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WOMEN AND KADDISH: REFLECTIONS ON RESPONSA

When the mother of Henrietta Szold died, a male friend volunteered to recite kaddish, the memorial prayer, since customarily women were exempted from doing so. Szold's reply clearly articulates some of the issues to be dealt with here: woman as autonomous person, woman as public person, woman as mourner within the tradition, woman's relationship to the tradition. Here is Szold's response to the unsolicited offer.

The Kaddish means to me that the survivor publicly . . . manifests his wish and intention to assume the relation to the Jewish community which his parent had, and that the chain of tradition remains unbroken from generation to generation, each adding its own link. You can do that for the generations of your family, I must do that for the generations of my family. I believe that the elimination of women from such duties was never intended by our law and custom—women were freed from positive duties when they could not perform them, but not when they could. It was never intended that . . . their performance of them should not be considered as valuable and valid as when one of the male sex performed them. And of the Kaddish I feel sure this is particularly true.

My mother had eight daughters and no son; and yet never did I hear a word of regret pass the lips of either my mother or my father that one of us was not a son. When my father died, my mother would not permit others to take her daughters' place in saying the Kaddish, and so I am sure I am acting in her spirit when I am moved to decline your offer. . . .¹

While women, according to Jewish law, are duty-bound in all the *halakhot* of *avelut*, or mourning, such as the rending of one's garment, the meal of condolence, the prohibitions of bathing or sexual intimacy during *shiva*, one act generally not available is the public declaration of the doxology of kaddish. This paper will examine the responsa literature in regard to women and kaddish. The earliest known responsum in which the issue of women and kaddish is discussed appears in the late seventeenth century work of R. Yair Bachrach, known as the *Havot Yair*. Based on a particular set of circumstances in Amsterdam, R. Bachrach's responsum became known simply as "the Amsterdam case". It is referred to in nearly all subsequent discussions of women and kaddish. While rabbinic authorities agreed that the answer given in the Amsterdam case

was the right one for that specific situation, other related questions arose in other cases. As we shall see, the responsa literature manifests two trends: one that restricts the premises and conclusion of the Amsterdam case, and a second one that expands upon them. The former is more prevalent in the halakhic literature.

Kaddish has come to serve not only as a memorial prayer, but also as a cathartic connection with the community in the working through of grief. The question is: did the oftines unavailability of kaddish to women have to do with the general exclusion of women from participation in public prayer, or were women able to—and did they in fact—recite kaddish? In examining the halakhic parameters of this query, theological, philosophical, and sociological factors come into play. We need to investigate the origin of kaddish in order to clarify this issue.

The kaddish prayer, which has four forms, was originally not part of the synagogue service. It had no connection to the prayer service or to the dead. The Talmud *Sotah* (49a) notes that it was the concluding prayer with which the teacher or preacher indicated the end of his public discourse; it was formulated in Aramaic, as was the discourse itself. The first reference to kaddish as part of the synagogue service—indeed the first instance in which this doxology is termed kaddish—is in the Tractate *Soferim* (16:12, 19:1, 21:6). This tractate, written in the sixth century after the closing of the Talmudic canon, also records the use of kaddish at funerals, the first reference we have to what seems to have become accepted custom. Addressed to all assembled, it was spoken in the Babylonian vernacular, i.e., Aramaic. A further association of kaddish with the dead noted in *Soferim* is that it was recited at the end of the seven day period of mourning as part of a concluding ceremony, of which learning and expounding texts was a part. Originally the recitation of kaddish at the end of *shiva*, or the seven days, was reserved for those of scholarly accomplishment. Later, however, in order not to put anyone to shame, it became the accepted practice for everyone. An additional reference in *Soferim* to the connection between kaddish and mourning is given in 19:12. The text reads, “The reader after Musal goes behind the synagogue door, or in front of the synagogue where he finds the mourners and their relatives. He comforts them with the *berakha*² and then he recites the kaddish.” During these centuries the kaddish was understood to be and recited as a doxology and a justification of God’s ways.

