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KABBALAT SHABBAT: RECITED BY THE COMMUNITY; BUT IS IT COMMUNAL?

I. INTRODUCTION

One liturgical highpoint in the contemporary synagogue is the Friday evening *Kabbalat Shabbat*. The songs, the creativity that initiates a new melody for *Lekha Dodi* approximately every month or so, the fairly ubiquitous presence of Carlebach *minyanim* and Carlebach style recitations of some sections of *Kabbalat Shabbat* even in non-Carlebach settings, makes this relatively brief liturgy into a spiritual peak of the *davening*.

Our discussion centers on the halakhic nature of *Kabbalat Shabbat* as recited when a *minyan* is present. This liturgy certainly looks like communal prayer (*tefillah be-tsibbur*); there is a *minyan* with a *hazan* wearing a *tallit* as in all communal prayer; but some have suggested that it is something other than *tefillah be-tsibbur*.¹ Similarly, many consider *Kabbalat*

¹ Some point to the practice of the *Hazan* standing at the Torah reader's table for *Kabbalat Shabbat* and then moving to the *amud* for *Maariv* to support this contention (see http://www.thejewishweek.com/editorial_opinion/opinion/road_not_taken_avi_weiss_michael_broyde_and_women's_roles). I can find no source that discusses this practice and it may just as easily suggest that *Maariv* is the more essential prayer, while *Kabbalat Shabbat* is secondary. This practice may be a remnant from the days of the entry of *Kabbalat Shabbat* into mainstream liturgy (16th-17th century) when there was opposition to its acceptance. Reciting it at this different location may have been a concession to that opposition. A similar practice exists in some synagogues where the *Hazan* begins *Yekum Purkan* at the Torah reader's desk on *Shabbat* mornings. *Yekum Purkan*, like *Kabbalat Shabbat*, was controversial and this too might have been a compromise. See Ismar Elbogen, *Jewish Liturgy: A Comprehensive History*, Philadelphia, 1993, p. 162

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Shabbat to be a *hiyyuv*, a required part of the *davening*; but once again there are those who disagree.²

Beyond the academic interest, there are practical issues which depend on how we understand the nature of *Kabbalat Shabbat*. Who can lead this liturgy in communal prayer? Can a child or a woman fill that role? Is it halakhically legitimate to decide to skip all or some of *Kabbalat Shabbat* one week so that I can eat my Friday night dinner a little earlier? These are important questions that have significant ramification for contemporary Jewish practice.

II. THE NATURE OF *KABBALAT SHABBAT* AT ITS POINT OF ORIGIN

Kabbalat Shabbat is thought to be a 15th-16th century innovation of the Ari and his circle. Since its genesis is post-Talmudic, perhaps there is no *hiyyuv* to recite it and it is not *tefillah be-tsibbur*.³

In truth, *Kabbalat Shabbat* does have Talmudic era antecedents. Its origins are found in the actions of two *Amora'im* who had personal Friday night rituals with which they greeted the coming of the “*Shabbat Queen*.”⁴ On the other hand, only one line from the *Kabbalat Shabbat* prayers emerges from these sources. The rest of the liturgy apparently waited for the Ari and the mystics of Safed in the 15th-16th centuries. But what was the Ari’s view of *Kabbalat Shabbat* to the extent that we can determine it?

One of the ways to know that something is designed to be a communal prayer is if it contains a text that requires a *minyan* for its recitation. In particular, the presence of *Kaddish* is telling. *Kaddish*, which requires a minyan, is a prayer that follows after a paragraph, a section, or an entire service to indicate that a conclusion has been reached.⁵ Its presence would indicate that there is a communal dimension to the prayer, even if that prayer can also be recited by an individual (who performs leaves out the *Kaddish*).

At the end of *Kabbalat Shabbat* there is a *Kaddish* recited after the paragraph that begins with the words *Hashem Malakh*, which concludes

² R. Michael Brojde at <http://torahmusings.com/2010/08/women-leading-kabbalat-shabbat-some-thoughts.html>, as well as the site quoted in the previous footnote.

³ I heard this argument from the leader of my local Partnership *Minyan* where women lead *Kabbalat Shabbat*. See also Brojde loc.,cit.

⁴ B. *Bava Kamma* 32a-b and B. *Shabbat* 119a.

⁵ See the chapter on *Kaddish* in my, *Why We Pray What We Pray*, Jerusalem, 2010.

the liturgy. R. Menashe Klein tells us that this *Kaddish* was instituted by the Ari for reasons of proper mental focusing (*ha-kavanah*).⁶ If the Ari added *Kaddish* to the *Kabbalat Shabbat* service that he created, then this liturgy was designed to be a communal service. The fact that it is not a Talmudic era requirement makes no difference.

Today this *Kaddish* is recited in most places by mourners and those who are commemorating a *Yahrzeit*, but as with at least one *Kaddish* that appears at the end of each prayer service, it presumably should always be recited by someone, even if no mourner and no one with *Yahrzeit* is present.⁷ Given that *Kabbalat Shabbat* was designed as a prayer with a communal element, the *Hazan* must be someone who is halakhically allowed to lead a community at prayer, i.e. a Jewish male above the age of thirteen years and one day.⁸

III. KABBALAT SHABBAT TODAY

Trying to decide this issue based on what *Kabbalat Shabbat* was like in the 15th-16th centuries is not appropriate as an Orthodox epistemological approach to halakha. I do so only because some claim that the relatively recent date of origin of *Kabbalat Shabbat* means that it is not to be considered mandatory communal prayer.

The far more important question is the status of *Kabbalat Shabbat* today. It is somewhat surprising to find, in an Orthodox context, a legal argument that simply skips the last 4 or 5 hundred years of halakhic history. That type of argument is usually associated with the Historic School and the Conservative movement.⁹ As I understand the halakhic process, one must look primarily to current practice and not to an understanding that existed at some other time and place in Jewish history but that is not currently held by any contemporary halakhic decisor and that does not appear in current practice.

