

Fish and Meat

Aryeh Lebowitz

- I. Introduction.** The Jewish people are commanded in the Torah to take care of their physical well being. A person is not granted the right to deny himself the proper care necessary to achieve perfect health. The Torah (*Devarim* 4:9,15) states explicitly that one must keep a close watch over his health. The Rambam (*Hilchot Rotzeach* 11:5 – 6) writes that one who engages in unhealthy activities and declares that he has the right to do as he wishes to his own body is deserving of lashes. The *poskim* debate whether this prohibition is biblical or rabbinic in origin (See *Levush Yoreh Deah* 116, *Chelkat Binyamin* 116 *Tziyunim* 4 – 5). Regardless of the origin of the prohibition, *gemara Chullin* 9a states explicitly that one must treat dangerous activities with greater stringency than one would treat halachically prohibited activities. One of the many examples of dangerous activities cited by *Chazal* is the well known prohibition of eating meat and fish together. This week we will discuss the origin and parameters of this prohibition, and we will raise a number of practical issues relating to fish and meat.
- II. The Origin of the Prohibition.** The *gemara (Pesachim* 76b) states that fish that is cooked with meat may not be eaten because it is likely to lead to “*davar acher*”. *Rashi* (ibid.) understands “*davar acher*” to be a reference to *tzara’at*. The *Shulchan Aruch (Yoreh Deah* 116:2) rules that one must be careful not to eat fish and meat together because it may cause *tzara’at*.
- A.** Does this prohibition still apply nowadays? The *Shulchan Aruch (Yoreh Deah* 116) cites a number of items that we may not eat due to health concerns. He writes that one may not drink liquids that had been left exposed because snakes may have had access to the drinks and deposited their venom into the drinks. The *Shulchan Aruch* concludes that nowadays when snakes don’t typically have access to our homes it is permissible to drink liquids that had been left exposed. Interestingly, the *Shulchan Aruch* makes no such allowance for the consumption of fish and meat on the grounds that current medicine recognizes no health hazard in their simultaneous consumption.¹
1. The opinion of the majority of *poskim*. *Yad Efraim* (116) cites many *poskim* who state that the prohibition of eating fish and meat together remains intact today. Perhaps they would explain the difference between this prohibition and the prohibition of exposed drinks which is clearly no longer intact as follows: The prohibition of exposed liquids was based on a clearly visible and

¹ It should be noted that recent research has found that stearic acid found in beef may actually lower LDL cholesterol (See American Journal of Clinical Nutrition 1994;60 (Suppl) : 1044s). On the other hand fish contains eicosapentaenoic acid which has been found (paradoxically) to INCREASE lipid peroxidation (J invest dermatology 1994;103:151; Intl J Vitamin Nutrition Res 1994;64: 144; Journal of Nutrition 1992;122:2190; Journal of Lipid Research 1991;32:79). In addition there may be an interaction in the liver (P450) between stearic acid and eicosapentaenoic acid. This being said, there is no evidence to indicate that drinking some schnoppis in between would in any way solve this problem.

easily discernible concern (the presence of poisonous snakes). As soon as the concern no longer exists, the prohibition is automatically lifted. The prohibition of meat and fish, on the other hand, is based on a concern that the combination of these two foods can have negative health effects that are not readily apparent. Even if modern medicine does not recognize these health concerns, we can never be sure that the concerns are outdated.

2. The opinion of *Magen Avraham*. The *Magen Avraham (Orach Chaim 173)* writes that there are many natural phenomena mentioned in the *gemara* that simply no longer apply today. The health concern of eating meat and fish is simply another example of something that used to be a real concern, but is simply no longer an issue. Perhaps this can be supported by the fact that the *Rambam* omits this concern from his *Mishnah Torah* entirely. The *Chatam Sofer* (Responsa 101) offers two explanations for the omission of the *Rambam*. First, he suggests, it is possible that the *Rambam* knew that the *gemara* was only concerned with the specific fish mentioned in *Pesachim 76b*, but all other fish really pose no danger when mixed with meat. Alternatively, *Chatam Sofer* suggests, the *Rambam* knew that nature has changed and although there one was a legitimate health threat posed by mixing fish and meat, no such threat exists today. (It is important to note that *Chatam Sofer* does not recommend that we rely on the *Rambam's* opinion in this area.)

III. What to do in Between Eating Fish and Meat. Since we generally assume that there is some danger associated with eating fish and meat together, we must be sure to separate the two in a way that will avoid any possible danger. Exactly what is considered a proper separation is the subject of a dispute between the *Rishonim* and reflects itself in *Shulchan Aruch*.

