

**Reading Torah in Sign Language: An Appendix to “The Status of the Heresh and of Sign Language”**

**Rabbi Pamela Barmash**

*This responsum was approved by the CJLS on November 16, 2011 by a vote of sixteen in favor, none opposed and two abstaining (16-0-2). Members voting in favor: Rabbis Aaron Alexander, Pamela Barmash, Elliot Dorff, Baruch Frydman-Kohl, Susan Grossman, Reuven Hammer, Joshua Heller, Jeremy Kalmanofsky, Gail Labovitz, Amy Levin, Jonathan Lubliner, Daniel Nevins, Avram Reisner, Elie Spitz, Barry Starr and Steven Wernick. Members abstaining: Rabbis Paul Plotkin and Adam Kligfeld.*

As stated earlier in this teshuvah, the Torah reading is a mandate upon a community, not upon an individual, and the blessings were instituted to honor the congregation.<sup>1</sup> Halakhic tradition holds that Moses established a public reading of the Torah on Shabbat, Mondays and Thursdays and that Ezra instituted a public reading of the Torah on Shabbat afternoons.<sup>2</sup> A community is obligated to provide a public reading of the Torah, but a Torah reading is not the personal liturgical mandate of the Torah reader or individual congregants.<sup>3</sup>

-----  
*The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.*

<sup>1</sup> This principle was dominant among the rishonim and aharonim, and it is considered to have been first enunciated by Ramban (Milhamot ha-Shem to Rabbi Yitshak Alfasi, Megillah, page 3). Also Meiri, Beit ha-Behirah on Megillah, 24; Rabbenu Nissim on Rabbi Yitshak Alfasi, Megillah, page 13; RoSh, Berakhot, chapter 7, siman 20; Moshe Feinstein, *Igrot Moshe*, O.H., 1:28 (contra *Igrot Moshe*, O.H. 4:40, a very brief teshuvah in which Feinstein might have adopted the practical purpose of encouraging attendance at a Torah reading); Ovadia Yosef, *Yabia Omer*, O.H., helek 7, siman 9, ot 1; helek 8, siman 14; Y.D. helek 4, siman 31, ot 3; Eliezer Waldenberg, *Tzitz Eliezer*, volume 8, siman 1, kuntres katan la-maftir, chapter 5. See Daniel S. Nevins, “The Participation of Jews who are Blind in the Torah Service,” Committee on Jewish Law and Standards of the Rabbinical Assembly, page 6; and Mendel Shapiro, “*Qeri’at ha-Torah* by Women: A Halakhic Analysis,” *The Edah Journal* 1: 2 (2001), pages 5-7. There have been a few dissenters, but their view has not been upheld (see the Hafetz Hayyim in *Biur ha-Golah*, O.H. 146:2, referring to Zedekiah ben Avraham Anav).

<sup>2</sup> B. Bava Kamma 82a; M.T. Hilkhhot Tefilah 12:1

<sup>3</sup> In fact, as long as ten people pay attention to the Torah reading in a synagogue, the others present can ignore it and devote themselves to other texts or their personal review of the reading or discuss quietly other matters of Torah: even though these activities might be seen as infractions of synagogue etiquette, they do not violate the fundamental law.(S.A., O.H. 146:2)

The purpose of the public Torah reading is to make the Torah known to the assembled people. Rabbi Ovadia Yosef states:

עיקר קריאת התורה היא שידעו ויבינו וישמעו את התורה

The purpose of the Torah reading is that (the congregation) should know, understand, and hear the Torah.<sup>4</sup>

The Torah reading is not an pro forma ritual: its goal is to make the Torah known to a congregation.

How then would this obligation be fulfilled in a congregation of deaf Jews? A congregation of deaf Jews conducting its davenning in sign naturally wants a Torah reading in sign, in consonance with the rest of its liturgy, and to have it considered equal to what happens in a hearing minyan.<sup>5</sup> Could reading the Torah directly in sign language fulfill a community's obligation for the public reading of Torah? The answer to this question depends on whether signing directly from a scroll is merely a form of translation from one language to another or whether signing directly from a scroll is expressing what is written in the scroll by a form of communication equal to oral language.

If sign language is merely a translation of what is written in the Torah, then reading the Torah in sign language is the same as reading the parashah in English or Aramaic (or any other oral language)<sup>6</sup>, and when a congregation has the parashah read in any other language than Hebrew, the reading is for educational purposes. The berakhah to be recited is the berakhah recited before any study of Torah, the berakhah לעסוק בדברי תורה, and there would not be aliyot..

However, sign language has two characteristics that distinguish it from oral languages. It is a mode of communication that operates distinctly from oral language, like English or Aramaic. Sign language possesses all the sophistication of an oral language. An oral language uses articulation (of the lips, tongue, teeth, palate, etc.) and pitch to express its basic units of meaning (morphemes), whereas sign language uses the orientation of the fingers, hand, arm, and body in three dimensions to express its basic units of meaning.<sup>7</sup> (It must be emphasized that one consequence of this distinction is that *Israeli Sign Language is not related to Hebrew*. Hebrew is a Semitic language that expresses meaning via the manipulation of three basic units of sound

<sup>4</sup> ספר משיעורי מרן הראש"ל רבינו עובדיה יוסף (גיסן תשנ"ח), עמ' ק"ג.

