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THE PARTICIPATION OF JEWS WHO ARE BLIND IN THE TORAH SERVICE

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שאלה¹

Can a person who is blind read Torah by memorizing the *parshah*, or by placing a scanner on top of the Torah text that would translate the text into braille?

תשובה²

לֹא־תִקְלַל חֵרֶשׁ וְלֹפְנֵי עֹרֶר לֹא תִתֵּן מִכְשֵׁל וְנִרְאֵת מִאֲלֵקֶיךָ אֲנִי ה'; וּיקרא יט, יד.
*Do not curse the deaf nor shall you place a stumbling block before the blind;
you shall revere your God--I am Adonai (Leviticus 19:14).*

Throughout Jewish history, Jews who are blind have functioned as full members of the Jewish community, and in many cases, as spiritual and educational leaders too. In contrast to many ancient societies which scorned and persecuted people with disabilities, Judaism has taught us to see the infinite worth of human life and to preserve the safety and dignity of all people. One measure of a person's dignity is the extent to which he or she is included in the ritual expectations of his or her community.

There is a substantial halakhic literature regarding the obligations of Jews who are blind to observe the mitzvot and their ability to fulfill various ritual requirements on behalf of themselves, their families and the congregation.³ In this responsum, we will review the debate

¹ I thank Rabbi David Krishef for the initial inquiry and sources for this responsum.

² I am grateful for the advice on this topic of Professor Abraham Nemeth, a remarkable member of my congregation who is the creator of the "Nemeth Code" for marking mathematical notation in braille. See his article in *Braille into the Next Millennium* (Washington, D.C.: National Library for the Blind and Physically Handicapped, 2000). I have also benefited from the advice of Rabbi Michael Levy, who is a board member of the Jewish Braille Institute of America. His article, "To Stand on Holy Ground: A Jewish Spiritual Perspective on Disability" (*Rehabilitation Education*, Volume 9, No. 2 and 3, 1995, pp. 163-170) deepened my understanding of the integration of physical disability into the mission of serving God with one's life. Rabbis Joel Roth, Mayer Rabinowitz and David Fine were all very helpful in locating obscure sources and reviewing this *teshuvah* with me.

³ Late in this project I found four excellent overviews on the blind and halakha: Dr. Avraham Steinberg, 'תחומין ג', (תורה שבעל פה, לא, תש"ן) חיוב סומא במצוות, Rabbi Norman Lamm, (תשמ"ב) העיור בהשקפת היהדות, Rabbi Monique Susskind Goldberg, (unpublished Masters/Ordination thesis, Machon Schechter, 1999) and Rabbi Aryeh Rodriguez, (ירושלים: בית חנוך מורים תשס"ב) ספר סומא. There is also a Hasidic overview by Rabbi David H. Toiv, Director of the Jewish Heritage for the Blind, entitled *Halakhic Rulings Relating to the Blind* (NY: The Jewish Heritage for the Blind, 1997). These articles are cited below.

about the general obligation of Jews who are blind to observe the commandments, and then the specific literature addressing their receiving an aliyah to the Torah, as well as reading Torah for the congregation. This paper will not address all aspects of ritual practice, but will touch on specific mitzvot which have been the basis for Jewish case law on the blind. Dr. Avraham Steinberg lists twenty-eight mitzvot (e.g. ברכת המלך, the blessing upon seeing a king) that would seem to require vision for which the blind are nevertheless obligated, as well as fifteen mitzvot for which their physical disability prevents participation. Our question is into which category the various roles of the Torah service fall.

Are Blind Jews Obligated to Keep the Mitzvot?

The foundation text for our question is a *sugya* found in *Bava Kamma* 86b-87a. The anonymous Mishnah (8:1) states that:

הַמְבִיט אֶת הָעֵרוֹם, הַמְבִיט אֶת הַסּוּמָא, וְהַמְבִיט אֶת הַיָּשׁוּן, חַיִּיב.

He who humiliates one who is naked, blind or asleep is liable.

In this text, three classes of victims are qualified for indemnification. Yet what if these individuals were not the victims, but rather the perpetrators? The Mishnah states that one who is *asleep* is not liable for humiliation that he caused, וְיָשׁוּן שֶׁבִיט, פָּטוּר. It does not, however, indicate whether a *blind* (or a naked) person is liable for causing humiliation to others. The lack of a parallel exemption in the Mishnah for Jews who are blind is understood to imply⁴ that they are indeed liable for any humiliation which they might cause to others.⁵

In the Gemara, Rabbi Yehudah is cited disagreeing with the *Stam Mishnah*,⁶ stating that סוּמָא אֵין לוֹ בּוֹשֵׁת, literally, “a blind man has no disgrace.” At first blush, this remark seems to mean that Rabbi Yehudah exempts sighted people for the humiliation of the blind! However, Rashi and Tosafot understand Rabbi Yehudah’s statement to disagree only with the Mishnah’s implication that people who are blind are themselves liable should they humiliate others. As Tosafot notes, דְּמוּדָה רַבִּי יְהוּדָה דְּמַבִּיט אֶת הַסּוּמָא חַיִּיב, “for Rabbi Yehudah agrees [with the Mishnah] that one who humiliates the blind is liable.”⁷

The true question is why Rabbi Yehudah exempts Jews who are blind for damage done to others, and why the Mishnah holds them liable. The Talmud records, וְכֵן הָיָה רַבִּי יְהוּדָה פּוֹטְרוֹ מִכָּל, מצות האמורות בתורה, “and so too did Rabbi Yehudah exempt [the blind] from all mitzvot mentioned in the Torah.” Through the use of *gezeirah shava* and other interpretive techniques, the Gemara shows how Rabbi Yehudah’s exemption of Jews who are blind from various liabilities reflected his broader exemption of the blind from *all* mitzvot.

From this *sugya* in *Bava Kamma*, we learn that Jews who are blind are generally bound to the mitzvot according to the Mishnah. Although the Halakha was established in accordance with the teaching of the Mishnah, substantial confusion on the topic apparently reigned in the

⁴ This is established in the prior discussion on B.K. 86a and is then reflected in the commentaries of Rashi and Tosafot. See next note.

⁵ רש"י ב"ק פ"ג ע"ב ד"ה דלא כרבי יהודה. דאמר סומא אין לו בושת אם בייש חבירו פטור ומתניתין קתני ישן שבייש פטור ובסומא לא תנא הכי הלכך סומא חייב.

⁶ That is, the anonymous voice of the Mishnah. On B.K. 86a the source of this teaching is ultimately attributed to Rabbi Shimon, though some *Rishonim* identify this view with Rabbi Meir.

⁷ תוספות שם, ד"ה סומא.

subsequent generations, as indicated by the statement of Rav Yosef, who was blind:⁸

אמר רב יוסף: מריש הוה אמינא, מאן דאמר הלכה כר' יהודה, דאמר: סומא פטור מן המצות, קא עבידנא יומא טבא לרבנן. מ"ט? דהא לא מפקדינא וקא עבידנא מצוות. והשתא דשמעיתא להא דר' חנינא דאמר ר' חנינא: גדול מצווה ועושה ממי שאינו מצווה ועושה, מאן דאמר לי דאין הלכה כרבי יהודה, עבידנא יומא טבא לרבנן. מ"ט? דכי מפקדינא אית לי אגרא טפי.

Rav Yosef said, I initially said that if someone would teach the law like Rabbi Yehudah, who stated “the blind are exempt from the mitzvot,” I would make a feast for the rabbis [in his honor]. Why? For I am not commanded, but nevertheless I perform the mitzvot. But now that I have heard that said by Rabbi Hanina, “Greater is he who is commanded and performs [mitzvot] than is one who is not commanded but still performs [the mitzvot],” whoever can teach that the law is *not* like Rabbi Yehudah, I will make a feast for the rabbis [in his honor]. Why? If I am commanded, then I shall have a greater reward!

We do not learn the fate of Rav Yosef’s dinner party. Indeed, we are left to question whether the סומא has a general requirement, or a general exemption, for observing the commandments. Thus it is significant to learn on *Pesachim* 116b that Rav Yosef and his blind colleague Rav Sheshet each observed Passover and apparently recited the relevant blessings on behalf of their sighted guests:

אמר רב אחא בר יעקב: סומא פטור מלומר הגדה. כתיב הכא בעבור זה וכתיב התם בננו זה. מה להלן - פרט לסומא, אף כאן - פרט לסומין. איני? והאמר מרימר: שאלתינהו לרבנן דבי רב יוסף. מאן דאמר אגדתא בי רב יוסף? אמרו: רב יוסף. מאן דאמר אגדתא בי רב ששת? אמרו: רב ששת.

