

Mixing Fish and Meat, Fish and Dairy: Custom, Law or Medical Advice?

LIKE MANY PEOPLE, I often attend weddings, Bar/Bat Mitzva celebrations, organizational dinners, *Shabbat* and *Yom Tov kiddushim* as well as various other functions where food is served. I have observed that caterers generally place the fish dishes on the tables with other *pareve* foods such as salads, away from the meat stations. Similarly, at sit-down dinners when there is a fish course, it is always on separate plates with separate cutlery. At more elaborate affairs there is an *intermezzo* of ices to cleanse the palate prior to the meat meal. At a *kiddush*, one usually drinks a *schnappes* in between the herring and the *cholent*. This is because of the long standing tradition of not eating fish with meat. However, at buffets and elaborate smorgasbords there is never a roaming *mashgiach* making sure that someone doesn't eat chopped liver with his/her sushi or salmon with his/her sliced roast beef. Nor is anyone making sure that plates and cutlery are changed in between these dishes.

Furthermore, almost every *brit* and breakfast program features bagels and lox with cream cheese, and herring in cream sauce in contravention of another tradition, that of not eating fish and dairy together. Kosher eateries also feature tuna melts or pizza with anchovies. What is the source of this practice? Is it law or merely custom?

The Talmud is vague about this practice. We find only one solitary reference in the Talmud.¹ There is a statement that bread baked in an oven with meat may not be eaten with a dairy dish. Following this there is an incident recorded in which one rabbi prohibited the eating of a certain fish which had been cooked in an oven alongside meat, with a dairy dish. Mar bar Rav Ashi explains that this is because steam, or even salting them together can impart "meatiness" to the fish, as well as "something else".

Rashi explains the “something else” as *tzara’at*, a skin disease. Apparently there was no problem to cook meat and fish together. It appears that the Talmudic prohibition of eating the *fleishidig* fish with dairy was extended to eating fish and meat since it was somehow viewed as hazardous to one’s health. How this connection was established is unknown, but this extension was accepted by the Rabbis. Once it was, we follow another Talmudic maxim² that that which is dangerous to one’s health is observed with more stringency than that which is actually prohibited.³

The *Shulhan Arukh*⁴ rules that we may not eat nor cook (RaMA) fish and meat together because it will lead to *tzara’at*. However, *ex post facto* it is not prohibited. We are also advised (but not required) to wash our hands, cleanse our palate and rinse our mouth between fish and meat. This prohibition applies to fish and fowl as well.⁵ So apparently there is no problem in eating one after the other, but we may not eat them together. According to rabbinic science/belief, consecutive eating of fish and meat does not affect the digestive system or pose a health threat as opposed to simultaneous consumption.

Myriad minutia of the technical aspects of this issue are discussed among the *poskim*. The difference between cooking and salting, cooked fish and meat vs. raw fish and meat, whether 60:1 nullification applies, cooking fish in a meat pot, cooking them in the same oven, washing or eating between fish and meat, *ab initio* vs. *ex post facto*, etc.⁶

Suffice it to say, that even though we are no longer worried about snakes imparting their venom in our water supply, we are still concerned about other aspects of rabbinic science, hence we do not eat fish and meat together.⁷ *Tzara’at* as an affliction is usually associated with gossiping and slander.⁸ However, the *Gemara* in *Arkhin* (16b) counts seven different transgressions which can lead to *tzara’at*. All of these are interpersonal transgressions such as stealing or pride, or else transgressions which are direct insults to the Creator, such as blasphemy or false oaths. None of the seven are merely “ritual” transgressions. The symbolic connection between eating fish and meat and *tzara’at* is probably best left to the realm of Kabbalah and homiletics.

The issue of relying on Talmudic medicine/science exists on two levels. There is the science itself and there is its impact on practical and contemporary observance. How binding this is, as opposed to revealed Torah and Rabbinic enactments is the subject of much discussion. There are essentially four positions: 1) *HaZaL* worked with the science of their times and so were frequently in error. However, the *Halakhah* is independent of the reasoning behind them and goes back to Sinai; 2) Laws from Sinai

were given in generalities—*HaZaL* interpreted them, something we can no longer do after the close of the Talmud. Therefore all scientific remarks with halakhic consequences made by *HaZaL* were correct! However in many cases the times and physical realities have changed (*nishtanu hateva*). *Shinui hateva* only applies when stated by *Rishonim* or early *Ahraonim*. We cannot invent that reason ourselves; 3) Scientific facts that contradict the Talmud are wrong; 4) *HaZaL* were influenced by theories of their time and we account for changes in modern science and medicine. However, we have no general philosophy to answer the contradictions but instead treat every case individually.

