

Leaving Learning for Levayos

By Rabbi Yehuda Spitz

In *Parshas Vayechi* we are told of the colossal *levayah* (funeral) for Yaakov Avinu, from Egypt all the way up to his final resting place, *Ma'aras HaMachpella* 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 the massive *levayah*[1].

Although we cannot fathom such a gathering for a funeral, nevertheless, the recent spate of *Levayos* for *Gedolim* that engendered public turnout in the hundreds of thousands of mourners has left even the most jaded of secular pundits speechless. The passing 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*, and Rav Ovadia Yosef *zt"l*, 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 a testament to their vast accomplishments as *Gedolei HaDor*.

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

Indeed, the rewards for attending a *levayah*, and not just for *Gedolim*, are many. In fact, this *Gemillas Chessed Shel Emes* is referred to as a mitzvah that is '*keren kayemes l'olam haba'ah*', an eternal one with rewards both in This World and the World to Come, with no diminished returns[2].

Deceased's Needs Fulfilled?

Yet, we find that according to the *Gemara* and codified as *halacha*, although '*Talmud Torah Keneged Kulam*', *Torah* study is the greatest of all *Mitzvos*[3], nevertheless, one is obligated to leave his *Torah* study in order to properly escort one who has passed on[4].

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 with a '*Chevra Kadisha*', a Burial Society,

and one should not abandon his *Torah* study to attend a random *levayah* when basic requirements are being met[5].

However, continues the *Gemara*, different people have different needs regarding their *levayos*. A basic *minyan* is deemed sufficient only for one who is not learned[6]. Yet, for one who is learned, his basic needs for a *levayah* is an astounding 600,000 attendees, the same number as those present at *Kabbolas HaTorah*! This is due to the dictum of ‘*Netilasah K’Nisinasah*’; the same number present at *Kabbolas 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 *Minchas Elazar* of Munkacs remarked that in his day (around 85 years ago) this was certainly true; as ‘who doesn’t sit in *shul* over Shabbos and recite *shnayim mikra v’echad targum*?!’[7]

The *Gemara* concludes that for one who teaches *Torah* to others, also not referring exclusively to a *Gadol Hador* or *Rosh Yeshiva*, but even a *Rebbi*, *Rav*, *Posek*, *Maggid Shiur*, or *Rosh Chaburah*, there is no limit, and everyone is obligated to attend his *levayah*[8]!

Limud or Levayah?

If so, why do we find such numbers of mourners only at *Gedolim*’s *levayos*? 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[9].

The main rationale for leniency is actually based on a *machlokes* in *Even Ha’Ezer* regarding attending a wedding *Chuppa*, where the *halacha* parallels that of a *levayah*[10] regarding stopping learning to attend. The *Chelkas Mechokek* writes that this *halacha* only applies to one who **sees** a

Chuppa occurring, who must stop his learning to attend the wedding. Yet, if one merely **knows about** a wedding taking place, he is not obligated to do so. The *Beis Shmuel*, however, argues that even if one knows about a wedding, one is obligated to attend, even at the cost of his learning[11].

The famed *Netziv*[12], Rav Naftali Tzvi Yehuda Berlin *zt"l*, *Rosh Yeshivas Volozhin*, maintains that regarding *levayos* the *halacha* follows the opinion of the *Chelkas Mechokek*. He cites proof of this from the words the *Gemara* in *Brachos* (and later codified by the *Shulchan Aruch*) uses in referencing *levayos* that refers to attending one as '*HaRoeh es HaMeis*', **seeing** one who passed away. The *Netziv* explains this to mean that unless one actually sees a *levayah* occurring, he is not obligated to stop his learning to attend. Although several authorities seem reluctant to rely upon this[13], nevertheless, the vast majority of decisors rule this way,[14] that one is not required to attend a *levayah* 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 *levayah*, not public *Talmud Torah*[15]; that nowadays many *levayos* do not start at the appointed time, and one needs only to stop learning and attend when he is certain that the *levayah* is taking place[16]; and that the *halacha* was referring to when everyone in the city was part of one unified *kehillah*; ergo, nowadays in large cities, where there is a plethora of *kehillas*, some with no interaction with another, the ruling would not apply[17]. Additionally, as Rav Ezriel Auerbach recently averred to this author, this issue would potentially fall into the category of '*Ais La'asos Lashem, Heiferu Torasecha*', a time to act for Hashem to prevent the Torah from being forgotten[18], as otherwise nowadays, especially in large communities, if one is running all day from *levayah* to *levayah*, '*Torah, mah t'hei aleha?*'[19], there will be no time left to learn!

