YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**YHE-HALAKHA: TOPICS IN HALAKHA**

# **THe Appointment of a Sheli'ach TzibBur**

**Based on a *Shiur* by HaRav Aharon Lichtenstein[[1]](#footnote-1)\***

### I. Introduction

 This *shiur* will deal with the appointment of a *sheli'ach tzibbur* in general, and on the High Holidays in particular. Unfortunately, this issue is oftentimes not halakhic, but rather communal-political. This *shiur* will not address political issues, or matters such as presumptive right of a person to serve as a *sheli'ach tzibbur*, or the procedure of removing a *sheli'ach tzibbur* from his position. Rather, the focus will be upon the halakhic aspects of the appointment of a *sheli'ach tzibbur*, and upon the desired qualities of a *sheli'ach tzibbur* according to *Chazal.*

### II. THe desired qualities of a *Sheli'ach TzibBur*

 It is interesting to note that we do not find explicit discussions in the talmudic sources regarding the appointment of a *sheli'ach tzibbur*. The known, common practice is that when ten people assemble for prayer, one of them serves as prayer leader, and we do not closely examine his qualifications. In various areas of Halakha, we find a list of disqualifications for one thing or the other, but as stated, regarding a *sheli'ach tzibbur*, there is no explicit discussion. We do, however, find one passage dealing with the appointment of a *sheli'ach tzibbur* – on a fast day. It is only natural that this passage will serve as the basis of our discussion. The Mishna in *Ta'anit* teaches as follows:

The elder among them addresses them with words of admonition… When they stand up to pray they place [as the leader] before the ark an old man who is conversant (*ragil*), who has children and whose house is empty [of food], so that his heart will be concentrated on his prayer; he recites before them twenty-four benedictions…" (2:1).

 The person charged with admonishing the congregation is an elderly person. The standing of older people has unfortunately deteriorated in modern society, but our Mishna attaches importance specifically to the rebuke of an elderly person. The Gemara (ad loc. 16a), however, clarifies that the elderly person must also be a scholar, and that old age by itself is insufficient.

 As for the *sheli'ach tzibbur*, the Mishna mentions other desirable qualities. Here too, we look for an older person, but there are also other conditions as well. The Mishna asserts that the *sheli'ach tzibbur* must be "conversant." The reference seems to be to a person with experience who had served as a *sheli'ach tzibbur* in the past. Experience appears to provide two advantages: First, it is reasonable to assume that someone who served as prayer leader in the past is conversant with the text of the liturgy; and second, if some congregation relied upon him in the past and appointed him as *sheli'ach tzibbur*, it is reasonable to assume that he is fit for the position.

 According to the plain understanding, the next qualification deals with the prayer leader's economic situation. The Mishna assumes that if the prayer leader suffers economic privation, it will be easier for him to pray from the depths of his heart, in the sense of "a prayer of the afflicted, when he is faint" (*Tehilim* 102:1). According to the Mishna, economic distress, more than any other factor, leads to a broken heart.[[2]](#footnote-2)

 The Gemara cites a Baraita that relates to the Mishna's ruling in greater detail, and also lists the qualifications in a different order:

Our Rabbis have taught: "When they stand up to pray, although there may be an elder and a scholar present, they place before the ark [as leader] only a man conversant [with the prayers]. (Who is considered conversant with prayers)? Rabbi Yehuda says: One having a large family who has no means of support, and who draws his subsistence from [the produce of] the field, and whose house is empty, whose youth was unblemished, who is meek and is acceptable to the people; who is skilled in chanting, who has a pleasant voice, and possesses a thorough knowledge of the Torah, the Prophets and the *Ketuvim*, of the Midrash, Halakhot and Aggadot and of all the blessings. (16a)

 As stated, the order in the Baraita differs from that in the Mishna. The Baraita seems to view the issue of being "conversant" as the primary focus. It is also possible that the Baraita understands the term "*ragil*" in a slightly different manner than that suggested above; this depends on the various readings regarding the phrase: "Who is considered *ragil*?"

 Broadly speaking, the Baraita seems to present two main requirements:

1. A prayer leader must perform his duty in a trustworthy and professional manner: he must be conversant in the prayers, he must have a pleasant voice, etc.
2. A prayer leader must be a man of virtue: he must possess a thorough knowledge of Scripture and the words of *Chazal*, he must be humble, etc.

In the framework of the second requirement, the Baraita also mentions that he must be "acceptable to the people," i.e., he must be well-liked.[[3]](#footnote-3)

The Mishna and the Baraita list the desired qualities of a *sheli’ach tzibbur*. Neither source clarifies whether any people are **disqualified**from serving in this capacity. In the world of Halakha we find various functionaries, and usually alongside each office there is a list of disqualifications. Here, however, the desired qualities of a *sheli’ach tzibbur* are mentioned, but there is no discussion of who is inappropriate for the position.

