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

Overview

Siman 334 Seif 26:

One may declare to a gentile, "Anyone who extinguishes the fire will not lose." If he is not present it is permitted to call him to come even though he will certainly extinguish the fire when he arrives. The same applies for any sudden damage that occurs, for example, if a barrel of wine suddenly became damaged one may call over a gentile even though he will certainly repair it when he arrives. The laws mentioned regarding a fire were applicable in their times but nowadays that we live amongst gentiles and there is a potential danger to life Rishonim and Acharonim write that it is permitted to extinguish a fire on Shabbos since it poses a risk to life and the one who acts quickly will be praised. However, each circumstance must be judged independently because when it is certain that no one's life is at risk it is prohibited to extinguish the fire but whenever there is a potential risk to life it is permitted to extinguish a fire even if the fire is in the home of a gentile and this is the custom. The allowance is only to extinguish a fire since it constitutes a *melacha she'aina tzricha l'gufa* but in general it is prohibited to desecrate Shabbos to save money. If one violated the *halacha* and desecrated Shabbos one must fast for 40 days on Mondays and Thursdays and he may not drink wine or eat meat and instead of offering a Chatas he must give 18 פשיטים to *tzedaka*. If he wishes to redeem the fast he should give 12 פשיטים for each day he wishes to redeem. See Tur Yoreh Deah Hilchos Niddah *siman* 185.

- In Yoreh Deah *siman* 221:8 it implies that one may not say, "If you extinguish the fire you will not lose," but Shiltei Giborim maintains that one may use such language when a fire is burning. (M.B. 67)
- It is prohibited to instruct a gentile to extinguish the fire since people become overwhelmed concerning their money and it may lead him to extinguish the fire himself. The exception is that it is permitted to ask a gentile to extinguish a fire to salvage sacred writings. (M.B. 68)
- This leniency may not be employed for other *melachos* on Shabbos. (M.B. 69)
- Bais Yosef cites authorities who maintain that it is permitted to declare once the gentile arrives, "Whoever fixes the barrel will not lose." (M.B. 71)
- When the fire strengthens they come to loot the property and if someone defends his property they will kill him. (M.B. 72)
- The current practice is to extinguish a fire regardless of where it burns since it is possible that if it is not extinguished it will put at risk an elderly or ill person who will not be able to flee. (M.B. 73)
- It is a *mitzvah* to publicize this *halacha*. (M.B. 74)
- The reason the factor of *melacha she'aina tzricha l'gufa* was mentioned was to emphasize that when it comes to salvaging money it is prohibited to desecrate Shabbos even in the form of a *melacha she'aina tzricha l'gufa* since one may not even violate a Rabbinic prohibition to save money. (M.B. 76)
- This is true even if one violated the Rabbinic prohibition of *techumin*. Similarly, if one moved a lit lamp to save money he must fast although Dagul Mairvavah writes that in such a case it is sufficient to fast on a Monday, Thursday and Monday. (M.B. 77)
- One may push them off until the winter. It doesn't matter whether he violated a Biblical or Rabbinic prohibition. If one intentionally and without cause desecrated Shabbos he requires greater atonement. Someone who desecrated Shabbos to save a life does not require atonement. (M.B. 78)
- Rema refers to the night after the fast. (M.B. 79)
- This amount was chosen because it was the least amount one could pay for a *korban*. One must avoid declaring that the money is for a Chatas. It is written that one should also read and understand the procedure for offering a Chatas. (M.B. 80)
- This is the least amount one should pay but if one is wealthy he should pay more. (M.B. 81)

Halacha Highlight

Extinguishing a fire on Shabbos

Rema Siman 334 Seif 26

שמתר לכבות דלקה בשבת

It is permitted to extinguish a fire on Shabbos

Rema relates that the discussion up until this point regarding the parameters of extinguishing a fire was applicable in earlier times but nowadays that we live amongst gentiles and it is dangerous to allow the fire to burn, early and late authorities agree that it is permitted to extinguish a fire and one who responds quickly to extinguish a fire is praiseworthy. The danger that Rema refers to is that as the fire spreads and becomes stronger scavengers come to loot the burning building and if the homeowner were to try and defend his property they would kill him (מ"ב ס"ק ע"ב). Therefore, in order to protect people authorities decided that it is better to permit people to extinguish a fire than to subject them to the possible risk of being murdered. The *halachic* rationale for leniency is that extinguishing a fire in such an instance is a *melacha she'aina tzricha l'gufa* in a circumstance of danger which permits extinguishing a fire, even if it is a gentile's house on fire.

Poskim debate whether Rema's ruling applies nowadays in exclusively Jewish settlements. For example, in Eretz Yisroel, there are many settlements that are inhabited exclusively by Jews so that Rema's concern for scavengers is not applicable. In such a circumstance is it permitted to extinguish a fire or not? Chazon Ish (ארחות רבינו ח"א עמ' ס"ד) is reported as saying that even in such a circumstance it is permitted to extinguish the fire. He explains that once Rema related that the custom is to permit extinguishing the fire, it is permitted in all circumstances and in all times. Rav Shmuel HaLevi Wosner (שבט הלוי ח"ח סי' קע"ז ה"ג) rules that as long as everyone is out of the house or can exit the house safely, one should not extinguish the fire and all the more so when the house is made from brick or stone. If, however, people have not escaped and if there is a chance that a gas container could explode, the fire should be extinguished.