

What is considered a single kind?

Large and small pieces are considered a single kind

As discussed above, *Terumat HaDeshen* and the **Rema** permit selecting **large pieces from small pieces**. According to their opinion, even where two kinds of food are mixed together, it is permitted to select large pieces from small pieces or vice versa, provided that one takes the pieces without distinguishing between them, since this implies that he considers them one kind.

Foods with different names or tastes are considered two kinds

Nevertheless, *Terumat HaDeshen* (57) states that two species of fish with different names are considered two kinds of food. The **Rema** rules accordingly (319:3):

Two species of fish are considered two kinds of food, and it is permitted to select one from the other only by hand and for immediate use.

The *Peri Megadim* (*Eshel Avraham* 319:5, 19) attempts to formulate a principle for determining the definition of two kinds:

What is considered two kinds? Perhaps black and white (light and dark) cherries, for example, should be considered two different kinds. See *Magen Avraham* (225:10), that with regard to the blessing of *Sheheḥeyanu*, one should recite a separate blessing on each kind of fruit **if they are different in their taste or in their name, and the same is true here**. However, this requires further consideration.

According to the *Peri Megadim*, **two foods with distinct names or tastes** are considered two kinds of food. The source of this definition is in the *halakhot* of the *Sheheḥeyanu* blessing: The *Shulḥan Arukh* (225:4) writes that one should recite the *Sheheḥeyanu* blessing on each kind of fruit separately. In this regard, the *Magen Avraham* (225:10) comments that if two kinds of fruit are different in taste or name, one recites the blessing on each.

Accordingly, **fresh and dried fruit**, e.g., grapes and raisins, are considered two different kinds, since their tastes, and, in the case of grapes and raisins, their names, are different. **Different cakes** are

also considered different kinds, since their tastes, and usually their names, are different. Similarly, **brown bread and white bread** are considered two different kinds.

The **Maharil** (*Yom Tov* 8) writes that one may not select the **coarse matza meal from fine matza meal**. The *Taz* (319:2) cites this ruling in support of his opinion that the prohibition of Selecting applies even to items of a single kind. However, the generally accepted opinion is that the prohibition of Selecting does not apply to items of a single kind, and one may be lenient in this regard. On that basis, how can the **Maharil's** ruling be understood? The *Peri Megadim* (*Mishbetzot Zahav* 319:2) explains:

Items with different uses are considered different kinds

Coarse matza pieces and ground matza meal are considered two kinds. But perhaps it is because in this case it is not possible to make matza balls with coarse pieces.

Since one can make **matza balls** only from fine meal, the coarse pieces are considered a different kind. This is also the explanation of other *Aḥaronim* (*Eglei Tal*, Borer 17; *Torat Shabbat* 319:4).

On this basis an additional principle can be formulated: **Different use** defines objects as **different kinds**. For example, plates and bowls, large and small pins, Shabbat garments and everyday garments are all considered two kinds; therefore, the prohibition of Selecting is applicable (see *Shemirat Shabbat KeHilkhata* 3:27).

However, if the two kinds of food or objects have a single name and a single use, even if there are **insignificant differences** between them, they are considered a single kind and the prohibition of Selecting does not apply to them.⁹ Since the differences between them are

Items with insignificant differences are considered a single kind

9. This principle is parallel to the fundamental ruling of *Terumat HaDeshen*: Even if one currently prefers the larger piece or the smaller piece, separating them is not considered an act of Selecting, as the large and small pieces are essentially one kind. This principle may also be inferred from the Gemara's discussion concerning a strainer (see pp. 912–915). The Gemara states that it is permitted to strain a drink on Shabbat if most people would drink it without straining. This implies that when the selection solves a relatively insignificant problem, even though the person clearly considers it significant

minimal, one cannot be defined as food and the other as waste, nor the removal of one as significant preparation of the other. Although the person who seeks to separate them considers the difference significant, since, in reality, the difference is minimal, the person's choice is merely an indication of preference, not a determination that it is a different kind. This is explained in *Ayil Meshulash* in the name of **Rav Nissim Karelitz**, and several examples are cited (see also *Maamar Mordekhai* 319:5):

The prohibition of Selecting does not apply to items of a single kind that are all equal, with no significant difference between them... although one prefers, for example, large or whole items, and although there is a certain difference between them, nevertheless, since the difference is insignificant, it is considered merely a **preference** and not **absolute insistence** as is the case with two kinds. Therefore, the undesired portion is not considered waste...

