Driving Over the Speed Limit – Is it Ever Permitted?

Rabbi Dovid Grossman

Question: Whenever a certain person drives with his family, his wife insists that he drive exactly at the speed limit, since *dina d'malchusa dina,* and that is the law, even if no one else follows it. But his children respond that no one drives at the speed limit, everyone drives faster. Consequently, since another car may hit his car from behind, it could be dangerous not to drive faster than the speed limit. Who is right?

Answer: Clearly, there are different levels of speeding, some of which are much more dangerous than others. It is certainly *assur* to drive at speeds that are dangerous to oneself as well as to others, as that may constitute *sakanas nefashos* (danger to life). Moreover, Rav Eliashiv suggested that a driver who falls asleep at the wheel or is driving drunk could have the halachic status of a *rodef* (lit. pursuer, i.e., one whose actions may threaten the life of another), which would mean that neutralizing him would be considered acceptable behavior.

On the other side, in cases where it is dangerous to drive at speeds significantly lower than the speed limit (such as on a fast highway), this too may be *assur* due to *sakana*.

The exact speed limit that is permitted halachically is questionable, since the principle of *dina d'malchusa dina* only applies to laws that are generally accepted by the population. Thus, since people drive 5-10 miles over the speed limit regularly and do not get pulled over by the police and ticketed, it seems that such speeds would be halachically permitted.

Moreover, there may even be an unwritten law that police should not ticket drivers going up to 10 miles above the speed limit on any particular road. It is also not at all dangerous to drive at that speed since most roads can easily handle the higher speeds and it would not be considered a potential *sakana.*

However, *dina d'malchusa dina* would apply to driving at significantly higher speeds than the speed limit, even if driving at those speeds is not particularly dangerous. The reason is that speed limits were instituted for the betterment of society, which as was discussed in the previous sessions is one of the main criteria for being classified as a case of *dina d'malchusa dina.* Thus, driving at any speed that is higher than the general traffic patterns in that area such that the average driver would be nervous when encountering would seem to be *assur.*

Question: Is it permitted to drive 15-20 miles over the speed limit if all the other drivers are also driving at that speed? Would it be permitted to drive 90 miles per hour on the highway in the middle of the night when there are no other cars around?

Answer: It would seem that any speeds that are considered within reason (such as the first case) would be considered an acceptable speed and permitted. But speeds that are not usually considered acceptable would still be a problem, even if no other cars are present (such as the second case).