

In Hilchos Shabbos

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Now learn the issues & the opinions

Is it
Carrying?
Part I - The Halachos of
Malbush

A summary of the weekly shiur by Rabbi Shmuel Stein at the Miami Beach Community Kollel / Reviewed by Rabbi Yitzchok Reichman / To receive a copy send an email to InHilchosShabbos@gmail.com

The Melacha of Hotza

One of the thirty-nine *melachos* of Shabbos is the *melacha* of *Hotza*,¹ is and is perhaps the *melacha* which is most extensively discussed in the Gemara. In this chapter we will discuss which objects may be worn outside in a *Reshus ha'rabbim* and which objects may not be worn outside.

Which Objects may be Worn in Reshus ha'rabbim?

The Aruch ha'Shulchan² writes that when discussing the halachos of *Hotza* "it is important to clearly define which objects are included in the *melacha* of carrying and which are not included in the *melacha*. There are two categories of objects which are *not* included in the *melacha* of carrying:

- 1) a *Malbush* (clothing), and
- 2) a *Tachshit* (accessories)."

In this chapter we will discuss the different objects and garments which fall under these two categories and may be carried outdoors on Shabbos.

Part I - Malbush: Wearing Clothing

The Aruch Ha'Shulchan³ explains that "it is obvious that when the Torah wrote that one may not 'carrying a load'⁴ outdoors on Shabbos, it did not include *wearing* clothing, as it did not intend for people to walk outside undressed." The Rambam⁵ explains that the clothing which one wears becomes subordinate his body and is viewed as an extension of his body. Therefore, it is not considered a load which he is 'carrying' and may be worn outside on Shabbos. For example, when one wears a shirt outside on Shabbos it is viewed as 'part of his body' and not a separate load which he is carrying. Similarly,

- It is permissible to wear a jacket, hat, or rubber boots outdoors on Shabbos, because they are considered a *Malbush* which is an extension of his body.⁶
- The Shulchan Aruch⁷ writes that one may wear his *tallis* home from shul on Shabbos, because the *tallis* is considered a *Malbush* which is subordinate to his body.

The Halachos of Malbush

We will discuss the following *halachos* of a *Malbush*:

- 1) Which garments are considered a *Malbush*
- 2) Wearing a *Malbush* in an irregular manner
- 3) Wearing two of the same garments
- 4) Bunching up a garment
- 5) Wearing an object which one may remove

Defining a Malbush – Which garments are considered a Malbush?

The Mishna Berura⁸ explains that so long as an article of clothing is worn by even a minority of people it can be considered a *Malbush*; thus, anyone may wear this *Malbush* outdoors on Shabbos. For example, the Shulchan Aruch⁹ writes that the sackcloth which shepherds would wear outdoors to protect themselves from the rain can be considered a *Malbush*; thus, it is permissible for anyone to wear sackcloth outdoors on Shabbos. Similarly,

- One may wear a white doctors coat outside on Shabbos, even if he is not a doctor.¹⁰
- One may wear a long *frock* or *bekishe* outside on Shabbos, even if he normally wears a short jacket.¹¹

A Malbush may be worn in any situation

The Mishna Berura¹² writes that an item which is categorized as a *Malbush* may be worn in any situation. For example, he writes, that one may wear a raincoat outdoors on Shabbos even when it is not raining outside, because it is considered a *Malbush* and may be worn in any situation; even when it is not worn for its designated purpose. Similarly, one may wear a winter coat outside on Shabbos on a summer day, because the coat is considered a *Malbush* and may always be worn outside.¹³

When one's intention is to transfer the garment

Additionally, the Shulchan Aruch¹⁴ writes that one may wear a *Malbush* outdoors on Shabbos even if his intention is to transfer the garment to another place. For example,

- One may wear a raincoat to shul when it is not raining outside even if his intention is to transfer the raincoat to shul in case it rains later in the day.¹⁵
- The Shulchan Aruch¹⁶ writes that "one may wear his *tallis* underneath his coat to bring it to shul," because it is a *Malbush* and may always be worn outside even when his intention is to transfer the *tallis*.¹⁷

Wearing Clothing in an irregular manner

The Shulchan Aruch¹⁸ explains that although a *Malbush* may always be worn outdoors on Shabbos, it may only be worn in its *derech malbush* - its regular manner. When one wears a garment in an irregular manner, we cannot consider it as if he is *wearing* the garment; rather, we consider it as if he is *carrying* it. To bring out this point, the Mishna Berura¹⁹ writes that although one may wear a *tallis* outside on Shabbos he may obviously not fold it up and carry it on his shoulders, as this is not considered *wearing* the *tallis* but *carrying* the *tallis* since this is not the normal way to wear the *tallis*. Similarly,

