

Videotaping on Shabbat

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While this paper was not voted upon, it, as well as an addendum written by Rabbi Mayer Rabinowitz, 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 norm 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: The addendum by Rabbi Mayer Rabinowitz appears following this paper.

SHE'ELAH

May a videotape camera which is operated by a non-Jew be used on Shabbat or Yom Tov in order to tape a service, reception, and the like? May such a videotape camera be used if all aspects of the process are handled by mechanical means? In other words, is it permissible to use a videotape camera on Shabbat or Yom Tov when the camera has been pre-focused, preset, attached to a timer, and placed in a location where its presence will be unobtrusive and perhaps even hidden from the view of the worshippers?

(Editor's Note: The phrasing of this she'elah is a composite of several letters on this subject addressed by rabbis to the Committee for guidance.)

TESHUVAH

A similar question was addressed to this Committee on October 16, 1981 and an answer was given based on previous papers. Briefly, those papers indicated that two primary elements are involved in videotaping: photography and recording. In 1961, Rabbi Max Routtenberg wrote that photography is generally felt to be a violation of the spirit of Shabbat.¹ In 1961 and later in 1964, Rabbi Jules Harlow indicated that this holds true for a gentile photographer in the synagogue, as well.² In a response in

1974, Rabbi Mayer Rabinowitz based the prohibition on photography on chemical changes on the film, use of electricity for purposes other than the enhancement of Shabbat, and through defining photography as a form of writing.³

I would say at the outset that I basically agree with that decision and will come to the same conclusion. However, it seems to me that there are a great number of halakhic points of interest that arise from this question, some of which I will deal with briefly.

I have consulted with a number of experts in the area of videotaping, and have tried to elicit from them the relevant technical data. A considerable knowledge of physics is required to fully understand the subject. In simple terms, videotaping is basically the same process as audio taping. A magnetic field is set up. The videotape is merely assimilating more information on the tape than an audio tape. I do not feel, therefore, that either *ketivah* or *reshimah* are involved in the process. Neither is filming, as such, involved. There is no film that one can hold up to the light and see. An engineering friend has put it simply in these terms: "The actual storage of a video signal on a magnetic tape is identical to that of an audio signal. The difference occurs between the camera (or microphone) and the tape. What is stored on the tape is a magnetic field with a specific magnitude and direction."

I understand that there is a Minority Opinion of the Committee allowing recording on Shabbat. Since this whole process seems to be a type of recording, it may therefore be possible to be lenient.

The question of using an automatic switch pre-set before the Shabbat is in itself unclear and subject to discussion and disagreement among the *posekim*. In *A Guide to Jewish Religious Practice*, Rabbi Isaac Klein states that "any work that proceeds automatically is permitted provided the machinery was set in motion before the Sabbath."⁴ Later, he writes that "An automatic clock may be set in advance to light a stove to warm food," and that "It is permitted to use a microphone if it was turned on before the Sabbath."⁵

Naturally, for a variety of reasons, most Orthodox authorities have forbidden recording on Shabbat. I was interested to learn, however, that Rabbi Jacob Breisch, in answering a question on preset telephone recorders, mentions that some authorities permit it, inasmuch as utensils are not required to rest *shevitat kelim*.⁶ Rabbi J. David Bleich and a host of other authorities forbid using a timer for such things as radio and television.⁷

In a number of responses, Rabbi Moshe Feinstein is most concerned with the problem of *shema yitaken*, and although some have noted that there is an alternative -- simply not to fix the video recorder should it malfunction while in use on Shabbat or Yom Tov -- I do not think that we can easily

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dismiss this objection. Rabbi Feinstein writes (*Iggerot Moshe, Orah Hayyim*, chapter 4, #84):

טעמי האיסור לדבר במייקראפאן בשבת ויו"ט: דאיכא בזה גם איסור . . . שמא יתקן . . . ואין מועיל מה שיסגרו באופן שלא יוכלו לתקן. דמה שנאסר מדרבנן אסרו בכל אופן אף כשעשו עצה שלא יתקנו.

It is, in my opinion, a very real danger that if the equipment is malfunctioning, someone will try to repair it. After all, it will be difficult to tell the Bar Mitzvah's parents that we will not be videotaping today!

CONCLUSION

Although our approach to electricity may vary from Orthodox practice, and it may be possible to interpret the workings of the video recorder in a more enlightened way, I would urge the Committee not to allow its use on the Shabbat for a number of reasons:

- (1) It does not enhance the Shabbat.
- (2) It is a disruptive element in the synagogue, even if well hidden. Studies have been made with regard to televising proceedings of Parliament in the United Kingdom and Canada, as well as the Congress in the United States. They show that there is always a temptation to play to the camera. This once again would deviate from the purpose of the prayers and Shabbat.
- (3) I have some difficulty with videotaping during the week at weddings and the like, and while not advocating a complete ban, at minimum, the tranquility and dignity of Shabbat should be maintained.

NOTES

1. RALA #051561.
2. RALA #121361.
3. RALA #080774.
4. Isaac Klein, *A Guide to Jewish Religious Practice* (New York: The Jewish Theological Seminary of America, 1979), p. 87.
5. *Ibid.*, p. 92.
6. *Helkat Yaakov*, part 3, #94.
7. Cf. *Maharsham*, vol. 2, no. 247; *Keren Ledavid*, no. 80; *Minhat Yitzhak*, no. 107, vol. 1; *Imrei Yosher* 2:52; *Maharam Schick* 157, etc.

