

In Hilchos Shabbos

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Umbrellas and Stroller Hoods

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

There are two questions which seem similar yet seem to have different halachos - opening an umbrella on Shabbos and opening a stroller hood on Shabbos. While it is universally accepted that it is prohibited to open or close an umbrella on Shabbos, there is a dispute among the *poskim* whether it is prohibited to open or close a stroller hood on Shabbos. In this chapter we will discuss the *halachos* of constructing an *Ohel* on Shabbos and many of its practical applications, including opening an umbrella and opening a stroller hood on Shabbos.

The melacha of Boneh

One of the thirty-nine *melachos* of Shabbos is *Boneh* – Building,¹ which includes any act which creates or assembles a structure on Shabbos.² To create the structure of the Mishkan, tall wooden planks called *Kerashim*, were assembled to and formed the walls of the Mishkan. Therefore, any act which assembles or creates a structure on Shabbos violates the *melacha d'Oraisa* of *Boneh*.³

The prohibition of making an Ohel (a canopy): A subcategory of Boneh

One common example of the *melacha* of *Boneh* is making an *Ohel*, a canopy, on Shabbos.⁴ Making a canopy creates a structure and thus is considered a subcategory of the *melacha* of *Boneh*. For example, one may not attach a curtain to a wooden frame to create a canopy to protect from the rain, because attaching the curtain creates an *Ohel* and violates the *melacha d'Oraisa* of *Boneh*.⁵ Similarly, taking down or demolishing an *Ohel* on Shabbos violates the *melacha* of *Sosair* (Demolishing).⁶

A Permanent Ohel and a Temporary Ohel

Although creating any *Ohel* is prohibited on Shabbos, there is a difference between creating a permanent canopy and creating a temporary canopy:

1) Ohel Kevah - A Permanent Ohel: Prohibited mid'Oraisa

Creating a permanent *Ohel* is prohibited *mid'Oraisa* under the *melacha* of *Boneh*, because it is considered a true form of building.⁷ When a canopy is assembled with intention for it remain intact for several days, it is considered a permanent *Ohel*, and assembling it on Shabbos violates the *melacha d'Oraisa* of *Boneh*.⁸

2) Ohel Arayi - A Temporary Ohel: Prohibited mid'Rabanan

A temporary *Ohel* is not like the building performed in the Mishkan, and therefore is not prohibited *mid'Oraisa*.⁹ Nevertheless, *Chazal* established that creating a temporary *Ohel* is prohibited *mid'Rabanan*. They were concerned that if it were permissible to assemble a temporary *Ohel* on Shabbos, this would lead people to inadvertently assemble a permanent *Ohel* on Shabbos well.¹⁰ Therefore, assembling a temporary *Ohel* on Shabbos is prohibited *mid'Rabanan*. For example:

- The Mishna Berura¹¹ writes that one may not use a rain cover to cover a stroller to protect a child from the rain.
- One may not spread a netting over a bassinet to protect a baby from insects.¹²
- One may not build a play tent by spreading a blanket over two chairs.¹³

In these examples a canopy is formed and is thus prohibited on Shabbos. Although the canopy is only intended to remain temporarily, as it will be removed shortly afterwards, it is still rabbinically prohibited since it creates an *Ohel Arayi*.

Leniencies to creating a temporary Ohel

There are several leniencies that *Chazal* allowed to the prohibition of creating an *Ohel Arayi* on Shabbos:

1. An Ohel must have the dimensions of at least one tefach

A canopy can only be considered a halachic *Ohel* if it has the following two dimensions:

- a) The canopy must cover (or protect) an area which is at least 1 *tefach* x 1 *tefach* (3.75 in x 3.75 in) wide.¹⁴ If the canopy does not cover an area this size it is not considered a halachic *Ohel* and may be made on Shabbos.
- b) The canopy must be raised at least one *tefach* (3.75 in) off the ground.¹⁵ If the canopy is not raised off the ground at least a *tefach* it cannot be considered a halachic *Ohel* and may be made on Shabbos.