- A. The stringent approach. The *Tur (Yoreh Deah 116)* mentions that his father (the *Rosh*) would wash his hands and eat bread that was soaked in wine in between eating fish and meat. The purpose of washing one's hands is to ensure that no fish residue remains on his hands while he eats meat lest he put his hand in his mouth and eat that residue with the meat. The purpose of eating the soaked bread is to clear one's mouth of the taste of fish before eating the meat or vice versa (although washing the mouth between milk and meat should be done by solid and liquid foods separately – see *Yoreh Deah 89:2* – *Perisha* points out that we are more lenient with this washing because its earliest source is from the post-talmudic era). The *Shulchan Aruch* (116:3) cites this as normative practice. The *Gr"m* (ibid.) points out that if one eats in a lighted area and can see that there is no residue on his hands he may forgo the washing in between fish and meat. Similarly, if one eats with a fork and never touches the food, there is no need to wash in between fish and meat. (See *Kaf Hachaim* ibid.)

- B. The lenient approach. *Darkei Moshe* (116:3) writes in the name of the *Mordechai* that there is probably no danger in eating fish and meat that weren't actually cooked together. Although, in practice, we refrain from eating fish and meat even when they are not cooked together, we need not wash our hands and mouth in between the consumption of fish and meat. The *Rema* (116:3) cites this ruling *l'halachah* and notes that the common custom is to eat solid food and drink some liquid in between fish and meat (see *Chelkat Binyamin* 116 *Biurim* who explains that, unlike the food and drink consumed between dairy and meat, this food need not be chewed well and the drink need not be left in the mouth for any amount of time), but not to wash hands in between.

IV. Specific Laws Relating to Fish and Meat.

- A. Cooking fish and meat in the same oven at the same time. The *gemara* in *Pesachim* 76b cites a dispute regarding a kosher and non-kosher food cooked simultaneously in the same oven. The issue at hand is one of *reicha* (aroma) that may be imparted from one food to another. All of the details of *reicha* are far beyond the scope of this essay. We will therefore only focus on those halachot that are most pertinent to cooking fish and meat together. *Shulchan Aruch* 108:1 rules that *lechatchila* (initially) one should avoid any possibility of aroma being imparted from non kosher foods to kosher foods. However, *bidieved* (ex post facto) if kosher food has absorbed aroma of non kosher food we assume *reicha lav milsa* (aroma is insignificant) and the food may be eaten. If one of the foods is completely covered there is no longer any problem of *reicha*. To what extent we must concern ourselves with the issue of *reicha* is the subject of a dispute amongst the *poskim*.
1. Opinion of Rav Moshe Isserlis. The *Rema* (*Yoreh Deah* 116:2) writes that *lechatchila* one must be careful not to roast meat and fish together in the same oven. However, ex post facto, one who cooked fish and meat together in a single oven may eat the fish and the meat. *Aruch Hashulchan* (*Yoreh Deah* 116:10) strongly supports the view of the *Rema* stating that in spite of all of the dissenting opinions we need only concern ourselves with the words of the *Rema*.
 2. Opinion of *Maharshal*. The *Shach* (ibid. 1) cites the opinion of the *Maharshal* (*Issur V'heter* 35 and *Yam Shel Shlomo perek Keitzad Tzolin*) that one may even cook meat and fish *lechatchila* simultaneously in the same oven. He opines that even those who believe that *reicha* is significant (*reicha milta*) would agree that this is only true regarding forbidden foods and is not true regarding dangerous foods.
 3. Opinion of *Be'er Sheva*. The *Shach* (ibid.) cites the opinion of the *Be'er Sheva* that although we would generally permit *reicha* ex post facto, since we are more strict with danger than with forbidden foods (*chamira sakanta m'issura*) we would not even allow one to eat meat that has already been cooked with fish in

the same oven. Indeed, many leading *poskim* (*Pri Chadash*, *Pri Toar*, *Chochmat Adam*) concur with this most stringent approach. See *Chelkat Binyamin* 116:*tziyunim*:63 who cites sources that recommend following this stringent approach unless there would be great financial loss involved (*hefsed merubah*).

