

Y.D. 376.4.2020

Rabbi Pamela Barmash

## **How to Recite Mourner's Kaddish while Physically Distancing during a Pandemic**

*Approved on August 31, 2020 by a vote of 15-0-1. Voting in favor: Rabbis Jaymee Alpert, Pamela Barmash, Suzanne Brody, Nate Crane, Elliot Dorff, David Fine, Susan Grossman, Joshua Heller, Jeremy Kalmanofsky, Amy Levin, Daniel Nevins, Micah Peltz, Avram Reisner, Robert Scheinberg, and Deborah Silver. Voting against: None. Abstaining: Rabbi Ariel Stofenmacher.<sup>1</sup>*

### **She'eilah (Question):**

The practice we are used to in reciting mourner's kaddish is to do so with a minyan meeting in-person. During this prolonged period of pandemic, the question arises as to how to recite mourner's kaddish while observing physical distancing. Many Conservative/Masorti congregations are not yet meeting in person during the pandemic and may not reopen soon, and moreover, some of us who are in mourning or observing yahrzeit cannot attend in person even those congregations that are holding minyan in person because we, or those with whom we are in physical proximity, are at risk. See the letter of guidance on the Ethics of Gathering When Not All of Us Can Attend in Person <https://www.rabbinicalassembly.org/story/ethics-gathering-when-not-all-us-may-attend-person>

So what should we do in regard to reciting mourner's kaddish when we cannot do so in person?

### **Teshuvah (Response)**

Mourner's kaddish (kaddish yatom) has a special resonance for Jews, and many of us are assiduous about reciting mourner's kaddish during the period of mourning or on a yahrzeit for a

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The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

<sup>1</sup>This teshuvah was approved by the CJLS in a fast-track process intended to provide answers expeditiously during she'at hadehak, a time of urgency

parent and other relatives (and loved ones) because of its great emotional effect.(Y. D. 376; 568)<sup>2</sup> Siddur Lev Shalem notes: “(Mourner’s kaddish) has become an essential element of Jewish prayer. (It) is not a private prayer: rather, it is recited in community with a minyan present. In that context, the mourner affirms that tragedy has not separated him or her from God or the Jewish people...(p.58) Being enveloped in community helps the mourner return to living, yet at a time when pandemic grips communities around the globe and serves as an obstacle to reciting mourner’s kaddish with an in-person minyan, a number of other options are possible for those of us who are in mourning or observing yahrzeit who cannot, or should not, attend an in-person minyan:

1. We may connect virtually (through audio or video) with a minyan (whether of our home congregation or another) whose members are meeting in person, preferably in our time zone, allowing us to recite mourner’s kaddish, along with the members of the in-person minyan (but not counting as part of the minyan). This was the position that the CJLS approved in a teshuvah by Rabbi Avram Reisner in 2001, long before the pandemic began, and it applies in a time of pandemic as well. See <https://www.rabbinicalassembly.org/sites/default/files/2020-04/Reisner%20-%20Internet.pdf>
2. Our movement has created several prayers that are acceptable in lieu of Mourner’s Kaddish. We who are mourners or observing yahrzeit may find spiritual and emotional sustenance in these alternatives to mourner’s kaddish, and we may do so either privately or with remote davenning where those connecting virtually are constituting communal davenning but not a minyan. See <https://www.rabbinicalassembly.org/story/prayer-when-there-no-minyan-say-kaddish>
3. We may connect virtually with a minyan (whether through our home congregation or another) whose members are meeting virtually to constitute a remote minyan, preferably in our time zone, allowing us to recite mourner’s kaddish, along with that minyan. If the mourner or person observing yahrzeit is counting as one of the ten adult Jews required for the minyan, the connection must be through video conferencing, and at least 10 people of countable age must be

