



Parshas Mishpatim 5763

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Can you please define the essence of the melacha called Borer?

Borer is one of the 39 *melachos* of Shabbos being that it was one of the *melachos* incorporated in the construction of the *Mishkan*. *Borer* means to separate or to sort the items in a mixture. As a matter of fact there are two other *melachos* that also deal with sorting and separation, namely (דש) *Dush* - Threshing and *Meraked* - Sifting. Even though they all are one of a kind in the sense that they separate between good and bad, food and waste, nevertheless *Chazal* tell us that each one is a *melacha* in its own right.¹

Does Borer apply to the sorting of food items as well or only to separating between waste and food?

Obviously the main feature of *Borer* is to separate between food and waste in a mixture. Nevertheless *Tosefos* in *Shabbos* 74a, which is the *halacha*, says that *Borer* also applies to the sorting of food items that are in a mixture. In other words, when there are inedible particles in rice and one removes them or when peas and carrots are mixed and one separates the peas from the carrots, this is the *melacha* of *Borer*.

I can understand that extracting the inedible items from rice is Borer because it 'improves' the rice but peas and carrots are not impaired

¹ See R' Ovadia MiBartanura on the *Mishna* in *Shabbos* 7:2.

and that separating them 'improves' them, so why should that be a melacha?

Firstly it is correct that all the *melachos* must improve or enhance something, as all the *melachos* are constructive. (Even the destructive *melachos* such as demolition - *S'tirah*, must be done for a constructive purpose). Secondly, the *Yeshuos Ya'akov* offers a similar argument saying that separating one food from another is not the original *melacha* because one food is not impaired by the other food.

The *Bi'ur Halacha*² disagrees and says that when one wishes to separate food items in a mixture, he is declaring that one item impairs the other (to a certain extent) and the separating of the two will enhance and 'improve' each particular item.

Hence separating waste from food or the sorting of food items involves a *melacha d'oraisso* of *Borer*. Utmost care must be taken when sorting or separating on Shabbos because it is a hairsbreadth that separates between a permitted action and one that is *ossur mid'oraisso*.

How or when is one permitted to separate items on Shabbos?

The *Shulchan Aruch* at the beginning of *simon* 319 tells us that there are three cardinal rules pertaining to *Borer* and compliancy with these rules permits *Borer* on Shabbos.

² *Bi'ur Halacha* 319:3 'לאכול מיד'.

They are 1) removal of the food from waste, 2) with one's hand, 3) immediately prior to eating. As we will see, each one of these criteria requires elaboration. In short we must remember: Food, by Hand, for Now or אוכל ביד ומיד.

A mixture

The most basic concept regarding *Borer* is that *Borer* only applies to the sorting or separating of items in a mixture. Items not mixed together may be separated or sorted. Defining a mixture is complicated because the *poskim* say that a mixture is determined according to the impression of the beholder, which only aggravates matters being that one is often unsure as to the classification of a given situation.

For example, are bottles lined in the refrigerator door considered a mixture? What about books on a bookshelf? How about a fly in the soup, is it considered on its own or is it 'mixed' in the soup? As we progress we will *B'eizras Hashem* attempt to answer these questions.

Food From Refuse

When food and waste are in a mixture one must remove the food from the waste and not the waste from the food, regardless of the effort that must be invested to remove the food and even if removing the waste would take less time and is easier to do.³

[On Yom Tov one must seek the easier method, and if it is easier to remove the waste from the food one must do so].⁴

Removing the food from the waste immediately prior to eating is called ררך

אכילה - the way one eats and hence it is not *Borer*.

Vort on the Parsha

Behold the beauty of the Torah. When a friend of yours is struggling to unload his donkey and your enemy (someone you saw commit a sin) is struggling to load his donkey, you are commanded to help your enemy. Not only are you passing up the mitzvah of צער בעלי חיים – taking pity on animals, because you are helping to load an animal instead of helping to offload one, you are aiding your enemy.

The reason *Chazal* wanted you to aid your enemy is because you have a chance to **break** your evil inclinations. Such an opportunity overrides all other considerations. May we all reach such spiritual heights, think about it!

Food For Thought

I am supposed to separate with my hands, does that mean I cannot remove food from a mixture with a fork?

How can I prepare prior to eating when the item I wish to prepare is for the 4th course of a meal?

What happens if I removed an item I thought I wanted and then either changed my mind or realized I did not want it, must I then use or eat it?

If I mistakenly separated food contrary to the halacha am I permitted to eat it?

Answers coming next week.

³ Simon 319:1,4,5 and M"B 3.

⁴ M"B simon 319:18, because of *simchas Yom Tov*.

Dedicated in memory of our beloved Opa, Alexander Roberg, 26th of Shevat.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.