

Local rabbis responded positively to women reciting *Kaddish*

Does Halachah forbid, allow or perhaps obligate a daughter to recite mourner's *Kaddish* in synagogue when one of her parents dies?

A Daughter's Recitation of Mourner's Kaddish, a source book to be published in the next weeks by the Jewish Orthodox Feminist Alliance (JOFA) as part of its Halachic Source Guide Series, addresses this question. It was written by Rahel Berkovits, who teaches Mishnah, Talmud and Halachah at the Pardes Institute for Jewish Studies in Jerusalem.

The sympathies of JOFA and of Berkovits are not in doubt – they are very supportive of a daughter's reciting *Kaddish* – yet the volume is not a passionate plea for that position. Instead, Berkovits has carefully collected primary sources with a variety of approaches to the issue.

All sources are texts written by rabbis in the last millennium, mostly responsa (rabbis' published answers to questions submitted to them) from the last 200 years. Most of the 50 texts are written in difficult Hebrew. Berkovits provides the Hebrew original of each text, a readable and accurate English translation in the opposite column and a dispassionate explanation of the legal thinking behind each text.

The book shows that from the earliest days of the practice of saying *Kaddish* for a deceased parent, around 1,000 years ago, it was understood that a male under the age of 13 was permitted to lead the *Kaddish*. This indicates that the mourner's *Kaddish* is different from other sections of the service that, according to standard traditional Halachah, must be led by a male over the age of majority.

The book also shows that up until the last few centuries, only one mourner recited the mourner's *Kaddish* in synagogue. Acrimonious competition sometimes broke out among mourners for the right to lead the prayer. The earliest opinions that forbade women from reciting *Kaddish* come from this period. Now that the (almost universal) custom is that many mourners recite *Kaddish* together, the case for permitting women to recite it becomes stronger.

Nevertheless, most of the Hebrew sources in this book actually forbid the practice or at least seriously restrict it (e.g., by suggesting that a daughter might recite *Kaddish* at a service held in a private home, but not in synagogue, or that a daughter might recite *Kaddish* only if her parent had no surviving son).

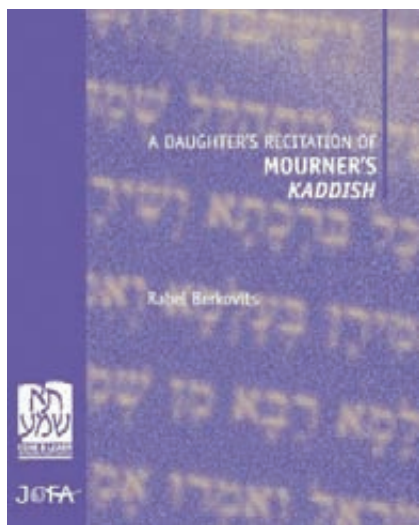
Still the book subtly shows that most of the rabbinic arguments against women saying *Kaddish* are not based on real halachic concerns but on public policy considerations. The first rabbi who directly addressed in a responsum the question of a daughter saying *Kaddish*, Rabbi Yair Bachrach (1638-1702), at first rehearsed the reasons why the practice ought to be permissible, but then backtracked. He argued that allowing an innovation like this would lead to a situation where "each person will build an altar for himself according to his own logic and the words of the rabbis will be seen as laughter and jokes and people will mock them."

Views & Reviews

Martin Lockshin



Later Orthodox rabbis explicitly wrote that they opposed this innovation since any change in synagogue practice would strengthen the hands of non-Orthodox Jewish denominations. Toward the end of the book, Berkovits quotes one of the few leading Orthodox rabbis who actually committed a lenient opinion on the issue to writing, Rabbi Aaron Soloveichik of Chicago (1917-2001), who turned that logic on its head. He argued that Orthodox rabbis have to allow women to say *Kaddish* since



when they forbid the practice, the hands of Reform and Conservative Judaism are strengthened.

I learned much from this book, and I was struck by a few thoughts as I read it. We have certainly come a long way in the last few decades. We now have a small cadre of learned women such as Berkovits, highly trained in the study of halachic texts, who are able to assemble collections of difficult rabbinic texts and make

them available to a larger audience. In fact, community rabbis may be those who will benefit most from this collection, which is not meant for the casual reader.