1 Mishna Shabbos 73a 2 301:48 3 301:48 4 Yermiyah 17:27 describing the *melacha* of *Hotza* 5 Hilchos Shabbos 18:17; see also Rashi (Shabbos 142b d"h *patur*). 6 Orchos Shabbos 28:117; 39 *Melochos* vol. 4, p. 1349 7 Shulchan Aruch 301:29 8 301:72 9 301:21 10 *Ibid* 11 The Shabbos Home vol. 1, p. 103 12 301:72, citing the opinion of the *Rosh* 13 *Igros Moshe* O.C. vol. 3:1; Nishmas Shabbos 3-1:28 14 301:29, 301:36 15 Nishmas Shabbos 31-:28. Nishmas Shabbos (*ibid*) points out that it is questionable whether wearing a plastic Shayne coat outside when it is not raining is permitted since the Levush (301:21) explains that a [sackcloth which is worn as a] raincoat may be worn outside "because it is sometimes worn even when it is not raining outside." Therefore, since a plastic Shayne coat is not worn outside when it is not raining, may not be worn outside when it is not raining. Nevertheless, Nishmas Shabbos writes it is permissible to wear a plastic Shayne coat outdoors when it is not raining since firstly people wear a plastic Shayne coat outside when it stopped raining as once someone is wearing the raincoat he will not remove the raincoat when the rain stops. Secondly, since the raincoat has sleeves and is worn as a genuine *Malbush* it may be worn in all situations. There is also no concern that one will be embarrassed when wearing a raincoat outside when it is not raining and come to carry the raincoat (Shulchan Aruch 301:7), because in a scenario where there is a forecast for rain it does not look embarrassing to wear the raincoat to shul or home from shul since everyone understands that he is wearing the raincoat due to the rainy forecast (Nishmas Shabbos, *ibid*). However, in a scenario where there is no forecast for rain, but he forgot his raincoat at shul (from a previous week) and wishes to bring it home on Shabbos, it may be problematic to wear the raincoat outside since one may feel embarrassed to wear the raincoat and may come to carry it outside (Toras Shabbos 301:19). Nishmas Shabbos (*ibid*) remains unsure about the halacha in this case. 16 301:29 17 See Mishna Berura 301:132 18 301:29 19 301:110 20 Rav Moshe Feinstein (cited in The Shabbos Home vol. 1 p. 106); Rav Yisroel Belsky (Shulchan HaLevi p. 112). However, many other *poskim* permit this (Az Nidbaru 14:14; Tzitz Eliezer 13:33; see 39 *Melochos* vol. 4, p. 1406 who permits this, yet writes that it is preferable to avoid this in a true *Reshus ha'Rabim*. 21 Chazon Ish (*Imrei Yosher, hanhagas Chazon Ish* 50); Rav Chaim Kanievsky (Rivivos Ephraim 1:223:14); Orchos Shabbos 28:124, note 182 all permit wearing one's jacket over his shoulders in a place where it is normal to wear a jacket this way. 22 Nishmas Shabbos 3-1:33 23 Nishmas Shabbos 3-1:33 24 Nishmas Shabbos 3-1:34 25 301:36

- Some *poskim*²⁰ rule that one may not wear a jacket draped over his shoulders (without putting his arms into the sleeves of the jacket), as this is not a normal way to wear a jacket nowadays. However, in a place where it is common to wear a jacket over one's shoulders it would be considered *derech mlabush* and may be worn in this manner on Shabbos.²¹
- Wrapping oneself in a plastic tablecloth to protect oneself from a heavy rain is not considered a *derech malbush* since it is not the normal way to 'wear' tablecloth.²² [However, some *poskim*²³ rule that wrapping oneself in a tablecloth is considered a *tachshit* since it is worn to protect one's body, as we will discuss later (in part 2). According to all opinions however, it is prohibited to tear a hole in the plastic tablecloth to stick out one's head and hands, because this completes the item violating the *melacha* of *Makeh b'Patish*.²⁴]

Wearing two of the same garments

The Shulchan Aruch²⁵ writes that wearing two identical garments is still be considered *derech malbush*. For example, since on a cold day it would be considered normal to wear two coats one on top of another, we can consider wearing two coats to be *derech malbush*.²⁶ Thus, one may always wear two coats outside on Shabbos even if his intention is to transfer one of the coats for his friend.²⁷ The same is true regarding most clothing, such as shirts, socks, shoes, coats, pants, hats, or boots), as it is permitted to wear two (or more) identical garments outdoors on Shabbos.²⁸

