

Different Types of Mixtures

Is it permitted to remove tomato pieces from a salad?

Is it permitted to separate different kinds of cake?

Is it permitted to sort a pile of assorted books?

Is it permitted to take a garment from a pile of clothes in the closet at night in order to wear it on Shabbat morning?

Is it permitted to remove a piece of meat from gravy?

In what way is it permitted to sort cutlery for use at the next meal?

Selecting in the case of two kinds of food

Separating one kind of food from another

Does the prohibition of Selecting apply only to **actual waste** mixed with **food**, or does it apply even to **two kinds of food**? What is the *halakha*, for example, in the case of a salad with onions where one dislikes onions: Is it permitted to remove them?

The **Gemara** (74a) states:

If there were two kinds of food before a person, one selects and eats, one selects and puts aside. But one may not select, and if one selected he is liable to bring a sin-offering.

According to Rashi the prohibition of Selecting might not apply to two kinds of food

The Gemara appears to be saying that selecting even one kind of food from another is prohibited by Torah law. However, **Rashi** (s.v. *hayu*) claims that there is a variant reading of the text:

We learn: “If there were kinds of food before a person,” and we do not learn “two.”

According to Rashi, the text of the Gemara does not read: “two kinds of food,” but “kinds of food.” According to this version of the text, the Gemara can be interpreted as referring not to separating one kind of food from another, but to selecting kinds of food from waste mixed in with them. It is possible that Rashi may have rejected the version “two kinds of food,” because he maintained that the prohibition of Selecting applies only to selecting **waste from food**, and not to selecting one kind of food from another. This is also how *Tosafot* (s.v. *hayu lefanav*) interprets this version.¹

Tosafot: The prohibition of Selecting applies even to two kinds of food

Tosafot, however, accept the version “two kinds of food”:

We learn: If there were two kinds of food before a person. Likewise, Rabbeinu Ḥananel explained that Selecting applies to the case of selecting food from food, when selecting what one does not desire to eat from what one desires to eat, as what one does not desire is considered waste relative to what the person desires to eat.



If one dislikes raisins it is prohibited to remove them from rice.

The desired kind is considered food and the other kind is considered waste

According to *Tosafot*, Selecting applies even to separating two kinds of food. However, it was explained that the essence of Selecting

1. The *Eglei Tal* (*Borer* 24, 2nd gloss) also prefers this interpretation of Rashi’s opinion. However, he cites the *Magen Avot*, who maintains that Rashi prohibits selecting even one kind of food from another. This is also the understanding of the *Peri Megadim* (*Mishbetzot Zahav* 319:2, s.v. *da*).

is selecting **waste** from **food**. What is characterized as waste when there are two kinds of food?

Tosafot explain that **the type of food that one desires at the moment is characterized as food, while the type that one does not desire at the moment is characterized as waste.**

The **Yerushalmi** (7:2) cites an explicit dispute regarding the selection of one kind of food from another:

A dispute in the Yerushalmi

If one selected food from food, Hizkiya says: Liable. Rabbi Yoḥanan says: Exempt.

What is the basis of this dispute between the *Rishonim*, which is also an amoraic dispute? The *Beur Halakha* (319:3, s.v. *le'ekhol miyad*) cites the *Yeshuot Yaakov*:

The dispute may flow from one's understanding of the essence of Selecting

The labor is not defined as the selection of waste, but rather as the preparation of food, rendering it fit for consumption. This is a labor required for the sake of the food itself, as it renders it full-fledged food. Consequently, it applies specifically to selecting waste from food, as initially it was not at all fit for consumption, and one renders it food by means of this selection. However, regarding two kinds of food, when one separates the second kind of food because he does not desire to eat it, it is considered a labor that is not required for its own sake. This is because that food that one desires to eat at the moment is fit for eating even if the second kind of food is not separated, and its separation is due only to the fact that the person does not desire it at the moment.

The *Yeshuot Yaakov* explains that according to the understanding that the essence of Selecting is **preparation of the food**, only one who removes waste from food is liable, as he thereby renders the food fit for eating. However, one who selects one kind of food from another is exempt. This is because the action does not constitute preparation of the food, as the mixture was edible even without Selecting. Accordingly, perhaps *Tosafot* understood that the essence of Selecting is the **removal of the waste**. They therefore hold that

Selecting applies even to two kinds of food, as the kind of food that one does not desire is considered waste.