In this context, we should note something else that is missing in both the Mishna and the Baraita, i.e., there is no discussion about what is to be done if nobody is found with the desired qualifications.[[4]](#footnote-4) The Mishna and the Baraita do not clarify whether **all** these qualifications are indispensible, whether none are indispensible, or whether a distinction must be made between the various qualifications. Practically speaking, this question parallels the question whether anybody is categorically disqualified from serving as *sheli’ach tzibbur*.

Let us examine the third part of the passage. In explanation of the qualification, "whose youth was unblemished," the Gemara states:

"Whose youth was unblemished" – Abaye said: This is one against whom no evil reputation had gone forth in his youth.

 To this, the Gemara adds, expounding a verse from the book of *Yirmiyahu*:

"My heritage is to Me as a lion in the forest; it uttered its voice against Me; therefore have I hated it" (*Yirmiyahu* 12:8).*).* What is the meaning of, "She has uttered her voice against Me?” Mar Zutra bar Tuvya said in the name of Rav, and some say it was Rabbi Chama who said in the name of Rabbi Elazar: This refers to an unfit person who steps down before the ark [to act] as prayer leader.

 At this point, we find somebody who must not serve as *sheli'ach tzibbur*, "an unfit person." In contrast to the previous requirements in the Baraita, formulated in positive terms, here we have a requirement that is formulated in the negative: a person who is unfit must not be appointed as *sheli'ach tzibbur*.

 It might have been possible to formulate this requirement in positive terms as well, and to state that a prayer leader must be a fit person, in light of the Rambam's remarks in *Hilkhot Talmud Torah*:

Torah should be taught only to a fit student, one whose deeds are attractive, or to a person whose behavior is unknown. However, [a potential student] who follows bad ways should be influenced to correct his behavior and trained to follow a straight path. [After he repents, his deeds] are examined and he is allowed to enter the house of study to be instructed. (4:1)

 The Rambam refers to three types of people: one who is fit, one who follows bad ways, and one whose behavior is unknown. We see from the Rambam's words that in the area of "fitness," there exists an intermediate state where a person is not following bad ways, but nevertheless he is not fit. It seems, therefore, that in our case as well we should stick to the Gemara's wording and say that it is only one who is unfit who is disqualified from serving as *sheli’ach tzibbur*. Anyone who does not fall into the category of the "unfit" is fit to serve as prayer leader, even if he falls into the category of those whose behavior is unknown, and not that of those whose deeds are attractive.

 To summarize, we have before us a list of desirable qualities for a prayer leader, which we divided into various categories. The question remains regarding how to act when it is impossible to locate a *sheli’ach tzibbur* with all these virtues.

### III. The final law – *Le’khatEchila* and *Bedi'AvAd*

 As stated above, the Gemara does not clarify which requirements are recommended *le’khatechila* and which are necessary even *bedi'avad*. Nor do we find in the *Rishonim* any explicit discussion of the matter. There may be room, however, to outline a path in light of the Rambam's ruling:

Only a person of great stature within the community in both wisdom and deed should be appointed as the prayer leader. If he is an older man, it is very praiseworthy. An effort should be made to appoint as the leader of the congregation, someone who has a pleasant voice and is familiar with reading [Biblical verses]. A person who does not have a full beard should not be appointed as prayer leader even if he be a wise man of great stature, as a gesture of respect to the congregation…

Similarly, the inarticulate who pronounce an *alef* as an *ayin* or an *ayin* as an *alef*… should not be appointed as the prayer leader. (*Hilkhot Tefila* 8:11-12)

It is evident from the Rambam's wording that a distinction must be made between the various requirements. Thus, the requirement that the prayer leader be an older man is merely something that is "very praiseworthy (*meshubach be-yoter*)," but obviously not indispensible. Similarly, appointing a prayer leader with a pleasant voice falls into the category of something for which "an effort should be made" (*mishtadelin*). This expression is mentioned only a few times in the *Mishneh Torah*, and wherever it appears, we must examine its precise meaning: if it is an obligation, why should we merely make an effort, and if it is not an obligation, why should an effort be made? In any event, it is clear from the Rambam's wording that this requirement is not indispensible.

 To our great surprise, the Rambam seem to imply that it is precisely the requirement of a full-grown beard that is of greatest importance. It is possible that *bedi'avad* even this requirement may be dispensed with, but the Rambam's wording seems to be clear: "A person who does not have a full beard should not be (*lo yehei*) appointed as prayer leader."

