

CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

MAY A CHAZAN LEAD HIGH HOLIDAY SERVICES FROM A WHEELCHAIR?

Rabbi Aryeh Klapper, Dean

Dear Rabbi:

Mr. Toviab Goodman has davened 1st day Rosh Hashannah Shacharit and Yom Kippur Neilah for our shul since its founding in 1993. However, he suffered several health setbacks this year, and now is in a wheelchair full time. Should he continue to serve as shaliach tzibbur, or should we replace him with someone who is able to stand?

Sincerely,

The Members of the Ritual Committee, Congregation Mevakshei Psak

Dear Ritual Committee Members,

I am answering you in writing and at length because of the broad issues involved here. I encourage you to share my answer with your general membership.

PART 1

The question of whether physical disability might be a disqualification for the role of shaliach tzibbur (communal prayer leader) was probably first raised by an anonymous questioner to Maharam (R. Meir of Rothenburg) in the 13th century). Here is the question, with R. Meir's response, as quoted from manuscript by Maharshah (R. Shlomo Luria) in the 16th century.

ושאלת

אם אדם שפגעה בו מדת הדין

שנפלו לו זרועותיו

ראוי להיות ש"ץ?

פשיטא דראוי וראוי הוא,

ואדרבה מצוה מן המובחר,

דמלך מלכי המלכים חפץ להשתמש בכלים שבורים,

ולא כדרך שרים בשר ודם,

שנאמר (תהלים נ"א י"ט) לב נשבר וג',

דאין נפסל במומין אלא כהנים עכ"ל

That which you asked:

*Whether a person who has been injured by the Attribute of Justice
whose arms fell*

is fitting to be a shaliach tzibbur?

*It is obvious that he is more than fitting
and just the opposite – he is an ideal candidate
since the Ultimate King wants to use broken vessels,
unlike the practice of flesh-and-blood officials
as Psalms 51:19 says:*

A heart that is shattered and crushed – G-d, You will not despise.
because no one but kohanim are invalidated by mumim (physical blemishes)

Maharshah heartily endorses Maharam's response.

ואני אבוא אחריו למלא את דבריו,

דהא אפי' ליום שעבודתן בשיר בשילה ובית עולמים,

אפ"ה אין נפסלין אלא בקול, כמ"ש לעיל,

כ"ש ש"ץ שלנו.

*I will follow in his wake to add the final touches to his words
that even Levites, whose Service was by singing (in the Tabernacle) at Shiloh
and in the Temple*

*nonetheless were only invalidated because of vocal issues, as I wrote above
all the more so our shluhei tzibbur.*

Two highly clever elements of this brief comment deserve explication.

1) Maharam's Biblical proof-text was from Psalms 51, which is introduced as David's response to the Prophet Natan's criticism of him for first sleeping with Batsheva. The opening sentence of Maharshah's sequel is a reference to 1Kings 1:14

ואני אבוא אחריו ומלאתי את דבְרָיִךְ

I will follow in your wake to add the final touch to your words

These are the words of Natan to Batsheva, concluding his plan to have her son Shlomoh become King David's successor. All's well that ends well.

2) Maharam simply asserted that prayer leaders are not subject to the same disqualifications as priests; but why not? Isn't prayer in place of sacrifice, as "our lips compensate for bulls"? Maharshah argues that the shaliach tzibbur does not play the same role as the kohen. He does not actually bring the sacrifice; he merely provides the atmospheric music, as did the Levites.

There are two obvious weaknesses with Maharam's argument. The first is that David is clearly not speaking of a **physically** shattered heart; he is using a metaphor, and the midrash is also using a rhetorical sleight of hand in making the comparison to flesh-and-blood kings. The second is that G-d **does** require the kohanim who perform His physical Temple service to be *mumless*, rather than preferring them to be physically broken vessels. Maharshah's clever attempt to finesse the point is not very convincing, as the shaliach tzibbur is actually the one praying on everyone else's behalf, not a mere musical accompanist.

These difficulties might be brushed aside on the basis of Maharam's authority. But did Maharam actually say this? The footnotes in the printed Maharshah (Yam Shel Shlomoh Chullin 1:48) refer one to #249 of the edition of Maharam's responsum printed in Cremona. However, the question in [that edition](#) reads

וששאלת
אם אדם שפגעה בו מדת הדין
ראוי להיות שליח צבור?

That which you asked:

*Whether a person who has been injured by the Attribute of Justice
is fitting to be a shaliach tzibbur?*

This version makes no reference to physical disability at all. The question may be whether a person who clearly has suffered Divine Justice is a fitting representative for a community seeking Divine Mercy. To which Maharam answers: If the person has a broken heart, *in other words if he has repented*, G-d is pleased with his service.

