



## **A HALACHIC GUIDE TO PAYING A SHIVA CALL**

**T**he mitzvah of *nichum aveilim* (comforting mourners) provides the bereaved the much-needed opportunity to connect with other people in a meaningful way during their time of distress and emotional turmoil. However, the mitzvah can be challenging in several ways.

First, sometimes we are unsure if we should visit the mourner at all (“am I a close enough friend that he/she will be comforted by my presence?”, “I haven’t spoken to the person in years”). While each case is different, as a rule it is better to err on the side of visiting. People who are mourning appreciate the care and concern of others, especially if they haven’t been in such close contact.

Second, even once we decide to visit, it can be uncomfortable to perform this mitzvah, because we are often unsure of what to say and how to provide comfort. Largely due to this discomfort, and partially due to lack of guidance, visitors often just try to “change the topic” and talk about something more cheerful. Rav Hershel Schachter shlit”a often points out that mourners are not permitted to divert their attention from their mourning, and the conversation should therefore revolve around the life and special qualities of the deceased.

In this essay, we will discuss the halachos pertaining to comforting a mourner, both in terms of how to most effectively comfort someone from a halachic perspective, as well

as the ideal timing of the comfort. It should be noted that we will discuss the halacha as it appears in the Talmud and Codes. In this area of halacha in particular, we can readily see the great wisdom and sensitivity of the halacha in most effectively helping mourners through their grief. Having noted this, it is still critical to have a sense of the proverbial “fifth section” of *Shulchan Aruch*, that which is unwritten but requires us to use a healthy dose of common sense, concern and sensitivity. It is only through the “fifth section” that we will perform this mitzvah in the optimal way, and truly provide the comfort that the mourner needs.

## Not Speaking Before the Mourner

The Gemara (*Moed Katan* 28b) cites the ruling of Rav Yehuda in the name of Rav (based on a pasuk in Iyov) that the comforters may not speak until the mourner opens the conversation. In fact, the *Beis Yosef* (*Yoreh Deah* 376) cites Rav Hai Gaon that the practice was for the mourner to begin the conversation by saying “*Baruch Dayan Ha’Emes*” in order to allow others to speak.

This halacha can prove challenging when the mourner chooses not to speak. In fact, the *Perisha* (*YD* 393:3) wonders how we can fulfill the mitzvah of *nichum aveilim* at all if we only sit there in silence, and ultimately recite the formulaic passage of “*Hamakom ...*” before leaving. There are two basic explanations offered by poskim to reconcile this halacha with the fact that it seems to preclude the possibility of providing actual comfort.

First, the *Perisha* (*ibid.*) suggests that our mere presence is a form of comfort. Even if sitting in silence, there is real comfort in knowing that one is not alone.<sup>1</sup>

Second, Rav Eliezer Waldenberg (notes at the end of *Sefer Pnei Baruch*) struggles with this halacha, and wonders how we can fulfill the mitzvah of comforting a mourner by sitting there in silence. Rav Waldenberg cites a comment of the *Levush* (*Yoreh Deah* 376:1), which explains that when mourners express their anguish, it triggers (is *mechayeiv*) the mitzvah of *nichum aveilim*. Prior to any expression of anguish, the mitzvah has not begun. Consequently, if mourners express their anguish through silence and the inability to

speak, the comforters may begin the conversation.

In fact, the Chazon Ish is said to have regularly begun the conversations with the mourners as soon as he sensed their distress. Similarly, Chief Rabbi Yitzchak Yosef (*Yalkut Yosef* on *Aveilus* Chapter 11 end of note 1) records that his father, Rav Ovadya Yosef, would regularly begin the conversation, since he knew that the mourners were likely too intimidated to speak first.

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## Shouldering blame is unhelpful and a potentially destructive approach to mourning

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### Admission of Guilt

The Rama (*YD* 376) writes that it is inappropriate for a mourner to say that he has not suffered as much as he deserves to have suffered. We are generally discouraged from “opening our mouths to the Satan” and suggesting that we should be punished more severely than we already have been, but the period of mourning is a particularly inauspicious time for such comments.

In fact, the *Aruch Hashulchan* (376:5) suggests that the reason we refrain from reciting Tachanun in a house of mourning is that *viduy* is a component of Tachanun, and we try to avoid acknowledgement of sin in a house of

mourning. We are very sensitive to the possibility that calling attention to our sins will bring about swift punishment during a time of mourning. We even avoid the paragraph of “*V’hu Rachum*” since it contains the phrase “*lo k’chata’einu ta’ase lanu*” (do not do to us what we deserve based on our misdeeds).

This halacha seems to recognize the natural tendency of some mourners to blame themselves, especially in cases of untimely tragic deaths. We are therefore reminded that shouldering blame is unhelpful and a potentially destructive approach to mourning.

### What Not to Say

It is obvious that we should be very sensitive when speaking to a mourner. It is unhelpful to provide reasons for the death, or to dwell on the details of the illness and the treatment that the deceased received. While we could write volumes about what not to say at a shiva visit, the halacha provides two examples of statements to avoid.

First, the Gemara (*Moed Katan* 27b) says that even though we are obligated to stand when a nasi walks into a room, a mourner has no such obligation to stand. Yet if the mourner chooses to stand for an honored guest, the visitor should not tell the mourner to sit, as such a statement may be perceived to mean “remain seated in your mourning.” Instead, the *Nimukei Yosef* suggests, the honored guest should say “Hashem should bless you, and please don’t burden yourself (with standing for me).”