Furthermore, arguing from the origins of *Kabbalat Shabbat* is an example of the Genetic Fallacy. One definition of this fallacy is “a line of

⁶ R. Menashe Klein (contemporary), *Responsa Mishneh Halakhot*: 3:27

⁷ See the chapter on *Kaddish* in my, *Why We Pray*.

⁸ M. *Rosh Hashana* 3:8, R. Israel Meir Ha-Kohen (1839-1933) *Mishna Berurah* 90:28.

⁹ For examples see the Conservative responsum entitled “May a Non-Kohen be Called to the Torah in the Presence of a Kohen” at http://www.rabbinicalassembly.org/teshuvot/docs/19912000/mandl_nonkohen.pdf and the three *teshuvot* on family purity at http://www.rabbinicalassembly.org/teshuvot/docs/20052010/mikveh_introduction.pdf

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reasoning...in which the origin of a...thing is taken to be evidence for the...thing. Genetic Fallacy is committed whenever an idea is evaluated based upon irrelevant history.”¹⁰

Kabbalat Shabbat in the 16th century is unimportant to our discussion. I mention it to point out that even if one accepts this methodology, *Kabbalat Shabbat* began its life as a prayer with communal aspects, if not as a complete *tefillah be-tsibbur*.

What then is the *halakhic* reality of *Kabbalat Shabbat* today? *Ohr Zaru'a* says that regular repetition of a communal liturgical custom turns it into a *hiyyuv* for those reciting it.¹¹ This comment alone may be sufficient to answer our question.

Further, a practice may become mandatory once it has spread through all Israel (*minhag she-nitpashet be-hol Yisrael*). As an example, the Mishna describes the Torah readings for the yearly cycle of the holidays.¹² This description does not match what our contemporary communities do. Rambam, in his commentary to this Mishna, describes the practice essentially as we have it today. He defends the deviation by saying that what he describes is the “custom that has spread through all Israel.” The current practice is seen as binding and it is not acceptable to go back to the mishnaic list and follow its mandate. To do so would mean committing the Genetic Fallacy as described. The weight of universal contemporary Jewish practice carries the day as the halakhic reality.

Similarly, much of the Jewish world once followed a triennial cycle of Torah readings.¹³ In the contemporary Orthodox community the custom is to finish the Pentateuch each year on *Simhat Torah*. I do not believe that a return to the triennial cycle today is halakhically supportable, and the Conservative movement’s reinstatement of a variation of such a cycle was not warmly received by the Orthodox community.¹⁴ Rambam again cites the rationale as follows: “The custom that has

¹⁰ See <http://www.nizkor.org/features/fallacies/genetic-fallacy.html> and <http://www.fallacyfiles.org/genefall.html>

¹¹ R, Yitzchak b. Moshe (c.1180-c.1250), *Ohr Zaru'a*, *Hilkhot Erev Shabbat* 2:20.

¹² M. *Megillah* 3:5

¹³ Heinemann, Joseph, “The Triennial Lectionary Cycle,” *Journal of Jewish Studies*, 19, (1968) pp. 41-48; Charnov, B.H, Shavuot, “Matan Torah and the Triennial Cycle,” *Judaism* 23, (1974), pp. 332-336; Bloom, Norman “The Torah Reading Cycle Past and Present,” *Journal of Jewish Music and Liturgy* 18, (1996), pp. 37-59.

¹⁴ R. Ben-Zion Meir Chai Uzziel (1880-1953), *Responsa Mishpetei Uziel*, *Orah Hayyim* 3:58.

spread throughout all Israel is that they conclude the Torah in one year...”¹⁵

Similar statements appear regarding other areas of halakhic practice, some of which are not liturgical. In all cases they form the underpinnings of that particular law’s current legal reality.¹⁶

Kabbalat Shabbat fits into this category. The majority of synagogues customarily recite *Kabbalat Shabbat* and that would seem to make it a required part of communal Friday night *davening*. Therefore, barring some compelling reason, one may not refrain from reciting *Kabbalat Shabbat* on a particular Friday night.

In some corners of the Jewish world *Kabbalat Shabbat* is said by individuals without a *Hazan* or with various people taking the lead for the different paragraphs.¹⁷ That does not diminish its status as a custom that has spread throughout Israel.

In Maimonides’ discussion of the annual and triennial cycle of Torah readings he mentions, “There are those who complete the Torah in three years; however it is not the widespread custom.”¹⁸ These exceptions do not change the status of the annual Torah reading cycle as a custom that has spread throughout Israel, nor do they alter the requirement for most to use the yearly cycle in communal practice.

So too, *Kabbalat Shabbat*, for the vast majority of Jews – particularly those of Ashkenazi descent – is a required part of the prayer; required as a custom that has spread throughout Israel or at the very least, pace *Ohr Zaru’a*, as a requirement that comes from repetition. It is also a requirement only for men. Although in some places women do attend synagogue on Friday night, in most places they do not, and while some recite *Kabbalat Shabbat* at home, many do not. It is also my sense that most women who recite it see this as an optional act and not as a requirement.

It would seem, therefore, that the rules for *Kabbalat Shabbat* are no different than those of any other mandatory communal service, and what applies to *Shaharit* or *Minha* applies to *Kabbalat Shabbat* as well.

¹⁵ Rambam (1138-1204), *Mishneh Torah, Hilkhot Tefillah* 13:1.

