

HALOCHOSCOPE

This week's question:

If a parent had no sons, would it be beneficial for a daughter to recite *kaddish* in *shul*?

The issues:

- A) *Kaddish*
- B) *Availim* leading services; *kaddish yasom*
- C) A woman reciting *kaddish yasom*

A) *Kaddish*

Kaddish is the Aramaic for holy, that is, an extremely holy praise of Hashem. This lofty prayer is for the future glorification of Hashem when *Moshiach* comes. The responses have extreme qualities and may be said even when other responses are forbidden due to interruption. Due to its holiness, *kaddish* is deemed a *davar shebikedusha* that may only be recited in the presence of a *minyan*, ten men.

The poskim indicate that *kaddish* and *kedusha* were both instituted at the time that *shemone esrai* was formalized by the court of Ezra, which included prophets. Both were intended as communal praise for Hashem. These rabbinically instituted *tefilos* are potent and may not be modified. Some say that *kaddish* was instituted later, but was invested with the same sanctity. Some say that it was instituted earlier, after the first destruction, as a *tefilah* for restoration of Hashem's glory.

Kaddish is referred to in the Talmud by the Hebrew for its centerpiece, *Yehi shemo hagadol*, may His great name be ... This gives rise to discussion about the original language of composition. *Tefilos* were originally recited from memory, and there is no written record of a full Hebrew version. Some suggest that *kaddish derabanan*, recited after Torah study, was always recited in Aramaic. This was the most efficient language for study, and was understood by more of the common folk. Therefore, all versions used Aramaic. Some say that being such a holy prayer it was felt that it should rise directly to Hashem, rather than be conveyed by angels. This way, the angels could not tamper with it. Angels do not understand Aramaic, and they would leave *kaddish* alone. Some say that a Hebrew version was used by the sages of Eretz Yisroel, where it is appropriate that all *tefilos* should be in Hebrew. In other places the Aramaic version was used.

Kaddish has three parts: the main section is from *yehai shemai* until *da'amiran be'alma*; the beginning, from *yisgadal* until *yehai shemai* is a *hazmana*, invitation, as a *davar shebikedusha* requires an invitation or introduction to the *minyan*; where additional parts are added after *da'amiran be'alma*, these are prayers for peace and acceptance of *tefilos*, or for the welfare of scholars. The third section is considered *minhag*, custom.

There are a few categories of *kaddish*. At the end of a communal service we recite *kaddish yasom*, the 'orphan's' *kaddish*. This is considered part of the service. It is recited

after *pesukim* or *Tehilim* at the conclusion of the service. The most prominent of these is the one recited after *aleinu*. If no orphan is present, it should still be recited by another person, since it is part of the service. [See next section.]

Kaddish derabanan is recited following Torah study. This is not part of the service, and appears to be a *davar shebikedusha* in its own right. Accordingly, some allow this kaddish even if the *minyán* was not present for the study and came later. The prevailing practice is to repeat a small passage in the presence of all ten before *kaddish*.

Kaddish shalem is recited after *shemone esrai* or its connected prayers. *Chatzi kaddish* is recited to separate between parts of the service. Just as one may not recite *brochos* unnecessarily, one may not recite extra *kaddeishim*. [See Brochos 3a 21b Shabbos 119b Sukah 39a Megilah 23a Sotah 49a, Tana D'bai Eliyahu Raba 6 7 17 21, Poskim. Tur Sh Ar OC 55:1 3, 56 98 132:2 234, YD 376, DM 8 9, commentaries.]

B) Availim leading services; kaddish yasom

The source for *kaddish yasom*, recited by an orphan, is ancient. The popular notion is that it is a prayer for the dead, and some chant it in mournful tones. It is true that it has beneficial effect on the soul of the departed, in addition to the merit of the responses that are attributed to the orphan, and thereby, to the departed soul. However, *kaddish* has nothing to do with death. It is a sanctification of Hashem's Name, done only in the presence of a quorum, and mostly during services. The original institution was to permit an *avail* to lead all services, not as an act of mourning, but to bring merit to the deceased who is no longer in this world of action. The only way for him to gain additional merit is through his survivors. Any good deeds help, but causing a large number to do good at one time increases the merit dramatically. A person is judged during the year following death and on the *yahrzeit* again. At this time, the survivors try to gain merit for him. His children also wish to perform an act of honoring their parents by increasing their merits.

