

# THE BAIS HAVAAD HALACHA JOURNAL

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## SHAVUOS: MILCHIG, FLEISHIG OR BOTH?

*What are we supposed to be eating on Shavuos?*

By Rabbi Baruch Fried

### MEAT ON YOM TOV

The Rambam in Hilchos Yom Tov writes "One must be happy and content on Yom Tov... the men eat meat and drink wine..." The Bais Yosef asks from the Gemara which implies clearly that the requirement of meat was only in the days of the Bais Hamikdash, when all males were required to bring a Korbon Shelamim. Today however, Simcha is solely through wine? Based on this he rejects the opinion of the Rambam and in Shulchan Aruch only mentions drinking wine. Mishna Brura adds that although not obligatory, certainly there is a mitzva to eat meat on Yom Tov even today. There is a question as to whether chicken qualifies as meat in regard to Simcha; as such many are careful to specifically have meat each day of Yom Tov.

### MILCHIG ON SHAVUOS

Various reasons are given for the widespread minhag to eat dairy foods on Shavuos. One of the more notable, offered by the Rema, is that it's in remembrance of the "Shtai Halechem", the Two Loaves that were offered in the Bais Hamikdash on Shavuos. To do so we partake of both dairy and subsequently meat, thereby necessitating two separate breads, as per the Halacha that the same bread may not be

used for both Dairy and Meat. We are thus reminded of the Two Loaves that were offered. This would also be an additional reason for eating meat on Shavuos.

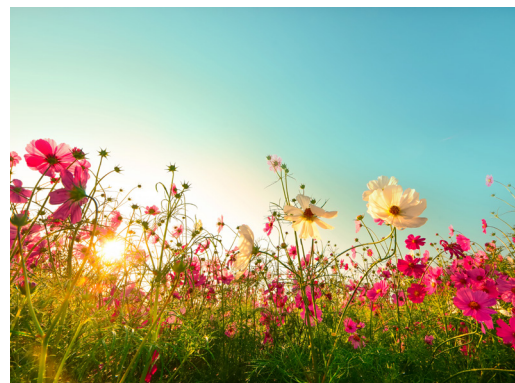
The difficulty arises in reconciling this Minhag with the Zohar [Mishpatim 125] that says one should not partake of cheese and meat "at the same time or in the same meal". This opinion is brought in the Bais Yosef, Rema in Toras Chatas and ruled as being the Halacha by the Shelah among others. A simple solution would be to simply Bentch in between, thus avoiding "the same meal". However Taz is of a strong opinion that one may not Bentch in order to enable eating, for the point of the bentching is to signal that the meal is complete; doing so in order to continue eating is incongruous.

### VARIOUS OPINIONS

The Mishna Brura succinctly puts the issue aside and simply rules "one does not need to break [between dairy and meat] with Bentching, (unless one partook of hard cheese), rather he must clean and rinse his mouth well". Similarly, Pri Megadim while not recommending eating without a break, does agree to ignore the ruling of the Taz, and permits Bentching in order to eat meat. One reason for this ruling may be that the Zohar cannot be more than a "chumra". As pointed out by the Gra the Gemara in Chullin 105A is clearly in dissonance with the Zohar, and allows for eating meat directly following dairy. In such a case the general rule would be to follow the Bavli, unless it is simply a chumra.

Others however, strongly disagree. Some went so far as to suggest abolishing the minhag to eat dairy altogether. Others take the opposite approach, and do not eat meat at all that day. However the former is certainly not Yotzai the minhag of the Rema, and even the latter may not be yotzai, for

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### SEVEN COMPLETE WEEKS

By Rabbi Avraham Yeshaya Cohen, Rosh Kollel of Kollel Ohel Yitzchak of Lakewood

*Does making early Yom Tov detract from the days of Sefira?*

### THE DIFFERENCE BETWEEN A REGULAR YOM TOV AND SHAVUOS

Generally speaking, the *Poskim* allow a person to light candles and accept *Yom Tov* early. As long as the previous day is not *Shabbos*, there should be no problem of accepting a *Yom Tov* before nightfall.

