YD 116:2.1998

# On Mixing Fish and Meat

Rabbi Paul Plotkin

*This paper was approved by the CJLS on September 9, 1998, by a vote of nineteen in favor (19-0-0). Voting in favor: Rabbis Kassel Abelson, Elliot N. Dorff, Jerome M. Epstein, Baruch Frydman-Kohl, Myron S. Geller, Nechama D. Goldberg, Arnold M. Goodman, Judah Kogen, Vernon H. Kurtz, Lionel E. Moses, Paul Plotkin, Mayer Rabinowitz, Avram Israel Reisner, Joel E. Rembaum, James S. Rosen, Joel Roth, Elie Kaplan Spitz, Gordon Tucker, and Gerald Zelizer.*

*The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.*

## שאלה

Is it permissible to eat fish and meat on the same dish?

## תשובה

In the Shulhan Arukh, Yoreh De'ah 116, we find a series of prohibitions, all related to the issue of סכנה, danger to your health. In paragraph 2, we have the specific prohibition to be careful not to eat meat and fish together because it states שקשה לצרעת which I understand to mean either that it causes difficulty to one who has leprosy or it causes difficulty that could lead to leprosy.[1] That this is a prohibition specifically to prevent us from physical danger, as opposed to a biblically prohibited food pairing, is clear from the context of the entire סימן. It deals with many cases of סכנה; including taking caution from the danger of other people's body sweat, not putting coins in your mouth, not carrying bread under your arms or drinking from various beverages that had remained uncovered. There is another list of prohibitions on the grounds of סכנה found in Hoshen Mishpat 427:9, which, in addition to listing more prohibitions, specifically refers back to Yoreh De'ah 116, as a list of סכנות.

Issues of סכנה are rabbinic and are derived from the then understood science, and medicine, and it was not something to be trifled with. Indeed, in Hullin 10a, we read חמירא סכנתא מאיסורא, "danger to one's health is more serious than an actual form of prohibition." Here we are warned by Isserles, Yoreh De'ah 116:5, that we are to be more concerned with

[1] The uncertainty of the phrase ...קשה ל can be seen in the translation of the Soncino on Pesahim 76b where it translates the phrase דקשיא לריחא ולדבר אחר as "because it is harmful to [one's] smell and in respect of 'something else.'" The term "in respect of" is a generalization to cover the options I mentioned above. The footnote explains the "something else" to be leprosy.

a ספק of סכנה than we are with a ספק of actual איסור. Nevertheless, I believe that the application of the principle of סכנה to a specific case could always be amended as either the physical reality or our scientific understanding changed to give us more accurate information. This can be seen in the very same chapter of Shulhan Arukh, Yoreh De'ah 116:1, where it says that, "exposed beverages were forbidden by the rabbis because they feared that snakes would have drunk from them, and left behind venom." And then it goes on to say, "but now when snakes are not found amongst us, it is permitted." This is a clear indication that the prohibitions based on סכנה can be lifted when the danger is no longer present.[2]

Furthermore, I can find no reference in the Bavli to any general prohibition of eating fish and meat.[3] Rambam is silent on the subject as well. Thus it would appear to be a statement reflecting the best understood science in the time of the Shulhan Arukh.

As to the issue of changing a ruling of the great rabbis of the past who legislated with wisdom for our well being, the Mateh Yehonaton on Yoreh De'ah 116:1, deals with the issue. When an established number (מנין) of rabbis have decreed a prohibition, it can only be overturned by an equal מנין of rabbis in the future, but this is only in cases where the rabbis forbade and stated no defining or limiting conditions (תנאי). In the cases of rabbinic prohibitions where a תנאי was necessary to cause the prohibition – and when that condition is absent – he argues that the prohibition can be overturned without מנין. Thus when snakes are deemed to be the danger for uncovered beverages not to be consumed and when there are no more snakes in the community, the ruling for the סכנה can be overturned.

The prohibition for the reason of סכנה of consuming meat and fish together was based on the danger that was perceived from the consumption of eating the two simultaneously. The danger of eating them consecutively is already a matter of conjecture and though Rabbi Karo requires washing one's hands between the two and eating some bread as a cleansing of the mouth, Isserles (Yoreh De'ah 116:3) tells us that we do not have to worry about that, rather only when they are cooked together and *then* eaten is there a concern. Furthermore, we see that it is permissible to cook fish in a clean meat pot; even in paragraph 2, where the prohibition of eating together is stated, Isserles prohibits roasting fish and meat together at the same time because of concerns of ריחא (flavor imparted one to the other in the cooking process). But even there he admits that – after the fact – it would not be prohibited. Furthermore, fish can be served on meat dishes (Taz and Hokhmat Adam 68:1). So it becomes clear that the prohibition based on health considerations is really about consumption of meat and fish together and that any other

---

[2] This argument is further strengthened by the position of the Magen Avraham. The Magen Avraham on Orah Hayyim 173:2 – dealing with a ruling that one is required to wash one's hands between meat and fish because it is harmful to דבר אחר – says that: "perhaps in this time there is no סכנה of any consequence, for we see a number of things mentioned in the Gemara that are סכנה too – bad moods and other things – but today are not harmful because nature has changed, and also we go according to the nature of a particular country."

[3] There is a passage in Pesahim 76b, which talks about the imparting of flavor through the smells transferred by being baked in the same oven at the same time. "[A] fish was roasted together with meat, [whereupon] Raba of Parzikia forbade it to be eaten with *Kutcha*." Mar b. R. Ashi said, 'Even with salt too it is forbidden, because it is harmful to [one's] smell and in respect of 'something else.'" It appears that Raba of Parzikia has no problem with the fish being eaten. His objection is only with *Kutcha* which is dairy and the fish has now absorbed meat flavor and cannot be eaten with dairy. Mar b. R. Ashi forbids it as being harmful, yet if this was the true source for the prohibition, it is difficult to imagine that the Rama would add specifically (Yoreh De'ah 116:2) that roasting meat and fish is forbidden because of the ריחא and then say that בדיעבד it is not forbidden. If it was accepted that roasting together led to specific health dangers, it would be prohibited at all times.

secondary prohibitions are precautionary at best. Therefore, the only reason to prohibit putting fish and meat on the same plate would be our fear that, invariably, we would comingle some of the fish and meat if they were that close together, and that would lead to eating something which would be a סכנה.

Today, there is no scientific medical reason to prohibit the consumption of meat and fish together. We may argue that either the physical world has changed from the time of the rabbis and their experience, or our science has progressed to give us a greater insight showing us that there is no medical danger to consuming meat and fish.[4] As such, the prohibition of meat and fish should be abolished much the same as the prohibition of exposed beverages was canceled when a concern of snake cantamination was not part of the physical world of the rabbis.

## *Conclusion*

The prohibition of fish and meat is based on a specific סכנה. Historically when the סכנה ceased to exist, the rabbis had the power to end the prohibition. Today we know that there is no סכנה affecting צרעת by eating fish and meat together. Therefore, we would permit not only putting fish and meat on the same plate, but would allow them to be consumed together.

[4] Doctors and nutritionists approached could find nothing in the literature to even hint at a danger of fish and meat for any disease, let alone צרעת.