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"Taking Responsibility for Torah"

THE PRIVATE HISTORY OF A PSAK THAT FAILED

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Let's assume that many synagogues in cold climates cannot provide enough spaces at COVID-safe megillah-readings for their entire membership. Let us also assume that we don't want anyone to risk their lives from cold or COVID in order to hear megillah, or even Parshat Zakhor (which we can wait for better weather to fulfill).

I began with a strong feeling that our communities should have invested more energy in training leiners, commissioning klafs, and setting up spreadsheets, to ensure much wider access to a live reading from a kosher megillah. The wonderful efforts of Chabad in New Rochelle last year should have been our model.

Based on that feeling, I thought that we were responsible to find a way that almost everyone could fulfill their obligations in a way halakhically preferable to just listening to a livestream. Let me explain that further.

I saw two attitudes toward reliance on livestreaming in public pronouncements.

One was celebratory; the pandemic allowed us to realize that our rejection of the internet as a ritual space was old fashioned and exclusionary. This is true. It is beyond question that more and more of "real life" is online, and that economic, physical, and emotional limitations make entering the physical space of synagogues very difficult for many people, especially those already on the margins of the community.

A second saw reliance on livestreaming as an emergency measure. The pandemic may well be the kind of extreme *sh'at hadchak* that allows halakhah to give credit for actions that wouldn't be minimally acceptable (*bediavad*) in ordinary times. (See my audio shiur [here](#) and article [here](#).)

Each of these approaches made me nervous. In brief - I intend to write about these more extensively in the near future – the first approach underplays the costs of decentering physical community. It's easy to see the analogy to the Conservative movement's decisions in the face of the movement to suburbia. It's also easy to see many important differences, both in terms of the sociology and especially in terms of the halakhic approaches; there's nothing beyond the bounds of normal halakhic discourse here. Nonetheless, it seemed to me unnecessarily risky.

I was also unhappy treating a second consecutive Purim as that kind of extreme halakhic emergency. But treating it as an ordinary emergency, and yet making reliance on the livestream widespread, seemed to me to make it much more likely that this reliance would take long-term root in our communities.

Because of these discomforts, and because I thought we could have done more to prepare, I was looking for another way that people could fulfill megillah at home.

However, Deborah Klapper challenged my assumptions in two ways. First, she argued that not much more could have been done because of the weather. Second, she thought that since many community rabbis had issued psakim, in reliance on major poskim, telling people that they could rely on the livestream this year, it would be wrong and irresponsible to make people feel uncomfortable doing so.

If I had no viable alternative, Deborah was certainly correct (and likely even if I did). But I received an email this week from my dear friend Dov Weinstein, who wrote: "If one is stuck at home with no options but listening to the megillah over zoom, do you think it would be at least a *biddur* to have the camera show a closeup of the *klaf*, such that the person at home can "see" the text, and read along for themselves out of a kosher megillah?"

I had not previously thought about how a visual of the scroll might help.

It seems obvious that for those who have a kosher megillah scroll at home, and are comfortable repeating Biblical Hebrew after dictation, the simplest and best solution is a recording made specifically to allow listeners to repeat it word for word while reading their own scroll. Last year a colleague responded to my request by posting a link to such a recording (68 minutes long) from Rabbi Daniel Mann, and I am told that it is available upon request from info@eretzhemdah.org.

Many people don't have access to a scroll. But if a livestream video combined with livestream dictation would work halakhically, they would not need one. I thought this could be the practical alternative I needed.

Deborah challenged this assumption as well. She argued that I radically overestimated people's comfort and competence at repeating the Hebrew of the megillah after dictation, even if they could look at a (unvocalized) text while doing so. She also argued that not many people would find this a congenial option; and that even those who tried it would probably make mistakes that would prevent them from fulfilling the mitzvah. If they allowed more competent people to correct them, they would be humiliated as well (and probably still make too many mistakes).

That should probably have been enough to stop me. However, Deborah only got involved after I had already written several drafts of an essay arguing for this proposal.

Here was the initial version of my argument.

In Shu"t Yabia Omer (4OC:8:15), Rav Ovadiah Yosef zt"l understands Shu"t Radbaz (3:605) as holding that if a person reads a text silently, then repeats it out loud immediately while looking away, they are nonetheless considered to be **reading from the text**. (This position is necessary for just about any

contemporary *keriat haTorah* to be valid, since *baalei keriah* often look just ahead while reading, especially when they transition between columns.)

Rav Ovadiah contends that Radbaz's position is supported by Sefer haEshkol (via Nimmukei Yosef) and Agudah's position that a blind person can receive an Aliyah. He understands them as requiring the blind person to repeat the *keriah* word for word after someone who is reading directly from the scroll. Rav Ovadiah further contends that Beit Yosef (OC 141) cites their position in the context of ROSH's position that the *oleh* must formally be the Torah reader, with the "official" *baal keriah* serving only to prompt the *oleh*. Therefore, the blind *oleh* must be considered to be **reading from the text**.

