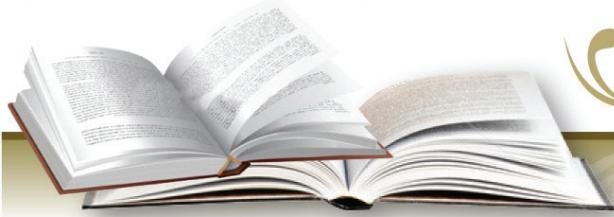




TORAH & HORAHAH



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This week's article discusses the issue of *yuhara*, displaying arrogance or haughtiness in the performance of mitzvos. What are the parameters of this prohibition? What categories of mitzvah performance are included, and when is there no concern of *yuhara*? We will seek to clarify this issue in this week's article. This week's Q & A (Questions and Answers) discusses the question of calling up a father and son for *hagbahah* and *gelilah*.

Laws of Yuhara: Beware of Arrogance

Unless the Redeemer arrives before next Tuesday, next week we will commemorate the most tragic day of the Jewish calendar: the Ninth of Av. In advance of the day, we wish this year to dedicate the article to a general topic that has a particular application to the Ninth of Av: the halachic issue of *yuhara*—refraining from a stringent halachic practice out of concern for giving an arrogant impression.

A number of Talmudic passages refer to the prohibition of *yuhara*, which loosely translates as arrogance or haughtiness. One of them discusses the question of going to work on the day of Tisha Be'Av. In the present article we will seek to define the halachic boundaries of *yuhara*, and to discuss the practical relevance of the *halachah*.

Chazal mention a number of instances in which an issue of *yuhara* arises, expressing concern for expressions of arrogance of various types. We will begin by citing the different instances of *yuhara*, noting the varying expressions of arrogance that Chazal were concerned about.

Manners of the Righteous

Various modes of behavior are reserved for Torah scholars and the pious. When an ordinary person adopts manners of behavior associated with the righteous, he gives the impression that he, too, is part of that elite group. This is a classic case of *yuhara*, ➤➤

Dear Reader!

The Gemara (Yoma 9b) teaches that the first Temple was destroyed on account of the grave sins of the nation, including idolatry, promiscuity and murder. With regard to the Second Temple, however, the Gemara writes that the people were scholarly and righteous. Why, if so, was the Second Temple destroyed?

But the Second Temple, in whose era the people were occupied in Torah, in *mitzvos* and in charity—why was it destroyed? The Gemara replies: "Because there was baseless hatred amongst them. This teaches you that baseless hatred is weighed against the three cardinal sins: [namely] idolatry, promiscuity, and murder."

The Maharal of Prague (*Netzach Yisrael* Chap. 4) explains why baseless hatred led to the Destruction:

"This matter is clear, in that the people of Israel are united by means of the Temple: There was one Kohen and one altar—for the external altars (*bamos*) were prohibited—to indicate that there was no division and disparity among Israel.

By means of the Temple, they are a single, complete nation. Accordingly, the [Second] Temple was destroyed on account of baseless hatred, which caused their hearts to be alienated, and they were divided. They were no longer worthy of the Temple, which is the unity of Israel."

The Mikdash is itself the unity of the nation. During the Temple era there was "one Kohen and one altar"—the national service of Israel was focused on the single focal point of Jerusalem. The Temple was *beis chayeinu*, the "house of our lives," where we all lived our spiritual lives.

Because of baseless hatred, because of division and disparity, the people were no longer worthy of the spiritual unity of the Temple. The Mikdash was destroyed, and the people exiled to the four corners of the earth.

Latent in the words of the above Gemara is a deeply pertinent lesson. The Gemara states that during the Second Temple era, the people were

which Chazal forbade in a number of places.

One source for this type of prohibition is the question of a newlywed groom reciting *kerias shema*. A newlywed groom in the time of the Mishna (It does not apply today.) was exempt from the mitzvah of *kerias shema*. On account of the new union with his wife, he is deemed unable to focus his attention on the words.

The Mishnah (*Berachos 16b*) mentions a dispute over whether he is permitted to recite *kerias shema*: Chachamim state that it is permitted for him to do so, whereas Rabban Shimon b. Gamliel says that "not everybody who wishes to take the name [for himself], may do so." When the great Rabban Gamliel got married, he recited *krias shema*, explaining to his disciples (*Berachos 16a*), "I will not listen to you in removing the Heavenly yoke from myself, even for one moment!" Yet, only somebody on the level of Rabban Gamliel is permitted to make such a statement; for ordinary people, it is considered arrogant, and therefore forbidden.

