

Putting out Fire on Shabbat

Question: What should I do if fire breaks out on Shabbat? Is there a significance to the size and location of the fire?

Answer: If you can, put out the fire right away, even if it's just a napkin which caught fire from the Shabbat candles. Experience teaches that one should not take any risks, and that the smallest fire could become an uncontrollable blaze with fatal results. If the fire is out of hand call 911, evacuate the premises, and notify neighbors (visit <https://www.ready.gov/home-fires> to learn more).

Admittedly, there is great confusion regarding this topic, and it has led to tragic consequences. In general, many orthodox Jews are reluctant to put out fire on Shabbat and they sometimes delay their reaction in hope that the fire will die out. This is because fire has become synonymous with transgressing Shabbat. As a matter of fact, there were sects which refrained from using even a pre-existing fire on Shabbat and as a result would sit in the dark and eat cold food.

That mentality led to a situation where the halakhic literature sends mixed messages. On one hand there is insistence on the importance of saving lives, while on the other hand it is insinuated that it is better to remain inactive in case of fire.

Let us start with the Halakhic definition of putting out fire.

Putting out a fire on Shabbat is a rabbinical and not biblical prohibition. The essential difference between lighting and putting out a fire is that the former is active and creative, while the latter is the cessation of an existing action. The rabbis of the Mishna defined this type of work as מלאכה שאינה צריכה לגופה – an action with no practical and lasting results.¹

This is clearly stated in the second chapter of Mishna Shabbat, which is recited on Kabbalat Shabbat:²

If one puts out a candle in order to because of danger [the Mishna gives here three examples], or in order to ease the sleep of a sick person, he is exempt of punishment. If he does so in order to lengthen the life of the vessel or the wick or in order to save oil, he is punishable. Rabbi Yose considers only the case of the wick punishable because he turns it into coal [makes it burn better in the future].

We see that in case one had a justified reason for putting the candle out, he is excluded from the rabbinic definition of work. According to the majority opinion, only concern for human life is a justified reason. According to Rabbi Yose, only if the person wanted to preserve the wick his action is punishable, since it has a lasting result, that of creating a better wick.³

The Mishna, however, deals with an act which has already been taken, and stops short of saying that it is permissible. Let us see now what are the guidelines of the Mishna in case of fire.

In tractate Shabbat, chapter 16, we read:

[16:2] ...if there is fire on Friday night one can save enough food for three meals, in the morning one saves two meals, in the afternoon, enough food for one meal...

[16:3] One can save a bread basket, even if it contains a hundred loaves... He can tell others: "come and save for yourself". If they are smart, they will negotiate with him after Shabbat [ask for payment].

[16:4] ...he takes out all the of his utensils, he wears all that he can wear, and he wraps all that he can wrap. Rabbi Yose says: eighteen garments. He goes back in, wears more clothes and takes them out, and he can tell others "come and save with me".

[16:5] ...one can cover chests and cabinets with a goat's hide, because it slows down the fire [but does not burn]. One can also make a wall of vessels, whether full or empty, to block the fire. Rabbi Yose forbids using new clay vessels filled with water, because they cannot withstand the heat and when they break they put out the fire.

[16:6] If a non-Jew wishes to put out the fire there is no need to tell him to do or not do so... but if a minor wishes to put out the fire, he should be prevented...⁴

Even though the Mishna considers putting out fire a rabbinical prohibition, and one which is not punishable when life is in danger, it does not allow to put out a blaze. This is somewhat surprising because we know how dangerous fire can be. Moreover, when we compare the Mishna to expert advice as appears in a government website⁵, we see several discrepancies.

Smoke inhalation – The Mishna recommends entering the burning house repeatedly in order to save food and garments. The experts tell us that “Smoke is toxic. If you must escape through smoke, get low and go under the smoke to your way out.”

Trapped fire – another reason to evacuate the house as fast as possible is that the visible blaze is just the tip of a much larger fire raging in a sealed room. Firefighters tell of massive explosions when a door was opened and fresh oxygen rushes in. For that reason, the experts' advice is:

Before opening a door, feel the doorknob and door. If either is hot, leave the door closed and use your second way out. If there is smoke coming around the door, leave the door closed and use your second way out. If you open a door, open it slowly. Be ready to shut it quickly if heavy smoke or fire is present.

Clothes – the Mishna recommends wearing up to eighteen items of clothing in the burning house, going out, taking them off, and going back inside for more. This sounds all but insane as we know how dangerous it is to have your clothes on fire. The advice given today is very clear: stop, drop, and roll – stop immediately, drop to the ground, and cover your face with your hands. Moving or running with burning clothes feeds the fire with more oxygen and burning clothes can cause severe burns.