B. Using the same utensils for both fish and meat cooking. The torah requires us to use separate utensils for meat and milk because we assume that the taste of the food becomes absorbed in the utensil and may then impart taste into future foods cooked in the pot. Regarding fish and meat, however, the *poskim* are not convinced that we must concern ourselves with the infusion of taste into the utensils. Although the *Tur* cites “those who are stringent” to have separate fish utensils (this opinion is also cited by *Levush* and *Chachmat Adam*), the *Shulchan Aruch* makes no mention of any such requirement. Indeed, Rabbi Ephraim Zalman Margaliyos (*Yad Ephraim*; *Yoreh Deah* 116) writes that one may use the same utensils for both fish and meat, even when they are cooked within 24 hours of each other. If, however, the fish and meat were cooked in the same pot simultaneously, *Pitchei Teshuvah* (*Yoreh Deah* 116:3) cites *Tiferet L’Moshe* that the utensil must be koshered. He reasons that while mere infusion of taste is not strong enough to create a prohibition, it is sufficient to absorb the taste of a prohibition that has already been created.

C. *Bitul B’shishim* with fish and meat. In general if an ounce of non kosher food becomes absorbed in sixty ounces of kosher food we assume that the entire mixture is kosher. We require sixty times the forbidden food to nullify it because the taste of the forbidden food is not discernible when mixed with sixty times its volume. Although forbidden foods may become nullified in sixty times their volume, one may not initially nullify a forbidden food by adding more permitted food. This principle is known as “*ein mivatlin issur lechatchila*”. (See *Shulchan Aruch* ; *Yoreh Deah* 99:5)

1. Can *sakanah* become nullified? Although halachically forbidden foods may be nullified in sixty times their volume, *poskim* dispute whether this principle applies to nullifying dangerous foods. We will outline the opinions both sides and analyze the proofs offered for each side.

a. The *Taz* (116:2) writes that dangerous foods cannot become nullified in sixty times their volume. The logic for this view is that nullification only works to neutralize taste but does nothing to mitigate potential danger in food. Furthermore, *Chazal* teach us that *chamira sakanta m’issura* (we must treat dangerous foods with more caution than we treat halachically prohibited foods). To support this contention the *Taz* cites that the *Maharil* forbade one from eating a small part of a fish that had fallen into a pot of cooking

meat. Although it is possible that the case the *Maharil* was dealing with was one where there was not sixty times as much meat as fish, the *Pitchei Teshuva* points out that from the fact that the *Maharil* did not advise the person to add more meat in order to nullify the fish it is clear that such a nullification would not work. One cannot suggest that *Maharil* did not recommend that he add more meat to the mixture because of the principle of *ein mevatlin issur lechatchila* because the prohibition of initially nullifying an *issur* does not apply to dangerous foods.

- b. The *Shach* in *Nekudot Hakesef* strongly disagrees with the *Taz*. The *Shach* argues that *chamira sakanta m'issura* is a principle that is limited to a case of doubt, but would not extend to the laws of *bittul*. *Pitchei Teshuvah* (116:3) points out that according to the *Chatam Sofer* (Responso 101) fish and meat may have lost its status as a dangerous food (because modern medicine does not recognize any problem with it) and may now have the status of forbidden food (because the rabbis decreed not to mix the two). As such the rules governing fish and meat should certainly be the same as the rules governing other prohibited foods, and should therefore become nullified in sixty times their volume. As far as the *Maharil* is concerned, the *Shach* says, it is possible that the case he was dealing with was one where there was not sixty times as much meat as fish. The large majority of *poskim* seem to agree with the view of the *Shach* (see *Pitchei Teshuva* 116:3).
- c. One very common practical application of the above dispute is the issue of Worcester sauce, which is always made with fish. Many people enjoy eating their Worcester sauce together with meat. Some brands of Worcester sauce have sixty times the volume of other ingredients than fish, while others have a higher concentration of fish. The policy of the Orthodox Union Kashrut Division is to label any sauce that contains more than 1.67% fish with an OU Fish to indicate that it should not be eaten with meat. If, however, the sauce is composed of less than 1.67% fish they will not label it as containing fish indicating that it may be eaten with meat even though there is some fish in the ingredients. The logic for this policy is that the Orthodox Union (and most other leading kashrut agencies) relies on the opinion of the *Shach* that foods prohibited on account of danger may be nullified.

