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***Bein Adam Le-chavero*: Ethics of Interpersonal Conduct**

**By Rav Binyamin Zimmerman**

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**DAYS OF DELIVERANCE: ESSAYS ON PURIM AND HANUKKAH

by Rabbi Joseph B. Soloveitchik**

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***Shiur* #18: The Right and the Good**

In last week’s lesson we saw that though the Torah dictates a distinct system of law, *din*, in some circumstances, Judaism suggests and even requires one to act *lifnim mi-shurat ha-din,* beyond the letter of the law. The one question we have not addressed yet is how we can understand a set of laws that in some circumstances are meant to be overridden: how can it be that the Torah’s laws are abrogated to uphold the spirit of the law? Where does this unique idea come from?

The basis of the Torah’s provision that one should study its legal dictates and apply them beyond their minimalist requirements may be found in an explicit verse.

Moshe Rabbeinu prefaces his major speech in *Devarim* with a consistent message, emphasizing the need to follow the commandments and the will of God and to put them into practice in one’s daily life. There we find a verse which seems to be somewhat repetitious:

And do the right (*yashar*) and the good (*tov*) in God’s eyes, so that it will be good for you, and you will come and inherit the good land that God swore to give to your fathers. (*Devarim* 6:18)

How important is this verse? R. Elazar (*Avoda Zara* 25a) explains that *Devarim* is referred to as “*sefer ha-yashar,”* “the book of the right,” for the simple reason that it contains this verse. The implication of this Talmudic statement is that this phrase is so significant that it essentially underscores the concluding book of the Torah. But why is this so?

Rav Barukh Epstein (*Torah Temima* 6:74) asks this question and explains that the behavior described in this verse is a guiding principle of the whole Torah:

Why is this verse elevated above all others, so much so that it is responsible for the title of the entire book? One may understand this based on what is written in *Shabbat* (31a), that “You shall love your fellow as yourself” (*Vayikra* 19:18) is the essence of the entire Torah — just as one wishes only to do *yashar* and *tov* for himself, so too one who forgoes his own needs in order to benefit another is establishing the foundation of the entire Torah. Therefore, the entire Torah is predicated on this teaching.

While the significance of this particular verse is highlighted by the Talmudic statement cited above, the general idea of striving to live a life which is just in God’s eyes is repeated numerous times in the Torah.

**Purity of Action**

It is noteworthy that the verse above does not merely demand that one perform right and good actions; one must perform “the right and the good **in God’s eyes**.” This addition might be viewed as innocuous if not for the fact that the Torah seems to juxtapose this terminology with verses which describe how one should not act in ways that are only “*yashar* in his eyes” (see *Devarim* 12:5). In a number of places, the Torah seems to distinguish between individuals who do what is *yashar* in their own eyes, thereby bringing upon themselves trouble, and those who are inspired to perform that which is both *tov* and *yashar* in God’s eyes.

In fact, *Shofetim* 17:6 introduces the terrible tragedies of the pre-monarchic era of the Jewish people with the statement:

In those days there was no king in Israel; everyone would do the right in his eyes.

Thus, the Torah is calling for actions which are consonant with God’s definition of *yashar,* as opposed to man’s. It is clear that one should strive to be upright in God’s eyes, performing that which God deems decent and proper. For this reason, throughout *Neviim* and *Ketuvim*, the repeated question is whether people are living according to what is *yashar* in their own eyes or in God’s eyes. But what determines what is right and good in God’s eyes?

Before delving into that question, we should note that a number of commentators note the significance of the repeated mention of the phrase “in God’s eyes.”

The Alshikh points out that the Torah’s formulation indicates that one’s rightness and goodness should not only be expressed through one’s external behavior, but in his heart as well — which is “in God’s eyes,” for He sees what is in one’s heart.

One’s attributes of *chasidut* should not be superficial, in place for all others to see, without reaching one’s heart. One should do “the right and the good in God’s eyes,” for God sees even when others are not around. Goodness is valid only if one truly achieves it in God’s eyes. (Alshikh, *Devarim* 6:18)

**The Specifics**

 To understand the parameters and significance of “the right and the good in God’s eyes,” we must identify exactly what defines *ha-yashar* and *ha-tov*. What new exhortation can be included in this verse that is missing from the other sources? What is the specific contribution of this verse that cannot be deduced from any other commandment in the Torah?