With regards to *Shavuos*, however, there is another element we must consider. The Torah writes that we must count seven weeks from the day following the first *Yom Tov* of *Pesach* until *Shavuos*. The Torah states that this *Mitzvah* should be "*Sheva Shabbosos Temimos Te-hiyenah*" – a count of seven *complete* weeks. Thus, the *Poskim* write that if a person were to accept the *Yom Tov* of *Shavuos* early, that would detract from the complete counting

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### EVENTS & HAPPENINGS

AT THE BAIS HAVAAD

As part of its popular Legal Holiday Learning Series, Rabbi Dovid Grossman, *shlit"a*, Rosh Bais HaVaad, presented a *shiur*, Abide By "The Law": Dina DeMalchusa Dina in our times to a packed crowd in Kehillas Ner LeMeah, in Brooklyn. The well attended event began with Rabbi Grossman discussing practical examples of the application of *dina demalchusa dina* in our times, followed by a *shiur* on showering on *yom tov* from the Mara De'Asra of Kehillas Ner LeMeiah, Rav Baruch Goldstein.

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# GENERAL HALACHA

## THE MYSTERIOUS WAIT OF MEAT AND MILK

### An Analysis of Various Minhagim Concerning Waiting Between Meat and Dairy

By Rabbi Yosef Grossman, Senior Educational



Rabbinic Coordinator, OU Kosher and Editor – The Daf HaKashrus

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### THE SIX HOURS OR PARTIAL SIXTH HOUR WAIT

The Rambam in *Hilchos Macholos Asuros* (9-28) tells us that someone who eats meat may only eat dairy afterward if he has waited **כמו שש שעות** – like six hours. The *Mechaber* in Y.D. (89-1) states that one must wait six hours between meat and dairy. There are those who explain the *Mechaber* as interpreting the Rambam's **כמו שש שעות** as really meaning precisely six hours. I believe that in fact, there is a disagreement here between the Rambam and the *Mechaber*. Each one was precise in their wording. The *Mechaber* is of the opinion that one must wait no less than six hours. The Rambam on the other hand is of the opinion that a full six hours is not required. Two *minhagim* have evolved based on the Rambam i.e. most of the sixth hour – 5 hours and 31 minutes or into the sixth hour.

I believe the argument between the Rambam and the *Mechaber* coincides with a dispute between them found in *Choshon Mishpat* (5-3). The *Mechaber* there states that a *Dayan* need only sit in judgment till the end of the fifth hour. The *Sma* (S'K' 10) points out

that the Rambam in *Hilchos Sanhedrin* (3-1) disagrees and rules that a judge must sit in judgment until the end of the sixth hour. The *Sma* explains their disagreement as follows: The Gemara in *Shabbos* (10 A) tells us that a *Talmid Chochom* eats his first meal of the day during the sixth hour. Eating after the sixth hour is like throwing a stone into a container of wine which Rashi there interprets to mean either being harmful or non beneficial. (See *Shaloh* there quoted in the margin.) Thus a *Talmid Chochom* would complete his first of two daily meals (see *Tosfos Chulin* 105A L'Si'udas) before the end of the sixth hour. On an average day of 12 hours daylight from 6:00 AM to 6:00 PM he would eat brunch between 11-12 making sure to complete his meal before the end of the 6th hour i.e. 12 PM. Based on this approach the *Mechaber* rules that a *Dayan* need not judge after the end of the 5th hour since the *Talmid Chochom's* time of eating is during the sixth hour. The Rambam on the other hand, explains the *Sma*, is of the opinion that a *Talmid Chochom* begins his brunch before the end of the sixth hour and continues to eat most of his meal during the seventh hour. As long as he has begun to eat before the end of the sixth hour, his eating will be beneficial. Thus on an average day the *Dayan* would begin his meal for example at 11:55 AM and continue past 12:00 PM into the 7th hour. He is therefore obligated to judge up to close to the end of the 6th hour at which time he begins his meal.

