

RECREATIONAL SPORTS AND EXERCISE ON SHABBAT

Oreh Hayyim 301:2

Rabbi Jonathan Lubliner

For this paper, the committee voted on sections individually. The votes listed here refer to the general conclusions reached at the end of part II. Votes on the piskei din for individual sports may be found at the beginning of each relevant section in part III. The voting for the issue of bathing on Shabbat may be found at the beginning of part IV.

The general conclusions were approved on May 13, 2015 by a vote of thirteen in favor, one against, and four abstaining (13-1-4). Voting in favor: Rabbis Pamela Barmash, Noah Bickart, Elliot Dorff, Reuven Hammer, Joshua Heller, David Hoffman, Gail Labovitz, Jonathan Lubliner, Daniel Nevins, Micah Peltz, Paul Plotkin, Elie Spitz, Jay Stein. Voting against: Rabbi Jeremy Kalmanofsky. Abstaining: Rabbis Aaron Alexander, Susan Grossman, Adam Kligfeld, Amy Levin.

May one exercise or play recreational sports on Shabbat? If so, what kinds of sports and exercise are compatible with Shabbat observance and what kinds are not?

INTRODUCTION

The religious imperative of *oneg Shabbat* (enjoyment of the Sabbath) and the duty to differentiate the Seventh Day by refraining from activities associated with the work week -- even when they do not violate *per se* any prohibition of the Torah -- first finds expression in the book of *Isaiah*:

אִם-תִּשִׁיב מִשְׁבַּת רַגְלְךָ עֲשׂוֹת חֲפִצִּיךָ בַיּוֹם קִדְשִׁי וּקְרָאתָ לַשַּׁבָּת עֲנֵג
לְקִדּוֹשׁ ה' מְכַבֵּד וּכְבֹדְתוֹ מַעֲשׂוֹת דְרָכֶיךָ מִמִּצּוֹא חֲפִצְךָ וְדַבֵּר דָּבָר.
אִז תִּתְעַנֵּג עַל-ה' וְהִרְכַּבְתִּיךָ עַל-בְּמוֹתַי אֶרֶץ וְהֵאֲכַלְתִּיךָ נַחֲלַת יַעֲקֹב
אֲבִיךָ כִּי פִי ה' דָּבָר.

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 -- Then you can seek the favor of the Lord. I will set you astride the heights of the earth, and let you enjoy the heritage of your father Jacob -- for the mouth of the Lord has spoken.

-Isaiah 58:13-14

The Hasidic master, Rabbi Ya'akov Yitzḥak of Przysucha, once observed, "It is almost impossible not to desecrate Shabbat in some minor way, unless one were bound hand and foot. Yet this would offer no solution since it would prevent *oneg Shabbat*."¹ There has always been a dialectical tension between the commandment to enjoy Shabbat while consciously avoiding activities associated with the workaday world. It is this polarity which furnishes the matrix of our discussion in the following pages. Notwithstanding that the character of specific recreational activities *ipso facto* render them incompatible with Shabbat observance, many kinds of physical exercise do not entail actual violations of Shabbat law. Indeed, one could credibly argue that certain types of athletics fall within the rubric of *oneg Shabbat*; their enjoyable character enhances rather than detracts from the joy of the day. It remains an open question, however, whether or not such activities compromise the rabbinic concept of *shevut*, i.e., behaviors to be avoided because they are not in the spirit of the Day of Rest (*mishum uvdin d'hol*) or because they may lead to actual violations of Shabbat (*mishum gezerah*).²

To answer the above questions requires an examination of the halakhic literature both broadly and narrowly. A global understanding of the concepts of *oneg Shabbat* and *shevut* as they have evolved through time will afford us the critical context in which to locate generally the permissibility of exercise on Shabbat. At the same time, given the intrinsic differences between various types of athletic activities, it may well be that some are entirely permissible, while others are highly problematic. Accordingly, this *teshuvah* will explore the larger issues of *oneg* and its relationship with *shevut*. A series of separate responsa will follow, each focusing on a different type of recreational activity and its permissibility on Shabbat. Given the common practice of washing after exercise, the final responsum will deal with the *halakhic* issues of bathing on Shabbat.

1. "שמעתי בשם הרה"ק היהודי שאמר בשבת קודש אין עצה שלא יהיה חלול שבת מעט ח"ו אא"כ יהיה נעקד ידיו -- רגליו ביום השבת. ואח"כ אמר שגם זה אין עצה דא"כ מבטל עונג שבת." Rabbi Ya'akov Yitzḥak of Przysucha (also known as "the Holy Yud"), *Nifla'ot Hayehudi*, J.K.K. Rokatz, ed. (Petrikov, 1908), p. 62.

2. Maimonides, *Mishneh Torah, Hilkhos Shabbat* 21:1.

PART I: A CONCEPTUAL ANALYSIS OF *ONEG*

SHABBAT AND SHEVUT

A. The Definition of *Oneg Shabbat*

Regarding passages like the one quoted above from *Isaiah*, rabbinic literature discusses at length whether a statement from one of the prophetic books of the Hebrew Bible (*divrei kabbalah*) commands the same level of authority as teachings from the Five Books of Moses. On the one hand, there are some Talmudic sources that state prophetic dicta do not enjoy the status of Toraitic injunctions, yet other sources -- also found in the Talmud -- disagree.³

There is no less debate about the status of the specific passage from *Isaiah* already cited. According to Maimonides, the practice of *oneg Shabbat* is of rabbinic origin only. His proof? The passage from *Isaiah* itself!⁴

Others, however, believed that the concept of *oneg Shabbat* is of Toraitic origin. This is the case with Nachmanides, whose lengthy comment on *Leviticus* 23:2-4 reveals his belief that

3. For instance we read "דברי תורה מדברי קבלה לא ילפינן", B.T. *Baba Kamma* 2b; also, B.T. *Hullin* 137a, *Rashi ad. loc.*: "תורת משה קרויה תורה לפי שנתנה תורה לדורות, ושל נביאים לא קרי אלא קבלה שקבלו מרוח הקדש". On the other hand, we find the opposite sentiment elsewhere: "דברי קבלה כדברי תורה דמו" B.T. *Rosh Hashanah* 19a.

4. "ארבעה דברים נאמרו בשבת: שנים מן התורה, ושנים מדברי סופרים והן מפורשין על ידי הנביאים. שבתורה -- זכור ושמור, ושנתפרשו על ידי הנביאים - כבוד ועונג שנאמר, "וקראת לשבת עונג ולקדוש ה' מכובד". "Of four dicta concerning Shabbat two are from the Torah, and two from the sages as explained by the prophets. "Remember" and "Observe" are from the Torah; "Honor" and "Delight" were expounded by the prophets, as it states, ". . . if you call the sabbath 'delight,' the Lord's holy day 'honored'" (*Isaiah* 58:13), *Mishneh Torah, Hilkhos Shabbat* 30:1.

B.T. *Pesahim* 68b also uses the *Isaiah* text as proof of the obligation to rejoice on Shabbat. Embedded in a discussion on the obligation to rejoice on Shavu'ot and Purim, the *sugya* takes no position on whether *oneg Shabbat* should be seen as Toraitic in nature, like the obligation to feast on *Atzeret*; or more like the rejoicing of Purim, whose observance is not *d'oraita*.

oneg Shabbat and *simhat yom tov* are commandments of the Torah⁵. Similarly, Rabbi Shlomo ben Avraham Aderet (Rashba), writing in 13th century Spain, cites a Talmudic case in which Rabbi Yannai received a special basket of fruit for consumption on Shabbat from a tenant farmer. When one Friday the farmer did not arrive, he substituted fruit from his house as a tithe for the fruit he anticipated would arrive on Shabbat. Later, in response to whether or not Rabbi Yannai had done the right thing, Rabbi Hiyya cited approvingly the verse, “למען תלמד . . . ליראה את־ה' אלקיך כל־הימים forever” (*Deuteronomy* 14:23). Inasmuch as tithing on Shabbat is prohibited by rabbinic law only, the Talmud questions why Rabbi Hiyya needed to quote a verse from Scripture to prove that Rabbi Yannai could use the farmer’s fruit, which arrived on Shabbat, to replace that which he had separated out before Shabbat, and concludes that for the sake of *oneg Shabbat* the action was indeed permissible.⁶ To Rashba this demonstrated that *oneg Shabbat* is of Toraitic origin.”⁷

Later *poskim* also viewed the *Isaiah* text as *d’oraita*, rather than as *divrei kabbalah* or as *d’rabbanan*. Thus, at the turn of the 19th century, Rabbi Moshe Schreiber, better known as the *Hatam Sofer*, argued the *Isaiah* passage should be accorded *d’oraita* status, even going so far as to say that we should not read Maimonides’ foregoing assertion at face value.⁸

5. According to Ramban, it is mitzvah *d’oraita* to wear clean garments and celebrate as a *yom mishteh* any occasion called a *mikra kodesh* by the Torah. See the last section of Ramban’s comments to *Leviticus* 23:2.

6. B.T., *Yevamot* 93a-b.

7. Rashba concludes, “התירה התורה להפריש שלא מן המוקף לעונג שבת מדכתיב למען תלמד ליראה -- The *Torah* (emphasis added) permits tithing of that which has not yet arrived for the sake of *oneg Shabbat* as it is written [in *Deuteronomy*, ‘ So that you may learn . . .’.” *Sh’elot u’Teshuvot*, *helek aleph*, *siman* 127.

8. *Hatam Sofer*, *Sh’elot u’Teshuvot*, *Oreh Hayyim* 168. Among contemporary *poskim*, Rabbi Yehoshua Neuwirth stakes out a more nuanced position, stating, “כלומר דברים שנאמרו, ‘דברי קבלה’; כלומר דברים שנאמרו, “בנביאים, שכולם קבלו נבואתם ממשה רבינו ע”ה, ומצינו שהחמירו בהם כבדברי תורה.” These concepts are called *divrei kabbalah* because, even though the later prophets articulated them, their prophetic vocation was received from Moses. Thus we are stringent about their observance as in teachings from the Torah.” *Shemirat Shabbat K’hilkhitah* 29:1, p. 461. See also *Mishneh Berurah* 242:1 and *Sha’ar Ha-tzion*, *ad loc.*, *siman katan aleph*.

Whether *d'oraita* or *d'rabbanan*, it is clear that halakhic decisors assigned great importance to *oneg Shabbat* as integral to the Sabbath's sanctity⁹. The fact many *poskim* traced the enjoyment of Shabbat to the Torah itself speaks volumes about their regard for its fundamental significance. That the textual evidence for this claim may be less than self-evident serves only to highlight the centrality of *oneg Shabbat* to the rabbis.

The Torah teaches, “זכור את יום השבת לקדשו” - Remember to keep the Sabbath holy” (*Exodus* 20:8). Commenting on this passage, Rashi states, “This means to keep Shabbat in mind at all times -- if one chances upon a desirable object [during the week], it should be set aside for use on Shabbat.¹⁰ This was certainly the practice of the sage Shammai, who was on the constant lookout for superior food to eat at the Shabbat table.¹¹ Myriad other rabbis sought to enhance their enjoyment of Shabbat in various ways. To cite but a few examples: Rabbi Yehuda bar Illai would wrap himself in his best fringed robe so that “he looked like an angel of the Lord of hosts;” Rabbi Eliezer would set an elegant and full table for Shabbat; Rav, according to Rav Yehudah ben Rav Shmuel bar Shilat, would honor the Sabbath with favored dishes like beets, large fish, and heads of garlic. According to *Tanna deBei Eliyahu*, through appropriate food and drink, clean garments, rest and Torah study we may best “Remember the Sabbath and keep it holy”¹²

9. See also Rabbi Yosef ben Hayyim of Baghdad, a.k.a Ben-Ish Hai, *Rav Pealim*, *Oreh Hayyim*, *helek gammel, siman 22* in which he describes the views of both camps, i.e., those who believe *oneg Shabbat* is from the Torah versus those who view it as rabbinic. In the end, while admitting there is evidence for both positions, he sides with those who espouse the view this is a *mitzvah* from the Torah.

10. *Exodus* 20:8 Rashi *ad loc.*

11. B.T., *Beitzah* 16a. Rabbi Eleazar ben Hananiah approached Shabbat in a similar fashion. See *Mekhilta Yitro*, *Bahodesh* §7 (Horovitz-Rabin edition p. 229)

12. B.T., *Shabbat* 25b, 119b (especially the story of Joseph-who-honors-the-Shabbat and the reward he receives when he finds a pearl in a particularly large fish he purchases for the Sabbath table), and *Shabbat* 118b; *Tanna deBei Eliyahu*, 26:20, *Mekhilta d'Rabbi Shimon bar Yohai*, *Yitro* 20:8 (Epstein edition, p. 149).

A perusal of rabbinic literature yields a composite picture of what kinds of activities *oneg Shabbat* includes: sexual intimacy within marriage, eating three festive meals, consuming meat, drinking wine, and wearing fine clothing. According to many authorities, we light one candle for the sake of *k'vod Shabbat* so that we not stumble in the dark, but kindle a second in honor of *oneg Shabbat*, to make our table bright and our eating more enjoyable.¹³ Still, given a recognition that not all individuals possessed deep pockets, the *halakhic* literature stresses that a person is required only to celebrate *Shabbat* to the best of her ability.¹⁴

Another element of *oneg Shabbat* which emerges from the Decalogue is the textual juxtaposition of “ששת ימים תעבד ועשית כל מלאכתך -- Six days you shall labor and do all your work” (*Exodus* 20:9) and “ויום השביעי שבת לה' אלהיך לא תעשה כל מלאכה” -- but the seventh day is a sabbath of the Lord your God: you shall not do any work . . .” (*Exodus* 20:10). In the Jerusalem Talmud a dispute takes place between Rabbi Berakhiah and Rabbi Haggai, the former claiming that *Shabbat* was created solely for the study of Torah, the latter maintaining it was for the joy of celebrating *Shabbat* through food and drink. In *midrash* the positions are harmonized: for the disciples of the sages who focus on Torah study all week long, it is meritorious to emphasize the pleasures of eating and drinking instead; for those whose week consists of labor, on the other hand, *Shabbat* should be a time of Torah study.¹⁵

13. Maimonides, *Hilkhot Shabbat* 30:7-9, 14 and 5:1; *Shulhan Arukh, Oreḥ Hayyim* 242; Rabbi Eliezer ben Yoel Halevi (RAViYah), *Sefer Hara'aviyah*, v. 1 *Hilkhot Shabbat*, p. 562;

14. This is how the generations have understood Rabbi Akiva's famous dictum, “Treat your *Shabbat* as if it were a weekday rather than be dependent on others.” B.T. *Shabbat* 118a. If the price of maintaining one's financial independence is to celebrate *Shabbat* more modestly it is preferable to do so. See Maimonides, *Hilkhot Shabbat* 30:8, *Tur O"H* 242.

