

# Insights into Halacha

- Rabbi Yehuda Spitz

Ohr Somayach (yspitz@ohr.edu)

## The Lox & Cream Cheese Dilemma - part 2

In part 1, we wrote that there are segments of Jewry who will not eat a fish and milk combination, even though there is no mention of such a prohibition in all of the Talmud or Shulchan Aruch, and that the understanding of the issue must be predicated by understanding the prohibition of eating fish and meat together. The reason given for that prohibition is that it might cause tzara'at, and is considered a sakana (the parameters of this din were discussed in part 1 - PhiloTorah 207).

"That's all fine and dandy", one might exclaim, "but what does that have to do with mixing fish and milk?"

The answer to this lies in the Beit Yosef, The Shulchan Aruch's commentary on the Tur, for in Yoreh De'ah 87:3 (s.v. dagim), the Beit Yosef writes that "one should not eat fish and milk together because of the danger involved, as it is explained in O.C. 173." A number of poskim follow this ruling, and likewise maintain that one should not eat a combination of milk and fish, based on the reasoning of the Beit Yosef.

However, many authorities point out

that the location the Beit Yosef referenced for his halachic decision to be machmir is referring to eating fish with meat, not milk. They therefore maintain that this issue is a case of mistaken identity (misprint) and that eating fish with milk is 100% permissible. Some add that if the Beit Yosef truly intended to rule stringently in this matter, he would not have mentioned it only in his commentary, but rather would have written it as official psak halacha in the Shulchan Aruch.

On the other hand, many authorities hold that there still is a sakana involved in eating fish and milk, but it's not a halachic issue, rather a medical one. They maintain that since both fish and milk serve to cool down the human body, when they are ingested together it can cause bodily harm. This, they hold, is the reason the Beit Yosef intended in saying not to eat them together, and not because of tzara'at.

While these poskim do cite this logic and say one should therefore refrain, many decisors, most notably the Chatam Sofer, argue that this can not possibly be true, for we see many people eating them together and not becoming (noticeably) sick. (Anchovies on pizza, anyone? Actually, the thought of that makes me sick.) Also, the greatest (and best known) Jewish doctor, the Rambam, makes absolutely no mention of this danger.

Still, others maintain that this depends on the time and place. Just because someone won't get sick from it in New York, there is no assurance that the same would be true in Kabul. (Although I am assuming that if one is in Kabul, he has other sakanot to worry about...)

The bottom line is that different minhagim developed over time among different segments of Jewry. An oversimplified generalization is that Sefardim (since they follow the psakim of the Beit Yosef) should be machmir and Ashkenazim can be meikil. But there are Sefardi poskim who rule that a Sefardi can be lenient (some hold only b'dieved and others hold even l'chatchila), and there are Ashkenazi poskim who hold that even an Ashkenazi should be machmir. An interesting side point is that most of the authorities who are machmir when it comes to mixing fish with milk and/or cheese are nevertheless lenient when it comes to mixing fish with butter. This heter of butter also includes SHMETININ, the layer of fat skimmed off of the top of milk.

However, it should be noted that the Ben Ish Chai disagrees and is machmir concerning butter as well. Interestingly, his rebbe and Chief Rabbi of Baghdad before him, the Zivchei Tzedek, wrote that his disciple's stance is too machmir, and that one may at least be lenient with butter and fish. Of course, there is

also the majority opinion that the whole issue is a non-starter and there is no problem whatsoever, even with a tuna melt.

So, back at that brit, even if you decide not to take a bite of your Bagels and Lox Deluxe, at least you now have some food for thought.

*For any questions, comments or for the full Mareh Mekomot & sources, please email the author: yspitz@ohr.edu*

**Rabbi Yehuda Spitz** serves as the **Sho'el U'Meishiv** and **Rosh Chavura** of the **Ohr Lagolah Halacha Kollel** at **Yeshivas Ohr Somayach** in **Yerushalayim**. He also currently writes a contemporary halacha column for the **Ohr Somayach** website titled **"Insights Into Halacha"**.

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**Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.**

Rabbi Yehuda Spitz's English halacha sefer, "Food: A Halachic Analysis" (Mosaica/Feldheim) containing over 500 pages featuring over 30 comprehensive chapters discussing the myriad halachic issues pertaining to food, is now available online and in bookstores everywhere."\*

*Ed. note: HaRav Ovadiya Yosef zt"l wrote that the mistake is based on a misreading of the word spelled CHAT-LAMED-BET. The word is NOT chalav, milk, but rather one is not to cook fish in CHEILEV (meat fat).*