

Women and Kaddish

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Question: May women recite Kaddish in the synagogue?

Response: A contemporary compendium on mourning practices is the anthology written by Rabbi Chaim Binyamin Goldberg (P'nai Baruch, first published in 1986) and translated into English under the ArtScroll title, "Mourning in Halachah". Concerning the issue of women reciting Kaddish, Rav Goldberg notes the following: "If the deceased left only daughters, although some have permitted a daughter to recite Kaddish at a prayer service in her home, virtually all other Poskim disagree and rule that a daughter should not recite Kaddish even in her home." (Mourning in Halachah, chapter 39:21, p. 359) Thus it would appear that halakhic authorities are generally opposed to women reciting Kaddish whether at home or in the synagogue.

The difficulty with this pervasive negative halakhic orientation is that it fails to take into consideration the rulings of the three most influential halakhic sages in America. Indeed, it is openly recognized that the rulings of the following three rabbis permeated the essence and formed the standards of synagogue life in America: namely, Rav Yosef Eliyahu Henkin, Rav Moshe Feinstein and Rav Yosef Dov Soloveitchik.

Rav Henkin (1880-1973) was the Director of Ezrat Torah, a relief organization for needy rabbis. Each year, he authored and published the popular "Luach" for synagogue life wherein he detailed halakhic practices. He was deemed the "Posek haDor", the decisor for issues impacting on synagogue life. Concerning women saying Kaddish, he wrote: "The question as to whether a [bereaved] daughter

may recite the Kaddish is bound up with her observance of the Sabbath, kashruth, and the laws of family purity. If she does keep these basic mitzvot, it is permissible for her to say Kaddish in the women's gallery while the men are doing so in the synagogue proper." (Teshuvot Ivra. The entire text of the teshuva is translated by David Telsner, *The Kaddish*, p. 301.)

Subsequent to Rav Henkin, the halakhic arbiter for American Orthodox synagogues was Rav Moshe Feinstein, of blessed memory. In a posthumous publication of his responsa, the following is reported. Rav Moshe was concerned with whether it was necessary to have a Mehitza separating the men and women sections for prayer, in the event that there were only one or two women. He notes: "Throughout the generations the common custom was for a poor woman to be in the Bet haMidrash to receive charity, or as a mourner to recite Kaddish." His response was that a Mehitza was necessary even for one woman [who attended] on a regular basis. On an occasional basis, it was not necessary, should only one or two women be present. (Igrot Moshe, Vol. 8, O.H. 5:12b) Note the terminology and the concern. Rav Moshe does not question the propriety of the woman who comes to the Bet haMidrash to recite Kaddish. He seems to assume that there are no halakhic qualms at all with such a function of women at religious services. The only problem is whether there need be a Mehitza during her recital. Indeed, it is apparent that Rav Moshe accepts a woman reciting Kaddish as a normal, unquestionable practice.

For many thousands of students of Rav Yosef Dov Soloveitchik, of blessed memory, (former Rosh haYeshiva of Yeshiva University, and halakhic authority for the Rabbinical Council of America) a halakhic ruling from him was deemed authoritative. It is reported that Rav Soloveitchik ruled that it was permissible for women to recite Kaddish in synagogue. (cited by Joel Wolowelsky in a letter to the editor of *HaDorom*, vol. 57, Ellul 5748/1988, pp. 157-158.)

Thus, while it may be true that the overwhelming majority of halakhic scholars have ruled negatively concerning women reciting Kaddish in synagogue, it cannot be discounted nor overlooked that the three greatest decisors of halakha for American Torah Judaism appear to permit such a practice. Accordingly, those who permit this practice certainly have great halakhic scholars upon whom to rely. Of concern is the rationale for both the lenient as well as the stringent view pertaining to women reciting Kaddish.

