

VI) Defining a Mixture

Is it permissible to select a book from a bookcase on Shabbat? Is one permitted to take a piece of meat out of sauce? Is it permissible to strain the oil from a can of tuna or sardines? Is one permitted to spill out the whey which has accumulated on top of sour-milk? Is it permissible to move a coat in a closet in order to get to one hanging behind it? How may one sort spoons and forks well in advance of a meal?

It is clear that to be liable for *borer* (selecting), there must be a mixture, or *ta'arovef*. There is certainly no problem with clearing a plate off the table, even if this is done for the next morning, despite the usual requirement of immediate use to permit an act of *bereira* (selection). The **Tosefta** (16:9 in the Lieberman edition; 17:6 in the standard edition) says so explicitly:

One may pick scattered fruits one by one and eat them. If fruits are mixed with fruits, one may select and eat... If one selects each type on its own, or if one picks out dirt and pebbles, one is liable.

In other words, there is no prohibition of *borer* with **scattered** fruit. Only when "fruits are mixed with fruits" is the prohibition of *borer* applicable (so that one can become liable for it). This is also clear in the formulation of the **Rambam** (8:13), who writes "If two types of food **are mixed together** before one..." The **Bei'ur Halakha** (319:3, s.v. *Le'ekhol miyad*) interprets the Rambam's words:

It appears that there is not even a rabbinical prohibition... as is implied by the language of the Rambam and the Shulchan Arukh who specify that "two types of food are mixed together before one," etc. – implying that if they are not mixed together, *borer* is inapplicable to selecting one type from another.¹

SEPARATE AND RECOGNIZABLE PIECES

In his *Responsa* (Ch. 57), the Terumat Ha-deshen discusses pieces of fish which are laid out on one plate or platter **separately**: is the prohibition of *borer* applicable in this case? According to him, there is a logical argument to be lenient in this case:

It would be strange to apply *bereira* to large pieces of distinct and separate types which are sitting in the same place. Consider the language of the Mordekhai... who writes, "Thus, a person must be careful with types of fruits that are mixed," etc. — implying that only when they are blended and no longer distinct [is *borer* applicable]. However, in a case like this, even though each type is not arranged on its own, they are not considered to be mixed. Nevertheless, since the

¹ Though the **Rambam** and the **Bei'ur Halakha** discuss two types of food, the definition of the mixture must ostensibly be the same when it comes to *okhel* and *pesolet*.

Semag writes that one who selects *pesolet* from *okhel* — even if one does so for immediate use — is liable, we may not make this distinction and rule leniently without compelling proof.

Ultimately, the **Terumat Ha-deshen** rules that since we are talking about a Torah prohibition, we should not be lenient without a clear proof; we must not permit *borer* unless we are talking about one type. The **Rema** (319:3) rules accordingly:

Two types of fish are called two types of food, and it is forbidden to select one from the other except by hand in order to eat them immediately, **even though the pieces are large and each one is distinct.**

According to this, a *ta'aroret* is not only a fully-blended mixture; even large items which are situated next to each other, each of which is distinct in its own right may carry the classification of *ta'aroret*.²

Lone Pieces

However, some Acharonim have limited the words of the **Rema**. The **Arukh Ha-shulchan** (319:17) writes that only where there are many pieces is it considered a *ta'aroret*.

However, if one has four or five pieces, taking a piece or two is not called *bereira*. These are everyday occurrences: one has on a platter [pieces of] beef and chicken — for they are certainly two types — and the hostess takes chicken off the platter to put it away for the next morning... In fact, if we propose to apply the law of *bereira* every time we encounter two types of food together, even if they are few in number, it would be impossible to live, and Heaven forbid that we say such a thing!

According to him, this stringency is only logical when the large, distinct pieces are numerous, not few. Consequently, it would seem that if one is clearing the silverware off a table and is holding just one knife, one spoon and one fork, there is no problem to set down each in its place in the silverware drawer.

Books in a Bookcase

The **Shevitat Shabbat** (*Borer, Be'er Rechovot*, 25) limits the **Rema's** stringency from another direction:

The Terumat Ha-deshen is talking about items that are mixed together randomly and are in each other's way, a situation wherein one cannot take a piece until one removes the other from the platter... However,

² See Ayil Meshullash, Ch. 4, for more on the issue of defining a *ta'aroret*.

when each is sitting in its place — e.g., books which are arranged in a box or fruits laid out on a board — and not sitting on top of another, *bereira* is not applicable.

