

## **Weighty Waiting Options**

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We often find that the Torah's description of even simple actions of our great forefathers impart to us a treasure trove of hanhaga, hashkafa, and even halacha. Sometimes though, it is the exact opposite: a halacha is gleaned from the acts of those far from being paragons of virtue or exemplars of excellence. Indeed, sometimes we learn fascinating halachic insights from people whom we would not consider role models by any stretch of the imagination.

### Double Agents

Every Tisha B'Av, and every time we read Parashas Shlach, we are reminded of the grave sin of the Meraglim, the spies whose evil report about Eretz Yisrael still echoes, with repercussions felt until today.[1] Of the twelve spies sent, only two remained loyal to Hashem: Yehoshua bin Nun and Calev ben Yefuneh.[2] The other ten chose to slander Eretz Yisrael instead and consequently suffered immediate and terrible deaths. Due to their vile report, the Jewish People were forced to remain in the desert an additional forty years, and eventually die out before their children ultimately were allowed to enter Eretz Yisrael.

Hashem called this rogues' gallery of spies an "eidah,"[3] literally, "a congregation." The Gemara[4] famously derives from this incident that the minimum requirement for a minyan is a quorum of ten men, since there were ten turncoat "double-agents" who were contemptuously called "a congregation." If ten men can get together to conspire and hatch malevolent schemes, then ten men can assemble to form a congregation for devarim shebekedusha,

sanctified matters. This exegesis is duly codified in halacha,[5] and all because of the dastardly deeds of ten misguided men.[6]

### Covetous Carnivores

Another prime example of halacha being set by the actions of those less than virtuous,[7] [8] is the tragic chapter of the rabble-rousers who lusted after meat, and disparaged Hashem's gift of the Heavenly bread called manna (munn), chronicled at the end of Parashas Beha'aloscha.[9] The pasuk states that "the meat was still between their teeth" when these sinners met their untimely and dreadful demise.[10] The Gemara extrapolates that since the Torah stressed that there was meat between their teeth, it means to show us that meat between the teeth is still considered tangible meat and requires one to wait before having a dairy meal afterward.[11]

There are actually several different ways to understand the Gemara's intent, chief among them Rashi's and the Rambam's differing opinions:[12]

The Rambam writes that meat tends to get stuck between the teeth and is still considered meat for quite some time afterward.[13]

Rashi however, doesn't seem to be perturbed about actual meat residue stuck in the teeth, but simply explains that since meat is fatty by nature, its taste lingers for a long time after eating.[14]

In any case, regarding the general separation necessary between meat and milk, the Gemara itself does not inform us what the mandated waiting period is. Rather, it gives us several guideposts that the Rishonim use to set the halacha.

The Gemara informs us that Mar Ukva's father would not eat dairy items on the same day that he had partaken of meat, but Mar Ukva himself (calling himself "vinegar the son of wine") would only wait "m'seudasa l'seudasa achrina - from one meal until a different meal." [15] [16] The various variant minhagim that Klal Yisrael keep related to waiting after eating meat are actually based on how the Rishonim understood this cryptic comment.

### Six Hours

This, the most common custom, was first codified by the Rambam. He writes that meat stuck in the teeth remains "meat" for up to six hours, and mandates waiting that amount. This is the halacha as codified by the Tur and Shulchan Aruch, [17] as well as the vast majority of authorities. The Rashal, Chochmas Adam, and Aruch Hashulchan [18] all write very strongly that one should wait six hours. The mandated six hours seemingly comes from the many places in Rabbinic literature where it mentions that the "meals of a Torah scholar" are six hours apart. [19] Therefore, this fits well with Mar Ukva's statement that he would wait from one meal until the next after eating meat, meaning six hours.

### Five Hours and Change

The idea of waiting five hours and a bit, or five and a half hours, is actually based on the choice of words of several Rishonim, including the Rambam and Meiri, when they rule to wait six hours. They write that one should keep "k'mosheish sha'os," approximately six hours. [20] Several contemporary authorities maintain that "six hours" does not have to be an exact six hours - that waiting five and a half or the majority of the sixth hour (or according to some even five hours and one minute) is sufficient, as it is almost six

hours.[21] However, it should be noted that not everyone agrees to this, and many maintain that the six hours must be exact.[22]

#### Four Hours

Waiting four hours is first opined by the Pri Chodosh, who comments that the six hours mandated are not referring to regular "sixty-minute" hours, but rather halachic hours, known colloquially as "sha'os zmanios." This complicated halachic calculation is arrived at by dividing the amount of time between sunrise and sunset into twelve equal parts. Each of these new "hours" are halachic hours and are used to calculate the various zmanim throughout the day. The Pri Chodosh asserts that in the height of winter when days are extremely short, it is possible that six halachic hours can turn into a mere four actual hours![23]

Although several authorities rule this way, and others say one may rely on this exclusively in times of great need,[24] nevertheless, his opinion here is rejected out of hand by the vast majority of authorities, who maintain that the halacha follows six true hours.[25] The Yad Efraim points out that if one follows "sha'os zmanios" in the winter, then he must also follow it during the summer, possibly needing to wait up to eight hours!

#### One Hour

Waiting only one hour between meat and dairy, mainly germane among Jews in and/or from Amsterdam, is codified by the Rema, citing common custom, based on several great Ashkenazic Rishonim, including the Maharil and Maharai (author of the Terumas Hadeshen).[26] The Rema himself, though, concludes that it is nevertheless proper to wait six hours.