But one thing is certain. Many *Gedolim* stress that if one does come across a *levayah*, he is obligated to stop what he is doing and attend, accompanying the *niftar* at least four *Amos* along his final journey[20].

Bitulo Hee Kiyumah

Another interesting related issue is that the *Tur* and *Shulchan Aruch* rule that the only constituency that should never stop its learning for any *levayah* whatsoever is *Tashb"ar*, *Tinokos Shel Beis Rabban*, or *cheder* school children[21]. 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 *levayah* 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 *levayah* 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 hee kiyumah*', this brief break for a *Gadol's levayah*, will undoubtedly engender more and greater *Torah* learning on the children's part[22].

In the final analysis, if one is attending a *levayah*, 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.

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

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http://ohr.edu/this_week/insights_into_halacha/.

[1] See *Parshas Vayechi* (*Bereishis* Ch. 50, verses 7 - 13), *Gemara Sota* (13a), *Yerushalmi Sota* (Ch. 1, 10), and *Rashi, Targum Onkelus*, and main commentaries on those *pesukim*.

[2] Recited daily as part of 'Eilu Devarim' in *Birkas HaShachar*, based on *Mishnayos Pe'ah* (Ch. 1, *Mishna* 1) and *Gemara Shabbos* (127a). There are several other *ma'marei Chazal* detailing the rewards of those who are *melaveh a meis*, and the punishments of those who do not - see *Gemara Brachos* (18a), *Moed Kattan* (27b), and *Kesuvos* (72a). See also *Rambam (Hilchos Avel* Ch. 14, 1) and *Aruch Hashulchan (Yoreh Deah* 361, 1).

[3] *Mishna Pe'ah* and *Gemara Shabbos* (ibid.).

[4] *Gemara Megillah* (3b and 29a) and *Kesuvos* (17a - b); *Rambam (Hilchos Avel*, Ch. 14, 9), *SMa"G (Ase'in DeRabbanan* 2), *Tur / Shulchan Aruch (Yoreh Deah* 361), *Chochmas Adam* (155, 3), *Kitzur Shulchan Aruch* (198, 8 & 9), and *Aruch Hashulchan (Yoreh Deah* 361, 2 - 4).

[5] See *Rashi (Kesuvos* 17b s.v. *lais*) and *Tosafos (ad loc. aval)*.

[6] The *Gemara's* choice of words is '*Ima'an d'lo kari v'tani*', which *Rashi* translates as one who has not learned *Chumash* or *Mishna*.

[7] *Rema (Yoreh Deah* 361, 1; based on the *Ritva's* comments to *Kesuvos* ibid.), *Shu"t Minchas Elazar* (vol. 1, 26, in the footnote). The *Chochmas Adam* (153, 3) and *Kitzur Shulchan Aruch* (198, 9) follow this assessment as well. Interestingly, and as a counter point to the *Minchas Elazar's* assertion, the *Aruch Hashulchan (Yoreh Deah* 361, 3) writes that the *Rema's* comment was only '*if doroseihem, kemuvan*'. As to the importance of reciting *Shnayim Mikra*, see previous article titled '[Understanding Shnayim Mikra V'Echad Targum](#)'.

[8] The *Chofetz Chaim (Ahavas Chessed* vol. 3, Ch. 5, s.v. *v'afilu*) writes that even a '*zakein m'chachmei hador*' is obligated in the *Mitzva* of *Levayas HaMeis*, as the *Gemara* (ibid.) stresses that R' Yehuda b'Rebi Ilai would be *mevattel Torah* for *Hotza'as HaMeis*.

