when cooked with milk, but only on a *derabanan* level (rabbinic law). Therefore, Chazal only prohibited eating them together but not cooking them or deriving benefit from them.

**Mishna, Chullin 8:4**

[It is] prohibited to cook the meat of a kosher animal in the milk of [any] kosher animal, [not merely the milk of its mother,] and [deriving] benefit [from that mixture is] prohibited. [It is] permitted to cook the meat of a kosher animal in the milk of a

5. משנה | חולין ח:ד

בשר בהמה טהורה בחלב בהמה טהורה – אסור לבשל ואסור בהנאה, בשר בהמה טהורה בחלב בהמה

non-kosher animal, or the meat of a non-kosher animal in the milk of a kosher animal, and [deriving] benefit [from that mixture is] permitted. Rabbi Akiva says: [Cooking the meat of] an undomesticated animal or bird [in milk is] not [prohibited] by Torah law, as it is stated: "You shall not cook a kid in its mother's milk" three times. [The repetition of the word "kid" three times] excludes an undomesticated animal, a bird, and a non-kosher animal.

טמאה, בשר בהמה טמאה בחלב בהמה טהורה – מותר לבשל ומותר בהנאה. רבי עקיבא אומר: חיה ועוף אינם מן התורה שנאמר "לא תבשל גדי בחלב אמו" ג' פעמים, פרט לחיה ולעוף ובהמה טמאה.

The **Rambam** explains that the reason the meat of a wild animal or poultry is still considered *basar b'chalah* on a *derabanan* level is to prevent people from violating the Torah prohibition, as otherwise they may mistakenly think that all types of meat and milk are permitted to eat.



Rambam, Hilchot Ma'achalot Assurot 9:4

So too, the meat of an undomesticated animal or poultry [cooked] with the milk of an undomesticated animal or domesticated animal is not prohibited from consumption biblically. Hence, it is permissible to cook them together and to derive benefit from them. But it is forbidden to eat them on a rabbinic level, in order that people not be negligent and come to transgress the biblical prohibition of *basar b'chalah* by eating the meat of a kosher domesticated animal with the milk of a kosher domesticated animal, since the literal meaning of the verse is restricted to a kid in its mother's milk. For this reason, the Sages prohibited all meat with dairy.

6. רמב"ם | הל' מאכלות אסורות ט:ד

וכן בשר חיה ועוף בין בחלב חיה בין בחלב בהמה אינו אסור באכילה מן התורה, לפיכך מותר לבשל ומותר בהנייה, ואסור באכילה מדברי סופרים כדי שלא יפשעו העם ויבואו לידי איסור בשר בחלב של תורה ויאכלו בשר בהמה טהורה בחלב בהמה טהורה, שהרי אין משמע הכתוב אלא "גדי בחלב אמו" ממש, לפיכך אסרו כל בשר בחלב.

The **Rema** summarizes the bottom line concerning these details with one succinct statement.



Rema, Yoreh De'ah 87:1

Any mixture of meat and milk that is not prohibited from the Torah is permitted to derive benefit from.

7. רמ"א | יו"ד פז:א

כל בשר בחלב שאינו אסור מן התורה, מותר בהנאה.

The **Yalkut Yosef** points out a number of interesting potential scenarios where the prohibition of *basar b'chalah* could apply,¹ but rules that one may be lenient regarding cooking and deriving benefit in these cases.

1. In addition to these, there are a number of other interesting ramifications of these halachot that are beyond the purview of this *shiur*. One example is whether it is permitted to attend a non-kosher culinary school (commonly found in the Diaspora; most in Israel are kosher). Some types of cooking, such as chicken and milk or meat from a non-kosher animal and milk, may be permitted. But others, such as non-kosher meat from a kosher animal (such as most non-kosher beef), are subject to major halachic dispute and may be prohibited to cook with milk. See the discussion of this question in *Living the Halachic Process II*, p. 206 (published by Eretz Hemdah). Another example is whether one is permitted to work at a non-kosher restaurant such as McDonalds or hold shares in it. In addition to the question of whether one may benefit from commerce related to non-kosher foods, one must also consider the question above of cooking non-kosher beef with dairy as well as how cheeseburgers are made and whether doing so violates the biblical prohibition of *basar b'chalah*. [Addition of the English editors]



Yalkut Yosef, Yoreh De'ah 87:25–27

25. Some are careful not to pour boiling water into the garbage bin or into the pipe in the sink where there is food residue, for there is a concern that there are remains of cheese and meaty fat, and by pouring the water these will be cooked together.

But according to the strict halacha, there is no prohibition, as it is not certain that there are such remains next to each other, and it is unclear that the water would be able to cause the flavor of the meat to be absorbed in the cheese and vice versa, for some say that pouring [hot liquid] does not cook at all. In addition, there is no cooking after cooking when it comes to *basar b'chalav*.² However, it is proper not to pour boiling hot oil in which meat was fried upon pieces of pizza and cheese in the garbage, for this act of pouring does cause cooking of meat and dairy.

26. It is permitted to launder towels that were used for a meat meal together with towels used for a dairy meal, and there is no concern of cooking the residue of the meat and cheese together.³

27. It is permitted to perform chemical experiments in a laboratory on butter produced in the Diaspora, to determine whether it contains a mixture of meat and milk, and there is no problem of frying meat and milk together. Similarly, it is permitted to perform chemical experiments in a laboratory on chocolate to determine whether it contains a mixture of animal fat and milk powder.⁴

8. ילקוט יוסף | יו"ד פז:כה-כז

כה. יש נמנעים מלערות מים רותחים לתוך פח אשפה, או לתוך המשולש שבכיוור שנותנים בו שיירי המאכל, דיש לחוש שמא יש שם שיירי שומן ושיירי גבינה, ועל ידי העירוי הבשר והגבינה יתבשלו יחד.

ומכל מקום מעיקר הדין אין בזה איסור, שהרי אין זה ברור שיש שם שיירי שומן וגבינה צמודים זה לזה, וכן אין זה ברור שהרותחים יגרמו לבליעת טעם הבשר בגבינה, או ההיפך, שיש אומרים דאין עירוי מבשל כלל, וכן אין בישול אחר בישול בבשר בחלב. ואמנם ראוי ליזהר שלא לשפוך שמן רותח [שטיגנו בו בשר] על חתיכות פיצה וגבינה שבתוך פח האשפה, שבשפיכה זו גורם לבישול בשר בחלב.

כו. מותר לכבס מגבות שהשתמשו בהם בארוחה בשרית, יחד עם מגבות שהשתמשו בהם בארוחה חלבית, ואין לחוש בזה שיבשל את שיירי השומן והגבינה יחד.

כז. מותר לבדוק חמאה תוצרת חוץ לארץ במעבדה כימית, אם יש בה תערובת של שומן וחלב, ואין לחוש בזה לאיסור במה שמטגן הבשר והחלב. וכן הוא הדין שמותר לבדוק שוקולד במעבדה כימית לבדוק אם יש בה תערובת שומן מן החי בחלב.

2. The term "cooking after cooking" (*bishul achar bishul*) refers to reheating a food that was previously cooked. Concerning *Hilchot Shabbat*, there is a discussion as to whether one violates the *melacha* (forbidden labor) of *bishul* (cooking) by reheating an already cooked food, specifically concerning liquids. Although in that context many *poskim* hold that a prohibition is violated, the *Yalkut Yosef* is stating here that concerning *basar b'chalav*, reheating already cooked meat and dairy is not included in the prohibition. It should be noted though that some, such as the *Chatam Sofer* (y.d. 82) disagree if this is the first time that the meat and dairy are being cooked together as *basar b'chalav*. Moreover, even if they were previously cooked together and are now merely being reheated, some may still say the prohibition of cooking *basar b'chalav* has been violated; see *Pri Megadim* (*Siftei Da'at* 87:18, 99:11) and *The Laws of Kashrus*, p. 181. [Addition of the English editors]

3. The same should apply as well to laundering tablecloths used for meat and dairy together. [Addition of the English editors]

4. The reason is that even if it does contain such a mixture, it is already fully cooked, and there is no problem of reheating, as mentioned above. In addition, one does not intend to cook meat and milk together, the whole purpose of the cooking is to determine whether *basar b'chalav* exists, so there is no concern one will eat it, plus it is uncertain whether such a mixture is actually present, and a number of other lenient factors. Some earlier sources, such as the *Responsa Doveiv Mesharim* by Rav Tzvi Hersh Weidenfeld, also discuss similar cases, and many are lenient for the same types of reasons. See also *Responsa Chelkat Yaakov* (y.d. 15), *Har Tzvi* (y.d. 79), and *Yabia Omer* (Volume 7: y.d. 5).

EATING DAIRY AFTER MEAT: THE BASICS

In the remainder of this *shiur*, we will focus on the amount of time one must wait between eating meat and then dairy. In order to safeguard the *issur de'oraita* of consuming *basar b'chalav*, Chazal instituted a rabbinic decree that one may not eat dairy after meat. The amount of time that one must wait in between is discussed by the **Gemara** in **Chullin**.



Masechet Chullin 105a

Rav Chisda says: If one ate meat, it is **prohibited** for him to eat cheese immediately....**Mar Ukva said:** I am, with regard to this matter, like **vinegar, son of wine, with respect to Father**, i.e., my practice is inferior to that of my father. **As Father, if he were to eat meat at this time, would not eat cheese until tomorrow at this time. But as for me, only at this meal, during which I ate meat, do I not eat cheese; at a different meal** on the same day I will eat cheese.

9. מסכת חולין קה.

אמר רב חסדא אכל בשר אסור לאכול גבינה... אמר מר עוקבא: אנא, להא מלתא חלא בר חמרא לגבי אבא, דאילו אבא – כי הוה אכיל בשרא האידנא לא הוה אכל גבינה עד למחר עד השתא, ואילו אנא – בהא סעודתא הוה דלא אכילנא, לסעודתא אחרייתא – אכילנא.

According to the Gemara, Mar Ukva would not eat dairy following meat in the same meal, but would wait until the next meal. However, it is not entirely clear what constitutes a different meal in this context. Does it depend simply on when one eats his next meal, or does it refer to a standard amount of time in between meals? The *Rishonim* take three different approaches to this question.

Approach #1: Time

The **Rif**, **Rambam**, **Rosh**, and **Tur** hold that Mar Ukva waited the interval of time between regular meals, and this is the standard measurement that should be followed by all.



Rosh, Chullin 8:5

Mar Ukva said: I am, with regard to this matter, like vinegar, son of wine, with respect to Father. As Father, if he were to eat meat at this time, would not eat cheese until tomorrow at this time. But as for me, at this meal, I do not eat cheese;

10. רא"ש | חולין ח:ה

אמר מר עוקבא אנא להא מילתא חלא בר חמרא. דאילו אבא כי הוה אכיל בשרא האידנא לא הוה אכיל גבינה עד למחר כי השתא ואנא בהאי סעודתא לא אכילנא

at a different meal on the same day I will eat cheese. The explanation is: The time at which one is accustomed to having a meal, i.e., from the time of the morning meal until the time of the evening meal, but one may not eat cheese after meat within less time than this. For we have not found anyone who permits even this interval other than Mar Ukva, and he called himself “vinegar, the son of wine” [indicating that his practice was not the maximum measure of time].

בסעוד' אחריתא אכילנא, פירוש: בזמנה שרגיל אדם לסעוד דהיינו מזמן סעודת הבקר עד זמן סעודת הערב, ופחות משיעור זה אין לאכול גבינה אחר בשר דלא אשכחן מאן דשרי אף בהאי שיעורא אלא מר עוקבא וקא קרי נפשיה חלא בר חמרא.

Although the Rosh does not specify how long the interval was between the morning meal and the evening meal in his time, the **Rambam** states that this is equivalent to about six hours.



Rambam, Hilchot Ma'achalot Assurot 9:28

One who ate meat initially, whether it was the meat of a domesticated animal or poultry, may not eat dairy afterwards until the interval of another meal has passed, and this is approximately six hours...

11. רמב"ם | הל' מאכלות אסורות ט:כח

מי שאכל בשר בתחלה בין בשר בהמה בין בשר עוף לא יאכל אחריו חלב עד שיהיה ביניהן כדי שיעור סעודה אחרת והוא כמו שש שעות...

The **Lechem Mishneh** explains the source of the Rambam's assertion that the time in between meals was six hours.



Lechem Mishneh, Ibid.

Our teacher [Rambam] explains that the interval time between meals is six hours, as the meal of a *talmid chacham* (Torah scholar) is in the sixth hour,⁵ and Mar Ukva was a *talmid chacham*. If so, from that point until the next meal would be six hours.

12. לחם משנה | שם

ומפרש רבינו שבין סעודה לסעודה ו' שעות שכן סעודת תלמידי חכמים בשעה ששית, ומר עוקבא תלמיד חכם הוה, ואם כן, משם עד שש שעות הוי סעודה אחרת.

Approach #2: The Actual Meal

In contrast to the previous approach, **Tosafot** and the **Raavyah** interpret the notion of waiting until the next meal in a more literal sense that as soon as one has concluded a meat meal and begins a new meal, one may eat dairy, even if the interval between the meal is only a very short time.

5. This is based on the Gemara elsewhere (*Shabbat* 10a, *Pesachim* 12a), which presents the times at which various types of people eat their meals and states that a *talmid chacham* eats his meal during the sixth hour of the day (i.e., from sunrise). [Addition of the English editors]

**Tosafot, Chullin 105a**

At a different meal I will eat – This does not refer to meals that one regularly eats – one in the morning and one in the evening – **rather, even if one removed the table** [indicating the end of the meal in earlier times] **and recited the beracha** [i.e., *birkat hamazon*], **it would be permitted immediately**, as the Sages did not make a distinction in their decree.

13. תוספות | חולין קה.

לסעודתא אחריתא אכילנא – לאו בסעודתא שרגילין לעשות אחת שחרית ואחת ערבית, אלא אפילו לאלתר אם סילק השולחן ובירך מותר, דלא פלוג רבנן.

Approach #3: Cleaning One's Face and Hands

The *Ba'al Halachot Gedolot* and **Rabbeinu Tam** adopt an even more lenient approach. In their opinion, if one cleans one's hands and mouth, one need not even wait for another meal to eat dairy.

**Tosafot, Chullin 104b**

Rabbeinu Tam explains as does the *Ba'al Halachot Gedolot* that [the halacha that] if one ate meat, it is forbidden to eat cheese, **is only where one did not wash one's hands and wipe one's mouth. But if one washed one's hands and wiped one's mouth it is permitted...** And as for Mar Ukva, who did not eat until the next meal, that was without washing his hands and wiping his mouth. Alternately, he was stringent upon himself [more than is required].

14. תוספות | חולין קד:

ורבנו תם מפרש וכן הלכות גדולות דאכל בשר אסור לאכול גבינה היינו בלא נטילה וקינוח, אבל בנטילה וקינוח שרי... ומר עוקבא דלא אכיל עד סעודה אחריתי היינו בלא נטילה וקינוח, אי נמי מחמיר על עצמו היה.

The Halacha: *Shulchan Aruch* and *Rema*

The *Shulchan Aruch* rules that one must wait six hours, in accordance with the ruling of the Rambam and the *Tur*. The **Rema** writes that in his opinion, according to the strict letter of the law one may eat dairy immediately after one has concluded the meat meal (if one washed one's hands and cleansed one's mouth). However, he says that the custom is to wait an hour in between meat and dairy. Nevertheless, he concludes that it is proper to wait six hours like the *Shulchan Aruch* states.

**Shulchan Aruch, Yoreh De'ah 89:1**

One who eats meat, even of a wild animal or fowl, may not eat cheese afterwards until he waits six hours. Even if one waits that period, if one has meat between one's teeth, one must remove it.⁶ And one who chews food for a child has to wait.

15. שולחן ערוך | יו"ד פט"א:

אכל בשר, אפילו של חיה ועוף, לא יאכל גבינה אחריו עד שישהה שש שעות. ואפילו אם שהה כשיעור, אם יש בשר בין השיניים, צריך להסירו. והלועס לתינוק, צריך להמתין.

6. This issue is discussed in more detail later in the *shiur*. [Addition of the English editors]

Rema: If one later finds meat between one's teeth and removes it, one must wash one's mouth out before eating cheese. There are those that hold that one does not have to wait six hours, but rather immediately after one finishes the meal and recites *birkat hamazon*, it is permitted after wiping and rinsing one's mouth. But the clear custom in these countries is to wait one hour after eating meat, and then one may eat cheese afterwards. However, one must still recite *birkat hamazon* after the meat because then it is considered a new meal, in which it is permissible to eat [dairy] according to the lenient view. But without *birkat hamazon*, waiting alone is not sufficient. It does not matter if one waits before the blessing or afterwards. If one finds meat between one's teeth after the hour, one has to remove it. And some say that one should not recite *birkat hamazon* in order to eat cheese [i.e., without removing the table],⁷ but people are not careful about this. And some are careful to wait six hours after eating meat before eating cheese, and this is the proper thing to do.

הגה: ואם מצא אחר כך בשר שבין השיניים, ומסירו, צריך להדיח פיו קודם שיאכל גבינה. ויש אומרים דאין צריכין להמתין שש שעות, רק מיד אם סלק ובירך ברכת המזון, מותר על ידי קנוח והדחה. והמנהג הפשוט במדינות אלו, להמתין אחר אכילת הבשר שעה אחת, ואוכלין אחר כך גבינה. מיהו צריכים לברך גם כן ברכת המזון אחר הבשר, דאז הוי כסעודה אחרת, דמותר לאכול לדברי המקילין. אבל בלא ברכת המזון, לא מהני המתנת שעה. ואין חילוק אם המתין השעה קודם ברכת המזון, או אחר כך.

ואם מצא בשר בין שיניו, אחר השעה, צריך לנקרו ולהסירו. ויש אומרים דאין לברך ברכת המזון על מנת לאכול גבינה, אבל אין נזהרין בזה. ויש מדקדקים להמתין שש שעות אחר אכילת בשר לגבינה, וכן נכון לעשות.

The **Shach** and the **Taz** both accept the Rema's concluding recommendation of waiting six hours and strongly encourage those who are careful about halacha to do so.

Ⓝ

Shach, Yoreh De'ah 89:8

And this is the proper thing to do – And the Maharshal writes as well that anyone with the fragrance of Torah should do this.

16. ש"ך | פט:ח

וכן נכון לעשות – וכן כתב מהרש"ל דכן ראוי לעשות לכל מי שיש בו ריח תורה.

Ⓝ

Taz, Yoreh De'ah 89:2

One hour after eating meat – But regarding students of Torah, it is proper to reprimand them that they not be lenient [in waiting] less than six hours.

17. טורי זהב (ט"ז) | יו"ד פט:ב

אחר אכילת הבשר שעה אחת – אבל בבני תורה ראוי למחות ולגעור בהם שלא יקילו פחות משש שעות.

7. In the times of the Gemara, most people removed the entire table (which was relatively small) upon completing a meal. The opinion the Rema quotes here is saying that one should not recite *birkat hamazon* without removing the table in order to eat dairy afterward, as this is not considered a new meal halachically if the table remains in place. [Addition of the English editors]

Exceptions to the Rule

Based on these sources, it would seem that in normal situations, the proper practice is to wait six hours. However, there are a number of cases where many *poskim* are more lenient. For example, the **Chatam Sofer** was lenient regarding the sick, allowing them to wait one hour.



Responsa Chatam Sofer 2:73

It is clear that one who is forced due to his illness to drink [milk] in order to recover does not need to wait more than one hour after eating meat, and after reciting *birkat hamazon*, one may drink and it will be beneficial for him.

18. שו"ת חתם סופר | ב:עג

פשוט דחולה לאונסו השותה לרפואתו שאינו צריך להמתין אחר אכילתו בשר יותר משעה ואחר שכבר בירך ברכת המזון – ישתה וירווח ליה.

Rav Aharon Pfeuffer in his *Kitzur Shulchan Aruch al Basar B'chalav* adds that one who is ill must fulfill certain conditions in order to be lenient.



Kitzur Shulchan Aruch Al Basar B'chalav 1:10:17

However one must be careful to recite *birkat hamazon* and remove the meal, and wipe and rinse one's mouth, as explained above.

19. קיצור שולחן ערוך על בשר בחלב | א:יז

אך צריך להקפיד לברך ברכת המזון ולסלק סעודתו ולקנח ולהדיח פיו כמבואר לעיל.

What is the halacha if one mistakenly recited a *beracha* on a dairy food within six hours of eating meat? May one be lenient and eat the food? **Rav Ovadia Yosef** rules that indeed one should taste a small amount in order that the *beracha* not be recited in vain, as it is forbidden to recite a *beracha levatala* (in vain).



Responsa Yechaveh Da'at 4:41

Question: If one who ate meat, thus requiring him to wait six hours according to the halacha before being able to eat dairy, then forgot after an hour and recited a *beracha* on a dairy food, is it permitted for him to taste a small amount of the dairy food so that his *beracha* not be said in vain?

Answer: ...Our master the *Shulchan Aruch* rules in accordance with the Rif, Rambam, and Rosh and those that follow them that one needs to wait six hours between meat and dairy. And the Rema writes that the accepted custom in the countries of Ashkenaz is to wait only one hour between meat and dairy on condition that one recited *birkat hamazon*

20. שו"ת יחוה דעת | ד:מא

שאלה: מי שאכל בשר, שעל פי הדין צריך לשהות שש שעות כדי שיהיה מותר במאכלי חלב, אך כעבור שעה שכח ובירך על מאכלי חלב, האם רשאי הוא לטעום כל שהוא כדי שלא תהיה ברכתו לבטלה?

תשובה: ...ממן השלחן ערוך יו"ד פסק כדברי הרי"ף והרמב"ם והרא"ש וסיעתם שצריך להמתין שש שעות בין בשר לחלב. והרמ"א בהגה כתב, שהמנהג הפשוט במדינות אשכנז להמתין שעה אחת בלבד בין בשר לגבינה, אלא שמברכים ברכת המזון

following the meat meal, for then it is considered like another meal. The *sefer Zivchei Tzedek* writes that “although we [i.e., Sefardim] accept the rulings of our master [Rav Yosef Karo] and need to wait six hours between meat and dairy, nevertheless in the case of any slight illness it is clear that it is permitted to eat dairy one hour after a meat meal, and this is also the ruling of the *Chochmat Adam*.” This is also the ruling of the *Ben Ish Chai* (*Parshat Shelach*, #11)...

Accordingly, it would seem that since the opinion of the Rambam in his responsa (*siman* 84) is that one who recites a blessing in vain violates a Torah prohibition, as it says, “do not take the name of Hashem your God in vain,” and as the Sages explained (*Berachot* 33a), and this is also the opinion of the Geonim, and our master ruled likewise in the *Shulchan Aruch* (o.c. 215). Therefore, it is preferable in this case to taste the dairy product in order that the *beracha* not be in vain...

In summary: One who ate meat and recited a *beracha* on a dairy product within six hours should taste a small amount in order that his *beracha* not be in vain.⁸

אחר סעודת הבשר, שאז נחשבת כסעודה אחרת. וכתב בספר זכחי צדק (סימן פ"ט אות י"א), שאף על פי שאנחנו קבלנו הוראות מרן, וצריכים לשהות שש שעות בין בשר לחלב, מכל מקום לצורך חולי קצת נראה פשוט שיש להתיר לאכול מאכלי חלב שעה אחת לאחר סעודת בשר. ושכן פסק בחכמת אדם. ע"כ. וכן פסק הגרי"ח בבן איש חי (פרשת שלח לך אות י"א)... ולפי זה נראה שמאחר שדעת הרמב"ם בתשובה (סימן פד) שאיסור ברכה לבטלה הוא מן התורה, כמו שנאמר "לא תשא את שם ה' אלקיך לשוא", וכמו שדרשו חז"ל בברכות (לג.), וכן דעת הגאונים, וכן פסק מרן בשלחן ערוך (סימן רטו) – יש להעדיף בנידון זה לטעום כל שהוא ממאכלי חלב כדי שלא תהיה ברכתו לבטלה...

בסיכום: מי שאכל בשר ובתוך שש שעות בירך על מאכלי חלב יטעם טעימה כל שהיא כדי שלא תהיה ברכתו לבטלה.

Rav Moshe Levi, author of the series *Menuchat Ahava* and *Birkat Hashem*, disagrees and holds that even if one already recited a *beracha*, one should not taste the dairy food.



Birkat Hashem 2:1:25

In the case of one who ate meat and within six hours forgot and recited a *beracha* on cheese or milk and remembered before he began to eat it, it is forbidden for him to taste any of it.⁹

21. ברכת ה' | ב:א:כה

מי שאכל בשר ותוך שש שעות שכח ובירך על גבינה או חלב ונזכר קודם שטעם מהם אסור לו לטעום כלום מהם.

Rav Moshe Shternbuch writes in his *Teshuvot V'hanhagot* that within the first hour one should not taste it, but after that one should.

8. Although Rav Ovadia first mentioned a number of *poskim* who are lenient when necessary only after one hour from eating meat, it seems from his conclusion (where he does not mention one hour) that even within one hour one should taste a small amount of the dairy food.

9. His reasoning is that one should not rely upon (what he feels is) the minority opinion that one may eat dairy upon completion of a meat meal. He adds as well that he believes one has not even rectified the problem of a *beracha levatala* by eating from the food, since he has already recited a *beracha* on a food that was forbidden to him at that time, regardless of whether he eats from it or not.



Responsa Teshuvot V'hanhagot 2:389

...Therefore in my humble opinion, if one already rinsed one's mouth and an hour has passed, it is correct to taste the food, and one should not be concerned at all, for one can rely on the lenient opinions that waiting one hour is enough... for us [i.e., Ashkenazim] the accepted opinion is that of the Rema that one hour is enough, but the custom is to wait six hours and one is prohibited to breach the fence, heaven forbid, as the *Pri Megadim* writes. But here it is permitted, since it seems that for us [Ashkenazim] it [waiting six hours] is only to be stringent, but not to be lenient [and recite a *beracha levatala*].¹⁰

22. שו"ת תשובות והנהגות | ב:שפט

...לפיכך נראה לעניות דעתי שאם כבר רחץ פיו ועבר שעה ראוי לו לטעום ולא יחוש כלל, שיש לסמוך על הפוסקים שמספיק להמתין שעה אחת בלבד... לדידן העיקר מדינא כהרמ"א דסגי בהמתנת שעה אחת, אלא שהמנהג להמתין שש שעות ואסור לפרוץ גדר חס ושלום וכמו שכתב בפרי מגדים, והכא שרי לדידן נראה דהוא רק להחמיר ולא להקל.

Waiting into the Sixth Hour

As we have seen, most *poskim* recommend waiting six hours in between eating meat and dairy. Does this mean that one must wait a full six hours, or are there grounds to be lenient if one waits five and a half hours or even into the sixth hour?

We saw above in source 11 that the Rambam used the formulation of "approximately six hours." It is possible that this may support those who wish to be lenient on this issue, as this indicates that the amount of time is not precise. In addition, the **Meiri** also states (in two different places) that the measurement of six hours is an approximation.



Meiri, Chullin 105a

We have not found the time of waiting to be less than the interval between one meal and another, **which is six hours or close to it**, for in this time the food has been digested even in its place and is no longer considered meat...

23. מאירי | חולין קה.

ולא מצינו בשהייה זו פחות משיעור שבין סעודה לסעודה והוא שש שעות או קרוב לזה שבשיעור זה נתעכל אף במקומו ואינו קרוי עוד בשר...



Magen Avot of the Meiri, Siman 9

We are stringent that **one wait six or five hours** between one meal and another... this is our opinion...

24. מגן אבות למאירי | סימן ט

ואנו מחמירים עד שישה שש שעות או חמש כשיעור שבין סעודה לסעודה... זו היא שיטתנו...

Based on these sources, **Rav Elyashiv** rules that one may wait a little over five hours according to the strict letter of the law. The **Sefer HaKashrut** also notes that some allow waiting more than five and a half hours.

10. A similar approach is taken by the *Sedei Chemed* (Vol. 5) and the *Responsa Be'er Moshe* (4:24) cited by Rav Binyomin Forst (*The Laws of Kashrus* p. 200). [Addition of the English editors]



Sefer HaKashrut 10:31

Some are lenient to eat dairy after meat once the majority of the sixth hour has passed.

Footnote 76

HaGaon Rav Yosef Shalom Elyashiv holds that according to the strict letter of the law, it is sufficient to wait a little more than five hours, based on the Meiri... and the wording of the Rambam... and any amount within a half an hour is considered “close to”... similarly one may be lenient when visiting prominent relatives and if one does not sample the dairy food that they took great trouble to prepare, they might be greatly offended.

25. ספר הכשרות | י:לא

יש המקילים לאכול חלבי אחר בשרי לאחר שחלפה רוב השעה השישית ...

הערה עו

דעת הגאון רב יוסף שלום אלישיב [זצ"ל], שמעיקר הדין די בהמתנת חמש שעות ומשהו, על פי דברי המאירי... וכלשון הרמב"ם... וכל תוך חצי שעה – נחשב סמוך... וכן יש להקל כשמתארחים אצל קרובים חשובים, ואם לא יתכבדו במאכל חלבי שהכינו בטורח ועמל רב, עלולים להיעלב עד מאוד.

Rav Ovadia Yosef also holds that one may wait the majority of the sixth hour, but only in a pressing situation, and specifically if one only ate poultry.



Responsa Yabia Omer, Vol. 1, Yoreh De'ah 4

I was asked concerning that which we hold that one who eats meat must wait six hours in order to eat cheese and milk, whether one may be lenient for small children not to wait so long...

And if I were not afraid, I would say that if [one has waited] so that less than half an hour remains from the six hours, it is permitted [to eat dairy] even for adults, as the Rambam writes “approximately six hours.” And the *sefer Orchot Chaim* writes likewise, as does the *Kol Bo*. And in earlier times, there were no watches available, and they certainly were lenient to estimate. And it is known that within a half an hour is always considered close to it, as the Rashbam writes in *Pesachim* (107b), but more than that is considered farther away. Therefore, here too one may be lenient within the last half an hour before six hours.

26. שו"ת יביע אומר | חלק א, יו"ד ד

נשאלתי במאי דקיימא לן שהאוכל בשר צריך לשהות שש שעות כדי שיוכל לאכול גבינה וחלב, אם אפשר להקל לילדים קטנים שלא לשהות כל כך...

