THE PARTICIPATION OF JEWS WHO ARE BLIND IN THE TORAH SERVICE

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This responsum was adopted by the CJLS on January 15, 2003, by a vote of sixteen in favor, none opposed, and no abstentions. In favor: Rabbis Abelson, Bergman, Dorff, Drazen, Fine, Frydman-Kohl, Geller, Kurtz, Nevins, Norry, Plotkin, Prouser, Rabinowitz, Rembaum, Roth, and Spitz.

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?

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. 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.

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.
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:

המניח אדך חורשים, המניחין את כוסות, המניחים את כתשים, בהב.

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, עינש ישביח, זכר. 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 imply 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, אךック ייטל ויסו אתא והרב איבט אולא יכהו, 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, “”, 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, ויכ היה רבי יהודה פטור מכל מצות האומנות עד יהדות, “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

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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. יאיבע כה ייכי אולא יכהו, אמר סמהן איבע יכהו אם יכהו פטור מצות עינש יכהו פייוו פטור מצות אלא נמי.

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. חסמות של, ד”ה סמהן.
subsequent generations, as indicated by the statement of Rav Yosef, who was blind:8

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 סמיה 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:

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

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8. 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.
9. שמית פרכ ו[op. cit.], מים הדימו בפשך אדם מאר ובער יוש לו בתשבי מפרים.
10. This depends on the assumption that the parents’ statement to the elders was accompanied by a visual identification of their son. See Rashi, ihnuxk yrp v‰s.
11. בבר קמא פ.יע.א, [op. cit.], ומככלי בפשך קפיטו בך ובר תגרוגו את פרכ ובער לו בתשבי מפרים.
story indicates that Jews who are blind may accept upon themselves the obligation to observe the commandments.  

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

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.

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:

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 life cannot be poreis al shema.

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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 vhtr icre, 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 rmuh, which praises God for creating the celestial lights. See Rashi on Sotah 30b: כנספים חמה ויריסו שמחת כנפיים כנפיים אונף_surface_with_water ויהיה חמה. 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
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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 reading Torah. Hadn’t he already exempted them from “all mitzvot mentioned in the Torah”? Tosafot concludes that even Rabbi Yehudah considered blind Jews liable to keep all the commandments on the authority of the rabbis, lest they live like gentiles. However, vision was an integral requirement to fulfill the commandment of reading Torah, 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, 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. The medieval scholar Rabbeinu Yerucham cited the halakha that the blind are biblically exempt but nevertheless obligated to keep the mitzvot on rabbinic authority. However, this point of view is explicitly rejected by later poskim such as Rabbi Yosef Karo and the Radbaz.

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).”

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.”
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, which was an official role in the ancient Torah service. But can the בנה סחי actually read Torah? As we shall see, there is a substantial literature addressing this question. One complication is that the terminology “read Torah” (קריאת התורה) 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. Yet, as many Rishonim and Acharonim 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.

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." It is presumably for this reason that the Tosefta allows Jews who are normally exempt from כרמש vרמש to read Torah on behalf of the congregation. 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. 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.

26. Other explanations for the Torah blessings include to honor the Torah, as well as a חיסון from food, which requires blessings before and after. How much more so does the spiritual sustenance of Torah study require blessings! See ספר אבודדרות, ברכת המצות משפטיהו ד'אכתיית החכמה.

27. ש"ר הראב"ע י chẳngCOME GL рам"א סחי לע'ד"ד מה ש"ך.

28. התשובה מ멜לא מ'בע'צ' Wohniah.
The Rosh concludes that the  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. But at the end of his discussion, he adds one significant caveat:

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, “words that are written must not be recited from memory.” This statement is applied by Maimonides to prohibit anyone from reading even one word of Torah or Megillah for the congregation from memory.

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

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.

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:

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.

32. שאר תראות כל הנם הם לעי' בך כל הנם. ב שאר תראות כל הנם
33. בעי' בלפניך בך כל הנם ב שאר תראות כל הנם ב שאר תראות כל הנם ב שאר תראות כל הנם ב שאר תראות כל הנם
34.rabbeinu Asher b. Yechiel, 1250-1327, Germany and Spain.
35. שאר תראות כל הנם הם לעי' בך כל הנם. ב שאר תראות כל הנם
At Orach Chaim 69, he reviews the ruling:

וכ חות א"ד [שומא] ייל הטפאל הלוחיא אתרוסי בולדו שלא קריא בהודו
שאספור לקוחת עלי 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 at Orach Chaim 53:14. In the Shulchan Arukh to Orach Chaim 139:3, he rephrases the explanation for this restriction:

סמה אתי קורא, сли שאספור לקוחת אפי' והא חות שלא מן המכת

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 reciting blessings while a sighted reader chanted from the scroll? The operative principle is שמא קמנה, 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, in vain.

As Rabbi Norman Lamm and others show, there are two schools of thought regarding שמא קמנה, 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 aliya, since the Torah blessings would then be said, in vain.

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

(ומאריו למחד ידעיש קורא סמה, כמי שומא מוקרי בתורה, באמת)

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

36 Especially Beit Yosef to O.H. 141:2 where Rabbi Karo cites numerous authorities and explicitly rejects the lenient position of the Eshkol (see below) and of his followers.
37 See below, p.13.
38 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, וְהָרְשֵׁיָהוּ תָּבֹא לַקָּרֹת לַהֲרָאָה סָפָא לְכֵת בֵּיהַ בָּיִט בְּשַׁם יִהְוָה וְיִשְׂרָאֵל". The crux is of course in the abbreviation וְהָרְשֵׁיָהוּ which could stand either for "and I agree with," or "and [I] do not agree with" the Beit Yosef!

