

What is considered just prior to the meal?

The **Rashba** in his *Responsa* (4:75) writes:

With regard to anything that this is its typical manner and one puts it aside for use an hour later, the person is liable; however, if one selected to eat it immediately, it is permitted.

Ostensibly, it can be inferred from this statement that selecting for a period shorter than an hour is permitted.¹⁹ However, it is conceivable that the **Rashba** is not referring to a sixty-minute hour, but merely to a short while. This is also the ruling in *Iggerot Moshe* (*Orah Hayim* 4:74, *Borer* 13):

definition of “for immediate use,” that according to the **Rambam** (8:13), there is a difference between one who selects food from waste and one who selects between two types of food. In the case of selecting food from waste, the **Rambam** writes that one who selects to put aside, “even for that same day,” is liable, and the *Beit Yosef* contends that he agrees with the opinion of the *Hagahot HaMordekhai*, that one should select just prior to eating, or at least with the opinion of **Rabbeinu Hananel**, that one should select just prior to the meal. In contrast, with regard to selecting between two types of food, the **Rambam** writes that if one selected for later use, “for example, one who selects in the morning to eat in the afternoon,” is liable. The *Beit Yosef* infers from this statement that there is liability only in this case, but one selecting to put aside for three or four hours later is exempt.

The *Shulhan Arukh* (319:2–3) cites the language of the **Rambam** verbatim, and therefore it appears that when selecting between two types of food or silverware, and the like, it is permitted to select for several hours later. The *Magen Avraham* (ad loc., 6) indeed writes that according to the *Shulhan Arukh*, it is prohibited to select between two types of food **from one meal for the next**, but it is permitted for a shorter period of time. However, the *Beur Halakha* (s.v. *shebiret shaharit*) cites a dispute between *Aharonim* about this issue, and he concludes that “one should be cautious in this regard, as it borders on a Torah prohibition.” Sephardi halakhic authorities also rule stringently. Nevertheless, the lenient opinion can be factored together with other mitigating factors.

19. As the Gemara, regarding the concept of “for immediate use,” distinguishes only between liable and permitted, without raising the intermediate option of “exempt but prohibited.”

It is cited in *Hagahot HaMordekhai* and the Meiri that if one selects to put aside for an hour, it is like selecting for the granary, and likewise, this is the ruling of *Shulḥan Arukh HaRav* and the *Eglei Tal*. Is less than a sixty-minute hour considered selecting for immediate consumption?

ANSWER: This “hour” is not a full hour, but rather, the time it typically takes this woman to organize the food for the meal, and even a short time before that is prohibited.

Magen Avraham:
One must select
literally just prior
to the meal

The *Magen Avraham* (321:15) also holds that selecting is permitted only literally just before the meal.²⁰

Ben Ish Hai: It is
permitted to select
an hour before the
meal

In contrast, the *Ben Ish Hai* (Year 2, *Beshallah* 1) maintains that the reference is to a literal hour,²¹ and he writes that it is permitted to select for a meal that will start in less than an hour, even if the meal itself will last several hours:

Anytime one selects to eat an hour later it is considered “selecting for later” and it is prohibited. But if one selects for a meal that he will start within the hour, it is permitted; even though he will continue eating that meal for many hours, it is permitted.

20. The *Magen Avraham* writes that this is implied by statements of the *Rishonim*. The *Gemara* (114b–115a) permits trimming vegetables on the afternoon of Yom Kippur. The *Rishonim* (e.g., *Rashba*, *Ran*) are puzzled by this leniency: Isn’t this a violation of Selecting? It can be inferred from their question that although one is selecting the vegetable for the next meal, this is not considered selecting for immediate use, and it seems that one must do so **just before the meal**. However, this proof can be refuted: The *Gemara* permits cutting vegetables **in the afternoon**, even though the meal will be only **at night**, several hours later, which would certainly be a violation of Selecting. It is therefore possible that it is not permitted to select for a meal that will take place only much later, but it is permitted to select for a meal that will begin sooner, even if it is not just before the meal.

