

The Driving Teshuvah Redux: Electric Cars and Driving on the Sabbath

A study guide for teaching two related CJLS teshuvot:

- “Electric Cars on Shabbat: A Renewed Responsum on the Sabbath” by Rabbis David J Fine and Barry Leff
- “A New Responsum on the Sabbath” by Rabbis Marcus Mordecai Schwartz and Chaim Weiner

This study guide contains questions for discussion and sources that could be studied either as a group or in chavruta (by study partners) to explore the question of driving electric cars on Shabbat. This study guide could be suitable for one, two, or three sessions depending on how long the sessions are and how in-depth the teacher wishes to go. **Rabbis/educators are encouraged to select the issues they wish to focus on and omit material they are not teaching.**

Introduction

The Sabbath is surely the foundation and centerpiece of a religious Jew’s life. It is easy to get disconnected from God and community during the hustle and bustle of the workweek. Shabbat carves 25 hours out of the week, giving us the space to connect with both our Creator and our co-religionists. The essayist Ahad Ha’am famously said, “More than the Jews have kept the Sabbath, the Sabbath has kept the Jews.” The time Jews spend together in community on Shabbat surely builds social solidarity and group cohesion more than any other single thing we can do.

And yet Shabbat observance in our communities has been in decline for a long time now. Our rabbis expressed this concern in the famous “driving teshuvah,” “A Responsum on the Sabbath” by Rabbis Morris Adler, Jacob Agus, and Theodore Friedman over 70 years ago, in 1950.

The driving teshuvah permitted driving to the synagogue, recognizing that coming to the synagogue on Shabbat was the primary way Jews remained connected to both Jewish prayer and community. The paper found that all of the activities involved in driving were rabbinic prohibitions, which could be set aside for the sake of an important mitzvah.

While the Committee on Jewish Law and Standards approved the driving teshuvah, many rabbis and observant lay people do not agree with it, especially with the conclusion that operating an internal combustion engine does not violate any biblical prohibitions.

Essential Questions

Is it permissible to drive an electric car on Shabbat?

Does the type of engine – gas, hybrid, or electric – make a difference in whether or not driving is permitted on Shabbat?

What is the best approach to take to driving to encourage Shabbat observance in our communities?

Pluralism in the Answers

In this study guide we are considering two papers, both of which have been approved the Committee on Jewish Law and Standards: one, by Rabbis Fine and Leff, that says it is permissible to drive an electric car on Shabbat for purposes of *oneg Shabbat* (with certain limitations), and one, by Rabbis Schwartz and Weiner, that comes to the opposite conclusion, and determines that while we wish to encourage people to come to synagogue, we cannot go so far as to say it is completely halakhically permissible to do so. Rabbi

All four of the authors of these two papers believe pluralism is an important value in Conservative Judaism, and we believe it is important that both of these options exist within our movement. A single study guide for both papers makes sense to us because there is actually much that we agree on.

Subject 1: Electricity

Is it permissible to use electricity on Shabbat?

Sources:

The rabbis of the Mishnah understood there to be 39 categories of forbidden *melakhah* (work) on the Sabbath:

Mishnah Shabbat 7:2

אַבֹּת מְלָאכֹת אַרְבָּעִים חֹסֵר אֶחָת. הַזֹּרֵעַ. וְהַחֹרֵשׁ. וְהַקּוֹצֵר. וְהַמְעַמֵּר. הַדָּשׁ. וְהַזֹּרֵה. הַבוֹרֵר. הַטּוֹחֵן. וְהַמְרַקֵּד.
וְהַלֵּשׁ. וְהַאֹפֶה. הַגֹּזֵז אֶת הַצֶּמֶר. הַמְלַבֵּן. וְהַמְנַפֵּץ. וְהַצּוֹבֵעוֹ. וְהַטּוֹנֶה. וְהַמְסַךְ. וְהַעוֹשֶׂה שְׁנֵי בֵּיתֵי גִירִין. וְהַאֹרֵג שְׁנֵי
חוּטִין. וְהַפּוֹצֵעַ שְׁנֵי חוּטִין. הַקּוֹשֵׁר. וְהַמְתִּיר. וְהַתּוֹפֵר שְׁתֵּי תְּפִירוֹת. הַקּוֹרֵעַ עַל מְנַת לְתֵפֶר שְׁתֵּי תְּפִירוֹת. הַצָּד צָבִי.
הַשּׁוֹחֵטוֹ. וְהַמְפְּשִׁיטוֹ. הַמּוֹלְחוֹ, וְהַמְעַבֵּד אֶת עוֹרוֹ. וְהַמּוֹחֵקוֹ. וְהַמְחַתְּכוֹ. הַכּוֹתֵב שְׁתֵּי אוֹתִיּוֹת. וְהַמּוֹחֵק עַל מְנַת לְכַתֵּב
שְׁתֵּי אוֹתִיּוֹת. הַבּוֹנֶה. וְהַסּוֹתֵר. הַמְכַבֵּה. וְהַמְבַּעֵר. הַמְכֶה בַּפֶּטִישׁ. הַמוֹצִיא מְרֻשּׁוֹת לְרֻשׁוֹת. הָרִי אֶלּוֹ אַבֹּת מְלָאכֹת
אַרְבָּעִים חֹסֵר אֶחָת