15. J.T. *Shabbat* 15:3; *Midrash Hagadol*. Rabbi Moshe Isserles alludes to this *midrash* in his gloss to the *Shulhan Arukh*: “וב"ב שאינן עוסקים בתורה כל ימי השבוע יעסקו בתורה בשבת מת"ח העוסקים בתורה כל ימי השבוע ופועלים וב"ב שאינן עוסקים בתורה כל ימי השבוע יעסקו בתורה בשבת מת"ח העוסקים בתורה כל ימי השבוע -- Laborers and householders that do not engage in the study of Torah throughout the week should spend more time studying than scholars who study Torah all week long, while scholars should spend somewhat more time in enjoyment of food and drink because they enjoy study every other day of the week.” See *O"H* 290:2 as well as *Beit Yosef ad loc.*

Because of our tradition's deep regard for the study of Torah at any time of day or night, it is rather rare to encounter a suggestion that in some circumstances it is actually preferable to study *less* Torah! At the heart of this notion is the paramount importance of differentiating time. For the Sabbath to distinguish itself from the rest of the week, it must partake of a different character.¹⁶ As praiseworthy as the study of Torah is, were a scholar to spend her Shabbat in much the same way as she would a Monday or Tuesday, her immersion in sacred text becomes secondary to the lack of conscious differentiation between ordinary and holy time. This observation will be critical in understanding the linkage between the concept of *oneg Shabbat* and *shevut*, refraining from activities that might lead to infringements of the letter of Shabbat law or compromise its spirit. If the interpreters of tradition could in some instances recommend *less* Torah study to create a distinctive Shabbat atmosphere, then we must consider carefully which activities truly enhance Shabbat, not simply because they are enjoyable, but because they make the Seventh Day truly different. More than permissibility alone, we need to answer the question as to how certain recreational activities might contribute specifically to the unique character of Shabbat.

B. The Definition of *Shevut*

Unlike the *avot* and *toladot of melakhah*, the major categories of Sabbath prohibitions and their derivatives which are forbidden by the Torah, the origin of *shevut* is rabbinic.¹⁷ Yet

16. Though hardly normative Jewish practice, the Talmud tells the story of a pious individual whose mere thought on Shabbat of fixing a breach in his property wall prompted him to resolve never to fix the break -- a decision for which he received heavenly reward. This is an extreme example, but it does point to the existential quality of *Shabbat being*. At its deepest level, to enjoy Shabbat fully one's thinking must be differentiated from one's ordinary patterns of thought. B.T. *Shabbat* 150b.

17. That is to say that, while banned by the sages, violations of *shevut* could not be punished as actual violations of Shabbat since their purpose was prophylactic. Infractions of *shevut* prohibition could be punished by *makkat mardut*, lashes -- a punishment imposed not for transgressing Shabbat, but for disregarding rabbinic legislation. See Joel Roth, "Melakhah U'Shevut: A Theoretical Framework," *Conservative Judaism* vol. 35, no. 3 (Spring 1982), p. 18. See also Boaz Cohen's discussion of this issue in *Law and Tradition in Judaism* (New York: Jewish Theological Seminary of America, 1959), especially the chapter "Sabbath Prohibitions Known as Shebut," pp. 127-166.

this did not stop the *midrash* from seeking a scriptural adumbration of *shevut* or champions of *halakhah* from according such protective measures virtual *d'oraita* status. Thus, the *Mekhilta*, a work of *halakhic* exegesis teaches:

"ושמרתם את היום הזה לדורותיכם" (שמות י"ב:י"ז). למה נאמר? והלא כבר נאמר כל מלאכה לא יעשה בהם. אין לי אלא דברים שהם משום מלאכה, דברים שהם משום שבות מנין? ת"ל "ושמרתם את היום הזה" להביא דברים שהן משום שבות.

"You shall observe this day throughout the ages" (*Exodus* 12:17). For what purpose is this stated? Has it not already been said "No manner of work shall be performed on them"! The latter teaches only those prohibitions that are considered work; from where one would learn *shevut*? Hence the Torah teaches "You shall observe this day" to include those actions prohibited because they are matters of *shevut*.¹⁸

Rabbi Yom Tov ben Avraham Asevilli (Ritva), the late 13th-early 14th century Talmudic commentator, quoting the Ramban, offers an even more emphatic insistence on the Toraitic force of *shevut*:

קבלה בידינו ששבותי שבת אינם כשאר איסורי דרבנן, אלא הם כאסורי תורה. וראיה לזה דאל"כ אלא נאמר דמן התורה אינו אסור אלא מלאכה ממש אבל משא ומתן מותר, לזה יקרא יום מנוחה ושבתה שכל אחד יעסוק במסחרו וישב בחנות ויקנה וימכור ואין זה אלא מן המתמיהם. אלא עיקר הענין הוא דעל מלאכה ממש חייבה התורה סקילה ועל השבותים לא חייבה סקילה, אבל איסורין איסור גמור כאיסור תורה.

18. *Mekhilta, Bo, Parashah 9.*

We have received through the tradition that the *shevut* prohibitions of Shabbat are unlike other rabbinic proscriptions, but should be considered as prohibitions of the Torah itself. If this were not the case, and the Torah only prohibited actual *melakhah* yet allowed for the give-and-take of business to take place, would it be possible to call Shabbat a day of rest and cessation from work while everyone engaged in commerce and shopped in stores? This would be astounding! Rather, the principle is that, while actual *melakhah* is punished by stoning and violations of *shevut* are not, the latter are absolutely forbidden as a Toraitic prohibition.¹⁹

It is easy to understand why the rabbis were so insistent about the significance of *shevut*. Beyond respect for the legislative prerogatives of rabbinic authority, the sages understood that the major categories of prohibited *melakhah* and their derivatives created the canvas upon which to paint an image of sacred time, but did not actually flesh out the colors of the picture. As Rabbi Joel Roth notes in an exploration of the relationship between *shevut* and *melakhah*, “Carried to its extreme, the commandment to rest might result in total restriction of all activity. Such extremism, however, is unthinkable. The rest of Shabbat would become imprisonment. The element of joy, which is part of Shabbat observance, would disappear.”²⁰ At the other end of the spectrum, one could imagine -- as did the Ramban in the aforementioned passage -- a kind of Shabbat that met all the formal requirements of *halakhah*, yet be drained of its special, distinctive character.

To grasp how *shevut* mediates between the letter of the *halakhah* and its spirit, we turn to the work of Rabbi Israel Lifshitz, whose *Tiferet Yisrael*, first published in the early 19th century, contains one of the most useful categorizations of the various types of *shevut*:

19. Quoted in *Arukh Ha-shulhan O”H 243:3*. See also RaMBaN’s comment to *Leviticus 23:24*.

20. Roth, “*Melakhah U’Shevut: A Theoretical Framework*,” *op. cit.*, p. 25.

אמנם עובדא דחול יש בו ג' אופנים, דהיינו אם שאסרו חכמים הדבר משום דדומה לא' מהל"ט מלאכות, או משום שמא ע"י כך יבא לעשות מלאכה, או משום טרחה יתירתא.

Regarding weekday activities [forbidden on Shabbat] there are three types: 1) those activities prohibited by the sages because they are similar to one of the 39 prohibited categories of *melakhah* [though not actually one of them]; 2) activities which could easily lead to a violation of a Shabbat prohibition; 3) anything involving additional exertion on Shabbat.²¹

The *Tiferet Yisrael* furnishes an example of the first kind of *shevut* based on the prohibited labor of *borer*, selecting. On Shabbat one may not strain through a sieve a liquid such as wine to separate it from its dregs -- since the essence of the prohibition is to make something fit for use that was otherwise unfit, the wine is “selected” and made potable by separating it from its dregs. Once the wine is made drinkable by having removed the larger dregs, passing it through a cloth to further refine it would not constitute *borer* since the beverage is already fit for use. On the other hand, given the similarity between straining a wine through a sieve and further purifying it by passing it through a cloth, the latter action is prohibited as a matter of *shevut*. Because of the close resemblance of the two actions, someone might easily infer on the basis of the permissibility of the one that the other poses no problem either.

An example of the second kind of *shevut* can be found in the *Shulhan Arukh* which forbids the taking of medication on Shabbat for non-life threatening medical conditions. The rationale behind the prohibition is based on the *melakhah* of *tohen*, grinding. In the days before the pharmaceutical industry existed, it was common for individuals to grind their medicaments and ingest them in powder form. Though one could prepare medications before Shabbat, it was feared that because the practice of grinding one's own medicine was so common, a person might

21. *Kalkalat Shabbat* 1a in *Tiferet Yisrael's* introduction to *Mishnah Shabbat*.

easily forget that it was Shabbat. Hence, by proscribing the use of medicine for non-life threatening conditions on Shabbat, the rabbis erected a protective fence around the Torah (we will revisit this example of *shevut* below).²²

Regarding the third type of *shevut*, an example of unnecessary or additional toil (*tirha yetirta*) on Shabbat would be the washing of dishes that one no longer needs for use on Shabbat. If one possesses sufficient crockery and utensils to reset the table for each of the Shabbat meals without washing dirty dishes, or alternatively, one has finished eating the last of one's meals on Shabbat, the act of cleaning dishes is superfluous to the necessities of the day. Hence, within the rubric of *shevut*, this act would be classified as unnecessary toil on Shabbat.²³

In one way or another a broad range of rabbinic prohibitions reflect the foregoing concerns. To name but a few additional types of *shevut*: the concept of *muktzeh*, not touching or handling items that have no use on Shabbat or could lead to its violation; refraining from discussing one's business affairs on the Day of Rest; not instructing a non-Jew to perform a task that would be forbidden to a Jew on Shabbat; give or receive a gift from someone on Shabbat (because the transfer of ownership resembles buying and selling).²⁴

C. The Relationship between *Oneg Shabbat* and *Shevut*

Shevut is by nature related to sociological and cultural norms. Without minimizing its conceptual significance, we must nevertheless observe that technology and culture are bound to shape and reshape our definition of the protective framework offered by these laws. The realia

22. The prohibition did not include foods and beverages that might also be of a medicinal character, only non-comestibles one would not ordinarily consume as food or drink. *Shulhan Arukh, O"H* 328:37

23. *Shulhan Arukh* 323:6. See also Neuwirth, *Shemirat Shabbat K'hilkhitah*, chapter 12.

24. A comprehensive list of these and myriad other *shevut* prohibitions can be found in Neuwirth, chapters 17 (Games on Shabbat and Yom Tov), 20 (Laws of *Muktzeh*), 29 (Laws regarding Shabbat and Yom Tov from tradition), 30 (the work of non-Jews on behalf of Jews on Shabbat).

of 21st century life is vastly different from that of our forebears a millenium ago. A family from the Middle Ages would be confused and lost in attempting to use the everyday devices we take for granted; by the same token, individuals from our own time would be clueless in navigating the homes and hearths of centuries gone by. Even as technology has reshaped the contours of living, cultural shifts -- some of them seismic and unimaginable to our ancestors -- have redefined what we consider *uvdin d'hol*. Entire realms of leisure activities simply did not exist in the time of the classical commentators, while behaviors and expectations familiar and common to them have long been relegated to the history books.

Thus, Roth notes in his discussion of *shevut* and *melakhah*, “Without wishing to detract from the centrality and importance of the institution called *shevut*, we nonetheless maintain that the legal significance of each and every *shevut*-prohibition is contingent upon the relative accuracy of its historical source. In other words, does the rationale for the *shevut*-prohibition hold true today? This relative accuracy of the historical source is the sole on-going justification of the norm in question.”²⁵

In concrete terms were we to take an inflexible approach to *shevut*, we would continue to refrain from swallowing pills or capsules on Shabbat, despite the fact that no one grinds his medications any longer. We might also refrain from reading great works of literature on Shabbat such as Shakespeare’s *Hamlet* or Flaubert’s *Madame Bovary* because of their designation as *sihat holin* (“profane discourse”) or “*divrei heshek* (“prurient matters”) incompatible with the sanctity of the Seventh Day.²⁶ Of course, the dilemma of a rigid approach to *shevut* could result

25. Roth, “*Melakhah u’Shevut: A Theoretical Framework*,” *op. cit.*, p. 26. Rabbi Isaac Klein in his classic *vade mecum* of Jewish law from a Conservative Jewish perspective, argues similarly: “We should add that the whole area of *shevut* has to be mapped out anew because the reason for *gezeirot* and the nature of ‘*uvdin dehol* have changed. What was in the spirit of Sabbath a generation ago may not be considered so today. The doctrine that a *gezeirah* still stands even if the reason for initiating it has ceased is untenable as a general principle.” Isaac Klein, *A Guide to Jewish Religious Practice* (New York: Jewish Theological Seminary of America, 1979), p. 85.

26. *Shulhan Arukh*, O”H 307:16 uses these terms and cites as a prime example of the literature incompatible with the spirit of Shabbat the poetry of Immanuel ben Shlomo ben Yekutiel of Rome (1261-1328) Filled with satire, clever witticisms and humorously flippant, to the modern reader Immanuel of Rome’s poetry is fun and mischievously wonderful. At worst, one might accuse it of frivolity. It would be difficult to imagine anyone today proscribing such literature for its incompatibility with Shabbat!

in problematic leniencies as well. The world of crass and cynical advertising that plays to our basest materialistic instincts simply did not exist in 16th century Safed or Cracow. In view of the silence of the classical sources we could theoretically spend Shabbat fixated on glossy catalogues or watching all day long the Shopping Channel (whether left on throughout Shabbat, operated by an automatic timer, or turned on by an individual, depending upon one's view of electricity).²⁷ By the same token, the *Shulhan Arukh* does not consider it a violation of Shabbat should a person buy on credit, provided the item is for Shabbat or Yom Tov and price is not discussed. Given the virtual ubiquity of buying on credit today, it is hard to imagine that the classical sources would not approach the discussion of Shabbat and credit differently.²⁸

As we will shortly see this view of *oneg Shabbat* and *shevut* is bound to have significant ramifications in any discussion of the permissibility of exercise on Shabbat. Our understanding of health, fitness and medicine has changed enormously; when harnessed to a culture of leisure made possible by unprecedented technological advances and the invention of myriad labor-saving devices, it becomes imperative to re-think the parameters of *shevut* as they apply to physical exercise. Our forebears could certainly understand the notion of *tirha yetirta*, additional exertion; to that end they banned various forms of manual activity either because it reminded them of the workaday world or because such caloric expenditures were not for the sake of accomplishing a Shabbat related goal. What they could not anticipate, however, is that a time would come when, at least for some, physical exertion itself could be a form of *oneg*, a source of recreation for its own sake on Shabbat, an opportunity to connect mind and body in a way consonant with both the letter and spirit of *halakhah*.

Equally important, in our day and age when there are so many forms of recreation that are stamped as “not *shabbostik*” in one way or another, it is vital that we breathe new life into the

27. One suspects that if Maimonides, Karo or Isserles lived today they would be inclined to add these activities to the list of *shevut* prohibitions.

