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### **Purim 5781: Reading Megillat Esther Under Covid Precautions**

*Approved on January 25, 2021, by a vote of 13-0-1. Voting in favor: Rabbis Pamela Barmash, Nate Crane, Elliot Dorff, David Fine, Susan Grossman, Judith Hauptman, Joshua Heller, Steven Kane, Jan Kaufman, Micah Peltz, Avram Reisner, Deborah Silver, and Ellen Wolintz-Fields. Voting against: none. Abstaining: Rabbi Ariel Stofenmacher.*

The last Jewish celebration most of us were able to participate in freely in the communal setting was Purim 5780, just before Covid restrictions began to affect our behaviors. As such, Purim 5781 represents the first time we have had to face certain novel situations having to do with Covid Precautions. Hopefully, with the advent of vaccines and plenty of time until Purim 5782, we will not have to face such a situation again.

The simplest way to begin this discussion is to briefly review the relevant halakhot with regard to Mikra Megillah (reading Megillat Esther).<sup>1</sup> Mikra Megillah is generally performed on the 14<sup>th</sup> of Adar in most locations, or on the 15<sup>th</sup> of Adar, known as Shushan Purim, in certain locations identified as cities that had been walled in the days of Joshua's conquest of the land of Israel, such as Jerusalem. This year, however, the 15<sup>th</sup> of Adar falls on Shabbat, therefore those towns will read the megillah on the 14<sup>th</sup> of Adar as well.<sup>2</sup>

Megillat Esther is to be read both evening and morning.<sup>3</sup> There exists debate as to which reading takes precedence if one is able to do only one, and whereas the argument of those who consider the reading of the morning as taking precedence (so if one can do only one, that is to be preferred) seems better supported, practice clearly gives precedence to the evening reading.<sup>4</sup>

Reading the Megillah must be done from a parchment scroll that is complete and prepared according to the halakhot for a Sefer Torah.<sup>5</sup> Unlike a Sefer Torah, however, the megillah scroll does not become pasul (invalid) with an erasure or deletion, rather the requirement of a complete scroll applies l'khatilah (ab initio) but not diavad (in the event or after the fact), and even though the megillah must be read and cannot be declaimed from memory,<sup>6</sup> where the text before the reader

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*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. This teshuvah was approved by the CJLS in a fast-track process intended to provide answers expeditiously.*

<sup>1</sup> The other mitzvot of Purim -- Seodat Purim (a Purim feast), Mishloah Manot (sending gifts of food to friends) and Matanot la-Evyonim (donations to the poor) – are not affected by Covid precautions save that the feast has to be held within one's bubble or with full attention to safety requirements as stated by authorities in your location, and gift-baskets have to be distributed without close contact outside your bubble. The general matter of how to fulfill the mitzvah of Mattanot La-Evyonim in our day and situation where we do not generally have personal contact with the poor is beyond the purview of this fast-track teshuvah.

<sup>2</sup> Shulhan Arukh, Orah Hayyim 688.6.

<sup>3</sup> Shu" a, O.H. 687.1.

<sup>4</sup> Arukh HaShulhan, O.H. 687.2-3.

<sup>5</sup> Shu" a, O.H. 690.3 and 691.1.

<sup>6</sup> Shu" a, O.H. 690.7.

is defective, it may be filled in from memory when discovering that fact b'diavad.<sup>7</sup> While the obligation to read the megillah is an obligation on each individual, it is normative and highly preferred to read it in a minyan, and more people are better than fewer.<sup>8</sup> The reader of the Megillah for the congregation is expected to stand.<sup>9</sup>

Another stated leniency with regard to reading the megillah is that two or more readers may read simultaneously. Whereas we do not allow this in reading from the Sefer Torah, we do in reading from the megillah, since we do not say that two voices together cannot be clearly heard (trei kalei la mishtam'ei) in this case, but rather, that since Megillat Esther is so beloved a text, everyone will strain to hear it despite the difficulty posed by the two overlapping voices.<sup>10</sup>

