



The Greater Washington Community Kollel

# SHABBOS DELIGHTS

## TORAH MINUTE

IN MEMORY OF RABBI KALMAN WINTER ZT" L

### **From Heaven to Earth... and Back Again**

**Presented by Rabbi Zacharia Schwartz, Kollel Adjunct**

As we transition from the end of Parshas Yisro into Parshas Mishpatim, we are struck by the stark contrast between the two. In Parshas Yisro, we experience the steady build up towards the momentous event of the giving of the Torah on Mount Sinai. There, Hashem speaks to the Jewish people and presents them with His commandments. We segue from such a grand event directly into Parshas Mishpatim, which discusses the nitty gritty details of what happens when one's ox gores another's ox, what to do upon finding a lost object, etc. The juxtaposition is jarring, to say the least.

One approach to understanding this transition is that as truly historic as the giving of the Torah on Mount Sinai was, its purpose was to direct how we live our day-to-day lives. If the amazing event on Mount Sinai is relegated to inspiring speeches and philosophical musings, then we have missed the point. That momentous event was meant to be an everlasting guide for us in our business dealings, in our relationships, indeed, in every aspect of our lives. Far from sending us spiraling back down to Earth, the Torah in Parshas Mishpatim is teaching us that we are meant to use the Torah to elevate every aspect of our existence.

**Wishing you a Good Shabbos!**

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# TABLE TALK

## Point to Ponder

***If she (the Jewish maidservant) is displeasing in the eyes of her master, who should have designated her for himself, he shall assist in her pidyon/redemption... (21:8)***

***If he (the Jewish male slave) has not been geulah/redeemed by these means... (Behar 25:54)***

Why does the Torah refer to the redemption of the maidservant as *pidyon*, while the redemption of the male slave is called *geulah*?

## Parsha Riddle

***What area of Torah should one learn if one wants to become wise?***

Please see next week's issue for the answer.

Last week's riddle:

***For which mitzvos does the Torah explicitly tell us the reward for their fulfillment?***

***Answer: The Torah tells us that for the performance of *kibud av v'aim* (honoring parents) and for *shiluach hakain* (sending away the mother bird) one is rewarded with longevity in the world.***

## HATORAH V'HAMITZVAH

### HALACHA INSIGHTS FROM THE PARSHA

*Parashas Mishpatim* contains much of the Torah's civil law (as well as some criminal law), including the bulk of tort law in particular. The *parashah* mentions four out of the five causes of action for an assault committed by one person that injures another person (*adam ha-mazik adam*): temporary loss of income while recuperating from the assault (*sheves*), medical expenses (*ripui* – 21:18-19), permanent loss of economic value (*nezek* – verses 23-24), and pain (verse 25). (The fifth, humiliation, is mentioned in *Devarim* 25:11-12.) The *parashah* also sets forth the liability that an individual has for personal injury or property damage caused by his property (*mammon ha-mazik*), such as damage caused by one's ox goring another's ox (21:35-36). As opposed to *adam ha-mazik*, *mammon ha-mazik* engenders liability only for *nezek*, and not for the other four claims (*Bava Kama* 8:2).

Contemporary authorities discuss the question of whether someone who infects someone else with a contagious disease is liable for any damage that he causes, under the rubric of either *adam ha-mazik* or *mammon ha-mazik* (assuming, *arguendo*, that the first person has been definitively established as the source of the second person's infection). R. Yitzchok Zilberstein discusses someone who was diagnosed with measles and informed of its highly contagious nature and ordered to quarantine himself but flagrantly disregarded the warning, frequented public places, and infected many people, who were consequently forced to themselves quarantine and miss work. He inclines to the view that the one who recklessly infected the others is considered *adam ha-mazik* and thus liable for all five causes of action, including *sheves*, although he is not quite certain of this (*Chashukei Chemed Bava Kama* pp. 326-27).

R. Yaakov Epstein, however, considers the infection of others a form of indirect causation (*grama*), for which there is no enforceable liability, although it is certainly prohibited for the carrier of a contagious disease to enter someone's home and infect him (*Chevel Nachalaso* 21:64). (It should also be noted that although there is no enforceable liability for *grama*, there is still an ethical obligation to compensate the victim - *Bava Kama* 55b-56a.)

R. Asher Weiss discusses someone who was infected with COVID-19 and passed the infection to someone else, who died from the disease. He prescribes a course of fasting and prayer as penance to atone for the sin of manslaughter, even if there was no negligence involved, and a stricter course if there was (*Minchas Asher (Corona)* 3<sup>rd</sup> edition pp. 26-32).

PRESENTED BY

RABBI YITZHAK GROSSMAN, ROSH CHABURAH

## KIDS KORNER

### Who Am I?

#### #1 WHO AM I?

1. I work for you.
2. I am your master.
3. I came for theft.
4. If I stay too long I may become holey.

#### #2 WHO AM I?

1. Angelic secret.
2. My utterance saved the world.
3. Impulsive?
4. First act.

#### Last Week's Answers

**#1 *Matan Torah/Revelation at Har Sinai*** (See what is heard, Hear what is seen, Under the mountain, Death and Reviving.)

**#2 *Yisro*** (I was a priest, My name is extra, I advised Pharaoh, I advised Moshe.)

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