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# Hilchos Melicha Shiur 2

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## 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 one salted the meat without washing it first, he should wash it and (7) salt it a second time. *V'yaish osrin*** (there are some authorities who hold that there is no way to permit this meat, even if one washed and salted it a second time.). *RAMA* This is the custom even if one used only **(8) a small amount of salt— like the amount used for roasting – 13) and even if the salt was not applied for “shiur melicha”.** **(9) However, in a case of *hefsek m'rubeh* we can permit it. (10) If one only washed the meat a little (i.e. superficially) before salting it, it is 14) permitted *b'diavad*. The same law applies 15) to meat that was 60 times greater than its 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* (forbidden).**

## Salting Without Hadacha Rishona

In halacha 2 the Mechaber speaks about salting a piece of meat without doing a *hadacha rishona* and whether it is possible to remedy the situation. Let's take a look at this halacha from the perspective of the six *Rishonim* whose opinions regarding the purpose of *hadacha rishona* we studied in the first shiur.

### 1. Ra'ah

According to the **Ra'ah**, who holds that *hadacha rishona* is for the purpose of washing off the surface blood since, if the surface blood was not washed off, all of the blood and *tzir* will flow out after 12/24 hours<sup>1</sup> and allow surface blood to become absorbed into the meat, if salt is left on for that period of time it will not help to wash the meat and salt it again. Because, as we mentioned, after 12/24 hours there is no “original”

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<sup>1</sup> As mentioned in the first shiur, there is a *machlokes* as to exactly how long it takes for the *tzir* to stop flowing out.

blood or *tzir* left in the meat to carry out the surface blood, resalting the meat will have no affect. However, if one washed the salt off before 12/24 hours, he may then wash and resalt the meat and it will be permitted.

## 2. Ran

According to the **Ran**, who holds that *badacha rishbona* is for the purpose of removing the hard crust on the surface of the meat to allow the salt to have its desired effect, one can wash, scrub or soak the meat until the surface is softened and resalt it. Because the surface crust was not removed, the original salting had no effect.

## 3. Mordechai

According to the **Mordechai**, who holds that *badacha rishbona* is for the purpose of removing the bloody grime on the surface of the meat so that the salt won't fill up with the grime and be unable to pull out the blood, the meat can be washed and resalted and it is permitted. Because the surface grime was not removed, the original salting had no effect.

## 4. Yaish Omerim in the Mordechai

According to the **Yaish Omerim** in the **Mordechai**, who hold that *badacha rishbona* is for the purpose of softening the meat so that the salt may enter and have its desired effect, the meat can be washed, properly soaked, and resalted and it is permitted. Because the meat was not softened, the original salting had no effect.

## 5. Smak

According to the **Smak**, who holds that the reason for *badacha rishbona* is to wash off the surface blood, which, in his view, is considered *dam b'ain* and will be driven into the meat immediately irrespective of the outgoing flow, this meat is forbidden and cannot be rectified through washing and resalting. Because the surface blood was not removed and was driven into the meat by the salt, it cannot be removed from the meat by resalting.<sup>2</sup>

## 6. Rosh

According to the **Rosh**, who holds (according to the Pri Megadim) that *badacha rishbona* is for the purpose of softening the meat so that the blood will flow out easily and not be drawn back into the meat, the meat may be washed, soaked, and resalted and it will

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<sup>2</sup> As mentioned in the first shiur, the reason for this is that *dam b'ain*, as its own entity, has a thicker consistency and cannot be removed by salting.

then be permitted. Although the meat wasn't softened and we suspect that some blood came out of the meat only to be drawn back inside, the blood that remained inside by the original salting will carry out the absorbed blood when salted again.

## The M'kor of Halacha 2

The source of *halacha 2* begins with the **Tur**<sup>3</sup>, who writes:

*If one salts meat without הדחה ראשונה, there are those that say the meat cannot be fixed even by resalting and there are those who permit (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**<sup>4</sup> writes that the first opinion is that of the **Smak** – we suspect that the blood on the surface, which is considered *dom b'ain*, went in and cannot be removed. However, in a case of *hefsed m'rubeh* we can rely on the **Rosh** who holds that rinsing and resalting will help.

