

## Practical ramifications of the labor of Selecting

USE CAUTION: In the labor of Selecting, the **line between a Torah prohibition and a completely permitted act is often quite subtle.** With a very small change an action can become permitted or become one for which a person is liable to bring a sin-offering. Therefore, this labor requires extensive study and deep understanding.

### **The basic principle: Under what circumstances is it permitted to select on Shabbat?**

As stated, it is permitted to select only if three conditions are fulfilled (*Shulhan Arukh* 319:1–4):

1. One removes **food from waste**, not waste from food.
2. **One selects by hand**, not with a utensil.
3. The selecting is for the purpose of **immediate** use.

### Is there a prohibition of Selecting even in a case of two types of food?

When, for example, there are onions in a salad and the person does not like onions, is it permitted to remove the onions? Objectively, the onions are not waste, but this person does not want them. There is an apparent dispute between Rashi and *Tosafot* with regard to this matter. According to **Rashi** (74a, s.v. *hayu*), it appears that it is permitted to remove the onions, while according to *Tosafot* (74a, s.v. *hayu lefanav*) one who removes them violates the **prohibition by Torah law** of Selecting. In their opinion, food that a person does not want is considered waste. The *halakha* is ruled in accordance with the opinion of *Tosafot*, and therefore, separating between two types of food is included in the prohibition of Selecting. The unwanted food is considered waste, and therefore, it is permitted to select only the food that one wants now for immediate use. One who eats salad and does not want the onions must remove the other vegetables and eat them immediately, not remove the onions (pp. 785–790).

### Is it permitted to sort on Shabbat?

What is the *halakha* in a case where there are two types intermingled and one does not want either at this point; rather, they want **both**, not for immediate use, but for use **at a later stage**. For example, at the end of a chess match, the players want to arrange the pieces for the next game, which may not take place for a long while; or after a meal people want to sort the silverware for the next meal, where they will use the same number of knives and forks, but the items will be used only later. Is it permitted?

The *Aḥaronim* disagree with regard to this matter. The *Peri Megadim* (*Mishbetzot Zahav* 319:2) leaned toward permitting sorting on Shabbat, because there is no “food” and no “waste,” as the person is equally interested in both types. The *Beur Halakha* (319: 3, s.v. *hayu lefanav*) disagreed, and held that even in that case there is a prohibition of Selecting, since the very separation of the two types renders them fit for use; therefore it is prohibited.

**The halakha:** Since the *Beur Halakha* prohibited sorting, **we too, will prohibit sorting on Shabbat.** But if one needs both types immediately (e.g., to play another game now, or to begin the meal soon), everyone agrees that it is permitted to sort them. In addition, one can rely upon the lenient ruling of the *Peri Megadim* when there are additional uncertainties (pp. 790–792).

### Is it permitted to separate two items of the same type?

If, for example, there are small and large pieces of cake, is it permitted to select **a large piece from among the small ones?**

The authorities disagreed with regard to this matter: According to the *Taz* (319:2), the prohibition of Selecting applies even to one type, but according to the *Terumat HaDeshen* (57), there is no prohibition of Selecting within one type, and it is permitted to separate large and small pieces. That is the ruling of the **Rema** (319:3), the **Hida** (*Birkei Yosef* 319:4), and the *Mishna Berura* (319: 15), and that is our halakhic ruling: There is no prohibition of Selecting between two items of the same type (pp. 794–797).

### What is considered one type and what is considered two types?

There are several principles cited by the authorities, and we will explain them briefly:

1. Items that have **different tastes or different names** (e.g., different types of cake or bread) are considered **two types**. Two types of meat or fowl (chicken or turkey, roasted or cooked, or the like) are considered two types. Ideally, one should be stringent with regard to different parts of the same fowl, e.g., the thigh and the leg. It is permitted to take the desired type for immediate use.
2. Items **whose functions are different** (e.g., plates and bowls) are considered **two types**, and the prohibition of Selecting applies to them. It is permitted to select the desired item for immediate use, or to sort them for immediate use.

3. When **part of one type is not usually eaten** (e.g., a slightly rotted piece of fruit among other fruit of the same type), it is considered **two types** by rabbinic law. Therefore, it is prohibited to remove the rotted part; rather, one should remove the good parts.
4. Items that have only **minor qualitative differences** between them (for example, fresher and less fresh) are considered a **single type**. Therefore, it is permitted to sort yogurt cups of the same type if one prefers the fresher ones or the less fresh ones or the like, and it is permitted to remove even the unwanted one (pp. 798–805).

### **Does the prohibition of Selecting apply to items other than food, e.g., garments, books, or silverware?**

From Rashi (74b, s.v. *sheva*) it is clear that the prohibition of Selecting applies to items that are not food. On that basis, the *Mishna Berura* (319:15), *Shemirat Shabbat KeHilkhata* (3:27, 68–69, 78–84), *Iggerot Moshe* (*Orah Hayim* 4:74, *Borer* 12), and others wrote that there is a prohibition of Selecting with regard to garments and utensils. Therefore, it is prohibited to sort silverware on Friday night for use on Shabbat morning; it is permitted only for a meal that will be taking place immediately. Rav Ovadia Yosef (*Responsa Yabia Omer* 5, *Orah Hayim* 31) permitted to sort silverware for the next meal even if it will not be for several hours, and the *Or Same'ah* (8:11) posited that there is no prohibition of Selecting with regard to utensils that are not used when they are intermingled; therefore, there is room to be lenient in cases where there are additional uncertainties.

Likewise, one may be lenient with regard to silverware, garments, or the like **when they are not defined as a mixture**, as we will see below (pp. 809–816).

### **How may one sort the dishes after they have been washed on Friday night?**

When there is a mixture of wet dishes, it is permitted to remove one utensil at a time from the mixture **in a random manner** and dry it and then place it wherever one chooses, e.g., forks in one place and

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### SELECTING (*BORER*)

knives in another place, or the like. This action is not prohibited due to Sorting, since removal of the utensil was performed randomly, whatever the person happened to pick up, **for the purpose of drying and not for the purpose of sorting**. Once the utensil is separate from the mixture, it is permitted to place it in the appropriate place. The same is true with regard to a mixture of dirty utensils in the sink: It is permitted to take each utensil **in a random manner**, wash it, and place it in its appropriate place (pp. 828–829).