

Bais HaVaad on the Parsha

Parshas Ki Sisa

Summary of a shiur by Dayan Daniel Dombroff

Selective Service

Borer (selecting) is one of the 39 forbidden *melachos* of Shabbos, but the Gemara (*Shabbos* 74a) concludes that it is permitted when performed under all three of these conditions:

1. *B'yad* (by hand)—without a utensil
2. *Miyad* (for immediate use)—shortly before the meal (Rama)
3. *Ochel mitoch pesoles* (removing the desired item from the undesired one)—and not vice versa

Why do these conditions permit *borer*? Rashi explains that separating *b'yad* is considered a significant *shinui*, a change from the norm. This is difficult to understand: In the case of other *melachos*, performing the act in an unusual manner does not permit it entirely, it only downgrades the violation from a Torah prohibition to a Rabbinic one. Why is this one permitted?

The answer is that selecting food just before a meal is different from other *melachos* because the food will not exist for much longer, so the effect of the *melachah* is short lived. By contrast, planting, harvesting, and cooking have longer-lasting results. Pre-meal *borer* is therefore considered *derech achilah*, a part of the eating process.

One exception to the rule is that the Rama (O.C. 321) permits peeling fruits and vegetables before eating even when removing the *pesoles* from the *ochel*, the peel from the fruit. Because the fruit cannot be accessed without peeling, that is the *derech achilah*, and the act doesn't have the significance of a *melachah*.

Because most nuts in the U.S. today are sold without shells, some *poskim* maintain that unshelled nuts do not have the status of food in that state, and removing their shells on Shabbos would be forbidden.