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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שט״ו סעיף א׳

Overview

Siman 315 Seif 1:

It is prohibited to make an *ohel* on Shabbos or Yom Tov even if it is temporary. This is limited to making a roof but it is permitted to make walls since making a wall is prohibited only when it is made to validate a *sukkah* or to permit transporting items. A wall made just for privacy is permitted; therefore, it is permitted to hang a curtain in front of an entrance even though it will remain there permanently. Similarly, it is permitted to hang a curtain in front of an *aron kodesh* as long as one does not make a roof the length of a *tefach*. It is also permitted to make a wall for protection from the sun or cold or in front of candles so that wind should not extinguish them. One may not erect a partition in front of candle light so that one may have relations nor may one construct a partition in front of *sefarim* in order to have relations or to relieve oneself unless it already extended a *tefach* before Shabbos and if it was, it is permitted to add to it on Shabbos.

- One who makes a permanent *ohel* that should last has violated the prohibition of construction even though it is not actually a structure since constructing an *ohel* is a *toladah* of the *melacha* of construction and dismantling an *ohel* is a *toladah* of destruction. Chazal prohibited the construction of even a temporary *ohel*. (M.B. 1)
- One is liable for constructing a roof even when there are no walls. (M.B. 2)
- Temporary walls are not an *ohel*. (M.B. 3)
- An example of privacy is the construction of a partition to separate men and women for a *drosha*. (M.B. 5)
- The intent is to leave it there permanently but nevertheless it is considered temporary since it blows back and forth in the wind. It is prohibited to secure it on top, on the bottom as well as the sides so that it does not blow in the wind. (M.B. 6)
- It is permitted to hang decorative sheets on a wall as a decoration even if it is secured since one's intent is not to create a partition. (M.B. 7)
- Magen Avrohom asserts that Shulchan Aruch's ruling is limited to where the partition does not completely cover the light so that one is relying on the fact that the candle is considered to be in a separate room. If the light was completely covered it would be permitted since the partition is acting as a cover rather than as a *mechitzah*. The same distinction applies to erecting a partition in front of *sefarim*. [Later authorities note that this is limited to where one has another cover over the *sefarim* so that it is as if they are in a utensil inside of a utensil.] Although there are authorities who challenge this distinction, in a pressing circumstance one may rely upon his position. (M.B. 10)

Halacha Highlight

Hanging a curtain

Shulchan Aruch Siman 315 Seif 1

ואין מחיצה אסורה אלא אם כן נעשית להתיר

It is not prohibited to erect a partition unless it is utilized to permit something

Shulchan Aruch explains that the prohibition against constructing an *ohel* in the form of a wall rather than a ceiling is limited to where the wall serves a *halachic* purpose, for example, making a partition to make a valid *sukkah* or a partition to permit carrying. Rema continues, explaining that it is permitted construct a temporary partition for privacy reasons, for example, to separate men and women attending a *drosha* (מ״ב סק״ה). Rema's example of a temporary partition that is permitted since it was erected for privacy is a curtain hung in front of an entrance. He adds that this is permitted even if one hangs the curtain with the intent that it would remain there permanently. Mishnah Berurah (סק״ו) explains that it is considered temporary rather than permanent, despite one's intent that it should remain there forever because it is not secured and blows in the wind. In the event that one hung a curtain and secured it on all sides so that it cannot blow in the wind, it would constitute a prohibited act of construction since it is permanent.

Chazon Ish (סי׳ נ״ב ס״ק י״ג) disagrees, contending that if one hung the curtain with the intent for it to remain there permanently, it is prohibited even if it is attached only on top allowing it to blow in the wind. He explains that the fact that it blows in the wind is not important since one could also hang a door on hinges that allows it to sway back and forth and it would still constitute an act of construction. What is permitted is to hang a curtain that will be truly temporary, meaning, one that will be taken down and then rehung again. For example, in those places where they change the curtain in front of an *aron kodesh* for Shabbos, it is only temporary and thus may be hung or taken down on Shabbos (פסקי תשובות אות ב׳).