## Three Hours

Interestingly, and shocking to some, the common German custom of waiting three hours does not seem to have an explicit halachic source.[27] In fact, one who delves into the sefarim of great Rabbanim who served throughout Germany, from Rav Yonason Eibeshutz to Rav Samson Raphael Hirsch, will find that they all recommended keeping the full six hours! Yet, there are several theories explaining how such a widespread custom came about:[28]

One, by the Mizmor L'Dovid, is that it is possibly based on the Pri Chodosh's opinion of sha'os zmanios. He posits that if in the middle of winter, three hours is deemed sufficient waiting time, it stands to reason that it should suffice year-round as well.

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

An additional possible theory is that since many in Germany were accustomed to eating five light meals throughout the day, as opposed to the current common three large ones, their interpretation of "m'seudasa l'seudasa achrina" would be waiting the three hours they were accustomed to between their meals.[29]

## Bentch and Go

Another opinion, and one not accepted lemaaseh, is that of Tosafos,[30] who posits that “from one meal to another” means exactly that. As soon as one finishes his meat meal, clears off the table and recites Birkas Hamazon, he may start a new dairy meal. Some add that this includes washing out the mouth and cleansing the palate (kinuach and hadacha). This is actually even more stringent than Rabbeinu Tam’s opinion, that all one needs is kinuach and hadacha, and then one may eat dairy - even while part of the same meal![31] It is important to realize that his opinion here is categorically rejected lemaaseh by almost all later authorities.

## A Day Away

The most stringent opinion is not to eat meat and milk on the same day (some call this a full twenty-four hours, but it seems a misnomer according to most authorities’ understanding). First mentioned by Mar Ukva as his father’s personal hanhaga, several great Rabbanim through the ages, including the Arizal, have been known to keep this. Interestingly, this custom is cited by Rav Chaim Palaji[32] as the proper one, and in his opinion, only those who are not able to stick to it can rely upon a “mere” six hours.

## Just Sleep on It

Another remarkable, albeit not-widely accepted custom is that of sleeping after eating a meat meal. The proponents of this, including Rav Yosef Shalom Elyashiv and Rav Yaakov Yitzchak Ruderman, Rosh Yeshivas Ner Yisrael, maintain that sleeping causes the food to digest quicker, thereby lessening the

required waiting period.[33] It is told that the Chasam Sofer wanted to start relying on this leniency, but upon awakening, every time he tried drinking his coffee (presumably with milk) it would spill. He concluded that this hetter must not have been accepted in Heaven.[34] The majority of contemporary authorities as well do not rely on sleeping as a way of lessening the waiting time.[35] The Steipler Gaon is quoted as remarking that this leniency was the exclusive domain of Rav Elyashiv, as most people sleep six hours a night and he only slept three hours nightly.

Although there are many different and widespread opinions about the proper amount of time one is required to wait after eating meat, and everyone should follow his or her proper family minhag as per the dictum "minhag avoseinu Torah hi,"[36] nevertheless, it is interesting to note that the core requirement of waiting is based on the actions of those with less than perfect intentions. As it states in Pirkei Avos, "Who is wise? One who learns from everyone." [37]

Postscript: Children's Waiting: Although waiting six hours is indeed the most common minhag, nonetheless, most contemporary Poskim are of the opinion that this is not obligatory for children, following the lead of several Rishonim, including the Terumas Hadeshen (Leket Yosher vol. 1, pg. 69 s.v. v'nahag; thanks are due to Rabbi Avromy Kaplan for pointing this out) and the Meiri (Chullin 105a), who briefly mention that children are not mandated to keep the full waiting period. Several authorities, including the Chelkas Yaakov (Shu"t vol. 2:88-89 and vol. 3:147), Rav Yaakov Kamenetsky (Emes L'Yaakov on Tur and Shulchan Aruch, Y.D. 89, footnote 36), and Rav Nissim Karelitz Chut Shani (Shabbos vol. 4, end 343, pg. 309-310), maintain that young children need only wait an hour, and only once they reach nine years old should they start waiting longer. Rav Ovadiah Yosef (Shu"t Yechaveh Daas vol. 3:58) is more lenient,

ruling that children only need to start waiting the full amount from a year before their Bar or Bas Mitzvah.

Other Poskim, including the Debreciner Rav (Shu"t Ba'er Moshe vol. 8:36, 5), Rav Yosef Shalom Elyashiv (cited in Piskei Halachos pg. 53:4-5), and Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 1:434) prefer a staggered approach. Once a child reaches age two-three, he should wait an hour. When he turns five-six, he should wait three hours, and from age nine-ten, he should wait the full six hours.

Others, including the Ponovezh Rosh Yeshiva Rav Elazar Menachem Mann Shach (Michtavim U'Maamarim vol. 4:332), Rav Shlomo Zalman Auerbach (cited in Va'aleihu Lo Yibol vol. 2, pg. 64:3 and Maadanei Shlomo on Dalet Chelkei Shulchan Aruch pg. 241-242), and Rav Shmuel Halevi Wosner (Shu"t Shevet Halevi vol. 4:84 and Kovetz M'Beis Levi vol. 9, pg. 23:9 and vol. Y.D. pg. 36:13, footnote 14) maintain that there is no specific set age, but rather depends on each individual child, his needs, and specific situation. All agree that the child should be educated and trained to gradually wait longer, building up to the full waiting period. See also Shu"t She'aris Yisrael (Y.D. 3), Shu"t Eimek Hateshuva (vol. 6:314), and Shu"t Shulchan Halevi (Ch. 22:10, 3).