Rav Acha bar Yaakov said, the blind are exempt from reciting the Haggadah. It is written here [in the Seder, citing Exodus 13:8] “because of *this*,”⁹ and it is written there [Deut. 21:20, regarding the rebellious son] “*this*, our son.”¹⁰ Just as there--to exclude the blind, so too here, to exclude the blind. Really? Did not Mareimar relate, we asked the rabbis from the school of Rav Yosef, “who recited the Haggadah in the house of Rav Yosef?” They said, “Rav Yosef.” Who recited the Haggadah in the house of Rav Sheshet?” They said, “Rav Sheshet.”

Rav Acha bar Yaakov’s *gezeira shava* notwithstanding, these rabbis acted as obligated Jews in reciting the Haggadah and were apparently also the agents of their guests.¹¹ At the very least, the

⁸ בבא קמא פז ע"א, ובמקביל בשינויים קטנים בקדושין לא ע"א.

⁹ שמות פרק יג, פסוק ח. והגדת לבנד ביום ההוא לאמר בעבור זה עשה ה' לי בצאתי ממצרים:

¹⁰ בננו זה. This depends on the assumption that the parents’ statement to the elders was accompanied by a visual identification of their son. See Rashi, ד"ה פרט לסומין.

¹¹ This story can be harmonized with Rabbi Yehudah’s position based on the claim that the mitzvah of Hagadda is rabbinic, and Rabbi Yehudah agrees that blind Jews share general rabbinic obligations. See below, note 18.

story indicates that Jews who are blind may accept upon themselves the obligation to observe the commandments.¹²

Another sugya on *Beitzah* 16b relates that a student who was blind was held liable to prepare an *eruv tavshilin*¹³ by his teacher Mar Shmuel:

ההוא סמיא דהוה מסדר מתניתא קמיה דמר שמואל, חזייה דהוה עציב: אמר ליה: אמאי עציבת? - אמר ליה: דלא אותיבי ערובי תבשילין. - אמר ליה: סמוך אדידי. לשנה חזייה דהוה עציב, אמר ליה: אמאי עציבת? - אמר ליה: דלא אותיבי ערובי תבשילין. - אמר ליה: פושע את, לכולי עלמא - שרי, לדידך - אסור.

A certain blind man would recite *mishnayot* for Mar Shmuel, who saw that he was sad. He said to him, “Why are you sad?” He replied, “Because I did not prepare an *eruv tavshilin*.” He told him, “rely on mine.” Next year, he [again] saw that [the student] was sad. He said to him, “Why are you sad?” He replied, “Because I did not prepare an *eruv tavshilin*.” He told him, “You are a sinner! Everyone else can [rely on me] but for you it is forbidden.”

As Rashi explains, Mar Shmuel’s *eruv tavshilin* was not meant to cover habitual sinners. This source implies that the blind are indeed obligated to keep the mitzvot. Nevertheless, it is understood that blindness may impair observance of certain mitzvot.¹⁴

Mishnah *Megillah* 4:6 (Bavli, 24a) addresses this point. After a general discussion of the qualifications for various synagogue rituals, the *Tanna Kamma* includes the blind in the category of Jews permitted to lead the ancient practice of *poreis al shema*:¹⁵

סומא פורס את שמע ומתרגם. רבי יהודה אומר, כל שלא ראה מאורות מימיו, אינו פורס על שמע:

The blind can be *poreis et shema* and can translate [the Torah into Aramaic as part of the reading]. Rabbi Yehudah says, whoever has never seen [the celestial] lights in his life¹⁶ cannot be *poreis al shema*.¹⁷

¹² Rabbi Israel Francus cited this text in his article published in *The Ordination of Women as Rabbis* (NY: JTSA, 1988, p.38) as proof that a person who is obligated rabbinically cannot upgrade to a biblical obligation. Yet Rabbi Joel Roth, writing in the same volume, argues that the self-imposed obligation of women to observe mitzvot from which they were traditionally exempted is indeed legally significant (see esp. pp.141-148). In any event, the halakha for blind Jews ultimately follows the *stam mishnah* and fully obligates them to observe the commandments.

¹³ *Eruv tavshilin*. This is a symbolic amount of food set aside before a festival begins which allows food to be prepared during the festival for the Shabbat which immediately follows. It is customary to state one’s intention that others be covered by the *eruv tavshilin* in case they forgot to prepare one themselves.

¹⁴ One example is קרבן ראייה, the “appearance” offering presented by pilgrims in Jerusalem at the three festivals. See note 24 below and the Steinberg article for other examples.

¹⁵ The custom of collectively reciting the blessings before the Shema, especially ברכת יוצר, which praises God for creating the celestial lights. See Rashi on Sotah 30b: כסופר. מתחיל בברכות שלפני קריאת שמע והן

עונן אחריו וקורין כולן יחד וכך שרתה רוח הקודש על כולם וכוננו יחד את השירה ככתבה. See also S.A. O.H. 69:1.

¹⁶ This leads to a theoretical discussion in the Yerushalmi, and then the Rosh and Tosafot, about whether the disqualification requires that the person be truly blind, or whether a person raised in a cave who simply had never seen the sun and moon could recite these blessings for the congregation.

¹⁷ One version of this Mishnah, which is cited by the Rif (p.15a) and in one variant of *Sefer HaEshkol*, adds the

Because of a significant textual variant of this Mishnah cited by the Rif, we will have cause to return to this text later. Meanwhile, Tosafot questions why Rabbi Yehudah needed to disqualify Jews who are blind from performing *this* specific mitzvah of פורס על שמע. Hadn't he already exempted them from "all mitzvot mentioned in the Torah"? Tosafot concludes that even Rabbi Yehudah considered blind Jews חייבין דרבנן--liable to keep all the commandments on the authority of the rabbis, lest they live like gentiles.¹⁸ However, vision was an integral requirement to fulfill *poreis al shema*, and Rabbi Yehudah thus exempted them even from a rabbinic obligation for this mitzvah.

Although Jewish law followed the opinion of the Mishnah, namely that Jews who are blind are biblically commanded to keep the mitzvot,¹⁹ Rabbi Yehudah's dissent continued to be influential. Rabbi Benjamin ben Mattathias explained that in disputes between Rabbi Meir and Rabbi Yehudah, the Halakha is usually according to Rabbi Yehudah.²⁰ The medieval scholar Rabbeinu Yerucham²¹ cited the halakha that the blind are biblically exempt but nevertheless obligated to keep the mitzvot on rabbinic authority.²² However, this point of view is explicitly rejected by later *poskim* such as Rabbi Yosef Karo²³ and the Radbaz.²⁴

words "but he must not read Torah." See below, p.11.

¹⁸ בבא קמא פז ע"א ד"ה וכן (ב). וע"ע בתוספות מסכת ראש השנה לג ע"א ד"ה הא רבי יהודה הא רבי יוסי "...שלא יראה ככרי דאם פטרת ליה בכל מצות נמצא דאינו נוהג בתורת ישראל כלל."
¹⁹ בית יוסף אר"ח סוף ס' תעג, ובמשנה ברורה ס' נג ס"ק מא.

²⁰ Rabbi Benjamin ben Mattathias, Greece and Venice, early sixteenth century, writing in his responsa, שו"ת בנימין זאב שו"ת. He concludes nevertheless, based on the Bava Kama text and its subsequent interpretation that, even according to Rabbi Yehudah, the blind are obligated to read and bless the Torah.

²¹ Provence and Spain, 1280-1350.

²² רבינו ירוחם - תולדות אדם נתיב יג חלק א דף קג טור א. "סומא פטור מכל המצות. פירוש מדאורייתא אבל מדרבנן חייב כך פשוט בקדושין וכן מוכח בפסחים דחייב מדרבנן וכן מוכח שם דמוציא אחרים בדבר שחייבין מדרבנן ורבינו תם כתב שמברך על המצות שפטור ויש חולקין עליו ומחלקתם כתבתי נתיב כ"ז ח"א בענין נשים כי דינם שוה."

