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**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha in the Age of Social Media**

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**Shiur #38:**

**The Webcam in Halakha:**

***Mitzvot* and *Minyanim***

**Introduction**

In recent years, there have been a series of articles analyzing various areas of Halakha and the potential to utilize webcams to fulfill *mitzvot* or achieve other halakhic goals. Rav Dovid Lichtenstein recently published a brief survey of many of these issues, including whether a webcam can be used to solve *yichud* (seclusion between men and women) or to provide supervision for *chalav Yisrael,* as well as a series of other issues.[[1]](#footnote-1)

While this issue does not relate to social media alone, the themes that emerge in many of these discussions relate to the topics we have developed over this year. Here, we will focus on the possibility of using webcams to fulfill *mitzvot* and create *minyanim.* We will not analyze every detail, and we will draw heavily on recent sources to survey the issues succinctly. The goal will be to outline enough of the issues to highlight points we have made throughout the year about the way in which communications technology affects different areas of Halakha.

**Background from Testimony**

There are several key Talmudic sources that deal with the question of whether one can fulfill *mitzvot* through indirect means. The first is the following passage (*Rosh Hashana* 24a, Koren translation) concerning testimony for the sanctification of the new moon:

**The Sages taught** in another *baraita* that if the witnesses say: We did not actually see the moon, but **we saw it** reflected **in the water,** or **we saw it** reflected **in** a glass **lantern,** or **we saw it through** thin **clouds, they** may **not testify about it,** as only a direct sighting of the moon is acceptable.

As we discussed in our *shiur* on the [video-teleconferenced *get*](https://www.etzion.org.il/en/shiur05-videoteleconference-get), this may be understood either as a technical or a fundamental problem. We might derive from here that in principle, testimony does not require direct sight, but reflections are not reliable enough to ascertain facts for testimony. Alternatively, we might understand that testimony requires direct exposure, and seeing a reflection is therefore insufficient. As Rav Lichtenstein notes, both Rabbeinu Chananel and the *Mefareish* on the Rambam (*Hilkhot Kiddush Ha-chodesh* 2:5) argue that the issue is merely one of verification. Based on this, we might argue that an indirect sight that is perfectly clear, such as reflection, might be sufficient for testimony, a position entertained by the *Birkei Yosef* (CM 35:11). As Rav Lichtenstein notes, the above presentation is helpful in understanding the dispute between the Posekim concerning fulfilling *mitzvot* over microphone and telephone — and correspondingly, the webcam.

**Fulfilling *Mitzvot***

A principle found throughout Halakha is that people may fulfill certain *mitzvot* by listening to the performance of others, such as by hearing the shofar blown, *Kiddush* recited, the *Megilla* read, etc. May one fulfil one of these *mitzvot* by listening to its performance indirectly, though a microphone, a telephone, a webcam, or even a recording?

The modern Posekim debate this. Some feel strongly that one may not use any of the above, assuming that *mitzvot* require hearing the sounds directly. This is the position of Rav Shelomo Zalman Auerbach (*Responsa Minchat Shelomo* 1:9), based on the following ruling of the Gemara that one cannot fulfill the mitzvaof hearing the shofarthrough hearing an echo.

If **one sounds** a *shofar* **into a pit, or into a cistern, or into** a large **jug, if he** clearly **heard the sound of the *shofar*, he has fulfilled** his obligation; **but if he heard the sound of an echo, he has not fulfilled** his obligation. (*Rosh Hashana* 27b, Koren translation)

Rav Auerbach argues that one must hear the actual sound of the one performing the mitzvaon behalf of others. Scientifically speaking, a microphone produces a sound which is similar to the original voice, but it does not actually amplify the original sound. Thus, even a microphone, and certainly any other mode of electronic communication, cannot be used to discharge someone else’s obligation to hear the performance of a mitzva*.*

