


HALOCHOSCOPE



This week's question:

If a *chazan* has a cough, especially if it is annoying to some people, may some members of the congregation insist that he is replaced by someone else? If the *chazan* is losing his ability to perform due to age, may he be forced to resign?

The issues:

A) Qualifications of a *chazan*

B) Appointing or removing a *chazan*

A) Qualifications of a *chazan*

The original *chazan* was the person responsible for organizing and ensuring the smooth running of a religious institution. These included the *Bais Hamikdash*, each *Bais Kneses*, a *Bais Din* and the city or community. It also has a connotation of *shliach tzibur*. In this context, the *chazan* is a combination of various positions. He is, first and foremost, the representative of the *kahal*, the congregation. In former times, most congregants did not have access to a *sidur* or *machzor*. The *chazan* would recite the *tefilos* out loud. Before *tefilos* were recorded, he had to have memorized them and the order in which they were recited. Those who heard them would fulfill their own obligation through the principle of *shomaia keoneh*, he who hears is the same as he who verbalizes. In addition, the *chazan* would be charged with arousing the mercy of Hashem, through the power of his own *tefilah* combined with the merit of the congregation. The greater the *chazan*, the more effective he would be. The *chazan* was also praying for himself, as part of the *kahal*. The more desperate he felt, and the better he concentrated personally, the better for the *kahal*. He was also responsible for inspiring the *kahal* through his rendition.

As a representative, the *chazan* resembles the *kohain* in the *Bais Hamikdash* offering the communal *korbanos*. He must be faithful to those he represents. He must be willing to represent each and every member of the congregation. Just as a *kohain* who had in mind to exclude one Jew from the communal *korban* invalidated the entire *korban*, so too, the *chazan* who excludes a member of the *kahal* invalidates the *tefilah* for all of them. The poskim point out that this *halacha* does not necessarily apply nowadays. The *chazan*, for the most part, is not needed to exempt the congregation. Everybody has a *siddur* and reads by himself. The *chazan* still leads the service and is essential for *kaddish*, *kedusha* and *borchu*, but these are not considered the main body of *tefilah*. According to the *kabalists*, the repetition of the *shemone esrai* is in a world of its own. Without the *chazan*, the congregation cannot attain the level needed from the repetition. In this sense he does indeed serve to discharge their obligation. However, the consensus of the poskim is that this does not mean that the *chazan* is the critical representative that he used to be. [In a sense, his role is closer to that of a *Levi* in the *Bais Hamikdash*. They served as representatives to make the *korban* pleasing with the accompanying music and

song. This is also an integral part of our *tefilos*. In fact, the poskim insist that one may not mix tunes from different *tefilos*. Each conveys its own mood and message. In former times, *tefilos* consisted largely of *Tehilim*. Each had its own unique tune and without it, the psalm did not have the full desired effect. Along with the actual tune, the Levi needed to be the right person to intone the words. This has specific qualifications.]

Apart from his intent, as a representative he must properly fulfill his mission. To do so, the *chazan* must be fluent in the *tefilos*, and he must be careful with his diction. The Talmud and poskim list the requirements as follows: The *shliach tzibur* must be a G-d-fearing man, who is completely free of sin. He may not have tarnished his reputation in his youth. He must be humble. He must be pleasing and acceptable to the *kahal*. He must have a sweet and pleasing voice. He must be fluent in the language, and frequently study the texts of *Tanach*. For a *Taanis*, when a more virtuous person is needed due to the desperate situation, additional qualities are required. He must have a home full of children and have little to feed them. He should be older so that he has experienced hardships. In former times, it was necessary that he was fluent in the liturgy. Nowadays, while he should still have prepared it sufficiently, he has a *siddur* or *machzor* before him. For the *Yamim Noraim*, all the qualifications for a *Taanis* apply.