Rabbeinu Yerucham writes: "The blind are exempt from all mitzvot. This means biblically exempt, but rabbinically obligated. This is clear in *Kiddushin* and also found in *Pesahim* that he is rabbinically obligated--thus it is proven in that he fulfills the rabbinic obligations of others. And Rabbeinu Tam wrote that one can recite the blessing over mitzvot from which s/he is exempt. But others disagree with him as I have written in section 27, part 1 regarding women, for their status is identical (to the blind)."

²³ בית יוסף אורח חיים סימן תעג אות ז ד"ה ומוזגין מיד. "ולית הלכתא כוותיה [כר"י]. ומיהו מה שכתב דמכל מקום חייב בכל מדרבנן כ"כ התוספות בפרק החובל (ד"ה וכן דבור שני) אליבא דרבי יהודה: "ובאורח חיים סימן נג אות יד ד"ה סומא יכול כתב "דסומא חייב בכל המצות."

Beit Yosef writes, "The law is not like him [i.e. Rabbi Yehudah]. Yet he wrote that in any event, [the blind] are obligated by the Rabbis, and so too wrote Tosafot in *Perek HaHoveil* based upon Rabbi Yehudah." B.Y. writes further, "For the blind are obligated in all the mitzvot."

²⁴ Rabbi David b. Solomon ibn Avi Zimra (1479-1573). He writes in a responsum, Section I, number 39, ד"ה תשובה לכאורה. "...וכבר הוכחתי כן בתשובה אחרת מהתלמוד ומדברי כל הפוסקים ולא מצאתי לרבינו ירוחם ז"ל חבר בסברא זו דאין הלכה כר' יהודה אלא כסתמא דמתני' דסומא הרי הוא כאדם בריא לכל דבריו חוץ מלענין עדות והגדה וסנהדרין ומלקורא בתורה לפי שהוא כקורא על פה ועלייה לרגל וחגיגה ומכל אלה נתמעט הסומא בהדיא ומינה אתה למד דלכל שאר הדברים הרי הוא כאדם שלם וחייב בכל מצות האמורות בתורה."

"And I have already proven this (in another responsum) from the Talmud and the words of all the *poskim*, and I have not found a companion for Rabbeinu Yerucham z"l in his opinion [exempting the blind], for the law is not according to R. Yehudah, but rather according to the *stamma* of our Mishnah that the blind man is like a healthy person in all regards with the exception of testimony, Haggadah, [serving in] the Sanhedrin, and reading Torah because it is like reading from memory [see below, p.7], and the pilgrimage and the festive offering. For all of these the blind man is explicitly excluded. From this you learn that in other matters he is like a whole [healthy] individual, and is obligated by all the mitzvot in the Torah."

Thus far we have learned that a Jew who is blind has a general obligation to keep the mitzvot and may indeed lead the congregation in a variety of liturgical contexts. Mishnah Megillah 4:6 specifically allows blind Jews to serve as translator מתורגמן, which was an official role in the ancient Torah service. But can the סומא actually read Torah? As we shall see, there is a substantial literature addressing this question. One complication is that the terminology “read Torah” (יקרא בתורה) can refer to a number of activities, including chanting the Torah on behalf of the congregation, or reading the Torah blessings and listening as a reader chants from the Torah. It is not always obvious which sense the medieval halakhic sources intend.

The Obligation to Read Torah in Public

Another complication is the status of Torah reading itself. Although many Jews assume that the public reading of the Torah is a biblical commandment, it is in fact a decree of the sages upon the community. Moses is traditionally credited with instituting the reading on Shabbat, Monday and Thursday, that Israel not go three days without Torah. Ezra instituted the reading on Shabbat afternoon as well as the accepted format.²⁵ Yet, as many *Rishonim*²⁶ and *Acharonim*²⁷ have written, this decree was made upon the congregation, and not upon each individual. The Torah blessings were added to honor the congregation, not to fulfill any specific obligation of the reader or the congregation.²⁸

The lack of an individual obligation to read the Torah in public is alluded to by Ramban and Rambam and has been stated explicitly in recent responsa. For example, Rabbi Tzvi Pesach Frank, the twentieth century rabbi of Jerusalem known for his responsa *Har Tzvi*, writes: “for reading is an obligation only for the community that the Torah be read in synagogue, but the reader does not need to fulfill this obligation on behalf of the public.”²⁹ It is presumably for this reason that the Tosefta allows Jews who are normally exempt from שהזמן גרמא to read Torah on behalf of the congregation.³⁰ This also would apparently qualify a Jew who is blind to read Torah, even according to Rabbi Yehudah. Thus the question is not whether a Jew who is blind is sufficiently obligated to fulfill this requirement on behalf of others. The question is whether the congregation’s obligation can be satisfied with any method other than a direct reading from the Torah scroll.

The Prohibition of Reading Torah from Memory

²⁵ בבא קמא פב ע"א. ברמב"ם הלכות תפילה פרק יב, הל' א.

²⁶ Following Ramban in *Milchamot Hashem* to RIF, *Megillah* p.3. For an excellent discussion of the nature of the obligation to chant Torah, see R. Mendel Shapiro’s article “Qeri’at ha-Torah by Women: A Halakhic Analysis” in *The Edah Journal* 1:2 (Sivan 5761), p. 5f. He observes that this distinction is also implicit in Rambam, who places the rules of Torah reading apart from the individual prayers and just after the laws of synagogues. The Shapiro article and several related pieces are available on-line at www.edah.org.

²⁷ עיין לדוגמה בשו"ת יביע אומר חלק ח-א"ח סימן יד ד"ה ד' (ד' "ומדברי: ...מה שאין כן קריאת התורה שהחויב רק שישמע קריאת התורה. וחכמים תיקנו לברך משום כבוד הצבור וכו'. ואילו מדברי הרמב"ן והר"ן מוכח שגם עיקר קריאת התורה אינה אלא חובת צבור. "וע"ע בשו"ת אגרות משה חלק א"ח א' סימן כח ד"ה ויש חלוקה; "לענין קריאת התורה דבזה לכו"ע הוא חובת הצבור. "ובשו"ת ציץ אליעזר ח"ז סי' א-קונטרס קטן למפסטר פרק ה ד"ה אולם בשו"ת: "לפי שהל' קריאה היא חובת הצבור."

²⁸ Other explanations for the Torah blessings include to honor the Torah, as well as a וחומר קל from food, which requires blessings before and after. How much more so does the spiritual sustenance of Torah study require blessings! See אבודרהם, ברכת המצות ומשפטיהם ד"ה ובעשיית המצות.

²⁹ שו"ת הר צבי א"ח א סימן עב ד"ה ומה שדן.

³⁰ תוספתא מגילה פ"ג הלכה יא.

The Rosh³¹ concludes that the סומא is certainly obligated to obey the mitzvot, and can also fulfill mitzvot that bear rabbinic obligation such as *poreis al shema*, leading prayer etc. on behalf of sighted individuals.³² But at the end of his discussion, he adds one significant caveat:

הלכך אפילו לא ראה מאורות מימיו פורס על שמע ומתפלל, ובלבד שלא יקרא בתורה בעל פה.

Thus even one who never in his life saw the lights can lead *poreis al shema* and pray [for the congregation], but he specifically must not read Torah from memory.

This *pesak* refers to the Talmudic maxim found on *Gitin* 60b, על דברים שבכתב אי אתה רשאי לאומרן על פה, “words that are written must not be recited from memory.”³³ This statement is applied by Maimonides to prohibit anyone from reading even one word of Torah or Megillah for the congregation from memory.³⁴

The application of this prohibition to our case is stated already in the ninth century in the name of Rav Natronai Gaon:

מאור עינים...אינו קורא פרשת התורה מפני שאין העם יוצאים ידי חובתן ששומעים בתורה מבעל פה, ואנו צריכים לשמוע מפי הקורא בכתב ולא בעל פה...ועל כן מאור עיניים אע"פ שידע הפרשה ע"פ אסור לשמוע מפיו בבית הכנסת ואין יוצאים ידי חובה שלא שמעו מן הכתב.