¹⁶ Cf. *Tosafot Hullin* 110b sv. *Kavda ma*; R. Abraham Zvi Hirsh Eisenstadt (1813 – 1868), *Pit’hei Teshuva, Yoreh De’ah* 118; *Mishna Berurah*, 55:66, R. Shlomo Ganzfried (1804 -1884), *Kitsur Shulhan Arukh* 122:8. This last source requires abstaining from meat and wine during the nine days before *Tisha B’av*. This practice is seen as a requirement even though it derives from a widespread custom and people may not stop abiding by its restrictions even if it is somewhat difficult to be restricted in this way.

¹⁷ I have attended such a synagogue in Jerusalem.

¹⁸ Loc. cit.

IV. ON THE DEFINITION OF *TEFILLAH BE-TSIBBUR*

We began by saying that *Kabbalat Shabbat* looks like *tefillah be-tsibbur*. But is it really? Some argue that communal prayer must contain an *Amidah* as part of its liturgy.¹⁹

This is difficult to maintain in light of common practice. *Selihot*, said on fast days and as part of the annual period of repentance, contains a number of texts that require a *minyan* in order for them to be recited.²⁰ In some communities during the High Holiday season, *Selihot* is offered at a time (e.g. 10:00 p.m. or the middle of the night) which disconnects it from any *Amidah* recitation.²¹ Yet it appears to be communal prayer when said in a *minyan* since some parts of it can only be said in a *minyan*. *Selihot* end with *Kaddish Titkabel*, a form of *Kaddish* that adds a paragraph asking God to accept the prayers of all Israel. That certainly designates it as communal prayer.

The origins of *Selihot* are post-Talmudic, from the period of the Geonim.²² The Rishonim²³ also contributed some of the sections that are recited. It has grown to become a custom that has spread throughout Israel, though Ashkenazim and Sephardim differ as to the actual liturgy and the dates of recitation.²⁴ Nonetheless the recitation of *Selihot*, even though it is only a post-Talmudic general custom²⁵ lacking an *Amidah*, is still considered mandatory communal prayer as Jews and Jewish communities throughout the world are punctilious about including *Selihot* as part of services on the requisite days.

¹⁹ One of my son's *Roshei Yeshiva* made that claim. Others assert that it needs a "*davar she-bi-kedusha*" to qualify. That does not change the substance of what I argue here and, as indicated, *Kabbalat Shabbat* ends with *Kaddish* – a *davar she-bi-kedushah*.

²⁰ The section of the thirteen attributes and the Aramaic sections that appear towards the end of the liturgy.

²¹ Cf. R. Joseph b. Ephraim Caro (1488 -1575) *Shulhan Arukh, Orah Hayyim* 581:1, and R. Hayim Yosef David Azulai *Birkei Yosef*, (1724-1806) ad. loc.

²² The name first appears in Geonic literature, but that liturgy was quite different than what we know. Cf. Rav Amram b. Sheshna Gaon (9th century), *Seder Rav Amram Gaon; Seder Ta'anit, Seder Tisha B'av, Seder Ashmorot, Seder Tefillat Arvit Shel Yom Kippurim*, et. *Passim, Teshuvot ha-Geonim ha-Hadashot, Emanuel*, p. 169.

²³ Among the authors of *Selihot* are Rabbeinu Gershom Me'or ha-Golah (10th-11th centuries), Rashi (1040 -1105), and Rashbam (c. 1080 - c. 1160). R. Moshe Ibn Ezra (11th-12th centuries) was so well known as a composer of these prayers that he came to be called *ha-Salah* (i.e., the author of *Selihot*).

²⁴ Cf. *Shulhan Arukh*, loc. cit.

²⁵ That is the language of both the *Shulhan Arukh* and Rema, ad. loc.

Similarly when communities gather to recite Psalms²⁶ for someone who is ill or for a perceived threat to the State of Israel,²⁷ is this not communal prayer?²⁸ And if it isn't, what else might it be? (See next section for a possible alternative.)

So too, the section of the Friday night *Maariv* known as *Magen Avot*, which is also a late addition to that liturgy, is called by Rashi, “*tefillat ha-tsibbur*.”²⁹ We discuss this practice in section VII below, but for now it is another example of a prayer that is called “communal,” but that lacks an *Amidah*.

Further a number of sources indicate that it is not the content but the presence of ten men that defines turning to God as *tefillah be-tsibbur*.³⁰ R. Moshe Feinstein discusses the practice of praying with ten men including four who have already prayed, which then allows this minyan to recite *Barkbu*, *Kaddish*, *Kedusha* and the repetition of the *Amidah* (all *devarim she-bikdusha*).³¹ According to those who see content as determinative this should constitute *tefillah be-tsibbur* as the *Amidah* is part of this service. R. Moshe, however, states that this is not so:³² “Regarding ...communal prayer ... this is only when all ten pray and ... not ...when it is the majority of a *minyan*... it is sufficient with the majority... only to permit the recitation of a *davar she-bikdushah*.”

R. Moshe here has decoupled communal prayer from *devarim she-bikedushah*. It is not the content of the prayer, but the presence of ten men praying that makes a service into *tefillah be-tsibbur*.³³ Once again, this would require that a male over the age of thirteen lead services whether for *Maariv* that has an *Amidah* or for *Kabbalat Shabbat* that does not.

²⁶ The communal recitation of *Birkhat ha-Gomel* follows the same pattern; cf. Rambam, *Hilkhot Berakhot* 10:8.

²⁷ R. Meir b. Yekutiel ha-Kohen of Rothenburg (c.1260 – 1298), *Hagahot Maimoniyot*, *Hilkhot Tefillah*, 8:4, specifically endorses such prayers.

²⁸ R. Betzalel Stern (1911-1989), *Responsa Betsel ha-Hokhma* 4:46, R. Eliezer Yehuda Waldenberg (1916-2006), *Responsa Tsits Eliezer* 8:2 and 17:3, and R. Ovadia Yosef (contemporary) *Responsa Yabi'a Omer* 6:30.