21. *Az Nidberu* (vol. 4, 72:5) writes that “just before the meal” is within a **half-hour**, as this is the definition of “just before [*samukh*]” in other contexts (see *Rashbam*, *Pesaḥim* 99b, s.v. *arvei pesaḥim*).

An intermediate opinion emerges from a statement of the *Eglei Tal* (*Borer*, 5):

It is not called “for immediate use” unless it is within an hour of selecting. If one begins the meal immediately, even if the person eats other items in the interim and more than an hour passes before eating the selected items, it is permitted to select for that entire meal, since the person is beginning the meal right after selecting. If one will not be beginning the meal immediately, the person may select only what will be eaten within an hour of the selecting.

Eglei Tal: It is permitted to select an hour before eating, or just prior to the meal

In other words, there is room for leniency within an hour, if the **eating itself** will be within the hour, and likewise it is permitted to **select just prior to the meal** for that meal, even if the selected food will be eaten over an hour later. However, one may not rely on both leniencies at the same time: It is prohibited to select a while before the meal when the eating will be more than an hour later. This is also the ruling of **Rav Ovadia Yosef** (*Halikhot Olam*, vol. 4, pp. 75–77; *Yalkut Yosef* 319, note 12, 14).

The **Gemara** (115a) permits cracking nuts in the late afternoon on Yom Kippur for after the fast, as the Sages did not issue a decree prohibiting this. The *Mishna Berura* (*Shaar HaTziyun* 611:9) questions this ruling: Isn’t peeling fruit not for immediate use prohibited by Torah, and not by rabbinic law? The *Mishna Berura* answers this question on the basis of the explanation of the **Meiri** (ad loc.):

Mishna Berura: It is permitted to select a short while before a meal, as part of the preparations for the meal

They permitted it only in the late afternoon, **which is the time that people typically prepare their food during the week**, and everyone will realize that the person is doing so for the night; however, before the late afternoon it is prohibited, as it appears that the person is preparing for the purpose of the day.

Although the **Meiri** is not referring to the prohibition of Selecting, according to the *Mishna Berura* his explanation can contribute to the understanding of why there is no prohibition of Selecting in this case:

He thereby also answers the difficulty with the leniency [allowing one] to crack nuts, even though one will not eat them immediately; isn't it clear in the Rema (321:19) that this is prohibited? However, according to the above, the difficulty is resolved: Since it is just before the evening, it is as though one is preparing to eat immediately.

Note that according to this it is clear that if one does not have a large number of vegetables or nuts, and one will not spend a long time preparing them, certainly the person should delay the matter until just before dark, so that it will be just before the evening meal.

In his opinion, since one is shelling the nuts just before the evening, at the time when people typically prepare dinner during the week, it is like peeling for immediate use. Therefore, it is permitted to begin selecting some time before the meal, if the selecting is part of the preparation process that continues until just before the meal. However, the *Mishna Berura* limits this leniency, and states that one may begin selecting long before the meal only if there is a great deal of food to select, but if there is just a small amount to select, selecting must begin later, so that the selecting be will completed just prior to the meal.

One must
complete
preparations
for the meal at
the time they
are typically
completed

It is, therefore, permitted to select just prior to the meal even if the meal will last several hours, and it is permitted to begin selecting much earlier, in accordance with the amount of food that needs selecting. In simple terms, it is necessary to complete preparations just before the meal, as stated by the *Magen Avraham* cited above. In contrast, the *Ben Ish Hai* (ad loc.) rules leniently, and writes that it is permitted to complete preparations as much as an hour before the meal. Perhaps the aforementioned definition of the *Iggerot Moshe* should be adopted, that “just prior to the meal” is “the time that it typically takes this woman to organize the food for the meal.” In other words, preparations for the meal must be completed at the time they are typically completed. On that basis, it is permitted to begin preparations provided they will be completed a short time

before the meal, as it is standard practice to leave a certain margin for error when preparing food.

If it is necessary to perform several actions in preparation for the meal, and there is no particular order in which they must be performed, it is preferable to first perform those actions that do not involve selecting and perform selecting last; e.g., removing eggshells and peels that are not typically eaten, and removing peels that are typically eaten, and sorting mixed silverware, etc. *lekhatzila* (*ab initio*). However, if there is a particular order in which these actions must be performed, even if selecting is not performed just prior to the meal it is permitted, as it is reasonable to categorize them all as meal preparations.