Since all the contemporary recommendations are based on experience, we must assume that the Rabbis of the Mishna did not experience what we do today. If they did, their legislation would be in line with the fire department instructions. Since the nature of fire has not changed, we must assume that something else has changed. This is indeed correct. In the next post we will discuss how living conditions in Mishnaic times differed from today and how that difference influenced the attitude of the poskim and the behavior of the people.

So far we have seen that the sages of the Mishna did not consider a house fire to be dangerous and even encouraged people to go back into a burning house more than once. When coming to solve the riddle of this approach we have to bear two things in mind:

- The nature of fire itself has not changed since the time of the sages.
- There were never any injuries or fatalities as a result of an unattended blaze on Shabbat, or the sages would have altered their ruling accordingly.

We therefore must assume that living conditions have changed since Mishnaic times, and this indeed is the case. In Mishnaic times people lived in stone houses which were not hermetically sealed. They had few possessions and usually the only fire source at night was a candle. Because of all that blazes were rare, and when they occurred they had very little fuel to consume. The

open holes for windows and chimneys did not allow for dangerous accumulation of trapped fire or smoke, and when the fire died out, the house itself was intact, albeit covered with soot. This can be attested to by visiting the Burnt House in the Old City of Jerusalem, a 2,000 years old stone house which survived the great fire at the time of the destruction of the Temple.

By contrast, in early medieval Europe people lived in tightly built wooden houses. Because of the cold weather they had more clothes, their doors and windows were shut more hermetically, and fire was lit in the hearth most of the year. Between 1041 and 1452 there were 15 great blazes in Europe, with an average of one every 27 years. These fires claimed thousands of lives and destroyed partially or completely the cities of Bremen, London, Lubeck, Constantinople, Utrecht, Munich, Berne, Amsterdam, and Gouda. The second fire in Lubeck triggered the use of stone as fire-safe building material.

All these disasters sent a very clear to the Jewish community: you cannot ignore fire, on Shabbat or on any other day. The authorities were also becoming more alert to the problem and started creating fire-fighting services, including fines or imprisonment for those who failed to help.

The impact of the changing conditions on the halakhic approach to fire on Shabbat is clearly evident when we compare the ruling of Maimonides with that of Rabbenu Yaakov ben Asher.

Maimonides writes:

If fire broke out on Shabbat, and one put it out in order to save property, he is punishable, since only loss of life overrides Shabbat... therefore people should leave the area to save their lives and let the fire blaze, even if it will burn the whole city.⁶

Maimonides continues with citing Mishnaic firefighting methods, all indirect, such as wearing a burning garment or blocking the fire with vessels full of water.⁷ He finally provides the only allowance for putting out fire on Shabbat – one is allowed to tell his non-Jewish friends that they will not lose if they put out the fire, insinuating that he will pay them for their help.⁸

In stark contrast with Maimonides, who does not discuss a possibility of a fire risk developing from threatening property to threatening life, Rabbenu Yaakov ben Asher does bring it up. He discusses the laws of fire on Shabbat in chapter 334 of his Orah Hayyim, in which he generally

adheres to Talmudic guidelines. However, several chapters earlier, in 329, he writes the following:

Saving lives overrides Shabbat, and one should not delay his reaction [or ask for permission]. Even if one is afraid that a fire which broke out in one courtyard will spread to another, he is allowed to put it out.⁹

I believe that we can clearly see here the way a rabbi's ruling is influenced by his environment. Maimonides spent most of his life in Morocco and Egypt, and his life conditions were similar to those of Mishnaic times. He is therefore unequivocal in his rejection of any attempt to put out the fire, unless there is an immediate and evident risk to life. Rabbenu Yaakov ben Asher, who migrated from Germany to Spain, was aware of fatal blazes which were common in Europe and especially in Germany. He knew firsthand or by hearsay that fire is bound to get out of hand, and so he provides a permission to put out fire on Shabbat, as long as there is a concern that the fire will spread elsewhere.

We have now seen the complexity of handling fires on Shabbat. On one hand, putting out a fire is not punishable because it is preventive rather than creative, while on the other hand there is reluctance to put out fire because of its central image in the prohibitions of Shabbat. A similar dichotomy is shown between the detailed laws in Tractate Shabbat which make it all but impossible to put out fires on Shabbat, and between this terse yet clear ruling in Tractate Yoma:

One is allowed to put out or to block a fire. One should do so without delay and without asking the Bet Din.¹⁰

We have also seen that the awareness of the dangerous nature of unattended fires rose as Jews migrated to France and Germany, and with a lesser degree, to Spain. There is a clear correlation between the frequency and intensity of great fires in medieval times and the response of the Halakhic authorities. Here are the most salient examples of Halakhic responses in the period of 1050-1450, before new safety measures and firefighting services were established in Europe.

Rabbi Yehudah the Pious (רבי יהודה החסיד 1140-1217) writes of a case where there was a fire on Shabbat in a mixed neighborhood. It was impossible to know which of the children was Jewish, so one man was trying to check which children are circumcised in order to save them.