We have also come a long way in the last few decades on many women's issues. When I was growing up in Toronto, it was virtually unheard of to find a woman saying *Kaddish* in any Orthodox synagogue, and even in the Conservative synagogue where my family prayed it was an unusual sight. Now in all synagogues outside of haredi circles, women recite *Kaddish* regularly. In an appendix to her book, Berkovits dramatically demonstrates this recent change of attitude by juxtaposing the original position (from 1969) of Rabbi Maurice Lamm's *The Jewish Way in Death and Mourning* on women reciting *Kaddish*, and his changed position in the book's last reprint, in 2000. (Rabbi Lamm is a leading modern Orthodox rabbi, and his book is seen as the authority on laws of mourning by Jews of many denominations.) In 1969, he was decidedly cool to the idea; in the 2000 revision he writes movingly about the "need to empower women religiously," to "encourage women's participation in synagogue life" and "to allow women to express their innermost spiritual yearnings in a traditional mode" by saying *Kaddish* for a deceased parent.

How did this change occur? A careful reading of Berkovits' book proves that it was *not* initiated by the so-called *gedolei ha-posekim* (the leading Torah scholars of the world who have expertise in halachic texts that allegedly eclipse those of local community rabbis). Aside from Rabbi Soloveichik, perhaps the only *gadol* (leading Torah scholar) who explicitly wrote to permit a daughter's *Kaddish* (albeit in a limited manner) was Rabbi Yosef Eliyahu Henkin (1880-1973).

Change has come about in Orthodox circles through facts on the ground, through decisions of local rabbis who responded positively when women congregants asked to say *Kaddish*, and occasionally even encouraged women to do so. (Berkovits collects in her final chapter many anecdotes of permissive attitudes to women saying *Kaddish* in contemporary American synagogues and even in Europe before World War II.) In other words, the book proves – for those requiring such proof – that when solid halachic arguments based on texts are available, Orthodox Judaism develops and changes because of grassroots initiatives more often than because of public decisions of the leading Torah scholars of the generation.

שְׁמַרְתֶּם שְׂמֵי שָׁמַיִם
SHAAREI SHOMAYIM

ARCHEOLOGY AND THE ARAB ISRAELI CONFLICT

WITH PROFESSOR DAN BAHAT

SUNDAY NOVEMBER 6TH
FOLLOWING 8:30 AM SHACHARIT

Dan Bahat is one of Israel's most famous, respected and colourful archaeologists and was a senior lecturer at the Land of Israel Studies at Bar-Ilan University.

Please join us for this Memorial Lecture sponsored by Linda Levenstein and Family in memory of Larry Levenstein z"l. This breakfast lecture is free of charge. RSVP is required.

RSVP to Miriam at 416.789.3213 or miriam@shomayim.org

470 Glencairn Avenue | Toronto M5N 1V8 | Tel 416-789-3213 | Fax 416-789-1728
WWW.SHOMAYIM.ORG

ISRAEL 2011-13

FAMILY TOURS

WINTER 2011-12
Dec. 21, 2011 – Jan. 5, 2012
Dec. 25, 2011 – Jan. 9, 2012

MARCH BREAK 2012
March 7 – March 19

PASSOVER 2012
April 4 – April 19

SUMMER 2012
June 24 – July 8
July 1 – July 15
July 8 – July 22
July 15 – July 29
July 29 – Aug 12
Aug. 5 – Aug. 19
Aug. 19 – Sep. 2

WINTER 2012 - 2013
Dec. 20, 2012 – Jan. 3, 2013
Dec. 23, 2012 – Jan. 6, 2013

www.israelfamilytours.com
or call Kathy ext. 345

Community Mission

The Best
Community Mission
in North America

April 23 - May 6, 2012

Unique itinerary!

Call Kathy Ext 345

PRIVATE CUSTOM TOURS

INNOVATIVE ITINERARIES
& GREAT PRICES!
No one is more experienced
than we are!
**DON'T TRY TO DO IT ON YOUR OWN
BOOK WITH US AND SAVE!
Call Ehud Ext. 322**

BEST AIRFARE TO ISRAEL - FALL

DIRECT FLIGHT FROM \$435 ^{+TAX}
Applies to specific dates
Don't book with anyone else before talking to us first!

PEERLESS TRAVEL & CRUISES
YOUR FULL SERVICE TRAVEL AGENCY
7117 Bathurst St., Just N. of Steeles, Thornhill, ON L4J 2J6
905-886-5610
800-294-1663
info@peerlesstravel.com