Oddly, the common practice of dividing the reading of megillah among several readers, rather than having just one reader, is a leniency that we regularly apply to megillah, but that is, as far as I have been able to ascertain, not envisioned by the classic sources. Re Torah reading, although we may have different Torah readers for each aliyah, we may do so because there are separate blessings for each. In a ruling about a Torah reader who is incapacitated during an aliyah, the ruling is that the new reader should start from the beginning rather than continue from where the first reader left off.<sup>11</sup> This requirement of returning to the beginning, that is, of requiring a single voice to read from the opening to the closing blessings, is explicitly waived with regard to reading the megillah<sup>12</sup> because of the principle that one does not burden the public (tirha d'tzibbura) which could certainly not tolerate it if the first reader reached the sixth chapter and had to be replaced, and the replacement needed to reread from the beginning. The problem with this as a precedent for structuring the reading from the outset (l'khathilah) is that the permission is only envisioned when the scheduled reader is unable to continue. It is not obvious that one can apply that permission to have more than one reader l'khathilah. Yet we do. If nothing else, the precedent of years of practice confirms this practice. I have seen a report that the IDF handbook for Purim permits planning a reading with multiple readers, citing Israeli Chief Rabbi Mordechai Eliyahu and Rav Chaim Kanievsky as permitting it,<sup>13</sup> but I have not seen this manual. We can perhaps defend the

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<sup>7</sup> Shu" a, O.H. 690.3 and see Arukh HaShulhan 690.4-8. In fact, one may even use such a defective scroll l'khathilah if no kosher scroll is available (Shu" a, O.H. 691.9) – see further below.

<sup>8</sup> Shu" a, O.H. 690.18, Baer Heiteiv 16, there, and see Arukh HaShulhan 687.5.

<sup>9</sup> Shu" a, O.H. 690.1.

<sup>10</sup> Shu" a, O.H. 690.2.

<sup>11</sup> Shu" a, O.H. 140.1. Mishnah Berurah 2 there, echoing the Tur ad locum, explains that the reading is a unit which must reach from the opening blessings to the closing ones. Shu" a, O.H. 284.5 applies that as well to the reading of the haftarah, although it is clear that current practice at least in the Conservative Movement permits multiple bnai mitzvah to share a single haftarah. As is the case here, that is established practice due to כבוד הציבור, respecting the will of the congregation to give each Bar and Bat Mitzvah their moment in the spotlight and due to the particularly beloved place of the Bar/Bat Mitzvah ritual.

<sup>12</sup> Sha'arei Teshuvah 1 to Shu" a, O.H. 692.

<sup>13</sup> <https://judaism.stackexchange.com/questions/14973/can-one-take-over-the-megillah-reading>, accessed 1/7/21.

This lay source also cites Nitei Gavriel, Hilkhos Purim 38.9 by Gavriel Tzinner (2000) as permitting it. The author is unknown to me and offers permission, if it is necessary, as a personal conclusion ("ken nireh" – so it seems) while in 45.2 agreeing, somewhat inconsistently, that if a reader is unable to continue it would be better to begin at the beginning if it is not too disturbing to the congregation. Rabbi Pamela Barmash suggests that this might be seen as part and parcel of the general leniency with regard to reading Megillah that we see in the matter of a defective text.

practice by arguing that in some communities it might be difficult to find a single reader to take on the whole megillah<sup>14</sup> and that it is better to chant the megillah with correct pronunciation and fully cantillated than to have one person read it without cantillations<sup>15</sup> or with errors of pronunciation.

This year, the question is how to organize a public reading, when kosher scrolls are few and gathering people is contraindicated. It goes without saying that a video conference with a screenshare of the megillah will not do, for, apart from the question of the status of the minyan, reading from a digital file of the megillah is not reading from a kosher scroll. Nor will the use of a recording suffice. Each congregation will need to consider its own situation in determining what is the best arrangement.

Although convening a minyan at a distance is not generally permitted,<sup>16</sup> in a statement of CJLS Guidance for Remote Minyanim in a Time of COVID-19, posted on the RA website on Tuesday March 17, 2020, it was reported that the majority of CJLS continued to require that a physically present minyan be gathered in order to permit matters that require a minyan, but that a minority would permit remote minyanim in this exceptional circumstance, a matter of sh'at ha-d'hak (a moment of need).<sup>17</sup> Yet another, different minority, would permit distance minyanim only for the purpose of mourner's kaddish, that they note is not a true *davar she-bi-k'dushah*. In all cases, once the basic minyan is constituted everyone connected is included to fulfill their obligations (within time zone constraints concerning when the obligation applies).<sup>18</sup>

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<sup>14</sup> In random chatter on the above website, one speaker says cogently: "In college, we did this so that many community members would have the opportunity to learn to read the Megilla without the pressure of having to learn to read the whole thing, and also because we didn't always have someone available who either had already practiced the whole Megilla or had the time and wherewithal to learn it all now." That practice has prevailed in many locations, whatever the classic sources might provide.