²⁹ B. *Shabbat* 24b sv. *mishum sakannah*.

³⁰ R. Judah b. Isaac Ayash (d. 1760), *Responsa Bet Yehudah*, *Orah Hayyim* no. 55: “Any group of ten Israelites is called a *tsibbur*”. This is true whether they are reciting the *Amidah*, *Kabbalat Shabbat*, or anything else.

³¹ R. Moshe Feinstein (1895-1906), *Iggerot Moshe*, *Orah Hayyim* 1:28-30

³² Ibid, no. 28. R. Moshe cites both Avraham b. R. Yechiel Michel Danziger (1748 - 1820), *Hayyei Adam* and *Mishna Berurah*.

³³ R. Bezalel Stern, *Responsa Betsel ha-Hokhma* 4:135, disagrees with R. Feinstein. He believes that praying with six who have not done so before and four who have, does constitute *tefillah be-tsibbur*. However, he too does not require particular content for a prayer to achieve the status of *tefillah be-tsibbur*.

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Similarly, R. Moshe discusses the status of the *Kaddish* recited after *Anim Zemirot* (also called *Shir ha-Kavod* or the Hymn of Glory) and of *Anim Zemirot* itself. He says (quoting *Levush* in support):³⁴

In those synagogues that say *Anim Zemirot* after services, even though it [the *Kaddish* recited after *Shir ha-Kavod*] is not part of those which are required (to be recited by the mourners), since they are accustomed to say it (*Anim Zemirot*) it becomes an aspect of the prayer and it [the *Kaddish*] applies only to those who are required to recite *Kaddish*.³⁵

Again, it is not the content, but the venue and the frequency that makes a particular text into a part of the prayer. *Kabbalat Shabbat* is something we are accustomed to say. It is therefore an “aspect of prayer,” and when said with a *minyan* present, it becomes an aspect of communal prayer subject to the rules of *tefillah be-tsibbur*.

To complete our discussion of *tefillah betsibbur* and its relationship to the *Amidah*, there remain two additional points to be made. First, though the *Amidah* is certainly the quintessential prayer and is often simply called “*Tefillah*”,³⁶ it is certainly not the only prayer so designated in rabbinic literature. *Tefillat ha-Derekh*,³⁷ *Tefillah Ketsara*³⁸ or even *tefillat shav*³⁹ (which are inappropriate prayerful requests) are all seen as types of *tefillah*. The last is particularly intriguing because the designation *tefillat shav* implies that appropriate requests are valid tefillot even if no *Amidah* is involved.

Second, *Hayyei Adam*,⁴⁰ also quoted in *Mishna Berurah*,⁴¹ is cited by R. Moshe, in his discussion of the definition of *tefillah be-tsibbur*.⁴² He says:

“The essential part of communal prayer is the ‘eighteen’ (*Shemoneh Esrei*), which means that ten adult males shall pray [it] together”. The fact that *Shemoneh Esrei* is the essential aspect (*ikar*) of communal prayer means that it is not the totality of communal prayer. This implies that there are non-essential aspects to *tefillah be-tsibbur* as well.

The basic *hiyyuv* of *tefillah be-tsibbur* is to recite the *Amidah* in a communal setting. But there can be a *kiyyum* of *tefillah be-tsibbur* that involves

³⁴ R. Mordecai Yoffe (1530 -1612), no. 133

³⁵ *Iggerot Moshe, Yoreh De'ah* 4:61

³⁶ B. *Berakhot* 4b, J. *Berakhot* 4:2 (7d).

³⁷ B. *Berakhot* 29b.

³⁸ M. *Berakhot* 4:2,4.

³⁹ M. *Berakhot* 9:3.

⁴⁰ *Hayyei Adam* 19:1.

⁴¹ *Mishna Berurah* 90:28.

⁴² *Iggerot Moshe, Orach Hayyim* 1:28.

something other than this basic requirement. In the same way that the *hiyyuv* to accept the yoke of heaven is fulfilled by twice daily recitation of *Keriyat Shema*,⁴³ but nevertheless one can be *mekayem* that commandment with actions other than *Keriyat Shema*, so too the *hiyyuv* of *tefillah be-tsibbur* is fulfilled with the *Amidah*, but there can be a *kiyum* of *tefillah be-tsibbur* with any other prayer that is recited in a community of ten men.

Only someone who is required to pray communally can lead such a service and fulfill the *Hazan's* role in that prayer. This would seem to preclude women and pre-Bar Mitzva children from serving as prayer leaders. While women can voluntarily fulfill many of the *mitsvot* in which they are not obligated, their status with regard to those *mitsvot* is different from a man who is obligated.⁴⁴

But what about the permissibility of pre-Bar Mitzvah boys leading *Kabbalat Shabbat*, *Pesukei Dezimrah* or concluding the services as they do in many places, and the relationship of this practice to the issue of women leading the same parts of the liturgy?

The end of the *tefillah* is not a venue that justifies prayer being led by a non-obligated person. Communities that allow boys to lead *Anim Zemirot* may have been influenced by a custom that recommends recitation of this prayer by a minor. That custom may then have spread to using a youngster for this entire section and then even to synagogues that do not recite *Anim Zemirot*. This would not provide a precedent for women as leaders as the custom is specific to young boys.⁴⁵

Further, I must admit to always having been troubled on encountering someone below Bar Mitzva leading *Pesukei de-Zimra* or *Kabbalat Shabbat*. It always seemed to me that this practice diminished the importance of these sections of the liturgy.⁴⁶ The only rationale I can find is that since there is a rabbinic *mitsva* of *hinnukh* - of educating a child to perform the *mitsvot* that he will need to fulfill as an adult⁴⁷ - a child could, therefore, be used in the prayer leader's role in those parts of the service that are more generally derived from custom⁴⁸ than from rabbinic law.⁴⁹

⁴³ Cf. B. *Berakhot* 13b.