This fundamental mishnah enumerates those who perform the primary categories of labor prohibited on Shabbat, which number forty-less-one. They are grouped in accordance with their function: One who sows, and one who plows, and one who reaps, and one who gathers sheaves into a pile, and one who threshes, removing the kernel from the husk, and one who winnows threshed grain in the wind, and one who selects the inedible waste from the edible, and one who grinds, and one who sifts the flour in a sieve, and one who kneads dough, and one who bakes. Additional primary categories of prohibited labor are the following: One who shears wool, and one who whitens it, and one who combs the fleece and straightens it, and one who dyes it, and one who spins the wool, and one who stretches the threads of the warp in the loom, and one who constructs two meshes, tying the threads of the warp to the base of the loom, and one who weaves two threads, and one who severs two threads for constructive purposes, and one who ties a knot, and one who unties a knot, and one who sews two stitches with a needle, as well as

one who tears a fabric in order to sew two stitches. One who traps a deer, or any living creature, and one who slaughters it, and one who flays it, and one who salts its hide, a step in the tanning process, and one who tans its hide, and one who smooths it, removing hairs and veins, and one who cuts it into measured parts. One who writes two letters and one who erases in order to write two letters. One who builds a structure, and one who dismantles it, one who extinguishes a fire, and one who kindles a fire. One who strikes a blow with a hammer to complete the production process of a vessel (Rabbeinu H̄ananel), and one who carries out an object from domain to domain. All these are primary categories of labor, and they number forty-less-one.

Mishnah Beitzah 4:7

אין מוציין את האור לא מן העצים, ולא מן האבנים, ולא מן העפר, ולא מן המים, ואין מלבנין את הרעפים
לצלול בהן

The mishnah states a different halakha: One may not produce fire, neither from wood, by rubbing one piece against another; nor from stones knocked against each other; nor from hot dirt; nor from tiles struck against each other; nor from water placed in round, glass vessels, which produces fire by focusing the rays of the sun. And similarly, one may not whiten tiles with a burning-hot heat in order to roast upon them afterward.

Question: Is electricity fire?

Mishnah Shabbat 12:1

הבונה, כמה יבנה ויהא חייב, הבונה כל שהוא, והמסתת, והמכה בפטיש ובמעצד, הקודם כל שהוא, חייב. זה הכלל, כל העושה מלאכה ומלאכתו מתקיימת בשבת, חייב. רבן שמעון בן גמליאל אומר, אף המכה בקרקס על הסדן בשעת מלאכה, חייב, מפני שהוא כמתקן מלאכה :

With regard to one who builds on Shabbat, thereby violating a prohibition in a primary category of prohibited labor, how much must he build to be liable to bring a sin-offering? The Sages said: One who builds is liable for building any amount. And one who chisels, or strikes with a hammer or with an adze, or one who drills a hole of any size on Shabbat, is liable. This is the principle: Anyone who performs a prohibited labor and his labor endures on Shabbat is liable. And so too, Rabban Shimon ben Gamaliel says: Even one who strikes an anvil with a sledgehammer during his labor has performed a constructive act and is liable, because he is as one who improves the labor that he is performing.

Question: Does closing an electric circuit violate “striking the final hammer blow,” preparing something for use?

Shevut

Shevut is another category that can forbid certain actions rabbinically on Shabbat. Shevut is about keeping the spirit of Shabbat, to rest. As such it can contain both negative commandments – to refrain from doing certain things because they are not in the spirit of Shabbat, and positive commandments, to do certain things because they ARE in the spirit of Shabbat.

