



How come we are Zooming on Shabbat? And how come others aren't? Rabbi Josh Levy, Shavuot 5780

Background - Halachah and Shabbat

Mishneh Torah, Hilchot Shabbat 1:1 **Code of Jewish Law, Moses Maimonides (1135-1204)**

שביתה בשביעי ממלאכה מצות עשה שנאמר וביום השביעי תשבת. וכל העושה בו מלאכה
בטל מצות עשה ועבר על לא תעשה שנאמר לא תעשה כל מלאכה.

To rest on the seventh day of the week is a positive command, as it is written: ON THE SEVENTH DAY YOU SHALL REST (Exodus 23:12).

Anyone who does work on it negates a positive command while transgressing a negative command, as it is written: YOU SHALL DO NO WORK (Exodus 20:10).

Mishnah Tractate Shabbat 7:2 **First compilation of Jewish Legal Traditions, c200CE**

אבות מלאכות ארבעים חסר אחת הזורע והחורש והקוצר והמעמר הדש והזורע הבורר
הטוחן והמרקד והלש והאופה הגוזז את הצמר המלבנו והמנפצו והצובעו והטווה והמיסך
והעושה שתי בתי נירין והאורג שני חוטין והפוצע ב' חוטין הקושר והמתיר והתופר שתי
תפירות הקורע ע"מ לתפור שתי תפירות הצד צבי השוחטו והמפשיטו המולחו והמעבד
את עורו והמוחקו והמחתכו הכותב שתי אותיות והמוחק על מנת לכתוב שתי אותיות
הבונה והסותר המכבה והמבעיר המכה בפטיש המוציא מרשות לרשות הרי אלו אבות
מלאכות ארבעים חסר אחת:

The chief categories of acts of work are thirty nine:
one who sows, ploughs, reaps, binds sheaves, threshes, winnows, selects [fit from unfit
produce or crops], grinds, sifts, kneads, bakes;
one who shears wool, cleans it, beats it, dyes it, spins, weaves, makes two loops, weaves two
threads, separates two threads, ties, unties, sews two stitches, tears in order to sew two
stitches;
one who traps a deer, slaughters it, flays it, salts it, cures its hide, scrapes it, and cuts it up;
one who writes two letters, erases two letters in order to write two letters;
one who builds, tears down;
one who put out a fire, kindles a fire*, one who hits with a hammer, one who transports an
object from one domain to another:
These are the thirty nine categories of work.

WHERE DOES USE OF ELECTRICITY FIT INTO THIS UNDERSTANDING OF MELACHAH?

Selections from:

The Use of Electricity on Shabbat and Yom Tov

Rabbi Michael Broyde & Rabbi Howard Jachter

Journal of Halacha & Contemporary Society, No. XXI - Spring 91 - Pesach 5751

I. Incandescent Lights on Shabbat

Turning On Incandescent Lights During Shabbat

One of the earliest issues involving electricity found in halachic literature was the permissibility of turning on an incandescent light on Shabbat. The overwhelming majority of the decisors maintain that turning on an incandescent light on Shabbat violated a biblical prohibition.

II. Using Electrical Appliances (Other than Lights) During Shabbat

Seven reasons have been advanced to prohibit the use of electrical appliances on Shabbat. The first six reasons are summarized as follows:

1. Turning on an appliance is analogous to creating something new (molid) which is prohibited on Shabbat.
2. Completion of a circuit is prohibited because it is a form of building (boneh).
3. Turning on an appliance violates the prohibition of ma'keh bepatish (completing a product).
4. Completion of a circuit must kindle sparks and therefore is prohibited because it creates a flame.
5. The use of any electrical current leads to an increase in fuel consumption at the power station, which is prohibited.
6. Heating of a metal transistor or wire, even when no visible light is emitted, is prohibited because of cooking or burning.