(יג) ולולא דמסתפינא הוה אמינא שאם חסר משש שעות פחות מחצי שעה מותר אף לגדולים, שהרי כתב הרמב"ם “כמו שש שעות.” וכן הוא בספר ארחות חיים חלק ב' (עמוד שלה). ובכל בו (סי' קו). ובזמנים הראשונים לא היה מורה שעות מצוי, ובודאי שהיו מקילים באומדנא. וידוע דכל תוך חצי שעה חשיב סמוך, וכמו שכתב רשב"ם פסחים (קז:), אבל יותר מזה חשיב כמופלג, ולכן הכי נמי יש להקל בתוך חצי שעה הסמוכה לשש שעות.

And in our case it does not make sense to say what it says in *Ketubot* (104) that all of the measurements of the Sages are exact, as the Gemara only mentions [waiting] from one meal to the next, and at least concerning poultry one may be lenient, especially when there is a slight need, and there is room to rely on the Meiri.

It is true that the *Ginat Veradim* writes that six exact hours are required, just like forty *se'ah* for a *mikveh*... but their words are not convincing, and the Meiri in the *Magen Avot* writes "five or six hours"... but practically one should be stringent, as Rabbeinu Yerucham writes that one should wait at least six hours, but one who is lenient in a case of need has upon whom to rely...

ובנידון דידן לא שייך לומר כמו שכתוב בכתובות (קד) כל שיעורי חכמים כן הוא, שהרי לא נזכר בגמ' אלא מסעודתא לסעודתא, ועכ"פ בבשר עוף יש להקל בזה, וביחוד כשיש צורך קצת, ויש מקום להתלות בזה בדברי המאירי הנזכר לעיל. והן אמת כי הגנת ורדים בגן המלך (אות קנ"ד) כתב, דבעינן שש שעות בדיוק, כמו ארבעים סאה במקוה טהרה... אך אין דבריהם מוכרחים. והמאירי בספר "מגן אבות" (סימן ט עמוד מז) כתב: חמש שעות או שש שעות... ומיהו למעשה יש להחמיר בזה. וכמו שכתב רבינו ירוחם אות כח דבעינן שישה לכל הפחות שש שעות. ע"ש. ומיהו המיקל בזה בשעת הדחק יש לו על מה שיסמוך...

The **Yalkut Yosef** rules similarly with regard to yeshivot where waiting a full six hours will interfere with the learning schedule.



Yalkut Yosef, Yoreh De'ah 89:15

Nevertheless, in a case of need, one may eat dairy after five and a half hours, such as in the holy yeshivot during the days of daylight savings time in the summer, if due to the daily learning schedule they were forced to make the time for dinner after five and a half hours after eating meat. In such cases, one can be lenient even *lechatchila* (*ab initio*), for this is also considered a need (for the sake of the yeshiva's learning times). Similarly, in army bases one may be lenient after five and half hours, for this is included in cases of need, where one may be lenient. And where the case is one of poultry, it is even clearer that one may be lenient when necessary.¹¹

27. ילקוט יוסף | יו"ד פט:טו

ומכל מקום במקום צורך יכול לאכול מאכלי חלב אחר חמש שעות ומחצה, וכגון בישיבות הקדושות בימים שקיים שעון קיץ ולצורך סדרי הישיבה הוצרכו לקבוע ארוחת ערב אחר חמש שעות ומחצה מאכילת הבשר, יש להקל בזה אף לכתחילה, שגם זה נחשב במקום צורך [לתועלת סדרי הישיבה]. וכן במחנות הצבא דאפשר להקל אף אחר חמש שעות ומחצה, דזה בכלל מקום צורך שיש להקל בו. ובבשר עוף יש להקל בזה יותר בפשיטות, כשהוא צריך לדבר.

On the other hand, **Rav Mordechai Eliyahu** ruled that yeshiva students who would not be able to wait six whole hours unless they changed their learning schedule should still wait six complete hours even if their learning is disrupted.

11. It is reported that Rav Avigdor Nebenzahl (rabbi of the Old City of Jerusalem) was similarly lenient to allow a number of yeshivot in the Old City of Jerusalem to schedule the regular time for a dairy dinner to be within less than six full hours from the end of the time scheduled for a meat lunch. [Addition of the English editors]



Responsa of the Chief Rabbi 1:167

...It is known that the law of waiting six hours is brought by the *Shulchan Aruch*... we hold like the Chida that one must wait six actual hours and not halachic hours [based on the sun, which can fluctuate in length based on the time of year], and we are not more stringent in the summer [when the days are longer] nor lenient in the winter... and it is known that which the *Acharonim* write: "Heaven forbid to change and regarding one who does so it is written "one who breaches the fence a snake shall bite him"... therefore there is no room to be lenient even for working people and how much more so for those who study Torah. Especially in a yeshiva where they are raising Torah scholars who will educate the next generation... one of the methods of education is to be scrupulous to do things according to the halacha and not look for leniencies. And even if the learning sessions of the yeshiva are disrupted because of this, then this is the way of Torah, and with all the mistakes and delays, we continue to learn and teach, to observe and to perform.

28. שו"ת הרב הראשי | א:קסז

...כידוע, דין זה של המתנה שש שעות נפסק להלכה בשולחן ערוך... אנו נוהגים כדברי החיד"א שיש להמתין שש שעות ממש ולא זמניות, ולא מחמירים בקיץ ולא מקילים בחורף... וידוע מה שכתבו האחרונים: "חלילה לשנות, ובזה נאמר 'פורץ גדר' וכו'... לפיכך, אין שום מקום להקל אפילו לבעלי בתים, וכל שכן לבני תורה. ובפרט בישיבה בה מגדלים תלמידי חכמים שייחנכו את הדורות הבאים... ואחד מדרכי החינוך הוא להקפיד על דבר שיעשה כפי ההלכה ולא לחפש קולות. ואם סדרי הישיבה והלימוד משתבשים בגלל זה – כך היא דרכה של תורה, שעם כל השיבושים והעכובים ממשיכים ללמוד וללמד, לשמור ולעשות.

RAV MORDECHAI ELIYAHU (1929–2009)

Rav Mordechai Eliyahu was born in 1929 in the old city of Jerusalem. His father Rav Salman and mother Mazal had made Aliyah from Bagdad at the behest of the *Ben Ish Chai*. His father passed away when he was eleven years old. Rav Mordechai studied in a number of yeshivot, among them Yeshivat Porat Yosef, headed by Rav Ezra Attiya. He served many *Gedolei Yisrael* such as the Chazon Ish, Sefardic chief rabbi Rav Yitzchak Nissim, and was very close to Rav Yisrael Abuchatzera (the Baba Sali).

In 1960, he received ordination as a *dayan* (rabbinical judge). He was subsequently appointed as a *dayan* on the *beit din* in Beer Sheva as the youngest *dayan* ever appointed in Israel. After four years he was named as a *dayan* on the Jerusalem *beit din* and was appointed to the *Beit Din HaGadol* (Supreme Beit Din) three years later. In 1983 he was chosen to be the Sefardic Chief Rabbi together with Rav Avraham Shapira, who was elected as Ashkenazic Chief Rabbi. Rav Mordechai Eliyahu was known as one of the foremost rabbis of the Religious Zionist world and was also the president of the *Tzurba M'Rabanan* Institute. Rav Eliyahu is buried on Har Hamenuhot close to the grave of the Chida.

Rav Binyomin Forst also does not appear to recommend the practice of waiting less than six hours, at least as a standard rule.



29. Rav Binyomin Forst, The Laws of Kashrus p. 200

The vast majority of Jews wait six hours... *poskim* interpret this to mean six full hours. There are some who wait only five-and-one-half hours or only somewhat more than five complete hours. Indeed, some authorities of the past generation are alleged to have ruled that five and a half hours suffice.¹² While many follow this interpretation, it is difficult to find a basis for it in halachic literature.

12. Rav Forst (who lives in the United States) may be referring to *poskim* such as Rav Aharon Kotler, former Rosh Yeshiva of Beit Midrash Gavoha of Lakewood, who is reported to hold this way by the *Kitzur Shulchan Aruch al Basar B'chalav*. [Addition of the English editors]

Ibid, Footnote 50

See responsa *Yabia Omer*... This argument is difficult to accept. While the case can be made that one who approximates that six hours have elapsed may eat dairy, this cannot be compared to one who knows that only five- and one-half hours have passed. Others are quoted as having based their opinion on the language of Rambam... our custom of waiting six hours is not based on Rambam since we [i.e., Ashkenazim] follow the Ashkenazic tradition that halachically, one hour suffices. We wait six hours as a matter of custom accepted by previous generations. Thus, the question should be a matter of clarifying the custom. Thus, since there is no basis in *Shulchan Aruch* and its commentaries for eating dairy in less than six hours, we must assume that the accepted custom was to wait a full six hours, and any nuance in the wording of the Rambam should be irrelevant.

From Eating Meat or the End of the Meal?

Does the time one waits between meat and dairy begin from the time when one actually finished eating meat or from the time that one finished the actual meal (which might be later)? The **Aruch HaShulchan** suggests a novelty that the time begins not from the consumption of meat, but from the end of the meal.

א Aruch HaShulchan, Yoreh De'ah 89:4

You should know that the waiting of six hours is from the end of the meat meal until the beginning of the dairy meal, and even if at the beginning of the dairy meal one does not eat dairy, or at the end of the meat meal one did not eat meat [it is still forbidden], for in the Gemara they were particular [to wait] from one meal to the next [implying that it depends on the beginning and end of the meal].

30. ערוך השולחן | יו"ד פט"ד

ודע שההמתנה שש שעות הוא מסוף הסעודה של בשר עד תחלת הסעודה של חלב ואף אם בעת התחלת הסעודה לא יאכל חלב או שבסוף סעודת הבשר לא אכל בשר מפני שבגמ' הקפידו מסעודה לסעודה.

However, nearly all *poskim* disagree with him, including the **Dagul Merevava** and the **Yalkut Yosef**.

א Dagul Merevava, Yoreh De'ah 89

It is clearly implied [from the *Shulchan Aruch*] that the six hours is measured from the end of eating meat until one begins to eat dairy.

31. דגול מרבבה | יו"ד פט

משמע להדיא דשש שעות היינו מסוף אכילת בשר עד תחילת הגבינה.

ב Yalkut Yosef, Yoreh De'ah 89:19

That which we count six hours from eating meat in order to eat dairy is from the end of when one ate the meat and not from the time when one recited *birkat hamazon*.

32. ילקוט יוסף | יו"ד פט"ט

מה שמונין שש שעות מאכילת הבשר כדי לאכול מאכלי חלב, הוא מסיום אכילת הבשר, ולא משעה שמברכים ברכת המזון.

The **Sefer HaKashrut** also rules that one may begin a dairy meal within six hours of eating meat as long as one does not actually eat dairy yet.



Sefer HaKashrut, Chapter 10, Footnote 69

Similarly, it is permitted to start a meal within six hours, as long as one eats the actual dairy after the end of six hours from eating meat.

33. ספר הכשרות | פרק י, הערה סט

כמו כן מותר להתחיל בסעודה תוך שש שעות, באם יתחילו באכילת החלבי עצמו בתום שש שעות מסיום אכילת הבשר.

The Custom of Waiting Three Hours

Although most of the sources we have seen require or recommend waiting six (or close to six) hours between meat and dairy, there are many families (particularly in the UK and South Africa, as well as those who come from Germany) that have the custom to wait only three hours. Is there any source for such a custom? In truth, such a custom was already mentioned by the *Rishon* known as Rabbeinu Yerucham.



Sefer Issur V'heter Ascribed to Rabbeinu Yerucham, Siman 39

And Mar Ukva was accustomed [to wait] since the meat and the fat stuck to his mouth for a long time, and R.B.¹³ writes that it is because the meat between the teeth is still called meat, as it says, “the meat was still between their teeth,” and this [amount of time] is three hours like Rashi.¹⁴

34. איסור והיתר | (מיוחס לרבינו ירוחם) סימן לט

וכן נהג מר עוקבא מפני שהבשר ושומן נדבק בפה זמן ארוך, וכ' ר"ב מפני שהבשר שבין השניים קרוי בשר שנא' הבשר עודנו בין שניהם והוא ג' שעות כרש"י.

A number of other *Acharonim*, some of who are mentioned by **Rav Menashe Klein**, also explain the possible basis for this custom.¹⁵

13. Perhaps this refers to Rabbeinu Baruch ben Yitzchak, one of the *Ba'alei HaTosafot* and author of the *Sefer HaTeruma*. [Addition of the English editors]

14. It is difficult to understand exactly what is meant by Rabbeinu Yerucham here and who he is quoting (though in the continuation he cites this whole paragraph as being in the name of Rabbeinu Peretz). In addition, in the actual work of Rabbeinu Yerucham (*Netiv Adam V'chava* 15), he writes that one should wait six hours, contradicting what he mentions here in this work, which is supposed to be a summary of his primary *sefer*. For this reason, Rabbeinu Yerucham is not always mentioned as a precedent for the three-hour custom, and the sources cited later by the *Mishneh Halachot* are often the more popular ones discussed. [Addition of the English editors]

15. See also the *Chochmat Adam* (127:10) who mentions the custom of waiting “several hours” in cases of need. [Addition of the English editors]



Respona Mishneh Halachot 16:9

Regarding the custom of our brothers from Germany who have the custom of waiting three hours, and regarding this he [the questioner] responded that it is a mistaken custom, and they should either follow the Rema and wait one hour or the *Mechaber* and wait six hours, but three hours has no source and is a mistake.

In truth their custom is also mentioned by our teachers the *Acharonim*, see the *Darkei Teshuva* (#6) who cites the *Be'er Heitev* and the *Pitchei Teshuva* and the *sefer Mateh Efrayim HaSefaradi*, and the *sefer Mizmor L'david* of Rav David Pardo, who mention the custom in a number of places to wait only three hours after eating meat even in the summer, and this custom has what to rely on, since in the winter it would already be considered the time for the next meal.¹⁶ From this it can be proven that after three hours, the flavor does not carry over, and he elaborates there on this.

In any event, it seems that since the Gemara gives the time interval as "between one meal and the next," if so it depends on the time of the meal and the place where they eat. And since the time of eating for Torah scholars is the sixth hour and the next meal is in the evening, then in winter where the days are short and the third hour in the afternoon is already dark, if so one eats the second meal approximately three hours after the afternoon meal. Now since it is only prohibited to eat [meat and dairy] in one meal and not during the second meal, therefore the custom arose to wait three hours...

In my humble opinion, it is obvious that anyone who has the fragrance of Torah must wait six hours, even if they come from places where they were lenient. If one is stringent now, it will [still] not be included in "do not abandon your mother's Torah," and this is not an unnecessary stringency, for it seems from the majority of *poskim* and the majority of places that they held this way, and this is obvious.

35. שו"ת משנה הלכות | טז:ט

בדבר מנהג יהודי אחינו בני אשכנז שנהגו להמתין ג' שעות, ועל זה מגיב שזה מנהג טעות ושנעשה או כהרמ"א שעה אחת או כהמחבר שש שעות, אבל ג' שעות אין לו מקור והוא טעות.

באמת כי מנהגם נמי מבואר בדברי רבותינו האחרונים, ועיין ב"דרכי תשובה" שהביא באות ו' בשם באר היטב של מהרי"ט ופתחי תשובה, ובספר מטה אפרים הספרדי, ובספר מזמור לדוד (להרב מורנו רבי דוד פארדו ז"ל), שהביא מנהג כמה מקומות שאין ממתינין אחר הבשר רק ג' שעות בקירוב אפילו בקיץ, ויש למנהג זה על מה לסמוך הואיל ואם היה בחורף אז היה כבר זמן סעודה אחריתא, אם כן ממילא מוכח דאחר ג' שעות אינו מושך טעם והאריך שם.

על כל פנים נראה, כיון דבגמרא נתנו שיעור מסעודה לסעודה, אם כן תלוי בזמן הסעודה והמקום שאוכלים, וכיון שזמן סעודת תלמידי חכמים בשעה שש וסעודה שניה בערב, ובזמן החורף שהיום קצר ובשעה שלישית אחר צהרים כבר מגיע חשכת לילה. ואם כן אוכל סעודתו לערך ג' שעות לאחר שאכל סעודת צהרים, ואינו אסור לאכול אלא בסעודה אחת ולא בסעודה שניה ביום, ולכן נהגו בזה שלש שעות...

ולפי עניות דעתי פשוט, כל שיש בו ריח תורה ימתין שש שעות, ואפילו הבאים ממקומות שהקילו לעצמן, אם עכשיו יחמירו לא יהא בכלל "אל תטוש תורת אמך" ואין זה חומרא יתירה, כי כן נראה מרוב הפוסקים ורוב המקומות שנהגו כן ופשוט.

16. It seems from here and the next paragraph (as well as other sources) that the evening meal was often eaten shortly after it got dark. If so, then in Europe, where in the winter it gets dark early, the meal was likely eaten around 4 or 5 pm. [Addition of the English editors]

The sources quoted here by Rav Klein appear to explain that since the Gemara only refers to waiting between one meal and the next, this interval should depend upon the locale. Although in many places the interval may have been six hours, in Europe the time (at least during the winter) was much less, and therefore one may eat dairy after three or four hours even during the rest of the year, since this shows that the taste in one's mouth referred to by Rashi (discussed more fully below) does not last longer than this.¹⁷

Rav Shlomo Zalman Auerbach is quoted as holding that although there is a basis for those who wait three hours, it is preferable to change one's custom to waiting six hours.



Sefer HaKashrut, Chapter 10, Footnote 75

...The opinion of HaGaon Rav Shlomo Zalman Auerbach (cited in *Kitzur Shulchan Aruch* – Pfeuffer) is that a Torah student who knows that he can maintain it and not stumble should change his custom from waiting three hours to six, even if he comes from Germany or France...¹⁸

36. ספר הכשרות | פרק י הערה עה

...ואכן, דעת הגאון רבי שלמה זלמן אויערבך (בקיזור שולחן ערוך [פפויפר] חלק א, פרק י, סעיף טז), שכן תורה היודע שיכול לשמור עצמו ולא יבוא לידי מכשול, אף שהוא מיוצאי גרמניה וצרפת – ראוי לו שישנה מנהגו משלוש שעות לשש...

However, **Rav Shlomo Zalman Auerbach** agrees that for a married woman who grew up waiting one or three hours, she may continue her custom until her children grow up.



Sefer HaKashrut, Ibid.

However, women should not rush to change their custom and be more stringent, for since they are often busy cooking in the kitchen or feeding the children, there is a good chance that they may err [and accidentally eat dairy within six hours], "and it is better not to make an oath, than to make an oath and not fulfill it."¹⁹

37. ספר הכשרות | שם

אמנם, נשים לא תזדרזנה לשנות להחמיר, כיון שעוסקות במטבח ובבישולים ומאכילות את הילדים וקרובות לבוא לידי מכשול, "וטוב שלא תידור משתדור ולא תשלם".

17. Another explanation for this custom could be that in England and Germany, the cultural custom of having a snack known as afternoon tea around 4 pm has existed for a number of centuries. Perhaps the Jews who lived there treated this snack as a halachic meal; if so, the standard interval between meals would be considered approximately three hours. [Addition of the English editors]

18. Rav Asher Weiss (*Responsa Minchat Asher* 1:42) writes similarly (though not as strongly) that one whose custom is to keep three hours may continue to follow it, but it is preferable to change one's custom and wait six hours. See also *Responsa B'mareh HaBazak* (7:58) where other aspects of the custom of waiting three hours are discussed. [Addition of the English editors]

19. This is a play on words of the *pasuk* in *Kohelet* (5:4) that uses the same language. [Addition of the English editors]

THE REASONS FOR WAITING BETWEEN MEAT AND DAIRY

What is the reason for waiting before eating dairy? We know that Chazal wished to safeguard the prohibition of *basar b'chalav* by ensuring that one does not come to eat meat and dairy together, but is there a more specific concern that they had when instituting this rule? The *Rishonim* dispute the reason as to why one must wait. The **Rambam** holds that when one eats meat, pieces may get stuck between one's teeth, and as long as six hours have not passed, these pieces still have the status of meat, and eating dairy would be prohibited.



Rambam, Hilchot Ma'achalot Assurot 9:28

One who first ate meat... may not eat dairy afterwards... due to the meat between one's teeth that is not removed through rinsing.

38. רמב"ם | הל' מאכלות אסורות ט:כח

מי שאכל בשר בתחלה... לא יאכל אחריו חלב... מפני הבשר של בין השיניים שאינו סר בקינוח.

This explanation is based on the **Gemara** in **Chullin** that states that meat in between the teeth still retains the halachic status of meat.



Masechet Chullin 105a

Rav Acha bar Yosef said to Rav Chisda: In the case of **meat that is between the teeth**, what is the *halacha*? Are these remnants considered meat to the extent that one may not eat cheese as long as they are in his mouth? Rav Chisda **read about him** the following verse: **"While the meat was yet between their teeth"** (*Bamidbar* 11:33). This verse indicates that even when the meat is between one's teeth it is still considered meat.

39. מסכת חולין קה.

אמר ליה רב אחא בר יוסף לרב חסדא בשר שבין השיניים מהו? קרי עליה "הבשר עודנו בין שיניהם".

Another explanation is brought by **Rashi**, who explains that the fatty substances within the meat remain stuck to one's palate.



Rashi, Chullin 105a

...Since meat produces fatty substances, which clings to one's mouth and the taste remains for an extended period.

40. רש"י | חולין קה.

...משום דבשר מוציא שומן והוא נדבק בפה ומאריך בטעמו.

A number of practical halachic ramifications will arise between these two reasons given.

1. **One who chews meat but does not swallow it** (e.g., for a baby): According to the Rambam, one must wait, since there may be meat stuck between the teeth. But according to Rashi, it would seem that one does not need to wait, since one did not swallow, and the flavor therefore does not linger in one's mouth.

2. **Meat that remains after six hours:** According to the Rambam, it no longer has the status of meat (since he holds that the whole reason for waiting six hours is due to the meat in the teeth), but according to Rashi it seems that it still is considered meat.
3. **Eating the fat of meat or a meat soup without meat pieces:** According to the Rambam, one would not have to wait, since no actual meat was consumed, whereas according to Rashi, one needs to wait due to the lingering taste, which remains in this case as well.

The **Tur** and the **Shulchan Aruch** rule that one should be stringent for both reasons.



Tur, Yoreh De'ah Siman 89

...Within this time even if there is no meat between one's teeth, it is still prohibited, for the meat produces fatty substances whose taste remains for a long period of time. Accordingly, if one did not eat the meat but just chewed it for a baby, one would not have to wait, for since one did not actually eat, it does not produce the fatty taste. But the Rambam gives the reason for waiting as being because of the meat stuck between one's teeth. According to his opinion, if one waited the correct amount of time, it would be permitted [to eat dairy] even if meat remained stuck between one's teeth, but one who chewed food for a baby would have to wait. And it is correct to be stringent for both opinions.

41. טור | יו"ד סימן פט

...ובתוך הזמן אפילו אין בשר בין השיניים אסור, לפי שהבשר מוציא שומן ומושך טעם עד זמן ארוך, ולפי זה הטעם אם לא אכלו אלא שלעסו לתינוק אין צריך להמתין דכיון שלא אכלו אינו מוציא טעם, והרמב"ם נתן טעם לשהייה משום בשר שבין השיניים, ולפי דבריו לאחר ששהה כשיעור מותר אפילו נשאר בשר בין השיניים, והלועס לתינוק צריך להמתין. וטוב לאחוז בחומרי ב' הטעמים.

Would one need to wait in a case where neither reason is applicable? According to the **Pri Megadim** cited by the **Pitchei Teshuva**, if one chews a piece of meat that consists of fat alone, although neither reason is applicable, one should wait nevertheless in order not to distinguish between different cases of chewing.



Pitchei Teshuva, Yoreh De'ah 89:1

If one chews a cooked food for a child where there is only fat, it seems that according to everyone one would not have to wait, for there is no extended taste since one did not eat it, and it can't get stuck between one's teeth [since it is not actual meat]. Nevertheless, the **Pri Megadim** writes that one needs to be stringent to wait six hours since the Sages did not make a distinction [lo plug] and in order not to breach the fence.

42. פתחי תשובה | יו"ד פט:א

אם לועס לתינוק תבשיל שיש בו שומן לכאורה לכל הפירושים אין צריך להמתין, דמושך ליכא כיון דלא אכל, ובין שיניים ליכא, אלא דמ"מ כתב ה"פרי מגדים", דיש להחמיר להמתין שש שעות משום "לא פלוג" ולא לפרוץ גדר.

However, if one tasted the meat without chewing at all and then spat it out, the **Sefer HaKashrut** rules that one does not need to wait.²⁰

20. This scenario could be relevant in a case where one planned to have a dairy meal but mistakenly began to eat meat shortly beforehand and realized while the meat was already in his mouth but before chewing. If he spits it out, then it would be permitted to eat the dairy meal afterwards. [Addition of the English editors]

**Sefer HaKashrut 10:32**

One who chews meat and spits it out needs to wait six hours. But if one just tasted it and spat it out without chewing, he is not obligated to wait six hours and it is enough to wash one's hands and mouth.

43. ספר הכשרות | י:לב

הלועס בשר ופולטו, צריך להמתין שש שעות, אבל הטועמו ופולטו מבלי ללועסו – אינו מחויב בהמתנה כלל, ודי לו בקינוח ושטיפת הפה.

Similarly, if one takes vitamins that have a meat ingredient, **Rav Moshe Feinstein** holds that one need not wait before eating dairy, as in this case the consideration of *lo plug*, not distinguishing between cases, does not apply either.

**Responsa Igrot Moshe, Yoreh De'ah 2:26**

...Whether it is permitted to eat dairy after taking a vitamin [that contains meat]. It is clear that also regarding this it is permitted, since the reasons brought in the *Taz* and *Shach* [for not eating dairy after meat] do not apply.

And even regarding the reason that “the Sages made no distinction,” for which reason it is logical that we are accustomed not to eat a dish cooked with dairy after a dish cooked with meat even though it is reasonable that the flavor does not linger and the two reasons do not apply, they would not argue about the reality.²¹ Rather, the ones who forbid it hold that there is a principle of “they did not make a distinction.” However, concerning the vitamins, which is not an item that is eaten, but rather swallowed, this reason of “they did not make a distinction” does not apply [since it is an entirely different type of case].

Even if one were to deviate from the normal way of the world and chew the vitamin, this would still not prohibit it, for regarding the vitamins there is no prohibition. Furthermore since regarding vitamins there is no established custom, since they didn't exist until the last few years, it is not appropriate to forbid it due to the custom...

44. שו"ת אגרות משה | יו"ד ב:כו

...אם מותר לאכול מיני חלב אחר בליעת הווייטאמין. ופשוט שגם בזה מותר שליכא בזה הטעמים שהוזכרו בט"ז סק"א ובש"ך סק"ב, ואף מטעם לא פלוג דמסתבר דמחמת זה נוהגין שלא לאכול גם אחר תבשיל של בשר אף לא תבשיל של חלב אף דמשמע שלא נמשך טעם מתבשיל וליכא גם כן ב' הטעמים, דהא לא יפלגו במציאות, אלא שלהאוסרין הוא משום לא פלוג, נמי בווייטאמין שאינו דבר הנאכל אלא הנבלע אין שייך גם לא פלוג בזה. ואף אם אחד ישנה מדרך העולם וילעוס הווייטאמין נמי אין לאסור כיון שעל ווייטאמינס ליכא האיסור. וגם כיון שבווייטאמינס לא היה מנהג משום שלא היה זה עד איזה שנים זה לא כבר לא שייך לאסור מצד המנהג...

FURTHER IYUN

For further *iyun* concerning whether cultured stem-cell meat has the halachic status of meat and whether it is considered non-kosher if it comes from a non-kosher animal, see page 33

21. Rav Moshe is referring here to the fact that this question of waiting after eating a dish cooked with meat (even if one did not eat the meat itself) is subject to a *machloket* (though our practice is to be stringent) – see *Beit Yosef* (89:3), *Shulchan Aruch* (89:3) and commentaries there. His point is that it is not logical that they would be disputing the question of whether it is true that the reason of fatty substances remaining in one's mouth apply in this case, as that is a question of reality. Rather, it is more reasonable that they argue about whether the issue of *lo plug* applies in this case or only to a case of consuming an actual piece of meat. [Addition of the English editors]

MUST CHILDREN WAIT BETWEEN MEAT AND DAIRY?

All of the sources we have seen until now focus on the halacha of waiting between meat and dairy for adults. Although children are generally only bound by halacha for purposes of *chinuch* (education), at what age would children be required to wait in between meat and dairy? The earliest source to address this question is the **Meiri**, who is lenient but only regarding poultry.



Meiri, Chullin 105a

...Specifically a minor who does not have the ability to wait six hours and his meals are close together and their digestion is quicker, both concerning the stomach and between the teeth, and they are lenient from here to say that one need not give the measurement of six hours; rather, whenever one finishes this meal and begins to eat another time, even within six hours, as six hours are not mentioned here, just from one meal to the next. And even though the idea does not seem correct since the unspecified expression of “from one meal to the next” means a regular case, which is the measurement of six hours, at least for an adult, and if this is not the case, you have allowed your words to be interpreted into different measurements.²² Nevertheless, at least concerning poultry, it seems to me to rule this way, since it is digested more easily and the status of meat is [more easily] removed from it than other meat.

45. מאירי | חולין קה.

...דדוקא קטן שאין כח בו לשהות שש שעות וסעודותיו תכופות זו לזו ועכולם ממחר הן באיסטומכא הן בין השנים ומקילין מזו לומר שלא ליתן שיעור שש שעות אלא כל שהפסיק בסעודה זו וקבע לאכול פעם אחרת אפי' בתוך שש שעות שהרי לא הוזכרו כאן שש שעות אלא מסעודתא לסעודתא ואף על פי שאין הדברים נראין מפני שסתם מסעודה לסעודה סתם קאמר שהוא כשיעור שש שעות מיהא לגדול ושאם לא כן נתת דבריך לשיעורין מ"מ בעוף מיהא יראה לי לדון כן מפני שהוא נקל להתעכל ולהפקע שם בשר מעליו יותר משאר בשר.

