Can Halacha Address Gvir Culture?

One of the weightiest topics around American Shabbos tables nowadays involves *Klal Yisrael*'s wallet. Tuition, housing, food, *smachos*—everything is expensive. At some point, the conversation comes around to peer pressure. While the top one percent may be able to afford luxurious cars and throw over-the-top *smachos*, the rest of the community can't—yet they're "forced" into spending on these items and events due to social pressure to fit in.

After all, which parent can stomach celebrating their child's bar/bas mitzvah with a regular Kiddush in shul when all of their friends are renting halls (or more) for a shebang with a band? Affecting one's house, car, *simcha*, clothing, and food, these "peer pressure expenses" can easily run into the tens of thousands.

Here, the conversation splits (sometimes based on the size of the wallets in question). Some think that the 99% need to grow a backbone and accept that they shouldn't be imitating their wealthier neighbors. There have always been strata in society, and those below the one percent need to know their place and not fall into the trap of pretending to be something they're not.

Others place the onus on the wealthy, demanding that they curb their spending due to the ripple effect it has on the rest of the community. If the top earners would settle for a regular wedding and drive a regular car, they claim, everyone would be able to breathe a bit easier. (In the recent 18Forty debate, Dr. Leslie Ginsparg Klein argued for the former position and Rabbi Larry Rothwachs the latter.)

This question is actually a very old one, one that halacha has been addressing for hundreds, if not thousands, of years. The question places two values head to head: individual freedom against communal need. As Rabbi Joseph B. Soloveitchik writes at the end of *Halakhic Mind*, the system of halacha has the unique capacity to codify not just Jewish practice, but Jewish values. Rather than attempting to glean insight from Talmudic stories or homiletics, which are by nature non-binding and open to interpretation, the system of halacha is practical and action-oriented, leading to more clarity regarding how to first define and then live our values (I expand on this more in this essay on Substack). What guidance can halacha offer on the topic of "*gvir* culture" and "keeping up with the Cohens"?

To Preserve Their Dignity

Two Mishnayos seem to point in opposite directions. A Mishna in Moed Katan rules that communal meals brought to a mourner, known as the *seudas havraah*, should be brought in willow baskets. The Gemara fills in that this wasn't always the case: Originally, wealthy people would bring their contributions in baskets of silver and gold, while the indigent would bring theirs in willow baskets. This brought shame to the indigent, so an enactment was made that everyone should bring their contributions in willow baskets, in order to preserve the dignity of the indigent.

This teaching is followed by a string of similar *takanos* made to preserve the dignity of different members of the community and dramatically concludes with a final enactment: Initially, the costs associated with burial became so overwhelming that families would abandon their dead relatives rather than pay. This continued until Rabban Gamliel, the *nasi* at the time, ordered that upon his death, he should be wrapped in cheap linen shrouds. The rest of the community followed his example, making burial affordable again. (Interestingly, quality of the linen is not codified; the *He'emek Sheila* 153 notes that according to most Rishonim, there can still be a range in the quality and price of linen used; what is important is that everyone is using the same material so that there is no clearly evident distinction between the rich and the poor.)

Two successive Mishnayos in Bikkurim paint a different picture. First, the Mishna teaches that those who were able to recite the parsha associated with bringing *bikkurim* did so on their own, while the Kohen on duty would assist those who could not. The latter group, embarrassed at their public lack of knowledge, stopped bringing *bikkurim*. To remove the stigma, it was enacted that the Kohen should prompt everyone bringing *bikkurim*, whether they could have recited the parsha on their own or not.

The next Mishna records that wealthy people used to bring their *bikkurim* to the *Mikdash* in fancy baskets of gold and silver, while poor people would place their *bikkurim* in willow baskets (paralleling the description in Moed Katan). Strikingly, especially when compared to the previous Mishna, no *takana* seems to have been made to prevent the poor from feeling embarrassed!

