

# **The Obligation to Give a Proper Hespel**

## **Rabbi Aryeh Lebowitz**

**I. Introduction.** In this week's *parsha*, after the passing of Sarah, the Torah informs us that Avraham said a *hesped* for Sarah and cried over his enormous loss. This incident serves as the first source in *Tanach* for the recital of a proper eulogy for somebody who has passed away. Traditionally, the *halachos* of *hespedim* have only been studied by rabbis and rabbinical students. This was the case because the rabbi, and sometimes one family member were usually the only people called upon to deliver a *hesped*. However, in recent times it has become customary for many family members (sometimes teenage children or grandchildren) to share the depth of their unique loss in the form of a *hesped*. Due to the nature of a eulogy it is crucial that each of us are familiar with the *halachos* pertaining to the eulogy lest we utter something inappropriate at these most emotionally stressful times. We will, *iy"h*, explore the nature of the obligation to deliver a eulogy, discuss the approach one should take to delivering a eulogy, and analyze various halachic details pertaining to a eulogy.

**II. The Nature of the Eulogy.** The *gemara* (*perek nigmar hadin*) raises the question over whether the primary purpose of the eulogy is to offer proper respect to the deceased or to offer proper respect to the surviving family. The *gemara* concludes that the *hesped* is viewed as a method of offering honor to the deceased. For this reason, *Shulchan Aruch* (*Yoreh Deah* 344) rules that if the family does not want to pay for the expenses of a proper funeral (and eulogy), the courts are authorized to forcefully take the money from them.

### **A. Can a person request not to be eulogized.**

**1. The ruling of the *Shulchan Aruch*.** Since the purpose of a eulogy is to honor the deceased, *Shulchan Aruch* (*ibid.*) rules that we must honor the request of one who asks not to be eulogized.

**2. Examples of those who ignored the ruling of *Shulchan Aruch*.** In spite of this seemingly explicit *halacha*, there have been many instances when people have requested not to be eulogized and great *gedolim* have ignored their requests. The *Pischei Teshuvah* (*Yoreh Deah* 344:1) cites the Responsa *Beis Yakov* (83) who explicitly rules that when a "gadol hador" passes away and asks not to be eulogized, one who ignores his request has not done anything wrong. *Teshuva Me'ahava* (1:174) relates that while he knows of no concrete leniency in this area, his rebbe, the *Noda B'yehuda*, eulogized the *Pnei Yehoshua* even though he had requested not to be eulogized. The *Noda B'yehuda* justified his action by saying that the *halacha* to honor the request of the deceased is suspended for the leader of the entire Jewish people. Rabbi Shlomo Eiger (*Sefer Haikarim*) relates that he eulogized his esteemed father (Rabbi Akiva Eiger) in spite of his father's objections to eulogies being said for him.

**3. The explanation for a lenient ruling.** In light of this strong precedent to openly violate a *halacha* in *Shulchan Aruch*, it is important to understand the logic behind a lenient ruling in this area. Rabbi Yechiel Michel Tuketchinsky (*Gesher Hachaim* 13:3) explains that there are two

aspects to a eulogy. First, we must honor the deceased by stressing his positive qualities. (This is what is generally referred to by the word "*hesped*".) Second, those who remain behind must internalize the gravity of the loss that they have suffered. (This is what we refer to with the word "*bechl*".) While a person is granted the right to forgo the honor that is due to him, the survivors must still fulfill their obligation to appreciate what they have lost. This is especially true when a great person dies and leaves behind a legacy that can best be appreciated through the vehicle of a *hesped*. Based on this logic, many great rabbis took the liberty of eulogizing Rabbi Yakov Etlinger (famed author of *Aruch L'ner* and Responsa *Binyan Tziyon*) despite his objections to eulogies. They claimed that they were not eulogizing Rabbi Etlinger, rather they were eulogizing the orphaned generation that had lost him. (See introduction to the recently republished Responsa *Binyan Tziyon*.)

4. **The general custom.** In light of the above discussion, it is important to clarify how to treat a situation of one who requests not to be eulogized, but his/her stature demands a eulogy. *Gesher Hachaim* reports that the generally accepted custom is to eulogize such a person with a brief description of their accomplishments, but to focus primarily on what we have to learn from that person. (See also Responsa *Minchas Yitzchak* (9:135) and Responsa *Minchas Elazar*(2:63).

**III. What to say at a eulogy.** In this week's *parsha* the torah tells us that *Avraham* went to "eulogize *Sarah* and to cry over her". The *Shulchan Aruch* (*Yoreh Deah* 344:1) rules that one should say things at a *hesped* that will "break people's hearts" and cause them to cry over the loss.

**A. May one lie in a *hesped*?** The *Rosh* (*Moed Katan* 3:63 cited in *Shulchan Aruch* *ibid.*) rules that one should not deliver an honorable eulogy for a person who is not deserving of it (see *Berachos* 62a that it is "sinful" to state outright lies in a eulogy), but if somebody deserves a small amount of honor we can exaggerate the accomplishments of the deceased. The *Taz* (344:1) asks an important question: If it is forbidden to lie in a eulogy, why is it permissible to exaggerate? Isn't exaggeration a form of falsehood? There are many approaches taken by the *poskim* to answer this question. We will sum up the answers of many leading authorities:

1. The *Taz* (*ibid.*) explains that when a person does a good deed we may assume that he would have done the same thing had the opportunity arisen to do so again. Perhaps we may even assume that if the opportunity presented itself in a way that would require a little more personal sacrifice, he would still have done it. If this is the case, we may consider the deceased as if he had gone that extra step by exaggerating his accomplishments.
2. The *Bach* writes that we are permitted to add to the praises that the deceased deserves because it is absolutely forbidden to minimize the accomplishments of the deceased. As such, we aim to exaggerate slightly in order to err on the side of caution and not God forbid sell the person short.