People scolded him, saying that his actions delay rescue efforts. They also said that the “sin” of transgressing Shabbat for saving non-Jews is atoned for because he also saved Jews.¹¹

We learn from that description that there were areas where Jews and non-Jews lived together, as well as that Jews were reluctant to transgress Shabbat for non-Jews. However, the author conveys the message that one must do all efforts to save people from a fire.

Rabbi Yitzhak of Vienna, who lived between 1180-1250, suggests an interesting argument for putting out fire on Shabbat:

*The Talmud says that if non-Jews besiege a Jewish settlement in order to attack and kill, the Jews are allowed to fight back and override Shabbat prohibitions. Since our non-Jewish neighbors are bound to use the fire as an opportunity to loot and pillage Jewish neighborhoods, our masters allowed putting out fire on Shabbat.*¹²

Rabbi Yitzhak’s argument is that one is allowed to defend his life in case he is attacked by murderers. By the same logic, he is allowed to put out the fire because it might attract potential robbers who will turn into murderers. The argument seems brilliant but it’s flawed. First, in the case of fire there is only a potential and not immediate danger of an attack. Second, the risk to Jewish life is only if the Jews try to protect their possessions, but if they followed the ruling of Maimonides, they should have fled, leaving their homes behind.

It is obvious then that Rabbi Yitzhak’s argument is post-facto, as it comes to justify the actions of people who would put out fires indiscriminately.

Rabbi Yom Tov Al-Sevilli (ריטב"א 1250-1320), who was born on the same year in which Rabbi Yizhak passed away, does not accept his argument, but still supports the same conclusion:

It is not allowed to put out fire to save property, but now it has become customary in most countries to put out fires on Shabbat. They have nothing to rely on, but they say that they are afraid that the fire will spread and claim the lives of babies unable to escape. They also say that if they do not put out the fire they might face capital punishment by the government, or fatal attacks by their non-Jewish neighbors, who will be upset with the passivity of the Jews. They therefore put out the fire, relying on the opinion of Rabbi

*Shimon [who does not consider it forbidden work]. The permissibility, however, is not clear, but it is rather of the category of “let them be mistaken and not criminals”.*¹³

Rabbi Al-Sevilli presents three arguments people use to justify firefighting on Shabbat.

- The fire might spread and claim lives.
- Jews might be put to death for not taking action.
- Rabbi Shimon holds that putting out fire is not a forbidden work.

Rabbi Al-Sevilli does not cite the argument of rabbi Yitzhak of Vienna, and practically rejects all three arguments. The only reason he can find for not stopping people from firefighting on Shabbat is that since they are surely going to “transgress” the prohibition, it is better to leave them uninformed of it. In that manner, the severity of the transgression will be lessened as their act will fall under the rubric of careless or ignorant action rather than criminal action.

It is safe to assume that since in Seville, where Rabbi Al-Sevilli lived, stone was the common building material and heating was not required, there were less cases of fatal fires. However, despite this fact and his disagreement with firefighting on Shabbat, he prefers to ignore what he considers to be a forbidden action. By doing so he exempts the people from punishment, in a markedly different ruling from that of Maimonides, who says that they should let the whole city burn down.

Finally, towards the end of the period in question, **Rabbi Israel ben Petahia Iserlein** (תרומת 1390-1460) insists on the obligation of fighting fires, whether at a Jewish or a non-Jewish household.¹⁴

It was said that if non-Jews besiege Jewish settlements, the Jews can defend themselves only if the attackers threaten their lives, but if the intention of the attackers is to rob the Jews, the Jews should not defend themselves in a way which transgresses the Shabbat.

This was true in the past, but nowadays, one should defend himself in all cases, since the robbers are bound to attack and kill the Jew if he tries to protect his property.

This is why it is totally permissible to put out a fire on Shabbat, even in a non-Jewish house, because now the when there is a fire the non-Jews kill the Jews for not taking part in fighting the fire...

Even if they do not kill, they loot and rob, and it is allowed to put out the fire when one's possessions are in danger...

Our holy master, Rabbi Aharon¹⁵, spoke publicly of that matter and made it clear that Jews must put out fire on Shabbat [in all cases]. He explained that limiting the permission will cause people to remain inactive and endanger life, and he added that it's a Mitzvah. He also said that if one goes to ask a rabbi for permission while fire is raging it is repugnant.

Some are hesitant to give such permission and say that this is only if the fire broke out in a Jew's house, because the practice was to punish the negligent man in whose house the fire broke out by pushing him into the fire. They claim that if the fire is at a non-Jewish house there is no need to fight the fire because there is no danger. As a proof they cite several cases of cities which burnt down and no Jew was harmed.

Rabbi Iserlein rejects their claims by saying that there were many other cases where people were harmed. Even a remote possibility of losing one life justifies firefighting, whether at a Jewish or a non-Jewish house.

