

HALOCHOSCOPE



This week's question:

Someone has *Yahrzeit* and has *davened mincha* and recited *kaddish* already. He then walks into another *shul* where they are *davening mincha*. Should he recite *kaddish* again at the end of their *mincha* even though he does not *daven* it with them? What if he already *davened maariv* in the first *shul*? Since he has already begun the next day, in *davening* terms, should he consider it as though it is no longer the day he observes as *yahrzeit*? If the *yahrzeit* is on *Erev Shabbos*, does he recite the *kaddish* after *kabolas Shabbos* and the following *kaddish deraban*, assuming they are said before sunset?

The issues:

- A) *Yahrzeit observances*
 - B) *Kaddish*
 - C) *Early maariv*
- A) *Yahrzeit observances*

The significance of *yahrzeit* is not mentioned by the Talmud. The word is Yiddish, and according to one source the observance began in *Ashkenaz*, spreading from there. *Sefaradim* call it *nachalah* or *hilula*. It appears to have been observed in some form from early times. There are allusions to some of the observances and their possible meanings.

The Talmud relates how Haman concluded that *Adar* was the best time for his plot of annihilation. Moshe's passing on the Seventh of *Adar* made it an ominous time for all Jews. It is also recorded that the Jewish people adopted this as a fast day. They observed the *yahrzeit* early on, probably from the first anniversary of Moshe's death.

Megilas Taanis is an ancient record of days when fasts were, or may not be, observed. The final section lists *yahrzeits* of great people observed as fasts. A fast is observed for repentance. Rather than suffer divine punishment, an animal offering atones. Its death substitutes for the life of the offender. Loss of body mass on a fast is considered partial death. Fasts can also be observed as mourning practices, that stimulate *teshuva* as well as express grief and honor the soul of the deceased. The date of the passing of a Jewish leader is ominous and is also cause for all of the above.

A child's mourning a parent is also to fulfill *kibud av vaeim*, even after the parent's passing. The loss also indicated divine judgment. On this day the soul of the deceased is also judged. The only way it may gain merit in the next world is by the deeds of its progeny in this world. The child is also judged on this day, and *reia mazlei*, his fortunes are in jeopardy. The Talmud mentions in passing that the day of a parents death was observed as a partial fast. One deprived himself of meat and wine. This is associated with mourning, but some derive the custom to fast on a *yahrzeit* from here.

Some *poskim* condemn the laxity in observing the fast. However, it is justified because it is not described by the Talmud as a fast, and is a voluntary practice. People are

also weaker nowadays. Death is a time of *kaparah*, atonement, which is a good thing. The *kaparah* is repeated on each *yahrzeit*. On the other hand if *kaparah* is needed, fasting is in order. In any event, the primary reference to *yahrzeit* in the Talmud is a partial fast for mourning and repentance. It also honors the parents and brings them merit.

Other observances include leading the services and reciting *kaddish*. This is not a mourning practice nor is *kaddish* a 'prayer for the dead'. It benefits the soul of the deceased. The congregation recites *amein* to the *kaddish* recited by the child. When the child causes others to perform a *mitzvah* it counts as a *zechus*, merit. Therefore, he should ideally also lead the services and be called to the Torah.

Jewish dates generally begin and end at night. Sometimes, something is connected to the night or day only. Temple service begins and ends in the morning. If *yahrzeit* fasting corresponds to an offering, it should only apply by day, which is the prevailing practice. It is assumed that the judgment associated with the *yahrzeit* applies by day. However, the mourning and honoring could begin by night. If the judgment were to begin by night, it would be inappropriate to begin it before nightfall. This would be like hurrying the judgment upon oneself. Trying to gain extra merit also does not apply. Showing that the parent needs more merit than the standard is actually a dishonor. On the other hand, honoring a parent is a *mitzvah*, and the rule of *zrizin makdimin* could apply, the conscientious do things at the earliest opportunity. Nonetheless, the day before is not 'earlier in that day'. Accordingly, some say that one should not observe *yahrzeit* before nightfall, even as it relates to honor, such as bringing merit through leading services and *kaddish*. However, it is common practice to observe it early for these applications. The assumption seems to be that in regard to services, the day begins early, just as *maariv* may be recited early. One observing *yahrzeit* on *Erev Shabbos* does not have the right to *kaddish* after *kabolas Shabbos*, but one observing it on *Shabbos* seems to have that right. This indicates that either *Shabbos* can come in early, or that *kaddish* is connected to the *tefilah* rather than the day. [See Megillah 13b Taanis 29a Nedarim 12a, Poskim. Sefer Chasidim 231 232. Tur Sh Ar OC 132:2 568:1 7 8 580, YD 391:3 402:12, commentaries. Availus Bahalacha 44:9. Halochoscope III:18.]