One who is blind may not chant the Torah portion because the people cannot fulfill their obligation by hearing the Torah [chanted] from memory but we need to hear from one reading the text, and not from memory.... Thus even if a blind person has memorized the portion, it is forbidden to hear him in synagogue, and the obligation [to chant Torah] is not fulfilled, for they have not heard [the Torah] from the text.³⁵

This geonic edict, discussed by Rabbi Louis Ginzberg in *Geonica* (p.121), clearly influenced many *Rishonim*, starting with the *Rosh*.

The *Rosh*'s conclusion excluding Jews who are blind from reading Torah “from memory” is codified by his son, Rabbi Jacob b. Asher. In his code, the *Arba'ah Turim*, two paragraphs reiterate this prohibition. At *Orach Chaim* 53, he restates his father's words:

סומא יכול לירד לפני התיבה ובלבד שלא יקרא בתורה שאין לקרות בתורה על פה:

The blind person may lead the congregation in prayer, but he specifically must not read the Torah, for one must not read Torah from memory.

³¹ Rabbeinu Asher b. Yechiel, 1250-1327, Germany and Spain.

³² שו"ת הרא"ש כלל ד סימן כא. וע"ע בכלל ג סימן יב.

³³ ועיין לגבי מקרא מגילה בתוספתא מגילה פרק ב הלכה ה, "קראה על פה לא יצא ידי חובתו" ובירושלמי מגילה כח ע"ב.

³⁴ רמב"ם הלכות תפילה ונשיאת כפים פרק יב הלכה ת. "...והוא שלא יקרא על פה שאסור לקרות שלא מן הכתב אפילו תיבה אחת."

³⁵ שערי תשובה ס' רמה. ראה בויסקינד גולדברג, ע' 32.

At *Orach Chaim* 69, he reviews the ruling:

וכן כתב א"א ז"ל ש[סומא] יכול להתפלל ולהוציא אחרים ובלבד שלא יקרא בתורה
שאסור לקרות בעל פה:

And so too wrote my master, my father of blessed memory that [the blind] can pray and fulfill the obligations of others, but specifically must not read Torah [for others], for it is prohibited to read from memory.

Rabbi Yosef Karo then repeats this ruling in the *Beit Yosef* and *Shulchan Arukh*³⁶ at *Orach Chaim* 53:14. In the *Shulchan Arukh* to *Orach Chaim* 139:3, he rephrases the explanation for this restriction:

סומא אינו קורא, לפי שאסור לקרות אפ"י אות אחת שלא מן הכתב.

The blind cannot read [Torah] for it is forbidden to read even one letter that is not from the written text.

Rabbi Karo's prohibition is well grounded and conclusive.³⁷ Later authorities understood him to prohibit the blind *not only from reading Torah, but even from reciting the Torah blessings while a sighted reader chanted the text*.³⁸ The obstacle is not related to the obligations of the individuals, but to the status of the person who recites the Torah blessings (i.e., the *oleh*).

What would be the objection to the סומא reciting blessings while a sighted reader chanted from the scroll? The operative principle is שומע כעונה, the idea that a person may read Torah or Megillah vicariously by listening to an agent chant. In that way, the blessings s/he utters over the Torah are not considered לבטלה, in vain.

As Rabbi Norman Lamm and others show, there are two schools of thought regarding שומע כעונה, one narrow, and the other broad. The narrow school views the *oleh* as fully obligated to read along in the scroll, albeit with the assistance of a trained reader. The broad view is that the reader serves as an agent for the *oleh*, therefore obviating the need for the *oleh* to be capable, either intellectually or physically, of reading the actual Torah text. The former school, represented above, prohibits the blind not only from reading Torah, but even from having an *aliyah*, since the Torah blessings would then be said לבטלה, in vain.

Nevertheless, the halakha evolved in a more lenient direction based upon a broader application of שומע כעונה. Rabbi Isserles' gloss here adds a parenthetical clause:

(ומהרי"ל כתב דעכשיו קורא סומא, כמו שאנו מקרין בתורה לע"ה).

(But the Mahari³⁹ wrote that now we do read for the blind, just as we read the Torah for the unlettered.)

³⁶ סומא יורד לפני התיבה, ובלבד שלא יקרא בתורה, משום: דברים שבכתב אי אתה רשאי לאומרם על פה.

³⁷ Especially *Beit Yosef* to O.H. 141:2 ד"ה ומ"ש where Rabbi Karo cites numerous authorities and explicitly rejects the lenient position of the *Eshkol* (see below) and of his followers.

³⁸ See below, p.13.

³⁹ Moreinu Jacob b. Moses HaLevi Moellin, Germany and Austria, 1360-1427. Ed. Shlomo Spitzer, Jerusalem, 5749.

This gloss is the subject of substantial scholarly controversy. Rabbi Monique Susskind Goldberg shows in her paper that it is absent in the Cracow edition (1569-71), which was the first printing of the *Shulchan Arukh* together with the *Rema*.

Moreover, in *Darkhei Moshe*, his commentary to the *Beit Yosef*, Rabbi Isserles writes, “And the Maharil wrote that the custom is to call the blind up to the reading of the Torah, ול” the words of Beit Yosef.” The crux is of course in the abbreviation ול” which could stand either for ולי נראין “and I agree with,” or ולא נראין “and [I] do not agree with” the *Beit Yosef*!

Rabbi Susskind Goldberg, following Rabbi Yaakov Emden, is convinced that Rabbi Isserles meant to accept the view of Rabbi Karo.⁴⁰ Yet Rabbi Lamm reads him the opposite way, and rejects the notion that Rabbi Isserles would have cited Maharil just in passing, even though he disagreed with his ruling.⁴¹

In any event, later *poskim* understood Rabbi Isserles as cited in the *Mapah*, namely, to reject Rabbi Karo’s view, and to affirm the position of *Maharil* as recorded by his students in *Sefer Maharil*,⁴²

אמר מהר”י סג”ל קורין לתורה אפ”י עם הארץ. וכן הסומא, ולא נהגינן כהרא”ש דפסק
דהסומא לא יקרא.

*Moreinu HaRav Yaakov Sg”l*⁴³ says that even the unlettered can be called [for an *aliyah*] to the Torah. And so too the blind, and we do not act in accordance with the *Rosh*, who ruled that the blind may not read.

The *Maharil* rejected the stricter practice of the *Rosh* (which was then cited by the *Tur* and *Shulchan Arukh*), who did not allow Jews who are blind even to recite the Torah blessings next to a designated reader.

A Broader Precedent? The Case of *Sefer HaEshkol*

The *Maharil*’s permission has a precedent as early as Rabbi Abraham b. Isaac of Narbonne (1085-1158) in his *Sefer HaEshkol*.⁴⁴ This book is available in two printed editions, one edited in 1869 by Zevi Benjamin Auerbach (א), and another version edited in 1935-8 by Shalom and Hanokh Albeck (ב).⁴⁵ Because of significant variants between the two editions, I

⁴⁰ העיוור בהלכה, עיון בכמה שאלות הלכתיות, ע’ 34. “מכאן ברור שהרמ”א התנגד לעליית העיוור לתורה.”
⁴¹ נחום לאם, “חיוב סומא בהלכה” תורה שבעל פה, לא, תש”ן עמ’ קו-קז, הערה 2. “ובדקתי בכל הוצאות הד”מ שיצאו לאור לפני זמנו של הר”ע וכן בזמנו, עד כדי שידי מגעת, ובעיקר משנת תק”כ שנסתבר ביותר שהיא היא הוצאה של דרכי משה שהגר”ע השתמש בו, ובכולן מובא כדברים שהזכרנו. ויתכן שהר”ע פירש ראשי התיבות “ול” כ”ולי נראין” ואילו הרמ”א באמת התכוון לומר “ולא נראין.”

⁴² ספר מהר”ל (מנהגים) הלכות קריאת התורה ד”ה [ג] נשאל.

⁴³ That is, “our teacher Jacob, סגן לכהן, assistant to the priest,” i.e. a Levite.

⁴⁴ ספר האשכול (אלבק) הלכות קריאת התורה, ע’ 184, דף סח עמוד ב. ובמהדורת אוערבך, ע’ 69.