28. *Shulhan Arukh*, O”H 323:4, *Mishneh Berurah ad. loc.*, *siman katan* 1.

spirit of *oneg Shabbat* beyond the time-honored -- and still valued -- practices of sleep, study, eating and sexual intimacy. While this discussion concerns Jews of all generations, it is especially germane to the youngest members of our community, inasmuch as three out of four of the aforementioned activities may be of limited appeal to them (or hopefully inapplicable, in the case of sexual intimacy). Those who were Shabbat observant as children or are currently *shomrei Shabbat* parents with children are likely to be familiar with the refrain of "Shabbat is so boring," especially on long Saturday afternoons in the summer, when an adult would like nothing better than to nap or read quietly. Writing from a modern Orthodox perspective, Rabbi Saul Berman expresses his awareness of this dilemma and the need to consider a more expansive view of recreational activities on Shabbat:

Is this really it? In God's whole wide world the only permissible activities which can serve spiritual purposes on Shabbat are davening, learning and eating, leaving then only sleeping as the residual means of consuming time not otherwise able to be put to positive use?

It seems to me that we need to be looking to expand the base of activities through which meaningful spiritual experiences can be had. If we want the time of Shabbat to so infuse the life of the Jew with meaning that the rest of the days of the week could be lived in its shadow, then we need to discover additional frameworks through which such meaningful transmissions can take place.

Telling people not to play ball on Shabbat or Yom Tov is not a solution to this problem . . . the challenge before us is two-fold. Firstly (sic), can we sustain a limited form of ball playing and turn the activity toward a religious purpose? For example, is it possible to develop a form of ball playing in which the goals are cooperative rather than competitive, in which there could be a more conscious awareness that improving the well being of the body is itself a form of service of Ha-Shem? Is there a way of modifying the rules of an existing game so as to make the experience of playing, not only a release of physical energy, but an acquisition of ethical energy?

Ball playing on Shabbat and Yom Tov is a vacuous, pointless activity, almost as useless as sleeping hours on end. But it is

halakhically permissible and serves a perceived need for relaxing, enjoyable and physically energetic activity time. Let's not take that away from people until we can replace it with something that serves approximately the same purposes, and also serves to enrich their religious and ethical beings.²⁹

Yet there are those whose view of recreational sports far transcends the begrudging acceptance that Berman would grant them on Shabbat. Andrew Cooper, author of *Playing in the Zone: Exploring the Spiritual Dimension of Sports*, writes:

For those who love them, sports are indeed a matter of faith, or at least they should be. They are not important in the way medicine or politics or law are important. Their value stems from their being separate from the realm of practical affairs that we call real life.

Sport creates a second world in which our deepest potentialities, our virtues and our vices, are revealed and cultivated within an order that raises them to beauty. One leaves the self's familiar confines to be enriched by other modes of experience. But sport is, by its nature, something that can be enjoyed for its own sake.

Sports may no longer be about transcendence, but they still enact transcendence. They retain their power to intensify experience and awaken within us a larger sense of being. This is the hidden dimension of sport, its secret life.³⁰

There is also physiological evidence regarding changes in the brain during athletic activity to corroborate this sentiment. Recent breakthroughs in neuro-science now confirm that vigorous exercise can induce mood altering-changes in the brain. Thus, in a *New York Times* article from 2008, journalist Gina Kolata reported on researches combining recently available chemical tracers and Positron Emission Tomography (PET) scans to compare runners' brains before and after a long run. Participating subjects were not informed of the study's purpose to

29. Saul J. Berman, "Playing Ball on Shabbat and Yom Tov," *Edah Journal* vol. I, no. 1 *Marheshvan* 5761 (November 2000), pp. 12-13.

30. Andrew Cooper, *Playing in the Zone: Exploring the Spiritual Dimension of Sports*. (Boston: Shambhala, 1998), as quoted on www.beliefnet.com/Wellness/2000/09/Playing-In-The-Zone.aspx.

ensure that the findings be based exclusively on the scan results and not influenced in any other way. “The data showed that, indeed, endorphins (the brain’s naturally occurring opiates) were produced during running and were attaching themselves to areas of the brain associated with emotions, in particular the limbic and prefrontal areas. The greater the euphoria the runners reported, the more endorphins in their brain.”³¹

Of course there are ample anecdotes from athletes themselves that point toward a sense of serenity, well-being and “oneness” with the world around them that accompany exercise. In his book, *Running and Being*, Dr. George Sheehan chronicles his experience with the sport:

Every mile I run is my first. Every hour on the roads a new beginning. Every day I put on my running clothes, I am born again. Seeing things as if for the first time, seeing the familiar as unfamiliar, the common as uncommon. There is no other way to run, no other way to live.³²

The majority of runners might not wax as poetic about the sport as Sheehan; on the other hand, his experience could well serve as a description of the purpose of Shabbat -- an opportunity to view creation with fresh eyes and the world with wonder. In the above description, we may even hear an echo of Abraham Joshua Heschel, who sees Shabbat as “the dimension of time wherein man meets God, wherein man becomes aware that every instant is an act of creation, a Beginning, opening up new roads for ultimate realization. . . . To witness the

31. Gina Kolata, “Yes, Running Can Make You High,” *New York Times*, March 27, 2008.

The study itself was conducted by at the Technische Universität München and first published in February, 2008. In the language of the researchers’ conclusions, “Changes in central opiod receptor binding after two hours of long-distance running were identified preferentially in prefrontal and limbic/paralimbic brain regions. Specifically, the perceived levels of euphoria were inversely correlated with opiod binding in prefrontal/orbitofrontal cortices, the anterior cingulate cortex, bilateral insula, and parainsular cortex, along with temporoparietal regions.” See Henning Boecker, Till Sprenger, Mary E. Spilker *et. al.*, “The Runner’s High: Opiodergic Mechanisms in the Human Brain,” *Cerebral Cortex Journal* vol. 18, no. 11 (November 2008), pp.2523-2531. I am indebted to Dr. Wendy Sapolsky of the Carithers Pediatric Group, Jacksonville, Florida for bringing this article to my attention.

32. George Sheehan, *Running and Being* (New York: Rondale Books, 1978), pp. 100, 101.

perpetual marvel of the world's coming into being is to sense the presence of the Giver in the given . . . ³³ Against the background of a new understanding of the spiritual potential of physical activity, and given a need to respond to the challenges articulated by Saul Berman of making Shabbat meaningful in our time, it behooves us to rethink our conceptual approach to exercise and *shevut*.

D. *Shemirat Ha-Guf*, Exercise and Shabbat

Shemirat Ha-Guf, safeguarding one's own health, is a *mitzvah* in its own right, based on the belief that because God is our Creator, our bodies belong to the One who fashioned them. Our tradition links the preservation of health with our duty to serve God.³⁴ Proper nutrition, avoidance of substances harmful to the body, medical treatment, and exercise are all facets of this *mitzvah*.

With regard to how much and how often one should exercise there is no single answer. According to the United States Department of Health and Human Services, healthy individuals should strive for at least 150 minutes a week of moderate aerobic activity or 75 minutes a week of vigorous aerobic activity, in addition to engaging in some form of strength training twice per week. It is also far better to exercise on multiple days of the week for shorter periods of time than fewer days of the week for longer periods.³⁵ These guidelines apply to those who maintain a weight appropriate to their height and build and have no other medical conditions that might

33. Abraham Joshua Heschel, *The Sabbath* (New York: Farrar, Straus and Young, 1951), p. 100.

34. One of the Hebrew terms describing God as creator (*koneh*) also connotes ownership. See *Genesis* 14:19, 22; *Exodus* 19:5; *Deuteronomy* 10:14. The responsibility to care for one's body is beautifully described by Hillel the Elder to his students in *Leviticus Rabbah* 34:3, while Maimonides goes into great detail about caring for one's health in the *Mishneh Torah, Hilkhot De'ot*, chapters 3-5. For a modern treatment of the topic, see Elliot N. Dorff, *Matters of Jewish Life and Death; A Jewish Approach to Modern Medical Ethics* (Philadelphia: Jewish Publication Society, 1998), especially chapters 2 and 10.

35. The President's Council on Fitness, Sports and Nutrition, www.fitness.gov/be-active/physical-activity-guidelines-for-americans/; also the website of the Mayo Clinic, www.mayoclinic.org/healthy-living/fitness/expert-answers/exercise/faq-20057916.

point to a more or less ambitious program of exercise.

There is no medical evidence, however, that those who exercise regularly during the week are at elevated risk of danger because they refrain from doing so one day in seven -- any more than eating a rich dessert will harm an otherwise healthy person if he is careful about consuming a balanced diet, and only allows himself the “sinful” luxury of chocolate cake once a week in honor of Shabbat.

A great pundit once said, “Whenever I get the urge to exercise, I lie down until the feeling passes away.”³⁶ Clearly for some, vigorous exercise on Shabbat would be the very antithesis of *oneg Shabbat*. This would include those who avoid physical activity for any reason except at the direction of their physician, or for that matter, those who exercise regularly during the week for reasons of health, but not enjoyment. While *shemirat ha-guf*, care for the body, is a religious imperative in its own right, and exercise for the sake of cardiovascular health or weight loss is praiseworthy, there are those who dutifully follow exercise regimens for valid reasons without enjoying the actual experience. Indeed, it is not uncommon for those who work out regularly at gyms to answer the question, “How are you?” with the response “Better, now that I’m done.” Whatever the virtue and satisfaction in having completed one’s exercise regimen, the very nature of *oneg Shabbat* focuses on being present in the moment, enjoying what one is doing rather than looking past it. Writing in the 17th century *Turei Zahav*, Rabbi David Halevi Segel notes, “It is certainly possible to derive pleasure (*oneg*) as a result of exercise; for example, one might eat with a heartier appetite after his exertions. Even so, it is forbidden *because while running he does not enjoy the experience, and it is not permitted on the basis of the pleasure he experiences afterwards* (emphasis added).”³⁷ For those who do not actually enjoy the experience

36. Legend attributes the saying to Mark Twain, although it appears nowhere in his *oeuvre* and its first ascription to Twain was nearly thirty years after his death! See www.quoteinvestigator.com At a 1905 speech given on his 70th birthday, Twain, however, did say, “I have never taken any exercise, except sleeping and resting, and I never intend to take any. Exercise is loathsome.” See *Mark Twain’s Speeches* (New York: Harper & Brothers, 1910), pp. 425-434.

37. *Ta”Z to Shulhan Arukh, O”H 301:2 siman katan 1.*

of exercising -- regardless of why they exercise -- the premise underlying the traditional *shevut* prohibition against *tirḥa yetirta* remains valid.

Of course, none of the above would apply to individuals whose physicians, therapists or other health care providers prescribe specific regimens of exercise or physical therapy to treat particular illness or conditions, including joint pain, arthritis, or other skeleto-muscular issues. In these cases, patients who need to follow a prescribed routine of exercise or physical therapy on a daily basis for the sake of mobility or relief from pain should do so because of *shemirat ha-guf*, even on Shabbat.

In sum, *shemirat ha-guf* does not offer us a sufficient basis to override generally the prohibition of *shevut*. By the same token, that one may exercise during the week doesn't automatically render all forms of exercise *uvdin d'hol*, either. Whether a particular activity constitutes *shevut* or is a form of *oneg* depends on the nature of the recreational activity, the manner in which it is performed, and one's motivation for doing it.

There are yet other circumstances in which the motivation to exercise would be incompatible with the spirit of *oneg Shabbat*; for that which is good in moderation, may be harmful in excess. Physician and popular author Deepak Chopra translates the polarity between work and rest in a way germane to the question of exercise on Shabbat:

In quantum terms whatever promotes orderliness is beneficial in opposing entropy. The entire physiology is an island of negative entropy; therefore our efforts need to be directed holistically to preserving orderliness in every aspect. Because the body uses creation and destruction to keep its vital processes going, doing constant work is not the answer. Exercise has to be balanced by rest. The cycle of rest and activity in lower animals is dictated by instinct, which humans are free to override. If we override it in the wrong direction, then we actually hasten entropy.³⁸

38. Deepak Chopra, *Timeless Body, Ageless Mind* (New York: Three Rivers Press, 1998), pp. 129-130.

Wine in moderation can enhance the joy of one's experience; in excess it is harmful and may even herald the slavery of addiction. The same is true of any substance, any activity. The *Diagnostic and Statistical Manual of Mental Disorders* (DSM-V) describes excessive exercise as that which "significantly interferes with important activities, when it occurs at inappropriate times or in inappropriate settings, or when the individual continues to exercise despite injury or other medical complications."³⁹ This compulsive approach to exercise "shows a high comorbidity with eating disorders" as those paralyzed by fear of weight gain combine exercise with various forms of self-starvation or purging.⁴⁰

As "a remembrance of our Exodus from Egypt," Shabbat celebrates freedom from all forms of servitude.⁴¹ Those whose process addiction manifests itself in an unhealthy attitude toward exercise should not engage in such activity on Shabbat . . . any more than a person with a drinking problem should consume *Kiddush* wine on Shabbat because of the joy of the day.

A dichotomy thus emerges in our treatment of exercise on Shabbat: when practiced in the

39. *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition* - (Arlington, Virginia: American Psychiatric Association, 2013), p. 346. Excessive exercise is described as one diagnostic feature of Body Dysmorphic Disorder (p. 243) as well as Bulimia Nervosa (p. 347).

40. Z. Demetrovics and T. Kurimay, "Exercise Addiction: A Literature Review," [Article in Hungarian] *Psychiatria Hungarica* 2008;23(2):129-41. quoted from the abstract available on the MEDLINE database of references and abstracts on life sciences and biomedical topics, maintained by the United States National Library of Medicine (NLM) at the National Institutes of Health.: www.ncbi.nlm.nih.gov/pubmed/18956613. I am also grateful to Dr. Wendy Sapolsky, who works extensively with teens and pre-teen behavioral and food issues, for sharing anecdotal confirmation from her own practice about the connection between compulsive exercise and eating disorders.

41. Both the Talmud and later codes discuss whether or not it is permissible for one to fast voluntarily on Shabbat, if doing so is a subjective form of *oneg* for him. The case here is a *ta'anit halom*, a fast to obviate the ill consequences portended by a disturbing dream, since fasting was considered efficacious in preventing such omens from taking place. In such instances the individual is permitted to fast because not doing so would interfere with his peace of mind and make the enjoyment of Shabbat impossible. Nevertheless, the person should fast a second time during the week as a kind of *mea culpa* for having compromised Shabbat by fasting in the first place! B.T. *Shabbat* 11a; B.T. *Ta'anit* 12b, *Rashi ad loc.* "וְאִפְּלוּ בַשַּׁבָּת" ד"ה, *Tur, O"R* 288,

One may not use the anxiety caused by refraining from compulsive or addictive behaviors on Shabbat as a rationale for permitting them as a kind of "negative *oneg*." For those who suffer from such disorders, there is no meaningful distinction to be made between Shabbat and the rest of the week.

right context, physical activity on Shabbat is compatible with and contributes to *oneg Shabbat* in both mind and body for all the reasons discussed above. For these individuals the *shevut* prohibition and the ambivalence with which the traditional sources viewed exercise are no longer relevant. At the same time for those who do not enjoy exercise or approach it with an unhealthy mind-set, the traditional understanding of *shevut* is still applicable. Those who fall into the latter category should be encouraged *not* to exercise on Shabbat as the more appropriate way to celebrate and honor Shabbat.

