

## LAW AND JUSTICE ENSURE THE TORAH'S EXISTENCE

*Rabbi David Pinto Chlita*

**F**rom the great spiritual elevation of the Jewish people and everything they attained at the giving of the Torah, having heard the words of the living G-d Himself, the Torah proceeds to the mitzvot that deal with the darkest side of man: A thief who is sold to pay for his theft, a murderer, someone who sold a person, etc. – laws that deal with the most vile of men. The sequence of these subjects amid the parshiot needs to be explained. Why did the Torah deem it necessary to bring the Jewish people down from the highest point – from a knowledge of Hashem and the acceptance of His kingdom at the giving of the Torah – to the lowest abyss, to laws dealing with the selling of slaves and the details related to the conflicts of men? Why not teach the noblest mitzvot first, such as Shabbat and tefillin?

There is another interesting aspect to the order of the parshiot that needs to be examined. After the description of the giving of the Torah in Parsha Yitro, and just before Parsha Mishpatim, the Torah inserts two mitzvot that seem out of place: "When you make for Me an altar of stones, do not build them hewn, for you will have raised your sword over it and desecrated it. You shall not ascend My altar on steps, so that your nakedness will not be uncovered on it" (Shemot 20:22-23). We need to understand why the Torah placed these mitzvot here, since they have no connection to the surrounding texts: The giving of the Torah that comes beforehand, and the laws between man and his fellowman that come afterwards.

To explain this, we shall first discuss something that the Sages revealed to us, namely that the prerequisite for receiving the Torah is unity among the Jewish people. We learn this from the teaching, "Israel encamped there, opposite the mountain [Shemot 19:2] – like a single person, with a single heart." It is only when they possessed a single heart that they became worthy of receiving the Torah and they prepared themselves for it.

In regards to the need for strong unity among the Jewish people in order to receive the Torah, we have already spoken about this elsewhere, and here we shall add another explanation from a different perspective. The mitzvot of the Torah number 613 in total, of which 248 are positive mitzvot and 365 negative mitzvot. In reality, a Jew cannot possibly fulfill them all, for some mitzvot apply only to the Kohanim or Leviim, others apply only to a king, while others apply only to women. Therefore how can an individual fulfill the entire Torah, all 613 mitzvot, which correspond to the 248 limbs and 365 sinews, physical and spiritual, and which cast light upon and breathe life into them, as mentioned in our holy books?

Nevertheless, this question only exists when each Jew is considered as an individual who is separate in terms of his obligations and mitzvot. Yet when the Jewish people are unified and form a single whole, when we consider all Israel as truly being a single person, divided into various members that perceive and live a life of mutual responsibility, this question no longer exists. In fact when a Levite fulfills his duty, he does not accomplish it alone; it is all Israel that accomplishes this mitzvah with him. Likewise when a king

writes a Sefer Torah, all the people participate in that mitzvah. As a result, every Jew fulfills all 613 mitzvot by virtue of his connection and affiliation with the Jewish community amid complete unity, which is the secret of mutual responsibility.

We therefore have a new perspective on "Israel encamped there, opposite the mountain – like a single person, with a single heart": The need for unity in Israel did not stop with the giving of the Torah, with the need to prepare the Children of Israel for receiving the Torah. Furthermore, the Jewish people have an obligation to be constantly and permanently connected with one another in order to fulfill the Torah in its entirety.

Now that we have reached this point, we may explain that it was for this reason that immediately after the Torah was given, it deals with laws and mitzvot concerning man and his fellowman. This was meant to teach Israel the mitzvot that are the basis of the fulfillment of the Torah, those which consist of its pillars and without which the community of Israel would be unable to fulfill all 613 mitzvot. Hence immediately after the giving of the Torah, it warns those who received it by enacting numerous laws, doing so in order to show them just how much respect they must have for others, and just how much they should be concerned with protecting the possessions and physical welfare of others. Focusing on these mitzvot, which deal with the respect and importance of others, is what supports and maintains the unity of the Jewish people, which is the foundation of observing Torah.

