



Mitzvot from a Distance
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A Halakhic Analysis and Psak
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There are times when Halakhic deliberation can feel removed from the everyday life of the average person. However, the current conversation about using Zoom for the fulfillment of Mitzvot will have long-term implications for the shape of our community. Some *poskim* are not willing to rely on webcams except in the most dire circumstances when no viable safe alternative exists. That approach is based on an assumption that fulfilling Mitzvot remotely is substantially suboptimal. I believe, however, that narrow approach is not the best reading of the sources and represents a minority position over the past 150 years.

This brief essay and summary has three parts:

1. [First](#), a concise summary of the five main approaches that Rabbis have taken to the use of the telephone to fulfill Mitzvot.
2. [Second](#), a section outlining some implications of my *psak*.
3. [Third](#), summary notes and footnotes with text selections from each of the main approaches.

For interested readers, I offer links to all the *teshuvot* in their original throughout the document. I am well aware of the risks that embracing Zoom brings to synagogue life. However, I believe deeply that the benefits of inclusion far outweigh those risks. The reality is that we have all learned, over the past year, the strengths and weaknesses of Zoom and similar platforms. I hunger for the in-person experience of social interaction for which online alternatives offer only a mild approximation. However, for those people who may not be able to ever enter the building, conferencing software offers a light of connection that has been absent for too many years.



Part I: The bottom line according to major *poskim*:

There are five different approaches to the question of fulfilling Mitzvot from a distance.

- 1) [Group One](#): the most inclusive *poskim* allow for any Mitzvah of sound to be fulfilled over the telephone or via a webcam ([note #1](#)). This approach includes Shofar ([note #2](#)), as well as the reading of the Megilla, Torah reading, Kedusha and Berachu (all assuming the physical presence of a *minyan* when required).
- 2) [Group Two](#): A second group allows only those Mitzvot that are fulfilled through the mechanism of שומע כעונה -- which again includes the reading of the Megilla, Torah reading, Kedusha and Berachu -- but excludes the Shofar because of a technical limitation requiring people to hear the actual sound of the Shofar.
- 3) [Rav Moshe Feinstein](#) occupies a kind of middle ground between the most inclusive and most restrictive approach in that he appears only to allow Rabbinic Mitzvot but not Torah commandments to be fulfilled over the phone. He is also only willing to permit when there a high level of דחק.
- 4) [Group Three](#): There is a specific conceptual move made by a group of early *poskim* that shift all of the limitations of Shofar onto every other Mitzvah that is fulfilled through speech. Just as there is a requirement to hear the קול שופר (the sound of the Shofar) and not the קול הברה (the sound of the echo), they assert that in order to fulfill any Mitzvah of speech you must hear the voice of the person speaking. Both Rav Chaim Berlin in 1905 and Rav Benzion Uziel, just two years later, make this claim.
- 5) [Rav Shlomo Zalman Auerbach](#) became the champion of the idea that hearing via a telephone (microphone, webcam or hearing aid) is simply not considered “hearing” for the purposes of Halakha. Not only does the Shofar not work via a digital medium but, so too, any Mitzvah that is dependant on שומע כעונה requires the hearing of the actual voice of the person leading on one’s behalf. Rav Shlomo Zalman’s claim is different from group three as he basically thinks that hearing through any digital medium is akin to listening to a recording. Even if the experience of the transfer of sound is apparently immediate, since the sound is being transmitted the listener is imply not hearing a human voice at all.

	Shofar	Mitzvot of Speech
Group One	Yes	Yes
Group Two	No	Yes
Rav Moshe Feinstein	No	Only Rabbinic
Group Three	No	No (extended from Shofar)
Rav Shlomo Zalman	No	No



The majority of *poskim* either fall into group one or group two. Rav Moshe's position is basically *sui generis*. While many refer to Rav Shlomo Zalman, most ultimately assume that a hearing aid works for the fulfillment of Mitzvot of speech. The extension from shofar to all other speech based Mitzvot is difficult to substantiate, and is a minority voice. Therefore, I believe that we should *pasken* in accordance with group two who represent the best read of the sources and at least a plurality of the major *poskim* - thought perhaps the majority (depending on how we define, "major").