Before learning how the Rambam and *Mechaber's* dispute in *Choshon Mishpat* impacts their disagreement in Y.D. concerning the six hour wait between meat and dairy, let us discover when Mar Ukva, a *Talmid Chochom*, would eat his final meal of the day on an average day of 12 hours sunlight. We need to know this for Mar Ukva told us in *Chulin* 105A that the wait between meat and dairy is what he waited (according to the Rambam as explained by *Lechem Mishneh*) on an average day between one meal and another.

A Gemara in *Yoma* 74B followed by 75B provides the answer. On 74B the Gemara tells us that there was a certain discomfort with the miraculous “*Mohn*” the Jews ate in the *Midbar* since they could not see what they were eating. True, it tasted like any food they desired, but the look always remained the same. Rav Yosef, based on this, explains why a blind person is never satiated from eating because he does not see what he consumes. Abayeh concludes that as a result a person should al-

ways eat his meal during the day so he receives proper nutrition and is satisfied from his meal. On 75B the Gemara asks on Abayeh from a statement by Rav Yehoshuah ben Korcha that meat should always be eaten at night. The Gemara answers, eat during the night when it is “like day”. Rashi explains eat to the light of a torch. *Rabbeinu Elyakum* tells us to eat to the light of a candle. The *Rabbeinu Chananel* has a different text which reads, eat during the day “like night” i.e. eat during daylight so you can see what you are eating, but it should be close to dark – close to night. In a gloss in the margin we are told by the *Cheshek Shlomo* that this is a mistake in the *Rabbeinu Chananel*. It should read “like day” and not “like night”. Actually there is no mistake here for *Rabbeinu Chananel* follows *Dikdukei Sofrim* where the text is listed “like night”.

Based on all of the above we can clearly understand the argument between the *Mechaber* and the Rambam concerning waiting six hours between meat and dairy. As mentioned above the *Mechaber* believes that on an average day of 12 hours Mar Ukva, a *Talmid Chochom*, would end his first meal before the end of the sixth hour i.e. at 12:00 PM. He would begin his second meal exactly six hours later to the light of a torch or candle “like day” with the onset of darkness at 6:00 PM.

The Rambam on the other hand tells us to wait between meat and dairy “like six hours”. According to the Rambam, Mar Ukva did not wait a full 6 hours between one meal and another on an average day of 12 hours. As explained above according to the Rambam, Mar Ukva's first meal began at 11:55 AM and continued past 12:00 PM. He ate his second meal while it was still light outside “like dark” i.e. close to evening making sure to end his meal before dark at 6:00 PM. Thus according to the Rambam there were never 6 full hours between brunch and supper, since time was taken to eat after 12:00 PM and to start before 6:00 PM so that the meal would be completed by 6:00 PM.

The argument in *Choshon Mishpat* between the Rambam and the *Mechaber* concerning until when a *Dayan* must sit in judgment in the morning before his first meal, directly impacts their argument in Y.D. whether 6 hours must be waited between meat and dairy or like six hours.

For more on this topic please refer to the OU's *Mesorah* journal, Vol. 8, p. 75 and Vol. 14, p. 84; and *Sefer Ohr Ha'oros*, pp. 108-115, by this author.

# MATTERS OF INTEREST

AVISSAR FAMILY RIBBIS AWARENESS INITIATIVE:

## WHEN THE LENDER OVEREXTENDS HIMSELF

Sometimes a person needs to go through considerable effort to extend a loan to their friend. For example they might need to make a special trip to the bank, or request permission from family members to release the funds.

**May the borrower effusively thank the lender for extending himself on their behalf?**

This shailah can have larger implications, since one may argue that every loan involves some effort on the part of the lender. This rationale would effectively allow the borrower



to effusively thank, bless, or greet the lender (when not accustomed to doing so), something which is clearly forbidden.