Many stress that this leniency for children is only applicable to real food or milk, as they are satiating and nutritional, as opposed to milchig candies and chocolates, etc. which are decidedly not, and for which no dispensation should be given. See Shu"t Yabia Omer (vol. 1, Y.D. 4 and vol. 3, Y.D. 3), Shu"t Maadanei Melachim (83:2), and Chinuch Habanim L'Mitzvos (Tzorchei Kattan 47 and footnote 183).



On the other hand, and contrary to all the above, there is the minority noteworthy opinion of the Steipler Gaon (Orchos Rabbeinu, new edition, vol. 4, pg. 25:2) who held that all minors should still keep the full six hours. His son, Rav Chaim Kanievsky holds this way as well (cited in Moadei HaGra"ch vol. 1:189-190). As with all inyanei halacha, one should ask his personal local halachic authority for guidance as to which opinion he should follow.

This article was written l'zechus for a Refuah Sheleimah for Yissochor Dov ben Rochel Miriam, Rafael Naftali Moshe ben Rochel, Rochel Miriam bas Dreiza Liba, and l'zechus Shira Yaffa bas Rochel Miriam v'chol yotzei chalatzeha for a yeshua sheleimah teikif umiyad.

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His recent English halacha sefer, "Insights Into Halacha - Food: A Halachic Analysis," (Mosaica/Feldheim) contains more than 500 pages and features over 30 comprehensive chapters, discussing a myriad of halachic issues relating to food. It is now available online and in bookstores everywhere.

[1] See Taanis (26b and 29a), that this, the first of five tragedies, occurred on Tisha B'Av.

[2] Calev's father's real name was actually Chetzron. See Divrei Hayamim I (Ch. 2:18) and Sota (11b).

[3] Bamidbar (Parashas Shlach, Ch. 14:27).

[4] Megilla (23b), Brachos (21b), and Sanhedrin (74b). See Rashi al HaTorah (ad loc. s.v. l'eidah).

[5] Rambam (Hilchos Tefilla Ch. 8:5), Tur and Shulchan Aruch (O.C. 55:1 and 69:1), Aruch Hashulchan (O.C. 55:6), and Kitzur Shulchan Aruch (15:1). Many authorities cite this as the source for this law, including the Bach (O.C.55:1), Taz (ad loc. 1), Levushei Srad (ad loc. 1), Chida (Birkei Yosef ad loc. 3), Shulchan Aruch Harav (ad loc. 2), Mishnah Berurah (ad loc. 2), and Kaf Hachaim (ad loc. 6).

[6] For a full treatment of the Meraglim and their intentions, see relevant commentaries to Parashas Shlach, as well as Rabbi Moshe M. Eisemann's excellent "Tear Drenched Nights - Tish'ah B'Av: The Tragic Legacy of the Meraglim."

[7] Another interesting example of this is a potential halacha we glean from Bilaam. The Gemara (Brachos 7a) explains that Bilaam knew the exact millisecond each day that Hashem "gets angry" and knew how to properly curse during that time. Tosafos (ad loc. s.v. she'ilmalei and Avodah Zarah 4b s.v. rega) asks what type of curse was possible to utter in such a limited time frame (a fraction of a second!) and gives two answers: 1) the word "kaleim, destroy them" 2) once Bilaam started his curse in that exact time frame, he "locked it in" and can continue as long as it takes, since it is all considered in that exact

time. The Aruch Hashulchan (O.C. 110:5), the Butchatcher Rav (Eishel Avraham O.C. 104), and the Yid Hakadosh of Peshischa (cited by the Kozoglover Gaon in his Shu"t Eretz Tzvi, end 121 s.v. v'amnam), take the second approach a step further and apply this idea to Tefilla B'Zmana. As long as one starts his Tefilla before the Sof Zman, it is considered that he "made the zman", even if the majority of his Tefilla actually took place after the Sof Zman. Not everyone agrees with this, though. Indeed, many Poskim, including the Magen Avraham (O.C. 89:4 and 124:4), Pri Megadim (O.C. 89, E.A. 4 and 110, E.A. 1; note however, that in the beginning of O.C. 620, in his Eishel Avraham commentary, he accepts this understanding regarding Mussaf on Yom Kippur prior to the seventh hour), and Mishnah Berurah (58:5 and 89: end 5), are makpid that one must finish his Tefilla before the Sof Zman. Nevertheless, a similar logic (based on Bilaam) is presented by the Machatzis Hashekel (O.C. 6: end 6), quoting the Beis Yaakov (Shu"t 127) in the name of the Arizal regarding Tefillas HaTzibbur. [There is precedent to this understanding in the Yerushalmi (Brachos Ch. 4, Halacha 1 and Taanis Ch. 4, Halacha 1). See also Gilyonei HaShas (Brachos 54) and She'arim Metzuyananim B'Halacha (vol. 1, 18:2 and Kuntress Acharon 2). Indeed, on a practical level, although the Pri Megadim (O.C. 109, E.A. 2) and seemingly followed by the Mishnah Berurah (66:35 and 109, Biur Halacha s.v. hanichnas; however, see 14 ad loc.), implies that one is only considered to have davened Tefilla B'Tzibbur if he starts his Shemoneh Esrei at the exact same time as the Chazzan and congregation [see Brachos 21b, and Tur and Shulchan Aruch and main commentaries to O.C. 109:1), nonetheless, numerous contemporary Poskim, including Rav Moshe Feinstein (Shu"t Igros Moshe, O.C. vol. 3:4 s.v. uvadavar echad), the Chazon Ish (cited in Orchos Rabbeinu, new edition, vol. 1, pg. 118:55), Rav Shlomo Zalman Auerbach (Halichos Shlomo, Tefilla, Ch. 8:7), and Rav Yosef Shalom Elyashiv (cited in Avnei Yashpei on

