The Kornitzer Family Edition

ערוך השולחן

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הלכות איסור והיתר

סימנים ק'–ק"י · כרך ב'

Aruch HaShulchan

by Rabbi Yechiel Michel HaLevi Epstein

Av Beis Din of Novardok (1829–1908)

Issur v'Heter — Vol. 2 — Yoreh De'ah 100–110

With interlinear translation, comparative halachah
from classical and modern poskim
and a practical summary of every siman

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A NOTE ON METHODOLOGY

The Nature of this Work

This volume presents an original English elucidation and commentary, prepared through a combination of advanced language and translation technology and experienced human editorial oversight. The methods employed were carefully configured to adhere to Orthodox Jewish *hashkafa* and to preserve fidelity to the original Hebrew text, and portions of the work were reviewed by an experienced translator and editor of Torah literature. Even so, this edition does not carry the authority of a translation prepared and certified by a full team of rabbinic scholars.

Usage and Limitations

This translation is intended as a tool to help advanced learners access the depth of the original work. It is **not** intended to replace the original Hebrew source, nor to serve as a substitute for study under a qualified teacher.

Because the nuance of Torah study often transcends any single method of preparation, we ask the reader to keep two things in mind:

1. **Verification:** Any novel insight, ruling, or conclusion drawn from this translation should be checked against the original Hebrew.
2. **Consultation:** All practical questions or derived lessons should be discussed with and verified by a qualified rabbinic authority before being relied upon.

The goal of this edition is to make these teachings accessible to a wider audience, but the responsibility for accurate understanding and practical application remains with the reader.

BS"D

This volume of the Kornitzer Edition of the *Aruch HaShulchan*—presenting the original Hebrew text together with a faithful English translation and practical *Piskei Dinim*—is dedicated to the eternal memory of

Frida bas Tziyon Hasis z"l
Rochel bas Michoel Kahalon z"l

and

Eliyahu ben Amos Kahalon z"l**,**

the beloved grandparents of Mrs. Reut Kornitzer, and the cherished great-grandparents of Yosef Yitzchak, Uriel, Yoav Alexander, and Eidel Rose Kornitzer.

Authored by Rabbi Yechiel Michel Epstein (1829–1908), the *Aruch HaShulchan* stands among the greatest codifications of *halachah*, uniquely weaving together the teachings of the *Talmud*, the *Rishonim*, the *Shulchan Aruch*, and later authorities into a clear and living guide for Jewish practice. Combining extraordinary breadth of scholarship with remarkable practical wisdom, it has served for generations as a trusted companion for *rabbanim*, *dayanim*, and students of Torah, illuminating not only the principles of *halachah* but their faithful application in everyday life.

It is our hope that this Kornitzer Edition, through its faithful translation and carefully organized *Piskei Dinim*, will enable even more students of Torah to appreciate the depth, clarity, and practical guidance of this timeless work, thereby strengthening the study and observance of *halachah* in homes and communities throughout the world.

May the merit of learning this *sefer* serve as an everlasting *zechus* for the *neshamos* of Frida bas Tziyon Hasis z"l, Rochel bas Michoel Kahalon z"l, and Eliyahu ben Amos Kahalon z"l, whose lives continue to inspire their family through enduring examples of faith, kindness, and devotion.

May this effort also serve, in some small measure, toward fulfilling the longing so often expressed by the Lubavitcher Rebbe—that through the ever-increasing dissemination of Torah, illuminated and made accessible to every Jew, we hasten the true and complete *Geulah*. Then we will once again be reunited with our loved ones and merit to learn Torah from the great sages of every generation, speedily in our days, with the coming of *Moshiach*, ממש.

utensils one should not be stringent at all, if he is concerned about [losing] the pot.

LATER AUTHORITIES

When may vessels be used after a forbidden one was nullified?

Sources ***Poskim uTeshuvot*** YD 102:1

Whenever a forbidden vessel is permitted to be nullified among other vessels, the group should ordinarily remain unused for twenty-four hours. The wait removes the Torah-level taste prohibition without expense, so the vessels have a temporary *matir* even when the mixed-in vessel is earthenware. A caterer or another owner facing substantial loss from the delay has room to use them sooner.