According to the Meiri, one may be lenient to allow a child to eat dairy after eating poultry whenever the child begins their next meal, in accordance with the opinion of Tosafot, even though the Meiri does not accept this opinion as normative in other cases.

Rav Shmuel Vozner writes in the *Shevet HaLevi* that very small children (until age three) never need to wait between meat and dairy as long as their mouths have been cleaned from meat residue.



Responsa Shevet HaLevi 4:84

Regarding waiting between eating meat and cheese or milk for a child, concerning very small children, there is no question in my mind that there is no reason to be stringent when waiting a little between meat and dairy.

46. שו"ת שבט הלוי | ד:פד

בענין הפסקה לקטן בין אכילת בשר לאכילת גבינה וחלב, הנה לקטני קטנים לא מיבעיא לי שאין מקום להחמיר בשהיה קצת בין בשר לחלב.

22. This concept (which is based on the Gemara) means that Chazal would not have based their determination for a principle on unspecified measurements that would result in different people following different measurements. Thus, here they would not have meant that one may eat dairy whenever one usually begins another meal (like Tosafot), since this differs from person to person. [Addition of the English editors]

Although **Rav Vozner** is more uncertain regarding children somewhat older than three, he concludes that one may be lenient even regarding them.



Responsa Shevet HaLevi, Ibid.

...Rather my main doubt is regarding children that are slightly older. This is based on what I found in the Meiri (*Chullin* 105). If so, regarding children and poultry, where the Meiri ruled leniently even according to his opinion (of waiting six hours like the Rambam), certainly for us [i.e., Ashkenazim] (where according to the strict letter of the law, one hour would suffice, but only due to custom we keep six hours) [one hour is sufficient].

Rav Ovadia Yosef is lenient even for significantly older children due to the principle of *safeik sefeika*, a double doubt.



Responsa Yabia Omer, Vol. 1, Yoreh De'ah 4

However regarding children there is room to say that one can be lenient, for it is known that the *poskim* debate whether it is permitted to feed a rabbinically prohibited food to [a child] directly, as our Master the *Beit Yosef* writes in *Orach Chaim* 343: "Regarding foods prohibited on a rabbinic level, the **Ran** writes in *Yoma* that as long as it is for the need of the child, even if he has reached the age of *chinuch* (education), it is permitted to feed the child an *issur derabanan* (item forbidden on a rabbinic level) even directly, and the *Rashba* also writes this..."

But the **Rambam** writes that it is forbidden to feed him directly, even an item that is forbidden only on a rabbinic level. Similarly, it is forbidden to accustom a child to desecrate the Shabbat and holidays even regarding matters that are only a *shevut* (type of rabbinic prohibition)." And the *Shulchan Aruch* also writes that it is forbidden in accordance with the **Rambam**...

If so, regarding our topic, where the actual halacha is in dispute, and many great Sages are lenient with just wiping and rinsing... and the *Rema* writes that this was the established custom in their lands to be lenient and eat dairy one hour after meat, see there, and concerning feeding a food that is forbidden by rabbinic law to children directly, there are also *poskim* who are lenient, so it is like a type of *safeik sefeika* (double doubt) and we follow the lenient opinion.

47. שו"ת שבט הלוי | שם

...אלא דעיקר ספק שלי בקטנים שהגדילו קצת. והוא על פי מה שמצאתי במאירי חולין ק"ה, ואם כן בקטנים ובבשר עוף דהכריע המאירי להקל אפילו לשיטתו (שסובר שש שעות כרמב"ם) מכל שכן לדידן (שמדינא היה די בשעה אלא שמכח המנהג נוהגים שש שעות).

48. שו"ת יביע אומר | חלק א, יו"ד ד

ומיהו בקטנים יש מקום לומר שאפשר להקל, כי הנה ידוע מה שנחלקו הפוסקים באיסור דרבנן אי שרי למספי ליה בידים. וכמו שכתב מרן הבית יוסף או"ח (סוף סימן שמג) וזה לשונו: ולענין איסורין דרבנן, כתב הר"ן ביומא, שכל שהוא לצורך התינוק, אף על פי שהגיע לחינוך, מאכילים אותו איסורין דרבנן אפילו בידים. וכן כתב הרשב"א...

והרמב"ם (סוף הלכות מאכלות אסורות) כתב, דלהאכילו בידים אסור אפי' דברים שאיסורן מדברי סופרים. וכן אסור להרגילו בחילול שבת ומועד אפילו בדברים שהן משום שבות, עד כאן. וכן פסק מרן בשלחן ערוך שם כדברי הרמב"ם לאסור...

ואם כן בנידון דידן, הואיל וגוף הדבר שנוי במחלוקת, ודעת כמה גאוני עולם להתיר על ידי קינוח והדחה... וכתב הרמ"א בהגה (פט"א), שכן המנהג פשוט במדינתם להקל לאכול גבינה אחר שהיית שעה אחת מאכילת בשר. עיין שם. ולמספי בידים איסור דרבנן גם כן יש פוסקים שמקילים, הוה ליה כעין ספק ספיקא ואזלינן לקולא.

Rav Nissim Karelitz, who passed away shortly before the publication of this volume, agrees that children need not wait the full amount of time of an adult, since Ashkenazim in principle accept the opinion that requires waiting an hour as the halacha (and are stringent to wait longer as custom). However, he suggests that children older than nine wait at least the amount of time they generally wait in between meals.



Chut Shani, Shabbat Vol. 4, Siman 343

The age of *chinuch* for waiting between meat and dairy is from when a child understands that there is a prohibition to eat meat and dairy together and that the Sages made a buffer between them. It seems that since according to the strict halacha [for Ashkenazim] one may eat dairy immediately after meat by cleaning and rinsing one's mouth, and some say that one needs to wait an hour, it is not possible to obligate a child who has reached the age of *chinuch* up to age nine to wait six hours to eat dairy after meat. **Rather, one should train him to wait an hour**, and since he is permitted to eat dairy, it is also permitted to give him dairy sweets. From the age of nine, one must educate him to wait [the amount of time] between meals. **And "between meals" for the mitzvah of *chinuch* regarding this issue of waiting is defined as between meals of this specific child**, meaning that if he usually waits three or four hours in between meals, then he should wait three or four hours, and if he usually waits five hours, then he should wait five hours. Nevertheless, from the age close to Bar Mitzvah, he should wait six hours.

49. חוט שני | שבת, חלק ד, סימן שמג

ושיעור גיל החינוך להרחקה בין בשר לחלב הוא ממתי שהקטן מבין וידוע שיש איסור לאכול בשר בחלב יחידיו וחכמים עשו הרחקה ביניהם. ונראה, דכיון דמעיקר הדין מותר לאכול גבינה מיד אחר בשר על ידי קינוח והדחה ביניהם, ויש אומרים שצריך להמתין שעה אחת – אי אפשר לחייב את הקטן שהגיע לחינוך עד ט' שנים להמתין שש שעות מלאכול גבינה אחר בשר, רק יש לחנכו שימתין שעה אחת, וכיון שמותר לו לאכול מאכלי חלב – הוא הדין שמותר ליתן לו באותו הזמן גם ממתקים חלביים.

ומגיל ט' שנים יש להוסיף ולחנכו להרחיק בין בשר לחלב מסעודה לסעודה. וסעודה לסעודה לענין מצוות חינוך בהרחקה זו הוא בין סעודה לסעודה של הקטן הזה, דהיינו: אם רגיל להמתין שלש או ארבע שעות בין סעודה לסעודה שלו – אזי צריך להמתין שלש או ארבע שעות, ואם רגיל להמתין חמש שעות – אזי ימתין חמש שעות. ועל כל פנים, מגיל קרוב לבר-מצווה, יש לו להמתין שש שעות.

The **Yalkut Yosef** holds that one may not give dairy sweets to a child who has reached the age of *chinuch*, even if he does not understand why he may not eat them.



Yalkut Yosef, Yoreh De'ah 89:21

A child (even if he has reached the age of *chinuch*) who ate meat may be lenient and eat dairy afterwards without waiting six hours from the time of eating meat, and one may even give him the food directly, since it is difficult for children to have to wait six hours. And even after one hour, those who are lenient for children have upon whom to rely. **But this is only regarding food that is necessary as part of the meal, but one should not be lenient to give chocolate and sweets that contain dairy to children who have**

50. ילקוט יוסף | יו"ד פט:כא

קטן, [אפילו הגיע לגיל חינוך], שאכל מאכלי בשר, אפשר להקל לו לאכול אחר כך מאכלי חלב, מבלי לשהות שש שעות מאכילת הבשר, ומותר אף לתת לו ולהאכילו בידים, מפני שיש צער לקטנים להמתין שש שעות, ואף לאחר שעה המיקל בזה לקטנים, יש לו על מה לסמוך. וכל זה שאוכל מאכל חיוני לצורך סעודה, אבל אין להקל ליתן לתינוקות שהגיעו לחינוך ממתקים ושוקולד

reached the age of chinuch within six hours of eating meat.

Even if the child doesn't understand, it is worthy not to be lenient... Today, the custom is to be particular even for a child who has reached the age of *chinuch* (before he turns twelve), and we train him to wait six hours, but when necessary, one may be lenient, as mentioned.

שיש בהם תערוכות חלב, בתוך שש שעות למאכלי בשר. ואף בתינוק שאינו בר הבנה נכון להחמיר בזה... וכיום נוהגים להקפיד גם בקטן שהגיע לחינוך [קודם גיל י"ב], ומחנכים אותו להמתין שש שעות. אך במקום צורך אפשר להקל, וכאמור.

Rav Eliashiv Knoll, who was the rabbi of the Kfar Etzion community in Israel until his passing in recent years, summarizes his view of the different stages concerning this question in the work *V'achalta V'savata*.

**Sefer V'achalta V'savata, p. 85**

One may be lenient concerning children that are below the age of mitzvot to wait a small amount of time after eating meat. It seems that the specific times should be as follows:

Until age three – For very small children... one may be very lenient and separate between eating [meat and dairy] alone without any time interval.

Children who have reached the age of chinuch (between four and ten) – One should divide between meals, in which case one may be lenient and wait one hour only between meals. In contrast, with regard to candy and the like, it is proper to be more stringent according to the judgment of the parent.

From age eleven until Bar/Bat mitzvah – Concerning older children who are almost at the age of mitzvot, it is proper to train them to wait according to the custom of their family or slightly less than that, according to the judgment of the parents.²³

51. ואכלת ושבעת | עמ' 85

ילדים שאינם בני מצווה, ניתן להקל להם להמתין זמן קצר יותר לאחר אכילת בשר. בפרטי העניין נראה לנהוג כדלהלן:

ילדים קטנים עד לגיל שלוש – ילדים קטנים מאוד, שאינם בני חינוך כלל, ניתן להקל ורק להפריד בין האכילות ללא הפסקת זמן.

ילדים בני חינוך (ארבע עד עשר) – בגיל זה יש לחלק בין ארוחתו של הילד, שאז יש להקל להמתין שעה אחת בין הארוחות. לעומת זאת, אם מדובר באכילת ממתקים וכדומה, ראוי להחמיר יותר, לפי שיקול דעתם של ההורים.

ילדים בגיל אחת עשרה עד גיל מצוות – בילדים גדולים הקרובים לגיל מצוות, נכון להתחיל לחנכם להמתין כמנהג ביתם או מעט פחות ממנו, לפי שיקול דעתם של ההורים.

23. Rav Moshe Stern (Responso *Be'er Moshe* 8:36:4) also divides children into a number of different stages, but in a slightly different manner: A) Children under three need not wait at all. B) Children from three to six should wait at least one hour and add a little more time as they grow older. C) Children from six to nine should be encouraged to wait six hours, but may wait a minimum of three if it is difficult for them. D) Children from nine and above should wait six hours. For a discussion of this opinion and of this issue in general, see Rabbi Aryeh Leibowitz, "Kashrut for Children, *Journal of Halacha and Contemporary Society*, Spring 2007, pp. 87–92. [Addition of the English editors]

IF ONE IS UNCERTAIN WHETHER THE TIME MEASUREMENT HAS PASSED

What should one do if one does not remember exactly what time he finished eating meat? Must one wait the maximum potential time or may one wait the minimum amount of time (i.e., from the earliest possible time that one finished)? According to the general principles of halacha, one might think that it is possible to be lenient, since waiting between meat and dairy is a rabbinic decree and *safeik derabanan l'hakel*, one may be lenient concerning a rabbinic level uncertainty. However, the **Yad Yehuda** writes that one must be stringent, since the rule is that one may not eat a forbidden food mixed with other food such that it is nullified even where that food or item will become permitted later on (e.g. *chametz* on Pesach), known as *davar sheyeish lo matirin*.



**Yad Yehuda (Landau), Siman 89,
Perush Aroch**

...For since this is a *davar sheyesh lo matirin*... it seems that the same principle would apply where a person has a doubt whether six hours have passed, and one has to wait [to eat dairy] until one is certain that it is permitted, and one cannot be lenient based on the reason that it is a rabbinic doubt, since this is a *davar sheyeish lo matirin*.

**52. יד יהודה (לנדא) | סימן פט,
פירוש הארוך**

משום דהוי דבר שיש לו מתירין... לפי זה נראה דהוא הדין נמי ביש לו ספק אם יש שש שעות – נמי צריך להמתין עד שיהא ודאי, ואין מתירין מטעם ספיקא דרבנן כיון דהוי דבר שיש לו מתירין.

But other *poskim* are more lenient, and this is the approach accepted as practical halacha by the **Sefer HaKashrut** as well as the **Yalkut Yosef**.



Sefer HaKashrut 10:33

If one is in doubt whether six hours have passed from the time that one ate meat, there are differing opinions whether one is permitted to be lenient and eat dairy, and one who relies on the lenient opinion where one cannot clarify has not lost out.

53. ספר הכשרות | י:לג

המסופק אם עברו שש שעות מאז תום אכילתו בשרי, נחלקו הדעות אם רשאי להקל ולאכול חלבי. והסומך להקל כשאי אפשר לברר – לא הפסיד.

The leniency is based on the approach of the **Tzelach**, the commentary of **Rav Yechezkel Landau** (author of the Responsa *Noda B'yehuda*) on the Gemara, as applied by the *Darkei Teshuva*. In the opinion of the *Tzelach*, the principle that one may not consume a *davar sheyeish lo matirin* that has been mixed up with other items in a case of uncertainty applies only to a specific object whose prohibition is dependent upon time and one needs to wait until that time has arrived in order to eat it. However, when one can use something at this moment as well as later on (such as the prohibition of *muktzeh*, where one could move the object now as well as later on), the stringency of *davar sheyeish lo matirin* does not apply.



Tzelach, Pesachim 9b

54. צל"ח | פסחים ט:

I wrote regarding the fact that it is not nullified that this applies only regarding the prohibition of eating. But regarding the prohibition of moving it, the principle of "*davar sheyeish lo matirin* is not nullified" does not apply. This is because the reason that a *davar sheyeish lo matirin* is not nullified is that instead of eating it today by relying upon the principle of nullification, one may eat it later on in a permitted manner. But that is for eating, where whatever one eats today one cannot eat tomorrow. If so, the eating of this item that one would do through sin, one may eat tomorrow in a permitted manner. But regarding moving objects, one can move it both today and tomorrow, and the moving today is independent of the moving tomorrow. And I say the same thing regarding deriving benefit, for since there is benefit that does not include the consumption of the product, such as smelling and the like, where one can benefit today and tomorrow and it is not applicable to prohibit it based on the principle of *davar sheyesh lo matirin*.

וכתבתי דהא דלא בטיל היינו לענין איסור אכילה אבל לענין איסור טלטול לא שייך דבר שיש לו מתירין, דהא הטעם דדבר שיש לו מתירין לא בטיל הוא משום עד שיאכלנו היום על ידי ביטול הא יכול לאוכלו לאחר זמן בהיתר, והיינו אכילה שממה נפשך שמה שיאכל היום לא יאכל למחר, אם כן, אכילה זו שיאכל היום באיסור ויכל לאכול למחר בהיתר, אבל טלטול יכול לטלטלו היום וגם למחר, והטלטול שיטלטל היום הוא בפני עצמו ולמחר בפני עצמו וכן אני אומר לענין הנאה, כיון שבכלל הנאה ישנו גם הנאה שאינו של כילוי כגון להריח בו וכדומה, שיכול להנות היום וגם למחר, ולא שייך לאסור משום דבר שיש לו מתירין.

The **Darkei Teshuva** (89:5) argues that our case of uncertainty as to whether the full time has passed is equivalent to the case of a *davar sheyeish lo matirin* concerning *muktzeh*, since here too, one can eat one piece of cheese now and another piece of cheese later after the time has certainly passed. On this basis, the *Darkei Teshuva* as well as the *Sefer HaKashrut* cited above rule that one who is lenient has not lost anything.²⁴

24. The *Badei HaShulchan* (89:9 and *Bi'urim*, s.v. *sheish sha'ot*) cites the *Tzelach* and *Darkei Teshuva* as well, but notes that one could easily argue that our case is more similar to a standard case of *davar sheyeish lo matirin* rather than the case of *muktzeh* or benefit, since each and every piece of cheese or other dairy food can only be eaten once. Therefore, perhaps we should say that rather than eating it now where it may be forbidden (since the time for waiting may not have passed), one must wait until all pieces of dairy are definitely permitted. Nevertheless, the *Badei HaShulchan* also cites the *Yosef Da'at* who is lenient simply based on the consideration of *safeik derabanan l'kula* (without mentioning anything about *davar sheyeish lo matirin*), as well as the fact that Ashkenazim strictly speaking hold that one hour is sufficient. If so, perhaps the custom is to wait six hours only when one is sure that the time has passed. But if one is unsure whether the time has passed, then one may rely on the lenient opinions. The *Badei HaShulchan* concludes that one who is lenient has not lost anything, similar to the *Sefer HaKashrut*, though it seems he bases it more on the ruling of *Yosef Da'at* rather than that of the *Tzelach*. [Addition of the English editors]

SUMMARY OF BASAR B'CHALAV I

Introduction

1. **Torah Law** – The prohibition of eating and deriving benefit from *basar b'chalav* applies only when:
 - a. The meat and dairy were cooked together.
 - b. Meat of a kosher domesticated animal was cooked in milk of a kosher domesticated animal.
2. **Rabbinic Law** – It is prohibited to eat meat and dairy together even if they were not cooked together.
3. The meat of a wild kosher animal, a non-kosher animal, and fowl are also prohibited to eat together with milk (but not to derive benefit from or cook).

Eating Dairy After Meat

1. **Gemara** – One must wait the amount of time “between a meal and the next.”
 - a. **Rif/Rambam/Rosh/Tur** – This is the normal amount of time in between two meals (six hours).
 - b. **Tosafot/Ra'aviah** – One may start a dairy meal immediately after one has finished the meat meal provided one recites *birkat hamazon* and removes the table.
 - c. **Halachot Gedolot/Rabbeinu Tam** – One may even eat dairy within the same meal as long as one washes one's hands and cleans one's mouth.
2. **The Basic Halachic Ruling**
 - a. **Shulchan Aruch** – One must wait six hours in accordance with Rambam.
 - b. **Rema** – The halacha is that one may eat dairy after the completion of the meal (with washing hands and cleaning one's mouth) but the custom is to wait an hour. There are those who are meticulous to wait six hours and this is the proper way to act.
 - c. **Shach/Taz** – Anyone with the fragrance of Torah should wait six hours.
3. **Exceptional cases**
 - a. **Chatam Sofer** – One who is ill may wait one hour.
 - b. **Yabia Omer** – Even one with a slight sickness may wait one hour. Similarly,

if one recited a blessing by mistake on dairy after eating meat, one should taste it in order to prevent reciting a *beracha levatala*.

- c. **Bircat Hashem** – One should say “*Baruch Shem k’vod malchuto*” and not eat.
- d. **Teshuvot V’hanhagot** – After an hour of eating meat one should taste it, but not within an hour.

4. **Waiting into the Sixth Hour**

- a. **Rav Elyashiv** – Waiting into the sixth hour is sufficient.
- b. **Sefer HaKashrut** – Some are lenient after five and a half hours.
- c. **Yabia Omer** – In cases of need, one may eat dairy after the majority of the sixth hour especially if one had eaten poultry.
- d. **Rav Mordechai Eliyahu** – One must wait six hours in any case.

5. **The Custom to Wait Three Hours**

- a. Some Ashkenazim (particularly from Germany and England) wait three hours.
- b. **Rabbeinu Yerucham** – Mentions such a custom.
- c. **Rav Menashe Klein** – Some sources justify it by saying their meal schedule consisted of intervals of three or four hours between meals, but ideally one should wait six hours.
- d. **Rav Shlomo Zalman Auerbach** – There is basis for this custom but one should preferably wait six hours. However, women should not rush to change until their children are grown up.

6. **The Reason for Waiting Between Meat and Dairy**

- a. **Rambam** – Meat may get stuck between one’s teeth.
- b. **Rashi** – Flavor from the meat lingers in one’s mouth after eating.
- c. **Tur** – One must be stringent for both reasons.
- d. **Pri Megadim** – Even in cases where both reasons are not applicable one should wait.
- e. **Igrot Moshe** – One need not wait after eating vitamins with meat extract in them that are swallowed (and the principle of *lo plug* does not apply)

7. **Waiting Between Meat and Dairy for Children**

- a. **Very Young Children (until age three)** – One may feed them dairy after meat as long as their mouths are cleaned off from meat.

b. Above Age Three

- i. **Chut Shani** – They should be educated to wait an hour and then it is permitted to eat dairy including candy.
- ii. **Yalkut Yosef/V'achalta V'savata** – They may wait an hour only but should not eat candy afterwards.
- iii. **Close to Bar/Bat Mitzvah Age** – They should wait the amount of time of the family custom.

FURTHER IYUN

The Future of Meat

Rav Joel Kenigsberg (Graduate, the Manhigut Toranit program)

In 2013, when Dutch scientist Mark Post unveiled the world's first lab-grown hamburger, many began to ask whether we might be approaching the age of a kosher cheeseburger. The new entity was touted to have the same appearance, texture, and taste of regular meat, but it had been grown in a completely revolutionary way – prompting some to speculate that there might be a new form of kosher “meat” that could be *pareve*, and perhaps even sourced from a non-kosher animal!

At the time, the discussion was purely speculative. The cost of the burger had been an astronomical \$330,000 and the entire event had been somewhat of a media stunt.¹ However, six years later, at the time of writing of this article, many entrepreneurs, investors and scientists around the world now agree that it is a question of “when” rather than “if” lab-grown meat will hit the shelves. In December 2018, it was named by Scientific American as one of the top ten emerging technologies of the year and with several dozen companies around the world working on it, the cost is bound to come down, too.

As the concept of cultured meat (also known by many other names: “Clean” meat, cell-based



meat, slaughter-free meat, cultivated meat) moves from the realm of science fiction to the world of fact, so too the question of its halachic status has moved from being a theoretical to a practical one that needs to be answered

with increasing urgency. Before the technology has been perfected and the product is being sold, *poskim* will need to evaluate the process to determine whether the product will be kosher or not and whether it will have meaty status. If it is considered kosher and is given the status of meat, then one would presumably have to wait the same amount of time before eating dairy as regular meat, as the two main reasons for waiting would likely apply to this meat as well.

To date, several articles have been published regarding the kosher status of a cultured meat product and there has been much media speculation as well, but an authoritative halachic ruling has yet to emerge. Part of the reason for this is that any *pesak* must be grounded in a thorough understanding of the technology involved. At present this is difficult for two reasons. First, much of the method behind the development is being closely guarded by the companies involved, as they race to be the first to market

1. See www.bbc.co.uk/news/science-environment-23576143.

the new product. Second, much of the exact specification of how the final product will look is still unknown to the companies themselves! As a nascent product still under development, it remains possible that methods of extraction, culturing and production of the cells that ultimately grow into meat may change, and with it the halachic status of the soon-to-hit-the-shelves cultivated meat.

This essay does not purport to give a conclusive ruling, but will aim to explore some of the issues involved and the general principles which will ultimately guide the *poskim* through this complex matter.

How is It Made?

The importance of understanding reality in order to determine halacha can be seen from the following **Gemara**:²

והאמר רב: שמונה עשר חדשים גדלתי אצל רועה
בהמה לידע איזה מום קבוע ואיזה מום עובר!

But didn't Rav say: I apprenticed with a shepherd for eighteen months in order to be able to know which blemish is a permanent blemish, and which is a temporary blemish?

Rav, the great Sage, spent a year and a half apprenticing with a shepherd in order to become proficient in the various types of blemishes so that he could determine the resultant halachot. In a similar vein, before beginning our halachic discussion we require at least a basic knowledge of the technology involved. As mentioned previously, much of the information behind this is not yet accessible – but we will attempt to provide

a general framework, bearing in mind that even slight nuances may affect the final outcome.³

Firstly, stem cells are extracted from an animal. Different types of stem cells exist and there are advantages and disadvantages to using the various types. What is common to all stem cells is that they have an enormous potential for proliferation – so what begins as a handful of cells will eventually become millions or billions. For the hamburger mentioned at the beginning of this essay, cells by the name of myosatellites were used – adult stem cells found in muscle tissue. Halachically this is a crucial point as it means that the cells originated in the muscle fiber of the animal i.e., they began as edible meat. As we will see later on, cells that originate from other parts of an animal that may not halachically be classified as meaty or even edible may lead to a different conclusion.

Once the cells have been extracted they are placed in a growth medium. This is a liquid solution that provides all the nutrients the cells need in order to multiply. Once a sufficient quantity of cells has been produced, the medium is replaced so that the cells cease multiplying and begin to differentiate – to join together and to develop into primitive muscle fibers that ultimately form the basis for a juicy hamburger.

Not all companies are using identical methods. Some are producing a co-culture of different types of cells that form a 3D structure,⁴ rather than isolated strands that would need to be minced together.

Finally, flavorants, colorants and binding agents may be added – but this is not inherently

2. *Sanhedrin* 5b

3. This analysis will focus primarily on the methods used by Mark Post to create the world's first lab-grown burger in 2013. For more information see: www.new-harvest.org/mark_post_cultured_beef. For a peer-reviewed academic discussion of the methods used see: Post, M.J. (2014), Cultured beef: medical technology to produce food, *Journal of the Science of Food and Agriculture*, 94(6), 1039–1041.

4. See, for example, www.aleph-farms.com.

different to anything else that takes place in the modern food industry.

Unconventional Meat

As with many modern questions of halacha and technology, the first and perhaps most challenging question is where to look for a precedent for this complex matter. As we are dealing with a new invention that could not have been fathomed even just a few years ago, we lack a clear and defining precedent. Among the Talmud and commentaries of the *Rishonim*, there is certainly no clear-cut case which resembles our question exactly. However, there is a source that deals explicitly with a case of meat procured in an unconventional manner.

The **Gemara in *Sanhedrin***⁵ discusses the fact that before the time of Noach, mankind was not sanctioned to kill animals and eat them for food. This statement-of-fact is then challenged with another – that in Gan Eden, *Adam HaRishon* was fed meat by the ministering angels. The Gemara recounts that this was not ordinary meat but rather meat that “fell from Heaven.” The Gemara then tells the following story:

מי איכא בשר היורד מן השמים? אין, כי הא דר"ש בן חלפתא הוה קאזיל באורחא פגעו בו הנך אריותא דהוו קא נהמי לאפיה אמר (תהילים קד, כא) הכפירים שואגים לטרף נחיתו ליה תרתי אטמתא חדא אכלוה וחדא שבקוה אייתיה ואתא לבי מדרשא בעי עלה דבר טמא הוא זה או דבר טהור? א"ל אין דבר טמא יורד מן השמים.

The Gemara asks: **Is there** such a thing as **meat that descends from heaven?** The Gemara answers: **Yes, it is like this** incident: **As Rabbi Shimon ben Chalafta was walking along the way, he encountered those**

lions that were roaring at him, intending to eat him. **He said:** “**The young lions roar after their prey**, and seek their food from God” (*Tehillim* 104:21), and they deserve to receive food. **Two thighs** of an animal **descended** from heaven **for him**. The lions **ate one** of these thighs, **and they left** the other **one**. **He took it and entered the study hall**, and **inquired about it: Is this thigh a kosher item or a non-kosher item?** The Sages **said to him:** Certainly it is kosher, as **a non-kosher item does not descend from heaven**.

The Gemara subsequently⁶ also discusses the case of two sages who would create a calf using *Sefer Yetzira* (Kabbalistic techniques), which was then permitted for consumption.

While these cases of miracle meat or meat that fell from Heaven are certainly not directly analogous to our case of cultured meat – the common factor among both cases is that we are dealing with meat not produced in the conventional way (like a cut procured from a slaughtered animal). It is this similarity that has led some writers to conclude (among other factors) that the product in question would perforce be kosher and permitted without slaughter of the original animal. In his 2014 article in *Techumin*, **R. Tzvi Ryzman** writes:⁷

לענייננו, יצירת בשר במעבדה מתא גזע אינה “נס”, אך ברור שהבשר לא נוצר בדרך הרגילה, שבה נבראו כל בעלי החיים. זו מציאות חדשה של “יצירה” הנעשית על ידי התערבות ידי אדם, ויש לדמותה לבריאה ע”י ספר יצירה. מעתה, עלה בידינו טעם נוסף להתיר את אכילת הבשר המשובט, אף אם התא נלקח מבהמה אסורה באכילה, שכן איסורי התורה חלים על בהמות

5. 59b

6. 65b, 67b

7. Meat from Stem Cells, *Techumin* 34

רגילות, ולא על בהמות ש"נבראו" מתאי גזע במעבדה.

Stem-cell meat created in a lab is not miraculous, however it is certainly **not meat produced in the conventional way**, in which all animals were created. This is a new reality of a "creation" which came about through human intervention, and should be compared to meat created through *Sefer Yetzira*. This would therefore be another reason to permit consumption of [cloned meat], even if the original cell was taken from a non-kosher animal.