Part II: The implications of my *psak*:

The second approach, allowing for all Mitzvot that rely on שומע כעונה, *shomea ka'oneh*, but not permitting Shofar, accounts best for both the texts of Halakha as well as the lived experience of the phone and web-conferencing. When we talk and learn over Zoom, we all know intellectually that there is a short delay, and yet we also understand that we are having a live interaction with another human being and not listening to a recording. The unique requirements of Shofar, however, place a particular limitation that makes it difficult to imagine that the digitized sound travelling over the wires can reasonably be said to be the actual sound of the Shofar.

This *psak* creates a series of opportunities and, I believe, responsibilities for shuls today. One of the hard lessons we have learned over this past year is that many people have a strong desire to participate in the religious lives of our communities but are not able to be in person for a range of legitimate reasons. For too long, we felt that we could ignore those individuals and their concerns. Perhaps we did so unwittingly, but we can no longer afford to shield our eyes from those who seek to join but for whom being physically in the room is simply not an option.

So many of our coreligionists fall into this group: the elderly and homebound, people with a range of physical limitations, those who struggle emotionally with large crowds, those who are immunosuppressed (separate from Covid concerns), those who live too far away, those who need to move around too much to sit comfortably in shul, parents of young children. And the list goes on.

We need to commit, as a community, to finding ways to give virtual access to the Mitzvot that happen inside the four walls of our shuls on ימות החול, weekdays. Doing so has several practical implications:

- 1) Shuls need to invest in resources to establish a stable internet connection, a camera and a speaker to allow people who are outside the building to participate in shul. These technologies need to be employed thoughtfully, with the user's experience in mind, and enhanced or altered if the user feels unnecessarily distanced or separate from the activity in shul; these technologies can be used very well or very poorly, so someone on the shul staff needs to be trained in their use and responsible for ensuring their optimal performance. Access should be given to all non-Shabbat and Yomtov events, such as daily minyanim, classes, lifecycle celebrations and events.
- 2) Just as we may no longer build shuls that have steps up to a bima, which limit physical access to the Torah, any new construction must include the cost of this relatively simple technological setup.
- 3) I would recommend that we create a small guidebook to help shuls enact these inclusionary steps.
- 4) In addition, perhaps a small communal fund could be generated to help incentivize as many shuls as possible to undertake these changes.



Part III: Summary Halakhic Notes

Note #1 - The *Gemara* in ע"ב פ"ה based on the משנה ז"יב quotes the normative position of R. Yehoshua b. Levi, "אפילו מחיצה של ברזל אינה מפסקת בין ישראל לאביהם" "שבשמים". Rashi there (ב"ה וכן לתפילה) understands this as allowing someone to be counted in Minyan. Tosfot (וכן לתפילה) as well as, תשעה, ב, עמוד דף צב עירובין דף עירובין מצטרפין (בגדולה ויחיד בקטנה מצטרפין) limit R. Yehoshua b. Levi to permit the answering of Amen. The Shulchan Aruch (או"ח נה:כ) *paskens* like the Tosafot's understanding of R. Yehoshua b. Levi. This starting point makes room for the possibility of fulfilling Mitzvot even when at a great distance.

Note #2 - The משנה in גז: ראש השנה presents a unique requirement to hear the sound of the Shofar and not its echo¹. This דין is not quoted in any other Halakhic context.

Group One - All Mitzvot:

The very first *teshuva* that addressed the use of the telephone for the fulfillment of Mitzvot was written in August of 1885 from Rabbi Chaim Yehuda Leib Litvin to the Rabbinic leadership of the German Jewish community of Frankfurt am Main. His *teshuva* was printed in his [שערי דעה תשובה עד](#). He concluded with the following sentences, "ברור הדבר לבעל שכל ישר שאין לבדות בזה חומרות מעצמנו, וכל היכא דאיכא שעת", הדחק ודאי אדם יוצא ידי חובתו על ידי שמיעת קול שופר באמצעות הכלי הנ"ל...אך לעשות כן לכתחילה "במקום שאפשר בענין אחר נ"ל שאין לסמוך על הכרעת דעתנו בזה לכתחילה and בדיעבד, and clearly allows for the Shofar. A student of Rabbi Chaim Elazar Shapira, the author of the *מנחת אלעזר* (whose position we will note below as part of group 2), Rabbi Nata Shlomo Shlisl *hy"d*, a Hungarian *posek* who perished in the Holocaust, took a similar position. His *teshuva* was published in [ספר ירושת הפליטה - סימן](#). He wrote, "אנו רואים שקול תקיעה או שברים או תרועה על ידי הטעלעפאן הוא קול שופר ממש", "בלי שום תערובת קול אחרת". He also is prepared to be so lenient in very exigent circumstances like someone who is in jail or, God forbid, in a concentration camp. In addition, Rabbi Yaakov Moshe Toledano from Cairo is his [ים הגדול סימן כט](#), Rabbi Aryeh Tzvi Frummer in Poland in his [שו"ת ארץ צבי ח"א סימן כג](#) are both open to fulfilling the Shofar over the telephone.