Parts of the service require the *shatz* to discharge the obligations of the congregation. A minor, who is not obliged himself, cannot discharge adults' obligations. The last *kaddish*, a concluding prayer for ultimate sanctification of Hashem's Name, was reserved for these young orphans. The world is maintained by the '*yehei Shemei rabah ...*' after Torah study. Therefore, this *kaddish* is also given to the *yasom*.

As mentioned in the last section, *Kaddish* has three parts: the *hazmanah*, introduction until *yehei Shemei*, the central section until *da'amiran be'alma*, and the last part, which consists of additional prayers. Some communities recite the main part with the *shatz*. Some maintain that though the listeners are indeed obliged to, they need not recite it aloud themselves. They may rely on *shomaia ke'oneh*, listening is like responding. A third view maintains that the listeners' obligation applies only to the first sentence of this section, which must be recited aloud in unison. According to the first and third views, the *yasom* is not discharging anyone's obligation, since they recite the parts that they are obliged to. According to the second view, congregants are relying on the *shatz*. If he is a minor, they would be required to say it along with him. According to the poskim, the last *kaddish* must always be recited. If there is no *avail* present, the *shatz* recites it, having in mind all the departed Jews. Thus, the last *kaddish* is an integral part of the service.

An adult *avail* can amass more merit by leading the entire services. There could be

reasons why he cannot serve as *shatz*: it is customary not to allow an *avail* to serve as *shatz* on certain days, including *Shabbos* (there being no judgment then); there might be a *shatz kavua*, permanent *chazan*; the *avail* might be unacceptable to the *tzibur*; he might lack confidence or fluency. Therefore, *kaddish*, which always helps with extra merit, was reserved for adult *availim* as well. At other junctures during the service *kaddish* is recited by *availim* as well. An *avail* who is unable to lead the whole service, should lead the last part, including *kedusha desidra*, better known as *Uva letzion*. This is another recital that keeps the world going. [See Brochos 3a Sotah 49a, Poskim. Tur BY Darkei Moshe (YD:376:9) Sh Ar OC 53:20 22 55:1 131 132 133 YD 344 376:4 402 403, commentaries. Tefilah Kehilchasa 24:58-60. References in Halochoscope I:28 III:42.]

C) A woman reciting kaddish yasom

The source for *kaddish yasom* is a Midrash that relates how R Akiva was haunted by the soul of an evil tax-collector, who said his soul had no rest and R Akiva could help him. He had left a surviving young son. If R Akiva taught him to say *kaddish*, the father's soul would find peace, and so it was. While this refers to a male orphan, it should apply equally to a female. Furthermore, there is no requirement to be an adult, who can discharge the obligations of other adult males. Thus, in theory, a female child should be equally able to accomplish what is needed for the soul of her parent.

However, she may not serve as a *shliach tzibur*. She could not participate in the *minyan*, quorum of ten males. If so, how could she recite this part of the service? The basis for the concept of *kaddish*, and of its requiring ten males, is *davar shebikedusha*. This concept is based on *kiddush Hashem*, sanctification of the Name of Hashem. There is a Scriptural *kiddush Hashem*, and the Rabbinical forms of it, *devarim shebikedusha*, are based on its requirements. Scripturally, one is obliged to sanctify the Name of G-d publicly. The terminology used for this is *besoch benei Yisroel*, in the midst of the Children of Israel. By Midrashic interpretation, the word *besoch* means ten males. However, the *mitzvah* of *kiddush Hashem* is that when one is being forced to violate the Torah as an act of defiance to Hashem, he must sacrifice his life to resist. This applies to males and females alike. Thus, while she may not serve as the leader or as part of the *minyan*, she would indeed make the *kiddush Hashem*. Nonetheless, the poskim debate whether a woman can effectively act in this position. Thus, the majority of poskim maintain that a woman cannot serve in the capacity of the one reciting *kaddish yasom*.

