



Volume 1. Issue 5.

Time to Act for Hashem

The story of *Eliyahu at Har Carmel* (*Melachim I* 18:1-39) appears difficult. There *Eliyahu*, in his confrontation with the prophets of *Ba'al*, constructs an alter and offers a sacrifice. After the construction of the *Beit Ha'Mikdash* however, it was forbidden to build an alter outside the Temple. *Chazal* use this as a classical case of a *Hora'at Sha'ah* (a temporary annulment of a mitzvah).

Mishnah Brachot ends with the *passuk* from *Tehillim* (119: 126), "It is the time to act for *Hashem* when they nullify the Torah." *Rabbi Natan* swaps the two halves of the *pasuk* to produce the statement: "You shall nullify the Torah when it comes time to act for *Hashem*." The *Bartenura* explains that there are times when one nullifies the words of the *Torah* in order to do something in *Hashem's* name. There are times where we can do something that appears *assur* in order to achieve the higher goal of *Avodat Hashem*.

This principle seems strange and can be easily misinterpreted to reach illegitimate conclusions. A careful investigation into the application of the *pasuk* is therefore necessary. It is also odd that the principle warrants the nullification of a Torah precept (with very real *halachic* ramifications) based on an *asmachta* that almost contradicts the simple meaning of the *pasuk*.

The *Gemara* in *Temurah* (14b) uses this principle as the justification for writing down the Oral Torah. The *Gemara* there brings a *beraitah* telling the following story:

Rabbi Yohanan and *Reish Lakish* would delve into the books of *Agadata* on Shabbat. [They justified the recording of these *Agadatot* using the following *pasuk*] 'when it comes time to do for *Hashem* then nullify the Torah.' It would be better that the [mitzvah in the Torah] was uprooted than the Torah being forgotten from *Yisrael*.

Rashi comments on this point that "when the action is done in the name of *Kedushat Hashem* it is positive to nullify the Torah..." Based on this it would seem that when the leaders of the generation recognise a need, this principle is the vehicle through which the desperate change can be enacted.

The *Rambam* in *Hilchot Sanhedrin* (24: 4) brings this down as a *Halacha* applicable when the nation has sovereignty over *Israel* under the Sanhedrin.

There are times where *Beit Din* can whip those who are not liable for whipping, and to kill those that are not liable for death, and would not transgress the law of the *Torah* but would rather be protecting the *Torah*... And there was a case where *Shimon ben Shetach* killed 80 people in one day in *Ashkelon*, and there was not an exhaustive investigation or warnings or clear testimony, but rather it was a *Hora'at Sha'ah* based on what he saw.

The need for great rabbis of a generation to have sensitivity for the circumstances they find themselves in, is therefore evident.

The parameters set out for the *halachic* use of this concept was partly set out by Rav *Yechiel Ya'acov Wienberg* in his book the *Sridei Eish*. In *Even HaEzer* (78) he states:

of course the power in this respect is given only to *Chazal* to decide when it is the 'time to do' and what we are permitted to 'nullify', and this is not passed to every individual to decide his own actions...

Finally *Rashi's* explains that the statement of 'nullifying the Torah' is clearly not a permanent nullification, but is rather a one-off event to save the tradition before things return to the state of the ideal.

Yaron Gottlieb

Revision Questions

ברכות ח' ה' – ט' ה'

- Explain the debate between *Beit Shammai (B"Sh)* and *Beit Hillel (B"H)* regarding *havdalah*. (ח' ה')
- What three things are forbidden to use as *besamim* or *ner* for *havdalah*? (ח' ה')
- Explain the debate between *B"Sh* and *B"H* regarding one who has forgotten to say *birkat ha'mazon* and finds themselves in a different location from where they ate. (ח' ה')
- What is the maximum time that someone can wait before *benching*? (ח' ה')
- Explain the debate between *B"Sh* and *B"H* regarding drinking wine and *benching*. (ח' ה')
- Can someone answer *amen* to a *bracha* if they only heard the end of the *bracha*? Is there a difference who said the *bracha*? (ח' ה')
- List all the debates between *B"Sh* and *B"H* listed in the eighth *perek*.
- What *bracha* does one make on:
 - seeing a place where miracle occurred for the benefit of *Israel*? (ט' א')
 - seeing a place (in *Israel*) where idol worship was removed? (ט' א')
 - comets, earthquake, lightning, thunder and storms? (ט' ב')
 - mountains, hills, seas, rivers and deserts? Explain the debate regarding the "great ocean". (ט' ב')
 - rain and good news? (ט' ב')
 - bad news? (ט' ב')
 - building a new house and buying new utensils? (ט' ג')
- Give some examples of a *t'fillat shav*. (ט' ג')
- Explain the debate about the number of *brachot* one recites when entering and exiting a walled city. (ט' ד')
- What (four things) does the *mishnah* learn from the following *pasuk*: (ט' ה')
 "וַיִּזְכֹּר אֱלֹהִים אֶת הָאָדָם בְּכָל לִבְבוֹ וּבִלְפָנָיו וּבְכָל מְאוֹדוֹ"
- What (seven things) should one refrain from doing in the *Beit ha'Mikdash*? (ט' ה')
- What extra phrase was added to *brachot* in the *Beit ha'Mikdash*? (ט' ה')

פאה א' א' – א' ה'

- Which *mitzvot* have no fixed measure? (א' א')
- What is the minimum proportion of a field that one must set aside for *peah*? What are the three criteria that one uses to determine how much more to leave beyond this minimal amount? (א' ב')
- Explain the three-way debate regarding where in the field one must leave *peah*? (א' ג')
- What are the characteristics of a field that has the obligation of leaving *peah*? (א' ד')
- Name the fruit trees that have all the above characteristics. (א' ה')

Local Shiurim

Sunday -Thursday

Between mincha & ma'ariv

Mizrachi Shul

David Bankier

9:50pm (after ma'ariv)

Beit Midrash -

Naftali Herc

Yehuda Gottlieb

Friday & Shabbat

10 minutes before mincha

Mizrachi Shul

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 th Nov. כ"ג חשוון	8 th Nov. כ"ד חשוון	9 th Nov. כ"ה חשוון	10 th Nov. כ"ו חשוון	11 th Nov. כ"ז חשוון	12 th Nov. כ"ח חשוון	13 th Nov. כ"ט חשוון
Peah 1:6 - 2:1	Peah 2: 2-3	Peah 2:4-5	Peah 2: 6-7	Peah 2:8 - 3:1	Peah 3: 2-3	Peah 3: 4-5