However, other Posekim argue that it is not relevant whether one physically hears the original sound, as what is important is the experience. Does one perceive oneself as hearing the original sound? The *Chazon Ish* (cited by Rav Auerbach) argues that one does, as the sound is heard through the microphone almost immediately after it is made. Rav Moshe Feinstein (*Responsa Iggerot Moshe* OC 2:108, 4:126) goes further, noting that one never really “hears someone’s voice” but rather the vibrations in the air caused when someone talks. Thus, sounds conveyed through microphones are basically as direct. However, he is hesitant to allow this under normal circumstances, as he is not wholly convinced by the argument. Thus, he does allow using it to discharge biblical obligations.

Rav Chaim Jachter assumes that majority of Posekim follow Rav Auerbach:

In particular, most mid- and late-twentieth-century authorities, who benefited from a greater understanding than their predecessors of how microphones operate, reject the use of microphones for the performance of mitzvot, with the possible exception of Torah reading. They argue that one hears an electronically reproduced sound over these devices, whereas the Halakha requires one to hear the actual sound of a shofar, or voice of the reader. They note that this reproduction is substantially inferior to hearing an echo since it lacks any trace of the original sound, whereas echoes come from the original sound waves. According to Rav Shlomo Zalman, blowing the shofar over a sound-system is analogous to pressing a button on a computer that produces the sound of a shofar.[[2]](#footnote-2)

However, there are significant modern Posekim who continue to rule in accordance with Rav Feinstein, or at least to entertain his view as viable, and it seems that they are at least as numerous those who oppose his position. For example, Rav Asher Weiss, while conceding that what one hears from a microphone or telephone is not the original voice, argues that Halakha is concerned with perception and experience, and one feels as if one is hearing the voice directly.[[3]](#footnote-3) When necessary, many Posekim allow fulfilling *mitzvot* using microphones, loudspeakers or telephones. (See *Responsa Tzitz Eliezer* 8:11 concerning reading *Megilla* in hospitals over the sound system, and *Responsa Iggerot Moshe, OC* 4:91 about *Havdala.*)

The Posekim who allow fulfilling *mitzvot* even over the telephone would allow it over a webcam as well. However, it is worth wondering whether a position could be constructed which allows fulfilling *mitzvot* over a webcam but not a telephone, in the spirit of those Posekim who feel that the critical issue is the experience of direct hearing, rather than the scientific question of what sounds one hears.

**Responding Amen**

Even Posekim who reject fulfilling mitzvot over a microphone accept that one may respond Amen to a *berakha* heard in this manner, based on the Gemara’s description of the procedure in the synagogue of Alexandria (*Sukka* 51b):

**It is taught** in a *baraita* that **Rabbi Yehuda says: One who did not see the great synagogue [*deyofloston*] of Alexandria of Egypt never saw the glory of Israel. They said** that its structure **was like a large basilica [*basileki*],** with **a colonnade within a colonnade. At times there were six hundred thousand** men **and** another **six hundred thousand** men **in it, twice the number of those who left Egypt. In it there were seventy-one golden chairs [*katedraot*], corresponding to the seventy-one** members **of the Great Sanhedrin, each of which** consisted of **no less than twenty-one thousand talents of gold. And** there was **a wooden platform at the center. The sexton of the synagogue** would **stand on it, with the scarves in his hand. And** because the synagogue was so large and the people could not hear the communal prayer, **when** the prayer leader **reached** the conclusion of a blessing requiring the people **to answer amen,** the sexton **waved the scarf and all the people** would **answer amen.**

Rav Jachter summarizes the conclusions derived by Posekim from this Gemara:

Rashi (Berachot 47a s.v. Yetomah) and Tosafot (Sukkah 52a s.v. Vekeivan and Berachot 47a s.v. Amen) both ask, why could the Alexandrians answer “amen” on the basis of a banner if the Gemara (Berachot 47a) forbids answering “amen” without hearing the actual berachah? The Gemara refers to such a reply as an amen yetomah, “an orphaned amen.” Rashi and Tosafot (in Berachot) explain that the people in Alexandria knew which berachah was being recited, despite the fact that they did not hear it, whereas the problem of an amen yetomah exists only when one lacks any knowledge of what the leader has uttered. Elsewhere (Sukkah 52a), Tosafot cite Rabbeinu Nissim Gaon, who suggests a different approach. He claims that the prohibition against reciting an amen yetomah applies only when answering “amen” to a berachah that one is obligated to recite and he wishes to fulfill his obligation by answering “amen,” such as the berachot before blowing the shofar or reading the Megillah. On the other hand, he suggests that the Alexandrians relied on the flag system for responding only to those berachot that they were not obligated to recite.

The Shulchan Aruch (Orach Chaim 124:8) rules that the problem of an amen yetomah applies only to those berachot that one is obligated to recite, while the Rama and Ashkenazic Acharonim rule that the problem exists in other cases, too. Accordingly, the Rama prohibits responding “amen” to any berachah, even when one is not obligated in it, if one does not know precisely which berachah is being recited.

Accordingly, Rav Shlomo Zalman rules that if one hears via a microphone a berachah that he is not obligated to recite, he may answer “amen.” This situation commonly arises at weddings, where members of the audience hear the berachot only over loudspeakers. The bride and groom, who must hear these berachot, do hear the actual sound, as they stand right next to those who recite the blessings.[[4]](#footnote-4)

The distinction made by Rav Auerbach highlights a point that we have seen in the past: information-based *halakhot* may shift due to innovations in communications technology. As understood by the Rishonim, at least the response of Amen to non-obligatory blessings is about the knowledge that those blessings have been said. On the other hand, fulfilling *mitzvot* requires actual experience, and here the Posekim divide on whether these indirect means are sufficient. Rav Ovadya Yosef (*Responsa Yechaveh Da’at* 2:68) formulates a position similar to Rav Auerbach, who makes the distinction essentially in this way, allowing responding Amen to *Selichot* heard over the radio, but forbidding fulfilling *mitzvot* in that way.

This distinction also explains why even Posekim who allow fulfilling *mitzvot* over the telephone do not allow one to use a recording. This, for example, is the position of Rav Natan Schlissel, a student of the *Minchat Elazar*.[[5]](#footnote-5)

**Internet *Minyanim***

There have been recent discussions of “internet *minyanim*.”[[6]](#footnote-6) However, here the Posekim assume, as far as this author can tell, that creating a *minyan* requires the physical presence of quorum. For all its benefits, communication technology cannot provide that. One modern author puts the issue succinctly:

When a quorum of ten are in one place – the Shekhina dwells amongst them. Therefore, even an iron curtain would not block any who wish to join them from connecting with HaKadosh Barukh Hu on this higher level. Certainly, one cannot be counted towards a Minyan if he is not in the same location as the other. However, can he listen to a minyan using Skype and answer Amen?*[[7]](#footnote-7)*

Rav Dovid Lichtenstein writes similarly, noting that it should be obvious, despite recent attempts to argue otherwise.[[8]](#footnote-8) This sentiment is similar to the one presented by Rav Ovadya Yosef regarding friendship in the context of the berakha of She-hecheyanu. In that case, he argues that nothing can replace the emotional connection and excitement created by face-to-face conversations. Here, the same argument is made for the spiritual importance of creating communities for prayer.

However, we have seen that a certain kind of community can be created through identification rather than geography. Is there a parallel for minyanim? It seems that the closest parallel is the question of whether there is a value to praying at the same time as the community when one cannot make it to synagogue.