א"ו

שמכיון שהש"צ רואה וקורא מתוך הכתב,
והסומא קורא אחריו בנחת בתכ"ד לראייתו של הש"צ –
שפיר דמי.

אלמא דלא בעינן שהקריאה של העולה לס"ת תהיה מתוך הכתב ממש.

Rather, it must be

*that since the shaliach tzibbur sees and reads from the written text,
and the blind person reads after him quietly immediately after the shaliach
tzibbur sees that text –
this is halakhically fine.*

*So we see that we do not require the oleh's reading to be literally from the
written text.*

Beit Yosef rejects Sefer HaEshkol's position, and our own custom to give aliyot to the blind rests primarily on Maharil (brought by RAMO in Shulchan Arukh OC139:3), who rejects ROSH's position that the *oleh* must read. However, Rav Ovadiah suggests that Beit Yosef rejects HaEshkol only with regard to someone who is blind.

וגם הב"י ודעימיה שחלקו על האשכול וסיעתו
י"ל שמודים בזה,

רק שבסומא, הואיל ואינו רואה בעצמו הכתב –
אין לסמוך על ראית הש"צ וקריאתו,
אבל כשרואה הכתב בעצמו –
אפי' קורא התיבה בע"פ ש"ד.

Even Beit Yosef and those with him, who disagreed with Eshkol and his aides

–

we can say that they concede to this,

*and it's only that with regard to a blind person, since he does not himself see the
written text,*

*we cannot rely on the seeing and reading of the shaliach tzibbur,
but when the oleh sees the written text themselves –
it is halakhically fine even if the oleh reads the word from memory*

I thought the simplest explanation for this position is that for the sighted, repeating dictation from a scroll is considered reading from that scroll. However, this extension does not apply to people physically incapable of visual reading (and perhaps not to illiterates). On this basis, a person could probably be considered to be **reading from the text of a megillah** if they repeated it word for word after a livestream of someone reading from a kosher megillah.

However, Dov Weinstein correctly pointed out that Rav Ovadiah's language indicates that Beit Yosef ultimately requires not only the possibility of seeing the written text, but also actually

seeing it, even if the seeing and reading need not be exactly simultaneous.

One might argue that Beit Yosef's requirement of actual seeing is necessary only to avoid the negative prohibition against reciting Written Torah from memory (which may be evaded nowadays by reading from a printed or projected text), and not for the positive requirement of reading from a text. But that seems elaborate and speculative, and perhaps also insufficient.

Repeating after a livestream reading from a kosher megillah is therefore effective only according to the position that Beit Yosef rejects. Furthermore, I am not convinced that Eshkol and Agudah in fact required the blind *oleh* to repeat from dictation at all; more likely one or both ruled against ROSH and did not require any *oleh* to read for themselves. Accordingly, repeating after a livestream reading seemed unlikely to move the needle far enough halakhically, even if combined with the possibility that one fulfills the obligation simply by listening to the livestream..

However, there is also extensive halakhic literature about whether various forms of indirect "seeing" count as seeing. The conversation generally begins with Shu"t Halakhot Ketanot 1:99 (see also 1:274) about spectacled *baalei keriah*, but the literature covers *kiddush habodesh*, *re'iyat negaim*, *dayyanei chalitza*, the blessing said when seeing kings, davening in the presence of excrement, and many other topics. The general outcome is that all these forms of seeing are sufficient. The exceptions are where the indirectness introduces a significantly greater possibility of error.

None of these seeings is halakhically vicarious – no one fulfills anyone else's **obligation of seeing**. Any attempt to do that would be subject to the same rules as attempting to fulfill obligations of speech via a livestream.

However, with regard to *keriat megillah*, the mitzvah is not seeing but **reading**, just with a condition that the reading must be from a scroll. What if one repeats dictation from a livestreamed reading while looking at a video livestream of the megillah being read from? That, I thought would very likely fulfill Beit Yosef's requirement that the repeater be looking at the scroll being dictated from.

So even after Deborah's critique, I thought I still had enough to at least launch a trial balloon for such a reading. I should have realized that if there were no longer important practical effects, I needed to do much more extensive research before thinking about psak.

Happily, a wonderful friend and talmid chakham, Rav Yitzchak Roness, pointed me to <https://www.hebrewbooks.org/pdfpager.aspx?req=43794&st=&pnum=287&hilite=>, which contains a much better sourced and developed discussion of the issues associated with my argument. So on my father-in-law's theory that "No one is useless – you can always be a bad example," I've written the essay you've read.