E. The Subjective Element of Oneg Shabbat

Even when it is permissible for a person to exercise on Shabbat, it is crucial that she think carefully about what will differentiate her Shabbat activity from its weekday counterpart. First and foremost, to attain true *oneg* in such exercise, it must be divorced from a competitive mindset. A leisurely run on the beach without a watch is far different than the presence of trying to beat a personal record, whether measured by time or distance. To embrace the spirit of Isaiah's exhortation, then, a person must consciously alter his routine in a way that fosters genuine Shabbat mindfulness. Those who usually exercise in the early hours of the morning might opt instead to do so in the afternoon and take time to relax in bed longer. Those who regularly power walk in the afternoon might experiment with getting up early to experience the beauty of jogging at sunrise when the streets are quiet and the stillness has a special quality. Those who generally limit themselves to one kind of physical activity during the week could engage in a different kind on Shabbat. In a modern twist on the Lurianic practice of reciting *kavannot* prior to fulfilling a *mitzvah* a person might say to himself just before exercising, "*L'shem mitzvat ta'anug Shabbat -- I do this for the sake of the mitzvah of delighting in Shabbat.*"⁴² Notwithstanding that some forms of exercise remain prohibited on Shabbat because

42. "The Jew who is in close contact with the divine life through the Torah, the fulfillment of the commandments, and through prayer, has it in his power to accelerate or to hinder . . . the *Tikkun* restoring the unity of God's name. [Thus] The fulfillment of each and every commandment was to be accompanied by a formula declaring that this was done 'for the sake or uniting the Holy One, praised be He, and his Shekhinah, out of fear and love'." Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken Books, 1941), pp. 274,

of their intrinsic nature, a subject which will be addressed below, we allow other types of recreational sports and physical exercises on Shabbat because we may consciously use them to create *oneg* for ourselves.

Undoubtedly, there will be those uncomfortable with the admittedly subjective aspect of allowing individuals with the “proper” motivation to engage in certain forms of exercise on Shabbat, while discouraging other persons from performing the same activity because they lack the proper intention. The question is a fair one.

It is, however, not a novel one. Nearly six centuries ago, Rabbi Israel Isserlein grappled with the *shevut* prohibition of “לא יהא דיבורך של שבת כדיבורך של חול” -- One’s conversation on Shabbat should not resemble one’s weekday conversation.” On the one hand, Isserlein acknowledges that conversation about “kingdoms, officers, wars” (what we would call “current events”) is hardly *shabbostik* by any definition; on the other hand, if people enjoy shmoozing about the news of the day, inimical as such subject matter may be to the spirit of Shabbat, there is a basis for permitting such: “אמנם אם אותם בני אדם מתענגים בכך, כשמדברים ומספרים שמועות מהמלכים ושרים ומלחמותיהם וכה”ג, כדרך הרבה בני אדם שמתאווים לכך, נראה דודאי שרי -- However, if these same people enjoy the activity of discussing current events and the like, as many people enjoy doing, then it seems to be clearly permitted.”⁴³

275-6.

The idea of framing one’s exercise with a prayer is found in other faith traditions as well. One beautiful example appears in a University of Notre Dame publication: “Run by my side -- live in my heartbeat; give strength to my steps. As the cold confronts me, as the wind pushes me, I know You surround me. And so I give You this run; thank You for matching my stride. Amen.” Maureen McNellis and Karen Schulte, “The Runner’s Prayer,” in *Day by Day: The Notre Dame Prayerbook for Students*, eds. Thomas McNally and William G. Storey (Notre Dame, Indiana: Ave Maria Press, 2004), p. 71.

43. Rabbi Israel Isserlein, *Terumat Ha-Deshen*, *siman* 61. My thanks to Rabbi Aaron Alexander for bringing this source to my attention.

At the same time there may be others present who might find discussion about the news of the day downright depressing. For those standing around the *kiddush* table who derive no pleasure from the conversation, “נראה דיש חשש איסור לאותן שאין מתענגים” -- it would seem that there is a prohibition for them because they take no pleasure [in such talk]. More than a century later, Rabbi Moshe Isserles would codify this subjective element of *shevut* into his gloss on the *Shulhan Arukh*: “ובני אדם שסיפור שמועות ודברי חדושים הוא עונג להם” מותר לספרם בשבת כמו בחול, אבל מי שאינו מתענג אסור לאמרם כדי שיתענג בהם -- Those who enjoy conversing about the news of the day are permitted to discuss such topics on Shabbat as they would during the week; anyone who derives no pleasure from such talk, however, should not participate in conversation because his interlocutor finds it agreeable.”⁴⁴

Rabbi Raphael Shlomoh ben Shmuel Laniado (1720-1793), who served as rabbi and *posek* for the Jewish community of Aleppo, went even further. In his work on *halakhah*, *Sefer Ha-Ma'alot li-Shelomoh*, he declared, “כל האיסורים היוצאים מפסוק 'אם תשוב משבת' -- רגליך' הותר במקום תענוג -- All those activities prohibited [because of *shevut*] based upon the verse ‘If you refrain from trampling the Sabbath . . . ‘ are permissible when done for the enjoyment of Shabbat.”⁴⁵ The implication of Laniado’s statement is that much of what might be considered *shevut* by some in one set of circumstances, becomes permissible -- perhaps even laudable -- for others in a different set of circumstances when done for the sake of enhancing the pleasure of Shabbat.

Unlike discussions about *melakhah* which are framed around objective categories of

44. *ibid.*; Rama on *Shulhan Arukh O”H* 307:1 Modern *poskim* take a very similar approach to dealing with the question of reading a newspaper on Shabbat. Some permit those who enjoy newspapers to read them, while others prohibit the practice. A third group would only allow a person to read certain articles based on what he enjoys while avoiding those stories that might disturb his spirit. One view only permits the reading of the newspaper on Shabbat in the bathroom! For an overview of the various views, see Eliezer Melamed, *Peninei Halakhah al Shabbat (helek bet)* (Israel: Yeshivat Har Berakhah, 5771), pp. 137-139.

45. *Sefer Ha-ma'alot li-Shelomoh, Derush bet al Shabbat*, Constantinople, 1775, p. 89.

action, it is impossible to eliminate entirely the subjective element of the individual's definition of what constitutes *oneg* for him. The authors of these sources recognized this and accepted the fact that the very same activity which is permissible to one as *oneg* could be forbidden to another as *shevut*.⁴⁶

F. New Boundaries for the Application of *Shevut*

This is not to state categorically the impossibility of creating certain universal parameters in finding the right balance between *oneg* and *shevut* within the context of a discussion about recreational sports and exercise. As Professor Abraham Joshua Heschel noted in his celebrated classic, *The Sabbath*: “The seventh day is the armistice in man's cruel struggle for existence, a truce in all conflicts, personal and social, peace between man and man, man and nature, peace within man. The seventh day is the exodus from tension . . .”⁴⁷

The classic sources of Jewish law do not impose a specific *shevut* prohibition on certain activities because of their competitive spirit. It is within our power to redraw the boundaries of *shevut* to weave a modern set of garments in which to clothe the eternal body of Shabbat's message. Doing so will neither generate a predictable pattern of leniencies nor create one of consistent stringencies, but rather a mixture of both.⁴⁸

Keeping the character of Shabbat as described by Heschel in mind, competitive sports leagues are at odds with the spirit of Shabbat, whether as individual versus individual or as team against team. This is not to condemn a friendly pick-up game of softball or basketball on a

46. Other places where intention plays a pivotal role in determining whether or not an activity is *shevut* can be found in Neuwirth, *Shemirat Shabbat K'hilkhitah*, chapter 16, note 106, p. 241; also Melamed, *Peninei Halakhah al Shabbat*, *op. cit.*, p. 131, note 3.

47. Heschel, *The Sabbath*, *op. cit.*, p. 29.

48. Roth, “*Melakhah U'shevut: A Theoretical Framework*,” *op. cit.*, pp. 26, 28.

Shabbat afternoon between neighborhood or camp friends . . . even with keeping score.⁴⁹ Rather, organized competitions would be prohibited -- games whose character is heightened by practices all week long, the donning of uniforms and the fostering of an “us versus them” mentality on the field -- because they stand in opposition to everything the Sabbath cherishes. Even if one could avoid all forms of *melakhah* in planning such events, they would do still be impermissible because of *shevut*. This prohibition would also include racing against a clock (e.g., track events, road races or swim meets), since racing against time vitiates the integrity of Shabbat, a time when “Eternity utters a day,” to use Heschel’s felicitious phrase.⁵⁰

One might also wonder about competitions whose purpose is to raise money for a charitable cause -- is it permissible to participate in a run on Shabbat for charity? Beyond the act of running, there are potentially numerous activities connected to such an event which would constitute actual violations of Shabbat. To offer several examples: driving to/from the event, completing registration paperwork or signing in, collecting money, and carrying outside an *eruv* (e.g., carrying water or sports drinks). Cooking a meal at a soup kitchen is a praiseworthy *mitzvah*, but does not supersede Shabbat; participating in a charity run is also a laudable undertaking, but not if doing so entails transgressions of Shabbat.⁵¹ Accordingly, for the above reasons as well as the avoidance of *marit ayin*, misleading others into thinking the impermissible

49. The RaMa explicitly mentions the permissibility of playing chess on Shabbat, despite its competitive nature. *Shulhan Arukh, O”H 338:5*. It is difficult to discern why Chess would be allowed, but other games -- equally competitive in nature -- shouldn’t be. Individuals are always free to enlarge upon their own definitions of *shevut* by opting not to play board games on Shabbat because they involve “winners” and “losers” but, there remains a substantive difference between games played by friends or family just for fun, and serious organized competitions.

50. In this context we might heed the example of Eric Liddell, a Scottish Olympic runner and devout Christian, who refused to run in a heat held on a Sunday because it was the Christian Sabbath. Liddell, who won gold and bronze medals at the 1924 Paris Olympics, was one of the two protagonists in the popular 1981 film, *Chariots of Fire*. Sadly, the Jewish runner, Harold Abrahams, had no such qualms about transgressing Shabbat!

51. It is interesting to note that the Responsa Committee of the Central Conference of Reform Rabbis (CCAR) reached a similar conclusion about acts of *tzedakah* performed in violation of Shabbat. In considering whether it was advisable to present a check for *tzedakah* at a Shabbat service, the committee wrote, “We do not perform a true mitzvah if it is done by transgressing another commandment. We see no reason why the gift cannot be made, and do just as much good, on Friday or Sunday.” “Presenting a Check for Tzedakah at Shabbat Services” 5756.4, www.ccarnet.org/responsa.

is allowed, Jewish organizations may not sponsor sporting competitions for the sake of charitable causes on Shabbat. To do so on a Shabbat instead of a Sunday or another weekday compromises the Jewish character of the institution and constitutes a *Hillul Hashem*, a public desecration of God's name.

PART II: *General Concerns of Shabbat Exercise and Melakhah*

A. Carrying

Hotza'ah, carrying from one domain into another, is one of the 39 categories of labor prohibited on Shabbat (*melakhot*). According to the rabbis these prohibitions are of Toraitic origin.⁵² From the standpoint of Jewish law, there are four types of domains:

Reshut Harabbim -- A public domain in a town or city not covered by a roof or surrounded by walls, a bit more than 25 feet wide, and trafficked by large numbers of people. Typical examples of a *reshut harabbim* are busy thoroughfares, highways, bustling town squares etc.⁵³

52. *Mishnah Shabbat* 7:2. The Mishnah itself is aware of the fact that nowhere does the Torah actually list these activities or deal with what constitutes *melakhah*, prohibited labor, on Shabbat. “הַלְכוֹת שַׁבָּת . . . הֵרִי הֵם” -- The rules of Shabbat . . . are like mountains hanging by a hair, for the teachings of Scripture about them are scanty, yet the laws are many.” See *Mishnah Hagigah* 1:8. Nevertheless, Jewish law considers these categories and the activities deriving from them as having the same force as those laws explicitly stated in the Torah. The prohibition of carrying, however, is mentioned explicitly in Scripture, albeit in *Jeremiah* rather than the Pentateuch. See *Jeremiah* 17:21-22.

53. *Shulhan Arukh, O'H* 345:7. The definitions of the four domains carry an extensive and complex halakhic history. Thus, according to some authorities, an area may not be classified as a *reshut harabbim* unless a minimum of 600,000 individuals walk through it each day. According to others, it is sufficient for a large number of people to traverse a public area for it to be considered *reshut harabbim*. Others ask whether the former number includes non-Jews, must travel through the area within a given period of time, or even whether it includes only pedestrians or those riding in various conveyances. Given that this responsum is not primarily about carrying on Shabbat, and mentions it only as germane to the question of exercise, I have taken a somewhat reductionist approach to defining each of the four domains. See Yehoshua Neuwirth, *Shemirat Shabbat*

Reshut Hayahid -- A private domain that may or may not be covered by a roof, but is surrounded by walls or other partitions. Examples of a *reshut hayahid* would include houses, apartments, a yard enclosed by a wall, or towns encompassed by a wall or fence.⁵⁴

Carmelit -- A place which is neither a *reshut hayahid* nor a *reshut harabim* and consists of an area at least slightly larger than a square foot. Examples of a *carmelit* are open fields, the ocean, a major street which fails to meet one of the requirements of being a *reshut harabbim*.⁵⁵

Makom Patur -- a space in *reshut harabbim* smaller than four handbreadths by handbreadths and is raised off the ground by at least three handbreadths. All vacant space more than ten handbreadths off the ground in a *reshut harabim* or in a *carmelit* is considered *makom patur* (in contrast to space of any height above a *reshut hayahid* which is considered to be a part of the same domain).⁵⁶

Halakhah forbids on Shabbat the transfer of objects from a *reshut harabbim* to a *reshut hayahid* or vice versa. It is immaterial whether the object is carried in one's hand, pocket,

K'hilhat, vol. I, 17:3; also Yehiel Epstein, *Arukh Ha-shulhan*, O"H, siman 132:26; *Mishneh Berurah* 345, siman katan 23, 24.

The halakhic width of a public domain is anything equal to or greater than 16 cubits (*amot*). Not surprisingly, there are also differences of opinion regarding the extent of an *amah* (cubit). The origin of the term is the distance of one's forearm from elbow to the tip of the middle finger. The *Steinsaltz Edition of the Talmud Reference Guide* explains the various opinions concerning the length of an *amah*. The above figure is based on an *amah beinonit*, equal to six handbreadths or about 18.9 inches (48 cm). When multiplied by 16, the width is approximately 25.2 feet. *Adin Steinsaltz, Reference Guide to the Steinsaltz Edition* (New York: Random House, 1989) p. 281.

54. *Shulhan Arukh O"H* 345:2-6.

