

HALOCHOSCOPE

This week's question:

It is traditional to recite a prayer for the soul of a departed relative on the *Shabbos* preceding the *yahrzeit* – called “*Kel malei [rachamim]*.” When *bircas hachodesh*, the prayer preceding and announcing *Rosh Chodesh*, is recited after *krias haTorah*, *Kel malei* is not recited. Rather, it is recited at *mincha*. On *Rosh Chodesh* itself, and at *mincha* on the eve of *Rosh Chodesh*, it is not recited at *mincha* either. In such cases, it is pushed back to the preceding *Shabbos*. During the month of *Nissan*, it is customary not to recite it at all, except at *yizkor* on the last day of *Pesach*. Thus, if one has *yahrzeit* in the first week of *Iyyar*, he would need to recite it in *Adar*. Even in *Adar*, some of the *Shabbosos* are precluded, due to other reasons. Is there any way to make an exception in this case, or should the one observing *yahrzeit* wait to recite it on or after the *yahrzeit*?

The issues:

A) *Hazkaras Neshamos*

B) The month of *Nissan*

A) *Hazkaras neshamos* [adapted from Halochoscope XV:48]

The universe was created with this world as the *Olam Hamaaseh*, the world of action. One earns his share in the World-to-come, and his reward and punishment, in this world. Opportunities for *mitzvos*, tests and good deeds are all amassed here, and in this way one prepares for his day of judgment after death. This implies that after death there is no more hope. The poskim cite sources in Tanach and the Talmud that indicate that though the departed soul can no longer do anything for himself, the living can accomplish positive changes on his behalf. In one source, King David repeated the name of his wayward son, Avshalom seven times. The Talmud says that he was praying for atonement, to raise Avshalom from Gehinom. Other sources mention Talmudic sages who interceded to save the departed souls from punishment or have them admitted to Gan Eden.

According to one source the departed require atonement, based on the language of the ceremony of the *eglah arufah*. This is a calf beheaded to atone for the local townspeople when there is an unsolved murder. Some poskim suggest that the Hebrew word *Yom Hakipurim*, in the plural refers to two atonements; one for the living and one for the dead. The dead can no longer atone for themselves. The living must include them in their own prayers. Thus, later generations atone for the sale of Yosef and for the golden calf. [Some sources say that the later generations are actually included in the guilt. However, others consider the prayers atonement for the departed.]

Tzedakah donations are also cited as a means to help the departed souls. The terminology of the *eglah arufah* is that the living are atoned and the dead are redeemed, a term associated with money. The deceased cannot acquire money personally, but money do-

nated to the poor can be attributed to their souls. In order to pray for them or to donate funds for them, their names must be mentioned. On a mystical level, mentioning their names has the power to connect the souls from the other world to this world of action. This is called *hazkaras neshamos*. The original practice was to do this on *Yom Kippur*.

If one set aside animals as *korban olah*, burned offerings, before his death, they may be offered by his relatives after his death. This is often a free donation offering, with no implicit obligation, and is compared to *tzedakah*. The question is, how far may the comparison be taken? Some point out that only a voluntary offering may be brought by heirs, but not an atonement offering. The deceased no longer has atonement. Others maintain that an *olah* can also atone in a voluntary manner. Some say that if a father had a hand in raising a meritorious son, that son can bring his father further merit. Some add, if a father erred spiritually, yet was conscientious to send his son to study Torah, the son may bring him atonement. Some say that a parent can gain merit by instructing a child to give the *tzedakah* after the parent's death. Some also say that if a parent has merit of his own, but is prevented from benefiting from it by his sins, *tefilos* and *tzedakah* will help him. If he has no merits of his own, he will not be helped by others' *tefilos*. Moreover, some say that one should not pray for the sinful to be included with the righteous.

The first formal *tefilah* composed for the departed souls is *av harachamim*. [Contrary to popular belief, *kaddish* is not a prayer for the dead. It is recited by the survivors so that their merit of causing amen to be said will be attributed to the deceased soul.] This was composed for the martyrs of the crusade attacks. They gave up their lives to sanctify the Name of Hashem, the greatest possible level attainable by a human soul, yet their souls are invoked. The names are obviously not specified and it is a memorial *tefilah* of a different kind. We pray to avenge their loss and that their memory should serve as a merit for the survivors. This is likened to invoking the merit of the Forefathers. Nonetheless, it includes prayers for their souls. It was instituted to be said on *Shabbos*, because all souls are allowed to rest then. Originally it was to be recited on the *Shabbos Mevorchin*, the *Shabbos* preceding *Rosh Chodesh*, *Iyyar* and *Sivan*. The main massacres were during these months. In some communities it is still only recited then, while others recite it on a regular *Shabbos*. *Sefaradic* rite does not include it. The events took place in *Ashkenaz*. *Av harachamim* is said after *krias hatorah*, the Torah reading.

In later times *kel malei rachamim* was instituted into *Ashkenazic* liturgy. Some sources indicate that it was also composed as a response to persecutions [at the times of the Chmielnicki pogroms in the mid-seventeenth century]. This *tefilah* is for individual souls. *Sefarad* liturgy has a similar *tefilah*, called *hashkavah*. These *tefilos* include a pledge to *tzedakah* on behalf of the deceased. These *tefilos* are also said on *Shabbos* after *krias hatorah*, usually before the *yahrzeit*. There is a widespread custom to say *kel malei* during the week, if the *yahrzeit* falls on a day with *krias hatorah*.

Some maintain that the wording of the *Ashkenazic* version is clearly meant for holy individuals. Saying it for an unworthy soul can do more harm than good. Others counter, it is a general *tefilah* for those who need atonement. Subsequently, they will join the righteous. In a *kabalistic* view, when its name is mentioned, a soul is forced down to this world. Until the pledge is paid up, the soul is not allowed back. Thus, some say it is bet-

ter not to recite it. Others, however, reconcile *kabalistic* teaching with this *minhag*.

Aside from when the souls rest, *Shabbos* is a taste of the world-to-come, and likened to the days of Moshiach, when all souls will truly rest in peace. It is an appropriate time to mention names of the deceased and *daven* that they may be blessed and rest in peace. On days when *neshamos* are at rest, mentioning their names gives them a chance to be raised a spiritual level. Some add, according to the Midrash, *Shabbos* violators are especially severely punished. The fires of Gehinom are heated up on all sides of them. Therefore, when *Shabbos* comes around we are reminded of the souls of the departed, and we pray for them. Others say that on *Shabbos* more people attend *shul*. Those attending are given the opportunity to take the matter to heart, as it is said: The living shall take to heart [the passing of the dead] (Koheless 7:2). Due to the association of prayer with a eulogy, it is not said on a calendar day on which one would not eulogize were it a weekday.

Yizkor is another case of a specific *tefilah* and pledge for an individual deceased soul. According to some, it was instituted to be said on *Yom Kippur*, for the aforementioned reason. It then spread to other *Yomim Tovim*. It is said on the last day of *Pesach* and *Shavuot*, and on *Shemini Atzeres*. Some say that it was intended to be said on these days. The Torah portion read on these days includes *matnas yado*, the donation made on visiting the temple. This is related to donations for departed souls.

The connection between these *tefilos* and *krias hatorah* is that the times of Torah reading are associated with *ais ratzon*, a time of divine appeasement. The time of the *yahrzeit* is when the soul is reevaluated. *Yom Kippur*, as mentioned, is a time of atonement for all souls. The final day of *Yomtov* is when the souls that were furloughed for the holiday are about to return. [See Shoftim 21:28, Sifri. Tanchuma Haazinu (some editions). Brochos 18b Chagigah 15b Sotah 10b Kidushin 31b Baba Basra 10a, Poskim. Shibolei Haleket 81. Sefer Chasidim 170 608 (Chasdei Olam) 611 1171. Tur Sh Ar OC 284:7 (PMG) 621:6 YD 240:9 249:16, commentaries. Sidur Yaavetz, Otzar Hatefilos, *krias hatorah*, *Yom Kippur*. Edus Leyisroel.]

B) The month of Nissan [adapted from HalochoSCOPE XVII:28]

The entire month of Nissan is considered festive. The main consequences of this are that we do not declare a fast day, we do not recite *tachanun* and that we do not practice certain *minhagim* of mourning. Specifically, we do not eulogize, say *tziduk hadin*, justifying Hashem's judgment, and *hazkaras neshamos* during this month, except at *yizkor*. The reason for the *minhag* is based on events. The first twelve days of the month celebrate the induction of the Tabernacle in the Wilderness. On these twelve days, the princes of each tribe brought an offering. On the day one brings an offering, one does not fast. It is a *Yomtov*. Since this *chanukas hamizbaiach* was for the entire nation, we celebrate it nowadays in this way. The Thirteenth day has no obvious reason. One suggestion is that one of the offerings, a peace offering, is eaten for two days. Thus, the offering of Achira ben Ainan, of Naftali, was still being eaten. Another suggestion is that traditionally, the angels visited Avraham on the third day from his circumcision, which was the first day of *Pesach*. Accordingly, the Thirteenth of *Nissan* was the day of his *bris milah*, the first ever. We do not fast or say *tachanun* on the day of a *bris milah*. The Fourteenth is the day we offer the *korban Pesach*. The next seven or eight days are *Pesach*, followed by *Isru*

Chag. Since most of the month has no *tachanun*, or fasting, let it finish this way.

This is considered a *minhag*. Indeed, in Talmudic sources it appears that some days were originally official fast days. The first of *Nissan*, when the two older sons of Aharon died, and the Tenth of *Nissan*, when Miriam died, were observed as fasts. Thus, the poskim discuss one who feels the need to fast anyhow. Some suggest that one may choose these days to fast. It appears that the poskim debate whether this would apply to *Sepharadim*, or also to *Askenazim*. Furthermore, there is a *minhag* to fast on a *yahrzeit* of a parent. We follow the ruling that one should not fast for this during *Nissan*. However, there is a view that one may fast for this after *Pesach*, when there is no independent reason to refrain. It is only because the majority of the month passed without a fast. Furthermore, some suggest that one who has *yahrzeit* in the first part of the month should fast at the end to make up for missing his real *yahrzeit* fast. However, we do not follow this. A *yahrzeit* fast is considered a *minhag*, or a *chumra*, self-imposed stringency. The ruling to refrain from fasting in *Nissan* is also a *minhag*. One *minhag* overrides the other *minhag*. Moreover, one who chooses to fast of his own accord anyhow is showing disrespect to those sages who instituted the ban on fasting during the month.

With regard to *hazkaras neshamos*, there are a few similar interesting observations. As mentioned, the original institution of *Av Harachamim* was to recite it *Shabbos Mevorchim Iyyar* – specifically. This is not true *hazkaras neshamos* in the sense that the names are not mentioned. Nonetheless, some poskim point out that we say *yizkor* on *Pesach*. This is both a *Yomtov* and in the month of *Nissan*. As opposed to the issues surrounding individual fasts, that are overridden by the other *minhagim*, these are universal *minhagim*, at least among *Ashkenazim*. Yet the prevailing *minhag* is to refrain from *Kel malei rachamim* during the entire month. The difference seems to be that *yizkor* was specially instituted to be said then, and *Av Harachamim* was also instituted specially for this *Shabbos*. *Kel malei* is not specific to this *Shabbos*. Furthermore, it can be made up for at another time. It is also associated with eulogy. The poskim cite a ruling that one says *hazakaras nesahma* for one who was “buried during that week”. The original custom was to say it for all those who passed away in the past year. This is suspended on these *Shabbosos*, with the exception of the names of those who just passed away that week. In this case, too, there is no other opportunity to make up for this. One posek mentions that one who needs to may say *hazkaras neshamos* on this *Shabbos*, since after all, one says *yizkor* on *Yomtov*. This seems to refer to a case where there will be no opportunity to recite it on the *yahrzeit*. [See Maharil Seder Birchas Ha'omer. Tur Sh Ar OC 244:7 (MA7-8 (PMG) MB 17 AH 15) 429:2, commentaries (Kaf Hachaim27-38).]

In conclusion, if one can recite it on the actual *yahrzeit*, it should not be recited on this *Shabbos*. If this will not be possible, it may be recited on this *Shabbos*.

On the parsha ... and Aharon was silent [10:3] He did not express his mourning [Rashbam, see Ramban]. Perhaps he felt that he should not disturb the festive occasion! Perhaps the reason to refrain from eulogizing for the month of *Chanukas Hamizbaiach* is based on this.

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