



## Overview

## Halacha Highlight

### Siman 329 Seif 1:

**Saving a life overrides Shabbos and one who responds quickly is praiseworthy. Even if a fire starts in another yard and one fears that it will spread and put people in danger, it is permitted to extinguish it so that it should not travel.**

- ❖ For example, there are people who are ill or children who cannot flee. (M.B. 1)
- ❖ One may even bring utensils through the public domain which involves numerous prohibitions. Magen Avrohom writes that even if one could carry away the children it is preferable to extinguish the fire since that is only a *melacha she'aina tzricha l'gufa*. Chaye Adam disagrees with Magen Avrohom about this. (M.B. 2)

### Siman 329 Seif 2:

**We do not follow the majority when it comes to saving a life. Even if there were 9 gentiles and 1 Jew in a yard and one of them went to another yard and a building collapsed on him, we search through the rubble since there remains a fixed group in the original place so that it is considered 50/50 that the Jew is there. If all of them moved and when they moved one of them went to another yard and then a building collapsed on him, it is not permitted to search through the rubble since the original fixed group moved from their location and thus we assume that the one who separated was from the majority.**

- ❖ The same would be true if a majority of the people left the group. (M.B. 4)
- ❖ Although generally we assume the one who separated was from the majority even though the fixed group remained in place, in cases involving life we are lenient. (M.B. 5)
- ❖ There is a disagreement between Shulchan Aruch and Rema in Even HaEzer whether we desecrate Shabbos for an abandoned baby in a city whose population is mostly idolaters and Gra follows Rema's lenient position. If the child is found on a road outside of city travelled mostly by idolaters, all opinions agree that we follow the majority. (M.B. 6)
- ❖ If they exited one after the other it is considered as though the group is still intact. (M.B. 7)

### Extinguishing a fire

Shulchan Aruch Siman 329 Seif 2

אפילו נפלה דלקה

**Even if a fire spreads**

Shulchan Aruch (סעי' א') states that saving a life overrides Shabbos and one who is quick to respond to such an emergency will be praised. He then proceeds to explain that even when the danger is not imminent but exists in a potential state *halacha* allows for the desecration of Shabbos. Therefore, if a fire breaks out in one yard and there is concern that it will spread to an adjacent yard, thereby placing people in danger, it is permitted to extinguish the fire so that it should not spread. Mishnah Berurah (סק"א) explains that the reason for concern is that there may be people who are ill or children in the adjacent yard who would not be able to flee if the fire crosses the property line. There is a dispute what is preferred when faced with the following options. One could pick up and transport the child away from the fire but that will require carrying him through the public domain or extinguishing the fire rather than transporting the child. Magen Avrohom maintains that it is preferable in such a case to extinguish the fire since doing so is only a *melacha she'aina tzricha l'gufa* as opposed to transporting a child through the street which according to many *Poskim* is considered a *reshus harabim*. Chaye Adam, on the other hand, maintains that it is preferable to transport the child than to extinguish the fire (מ"ב סק"ב).

Chazon Ish (שו"ת הלכות ס"י שלי"ד סעי' ל"ו) is cited as saying that most times a fire represents at least a possible case of *pikuach nefesh* and if a gentile is not available to extinguish the fire it is permitted for a Jew to extinguish it himself unless he is absolutely certain that it does not pose a danger to anyone. Rav Nissim Karelitz (חוט שני ח"ב פלי"ה סק"ג) writes that in a city in which the buildings are close by to one another it is permitted to extinguish a fire even after the residents were cleared out since the fire could easily spread to an adjacent building.