In a geonic source, however, the *Otiyot de R. Akiva*, a new purpose is ascribed to kaddish: it is said to have the power of redeeming the dead from the sufferings of Gehenna.³ Two references are given. In one, Akiva is said to meet a spirit in the guise of a man carrying wood. The wood, the man relates, is for the fire in which he is burned daily as punishment for his mistreatment of the poor. He would be released from this suffering, however, if he had a son to recite *berekhu*⁴ and kaddish

before a congregation that would respond with the praise of God’s name. Upon discovering that the man had neglected his son, Akiva cares for and studies with the young man until one day the son stands before a congregation, recites *berekhu* and kaddish, and releases his father from Gehenna. The idea that a son, by virtue of his piety, may exert a redeeming influence on behalf of a parent who has died is mentioned in other sources as well, contemporaneous with or later than the *Otiyot de R. Akiva*. An example is in the collection of Midrashim known as *Tanna debe Eliyahu Zuta*, where R. Yochanan ben Zakkai, not R. Akiva, is the central figure.⁵

Mishnaic and talmudic sources state that the torture of Gehenna lasted twelve months;⁶ hence, originally kaddish was recited for that length of time. Later, however, it was deemed inappropriate for progeny to suppose the soul of a parent in Gehenna; the obligatory period of time for the recitation of kaddish was then reduced to eleven months. The practice of regular recitation of the kaddish by mourners seems to have become firmly established, during the early thirteenth century, in response to the severe persecutions in Germany resulting from the Crusades. Kaddish is also recited on the *yahrzeit*, or anniversary of the death.

Once kaddish entered into the halakhic structure as a memorial prayer for the dead, how were women affected? First, as part of the liturgy requiring a *minyán*, or ten men, in order to be said, women were excluded as non-members of the male representative group. Second, in Henrietta Szold’s response, the recitation of kaddish, it is implied, is a *mitzvah asah shehaeman gramán*, a positive time-specified commandment, the obligatory performance of which women are released from according to mishnaic sources.⁷ Significantly, however, in all the responsa literature on kaddish, *mitzvah asah shehaeman gramán* is never cited as a reason for women’s non-obligation to say kaddish. Since kaddish became closely allied with public prayer, perhaps the association was implicit rather than explicit. Or perhaps kaddish was not regarded at all as a *mitzvah derabbanan*, a rabbinic enactment, but rather as a *minhag*, a custom, which gained the strength of social expectation, an expectation which did not devolve upon women.

Before examining some of the responsa literature, it is important to note the following. First, the midrash cited earlier regarding R. Akiva speaks about son and father. As in many sources, the male—and male relationships—are considered paradigmatic; *ben*, being both the neuter and masculine in Hebrew, is also always translated as “son” rather than “child” or “offspring.” The problems caused by language are known; they are complex, profound and difficult, and affect the innermost perceptions of ourselves, and ourselves in relation to others, especially others of the opposite sex. In an intricate system of jurisprudence such as that of Jewish law, the repercussions—need it be said?—are serious indeed.

Critical feminist thinkers from Simone de Beauvoir to Judith Plaskow have addressed this issue. The midrash mentions only *ben*, in every translation appearing as “son,” and *av*, as “father.” The other six relatives for whom one would also be required to say kaddish are not enumerated (i.e. mother, spouse, brother, sister, son, daughter). But there is a saving specification here. If son and father are paradigmatic, then clearly others are not excluded, but merely not mentioned. That is, as a son would say kaddish for a mother, a daughter might say kaddish for a father or a mother. While this is true theoretically, it should be noted that in eastern European culture a son was often called a “kaddishle,” a name once applied by my late father, born in Poland, to my son, then seven years old. It is also interesting to note that the geonic and early post-geonic discussions of kaddish deal almost exclusively with the child (or son) saying kaddish for a parent, an eleven month proposition. But what about the relatives for whom traditional mourning takes place? For them—sibling or spouse, for instance,—kaddish is said only for thirty days. Is there any relationship between the thirty day recitation and release from Gehenna? No source that I know of makes this connection. The parent-child relationship here receives decided emphasis.

Second, once kaddish became an established part of the observance of mourning, it came to serve important psychological functions. It compels the mourner to reaffirm connection with the community through daily prayer precisely when despair and alienation are most profound. As part of the community, the mourner testifies to his/her continuation within the tradition of which the deceased was a part. This is in accordance with the talmudic dictum in *Sanhedrin*, 104a: “A child can endow a parent.”⁸ And in its most abstract sense, kaddish serves as a statement of the unknowability, though justification of God’s ways. Kaddish becomes a significant component—a cathartic yet simultaneously self-affirming exercise—of the bereavement process. While the other laws of mourning were clearly designed with a psychological aspect in mind, that kaddish would also serve this purpose seems not to have been the motivation for requiring its recitation; benefit accruing to the soul of the departed—specifically the parent—was the original intent. Yet its psychological effects have long been acknowledged.