Rabbi Suskind Goldberg, following Rabbi Yaakov Emden, is convinced that Rabbi Isserles meant to accept the view of Rabbi Karo. 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.

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

Moreinu HaRav Yaakov Sg”l 43 says that even the unlettered can be called [for an aliya] 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
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 kufav rpx], but apparently indirectly: This version of the text of Nimukei Yosef is also quoted in Beit Yosef (O.H. 141:2).

47. Auerbach explains Eshkol’s rationale for allowing the blind an aliyah:

48. Albeck explains the phantom Mishnah citation as follows:

49. Albeck quotes Beit Yosef, and then conjectures the true intent of the Eshkol:

50. Albeck quotes Beit Yosef, and then conjectures the true intent of the Eshkol:
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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 blindness 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, “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, 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:

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

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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 blind person who is a Kohen up for an aliya:

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] 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 aliya.

דרבי האוחותים
Early Modern Practice

The Taz55 decides in favor of calling Jews who are blind up for an aliya—even if they are not learned:56

It is written in the Levush57 that he observed [an incident] in the presence of great sages that a blind man was called up to the Torah [for an aliya].

And so too wrote my teacher and father-in-law58 of blessed memory.
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:

(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.

(13) “As we etc.” That is to say, that we act leniently [allowing an unlettered person his aliya] 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 gnuas vbugf (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 aliya and listen to the reader. At 49:1:2, the Mishnah Berurah explains that a blind person may in fact read Torah from memory; 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 aliyyot 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 Emden 60 in his responsa, שאלת ע׳פי, שאול ע׳פי. 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:

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59 See also the Magen Avraham and Vilna Gaon to O.H. 49:1, and the sources cited there.
60 Germany, 1697-1776.
...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 

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.

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62. ס chimpan "ז"אילה בין מתרخيل אל ס"ל כל כי אלא מותג אחר שוהית מהטימ כב בימי, אלא ה ריכל דידי למחות. כמם כמם מהונים.

63. ש"אثبت אינן אומת ד"א"ז סימן מ ד"א(ס) באה לה.
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 שמעת כמו שנה, and thus the role of 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 התוספת 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

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64. I thank Rabbi Roth for his detailed suggestions on this section. I thank Rabbi Mayer Rabinowitz for this text. 65. יקטן טוב, יש כלפ, צדו הקיראת החרבות, ע. מ. עין הבורמות. 66. צו אָלֶגַוּ הָכֵל אֲלֵי יָדוֹת (מסומן לאות ב’). “הרי ולא ברחו תмаг mennesכיות מצה תורת לָעֹל פַּה אָלֶגי יָדוֹת קִרְאָת מִסומנה לָעֹל פַּה!” 67. שֵׁרַח ציテスト תורו, ח”א כבלי דְּוִדַּו יַאֲרֵי אל יָדוֹת קִרְאָת הָכֵל (מסומן ביפר) שבישת את תмаг במסומנה לָעֹל פַּה מִסומנה בוּדַּו ברי לָעֹל מִסומנה לָעֹל יוּדַּו ברי לָעֹל פַּה אֲלֵי יָדוֹת קִרְאָת מִסומנה לָעֹל פַּה. 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 Talmud. 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),

אֶבַל בּוֹחָמִישָׁם שֶׁלָם אפִּילָל כָּל הַסְּפוֹרִים בִּחְדָּשׁ אֵלֶּל עָלְיוֹ

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 (של ת掣פסת נזר קראות), congregants are not called up for aliyyot, 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:

הָאֱדוֹתְן נוֹהֲגִים שְׁאָהָדָה קֹרָא מַחְוָהַמְאִי בְּלָשׁוֹן הָעִשָּׁר קֹרָא אָהֳרֵי מָסְתַּר מְסָתֶד מִיֶּשׁ

אַשְׁמֵש שֶׁאָישׁ וְדַעְיָה לַהֲרֹת בְּנַוְיָה וּטְעֵמִים אֵפָלָא פְּסִמָּה אָהֳרֵי מְסָתַד לַקְּרֵי מְסָתַד.

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 chants 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 aliyyot 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). However, Weiss agrees with Emden that the blind should not read Torah for the congregation nor even receive an aliyyah.

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 עולם תורני, 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 יארשא 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 מִמְּדוֹטשׁ מִמְּדוֹטשׁ “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 מִמְּדוֹטשׁ מִמְּדוֹטשׁ, from the actual text.

A better alternative is to distinguish the מַפְטִיר reading from the rest of the הָוֶשָּׁה. Already in the Gemara (Megillah 23a), the מַפְטִיר’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 מַפְטִיר’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 מַפְטִיר. Moreover, on days such as Rosh Hodesh, festivals, Shabbat Parah and Shabbat Zakhor in which the מַפְטִיר reads a special

71 An 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 --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 mafir’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 mafir separates him from the seven mandatory readers. This ruling is confirmed by
Rabbi Isserles. We have seen that the barrier to reading from memory is specific to cases in
which the reader is fulfilling the obligation of others. If so, then a Jew who is blind could read
the mafir 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 , the chanting of the Torah:

1. When called up for his aliya, 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, but it would
possibly be least satisfying to the oleh and to the congregation.

2. 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.
Indeed, the blind Rav Yosef was considered an expert in this task. Although this custom has
fallen into disuse (with the notable exception of the Yemenite rite), it remains a perfectly valid
option. 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. 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 mafir 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 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 mafir 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 See above, p. 13 and note 58.
73 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 aliya 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 aliya 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.

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.