Another issue arises with regard to the woman reciting it. As *shliach tzibur*, one must be in the same room as the congregation. The Talmud discusses situations where the *shliach tzibur* is in one room, and the other nine members of the *minyan* are in a second room. Moreover, even if the rooms are connected, but *halachically* the room where one of them is can be considered separated, they cannot be combined. Accordingly, a woman could not recite *kaddish* unless she joined the men in *shul*. The *shul* is modeled on the *azarah*, courtyard of the *Bais Hamikdash*. The Talmud says that a woman should not be in the *azarah*. When the issue of *kaddish* recited by a woman is raised, many poskim point to this problem. Some mention that occasionally, a woman would enter the main *shul* to recite *kaddish*, or to collect *zedakah*. This would not work on a daily basis.

However, almost all poskim are discussing a situation where only one person serves

in this capacity. He is the one discharging the obligation of the congregation. In many congregations, nowadays, more than one person may recite *kaddish yasom* at the same time. Evidently, it is felt that the merit can be multiplied and used for the benefit of all of the souls. Accordingly, as long as other orphans recite *kaddish* together with the daughter, the merit will indeed be chalked up to her parent's soul. The woman can remain in the *ezras nashim*, the women's section, and recite it together with a man who is in the main *shul*.

The poskim debate a woman reciting *kaddish derabanan* at home, after ten men have studied Torah in memory of her parent. While the principle should work, as we mentioned, it seems to have not been the *minhag* in most places. Therefore, there is resistance to instituting something based on the whims of a parent who left such instructions. The risk is that people might come up with other new innovations that have no sound basis. Another issue discussed in this context is whether it is appropriate for a woman, who is exempt from Torah study, can or should be reciting this *kaddish*. Women may voluntarily perform *mitzvos* for which they are exempt, but there is some debate in this case, based partly on the fact that she is discharging the obligation of men, who have a compulsory obligation. The poskim who mention this practice, refer to a minor daughter. Apparently, adult daughters have many more meaningful ways to gain merits.

The poskim raise the issue of modesty. *Kol be'isha erva*, a man other than her husband may not listen to a woman singing. The poskim maintain that this does not refer to *brochos* and *tefilos*, as Chana was chastised by Eli Hakohen for not raising her voice in *tefilah*. This is not called song. However, some are concerned for *besumei kala*, a woman might enhance her praying voice to make it sound sweet. The Talmud decries situations where women sing and men respond. If men chant *kaddish* at the same time in the main *shul*, this concern is also mitigated. [See Brochos 24a Eruvin 92a-b Psachim 85b Sotah 47a Kidushin 52b, Poskim. Tur BY Sh Ar OC OC 55:12-17 75:3 132:2 (Baer Hetev 5) YD 376:4 (Rema, Bais Lechem Yehuda) 402:12, commentaries. Chavos Yair 222. Knesses Yechezkel, end YD. Shvus Yaakov II:YD:93. Teshuva Mei'ahavah II:229:10. Mateh Efraim, Kaddish Yasom 4:8, Elef Lamateh note 9. Sdei Chemed Availus 160. Torah Lishmah 27. Pardes, Adar 5763:6. Minchas Yitzchok IV:30. Tzitz Eliezer XIV:7. Pnei Baruch 34:20, notes 35-36. Gesher Hachaim I:30:8:5. Kaddish Le'alam, toeless hakaddish p. 11-12. Igros Moshe OC:V:12:2.]

In conclusion, she may recite it in the women's section if a man also recites it at the same time in the main *shul*.

On the parsha ... *You are sons of Hashem, do not make incisions and bald patches [in grief] ... For you are a sanctified people ... [14:1-2] Since Hashem, your father, is eternal, you have no reason to mourn [Daas Zekainim, Sforno].* If so, the children, including the departed soul, are also eternal! What can be done as merit for the departed soul? Sanctify Hashem! Since you are His children, and He is holy, you are His holy children. Reciting *kaddish* in a congregation, a *minyan*, of Children of Israel, is most appropriate for this purpose. When looking to find merit, public *kiddush Hashem* is the choice. Sanctified children sanctifying their “[F]father's” Name!

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