



Greater Washington Community Kollel  
**SHABBOS  
 DELIGHTS**

**TORAH MINUTE**

IN MEMORY OF RABBI KALMAN WINTER ZT"L

**Presented by Rabbi Menachem Winter, Rosh Kollel  
 From Our Archives**

As we travel along in our spiritual journey, we may ask ourselves why G-d did not choose a more sublime being, such as an Angel, to carry out His mission. Our physical nature, with its concomitant needs, drives, and impulses, seems to make us less than ideal candidates for the Torah's calling.

The Torah introduces the commandment not to consume forbidden food with the clause "Anshei Kodesh Tehe'yun Li - People of holiness you should be to me." The Sfas Emes notes the designation "People of holiness." He comments that G-d is conveying to us that His mission is indeed specific and unique to man. Only man, with his corporeal nature, has the ability to stand between good and evil and choose between them. Only man can impose his spiritual element on his physical being, thereby sublimating the material and refining it until it becomes pure.

I recall many years ago, a student of my father ZT"L, introduced to him his young son. "This is my little tzaddikel (righteous one)," the proud father said. My father smiled warmly at the young boy and then turned to the father and asked, "Why do you rob your son of his rightful journey by conferring on him the title of Tzaddik?"

It is true that our spiritual self must coexist with a physical self, whose demands and impulses pose many challenges. It is precisely this material nature, however, that enables us to exercise our free-will and gives us the ability to elevate the mundane to the majestic.

*Wishing you a Good Shabbos!*

## TABLE TALK

### POINT TO PONDER

...every man shall give Hashem an atonement for his soul... This is what they should give... (Parshas Shekalim [Ki Sisa] 30, 12 & 13)

When you will wish to take the total of their number, to know how many they are, do not count them by heads... (Rashi)

This that Hashem commanded us to give a half a shekel every year, as the posuk says "...every man shall give Hashem an atonement for his soul... This is what they should give..." (Rambam Mitzva 171)

From what source does Rashi derive that there is an obligation to give a half a shekel every year? From what source does the Rambam derive that it is prohibited to count Bnai Yisroel by their heads?

### PARSHA RIDDLE

An eye in place of an eye... (21, 24)

If he blinded his fellow man's eye, he gives him the value of his eye. (Rashi)

Where in the posuk is there a hint to this halacha?

Please see next week's issue for the answer.

Last week's riddle:

How many mitzvos are hinted to in the Ten Commandments?

Answer: All 613

## HATORAH V'HAMITZVAH

### HALACHA INSIGHTS FROM THE PARSHA

In *parashas Mishpatim* (21:18-19), the Torah declares that the perpetrator of an assault is responsible for the victim's medical treatment: "And if men strive together, and one smite another ... he shall cause him to be thoroughly healed." The Talmud (*Bava Kama* 85a) adduces this verse as the source of the physician's license to heal. [Rashi explains that we might have considered medical treatment to be the presumptuous contravention of Hashem's intentions; a variety of other explanations are offered by the commentators – see R. Dr. Avraham Steinberg, "'Ve'rapo Ye'Rapei' - Isur, Reshus O Chovah al Ha'Rofei Le'Rapei?"]

The *halachah* requires a physician to be authorized by *beis din* [rabbinical court] to practice, and holds an unauthorized physician civilly liable for any malpractice he commits. A duly authorized physician has no judicially enforceable liability for malpractice, but remains ethically responsible (*be'dinei shamayim* - *Shulchan Aruch* YD 336:1). Some authorities qualify this responsibility to apply only in cases of negligence (*Aruch Ha'Shulchan* 336:2; R. Shlomo Zalman Auerbach, cited in *Nishmas Avraham* (second edition) YD p. 437). [It is unclear to me whether this view is generally held.]

Some authorities rule that the exemption from judicially enforceable liability applies to errors of judgment (e.g., where the physician believed that a certain course of treatment would be beneficial, but it turned out to be deleterious instead), but not to carelessness (e.g., where the physician accidentally gave the patient the wrong medicine). In the latter case, the classic principle of strict tortfeasor liability (*adam mu'ad le'olam*) applies (*Shut. Tzitz Eliezer* #5 *Ramas Rachel* 23:2; *Shut. Minchas Yitzchak* 3:105:7). Others, however, imply that even carelessness may not engender judicially enforceable liability (R. Auerbach *ibid.*).

In the contemporary era, physicians do not obtain authorization from *beis din*. Some authorities lament this (*Divrei Shaul* / *Yosef Daas* *ibid.*), but others explain that communal acceptance and governmental licensing fulfill the requirement of "authorization" (*Beis Hillel* *ibid.*; *Tzitz Eliezer* *ibid.* 22:1-4).

PRESENTED BY

RABBI YITZHAK GROSSMAN, ROSH CHABURAH

## KIDS KORNER

### WHO AM I?

#### #1 WHO AM I?

1. I come after 6 days.
2. I come after 6 years.
3. I am for the ox and donkey.
4. I am for the field.

#### #2 WHO AM I?

1. I must be covered.
2. Fill me up.
3. I am not a bore, yet I am one.
4. I am not for humans or vessels.

#### Last Week's Answers:

#1 *Yisro's 7 names* (7 for me; 7 for my son-in-law, some for my idolatry; some for my assistance.)

#2 *The Luchos / Tablets* (I am not Tylenol; 10 were on me; my first broke; I included the entire Torah.)

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

Win a 3-D Night Edition Puzzle of the Empire State Building

Congratulations to Deena Lesnoy and others for answering last week's questions correctly!

Visit [gwckollel.org](http://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!

THE NEXT RAFFLE WILL BE MARCH 6<sup>th</sup>.

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To volunteer to be a mentor and share your knowledge and experience with someone or for more information, contact Rabbi Hillel Shaps at 347-869-9361 or [hshaps@linksgw.org](mailto:hshaps@linksgw.org).