From Rabbis Schwartz and Weiner’s paper:

We claim that closing a circuit is itself a shevut violation. This rests on the widely-accepted understanding that electrical energy flows around a conductor rather than through it. When one closes a circuit, one creates an electromagnetic field around a wire. The electrical energy that performs the work does not flow through the wire, but instead through the field around it. The closing of an electrical circuit is a shevut for this reason: as we saw above, the Bavli’s analysis of M. Shabbat 12:1 (103a) argues that preparing and improving the field of labour for work to be done. The example under discussion is *make qurnas ‘al ha-seden*—taking a dry mallet-blow on an anvil. This is not strictly melakhah, since no work-piece comes under the mallet’s force, but is still forbidden. Our claim is that creating an electromagnetic field around a conductor to allow energy to perform forbidden work is the same sort of preparation and improvement of a field of labour as the dry mallet blow—work that has no enduring outcome, but that prepares the field of labour for such work to be done. It is, in other words, a failure to rest due to its quality as a preparation to do potentially forbidden labour—both the violation of a Rabbinic prohibition and the nullification of a positive commandment.

From Rabbis Fine and Leff’s paper:

In a comprehensive responsum on the use of electricity on Shabbat approved by the CJLS in 2012, Rabbi Daniel S. Nevins argues that the use of electricity should not be considered as a Shabbat melakhah (prohibited labor like the use of fire) unless the device is used for purposes that would constitute a melakhah (such as a coffee grinder). While Rabbi Nevins considered the possibility of prohibiting all electrical devices as a shevut, that is, in violation of the obligation to “rest” on Shabbat, he mitigates that tendency with a permissive approach towards electric lights, elevators, and when there is a mitzvah involved, stating that “Sabbath observant people can be trusted to decide what formally permitted activities are consonant with their Shabbat observance.”

Rabbi Arthur Neulander, “The Use of Electricity on the Sabbath”

It must be clearly understood that whatever use of electric apparatus we permit on the Sabbath, we allow only on condition that use is in consonance with the spirit of the Sabbath. Thus the telephone may be used for conversation to strengthen family ties, to foster friendship and neighborliness, to convey a message of cheer to the sick or for a similar *dabar mitzvah*. But the telephone should not be used for shopping purposes, for making a business appointment, much

less a business transaction. The first group is in keeping with the holiness of the Sabbath. The second group violates the menuhah shelemah of the Sabbath.

Question for discussion: Is electricity forbidden biblically, forbidden rabbinically, or completely permitted for uses that are not otherwise forbidden?

Rabbis Leff and Fine hold that electricity is not inherently forbidden, biblically or rabbinically, what matters is the particular use of electricity. According to them, for example, turning light switches on and off is completely permitted, but making a smoothie would not be (because it violates the prohibition on grinding). Rabbis Schwartz and Weiner hold that any use of electricity is forbidden as a shvut prohibition.

How do you understand the way they came to different conclusions?

Subject 2: Gezeirah Shema Yitaken (A Decree to Avoid Repair)

Would driving an electric car violate the rabbinic fence to avoid using items that could lead to making a repair (which is forbidden on Shabbat)?

A number of Shabbat activities are prohibited by rabbinic decree lest use of the device in question lead one to repair it on Shabbat. Shema yitaken is one of the principal objections to the use of musical instruments on Shabbat, for example, the argument being that a guitar player would automatically tie a new string when an old string snaps before remembering that it is Shabbat.

Sources:

Shulhan Arukh, Orah Hayim 339:3

וְיֵשׁ אֹמְרִים דְּבִזְמַן הַזֶּה הַפֶּל שְׂרִי, דְּאִין אֲנוּ בְּקִיָּאִין בְּעִשְׂיַת כְּלֵי שִׁיר וְלִיקָא לְמַגְזֵר שְׂמָא יִתְקַן כְּלֵי שִׁיר דְּמִלְתָּא דְּלֹא שְׂכִים הוּא וְאִפְשָׁר שְׁעַל זֶה נְהָגוּ לְהַקְל בְּכָל,

And there are those who say that today all of this is permitted, because we are not experts in fixing instruments, and we cannot decree "lest one comes to fix an instrument" for it is a thing which happens so infrequently. So it is possible that because of this, the custom is to be lenient on all of this.