Therefore, it is permitted to select broken *matzot* from whole *matzot* in order to leave the whole ones for use as the two loaves for the Shabbat meal...¹⁰ It is permitted to select the fresher yogurt containers or the fresher *hallot* for use in another meal. Likewise, in the case of fully cooked pieces of meat, one may select the softer pieces for later.

enough to remove it, the prohibition of Selecting does not apply. This is in accordance with Rashi's statement (139b, s.v. *bein hagitot*) that it is not considered preparation.

Whole *matzot* and
broken *matzot*

10. According to **Rav Nissim Karelitz** it is permitted even to select broken *matzot* from whole *matzot* in order to leave the whole ones as the two loaves for the Shabbat meal. In his opinion, this too is considered only a mere **preference** and not a significant difference. However, this requires further analysis, as there is different **use** of these *matzot*. Apparently, Rav Karelitz holds that the primary use of matza is for eating and the use of whole *matzot* for the mitzva on Shabbat is merely an **additional use**. That is insufficient to classify them as a different kind. However, *Shemirat Shabbat KeHilkhata* (3:28) cites **Rav Shlomo Zalman Auerbach**, who disagrees and holds that whole *matzot* and broken *matzot* are considered two kinds. See pp. 886–889 with regard to whether the fact that an item is prohibited is sufficient to characterize it as a different kind.

Accordingly, **fresh** bread and **less fresh** bread, both of which are perfectly edible, are considered a single kind, and one may select the fresh slices even for later consumption. In the case of **soft and hard fruit**, both of which are perfectly edible, it is permitted to select the more desirable fruit or even to remove the fruit not currently desired. In the case of several pieces of meat, all of which are perfectly edible, it is permitted to select **the pieces that are more cooked**, or even to select the softer pieces for later consumption.

The *Mishna Berura* (319:15) writes that cooked meat and roast meat are considered two different kinds, and the same is true with regard to different kinds of fowl:

Two parts of a chicken: A dispute between the authorities

Know that cooked meat and roast meat, and all the more so different kinds of fowl, are considered two different kinds. Therefore, in the case of large feasts where several kinds of fowl are served together, some of which are selected for after the conclusion of Shabbat, one should select what they desire to eat then and not what they plan on leaving for after Shabbat.

Accordingly, it is permitted to select a piece of chicken from among pieces of turkey only if one selects the piece to be eaten at that moment.

Ostensibly, this implies that different pieces of chicken are considered two kinds, and indeed this is the opinion of **Rav Shlomo Zalman Auerbach** (cited by *Meor HaShabbat* 3, letter 40:3). However, according to **Rav Nissim Karelitz** and **Rav Eliashiv** (cited by *Ayil Meshulash* 3:7 and in note 17) they are considered one kind since they are both pieces of chicken. This is also the opinion of **Rav Zilber** (*Az Nidberu* 14:10):

With regard to two kinds of chicken, e.g., the breast and the thigh, it is clear that they are considered one kind, as there is no distinction between them either in name or in taste. Although you cited the case of *mishloach manot* on Purim, with regard to which some ruled that they are considered two kinds, there it is different, as the matter depends on the enjoyment derived, and in that sense

they are considered two portions. However, with regard to Selecting it is necessary for the two items to be completely distinct.

In practice, if one desires to eat a specific piece of chicken during the meal it is preferable to take that piece, rather than to remove the piece that is undesired. If there are other parts in the way that prevent reaching the desired piece of chicken, it is permitted to move them, as even in the case of two kinds the *Mishna Berura* rules that it is permitted to remove the upper items to reach the lower ones (see p. 824). If one wishes to select certain chicken parts to reheat for a later meal, according to **Rav Eliashiv**, there is room for leniency and one may consider them a single kind. In practice, even according to **Rav Shlomo Zalman Auerbach**, there is room for leniency; since reheating is required for the meal, it is considered Selecting just before the meal (see pp. 857–859).



Is it permitted to separate different pieces of chicken?

