

PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING PROJECT

# Hilchos Aveilus Lesson 14

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**The Hebrew version of this lesson was written by  
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## Hilchos Aveilus Lesson 14

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### **Shiur Subjects:**

1. Seifim of the Shulchan Aruch and the Rama (including the Seif Katan numbers of the Shach and Taz).
2. Which things are permitted to be spoken about in front of the deceased
3. Pesukim and Torah Thoughts at the eulogy of the deceased
4. Conduct of the community upon the death of a leader
5. Whom is one permitted to eulogize in the Beis Kenesses (Synagogue) or in the Beis Midrash (study hall)
6. Eulogy for a Chacham (wise man and Sage) and a Gaon (Torah Giant)
7. Additional Dinei Aveilus from the Achronim
8. Summary



*Siman 344: 16-20*

**16** <sup>11</sup>) One may only speak about in front of the deceased things which pertain to the deceased such as his burial needs and the eulogy, but anything else <sup>12</sup> is forbidden. This, however, is referring to words of Torah [*Divrei Torah*] but mundane matters are of no concern.

**17** It is permitted to say *Pesukim* [verses of Torah] and *Drasha* [insights] <sup>(5)</sup> in honor of the deceased while one is within 4 *amos*<sup>1</sup> of him or in the cemetery.

**18** A Sage who died, [Torah learning] is cancelled in his *Beis Midrash* [Hall of Torah Study] and eulogies are said for him the whole of Shiva but other *Batei Midrashos* continue their schedule of Torah learning even at the time of eulogy. After the eulogy his students do not gather together [to learn] in his *Beis Midrash* but join up in groups of two and learn in their homes. An *Av Beis Din*<sup>2</sup> who died, all study in the city is cancelled and those who usually pray in Synagogue change their places. A *Nasi*<sup>3</sup> who died, all the *Batei Midrashos* in any place where they eulogize him cancel [their Torah Learning], and after the eulogy [the students] do not gather in the *Beis Midrash* but join up in groups of two and learn in their homes. All the inhabitants of the city pray in the house of the mourner both during the week and on Shabbos, except for Reading the Torah Portion on Shabbos, Monday and Thursday where they read it in the Synagogue. They should not walk around in the marketplace, but they should sit at home, each family individually, and grieve all day long.

**19** They eulogize Torah Scholars and their wives in the *Beis Midrash* but not the rest of the people.

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<sup>1</sup> Approximately 2 metres.

<sup>2</sup> Head of the *Beis Din* (Rabbinical Court) and therefore the religious leader in that city.. See footnotes 1 and 3 of Lesson 5.

<sup>3</sup> President of the Sanhedrin.

**20 They bring a Sage, a leader and a brilliant Torah Scholar into the *Beis Midrash* and place the coffin where he used to stand and teach and they eulogize him there. When they take the coffin out they eulogize him until the cemetery and on the seventh day they go to the cemetery to visit him, and likewise on the thirtieth day and at the end of the 12 months they visit his [grave] and they recite the Prayer for the Dead.**

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SIMAN 344:16

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## Which Things are Permitted to be Spoken About in Front of the Deceased?

The source of this Halacha is in Masechtas Brachos 3b, where the Gemara has two versions of the discussion.

The first version [*lishna kama*]:

- One may only speak in front of the deceased things that pertain to the deceased (namely eulogy and burial – Ramban). Rabbi Abba bar Kahana said, “They only said this with regard to *Divrei Torah* (so as not to affront the deceased – Shach), but other mundane matters are of no concern.”

The second version [*lishna Basra*]:

- Another version says, Rabbi Abba bar Kahana said, “They only said this with regard to *Divrei Torah* and therefore all the more so [must one refrain from speaking about] mundane matters.”

The argument that arises out of the two versions is that according to the first version only *Divrei Torah* are forbidden to be spoken about within close proximity of the deceased but other matters which are not *Divrei Torah* are permitted to be spoken about even within close proximity to the deceased. However, according to the second version it comes out that not only are *Divrei Torah* forbidden to be spoken about within close proximity to the deceased, but also any other matters are forbidden to be spoken about next to the deceased.