This halacha reflects the degree of sensitivity necessary, that even seemingly benign comments should be avoided if they may be understood in a way that would be hurtful to the

mourner. In a similar vein, the Rama (335:2) writes that it is inappropriate to pay a shiva visit to a person who you are at odds with (a “*sonet*”), as the person may perceive the visit as your attempt to take joy in their suffering.<sup>2</sup> Even when we have the best of intentions, we must be mindful of how the mourner will perceive our words and actions.

Second, the Rama writes that we should not tell the mourner “what can you do? You can’t change it!” because implicit in that statement is that you would change it if you could. While in our limited understanding of the ways of God we may feel this way, it is not the proper attitude. A Jew is required to recognize the absolute righteousness of God, and ultimately accept His decree with love.

### A Shiva “Call”

Rav Moshe Feinstein (*Iggeros Moshe, Orach Chaim IV 40:11*) notes that there are two elements to the mitzvah of *nichum aveilim*. First, there is the comfort that is provided for the mourner by visiting and offering words of empathy and encouragement. Second, there is a benefit to the deceased since the soul of the deceased is said to be present throughout the shiva.<sup>3</sup>

When we are unable to visit in person, the best available option is often a phone call. *Pnei Baruch* (11:12) cites *Shu”t Minchas Dovid* (72) that comforting over the phone is not recommended since it provides nothing for the soul of the deceased. However, Rav Moshe Feinstein points out that while a phone call will not fulfill the second purpose of *nichum aveilim*, it will at least partially provide the first (and primary) purpose, which is to offer words of comfort.<sup>4</sup>

It is advisable to find a time to call when the house is not full of visitors. The mourner may not want to take phone calls while people are there to comfort him. Texting a family member who is in the house, to let you know when the mourner is free, can be an effective strategy.

### When to Comfort

The Gemara (*Moed Katan 27*) says that the first three days of mourning are designated for crying. Rav



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Yechiel Michel Tukatchinsky (*Gesher Ha'Chaim* 20:5:5) suggests that this is the basis for the practice to avoid paying a shiva visit during the first three days of mourning. Since the pain of the loss is felt so acutely during the first three days, the mourner is likely not ready to be comforted.<sup>5</sup>

Furthermore, Rav Tukatchinsky points out that the Gemara (*Moed Katan* 21b) forbids the mourner from responding to greetings during the first three days. The Gemara (*Moed Katan* 15a) says that the mourner should not be overly talkative, especially during the first three days. Since visitors wait for the mourner to speak, visiting in the first three days may cause him to speak more than is considered appropriate.

Despite this practice, the halacha is clear that if our only opportunity to visit will be during the first three days, we should certainly do so.

### Overstaying Your Welcome

The Gemara (*Moed Katan* 27b) cites the ruling of Rav Yochanan that once a mourner shakes his head, the comforters are no longer permitted to sit with him. The *Tur* (YD 376) cites the Ramban who explains that since a mourner is not permitted to offer normal salutations (*she'ilas shalom*), he cannot say "*lechu l'shalom*" — go in peace. It was therefore necessary to develop a recognizable signal of when mourners feel that they would prefer to be alone, and this is accomplished by lowering the head as a student

would in front of his teacher.

The *Aruch Hashulchan* (YD 376:3) notes that nowadays people aren't familiar with the meaning of the lowering of the head, and it is therefore incumbent upon the visitors to develop a sense of when it is time to leave. In more modern times, visiting hours are publicized or posted on the door. It is especially important to be considerate of the needs of the mourner, and not to visit during times that visitors are not welcome.

### Conclusion

We have discussed some of the relevant halachos of comforting the bereaved during the week of shiva. However, we should note that the mourner will often benefit from continued expressions of support and love after shiva has ended. The conclusion of shiva can sometimes leave the mourner feeling lonely, and an occasional phone call or text to connect is often very helpful.

Additionally, since people only sit shiva for about six days, it is fairly common for somebody to have "missed" a shiva call. In such instances, there is a tendency to avoid the mourner out of a sense of embarrassment for not having been there for them in their time of need. However, it is entirely appropriate to call after shiva has ended, not only to apologize, but to offer words of comfort.

In the merit of performing this great mitzvah of *nichum aveilim* correctly,

we should be privileged to see the day where death is no longer a reality and suffering will cease to exist.

### Endnotes

1. Rav Shlomo Zalman Auerbach (cited in *Pnei Baruch* Chapter 11 note 5) assumes that the simple phrase of "*Hamakom yenacheim*" is all that is required to fulfill the mitzvah, and does indeed provide genuine comfort. Rav Shlomo Zalman notes that if conversation is prohibited before the mourner speaks, even reciting "*Hamakom yenacheim*" would seem to be prohibited. Rav Shlomo Zalman suggests that opening a conversation is only prohibited if the mourner has not begun the conversation, but reciting "*Hamakom*" prior to leaving when it is evident that the mourner will not speak is both permissible and encouraged.
2. The Shach notes that this would depend on the exact nature of the relationship, and that many times it is far more likely that the visit will be received favorably, as an effort to make amends.
3. See Gemara (*Shabbos* 152a) that even if there are no mourners, a minyan of people should get together and remain in his home for the week. The Rama (376:2) says that he has never observed this in practice, but cites the Maharil that a minyan should meet for davening at the home of the deceased even in the absence of mourners.
4. See also *Responsa Be'er Moshe* VII *Kuntros Electric* 58 for further sources on the topic of *nichum aveilim* on the phone.
5. Comforting a mourner can only be accomplished when the mourner is ready for comfort. It is therefore inappropriate to go and comfort the mourner prior to the funeral.



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