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**TALMUDIC METHODOLOGY**

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**Shiur #19: *Yohara***

Two *gemarot* in Shas describe an intriguing phenomenon known as *yohara.* Although the institution of *chumra* is a vital component of religious vigilance, it can present many dangers. One dangerous outcome of *chumra* is the issue of *yohara*, in which an individual adopts a *chumra* that Halakha or *minhag* has clearly rejected.

The first instance (*Berakhot* 17b) concerns a *chatan* who, although exempt from *shema* recital due to emotional stress, nonetheless is “*machmir*” upon himself and recites *shema*. A second situation concerns working on Tisha Be-Av. Although the *gemara* is quite stern in counseling against it, it was never actually PROHIBITED. As a result, different *minhagim* developed, and some cities never adopted the *minhag* to cease from work. The *gemara* in *Pesachim* (54b) claims that ceasing from work in a location in which this prohibition to work was never adopted, may constitute *yohara*.

These are the only two *gemarot* in *Shas* to raise the ACTUAL concern of *yohara.* (There are several *gemarot* which raise issues which MAY be related to *yohara.*)

Interestingly, the two *gemarot* present a double contradiction. Rabban Shimon ben Gamliel was sensitive to *yohara* for a *chatan* who unilaterally obligates himself to *kriyat shema*, but he was not worried about someone who adopts an *issur melakha* on Tisha Be-Av. In contrast, the Rabbanan were not sensitive to *yohara* regarding a *chatan* reciting *shema*, but they saw individual desistance from *melakha* as a *yohara* issue.

The gemara in Berakhot raises this double contradiction; among the several answers provided, it seems that R. Shisha's approach is the most revealing. He comments that Rashbag was only concerned about *yohara* regarding unnecessary *shema* recital because it is BLATANT and MANIFEST: everyone will witness this irregular behavior. In contrast, unnecessary ceasing from labor on Tisha Be-Av may easily be attributed to a range of other factors (such as the person’s current state of unemployment). Since this behavior is not obvious, no *yohara* concerns entail. R. Shisha clearly believed that Rabban Gamilel maintained that *yohara* is problematic as a public display of ARROGANCE. By adopting unique and non-conventional *chumrot*, a person puts himself and his piety on public display, and such arrogance and vanity is unacceptable. Where such conduct can be excused as or even confused with other issues, however, *yohara* is not an issue.

By contrast, when commenting on the apparent contradiction according to the Rabbanan, R. Shisha provides a very different set of conditions. Avoiding *melakha* on Tisha Be-Av DOES constitute *yohara* according to the Rabbanan, even though it is not outright arrogance, whereas a *chatan* reciting *shema* WOULD NOT violate *yohara*, since all ordinary people recite *shema*. Evidently, according to the Rabbanan, the public nature of *yohara* is not the primary determinant. Instead, *yohara* is gauged primarily by the halakhic nature of the added *chumra*. Reciting *shema* is not a *yohara* since the *chatan* isn’t ADDING or creating any new halakhic concept, but rather subscribing to an extant mitzva from which he is exempt. Since he hasn’t created new *mitzvot*, he hasn’t violated *yohara*. By contrast, a person who refrains from working on Tisha Be-Av HAS created an ENTIRELY new halakhic *chumra*, and he therefore violates *yohara* even if public perception isn’t affected.

According to R. Shisha, both Rashbag and the Rabbanan accepted the concept of *yohara*, but they differed about its definition. Rashbag defined it as a display of arrogance and was sensitive to situations in which the arrogance is clear-cut. By contrast, the Rabbanan defined *yohara* as a prohibition of adding elements to Halakha through the device of *chumra*. More important than the public nature of the act is the legal novelty of the adopted *chumra* - whether a person is performing a mitzva from which he was exempt (not a *yohara* issue) or fabricating an entirely new concept.

This contrast between two different models of *yohara* may explain the conspicuous absence of mention of *yohara in* two very interesting *gemarot* that sound *yohara*-like. The *gemara* in *Bava Kama* (81b) discusses a “social agreement” that Yehoshua instituted allowing pedestrians to walk on the borders of people's fields to avoid well known barriers placed in the public street. Every landowner is Israel adopted these measures, and passersby benefitted from the expedited form of travel. The *gemara* recounts a story in which Rebbi and his *talmid* R. Chiya were traveling and noticed a person walking through the street and hopping comically from barrier to barrier rather than taking advantage of the “agreement” which would have allowed him to walk calmly through neighboring fields. Rebbi was upset by this behavior which demonstrated arrogance in front of himself and R. Chiya, who were Rabbonim. R. Chiya pondered [from afar] that perhaps it was his student, R. Yehuda ben Knisa. When R. Chiya's assumption was verified and R. Yehuda ben Kenusa approached, Rebbi rebuked him, "If you were not Yehuda ben Kenusa, I would have excommunicated you."

This story seems like a perfect *yohara* situation. In fact, Rashi and the Meiri both assume that this conduct was, in theory, in violation of *yohara*. In fact, Rashi infers from this *gemara* that *yohara* only applies in very public displays, as in this case. Although the *Yam Shel Shlomo* differs, he also assumes that this story bordered upon *yohara*. If *yohara* is based on concerns of religious arrogance, this case would certainly qualify as *yohara*.

