

HALOCHOSCOPE

This week's question:

A funeral is taking place on *Erev Shabbos*. Due to social distancing restrictions, the relatives will not be able to attend. A teleconference has been arranged so that people can pay respects. Some people will be delivering eulogies. However, some of those attending the conference will be in time-zones where it is past *chatzos*, *halachic* midday. They will not be delivering eulogies, but will be able to hear those delivered by others in time-zones where it is not yet *chatzos*. Should they turn off the audio for those eulogies?

The issues:

- A) *Hesped*, eulogizing a departed soul at the funeral
- B) *Erev Shabbos* after midday
- C) Time zones in *halacha*
- D) "Presence" at a teleconference

A) *Hesped*

The obligation to eulogize the departed is based on Scriptural references. The first occurrence in the Torah is when Avraham Avinu eulogized Sarah Imainu. In that context, the Torah mentions eulogizing in connection with *bechi*, weeping. The Talmud discusses these as two distinct types of expressions of grief. Weeping lasts for a few days, possibly three days. *Hesped* can last longer. However, in other contexts, it is clear that *bechi* can last thirty days as well. Other references to *hesped* or *bechi*, or both in the Torah refer to the death of Devorah the nurse of Rivkah, Yaakov, the two sons of Aharon, Nadav and Avihu, Aharon himself, and Moshe. In the Navi, references are made to the death of Yehoshua, Shaul, and various other personalities.

The obligation rests primarily on the relatives. The close relatives who are mourning have the greatest obligation, and other relatives have a lesser obligation. They may hire others to say *hespedim*, or ask others to provide the service voluntarily. On a great Torah scholar, all Israel are considered relatives. They must engage in *hesped* and *bechi* to some degree. Usually, one person represents all the others in saying the eulogies and the other participate by listening and joining in the weeping. The main purpose of *hesped* (and its reward) is to raise one's voice and arouse the listeners to weep.

In former times, the women would provide the weeping in various ways. *Mekonenos*, where one woman wails and says words of eulogy and other women respond after her, is the main type of *hesped*. *Metapechos*, where they clap their palms together, is also practiced. Presumably, this was a slow mournful clap. A lesser type is *me'anos*, where they all wail together in chorus. There was also a type of *hesped* practice that involved playing flutes. As we shall see, these types of *hesped* are restricted on certain days, to varying degrees. In former times, money was set aside to pay for these women. Nowa-

days, in Ashkenazi communities, we are not accustomed to this type of *hesped*. Rather, the practice is to deliver a speech that arouses and inspires. It is usually based on recounting the life and righteous practices of the deceased, or on words of Torah and *mussar*, or a combination of the two.

The Talmud says that *hesped* is to show honor. The Talmud goes on to debate whether it is to show honor to the living, survivors of the rest of Israel in the case of a public figure, or for the honor of the deceased. Various proofs are cited one way or the other, but the Talmud reconciles the reasons in those cases. The conclusion is that it is for the honor of the deceased. The difference between the two would be seen in a case where the deceased had left instructions that he did not want to be eulogized. If it is in his honor, he has waived that right. If it is for the honor of the survivors, he cannot waive their honor. According to the conclusion, a deceased has the right to waive his honor. However, there seem to be some contradictions to this. Therefore, some poskim maintain that both the deceased and the survivors are honored by the *hesped*. The question is, which of these is the primary focus and which is secondary.

Since it honors the deceased, the obligation is even more incumbent on the children of the deceased. It amounts to a form of honoring their parents after death, which is not quite as stringent as when they are living. It is Rabbinical, rather than Scriptural, but in the case of *hesped*, it might reach the Scriptural level. In addition, it is possible that the deceased themselves are not aware of the *hesped*. The Talmud says that once the grave is filled, the souls are no longer necessarily aware of matters in this world. The Talmud debates whether they are aware of matters pertaining to themselves. Assuming that they are not aware, how is this considered honoring them? First, the main obligation of *hesped* is before the burial takes place. It can, however, continue for up to thirty days. This is learned from Moshe's death. The Talmud points out that for certain great scholars it continues for twelve months. [The Talmud deals with how it could be that there was greater honor accorded to other scholars than to Moshe.] Therefore, it is understood that honor is more important for those who show it than for those who receive it. Nonetheless, if a deceased had instructed that no eulogies be said for him, we respect his wishes. The exceptions to this are a true Torah scholar. The poskim debate this, and whether there is a true Torah scholar in that sense nowadays. There is a variety of prevailing practices, ranging from a full eulogy (against the wishes of the deceased) to a partial eulogy or just inspiring words, or to no eulogy at all.

It is considered harmful to the soul when a eulogizer exaggerates the praises of the deceased. It is also painful to him, since he is present, when he sees that people thought of him in such terms. He realizes that he was indeed capable of this, but did not live up to this potential. In addition, it is wrong from the perspective of the eulogizer. Based on these considerations, the prevailing practice is to practice some restraint. A small addition to what is already known is allowed, under the assumption that the deceased probably was privately greater than we knew. However, due to these and other considerations, such as the practice of eulogizers to say little of nothing about the life of the deceased and to focus on *divrei* Torah, some communities abolished the *hesped* totally. Although it is clearly an ancient obligation, the risks of overdoing it, combined with the concept that

a communal *minhag* can override *halacha*, are considered enough to suspend it. Indeed, saying *divrei* Torah in the presence of a deceased soul is considered inappropriate. It is like mocking him, for he can no longer engage in Torah study. It is only permitted to relate his own *divrei* Torah, or to use Torah thoughts to arouse others. Even in these communities, *hesped* is suspended mainly at the funeral. The *hesped* that is delivered during *Shiva* or *Shloshim* is still practiced. [See Brochos 3b 6b 18a-19a Shabbos 105b 151a-153a Megillah 28a Moed Katan 28b Kesubos 46b 72a 103b Baba Kama 15b Sanhedrin 46b-47a, Poskim. Tur Sh Ar YD 344, commentaries. Geshet Hachayim I:13 II:9:1-2.]

