

# In Hilchos Shabbos

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## Swimming on Shabbos

A summary of the weekly Wednesday night shiur by Rabbi Shmuel Stein at the Miami Beach Community Kollel / To receive a copy send an email to [InHilchosShabbos@gmail.com](mailto:InHilchosShabbos@gmail.com)

Aside from the fact that swimming on Shabbos is not “*Shabbosdik*,”<sup>1</sup> there are several halachic concerns involved with swimming on Shabbos:

- 1) The *gezeira* (decree) against swimming on Shabbos
- 2) Getting a bathing suit wet
- 3) Immersing oneself in water on Shabbos
- 4) “Carrying” water after swimming

In the following paragraphs we will discuss these *halachos* and determine whether they apply to swimming in a swimming pool on Shabbos.

### Introduction: Creating Safeguards for the Torah

Before we begin discussing the different rabbinical prohibitions involved with swimming on Shabbos, it is important to recognize the importance of creating protective fences around the *mitzvos* of the Torah. The Torah<sup>2</sup> states: “You should make safeguards for My Torah.” If we do not take the proper precautions, we may unintentionally and inadvertently violate Torah prohibitions.<sup>3</sup> Just as a responsible parent who has a swimming pool in the backyard of their home will construct a fence around the pool so that their child will not accidentally fall in, the Torah commands us to create “fences” around the Torah, in order to ensure that we will not accidentally transgress its *mitzvos*.

### The Rabbis are responsible to make safeguards for the Torah

Rashi<sup>4</sup> explains that the Torah charged *Chazal* with the responsibility of creating proper safeguards to ensure that the Jewish people will not unintentionally violate the prohibitions of the Torah. The Torah commanded the rest of the Jewish people to follow the safeguards and decrees which *Chazal* instituted, as the Torah<sup>5</sup> states: “Do not veer right or left from the words of the Rabbis.”

### Severity of violating the safeguards of the Rabbis

The Mishna<sup>6</sup> makes an interesting statement regarding the severity of violating a safeguard or prohibition instituted by *Chazal*: “The prohibitions of *Chazal* are more severe than the prohibitions of the Torah.” Furthermore, the Gemara<sup>7</sup> states: “Anyone who violates the words of *Chazal* is punishable with death.” This seems puzzling, in how can the prohibitions which *Chazal* instituted be more severe than the prohibitions of the Torah? Rabbeinu Yonah<sup>8</sup> answers as follows: “Certainly, violating a Torah prohibition, which is stated explicitly in the Torah, is more severe than violating a rabbinical prohibition. Still, when one neglects the words of *Chazal*, there is an aspect which is more severe since he violates the rabbinical prohibition not because the *yetzer hara* overpowered, but because he does not believe in the words of *Chazal*. His eyes are too weak to see the light of their words, and he does not walk in the radiance of faith. He reasons that their words are not written explicitly in the Torah, and he therefore does not feel bound by the authority of their decrees. It is as if he proclaims, ‘Let us cast away the ropes of [their] yoke.’”

### The Prohibitions involved with Swimming on Shabbos

Rav Moshe Feinstein was asked whether it is permissible to swim on Shabbos. In his responsa he discusses several Rabbinical prohibitions involved with swimming on Shabbos. We will discuss these prohibition and determine whether they in fact apply to swimming on Shabbos.

#### 1) The Gezeira of Shat: Swimming on Shabbos

The first Rabbinical prohibition which Reb Moshe Feinstein<sup>9</sup> discusses is the *gezeira* of *Shat* – the decree against swimming in water on Shabbos. The Mishna<sup>10</sup> writes that *Chazal* imposed a decree against swimming on Shabbos (or Yom Tov<sup>11</sup>), which is referred to as the *gezeira* of *Shat*. The Gemara<sup>12</sup> explains the reason for this decree as follows: If one were permitted to swim

on Shabbos, one may find himself in a situation where there is an urgent need to build a buoy or raft of reeds to help him float and may inadvertently create such a vessel and violate the *melacha* of *Makeh b’patish* (the final hammer blow).<sup>13</sup> Due to this concern, *Chazal* forbade swimming on Shabbos (or Yom Tov) altogether. Accordingly, due to the *gezeira* of *Shat* it is prohibited to:

- swim in an ocean on Shabbos<sup>14</sup>
- swim in a lake or bay on Shabbos<sup>15</sup>

Although one may argue that since nowadays it is not common for people to build a reed raft or buoy while swimming the concern for this decree no longer applies, nevertheless, the Gemara<sup>16</sup> states that once *Chazal* institute a *gezeira* it cannot be rescinded even if the original concerns of *Chazal* are no longer relevant. Therefore, swimming in an ocean, lake or bay on Shabbos is prohibited nowadays, even if one were to argue that the reason for this *gezeira* no longer applies.<sup>17</sup>

#### Does the gezeira of Shat apply when swimming in a pool?

Although swimming in an ocean or lake is prohibited under the *gezeira* of *Shat*, there is a strong argument to be made that swimming in a swimming pool is not prohibited under this *gezeira*.

The Gemara<sup>18</sup> recounts the story of Rav Abahu, who was swimming in a (large) bathtub on Shabbos. The Gemara wonders how it was permitted for him to do this, as it would seem to violate the prohibition against swimming on Shabbos. The Gemara explains that swimming in a bathtub does not violate this prohibition because there are walls around the water. *Chazal* prohibited swimming on Shabbos only in a river or a large body of water where one may be compelled to create a raft. They did not extend the prohibition to a place which is surrounded by walls and resembles a “vessel.” Since a body of water that is surrounded by walls is generally small, there is usually no urgent need to create a buoy or raft. Therefore, writes the Gemara, it was permitted for Rav Abahu to swim in the bath on Shabbos. The Shulchan Aruch<sup>19</sup> rules in accordance with this Gemara and states, “If there is a *saffah* (a lip) around the body of water (i.e., walls surrounding all four sides of the body of water<sup>20</sup>) it is like “a vessel” and we do not make a decree that one may build a buoy or raft.”

Based on this Gemara, Rav Moshe Feinstein<sup>21</sup> writes that swimming in a swimming pool is not included in the *gezeira* of *Shat*, because the walls of the pool create a *saffah*, a lip, which extends above the water and thus the pool resembles a “vessel” and is not subject to this *gezeira*.<sup>22</sup>

Although Rav Moshe rules that the *gezeira* of *Shat* does not apply to swimming in a pool, he enumerates several other halachic concerns that are relevant to swimming in a swimming pool on Shabbos:

#### 2) Getting a Bathing Suit Wet

Another issue which Rav Moshe Feinstein<sup>23</sup> addresses regarding swimming on Shabbos is getting one’s bathing suit wet on Shabbos. The Rema<sup>24</sup> writes that one may not cause a clean garment to become wet on Shabbos. Since garments are generally wearable only when they are dry, if one makes his garment wet there is a concern that he may forget himself and inadvertently squeeze or wring out the water from the garment (violating the prohibition of *Sechita* - squeezing). Therefore, *Chazal* forbade causing a garment to become wet on Shabbos.<sup>25</sup> For example:

- One may not use a shirt to clean up a water which spilled on the floor, as he may inadvertently wring out the shirt afterward.<sup>26</sup>

Based on the above decree, Rav Moshe Feinstein<sup>27</sup> writes that one may not go swimming in a bathing suit on Shabbos, as one may inadvertently squeeze out the water from the wet suit after he is finished swimming, thus violating the prohibition of *Sechita*.<sup>28</sup>

### 3) Immersing Oneself in Water on Shabbos

Another issue which Rav Moshe Feinstein<sup>29</sup> addresses regarding swimming on Shabbos is the prohibition of immersing oneself in water on Shabbos. There are really two separate issues which need to be discussed:

- 1) Swimming in a **heated** pool on Shabbos
- 2) Swimming in a **cold** pool on Shabbos

