

הַיְיָ הַיְיָ THE PATH TO FOLLOW

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OUR CHILDREN ARE OUR GUARANTORS

(by Rabbi David Hanania Pinto שליט"א)

Our Sages say, "When the Holy One, blessed be He, wanted to give the Torah to the Children of Israel on Mount Sinai, He asked them to present Him with guarantors. They presented different guarantors, such as the Patriarchs, but the Holy One, blessed be He, refused until such time as the Children of Israel proposed their own children." Rabbi Eliyahu Lopian asks the following question: Why did Hashem ask for guarantors? Had the Children of Israel not already proclaimed *na'aseh ve'nishma* ("we will do and we will hear")?

Furthermore, Hashem – Who examines the depths of our being and the hearts of all – knew very well just how great the sincerity of the Children of Israel actually was, especially after what He had done for them at the crossing of the Red Sea and even more so during the war with Amalek. Why, therefore, did He agree to give the Torah only after having obtained the offspring of the Children of Israel in guarantee?

It seems to me, if I may humbly suggest, that this can be explained as follows: Unfortunately, we see that despite the guarantee given at Mount Sinai, it often happens that fathers, as well as children, fall prey to the sin of *Bitul Torah* (negligence of Torah study). How much more so would this have been true if children had not been given in guarantee! Hashem knew that the *Yetzer Hara* (evil inclination) is very strong and would cause the Jews to stumble in the sin of *Bitul Torah*. In fact, it matters little to the Satan if we, the Children of Israel, perform numerous mitzvot. However if we devote ourselves to Torah study, this really upsets him. We know that the entire world exists only by the study of Torah, but the Satan, on the contrary, exists only by the abandonment of this study.

Hashem Himself said, "If they only abandoned Me, yet observed My Torah – for it is certain that the Torah will bring them back to Me!" This is why Hashem asked for guarantors; it was in order to give the Torah to the Children of Israel, since only the Torah is capable

of defeating the *Yetzer Hara*. In Gemara Kiddushin, our Sages say: "Do you want to defeat him? Bring him to the Beit Hamidrash. If he is made of stone, he will shatter; if he is made of metal, he will melt." Only Torah is the sword, the elixir of life that is capable of conquering the *Yetzer Hara*, that force which seeks to make us fall.

It is precisely this that our teachers tell us in Gemara Berachot: "A man who sees that troubles come upon him should examine his actions. If he examined his actions and has not found fault, he should attribute these troubles to negligence in Torah study." Why? Because the Holy One, blessed be He, should have first punished that man's sons, since they are the guarantors of the one who neglects Torah study. Hashem in His great goodness, however, warns that man by means of various troubles that come upon him, not upon his children. A man should therefore begin by examining his actions and asking: "Why have all these problems come upon me?"

Has he examined his actions and found nothing to feel guilty about? He should then attribute his problems to negligence in Torah study, for this sin is extremely grave and the punishment (G-d forbid) can strike one's children if one continues to neglect *limud* (Torah learning). It is necessary, therefore, for a person to undertake a suitable introspective examination. How could a father not be seized with fright when recalling that his own children are guarantors? Is there a greater suffering than the anguish that one feels for one's children?

Our Sages say that the sin of *Bitul Torah* is so grave that it puts our children's lives at stake. We are seized with horror when thinking about the words of Rabbi Shimon bar Yochai when he recalled that there is no greater sorrow than to see (G-d forbid) our children leaving the ways of Torah to turn towards a deceitful education and culture, for they are already considered

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as dead (G-d forbid). And all this because of the sin of the fathers, who have neglected Torah study.

According to this, we see that Hashem in fact believed the Children of Israel when they stated *na'aseh ve'nishma* ("we will do and we will hear [the Torah]"), yet He also knew that the power of the Yetzer Hara would be so great that when it sees us studying Torah, it would try by all possible means to disrupt us in order to diminish our study. This is why G-d demanded a guarantee from us that could truly save us from Bitul Torah, a guarantee that would remind us that our entire being – our very soul – is entirely involved in this.

The Second Book of Kings recounts the story of King Zedekiah, whose sons were slaughtered before his very eyes. In Yalkut Shimoni, our Sages tell us that the Babylonians attempted to blind Zedekiah by piercing his eyes with hot pokers. Despite doing so, however, he still managed to see, yet when they slaughtered his sons in his very presence, his eyes were so drenched with tears that he lost his sight.

Each man is thus capable of withstanding the worst suffering imaginable, given that his children are not harmed. When Hashem strikes a man through his children, our Sages call this suffering *Yissurim Shel Ahava* (Afflictions of Love) and consider that G-d sends these as proof of His love.