From the paper of Rabbis Fine and Leff

In its 2015 deliberations on the permissibility of various physical activities on Shabbat, the CJLS, in the responsum by Rabbi Jonathan Lubliner, offers two positions on riding a bicycle on Shabbat. One view prohibits because of shema yitaken, lest the rider fix a flat tire or derailed chain. A second view permits the use of the bicycle "to perform a mitzvah" (such as but not limited to getting to synagogue) when the distance is too far to walk, as preferable to driving a vehicle, and as long as one remains within the boundary of the eruv. If shema yitaken, the concern lest the cyclist repair a flat tire or derailed chain on Shabbat, can be waived for the sake of a mitzvah,

then kal va-homer, all the more so, can we waive the concern for shema yitaken with an electric vehicle, where repairs are more likely to require skilled labor.

Subject 3: Tehum Shabbat (Shabbat Boundaries)

Is driving a car on Shabbat (regardless of type of engine) likely to lead to violating the biblical or rabbinic Shabbat boundaries?

Sources

Exodus 16:29

אל יצא איש ממקומו ביום השביעי

..one shall not go out from one's place on the seventh day.

Mishnah Torah Shabbat 27:1

היוצא חוץ לתחום המדינה בשבת לוקה שנגמר (שמות טז כט) "אל יצא איש ממקומו ביום השביעי". מקום זה הוא תחום העיר. ולא נתנה תורה שיעור לתחום זה אבל חכמים העתיקו שתחום זה הוא חוץ לשנים עשר מיל כנגד מחנה ישראל. וקר אמר להם משה רבנו לא תצאו חוץ למחנה. ומדברי סופרים שלא יצא אדם חוץ לעיר אלא עד אלפים אמה אבל חוץ לאלפים אמה אסור. שאלפים אמה הוא מגרש העיר :

A person who goes beyond [his] city's Sabbath limit should be punished by lashes, as [Exodus 16:29] states: "No man should leave his place on the seventh day." [The term] "place" refers to the city's Sabbath limits.

The Torah did not [explicitly] state the measure of this limit. The Sages, however, transmitted the tradition that this measure was twelve mil (approximately 8 miles or 13km), the length of the Jews' encampment [in the desert]. Thus, Moses our teacher was instructing them, "Do not go out beyond the camp."

Our Sages ruled that a person should go only two thousand cubits (a little over half a mile) beyond the city. [Going] beyond two thousand cubits is forbidden. [The rationale for the choice of this figure is that] two thousand cubits represents the pasture land [given to] a city.

From the paper of Rabbis Fine and Leff

Just as we have set aside other rabbinic ordinances for the sake of attending services and for oneg Shabbat and other mitzvah purposes, we can set aside the rabbinic limit, but not the biblical limit. The detailed laws of tehumin are beyond the scope of this paper, but as a general rule, one should not travel more than 8 miles or 13 kilometers from one's home if in a rural area, or from the edge of the built-up development in urban or suburban areas.

Subject 4: Traveling on Shabbat

Is there a biblical or rabbinic prohibition on traveling within the relevant boundaries on Shabbat?

From the paper of Rabbis Schwartz and Weiner:

The authors of the Tosefot cite Rashbam (Samuel ben Meir; Troyes, c. 1085 – c. 1158) as permitting entering a carriage driven by a non-Jew on Shabbat for a journey of permitted distance since the travel itself is permitted, and the passenger isn't directly responsible for driving the animals. Although this opinion was ultimately rejected by subsequent French-German and Spanish authorities, it was forbidden for other unrelated reasons not germane to our discussion. The idea that travel within settled areas, in and of itself, is permitted on Shabbat was generally accepted. In more modern times, changes in technology meant that the question of travel was debated in new contexts...

Responsa Hatam Sofer, Collected Responsa 97:21

According to this, [the Rabbis permitted travel] only on a boat, where he sits in a large room and he is not involved in the deed [i.e. the work] himself, but he sits and is occupied with the pleasure of the Sabbath as at home. But one who travels in the dumpf (steam) wagon, he is not resting and his body is not resting, his body goes back and forth and it impossible for him to be engaged in Sabbath things the way he is at home, and he goes to the edge of the boundary for his business on Shabbat, to be there ready for the weekday ... it is obvious that this is much worse than one who just goes near the end of the boundary. It is completely forbidden by the Torah according to the Nachmanides quoted above. [this refers to a Nachmanides' commentary on Lev. 23:24. See our discussion in the section of shevut for an analysis of this commentary]. And it has been explained in our tradition — you call the Sabbath "delight" and this seems to me to be obvious and clear.