Resolving the Contradiction

1. Glory of the *Mikdash*

There are three ways to harmonize these two sources, each one indicating a different understanding of the scope of "*takanos mipnei habusha*"—enactments made to prevent embarrassment.

First, the *Tosafos Yom Tov* questions the lack of a *takana* in Bikkurim based on the parallel case in Moed Katan. He answers that while there is an issue of embarrassment in the Bikkurim case as well, it is overridden by "*kevod beis Elokeinu u'mesharsav*"—the glory of the Beis Hamikdash and its attendants. Therefore, while the default position would follow the precedent created by Moed Katan to use communal enactments to prevent causing embarrassment, in cases where such an enactment would detract from the grandeur associated with the *Beis HaMikdash*, an enactment is not made. This could be explained in two ways.

First, this could be an example of a head-to-head clash between values: concern for people's feelings and giving honor to the *Beis HaMikdash*, Hashem's "house." In such a case, human feelings must give way to divine honor. (This would seem to be contradicted by cases where Hashem sacrifices His own honor for the sake of human dignity, such as directing us to prioritize burying a *meis mitzvah* at the expense of reading Megillas Esther, whose purpose is *pirsumei nisa,* a form of *kiddush Hashem*.)

Second, as the *Sefer HaChinuch* suggests, the purpose of associating the *Beis HaMikdash* with grandeur and glory is to facilitate a stronger impact on all those who come to it. Accordingly, restricting the grandeur associated with the *Beis HaMikdash* would actually be protecting the feelings of the poor at the expense of all those who come to the *Beis HaMikdash* for religious inspiration.

2. Not Embarrassed

Second, the *Shoshanim L'David* suggests that in the case of *bikkurim*, the poor people were actually not embarrassed about their woven baskets. Because their baskets were given to the Kohanim along with the *bikkurim* while the gold and silver baskets of the rich were returned to their owners, they felt that their donations were at least as respectable. Apparently, they felt that while the rich may have had a better "*hiddur mitzvah*" by using fancy baskets for their *bikkurim*, their more substantial or more useful contribution to the Kohanim at least equaled it.

The *Lechem Shamayim* suggests that the fact that the poor gave their baskets to the Kohanim while the rich received their baskets back was an enactment made to address this very issue. On the one hand, the opulence of the *bikkurim* of the rich constituted *hiddur mitzvah* and glory to the *Beis HaMikdash*. On the other hand, it could cause embarrassment to the poor who were bringing *bikkurim* in plain baskets. Therefore, the Sages instituted that the poor should donate their baskets to the Kohanim, enabling them to feel that their gifts were especially substantial and beneficial. This way, the poor felt proud of their *bikkurim* while the rich were able to continue bringing their fancy baskets without embarrassing their peers.

Along the same lines, the Malbim writes that the poor were not embarrassed by their willow baskets, but for a different reason. Because the poor people presumably made the willow baskets themselves, they saw them as especially valuable (an instance of the "IKEA effect"). Therefore, they were not embarrassed by the fancy baskets of the rich, as they saw their homemade baskets as similarly valuable.

3. Unique to *Aveilus*

Finally, Rabbi Yosef Shalom Elyashiv, in his comments to Moed Katan 27a, limits the institution of *takanos mipnei habusha* to the cases in Moed Katan, in the context of death and mourning. Rather than noting a contradiction from Bikkurim, he notes, one could ask from weekly practice: Every Shabbos, rich people come to shul decked out in their Shabbos finery while the indigent can barely afford a white Shabbos shirt. If a *takana* was not made for such a common event, why should we expect *takanos* to be made in other instances? Instead, he explains that because *aveilus*, and the *seudas havraah* more specifically, is meant to bring a modicum of peace of mind to the mourner, the Sages added a number of *takanos* to prevent the mourner from being beset by *bushah*, as well. However, one should not expect to see these *takanos* applied to other areas of halacha.

