

Selecting as it applies to various items

Selecting items that are not food

Does the prohibition of Selecting apply to items that are not food, e.g., clothes, books, or cutlery?

The central discussion of Selecting in tractate *Shabbat* (74a) addresses **food**. Therefore, one could conclude that the *halakhot* of Selecting are limited to food. However, this understanding is contradicted by the continuation of the **Gemara** (74b):

One who crafts an earthenware barrel is liable to bring seven sin-offerings.

That is to say that in crafting the barrel the person performs seven prohibited labors

Rashi (s.v. *sheva*) explains the labors that are performed:

Seven sin-offerings: The grinding of the clods of earth and finely crushing them is considered Grinding, and **Selecting the coarse pebbles from among them**, that is two. Then one sifts the earth with a sieve, which is Sifting, and kneads the clay, which is Kneading. Then one smooths the clay when one fashions the rudimentary form, which is Smoothing. Then one kindles the fire in the kiln, which is Kindling, and fires it inside the kiln, which is Cooking.

Rashi: The prohibition of Selecting applies to non-food items as well

According to Rashi, the process of crafting earthenware begins with the labor of Grinding, as one grinds the clods of dirt. One then removes the **pebbles** from among them, and is liable for **Selecting**. This implies that Selecting applies even to items that are not food. The Gemara later states that one who fashions a receptacle of reeds is liable to bring eleven sin-offerings. **Rashi** (s.v. *hayav mishum ahat esre*) explains that among other actions involved in this production, the person selects the **good reeds** and is liable for **Selecting**.

The *Taz* (319:12) concludes on the basis of **Rashi's** explanation that the prohibition of Selecting applies even to objects that are not food.

Tosafot write: We read the text: “If there were two kinds of food before him” ... they apparently seek to say that Selecting applies only to food, but with regard to other objects, e.g., selecting a utensil from among utensils, the prohibition of Selecting does not apply ... However, the Gemara there subsequently states: Rava says: That person who crafts a barrel is liable to bring seven sin-offerings, and Rashi lists Selecting among them, i.e., the selecting of the coarse pebbles from among them, etc. If so, it is necessary to say as *Tosafot* write: The reason we read the text as: “two kinds of food” is to emphasize that even in selecting food from food we say that what remains is considered waste.

This is also the ruling of the *Eglei Tal* (Selecting 12), *Arukh HaShulhan* (319:7), and *Mishna Berura* (319:15).

Selecting with items that do not grow from the ground

Rabbi Akiva Eiger:
The prohibition of
Winnowing applies
only to items that
grow from the
ground

Although the prohibition of Selecting applies even to objects that are not food, one could suggest that it does not apply to items that do not grow from the ground. The *Gemara* (73b, 75a) states that **Threshing** and **Gathering** apply only to **items that grow in the ground**. In the **Responsa of Rabbi Akiva Eiger**, he concludes on this basis that **Winnowing**, too, applies only to items that grow from the ground (*Mahadura Kama* 20):

We find in Chapter *Kelal Gadol* ... that the Sages hold that Threshing applies only to items that grow from the ground, and that is the *halakha*. We also find there that Gathering applies only to items that grow from the ground ... and accordingly, one may conclude that in this case too, Winnowing applies only to items that grow from the ground ...

Hemdat Yisrael:
The prohibition
of Selecting, too,
applies only to
items that grow
from the ground

In *Hemdat Yisrael* (1:49a, cited in *Responsa Minhat Yitzhak* 1:75), Rav Meir Dan Pelotzki concludes from Rabbi Akiva Eiger’s ruling that **Selecting** applies only to items that grow from the ground. He

thereby sought to justify those who are not careful regarding the prohibition of Selecting when eating fish with bones:¹²

However, in my humble opinion, the common practice may be explained in accordance with what Rabbi Akiva Eiger wrote in his responsa (20), that just as the *halakha* is that Threshing applies only to items that grow from the ground, the same is true regarding Winnowing. It is evident that according to this Sage, the same is true regarding Selecting; by Torah law it applies only to items that grow from the ground, as explained in the Gemara that Winnowing and Selecting are one and the same. Fish are not items that grow from the ground, and therefore one is not liable for Selecting in their regard.

Winnowing and Selecting are identical labors, as explained above (pp. 767–770). Accordingly, *Hemdat Yisrael* holds that if Winnowing applies only to items that grow from the ground, the same is true with regard to Selecting. Although **Rashi** writes that removing pebbles from dirt is prohibited due to Selecting, since dirt is on the ground it could be categorized as an item that grows from the ground.