⁴⁵ It is worth citing Saul Aaron Adler’s article in the *Encyclopedia Judaica*, s.v. Abraham ben Isaac of Narbonne: “The *Eshkol* was first published by Zevi Benjamin Auerbach (1869) with an introduction and commentary, but doubts about the authenticity of at least parts of Auerbach’s manuscript were expressed by Shalom Albeck. The ensuing controversy was inconclusive. Auerbach’s manuscript is rich in additions, the exact origin of which is not clear. Although there are no grounds for accusing Auerbach of willfully tampering with the manuscript, the version of the *Eshkol* that Albeck had in hand is undoubtedly the authentic one. Albeck himself published part of the *Sefer ha-Eshkol* (with introductions and notes) and his son Hanokh Albeck completed this edition (1935–38).”

will present both of them, together with a version quoted by *Nimukei Yosef* (א), although the latter may in fact be a paraphrase.⁴⁶ Addressing the question of whether a groom who is blind may be called to the Torah as is customary prior to the wedding, the *Eshkol* finds a leniency:

The Three Extant Versions of Sefer Eshkol⁴⁷

א Auerbach	ב Albeck	ג <i>Nimukei Yosef</i>	
	וחתן סומא א"א למיתן ליה ספר תורה, דמעשה התול בעלמא הוא,	וחתן סומא א"א למיתן לי' תורה דמעשה התול בעלמא הוא	א.
			ב.
			ג.
		דהא סומא לא יקרא בתורה ⁴⁸	א.
	דתנן ⁴⁹ סומא לא יקרא בתורה, והכי קאמ' לא יקרא על פה במקום מי שקורא	דתנן ⁴⁹ סומא לא יקרא בתורה, והכי קאמ' לא יקרא על פה במקום מי שקורא	ב.
		אבל לא יקרא בתורה על פה במקום מי שקורא בתורה.	ג.
			א.
	בכתב, דקיימ' לן דברים שבכתב אי אתה רשאי לאמרם על פה,		ב.
			ג.
	מברך ועומד בצדו ושפיר דמי.	אבל אוקמי אינש אחרינא	א.
	אבל לאוקמי אינש אחרינא ⁵⁰ שפותח ורואה ומברך ועומד מצדו, שפיר דמי.	אבל לאוקמי אינש אחרינא ⁵⁰ שפותח ורואה ומברך ועומד מצדו, שפיר דמי.	ב.
		אבל אוקמי אינש אחרינא שפותח ורואה והסומא מברך ועומד בצדו שפיר דמי	ג.

The following is my translation of the Albeck text, with the sections omitted by Auerbach marked in italic letters:

It is not possible to give a blind groom the *Sefer Torah* [to read], for it is a disrespectful practice. For *it has been taught in a Mishnah that the blind shall not read Torah. But this means that he shall not read from memory in place of one who reads from the written text, for it has been established*

⁴⁶ Rabbi Joseph Habiba, early 15th century Spain. *Nimukei Yosef* to *Megillah* is not included in its usual place around the Rif. In 1960 (5720) Moshe Blau published an edition of the *Nimukei Yosef* to *Megillah* and *Pesachim*. He quotes the *Eshkol* [misidentified as השכול], but apparently indirectly: ... ויש מי שכתב מספר השכול. This version of the text of *Nimukei Yosef* is also quoted in *Beit Yosef* (O.H. 141:2).

⁴⁷ ספר האשכול, הלכות סדר פרשיות והפטרות לכל שוי"ט ולתעניות, חלק א'.

⁴⁸ Auerbach explains Eshkol's rationale for allowing the blind an *aliyah*:

לג' רי"ף כ"כ במש', ונוסחנו מגלה כ"ד סומא פורס על שמע ומתרגם מכלל דאינו קורא בתורה, וזה כונת ב"י בסי' קמ"א "דתנן סומא אין קורא בתורה דלא כאשכול". אבל האשכול ס"ל מדלא תנן בהדי' אין קורא בתורה כבשאר דמתני' משמע דאיכא אופן דקורא, שאם א' עומד בצדו וקורא מתוך הכתב יוכל הסומא לברך וקורא אחרינו בע"פ.

⁴⁹ Albeck explains the phantom Mishnah citation as follows:

גי' הרי"ף במגילה פ"ד סי' אלף קמ"ב וה"ג ד"ב 225: סומא פורס על שמע וכו' "אבל אינו קורא בתורה", וכ"ה בתחומא תולדות סי' ז' עי"ש. ולפנינו במשנה כ"ד. הגי' סומא פורס על שמע ומתרגם וכו' ותו לא, ובפוחח לפני זה הגי' פורס את שמע ומתרגם אבל אינו קורא בתורה. ועי'

⁵⁰ Albeck quotes *Beit Yosef*, and then conjectures the true intent of the *Eshkol*:

בב"י או"ח סי' קמא כתוב: "ודלא כדכתב נ"י בשם ספר האשכול דהא דתנן וכו' סומא אינו קורא בתורה היינו לומר דאינו קורא על פה, אבל אוקומי אינש אחרינא שפותח ורואה וסומא מברך ועומד בצדו ש"ד והכי מצי עביד חתן סומא עכ"ל וכן מצאתי בשם ספר אגודה דסומא כהן קורא בתורה ואין לסמוך על דבריהם" וכו'. ולפי הלשון כאן אפשר שגם למחברנו אין הסומא מברך אלא האחר וצ"ע. ועי' בב"ח וטו"ז שם ס"ק ג'.

for us that things that are written may not be read from memory.
However, to bring up another man who opens [the Sefer Torah] and sees,
blesses while he stands beside him, is a proper practice.

The Auerbach edition lacks the problematic reference to the “Mishnah” (see below) as well as the Eshkol’s rationale for his suggestion. It also is more ambiguous about the mechanics of the proposed solution: “but to put another man up--he blesses and stands beside him--is considered proper.” Who, precisely, does what?! The *Nimukei Yosef* mirrors elements of each Eshkol edition. However, he adds a crucial word at the end that clarifies that it is the blind man who utters the blessings and stands aside while his Torah portion is read from the text on his behalf.

The meaning of this text is rather opaque. In his commentary, Auerbach understands the *Eshkol* to mean that a sighted reader chants from the text, while the blind person reads the blessings and repeats the verses from memory (see note 48).

The Albeck edition seems to imply that it is the sighted man who stands to the side, reads the blessings and watches while the *סומא* chants the text. Yet in his commentary, Albeck cites the *Beit Yosef*’s rejection of *Eshkol*’s permission for a blind person to recite the blessings, and then adds, “ולפי הלשון כאן אפשר שגם למחברנו אין הסומא מברך אלא האחר וצ”ע, “According to the wording here it is possible that, even according to our author, it is not the blind man who blesses, but the other [sighted person], and this needs inquiry.(note 50)” While this may mean that the blind person reads from memory, it may alternatively mean that the *Eshkol* allows the blind *neither* to read from the Torah *nor* to recite the blessings,⁵¹ but simply to stand there, presumably in order to receive recognition as a groom. Yet this reading is difficult given *Nimukei Yosef*’s citation of *Eshkol*, and *Beit Yosef*’s criticism of his position as too permissive.

An additional issue posed by these variants is the Albeck edition’s citation of a Mishnah that seems to prohibit the blind from “reading” Torah. Yet as we saw above (p.4), the relevant Mishnah of Megillah 4:6 *does not* prohibit the blind from reading Torah. Where did the *Eshkol*’s citation come from? Albeck explains (note 49) that these words are indeed interpolated in the Rif’s version of the Mishnah, as well as in an early “*Yilamdeinu*” Midrash in *Tanchuma Toldot* 7:7 as follows: על ילמדנו רבינו סומא מהו שיעבור לפני התיבה להוציא את הצבור, כך שנו רבותינו סומא פורס על. These versions of the Mishnah prohibit Jews who are blind not only from reading Torah, but also from leading the congregation in prayer and reciting the priestly benediction.

If, in fact, the Mishnah had explicitly prohibited calling blind Jews to the Torah, this entire discussion might not have developed. Yet Rabbi Susskind Goldberg shows that this textual variant shows up in *none* of the extant manuscripts of the Mishnah or of the Talmud itself. The *Bah* already noted that this text was lacking in the gemara, in *Piskei HaRosh*, and in *Alfasi Yashan*. Indeed, *Dikdukei Sofrim* argues that these words were a later corruption of the Rif’s text.⁵²

Whether or not the Mishnah had actually prohibited the blind from reading Torah, *Sefer HaEshkol* clearly identifies the probable objection--that he not recite the text from memory on behalf of the congregation.