Another argument that occurs to me is the following deduction: One has to hear every word of the megillah read, but it is common that some noise or the need to address a child causes one to miss a few words. What to do? The recommendation is to quickly read aloud (softly) from the text you have in hand to catch up to the reader, then refocus on his or her reading. Although the words you read were presumably from an invalid text, still, as we have seen, a kosher reading of the whole punctuated by small episodes of improper reading still fulfills the requirements of a kosher reading. Better yet if you are holding a proper scroll, for then the words you read are themselves kosher. This is still *b'diavad*, but it argues that it is better to hear two different readers both reading from proper scrolls, than hearing the additional words from an improper one. <https://www.yeshiva.org.il/midrash/7051>, accessed 1/7/21, number 10 and footnote 13, a lesson by Rabbi Eliezer Melamed, dated Shvat 2020. Thus, multiple readers from kosher scrolls is, if not to be preferred, at least a recognized alternative. And, as we said above, this practice has prevailed for good and sufficient reason.

<sup>15</sup> *Sha'arei Teshuvah* 1 to *Shu"t*, O.H. 690.

<sup>16</sup> *Wired to the Kadosh Barukh Hu: Minyan via Internet*, Rabbi Avram Israel Reisner (CJLS:March 13, 2001).

<sup>17</sup> It may be noted that I was among the minority that is willing to grant an exception in this *sh'at ha-d'hak* (and only until the crisis ends) – but it should also be noted that I do not subscribe to the statement's arguments.

Although there are those Orthodox halakhic authorities who proscribe fulfilling mitzvot through electronically transmitted sound, see my teshuvah above about *Minyan via Internet*, p. 7 that there are other Orthodox opinions that permit it, and CJLS sides with that permission even for reading the megillah.

<sup>18</sup> See my "Wired" teshuvah.

Thus, clearly, the preferable procedure for the majority would be to gather a minyan of ten, masked and physically distanced, of course, to read the megillah and broadcast that reading to the others in the congregation. Of course, if a community has a single reader who plans to read the whole megillah (or two or more with their own kosher scrolls), it would be possible to have a megillah reading without congregating, which will be proper for those who accept a distant minyan. Arguably, those who recognize distance minyan for kaddish only might choose to argue that reading megillah, like kaddish, is not truly a *davar she-bi-k'dushah*, minyan being required only due to “*b’rov am hadrat melekh*” and “*pirsumei nisa*,”<sup>19</sup> thus they might permit distance minyan for Mikra Megillah. It should be noted that even those who do not recognize a distance minyan and cannot gather a core minyan are advised to set up a video conference megillah reading. The prayers would need to be without *d’varim she-bi-k’dushah*, but the megillah can be read in this fashion with its blessings even in the absence of a minyan, and it is still preferable to read it with as many people as possible.<sup>20</sup>

Is it permissible for one individual with a kosher scroll to put it on camera so that a reader in another location that does not have a kosher scroll may read it from the kosher scroll via the screen? This is a difficult question. It is clear that we regularly read Torah through our glasses, not requiring their removal. This is discussed in a book of practical halakha by Yitzhak Yosef, the son of Ovadia Yosef and the current Sephardic Chief Rabbi of Israel called *Yalkut Yosef*. He writes: “It is without a doubt permitted to read a Torah scroll through glasses or a magnifying glass... The same is the rule re reading the megillah on Purim... But one should not read a Torah scroll from a mirror, for one is seeing only the reflection.”<sup>21</sup> The question before us – is the viewing through a camera more akin to viewing the real image through a transparent medium or to viewing the reflection? Viewing a reflection will present a reverse image, whereas viewing through the camera will present the direct image. It has therefore been noted that when using zoom or similar apps the immediate camera image is reversed, but it is translated and shown to the viewer righted again. So is this the equivalent of bouncing the image off two mirrors, and if one is prohibited, two all the more so? Or, since the eye itself perceives the image reversed and our brain rights the image, is this nearer to an analog of direct sight? In the fairly recent book *Pithei Teshuvot*, O.H. 224.12 and note 61 there, the author, Simcha Ben-Zion Isaac Rabinowitz, opines that one may say a blessing on something viewed directly through glasses or binoculars, one does not say a blessing on something viewed in a mirror or telescope (the double mirror scenario). He seems to have determined on one side of this dichotomy. The same, for those who would agree with him, seems to hold with regard to the camera.

