YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**20th Century Teshuvot**

**By Rav Gidon Rothstein**

**Shiur #17:On an Orthodox Jew Becoming a Firefighter**

Renewed Jewish presence in the Land of Israel brings the blessed challenge of determining how halakhic Judaism works in a functioning modern society. R. Waldenberg takes up an example in *Tzitz Eliezer* 7:20, dated 6 Kislev 5722 (1961). The rabbi of Pardes Channa, [R. Yehoshua Zelig Diskin](https://he.wikipedia.org/wiki/%D7%99%D7%94%D7%95%D7%A9%D7%A2_%D7%96%D7%9C%D7%99%D7%92_%D7%93%D7%99%D7%A1%D7%A7%D7%99%D7%9F), wanted to know if an observant Jew could accept a job as a firefighter, knowing that he would sometimes be called in on Shabbat and that not all of the calls would be for life-threatening situations. [This arises in other professions as well, most notably in medicine.]

The local council (apparently sensitive to the issue, observant or not) claimed that Shabbat and Yom Tov calls were not part of the formal job. Those were “voluntary,” meaning unpaid – but as a qualified firefighter, he would need to respond to emergencies. [I think they were trying to shape the job to avoid it being clear that he was agreeing to work on Shabbat. They were saying he gets paid only for the non-Shabbat work he does; *that’s* the job he’s accepting. Of course, the Shabbat or holiday calls would come through the firehouse, so it’s not as if he would be expected only to respond to those emergencies he happened to encounter independently of his job.]

Let’s explore how *Tzitz Eliezer* sees it.

**Setting Oneself Up for *Pikuach Nefesh***[[1]](#footnote-1)

First, R. Waldenberg raises the permissibility of setting up a situation where it will become necessary to violate Shabbat to save a life. *Ba’al HaMa’or* and Ramban disagreed about this exact issue, in the context of circumcision. The Gemara assumed that washing a baby in hot water after *mila* was a life-saving necessity. If water had been left on the fire from before Shabbat for that purpose but it spilled (or if the family forgot to heat it), could the father circumcise anyway, knowing he would need to heat water (a violation of Shabbat) to wash (and thereby save) the baby? Or must we delay the circumcision?

The same question rolled around halakhicliterature in various forms; R. Waldenberg points especially to *Chatam Sofer*’s discussion of whether a Jew is permitted to go to a dangerous place on Shabbat, for the purpose of a mitzva, if he knows he will then have to violate Shabbat in order to leave and save his life.

In those cases, the person’s being involved in a mitzva lets us permit his or her taking action that will lead to the need to violate Shabbat to save a life, according to some or many authorities. That should make it even easier to allow our case, where the man is putting himself in that position *before* Shabbat.

**Sailing on a Ship**

On the other hand*,* it seems reasonable that concern for Shabbat would preclude manufacturing circumstances in which a life will need to be saved through violation of Shabbat. For example, water for a circumcision *should* be heated before Shabbat. Yet many authorities do allow creating a circumstance of *pikuach nefesh* at least in the case of a *dvar mitzva*, a mitzva purpose, even if the mitzva *could* be performed after Shabbat. R. Waldenberg says earning a living often qualifies as a matter of mitzva [a mouthful that others might not realize he has tossed off very casually].

As noted, when it’s not yet Shabbat, there’s more room to allow a Jew to act in a way that will lead to a need to save lives on Shabbat – and this is true even for a non-mitzva purpose. It’s not clear that *halakha* wants or requires one to anticipate the Shabbat ramifications of current actions.

The best example is travelling on a ship. *Rivash* in several places allowed embarking within three days of Shabbat (see *Shabbat* 19a), even though the necessities of keeping the ship afloat would require violating Shabbat. He ruled this way even if the person was setting out for a *dvar reshut*, an optional purpose – not specifically a mitzva. Once the need arises, it’s perfectly permissible to violate Shabbat to save a life, so there’s nothing wrong with creating such a situation.

**Creating the Need to Violate the Torah**

*Shu”t Torat Chessed* expressed this more broadly. He saw no prohibition against acting in a way that will later lead one to be unable to fulfill a mitzva or even force one to violate a prohibition.

[He is referring to doing so in what would then be a halakhicallyacceptable way. We don’t have the space here to engage with that responsum, but it cannot go unsaid that this can be taken to extremes. Binyamin Brown’s remarkable biography notes that *Chazon Ish* made that exact point about saving lives on Shabbat – that he was comfortable ruling remarkably leniently about what constituted saving lives, but not if it was going to become a regular practice.

An example he gives there is that in the teens and twenties of the twentieth century, American Jews could reasonably claim that violating Shabbat was necessary to earn a living and thus constituted *pikuach nefesh*. Even if the argument was accurate in a specific case, it could not be allowed to become a widespread practice.]

**Creating the Possibility or Likelihood of Violation, Not the Certainty**

We do not need to go that far to allow the firefighter to take the job, since he’s not going to have to violate *every* Shabbat. Once he has a reasonable doubt about whether he’ll need to violate any particular Shabbat, we can more easily say he is not clearly and absolutely putting himself in a position to violate Shabbat.

*Chatam Sofer* offered that perspective to allow a *kohen* to become a doctor, since no patient will necessarily die in his presence. Should a patient become mortally ill, the doctor will then be in a lifesaving situation, and can do what needs to be done. [Today, *training* often requires a *kohen* to come into contact with corpses; my impression is that *poskim* are divided on that issue, but it’s not our current topic.]