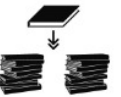
For example:

- The *Mishnah Berura*¹⁶ writes that it is permissible to cover a table with a tablecloth on Shabbos, because the tablecloth is placed directly on the table and does not create an area underneath it which is a *tefach* high.
- One may cover the *schach* of a Sukkah with a "shlock" (a plastic cover or tarp), so long as it is placed directly on the *s'chach*.¹⁷ Since the "shlock" is placed directly on the *schach* and does not create an area underneath it which is a *tefach* high, it is not considered an *Ohel*.¹⁸ On the other hand, if the "shlock" is raised a *tefach* or more above the *schach*, it is considered an *Ohel*, and opening and closing it on Yom Tov is prohibited¹⁹ (unless using one of the leniencies discussed later).

2. The purpose of canopy must be to protect

The *Shulchan Aruch*²⁰ writes that a canopy can only be considered a halachic *Ohel* if the purpose of the canopy is to protect or service the place underneath it. For example:

- The *Shulchan Aruch*²¹ writes that one may place one book horizontally on top of two piles of books, even though stacking the book in such a way will form an *Ohel*. Since the book is not intended to protect the space underneath it, it is not prohibited as an *Ohel Arayi* on Shabbos.²²
- The custom in many shuls on Simchas Torah when reading "Kol ha'neraim" is to spread a *tallis* over the children. This is permitted even though it creates a canopy, because the purpose of this canopy is not to protect the area underneath it rather it is done to show honor to the Torah.²³
- One may open and close a folding table or a folding chair on Shabbos even though it forms an *Ohel* underneath the table or chair, because the purpose of opening the table is not to protect the area underneath it rather it is done to use the top of the table or chair.²⁴
- One may add a leaf to a dining room table on Shabbos even though it forms a temporary canopy underneath the table, because the purpose of adding the leaf is not to protect the area underneath it rather it is done to use the top of the leaf.²⁵



Wide-brim hats. The *Shulchan Aruch*²⁶ rules that one may not wear a hat if the brim is more than a *tefach* wide, because the brim of the hat forms an *Ohel*. The *Mishna Berura*²⁷ explains that this prohibition does not apply to the hats which are customarily worn nowadays (e.g., a black hat²⁸), because they are not worn to protect the space underneath it but merely to cover one's head.

Regarding wide-brim hats (whose brim is more than a *tefach* wide) and are intended to protect from the sun or rain (e.g., a baseball cap²⁹ or a sun visor³⁰),