But there is some reason to adopt the other side of the case – to claim that we should see the camera as providing a faithful image, without probing its internal workings<sup>22</sup>, and, since we permit

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<sup>19</sup> *Arukh HaShulhan* O.H. 687.5

<sup>20</sup> *Shu”a* O.H. 689.5 with *Baer Heiteiv* 6 there and see *Arukh HaShulhan* 689.7.

<sup>21</sup> *Yalkut Yosef*, *Hilkhos Kriat HaTorah*, *Dinei Korei uMakri* (141) 14-15 (Hebrew original; my translation). Nor are these modern rulings. Yosef footnotes sources from the thirteenth century (re peering through glass to do *Havdalah* on a flame in a storm lamp) through *Shaarei Teshuvah* 11 to *Shu”a*, O.H. 426 (permitting viewing the moon through a window pane in order to say *kiddush l’vanah*). And finding the prohibition of a reflection as true seeing already in the Talmud on *Rosh Hashanah* 24b.

<sup>22</sup> In an article in *Assia* 67-68, 2001, p 99, Shlomo Aviner states succinctly this demurral from too much probing of matters invisible to us in an article about whether genetic tests of paternity should be considered in determining if a child is a *mamzer* (which we in the Conservative Movement dispatch more easily by refusing to accept testimony on

electronic reproduction of sound, we should permit, as well, electronic reproduction of direct sight. One could argue that the scroll is a kosher one and the reading a true reading from that scroll, and the intervening medium is therefore irrelevant. Added to this the awareness of the exigent circumstances (sh'at ha-d'hak) and the fact that the mitzvah of reading the megillah is not d'oraita, therefore is subject to some latitude.<sup>23</sup> Those who wish to undertake this project need be aware that holding a megillah readably steady is not straightforward. Using a laptop with built in camera will require holding the scroll steady in front of the camera, not lying on the desk, and moving it as the reader moves on. If a stand to hold it upright can be found, that will do better than holding it by hand. I found that a megillah with a 6" column could be seen fully on the screen of a laptop, whereas one with 9" columns had to be moved up and down causing difficulties. Better would be a camera in a tripod positioned to view a scroll that is lying on a table or a detachable webcam that could be held over the stationary scroll.

But the difficulties halakhically and physically of reading a megillah on camera are such that I would not recommend it, even to those who are willing to accept the kulot required.

There is another remedy available, strange as it may sound. As we had said, the megillah must be whole, but in the performance thereof some parts – and up to half – might be defective and read from memory. The text of Shulhan Arukh (O.H. 690.3) is as follows: “The megillah must be written fully before [the reader] l'khatilah, but b'diavad if the scribe had deleted words in the middle, even as much as half, and the reader said them from memory, one would fulfill one's obligation.” (my translation). While Moses Isserles in his note states that one may not have missing “the beginning or the end or a complete matter in the middle,” (paraphrase) the Hafetz Hayyim's Biur Halakhah allows that the Rosh was lenient in this regard<sup>24</sup>, as the text of Shulhan Arukh suggests, and it is acceptable to rely on such an opinion bish'at ha-d'hak.<sup>25</sup>

At the price of opting bish'at ha-d'hak to rely on behavior that is normally acceptable only b'diavad,<sup>26</sup> it would be minimally acceptable to assure that the readers from kosher scrolls read the beginning and end and a total of more than half the megillah, and the intervening readers could

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mamzerut status. He writes: Matters of halakhah are not determined by scientific measures not visible to the human eye... The entire Torah was given based on human sight.” (Hebrew original; my translation). Aviner is talking about things that are physically invisible because they are microscopic. Here we would be extending that to black box operations beyond our attention, though not technically invisible.

<sup>23</sup> Mishnah Berurah 11 to Shu'a O.H. 687.

<sup>24</sup> As was Pri Hadash as reported by Kaf HaHayyim, a Mishnah Berurah-like Sephardic compendium by Yaakov Hayyim Sofer, parag. 22 to Shu'a O.H. 690.