55. *Shulhan Arukh* 345:14. The measure of a *carmelit* is four handbreadths (*tefahim*) by four handbreadths. The above figure is based on the common definition of a *tefah* 3.15 inches (8 cm). An area of four square *tefahim* is slightly more than a square foot. Steinsaltz, *Reference Guide*, p. 281.

56. *Shulhan Arukh, O"H* 345:19.

dragged on the ground, passed from one person to another, or thrown. It is also impermissible to carry or transfer objects a distance of four *amot* within *reshut harabbim*.

While not prohibited by the Torah, the rabbis imposed further limitations on the act of carrying on Shabbat. Thus, it is also impermissible to transfer an object from a *reshut harabbim* or a *reshut hayahid* to a *carmelit* and vice versa, or to carry an object more than four *amot* within a *carmelit*.⁵⁷

Many communities have addressed the challenges created by the prohibition of *hotza'ah* by the construction of an *eruv*, an “enclosure” consisting of wire, posts and/or fencing that legally render a *reshut harabbim* or *carmelit* into a *reshut hayahid*, enabling individuals to carry within the boundaries of the *eruv*.⁵⁸ Many major centers of Jewish population have *eruvim*, though it cannot be assumed that parameters of the *eruv* are coterminous with actual city lines. Smaller communities are less likely to include an *eruv*. It is safe to say, therefore, that a significant number of Jews, whether they live in an urban or suburban area, may not reside within the boundaries of an *eruv*.⁵⁹

57. *ibid.*, O”H 346:1, 2.

58. See Rabbi Yosef Bechhofer, *The Contemporary Eruv; Eruvin in Modern Metropolitan Areas* for a comprehensive discussion from an Orthodox perspective of the history and evolution of the municipal *eruv* (Jerusalem: Feldheim Publishers, 1998). As of spring 2013, www.eruv.org is in the process of creating a global directory of *eruvim* with details regarding the coverage areas of each.

59. One of the highlights of a summer experience at Camp Ramah is the opportunity to play recreational sports such as basketball, baseball and tennis with friends on a Shabbat afternoon during free time. Given the existence of *eruvim* at the various Ramah camps, this can be done without violating Jewish law. Even if partnering with other Jewish institutions to build an *eruv* around a municipality is beyond the capability of a single synagogue, for those congregations whose properties include open space or are adjacent to park land, the construction of an *eruv* may be a project well-worth considering. Doing so would provide an opportunity for experiential learning about Jewish law and what it means to create conscious boundaries on Shabbat. At a practical level, it would enable a congregation to extend the togetherness of Shabbat community into the great outdoors in a way fully consonant with *halakhah*.

The implications of this for exercise and other recreational sports on Shabbat are significant, inasmuch as one would not be permitted to carry sporting equipment outside a private domain in the absence of an *eruv*. While cycling does not conform to the common perception of what it means to carry an object, it must be remembered that the relevant *melakhah* here is *hotza'ah*, which includes transfers of objects of all kinds from one domain to another. From a halakhic standpoint, then, riding a bicycle in the absence of an *eruv* would constitute a violation of “carrying” (though riding on a stationary bicycle obviously would not). Running on Shabbat does not involve *hotza'ah* in and of itself; nevertheless, without an *eruv* runners would need to leave at home any of the accouterments they might normally bring while running during the week.

B. The Limits of Shabbat Travel (*Tehum Shabbat*)

In the story of the *manna* found in the book of *Exodus* God commands the Israelites, “שבו איש תחתיו אל-יצא איש ממקומו ביום השבת” Let everyone remain where he is: let no one leave his place on the seventh day” (*Exodus* 16:29). There is considerable debate about what this distance is. According to the Rif and Maimonides the limit of Shabbat travel from the Torah is 12 *mil* (1 *mil* = 2,000 *amot*; 12 *mil* = 24,000 *amot*, or roughly 7.2 miles), while the rabbis imposed a more restrictive limit of 2,000 *amot*, or approximately .6 mile beyond the last dwelling in a community.⁶⁰ Of course, given the density of settlement in many communities, the Shabbat boundary in any specific place might be many miles from a person’s dwelling.⁶¹ On the other hand, in rural settings the *tehum Shabbat* might be easily traversed on foot. In determining the permissibility of exercise on Shabbat involving travel on foot (e.g., running), the *halakhah* of Shabbat boundaries potentially comes into play. Even if a particular activity were deemed otherwise acceptable, it would still be subject to the parameters of *tehum Shabbat* as

60. B.T. *Eruvin* 51a. At 18.9 inches per *amah* (see note 16), 2,000 *amot* is the equivalent of approximately 6/10 of one mile, and 12 *mil* is equal to 7.2 miles. See *Mishneh Torah, Hilkhoh Shabbat* 27:1 and *Rif Eruvin* 5a (end of chapter 1).

61. *Shulhan Arukh O”H* 397:6.

applicable within a given area⁶²

C. Recording Physiological Data on Shabbat

Those who exercise regularly and seriously are wont to keep track of their data. In an era of hi-tech exercise equipment this can be accomplished at the touch of button. Average heart rate, speed, resistance distance traveled, METS (the ratio of one's working metabolic rate to one's resting rate) and calories burned during an exercise session can be tabulated and entered into an ongoing record of one's progress. Such data, moreover, can be stored and used to tailor the degree of resistance or incline on a treadmill, elliptical or stationery bicycle for a specific user. In addition there are portable devices readily available that one can wear to track and store data regarding physiological function during exercise⁶³

For those who regard the use of electricity as a *melakhah* in and of itself, there is no question that hi-tech fitness equipment is incompatible with Shabbat observance. Any other *halakhic* problems occasioned by their use would be secondary to their reliance on electricity.

In a recent responsum, however, Rabbi Daniel Nevins of the Committee on Jewish Law

62. Through the creation of an *eruv tehumim* an individual can extend his Shabbat boundaries by an additional 2,000 *amot*. It is not within the scope of this *teshuvah* to explore the practicality of establishing *eruvei tehumim* for the sake of exercise beyond the Sabbath limit. Since it would require traveling before Shabbat to a site up to 2,000 *amot* beyond one's normal limit, or alternatively delivering food to that spot for consumption on Shabbat, this symbolic act of establishing a new "residence" to extend one's Shabbat boundaries is likely to have little practical value for those wishing to exercise on Shabbat beyond the *tehum*. It would be far easier simply to run laps than to actually carry out this legal fiction!

63. For example, there is "The Wellness System™, made by Techno-Gym Inc.: ". . . an integrated wireless technology software application that allows users to view personal goals, exercise programs and progress through the use of a Smartkey. When inserted into the equipment, the machine automatically starts and users are presented with a personalized routine to follow. Both trainers and users can set programs onto the Smartkey. As a result, both the trainer and user can track and review progress through a central program at the end of the day or week." See www.technogym.com. It seems likely that the trend toward hi-tech exercise equipment is likely to grow rather than decrease in years to come. See also Jennifer Wang, "How Fitbit is Cashing in on the High-Tech Fitness Trend" *Entrepreneur.com* July 31, 2012.

and Standards of the Conservative Movement took a more nuanced view of electricity, distinguishing its generation and transmission on Shabbat from the Toraitic prohibition of *mav'ir*, kindling or transferring fire. After thoroughly reviewing the properties of electricity, the operation of circuits and the sources of its creation, Nevins concludes, “that opening or closing an electrical circuit should not be prohibited as a form of *building*, that the warming of wires is not *cooking*, and that the generation of light in electrical appliances, including incandescent light bulbs which heat metal until it glows, should not be prohibited as either *cooking* or *burning*. Thus there is no comprehensive ban on all uses of electricity as *melakhah*.⁶⁴

Yet even if one cogently argues that electricity is not forbidden *per se*, it still may not be used in conjunction with other forms of *melakhah* themselves prohibited on Shabbat. For example, one cannot cook on an electric range or use electrically powered tools on Shabbat because such activities violate separate *halakhic* proscriptions in their own right.

Thus, with regard to the *melakhah* of writing electronically, Rabbi Nevins writes as follows:

The intentional recording of data -- whether of text, images or sound is forbidden on Shabbat as a derivative form of writing (*toledat koteiv*). While this form of recording may not employ the same mechanism as the writing used in the tabernacle (whatever that was), it has the same purpose and result -- to preserve information for later display. We cannot claim that such writing is akin to the category called כלאחר יד (*k'l'ahar yad*), with the back of the hand, because this form of writing is efficient and effective to an extent which is equal to our greater than that of conventional writing. Rather, this form of writing should be considered a derivative form of the prohibition (תולדת כותב) which is biblically prohibited on Shabbat and Yom Tov.⁶⁵

64. Daniel Nevins, “The Use of Electrical and Electronic Devices on Shabbat,” approved by *Committee on Jewish Law and Standards* (CJLS) on May 31, 2012 by a vote of 17-2-2. p. 29.

65. *ibid.*, p. 35. Rabbi Joel Roth reaches the same conclusion: “The fact that the medieval codes knew nothing about photography, for example, does not preclude moderns from classifying it as either a derivative-*av* or a *toladah* of writing. *If the function of writing is appropriately defined as the production of a lasting imprint upon some*

The act of tracking and recording data, even electronically, serves much the same function as writing it down manually. Indeed, in many, if not most gyms, regular users of the facility continue to maintain handwritten records to chart their progress. Accordingly, whether or not one uses electricity on Shabbat for other purposes, programmable exercise equipment capable of recording and storing data may not be used, regardless of whether such devices are worn on one's body or attached to a machine.

SUMMARY OF CONCLUSIONS

1. *Oneg Shabbat* is a *mitzvah*. Although the Torah does not explicitly mention it, numerous authorities sought to accord the enjoyment of Shabbat *d'oraita*-like status, legally and homiletically.
2. Traditional *halakhic* sources tend to prohibit exercise generally on the basis of *shevut*; even when permissible, they do not perceive it as a vehicle in-and-of itself for *oneg Shabbat*. Given important changes in our cultural perceptions and the importance they play in framing a meaningful protective framework for Shabbat observance, it is no longer tenable to maintain a blanket prohibition of all exercise as *tirḥa yetirta* (superfluous exertion) or *u'vdin d'ḥol*. In our time many types of exercise can and do serve as permissible -- even praiseworthy -- activities for the pursuit of *oneg Shabbat*.
3. The halakhic literature points to a recognition that subjective enjoyment plays an important, if not ultimate, role in determining whether or not an activity is a matter of *oneg Shabbat* or *shevut* for the individual. This may mean that while one person may be permitted to engage in a certain activity because he finds it Shabbat-enhancing, another may be prohibited from doing so because it diminishes his enjoyment of Shabbat.

substance, it seems virtually incontrovertible that the function of photography should be defined as either identical or similar to that of writing (emphasis added). To deny the above on the grounds that lists of derivative-avot or toladot of writing from a given historical period did not include photography ignores the centrality of purpose as the primary determinant of the categorization of melakhot.” Roth, “Melakhah U'Shvut: A Theoretical Framework,” op. cit., p. 15. See also the responsum of Rabbi Mayer Rabinowitz and Dvora Weisberg, “Tape Recording and Photography on Shabbat,” Proceedings of the Committee on Jewish Law and Standards 1980-1985, pp. 247-250; and Rabbis Elliot Dorff and Gordon Tucker, “On Recording Shabbat and Yom Tov Services,” Proceedings of the Committee on Jewish Law and Standards, 1986-1990, pp. 305-308.

4. For those who engage regularly in exercise during the week, but do not actually enjoy the experience, or are training in pursuit of specific goals, exercise on Shabbat does not constitute *oneg Shabbat*; on the contrary, it remains *u'vdin d'hol*. With the exception of medical reasons (see below), the only permissible rationale for engaging in recreational sports or exercise activity on Shabbat is for the sake of enhancing one's experience of Shabbat itself.
5. For those in good health, the general benefits of exercise do not automatically override the issue of *shevut*. Those with skeleto-muscular issues, however, who need to follow therapeutic routines for the sake of mobility or relief from pain must do so on Shabbat -- not because it yields them pleasure, but because it is a medical necessity.
6. Organized league sports, competitive racing against a clock or others for the sake of recognition, attainment of a prize, or first place within a league remain subject to the prohibition of *shevut* because their purpose is primarily goal oriented. That they may be very enjoyable, especially for the victors, does not constitute *oneg Shabbat*.
7. Synagogues, Jewish schools and other institutions within the Jewish community should neither sponsor nor participate in charity races or other sporting events to benefit not-for-profit causes, when such events take place on Shabbat. Aside from the likelihood of violating myriad proscriptions of Toraitic law, the purpose of such events, no matter how worthy the cause, has nothing to do with the concept of *oneg Shabbat*.
8. No type of recreational sport or exercise may trump a *melakhah* or its derivative categories. Any activity requiring prohibited types of carrying, travel beyond Shabbat boundaries, or the recording of data are forbidden as *d'oraita* injunctions and not simply as matters of *shevut*.
9. Beyond the broad parameters of the *oneg Shabbat* and *shevut*, the permissibility of individual types of exercise or sports and their compatibility with Shabbat will depend on the equipment they require, their respective characters, and the venues where they take place.

PART III: *Regarding Specific Types of Exercise and Recreational Sports on Shabbat*

A. Is it Permissible to Ride a Bicycle or a Skateboard on Shabbat?

This section was approved on May 13, 2015. For this section, the committee voted on each piskei din separately. For the individual votes, please see the piskei din.

Since the invention of the bicycle, cycling has served human beings around the world as a form of environmentally friendly and inexpensive transport, an effective way to improve cardio-vascular health, and a wonderful way to enjoy leisure. Before considering the specific contours of cycling's permissibility on Shabbat, it is necessary to remind the reader that, absent an *eruv*, riding a bike violates the *melakhah* of carrying (*hotza'ah*). This would be true even if the rider did not have with her a water bottle, a lock and chain, or any of the accouterments cyclists frequently take along. In addition to the existence of an *eruv*, the ensuing discussion will also presume that the individual's riding plan will not take him beyond the Shabbat limit (*tehum Shabbat*) mentioned earlier.

Because bicycles were not widely used until the 1880s, it is not surprising that no *posek* wrote about them until the turn of the 20th century. One of the earliest *poskim* to treat the issue was the *Ben Ish Hai*, Rabbi Yosef of Baghdad, who lived into the first decade of the 20th century. In a responsum concerning the use of a "gharry," described as a "conveyance with two wheels, not drawn by animals, but powered by a person who pushes the wheels (i.e., a bicycle), he explains why tread marks in the earth would not violate the *melakhah* of plowing (*horesh*) on Shabbat: "ואע"פ שהעור [של הגלגלים] מתחכך בסלעים ונגרר ממנו לית לן בה, דדבר -- שאינו מתכוין דלאו פסיק רישיה מותר against the stones and is pulled through it, it does not matter because any consequences are both

unintentional and not inescapable, and therefore permissible⁶⁶ Broadly speaking Rabbi Yosef of Baghdad believes the following:

דיש להתיר לרכוב בגאר"י זה הנזכר בשאלה, שהולך על ידי
אדם עצמו היושב בו, בין בשבת בין ביום טוב בתוך העיר
שיש בו ערוב, דליכא בזה זלזול משום עובדין דחול כיון
שהוא בתוך העיר שיש בה עירוב, דכל העיר נחשבת כרשות
היחיד.