The *Eshkol* is cited approvingly by *Nimukei Yosef*, although he indicates that he did not have the original text before him. There remains significant confusion about the meaning of

⁵¹ I thank Rabbi Susan Grossman for this insight.

⁵² Susskind Goldberg, pp.36-37.

Eshkol's words. Did he really imply that the blind could read from memory so long as a sighted reader followed along? Quietly, or audibly? The *Nimukei Yosef* and then *Beit Yosef* understood him (as did Auerbach) to justify only calling blind Jews up to bless the Torah while the reader chanted on their behalf. This seems to be the most defensible reading of *Sefer Eshkol*.

The fourteenth century *Sefer HaAgudah*,⁵³ cited by *Beit Yosef* in connection to the *Eshkol*, dismisses the various objections to calling a סומא who is a Kohen up for an *aliyah*:

ונראה לי במקום דליכא כהן בעיר אלא סומא, נראה דמותר לקרותו לס"ת ולא יאמר אין כאן כהן, כיון דקריאת התורה מדרבנן יכול הסומא להוציאם, ואי משום ברכה לבטלה הלא גם הרואה פטור מלברך דהא בירך שחרית, אלא שמחייב את עצמו, הכי נמי לא שנה, ואי משום דברים שבכתב אי אתה רשאי לאומרם בע"פ לא, דבזה"ל אינו קורא אלא החזן.

It seems to me that in a place where there is no Kohen in the city other than a blind one, that it is permitted to call him to the Torah. They must not say, "there is no Kohen here" for reading the Torah is a rabbinic obligation and a blind Jew can discharge it for them. And if [one objects that his would be] a blessing in vain, aren't even the sighted exempt from blessing since they have already [blessed the Torah] in the Shacharit [service]? Rather [the *oleh*] obligates himself, and so too in this case it is no different. And if [one objects] that words which are written must not be said from memory, this is not a problem, for in our time, he does not actually read, but rather, it is the *hazzan*.⁵⁴

Yet again, the most vigorous defense of a blind Jew participating in the Torah service is an affirmation that he may have an *aliyah*.

Early Modern Practice **דברי האחרונים**

The *Taz*⁵⁵ decides in favor of calling Jews who are blind up for an *aliyah*--even if they are not learned.⁵⁶

וכתוב בלבוש שראה בפני גדולים שעלה סומא לתורה וכ"כ מו"ח ז"ל רק שהתנה שצריך שיהיה הסומא ת"ח ולא ע"ה ומצד ההוכחה נלע"ד גם כן היתר גמור.

It is written in the *Levush*⁵⁷ that he observed [an incident] in the presence of great sages that a blind man was called up to the Torah [for an *aliyah*]. And so too wrote my teacher and father-in-law⁵⁸ of blessed memory. Yet

⁵³ Rabbi Alexander Zuslein HaKohen, d. Frankfurt, 1348.

⁵⁴ ספר האגודה לבבא קמא, פרק החובל, סימן קד.

⁵⁵ Rabbi David ben Samuel HaLevi, Ukraine and Poland, 1586–1667. Known by the title of his commentary, *Taz*, for *Turei Zahav*.

⁵⁶ ט"ז מגן דוד. סימן קמא סעיף ג ס"ק ג.

⁵⁷ The *Levush Malkhut (Royal Garment)* of Rabbi Mordechai b. Abraham Jaffee, Prague, Italy and Poland, c. 1535-1612.

⁵⁸ Rabbi Joel Sirkes, known as the "BaCh" for the title of his commentary on the *Arba'ah Turim*, the *Bayit Chadash*. Poland, 1561-1640.

he stipulated that the blind man must be a scholar, and not unlettered. Based on the proof offered, it seems in my humble opinion to be completely permissible.

The *Taz's* ruling was adopted as Ashkenazi practice, as seen in the *Mishnah Berurah* to *Orach Chaim* 139:12-13, who further clarifies the rationale for calling a Jew who is blind up to recite the Torah blessings:

(יב) ... דעכשיו קורא סומא -וטעמו דכיון שאנו נוהגין שהש"ץ קורא והוא קורא מתוך הכתב שוב לא קפדין על העולה דשומע כעונה:

(12)...For now the blind are called up, and the reason is that because we have a reader who reads from the written text we are no longer strict about the *oleh* [literally reading from the text], for hearing is like answering.

(יג) כמו שאנו וכו' - ר"ל שאנו נוהגין להקל אפילו אם אינו יכול לקרות עם הש"ץ מלה במלה מתוך הכתב וע"כ מטעם הנ"ל וה"ה בסומא. ולדינא כבר כתבו האחרונים דנהגו להקל כמהרי"ל ומ"מ לפרשת פרה ופרשת זכור נכון שלא לקרותן לכתחלה:

(13) "As we etc." That is to say, that we act leniently [allowing an unlettered person his *aliyah*] even if he cannot read with the reader word for word from the written text, and this is surely for the above mentioned reason, and is also the rule for the blind. And in practice, the *Acharonim* have already written to act leniently according to the Maharil. However, it is proper not to call them up for *Parshat Parah* and *Parshat Zachor ab initio*.

As we have seen, the *Mishnah Berurah* follows the *Taz* in understanding the principle of *שמעו* (that listening is like responding) in the broad sense, thereby allowing a Jew who is either physically or intellectually (or both) unable to read Torah to have an *aliyah* and listen to the reader. At 49:1:2, the *Mishnah Berurah* explains that a blind person may in fact read Torah from memory *for himself*; it is only the act of reading from memory in order to fulfill the obligations of *others* that is prohibited.⁵⁹

The established custom is therefore that Jews who are blind may not read from memory to fulfill the congregation's mandate. Rather, they are honored with *aliyot* to the Torah to recite the blessings and to have their portion read on their behalf, and may certainly repeat the text softly.

The stringent perspective reflected in the Rosh, Tur and by Rabbi Karo is forcefully restated by the eighteenth century Rabbi Jacob b. Tzvi Emden⁶⁰ in his responsa, שאילת יעבץ. Emden rejects the notion that a Jew who is blind can even recite the Torah blessings and respond to the sighted reader in the manner that sighted Jews do:

דקמשמע לן דסומא לא יקרא כלל, ואפ"י ע"י שישמע מאחר, המקרא אותו בלחש והוא

⁵⁹. See also the Magen Avraham and Vilna Gaon to O.H. 49:1, and the sources cited there.

⁶⁰. Germany, 1697-1776.

⁶¹. שאילת יעבץ חלק א סימן עה ד"ה ואמינא דהך.

עונה אחריו, דפקח כה"ג מצי עביד גם לפי מנהג התלמוד, וכמנהג בני רומני שהובא בב".

...This teaches us that the blind may not read [Torah] at all, even via hearing from another who dictates to him quietly so that he can repeat afterwards, for [only] a sighted person in such circumstances can follow the custom of the Talmud, and of the Romaniot Jews as cited in the *Beit Yosef*.

Rabbi Emden rejects the broad interpretation of שומע כעונה, and he goes so far as to question whether the Maharil really supported this custom, or merely acquiesced to a popular practice that was objectionable. However, Emden admits that he did not have a copy of the Maharil's work before him.⁶² As we have seen, Maharil states his opinion quite clearly, and later authorities such as the *Mishnah Berurah* reaffirm the legitimacy of this practice. As noted above, Rabbi Emden doubts whether Rabbi Isserles had indeed endorsed the Maharil's view, but the available evidence suggests otherwise. The other *Rishonim* cited by Emden oppose allowing the blind to read Torah from memory, but do not explicitly reject their reciting the Torah blessings and listening to a sighted reader chant from the Torah.

The stringent opinion of Rabbi Emden is rejected by the contemporary *poseik* Rabbi Ovadiah Yosef in a responsum dealing initially with whether the Torah blessings must be recited when transcribing the Torah.⁶³ In the course of that discussion, he quotes the view of the Radbaz to the effect that if one looked at a word in the text of the Torah and then lifted his eyes but said the word immediately, it is considered as having actually read the word. Then he seeks support for this view by quoting the *Sefer HaEshkol*, who permits a blind Jew to recite the Torah blessings, and he says:

והרי מבואר בב"י שם עפ"ד הרא"ש והטור שחייב העולה לקרות בס"ת בנחת אחר הש"צ דאי לא"ה הו"ל ברכה לבטלה. וא"כ כיון שאין הש"צ מוציא, והסומא אינו רואה הקריאה כלל, מה תועלת בראיית הש"צ הכתב בס"ת הרי צריך העולה לס"ת לקרות ממש מתוך הכתב. 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.