Group Two - Not Shofar:

¹ The proper reading of the two halves of this משנה may in fact lie at the core of this debate. The first half describes the special דין of hearing קול שופר as opposed to קול הברה while the second half teaches that a person walking behind the shul can fulfill both Shofar and Megilla (assuming the proper כוונות). Those who make the leap from Shofar to Megilla (and all other Mitzvot) are pulling the requirements of the first half into the Mitzvot of the second half. The opposition reads those two portions as standing alone.



This approach was first articulated by Rabbi Chaim Elazar Shapira in his [שו"ת מנחת אלעזר ח"ב סימן עב](#). Rav Shapira's main concern is the א"י of the מחבר in נה"כ that limits R. Yehoshua b. Levi if there is garbage between the person reciting the תפילה and the person hearing. In his *teshuva* he displays concern for the sound that is travelling on the outside of the wire and therefore might come into contact with inappropriate material along the way². His misunderstanding of the science makes it more difficult to rely on his *psak*. However, Rav Kook, in [שו"ת אורח משפט אורח חיים סימן מה](#), arrives at the same conclusion and displays a clear-eyed understanding of how sound moves through wires³. The same approach is shared by Rav Tzvi Pesach Frank in his [מקראי קודש](#) and supported by his son who did the footnotes. Rav Eliezer Waldenberg, in his *Teshuva* of 1963, [שו"ת ציץ אליעזר חלק א סימן יא](#), concurs.

Rav Moshe Feinstein:

Rav Moshe wrote three *teshuvot* on this topic⁴ in which he offers a complex approach to our question. In the first *teshuva*, he displays an understanding of how sound travels and nonetheless thinks that it more reasonable to say that a voice over a microphone is the real voice of the human being⁵. However, he only says, "אין למחות" regarding those who want to rely on the microphone and does not grant full permission. In his second *teshuva*, he says that even if we think Havdala might work over the phone, *Birkat ha-Mazon* and *Kriyat Shema* would not. He offers no explanation as to why this might be the case. In the third and final *teshuva*, he does not want to permit a seminary to rely on his first *psak*. He expresses hesitancy because this is an "ענין חדש" and does not want to move in an unpredictable direction. Perhaps his point is that a telephone could only work for מדבר but not מצוות מדבר, though he never says that explicitly, and the distinction does not seem relevant to our conversation⁶.

² "שהקול הולך בהטעלעפאן דרך החוט הברזל הקבועה על הכלונסאות ואינו הולך תוך החוט ברזל דהחוט אינו חלול כלל והרי הוא כהולך על החוט וחוצה סביב לו."

³ "וגם שיטת המחמירים י"ל דהרדיא או הטלפון שהם משמרים את הקול ע"י מכונות נחשב כאילו אין הקול עובר כלל במקומות אחרים, ואין לנו ראייה שעבר דרך עכו"ם או מקום מטונף. ולא מבעי הטלפון בא רק ע"י החוטים י"ל כן, אלא אפילו הרדיו שמתפשט בכל מקום, מ"מ מאחר שאינו נתפס לשמיעת אדם כ"א ע"י המכונה, י"ל דאין העברתו נחשבת העברה במקום טומאה כלל, כ"ז שלא בא למציאות לשמיעה ע"י המכונה."