## Stam V'yaish Halacha K'stam

The **Mechaber** in *halacha 2* quotes both opinions: those that *asser* and those that *matir*. In accordance with which *posek* does the Mechaber decide? According to the *Pri Megadim* (see also Rav Ovadia Yosef in *Yalkut Yosef* Vol. 8, page 290) there is a principle involved in learning the **Mechaber** which states *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.

According to this rule, we find that the **Mechabar** holds like those who say that you can rinse and resalt the meat (Rosh.)

The **Pri Megadim** and **Machzik Bracha** (6) hold that the *Mechaber* retracted the *psak* (original decision) that he wrote in the **Bais Yosef**, where he seems to say that the halacha is like the **Smak** and that we only rely in the opinion of the Rosh in a case of *hefsed m'rubah*.<sup>5</sup>

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<sup>3</sup> Page 108; page 65 in the *Machon* edition.

<sup>4</sup> Page 108, two lines from the bottom. Page 65 in the *Machon* edition.

<sup>5</sup> See the last line in the first *Misbb'tzos Zahav* of the *Pri Megadim*.

However, according to the **Zivchey Tzedek** (69:29), the **Kaf Hachaim** (Y"D 69:39, 69:45), the **Ben Ish Chai** <sup>6</sup> and the **Ohr L'tzion** <sup>7</sup> we are *choshesh* (concerned) for the **ש**, and only permit the meat in a case of *hefsed m'rubeh*.

The **Rama** in *halacha 2* says it is permitted in a case of *hefsed m'rubeh*. The **Shach** (12) clarifies that the *Rama* permits the meat only when one does a proper *hadacha* and salts it again.

The **Maharshal** <sup>8</sup> forbids rinsing and resalting the meat even in a *hefsed m'rubeh*.

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

### Halacha L'ma'aseh

*Halacha l'ma'aseh* (the practical law) is the following. If one salted meat without doing a **הדחה ראשונה**, **Ashkenazim** (who follow the *Rama*) can wash and resalt the meat to permit it only in a case of a *hefsed m'rubeh*.

**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**, he can wash and resalt it in all cases. According to the other Sephardic *poskim* it is only permitted in a case of *hefsed m'rubeh*.

## What Type of Salting Was Done

The **Rama** adds that in a case where *hadacha risbona* was not done, a case of *hefsed m'rubeh* is needed to permit the meat even if only a small amount of salt – like the amount we use for roasting – was used. (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).<sup>9</sup>

The **Taz** (8) gives two reasons why even this minimal amount of salt before **הדחה ראשונה** is a problem:

1. We are not expert enough to know what is considered “a little salt” and “a lot of salt.”

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<sup>6</sup> שנה שניה פרשת טהרות (מצורע) אות י"ד

<sup>7</sup> שו"ת חלק ב' מבוא ענף א' אות ט"ו

<sup>8</sup> Quoted by the *Shach* 12; two lines from the bottom.

<sup>9</sup> See *siman 76* the first line in the *Rama*.

2. Even a little bit of salt, according to the **Smak**, will cause some *דם בעין* to go into the meat.

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

### Roasting

The **Shach** (13) brings that the *Rama* writes in the *Darchai Moshe* that if one salted meat that had not undergone *hadacha rishona* but the salt only remained on the meat for less than 18 minutes, although you may not cook it, you may roast it. The *Shach* brings the **Maharshal** and **Bach** who argue and say that even roasting will not permit the meat. The *Shach* agrees with the opinion of the *Rama*. The **Taz** (76:5) *paskins* like the *Maharshal*. However, since in a case of *hefsed m'rubeh* it is *mutar* to resalt, one may certainly roast it as well.

