YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TALMUDIC METHODOLOGY**

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**Shiur #19: The *Melakha* of *Borer***

One of the most fascinating forbidden *melakhot* of Shabbat is known as “*borer*” and prohibits the separation of desirable items from undesirable ones. According to one opinion, it is based on the processing of herb-based dyes in the *Mikdash*, which were necessary to weave the garments of the *kohanim*, in which the shells and chaffs were removed from the seeds necessary for dying. Others claim that the *melakha* of *borer* stems from the separation of kernels of wheat from the dirt and chaff in the process of grinding flour for the *korban mincha.*

The *melakha* of borer has many complex applications. In fact, the well-known and important halakhic work *Shevitat Ha-Shabbat* introduces *borer* by referring to it as the most complicated *melakha*.

To understand the nature of *borer*, we must begin by addressing a controversial comment of the Ba'al Ha-Ma'or, who questions the integrity of this *issur*. A *melakha* of Shabbat must be “*tzerikha le-gufa*" – one must benefit directly from the act of *melakha.* If the benefit is peripheral to the action, it is referred to as *eina* *tzerikha le-gufa*, and at least according to R. Shimon is not Biblically forbidden. (There is some debate as to whether we actual rule like R. Shimon or like R. Yehuda, who DID prohibit even *eina tzerikha le-gufa*). For example, transporting a dead body from a house to eliminate possible odor would be *eina tzerikha le-gufa* and not Biblically forbidden (even if transport occurred to *reshut ha-rabim*). Although the ACT of transport is executed upon the DEAD BODY, the benefit is not realized in that body, but rather in the residence, which has been aerified. Similarly, digging a furrow in the GROUND when the removed earth is not needed, for any utility is considered *eina tzerikha le-gufa*. Since the action is performed upon the earth while the benefit is realized in the resulting hole, it is not a standard *issur*.

The Ba'al Ha-Ma'or is troubled as to why *borer* is not considered a *melakha she-eina tzericha le-gufa*. After all, the action is performed upon the WASTE material, but the benefit is received from the filtered food, which is now more edible. In fact, the Ba'al Ha-Maor concludes, *borer* IS *EINA TZERICHA L'GUFA*, but it constitutes a halakhic anomaly; it is forbidden DESPITE its deviance and despite that fact that, GENERALLY, status as *eina* *tzerikha le-gufa* mitigates the *melakha*. Of course, this is quite odd, and the Ramban roundly rejects this theory, referring to *borer* as *tzerikha le-gufa*. The Ramban himself is not very specific about WHY it should be considered *tzerikha* *le-gufa*, but an interesting suggestion emerges from several later commentaries (see, for example, the Iglei Tal in his introduction to *zoreh* and the Yeshuot Yaakov in his comments to Shulchan Arukh, OC 319).

Perhaps the *melakha* of *borer* is not defined as removing or separating waste. If it were, the action would indeed be directed at the waste, and since the benefit is realized in the edible portion, it would be considered *eina tzericha le-gufa*. Instead, the *melakha* entails the purification of food. Unlike the winnowing stage, in which the kernels of wheat are physically dislodged from their chaff, the *borer* stage REMOVES these waste products and yields the first-stage of edible food. Although the kernels have not been ground into flour, the food object makes its first appearance. Perhaps, then, *borer* constitutes an act performed on an entire MIXTURE that was not previously defined as edible food but afterwards is. As such, the act is not one of separating and does not specifically target the waste. Instead, it is an act of creating food and targets the entire material – both *okhel* and *pesolet*. Since the action is directed upon the *okhel* as well and the benefit is realized in the *okhel*, *borer* retains its status as *tzericha le-gufa*.