⁴⁴ Cf. R. Isaac Herzog (1888-1959), *Responsa Heikhal Yitshak, Orach Hayyim* 12

⁴⁵ For sources and discussion, see the chapter on *Anim Zemirot* in my *Why We Pray*.

⁴⁶ See Aryeh and Dov Frimer at <http://text.rcarabbis.org/?p=909>.

⁴⁷ Cf. Rashi Gen. 14:14.

⁴⁸ B. *Berakhot* 4b requires an individual to recite God's praises and then pray. This is understood to be the basis of the need to say *Pesukei de-Zimra* as a lead-in to formal prayer.

⁴⁹ See R. Ben-Zion Meir Chai Uzziel (1880- 1953) *Mishpetei Uzziel* 3, *Miluim* 2. R. Uzziel indicates difficulty with this practice even as he defends those places that

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The problem is that the obligation to educate is a parental or communal *hiyyuv*.⁵⁰ There is no obligation on the part of the child to get himself educated. As such, he has no requirement with which to balance the community's obligation to recite these parts of the services.

Further, there is no connection between this practice and women leading these parts of the services. The obligation to educate applies only where at some point later in life the person being educated will need or be able to perform the activity being taught.⁵¹ Since women are not going to grow into a position where being a *Hazan* is a possibility in a mixed gender setting, there is no mitsva of *hinnukh* for them in this context.

V. TEFILLAT RABBIM

If *Kabbalat Shabbat* in a group setting is not *tefillah be-tsibbur*, it is certainly *tefillat rabbim* (the prayer of the many).

This halakhic category is defined by R. David b. Barukh Kalonymus Sperber as three people praying together.⁵² He derives this concept from the principle that any mitsva done in a group is superior to one done alone. Similarly, Maharsha states that *tefillat rabbim* is more readily accepted by God⁵³ and importantly, the term appears in contexts that have nothing to do with the *Amidah*.⁵⁴

R. Kook maintained that one who has heard the repetition of the *Amidah* on *Rosh Hodesh* thereby fulfilling his *tefillah be-tsibbur* requirement, but who must repeat his silent *Amidah* because he forgot *Ya'ale Ve'yavo*⁵⁵ counts among the six to whom four who previously prayed are added for recitation of *devarim she-bi-kdushah*. His repeat prayer

allow it. See also *Tosafot Berakhot* 15a, sv. *ve-Rabbi Yehuda* and *Tosafot Berakhot* 58a-b sv. *ad she-yohal*. Note the discussion of someone who has no *hiyyuv* at all, as opposed to someone who has a reduced or not yet realized *hiyyuv*, which would distinguish between a woman and a child. See also *Tosafot Megilla* 19b sv. *ve-Rabbi Yehuda*.

⁵⁰ R. Uzziel references the obligation of the leadership of the *shul* to educate future *Hazanim*. There are other approaches – see the sources in the last note.

⁵¹ See the discussion of the lame or blind child and *hinnukh* in regard to going up to Jerusalem for the three pilgrimage holidays *B. Hagigah* 6a.

⁵² Sperber(1875-1962) *Responsa Afarkasta De-Anyah, Inyanim Shonim* 4:372 and *Orah Hayyim* 2:93.

⁵³ R. Samuel Eliezer b. Judah ha-Levi Edels (1555- 1632), *Maharsha Hiddushei Aggadot, Berakhot* 64a.

⁵⁴ Sperber loc. cit and interestingly see R. Yosef Albo(1380-1444), *Sefer ha-Ikarim* 4:8.

⁵⁵ *Shulhan Arukh, Orah Hayyim* 124:10

constitutes *tefillat rabbim* in that venue, which is sufficient to count him in the majority of a *tsibbur* that has not yet prayed. *Tefillat rabbim* is, therefore, not a larger form of individual prayer, rather it is a diminished form of *tefillah be-tsibbur* and therefore, he counts because his is a minor act of communal prayer.⁵⁶ *Tefilat rabbim* is, therefore, an aspect of *tefillah be-tsibbur*, which precludes women and children from leading.

R. Sperber's model of three at prayer constituting *tefillat rabbim*, while ten at prayer make it *tefillah be-tsibbur* parallels Grace after Meals, where three are needed for *zimmun* and ten allow for the addition of the word *Elokeinu* to that *zimmun*.⁵⁷ While all agree that women do not count towards adding *Elokeinu*,⁵⁸ there is some debate about whether women can count among the three for *zimmun*.⁵⁹ Nonetheless, even for those who say that women do count for the three no one suggests that a woman can lead if there are both men and women present.⁶⁰ This is either because women's obligation is rabbinic while men's is Biblical or because the formal text of *Birkat ha-Mazon* contains references to certain *mitsvot* (e.g., circumcision) which are not applicable to women.⁶¹

Comparing that model to *tefillah* in general and for *tefillat rabbim* specifically, the same structure emerges. Much of the discussion regarding *Birkat ha-Mazon* focuses on the difference in obligations between men and women. Similar differences exist with regard to *tefillah*.

What obligation does a woman have when it comes to prayer? Some see three positions among *Rishonim* on this question. Obviously the closer to a man's *hiyyuv* one believes a woman's obligation to be, the more a woman would be able to lead *Kabbalat Shabbat* in a mixed gender setting

The *Arukh ha-Shulhan* cites Rashi as maintaining that women must pray all three prayers every day,⁶² He says that it is difficult to understand

⁵⁶ R. Abraham Isaac HaCohen Kook(1865 -1935), *Responsa Orach Mishpat, Orach Hayyim* no. 23.

⁵⁷ Cf. M. *Berakhot* 7:3.

⁵⁸ R. Mordechai Yaakov Breisch (b. 1896), *Responsa Helkat Ya'akov, Orach Hayyim* no. 232.

