

Selecting while eating

Ramban: It is permitted to remove the waste from the food while eating

It was stated above (p. 778) that according to the **Ramban** (74a), the reason it is permitted to select food by hand and for immediate use is because this is **part of the process of eating**. In this context (ad loc., s.v. *vekhi mutar*), the Ramban introduces an additional novel point:



Can bones be removed while eating?

This is not the typical manner of selecting; rather, it is comparable to one who, while eating food, encounters waste in that piece, and removes the waste from the food, which is permitted.

The Ramban explicitly states that if waste is found in the food **while eating**, it is permitted to remove that waste from the food. The Ran also writes this in his commentary (ad loc.).

At what stage of the eating process is this permitted? The **Beur Halakha** (319:4, s.v. *haborer pesolet*) maintains that the Ramban and the Ran are referring to encountering waste in a piece of food that is about to be eaten, **before the person ate it**:

There is room for uncertainty as to whether Selecting is only when one selects and then prepares it for immediate consumption, but during the meal itself, with the food in one's hand and ready to eat, it is permitted to remove the waste and discard it, without violating the prohibition of Selecting, **despite the fact that the person does so prior to eating**, as this is **part of the process of eating**. Or perhaps there is no difference between selecting before eating and selecting while eating, and it is permitted to discard the waste only after eating the food, or if one discards some food with the waste.

I found the *Birkei Yosef* who writes that the Mahari Abulafia

and the Maharit Tzahalon dispute in this regard, that the Mahari rules leniently and the Maharit prohibits it...

I studied the books, and I found that *Rishonim* disagree regarding this reasoning, as the Ramban in his commentary clearly supports the aforementioned opinion of the Mahari Abulafia, as this is the formulation of the Ramban in his *Likutim* on Shabbat... “This is not the typical manner of selecting; rather, it is comparable to one who, while eating food, encounters waste in that piece, and removes the waste from the food, which is permitted.” The Ramban cites this as a case that is obviously not the typical manner of selecting... and the Ritva [actually, the Ran] also cites this statement of the Rambam in his commentary.

Based on his reasoning, the *Beur Halakha* is uncertain about this case, and he cites a dispute between *Aḥaronim*: According to the **Mahari Abulafia** (cited in the *Responsa* of the **Maharitatz** 203), it is permitted to select even waste from food while eating, whereas according to the **Maharitatz** (ad loc.), it is prohibited. Ultimately, the *Beur Halakha* concludes that according to the **Ramban** and the **Ran** there is room for leniency and one may remove the waste from the piece he is about to eat.²⁷

27. The *Beur Halakha* adds that from the **Rosh** it appears that selecting while eating is also prohibited. In his *Responsa* (22:9), the **Rosh** permits filtering insect-infested water by placing a cloth over one’s mouth, as one thereby merely prevents waste from entering one’s mouth, and this is not akin to Selecting. It can be inferred from this ruling that essentially Selecting applies even while eating, but preventing waste from entering one’s mouth is not considered an act of Selecting. However, **Mahari Abulafia** (ad loc.) rejects this proof, as he explains that the **Rosh** is referring to filtering with a cloth, with a utensil, which is prohibited even while eating. In contrast, selecting by hand, while eating, is certainly permitted, even if one selects waste from food. The *Beur Halakha* cites the conclusion of **Mahari Abulafia**, but he does not cite his opinion in relation to the **Rosh**; perhaps the *Beur Halakha* did not see his original statement, but only as cited by the *Birkei Yosef*.

However, the **Ritva** (74a, s.v. *amruha kamei*) holds that selecting while eating is prohibited: “Now, the common practice of crushing walnuts or almonds and the like and selecting the food from them before the meal to eat

On this basis, although it is generally prohibited to select waste from food even for immediate use, according to the Ramban and the Ran there are restrictions on this prohibition. The concept “for immediate use,” applies at the stage of **just prior to the meal or the eating**; at this point it is permitted to select only the food from the waste. However, when one is in the **actual process of eating**, there is no prohibition of Selecting at all, even if one removes **waste from food** before the food is placed in one’s mouth.