If someone of this caliber cannot be found, as long as he has some of the qualities, he is acceptable. If no-one has any of the qualifications, the *kahal* should choose the person who is considered most learned and who does good deeds. A youngster who is learned, but whose voice is not beautiful, is preferred to an older person with a nice voice, but who is an ignoramus. One who sinned unintentionally can still be accepted after his repentance. The poskim debate the case of an intentional sinner who repented. They discuss both a one-time transgressor and a habitual sinner.

As an ideal, the *shatz* should also be the son of a righteous person. This is based on the comparison between the *tefilah* of *Yitzchok* and of *Rivkah*. Ideally, the *shatz* should have reached the stage that his beard is full. The growth is considered the minimum sign of adulthood, and out of respect for the *kahal* that includes older men, the *chazan* should appear fully grown. If he is a slow developer with sparse growth, at eighteen he is considered qualified. It is preferable to hire a paid *shliach tzibur*, rather than a volunteer. A paid person is likely to do a better job, since he wants to be sure to deserve his salary.

Disqualifications include one who is unable to distinguish properly between certain consonants or vowels, such that he will change the meaning of certain *tefilos*. One who spends too long singing might be disqualified. If he sings in ecstasy due to the beauty of the *tefilos*, he is to be admired. It should be clear that he stands in awe while he sings. If he sings extra long to show off his voice, and especially if he displays haughtiness, he should be removed. The poskim debate the qualifications of one who has an obvious blemish. On the one hand, Hashem is known to favor the prayer of the broken-hearted, including a cripple. On the other hand, if he is compared to a *kohain*, he should be free of blemishes. Furthermore, since *tefilah* is *avodah*, service, the principle of *hakrivaihu na lefechasecha*, try offering it to your governor, applies. This *halachic* requirement is the opposite of *hidur mitzavh*, beautifying a *mitzvah* article or its performance. It forbids using something sub-standard in service of Hashem. [On the other hand, *Levviyim* are specifically qualified with a blemish. The only 'blemish' for a Levi is in his voice.][See

Brochos 28b-29a 33b-34b Taanis 15a 16a-b Megillah 24a-b Chulin 24a-b Sofrim 14:15-17, Poskim. Avudraham Tefilos Chol, Ain Kailokainu. Tur [BY DM] Sh Ar OC 53:4 etc. 579:1 581:1, commentaries. Chavos Yair 176.]

B) Process of appointment and replacement of a chazan

A agent of the *tzibur* must be appointed by them. One could be appointed directly by the *kahal*. This could involve a unanimous vote. One could be appointed by the elected or appointed administrators or ritual functionaries, including the *Rav*, the *shamashim*, *gabaim* or the board. These people have been given discretion to choose the *shliach tzibur* for *darkei shalom*, to avoid constant fighting. One could be appointed by implied approval. This happens when a volunteer acts as *shliach tzibur* with no-one raising any objections. Having served in this capacity for a while, he has an assumed position.

In general, one appointed by consensus in the third way would not have a claim to be paid. If previous *chazanim* were paid, or if the common practice is to compensate *chazanim*, he might be able to claim that he is entitled to whatever the *kahal* usually sets aside for this. On the other hand, if he served once or twice without asking for pay, he is probably not entitled to it. There is some question as to how long a person must serve to establish a *chazakah*, implied right to serve. This might depend on various factors, including the times that he served, whether on a *Shabbos* or *Yomtov*, and the like. The son of a *chazan* who passed away, or according to some, who retired, also has an implied claim to the appointment. A *chazan* should not be appointed by the government.

At the time of the initial approval, an individual member may raise an objection. He must have a substantial reason for his objection. His reason must be accepted by the city elders. Dislike or enmity should be considered a good reason. However, the poskim point out that a *chazan* must remove all hate or jealousy from his heart before *tefilah*. Therefore, such an objection would not be upheld. The objector must propose an alternative candidate, who is considered equally qualified. If the objection is based on questionable lineage, it is ignored. Since it is one individual raising it, his word is not authoritative as testimony. The *chazan* would not be considered truly ineligible. If he is disqualified due to this objection, he would now be given a negative reputation unfairly. Many poskim maintain that nowadays the *chazan* does little to fill the role of a real agent. Therefore, an individual should not be given the right to veto his appointment.