1 Shabbos 73a 2 See sefer 39 Melochos pg. 1000 3 See Aruch ha'Shulchan 313:1 citing Talmud Yerushalmi in perek Klal Gadol 4 Shulchan Aruch 315:1 5 Orchos Shabbos Vol. 1:9:1. The prohibition of *Ohel* applies even if one does not attach the curtain to the frame but merely places it in a way that forms a canopy (Orchos Shabbos 1:9:1) 6 Mishnah Berura 315:1 7 Mishnah Berura ibid 8 Mishnah Berura 315:35, Shmiras Shabbos k'hilchaso 21:1 9 Mishnah Berura 315:1 10 Mishnah Berura ibid 11 Mishnah Berura 315:12, Shmiras Shabbos k'hilchaso 21:9, 39 Melochos pg. 1083 12 Mishnah Berura 315:12, Shmiras Shabbos k'hilchaso 21:9, The Shabbos Home 2 pg. 447 13 39 Melochos pg. 1066, The Shabbos Home 2 pg. 442 14 Shulchan Aruch 315:2; see The Shabbos Home 2 pg. 430 15 Gemarah Sukkah 19b; Shulchan Aruch 315:13; Shmiras Shabbos k'hilchaso 21:8 16 Mishnah Berura 315:31 (The Shabbos Home 2 pg. 441) 17 39 Melochos pg. 1067 18 In truth this is not entirely comparable to the case of the Mishna Berura (ibid) of using a tablecloth to cover a table, because although the "shlock" is not protecting an *tefach* above the *S'chach*, it does in fact add protection to the Sukkah as it does not allow the rain to get into the Sukkah. Thus, the "shlock" may be considered an *Ohel* because it protects the entire Sukkah (this is unlike the tablecloth which does not protect the area underneath the table). Nevertheless, it is permitted to place the "Shlok" directly on top of the *S'chach*, because since the *S'chach* already serves as an *Ohel* for the Sukkah underneath it, adding the "Shlok" is not considered a new *Ohel*, but an addition to an existing *Ohel* which is permissible [as we will later discuss under *Mosef al ha'Ohel*] (Mishna Berura 640:25; Sha'ar HaTzion 640:35). 19 Igros Moshe (O.C. 5:39:4) writes that if the "shlock" is raised a *tefach* above the *S'chach* it is prohibited. However, *Shmiras Shabbos k'hilchaso* (24:12) writes that as long as the "shlock" withing three *tefachim* of the *S'chach* it is considered to join the existing *Ohel* (of the *S'chach*) and is permitted. The *Shmiras Shabbos k'hilchaso* bases his ruling on the Mishna Berura (640:25) who rules that it is permissible to hang a curtain underneath the *S'chach* so long as it is withing three *tefachim* of the *S'chach*. However, *Kovetz Halachos* (Shabbos vol. 2p. 554, note 39) argues that this case of hanging the "shlock" above the *S'chach* is different as it creates an *Ohel* on top of the *S'chach* since it protects the *S'chach* and the area above it from getting wet. Therefore, so long as it is raised a *tefach* above the *S'chach* it is prohibited. 20 Shulchan Aruch and Rama 315:7 21 Shulchan Aruch and Rema ibid 22 [The Mishna Berura (315:30) cites a dispute whether it is permissible to place one Sefer underneath another Sefer to be used as a form of a shtender to help learn from the top Sefer. Some *poskim* prohibit this as it is disrespectful to the bottom Sefer which is being used as a shtender. However, others permit this since one is placing the Sefer underneath only to aid one's learning. The Mishna Berura seems to conclude that the lenient opinion is followed (see also Mishna Berura 154:31). 23 Ketzos ha'Shulchan Vol. 5 pg. 9 (siman 120 in badei ha'Shulchan) 24 The 39 Melochos pg. 1065 25 See *Shmiras Shabbos k'hilchaso* 21:23, 39 Melochos pg. 1082 26 30:1-40 27 30:1-152 28 Maisei haShabbos p. 368, note 21) 29 Rabbi Doniel Neustadt (Halachic Discussions on Hilchos Shabbos, p. 334) 30 Orchos Shabbos 1:9:44, note 68 31 30:1-152; Sha'ar HaTzion 30:1:187. See sefer 39 Melochos pg. 1082; Orchos Shabbos 9:44 note 68 from Rav Yosef Shalom Elyashiv. 32 Shabbos 52:2:7. This is also the opinion of the *Tehilah l'David* (quoted in *Ketzos ha'Shulchan* ibid)

the *Mishna Berura*³¹ writes that “One should certainly be stringent and should not wear such wide-brim hats on Shabbos. Nevertheless, one should not protest people who wear such wide-brim hats on Shabbos, because some opinions hold that the prohibition of *Ohel* does not apply when wearing a garment such as a hat.” A Rav should be consulted about this issue.