It is explained in *Beit Yosef* (ibid.) based upon the *Rosh* and the *Tur* that the *oleh* is obligated to read in the Torah scroll quietly after the designated reader, for if not for this, his would be a wasted blessing. If so, since the designated reader does not fulfill the [*oleh*'s] obligations vicariously, and the blind [*oleh*] doesn't see the text at all, what benefit is there that the reader sees the text [for him] in the Torah scroll? Doesn't the *oleh* to the Torah need truly to read from the text? Rather it must be the case that when the reader sees and reads from the text, and the blind [*oleh*] repeats after him quietly without any delay from the reader, that this is considered proper. *Infer that we do not require that the reading of the oleh to the Torah be literally from the text.*

⁶² שם בסוף הסימן. "ואולי גם מהר"ל לא ס"ל הכי אלא מנהג הוא שהיו נוהגין כך בימיו, ולא הי' יכולת בידו למחות. כמו כמה מנהגים גרועים שיד ההמון התקיפ' על החכמים עשתה זאת. ולא מעיקר הדין. אך ספר מהר"ל אינו בידי כעת לדעת שורש דעתו."

⁶³ שו"ת יביע אומר חלק ד-א"ח סימן ח ד"ה (טו) ובהיותי.

Thus, claims Rabbi Yosef, the Eshkol's permission to grant an *aliyah* to a blind person can be explained only if one understands the Radbaz as explained above.⁶⁴

There are two schools of thought about the principle of *שמע כעונה*, and thus the role of the *בעל קורא*, the designated Torah reader; these correspond to the two schools which we have identified regarding the blind receiving an *aliyah* to the Torah. According to Rabbi Emden, the designated reader does *not* fulfill the *oleh's* obligations on his behalf. Rather the *oleh* must read for himself at the same time that the designated reader chants aloud to the congregation. In Rabbi Emden's view, this precludes a blind Jew from reciting the Torah blessings; because he cannot read the Torah text, his blessings are in vain.

Rabbi Yosef considers this approach, but rejects it based on the established precedents of *Maharil*, *Rema* and the *Taz* allowing blind Jews to be called for *aliyot*. For him, the sighted designated reader does indeed vicariously fulfill the obligation of the *oleh* to read the Torah text after reciting the blessings. Rabbi Yosef's son Yitzhak, writing in *Yalkut Yosef*, confirms this practice of calling the blind up for *aliyot*, although he prefers that they be granted only additional *aliyot* or *maftir*. Nevertheless, if the blind person is a Kohen, he may be called up for the first *aliyah*, so long as the reader chants the text, and the *oleh* repeats quietly after him.⁶⁵ In his notes, *Yalkut Yosef* cites the responsum of Rabbi Eliezer Waldenburg, who records that the practice among all Ashkenazim (based on the *Rema*) and most Sephardim is to call the blind up for an *aliyah*.⁶⁶ He further criticizes an authority who embarrassed a blind Jew by refusing to allow him an *aliyah*.⁶⁷

A new book called *ספר הסומא*, by Rabbi Aryeh Rodriguez lists dozens of halakhic sources, ancient to contemporary, on both sides of this debate. By now, the prevalent custom in Israel (with the possible exception of Safed, in deference to Rabbi Karo) and the diaspora is to call Jews who are blind up for *aliyot* to the Torah.⁶⁸ Is it possible to add one more level of participation so that Jews who are blind might somehow chant not only the Torah blessings, but also the Torah text? This is the question posed to us by Rabbi Krishef.

The Search for an Expanded Role for the Blind

Three halakhic obstacles lie in the path of Jews who are blind and who wish to read Torah. As we have learned, the first obstacle is the status of their obligation. Had the law followed Rabbi Yehudah and then Rabbeinu Yerucham, Jews who are blind might have been disqualified even from receiving an *aliyah* to the Torah based on their exemption from the mitzvah of Torah study. However, the law instead obligated blind Jews to observe the mitzvot in general. Moreover, we have seen that there is not truly an individual obligation for the Torah reading, and that even individuals who are exempt from Torah study can serve as agents of the congregation by chanting Torah.

The second obstacle is the prohibition of reading "even one letter of a written text from

⁶⁴ I thank Rabbi Roth for his detailed suggestions on this section.

⁶⁵ ילקוט יוסף, ס' קלט, סדר הקריאה והברכות, ע' פד. ועיי' בהערות. I thank Rabbi Mayer Rabinowitz for this text.
⁶⁶ ציץ אליעזר חלק יא (סימן י אות ב). "הרי לנו עדות נאמנה להתפשטות המנהג אצל קהילות הספרדים די בכל אתר לקרוא סומא לס"ת גם לרבות בהרבה גלילות בחו"ל (על קהילות האשכנזים אין צורך להוכיח שקורים לסומא כי הרי יוצאים ביד רמ"א)."
⁶⁷ שו"ת ציץ אליעזר שם. "ועל כן לפי דעתי לא טוב עשה בעמיו אותו ת"ח (שמזכיר בספרו) שבייש את הסומא הת"ח ומנע בעדו בריש גלי מלעלות לתורה, והוא רחום יכפר."

⁶⁸ One sensitivity is to avoid calling the blind up for the second *aliyah* in *Emor* (Levit. 21:18) that discusses blindness as a disqualification for officiating priests, which could cause embarrassment to the *oleh*.

memory.” This Talmudic maxim is cited by all medieval authorities on our subject, as noted above. Clearly, this rules out the first suggestion of the שאלה. But since the development of a Hebrew braille system in the 1930s and the printing of braille Chumashim, and the more recent advances in optical scanning, the objection that blind Jews would have to rely on memory in order to chant Torah has been removed. *The specific objections raised in the codes of the Rosh and his followers are nullified when the Jew who is blind reads from a braille Chumash.*

Nevertheless, there remains a third obstacle which is not so easily cleared. The congregation’s obligation to hear the Torah read is fulfilled only via a kosher Torah scroll, not from a printed book. Rabbi Moshe Isserles writes (*Orach Chaim* 143:2),

אבל בחומשים שלנו אפילו כל ה' ספרים ביחד אין לברך עליהם.

But as for our [printed] Pentateuchs--even if all five books are included--we do not recite the [Torah] blessings over them.

The *Mishnah Berurah* here (143:2:9) adds that if, lacking a Sefer Torah, the congregation uses a printed Chumash (שלא תשתכח תורת קריאה), congregants are not called up for *aliyot*, but the reader simply recites the text aloud for the congregation.

Interestingly, the *Mishnah Berurah* cites another custom (143:2:10) for congregations that do own a Sefer Torah, but lack a reader qualified to chant from the scroll:

והאידינא נוהגים שאחד קורא מהחומש בלחש והש"ץ קורא אחריו מס"ת משום דיש אנשים שאין יודעין לקרות בניגון וטעמים ואפילו מקרין אותם לכן מקרין לש"ץ.

The current practice is for one to read softly from the Chumash and the reader repeats after him from the Sefer Torah, for there are people who do not know how to read with the melody and cantillation, even if we dictate to them; thus we also dictate to the reader.

The congregation’s obligation to read the Torah at its prescribed time is met only when a reader chants from a kosher Torah scroll. This presumably would exclude Jews who are blind from chanting from a braille edition of the Chumash in order to fulfill the obligations of the congregation. *A braille Chumash, like any printed Chumash, may be used as a guide, but not as a substitute for a kosher Sefer Torah.*

Although Jews who are blind may receive *aliyot* to the Torah, there is no established mechanism for them to read the Torah itself for the congregation. On the other hand, it is permissible for the blind to read Haftarah--which does not require a hand-written scroll--on behalf of the congregation. This ruling is made explicit in a responsum of *Minchat Yitzhak*.⁶⁹

Thus a Jew who is blind may certainly lead services, recite the Torah and Haftarah blessings, and chant Haftarah, whether for a Bar/Bat Mitzvah celebration or in the normal course of services.⁷⁰ Nevertheless, learning to read Torah is a powerful and important task in the Jewish

⁶⁹ Rabbi Isaac Jacob Weiss, (1902-1989). שו"ת מנחת יצחק חלק ג' סימן יב. However, Weiss agrees with Emden that the blind should not read Torah for the congregation nor even receive an *aliyah*.