More Than Just Embarrassment

The *Shoshanim L'David*'s highlights an additional factor at play here. In addition to the desire to prevent embarrassment, the Sages were also sensitive to the actual responses of those at risk for embarrassment. In the first Mishna from Bikkurim cited above, the *takanah* to have a Kohen recite the *Parashas HaBikkurim* word for word for everyone bringing *bikkurim* was made not in response to people feeling embarrassed, but in response to people *actually refraining from bringing bikkurim* due to their embarrassment. Similarly, in the last case from Moed Katan above, Rabban Gamliel only acted once people actually started abandoning their dead due to the prohibitively high costs.

The relevance of both factors is highlighted in a dispute between *Tosafos* and the Rosh about applying the model of *takanos mipnei habusha* to another area of halacha: *krias haTorah*.

Tosafos write that the institution of having one individual serve as the *baal korei*, reading on behalf of those called up to the Torah for an *aliyah*, is based on the Mishna in Bikkurim about the Kohen reading for everyone bringing *bikkurim*. *Tosafos* explicitly presents this as a *takana* to "avoid embarrassing one who does not know how to read."

The Rosh questions this understanding. He highlights the fact that a *takana* was only made in Bikkurim when people stopped bringing their *bikkurim* to the *Mikdash*, a factor not relevant to *krias haTorah*. Instead, the Rosh suggests that the practice came in response to people who wrongfully thought they knew the reading well but in fact made mistakes that disqualified their reading. To prevent them from fighting with others in the *tzibbur* who would (rightfully) protest these individuals receiving *aliyos*, the *takana* was made to have one expert individual read for everyone.

Supporting the Rosh's understanding, the *Birkei Yosef* (*Orach Chaim* 141:4) adds an important distinction between two different motivations for a *takana*: The Sages made *takanos* to prevent embarrassment to those who have no ability to ameliorate the cause of their shame—whether that is poverty, sickness, or menstruation (the cases in Moed Katan). However, if a person could have averted their own indignity (such as the case in Bikkurim, where people who did not know how to read the *Parashas HaBikkurim* could have taught themselves to read) and chose not to, the Sages chose not to make a *takana*. Only when the Sages saw that people were actually refraining from coming to the *Mikdash* with their *bikkurim* did they make a *takana* to remove the barrier to their mitzvah observance.

Whose Responsibility?

This leads to a number of different approaches regarding our question: How should we respond to the challenges posed by the reality of people of varying means living together in the Jewish community?

According to the approaches of the *Tosafos Yom Tov*, *Shoshanim L'David*, and Malbim, the default perspective is that one should be concerned about spending money in a way that causes embarrassment to less affluent members of the community. This can be understood as a responsibility that devolves either on the wealthy individual to restrict their own spending (see the *Meiri* to Moed Katan 27a: "A person should be exceedingly careful that their behavior does not cause the poor or others to be embarrassed, and they should equate themselves to the poor to avoid them feeling embarrassed"), or on the leaders of the community to enforce this as communal practice (see the *Pele Yoetz*, s.v. "*Tikkun,*" who suggests applying fines or other sanctions if needed). An alternative approach that could work in certain contexts, suggested by the *Lechem Shamayim* above, is to find non-financial ways for people to contribute to communal needs, giving them the opportunity to feel proud and involved without overdrawing their bank accounts.

On the other hand, Rav Elyashiv's perspective seems to put the onus on the poor, recognizing the reality that there will always be people who can spend more than them, and they shouldn't necessarily be embarrassed by that fact. They have what they have, and they are responsible to spend within their means rather than let themselves be carried away by the spending habits of those granted more money than them.

In cases where the embarrassment leads to people refraining from participating in aspects of Jewish life, though, there would seem to be even more room for a *takana* to be made.

Conclusion

Of course, even the most restrictive *takana* will fail if the community is not ready to adopt it. Our communities have historically shown impressive sensitivity and generosity in sharing their wealth with those who need it. The question is whether they can demonstrate the same sensitivity by tamping down their own spending to respect the feelings and dignity of their friends and neighbors.