§19 כָּתְבוּ הָרִאשׁוֹנִים דְּכָל הֵיכָא שֶׁהַמַּאֲכָל עָתִיד לְהִתְקַלְקֵל לֹא שַׁיָּיךְ דשיל"מ — **The Rishonim wrote that wherever the food is destined to spoil, [the rule of] a *davar sheyesh lo matirin* does not apply,** דְּדַוְקָא בֵּיצָה וְהַדּוֹמֶה לָהּ דִּכְשֶׁתִּשָּׁאֵר לָעֶרֶב לֹא תִּתְקַלְקֵל שַׁיָּיךְ דשיל"מ אֲבָל תַּבְשִׁיל שֶׁאִם יַמְתִּין תִּתְקַלְקֵל לֹא שַׁיָּיךְ בָּזֶה דשיל"מ [רַשְׁבָּ"א וְרָ"ן וּמָרְדְּכַי רֵישׁ בֵּיצָה] — **for only with an egg and the like, which will not spoil if left until the evening, does [the rule of] a *davar sheyesh lo matirin* apply; but a cooked dish which would spoil if he waits — [the rule of] a *davar sheyesh lo matirin* does not apply to it (Rashba, Ran, and Mordechai, beginning of Beitzah).** וּמִמֵּילָא דפשטי"ד וְכֵיוָצֵא בָּזֶה גַּ"כ לֹא שַׁיָּיךְ דשיל"מ דְּוַדַּאי יְאַבֵּד טַעֲמוֹ דְּאֵינוֹ טוֹב אֶלָּא כְּשֶׁהוּא חַם כַּיָּדוּעַ — **Consequently, [the rule of] a *davar sheyesh lo matirin* likewise does not apply to a *pashtida* and the like, for it will certainly lose its flavor, since it is good only when hot, as is known.** וְלֶחֶם כָּתְבוּ הָרִאשׁוֹנִים דְּאֵינוֹ מִתְקַלְקֵל בְּהַמְתָּנָה — **And regarding bread, the Rishonim wrote that it is not ruined by waiting.** וְיֵרָאֶה לִי דְּזֶהוּ רַק בְּלֶחֶם מַצָּה וּגְלוּסְקָאוֹת וְכֵיוֹצֵא בָּהֶם אֵינָם מִתְקַלְקְלִים אֲבָל לֶחֶם חִטָּה חָמֵץ יָדוּעַ שֶׁבַּיּוֹם הַשֵּׁנִי אֵינוֹ בְּטַעְמוֹ כְּבַיּוֹם שֶׁנֶּאֱפָה בּוֹ ולענ"ד שֶׁאֵין דָּנִין בּוֹ גַּ"כ דִּין דשיל"מ — **And it appears to me that this applies only to matzah bread and fine loaves and the like, which are not ruined; but as for leavened wheat bread, it is known that on the second day it is not of the same flavor as on the day it was baked, and in my humble opinion we do not apply the law of a *davar sheyesh lo matirin* to it either.** וּלְפִ"ז אִם עֵירְבוּ בֵּיצָה שֶׁנּוֹלְדָה בְּיוֹ"ט עִם שְׁנֵי בֵּיצִים אֲחֵרִים וְעָשׂוּ בָּזֶה פַּשְׁטִידָא אוֹ נָתְנוּם בָּעִיסָה נִתְבַּטְּלָה בְּרוֹב — **Accordingly, if they mixed an egg laid on Yom Tov with two other eggs and made a *pashtida* with it, or put them into dough, it is nullified by a majority.** אֲבָל אִם רַק בְּבֵיצָה זוֹ לְבַדָּהּ עָשׂוּ מַאֲכָל צָרִיךְ שִׁשִּׁים דְּבָשְׁאֵינוּ מִינוֹ נֶהְיֶה דְּאֵין דָּנִין בּוֹ דִּין דשיל"מ אֲבָל שִׁשִּׁים מִיהָא צָרִיךְ — **But if they made a dish with this egg alone, sixty is required; for with a different kind, granted that we do not apply the law of a *davar sheyesh lo matirin* to it, sixty is nevertheless required.** וְיֵרָאֶה לִי דַּאֲפִילּוּ לַטַּעַם שֶׁכָּתַבְנוּ בְּסָעִיף א' בְּטַעַם דשיל"מ שֶׁהוּא מִפְּנֵי הַדִּימּוּי ולפ"ז מַה לָּנוּ אִם הַמַּאֲכָל מִתְקַלְקֵל אִם לָאו מ"מ לֹא גָּזְרוּ בְּמָקוֹם שֶׁמִּתְקַלְקֵל הַמַּאֲכָל — **And it appears to me that even according to the reason we wrote in seif 1 for [the rule of] a *davar sheyesh lo matirin*, that it is because of the resemblance — according to which what would it matter to us whether the food spoils or not — nevertheless they did not decree where the food spoils.** [וְרָאָיָה לָזֶה שֶׁהֲרֵי הָרָן הוּא בַּעַל סְבָרָא זוֹ וְהוּא כָּתַב דִּין זֶה בְּרֵישׁ בֵּיצָה ועכרו"פ שֶׁכָּתַב דָּוְקָא שֶׁמִּתְקַלְקֵל הַרְבֵּה וצ"ע:] — **(And a proof for this is that the Ran is the author of this reasoning, and he wrote this ruling at the beginning of Beitzah. And see the Kreisi U'Pleisi,**

who wrote that [the leniency applies] only where it spoils considerably; and this requires study.)

LATER AUTHORITIES

Is reheating a cooled dish counted as a loss?

Sources ***Pri To'ar*** YD 102:5

Cooling while one waits for a later *matir* does not ordinarily remove the stringency of a *davar sheyesh lo matirin*. The ***Pri To'ar*** treats the cost of reheating as a minor expense, not the substantial loss required for leniency. The mixture therefore remains forbidden until its *matir* arrives.

LATER AUTHORITIES

May one rely on bitul for oneg Shabbos?

Sources ***Poskim uTeshuvot*** YD 102:ט

Authorities dispute whether losing *oneg Shabbos* removes the stringency of a *davar sheyesh lo matirin*. Where enough other food is available, the mixture must wait. ***Poskim uTeshuvot*** permits relying on the lenient side only in a *sha'as hadchak*, such as when the household lacks sufficient food or guests otherwise have nothing with which to be honored.

LATER AUTHORITIES

How much spoiling permits relying on nullification?

Sources ***Kaf HaChaim*** YD 102:19; ***Pri To'ar*** YD 102:5

Authorities dispute how much deterioration removes the status of a *davar sheyesh lo matirin*. The ***Kaf HaChaim*** and many others require the food to spoil completely; slight decline in quality is insufficient. The ***Pri To'ar*** is more lenient, and the practical synthesis cited by ***Poskim uTeshuvot*** permits ordinary nullification when the deterioration is serious enough that people generally object to it strongly.

EARLIER AUTHORITIES

Does the loss of a mitzvah remove the stringency?

Sources ***Chasam Sofer*** YD 252; ***Poskim uTeshuvot*** YD 102:ט

If waiting for the later *matir* would cause a mitzvah opportunity to be lost, the item is not treated as a *davar sheyesh lo matirin*. The ***Chasam Sofer*** and other authorities equate spiritual loss with monetary loss; even losing the opportunity to perform the mitzvah at its proper earliest time can qualify. The item is then nullified by the ordinary measure.

§20 כָּתַב רַבֵּינוּ הָרַמ"א הָא דְּדָבָר שֶׁיֵּל"מ אֵינוֹ בָּטֵל הַיְינוּ דַּוְקָא אִם הָאִיסּוּר בְּעַיִן אוֹ שֶׁיֵּשׁ עֲדַיִין מַמָּשׁוּת הָאִיסּוּר בְּתַעֲרוֹבוֹת אֲבָל טַעְמוֹ בָּטֵל עכ"ל — Our teacher the Rema wrote: [The rule] that a *davar sheyesh lo matirin* is not nullified applies specifically if the prohibited substance is present in its own right, or if there is still substance of the prohibited item in the mixture; but its taste is nullified. וְזֶה שֶׁנִּתְבָּאֵר דְּלִיבְנוּ בָּהּ מַאֲכָל אֵינוֹ בָּטֵל מִקְרֵי מַמָּשׁוֹ שֶׁל אִיסּוּר — And that which was explained, that where they whitened a dish with it it is not nullified — that is called the substance of the prohibited item. הַאֲמָנָם לְפִי דְּבָרָיו זֶה שֶׁנִּתְבָּאֵר דִּכְלִי אִיסּוּר שֶׁנִּתְעָרֵב בְּכֵלִים אֵין דָּנִין דִּין דשיל"מ לְפִי שֶׁצָּרִיךְ לְהוֹצִיא עָלָיו הוֹצָאוֹת לָמָּה לָנוּ טַעַם זֶה הָא בָּזֶה הֲוָה וַדַּאי רַק טַעְמוֹ וְלֹא מַמָּשׁוֹ — However, according to his words: that which was

