



The Golden Years – Part VII - *Hilchos Shabbos*

*"And the Bnei Yisroel were in the desert, and they came upon a man
"M'koshesh" wood on Shabbos." (Bamidbar 15:32)*

*"Rav Yehuda said in the name of Shmuel: The M'koshesh [was put to death
because he] carried four amos in a Reshus haRabim." (Shabbos 96b)*

This week's essay will continue our discussion of practical Halachic questions that relate to the elderly as their physical abilities deteriorate, focusing on common Shabbos issues.

Going out with a Cane or Walker without an Eruv

The *Shulchan Aruch* (O.C. 301:17) rules:

A disabled person who is unable to walk without a cane may walk with it [outside on Shabbos] even if it isn't attached to him. But if he is able to walk without it and only takes it to support himself – it is forbidden. (Rema: A sick person who is recovering has the same Halacha as a disabled person.)

This is based on the general rule stated by the Gemara in Shabbos (65b) that a person may walk outside with a cane on Shabbos (or a walker). The cane is considered "*Tafel*" to him – like his shoes – since he is unable to walk without it. However, since the *Chachamim* were concerned that he might come to carry the cane rather than walk with it, they only permitted it when he cannot walk without it at all.

The *Mishna Berura* (*ibid.*)¹ explains that if a person is able to walk without a cane (and without leaning on something else, such as a wall or railing) for a distance of four *Amos* (approximately 2 meters), he may not go out with a cane on Shabbos.

The Poskim discuss whether somebody who only uses a cane to avoid falling when he goes out of the house, or only when it is wet and slippery or icy outside, but walks around his house or indoors without a case, can do so on Shabbos. The *Taz* (*ibid.* 1) permits it, but many Poskim, including the *Mishna Berura*, are stringent.

¹ See also the *Biur Halacha*.



Since the *Aruch haShulchan* rules like the *Taz*, and other *Acharonim* also support this conclusion, one need not object against those who act leniently.

Rav Nissim Karelitz *zt"l* (*Chut Shani, Shabbos* 88) rules that if an elderly person goes out with somebody to support him while he walks (and therefore has no need for a cane), he may not take his cane with him, even if he is utterly incapable of walking without it.

Going out in a Wheelchair without an *Eruv*

The *Shulchan Aruch* (*O.C.* 301:16) permits an amputee to go out with his "*Kisei v'Safselim Ketanim*" – "chair and small [wheeled] stools²", even where there is no *Eruv*. The reasoning is the same as that permitting a person to carry a cane if he cannot walk without one, even at home (*Mishna Berura ibid.* 57). The Poskim maintain that this leniency also applies to using a wheelchair outside (*Igros Moshe* 4:90, *Or l'Tzion* 2:23:5).

Other Poskim hold that a wheelchair cannot be compared to "*Kisei v'Safselim Ketanim*" which served no other purpose than helping the person walk (see *Har Tzvi* 1:170 and *Teshuvos v'Hanhagos* 4:88). Nevertheless, those who are lenient have Poskim upon whom to rely, particularly considering that most streets today only constitute a *Reshus haRabim d'Rabbanan*.

It is preferable that a non-Jew push the wheelchair and the person being pushed should also help to move it if he is able to (*Shulchan Shlomo* 301:16). He should ensure that there is nothing else hanging on the wheelchair or in his pockets.

Using an Electric Scooter

It is certainly forbidden to use a regular electric scooter on Shabbos. Today, there are scooters designed with "Shabbos settings" which use *Gramma* mechanisms or timers – the person riding it only needs to release the brakes for the scooter to move. Rav Shlomo Zalman Auerbach *zt"l* (*Shulchan Shlomo* 301:13:3) permits their use for the purpose of a *Mitzva* if there is an *Eruv*. To avoid *Maris Ayin* (the appearance of committing a sin), a person should attach a sign to the scooter stating that it is designed for Shabbos usage.

² [This refers to wheeled platforms that he would rest his feet upon and pull himself along with his upper body. -Ed.]



