

# GOING BEYOND THE LETTER OF THE LAW PART 1

by Rabbi Yehonasan Gefen

*"And you will do that which is right and good in the eyes of Hashem so that He will do good to you and you will come and inherit the land which Hashem promised to give to your forefathers[1]."*

The commentaries write that this passuk, that appears towards the end of the Parsha, is the source for the principle of 'going beyond the letter of the law[2]. " This teaches us of the necessity to avoid being medakdek (exacting) in matters of law and to be mevater (forgiving) what is rightfully ours in certain situations. Examples of this are; when a person finds a lost object that halachically he is allowed to keep, but he knows the identity of the original owner - Chazal tell us that even though it is technically permitted to keep the object, he should nonetheless give it back[3] . Another example is when a piece of property is for sale - the prospective buyers should give precedence to the person who lives next to that property because he stands to gain the most by buying this particular property[4] . In truth, however, there are numerous instances when one should go beyond the letter of the law - the Ramban writes that the Torah did not want to explicitly state them all, rather we should learn from this passuk that we must constantly strive to treat people in an understanding fashion and avoid always treating them according to the strict letter of the law[5] . The Gemara tells us that the Beis HaMikdash was destroyed because people were makpid on each other and treated them according to the strict letter of the law[6] . In the coming weeks we will discuss why this seemingly innocuous transgression was viewed by the Rabbis in such a serious manner.

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1. Va'eschanan, 6:18.
  2. See Rashi and Ramban.
  3. Bava Metsia, 30b.
  4. Bava Metsia, 108a. This is known as, 'Din d'bar metsra.'
  5. Ramban, Va'eschanan, ibid.
  6. Bava Metsia, 30b.
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