**YESHIVAT HAR ETZION**

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

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**Topics in Hashkafa**

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**Shiur #30: *Chumra*** (part 2)

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 In the [previous shiur](https://www.etzion.org.il/en/shiur-29-chumra), we elucidated the benefits and dangers of the practice of *chumra* (stringency). We concluded that *chumra* is a commendable way to enhance one's service of God, but at the same time one must be wary of possible detrimental side effects, particularly in the realm of *bein adam le-chaveiro* (between man and his fellow man).

How, then, are we supposed to negotiate a world in which some people are more stringent and others more lenient, without impugning either the legitimacy of those who are *machmir* (stringent) or the religiosity of those who are *meikil* (lenient)?

The *gemara* grapples with this issue, not in the context of personal *chumra*, but rather in the context of communal *chumra*. When an entire community decides to be *machmir*, this creates a *minhag* (custom). A *minhag* is defined as a practice that is binding upon the residents of a certain locality because they or their ancestors accepted it upon themselves. The *mishna* discusses what to do in case of a clash between two customs, one more *machmir* and the other more *meikil*:

In a place where the people were accustomed to perform labor on Passover eve until midday, one may do so on that day. In a place where the people were accustomed not to perform labor, one may not do so. The performance of labor on the eve of Passover is not prohibited by Torah law, but is dependent on local custom. If one travels from a place where people perform labor on Passover eve to a place where people do not perform labor, or from a place where people do not perform labor on Passover eve to a place where people perform labor, the Sages impose upon him the stringencies of both the place from which he left and the stringencies of the place to which he went. In both cases, he may not perform labor. The Sages stated a principle: And a person may not deviate from the local custom, due to potential dispute. (*Pesachim* 50a-50b)

The *gemara* (51b) analyzes an apparent contradiction between two lines of this *mishna*. The *mishna* rules that a traveler must follow the stricter of the two customs of his hometown and of the place in which he finds himself. On the other hand, the *mishna* states that one should never deviate from local custom, in order to avoid strife. If one travels from a location where the custom is to be lenient to a location where the custom is to be stringent, this presents no contradiction; he acts stringently, which fulfills both the stricter of the two customs and the directive not to deviate from the custom of the place in which he finds himself. If, however, one is accustomed at home to be stringent and travels to a place whose residents are lenient, the *mishna* seems to contradict itself. On the one hand, he should act stringently, as he should follow the stricter of the two customs; on the other, he is bidden to be lenient so as not to deviate from the local custom.

The *gemara* records a dispute between Abaye and Rava as to the resolution of this contradiction:

Granted, in the case of one who travels from a place where people perform labor to a place where they do not perform labor, the Sages impose upon him the stringencies of the place to which he went, and a person should not deviate [from the standard practice in that place] due to [potential] dispute, and he should not perform labor. However, if one traveled from a place where people do not perform labor to a place where they do perform labor, is the ruling there too that a person should not deviate from the standard practice in that place due to conflict, and he should perform labor? Did you not say: The Sages impose upon him the stringencies of the place to which he went and the stringencies of the place from which he left? [He should not perform any labor.] Abaye said: It [the principle that one should not deviate due to potential dispute] is referring to the first clause [– that one who arrives at a place where people do not perform labor adopts the local stringency]. Rava said: It is possible to say that it [this *halakha*] is also referring to the latter clause of the *mishna*, and this is what it is saying: This [refraining from labor] does not constitute a deviation that causes dispute. What are you saying? Is it not so that one who sees him will say that he is not working because [he believes that] performing labor is prohibited, contrary to local practice? [That is unlikely, as when people see him inactive that will not be their assumption. Instead] they will say: How many idle people there are in the market every day [who do not work]!

Abaye holds that the overriding principle is to follow whichever custom is more stringent. If at times that requires deviating from local custom, then one must deviate from local custom. Rava, however, assumes that the overriding principle is not to deviate from local custom, in order to avoid strife. After all, if a guest arrives in town and acts differently than the residents, whether he is stringent or lenient, his behavior could offend the sensibilities of the local populace and lead to resentment and strife. If so, how can the *mishna* say that one should follow the stricter of the two customs, if in fact he is always bidden to follow the custom of the locale in which he finds himself? Rava explains that when it comes to not working on the day beforePesach, one can be stringent in contradiction to local custom without visibly violating that custom. If one does not work, the onlooker will assume that one merely has no work to do, and not that one is practicing a different custom.

