



Kosher Connections: A Timely Insight into Pertinent Topics in the World of Kashrus



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Sushi, and How it Relates to the Bishul Yisroel of Fish

Throughout history, sharing a meal has been a way to achieve friendships and solidify relationships. Out of concern that Jews might become too close to their non-Jewish neighbors, *Chazal* established safeguards to prevent this type of closeness, which can lead to intermarriage. Many of these regulations relate to the preparation and eating of food. One such safeguard is the requirement that Jews directly participate in some manner in the cooking of certain foods (*Bishul Yisroel*)¹. There are two conditions that must be met in order to require a Jew's participation in the cooking of the food. Firstly, the food must not be commonly eaten raw. Secondly, the item must be of the type of food that would be served at a royal banquet (*oleh al shulchan melachim*). Foods that meet these two requirements must be *bishul Yisroel*². Accordingly, most vegetables, such as peppers, that are eaten raw can be cooked by a non-Jew. Items like potatoes and squash, however, would need a Jew's participation in the cooking as these items are not eaten raw.

To accomplish bishul Yisroel, *Rema* rules that a non-Jew can use a flame that was (continued next page)



Milk and Fish Together

During the Nine Days, when eating meat is forbidden, some people will look through cookbooks for substitutes for their usual meat meals. Many will settle on fish recipes that call for the use of butter, cheese, and other dairy items. It is well known that there is a prohibition to eat meat and fish together due to negative health concerns. Are there any restrictions on eating dairy and fish together?

Rav Yosef Karo writes in his *Beis Yosef* (YD 116) that one should not eat milk and fish together because of the same negative health concern as eating meat and fish together. He references the *halacha* about eating meat and fish together found in *Orach Chaim* (173). Conversely, *Rema* in the *Darchoi Moshe* writes that he has never seen anyone be careful about not eating milk and fish together. He further comments that the reference the *Bais Yosef* makes in *Orach Chaim* is dealing with meat and fish together, not milk and fish together. When commenting on this *Bais Yosef*, both the *Shach* (YD 87:5) and the *Taz* (YD 87:3) explain that there is a mistake in the *Bais Yosef*, and he really meant meat and fish together. In fact, the *Shach* writes that it was common practice in his day to cook and eat milk and fish together and he brings a proof from a *gemara* in *Pesachim* (76b). The *gemara* discusses a fish that was roasted with meat that Rava from Parzika forbade to be eaten with *kutach*, a dip made of milk and other ingredients. Mar Bar Rav Ashi commented that the fish would be forbidden even if only salted [together with meat]. This prohibition is due to health concerns. The *Shach* explains that Rava only prohibited the fish with milk because it was roasted with meat, but if it had just been a plain fish, it would be permitted to eat with *kutach*. We see therefore that eating milk and fish poses no problem.

Nevertheless, the *Pri Megadim* (MZ 87:3) writes that it is a *sakana* to eat milk and fish together. He explains the reference to the *halacha* in *Orach Chaim* that the *Bais Yosef* made was pointing out that just like the doctors say that eating meat and fish is a danger to one's health, milk and fish is also a danger. He did not mean that the *halacha* in *Orach Chaim* is specifically referring to eating milk and fish together. Therefore, the *Pri Megadim* concludes that one should not eat milk and fish together, because *chamira sakanta me'issura*, health concerns are dealt with more strictly than prohibitions.

When discussing this issue, the *Pischei Teshuva* (YD 87:9) brings the *Adnei Paz* who says that milk and fish would be forbidden, even if one mistakenly cooked the milk and fish together. However, the *Pischei Teshuva* concludes that nowadays, when the population at large cooks and eats milk and fish together without experiencing ill effects, it is permitted to eat milk and fish together.

The *Aruch Hashulchan* (87:15) questions that if it is true that the *Bais Yosef* (continued next page)

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meant milk and fish is prohibited, why did he not write it in his *Shulchan Aruch*? He echoes the words of the *Pischei Teshuva* noting how common it was to eat milk and fish together, and that there is no reason to worry when doing so.

Rav Ovadiah Yosef brings a *teshuva* from the *Bais Dovid* in his sefer *Yechave Daas* (Vol 6:48) which explains the *gemara* quoted by the *Shach* differently and learns it as a support to forbid milk and fish together. He explains that when the *gemara* said that Mar Bar Rav Ashi forbade the fish, even salted, he meant that fish that had just been roasted and salted by itself, not with meat, would be forbidden to eat with *kutach*. Rav Ovadiah Yosef concludes, like the unedited versions of the *Bais Yosef*, that one should not eat milk and fish together.

Practically, Sefardic Jews follow the ruling of the *Bais Yosef* and forbid the eating of milk and fish together. However, Rav Ovadiah Yosef does allow fish and butter to be eaten together, based on reports from doctors that it is not dangerous. It should be noted that in the USA, butter can legally contain up to 5% whey, in which case Sefardim would not be allowed to cook fish with butter. Except for some Chassidim, Ashkenazi Jews are lenient in the matter and allow the eating of milk and fish together.

