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

Overview

Siman 334 Seif 23:

It is permitted to unfold and don a garment that caught fire without concern that he will extinguish the fire. One opinion maintains that he has to intend not to extinguish the fire. It is permitted to invert a plate over a lamp so that the fire should not catch the beam.

- In other words, he should not intend to extinguish the fire that is already burning, rather he intends to prevent the fire from spreading and if in the process he extinguishes the fire altogether it is of no concern since that was not his intent. Later authorities concluded that it is allowed even if that is his intent provided that he does not directly extinguish the fire as opposed to indirectly extinguishing the fire. (M.B. 55)

Siman 334 Seif 24:

Some authorities do not permit putting a liquid on the garment so that the fire should extinguish when it reaches the liquid while others permit using liquids other than water since water launders the garment. Some authorities even permit the use of water and the rationale of the second position seems most correct.

- The lenient opinion maintains that the restriction against laundering is limited to garments that are soiled but not to a clean garment. (M.B. 59)

Siman 334 Seif 25:

If a gentile wants to extinguish the fire it is unnecessary to protest but one must protest if a child wants to extinguish a fire.

- The gentile extinguishes the fire out of his own self-interest and it is irrelevant that the Jew benefits from the *melacha*. (M.B. 61)
- It is prohibited to encourage him to extinguish the fire even if he initiated the process on his own. (M.B. 63)
- This includes a child who has not yet reached the age of *chinuch*. (M.B. 64)
- A child does not have the capacity to extinguish the fire on his own and it is assumed he is doing so for his father and thus it is prohibited since a father is commanded to assure that his son refrain from performing *melacha*. (M.B. 65)
- One must protest even if he wants to extinguish a fire in someone else's house since he is doing so for an adult. (M.B. 66)

Halacha Highlight

A child extinguishing a fire

Shulchan Aruch Siman 334 Seif 25

אבל קטן שבא לכבות

But if a child wants to extinguish the fire

Shulchan Aruch (סע' כ"ה) draws a distinction between a gentile who comes on his own to extinguish a fire and a minor, even one who has not yet reached the age of *chinuch* (מ"ב ס"ק ס"ד), who comes on his own to extinguish a fire. When a gentile comes on his own to extinguish a fire, it is not necessary to protest but when a child comes to extinguish a fire, one must protest and prevent him from doing so. The reason it is not necessary to protest against the gentile is because he is acting on his own volition. Even though he knows the Jew will be happy with the fact that he extinguished the fire, nevertheless, it is assumed that he is doing out of his own self-interest because he is certain the Jew will reward him for his efforts (מ"ב ס"ק ס"א). Mishnah Berurah (ס"ק ס"ג) notes that although it is permitted to allow the gentile to extinguish the fire, one may not encourage him while he is extinguishing the fire.

The reason one must protest when a child wants to extinguish a fire is that a child is not mature enough to make decisions and to act on his volition and as such it is assumed that he is extinguishing the fire for his father. Mishnah Berurah (ס"ק ס"ו) in the name of Bais Yosef emphasizes that even if the child will extinguish a fire that is in another person's house one must protest since it is assumed that he is behaving for the benefit of an adult. Sha'ar HaTziyun (ס"ק נ"ד) maintains that the father is Biblically obligated to prevent his son from extinguishing a fire and explains that if he does not do so he violates the *pasuk* (Shemos 20:9), לא תעשה וגו' ובנך ובתך. Interestingly, elsewhere (ביה"ל סי רס"ו סע' ו' ד"ה הג"ה דוקא) Biur Halacha writes that a father violates only a Rabbinic prohibition when his son performs a *melacha* for his father provided that the father did not instruct his son to perform that *melacha*.