

הלכות כשרות

Summaries



The Original Prohibition Against "Meat and Milk"

The prohibition of Basar B'chalav min hatorah.

Three times, the Torah states the following words: “You shall not cook young goat in the milk of its mother.” Our sages derived from this repetition that the Torah wishes to forbid 3 separate ways of mixing meat and milk:

1. **The cooking** of meat and milk together (even without intending to eat it, or actually eating it).
2. **Eating** meat that was cooked with milk.
3. **Gaining *hana'a*** — **benefit/pleasure** from meat cooked with milk, in manners other than eating (such as selling it to a non-Jew, or feeding it to a dog).

Why did the Torah allude to these 3 distinct transgressions using the same words of “You shall not cook,” which doesn’t describe each specific manner of transgression?

This was to teach us that one only transgresses the second 2 transgressions if they are performed “*b’derech bishul* — in the manner of cooking.” Meaning, that *min hatorah*, if someone eats or sells meat and milk together, but they do not cook them together — they do not transgress these prohibitions.

Another, unrelated caveat in the *min hatorah* laws, is that the Torah only forbids eating the meat of cattle, such as a goat, with milk (and not the meat of wild animals or birds).

Is there a reason for the prohibition against eating Basar B'chalav?

The prohibition of Basar B'chalav is one of the *chukim* — laws that we do not understand. However, nevertheless, the *poskim* did offer various explanations for this prohibition:

The Rambam writes that the Torah forbade it because this was how idol worshipers would eat. Some explain that it is cruel to cook an animal in milk which would have sustained it. There are also those who say that this prohibition is associated with health concerns. The Rebbe, in Likutei Sichos volume 29, explains that it is similar to the prohibition against

kil'ayim — the prohibition against mixing different species of plants together. Similar to *kila'ayim*, we should not mix two different types of foods — meat and milk — together.

The prohibitions our sages added:

The *chachomim* added a prohibition against **eating** a blend of meat and milk, even if they were not cooked together (rather, they were pickled, salted, or connected with the other in any other manner).

They also prohibited **eating** the meat of wild animals and birds with milk.

Differences in application of *min hatorah* and *chachomim* laws

1. If there is doubt as to whether *min hatorah* laws of Basar B'chalav pertain to a certain dish, we err on the side of caution and we do not use the food. However, if there is a doubt as to whether a *chachomim* law applies, we err on the side of leniency, and we may eat the food.

2. When a food is forbidden because of *Basar B'chalav min hatorah*, not only may we not eat it, we may also not cook it or gain any pleasure from it. However, when the food is forbidden by the *chachomim's* decree, the only prohibition they instituted is with regard to eating it; and it is completely permissible to cook or gain pleasure from bird meat cooked with milk, for example. (However, there are those who say that even though this was not part of the *chachomim's* original decree, it is still forbidden because of *mar'is ayin*.)

What is considered "the way of cooking?"

"*Derech bishul* — the way of cooking" which is when the Torah's prohibitions come into play, means placing the food and its juice (or added water) into a pot and onto a flame. (Or, placing the food and juice (or water) into a pot that was recently on the fire and "*Hayad soledes bo* — the hand recoils from it," when it touches the pot, because the pot is still very hot.)

The reason why this, specifically, is considered "the way of cooking," as opposed to salting or pickling foods together, is because specifically through cooking, the tastes of the foods become thoroughly and completely blended together. This is why salting and pickling meat and milk together is only prohibited by the *chachomim*.

Roasting: According to the Pri Chodosh and most *poskim*, meat that was mixed with milk without any liquids — for example: meat that was roasted with cheese — is forbidden *min hatorah*, just as with cooking. The reason for this, is because the Torah refers to roasting as "cooking," with regard to the *Korban Pesach*.

Frying: According to the Pri Chodosh, meat that was fried with dairy; with butter, for example — is forbidden *min hatorah*, just as with cooking. However, the Minchas Yaakov holds that frying is too different from cooking, and it is only forbidden *miderabonon* (by the law of the *chachomim*).

The Halacha is: It is the Alter Rebbe's opinion that frying has the same halacha as cooking, and the stringencies of *min hatorah* laws completely apply to it.

