



# חבורת מהות היהדות

## Weekly Newsletter

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פרשת כי תשא  
כ"ב אדר א' תשפ"ד

From the Chaburah  
By: Adam Friedmann

### More Theories of Chumra

For the past several weeks, we've been considering the debate between Beit Hillel and Beit Shammai about the posture for reading the Shema. Beit Hillel holds that the Shema can be read in any position. Beit Shammai holds that it must be read lying down in the evening and standing up in the morning. Last week, we asked why the Mishnah and Gemara have such a harsh view of someone who is stringent and follows Beit Shammai. We looked at the position of the Ritva and Rosh, who hold that initiating a *chumra* can eventually undermine a more lenient fundamental halachah. This week we'll look at a few more explanations of why *chumra* is considered inappropriate in this case.

#### 1. Disrespect for rabbinic authority and popular practice

The Ra'ah (*Chidushei Hara'ah*, *Berachot* 11b) explains that the problem with *chumra* is that it shows disdain for popular practice and the rabbinic authority that upholds that practice. Therefore, once a halachic position has become dominant either through general acceptance or a definitive ruling, one may not publicly oppose it by following a more *machmir* view. The Ra'ah adds that a scholar who himself arrives at a position that is more *machmir* than the common practice may follow it, but only in private.

One place where this view applies is in shuls. If one is part of a community where the rabbi follows a certain practice, it may be disrespectful to act "frummer than the rabbi" by publicly following a more *machmir* position.

#### 2. There is nothing gained by being *machmir*

The Vilna Gaon (*Mishnat Eliyahu*, *Berachot* chapter 1, *Ma'aseh Rav* 38) argues that there is no way that the Gemara is suggesting some kind of blanket ban on *chumra*. He notes that even among the debates between Beit Shammai and Beit Hillel, there are cases where we commend those who are *machmir* and follow Beit Shammai (see *Berachot* 53b). Therefore, there must be some kind of rule that differentiates between cases like the Shema and other cases where being *machmir* is a good thing. The Vilna Gaon suggests the following distinction. In some debates, the lenient position is a dispensation. The lenient side really agrees that being more stringent would be better, but ultimately holds that there is no need to burden people with this stringency.

For example, the halachah is that one should recite *Birkat Hamazon* where they eat. What if they traveled away from where they ate and then realized they forgot *Birkat Hamazon*? In this case, Beit Shammai rules they must go back to where they ate to recite the blessing. Beit Hillel rules that in this case they can recite *Birkat Hamazon* where they are. According to the Vilna Gaon, in this case Beit Hillel agrees that it would be better for one to return to where they ate; they just aren't requiring this as the basic halachah. Therefore, in this case being *machmir* is a valuable and commendable act.

This is as opposed to cases like the Shema where the lenient authority believes the stringent view is simply wrong. According to Beit Hillel the Torah just never said anything about having a particular posture while reading the Shema. By their view, Beit Shammai's reading is wrong. In such a case, being *machmir* like Beit Shammai has no religious value.

### 3: Giving a false appearance of piety

The Mishnah Berurah (63:6) indicates that another concern about *chumra* is *yuhara*, a false appearance of piety. Someone who publicly observes a *chumra* may be doing so out of sincere religious conviction and *yir'at shamayim*. This kind of *chumra* is commendable. However, one may also observe a *chumra* in order to deceive others into thinking that they are sincerely religious. This kind of empty *frumkeit* (in the original sense of the term) is unacceptable. The poskim write that in certain cases, a person who engages in *yuhara* should be ostracized.

### 4: *Chumrot* usually include *kulot*

The Rema (*Shut Harema* 91) writes that halachic debates rarely include one view which is all-encompassingly more stringent than the other. Usually, each side has aspects of both stringency and leniency. As a result, trying to follow the more "*machmir*" position generally leads to accepting certain leniencies as well. In the case of the Shema, the Rema points to the fact that Beit Shammai obligates reading the evening Shema while lying down. As we will see in future weeks, lying down may not be the most respectful posture for prayer. Because Beit Hillel does not require one to lie down, one who follows Beit Hillel can be stringent and choose to sit or stand when reading the evening Shema. However, one attempting to be *machmir* and follow Beit Shammai is forced to be lenient regarding this concern.

Instinctively, we may sometimes feel that taking on a *machmir* position is a good thing because it makes our religious observance more challenging. But as these approaches show, there is a lot more to consider before one decides to be stringent.