As mentioned above, an additional source for the concept of *yuhara* is the matter of going to work on the day of Tisha Be'Av. Here, the opinions of Chachamim and Rabban Shimon b. Gamliel are reversed. The basic *halachah* of working on Tisha Be'Av depends on the local custom: Where the custom is to work, it is permitted to do so; where the custom is to refrain from working, it is prohibited to work. Torah scholars, however, refrain from working in all places. The question is whether an ordinary person is permitted to refrain from working even where the custom is to work. In this case, Rabban Shimon b. Gamliel permits it, whereas Chachamim prohibit this, because of *yuhara*. (Nowadays the general custom of everyone is not to work in the morning.)

The Gemara (*Berachos 17b*) notes the seeming contradiction between the positions cited in the two sources, and cites from Rav Shisha that in principle, all agree that there is a concern for *yuhara*. Chachamim maintain that in spite of the general concern, a newlywed may recite *kerias shema*, because he does so together with everybody else and therefore does not attract attention to himself. Rabban Shimon b. Gamliel, in turn, maintains that there is no concern for *yuhara* in a person's refraining from work on Tisha Be'Av because those who see him will think that he simply has nothing to do, and therefore there is no implication of the status of a Torah scholar.

It thus emerges that all agree to the basic principle of *yuhara* being a halachic consideration, and the question is only ➤➤

where this concern is applied. A similar principle is derived from the Gemara (*Bava Kama 59b*) concerning somebody who used to tie his shoes with black laces, in mourning over the Temple. When the men of *Reish Gelusa* (the Head of the Exile) came across him, they scolded him: "Are you worthy of mourning over Jerusalem?!" Only when he showed them that he was a great scholar, and worthy of the practice, were they appeased.

Halachic Rulings of Yuhara

Nowadays, the question of *yuhara* for a newlywed groom is not relevant; because our everyday intent is in any case lacking, the newlywed is not worse off than others, and the Talmudic exemption from reciting *kerias shema* no longer applies to anyone (*Shulchan Aruch, Orach chaim 70:3*). Concerning working on Tisha Be'Av, the *Shulchan Aruch (Orach Chaim 554:22)* rules that it is permitted to refrain from working. As mentioned, this is not considered arrogant, because others can assume that the person is simply out of a job.

However, the concern for *yuhara* has widespread halachic ramifications. The following are some examples:

Shut Mahari Beruna (96) rules that it is forbidden for somebody who does not have rabbinic ordination to wear his *tzitzis* over his clothing. He adds that not only is this practice arrogant, but it is even bizarre, and should therefore be avoided.

The *Shulchan Aruch (Orach Chaim 575)* rules that if the seventeenth of Cheshvan arrives without rains having fallen, Torah scholars begin to fast. The *Mishnah Berurah (ibid, 3)* adds that for a non-Torah scholar it is forbidden to fast, because of *yuhara*.

Citing from *Mahari Abuhav, the Beis Yosef (Orach Chaim 11)* notes a certain concern over the validity of the *tzitzis* we wear (concerning the number of strings), and suggests wearing two *tzitzis* garments, or making two sets of strings. The *Beis Yosef* writes that this should not be done, concluding that "one who is stringent on himself concerning this matter demonstrates arrogance."

The final example does not relate to an act associated with Torah scholars or the pious, but to a particular stringency in a matter that others are lenient. When the general community is not particular about a certain stringency, a person may not adopt the stringency, thereby demonstrating his 'superiority' to everybody else. This principle is mentioned in *Teshuvos Ha-*

not only studious and righteous, but even "performed kindness with each other." If baseless hatred was rife, how can it be that the people excelled even in performance of *chessed*?

We learn from the Gemara that this is indeed possible. Performance of kindness can be done with a heart full of love, and it can be done as a technical obligation, as an obligatory *mitzvah* without any inner feeling. Although the people excelled in *chessed*, they were guilty of *sinas chinam*, and for this reason, the Temple was destroyed.

Today, we live in a generation where there is much (though of course, not enough...) Torah study and observance. Moreover, there is a wealth of *chessed*, acts of kindness performed by organizations and individuals alike. Yet, the time of Tisha Be'Av calls us to look inwards, to dwell not on actions, but on the heart.

Do we truly love, accept, and desire the good of the 'other'? With all the *chessed* we perform, do we truly fulfill the Torah instruction of loving our neighbor as ourselves?

The more we move towards *ahavas chinam*, towards love and true unity—the closer we come to the rebuilding of the Temple. May it come speedily, and in our days.