He concludes by saying that one should rely on his gut feeling when facing actual dangers.

I presented Rabbi Iserlein ruling in its entirety because while he insists on the obligation to put out fires, he never mentions the obvious risk of perishing because of the fire. Rather, he creates scenarios where Jews would be threatened by non-Jews, either because the non-Jews are coming to kill, because they are coming to rob and will not tolerate resistance, or because they will punish the one in whose house the fire started.

It is important to rely on Rabbi Iserlein's ruling, but the question remains why he failed to mention the fire itself as a risk. And one more question: would the ruling be different in most cities in Israel where there is an overwhelming Jewish majority?

We will answer this questions shortly, but let us consider what we have seen so far: we have discussed the opinions of four great medieval scholars: Rabbi Yehuda the Pious (יהודה פיוס), author of Sefer Hassidim; Rabbi Yitzhak of Vienna, author of Or Zaru'a; Rabbi Yom Tov al-Sevilli, better known as the Ritva; and Rabbi Israel Iserlein, author of Terumat ha-Deshen. They all

support firefighting on Shabbat to some extent, with Terumat ha-Deshen, the latest of the four, leaving no room for doubt and mandating firefighting on Shabbat.

But as we move ahead in time, we see that among some rabbis there is a reversal of this trend. A century after the sweeping ruling of Rabbi Iserlein in Terumat ha-Deshen, the Rema (Rabbi Moshe Iserels 1520-1572) writes the following in his addendum to the Shulhan Arukh:

*All the laws of handling fire apply to Mishnaic times, but today, as we live among the non-Jews and our lives are in danger, the early and late scholars wrote that putting out the fire is allowed... the faster the better. However, if they are convinced that they are not going to be in danger they are not allowed to put out the fire.*¹⁶

The Rema cites Terumat ha-Deshen but with a little twist: you have to be confident that there is an imminent danger. This phrasing insinuates that there might be situations where putting out the fire is not necessary and that one who does it will be considered a sinner.

Let us consider for a moment the consequences of such phrasing: for a God-fearing, Shabbat-observing person, even the smallest doubt that what he does is forbidden could stop him dead in his tracks.

Two hundred years after the Rema Rabbi Avraham Danzig (1748-1820), author of the widely accepted Hayye Adam on the Shulhan Arukh, cast another doubt on the firefighting process:

*It is not clear what is preferable, putting out the fire, or dragging the burning object to the street.*¹⁷

This remark, which was left unanswered, could have caused people to feel that they should be reluctant when coming to put out fire. As a matter of fact, we know of at least one case in which the later course of action was taken, luckily with no casualties:

On February 22 2014, in the Village of Pomona in New York, a fire started in a second-floor bedroom, when a man used a pillow to dim a lamp for a child. The pillow began smoldering, and the fire apparently spread to a mattress, which also smoldered. When the smoke increased, the man took the mattress down the stairs and out of the house. But the mattress caught fire along the way as it gained fresh oxygen. The occupants refused to call the fire department because of Shabbat restrictions, but firefighters responded to an automatic alarm at the home after its

Orthodox Jewish. The public information officer for the Hillcrest Fire Department, Chris Kear, who reported the case, added that the situation could have been a lot worse.

Let us return to the rabbinic timeline and examine a ruling by Rabbi Moshe Schick of Huszt, Hungary (1807-1890). A case was brought to Rabbi Schick's of a young scholar put out a fire which broke out in his store, because he was afraid to lose his family's livelihood. After the deed people argued that he should not have done it because there was no risk to life, and the young man felt remorse and turned to the rabbi to ask if he needs to repent for his "sin".

Rabbi Schick could have answered that there is no need, relying on an opinion mentioned by several poskim. Among these are Rabbi Avraham Abeli Gombiner, (1637-1683) author of the *Magen Avraham*¹⁸ on the *Shulhan Arukh*, and his commentator, Rabbi Shmuel HaLevi Keln (1724-1806), author of *Mahatzit HaSheqel*.¹⁹ According to them, people who took unnecessary action in case of fire should not be deemed transgressors. These poskim explain that if the people will be rebuked for outing out a fire where only property was in danger they will choose to remain inactive in the future where life will be in danger. More emphatic is Rabbi Chaim Yair Bacharach (1638-1702) in his book *Havot Yair*. He says that not only the Rabbi is not required, but he is not allowed to ask that those who put out the fire will repent or fast. He adds that it makes no sense for one to be stringent, which is actually being lenient, because he allows himself to risk life in the future.²⁰

After acknowledging the above mentioned very strong opinions, Rabbi Schick nonetheless required the man to appear in front of a rabbinical tribune. He demanded that the man explains his actions, expresses remorse, and accepts a regiment of repentance.²¹

Rabbi Schick was a prominent figure and a very influential leader of Hungarian orthodoxy. It should not come as a surprise that his ruling influenced his successors and disciples. This especially evident in the insular ultra-Orthodox Hungarian communities of today, who advocate piety and doing what they believe is more than necessary. In one case, in August 2011, a sixteen-unit building was burned to the ground in the Hassidic tight-knit community of Kiryat Tosh in Canada. According to officials, the evacuees refused the help of the Red Cross and offered little cooperation to firefighters.