However, it seems that the analogy falls short. As **Rav Yaakov Ariel** and others have argued,⁸ the process in question is not in any way miraculous or supernatural – it is simply a newfound technology that science has allowed. Indeed, the entire aim of the process is to mimic the natural growth process which takes place inside the body of the animal as closely as possible in a laboratory setting. Furthermore, if such technology were to become widespread and emerge as a conventional form of meat production (as many have predicted) the argument that we are dealing with an unusual method would no longer be valid.

Aside from the above, many have rejected the comparison to this particular source altogether. The piece of Gemara is not halachic in nature and many authorities are of the opinion that practical halachic rulings cannot rest on such sources.⁹ It is only because of the completely novel nature of the problem that *poskim* have invoked such a passage as a source for discussion. Nonetheless, it seems far more appropriate to go

back to traditional halachic principles of kashrut and begin our analysis from there.

Broadly speaking, we can divide the question into two. First, what is the status of the original cells that are extracted? Do they retain the status of the animal from which they emerged (Kosher/Non-Kosher, Meaty, etc.)? Second, even if the original cells were judged to be problematic, could the process have an effect such that the final product might still be permitted for consumption?

The Original Cells

How do we view the original cells from which the meat is produced? There seem to be three general possibilities:

1. It could be seen as meat.
2. It could be seen as a meaty or non-meat "derivative".
3. It could be seen as insignificant.

1. The Cell as Meat

If the starter cells are classified as "meat," it seems they would be subject to the prohibition of eating a limb or flesh from a living animal (*eiver min hachai* and *basar min hachai*). The source for this is the **Gemara in Chullin**:¹⁰

אמר ר' יוחנן, לא תאכל הנפש עם הבשר (דברים יב, כג) זה אבר מן החי, ובשר בשדה טרפה לא תאכלו (שמות כב, ל), זה בשר מן החי ובשר מן הטרפה.

ור"ש בן לקיש אמר לא תאכל הנפש עם הבשר זה אבר מן החי ובשר מן החי ובשר בשדה טרפה לא תאכלו זה בשר מן הטרפה.

The Gemara discusses the source of the prohibition of eating a limb from a living animal. **Rabbi Yochanan says: "You shall**

8. See *Techumin* Volumes 35 and 36

9. And they certainly cannot rest on such sources alone.

10. 102b

not eat the life with the flesh" (*Devarim* 12:23); **this** is the source for the prohibition of eating a **limb from a living** animal. And the verse: "**And you shall not eat any flesh that is torn in the field**" (*Shemot* 22:30); **this** is the source for the prohibition of eating **flesh severed from the living and flesh severed from a tereifa**, even if it is not an entire limb.

And Rabbi Shimon ben Lakish says: "You shall not eat the life with the flesh"; this is the source for the prohibitions of eating a **limb from a living** animal and of eating **flesh severed from the living**. And the verse: "**And you shall not eat any flesh that is torn in the field**"; **this** is the source for the prohibition of eating **flesh severed from a tereifa**.

While Rav Yochanan and Reish Lakish disagree as to the exact derivation from the *pesukim*, both agree that there are two prohibitions, namely concerning both a limb from a living animal and flesh from a living animal. This is significant because a stem cell certainly does not comprise a full limb from an animal. However, assuming it originates from muscle tissue it could be said to be considered "flesh."

Another point raised counter to this argument is the fact that there is a minimum *shiur* for which one is punished for the prohibition of eating a live limb or flesh. As the **Rambam** writes,¹¹ only one who eats a *kezayit* (olive's bulk) of flesh from a living animal would be subject to the Torah's punishment. A microscopic cell is certainly many times smaller than this measure. However, as pointed out by the **Beit Yosef**,¹² a *kezayit* is only the minimum

measure for which one is liable to punishment. Less than that would still be subject to a prohibition, according to the principle that "a half-measure is prohibited by Torah law" (*chatzi shiur assur min haTorah*).¹³

Accordingly, there is room to argue that the starting position of cells taken from a living animal would be of forbidden status under the prohibition of "flesh from a living animal." All would agree that if the cells were taken from a kosher species that had undergone kosher *shechita* then the cells themselves would pose no problem. However, to date the standard practice has been to extract cells from living animals. The reasons for this include concern for animal welfare and the desire to create a slaughter-free product, as well as increased viability for creating cell lines when cells are taken from a living animal.

We note as well that all this may be limited to cells taken from muscle tissue. Cells extracted from non-meaty parts may well be subject to different considerations. The hamburger described above was produced based on cells from pre-existing muscle tissue (myosatellite cells) but cultured meat based on cells from other non-meaty or perhaps inedible parts of the animal (such as feathers, hair or hooves) may be classed in a different category altogether.

2. The Cell as a (Non-Meat) Derivative

Another important principle which may have bearing on our discussion is the statement of the **Talmud**,¹⁴ "that which derives (*yotzei*) from an impure species is similarly considered impure."

11. *Hilchot Ma'achalot Assurot* 4:10

12. *Yoreh De'ah, siman* 62

13. See *Yoma* 73b

14. *Bechorot* 5b

There are several examples brought for the application of this principle¹⁵ and significantly they include both non-meat derivatives such as milk and eggs, as well as a complete animal (of a kosher species) born to a non-kosher parent. Thus, irrelevant of whether it is meaty or not – taking a cell from a non-kosher animal would appear to be a non-starter.

The Cell as Insignificant

There is another possibility whereby the cell would not be judged by the aforementioned principles of *yotzei* or *eiver/basar min hachai* and might rather be considered kosher, no matter what its source. This would be based on the idea that the Torah does not give credence to that which is not discernible with natural senses. An example of this point is found in the *Aruch HaShulchan* regarding the question of consumption of microorganisms. Bacteria, prevalent in water and in the air do not have the necessary signs for kosher creatures. As such, after their discovery the question was posed as to how their consumption is permitted. The answer is as follows:¹⁶

ובילדותי שמעתי מפי אחד שהיה במרחקים וראה דרך זכוכית המגדלת עד מאד כרכבות פעמים במים כל המיני ברואים ולפ"ז איך אנו שותים מים... דלא אסרה תורה במה שאין העין שולטת בו דלא ניתנה תורה למלאכים.

In my youth I heard of one who witnessed many thousands of times all sorts of creatures in water through a microscope, and according to this how is water permitted?... **The Torah did not forbid that which the eye**

cannot see, since the Torah was not given to angels.

Accordingly, the idea has been posited that microscopic cells would not be subject to general kosher laws and automatically be permitted for consumption. The resultant entity could thus be considered kosher even if it derived from a living animal or a non-kosher species!¹⁷

Rav Yaakov Ariel¹⁸ has categorically rejected this argument as untenable. It is true that generally microorganisms are not subject to the general prohibitions of the Torah, but our case might be different. In order to demonstrate why, Rav Ariel quotes a passage from **Rav Shlomo Zalman Auerbach** dealing with genetic modification of microorganisms. In that context, Rav Auerbach argued that the principle of not giving credence to microscopic entities would not apply:

כיון שאנשים מטפלים בחלקיקים האלה ומעבירים אותם ממין אחד לשני הרי זה חשיב ממש כנראה לעינים ולא דמי כלל לתולעים שאינם נראים.

[Regarding your question concerning genetic modification...] Since people are dealing with these particles and transferring them from one species to another, it is considered precisely **as if they are visible** to the naked eye.¹⁹

According to Rav Shlomo Zalman, It would seem that the Torah's disregard for microscopic entities would be limited to other cases – where one is unaware and perhaps would prefer for them not to be there. When it comes to laboratory

15. For example, see Rambam, *Ma'achalot Assurot* 3:6

16. Aruch Hashulchan, *Yoreh De'ah* 84:36

17. For an elaboration on this point, see Tzvi Ryzman's article in *Techumin* 34 cited above.

18. "Cultured Meat," *Techumin* 35-36

19. *Minchat Shlomo*, *Tanyana* (2-3) 100:7

endeavors where the microscopic organisms play a significant role of which all are aware – it is hard to discount their existence. It may well be that the subjective importance given to the cells through the process of manipulating them in a lab may be enough to render them significant despite their microscopic size.

The Process

Even if we reject the “microscopic” argument and view the original cells as problematic (based on their origin from a non-slaughtered animal or non-kosher species) that may not be the bottom line. The laws of Kashrut and the modern food industry abound with examples of items that change from their original status, and what begins as forbidden may end up as a permitted product. A fully nuanced and authoritative ruling on this will only emerge alongside an in-depth and transparent understanding as to the exact production method. Suffice it for the purposes of this essay to list just two examples which might bear relevance to the topic at hand.

Bittul beShishim (Nullification in a Mixture)

A well-established principle of Kashrut is that when a forbidden substance is inadvertently mixed with a permitted substance, the resultant mixture may still be permitted, so long as the forbidden substance is unrecognizable in appearance or taste. The ratio required for this for most forbidden substances is 60:1. An argument has been put forward to suggest that even if the original cell derives from a problematic source, it is “nullified” by a ratio of many billions to one by the resultant mass of cells that is produced. Alternatively, one might claim that the cell along with the growth medium forms a

mixture which nullifies the original cells.

Panim Chadashot (A New Substance)

Another principle that might be pertinent is the question of “*panim chadashot*.” When a substance undergoes a significant change, its original halachic status may be uprooted as well. This question was central to the controversy surrounding gelatin deriving from non-kosher animals about which some *poskim* were stringent while others were lenient. One possible reason for leniency is given by **Rav Ovadia Yosef**:²⁰

הואיל ובתהליך התוצרת של הג'לאטין מן העור והעצמות לאחר שנתייבשו היטב בשמש, במשך כמה חדשים, מערבים בהם מלחים כימיים וטוחים אותם הדק היטב עד שנהפך הכל לאבק דק, ופנים חדשות באו לכאן.

Since in the production of gelatin from skin and bones after they have been dried out for several months, they are mixed with chemicals and finely ground until they turn into fine powder, **a new substance has emerged (*panim chadashot*)**.

The Implications for Cultivated Meat

Where does all of this leave us? Based on a combination of the arguments above, R. Tzvi Ryzman suggested (in his article cited above in *Techumin* from 2014) that cultured meat might be kosher (and *pareve*) regardless of the cell source. He writes:

אולם באמת נראה לומר שגם האוסרים לאכול ג'לטין המופק מעצמות בהמות טמאות, יודו שתא הגזע אינו אוסר את התערובת. שכן בג'לטין – אותו החומר שהופק מהעצמות המיובשות, חוזר להיות ראוי לאכילה; אולם בבשר המשובט – התא נותר בלתי-ראוי לאכילה כמו שהוא, ורק

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לאחר השרשתו באצת הים ולאחר שנותנים בו חומרים השונים שנועדו לקיומו ולהתרבותו, הוא הופך ראוי לאכילה. התא עצמו לא הפך ראוי לאכילה, והוא הרי בטל בשישים בשאר החומרים שמעורבים בו, אלא פנים חדשות באו לכאן, ועל כן נראה שהתא אינו אוסר את התערובת.

It seems that even those who are stringent regarding gelatin from an unkosher animal would agree that the stem cells would not forbid the mixture here. For [unlike gelatin] regarding cloned meat the cell remains inedible in its present state... and only after nutrients are added does it become edible. **The cell itself has not become edible**, and it is nullified in a ratio of 60:1 with the other materials mixed with it; **rather a new substance has formed (*panim chadashot*)**, **therefore it seems that the cell does not forbid the mixture.**

This line of reasoning is far from indisputable. A heated debate ensued in the following volumes of *Techumin* with eminent authority Rav Yaakov Ariel weighing in, among others. He rejected the argument on several counts.

First, it seems inaccurate to claim that the cell itself is not edible. True, it could not be eaten by itself due to its microscopic size, but there

is nothing inherent about the cell that makes it unfit for consumption. Indeed, the final product is simply an outgrowth of millions of identical cells, which en masse form an edible product. Second, the mixture argument is rejected on similar grounds. Nullification only applies in a mixture of prohibited and permitted substances. In our case we are dealing with one substance, the original cell culture, which simply proliferates itself.²¹ As Rav Ariel writes:

לענ"ד כל הדיון של ביטול ברוב לא רלבנטי לענייננו, כי האיסור עצמו מתרבה וכל היוצא ממנו אסור כמוהו ואין כאן ביטול בדבר אחר.

In my opinion, the entire discussion of nullification is not relevant to this matter. The forbidden substance itself is increasing and anything which emerges from it is likewise forbidden. There is no nullification here in another substance.²²

Conclusions

Rav Asher Weiss also recently addressed the question of what the kosher status of a cultured meat product will be. His response is particularly significant in that it marks the first time a posek has addressed this issue both through a deep understanding of the science involved, and as

21. Rav Ariel invokes a fascinating precedent to prove this point from the story of Chanukah: "The *Kli Chemda* asked... regarding the miracle of oil [on Chanukah] why was it kosher for the menorah, since the Torah commanded to use olive oil, and "miracle oil" is not olive oil? He answers that the additional oil that was miraculously generated retained the status of the original oil (of olive oil sealed with stamp of the *Kohen Gadol*)... So too in our case, the other materials and nutrients which allow the growth of the meat do not nullify the original cells, which are the substance that is proliferating. The meat in question is a multiplication of small cells in a way that is similar to the natural process and therefore it is considered like regular meat."

22. Although Rav Ariel does not address the argument of *panim chadashot*, Rav Yehuda Spitz does address it in his rejoinder to Rav Tzvi Ryzman's article (*Techumin* Vol. 35, p. 196; translated into English in the *Journal of Halacha and Contemporary Society*, Fall 2016). He first argues that many great *poskim*, including Rav Moshe Feinstein and Rav Aharon Kotler, forbade gelatin, in which case they very well may have forbidden this case as well. He then adds that even if our case would be permitted based on *panim chadashot*, the cells may still have the status of a *davar hama'amid*, a forbidden substance used to form a product in a manner that is critical for the production, which renders the product forbidden, even if the substance is technically *batel* (an argument that Rav Tzvi Ryzman does not accept in his article). However, the subject of *davar hama'amid* is a complex one and beyond the purview of this article. In addition to the articles referenced here, see also in English: Rav J. David Bleich, "Stem-cell Burgers," *Tradition*, Winter 2013 (available at www.traditionarchive.org/news/_pdfs/0048-0062.pdf) and Rav Moshe D. Tendler, Dr. John Loike, and Rav Dr. Ira Bedzow, Pareve Cloned Beef Burgers: Health and Halakhic Considerations, *Hakirah*, Spring 2018 (available at www.hakirah.org/Vol24Loike.pdf).

a matter of practical relevance²³. His unequivocal conclusion was that the final product would have to be considered meaty. Since under the microscope a cultured meat product will be identical to the meat produced from an animal, it is regarded as meat – irrespective of how it came into the world. Regarding the other issues addressed relating to the source of the cells, the issue remains inconclusive but there certainly are concerns to be noted (and which may be prohibitive) if the cells are not taken from a kosher, slaughtered animal.

As with any developing technology, time will tell as to whether new developments may alleviate some of the questions raised and pave the way for kosher cultured meat. We are faced with a reality that has never existed before, and it remains to the *poskim* to determine precisely how to apply to it the eternal principles of our Torah. As science marches on, halacha will continue to seek out and provide answers and provide the expression of Torah in our daily lives in ways that were previously unimagined.

23. Although other *poskim* have addressed the issue, including Rav Yaakov Ariel and the other authors mentioned in the previous footnote, much of that was theoretical or speculative in nature, as opposed to Rav Asher Weiss' view which was formulated in response to queries from both companies involved in the manufacture of cultured meat and kashrut agencies with a view to future certification of such a product.



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שבת תשס"ה

נח. מקור המנהג של המתנת ג' שעות בין בשר לחלב

שאלה:

האם יש מקור למנהג לחכות ג' שעות בין אכילת בשר לאכילת חלב ומוצריו? אדם שנהג להמתין שש שעות בין בשר וחלב, האם יוכל לשנות את מנהגו ולהמתין ג' שעות בלבד?

תשובה:

- א. קיים סמך למנהג להמתין ג' שעות בין בשר וחלב.¹
- ב. הנוהג כפסקי השו"ע אין לו לשנות מנהגו ולהמתין ג' שעות בלבד.² לנוהגים כרמ"א הדין כדלהלן: אם מנהגו היה שלא להמתין שש שעות והחליט להחמיר על עצמו³ להמתין שש שעות, ולאחר זמן רוצה לחזור בו מחומרתו –

¹ בגמרא (חולין קה ע"א) מובאים דברי מר עוקבא, המספר על אביו, שכשהיה אוכל בשר לא היה אוכל גבינה עד ליום המחרת. מר עוקבא מוסיף שהוא עצמו היה מקל יותר מאביו. כשהיה אוכל בשר היה מקפיד שלא לאכול גבינה באותה הסעודה בלבד, אך בסעודה הבאה כבר היה אוכל גבינה. נחלקו הראשונים בהסבר דבריו: לדעת הראב"ה (חולין סי' אלף קח), הכוונה היא שגם אם אוכל את הסעודה הבאה מעט לאחר הסעודה שאכל בה בשר ובירך ברכת המזון, ראשי לאכול בה גבינה. לא זו אף זו, ב"הלכות גדולות" (הל' ברכות פ"ו) ורובנו תם ("ספר הישר", חידושים סי' תעב) משמע קצת שהתירו אף באותה סעודה על ידי קינוח הפה והידיים. עיי"ש. לעומת זאת, רוב הראשונים: הר"ף (על הסוגיה), הרמב"ם (מאכלות אסורות פרק ט הלכה כח) ועוד רבים פסקו שכונות מר עוקבא היא שיש להמתין שיעור זמן שיש בין סעדת היום לסעדת הערב, והיינו כשש שעות. השו"ע (יו"ד סי' פט סעי' א) פסק כמותם. הרמ"א הזכיר שיש אומרים שאין צריך להמתין בין סעודה לסעודה. הוא פסק שמכל מקום, גם הסוברים כמותם נוהגים להמתין שעה אחת, כפי שמובא ב"איסור והיתר הארוך" (כלל מ). גם בראב"ה עצמו מובא שיש לעשות "הפסק מועט". אם כן נמצאנו למדים שראוי לעשות הפסק מסוים בין הסעודה הבשרית לסעודה החלבית. כשם שיש מקומות שבהם נהגו להמתין שעה, הוא הדין והוא הטעם שיש מקומות שנהגו להמתין שלוש שעות. עיין עוד ב"חיי אדם" (כלל קכז סי' ו), שמקל לאדם חלש להמתין רק "איזה שעות" (על-ידי התרת נדרים), ומשמע שישנה משמעות להמתנה של שעות מועטות.

יתרה מזו, מצינו שיטה בראשונים שהוזכר בה בפירוש שיש להמתין בין בשר לחלב ג' שעות. ב"איסור והיתר לר' ירוחם" (הנדפס בסוף רבנו ירוחם סי' לט). משמע שאמנם סובר הוא כשו"ע וסיעתו שכונות הגמרא היא שיש להמתין שיעור זמן שבין סעודה לסעודה, אך לדעתו שיעור הזמן הנדרש הנו ג' שעות בלבד. לא נדון בתשובה זו בשאלה של "שעה שישית" או שש שעות מלאות.

סמך נוסף למנהג לשמור ג' שעות הוא על-פי מה שכתב ה"דרכי תשובה" (סי' פט ס"ק ו) בשם "מוזמר לדוד", שמנהג מספר מקומות להמתין ג' שעות בין בשר וחלב, וטעם הדבר הוא משום שלעיתים שיעור הזמן בין סעודה לסעודה הנו קצר יותר משש שעות, ואף מגיע לכדי שלוש שעות, כגון בתקופת החורף, שהיום קצר וסעודת הערב נאכלת מוקדם יחסית. במצב כעין זה יהיה מותר לאכול גבינה בסעודת הערב, שכן המתני שיעור זמן שבין סעודה לסעודה, אף ששיעור הזמן אינו אלא ג' שעות. אם כן מוכח שלאחר שיעור זמן של ג' שעות כבר נתעכל הבשר. לפי זה יהיה מותר לנהוג לשמור ג' שעות אף בתקופת הקיץ, שכן הבשר כבר נתעכל. עד כאן תמצית דבריו. ויש להעיר שדבריו נשענים על כך שהחובה להמתין בין סעודה לסעודה הנה "כפשוטה", שכל זמן שאוכל את הגבינה רק בסעודה הבאה והמתין שיעור זמן המקובל בין שתי הסעודות – הדבר מותר. כן הבין גם ה"פרי חדש" (יו"ד סי' פט סעי' א ס"ק ו) אך פשוט לשון הרמב"ם (מאכלות אסורות פרק ט הל' כח), השו"ע (יו"ד סי' פט סעי' א), ה"פרי מגדים" (שם) ועוד רבים מן הפוסקים, ששיעור ההמתנה הנו שיעור זמן קבוע, שאינו משתנה אף במקרים שדרך לאכול הסעודה הבאה מוקדם יותר. באומרה שיש להמתין "מסעודה לסעודה" רתנה הגמרא ללמדנו רק שיעור זמן שבדרך-כלל קיים בין סעודה לסעודה, וזוהי דרכה של הגמרא במקומות רבים, כגון "כדי הילוך מיל" וכיו"ב.

² עיין בהערה הקודמת.

³ אם החליט לעבור לשמור שש שעות מחמת שחשב שמחויב לעשות כן – נחשב כנדר טעות, ומעיקר הדין יוכל לחזור למנהגו הראשון אף ללא התרת נדרים (עיניו בהערה 5).



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מעיקר הדין⁴ רשאי לחזור למנהגו על-ידי התרת נדרים⁵. אם היה נוהג מאז ומתמיד על-פי מנהג אבותיו⁶ להמתין שש שעות – יישאר במנהגו⁷. במקום צורך גדול⁸ יוכל להקל מכאן והלאה שלא להמתין שש שעות, על-ידי התרת נדרים.

⁴ לכתחילה ודאי מוטב שימשיך לשמור שש שעות, שכן אפילו הרמ"א (יו"ד סי' פט סעי' א) כתב שלכתחילה ראוי לדקדק ולהמתין שש שעות, וכן השי"ך (שם ס"ק ח) הביא את דברי המהרש"ל, שכל מי "שיש בו ריח תורה" ראוי שימתין שש שעות.

⁵ נחלקו הפוסקים אם ניתן להתיר מנהג שהחמיר על עצמו. המחלוקת נובעת מהבנת שונות בירושלמי (פסחים פ"ד ה"א): "כל דבר שאינו יודע שהוא מותר וטועה בו באיסור – נשאל והן מתירין לו, וכל דבר שהוא יודע בו שהוא מותר והוא נוהג בו באיסור – נשאל אין מתירין לו". לדעת הרמב"ן ב"ספר הזכות" (פסחים פרק מקום שנהגו) וראשונים נוספים, כוונת הירושלמי היא שאם אדם החמיר על עצמו בדבר מסוים בטעות, שחשב שהוא אסור, רשאי להתיר את מנהגו על-ידי התרת נדרים, ואם ידע שהדבר מותר מעיקר הדין, והחליט להחמיר על עצמו – אינו יכול להתחרט על מנהגו על-ידי התרת נדרים. לכאורה, פירוש זה תואם את פשט לשון הירושלמי. לעומת זאת, לדעת הרא"ש מנהג טעות אינו כלום אף ללא התרת נדרים, וכשידע שמעיקר הדין הוא מותר וקיבל על עצמו להחמיר – מחויב אמנם למנהגו, אך יכול להתיר על-ידי התרת נדרים. השו"ע (יו"ד סי' ריד סעי' א) סתם כדעת הרא"ש, שאף חומרה שקיבל על עצמו שלא בטעות ניתנת להתרה, והביא את שיטת הרמב"ן כ"יש אומרים". והרמ"א שם כתב שהמנהג הוא כדעת הרא"ש. וכן דעת ה"פרי חדש" (או"ח סי' תצו, "מנהגי איסור והיתר").

נראה שאף לכתחילה אין צורך לחוש לשיטות הסוברות שהתרה אינה מועילה, שכן בנדון דידן ישנו מקום לומר שמעולם לא היה כאן מנהג מחייב, משתי סיבות:

א. בספר "שדי חמד" (אות מ כלל לו) כתב שאפשר שאין דין "מנהג" אלא על דבר שמותר מצד הדין, ורק קיבל על עצמו הרחקה ופרישות מסוימת; אך בדבר שהוא מחלוקת בראשונים ונהג כשיטות המחמירות רשאי, כשירצה, לנהוג כשיטות המקלות. אם כן בנדון דידן, ששיעור המתנה בין בשר לחלב נובע ממחלוקת ראשונים (כמבואר בהערה 1), אפשר שאין כאן דין מנהג כלל. (והדבר אינו מוסכם. עיין בין השאר בשו"ע או"ח סי' תקנא וב"שער הציון" ס"ק יא).

ב. מובא בגמרא (נדרים כג ע"ב): "הרצה שלא יתקיימו נדריי כל השנה – יעמוד בראש השנה ויאמר 'כל נדר שאני עתיד לידור יהיה בטל'". והובא להלכה בשו"ע (יו"ד סי' ריא סעי' ב). אם כן, כיוון שהמנהג הפשוט בתפוצות ישראל לומר "כל נדרי" וכו', ובין השאר אנו מזכירים שבכוונתנו שכל הנהגה טובה שנהג שלא יהיה לה תוקף של נדר. נמצא שאף מי שנהג להחמיר על עצמו להמתין שש שעות – אין לזה כלל תוקף של נדר. וכתב השו"ע (שם) שיש לחוש לשיטות הראשונים הסוברות שכל הדין ה"ל שהנדר בטל הוא דווקא במקרה שדר ומיד אחר-כך נזכר בתנאי שהתנה בתחילת השנה, ורק כגון זה מועיל התנאי שעשה לבטל את הנדר, מה שאין כן במקרה שלפנינו. עיין בשו"ת "מנחת שלמה" (סי' צא אות כ), שכתב שלעניין הנהגות טובות מועיל התנאי בכל עניין. עיי"ש.

⁶ חיוב הבן במנהג אבותיו מוזכר כמה פעמים בש"ס, עיין בפסחים (ריש פרק מקום שנהגו), וכן בירושלמי (שם), וכן בחולין (ו' ע"ב) ועוד. נחלקו הפוסקים בהבנת חיוב זה וגדריו, וכדלהלן: כלל, לדעת הפוסקים אין הבן מחויב בחומרות והנהגות שנהג אביו, וכן משמעות הגמרא בחולין (קה ע"א), שמצינו שם שמר עוקבא אמר בפירוש שלמרות שאביו נהג להחמיר בין בשר לחלב עד יום המחרת – הוא עצמו אינו נוהג כן אלא ממתין רק מסעודה לסעודה. עיי"ש. לבי כל המקומות שהוזכר בהם מנהג אבות בגמרא, כתב בשו"ת "חוות יאיר" (סי' קכו) שכוונת הגמרא למנהג המקום, היינו שאדם שנולד במקום שנהג בחומרה מסוימת מחויב למנהג "אבותיו" (ותשוב המקום), אף שהוא עצמו מעולם לא קיבל על עצמו חומרה זאת. עיין שם, שהאריך בעניין זה והוכיח את דבריו. כן מצינו ב"פרי חדש" (או"ח סי' תצו ב"מנהגי איסור והיתר"), שכתב גם כן בפירוש שאין הבן מחויב במנהג אביו, ודווקא מכוח מנהג המקום ניתן לחייבו. לפי זה, אם נמצא במקום שבו המנהג המקובל הוא לשמור שש שעות – הדבר מחייבו, אך אם נמצא במקום שאין בו מנהג קבוע – אינו מחויב מצד "מנהג אבותיו", ודווקא אם נולד במקום שבו אין מנהג קבוע, שכן כתב ה"ביאור הלכה" בסי' תסח (ד"ה "וחומרי") שהעובר ממקום שנהג בו חומרה מסוימת למקום שאין מנהג קבוע – עדיין מחויב במנהג מקומו הראשון. וכתב ה"חוות יאיר" שכדבריו בתשובה כן משמעות הריב"ש (סי' שצט) בשם הרמב"ן ב"משפט החרס". אך המעיין בריב"ש יראה שניתן לפרש את כוונתו שיש בכוחם של רבים לקבל על עצמם הנהגה מסוימת ולחייב גם את זרעם, בדומה למעמד הר סיני, המחייב גם את זרעם שלא היה במעמד הר סיני. לפי זה היה מקום לומר שגם אם נולד במקום שאין בו מנהג קבוע, כיוון שאבותיו היו חלק מקהילה שקיבלה על עצמה מנהג להחמיר שש שעות – הדבר מחייב גם את זרעם, והוא מחויב למנהגם. וכן משמע מדברי הרמב"ם (יום טוב פרק ח הל' כ), והובא להלכה בשו"ע (סי' תסח סעי' ד), שאין הנהגת הקהילה מחייבת מצד מנהג המקום בלבד, שכתבו שהחולך במקום שנהגים חומרה מסוימת למקום שמקלים בדבר, אף שאין בדעתו לחזור למקומו עדיין מחויב למנהגו הראשון, למרות שכלל אינו שייך יותר למקומו הראשון (ועיין ב"ביאור הלכה" סי' תסח ד"ה ההולך, שנחלקו האחרונים בהבנת הרמב"ם ה"ל וחשו"ע).

צד נוסף לחיוב את הבן מצד מנהג אבותיו הוא על-פי דברי שו"ת "זכרון יוסף" (הובאו דבריו ב"פתחי תשובה" סי' ריד ס"ק ב) שאמנם כאמור, בן אינו מחויב בהנהגות שאביו קיבל על עצמו, אך אם אביו חינכו והדריכו בהנהגותיו וגם הבן נהג בפועל בהנהגות אביו – מחויב למנהג אביו, ודלא כ"יגרות משה" (או"ח ג סי' סד), שכנראה הבין בכוונת ה"זכרון יוסף" שכשהבן נוהג כך בעצמו הוא מחויב בדבר מצד עצמו, ולא מצד מנהג אביו. ויש נפקא מינה בדבר (עיין לקמן בהערה 8). אם כן, גם אם נולד במקום שאין בו מנהג קבוע, הוא מחויב להנהגת אביו.



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⁷ יש להעיר שמלבד כל השיקולים ההלכתיים שמתוארים בהערות חשונות, ישנו עניין חיובי בהמשך המסורת מאב לבן, ועל זה נשענת במידה רבה כל מסורת ישראל, כידוע.