Is it permitted to eat fish with milk?

The Shulchan Aruch writes that there is no prohibition against eating fish with milk, but the Beis Yosef wrote not to eat fish with milk because it is a *sakana*. For this reason, *Sefardim* are stringent and forbid such a mixture. But the Taz and Shach quote the Darchei Moshe that this text in the Beis Yosef was a printing mistake, and there is no danger; therefore, most *Ashkenazim* are lenient with this.

The Pischei Teshuva quotes *acharonim* who differentiate between fish that was cooked in milk and fish that was cooked in butter — the former being forbidden and the latter permitted (this is also the opinion of the *poskim* of *Seforad*). He concludes that since it has already become common practice, fish is permitted even with milk.

Practically: *Minhag* Chabad is to only refrain from eating fish with milk, but not with creamed milk or butter.

The Background: Why did the *chachomim* only prohibit bird meat with milk and not fish? Because people tend to relate to the meat of cattle and birds similarly, and the *chachomim* were therefore concerned that if they would permit bird with milk, people would apply the same practice to

cattle meat. However, people do not tend to relate to fish as they would to cattle and bird. (Even today, fish is usually served as a first course, and cattle and bird meat share the status of being a main course, during a multiple course meal.)

Questions

1. What did the Torah prohibit with the *passuk*, "Do not cook a goat in the milk of its mother"? Write all the details. (Se'if Alef, Beis and Gimmel in the Shulchan Aruch)

2. What did the *chachomim* add to the prohibition of Basar B'chalav?

The *chachomim* prohibited all meat and milk that became blended through:

The *chachomim* prohibited additional types of Basar B'chalav:

Did the *chachomim* apply the prohibition of Basar B'chalav to non-kosher meat which mixed with kosher milk?

3. What do the *poskim* hold regarding eating fish with milk? (Taz Gimmel, Shach Hei) And what is *minhag* Chabad?

Practical Questions and Answers

If milk fell into a pot of chicken soup, may one give this soup to a cat?

Yes, it is permitted to gain pleasure from this blend.

May one sell a sandwich with white cheese and salami to a non-Jew?

It is permitted if they were always cold, while together.

Is it permitted to eat meat which was cooked with *pareve* milk?

One would need to place the bottle of non-dairy milk nearby; unless this dish is very common in their location.

Is it permitted to add margarine to *fleishig cholent*?

If doing so, one would need to place a *heker*.

Is it permitted to eat a sandwich with pastrami and tofu cheese?

If doing so, one would need to place a *heker*.

If a Jew works in a non-kosher store, may they heat up meat smeared with butter in a microwave?

It would be permitted with bird meat. Cattle meat would be forbidden, because most opinions hold that it is forbidden to cook it with milk.

Is it permitted to give meat and milk that were mixed without cooking to a dog?

Yes.

Separating Between Meat and Milk

The halachos of placing meat and milk on the same table

A Mishna in Chulin (103a) states: "All meat... it is forbidden to place it with cheese on the table." And another Mishna (104b) states: "Chicken may be placed with cheese on the table, but it is not [permitted to be] eaten [together] — these are the words of Beis Shamai. And Beis Hillel say: 'It is not placed on the table [together]

and it is not eaten [together]. Rabi Yosi said: 'This is [one] of the leniencies of Beis Shamai, and stringencies of Beis Hillel. ' Which type of table were they discussing? A table on which he eats. But, on a table on which the dish is arranged: He [can] put this on this side [and the other on another side] and not worry."

The *chachomim* decreed that one who eats cheese (even if alone), should not place meat on the table he is eating on (and also vice-versa). The reason is that one may forget, and eat of the meat on the table, together with the dairy food.

The Machaber writes that it is also forbidden to place the meat of kosher birds and wild animals (which are not forbidden with dairy, *min hatorah*) on the table on which he is eating dairy — for he may come to eat them together.

The Taz explains that even though this is a *gezeira l'gezeira*, this case is an exception. This is because of the distinction of this case, that each type of food may be eaten on its own. This creates the very strong possibility that they will come to be eaten together. Thus, it merits an additional, precautionary decree to avoid transgressing the *chachomim's* prohibition.

