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

Overview

Siman 334 Seif 10:

Our discussion of salvaging items refers to when it is to a courtyard that has an *eruv* but not to a courtyard that does not have an *eruv*. Some are lenient even into a courtyard that does not have an *eruv*.

- Although generally it is permitted to wear multiple garments, in this instance there is a dispute whether it is permitted out of concern that he will extinguish the fire. When it comes to food or other utensils all opinions agree that it is only permitted if it is transported to a courtyard that has an *eruv*. (M.B. 25)
- It is also permitted to wear garments into a public domain. Bach ruled in accordance with the first position but all other authorities follow the second opinion. (M.B. 26)

Siman 334 Seif 11:

Some maintain that the discussion of salvaging items is to a courtyard or alleyway which is adjacent to a public domain and for that reason one may only salvage food for three meals and utensils necessary for those meals but one may salvage as much as he wants into another house with which he made an *eruv*. Even the restriction concerning a courtyard is limited to salvaging items to his friend's courtyard but he may salvage as much as he wants into his own courtyard. Others maintain there is no such distinction.

- Since the issue is Rabbinic one may be lenient. (M.B. 29)

Siman 334 Seif 12:

Sacred writings may be salvaged from a fire and read. It doesn't matter what language or ink was used to write them. Similarly, *berachos* composed by Chazal may salvaged from a fire or any other exposed area (meaning, an open, *hefker* place)**. If a Targum word was written in עברי, for example יגר כדנא תימרון להון or if עברי words were written in Targum or another language it may also be salvaged provided that people know the other language. A *sefer* Torah that contains 85 intact letters from whole words or if it contains Hashem's Name may also be salvaged.**

- This includes Tanach, Gemara or other *sefarim*. One must salvage תורה שבכתב before תורה שבעל פה even if the תורה שבעל פה was borrowed and it will cost him money to replace it. Salvaging a corpse comes before salvaging a *sefer*. (M.B. 30)
- It is not clear whether *sefarim* written in another language require burial. (M.B. 31)
- The use of other inks is limited to when Tanach was written in another language but if it was written in *Lashon Kodesh* it must be written in דיו. However, this restriction is limited to salvaging items from which one will read but when it comes to salvaging it from a fire or the requirement to bury it, even if it was written in another language these requirements apply. (M.B. 32)
- If people do not know the language it is prohibited to write or salvage it. Biur Halacha maintains that the allowance to write or read in another language is limited to those who do not understand *Lashon Kodesh*. (M.B. 35)
- When that quantity of letters remains it still retains some sanctity of a *Sefer* Torah. (M.B. 36)
- This applies to salvaging it from a fire but it must certainly be buried. (M.B. 37)

Halacha Highlight

Writing passages of *Torah shebichsav*

Shulchan Aruch Siman 334 Seif 12

כל כתבי הקדש מצילין האידנא

All sacred writings may be salvaged nowadays

Shulchan Aruch (סעי' י"ב) writes that nowadays it is permitted to salvage any sacred writings from a fire as well as read from them even if they were written in another language and even if they were written in an ink other than דיו. Mishnah Berurah (ס"ק ל"א) explains that Shulchan Aruch's emphasis by using the word האידנא—nowadays—is to highlight that even when Tanach was written in another language it may be salvaged from a fire and it is permitted for one to study from it. He then proceeds to offer the following explanation. According to *halacha, Torah shebichsav* may only be written in *Lashon Kodesh* with *Ashuris* characters and *Torah she'baal peh* may not be written down altogether. If one wrote down *Torah shebichsav* in a manner which is not consistent with *halacha* or if one wrote down *Torah she'baal peh* it may not be studied nor may it be salvaged from a fire since it may not be handled altogether. Nowadays that it is permitted to write *Torah shebichsav* in any language and with any characters, not only may such writings be studied but one may also salvage them from a fire.

Rav Shlomo Zalman Auerbach (שולחן שלמה סק"ט) explains that the rationale behind the original *halacha* that one may not study from sacred writings that were not written in accordance with *halacha* is that the Torah obligation is to study specifically from a valid *sefer* Torah. This is based on the *pasuk* which states כתבו לכם את השירה הזאת. Rav Auerbach, however, proceeds to question this rationale. If the rationale is that one may only study from a valid *sefer* Torah, it would emerge that one may not study from a *sefer* Torah that is missing even a single letter, which he finds unreasonable. Furthermore, the Gemara in Gittin (60a) states that one may write a *megilla* (a scroll that contains only a section of the Torah) from which to study provided that one intends to ultimately finish writing the text. This makes it clear that it is permitted to write and study passages of the Torah from a scroll that is not a valid *sefer* Torah. He leaves these questions unresolved.