explained, that a forbidden utensil which became mixed with [other] utensils is not judged under the law of a *davar sheyesh lo matirin* because he must incur expense for it — why do we need this reason? For in this case it is certainly only its taste and not its substance! אֶלָּא מִדְּכָתְבוּ הָרִאשׁוֹנִים טַעַם הַהוֹצָאוֹת ש"מ דְּלָא ס"ל הַךְ דִּינָא — Rather, from the fact that the Rishonim wrote the reason of expense, it is evident that they do not hold this ruling. מִיהוּ מִזֶּה אֵין רְאָיָה כָּל כָּךְ שֶׁהֲרֵי הַבָּלוּעַ אוֹסֵר הַקְּדֵרָה לְבַשֵּׁל בּוֹ וְהַקְּדֵרָה הוּא בְּעַיִן — However, from this there is not much of a proof, since the absorbed substance renders the pot forbidden for cooking in it, and the pot is present in its own right. אָמְנָם גְּדוֹלֵי אַחֲרוֹנִים הֵבִיאוּ רְאָיוֹת הַרְבֵּה דְּאַף טַעְמוֹ אוֹסֵר בדשי"ל [שָׁ"דְ סק"ט וב"ח ופר"ח] — However, the great later authorities brought many proofs that even its taste forbids in the case of a *davar sheyesh lo matirin* (Shach sk. 9, Bach, and Pri Chadash). וְיֵשׁ מִי שֶׁכָּתַב דְּזֶה שֶׁכָּתַב דְּטַעְמוֹ אֵינוֹ אוֹסֵר כַּוָּונָתוֹ כְּשֶׁנִּלְקַח כָּל הָאִיסּוּר בִּשְׁלֵימוּת וְרַק טַעְמוֹ נִשְׁאַר שָׁם דבכה"ג בָּטֵל אֲבָל בְּנִימּוֹחַ הָאִיסּוּר אַף שֶׁאֵינוֹ נִיכָּר אֵינוֹ בָּטֵל [כרו"פ סקי"ג וכ"מ בט"ז סק"ט] — And there is one who wrote that when he wrote that its taste does not forbid, his intent is where the entire prohibited item was removed intact and only its taste remained there, in which case it is nullified; but where the prohibited item dissolved, even though it is not recognizable, it is not nullified (Kreisi U'Pleisi sk. 13, and so it appears in the Taz sk. 9). אֲבָל מִלְּשׁוֹן רַבֵּינוּ הָרַמְ"א לֹא מַשְׁמַע כֵּן וְכֵן בֵּיאֵר לְהֵדְיָא בְּסִפְרוֹ תּוֹרַת חַטָּאת דְּכֹל שֶׁנִּימּוֹחַ וְאֵינוֹ בְּעַיִן בָּטֵל [וְהֵבִיאוֹ הַשָּׁ"דְ שָׁם] — But from the language of our teacher the Rema this is not implied, and so he explained explicitly in his work Toras Chatas: that whatever dissolved and is not present in its own right is nullified (the Shach cited it there). וְיֵשׁ שֶׁהִכְרִיעוּ כֵּן לְדִינָא דְּכְשֶׁנִּלְקַח הָאִיסּוּר בָּטֵל [כרו"פ וח"ד סק"ד]: — And some decided so as the halachah: that when the prohibited item was removed it is nullified (Kreisi U'Pleisi and Chavas Daas sk. 4).

LATER AUTHORITIES

May pareve food with nullified milk be eaten with meat?

Sources ***Poskim uTeshuvot*** YD 102:ד

Pareve food into which a small amount of milk fell and was already nullified may be eaten with meat. Milk and the pareve food are different kinds, and the ability to eat the food without meat is not a future *matir* for eating it with meat. ***Poskim uTeshuvot*** therefore applies the ordinary nullification already achieved.

EARLIER AUTHORITIES

May the other eggs be eaten when the forbidden egg is recognizable?

Sources ***Shulchan Aruch HaRav*** OC 513:5; ***Shach*** YD 102:9; ***Mishnah Berurah*** 513:8

If an egg laid on Yom Tov remains recognizable after being cooked with other eggs, the ***Shulchan Aruch HaRav*** forbids that egg alone and permits the others when they contain sixty against it. He follows the view that the special stringency applies to forbidden substance, not to emitted taste alone. The ***Bach***, ***Shach***, and other authorities forbid even the taste; the ***Mishnah Berurah*** relies on the lenient view for great need or to prevent loss of *simchas Yom Tov*.

§21 ולענ"ד נִרְאֶה בְּכַוָּונָתוֹ דְּוַדַּאי כְּשֶׁדָּרְךְ הַדָּבָר הַזֶּה שֶׁלֹּא לְהִיוֹת מַמָּשׁוֹ שֶׁל אִיסּוּר שָׁם — כְּמוֹ בְּחָדָשׁ כְּשֶׁעָשׂוּ מֵהַשְּׁעוֹרִים שֵׁכָר אוֹ שֶׁלִּיבְּנוּ מַאֲכָל בְּבֵיצָה וכה"ג הָוֵי טַעְמוֹ כְּמַמָּשׁוֹ

And in my humble opinion it appears, regarding his intent, that certainly where it is the way of this matter that the substance of the prohibited item not be present there — as with *chadash*, where they made beer from the barley, or where they whitened a dish with the egg, and the like — its taste is like its substance. אָמְנָם אִם דֶּרֶךְ הַדָּבָר הַזֶּה לִהְיוֹת מַמָּשׁוֹ שָׁם וְכֵן נִתְעָרֵב אַךְ אַחַ"כ נִמְחָה לְתוֹךְ הַהֵיתֵר בָּטְלָה הַהֲשִׁיבוּת — However, if it is the way of this matter that its substance be present, and it indeed became mixed [in that form] but afterwards dissolved into the permitted [food], its significance is nullified. הָא לְמָה זֶה דּוֹמֶה לִבְרִיהּ וחה"ל כְּשֶׁנִּתְרַסְּקוּ בָּטְלָה הָאִיסּוּר בְּתַעֲרוֹבוֹת וְכֵן נָמֵי בדשיל"מ — To what is this comparable? To a *beriah* and a piece fit to be served, which, when they have been crushed, the prohibition is nullified in the mixture; and so too with a *davar sheyesh lo matirin*. וְאע"ג דְּדָבָר שיל"מ אֵינוֹ מִצַּד חֲשִׁיבוּת מ"מ הָא בָּעֵינַן שֶׁיִּקָּרֵא עַל שֵׁם דָּבָר הָאָסוּר כמ"ש בְּסוֹף סְעִיף א' — And although a *davar sheyesh lo matirin* is not [forbidden] on account of significance, nevertheless we require that [the mixture] be called by the name of the forbidden item, as written at the end of seif 1, וּבכה"ג לֹא נִקְרָא כְּלָל עַל שְׁמוֹ וַהֲוָה כְּמִין בְּשֶׁאֵינוֹ מִינוֹ דְּאֵין בּוֹ דִּין דשיל"מ מִטַּעַם זֶה — and in such a case it is not called by its name at all, and it is like a species with a different kind, to which the law of a *davar sheyesh lo matirin* does not apply for this very reason. [וּבָזֶה א"ש כָּל מַה שֶּׁהִקְשׁוּ הַשָּׁ"ךְ וְהפר"ח וְגַם רְאָיוֹת הָרַמ"א מטא"ח סי' תקי"ג וְעוֹד מְקוֹמוֹת טוֹבִים וּנְכוֹחִים ע"ש ודו"ק]: — (And with this all the difficulties raised by the Shach and the Pri Chadash are well resolved, and the Rema's proofs from Orach Chaim Siman 513 and other places are sound and correct; see there and examine it carefully.)

