

Y.D. 376:4

Saying Kaddish for Twelve Months, A Valid Alternative.

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How long is a child obligated to recite *kaddish* for a deceased parent? If there are different customs, which one should we follow?

תשובה:

Historical background of *kaddish* as a prayer for mourners.

The origins of the *kaddish* are not clear, but it seems to have served as a closing prayer at the end of an aggadic sermon or lesson.¹ It became the conclusion prayer after *Torah* study at the end of *shivah* for a scholar, and then later became the concluding prayer at the end of *shivah*.²

The reason for the *kaddish* becoming a ritual for mourners is discussed by various scholars,³ and is mentioned in various response.⁴ The practice is based upon a legend which appears in varying forms about Rabbi Akiba who helped to redeem the soul of a dead person from the tortures of *gehinom*.⁵

מנהג אמירת הקדיש למנוחת נפש הנעדרים ב"ב חדש הראשונים ובכל שנה ושנה ביום הפקידה לא מצאתי לו מקור מפורש בתלמוד ורק במס' כלה רבתי (פ"ב) נזכר "מעשה ברע"ק דאשכחיה לההוא גברא שהיה נושא חבילת עצים על כתפו והלך ומל את בנו ולמדו תורה ואוקמיה בבי כנישתא לברוכי בקהלא, לימים אזל רע"ק לההוא אתרא איתחזי ליה ואמ"ל תנוח דעתך כשם שהנחת דעתך". ובמנורת המאור (כלל א' נד ח"ב פרק א) נזכר מעשה זו בשינויים קלים מאד בשם התנחומא. ובספר אליהו זוטא נאמרה עובדא זו בשם רבן יוחנן ב"ז בלשון זה "בבקשה ממך הוי זהיר בו משעה שיהיה נולד עד שיהיה בן חמש שנים הולך אותו לבית רבו למקרא כי בשעה שהוא יאמר ברכו את ה' המבורך אז יהיו מעלים אותי מדינא של גיהנום" (אליהו זוטא ח"ב פ' יז).⁶

For the custom of saying *kaddish* to bring rest to the souls of the departed for the first twelve

1 David De Sola Pool, *The Kaddish*, pp. 8-10; Ismar Elbogen, *Jewish Liturgy: A Comprehensive History*, Raymond P. Scheindlin translator, pp. 80-81.

2 Abraham E. Millgram, *Jewish Worship*, pp. 80-81.

3 See above note 1.

4 ו"ע יו"ד ס' שענו; ד הגהת הרמ"א; שו"ת משפטי עוזיאל כרך א או"ח סימן ב; שו"ת משנה הלכות חלק יב סימן רסב; שו"ת הריב"ש סימן קטו. 5 מסכת כלה פ"ב; אהרן יעללינק, בית המדרש ח"א עם' 18-08 מדרש עשרת הדברות; אליהו זוטא ח"ב פ' יז 5

שו"ת משפטי עוזיאל, שם. 6

months and on every year on the anniversary of their death, I have not found an explicit source in the Talmud, and only in *Massekhet Kallah Rabbati* is it mentioned: "It happened that Rabbi Akiba came upon a [dead] man carrying a bundle of wood on his shoulder. Rabbi Akiba went and had the son of this man circumcised and taught him *Torah* and had the son lead the service in the synagogue in order to bless God in the congregation. Sometime later Rabbi Akiba went to that place and the dead man appeared to him saying let your mind be at rest just as you brought rest to my mind." In *Menorat Hamaor* this story is mentioned in the name of the *Tanhuma* with slight differences. In *Eliyahu Zuta* this story is told about Rabbi Yohanan Ben Zakkai as follows: "...I plead with you be careful with him from his birth until he reaches the age of five. Take him to his teacher's house to study *Torah*, because when he will say *Barkhu et hashem hamevorakh* then I will be released from my judgment in *gehinom*."

