

CENTER FOR MODERN TORAH LEADERSHIP



MAY A CHAZAN LEAD HIGH HOLIDAYS SERVICES FROM A WHEELCHAIR? PART TWO

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Last week we learned that:

Maharam probably prefers a disabled shaliach tzibbur to one who had not suffered any physical ravages. He states explicitly that *mumim* (any from a list of physical blemishes) invalidate kohanim and not shluchei tzibbur.

Maharshal strongly endorses the version of Maharshal's position that prefers a disabled shaliach tzibbur. Mahari Brona opposes appointing a person with a *mum* to a formal communal position as shaliach tzibbur, but he permits having such a person serve as an ad hoc prayer leader, or if there is no alternative. Mahari Brona states that he saw this position in Or Zarua, but cannot remember where. Our analysis of the most likely reference in Or Zarua concluded that it was probably irrelevant to the question of *mumim* or disability.

A few other points before we move on from Mahari Brona. 1) Maharam's case involved a physical disability that was also a formal legal *mum*. Mahari Brona only discusses formal *mumim*; disability per se is not mentioned, and it is possible that he considered it irrelevant. 2) Mahari Brona takes it as given that a blind man can serve as an ad hoc chazan. He does not cite a source. Blindness is a formal *mum*. That could have ended the discussion of *mumim*. However, Mahari Brona assumes that one can distinguish between "official" and ad hoc shluchei tzibbur, and that blind people can only serve ad hoc.

What is his basis for this distinction?

Or Zarua cites Rav Yehudai Gaon, from Sefer Mikto'ot, as follows:

והורה רבי יudei גאון
שליח צבור סומא כשר הוא
ואין מסלקיין אותו כל זמן שמעשין הגונים

Rav Yudai Gaon ruled

that a blind shaliach tzibbur is valid

and one must not remove him so long as his actions are proper.

The phrase "one must not remove him" can be read as only post facto, meaning that he cannot be appointed to such a position. However, Or Zarua also quotes a geonic responsum, as follows:

ובתשובה כתוב
שליח צבור סומא או ذקין שכך עניינו מרוב זקנה
והם יודעים להתפלל כראוי
שאלתם
מהו ליד לפני התיבה להוציא את הרבים ידי חובתן
כך ראיינו
שיורדין לפני התיבה ומוציאין את הרבים ידי חובתן ...

But in the response he writes

A shaliach tzibbur who is blind, or one so elderly that his eyes have dimmed from great age, but they know how to daven as is fitting, and you asked whether they can go down before the ark in order to fulfill the masses' obligation for them – Here is how we saw it – They may go down before the ark and fulfill the masses' obligation for them . .

This responsum seems to support blind shluchei tzibbur without qualification, and suggests that we should not read the official/ad hoc distinction into Rav Yehudai either. Indeed, Rav Yehudai Gaon can be read as making the opposite point, that not only is a blind shaliach tzibbur valid, he is every bit as good as a seeing man, and therefore should not be replaced for any reason other than impropriety.

The next major halakhist to address our issue from first principles is Chavot Yair. His responsum is very tricky to read, and I have seen scholars completely reverse its meaning! So please check my translation-with-commentary as carefully as you can, and see whether you agree that I have it right.

ש"ת חווiot יאיר סימן קש
שאלת
תמהת על אשר שמעת שהרעה בעני שהעבירות שם ק"ק פלוני סומא בא' מעינוי
בימים הנוראים

Question:

You were astonished at hearing that I was displeased that Congregation X put forward a man blind in one eye as shaliach tzibbur on the High Holidays.

מיimi לא אמרתי דבר זהזרתי לאחריו

(Answer:) In all my days I have never said anything and then turned around and denied it (so if I had been displeased, I would certainly admit it)

וידעתי בני דעתך מ"ש ר' ל' שהקב"ה משתמש בכלים שבויים –

I know full well that which Chazal say, that "The Holy Blessed One prefers to use broken vessels (meaning men with broken hearts, and one might infer that He also prefers men with missing eyes)

*רק דמשם אין ראה, זההיא לא מקרי מום ע"פ האמת, וכל לב נשר ברפ"ז
מרקרי צדיק תמים, מוש"כ מום בגוף ויל' כל מום רע*

*But there is no proof from there, since (a broken heart) is not truly called a *mum*, and every brokenhearted man can properly be called "unblemishedly righteous", unlike physical blemishes, which are called "every bad *mum*".*

ומימי לא עלה על לבו דפסול ממשום דתפלה במקום קרבן וככה העובד צריך שהייה בעלי מום כמו שעלה על דעתך ואמורתו (Nonetheless) in all my days, I never considered declaring (someone with a physical mum invalid as a shaliach tzibbur) on the ground that prayer is in place of sacrifice, and a kohen who serves (at a sacrifice) must be without any mum, (and the shaliach tzibbur is parallel to the kohen), as you considered and said,

דא"כ למה לא חשיב ליה במעלות ומידות דש"ז פ"ב דתעניית אף דזה ודאי ליק' דשם מיר' בסותם אדם בלתי סורון בגו'

because if that were so, why is mumlessness not on the list of the elevated character and traits of the proper shaliach tzibbur in the second chapter of Taanit (16a)?! Although this is certainly not a dispositive question, since that list is dealing with a standard person, who has no physical lack (that would count as a mum).