Rashi (*ad loc*.) already tells us that this verse teaches one to go above and beyond explicit responsibility:

“The right and the good” –this implies a compromise beyond the letter of the law.

In essence, Rashi seems to view it as a general injunction related to what we discussed in last week’s lesson. Going above and beyond the minimalistic legal requirements is advised if not mandated by the Torah. This is “the right and the good” in God’s eyes.

However, the Talmud (*Bava Metzia* 108) also gives this clause a specific meaning, regarding what is known as “the rule of the neighbor.” This law gives precedence to a neighbor when a landowner sells his property. The Talmud even states that if someone else purchases the property before the neighbor has a chance to buy it, then the courts can undo the sale and allow the neighbor to buy it. Why is this so? “Because,” the Talmud explains, “it says: ‘And do the right and the good in God’s eyes.’”

Furthermore, the Talmud (*Bava Metzia* 16b) applies this verse to another law. The Rambam codifies it in *Hilkhot Malveh Ve-loveh* 22:16:

When the court evaluates and expropriates a property for a creditor — whether from property in the creditor's possession or property that was in the possession of a purchaser — and afterwards, the borrower, the person from whom the property was expropriated, or their heirs, acquires financial resources and pays the creditor his money, the creditor is removed from that landed property. For property that was evaluated and expropriated should always be returned to its owners, as mandated by the charge: "And do the right and the good."

The Rambam concludes *Hilkhot* S*hekheinim* (Laws of Neighbors, 12:5) by explaining the first law:

Even when a person sells property which he owns to another person, his colleague, the owner of the property neighboring his, has the right to pay the purchase price to the buy and remove him from his purchase. The purchaser who comes from afar is considered as the agent of the neighbor. This applies whether the original owner's agent conducted the sale, or whether the property was sold by the court, the privilege of a neighbor is granted. Even if the purchaser was a Torah scholar, a non-immediate neighbor and a relative of the seller, while the neighbor was an unlearned learned person with no family connections to the seller, the neighbor receives priority and may remove the purchaser. This practice stems from the charge: “And do the right and the good." Our Sages said: "Since the sale is fundamentally the same, it is right and good that the property should be acquired by the neighbor, instead of the person living further away."

**The Principle of the Torah**

However, a number of commentators see in these verses not only a general call to be the right and the good, but a description of the overall message that the *mitzvot* of the Torah seek to inculcate in the Jew. The essential elements of the Torah, the blueprint of creation, enable us to take our natural tendencies and elevate them. God, the creator of mankind in His image, chooses a nation to receive the Torah as the guidebook for ethical behavior. The Ramban, in his commentary to this verse, explains this clearly:

Our rabbis expound this verse beautifully. They have said that this refers to compromise and going beyond the letter of the law. The intent of this is as follows: at first, it states that one is to keep His decrees and His testimonies which He commanded; now, it states that even where He has not commanded anything, one must give thought, as well, to do what is good and right in His eyes, for He loves the good and the right.

Now, this is a great principle, for it is impossible to mention in the Torah all aspects of man's conduct with his neighbors and friends, and all his various transactions, and the ordinances of all societies and countries. But since it mentions many of them – such as, "You shall not go up and down as a talebearer" (*Vayikra* 19:16); "You shall not take vengeance, nor bear any grudge" (*ibid.* v. 18); "Neither shall you stand idly by the blood of your neighbor" (*ibid.* v. 16); "You shall not curse the deaf" (*ibid.* v. 15); "You shall rise up before the hoary head" (*ibid.* v. 32) and the like – it comes back to state in a general way that, in all matters, one should do what is good and right, including even compromise and going beyond the requirements of the law.

Other examples are “the rule of the neighbor” and their statement that one's youthful reputation should be unblemished and one's conversation with people pleasant (*Yoma* 86a). This must be true in every form of activity, until one is worthy of being called "good and right."

 The Ramban’s formulation here demonstrates his understanding that the Torah guides us not only in action, but in spirit. This conviction of the Ramban is expressed elsewhere in his commentary as well. Most famous, is his commentary to *Vayikra* 19:2, “You shall be holy because I, Lord your God, am holy.” The Ramban explains that the implications of the verse are that even one who fulfills all the verses of the Torah is liable to be short of holiness. One who seeks to live by the letter of the law and find legal loopholes will actually become a fool (*naval*) by authorization of the Torah.