Apparently unbeknownst to Maharshah, the question about physical blemishes was asked to Rabbi Yisrael of Brona in the 15th Century (Shu"t Mahari Brona #25). He gave a very different, and somewhat odd, answer:

נשאלתי בקהלת ברונא מארץ הגר
אם למנות ש"צ בעל מום . . .
והשבתי שאין נכון בעיני,
רק ראיתי בא"ז שאין למנות ש"צ בעל מום
ושכחתי מקומו
אך נ"ל ראייה מס"פ האומר דקדושין (טו ב)
דמסיק בעל מום עבודתו פסולה בדיעבד . . .
וכיון דתפלינו במקום קרבן,
שנא' ונשלמה פרים שפתינו,
א"כ אין נכון כלל למנותו לכתחלה לש"צ קבוע,
אבל באקראי יכול
דלא גרע מסומא דמתפלל לפעמים
אבל היכא דלא איפשר באחר –
אין לבטל תפלינו בשביל זה,
כיון דכלנו מתפללים ביחידים והתפלה אינו אלא מדרבנן,
ואף על גב דכתיב ועבדתם בכל לבבכם,
ודרשי' (תענית ב א)
איזוהי עבודה שהיא בלב? הוי אומר זו תפלה –
אסמכתא היא

או בעת צרה היא דאורייתא . . .

*I was asked while in the community of Brona a question from Hungary
whether to appoint a shaliach tzibbur who has a mum . . .*

I responded that it is not proper in my opinion

*I have even seen in Or Zarua that one should not appoint a shaliach tzibbur
who has a mum*

but I have forgotten the location of that ruling

*But it seems to me that proof can be brought from the end of Talmud
Kiddushin Chapter 3*

*where it concludes that the Service of someone with a mum is invalid even after
the fact . . .*

*so since our prayers take the place of sacrifice,
as Scripture says "and our lips will compensate for bulls",
therefore it is not proper at all to appoint him in the first place as a
permanent shaliach tzibbur,*

but this can be done on an ad hoc basis

*as he is not worse than a blind person, who may lead prayers on an ad hoc
basis*

*but where no one else can do it -
we should not idle ourselves from praying for this reason,
since we all pray individually now
and prayer is only a Rabbinic obligation.*

*Even though Scripture writes "you must serve Him with all your
hearts",*

and we derive (Taanit 2a)

*What Service is in the heart? Say that this is prayer –
this is a mnemonic*

or perhaps prayer in a time of crisis is a Biblical obligation...

Mahari Brona takes the comparison to priests and Service seriously – but how seriously? Priests with *mumim* cannot serve ad hoc in the Temple! So it seems at least possible that his prooftexts are marshalled in support of the missing citation from Or Zarua, rather than independently sufficient arguments.

But Mahari Brona's claim to have forgotten the location of the Or Zarua is odd; at least in our editions, the seemingly relevant line appears in a collection of halakhot relating to shluchei tzibbur.

וצריך להיות צדיק וישר ונקי בגופו
ואם אינו כן עליו הכתוב אומר . . .
הקריבנהו נא לפחתך הירצך או הישא פניך.

והורה רב יודאי גאון

דשליח צבור סומא כשר הוא

ואין מסלקין אותו כל זמן שמעשיו הגונים.

*He must be righteous and straight and naki begufo (literally: clean in his
body)*

If he is not such, Scripture says about him . . . (Malakhi 1:8)

Bring this (blemished sacrifice) to your baron – will he
acknowledge you, or show you favor?

and/ but Rabbi Y(eh)udai Gaon ruled

that a blind shaliach tzibbur is valid,

and that he should not be removed so long as his deeds are proper.

What does *naki begufo* mean? If we read Rav Yehudai Gaon's ruling about blind people as a contrast – “**but** R. Yehudai Gaon ruled” – it might mean that one's body has to be clean of *mumim*. Perhaps that is how Mahari Brona read it in his youth.

However, it turns out that Or Zarua was actually citing a Geonic responsum, and the texts of that responsum make it almost certain that *naki begufo* refers to a character trait, not a physical condition. It may have meant simple cleanliness; or, as *guf naki* came to mean regarding *tefillin*, it may have referred to specific practices regarding bathroom issues.

So what we have so far is a Maharshah endorsing a Maharam that probably, but not certainly, preferred a disabled Shaliach Tzibbur to one who had not suffered any physical ravages; and a Mahari Brona that follows an Or Zarua that almost certainly says nothing relevant.

STAY TUNED FOR PART 2 NEXT WEEK! (Spoiler: Mr. Goodman probably keeps his slot.)