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<sup>2</sup> For the halakhah on kaddish yatom and its historical development, see Rabbi Richard Plavin and Rabbi Mayer Rabinowitz, *Saying Kaddish for Twelve Months, A Valid Alternative* [https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/Plavin-Rabinowitz\\_Kaddish\\_alternative.pdf](https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/Plavin-Rabinowitz_Kaddish_alternative.pdf); Rabbi Kenneth E. Berger, *Tradition, Interpretation, and Change: Developments in the Liturgy of Medieval and Early Modern Ashkenaz* (Cincinnati: Hebrew Union College Press, 2019), 280-302; and David Shyovitz, “You Have Saved Me from the Judgment of Gehenna”: The Origins of the Mourner’s Kaddish in Medieval Ashkenaz,” *AJS Review* 39, 1 (2015) , 49-73. Due to its historical development, this kaddish has been traditionally called kaddish yatom (orphan’s kaddish), but since many of those reciting this kaddish are not mourning a parent, it is sometimes referred to as kaddish aveilim (mourners’ kaddish).

able to see and hear each other (even if the audio is turned off because of a technological inability to synchronize singing) See CJLS Guidance for Remote Minyanim in a time of COVID-19, especially the discussion of the status of mourner's kaddish. <https://www.rabbinicalassembly.org/story/cjls-guidance-remote-minyanim-time-covid-19>

4. A number of those who could not attend in person in normal, non-pandemic time, hired a substitute to recite mourner's kaddish or asked another person to serve as a substitute to recite mourner's kaddish(O.H. 376.4) This is, in general, not a recommended practice (Rabbi Isaac Klein, *A Guide to Jewish Religious Practice*, 39), and even in a time of pandemic, it is far better for the mourner or person observing yahrzeit to recite mourner's kaddish or a prayer in lieu of mourner's kaddish rather than hire a substitute.

It must be emphasized that reciting mourner's kaddish is not the only, or sole, way we memorialize a loved one. Dedicating the fulfillment of a mitzvah to the memory of the loved one, especially tzedakah to charitable organizations and individuals in need, or studying Torah are other important ways to honor and remember the deceased.

Those of us who are in mourning or observing yahrzeit may feel distress at not being able to recite mourner's kaddish in the absence of a minyan, particularly for a prolonged period of time, and our rabbis, hazzanim, and lay leaders must reassure mourners that they are fulfilling both their halakhic and ethical obligations under the circumstances by remembering and honoring the deceased in the other ways noted above. Those of us who are in mourning or observing yahrzeit should not take unreasonable risk to recite mourner's kaddish in person.

A number of pastoral strategies may ease the difficulty of mourning and observing yahrzeit in a time of physical distancing:

1. An email or section of a website entitled "Yahrzeit Memories From ....." could be sent or posted by a congregation or organization. Those in mourning or observing yahrzeit (as well as friends of the deceased) may share memories of the deceased and perhaps display a photo.
2. An email announcement to a congregation or organization should mention both the person who is observing yahrzeit as well as the person being remembered. This may prompt friends to contact the person observing yahrzeit, helping overcome the physical distance.
3. Congregational leaders are advised to announce the name of the deceased person being remembered for a yahrzeit during public davening, whatever form that may take. Alternatively, those observing yahrzeit may be asked to say the name of the person they are remembering before the communal recitation of mourner's kaddish or a prayer in lieu of mourner's kaddish.<sup>3</sup>

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<sup>3</sup> This teshuvah was enhanced by the comments of Rabbi David Booth, Rabbi Elliot Dorff, Rabbi David

**Piskei Din (Legal Rulings):**

1. A number of options are available for the recitation of mourner's kaddish, whether by reciting mourner's kaddish by linking in remotely with a minyan constituted in person or with a remote minyan or by reciting a prayer in lieu of mourner's kaddish either privately or a communal davening group not constituting a minyan.
2. Mourners and those observing yahrzeit are reminded that reciting mourner's kaddish is one in a set of traditional ways to remember a loved one. Dedicating the fulfillment of a mitzvah to the memory of the loved one, especially giving tzedakah, or studying Torah are important ways to honor and remember the deceased besides reciting mourner's kaddish.

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Fine, Rabbi Susan Grossman, Rabbi Joshua Heller, Rabbi Jan Caryl Kaufman, Rabbi Ashira Konigsburg, Dr. Joshua Kulp, Rabbi Amy Levin, and Rabbi Daniel Nevins.