⁸ בהערה 6 הוזכרו אפשרויות שונות לחייב את הבן מכוח מנהג אבותיו, וישנן שיטות חלוקות אם ניתן להתיר מנהג אבותיו על-ידי התרת נדרים. לדעת המהרשד"ם (יו"ד סי' מ) לא ניתן להתיר מנהג אבותיו, וכן דעת המהרי"ק (בשורש קמב). וראיה לדבר ניתן ללמוד מפסחים (ריש פרק מקום שנהגו), שבני בישן (שם מקום) היו נוהגים שלא לנסוע בערב שבת ליום השוק שהיה בצידון כדי שיוכלו לעסוק בצרכי שבת, ובניהם אחרים רצו שלא להחמיר בזה, והלכו לשאול אם הם מחויבים במנהג אבותיהם, ונענו שחייבים להמשיך במנהג. אם הייתה אפשרות להתיר את הנדר – ודאי שהדבר היה צריך להיות מוזכר בגמרא. לעומתם, לדעת ה"פרי חדש" (סימן תצו מנהגי או"ה סע' שמיני) אין ראייה מהגמרא הנ"ל, ואדרבה, בירושלמי (ריש פרק מקום שנהגו) מובא מקרה דומה, ושם מובא שלאחר שנענו שחייבים להמשיך במנהג אבותיהם הקשו מדוע אינם יכולים להתיר את הנדר ככל נדר, ונענו שכאן חמור יותר, כיוון שנתחייבו מכוח אבותיהם (כסברת המהרשד"ם והמהרי"ק הנ"ל), וממשיך הירושלמי: "כל שכן יהיו מותרות". אם כן, משמע שניתן להתיר גם מנהג אבות. עיין עוד בשו"ת "ירב פעלים" (או"ח ג סי' כט), שכתב שרק כשיש בדבר צורך ניתן לסמוך לחקל ולהתיר "מנהג אבותיהם". ויש להעיר שאפשר שגם המקלים לא התירו אלא במקום שכל הקהילה (או רובה) מעוניינת להתיר את הנדר; אך אפשר שאם אדם אחד מעוניין להתיר לעצמו את הנהגת הקהילה – אינו יכול, אף שכבר נמצא במקום שאין בו מנהג קבוע. אך הדבר יועיל במקרה שהוא מחויב למנהג אבותיו מחמת שאביו הנהיגו כן (כדברי ה"זכרון יוסף" בהערה 6).

**Basar B'chalav II:
Further Restrictions Between
Meat and Dairy
בשר בחלב ב': הפרדה בין בשר וחלב**

Eating Meat After Dairy

Separating Between Meat and Dairy Foods

Dairy Bread

Leftover Bread and Separate Tablecloths



**DEDICATED L'ILUI NISHMAT
ILANA BAT VILLI Z"l
ETTAH BAT DOV BER YEKUTIEL Z"l**





Tanach



Talmud (Chazal)



Rishonim



Acharonim



Contemporary Poskim

In the previous *shiur* we focused on understanding the three Torah prohibitions of *basar b'chalav* (consumption, cooking, and benefit) and the details of the rabbinic prohibition of eating dairy right after eating meat. In Part II, we will focus on the question of eating meat after dairy, other types of separations between meat and dairy food, separations between those eating dairy and those eating meat at one table, and halachot relevant to bread eaten with meat and dairy.

EATING MEAT AFTER DAIRY

Although as we saw in the previous *shiur*, most *poskim* hold that one must wait a significant period of time when eating dairy after meat (depending on the interpretation of the statement in the Gemara of "from one meal to the next"), the **Gemara** in **Chullin** states concerning eating meat after dairy that one does not have to wait at all.

ח

Masechet Chullin 105a

Rav Chisda says: If one ate meat, it is **prohibited** for him to eat cheese immediately, but if he ate cheese it is **permitted** for him to eat meat without delay.

1. מסכת חולין קה.

אמר רב חסדא: אכל בשר – אסור לאכול גבינה, גבינה – מותר לאכול בשר.

It would seem that the reason for the difference between the two cases is that the particular concerns discussed in the previous *shiur* concerning eating dairy after meat (the lingering taste in one's mouth according to Rashi or the meat that gets stuck in one's teeth according to Rambam) are not relevant in most cases of eating dairy.

Nevertheless, the **Gemara** in **Chullin** indicates that one must wash one's hands and rinse one's mouth before eating meat after dairy, at least when eating meat from an animal rather than poultry.

ח

Masechet Chullin 104b

The Sage **Agra, the father-in-law of Rabbi Abba, taught:** The meat of **birds and cheese may be eaten freely** [*apikoren*], i.e., there is no need to be strict in this matter. The Gemara notes: **He, Agra, teaches it and he says it**, i.e., explains his statement: The meat of birds and cheese may be eaten **without washing one's hands and without wiping the mouth** between the consumption of each.

The Gemara relates: **Rav Yitzchak, son of Rav Mesharshiyya, happened to come to the house of Rav Ashi. They brought him cheese, and he ate it. Next they brought him meat, and he ate it without first washing his hands.** The members of Rav Ashi's household **said to him: But didn't Agra, the father-in-law of Rabbi Abba, teach** only that the

2. מסכת חולין קד:

תנא אגרא חמוה דרבי אבא: עוף וגבינה נאכלין באפיקורן. הוא תני לה והוא אמר לה בלא נטילת ידים ובלא קינוח הפה.

רב יצחק בריה דרב משרשיא איקלע לבי רב אשי, אייתו ליה גבינה אכל, אייתו ליה בשרא אכל ולא משא ידיה, אמרי ליה: והא תאני אגרא חמוה דרבי אבא "עוף וגבינה נאכלין באפיקורן" – עוף וגבינה אין בשר וגבינה לא? אמר להו הני מילי בליליא אבל ביממא הא חזינא...

meat of **birds and cheese may be eaten freely?** One can infer that with regard to the meat of **birds and cheese, yes**, one may eat them without washing one's hands in between, but with regard to the **meat** of domesticated animals **and cheese, no**, one may not. Rav Yitzchak **said to them: This statement of Agra applies only if one eats them at night**, as one cannot see whether some of the food of the previous dish still remains on his hands. **But if one eats by day, I can see that no food remains on his hands...**

Rather, Beit Shammai say that one wipes his mouth after eating meat, and the same is true of rinsing, i.e., one must rinse his mouth as well. **And Beit Hillel say that one rinses his mouth, and the same is true of wiping.** And **one Sage said one statement and one Sage said another statement, and they do not disagree.** The Gemara concludes: **And the halakha is that the use of all items constitutes effective wiping, except for flour, dates, and vegetables.**

It seems that the conclusion from these passages in the Gemara is that one must wash one's hands when eating meat from an animal at night (without light), and rinse and wipe one's mouth anytime. This is also the ruling of the **Shulchan Aruch**, who also clarifies the halacha concerning poultry as well as the definition of the terms "rinsing" and "wiping" according to the halacha.

א Shulchan Aruch, Yoreh De'ah 89:2

One who eats dairy may eat meat afterward immediately, provided one inspects his hands so that nothing from the dairy remains stuck to them. If it was at night, when he cannot inspect them well, one must rinse them.

One must also wipe one's mouth and rinse it. Wiping is defined as chewing bread and then wiping one's mouth with it well, or with anything he wishes, except for flour, dates, and vegetables, since they get stuck to the jaw and they do not clean it well. Afterward one should rinse one's mouth with water or wine. When does this apply? To the meat of a domesticated or wild animal. **But if one wishes to eat poultry after dairy, one does not need wiping or washing one's hands.**

3. שולחן ערוך | יו"ד פט:ב

אכל גבינה, מותר לאכול אחריו בשר, מיד, ובלבד שיעיין ידיו שלא יהא שום דבר מהגבינה נדבק בהם. ואם היה בלילה, שאינו יכול לעיין אותם היטב, צריך לרחצם.

וצריך לקנח פיו ולהדיחו. והקינוח הוא שילעוס פת ויקנח בו פיו יפה, וכן בכל דבר שירצה, חוץ מקימחא ותמרי וירקא, לפי שהם נדבקים בחניכים ואין מקנחים יפה. ואחר כך ידיח פיו במים או ביון. במה דברים אמורים? בבשר בהמה וחיה. אבל אם בא לאכול בשר עוף, אחר גבינה, אינו צריך לא קינוח ולא נטילה.

According to the **Sefer HaKashrut**, brushing one's teeth well can also be done instead of using solid and liquid food.

פ Sefer HaKashrut, Chapter 10, Footnote 112

It should be noted that according to what is explained in the *Darkei Teshuva*, there is no need to swallow the foods that one uses for rinsing, against the opinion of the *Pri To'ar*

4. ספר הכשרות | פרק י, הערה קיב

ויש לציין שלמבואר בדרכי תשובה, ל, אין צורך לבלוע המאכל שמקנחים בו, שלא כדעת הפרי תואר המובאת

cited in the *Pitchei Teshuva* that whenever rinsing one's mouth, one must swallow the food that one uses... and of course brushing one's teeth well is considered like rinsing and wiping.

בפתחי תשובה שם שבכל קינוח צריך לבלוע המאכל שמקנחים בו... וכמובן שצחצוח שיניים ביסודיות, כמוהו כשטיפה וקינוח.

The Opinion of the Zohar

Although the halacha as determined in the Gemara and *Shulchan Aruch* seems quite clear, the **Beit Yosef** notes that the **Zohar** holds that one must wait even when eating meat after dairy (regardless of washing hands or rinsing one's mouth). The *Beit Yosef* also quotes the practice of the **Maharam** who accepted upon himself not to eat meat immediately after dairy due to a mishap that once occurred to him.



Beit Yosef, Orach Chaim Siman 173, s.v. Katuv

And some are stringent upon themselves not to eat meat after dairy in one meal, **since it is stated in the Zohar** (*Parshat Mishpatim*): We find that anyone who eats this [meat after dairy] together **or within one hour** or within one meal, an image of a roasted kid is seen in the shell of the person for forty days, and a group of impure [angels] will approach him [so that they can identify him and punish him accordingly] and will cause judgment to be aroused in the world, judgment that is not holy...

And the Mordechai already writes that the Maharam [of Rothenberg] would not eat meat after cheese, **since once he found some pieces of cheese stuck in his mouth in between one meal and the next, so he decreed upon himself to be stringent**, and this is not considered like disagreeing with the Talmud, nor like one who adds, which is like detracting... he certainly did not see the Zohar but was nevertheless stringent upon himself due to the incident that happened. And even though he was lenient concerning poultry, that was because he did not see the Zohar, **but we who have merited to see it, it is good and proper to be stringent even concerning poultry.**

5. בית יוסף | או"ח סימן קעג ד"ה כתוב

ויש מחמירין על עצמם שלא לאכול בשר אחר גבינה בסעודה אחת מפני שכתוב בספר הזוהר פרשת משפטים (דף קכה עמוד א) וזו לשונו: "אשכחן, דכל מאן דאכיל האי מיכלא כחדא, או בשעתא חדא, או בסעודתא חדא, ארבעין יומין אתחזיא גדיא מקלסא בקלפוי לגבי אינון דלעילא, וסייעתא מסאבא מתקרבין בהדיה, וגרים לאתערא דינין בעלמא, דינין דלא קדישין..."

וכבר כתב המרדכי שמהר"מ (רבי מאיר מרוטנבורג) היה נוהג שלא לאכול בשר בהמה וחיה אחר גבינה לפי שפעם אחת מסעודה לסעודה מצא גבינה בין שיניו גזר להחמיר על עצמו, ואין זה כחולק על התלמוד ולא כמוסיף שהוא גורע... והוא ודאי שהוא זכרונו לברכה לא ראה ספר הזוהר ואפילו הכי היה מחמיר על עצמו משום מעשה שהיה, ואף על פי שהיה מיקל בעוף היינו לפי שלא ראה ספר הזוהר, אבל אנו שזכינו לראותו טוב ונכון להחמיר אפילו בבשר עוף.

Since the *Shulchan Aruch* does not quote the Zohar or the practice of the Maharam as normative halacha, **Rav Ovadia Yosef** rules that Sefardim do not need to wait at all before eating meat.



Responsa Yabia Omer, Vol. 6, Yoreh De'ah Siman 7

I was asked about one who wishes to eat meat after eating cheese, must he wait the same amount of time as one who eats cheese after meat, or does he not need to wait at all...

(5) The conclusion of the ruling is that according to the letter of the law, it is permitted to eat meat following dairy, after wiping one's mouth with bread and the like, and rinse his mouth with liquid and wash his hands or clean them well. And one who is stringent upon himself not to eat meat after dairy for an hour or more and knows that he does so as a manner of stringency or piety, and he has a need to nullify his custom, he should perform *hatarat* [*nedarim*] (absolving of vows) for not stating initially that he was doing so "*bli neder* (without taking a vow)" and it will then be permitted for him to eat meat after dairy. But one who did so because he thought the halacha was that it is forbidden to eat meat after dairy in the same manner as dairy after meat may nullify his custom without any *hatara*, and he may eat meat after dairy by washing hands and wiping and rinsing his mouth.

6. שו"ת יביע אומר | חלק ו יורה דעה סימן ז

נשאלתי הרוצה לאכול בשר לאחר שאכל גבינה האם עליו להמתין בינתיים כדין האוכל גבינה אחר בשר, או אין צריך להמתין כלל... (ה) מסקנא דדינא, שמעיקר הדין מותר לאכול בשר אחר גבינה, לאחר שיקנח פיו בפת וכיוצא בו, וידיח פיו במשקים, ויטול ידיו, או ינקה אותם היטב. ומי שנהג להחמיר על עצמו שלא לאכול בשר אחר גבינה אלא כעבור שעה או יותר וידע שהוא נוהג כן דרך חומרא וחסידות, ויש לו צורך לבטל מנהגו, יעשה התרה על שלא אמר מתחלה שהוא נוהג כן בלי נדר, ואז יהיה מותר לו לאכול בשר אחר גבינה, אבל מי שנהג כן לפי שחשב שכן הדין לאסור אכילת בשר אחר גבינה כדין גבינה אחר בשר, יכול לבטל מנהגו בלי התרה כלל, ויאכל בשר אחר גבינה ע"י נטילת ידיים וקינוח והדחת הפה.

The **Rema** though does cite the custom to wait after eating dairy approvingly, specifically after eating hard cheese.



Rema, Yoreh De'ah 89:2

And some are stringent even for meat after dairy, and this is the custom, **that any case of hard cheese one should not eat even poultry afterward, just like cheese after meat** (and this also appears in the Zohar). But some are lenient, and one should not protest [their practice], just they should wipe and rinse and wash their hands. But it is good to be stringent.

7. רמ"א | יו"ד פטב

ויש מחמירין אפילו בבשר אחר גבינה, וכן נוהגין שכל שהגבינה קשה אין אוכלין אחריה אפילו בשר עוף, כמו בגבינה אחר בשר. (וכן הוא בזוהר). ויש מקילין. ואין למחות, רק שיעשו קנוח והדחה ונטילת ידיים. מיהו טוב להחמיר.

Although the Rema only mentions waiting after hard cheese as the practical custom, some have the custom to wait either an hour or half an hour after eating any type of dairy based on the Zohar quoted above.¹

1. See *Sefer HaKashrut* (10:47) and *The Laws of Kashrus* (p. 208) that both mention this custom. See also *Shach* (89:16) cited below who mentions the Zohar, which also may be a precedent for this custom. But it is unclear whether the *Shach* is referring to waiting one hour after all dairy or only after hard cheese (which is how it has been interpreted in the text). [Addition of the English editors]

But it seems that the **Mishna Berura** does not require this, and in fact he does not even require reciting *birkat hamazon* in between eating dairy and meat.

Ⓝ

Mishna Berura 494:16

And one does not need to separate [the meals] with *birkat hamazon* if he does not eat hard cheese; rather he should wipe his mouth well and rinse [and then may eat meat].

8. משנה ברורה | תצד:טז

ואין צריך להפסיק בברכת המזון אם אינו אוכל גבינה קשה אלא יקנה פיו יפה וידיח.

Eating Meat after Hard Cheese

Let us now focus on the question of waiting to eat meat after eating hard cheese. What is the reason that the Rema holds that one should wait before eating meat in this case? The **Taz** suggests that this only follows Rashi, who holds that one waits after eating meat due to the taste in one's mouth that lingers. Although this may be applicable to hard cheese (which has a strong taste), the reason of the Rambam that meat in between the teeth is considered halachically significant does not apply, as that is true only concerning meat (where the Gemara cites a *pasuk* to prove it).

Ⓝ

Turei Zahav (Taz), Yoreh De'ah 89:4

It seems in my humble opinion that according to the reason of the Rambam that I mentioned at the beginning of the *siman*, that for eating cheese after meat it is because of the meat in between the teeth, but we are not concerned with the taste that lingers in the mouth from the meat, **one can say that for all cheese, there is no prohibition to eat meat afterward**, as even concerning meat in between the teeth we would not call it meat if the *pasuk* had not disclosed to us that "the meat was still in between their teeth," as the Gemara says. For this reason, cheese in between the teeth is not considered cheese at all. **And according to the reason I mentioned that it is due to the fat (Rashi), it is obvious that one should also forbid Swiss cheese**, as its taste lingers in the mouth for a long time; if so, one should be stringent.

9. טורי זהב (ט"ז) | פט:ד

ונראה לעניות דעתי לטעם הרמב"ם שזכרתי בריש הסימן שבאכילת גבינה אחר בשר הוא משום בשר שבין השיניים, אבל בטעם שמושך מן הבשר שבפה לא איכפת לן, אפשר לומר כאן בכל גבינה לית איסור לאכול בשר אחריה, דגם בבשר שבין השיניים לא הוי קרינן ביה בשר אי לאו דגלי לן קרא "הבשר עודנו בין שיניהם" כדאיתא בגמרא, משום הכי, בגבינה שבין השיניים לא הוי גבינה כלל. ולטעם שזכרתי שהוא משום שומן (שיטת רש"י), פשיטא יש לאסור גם בגבינה מותלעת, שטעם שלה נמשך בפה זמן רב, אם כן יש להחמיר.

How long must one wait after eating hard cheese before eating dairy? If we treat it as equivalent to eating meat, then we would say that one should wait six hours, or however long one usually waits between meat and dairy. This seems to be the opinion of the Rema, who stated that one should wait after eating hard cheese in the same manner that one waits after eating meat. It is also the opinion of the **Taz**.

⌘ Turei Zahav (Taz), Yoreh De'ah 89:4

And some are stringent even for meat after dairy – I.e., to wait six hours. And the measure of hard cheese mentioned by the Rema is where it has aged for six months, or that it has many holes...

10. טורי זהב (ט"ז) | פט:ד

ויש מחמירין אפי' בבשר אחר גבינה – פירוש, להמתין שש שעות. ושיעור גבינה קשה שזכר רמ"א היינו שעברו עליה ו' חדשים או שהיא מתולעת כל כך...

But the **Shach** seems to say that one hour is sufficient.

⌘ Shach, Yoreh De'ah 89:16

One may not eat [after hard cheese], etc. – And it says in the *sefer Metzaref L'chochma* that according to what was explained in *se'if 1* that the custom is to wait one hour after eating meat, if so perhaps the Zohar also agrees that it is only forbidden in one meal and in one hour. And the language of the Zohar in *Parshat Mishpatim* indeed sounds like this.

11. ש"ך | יו"ד פט:טז

אין אוכלין כו' – וכתוב בספר מצרף לחכמה דף כ"ז ע"א, דלפי מה שנתבאר בסעיף א' דאחר אכילת בשר נוהגין להמתין שעה אחת, אם כן אפשר דגם הזהר מודה שלא אסר רק בסעודה חדא ובשעתא חדא ודוק. עד כאן לשונו. ולישנא דהזהר פרשת משפטים הכי משמע, ע"ש.

The **Sefer HaKashrut** rules that practically, Ashkenazim should always wait six hours after eating hard cheese, but there are different opinions with regard to Sefardic practice.

⬢ Sefer HaKashrut 10:49

One who eats hard cheese and wishes to eat meat, the custom of Ashkenazim is to wait six hours even before poultry. And the custom of the Sefardim is to wait one hour only. And some are lenient for them without waiting at all.

12. ספר הכשרות | י:מט

האוכל גבינה קשה וברצונו לאכול בשרי, מנהג בני אשכנז – להמתין שש שעות אפילו לפני בשר עוף. ומנהג בני ספרד – להמתין שעה אחת בלבד. ויש המיקל להם, בלא המתנה כלל.

Concerning Sefardic practice, the **Ben Ish Chai** rules that it depends on how long the cheese was aged for, and if it was aged for six months or more, one should wait six hours. If it was aged for less, then one should wait less time. By contrast, **Rav Ovadia Yosef** (mentioned above) holds that one need not wait at all for any hard cheese, since the *Shulchan Aruch* does not mention this stringency.

There are some cases that are subject to dispute even according to the Ashkenazic custom. According to the *Taz* mentioned above (89:4) and the **Shach (89:15)**, hard cheese is defined as cheese that has aged for six months or has similar characteristics to such cheese, i.e., it has a strong or pungent taste. Nevertheless, some Israeli *poskim*, such as the **Shevet HaLevi**, are stringent with regard to standard cheeses commonly known as yellow cheese in Israel or those known as American cheese in the United States that these too must be treated as hard cheeses since some have been aged for over six months and it is difficult to determine which ones.



Responsa Shevet HaLevi 2:35

What he asked concerning eating meat after salted cheese which has not yet aged for six months. It is known that the approach of the *Shas* (beginning of the chapter *Kol Habasar*) about this does not appear to be a stringent one. But our teacher the Rema writes to be stringent like the Zohar, and the *Taz* is stringent specifically concerning Swiss cheese or where it was set with rennet...

Nevertheless, I also am usually stringent about this, and my reason is that today, everything is sold in the market, and there are so many kinds of cheese, these are [aged] less than six months, and these are more than six months, and one would need a calendar [to determine] when they were made, and this is impossible. Therefore, we should be stringent for all hard [cheeses], as aside from this, I have found *Acharonim* who are inclined to be stringent with hard ones even [when aged] less than six months...

13. שו"ת שבט הלוי | ב'לה

אשר שאל בענין אכילת בשר אחרי גבינה מלוחה שעדיין לא עברו עליה ו' חדשים. הנה ידוע ששיטת הש"ס ריש פרק כל הבשר לא משמע להחמיר בזה, אלא דרבינו הרמ"א בסימן פ"ט כתב להחמיר כהזוהר הקדוש, והט"ז מחמיר דוקא במתולעת או הועמדה בקיבה...

מכל מקום גם אנכי דרכי להחמיר בזה, וטעמי דכהיום הכל נמכר בחנות ויש לו כל מיני גבינות אלה שהם פחות מו' חדשים ואלה שהם יותר מו' חדשים והיה צריך לזה לוח זמנים מתי נעשו, וזה בלתי אפשרי, על כן עלינו להחמיר בכל קשה, דבלאו הכי מצאתי באחרונים שנוטים להחמיר בקשה אפילו פחות מו' חדשים...

A similar approach is taken by **Rav Shlomo Zalman Auerbach** as cited in the **Sefer HaKashrut (10:50)**.

But **Rav Zev Weitman**, rabbi of the Tenuva company and of the Alon Shvut community in Israel, argues that most of the cheeses on the shelf today do not qualify for the criteria of hard cheeses according to most *poskim*.



Rav Zev Weitman, B'Netiv HaChalav, pp. 97–100

Since the aging time of normal yellow cheeses, which constitute about 80% of the yellow cheeses, including [the Israeli brands known as] Yerushalayim, Tiran, Emek, Achuza, Gush-Chalav, etc. are between one to two months (and the same is true for the salted Bulgarian cheeses), it seems that they are not considered hard cheeses, both according to the criteria that appear in the *Acharonim* as well the criteria used today. Although there are cheeses whose shelf-life are long when refrigerated, and perhaps they will have been six months by the time they are eaten, it is uncertain that this is defined as hard cheese, since the process of aging while they are refrigerated is very partial and slow, and it is not clear that this time is included in the six months...

14. הרב זאב ויטמן, בנתיב החלב |

עמ' 97-100

מכיוון שזמן הבשלתן של הגבינות הצהובות הרגילות, המהוות כ-80% מתצרוכת הגבינות הצהובות – ירושלים, טירן, עמק, אחוזה, גוש-חלב וכו' הינו בין חודש לחודשיים (וכך גם הגבינות הבולגריות המלוחות), נראה שהן אינן נחשבות לגבינות קשות, הן בהתאם לקריטריונים המופיעים באחרונים, והן בהתאם לקריטריונים המקובלים כיום. ואף שיש גבינות שחיי המדף שלהן בתנאי קירור ארוכים, ויתכן שהן יגיעו בעת אכילתן לשישה חודשים, ספק אם הן ייחשבו לגבינות קשות, מכיון שתהליך ההבשלה בעת היותן בקירור הינו איטי וחלקי בלבד, וספק אם זמן זה נחשב לחשבון שישה חודשים...

In any case, there are some cheeses about which all agree that they are considered hard cheese, and these special cheeses are also found in Tenuva (though at present they are not Mehadrin). This includes, e.g., parmesan, which contains a high percentage of dry matter, and the aging time can take more than a year, and its unique taste gets stronger the more that it ages...

בכל אופן, יש גבינות שלגביהן לכולי עלמא יש להתייחס כאל גבינות קשות, וגבינות מיוחדות כאלו מצויות גם ב"תנובה" (אם כי בינתיים אינן נמצאות במיגוון הגבינות הכשרות למהדרין). הכוונה למשל לגבינת "פרמזן" שהינה גבינה בעל אחוז חומר יבש גבוה מאד, ושזמן הבשלתה נמשך שנה ויותר, וטעמה המיוחד מתחזק והולך ככל שהגבינה מתיישנת יותר...

A similar position is also taken by many American *poskim*, such as **Rav Aharon Kotler** and **Rav Moshe Stern**, cited in the ***Kitzur Shulchan Aruch al Basar B'chalav***. According to them, standard American or yellow cheeses do not have the status of hard cheese and one need not wait after eating it before eating meat.



Kitzur Shulchan Aruch al Basar B'chalav, Vol. 1, p. 138

And some information about the practices of Rav Aharon Kotler *zt"l* have reached my hands... there was an incident with a young man who was invited to eat with our teacher and when they served him meat, the young man said that he had eaten yellow cheese and was not allowed to eat meat. Our teacher said to him: The yellow cheese commonly found is not the hard cheese that the *poskim* spoke about, which was so hard that they needed a grinder to cut it...

15. קיצור שולחן ערוך על בשר בחלב | חלק א, עמ' קלח

והנה הגיעו לידי דפים מספר על הנהגות הגר"א קוטלר זצוק"ל... מעשה בבחור שהוזמן לאכול אצל רבינו וכאשר הגישו לפניו בשר אמר הבחור שהוא אכל גבינה צהובה ואסור באכילת בשר. אמר לו רבינו: "הגבינה הצהובה המצויה בינינו איננה הגבינה הקשה עליה דברו הפוסקים שהיא היתה כל כך קשה שהיו צריכין "ריב אייזן" (מגרדת לחותכה"...

This is also the position of the OU, which has a chart on its website detailing exactly which cheeses it believes are considered hard cheeses. In general, most of those are types of Swiss cheese, parmesan, and cheddar. The OU also adds the following explanation to the chart.



16. Rabbi Avraham Gordimer, "Cheeses – When Waiting is Required"²

The *Shach* (ibid. s.k.16) explains that "hard cheese" as referenced by the Remo means cheese which has aged (approximately) six months. *Poskim* note that after eating pungent, strong-tasting cheeses, one should similarly wait before eating meat, regardless of the cheese's age. (V. *Taz* ibid. s.k. 4.) It is the position of the OU's *poskim* (halachic authorities) that one need only wait between eating aged cheese and meat if the cheese is of a variety that is intentionally aged in production, such as Parmesan (must be aged in production at least 10 months) and Emmental (much be aged in production at least 6 months). One need not wait after consuming non-aged cheese that is then incidentally aged on refrigerator shelves and exhibits the same texture and taste as it should exhibit in its non-aged state.

2. See the article at www.oukosh.org/blog/consumer-kosher/aged-cheese-list. [Addition of the English editors]

Thus, according to this approach, cheeses that happen to have been out for six months do not qualify as hard cheeses; rather they must have been intentionally aged for that amount of time to qualify.^{3,4}

Is Milk the Same as Other Dairy Products?

We saw above that at the very least, one must wipe and rinse one's mouth after eating dairy prior to eating meat. Do these requirements apply only to solid dairy food or also to one who wishes to eat meat after drinking milk? According to the **Rashash**, one need not wash one's hands or rinse one's mouth with solid food after drinking milk since it is a liquid, and the taste will be removed even by drinking a liquid alone.

Ⓝ

Rashash, Chullin 103b

It is specifically cheese that we conclude there [in the Gemara] requires wiping and rinsing since it is stuck to the jaws and in between the teeth and is not expelled via rinsing alone. But for milk, rinsing alone is sufficient [to remove any residue].

17. רש"ש | חולין קג:

דדוקא גבינה מסקינן שם דבעי קינוח והדחה משום שהוא מודבק בחניכים ובבין השיניים ואינו יוצא על ידי הדחה לחודה אבל בחלב סגי בהדחה לחודה.

The **Sefer HaKashrut (10:48)** and **Yabia Omer (10:6:7)** agree with the Rashash and are lenient concerning milk. But **Rav Feivel Cohen** is stringent in the **Badei HaShulchan**.

פ

Badei HaShulchan 89:43

Some write that one who drinks milk does not need to wash his hands since the milk is in a cup and he has not touched it with his hands. But in the *sefer Issur V'heter* it is explained that even one who drinks milk must wash his hands [and one can explain his reason as being that we are concerned that there may be some milk in the back of the cup in the place where his mouth touches, and he then touched there with his hands. Alternatively, one can say that the reason is because the Sages did not make a distinction within their decrees, and they required washing in all cases of food]. **And it seems that one should be stringent about this.**

18. בדי השולחן | פט:מג

ויש שכתב שהשותה חלב אין צריך ליטול ידיו כי החלב בכוס ולא נגע בו בידי אמןם בספר איסור והיתר מבואר שאף בשותה חלב צריך נטילת ידיים [ויש לפרש בטעמו דחיישין שנמצא קצת חלב באחורי הכוס במקום נגיעת פיו ונגע שם אח"כ בידי אי נמי יש לומר בטעמו משום דלא פלוג חכמים בתקנתם וחיבו בנטילה בכל ענייני אכילה] ונראה שיש להחמיר בזה.