A person can keep the letter of the Torah and yet violate its spirit. The Torah does not detail every event and situation that could possibly arise, not out of a lack of ability, but because its goal is to allow the commandments to serve as the guidebook for what God really wants. Putting the two comments of the Ramban together, it becomes apparent that within one’s relationship with God, the Torah commands one to view the big picture, to be holy. The commandment to be holy is between man and God, while doing the right and the good is to inject the spirit of the law into the actions between man and man.

 Rav Simcha Zissel Broide, *Rosh Yeshiva* of Yeshivat Chevron, explains the words of the Ramban.

“And do the right and the good” is not a specific mitzva but a general mitzva: to delve deeply into the understanding of *mitzvot* and the reasons behind them; to comprehend and contemplate and appreciate, through the *mitzvot* that we are commanded to perform, also those obligations that are not explicit. We must develop an understanding of what is really God’s desire from us, and what is good and right in His eyes. (*Sam Derekh*, *Ha-yashar ve-hatov*, Introduction)

The Maggid Mishneh (*Hilkhot Shekheinim 14:5*) explains the parameters of this mitzva along the lines of the Ramban:

Similarly, regarding the verse, "And do the right and the good," this means that a person should conduct himself with other people in a good and right manner. It would have been unbefitting to command the particulars, for while the Torah's *mitzvot* apply at all times and in every hour and in all circumstances, so a person must perforce perform them, man's traits and conduct vary in accordance with the hour and the personalities involved. The Sages, of blessed memory, recorded a few helpful particulars which fall under these general rules, some of which they made the equivalent of absolute *din*, while other apply *ab initio* and by the way of *chasidut.* All, however, were ordained by the Sages.

The fact that proper conduct varies according to the circumstances and according to the individuals involved in a particular case demonstrates the importance of applying the principles of the Torah to the situations at hand. Only carefully studying the laws and understanding that the overriding principle of ethical conduct is doing “the right and the good” can enable us to translate the Torah’s message of ethical behavior into practice.

Rav Yeshayahu Shapiro, known as the *Admor He-chalutz* (d. 1942) expresses eloquently the overriding principles which stem from the obligation to “be holy” and to do “the right and the good.”

The injunction “You shall be holy” implies that the letter of the law must not be strictly adhered to; rather, as the Ramban phrases it, “One should follow the intention of the Torah.” Whoever wishes to achieve a perfect observance of the Torah cannot be satisfied with adhering to its explicit rulings. He must penetrate deeper in order to arrive at the ultimate aim of these rulings. He must not only think of that which is good and right in his own eyes but that which is “the right and the good in God’s eyes.” It would seem that the latter injunction added by the Torah to its list of rulings is superfluous since all the divine precepts are designed to show mankind the correct way of living. However, there are many things which are permitted by the letter of the law and are only forbidden from because of the requirement to “[d]o the right and good in God’s eyes.” Regarding the seizing of property for a debt, our Rabbis stated that the law does not demand the return of such property, but it is to be returned in accordance with the injunction of “Do the right…” This special injunction demonstrates that Judaism is not satisfied with limiting active evildoing; it aspires to eradicate potential evil from the soul of man. (Quoted by Nechama Leibowitz, *Parashat Vaetchanan*)

**Balancing the Law and its Spirit**

The question which remains is the following: to what degree does the spirit of the law prevail? At what point is one to glean from the Torah that one must go beyond the letter of the law and provide more? Secondly, can one violate a prohibition forbidden by the letter of the law if doing so will allow one to uphold the spirit of the law?

Rav S. R. Hirsch begins his commentary on this verse by explaining the difference between *yashar* and *tov*: *yashar* is that which fits with one’s essence; *tov* is that which is in line with God’s purpose in creating the world. He goes on to declare that this verse is the guiding principle for our interpersonal behavior, the Torah’s announcement that it is insufficient to fulfill the dictates of justice and the requirements incumbent on man; we must live on the principles of seeking the *yashar* and the *tov* derived from the Torah. Included within this is the willingness to give up on that which is rightfully ours when it is much smaller than the benefit to others.

Our conduct is to be guided by the standard of “the right and the good in God’s eyes.” Our Sages interpret this statement as a principle that explicates the Torah’s requirements regarding our social behavior. It is not sufficient to fulfill the requirements of justice and duty explicitly set forth in the Torah; rather, we are to conduct ourselves according to the general idea of “the right and the good,” as derived from the Torah’s laws.