It is preferable to delay selecting until the latter stages of the preparations.

The *Ayil Meshulash* (chap. 8, note 22) issued a similar ruling in the name of Rav Nissim Karelitz, and another reason for leniency is the ruling of the *Ben Ish Hai*, who permits selecting within an hour of the meal.

It was stated above that it is permitted to select just prior to the meal even if several hours will pass until that selected food is actually eaten. In contrast, when eating outside the context of a meal, one must select and eat immediately, although some permit doing so within up to one hour. What is the basis for this distinction?

The principle seems to be that an act of **selecting is permitted just before usage; however, in each instance the definition of usage changes**. If one eats food outside the context of a meal, **eating is the usage**, and selection must be performed immediately before eating. However, in the context of a **meal**, having everything **ready at the beginning of the meal** is the usage for the one preparing the meal. Therefore, selecting for immediate use in this case means completing the selection just before the start of the meal.

According to this principle, if it is necessary to perform a certain

It is preferable to postpone selecting until the latter stages of the preparations

It is permitted to select just prior to usage

It is permitted to select just prior to an action that is necessary for the meal

action long before the meal in order to ensure that the food will be ready for the meal, and in order to perform this action, it is necessary to first select the food, it is permitted to select just before the action in question, as that action is the usage relevant for the one preparing the meal. This is cited in *Shemirat Shabbat KeHilkhata* (3, note 4) in the name of **Rav Shlomo Zalman Auerbach**:

It stands to reason that if, to improve the taste of the dish, onions must remain in the soup for a long time, it is considered for immediate use and it is permitted... The same is true if one peels [pieces of] fruit for a salad, which are tastier when prepared earlier.

Similarly, **Rav Shlomo Zalman Auerbach** (ad loc., 74) rules that it is permitted to select and remove a particular food from the refrigerator some time before the meal so that it will not be so cold by mealtime. The reason is that since it takes a long time for this food to be properly prepared for the meal, this act is considered part of the preparation process of the meal, and all actions required for the meal are considered the usage of food in terms of that meal. It is, therefore, permitted to select just prior to those activities.²²

However, **Rav Shlomo Zalman Auerbach** notes (*Shemirat Shabbat KeHilkhata*, *Tikunim UMiluim* 3, note 200) that this leniency is limited to **an action that people typically perform in the hours just before mealtime**. However, an action that can be performed days before the meal without compromising the taste of the food is not considered part of the preparation process of the meal, and it may be performed only immediately prior to the meal.

Likewise, it is clear that if the action can be performed closer to

The leniency applies only to actions that are usually performed before a meal

The leniency applies only if performance of the action at this stage is for the purpose of the meal

Selecting in order to give to another

22. **Rav Shlomo Zalman Auerbach** (*Shemirat Shabbat KeHilkhata* 3, note 185) introduces an even greater novelty; if one who is about to leave, needs to select an item to give to another who will not use the object immediately, selecting is permitted. His reasoning is that in that case **borrowing is the use**, and the act of borrowing is performed immediately. However, some authorities dispute this claim (see *Ayil Meshulash* 8:27, citing **Rav Eliashiv** and **Rav Nissim Karelitz**).

PERMISSIBLE FORMS OF SELECTING

the meal but one seeks to perform it earlier merely for the sake of convenience, e.g., to prepare the meal before going to the synagogue, it is not permitted to select. It is only if the performance of the action right now is **for the requirements of the meal** that it can be defined as a use of food for the sake of the meal. If, however, one wants to do it now for **the needs of the person**, this is not for the sake of the meal and he may not perform such an action.

So, for example, it stands to reason that it is permitted to remove meat from its gravy to heat it on a hotplate, even though it is several hours before the meal. Since placing the meat on a hotplate is necessary so it will be hot at mealtime, it is permitted to select the meat before heating. However, if the meat does not need to be heated that long, and it is merely more convenient, freeing the person to engage in other activities, selecting is prohibited for this purpose.

Selecting before
placing on a
hotplate