

Halacha Highlight

Serving as *shaliach tzibbur* if one's enemy is a member of the *tzibbur*

Mishnah Berurah Siman 53 Seif Katan 57

גם אם מכון שלא להוציא השונא גם האוהבים לא יצאו

If he has in mind not to discharge the obligation of his enemy he does not discharge the obligation of those he loves either

Rema (סעי' נ"ט) writes that if someone hates a potential candidate for *shaliach tzibbur* he has the right to veto that candidate for *shaliach tzibbur*. The applies only when the hatred between these two people was already known but if someone merely claims that he hates a candidate he does not have the veto power to reject this candidate. The reason, explains Mishnah Berurah (ס"ק נ"ו) is that the *shaliach tzibbur* cannot represent a person against his will.

Mishnah Berurah (ס"ק נ"ז) also explains that if someone develops a hatred for the *shaliach tzibbur* after he already has the position he may not have him removed from his position and the *shaliach tzibbur* must state explicitly that he removes the jealousy from his heart and intends to discharge his enemy's obligation as well. By articulating this he is able to discharge his enemy's obligation even if in his mind he does not want to discharge his enemy's obligation (עי' פסקי תשובות הע' 159). In the event that the *shalaich tzibbur* does not make this declaration and intends to exclude his enemy he does not discharge anyone's obligation. Bais Yosef explains that *tefila* replaces *korbanos* and the *shaliach tzibbur* replaces the *kohen*. As such if the *shaliach tzibbur* intends to exclude someone from his *tefila* it is comparable to a *kohen* who intends to preclude someone from a communal *korban*. Shevet HaLevi (ש"ת שבט ה'וי ס"י ט) explains that the *shaliach tzibbur* was accepted with the understanding that he would discharge the obligation of the other members of the *tzibbur*. As soon as the *shaliach tzibbur* decides to exclude someone he is not performing the task that he was assigned and loses his status as their agent and thus no one fulfills their obligation.

Sha'ar HaTzion (ס"ק מ"ה) adds that nowadays that these decisions are made by the seven trustees of the city an individual would not be able to veto a candidate even if the hatred between them was already established.

Stories to Share

The Greatness of Converts

ש"ע ס' נ"ג, י"ט: "דאברהם נקרא אב המון גוים...מפני שלמד לכל העולם אמונת ה'..."

Today's amud discusses halachos regarding converts. The verse informs us that it is incumbent upon us to love converts. The midrash states that Hashem has an exceedingly great love for converts and explains why with the following parable:

"This can be compared to a king who had a large flock of various domesticated livestock that would go out of the city to graze each day. Once, a deer joined the herd of goats and sheep and began to graze with them. Instead of running about in an unbridled fashion, the deer entered the pen with the herd. Each day, the deer would go out and return with rest of the herd.

"When the shepherds told the king about this unusual phenomenon, the king felt a great love for this most unusual deer. Each day, when the herd started out, the king commanded the shepherds to have a care that no person strike or annoy his domesticated deer. When the animals returned to their pens, the king ordered them to ensure that the deer had sufficient food and drink. The shepherds were very surprised at the unusual attention the king was paying the deer and said to him, 'Your majesty has so many other animals of various species, yet he only admonishes us regarding this one deer?'

"'Correct,' the king replied. 'You need not pay special attention to the

Overview

Siman 53 Seif 17:

If the *shaliach tzibbur* made an error and must be replaced the one who is asked to replace him should not refuse to take the position at all.

Siman 53 Seif 18:

Someone who declares, "I won't descend before the Aron because of my colored clothing or because my feet are covered with sandals" may not *daven* that *tefila* for the *amud* since it is common for heretics to be particular about such matters and we are concerned that this person may have heretical leanings. Even if he gives an explanation for his statement we do not allow him to *daven* for the *amud*.

- ❖ Even if he later regrets his statement and expresses willingness to *daven* while wearing colored garments he may not *daven* for the *amud*. (M.B. 46)
- ❖ Pri Chadash writes that if immediately after he made the suspicious statement he explained that he thinks that wearing colored clothing does not properly honor Hashem he may *daven* for the *amud*. (M.B. 48)

Siman 53 Seif 19:

There are those who prevent converts from *davening* for the *amud* but their position is rejected. Even an individual can veto a candidate from becoming *shaliach tzibbur* unless he already agreed to his candidacy. The individual who is vetoing must have a reason approved by the city trustees but without a good reason an individual may not reject a candidate. If he hates the candidate he has the right to veto before the candidate was approved for the position. Someone who hates the *shaliach tzibbur* should not ascend to the Torah to read the section of the *tochachah*.

- ❖ Whether a mamzer may serve as *shaliach tzibbur* is related to whether a mamzer could write *tefillin*. (M.B. 50)
- ❖ Once a *shaliach tzibbur* was chosen he can not be fired by less than a majority and if there is a majority he can be fired but is paid the remainder of his salary. (M.B. 51)
- ❖ An individual may veto only if there is an alternative candidate for the same cost. If the second candidate wants more money the *tzibbur* could demand the one who wants to veto the first candidate must pay the extra cost. (M.B. 52)
- ❖ These principles apply to other appointed positions but nowadays it is not relevant since the authority to fill these positions is in the hands of the seven city trustees or some other chosen group and they must follow their rules for filling these positions. (M.B. 53)
- ❖ If someone was employed for a period of time the renewal of his contract is treated the same as if he is first applying. (M.B. 54)
- ❖ Reuven was hired for a year and after the year was done he continued to *daven* from the *amud* it is considered as if he began a new period of employment and individuals may not protest his continued employment. (M.B. 54)
- ❖ Rema refers to where the hatred between the two parties was already known. (M.B. 56)
- ❖ If one develops hatred for the *shaliach tzibbur* after he already occupied his position he may not protest and the *shaliach tzibbur* must state that his intent is to discharge the obligation of his enemy because if he does not intend to discharge the obligation of his enemy he does not discharge anyone's obligation. (M.B. 57)
- ❖ Some *Poskim* maintain that one should ascend to read the *tochachah* rather than risk disrespecting the Torah. (M.B. 58)

sheep since traveling with the flock is the natural way of their species. But although deer usually dwell in uninhabited areas, this deer has joined us. Is it not incumbent upon us to have a special degree of gratitude for it?'

"Similarly, Hashem tells the Jewish people, 'A convert leaves his family and his parents' house and comes to Me. Should I not be express special gratitude for this distinction?' For this reason we are enjoined to love converts. As the verse says: 'Hashem protects converts.'"

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