Tefilla, Ch. 6, footnote 22), maintain that if one starts soon after, while the Tzibbur is still davening Shemoneh Esrei (preferably while still in the first bracha), one still "made" Tefilla B'Tzibbur. See also Chayei Adam (vol. 1:19, 8), Aruch Hashulchan (O.C. 109:5 and 12), Shu"t Ba'er Moshe (vol. 4:11), Shu"t B'tzeil Hachochma (vol. 4:3), Shu"t Yabia Omer (vol. 2, O.C. 7; who rules that the same applies in reverse, that if one starts his Shemoneh Esrei before the Tzibbur and continues along with them, it is still considered Tefilla B'Tzibbur), and Ishei Yisrael (Ch. 12:8).] If such design worked for one as despicable and reprehensible as Bilaam to enable him to curse us, how much more so should it work for us regarding Tefilla B'Tzibbur which is an eis ratzon!

[8] An interesting hanhaga we learn from Bilaam is that an 'Adam Chashuv' should not travel without having two assistants. See Rashi (Bamidbar Ch. 22:22 s.v. ushnei), quoting the Midrash Tanchuma (Parashas Balak 8). An additional example of a halacha gleaned from the wicked actions of Bilaam is that of Tzaar Baalei Chaim, causing living creatures unnecessary pain. Although the Gemara (Bava Metzia 32a-b) debated whether this halacha is Deoraysa or Derabbanan, according to most authorities, including the Rambam (Hilchos Rotzeach Ch. 13:13; see also Kessef Mishneh ad loc. 9), Rif (Bava Metzia 17b), Rosh (ad loc. 30), Mordechai (end Maseches Shabbos, 448), Sefer Hachinuch (Mitzva 451, end s.v. kasav), Tur (C.M. 272:11), Rema (ad loc. 9), Bach (ad loc. 5), Vilna Gaon (Biur HaGr"a ad loc. 11), SM"A (ad loc. 15), Kitzur Shulchan Aruch (191:1), and Aruch Hashulchan (C.M. 272:2), as well as the mashmaos of the Gemara Shabbos (128b; see also Rashi ad loc. s.v. tzaar, as well as Chiddushei Chasam Sofer on Bava Metzia 32), and Shulchan Aruch (O.C. 305:18; as otherwise dismounting from an animal on Shabbos is an Issur Derabbanan, and he nonetheless rules that Tzaar Baalei Chaim supercedes it, implying that it is

Deoraysa; thanks are due to Rav Yirmiyohu Kaganoff for pointing this out), Tzaar Baalei Chaim is indeed Deoraysa. According to the Midrash Hagadol (Parashas Balak 22:32), Rambam (Moreh Nevuchim vol. 3: end Ch. 17), and Sefer Chassidim (666) this can be gleaned from Bilaam's actions of hitting his donkey. In fact, they maintain that since Bilaam remarked that if he had a sword in his hand he would have killed his donkey on the spot, that is why he eventually was slain specifically by sword! Thanks are due to Rabbi Shimon Black of the KLBD for pointing out several of these sources.

[9] Bamidbar (Parashas Beha'aloscha Ch. 11).

[10] Ad loc. verse 33.

[11] Gemara Chullin 105a, statements of Rav Chisda.

[12] There are however, other opinions. For example, the Kreisi U'Pleisi (89, Pleisi 3) and Chochmas Adam (40:13) posit that the waiting period is actually dependent on digestion.

[13] Rambam(Hilchos Maachalos Assuros Ch. 9:28).

[14] Rashi, in his glosses to Gemara Chullin (105a s.v. assur). However, Rashi would still agree that any meat found in the oral cavity even after six hours must be removed and kinuach and hadacha required.

[15] Although the Aruch Hashulchan (Y.D. 89:4) maintains that the waiting period starts from when one finishes theseudah that he partook of meat, nevertheless, most authorities, including many contemporary authorities, follow

the Dagul Mervavah (ad loc. 1), and are of the opinion that the waiting period starts immediately after one finishes eating the actual meat product and not the entire seudah. These Poskim include the Erech Hashulchan (ad loc. 3), Darchei Teshuva (ad loc. 4), Atzei Ha'Olah (Hilchos Bassar B'chalav, 3:1), Shu"t Moshe Ha'Ish (Y.D. 16), and the Kaf Hachaim (ad loc. 9), as well as Rav Yosef Shalom Elyashiv (cited in Piskei Halachos, Y.D. Bassar B'chalav 8, pg. 54), Rav Shmuel Halevi Wosner (Kovetz M'Beis Levi on Yoreh Deah, Bassar B'chalav 2, pg. 33), the Debreciner Rav and Rav Asher Zimmerman (both cited in Rayach Habosem on Bassar B'chalav Ch. 3, Question 28), Rav Chaim Pinchas Scheinberg (cited in Shu"t Divrei Chachamim, Y.D. Ch. 1, Question 6), Rav Chaim Kanievsky (cited in Doleh U'Mashkeh pg. 257), Rav Menashe Klein (Shu"t Mishnah Halachos vol. 5:97, 2), the Rivevos Efraim (vol. 5:516), and Rav Shalom Krauss (Shu"t Divrei Shalom on Y.D. 25).

[16] For an elucidation of what exactly Mar Ukva and his father disagreed upon, see the Tosafos Yom Tov's Toras Ha'Asham (76, s.v. v'kasav d'nohagin).