This practice reflects both the ruling of Rabbi Schick and of his spiritual successors, one of whom is Rabbi Shmuel HaLevi Vosner (1913-2015) who made the following statements regarding firefighting on Shabbat:²²

- It was only allowed for fear of non-Jews, but today areas populated only by Jews live, it will be forbidden.
- Even though it is a work with no practical end²³ one might be punishable for it.
- Those who put out fire on Shabbat are careless about Halakha.
- If there are still people in the house... there is a chance of danger, but if they left already, or if they can leave now, they are not allowed to call firefighters just to save their property.
- There is no room to argue that the fire will spread and trap ailing or old people, since this concern was not mentioned on the Talmud.

Rabbi Vosner's ruling, made in the 20th century, makes it all but impossible to put out fires on Shabbat. He ignores centuries of historical development and wishes to reinstitute the ruling of Maimonides who only allows people to escape the fire but not fight it.

How can we explain this mind boggling ruling which comes at the heels of Rabbi Schick's harsh stance? I believe that the answer is that it is, paradoxically, a result of changing circumstances. Following the frequent great blazes which devastated Europe from the 11th to the 15th centuries, the authorities established fire safety regulations, including firefighting services and using stone instead of wood as building material. In the Jewish world, meanwhile, rabbis responded to the calamitous fires by allowing people to put out fire on Shabbat without reservations.

Subsequently, there were less fatal fires, and that led to a reversal of the Halakha among some rabbis, including Rabbi Vosner, because they felt that fires do not present an imminent threat to life.

This trend is extremely dangerous, since when joined with people's natural reluctance to handle fire on Shabbat, it causes them to remain inactive and not even call rescue services.

Knowing what we do today about fires there is no room for hesitation or limitations. Even a mild phrasing such as this one, mentioned in Yalkut Yosef, could cause people to refrain from action:

If a fire started on Shabbat, and it is clear that there is no danger to human life, one is not allowed to put it directly [but rather by placing big plastic bags filled with water in its path].²⁴

We should reiterate that there is no such thing as a non-dangerous fire. If fire is not contained it is dangerous. Firefighters in the US reported of case where flames jumped more than 300 feet over the protective belt of burnt land and spread uncontrollably.

This is the approach of Rabbi Eliezer Waldenberg (1915-2006), who writes that one is allowed to use any means to put out any fire on Shabbat.²⁵

Before we conclude, we have to address one question: Why didn't medieval rabbis refer to the change in living conditions as a reason for changing the law, instead of using the strange argument of a threat from non-Jews. After all, the change in living conditions caused fires to pose immediate threat to life, while the fear of non-Jews was a remote and indirect one.

The answer is that to cite a change in living conditions would be to admit that the Sages of the Mishna were unable to predict the potential danger of fires. This is inconceivable to later generations who believed that the Sages were able to anticipate all scenarios. The fear of attacks by non-Jews, on the other hand, is one that stems from a completely new and unpredictable situation, and it could also be supported by the Mishnaic discussion of confronting non-Jewish attackers on Shabbat.

The proof that this is the reason, is that if the only reason for putting out fires on Shabbat was the fear of non-Jews, the logical thing to do would be to accept Rabbi Wosner's ruling that it is forbidden to put out fires in an all-Jewish city. This is not the case, though. Rabbi Wosner is the exception, while others argue that even though Jews in Israel cannot rely on that reason, since the permission was given by earlier generations and the need to protect life was cited, the permission is still valid.²⁶ This is a clearly a faulty argument, but it is used, as I previously explained, to avoid saying that the early sages did not fully comprehend the dangerous potential of fire.

In terms of methodology, the case of fire on Shabbat teaches us important lessons:

In order to understand Halakha it is imperative to understand the historical, geographical, and social context of different rulings.

Rabbis would sometimes arrive at a conclusion which is incongruent with the ruling of the Mishna. They will then cite one reason while actually relying on another, in order to avoid an impression that there is deviation from the words of the sages of the Mishna.

Conclusion:

- One should study well government issued instructions and be prepared for cases of emergency.
- One should follow these regulations and do whatever is possible to contain the fire, no matter how small or insignificant it looks.
- If needed, evacuate the premises and call 911 immediately.