A third and last point to keep in mind: after the Holocaust, women all over Europe said kaddish. It was accepted, perhaps even expected and encouraged. So we have behavior that contravenes much of the halakhic literature. The problem seems to be this: women are unilaterally included in all requirements of mourning, of which kaddish is one. It was recognized that saying kaddish is consonant with a woman’s identity as mourner, human being, Jew. But kaddish operates within the arena of public prayer from which women were proscribed as participants equal with men. Hence the dilemma. The *responsa*, as we shall see, straddle

the fence, equivocate, seem inconsistent at times and in the end fail, I feel, to state adequately the case for women within the tradition. For even within the bounds of the traditional categories within which woman’s status in Jewish law operates, there is much flexibility and adaptability. Unfortunately, while this openness may be used on an individual basis, it rarely appears in the halakhic literature. As we shall see, the tendency in the *responsa* literature to restrict the ruling in the Amsterdam case is predominant, although there is also present a trend which expands upon it.

Let us now examine some of the *responsa*. That only sons said kaddish seems to have been the norm, a practice supported by both sociological and religious factors. However, in the *Havot Yair*, R. Yair Bachrach, writing in the late seventeenth century, brings an important precedent. He says:

An unusual and well-known event occurred in Amsterdam. A man died without a son, and before his death commanded that ten should study in his home every day for twelve months, and after the learning his daughter should say kaddish. And the scholars and lay officials of the community did not prevent her from doing so. Even though there is no proof to contradict the matter, being that a woman is also commanded in *kiddush hashem* (which is in the presence of ten males), and even though the incident of R. Akiva, which is the source of mourner’s kaddish, refers only to a son, it is nonetheless logical that a daughter’s kaddish is also purposeful, for it comforts the soul of the deceased, since she is also his progeny.

However, one must be concerned for the fact that should this become prevalent, it might lead to a general weakening of the customs of our people, which are like Torah itself; then everyone would be erecting his own pulpit according to his own logic and deriding rabbinic enactments, which they would come to scorn.⁹

In the *Responsum*, R. Bachrach analyzes why the rabbinic authorities and lay officials in Amsterdam permitted the daughter of the man in question to say kaddish, obviously an unusual occurrence. He begins by stating that there is no “proof to contradict the matter,” i.e. there are no compelling reasons that would contravene the decision. From a halakhic perspective, he is saying, a woman’s saying kaddish is acceptable, permissible and, in the case under discussion, desirable. How is this so, given that the very existence of the *responsum* demonstrates that saying kaddish was not customary for women? That may be, R. Bachrach asserts, because the source for kaddish, i.e. the incident with R. Akiva, clearly refers, according to him, to a son (he understands *ben* in its masculine, not neuter sense). But there is halakhic precedent that overrides this consideration of *ben* as son. That is that a woman is commanded in the *mitzvah* of *kiddush hashem*, which in some instances requires the presence of ten men, i.e. a *minyan*. If she can perform the *mitzvah* of *kiddush hashem*

in the presence of ten men, she can likewise say mourner's kaddish in the presence of ten men.

Kiddush hashem, or sanctification of God's name, has three aspects in Jewish law. It can refer to martyrdom, to ethical perfection beyond the minimum standards set by rabbinic law, or to liturgical formulations which emphasize sanctifying God's name. This last type of *kiddush hashem* pertains especially to the two formal prayers of *kedushah*¹⁰ and kaddish. In kaddish, the congregational response of "May God's great name be blessed forever and to all eternity"¹¹ is considered *kiddush hashem*. Since, that is, a woman has an obligation to perform the *mitsvah* of *kiddush hashem* should the opportunity arise, she certainly can¹² say kaddish, which is an essential manifestation of this *mitsvah*.