The status of one kind is determined on the basis of common practice

It is noteworthy that with regard to Selecting the determination of two items as one kind or two kinds is based not on **objective** criteria, but on the **common practice**. This is in contrast to the *halakhot* of mixtures of **prohibited and permitted foods**, where the definition of items as one kind or two kinds is based on their nature and characteristics. **Meat** and **sinew** are considered **two kinds** in that regard but are considered **one kind** with regard to the prohibition of Selecting (*Magen Avraham* 500:12), since people generally consider them one kind. Similarly, water and wood slivers are obviously two different kinds, but nevertheless the **Rema** (319:10) permitted straining water to remove the slivers mixed with it, as people typically drink water with the slivers. The opposite is also true: With regard to the *halakhot*

of mixtures of prohibited and permitted foods, matza and matza meal are certainly considered one kind, but they are considered two kinds with regard to Selecting, since people use them for different purposes. The reason for this distinction is that the prohibition to select one kind of food from another stems from the fact that **subjectively** the person relates to one of the kinds as waste, and the determination is therefore dependent on the **common practice** (see *Ayil Meshulash* 2, note 13, who cites *Eglei Tal*, *Borer* 20 and *Shevitat HaShabbat*, *Borer*, *Be'er Rehovot* 22).

It remains to be ascertained whether the determination is based on the practice of the **individual who is selecting** or on the **common practice**. For example, consider the case of one who does not eat the skin of the fish, despite the fact that many people typically eat it with the fish. Is the skin considered a different kind, “waste” for that person, in which case removing it is a significant preparation of the fish and violates the prohibition of Selecting? Or are the skin and the fish considered one kind since many people eat them together, in which case the removal of the skin is not Selecting even for that individual?

The practice of the individual versus the common practice

This *halakha* is not discussed in the Gemara or *Rishonim*. Clearly, this does not violate a Torah prohibition, as even if one does not eat a certain kind of food, it is still categorized as barely edible for him, and, as explained above, food that is barely edible is considered the same kind by Torah law, and only by rabbinic law is it considered a separate kind. In this case the dilemma is whether this is permitted, as many people consider the fish skin perfectly fit for consumption, or whether it is prohibited by rabbinic law since the individual who is selecting considers it waste.¹¹

11. Although in the case of two items commonly defined as **two different kinds**, the **definition of food and waste** is determined on the basis of the person's attitude, and the kind that is currently undesired is considered waste for him, as explained above (according to *Tosafot* 74a, s.v. *hayu*), in the case of two items commonly defined as **a single kind**, it is unclear whether the definition of food and waste is determined by the person's attitude, or

Peri Megadim: The determination is based on the intent of the individual who is selecting

The *Peri Megadim* resolves this dilemma (*Mishbetzot Zahav* 319:2):

In the case of sweet and tart apples, even if you say that they are one kind, if one dislikes the tart ones they are considered waste for him, and it is prohibited to select in the aforementioned manners. However, if others are seated and they like the tart ones, it would be permitted to select the tart ones from the sweet ones.

According to the *Peri Megadim*, sweet and tart apples might be considered one kind for an individual who likes both of them. However, for one who dislikes tart apples they are considered waste and the person may not remove them from the mixture. Evidently, the *Peri Megadim* holds that the definition **depends on the intent of the individual who is selecting** and not on the common practice.

Rav Eliashiv: If one's intentions are especially anomalous they are not taken into account

However, Rav Eliashiv (cited in *Ayil Meshulash* 6, note 54) maintains that the *Peri Megadim* is referring only to where the individual's intentions are not especially anomalous:

The *Peri Megadim* is referring only to tart ones and sweet ones, as it is common for many people to dislike tart ones; therefore, it cannot be said that their intentions are inconsequential. However, if it is not a common practice but rather there are individuals who dislike it, **their intentions are considered inconsequential**, and it is not considered waste even for them.

Nowadays, however, when a person dislikes eating a certain kind of food, there are many others like him; therefore one should be stringent and treat that food as waste that may not be selected. If, however, one is not revolted by the food but just prefers not to eat it, in the case of one kind of food there is no prohibition of Selecting, as explained above.

whether his intent is inconsequential relative to the perception of most people, who consider it a single kind.

Is it permitted to remove chicken skin? In the past most people ate chicken skin. Today, however, many people refrain from eating it because it is deemed unhealthy. Therefore, if one does not eat the

Removing chicken skin



It is permitted to remove chicken skin immediately before eating.

skin it is considered **waste** for him and it is prohibited for him to remove it, as explained above. His intentions are considered consequential, as today it is a practice common to many. However, in practice there is room for leniency, and one may remove the skin to facilitate immediate consumption of the chicken, as it is **comparable to peeling fruit**, which is permitted, as explained

below (pp. 841–842). This is the opinion of Rav Eliashiv (cited in *Ayil Meshulash* 6, note 55) and Rav Zilber (*Az Nidberu* 7:16).

SELECTING

