

An Addendum to "Videotaping on Shabbat"

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While neither "Videotaping on Shabbat" by Rabbi David H. Lincoln, nor this addendum, were voted upon, they served as the basis for discussion on the subject on December 15, 1982. The discussion led to the unanimous adoption of a motion that the Committee should establish the standard of disallowing videotaping either by a person or by automatic mechanical means on either Shabbat or Yom Tov. Members present and voting in favor of this motion were as follows: Rabbis Kassel Abelson, Jacob B. Agus, Ben Zion Bokser, David M. Feldman, Edward M. Gershfield, Robert Gordis, David H. Lincoln, David Novak, Mayer Rabinowitz, Barry S. Rosen, Joel Roth, Israel N. Silverman, Harry Z. Sky, Henry A. Sosland and Alan J. Yuter.

Note: "Videotaping on Shabbat" by Rabbi David H. Lincoln appears immediately preceding this paper.

In his paper, Rabbi Lincoln comes to the conclusion that videotaping on Shabbat should be prohibited because: (1) It does not enhance the Shabbat; (2) It is a disruptive element in the synagogue; and (3) It has proven itself to be disruptive at such weekday occasions as weddings (when we must unfortunately tolerate it). Therefore, he concludes that videotaping should be prohibited so that the tranquility of the Shabbat can be maintained.

I agree with Rabbi Lincoln's conclusions. However, I disagree with his statement that videotaping is not a form of *ketivah*. I believe that it is *ketivah* and therefore should be prohibited on Shabbat.

The categorizing of *hakotev* as a *melakhah* has as its purpose to prohibit the making of a permanent record of something on Shabbat. In rabbinic times, it was defined as writing in a permanent way on something that was permanent, i.e., *davar hamitkayem*. Therefore, for example, using water or fruit juice instead of ink, and using vegetable leaves instead of parchment would not be considered a violation of *hakotev*. It is clear that the prohibition was to prevent making a permanent record. It was described by the rabbis in terms of methods available to them at that time, namely, writing with ink or *hakikah* (engraving). Today, in our technological age, we must define *ketivah* in terms of the methods available to us to make permanent records. Without a doubt, videotaping is a method of recording

something and making a permanent record of it, and therefore is definitely a form of *ketivah*. It may not fit the description given by the rabbis, but it definitely has the same goal in mind.

Our approach to halakhah has always utilized critical scholarship and has looked at the intent of the law, as well. In the case of videotaping, it is clear that the intent of the law would be violated. Rabbi Joel Roth has shown that the definitions of *avot* and *toladot* can and have changed, depending upon the context given for the 39 *melakhot*.¹ Therefore, we would have to define videotaping as *ketivah* and it would be prohibited on Shabbat. Another example of redefining a *melakhah* would be the prohibition of using a microwave oven on Shabbat for the purpose of cooking. *Bishul* would be defined as changing the status of food from a state in which it is not eaten (raw) to an edible state (cooked). The presence of fire is irrelevant.

Both the Majority and Minority Opinions of this Committee concerning the use of electricity on Shabbat prohibit the use of electricity in cases involving *melakhah*.² Since videotaping involves a *melakhah*, the use of electricity for the machine is prohibited.

The Minority Opinion that permits the recording of a service on Shabbat is based upon the fact that recording by a means of a magnetic field is not similar to the definition of *ketivah* because of the lack of visible marks.³ However, for the reasons which I stated above, videotaping *is* a form of *ketivah* and therefore is prohibited.

Another reason given in the Minority Opinion for permitting recording of a service on Shabbat is that it would enhance Judaism when the recording is played. Such a highly subjective reason is not a sufficient reason to permit the transgression of a *melakhah*.

The use of an automatic device to turn on the videotape machine on Shabbat should be prohibited. In addition to the reasons mentioned in Rabbi Lincoln's paper, there is a question of voice activation of the recorder. While the video may work automatically, the sound will not be recorded unless activated by a voice. Therefore, it would not be a case of *na'aseh al yedei atzmo*. In fact, the speaker causes the magnetic field to come into being and this should be prohibited because of violations of *nolad* and *makkeh bepattish*, as well as *ketivah*, since that is the intention of all concerned in videotaping.

NOTES

1. Joel Roth, "Melakhah U'Shevut," *Conservative Judaism* XXXV:3 (Spring 1982), pp. 4-34.

2. *Proceedings of the Rabbinical Assembly* XIV (1950), pp. 112-171.

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3. Jacob Agus, "Recording a Service on Sabbath," (1956) RALA Vol. L, p. 74-76, an unpublished responsum.