However this seems to be permitted in cases where the borrower is absolutely certain that the lender expended significant effort on his behalf (waiting a while in the bank, or driving a long distance to drop off the money) The borrower should specify that he is thanking

for the effort.

However, it is strongly recommended to be stringent and thank for this effort before the lender hands the money to the borrower, or after the borrower has repaid.

Alternatively, one can offer a simple "thank you," while specifying that he is doing so for the effort expended, as this is permitted even where no great effort was expended by the lender.

## OU DAILY LIVING

LAWS RELATED TO SHAVUOS

Weekly Questions



**Can one satisfy the minhag of consuming dairy food on Shavuos by eating cheesecake after Kiddush on Shavuos morning?**

The Darchei Teshuva recommends this method to fulfill the *minhag* of eating dairy on Shavuos. However, there is an issue which needs to be dealt with.

The halacha is that one can fulfill the requirement of *Kiddush b'makom se'udah* (*Kiddush* in the place of one's meal) by eating at least a *k'zayis* of *Mezonos* food following *Kiddush* (see MB 273:21). The problem is that many types of cheesecake have very little flour, and one does not typically consume a *k'zayis* of the dough or flour part of a slice of such cheesecake in the requisite period of *k'dei achilas p'ras* – which according to Rav Moshe Feinstein, *zt"l* would be under 3

minutes (Igros Moshe 4:41). Thus, cheesecake with minimal dough/flour content would not seem to qualify as sufficient for the amount of *Mezonos* food one would have to eat after *Kiddush*.

Additionally, even though the *bracha rishona* for cake and pie is *Mezonos*, there is an exception when the flour or dough part of these desserts serves merely to hold the filling or fruit in place and is not intended to provide flavor (OC 208:2). Some cheesecakes are virtually all cheese, and they have a paper-thin layer of tasteless dough which merely keeps the cheese in place. This situation would warrant reciting a "*Shehachol*" and would likely not enable one to fulfill the requirement of *Kiddush b'makom se'udah* (see OC 208:9 and MB *ibid.* #45).

Should one wish to have cheesecake after morning *Kiddush*, the solution would be to either purchase a cheesecake that has sufficient dough/flour to eat a *k'zayis* worth within the *shiur* of *k'dei achilas p'ras*, or to also eat, along with the *Mezonos* or *Shehachol* cheesecake, another *Mezonos* food (e.g. cookies, pastry, or cake), making sure to have a *k'zayis* of the *Mezonos* food in a period of *k'dei achilas p'ras*, as above.

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דף נז Do You Have to Tithe your Animals?



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the Rema seems to say that the symbolism of the “two breads” is by having the two meals in conjunction. Furthermore, they are thereby forgoing the mitzva of eating meat on Yom Tov.

## COMMON PRACTICE

Darkai Teshuva suggests a compromise which

is accepted by many. In the morning after Shachris one should have Kiddush with Dairy Mezonos [i.e. cheesecake], then make a bracha achrona and take a break or nap, followed by a fleishig seuda. He considers the mezonos to be a “bread” to be yotzai the Rema’s requirement of having two breads, yet it is not a meal as to be considered connected to the

meat seuda to be yotzai the Zohar and Taz. Another common custom is to have a dairy seuda at night and a regular fleishig seuda by day. Doing so avoids the issue of Simchas Yom Tov, for according to many poskim it does not apply at night. However as to whether or not they are yotzai the Rema is uncertain.

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of *Sefira’s* seven weeks.

We must understand the logic behind this. Since

the counting of the *Omer* takes place in the evening, then we count the 49th day of the *Omer* after nightfall on *Erev Shavuot*, thus completing our fulfillment of this precious *Mitzvah* on the night before *Shavuot*. How then would accepting *Shavuot* early detract from the completeness of the *Sefira*?

