

CJLS GUIDANCE FOR REMOTE MINYANIM IN A TIME OF COVID-19

Please find below a letter from Rabbi Elliot Dorff, CJLS Chair and Rabbi Pamela Barmash, CJLS Co-Chair, providing guidance for communities affected by COVID-19. Thanks to Rabbis Joshua Heller, Daniel Nevins, and Avram Reisner for contributing to earlier drafts and the CJLS as a whole for giving input. Please note that this is not an official responsum of the CJLS.

The CJLS-approved position of Rabbi Avram Reisner that permits remote participants to join on weekdays through electronic means to a minyan (ten adult Jews) gathering in person remains the standard practice. The majority of us firmly believe that this should remain the rule even in this sha'at hadehak (crisis situation).

Individuals are obligated to pray, and they may do so on their own without a minyan. Congregations may also establish a link to communal prayer without a minyan gathering in person and omit the recitation of devarim shebikdushah (no barkhu, kedushah, or kaddish). While there is not technically a repetition of the Amidah in the absence of a minyan, the "leader" may choose to recite the Amidah loud enough for others to hear, omitting kedushah, but encouraging congregational singing. This will be helpful to those who may not have ready access to a siddur. Jewish leaders are advised to provide interactive online Torah study opportunities as well so as to facilitate a sense of communal connection during this time when so many of us are staying at home.

Kaddish yatom (Mourner's Kaddish) has a special resonance. Our movement has created several prayers that are acceptable in lieu of kaddish yatom (Mourner's Kaddish) and those who are mourners or observing yahrzeit may find spiritual and emotional sustenance in these alternatives to kaddish yatom (Mourner's Kaddish). Some of them may feel distress at not being able to recite kaddish yatom in the absence of a minyan, particularly for a prolonged period, and rabbis must reassure mourners that they are fulfilling their Jewish legal obligations under the circumstances and should feel no guilt whatsoever in remembering and honoring the deceased in this way. There are also other alternatives to saying kaddish yatom with a minyan when that is impossible, such as studying a text or dedicating some other mitzvah to the memory of the loved one.

However, we believe that in the current dire circumstances a more lenient position on constituting a minyan remotely may be acceptable, especially since there has been significant advances in technology. The classic sources (Shulhan Arukh Orah Hayyim 55:13, and others cited by Rabbi Reisner) require that a minyan be located in one physical space. However, Shulhan Arukh Orah Hayyim 55:14 does open the possibility that there may be an exception by joining in to constitute a minyan if one can see the faces of the other participants: "One who is standing behind the synagogue, with a window between that person and the congregation, even if it is several stories up and less than four cubits wide, and who shows his face to them, may combine with them to form a minyan of ten." The possibility of a minyan being constituted by people who are not physically near each other is further expanded by Rabbi Yitzhak Zilberstein in Hashukei Hemed on Berakhot 21b (p. 135), where he permits constituting a minyan for kaddish yatom (Mourner's Kaddish) where people are scattered in a field but can see each other. Recently Rabbi Haim Ovadia called attention to this source, arguing in favor of constituting a minyan by means of real-time video and audio connection between ten Jews. Therefore, in this crisis situation, we issue this ruling relying on these precedents.

In this crisis situation in an area in which civil and/or medical authorities decree that it is unsafe for people to gather in person and recommend or order the closure of houses of worship, it is

permitted to constitute a minyan whose constitutive participants (ten adult Jews) are not located in one physical place.

A few of us hold that in an emergency situation such as the one we are now experiencing, people participating in a minyan that is only online may recite devarim shebikdushah, prayers that require a minyan, with their community. The participants counted for the minyan must be able to see and hear each other through virtual means and be able to respond “amen” and other liturgical replies to the prayer leader. Because reading from a Torah scroll is permitted for private study, the Torah reading may be read from a scroll without aliyot. Alternatively, the Torah may be read from a printed text, such as a Humash or Hebrew Bible, without aliyot. The berakhah la'asok b'divrei Torah may be recited before the Torah reading.

A few more of us hold that it is permitted to constitute a minyan exclusively online only for the sake of reciting kaddish yatom. The source in Hashukei Hemed sets a precedent in that it refers specifically to Kaddish (in a cemetery), rather than to a minyan generally. The requirement for a minyan for Kaddish is not mentioned in the list of devarim shebikdushah in Mishnah Megillah 4:3. The requirement for a minyan for Kaddish is first mentioned in Masekhet Sofrim 10:7, not in the Babylonian Talmud or the Talmud of the Land of Israel. Again, the participants counted for the remote minyan must be able to see and hear each other through virtual means and be able to respond “amen” and other liturgical replies to the prayer leader. They do not recite devarim shebikdushah, and they read Torah from a printed text, such as a Humash or Hebrew Bible, without aliyot. The berakhah la'asok b'divrei Torah may be recited before the Torah reading. Kaddish derabbanan may also be recited after Torah study with a remote minyan.

This permission of constituting a minyan solely online, whether for all prayers requiring a minyan or only for Mourner's Kaddish, is limited to this “sha'at hadehak” (crisis situation), where for weeks at a time, gathering a minyan is not possible without risk to human life. This permission is also limited to an area where most of the synagogues have been ordered, or recommended, to close for the crisis.

Importantly, this permission is still subject to concerns as to how this might be accomplished on Shabbat. There are complicated issues with using video technology to participate in services on Shabbat and Yom Tov, and we mention them here to advise rabbis and congregations of these obstacles. The CJLS is currently working on them, but even those who permit it would require that the stream not be activated by a Jew on Shabbat. The stream would have to be already activated at the synagogue before Shabbat or activate automatically at a specific time. Individuals linking to the stream should activate their equipment before Shabbat or have it activate automatically because a “many-to-many” video connection, such as Zoom, often requires each participant to log in, a problematic practice on Shabbat. Furthermore, there remain additional special concerns for Shabbat and holidays that must be taken into account: Jews must avoid taking active steps to permanently record data or fix the equipment on Shabbat if it malfunctions. These complicated issues should not be ignored, and congregations can bypass these challenges by offering a live streaming option at a time that is not Shabbat or yom tov (for example, Friday night before sundown, motza'ei Shabbat for Havdalah).

This permission for a remote minyan is limited to this “sha'at hadehak” (a crisis situation) when it is forbidden or unsafe for ten adult Jews to gather in person in an area where most of the synagogues are closed for the crisis. This does not apply to those in an area where the civil and/or medical authorities have not recommended or ordered that the houses of worship close for public gatherings.