The presence of a minyan causes God to “dwell in the community” (Berakhot 6a). The Gemara goes on to argue that God is more likely to accept the prayers of the community than those of the individual. In that context, the Gemara introduces a story which indicates that one may tap into these benefits, at least partially, by praying at the same time as the community, even without attending the synagogue:

**Rabbi Yitzḥak said to Rav Naḥman: Why did the Master not come to the synagogue to pray?** Rav Naḥman **said to him: I was** weak and **unable** to come. Rabbi Yitzḥak **said to him: Let the Master gather ten** individuals, a prayer quorum, at your home **and pray.** Rav Naḥman **said to him: It is difficult for me** to impose upon the members of the community to come to my home to pray with me (*Sefer Mitzvot Gadol*). Rabbi Yitzḥak suggested another option: **The Master should tell the congregation** to send a **messenger when the congregation is praying to come and inform the Master** so you may pray at the same time.

Rav Naḥman saw that Rabbi Yitzḥak was struggling to find a way for him to engage in communal prayer. **He asked: What is** the reason for **all this** fuss? Rabbi Yitzḥak **said to him: As Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai: What is** the meaning of **that which is written: “But as for me, let my prayer be unto You, Lord, in a time of favor;** O God, in the abundance of Your mercy, answer me with the truth of Your salvation” ([Psalms 69:14](https://www.sefaria.org.il/Psalms.69.14))? It appears that the individual is praying that his prayers will coincide with a special time of Divine favor. **When is a time of favor?** It is **at the time when the congregation is praying.** It is beneficial to pray together with the congregation, for God does not fail to respond to the entreaties of the congregation.

**Rabbi Yosei, son of Rabbi Ḥanina, said that** the unique quality of communal prayer is derived **from here: “Thus said the Lord, in a time of acceptance I have answered you and on a day of salvation I have aided you”** ([Isaiah 49:8](https://www.sefaria.org.il/Isaiah.49.8)).

**Rabbi Aḥa, son of Rabbi Ḥanina, said** that it is derived **from here: “Behold, God is mighty, He despises no one”** ([Job 36:5](https://www.sefaria.org.il/Job.36.5)). He adopts an alternative reading of the verse: “Behold, God will not despise” the prayer of “the mighty,” i.e., the community. **And it is written: “He has redeemed my soul in peace so that none came upon me; for there were many with me.** God shall hear and answer them…” ([Psalms 55:19–20](https://www.sefaria.org.il/Psalms.55.19-20)). This verse teaches that the prayer was answered because there were many with me when it was offered. (*Berakhot* 7b-8a, Koren translation)

Rabbeinu Tam (*Avoda Zara* 4b s.v. *Keivan*) argues that the benefit is not as great as attending the synagogue. Thus, he argues, one’s prayers are not rejected if one prays at the same time as the community, but they do not get as easily accepted by God as they would were one to pray with the community.

However, a recent article by Rav Daniel Mann notes how complicated this notion may get when, in a community, there is not a single geographically-defined *minyan* with which one identifies. He notes that in a world with a single *minyan* in town, it is easy to define one’s community; this gets harder when even a single geographic community has many *minyanim,* not to mention different spheres of identification. Rav Mann encourages thinking about this *halakha* from the perspective of identification, focusing on the *minyan* one normally attends. We reproduce the question posed to Rav Mann and the relevant part of his answer:

**Question:** The Shulchan Aruch (Orach Chayim 90:9) rules that one who cannot make it to a minyan should try to daven at the same time as a minyan. Given the multiple minyanim we find in one town, how does one fulfill that obligation today?

**Answer** …Let us now address your question. The closest source we have found in the *Rishonim* is in the Semag (Aseh 19, p. 102a, cited by the Rama, OC 90:9), who says that if there is no local *minyan*, one should follow the time that “communities of Israel” *daven*. This implies that, ideally, one follows the local *minyan* but that there could be some type of official average time. We do not know the extent to which there was a uniform time in his days, but we cannot identify such a time nowadays. (There is a general preference for *vatikin*, but if the Semag had that time in mind, he would have said it.)

