The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שכ"ט סעיף ג'-ט'

Overview

Siman 329 Seif 3:

If a building collapsed on a person and it is uncertain whether he is alive or not, it is uncertain whether he is present or not and even if he is there, it is uncertain whether he is a Jew or an idolater, we search the rubble despite the numerous uncertainties.

- We know he was there at the time of the collapse but are uncertain whether he escaped. The same would be true when there is reason to assume that people were in the collapsed building. We desecrate Shabbos for a sinner unless he denies the Torah. If his intent is to anger Hashem we would not save him even during the week and it is certainly prohibited to desecrate Shabbos on his behalf. (M.B. 9)

Siman 329 Seif 4:

Even if he was discovered crushed so that he will not be able to live more than a short period of time we clear the rubble and examine him until his nostril, if life is not detected from his nose, he is certainly dead, regardless of whether we discovered his head first or his feet first.

- The *pasuk* implies that life exists in the nostrils. (M.B. 10)
- Meaning even if we do not detect life in his heart, we continue to clear the rubble until we reach his nose. (M.B. 11)

Siman 329 Seif 5:

It the people on top were discovered dead we do not assume the ones on the bottom are deceased as well, rather we search through the rubble because they may yet be alive.

Siman 329 Seif 6:

If idolaters made a siege around the city for money we may not desecrate Shabbos but if their intent is to kill or even if it uncertain, we can go out against them with weapons and desecrate Shabbos. In a city near a border, even if they only came in search of straw and stubble we desecrate Shabbos. This is true not only if they came but even if they intend to come.

- It is not permitted to desecrate Shabbos to save money. (M.B. 12)
- The concern is that if they conquer that city it will be easy to conquer more land. (M.B. 14)
- As soon as we hear their intent to come we may take arms to guard the city and make noise to discourage them from coming since when it comes to issues of life, we are not so exacting. (M.B. 15)

Siman 329 Seif 7:

Some maintain that nowadays even if they come for money we may desecrate Shabbos since, if they are not permitted to plunder and loot the money, they will kill and thus it is an issue of life. (But each circumstance must be considered separately).

- This is true when they are coming for everyone's money since someone will stand in opposition to their plans but if they want a specific person's money he should allow them to take it rather than desecrate Shabbos. (M.B. 16)
- When the government expects her citizens to fight approaching nations who wish to plunder the land, everyone is obligated to take arms and fight them. (M.B. 17)

Siman 329 Seif 8:

If one sees a ship being tossed at sea that contains a Jew, a river about to flood or someone fleeing from an attacker, it is a *mitzvah* for everyone to desecrate Shabbos to save him. See above the end of *siman* 306 whether we desecrate Shabbos if someone is being forced to convert)

- This is also true if it is a Jew who is pursuing and the pursued is in danger. We also desecrate Shabbos if someone is being attacked by a wild animal. (M.B. 18)
- If the savior would be in danger he is not obligated to risk his life since his life takes priority. Even if his life may be at risk he does not have to subject himself to that risk but each situation must be considered separately. (M.B. 19)

Siman 329 Seif 9:

Anyone who goes on a life-saving mission may return with his weapons.

- This is to prevent them from refraining from going the next time. (M.B. 20)

Halacha Highlight

Defending against a Robber

Shulchan Aruch Siman 329 Seif 7

אפילו באו על עסקי ממון מחללין

Even if they come seeking money one may desecrate Shabbos

Shulchan Aruch (סעי' ו') drew an important distinction between idolaters who lay a siege around a city in order to take the money of the residents and idolaters who lay a siege with the intent to kill the residents. If the intent is to kill the residents it is permitted to take up arms and desecrate Shabbos in order to defend the city. However, if their intent is to steal money and possessions the residents may not desecrate Shabbos since Shabbos may not be desecrated for the sake of money. In the event that one does not know their intent, it must be assumed that the residents are in danger and it is permitted to desecrate Shabbos to prepare to defend themselves. Shulchan Aruch (סעי' ז') then proceeds to cite an opinion that maintains that nowadays even if the intent of the idolaters is to take their money, the residents may desecrate Shabbos to defend themselves out of concern that someone will not allow the idolaters to steal his possessions and they will kill him (מ"ב ס"ק ט"ז) and thus it is considered a case involving life and death. Mishnah Berurah (שם) explains that this position is limited to when idolaters come to attack an entire city but if they approach a single person's home he must allow them to take his possessions rather than desecrate Shabbos defending them.

Shemiras Shabbos K'Hilchasa (פמ"א הע' ע') writes that Mishnah Berurah's ruling that an individual must allow thieves to take his possessions rather than desecrate Shabbos is limited to where it is clear that the thief does not have any weapons so that there is no concern for anyone's life. If the thief is armed but is sneaking around trying to avoid being caught one may not desecrate Shabbos but if he is demanding that the owner hand over keys or combinations, he is considered a pursuer and it is permitted to desecrate Shabbos to defend one's self (putting aside whether taking that risk is allowed) (פסקי תשובות אות ד').