If each of these prohibitions were to be found inapplicable, then only the following reason would remain:

7. The use of electricity without light or heat is actually permitted, but because observant Jews since the invention of electricity have maintained that it is prohibited to use electrical appliances on Shabbat, and rabbinic authorities approved of this stricture, it is prohibited to use such appliances - absent great need - because of tradition.

Conclusion

The use of electricity on Shabbat and Yom Tov is a relatively new, and exceedingly complex, area of halacha. The variety of positions taken by the decisors is broad, and these differences are extremely relevant to the conduct of observant Jews. It is the near unanimous opinion that the use of incandescent lights on Shabbat is biblically prohibited. Beyond that, there is little agreement. Some authorities maintain that any time a circuit is opened or closed a biblical violation occurs.

Other authorities insist that the use of electricity absent lights is only a rabbinic prohibition. Still other authorities accept that in theory the use of electricity without the production of light or heat is permitted - although even those authorities admit that such conduct is prohibited, absent great need, because of tradition.

ADDITIONAL HALACHIC CONCERNS ABOUT STREAMING AND ZOOM

Selections from:

Streaming Services on Shabbat and Yom Tov

Rabbi Joshua Heller

CJLS Responsum, approved 13 May 2020,

What forbidden labor is involved in accessing a stream through an electronic device?

Rabbi Nevins makes a strong argument that the use of computers, internet-connected tablets, and cellphones on Shabbat though not falling into one of the categories already mentioned, should generally be considered to be prohibited. To summarize his approach: Koteiv, writing, is one of the 39 categories of labor prohibited on Shabbat, and at its core requires the writing of two or more letters in a way that will endure. Causing letters to appear on the screen of an electronic device is not koteiv in the classic sense, because the letters on the screen itself are not permanent. Similarly, typing on a physical or virtual keyboard is not the same as writing. However, any biblically mandated labor is also considered to have toledot: derivative activities that may have a different physical process, but have the same purpose and result, and are therefore forbidden. Typing something on a computer or a phone may engage a very different physical process than writing with pen and paper, but accomplishes the same intended result, of creating a permanent record. Rabbi Nevins argues that this is true even if one uses the device without actually typing, since the device, and the internet servers to which it connects, make a permanent record of one's actions, and thus would be toledat koteiv.

According to Rabbi Nevins' analysis, interacting with an internet-connected device and typing an address to activate a video connection, would be a violation of Shabbat, through koteiv on a biblical level, and that other types of typing would be at least toledat koteiv.

Some have tried to argue that koteiv is not a factor because typing on an electronic device is not considered permanent because the letters disappear, or that indeed, it is possible to use such devices without typing at all, (for example, by clicking an existing bookmark, or using a voice-activated assistant) and that any permanent record being made is a side-effect, and not the desired outcome. If one held such a view, one might take a more lenient view on some of the argumentation that follows.

However, even if one were to follow this line of reasoning, there is a category of Shabbat prohibition called shvut, which encompasses activities that are not a violation of the biblical prohibition, but were prohibited by rabbinic decree, because they either

1. Might tempt one to violate Shabbat (one might be drawn to print something out or make a purchase, or one might need to plug in or unplug a device).
2. Are similar to a biblically prohibited activity, but differ enough in purpose or result that they are not considered toledah (so, for example the only writing that is prohibited biblically is that which is permanent. Non-permanent writing is prohibited as a shvut).
3. Are not in keeping with the restful spirit of Shabbat. (For example, watching television programs of secular content, or doing something similar to one's weekday labor).

In summary, under normal circumstances, one should not activate a stream or interact directly with a device in other ways on Shabbat.

FOUR POSSIBLE WAYS OF RELATING TO THESE HALAKHIC CONCERNS

Position 1 – ‘Fundamentalism’

Consider the legal statements of Codes and Rabbinic Authorities to be binding/obligatory - the outcomes of the halakhic process are authoritative.

That is, to behave Jewishly is to follow that which is found in Jewish legal codes/teshuvot.