If we could only realize what awaits our children when we stumble in our Torah study, we would tremble with fear, and no doubt this fear would help us to overcome the trials that the Yetzer Hara puts before us.

The fact that children can act as guarantors for their parents results in the parents being themselves guarantors for one another, which is the sense of the following phrase in Gemara Sanhedrin: *Kol Israel arevim zeh lazeh* ("All Israel are guarantors for one another"). If such solidarity among the Children of Israel had not existed, Hashem would not have accepted the children as guarantors for the fathers. In fact, this whole reciprocal guarantee was a preparation for the giving of the Torah. Love was needed in order for solidarity to exist between individuals, and if there had been no love between the fathers, how could there have been love between the fathers and the sons?

The Jew who remains single commits a sin that is even graver. Remaining without a wife, he cannot have children and has no guarantors for himself. He thereby rejects the condition imposed by Hashem for giving the Torah and takes upon himself a very grave responsibility.

In Gemara Pesachim, it is written that a man that has no wife is comparable to someone who was rejected by Heaven.

The story of Ben Azzai provides an instructive example. Ben Azzai was one of the four Sages that had managed to enter into Paradise, and yet he died

when he entered. He was one of the giants of Torah, and as Midrash Bereshith Rabba says, "His soul yearned entirely for Torah." It was also said that next to him, all the Sages of Israel were considered as the skin that covers a clove of garlic. Ben Azzai was so great that Rava said of him, "Here I am in the streets of Tiberius like Ben Azzai in the paths of Torah." And yet Ben Azzai perished because he had no child as his guarantor!

In the same way, King Hezekiah risked his own life by refusing to take a wife (because he knew by Ruach Hakodesh that his sons would be wrongdoers). In not taking a wife, he desecrated the very first mitzvah, the mitzvah of multiplying. He eventually did take a wife and had a son, but our Sages have said, "If Hezekiah had not taken a wife, he would have been punished even in the next world." In fact, the concept of children as guarantors applies just as much in the next world as in this one.

Our Sages say: *Ben metzakei abba* ("the son gives merit to the father"). Even if the father is a Tzaddik, the son nevertheless continues to spiritually uplift the father from one level to the next.

If we truly understood that our sons are our ultimate guarantors, we would have it at heart to properly educate them in the path of Torah and mitzvot. In this way the Torah would continue to exist, for ultimately that is the goal of this reciprocal guarantee. Thus we learn that thanks to the Torah – which is *ahbut* (unifying), and which unites the fathers with the sons and together unites them to their Father in Heaven – peace in the world will soon arrive and the long-awaited Geula will occur, for unity is the key to deliverance.

EISHET CHAYIL

VARIOUS REGULATIONS

1. According to Halachah, it is permitted for women or young girls to pierce their ears in order to wear earrings.
2. A woman has the right to resort to cosmetic surgery to make herself more attractive in order to find a husband.
3. On Purim and other occasions, the habit that some women have of dressing as men should be eliminated, because by dressing as men, they transgress the commandment that states, "Male apparel shall not be on a woman" (Deuteronomy 22:5).
4. A woman may affix a mezuzah to a doorpost, since she is equally obligated to perform this mitzvah.

IN MEMORY OF THE TZADIKIM

RABBI SHIMON BEN SHATAH

In the person of Shimon ben Shatah, we find one of the most impressive men in history. Full of fervor for truth and justice, doing good with the most conscientious care, and opposing evil and injustice, Shimon ben Shatah found numerous occasions to demonstrate the greatness of his character. He knew no bounds when it came to placing himself on the side of truth and justice. Royal power did not intimidate him. The friendship or the respect he had for his friend or a revered leader did not make him bend. The kindness he displayed towards his subordinates could not stop him from taking action. The love he had for his own son could not influence him, and neither the fear of powerful evildoers could restrain him, nor the offer of riches sway his principles. He put truth and justice above everything, as the Torah demands. We shall endeavor to recount some stories of his life, stories that demonstrate some of Shimon ben Shatah's great character traits.

The Sadducees taught that false witnesses could only be executed if the accused had actually been put to death. In order that there be a precedent, Yehudah ben Tabbai sentenced to death a single witness found to be lying. This sole witness would otherwise not have been able to cause the accused to be sentenced to death. It happened that Shimon ben Shatah, rising against him, said, "Truly this will be accounted to you as if you had shed innocent blood. For the Sages instruct, 'False witnesses can only be sentenced to death if together they were both found to be lying.' They can only be sentenced to the punishment of flogging if it is proved that both of them lied." Immediately, Yehudah ben Tabbai recognized his mistake and henceforth assumed a secondary role in judgment, refraining from making a decision if not in the presence of Shimon ben Shatah. And from that day on, he lived the rest of his life in repentance and penitence. He visited the tomb of false witnesses executed by his order and there he cried so greatly that he could be heard from afar.