 As for the first requirement – that the prayer leader be "of great stature within the community in both wisdom and deed" – attention should be paid to an interesting point. The Ramban does not set wisdom and good deeds as an absolute requirement, but as a relative requirement. That is to say, even somebody who in absolute terms is not a Torah scholar, but is "of great stature within the community" may serve as a prayer leader. Accordingly, in a community of ignorant people, the most knowledgeable among them may pass before the ark, even if he is very far from being a Torah scholar.[[5]](#footnote-5)

 In any event, these comments, regarding the precise reading of the words of the Rambam do not readily lend themselves to serve as the basis for practical halakhic rulings.

 We find an extensive discussion of this issue in Responsaof the Maharshal (no. 20). The Maharshal relates to a situation which was very common in Diaspora communities, where the communal *chazzan* served also in other religious capacities, including that of *shochet*. The Maharshal was asked about the status of a *chazzan-shochet*, who sold, apparently inadvertently, *treif* fowl as kosher fowl. It is clear from the responsum that the affair had caused an uproar among the members of the community, who, of course, wished to remove the *chazzan* from his office. The Maharshal's responsum in its entirety is beyond our scope here, but it is evident that he wished to establish clear rules regarding the qualifications of a *sheli'ach tzibbur*, and to clarify which of them are indispensible, and which are only necessary *le’khatechila.*

 It was noted above that the disparity between the various qualities should determine what is to be done when a *sheli'ach tzibbur* cannot be found who satisfies all the requirements. Even though the Gemara and the Rambam do not deal with this issue explicitly, the *Shulchan Arukh* rules:

If they cannot find someone with all these qualities they should select the person of greatest stature within the community in both wisdom and good deeds. (*Shulchan Arukh*, *Orach Chayyim* 53:5)

 That is to say, in practice none of the requirements are indispensible, and it suffices that relative to the rest of the community, the *sheli’ach tzibbur* be a good and fit person.

### IV. the difference between the prayers recited on fast days and the prayers recited throughout the year

 As was noted above, the Gemara does not explicitly relate to the qualifications of a *sheli’ach tzibbur* on an ordinary day, and it is common practice not to be exacting in the matter. This practice might be supported by the Rambam's ruling, cited above, that "only a person of great stature within the community in both wisdom and deed **should be appointed** (*memanim*) as the prayer leader," which implies that these qualifications relate to a permanent appointment, and not to one serving as a *sheli'ach tzibbur* on an *ad hoc* basis. It is, however, evident from the words of the Rambam that he established the qualifications for a *sheli’ach tzibbur* throughout the year based on the passage in *Ta'anit*, which relates to fast days observed in times of drought.

 As is well-known, according to the Torah and *Chazal*, drought is one of the severest of calamities. Accordingly, in times of drought, great efforts must be made to conduct a most refined and elevated prayer service. In light of this, there are *Rishonim* who proposed that the words of the Gemara in *Ta'anit* relate exclusively to fast days observed in times of drought. The *Or Zaru'a* cites the Baraita, and adds in the name of Rabbeinu Simcha:

The one passing before the ark mentioned in the Baraita – that is, throughout the year. And even if you say it is dealing exclusively with a time of drought – Rosh Hashana, Yom Kippur, and days of mercy should be considered as no less than times of drought. (I, no. 114)

 Rabbenu Simcha is in doubt precisely about this question: Do the words of the Baraita apply only on fast days observed in times of drought, or all year round? Notwithstanding that doubt, we learn that the prayers recited on the High Holidays are equivalent in importance to the prayers recited on fast days, and accordingly the qualifications spelled out in the Baraita apply to them as well.[[6]](#footnote-6)

 It should be noted that it is clear from Rabbeinu Simcha's wording that the problem relates not only to the relationship between the *sheli’ach tzibbur* and others, but more broadly – that a divided community is not fit to stand before God in prayer. It is not clear whether this was stated as Halakha, but in any event we are dealing with a very important comment.

### V. The prayers of Rosh hashana and Yom Kippur

 The distinction between the prayers recited on fast days and ordinary prayers relates to the substance of the prayer and to the goals that those offering the prayers set for themselves. There might be room to propose another distinction relating to the relationship between the prayer leader and the congregation.

 In the passage cited above, Rabbeinu Simcha deals with the unfortunate scenario in which the *sheli'ach tzibbur* is quarreling with a certain member of the community. Rabbeinu Simcha proposes that this quarrel might disqualify him from serving as *sheli'ach tzibbur*. The ruling in the *Shulchan Arukh* reflects this:

Even an individual can object and say: I do not want So-and-So to be *chazan*. (*Shulchan Arukh*, *Orach Chayyim* 53:19)

 Returning to the *Or Zaru'a*, he explains the rationale for this notion as follows:

How can he [the disliked person] perform the obligation on their behalf, when they do not agree to his prayer?