[17] Tur (Y.D. 89:1 and O.C. 173) and Shulchan Aruch (Y.D. ad loc. 1). As the renowned talmid of the Maharam M'Rottenberg, the Shaarei Dura (end 76) already put it in the late 1200s: "Ha'olam nahagu k'psak HaRambam shetzarich sheish sha'os bein seudas bassar l'seudas gevina." According to the Tur, Shach, and Taz (Y.D. ad loc. 1), this halacha is based on the fact that we pasken following both Rashi's and the Rambam's shittos lemaaseh. See also Pri Megadim (ad loc. M.Z. 1).

[18] The Rashal (Yam Shel Shlomo, Chullin Ch. 8:9; quoted lemaaseh by the Shach in Y.D. 89:8) writes that anyone who has even a "Rayach HaTorah, a scent of Torah" would wait six hours. The Chochmas Adam (ibid.) writes that

whoever doesn't wait six hours violates "Al Titosh Toras Imecha" (Mishlei Ch. 1:8). The Aruch Hashulchan (Y.D. 89:7) writes that whoever doesn't wait six hours is in the category of "poretz geder" who deserves to be bitten by a snake (Koheles Ch. 10:8). See also Kanfei Yonah (ad loc. pg. 65a-b) and Pri Toar (ad loc. 5) for similar assessments. The Shlah (Shaar Ha'Osiyos, Kedushas Ha'achilah 95, Hagahah) wrote to his son that he does not view the minhag of waiting only one hour in a positive light, indeed referring to it as "Ra b'einai me'od," and as most of the Rishonim, including the Rambam, Rosh, and Rashba, mandated waiting six hours, he exhorted him "al tifnu l'minhag artzachem b'zeh," not to follow the lenient view.

[19] See, for example, the Gemara in Shabbos (10a) and Pesachim (12b), Ritva (Chullin 105a s.v. bassar bein), Rosh (ad loc. end 5), Rashba (Toras Habayis, Bayis 3, Shaar 4), Baal Ha'Itur (Shaar 1, Hilchos Bassar B'chalav 13a-b), Lechem Mishneh (on the Rambam ibid.), Tur and Shulchan Aruch and main commentaries (O.C. 157:1), Biur HaGr"a (Y.D. 89:2), SM"A (C.M. 5:10), and Mor U'Ketziyah (184 s.v. v'chein).

[20] Rambam (ibid.), Meiri (Chullin 105a s.v. v'hadar; however, in a separate sefer - Magen Avos, beg. Inyan 9, he explicitly writes that one may wait five hours - "sheish sha'os oh chameish"), Agur (Hilchos Seudah 223 and Hilchos Issur V'Hetter 1242), Kol Bo (106 s.v. v'achar bassar; and in Orchos Chaim vol. 2, Hilchos Issurei Maachalos pg. 335:73 s.v. v'achar).

[21] Several authorities make this diyuk, including the Minchas Yaakov (Soles L'Mincha 76:1), Butchatcher Rav (Daas Kedoshim Y.D. 89:2), and the Aruch Hashulchan (ad loc. 2). Authorities who relied on not needing a full six hour wait include the Divrei Chaim of Sanz (cited in Shu"t Siach Yitzchak 399 and Shu"t

Divrei Yatziv, Likutim V'Hashmatos 69; however, see also Shu"t Yashiv Yitzchak vol. 5:14 and Shu"t Mishnah Halachos vol. 12:11), Rav Chaim Soloveitchik of Brisk (cited in Torah L'Daas vol. 2, Parashas Beha'aloscha pg. 229, Question 5), Rav Seligman Baer (Yitzchak Dov) Bamberger (the renowned Würzburger Rav and author of Shu"t Yad Halevi; cited in Kovetz Hame'ayen, Teves 5739, pg. 33, and later in Nishmas Avraham, third edition, Y.D. 89, footnote 1), the Matteh Efraim (Ardit; pg. 28:4), Rav Aharon Kotler (cited in Shu"t Ohr Yitzchak vol. 1, Y.D. 4), Rav Shlomo Zalman Auerbach (Kovetz Moriah, Teves 5756, pg. 79), Rav Yosef Shalom Elyashiv (Shu"t Yissa Yosef O.C. vol. 2:119, 5), Rav Ovadiah Yosef (Shu"t Yabia Omer vol. 1, Y.D. 4:13 and vol. 3, Y.D. 3; although in his earlier teshuva he only mentions being lenient after eating chicken, in his later teshuva he adds that he holds the same dispensation applies equally after eating meat, and not as some mistakenly suggest as to his intent), and Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 6:171 s.v. ul'atzmi; although he personally is stringent, he holds that one may indeed be lenient on five and a half hours). See also Rav Eitam Henkin H"yd's defense of the minhag of waiting five hours and a bit, in his comprehensive maamar in Kovetz Beis Aharon V'Yisrael (vol. 141, pg. 71-76; also citing the shittos of his father, Rav Yehuda Herzl Henkin - the "Bnei Banim," and his great-grandfather, Rav Yosef Eliyahu Henkin).

