

# VEBDE REBDE

## Nichum Aveilim by Phone and by Email

**Question:** *If it is difficult for me to do nichum aveilim in person, may I do it by phone or by email, and is one better than the other?*

**Answer:** Nichum aveilim is on the Rambam's (Avel 14:1) list of Rabbinic obligations that are fulfillments of the Torah commandment to love one's friend as himself. The Rambam (ibid. 7) posits that it has precedence over another mitzva on that list, visiting the sick, in that it is an act of kindness both to the living (mourners) and the deceased. Many provide a source that it serves the deceased from the halacha that if one dies without relatives to sit shiva, ten people "sit in the place of the deceased" and are visited (Shabbat 152a; Shulchan Aruch, Yoreh Deah 276:3).

Rav Moshe Feinstein (Igrot Moshe, Orach Chayim IV:40) is among the consensus that nichum aveilim by phone does not impact on the deceased and thus cannot be as good as physically coming. Therefore, anyone who should be menachem avel (parameters beyond our present scope) must do so in person if he can (see also Pnei Baruch 11:12; Yalkut Yosef, Kitzur YD 26:9).

Even in regard to chesed for the mourner, coming personally has advantages. The Perisha (YD 393:3)

in finding justification for those who only say the "nichum formula" when visiting, posits that "coming in and sitting down to honor is considered nichum aveilim." While picking up the phone is worth something, it is not as demonstrative an act of honor and empathizing (speaking by phone to a chatan/kalla is not like being at the wedding).

Before expressing a preference between phone or email, we will analyze a halacha of shiva house protocol. Consolers may not speak until the mourner "opens", as Iyov's friends did (Mo'ed Katan 28b). What is the logic of this halacha, which has not been observed uniformly for centuries (which might be important)? The Levush (YD 276:1) explains that we wait to see that the mourner is in distress. Experience makes it difficult to imagine requiring an indication that the mourner is upset, and the Divrei Sofrim (376:2) suggests that our certainty can explain why many do not wait. The Aruch Hashulchan (YD 376:1) explains that nichum aveilim has to do with tziduk hadin (accepting divine judgment), and the mourner should start the process, as Iyov did. Rav Y.M. Lau pointed out that we usually wait for the avel to say anything and suggests that it might suffice for the mourner to have done so once before all can then start speaking (see also a letter from the Tzitz Eliezer in P'nei Baruch. p. 472).

Presumably, this halacha is not a technical problem in our times when

one calls or emails, especially since the avel speaks into the phone first and since pressing on an email is like inviting one to "speak". However, extending the Levush's approach, one wants to know not just that he should speak to the mourner but should pick up on how to do so best. The Chofetz Chayim (Ahavat Chesed III:5) says that while one nominally fulfills nichum aveilim by saying "Hamakom yenachem...", it is intended to touch the heart and lessen pain. He stresses (see also Minchat Yitzchak II:84, in a parallel context) the words' practical effectiveness. Sizing up the mourner's mood by observing and listening enables the menachem to calibrate his own speech.

Phone has greater potential and risk than email. The positive - the interaction of conversation allows you to have a good guess of what to say. The negative - you do not see body language and do not know if your call has spoiled a good dynamic that menachemim are in the midst of, as it is difficult to time the call well. Email is usually shallower (barring a masterpiece), but it allows you to "drop the message off" after choosing the words carefully and have the avel choose when to read it (after shiva is also fine).

We propose with conviction that people who are close to an avel but cannot make it should call because their maximum potential is worth the disruption. People who are not close should use email instead (unless he

knows there are few menachemim or can keep his call very short).

*Rav Daniel Mann, Eretz Hemdah Institute*