Based on this legend the custom developed of the קדיש יתום being recited by minors after the service, because a minor could not lead the service [as was done in these stories, in order for the mourner to bless God amidst the congregation]. But a mourner who was not a minor was expected to lead the service rather than relying on the *kaddish*.⁷ Having the people respond יהא שמייה רבה was the essence of the ritual, and there was great merit to having a son recite it.⁸

For Whom *Kaddish* is recited and for how long.

A study of the various texts concerning the recitation of *kaddish* by a mourner reveals different customs. The period of time ranges from eleven months to twelve months.

ונמצא במדרשות לומר קדיש על אב (כל בו וריב"ש בשם תנחומא וספרי ובחיי בשם מסכת כלה וב"י בשם הזוהר ובא"ז בשם תנא דבי אליהו רבא) על כן נהגו לומר על אב ואם קדיש בתרא י"ב חודש וכן נהגו להפטיר בנביא ולהתפלל ערבית במוצאי שבתות שהוא הזמן שחוזרין הנשמות לגיהנם וכשהבן מתפלל ומקדש ברבים פודה אביו ואמו מן הגיהנום (כל בו בשם הגהות)... ונהגו שאין אומרים קדיש ותפילה רק י"א חדשים כדי שלא יעשו אביהם ואמם רשעים כי משפט רשע י"ב חדש.⁹

In midrashim we find the custom of reciting the *kaddish* for a father. Based on these midrashim, the custom developed to recite the *kaddish batra*¹⁰ on behalf of a father or mother, for a period of twelve months. The custom developed for the son to recite the *haftara* and to lead the evening prayer on *motzaei shabbat* which is when the souls return to *gehinom*. And when the son prays and sanctifies God, the son redeems his father and mother from *gehinom*...and the custom developed that *kaddish* is recited for only eleven months so that the father and mother don't appear to be evil, for the judgment of an evil person is twelve months.

The *Rema* starts by establishing the custom of reciting the mourner's *kaddish* for twelve months, and then mentions the custom of reciting *kaddish* for only eleven months. In fact, various authorities raised questions about the *Rema*'s statement because it seems to be self contradictory.

7. הגהות הרם*א שו"ע יו"ד ס' שעו ס' ה ; ספר האגור הלכות תפילת אבל שלד.

8. ברא מזכה אב . See TB Taanit 5b, TB Baba Batra 116a and TB Sanhedrin 104a.

9. שו"ע יו"ד ס' שעו ס' ד הגהת הרמ"א.

10. *Kaddish batra*, *kaddish gamur* and *kaddish shalem* are the same. See David De Sola Pool, *The Kaddish*, page 107.

וע"ד אשר העיר בדברי הרם"א שכתב וז"ל ונהגו שאין אומרים קדיש ותפילה רק י"א חדשים כדי שלא יעשו אביהם ואמם רשעים כי משפט רשע י"ב חדש עכ"ל. ובאותו הרמ"א לעיל בהתחלה כתב וז"ל על כן נהגו לומר על אב ואם קדיש בתרא י"ב חדש עכ"ל. והוי סתירה מיני' ובי'. הנה דברי הרמ"א הו"ל שיחה בין הלומדים ונשאלתי ע"ז גם כן מת"ח שנתקשו בזה. וכאשר חזינן במקורם שבהם נקט הרמ"א ב' מנהגים.¹¹

And regarding the matter you raised about the *Rema* who wrote “and the custom developed that *kaddish* and leading the prayers is for eleven months in order not to make the father and mother appear as sinners because the judgment of a sinner is twelve months.” In the beginning of that statement the *Rema* wrote “therefore they developed the custom to recite the *kaddish batra* for twelve months.” This is self contradictory. These statements of the *Rema* have been discussed by students, and I have been asked this question by rabbinical scholars who have found this contradiction to be difficult to reconcile. But when we look at the sources the *Rema* quoted there are two different customs.