Shimon ben Shatah was a *nasi* (prince). His great dignity obligated him to undertake somber tasks. There was once a slave of King Yanai that had committed murder. The king therefore had to appear before the Sanhedrin. He had a throne brought into the antechamber adjacent to the Holy Temple, and on it he sat. Therefore Shimon ben Shatah told him, "Arise King Yanai, not before us, but before the Master of the world, Who has said, 'Then the ... men who have the grievance shall stand before the L-RD' [Deuteronomy 19:17]." The king replied, "It is not what you say, son of Shatah, that I will do. I will do what the other judges decide." The judges formed a semi-circle on both sides of the king. Shimon ben Shatah turned his attention to the right, but the judges on his right did not dare uphold the truth because of their fear of the king. They lowered their heads and looked to the ground. Shimon ben Shatah looked to the left, but those on his left also lowered their heads to the ground. Therefore Shimon ben Shatah said, "You fear a man more than G-d? Therefore may the One Who knows all thoughts bring upon you the punishment you deserve." And thus G-d sent an angel and those judges who were afraid of the king immediately died. The new Sanhedrin formulated a religious decree according to which no king could henceforth be called before a court (Sanhedrin 19a).

Even before he became a prince, Shimon ben Shatah promised himself that if he ever attained this high position, he would remove evildoers who deserved death from among the people of Israel (Yerushalmi, Sanhedrin 6:6).

When he attained his goal, he put 80 female criminals to death. Their parents cried out for revenge and incited false witnesses to accuse the son of Shimon ben Shatah of a crime punishable by death. The young man was found guilty. When being brought to his execution, he said, "If I committed the crime of which I have been accused, may my death not atone for my sin." The false witnesses later admitted that friends of the women that had been put to death had paid them. However it was too late (Rashi on Sanhedrin 44b).

As much as Shimon ben Shatah was strict as a judge, so too was he just and virtuous in his dealings with his fellow man. There was a time when Shimon ben Shatah was poor and involved in the hemp business. One day his students came to him and said, "Rabbi, we want to buy you a donkey on which to load your merchandise so that you won't have to carry such heavy loads yourself." And so they did. When they brought the donkey into his home, he noticed that it was carrying a precious collar of pearls around its neck. "See," his students told him, "G-d has given you a treasure so that you can live in tranquility and devote yourself entirely to Torah study." However, Shimon ben Shatah responded, "Return the collar, for it came into my possession without its owner's knowledge." And so the students did what their teacher had told them. When the previous owner of the donkey, a pagan, got back his precious collar, he cried, "Blessed be the G-d of the Jews, Who has commanded His people to be so honest!" Shimon ben Shatah's students reported this to him, and he said, "Does such a glorification of G-d's Name not have greater value than all the earth's treasures?" (Yerushalmi, Bava Metzia 2: 5).

Alexander Yanai died while still young. When he felt his end was near, his wife Salome (whom certain texts call Sheltzion) expressed her fear that the Pharisees, in their desire to avenge themselves of Alexander Yanai's persecutions, would press to have her children excluded from succeeding to the throne. However the king told her, "Do not fear the Pharisees, for they are pious men who fear G-d. They are incapable of avenging themselves or holding any grudge. And do not fear the Sadducees either, for they are my friends. Fear only those who are false: Hypocrites capable of committing crimes as heinous as Zimri, who asked for the wages of Pinchas" (Rashi on Sotah 22b).

The queen, who ruled as regent while her children were still young, supported the Pharisees, especially Shimon ben Shatah. The consequence of such a policy was that a period of happiness, peace, and prosperity existed in the country, a condition that our people have seldom known. Our Sages tell us, for example, that during the reign of Salome as regent with Shimon ben Shatah by her side, G-d miraculously blessed the produce of the earth. The rain fell just at the right time and harvests were so bountiful that they were remembered long afterwards.

Before we leave Shimon ben Shatah, let us again mention some of his *takanot* (legal institutions) that are decisive in three different areas. His first ruling consisted of strengthening matrimonial ties

PERKEI AVOTH A JUDGE'S INSIGHT

by Rav M. Lehmann ל"ת

RABBI SHIMON BEN SHATAH

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Shimon ben Shatah said: Examine the witnesses thoroughly, and be cautious with your words, lest through them they learn to speak falsehood" (Perkei Avoth 1:9).

