The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רס"א סעיף א'

Overview

Siman 261 Seif 1:

When there is a doubt whether it is night, which is bein hashemashos (the amount of time it takes to walk three quarters of a mil after shekiah. A mil is 18 minutes) **one may not separate ma'aser when there is a certain obligation, one may not immerse utensils, one may not kindle lights nor may one make an eruv techumin** (See below siman 415:2)**, but one may separate ma'aser from demai and make an eruv chatzeiros** (See below siman 393)**. It is permitted to instruct a gentile to kindle lights for Shabbos and one may also ask him to perform any melacha that is needed for a mitzvah or if one is disturbed and troubled that it was not done.** Similarly, one who accepted Shabbos one or two hours before dark may ask a gentile to kindle a lamp or do other things that are needed.

- If one is uncertain whether it is already bein hashemashos it is prohibited. (M.B. 1)
- One may not even tithe fruit whose obligation is Rabbinic. (M.B. 3)
- It is also prohibited to separate challah outside of Eretz Yisroel. When erev Pesach falls on Shabbos and one did not yet separate challah from his matzah it is permitted to separate challah during bein hashemashos since one cannot leave over a piece from each matzah. One may also separate challah from the bread that one will eat that Shabbos morning. (M.B. 4)
- Although the Mishnah refers to immersing for tumah the ruling has relevance as far as immersing new utensils which, according to some opinions, may not be done on Shabbos. If one needs the utensil it may be immersed accompanied by the beracha on immersion. (M.B. 5)
- If one kindled a flame or performed some other melacha during bein hashemashos one may not benefit from that act. (M.B. 6)
- There is a disagreement whether one may make an eruv techumin so that one could perform a mitzvah. (M.B. 7)
- Over there it states that b'dieved the eruv is valid. (M.B. 8)
- Most amei ha'aretz properly tithe. (M.B. 9)
- Regarding other Rabbinically prohibited activities bein hashemashos is the same as Shabbos itself unless one will fulfill a mitzvah or there is some other pressing circumstance. (M.B. 10)
- One may also recite the beracha but one should not wait until bein hashemashos to make his eruv chatzeiros. (M.B. 11)
- Making a shituf for a mavoi is the same as making an eruv for one's chatzer. (M.B. 12)
- Chazal did not impose their injunction during bein hashemashos when it is to fulfill a mitzvah. (M.B. 13)
- Maharshal asserts that one may ask a gentile to do anything that will leave a person distressed if not done for Shabbos but I hesitate whether that applies even to weekday needs. If, however, it will cause a significant financial loss or if there is a great need it is permitted during bein hashemashos. For that reason one may ask a gentile to kindle a yahrtzeit candle since people consider it to be a great need. (M.B. 16)
- During the half hour before nightfall when it is likely that everyone would have accepted Shabbos one may not ask a gentile to perform a melacha unless it is for a mitzvah. Even according to Shulchan Aruch who does not permit one to perform a Rabbinically prohibited melacha after davening kabalas Shabbos, it remains permitted to ask a gentile to perform that melacha. (M.B. 17)
- This is true even if the activity does not relate to a mitzvah. Since there are certainly people who did not accept Shabbos it is sufficient for the person himself to refrain from performing a melacha. When an individual accepted Shabbos he may even ask a fellow Jew to perform melacha for him. (M.B. 18)

Halacha Highlight

Activities permitted during safek chasheichah

Shulchan Aruch Siman 261 Seif 1
ומתר לומר לאינו יהודי
It is permitted to instruct a gentile

Shulchan Aruch enumerates many activities that may not be done once it is possible that it is dark (safek chasheichah) and other activities that may done during that same period of time. Mishnah Berurah (סק"י) writes that all Rabbinically prohibited activities that were not enumerated by Shulchan Aruch are prohibited as if it were actually Shabbos. He notes, however, that there are two additional exceptions and they are activities that are needed to perform a mitzvah and activities that are needed because one is in a pressing circumstance. Poskim further explain that it is only permitted to perform Rabbinically prohibited activities for mitzvos that can only be done at that moment and if one were to wait until later the opportunity to perform that mitzvah will pass. The definition of activities that are pressing, as explained by Shulchan Aruch, are those activities that if not done, will leave a person perturbed and upset. Even if the activity is not necessary for Shabbos, it is permitted since he will be upset for the remainder of Shabbos. Certainly, when not performing these activities will cause a person to suffer a financial loss or if it relates to some sort of ache or pain that must be addressed, it is permitted (פסקי תשובות אות א').

Some interesting points the Poskim discuss related to these issues follow. Mishnah Berurah (סק"ק ט"ז) in the name of Maharshal writes that one who forgot to kindle a yahrtzeit candle may ask a gentile to kindle it during this period of safek chasheichah since people consider it to be a necessity. Rav Akiva Eiger adds that one may also ask a gentile to kindle as many Shabbos lights as one is normally accustomed to kindle rather than one and certainly he may be asked to kindle at least two lights. It is also permitted to move expensive muktzah items so that they will be securely stored for Shabbos (פסקי תשובות שם).