3. See also www.theyeshivaworld.com/news/general/363024/waiting-after-eating-hard-cheese for an article reviewing all of the opinions on this issue by Rav Moishe Dovid Lebovits as well as www.star-k.org/articles/kashrus-kurrents/5136/improving-with-age for a summary of the Star-K's approach. [Addition of the English editors]

4. Another important issue is whether the stringency of hard cheese applies if it is melted. According to the *Yad Yehuda*, melted hard cheese does not have the same status as regular hard cheese. Therefore, in his opinion, perhaps even unanimously accepted types of hard cheese, such as parmesan, used on pizza and the like may not require waiting the full amount of time. Nevertheless, the issue is complex, as later *poskim* dispute whether the *Yad Yehuda* refers to cheese dissolved into the food or even cheese melted on top of the food. [Addition of the English editors]

SEPARATING BETWEEN MEAT AND DAIRY FOODS

In addition to the separations required between an individual's consumption of meat after dairy, one must also be careful to separate between the dairy and meat foods themselves. The **Mishna** in **Chullin** states that one must be careful that meat and dairy foods do not come in contact with each other.

ח Mishna, Chullin 8:2

A person may bind meat and cheese in one cloth, provided that they do not come into contact with each other.

19. משנה | חולין ח:ב

צורר אדם בשר וגבינה במטפחת אחת ובלבד שלא יהו נוגעין זה בזה.

If meat and dairy foods do touch one another by mistake, the **Gemara** in **Chullin** indicates that if they are cold, then one should rinse them off and they may be eaten.

ח Masechet Chullin 107b

The Gemara asks: **And if they come into contact with each other, what of it?** It is a case of one **cold** food in contact with another **cold** food, and they would not absorb substances from one another. **Abaye said: Granted that cold foods do not require the peeling** of the place where they came into contact, as they do not absorb substances from one another. Nevertheless, **don't they require rinsing** in water? The Sages therefore decreed against the contact of even cold meat and cheese, lest one come to eat them without rinsing them first.

20. מסכת חולין קז:

וכי נוגע זה בזה מאי הוי, צונן בצונן הוא? אמר אביי נהי דקליפה לא בעי הדחה מי לא בעי?

This is the ruling of the **Shulchan Aruch** as well.

ס Shulchan Aruch, Yoreh De'ah 91:1

Meat and cheese that touched each other are permitted, but one must rinse off the place of contact. And it is permitted to wrap them in one cloth, and we are not concerned that they will touch one another.

21. שולחן ערוך | יו"ד צא:א

בשר וגבינה שנגעו זה בזה, מותרים, אלא שצריך להדיח מקום נגיעתן. ומותר לצור אותם במטפחת אחת, ולא חיישינן שמא יגעו זה בזה.

The **Shach** cites the **Bach** that if the foods are dry when they touch, they do not require rinsing.

The **Mishna** also indicates that one may not place meat and dairy together on the table upon which a person is eating, but it is permitted to place them on the table used for preparing.

n Mishna, Chullin 8:1

[It is] prohibited to cook any meat [of domesticated and undomesticated animals and birds] in milk, except for the meat of fish and grasshoppers. And [it is] prohibited to place [any meat together] with [milk products, e.g.,] cheese, on [one] table, except for the meat of fish and grasshoppers.

The [meat of] birds may be placed with cheese on [one] table but [may] not be eaten [together with it; this is] the statement of Beit Shammai. And Beit Hillel say: [It may] neither be placed [on one table] nor be eaten [with cheese.] Rabbi Yosei said: This is [one] of the [disputes involving] leniencies of Beit Shammai and stringencies of Beit Hillel.

[The Mishna elaborates:] With regard to which table [are these *halakhot*] stated? [It is] with regard to a table upon which one eats. But on a table upon which one prepares the cooked food, one [may] place this [meat] alongside that [cheese or vice-versa,] and [need] not be concerned [that perhaps they will be mixed and one will come to eat them together.]

This is also the ruling in the ***Shulchan Aruch***.

א Shulchan Aruch, Yoreh De'ah 88:1

Even the meat of a wild animal or a bird is forbidden to serve on a table upon which one is eating dairy, so that he should not come to eat it together. But on the table that he arranges the food, it is permitted to place them one next to the other.

The ***Shach*** points out that this prohibition applies only to *basar b'chalah*, but it is permitted to eat at a table that also has non-kosher food on it, since we can assume that most individuals will stay away from it (except for bread, which a person may not distance himself from).

א Shach, Yoreh De'ah 88:2

It seems that only meat is forbidden to serve at a table where one is eating dairy, or vice-versa, since people will not stay away from it, since each one is permitted independently. But it is permitted to bring non-kosher meat to a table where he is eating kosher meat... and according to this, it is forbidden to serve forbidden bread on the table just like it is forbidden concerning meat and dairy.

22. משנה | חולין ח:א

כל הבשר אסור לבשל בחלב – חוץ מבשר דגים וחגבים. ואסור להעלות עם הגבינה על השלחן – חוץ מבשר דגים וחגבים.

העוף עולה עם הגבינה על השלחן ואינו נאכל, דברי בית שמאי. ובית הלל אומרים לא עולה ולא נאכל, אמר רבי יוסי: זו מקולי בית שמאי ומחומרי בית הלל.

באיזה שלחן אמרו? בשולחן שאוכל עליו, אבל בשולחן שסודר עליו את התבשיל נותן זה בצד זה ואינו חושש.

23. שולחן ערוך | יו"ד פח:א

אפילו בשר חיה ועוף, אסור להעלותו על שלחן שאוכל עליו גבינה, שלא יבא לאכלם יחד. אבל בשלחן שסודר עליו התבשיל, מותר ליתן זה בצד זה.

24. ש"ך | יו"ד פח:ב

ונראה דוקא בשר אסור להעלות על השלחן שאוכל חלב או איפכא משום דלא בדילי אינשי מיניה מפני שכל אחד היתר בפני עצמו אבל מותר להעלות בשר נבילה על השלחן שאוכל עליו בשר כשירה... ולפ"ז אסור להעלות לחם של איסור על השלחן כדרך שאסור בבשר וחלב.

Two Individuals Eating Meat and Dairy at the Same Table

It is very common nowadays to have food courts or other eating areas in public places in which both meat and dairy are eaten in the same area. Based on the *Shach*, it would seem that eating near others who are eating non-kosher is not always problematic. But what about the question of eating meat at the same table at which someone else is eating dairy? According to the **Mishna**, two individuals who know each other may not eat at the same table if one eats (kosher) dairy and the other eats (kosher) meat.

ח Mishna, Chullin 8:2

Rabban Shimon ben Gamliel says: Two [unacquainted] guests [*akhsena'in*] may eat [together] on one table, this [one eating] meat and that [one eating] cheese, and they [need] not be concerned [lest they come to violate the prohibition of eating meat and milk by partaking of the food of the other.]

25. משנה | חולין ח:ב

רבן שמעון בן גמליאל אומר: שני אכסנאין אוכלין על שלחן אחד זה בשר וזה גבינה ואין חוששין.

The **Gemara** elaborates that if the two individuals are acquaintances, they are not permitted to eat meat and dairy at the same table since they may decide to share each other's food.

ח Masechet Chullin 107b

Rav Chanan bar Ami says that Shmuel says: They taught this *halacha* **only** in a case **where** the guests **do not know each other**, as they will not eat of each other's food. **But** in a situation where **they know each other**, it is **prohibited** for them to eat together at the same table.

That opinion is also taught in a *baraita*: Rabban Shimon ben Gamliel says: If two guests roomed in one inn, this one coming from the north and that one coming from the south, this one coming with his piece of meat and that one coming with his cheese, they may eat together on one table, this one eating meat and that one cheese, and they need not be concerned.

The *baraita* adds: And the Sages **prohibited** this practice **only** if they both eat **from one parcel**. The *Gemara* adds: Can it **enter your mind** that the *baraita* is actually referring to a case where they eat from **one parcel**? This is obviously prohibited. **Rather**, it prohibits eating even in a manner **as though** they were eating from **one parcel**, i.e., when the diners are somewhat acquainted with each other, since neither would mind if the other ate from his food.

26. מסכת חולין קז:

אמר רב חנן בר אמי אמר שמואל לא שנו אלא שאין מכירין זה את זה, אבל מכירין זה את זה אסור. תניא נמי הכי: רבן שמעון בן גמליאל אומר: ב' אכסנאים שנתארחו לפונדק אחד זה בא מן הצפון וזה בא מן הדרום, זה בא בחתיכתו וזה בא בגבינתו, אוכלין על שלחן אחד זה בשר וזה גבינה ואין חוששין, ולא אסרו אלא בתפיסה אחת, תפיסה אחת סלקא דעתך? אלא כעין תפיסה אחת.

Tosafot explain (in the first explanation) that if there is an item that separates between the two diners, they are permitted to continue eating together.

**Tosafot, ibid.**

As though it were one parcel – And if there is an object that separates, it is not considered like one parcel... and what is the case? Such as where there is an [object] of medium size height. Therefore, our custom now is that when this one eats meat and that one eats cheese at one table, we place bread or a container or other utensils to separate between them, or he eats on another tablecloth, which is like two parcels.

According to Tosafot, a separation in between the two diners will ensure that they do not eat from the other's food. This is also the ruling of the **Shulchan Aruch**, though the Rema adds some details concerning what may be done with the sign.

**Shulchan Aruch, Yoreh De'ah 88:2**

That which is forbidden to bring to the table, it is specifically with two people who know each other, even if they are particular with each other [i.e., they would not normally share their food]. But visitors who do not know each other are permitted. And even those who know each other, if they made any type of sign, such as each one eats on his own cloth, or even if they eat on one tablecloth but they place bread in between as a sign, it is permitted.

Rema: And this is specifically when they are not eating from the bread placed between them to be a sign, but if they eat from it, it is not a sign, as otherwise the bread from which they are eating is already placed on the table. But if they placed a cup used for drinking in between them, and otherwise it would not normally be on the table, it is considered a valid sign even though they drink from the utensil. And certainly if they placed a lamp there or other things on the table it is considered a valid sign. And they should be careful not to drink from one utensil, since the food gets stuck to the utensil.

The **Taz** writes that the object placed as a sign must be placed there with the purpose of being a sign rather than for some other reason.

27. תוספות | שם

כעין תפיסה אחת – ואם יש דבר מפסיק לא הוי כעין תפיסה אחת... והיכי דמי? כגון דאיכא גובה ביני וביני, ולפיכך נוהגין עכשיו כשזה אוכל בשר וזה אוכל גבינה על שלחן אחד מניחין לחם או קנקן או שאר כלים להפסיק בינתיים או אוכל על מפה אחרת דהוי כעין שתי תפיסות.

28. שולחן ערוך | יו"ד פח:ב

הא דאסור להעלותו על השלחן, דווקא בשני בני אדם המכירים זה את זה, אפילו הם מקפידים זה על זה; אבל אכסנאים, שאין מכירין זה את זה, מותר. ואפילו המכירים, אם עשו שום היכר, כגון שכל אחד אוכל על מפה שלו, או אפילו אוכלים על מפה אחת ונותנים ביניהם פת להיכר, מותר.

הגה: ודוקא שאין אוכלין מן הפת המונח ביניהם להיכר, אבל אם אוכלין ממנו, לא הוי היכר, דבלאו הכי הפת שאוכלין ממנו מונח על השלחן. אבל אם נתנו ביניהם כלי ששותין ממנו, ובלאו הכי אין דרכו להיות על השלחן, הוי היכר אעפ"י ששותין מן הכלי. וכל שכן אם נתנו שם מנורה, או שאר דברים שעל השלחן, דהוי היכר. ויהיו זהירים שלא לשתות מכלי אחד, משום שהמאכל נדבק בכלי.

א Turei Zahav (Taz), Yoreh De'ah 88:4

That is in a case where the lamp would not be standing there otherwise, as if this were not the case, it would not be a sign, since at every table the lamp would need to be standing on the table [to provide light].

29. טורי זהב (ט"ז) | יו"ד פח:ד

היינו גם כן במקום שבלאו הכי לא היתה המנורה עומדת שם דאם לא כן [לא] הוי היכר דבכל שלחן צריכה המנורה להיות עומדת על השלחן.

The **Pitchei Teshuva** adds that if the two individuals are sitting at a distance from each other such that one cannot simply take food from the other without standing and walking to him, no sign is necessary, as he will remember not to do so.

א Pitchei Teshuva, Yoreh De'ah 88:3

And the *Beit Chadash* writes in the name of Rabbi Shlomo Luria that when they sit at a distance from each other such that one cannot extend his hand and eat from what his companion is eating, **it is permitted according to all without a sign.**

30. פתחי תשובה | יו"ד פח:ג

...וכתב ה"בית חדש" בשם רבי שלמה לוריא, דביושבים רחוקים זה מזה בכדי שאין יכול האחד לפשוט ידו ולאכול ממה שאוכל חברו – שרי לדברי הכל, בלא הכירא.

If no sign or reminder was placed on the table, **Rav Akiva Eiger** states that one may not request from another person to serve as a "*shomer*" (lit. a guard) who will remind them that it is forbidden to share food, and the **Yalkut Yosef** agrees as well.

א Rabbi Akiva Eiger, Yoreh De'ah 88

And it does not help to place a *shomer* next to him who will supervise him. But if he eats on a tablecloth and his companion on the table, that is sufficient.

31. רבי עקיבא איגר | יו"ד פח

ולא מהני להעמיד אצלו שומר שישגיח עליו ואם הוא אוכל על מפה וחבירו על שולחן די בזה.

One Person Eating Dairy at a Table with Meat on It

What is the halacha if a person wishes to eat dairy alone but there is also meat on the table (or vice-versa)? According to the **Chochmat Adam** (*Issur V'heter* 40:11), this is permitted, as the concern that one may eat from the food of another is not relevant here. However, the **Hafla'a** forbids eating dairy here and explains that it is permitted where two people do not know each other since the other will remind him not to do so if he wishes to eat his food. But here there is no one else who will remind him not to consume the meat at the same time as the dairy. The **Yalkut Yosef** holds though that in this case, if one also appoints a *shomer*, then it is permitted to eat dairy there if one also places a sign.

Is someone who ate meat within six hours permitted to sit at a table with one eating dairy, or are we concerned that he may come to inadvertently eat dairy? The **Pri Megadim** writes that although some *poskim* are stringent about this, the practical halacha is that one may be lenient.

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**Pri Megadim, Yoreh De'ah,
Mishbetzot Zahav 88:2**

The Responsa *Beit Yaakov* writes that one who ate meat who needs to wait six hours may not sit next to one eating cheese, as perhaps he will give him... But I have not seen people careful about this... and also it is a decree on a decree [since waiting six hours itself is a decree], and we do not decree that much.

32. פרי מגדים | יו"ד,

משבצות זהב פחב:

כתב בשו"ת בית יעקב סימן י"ב דמי שאכל בשר שצריך לשהות שש שעות לא ישב אצל מי שאוכל גבינה שמא יושיט לו... ולא ראיתי נוהגין בזה... גם הוה גזירה לגזירה כולי האי לא גזרינן.

Placing Meat and Dairy in One Container

According to the **Shulchan Aruch**, it is permitted to place a pot or small container of meat together with one of dairy in a larger container.

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Shulchan Aruch, Yoreh De'ah 95:6

It is permitted to place a container of meat next to one of dairy within a carton.

33. שולחן ערוך | יו"ד צה:ו

מותר ליתן בתוך תיבה כד של בשר אצל של חלב.

The **Taz** explains why there is no concern for mixing meat and dairy here.

⌘

Turei Zahav (Taz), Yoreh De'ah 95:17

It is permitted to place in a container – Since people are careful that meat and dairy should not fall from one [container] into the other.

34. טורי זהב (ט"ז) | יו"ד צה:יז

מותר ליתן בתוך תיבה כו'. – דבשר עם חלב זהירי אינשי שלא יפול מזה לזה.

But the **Rema** writes that ideally, one should avoid doing so unless absolutely necessary.

⌘

Rema, ibid.

And some are stringent *lechatchila* (*ab initio*). And it is best to be cautious *lechatchila* in cases where there is no need.

35. רמ"א | שם

ויש מחמירין לכתחלה. וטוב ליזהר לכתחלה במקום שאינו צריך.

The **Shach** limits the Rema's stringency specifically to foods that are open.

Shach, Yoreh De'ah 95:24

And some are stringent *lechatchila* – Specifically when they [the foods] are uncovered...

36. ש"ך | יו"ד צה:כד

ויש מחמירין לכתחלה – דוקא במגולים...

If the foods are covered, though, it seems according to the *Shach* that it is permitted to place them next to each other inside a storage utensil.

Based on these sources, is it permitted to place meat and dairy foods next to each other inside a refrigerator? According to the *Shulchan Aruch*, it seems that it should always be permitted as long as they are in separate containers of some sort. But according to the Rema and the *Shach*, it should be forbidden *lechatchila* unless the containers are sealed. The **Yalkut Yosef** rules that for Sefardim, one may place meat and dairy into containers into the refrigerator even if they are not covered, though he adds that it is proper to cover at least one of the containers.

Yalkut Yosef, Yoreh De'ah 88:3–4

3. According to the law, it is permitted *lechatchila* to place food items in the refrigerator, such as a utensil that contains a meat dish next to a utensil containing dairy, and one need not be concerned that perhaps some of the meat dish will spill into the dairy, or vice-versa, as everyone is careful that one should not spill into the other. And certainly *bedieved* if one placed one on top of the other, it does not forbid, as we are not concerned that perhaps some of one fell into the other. Likewise, it is permitted to place a utensil with dairy next to a utensil with salt.

4. That which we permitted placing meat produce next to dairy produce in the refrigerator, that is not only when the produce is covered, but according to our master (Rav Yosef Karo), one may be lenient about this even if the produce is uncovered. But it is proper and preferred to cover one of them.⁵

37. ילקוט יוסף | יו"ד פח:ג-ד

ג. מצד הדין מותר לכתחלה להניח מצרכי מזון במקרר, כלי שיש בו תבשיל בשר, אצל כלי שיש בו חלב, ואין לחוש לשמא יפול מתבשיל הבשר לתוך החלב, או להיפך, שכל איש נזהר בזה, שלא יפלו מזה על זה. וכל שכן שבדיעבד אם הניח אחד אל השני אינו אוסר, שאין חוששין שמא נפל מאחד לשני. וכן מותר להניח כלי שיש בו חלב אצל כלי שיש בו מלח.

ד. מה שהתרנו להניח במקרר מצרכי בשר ליד מצרכי חלב, אינו רק אם המצרכים מכוסים, אלא לדעת מרן יש להקל בזה גם אם המצרכים מוגלים. אולם נכון ועדיף יותר לכסות אחד מהם.

The **Sefer HaKashrut** rules for Ashkenazim that one may place closed containers of meat and dairy next to each other in general, but warns of specific concerns within a refrigerator of which one must be cognizant.

5. This is especially true in households where children may take food from the refrigerator on their own and may not be as careful as adults with regard to spills. [Addition of the English editors]

**Sefer HaKashrut 10:14**

It is permitted to place sealed utensils or containers that contain dairy or meat even if they are inside one large container or on the same shelf, and ideally one should check that they are closed or covered well. And concerning a refrigerator and freezer, see 1:55-57.

**Sefer HaKashrut 1:56–57**

It is recommended to concentrate all of the dairy products in a separate drawer or special container to ensure that milk or other milk products do not drip onto other foods or utensils in the refrigerator.

One must become accustomed to not placing foods directly or in uncovered utensils on the upper shelves of the refrigerator or freezer. Likewise, one should not place exposed foods on the lower shelves...

Even those who do not place dairy and meat products in different sections of the refrigerator should be careful to ensure that spills involving meat and dairy do not occur in the refrigerator or freezer, and if they do, to clean them up so that meat and dairy do not accidentally get mixed together.

38. ספר הכשרות | י:יד

מותר להניח זב בצד זה כלי או אריזה סגורים היטב שיש בתוכם חלבי או בשרי אפילו שניהם בקופסה אחת או על גבי אותו מדף ולכתחילה, יש לבדוק שהם סגורים או מכוסים היטב. ולענין מקרר ומקפיא, לעיל פרק א סעיפים נה-נז.

39. ספר הכשרות | א:נו-נז

מומלץ לרכז את כל מוצרי החלב במגירה נפרדת או מיכל מיוחד כדי להבטיח שלא יטפטפו חלב או מוצריו לעבר שאר המאכלים והכלים שבמקרר.

חובה להתרגל שלא להניח מאכלים כמות שהם או בכלים פתוחים על גבי המדפים העליונים שבמקרר או המקפיא. כמו כן אין להניח מאכלים חשופים במדפים התחתונים...

DAIRY BREAD

Another rabbinic rule that was instituted in order to prevent mistaken violation of *basar b'chalav* is that of dairy bread. Chazal decreed that one may not bake bread that contains either dairy or meat ingredients, as evident from the **Gemara** in **Pesachim** below. The reason, as **Rashi** explains, is to ensure that one does not mistakenly consume the bread, which is usually *pareve*, together with food of the other type.

ח

Masechet Pesachim 36a

This is as **Rabbi Yehoshua said to his sons**: On the **first night** of Passover, **do not knead for me** dough with milk, but **from the first night onward, knead** my dough for **me with milk**. The Gemara raises a difficulty: **But wasn't it taught** in a *baraita*: Throughout the whole year **one may not knead dough with milk, and if he kneaded** dough with milk, **the entire bread is prohibited, due to** the fact that one will become **accustomed to sin**, by unwittingly eating it with meat? ...**As Ravina said**: If this bread, kneaded with milk, is prepared in the shape of **an ox's eye, it is permitted**. **Here too**, the *baraita* is speaking about a case where he told them to prepare this *matza* in the shape of **an ox's eye**.

The conclusion of the Gemara indicates that there is at least one exception to the rule, that of where it is baked like an ox's eye. However, *Rishonim* dispute the interpretation of the case. According to **Rashi**, it refers to a case where one bakes bread that is small in size like the eye of an ox, such that it will be eaten shortly thereafter, and there is no concern that one may come to eat it with the other type of food.

ה

Rashi, ibid.

Like an ox's eye – A small amount, like the size of an eye of an ox, is permitted to knead with milk, as he can eat it **immediately at one time**, and he will not delay it such that he will forget that it was kneaded with milk.

By contrast, the **Rambam** interprets this to mean that one formed the bread with some sort of distinguishing feature.

40. מסכת פסחים לו.

כדאמר להו רבי יהושע לבניה: יומא קמא לא תלושו לי בחלבא, מכאן ואילך לושו לי בחלבא. והתניא: אין לשין את העיסה בחלב ואם לש כל הפת אסורה מפני הרגל עבירה?... כדאמר רבינא: כעין תורא שרי, הכא נמי כעין תורא.

41. רש"י | שם

כעין תורא – מעט, כעין של שור, מותר ללוש בחלב, דאכיל ליה מיד בבת אחת, ולא משהי ליה דלינשי שנילוש בחלב.



Rambam, Hilchot Ma'achalot Assurot 9:22

We do not knead dough with milk. If one kneaded it [with milk], the entire loaf is forbidden, because habit [might lead] to sin, lest he eat it together with meat... **If one altered the appearance of the bread in a recognizable manner...** it is permitted.

The *Shulchan Aruch* accepts the leniencies of both Rashi and the Rambam.



Shulchan Aruch, Yoreh De'ah 97:1

One may not knead dough with milk, as one may come to eat it together with meat. If one did knead it, the entire bread is forbidden even to eat alone [without dairy or meat]. If it was a **small amount** that could be eaten at one time, or one **changed the form of the bread** so that it would be recognizable so that one would not eat meat with it, it is permitted. Similarly, one may not bake bread in an oven that had [non-kosher] animal fat spread over it.

Rema: Therefore, the custom is to knead bread with dairy for the holiday of Shavuot, as well as with [animal] fat in honor of Shabbat, because this is all considered like a small amount, as well as the fact that their shape is different from other bread...

In following the Rambam, the *Shulchan Aruch* defines the amount of "*davar mu'at*," a small amount, as being the size that one could eat at one time, i.e., at one meal. The **Pri Megadim** suggests that this issue is actually subject to a dispute between the *Shulchan Aruch* and Rema, and according to the Rema, the minimum size is the amount that would be eaten over one whole day, not just one meal.



Pri Megadim, Yoreh De'ah, Sifte Da'at 97:1

And what is a small amount? The *Shulchan Aruch* indicates that it is **an amount that can be eaten at one time**. But the *Torat Chatat* [written by the Rema, states]: **Anything [that can be eaten] within a day is considered a small amount.**⁶

42. רמב"ם | הל' מאכלות אסורות ט:כב

אין לשין העיסה בחלב. ואם לש, כל הפת אסורה מפני הרגל עבירה, שמא יאכל בה בשר... ואם שינה בצורת הפת עד שתהיה ניכרת... הרי זה מותר.

43. שולחן ערוך | יו"ד צ"א

אין לשין עיסה בחלב, שמא יבוא לאכלה עם הבשר. ואם לש, כל הפת אסור, אפילו לאכלה לבדה. ואם היה דבר מועט כדי אכילה בבת אחת, או ששינה צורת הפת שתהא ניכרת שלא יאכל בה בשר – מותר. כיוצא בו, אין אופין פת בתנור שטחו באליה, ואם אפאו דינו כעיסה שנילושה בחלב.

הגה: ולכן נוהגין ללוש פת עם חלב בחג השבועות, גם בשומן לכבוד שבת, כי כל זה מחשב כדבר מועט, גם כי צורתן משונה משאר פת...

44. פרי מגדים | יו"ד, שפתי דעת צ"א

...ומה הוא דבר מועט? בשולחן ערוך משמע כדי אכילה בבת אחת, אמנם ב"תורת חטאת" כלל ס' דף ב, כל ליומא הוה דבר מועט.

6. This may also be implicit from the Rema's comment quoted above that the challa baked for Shavuot and Shabbat was considered a small amount. [Addition of the English editors]

The approach of the *Pri Megadim* is accepted as the halacha for Ashkenazim by the *Sefer HaKashrut*.



Sefer HaKashrut 10:16

The Sages forbade baking bread with milk or butter, out of concern that people may come to eat it with meat. And likewise, one may not bake bread with meat fat even if it was chicken, due to concern that one will eat it with cheese or milk, except in one of these ways:

1. When the bread has a different and unique form⁷
2. It is recognizable from the top of the bread that it is dairy or meat.⁸
3. When all of the bread will be eaten:
 - a. Sefardim – In one meal
 - b. Ashkenazim – Over the course of all the meals of that day.

45. ספר הכשרות | י:טז

אסרו חכמים לאפות לחם בחלב או בחמאה, מחשש שמא יבואו לאוכלו עם בשר. והוא הדין שלא לאפות לחם בשומן בשרי אפילו של עוף, מחשש לאכילתו עם גבינה וחלב. אלא אם כן באחד מן האופנים הבאים: א. כשיש לפת צורה שונה ומיוחדת. ב. כשניכר על פניה של הפת שהיא חלבית או בשרית. ג. כאשר כל הפת תיאכל: לבני ספרד – בארוחה אחת, ולבני אשכנז – במשך כל ארוחות אותו יום בלבד.

The *Pitchei Teshuva* (as well as the *Yalkut Yosef*) note that once the bread is already baked, if it is too big to be eaten at one time (or in one day for Ashkenazim), one no longer has permission to divide it up into smaller pieces to give out to individuals. Likewise, one may no longer change the form of the bread once it is baked. This is because the moment that it was baked, it is already forbidden.



Pitchei Teshuva, Yoreh De'ah 97:3

...See the *Chavat Da'at* who writes that a change does not help except if it is changed at the time of baking, when there was no prohibition upon it at all. But making a change after it was already forbidden is not effective. Similarly, it is forbidden to divide it for many people so that each one receives a small amount, since it was already forbidden and has become equivalent to a carcass [i.e., not kosher], see there. And this is the opinion of the *Pri Megadim*, against the *Kaftor Vaferach* citing his grandfather.⁹

46. פתחי תשובה | יו"ד צז:ג

...ועיין "חוות דעת" שכתב עוד, דשינוי אין מועיל רק כששינה בשעת אפיה, דלא היה עליו איסור כלל, אבל לעשות שינוי אחר שכבר נאסר אינו מועיל, וכן לחלקו להרבה בני אדם שיגיע לכל אחד דבר מועט – אסור, כיון שכבר נאסר ונעשה נבלה, עיין שם. וכן דעת ה"פרי מגדים", דלא כ"כפתור ופרח" בשם זקינו.

7. For this reason, one will often find in Israel that commercially made potato borekas (which are *pareve*) have a square shape, while cheese borekas (which are dairy) have a different, triangular shape, see *Kaf HaChaim* (97:16).

8. This is the basis for why pizza, cheesecake, and similar dishes made with dough are not problematic, as it is clear from looking at the food that it contains cheese. In addition, according to an article by Rav Eli Gersten on the OU website, the OU holds that even pizza without cheese would be permitted to bake with dairy ingredients in the dough since the pizza shape should alert one that it may be dairy, and the same is true for calzones and other types of foods. [Addition of the English editors]

9. According to this, inserting a sticker into the bread certifying that the bread is dairy (or a Kashrut certification on the wall in a bakery stating that the bread is dairy) would not seem to be sufficient to permit it. This is the opinion of most Kashrut organizations today. However, Rav Soloveitchik felt that this was permissible, and this ruling was followed by some in the previous generation. See the article by Rav Lebovits in *Halachically Speaking*, Volume 4 Issue 13 at www.kof-k.org/articles/060308080650Volume%204%20Issue%2013.pdf for more on this subject. In addition, see that article for more important halachic issues related to dairy bread that are beyond the purview of this *shiur*, including dairy bread baked in a bakery, certifying cinnamon bread and raisin bread as dairy, dairy English muffins, and making challah for Shabbat in a meat oven. See also www.rabbikaganoff.com/making-dairy-bread and www.koltorah.org/halachah/dairy-bread-by-rabbi-chaim-jachter for additional articles discussing these issues and others related to dairy bread. [Addition of the English editors]

The **Pitchei Teshuva** also states that the prohibition of eating dairy bread applies even if milk accidentally spilled into the bread, or one mistakenly baked it (except when done in one of the permitted methods). The reason is that the prohibition is not a penalty for an intentional violation, but rather due to a concern that perhaps one will come to eat meat and dairy together.