B) Erev Shabbos after midday

The Talmud says that on certain days *hesped* is forbidden. On certain days fasting is forbidden. There is a debate on whether these restrictions always apply on the days preceding these days or not. There is always a concern that one becomes too involved in the *hesped* and continues crying into the forbidden day. Part of the debate involves whether these days are forbidden to fast Scripturally, in which case there is no need to restrict them further by providing a blanket before and after, or Rabbinically, in which case there is such a need. In any event, while *Yomtov* is mentioned in these lists, *Shabbos* is not mentioned. Indeed, fasting can take place on *Erev Shabbos* within certain guidelines, as discussed last week. Eulogies are another matter. The question is whether there would be a restriction on eulogies, even on the days before a *Yomtov*. On *Erev Shabbos*, there is no outright reference to a restriction on eulogies.

The poskim discuss *tziduk hadin*, a prayer and supplication accepting the divine Judgment, which includes various verses. This is not recited on *Yomim Tovim* and many other days which are meant to be joyous occasions. The poskim debate whether to extend this to any day when *tachanun* is not recited. Based on this, the Ashkenazi *minhag* is not to recite it on *Erev Shabbos* after *chatzos*. Based on this, the poskim debate whether this is extended to *hesped*. On the one hand, part of the purpose of *tziduk hadin* is to promote *hesped*. On the other hand, *tziduk hadin* is specifically recited after the burial, while *hesped* is ideally before it. Furthermore, the reason *tziduk hadin* is not said when *tachanun* is not said is that it is a form of *tachanunim*, pleading and supplication. *Hesped* is not *tachanun*. Accordingly, some poskim permit *hesped* after *chatzos* on *Erev Shabbos*, at least for a deceased Torah scholar. Some permit all *hespedim* on Friday after midday. Others restrict it then, even for scholars. [See Taanis 15b 18a-b Rosh Hashana 19a-b, Poskim. Tur Sh Ar OC 420:1-2 547:1-5 (BHL Dirshu) 670:3 697:1 YD 401:5-6, commentaries. Geshet Hachayim I:13:9 note 5, 16:6:2.]

C) Time zones in halacha

Halachic midday, or *chatzos* is when the sun is directly overhead. This will vary according to the geographic location. It will be *chatzos* in an eastern location earlier than in a western location. Thus, one in an eastern location would be forbidden to eulogize earlier on *Erev Shabbos* than someone else in a more western location, even in the same clock time zone. Certainly in a later time-zone, a eulogizer could be saying a *hesped*, while for someone else listening in in the easterly location *chatzos* has already passed.

In our case, the deceased left a widow and no children. The nephews would like to deliver *hespedim*, especially since there will be no family in attendance at the funeral.

Some nephews live in eastern areas, where *chatzos* will take place before the funeral. They will not be able to deliver *hespedim* at the funeral. Perhaps a *hesped* delivered in cyberspace is permitted, as we shall discuss in the next section. If it is not permitted, the question is whether they may listen to a *hesped* during this time, being delivered by a nephew in a western area. The issue here is whether the listeners are included in the restriction. Since the purpose of the *hesped* is to arouse the listeners, it is clearly an interactive experience. In addition, the listeners have an obligation of *hesped* as well, which they fulfill by listening. Therefore, if the listeners are restricted from delivering the *hesped*, they would be restricted from listening as well. [See refs to sections A and B.]

D) Distance hespedim

An additional issue to address is the fact that this *hesped* is not delivered in the presence of the deceased. The question is whether this counts as a *hesped* or not. It could be considered something like a recording, since the sound is not instantaneously transmitted. However, this is difficult to accept. The sound is so close to instantaneous that it is almost the same as hearing it in the same room. The larger question is whether a *hesped* delivered not in the presence of the deceased is ever a true *hesped*. The poskim discuss a *hesped* after the burial. The ruling is that for one who passed away earlier, one may not deliver a *hesped* within thirty days of a holiday. This is even if he is also delivering a *hesped* for one who just passed. This would be permitted, since he is in the grip of his grief due to the freshness of the news. It is even permitted for one who dies on *Erev Yomtov*. However, those who forbid delivering a *hesped* after *chatzos*, apply it specifically to this case. Thus, even shortly after the death, it is restricted on *Erev Shabbos*, and certainly for an earlier death. Similarly, *hespedim* after *Shiva* and *Shloshim* are restricted within thirty days of a holiday. Accordingly, a *hesped* delivered not in the presence of the deceased is also included in the restrictions. Although the ideal fulfillment of the *mitzvah* to eulogize in before the body of the deceased, it would still be counted from a distance. [See refs to sections A and B.]

In conclusion, those who are in a time-zone before *chatzos* may deliver their *hespedim*. Those in a time-zone after *chatzos* should preferably not tune in. However, there are valid opinions that permit delivering a *hesped* after *chatzos*. In these difficult circumstances, one may rely on those opinions.

On the parsha .. "The land eats up its inhabitants ... [13:32] Wherever we went, they were burying the dead!" Hashem did this to distract their attention away from the spies [Rashi]. Why blame the *meraglim* for not figuring this out? The appearance would certainly be that this is a plagued country [see *Kli Yakar*!] Perhaps the people were preoccupied in long *hespedim*. The *meraglim* should have focused on this distraction, rather than on the deaths and burials.

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whose *yahrzeit* was on the 26th of *Sivan*. ה

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