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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רמ"ח סעיף ב'-ג'

Overview

Siman 248 Seif 2:

The reason one may not set sail by boat within three days of Shabbos is out of concern for oneg Shabbos, because during the first three days one experiences distress and confusion. This applies when one travels over salty waters, but when traveling by river there is no distress for the travelers; therefore they may set sail even on erev Shabbos. This allowance is in force as long as one does not know that he will travel within ten tefachim of the ground but when it is known that from the bottom of the boat until the bottom of the water is less than ten tefachim it is prohibited (to travel out of the techum) **due to the techum prohibitions.** Similarly, in a boat where the Jew will be forced to desecrate Shabbos it is prohibited to embark within three days of Shabbos, even if they are traveling by river and will be ten tefachim higher than the bottom of the river. It is not prohibited if animals pull the boat by the river bank and it is not similar to the prohibition against animals pulling someone by wagon.

- ❖ It is not necessary to stipulate that the gentile should not perform melacha on Shabbos. (M.B. 12)
- ❖ Since the restriction of techumin is Rabbinic we can make assumptions that generate leniencies and thus we may assume that the bottom of the boat will not be within ten tefachim of the bottom of the river. (M.B. 13)
- ❖ Even if the water is more than ten tefachim deep, if from the bottom of the boat to the bottom of the water there is not ten tefachim it is prohibited. Even if one sits on a high spot on the boat it is prohibited since the boat is four tefachim wide. Some authorities permit one to sit high up so that his legs do not dangle within ten tefachim of the ground and when there is a need one may rely upon that opinion. (M.B. 14)
- ❖ This concern applies even for a Rabbinic melacha. (M.B. 16)
- ❖ Regarding a wagon the concern is that one will pull a branch off a tree to swat the animal but that concern does not apply when the animals are far away on the riverbank. (M.B. 18)

Siman 248 Seif 3:

In circumstances in which it is permitted to travel by boat on erev Shabbos, if one boarded the boat on erev Shabbos and acquired shevisa, even if the boat embarks on Shabbos it is permitted as long as one does not leave the boat after acquiring shevisa. Some maintain that even if he disembarks it is permitted. The reason is that once one acquired shevisa on erev Shabbos it is permitted to board the boat on Shabbos and set sail. Some recite kiddush on the boat and then return to their home to sleep there before boarding the boat Shabbos morning to set sail. This is the practice in some places and one should not protest the practice. See below, siman 339 and 404.

- ❖ In other words, one sits there for the duration of bein heshemashos. (M.B. 20)
- ❖ If one disembarks early he may not board the boat later since it appears as though he is swimming on Shabbos. (M.B. 21)
- ❖ In other words, the boat becomes his home and it does not appear as though he is going to swim when he enters the boat on Shabbos. Even according to this opinion the acquisition of shevisa only permits him to board the boat on Shabbos but when they reach land he may not travel beyond four amos. However, if he did not disembark from the time that he acquired shevisa it is permitted for him to travel up until 2000 amos after he reaches land. This ruling applies when the boat remained higher than ten tefachim from the bottom of the water. One may walk around anywhere on the boat even if he went home Shabbos night after acquiring shevisa. (M.B. 22)
- ❖ Even when Yom Tov occurs on erev Shabbos it is permitted to acquire shevisa and the shevisa that one acquired erev Yom Tov is ineffective for this. (M.B. 23)
- ❖ Even according to this opinion it is necessary for one to remain on the boat for the duration of bein hashemashos but this opinion maintains that l'chatchila one should also recite kiddush and eat a little to publicize that he acquired his shevisa so that people will not suspect him. (M.B. 24)

Halacha Highlight

Setting sail on Shabbos

Shulchan Aruch Siman 248 Seif 3

אם נכנס בספינה מערב שבת וקנה בה שביתה

If one entered the boat on erev Shabbos and acquired a resting place

Mishnah Berurah (סק"ק י"ט) explains that up until this point Shulchan Aruch discussed the possibility of embarking on a journey on erev Shabbos. In seif 3 Shulchan Aruch discusses the possibility of embarking on a journey on Shabbos. He discusses one who boards a boat on erev Shabbos and acquired shevisa – a resting place for Shabbos — on the boat. Once this was done it is permitted for the boat to set sail even on Shabbos, but he may not disembark from the boat from the time that he acquired his resting spot. The reason he may not disembark is that when he boards the boat again on Shabbos it appears as though he is going floating on water which is prohibited on Shabbos. Rema mentions that according to some authorities, even if he disembarks after nightfall he may board the boat on Shabbos morning for the boat to set sail. Some recite kiddush and eat a little on the boat and then return home to sleep. On Shabbos morning they return to the boat to set sail and he concludes that this is the custom in some places and one need not protest this practice.

Biur Halacha (ד"ה וכן נהגו) notes that Rema's ruling refers to one who is traveling on a boat in a river, since Rema is following up on Shulchan Aruch's previous comments (See seif 2) where he mentions that the restriction against traveling by boat within three days of Shabbos is limited to one who will travel by sea since the sea will diminish one's oneg Shabbos. Biur Halacha then notes that in some places they have the custom for people to embark on a journey on Shabbos by acquiring a resting place on the boat for Shabbos even though they will travel by sea and are not concerned with the issue of oneg Shabbos. Although there are Poskim who write that one should not follow this opinion, in those places where the custom is established there is no reason to protest the practice.