Hazon Ish: The leniency applies only to food that has been inserted into one’s mouth

However, the *Hazon Ish* (54:1) understands the opinion of the Ramban and the Ran differently:

It appears that they are referring to removing the refuse in the **piece from one’s mouth**... It cannot be explained that the piece is **in the person’s hand** before it is placed in his mouth, as certainly, according to our conclusion, this is permitted only “for immediate use”... It is reasonable to say that it is prohibited to select even the piece that the person is placing into his mouth, as we have found no distinction between a large piece and a small piece or between immediate use for the moment and immediate use for an hour. The *Mishna Berura* (ad loc.) explains that in the opinion of the Ramban selecting is permitted even regarding waste in the piece in one’s hand. That does not appear to be the case, as were that so, it would be permitted to select even a large quantity of waste from the piece, and from where is it evident that this is permitted?

According to the *Hazon Ish*, the **Ramban** and the **Ran** are referring to a piece that was inserted **into one’s mouth**, as then it is permitted to remove the waste. However, in the stage before the food is placed in one’s mouth, it is prohibited to remove the waste from the food.²⁸ Indeed, it is related that the *Beit HaLevi* would eat the

them during the meal is prohibited, and one may do so **only while actually eating, and by selecting food from waste**.” In other words, even when one selects “while actually eating,” it must be food from waste.

28. The **Ramban** (142b, s.v. *man tana*) writes that one who finds a stone among fruit may remove it, like waste from food. However, **Rav Isser Zalman**

fish with the bones (*Shevitat HaShabbat*, *Borer*, *Be'er Reḥovot*, end of chap. 20). The Ramban and the Ran, according to the *Hazon Ish*, maintain that this is not necessary, as once the fish is in one's mouth, it is permitted to remove the bones. However, the *Hazon Ish* adds that it is prohibited to remove the bones beforehand, even though it is performed within the context of eating.

The opinion of the Ramban and the Ran can be explained otherwise. According to the *Mishna Berura*, the case in question involves fish on a plate, and the person removes the bones from the fish and eats it immediately. According to the *Hazon Ish*, the piece has already been placed in the person's mouth. Perhaps instead, the reference is to **an intermediate situation**: The fish is in one's hand or on a fork and the person begins eating it, and encounters a bone. At the moment that one encounters the bone, the person removes it by hand. Perhaps that situation can be characterized as "while eating" and even removing the waste is permitted (see *Shevitat HaShabbat*, ad loc.).

An intermediate opinion

Ostensibly, this dispute is contingent on understanding the leniency that allows selecting food by hand and for immediate use. It was stated above (p. 868) that this *halakha* can be understood in two ways: (1) **It is not the typical manner of selecting.** (2) Selecting performed in this manner is considered **part of the process of eating**, which is not prohibited.

The basis of the dispute

If the leniency is based on the fact that it is not the typical manner of selecting, perhaps selecting waste from the food is always considered the standard manner of selecting, although even according to this interpretation, it could be asserted that during the process of eating, the typical manner of selecting does not apply. In contrast, if the leniency is based on the fact that it is part of the eating process,

Meltzer writes in his glosses ad loc. that the Ramban is referring to a Festival, as on Shabbat it is prohibited to remove waste from food. Nevertheless, one could contend that the Ramban is indeed referring to Shabbat, and to a case where the stone is removed while eating. If so, this supports the interpretation of the *Beur Halakha*.

it stands to reason that removing waste while eating is literally part of the process of eating. Indeed, this would be even more clearly permitted, as there is no clearer part of the eating process than selecting while eating. Indeed, the **Ramban** clearly implies that the leniency is based on the concept of “part of the process of eating,” and it is the Ramban who permits, according to the *Beur Halakha*, removal of waste while eating.²⁹

The *Beur Halakha* justifies those who remove bones from fish

The *Beur Halakha* (319:4, s.v. *mitokh okhel*) defends the common practice of removing bones from fish on Shabbat. He states that those who remove them **while eating** certainly have opinions on whom they may rely, as according to the **Ramban** and the **Ran** it is permitted to remove the bones. There is even room to justify removing the bones **before eating**:

