

STANDING OUT OF RESPECT

BY RABBI ARYEH LEBOWITZ

I – How old must the person be?

The Torah teaches us in Parshas Kedoshim "Mipnei Seiva Takum V'Hadra Pnei Zaken" (Vayikra 19:32). The Gemara (Kiddushin 32b) tells us that the word "zaken" is a reference to talmidai chachamim, while the word "seiva" refers to elderly people. The *Targum Unkelos*, however, understands the word "seiva" to mean a Torah Scholar and the word "zaken" to mean an elderly person.

This machlokes impacts upon the halacha. The gemara and *Unkelos* disagree on the age one must reach in order to warrant people standing for him. The Mishnah (Avos 5:24) says that upon reaching the age of sixty one, one is called a "zaken" and upon reaching the age of seventy, one is called a "seiva". Based on this mishnah we may deduce that the gemara, which understands "seiva" as a reference to the elderly, will require us to stand for anyone who has reached the age of seventy. However, the *Targum Unkelos*, who understands the word "zaken" to refer to the elderly, would require us to stand even for one who has reached the age of sixty. Halacha l'ma'aseh, the Shulchan Aruch (Y.D. 244:1) paskens that we must only stand for elderly people once they have reached the age of seventy. If one doesn't know the exact age of the elderly person he must stand in accordance with the rule of "sfeika d'oraysoh l'chumra" (Responsa Yechave Da'as 3:70).

II – How Long Must One Remain Standing?

When the elderly person or the Talmid Chacham is just passing by, the Shulchan Aruch (Y. D. 244:2) paskens (based on the gemara Kiddushin 32b) that as soon as he has passed by one is permitted to sit down.

When the elderly person/talmid chacham remains in the room for a while the question becomes a bit more complicated. The gemara (Shavuos 30b) records a fascinating story. The wife of Rav Huna had a court case in which she had to appear before Rav Nachman (who was judging the case). Rav Nachman was faced with a dilemma. If he were to stand up out of respect for Mrs. Huna as the halacha requires, this blatant show of respect would surely dishearten her opponent in the court case. If he were to remain seated as she walked in to court he would be in violation of the halacha that the wife of a talmid chacham warrants the same respect shown to a talmid chacham. Rav Nachman came up with a very creative solution to the problem. He

asked his shamash to throw a duck at his head as Mrs. Huna walked into court thereby forcing him to jump up out of the way of the flying duck. By doing this, he was able to follow the halacha while doing it in a way that is not a noticeable show of respect so as not to dishearten the other party in the court case. The gemara then asks how Rav Nachman handled the very end of the case when the norm is to have the parties in the case stand while the judges remain seated. The gemara answers that because the end of the case lasts only a brief moment, Rav Nachman can rise slightly as if he were tying his shoe. The *Ran* (ibid.) derives from this gemara that during the duration of the court case the parties to the case may remain seated, because Rav Nachman only had a problem at the beginning and the end of the case. Based on this *Ran*, many poskim deduce that when a talmid chacham/elderly person remains in front of you for an extended period of time, if he is seated you may also sit, but if he remains standing you must also remain standing (Responsa *Har Tzvi* O.C. 107:2; Responsa *Yabia Omer* 6, Y.D. 22). There is a minority view in the poskim which maintains that one may sit immediately even if the talmid chacham/elderly person remains standing (Responsa *Sheivet Ha'leivi* Y.D. 114). If the talmid chacham is mochel on his kavod all agree that one may sit immediately.

III – Giving Up a Seat on a Crowded Bus or Train.

Based on the *Ran* mentioned above it stands to reason that if one is not permitted to sit until the T.C./elderly person has found their seat, one would have to give up his own seat for them. Even the minority view mentioned above, which maintains that one must only stand for a brief moment in order to fulfill his obligation, would agree that one is obligated to give up his seat on a crowded train. This stringency is based on a gemara in Kiddushin, which requires that the standing be a clear show of respect (kimah shel hidur). If a young person sits down and allows an elderly person to remain standing he has not shown a clear sign of respect. Rav Ovadia Yosef (Responsa Y"D 3:71) adds that one must also give up his seat for a pregnant woman thereby fulfilling the charge of Chazal (Yoma 86a) to cause the world to love Hashem.

It is important to note that there is much more to showing proper respect than what the strict halacha requires of us. Rav Moshe Stern (Be'er Moshe Kuntros Electric 53) admonishes one who would even think to ask if it is permissible to remain seated as an older person is forced to stand. Showing proper respect for all people, especially for those who are older than us and for talmidai chachamim should come as second nature to all of us.