§22 עוֹד כָּתַב וְכֵן אִם אֵין אִיסּוּרוֹ מֻחְמַת עַצְמוֹ בָּטֵל — He further wrote: And likewise, if its prohibition is not on account of itself, it is nullified. וְלָכֵן חֲתִיכָה שֶׁלֹּא נִמְלְחָה תּוֹךְ ג' יָמִים אע"פ שי"א דְּמִקְרֵי דשיל"מ הוֹאִיל וּמְוֻתֶּרֶת לְצָלִי אֲפִילּוּ הָכִי בְּטֵילָה דְּאֵין אִיסּוּרָהּ אֶלָּא מֻחְמַת דָּם הַבָּלוּעַ בָּהּ עכ"ל — Therefore a piece [of meat] that was not salted within three days — even though some say it is called a *davar sheyesh lo matirin* since it is permitted for roasting — is nevertheless nullified, for its prohibition is only on account of the blood absorbed in it. וְכָל גְּדוֹלֵי אַחֲרוֹנִים דָּחוּ דְּבָרָיו דְּרַק בחה"ל יֵשׁ חִילּוּק בֵּין אִיסּוּר בְּעֵין לְבֵין אִיסּוּר בָּלוּעַ מִשּׁוּם דְּהָאִיסּוּר הַבָּלוּעַ אֵינוֹ רָאוּי לְהִתְכַּבֵּד — And all the great later authorities rejected his words, for only with a piece fit to be served is there a distinction between a prohibited substance present in its own right and an absorbed prohibited substance, because the absorbed prohibited substance is not fit to be served [before guests]; אֲבָל בדשיל"מ אֵין טַעַם לְחַלֵּק בָּזֶה דְּסוֹף סוֹף הוּא חֲתִיכַת אִיסּוּר וּבִיכְלָתוֹ לְאוֹכְלָהּ בְּהֵיתֵר — but with a *davar sheyesh lo matirin* there is no reason to distinguish in this, for ultimately it is a forbidden piece and he is able to eat it in a permitted manner. וְהַפּוֹסְקִים שֶׁהִתִּירוּ בַּחֲתִיכָה שֶׁלֹּא נִמְלְחָה תּוֹךְ ג' יָמִים הִתִּירוּ מִטַּעַם אַחֵר מִטַּעַם דְּזֶה לָא מִקְרֵי דשיל"מ מַה שֶּׁהִיא מְוֻתֶּרֶת לְצָלִי כֵּיוָן דִּלְצָלִי לֹא נֶאֶסְרָה מֵעוֹלָם — And the authorities who permitted in the case of a piece that was not salted within three days permitted for a different reason: that its being permitted for roasting is not called a *davar sheyesh lo matirin*, since for roasting it was never forbidden. וּכְמוֹ דְּאָמְרִינַן בִּיבָמוֹת [פב.] דִּתְרוּמָה לֹא נִקְרָא דשיל"מ מִטַּעַם שֶׁמְּוּתָּר לְכֹהֵן כֵּיוָן שֶׁלְּהַכֹּהֵן לֹא נֶאֱסַר מֵעוֹלָם וה"נ דִּכְוָותֵיהּ אֲבָל לֹא מִפְּנֵי שֶׁהוּא אִיסּוּר בָּלוּעַ: — Just as we say in Yevamos (82a) that terumah is not called a *davar sheyesh lo matirin* on the grounds that it is

permitted to a kohen, since to the kohen it was never forbidden — so too here, correspondingly; but not because it is an absorbed prohibition.

LATER AUTHORITIES

Must all pieces be re-salted when unsalted meat mixed in?

Sources ***Poskim uTeshuvot*** YD 102:ד

If a piece of meat that was never salted became mixed with salted pieces, all the pieces must be salted again. ***Poskim uTeshuvot*** permits relying on ordinary nullification only when salt is unavailable or the repeated salting would cause *hefsed merubah*. Thus the obligation to re-salt is the default, not an absolute rule under loss conditions.

§23 ולענ"ד נִרְאֶה דְּגַם בְּדִין זֶה טַעְמוֹ בָּרוּר דְּכֵיוָן דְּהָאִיסּוּר הוּא רַק בָּלוּעַ מִמֵּילָא דְּאֵין הַדָּבָר נִקְרָא עַל שֵׁם הָאִיסּוּר הַבָּלוּעַ אֶלָּא עַל שֵׁם הַדָּבָר הַנִּבְלָע בּוֹ — And in my humble opinion it appears that in this ruling too his reasoning is clear: since the prohibition is only absorbed, consequently the item is not named after the absorbed prohibited substance but after the item in which it was absorbed, כְּמוֹ חֲתִיכַת בָּשָׂר שֶׁלֹּא נִמְלְחָה דְּאֵין קוֹרְאִין אוֹתָהּ חֲתִיכַת דָּם אֶלָּא חֲתִיכַת בָּשָׂר וְאֵין הַדָּבָר נִקְרָא עַל שֵׁם הָאִיסּוּר — such as a piece of meat that was not salted, which is not called a piece of blood but a piece of meat; and the item is not named after the prohibition. וּמִמֵּילָא דַּהֲוָה כְּאִינּוּ מִינוֹ דְּמִטַּעַם זֶה אֵין בּוֹ מִשּׁוּם דשיל"מ וה"נ דִּכְוָותֵיהּ — Consequently it is like a different kind, to which for this reason [the rule of] a *davar sheyesh lo matirin* does not apply; and so too here, correspondingly. וְעוֹד אֵיךְ אֶפְשָׁר לִהְיוֹת שֶׁהַדָּבָר שֶׁהָאִיסּוּר בָּלוּעַ בּוֹ יִהְא חָמוּר מֵהָאִיסּוּר עַצְמוֹ — And furthermore, how is it possible that the item in which the prohibition is absorbed should be more stringent than the prohibited substance itself? וַהֲרֵי הַדָּם הַנִּבְלָע בְּבָשָׂר זֶה אִם הָיָה בְּתַעֲרוֹבוֹת עִם בָּשָׂר כָּשֵׁר לֹא הָיִינוּ דָנִין בּוֹ דִּין דשיל"מ שֶׁהוּא מִין בְּשֶׁאֵינוֹ מִינוֹ — For the blood absorbed in this meat, had it been in a mixture with kosher meat, we would not have applied the law of a *davar sheyesh lo matirin* to it, because it is a species with a different kind; וְאֵיךְ אֶפְשָׁר שֶׁהַבָּשָׂר הַנִּבְלָע מֵהַדָּם יִהְיֶה חָמוּר מֵהַדָּם עַצְמוֹ — so how is it possible that meat which has absorbed the blood should be more stringent than the blood itself? וְזֶה שֶׁלֹּא כָּתַב הַטַּעַם מִשּׁוּם דִּלְצָלִי לֹא נֶאֱמַר מֵעוֹלָם י"ל דס"ל דְּגַם בכה"ג מִקְּרֵי דשיל"מ — And as for the fact that he did not write the reason that for roasting it was never forbidden — one may say that he holds that even in such a case it is called a *davar sheyesh lo matirin*, וְלָא דָּמֵי לִתְרוּמָה דִּבְשֵׁם שְׁנֵי אֲנָשִׁים הֵם וְאֵיךְ נֹאמַר שֶׁיִּקָּרֵא לְיִשְׂרָאֵל דשיל"מ בִּשְׁבִיל שֶׁמְּוּתֶּרֶת לְכֹהֵן — and it is not comparable to terumah, for there they are two [different] people, and how could we say that it should be called a *davar sheyesh lo matirin* for the Israelite because it is permitted to a kohen? אֲבָל הָכָא בְּחַד גַּבְרָא הוּא וְלָמָּה לוֹ לְאָוכְלוֹ מְבֻשָּׁל יֹאכְלֶנּוּ צָלִי [וְסָבָרָא זוֹ כָּתַב הָרַ"ן בִּנְדָרִים נב. ע"ש]: — But here it is one and the same man, and why should he eat it cooked? Let him eat it roasted! (And the Ran wrote this reasoning in Nedarim 52a; see there.)