This ruling limits the stringency of the **Rema** and the **Terumat Ha-deshen** to a situation wherein one must move an unwanted item in order to reach a wanted item. Consequently, **books in a bookcase with visible titles** are not in a *ta'arovet*, so *borer* does not apply.³ The same would apply to articles of clothing lying next to each other that are easily identifiable; only a pile of socks or a heap of books would be considered a true *ta'arovet*.

A Piece in Liquid

In a similar way, the **Shevitat Shabbat** (ibid., 11) allows taking large pieces out of liquids.

If flies fall into a cup, one must not remove the flies alone, because this is like selecting *pesolet* from *okhel*, which is forbidden... This is true only of flies and the like, as sometimes they sink and become blended in to the drink; when it comes to large, noticeable items, however, such as meat sitting in sauce or vegetables pickled in brine, we have not found that taking them out of the liquid would be *bereira*.

According to this, one may remove a **piece of meat from soup or gravy**, since there is no *ta'arovet*. Other Acharonim (**Az Nidberu**, Vol. IV, Ch. 21; **Chiddushim U-vei'urim**, Shabbat, Ch. 14, 17) agree that the prohibition of *borer* does not apply to large pieces in liquid and that it is permitted to remove the piece or the liquid — even using a utensil, such as the lid of a pot or a can.

All this is true for large pieces, but **small pieces which are difficult to remove** are considered to be in a *ta'arovet*, and one must avoid selecting them. Therefore, it is permitted to drain oil the out of a can of (whole) sardines, but it is forbidden to drain it out of a can of tuna (which is cut into small pieces). For the same reason, one must not remove water from a can of peas or corn and the like (unless one pours out the peas and corn as well). Similarly, one may pour out the water from a jar of pickles, but not from a jar of olives.

A TA'AROVET AT THE POINT OF CONTACT

Sometimes, the two types are not totally blended but are only touching at a given point. In such a situation, only the point of contact is considered a *ta'arovet*, so one may remove either *okhel* or *pesolet* as long as one does not directly affect that part.

³ According to **Rav Elyashiv** (cited by the **Ayil Meshullash**, Ch. 18, n. 15), even if the title is not visible, if one can recognize the book clearly, there is no *ta'arovet* or prohibition of *bereira*.

An example of this is the cream on top of the milk. As the Mishna Berura (319:62) writes:

Skimming the cream floating on top of the milk is included in *borer*, so one must be careful when one is approaching the level of the milk to leave a bit [of the cream], and then it is permitted... Alternatively, one may take a bit of the milk along with the cream [but to take only the cream and none of the milk is forbidden — even if one intends to eat it immediately — since one is removing it with the spoon].

According to this, only at the exact point where the cream meets the milk is there a *ta'arovet*, separating it from a different point involves no act of *bereira*. Similarly, the Mishna Berura (*ibid.*, 55) forbids pouring out fat which is floating on top of gravy, unless one also spills out some gravy.

Rav Neuwirth, in *Shemirat Shabbat Ke-hilkhata* (3:19), rules that one may not pour the whey off of sour-milk and yogurt, unless one also pours off some of the sour-milk. However, this is questionable. Firstly, sometimes the sour-milk is hard, in which case the whey is totally separate. Indeed, Rav Moshe Feinstein (*Iggerot Moshe*, Vol. IV, Ch. 74, *Borer*, 6) allows one to take the "skin" off of the milk, since it is separate from the milk, as opposed to the cream.

Is there a distinction between removing the "skin" on pasteurized milk and removing cream which is floating on milk...?

Answer: It is obvious that removing this "skin" is permissible, because it is totally separate from the milk. This is easier to permit than [the removal of] the skin of garlic or onions, at the end of Ch. 321, because [this "skin"] is edible, and it is not comparable to the Magen Avraham's cream, which is a liquid which has congealed somewhat... This tiny bit of cream on top of all milk is as much a liquid as the milk below it.

