**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Topics in Hashkafa**

**Rav Assaf Bednarsh**

**Shiur #29: *Chumra***

Adapted by Leora Bednarsh

*Chumra* is defined as practicing Halakha in a fashion more stringent than absolutely necessary based on the Halakha. Why would anyone act in a way that is more stringent than necessary? What is the place of stringency in our halakhic practice? We find several justifications for *chumra* in the teachings of *Chazal*.

**Justification 1: Fear of Leading to a Transgression**

The first *mishna* in *Massekhet Avot* records the teaching of the Sages of the Great Assembly: "And make a fence around the Torah." The *mishna* teaches us that one should forbid even permissible actions in order to avoid situations prone to error or temptation, which might cause us to violate the actual halakha. The *gemara* utilizes this principle in a number of contexts, using the alternative formulation, "Go, go, we say to a *nazir*. Do not come close to the vineyard!"[[1]](#footnote-1)

Thus, one possible justification for being more stringent than necessary is in order to avoid violating the baseline halakha. If one knows that engaging in a certain activity creates a risk of leading to a transgression, then one should certainly be *machmir* and avoid that activity.

**Justification 2: Taking into Account a More Stringent Halachic Opinion**

Most *chumra*s practiced nowadays, however, are based not upon the aforementioned *mishna*, but on a *gemara* in *Massekhet Shabbat* (61a):

As R. Yocḥanan said: Just as one dons phylacteries, so too, one puts on shoes. Just as phylacteries are placed on the left arm, so too, when putting on shoes one begins with the left foot. An objection [to R. Yochanan’s opinion based on a *baraita*]: When one puts on his shoes, he puts on the right shoe first and afterward puts on the left shoe. R. Yosef said: Now that it was taught [in a *baraita*] in this manner and R. Yochanan stated [the halakha] in that manner, one who acted this way acted properly, and one who acted that way acted properly [as each custom has a basis]… R. Nachman bar Yitzchak said: And one who fears Heaven fulfills both opinions. And who is this [God-fearing person]? Mar son of Rabbana. How does he conduct himself? He puts on his right shoe and does not tie the laces. And then he puts on his left shoe and ties it, and then afterward ties the laces of his right shoe. R. Ashi said: I saw that R. Kahana was not particular with regard to the order in which he put on his shoes.

Neither R. Kahana nor R. Yosef was particular about the order of putting on shoes. This follows the standard halakhic methodology; either option fulfills one of the two opinions, and we are not dealing with a severe transgression that might require us to rule strictly in cases of doubt. Nonetheless, the God-fearing Mar son of Rabbana was strict with himself and took pains to ensure that he was safe from any possibility of even the slightest transgression.

Similarly, the *gemara* in *Massekhet Chullin* (44b) derives from a verse in *Yechezkel* (4:14) that a righteous person would not eat the meat of an animal if a doubt arose regarding its permissibility and it was ruled kosher by the judgment of a rabbi. Although the rabbi ruled leniently and the meat is therefore halakhically permissible, a righteous person would suspect that perhaps the rabbi's ruling was in error, and therefore refrain from eating a food that carried with it even the slightest possibility of transgression.

We see from these two sources that it is considered praiseworthy to be more stringent than necessary as an expression of *yirat shamayim*, fear of Heaven. Although the halakha might rule leniently in a doubtful case, *chumra* is encouraged in order to avoid even the possibility of sin.

**Justification 3: Enhanced Fulfillment of a Commandment**

A third justification for *chumra* is found in the *mishna* in *Massekhet* *Sukka* (26a-26b):

*Mishna*: One may eat and drink in the framework of a casual meal outside the *sukka*… An incident occurred in which they brought a cooked dish to Rabban Yoḥanan ben Zakkai for him to taste, and to Rabban Gamliel they brought two dates and a bucket of water. And they each said: Take them up to the *sukka* and we will eat them there. [In contrast,] when they gave R. Tzadok less than an egg-bulk of food, he took the food in a cloth for cleanliness [he did not wash his hands, because in his opinion, one is not required to wash his hands before eating less than an egg-bulk]. And he ate it outside the *sukka* and did not recite a blessing after eating it.

GEMARA: [Is the *mishna* citing] an incident to contradict [the halakha cited in the previous *mishna* that one may eat or drink in the context of a casual meal outside the *sukka*]? [The incident involving Rabban Yoḥanan ben Zakkai and Rabban Gamliel indicates that one may eat nothing outside the *sukka*. The *gemara* answers:] The *mishna* is incomplete [as it is lacking a significant element], and it teaches the following: If one seeks to impose a stringency upon himself and eat nothing outside the *sukka*, he may be stringent, and there is no element of presumptuousness [in adopting that stringency]. And there was also an incident supporting that ruling: They brought a cooked dish to Rabban Yoḥanan ben Zakkai for him to taste, and to Rabban Gamliel they brought two dates and a bucket of water and they each said: Take them up to the *sukka* and we will eat them there.