Other observations to be gleaned from this responsum are:

1. Kaddish was said by the woman in the home and not in the synagogue.
2. Despite the efficacy of the daughter's kaddish, and the solace it brings both her and her deceased father, there is caution in the face of the new. What if this change from the established practice leads to other, less palatable, perhaps less legitimate, although valid (according to the halakha) practices? The custom until the time of the Amsterdam case was obviously that women did not recite kaddish. Despite the halakhic permissibility of women doing so, R. Bachrach discerns the overlap of religious law and social or cultural behavior, and is concerned about a general loosening of, or change within, the dominant modes of religious behavior.
3. The elders of the Amsterdam community consented to the dying man's request in the absence of a son, or sons, to say kaddish. Their decision may otherwise have been different.
4. And lastly, why did the father request that the ten men study in his home and then have his daughter recite kaddish there? Some possibilities are:
 - a. women usually didn't attend synagogue, certainly not daily services.
 - b. going to and from the synagogue may have been difficult or unusual or dangerous or simply impractical for an unaccompanied single Jewish woman.
 - c. saying the kaddish in a home after learning would be less controversial than at the prescribed intervals during the daily morning prayers.
 - d. the structure of the synagogue would not allow the woman to be heard from the women's section.

Whether the reasons were practical or sociological, kaddish at home was requested and accepted. Interestingly, and not surprisingly, this became a precedent in subsequent responsa. An example is that of R. Ya'acov Rishon who wrote and published the *Shevat Ya'acov*, a halakhic

compendium in Lemberg in 1880. He cites the *Havot Yair* in his decision that women may certainly say kaddish, in the presence of a *minyuan*, at home.

The *Ba'er Heitev* commentary¹³ on the *Shulhan Arukh* cites the *Knesset Yehezkel*¹⁴, who comes to a similar conclusion. He says; "a daughter doesn't have kaddish at all in the synagogue. But if they [the male community] wish to make a *minyuan* for her at home they certainly can." From not choosing the synagogue in the Amsterdam case, women here seem to be excluded from the synagogue, although their right to say kaddish is not questioned.

The *Gesher Hahain*¹⁵ takes what seems to have been based on practical considerations—a woman saying kaddish at home rather than at the synagogue—and adds a completely new, and untenable, dimension. Quoting R. Akiva, he states that the essential function of kaddish is carried out by a son. But a daughter may, of course, say kaddish. If she is under twelve years of age, she may say it in the synagogue; some, however, would prohibit her doing so. If, however, she is twelve or over, she is not permitted to say kaddish in the synagogue. In either age group, kaddish may be said at home. The *Gesher Hahain* is adding a sexual element, puberty, where there is obviously no indication that it is relevant.

The late R. Uziel, former Sephardi Chief Rabbi of Israel, states that kaddish is a male obligation only. But his reasoning does not hold up to careful scrutiny. This is what he says:

Only a son can take his father's place sanctifying God's name in the community. In regard to a daughter, her good deeds work for the elevation of the souls of her parents who have died. But it is not her function to take their place in the community. The proof for this is that she is not part of the *minyuan*.¹⁶

A daughter's good deeds elevate the souls of both mother and father, but she is precluded from taking "their" place in the community, even, that is, the mother's place. When a son says kaddish for his mother, then, is he taking her place in the community? Is a daughter's not being part of a *minyuan* proof that she does not take her mother's place in the community? What has happened here is that the son's recitation of kaddish is being understood not only as a means of elevation of the soul of the parent, but also as a continuation of the father's *public* role in prayer. Both daughter and mother, in that case, remain ancillary. R. Uziel's attempt to explain what he understands as their peripheral status in regard to kaddish is thus confusing and unconvincing.

The former Chief Rabbi of Tel-Aviv, Yaffo, R. Chaim David Halevi, writes an astounding piece. After discussing when *ben* and *banin* refer to

the masculine or the neuter and analyzing some of the earlier decisions in a free-wheeling fashion, he renders a decision that a woman is prohibited from reciting kaddish even at the cemetery because it may cause "sinful thoughts to the simple-minded." This is extended to kaddish in the synagogue. She may, however, recite the kaddish at home, in the presence of family members only. "The evil inclination," he concludes, "is present even in a mourner's home."¹⁷

From seventeenth century Amsterdam, where a woman said kaddish at home and not in the synagogue for practical reasons only, we have arrived three hundred years later at a place where sexual polarity enters the human question of how to structure the grieving process so as to permit equal access and opportunity to all. The *Ba'er Heitev*, *Gesher Hahaim*, *Mishpetei Uziel* and *Aseh Lekha Rav* all manifest a restricting of the decision in the Amsterdam case. While they may agree that the outcome in the Amsterdam case was acceptable in the particular circumstances relevant to it, they are dealing with different situations and use the variant details as part of the justification of limiting the original decision. R. Bachrach's fear of change is taken up and projected to a much greater degree than the legal reasoning explaining his judgment.