Secondly, it may be that most people eat the sour-milk with the whey, and if so, this should apparently be considered one type (because the whey is part of the sour-milk), and there would be no prohibition of *borer*.⁴

Cantaloupe and Watermelon Seeds

Concerning cantaloupe **seeds**, Rav S.Z. Auerbach (cited in *Shemirat Shabbat Ke-hilkhata*, Ch. 3, n. 94) rules:

The seeds which can be easily removed from the cantaloupe are not mixed at all [with the flesh of the cantaloupe]... Even when it comes to the individual seeds which are left, one may still note that these seeds are not adhering and attached [to the flesh], but merely sitting on top of

⁴ We should add that according to the Maharitatz (Ch. 203, cited by the Ba'er Heitev, 319:2), there is no prohibition of *borer* in a dry-liquid mixture; this case may fall into that category.

it. There is no need for discernment in order to remove them, as one requires in removing the cream from the milk and the like, so it is logical that there would be no prohibition of *bereira*, and in any case it would be permissible immediately before the meal.

According to him, even at the point of contact, the seeds and the flesh are not considered mixed, and one may dispose of the seeds normally. (The same applies to the top layer of watermelon seeds; see Az Nidberu, Volume I, Chapter 26.) One may even be lenient with the few seeds that remain on the cantaloupe. However, he recommends waiting until right before the meal, which allows us to enlist those who permit *bereira* when there is no other way to get to the fruit.

A LAYERED MIXTURE

The **Bei'ur Halakha** (319:3, s.v. *Le-ekhol miyad*) expresses some doubts as to whether a layered mixture is a *ta'arovet*. At first he presents a lenient view:

When there is one type and another type below it on a plate, and one removes the upper layer in order to get to the lower layer... it appears that there would not even be a rabbinic prohibition... As the language of the Rambam and Shulchan Arukh indicates — "If two types of food **are mixed together** before one" — there is no problem in selecting one from the other if the types are not mixed.

However, later on, he equivocates:

One may want to insist and claim that since each type is not arranged alone, they are considered mixed and *bereira* applies. Nevertheless, it appears that one should be stringent only regarding removing a layer from above with intent to leaving it for a later point... but if one has no such intent and is simply removing this layer in order to get to the type below, this in no way falls into the category of *borer*. Furthermore, consider the ruling of the Shulchan Arukh above, 316:7, permitting trapping a snake if one is only trying to prevent it from biting... since one does not care about the hunting itself and simply wants to distance it from him, it is not considered to be a Torah *melakha*. The same applies here when one wants to remove a layer just to get at what is below. Separating *pesolet* out of *okhel* is different, because the *okhel* is improved through one's *bereira*, but that is not the case here, as the lower type is not improved all through this separation.

According to him, the *melakha* of *borer* in the context of a normal *ta'arovet* is forbidden for two reasons: 1) the very separation between *okhel* and *pesolet* and 2) the result of the *bereira*: fixing the *okhel*. With a layered mixture, on the other hand, only the first issue exists, while the second issue, fixing the *okhel*, is not relevant, since in point of fact the types are not truly mixed together, and removing one is not considered a true *tikkun* of the other.

Based on this, the Bei'ur Halakha writes here (also see Mishna Berura ibid., 15) that in a layered mixture **it is permitted to remove the upper type in order to get to the lower type**. An action such as this is not considered to be **selection and separation** between two things, because the person is totally uninterested in the upper type. One's sole aim is to **remove that which impedes access to the lower level**; thus, there is no *tikkun*, because there is no true *ta'arovef*, and the lower type is not improved thereby.⁵

Since neither aspect of the prohibition of *borer* exists here, this act cannot be regarded as *bereira*, and it would be permitted even if one does not intend to use the lower type immediately (as Rav Chayim Kanievsky, cited by the Ayil Meshullash, Ch. 4, n. 77, writes), as long as one's aim is not to sort or to set aside the upper level, but simply to remove the lower level.

The view of the Bei'ur Halakha indicates that one is allowed to do this only with a **layered mixture**. When it comes to an **absolute mixture**, on the other hand, even if one is uninterested in the *pesolet* and is only removing it in order to get to the *okhel*, there is still a **prohibition of borer**. Though there is no **selection and separation**, there is a **tikkun of the okhel**, and therefore it is forbidden. Only with a layered mixture may one remove the unwanted layer.⁶ This is true even if the upper layer is **true pesolet**, since the same logic applies (as Rav Chayim Kanievsky, cited by the Ayil Meshullash, Ch. 4, n. 82, writes).