#### Swimming in a heated pool on Shabbos – A Rabbinical Prohibition

The *Shulchan Aruch*<sup>30</sup> writes that it is prohibited to immerse oneself in hot water on Shabbos. The *Mishna Berura*<sup>31</sup> explains that *Chazal* were concerned that one was to take a hot bath on Shabbos, he may find that the bath has cooled off, and may inadvertently boil water to heat up the bath (violating the *melacha* of Bishul). To prevent this inadvertent Shabbos desecration, *Chazal* prohibited immersing oneself in hot water on Shabbos. The *Shulchan Aruch*<sup>32</sup> adds that it is prohibited to immerse oneself in hot water on Shabbos even if the water was heated up before Shabbos began.

#### How hot must the water be to violate this *gezeira*?

Rav Moshe Feinstein<sup>33</sup> defines hot water as follows: So long as the water is heated to the temperature which one *normally uses*, it is considered “hot,” and one may not immerse himself in it on Shabbos. Since the bath is heated to its normal temperature, there is reason to be concerned that one may find that the water has cooled down from its desired temperature and may lead him to inadvertently reheat the water.

Accordingly, swimming in a *heated* pool violates the *gezeira* of immersing oneself in hot water.<sup>34</sup> Although the temperature of the heated swimming pool may not reach the point that it is considered “very hot,” this *gezeira* applies since it is heated to the temperature which is generally used for a swimming pool.<sup>35</sup>

#### Swimming in a cold pool on Shabbos – An Ashkenazic custom

The *Mishna Berura*<sup>36</sup> writes that although there is no prohibition against immersing oneself in cold water on Shabbos, there is a time-honored Ashkenazi custom not to immerse oneself even in cold water on Shabbos.<sup>37</sup> This custom was instituted based on the numerous Shabbos prohibitions which can be inadvertently violated while immersing in water, including the fact that immersing oneself in cold water can lead to someone inadvertently squeezing out their hair, thereby violating the prohibition of *Sechita*. The *Aruch haShulchan*<sup>38</sup> writes, “Due to the many pitfalls involved in immersing even in cold water the earlier generations instituted a custom not to immerse oneself even in cold water on Shabbos, and this has been accepted for hundreds of years. Anyone who violates this custom has broken a fence that the previous generation has put up, as immersion even in cold water on Shabbos has been accepted as a serious transgression.”<sup>39</sup>

Therefore, Rav Moshe Feinstein<sup>40</sup> writes that this is another reason why one may not swim in even a cold swimming pool on Shabbos, since doing so would violate the time-honored custom not to immerse oneself in cold water.<sup>41</sup>

### 4) “Carrying” Water while Swimming

Another concern which Rav Moshe Feinstein<sup>42</sup> addresses regarding swimming on Shabbos is when the area around the swimming pool is not surrounded by a fence. When the area around the pool is not enclosed it has the halachic status of a *karmelis* (a public domain that services less than 600,000 people) in which one may not carry on Shabbos and leads to an additional concern.<sup>43</sup> The *Biur Halacha*<sup>44</sup> writes that “If the body of water is in an area which is not surrounded by walls (and is a *karmelis*), there is a concern that while he is swimming he will splash water from the place where he is swimming (a *reshus ha'yachid*<sup>45</sup>) to the *karmelis* violating the *melacha* of *Hotza'a* (carrying).” Therefore, Rav Moshe writes that if the swimming pool is in an area which is not surrounded by walls, it would be prohibited to swim on Shabbos due to the concern that he will splash water from the swimming pool (a *reshus ha'yachid*) to the area surrounding the swimming pool (a *karmelis*).<sup>46</sup>

However, generally, the area around a swimming pool is fenced in and has the halachic status of a *reshus ha'yachid*, and thus there is no concern of transferring the water from one domain to another as both the swimming pool and the area around it are a *reshus ha'yachid*.