B) Kaddish

Kaddish is the Aramaic for holy, that is, an extremely holy praise of Hashem. This lofty prayer is for the future glorification of Hashem when *Moshiach* comes. The responses have extreme qualities and may be said even when other responses are forbidden due to interruption. Due to its holiness, *kaddish* is deemed a *davar shebikedusha* that may only be recited in the presence of a *minyán*, ten men.

The poskim indicate that *kaddish* and *kedusha* were both instituted at the time that *shemone esrai* was formalized by the court of Ezra, which included prophets. Both were intended as communal praise for Hashem. These rabbinically instituted *tefilos* are potent and may not be modified. Some say that *kaddish* was instituted later, but was invested with the same sanctity. Some say that it was instituted earlier, after the first destruction, as a *tefilah* for restoration of Hashem's glory.

Kaddish is referred to in the Talmud by the Hebrew for its centerpiece, *Yehi shemo hagadol*, may His great name be ... This gives rise to discussion about the original language of composition. *Tefilos* were originally recited from memory, and there is no writ-

ten record of a full Hebrew version. Some suggest that *kaddish derabanan*, recited after Torah study, was always recited in Aramaic. This was the most efficient language for study, and was understood by more of the common folk. Therefore, all versions used Aramaic. Some say that being such a holy prayer it was felt that it should rise directly to Hashem, rather than be conveyed by angels. This way, the angels could not tamper with it. Angels do not understand Aramaic, and they would leave *kaddish* alone. Some say that a Hebrew version was used by the sages of Eretz Yisroel, where it is appropriate that all *tefilos* should be in Hebrew. In other places the Aramaic version was used.

Kaddish has three parts: the main section is from *yehai shemai* until *da'amiran be'alma*; the beginning, from *yisgadal* until *yehai shemai* is a *hazmana*, invitation, as a *davar shebikedusha* requires an invitation or introduction to the *minyán*; where additional parts are added after *da'amiran be'alma*, these are prayers for peace and acceptance of *tefilos*, or for the welfare of scholars. The third section is considered *minhag*, custom.

There are a few categories of *kaddish*. At the end of a communal service we recite *kaddish yasom*, the 'orphan's' *kaddish*. This is considered part of the service. It is recited after *aleinu*. It is also recited after the other *pesukim* or *Tehilim* at the conclusion of the service. However, the most prominent of these is the one recited after *aleinu*. It may be recited by a minor. One of the common explanations is that it was instituted for a minor orphan who cannot lead the rest of the service. If no orphan is present, it should still be recited by another person, since it is part of the service.

Kaddish derabanan is recited following Torah study. This is not part of the service, and appears to be a *davar shebikedusha* in its own right. Accordingly, some allow this *kaddish* even if the *minyán* was not present for the study and came later. The prevailing practice is to repeat a small passage in the presence of all ten before *kaddish*.

Kaddish shalem is recited after *shemone esrai* or its connected prayers. *Chatzi kaddish* is recited to separate between parts of the service. Just as one may not recite *brochos* unnecessarily, one may not recite extra *kaddeishim*. [See Brochos 3a 21b Shabbos 119b Sukah 39a Megilah 23a Sotah 49a, Tana D'bai Eliyahu Raba 6 7 17 21, Poskim. Tur Sh Ar OC 55:1 3, 56 98 132:2 234, YD 376, DM 8 9, commentaries.]