Once the period of reciting *kaddish* was reduced from twelve months to eleven months (so that the parents would not appear to be evil sinners), rabbis questioned whether one may recite the *kaddish* for twelve months.¹² Some authorities ruled that if one is hired to recite the *kaddish*, the length of time would depend on how the request was made. For example if the child said I won't be able to do it, therefore recite it for me, then it should be recited for eleven months. That is the period when a child recites *kaddish*. But if the person is hired to recite it for the dead (not instead of the child's recitation), then it should be recited for twelve months.¹³ If he knows that the parent was in fact a sinner then *kaddish* must be said for twelve months.¹⁴ Another authority ruled that during the twelfth month the son can lead the prayer service occasionally and recite the *kaddish derabbanan* thereby not transgressing the twelve month custom mentioned by the *Rema*.¹⁵ Others state that where it is customary for one to recite *kaddish* while leading the service even though his parents are alive, it is permissible to recite the *kaddish* in the twelfth month, and it will not make the parents appear to be sinners, because other members of the congregation are also reciting *kaddish*.¹⁶

וז"ל הג' מרן החיד"א בשו"ר ברכה ס' שעו אות ח לפי מ"ש רבינו האר"י דהקדיש מועיל גם כן להעלות נשמתו נר' שיאמר קדיש כל י"ב חדש אלא דמפני ההמון יפחות שבוע אחרון.

This is what the *Hida* wrote in *shiyurai brakha* 376 :8 in accordance with what was said by the *Ari*: Because the *kaddish* helps to raise the soul in heaven it seems that *kaddish* should be recited for twelve months, but because of the [opinion of the] public - he should finish a week early.¹⁷

It is clear that the original custom was to recite the mourner's *kaddish* twelve months, but it was

11. Later on he quotes a custom of twelve and ten days, and a custom of twelve months minus a week.

12. שו"ת פעולת צדיק חלק ג מבין המחבר סימן רף.

13. שו"ת אגרות משה חלק יו"ד ד סימן פא.

14. פתחי תשובה שו"ע יו"ד שעו אות ט, קיצור שו"ע סימן כו סעיף ז.

15. שו"ת שבט הלוי חלק ג סימן קסה.

16. שדי חמד השלם חלק ה עם' 64 קסב.

17. *ibid*

changed to eleven months because of the belief that recitation of the *kaddish* helps the departed in their heavenly judgment, and that judgment lasts only eleven months for everyone but the evil people. Therefore saying *kaddish* for twelve months would reflect badly on the departed. However there are situations where we can permit the child to say it for twelve months.

AUTHORITIES WHO HAD PROBLEMS WITH THIS APPROACH

There were those who objected to the idea that the recitation of *kaddish* helps mitigate the judgment of the deceased.

כל החושב על מעשה בניו ובני עמו שהם עושים בגללו אחר מותו ומתפללים בעדו שהם מועילים לו מחשבות בדויות הוא ותוחלת שוא בעיני כל החכמים וכל אנשי המדע... ולא מצאנו בתורה מקום שנוכל להבין ממנו שמעשה החי בעולם הזה יהיה מזכה את המתים.¹⁸

Those who think that they will benefit from the actions and prayers of their children and relatives, done on their behalf after their death, are entertaining mistaken and vain thoughts, according to all the Rabbis and scholars...and nowhere in the *Torah* is there anything that can be understood to mean that the deeds of the living in this world can benefit the dead.

האב יצוה לבניו להחזיק באיזה מצוה ואם מקיימין אותו נחשב יותר מן הקדיש. ואם כן אפילו יש לו בת יש לו תקנה זו. דקדיש זה אינו תפלה שיתפלל הבן על האב לפני ה' שיעלהו משאול אלא זכות ומצוה הוא למת כשבנו מקדש השם יתברך ברבים והקהל יענה אחריו אמן יהא שמייה רבא מברך.¹⁹

For the father who commands his son to fulfill a particular commandment, and the son fulfills it, it is of greater worth than the recitation of the *kaddish*. The same is true for daughters. For the *kaddish* is not a prayer of the son on behalf of his father to God to have the father's soul brought up from *sheol*, but rather it is a recognition of the merits of the father when his son sanctifies God's name in public and has the congregation respond with praising God by saying *אמן יהא שמייה רבה מברך*.

