The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן של"ט סעיף ו'-ז'

Overview

Siman 339 Seif 6:

It is prohibited for a person to float an article in water whether to send it away or to bring it closer. Therefore, if there are wood chips on the water it is prohibited to separate them to different sides in order to clean the water.

- This restriction applies in a river but does not apply in a utensil or pool that has a rim around it. (M.B. 34)

Siman 339 Seif 7:

If a boat is resting on the bottom of the sea and is not floating altogether it is permitted to enter the boat but if it is tied, as boats are commonly tied when they are in the port, even though it is floating, it is permitted to enter the boat.

- If it is floating it is prohibited to enter the boat and the same is true for a floating raft. (M.B. 35)
- It is prohibited for a person to employ subterfuge by boarding a boat to go to sleep knowing that a gentile will cross to the other side, even if the boat remains within the *techum*. Someone who boarded a boat before Shabbos may not transfer to another boat since he acquired residence on the first boat. If a gentile owes a Jew a large sum of money and the Jew hears that he is ill, it is prohibited to hire a small boat to transport him to the gentile since it is not clear that the Jew will suffer a loss. Magen Avrohom asserts that even if the loss is certain it is not permitted since it is not even permitted to fulfill a *mitzvah*. Chaye Adam writes that for passing *mitzvos* that cannot be fulfilled by others or if a gentile owes him a large sum of money and the only time to collect those funds is on Shabbos, there are authorities one could rely upon for leniency but if one would have to travel beyond the *techum* it seems that one may not be lenient. (M.B. 36)

Halacha Highlight

Traveling by boat

Shulchan Aruch Siman 339 Seif 7
ספינה אם היא יושבת בקרקע הים
If a boat is resting on the seabed

Shulchan Aruch (סעי' ז') discusses the permissibility of boarding a boat on Shabbos. He rules that if the boat is resting on the seabed and is not floating at all it is permitted to board the boat. If the boat is floating it is prohibited to board the boat on Shabbos since it appears as though one is swimming which is prohibited by Rabbinic decree on Shabbos (מ"ב ס"ק ל"ה). If the boat is floating but it is tied as is customary with boats that are in port, it is also permitted to board the boat on Shabbos. This allowance, however, only permits boarding the boat, but it is not permitted to board the boat if it will travel on Shabbos. Even to employ subterfuge by sleeping on the boat knowing that a gentile will sail the boat to another location is prohibited (מ"ב ס"ק ל"ו).

Mishnah Berurah (ס"ק ל"ה) cites R"I HaLevi who rules that one may not hire a gentile to transport him by boat even if the intent is to be able to collect a debt from a gentile debtor who is ill. The reason is that it is not clear that the Jew will suffer a loss by not taking this trip and the gentile may leave instructions for the debt to be repaid. Magen Avrohom asserts that even if it is clear that if the Jew does not travel by boat he will lose the money he is not permitted to make the trip since one may not even travel by boat in order to fulfill a *mitzvah*. Chaye Adam writes that in a circumstance where the loss is clear cut or if one needs to perform a *mitzvah* that cannot be fulfilled after Shabbos he may rely on the lenient position that permits travelling by boat. Interestingly, Sha'ar HaTziyun (סי' תריי"ג סק"כ) ruled that it is prohibited to travel by boat in order to *daven* with a *minyan* but Mishnah Berurah (סי' תקפ"ו ס"ק פ"ה) ruled that if one has no alternative he may travel by boat to fulfill the *mitzvah* of *shofar*. Elsewhere, Mishnah Berurah (סי' תרל"ט סק"ט) noted that there is dispute whether it is permitted to travel by boat to fulfill the *mitzvah* of *sukkah*.