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lit by a Jew, and that would be considered a sufficient participation of the Jew in the cooking. In fact, *Rema* even allows a flame that was lit by a flame that was lit by a Jew. In modern commercial kitchens, *bishul Yisroel* is accomplished by having a mashgiach light the pilot light on the stove and turn on the ovens³.

As noted, foods that are eaten raw do not need a Jew's participation in their cooking. Historically, we find that some foods at one point in time were only eaten when cooked and are currently eaten raw. For example, in the past, in Europe carrots were only eaten cooked⁴. Yet in modern times, carrots are indeed eaten raw, and as such there is no requirement to have a Jew involved in the cooking of carrots.

A question regarding this evolution of food, namely from only being eaten cooked to currently also eaten raw, has recently been asked regarding fish. As fish is a type of food that is served at a royal banquet, and it is not eaten raw today, it is considered by *halacha* to require a Jew's involvement in its cooking. However, with the increased popularity of sushi, which is made of raw fish, some argue to change fish's status to that of "able to be eaten raw", thereby negating the requirement of *bishul Yisroel*.

There are three considerations that need to be made to support this claim. The first thing that needs to be considered is how fish is generally consumed. In order to change fish's status, a real investigation must take place to determine if there is a clear majority of people who eat sushi made of raw fish. This is to exclusion of other types of sushi, such as California Roll, which is made of vegetables.

The second consideration is the way the raw fish is being consumed. Sushi is made of many components. Typically, sushi is made of raw fish and vegetables wrapped in Nori (seaweed) and cooked, vinegared rice. The sushi is then topped with pickled ginger and wasabi sauce. After a dip in soy sauce, the piece is popped into the consumer's mouth. As the fish component of the sushi is mixed with a variety of other food items, eating fish in this way does not demonstrate that the fish alone would be eaten raw. This would be similar to a chef adding raw potatoes to a salad to give it a crunch. The fact that people would be eating the raw potatoes, does not change the potato's status to considered to be eaten raw.

The final item to consider is the type of fish being used. To make sushi, a certain grade of raw fish, known as sushi grade fish, is used. Sushi grade fish is a fresher, higher grade of fish than is commonly eaten. Again, to determine that fish in general is eaten raw, it must be the common grade of fish that is most commonly eaten.

Taking into account these considerations, kashrus agencies have been hesitant to change fish's status to that of being able to be eaten raw. Therefore, fish items still require a Jew to be involved in the cooking to fulfill the decree of Chazal requiring *bishul Yisroel*.



1. See Yoreh Deah, Siman 113.

2. There is discussion amongst *poskim* about foods that are not eaten raw but are prepared in a way that they are not *oleh al shulchan melachim*. Some say it is determined by the type of food. For example, potatoes are not eaten raw. Therefore all types of potatoes require *bishul Yisroel*, including items that would not be served at a banquet, such as potato chips. Others say it is determined by the way the food is prepared as well. Although roasted potatoes are *oleh al shulchan melachim* and require *bishul Yisroel*, potato chips would not, as potato chips are not *oleh al shulchan melachim*.

3. It should be noted that the *Mechaber* requires that the food be placed on the fire or in the oven by the Jew, and this is the custom of Sfarim.

4. Earlier *poskim* determined the *bracha* on raw carrots are *shehakol*, as it the *bracha* on any food not commonly eaten raw.

Imitation Items

Meat substitutes are commonly eaten during the Nine Days. Are there any concerns in using these products with dairy foods?



Rema (YD 87:3) rules that if one serves almond milk at a meat meal they must put some actual almonds on the table so that people will realize that the "milk" is not dairy and not suspect he is eating meat with milk (*maris ayin*). Nowadays, there are many who believe that pareve, non-dairy creamer is so common that one is not required to have that type of *heker*. Those who feel that one should be *machmir* would either bring the non-dairy creamer to the table in its original container, or at a catered event would leave cards on the table which state that "the event is catered by XYZ caterer which is certified kosher by Rabbi A, and the creamer is pareve".

A more modern application of this *halacha* is for people who serve soy cheese with meat or seitan (imitation meat) with cheese. They are required to have some *heker* on the table to make it clear that the imitation item is actually pareve.

Rav Yisroel Belsky ruled that a restaurant which sells cheeseburgers made with kosher meat and imitation cheese (or vice versa) must note on their menus and receipts that the cheese is pareve so that the in-store and takeout customers will also have the appropriate heker.

The *Pischei Teshuva* (YD 87:10) qualifies this *halacha* and writes that the need for a *heker* is only at "large meals" where there is real *maris ayin*. In a household setting, however, one would not need a *heker*. Although we usually say that *maris ayin* applies even in private, that rule only applies when the appearance is that one is transgressing a Biblical prohibition. However, if one only appears to be transgressing a Rabbinic prohibition, such as the eating milk and meat that was not cooked together, one may do that action in private where no one will see.