However, in recent years many Poskim have opposed the use of “*Grama* appliances”, particularly electric scooters that disrupt the spirit and atmosphere of Shabbos (see the *Shevus Yitzchak, Grama* p138 in the name of Rav Elyashiv *zt”l*). Rav Yitzchak Mordechai Rubin *shlit”a* (Orchos Shabbos 3, p233) cites Rav Shmuel Auerbach *zt”l* who said in the name of his father, Rav Shlomo Zalman *zt”l*, that if a device is designed to be operated in an indirect manner, it is not considered *Grama*. *HaGaon* Rav Asher Weiss *shlit”a* also rules stringently (*Minchas Asher, Shemos* 65).

Using an Elevator Operated by a Non-Jew

Using an elevator on Shabbos activates various electronic systems which violate *Issurim d’Oraisa*. It is therefore forbidden, even for the elderly or disabled. In addition to the basic functions of the motor and operation of the elevator by pushing its buttons, modern elevators have complex electronic systems as well. Although operating the elevator normally entails *Issurim d’Oraisa*, activating the newer, complex functions is subject to a *Machlokes haPoskim*.

An additional point to consider is that many Poskim hold that riding in a descending elevator may entail another *Issur d’Oraisa*, as will be discussed below.

Therefore, an elderly person may not use a regular elevator on Shabbos. If he is accompanied by a non-Jew who will press the buttons for him, there is a double *Machlokes haPoskim* as to whether it is permissible. Firstly, activating the elevator’s complex functions – which are not activated by means of the non-Jew pressing the buttons – may be forbidden. Secondly, if the elevator is going down, it may be forbidden due to the effects of the rider’s weight on the elevator’s electronic systems.

HaGaon Rav Asher Weiss *shlit”a* holds that one may be lenient with regard to these two issues. However, there is still an *Issur* of asking a non-Jew to perform a *Melacha* on one’s behalf on Shabbos. Therefore, if there is a great need to use the elevator, a Rav should be consulted.

Using a Shabbos Elevator

The Poskim of the last generation famously disagreed over whether it is permissible to use a “Shabbos elevator”. A detailed description of the technical differences between a Shabbos elevator and a regular elevator is beyond the scope of this essay, as is a thorough discussion of the opinions of the Poskim. We will briefly summarize the topic.



The basic concept of the Shabbos elevator is that it operates automatically without any human intervention. It stops at each floor and, after a set time interval, its doors automatically close and it proceeds to the next floor. Some Shabbos elevators deactivate the sensor that detects the weight of the occupants.

The Poskim who forbid its use argue that increasing or decreasing electricity flow, which is caused when somebody uses the elevator, is forbidden on Shabbos. Other Poskim hold that changing the flow of electricity is permissible, but nevertheless forbid using the elevator to descend. Lowering the cab of the elevator is performed by electrical circuits, and the weight of the rider assists in the descent and therefore in the operation of these circuits.

The majority of contemporary Poskim forbid the use of a Shabbos elevator unless there is a great need for it, such as an elderly person who cannot use the stairs who wants to go to Shul or has a medical need. Some Poskim forbid its use even when there is a great need (unless it is a matter of *Pikuach Nefesh*). Other permit going up in the elevator but not down. Others permit using it to go up or down if there is a great need, which is the position of *haGaon* Rav Asher Weiss *shlit"a*.

Carrying and Activating a Personal Alarm

An elderly person who has been advised to carry a panic button on his person may carry it outside on Shabbos if he is going out for the purposes of a Mitzva such as learning or Davening (as long as the area does not constitute a true *Reshus haRabim*, which is the case with most streets today). However, he must carry it in an unusual way, such as inside his hat or on a chain around his neck.

A person who is hospitalized and bedridden and uses a button to ring a bell to summon medical staff, may use a non-electric bell on Shabbos if he is in need of urgent attention. Alternatively, he may use an electric bell if it does not light up when it is pressed (he should check this prior to Shabbos). If it is a matter of *Pikuach Nefesh*, or even possible *Pikuach Nefesh*, he may use any sort of bell.

If he is not in need of medical attention but needs help to go to the bathroom, he should try to catch the staff's attention by calling out or other means. Alternatively, if a nearby patient is non-Jewish, he should ask him to press the bell for him. If this isn't possible, he may ring the bell in an unusual manner ("*K'l'achar Yad*") as we are lenient in cases of *Kavod haBriyos* (human dignity) (see *Shemiras Shabbos keHilchasa* 40:23).