

הלכה כדבריהם ולא מטעמם

*This paper was submitted, in August 2023, as a concurrence and a dissent to "[A New Responsum on the Sabbath](#)," by Rabbis Marcus Mordecai Schwartz and Chaim Weiner. Dissenting and concurring papers are not official positions of the CJLS.*

By Rabbi Avram Israel Reisner

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It seemed obvious that I should vote against this teshuvah. The authors stated as much clearly. On pages 12-13, in section 3b, entitled "Those who consider using electricity a melakhah", they write:

It is clear that if one considers the use of electricity to be a melakhah in its own right, then driving on Shabbat (powered by any means), which demands constant real-time control of an electric vehicle through the use of electronics and regulating an electric motor, must be viewed as forbidden by the Torah at the highest level... Needless to say, we do not share this view.

But that is my view, as I stated in my dissent to Rabbi Nevins' 2012 teshuvah on the use of electricity, "[The Use of Electrical and Electronic Devices on Shabbat: A Dissenting Opinion](#)". Thus this teshuvah announced itself as expressing a view that is counter to my strongly held belief.

In the event I wished to disregard that argumentation, the authors chose to make this point again, explicitly and forcefully in the second of their numbered legal conclusions. "Operating" [an automobile] "is not a melakhah. It is a shevut." Another invitation to me to dissent from these conclusions.

Nevertheless, I have chosen not to. I unreservedly support their halakhic conclusions with the exception of paragraph #2. I am particularly pleased to see their elegant formulation placing the well-known driving teshuvah of 1950 in context in conclusion #4. Wanting to be supportive of those conclusions, I have opted to vote for this responsum and explain in this statement my demurral from the second of their conclusions.