Geonim (Emmanuel, no. 161): "Because others do not refrain from this matter, and he refrains from it... it demonstrates *yuhara*."

Having said this, it is important to note (as *Teshuvos Ha-Geonim* does) that the concern for *yuhara* applies only to non-obligatory stringencies. When it comes to a halachic obligation that the general public does not carry out (for whatever reason), a person should not have any concern about possible arrogance, and must fulfill the obligation irrespective of general practice. This principle is mentioned by a number of early authorities concerning the wearing of *tefillin* (see *Ittur, Tefillin*), and by the *Maharil (Mezuzah 1)* concerning affixing *mezuzos* to all doorways in the house.

Stringency in the Presence of a Torah Scholar

Besides the concern for impersonating a Torah scholar, and the prohibition of *yuhara* in adopting stringencies where the general community is lenient, an additional category of *yuhara* applies to stringency in the presence of a Torah scholar who acts leniently.

The Gemara (*Bava Kama 81b*) tells of Rabbi and Rabbi Chiya who were journeying together and, due to difficult road conditions, left the main road and walked on the side. Although this meant trespassing on private property, the practice was permitted on account of a special enactment made by Yehoshua bin Nun. When they came across somebody who was particular to stay on the road, Rabbi commented to Rav Chiya: "Who is this who shows greatness before us?" Rashi explains: "He shows that he is extremely G-d-fearing... and this demonstrates arrogance."

This concern is ruled by the *Mishnah Berurah (34:16)* concerning donning *tefillin* of Rabbeinu Tam: "If he wears them in front of a great person who does not wear them, this is surely *yuhara*!"

Yuhara in Private

The sources above appear to demonstrate that

there is no concern for *yuhara* where a person is in his own private domain. As noted, there is no concern for *yuhara* in refraining from work on Tisha Be'Av, because others will assume that the person has no job. This implies that the matter of *yuhara* is a public issue, and depends on the onlookers' perception.

Shut Divrei Yatziv (Orach Chaim 173) thus rules that somebody who does not wish to rely on the local *eruv* is permitted to do so, even when the general community does rely on the *eruv*. His refraining from carrying cannot be perceived as a stringency, because it is possible that he simply has nothing to carry, or that he is in fact carrying in his pockets.

In the same vein, if there are others (who are not Torah scholars) who are partner to the stringent practice, one who acts stringently will not be prominent, and once again the concern of *yuhara* will not apply. This principle is ruled by the *Beis Yosef (Orach Chaim 24)* with regard to holding one's *tzitzis* during *kerias shema*. Although the practice was initially reserved for the most pious, and for others to do it was considered arrogance, "today, when some [ordinary] people have adopted the practice, it is no longer *yuhara*."

In the light of these sources, it appears clear that the concern for *yuhara* is only when a person does something before others (in public, or in front of Torah scholars). The concern cannot apply where a person does something only in private.

Disputed Stringencies

Another instance where the concern of *yuhara* might not apply is when there is a halachic dispute concerning a particular issue, and whereas the general community is lenient, somebody wishes to be stringent. The *Beis Yosef (Orach Chaim 235)* writes that where the general community is lenient concerning reciting *kerias shema* before nightfall, it is permitted to be stringent and read later. This is because "there are many great authorities who maintain that he has not fulfilled the *mitzvah* ➤➤

in *shul*, and there is therefore no *yuhara*."

A similar rationale might also be behind the rulings of *Chelkas Yaakov* (*Yoreh De'ah* 34) and *Iggros Moshe* (*Yoreh De'ah* I, no. 47), concerning the consumption of unsupervised milk: Although the milk is permitted, there is no *yuhara* in refraining from drinking it.

However, *Shut Minchas Yitzchak* (1:75) cites from *Chemdas Yisrael* that a person must be concerned for *yuhara* even when there is a significant cause for stringency, such as concerning the separation of bones from fish while actually eating (on Shabbos and Yom Tov). Although there is room for stringency, one should not be stringent against the general custom to be lenient, and doing so is *yuhara*.

On the question of separating bones, the *Minchas Yitzchak* himself rules stringently, explaining that the leniency that people rely on is weak. However, he mentions (3:13) the issue of *yuhara* concerning acting stringently with regard to making *hamotzi* on a whole loaf of bread. Despite the firm halachic basis for an obligation to take a whole loaf, one should not be particular about this because the common custom is to be lenient, and even great Torah scholars are lenient: "There is a concern for *yuhara*, for even great and righteous people are not particular in this matter."

It is hard to establish hard and fast rules in this matter, and it appears that the halachic decisor must weigh the considerations for each specific question, including the common custom, the previous custom (where applicable), the stature of the person involved and the degree of arrogance latent in the action.

