

HALOCHOSCOPE

they live in single *bais din* communities, the rule is simple. Wherever they choose to live, they follow the local *minhag*. Most often, the wife moves to the community of the husband. If they both live in the same town, but come from different congregations, they must choose one *minhag*. For example, if one comes from a *Sepharadic* community, where they eat rice on *Pesach*, and the other is *Ashkenazic*. They cannot be eating food at the same table that the other considers forbidden. In this case, though each might still attend their separate *shuls*, the poskim say that the husband's *minhag* is generally applied.

The exceptions include anything that does not affect the other. For example, a husband might have a stringent *minhag* with regard to hair-covering, such as requiring a redid, solid cloth covering, rather than a wig. Since this does not affect the man, the woman may follow her home *minhag*. In fact, it is forbidden for the husband to impose *aimah yesairah*, extra awe, in his home. This applies to general behavior and *halachic* stringencies. He may practice them himself, provided they do not involve *lo sifgodedu*, but cannot impose them on family members. If the whole community follows the stringent standards, all are bound by them. They can even carry over to later generations.

It seems that the waiting time is an example of a *minhag* that the wife may observe differently than her husband. Firstly, in an *Ashkenazic* community, the basic *minhag* is one hour. The more stringent practice six hours as a personal stringency. While some poskim maintain that this became the *halachic* standard, others show otherwise. Secondly, this is not a matter of *lo sifgodedu*. This is apparent from the permissibility to practice stringency. In addition, we have shown that onlookers need not know why the person is waiting longer. They might have finished eating the meat at different times anyhow. Finally, what the wife eats, especially if she waits a shorter time period, does not affect the husband. [See Sakhbos 34a Psachim 50a-51b Yevamos 13b-14a Gitin 6b-7a Chulin 18b, Poskim. Rambam Ishus 15:19-20. Tashbatz IV:179. Magen Avraham OC 468:12 493:6 Tur Sh Ar OC 496:3 Pri Chadash, YD 114, commentaries. Igros Moshe OC:I:158 EH:I:59 II:12 III:32:10. Minchas Yitzchok IV:83. (Shiur by this author, Shavuot 5773).]

In conclusion, the wife need not adopt her husband's *minhag*. He should not compel her to follow his *minhag*. He may certainly allow her to retain her *minhag*.

On the parsha ... and the [kohain] shall atone for [the nazir who defiled himself unexpectedly] for his having sinned on account of the soul .. [6:11] He was not careful to avoid defilement by a corpse .. he afflicted his soul by banning wine. [Rashi] Why would he be punished for the ban only if he was defiled [Kli Yakar]? Why would he be instructed to go right back to his ban afterwards [Ibn Ezra]? Perhaps his general ban is a good thing – for him. He needs it to control his temptations. However, it also negatively affects his close family. He made himself unable to join with them to deal with dying relatives, or to participate fully in their parties. This behavior must now be extended, further disrupting *shalom bayis*. For this, he must atone!

Sponsored for the *zechus* of a *refuah shelaimah bimehairah* for Yosef Yitzchok ben Yehudis

Chaya, *besoch she'ar cholei Yisroel*.

Sponsored in memory of Yitele bas R Shimon, a"h, whose *yahrzeit* is the 1st day of *Shavuot*.

© Rabbi Shimon Silver, May 2014.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com

This week's question:

When she was single, a woman followed her family's *minhag* to wait three hours between meat and dairy foods. She married a man whose *minhag* is to wait six hours. Does she need to adopt the *minhag* of her husband? What if the husband allows her or asks her to keep her old *minhag*? May the husband compel her to follow the same *minhag*?

The issues:

A) Waiting between eating meat and dairy foods

B) Disparate *minhagim* at the same location; husband and wife *minhagim*

A) Eating dairy after meat

Scripturally, only meat cooked together with milk is forbidden to eat. It is also forbidden to cook them together, and to benefit from the mixture. Rabbinically, as a precautionary measure, it is also forbidden to eat them together even if they were not cooked together. A further precaution forbids placing them together on the table. Furthermore, when eating them separately, one must make sure that he has no residue left of the first food before eating the second. The Talmud quotes a scholar who bemoaned the fact that he was not up to the standard of his father. He considered himself like "vinegar the son of wine". His father would wait a day between meat and dairy. He would eat it at the next meal. The Talmud goes on to explain that this separation only applies to eating dairy after meat, but not to the opposite way around. If one ate cheese, he must wipe and wash away the residue, and then he may eat meat right away.

The poskim debate the meaning of a "different meal". In one view, this is to be taken literally. If one clears the table, finishes his meat meal, and recites *bircas hamazon*, he may proceed to drink milk. In another view, this refers to a different meal time. Accordingly, some say that there is a waiting period between eating meat and milk, rather than a literal different meal. The waiting period is based on the usual wait between meals. Some poskim do not elaborate on the length of this period at all. Others base it on Talmudic meal times. In Talmudic times, meals were eaten in the late morning and in the evening. Some poskim go further and give an actual time period of about six hours. This needs to be reconciled with standard practice. There are more than six hours between the late morning and the evening. Some explain this to be based on a passage that describes Torah scholars on a slightly different schedule. They would eat a light snack after *shacharis*, study for the whole morning, and eat their first meal around midday. The second meal would be eaten after *maariv*, which could be around nightfall, or even just before it. Thus, the wait for the scholar quoted by the Talmud, was 'about' six hours.

In addition, the poskim expound on a *passuk* cited by the Talmud to explain why the separation is necessary after eating meat: 'the meat was still between their teeth'. There

are various interpretations of this reference. Much later, it is still considered meat. Meat has a tendency to get stuck, such that it is still present and can be tasted for about six hours. Meat has a strong flavor and is still felt, perhaps in the mouth and teeth, or as a gas during digestion, for about six hours. Meat can take time to digest, and in the duration, since it can still be tasted, it could be considered eaten with the milk.