In a note clarifying the ruling that women should not say Kaddish, Rav Goldberg notes the following: "See Pit-hei Teshuva Y.D. 376:3) citing Havot Yair (222) who answers a question about someone who died without leaving a son. The father

commanded that his daughter should recite Kaddish. Havot Yair states: "According to the basic law, she should recite Kaddish, for [the recitation of Kaddish] by a daughter gives benefit and satisfaction to the soul [of the departed]. Nevertheless there is danger that the practice would weaken the customs of the Jewish people. And since it is a conspicuous matter (pirsum) one should protest against it." (Mourning in Halachah, p. 359, footnote 36) In other words, the saying of Kaddish by women does not intrinsically violate any halakha of prayer. The negative view is a form of a rabbinic statute (gezeirah) to sustain customs and prevent a possible future infringement of customs. It is as if the rabbis are saying that should this matter be permitted, it may lead down the road to a step-by-step whittling down of safeguards. The prohibition is, therefore, a "fence" to safeguard the Torah.

It is important to note that the ruling of the Havot Yair (1638-1702) cited by the Pit-hei Teshuva and the ArtScroll translation is not an accurate rendition of the actual position of the Havot Yair. The following is a full translation of the responsum of Havot Yair:

"A strange matter took place in Amsterdam and is well known there. A person died who had no son. He left instructions that in the event of his death, ten people should be paid to learn [Torah] every day throughout the year of mourning, in his home. And subsequent to the learning session, his daughter should recite Kaddish. The rabbinic sages and leaders of the community did not protest her recitation... It may be that a woman is also required to observe the Mitzvah of Kiddush Hashem (sanctifying God's name). This occurs by the fact that there are ten men present. Though the original source for the recitation of Kaddish is the story of Rabbi Akiva informing a youngster to recite Kaddish and that case deals with a male, not a female, logic would dictate that [a woman's recitation of Kaddish] would be beneficial and bring satisfaction to the soul [of the departed] in that she is the seed [of the departed]. Yet, one should be concerned that this would weaken the customs of the people of Israel, which are also deemed [an integral aspect of] Torah. [One must prevent] everyone attempting to build an altar for himself according to his personal reasons and thus make a mockery of rabbinic laws....[In conclusion] since the matter relates to a public gathering, one should protest it." (Responsa Havot Yair, no. 222, free translation)

The actual text generates a number of interesting observations. First is the fact that the sages of Amsterdam had no qualms over the matter at all. Indeed, it is necessary to discern the real reason why the Havot Yair felt that the case in Amsterdam might lead to a disdain and disintegration of customs. Why was there

such a fear? Note the concern that people would build a personal altar. What was so unique about the case?

I suggest that many may have misread the concerns of the Havot Yair. He was not perturbed by a woman reciting Kaddish at a regular minyan. Note that the case was not dealing with a regular minyan for daily services, but related to a very unique request. It was for a minyan to learn Torah in a home and for a woman to recite Kaddish subsequent to the learning. It was, therefore, an unusual request. It was as if it was not important for the daughter to recite Kaddish at a normal minyan for morning, afternoon and evening services. The only concern was for the daughter to say Kaddish after a special Torah learning session. This was deemed a denigration of the normal recitation of Kaddish. To permit this and not be concerned with saying Kaddish after a regular daily prayer was tantamount to giving people the right to make new customs and disdain the old. Accordingly, the Havot Yair opposed such a practice. However, should a daughter pray in a regular synagogue and recite Kaddish together with the other mourners, perhaps even the Havot Yair would permit such a practice for the reasons he himself articulated: 1) it was a form of Kiddush Hashem; 2) It brings satisfaction to the soul of the departed. Also, rather than promote a disdain for customs, the recitation of Kaddish in a synagogue generates a firm dedication to the traditional reverence given to the departed by the Jewish people. In addition, it may have been a long-standing practice for women to say Kaddish in synagogues after services.

As such, I believe that women who wish to attend daily religious services and to recite Kaddish should be encouraged and acknowledged as faithful adherents of our heritage, not as innovators seeking to restructure or liberalize halakhic practices. The recitation of Kaddish generates a sense of respect to loved ones. Not all women seek such a process; but those who do should be treated with respect and honor.