

YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

Hilchos Melicha Shiur 2

Mareh Makomos for this shiur

Siman 69:2 Tur Bais Yosef

Mechaber Rama

Shach Taz

R' Akiva Eiger 9 (ד"ה עדיין חשוב דיעבד), **1** (ד"ה הטעם כדי שיתרכז)

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Salted Without A Hadacha Rishona

Siman 69:2

2 12) If the meat was salted and not washed first, wash it and (7) salt it a second time. V'yaish osrin (there are some who forbid this). RAMA *This is the custom even if only (8) a small amount of salt was used – like we use for roasting – (13) even if the salt was not applied for “shiur melicha”.* **(9)** *However in a befsed m'rubeb it is permitted.* **(10)** *If the meat was only washed a little (i.e. superficially) before it was salted it is (14) permitted b'diavad. The same law applies (15) to meat that was 60 times greater than the surface blood. If an unwashed piece of meat was salted with washed pieces of meat, (11) (16) the washed meat is mutar (permitted) and the unwashed piece is assur.*

In *halacha 2* the *Mechaber* speaks about a piece of meat that has been salted without doing a *hadacha rishona*. First let's review the six *Rishonim* that we learned in the first shiur.

Salting Without Hadacha Rishona

If one salted the meat without a *הדחה ראשונה* is there a way to remedy the situation so that the meat can be resalted? How does this match up with our six opinions of the *Pri Megadim*?

1. Ra'ah

According to the **Ra'ah** if the salt was left on for 12 or 24 hours it will not help to wash the meat off and salt it again because after 12 or 24 hours there is no “original” blood or *tzir* left in the meat to carry out the blood that moved back in from the surface. However, if you washed the salt off before 12 or 24 hours the meat is permitted.

2. Ran

According to the **Ran**, the meat can be washed, scrubbed or soaked until the surface is softened, and resalted. The first salting did not affect the meat.

3. Mordechai

According to the **Mordechai** nothing happened during the first salting. The meat can be washed and resalted.

4. Yaish Omrim in the Mordechai

According to the **Yaish Omrim** in the **Mordechai** since the meat was hard, the salt did not affect the meat. It can be washed and properly soaked and then resalted.

5. Smak

According to the **Smak**, the דם בעין went in and cannot come out. It cannot be washed and resalted.

6. Rosh

According to the **Rosh**, some blood moved back in from the surface but the meat can be washed and soaked and salted in order that the “original” blood carry out the blood that moved back in.

The M'kor of Halacha 2

The source of *halacha 2* starts with the **Tur**¹, who writes:

If one salts meat without הדחה ראשונה there are those that say that the meat can not be fixed even by resalting and there are those who matir (the meat if it is rinsed and salted a second time to remove the blood). This is the opinion of the Rosh.

The **Bais Yosef**² writes that the first opinion is the **Smak**. This means the *dom b'ain* went in and cannot be taken out. However in a *befsed m'rubeb* we can rely on the **Rosh** that rinsing and resalting will help.

¹ Page 108; page 65 in the Machon edition.

² Page 108, two lines from the bottom. Page 65 in the Machon edition.

Stam V'yaish Halacha K'stam

The **Mechaber** in *halacha 2* quotes both opinions: those that *asser* and those that *matir*. Who does he hold by? According to the *Pri Megadim* (see also Rav Ovadia Yosef in *Yalkut Yosef* Vol. 8, page 290) there is a principle when learning the **Mechaber** that is called **סתם ויש הלכה כסתם**. This means that if the *Mechaber* quotes a law “סתם” (general, the majority opinion) and then quotes “ויש” (someone, a minor opinion) the *halacha* is like the “סתם” opinion.

So we see that the **Mechabar** holds like those who say that the meat can be rinsed and resalted.

The **Pri Megadim** and **Machzik Bracha** (6) hold that the *Mechaber* retracted the *psak* (original decision) that he wrote in the **Bais Yosef**.³

However, according to the **Zivchey Tzedek** (69:29), **Kaf Hachaim** (Y”D 69:39, 69:45), **Ben Ish Chai** ⁴ and **Ohr L'tzion** ⁵ we are *chasbesh* (worry) for the **ש** and only permit in a *hefsed m'rubeb* situation.

The **Rama** in *halacha 2* says in a *hefsed m'rubeb* it is permitted. The **Shach** (12) says that the *Rama* permits the meat only by doing a proper *hadacha*, and salting it again.

The **Maharshal** ⁶ forbids rinsing and resalting the meat even in a *hefsed m'rubeb*.

The **Shach** (12) holds like the **Rama**.