Position 2 – ‘Conservatism’

Consider the halakhic discussions to be binding/obligatory - the various positions of the Sages are authoritative, defining the boundaries of what is acceptable.

That is, to behave Jewishly is to be able to find your behaviour somewhere in the Jewish corpus, however interpreted.

Position 3 – ‘Antinomianism’

Do not consider the halakhah to be binding/obligatory.

Reject the text as not irrelevant - it has no authority so is non-binding and/or there are areas of life beyond the reach of Halakhah so it does not need to be considered.

Position 4 – ‘Halakhah with Autonomy’

Do not consider the halakhah to be binding/obligatory but do not reject the text.

Examine the halakhah as a source, but not the only source, of guidance on Jewish behaviour.

For example:

- Examine it for meaning - if there is no meaning then it does not have weight; if there is meaning / if it enriches life then *choose* to do what the text says
- Probe the ethical implications of the text - if it conflicts with conscience/moral sense, *choose* not to do as it says.
- Read halakhic texts alongside other Jewish values / their own underlying ideals – recognise that these might be in tension - see these as superseding the legal outcomes.

That is, to behave Jewishly is to approach questions with formative literature in hand, but other considerations might take precedence. Radical breaking away is also a Jewish act when driven by Jewish values and/or changing needs.

There is a value in looking in the text: finding the fundamental questions and our ancestors’ answers... we are inheritors of this formative literature which still shapes us. However, this is not the only marker of legitimacy in decision making. We can also ask: Is it sacred? Is it for the good of the community/individual? Is it ethical? Does it help to build Jewish lives? Can we do it with integrity?

Some questions:

If we take Position 1 or Position 2

- Why do we consider these to be binding? What are the sources of authority of Jewish law? What underlying statements might we be making about Torah/God?
- Is all halakhah equally binding? If not, how can we differentiate?

If we take Position 3,

- What does it mean to act as a Jew?
- What are the shared forms of Jewish life and where do we find them?

If we take Position 4

- Are there limits to the ability to overturn halakhah?
- What are the legitimate and illegitimate other factors? Who says?
- Is there a difference between an individual act done on your own and a communal act, or an individual act in the context of community?

POSITION 4 - OUR UNDERSTANDING OF SHABBAT

Selections from:

Jewish Living: A Guide to Contemporary Reform Practice

Mark Washofsky, 2001

Reform Judaism holds that Shabbat is a day of rest and that work should be avoided. It takes with the utmost seriousness the tradition's requirement that Shabbat be a day of 'rest', set apart from all others not only through ritual activity but also through the abstention from 'work', those weekday activities which interfere with the establishment of 'an island of holiness in time'.

At the same time, Reform Judaism has departed from the strict traditional definitions of 'rest' and 'work' because it does not believe that these represent the final word on Jewish practice. Just as the rabbinic Sages developed their definitions on the basis of understandings rooted in their environment, so do contemporary Jews continue to arrive at conceptions of *menuchah* and *melachah* that reflect the needs of their own time, place, and circumstances.

As adherence of a movement that cherishes religious freedom, Reform Jews will respond to the demands of Shabbat in many different ways. For this reason, the observance of Shabbat in Reform Judaism - the definition of 'rest' and 'work' - will vary from person to person and from community to community

At the same time, the freedom to create new forms of Sabbath observance is accompanied by an important caveat. In creating a contemporary approach to Shabbat, Reform Jews do not function in a vacuum. Although we may depart from ancient practices, we live with a sense of responsibility to the continuum of Jewish experience.

What unifies (our response to Shabbat) is the conception that Shabbat is a day that is not to be treated as any other. It is not merely a day off; it is rather an expanse of time that is holy, different in quality and essence from all other days, consecrated both to God and to us for the purpose of our fulfilment as Jews. Reform Jews may seek that fulfilment in different ways, but they will find it only when they commit themselves with the utmost seriousness to the Jewish responsibility to observe the Sabbath day.