With prayers for the well-being and safety of us all,

Rabbi Haim Ovadiah

¹ חידושי הריטב"א מסכת שבת דף מג עמוד א

נר הדולק שאסור לטלטלו כדי שלא יכבהו איסורא דרבנן הוא דהא כיבוי שלו מלאכה שאינה צריכה לגופה

² משנה מסכת שבת פרק ב

המכבה את הנר מפני שהוא מתירא מפני עובדי כוכבים מפני לסטים מפני רוח רעה ואם בשביל (ונ"א מפני) החולה שיישן פטור כחס על הנר:
כחס על השמן כחס על הפתילה חייב ורבי יוסי פוטר בכולן חוץ מן הפתילה מפני שהוא עושה פחם

³ The concept of "work without practical end" as significant implications on cases when using electricity is necessary, and I hope to discuss it in the future.

⁴ משנה מסכת שבת, פרק טז, משנה א: כל כתבי הקודש מצילין אותן מפני הדליקה... מצילין תיק הספר עם הספר ותיק התפילין עם התפילין ואף על פי שיש בתוכן מעות... משנה ב: ...נפלה דליקה בלילי שבת מצילין מזון שלש סעודות, בשחרית מצילין מזון שתי סעודות, במנחה מזון סעודה אחת... משנה ג: מצילין סל מלא ככרות, ואף על פי שיש בו מאה סעודות, ועיגול של דבילה, וחבית של יין. ואומר לאחרים בואו והצילו לכם, ואם היו פקחין עושין עמו חשבון אחר השבת... משנה ד: ולשם מוציא כל כלי תשמישו, ולובש כל מה שיכול ללבוש, ועוטף כל מה שיכול לעטוף. רבי יוסי אומר: שמנה עשר כלים. וחוזר ולובש ומוציא, ואומר לאחרים בואו והצילו עמי... משנה ה: רבי שמעון בן גנס אומר, פורסין

עור של גדי על גבי שידה תיבה ומגדל שאחז בהן את האור, מפני שהוא מחרך, ועושין מחיצה בכל הכלים בין מלאים בין ריקנים, בשביל שלא תעבור הדליקה. רבי יוסי אוסר בכלי חרש חדשים מלאין מים, לפי שאין יכולין לקבל

⁵ <https://www.ready.gov/home-fires>

רמב"ם הלכות שבת פרק יב, הלכה ג: דליקה שנפלה בשבת המכבה אותה מפני איבוד מומן חייב שאין איבוד מומן דוחה שבת אלא איבוד נפשות, לפיכך יצאו בני אדם כדי שלא ימותו ויניחו האש תלהט ואפילו שורפת כל המדינה כולה. הראב"ד: חיוב אין כאן כר' שמעון משום דאינו צריך לפחם שלו

שם, יב:ד-ו: מותר לעשות מחיצה בכל הכלים בין מלאים בין ריקנים כדי שלא תעבור הדליקה... תיבה שידה ומגדל שאחז בהן האור מביא עור גדי וכיוצא בו... ופורשו על הקצה שעדין לא נשרף... תלית שאחז בה האור פושטה ומתכסה בה ואם כתבה כבתה

שם יב:ז: בדליקה התירו לומר כל המכבה אינו מפסיד⁸

טור אורח חיים, הלכות שבת, סימן שכט: כל פיקוח נפש דוחה שבת, והזריז הרי זה משובח! אפילו נפלה דליקה לחצר אחרת וירא שתעבור לחצר זו ויבא לידי סכנה יכול לכבותה כדי שלא תעבור

בבלי יומא, פד:ב: מכבין ומפסיקין מפני הדליקה בשבת והזריז הרי זה משובח ואין צריך ליטול רשות מבית דין¹⁰

רבי יהודה החסיד, ספר חסידים, סימן תתסו: דליקה היתה בשבת, והיה בשכונת יהודים ונכרים, ולא היה ניכר בין ילדי היהודים לילדי הנכרים. והיה שם יהודי, ומגלה הילדים ורואה אם הילד נמול או ערל. אמרו לו, הדליקה נגעה עד הנפש, אדהכי והכי ישרפו? אלא תציל הכל, וחלול השבת שעשו בעבור היהודים, אף על פי שמקצת היו ילדי נכרים אין להתענות על כך

רבי יצחק מוינה, אור זרוע, חלק ב, הלכות עירובין סימן קמט: עכו"ם שצרו על עירי ישראל... באו על עסקי נפשות יוצאין עליהם בכלי זינים ומחללים עליהם את השבת... מכאן התירו רבותינו לכבות דליקה בשבת, מפני שאנו דרים בין העכו"ם וכשיש דליקה באים ושוללים והורגים ולא גרע מעיר הסמוכה לספר שמחללין עליה את השבת הילכך שרי כדפרישית בהלכות ערב שבת