From the paper of Rabbis Schwartz and Weiner:

In a discussion related to the question of travel on Shabbat, the Bavli (Beitzah 25b) quotes a Braita which states:

A blind man may not go out with his staff, nor a shepherd with his wallet, nor may a man or a woman go out in a chair.

Rashi explains that these activities were forbidden because they are 'weekday activities' —*uvdan de-hol*. Since any activity which belongs to the everyday work week, and is not necessary or special for Shabbat, is proscribed under this regulation, cycling, as a form of transport, may be prohibited under the category of *uvdan de-hol*.

From the paper of Rabbis Leff and Fine

The Ben Ish Chai also permits riding a bicycle in a place that does not have an eruv if it is for the purpose of “a great mitzvah.” In a place where there is an eruv, he permits riding a bicycle for any purpose, including simply going for a ride, אבל בעיר שיש בה עירוב מותר לרכוב בזה הגאר"י אפילו, “but in a city where there is an eruv it is permitted to ride the gari even for an excursion, whether on Shabbat or Yom Tov.”

In this same important responsum of the Ben Ish Hai on the bicycle, he advises that ועוד אין לגזור גזירות חדשות מדעתינו, ודי שיעמדו אנשי הדורות האלה להזהר בגזירות המפורשים להדיא בדברי חכמים, על כן furthermore, we do not add a new decree based on our opinion, it is enough that people of our generations are cautious with the famous decrees from the words of our sages, therefore we can permit the shufi whether on Shabbat or Yom Tov, within a city that has an eruv, even just for travel for its own sake.” In other words, we already have enough prohibitions, we do not need to go looking for more.

Subject 5: Hotza'ah (Carrying)

Does driving a car involve violating either biblical or rabbinic prohibitions on carrying from one domain to another?

Shulhan Arukh Orach Chayim 346:1

מן התורה אינו חייב אלא במוציא ומכניס וזורק ומושיט מרשות היחיד לרשות הרבים או מרשות הרבים לרשות היחיד וחכמים אסרו מכרמלית לרשות היחיד או לרשות הרבים או מהם לכרמלית

One is made liable by the Torah only for removing, inserting, throwing, and passing from the private domain to the public domain or from the public domain to the private domain, but the Sages forbade doing such from the karmelit to the public or private domains and from them to the karmelit.

Explanation: we are not concerned with the biblical public domain, as virtually all “public” areas in the world qualify as a “karmelit” by all rabbinic opinions. An eruv can turn a section of a karmelit into one large private domain, where carrying things is completely permitted. Without an eruv, carrying something, such as keys or a driver’s license, from one’s house to the outside, meaning from a private domain to a karmelit, is a rabbinic violation.

From the paper of Rabbis Fine and Leff

Even if the driving of the vehicle where there is no eruv, or from an area where there is an eruv to an area where there is no eruv (but all within the tehum) is not, in our opinion, a violation of hotza'ah, one must still be careful not to use the vehicle to carry items from one domain to another. Items within the car before Shabbat should remain within the car until after Shabbat to

avoid any effective hotza'ah on Shabbat from one domain to another. Unless the entire trip is within an eruv, the vehicle cannot be used to transport anything, not even a tallit bag for synagogue. Of course, one should have one's license when driving, as required by most authorities, but the license and other emergency wallet items should ideally be secured in the vehicle.

Subject 6: Consideration of Shevut (Shabbat rest)

Is driving a car in keeping with the commandment to rest on Shabbat?

Isaiah 58:13

אִם-תָּשִׁיב מִשְׁבַּת רַגְלְךָ עֲשׂוֹת הַפְּצָרָה בְּיוֹם קִדְשִׁי וְקִרְאתָ לְשַׁבָּת עֲנֵג לְקִדּוֹשׁ יְהוָה מְכַבֵּד וְכַבְּדָתוֹ מֵעֲשׂוֹת דְרָלְיָךְ מִמְצוֹא
הַפְּצָרָה וְדַבַּר דְבָר

If you refrain from trampling the Sabbath, from pursuing your affairs on My holy day; If you call the Sabbath "delight," The LORD's holy day "honored"; And if you honor it and go not your ways nor look to your affairs, nor strike bargains ...