What we have said fully explains why the mitzvot dealing with the altar are repeated after the giving of the Torah, just prior to Parsha Mishpatim. Rashi explains the mitzvah, "When you make for Me an altar of stones, do not build them hewn" by saying that the very existence of the altar and its role is to increase peace in the world. In fact one who sins is far from Hashem, and the altar rectifies his sin, draws him closer to his Father in Heaven, and makes peace reign between them. Once he has repented and has been forgiven, a person is loved and appreciated by Hashem. That said, it is not fitting that something which slices and destroys should come upon the altar, which increases peace and harmony between Jews and the Holy One, blessed be He. The Gemara says something along the same lines: "For him who divorces his first wife, the altar itself sheds tears" (Sanhedrin 22a). It is precisely the altar that suffers and weeps when conflict and division arise between husband and wife, for that constitutes the opposite of the altar's essence and its purpose.

The holy Torah shows us how to build the altar and attain the virtue of peace, which it contains. There are two prerequisites for increasing peace in the world, the first being: "You will have raised your sword over it." That is, when you want to build and establish peace, you must distance the sword – a symbol of destruction that has been used in countless conflicts among men. You must put down the weapon of conflict and focus on unity and connecting with others. The second prerequisite for attaining peace is hinted to us in the second mitzvah pertaining to the altar: "You shall not ascend My altar on steps." Man must not be filled with pride, nor should he



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dwell on his own worth or importance. He must not focus on his own virtues and accomplishments, but rather he should probe his own frailties, for in this way he will become humble. Now someone who humbles himself is generally protected from conflicts with others, for he accepts everything that happens to him with love and humility, as King David says: "Because Hashem said to him, 'Curse!'" (II Samuel 16:10). Humility is the root and foundation of accepting justice, for a person who humbles himself is not quickly upset or angered by one who has affronted his honor. It is the cornerstone of peace and harmony among men, for all conflicts are rooted in pride and pretention, when everyone firmly holds their ground and asserts that justice is on their side.

These are the prerequisites for peace: Distancing oneself from conflict and pride, and reflecting upon one's own lowliness in order to become humble before everyone. We find this concept alluded to at the beginning of the passage: "An altar of earth shall you make" (Shemot 20:21). That is, in order to build an altar, in order to obtain

the peace that it alludes to, we must be like the earth, yielding and humble, just as we say in our daily prayers: "May my soul be as dust to all."

The Torah placed these mitzvot, which teach us how to build the altar and attain the virtue of peace (which is the foundation of the mitzvot dealing with man and his fellowman) before Parsha Mishpatim. In fact by these virtues, by distancing ourselves from conflict and by humility, we can fulfill all the mitzvot dealing with man and his fellowman, and safeguard the honor of others and protect what is theirs. This constitutes the basis for the observance of Torah among the Jewish people, as we have explained.

From all that we have said, it follows that "Israel encamped there, opposite the mountain – like a single person, with a single heart" is not only the prerequisite and the required preparation for receiving the Torah. Indeed, "a single heart" is the basis for fulfilling Torah and for its continued existence among the Jewish people.

## Real Life Stories

### The Word of a Parrot

It is written, "If you meet your enemy's ox or his donkey going astray, you shall surely bring it back to him again" (Shemot 23:4).

Daniel Avir lives on the outskirts of Bnei Brak. His apartment building faces the crowded city, but behind the building is a huge, open field. Daniel likes the location of his home because it affords him the dual advantages of living in a large Orthodox community and still having wide-open places nearby.

One of the reasons Daniel prefers those wide-open spaces is that he and his pet are more comfortable that way. Daniel does not have a dog or a cat; he has a large, green, talkative parrot! Now, pets in general are not that common in Orthodox households, and certainly not parrots, but Daniel loves birds of all kinds. And living in a building on the edge of town means that fewer people can be disturbed by the occasional loud outbursts of squawking.

When Daniel first bought his parrot, he decided that he would teach it to say only words or phrases that would be appreciated by his Orthodox neighbors. Eventually, with patient training, the parrot learned to say Gut Shabbos and Shema Yisrael and when asked, "How are you?" to respond with Baruch Hashem!

