

לא זום הדרך
Zoom Is Not The Way:
A Dissent to “Streaming Services on Shabbat and Yom Tov”
 Rabbi Avram Israel Reisner

“We’ve got to use policy... to make sure that the right thing to do... becomes the probable thing to happen.” – John Doerr

Rabbi Amy Levin beat me out of the box in crafting a statement of dissent with which I generally agree. Were I to pull out one sentence from her dissent, it would be this: that we should be striving toward “enhancing the uniqueness of the 7th day instead of using the tools that engage us during the 6 days of our creating and working and producing.” As against this, Rabbi Heller tries mightily to tame the forces of modernity, but in his desire to control them, ultimately succumbs to them.

In his own words: “Some prayer communities have found ways to meet the needs of their members without using electronics on Shabbat. Others have adopted these technologies with greater or lesser degrees of concern for the halakhic implications. As a Conservative movement, we value halakhah, and as a committee, we seek to provide guidance to rabbis and laypeople as to how to live lives strengthened and inspired by its observance. We hope that rabbis and communities will remain within the bounds of this guidance in full. We are realistic that some may see this as a time for... unusual steps not consonant with traditional practice. We hope that those communities will find this analysis to be a useful roadmap for mitigation of potential violations... we also understand that eventually a “new normal” will emerge. (p. 1)” It is unclear, for instance, what “the full guidance” is referring to, when the guidance includes the ways “for mitigation of potential violations.” Is acting in mitigated violation within the guidance of this teshuvah?

Thus, throughout the teshuvah, Rabbi Heller juxtaposes the full observance of halakhah that he would like to see, with the lesser meticulousness that he expects to see. Again, in his own words: “Some congregations, appropriately concerned about possible violations of Shabbat and Yom tov, have offered services through electronic means only for weekday services, Kabbalat Shabbat or Havdallah. They may find the pressure harder to resist in the longer term, particularly for High Holidays 5781. There will also be significant pressure to continue some type of streaming option even after the current crisis. Meanwhile, the floodgates have been opened, not just for congregations, but for families and individuals who are considering the use of technology on Shabbat or Yom Tov in ways that they might not have done previously... [I]t is fair to assume that families will be considering similar arrangements long after the COVID-19 crisis is behind us. (p. 2)”

Or again in his piskei halakhah (halakhic conclusions): “We must educate our communities as to the meaning of Shabbat observance, and offer guidance how to participate in ways that do not violate Shabbat. Still, we must be realistic that these video links will also be accessed by those who choose to

do so in a way that is not be respectful of the letter or spirit of hilkhhot shabbat. This fact does not prohibit offering the stream, but does mandate that synagogues that offer a stream do so in a way that minimizes the types of violations that might be committed by users accessing it. (p. 29)”

This type of nuanced, situation specific guidance, is thoroughly appropriate between rabbi and congregant in a personal conversation that can start with education about full shabbat observance and devolve to address the specific readiness of the congregant for some level of respect for its spirit. It is misplaced in a formal teshuvah for the Conservative Movement. That is in part why we have always insisted on the primary role of the mara d’atra (the local authority).

I began with an epigraph said in an altogether other context, that I posted on the wall beside my desk a dozen years ago – the first of what has become a gallery of wisdom to live by (kavyachol, my personal Pirkei Avot). It says succinctly what motivates my dissent. The policy so carefully set out in this teshuvah falls into a trap we have fallen into before – it makes that which we do not feel is the right thing to do that which is probably going to happen. It legislates the realistic over the ideal. It is, in my view, a שגגא השליט (in the parlance of the Supreme Court, wrongly decided).

For those who put this decision functionally in place for this year’s High Holidays, I urge you to start now to teach your congregation that this is a temporary ruling bi-sh’at ha-d’hak (in a crisis situation), and they should internalize that fact and fully expect that it will be rescinded when the crisis is judged to be behind us, we hope very soon. Perhaps, in that way, we can prevent what is today the probable thing from happening, and we can hope against hope that we are able to put the genie back in the bottle and return to a true shabbat observance without the trappings of the six days, as Rabbi Levin fears, encroaching on the sanctity of the seventh.