

Streaming on Shabbat

Rabbi Joel Levy, June 2020

What is Shabbat?

"Six days you shall labour and do all your work but the seventh day is a Shabbat to the LORD your God: you shall not do any work..." (Exodus 20: 9-10)

Six days a week we are charged to join as partners with God in the great project of what the rabbis called "Melechet Machshevet" – applying the best of human ingenuity to first understanding and then actively shaping the world. Supporting the great human projects of agriculture, medicine, science and technology does not constitute a rebellion against God but a continuation of God's world-building project begun in the opening chapters of Genesis. All those projects stem from our awareness that the world is a challenging place that gives up its bounty reluctantly and that it is the pursuit of human knowledge and its application that offers our species the chance to survive and thrive.

The dangers of this mission are more evident today than ever before. To view the world as a resource to be struggled with, mastered and mined can only ever be a fraction of the story we tell. If we only ever look at the world in order to see how we need to change it then our eyes will be closed to the sacred and beautiful in our world without our intervention. One day in seven Jews are called upon to look at the world from an entirely different perspective: to attempt to see it as utterly divine and beautiful in and of itself, and to resist our urge to change, master, shape, prod, alter and control.

The six days of work and the day of rest constitute two distinct and complementary modes of seeing:

During the "*Six days you shall labour and do all your work*" we try to see the world as a problem to be solved, as an incomplete work in progress, as a challenge and as a call to do more. During those days we force our eyes to be drawn to imperfection, suffering and failure. During those six days passive acceptance of what is constitutes a failure to see what needs to be done and what could be. It is a moral failure and a failure of imagination. Calm equanimity and passivity in the face of suffering is not a virtue.

On "*the seventh day is a Shabbat to the LORD your God: you shall not do any work*" we consciously avert our gaze from imperfection and try to

open our eyes to the complete and astonishing giftedness of our universe. We try to walk through that world with awe and appreciation, to see glory in each and every demonstration of its abundance. We try to open our eyes anew to perfection. We practice gratitude and thanks for our lot, for what we have received.

To live permanently in either world would constitute an error that is at once psychological, ecological and spiritual. To live forever in the six days is to live forever in a demanding darkly flawed world - too painful to consider. To live forever in Shabbat would be a blinkered insult to real suffering and would halt all progress and development.

The early rabbinic tradition framed a series of precise spiritual disciplines, the Shabbat prohibitions that push us to release our urge to master and allow us simply to be. These prohibitions were built up over millennia and constitute a profound attempt to define and refine what it means to actively shape the world on the one hand, and to passively love it, accept it and see it as a perfect gift from God on the other on the other.

These prohibitions are not limited to the area of professional work for which we are paid. They also include leisure activities which we volunteer to undertake. Indeed that distinction between work and leisure comes very late in the evolution of human civilization and it barely enters the rabbinic debate.

How does the use of computers fit into those rules?

Although humans had not yet mastered the manipulation of electricity when the classical halacha was formulated, the halachic system clearly had to respond to that new technology and to determine how it fitted into early conceptions of what constituted the active mastery of nature. At first glance and in a non-technical sense the modern development of high technology seems to constitute an obvious attempt to exercise a high degree of mastery over the world. However, all Shabbat prohibitions involve substantially *altering* the world in some specific and observable way. What aspects of computer use might constitute an attempt to actively shape and change the world in a way that technically violates the Shabbat laws?

We broadly accept the findings of Rabbi Daniel Nevins' comprehensive teshuva on electricity and electronics on Shabbat which concludes that the use of electricity per se is not a d'oraitah or Torah level violation; it is inherently more akin to turning on a tap causing water to flow from one place to another. Turning on a tap is an exercise in mastery but is not one

that alters the world in a significant enough way to constitute a d'oraitah or Torah level Shabbat violation. The use of electricity only constitutes such a violation when it is used for a Torah forbidden purpose, like cooking or one of the other 39 malachot listed in the Mishnah (Shabbat 7:2).

