

Rubik's Cube on Shabbat?

Is playing Rubik's cube and other such games on Shabbat an issue of Borer?

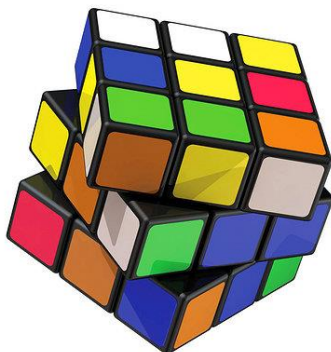
By Rav Mordechai Lebhav[1]

Introduction to the Laws of Borer

The foundation of the 39 *Melachot*, acts of work, which are prohibited for one to do on Shabbat is creativity. The Torah forbade creative labor on the Shabbat. The *Be'ur Halacha*[2] explains that the prohibition of selecting – *Borer* – on Shabbat, is no exception. In the days of the *Mishkan*, pebbles and rocks were separated from the kernels of grain. Since the kernels were not edible without the removal of the pebbles, separating them would constitute the creative act of rendering them edible.

The *Poskim* count three conditions for one's selection not to be included in the prohibition of *Borer*:

(1) **Miyad** – one can only select for immediate usage, (2) **B'Yad** – one can only use his hand to select and not a special utensil designated for this type of work, such as a sifter etc. (3) **Ochel MiToch Pesolet** – one must remove the edible from the non-edible, i.e. removing the fish from the bones, and not vice versa. The logic behind these criteria is that when the selecting is done in such a way it is viewed as an act of consuming and not selecting.



Selecting Clothes

Rashi in *Masechet Shabbat*[3] writes that selecting bad sticks from good sticks for the purpose of building a beehive is considered *Borer*. The *Taz* proves from this *Rashi* that *Borer* is applicable not only to food, but to utensils and clothing as well, as in selecting clothing that one dislikes and is not intending to wear, from clothing that one enjoys to wear. The *Mishna Berura*[4] follows *Rashi* and the *Taz L'Halacha*.

Nevertheless, the *Matte Yehuda* (Ribbi Yehuda Ayash זצ"ל) writes[5] that there is no proof from *Rashi's* example that *Borer* applies to clothing and utensils. *Rashi* understands that separating bad sticks from good sticks is considered *Borer* because these objects are similar in nature, and thus are considered to be a "mixture" – in which case the prohibition of *Borer* would apply. However, utensils or

articles of clothing each have their own function and style, and thus, they are not subject to the prohibition of *Borer*, as they are never considered to be a mixture. Even the *Matte Yehuda* would agree that it would apply to non-food items that are of a

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similar nature[6].

The Cube

Rubik's Cube is a cube which contains several colored tiles mixed together. The goal of the game is to separate the colors from each other so that at the end of the game each side of the cube will contain a solid side of just one color. Is the separation of one colored tile from the other regarded as *Borer*?

As we have shown, most *Poskim* regard the selection from a mixture of non-food items as a problem of *Borer*. It would seem that even the *Matte Yehuda* should regard these colored tiles to be similar enough to be considered a mixture. However, we must inquire whether items with different colors are considered to be mixed or not.

Big Fish, Small Fish

The *Terumat HaDeshen*[7] discusses whether the prohibition of *Borer* applies to a mixture of large and small pieces of fish on a plate. He asserts that although the fish are clearly distinguishable from one another on the basis of their size, it is difficult to be lenient and permit one to select in such a case. The *Rama* rules like the *Terumat HaDeshen*[8].

Accordingly, it would seem that with regards to the Rubik's Cube, although the small colored tiles on the cube are not actually mixed with each other and are clearly recognizable by their color, nevertheless, we need to be stringent and consider it to be *Borer*.

One and The Same

In fact, the different coloring may cause more problems than it would solve. The *Poskim* write that *Borer* does not apply to items of the same type ("*Min*"). Therefore, according to many *Poskim*, one may select one type of chicken from another. Similarly, separating a very tart green apple from a less tart one is not *Borer*. They are all the same *min*. Concerning Rubik's Cube, however, it would seem that since the different colors are the essence of the game, it would classify them as different types of objects in a mixture, and thus *Borer* would apply.

However, there may be a possible leniency for playing Rubik's Cube on *Shabbat* as the cube is a

single object. The *Poskim* consider a selection within one item as a division of a unit and not an act of *Borer*. Should the Rubik's Cube be considered one object? Or is it more similar to keys on a key chain, which the *Poskim* consider to be subject to *Borer*? Keys on a keychain are not viewed as a single item because they are only being held together for the sake of organization. We would have to decide whether the tiles on the cube are considered one item or a collection of separate tiles.

This possible leniency would not apply to other selection games, such as Pick Up Sticks and the like[9].

In Conclusion

As we have shown, there are a few reasons to assume that *Borer* would apply to the Rubik's Cube, and thus, since it may infringe on a Torah prohibition, adults should refrain from playing with it. This too was the ruling of HaRav Shlomo Miller שליט"א[10]. As for children, while there is room to be lenient if necessary, it would obviously be proper *Hinuch* to avoid it.