### Zilzul Shabbos

As we mentioned, the *poskim* point out that aside from the Rabbinical prohibitions involved in swimming on Shabbos, spending one's time on Shabbos swimming in a swimming pool also involves *Zilzul Shabbos*, a breach in the sanctity of Shabbos. The *Be'er Moshe*<sup>47</sup> writes that “Aside from the prohibitions involved with swimming on Shabbos, if one were to swim on Shabbos it would create such a great degradation of the day of Shabbos that without a doubt it would ultimately lead to the desecration of Shabbos. Therefore, it is entirely forbidden to swim on Shabbos.” *P'nei Halacha*<sup>48</sup> writes as well, “Nowadays, swimming is considered one of the most common leisurely activities, therefore swimming on Shabbos is certainly forbidden as it is considered an *Uvdim d'Chol* [and a degradation to the day of Shabbos]. The Navi even prohibits walking in a hurried manner on Shabbos as it is inappropriate for Shabbos, thus it is undoubtedly inappropriate to swim on Shabbos. *Yalkut Yosef*<sup>49</sup> adds that there is an additional concern with swimming on Shabbos “as allowing swimming on Shabbos would lead many people to not learn Torah on Shabbos because they would spend the day of Shabbos swimming in the swimming pool instead of learning Torah in the *Bais Medresh*, and the *Gemara*<sup>50</sup> instructs ‘Shabbos and Yom Tov were given for the Jewish people to have time to learn and toil in Torah.’”

### To Summarize

*Chazal* were charged with the task of implementing “fences” for the Torah to ensure that people do not inadvertently violate the prohibitions of the Torah. Although swimming on Shabbos may not violate any Torah prohibitions, Rav Moshe Feinstein enumerates several Rabbinical decrees which may be involved with swimming on Shabbos:

- 1) **The *gezeira* of *Shat*: Swimming on Shabbos.** *Chazal* instituted a decree against swimming on Shabbos due to the concern that one may inadvertently build a raft on Shabbos. Rav Moshe rules that this decree does not apply when swimming in a swimming pool since there is a wall which creates a *saffah*, a lip, around the pool and therefore the pool is considered “a vessel” and not included in this prohibition.
- 2) **Getting a bathing suit wet.** *Chazal* instituted a prohibition against causing a garment to become wet due to the concern that this may lead to someone inadvertently squeezing out the garment. Therefore, Rav Moshe rules that getting a bathing suit wet while swimming violates this prohibition.
- 3) **Immersing oneself in water on Shabbos.** *Chazal* instituted a prohibition against immersing oneself in hot water on Shabbos due to the concern that upon finding that the water has cooled down, one may inadvertently heat the water on Shabbos. Therefore, swimming in a heated swimming pool on Shabbos violates this rabbinical prohibition. Additionally, there is a time-honored Ashkenazic custom to refrain from immersing oneself even in cold water due to the concern that one may squeeze their hair on Shabbos. Therefore, Rav Moshe rules that swimming even in a cold swimming pool is prohibited due to this custom.
- 4) **“Carrying” water while swimming.** Rav Moshe adds that if the area around the pool is not enclosed, swimming in the pool is prohibited for another reason, because while one is swimming, he may inadvertently splash water outside the pool area transferring water from the swimming pool (a *reshus ha'yachid*) to the area surrounding it (a *karmelis*).

Additionally, the *poskim* rule that swimming on Shabbos is a *Zilzul Shabbos*, a degradation to the holiness of Shabbos and an *Uvdim d'Chol*, a weekday activity, which will ultimately lead to *Chilul Shabbos*, and is thus prohibited.

<sup>1</sup> As e will discuss at the end of this chapter.

<sup>2</sup> Vayikra 18:30

<sup>3</sup> Gemara Yevamos 21a; see Mishna in Avos 1:1 and Rashi there.

<sup>4</sup> Rashi (Vayikra 18:30) writes that “the intention of this verse is to charge *beis din* with this responsibility of creating safeguards for the Torah.”