[22] Including Rabbeinu Yerucham (Sefer Ha'Adam, Nesiv 15, vol. 2:27, pg. 137), Chamudei Daniel (Taaruvos vol. 2:15), Shu"t Ginas Veradim (Gan Hamelech 154), Perach Shoshan (1:1), Mikdash Me'at (on Daas Kedoshim ibid. 2), Yalkut Me'am Loez (Parashas Mishpatim pg. 889-890 s.v. shiur), Yad Yehuda (89, Peirush Hakatzer 1), Chofetz Chaim (Nidchei Yisrael Ch. 33), Rav Yisrael Yaakov Fischer (Shu"t Even Yisrael vol. 9:126, 5), Rav Chaim Kanievsky (cited in Doleh U'Mashkeh pg. 257), and the Badei Hashulchan (Y.D. 89:8 and



Tziyunim ad loc. 14). Several other contemporary authorities maintain that one should strive to keep the full six hours lechatchilla, but may be somewhat more lenient in times of need, and not waiting an exact six hours. These include Rav Moshe Feinstein (cited in Shu"t Divrei Chachamim Y.D. 1:1; and in private conversation with Rav Moshe's grandson Rav Mordechai Tendler, author of Mesores Moshe), Rav Yosef Shalom Elyashiv (cited in Shu"t Avnei Yashpei vol. 5:101, 3 and 4 and Ashrei Ha'Ish O.C. vol. 3, pg. 441:10), Rav Shmuel Halevi Wosner (Kovetz M'Beis Levi on Yoreh Deah, pg. 34:3 and footnote 3), and Rav Menashe Klein (Shu"t Mishnah Halachos vol. 5:97, 3; see also vol. 7:70 and vol. 12:11, where he strongly urges to wait a full six hours). The Pe'as Sadecha (Shu"t vol. 3, Y.D. 29 s.v. amnam) posits that this machlokes of whether or not six complete hours is mandated, might depend on a different machlokes whether a Talmid Chacham's seudah is supposed to be at the beginning or the end of the sixth hour [see Beis Yosef (C.M. 5:3), Drishah (ad loc. 7), Bach (ad loc. 7 s.v. ela), SM"A (ad loc. 10), Shach (ad loc. 6), Magen Avraham (O.C. 157:2), Elyah Rabba (ad loc. 1), Pri Megadim (ad loc. E.A. 2), Ba'er Heitiv (O.C. 157:2), Mishnah Berurah (ad loc. 3), and Aruch Hashulchan (O.C. 157:2 and C.M. 11; who maintains that this is not necessarily a machlokes, but rather that the whole sixth hour is considered "zman achilas Talmid Chacham")].

[23] Pri Chodosh (Y.D. 89:6). Others who rely on his opinion include the Gilyon Maharsha (ad loc. 3), Ikrei HaDa"t (Ikrei Dinim 10: end 5) and Minchas Yaakov (Soles L'Mincha 76: end 1). Rav Aharon Wurmsh, renowned talmid of the Shaagas Aryeh, in his Me'orei Ohr (vol. 7, Chullin daf 105 s.v. chala bar chamra) writes that "peshita sheyeish l'smoch alav (the Pri Chodosh) b'shaar maachalei chalav, afilu baal nefesh, meshum shelo nizkar b'Talmud rak gevina shemosheich taam v'nidbak bein hashinayim - certainly even the scrupulous

may rely upon the Pri Chodosh's opinion regarding waiting time mandated prior to consuming milk and most dairy products, as the Gemara only singled out (hard) cheese, due to its meat-like characteristics of lingering taste and palate clinginess." The issue of hard cheese, its properties, and halachic status, is discussed at length in a previous article, titled "A Dairy Dilemma: Of Hard Cheese Complexities and Pizza Perplexities."

[24] Including the Yad Efraim (Y.D. 89:1), Yeshuos Yaakov (ad loc. Peirush Hakatzer 1), Maharsham (Daas Torah ad loc.), and the Zeicher Yehosef (Shu"t end 196), who allow one to rely on the Pri Chodosh only if one is sick or in times of great need. See also Darchei Teshuva (ad loc. 21).

[25] Including the Knesses Hagedolah (Y.D. 89, Hagahos on Tur, ad loc. 6-7), Maharach Algazi (Ba'ei Chayei (ad loc. pg. 39b), Pri Megadim (ad loc. M.Z. 1), Pischei Teshuva (ad loc. 3), Kreisi U'Pleisi (ad loc. Pleisi 3), Chochmas Adam (40:12), Chida (Shiyurei Bracha, Y.D. 89:3-4), Zivchei Tzedek (ad loc. 2), Chaguras Shmuel (ad loc. 8), Ben Ish Chai (Year 2, Parashas Shlach 9), and Me'orei Ohr (Kitzur Shulchan Aruch on Yoreh Deah, 89:1; by Rav Yitzchak Isaac Schorr, Av Beis Din of Bucharest), who adds that one must wait six hours after eating meat, "bein b'kayitz, bein b'choref," winter and summer alike. See also Darchei Teshuva (ad loc. 6 and 20).

[26] Rema (Y.D. 89:1), Maharai (Hagahos Shaarei Dura 76:2; although according to his talmid in Leket Yosher, vol. 1, pg. 35:2, he personally waited six hours), Maharil (Minhagim, Hilchos Issur V'Hetter 5, s.v. achal; although he refers to waiting six hours as "Minhag Chassidim"), and Issur V'Hetter (40:4). In Shu"t Maharam M'Rottenberg (Lvov [Lemberg] edition; 552, Question 2), there is a teshuva from Rav Avigdor Ben Rav Elya Hakohen stating that the

Maharam was of this opinion as well, that one must only wait a 'sha'ah kalah' between meat and milk. Although the Rashal (ibid.) and Taz (Y.D. 89:2) cast aspersions on this custom, the Vilna Gaon (Biur HaGr"a ad loc. 6) defends it as the Zohar's minhag as well, to wait an hour between all milk and meat meals [this is addressed at length in a previous article titled "To Bentch or Not to Bentch?... That is the Question"]. Relevant to the proper custom in Amsterdam, see Minhagei Amsterdam (pg. 20:24 and pg. 52), Shu"t Yashiv Yitzchak (vol. 13:25), and Shu"t Shav V'Rafa (vol. 3:114).