Beur Halakha:
Selecting one
kind of food
from another is
also considered
preparation of the
food

However, the *Beur Halakha* (ad loc.) questions the explanation of the *Yeshuot Yaakov*, and concludes that even if the essence of Selecting is the **preparation of the food**, there is room to prohibit selecting one kind of food from another:

Perforce, one must say . . . that even in the case of two kinds of food that are mixed together, **each kind is improved by separating the other kind from it**; therefore, it is considered a labor required for its own sake [*melakha sheTzerikha leGufa*].

That is to say, there is an element of preparation of the food even in the case of selecting food from food, as each kind of food is better when the other kind is separated from it.

A practical
difference:
Removal of an
item to reach what
is beneath it

The *halakha* is in accordance with the opinion of *Tosafot* that the prohibition of Selecting is in effect even in a mixture of two kinds of food (*Shulḥan Arukh* 319:1, 3). There may be a practical difference between the two explanations of the prohibition in a case where **two kinds are placed one on top of another**, a mixture of layers, and one seeks to remove the upper layer in order to reach the lower items. The *Beur Halakha* (ad loc.) writes, in accordance with his interpretation, that this is permitted. Since the two kinds are not mixed together, **removal of the upper items does not improve the lower items** but merely facilitates reaching them. Conversely, if the essence of Selecting is removal of waste, despite the fact that the lower items are not being prepared, there is room to prohibit doing so, as the person is removing the kind that is not desired, which is considered waste.

However, this could be permitted according to both opinions, as one item on top of another might not be considered a mixture. See elaboration on this matter below (pp. 823–827).²

Rambam's opinion
with regard to
the prohibition of
Selecting

2. Some understand that the Rambam has a unique opinion with regard to the prohibition of Selecting in the case of two kinds of food. The **Rambam** (8:13) rules: “If there were two kinds of food mixed together before a person,

Separating two kinds of food is included in the prohibition of Selecting. The kind of food that one does not desire at the moment is considered waste; therefore, one may not remove it from the mixture. Rather, one should remove the kind of food that is desired for immediate use. For example, if one is eating a salad and does not want to eat the onions, the person should not remove the onions

one selects one from the other and places it to eat it immediately. However, if one selects and places it for later use . . . the person is liable.” The Rambam concedes that Selecting applies even to two kinds of food, and that one is liable for selecting food from food to eat it later. However, if the selection is for immediate use the Rambam permits selecting “one from the other,” and does not insist that one remove only the desired kind of food and leave the undesired kind of food. Some *Aḥaronim* (cited in *Beur Halakha* 319:3, s.v. *umaniah*) understand that according to the Rambam, since there is no actual waste, it is permitted to remove even the kind of food **not desired to be eaten** and to immediately eat the other kind of food. This is also the understanding of the *Peri Megadim* (*Rosh Yosef, Shabbat* 74a). The *Peri Megadim* explains that according to the Rambam, the essence of Selecting is neither removal of the waste, nor preparation of the food by removing the waste. Rather, the essence of the prohibition is **the very separation of two kinds so each stands on its own**. Consequently, Selecting applies to two kinds of food even if one of them is not defined as waste. However, removing food by hand for immediate use is not included in the prohibition; and therefore in the case of two kinds of food, it is permitted to remove either of them.

In terms of practical *halakha*, the *Shulḥan Arukh* (319:3) cites the Rambam, and it could be understood that he holds that it is permitted even to remove the undesired kind of food to immediately eat the other kind of food, in accordance with the explanation of Rambam’s opinion explained above. However, the **Rema** added to the ruling of the *Shulḥan Arukh*: “One selects one from the other and places the other in order to eat it immediately.” The *Magen Avraham* (319:4) explains that the Rema’s intent was to reject the above interpretation. It is permitted to remove only the desired kind and leave the other kind, and not vice versa. In practice, since the *Shulḥan Arukh* might agree with the **Rema**, who might have merely been explaining the opinion of the *Shulḥan Arukh*, and since a Torah prohibition is involved, even Sephardi authorities prohibit removing the undesired kind of food from the kind one desires to eat immediately (see *Yalkut Yosef* 319:16).

from the salad, but should remove the other vegetables and eat them immediately.³

Sorting

Is it permitted to separate two kinds for later use?

What is the *halakha* with regard to two kinds of food, neither of which one desires to eat at the moment? Although one desires to eat **both of them**, the person does not wish to do so immediately. In parallel cases, suppose one wishes to arrange chess pieces on the board after a game.⁴ The person is sorting the pieces not for immediate use but for the next game, which might take place only much later. Another common example is where one wishes to sort cutlery for use at the next meal: There is no preference for knives over forks; rather, one wants to use both, but only later. Is this permitted?