⁵⁹ Cf. Breisch, *ibid*; *Shulchan Arukh, Orach Hayyim* 199:7; R. Betzalel b. Abraham Ashkenazi (1520-1594) *Shitah Mekubetset, Berakhot* 45b; R. Jacob Joshua b. Tzvi Hirsh Falk, *Pnei Yehoshua* (1680 -1756), ad. loc, R. Jacob ben Asher,(1269- 1343), *Tur*, Orach Hayim, 199, *Mishna Berurah* 187:9; R. Meir Simha of Dvinsk (1843-1926) *Or Same'ah, Hilkhot Berakhot* 5:3.

⁶⁰ Falk, loc. cit.

⁶¹ Cf. *Tosafot Berakhot* 20b; Breisch, loc. cit., Falk, loc. cit.

⁶² R. Yechiel Michel b. Aaron ha-Levi Epstein (1829 -1908). *Arukh Ha-Shulhan, Hilkhot Tefillah, Orach Hayyim* 106:7.

why women do not act in accordance with this opinion. Ultimately, however, the fact that the vast majority of observant women do not pray *Ma'ariv* on a daily basis means that this position is not the accepted halakha.⁶³ Similarly, the reality that the majority of even observant women do not treat *Kabbalat Shabbat* as a *hiyyuv* would lead to the same conclusion about this liturgy, and would indicate that the obligation to offer the Friday night prayer is not the same for both genders.

Furthermore, even the *Arukh ha-Shulhan* says that though women may be required to pray three times a day, many parts of the liturgy, such as the blessings before *Keriyat Shema* and, significantly for our purposes, *Pesukei de-Zimra*, are not obligatory for women as they are for men.⁶⁴ As such a woman's obligation is not the same as a man's.

The second oft-cited opinion in *Rishonim* is that of Nahmanides, who argues for obligatory twice a day recitations of the *Amidah* by women at *Shaharit* and *Minha*. The problem is that, despite the fact that the *Mishna Berurah* quotes this approach in the name of Ramban,⁶⁵ I cannot find this position anywhere in Nahmanides' writings. An examination of the section of *Shulhan Arukh* where *Mishna Berurah* makes this statement indicates that he is quoting R. Akiva Eiger.⁶⁶

R. Eiger cites Nahmanides from section 89 of Responsa *Besamim Rosh*. At one time this book was attributed to a variety of important scholars including Ramban, but now it is known to have been written by Isaac Molina in the 16th century. It is also a work of questionable halakhic authority because of the stances that it takes on a variety of issues. It certainly would not have the standing to successfully debate positions taken by Rashi or Maimonides, who we are about to cite.

Section 89 of *Besamim Rosh* tells us that women "in our area" are required to pray twice a day because "they have accepted this practice upon themselves." This is hardly an indication that all Jewish women are required to recite the formal liturgy at *Shaharit* and *Minha* as *Mishna Berurah* claims. Further, even the *Mishna Berurah* sees the woman's obligation as applying only to the *Amidah*, but not to other parts of the services which men certainly have a *hiyyuv* to recite. There is again no basis here to equate men's obligation with women's.

The third opinion among *Rishonim* is that of Maimonides, who takes the position that women may offer whatever prayer they want and must

⁶³ See the comment by *Mishna Berurah* cited in n. 65.

⁶⁴ *Arukh ha-Shulhan*, *Orah Hayyim* 70:1-4

⁶⁵ *Mishna Berurah* 106:4. *Mishna Berurah* calls this the main (*Ikar*) opinion.

⁶⁶ R. Akiva b. Moses Eiger (1761-1837), *Hagahot R. Akiva Eiger*, ad. loc.

do so at least once each day.⁶⁷ This gives them an entirely different legal relationship with prayer than we find with men. Therefore, even if we argue that women count as part of the *rabbim* for *tefillat rabbim*, they certainly cannot lead. This analysis also reinforces the concerns raised about having a non-adult male serve as *Hazan* for *Kabbalat Shabbat*. Certainly they do not have the same prayer obligation as an adult man and allowing them to lead would appear to be problematic.

To summarize these last two sections: *Kabbalat Shabbat* is likely a *kiyyum* of *tefillah be-tsibbur* when offered with a *Hazan* and a *minyán*. At the very least, it is *tefillat rabbim* when recited in public. *Tefillat rabbim* is “*tefillah be-tsibbur* lite.” Even if *Kabbalat Shabbat* is an expanded form of *tefillat yahid*, the individual obligation of a child or a woman to pray is different than that of a man – according to all normative opinions. As with *Birkhat ha-Mazon*, that means that a woman cannot lead *Kabbalat Shabbat*.

Similarly, the claim that having a child lead is an act of *hinnukh* does not seem sufficient to overcome the concerns raised here. This is true if *Kabbalat Shabbat* is *tefillat rabbim* and even more so if it is a form of or an actual experience of *tefillah be-tsibbur*.

VI. THE TALE OF THE TALLIT

There is an additional indication that we treat *Kabbalat Shabbat* as *tefillah be-tsibbur*: that is the use of the *tallit* during that service.

Halakhically, one should not put on or wear a *tallit* after the sun goes down.⁶⁸ For this reason, men come to *shul* early on *erev Yom Kippur* in order to put on their *Tallit* before sunset.⁶⁹ The use of the *tallit* for *Ma'ariv* is explained as an aid to standing in awe during the prayer, which is why there is an exception on the night of *Yom Kippur*. But the *tallit* should certainly be on before the sun departs for the day.