One day Daniel went up to the roof to check his solar water heater. The water was not coming out with the proper force and Daniel wanted to save the repair bill by fixing it himself.

Daniel stood on the roof with his parrot perched on his shoulder as usual. As the parrot squawked, "Baruch Hashem! Gut Shabbos! Shema Yisrael!" Daniel got to work on his do-it-yourself project.

As he was tinkering with the pipes, suddenly a gush of scalding water made him jump back. He was fast enough to avoid being burned but the parrot was badly frightened and flew away. It landed almost a mile away in an empty soccer field, dazed.

Netanel Elchonen was walking by the soccer field, when the bright green plumage caught his eye. When he walked over to investigate, he was amazed to discover the live, but greatly weakened, parrot. A gentle, nature-loving man, Netanel thought immediately of nursing the parrot back to health. His next thought was the delight he knew it would bring to his young children at home. Without hesitation, Netanel scooped up the limp parrot and took it home.

After a few days of tender loving care from the Elchonen family, the parrot began to regain its strength. By the end of the week, it was beginning to squawk with some of its former confidence, and after two weeks, it began to talk again.

On the morning that it shouted, "Shema Yisrael Hashem Elokeinu Hashem Echad!" Netanel couldn't believe his ears. He stopped short. Did this bird just say the Shema? he asked himself. A few minutes later Netanel's question was answered when the parrot repeated himself. There was no mistake! The bird had said the Shema.

After three days of this, Netanel was overwhelmed. "Elisheva," he said to his wife, "Do you realize that I don't even say the Shema – and here is an animal – a bird – reciting the Shema every day!"

Netanel just couldn't get over it. Although he was not at all religious and had never been religious, he knew enough to recognize the words of the Shema. And

the thought of a bird saying these words, when he did not, bothered him more and more. Finally, he told Elisheva that he was thinking of attending morning services at the local synagogue, to say the Shema during the morning prayers. (He had attended services on rare occasions, so he knew that the Shema was recited daily.)

To Netanel's surprise, Elisheva was not only accepting; she was positively encouraging. "Of course you should go!" she said. "The parrot can say the Shema at home, but only a person can go to the synagogue!"

Netanel did go to the synagogue, and he felt so comfortable there that he decided to go back. Before long, he was a regular at the morning minyan. Eventually, Netanel began to feel embarrassed when he removed his yarmulke afterwards, outside. One day he left it on, and again, to his surprise, Elisheva expressed her approval.

Gradually, Netanel and Elisheva decided to have a Friday night Shabbos meal with the family, complete with candles and Kiddush. This led to a desire to keep Shabbos more fully, and eventually, to learn even more about Judaism.

Their thirst for knowledge led the Elchonens to an Arachim seminar for young Israeli couples. These seminars are designed to introduce interested non-religious families to Orthodox Judaism. For the Elchonens, the seminar only strengthened the commitment they had in fact already made.

The seminar included lectures by some of the Arachim instructors as well as workshops led by local volunteers. One of the volunteers was Daniel Avir.

During the refreshment break, Daniel mingled with the participants and socialized. As he introduced himself to each new person, if he learned that the person was from the area, he brought up the subject of his missing parrot. "Would you by any chance have seen a green parrot? I lost one a few months ago..."

When Netanel overheard Daniel asking people about the parrot, he realized immediately that this must be "his" new parrot. He didn't say anything to Daniel because he didn't want to return it, but nevertheless he asked around and got Daniel's name and address.

The next day, Netanel spoke to the Rabbi of his synagogue. "Do I have to return the parrot, Rabbi? We are all so fond of it, and my wife and I feel a special attachment to it because it is through this bird that we found our way back to Jewish tradition."

Netanel's Rabbi sat down and patiently explained that to return a lost object to its owner is a mitzvah from the Torah (Devarim 22:1-3). Since Netanel was learning and keeping more and more mitzvos, the Rabbi pointed out, this was a wonderful opportunity to fulfill a new mitzvah.

"And besides," added the Rabbi, "this bird was responsible for your entire family's return to Judaism: Isn't it only right that you should practice what Judaism teaches by returning it to its rightful owner?"