<sup>5</sup> Devarim 17:11 (See *Sha'arei Teshuva* (Rabeinu Yona) [3:4])

<sup>6</sup> Sanhedrin 88b (*Sha'ar ha'Tzion* 242:1). The Gemara Eiruvin (21b also states that “one must be more careful about the words of the Chazal than the words of the Torah, for someone who violates a rabbinical decree is liable with death (as the verse states: “one who breaches a fence (of the Torah) will be bit by a snake”).”

<sup>7</sup> Berachos 4b

<sup>8</sup> See *Sha'arei Teshuva* 3:5

<sup>9</sup> *Igros Moshe E.H.* Vol. 2:13

<sup>10</sup> Beitza 36b

<sup>11</sup> 39 Melochos p. 1190

<sup>12</sup> *ibid*

<sup>13</sup> *Rambam Shabbos* 23:5 who lists the prohibition against swimming among the decrees that are prohibited because they may lead to the violation of *Makeh b'Patish*.

<sup>14</sup> *Yalkut Yosef Shabbos* 2: 9

<sup>15</sup> *Igros Moshe E.H.* Vol. 2:13

<sup>16</sup> *Gemarah Beitza daf* 5; once a decree of Chazal is enacted only a *Beis Din* which is greater in wisdom and larger in number can rescind the decree. See *Shulchan Aruch* 339:2

<sup>17</sup> 39 Melochos p. 1191

<sup>18</sup> *Shabbos* 40b, see Rashi there on 41a *d"h d'les*

<sup>19</sup> *Shulchan Aruch* 339:2

<sup>20</sup> *Mishna Berura* 339:6

<sup>21</sup> *Igros Moshe E.H.* Vol. 2:13

<sup>22</sup> *Yalkut Yosef Shabbos* 2:9, note 11,2 writes this way as well.

**Modern-day pools.** However, it is questionable whether the leniency of Rav Moshe would apply to many swimming pools nowadays which are built level to the sidewalk, and do not have a lip which is raised above the sidewalk, it is unclear whether our pools are indeed considered to be surrounded by a *saffah* (lip). On the other hand, perhaps the fact that the walls of the pool extend above the water is sufficient of a reason to consider the pool to be surrounded by a *saffah*, and therefore is not included in the *gezeira* of *Shat*. *Sefer Zachor V'shamor (Makeh b'Patish* p. 38) writes that for a pool to be considered surrounded by a *saffah* there must be a wall of three *tefachim* that extends above the sidewalk. According to this ruling, swimming in most swimming pools today would be included in the *gezeira* of *Shat*, since most pools nowadays do not have a lip that extends three *tefachim* that extends above the sidewalk. Additionally, many more recent pools are built in a way that the water is level to the sidewalk and the walls of the pool do not extend above the water. In this situation, it would certainly be difficult to consider the pool to have a *saffah* and cannot be viewed as a vessel and thus would be included in the *gezeira* of *Shat*.

<sup>23</sup> *Igros Moshe E.H.* Vol. 2:13

<sup>24</sup> *Rema* 302:9

<sup>25</sup> There are many details relevant to this rabbinical prohibition but discussing them in their entirety is beyond the scope of this discussion. The following are some relevant *halachos*: The fabric must be saturated to the degree of *tofiach al minas l'hatfi'ach*; meaning that garment must be saturated to the point that if one would touch the garment his hand would become wet enough that it can cause another garment to become wet (see *Shmiras Shabbos k'hilchaso* 15, note 45). Additionally, for this decree to apply the liquid must be clear (*Mishna Berura* 319:39). Additionally, for this decree to apply it must be a type of garment which one cares and has interest to wring out (*Shulchan Aruch* 301:46).

<sup>26</sup> 39 Melachos p. 715

<sup>27</sup> *Igros Moshe E.H.* Vol. 2:13

<sup>28</sup> Be'er Moshe (3:56) rules this way as well. However, other *poskim* argue that this Rabbinical decree against getting a garment wet on Shabbos does not apply to a bathing suit. *Yalkut Yosef* (*Shabbos* 2:9, footnote 11, 6) and *Nishmas Shabbos* (5:204) argue that that since the purpose of a bathing suit is to get wet one will not inadvertently wring it. Still, in his conclusion (*ibid*, footnote 11, 11), the *Yalkut Yosef* writes that “Regarding the actual *halacha* of swimming in a swimming pool on Shabbos, although there may be reasons to permit this, in practice one should rule that it is forbidden, especially when a bathing suit will get wet. This is also how my father, [Rav Ovadia Yosef] answered me regarding swimming in a swimming pool on Shabbos.”

