The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Aug 26 2023 ■ ט' אב תשפ"ג
סימן ש"א סעיף י"ז-כ'

Overview

Siman 301 Seif 17:

Someone who is lame and cannot walk without a cane may walk with one even though it is not tied to him but if he is able to walk without it he may not take it just to secure his step. (Someone recovering from an illness is treated the same as someone who is lame.)

- Since he cannot walk without a cane they are like his shoes. (M.B. 63)
- An elderly person who walks without a cane in his home but when he walks outside he uses a cane because he is weak, may not use a cane outside on Shabbos even though he will wobble. If one is so old that he cannot walk without a cane it is permitted. (M.B. 64)
- If a person walks in a place where there is concern that he will fall it is permitted to walk with a cane but some authorities question this ruling. There are some authorities who are lenient only when there is an eruv. (M.B. 65)
- Even if the cane is decorative it may not be carried outside on Shabbos unless it is also necessary for one's walking. (M.B. 66)

Siman 301 Seif 18:

A blind person may not walk outside with a cane.

- The reason is that he can walk without it and uses it merely to straighten his steps. (M.B. 68)

Siman 301 Seif 19:

Someone with shackles on his feet may go out with them.

- They are considered a garment for him. (M.B. 69)

Siman 301 Seif 20:

One may not go out in an אנקטמין which is a donkey costume worn by clowns that looks as though one is riding a donkey even though in reality he is carrying the costume and walking by foot. One may not go out with קשרי which are tall pieces of wood that have a perch for one's feet and are used when walking through mud. One may not go out with a פרמי which is a mask worn to frighten children

- The rationale behind all of these cases is that they are not a garment. If one goes out with them or if the legless person goes out with his peg leg he is exempt since this is not the normal manner of transporting these things. (M.B. 70)

Halacha Highlight

Wheelchair

Shulchan Aruch Siman 301 Seif 17
חגר שאינו יכול לילך בלא מקל
Someone lame who cannot walk without a cane

Shulchan Aruch (סע' י"ז) rules that someone who is lame and cannot walk without a cane may go out with a cane on Shabbos even if the cane is not bound to his body. Mishnah Berurah (ס"ק ס"ג) explains that since he cannot walk without a cane it is comparable to his shoes and thus permitted. However, if he is capable of walking without a cane but he commonly carries a cane to steady his walking, it is prohibited for him to go out with a cane on Shabbos. Mishnah Berurah (ס"ק ס"ד) cites as an example someone who is old and when he walks in his house he does not use a cane but when he goes outside he uses a cane due to his weakness. Such a person may not go outside with a cane on Shabbos since it is not essential to his walking that it could be considered his "shoes."

Rav Moshe Feinstein (אג"מ או"ח ח"ד סי' צ') ruled that someone who is old or lame who cannot walk may go out in a wheelchair on Shabbos. Being that he requires assistance when he walks, we can consider the wheelchair to be his "shoes" and thus it is permitted for him to go out in a wheelchair. However, it is only permitted if he can propel himself forward but others may not push his wheelchair since that would involve them transporting him and since he cannot stand on his own we cannot apply the principle that living people carry themselves – חי נושא את עצמו. In a place that is not a halachic public domain it is permitted to ask a gentile to push someone in a wheelchair to shul since it is a שבות דשבות במקום מצוה. Rav Tzvi Pesach Frank (שו"ת הר"א סי' ק"ע) rejects the assertion that a wheelchair can be considered his "shoes." When someone is lame he walks with his own feet but needs the assistance of a cane and thus we can consider the cane comparable to his shoes. A person in a wheelchair does not walk on his own at all so we cannot consider the wheelchair to be his shoes since it does not assist him to walk.