A Pile of Books or Papers

One may not sort a pile of books, but one is allowed to remove books on top in order to get to a book on the bottom (even if one must remove many books until one gets to the desired volume). For example, one may have numerous prayer-books and desire to separate it by rite (Ashkenazic vs. Sephardic), or one may want to separate prayer-books from *Chumashim*. Based on what we have seen, this act is problematic (even though one may take away the upper volumes in order to get to the desired book), and therefore it is preferable simply to put the books in the bookcase without

5 The Bei'ur Halakha equates this to trapping a snake to prevent it from biting, which all opinions allow, since one is not interested in the snake at all and only wants to keep it away, so that it is not a *melakha* at all (316:7). According to him, although generally there is a rabbinic prohibition and one is permitted to do so only in a case of danger, in our case one should permit it in the first place since one may enlist the view that a layered mixture is not a *ta'arovef* at all. (Recall that the Terumat Ha-deshen was inclined to say this, ruling stringently only because of the possible Torah violation, which is not relevant here.)

6 Logically, one may suggest that even with a regular mixture such an action is not considered to be the *melakha* of *bereira*, since the person simply wants to reach the desired object, and any other effect is inadvertent. See also the Misgeret Ha-shulchan (notes to 80:16, cited by the Shevitat Shabbat, *Borer, Be'er Rechovet*, 27) who writes that when one has a heap of clothing, one may remove clothes on top in order to reach clothing on the bottom, since this is similar to peeling fruit (which we will discuss in the next *shiur*), as the upper clothing is like a peel relative to the desired article on the bottom. Some see the fruit and the peel as a true *ta'arovef*; if so, it may be that one may apply this solution even to a regular mixture (see Ayil Meshullash, Ch. 4, n. 38).

sorting them or to have each person take his or her prayer-book and place it in its right place. (This would also show the proper moral consideration for the sextons.) One may also take each book out of the pile, peruse it briefly and then put it in its proper place (Ayil Meshullash 18:3).

Nevertheless, one should not criticize one who sorts a pile of prayer-books in the normal way (as Rav Chayim Kanievsky, cited by the Ayil Meshullash, Ch. 18, n. 14, writes), as there are those who rule (**Or Same'ach** 8:11; see also **Chiddushim U-vei'urim**, Shabbat, Ch. 14, 15, s.v. *Sham*) that *bereira* does not apply to books, while others hold that there is no *bereira* for a layered mixture, all the more so when one can see the title of each book on its spine.⁷ Similarly, one may first put the books on the shelf, so that the title of each is immediately visible; they are then no longer considered to be mixed, so that one may then sort them (see Shulchan Shelomo 319:1, 4; 2).

What about weekly *parasha* sheets? If they are lying one on top of the other, this is a layered mixture, so one may remove the upper ones in order to get to the desired *parasha* sheet. This is permissible even for later use.

However, if the sheets are truly mixed together haphazardly, one may not remove an unwanted sheet. In this case, one must peruse each removed sheet briefly until one gets to the desired sheet. It may be that there is another way to permit this: one may arrange the pile so that each sheet lies directly on top of another; one may then have a layered mixture. (It does not appear to be at all problematic to arrange a pile of printed matter in this way.)

PERMITTED METHODS OF SORTING

As we have seen above, the halakhic consensus is to forbid selection of silverware and other utensils (although there are those who permit this). Is there then any unanimously permissible way to sort utensils? One may of course do so immediately before the meal, but there are other solutions.

Scattering the Mixture

One solution is found in the Gemara (74a) itself:

When Rav Dimi arrived, he said: "It was the Shabbat of Rav Bivi, and Rabbi Ammi and Rabbi Assi happened to be there. He poured out before them a basket of fruit, but I do not know if it was because he maintains that that *okhel* from *pesolet* is forbidden, or because he intended to be magnanimous."

In this anecdote, Rav Bivi pours out a basket containing fruit and *pesolet* rather than picking out the *pesolet*. As Rashi explains,

⁷ It would be preferable to take each book and randomly and then put it in its proper place; this gives an additional reason to be lenient, as one is not selecting a specific book.

He did not want to select the food from the leaves and put in front of each and every one [of his guests], but rather he poured [the fruits] out and each [guest] took and ate. In this act of pouring out, the food becomes separated and independent.