[9] 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.

[10] See *Rambam (Hilchos Avel* *ibid.*) and *Rema (Even Ha'Ezer* 65, 1). In fact the actual words of the *Gemara (Megillah* and *Kesuvos* *ibid.*) are '*Mevattlin Talmud Torah l'Hotzaas HaMes UI'Hachnosas Kallah*'. The *Yad Eliyahu (Shu"t* 39, cited by *Pischei Teshuva* in *Even Ha'ezer* 65, 3) cites proof to this from *Koheles* (Ch. 3, verses 1 - 8). All of the different 'times for actions' are written with a *lamed*, except two: '*eis sefod v'eis rikod*', 'a time to eulogize and a time to dance', to teach that exclusively for these two times one is required to be *mevattel* his *limud*.

[11] *Chelkas Mechokek (Even Ha'ezer* 65, 2), and *Beis Shmuel* (ad loc. 3). Rav Moshe Feinstein (*Shu"t Igros Moshe, Orach Chaim* vol. 2. 95, s.v. *u'lchein*) wrote an interesting *teshuva* regarding one who wants to attend a *chasuna* during *Sefiras Ha'Omer*, but it is still '*Sefirah*' for him (meaning the *Baalei Simcha* kept a different '*Sefirah*' than the guest. This issue was addressed at length in an article titled [Switching Sefirahs: Understanding Your Minhag and its Ramifications](#)) and consequently he 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 *Beis Shmuel* it is a *chiyuv* to attend a wedding one knows about, and although the *Chelkas Mechokek* maintains that it is only obligatory when one sees a *Chuppa* occurring, that is only regarding whether one is required to stop his *Torah* learning; he certainly would agree that one who is not currently learning still receives a *mitzvah* for attending a wedding.

[12] *Ha'amek Sheilah* (on the *Sheiltos, Parshas Chayei Sara, Sheilta* 14, 2 and *Parshas Vayechi, Sheilta* 34, 2), *Gemara Brachos* (18a), *Shulchan Aruch (Yoreh Deah* 361, 3).

[13] See *Shu"t Yad Eliyahu* (39; cited by the *Pischei Teshuva* both in *Hilchos Levayas HaMeis, Yoreh Deah* 361, 2 and *Hilchos Kiddushin, Even Ha'ezer* 65, 3), and *Gesher HaChaim* (vol. 1, Ch. 4, 7, pg. 127 - 128, see extensive footnote 3, and vol. 2, Ch. 10, 4, s.v. *v'HaBeis Shmuel*).

[14] Including the *Sheilas Dovid* (end *Shu"t* vol. 1, *Chiddushim* to *Yoreh Deah* 361 pg. 16), the *Minchas Elazar* (*Shu"t* vol. 2, *Kuntress Shirei Mincha* on vol. 1, 26, s.v. *uv'inyan* and vol. 4, 2, s.v. *uv'hemshech*), *Sdei Chemed (Maareches Chassan V'Kallah* 22 and *Aveilus* 192), Rav Yosef Chaim Sonnenfeld (*Shu"t Salmas Chaim*, new print, *Yoreh Deah* 194), the *Debreciner Rav (Shu"t Ba'er Moshe* vol. 4, 98), the *Tzitz Eliezer (Shu"t* vol. 5, *Kuntress Ramat Rachel*, 50, 2, 3, s.v. *ukmo"k* and vol. 7, *Kuntress Even Yaakov* 21), Rav Moshe Sternbuch (*Shu"t Teshuvos V'Hanhagos* vol. 4, pg.

323, 13), Rav Chaim Kanievsky (in an unpublished *teshuva* to R' Yitzchok Winkler, dated 6 *Kislev* 5768), *Yalkut Yosef* (*Hilchos Aveilus*, 10, 4, pg. 237), and *Pnei Baruch* (Ch. 5, end 3, pg. 53).