A similar issue arises with regard to *Selihot*, which are recited in some cases in the middle of the night. Nonetheless, the *Hazan* wears a *Tallit* during *Selihot*, either out of respect for the community, or in response to

⁶⁷ Rambam, *Hilkhot Tefillah* 1:2

⁶⁸ R. Asher ben Jechiel (c1250 –1327), *Tosafot ha-Rosh, Shabbat* 25b, R. Chaim Yosef David Azulai (*Hida*), (1724 -1806), *Birkei Yosef, Orach Hayyim* 18:1; R. Yosef Chaim mi-Bagdad (1832 –1909), *Sefer Ben Ish Hai, Hilkhot Shannah Rishonah, Parshat Vayakhel and Parshat Shoftim; Mishna Berurah* 18:4.

⁶⁹ Rema, *Orach Hayyim* 18:1.

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the presence of God.⁷⁰ Some say that it is impossible for the *Hazan* to lead communal prayer at any time without wearing a *tallit*.⁷¹

Kabbalat Shabbat often begins after sunset. Even when it doesn't, it frequently stretches into twilight or dark. In some *yeshivot*, there may be a lengthy pause between the end of *Kabbalat Shabbat* and *Maariv* for dancing or learning. Nonetheless, the *Hazan* who leads *Kabbalat Shabbat* always wears a *tallit* and no one is concerned whether or not sunset has passed before he puts it on, nor do they rush to finish before the sun goes down. It would seem that if *Kabbalat Shabbat* were not a communal prayer, this issue would have been raised at some point by someone. The presence of the *tallit* would therefore suggest that *Kabbalat Shabbat* has been accepted as *tefillah be-tsibbur*.

VII. THE PRECEDENT OF *MAGEN AVOT*

On Friday nights, a series of paragraphs are recited after the *Ma'ariv Amidah*. These paragraphs, called *Berakha Ahat Mei'en Sheva*,⁷² are known colloquially as *Magen Avot*.⁷³ This liturgy was instituted because synagogues were once out in the fields and people might be slow in getting there for services. The lengthening of the services allowed everyone to finish their prayers at the same time so that all could return home together, providing protection from the dangers of the road.⁷⁴

⁷⁰ R. Solomon b. Jechiel Luria (Maharshal) (1510- 1574), *Yam Shel Shlomo, Kiddushin* 1. R. David b. Solomon ibn Avi Zimra (1479 -1573), *Responsa Radbaz* 4:244. R. Yom Tov b. Avraham Ashvili (1250 -1320), *Hiddushei Ritva, Shabbat* 25b; *Hida*, loc. cit, 619 and R. Shneur Zalman b. Baruch (1745- 1813), *Shulhan Arukh ha-Rav* 18:3 say that the *tallit* at *Ma'ariv* on *Yom Kippur* is worn because we are meant to appear as angels. See also Klein, 15:23. See also R. Elazar of Worms (1160 – 1230) *Peirush Siddur ha-Tefillah la-Rokeah*, Jerusalem, 1994, p. 610; See also R. David HaLevi (1586- 1667), *Taz, Orah Hayyim* 14:4, 581:2 and R. Shlomo b. Aderet (1235-1310), *Hiddushei ha-Rasba, Eiruvim* 92b.

⁷¹ *Taz*, ad. loc; *Mishna Berurah* ad. loc; *Arukh ha-Shulhan, Orah Hayyim* 53:18, and See R. Solomon b. Judah Aaron Kluger (1785 -1869), *Responsa Ha-Elef Lekha Shlomo, Orah Hayyim* 37, This is derived from *B. Rosh Hashanah* 17b: "The Holy One Blessed Be He wrapped Himself (in a *tallit*) as a *Hazan*." Apparently the official apparel of a *Hazan* includes a *Tallit*.

⁷² See discussion in R. Judah b. Barzilai (11th-12th centuries), *Sefer ha-Ittim*, no. 139 and particularly the opinion of Natronai Gaon cited there.

⁷³ Rashi, *B. Shabbat* 24b sv. *shaliah tsibbur*.

⁷⁴ R. Mordechai b. Hillel, (1240 -1298), *Mordekhai, Shabbat* no. 407; Rashi, ad. loc, and R. Simhah of Vitry (12th century), *Mahzor Vitri* no. 105. These *Rishonim* see the danger as supernatural. R. Eliezer ben Yoel Halevi, (c.1140 - c.1220), *Ravya, Masekhet Shabbat* 1:200 sees the danger as either physical or astrological.

This prayer always concludes with the blessing “*mekadesh ha-Shabbat*” – even when recited on a Sabbath that coincides with a holiday.⁷⁵ However, when this blessing appears in the *Amidah* or *Kiddush*, both *Shabbat* and the holiday are mentioned. As Rava says:⁷⁶

When a holiday coincides with *Shabbat*, the *Hazan* ... does not mention the holiday, because were it not *Shabbat* the *Hazan* would not go down for *Maariv* on a holiday... [L]ogically, even on *Shabbat* this is not necessary, but the Rabbis ... decreed it because of danger.

Amram Gaon⁷⁷ and Rashi⁷⁸ emphasize that there was originally no *Hazan* for *Ma'ariv* on days other than *Shabbat*, and that on *Shabbat* the *Hazan* began his task only after the silent *Amidah* with the paragraphs of *va-Yekhulu* and *Magen Avot*. Rashi refers to this section as *tefillat ha-tsibbur* precisely because the *Hazan* led the congregation here and only here.⁷⁹

Classically, Rabban Gamliel and R. Joshua debate whether *Ma'ariv* is obligatory or discretionary.⁸⁰ *Sefer ha-Ittim* states that when there was no *Hazan* for *Ma'ariv*, years after the era of these two protagonists, the halakha was that *Ma'ariv* was discretionary.⁸¹ That is why the Talmud says that there was no need even on *Shabbat* for a *Hazan* until the decree mandating *Magen Avot* went into effect. The presence of a *Hazan* was essential to *Magen Avot* becoming a mandatory *tefillah be-tsibbur*. *Magen Avot* became mandatory with a *Hazan*, but no other part of that service and on no other day but *Shabbat* was *Maariv* at all mandatory.⁸²

Today *Ma'ariv* is considered mandatory. The first movement in this direction was the required presence of a *Hazan* for *Magen Avot*. Today we employ a *Hazan* for *Ma'ariv* every day of the year. His presence was essential to the transition of *Maariv* from a private discretionary prayer to a mandatory communal liturgy.

