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Digest
Mishna Berura
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Fri, Jul 19 2024 ■ י"ג תמוז תשפ"ד
סימן שמ"ב סעיף א'

Halacha Highlight

Rabbinic injunctions during *bein hashemashos*

Shulchan Aruch Siman 342 Seif 1
לא גזרו עליהם בין השמשות
They were not prohibited during *bein hashemashos*

Shulchan Aruch writes that when Chazal prohibited activities on Shabbos their injunction is specific to Shabbos and they did not include the period of *bein hashemashos* in their decree. However, one may only perform activities during *bein hashemashos* if they are necessary for a *mitzvah* or if the person is pressed for that task to be completed. For example, it is permitted for one to climb a tree or swim during *bein hashemashos* in order to obtain a *lulav* or *shofar*. Similarly, if leaving a task incomplete will prove distracting it may also be performed during *bein hashemashos*. For that reason it is permitted to ask a gentile to kindle Shabbos lights during the period of *bein hashemashos*. This allowance, however, presupposes that one did not accept Shabbos for if he already accepted Shabbos, either through his personal acceptance of Shabbos or by virtue of the *tzibbur* accepting Shabbos, he may not personally perform any *melacha* even one that is Rabbincially prohibited and if it necessary for a *mitzvah* his only recourse is to ask a gentile to perform the *melacha* on his behalf (מ"ב סק"א).

Mishnah Berurah (סק"ב) relates that Magen Avrohom was uncertain whether Shulchan Aruch's ruling also included *bein hashemashos* as Shabbos is leaving or whether it is limited to *bein hashemashos* as Shabbos begins. The reason to distinguish is that at the end of Shabbos if one is uncertain whether Shabbos is over he must be stringent but as Shabbos begins he is going from a time where *melacha* is permitted and thus perhaps he may continue with that approach. Chaye Adam adopts a stringent position about the matter whereas Beis Meir writes that there should be no difference between the beginning of Shabbos and the end of Shabbos. However, Beis Meir concludes that one should be stringent since we are not certain about the timing of *bein hashemashos*. However, above (סי' רע"ו ס"ק כ"ד) Mishnah Berurah wrote in the name of Pri Megadim that it is permitted to ask a gentile to kindle a light during *bein hashemashos* as Shabbos is ending for the sake of a *mitzvah*. His reasoning is that it is a *sfeik sfeika*, perhaps asking a gentile to perform a *melacha* for a *mitzvah* is permitted and perhaps Rabbinic injunctions do not apply during *bein hashemashos* as Shabbos is leaving.

Overview

Siman 342 Seif 1:

All the activities that are Rabbinically prohibited are not prohibited during *bein hashemashos* (See above *siman* 261 and the end of *siman* 307) **provided that it relates to a *mitzvah* or something pressing. How does this work? It is permitted to climb a tree or swim to bring a *lulav* or *shofar* during *bein hashemashos*. It is also permitted to bring it down from a tree or to remove an *eruv* from a *karmelis* that he made. Similarly, if one was busy and is now pressed for something that involves a Rabbinic prohibition he may perform that *melacha* during *bein hashemashos*. For this reason it is permitted to ask a gentile to kindle a lamp during *bein hashemashos*.**

- Some activities are Rabbinic prohibitions and may not be performed during *bein hashemashos* and the reason is that they resemble Biblical prohibitions. This *seif* does not refer to where he accepted Shabbos but if he did, even though it is day or if the *tzibbur* accepted Shabbos, he may not perform a Rabbinic prohibition and the only option is to ask a gentile to perform that *melacha*. (M.B. 1)
- Magen Avrohom is uncertain whether this allowance includes *bein hashemashos* at the end of Shabbos and Chaye Adam adopts a stringent position about the matter. Biur Halacha cites Beis Meir who is lenient about the matter. However, one should be stringent since we do not know when *bein hashemashos* begins. (M.B. 2)
- Shulchan Aruch is explaining that when he wrote that a person was pressed he means that he was preoccupied and impatient since it represents a pressing need and thus it is permitted since it likely represents a great need. Biur HaGra maintains that it refers to where there is great and pressing need, for example, he is fleeing from a gentile pursuer. (M.B. 5)
- Meaning he will kindle the lamp during *bein hashemashos* for Shabbos but one may not ask him to kindle the lamp once it is Shabbos, even if he made the request while it was certainly day. (M.B. 7)