The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Fri, Jan 12 2024 ■ ב' שבט תשפ"ד
סימן שט"ו סעיף י"ב

Halacha Highlight

An *ohel* held in place by people

Shulchan Aruch Siman 315 Seif 12

צריך לזהר שלא יעשה אהל בשעה שנוטה

He must be careful not to make an *ohel* when he hangs it

Shulchan Aruch (סע' י"ב) rules that one who hangs a curtain must be careful not to create an *ohel* in the process. Therefore, if the curtain is large it must be hung by two people rather than by one person. Mishnah Berurah (ס"ק מ"ד) explains that when hanging a curtain it is common for part of it to fold over and if that fold will be the size of a *tefach* he will have created an *ohel*. However, when two people hang a curtain, even if it is large, they can handle it in a way that it will not fold over and thus an *ohel* will not be made. This ruling implies that it is possible to create an *ohel* even when its form depends upon people holding it in place. Accordingly, there were authorities who maintained that it is prohibited for people to hold a stretched out *talis* for the purpose of providing protection from the sun or the rain (ע' מ"ב סק"ב וס"ק ט"ו דאסור לעשות אהל אף בלא מחיצות).

Other authorities adopt a lenient position and maintain that if the *talis* is not held in place by poles and is merely held in place by hand it does not constitute an *ohel*. The reason why Shulchan Aruch rules in our *seif* that it is prohibited for an individual to hang a curtain even though he is holding it in his hands is that there is a concern that in the process of hanging the curtain a *tefach* of the curtain will extend vertically a *tefach* or more and if that happens one has created an *ohel* with walls and a roof and in such a case it is prohibited even if it is held in place by hand. Additionally, in the case of the curtain since ultimately it will be suspended on a pole without a person having to support it there is reason for concern that one will make an *ohel* but a *talis* that is spread out and held by hand and will not be supported by a pole or something similar is not subject to the prohibition of making an *ohel*. All opinions agree that it is permitted to spread out a *talis* on Simchas Torah for Chassan Torah and Chassan Bereishis since the intent is to give honor to the *aliyah* rather than to protect anything beneath it (פסקי תשובות אות ח').

Overview

Siman 315 Seif 12:

One who spreads out a curtain or something similar must be careful not to make an *ohel* as he spreads it out, therefore, if it is a large curtain it should be hung by two people and it is prohibited for someone to hang it by himself. If it is a canopy that has a roof even ten people may not stretch it out since it is impossible that it should not be above the ground a *tefach* making a temporary *ohel*.

- While one is hanging it, it is common for it to fold and if it will fold a *tefach* it would constitute an *ohel*. (M.B. 44)
- Shulchan Aruch refers to where it will have a roof a *tefach* wide and certainly when it is wider it is problematic but if it did not form a roof a *tefach* wide and had a string attached to it before Shabbos it would be permitted according to all opinions to spread it out on Shabbbos. (M.B. 46)
- One should not think that if the canopy is wide so that each person could tie one corner to the walls and the middle would remain on the ground so that it does not form an *ohel*, therefore Shulchan Aruch teaches that it is impossible to stretch it out without forming an *ohel*. (M.B. 47)