

Insights into Halacha

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Leaving Learning for a Levaya

In Parshat Vaychi we are told of the colossal levaya held for Yaakov Avinu, from Egypt all the way up to his final resting place, Me'arat HaMachpeila in Chevron. Indeed, the respect and honor accorded to Yaakov Avinu on his passing was universal, and we find that even the Canaanite Kings, no friends of Bnei Yisrael, nonetheless joined in with the massive levaya.

Although we cannot fathom such a gathering for a funeral, nevertheless, the recent spate of Levayot for Gedolim over around the last decade that engendered public turnout in the hundreds of thousands of mourners - has left even the most jaded of secular pundits speechless. The passings of such Gaonim as Rav Yosef Shalom Elyashiv zt"l, Rav Nosson Tzvi Finkel zt"l, Rav Chaim Pinchas Scheinberg zt"l, mv"r Rav Yaakov Blau zt"l, the Vizhnitzer Rebbe zt"l, Rav Ovadia Yosef zt"l, Rav Shmuel HaLevi Vosner zt"l, Rav Aharon Leib Shteinman zt"l, Rav Chaim Kanievsky zt"l, and Rav Gershon Eidelstein zt"l, among other great Rabbanim, over the last several years, has exemplified how much of a priority it is for us to pay our respect and show

our esteem and reverence for these luminaries, as testament to their vast accomplishments as Gedolei HaDor.

Their vastly different backgrounds and constituents notwithstanding, each of these giants' Levaya had attendance well into the tens and even hundred thousands, consisting of the full spectrum of religious Jewry.

Indeed, the rewards for attending a levaya, and not just for Gedolim, are many. In fact, this Gemilat Chessed Shel Emes is referred to as a mitzva that is KEREN KAYEMET L'OLAM HABA'A, an eternal one with rewards both in This World and the World to Come, with no diminished returns.

Deceased's Needs Fulfilled?

Yet, we find that according to the Gemara and codified as halacha, that although TALMUD TORAH K'NEGED KULAM, Torah study is the greatest of all Mitzvot, nevertheless, one is obligated to leave his Torah study in order to properly escort one who has passed on.

Although the Gemara qualifies this rule, and asserts that it is relevant only to one who does not have KOL TZORCHO, his required needs, nowadays this is fulfilled by a CHEVRA KADISHA, a Burial Society, and one should not abandon his Torah study to attend a random levaya when basic requirements are being met.

However, continues the Gemara, different people have different needs regard-

ing their levayot. A basic minyan is only deemed sufficient for one who is not learned. Yet, for one who is learned, his basic needs for a levaya is an astounding 600,000 attendees, the same number of those present at Kabbalat HaTorah! This is due to the dictum of N'TILATA K'NISINATA; the same number present at Kabbalat HaTorah should be present when the Torah departs, meaning when one who is filled with Torah passes away.

Lest one think that this halacha is referring to a Gadol HaDor or at the very least, a famous Rosh Yeshiva, the Rema explains that in his time, anyone with at least a rudimentary Jewish education (in Chumash and Mishna) is included in this category! Although the Aruch HaShulchan felt that this was possibly only true in the Rema's time, conversely, the Minchat Elazar of Munkacs remarked that in his day (around 85 years ago) this was certainly true; as 'who doesn't sit in shul over Shabbat and recite SH'NAYIM MIKRA V'ECHAD TARGUM?!

The Gemara concludes that for one who teaches Torah to others, also not only exclusively referring to a Gadol HaDor or Rosh Yeshiva, but even a Rebbi, Rav, Posek, Maggid Shiur, or Rosh Chavura, there is no limit, and everyone is obligated to attend his levayah!

Limud or Levaya?

If so, why do we only find such numbers of mourners at Gedolim's levayot? In

large cities wouldn't everyone be required to stop their talmud Torah many times a day, simply to escort their fellow man, whom they may not have ever met, to his eternal rest?

Although there are several approaches and rationales given to answer this question, it is important to note that many Gedolim grappled with this issue, implying that the question is still better than the answer.

For example, the first time the Minchas Elazar addressed this issue (Shu"t vol. 1, ibid.) he wrote several pages of shakla v'tarya but was ultimately unsuccessful in finding a proper solution. It is only in later responsa that he hit upon, and agreed to the Netziv's approach. Likewise, in Halichos Shlomo (Tefilla, Ch. 13, footnote 22), a story is told of Rav Shlomo Zalman Auerbach zt"l and Rav Moshe Feinstein zt"l, who both admitted to being very bothered with this issue, and not being fully satisfied with the general custom.

The main rationale for leniency is actually based on a machloket pertaining to attending a wedding Chupa, where we find that the halacha parallels that of a levaya regarding stopping learning to attend. The Chelkat Mechokek writes that this halacha only applies to one who sees a Chupa occurring - that he must stop his learning to attend the wedding. Yet, if one merely knows about a wedding taking place, one is not obligated to do so. The Beit Shmuel, however, argues, countering that even if one knows about

a wedding, one is nonetheless obligated to attend, even at the cost of his learning.

