

# HALOCHOSCOPE TOI

Someone would like to cook *Milchig* (dairy) for the second night of *Shavuos*, which falls on *Shabbos*. An *Eruv Tavshilin* was made on *Erev Yomtov*, permitting preparation of food on *Yomtov* for *Shabbos*. However, those preparing the food will not be able to eat it on that day of *Yomtov*. They will have eaten meat during the day and will still be waiting their obligatory six hours before eating dairy foods, until after *Shabbos* has begun. Does this mean that they are not allowed to prepare dairy foods?

The issues:

(A) Eating dairy foods on *Shavuos*

(B) *Hachana*, preparing foods on *Yomtov* for the next day; *Eruv Tavshilin*

(C) When does *Eruv Tavshilin* not help?

(A) Eating dairy foods on *Shavuos*

The best-known reason for this custom is that the Jews received the Torah on *Shavuos*, including all the laws of preparing kosher meat. This now involved extensive preparations, *Shechita*, slaughtering (including the laws involving preparing the knife), deveining, salting etc. They had no time to prepare meat and ate a dairy meal instead. In addition, meat needs to be cooked, and all their pots were not kosher. They had not been required to eat kosher previously. *Kashering* their utensils would take time. Dairy food, such as milk and cheese, do not require cooking. According to these reasons the Minhag is to eat only dairy food.

In similar vein, another reason is given. Based on the *Midrash*, when the Jews returned from *Har Sinai*, they did not eat meat and then milk, as did the angels who visited *Avraham Avinu* (in *Parshas Vayeira*.). This is because it is forbidden, Rabbinically, to eat them in that order. However, it is not forbidden to eat dairy food followed by meat, which is what they did then. This is one of the responses that Hashem gave the angels when they complained that the Jews had sinned and did not deserve the Torah. Our *Yomtov* commemorates the events of the original cause for this *Yomtov*. What took place then is reenacted for us today in a spiritual sense, which is why we commemorate these days in particular. It is appropriate that we also commemorate what the Jewish people did then.

A third reason is that when bread is eaten with a dairy meal the rest of the loaf may not be eaten with a meat meal, and vice-versa. The bread is handled with hands that have some food attached, and because it is on the same table as the food. Therefore, by eating both dairy and then meat, one is compelled to use two

separate loaves of bread (*Chala*). Just as we remind ourselves at the *Pesach Seder*, of the two offerings brought when the *Bais Hamikdash* stood, on Shavuot we remind ourselves of its special offerings. Among these were the *Shtei Halechem*, two wheat loaves, the first of the season's wheat to be offered in the *Bais Hamikdash*. Thus we put ourselves into a situation where we commemorate the *Shtei Halechem*. Some Poskim add that the loaves used should therefore be wheat. In due course a Minhag to bake a dairy loaf of bread evolved. This is normally forbidden. The bread might be eaten with meat. It is permitted if the bread is made in a distinctive way, that all who see it recognize it as dairy. By making one loaf dairy the Minhag to use another loaf is all the more compelling. According to these reasons one should eat both dairy and meat foods at his Yomtov *Seuda*.

According to all three reasons the dairy *Seuda* would be by day. The Torah was given to the Jews by day, and the *Shtei Halechem* was offered by day. In *Shulchan Aruch* the custom is recorded to eat the dairy *Seuda* on the first day. However, it has become a common practice to eat the dairy meal by night. The reason, apparently, is that many people eat only dairy, and do not wish to diminish the Mitzvah of *Simchas Yomtov*. This is a Scriptural obligation to enjoy Yomtov. The Talmud and Poskim rule that in order to fulfill this Mitzvah properly, it is necessary to eat meat. Therefore, people eat the dairy meal at a time when the meat is a lesser obligation. However, those who combine both at the same meal do not face this problem. Nonetheless, it seems that people have adopted a uniform custom of eating the milk food at night.

Some observe the custom on both days of Shavuot. In our case, there is no difference whether it will be eaten by night, or by day as part of the combination meal. It will be eaten on Shabbos, and must be prepared before Shabbos.

Another reason is that the Torah is compared to milk and honey. To remind ourselves of this we celebrate the giving of the Torah with milk and honey. According to this Minhag the dairy foods need not be eaten as part of the *Seuda*, but at some other point during Yomtov. A custom to eat cheese in the afternoon is discussed. This might be within the six-hour waiting period normally required between meat and milk. Some Poskim consider the six hour time frame a stringency adopted over a shorter wait, or even simply a different meal. On Shavuot some people had the Minhag to suspend this stringency (which would solve the entire question in this issue.) This Minhag is the probable source of eating cheese-cake, i.e., milk, processed into cheese, with sugar, in place of the honey.

One who eats dairy and meat at the same *Seuda* should take care to observe all the laws of separating the two. The table cloth should be changed. After cheese one should wipe his mouth out with some solid food, and rinse it with a drink. If

his hands got cheese on them he should wash them. Some Poskim maintain that one should really say *Bircas Hamazon* between them, but the prevailing Minhag is to follow the Poskim who do not require it. [See *Medrash Tehilim* 8. *Daas Zekeinim Vayera* 18:8. *Sh. Ar. O.C.* 494:3 *Rema*, *Magen Avraham* (*Machatzis Hashekel*), *Chok Yakov*, *Baer Hetev*, *Mishneh Berurah*, etc. *Yoreh Deah* 88-89.]