Netanel agreed. The next day, he brought the parrot to Daniel, and explained what had happened.

Daniel was delighted to be reunited with his parrot, but he was even more pleased to learn how much his parrot had accomplished in its absence.

"I knew it was a good idea to teach my parrot the Shema," he told Netanel proudly, "but I never dreamed it was such a good idea!"

– From the book *Einei Hashem*, as heard from Rabbi Benjamin Yudin of Fairlawn, NJ

## At the Source

### Widows and Orphans

It is written, “You shall not afflict any widow or orphan” (Shemot 22:21).

The Rambam writes, “Every man should be very gentle with orphans and widows, for their souls are very humble and their spirits abased, even if they are wealthy. We are warned even in regards to the widow of a king and his orphaned children, as it is written: ‘You shall not afflict any widow or orphan.’ How should we act with them? We should only speak to them gently, treating them only with respect. We must not make them suffer physically by means of work, or morally by means of harsh words. We should be more careful with their money than with our own.

“Whoever mocks them, angers them, harms them, belittles them, or squanders their money transgresses a prohibition. How much more does this apply to those who strike or curse them! Although this prohibition is not punished by stoning (malkut), the punishment of one who transgresses it is explicitly mentioned in the Torah” (Hilchot Deot, ch. 6).

### Addressing G-d Directly

It is written, “If you afflict them in any way, and they cry to Me, I will surely hear their cry” (Shemot 22:22).

Rabbeinu Moshe Alsheich explains this verse in a beautiful way:

Although according to our Sages, one who entrusts his cause to G-d is punished because he did not first address the earthly court, this rule does not apply to orphans. In fact G-d says, “Let him address his complaint to Me” – the orphan can speak directly to Me, not the earthly court, for I will nevertheless listen to him because I am the Father of orphans. After all, can a child be blamed because he directly addresses his father when he is in distress?

### Why Aren't You Reuven?!

It is written, “If you lend money to any of My people, to the poor who is with you...” (Shemot 22:24).

A person must not get angry with a friend if he refuses to lend him money or do him a favor, for G-d probably did not destine this favor to come from him.

“A gaon,” writes the Chafetz Chaim, “illustrated this idea with a parable: Someone was looking for a man named Reuven, and he was told about a place where there was a gathering of people. He was advised to go there and look for him among that gathering. He went, but did not find Reuven.

“He decided to get angry with everyone there, blaming them for being called ‘Shimon’ or ‘Levi,’ rather than ‘Reuven.’ Instead, he should have simply looked elsewhere for the real Reuven!

“The situation is the same here: Why get upset with someone who has refused to fulfill a request, since G-d did not want this request to be fulfilled through him? All we have to do is ask someone whom G-d has destined for this!”

Happy is the man who realizes and applies this principle in every circumstance, in his private life as well as in business, without avenging himself or harboring a grudge. His heart will then be healthy and whole.

### Even in the Field

It is written, “You shall not eat flesh of an animal that was torn in the field” (Shemot 22:30).

Rabbi Yehuda Tsadka Zatzal, the Rosh Yeshiva of Porat Yosef, explained this verse allegorically:

“Flesh of an animal that was torn in the field” – a man who finds himself at home, in a family setting, will obviously not eat “torn” flesh

[treif meat, which is prohibited], since permissible food, thank G-d, can be found in abundance. He therefore feels no need to eat forbidden food. However if he finds himself “in the field,” outside his family setting, in a place where permissible [kosher] food is rare, then the temptation to eat other food may blind him. The Torah therefore warns him by saying, “You shall not eat flesh of an animal that was torn in the field.” Even then, in times of distress and hunger, you must safeguard the sanctity of food and ensure that it is kosher.

## In the Light of the Parsha

### Every Jew is Hashem's Slave

It is written, “And these are the ordinances that you shall place before them. When you buy a Hebrew slave...his master shall bore through his ear with the awl, and he shall serve him forever” (Shemot 21:1-6).

Rashi explains: “And these are the ordinances. Wherever the term *eleh* [these] is used, it disqualifies that which preceded it. However *ve'eleh* [and these] is a continuation of that which preceded it. Just as the preceding words were from Sinai, these were also from Sinai.”