Elyakim b. Joseph (died ca. 1150 in Mayence), called "Ravya," (see footnote 20) expresses a similar view in his notes. "It is not as generally accepted" he writes, "that through the recitation of the *kaddish* the son brings his father and mother to Paradise, and that he who frequently repeats the *kaddish* atones by that action for the sins of his parents and helps them to enter into the future world. For there is no foundation for the view that the *kaddish* is for mourners. There is no basis for it in either the Jerusalem or the Babylonian *Talmud* or in the *Tosefta*. The only source is the legend of Rabbi Akiba, and we do not base laws upon legends..."²⁰

Some rabbis asked: If the recitation of *kaddish* during the first year after death helps mitigate the judgment of the dead, why recite it on the anniversary of the death? Why not permit daughters or

18. אברהם בן חייא הנשיא, הגיון הנפש מהדורת פרייאמאן דף לב.

19. אברהם הורוביץ, יש גזלתי, הקדמת המחבר.

20. A.Z. Idelsohn, *Jewish Liturgy and its Development*, p.87. Rabbi David Golinkin pointed out to us, based on Berliner 90-91 עמודים, that Idelsohn confused the Ra'aviyah with the "author of Ra'aviyah" who lived in the 19th century, Rabbi Efraim Elyakim Getzel.

other relatives to recite it?²¹

אבל פורענות שחייב למקום כי עבר על המצות הרי הוא כשאר עבירות ואין ביד אנוש להקל אותה בודאי, אבל אם יש צדיק אחד מבקש עליה רחמים בין בנתינת צדקה לעניים אפשר שהקב"ה מיקל ממנו בזכות בעל הזכות.²²

But retribution that he owes to God due to the fact that he transgressed the *mitzvot* is like all other transgressions, and it is surely not in the power of humans to lessen the punishment. But if a righteous person asks for mercy or gives charity to the poor (for the sake of the deceased), perhaps God will lessen the punishment because of the merit of the righteous person.

אבל אחרי שרז"ל אמרו ברא מזכה אבא (סנהדרין קד ע"א) מוכרחים אנו לפרש דבריהם כי אין ביד אנוש להקל עונשו של המת מבלעדי הבנים הואיל וזכות הבנים הוא זכות עצמי להוריהם שהולידו בנים הגונים ומעולים ומבחינה זו אפשר לומר שלא רק מצילים אותם מדינה של גיהנם אלא אף מעלים אותם במחיצתם של צדיקים. אלא שאם כן קשה קצת מדוע קבעו מנהג זה באמירת קדיש דכך לי אמירת קדיש או אמירת כל פסוקי דזמרה שיש בהם שבח והודיה למקום או כל למוד דבר תורה ומעשה מצוה ואף בקדיש עצמו העונה אמן גדול מהמברך וכמ"ש (ברכות נג ע"ב) גדול העונה אמן יותר מן המברך.²³

But since the Rabbis, may their memories be for a blessing, said that a son can bring merit to the father, we are forced to explain that it isn't in the power of a person to lessen the punishment of the dead except for the sons because the merit of the sons is a merit for the parents themselves who gave birth to worthy children. Following this point of view, one can say that not only do they save them from the judgment of *gehinom* but they also raise them up to where the righteous are. But it is a little difficult to understand why this belief was applied specifically to the recitation of the *kaddish*. The same should apply to the recitation of any verses that contain praise and thanksgiving to God or the study of *Torah* or the performance of a *mitzvah*. And in the *kaddish* itself, the person who responds *amen* is greater than the person who recites the blessing, because the rabbis said "greater is the person who answers amen than the person making the blessing."