<sup>5</sup> Chanting the Torah orally, as is usually done in hearing communities, would be acceptable *only* if it were accompanied by signing (or electronic captioning service, which may pose issues if operated on Shabbat and *haggim*). However, this would obligate reliance on a hearing person and would not allow a deaf congregation to worship on its own, and in fact a deaf congregation would do this only in the situation in which none of its members is able to read Torah.

<sup>6</sup> A ground-breaking analysis of shifting Jewish attitudes to the Septuagint is Abraham Wasserstein and David Wasserstein, *The Legend of the Septuagint* (Cambridge: Cambridge University Press, 2006).

<sup>7</sup> William Stokoe, *Sign Language Structure: An Outline of the Visual Communication Systems of the American Deaf* (Studies in Linguistics, Occasional Papers 8; Buffalo: University of Buffalo, 1960); Edward S. Klima and Ursula Bellugi, *The Signs of Language* (Cambridge: Harvard University Press, 1979).

[phonemes]<sup>8</sup>, whereas Israeli Sign Language is a sign language that expresses meaning through the movement of the human body).<sup>9</sup>

Most importantly, sign language is a mode of access. It is a means of communication through which the deaf are able to communicate using the senses that they possess. An example from outside the realm of halakhah demonstrates the unique status of sign language.<sup>10</sup> The Americans with Disabilities Act requires employers, public entities, and businesses to provide sign language interpretation (and any other form of communication access) to people who are deaf and hard of hearing. This legal distinction recognizes the unique communication requirements of persons who are deaf and hard of hearing, and creates a mandate for communication access for this population.<sup>11</sup> Sign language must be provided for purposes of access.

Sign language, as a means of access for the deaf and as the means of communication for the deaf, fits a deaf congregation. If a deaf congregation has a reader who can sign directly from a Torah scroll<sup>12</sup>, then the congregation can have aliyot with the brakhot for an aliyah. If the deaf congregation does not have a reader who can sign directly from a Torah scroll, a signer can sign from a printed text but there would not be aliyot, just like a hearing congregation reading from a printed text, and the berakhah to be recited is the berakhah recited before any study of Torah, the

<sup>8</sup> Abulwalid Merwan (Jonah) ibn Janah, *Sefer ha-shorashim* (trans. Judah ibn Tibbon; ed. Wilhelm Bacher; Berlin: H. Itzkowski, 1896), 1-8; E. Kautzsch and A.E. Cowley, *Gesenius' Hebrew Grammar* (second English edition; Oxford: Clarendon, 1910), 1-7; Paul Joüon and T. Muraoka, *A Grammar of Biblical Hebrew* (reprint with corrections; Rome: Pontifical Biblical Institute, 1993), 2-9.

<sup>9</sup> Irit Meir and Wendy Sandler, שפה במרחב: אשנב לשפת הסימנים הישראלית (חיפה: אוניברסיטת חיפה, 2004); *A Language in Space: The Story of Israeli Sign Language* (New York: Lawrence Erbaum, 2008).

<sup>10</sup> Personal communication from Howard Rosenblum.

<sup>11</sup> For the text of the Americans with Disabilities Act, see <[www.ada.gov/pubs/adastatute08.htm](http://www.ada.gov/pubs/adastatute08.htm)>. For an intriguing history of the challenges faced by deaf Jews in the United States in the early 20th century, see Sarah Abrevaya Stein, "Deaf American Jewish Culture in Historical Perspective," *American Jewish History* 95 (2009), 277-305.

<sup>12</sup> The te'amei ha-miqra serve as an interpretation of the biblical text through continuous dichotomy. On the theory of the te'amim, see William Wickes, *The Accentuation of the 21 so-called Prose Books of the Bible* (Oxford: Clarendon, 1889); Mordechai Breuer, טעמי המקרא בכ"א (1982); Michael Perlman, דפים ללימוד טעמי המקרא (ירושלים: מכילת ירושלים, 1961-1972); Miles B. Cohen, "The System of Accentuation in the Hebrew Bible," (undergraduate thesis, University of Minnesota, 1969). On the te'amim as an interpretation of the biblical text, see Simcha Kogut, המקרא בין טעמים לפרשנות (Jerusalem: Magnes Press, 1994). The musical actualization is secondary and, at times, erroneous, contradicting the te'amim at times (see Tobie Strauss, השפעת גורמים פרוזודיים וגורמים אחרים על חלוקת כ"א ספרים, Ph.D. dissertation, Hebrew University, 2009).

berakhah לעסוק בדברי תורה.<sup>13</sup> In either case, signers should use gestures that are appropriate in a Jewish context and finger-spell divine names, personal names and geographic names.

פסק

In a deaf congregation, a Torah reading with aliyot may be conducted with a reader signing directly from a scroll or with a reader chanting orally from the scroll accompanied by either signing in sign language or electronic captioning.

---

<sup>13</sup> Special appreciation for their assistance in writing this appendix: Naomi Brunnlehrman, Rabbi Rebecca Dubowe, Rabbi Deborah Goldmann, Alexis Kashar, Howard Rosenblum, Jan Seeley.