It is permissible to ride on the gharry in question on Shabbat and Yom Tov, because it is propelled by the individual sitting on it. So long as it is in a city with an *eruv* it is not a negation [of Shabbat] because of *u'vdin d'h'hol*, since the entire city is considered as a private domain.⁶⁷

It is interesting that the Ben Ish Hai links the concept of *u'vdin d'h'hol* to the issue of riding in the absence of an *eruv* rather than the intrinsic act of pedaling a bicycle. Later in his responsum he further explains that bicycle riding is not *u'vdin d'h'hol* because it is a conveyance made for a single person, and as such, not designed to travel long distances.⁶⁸ There is a clear difference in his mind between the self-propulsion of a bicycle and the prohibition of riding in a wagon drawn by an animal or another person, and “there is no need to legislate new decrees, inasmuch as it

66. Ben Ish Hai, *Rav Pealim, O'H* vol. I, *siman* 25. See B.T. *Beitzah* 23b for the discussion on the permissibility of unintentionally creating a furrow on Shabbat by dragging a bed, chair or bench on the ground.

In his commentary on the work of the Ben Ish Hai, Rabbi Ovadiah Yosef concurs, “האופניים הללו אינם חופרים -- בקרקע, ואם לפעמים עושים חרוץ, הוא בגדר דבר שאינו מתכוין ולא פסיק רישא, ומותר לכתחלה. These bicycles do not dig into the dirt, and if they sometimes leave track, it is defined as an unintentional potential occurrence and not as an unavoidable one, and therefore is *a priori* permissible.” Ovadiah Yosef, *Sefer Halikhot Olam, He'arot v'Ha'arot al Hasefer Ben Ish Hai*. vol. 4, (*Parshat Vayakel - Dinei binyan u'stirah b'khelem u'metaken mana*), p. 242. This reasoning applies to other wheeled conveyances such as strollers, tricycles, manual scooters and skateboards, which are permissible. Nevertheless, Ovadiah Yosef distinguishes bicycles from these other conveyances and prohibits their use for reasons that will be clear below.

67. Ben Ish Hai, *Rav Pealim, O'H* vol. I, *siman* 25.

68. Even if this were true at the turn of the 20th century it certainly is not so today when devoted cyclists routinely ride long distances. The 3,300 Seattle-to-Washington Hazon Cross-USA trip to promote Jewish approaches to living in a sustainable environment (see www.hazon.org). This is but one example of countless organized trips, and does not include individual hobbyists who cycle long distances.

suffices for the generations to abide by the explicit decrees of the sages.”⁶⁹

Indeed, the Ben Ish Hai goes so far as to permit bicycle riding in a *carmelit* (i.e., a place without an *eruv* that is not otherwise a public domain; see part II, section A above) for a person upon whom the community depends, e.g., a Torah reader or *davener* needed by a given congregation. This leniency would include anyone riding to perform a *d'var mitzvah* such as traveling to synagogue for the sake of reciting *Kaddish* or participating in the *Kedushah*. In all these cases the operative assumption is that the distance is too far to travel and he would otherwise be too elderly or weak from illness to walk⁷⁰. This leniency would solely apply in a *carmelit*, which is forbidden *d'rabbanan* only; bicycle riding would still be forbidden in a city with roads wide enough and crowded enough to be considered a *reshut harabbim*.⁷¹

69. Ben Ish Hai, *Rav Pealim*, *op. cit.*

70. It is difficult to ascertain why an individual would be physically unable to walk, but otherwise able to pedal a bicycle. Later in his responsum the Ben Ish Hai explicitly permits a bicycle rickshaw to bring someone to a *d'var mitzvah* in such circumstances.

71. *ibid.* Yet here, too, he extends an additional leniency “even in Bombay,” a teeming city whose thoroughfares he would classify as a *reshut harabbim*. Several provisos are attached to this leniency: 1) it is for the sake of a “great *mitzvah*” or communal need; 2) the conveyance is pedaled by a non-Jew; 3) the seats are 4 square handbreadths and higher than ten handbreadths off the ground, so that they exist as a domain in their own right and consequently would be prohibited only *d'rabbanan* and not by the Torah; 4) the Jewish individual carries nothing with him while riding.

Yet despite these theoretical grounds for leniencies in other than a private domain, Rabbi Yosef pulls back at the end of his responsum and concludes:

מיהו כל זה אין להתיר אלא למי שרבים צריכין לו או שהולך לעשות מצוה גדולה כאשר כתבתי לעיל, אבל להלך דרך טיול, או אפילו לדבר מצוה ואין לו הכרח שילך בזה הגאר"י אלא הוא יכול לילך ברגליו, לא ירכוב בזה הגאר"י אפילו בעיר שרחובות שלה הם כרמלית, אלא בעיר שיש בה עירוב מותר לרכוב בזה הגאר"י אפילו לטייל בין בשבת בין ביום טוב.

Nevertheless, one may not ride a bicycle in a *carmelit* except in cases when the community needs him or he is on the way to perform a great *mitzvah* as I described above. To ride for its own sake, however, or even to perform a *mitzvah* to whose destination he could walk is impermissible in a *carmelit*. Only in a locale with an *eruv* may a person ride a gharry for leisure, whether on Yom Tov or on Shabbat.

Rabbi Yosef of Baghdad sounds only one cautionary note about the bicycle itself. The user must be careful to check and inflate the tire to the proper pressure before the start of Shabbat or Yom Tov. To inflate a tire on Shabbat would be an act of *m'taken manah*, fixing/completing a utensil and is consequently forbidden.

Yet tire inflation is but one *caveat* for the Shabbat rider. Though we can only speculate as to why the Ben Ish Hai does not refer to it in his responsum, bicycle breakdowns on Shabbat remain a significant issue.⁷² Two problems that cyclists commonly face are flat tires and loss of contact between the cogs. While regularly checking and maintaining optimal tire pressure can reduce the occurrence of the former, and the regular cleaning and lubrication of gears can greatly lessen the chances of the latter, there are no guarantees. Indeed, as anyone who rides regularly knows, while these are not everyday glitches, they do happen to every cyclist eventually (even if the chances are slight that one will encounter a problem on any given day).

One need not be a skilled mechanic to repair these malfunctions. When the jockey pulley on a bicycle's rear derailleur malfunctions so that the chain jumps off, it is a simple matter to pull back on the pulley and re-route the chain on the chain-rings and cogs. As for fixing a flat tire, learning to patch a punctured inner tube is not difficult at all; taking it out of the tire and replacing it with a brand new inner tube is even easier. For this reason many cyclists have a light air pump clipped to the bike frame, and carry with them a repair kit and/or new inner tube because they weigh little and are small.⁷³ It is precisely because these problems are so easy to fix

72. In an appendix to a responsum on riding to synagogue on Shabbat, Rabbi David Golinkin observes that the bicycles of the late 19th/early 20th century were much simpler devices, lacking the ten or more gears now standard on most bikes. See David Golinkin, "*B'inyan Hanisiah L'veit Haknesset B'shabbat*" *Va'ad Ha'Halakhah of the Rabbinical Assembly in Israel*, vol. 4 (5752) p. 27.

73. I would like to thank Kailee Halbuna, a bicycle mechanic at Open Road Bicycles of Jacksonville, Florida, for taking the time to discuss and confirm the common problems that cyclists face and the degree of ease with which these malfunctions are remedied. On a personal note, as a frequent cyclist I have experienced both flat tires and chain malfunctions any number of times. Though I am not particularly mechanical by nature, I have never had a problem changing a tire or rerouting my chain. See also Chris Sidwells, *Bicycle Repair Manual*. (New York: Dorling Kindersley Publishing, 2004), especially "Anatomy of the Bike," pp. 12-13; and Rob Van Der Plas, *Bicycle Repair: Maintenance and Repair of the Modern Bicycle*. (San Francisco: Cycle Publishing, 2007), especially, "Tire and Tube Maintenance" pp. 42-50.

that the temptation to make the repair is overwhelming -- especially if one experiences a malfunction several or more miles away from home and the alternative is to leave the bike in that locale until after Shabbat (since a broken bicycle becomes *muktzeh* and may not be handled) and walk home instead. While some of the *gezerot* forbidding certain permissible actions lest they lead to the impermissible seem far-fetched today (e.g., refraining from swallowing pills on Shabbat lest one grind one's own medicaments), the concern of *shema yitaken*, the possibility that a person would opt to repair the bike rather than leave it unfixed is quite real, especially if at some distance from one's destination.

The vast majority of *poskim* do not accept the Ben Ish Hai's ruling, most rejecting his conclusion that cycling is not *u'vdin d'hol*, and/or citing a concern about riding outside Shabbat boundaries and/or a fear of *shema yitaken*. They include Rabbis Eliezer Waldenberg (*Tzitz Eliezer*), Ovadiah Hedaya (*Yaskil Avdi*), Yehoshua Neuwirth (*Shemirat Shabbat K'hilkhatah*) and Ya'akov Hayim Sofer (*Kaf Hahayim*) among others.⁷⁴

It is noteworthy that in his *Halichot Olam*, Rabbi Ovadiah Yosef's commentary on the halakhic rulings of the Ben Ish Hai, he largely agrees with Rabbi Yosef of Baghdad that bicycle riding should not be seen as *u'vdin d'hol* and appears to accept the permissibility of cycling on Shabbat, at least in theory. Nevertheless, he, too, concludes, “שהואיל ורוב הרוכבים על אופניים אינם בני תורה, יש לחוש שמא יתקן, וכן המנהג בארץ ישראל שאין רוכבים בשבת או יום טוב אפילו בתוך העיר שיש בו עירוב.” -- because most of those who ride bicycles are not *b'nei Torah* (in this context, punctilious about their observance), there is reason to prohibit riding lest they repair their bicycles. Accordingly, it is the practice in Israel not to

74. Eliezer Waldenberg, *Tzitz Eliezer* “רכיבה על אופניים בשבת,” *Tzitz Eliezer* vol. 7, *siman* 30, pp. 145-146; Ovadiah Hedaya, *Yaskil Avdi* vol. 3, *siman* 12:4, p. 18; Yehoshua Neuwirth, *Shemirat Shabbat K'hilkhatah* 16:18, p. 236; Ya'akov Hayim Sofer, *Kaf Hahayim siman* 404, *siman katan* 8. For other *poskim* that do not allow bicycle use on Shabbat see the appendix to David Golinkin's “*B'inyan Hanisiah L'veit Haknesset B'shabbat*” *op. cit.*, p. 26. Golinkin himself does not permit bicycle riding on Shabbat.

ride on Shabbat or Yom Tov, even in a municipality that has an *eruv*.”⁷⁵

Since there are many ways to exercise for the sake of *oneg Shabbat* that do not involve the issue of *shema yitaken*, it is reasonable to continue refraining from bicycle riding on Shabbat because of *shevut*. Indeed, if one wishes to make the case, on the scale of activities that are consonant with the spirit of Shabbat, forms of exercise involving the use of one’s limbs exclusively are arguably superior to those involving machinery. This notwithstanding, the use of a stationary bicycle on Shabbat is permissible -- so long as physiological data is *not* recorded and the individual is comfortable using electricity (if an electric model) -- because the question of gear malfunction or flat tires are inapplicable. In addition, should a stationary bike break on Shabbat, it is far less likely the user will have the skill set to fix this piece of exercise equipment. As for the temptation to fix the bike or face a long walk home, it is obvious why this, too, would be a non-issue with a stationary cycle.

It is worthwhile to ask in the spirit of the Ben Ish Hai whether or not riding a bicycle on Shabbat to synagogue is allowed, especially when doing so enables the rider to avoid driving on Shabbat. As we have already seen, the rabbis were willing to modify *shevut* prohibitions at times for the sake of performing *mitzvot*. For those who view driving on Shabbat, even to synagogue, as an act of *melakhah* because of *ma’avir*, the workings of the vehicle’s internal combustion engine, trading in one’s car for a bicycle would represent the lesser breach of a rabbinic fence around Shabbat. Of course, should the rider fix a malfunction on the bicycle, he would end up having exchanged one Toratic violation for another. Still, given the *bari*, the certainty that every time he turns on the ignition he is creating a fire versus the *shema*, the possibility -- one that is relatively remote on any given day -- of having to fix a flat tire, there is

75. Ovadiah Yosef, *Sefer Halikhot Olam, He’arot v’Ha’arot al Hasefer Ben Ish Hai*. vol. 4, (*Parshat Vayakel - Dinei binyan u’stirah b’khelem u’m’taken mana*), p. 245 Interestingly though, he permits wheeling one’s bicycle within a *eruv* because the prohibition not to ride is a stringency rather than *ikkar ha-din* (a fundamental prohibition). Accordingly “מותר לטלטלו בשבת, ואינו נחשב כמוקצה מחמת שמלאכתו לאיסור” - It is permissible to carry [or wheel] on Shabbat, and it is not *muktzeh* because of handling a utensil whose purpose is for *melakhah* on Shabbat. See *Yalkut Yosef siman* 308:96.

little reason to doubt that, for those who view driving on Shabbat to synagogue as impermissible, riding a bicycle to services is preferable to traveling by car. Indeed, even those who permit driving to communal worship on Shabbat might find cycling preferable. Biking is undoubtedly a greener alternative and makes one more a part of the natural landscape -- Shabbat-compatible qualities which add to its superiority over the automobile as a mode of transportation for the sake of participating in Jewish communal life.⁷⁶

We would limit the permissibility of riding a bicycle on Shabbat, however, to the following set of circumstances: 1) to fulfill only those *divrei mitzvah* which take place on Shabbat, e.g., for a *mohel* to officiate at a *brit milah* or for an individual to attend services or programs of a specifically religious nature; 2) to obviate the need to drive to the synagogue on Shabbat. In an area where the local synagogue is within comfortable walking distance, cycling would not be a permissible substitute for walking; 3) the entire ride takes place within the limits of an *eruv*; 4) it is understood that the concern of *shema yitaken* remains -- in no way should this specific exemption be construed as a green light to change a tire or fix one's gears on Shabbat because one is riding to *shul*.