The Gemara has its doubts: is Rav Bivi avoiding the prohibition of *borer*, or is he just demonstrating that he has a cornucopia of fruit? Regardless, we see that one can overcome the prohibition of *borer* by scattering the *ta'arovet* — once the items are dispersed and no longer mixed, the prohibition of *borer* is not applicable, and there is no problem to sort them or to remove the *pesolet* from the *okhel*. Rav Moshe Feinstein writes (*Iggerot Moshe*, OC Vol. IV, Ch. 74, *Borer*, 11) that "this is a good idea," and Rav S.Z. Auerbach concurs (*Shemirat Shabbat Ke-hilkhata*, Ch. 3, n. 6).⁸

Sorting as a Byproduct

Another permissible way to sort is to remove the item from the mixture without the aim of sorting, but for another aim. Rav Neuwirth rules (*Shemirat Shabbat Ke-hilkhata* 3:78):

One may not sort silverware in order to put each one in its own slot. It is forbidden as well to remove all the utensils of one type simultaneously, dry them and return them to their slots. However, to put the utensils in their slots immediately after drying, as one takes each utensil randomly and dries it on its own — this is permissible.

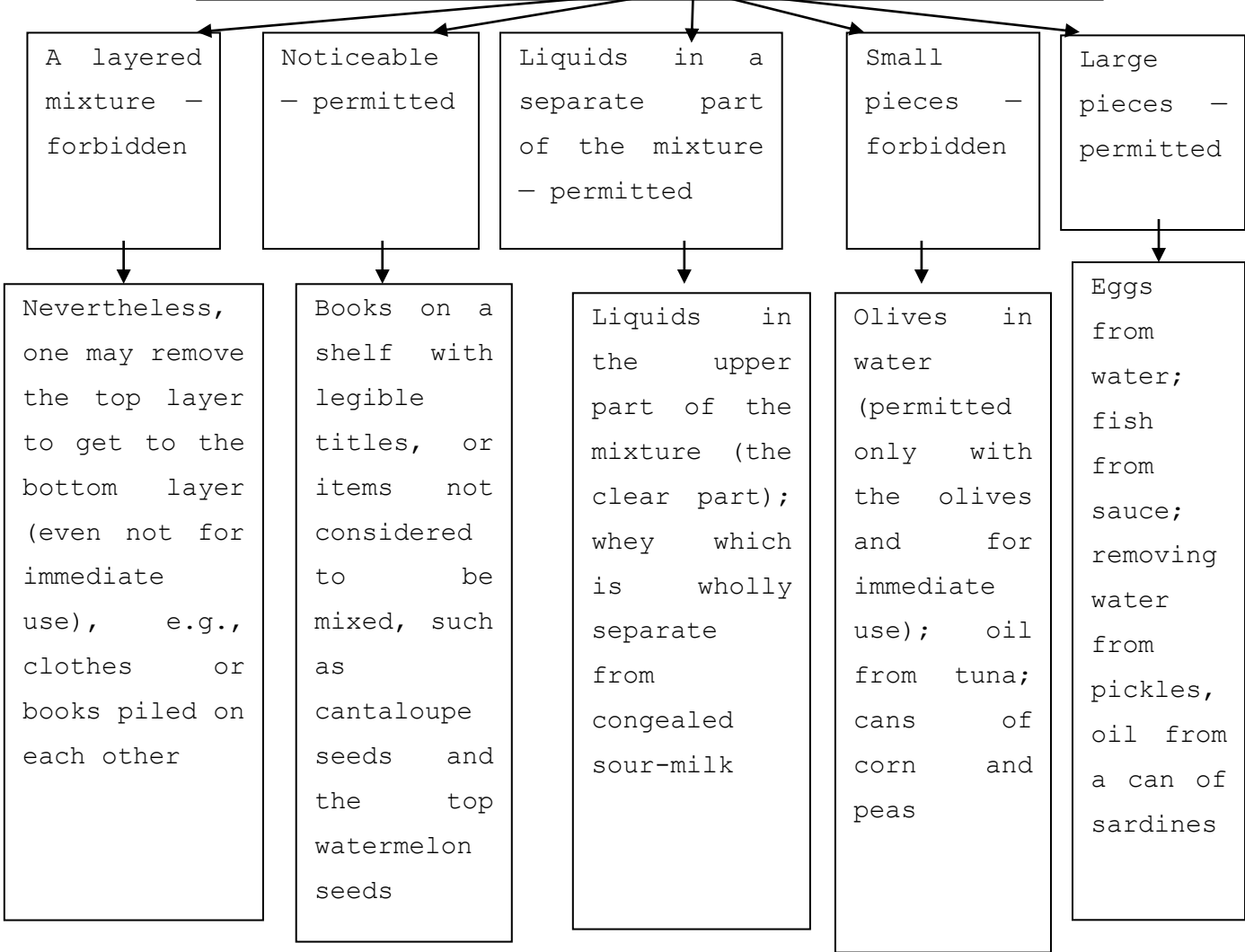
In a note there (210), he explains in the name of Rav S.Z. Auerbach: "One is not selecting and sorting; rather, one dries and puts in its place whatever comes into one's hand." That is to say, if there is a *ta'arovet* of wet silverware, one may randomly remove each utensil and dry it, and after that it is permissible to put each wherever one wants (e.g., forks in one slot, knives in another, etc.). This action is not forbidden as an act of sorting, since the removal of the utensil from the *ta'arovet* is done **randomly** — "whatever comes into one's hand" — without any intent to sort, and since the utensil is already separated from the mixture, there is no problem to put it in its proper place. The same applies when there is a mixture of dirty utensils in a sink: it is permissible to take each time a utensil **randomly** and to wash it, and after that it is allowed to put it wherever one wants.