A Torah Scholar

Must a Torah scholar, or somebody known for his piety and righteousness, be wary of *yuhara*?

A number of sources indicate that he need not. The conclusion of the above-mentioned Gemara (*Bava Kama* 8ab, concerning Rabbi and Rabbi

Chiya who were travelling together) is that Rabbi Chiya exclaimed: "Perhaps it is Rabbi Yehudah b. Kenosa my disciple, whose deeds are exclusively for the sake of Heaven." Indeed, it was him, and this implies that for somebody whose deeds are all for the sake of Heaven, the issue of *yuhara* does not apply (this is also ruled by the *Meiri*, *Bava Kama*).

A similar ruling is given by the *Mordechai* (cited in *Beis Yosef* 235) concerning the above question of reading *kerias shema* later: It is considered *yuhara*, unless the person in question is "accustomed to *perishus* in other matters." The *Bach* (*Orach Chaim* 652) mentions the same principle with regard to the manner of carrying one's *lulav* and *esrog* the whole time, and *Shut Panim Me'iros* uses the idea concerning the practice of wearing all-white garments on Shabbos.

The reason for the leniency is that the concern of *yuhara* applies only to those who act in dissonance with their actual religious level. Those for whom the unusual or especially stringent behavior is appropriate need not be concerned.

Yet, in one place Rav Moshe Feinstein writes (*Yoreh De'ah* 1:62) that although he permits the consumption of blended whisky, he is stringent for himself, and other authorities prohibit the drink (because of concerns for added wine and glycerin). Yet, Rav Moshe adds that in public he participates and takes a sip, to avoid *yuhara*.

Although he was obviously held in great esteem, Rav Moshe maintained that the concern for *yuhara* still applied to him. On the other hand, it is known that Rav Moshe was an exceedingly humble person, so that it is somewhat hard to prove the point from his personal practice.

"Love Truth and Peace"

Stringencies can be good, and they can be bad. They can be good in expressing a sincere desire to do the will of Hashem, and to distance oneself from any trace of sin. However, they can be bad in demonstrating arrogance, and sometimes causing

unfortunate and unnecessary tension within a community (see *Maharashdam, Yoreh De'ah 193*, where stringencies led to the breakout of a major *machlokes*). Even when we wish to be stringent, we must know that there are other considerations, not least the concern for *yuhara*, to take into account.

The Destruction of the Temple teaches us that in public affairs, the guiding standard—where no actual obligations or prohibitions are involved—must be communal unity. The more we internalize the principle, the closer we come to the awaited rebuilding, may it come speedily and in our days.

Halachic Responsa

to Questions that have been asked on our website dinonline.org



Question:

Are a father and son allowed to have *Hagbahah* and *Gelilah* on the same Sefer Torah?



Answer:

In some circumstances it is permitted, but it is preferable to avoid the practice.



Sources:

A father and a son should not be called up for consecutive *aliyos* to the Torah.

One reason for this is given by the *Beis Yosef (Orach Chaim 146)* as being because the reading of the Torah is like giving testimony (the Torah is called *eidus*), and therefore one does not *pesulei edus* for consecutive *aliyos*. Some question this rationale, for it is permitted to call up a minor, even though he is an invalid witness (see *Gra*).

However, the *Mordechai (Sefer Torah 968)* writes that although reading from the Torah is considered a testimony, it does not have the formal properties of giving testimony, and therefore in principle a father and son can be called up for consecutive *aliyos*. The reason, however, why people refrain from doing so, is because of *ayin hara*. This is ruled by the *Shulchan Aruch (141:6)*.

Based on this rationale, the *Mishnah Berurah (141:18, based on Eliyah Rabbah)* writes that if father and son were actually called up, the second should not go back down from his *aliyah*.

Provided their names are not mentioned (and provided names are never used for calling up a person to *maftir*—*Mishnah Berurah 141:21*), the *Shulchan Aruch (141:6)* permits a father and son to be called up for *shevi'i* and for *maftir*, though some authorities maintain that this applies only to separate *sifrei torah*.

Based on this leniency, there is room to permit calling up a father and son for *hagbahah* and *gelilah*, provided that their names are not mentioned, and not mentioned in general in calling up for *hagbahah* and *gelilah* (rather, the caller calls out *yaamad ha-magbiah v'ha-golel*).

However, *Shut Mishnah Halachos (3:20)* writes that a father and son should not be called up for *hagbahah* and *gelilah*.

The same principles apply for two brothers.