§24 עוֹד כָּתַב כָּל אִיסּוּר שֶׁלֹּא הָיָה נִיכָּר קוֹדֶם שֶׁנִּתְעָרֵב הָוֵי בָּטֵל אע"פ שֶׁהוּא דשיל"מ עכ"ל — He further wrote: Any prohibited substance that was not recognizable [as such] before it became mixed is nullified, even though it is a *davar sheyesh lo matirin*. כְּגוֹן גִּיגִית מְלֵאָה עֲנָבִים בְּעוֹטִים וְהָיָה בּוֹ הַרְבֵּה יַיִן צָלוּל קוֹדֶם הַשַּׁבָּת מוּתָּר לִיקַּח בְּשַׁבָּת מִן הַיַּיִן — For example, a vat full of trodden grapes which contained much clear wine before Shabbos — it is permitted to take from the wine on Shab-

ואע"פ שֶׁיּוֹצֵא גַּם עַתָּה יַיִן מֵהָעֲנָבִים מִתְבַּטֵּל הַיַּיִן בְּהַיַּיִן שֶׁיָּצָא כְּבָר וְאֵין בּוֹ מִשּׁוּם bos, דשיל"מ מַאַחַר שֶׁלֹּא הָיָה עָלָיו שֵׁם יַיִן בפ"ע מֵעוֹלָם — and even though wine is emerging from the grapes now as well, the [new] wine is nullified in the wine that had already emerged, and [the rule of] a *davar sheyesh lo matirin* does not apply to it, since it never bore the name of wine on its own. וְכֵן חָבִית מְלֵאָה עֲנָבִים שְׁלֵמִים וּמְמַלְּאִים הֶחָבִית בְּמַיִם לַעֲשׂוֹת תְּמָד וְהָעֲנָבִים מִתְבַּקְּעִים לְאַחַר זְמַן וְיָצָא כָּל הַיַּיִן מָוֹתָר לִימָּשֵׁךְ מִמֶּנּוּ בְּשַׁבָּת לִשְׁתּוֹת — And likewise a barrel full of whole grapes which they fill with water to make *temed*, and the grapes burst after a time and all the wine came out — it is permitted to draw from it on Shabbos to drink, לְפִי שֶׁמְּעַט הַיַּיִן שֶׁיּוֹצֵא בְּשַׁבָּת מִתְעָרֵב וּמִתְבַּטֵּל עִם הַיַּיִן שֶׁיָּצָא כְּבָר וְלֹא הָיָה נִיכָּר בפ"ע מֵעוֹלָם וְכֵן כָּל כַּיּוֹצֵא בָּזֶה — because the small amount of wine that emerges on Shabbos becomes mixed and nullified with the wine that had already emerged, and it was never recognizable on its own; and so too all similar cases. וּכְבָר הִקְשׁוּ עַל דִּין זֶה מִמַּה שֶּׁמָּצִינוּ לְהֵיפֶךְ דְּכָל דָּבָר שֶׁלֹּא הָיָה נִיכָּר מֵעוֹלָם בפ"ע לֹא שַׁיָּיךְ בּוֹ בִּיטּוּל — And they already raised a difficulty against this ruling from what we find to the contrary, that anything that was never recognizable on its own is not subject to nullification at all, כְּמוֹ בִּיבָמָה שֶׁרָּקְקָה דָּם דְּכָשֵׁר מִשּׁוּם דא"א בְּלֹא צַחְצוּחֵי רוֹק וְלָא אָמְרִינַן שֶׁיִּתְבַּטֵּל הָרוֹק הַמּוּעָט בְּהַדָּם הַמְרֻבֶּה לְפִי שֶׁלֹּא הָיָה כָּל אֶחָד נִיכָּר מִקּוֹדֶם בפ"ע וּבָאוּ בְּתַעֲרוֹבֶת וְלֹא שַׁיָּיךְ בָּזֶה בִּיטּוּל כמ"ש באה"ע סִי' קס"ט ע"ש [עמל"מ פ"א מִמִּשְׁכָּב ומוֹשָׁב הֲל' י"ד ובנוב"ת סנ"ד] — as in the case of a *yevamah* who spat blood, which is valid because it is impossible [for the blood to come] without traces of saliva, and we do not say that the small amount of saliva is nullified in the large amount of blood, because neither one was previously recognizable on its own but they came [into being together] in a mixture, and nullification does not apply in such a case, as written in Even HaEzer Siman 169 (see there) — (see Mishneh LaMelech, ch. 1 of Mishkav U'Moshav, halachah 14, and Noda BiYehudah, Second Edition, §54). וּכְבָר בֵּאַרְנוּ בָּזֶה באה"ע שָׁם סָעִיף נ"ז וּלְעֵיל סִי' י"ד לְחַלֵּק בֵּין דָּבָר שֶׁעָצֶם הַבְּרִיאָה כֵּן הוּא דְּוַדַּאי מִתְבַּטֵּל הַמּוּעָט בִּמְרֻבֶּה וְרַק בְּדָם וְרוֹק אֵינוֹ מִתְבַּטֵּל לְפִי שא"צ לִהְיוֹת כֵּן וְאֵין חֲשִׁיבוּת בְּהַמְרֻבֶּה שֶׁיְּבַטֵּל הַמּוּעָט ע"ש — And we already explained this in Even HaEzer there, seif 57, and above in Siman 14, distinguishing between something whose very nature is such — where the smaller amount is certainly nullified in the larger — while with blood and saliva it is not nullified, because it need not be so and there is no significance in the larger amount that it should nullify the smaller (see there). וּבְכָאן יֵשׁ עוֹד לְהַתִּיר מִטַּעַם רִאשׁוֹן רִאשׁוֹן בָּטֵל [כרו"פ סק"ח] — And here there is a further basis to permit, on account of [the principle that] each [drop] is nullified as it enters (Kreisi U'Pleisi sk. 8), וְגַם אֵין לָזֶה שֵׁם בפ"ע וְלָכֵן לְעִנְיַן דשיל"מ הָוָה כְּמִין וְשֶׁאֵינוֹ מִינוֹ וכמ"ש: — and also this has no name of its own, and therefore with regard to a *davar sheyesh lo matirin* it is like a species with a different kind, as written.

