

The essence of the labor of Selecting

There is an apparent difficulty regarding the primary objective of the labor of Selecting. One of the principles of the laws of Shabbat is that one is exempt for performing a labor that is not required for its own sake, i.e., a labor performed not for its primary objective, but for a peripheral consequence of that labor. This is not the place to elaborate on the question of how one determines the primary objective of the labor. Ostensibly, any act of Selecting should be considered a labor that is not required for its own sake (*melakha she'eina tzerikha leGufa*), as the labor is performed on the waste, and the person has no need for the waste.

Indeed, **Baal HaMaor** (Rif, 37b) writes:

All thirty-nine categories of labor that were performed in the Tabernacle were labors required for their own sake, **except for Winnowing and Selecting**, as one winnows chaff from the threshing floor and separates dirt from the grain pile. The primary objective of those labors is to remove the chaff and the dirt, and therefore

Ostensibly, the labor of Selecting is a labor that is not required for its own sake

Baal HaMaor:
Liability for
Selecting is a novel
innovation of the
Torah

1. However, some maintain that the Sages enumerated these as three distinct labors to reach the total of thirty-nine primary categories of labor (see above, p. 51).
2. See below (pp. 907–911) for a detailed discussion of the distinction between Selecting and Sifting.

one is liable for performing them or any of their subcategories. Regarding all other labors, however, the primary objective of the labor is for its own sake.

According to Baal HaMaor, Selecting is a labor that is not required for its own sake. Nevertheless, it is a **novel innovation** of the Torah that one is liable for performing that labor.

Yeshuot Yaakov:
The primary
objective of the
labor is preparation
of the food and not
the removal of the
waste

According to the **Ramban** (106a), however, Selecting is a labor required for its own sake. The Ramban's opinion can be understood in light of the explanation of the *Yeshuot Yaakov*, cited in the *Beur Halakha* (319:3 s.v. *le'ekhol miyad*):

With regard to the labor of Selecting, the *Yeshuot Yaakov* asks: Why is the person liable? Even if one selects waste from food, it is a labor not required for its own sake. Since one does not require the waste at all, but selects it only to remove that which is harmful, it is comparable to the case of one who carries out a corpse in order to bury it.

The *Yeshuot Yaakov* answers that the emphasis of the labor of Selecting is that waste is unfit for consumption and the food mixed with it, too, is largely unfit for consumption... therefore, the labor is not named for selection of the waste, but rather, for **preparation of the food so it is fit for consumption. It is a labor that is required for the sake of food itself...**

According to the *Yeshuot Yaakov*, although the act of Selecting is performed by removing the waste, the primary objective of the labor of Selecting is **preparation of the food**. Therefore, it is a labor required for its own sake.

Two approaches
with regard to the
primary objective
of the labor of
Selecting

There are, then, **two approaches with regard to the primary objective of the labor of Selecting:**

1. The primary objective of the labor is **removal of the waste**.
2. The primary objective of the labor is **preparation of the food**.³

3. The **Ramban** himself apparently understands that the essence of the labor

This distinction has many ramifications, and we will enumerate some of them.

The **Yerushalmi** (7:2) states that it is possible to engage in selecting the entire day, without violating the prohibition of Selecting. Conversely, one could violate the prohibition of Selecting with even a seemingly insignificant act of selecting. How so? The **Yerushalmi** explains:

The first practical difference:
Removing only
some of the waste

Rabbi Yudan says: There is a case where one selects pebbles all day and is not liable, and there is a case where one takes the measure of a fig-bulk and is immediately liable. How so? If one was sitting by a grain pile and selecting pebbles all day, he is not liable. If he took the measure of a fig-bulk into his hand and selected, he is liable.

In the case of the grain pile, the person did not remove all the waste; therefore, there is no liability. In the case where one selects pebbles from a fig-bulk in the hand, all the waste was removed; therefore, the person is liable. From the ruling in the **Yerushalmi**, it can be concluded that the primary objective of Selecting is **preparation of the food**. Therefore, even if one selected all day, since all the waste was not removed, **the food remains unprepared**, and therefore the person is exempt.

According to the *Eglei Tal* (*Zoreh* 1:4), the **Bavli** disagrees with the **Yerushalmi** and holds that one is liable even if all the waste was not removed. Although there are alternative explanations of its ruling, it could be explained that the **Bavli** maintains that the essence of the labor of Selecting is **removal of the waste**; therefore, the person is liable for removal of any waste.

This distinction has another ramification: According to the *Taz* (319:13), if a fly fell into liquid, it is permitted to remove it together with a **small amount of liquid**. The *Mishna Berura* (319:61) rules in accordance with the opinion of the *Taz* and expands its application:

of Selecting is **the act of separating waste from food**. This constitutes a third approach. See **note 7** regarding the **Rambam's** opinion.

The *Mishna Berura* rules that in any case where one selects waste with a small amount of food, there is no violation of the prohibition of Selecting. Common practice is to be lenient in this regard and permit removing waste with a small amount of food.

However, the *Hazon Ish* (53–54:3) adamantly disagrees with this ruling, and maintains that, e.g., if one removes a bone together with some meat, he, nevertheless, violates the prohibition of Selecting, as “his intent is not for the meat, but to select the waste from the bowl” (for elaboration on this dispute see pp. 833–840).

It appears that the dispute between the *Mishna Berura* and the *Hazon Ish* is based on the aforementioned distinction: If the essence of the labor of Selecting is **removal of waste**, removing waste with some food may not be considered separating food and waste. Accordingly, the *Mishna Berura* rules that it is permitted. However, if the essence of the labor of Selecting is **preparation of food**, even the removal of waste with some food is prohibited, as ultimately, the person is preparing the remaining food. Accordingly, the *Hazon Ish* rules that it is prohibited.

There are numerous additional ramifications to this distinction. They will be discussed below.

THE BASIC PRINCIPLES OF SELECTING (*BORER*)

