

BEYOND THE LETTER OF THE LAW

by Rabbi Yisroel Ciner

This week we read the parsha of *VaEschanan*. It begins with Moshe pleading with Hashem to allow him to enter Eretz Yisroel and continues with Moshe's admonitions and exhortations to Bnei Yisroel to follow the Torah's instructions.

"Carefully adhere to the mitzvos of Hashem your G-d and the eidos [testimonies] and the chukim [laws beyond our understanding] that He has commanded you. V'asisa ha'yashar v'ha'tov b'ainai Hashem [And do that which is straight and good in the eyes of Hashem]. In order that He will give you good and you will come and inherit the good land that He promised your Forefathers [6:17-18]."

The Ramban offers two explanations of these *pesukim* [verses]. The simple understanding is that Moshe first exhorted us to fulfill the mitzvos. He then told us that our intentions when doing the mitzvos should be solely to do that which is straight and good in the eyes of Hashem. By our doing what is good in Hashem's eyes, He will return good to us.

The Ramban then offers a different explanation. In the first passuk, Moshe cautioned us to fulfill the mitzvos that we'd already been commanded. Moshe then commanded us *"V'asisa ha'yashar v'ha'tov b'ainai Hashem [And do the straight and good in the eyes of Hashem]"*. Even that which you have not been commanded, see what is good and straight in the eyes of Hashem and do it! Act in a way which is *'lifnim mi'shuras ha'din'* [Beyond the letter of the law. lit: Within the line of the law]...

The Ramban goes on to explain that the Torah couldn't have dealt with every detailed aspect of man's dealings with neighbors, friends, business and society. Therefore, after mentioning many detailed laws, it gave a general command -- do that which is good and straight.

The sefer *'Toldos Adom'* explains this further. Each person is different. Some have the mental capacity to 'catch on' very quickly -- others must work very hard in order to understand. Some have the physical strength and stamina to put in long hours -- others have much less vigor and vitality.

The Talmud teaches that at the time a person is conceived, Hashem decrees what the future holds for that individual. Will he be strong or weak, wise or foolish, rich or poor. Hashem obviously doesn't expect from any individual any more than that capacity that He Himself gave him.

It is therefore clear that the ability to fulfill the commandments of the Torah is not contingent on the measure of these G-d-given abilities that one's been granted. Those commandments, Hashem's wisdom dictated, are relevant to the whole gamut of Bnei Yisroel.

However, there are acts which, while being beyond the capacity of some to fulfill, are necessary to bring out the full potential of others. These, which could not be spelled out as specific commands, were written in the Torah in a relatively vague manner. "*V'asisa ha'yashar v'ha'tov b'ainai Hashem* [And do the straight and good in the eyes of Hashem]." Each person according to their specific abilities.

Lifnim mi'shuras ha'din [Beyond the letter of the law]. The letter of the law is that which is prescribed and applicable to everyone. Beyond that is not considered *din* [law] for everybody -- only for those for whom it is applicable!

The Talmud [*Bava Metzia 83A*] relates a very telling incident. Raba Bar Rav Huna hired porters to transport some barrels of wine. They clumsily broke the barrels. In order to reclaim some of his losses, Raba confiscated their jackets. They came and complained to Rav who ordered Raba to return their garments. "Is that the 'din'?", Raba challenged Rav. Rav responded with the passuk: "*To go in the way of the good [Mishlei 2]*". Raba returned the jackets.

They again approached Rav, complaining, "We are poor, we've worked all day and we have nothing to eat!". Rav then commanded Raba to pay the wages they would have deservedly earned had they not broken the barrels. "Is that the 'din'?", Raba again challenged Rav. Rav answered by completing the passuk he had quoted earlier: "*And to the path of the righteous you shall adhere*".

Amazing. How could Rav explain to Raba that his ruling was the 'din', yet support his view by quoting a passuk which discusses 'lifnim mi'shuras ha'din'? It is clear that Raba was on the lofty level that his returning the garments and paying the wages was considered for him 'din'. "*V'asisa ha'yashar v'ha'tov b'ainai Hashem*." That which for others was considered '*lifnim mi'shuras ha'din*', for Raba was simply 'din'. Each person according to their specific abilities, going far beyond the obligations of others.

The following story is told about the saintly Rav Zalman of Vilna. One person approached another on the eve of Yom Kippur to ask for forgiveness. He refused, citing the law that you are not obligated to forgive someone who slandered you.

Rav Zalman, a young boy at the time, turned to the person who had refused to forgive. "*Chazal teach that Yerushalayim was destroyed only because they decided their laws based on the strict law of the Torah. At first glance this seems very strange. The prophet Yechezk'el enumerates many very serious sins that were being committed. How can the destruction be ascribed to not acting 'lifnim mi'shuras ha'din'!*?"

"Perhaps, it can be explained in the following way. True, many very serious sins were being committed, however, as long as we weren't holding others to the letter of the law, Hashem didn't hold us to the letter of the law. Once we refused to treat others in the manner of '*lifnim mi'shuras ha'din*', Hashem was no longer willing to treat us in that way. That strict accounting that He held Bnei Yisroel to, directly led to the *churban* [destruction] of Yerushalayim."

Zalman's brilliant and insightful words found their mark. He immediately rushed back to his friend and forgave him for what he had done to him.

This week is called *Shabbos Nachamu* [consolation]. May our dealing with one another *'lifnim mi'shuras ha'din'* bring the ultimate consolation, speedily in our days.

Good Shabbos,

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