If *HaZaL* tell us in a Halakhic construct that we should treat fish and meat as dangerous, we do. But we are not bound to believe that this is scientific fact. In the case of fish and meat it is easy to be strict and consider it as a *segula*, a protective measure. However, even though we may not be bound by Talmudic medicine and science we ought not to ignore it either. Recent medical research may shed light on the connection between eating fish and meat and psoriasis which is often the term used to describe *tzara'at*. Apparently stearic acid found in beef and docosahexaenoic acid (DHA) and eicosapentaenoic acid (EPA) found in fish have been found to exacerbate psoriasis.⁹ We also see that omega-3 fatty acids from fish enhance TNFalpha which is also implicated in psoriasis. If current research shows an interaction between derivatives of stearic acid and DHA, perhaps we ought not dismiss this practice or the “science” upon which it is based so lightly.

The issue of eating fish with dairy is also dealt with in the sources, but results in two divergent conclusions. The Mishna in *Hullin* 103b clearly states that fish may be cooked in milk and eaten with cheese. *Rambam* and *Shulhan Arukh* rule accordingly as does the *Tur*.¹⁰ R. Yosef Karo's *Shulhan Arukh* is an abridgement of his massive *Bet Yosef* anthology of commentaries on the *Tur*. In it he cites all the sources permitting fish and dairy including Rabbenu Nissim, *Rambam* and *Rashba*. He does not cite a single authority who prohibits. Then he writes: “However, fish should not be eaten with milk because of danger, as explained in *Orah Hayyim* 173.”¹¹

Granted that dangerous practices may enter rabbinic legislation via alternate channels and that health and safety are also *halakhic* considerations, these words of the *Bet Yosef* are totally incongruent with the flow of the discussion here or anywhere else. *Orah Hayyim* 173 discusses fish and meat. To explain this difficult passage of the *Bet Yosef* to mean that fish and dairy is prohibited just as fish and meat is prohibited is a stretch. All of the

great legal authorities of the past four centuries have struggled with this perplexing text.

The major Ashkenazic and Sefardi *poskim* who have come to the conclusion that this is a scribal error include the *Rama* (in his *Darkhei Moshe*) “In my entire life I have never seen this stringency.” *Siftey Cohen*: “We have never heard or seen this [i.e. prohibiting fish with dairy]. Every day we cook fish with milk.” *Turei Zahav*, *Prisha*, *Pri Hadash*, *Magen Avraham*, and *HIDA*. Most of the Jewish world follows their *psak* that there is no problem whatsoever eating fish with dairy. The *ShUT Be'er Sheva* #35 writes; “This [prohibition] never existed in any text and [Bet Yosef’s] intentions are unknown.”

The *Rif* and the *Rambam* both omitted the prohibition of fish and meat in their legal works. This is especially significant in the case of the *Rambam* since he was quite knowledgeable in the areas of health, science and nutrition. The *Hatam Sofer ShuT Y.D.* #101 writes that *Rambam* determined that there was no medical reason to refrain from meat and fish nor from fish and dairy. Fish and dairy are completely permitted. We don’t follow him in practice regarding meat and fish since this was already decreed by the Talmudic sages—not because it is dangerous.

Did *Bet Yosef* accidentally write fish when he actually meant meat ? Or is there also a tradition that fish and dairy are dangerous to one’s health ? *Rabbenu Bahya ben Asher*, a 13th century Spanish Bible commentator, introduced the concept that medical research has determined that mixing fish and cheese in one cooked dish could lead to sickness and *tazra’at*. He writes that certain prohibited foods had the capacity to clog the heart. (Perhaps a precursor to cholesterol and arteriosclerosis.)¹² Later writers also refer to medical research in this area. They differ in specifics but agree that fish and dairy can be injurious to one’s health.¹³ The *Elya Rabbah* cites medical evidence but states categorically that he has never seen anyone care about it.