The **Pri Megadim** suggests that according to the *Shach*, if only a small amount of salt was used (even if the meat was salted for more than 18 minutes), it should also be *mutar* to roast, but he leaves it as a *safek*. The **Pischai Tshuva** brings the **Tiferes L'Moshe** who writes that the *Rama* only permits one to roast the meat in a case where there were two reasons to be more lenient: the meat was not salted for 18 minutes *and* 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

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

We find that in these two cases - where one washed the meat superficially and the meat is 60 times greater than its surface blood - the *din* is the same: the meat is permitted *b'diavad*.

Washing superficially is sufficient according to the **Ra'ah**, the **Mordechai**, and the **Smak**. These authorities are of the opinion that the reason we do a *הדחה ראשונה* is to wash off the blood that is on the surface of the meat. However, sixty measures of meat against the surface blood will only help according to the **Ra'ah** and **Smak**.

The **Taz** (10)<sup>10</sup> and the **Shach** (14) both hold that even if the meat was not cooked yet, we do not need to wash and resalt it.

**R' Akiva Eiger**<sup>11</sup> argues with the *Shach* and *Taz* with regard to the *p'shat* (basic understanding) of the *Rama*. He is of the opinion that one must indeed wash and resalt the meat in these two cases. The last line of the paragraph in which *R' Akiva Eiger* brings this opinion states that if one cooked the meat without washing it and resalting, we would permit it in the case of a *befsed m'rubeh*.

The **Pri Megadim** holds one must wash and resalt the meat in both cases as well, in accordance with the opinion of *R' Akiva Eiger*.

### Halacha l'ma'aseh

We follow the opinion of *R' Akiva Eiger* and the *Pri Megadim* since they are the later *poskim*, even though they disagree with both the *Shach* and *Taz*.

Therefore, if one did a superficial *badacha rishona* and salted the meat, or if one did not do a *badacha rishona* at all and there is 60 measures in the meat against the *dom b'ain*, one should do a proper *badacha rishona* and resalt the meat.

## Hadacha Rishona With Cold Water

The **Bais Yosef** brings the *Mordechai* that says that cold water hardens the meat and thus should not be used for *badacha rishona*. The *Bais Yosef* says that this is only when the water is very cold. In such a case, one should warm up the water to remove the chill.

**R' Akiva Eiger** says that if one did הדחה ראשונה with very cold water and salted the meat, washing and salting it again would render it permissible according to all the *Rishonim*. For those who hold הדחה ראשונה is for the purpose of washing off the surface blood, very cold water helps to wash it off. For those who hold that you must soften the meat, its having been soaked in cold water does not prevent us from soaking (softening) and salting the meat a second time.

If one cooked the meat without washing and salting it a second time, then according to the *Taz* and *Shach* who, (as we learned above) rely *b'dianud* on the opinions that הדחה ראשונה is because of the surface blood, here, too, the meat would be *mutar*. According to *R' Akiva Eiger*, this meat is only *mutar* in a case of *befsed m'rubeh*.

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<sup>10</sup> Also see the *Mishb'otzos Zahav* on this *Taz*, 4 lines from the top.

<sup>11</sup> See the first line of his commentary on *Shach* 14.

## 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* (*forbidden*).

This **Rama** teaches us that the דם בעין on the unwashed piece of meat will not *asser* the other pieces of meat with which it comes into contact. The **Pri Megadim**<sup>12</sup> explains that the reason is when the salt is placed on the unwashed piece of meat, it immediately causes the דם בעין to dissolve to a certain degree before it touches the other pieces of meat. Since it is no longer as “thick”, it will not penetrate the other pieces of meat that had been washed properly. It will, however, immediately *asser* the unwashed piece of meat itself because the surface blood had not yet been diluted when the salt was applied.

### Review Questions

1. According to which opinion does meat that is salted without הדחה ראשונה remain *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 *asser* the piece that was unwashed and not other pieces that were salted with it?

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<sup>12</sup> 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 Zabav siman 76:4* in the paragraph that begins ונדע. 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. The *Minchas Yaakov* holds that the *Rama* holds that the surface blood is true *dom b'ain* and therefore even less than 18 minutes, the meat can not be roasted. However, the *Shach* that learns that the *Rama* permits the meat less than 18 minutes to be roasted will hold that the surface blood is not true *dom b'ain*.