Halacha L'ma'aseh

Halacha l'ma'aseh is that if one salted meat without doing a **הדחה ראשונה**, Ashkenazim who follow the *Rama* can only wash and resalt the meat in the case of a *hefsed m'rubeb*. Sephardim follow the *Mechaber*. Therefore, according to those holding like the **סתם** the *halacha* is that if one salted meat without doing a **הדחה ראשונה**, it can be washed and resalted in all cases. According to the other Sephardic *poskim*, it is only permitted in a case of *hefsed m'rubeb*.

³ See the last line in the first *Mishb'Zos Zahav* of the *Pri Megadim*.

⁴ שנה שניה פרשת טהרות (מצורע) אות י"ד

⁵ שו"ת חלק ב' מבוא ענף א' אות ט"ו

⁶ Quoted by the *Shach* 12; two lines from the bottom.

What Type of Salting Was Done

The **Rama** adds that a *hefsed m'rubeh* is needed even if only a small amount of salt was used – like we use for roasting (Meat can be koshered on the grill without using salt. According to the *Rama* the custom is to sprinkle some salt on the meat before roasting it).⁷

The **Taz** (8) gives two reasons why a little salt before הדחה ראשונה is a problem:

1. We are not expert enough to know the difference between what is called “a little salt” and “a lot of salt.”
2. Even a little bit of salt will cause some דם בעין to go into the meat, according to the **Smak**.

The **Rama** also adds that even if the salt was not left on for 18 minutes, it still is *assur* (unless there is a *hefsed m'rubeh*).

Roasting

The **Shach** (13) brings that the *Rama* writes in the *Darchai Moshe* that if it was salted less than 18 minutes even though it may not be cooked, it may be roasted. The *Shach* brings the **Maharshal** and **Bach** who argue and forbid the meat even to be roasted. The *Shach* agrees with the *Rama*. The **Taz** (76:5) *paskins* like the *Maharshal*. However, in a *hefsed m'rubeh* since resalting is *mutar* certainly it can be roasted.

The **Pri Megadim** adds that according to the *Shach* if only a small amount of salt was used it should also be *mutar* to roast but he leaves it as a *safek*. The **Pischai Tshuva** brings the **Tiferes L'Moshe** that says that the *Rama* only permits the meat to be roasted if it was both not salted for 18 minutes and if only a small amount of salt was used. The *Pri Megadim* says that in this case we can be *matir*.

Two Exceptions

CONTINUING IN THIS HALACHA THE RAMA SAYS

(10) *If the meat was only washed a little (i.e. superficially) before it was salted it is* **(14)** *permitted b'diavad. The same law applies* **(15)** *to meat that was 60 times greater than the surface blood.*

⁷ See *siman* 76 the first line in the *Rama*.

The first thing we see is that these two cases (washed superficially and 60) have the same *din*.

Washing superficially is sufficient according to the **Ra'ah**, the **Mordechai**, and the **Smak**. They are of the opinion that the reason we do a הדחה ראשונה is because of the blood that is on the surface of the meat. Sixty against the surface blood would only help according to the **Ra'ah** and **Smak**.

The **Taz** (10)⁸ and the **Shach** (14) both hold that even if it was not cooked yet, you do not need to wash it and resalt it.

R' Akiva Eiger⁹ argues with the *Shach* and *Taz* in the *p'sbat* (basic understanding) of the *Rama*. He says that one must wash and resalt the meat in these two cases. The last line of the *R' Akiva Eiger* states that if one did cook the meat without washing it and resalting, it would be permitted in the case of a *hefsed m'rubeh*.

The **Pri Megadim** also holds like *R' Akiva Eiger* that one must wash and resalt the meat in both cases.

Halacha l'ma'aseh is that we follow the opinion of *R' Akiva Eiger* and the *Pri Megadim* since they are the later *poskim* and because they concur in their opinion, even though they disagree with both the *Shach* and *Taz*.

Therefore, if one did a superficial הדחה ראשונה and salted the meat or if one did not do a *hadacha rishona* and there is 60 against the *dom b'ain*, one should go back and do a proper הדחה ראשונה and resalt the meat.

Hadacha Rishona With Cold Water

The **Bais Yosef** brings the *Mordechai* that says that cold water hardens the meat. The *Bais Yosef* says that this is only when the water is very cold and then the water should be warmed up to remove the chill.

R' Akiva Eiger says that if the הדחה ראשונה was done with very cold water and the meat was salted it is *mutar* according to all the *Rishonim* by washing and salting it again. According to those that hold that the הדחה ראשונה is because of the surface blood very cold water helps, and according to those that hold that meat must be softened you can wash and salt the meat a second time.

⁸ Also see the *Mishb'etzos Zahav* on this *Taz*, 4 lines from the top.

⁹ See the first line of his commentary on *Shach* 14.

If the meat was cooked without washing and salting it a second time then according to the *Taz* and *Shach* that we learned above that they rely *b'diavad* on the opinions that *הדחה ראשונה* is because of the surface blood then here also the meat would be *mutar*, and according to R' Akiva Eiger the meat is only *mutar* in a *behsed m'rubeh*.