 Indeed, a *chazzan* cannot serve as the agent of someone who does not want him. But the *Magen Avraham*, and in light of his ruling, many other *Acharonim* as well, expressed their reservations regarding the *Shulchan Arukh's* ruling:

It was only in their times when the *sheli'ach tzibbur* would fulfill the obligation of prayer on behalf of others, that an individual could object, for he [the *sheli’ach tzibbur*]cannot serve as his [the individual’s] agent against his will. This is not the case today when all are conversant [with the prayers], and the *sheli'ach tzibbur* is only [needed] for the *piyyutim*. And although he [the *sheli’ach tzibbur*]recites the *kaddish* and *barkhu*, there is little room for objection in this case. (no. 20)

 The *Magen Avraham* proposes a historical distinction: In the past the *sheli'ach tzibbur* would perform the obligation on behalf of the congregation, but today every individual prays for himself.

 It seems, however, that with respect to the High Holidays, we can relate to the *Magen Avraham's* comment as a halakhic comment. At the end of the Gemara in *Rosh ha-Shana*, we learned as follows:

Just as the *sheli’ach tzibbur* is obligated, so every individual is obligated. Rabban Gamliel said: A *sheli’ach tzibbur* performs the obligation on behalf of the congregation… When Rabbi Ammi returned from a sea-voyage, he explained it thus: The Sages agree with Rabban Gamliel in regard to the blessings of Rosh Hashana and Yom Kippur. (33b, 35a)

 Rabban Gamliel and the Sages disagree about the role of the *sheli'ach tzibbur*, and about the question whether he can perform the obligation on behalf of the congregation. Rav Yosef Dov Soloveitchik z”l[[7]](#footnote-7) dealt at length with this issue, and proposed a fundamental distinction between two concepts: "Hearing is like speaking" as opposed to "one recites a blessing on behalf of all of them." The Rav explained that the former relates to a situation in which one person, as an individual, speaks on behalf of another person. The Sages ruled that this is only possible in a case where the second person does not know how to recite the blessing on his own – the case of an ignoramus and a scribe. Rav Soloveitchik explains that when one person recites a blessing on behalf of all of them, we are dealing with a communal blessing, the blessing recited by a band of people – which is an entirely different phenomenon. Thus, for example, according to the Rambam, in a case of "hearing is like speaking," the person who hears is not obligated to answer Amen, whereas when one person recites a blessing on behalf of all of them, the hearers are obligated to answer Amen.

 In any case, regarding the prayer leader's repetition of the *Amida* prayer, there exists a communal framework in which one person recites a blessing on behalf of all the others. The Gemara cited above maintains that on Rosh Hashana and Yom Kippur all agree that this framework was accepted as Halakha, and anyone who so desires may fulfill his obligation with the *sheli’ach tzibbur's* prayer. It may be learned from this that on the High Holidays the *sheli'ach tzibbur* has a special standing. The blessings that he utters are the blessings of the entire congregation, only that he serves as the agent who recites the blessings on behalf of all the others. Without a doubt, this standing dictates a more exacting application of the laws governing a *sheli'ach tzibbur*, and especially those qualifications relating to interpersonal relations.

(Translated by David Strauss)

1. \* This *shiur* was delivered on *Shabbat Parashat Ki-Tetze*, 5770, and was summarized by Avihud Schwartz. The summary was reviewed by HaRav Lichtenstein. [↑](#footnote-ref-1)
2. Rashi (ad loc.) notes, based on the Gemara, that the expression "whose house is empty" can also be understood: "whose house is empty of sin." [↑](#footnote-ref-2)
3. Parenthetically, it may be noted that the Rambam in *Hilkhot Sanhedrin* (2:7) lists seven necessary attributes of a judge, even a lower judge serving on a court of three. The common perception today is that a judge must be a learned scholar, creative, sharp, etc. Nevertheless, the Rambam counts all these as one attribute – wisdom. The six other qualities relate to the judge's character and social relations. Among the others, the Rambam writes that a judge must be a person "who is beloved by people at large," i.e., he must be a popular person. There is, of course, a clear difference between a judge and a *sheli’ach tzibbur*, but there seems to be a *kal va-chomer*: If a judge must be beloved by people at large, all the more so, a *sheli’ach tzibbur* – the community's agent – must be beloved by all. [↑](#footnote-ref-3)
4. This absence is highlighted by the fact that regarding the previous matter in the Mishna – the elder who admonishes the people – the Gemara explicitly deals with the question what is to be done when no elder is available. [↑](#footnote-ref-4)
5. In light of this understanding of the Rambam, it is even more difficult to understand the absolute requirement of a *sheli’ach tzibbur* with a fully grown beard: Is it possible that a full beard is more important than Torah and good deeds? [↑](#footnote-ref-5)
6. Logically, there is room to distinguish, even with respect to the daily prayers, between more and less important sections of the liturgy. [↑](#footnote-ref-6)
7. In *Shiurim le-Zekher Abba Mari.* [↑](#footnote-ref-7)