[27] There is no mention of a three hour wait in any traditional halachic source, save for one. And, although the Badei Hashulchan (Miluim to Y.D. 89) and several others cite Rabbeinu Yerucham's Kitzur Issur V'Hetter (39; found at the end of his main sefer) as a possible source for this minhag, as it does mention waiting 'Gimmel Sha'os' [using the letter 'Gimmel'], it is important to note that this is an apparent misprint, as in the full sefer itself (Sefer Ha'Adam, Nesiv 15, vol. 2:27, pg. 137) Rabbeinu Yerucham spells out unequivocally that one must wait "lechol hapachos sheish sha'os, at least six hours!" Additionally, the source he cites for his three hour quote is Rabbeinu Peretz, who also actually mandates waiting six hours (Hagahos on SMa"K 213:8). Furthermore, the actual quote is waiting "Gimmel Sha'os k'Rashi," three hours as per Rashi's shittah. As the Chida (Shiyurei Bracha, Y.D. 89:2 s.v. gam) points out, there is no record of Rashi holding such an opinion; rather the opposite in Sefer Ha'Orah (110), that one must wait "Shiur Seudasa Achariti" between eating meat and cheese. Moreover, it seems likely that Rabbeinu Yerucham is not the author of the Kitzur Issur V'Hetter attributed to him (see Rabbi Yisrael Ta-Shma's article in Kovetz Sinai, Shvat- Adar 5729). For more on the topic of Rabbeinu Yerucham and three hours, see Rav Moshe Sternbuch's Orchos Habayis (Ch. 7, note 45), Rav Chaim

Kanievsky's opinion cited in Kovetz Nitzotzei Aish (pg. 860:32), and Rav Asher Weiss' Shu"t Minchas Asher (vol. 1, 42:2, s.v. u'mkivan). Renowned Rabbanim who served throughout Germany who wrote to keep six hours include Rav Yonason Eibeshutz (Kehillas AH"U; Kreisi U'Pleisi 89:3), the Pri Megadim (Kehillos in Berlin and Frankfurt; Y.D. 89, M.Z. 1), Rav Yosef Yuzpa Koschmann (Noheg K'tzon Yosef-Minhag Frankfurt, Hilchos Seudah pg. 120:4), the Würzburger Rav, Rav Seligman Baer (Yitzchak Dov) Bamberger (cited in Kovetz Hame'ayen, ibid. and later in Nishmas Avraham ibid.; although, as mentioned previously he held "chameish sha'os u'mashehu" was sufficient to be considered six hours), and Rav Samson Raphael Hirsch (Chorev vol. 4, Ch. 68, pg. 30). [In an interesting counter-point, in his English translation of Chorev, titled "Horeb," Dayan Dr. Isidor (Yishai) Grunfeld added a footnote (pg. 327, par. 453, footnote 2) supporting the "widespread minhag" in "western countries" of "waiting only three hours."]

[28] Mizmor L'Dovid (Y.D. 89:6). Rav Hamburger's explanation was written in a letter to Mori v'Rabi Rav Yonason Wiener (dated Rosh Chodesh Tamuz, 5765). See Shu"t Nachlas Pinchas (vol. 1:36, 7) for a similar assessment. An additional rationale was posited by Rabbi Shimon Silver in his recent Talei Oros (Redes HaTal, Inyanei Chag HaShavuos). He cites that regarding certain halachos, we find that between one set meal and the next, there should be three hour wait. For example, the halacha states that on Erev Shabbos, one may not start a seudah after the 9th hour-which is three (halachic) hours before the onset of Shabbos, as then he will enter Shabbos too full to be able to accord the proper honor and respect due a Shabbos seudah [see GemaraPesachim (99b), and Beis Yosef and Shulchan Aruch (O.C. 249:2)]. Hence, he posits that this possibly is the GemarainChullin's intent with waiting "m'seudasa l'seudasa achrina,"

meaning the amount of time in between set meals necessitated in other places in Shas, which is three hours. For other sevaros, see Rabbi Yaakov Skoczylas' Ohel Yaakov (on Bassar B'chalav, 89, end footnote 1; quoting Rav Shimon Schwab) and Shu"t Mishnah Halachos (vol. 16: end 9).

[29] This author has seen this theory posited by both Rav Yisroel Belsky and Rav Binyomin Hamburger. Thanks are due to Dr. Steven Oppenheimer, who related that his mother described her meals in Vienna exactly this way. Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 6:171 s.v. v'nireh) implies this as well; explaining that the common German minhag is most likely based on Tosafos'shittah (see next paragraph above) and therefore dependent on actual meals, which in Germany would have commonly been lunch, or to be more precise, "Gabelfrühstück," a second light breakfast or brunch, three hours after breakfast.

[30] Tosafos (Chullin 105a s.v. l'seudasa), Ravyah (1108; cited by the Rosh and Hagahos Ashri to Chullin Ch. 8:5), Rema (Y.D. 89:1).

[31] Rabbeinu Tam's opinion is found in Tosafos (Chullin 104b s.v. of). Other AshkenazicRishonim who wrote similarly include the BeHa"G (Hilchos Brachos, end Ch. 6, pg. 9b, bottom right column s.v. amar Rav Chisda), Sefer Yereim (149), and the Baal Hama'or (in his glosses to Gemara Chullin, pg. 37a in the Rif's pagination, s.v. Rav Yitzchak). It is noteworthy that the Maharam M'Rottenberg, a bastion of Ashkenazicpsak who is considered lenient regarding this topic, is quoted (Shu"t Maharam M'Rottenberg, Lvov [Lemberg] edition; 552, Question 2) as explicitly rejected this shittah, explaining that the Gemara is teaching that one may not simply perform kinuach and hadacha to eat cheese after meat.

