



5785 Divrei Torah on Jerusalem by Rabbi Reuven Schreier Parashat Yitro / פרשת יתרו

Asher Ya'asun: Capturing the Spirit of the Law

In most *yeshivot*, the second chapter of *Bava Metzia* is the chosen start for a young student's adventure into *Talmud*. This *perek* describes the *mitzvot* of returning lost objects, as well as helping to load/unload the burdens of animals. There are several instances in which one is not obligated to perform these commandments. For example, even an object with a valid identifying mark need not be returned if the owner is already known to have despaired of ever retrieving it (יאוש). Additionally, an elder is exempt from performing any of these *mitzvot* if it is demeaning for him to do so (זקן ואינה לפי כבודו).

However, the *Gemara* twice provides an essential clarification (see 24b and 30b). While it is true that one is occasionally exempt from performing these *mitzvot*, a righteous individual who "desires to walk in the ways of good and uprightness/integrity" should act לפנים משורת הדין, conventionally translated as going beyond the letter of the law (see *Rambam Gezeila* 11:7 and 11:17). He should return the object even after *ye'ush* and even if it is not befitting his honor to do so.

The *Gemara* derives the concept of לפנים משורת הדין from this week's *parsha* (*Shemot* 18:20): "And you shall admonish them concerning the statutes and the teachings, and you shall make known to them the way they shall go **and the deed they shall do.**" The last words of this verse, **ואת המעשה אשר יעשון**, refers to not only fulfilling דין, the letter of the law, but even going beyond and fulfilling the spirit of *Hashem's* will as well. While it may be true that the owner has given up hope, a Jew who understands the spirit of the *mitzvah* of *hashavat aveidah* possesses extra sensitive concern for the monetary loss of his fellow. And even if it is beneath his dignity to return it, "it is befitting for everyone to treat themselves lightly...and to go beyond...the letter of the law" (*Meiri, Bava Metzia* 30b).

Rebbe Yochanan then shares an astounding assertion. "Jerusalem was only destroyed because the people judged according to the strict letter of the law, and they did not go beyond the letter of the law." This declaration is perplexing for several reasons. One, the *Gemara Yoma* (9a) famously provides a list of sins responsible for the destruction of the temples. The principle of לפנים משורת הדין does not appear there at all. Two, the items on the *Gemara Yoma's* list are very logically sins. The Jewish people transgressed explicit prohibitions, thereby earning *galut* and destruction. But the whole premise of לפנים משורת הדין is specifically that it is *beyond* expectations. Why should we be punished for not abiding by extra-righteous standards?

Perhaps we can suggest that there is a unique connection between לפנים משורת הדין and the vitality of Jerusalem in particular. The *Mishna* commonly uses the term לפנים to describe the requirement to consume *korbanot* and *ma'aser sheni* within the walls of *Yerushalayim*, לפנים מן החומה. While we normally translate the phrase לפנים משורת הדין as **beyond** the letter of the law, perhaps a more accurate translation would be **within** the letter of the law. The spirit of the law is not beyond the *mitzvah*; it is within the *mitzvah*. Just as



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the soul resides “within” the body, serving as a human being’s essence and imbuing him with vitality, so too the *ratzon* of Hashem serves as the *Neshama* of the *mitzvot*.

While it is impossible to permanently demand a standard of conduct that always corresponds with the inner essence of *Torah*, it is also impossible for Torah to thrive when permanently separated from its soul. When Jews do not forgo their own petty demands for *kavod*, the soul of Torah has been exorcised, and we are left with a lifeless list of rules. Adherence to all commandments, even the *Aseret HaDibrot* themselves, is impossible when *ratzon Hashem* does not imbue a soul into the letter of the law.

Jerusalem is the inner essence of Eretz Yisrael and Klal Yisrael. The holy city is the source for spiritual vitality and inspiration. Middah kneged middah: when we are petty and small, tearing away the essence of Torah from her “physical” body, Hashem will r’l take away our Yerushalayim.

By forgoing our own petty demands for honor and ensuring our conduct engages with the spirit of the law, may we merit to have our essence restored to us, speedily in our days.