How have the Poskim decided between these two differing versions?

1. Rabbeinu Hai is posek like the first version, and likewise the Rambam and other Rishonim have been posek too, that matters other than *Divrei Torah* are permitted to be spoken about within close proximity to the deceased. However, all this is only talking about outside of 4 *Amos* from the deceased where it is forbidden to speak *Divrei Torah* but other matters are permitted to be spoken about.
2. However, there are those who disagree (in the Tur) and are of the opinion that also other matters are forbidden to be spoken about in close proximity to the deceased, but all this is only within 4 *amos* of the deceased, but outside of the 4 *amos* it is permitted to speak about other matters.

The Shulchan Aruch in this Seif is posek also like the first version that in front of the deceased one may only speak about that which pertains to the deceased, such as burial needs and eulogy but other matters are forbidden. However, all this is only talking about *Divrei Torah*, but other matters are permitted to be spoken about within close proximity to the deceased.

See the Shach, Seif Katan 11, who explains that it may be inferred from the Shulchan Aruch that *Divrei Torah* are forbidden even outside of the 4 *amos*, whereas other matters, even within the 4 *amos*, are permitted. He brings the view of the Bach who holds that indeed *Divrei Torah* are forbidden even outside of the 4 *amos* but other matters are permitted outside the 4 *amos*. He also adds there that matters pertaining to the deceased, such as eulogy and burial matters are permitted to be spoken about even within 4 *Amos* of the deceased, and according to this he explains the custom people have of including in eulogies *Divrei Torah* and stories of *Chazal* even within 4 *Amos* of the deceased.

The Shach adds the Din of the Mordechai that the room in which the deceased is lying is considered as within the 4 *Amos* (and one must be careful not to speak about mundane matters and *Divrei Torah* there).

Is it permitted to recite Tehillim within 4 *Amos* of the deceased? See the S'dei Chemed, Aveilus Siman 115, and the Pnei Baruch, Siman 37:22, who write that it is permitted to recite Tehillim in close proximity to the grave of the deceased.

## Pesukim and Torah Thoughts in the Eulogy of the Deceased

The Source of this Din is in the Gemara there, that matters pertaining to the deceased are permitted to be said in close proximity to him. It is also brought in the Mahari Abuhav that is in the Beis Yosef that it is permitted to say Pesukim and *Drasha* (insights) about deceased in front of them.

Likewise has the Shulchan Aruch been posek in this Seif. See the Taz, Seif Katan 5, who stresses that only for the honor of the deceased is it permitted to say a *Drasha* and eulogy next to him, but when these words are not for his honor, but only for the honor of the eulogizer, such as they want to show what a powerful *Drasha* they are able to give and they exaggerate at the eulogy of the deceased, then this is definitely forbidden.

The Taz adds the Din which pertains to another matter that he [the Ramban] wrote in Sefer Toras HaAdam that it is not considered a good custom to mention the deceased after 12 months, and if news of the death comes only after 12 months, one is exempt from eulogizing him.

He adds that the extra month of the leap year is not considered as part of the 12 months (meaning in a leap year one does not have to keep 13 months) for the term “year” is not used in regard to this Din, rather it is written “12 months”.

## Conduct of the Community upon the Death of a Leader

The Source of this Seif is in Masechtas Moed Katan 22b. The Gemara brings the behavior of the nation upon the death of one of the leaders of the people.

The Gemara writes (with additional explanations which are brought in the Tur):

A Sage who passes away, [Torah learning] is cancelled in his *Beis Midrash*, meaning he is eulogized the seven days of mourning but other *Batei Midrashos* do continue their schedule of Torah Study, even at the time of the eulogy. After the eulogy the students of the Sage who passed away do not gather in the *Beis Midrash* but join up in groups of two and learn in their homes.

An *Av Beis Din* who passes away, Torah Learning in all the *Batei Midrashos* of the city is cancelled, and those who are used to praying in Synagogue change their places, so that those who pray on the South side of the Synagogue move to the North side and vice versa.

