



The Greater Washington Community Kollel

SHABBOS DELIGHTS

TORAH MINUTE

IN MEMORY OF RABBI KALMAN WINTER ZT" L

*It is an honor to present this week's Torah Minute from our archives.
The following was penned by our founder, Rabbi Kalman Winter ZT" L, in 2011.*

In chapter 23, verse 2 of this week's Torah reading, Mishpatim, we learn "after the majority you shall decide." Thus, in Jewish law, matters brought before the court were decided by majority rule. One of the greatest sages, Rabbi Yehonasan Eybeschitz, was asked by a gentile theologian the following question. The Torah says to follow the majority. Given that the Jewish nation is a minority and the majority has a different belief and faith, why do the Jews not accept the prevailing faith of the majority? Rabbi Eybeschitz answered that the principle of following the majority applies only when the matter is in doubt. In the face of certainty, a matter is not subject to majority rule. For example: if there are nine kosher butcher stores and one non-kosher store in a city and a box of meat is found in the street, the meat is ruled to be kosher. However, if on the box the label reads Perdue, would anyone imagine to deem it kosher? Similarly, we have no question as to our faith and belief. Our Torah, transmitted faithfully from parent to child for over 3300 years, is not subject to majority rule. How fortunate we are to be that additional link in the golden chain from Sinai!

*Have a wonderful Shabbos,
Rabbi Menachem Winter*

TABLE TALK

POINTS TO PONDER

If a man shall uncover a pit, or if a man shall dig a pit and not cover it... the owner of the pit shall make restitution... (21:33-34)

If a man uncovers a pit that had been covered - he is accountable. If one is liable when uncovering a pit, why does the Torah need to tell me one is responsible when digging a pit? This posuk is including one who digs the final tefach in a pit - that person is the responsible party (Rashi).

The Vilna Gaon asks, why is the first word bor (pit) written with a "vav" and the second time the word bor is written without a "vav"? Additionally, why does the Torah spell bor the third time with a "vav"?

PARSHA RIDDLE

In which parsha are Bnei Yisrael's famous words, "na'aseh v'nishma," recorded?

Please see next week's issue for the answer.

Last week's riddle:

Please save us three hours... (Hoshana Rabba davening)

What does "three hours" refer to?

Answer: *Matan Torah - which took three hours (Rav Chaim Kanievsky)*

HATORAH V'HAMITZVAH

HALACHA INSIGHTS FROM THE PARSHA

In *Parshas Mishpatim* (21:19), the Torah declares that one who injures another "shall pay for the loss of [the victim's] time, and shall cause him to be thoroughly healed." "Loss of time" refers to the victim's loss of income for the duration of his [temporary] incapacitation due to the assault (*Bava Kama* 83b), and "caus[ing] him to be healed" means arranging for his medical treatment (*BK* 85a).

Several verses later (21:24), we encounter the Torah's famous *lex talionis* rule: "Eye for eye, tooth for tooth, hand for hand, foot for foot. Burning for burning, wound for wound, stripe for stripe." The Oral Law explains that these prescriptions are not intended literally, but refer to monetary compensation. Damage to eyes, hands and feet reduce the victim's [long term] economic productivity, and compensation for this is based upon the reduction in his assessed value as a slave. Burns and stripes cause pain, compensation for which is based upon an estimation of the amount someone would pay to avoid such pain (*BK* 83b and 85a).

A fifth cause of action for personal injury is derived from a passage in *Ki Seitzei* (25:12) regarding a woman who "stretches out her hand and grasps [her husband's adversary's] embarrassing place." The Torah declares that "you shall cut off her hand," but once again, the Oral Law explains that this refers to financial compensation for the humiliation that she has caused her victim (*BK* 28a).

These five causes of action have rough correspondents in modern secular tort law, although liability under *halachah* is generally more limited, with respect to both the threshold of negligence that must be met as well as the scope of the damages awarded. Contemporary *halachic* authorities debate whether a Jewish victim's claim of malpractice against a Jewish physician is to be adjudicated within the aforementioned traditional framework, or within the modern secular framework of medical malpractice law (*Kovetz Umka De'Dina [Geneivah, Gezeilah, etc.], Tevunah.org* [R. Asher Weiss], *Yeshurun* #11 p. 695).

PRESENTED BY
RABBI YITZHAK GROSSMAN, ROSH CHABURAH

KIDS KORNER

WHO AM I?

#1 WHO AM I?

1. Sometimes I am single.
2. There is a time of double.
3. For some it is four times.
4. I can even be multiplied by five.

#2 WHO AM I?

1. We were two.
2. One was lost.
3. Moshe got the lost one.
4. We were for the Angelic response.

Last Week's Answers:

#1 *The Aseres HaDibros* (The plagues and I have something in common; split into two; stand for me; readable from both sides.)

#2 *Shofar* (I was from the binding; I will be for Moshiach; I am a blast; I cause trembling.)

All children 13 and under who answer a "Who Am I?" correctly will be entered into a raffle to

Win a Casio Mini Keyboard!



The next raffle is February 16th.

Congratulations to Akiva Biberfeld and others for answering last week's questions correctly!

Visit gwckollel.org to submit your answers.

Answer as many as you can - each correct answer will entitle you to another raffle ticket and increase your chances of winning.

KOLLEL BULLETIN BOARD

In conjunction with Young Israel Shomrai Emunah, Greater Washington Community Kollel invites men and women of the community to join us for a lecture by Rabbi Moshe Heinemann, titled

"Recoding Creation: Halachic Implications of Genetic Engineering."

This Jewish Ethics Lecture takes place

Sunday, February 14th, 9:30am at Young Israel Shomrai Emunah.