Rabban Yochanan Ben Zakai and Rabban Gamliel acted strictly and entered the *sukka* even for a small snack, and this is understood as granting universal legitimacy to the *chumra* of eating even the smallest snack in the *sukka*. This *chumra* was undertaken not out of fear that eating outside of the *sukka* might constitute a transgression, which it clearly does not, nor even out of fear that it may lead to a transgression, but rather for a positive reason. Although one is not obligated to snack in the *sukka*, doing do constitutes an additional fulfillment of the *mitzva* of living in the *sukka*. These Rabbis were *machmir* in order to enhance their performance of the *mitzva* of *sukka*, out of a desire to maximize their service of God.

**Justification 4: Fulfillment of the Spirit of the Law**

A fourth justification for *chumra*, somewhat similar to the third, is found as a general theme in the commentary of Ramban to the Torah. Ramban points out in several places[[2]](#footnote-2) that the Torah includes both specific commandments and general directives, because specific technical commandments and prohibitions can always be skirted while violating the spirit of the law. A clever person could technically fulfill of all the interpersonal commandments, and yet be a cruel and selfish person. He could keep all the laws of Shabbat, and yet make it a day of work, and he could refrain from those actions that are ritually prohibited and nonetheless lead a hedonistic and profane lifestyle. Therefore, the Torah commands us to be holy and not only refrain from ritually prohibited activities, to be straight and good and not only refrain from theft and similar sins, and to rest on Shabbat and not only refrain from the enumerated prohibited labors.

While the commandment to follow the spirit of the law is binding and not merely a *chumra*, the implementation of these directives can be classified as *chumra* in a certain sense, for they require each individual, based on his or her unique circumstance, to refrain from activities that might be technically permissible, and even appropriate, in different circumstances.[[3]](#footnote-3)

We can conclude, then, that the phenomenon of *chumra* is firmly rooted in the halakhic tradition. It is appropriate to be *machmir* in order to avoid situations of temptation, in order to fulfill the spirit of the law or enhance a *mitzva*, and to avoid a doubtful act that entails the possibly of transgression, even if the halakhic process rules it permissible.

It is worth noting that even though *chumra* is viewed as righteous and praiseworthy, is not necessarily required, even for great Torah sages, as R. Kahana was not strict regarding donning his shoes and R. Tzadok was not strict regarding the observance of the *mitzva* of *sukka*.[[4]](#footnote-4) However, such *chumra*s are certainly a valid and praiseworthy expression of the fear and love of God when undertaken by one who feels inspired to do so.

***Chumra*: Foolish or Pious?**

Now that we have established a firm basis for the practice of *chumra*, it is surprising to encounter a ruling in the Shulchan Arukh that seems to delegitimize this very practice. The Shulchan Arukh (*Orach Chaim* 639:7) rules that one who is exempt from the *mitzva* of *sukka,* and remains in the *sukka* nonetheless, receives no heavenly reward for his *chumra* and is instead branded a fool. The Magen Avraham (*Orach Chaim* 472:6) rules similarly with regard to one who is exempt from the obligation to recline at the *seder* table and does so nonetheless, and points to the source of this ruling in the Talmud Yerushalmi, which states that anyone who is exempt from something and does it nonetheless is branded a fool.[[5]](#footnote-5) The Magen Avraham points out, however, that this statement cannot be taken literally, as we practice many *chumrot* that are considered appropriate and even praiseworthy. The Talmud Yerushalmi must have been referring to a specific subset of *chumrot* that are inappropriate and counterproductive. Unfortunately, the Magen Avraham does not define the nature of those *chumrot* which are considered foolish as opposed to pious.

Several explanations have been offered for this perplexing ruling of the Talmud Yerushalmi.

**Problem 1*:* Inventing a New Religion**

R. Menachem Ha-Meiri explains that the Yerushalmi is referring to a case of one who is *machmir* in a fashion that does not entail any spiritual accomplishment, as the *chumra* does not entail fulfillment of any *mitzva*, nor does it spur intellectual or ethical development.[[6]](#footnote-6) One who invents an unnecessary act of worship that brings no halakhic or ethical benefit certainly deserves to be branded a fool. While his intention may be sincere, he is inventing a new religion instead of enhancing his performance of Judaism.

