

The definition of a mixture

Obviously, in order to be liable for Selecting, there must be a mixture. There is certainly no prohibition to clear a dish from the table on Shabbat evening, even if the purpose is that the table will be clear in the morning. This is the approach of the *Tosefta* (16:9 in the Lieberman ed.; 17:6 in the standard ed.):

Selecting applies only in the case of a mixture

Concerning [pieces of] fruit that were scattered, it is permitted to gather them and eat them one at a time. If [pieces of] fruit became mixed with other fruit, one selects and eats... if one selected them, these by themselves and these by themselves, or if one picked dirt or pebbles from among them, he is liable.

In other words, Selecting does not apply in the case of **scattered** fruit. The prohibition applies only when “fruit became mixed with other fruit,” in which case one who selects is liable to bring a sin-offering. This is also the opinion of the **Rambam** (8:13), who refers to a case where “there were two kinds of food **mixed** before a person,” as the *Beur Halakha* (319:3 s.v. *le’ekhol miyad*) infers from his words:

It is more likely that in this case there is not even a rabbinical prohibition... this is implied by the language of the Rambam and the *Shulḥan Arukh*, who refer to “there were... **mixed** before a person,” indicating that had they not been mixed, and one merely moved one kind from the other, Selecting would not apply.¹³

It is therefore necessary to clarify when two kinds are considered a mixture.

Pieces that are separate and discernible

Terumat HaDeshen (57) discusses whether the prohibition of Selecting applies to the case of pieces of fish that were placed on a board or

13. Although the **Rambam** and the *Beur Halakha* stated the *halakha* regarding two kinds of food, the definition of a mixture should be identical in the case of food and waste as well.

in a bowl **separate from one another**. In his opinion, there is room for leniency:

It would appear to be counterintuitive to maintain that Selecting would apply to large pieces of two kinds that are discernibly separate, as in the formulation of the **Mordekhai** . . . who writes: “Therefore, a person must be careful in the case of kinds of fruit that **were mixed**, etc.” This implies that it applies only when they are mixed and not discernible, but in this case, when the pieces are separate, even though each kind is not placed by itself, they are not considered mixed.

However, since the *Semag* writes that one who selects waste from food, even if he selects it for immediate use, is liable to bring a sin-offering. Therefore, one cannot distinguish between the cases without clear proof and rule leniently.

The prohibition of Selecting applies even in the case of large, discernible pieces

Terumat HaDeshen ultimately concludes that there is no room for a lenient ruling without clear proof, since the prohibition involves a sin-offering. The **Rema** (319:3) rules accordingly:

Two kinds of fish are considered two kinds of food, and **even though the pieces are large and each is individually discernible** it is permitted to select one from the other only by hand for immediate consumption.

Items are considered to be a mixture not only when they are actually mixed together, but also when one large item lies alongside another and each is individually discernible.¹⁴

A few pieces are not considered a mixture

However, several *Aḥaronim* limit the scope of the ruling of the **Rema**. According to the *Arukh HaShulḥan* (319:17), only when there are numerous pieces is it considered a mixture:

But if one takes one or two pieces from four or five it is not considered Selecting. This is an everyday occurrence: A platter with meat and chicken, which are certainly two kinds, is served,

14. Regarding the definition of a mixture, see further in *Ayil Meshulash* (4).

and the hostess removes chicken from the platter in order to save it for Shabbat morning... Indeed, if we were to apply the laws of Selecting to any two kinds of food even when there are only a few pieces, you have rendered normal living impossible and God forbid to say so.

According to *Arukh HaShulhan* one must be stringent with regard to large and discernible pieces only when there are numerous pieces but not in the case of a few pieces. Accordingly, if one removed cutlery from the table and is holding only a single knife, fork and spoon, there is no problem in placing each in its designated place.

Shevitat HaShabbat (Selecting, *Be'er Rehovot* 25) limits the scope of the ruling of the Rema in a different way:

Selecting does not apply to books in a bookcase

Terumat HaDeshen refers to items that are mixed together and placed in no particular order, so that each item prevents access to the others, as it is not possible to take one without removing the other... However, Selecting does not apply in a case where each item is in its place, as in the case of **books arranged in a bookcase (and it is possible to read the names on the spines)**¹⁵ or fruit on a table where one is not lying on the other (as in these cases each item is distinct and easily accessible).



Selecting does not apply when one can identify the books by the titles on the spines.

15. According to **Rav Eliashiv** (*Ayil Meshulash* 18:note 15) even if the title does not appear on the book's spine, the books are not considered a mixture and the prohibition of Selecting does not apply, provided that the book can be identified with certainty.

The same is true regarding garments placed one alongside the other so they are easily identifiable. Only **mixed** books or garments, e.g., a pile of socks, are considered a mixture.

Shevitat HaShabbat (ad loc. 11) similarly permits removing large pieces from liquid:

There is no prohibition of Selecting when removing a large piece from a liquid

If flies fell into a cup, it is prohibited to remove the flies alone, as this is considered selecting waste from food, which is prohibited... This applies specifically to flies and the like that sometimes sink into the liquid and mix with it. However, the prohibition of Selecting does not apply to large, discernible objects, e.g., meat in gravy or vegetables in brine.

According to *Shevitat HaShabbat*, removing a piece of meat from soup or gravy is not prohibited, as the piece is clearly discernible and is not considered mixed with the gravy. This is also the opinion of other *Aḥaronim* (*Az Nidberu* 4:21; *Hiddushim U'Veurim* 14:17). According to this opinion, since the prohibition of Selecting does not apply to large pieces in a liquid, it is permitted to remove those pieces even with a utensil, e.g., with the lid of a saucepan or can.

Removing small pieces from liquid: There is a prohibition of Selecting

However, this is permitted only in the case of large pieces; but **small pieces that require effort to remove them** are considered to be mixed with the liquid, and one must make certain not to select them.

Therefore, it is permitted to remove oil from a can of whole sardines, but not from a can of tuna, which is fragmented into small pieces. Similarly, it is prohibited to pour out the water from a can of peas, corn, and the like, unless one pours out some of the peas as well. It is also permitted to pour out water mixed with **pickles**, even by means of a strainer designed for that purpose, but it is prohibited to pour out water mixed with **olives**.



It is permitted to pour out the brine.



It is prohibited to remove the oil.