“When you buy a Hebrew slave” – a Hebrew slave, not just the slave of a Hebrew. “His master shall bore through his ear with the awl!” – why his ear, rather than another part of his body? Rabbi Yochanan ben Zakai said, “Why was the ear singled out from all the other limbs of the body? The Holy One, blessed be He, said: ‘This ear, which heard My voice on Mount Sinai when I proclaimed, “The Children of Israel are My servants” – and yet went out and acquired a master for himself – let it be pierced!’” (Kiddushin 22b).

We may raise the following question: Since the expression *eved ivri* signifies a slave who is Hebrew, why does the verse not say: “When you buy a Hebrew as a slave”? In fact when he was purchased, he was not yet a slave, but rather a free man. The expression, “When you buy a Hebrew slave” would only be appropriate if he purchased him from someone who already owned him as a slave! We can definitely say that in reality, every Jew is Hashem's slave. Hence it is proper to say that every Jew is a “Hebrew slave.”

We may also say that this man, when he followed his evil inclination and went to steal, allowed the evil inclination to rule over him. He therefore acquired a master for himself in the form of the evil inclination, which is why the Torah calls him a “Hebrew slave,” for he was already a slave to the evil inclination before being sold as a slave.

Along the same lines, we may figuratively explain, according to what is written in our holy books, that a person is always “on the move.” He cannot remain in place, for he is either ascending or descending. It is for this reason that he must always be moving in a positive direction, for if he is not ascending, he will be descending.

Now the man described in the verse descended lower and lower. At first he served the evil inclination, then he was sold as a slave (to a man), and finally he said: “I love my master, my wife, and my children – I shall not go free.” All this is contrary to what he heard at Mount Sinai, as Rashi points out. This is what the Torah is alluding to by saying, “And these are the ordinances” – the term *ve'eleh* (“and these”) being a continuation of what came before, telling man that he must always progress in what he accepted at Sinai. That is, he must continue to serve G-d and constantly grow in His service. In this way, he will not descend to the point of agreeing to be enslaved to men.

### The Eruv - Part II

“Today, the Jerusalem eruv is the largest in the world,” Rav Moshe Katzenelbogen Shlita points out in a special interview for Chaim Shel Torah.

“The eruv in the capital has a length of more than 100 km. Its boundaries go from the end of the Pisgat Ze’ev and Neve Yaakov districts in the north, to the Gilo district towards Rachel’s Grave in the south, and to the Mount of Olives on Jerusalem’s east, all the way to Ein Kerem in the west, behind Hadassah Medical Center.”

In addition to the eruv of the Moatza HaDatit of Jerusalem, there is also the higher quality eruv of the Edah HaCharedit, which has encircled the main districts of the city for more than 60 years, and which ends near Mount Herzl (yes, the special eruv of the Edah HaCharedit also encircles the Bayit Vegan district). Connected to this central eruv are special high quality eruvim, such as the “high quality eruv,” as well as private initiatives from authorities of religious districts to the north of Jerusalem and others.

The Jerusalem eruv is the oldest known eruv in the religious world. The rabbis of Jerusalem, the gaonim Rabbi Yitzchak Yerucham Diskin, Rabbi Ben Tzion Yadler, Rabbi Yossef Chaim Sonnenfeld, and Rabbi Yitzchak Pessach Frank, may their memory be a blessing, made certain that the city had a proper eruv.

The city of Jerusalem was divided following the War of Independence. The borders of the old city were adjacent to its walls, and the gate of the old city which opened in honor of Emperor François Joseph – the Jaffa Gate – was hermetically sealed and blocked by sandbags at the time. The rabbis of Jerusalem wanted to use the walls of the old city as an eruv that reached all the way to the Yamin Moshe district, which was built next to the Zion Gate. However a gap of four meters between the stones of the city wall interrupted the eruv’s continuity.

At first, they thought of sending volunteers during the night to breach the gap in that region, and they even found a few volunteers who agreed to break into “no man’s land” at this juncture point of the city. However the danger was too great because the area was strewn with landmines that were liable to explode at any instant and result in human losses.