Based on these two opinions, there should be two practices: one would be to recite *bircas hamazon* and immediately eat the dairy food; the other would be to wait as long as one usually waits between meals, which is about six hours. However, this was not the way it was actually practiced. The main two practices were to wait one hour in *Ashkenazic* communities, or six hours. Even in *Ashkenazic* communities, it is commendable to wait six hours. Some say that the one hour practice has no sound basis, and that therefore, people who should be keeping a higher standard should wait six hours anyhow. A source for the one hour wait, however, has been found in the *Zohar*, a Midrashic quasi-*halachic kabalistic* text attributed to the Talmudic period.

Some poskim maintain that the six hour practice subsequently became standard for all communities. However, it is obvious that these poskim had limited exposure to other communities. Certain countries still observe one hour, notably Holland, Denmark and Romania. Many communities observe a three hour waiting period, notably in western Europe. Some Polish communities observed a four hour waiting period. Many communities observe a period that counts the first few moments of the sixth hour as the whole hour, thus waiting five hours plus.

The earlier poskim do not elaborate on the reasons for the different periods. This is especially apparent when the six hour period is suggested, which leads to speculation on how it is calculated. It is even more obvious with regard to the one hour period, which seems arbitrary, and just to show a nominal distinction. However, later authorities do examine the source for the practices. The three hour practice has been explained by some as dependent on the seasonal hours. In many *halachic* settings, hours are calculated by dividing the daylight into twelve. Thus on the shortest winter days in Northern regions, six of these could be three clock hours. If one waits this length of time on a short day, it should also work on long days. This might also explain the four hour *minhag*. That could also be a combination of three plus one, or a compromise between them.

Another explanation could be suggested: the Talmud simply states that the father would wait a whole day and the son waited until another meal. This implies that each was adopting their own standard. Accordingly, there is no fixed length of time, but each practice may be followed. All of these practices already existed when the poskim recorded them, and the reasons were only suggested after the fact. The debate is only whether the Talmud sanctions eating a separate meal immediately, or that there is always a time period. Assuming the Talmud mentions a time gap between meals, it could refer to a *halachic* time lag between meals. This is the time that one may not begin a meal on *Erev Pesach* in order to retain his appetite for *matza* that night. This is 'close to *mincha*'. The Talmud debates whether this means *mincha gedolah*, the earliest time for the afternoon offering, six and a half hours into the day, or *mincha ketanah*, nine and a half hours, which is the optimum time for the offering. The conclusion is the latter. 'Close to *mincha*'

means a half hour before it. This means that on *Erev Pesach* one may not begin a meal after nine hours. In order to retain one's appetite for *matza* eaten at nightfall, one leaves three hours between meals. This is the only instance where a *halachically* mandated wait between meals is detailed. Thus, it was the most obvious meaning of waiting for another meal to eat dairy. [See Brochos 2a-b Shabbos 10a Psachim 12b 99b 107a-b Chulin 105a, Poskim. Rambam Maachalos Asuros 9:28, commentaries. R Yerucham Nesiv 106:28, & Issur Veheter note 29. Tur Sh Ar OC 273 YD 89:1, commentaries.]

B) Minhag makom; husband and wife

What does one do when there are differing opinions in how to rule *halachically*? In most circumstances, one is obliged to follow the minhag of his community, whether it is stringent or lenient. If one is visiting a community with a different *minhag* he must practice the stringencies of both his home community and his host community. This is based on a Scriptural *mitzvah*, *lo sisgodedu*, literally, do not lacerate yourselves in grief. This is also interpreted to mean: do not make divisions and practice divisive *minhagim*. In addition, even great scholars may not rule against the majority, although in modern disputes, this is less applicable. One may not argue outright with his *rebi*, unless he has reached a level of equality with him. One would think that everyone is obliged to follow the truth as he sees it. Since we are human, we can only be required to follow it to the best of our limited understanding. The reasons given for these *mitzvos* is that it causes strife, and can also lead to 'a thousand different Torahs'.

Accordingly, one should follow the custom in the community in which he lives. If they all wait one hour, he should do the same. If they wait six, he should also wait six hours. Some poskim maintain that six hours has become the established *halacha*, as opposed to *minhag*. We have mentioned that with current knowledge about many communities, this is not factual. Thus, all the *minhagim* have validity.

We mentioned the view that those who follow higher standards should all wait six hours, even in communities that wait one hour. The question then arises, how can anyone recommend a higher standard for individuals? Is this not a violation of *lo sisgodedu*? Furthermore, we know that nowadays many communities are made up of groups or individuals who follow different *minhagim*. Is this not a violation of *lo sisgodedu*? There could be a number of ways to explain this. First, it is possible to have two communities in the same town, known as two *batei din*, Rabbinical courts. Each is entitled to rule the way it sees fit. Those who follow each are not considered in violation. Modern cities with more than one congregation are thus considered like a town with two *batei din*.

Second, we mentioned that a visitor must adhere to the stringencies of his home town. However, this can also lead to strife. The Talmud raises this issue and says that it applies when one can do so inconspicuously. Either it is done privately, or the onlooker could attribute the behavior to innocent passivity. For example, if his home town does not work on *Erev Pesach*, refraining from work in a town where they work could be attributed to laziness or lack of work. One who waits six hours after meat will not arouse the anger of those who wait one hour. Who is to know when he last ate meat? He might also just not be hungry for milk yet!

What should a husband and wife do when they come from different communities? If