3. An *Ohel* which is held up by one’s hands

The *Chazon Ish*³² ruled that an *Ohel* which is held up and formed by a person’s hands is not considered an *Ohel* and may be formed on Shabbos. For example,

- Someone who is caught in the rain may hold a jacket over their heads in order to protect himself from the rain, because the canopy is held up and formed by his hands.³³
- Based on this ruling, there is another reason to permit spreading a *tallis* over the children during “*Kol ha’neroim*” on Simchas Torah since the *tallis* is held up and formed by people’s hands.³⁴

4. *Mosef al ha’Ohel* - Adding onto an already existing *Ohel*

The Shulchan Aruch³⁵ writes that it is prohibited to create a temporary *Ohel*, Chazal allowed one to extend an existing *Ohel*. Meaning, if an existing canopy has the dimensions of one *tefach* by one *tefach* (3.75 in x 3.75 in), one may add to or extend to it on Shabbos. For example:

- Although it is prohibited to initially affix a rain cover to a stroller on Shabbos, the *Mishna Berura*³⁶ writes that if the hood of the stroller was already opened a *tefach* one may attach the rain cover to the stroller. Since the hood of the stroller already acts as a canopy protecting the stroller, attaching the rain cover is permitted because it is only adding to the existing *Ohel*.³⁷
- Although it is prohibited to cover a Sukkan with a plastic tarp (in a manner which forms an *Ohel*), one may leave a *tefach* of the tarp open before Yom Tov begins and then unroll the remainder of the tarp on Yom Tov. Since a *tefach* of the tarp was already open it constitutes an *Ohel*, and thus unrolling the rest of the tarp is only extends an existing *Ohel*.³⁸ The Shulchan Aruch³⁹ writes that the width of the roll itself does not count towards the existing *tefach*; rather the plastic cover must be unrolled a *tefach* before Yom Tov in order to be considered an existing *Ohel*.⁴⁰ When rolling up the tarp on Yom Tov, one must be careful to leave a *tefach* unrolled and not to roll up the entire tarp, otherwise the entire *Ohel* is “destroyed” violating the *melacha* of *Sosair* (Demolishing). Therefore, one must leave a *tefach* unrolled so that an *Ohel* still remains.⁴¹



5. *Derech Tashmisho* – Regular mode of use (Foldable canopies)

Many *poskim*⁴² rule that it is permissible to open and close a foldable canopy which is attached to another object and is normally opened and closed. For example:

- The Rema⁴³ in *hilchos Sukkan* rules that one may open and close an awning which is attached to a house on Shabbos to cover his Sukkan from getting wet. The *Mishna Berura*⁴⁴ explains that just as it is permissible to open and close the door of house on Shabbos, it is also permissible to open and close the awning on Shabbos. We do not view opening and closing an awning on Shabbos as an act of “building,” rather we consider it to be a normal “mode of use,” just as we view opening and closing a door of a house and is thus permitted.⁴⁵

Opening an Umbrella on Shabbos

It is universally accepted that opening and closing an umbrella is strictly forbidden on Shabbos. However, the reason why opening an umbrella on Shabbos is prohibited is debated by the *Noda b’Yehuda* and the *Chazon Ish*.

1. The opinion of the *Noda b’Yehuda* – Creating an *Ohel*.

The *Noda b’Yehuda*⁴⁶ writes strongly against opening an umbrella on Shabbos, because he rules that doing so violates the prohibition of creating an *Ohel* since the umbrella serves as a canopy. The *Noda b’Yehuda* writes that although the Rema permits opening and closing an awning on Shabbos, that is does not apply to opening an umbrella on Shabbos because the umbrella not only forms an awning but also forms the walls of the umbrella and is therefore more stringent and is prohibited.⁴⁷ [Although the umbrella is held up with one’s hand, we cannot apply

leniency #3 - an *Ohel* held up by one’s hands, because the form of the umbrella’s canopy is held by the sticks (or ribs) of the umbrella. Only when the form of a canopy is held up by one’s hands, such as someone holding a jacket over their heads to protect himself from the rain, can we apply this leniency.⁴⁸]