[32] Kaf Hachaim (Palaji; Ch. 24:25-26). This was known to be the Arizal's custom (Taamei HaMitzvos of Rav Chaim Vital, Shaar HaMitzvos, Parashas Mishpatim). See also Shulchan HaTahor (173:2), Ben Ish Chai (Year 2, Parashas Shlach 15), Shu"t Torah L'Shma (212), and Shu"t Shraga HaMeir (vol. 7: end 105). Some say (see Piskei Teshuvos, end 494) that based on his writings to Parashas Mishpatim (s.v. lo sevashel), the Noam Elimelech must have also generally kept this stringency (except for an allowance on Shavuos). However, it is known that there were several Gedolim who understood this to mean to wait an actual full 24 hours from eating meat before allowing milk products, including the Shlah (cited by his chaver Rav Yosef Yuzpa Haan-Norlingen in his Yosef Ometz, 137; remarkably, Rav Haan adds that he personally could not keep it and instead waited a mere 12 hours!) and the Reishis Chochma (in his Totzaos Chaim, Shaar 2, Hanhaga 45, pg. 32). Interestingly, the Darchei Teshuva (89:2) cites that the Yafeh Lev (vol. 8) asserted that the Arizal was only this stringent regarding eating dairy and meaty foods. Yet, he would certainly agree that "lekuli alma b'hadachas hapeh sagi," a mouth rinse alone is sufficient after simply drinking milk prior to eating meat, and not mandate a long waiting period. Thanks are due to Rabbi Dr. Eliezer Brodt for pointing out several of these sources.

[33] See Daas Kedoshim (Y.D. 89:2), Vayaas Avraham (of Tchechnov; pg. 333:51 and Ateres Zekainim ad loc. 155), Piskei Teshuva (vol. 3:285), Piskei Halachos of HaGri"sh Elyashiv (Y.D. Bassar B'chalav pg. 53:6; see also Shu"t Yissa Yosef, O.C. vol. 2:119, 6 and Ashrei Ha'Ish, O.C. vol. 3 pg. 442:15, who claim that Rav Elyashiv only intended to rule leniently after chicken and not actual meat). Rav Ruderman's predilection for this shittah was related to this author by his noted talmid, Rav Shmuel Bloom.

[34] The story about the Chasam Sofer is cited in Zichron L'Moshe (pg. 79), Shu"t Divrei Yisrael (vol. 2, pg. 28, footnote) and in Shu"t Siach Yitzchak (399).

[35] Including Shu"t Siach Yitzchak (ibid.), Shu"t Teshuvos V'Hanhagos (vol. 1:431), Kovetz M'Beis Levi on Yoreh Deah (pg. 34, 5; citing the opinion of Rav Shmuel Halevi Vosner), Shu"t Beis Avi (vol. 3, Y.D. beg. 108), Shu"t Mishnah Halachos (vol. 7:70), Shu"t Shulchan Halevi (Ch. 22:10, 1), Doleh U'Mashkeh (pg. 257-258 and footnote 15; citing the opinion of Rav Chaim Kanievsky, as well as his father, the Steipler Gaon). This leniency is also conspicuously absent from the vast majority of earlier authorities.

[36] Tosafos (Menachos 20b s.v. v'nifsal). See also Shorshei Minhag Ashkenaz (vol. 1, pg. 18) citing the late great Ponovezher Rosh Yeshiva, Rav Elazar Menachem Mann Shach, on the importance of keeping family minhagim, even if it runs contrary to accepted convention. Indeed, in his letter cited previously, Rav Binyomin Hamburger adds that this was also the view of the Chazon Ish, Rav Shlomo Zalman Auerbach, and Rav Yaakov Kamenetsky. Nonetheless, there were/are several contemporary Poskim, including Rav Yosef Shalom Elyashiv (He'aros B'Maseches Chullin 105b s.v. v'ha), Rav Shmuel Halevi Vosner (cited in the aforementioned letter), Rav Menashe Klein (Shu"t Mishnah Halachos vol. 16: end 9), Rav Shimon Schwab (cited in the aforementioned letter), Rav Chaim Kanievsky (Teshuvos printed in Kashrus in the Kitchen Q & A, pg. 209), and Rav Yitzchak Yosef (Yalkut Yosef, Issur V'Hetter vol. 3, 89:17), who when asked, were known to have shown predilection for telling those who normally waited less than six hours due to family minhag, that they should start keeping the full six if at all possible. For further discussions on this topic, see Shu"t Pe'as Sadecha (vol. 3, Y.D. 29; thanks are due to R' Sam Neufeld for pointing out this source), Shu"t Minchas Asher (vol. 1, 42:2), Rav Aharon

Pfeiffer's Kitzur Shulchan Aruch (Bassar B'chalav, Ch. 10:16), Maadanei Asher (Issur V'Hetter, 41:3 s.v. ul'dina), Mesores Moshe (vol. 2, pg. 176:26), Shu"t Yashiv Yitzchak (vol. 13:25), Shu"t Shav V'Rafa (vol. 3:114), Kuntress Yad Dodi (Kashrus:#32a-b, and Klalim/Minhagim:#5a-b, 15, and 17), and Rav Herschel Schachter's maamar titled "Hashbeia Hishbea" (Kovetz Beis Yitzchak vol. 39, 5767; pg. 516:5; thanks are due to Rabbi Yisroel Israel and Rabbi Dr. Eliezer Brodt for providing this source).

[37] Avos (Ch. 4, Mishnah 1).

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

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda.