

# HALOCHOSCOPE



and that *yizkor* is specifically on *Yom Kippur* and *Yomtov*. This is because the *neshamos* are at rest or on furlough from *Gehinom*. Accordingly, it is said on a regular *Shabbos*. If it were not *Shabbos*, and *tachanun* would not be said, one does not say *Av Harachamim* or *Kail Malei*. This includes the presence of one celebrating his wedding or a *bris milah*. The same would apply if one needs to say *Kail Malei* during the week. However, some make a distinction. On *Shabbos* or *Yomtov*, the *bris* could take place right after *krias hatorah*, at the same time that one wishes to say it. In addition, one can still say it at *mincha*, when there will be another *krias hatorah*. On a weekday, the *bris* is after *davening*, and the *yahrzeit* does not have another chance.

*Shabbos mevorchin* is considered a “good day”. The reason for festivity is unknown, but due to it, one does not say *Av Harachamim* or *Kail Malei*. It may be said for one who was buried that week. The poskim say that it may be said at *mincha* time, unless there is another reason not to say it then. For example, if *Rosh Chodesh* is Sunday, *mincha* corresponds to the *mincha* on *Erev Rosh Chodesh* on a weekday, when *tachanun* is omitted.

As mentioned *Av Harachamim* was instituted to commemorate the massacres of the crusaders. This wiped out the communities known as *ShUM* in Hebrew (*Shpeyer, Varmaiza, Magenca*, or *Speyer, Worms, Mainz*). The scholarship was decimated. It moved to France, and did not return to Germany for centuries. The loss was enormous, coupled with the institutionalizing of anti-Jewish persecution. According to some traditions, this is why we practice mourning during *Sefirah*. In some communities *Av Harachamim* is only said preceding *Rosh Chodesh Iyyar* and *Sivan*. In some versions, the *Shabbos* preceding *Shavuos* is reserved for *hazkaras neshamos* of these martyrs, and mentioning the names of these communities. [As a historical footnote, the third of *Sivan*, one of the dates of the massacres, is also observed as an *Auschwitz yahrzeit*. Reportedly, twenty-thousand Jews were killed on that night in 5704.] Even if there is a *chasan* or a *bris milah* and it is *Shabbos mevorchin Nissan*, and the entire *Nissan tachanun* is omitted, *Av Harachamim* is said. It is omitted only when *Rosh Chodesh* itself falls on *Shabbos*.

Most maintain that *Kail Malei* is not said on these *Shabbos Mevorchin*. The most obvious distinction is that *Av Harachamim* does not mention the names. Furthermore, it was instituted specifically for this date, and for these communities. However, there are views that equate *Av Harachamim* and *Kail Malei*. Some say that when there is a need to, one does say *hazkaras neshamos* on *Shabbos mevorchin*. After all, it is said on *Yomtov*. Presumably, this refers to one who observes *yahrzeit* that day. Some say that if it is being said anyhow for one who was buried that week, other names may be included. [See *Tur Sh Ar OC 284:7*, (*Eshel Avraham, Ar Hash 15*), commentaries. *Maharil Birchas Haomer & Hilchos Shavuos. Sidur Yavetz. Shaarei Efraim 10:27-33. Refs to A-B.*]

In conclusion, *Kail Malei* should not be said at *shacharis*, unless it is recited anyhow for one buried that week. It may be recited at *mincha*, unless *Rosh Chodesh* is Sunday.

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*Chaya, besoch shear cholei Yisroel.*

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## This week's question:

**On *Shabbos Mevorchin*, the *Shabbos* preceding *Rosh Chodesh*, it is customary to omit *Av Harachamim*, and *Kel maleh*, the prayers for departed souls. During the *Sefirah perios*, *Av Harachamim* is recited preceding *Rosh Chodesh Iyyar* and *Sivan*. However, *Keil Maleh* is customarily not recited. In pressing situations, would it be permitted to recite *Kail Maleh*?**

## The issues:

A) *Hazkaras Neshamos*

B) *Birchas Hachodesh*, the special service preceding *Rosh Chodesh*

C) Days when *hazkaras neshamos* is restricted; exceptions during *Sefirah*

A) *Hazkaras neshamos* [Excerpted 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 donated 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 *zedakah*. 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 *zedakah* 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 *zedakah* 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 programs 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 *zedakah* 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 only. 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 be able to join the righteous. There is a *kabalistic* view that when the name is mentioned, the soul is forced down to this world. Until the pledge is paid up, the soul is not allowed back. Thus, some say it is better not to recite it. Others, however, reconcile *kabalistic* teaching with this *minhag*. Some congregations mention the names but no *tefilah*.

*Shabbos* is when the souls rest, as mentioned. It is also a small 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 the 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*. Various reasons are suggested for this. 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. Some specify reciting *Kail Malei* mournfully after *yizkor*.

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 1 (some editions). Brochos 18b Chagigah 15b Sotah 10b Kidushin 31b Baba Basra 10a, Poskim. Machzor Vitri p. 173. Shibolei Haleket 81. Sefer Chasidim 170 608 (Chasdei Olam) 611 1171. Tur Sh Ar OC 284:7 621:6 YD 240:9 249:16, commentaries. Sidur Yaavetz, Otzar Hatefilos, *krias hatorah*, *Yom Kippur*. Edus Leyisroel. Baruch Sheamar *Yom Kippur*.]

### **B) *Birchas Hachodesh***

This is called *hachrazas Rosh Chodesh*, the announcement of *Rosh Chodesh*, by some poskim. *Ashkenazim* recite different *tefilos* than do the *Sepharadim*. However, both rites include the announcement. Some say that the practice commemorates *kiddush hachodesh*, when the Sanhedrin consecrated the day of *Rosh Chodesh*. Since it could be one of two days, the people had to be informed about it. This was originally done by lighting beacons, and later, by messengers. Nowadays, we follow a fixed calendar, but not everyone has the opportunity. People are usually in *shul* on *Shabbos*. Even latecomers are there by the time *krias hatorah* is over. Thus this is the best time for it.

The *tefilos* reflect the prayers for a successful upcoming month, and in some versions, *tefilos* for the scholars. It is they who were charged with fixing *Rosh Chodesh*. We also ask for miracles and redemption. We invoke the Exodus from Egypt. Some connect this to the *mitzvah*, given in Egypt, to consecrate *Rosh Chodesh*. [See Tur OC 284:7 417:1, commentaries. Abudraham *Hachrazas Rosh Chodesh*. Machzor Vitri p. 173.]

### **C) *Days when hazkaras neshamos is omitted; exceptions during sefirah***

*Hazkaras neshamos* is connected to atonement. Furthermore, actually mentioning the names is a mild form of eulogy. Therefore, it would not be appropriate on a day of festivity. However, we have mentioned that it was instituted specifically on a *Shabbos*,