

When Should a Winner be Persuaded to be Mevater?

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Question: In the previous segment, we said that there are times when Bais Din will urge a winning party to give in. In what type of cases would they encourage the winner to be *mevater*?

Answer: One example of a case where it is considered moral and correct to give in, is when we can apply the concept of "*lifnim mishuras hadin*", going beyond the letter of the law.

The Gemara says that Raba bar bar Chana once hired workers to transport a barrel of wine. The workers ended up dropping and breaking the barrel; therefore, Raba did not want to pay them and he wanted to charge them for the loss they caused him. He was told that although his claims were correct in *Din*, it would be proper for him to go *lifnim mishuras hadin* and forgo his claims against the workers, and even to pay them for the time they spent working.

Furthermore, the Gemara says that Yerushalaim was destroyed because the Jewish people went only according to the letter of the law and did not go *lifnim mishuras hadin*.

Accordingly, it is possible that one party is correct according to *Din* but it is still appropriate for them to be persuaded to give something to the other party *lifnim mishuras hadin* in order to reach a happy conclusion. Although no one can be forced to go *lifnim mishuras hadin*, people can be encouraged to do so and the Bais Din can explain to them why it is the right thing to do in some situations.