

# On Recording Shabbat and Yom Tov Services

RABBI HOWARD HANDLER

*This paper was submitted as a dissenting opinion to the responsum written by Rabbi Arnold Goodman, "May a Shabbat Service be Taped?"*

For those who do not see recording as a form of writing and therefore see no איסור מלאכה (work prohibited on the Sabbath), there is no halakhic impediment to recording Shabbat and Yom Tov Services. For those who do see recording as a form of writing and therefore prohibited on the Sabbath it is difficult to permit the recording of Shabbat or Yom Tov Services.

In a synagogue where the recording equipment can be concealed from the view and there is a regular staff of trained personnel to operate the recording devices it may well be possible to avoid any הלול שבת (desecration of the Sabbath). However where the recording equipment is in the sanctuary and visible to the worshippers or where outside professionals are hired to do the recording there will always be a clear and present possibility that a Jew will assist in operating the recording equipment.

Even with a regular on-site staff to operate the recording equipment one must remember that it is prohibited to ask a non-Jew to do forbidden work on Shabbat:

אסור לומר לנכרי לעשות לנו מלאכה בשבת ואף על פי שאינו מצווה על השבת ואף על פי שאמר לו מקודם השבת ודבר זה אסור מדברי סופרים כדי שלא תהיה שבת קלה בעיניהם ויבואו לעשות בעצמם.<sup>1</sup>

It is forbidden to tell a non-Jew to do work for us on Shabbat, even if he did not command him to do it on Shabbat, even if he told him before Shabbat. This is forbidden by the scribes, so that Shabbat will not be held lightly, and they might be led to do it themselves.

In some cases one may ask a non-Jew on Shabbat to perform work that is only prohibited rabbinically (שבות).<sup>2</sup> This does not apply here because writing is a מלאכה (prohibited labor).

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*The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.*

It would seem then that some synagogues provide a context where recording Shabbat or Yom Tov services may be permitted while the setting in other synagogues cannot allow the same activity. In general the halakhah never permits an activity under one set of circumstances when the same activity is forbidden under another set of circumstances: לא פלוג רבנן (the rabbis didn't distinguish).<sup>3</sup>

However this principle is not applied uniformly and we can defer to the authority of the מרא דאתרא (local rabbi) to decide for his own community.

## NOTES

1. רמב"ם הלכות שבת פ"ו ה"ב – Maimondes, M.T. *Hilkhot Shabbat*, 6:2.
2. שו"ע או"ח ש"ז סעיף ה' – S.A. O. H. 307:5.
3. A succinct example of this is looking into a metal mirror on Shabbat (Shabbat 149a; Maimonides, M.T., *Hilkot Shabbat* 22.14) For more examples of the principle לא פלוג רבנן see *Yad Malachi* #357-360.