C) Early Maariv

The times for the *tefilos* correspond to the offerings. *Maariv* corresponds to the fats of the afternoon *tamid* offering. These could only be burned after the blood of the *tamid* had been thrown on the altar. Therefore, during the time that that blood could be thrown is considered the period for *tefilas mincha*. When that period ends, *maariv* may begin. The Talmud debates when this change-over occurs. In one view it is nightfall. The poskim debate whether this means sunset, which is the latest one may throw the blood, or even nightfall. Another view is that by *plag hamincha*, halfway between *mincha ketana*, the optimum time for the *korban's* blood, and night, when one had to have thrown the blood. This is 10 ¼ hours after daybreak, with the hour calculated as a twelfth of the daylight. In ruling, the Talmud remains neutral, allowing one to choose when to begin *maariv*. Ideally, one should not *daven* both *mincha* and *maariv* during the period between *plag* and night, because this is self-contradictory. In emergencies, and in honor of *Shabbos*, one may do so. There is a view that as soon as finishing *mincha* one may begin *maariv*, corresponding to the fats that may be burned right after throwing the blood.

There is even a minority view that if this corresponding time is taken to its logical conclusion, one could *daven* a very early *mincha* followed immediately by *maariv* in broad daylight. However, the consensus is that *maariv* is meant to represent the spreading out of *tefilos* through the day and night periods. It is most ideal when *davened* after dark.

In light of this variation of views, *maariv* could be seen as the declaration of the next day, in Jewish dating. Or it could be seen as the ending of the preceding day's services. In the temple, the night follows the day. Taking all this into account, *maariv* actually represents bridging the day and night, especially if it is said early. In our case, the issue is whether having *davened maariv*, one may still consider it the preceding day for *yahrzeit* observance, specifically for *kaddish*. On *Erev Shabbos*, early *maariv* certainly ushers in *Shabbos* early. This also corresponds to burning *Erev Shabbos* fats, and bridges the days. [See Brochos 2a-b 26a-27a 30a Shabbos 118b Yuma 28a-b Psachim 58a Zvachim 56a, Poskim. Terumas Hadeshen 1. Tur Sh Ar OC 235:1267:1, commentaries.]

Is *kaddish* on the *yahrzeit* is linked to the day, or to the *tefilah* services of that day? If it applies all day, regardless of whether the *tefilah* has passed, one recites *kaddish* at every opportunity. If it is essentially a part of the *tefillah* services that the observer must lead, he need not do it more than once. Secondly, can the day of the *yahrzeit* be adjusted the way it is adjusted for the *tefilos*? To combine the questions, assuming that reciting *kaddish* is somewhat linked to both the date and the *tefilos*, does this mean that the determination of date in regard to *kaddish* on a *yahrzeit* is based on the *tefilos*?

If one has already recited *kaddish* as an *avail*, he need not recite it again with a different *minyán*. People who know he is an *avail* and see him remain silent, not knowing he already said *kaddish*, might see it as a slight to his parents. Therefore, he should recite it again. Since it is recited as a part of the *tefilos*, it is not considered an unnecessary *kaddish*. [Igros Moshe YD III:42.] It is likely that someone else in the congregation is anyhow reciting *kaddish*. If no-one else is an *avail*, he may certainly recite the regular *kaddish yasom*, though he did not participate in the *tefilos*. It would appear that one observing *yahrzeit* may also join the others, or represent the congregation. However, he is not obliged as part of his *yahrzeit* observance. It seems that the *kaddish* is more connected to the *tefilos* than to the date. In addition, the *tefila* can determine the date in this context.

On the Parsha ... *Have awe of Hashem Elokecha, it is He you shall serve, cleave to Him and swear by His name. It is He you shall praise ... [10:20-21]* Why do we recite an additional praise, *kaddish*, after all the praises of *tefila* and *aleinu*? Perhaps, as we see here, having fulfilled our obligation of showing our awe for Hashem, and serving him [*tefila*], and cleaving to Him [Torah study and support], and, in *aleinu* praying for the time that all will swear by His Name, it is appropriate to sing the holiest praise. [Incidentally, this *passuk* (and a similar one in *Va'eschanan*) is the source for not reciting Hashem's Name in vain, that is extended to not reciting extra *kaddeishim*. See *Temura 3b-4a*.]

8 In honor and in memory of my mother, Yitele bas R. Shimon a'h, Henriette Silver. ♦

Sponsored by the Unger and Pfeffer families in honor of the *yahrzeit* of Rav Moshe

Chaim [Hugo] ben Yehuda Leib Unger zt'l, on the 22nd of Av.

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