

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 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 Miktzo'ot, as follows:

והורה רב יודאי גאון
דשליח צבור סומא כשר הוא
ואין מסלקין אותו כל זמן שמעשיו 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:

ובתשובות כתב

ושליח צבור סומא או זקן שכהו עיניו מרוב זקנה

והם יודעים להתפלל כראוי

ושאלתם

מהו לירד לפני התיבה להוציא את הרבים ידי חובתן

כך ראינו

שירידין 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.

שו"ת חוות יאיר סימן קע

שאלה

תמהת על אשר שמעת שהרע בעיני שהעבירו שם ק"ק פלוני סומא בא' מעיניו בימים הנורא'

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.

מימי לא אמרתי דבר וחזרתי לאחורי

(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)

– ידעתי בני ידעתי מ"ש רז"ל שהקב"ה משתמש בכלים שבורים –

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 ראייה, דההיא לא מקרי מום ע"פ האמת, וכל לב נשבר שפיר מקרי צדיק תמים, מש"כ מום בגוף י"ל 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 לבי דפסול משום דתפלה במקום קרבן וכהן העובד צריך
שיהיה בלי מום כמו שעלה על דעתך ואמרת

(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"ץ פ"ב דתענית אף דזה ודאי
ל"ק דשם מיירי בסתם אדם בלתי חסרון בגוף

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 מחשבתיך מחשבתי דברור דאין לדמותו לכהן בכה"ג, דא"כ כל אדם
ממי, כמ"ש הטור סי' צ"ח, ועוד שהרי כתב הרא"ש הביאו הטור סי' נ"ג שאין
להתערעם על חזן שהוא ממשפחה בזויה שטוב לקרב מזרע רחוקים ע"ש,
וכה"ג בכהן העובד לא, שהרי אמרו רז"ל אין בודקין ממזבז ולמעלה ואפילו גר
כשר 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 chazqan 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 Chazqal 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).

ועם כל זה קראתי תגר כמו שכתבת

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

כי נ"ל דבתרווייהו איכא למיחש מיהא היכא דאיכא אחר הגון וראוי כיוצא בזה
because it seems to me that one should nonetheless be concerned regarding both
(a chazqan with a mum and a chazqan from a family with lineage issues) where
there is another who is similarly proper and fit,

כי ידוע שרמ"ח איברים הם כסא ודמות 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 chazqan), the throne is damaged

והפילוסופים כתבו בהפקד חוש מה יפקד מושכל מה, ועי' עקידה פ' שמות
שער ל"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 Akeidah Yitzchak Shemot
Gate 35 p. 97b.

וכיוצא בזה כתבתי במקום אחר שאין ליתן לכתחלה לברך ב"ה לקטוע אצבע
ואפילו למוכה שחין דלא עדיף זה מידי מזהומות דצריך להעביר הזוהמא
כבס"י קכ"א
ה"נ אפשר באחר

*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 בזה העדר כבוד למצוה ואפילו בנגלה הקריבהו נא לפחתך
*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 הנסתר יש תילי תילי סודות נסתרים באברי הגוף גם בפרקי הימים
אפס קצתם תמצא בהקדמה בן מאה שנה ויש כאן חסרון שפע ככוס 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 prefer
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 טובה and Shabbat shalom. Stay tuned for Part 3 soon!