⁴ או"ח ב:קח, ד:צא, ד:קכו

⁵ "לכן אפשר שגם הקול שנעשה בהמיקראפאן בעת שמדבר ששומעין אותו הוא נחשב קולו ממש וכן הא יותר מסתבר"

⁶ Rabbi Aryeh Klapper has a sharp analysis of Rav Moshe [here](#), where he presents an insightful reading of אין מוחין as it relates to new technological advances. I am not compelled by the idea that the telephone, 100 years after it entered into our world, should be considered so new that Rav Moshe could not make a clear decision or understand the implications of such a technology. The implications of relying on Zoom may be much more far reaching than any one of us can



Group Three - No Shofar and no Mitzvot of speech:

Rav Uziel at the end of his second *Teshuva* on this matter, [משפטי עוזיאל כרך א - אורח חיים](#), [סימן כא](#), makes the leap from Shofar to all other Mitzvot⁷. Rabbi Aaron Milevsky, in 1941, from Montevideo, responded to Rav Uziel in his [מנחת אהרון סומן יח](#) and said, regarding the extension from Shofar to all other Mitzvot, "וזהו תימא". The same leap was made in a *Teshuva* from Rabbi Chaim Berlin to his *mechutan* Rabbi Eliyahu Aron Milyakovsky (his son, Ephrayim was married to Rav Chaim Berlin's daughter טעמא) in 1905. The *teshuva* was printed at the end of the second volume of Rav Milyakovsky's [שו"ת אהלי אהרון סימן טו](#) and addresses the question of playing recorded *berachot* and ברכה לבטלה or תשא⁸.

Rav Shlomo Zalman Auerbach - No Mitzvot of speech or sound:

Rav Shlomo Zalman published a groundbreaking *teshuva* in 1948, [מנחת שלמה ח"א סימן ט](#). After a careful analysis of how analogue microphones and telephones work, he simply asserts that since the listener is not hearing the actual voice of the person speaking, but rather a sound that has been amplified through a membrane (and all the more so in a digital world), that no Mitzvot of speech can be fulfilled in this manner. The mechanism of שומע כעונה is disabled once the voice is disconnected from the person leading⁹. In the middle of the *teshuva*, he also offers an apology for the extreme implication that a person who can only hear with a hearing aid can simply never fulfill any of these

imagine, and we must be careful to try to plan for different options. The need to plan, however, should not impede our ability to make a decision.

⁷ "ולפי זה קול התליפון והראדיא שהוא קולט ומרכז את הד הקול ולא הקול עצמו הוא ודאי קול הברה ואין השומעו יוצא ידי מצות שופר, והוא הדין לכל ברכות וקדושה שהרי הד קול איננו קול האדם ואין יוצאים ידי חובה ולא עונים אמן וקדושה אלא בקולו של אדם בן דעה ובן מצוה."

⁸ "דלא מהני קול הברה לצאת בו ידי שופר, או ידי מגילה"

⁹ "אחרי כל התיאור האמור לעיל נראה שהשומע קול שופר או מקרא מגלה ע"י טלפון או רם-קול (אף אם לא נאמר שהקול משתנה קצת ולענין שופר דינו כתוקע לתוך הבור או דות) לא יצא כלל ידי חובתו, משום דדוקא כשרושם שמיעת האוזן נעשה באופן ישר ע"י קול השופר שמזעזע את האויר ויוצר בו גלי קול אז חשיב כשומע קול שופר. משא"כ כשהאוזן שומעת רק תנודות של ממברנה אף על פי שגם אותן התנודות יוצרות באויר גלי קול ממש כדוגמת קול השופר אפי"ה מסתבר שרק קול תנודות ממברנה הוא שומע ולא קול שופר."



Mitzvot¹⁰. He added a note after the printing of the *teshuva* that he had a conversation with the אר"ן, his venerated Rebbe, who was not convinced by this argument¹¹.

¹⁰ "מצטער אני שלפי זה נמצא שהאנשים אשר אזנם כבדה משמוע ומשתמשים במכשיר של מיקרופון וטלפון קטן לקרב את קול המדבר לאזנם שלפי"ז אינם יוצאים כלל חובת שופר ומקרא מגילה וכדומה."

¹¹ "אחר שכבר נדפס מאמר זה נזדמן לי לדבר עם מרן בעל החזו"א זצ"ל ואמר לי שלדעתו אין זה כ"כ פשוט, ויתכן דכיון שהקול הנשמע נוצר ע"י המדבר וגם הקול נשמע מיד כדרך המדברים "אפשר" דגם זה חשיב כשומע ממש מפי המדבר או התוקע, וכמדומה לי שצריכים לומר לפי"ז דמה שאמרו בגמ' אם קול הברה שמע לא יצא, היינו מפני שקול הברה נשמע קצת לאחר קול האדם משא"כ בטלפון ורם - קול, ולענ"ד הוא חידוש גדול מאד ואין אני מבין אותו."