OTHER REASONS FOR THE RECITATION OF *KADDISH*

עיקר הטעם (של אמירת קדיש) לפי שאין מיתה בלא חטא ורובן מתים בעון חילול ה' שלא יכופר אותו עון עד שימותו וכשהקב"ה נפרע מן החוטא אז שמו מתקדש וכו' ולכך עומד הבן של חוטא זה שמת ואומר לפני התיבה יתגדל ויתקדש שמייה רבה כלומר מתנחם אני על מיתת אבי הואיל ושמו של אבי שבשמים מתגדל ומתקדש על ידי מיתתו ועוד מתכפר עון חילול ה' שעשה. וזה דוגמת הנדונים בבי"ד שהוצרכו בני משפחתו לומר יפה דנתם להורות שאין בלכם על ב"ד כלום.²⁴

The main reason (for reciting *kaddish*) is that there is no death without sin and most people die due to the sin of desecration of God's name, for which there is no absolution for that sin until they die. When God exacts retribution from the sinner, then God's name is sanctified etc.

21. משפטי עזיאל, שם 21; Bacharach, 222 (see Loius Jacobs *Theology in the Rersponsa*, p.168) and Hayyim Vol. IV, Orah Hayyim, no. 7 (Jacobs p.271)

22. שו"ת הרשב"א חלק ז' סימן תקל"ט מצוטט באוצר הגאונים חגיגה דף טו ע"א סימן כב עמוד 72

23. שו"ת משפטי עזיאל שם

24. אוצר ישראל ה"ט דף 114 ערך קדיש; אוצר דינים ומנהגים ערך קדיש; יקותיאל גרינוואלד, כל בו על אבילות עם' 863, 873.

Therefore, the son of that sinner who died stands and, as the leader of the service, says *yitgadal veyitkadash shemay rabba* - that is to say, I am comforted about my father's death, because the name of my Father in Heaven (God) is magnified and sanctified by my own father's death, and my father's sin of desecrating God's name is absolved. This is similar to those judged by courts, where the family has been forced to say that the court judged well, in order to show that they don't hold a grudge against the court.

Rabbi Uziel gives another reason for the recitation of *kaddish* and for having the children of the deceased lead the service and that reason is: absolving the father and themselves from the sin of not having the proper intention when hearing someone recite a blessing and reciting amen. We do not understand the mystery of the recitation of *kaddish*...but the customs of our people are *Torah* and we should follow the custom.

From the above sources we see that various reasons were given for the recitation of the *kaddish* for different lengths of time. When a particular reason was no longer acceptable or it presented a problem, a new reason was advanced and accepted. It is also clear that the original custom was to recite the *kaddish* for twelve months and was changed to eleven months only later.

***Kaddish* In Contemporary Thought**

In our generation it is inconsistent to retain a custom based upon a legend that claims that our actions can save our deceased parents from divine punishment. We also know that this legend contradicts an important Jewish value that we embrace, namely that each person is responsible for his/her atonement.

Because of the compelling role that the recitation of *kaddish* plays in Jewish life, it is important that we find reasons and rationales for the recitation of *kaddish* that are theologically and emotionally consistent with our ideas and beliefs. In the following contemporary expressions of the significance of reciting *kaddish* we see that *kaddish* recitation has a powerful emotional and spiritual affect on the mourner. This should compel us to reorient what we teach concerning the role of *kaddish* from its benefit to the deceased to the benefit for the mourner.

הקשר היותר חזק ויותר אמיץ שמאחד את הדור הצעיר לעמו ולתורתו הוא הקדיש.²⁵

The strongest and most powerful connection that unites the young generation to its people and to its *Torah* is the *kaddish*.

The *Kaddish* evokes a stronger emotional response in Jews than any other prayer in our liturgy....Some Jews who otherwise do not adhere to other Jewish traditions faithfully say the *Kaddish*.²⁶

25. גרינוואלד, כל בו על אבילות עם' 563.

26. Rabbi Herbert A. Yoskowitz, *The Kaddish Minyan The Impact On Ten Lives*, p. xi

Before my father's death, my daily worship was non-existent. My attendance at synagogue fell into the category of yearly....After the Shiva period ended, I was faced with living up to the commitment I had made to my father to say *Kaddish* for him....As the days went by, I began to understand the purpose of the *Kaddish* service and feel its effect on me. I thought about my father every day. I began and ended my day with a peaceful meditation and "conversation" with my God....Some of the mystery surrounding prayers, holidays, and traditions began to disappear...