Sources:

[1] Based on a newly published pamphlet on this subject: "*Dibrot Menachem*" by Rav Menachem Fuchs שליט"א [2] 319 [3] 74b [4] 319:15 [5] 319:4 [6] C.f. *Yabia Omer* (5:31) for a lengthy discussion about *Borer* with regards to mixtures of non-food items. The conclusion of many *Poskim* is to be strict and avoid *Borer* in such cases. [7] 57 [8] 319:3 [9] HaRav Miller reasoned, that although *Borer* does not apply when choosing the desirable part ("*Ochel*") from the non-desirable ("*P'solet*"), this is only when it is used immediately and not when it is only a part of a large sequence of algorithms that create an eventual desirable "*Ochel*". [10] Indeed, HaRav Elyashiv זצ"ל was asked about playing Pick Up Sticks ("*dukim*" in Hebrew) on *Shabbat*, and he responded that it would fall under the category of *Borer*.

Out of Business

Can a big chain-store set up shop while driving the little guys out of business?

By Dayan Shlomo Cohen

Many questions arise in the cutthroat world of business as to what form of

competition is ethical or morally acceptable, and what is not.

The Torah gives us guidelines (as explained in two previous articles on this subject) which can be applied to many common business dilemmas in this field.

Setting Up Shop

The *Gemara*[1] discusses whether one is allowed to open a shop next to an existing shop. The existing shop will claim that the new shop is taking away customers which he has exerted much money and effort into attracting to his shop. This could have been through heavy and expensive advertising or by building up a name for good service over the years.

The *Gemara* first suggests that it would be prohibited, in the same way that it is prohibited for a fisherman to fish next to one that has already attracted fish with his bait, and is just about to pull them out of the water, which we discussed in our previous article.

Just as in the case of the fisherman, the *Hattam Sofer*[2] considers it actual theft to take fish about to be caught by the first fisherman, so too, to take customers that are certainly going to buy from the existing shop, would be considered theft.

Humans vs. Fish

However, this understanding is rejected by the *Gemara*, as human customers cannot be compared to fish. Whereas a fish which spots food will inevitably go for it, and get caught, a human is different, as he can

decide for himself whether he wishes to buy from a particular shop or not. Therefore, we cannot consider him as a certain customer of the existing shop, and taking this customer away, would not be considered as theft.

It appears from the conclusion of the *Gemara* that it is not morally incorrect either, and it is permitted, as long as the new shop pays taxes in the country where it wishes to open. The paying of taxes gives the shop owner the right to conduct business wherever he likes.

Imminent Shutdown

There are however cases where it is clear that the competition will cause serious damage to the existing shop, and maybe even close it down. For example, in the case of a large supermarket chain which plans on opening a branch in a small town which, until now, was supplied by a small, family owned grocery store. In this case the existing shop has little or no chance of competing with the large chain, and may well go out of business. This is therefore a case where a clear loss will be caused to the existing shop.

In the *Bedek HaBayit*[3], *Maran* discusses the case of a shop at the end of a cul-de-sac, where a competitor opens his shop at the entrance to the cul-de-sac. It is now virtually impossible for a customer to get to the first shop, as the chances are that he will buy from the new shop. In such a situation, where it is clear that the existing shop will be closed down, the *Avi'asaf* rules that the new shop may not open.



While we find that many latter day *Poskim* who rule in accordance with this opinion[4], prohibiting competition in a case where a definite loss will be caused, neither the *Shulhan Aruch* or the *Rama* did so.

Free Market Economy

Does this mean that we are doomed to be stuck with small grocery stores selling at high prices, while the cheap large chains of supermarkets will be prevented from closing them down?

The *Rama* rules[5] that in any case where the public will benefit, even where a definite loss will be caused to another, the new shop can open, as the good of the public overrides the good of the owner of the existing shop.

We see, therefore, that even according to those who rule more stringently than the *Shulhan Aruch* and the *Rama* in the case of opening up a shop next to another, where it is in the good of the public, the competitor cannot be prevented from opening.

In Conclusion

Our conclusion is therefore that a large supermarket chain can open a branch in a small town which is supplied by small grocery stores, even though the small shops will not be able to compete with their prices and may be forced out of business, if it will benefit the customers.

The economists will argue that competition is good for everyone. A lone shoe shop in a particular area will certainly benefit from large number of other shoe shops opening up around it, as now prospective customers from a much larger area will come to the location of all these shoes shops whenever they need shoes. This will be good for all.

This is certainly true, but the case we are dealing with in this article is where just one other shop opens, which is not necessarily going to attract new customers.

Sources:

[1] *Bava Batra 21b* [2] H.M. 79 [3] H.M. 156 [4] See *Pithe Teshuva*, H.M. 156:8 [5] H.M. 156:7

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