[15] *Shu"t Teshuvos V'Hanhagos* (vol. 4, s.v. *v'nirah*). Additionally, in *Shu"t Teshuvos V'Hanhagos* (vol. 2, 452 s.v. *ula"d*) Rav Sternbuch writes that the *Gr"a's kavanna* in his comment (*Yoreh Deah* 361, 2; based on the *Yerushalmi* in *Pesachim* Ch. 3 and *Chagiga* Ch. 1), is to explain the *Shulchan Aruch's* ruling differently, that one is only required to leave learning if he is not actively '*osek baTorah*', then one should not go back to learn, rather attend the *levayah*. But one who is currently immersed in his learning would not be mandated to stop and attend the *levayah*.

[16] *Halichos Shlomo* (ibid.) and *Yalkut Yosef* (ibid.).

[17] *Shu"t Teshuvos V'Hanhagos* (vol. 4, 213 s.v. *v'yeish* and pg. 323, 13).

[18] This author personally heard this *sevara* to explain the common custom from Rav Ezriel Auerbach *shlit"a*. The source is *Tehillim* (Ch. 119, verse 126). The best known example of applying this is R' Yehuda *HaNassi's* (Rebbi) writing and codifying *Torah SheBaal Peh* as the *Mishna*. For additional examples of this and when this may be applied see *Gemara Sanhedrin* (17a) and *Kli Yakar* (*Parshas Re'eh*, *Devarim* Ch. 17, 11).

[19] See *Gemara Brachos* (35b), *Nazir* (50a), *Kedushin* (52b & 66a), and *Midrash Esther Rabba* (Ch. 7, end 13).

[20] Several *poskim* maintain that this applies even if one is in a car or bus, or if one sees the *levayah* while in another *reshus*. See *Gesher HaChaim* (vol. 1, Ch. 14, 9), *Halichos Shlomo* (ibid.), *Shu"t Shevet HaKehasi* (vol. 4, 284 and vol. 5, 214), *Shu"t Ba'er Moshe* (ibid. end s.v. *aimasai*), *Maaseh Ish* (vol. 2, 122), and *Yalkut Yosef* (*Aveilus* pg. 244). Interestingly, some wish to draw a parallel from the *halachos* of *Kibud Av V'Eim* and *Kibud Rabo* [see *Chayei Adam* (vol.1, 67, end 7) and *Ben Ish Chai* (Year 2, *Parshas Ki Seitzei* 13)] that one is not required to stand up for a father or *Rebbi* while technically in a different *reshus* than he is.

[21] *Tur* and *Shulchan Aruch* (*Yoreh Deah* 361, end 1), *Shach* (ad loc. 6), *Biur HaGr"a* (ad loc. 3), *Chochmas Adam* (155, end 3), *Kitzur Shulchan Aruch* (198, 9), *Aruch Hashulchan* (*Yoreh Deah* 361, 3). The reason being that *Chazal* state that the breath of children learning Torah holds up the world

(*Gemara Shabbos* 119b), and should not cease even for a *Gadol's levayah*. This is not like the opinion of the *Rashal* (*Yam Shel Shlomo, Kesuvos* Ch. 2, 5) who maintains that for a *Gadol's* funeral, children should stop learning to attend.

[22] *Shu"t Salmas Chaim* (new print, *Yoreh Deah* 192), *Gesher HaChaim* (vol. 1, Ch. 14, 4), *Shu"t Teshuvos V'Hanhagos* (vol. 4, pg. 323, 13 and footnote 13 s.v. *mihu*), *Shu"t Yabea Omer* (vol. 2, *Orach Chaim* 25, 9 and vol. 4, *Orach Chaim* 35, 1), *Pnei Baruch* (Ch. 5, 3, and footnote 13), *Yalkut Yosef* (*Aveilus* Ch. 10, 4), and personally heard from Rav Ezriel Auerbach.

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.

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel *ben* R' Yechezkel Shraga, Rav Yaakov Yeshaya *ben* R' Boruch Yehuda.