But such fear of women—or fear of social change clothed as such—is absent in a vocal minority of halakhic decisions. Rabbi J. B. Soloveitchik ruled that a woman, be she even the only woman present, may say kaddish in the synagogue.¹⁸ That a woman may say kaddish with a group of ten or more men, even if she is the only person doing so, is consistent with R. Bachrach's analysis of *kiddush hashem*. Rabbi Moshe Leib Blair of Chicago, a generation ago, berated his colleagues for relying on narrow interpretations when it was obvious that a long tradition of halakhic discussion presumed women's right, if not obligation, to recite kaddish.

Rabbi Blair's responsum begins by enumerating three reasons why a woman (he refers specifically to a daughter) should be *obligated* to say kaddish. First, she is obligated in all the laws of mourning of which kaddish is an integral part. Second, the reasons for saying kaddish—giving solace to the soul of the deceased and redeeming the dead from Gehenna through sanctifying God's name—definitely apply to a woman. Rabbi Blair here uses R. Bachrach's argument on *kiddush hashem* to support his stance. And third, kaddish may be considered not only as part of the obligations of mourning, but also within the category of prayer. As such, women are not exempt but are obligated.¹⁹ Then he brings earlier precedents, primary among which is the Amsterdam case. He proceeds to argue against the interpretation of *ben* as "son" rather than "offspring," and to lament the practice of hiring a man to say kaddish in the absence of male progeny. In both cases he brings strong evidence to make his case.

I want to take especial note, however, of the next section of Rabbi Blair's responsum. In it he gives an unusual and sharp interpretation of the last part of R. Bachrach's argument in the Amsterdam case. He says:

The last words of the *Havot Yair* require explanation. He is speaking of a case in which the father directed that ten men should learn Torah in his home for twelve months and after the learning [each time] the daughter should say kaddish. This is truly erecting one's own pulpit and rescinding the custom of Israel, because also in the synagogue only men, and not women, say kaddish after learning. But he is not speaking about the kaddish of eleven months that a woman says from the women's gallery or even during the time of *shiva* in her home when [at least] ten men are praying. On this certainly it is inappropriate to say that it "derides rabbinic enactments."²⁰

Rabbi Blair's somewhat startling interpretation of the *Havot Yair*—that in fact it was customary for women to say mourner's kaddish in synagogue, the innovation being reciting it after the learning of Torah at home—does explain a small detail that otherwise remains puzzling. Why, in the Amsterdam case, was the father's request for twelve months of learning in his home? Surely the established custom was to recite mourner's kaddish for eleven months. Perhaps, then, it was assumed that the daughter would say kaddish in the synagogue for eleven months, and in addition, after learning Torah, in her home for twelve months. The latter would then be the innovative practice, requiring rabbinic permission. Rabbi Blair continues:

We already see in our times in orthodox synagogues that women stand after *Alenu* and *Hayom* and say kaddish and we do not deride this practice. On the contrary, we look upon it with respect and not, God forbid, with scorn.²¹

This expanding of the logic implicit in the Amsterdam case—if a woman can say kaddish at home, it is understood that she most certainly can, and should, say kaddish in the synagogue—is supported by another discussion of the issue in a fairly recent article by Rabbi Yehudah Herzl Henkin. Rabbi Henkin writes:

Certainly the reciting of kaddish by a woman is not a difficulty from the responsa of the *Shevet Yaacov* and *Kneset Yehezkel*, who wrote that a woman may not recite kaddish at all in the synagogue, since they wrote *only according to their custom . . .* (emphasis mine)²²

The narrow focus of Rabbi Blair's responsum is to obligate a daughter's recitation of kaddish in the case when there are no sons. He ends a main section of his discussion by quoting Rabbi Yekutiel Greenwald's *Kol Bo Al Avelut*, in which Greenwald inveighs against the practice of hiring a

man to say kaddish when there is a surviving son. "Certainly," Rabbi Blair concludes,

this frivolous action [of hiring a stranger] most decidedly applies to a daughter, since she is obligated according to the law, and she is able to come to the synagogue to say kaddish. Therefore, according to my humble opinion, it is important for all rabbis of our time to explain to a daughter who is mourning a parent that since there is no son, it is upon her that the obligation falls to come to synagogue to say kaddish and not to hire anyone.²³