Included on that list are the primary ways that humans and their ancestors learned to control their world over the last two million years, from the beginnings of organised hunting ($\approx 2\text{m}$ years), to the kindling of fire ($\approx 1\text{m}$ years), to the making of thread ($\approx 100\text{k}$ years), to agriculture ($\approx 12\text{k}$ years) and the creation of textiles ($\approx 8\text{k}$ years). At the very end of that list chronologically comes the technology of writing which is understood to be about 5,000 years old. The Mishnah prohibits “writing two letters” and “erasing in order to write two letters” on Shabbat. These final prohibitions are different from the others in that they address our new ability to store and manipulate abstract symbols representing spoken language. Reading on Shabbat is permitted but recording and erasing these new symbols is not. The invention of writing has had a huge effect on recent human history and allowed for the development of ever greater control over the world. The earliest writing was probably on clay tablets but there is a clear line from there to our contemporary manipulation of mass data using digital technology. Nevins holds, and we accept, that one key problem with the use of computer technology on Shabbat lies with the halachic categories of *koteiv*, writing and *mochek*, erasing.

In classical halacha the prohibition of *koteiv* is d'oraitah (Torah level) when the writing is permanent (e.g. in ink) and d'rabbanan, on a lower rabbinic level, when it is temporary (e.g. in sand on a seashore or water vapour on a window). Typing on an old-fashioned typewriter is a toledah (d'oraitah level offshoot) of writing and is equally biblically prohibited, as is painting and drawing with permanent markers.

Any typing into a computer keypad, for example to enter an address to activate a video link, would be prohibited rabbinically if it creates a “temporary” mark and might well be a biblical transgression if that mark is understood to be “permanent”. Internet servers create long term records of our typed interactions with the internet which might contribute to this transgression.

There is another more complex question about whether all writing, recording and erasing of *digital* data also falls into the category of *koteiv*. For those who follow that maximal but coherent line of reasoning, the limits on the use of high technology are clearly much more severe.

Even for those who do not consider computer use to be prohibited intrinsically on a d'oraitah level they are most likely still prohibited by rabbinic decree. Broadly speaking rabbinic Shabbat prohibitions, designed to protect or “create a fence for the Torah”, were enacted in order to prohibit actions that might lead to breaking Shabbat more directly, are similar to other biblically prohibited activities or are not in keeping with the spirit of Shabbat.

All that being said there are legitimate halachically mandated reasons for actively using computers on Shabbat, first and foremost being “pikuach nefesh” (the saving of life). Less extreme reasons for leniency include “Sha’at Ha’Dechak” (the pressing needs of the hour) and “Kavod HaBeriot” (the need to protect human dignity). In general it is far, far easier to justify overturning d’rabbanan than d’oraitah prohibitions.

In opening up the possibility for the use of streaming on Shabbat we are asserting that in the absence of “pikuach nefesh” and under current circumstances, all computer use must avoid overt d’oraitah transgressions. The use of computer keyboards is strictly prohibited. Communities that choose to avail themselves of this temporary *heter*, permission, will need to use technology similar to full time security cameras that are switched on prior to Shabbat or the festival and which then operate free of human intervention for the duration of the holyday. People wishing to view these videos will need to be supplied with appropriate codes and keys to be able to switch on those live streams prior to the Shabbat or festival and to then not touch them for the duration of the holy day.

Rabbi Jeremy Gordon has framed the type of computer use that will be permitted in the NLS as follows:

There are ways to stream in a minimally halachically invasive manner, which we will utilise. This entails the installation of a ‘set and forget’ system using PTZ (pan-tilt-zoom) cameras driven by AI. The stream will be embedded in the Synagogue’s website and will broadcast from before Yom Tov until after Yom Tov, functioning similarly to the Synagogue’s existing security camera set-up. We will circulate technical guidance and otherwise support members who request assistance in setting up their viewing computers before Yom Tov so as to run through Yom Tov broadcasting such visuals and audio as appear in front of the cameras without the need for direct interaction with the computer at home.

Under normal circumstances all use of computer screens, even that which we are permitting here, is prohibited. Our deep long-term aspiration is to build communities committed to holydays away from this wonderful new

technology; days devoted to prayer, song, family, nature, silence, calm, contemplation, community and peace. We are reluctantly prepared to place these long-term spiritual aspirations for ourselves, our families and our communities aside temporarily in the interests of addressing the immediate and pressing needs of this hour.

As communities and as individuals we aspire and yearn to deepen our understanding and practice of Shabbat. The laws of Shabbat are an articulation of our communal and individual aspiration to spend one day a week in a state of awe-filled gratitude. These laws are, like all of Jewish Law, open to on-going interpretation and elaboration, but they must never be stretched to the point where they cause us to lose sight of our aspiration, or even, God forbid, turn us aside from its pursuit.