חידושי הריטב"א, מסכת שבת, דף קטו עמוד א: משום הפסד מומן לא שרינו, ועכשיו נהגו ברוב הארצות לכבות דליקה בשבת, ואין להם על מה שיסמוכו. אלא שאומרים שחוששים שתעבור הדליקה כשאין מכבין אותן וישרפו בה תינוקות שלא יוכלו לברוח ולהצילם. ועוד שאם [לא יכבו] יש חשש סכנת נפשות מאימת המלכות והגוים אם יראו שמניחים הדליקה להיות דולקת והולכת. ולפיכך מכבין אליבא דרבי שמעון דקיימא לן כוותיה. ואין היתר ברור בדבר בזה, אלא שזה כאותה שאמרו [תוספתא סוטה, טו:י], הנח להם לישראל מוטב שיהו שוגגים ואל יהו מזידין

רבי ישראל בר פתחיה איסרליין, תרומת הדשן, פסקים וכתבים סימן קנו: נכרים שצרו על עירי זמן שבאו על עסקי נפשות מחללין עליו¹⁴ את השבת אבל על עסקי מומן לא. ובזמן הזה אפי' על עסקי מומן מחללים, דידוע הוא... [ש]אם לא יניח ישראל לשלול ולבוז ממנו יהרגו והוי עסקי נפשות. ומטעם זה היתר גמור הוא בדליקה שנפלה בשבת אפי' בבית נכרי, לישראל לילך ולכבות, דהאידין כשיש דליקת הנכרים הולכים והורגים ח"ו ישראל אם לא יכבו כמותם, וסכנת נפשות הוא. ואפי' במקום שאינם הורגים, מכל מקום שוללין ובוזזין והוי סכנת מומן דשרינן אף בבאו על עסקי מומן כדפי'. וזה דרש מה"ר אהרן הקדוש בפני רבים בפני קהל ועדה, והודיע שיש לישראל לכבות הדליקה אפי' בשבת, דלא אתי לאימנועי ח"ו והוי סכנת נפשות, ואמר דאדרבה מצוה הוא דהוי כהצלת נפשות, והנשאל הרי זה מגונה כלומר שלא הודיע כבר. ואף כי יש מגמגמים ומערערים לומר דוקא בנפל הדליקה בביתן של ישראל תחילה, דאז איכא סכנת נפשות דדרכם להשליך היהודי לתוך הדליקה, במי שיצאת בביתו, אבל בנפל בבית נכרי לא מחללינן דליקא סכנה כלל. וראייה מכמה עיירות שהודקו ולא נשמע נדנדו סכנה, מכל מקום משם אין ראייה מהנהגו דטובא אשכחן דיש סכנה, אפילו נפל בבית נכרי תחילה ופשיטא דמחללין, אמנם הכל לפי ראות עינים והזמן, לפי מה שיתקרב לביתו של ישראל ותן לחכם ויחכם עוד

¹⁵ He refers to his uncle rabbi Aharon Flumel who was one of the greatest leaders of Austrian Jewry. The title "holy" was given to him because he died as a martyr.

¹⁶ וכל הדינים הנזכרים בדיני הדליקה הני מילי בימהם, אבל בזמן הזה שאנו שרויין בין עובדי כוכבים והיא חשש סכנת נפשות, כתבו

הראשונים והאחרונים ז"ל שמותר לכבות דליקה בשבת משום דיש בה סכנת נפשות, והזריז הרי זה משובח. ומכל מקום הכל לפי הענין, דאם היו בטוחים ודאי שלא יהיה להם סכנה בדבר, אסור לכבות

רבי אברהם דנציג, חיי אדם, חלק ב-ג, כלל מה-מו: וצריך עיון... אם מוטב להוציאו לרשות הרבים, דגם זה אינו אלא מדרבנן, או מוטב ¹⁷ לכבות הדליקה

מגן אברהם סימן שלד ס"ק לב: בכבוי אין צריך תשובה שלא ימנעו מלכבות; וראה מחצית השקל שם: אבל בכבוי אין צריך תשובה. והיינו ¹⁸ כשלא היה הכיבוי [אלא] לצורך הצלת ממון גרידא, כי לא היה כלל חשש סכנה. ועיין תשובת חות יאיר סימן רל"ו דמשום כיבוי אין המורה רשאי להורות שיתענו המכבים, כל שכן שאין רשאים לגזור תענית על הצבור כהאי גוונא, דאם כן אתה מכשילן לעתיד [לבא] בהצלת סכנת נפשות

מחצית השקל אורה חיים סימן שלד ס"ק לב ¹⁹

אבל בכבוי אין צריך תשובה. והיינו כשלא היה הכיבוי רק לצורך הצלת ממון גרידא כי לא היה כלל חשש סכנה. ועיין תשובת חות יאיר סימן רל"ו דמשום כיבוי אין המורה רשאי להורות שיתענו המכבים, כל שכן שאין רשאים לגזור תענית על הצבור כהאי גוונא, דאם כן אתה מכשילן לעתיד [לבא] בהצלת סכנת נפשות