But the broader center of interest is the saying of kaddish by a woman – spouse, daughter, mother or sister – even in cases where she is not the sole mourner. Rabbi Blair summarizes his position in four brief statements. He says:

It is not my intention to be unduly stringent in regard to the mourning of a daughter, but merely to uphold the law that the daughter is obligated to recite kaddish. On the contrary, in my opinion her obligatory recitation is a leniency, and in the laws of mourning the more lenient view prevails.

Also, if there will not be ten women in the women's section to answer "Amen," this also would not preclude her saying kaddish, since the law (*dinah*) is that all those who say kaddish should recite it together in unison; if so, the "Amen" with which the men respond applies as well to her kaddish.

And when it is said that custom (*minhag*) erases law (*halakha*), this is only in the case of a communal enactment (*takanat tsibur*), and we do not find such an enactment regarding the circumstance of a daughter's saying kaddish when there is no son.

I want to emphasize here to the rabbis of our country who oppose this legal decision (*p'sak halakha*) that in the time of Geonim when the custom (*minhag*) to say kaddish began, many sages of Israel, such as Rav Hai Gaon, were opposed. And what do we see now? That the kaddish is included in the general category of mourning, and is as important in mourning as a commandment of biblical origin (*mitzah d'oraia*). The kaddish brings many male Jews to the synagogue and causes them to become more involved in Judaism. This will occur also with female Jews; we would bring them closer to Judaism and to our holy Torah.²⁴

Rabbi Blair is clearly concerned with the possible alienation of women from the tradition. Women whose attempts to cope with grief and honor their deceased were stymied due to "custom" or halakhic caveat ("if there are not ten women") ought rather to be encouraged to participate in the four-part *Shema* and *Kaddish* rituals of mourning, the recitation

of kaddish. The identification with the community of Israel at a time of personal loss can only strengthen one's bonds to Judaism.

By citing the case of Rav Hai Gaon, Rabbi Blair indicates that movement, evolution and development are intrinsic to the halakhic process, the nature of which is to apply eternal ideals and principles within specific historical contexts. Rav Hai Gaon's opposition to kaddish did not alter its eventual inclusion as part of mourning. Neither should contemporary opposition to women saying kaddish deter its establishment, if not as halakhic obligation in the manner Rabbi Blair would prefer, at the very least as strongly encouraged social and religious custom.

There are today many traditional synagogues, where women saying kaddish are welcomed and made to feel comfortable. In others, the opposite is still the case. The varying receptions accorded women who wish to observe this most meaningful practice may be seen as falling within the two trends which derive from diverse interpretations of the Amsterdam case.

What can we see from this survey of the responsa? Until recently, when accretions having to do with sexuality crept into the literature – an obvious interpolation with the aim of precluding female participation when no other grounds existed – it was clear that of course women could, and did, say kaddish. There is obvious precedent based on the understanding of kaddish as an essential part of the mourning process as well as an effort to elevate the soul of the deceased. That women could and did say kaddish does not diminish the fact that such recitation was always an exception to the social norm. Despite Rabbi Blair's emphasis on "duty," women did not take on the obligation of kaddish as was done in the case of *tekiyat shofar*.²⁵ The responsa continued and continue to deal with the issue on an *ad hoc* basis.

The underlying struggle in the responsa has always been the tension between woman as mourner and the public arena of prayer. As in all legal cases, both positive and negative decisions create social realities, and patterns of thinking which are then difficult to alter. In a general society where women were, in some sense, neither seen nor heard, the *halakha*, though possessing the adaptability, was not ready to deal with female experience on a broad scale.²⁶ Piecemeal changes, spurred by specific questions and situations, occurred. Social and cultural factors became obstacles to a more generous, and legitimate, interpretation of the texts. To state the obvious, woman's place in both general and Jewish society, and man's uncomfortability with woman as a public person, autonomous and in charge of herself, affect the rendering of religious law, especially when – and perhaps because – the decision-making body is all-male.