2. The opinion of the *Chazon Ish* - *Uvdin d’Chol*.

The *Chazon Ish*⁴⁹ rules that although it is certainly prohibited to open an umbrella on Shabbos, it is not due to the prohibition of making an *Ohel*, because opening and closing an umbrella is its normal mode of use and is permitted under the leniency of *Derech Tashmisho* just as the Rema ruled in *hilchos Sukkan*. Still, the *Chazon Ish* prohibits using an umbrella on Shabbos for a different reason – it violates the prohibition of *Uvdin d’Chol* (a weekday activity). The *Chazon Ish* writes: “Opening and using an umbrella is *avshah milsah* (very apparent) and is noticeable as *Uvdin d’Chol*, and it causes a breach in the sanctity of Shabbos... This [prohibition of *Uvdin d’Chol*] is more severe than any specific prohibition against an individual, because it serves as a safeguard for the entire Jewish people, and for all generations. The Rabbis of each generation must determine which activities are considered *Uvdin d’Chol* and can create a breach in the holiness of Shabbos.”

Opening and closing stroller hoods on Shabbos

The dispute between the *Noda b’Yehuda* and the *Chazon Ish* as to why it is prohibited to open and close an umbrella will have a ramification regarding whether it is permissible to open and close a stroller hood on Shabbos.



- ❖ According to the *Noda b’Yehuda*, one may not open and close a stroller hood on Shabbos, because doing so creates an *Ohel*. Even though this is the normal manner of using of the stroller hood, since there are also walls to the stroller the *Noda b’Yehuda* would prohibit opening the stroller hood as we do not rely on the leniency of *Derech Tashmisho* in this case just as he did not rely on this leniency regarding opening an umbrella which forms walls.⁵⁰
- ❖ According to the *Chazon Ish* one may open and close a stroller hood on Shabbos, because this is the mode of use of the stroller hood and therefore is not considered an act of building an *Ohel*.⁵¹ (This is permitted only if the hood was attached to the stroller before Shabbos begins, one may not attach the hood to the stroller on Shabbos.⁵²) There is also no concern that opening and closing the hood of the stroller will give off the appearance of *Uvdin d’Chol*, because opening the hood of a stroller which is attached to the stroller is not *avshah milsah* (very apparent), and therefore is not considered *Uvdin d’Chol*. Only opening and using an umbrella which is carried around in one’s hand is very apparent and is noticeable as *Uvdin d’Chol*. Therefore, according to the *Chazon Ish* one may open and close the hood of a stroller on Shabbos.⁵³

How do we rule?

There are numerous *poskim* on each side of this argument. Many,⁵⁴ including Rav Moshe Feinstein,⁵⁵ side with the opinion of the *Noda b’Yehuda* and prohibit opening and closing a stroller hood on Shabbos. Others⁵⁶ agree with the lenient opinion of the *Chazon Ish*, and permit opening and closing a stroller hood on Shabbos. Therefore, some *poskim*⁵⁷ rule that although the strict *halacha* follows the ruling of the *Chazon Ish*, who allows the leniency of *derech tashmisho*, it is commendable to comply with the ruling of the other opinions and ensure that the stroller hood is opened a *tefach* (3.75 in) before Shabbos begins. Similarly, when the stroller hood is closed one should leave a *tefach* opened so that he does not destroy the *Ohel*.⁵⁸

A picnic table umbrella. Another application of the above dispute is whether it is permissible to open and close an umbrella which is attached to a picnic table. According to the *Noda b’Yehuda* opening the umbrella violates the prohibition of creating and *Ohel*. While according to the *Chazon Ish* this is permitted since this is the normal mode of use of the umbrella.⁵⁹ There is also no concern of *Uvdin d’Chol* in this case, because the umbrella is attached to the table and using it is not *avshah milsah* (very apparent) [One must ensure however that the picnic table umbrella is attached to the table before Shabbos begins.⁶⁰]