However, this is only allowed when one takes out the utensils randomly in order to wash them or dry them. It is not permissible to take out the utensils randomly from the mixture **in order to put each one in its proper place later**, since in this case we see the two actions as one act of sorting, which is forbidden.

⁸ However, Rav Auerbach writes that one person needs to scatter the *ta'arovet*, after which someone else may remove items (as is the case in the Gemara). Apparently, on his view, if one person were to do both actions, it would be regarded as one act of *bereira*. However, in the *Tikkunim U-millu'im* (ibid.), Rav Auerbach writes that it is possible that the same person could scatter and then select, even for use at a later point. Since Rav Auerbach considers permitting this and Rav Feinstein does so explicitly, we consider the halakhic consensus to be that there is no need to insist on the involvement of different people.

The Definition of a *Ta'arovet* in the Context of *Bereira*

Borer applies only when there is a mixture, but when the items are not mixed, there is no prohibition.



VII) Removing *Pesolet* with a Bit of *Okhel*

How may one remove a fly which has fallen into a drink? Is it permissible to remove a bone with some meat on it? May one remove the label which is stuck to a loaf of bread?

The **Taz** (319:13) writes that if a fly falls into one's drink, it is forbidden to remove the fly alone, but it is permissible to take it out with a bit of liquid:

There is a prohibition, when flies fall into a cup, of removing the flies alone from the cup, as this is analogous to selecting *pesolet*; rather, one must take a bit of the drink with them.

The Mishna Berura (ibid., 61) rules in accordance with the view of the Taz and expands it to other circumstances. From his words, it appears that every time one removes *pesolet* with a bit of *okhel*, there is no violation of *borer*.

Therefore, when a fly or something else falls into one's food or drink, one must not remove the fly, whether manually or with a utensil, because this is selecting *pesolet* from *okhel*; rather, one must take a bit of the food or drink with it and toss it.

The Chazon Ish (53, s.v. *Taz*) argues forcefully with this approach:

The Taz's solution of taking some liquid with it requires further analysis. Presumably, every time one selects *pesolet* from *okhel*, taking a bit of *okhel* with the *pesolet* would still be prohibited. As long as one's intent is for the remainder of the *okhel* to be purified, does one care about a bit of the *okhel* which comes out with the *pesolet*? Similarly, one's action here proves that one has no intent to split the drink between vessels; one wants to clean out the fly from the cup! In what way is the *melakha* deficient if one takes a bit of the drink, as one's whole intent is to circumvent the prohibition of removing the fly alone?

The Chazon Ish sees the Taz's reasoning as follows: if one is not separating precisely between the fly and the drink, but rather is removing the fly with a bit of liquid, one is merely dividing the drink between two vessels, the cup and the spoon. The Chazon Ish objects to this, as it is clear that this is a ruse; one's intent is obviously to "fix" the drink by removing the fly, and this is a classic example of *bereira*. What then does it help if one removes a bit of the drink alongside the fly?