⁷⁰ A 1999 Master’s thesis submitted to the H.L. Miller Cantorial School at the Jewish Theological Seminary by George Michael Horwitz contains a beautiful tribute to the careers of two blind cantors, Chazzan Moishele Soorkis

life cycle. It symbolizes קבלת עול תורה, acceptance of the Torah as a reenactment of the revelation at Mount Sinai. For many centuries Jews have linked their celebrations as well as their solemn commemoration of *yahrzeit* with the reading of Torah. Is there any method for including the blind in this sacred act?

Possible Paths around the Stumbling Block

Rabbi Krishef has asked whether a scanning device could be used by a Jew who is blind to read Torah, much as visually impaired Jews read via spectacles. In fact, such a machine, called the Optacon, does exist, although it is no longer manufactured. Dr. Abraham Nemeth, a highly proficient reader, demonstrated the use of this machine for me. It replicates on a vibrating touch pad the shape of any images captured by photoelectric cells at the tip of a wand. When the wand is placed against a white surface, there is no response, but when it encounters print, it causes the touch pad to vibrate in the same pattern. This device could allow a Jew who is blind to feel the actual text of the Torah scroll without any intervening optical character recognition (OCR) technology. S/he would literally read מן הכתב “from the writing.” Unfortunately, the Optacon is an obsolete device, and is noisy and very unwieldy, even for an expert. It would not be possible to use it to read at normal speeds since it takes a moment to find and identify each letter. Use of such technology on Shabbat and Yom Tov would introduce new complications such as writing.

Nevertheless, should technology improve to the point that the actual Torah scroll could be read by blind Jews, even as visually impaired Jews read the Torah using corrective devices today, we may have an ideal solution, at least for weekdays. Further study of the developing technology is required.⁷¹ People who are not fully blind may certainly use magnifying devices in order to read Torah.

Another theoretical possibility would be to add braille text between the lines of a Sefer Torah. Yet this is problematic. Vocalized Torah (codex) scrolls are not used for congregational reading of Torah, and the braille would not fit between the lines or columns. Indeed, the Torah scroll would have to be enormous given the need for additional space and the fact that braille marks would prevent the scroll from being wrapped as tightly as is customary. Lastly, the reader would not benefit from the visible ink of the scroll and thus the written text would not itself be read. The Talmud’s dictate remains that scripture be read מן הכתב, from the actual text.

A better alternative is to distinguish the *maftir* reading from the rest of the *parashah*. Already in the Gemara (*Megillah* 23a), the *maftir*’s reading of Torah is set apart from the rest of the portion. His status as one of the mandatory seven Shabbat readers is subject to debate. According to Ulla, his repetition of a passage of Torah prior to chanting the Haftarah is simply out of deference for the Torah, rather than fulfillment of a communal obligation.

In contrast, Tosafot cites the halakha according to the opinion that the *maftir*’s Torah reading *does* count fully. This position is supported by normative practice on occasions such as fast day afternoons in which the third reader also serves as *maftir*. Moreover, on days such as Rosh Hodesh, festivals, Shabbat Parah and Shabbat Zakhor in which the *maftir* reads a special

(1900-1974) and Chazzan Todros Greenberg (1893-1976).

⁷¹An Israeli company is developing a new computer mouse called VirTouch with similar touch pads that replicate in tactile contour the shape of objects on the screen. However, this would require use of a computer in the process of reading Torah.

section for חובת היום--the required daily theme--he is certainly fulfilling the congregation's obligation through his Torah reading. In such cases, the Torah must be read directly from the scroll.

Nonetheless, on a regular Shabbat, the *maftir's* reading of Torah is not in fulfillment of any public obligation. As Rambam notes, the reader's kaddish between the end of the portion and the *maftir* separates him from the seven mandatory readers.⁷² This ruling is confirmed by Rabbi Isserles.⁷³ We have seen that the barrier to reading from memory is specific to cases in which the reader is fulfilling the obligation of others.⁷⁴ If so, then a Jew who is blind could read the *maftir* Torah section from a braille Chumash, since this is neither prohibited as a recitation from memory, nor insufficient to fulfill a public obligation which does not truly exist.

Given what we have learned, there are three practical options for a Jew who is blind to participate in קריאת התורה, the chanting of the Torah:

1. שומע ועונה. When called up for his *aliyah*, the Jew who is blind listens to the chanting and ideally follows in a braille Chumash. After each word or phrase, the reader pauses and allows the blind *oleh* softly to repeat the text. This solution has ample precedent,⁷⁵ but it would possibly be least satisfying to the *oleh* and to the congregation.

2. עולה ומתרגם. Mishnah Megillah 4:3 specifically permits a Jew who is blind to serve as translator, a role which involved interpolating Aramaic translation between *each* Hebrew verse.⁷⁶ Indeed, the blind Rav Yosef was considered an expert in this task.⁷⁷ Although this custom has fallen into disuse (with the notable exception of the Yemenite rite), it remains a perfectly valid option.⁷⁸ The blind reader can perform an important service for the congregation by translating the Torah into the common language as it is read from the scroll, verse by verse. If done for the entire portion, this might become an imposition, but it could be used as a teaching tool for a specific selection. Indeed, there has been recent movement to reinstitute the ritual translation of Torah as a dramatic and effective educational tool.

3. חוזר וקורא. A third option is for the congregation to complete its reading of the *parashah*, and then to call the Jew who is blind to repeat the *maftir* or even a longer passage from a braille text. The Torah blessings would be said while holding onto the *atzei chaim* of the scroll as a way of giving כבוד לתורה, honor to the Torah, and to address the concerns of Rabbi Isserles cited above. If the blind reader is not also saying the blessings, and the *oleh* is sighted, then he or she should follow in the scroll.

This adaptation could not be practiced on days when *maftir* is read from a second scroll, but would not pose a problem on regular Shabbatot. The congregation would have already discharged its obligation to have the *parashah* chanted in the established format from the Torah scroll. The blind reader would obligate him or herself for the additional reading and blessings. His/her act of blessing the Torah and chanting its words would certainly be a public sanctification of God's name.

⁷² הלכות תפילה פרק יב, הל' יז.

⁷³ רמ"א שר"ע אר"ח רפב, ס' ד.

⁷⁴ See above, p. 13 and note 58.

⁷⁵ In *Halachic Rulings for the Blind*, Rabbi David Toiv cites the Debreciner Rav, who "cautions that the ba'al koreh should read from the Torah at a slower pace, so that the blind can repeat the words after him."

⁷⁶ מגילה כג ע"ב. ולהלכה ברמב"ם הלכות תפילה פרק י"ב הלכה י, ובטוש"ע א"ח ס' קמה סעיף א.

⁷⁷ ב"ק ג ע"ב. ועיי' בתוספות שם ד"ה כדמתרגם.

⁷⁸ I thank Rabbi Joseph Prouser for this suggestion.

CONCLUSION

Jews who are blind should participate in synagogue rituals together with sighted Jews, all of whom are obligated to keep the Torah. Indeed, it is in the interest of the Jewish community to include as many Jews as possible in the rituals of studying Torah and fulfilling mitzvot. As we have seen, Jews who are blind may:

- a. Lead the congregation in prayer;
- b. Receive an *aliyah* and chant the appropriate blessings;
- c. Chant *haftarah*.

Because the Torah must be read for the congregation directly from a Torah scroll, and not from a printed text or from memory, Jews who are blind may participate in Torah reading in one of three ways:

- a. By receiving an *aliyah* and chanting softly after the reader;
- b. By serving as *meturgamon*, the verse-by-verse translator of a section of the *parashah*;
- c. By reading from braille a standard maftir, since it has already been chanted in the established fashion from the Sefer Torah.

Should new technology that allows blind people to read directly from the scroll become available, our options would expand. Meanwhile, these solutions all preserve our reverence for the sacred act of chanting Torah from a kosher scroll, while also allowing Jews who are blind to be included in the act of publicly accepting and revering the Torah.

כך נלע"ד

והערב נא ה' אלקינו את דברי תורתך בפינו ובפי עמך בית ישראל.
*May the words of Your Torah, Adonai our God, be sweet in our mouths
and in the mouths of Your people, the household of Israel.*