From the paper of Rabbis Fine and Leff

As we have argued above in our discussion of electricity, so much of our application of the laws of Shabbat observance to modern living involves an understanding of the nature of the subjective term "spirit of Shabbat." That is a decision that is ultimately up to the individual observant Jew. We also note that the positive command *tishbot*, to rest on Shabbat (Exodus 23:12), which is the source of the whole area of shevut prohibitions, is fulfilled not only through the negative observance of refraining from certain actions but also the positive fulfillment of oneg Shabbat, the joy of Shabbat. As Abraham Joshua Heschel explains in *The Sabbath*: "In the tempestuous ocean of time and toil there are islands of stillness where man may enter a harbor and reclaim his dignity. The island is the seventh day, the Sabbath, a day of detachment from things, instruments and practical affairs, as well as attachment to the spirit." Heschel acknowledges that the way we sanctify Shabbat is by both detaching and attaching. While we generally seek to detach from the everyday, the question of which tools permit us to attach to the sacred is ultimately a subjective and individual judgment of which we can, at best, give our best guidance.

From the paper of Rabbis Schwartz and Weiner

The Torah commands us to rest on Shabbat. While "melakhah" represents the negative side of the commandment to rest on Shabbat, "shevut" represents the positive side. In other words, melakhah is the sort of work one refrains from on Shabbat, while shevut encompasses the positive act of resting. A difficulty here is that the manner in which one positively ceases or rests from an act is to stop doing it. As such, shevut demands that we avoid behaviours which interfere with the act of resting on Shabbat.

Mishneh Torah, Hilkhot Shabbat 21:1

The Torah states (Exodus 23:12), "you shall rest." You must cease even behaviors that are not melakhah. And the things that the Sages forbade for the sake of rest (shevut) are numerous. Some of them are prohibited because they are akin to melakhah, and some of them are prohibited as a circumscription to prevent encroachment on prohibitions punishable by stoning.

From the paper of Rabbis Schwartz and Weiner

To apply what we have seen up to now to our question, driving an electric car will involve a shevut in most circumstances, first and foremost because controlling the electricity is a shevut. In addition, according to many Poskim, even being a passenger in an electric car is prohibited because travel is a shevut. It is therefore forbidden in normal circumstances. There are circumstances when it might be considered proper to ignore the shevut prohibition because of conflicting values, as elaborated above. There are many within our movement who would like to include in such dispensations the case of enabling another mitzvah (i.e. a mohel travelling to a brit milah), kevod ha-beriot (to enable a disabled person to participate in a communal activity), or merely the ongoing oneg Shabbat of a person who lives too far from the synagogue to walk. While it could be argued that all these examples would justify a relaxation of the shevut prohibitions, the overwhelming sense of normative Shabbat legislation is that shevut considerations should be overturned only in specific, limited ways where there is a great need, rather than allowing such activity to become the norm. The overwhelming wish is to preserve the nature of Shabbat as a day that is distinct, special, Holy, spiritual and set apart from our everyday activities.

[Subject 7: Internal Combustion vs Hybrid vs Electric](#)

Does it make a difference which type of engine a car has if one is going to drive for oneg Shabbat purposes?

[Internal Combustion](#)

From Rabbis Adler, Agus, and Friedman, "A Responsum on the Sabbath"

The combustion of gasoline to produce power is a type of work that obviously could not have been prohibited before its invention. All acts of burning are prohibited only when performed for specifically described purposes, such as cooking, heating, lighting, or the need of its ashes. Burning for the sake of power was not included in this list. Of course, some heat is produced in the act of combustion, but this result is neither intended nor desired by the motorist. Hence, it falls in the category of *psik reisha d'lo nikha lei* which is permitted by the latest authorities. The combustion of gas is therefore the type of work classed as *melakhah sh'ainah tzricha l'gufah*

according to the definition considered in Tosafot, Shabbat 94a...a labor which, while it necessarily results in a transgression, is neither intended nor desired.

Question: do you agree with their understanding that combustion of gas is not biblically fire?