2. Can fish and meat be nullified in dry mixtures? Although we *pasken* that when forbidden foods become confused with permitted foods if there are more pieces of permitted food than forbidden food one can eat each unidentified piece, *Taz* and *Shach* point out that to nullify dangerous foods that become confused with none dangerous foods we require sixty times the volume. This *halacha*, however, requires further clarification. Nullifying a forbidden food in a mixture does not require an alteration of any of the physical qualities of the food. It is therefore not illogical to assume that the forbidden food can even be nullified in a dry mixture. However, in order to nullify dangerous food (i.e. meat that had been cooked in the same pot with fish) it would seem that the dangerous element must be physically removed in order to allow its consumption. Why then would sixty times the volume of the danger suffice in a dry mixture where the dangerous food goes through no physical change? While a truly thorough analysis of this question is beyond the scope of this essay, we may point out that according to the opinion of the *Chatam Sofer* (cited above) that fish and meat currently do not have a status of dangerous food but are considered to be FORBIDDEN food we can understand that nullification would work even in a dry mixture. (See also *Darkei Teshuva*, *Kaf Hachaim*, and *Chelkat Binyamin:Biurim*.)

V. Fish and Milk. The *gemara* (*Chullin* 103b) states that when the Torah prohibits the consumption of meat and milk, it does not prohibit eating the meat of fish or insects with milk. However, *Beit Yosef* (*Yoreh Deah* 87) writes that although there is no halachic prohibition to eat fish and milk, one should refrain from eating fish and milk together on the grounds that it is dangerous. *Beit Yosef* cites his own position in *Orach Chaim* 173 to support this contention. This assertion is certainly a shocking one. We do not find any *gemara* that mentions any issue with simultaneous consumption of fish and milk. The *poskim* have developed two basic approaches to dealing with this idea of the *Beit Yosef*:

- A. *Darkei Moshe* (*Yoreh Deah* *ibid.*) strongly questions the assertion that there is some sort of danger involved in eating fish and milk together. He writes that he has never heard of anybody being careful about this issue. Furthermore, in *Orach Chaim* 173 (the source cited by *Beit Yosef* to support his contention) no mention is made of any problem with eating fish and milk together. There is only mention of the danger involved with eating fish and meat together. Based on this evidence, *Darkei Moshe* concludes that the *Beit Yosef* has confused milk with meat and there is no room for any concern with consuming fish and milk together. Indeed, the overwhelming majority of the *poskim* agree with the assessment of the *Darkei Moshe*. The *Shach* (*Yoreh Deah* 87:5) and the *Taz* (*ibid*:3) both write explicitly that the *Beit Yosef* was mistaken. Even the great Sephardic

posek, Rabbi Yosef Azulai (i.e. the *Chida*) agrees that it is a misprint in the *Beit Yosef*. (This compelled some later Sephardic *poskim* to permit fish and milk together, as many Sephardic Jews consider the *Chida* to be as authoritative as the *Beit Yosef* himself. *Pitchei Teshuvah* (ibid:9) writes that even if there once was a danger involved in eating fish and milk, now that everybody does this with no ill effects we may assume that it is no longer dangerous. *Aruch Hashulchan* adds that there is no place that has the custom to be careful about this.

- B.** *Kaf Hachaim* (*Yoreh Deah* 87:24) writes that although the Ashkenazic *poskim* find no health concern with eating fish and milk together, different areas have different atmospheres which may lead to different health concerns. Additionally, what may be damaging to one person may not be damaging to another. (Indeed *Rabeinu Bachya* in *Parshat Mishpatim* writes that the doctors of his time felt that mixing fish and milk is in fact dangerous.) As such, he suggests, knowing that staying away from dangerous activity is more important than staying away from forbidden activity, it is advisable not to eat fish and milk together. Similarly, *Knesset Hagedolah* suggests that when *Beit Yosef* references *Orach Chaim* 173 he merely intends to suggest that just like there is a known danger to eating fish and meat together (as is clear in the cited source) it may also be dangerous to eat fish and milk together. Furthermore, *Responsa Beit Dovid* 33 points out that the context in which the *Beit Yosef* makes this comment suggests that it is not a misprint and that he clearly meant to prohibit eating fish and milk together. Many Sephardic Jews and some Chassidic Jews are careful not to eat fish and milk together. Most of those who are stringent in this area do acknowledge that the problem only exists with real milk, but not with mixing dairy ingredients (i.e. butter) with fish (*Kaf Hachaim* and *Pri Megadim* ibid.). (See *Responsa Yechave Da'at* 6:48 for a thorough discussion of the Sephardic custom.)

- VI. Conclusion.** We have attempted to provide a thorough outline of the most pertinent topics associated with the mixing of fish and meat. For practical guidance in these matters one should consult the original sources or ask a competent halachic authority.