This question, which is so fundamental to *borer*'s legal status, may yield some very interesting ramifications. Primary among them would be a situation in which *pesolet* was separated, but some remained mixed with the *okhel*. It appears that the Yerushalmi in *Shabbat* (7:2) MAY address this case when it describes someone who spends an entire day removing pebbles from a basket of wheat but never violates *borer*. The simple reading of this exemption is that since many pebbles still remain and the wheat has not been purified, no *borer* has occurred. Clearly, if *borer* is defined as an isolated act of separating waste from food, it would be violated regardless of whether the remaining food were completely purified. Evidently, the definition of *borer –*at least according to this Yerushalmi – is a *melakha* of converting a COMPOSITE into purified food. Even if much waste has been removed, if the remaining food is not “readied,” no violation has occurred. While most *poskim* assert that the Bavli disagrees with this Yerushalmi and that this leniency is not accepted as a Halakhic norm, the Yerushalmi’s willingness to assert it may indicate that *borer* is not merely defined as separating waste.

A second issue that probably revolves around the definition of *borer* concerns the *shiur*, the measure of action necessary to violate the *melakha*. While the actual *shiur* is unquestionably a *grogeret*, similar to the *shiur* for all 11 of the *sidura de-pat melakhot*, there is uncertainty whether that *shiur* refers to the amount of waste removed or comprises the entire composite of waste and food. Theoretically, there is a third option as well, which would require that a *shiur* of food be purified; only if the requisite *grogeret* of actual food were yielded would the violation entail.

The Minchat Chinukh, in his comments to *zoreh* (section 4) and his comments to borer (section 5,) claims that a *shiur* of yielded *okhel* is required. However, the conclusion of the aforementioned Yerushalmi suggests otherwise. The Yerushalmi had exempted someone who removed massive amounts of waste form a basket of grain (presumably because the food in the basket remained unpurified). The Yerushalmi concludes that if the person grabs a *grogeret* worth of composite *ochel* and *pesolet* and separates the waste, thereby purifying the food, *borer* has been violated. Presumably, a *grogeret* of composite does not yield a *grogeret* of purified food, yet the Yerushalmi claimed that as long as THE COMPOSITE is a *grogeret*, the violation applies.

Logically, if the prohibition surrounds the act of separation, it would be sufficient to perform that act upon a composite of *grogeret*, even though less than a *shiur* of purified food is yielded. However, if the *melakha* is defined as creating edible food out of the composite, perhaps the Minchat Chinukh is correct in assuming that a *grogeret* of purified *okhel* is necessary.

The issue of defining *borer* as selecting or as creating food clearly influences a fundamental *machloket* between *Amoraim* in the Yerushalmi, and possibly between *Rishonim*. Does *borer* apply to the separation of food from food, or only food from waste? This question seriously impacts the scope of *borer*. The Shulchan Arukh and most *Rishonim* follow the position of Rabbenu Chananel, first stated by Chizkiya in the Yerushalmi, that *borer* DOES indeed apply to separating food from food. To further complicate matters, the Taz, in a landmark and hotly contested opinion, extended *borer* to separating ANY two items – such as tableware, books, clothing etc. Many *Posekim*, including the Mishna Berura, adopt his position, thereby establishing *borer* as one of the major issues of Shabbat. However, not all accept Rabbenu Chananel’s position, and many – beginning with R. Yochanan cited by the Yerushalmi – may not agree that *borer* applies to separating food from food. If the prohibition ONLY APPLIES to FOOD AND WASTE, as Rebbi Yochanan asserted in the Yerushalmi, it cannot possibly extend to books and utensils (although even if it DOES EXTEND to food from food, it still might not extend to non-foodstuffs).

In any event, this *machloket* is clearly influenced by the fundamental question of how to understand *borer*. If it is defined as an act of separation, it is quite logical (although not obvious) to compare the separation of food from food to the separation of food from waste. However, if *borer* is actually defined as creating food from a mass of food and waste, it would have no applicability to foods mixed with other foods, and the scope of *borer* would be very limited. Of course, we DO adopt the position of Rabbenu Chananel and extend *borer* far beyond the separation of kernels form chaff.