Unwashed Meat Salted With Washed Meat

THE LAST PART OF THIS RAMA SAYS

If an unwashed piece of meat was salted with washed pieces of meat, (11) 16) the washed meat is mutar (permitted) and the unwashed piece is assur.

This **Rama** is teaching us that the *דם בעין* on the unwashed piece of meat will not *osser* the other pieces of meat it comes in contact with. The **Pri Megadim**¹⁰ explains that the reason is because the *דם בעין* dissolves to a certain degree during the salting process before coming into contact with the other pieces of meat and is no longer so “thick”, however it will immediately *osser* the piece of meat itself because it is not yet diluted when the salt was applied.

Review Questions

1. According to which opinion is meat that is salted without *הדחה ראשונה* *assur* even if it is washed and resalted?
2. What is the *din* in the above case according to the *Mechaber*, *Rama*, *Maharshah* and *Shach*?
3. What is the *din* if only a small amount of salt was used on unwashed meat? What are the reasons?
4. In what case can unwashed meat that was salted be roasted?
5. In what case is meat that was salted without being washed *mutar*?
6. Must another salting be done in the above case?
7. Why does salting *osser* the piece that was unwashed and not other pieces that were salted with it?

¹⁰ First line in the *Sifsai Das* 16

Questions on Shiurim

Question

Why does the **Vilna Gaon** (12) say that the *Yaish Osrin* is the *Ra'ab*? What forces him to choose the *Ra'ab* and not the *Smak*?

Answer

I have the same question. But look at the *Taz* (1) and you will see that even the *Taz* holds that the *Yaish Osrin* in the *Mechaber* is the *Ra'ab*, and look at the *Gilion Mabrsba* on that part of the *Taz*. Look also at the *Mishb'tzos Zahav siman 76:4* in the paragraph that begins וַדַּל. He brings that since we see that the *Mechaber* does not require *hadacha rishona* for *tzli* (roasting) and does not bring a *yesh osrim* it must be that he does not hold like the *Smak*. This is because according to the *Ra'ab* and the *Rosh* there is no problem because the blood will go into the fire and not back into meat. However, if the *yesh osrim* is the *Smak* and therefore the *issur* is *dom b'ain* then one would need *hadacha rishona* before *tzli* because just like by *Melicha* it goes in it will also go in by *Tzli*.

Question

According to the *Shach* and *Taz* if there was 60 against the *dom b'ain* it is *mutar* even with out washing and resalting. This can only be *mutar* according to the *Smak*. How can you say that the *Rama* can use the *Smak's* reasoning if the *Rama* also says that when the meat was not rinsed at all, it can be rinsed and salted a second time *b'hefsed m'rubeb*?

Answer

You are bringing out a good point. When we permit something in *hefsed m'rubeb* it means that that opinion is the *ikar hadin*. The **Binas Adam** (on the *Chachmas Adam*) *Klal 32* (27) answers that we are relying on the *Rosh* that the blood on the surface is *dom plaita* but we do not hold like the *Rosh* that the blood from inside the meat will go back in.

Question

According to the *Pri Megadim* and *Rav Akiva Eger*, the word *b'diavad* in the *Rama* means that the meat must still be washed again. Would this suggest that the **Rama** would say that *l'chatchila* the meat should be thrown out? Why?

Answer

B'diavad in *halacha* usually means that something is permitted after the fact. The *Rama* would not say to throw out the meat, this would be a waste. It is only when we talk about *hefsed merubab* that we are determining whether to throw out the food or not. You must be very careful with these *halachos* because if you tell someone that something is

kosher and it's not, they are unknowingly transgressing the Torah. And if you tell someone that something is not kosher and it is, then you are unnecessarily causing a loss of money. It is a big responsibility.

Question:

If I have a piece of meat that is not a *hefsed m'rubeh*, and there is 60 against the *dom b'ain* when I salted it, is the meat completely muter if I resalt it?

Answer:

R' Akiva Eiger and the **Krasi Uplasi** hold that the meat is *assur k'dai klipa* even after it is resalted. This is because since according to the *Smak* the *dam b'ain* will *osser* a *klipa*. The **Chavas Da'as** permits the entire piece of meat. The **Darchei Tshuva** (62) brings the **Yad Yehudah** who is *machmir*.

Question:

Where do we learn that in a case of unwashed meat that was salted, there is a difference between before 18 minutes, and after 18 minutes? there does not seem to be a *navka mina* between these 2 time periods according to any of the 6 opinions regarding *hadacha rishona*?

Answer

The **Minchas Yaakov** (5:4) says that the **Issur V'heter** holds that the surface blood is not true *dom b'ain* therefore roasting will take it out if it was not salted for 18 minutes.