After careful investigation, an abandoned truck was discovered in the problem area next to the city walls. The truck had gotten stuck after being attacked by Jordanian forces. Some of the passengers aboard had died, while others had escaped, but the truck remained there.

The rabbis of Jerusalem went to the border to examine the truck with special binoculars, and to get a precise idea of the situation. They saw that the truck was in fact stuck on the road, its tires flattened. They decided that this abandoned truck would serve to breach the gap in question and connect the separate sections of the city wall according to all halachic principles.

Years passed, and immediately following the Six Day War, the authorities dismantled this truck and removed it from the road. While people were removing the injured from the battlefield, the rabbis of the city went out to fix the eruv at this area according to all the rules of Halachah.

### The Mayor’s Idea

Rav Katzenelbogen added an interesting incident to the story of how the eruv was established around the old city.

After he and Rav Zundel Kreuzer were busy setting up the posts of the eruv, the leader of a local church opposed them. He ordered them to stop working in the area because the land belonged to the church.

At first they paid no attention to his warnings or threats, until they received an urgent injunction from the Foreign Ministry to stop working there. The Foreign Ministry had become involved because the Vatican

had asked for an official explanation of what has happened. As it turned out, a meeting was arranged for a Friday afternoon between the rabbis of the eruv and church leaders. During this meeting, a priest demonstrated uncommon expertise in regards to the eruv.

The rabbis were very surprised by the priest’s extensive knowledge of the subject. In fact he explained to them that he had purchased an Italian version of Gemara Eruvin to verify that the eruv in no way threatened them, nor did it have anything to do with security, something that could have bothered the Jordanian army. When the priest realized that the eruv was entirely a “religious” matter, he allowed all the eruv’s posts to be built on church property.

On the other hand, a quite different story is told about the mythological mayor of Jerusalem, Teddy Kollek. A group of rabbis met with him to hammer out a certain number of issues in regards to the eruv’s posts on land owned by the city. Once all the cards were put on the table – once everyone’s position was made clear – and all possible issues and solutions were laid out, the mayor came up with an idea to resolve every issue concerning the Jerusalem eruv: “One minute! I have an idea: Why not set up the entire eruv of the city through a network of underground wires, just as electric cables and phone lines are set up?”

It was not easy to quickly explain to him that electric cables could be hidden underground, but not the lines of an eruv. He eventually understood, and the eruv’s posts were set up exactly as needed for Shabbat to be observed.

In regards to those who opposed the eruv, strange things also took place: “One day a figure from the Beit Safafa district came forward with a complaint: ‘Why did you sidestep us? Why are you setting up an eruv by making a ‘wall of separation’? He demanded that we include them in the eruv. We explained to him that, on the contrary, the eruv connects; it does not separate. We would have been happy to include his district in the eruv as well, but doing so would have required an enormous financial investment.’”

### You Shall Be Very Careful

The obligation to be very attentive to safety concerns when setting up an eruv has drawn everyone’s attention after several accidents in which people were seriously wounded when working on an eruv. Hence in Ashdod, for example, people are very careful that an eruv’s lines are independent of all other wires, not being supported by the same posts that carry electrical wires.

In Jerusalem, a worker for the Moatza HaDatit was electrocuted and sent flying several feet into the air, his body completely covered with burns and cuts, because he had come too close to some electrical wires. As reported, the worker had not actually touched the wires, but had simply gotten too close and was very gravely hurt. Around electric wires, there is an electric field that can fatally injure a person if he does to make sure to keep a sufficient distance.

Another incident occurred in Ramat Gan, where an avrech was killed when he went to repair an eruv, having come into contact with an electrical wire.

## Guard Your Tongue

### To Them it Seems Permitted

The Sages have said, “There are three sins for which man is punished in this world and forfeits his portion in the World to Come. These are idolatry, immorality, and murder, and Lashon Harah is a grave as all three.” They bring a proof from Scripture, and the Rishonim have explained that they are referring to habitual speakers of Lashon Harah, people who do not try to avoid it, for to them it seems permitted. – Chafetz Chaim