But, meat and milk may be placed adjacent to each other on a table where the food is being prepared (such as a counter, or refrigerator) .

The halachos of placing prohibited foods in general, on a table being used for eating.

On the basis of the above decree, there is room to question whether it is permitted to place other forbidden foods (besides meat and milk together) on a table being used for eating. The Shach discusses this, and the following are his conclusions:

- 1. With regard to food that is always forbidden, such as *neveila* meat — if one can readily recognize that it is such meat, it may be placed on a table being used for eating; for people are accustomed to keeping away from such meat, and we are not worried that a mistake will happen.
- 2. However, with regard to *chometz* on Pesach; for example: if a non-Jew brings *chometz* with him on a visit to a Jew, on Pesach. This *chometz* may not be placed on a table being used for eating, because of the stringency of the prohibition against *chometz* on Pesach — that even one drop of it is forbidden (and cannot be nullified). Therefore, even if it is on a separate tablecloth (or placemat), it may not be on the table; because of the worry that a crumb of *chometz* may mix into the Jew's food. Another point is that people are used to eating *chometz* all year; and therefore, there is reason for more worry that they will mistakenly eat from it.
- 3. Bread which includes non-kosher ingredients may not be placed on a table being used for eating, because people are used to eating bread and are attracted to it — for it provides sustenance.
- 4. If someone made a vow not to gain pleasure from another person (a "*mudar hana'a*") they may still eat together on the same table without any separation, and we are not worried that one will come to eat from the other's plate which is forbidden to him — because if one of them made such a vow, they obviously dislike each other; and they will not want to give or take food from each other.
- 5. However, if one made a vow not to eat a specific food, they may not put this food on the table while they eat, because they may mistakenly come to eat it (Pri Megadim).

The halachos of two people eating meat and milk, at the same table, separately

A Mishna in Chulin (107b) states: "Rabon Shimon Ben Gamliel says: Two guests may eat meat and milk at the same table, and need not worry." The gemoro on this Mishna states: "This [halacha] was not

taught [in every case, rather] only if they do not know each other. However, if they do know each other — it is forbidden. We also learned a *beraisa* which says: "Rabon Shimon Ben Gamliel says: "Two guests

who were hosted in one inn — if this one comes from the north, and this one from the south [which would show that they do not know each other;] if this one comes with his piece [of meat,] and this one comes with his cheese; they may eat at the same table — this one meat and this once cheese, and need not worry.”

Based on the above,* The Mechaber writes that the prohibition against two people eating meat and milk on the same table

is only when they know each other, (and even if they usually do not want to share with each other.) This is because they may come to eat from each other’s food. The exclusion to this rule is if they place a *heker* between them. (For the purposes of this lesson, a *heker* means something which makes it noticeable to them that they are eating separately and are not to eat from each other’s food.)

However, if they do not know each other (as the case is with average guests in an inn,) there is no worry that they will come to eat from each other, and they may eat their meat and milk on the same table, even without a *heker*.

Placing a *heker*

The above beraisa continues: “And they did not forbid [eating meat and milk at the same table in every case, rather] only [when they are eating] from one pouch. [The gemoro asks:] Do you really think [it means from] one pouch?! [That would obviously be forbidden.] Rather, the intention is: ‘Similar to [from] one pouch.’”

There are those who explain “similar to one pouch” to mean acquainted people eating together. This is from where they derived

the idea of placing a *heker* — because once the acquaintances place a *heker*, it is not as if they are eating from the same pouch, because the *heker* will remind them. But there are those who explain “similar to one pouch” to mean that it is forbidden when both of their meals are being paid for through one bill, (and a *heker* does not help.)

The conclusion of the Shulchan Aruch is that it helps to place a *heker* even if they are eating on the same bill.

The Mechaber writes that if each person eats on his own cloth, or even if on the same cloth — but they place a *heker* of bread between them, it is permitted. The Rama says the bread can only be used if it will not be eaten during the meal it is serving as a *heker*.