If the presence of a *Hazan* makes a prayer mandatory, then *Kabbalat Shabbat*, which today has a *Hazan* in the vast majority of synagogues, is

⁷⁵ *Seder Rav Amram Gaon, Tefillat Arvit shel Leil Yom ha-Kippurim*.

⁷⁶ B. *Shabbat* 24b.

⁷⁷ Loc. cit.

⁷⁸ B. *Shabbat* 24b sv. *shaliah tsibbur*.

⁷⁹ Ibid s.v., *mishum sakkanah*.

⁸⁰ B. *Berakhot* 27b

⁸¹ *Sefer ha-Ittim*, loc. cit. He adds that even when *Ma'ariv* was optional, once one began the recitation all the rules of compulsory prayer had to be followed. Applying this to *Kabbalat Shabbat* would also make women ineligible to lead. See R. Abraham b. Nathan (c. 1155- 1215) *Sefer ha-Manhig, Shabbat* 139

⁸² Ravva, *Masekhet Shabbat* 1:196.

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also mandatory. Just as *Magen Avot* developed after the time when Rabban Gamliel made the daily *Shmoneh Esrei* obligatory⁸³ and it became a compulsory communal liturgy with the presence of a *Hazan*, then this same process should apply to *Kabbalat Shabbat*. *Tefillah be-tsibbur* requires the presence of ten adult males and a *Hazan*. Since those elements are both present when *Kabbalat Shabbat* is recited communally, it too must be a required *tefillah be-tsibbur*. Also one cannot opt out of reciting *Kabbalat Shabbat* because it is no longer discretionary, if it ever was.

In those communities which do not employ a *Hazan* for *Kabbalat Shabbat*, that lack would indicate that they view this liturgy as neither mandatory nor communal. Nonetheless, putting a woman (and maybe a child) into the role of *Hazan* would still be problematic. Adding a *Hazan* makes the prayer mandatory and communal, but women and possibly children cannot lead a mandatory communal prayer. As a result, even in a setting that currently has no *Hazan*, the innovation of using a *Hazan* who cannot serve as a *Hazan* for communal prayer creates a halakhic dissonance that is unsustainable.

This dovetails with the section of the Tosefta⁸⁴ that tells us that:

[A] girl who has grown two (pubic) hairs is obligated regarding all Torah laws and she performs either *Halitza* or *Yibum*.⁸⁵

So too a boy who has grown two (pubic) hairs is obligated regarding all Torah laws, he is qualified to be a rebellious son.⁸⁶ When his beard fills in he may be the representative of the community to go down before the ark (to lead services).

This text indicates that the role of *hazan* is only contemplated for men. Women are mentioned here as well, but the concept of a woman prayer leader is not even discussed.

Boys before puberty are also excluded because they have no obligations. However, many authorities allow a young man whose beard has not fully grown in to serve as an ad hoc prayer leader because the text does not discuss that age explicitly, but no such exception is made for a pre-*Bar Mitzvah* boy.⁸⁷

⁸³ M *Berakhot* 4:3.

⁸⁴ *Hagigah* 1:3. See also B. *Hullin* 24b.

⁸⁵ Deut. 25:5-10

⁸⁶ Ibid. 21:18-21

⁸⁷ Rambam, *Hilkhot Tefillah* 8:11; *Shulhan Arukh*, *Orah Hayyim* 53:6.

VIII. CONCLUSION

How we understand the halakhic reality of *Kabbalat Shabbat* must be based on proper epistemology and analysis of appropriate historical precedents. What the nature of *Kabbalat Shabbat* was in 1611 is – for purposes of our inquiry – relatively inconsequential when considered alongside what *Kabbalat Shabbat* is in 2011. Nevertheless, there is some evidence that the Ari wanted it to be a communal prayer back when he initiated it.

Today *Kabbalat Shabbat* is mandatory probably under the rubric of a “custom that has spread through all Israel,” even if some do not recite it as is familiar in Ashkenazi synagogues. Even if one disputes that designation, *Or Zaru’a* tells us that its repeated use makes it mandatory for those congregations and communities where it has been a traditional part of the services.

Kabbalat Shabbat would seem to be *tefillah be-tsibbur* because that designation is dependent on having ten men present for the prayer and a *Hazan* to lead. It does not appear to matter what the content of the liturgy happens to be as long as the requisite structure is in place. This conclusion is reinforced by the ubiquitous presence of a *tallit* on the prayer leader’s shoulders even when *Kabbalat Shabbat* begins well after sunset and even when there is a lengthy pause between this liturgy and *Maariv*.

If *Kabbalat Shabbat* is not considered *tefillah be-tsibbur*, it is at least *tefillat rabbim*, which R. Kook sees as a lesser form of *tefillah be-tsibbur*. And, pace *Magen Avot*, it may have started as something else, but today it must be appreciated for what it is: a mandatory liturgy, which in the presence of a *minyan* and a *hazan* becomes community prayer.

In the end, *Kabbalat Shabbat* is a serious mandatory prayer. It is not simply a collection of Psalms structured around a medieval poem called *Lekha Dodi*. The prayer leader for *Kabbalat Shabbat* is not just someone standing there setting the pace and choosing the melodies. He is a *hazan* in the fullest sense of the word and his job is to successfully lead the congregation through this very important and mandatory spiritual high point of the week.