However, the majority of *Aharonim* dispute this novel ruling. They cite numerous sources indicating that Selecting applies even to items that do not grow from the ground, for example, the ruling of the **Rambam** (8:14) that one who strains water violates the Torah prohibition of Selecting:

One who strains wine, oil, **water**, or other liquids with their strainer is liable.

Terumat HaDeshen (57) also prohibited selecting **fish** from other fish, as explained above (p. 798), even though they do not grow from the ground.

Accordingly, the *Eglei Tal* (Selecting 12) writes that the **Torah prohibition** of Selecting applies even in the case of items that do not grow from the ground.

The majority of *Aharonim* hold that Selecting applies even to items that do not grow from the ground

12. This will be discussed in detail below, pp. 866–872.

This is also the ruling of the *Peri Megadim* (*Mishbetzot Zahav* 321:10) and the Responsa *Minḥat Yitzḥak* (1:75).

Selecting cutlery, garments, and books

The *Mishna Berura*:
The prohibition of
Selecting applies
to utensils and
garments

The *Mishna Berura* (319:15) accordingly writes that the prohibition of Selecting applies to garments and utensils as well:

The *Aḥaronim* write that Selecting applies in any case involving two kinds, e.g., utensils or garments, and therefore, one must select the kind desired at the moment and leave the other in place and not vice versa.

Similarly, *Shevitat HaShabbat* (Selecting 13) writes that Selecting applies to books and garments as well, and therefore one must make certain not to select a garment or a book in the evening that is required for the morning. Similarly, it is prohibited to select cutlery at the end of the meal, and it is prohibited to select cutlery to set the table on Shabbat evening for the Shabbat morning meal, even if one selects the kind the person wishes to use.

Or *Same'ah*: The
prohibition of
Selecting does not
apply to utensils or
garments, as they
are not considered
a mixture

However, there are *Aḥaronim* who permit Selecting those items. For example, the *Or Same'ah* (8:11) writes:

Know that by definition, Selecting applies to items that are mixed together and that one uses when they are mixed. In this case, if one selects waste from food, or, in the case of two kinds, it is considered Selecting, which is a prohibited labor. However, Selecting does not apply to items that are not mixed together. . . .

However, the *Taz* writes that Selecting applies not only to food but also to wood and metals, and he cites Rashi's words with regard to a receptacle, that one who selects the good reeds is liable. However, in this case one might be performing the selection from items that are mixed together. . . . But from the fact that Rashi's quill wrote "vessels," subsequent authors cited him as saying that Selecting applies to vessels as well. **However, they are mistaken, as regarding the labor of Selecting, the items must be mixed**

together, and this is not the case, neither with regard to utensils nor with regard to garments. Nevertheless, it is not exclusive to food, as explained above.

According to the *Or Same'ah*, although the prohibition of Selecting applies to items that are not food, one should not infer from this that the prohibition applies to utensils or garments. In his opinion, Selecting applies only to items that are commonly used when they are mixed, only items that are considered a **mixture**. One does not commonly use two utensils or garments together; rather, each utensil or garment is used separately. Therefore, if several utensils or garments are placed together they are not considered a mixture, and the prohibition of Selecting does not apply.



Does the prohibition of Selecting apply in this case?

A lengthy discussion of this question appears in the *Arukh HaShulhan* (319:8–9):

Arukh HaShulhan:
Ostensibly, it is
not possible to be
stringent

Accordingly, an important question must be asked: How can we cope with various circumstances, e.g., when spoons, forks and knives lie mixed together and now we need the knives... or if many books are placed together, one on top of another, and one now needs certain books and selects and takes them, or where there are several small and large bowls on the table of the wealthy, different dishes selected for each kind of food, or in many similar instances. If the prohibition of Selecting applies in every case we would be unable to cope in many instances.

There are two answers to this:

First, the prohibition of Selecting does not apply to an object clearly discernible to the eye, as that is mere taking, not selecting. All the aforementioned instances are objects, e.g., garments, utensils, and books, that are clearly discernible. Do not say: Aren't two

kinds of fruit, e.g., figs and grapes, also clearly discernible? That is not the case, as because of their small size and their number it is necessary to select one from another. This is not so regarding garments, utensils, and books.