LATER AUTHORITIES

Is water added to an urn on Shabbos nullified?

Sources ***Poskim uTeshuvot*** YD 102:ג'; ***Lehoros Nosson*** 10:40

If water was added to a boiling urn on Shabbos and became forbidden as *ma'aseh Shabbos*, it is nullified when the urn already contained sixty times that amount. The cooking prohibition arose only after the new water had mixed with the old, so this is a prohibition born within a mixture. If users added water unknowingly because a public urn was accidentally left in weekday mode, later authorities classify the act as *misasek* and permit the water once the appliance is corrected, even without sixty.

EARLIER AUTHORITIES

May wine be drunk from a vat of grapes on Shabbos?

Sources ***Shulchan Aruch HaRav*** OC 320:4

When grapes in a vat containing wine burst on Shabbos, each amount of newly released wine is nullified in sixty in the wine already present, according to the ***Shulchan Aruch HaRav***. The new liquid did not bear the name wine before entering the mixture, so its *muktzeh* status arose only after it was mixed. The wine in the vat may therefore be drunk on Shabbos.

§25 עוֹד כָּתַב מִי שֶׁנָּדַר עַל דָּבָר אֶחָד וְנִתְעָרֵב אַחַ"כ לְדִידֵיהּ מִקְרֵי דשיל"מ דְּהָא אֶפְשָׁר לִישָׁאֵל עַל נִדְרוֹ עכ"ל — He further wrote: One who vowed concerning a certain item, and it afterwards became mixed — for him it is called a *davar sheyesh lo matirin*, since it is possible to seek release from his vow. וְהִנֵּה בְּנֶדֶר לִזְמַן א"צ סְבָרָא זוֹ דִּכְשֶׁיַּעֲבוֹר הַזְּמַן מִמֵּילָא יִהְיֶה מֻותָּר וּפְשִׁיטָא דְּהָוֵי דשיל"מ — Now, in the case of a vow for a set time, this reasoning is unnecessary, for when the time passes it will automatically become permitted, and it is obvious that it is a *davar sheyesh lo matirin*; אֶלָּא אֲפִילּוּ בְּנֶדֶר לְעוֹלָם וְהָיִיתִי אוֹמֵר דְּמִטַּעַם הַשְׁאָלַת נֶדֶר לָא מִקְרֵי דשיל"מ מִפְּנֵי שֶׁיֵּשׁ בָּזֶה טִירְחָא קמ"ל דְּלָא — rather, [he means] even in a vow made forever, where I might have said that on account of seeking release from a vow it is not called a *davar sheyesh lo matirin* because this involves exertion — he teaches us that it is not so. וְהַטַּעַם מִפְּנֵי שֶׁיֵּשׁ מִצְוָה לִישָׁאֵל עַל נֶדֶר דְּלָא נִיחָא לֵיהּ לְהקב"ה בִּנְדָרִים כְּמוֹ שֶׁיִּתְבָּאֵר בְּסִי' ר"ג — And the reason is because there is a mitzvah to seek release from a vow, since vows are not pleasing to the Holy One, Blessed is He, as will be explained in Siman 203. וְלָכֵן נ"ל בְּנֶדֶר שֶׁלַּדָּבָר מִצְוָה לָא מִקְרֵי דשיל"מ שֶׁהֲרֵי אֵין מִצְוָה בְּהַשְׁאָלַת נִדְרוֹ וְגַם אֵינוֹ בְּהַתָּרָה כְּמוֹ שֶׁיִּתְבָּאֵר בְּסִי' רכ"ח ע"ש — Therefore it appears to me that a vow made for the sake of a mitzvah is not called a *davar sheyesh lo matirin*, since there is no mitzvah in seeking release from his vow, and it is also not subject to annulment, as will be explained in Siman 228 (see there). וְכֵן כְּשֶׁאָסַר עַל חֲבֵירוֹ לָא הָוֶה לַחֲבֵירוֹ דשיל"מ שֶׁהֲרֵי אֵין בְּיָדוֹ לִשְׁאוֹל: — And likewise, where he forbade [something] upon his fellow, it is not a *davar sheyesh lo matirin* for his fellow, since it is not in his power to seek release.

LATER AUTHORITIES

Is a vow made in distress a davar sheyesh lo matirin?

Sources ***Poskim uTeshuvot*** YD 102:יד; ***Meshiv Davar*** 2:48

A vow made in a time of distress, or an ordinary vow of mitzvah or tzedakah, is not treated as a *davar sheyesh lo matirin*, because one may not ordinarily seek its annulment. The mixture is therefore subject to ordinary nullification. If halachah permits annulling a mitzvah vow in the particular case - for example, to redirect funds to a higher-priority need - the available annulment can restore the *davar sheyesh lo matirin* stringency.

EARLIER AUTHORITIES

Is food another forbade by vow a davar sheyesh lo matirin?

Sources ***Pri To'ar*** YD 102:10; ***R' Akiva Eiger***, Chiddushim to YD 102

When a person forbade his food to others by a vow, the food is not a *davar sheyesh lo matirin* for them because they cannot seek annulment; if it mixes into their food, ordinary nullification applies. If the person included himself in the vow as well, ***R' Akiva Eiger*** rules that the mixture is not nullified even for the others, because the vow has a *matir* for the person who made it.

