The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ש"א סעיף י"ג-ט"ז

Overview

Siman 301 Seif 13:

A zav may not go out with a pouch that is made to protect himself from becoming soiled from his discharge. Similarly, a niddah may not go out with a cloth tied in front of her from becoming soiled with blood during the time that she is a niddah unless it is shaped like an apron which is a garment of sorts. If she ties it so that the blood does not cause her pain and distress it is permitted to go out with it.

- This is a normal manner for a man to go out during the week but it is not considered a garment since its function is to prevent him from becoming soiled and a garment worn with this intent is considered a burden unless it is truly a garment. (M.B. 48)
- It is also prohibited to tie a cloth to his hat band so that he could wipe his eyes. (M.B. 49)
- To be a garment it must have a front and a back similar to pants without legs. (M.B. 50)
- If she wears it to avoid distress it is permitted even though it also prevents her from becoming soiled. (M.B. 51)

Siman 301 Seif 14:

Something that is worn in the normal manner of a garment may be worn outside on Shabbos even if one's intent is to avoid becoming soiled. For this reason it is permitted to wear a garment because of rain or a hat on one's head but it is prohibited for a woman to place a cloth on her kerchief because of rain since this is not the normal manner of wearing the garment.

- This is true even if one wears the additional garment just because it is raining and otherwise one would not wear the garment. (M.B. 52)
- Rema refers to when the cloth merely rests on one's head but if it is worn in a manner in which it also covers the body it is permitted. (M.B. 53)
- If the intent is that one should not become distressed by the rain it is permitted even though it also protects one's clothing as long as it is secured tightly. (M.B. 54)

Siman 301 Seif 15:

A legless person may not go out with his kav which is a leg-shaped form that is carved out so that one could place his stump into it. The kav is not used for walking since he must still lean on his cane; rather the intent is so that he should appear lame instead of legless and since it is not functional it is prohibited.

- For this reason we are concerned that it will come off and he will transport it four amos. (M.B. 56)

Siman 301 Seif 16:

A legless person who cannot walk on his thighs at all will have a chair and when he wants to move he leans on his hands and thighs and pushes himself forward. Such a person will also have supports made from leather or wood for his stumps that dangle when he sits and when he leans on his hands and moves himself he places some weight on his legs. Such a person may not go out with those supports out of concern that since they are suspended and do not rest on the ground there is a concern that it will slip out. He may, however, go out with the chair and small stools he has in his hands. A person missing parts of both legs who walks on his stumps or knees and makes supports of leather for his thighs may go out with them on Shabbos. It is also permitted to go out with a wooden shoe that fits his foot without concern that it will fall off. The same is true concerning פנטניי"ש that come off quickly. Some authorities are stringent and prohibit this. One should not walk barefoot in a place where it is uncommon for people to walk barefoot. One should not go out on Shabbos as he does during the week without something to remind him that it is Shabbos so that he should not desecrate it.

- He leans on these hand stools as he propels himself forward. (M.B. 57)
- Even if there is no leather it is still considered a shoe. Some authorities maintain that if it has no leather it is not a shoe. (M.B. 59)
- Although it can be removed without having to loosen any knots it is considered a shoe since it remains on one's foot and there is no fear that he will remove it and transport it. (M.B. 60)
- Taz maintains that there is no concern that someone will remove the פנטניי"ש and remain barefoot but others are uncertain about this. All opinions agree that one who wore them into the public domain need not remove them and the same is true concerning any other garment about which there is a concern that he will remove it and then carry it. (M.B. 61)
- Darkei Moshe indicates that even in a place where they walk around barefoot on Shabbos one should wear shoes so that he will remember that it is Shabbos. One must be cautious about this on Yom Tov as well besides that it is lacking in tznius to walk around barefoot. (M.B. 62)

Halacha Highlight

Wearing a hat cover

Shulchan Aruch Siman 301 Seif 14

דבר שהוא דרך מלבוש

Something that is worn as a garment

Shulchan Aruch (סע' י"ד) writes that it is permitted to go out in a garment that is worn in the normal manner even if one's intent is to avoid becoming dirty. Rema adds that for that reason it is permitted for a woman to wear a garment or a hat on her head specifically because it is raining. Mishnah Berurah (ס"ק נ"ב) explains that Shulchan Aruch refers to one who is wearing an additional garment on his clothing so that his clothing should not become soiled. Rema's addition is that it is permitted even if one wears a garment that is very thick or a hat that is larger than the one he was already wearing and his intent is to protect his clothing from becoming soiled. The reason it is permitted is that it is a garment that is worn in the normal manner.

Poskim debate the permissibility of wearing a plastic hat cover for protection from rain. Minchas Yitzchok (ח"ג סי' כ"ו) ruled that it is prohibited to wear the cover since it is not worn in the manner of clothing (דרך מלבוש) and thus it is prohibited to go out with the cover on one's hat since the intent is to protect one's hat. However, if one wears the cover so that one's hat will not become saturated thereby allowing the water to get on his head it is permitted since one's intent is to protect his body. Rav Moshe Feinstein (אג"מ או"ח ח"א סי' ק"ח – ק"י) also ruled that it is prohibited but suggested another reason why it is prohibited. He contends that for something to qualify as דרך מלבוש it must provide a greater degree of protection. Since the hat cover does not provide any more protection than one's hat it is not considered דרך מלבוש. Mishnah Berurah's allowance to wear a hat on one's hat is limited to when the second hat is wider than the first, as a careful reading of Mishnah Berurah will indicate. Rav Shlomo Zalman Auerbach, however, ruled that in places where people are not particular to remove the cover immediately upon the cessation of the rain it is subordinate to one's hat and is thus considered דרך מלבוש.