

35. If *Kaddish* is begun in the presence of ten men, and then one or more leave, the *Kaddish* which had already been started should be completed⁶⁵ — as long as the majority of the ten remain.⁶⁶ Nevertheless, those who leave are committing a transgression. To them applies the verse, ‘Those who abandon Hashem will perish’ (*Isaiah* 1:28).⁶⁷ But if ten will remain, others are permitted to leave.⁶⁸

☞ § Bowing During Kaddish

36. One who recites *Kaddish* should bow at the following points:

- (a) יתגדל [Yisgadeil]^{68a} [or: Yisgadal], “May His great Name grow exalted and sanctified. . .”
- (b) יהא שמה רבא [Y’hei sh’mei rabba], “May His great Name be blessed. . .”
- (c) יתברך [Yisbarach], “Blessed, praised, glorified. . .”
- (d) בריך הוא [B’rich hu], “Blessed is He.”
- (e) אמן [Amen].

However, some have the custom not to bow at all during *Kaddish*.⁶⁹

☞ § Recitation in Unison

37. In our day, the custom in most congregations is that when there is more than one mourner, all recite each *Kaddish* together,^{69a} regardless whether one

65. *Shulchan Aruch* (55:2). And *Mishnah Berurah* (loc. cit. §§9) writes: “If the *Kaddish* is the one before *Borchu*, *Derech HaChaim* writes, in the name of *Elyah Rabbah*, that one may also recite *Borchu*, since these form one unit. But *Ma’amar Mordechai* disagrees.”

66. Sometimes the *halachah* requires not just a simple majority (six), but *ruba demincara*, “a majority that is apparent to the eye” (seven). *Mishnah Berurah* (citing *Pri Megaddim*) states that in our case, six are sufficient.

67. *Rama* (loc. cit.). And *Mishnah Berurah* (ad loc. §§12) writes: “It seems to me that this means if one does not wait until the congregation completes a particular section of the prayer-service. But if he waits until they complete the section, this is sufficient. For example, if someone is the tenth man for the recitation of *Borchu*, he is not required to wait until the *chazzan* finishes reciting the *Shemoneh Esrei* aloud; for that is a different section of the prayer-service. But if he is the tenth man when the *chazzan* begins repeating the *Shemoneh Esrei* aloud, he must remain until they finish the whole *seder kedushah* (*Ashrei* through *Uva L’Tzion*), as well as the whole *Kaddish* (*Kaddish Tiskabel*) which follows. And the *halachah* is similar for other sections of the prayer-service.”

68. *Rama* (loc. cit.). However, *Mishnah Berurah* (§§14) writes that they may do so only if they have already heard *Kedushah*, and the subsequent *Kaddishim*, until *Aleinu* (“It is our duty to praise. . .”). See *Be’ur Halachah* (ad loc. s.v. *mikol makom*), who writes: “If the tenth man violated the *halachah* and left, one might ask: Is the ninth man permitted to leave? — since in any case the ten men required for the *Shechinah* (Divine Presence) are not there, and the congregation will be able to complete the *Kaddish* which had already been started, even if he leaves. This question requires study. See also *Be’ur Halachah* (ad loc. s.v. *aval im nish’aru*).

68a. *Shulchan Aruch* (56:4). And *Kaf HaChaim* (§38, citing *Yad Aharon*) states that one should bow at each *Amen*.

69. This is in accord with the ruling of *Gra* (ad loc.). He writes that one should not bow, since one should not add to the bowings enumerated by the Sages (*Gesher HaChaim* 30:6:10).

69a. See *Pischei Teshuvah* (376:§§6). He cites responsa *Diurei Iggeres* (§7). “He, of blessed memory, enacted in his land that all the mourners recite *Kaddish*; and there he explains . . .”

has a higher level of obligation than another. Even someone who is not a mourner, but is reciting *Kaddish* for payment, recites it with the mourners. Some authorities have objected to this custom.⁷⁰

reasons. And in *Siddur Beis-Kel Amudei Shamayim*, by *Yavetz* (p. 174b), he writes: 'As for the detailed laws of the Ashkenazic community regarding precedence in reciting *Kaddish*, I shall not discuss them here, for they are purely a matter of custom. And the Sefardic custom in this matter is very good and right: If there are a number [of mourners in the congregation], all of them have the right to recite *Kaddish*, and they recite it in unison. This eliminates disputes and endless arguments about a matter which has no root or basis.' "

See also *Kaf HaChaim* (55:31), who writes that if a congregation has studied Oral Torah or recited Psalms, and they all wish to recite *Kaddish*, they are permitted to do so. "This," he states, "may be inferred from the words of *Mahari Eish* in *Bnei Yehudah* (§3). The same ruling is given by *Rav Pe'alim* (part 2: §14), and in *Ben Ish Chai* (*Parashas Vayechi* §16). But he writes: 'It is preferable (*lechatchilah*) to be careful that one of the congregation should not recite *Kaddish*, but answer the others.' But in my humble opinion, if this is the case, then two should answer, since *וְאָמְרוּ אָמֵן*, 'Now respond, Amen,' is a plural form."

The same ruling is given by responsa *Minchas Yitzchak* (part 4 §30). He states that it is only the *Kaddishim* recited during the prayer-service that require nine to answer, but for the Mourner's *Kaddish* (*Kaddish Yasom*) this is not required, since it is a voluntary *Kaddish* and those reciting it are not serving as proxies to fulfill an obligation of the congregation. But he writes: "In any case, they should try to make sure that two members of the congregation are answering to the *Kaddish*."

70. See *Chasam Sofer* (§159). He cites the words of *Yavetz* (quoted in our previous footnote), and comments: "It would seem that this is a good custom, and it is better for a *mitzvah* to be done by many than by an individual. And I am surprised at [the custom of] our forefathers, for whom the Torah was an eternal inheritance, as *Rosh* writes in a responsum cited by *Beis Yosef* (*Yoreh De'ah*, end of §82). How could we suspect them of going wrong and twisting the path? Moreover, at first glance it would seem difficult to understand the custom that the *ben shivah* [a mourner in the first seven days] has precedence over the *ben shloshim* [one in the first thirty days]. . .

"But [the answer is] that the principal benefit of *Kaddish* for the deceased is not in the fact that the person recites the words, but that he gives the congregation the merit of answering *Amen* many times, as well as answering, *יְהֵא שְׁמֵהּ רַבָּא*, 'May His great Name be blessed forever and ever. . .' — which is a very powerful utterance — and *בְּרוּךְ הוּא הַמְבָרֵךְ לְעוֹלָם וָעֶד*, 'Blessed is Hashem, the blessed One, for all eternity.' By acting as an intermediary for the congregation, [the one reciting *Kaddish*] gives merit to his parents. Thus, our custom [that only one person at a time recites *Kaddish*] is well-founded; for if many recite *Kaddish* at the same time, only one of them is causing [the congregation to answer]. The rest are only accessories, which is insubstantial. If so, each one would rush to be first, so that the congregation would answer to him and not to someone else.

"Thus it follows that the aforementioned rules of precedence are also valid, for without doubt, the congregants also receive great merit, since they cause merit to those deceased. . . Thus, the greater the level of need of the deceased — i.e., [in descending order] one within *shivah*, one within *shloshim*, and one whose *yahrzeit* is being observed — the more merit the congregants receive for helping him by responding to the *Kaddish* recited for him, as opposed to others' *Kaddishim*. Therefore, the congregants certainly do not prefer someone who is in the Twelve Months to recite *Kaddish*, thereby causing them to lose the great merit [they would have had for answering to a deceased with a higher level of need]. . ."

Chazon LaMo'ed (26:§§11) writes: "Responsa *Yaskil Audi* (V:§23) states that if someone repeats *Kaddish* in a whisper along with the *chazzan*, word by word, the *Amen* answered by the congregation applies to his recitation as well. 'And this was the custom instituted in the Chassidic congregation of Beth Kel. The *chazzan* would recite *Kaddish* with the kabbalistic intentions (*kavanos*) prescribed by the *Ari zal*, and were someone else to recite it aloud with him, it would confuse him and interfere with the *kavanos*. Therefore, the rabbis there instituted that whoever needed to recite *Kaddish* would recite it in a whisper along with the *chazzan*, and this, with God's help, is effective.'

"The same ruling is offered by responsa *Bnei Tzion* (§122), who writes: 'The Ashkenazic custom is

In some congregations, the custom is that all recite *Kaddish* together, except for the *Kaddish* after *Aleinu*, which is recited only by the mourner with the highest level of obligation.

38. In congregations where the custom is for all the mourners to recite each *Kaddish*, they must be careful to recite it in unison.⁷¹

If one finishes before another, the *halachah* of answering *Amen* depends upon the time interval between them. The determining measure is *k'dei dibbur*, the time required to say *Shalom Aleichem Rebbe* (about one or two seconds). If the interval between the first and last to finish is less than *k'dei dibbur*, one may answer to either the first or the last, and one's answer counts for all of them. If the interval between two people reciting *Kaddish* is more than *k'dei dibbur*, one must answer *Amen* to each of them.⁷²

§ Precedence in *Kaddish*

39. There are five categories of mourners regarding the recitation of *Kaddish*:⁷³

better: that each individual recites *Kaddish*, in accord with the law and his custom. . . and although the Sefardim recite it all together, let them follow their custom.' The same ruling is given by *Gesher HaChaim*, who writes: 'It is more desirable that each individual should recite only one *Kaddish*, enunciating it slowly and clearly, and the congregation should listen to each recitation of *Kaddish* and answer it correctly. This is better than having many *Kaddishim* recited simultaneously, in such a way that none achieves the desired result.'

"See also Responsa *Tirosh Veyitzhar Tiferes Banim* (§28), who writes: 'Regarding the *Kaddishim*, there is no objection to having all recite it together. But in some places, the custom is for only one person to recite it, and they cast lots [to determine who recites it]. Possibly, this custom was instituted because sometimes there is just barely a *minyan* for prayer, and under that circumstance it is correct that only one person should recite *Kaddish*. . . In any case, it is proper that there should be as many *minyanim* in the synagogue as there are people who need to recite *Kaddish*. Each person should recite it for his *minyan*, and each *minyan* should hear their mourner.'

71. This eliminates the problem of doubts about whom to answer, and also the problem that the congregation does not properly hear the *Kaddish*. In addition, responsa *Ma'adnei Asher* (§119) writes that he saw it written in the name of the *gaon* R' Nassan Adler, that if all recite *Kaddish* together, word by word, the rules of precedence mentioned by *Rama* do not apply. However, some also question this custom. See *Kol Bo Al Aveilus* (p. 373), in the name of *Shomer Tzion HaNe'eman* (p. 333). He also cites *Minchas Kena'os* by the *gaon* *Maharatz Chayus* (§7), who states: "The *chazzan* stands on the *bimah* (central platform) and recites *Kaddish*, and the mourners repeat after him. . ." But he states that *Binyan Tzion* raises objections to this custom.

72. *Pischei Teshuvah* (ad loc. §§6), citing responsa *Halachos Ketanos* (2:§48).

73. *Be'ur Halachah* (§132 *Kuntres Maamar Kaddishin*) explains the difference between the levels of obligation. "It would seem that the Sages established [these different levels] based on the degree of [the Attribute of Strict Justice] prevailing over the deceased. The *Kaddish* is to defend [the deceased from punishment]. Thus, during *shivah*, the deceased needs more mercy and merit; and during *shloshim*, he needs more mercy than during the Twelve Months.

"Concerning the *yahrzeit*, there are two considerations: either the fact that on that day the usual protective forces (*mazal*) of the mourner were weakened, as *Levush* writes in *Yoreh De'ah* (402:12); or in order to give spiritual satisfaction (*nachas ruach*) to one's father or mother, to protect them, and to atone for their souls.

"As for the final day of reciting *Kaddish* (*yom hafsakah*), the custom is that the mourners [who are in the Twelve Months] allow him all the *Kaddishim*. This is because the custom is to stop reciting

5. Whoever has precedence in reciting *Kaddish* also has precedence in leading the services,¹⁰ if he is acceptable to the congregation.¹¹ (The laws of precedence are presented above, 39:39-49.)

When two mourners are present in a synagogue, the congregation should not split into two *minyanim*. Instead, [if the two mourners are of equal precedence,] one should lead the services until [and including] *Tachanun*, and the other should serve for the remainder of the prayer-service (i.e., from *Ashrei* and *U'va L'Tziyon*).^{11a} This applies even if the two are not brothers.

6. Some rule that a man whose beard has not yet grown in should not continually lead the services, even if he is a mourner; he should only serve intermittently.¹² Others rule that we need not be particular about this restriction.¹³ With regard to the *Maariv* prayer, one should follow the lenient opinion.¹⁴

7. [On a day when he is performing a circumcision, a *mohel* usually takes precedence over other congregants in leading the services. However,] a

10. *Be'ur Halachah* (§134).

11. *Darkei Moshe* (376:§§9) cites *Maharik* as writing that the mourner's rights of precedence apply only to the recitation of *Kaddish*. With regard to leading the services, everyone is equal, since this depends solely upon the will of the congregation. The prayer is theirs, and it is inappropriate that their representative should be someone not of their choice. Therefore, the one they prefer should lead the services.

However, *Chazon LaMo'ed* (26:9) states, in the name of *Hagahos Chasam Sofer* (on *Orach Chaim*), that the ruling of *Maharik* refers only to Talmudic times, when the prayer obligation of the congregation was fulfilled through the *sheliach tzibbur* (leader; literally, representative of the congregation); and the rule is that one person cannot serve as the representative of another against his will. In our time, by contrast, the congregation has no power to annul the mourner's right to lead the services, as long as he has no halachic disqualification or speech defect.

And see *Mishnah Berurah* (53:§§61), who writes: "Regarding the *Maariv* service, which does not correspond to the Continual Offerings (*Temidin*), but to the [burning of the] remains of the sacrifices [on the Altar during the night], it is possible that the consent of those who bring the sacrifice is not required, and the congregation cannot prevent the mourner leading the *Maariv* service, since it is a *mitzvah* that the son of the deceased should lead the services. Nevertheless, one certainly should not quarrel with the congregation over any *mitzvah*, as is mentioned below, §§65."

11a. The *gaon* R' Moshe Feinstein *zatzal* (*Kovetz Am HaTorah mahadura 2 kovetz* 12:4-5).

12. *Pri Megaddim* (in *Eshel Avraham* 132:§§2), cited by *Biur Halachah* (§53 s.v. *yuchal*).

13. *Shivas Zion* (§18). He writes: "However, it has become the prevailing custom among us not to be particular about this. The custom is to allow youth who are in mourning for their father or mother to lead the services on all the ordinary weekdays during their year of mourning, even if they are not eighteen and have no beard. The explanation is that the congregation relinquishes [its right to have a *chazzan* who is old enough to grow a beard]. According to this custom, one is permitted to lead the services as soon as he reaches the age of thirteen; for at that time he is considered an adult according to *halachah*, as is stated by *Magen Avraham*."

14. *Be'ur Halachah* (loc. cit.). The reason is that for the *Maariv* prayer, the *chazzan* does not repeat the *Shemoneh Esrei* prayer aloud, and "as is known, *Rambam* distinguishes between *prisas Shema* (reciting the blessings of the *Shema*) and leading the prayer-service. . . In addition, in the absence of any indication to the contrary, it may be assumed that the congregation agrees that the mourner may lead the services. . ."