



The Greater Washington Community Kollel SHABBOS DELIGHTS

TORAH MINUTE

IN MEMORY OF RABBI KALMAN WINTER ZT"L

Lofty Laws

Presented by Rabbi Hillel Shaps, Director

"When you lend money to My people, to the poor person *eemach* - amongst you, you shall not behave toward him as a creditor; you shall not impose interest upon him." (22:24)

Parshas Mishpatim contains many interpersonal *mitzvos* including numerous statutes that are necessary for maintaining a functional society. Lest one think, however, that the Torah's laws are comparable to those of any other society, the parsha opens with the words, "And these are the statutes..." Rashi notes that the Torah is drawing a connection between these statutes and the commandments in last week's parsha: "Just as the earlier ones come from Sinai, so too these come from Sinai." Even the laws that are logical to us and we might have enacted on our own are not simply a means of governing a society, but insofar as they come from Sinai and are a revelation of G-d's Will for the world, they are sacred and elevated.

Another difference between the statutes of the Torah and those established by human beings is the standard that the Torah sets for helping and supporting others. One example of this is the *mitzvah* to lend money. In no other society is a person obligated to lend money to someone in need and yet the Torah requires this of us. Furthermore, the Torah guides us in how to perform this *mitzvah* with utmost care and sensitivity. The Torah describes the poor person as *eemach* – amongst you. Rashi explains that this means that the lender should also view himself or herself as if they are poor. In order to do this *mitzvah* with the proper attitude and with the greatest generosity, we first have to imagine what the other person is going through. Only after we have put ourselves in their shoes will we be ready to support them with the most compassion and benevolence. The Ksav Sofer adds that "*eemach* – amongst you" or "with you" is teaching us that supporting the poor should be done without others present in order to minimize the person's embarrassment.

The Torah further commands us not to "behave toward him as a creditor." This prohibits a lender from applying pressure on a borrower who is struggling to repay the loan. The Gemara (Bava Metzia 75b) prohibits a lender from even walking past a borrower who is unable to pay back their loan, for fear of embarrassing them. Rav Samson Rafael Hirsch notes that in other societies, a borrower tries to avoid being seen by their creditor, but the Torah teaches that a creditor should avoid being seen by their borrower!

Wishing you a Good Shabbos!

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Point to Ponder

If a man shall uncover a בור - pit, or if a man shall dig a בור - pit and not cover it... the owner of the בור - 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 verse comes to include 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"?

TABLE TALK

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 verse is there a hint to this halacha?

Please see next week's issue for the answer.

Last week's riddle:

Where in this week's Parsha is the source to 'shuckel' while learning?

Answer: "The people saw and trembled." (20:14) Therefore we sway during Torah learning since the Torah was given with fear, terror, and shaking. (Ba'al ha-turim)

HATORAH V'HAMITZVAH

HALACHA INSIGHTS FROM THE PARSHA

In parashas Mishpatim (23:1), the Torah commands: "Do not accept a false report, do not extend your hand with the wicked to be a venal witness." The meaning of the latter admonition is unclear; while some commentaries understand it as a prohibition against testifying falsely, on behalf of a wicked litigant or in combination with a wicked witness (see Rashi, Rashbam, Ibn Ezra, and Bechor Shor), the Talmud understands it as a rule disqualifying the wicked or venal from testifying (*Sanhedrin* 27a).

The Rambam codifies this doctrine as follows:

The wicked are unacceptable as witnesses according to Scriptural Law, as it states: "do not extend your hand with the wicked to be a venal witness." The Oral Tradition interprets this as meaning: "Do not allow a wicked person to serve as a witness." ... (*Edus* 11:1-4)

One important exception to this disqualification is a sinner who does not understand or accept that his conduct is sinful. The Talmud states: There were **these gravediggers, who buried a person on the first day of the festival of Shavuot**, desecrating the Festival. **Rav Pappa excommunicated them and then disqualified them from bearing witness, and Rav Huna, son of Rav Yehoshua, deemed them fit to bear witness. Rav Pappa said to Rav Huna, son of Rav Yehoshua: But aren't they wicked people**, as they violated a Torah prohibition? Rav Huna, son of Rav Yehoshua, answered him: **They assumed they were doing a mitzva**, as they were burying the dead. ... (*Sanhedrin* 26b)

R. Eliyahu Abergel maintains that a (cigarette) smoker should not be appointed as a witness to a marriage or divorce ceremony, since "a person who is aware of the grave harm that cigarettes cause and continues [smoking them], violates the commandment of the Torah [to be careful of one's health]." (*Techumin* 33 [5773])

It would seem, however, that even if we accept that smoking is unequivocally prohibited in light of our understanding of its harmfulness, to the extent that a smoker does not understand and acknowledge that what he is doing is wrong, he would not be disqualified from bearing witness, as per the Talmudic discussion of the gravediggers.

Indeed, R. Dr. Mordechai Halperin reports that R. Shlomo Zalman Auerbach also ruled that smokers are disqualified from testifying, but acknowledged an exception for those who do not know "that they are violating the prohibition against murder (the punishment of which is in the hands of Heaven)."

PRESENTED BY

RABBI YITZHAK GROSSMAN, ROSH CHABURAH

KIDS KORNER

Who Am I?

#1 WHO AM I?

1. Sometimes I am single.
2. For secret I am double.
3. Selling or slaughtering increases me.
4. I can even be five times.

#2 WHO AM I?

1. I am for a doubt.
2. I am better than chazaka.
3. For life I need two.
4. My rule only applies to movers.

Last Week's Answers

#1 Yisro (I am an in-law, I am in the Law, I saw a flaw, I advised on the law.)

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

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