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

Overview

Siman 334 Seif 16:

If one left *tefillin* in a sack that contains money, it may be salvaged from a fire or from thieves and robbers to a place where one may save *tefillin*. One opinion maintains that this is allowed only if one placed them there before Shabbos.

- Meaning even to a yard that does not have an *eruv*. (M.B. 44)
- Taz and Magen Avrohom maintain that all opinions agree that one may not place *tefillin* with money on Shabbos after a fire broke out in order to save the contents but if was placed there before the fire started the money may be salvaged with the *tefillin*. Gra rules in accordance with the first opinion that permits placing *tefillin* near money in order to salvage the money.(M.B. 45)
- If the item will be moved to a private domain there are authorities who are lenient and permit even placing food or a child on it after the fire began. (M.B. 46)

Siman 334 Seif 17:

Some permit salvaging a sack full of money from a fire, robbers or thieves by placing a food or a child on it provided that it will be transported to a private domain but this method may not be employed to transport it to a yard that does not have an *eruv* (*Sefarim* may be transported to a yard that does not have an *eruv*) **or a *mavoi*** (the place which leads to the yards) **that does not have a *shittuf* and the yard must have three partitions and a *lechi*.**

- In other words, one may intentionally place these items on the money and although the money is more important, it is permitted and the item does not become subordinate to the money. Although generally this would not be allowed, in the face of a financial loss it is permitted. (M.B. 47)
- If there is no *lechi* the area is a *karmelis* and it would not be permitted to salvage *sefarim*. (M.B. 48)

Siman 334 Seif 18:

It is written in the name of a Gaon that it is permitted to instruct a gentile to salvage *sefarim* from a fire even into the public domain.

- Instructing a gentile to perform a *melacha* to save sacred writings from disrespect is permitted and included in this are Gemaros and other *sefarim*. (M.B. 49)

Siman 334 Seif 19:

Items that may be saved from a fire may also be saved from water or other destructive forces.

Siman 334 Seif 20:

Margins above, below, between *parshiyos*, between panels and from the beginning or end of a scroll may not be salvaged.

- Shulchan Aruch refers to where these pieces were cut from a scroll. (M.B. 50)

Siman 334 Seif 21:

Sacred writing written by *apikorsim* who are followers of idolatry as well as *mumrim* for idolatry may not be salvaged and even during the week they should be burned even though Hashem's Name is contained in those writings.

- This is true even if it was written in *Ashuris*, on parchment with .דיו(M.B. 51)
- When writing the name of Hashem they have their idol in mind. (M.B. 52)

Siman 334 Seif 22:

If a chest caught fire it is permitted to spread the hide of a kid on the other side so that it should not burn. It is permitted to make a partition out of utensils to stop the fire. One may even use new earthenware utensils filled with water which will certainly shatter when the fire reaches them since indirect extinguishing of a fire is permitted when facing a financial loss.

- Either the hide is moist or we follow the position that permits moving *muktzah* when facing a financial loss. (M.B. 53)

Halacha Highlight

Scraps and margins from a *sefer*

Shulchan Aruch Siman 334 Seif 20
הגליונים שלמעלה ושלמטה
Margins above and below

Shulchan Aruch (סע' כ') rules that the margins taken from above or below the text, from the area between one *parsha* and the next, from the area between one *daf* and the next or at the beginning or end of the *sefer* may not be salvaged from a fire on Shabbos. Mishnah Berurah (סק"נ) explains that Shulchan Aruch refers to where these margins were cut from a *sefer* Torah or the writing of a *sefer* Torah became erased to such a degree that even 85 intact letters do not remain so that the *sefer* Torah lost its sanctity. Mishnah Berurah (שם) quotes Agudah who writes that it is permitted to cut the margins from a new *sefer* but it is prohibited to do so from an old *sefer*. The rationale is that when it comes to new *sefarim* it is as if the sanctity of the margins was conditional on the margin remaining part of the *sefer*, once it is removed the sanctity dissipates. Additionally, since the *sefer* was never used its status is one of designation for sacred use (הזמנה) and since we maintain that designation is not significant, the margins have not yet been sanctified and may be removed. Once the *sefer* was used the margins also become infused with sanctity and thus may not be removed. Avnei Nezer (יו"ד סי' שע"ו) explains that it is only with regards to *Torah she'baal peh* that we maintain that it has not become sanctified if it was not yet used for study but regarding *Torah shebichsav* it becomes sanctified just by virtue of the fact that it was printed.

When binding *sefarim* the drill removes small scraps and the *Poskim* discuss whether those scraps must be treated as sacred. Rav Yosef Shalom Elyashiv and Rav Chaim Kanievski (גנזי הקודש פ"ח הע' י"ב וכ') ruled that as long as one did not yet study from the *sefer* the scraps do not have any sanctity and may be discarded. If one cuts the margins off of a page Rav Elyashiv (שם סע' ז') rules that *l'chatchila* it should be buried rather than discarded in the trash. Rav Nissim Karelitz (שם), on the other hand, maintains that if one wraps the margins well, it is permitted to discard it in the trash.