רבי יאיר חיים בכרך, שו"ת חוות יאיר סימן רלו: אין להורות כן ומכל שכן לגזור תענית בצבור, והמחמיר אינו אלא מיקל ומן המתמיהין ²⁰ שו"ת מהר"ם שיק, אורה חיים, סימן קנו: ... צורבא מרבנן אחד שבשבת קודש היה דליקה אצל חנותו שמתפרנס ממנה בצמצום הוא ואשתו ²¹ ובניו התלויים בו, ובבהילתו כיבה אש מחמת שהיה בהול על ממנו שחרד שלא ישאר לו דבר לפרנס ביתו, והעם מרננים אחריו וגם לבו דוה עליו, ושואל אם צריך לקבל תשובה? ... לפי דבריך שהעם מרננים אחריו ואיכא חילול השם שצורבא מרבנן יעשה כזאת... צריך להביא הדברים לפני בית דין שבעירו ויאמר 'אנא חטאתי', ויורו לו בית דין כפי הנראה בעיניהם... וכאשר יורו לו המורים ככה הוא מחוייב לעשות וממנו לא יסור

הרב שמואל הלוי וואזנר, שו"ת שבט הלוי, חלק ח סימן קעז: והיינו דהגוים היו חומסים ושוללים בשעת שריפת בתי היהודים. ולפי זה בזמן ²² הזה בארץ הקודש ברוב השטחים שגרים רק יהודים, אין שום היתר לכבות מפני הסכנה, ובפרט בבתיים של היום שהם של אבנים. גם לדין דקיימא לן כרבי שמעון דמלאכה שאינה צריכה לגופה פטור או שהוא ספיקא דדינא אם הוא פטור... והרבה מזולזלים בזה, ואמנם מכמה מעשים למדתי שיש הבדל בזה גם בזמן הזה, שכל זמן שעדין לא יצאו כל אנשי הבית, ובפרט במציאות שמתפחדים או שאינם יכולים לצאת שהאש לוחט בכל הצדדים, אם כן הכבוי הוא ספק סכנה ממש. אבל אם יכולים לצאת או שיצאו כבר, וקוראים חברת מכבי אש רק להציל הבית והממון אין מקום בזה בהלכה, כדמוכח מדברי הרמ"א עצמו. ובס' תהילה לדוד (אורטינברג) סוס"י של"ד ס"ק מ"ד תמה על מש"כ בכנה"ג דאם לא יכבנה אל יחסר מהיות שם בעיר זקן או חולה שאינו יכול להתמהמה לברוח ותבא הדליקה עליו, והקשה התה"ל בצדק דא"כ אף בימיהם למה לא הי' מותר לכבות, ואף שהמרדכי ר"פ כל כתבי כתב בעין זה בעבור התינוקות שלא יכלו לברוח, הא כתב באמת שאין להם על מה שיסמכו, והנח להם לישראל והניח בצ"ע

²³ See footnotes 1-3 and the related text.

²⁴ ילקוט יוסף, שבת ד סימן שלד, דיני דליקה בשבת: אם נפלה דליקה בשבת, והדבר ברור שאין שם שום חשש סכנת נפשות, אין לכבותה (בשבת בידים, אלא על פי הדרכים שיבוארו להלן סעיפים ד - ו').

הרב אליעזר וולדינברג, שו"ת ציץ אליעזר חלק ז סימן כה: לפי כל הנ"ל משתקף לנו היתר כללי לכיבוי דליקות, בהיות ואין אפוטרופוס ²⁵ לדליקה לדעת מדת הקיפה וסכנתה, ולפעמים מדליקה קטנה יכול ח"ו להתהוות אסון חמור, כפי שאנו קוראים בהרבה פעמים על כך. וכדאי לציין לזה דברי הפחד יצחק באות דליקה, מובא גם בנזר ישראל שם, שמביא עובדא שהיה בצרפת באחד ששאל לר' יהודה ש"ר ליאון שפעם אחת בליל יום כיפור נפל נר אחד בבית הכנסת והתחיל לדלוק והוא קרא לבני הבית שיהיו מכבים, וגער לו ר' יהודה אמר למה לא כבית בעצמך עיין שם

ילקוט יוסף, שבת ד הערות סימן שלד, דיני דליקה בשבת: בספר ארחות רבינו הקהלות יעקב (עמוד קסד) כתב, שהחזון איש התיר לכבות ²⁶ דליקה בשבת אף בארץ ישראל, וכפסק הרמ"א. ואף שהרמ"א נתן טעם שאנו שרויים בין הגוים, ויש בדליקה סכנת נפשות, מכל מקום מאחר שכבר התיר הרמ"א מטעם פקוח נפש, פסקו קיים אף בארץ ישראל. וכן משמע מדברי המשנה ברורה (סימן שלד ס"ק עג), כמבואר להלן