מ"מ לא מחשובותיך מחשבתי דברור דאי לדמותו לכחן בכח"ג, דא"כ כל אדם נמי, כמ"ש הטור ס"י צ"ה, ועוד שחררי כתוב הרא"ש הביאו הטור ס"ג שאין להתרעם על חזן שהוא מושפחה בזיהה שטוב לקרב מזער רחוקים ע"ש, וככה"ג בכחן העובד לא, שחררי אמרו רצ"ל אין בודקין מזבח ולמעליה ואפיו גור שר להיות ש"ץ

Nonetheless your thoughts are not my thoughts, as it is clear that a shaliach tzibbur should not be compared to a kohen in that fashion, since if that were so, every individual person also (would have to be mumless in order to pray), as Tur OC 98 writes (a set of rules for individual prayer built off the analogy to sacrifices)! Additionally, because Rosh wrote, and he was cited by Tur OC 53, that there is no ground for objecting to a chazzan from a despised family, as it is good to bring near the descendants of the distant – see there, but this is not so regarding a kohen doing the Temple service, as Chazal said: “There is no need to check lineage past someone who served at the Altar”, and even a convert (who has no family lineage) is valid to be a shaliach tzibbur (whereas obviously converts can't be kohanim).

עם כל זה קראתי תגר כמה שכתבת

But despite all this I did object vociferously (to the one-eyed chazzan), as you wrote,

כי נ"ל דברתו יי"ה איכא למיחס מיהא הייכא דאייכא אחר הגון וראי' כיוצא בהז
because it seems to me that one should nonetheless be concerned regarding both (a chazzan with a mum and a chazzan from a family with lineage issues) where there is another who is similarly proper and fit,

כי ידוע שרמ"ח איברים הם כסא ודומות לרמ"ח אורות עליונים ורמ"ח איברים רוחניים שבנשמה וא"כ כל כה"ג הרי הכסא פגום.

because it is known that the 248 organs/limbs are the throne and image for 248 Upper Lights and 248 spiritual organs/limbs that are in the soul, and if so, in any case like (a one-eyed chazzan), the throne is damaged

והפילוסופים כתבו בהפקד חוש מה יפקד מושכל מה, עלי עקיידה פ' שמות שער לה"ה דף צ"ז ע"ב

and (also) the philosophers wrote that where a sense goes dormant, some element of understanding goes dormant with it - see Akeidat Yitzchak Shemot Gate 35 p. 97b.

וכיויצא בהז כתבתה במקום אחר שאין ליתן לכתלה לברך ב"ה המ לקטוע אצבע ואפיו למכה שחין דלא עדיף זה מידי מזומות דצער לעבירות הזומה

כבס' קכ"א

ה"נ אפשר אחר

I wrote similarly elsewhere that one should preferably not honor someone missing a finger with leading birkat hamazon, nor even someone with boils. as the latter is not better than someone with filthy hands, who has to remove the filth, as in SA OC 181 – so here too it is possible to have someone else do it

מלבד מה שיש בהז העדר כבוד למצוה ואףלו בגילה הקריבתו נא לפחתה All this aside from there being in this a lack of honor for the mitzvah, and even in the exoteric framework, “Bring him then to your baron” (Malachi 1:8 criticizes the Jews for bringing blind, lame, and sick animal sacrifices, when they would not give such to a human overlord)

אף כי ע"פ הנסתיר יש תיל' תיל' סודות נסתרים באברי הגוף גם בפרק ה'ידים אפס קצתם תמצוא בהקדמה בין מאה שנה ויש כאן חסרון שפע בכוון של ברכה העליון יאיר חיים בכרך

and certainly according to the esoteric there are heaps and heaps of secrets hidden in the limbs of the body and even the joints of the hands, you will find but a few of them if you prepare for one hundred years, so there is a diminution in the overflow of the Cup of the Upper Blessing.

Yair Chaim Bachrach

Chavot Yair rejects the application of Maharam's argument to physical blemishes (perhaps without being aware of Maharam). His rejection is perhaps based on Zohar, which emphasizes that G-d's use of broken vessels in no way contradicts the need for kohanim to be without *mumim*.

Chavot Yair equally rejects giving Mahari Brona's concern about the analogy to kohanim any halakhic weight. He makes the compelling argument that in terms of the analogy to sacrifice, there is no difference between private prayer and that of the shaliach tzibbur.

Nonetheless, Chavot Yair rules that one should prefers physically whole chazanim, to the point of making a public fuss about the issue on Yom Kippur. He does this on the basis of a broad set of arguments.

The first is that kabbalah takes the body as a metaphor very seriously.

The second is that a rabbinic philosopher claimed that the loss of a sense must lead to a fundamental loss of understanding.

The third is that the analogy to a human baron holds, and it diminishes the honor of the mitzvah to have a person with a *mum* leading it.

The question for us is how much weight to give Chavot Yair.

- 1) We might say that he has less authority than Maharam, and Maharshal. Perhaps, as he does not cite them explicitly (although he may implicitly), we can contend that he was unaware of them, and would have conceded had he become aware.
- 2) We might say that he couches his position in nonhalakhic terms, even though he clearly tried to mandate it in practice.
- 3) We might give less (or more) weight to arguments based on kabbalah
- 4) We might say that we do not accept the truth of the position he cites from “the philosophers”
- 5) We might say that social norms have changed, and in our time there would be no hesitation about sending a physically blemished person to lead a delegation to the local baron. Or we might argue that the analogy is off – in all societies delegations are often headed by elders, even if they are bringing the choicest of animal specimens as gifts or sacrifices.

גמר חתימה טוביה Stay tuned for Part 3 soon! Shabbat shalom and