Thus far, Rav Hirsch merely eloquently expresses the guidelines endorsed by other commentators as well. However, he continues to provide practical expressions of this principle.

This principle teaches us that we are to forgo a right to which we are legally entitled to if the advantage we would gain from claiming that right is relatively small compared to the advantage the other party would gain if we were to waive our claim.

Rav Hirsch goes on to describe that this is the common denominator of the various laws learnt from this verse. For instance, the right of a neighbor to have first dibs on buying a field is based on the idea that the field provides more benefit for him than for any other purchaser. If he were to acquire it, then he would be enlarging his field, and he would save on expenses and the like. It is “*tov*” to allow him to gain more, whereas the right of anyone else to buy the property pales in comparison to the gain he will achieve by purchasing it.

Rav Hirsch continues by providing specific meanings for the terms “*tov*” and “*yashar”*.

Perhaps “Do the right and the good” can be interpreted as follows: the *tov* adds something to the *yashar* and modifies its performance. In doing so, the *yashar* takes into consideration the higher t*ov*. The *yashar* is what one is entitled to by right, free from wrongdoing. The *tov* is any positive purpose the advancement of which is in accord with God’s will. This then is the tenet that is stated here. Even if you are legally entitled to something, forgo it for the sake of a higher, positive, and good purpose. Forgo your undisputed right out of consideration of another person’s welfare. In cases of compromise, the litigant sacrifices some of his legal rights for the sake of peace. The *tov* that modifies the performance of the *yashar* is, in the former cases, brotherly love, and in the latter case, love of peace.

In *Devarim* 12:28, the Torah states the same message, but in the opposite order:

Listen with care to all these words that I command you, so that it will be good for you and for your children after you forever, for you will do the good and the right in Lord your God’s eyes.

Why is there a need for another verse? What is the significance of the difference in order? Rav Hirsch concludes his commentary to 6:18 by explaining.

Below, the wording is reversed. Accordingly, there the *yashar* modifies the performance of the *tov*: do good only in the right way. The end shall not justify the means; do not attempt to do good by crooked means.

Essentially, the second verse teaches us the following lesson: it is not enough to make sure that all of one’s *yashar* actions fulfill the dictates of the *tov* in God’s purpose for the world; one must also limit one’s *tov* based on the *yashar.* A righteous end does not justify corrupt means. Even the intention to advance the divine purpose does not provide a license for all activity aimed at achieving that goal.

**The Confluence of Spirit and Law**

Rav Aharon Lichtenstein deals with this issue in his seminal essay, “Does Jewish Tradition Recognize an Ethic Independent of Halakha?” One of the points that Rav Lichtenstein develops is that the Torah’s directive “Do the right and the good,” according to the Ramban’s understanding, includes within Halakha ethical principles which are not stated explicitly in its laws. As he writes:

If, however, we recognize that Halakhah is multiplanar and many-dimensional; that, properly conceived*,* it includes much more than is explicitly requiredor permitted by specific rules*,* we shall realize that the ethical moment we are seeking is itself an aspect of Halakhah. The demand, or, if you will, the impetus for transcending the *din* is itself part of the halakhic corpus. (Modern Jewish Ethics, p.70)

**Love of God**

In conclusion, the idea of looking more deeply into God’s commandments and contemplating God’s true desires is essentially a part of the Rambam’s description of the mitzva of loving God.

We are commanded to love God, that is to say, to dwell upon and contemplate His commandments, His injunctions, and His works, so that we may obtain a conception of Him, and in conceiving Him obtain absolute joy. This constitutes the love of God and is obligatory. As the Sifrei says: “It is stated, ‘Andyou shall love Lord your God’(*Devarim* 6:5). How is one to manifest his love for God? Scripture therefore says (*ibid*. v. 6): ‘And these words which I command you today shall be upon your heart,’” for through this [i.e. contemplation of God’s words] you will learn to discern Him by whose word the universe came into existence. (*Sefer Ha-mitzvot*, Positive Commandment 3)

If we succeed in allowing our love of God to push us to study the Torah, so that we may apply its values towards living a life based on the right and the good, then we will joyously be taking a great step towards eliminating the baseless hatred which destroyed our Temple.