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

Overview

Siman 301 Seif 7:

One who goes out with something that is not an ornament and is not worn in the manner of clothing and he takes it out in the normal manner is liable. One may not go out with any ornament that is loose which could easily fall but if he went out he is exempt. A woman may not go out with ornaments that she takes off to show others. See below siman 303 seif 18 if it is prohibited even in one's courtyard or house. **Therefore a man may not go out with a sword, a bow, a shield, a club, a spear, or any other object that is not an ornament and if he goes out he is liable to offer a Chatas. He may not go out with armor, an iron helmet or metal boots and if he went out he is exempt since they are worn in the manner of clothing. One should not go out with tefillin since they must be removed before he enters the bathroom. One should not go out with a shoe that is too large out of concern that it will fall off and he will carry it but one may go out with a garment that is too large. One should not go out wearing a single shoe unless he has a wound on his foot out of concern that people will laugh and he will carry his shoe but if he has a wound on his foot he may go out with a shoe on the foot that does not have a wound.**

- If one forgot that he was holding something and inadvertently carried into the public domain he is not liable since his act lacks maleches machsheves, meaning that he intends to transport it but doesn't recall that it is Shabbos or that the act is prohibited. (M.B. 19)
- We're concerned that it will fall and he will transport it. (M.B. 20)
- This is true even if it is wrapped around one's waist. (M.B. 22)
- The prohibition is maris ayin in that people will think that he is going to battle on Shabbos and even in the privacy of one's room it is prohibited. (M.B. 25)
- It is prohibited to put on one's tefillin if one's intent is to fulfill the mitzvah. (M.B. 26)
- Shulchan Aruch refers to someone wearing shoes that are too large. (M.B. 28)
- People will not laugh at him since they will realize that he can't wear a shoe on the foot that is wounded. (M.B. 29)

Halacha Highlight

Walking outside with leftover food in one's mouth

Shulchan Aruch Siman 301 Seif 7

והוציאו כדרך שרגילין להוציא אותו דבר

He took it out in the manner for carrying that item

Shulchan Aruch states that one who goes out with something that is not an adornment or worn as a garment and transports it in the normal manner in which that item is transported has violated the Biblical prohibition against transporting something. If he did so intentionally, he is liable to kares and if he performed this act inadvertently, he is obligated to offer a Korban Chatas. Mishnah Berurah (ס"ק י"ח) notes that when Shulchan Aruch hinges the violator's liability on transporting something in the normal manner he is excluding a circumstance in which one transported something in an unusual manner (שינוי). If one transports something in an unusual manner he has violated the Rabbinic prohibition but has not violated the Biblical prohibition.

Poskim discuss whether one is liable if he walks outside with leftover food still in his mouth. Teshuvas Minchas Yitzchok (ח"ה סי' ל"ח אות ד') suggests that since it is common for people to walk outside with leftover food in their mouths, it is not considered to be an unusual manner of transporting food and thus one must be cautious not to go into a public domain with food in his mouth. However, if one is in a circumstance in which it is difficult to avoid this (e.g. he does not have an instrument with which he could remove the food from his mouth) one may go out even into the public domain. His reasoning is that carrying in this manner does not constitute a Biblical transgression for two reasons. Firstly, the quantity that is transported is too small to constitute a Biblical prohibition. Secondly, it is considered a melacha she'einah tzrichah l'gufah. Accordingly, it is logical that the Rabbinic injunction is not in force when it is not possible to avoid transgressing this prohibition. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פי"ח הע' ח') writes that in his opinion it is logical that one need not be concerned about leftover food in one's mouth since it is subordinate to his body and although he does not issue a definitive ruling for one who wishes to walk in a public domain he rules that in a karmelis there is certainly no reason for stringency.