§26 כָּתַב הָרַמְבַּ"ם בפט"ו דין ט' חָמֵץ בְּפֶסַח וְכוּ' אֵינוֹ בִּכְלָלוּת אֵלּוּ אִיסּוּרִים שֶׁמִּתְבַּטְּלִים לְפִי שֶׁאֵין הַתַּעֲרוֹבֶת אֲסוּרָה לְעוֹלָם שֶׁהֲרֵי לְאַחַר הַפֶּסַח תִּהְיֶה כָּל הַתַּעֲרוֹבֶת מֻתֶּרֶת וְכוּ' עכ"ל — The Rambam wrote in chapter 15, halachah 9: Chametz on Pesach, etc., is not included among these prohibitions that are nullified, because the mixture is not forbidden forever, since after Pesach the entire mixture will be permitted, etc. וס"ל דְּחָמֵץ בְּפֶסַח מִקְרֵי דשיל"מ — He thus holds that chametz on Pesach is called a *davar sheyesh lo matirin*. אֲבָל הַמָּרְדֳּכַי כָּתַב בפ"ב דְּפְּסָחִים דְּכֵיוָן דִּבְפֶסַח הַבָּא יַחֲזוֹר לְאִיסּוּרוֹ לָא מִקְרֵי דשיל"מ ע"ש — But the Mordechai wrote in chapter 2 of Pesachim that since on the following Pesach it will revert to its prohibited status, it is not called a *davar sheyesh lo matirin* (see there). וְרַבֵּינוּ הָרַמָ"א הֵבִיא שְׁתֵּי הַדֵּעוֹת וְלֹא הִכְרִיעַ — And our teacher the Rema cited both opinions and did not decide between them. ונ"ל שֶׁתְּלוּיִ בִּשְׁנֵי הַטְּעָמִים שֶׁכָּתַבְנוּ בְּטַעַם דשיל"מ — And it appears to me that it depends on the two reasons we wrote for [the rule of] a *davar sheyesh lo matirin*: דְּלְטַעַם שֶׁכָּתַבְנוּ דְּלָמָּה לוֹ לֶאֱכוֹל בְּאִיסּוּר כֵּיוָן שֶׁאִם יַמְתִּין יֹאכְלֶנּוּ בְּהֶיתֵּר בְּוַדַּאי הֲוָה חָמֵץ דשיל"מ שֶׁהֲרֵי יָכוֹל לְאָכְלוֹ אַחַר הַפֶּסַח בְּהֶיתֵּר וּמַה לָּנוּ שֶׁבְּפֶסַח הַבָּא יַחֲזוֹר לְאִיסּוּר — for according to the reason we wrote — why should he eat it in a prohibited manner when, if he waits, he will eat it in a permitted manner — chametz is certainly a *davar sheyesh lo matirin*, since he can eat it after Pesach in a permitted manner; and what does it matter to us that on the following Pesach it will revert to being forbidden? אֲבָל לְטַעַם שִׁוּוּי הַדְּבָרִים לָא מִקְרֵי דשיל"מ דְּאֵין בָּהֶם שִׁוּוּי כֵּיוָן שֶׁלְּעוֹלָם הוּא עוֹמֵד שֶׁיַּחֲזוֹר לְאִיסּוּר הֲוָה כְּאִיסּוּר וְהֶיתֵּר וּבָטֵל — But according to the reason of the equivalence of the items, it is not called a *davar sheyesh lo matirin*, for there is no equivalence between them: since it always stands to revert to being forbidden, it is like a prohibited and a permitted [item together], and it is nullified. וְאֶפְשָׁר דְּגַם לְטַעַם רִאשׁוֹן י"ל דְּלָא הֲוָה דשיל"מ מִשּׁוּם דְּרַבָּנָן לֹא הֶחְמִירוּ שֶׁלֹּא לְבַטֵּל רַק כְּשֶׁהַהֶיתֵּר נִשְׁאָר לְעוֹלָם וְלֹא מַה שֶּׁיַּחֲזוֹר לְאִיסּוּרוֹ — And it is possible that even according to the first reason one may say that it is not a *davar sheyesh lo matirin*, because the Rabbis were stringent that it not be nullified only where the permitted status remains forever, and not where it will revert to its

prohibited status. וּפָשׁוּט הוּא דְּמַיְירֵי בְּאוֹפֶן שֶׁלֹּא יִתְקַלְקֵל הַמַּאֲכָל אֲבָל כְּשֶׁיִּתְקַלְקֵל הַכֹּל מוֹדִים דְּאֵין זֶה בִּכְלַל דשי"ל מ כמ"ש — And it is obvious that this deals with a case where the food will not spoil; but where it would spoil, all agree that this is not included in [the category of] a *davar sheyesh lo matirin*, as written. וְיֵשׁ שֶׁרוֹצִים לוֹמַר דְּהָרַמְבַּ"ם לֵית לֵיהּ כְּלָל הַהִיתֵּר מִקִּלְקוּל הַמַּאֲכָל וְאֵינוֹ מְוכָרָח — And some wish to say that the Rambam does not hold this leniency of the food spoiling at all, but this is not compelling. וְיֵשׁ שֶׁהִכְרִיעַ כְּהָרַמְבַּ"ם [יש"ש] אֲבָל רוֹב הַפּוֹסְקִים הִכְרִיעוּ כְּהַמָּרְדְּכַי [מג"א סִי' תמ"ז סק"מ] — And there is one who decided in accordance with the Rambam (Yam Shel Shlomo), but most of the authorities decided in accordance with the Mordechai (Magen Avraham, Siman 447, sk. 40). וְכֵן מַשְׁמַע מִדִּבְרֵי רַבּוֹתֵינוּ בַּעֲלֵי הש"ע בא"ח שָׁם וְשָׁם יִתְבָּאֵר בס"ד [עש"ך סקי"ג וסקי"ד ואכ"מ] וְע' סוֹף בֵּיצָה וצ"ע: — And so it is implied from the words of our teachers, the authors of the Shulchan Aruch, in Orach Chaim there, and it will be explained there with God's help (see the Shach sk. 13 and sk. 14; and this is not the place [to elaborate]). And see the end of Beitzah; and this requires study.

EARLIER AUTHORITIES

Is chametz that mixed in on erev Pesach nullified?

Sources ***Toras Chatas***, kelal 74:9; ***Rambam***, Ma'achalos Asuros 15:9

The ***Toras Chatas*** and many later authorities rule that *chametz* mixed into permitted food on erev Pesach after midday is nullified by the ordinary measure; the practical conclusion follows them. The ***Rambam*** and ***Yam Shel Shlomo*** treat it as a *davar sheyesh lo matirin* and disagree. During Pesach itself, *chametz* forbids even in the smallest amount for its independent Pesach stringency, regardless of this dispute.