33 Orchos Shabbos 9:23, The Shabbos Home Vol 2 pg. 437 34 See Ketzos Ha'Shulchan ibid, 39 Melochos pg. 1080 35 Shulchan Aruch 315:2 36 Mishnah Berura 315:12 (Orchos Shabbos 9:28, sefer 39 Melochos pg. 1079) 37 Shmiras Shabbos k'hilchaso (24:6) writes that when adding to the Ohel one should begin with the side which has the existing Ohel. For example, when adding the rain cover to the stroller hood, one should begin by placing the rain cover on the side of the stroller which already covered. However, Rav Shmuel Kamenetsky (Kovetz Halachos Shabbos vol. 2 p. 540) argues that as long as the Ohel is being added all at once, once may add the Ohel to either side. 38 39 Melochos pg. 1068 39 315:2 [39 Melochos pg. 1069] 40 Although the roll is certainly considered an Ohel, nevertheless, since to an onlooker the rolled-up tarp does not look like the person “left over an Ohel,” we cannot consider it Mosef al ha’Ohel (Mishna Berura 315:16) 41 Shmiras Shabbos k'hilchaso 24:9 and The Shabbos Home 2 pg. 447 regarding closing a stroller hood. 42 Chazon Ish 52:6, Be'er Moshe 6:96, Shmiras Shabbos k'hilchaso 21:13, Orchos Shabbos 9:5 [see Shabbos Home 2 pg. 435, note 18 for additional opinions] 43 Orchos Shabbos 9:4, sefer 39 Melochos pg. 1079, The Shabbos Home pg. 446 44 See Mishnah Berura 627:20 45 See Orchos Shabbos 9:28 and 39 Melochos pg. 1078 46 Tinyanah siman 30 47 52:6 48 Be'er Moshe 6:96, Shmiras Shabbos k'hilchaso 24:13, Orchos Shabbos 9:5 [see Shabbos Home 2 pg. 435, note 18 for additional opinions] 49 Chazon Ish 52:6 50 Rav Shmuel Kamenetsky (Kovetz Halachos, Shabbos vol. 2 p. 549, note 35). Igros Moshe O.C. 4:105:3; Ohr ITzion 2:28:1-2; Minchas Yitzchak 10:25 also understand that according to the opinion of the Noda b’Yehuda it is prohibited to open a stroller hood on Shabbos. However, the Nishmas Shabbos (5:480) writes that there may be reason to argue that the Noda b’Yehuda would agree that it is permissible to open a stroller hood on Shabbos; see there for explanation. 51 Chazon Ish 52:6 52 Shmiras Shabbos k'hilchaso 24:13; The Shabbos Home 2 p. 436 53 According to the opinion of the Chazon Ish, after one opens stroller hood he may cover the stroller with a rain cover, because the cover is then only adding to an existing canopy (Shmiras Shabbos k'hilchaso 24:13; 39 Melochos p. 1097; Orchos Shabbos 1:9:28 54 Rav Shmuel Kamenetsky (Kovetz Halachos, Shabbos vol. 2 p. 549, note 35); Ohr ITzion 2:28:1-2 (see there in note 1, where he differentiates between the ruling of the Rema regarding opening the covering of the Sukkan and opening an awning or hood of a stroller. [see also The Shabbos Home 2 p. 436, note 19] 55 Igros Moshe O.C. 4:105:3 56 Be'er Moshe 6:96; Shmiras Shabbos k'hilchaso 24:13; Orchos Shabbos 1:9:5; Rabbi Leibel Katz (Ohel Aryeh p.149); see Shabbos Home 2 p. 435, note 18 for additional opinions. 57 Yalkut Yosef (Shabbos 2:315:10, note 11) quoting his father Chacham Ovadya Yosef; see also The Shabbos Home 2 p. 447; Practical & Relevant Hilchos Shabbos (Rabbi Shmuel Felder) p. 122 58 See Shmiras Shabbos k'hilchaso 24:9 and The Shabbos Home 2 pg. 447 59 39 Melochos p. 1080 based on Shmiras Shabbos k'hilchaso 24:13 that so long as the awning or umbrella is attached to something else it may be opened on Shabbos; Practical & Relevant Hilchos Shabbos (Rabbi Shmuel Felder) p. 132 60 39 Melochos ibid