Rav Moshe Feinstein wrote an interesting teshuva regarding one who wants to attend a chatuna during Sefirat HaOmer, but it is still 'Sefirah' for him (meaning the Baalei Simcha kept a different 'Sefirah' than the guest) and consequently he is prohibited to take a haircut. Rav Moshe writes that if the guest is embarrassed to show up without a haircut, he may get one. He explains that according to the Beit Shmuel it is a chiyuv to attend a wedding one knows about, and although the Chelkat Mechokek maintains that it is obligatory exclusively when one actually sees a Chupa occurring, that is only regarding whether one is required to stop his Torah learning; ergo, he certainly would agree that one who is not currently learning still receives a mitzva for attending a wedding.

The famed Netziv, Rav Naftali Tzvi Yehuda Berlin zt"l, Rosh Yeshivat Volozhin, maintains that regarding levayot the halacha follows the opinion of the Chelkat Mechokek. He cites proof to this from the words the Gemara in Brachot uses (and later codified by the Shulchan Aruch) referencing levayot that refers to attending one as HARO'EH Et HAMEIT, seeing the one who passed away. The Netziv explains this to mean that unless one actually sees a levaya occurring, he is not obligated to stop his learning to attend. Although several authorities seem hesitant to rely upon this rationale, nevertheless, the vast majority of

decisors actually rule this way, paskening that one is not required to attend a levaya and abandon his learning simply because he is aware of one taking place.

Other rationales for leniency include: that only Talmud Torah of an individual needs to be halted for a levaya, not public Talmud Torah; that nowadays many levayot do not start at the appointed time, and one needs only to stop learning and attend when he is certain that the levaya is taking place; and that the halacha was referring to when everyone in the town was part of one small unified kehila; ergo, nowadays in large cities, where there is a plethora of kehilot, some with no interaction with another, the ruling would not apply.

Additionally, as Rav Ezriel Auerbach averred to this author several years ago, this issue would potentially fall into the category of EIT LA'ASOT LASHEM, HEIFEIRU TORATECHA, a time to act for Hashem to prevent the Torah from being forgotten, as otherwise nowadays, especially in large communities, if one is running all day from levaya to levaya, TORAH, MA T'HEI ALEHA?, there will be no time left to learn!

But one thing is certain. Many Gedolim stress that if one does come across a levaya, he is obligated to stop what he is doing and attend, accompanying the niftar at least four Amot along his final journey.

Several poskim maintain that this applies

even if one is in a car or bus, or if one sees the levaya while in another reshut. Interestingly, some wish to draw a parallel from the halachot of Kibud Av vaEim and Kibud Rabo, that one is not required to stand up for a father or Rebbi while technically in a different reshut than he is.

BITULO HU KIYUMO

Another interesting related issue is that the Tur and Shulchan Aruch rule that the only constituency that should never stop its learning for any levaya whatsoever, is TASHBAR, TINOKOT SHEL BEIT RABBAN, cheder school children.

The reason being that Chazal state that the breath of children learning Torah holds up the world (Gemara Shabbat 119b), and should not cease even for a Gadol's levaya. This is not like the opinion of the Rashal, who maintains that for a Gadol's funeral, children should stop learning to attend.

Yet, nowadays, it is accepted that for the passing of a Gadol, Talmudei Torah are let out, with the children being urged to participate in the levaya as well. How is this allowed?

Rav Yosef Chaim Sonnenfeld zt"l, when asked this question, replied that the Gedolim of previous generations felt that having children stop learning to attend the levaya of a Gadol was acceptable in order to show honor to the Torah. He added that anyway, children nowadays have intersession and vacation on other days when they

are not learning. If so, paying last respects to a Gadol is certainly no worse than Bein HaZmanim. Others add that it is purposely done so that the children will learn to appreciate the greatness of Torah. Moreover, in this case BITULO HU KIYUMO, this brief break for a Gadol's levaya will undoubtedly engender more and greater Torah learning on the children's part.

In the final analysis, if one is attending a levaya, he should not bemoan the fact that he is missing seder. On the contrary, he should focus on the great Mitzva he is performing. By escorting the recently departed to his eternal rest, he is earning his own eternal reward.

See website for footnotes and sources.

For any questions, comments or for the full Mareh Mekomot / sources, please email the author: yspitz@ohr.edu

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Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

Rabbi Yehuda Spitz's English halacha sefer, "Food: A Halachic Analysis" (Mosaica/

Feldheim) containing over 500 pages featuring over 30 comprehensive chapters discussing the myriad halachic issues pertaining to food, is now available online and in bookstores everywhere."