### **(B) Hachana; Eruv Tavshilin**

Cooking, and any food preparing *Melachos* are permitted on Yomtov. However, they are only permitted for the needs of the same day of Yomtov. *Hachana*, preparing for another day is forbidden. This is derived from the terminology used for *Mohn* preparation. The Talmud debates whether this applies Scripturally to preparing on Yomtov for Shabbos as well, or only on Yomtov for *Chol*, a week day. Shabbos is simply an extension of the sanctity of Yomtov. It definitely applies Rabbinically. To allow for preparation on Erev Shabbos when it is a Yomtov, the *Eruv Tavshilin* was instituted. Two foodstuffs are set aside before Yomtov. A declaration is made, effectively to say that this is the beginning of one's preparations for Shabbos. They will be completed on Yomtov itself.

Assuming *Hachana* is Scripturally forbidden even for Shabbos, the reason this dispensation helps is known as *Ho'il*. If one prepared for *Chol* but had late arriving guests, he could use this food. Thus, in retrospect, it is not true to say conclusively he prepared for the next day. In addition, the Torah does not forbid preparing *Mohn* that fell before Yomtov. It was *Muchan*, prepared, albeit raw. Scripturally, further preparation is not forbidden. The rabbis suspended their own restriction. The Talmud debates the logic of *Ho'il*, and the Poskim debate which view is followed. The difference between the views is whether the person who violated *Hachana* can be punished by lashes, having violated a negative Mitzvah.

Assuming *Hachana* in this case is Rabbinically forbidden, the Talmud gives two approaches to the reason for *Eruv*. In one view, no *Hachana* for Shabbos was forbidden in its own right, but there was concern that Shabbos would be neglected in favor of Yomtov. To remedy this, they instituted the *Eruv Tavshilin* and forbade *Hachana* for Shabbos unless it was set aside. In the other view, *Hachana* is Rabbinically forbidden for Shabbos, to prevent confusing its permissibility with *Hachana* for weekdays, which is Scripturally forbidden. At the same time the *Eruv* was instituted to leave a way out. Since no *Eruv* applies to prepare for *Chol*, confusion is avoided. [See *Baitza* 2b, 15b-17b, *Psachim* 46b, *Poskim. Tur Sh. Ar. O.C.* 527:1 20, etc., commentaries.]

### **(C) Limitations of effectiveness of the Eruv Tavshilin**

Due to the view that *Eruv* is based on *Ho'il*, one may not prepare food on Erev Shabbos too late in the afternoon. If it would not be ready in time for guests the

dispensation could not apply. Hachana would be forbidden Scripturally. In addition, only if one may cook for himself, may he also cook for guests. Thus if one is forbidden to eat the food he is cooking he could not rely on Ho'il, and could thus not even rely on his Eruv Tavshilin. This issue is raised with regard to one who fasts on Yomtov. Normally, this is forbidden as a violation of Simchas Yomtov. Under special circumstances, specifically when one awakens from a terrible dream, one may fast on Yomtov. Since the person preparing the food himself may not eat it, he may not prepare for others either. The entire Melacha is forbidden to him, since he has no *Tzorech Ochel Nefesh*, needs for food. The only way he could conceivably prepare the food for himself is by applying another type of Ho'il. For a fast to have the desired validity, it must usually be adopted as a type of *Neder*, ban. One can revoke his ban by having it annulled by a tribunal of three rabbis. Thus, if he wanted to, the person fasting could do this later and partake of the food that he prepared. However, many Poskim do not accept this type of Ho'il to permit the person to cook food at the present.

Our case has similarities to the person fasting, but also has some differences. Like the person fasting, the preparers of the food will not be able to eat the milk food before Shabbos. However, the food is not actually forbidden to them. They are merely restricted by a time factor, and this is merely due to what they ate earlier in the day. The person fasting undertook an actual ban on the food. On the other hand, the person fasting has the possibility of revoking his ban. The law forbidding eating dairy after meat, whether immediately, or for a number of hours (which is the prevailing practice), is a Rabbinic ordinance, and is irrevocable. The fasting person is forbidden to cook for himself, and the food will not be fit to be eaten by him at all. The people in our case are permitted to do the Melacha. They may cook most foods for themselves. The only problem is that the food will not be ready for them to eat while there is still time on Yomtov. If we do not apply the rule of Ho'il, but maintain that preparation for Shabbos is Scripturally permitted, the entire issue does not arise. Thus, some permit a fasting person to cook for others, provided he placed an Eruv.

The issue of preparing dairy in our case is also discussed. The sources available do not detail their reasons, but permit it. [See Sh. Ar. O.C. 527:1 20, commentaries, Ar. Hash., Kitzur Sh. Ar. 102:3, Minchas Yomtov 14.]

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