**Problem 2*:* Violation of Another Halakha**

While the Meiri interpreted the criticism of the Yerushalmi as directed against one whose *chumra* has no positive substance, most commentators understand that the Yerushalmi is criticizing one whose *chumra* might contain positive content but also has negative ramifications that outweigh its benefit. The Shevut Yaakov[[7]](#footnote-7) suggests that this principle is quoted by Shulchan Arukh specifically with regard to one who sits in the *sukka* in the rain because although such a person is enhancing his fulfillment of the *mitzva* of *sukka*, he is violating the positive commandment of rejoicing on the holiday, as well as the Torah principle of “its ways are ways of pleasantness.”[[8]](#footnote-8) Additionally, the Shevut Yaakov quotes the *mishna* that compares rainfall on Sukkot to a servant who prepared a cup for the king and the king threw it back in his face. When God brings rain on Sukkot, this constitutes an explicit rejection of our *mitzva* of sitting in the *sukka*, and therefore one who continues to sit in the *sukka* in defiance of this clear message is showing disrespect to the King of kings.

The principle of the matter, according to the Shevut Yaakov, is easily generalizable. Whenever acting stringently regarding one halakha entails a violation of another halakha, such a *chumra* is clearly counterproductive, and we can justifiably attribute foolishness to one who practices it.

**Problem 3*:* Arrogance**

If we examine this quotation in its original context in the Talmud Yerushalmi, we find that the Yerushalmi is indeed criticizing one whose *chumra* constitutes a violation of some other halakhic value. However, the competing halakhic value lies not in the realm of *bein adam la-makom*, *mitzvot* between man and God, but rather in the realm of *bein adam le-chaveiro*, between man and his fellow man.

The Yerushalmi introduces this principle towards the end of an intricate discussion of the prohibition of showing off one's religiosity. The Yerushalmi analyzes a dispute regarding the permissibility of being *machmir* in a way that publicizes one's extraordinary piety, distinguishing between *chumra* that involves self-sacrifice and that which merely garners praise, and between an established sage or communal leader and an average citizen. In the course of this discussion, the Yerushalmi records a story:

Said R. Zeira: [A disciple of the sages may follow a course of action that will entail for him pain] only if he does not cause others ridicule. [The following story illustrates this:] Once R. Meyasha [var: Yasa] and R. Shmuel bar R. Yitzchakwere sitting and eating in one of the upstairs synagogues, and it came time to pray. R. Shmuel bar R. Yitzchak got up and prayed [interrupting his meal]. R. Meyasha said to him: Did not Rabbi teach, “If they started [eating], they do not interrupt [to pray]”? And [did not] Chezekiah teach: |Anyone who is exempt from an obligation and performs it is called a simpleton?”[[9]](#footnote-9)

R. Meyasha's criticism of R. Shmuel bar R. Yitzchak was not merely that he engaged in practice of *chumra*, but that he did so in a way that could be taken as insulting to his colleagues and could be misunderstood as an expression of arrogance and religious superiority.

The Talmud Bavli likewise views it as axiomatic that it is forbidden to engage in the practice of *chumra* if such practice would give the appearance of arrogance, although the details of this prohibition are subject to debate. In two places in the Mishna, Rabban Shimon Gamliel and the Sages debate whether it is permitted to practice a particular *chumra*. They argue in *Massekhet Berakhot* (16b) about the permissibility of a bridegroom, who is exempt from the obligation of reciting the *Shema*, following the practice of Rabban Gamliel, who recited the *Shema* on his wedding night. In *Massekhet* *Pesachim* (54b), they argue about the permissibility of an unlearned Jew taking off from work on Tisha B'Av, as was the custom of Torah scholars.

The *gemara* concludes that fundamentally, everyone agrees that one may not engage in *chumra* that could appear to be an expression of arrogance. The debates relate only the details of such a prohibition. At a wedding, if all of the guests recite the *Shema* and the bridegroom recites with them, he may seem arrogant because he is reciting the *Shema* in circumstances in which other bridegrooms did not, but perhaps he does not appear arrogant, because he is acting like everyone else at the wedding. With regard to Tisha B'Av, perhaps it is arrogant for an unlearned Jew to abandon his work and act as if he is capable of spending an entire day contemplating the loss of the Temple. On the other hand, perhaps the viewer would assume that it was a slow day at the office and he took off because there was no work available.

It is clear, though, that *Chazal* were very concerned that one not abuse the concept of *chumra* in order to demonstrate religious superiority. Not only that, but even a sincere person may not act in a way that could be misunderstood as an expression of arrogance, and thus cause social discord or engender cynicism about religious practice.