According to this logic, what if there is an unavoidable clash? What if one is accustomed at home to be stringent in a certain matter, and he travels to a place where they are lenient, and acting stringently would be noticeable and might engender resentment? Should one maintain his own stringent practice, or should one compromise his standards in order to fit in with the local custom? Rava clearly implies that in such a case, the overriding principle is not to deviate from the local custom. This is stated explicitly by the Rosh (*Pesachim* 4:4), who rules that if following one's usual stringent custom would be noticeable and could engender resentment, one should compromise his standards and act leniently together with the people amongst whom he finds himself. Since we are not dealing with a Torah prohibition but with a custom or a *chumra*, it is better to compromise that *chumra* in order to avoid even the slight possibility of strife between Jews. This is because, in the words of the Rosh, “*gadol ha-shalom*” – great is the value of peace from a Torah perspective. This *halakha* is codified by the Rema in the *Shulchan Arukh*:

There are those who say that one who avoids non-Jewish bread and eats with others who do not avoid it is allowed to eat with them because of hatred and quarrel, because if he would not eat bread with them, which is the essence of the meal, they would come to hate him. And we do not expand this concept to other forbidden acts. (*Yoreh Deah* 112:15)

The Rema rules that one should compromise his religious standards and act in accordance with the custom of the people he eats with, because refusing to eat their bread might lead to resentment and hatred between Jews. The value of peace overrides the value of stringency. However, as we have seen, this ruling applies only when the clash is unavoidable. Therefore, the Rema concludes that this dispensation does not apply to other prohibitions. The Shach, in his commentary here, gives the example of one who is strict about avoiding butter made by non-Jews; he may not eat this butter even if he is eating with others who are lenient, because he can avoid the clash by claiming that he does not like butter on his bread. Only when the clash is unavoidable – as in the case of bread, which is the main part of the meal and is eaten by everyone – are the options either to compromise one's stringent standards or to possibly compromise brotherly relations between Jews, and in such a situation, one must prioritize the value of brotherhood.

We have seen that the value of peace requires one who is normally lenient to act stringently when visiting the turf of those who are stringent and one who normally acts stringently to act leniently when visiting those who are lenient if he cannot practice his stringency without causing offense. The Rema adds that the obligation of sensitivity towards the diverse practices of other Jews, while falling mainly upon the visitor who must be proactive in respecting the feelings of the local residents, falls also upon the host, who is bidden to accommodate the needs of his guest:

One who is accustomed to forbid a particular item, as he considers the law to be so or due to a stringency that he holds himself to, is permitted to eat with others who believe this to be permitted, as certainly they would not feed him something that he considers forbidden. (*Yoreh Deah* 119:7)

The Rema assumes that if one invites a guest and one knows that they are stringent and avoids certain foods, one should not – and therefore would not – serve the guest such foods. Therefore, if the guest knows that the host is aware of and sensitive to his personal practice, he can eat at the home of his host without asking any questions, because a good host would certainly not serve his guest anything that would make him uncomfortable.

The source of this *halakha* is the *gemara* at the end of the first chapter of *Masekhet Yevamot*:

Although Beit Hillel prohibit the rival wives to the brothers and Beit Shammai permit them, and although these disqualify these women and those deem them fit, Beit Shammai did not refrain from marrying women from Beit Hillel, nor did Beit Hillel refrain from marrying women from Beit Shammai. Furthermore, with regard to all of the disputes concerning the *halakhot* of ritual purity and impurity, where these rule that an article is ritually pure and those rule it ritually impure, they did not refrain from handling ritually pure objects each with the other, [as Beit Shammai and Beit Hillel frequently used each other’s vessels]… This serves to teach you that they practiced affection and camaraderie between them, to fulfill that which is stated: “Love truth and peace” (*Zekharia* 8:19). R. Shimon says: They did refrain in the certain cases, but they did not refrain in the uncertain cases… [The Gemara answers:] Do not say: In the uncertain cases [i.e., cases in which the *halakha* involved doubtful circumstances]. Rather, say: From the unspecified case. [In other words, barring clear knowledge of an uncertain betrothal within a specific family, they would take women from that family in marriage. The reason is that] Beit Shammai would notify Beit Hillel of the prohibition according to their opinion, and they would refrain from the marriage. [If there was no notification, this was a clear sign that no doubt was involved in this case at all.] But if so, what does this come to teach us? Is it that they had relations of affection and camaraderie between them [i.e., that each trusted that the other side would never cause them to err with regard to something they held to be prohibited]? This is the same as the first clause of the *baraita*. [What is R. Shimon adding by his statement?] This comes to teach us that the entire *baraita* is the opinion of R. Shimon. [This is not a dispute between two Sages. Rather, Rabbi Shimon’s opinion elucidates the earlier statement.] (*Yevamot* 13b – 14b)

According to the conclusion of the *gemara*, there is universal agreement regarding the reason that Beit Shammai and Beit Hillel did not refrain from eating in each other's homes or any other social contact: Whenever a member of one school would offer something to an adherent of the other school, he would make sure to check whether it was acceptable according to his friend's standards, and he would inform his friend as to which of his items met the friend's halakhic standards and which did not. Although they disagreed fundamentally and vociferously regarding almost every area of *halakha*, they nonetheless respected the sincerity and legitimacy of each other's position, and they went out of their way to accommodate the halakhic viewpoints of their opponents.

This is ultimately the most important teaching of Chazal about *chumra* and *kula*. Each individual must find his own path in the service of God and choose which school of thought he will align himself with and how strict he will be beyond the letter of the law. But the overriding principle is “*gadol ha-shalom*,” the primacy of peace between Jews. If those who are lenient can sincerely respect those who are stringent and appreciate diversity instead of resenting it, and if those who are strict can sincerely respect those who are lenient and take pains to avoid causing resentment, then each of us will have the freedom to serve God with sincerity and inspiration, and we can progress together, each in his own way, along the path of spiritual growth.