Ⓝ Pitchei Teshuva, Yoreh De'ah 97:2

...And see the *Pri Megadim* in *siman* 384, *se'if katan* 1 who writes that it must be investigated whether the prohibition applies if one kneaded bread with milk unintentionally, where one did not know that it was forbidden, or milk was spilled in it unintentionally, or they did not penalize him except when he transgressed intentionally. **And from the fact that the *poskim* do not specify, it seems that even unintentionally, it is forbidden.**

47. פתחי תשובה | יו"ד צז:ב

.. ועיין "פרי מגדים" בסימן שפ"ד סעיף קטן א', שכתב, דיש לעיין אם לש פת עם חלב בשוגג, שלא ידע שזה אסור, או נפל בשוגג חלב, מי אסור, או לא קנסו כי אם היכא שעבר במזיד. ומסתימת הפוסקים משמע אף בשוגג אסור.

Does the prohibition of dairy bread apply as well to other foods not made with dough that are generally eaten with both dairy and meat, e.g., spices, ketchup, and the like? According to the **Taz** (97:1), in fact one may not add dairy to them due to the same concern that people will assume it is *pareve*. But many other *Acharonim*, such as the **Aruch HaShulchan**, **Minchat Yaakov**, and **Chochmat Adam**, hold that the halacha of dairy bread applies only to bread.

Ⓝ Aruch HaShulchan, Yoreh De'ah 97:2

Do not ask why we ruled in the previous *siman* concerning a radish cut with a meat knife that it is forbidden to eat it with dairy, and concerning spices crushed with a meat mortar that it is forbidden to eat them with dairy, but it is permitted [to eat them] with meat, and we do not decree [that it is entirely forbidden since] perhaps one will come to eat them with dairy [as is the case for dairy or meat bread]. [The answer is] that bread is different, as "a person lives on bread," but we do not decree this on other items.

48. ערוך השולחן | יו"ד צז:ב

אין לשאול למה פסקנו בסימן הקודם בצננון שחתכו בסכין של בשר שאסור לאכלו בחלב, וכן בתבלין שנדוכו במדוכה של בשר שאסור לאכלן בחלב, ובבשר מותר ולא גזרינן שמא יבא לאכלם בחלב, דפת שאני, ד"על הלחם יחיה האדם", אבל בשאר דברים לא גזרינן.

According to the **Aruch HaShulchan**, the rule that dairy bread is totally forbidden (and not just forbidden to be eaten with meat) is unique to bread since bread is the mainstay of the diet; therefore, it is more likely that people may eat it with the wrong type of food, and it is given a special status.

Another important leniency within the halacha of dairy bread is that it does not apply to foods that are generally not eaten with meat (or vice-versa), such as sweet pastries, as noted by the *Yalkut Yosef* (and the *Sefer HaKashrut*).



Yalkut Yosef, Yoreh De'ah 97, p. 155

Even though Chazal forbade kneading dough with milk, lest one come to eat the bread with meat, nevertheless it is permitted to knead dough for a sweet cake with sugar and milk or butter. This is because it is not usually eaten together with a meat dish due to its sweetness [but rather it is eaten as a dessert after the meal]. Likewise, it is permitted to make chocolate with milk or butter, but one should mark on the wrapper of the chocolate that it contains milk.

49. ילקוט יוסף | יו"ד צז, עמ' קנה

אף על פי שאסרו חז"ל ללוש עיסה בחלב, פן יבא לאכול הפת עם בשר, מכל מקום מותר ללוש עיסה של עוגה מתוקה בסוכר עם חלב או חמאה, שאין דרך לאכול עמה תבשיל של בשר מפני מתיקותה. וכן מותר לעשות שוקולד עם חלב או חמאה, אלא שיש לרשום על נייר העטיפה של השוקולד שהוא עם חלב.

LEFTOVER BREAD AND SEPARATE TABLECLOTHS

Eating Leftover Bread from a Meat Meal with Dairy

In addition to the halacha of not baking bread with dairy or meat ingredients, there is also a prohibition of eating bread that was already served at a meat meal with dairy. This halacha is first mentioned in the following form in the *Talmud Yerushalmi*.

ח

Talmud Yerushalmi, Pesachim 6:4

Rabbi Yoseh says... one who ate cheese [or dairy] and intended to eat meat must dispose of the piece.¹⁰

50. תלמוד ירושלמי | פסחים ו:ד

א"ר יוסה... ההין דאוכל חובץ ובדעתיה מיכול קופד צריך מבער פיסת.

The *Beit Yosef* quotes the *Hagahot Asheri* who applies this passage from the *Yerushalmi* as follows:

ה

Beit Yosef, Yoreh De'ah Siman 89

And it is written in the *Hagahot Asheri* in the name of the *Ohr Zarua* that it is a most ideal mitzvah that where one ate cheese and wishes to eat meat, he must remove the bread from the table as well as any food that was served with the cheese from the table, and then he may bring the meat and eat it.

51. בית יוסף | יו"ד סימן פט

וכתוב בהגהות אשרי"י (פרק כל הבשר סי' ז) בשם אור זרוע (ח"א סי' תס סז): מצוה מן המובחר היכא שאכל גבינה ורוצה לאכול בשר צריך להעביר מעל השלחן הלחם וכל המאכל שעלו עם הגבינה על השלחן ואחר כך יביא בשר ויאכל.

RAV YITZCHAK BEN RAV MOSHE OF VIENNA – THE OHR ZARUA (1180–1250)

Rav Yitzchak ben Moshe was most likely born in Bohemia. He was a student of the *Rishon* known as the Raavyah and other Ba'alei HaTosafot, and later taught the famous Maharam of Rotenberg. He became the Rabbi and *Av Bet Din* of Vienna and is hence generally known as Rav Yitzchak of Vienna. He is famous for his work the "*Ohr Zarua*," one of the most important halachic compendiums written by Ashkenazi *Rishonim*. The work includes responsa as well as explanations of the Talmud, and is organized by topics, usually according to *masechtot*. The rulings of the *Ohr Zarua* are quoted countless times by later halachic authorities, most notably by the Mordechai and the *Hagahot Asheri* (as in the source cited here). The *Ohr Zarua*'s son, Rav Chaim, compiled his father's work in an abbreviated version known as *Piskei Riaz*, or the *Ohr Zarua Hakatzar*.

10. See the *Korban Ha'Eda* and the *Penei Moshe* on the *Yerushalmi* who dispute whether the "piece" mentioned is referring to bread on the table with the cheese or pieces of the cheese itself. Most of the sources mentioned here seem to adopt the understanding that it refers to bread. [Addition of the English editors]

Although the *Hagahot Asheri* (and possibly the *Yerushalmi* itself) refers to removing bread as well as other foods from the table, the ***Shulchan Aruch*** cites this halacha exclusively with regard to bread.

נ Shulchan Aruch, Yoreh De'ah 89:4

One who ate cheese and wishes to eat meat must remove leftovers of the bread that one ate with the cheese from the table.

52. שולחן ערוך | יו"ד פט"ד

מי שאכל גבינה ורוצה לאכול בשר, צריך לבער מעל השולחן שיורי פת שאכלו עם הגבינה.

FURTHER IYUN

For further *iyun* concerning bread that is cooked with meat and eating it with dairy, see page 99..

The ***Sefer HaKashrut*** adds that if the bread was cut with a *pareve* knife and certainly did not touch other foods, one may eat it during a meal of the other type.

פ Sefer HaKashrut 10:10

Bread that was left over from a meat meal is forbidden to eat at a dairy meal, and the same applies to leftovers of bread from a dairy meal for eating at a meat meal, **unless the bread was cut with a *pareve* knife** and the bread was placed in a place **where it definitely did not come in contact with the food**, and was inspected to ensure that food residue did not remain on it.

53. ספר הכשרות | י"י

לחם שנותר לאחר סעודה בשרית – אסור באכילה בארוחה חלבית, והוא הדין בשיירי לחם מארוחה חלבית לצורך אכילה בשרית, אלא אם כן: נפרס הלחם בסכין פרווה, והיה הלחם מונח במקום שבודאי לא בא במגע עם המאכלים, ונבדק אם לא נשארו עליו שייר מזון.

Rav Moshe Feinstein limits this halacha specifically to a small piece of bread, but not to a loaf of bread or much larger piece of it that was on the table, as in that case one is careful to make sure it did not touch any of the dairy food on the table.

פ Responsa Igrot Moshe, Yoreh De'ah 1:38

The prohibition applies only to remnants of a piece of bread that cheese was eaten with, or the small piece that he cut in order to eat cheese with it, as one is not careful about this, since he intended to eat it with cheese. Therefore, even if he says that the cheese did not touch it, it is like a matter that he did not think about, and he did not keep it in mind, as it states in *siman* 18 and the *Shach*. But a large [loaf] of bread that is ready [to be used] both for dairy and for meat people are careful about, and one need not be concerned that the cheese or meat touched it.

54. שו"ת אגרות משה | יו"ד א:לח

הנה האיסור הוא רק על שיורי חתיכת הפת שאכלו בה הגבינה או אף על החתיכה קטנה שחתך כדי לאכול עמה הגבינה שעל זו אינו נזהר כיון שחשב לאוכלה עם הגבינה ולכן אף אם יאמר שלא נגעה בה הגבינה הוא כמלתא דלא רמיא עליה ולא אדעתיה כדאיתא בסי' י"ח בש"ך סק"ח. אבל פת הגדולה שהיא עומדת בין למאכלי חלב בין למאכלי בשר נזהרין בה ואין לחוש שמא נגעה בה הגבינה או הבשר.

Does this halacha of not eating leftover bread from a meat meal at a dairy meal apply to other *pareve* foods as well? For example, may one serve leftovers from a salad or *pareve* noodles served at a meat meal on Shabbat at a dairy meal on Sunday? As we saw, although the *Hagahot Asheri* does mention other foods, the *Shulchan Aruch* does not. The **Badei HaShulchan** addresses the question by saying it depends on the chances of whether the meat foods came into contact with the bread.



Badei HaShulchan 89:99

Concerning other regular foods that one eats over the course of the meal, such as salad and the like: It seems that it depends on the manner in which they are taken from the bowl in which they are placed. If one takes them with a fork or spoon with which one eats his meal, one should not eat the leftovers with the other type, as one must be concerned that some of the type of food one is presently eating got stuck to it. But if one takes from it with a fork or spoon designated for it, it is permitted to eat the leftovers with the opposite type. And this is all according to the letter of the law, but it is an ideal mitzvah that all of the bread and other foods that were on the table when one ate cheese are removed from the table when one comes to eat meat.

55. בדי השולחן | פט:צט

ולעניין שאר מאכלים סתמיים שאוכלים במשך הסעודה כסלט וכדומה. נראה שתלוי באופן לקיחתם מהקערה שהם מונחים בה, שאם נוטלם במזלג או בכף שאוכל בו סעודתו אין לאכול עוד הנשאר עם המין שכנגדו דיש לחוש שנדבק אליו מן המין שאוכל עכשיו, אבל אם נוטל מהם במזלג או כף המיוחד להם, מותר לאכול הנשאר עם המין שכנגדו, וכל זה מן הדין, אבל מצוה מן המובחר שכל הפת ושאר המאכלים שהיו על השולחן כשאכל גבינה יעבירם מהשולחן כשבא לאכול בשר.

We will conclude this *shiur* with a halacha concerning using separate tablecloths, the source of which stems from the **Rashba**. According to the Rashba, one may not eat dairy on a tablecloth that was previously used to eat meat since there is likely actual meat residue on the tablecloth.



Responsa of the Rashba 1:76

...The matter seems clear to me that it is forbidden to eat cheese on a tablecloth on which meat was eaten, and similarly to eat meat on a tablecloth on which cheese was eaten, since there is no tablecloth that was eaten upon that does not have a few drops of meat. And I do not say this due to what was absorbed in it, since absorbed substances are not expelled except through something hot... **but I say, and this is the truth, that there is meat residue on the tablecloth;** drops of the food often fall on it, and this is frequent... and similarly, people wipe the knife used to cut meat on it... therefore, **we are accustomed to be very careful about this, and one who guards his soul will distance himself from them.**

56. שו"ת הרשב"א | א:עו

...הדבר נראה לי ברור שאסור לאכול גבינה על מפה שאכלו עליה בשר, וכן לאכול בשר על מפה שאכלו עליה גבינה, לפי שאין לך כל מפה ומפה שאין עליה כמה טיפי בשר שאכלו עליה. ולא מחמת מה שנבלע בתוכה אני אומר שהבלוע אינו יוצא אלא ע"י דבר חם... אלא שאני אומר וכן האמת שלכלוכי בשר יש על המפה, פעמים הרבה שנופלין עליה טיפי התבשיל וזה תדיר... וכן שמקנחין עליה סכין שחותרין בה הבשר... ועל כן אנו רגילין לשמור עצמנו מזה הרבה, שומר נפשו ירחק מהם.

The **Shulchan Aruch** codifies this ruling of the Rashba as the practical halacha.

Ⓝ Shulchan Aruch, Yoreh De'ah 89:4

And it is forbidden to eat cheese on the tablecloth on which meat was eaten [Rema: And likewise, the reverse case is forbidden].

57. שולחן ערוך | יו"ד פט"ד

ואסור לאכול גבינה על מפה שאכלו בה בשר (רמ"א: וכן להיפך אסור).

The **Radbaz** notes though that the Rashba was referring to situations where the meat and dairy foods were placed directly on the tablecloth. In that case, there is concern that perhaps the two types of food will come in contact. But if plates are used and the foods never touch the tablecloth directly, it is permitted to reuse the tablecloth for the other type of food. This is the conclusion of the *Yalkut Yosef* as well.

Ⓝ Pitchei Teshuva, Yoreh De'ah 89:8

See what the Radbaz writes that the words of the Rav [i.e., the Rashba] apply only where they placed the meat and cheese on the tablecloth, as then there is concern that perhaps they will stick to each other. But our custom is to bring every food onto the table in a bowl. Therefore, it is sufficient to reverse the tablecloth alone and remove the pieces, even to comply with the stringency of the Rashba, and [the Radbaz concludes that] this is the custom.¹¹

58. פתחי תשובה | יו"ד פט"ח

עיין מ"ש רדב"ז ח"ב סי' תשכ"א שכתב שאין דברי הרב אלא כשהיו מניחין הבשר והגבינה על המפה ואז יש לחוש שמא ידבקו זה בזה אבל מנהגינו להביא כל מאכל על השלחן בקערות כו' הלכך אפי' לצאת ידי חומרת הרשב"א ז"ל בהפוך המפה לחוד ובהסרת הפתיתין סגי וכן נהגו.

Another possible approach for leniency mentioned by the *Yalkut Yosef* is cleaning the tablecloth. If the tablecloth is thoroughly cleaned between meals, then it may be used for meat and then later for dairy. It would certainly be permitted to wash the tablecloth in the laundry in between meals and reuse for the other type.

Rav Binyomin Forst summarizes the halachot related to tablecloths and concludes that despite the potential leniencies, many have the custom to use separate tablecloths for meat and dairy.

59. Rav Binyomin Forst, The Laws of Kashrus p. 211

One may not eat dairy on a tablecloth used for a meat meal (or the reverse) since meat residue remaining on the cloth may touch the dairy food. Most authorities do not differentiate between foods eaten directly on the cloth and those eaten only on plates. One need not, however, keep separate tablecloths for meat and dairy. A tablecloth used for meat may be thoroughly washed and subsequently used for dairy. Nevertheless some have the custom of using separate tablecloths for each type. Halachically, one is permitted to eat both meat and dairy cold meals directly on the table providing that one wipes the table clean. Similarly, a plastic tablecloth may be wiped and cleaned of any residue and reused for dairy. Nevertheless, common custom is not to eat meat and dairy on the same table or plastic tablecloth surface.

11. See though the quote below from Rav Forst, who notes that many *poskim* (such as the *Minchat Yaakov* 76:17) hold that this halacha applies even when plates are used. Indeed, even today when plates are almost always used, it is not uncommon (especially in homes with children) to find spills and stains on the tablecloth. [Addition of the English editors]

SUMMARY OF BASAR B'CHALAV II

Eating Meat After Dairy

1. **Gemara Chullin/Shulchan Aruch** – No waiting is required though one must wash his hands and rinse his mouth with solid and liquid food when eating meat from an animal (as opposed to poultry).
2. **Sefer HaKashrut** – One may also brush one's teeth instead of rinsing out one's mouth with solid and liquid food.
3. **Zohar** – One should wait even when eating meat after dairy.
 - c. **Beit Yosef** – The Maharam also waited after dairy following an incident where he later found cheese in his mouth.
 - d. **Yabia Omer** – Sefardim need not wait at all.
4. **Waiting for Hard Cheese**
 - a. **Rema** – The custom is to wait six hours.
 - b. **Taz** – This stringency is only according to Rashi's reason for waiting after meat (lingering taste), but not according to Rambam (meat stuck in teeth).
 - c. **How Long Must one Wait?**
 - i. **Rema** – One should wait six hours (or however long one usually waits after meat).
 - ii. **Shach** – One would wait one hour.
 - iii. **Taz/Sefer HaKashrut** – One would wait six hours.
 - d. **Sefardic Practice**
 - i. **Ben Ish Chai** – Depends on the type of cheese
 - ii. **Rav Ovadia Yosef** – One need not wait at all.
 - iii. **Sefer HaKashrut** – Wait one hour.
 - e. **The Status of American/Yellow Cheese**
 - i. **Shevet HaLevi** – It should be treated as hard cheese.
 - ii. **Rav Weitman/Kitzur Shulchan Aruch/OU** – Most cheeses do not qualify as hard.
5. **Drinking Milk**
 - a. **Rashash** – Only rinsing one's mouth with liquid is necessary.
 - b. **Badei HaShulchan** – One should wash hands and rinse one's mouth just like for solid food.

Separating Between Meat and Dairy Foods

1. **Mishna/Gemara Chullin/Shulchan Aruch** – Meat and dairy should not touch. If they did, one rinses off the point of contact.
2. **Shach** – If the foods are dry, they do not require rinsing.
3. **Gemara/Shulchan Aruch** – One may not place meat and dairy foods together on the table used for eating but may place them on a table (or counter) used for preparing food.
4. **Shach** – It is permitted to eat at a table with non-kosher food on it.
5. **Gemara** – Two acquaintances may not eat opposite types of food at the same table.
6. **Tosafot/Shulchan Aruch** – A sign or reminder is required for meat and dairy to be eaten at the same table by more than one person.
7. **Taz** – It must be placed there for the purpose of being a sign.
8. **Pitchei Teshuva** – No sign is needed if the diners are sitting at a distance from each other.
9. **Rav Akiva Eiger** – A *shomer* is not effective either, though if one person eats on a separate tablecloth it is permitted.
10. **May one person eat dairy alone if meat is on the table?**
 - a. **Chochmat Adam** – Yes
 - b. **Hafla'a** – No
 - c. **Yalkut Yosef** – *Shomer* together with a sign is permitted.
 - d. **Pri Megadim** – Sitting at the table with someone eating dairy is permitted even if one ate meat within six hours.
11. **Placing Meat and Dairy in One Container**
 - a. **Shulchan Aruch** – It is permitted to place a container of meat together with one of dairy even in the same compartment.
 - b. **Rema/Shach** – Ideally one should not do so unless the containers are closed well.
 - c. **Yalkut Yosef** – One may place meat and dairy food in the refrigerator even if they are uncovered, but it is preferable to cover them.
 - d. **Sefer HaKashrut** – *Lechatchila* one should cover food in containers placed next to each other, and especially in refrigerators one must be careful of spills. It is recommended to place dairy and meat foods in separate areas.

Dairy Bread

1. **Gemara** – One may not bake bread with dairy or meat ingredients since one may eat it with the wrong type, unless one makes it *k'ein tora*.
 - a. **Rashi** – This means it is small and will be eaten immediately.
 - b. **Rambam** – It means one changes the shape of the bread to show that it contains dairy or meat.
 2. **Shulchan Aruch** – Rules like Rashi and Rambam that dairy bread is permitted either when made in small amounts or with a sign.
 3. **How much is considered “small amounts?”**
 - a. **Shulchan Aruch** – It will be eaten in one meal.
 - b. **Rema** – It will be eaten within one day.
 4. **Pitchei Teshuva** – If dairy bread was made in a forbidden manner, one may not eat it even if one made a sign later.
 5. **Pitchei Teshuva** – If dairy was mixed in unintentionally, the bread is still forbidden.
 6. **Does the prohibition apply to other foods too?**
 - a. **Taz** – Yes
 - b. **Aruch HaShulchan and others** – No
 7. **Yalkut Yosef** – Any food that is not usually eaten with the other type is permitted to make with dairy or meat (e.g., chocolate, pastries, etc.).
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Leftover Bread and Separate Tablecloths

1. **Leftover Bread**
 - a. **Yerushalmi/Shulchan Aruch** – One may not eat leftover bread from a meat meal at a dairy meal.
 - b. **Sefer HaKashrut** – If one cut it with a *pareve* knife and is certain that the bread did not touch other foods, it is permitted.
 - c. **Igrot Moshe** – A large part of a loaf is permitted to eat at a different meal even with the other type.
 - d. **Badei HaShulchan** – Other foods are included in this halacha also if silverware is used to serve them that was used for meat or dairy.

2. Using the Same Tablecloth for Meat and Dairy

- a. **Rashba/Shulchan Aruch** – One may not use the same tablecloth for meat and dairy.
- b. **Radbaz** – The prohibition applies only when one doesn't use plates, but otherwise it is permitted.
- c. **The Laws of Kashrus** – Although it is permitted to use the same tablecloth for meat and dairy under certain conditions such as when it is washed in between, the common custom is to have separate tablecloths.

FURTHER IYUN

Baking Bread Together with a Meat Dish in the Same Oven: May One Eat the Bread with Dairy?

Rav Doron Podlashuk (Director, the Manhigut Toranit program)

A common question that arises when dealing with the laws of *basar b'chalah* is whether bread or other *pareve* foods that were cooked or reheated in the oven at the same time as meat may be eaten together with dairy. This question is complex as it deals with two separate *sugyot*: *reicha*, aroma, and *zei'a*, steam. This article will focus on the topic of *reicha*.

The **Gemara** in *Masechet Pesachim*¹ quotes a ruling of Rav Kahana as follows:

תני רב כהנא בריה דרב חנינא סבא: פת שאפאה
עם צלי בתנור – אסור לאכלה בכותחא.

“Rav Kahana, son of Rav Chinnana the Elder, teaches: In the case of **bread that one baked together with roasting meat in the oven, it is prohibited to eat the bread with *kutach***, a type of dairy yogurt.” Why did Rav Kahana prohibit this? Is this another restriction and separation that the Rabbis enacted between meat and milk similar to those mentioned in the *Tzurba shiur*, or is this something more fundamental? As we shall see, this is essentially a dispute among the *Rishonim*.

The classic understanding of most *Rishonim* is that this stringency is not unique to the laws of *basar b'chalah* but is applicable to all types of



prohibited mixtures. This is based on the principle of *reicha*, aroma, meaning that the meaty aroma present in the oven has been absorbed on some level by the bread, and it is therefore prohibited to eat the bread with dairy. However, some *Rishonim* understand that this prohibition is unique to *basar b'chalah* and does not necessarily have anything to do with the question of whether *reicha milta* or *lav milta* – whether aroma is of significance or not.

In order to understand this argument, we need to examine the *sugya* of *reicha* (aroma). This *sugya* is located in the same location in *Masechet Pesachim*² as the passage previously quoted, and the Gemara states that it is subject to a dispute between Rav and Levi.

Rav said: Fatty kosher meat that one roasted in an oven together with lean non-kosher meat is forbidden, even if the two meats never came into contact with one another. **What is the reason** for this *halakha*? It is that **they are flavored from one another**. The fatty meat emits an aroma that is absorbed in the non-kosher meat. The aroma is then transferred back to the kosher meat, causing the kosher meat to absorb some aroma from the non-kosher meat.

And Levi said: That aroma does not cause meat to be forbidden. **Even lean kosher**

1. *Masechet Pesachim* 76b.

2. *Ibid.*

meat that one roasted with fatty non-kosher meat is permitted. What is the reason for this *halakha*? Although the non-kosher meat emits an aroma that is absorbed into the kosher meat, **it is merely an aroma, and an aroma is nothing significant.**

According to the Gemara here, Rav holds that aroma is of significance, whereas Levi states that *reicha lav milta*, aroma is of no significance.

Rashi³ rules in accordance with Levi that *reicha* is insignificant. He explains that even though the Gemara concludes the argument between Rav and Levi with the statement of Rav Kahana brought above – that if one cooked bread together with meat, it is prohibited to eat the bread with dairy, implying that aroma is significant in accordance with Rav, the opinion of Rav Kahana is not accepted. This is because we find a similar argument between Abaye and Rava in the **Gemara in Avoda Zara**⁴ whether *reicha* is of significance. The Gemara there discusses whether it is permitted for a Jew to smell the wine of a non-Jew (from which it is prohibited to derive benefit)⁵ in order to ascertain how long the wine will last. Abaye forbids this, as it is considered deriving benefit, while Rava states that this is considered *reicha* and *reicha lav milta hi*. Rashi explains that since the halacha is in accordance with Rava when he argues with Abaye in all of *Shas* (other than six cases⁶) – it must be that the halacha here follows Levi, who agrees with Rava.

In contrast to Rashi, **Tosafot**⁷ quote **Rabbeinu Tam** who holds that the halacha is in accordance with Rav that aroma is

significant and hence the kosher meat would indeed be prohibited if cooked together with a *neveila*. Tosafot assert that the fact that Rava *paskened reicha lav milta* regarding the wine is not relevant to our *sugya*, as the two cases are very different. Tosafot⁸ opine that the reason Rava states that aroma is insignificant is because the smell of the wine is very potent and damaging to one's health.

With regard to other cases of aroma, though, Rabbeinu Tam argues that it is significant based on the fact (among other proofs) that the Gemara in *Pesachim* (after a long debate whether aroma is significant or not) concluded with the ruling of Rav Kahana.

Tosafot and Rashi both understood that the reason Rav Kahana prohibits the bread that was baked with meat to be eaten with dairy is because the bread absorbed the aroma of the meat. They only argue whether his opinion is accepted in halacha or not.

The **Rif**⁹ agrees with Rashi that the halacha is in accordance with Levi that *reicha lav milta hi*, and brings many proofs to substantiate this claim and rebut those who rule like Rav. Regarding the proof raised by Tosafot that Rav Kahana prohibited bread that was baked in an oven with meat to be eaten with dairy, the Rif explains that the case of the bread is different and even Levi would agree to this stringency. He gives two reasons why the case of bread is different.

Although Levi holds that aroma is insignificant, this is only in a situation of *bedi'eved* where such cooking already occurred. But even Levi would agree that it would be prohibited

3. Rashi, *Pesachim* 76b, s.v. *amar lecha rav*.

4. *Avoda Zara* 66b.

5. See *Avoda Zara* 29b and 36a.

6. See *Bava Metzia* 22b.

7. Tosafot, *Pesachim* 76b, s.v. *asra Rava Miparzika*.

8. Tosafot, *Avoda Zara* 66b, s.v. *Rava amar*.

9. Rif, *Chullin* 32b in the *dapei haRif*

initially to roast kosher meat together with a *neveila* simultaneously in the same oven. In the case of the bread, since after it is baked with meat it may still be eaten without dairy, permitting one to eat it with dairy would be akin to saying that one can cook kosher meat *lechatchila* with *neveila* meat.

This is a case of *davar sheyesh lo matirin* (something that could become permitted). Since one could eat the bread without dairy, it is considered like a *davar sheyesh lo matirin*, which is never nullified even when found in a mixture of one in a thousand.

However the **Ran**¹⁰ challenges both of the Rif's explanations concerning the case of Rav Kahana. Firstly, the Ran argues that Levi held his opinion even *lechatchila* and therefore the Rif's distinction is not valid. He also argues that this cannot be a case of *davar sheyesh lo matirin*, as even a *davar sheyesh lo matirin* is nullified when it is *min b'sheino mino*.¹¹

Nevertheless, the Ran still agrees with Rashi and the Rif that the halacha follows Levi. The question is why then would the Gemara conclude with the statement of Rav Kahana forbidding the bread? The Ran gives three possible answers.

1. Rav Kahana disagrees with Levi but nevertheless we do not concern ourselves with his opinion since we follow Rava.¹²
2. Although Rav Kahana in truth rules like Levi that *reicha lav milta*, in this case since the flavor of the meat can be discerned in the bread, people eating this bread with dairy might come to the erroneous conclusion that actual meat was absorbed in the bread and mistakenly permit other cases where there is a real mixture of meat

and milk.

3. The Rabbis were extra stringent regarding meat and milk since *lo bedili inshei minei*, people are not careful to separate themselves from them (as meat and dairy are in and of themselves permitted).

Although both the Rif and Ran rule in accordance with Levi, there is an inherent difference between their answers that will have ramifications for other cases. The Ran's last two answers hold that that the stringency of the bread baked with meat is unique to *basar b'chalah* and has nothing to do with the *sugya* of *reicha*. This is also the opinion of the **Ramban**,¹³ who writes the following:

ולי נראה דהא דתני רב כהנא בריה דרב חנינא סבא ודרבא מפרזיקא לא מסייע ליה לרב, דהתם גזירה בעלמא הוא דכיון דאיכא טעם בשר בחלב אף על גב דריחא בעלמא הוא מתחזי כבשר בחלב ואסור, שהרי איסורו בטעם ואלו לא ידע האוכל שמן הריח קלט היה כאוכל בשר בחלב, אבל בשאר איסורין אין הטועם אותן מכיר בהם שהם איסור עד שידע מאיזה מין קלט טעם זה, ואם בא לשאול יאמרו לו מריח קלט ואין בו ממש, ועוד שגזרו בבשר בחלב יותר משאר איסורין מפני שמקילין בו ולא פרשי אינשי מיניה הואיל וכל אחד היתר בפ"ע, אבל שאר איסורין בדילי אינשי מיניה, והרי כמה גדרים גדרו בבשר בחלב שאינו עולה על שלחן אחד משא"כ בשאר איסורין.