Similarly, the Chazon Ish (54:3) disputes the view of the Mishna Berura, that it is permissible to remove **a bone with a bit of meat on it** (even if one has no intention of eating this bit of meat), because one is removing the *pesolet* with a bit of *okhel*. The **Chazon Ish** argues, writing that "one is not thinking about the meat, but about picking the plate clean."

As we mentioned in our first *shiur*, this argument apparently depends on the underlying rationale of the *melakha* of *borer*. The **Chazon Ish** maintains that the basis of the *melakha* is ***tikkun okhel*** (fixing the food), and therefore even if one removes the *pesolet* with a bit of *okhel*, it is still forbidden; at the end of the day, the *ta'arovet* is "fixed" through one's action. The Taz and the Mishna Berura understand, apparently, that the basis of the *melakha* of *borer* is ***hotza'at pesolet*** (removing refuse), or **severing the connection between the *okhel* and the *pesolet***, and since in this case one is not removing the *pesolet* alone and is not disconnecting absolutely between the *okhel* and the *pesolet*, there is no prohibition.⁹

According to the Chazon Ish, separating in this manner involves a **Torah prohibition**.¹⁰ According to the Taz and the Mishna Berura, this method is **totally permissible**.

It should be noted that the **Chazon Ish** (53, s.v. *Taz*) suggests an alternate explanation for the words of the **Taz**:

Indeed, one may say that the wine on the body of the fly has the status of being in a *ta'arovet*, and therefore the Taz maintains that if one takes the fly itself, it is considered *borer* in separating the wine on the fly and between its wings from the rest of the wine, and therefore one should take a bit of the liquid with it. Meanwhile, the remaining liquid certainly has no status of *borer*, as the fly was not mixed in it at all.

In other words, it may be that the fly is not considered to be mixed with the drink in the cup, but only with the liquid that is clinging to its body; if so, when one removes the fly with the liquid which is around it, it turns out that one takes the entire area of the *ta'arovet*, and there is no action of *bereira*.¹¹ According to this, the Taz rules leniently only when the *pesolet* is not fully blended with the *okhel*, but if the *pesolet* is fully mixed in (such as bones in meat), the Taz would concede that one may not take the *pesolet* with a bit of

9 In fact, one may argue that even if the basis of the *melakha* of *borer* is ***hotza'at pesolet***, in any case, one who removes *pesolet* **with a bit of *okhel*** should be liable for *borer*, since the *pesolet* is the essence and the *okhel* is negligible, and it is as if one removes *pesolet* alone. On the other hand, according to the understanding that the basis of the *melakha* of *borer* is **severing the connection between the *okhel* and the *pesolet***, it may be sufficient to remove the *pesolet* with a small quantity of *okhel*, as this may suffice to enable one to claim that the connection between the *okhel* and the *pesolet* has not been completely severed.

10 The Ba'al Ha-tanya (*Piskei Ha-siddur, Hilkheta Rabbeta Le-shabbeta*) writes that one who removes a fly with a bit of liquid is in jeopardy of being liable to bring a sin-offering. A creative solution is cited in the name of the Gerrer Rebbe (author of the *Imrei Emet*): he would insert the spoon beneath the fly, and instead of removing the spoon, he would lower the cup, and thereby he would select the *okhel* (the cup) from the *pesolet* (the fly)! (See **Ayil Meshullash**, Ch. 6, n. 127.)

11 The basis of this approach is the view of the Maharitatz (cited by the Ba'er Heitev, 319:2), that **there is no *bereira* of a liquid** — i.e., a solid substance floating in a liquid is not considered a *ta'arovet*. (According to the Maharitatz himself, it is permitted to remove the fly even without any liquid.)

*okhel*¹² (against the view of the Mishna Berura, who rules leniently regardless).

This argument has an important halakhic ramification, as we often encounter *pesolet* in our *okhel*. According to the **Mishna Berura**, the solution is simple: it is possible to take the *pesolet* with a bit of *okhel*, and to do so is permissible. According to the **Chazon Ish**, on the other hand, there is a Torah prohibition! The same applies to a bone with some meat on it, as well as *pesolet* that one removes with a bit of *okhel*.