<sup>25</sup> This is a broadly applied principle. The earliest source in which I have found it is in Teshuvot HaGeonim Harkavy 432, where it is used to permit suboptimal preparation of parchment for a Torah scroll where no one in a community had the requisite skill for proper preparation of parchment, relying on the minority opinion of one Gaon Rav Moshe of [Mata] Mehasia (Sura). The principle has to be cautiously applied, for not all prohibitions l'khatilah with permission b'diavad are of equal weight, so that in some cases the prohibition stands. But re reading megillah l'khatilah in a b'diavad acceptable way, not having another options is considered sufficient reason to do so. See Shu'a O.H. 691.9 and see the example in the next note. But this is unlike shabbat infractions, where it may not be permissible to do bish'at ha-dhak that of which we say “patur aval asur.”

<sup>26</sup> Yet another principle broadly applied, with care, is the principle that “כל שעת הדחק כדיעבד דמי” that a sh'at ha-d'hak permits acting in ways that otherwise would only be acceptable b'diavad. A typical example: Mishnah Berurah 4 to Shu'a O.H. 89.1 who terms having to travel at first light sufficient cause (sh'at ha-d'hak) to permit the shaharit prayer to be said l'khatilah at an hour normally considered night, but recognized b'diavad as fulfilling the obligation of morning prayer.

use unkosher scrolls or printed books, which has a legal status equivalent to recitation from memory,<sup>27</sup> and the reading as a whole would fulfill the obligation of reading the megillah. That would be easier and rely on more certain precedents than attempting to read from scrolls broadcast over a computer's video camera and internet.

Lastly, if all attempts to arrange for a kosher megillah reading fail, one should nevertheless arrange a reading, even from a printed text,<sup>28</sup> without reciting b'rakhot.<sup>29</sup> Reading part from a kosher scroll, but more than half from an unkosher one remains a non-kosher reading that does not merit b'rakhot, save that it is a reminder of the value of doing so correctly.

An additional point. While the sources ask that the reader be standing, it was pointed out that computer video generally assumes seated participants, and since standing is only required out of a consideration of k'vod tzibbur,<sup>30</sup> I think it reasonable to assume that no-one will be offended by the reader being seated in this case.<sup>31</sup>

Summary and hierarchy of preference:

1) It is preferable to convene all the Megillah readers in a minyan that is properly distanced and masked, in accordance with local health guidelines, to read for the congregation from a kosher scroll in a video conference or a livestream of the reading to the other participants. Readers might be isolated in different rooms with the scroll brought from room to room. Outdoor reading may be prudent if weather permits.

2) For those who accept a minyan constituted over video conference, it is proper to have the whole megillah read from one or many kosher scrolls, if distributing kosher scrolls to all the readers can be arranged. For those who do not accept minyan over video conference, b'rakhot should still be said in this format where the megillah read is kosher.

3) For those who accept a minyan over video conference, it is minimally acceptable to read the beginning, end and majority of the megillah from kosher scrolls and permit the rest to be read from unkosher scrolls or printed books. This procedure allows for b'rakhot, since the reading as a whole is a kosher reading under diavad standards.

4) For those who are inclined to accept the kula with regard to reading from a kosher scroll which can be seen on camera, such a reading, would be acceptable with b'rakhot.<sup>32</sup>

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<sup>27</sup> Mishnah Berurah 6 to Shu"u, O.H. 690.

<sup>28</sup> Mishnah Berurah 8 to Shu"u, O.H. 690.

<sup>29</sup> Shu"u, O.H. 691.10 and see Mishnah Berurah 10, there, who cites Pri Megadim "It is appropriate even in such a situation to read without blessings so that the ritual of reading megillah not be forgotten" (my translation). A similar ruling is that which is found in Shu"u O, H. 689.7.

<sup>30</sup> Shu"u, O.H. 690.1.

<sup>31</sup> Kaf HaHayyim 5 to Shu"u O.H. 690, writes: "If the congregation wishes to waive their honor, they are permitted to do so." (my translation)

<sup>32</sup> It may be noted that even those who require a locally gathered minyan could conceivably find themselves in a situation where they have gathered a minyan but are unable to gather all their megillah readers, and wish to use this option to facilitate a reader at a distance. Better would be to find and distribute other kosher scrolls to the other readers.

5) Absent the ability to facilitate a kosher reading, a congregation should nevertheless gather on a video conference and read the megillah from any text, without b'rakhot.

6) It goes without saying that absent the ability to join a congregation, an individual or small group are still obligated to read the megillah, with b'rakhot if reading it from a kosher scroll, and without b'rakhot if reading from an unkosher scroll or book.<sup>33</sup>

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<sup>33</sup> My thanks to Rabbis David Fine, Josh Heller, Jan Kaufman, Amy Levin and Pamela Barmash who helped me sharpen this work.