

**IMPORTANCE OF**

The *Gemara* (*Bava Kamma* 84a) states that a donkey once injured a child, breaking its hand. Rav Pappa b. Shmuel gave instructions to calculate the value of the child's injury using the common method of estimation, based on how much money would be paid for the child if he were being sold as a slave. The father objected, claiming that it was too demeaning for his son to be subjected to such a process. It was pointed out to the father that without this calculation they would receive no compensation for his injury. The father replied that when his child would be older, he - the father, would appease him financially for this loss. The *Posuk* states that when a pregnant woman is hurt by someone, resulting in injury to her and/or the fetus, the father is allowed to collect and keep the damages paid. The *Gemara* (*ibid* 43a) derives from: **האשה כאשר ישית עליו בעל האשה** that the relationship between the father and the unborn children is irrelevant. Only that between the parents is important. Thus, the father/husband may collect even if at the time of the accident he was divorced from the pregnant mother, or even if he had never been married to her. The value of the unborn children is calculated based on the mother's value, with and without child. The method of calculating her value would also require that the slave-auction method be used. In all probability, the woman could be expected to object to being subjected to such a demeaning experience, and would refuse to allow the calculation to proceed. The *Be'er Yosef* suggests that it is for this reason that the *Posuk* saw fit to characterize the damages according to the value that **האשה בעל האשה** - that the woman's husband would present, rather than a value requested by *Beis Din*, since **ישית עליו** implies the father/husband's authority to demand that the mother submit to the auction estimation.

QUESTION OF THE WEEK:

When would *Tachanun* not be said during *Shacharis* because of the time of day (not night) ?

ANSWER TO LAST WEEK:

(Is teaching *Torah* - *Bein Adam LaMakom* or *LaChaveiro* ?)

According to R' Yitzchok Zilberstein, (74 במדבר - עליו לשבח), the *mitzvah* to teach *Torah* generally is *Bein Adam LaMakom*. However, when specific topics are to be taught, such as during the 30 days before a *Chag*, the *Talmid Chochom's* obligation to teach becomes *Bein Adam LaChaveiro*.

DIN'S CORNER:

One is obligated to say a special *Tefilah* on his entering the *Beis HaMidrash* each day, requesting that Hashem protect him from making mistakes, and another *Tefilah* upon leaving the *Beis HaMidrash* each day, thanking Hashem for the opportunity to be counted among those who occupy the *Beis HaMidrash*. (MB 110:36)

DID YOU KNOW THAT

The *Gemara* (*Yuma* 85a) derives that saving a life overrides *Shabbos*, from the burglar who steals into someone's house (**הבא במחתרת**). Since the homeowner, to save his own life, is permitted to kill the thief, despite the enormous severity and consequence of shedding blood, certainly, to save a life, one may violate the *Shabbos*, which is not nearly as severe as killing. The *Shulchan Aruch* (אור"ח 329:7) states that today, if gentile marauders begin to ransack a Jew's home on *Shabbos* looking for money, it is permitted to transgress the *Shabbos* to defend against them because of the expectation that any resistance would result in a threat to life. The *Magen Avraham* asks: If that is the case, let the gentiles have the money and there will be no threat to life ! He answers that an individual must in fact, give in and allow them to take what they want, without resistance. However, in a group, no one can know or be responsible for others, so the possibility that someone might resist permits *Chilul Shabbos* for all. If so, why is the homeowner permitted to resist the burglar with deadly force ? He should allow the burglar to take what he wants ! *Minchas Shlomo* (1:7) points to *Rashi's* words, which depict the burglar as: "הרי הוא כמת מעיקרו" - he is as if already dead, to justify the slaying. But wasn't the burglar only looking for money when he entered ? It was the resistance that changed him into a *Rodef* ! Perhaps the homeowner should not be permitted to create a **סכנה** by resisting, certainly on *Shabbos* ! This question is the subject of a *Machlokes*. The *Ramban* holds that one is permitted to perform a *Bris Milah* on *Shabbos*, knowing that later he will have to grind ingredients to create medicine for the baby, in violation of *Shabbos*. The *Baal HaMaor* holds that if there is no medicine, the *Bris* must be postponed. So too, with the burglar. The *Ramban* permits resistance, despite the creation of a **סכנה**, while the *Baal HaMaor* would prohibit creating an unwarranted **סכנה**.

A Lesson Can Be Learned From:

A strange custom seemed to emerge in a certain *Beis HaKnesses* every morning after davening. While everyone removed their *Talis* and *Tefillin*, and even afterwards, there were side glances by each of the men in the room, who, without saying a word, constantly roamed the room with their eyes, looking at the other men. A child who noticed this phenomenon, asked one of the men to explain what they were doing. The man replied how *Chazal* say that the 10th man to arrive in *Shul*, thus completing a *minyan*, merits to receive a reward for that *mitzvah*, equal to the combined *S'char* of the other 9 men, who also assisted in the formation of this *minyan*. What did the 10th man do, to merit this *S'char* ? He brought the *Shechinah* into the *Shul*. It stands to reason that if the 10th man brought the *Shechinah* in, as soon as there are less than 10 people in the *Shul*, the *Shechinah* has departed. Since no one wants to cause that, they all look at and count each other, to avoid leaving if they are the 10th.

P.S. Sholosh Seudos sponsored this week by the Schoenfeld family.

This issue is dedicated:

לד"ר פערל ב"ר יצחק הלוי

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