

HALOCHOSCOPE ^{TOI}

Must a three year old child wait between eating meat and milk? Must one ask if a child of that age has eaten meat recently, before giving the child ice cream?

The issues:

(A) Basar Bechalav, the restrictions against mixing milk and meat

(B) Waiting between meat and milk

(C) Chinuch, training children in Mitzvos

(D) Feeding a child forbidden food

(A) *Basar Bechalav*

Cooking meat with milk is Scripturally forbidden. All three times the Torah mentions it, it uses the term to “cook a kid (goat) in its mother’s milk”. The Talmud says that this refers to three distinct prohibitions, and to their limitations. They are to forbid cooking them together, eating, and benefitting from the mixture. The Torah uses the verb to cook to limit the application of the other two prohibitions to mixtures that were made through a cooking process.

A mixture in which forbidden food or its flavor may be detected is also forbidden. Such traces can even be transmitted by a pot used earlier for the food. A food escapes detection in a mixture when the majority component is sixty times the trace of forbidden food. Normally, a mixture is made by cooking, soaking, salting, pickling or mixing foods together. In the case of *Basar Bechalav*, both components are kosher when eaten by themselves. It is *only* the mixture that is forbidden. The Torah’s use of the term cooking to forbid eating *Basar Bechalav* defines the type of mixture forbidden. Only components mixed through cooking are forbidden Scripturally. [See Chulin 103b-105b, 108a etc., 113a-b, Poskim. Rambam Maachalos Asuros 9. Shulchan Aruch Yoreh Deah 87, commentaries.]

(B) *The waiting period*

The Rabbis added precautionary restrictions extending the Scriptural prohibition. They forbade non-cooked mixtures or eating the two together, or at the same meal, and restricted serving them at the same table. This is to prevent the two from being mixed while still hot enough to be considered cooked together.

One Talmudic sage compared his own practices to those of his father. Whereas his father refrained from eating cheese after meat for twenty four

hours, he would only wait until the next meal. One view takes this literally. To show that they are being separated one clears the table of the meat meal, recites *Bircas Hamazon*, and then eats cheese. Based on another passage in the Talmud, some only apply this stringency to one who did not rinse and wipe his hands and mouth. Had he done so he may begin eating cheese right away. The other view maintains that the next meal is the *standard* interval, as opposed to twenty four hours that the father waited. In Talmudic times, one meal was eaten in late morning and a second in the evening, except on Shabbos, when a third meal would be eaten in the afternoon. The time between the morning and evening meals is six hours.

One view bases the six hour interval on the presence of meat particles between the teeth that come out during this time. If one ate cheese he would be eating it with the meat particles. Another view attributes it to the flavor of meat left in the mouth. Some base it on the time taken to digest meat and break it down.

There is some debate on whether to wait after eating cheese before eating meat. Some consider it a personal stringency for one who found cheese left in his mouth when he ate meat. Some consider it a Halachic requirement, some only for one hour (due to the only original source as a Halachic requirement) and some only for certain types of cheese. The majority of Poskim consider it a commendable practice.

Of other practices pertaining to the waiting interval, the best known and most controversial is to wait one hour. Though an ancient practice, its origin is questioned. Some consider it a compromise between the two other views — another meal with a small interval. Others base it on the source mentioned for waiting after cheese, which specifies an hour wait. Other practices include waiting less than six complete hours, based on the term “about six hours” mentioned by the Poskim (meals are not timed precisely); six seasonal daylight hours, based on the normal way to divide the day and its mealtimes (in Talmudic times the mealtimes changed with the seasons); three hours, based on the shortest seasonal hours in Europe (assuming that if it works in winter, it works year round). [See Chulin 104b 105a, Psachim 120a-b, Avoda Zara 76a, Poskim. Tur Sh. Ar. Y.D. 89:1-3, (Darkei Teshuva 6 13 19-21, Aruch Hashulchan 4), Orach Chaim 178:7, commentaries.]

(C) *Chinuch on Mitzvos*

Minors are not Scripturally obligated in Mitzvos until they reach majority, Bar or Bas Mitzvah. However, they are obligated to have training before they reach this age. The Poskim debate whether this is an obligation on the parents or on the children themselves. For Chinuch, too, there is a minimum age. For positive Mitzvos it is assumed to be the age when they are physically and intellectually (either or

both) capable of performing the Mitzvah. This varies from Mitzvah to Mitzvah. In addition, at the age of five or six (in their sixth or seventh year) they are presumed ready to study the laws and the Torah. For negative Mitzvos the minimum age is presumed to be younger. As soon as they are deemed fit to be restricted by rules they should be trained to refrain from violating a negative Mitzvah. This is assumed to be about two or three years old.