Once the *chazan* has assumed his position, an individual may not object. [A *chazan* may be appointed for life or for a term. When his term is up, his renewal is treated as a new appointment.] The majority may vote to object to the *chazan*, based on the same kind of substantial reason. If the *chazan* does something clearly wrong, the *kahal* may remove him immediately. In most instances, they should do so. Before acting, the *kahal* must ensure that the reports of the violation are credible. It must be substantiated by a *Bais Din*. In some instances a rumor is enough, provided it was not started by his enemies. In most cases, testimony must be presented. Examples of reasons to remove a *chazan* are inappropriate conduct in his private life, or that he uses vulgar language, including discussing intimate matters lightheartedly, or that he sings non-Jewish religious songs. If it is revealed later that he had a disqualifying factor that he had concealed or that had been unknown beforehand, he may be removed. These reasons for removal do not require a majority. An individual may, and should, bring it to a *Bais Din*.

As mentioned, after personal conduct, the most important quality of a *chazan* is his voice. If a *chazan* loses his voice in the middle of the services, he must be replaced by another. The second *shatz* continues where the first left off. If his voice begins to fail, such that it shakes and breaks, he becomes invalid as a *chazan*. It would seem that this is true nowadays as well. It would also appear that this applies whether or not the *chazan* is being paid. If he is drawing a salary, the objections are also based on the feelings of the members who claim that their money should be used to pay a better *chazan*. Naturally, the level of his incompetence must be judged by a *Bais Din*. It seems that this invalidation is not based on the feelings of the *kahal*, but on what is considered normal.

In our case, the issue is that some members feel that the *chazan's* voice has become unbearable, or that his cough is too annoying and distracting. Other members are not bothered by it. The other question regards a *chazan* who is weakening due to age. Both of these cases are subjective. Certain people are more sensitive to these matters than are others. Therefore, our question is whether the factor is enough to disqualify a *chazan* after he has been appointed, based on the objections of the few. Must a *Bais Din* deliberate based on these objections?

The reason a *chazan* must have a good and pleasing voice is both to inspire and to properly render the services. If he cannot be heard, he cannot function in this way. If his voice breaks or shakes, he can no longer inspire. The same is true if he changes the tune and it is no longer recognized by the *kahal*. It would appear that since the matter in our case is subjective, a *Bais Din* should take this into consideration. Firstly, it must be established that the complainers had previously been inspired by the *chazan*. If they claim never to have been inspired, they might have a personal problem. Secondly, it must be determined whether the reason that others are not disturbed is due to their ignorance. If so, the few might have a valid point. Thirdly, the annoying distraction should be considered carefully. While a physical blemish is debated, a blemish in the *chazan's* voice seems to be sufficient reason to disqualify him. It would seem that the cough is considered a blemish in his voice. Perhaps the majority would need to state openly that they are not distracted. Similarly, they would need to state openly that they like the voice of the current older *chazan* despite his weakness. [See references to section A. Sh Ar OC 53:19 21-25, commentaries. PMG Eshel Avraham 32. Shemesh Marpeh letter 39.]

In conclusion, in this case, it would seem that if the minority can convince the majority that the voice is indeed a factor, the *chazan* should resign. Otherwise, the minority must accept the status quo and work on not being distracted.

On the Parsha ... You shall not bring [an animal used as] the fee of a harlot or traded for a dog to the house of Hashem .. they are an abomination .. both of them. [23:19] The abomination in a harlot's fee is obvious. What is so bad about an animal traded for a dog, more than, for example, a pig? A harlot is brazen in her sinful activity. A dog is also a symbol of brazenness. It is this *azus*, arrogance and brazenness, that is an abomination in the house of Hashem. Even something exchanged for them is an abomination. [*Kli Yakar*] A *chazan* who is openly vulgar, or brazenly arrogant is unacceptable in the house of Hashem.

Sponsored by Josh Sandler in memory of Andrew Cohen a"h, whose *yahrzeit* was the 26th of Av.

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