Standing from within the tradition, and fully cognizant of the lag between social reality and changes in religious law, it becomes crucial to

identify areas of opportunity and equality extended to female experience, even while more fundamental shifts within the tradition may be occurring. Upon knowledge of these opportunities depends the continuing development of a new social reality, one in which women as a matter of course are included in kaddish. When women will make kaddish a *sine qua non* aspect of observance of mourning, then, much as in the case of shofar, its recitation will become accepted—and expected—practice.

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NOTES

1. Baum, Hyman & Michel, *The Jewish Woman in America* (New York, 1975), p. 45.
2. This refers to the words of comfort extended to the mourners.
3. Originally referred to the Valley of Ben-Hinnom, south of the walls of Jerusalem. During the monarchy, the valley was the site of the cult of Moloch, where children were burned. The term then came to refer to the place of torment and punishment reserved for the wicked after death.
4. The recitation in the prayer service of *barekhu*, or "Bless the Lord who is blessed," requires a *minyan*, or the presence of ten men, who then respond, "Blessed be the Lord who is blessed forever and ever." (Birnbbaum translation). The ten men, in Jewish law, constitute a congregation.
5. See also, however, *T. B. Sanhedrin*, 104a: "A son confers privileges on his father, but a father confers no privilege on a son" (Soncino translation).
6. See *Mishnah Eduyoth*, ii, 10; *T. B. Rosh Hashanah*, 17a.
7. *T. B. Kiddushin*, 34a.
8. See n. 5.
9. My free translation from Responsum 222, *Responsa of the Havot Yair* (Jerusalem, 1972).
10. *Kedushah* is the third blessing of the *Amidah* prayer. Known also as *kedushah hashem*, it is inserted at the beginning of the third benediction when the reader repeats the *Amidah* during public worship.
11. My translation.
12. Note that R. Bachrach's reasoning goes from "obligation" in *kiddush hashem* to "can," "may," or "is permitted to" say kaddish and not from "obligation" in *kiddush hashem* to "is therefore obligated to" say kaddish.
13. Written by R. Yehuda Ashkenazi of mid-eighteenth century Frankfurt.
14. Responsa of Ezekiel Katzenellenbogen, Hamburg and Altona, 1670-1749.
15. Responsa of Yehiel Aaron Tukachinsky, written in 1947.
16. R. Uziel, *Mishpetei Uziel, Orah Haim*, 13.
17. R. Chaim David Halevi, *Aseh Lekha Rav*, Vol. V (Tel-Aviv, 5743/1983), pp. 334-336.
18. See Joel Wolowelsky's letter-to-the-editor in *Hadarom*, No. 57, (5748/1988), pp. 157-158. See also Sara Reuger, "Kaddish from the 'Wrong' Side of the

Mehitzah" in *On Being a Jewish Feminist*, (ed.) Susannah Heschel (New York, 1983), pp. 177-181.

19. Rabbi Blair analyzes the well-known dispute as to whether prayer is of rabbinic or biblical origin, and discusses sources in the Mishnah and Maimonides' *Mishneh Torah*. I am indebted to Rabbi Isaac Nadoff of Omaha, Nebraska (formerly of Chicago), for sending me the Blair responsum.

20. My translation from an independently printed responsum, Rabbi Moshe Leib Blair, "Does a Daughter Have a Duty to Say Kaddish?," Chicago (year not indicated). Rabbi Blair was born in 1896 and died in Chicago in 1967.

21. *Loc. cit.* The phrase "twelve months" in the *Havot Yair* may refer to the practice of saying kaddish for eleven months and one day, i.e. in the twelfth month.

22. Rabbi Yehudah Herzl Henkin, "The Reciting of Kaddish by a Woman" (Hebrew) in *Hadarom*, No. 54 (5745/1985), pp. 34-38. See especially p. 43, paragraph two and n. 1. This passage is from p. 43. Despite its openness to the variable of social custom as it impacts upon and is tied up with religious practice, Rabbi Henkin's discussion is not problem-free.

23. See n. 20.

24. *Ibid*.

25. See Arlene Pianko, "Women and the Shofar," *Tradition*, Vol. 14, No. 4 (Fall, 1971), pp. 53-63.

26. This is, of course, still the case in certain Jewish circles. See, for instance, Tova Reich's description of her mother's funeral in Israel and her treatment as a daughter of the deceased in "My Mother, My Muse," in the "Hers" column, *The New York Times Magazine* (Nov. 6, 1988).