Aside from empirical evidence, there is also the concept that physical realities have changed (*nishtanu hateva*). *Rambam* writes that Talmudic sages worked with the best scientific information available to them. If we subsequently find contrary compelling evidence we must modify our position.¹⁴ The *Magen Avraham*, writing about fish and dairy, suggests that perhaps today the danger no longer exists.¹⁵ The *Mishna Berura* cites this source and agrees with him.¹⁶

There is one other consideration. R. Yosef Karo is revered and venerated in the Sefardic world. Just as ChaBaD has only one “*Rebbe*” and students

of Rabbi Joseph B. Soloveitchik have only one “*Row*”, the Sefardic world has only one “*Maran*”. Despite overwhelming opinion that *Bet Yosef’s* comment prohibiting fish and dairy was a scribal error, many are reluctant to ascribe an error to *Maran*. Even though there may not be a valid medical reason, and even though it is normative in the Ashkenazic world, many Sefardic and some Hasidic communities do not mix fish and dairy.

NOTES

1. Babylonian Talmud *Pesahim* 76b.
2. Babylonian Talmud *Hullin* 10a.
3. See *Shulhan Arukh Hoshen Mishpat* 427:9 for other prohibitions related to dangerous activities. Cf. *Shulhan Arukh HaRav, Hoshen Mishpat Hilkhos Shemirat Guf V’Nefesh* for his expanded list of dangerous practices.
4. *Shulhan Arukh Yore Deah* 116: 2,3.
5. *Arukh HaShulhan Yore Deah* 116:10; *Pithei Teshuva Y.D.* 116:1 and *ShU”T Sh’vut Yaakov* 2:104.
6. See *Shulhan Arukh Yore Deah* 116: 2,3; *Hochmat Adam* 68:1; *Taz* 95:3; *Arukh HaShulhan Yore Deah* 116:10; and citations of the *Mordecai, Torat Hattat, Shach, ShU”T Minhat Yaakov, ShU”T Havvot Yair* and *Pri Hadash* quoted by *ShU”T Sh’vut Yaakov* 2:104 as well as the discussion by the *Be’er Hetev ad loc.*
7. Even though there are lenient opinions such as *Shiurei B’raha, Y.D.* 116:8.
8. RAShI on *Shemot* 4:6. See also *ShLaH Sha’ar HaOtiot Ot Kuf - Kedusha*.
9. The following sources are cited by Josh Backon in *Avodah: Volume 8 Number 35* (www.aishdas.org/avodahvol08/v08n035.shtml) : *The Journal of The American Academy of Dermatology* (2000) 42:829; *Lancet* (2001) 357:1842; *Thrombosis and Haemostasis* (1999) 81:566; *Transplantation* (2001) 72:706; *Cancer Research* (2001) 61:2720; *The Journal of Trauma* (2000) 49:109; and *Biochemical and Biophysical Research Communications* (1996) 229:643.
10. *Mishneh Torah, Hilkhos Ma’akhalot Asurot* 9:5 and *Yore Deah* 87:3.
11. *Bet Yosef, Yore Deah* 87. See also *Levush Y.D.* 87:3 who accepts this ruling not because it is prohibited but because it is dangerous to one’s health. The commentaries on the *Levush* point out the error in the *Bet Yosef*.
12. Commentary of *Rabbenu Bahya ben Asher* to *Exodus* 23:19.
13. See the citations quoted by *Pithei Teshuva, Yore Deah* 87:9, and the citations found in the responsum of *Ovadia Yosef, ShUT Yehava Da’at* 6:48.
14. *Guide For The Perplexed* II:8, III:14 and elsewhere. Abraham Maimonides, in his treatise on the *agada* [rabbinic teachings on biblical narratives], appears to go one step beyond his father: “We are not obligated... to argue on behalf of the Rabbis and uphold their views expressed in all their medical, scientific, and astronomical statements [or to believe] them the way we believe them with respect to the interpretation of the Torah, whose consummate wisdom was in their hands.” See *Ma’amar al Odot Drashot Hazal* in *Milhamot Adonai*, ed. R. Margolies.
15. *O.H.* 173:1.
16. *Ibid.*