What this means for Basar Bechalav is that it would be treated like any other forbidden food. Just as they should be trained to refrain from pork, they should be trained to refrain from eating meat-milk mixtures. However, our case of the waiting period is not a case of forbidden food. It is a Rabbinical extension of it. In fact, it is more like a permissible food in a forbidden time, similar to eating on a fast day or before Kiddush. In one respect it is closer to a positive Mitzvah, to wait for the permissible time. With regard to fasting or waiting for Kidush in particular, it is forbidden to cause the children to suffer (the correct translation of the Hebrew for fasting). The structure of the wait is also subjective. Children do not necessarily wait six whole hours between meals. Children of different ages space their meals at different time periods. In addition, the Poskim compare young children to the sick and feeble regarding some Halachos. In the case of the waiting period, the Poskim say that a sick or feeble person should wait. However, he need not adopt the stringent practice of waiting six hours. He should wait the more lenient one hour period. Really, many Poskim question the entire idea of a one hour period, maintaining that it is a compromise that has no valid support. The opinion that there is no waiting period at all, but that the immediate next meal may be dairy, has more validity. Accordingly, one could make the case for a sick person needing to just break it into a separate meal. However, in the absence of such a view, we follow those saying that he should wait one hour.

Accordingly, some say that at the age of Chinuch for negative Mitzvos, one should train a child to wait. Since he may be considered sick or feeble, he need not wait more than one hour. Eventually, he should be taught to wait the entire six hours, before he reaches Bar Mitzvah. Assuming that this is when he is old enough to be encouraged to fast part time, the age would be around ten or eleven years old. Since it is not really a fast, one should advance it to nine years old. With regard to fasting, the ideal is to slowly add to the hours. Similarly, for Bircas Hamazon, it is advised that a child should progressively be taught to recite more and more of it. Accordingly, between three years old and nine years old he should progressively add to his wait. Some say that at the age of Chinuch for Torah study he should

begin being trained to add. Thus, at the age of six he would be trained to start adding time, maybe to three hours. He would then increase as he grows, until he waits the full six hours. In our case, the child is three years old. He should be trained to wait the one hour. [See Sukah 42a-b Yuma 82a Shabbos 121a, Poskim Tur Sh. Ar. O.C. 70:2 269:1 271:4 343:1 Y.D. 87, Pischei Teshuva 3, commentaries. Chochmas Adam 40:13, Teshuvos Vehanhagos I:435.]

(D) Feeding forbidden food to a child

The other concern is whether one is responsible to determine whether the child has eaten meat in the last hour. May one plead ignorance and feed the child a dairy product even though it might be within an hour of his eating meat?

This touches on the issue of *Katan Ochail Nevailos*, a child eating forbidden foods. Two issues are involved, preventing him from eating them, and the permissibility of feeding them to him. The issue of stopping him when he is eating them by himself is not necessarily applied to anyone other than his parents. The issue of not feeding him applies to everyone. Thus, one may not feed a child something which involves violating a Rabbinical restriction. In our case, giving the child the ice cream will not only defeat the object of Chinuch, (losing a chance to explain that ice cream is dairy etc.) but will cause him to violate the restriction of eating before the waiting period. In reality, if we follow the view that adults must wait six hours, it is forbidden before this time. Feeding a child before this full period should be the same as feeding him forbidden foods. If so, is one responsible to determine this factor before giving a child ice cream?

Since the restriction is not on the food but on the time period, one is not feeding him forbidden food. It is like feeding a child before Kiddush. Even considering the food in the child's teeth, the mixture is not forbidden Scripturally. It was not cooked together. It is a precautionary measure. As such, it would not be included in the prohibition against feeding the child openly. [See Yevamos 114a-b, Tur Sh. Ar. O.C. 343:1, commentaries. Teshuvos Vehanhagos I:435.]

Accordingly, we may assume that for a baby one need not wait at all. One hour is sufficient for a three year old. One is responsible for feeding the child forbidden foods. As for reverse Chinuch, the child probably does not realize it himself, since he does not keep good track of time. Therefore, one need not be concerned with enquiring whether the child is "fleishig".