Other wheeled objects are not subject to the same problems. Their wheels are made of solid materials do not require inflation, and lack gear systems. Thus, they do not cause concern of *shema yitaken* and are permissible within an *eruv*. Conveyances of this type include

76. There are many who do not live within walking *or* biking distance of a synagogue. My intention is not to impugn the well-known driving responsum of the CJLS, but only to urge those not within walking distance, but within comfortable biking distance of a synagogue, to consider cycling rather than driving to services, if and when possible. To that end, I would quote the authors of the driving responsum in support of the proposed *heter*: "Hence, in our time regular attendance at the synagogue has become a *sine qua non* for the maintenance of Judaism. We are, we sincerely believe, acting in accordance with the spirit of the rabbis when they declare אין שבות במקדש. The Sabbath prohibition of *Shvus* does not apply to the carrying out of the temple ritual. We similarly state in our program for the revitalization of the Sabbath that the traditional interdiction of riding [a **bicycle** -- my addition] on the Sabbath for the purpose of attending the synagogue service may, in the discretion of the local rabbi, be modified under the conditions we have described above." See Morris Adler, Jacob Agus and Theodore Friedman, "Resonsum on the Sabbath: Driving and Electricity" *Proceedings of the Rabbinical Assembly* v. 14 (1950) quoted in David Golinkin ed., *Proceedings of the Committee on Jewish Law and Standards, 1927-1970*, vol. 3, p. 1,118.

skateboards, tricycles, non-motorized scooters, in-line skates, traditional roller skates, and strollers.⁷⁷

Piskei Halakhah:

The following p'sak din was approved on May 13, 2015 by a vote of ten in favor, five against, and three abstaining (10-5-3). Voting in favor: Rabbis Pamela Barmash, Noah Bickart, Elliot Dorff, David Hoffman, Jeremy Kalmanofsky, Amy Levin, Jonathan Lubliner, Daniel Nevins, Micah Peltz, Jay Stein. Voting Against: Rabbis Aaron Alexander, Susan Grossman, Reuven Hammer, Adam Kligfeld, Paul Plotkin. Abstaining: Rabbis Joshua Heller, Gail Labovitz, Elie Spitz

1. Riding a bicycle on Shabbat for the sake of *oneg* is not permitted, even within an *eruv*, because of *shema yitaken*, the concern that the rider may repair a flat tire or fix a derailed chain, especially if the breakdown occurs at some distance from one's destination.

The following p'sak din was approved on May 13, 2015 by a vote of fourteen in favor, and four against (14-4-0). Voting in favor: Rabbis Pamela Barmash, Elliot Dorff, Susan Grossman, Reuven Hammer, Joshua Heller, Jeremy Kalmanofsky, Adam Kligfeld, Gail Labovitz, Jonathan Lubliner, Daniel Nevins, Micah Peltz, Paul Plotkin, Elie Spitz, Jay Stein. Voting against: Rabbis Aaron Alexander, Noah Bickart, David Hoffman, Amy Levin.

2. For the performance of a *mitzvah* that takes place on Shabbat, it is permitted to ride a bicycle to/from one's destination, as long as doing so enables one to bike instead of drive because it is too far to walk; and so long as such travel takes place entirely within the boundaries of an *eruv*.

The following p'sak din was approved on May 13, 2015 by a vote of seventeen in favor, one against, and no abstentions (17-1-0). Voting in favor: Rabbis Aaron Alexander, Pamela Barmash, Noah Bickart, Elliot Dorff, Susan Grossman, Reuven Hammer, Joshua Heller, David Hoffman, Jeremy Kalmanofsky, Adam Kligfeld, Gail Labovitz, Amy Levin, Jonathan Lubliner, Daniel Nevins, Paul Plotkin, Elie Spitz, Jay Stein. Voting against: Rabbi Micah Peltz.

3. Non-motorized scooters, tricycles, in-line skates and skateboards are permissible on Shabbat within an *eruv* or private spaces.

77. See Neuwirth, *Shemirat Shabbat K'hilkhatah* 16:18. Also Rabbi Diana Villa, "Skateboard on Shabbat" *Ask-the-Rabbi* (June 2007) at www.schechter.edu.

B. Is it Permissible to Play Court and Field Sports on Shabbat?

This section was approved on May 13, 2015 by a vote of seventeen in favor and one abstention (17-0-1). Voting in favor: Rabbis Aaron Alexander, Pamela Barmash, Noah Bickart, Elliot Dorff, Susan Grossman, Reuven Hammer, Joshua Heller, David Hoffman, Jeremy Kalmanofsky, Gail Labovitz, Amy Levin, Jonathan Lubliner, Daniel Nevins, Micah Peltz, Paul Plotkin, Elie Spitz, Jay Stein. Abstaining: Adam Kligfeld.

This discussion will focus on games involving balls or disks, e.g., baseball/softball, basketball, bowling, frisbee, golf, handball, football, soccer, squash and tennis, and similar forms of recreation. At the outset we caution that some of the above activities, though theoretically permissible, may be completely unsuitable to Shabbat because of the exigencies surrounding them. If it is necessary to drive to a particular venue in order to participate in any of the aforementioned, that very fact renders the game incompatible with Shabbat observance. It is also presumed that one will not have to pay to participate, keep score by writing, whether by hand or electronically (e.g., in a bowling alley), or play outdoor sports outside a private domain or an *eruv*. As pointed out in the first section of this responsum, “I enjoy doing it, therefore it is a form of *oneg Shabbat*” is a meaningless statement, one which could rationalize countless violations of Shabbat. Rather, the threshold of permissibility is framed in this way: “I am committed to the *mitzah* of *oneg Shabbat*, therefore my recreational activities are shaped consciously by including *both the letter and spirit of Jewish law* in choosing how, why and what I do.”

The earliest references to ball playing is found in the Jerusalem Talmud, with a variant in *Midrash Eikhah Rabbah*. We will quote the latter inasmuch as it makes the connection with Shabbat explicit, whereas the former does not:

טור שמעון הוה מפיק תלת מאה גרבין. ולמה חרבו? אי
תימא מן הזונות, והלא לא היתה אלא ריבה אחת והוציאוה
משם. א"ר הונא משום משחקין בכדור בשבת.

Tur Shimon [a locale] used to distribute three hundred barrels [of food]. Why, then, was it destroyed? If you answer that it was on account of the harlots, is it not a fact that there was only one such

woman and they expelled her? Rav Huna said: The reason was because they used to play a game with ball on the Sabbath.⁷⁸

One can only speculate as to the background of Rav Huna's statement, especially since nowhere in the corpus of the Talmud is ball playing forbidden on Shabbat.⁷⁹

The issue of ball playing would not find its way on to the *halakhic* radar until the Middle Ages, though the basis for its discussion stemmed from a dispute between Hillel and Shammai regarding what a person is permitted to carry on Yom Tov. According to the latter, one may only carry outside an *eruv* only those things necessary for one's needs. Hillel, on the other hand, assumed a more liberal position. Since a person is permitted to carry that which he needs, he may also carry those things for which he has no need.⁸⁰

While we follow the ruling of *Beit Hillel*, the *rishonim* disagreed about how to define the parameters of "no need." Might it be taken at face value to signify the permissibility of carrying around useless objects like rocks, or must there be some purpose to the carrying, no matter how slight? Might the concept be qualified to mean carrying for the purpose of fulfilling a *mitzvah*? Rashi and Maimonides espoused the more liberal view, while the Tosafot argued that the carrying on Yom Tov must be defined by some utility, even for the sake of pleasure. Rabenu Hananel argued a third position: carrying outside of an *eruv* on Yom Tov was justifiable only for the performance of a *mitzvah*.⁸¹

78. *Midrash Eikhah Rabbah* 2:4, cf. *J.T. Ta'anit* 4:5.

79. The rabbis may have had some unpleasant associations with ball-playing because of their ambivalence toward Hellenistic culture in general. Certainly organized sporting competitions were common to ancient Greece and Rome. See *Second Maccabees* 4:12-17 for one such expression of contempt. Professor Saul Lieberman further observes: "The care of the body played a prominent part in the everyday life of the Gentile, and undoubtedly it began to occupy an important place in Jewish life also. The Rabbis, of course, felt a deep contempt for the one who pays excessive attention to the development of the body, but there is no Biblical law forbidding physical training. The Rabbis did not miss the opportunity to condemn sport as an occupation." Saul Lieberman, *Greek in Jewish Palestine* (New York: Jewish Theological Seminary of America, 1994), p. 92.

80. B.T. *Beitzah* 12a.

81. Rashi *ad. loc.*, s.v., "אלא מדלא אפלוג באבנים," Maimonides, *Hilkhhot Yom Tov* 1:4; Tosafot *ad. loc.*, s.v. "הכי

For Franco-German Jewry, the position of Tosafot became the dominant one, while Sephardic authorities generally followed the even greater leniency extended by Rashi's and Maimonides' position. Neither position, however, would preclude the use of a ball or other sports equipment on Shabbat within an *eruv* or on Yom Tov outside of one.⁸²

Specific opposition to ball playing, however, arose in 13th century Italy in the work of Rabbi Zedekiah ben Abraham, author of *Shibbolei Haleket Hashalem*. The objection he brings to ball playing is not one of carrying, but of dirt. Since balls became dirty and muddy they were to be considered *muktzeh mishum mius*, unfit to be handled on Shabbat or Yom Tov because of their loathsome quality.⁸³

With this in mind it is possible to understand better the dichotomy found in the *Shulhan Arukh* between Karo and Isserles. Basing himself on the *Shibbolei Haleket*, which Karo quotes in his *Beit Yosef* on the Tur, he rules that ball playing on Shabbat or Yom Tov is forbidden, while Isserles explicitly permits it, basing himself on the decisors of Ashkenaz, stretching back to the Tosafot.⁸⁴

"גריס רשי"; Rabenu Hanannel, *ad loc.*

82. For the view of Ashkenaz see *Rosh* (Rabbenu Asher ben Yehiel, 13th-early 14th century) and the 13th century *Mordechai* (Rabbi Mordechai ben Hillel Hakohen) on *Beitzah* 12a. See also Rabbi Vidal of Tolosa's *Maggid Mishneh*, his late 14th century commentary to Maimonides' *Mishneh Torah*, *Hilkhot Yom Tov* 1:4 *ad. loc.*, as well as the *Beit Yosef* to the Tur O"H 618 and *Shulhan Arukh ad. loc.* for the Sephardic view.

83. "שאסור לשחק בו ולטלטלו בשבת ויום טוב . . . דהא ממאיס על ידי ששוחקים בו ומטניף בטיט ועפר" Zedakiah ben Avraham, *Shibbolei Haleket Hashalem*, *siman* 121. Regarding the realia of ball playing in the Middle Ages, see Israel Abrahams, *Jewish Life in the Middle Ages* (Philadelphia: Jewish Publication Society of America, 1958), p. 379. Tellingly, the *Shibbolei Haleket* is the only *rishon* who makes any reference to the *midrash* of *Eikhah Rabbah* and Rav Huna's scathing comment about ball playing on Shabbat. Rabbi Saul Berman speculates that sporting competitions, including those involving balls, might have been an anathema to Rabbi Zedakiah because of gambling. See Saul Berman, "Playing Ball on Shabbat and Yom Tov," *op. cit.* p. 5.

84. *Shulhan Arukh* O"H 308:45 and Rama *ad. loc.*; also see the Rama to O"H 518:1, where, in a discussion about carrying on Yom Tov, he reiterates the permissibility of ball playing. While there is no mention of the *Shibbolei Haleket* in the *Shulhan Arukh*, Karo does refer to it in the *Beit Yosef* to the Tur in O"H 308 and O"H 518. Parenthetically the Tur does not forbid ball playing on Shabbat.

The position of the Rama remains normative for Ashkenazim, despite a scathing attack by Rabbi Shlomo Luria, a contemporary (and relative) of Moshe Isserles, also known as the Maharshal.⁸⁵ Thus, Rabbi Abraham Gumbiner, author of the *Magen Avraham*, a 17th century commentary on the *Shulhan Arukh*, observes that the issue of *muktzeh* is irrelevant, for the sages are often more stringent about issues of *muktzeh* on Yom Tov. Hence, if the Tosafot permitted the carrying of objects for personal use on Yom Tov, how much more so would they have allowed such on Shabbat. Ball playing is permitted on Shabbat, the only difference between a festival day and the Sabbath being the impermissibility on the latter occasion of playing ball in a *reshut harabbim*, a public domain.⁸⁶ The *Mishneh Berurah* of Rabbi Israel Meir Kagan reaches the same conclusion.⁸⁷ Perhaps the best exposition of the position taken by the Rama and the decisors of Ashkenaz is the one articulated by Rabbi Yehiel Epstein, author of the *Arukh Hashulhan*:

וכתב רבינו הרמ"א דמותר לשחוק בכדור בפילו בר"ה אע"ג
שאינו אלא טיול בעלמא עכ"ל. ויש מתרעמים על זה שאין
זה שמחה וטיול רק לקטנים ולא לגדולים. ובאמת אין זה
תערומות דכיון דחביב עליו לפי דעתו השפלה איך נמנע
ממנו? עוד כתב דאם הניח עירוב מותר לטלטל ולהוציא כל
שיש לו תורת כלי אע"פ שאינן לצורך היום כלל.

Our teacher, the Rama, wrote that, "It is permissible to play with a ball even in public domain [on Yom Tov], even though it is only general pleasure." There are those who object to this on the

85. ודבר תימה להתיר בי"ט לשחק בכדור דאין בו צורך היום כלל, אלא שחוק של ילדים שלא הגיעו לכלל חיוב. "הנה, אבל גדולים נראה מנהג רע בעיני כי זה אינו טיול אלא שיחת ילדים וקלות ראש, ואי אישר חילי -- אבטלנה." "It is astonishing that anyone would permit playing with a ball on Yom Tov. It has no utility at all related to the day (of Yom Tov itself). It is only a game for children who are not yet obligated (in mitzvot) -- let them be. As for adults, it appears to me to be an evil custom, not like "tiyul" (personal pleasure), but child's play and levity. If I had the power to do so, I would nullify this (practice)," Maharshal, *Yam Shel Shlomo to Beitzah*, chapter 1, *siman* 34.

86. *Magen Avraham to O"H* 308, *siman katan* 73.

87. *Mishneh Berurah*, *ad. loc.*, *siman katan* 158.

grounds that this is not (religious) joy or pleasure except to children, but not for adults. In truth this is not a valid objection; since it is precious to him within his own undeveloped (religious) consciousness, how can we withhold this from him? In addition, he (i.e., the Maharshah) wrote that if he had set up an *eruv*, then it would be permissible to move and to carry out anything which is considered a utensil, even if for "no need" related to the [holy] day at all.⁸⁸

This source is of particular interest to us because of the *Arukh Hashulhan's* admission that subjective desire plays a pivotal role in determining whether or not ball playing is a form of pleasure conducive to the celebration of Shabbat and Yom Tov. Thus he stands in decisive contrast to the Maharshah who dismissed ball playing as meeting the criteria of the Tosafot, i.e., having at least a "slight need" (*k'tzat tzorekh*) to be permissible.