Wearing two belts

The Rema²⁹ rules that wearing two belts, one on top of the other, cannot be considered *derech malbush*, because once one belt is worn the second belt is always unnecessary and is not considered the normal way of wearing a belt.³⁰ However, the Rema³¹ adds that if one is wearing many garments (e.g., pants, jacket, coat) he may wear a belt on top of each of the garments since this is the normal way to wear a belt. (Regarding wearing a *gartel* outside on Shabbos, see footnote.³²)

Similarly, the Aruch HaShulchan³³ writes that one may not wear two (regular sized) hats one on top of another, because the second hat serves no purpose and cannot be considered *derech malbush*. However, one may wear a *yarmulke* underneath his hat as this is considered *derech malbush*, because it is common to wear a smaller covering underneath a larger one.³⁴ (We will later discuss wearing a plastic cover on top of a hat to protect it from the rain.)

Bunching up a garment

The Shulchan Aruch³⁵ writes that bunching up a garment in an irregular manner cannot be considered *derech malbush* and may not be worn in that manner outdoors on Shabbos. For example, the Shulchan Aruch³⁶ writes that when wearing a *tallis* outdoors on Shabbos one may not bunch the *tallis* up by picking up the bottom of his *tallis* and wearing it around his shoulders, because this is not the normal way of wearing a *tallis*.³⁷ Rather he must let the *tallis* drape downward as it is normally worn.³⁸ Similarly, the Mishna

Berura³⁹ writes that when one wears a garments he should not lift up the bottom if the garment more than a little bit as wearing the garment bunched up is noy considered *derech malbush*.⁴⁰ For example,

- When walking in a muddy area one should not lift his pants up more than a little bit, because wearing pants lifted high up is not a normal way to wear one's pants and is thus it is considered as if he is carrying the part of the pants which is bunched up.⁴¹
- If one wishes to lift his *tallis* up he should not lift it up more than a little bit, otherwise it is not considered *derech malbush*.⁴²
- If a woman's skirt is too long, she may not fold up the skirt at the waistline more than a little bit, because it would be considered 'carrying' the unnecessary material that is folded over.⁴³ However, she may fold up the skirt a little bit.⁴⁴
- Rav Moshe Feinstein⁴⁵ ruled that one may not wear his shirtsleeves rolled up outdoors since it is considered carrying the bunched-up sleeves. However, Rav Yaakov Kamenetsky⁴⁶ and other *poskim*⁴⁷ rule that it is permitted to wear one's shirtsleeves rolled up since this is the *derech malbush*, since this is the way people wear their shirtsleeves.⁴⁸

Wearing an Object which One may Remove

We find many instances where *Chazal* prohibited wearing a garment where there is a concern that one may remove it outdoors. For example,

- The Shulchan Aruch⁴⁹ writes one should not wear gloves (which protect one's hands from the cold) outdoors on Shabbos. Although gloves are considered a *Malbush*, as they protect one's hands, nevertheless they should not be worn outside on Shabbos because it is common to remove them outdoors (in order to gain usage of one's fingers) and thus wearing gloves outdoors may lead one to inadvertently carry them.⁵⁰ (It is permissible to wear earmuffs outdoors since it is not common for them to be removed outdoors.⁵¹)
- The Rema⁵² cites an opinion who rules that one may not wear open-heel slippers (e.g., house slippers, Crocs) outdoors on Shabbos (or Yom Kippur), because they fall off easily and one may inadvertently carry them on Shabbos. However, the Rema cites other opinions who permit wearing open heel slippers on Shabbos since it is not common for people to walk outside barefoot. Still, it is preferable to refrain from wearing such slippers outdoors on Shabbos (or Yom Kippur).⁵³ Some argue that since nowadays it is not common for one to walk outdoors without shoes or slippers, there is no concern that one will carry the slippers and thus they may be worn outdoors.⁵⁴ (One may wear slippers which have a toe strap which fits tightly between one's toes (i.e., Flip Flops), because they do not easily fall off one's feet.⁵⁵)
- The Shulchan Aruch⁵⁶ writes that one may only wear a hat outdoors on Shabbos if it fits securely on his head otherwise there is a concern that it may fall off in the wind and lead to inadvertently carrying the hat outdoors.⁵⁷ The Mishna Berura⁵⁸ writes that "from this ruling we learn regarding our hats which are worn nowadays on top of a *yarmulke*, one must be care that his hat fits tightly on his head, otherwise it may fall off and he may carry it in *Reshus HaRabim*."⁵⁹