However, even according to the Chazon Ish, there are cases in which one may be lenient:

1. When one takes along with the *pesolet* **a large quantity of *okhel*** — in this case, the Chazon Ish concedes that it is permissible, since this is considered **dividing a *ta'arovet* in two**, not an action of *bereira*.¹³
2. When one removes the *pesolet* with a bit of *okhel* **and eats the *okhel* stuck to the *pesolet***, e.g., if one removes a bone with some meat and eats that meat. In this case, the bone is deemed insignificant relative to the meat, and one is considered to be selecting *okhel* from *okhel* (Chazon Ish 54:3).
3. When the *pesolet* is not considered to be mixed throughout the *okhel*, but connected only at their point of contact — in this case, even the Chazon Ish allows one to remove the *pesolet* with the *okhel* stuck to it, since one removes the entire area of the *ta'arovet*, as the Chazon Ish writes concerning a fly in a *ta'arovet* with the liquid around it.

According to this, a **tag stuck to a loaf of bread** may be removed along with a bit of bread even according to the Chazon Ish, and the same applies to **the fat on top of soup**. One may even be allowed to remove them without any of the *okhel* stuck to them if one does so just before the meal, as one is allowed to peel fruit under such conditions (as we will discuss in our next *shiur*). It is nevertheless preferable to remove them along with a bit of the *okhel*.¹⁴

12 However, the view of the Chazon Ish requires further analysis: what is the precise definition of this distinction? When do we see the *pesolet* as fully blended with the *okhel*, so that one is not allowed to remove it with a bit of *okhel*, and when do we see it as connected only at the point of contact, so that one may remove the *pesolet* with a bit of *okhel*?

13 What is considered a large quantity? It may be that that the turning point is the point at which, even on a weekday, one would care to separate the *okhel* from the *pesolet* and not throw everything into the garbage. (This is the opinion of Harav Ya'akov Medan; on his view, even the Mishna Berura would only allow this type of separation to be performed when this criterion is met.)

14 Since one can access the bread without removing the tag, and can access the soup without removing the fat, this is not comparable to peeling fruit. (See the words of Rav S.Z. Auerbach, cited in *Shemirat Shabbat Ke-hilkhata*, Ch. 3, n. 132, 135.)

Practically, the halakhic consensus is to follow the lenient view of the **Mishna Berura** (see **Shevitat Shabbat**, *Borer*, *Be'er Rechovot*, 20). However, wherever possible, it is preferable to select in ways that even the Chazon Ish would approve of (by tasting the bit of *okhel* one removes or by removing a large quantity of *okhel*), as according to his opinion, one may violate a prohibition on a Torah level, and his argument is quite convincing, as we explained above.¹⁵ Similarly, even one who rules leniently, following the Mishna Berura, should remove the *pesolet* with a greater amount of *okhel* than one would normally discard.¹⁶

Conclusion

To summarize, one may remove an **insect** from a **drink** using a **spoon** in such a way that the insect and some of the adjacent liquid are in the spoon. According to the **Mishna Berura's** view, one may generally remove ***pesolet* with a bit of *okhel***. However, it is preferable to be stringent, taking the Chazon Ish into account, and to taste a bit of the *okhel* or to remove a relatively large amount of the *okhel*. When **the *pesolet* is stuck to the *okhel* at one point**, e.g., a tag stuck to a loaf of bread, one may remove the *pesolet* along with a bit of *okhel* according to all opinions.

Translated by Rav Yoseif Bloch

15 In *Shemirat Shabbat Ke-hilkhata* (3:12), **Rav Neuwirth** cites both approaches without deciding between them. As mentioned above, when it comes to the insect in the drink, it is easier to be lenient, since the Chazon Ish also permits it, and many authorities have explicitly endorsed this solution, e.g., **Eglei Tal** (*Borer*, 3, 6) and **Rav Neuwirth** (ibid. 3:18). However, as mentioned above, according to the Ba'al Ha-tanya in his *Siddur Shulchan Arukh Ha-rav*, there is a Torah prohibition here. (Nevertheless, in the text of the *Shulchan Arukh Ha-rav*, 319:24, the Baal Ha-tanya rules in accordance with the Taz, contradicting his own view.)

16 Since when one removes the *pesolet*, the *okhel* stuck to it is simply a byproduct of the *pesolet* separation, it may be that the *okhel* is rendered insignificant by the *pesolet*, and the action is considered to be removing *pesolet* alone, just as the authorities forbid peeling fruit (when it is not meant for immediate use), even though generally a bit of the flesh of the fruit comes along with the peel; since this bit of fruit is insignificant relative to the peel, one is considered to be removing the peel alone. We will discuss this issue at length in our next *shiur*.