"It seems to me that what was taught by Rav Kahana the son of Rav Chinnana the elder and Rava from Parzeika does not support the opinion of Rav. For there it is an independent *gezeira*, for since the flavor of meat is in the milk, even though it is only *reicha*, it appears to people as meat and milk, and

10. Ibid sv.

11. The Ran himself defends the Rif's opinion in his novel explanation of the principle of *davar sheyesh lo matirin* in *Nedarim* 52b.

12. This answer effectively agrees with Rashi that there would be no problem halachically to eat the bread with dairy.

13. Ramban, *Avoda Zara* 66b, sv. v'li nireh.

is forbidden. For the prohibition is based on flavor and if the eater does not know that this is only absorbed aroma, he will think he is eating meat and milk. But regarding other prohibitions, the eater does not know what the flavor of *issur* is until he discerns it. And if he comes to ask, they will inform him that it is only aroma and not actual flavor. Furthermore, more *gezeirot* were made regarding *basar b'chalav* compared to other prohibitions, for people are more lenient regarding this and do not separate themselves from it, as each item is considered permissible in and of itself. But regarding other prohibitions, people separate themselves. This is true as we have seen many examples where the Sages instituted restrictions for meat and milk, such as placing them on the same table, which are not found with regard to other prohibitions.”

As opposed to the Ran and Ramban, the Rif holds that this stringency falls within the halachot of *reicha*, where sometimes when *bitul* is not applicable – *reicha milta hi*.

This argument between the Ran and Rif leads us to two fascinating points. Firstly, we can understand that their argument hinges on two ways of understanding the principle “*reicha lav milta*.” Secondly, their explanations will have other practical ramifications beyond the question of *basar b'chalav*.

Two Ways of Understanding *Reicha Lav*

Milta – Aroma has no Significance

According to the Rif, although Levi rules that *reicha lav milta*, it does not mean that aroma is entirely insignificant. Rather, the Rif understands that the aroma exists yet it becomes insignificant as it becomes *batel* – nullified. This is why according to the Rif, even Levi holds that it is prohibited *lechatchila* to cook kosher meat with non-kosher meat in the same oven, since *ein mevatlin issur lechatchila*¹⁴ (it is prohibited to nullify prohibitions deliberately). This also fits the Rif's explanation as to why it is prohibited to eat the bread that was baked with meat together with dairy. He mentions that since it is a *davar sheyesh lo matirin*, it is not nullified.

On the other hand, the Ran who holds that Levi's leniency applies even *lechatchila*¹⁵ understands that the reason for *reicha lav milta* is because it has no significance at all and it is not dependent on *bitul*.¹⁶

Practical Ramification #1 – Chametz

If the Rif's understanding of Levi's leniency is based on the principle of *bitul*, then what would be the halacha regarding *chametz* that was baked together with matza in the same oven? Since *chametz* is not nullified on Pesach even in a ratio of one in a thousand,¹⁷ here too it would seem that the Rif would rule *reicha milta hi*.

The **Mordechai**¹⁸ writes of a case where a gentile threw a *chametz* cake into the oven on Pesach while matzot were being baked in

14. Mishna *Terumot* 5:9; see also *Shulchan Aruch*, Y.D. 98:5.

15. There is a dispute regarding how Rashi understands Levi. Tosafot, *Pesachim* 76b, s.v. *mai lav*, understand that Rashi agrees that Levi only permits this *bedi'eved*. See also *Ohr Zarua*, *piskei Avoda Zara* 256. The *Sefat Emet*, *Pesachim* 76b, holds that Rashi permits it even *lechatchila* unless there are specific issues with which to be concerned.

16. It is possible that this is because the flavor is not transmittable, but this is difficult, since the Ran himself in his second answer states that the reason to be stringent with bread is because the meaty flavor is discernible in the bread. Some *Acharonim* explain that although there may be flavor in the bread, the Torah was *mechadeish* that only *ta'am k'ikar* (flavor is equivalent to substance), but not aroma. Although the aroma ultimately also gives flavor, this is not prohibited by the Torah or rabbinically. This seems to the simple reading of the Ramban in his commentary to *Avoda Zara*.

17. See Rema, Y.D. 102:4, for differing opinions regarding the status of *chametz*, as well as Tosafot, *Pesachim* 76b, s.v. *asra Rava*.

18. Mordechai, *Pesachim remez* 570. See the *Darkei Moshe* 108:1 for his source for this ruling.

it. The Mordechai ruled that only the parts of *matza* that actually touched the bread are forbidden but the other parts of *matza* were permitted since we rule *reicha lav milta*. It is logical to suggest that the Rif would argue and prohibit all of the matzot in the oven, whereas the Ran would rule leniently like the Rif.

However, even according to the Ran there might be another reason to be stringent regarding *chametz*. One of the reasons the Ran gave as to why we are stringent regarding the bread baked with meat is because when it comes to meat and milk, *lo bedili inshei minei*, people do not separate themselves from it. Since meat in and of itself is permitted as is dairy, people are not as careful regarding these items as they would if a non-kosher food was found in their kitchen. This logic would also apply to *chametz*, as is mentioned by Tosafot¹⁹ and the Ran himself.²⁰

We can summarize this as follows. Although the Rif holds that aroma is insignificant, this is based on the fact that the aroma is actually nullified. Hence, where the principles of nullification do not apply, such as concerning *davar sheyesh lo matirin* (bread baked together with meat) or *chametz* on Pesach, the Rif would rule stringently. The Ran would always be stringent regarding cases of “*lo bedili inshei minei*” such as *basar b'chalav* and *chametz* on Pesach.

Practical Ramification #2 – A Large Oven

Tosafot, who *pasken* like Rav that *reicha milta hi* – aroma is significant – state that this is only true if the oven is small. However, if the two pieces of meat are roasted in a large oven, even

Rav would agree that *reicha lav milta hi*. This is based on the assumption that aroma is equivalent to actual substance, and therefore if the area is too large, the substance would not be able to be transferred. This would presumably also be the opinion of the Rif, who discussed terminology of nullification, implying that we are concerned for a physical transfer of taste, which may or may not occur depending on the size of the area in question.

However, the Ran might be stringent when it comes to *basar b'chalav*. This is because according to his last answer, the reason to be stringent regarding the bread has nothing to do with actual transmission of taste but is rather due to the fact that the Rabbis were extra stringent since people are not careful. If so, this would apply even in the case of a large oven. On the other hand, the Ran's second answer is that the reason to be stringent is that people would be able to discern the meaty flavor in the bread, implying that when this is not discernible, such as in a big oven, it would be permissible according to this answer.

How do the Shulchan Aruch and Rema Pasken?

The *Shulchan Aruch* seems to consistently rule in accordance with the Rif's understanding; namely, that although we rule that *reicha lav milta*, this is only *bedi'aved*.²¹ Similarly, if one baked bread in an oven together with meat- it is prohibited to eat this with dairy.²² However, if the oven is large then it would be permitted.²³

The opinion of the **Rema** is less clear. In *Hilchot Pesach*, the Rema states the following:²⁴ “And regarding the law of *reicha milta*, in

19. Tosafot, *Pesachim* 2a, s.v. *ohr*

20. 2a of *dapei haRif*

21. *Shulchan Aruch* 108:1.

22. *Shulchan Aruch* 97:3.

23. *Ibid*.

24. Rema, *Orach Chaim* 447.

a case where meat was roasted²⁵ with *chametz* in the same oven, some are lenient²⁶ where this would be the same regarding other prohibitions (meaning that *bedi'eved* it would be permitted) and some are stringent for there is still some substance here.” Thus, in the case of *chametz* the Rema brings both opinions and seems to have left the matter undecided.

In *Yoreh De'ah*, the Rema²⁷ rules that if one baked bread together with meat, it is forbidden to eat the bread with milk if one has other bread available. Similarly, if a gentile baked bread together with a prohibited substance, one may not buy the bread if other bread is available, though if one does not have other bread readily available, one may eat both.

The *Bi'ur HaGra*²⁸ explains that this leniency of the Rema goes against the Rif, for according to the Rif this would be considered *lechatchila* and be prohibited. Nevertheless, the Rema felt that this situation is considered *bedi'eved* and hence allows for the leniency. The Gra himself does not accept this leniency of the Rema.

Perhaps the argument between the Gra and the Rema in how to define *bedi'eved* is connected to how we explained the argument between the Ran and the Rif. The Gra understood the notion of *bedi'eved* within the principles laid down by the Rif. Since it is predicated on *bitul* having taken place – in this case, where bread has not yet come in contact with dairy, why would it be permitted to eat the bread with dairy?

The Rema, on the other hand, understood the principle of *bedi'eved* in a different fashion, similar to *sha'at hadechak k'bedi'eved dami*. In

other words, the problem here is not one of *bitul*, as really *reicha lav milta* means that the aroma is viewed as insignificant, irrespective of nullification. Rather, the Chachamim did not want us to *lechatchila* enter certain situations (either because it will cause confusion or *marit ayin*, or the actual foods might come in contact with each other,²⁹ causing complications beyond *reicha*). However, where the situation is unavoidable this would be considered *k'bedi'eved dami*.

Conclusion

We have seen that the question of whether one may eat bread that was baked in an oven together with meat may be eaten with dairy is actually a *machloket Rishonim*.

Although Rav Kahana explicitly prohibited eating this bread with dairy, **Rashi** holds that it is permitted as *reicha Lav Milta hi*.

The **Rif** states that it is prohibited because in this case *reicha milta hi* – as there is no *bitul*, or this is not considered a *bedi'eved* situation (i.e., one cannot activate the principle of *bitul*).

The **Ran** and **Ramban** also prohibit eating the bread with dairy, but due to the fact that this is a special stringency of *basar b'chalav* and is not connected to the *sugya* of *reicha*.

The **Shulchan Aruch** rules like the Rif, as does the **Gra**, whereas the **Rema** has differing rulings that might suggest he rules like the Ran.

According to all the opinions we have seen, it is quite clear that cooking foods one after the other would not pose a problem. Therefore, if one cooked roasted meat in an oven and then later baked bread in the same oven (after the meat was removed), it would be permitted to eat the bread with dairy. However, this is by no

25. Although the Rema uses the language of *tavshil*, the *Mishna Berura* says that it must be referring to a roast, as is clarified in *Yoreh De'ah* 108.

26. The *Chok Yaakov*, *Orach Chaim* 447:10, explains that nothing leaves the *chametz* via aroma.

27. Rema, *Yoreh De'ah* 108.

28. *Bi'ur HaGra*, *ibid*.

29. See *Sefat Emet* quoted earlier.

means a simple matter in halacha, as although there is no problem of *reicha* where the foods are not cooked simultaneously, there might still be a problem of *zei'a* (steam), but this is beyond the purview of this article.³⁰

30. We will deal with this issue in the coming volumes of the English *Tzurba M'Rabanan* series in the context of using ovens for meat and dairy.



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סיוון תשע"ב

יז. שימוש במשחת שיניים חלבית לאחר אכילת בשר

שאלה:

האם מותר להשתמש במשחת שיניים חלבית לאחר אכילת בשר קודם שעבר זמן ההמתנה הנהוג בין בשר וחלב?

תשובה:

הקדמה: תשובה זו מתייחסת רק לשאלה העקרונית אם ניתן להשתמש במשחת שיניים שהיא ממש חלבית לאחר אכילת בשר. תשובה זו אינה מתמקדת בשאלה אם משחת שיניים שיש בה מרכיבים שמקורם מחלב בהכרח תוגדר חלבית. וכן אין בה התייחסות לשאלת כשרותה של משחת שיניים שיש בה מרכיבים ממקורות שאינם כשרים. תשובה מלאה לשאלות אלה תצטרך לדון ביחס בין כמות החומרים האלה לכלל המרכיבים, וכן במידת היותם ראויים למאכל, נתונים אשר הם משתנים ממשחה למשחה.²

א. אם המשתמש במשחה זו לא יבלע מן המשחה אלא רק מצחצח בה את שיניו – מותר.³

1 מקורה של חובת ההמתנה בין אכילת בשר לחלב הוא בסוגיה במסכת חולין (קה ע"א), שם אמרו שצריך להמתין "מסעודה לסעודה". הראשונים נחלקו בהגדרת זמן זה. השולחן ערוך (יו"ד פט, א) פסק שיש להמתין שש שעות, והרמ"א (שם) כתב שהמתנה היא להמתין שעה, אך סיים שיש מדקדקים להמתין שש שעות אחר אכילת בשר, והוסף "יכן נכון לעשות". יש שהנהגו לחכות עד התחלת השעה השישית, ויש שהנהגו להמתין שלוש שעות, ויש שמחכים רק שעה. לדיון בעניין ראה בשו"ת במראה הבזק (חלק ז סי' נח).

2 נציין שלגבי המרכיב "לקטוז" הביא בספר קובץ תשובות (חלק א סימן עז אות א) בשם הגר"ש אלישיב כי הוא אינו אסור מחמת חלב גויים משני טעמים: א. משום שהוא נפסל הן לאכילת אדם והן לאכילת כלב. ב. כיוון שהוא עשוי ממי גבינה אין בו איסור חלב גויים. כמו כן כתב שם שמטעמים אלו אין לאסור בליעת לקטוז אחר אכילת בשר, שכאמור אינו ראוי לאכילת כלב, ועוד שכיוון שהוא נעשה ממי גבינה אין לאסורו אחר אכילת בשר. ואף שכתב הש"ך (יו"ד סי' פז ס"ק יז) שיש לאסור מי חלב שנפלו לתבשיל בשר, אולם כיוון שאיסור זה הוא רק משום מראית עין, יש לאסור רק אכילה עם בשר ממש ולא אחר אכילת בשר [אולם ראה בנתיב החלב חוברת ג עמ' 30, שכנראה יש סתירה בעניין זה בשיטתו של הגר"ש אלישיב, לפחות לגבי איסור חלב נכרים]. וראה עוד בשו"ת שבט הלוי (חלק ז סי' קיח) שדן לעניין כדורים המכילים לקטוז, ומתיר להשתמש בכדורי תרופה אלה לאחר סעודה בשרית, ומוסיף שמעיקר הדין נראה להתיר לחולה שאין בו סכנה אפילו בתערובת ממש.

3 את מקור הדין לאסור טעימה בדבר האסור באכילה כתב הריב"ש בתשובה (סי' רפח): "עוד הוקשה לך, במאי דמסקין (ברכות יד ע"א) דשרוי בתענית – אכילה קביל עליה, טעימה לא קביל עליה. אפילו גבי אסורי אכילה נימא דשריא בהו טעימה. וכי תימא אין הכי נמי, אי אפשר לומר כן, דהא מסקין התם בחולין (צז ע"א) מין בשאינו מיני בקפילא. ותיצט דאפשר לומר, דכיון דבאסורי אכילה מרבין חצי שיעור מיכל חלב, אפשר דטעימה בכלל ע"כ. ואני אומר: ... אבל האמת הוא, דבשאר איסורין טעימה אסורה ולא התירו אותה אלא בתענית יחיד, משום דטעימה לא קביל עליה. וראיה לזה מבת תהא (עבודה זרה סו ע"ב) דפליגי בה אב"י ורבא כפי מה שפירש בה ר"ח ז"ל, או פירוש בעל הערוך ז"ל, שטועמים הריח בפה. ועד כאן לא שרי רבא, אלא משום דריחא לאו מילתא היא, ואין כאן אלא טעימת גוף הריח, אבל טעימת גוף האיסור, אפילו לרבא אסורה... ומיהו, משמע דלא אסיר מדאורייתא, כמו חצי שיעור, דהא טעמא דחצי שיעור, משום דחזי לאצטרופי, כמו שכתבתי למעלה, ואין לומר כן בטעמו ולא בממשו. ועוד דאי דאורייתא כמו חצי שיעור, לביעי ברכה, אלמא תניא (ברכות יד ע"א) מטעמת אינה צריכה ברכה. ואפילו לדעת ר"ת ז"ל, דטעם כעיקר דאורייתא, היינו באכילה גמורה. דכיון שאוכל דבר שיש לו טעם אסור, דמי לאוכל עיקר האסור. אבל במי שאינו אוכל כלל, אין הטעימה אסורה, כיון שאינו אוכל גוף האסור, דהא לא חזי לאצטרופי. ואפשר דטעמא דטעימה אסורה אפילו באסורי אכילה, היינו כדי שלא יבא לבלוע מעט, ואתי לידי אסורא דאורייתא, כדאמרינן לגזירא: סחור סחור לכרמא לא תקרב (שבת יג ע"א)".

מבואר מדבריו שכל איסורי אכילה אסורים מדרבנן אף בטעימה בלבד מחשש שמא יבוא לבלוע מעט מהאיסור. דברי הריב"ש הובאו להלכה ברמ"א (יו"ד קח, ה). בשולחן ערוך (שם) כתב: "מותר לשאוף בפיו ריח יין נסך דרך נקב שבחבית לידע אם הוא טוב". והגיה הרמ"א: "אבל אסור לטועמו אע"פ שאינו בולע".

אולם מצנינו שנחלקו האחרונים אם דברי הריב"ש נאמרו רק באיסורי דאורייתא, ושבחם אסור אף טעימה, או אף בדברים האסורים באכילה רק מדרבנן.

נקדים שבדיון דידן, אף אם יש בין שינוי שאריות של בשר, אין באכילתם יחד עם חלב איסור דאורייתא, שהרי רק בשר וחלב שנתבלו יחד אסורים באכילה מדאורייתא. אבל שלא על ידי בישול, אכילתם אסורה רק מדרבנן (ענין שולחן ערוך יו"ד פז, א). בתשובת צמח צדק (הקדמון, סי' מז) דן אם לאומן המכין בורית (סבון) העשויה מחלב מותר לטעומה, וכתב: "יראה דשרי ליה לטעום הבורית בבשולה אם אינו בולע אלא רוקק מיד, אף על גב דכבר פסק הריב"ש בסימן רפ"ח דטעימת אסורי אכילה הוא אסור... מכל מקום יראה דבבשול בורית שרי לטעומה כיון שהוא פגום, דבורית פגומה לגמרי אפילו קודם שנתבלה לגמרי... ואף



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ב. אף אם השימוש במשחה זו נעשה באופן שיבלע מעט מן המשחה, עדיין מותר להשתמש בה אם זקוק לה לצורך רפואי⁴. וגם אם רק בעבר היה חולה בשינוי ומשתמש עכשיו במשחה כפעולת מניעה, הדבר מותר⁵.

על גב דכל דבר שהוא פגום מדרבנן מיהא אסור לכתחלה, היינו דוקא לאכילה הוא דאסור מדרבנן לכתחלה, אבל טעימה נראה דשרי לכתחלה אפילו מדרבנן... וכיון דהכי הוא דמידי דהוה לשבח אינו אסור בטעימה אלא מדרבנן, ממילא כשהוא פגום שרי אפילו מדרבנן, דכל דתיקון דרבנן כעין דאורייתא תיקון, לכך במידי שטעמו לשבח שאכילתו אסורה הוא התורה ולא הטעימה, אתו רבנן ואסרי אפילו טעימה. ובמידי שטעמו לפגם דשרי מדאורייתא באכילה, אתו רבנן ואסרי אכילה. אבל לאסור אפילו טעימה בדבר הפגום כולי האי לא החמירו רבנן, דסגי להו לרבנן לאסור אכילה בדבר הפגום שהוא שרי מדאורייתא, אבל לא לאסור אפילו טעימה. וכן יש להוכיח נמי מזה שכתב הריב"ש בסוף אותו תשובה... וכיון דהכי הוא, דטעם איסור טעימה בדבר האסור לא הוי אלא משום שלא יבא לידי איסור דאורייתא באכילה, אם כן בדבר שטעמו פגום, דאי אפשר לבא לידי איסור דאורייתא, דהפגום שרי מדאורייתא, ודאי דשרי לטעומיה אם אינו בולע אלא רוקק מיד⁶. הרי שהצמח צדק כתב שדברי הריב"ש לא נאמרו אלא בדבר האסור באכילה מדאורייתא, אבל בדבר האסור באכילה מדרבנן בלבד לא החמירו חכמים לאסור אף הטעימה.

ועיין בפתיחת תשובה (יו"ד סי' צח ס"ק א) שכתב שמשמע מדברי הצמח צדק שכל איסורי דרבנן מותרים בטעימה בלבד ולא רק דבר פגום, ושהוא מותר טעימה אף בתוך פיו ממש, ולא טעימה בלשון בלבד. ומוסיף הפתחי תשובה שכן משמע שהבין בנו של הצמח צדק מתוך קושיתו שהקשה על אביו (כמובא בצמח צדק בקונטרס אחרון, עיי"ש), וכן הבין את דברי הצמח צדק בפרי חדש (סי' קח ס"ק כב). אמנם הפרי חדש עצמו הקשה על הצמח צדק, והסיק להחמיר, וסיים הפרי חדש: "ובעל הצמח צדק גופיה

בסימן צ"א העיד שהאומנים נוהגים שאין טועמים, וכן יש להורות". הנודע ביהודה (תניינא חלק יו"ד סי' נב), אחר שהקשה על הצמח צדק, כתב: "אלא ודאי נלע"ד דלא כללא כילי [הצמח צדק] בדכל איסור דרבנן יהיה מותר הטעימה, אלא דוקא בדבר פגום... אכן נלע"ד... הטעימה שהתיר הצמח צדק היינו שאינו בולע כלום, כמבואר שם בצמח צדק, אבל אם בולע קצת, כבר הוא אסור מן התורה, דחצי שיעור אסור מן התורה... ולפי זה טעימה בלשונו שטעם ופולט אפשר דמותר לדעת הצמח צדק בכל איסורי דרבנן. אמנם בנו של הצמח צדק בהג"ה בסוף הספר שהביא דברי מהרש"ל שכתב שמדברי רש"י שם בחולין ילפין שאסור לטעום בשר בלשונו, אם כן הרי אפילו טעימה בלשון אסור רש"י שם אפילו באיסור דרבנן. וגם מדברי רמ"א בסימן ק"ח סעיף ה בהג"ה משמע שאסור אפילו בסתם יינם, שהרי לענין זילוף הוא שמחלק שם בין יין נסך לסתם יינם, משמע שהטעימה בכל ענין אסור⁷.

הרי שהנודע ביהודה הבין כי הצמח צדק עצמו לא התיר אלא בדבר פגום ולא באיסורי דרבנן אחרים, אמנם לאחר שהוכיח הנודע ביהודה שמדובר רק בטעימה בלשון בלבד, כתב שאם כן יש לומר שטעימה כזו התיר הצמח צדק בכל איסור דרבנן ולא רק בדבר פגום. אך למעשה הסיק הנודע ביהודה שיש לאסור טעימה אף בלשון בלבד ואף באיסור דרבנן. ועיין בפתיחת תשובה (שם) שהבין שמסקנת הנודע ביהודה היא שהצמח צדק התיר רק טעימה בלשון, וגם זה רק בדבר פגום ולא בכל איסור דרבנן.

בשו"ת הר צבי (יו"ד סי' צח) ביאר שהטעם להקל בדבר פגום האסור מדרבנן יותר משאר איסורי דרבנן הוא משום שמבואר בתשובת הריב"ש שהחשש בטעימה הוא שאם יטעם האיסור שמא יבוא לאוכלו. אבל בדבר פגום אין לחוש לכך.

עולה כי בדבר האסור מדרבנן יש שהבינו שהצמח צדק התיר לטעמו בפיו, ויש שבדרך כלל אסרו טעימה באיסור דרבנן, והתירו רק באיסור פגום. יש שביארו שההיתר הוא אף בטעימה בפיו ויש שביארו שההיתר הוא רק בטעימה בלשון. אולם בגדול דידן נראה שיש להתיר לכל הדעות להשתמש במשחה זו. שהרי כפי שכתב בשו"ת הר צבי שהובא לעיל, שהטעם להקל באיסור פגום יותר בשאר איסורי דרבנן הוא משום שבאיסור פגום אין חשש שיבוא לאוכלו, אם כן אף בשימוש במשחת שיניים אין חשש שיבוא לאוכלו, שהרי אינה עומדת לאכילה. אין האדם נותנה בפיו לאוכלו או כדי לטעום טעמה, אלא רק כדי לצחצח את שיניו. על כן יש להתיר להשתמש בה אם ברור לו שלא יבלע מן המשחה.

אמנם יש להעיר שלכאורה אף מי שאינו אוכל ממש אלא רק מכניס דבר לתוך פיו הרי הוא נאחז ממהו, ולכאורה בנדון דידן יש לאסור מדין איסור הנאה מבשר וחלב (שהרי שני נימוקים נאמרו לגבי האיסור לאכול חלב לאחר אכילת בשר (יו"ד סי' יו"ד) פט ס"ק א): מפני שטעם הבשר נשאר בתוך הפה זמן רב, או שחוששים שמא יישאר בשר בין השיניים. ועל כן, בזמן שמכניס את משחת השיניים החלבית לתוך פיו, נשאר שם טעם הבשר, ויש לחשוש שמא נשאר שם בשר בין השיניים. אולם הרמ"א (יו"ד פז, א) פסק שתערובת בשר בחלב שאינה אסורה מהתורה מותרת בהנאה, ועל כן בשר וחלב שלא נתבשלו יחד אינם אסורים אלא מדרבנן ואין בהם איסור הנאה. ואף שהמהרש"ל חלק על היתר של הרמ"א, חט"ז (שם ס"ק א) כתב שאין לנו אלא דברי הראשונים והאחרונים שהתירו. ועל כן אף אם נהנה עתה בפיו מחלב ובשר, כיוון שהם לא נתבשלו יחד – אין לאסור את ההנאה, ויש לדון רק משום איסור טעימה, וכדלעיל. ועיין עוד בשו"ת רבבות אפרים (לרב אפרים גרינבלט, חלק ח סי' שכא) שהתיר לאדם שעברו עליו שלוש שעות מאכילת הבשר לטעום מהתבשיל החלבי שמכין לתינוק, אך לא ביאר שם את טעמו (וסיים שם שהמחמיר בדבר תבוא עליו ברכה).

4 אדם שיש לו חולי בשיניו וצריך להשתמש במשחה זו לצורך רפואה בשינוי – יש להתיר לו שימוש במשחה אף אם ייתכן שיבלע ממנה.

השולחן ערוך והרמ"א (יו"ד קנח, ג) נחלקו אם מותר להתרפא באיסורי הנאה מדרבנן בדרך הנאתו. אמנם אף שהרמ"א התיר, מכל מקום הוא אסר להתרפא באיסורי דרבנן אם אוכל ושותה ממש את האיסור. הגאון ר' ישראל יהושע מקוטנא כתב ביבין דעת (יו"ד סי' פט) שחולה שאין בו סכנה וצריך לרפואתו לשתות חלב, אם אחר אכילת הבשר סילק הבשר, בירך ועשה קינוח והדחה – יכול לשתות חלב לרפואתו, והוסיף שם: "וואף על גב דקיימא לן לקמן סימן קנח דאסור לרפואת לחולה שאין בו סכנה אפילו באיסור דרבנן כל שחולה ושותה האיסור, מכל מקום נראה דשאני כאן דאין אלא זהירות בעלמא שהחמירו בבשר וחלב יותר משאר איסורין משום דכל חד מותר באפי נפשיה... אבל אין זה בגדר אכילת בשר וחלב, שלא נתערבו כלל, לא מקרי זה אכילת בשר וחלב דלא בעל החלב מבשר שאכל מכבר, ואינו אלא זהירות בעלמא, היה שרי לרפואה גם אין בו סכנה, כך נראה לי פשוט. מיהו טוב לקרוא את הבשר שבו השיניים". על כן, לפי דבריו לא חל במקרה כזה האיסור להתרפא באיסורי דרבנן. עיין שם בדברי המגיה שציין לשו"ת רבי עקיבא איגר (סי' ה) הדין בעניין האכילת מוקצה בשבת לחולה שאין בו סכנה.

על כן יש לומר שבנדון דידן שרפואתו של האדם היא על ידי צחצוח במשחה זו, יש להתיר אף אם בעל כורחו יבלע מעט מן המשחה. והרי ביבין דעת התיר לחולה אפילו לשתות חלב ממש, אם זו רפואתו.

5 מצאנו שמניעת מחלה שלא תחזור הותרה אף היא כפי שהותרה רפואה עצמה בחולה שאין בו סכנה. עיין בשמירת שבת כהלכתה (חלק א מהד' תשי"ז פרק לד סעי' ז) שהתיר למי שהיה חולה שאין בו סכנה ונטול תרופות למשך כמה ימים להמשיך ולטיפול בשבת אף שכעת כבר אינו חולה, שהרי אם ימשיך לטול את התרופות – תחזור מחלתו, ועל כן מצבו גם עכשיו מוגדר כשל חולה שאין בו סכנה, ועיין שם בהערה ע. לכך נשם שבשבת האיסור מדרבנן שחולת תרופה בשבת אינו חל, רק בחולה כשל שבו סכנה



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ג. לפני השימוש במשחה יש לנקות את שיניו על ידי קיסם ולהדיח את פיו, כדי שלא יישארו שאריות בשר בין שיניו ובפיו.⁶

והן בחולה שממשיך ליטול תרופות כדי שמחלתו לא תחזור – הוא הדין בעניינינו. כשם שבחולה שאין בו סכנה אין איסור בשתיית חלב אחר בשר, וכמבואר לעיל – הוא הדין שיהיה מותר לו להמשיך לשתות חלב לרפואתו, כפי שחייבו הרופא, כדי שמחלתו לא תחזור. כך גם לעניין השימוש במשחת שיניים זו, יהיה מותר להשתמש בה, אף אם קיים חשש שיבלע מן המשחה כנ"ל, אם המשך השימוש במשחה דרוש למניעת חזרת הבעיה הרפואית.

6 על פי היבין דעת שהובא לעיל הערה 4.