²⁶ Nishmas Shabbos 3-1:73; The Shabbos Home vol. 1, p. 106 ²⁷ Igros Moshe O.C 5:18 (29) ²⁸ Emes L'Yaakov, 301, footnote 337 ²⁹ Be'er Moshe 3:62; *Hilchisa Rabasi l'Shabbata* (8:5) ³⁰ Rav Yisroel Belsky (Shulchan HaLevi p.112) writes that he heard from Rav Moshe Feinstein that whether it is permissible to wear one's shirtsleeves rolled up depends on why he wears the sleeves rolled up: If one normally wears sleeves his sleeves long and only wishes to roll up his sleeves because it is hot outside (and would prefer short sleeves), it is prohibited to wear the sleeves rolled up because it is considered 'carrying' the unnecessary rolled up sleeves. However, if in general one always wears his sleeves rolled up as his *derech malbush* (and would not want to wear short sleeves), then the rolled-up sleeves are not considered unnecessary and may be worn rolled up outdoors. [Also cited in 39 Melochos p. 1406, note 528a.] ³¹ 301:37 ³² Aruch HaShulchan 301:105. The Mishna Berura (301:141) writes that although the custom amongst many is to be lenient and wear gloves outdoors, nevertheless the *poskim* rule that although one should not protest against someone who wears gloves outdoors, it is fitting for a *ba'al nefesh* (one who is scrupulous about halacha) to refrain from wearing gloves outdoors on Shabbos. Rabbi Yisroel Belsky (Shulchan HaLevi p. 111) writes that the custom has developed (among *bnei torah*) that men do not wear gloves outdoors on Shabbos, but women do wear them on Shabbos. Rav Belsky explains the reason for this as follows: Since when two men meet each other in the street they remove their gloves to shake hands, and we are therefore concerned that they may inadvertently carry the gloves outdoors on Shabbos. On the other hand, women typically do not greet each other by shaking hands, and therefore there is no concern that they will remove their gloves and inadvertently carry them. The Aruch HaShulchan (ibid) concludes that "in a situation of extreme cold, it is obvious that one may wear gloves outside on Shabbos." ³³ Orchos Shabbos 28:152; 39 Melochos p. 1405; The Shabbos Home vol. 1, p. 126 ³⁴ 301:16 ³⁵ Rav Yisroel Belsky (Shulchan HaLevi p. 111) rules that one may not wear such slippers outdoors. ³⁶ *Taz* (cited in Mishna Berura 301:61; see Orchos Shabbos 28:126). Furthermore, others argue that the slippers which are worn nowadays do not commonly fall off when worn (Shabbos Home vol. 1, p.121, note 56). ³⁷ Rav Yisroel Belsky (Shulchan HaLevi p. 111) ³⁸ *Shulchan Aruch* 301:41; *Mishna Berura* 301:153. However, the *Shulchan Aruch* (ibid) writes that this concern applies only when one is wearing a *yarmulke* underneath his hat, because otherwise there is no concern that one will walk outdoors bareheaded while carrying his hat. ³⁹ Therefore, the Shulchan Aruch concludes that one may wear a hat outdoors only if it is secure enough to withstand a normal wind [in that place] (Chut Shani 4:88:18). ⁴⁰ 301:153 ⁴¹ **Wearing Surgical Masks outdoors.** During the pandemic of the Coronavirus, there was a dispute whether it is permissible to wear a surgical mask outdoors on Shabbos. Some argued that although there may be room to consider a surgical mask to be a *Malbush* or a *Tachshit*, there is a concern that when one is not around others, he may lower the mask and wear it on his chin, which cannot be considered its *derech Malbush*. However, other *poskim* were lenient and permitted wearing a surgical mask outdoors (see Nishmas Shabbos 3-1:173). Some argued that wearing a surgical mask on one's chin can indeed be considered *derech Malbush* since it is common for one to wear the mask in such a way; thus, there is no concern with wearing the mask outdoors (Rav Asher Weiss, kuntres on coronavirus, siman 9). Others argued that although wearing the mask on one's chin cannot be considered *derech Malbush*, nevertheless, there is no need to create our own decree against wearing the mask outdoors since even if one wears the mask on his chin it is considered a *Shinui* (Rabbi Doniel Osher Kleinman, citing the ruling of Rav Shmuel Kamenetsky).