**Other Potential Problems**

We find other contexts as well in which *Chazal* were sensitive to the *bein adam le-chaveiro*dangers that could arise from the practice of *chumra*. A trivial example is found in the *gemara* in *Massekhet Sota* (21a). The *mishna* there states that a “foolish pietist” causes destruction of the world. The *gemara* illustrates the meaning of a foolish pietist by portraying a man who sees a woman drowning in the river but refrains from saving her because it is improper to look at women. This is an obvious example of *chumra* gone wrong.

A more subtle application is found in the Tosefta (*Ta'anit* 2:12), which states that one is not permitted to afflict himself with excessive fasting, lest he ruin his health and be unable to work, and thus become a burden on the community. We learn from here that *chumra* is encouraged at the cost of one's own financial resources, but not if it would lead to taxing the resources of others.

In fact, from the very beginning of Judaism, we are taught that one should not engage in *chumra* at the expense of others. Avraham Avinu, after conquering the four kings and thus acquiring all the booty they had taken from the five kings in accordance with contemporary laws of warfare, decided to be *machmir*:

Then the king of Sodom said to Avraham, “Give me the persons, and take the possessions for yourself.” But Avraham said to the king of Sodom, “I swear to the Lord, God Most High, Creator of heaven and earth: I will not take so much as a thread or a sandal strap of what is yours; you shall not say, ‘It is I who made Avraham rich.’ For me, nothing but what my servants have used up; as for the share of the men who went with me—Aner, Eshkol, and Mamre—let them take their share.” (*Bereishit* 14:21-24)

Avraham was stringent and refused to keep the booty of Sodom. But he knew that his *chumra* would exert social pressure on his gentile allies, who had every right to their share in the spoils of war and would be pressured to give up their shares in order not to appear less upright than Avraham. Avraham was unwilling to exert pressure on others to be stringent if they did not sincerely want to do so of their own volition, and he therefore explicitly stipulated that he was stringent only on his own behalf, but not for others. This established a precedent of pious Jews being *machmir* at their own expense, but being careful not to thereby cause harm or inconvenience to others.

We have seen several criticisms of the inappropriate practice of *chumra*. Meiri criticized *chumra* devoid of halakhic significance or ethical improvement. Shevut Yaakov criticized *chumra* at the expense of our respect for God, for His *mitzvot*, or for general Torah principles. And many sources criticized *chumra* that comes at the expense of others, whether it impinges on their lives, their livelihood, or their feelings. Clearly the practice of *chumra*, while praiseworthy, requires intelligence and judgment, in order to ensure that its benefit is not outweighed by insensitivity to other Torah values.

1. *Shabbat* 14a, *Pesachim* 40b, *Yevamot* 46a, *Bava Metzia* 92a, *Avoda Zara* 17a, 58b-59a. A *nazir* is forbidden by Torah law to consume grapes, and thus must distance himself from the vineyard in order to avoid temptation. [↑](#footnote-ref-1)
2. Commentary to *Vayikra* 19:2, *Vayikra* 23:24, *Devarim* 6:18. [↑](#footnote-ref-2)
3. Additionally, it is likely that within these *mitzvot*, according to Ramban, is included both an absolute obligation to keep the spirit of the law and encouragement to be *machmir* and live up to more idealized version of the spirit of the law, which the Ramban calls *perishut*. R. Lichtenstein discusses this issue in *Leaves of Faith*, vol. 2, pp. 38-52. See also R. Daniel Schreiber’s analysis of this issue in *Tradition* 44:1 (<http://traditionarchive.org/news/_pdfs/0031-0052.pdf> ). [↑](#footnote-ref-3)
4. It seems from the passage in *Massekhet Chullin*, however, that every sage is expected to be *machmir* and avoid doubtful items that were permitted solely by the subjective judgment of the local Rabbi. [↑](#footnote-ref-4)
5. Talmud Yerushalmi *Berakhot* 2:5, *Shabbat* 1:2. [↑](#footnote-ref-5)
6. *Beit Ha-Bechira*, *Bava Kama* 87a. He quotes the passage from the Talmud Yerushalmi in the name of the *midrash*. [↑](#footnote-ref-6)
7. Responsa Shevut Yaakov 3:45, quoted in Shaarei Teshuva to Shulchan Arukh, *Orach Chaim* 639:5. [↑](#footnote-ref-7)
8. *Mishlei* 3:17. See *Sukka* 32a, *Yevamot* 15a, *Yevamot* 87b. [↑](#footnote-ref-8)
9. Talmud Yerushalmi, *Berakhot* 2:5 and *Shabbat* 1:2. See further in this passage for R. Shmuel bar R. Yitzchak’s defense of his practice. [↑](#footnote-ref-9)