## AN EARLY SHEMINI ATZERES

There is a similar discussion regarding the *Yom Tov* of *Shemini Atzeres*. The *Poskim* say that on *Shemini Atzeres*, one should not recite *Kiddush* until after nightfall, at *Tzeis HaKochavim*. This is because if one were to recite *Kiddush* early, there is a concern that it is still the *Yom Tov* of *Sukkos*, in which case, one must eat in the *Sukkah* and recite the *Beracha* of “*Leishev BaSukkah*.” Since this *Beracha* should not be recited on *Shemini Atzeres*, the *Poskim* write that one should not recite *Kiddush* until after *Tzeis HaKochavim*.

It is clear that just because one accepts *Shemini Atzeres* upon himself, nevertheless, the *Yom Tov Sukkos* is not over in any way. This is similar to a person who makes *Havdala* on *Shabbos* before the *Z’man*. Although he fulfills the *Mitzvah* of *Havdala*, the *Halachos* of *Shabbos* are still intact.

However, the discussion regarding an early *Shemini Atzeres* takes this concept one step further. Whereas in the case of an early *Havdala*,

the day we are attempting to usher in has no special *Halachos*, and therefore a discussion of whether the weekday has begun or not is irrelevant, accepting the *Yom Tov* of *Shemini Atzeres* early would subject us to the *Halachos* of *Shemini Atzeres*. This would create a problem with reciting the *Beracha* of *Leishev BaSukkah*.

## ENDING SEFIRAS HA’OMER

We must then inquire if accepting the *Yom Tov* of *Shavuot* early would affect the completeness of the last day of *Sefira*, because the *Kedusha* of *Shavuot* – which is supposed to follow a complete *Sefira* – would now begin.

Whereas the practical *Mitzvah* of counting *Sefira* is to count each day after nightfall, we must also ensure not to absolve that counting. Once one has declared that a specific day of the *Omer* is counted as that specific day, ushering in the next day would – in essence – contradict that counting. That is why, if one were to accept *Shavuot* early, he would be declaring that it is no longer *Sefira*, as it is impossible to have both at the same time. This would detract from the completeness of the count.

## MA’ARIV OR KIDDUSH

We must now determine at which point are we going to declare the beginning of *Shavuot* in a way that would contradict the continuation of the *Sefira*. The *Acharonim* dispute this point. The *Magen Avraham* writes that one should not recite *Kiddush* until after absolute nightfall at *Tzeis HaKochavim* – star-break. Whereas the *Taz* is of the opinion that one shouldn’t even daven *Ma’ariv* on the first night

of *Shavuot* until after *Tzeis HaKochavim*.

The logic of the *Magen Avraham* would be, that although one may have davened *Ma’ariv*, which is an acceptance of the *Kedusha* of *Shavuot*, nevertheless, the fact that one is waiting to recite *Kiddush* demonstrates that one is not yet removing his mind from the count of *Sefira*.

According to this opinion, it is not so much about whether *Kiddush* or *Ma’ariv* marks the beginning of the *Yom Tov*, but rather about the fact that the previous day still lingers on until after *Tzeis HaKochavim*, as it awaits other forms of marking the beginning of the *Chag*. Accordingly, if one would light candles or daven *Ma’ariv* by day, and recite *Kiddush* after *Tzeis HaKochavim* – or vice versa – that would not completely disregard the *Sefira* and would therefore not be an issue.

According to the *Taz* however, any form of acceptance of the *Kedusha* of *Shavuot* already detracts from the previous day.

The second night

It should be noted, that the question of accepting *Yom Tov* early should technically only apply to the first night of *Shavuot*, because of the *Sefiras Ha’Omer* is already done. However, the *Netziv* writes that it is *Minhag Yisroel* is not to accept *Shavuot* early, even on the second night of *Yom Tov*. This can be for an entirely different reason, as the *Passuk* states regarding *Shavuot* that we must sanctify it “*B’Etzem HaYom HaZe*” – on the day itself, which would exclude an early acceptance of the *Yom Tov*. This reasoning would apply even to the second day of *Shavuot*.



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