R. Shlomo Kluger in *Tuv Ta’am va-Da’at* addressed the hole in this reasoning – that over time, the doctor will certainly have such patients. By committing to the profession, this doctor (or firefighter) is setting himself up to almost definitely have to set aside Torah law to save lives at *some* later date. R. Kluger permitted it nonetheless, whether because there were no other qualified practitioners or even just because this Jew needed the job to make a living.

The same works for our firefighter: he is entering a needed profession, and he needs to earn a living – and once he is committed to the job, all Shabbat or Yom Tov calls are considered *safek pikuach nefesh*, involving possible danger to life, in which case we are allowed to do whatever is needed. R. Waldenberg again emphasizes there may not even be calls on Shabbat.

[R. Shlomo Kluger’s argument does not address situations in which other people *could* do this job, or this man *could* earn a living some other way but *prefers* this way. If Pardes Channa had a shortage of firefighters, this man was unquestionably the best candidate out there, or he had been unable to find any other job, that’s one form of the question. But what if it’s a highly competitive profession, and this person has sufficiently broad talents that he or she *could* make a living some other way but is attracted to firefighting? I’m not sure the answer here gives us clear guidance on those scenarios.]

**Putting Out Fires on Shabbat**

Until now, we have assumed putting out fires is a life-saving task. However, the Gemara, *Shabbat* 117b, treats fires as an economic problem; it says that if a fire breaks out on Shabbat, we are allowed to save only what we need for that Shabbat (and recommends ways to expand those needs to be able to save as much as possible, and to hinder the spread of the fire), but does not seem to think of fire as a matter of life or death. If we are supposed to let fires burn themselves out on Shabbat, it is harder to allow this man to take on the obligation to extinguish them as part of his job.

By *Tzitz Eliezer*’s time, though, *halakha* had long since changed its attitude. Remaruled (*Orach Chaim* 334:26, based on earlier sources) that Jews who live among non-Jews must extinguish fires on Shabbat because of the danger that the non-Jews might take revenge for endangering their property. *Mishna Berura* expanded on that, since any fire left to burn threatens the lives of those too old, young, or infirm to flee. (R. Waldenberg points to *Mordekhai,* a late thirteenth-century Ashkenazic authority, who already mentions both these reasons – fear of retribution and of putting others in harm’s way. *Mordekhai* denied these were sufficient to allow putting out the fires, but he did already consider both ideas.)

*Arukh Ha-Shulchan* offered yet another reason, based on a Gemara that allows extinguishing coals in public spaces in order to save people from stepping on them accidentally. Now that houses are built much closer to public spaces than they were in the time of the Gemara, it’s almost certain that a fire in a house will lead to many such coals in the *reshut ha-rabbim*, the public area. Rather than waiting and trying to track down all those coals once they constitute a public danger, it’s more efficient and safer to allow putting out the fire while it’s still in the house.

**Are Fires Always a Threat to Life?**

*Arukh Ha-Shulchan*’sclever reasoning does not help our firefighter, since he can only justify turning on the fire engine and driving it to the fire to save the people in danger. In fact, though, the consensus has become that small fires spread and turn into big fires often enough to cause danger to life, and we may therefore put them out.

Later in the responsum – in a back-and-forth I don’t have the space to reproduce – *Tzitz Eliezer* also mentions that in most cases, extinguishing a fire is a *melakha she-eina tzerikha le-gufa*, an action performed for a different purpose than the one for which it was originally prohibited on Shabbat. *Shabbat* 29b says the *melakha* of *kibui,* extinguishing, was done to prepare coals or wicks for later lighting; extinguishing fire to be rid of the fire is not the full *melakha* as originally defined.

[Without questioning his view, I point out there are still occasions today when there’s no reason to think or worry that a fire will spread; in such cases, there seems to be no justification for putting it out. Years ago, I unthinkingly violated this, and I continue to feel regret about it. A *challah* cover I was holding caught fire, and I instinctively waved it out, when I could easily have taken it to a small trash can (or bathtub) and let it burn.

Not all fire is the same, in other words, so even as we today see fires as life-threatening, we might also remember that when it’s *not,* there’s no clear reason to permit putting it out, even if the financial damage will be significant.]

**Modern Firefighting and Its Leniencies**

By 1961, firefighting consisted of hooking a hose to a large tank of water and spraying the water onto the fire; that’s *geram mekhabeh,* indirect action to extinguish the fire. (Direct *mekhabeh* is where I smother a fire by hand, or pour water directly on it.) In addition, it’s often two people who hook up the hose, a lesser violation (full Shabbat *melakha* is done by a single person). It does look to others like a violation, so it takes a pressing need to allow it, but once we have such a need, there’s more room to allow it than we might have realized.

Since the man is taking the job *before* Shabbat (when he might not be required to anticipate the future for these purposes), it’s for a mitzva (earning a living), he might never need to respond to a call on Shabbat, his Shabbat actions might all only be a matter of *grama* (causation, rather than direct action), and he could always act together with another person – R. Waldenberg sees plenty of room to allow it.

In fact, he says, it’s *better* if observant Jews take such jobs, since they will respond to emergencies with some sensitivity to the halakhicpreferences for how to act, unlike those who are not observant.

A reminder that observant Jews should live fully in this world, and not outsource complicated issues to those who, sadly, do not realize their God-given obligations.

1. Readers interested in further discussion of the topics addressed here are invited to see the current series on [Laws of Pikuach Nefesh](https://etzion.org.il/en/series/laws-pikuach-nefesh-en) by Rav Avihud Schwartz, especially the unit beginning with [*shiur* #13](https://etzion.org.il/en/halakha/studies-halakha/advance-arrangements-prevent-shabbat-desecration-1). [↑](#footnote-ref-1)