The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שנ"ה סעיף א'

Overview

Siman 355 Seif 1 (b):

The above rules apply when less than ten *tefachim* of the boat is above the water but if ten *tefachim* of the boat are above the water one may extend any size ledge from the boat that contains a hole and one could draw water from there since one is drawing water through the airspace of a *makom patur* and a ledge serving as a reminder is sufficient. It is permitted to pour waste water onto the side of the boat even though it will fall into the sea since one is not pouring the water directly and instead it is the result of his force and there is no prohibition of transporting something by virtue of one's force into a *karmelis*. See below the end of *siman* 357. It is prohibited to transport items from one boat to anther even if they are next to one another unless they are tied together or if they are ten *tefachim* above the surface of the water. If they belong to different owners it is necessary to make an *eruv*.

- Together with the part of the boat under the water, there is a height of ten *tefachim* so that it is a private domain because if it does not contain a total of ten *tefachim* it would be a *karmelis* and it would be permitted to transport things from the boat to the water and vice versa without any rectification. (M.B. 10)
- He is transporting water from a *karmelis* to a private domain via a *makom patur* and thus Chazal were lenient by simply extending a ledge to serve as a reminder. (M.B. 11)
- Authorities agree that the ledge does not require a hole since it merely serves as a reminder and one may draw water even beyond the ledge. (M.B. 12)
- In other words, one is not required to pour out the water on the board that contains the hole and is used to draw water and it is acceptable to pour the water on the side of the boat. (M.B. 13)
- If the boat is more than ten *tefachim* above the water and one does not want to pour the waste water onto the side of the boat because it is repulsive, it is permitted to pour the waste water away from the wall provided that there is a ledge to serve as a reminder. (M.B. 14)
- It is also permitted to place bones and shells on the edge even though they may fall into the sea. (M.B. 15)
- The concern is that the item may drop and one will retrieve it from the *karmelis* (sea) to the private domain (boat). Some permit this if the boats are owned by a single individual and the prohibition is limited to where they are owned by two people and are not tied together since they drift apart and thus an *eruv* would prove ineffective. (M.B. 17)
- There may not be a gap of four *tefachim* between them. (M.B. 18)
- In such a circumstance it is permitted even if they are not tied together since it involves transporting items from one private domain to another via *makom patur*. (M.B. 19)
- Beis Meir disagrees and writes that when the boats are not tied together it is not permitted to transport objects from one to the other, even if they are ten *tefachim* above the surface of the water and an *eruv* would not be effective since the boats would drift apart. (M.B. 20)

Halacha Highlight

Can a utensil be categorized as a *karmelis*?

Shulchan Aruch Siman 355 Seif 1 (b)
והני מלי כשהוא בתוך עשרה טפחים
This is true when the boat is within ten *tefachim*

Shulchan Aruch qualifies the ruling that he presented earlier in the *seif* concerning the necessity to have a ledge extend from the edge of a boat with a hole in it to permit drawing water from the sea to the boat. Regarding a boat, it is not even necessary to have walls around the hole that extend downwards since we employ an additional leniency, namely, that we look at the edge of the ledge as though it extends downwards and then we also look at those imaginary walls as though they extend downwards towards the water. Shulchan Aruch then emphasizes that the requirement for a ledge applies when the boat does not extend ten *tefachim* above the surface of the water, but if the boat extends ten *tefachim* above the surface of the water an additional ledge is not necessary and a smaller extension is sufficient. Mishnah Berurah (ס"ק י"ב) cites authorities who write that it is not necessary to have the pail go through the extension. Since the water is going from a *karmelis* to a private domain through a *makom patur* it is permitted, however, to assure that one does not transport something directly from a private domain to a *karmelis* a reminder is necessary (שו"ע הרב סע' ג').

Magen Avrohom (סק"ו) discusses the *halacha* of a boat that is not ten *tefachim* tall even on the inside of the boat. He rules that it is permitted to draw water into the boat in such a case. His rationale is that since the sea is a *karmelis* and the boat is a *karmelis,* drawing water involves transporting water from one *karmelis* to another. Machatzis HaShekel (סק"ה) notes that Magen Avrohom's position elsewhere is that a utensil cannot be categorized a *karmelis* and therefore the water should not be considered to be transported from one *karmelis* to another. He answers that Magen Avrohom's statement was made only regarding a utensil located in the public domain since it becomes subordinate to the ground around it but a utensil located in a *karmelis* could be categorized as a *karmelis*.