A *Nasi* who passes away, all the *Batei Midrashos* in any place where they eulogize him cancel [their Torah Learning], and after the eulogy [the students] do not gather in the *Beis Midrash* but join up in groups of two and learn in their homes. All the inhabitants of the city pray in the house of the mourner both during the week and on Shabbos, except for Reading the Torah Portion on Shabbos, Monday and Thursday where they read it in the Synagogue. This last Din is only regarding a *Nasi*, but for a Sage or *Av Beis Din*, the praying in the Synagogue is not cancelled, but rather some pray in the Synagogue and some in the home of the mourner.

The Rambam (Hilchos Avel, Chapter 9 Halacha 15) adds regarding a *Nasi* who died that people should refrain from walking around the marketplace, but each family individually should sit at home and grieve the whole day long (these are the words of Rabbi Yehoshua ben Korcha there in the Gemara page 23a).

The Shulchan Aruch in this Seif is posek all that which has been brought above and adds the Din of the Rambam which we have just mentioned.

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SIMAN 344:19

## Whom is it Permitted to Eulogize in the Synagogue and in the Beis Midrash

The Source of this Din is in Masechtas Megilla 28b, that in a Synagogue or in a *Beis Midrash* it is permitted to eulogize Torah Scholars and their wives, but it is forbidden to eulogize anyone else there.

The Shulchan Aruch in this Seif is posek the Halacha exactly as we have written above.

It is important to note here the Din of Rav Hai which is brought in the Tur (but which is not mentioned in the Shulchan Aruch). The ruling of Rabbeinu Hai is that an important person and a Torah Giant who is unique in his generation, and who dies, it is permitted to put next to him at the eulogy a Sefer Torah which is covered with a sheet.

The proof for his words is brought in the Beis Yosef in the name of the Ramban in Toras HaAdam, from the Gemara in Baba Kama 17a, and from the Gemara in Moed Katan 25a.

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SIMAN 344:20

## Eulogy for a *Chacham* (Sage) and a *Gaon* (Brilliant Torah Scholar)

The Source of this Din is in the Ramban in Toras HaAdam, where he writes that a Sage, a leader and a brilliant Torah Scholar are brought into the *Beis Midrash* and the coffin is put in the place where the deceased had stood and taught, and there he is eulogized by his students and the Jewish People, and when his coffin is taken out he is eulogized until the cemetery. On the 7<sup>th</sup> day they go to the cemetery to visit his grave. This is done on the 30<sup>th</sup> day too, and after this one does not go to visit the grave. When the 12 months have finished they visit his grave and say the Prayer for the Dead [*Hashkava*].

The Shulchan Aruch in this Seif is posek like the above Ramban.



Regarding the Din of the eulogy for a Great Sage in the *Beis Midrash*, see the Chochmas Adam (Klal 155 Seif 18) who writes: “It seems bad to me the custom they have of putting the coffin of the deceased in the *Beis Midrash* and to eulogize him there, for they have seen it done for the Admor HaGaon The Leader of the Generation HaGaon Rav Eliyahu MiVilna zt”l, who was known and famous the world over as a brilliant scholar and a pious man, and who was unique in his generation, and from him they have learned to do so for anyone whom they wish to honor etc.”. At the end of his words, however, he writes that due to the error of the general public, it seems proper to abandon this custom and not to bring any deceased into the Synagogue and the *Beis Midrash*.

### **Additional Dinim of Eulogy from the Achronim:**

These are the days on which one does not eulogize (except for a Sage who passed away, and only in front of him):

Rosh Chodesh (Shulchan Aruch, Orach Chaim 420), the whole month of Nissan, Pesach Sheini<sup>4</sup>, Lag BaOmer, Chanukah, Purim Gadol and Katan on both days<sup>5</sup>, Tu BiShevat, Tu B’Av<sup>6</sup>, Isru Chag<sup>7</sup>, the 4 days between Yom Kippur and Succos, Erev Shabbos [Friday] and Erev Yom Tov after noon, Erev Yom Kippur, even before noon, Chol HaMoed (even for a Sage in front of him – according to the Or Halacha Siman 547, the words beginning “That it is permitted”), and also on Shabbos, and the first and second days of Yom Tov (Shulchan Aruch, 401:5, Mishna Berura, Orach Chayim, 559, and Pnei Baruch 3,10).