3. The *Birkei Yosef* suggests that when we see somebody perform good deeds we may assume that the person has also performed many good deeds that we are not necessarily aware of. Therefore, when we exaggerate, we are probably more accurate than when we don't exaggerate. Indeed, many mourners learn during *shivah* of great acts performed by their deceased relatives that they did not previously know about.
4. *Birkei Yosef* adds that death serves to atone for many sins, so the person that the eulogy is being said for is actually a greater person than the one people remember.

**B. How to avoid overstating the accomplishments of the deceased.** Although one may exaggerate a little bit in a eulogy, one may not severely overstate the accomplishments of the deceased. In fact such overstatements often lead to negative results as people don't lend any credence to a eulogy that seems to be totally untruthful. In order to avoid this problem a number of suggestions have been made by the *poskim*.

1. The *Gesher Hachaim* (13:4) writes that many communities now have the custom not to eulogize anybody. They began this practice in recent decades because the eulogies that were said were often grossly exaggerated and terribly inappropriate. In fact, many people were found to deliver eulogies to showcase their own oratory skills, rather than to pay the proper respect to the deceased. Obviously this solution, while avoiding the problem of inappropriate eulogies, leads to an even greater problem of avoiding the *mitzvah* of *hesped* entirely.
2. Rabbi Yitzchak Yosef (son of Rav Ovadia), in his *Sefer Yalkut Yosef* (6:8) writes that instead of elaborating upon the positive activity of the deceased, it is best to choose one or two particular character traits that the deceased excelled in and elaborate (based on *Chaza!*) on the importance of displaying that particular trait.

**IV. Eulogizing a Woman.** As we well know Judaism places a premium on the modesty and dignity of women. Although there is an opinion in the gemara which states that we may not leave a woman unburied long enough to deliver a proper eulogy in her honor (because leaving her body unburied is considered to be an insult to her dignity), the *Shulchan Aruch* (344:2) and virtually all of the *poskim* (with the notable exception of Rabbi Shlomo Kluger in his Responsa *Ha'alef Lecha Shlomo Yoreh Deah* 304) rule in accordance with the majority view that a woman should be eulogized just like a man.

**A. The source of this halacha.** The *Beis Yosef* refers to two independent passages in the Talmud as the source for the obligation to eulogize a woman. In *Maseches Megillah* 28b we are told that one of the great *Amoraim* eulogized his daughter in law in the *Beis Hakneses* and instructed everybody to attend the eulogy, if not for his honor than for her honor. In *Maseches Rosh Hashana* 25a we are told that Rabban Gamliel eulogized an important woman with a "*hesped gadol*". While these sources are certainly sufficient grounds to require one to eulogize a woman, the *Beis Yosef* seems to have overlooked a far more obvious source. As we have mentioned, in this week's *parsha* (23:2) we are told that Avraham eulogized his wife Sarah. Why was this most obvious source ignored in favor of the later sources from

the *gemara*? *Torah Temimah* explains that even if one would argue that a woman does not have to be eulogized, all would agree that a husband has a special obligation to eulogize his wife. This is in line with the Talmudic dictum that a woman's death is felt most acutely by her husband (*Sanhedrin* 22b). Avraham's eulogy of Sarah therefore does not serve as proof that there is an obligation to eulogize a woman for anybody other than her own husband.

**V. Eulogizing in a Shul.** The *gemara* (*Megillah* 28b) states that eulogies for the general public should not be held in a *Beis Hakneses* or *Beis Hamedrash*. Only eulogies for torah scholars and their wives should take place there. *Shulchan Aruch* (344:19) cites this as normative halachic practice. The *Ramban* (*Toras Ha'adam* page 88) writes that if the deceased is not just a torah scholar, but a "*chacham, aluph, and gaon*" we should bring his coffin into his *Beis Medrash* to the spot where he used to teach Torah, and allow the students and other communal leaders to eulogize him there. This too is cited in *Shulchan Aruch* (*ibid.* 20) as normative practice. In recent centuries there has been significant effort put forth by many *gedolim* to abolish the practice of eulogizing in a shul for anybody (see *Chachmas Adam* 155:16 and Responsa *Maharam Schik Yoreh Deah* 345). The motivation for this movement was that many people have defined the terms "*talmid chacham*" and "*chacham, aluph, gaon*" very liberally and have eulogized people in shuls even though they do not fit the strict definition of these terms. The *Aruch Hashulchan* cites these *halachos* and makes no mention of any attempt to abolish this practice. In fact, he does not record the requirement of "*chacham aluph, gaon*" at all. He merely states that torah scholars and their wives may be brought into shuls to be eulogized.

**VI. Conclusion.** It is not the intention of this essay to provide a comprehensive digest of all of the *halachos* and *minhagim* pertaining to the eulogy. We merely raised and analyzed some major points that relate to a eulogy. It goes without saying that just as each person is unique, each *hesped* must be unique. The *halacha* merely provides a framework within which to work. Of course we pray for the speedy coming of *Moshiach* and ultimately for the day when there will no longer be any practical necessity to be familiar with any of these *halachos* – "*Bila Ha'maves La'netzach U'macha Hashem Elokim Dim'ah Me'al Kal Panim*".