Hybrid Vehicles

From the paper of Rabbis Fine and Leff

There are different types of hybrid vehicles, but in general, when one starts a hybrid car the gas engine does not turn on immediately, it comes on only when needed. Thus, the driver is only indirectly causing the combustion of fuel, what is known as a *grama*, which is permitted d'oraita, but may be considered a rabbinic prohibition. The Shulhan Arukh permits extinguishing a fire on Shabbat if it is done in an indirect fashion.

Non-plug-in hybrid vehicles typically have a very limited range on the electric engine only, or a very limited speed. If it is inevitable that the gas engine will turn on at some point in the journey to the synagogue, it would fall under the category of *psik reisha* (an inevitable result) and would be considered forbidden by one who does not permit an internal combustion engine on Shabbat to drive to synagogue.

On the other hand, with a plug-in hybrid there is a very good chance the drive could be made without the internal combustion engine coming on at all. Since it is not inevitable for the internal combustion engine to come on, it would qualify as a *grama* only, and be permitted even if one held that internal combustion was a derivative of fire.

Electric Vehicles

From the paper of Rabbis Fine and Leff

Therefore, while the CJLS permitted the use of driving to synagogue on Shabbat depending on two *kullot* (i.e., leniencies), use of the electricity and of the internal combustion engine, the use of a fully electric vehicle on Shabbat only involves implementation of a single *kullah*, namely, the use of electricity on Shabbat. Invoking a single *kullah* is certainly preferable to invoking two *kullot*.

From the paper of Rabbis Schwartz and Weiner

...we wish to re-emphasize that we are unable to permit Jews to drive a car of any sort, or pilot a boat or aircraft of any type on Shabbat and Yom Tov except in cases of endangerment to human life, health, or safety.

Piskei Din – Halakhic Rulings

Given your understanding of these sources, and the challenges in building Shabbat community, which set of findings resonates more strongly with you?

Rabbis Fine and Leff

1. Use of an electric car per se is not a violation of Shabbat assuming other rules of Shabbat are being followed, such as staying with the *tehum Shabbat*, the Shabbat boundaries that the driving is not for non-Shabbat purposes.
2. Other rules related to driving on Shabbat, such as not traveling beyond the *tehum Shabbat* (following the greater biblical measure of approximately 8 miles or 13 kilometers) and or carrying in an area without an eruv, should be preserved when using an electric vehicle (or a internal combustion engine following the opinion of Rabbis Adler, Friedman and Agus) to get to synagogue on Shabbat.
3. For those who drive to the synagogue on Shabbat, driving an all-electric car is preferable to driving a conventional car, as it does away with any possible concerns about the status of the internal combustion engine.
4. Other uses of an electric car within the *tehum Shabbat* should only be for “oneg Shabbat” purposes, such as gathering with friends, because driving is normally a weekday activity, and this is part of how we make Shabbat special.
5. A hybrid car where the gas engine does not start immediately on turning the switch is also preferable to a conventional car, as it is *grama*, only an indirect cause of the gas engine operating.
6. When possible, we encourage walking or riding a bicycle as they are at a slower pace more conducive to the spirit of Shabbat, and are not so closely associated with the workweek for most Jews. Weather conditions may also dictate which mode of transportation is more conducive to oneg Shabbat.

Rabbis Schwartz and Weiner

1. Throughout its history, all Conservative Movement institutions have considered driving an automobile on Shabbat uniformly prohibited to all Jews, unless there was an intent to perform a mitzvah or out of concern for health or safety. This remains so, regardless of its manner of propulsion. This is true of all major automotive operations and some minor ones, including, but not limited to: ignition or starting, raising and lowering the throttle, shifting gears, breaking, and operating any other motive or safety systems of the vehicle. This prohibition includes automobiles and other vehicles that draw power from internal combustion engines, electric motors, steam boilers, flywheel kinetic energy storage systems, or any other non-human-powered motive device.