Second, while eating it is possible to take food from the waste and eat it, as that is not the typical manner of Selecting; it is part of the process of eating. Therefore any items that one requires at present: garments to wear, utensils to use, or books to study, have the status of food eaten at mealtime and Selecting does not apply. According to this reason it is not permitted to select books from one another to replace them in the bookcase, or select garments from one another to hang them in the wardrobe, and the same is true regarding utensils. However, according to the first reason these actions would be permitted, but this requires further examination.

The two reasons for leniency, and the difference between them

The *Arukh HaShulhan* cites two reasons for leniency in selecting utensils or books.

According to the first, the prohibition of Selecting applies only to small items which require close scrutiny in order to separate them. However, in the case of items that are easily discernible, e.g., books, utensils or garments, removing one of them is mere taking and is not considered Selecting.

According to the second reason, Selecting applies even to items that are clearly discernible. However, just as it is permitted to select food from waste for immediate use, as it is part of the process of eating and not the typical manner of Selecting, so too it is permitted to select non-food items that one requires for immediate use from among the items the person does not require, as it is not the typical manner of Selecting.

The practical difference between the two reasons is clear: According to the second reason, it is permitted to select utensils and garments only provided that the conditions that permit selecting food are met, i.e., selecting what one desires for immediate use. According to the first reason, however, Selecting does not apply to items that are large and clearly discernible.

Shevitat HaShabbat (Borer, Be'er Rehovot 26) determines that the *halakha* is in accordance with the second reason presented by the *Arukh HaShulhan*:

Shevitat HaShabbat: The prohibition of Selecting applies to utensils and clothes

It seems that the second reason which he wrote is the correct explanation, as the Talmud Yerushalmi (7:5) states that (selecting applies) “even to round cakes of pressed figs from round cakes of pressed figs, even pomegranates from pomegranates.” It is clear that the significance of round cakes and pomegranates is that they are large items and Selecting applies to them... Furthermore, with regard to a wicker vessel Rashi explains that one selects the fine reeds, which are large items... one may infer from it that Selecting applies even in the case of large, visible items. Therefore, one should take only those utensils which one requires for immediate use.

Conversely, *Responsa Yabia Omer* (5:31) writes that the *halakha* is in accordance with the first reason, that in the case of utensils and garments the prohibition of Selecting does not apply at all. This is also the opinion of *Responsa Tzitz Eliezer* (12:35):

Yabia Omer and *Tzitz Eliezer*: The prohibition of Selecting does not apply to utensils and garments

In any event, in my humble opinion his first explanation is more reasonable, and we have found basis for this explanation in additional books, contrary to the book *Shevitat HaShabbat*, who rules in accordance with the second explanation.

Responsa Yabia Omer (ad loc.) cites an additional reason for leniency regarding the sorting of cutlery after the meal: One can also factor in the opinion of the *Peri Megadim* (*Mishbetzot Zahav* 319:2) that sorting is not included in the prohibition of Selecting, as one desires to use all the items equally and does not consider them food and waste (see p. 791). Furthermore, one can factor in the opinion of *Rabbeinu Yeruham* (see pp. 848–849) that selecting for the following meal is always considered selecting for immediate use, even if the meal will take place only several hours later. On that basis, *Yabia Omer* concludes that it is permitted to select cutlery for the next meal.

Additional reasons for leniency with regard to sorting utensils

Practical *halakha*: One should be stringent with regard to selecting utensils, books, and garments

However, many *Aharonim* rule stringently in this regard, in light

of the ruling of the *Mishna Berura* (319:15). This is the ruling in *Shemirat Shabbat KeHilkhata* (3:27, 68–69, 78–84) with regard to cutlery and other objects, and this is also the ruling in *Iggerot Moshe* (*Orah Hayim* 4:74, *Borer* 12) with regard to books and garments:

In what way is it permitted to search for a book mixed with other books that one requires for later use, when the book's title is not printed on its spine or the room is dark?

I have previously suggested to take each book and open it, and when seeing that it is not the book he needs he should put it down... but one should not do so in the manner of Selecting, i.e., while it is standing, opening the book as little as possible to determine that it is not the desired book. One can similarly use this suggestion with regard to clothes, i.e., removing garments from the closet as though that in itself was one's purpose, until one finds the garment one requires, but not in such a way that it is evident that one's intention is to select.

IN PRACTICE: The generally accepted practice is to be stringent and apply Selecting even to items that are not food, e.g., garments, cutlery, and books. However, as will be explained, there is room for leniency in instances where those items **are not considered mixtures**. Moreover, since there are authorities who rule leniently and hold that Selecting does not apply to items that are not food at all, there is additional room for leniency in cases where there are uncertainties.