<sup>29</sup> *Igros Moshe E.H.* Vol. 2:13

<sup>30</sup> 326:1

<sup>31</sup> *Mishna Berura* 326:1

<sup>32</sup> 326:1

<sup>33</sup> *Igros Moshe O.C.* Vol.4:74 *Richeitza* 1

<sup>34</sup> see *Yalkut Yosef* (*Shabbos* 2:9, footnote 11, 8)

<sup>35</sup> If the water is lukewarm, an one does not feel the heat at all, it is not considered “hot” water and is not included in this decree (*Menuchas Ahava* 2:10:52, note 162). Other *poskim* rule that water which is below body temperature (i.e., below 98.6°F or 37°C) is not considered “hot,” and therefore is not included in the [rabbinical prohibition/rabbinic prohibition](#) of immersing oneself in hot water (*Ohr l'Tzion l'tzion* Vol. 2:35:3; [Orchos Shabbos](#) *Orchos Shabbos* 21:3, note 9, from *sefer Sefer Tehilla l'David l'David* and *Shevisas ha'haShabbos*—). According to these *poskim*, swimming in a swimming pool which is heated below this temperature does not violate this Rabbinical decree. See Volume One, Chapter Two, Immersing in a Mikveh for Men.

<sup>36</sup> 326:1

<sup>37</sup> See *Menuchas Ahava* 2:10:52 writes that Sephardim do not follow this custom and are thus permitted to immerse themselves in cold water on Shabbos. *Yalkut Yosef* (*Shabbos* 2:9, footnote 11, 8) writes this way as well, but adds, that one must nevertheless be careful not to squeeze out his hair or his towel after immersing himself in the cold water.

<sup>38</sup> 326:9

<sup>39</sup> Regarding immersing oneself in a Mikveh on Shabbos, see Volume One, Chapter Two, Immersing in a Mikveh for Men.

<sup>40</sup> *Igros Moshe E.H.* Vol. 2:13; see also *Nishmas Shabbos* 5:184,185

<sup>41</sup> *Nishmas Shabbos* (5:182,183) writes that one should refrain from even putting part of their body into the swimming pool. However, *Yalkut Yosef* (*Shabbos* 4:11, footnote 21) writes that putting only one's feet and hands into the water is not included in this custom.

<sup>42</sup> *Igros Moshe E.H.* Vol. 2:13

<sup>43</sup> See Chapter Twenty-Three Relying on a Citywide Eiruv, Part 1, for an elaboration on this topic.

<sup>44</sup> 339:2 *d"h v'Im Yeish*, citing the opinion of Rashi

<sup>45</sup> See *Igros Moshe E.H.* Vol. 2:13 and what he comments on the *Bur Halacha*.

<sup>46</sup> *Yalkut Yosef* (*Shabbos* 2:9, footnote 11, 9) addresses another concern which is involved when the area around the swimming pool is not enclosed and is considered a *karmelis*: The *Shulchan Aruch* (326:7) writes that “If one immerses in a river on Shabbos, he must be careful to dry his body well when he comes out of the river, otherwise water will remain on his body, and he will carry the water four *amos* in a *karmelis*.” Similarly, *Yalkut Yosef* states that this would apply when the area around the swimming pool is a *karmelis*, as one must be certain to dry himself well when leaving the pool before walking four *amos* in the *karmelis*.

<sup>47</sup> 3:56

<sup>48</sup> *Shabbos* 14:9, footnote 7, p. 314

<sup>49</sup> *Shabbos* 4:11, footnote 21

<sup>50</sup> Yerushalmi, cited in *Mishna Berura* 290:7