The Mishna Berura (90:31) seems to say that in places where there are many *minyanim*, all times are good. However, he and his source, the Chayei Adam (16:3), is talking about refraining from *davening* before the right time, and says that it does not apply when there are many *minyanim*. One can still ask whether there is something to do if one specifically wants to avail himself of the positive element. Ishei Yisrael (8:(32)) seems to say that all times are good. Avnei Yashfe says in the “name” of an unnamed *gadol* that in such a case there is no preference (sounding like nothing is particularly good). However, we prefer the following compromise approach. Rav S.Z. Auerbach is quoted as saying that the *gemara* implies that this matter requires one to focus on a specific *minyan* (Ishei Yisrael, op. cit.). While it is not clear to us where Rav Auerbach saw this in the *gemara*, it leads in the logical direction of his disciple, Rav Neuwirth (cited ibid.). If one usually *davens* with a specific *minyan* but cannot make it on a certain day, he gets the positive element of *davening* when he *davens* at the same time as they do even if there are many other *minyanim* in town. (This makes particular sense if this matter depends more on psychology than on mysticism.) Rav Neuwirth brings an interesting precedent from the Sha’ar Hatziyun (551:56) that if one is eating *fleishig* at *seuda shlishit* during the Nine Days, he should stop when his regular *shul* has *davened Ma’ariv*. If one is not connected to a specific *minyan* and there are many *minyanim* in town, then there is apparently neither anything positive nor any requirement to try to correspond to some random *minyan*.[[9]](#footnote-9)

Rav Mann’s piece is a wonderful attempt to analyze the ways in which we create and identify communities in the modern period, an issue that has come up regarding many of the halakhic issues we have analyzed throughout the year.

The recent internet *minyanim* which allow people to pray at the same time as a particular community, even if not their own, reflect the ways in which communications technology has allowed us to “identify” with communities other than our geographic ones. While not everyone accepts its validity, Rav Herschel Schachter is quoted as allowing those who cannot reach the synagogue to respond Amento such *minyanim* and generally take advantage of this opportunity.[[10]](#footnote-10)

**Conclusion**

While there are many more angles to be explored concerning the fulfillment of *mitzvot* through various modes of digital communication, the positions taken by Posekim shed light on the ways in which these tools affect our experience, expand our notions of community, or remind us of the limits to which those definitions can be expanded. And in some cases, all will agree that nothing can replace physical presence, connection and community.

Next week we will conclude our series and attempt to summarize the insights gathered throughout the year.

1. Headlines: Halachic Debates of Current Events, Chapter 30, “The Webcam in Halacha” (OU Press, 2014). [↑](#footnote-ref-1)
2. *Gray Matter,* Volume 2 (Yashar Books, 2006), p. 239. See there for other positions. [↑](#footnote-ref-2)
3. Available at: <http://www.torahbase.org/%D7%A9%D7%95%D7%9E%D7%A2-%D7%9B%D7%A2%D7%95%D7%A0%D7%94-%D7%AA%D7%A9%D7%A2%D7%93/> [↑](#footnote-ref-3)
4. Ibid. pp. 240-241. [↑](#footnote-ref-4)
5. Printed in Yerushat Ha-peleieta 5766, Ch. 10, p. 28. [↑](#footnote-ref-5)
6. Available at: <https://web.archive.org/web/20140626215338/http:/jewishlinkbc.com/index.php?option=com_content&view=article&id=2867:congregation-bnai-yeshurun-hosts-first-ever-internet-minyan&catid=150:news&Itemid=562> [↑](#footnote-ref-6)
7. Available at: <https://theshc.org/skype-minyan/>. [↑](#footnote-ref-7)
8. See Lichtenstein, supra n. 5. [↑](#footnote-ref-8)
9. Available at: <https://eretzhemdah.org/newsletterArticle.asp?lang=en&pageid=4&cat=7&newsletter=958&article=3669>. [↑](#footnote-ref-9)
10. See supra n. 6. [↑](#footnote-ref-10)