Yet the *gemara* does not mention *yohara* specifically, suggesting that this issue may be unrelated. Additionally, there as several indicators that a non-*yohara* concern is at stake. First, Rebbi was specifically annoyed that this public display occurred in the presence of rabbis, whereas *yohara* proper is equally forbidden if performed in the presence of laymen. If the problem concerned *yohara*, why did Rebbi note the presence of Rabbis? Additionally, why was this person ultimately excused because he was a known *talmid* of R. Chiya? Again, presumably *yohara* is problematic even when performed for sincere intent. Finally, why did Rebbi consider the punishment of excommunication in this case? There is no precedent for applying this penalty in cases of *yohara*. All these factors suggest that *yohara* is not operative in this *gemara*.

If we assume that *yohara* stems not from the display of arrogance but rather from the fabrication of neo-halakhic behavior, this situation would not qualify as *yohara*. The allowance to tread upon other people's fields was part of a broad social contract that Yehoshua institutionalized. Choosing not to enjoy those benefits has nothing to do with Halakha; this is a non-halakhic issue. Adding an *issur* to Tisha Be-Av or even adding a mitzva of *shema* from which a person is exempt would entail halakhic reconfiguration and potential *yohara* issues. Declining a public benefit, however, has little to do with halakhic landscaping.

If this is true and the operative factor in *Bava Kama* is not *yohara*, Rebbi’s concerns may instead revolve around the issue of *kavod rabbanim/Torah*. As Rebbe himself said, he was opposed to the promotion of “self” in the presence of torah leaders. This deviation may very well mandate excommunication – as does all insult to *talmidei* *chakhamim*. Furthermore, the fact that R. Yehuda ben Knisa was HIMSELF a *talmid chakham* may have mitigated the punishment.

To summarize, it is altogether feasible that the concern in *Bava Kama* was unrelated to *yohara* and therefore was governed by *halakhot* which do not apply to *yohara*. In particular, if *yohara* constitutes extending the halakhic system, it would not apply in *Bava Kama* in a situation of non-implementation of socio-economic rights.

A second *gemara* that may sound similar to *yohara* but which may not be is a *gemara* in *Ta’anit* (10a). The *mishna* describes the early stages of a potential famine and the preliminary fasts that are conducted. If rain has not arrived by the 17th of *Cheshvan*, initial fasts are implemented for “special” individuals. The *gemara* elaborates that *talmidei chakhamim* are the “special individuals” who adopt these early fasts. R. Meir bans common folk from participation, whereas R. Yossi allows it. Presumably, R. Meir’s objection was based upon *yohara* – a common person accepting fasts typically reserved for scholars would be projecting *yohara*. R. Yossi justifies his allowance by claiming that anything which entails “*tza’ar*” or suffering would not be problematic.

Despite the initial sense that *yohara* concerns influence R. Meir’s restrictions, it may not be so obvious. Again, if *yohara* is problematic because of the display of arrogance, this case would be a prime example. By adopting a fast normally reserved for a *talmid chakham*, a common person is broadcasting presumed erudition. However if *yohara* were based upon extending Halakha to new categories, we may not apply *yohara* to adding a fast day. The mechanism of a fast day in response to either general or personal crisis is a well-established method of *teshuva* and adopting a fast cannot be considered “adding” to the halakhic system. Furthermore, if *yohara* dictated R. Meir’s restriction, how could the presence of suffering relax the concern according to R. Yossi? We have no record or likely logic to explain the release of *yohara* concerns if the person endures suffering. If anything, perhaps the suffering conveys greater heroism, and therefore greater self-promotion.

Again, it is possible that this *gemara* has little to do with *yohara*, and for that reason does not mention it specifically. As previously noted, specifically if *yohara* entails introducing novel halakhic concepts, this case would not qualify as *yohara*, since it merely describes adding extant halachik conventions. Instead, R. Meir and R. Yossi merely address the internal dynamic of fast days. R. Meir was concerned with the possible inflation of fast days; if everyone fasts immediately, we forfeit potential responses to more severe situations, which demand more intense fasts. If we “pull out all stops” from the very beginning, we may very well be hamstringing future responses. Hence, the process is performed in stages, and commoners are not allowed to join the preliminary stages. R. Yossi, on the other hand, felt that in as much as fasts generate suffering and are implemented in response to challenges, they will naturally intensify even if everyone joins the initial stages. R. Meir and R. Yossi debated the inner psychology of fasts and human conduct, not the issue of *yohara*.

In summary, by defining *yohara* as displays of arrogance, we lend the category broad definition and would likely extend it even to *gemarot* that don’t explicitly mention it. By contrast, if we define *yohara* as extending the halakhic system to novel halakhic activities we may limit *yohara* to cases in which actual *halakhot* are innovated and practiced. The two *gemarot* that don’t mention *yohara* may be avoiding invoking this principle since it wouldn’t apply to social policy, nor would it apply to classic expressions of *teshuva*.