The Rama adds that they may place a drinking utensil which is not usually on the table, as a *heker* between them, even if it is being used at the same meal; (for example: a pitcher.) Also, anything not usually on the table, or in this spot on the table, such a candelabra or other items, may be used as a *heker*. The only caveat is that it must have a little height.

Separation Between Eating Meat and Milk

How much time should one wait before eating dairy after meat?

The Gemoro in Chulin (104b) states: "Rav Chisda says: [If one] ate meat, [it is] prohibited [for him] to eat cheese [immediately, as the meat contains fatty substances that stick to one's mouth and preserve the flavor of meat. But if he ate] cheese [it is] permitted [for him] to eat meat [without delay.] Rav Acha bar Yosef said to Rav Chisda: [In the case of] meat that is between the teeth, what is [the halacha?]

"[In response, Rav Chisda] read about him [the following verse:] "While the meat was

yet between their teeth" (Bamidbar 11:33). [This verse teaches us that meat between the teeth is considered meat.]

"Mar Ukva said: I am, with regard to this matter, [like] vinegar, son of wine, with respect to father, [i.e., my practice is inferior to that of my father.] As Father, if he were to eat meat at this time, he would not eat cheese until tomorrow at this time. But as for me, [only] at this meal, [during which I ate meat,] do I not eat [cheese;] at a different meal [on the same day I will] eat [cheese.]"

- **1. The Rif and Rambam's opinion:** After eating meat, one must wait the time that elapses between breakfast and dinner — which is 6 hours, before eating dairy. Besides this, the meat meal must be completed and after meal blessings must have been made (whether a blessing after a meal with bread, or otherwise).
- **2. Tosfos's opinion:** There is no need to wait, at all. As soon as the meat meal is over and *birchas hamazon* has been blessed, one may eat dairy, because this is what "another meal" means. (However, the mouth must be washed and rinsed.)

The **Rama** writes that one should not bless *birchas hamazon* just to be able to eat cheese afterward (he adds that many are not careful with this). The **Taz** writes that those who are not careful do not have what to rely on, and that one who fears Hashem should not sit with them together for a meal.

- **3. The accepted minhag in "these countries" (brought by the Maharai):** One should wait one hour, and bless *birchas hamazon*. If one does not say the blessing, waiting an

hour does not work. (The **Shach** writes that according to this custom, one does not need to wash or rinse the mouth; however, the **Taz** writes that they do.)

The Halacha is: The **Mechaber** rules that one needs to wait six hours after eating meat, before dairy — even after the meat of wild animals or kosher birds. The **Rama** quotes the other opinions, but concludes, “There are those who are meticulous to wait 6 hours after eating meat, to [when they eat] cheese, and this is what is proper to do.” The **Rashal** also writes that this is what is proper for anyone who has even a “smell” of Torah to them.

What is the reason for waiting after eating meat?

The *rishonim* explain various reasons for waiting 6 hours after eating meat:

The **Rambam** explains that because there may be meat left over between our teeth (as is usually the case), after we eat meat, if one will then eat dairy, they will essentially be eating Basar B'chalav. However, after six hours, the Rambam says that the residue left between the teeth is no longer halachically considered to be meat.

Rashi explains that when one eats meat, it emits fats which connect to the mouth, and have a lasting taste. After six hours, the taste is certainly no longer there.

Based on their differing reasoning, different halacha rulings result, both on the stringent and lenient side:

According to the Rambam, one does not need to remove meat found between the teeth after 6 hours. On the other hand, if one only chewed meat to soften it for a child, but did not eat it — they will still need to wait six hours.

According to Rashi, it is the opposite: If one finds meat between the teeth after 6 hours, it must be removed. On the other hand, if one only chewed meat to soften it for a child, they do not need to wait 6 hours, because taste does not linger in the mouth just from chewing but not eating.

Practically, the **Shulchan Aruch** rules that both stringencies must be kept: One must wait 6 hours even after only chewing meat; and meat must be removed from between the teeth even after 6 hours, (to which the **Rama** adds that one must also wash and rinse the mouth.) The **Kitzur Shulchan Aruch** writes on Siman 46 Se'if 9 that if there is only the taste of meat in one's mouth, they do not need to wait, and washing and rinsing is enough.