People are not typically vigilant in observing this. It goes without saying that there is no basis for reprimanding them when they do so while they are actually eating, as they have authorities upon whom to rely, as stated above; but even when they do so before eating, e.g., men and women who prepare the food to bring to the table and are not at all cautious, but remove the bones from the meat beforehand. If this is prohibited, they are in violation of a prohibition for which one incurs liability to bring a sin offering. I have sought justification for their practice ...³⁰

29. As stated above (pp. 841–842), the *Beur Halakha* explains why it is permitted **to peel fruit** on Shabbat on the basis of the same reasoning: Since there is no alternative method to eat the fruit, it is considered **part of the process of eating**.

30. The *Beur Halakha* combines several reasons to justify the practice of those who remove bones **before eating**:

Sometimes the bones are edible, and therefore, the bones and meat are considered one kind, in which case the prohibition of Selecting does not apply at all.

According to the *Yam Shel Shlomo* (Beitza 1:42), when the waste is attached to the food **naturally**, it is all considered one kind; therefore, separation of the waste is not Selecting, but merely preparation of food. It is considered waste only if it is distinct, but while it is naturally attached to the

As stated, the *Hazon Ish* (54:1) rejects the understanding of the *Beur Halakha*, and states that it is prohibited to remove waste from food while eating.³¹ Likewise, the *Hazon Ish* (ad loc., 3–4) does not accept the justification of the *Mishna Berura* for those who remove the bones before eating. In his opinion, it is permitted to put the chicken or fish into one's mouth and then remove the bones, or hold a bone and remove the meat, which is more practical with chicken than with fish.

Hazon Ish: It is prohibited to remove bones from fish

In his *Responsa* (vol. 1, chap. 83), the *Shevet HaLevi* supports the

justification of the *Mishna Berura*. The *Ben Ish Hai* (Year 2, *Beshallah* 10) also permits removing the bones to eat the meat immediately. His reasoning is that since this is the manner in which food is always eaten, and it is not the typical manner of selecting but part of the process of eating.

Different opinions among contemporary authorities



Is it permitted to remove the seeds before placing the food into one's mouth?

Shemirat Shabbat KeHilkhata (3, note 11–13) cites these two

food and does not stand alone, it is not classified as waste, and consequently its removal is not considered removing waste, but rather accessing the food. However, the *Magen Avraham* (510:4) questions this opinion, as it is prohibited to peel fruit for later consumption, despite the fact that the peel is naturally attached to the fruit. Nevertheless, he, too, permits peeling fruit for immediate consumption, and therefore it is also permitted to remove bones for immediate consumption.

One may factor in the opinion of *Rishonim* who hold that in every case it is permitted to select the waste from the food for immediate consumption.

Shevitat HaShabbat (*Borer, Be'er Reḥovot* 20) adds that one may also take into consideration the opinion of *Rabbeinu Hananel* that the prohibition of Selecting applies only when the food and the waste are mixed together, not when they are attached.

31. In his opinion, removing bones is not comparable to peeling fruit, which he permits (see previous note), as in that case, there is no alternative method to access the fruit, while here there are other ways to eat the fish or meat.

opinions, and writes that fundamentally one should be stringent; however, there is basis for those who are lenient if they remove the bones while eating, but not beforehand.

This dispute relates to many foods, among them watermelon, fish, and chicken. Is it necessary to place the food into one's mouth, eat it, and only then remove the waste, or is it permitted eat it in the typical manner and remove the waste before putting the food into one's mouth?

Practical *halakha*:
Eating fish with
bones

IN PRACTICE, those who are lenient and remove the bones while eating have authorities upon whom they can rely. Those who are stringent in this regard, in accordance with the opinion of the *Hazon Ish*, have several options: placing the fish in one's mouth and then removing the bones, holding the fish and eating its flesh, or removing the bone and sucking the fish off it. In order to avoid issues of Selecting, many Jews have adopted the practice of eating **gefilte**, or ground, **fish**, thereby satisfying the demands of all the opinions.