The saying of Shimon ben Shatah taken from this Talmudic tractate concerns the conduct of judges.

Jewish jurisprudence desires that the accused not be convicted unless two valid witnesses testify to the veracity of an accusation. Proof by induction, which in the criminal courts of other nations is often enough to lead to the death penalty, is inadmissible in Jewish law. It happened that one day, Shimon ben Shatah noticed a man who was chasing another. In turn, Shimon ben Shatah ran after them and caught up with them near some ruins. The one who had been chased was now lying on the ground, dying, and the other held a bloodied sword in his hand. Shimon ben Shatah said, "Wicked man! Who killed this person? Was it you or was it me? But what can I do? Your punishment cannot be given by my hand, for the Torah states, 'By the testimony of two witnesses or three witnesses shall the condemned person be put to death.' However, the One Who knows all thoughts will punish the murderer."

Barely after having uttered these words, a hissing serpent sprang up and rolled itself around the murderer, then pierced his skin with its venomous fangs. The criminal died from the bite (Sanhedrin 37b).

When it would happen that two upright witnesses affirmed the same thing, the sacred duty of the judge was to scrutinize them time and time again – to return to the accusation by asking them numerous questions – with the goal of seeing if they offered self-contradictory testimony or testimony that contradicts each another. If the two depositions are truly in harmony in their smallest detail, it was no longer possible to not believe them, or to suspect them of acting in concert against the accused. However, the duty of a judge is precisely to question them without stop, and each time in a different way, until finally at the end he is persuaded of the veracity or falsehood of their testimony.

This procedure nevertheless carries with it a certain danger: If a witness has a narrow-minded disposition, or is intimidated or thrown off by the many interlaced questions asked of him, he may speak too much because of his simple desire to please the judge. Conversely, a cunning person can take advantage of the many questions asked of him and thus prepare his response. This is why the Sage adds this warning of his: "Be cautious with your words, lest through them they learn to speak falsehood."

by making divorce harder to achieve. Up to that point, the sum of money specified by the *Ketubah* (the marriage contract that, among other things, fixes the amount that a Jewish wife receives when she becomes widowed or divorced) had been left with the parents of the woman. This had the effect that monetary considerations were seldom the cause for putting off a divorce. Simon ben Shatah gave the husband, on one hand, the right to do what he wanted with the dowry of his wife, but on the other hand obligated him to guarantee the value of this dowry in case of divorce. If, therefore, a man wanted to divorce his wife, he had to come up with this initial sum and give it back to her. Not only that, but this sum was guaranteed by the worth of the man's own monetary possessions. The reasoning behind this injunction lies in the fact that if a man can benefit from his wife's dowry, he will do so, investing it in his undertakings. This amount therefore becomes difficult to recoup. Hence in the case of divorce, where it must be recouped and given back to the woman, it will be difficult to do so, thus making divorce that much harder. These measures are still in effect today.

The opening of schools was, as well, of considerable importance in the life of the Jewish people and for the future of Israel. The Torah commands: "And you shall teach them [Divine Laws] to your children," and this is a commandment that we recite twice each day in the Shema. A father has a sacred duty to instruct his children in the laws of G-d. This duty, however, is oftentimes neglected, and it is for this reason that Shimon ben Shatah decreed that schools be established and teachers selected so that all children can benefit from a common education. It is true that, from early times, schools have always existed, but these were primarily study halls for adults, where leaned men would assemble groups of disciples whom they would teach without receiving anything in return. But that children should be taught – and by instructors receiving remuneration for that purpose – was a great innovation that we must credit Shimon ben Shatah with.

The third takanot of this great scholar concerns an entirely different subject. The Torah specifies in what way (each time differently) vessels of metal or wood, pots of earthenware, and clothes of linen, wool, or fur can become impure. On the other hand, the Torah does not mention glass vessels because their invention came after the Torah was given.

Faithful to the advice of the Men of the Great Assembly – "Make a fence around the Torah," which signifies the implementation of regulations in order that G-d's laws should constantly be kept – Yose ben Yoezer and Yose ben Yochanan had tried to place glass vessels under the laws governing impurity. Yet the people did not pay attention to their legislation, and it was Shimon ben Shatah who managed to make the people accept this takanah (which explains why it bears his name). We see by this that the great men of Israel worried themselves over those ordinances that today we term, with a flavor of disdain, "ceremonial laws". They cared about these ordinances as much as they did concerning the great principles of morality or education, and they devoted their lives to them (Yerushalmi, Ketubot 8:2).