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When: Thursday nights at 8:45 (following Maariv)

Where: Kehillas Shivtei Yeshurun, Nachal Dolev 12, Bet Shemesh

# Mishnah: A Philosophy of Life

By: Dovid Campbell

## Berachot 3:1 — The Kingdom of Heaven Can Wait

The first two chapters of tractate Berachot have dealt primarily with the laws of Shema, including the circumstances under which one may be exempt from reciting it. Our new chapter continues this theme, introducing the case of one who has lost a close relative and is now obligated to mourn and prepare their burial.

The mishnah states clearly that such a person is exempt from *Keriat Shema*, *tefillah*, and *tefillin*. This raises the question – why these mitzvot specifically? Indeed, some versions of the mishnah conclude by declaring the mourner's exemption from “all the mitzvot stated in the Torah,” and this is the practical halachah. If so, it seems even more important to understand why the mishnah would single out three mitzvot in particular.

Tosafot Yom Tov explains that these mitzvot are unique in that they embody our acceptance of the yoke of the kingdom of heaven. They are the mitzvot through which we express our most fundamental commitment to *avodat Hashem*. The mishnah is therefore highlighting the novelty and the magnitude of its own exemption. The mourner is exempt from all mitzvot, even these three, which are in a sense the most weighty in the entire Torah.

We should take a moment to appreciate this novelty. The death of a loved one is clearly a painful event, and the involvement with their burial is a final expression of our love and kindness towards them. But should it really trump our most basic expressions of our commitment to Hashem? On the contrary, wouldn't it be more appropriate to *strengthen* our acceptance of the yoke of heaven, particularly at this time when we are more likely to experience feelings of pain, confusion, or even resentment towards our Creator? In a way, the mishnah seems to place our human concerns before our religious devotion.

Understanding why this is not in fact the case provides a powerful insight into the nature of genuine religious devotion. Sometimes, the greatest reverence we can show for someone is to further the project that they began. For all of the importance attached to accepting the yoke of heaven, Hashem ultimately wants us to be His agents in building a world of kindness, justice, and righteousness (*Yirmiyahu* 9:23). In the simple act of placing our *siddur* and *tefillin* to the side and performing a kindness for one who can no longer repay it, we paradoxically demonstrate the greatest possible devotion to our Creator.

## Smashing the Tablets — A Broken Contract or a Loose Grip?

“And it was that when he came close to the camp and saw the calf and the dances, Moshe's anger burned, and he cast the tablets from his hand and smashed them at the bottom of the mountain” (*Shemot* 32:19).

How did Moshe decide that it was appropriate to smash the *Luchot*, which he had just received directly from Hashem? The *mefarshim* take a variety of approaches that emphasize different aspects of the relationship between Moshe, *Klal Yisrael*, and Hashem.

Rashi explains that Moshe made a straightforward legal calculation: If a heretic may not partake of the *Korban Pesach*, which is only one of the mitzvot of the Torah, then certainly it is inappropriate to give the entire Torah to Israel, who are all currently rebelling against God! Accordingly, Moshe had a reasonable legal argument for destroying the *Luchot*.

Ibn Ezra explains that the act was an expression of Moshe's great zealotry for Hashem. By smashing the *Luchot*, Moshe was effectively tearing up the contract between God and the Jewish people, right in front of their eyes.

Tzror HaMor similarly views the *Luchot* as a form of contract and a witness of Hashem's covenant with His people. However, Moshe's destruction of them was not a mere act of zealotry or even of rebuke. Moshe sought to protect the Jewish people from Divine judgment. If Hashem were to try to prosecute the Jews for violating their covenant, He would find no contract or witnesses with which to charge them.

All of these approaches see Moshe's smashing of the *Luchot* as a voluntary act. Whether due to legal deduction or zealotry, Moshe recognized that the Jews were no longer in a position to receive the Torah. But a final approach views the destruction of the *Luchot* as an essentially *involuntary* act. Rashbam and Chizkuni, drawing from the Pirkei deRebbi Eliezer, explain that Moshe's strength failed him when he saw the golden calf. Overwhelmed by the sight, he could no longer bear the *Luchot* in his arms. How does this approach explain the fact that Moshe explicitly “cast” them away, implying that they were not merely dropped but thrown? Rashbam explains that it is typical for someone who can no longer carry something to toss it away so that it doesn't injure his feet.

The destruction of the *Luchot* is one of the most dramatic and heartbreaking episodes in Chumash. It evokes so many questions about the sanctity, purpose, and contingency of Hashem's Torah as it relates to His chosen people. How does viewing Moshe's action as voluntary versus involuntary affect our understanding of this moment? Phrased another way, what lessons and feelings arise when we alternatively view the smashing of the *Luchot* as being for the sake of Hashem's honor, the protection of the Jews themselves, or due to Moshe's personal anguish?

Questions, comments, and concerns: [contact@essenceofjudaism.com](mailto:contact@essenceofjudaism.com)

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