The *Kaddish* experience acted not only as a healing exercise, but a strengthening bond between myself, my father, my grandfather, and those who preceded them. I am more aware that there is more to being Jewish than Bris, Bar Mitzvah and burial. A great deal is available in between, if we take the time to look for it.²⁷

Rising to recite *Kaddish* gave me some way to express my love for my mother and to receive comfort. I soon saw this act as a way of bearing witness that **love is as strong as death** (Song of Songs 8:6).²⁸

Kaddish means "sanctification." From beginning to end, the *Kaddish* sanctifies the name of God, thus attesting our total submission to, and acceptance of, His will. Despite our loss, we are among those who praise God's name.²⁹

The *Kaddish* proclaims further that this is a "world He created according to His will." Though sorrow may temporarily dull our vision or threaten to rob life of meaning, we affirm that there is a plan and a purpose to life because there is a God at the heart of it.³⁰

The *kaddish* offers the reassurance that God can provide inner peace and serenity-the mourner's most desperate needs. "May He who ordains harmony in the universe grant peace to us..."³¹

The *Kaddish* challenges the mourner to work for the fashioning of a better world. "...May He establish His kingdom..."...This ought not remain a passive hope.³²

It joins us to our people. It adjusts our perspective. It fortifies our faith. It reassures us with a promise of inner peace. It summons us to labor for a better world.³³

The essential question is broached by Rabbi David Abramson, in a sermon written during his period of reciting *kaddish* for his father. "Do mourners say *kaddish* for their loved ones or for themselves? The answer to the paradoxical question is both. I do not subscribe to the superstitious notion that, on a metaphysical level, recitation benefits our loved ones directly,

27. *ibid*, Irving Berman, *Belonging, Behaving, Perhaps Even Believing*, pp.13-14.

28. *ibid*, Shoshana Wolok, *Stronger Than Death*, p.22

29. *Siddur Likrat Shabbat*, p. 180

30. *ibid*.

31. *ibid* p. 181

32. *ibid*.

33. *ibid*

elevating them more and more in heaven, but there is no doubt in my mind that recitation of *kaddish* is a powerful act of tribute to our loved ones. On one level, I believe, we do owe it to them. More important than that, is the power that the regular recitation of the Mourner's *Kaddish* has on the mourner himself or herself. I've written and spoken of this extensively and won't belabor the point here. Suffice it to say that I understand, more than I ever did before, the profound healing power of the *Kaddish*.”³⁴

Summary

There are different customs and reasons for the recitation of kaddish. The original custom, as stated by the Rema (see above footnote 9) was to recite it for twelve months which is the period of mourning for a parent. At a later date the custom developed to recite kaddish for eleven months based upon the idea that we recite kaddish to help the dead receive a better judgement in the world to come. For those who feel that the concept of individual responsibility is paramount, we should not be bound to the latter custom that is based upon a legend concerning the ability of our acts to save our loved ones from divine punishment. There is considerable debate over this issue in the sources mentioned above. Rather, the rabbi in teaching new mourners about their obligations should stress the positive spiritual benefits of Kaddish recitation for the mourner in place of the benefit for the deceased. Therefore, it would be appropriate that the Kaddish be recited for a period of twelve months.

Psak

The original custom of twelve month Kaddish recitation for a parent should be reinstated and taught as a valid alternative to the current custom of eleven month recitation. The period of aveilut for a parent is twelve months. Just as the kaddish is recited for the full period of aveilut for all others but parents, namely 30 days, so should the period of recitation of kaddish for a parent conform to the the period of aveilut for a parent, namely twelve months. In order to give significance to the first Yartzheit so that it doesn't appear to be part of the twelve month recitation of kaddish, some people may choose not to recite kaddish on the day before the first yarhtzeit.

34. http://www.bnaiemet.org/ColumnR/from_the_rabbi.htm