

Dissent to “When No One Can Read Torah”

Written by Rabbis Daniel Nevins and Joel Pitkowsky

We write this dissent to explain our ‘No’ vote to this responsum. We deeply appreciate Rabbi Fine’s scholarship and guidance, and we feel that his work will help our communities grow closer to our tradition through the ritual of Torah reading within the structure of a minyan. We agree with and support the majority of Rabbi Fine’s paper. However, we disagree with Psak Din #5, which reads as follows, “Some would, in a *she’at hadehak*, have someone read the Torah reading from a *Humash* while the 'Torah reader' follows each word in the scroll mouthing each word along with the one reciting aloud.”

Even though Rabbi Fine insists that the *oleh/olah* recite the blessings over the scroll and that this individual or someone else inaudibly mouth the words from the scroll, we feel this does not fulfill the halakhic standard of public reading from the scroll because the audible public reading is from a *humash*. For this reason, we dissent.

Such a situation has already been discussed in both classical codes and in the work of the CJLS. Rabbi Moshe Isserles states (SA OH 143:2):

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

Mishnah Berurah states there (note 10) that if there is no one capable of chanting from the Torah scroll, then the congregation may chant from a printed *Humash* “lest the skill of reading Torah be forgotten,” only without blessings or aliyot. These rules were discussed in the CJLS responsum, “The Participation of Jews who are Blind in the Torah Service” by Daniel Nevins (approved Jan. 15, 2003), p. 16.

We consider it essential to differentiate the recitation of Torah from a scroll and from a printed *Humash*. If it is impossible on a given Torah reading day for the congregation to chant from the scroll, even with active assistance by a *gabbai* reading from the *Humash*, then the congregation should shift into Torah study mode, reading from the printed volume and discussing the *parashah*. The group could begin with a collective recitation of the morning blessings for Torah study, from *la’asok bidivrei Torah* through *notein haTorah*, and in this way preserve the sense of a public Torah reading. This format fulfills the individual obligation of Torah study, even if the congregational obligation of chanting the *parashah* from the scroll has not been fully satisfied.

Special liturgies such as healing prayers do not require the presence of the Torah scroll, and may be offered in the course of the service.

If a true emergency prevents the congregation from chanting Torah from a scroll on a given Shabbat, there is precedent in Jewish tradition to read the missed portion in addition to the current one when the congregation reconvenes, ideally the next Shabbat. This is the established emergency accommodation in our tradition, and should be retained.

In addition, we believe that Rabbi Fine's fifth p'sak to permit a regular Torah recitation with aliyot from a Ḥumash possibly contradicts established halakhic principles of *kedushat seifer Torah* (the holiness ascribed to the Torah scroll) and *g'neivat da'at* (deception). We are obliged to treat a Torah scroll as a holy object, and it seems to us that ceremonially removing it from the ark but not actually reading from it is disrespectful. In contrast to his fourth p'sak, where the Torah is read aloud from the scroll for the congregation, albeit with assistance from a gabbai, in the fifth p'sak the person looking at the scroll will, according to Rabbi Fine, only "mouth the words inaudibly." As such, the Torah reading will be heard by the congregation from a Ḥumash. This is the practice to which we object.

Reading from the Ḥumash does not satisfy the obligation of communal Torah reading, and it does not justify the calling of aliyot to the Torah. Moreover, it might be confusing or even misleading to congregants who see a scroll and assume that it is from the scroll that they are hearing the Torah reading. However, if there is no one capable of chanting from the scroll, even with assistance, or if there is no kosher scroll available, then reciting and studying Torah from a Ḥumash is a meritorious activity.

Signatories

Rabbis Aaron Alexander, Adam Baldachin, Emily Barton, Nate Crane, Joshua Heller, Amy Levin, Matthew Nover, Micah Peltz, Avram Reisner, and Miriam T. Spitzer