There is a dispute among the authorities as to whether it is permitted to sort for later use. In practice, it is permitted to sort only immediately before use.

The ruling depends on the reason for the prohibition to separate two kinds of food

The answer to this question depends on the reason for prohibiting selecting in the case of two kinds of food. According to the opinion of *Tosafot*, the prohibition stems from the fact that the food that is undesired at the moment is considered waste, and therefore it is considered selecting waste from food. However, it is also possible to explain that although there is no waste, the **very separation** of

3. Alternatively, this person can remove the onions and **give them to someone else** to eat immediately. Since the other person desires to eat the onion and it is removed for his consumption, it is considered the removal of food and not the removal of waste (*Peri Megadim*, *Mishbetzot Zahav* 319:2; *Shemirat Shabbat KeHilkhata* 3:23).

4. The application of Selecting to items other than food is discussed below (p. 809).

two kinds of items is prohibited. This is because the separation constitutes **preparation** of those items, and therefore it is included in the prohibition of Selecting.⁵

If the food that is undesired at the moment is considered waste, in a case of two kinds of food desired equally, neither can be characterized as waste. Therefore, the prohibition of Selecting should not apply even if one does not wish to use the items immediately. However, if the essence of the prohibition is the **very separation** of two kinds, sorting should be prohibited.

In practice, this matter is subject to a dispute between *Aḥaronim*. The *Peri Megadim* (*Mishbetzot Zahav* 319:2) is inclined to permit sorting in this case, as there is no food and waste here.⁶ The *Beur Halakha* (319:3 s.v. *hayu lefanav*) disagrees, maintaining that it is included in the prohibition of Selecting:

Peri Megadim:
Sorting is
permitted

The *Peri Megadim* raises a dilemma: If one selected one kind from another, intending to leave both for later, does the prohibition of Selecting apply in this case, as which is food and which is waste?

But in my humble opinion it is clear from the language of the Rambam that he holds that the essence of Selecting is selecting one kind from another, so that each kind stands on its own. However, if one does so by hand and intends to eat it immediately, it is considered part of the process of eating. If so, one may draw an *a fortiori* inference: If in a case where one leaves one kind in place it is considered Selecting, all the more so is it considered Selecting in a case where one takes each kind and selects and separates it... If so, when one separates two kinds of food from

5. According to the *Peri Megadim*, this is the **Rambam's** opinion (see note 7).

6. The *Peri Megadim* applies the same principle to explain the **mishna** (139b), which permits straining an egg with a mustard strainer (see p. 882 note 35). It is worth noting that the *Peri Megadim* ruled leniently only when the person intended to use both items on Shabbat. When the intent is to use one on Shabbat and the other after Shabbat, the first is categorized as “food” and the second as “waste,” and one violates the prohibition of Selecting when separating them.

one another in order to eat each kind later, he certainly prepares both of them by means of his selection, and it is considered Selecting, as written above.

Beur Halakha:
Sorting is a more
severe prohibition
than standard
Selecting

According to the *Beur Halakha*, sorting is a more severe prohibition than the standard case of selecting two kinds of food. In the standard case of selecting, one kind of food is selected, the other is left in place. However, in the case of sorting, both kinds of food are taken and placed separately. The result is that **an act of Selecting has been performed on both kinds**, and all the more so one is liable for violating the prohibition of Selecting.

The *Peri Megadim* understands that in the case of two kinds of food the prohibition of Selecting stems from the fact that the undesired kind is defined as waste. If one desires to use both later, there is no food and waste; therefore, the prohibition of Selecting is irrelevant.

The *Beur Halakha* understands that it is the very separation between two kinds that is prohibited. This is because it creates a new situation in which each kind stands on its own, which constitutes preparation of the food. It follows that if the prohibition of Selecting applies to a case where one desires only one of the two kinds of food, as it is considered preparation of that food, when one desires both kinds of food and separates them one is certainly liable for violating the prohibition of Selecting, as the person is thereby **preparing both kinds of food**.

Practical Halakha:
It is prohibited
to sort items for
future use

Since the *Beur Halakha* prohibits sorting, **it is prohibited to sort on Shabbat**. However, if one requires both kinds for immediate use, e.g., to arrange chess pieces for another game immediately or sort cutlery just prior to the meal, it is permitted to sort them, even according to the *Beur Halakha*. Furthermore, the lenient ruling of the *Peri Megadim* may be taken into account when there are additional considerations for leniency.

