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

Overview

Siman 334 Seif 3:

If one saved white bread he may not save coarse bread (bread lacking beauty, meaning, bread made from bran) **but the opposite is permitted.**

- Even if one salvaged a large quantity of bread the members of his household may salvage bread that they need for three meals even though they could eat the bread that he salvaged since each person is allowed to save three meals worth of food. (M.B. 10)
- The claim that he prefers coarse bread is unreasonable so he may not claim it in order to salvage more bread. (M.B. 11)
- He may even *l'chatchila* salvage coarse bread and then white bread. The same is true regarding meat and fish and he can claim that he now prefers the second food. (M.B. 12)

Siman 334 Seif 4:

One may salvage food on Yom Kippur for Shabbos but not on Shabbos for Yom Kippur, Yom Tov or even for another Shabbos. On Yom Kippur one may salvage one meal for after Yom Kippur.

- The reason is that one may not prepare on Shabbos. Although Yom Kippur does not fall on Friday, the *halacha* applies when Yom Kippur falls on Thursday when one knows that there will not be food to obtain on Friday. (M.B. 13)
- The rationale is out of concern that he will be in danger if he does not eat after the fast. (M.B. 14)

Siman 334 Seif 5:

We save the volume of food that would be eaten by a regular person even if the person is ill, elderly or has a large appetite.

Siman 334 Seif 6:

The restriction against salvaging more than three meals applies when one salvages the food in two utensils but in a single utensil one may salvage even 100 meals of food. It is even permitted to spread a cloth, fold it, place food inside, fold it , bring additional food inside is permitted since it will be taken from the house at once.

- Even if the food was in multiple utensils, it is permitted to pour the contents into a single garment but it is prohibited to place many utensils into a garment and remove them at once since they are separate utensils. (M.B. 16)

Siman 334 Seif 7:

It is permitted to salvage utensils needed that day, for example, cups and plates.

- The same is true concerning other utensils that will be used that day. (M.B. 17)

Siman 334 Seif 8:

One may wear as many garments as he wishes and then disrobe and go back to don additional garments and disrobe. Some maintain that he may only don and disrobe once.

- When removing garments by hand he may not remove any more than what he will wear on Shabbos. (M.B. 18)
- *Halacha* follows the first opinion. (M.B. 19)

Siman 334 Seif 9:

One may invite others to salvage three meals worth of food and they may don as many garments as they wish. If they wish they could acquire the items from *hefker* once the owner authorizes them to salvage what they want for themselves. If they do not wish to keep the items and intend to return it to the homeowner and receive remuneration they may do so and it is not considered as though they earned money by working on Shabbos.

- He may not ask them to salvage items for him. Chaye Adam writes that it is possible that others may salvage for him even more than three meals worth of food and Shulchan Aruch's limit applies when one salvages food for one's self. (M.B. 20)
- Regarding clothing he may even ask them to salvage garments for him. (M.B. 21)
- If he does not declare, "Salvage for yourself," the items would not be *hefker* since he could claim that he would have found people to salvage the items and return them to him or he could have arranged for gentiles to salvage his items. (M.B. 22)
- Originally they salvaged the items for themselves from *hefker*. During the week they may certainly ask for reimbursement bur during the week it may be considered payment for work performed on Shabbos. The Gemara teaches that a pious person does not take payment since he should forgo anything that has a hint of a transgression associated with it. (M.B. 24)

Halacha Highlight

Returning salvaged items

Shulchan Aruch Siman 334 Seif 9

ואם אינן רוצים לזכות

But if they do not wish to keep possession of it

Shulchan Aruch (סעי' ט') rules that when a fire breaks out in someone's house it is permitted for others to don as many garments as they choose to salvage them from the fire and if they want they may keep the garments for themselves. The reason they may keep the garments for themselves is that the homeowner instructed them to save the garments for themselves. Mishnah Berurah (ס"ק כ"ב) emphasizes that others may keep the salvaged garments for themselves only if the homeowner declared that they may salvage the clothing for themselves so that the items were declared ownerless. If the homeowner did not issue such a declaration they may not keep the garments for themselves since the owner can claim that he could have found other Jews who would be willing to salvage the garments for him or found a gentile who would be willing to salvage the clothing for him.

In the event that the salvagers do not wish to keep the garments for themselves, being that they know the owner did not truly wish to declare his clothing ownerless (מ"ב ס"ק כ"ג), they are permitted to accept remuneration for the job that they did and receiving such remuneration does not violate the prohibition against accepting payment for work performed on Shabbos. Rav Nissim Karelitz (חוט שני ח"ב פל"ה סק"ה) contends that if the homeowner is wealthy and the salvager is poor, the salvager has no obligation to return the salvaged items to the owner, even *lifnim mishuras hadin* – beyond the letter of the law. The reason is that in normal circumstances returning the salvaged items is an act *lifnim mishuras hadin* being that the owner declared the items ownerless. In the case of an actual lost item when someone finds a lost object after the owner despaired from recovering that item Rema rules (חו"מ סי' רנ"ט סע' ה') that if the finder is poor and the owner is wealthy, the poor person has no obligation to return the lost object, even *lifnim mishuras hadin*, so too in the case of a fire, the poor person has no obligation to return the salvaged items to the wealthy home owner whose house caught on fire.