A mourner who nevertheless desires to eulogize a deceased on Chol Hamoed – see Sefer Igros Moshe, Orach Chayim Volume 1 Siman 165, who was inclined to permit it.

It is brought in the Sefer Gesher HaChayim, Chapter 13 Seif 4, that there are communities, such as Chabad, who refrain in our times from eulogizing at all, because in recent times there have been eulogizers who have gone beyond the boundaries of what a eulogy should be and have over-stated the praise of the deceased, or they have spoken about things which did not pertain to the deceased himself, and this is not considered an honor for the deceased, only an honor for the eulogizer himself.

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<sup>4</sup> 15<sup>th</sup> Iyar.

<sup>5</sup> The 14<sup>th</sup> and 15<sup>th</sup> of both Adar Rishon and Adar Sheini.

<sup>6</sup> 15<sup>th</sup> Av. See the very last Mishna (4:8) of Masechtas Ta’anis as to why this day is considered joyful.

<sup>7</sup> Literally the “binding of the Festival” and refers to the day after the last day of Pesach, the day after Shavuos and the day after Shmini Atzeres/Simchas Torah.

A great man who has left instructions that he should not be eulogized (for which the Din has been mentioned above in the name of the Pischei Teshuva), for him the custom is (which is brought there in the Gesher HaChayim) that he is eulogized briefly, and one limits (or does not mention at all) his praise, and speaks stirring words. The reason why one does not obey his instructions is that the eulogy comprises two parts: eulogy and crying, so even if one is able to refrain from giving the eulogy, the deceased does not have the right to cause the community to lose out on the *mitzva* of crying for a great and upright man.

The Gesher HaChayim adds as a footnote that this is what HaGaon MiKalisch did at the funeral of HaGaon Rav Zundel Salanter zt"l, and this is also what HaGaon Rav Chaim Berlin did at the funeral of HaGaon Rav Yitzchak Blazer zt"l, and so also did the Gaonei Yerushalayim at the funeral of Rav Shmuel Salant zt"l, for all these left instructions that they were not to be eulogized, and so they only said on them brief stirring words.

It is brought in Sefer Menachem Aveilim (Edit 5 Number 31) that it was not customary to eulogize and to recite the Prayer for the Dead [*Hashkava*] for small children, but only from the age of 13 and upward.

## **Summary: Questions and Answers**

### **1. What can be spoken about in front of the deceased?**

One only speaks in front of the deceased about that which pertains to the needs of the deceased, such as burial and eulogy, but other matters are forbidden to be spoken about. However, all this only refers to *Divrei Torah*, but other matters are permitted to be spoken about in close proximity to the deceased.

### **2. May one say Tehillim in close proximity to the deceased?**

Yes.

### **3. Are eulogy and praise for the deceased permitted to be said in close proximity to the deceased?**

Yes.

### **4. What is customary to do upon the death of a Leader?**

See the summary for details.

5. **Whom is it permitted to eulogize in the Synagogue and Beis Midrash?**

Only Torah Scholars and their wives, but it is forbidden to do so for anyone else

6. **How are Sages, Scholars etc. eulogized?**

A Sage, Brilliant Scholar and a Gaon (Torah Giant) are brought into the Beis Midrash and the coffin is put in the place where they had stood and taught from, and they are eulogized there by their students and the Jewish People, and when they are taken out the eulogies continue to the cemetery.

7. **On which days are eulogies not said (except for a Sage, and only in front of him)?**

See the summary for details.

8. **What is done when a Great Man left instructions that he was not to be eulogized?**

The custom is to eulogize him briefly and to say just a little (or nothing at all) of his praise, and to speak stirring words

9. **From what age are eulogizes and *Hashkavas Hameis* done?**

Eulogizes and *Hashkava* are not customarily be done for children, only from the age of 13 and upward.