§27 וְיֵרָאֶה לִי דִּלְעִנְיַן אִיסּוּר חָדָשׁ כְּשֶׁנִּתְעָרֵב קוֹדֶם הַפֶּסַח חִטִּים שֶׁנִּזְרְעוּ בַּקַּיִץ שֶׁהָעוֹמֶר הֶעָבַר לֹא הִתִּירָם בְּחִטִּים הַרְבֵּה שֶׁנִּזְרְעוּ בַּחוֹרֶף הַקּוֹדֵם שֶׁהָעוֹמֶר הֶעָבַר הִתִּירָם — And it appears to me that with regard to the prohibition of *chadash*: when, before Pesach, wheat sown in the summer — which the past Omer did not permit — became mixed with much wheat sown the preceding winter, which the past Omer did permit, וְעָשׂוּ מֵהֶם קֶמַח סוֹלֶת וּלְתִתוֹ חִטִּים שֶׁאֲפִילּוּ אוֹתָם הַנִּזְרָעִים בְּאִיסּוּר חָדָשׁ — and they made flour and fine meal from them, and the wheat had been moistened — יְכוֹלִים לֶאֱכוֹל הַמַּעֲרוֹבוֹת קוֹדֶם הַפֶּסַח אֲפִילּוּ לְדַעַת הָרַמְבַּ"ם — then even those who are careful about the prohibition of *chadash* may eat the mixture before Pesach, even according to the Rambam's view. שֶׁהֲרֵי כְּשֶׁהָיוּ חִטִּים נִתְבַּטֵּל הֶחָדָשׁ בְּרוֹב הַיָּשָׁן כְּדִין יָבֵשׁ בְּיָבֵשׁ שֶׁבָּטֵל בְּרוֹב — For when they were [still whole] wheat kernels, the *chadash* was nullified in the majority of old [grain], as is the law of dry with dry, which is nullified by a majority, וְאֵין כָּאן דשי"ל שֶׁהֲרֵי כֵּיוָן דְּהַחִטִּים נִלְתְּתוּ הֲרֵי הֵם כְּחָמֵץ וּכְשֶׁיַּגִּיעַ הַפֶּסַח יֶאֱסְרוּ — and there is no *davar sheyesh lo matirin* here, since once the wheat was moistened it is like chametz, and when Pesach arrives they will become forbidden; וְגַם לְאַחַר הַפֶּסַח לֹא יִהְיֶה לָהֶם הֶיתֵּר דְּרַק תַּעֲרוֹבֶת חָמֵץ מָוּתָּר לְאַחַר הַפֶּסַח אֲבָל לֹא חָמֵץ בְּעַיִן: — and after Pesach too they will have no permitted status, for only a mixture of chametz is permitted after Pesach, but not chametz present in its own right.

LATER AUTHORITIES

Is chadash mixed into chametz nullified in sixty?

Sources ***Poskim uTeshuvot*** YD 102:ד

Chadash grain or flour mixed with *yashan* is ordinarily a *davar sheyesh lo matirin*, because it becomes permitted after the sixteenth of Nissan. If the mixture is *chametz* that may not be retained until then, waiting would cause violation of *bal yera'eh*. ***Poskim uTeshuvot*** therefore applies ordinary nullification in sixty.

§28 כָּתַב רַבֵּינוּ הָרֶמָ"א דְּלָא מִקְרֵי דשיל"מ אא"כ הָוֹתַר לְמִי שֶׁנֶּאֱסַר אֲבָל אִם נִשְׁאַר לְאֶחָד לְעוֹלָם אָסוּר אע"ג שֶׁמּוּתָּר לַאֲחֵרִים כְּגוֹן הַמְבַשֵּׁל בְּשַׁבָּת לָא מִקְרֵי דשיל"מ עכ"ל — Our teacher the Rema wrote that it is not called a *davar sheyesh lo matirin* unless it becomes permitted to the one for whom it was forbidden; but if it remains forever forbidden to one person, even though it is permitted to others — such as one who cooks on Shabbos — it is not called a *davar sheyesh lo matirin*. כְּלוֹמַר דקיי"ל בא"ח סי' שי"ח דְּהַמְבַשֵּׁל בְּשַׁבָּת בְּמֵזִיד אָסוּר לוֹ לְעוֹלָם וּמֻתָּר לַאֲחֵרִים בְּמוֹצָאֵי שַׁבָּת — That is to say, we hold in Orach Chaim Siman 318 that one who cooks on Shabbos deliberately — [the food] is forbidden to him forever and permitted to others after Shabbos. וְלָכֵן אִם נִתְעָרֵב הַמַּאֲכָל בְּשַׁבָּת אָסוּר לַאֲחֵרִים דִּלְדִידְהוּ הָוֵי דשיל"מ אֲבָל לְדִידֵיהּ מֻתָּר דְּהָא לְדִידֵיהּ לֹא יוֹתֵר לְעוֹלָם — Therefore, if the food became mixed on Shabbos, it is forbidden to others, since for them it is a *davar sheyesh lo matirin*; but for him it is permitted, since for him it will never become permitted. וְיֵשׁ מִי שֶׁרוֹצֶה לוֹמַר דְּדַוְקָא בְּנִתְעָרֵב אַחַר שַׁבָּת מֻתָּר לוֹ כֵּיוָן שֶׁאֵין לוֹ מַתִּירִין אֲבָל בְּנִתְעָרֵב בְּשַׁבָּת אָסוּר גַּם לוֹ מִפְּנֵי שֶׁהוּא דשיל"מ לַאֲחֵרִים לְפִיכָךְ גַּם לוֹ אָסוּר [מג"א שָׁם סק"ב] — And there is one who wishes to say that only where it became mixed after Shabbos is it permitted to him, since [then] it has no means of becoming permitted; but where it became mixed on Shabbos it is forbidden to him as well, because it is a *davar sheyesh lo matirin* for others, and therefore it is forbidden to him too (Magen Avraham there, sk. 2). וְהַדָּבָר תָּמוּהַּ הָא הָוֵי דּוֹמְיָא דִּתְרוּמָה שֶׁבִּסְעִיף כ"ב — But this is astonishing, for it is analogous to the terumah [case] in seif 22: since for him it is not a *davar sheyesh lo matirin*, what does it matter to me if for others it is a *davar sheyesh lo matirin*? דִּכְיָון דִּלְדִידֵיהּ לָא הֲוָה דשיל"מ מַה לִּי אִם לַאֲחֵרִים הֲוָה דשיל"מ [כרו"פ וח"ד ומ"ש המג"א מִבִּכּוּרִים אֵין רְאָיָה דְּהָתָם הֲוָה מִפְּנֵי יְרוּשָׁלַיִם]: — (Kreisi U'Pleisi and Chavas Daas. And what the Magen Avraham wrote from *bikkurim* is no proof, for there it was because of Jerusalem.)

LATER AUTHORITIES

May one eat dairy when unsure six hours passed?

Sources ***Darkei Teshuvah*** YD 89:5; ***Poskim uTeshuvot*** YD 102:ד

One who is genuinely unsure whether six hours have passed since eating meat may eat dairy, according to the authorities applying the ***Tzlach***. Waiting does not make this a *davar sheyesh lo matirin*, because dairy is a repeatable use available both now and later, rather than a food that would otherwise be consumed only once. The underlying leniency for the factual doubt is governed by the rules of waiting after meat.