2. Operating such a vehicle is not a melakhah. It is a shevut. We define shevut as a positive commandment of the Torah as well as a Rabbinic prohibition. Therefore, a violator of this commandment nullifies a Torah precept but is only (theoretically) subject to Rabbinically imposed penalties.
3. It is a mitzvah to operate a car on Shabbat to protect the life, health, or safety of any person. This includes travel to a hospital, doctor, or dentist, fleeing danger, or ensuring the safety of the community, along with other such cases.
4. The 1950 Jewish Law Committee paper entitled “A Responsum on the Sabbath” by Rabbis Morris Adler, Jacob Agus, and Theodore Friedman encouraged construing the decision to drive to the synagogue on the Sabbath as an expression of Jewish faith and loyalty rather than a violation of Jewish law. It went on to present two halakhic arguments as a “*limmud zekhut*” for Jews who were driving to synagogue:
 - a. *Hora’at Sha’ah*- That Sabbath observance was so endangered by the abandonment of traditional patterns of observance that it had to be saved by setting aside the prohibition on driving to the synagogue for the moment.
 - b. The operation of an automobile is a rabbinic prohibition that could be permanently set aside in presence of the “great mitzvah” of attending public worship

We view this decision—which was controversial at the time and not uniformly adopted by the movement—as perhaps flawed in its halakhic thinking, but largely correct in its view of Jews who choose to drive to the synagogue on Shabbat. All Jews who regularly come to the synagogue in our times are loyal, and their intent is not to desecrate Shabbat. On the contrary! Most Jews who regularly drive to synagogue on Shabbat would probably object to the notion that such driving could be construed in any way other than as a pious, loyal, and laudable act.

5. There is an imperative to make sure that the bulk of the Jewish people remain connected with their synagogues and organized Jewish communal life. There is no doubt that it is important to be able to encourage Jews who are not generally observant to come to synagogue however they come. Our Rabbis should do what they can to ensure that they always feel welcomed. We see no problem with any of our Rabbis actively encouraging Jews to come to participate in minyan on Shabbat, even if they know this means they will arrive by car or public transport.
6. It is preferable to ride a bicycle, use public transport or use a ridesharing service to get to the synagogue on Shabbat than to arrive by operating an automobile oneself. However, when all is said and done, we would like to see as many Jews as possible walking to synagogue on Shabbat as an expression of proper Shabbat observance.
7. Ultimately, in our view, driving on Shabbat is forbidden. Once a person moves from engagement with their Jewish identity through active involvement in synagogue life to a

more rigorous halakhic observance, we urge our Rabbis and observant laity to accept that driving on Shabbat is not within the realm of proper observance of Torah u-Mitzvot. Moving away from driving on Shabbat is part of the personal path one takes on the road to greater commitment to Torah.

8. We encourage all Shomer-Shabbat Jews, Rabbis or laity, to open their homes in hospitality to those people in the process of developing Shabbat observance.
9. Avoiding driving, riding, and long travel on Shabbat is only of value if one is keeping Shabbat in its other facets as well. Our goal is not to increase Shabbat prohibitions, but to increase devotion to the Kadosh-Barukh-Hu, Torah, and mitzvot.

יהי רצון מלפניך שנתחילנו באהבה ובחן שבת קדשך
וינוחו בה כל ישראל מקדשי שמיך

Concluding Remarks

Rabbis David J Fine, Barry J Leff, Marcus Mordecai Schwartz and Chaim Weiner, “*Mai Beinayhu* (What is the difference between them)? Driving Electric Cars on Shabbat”

Whether disagreeing with or renewing the teaching from 1950, we all agree that Shabbat observance should remain a hallmark of the teachings of Conservative Judaism. Accepting halakhic diversity is also a hallmark of Conservative Judaism and this joint comparison of the two papers is offered in the spirit of affirming our common goal of strengthening Shabbat observance while acknowledging our differing views on how that is best accomplished. As we learn in the Talmud, “Both these and those are the words of the living God” (B. Eruvin 13b). Rabbis Fine, Leff, Schwartz, and Weiner are colleagues who view each other with great mutual respect and admiration despite their disagreements.

Rabbis Schwartz and Weiner, by arguing that electric cars constitute a shevut violation, a failure to uphold the Torah's commandment to rest rather than outright forbidden labor, argue that the prohibition should be understood as an *issur lehakel*, a prohibition that can be understood leniently. In renewing the 1950 paper but outlying new halakhic concerns, Rabbis Fine and Leff argue *heter lehahmir*, for a permission that should be understood more stringently. Rabbis Schwartz and Weiner are sympathetic to this approach but disagree that driving can be regularly permitted on Shabbat even when framed more stringently.

A final word from us all: the practical differences between our two positions are significant. But in terms of halakhic perspectives, we are not that far apart. We all recognize that much work remains to be done to encourage Shabbat observance amongst our congregants and

constituents, and we pray for the day when the entire house of Israel will be joyful observers of the Sabbath.