A number of *ahronim*, even as they accept the ruling of the Rama, prohibit ball games on grass surfaces, claiming that doing so may result in leveling the ground (a derivative of plowing, *horesh*) or reaping (*kotzer*), by pulling up the grass. Neither of these claims seem sustainable. While professional stadiums hire legions of ground-keepers to monitor and manicure playing surfaces, individuals playing a pick-up game of soccer or softball on a Shabbat afternoon in a local park are hardly likely to engage in doing anything other than playing -- though it should be noted that building up a pitcher's mound or anchoring bases into the dirt would be impermissible. As for pulling up the grass, *halakhah* is very clear that walking on grass is permissible even if uprooted unintentionally as a result of one's steps, inasmuch as there is no intention of detaching the grass from the earth. There is no reason to be more suspicious of someone playing ball on a grass field than a person simply walking on it.⁸⁹

88. Yehiel Epstein, *Arukh Hashulhan*, *siman* 518:8

89. *Mishneh Berurah* on *O"H* 308, *siman katan* 158; Neuwirth, *Shemirat Shabbat K'hilkhatah* 16:6; Maimonides, *Hilkhot Shabbat* 1:5; also *Shulhan Arukh O"H* 336:3 and *Mishneh Berurah*, *ad loc.*, 24. Rabbi Wayne Allen offers a fascinating analysis of the nuances with which Orthodox *poskim*, particularly Yehoshua Neuwirth, have treated the issue of playing ball on a field during Shabbat. See Wayne Allen, *Further Perspectives on Jewish Law and Contemporary Issues*, (Bloomington, Indiana: Trafford Publishing, 2011), pp. 106-107.

Even if we do not restrict ball playing to courts and other hard surfaces, but extend its permissibility to fields, the sport of golf remains problematic. Brent Kelley, a golf writer and sports journalist for more than 20 years, explains, “Most shots from the fairway with an iron will scrape off the top of the turf where the ball was resting. ‘Divot’ refers to both the turf that is scraped up, and the scarred area in the fairway where the turf had been.” Unlike the unintentional and irrelevant detachment of grass in, say, a game of soccer, divot-making is seen by many golfers as essential to good technique. In addition, it is considered proper golf etiquette to repair the divot by tamping back down the patch torn by one’s swing.” Both the digging and the repair of the hole -- deliberate actions connected to the game -- constitute *melakhot* subsumed by the category of plowing (*horesh*), whose rubric includes the digging and filling of holes in the earth.⁹⁰ Nevertheless, there would be no objection *per se* to hitting golf balls off of an artificial mat within an *eruv*, since doing so would not involve the creation of divots.

One other issue involved in ball games revolves around the problem of a ball getting caught in a tree. Should this occur, shaking the limbs of the tree or climbing its branches to retrieve the ball would not be permitted because the former is considered a derivative of reaping (*kotzer*) since a person might shake a tree to cause its fruit to fall, while the latter is deemed a rabbinic prohibition, lest one come to pluck leaves, branches or fruit while climbing.⁹¹ Rather than banning ball playing in a wholesale fashion because of this concern, it would be far easier to have several extra balls with which to play; doing so would resolve the issue easily and neatly.⁹²

90. Brent Kelley, “Divot” www.golf.about.com. The website offers online pictures of divots showing the holes created by a golfer’s swing. For more on the impossibility of making golf Shabbat friendly see Wayne Allen, *Further Perspectives on Jewish Law and Contemporary Issues*, *op. cit.*, p. 109. All these actions are included within *horesh* as the Talmud teaches: “החורש והחופר והחורץ כולן מלאכה אחת הן” - plowing, digging and making a furrow are all [subsumed within] one category of labor.” B.T. *Shabbat* 73b.

91. *Shulhan Arukh*, *O”H* 336:1, 13; *Mishneh Berurah ad loc. siman katan* 5; Neuwirth, *Shemirat Shabbat K’hilkhatah* 16:8. Should the ball fall out of the tree of its own accord, it may be used.

92. This is likely to be more of an issue with baseball or softball than other sports, given the ability of a bat to drive a ball farther and higher, not just into branches but completely out of sight. Even those who get together for a friendly game of softball know better than to arrive on the field with just a single ball!

While not a question of *melakhah per se*, we would pose the question of whether or not sports involving physical tackling are truly in the spirit of Shabbat. While it would seem the Mishnah might have banned mud pit wrestling on Shabbat,⁹³ it is necessary to find a source from the tradition to prohibit that which involves a greater degree of physical aggression and competitiveness than touch or flag football. Recreational activities more likely to lead to anger as a result of injury do not fit into the rubric of *oneg Shabbat* as understood within this responsum.⁹⁴

There remain those in the Jewish world who would begrudgingly permit ball-playing and the like for those under the age of *bar* or *bat mitzvah*, while strongly discouraging adults from such activities. Rabbi Doniel Neustadt's opinion offers a good example of such sentiment. Writing in his *Weekly Halacha* column, Neustadt opines, "People who can while away the precious, sacred hours of Shabbos on a mundane sporting activity like ball-playing are surely wanting in their commitment to Torah and mitzvos in general. Their choice of diversion is symptomatic of a dismal spiritual state; they lack entirely the concept of what is required from a Jew on Shabbos - how a Jew is to spend the Shabbos day."⁹⁵

This exhortation is obviously not a statement of *halakhah*, but reflective of a set of

93. See the reading of Mishnah Shabbat 22:6, especially the word *κῆρωμα* (Hebrew קוֹרְדִימָה) proposed by Saul Lieberman, *Greek in Jewish Palestine*, op. cit., pp. 93-97.

94. There is obviously no injunction against playing tackle football on Shabbat! Still, we find many homiletical statements about Shabbat as an inappropriate time for expressions of anger. It is not a stretch to extend this to games that involve a certain degree of violence. For example, according to the *Sidduro shel Shabbat* of Rabbi Hayim of Czernowitz, of all the activities that are forbidden on Shabbat, the Torah only mentions a few explicitly. One such commandment is: "You shall not kindle a flame in all your dwellings" (Exodus 35:3). Accordingly, in addition to being a forbidden type of work, making a fire also refers to the flame of rage. Inasmuch as rage is forbidden at any time, we are called upon to make an extra effort to avoid anger on Shabbat. The Mishnah also forbids wearing weaponry on Shabbat, even as a form of adornment, see *Shabbat* 6:4.

95. Doniel Neustadt, "Games on Shabbos" *Weekly Halacha*, (Parsha Ki Savo, 5767), www.torah.org. Yehoshua Neuwirth offers another example of this derogatory view when he states in his *Shemirat Shabbat K'hilkhatatah*, "ואילו אחרי עוברים גיל זה -- ודאי רצוי שימנעו עצמם ממשחק שבת וביו"ט, כי השבת, חמדת ימים, לעונג, ניתנה עונג רוחני -- However, after reaching this age (i.e., *bar/bat mitzvah*), it is certainly desirable to prevent them from playing games on Shabbat and Yom Tov because Shabbat is the most delightful of days, given over to spiritual enjoyment. Neuwirth, *Shemirat Shabbat K'hilkhatatah* 16:1.

cultural assumptions very different than our own. From our perspective, a group of Jewish teens or adults who find a relaxed camaraderie unavailable to them during the week by shooting hoops or tossing a frisbee, or for a father and daughter to play a game of catch on a Shabbat afternoon in their backyard are examples, in part, of what can make Shabbat truly *hemdat yamim* by using the precious gift of leisure to build relationships. Notwithstanding the concerns about specific activities already elucidated, ball playing on Shabbat is permissible.

Piskei Halakhah:

1. Recreational games such as baseball, softball, soccer, basketball, tennis and other racquet sports, touch or flag football are permitted on Shabbat within an *eruv*.
2. Tackle football is not permitted on Shabbat.
3. Golf is not permitted on Shabbat because of the creation of divots. Those who wish to hit golf balls from a non-grass mat on Shabbat may do so within an *eruv*.

C. Is Ice Skating Permissible on Shabbat?

This section was approved on May 13, 2015 by a vote of eleven in favor, six against, and one abstention (11-6-1). Voting in favor: Rabbis Aaron Alexander, Pamela Barmash, Elliot Dorff, Susan Grossman, Reuven Hammer, Joshua Heller, Jeremy Kalmanofsky, Gail Labovitz, Jonathan Lubliner, Elie Spitz, Jay Stein. Voting against: Rabbis Noah Bickart, Adam Kligfeld, Amy Levin, Daniel Nevins, Micah Peltz, Paul Plotkin. Abstaining: Rabbi David Hoffman.

The minutes of the Committee on Jewish Law and Standards (CJLS) for December 16, 1976 deemed ice-skating problematic because of its possible violation of plowing (*horesh*) and grinding (*tohein*), categories that are both deemed *melakhot*. The CJLS expressed further concern that skating to form pictures or patterns on the ice would transgress the *melakhah* of writing (*koteiv*).⁹⁶

These objections appear unwarranted. The *melakhah* of plowing is predicated upon a

⁹⁶CJLS III, 97, December 16, 1976 quoted in Wayne Allen *Further Perspectives on Jewish Law and Contemporary Issues, op. cit.*, p. 103.

furrow being made in the earth, and includes plowing, digging a hole, or dragging an implement across the ground. Some of the derivatives (*toladot*) of plowing include weeding, fertilizing, watering, or leveling the earth. In any event, there is nothing to suggest that skating on ice would be akin to plowing, because to the prohibition of *horesh* requires the presence of earth; it does not apply to water, even in a frozen state. One could theoretically claim that the act of skating looks like plowing, hence to permit the former might cause an individual to transgress the latter, but to impose a *shevut* prohibition on this basis seems absurd (though it did cause the CJLS to make the comparison between skating and plowing in reverse).⁹⁷

As for grinding, the essence of the prohibition is to reduce food and other substances into many particles, whether through grinding, pounding, crushing, chopping, etc. Yet the mechanics of skating have nothing to do with grinding, and contrary to what many believe, do not depend upon the pressure or friction of the skate to melt the top layer of ice.⁹⁸

Even if the skating blade did occasion melting, the rabbinic prohibition of *molid*, causing something new to come into being, would not apply in this case. To transgress *molid*, the change must be noticeable. For example, melting ice in a glass of drinking water is permissible since it happens gradually. Given the imperceptible quality of the melting ice and the fact that it refreezes almost immediately, the claim of *molid* here does not obtain at all.⁹⁹

97. See Shimon Eider, *Halachos of Shabbos*, *op. cit.*, pp. 41-52. Even the *gezerot* of *horesh*, e.g., rubbing saliva on an earthen floor or sweeping an earthen floor are all connected to ground-based activity.

98. It used to be thought ... that the reason skaters can glide gracefully across the ice is because the pressure they exert on the sharp blades creates a thin layer of liquid on top of the ice... More recent research has shown, though, that this property isn't why skaters can slide on the ice... It turns out that at the very surface of the ice, water molecules exist in a state somewhere between a pure liquid and a pure solid. It's not exactly water -- but it's like water. The atoms in this layer are 100,000 times more mobile than the atoms [deeper] in the ice, but they're still 25 times less mobile than atoms in water. So it's like proto-water, and that's what we're really skimming on." Mark Roth "Pitt Physics Professor Explains the Science of Skating Across the Ice," *Pittsburgh Post-Gazette*, December 23, 2012 (read online at www.post-gazette.com).

99. *Shulhan Arukh O"H* 320:9, also *Mishneh Berurah ad loc. siman katan* 35. "מותר לעשות כן מכיון שהמים - הנפשרים לא ניכרים בפני עצמם - It is permissible to do so [melting ice in a beverage] because the melting water at no time is recognized as having an independent identity." Neuwirth, *Shemirat Shabbat K'hilkhatah*, *op. cit.*, 10:2.

As to the issue of “writing” by the skates, the lines are unintentional and secondary to the skater; moreover, they are random and do not form pictures or words even inadvertently. While it is physically possible for a skater to create writing on Shabbat if she deliberately opted to skate in specific patterns, one could just as easily “write” in such a fashion with myriad other substances, including foods with natural colors (such as cherries and grape juice) which we are certainly permitted to eat on Shabbat! Inasmuch as this is not the way people generally write, there is no intention to write, and there is no benefit generated by the act, skating is no more a kind of writing than stepping in the mud or a puddle with one’s shoe and then inadvertently leaving an imprint on a clean patch of sidewalk¹⁰⁰

Subject to the general considerations of *melakhah*, traveling by car to reach an ice skating rink or paying to gain entry to such a facility are unconditionally prohibited on Shabbat, while outdoor skating would require doing so only within an *eruv*. In addition, competitive skating whether for the sake of practice or at an actual competition are also forbidden on Shabbat. When and where the above conditions are met there is no objection to recreational ice skating on Shabbat.

Psak Halakhah:

Ice skating is permissible on Shabbat when it does not entail violations of Shabbat including, but not limited to, driving to/from a rink, paying to rent skates or for admission, or carrying outside of an *eruv*. Outdoor skating must take place within an *eruv*. Competitive skating of all types are impermissible on Shabbat.

100. In this case, “writing” by skating would be an example of *einah k’darkah*, an act performed in a palpably different way than it is normally done. In addition it is not *m’tkaen*, i.e., has no useful or productive purpose whatsoever, and lacks *kavannah*, any intentionality. Ovadiah Yosef deals with the permissibility of inadvertent shoe prints on a sidewalk after walking through mud, snow or water, and explicitly dismisses concerns even when there is a lettered imprint on the sole of one’s shoe. See his *Yalkut Yosef* 320:25

D. Is Running Permissible on Shabbat?

This section was approved on May 13, 2015 by a vote of sixteen in favor, one against, and one abstention (16-1-1). Voting in favor: Rabbis Noah Bickart, Micah Peltz, Elliot Dorff, Gail Labovitz, Jonathan Lubliner, Adam Kligfeld, Amy Levin, David Hoffman, Daniel Nevins, Susan Grossman, Elie Spitz, Reuven Hammer, Jay Stein, Pamela Barmash, Paul Plotkin, Joshua Heller. Voting against: Rabbi Jeremy Kalmanofsky. Abstaining: Rabbi Aaron Alexander.

The earliest reference to running on Shabbat is found in the *Tosefta*: אין רצין בשבת -- One may not run on Shabbat for the sake of toil, but may stroll as is one's custom, even all day long without concern.¹⁰¹ The *Tosefta* intimates, even if does not clearly state, that the fundamental issue is the degree of exertion that comes with running, rather than the need to distinguish between one's pace on Shabbat and the rest of the week.

In the tractate *Shabbat*, the *Gemara* takes a different tact, interpreting the scriptural injunction from *Isaiah* 58:13 as follows: “מעשות דרכיך -- שלא יהא הילוכך של שבת” -- Go not your ways - [this means] that your walking on Shabbat should not be like your walking on weekdays.¹⁰² The ensuing discussion explores a more concrete definition of this rather vague injunction. According to Rav Huna in the name of Rav (or according to others Rav Abba in the name of Rav Huna), the verse means that one should not cross streams of water wider than a single stride, i.e., any stream that would require leaping over. This view is rejected by the *Gemara* since the inability to cross a wider stream could require a person to take an unnecessarily long detour on Shabbat or alternatively cause a person to walk through water and then tempt the individual to wring out her soaked garment. Ultimately, the *Gemara* accepts the view of Rabbi Yishmael ben Rabbi Yose: the taking of long strides is impermissible on Shabbat.¹⁰³

101. *Tosefta Shabbat* 17:23

102. B.T. *Shabbat* 113a

103. B.T. *Shabbat* 113b.

Within the context of the *sugya*, however, it becomes clear that the rabbis viewed the taking of long strides as impermissible even during the week due its perceived deleterious impact on one's eyesight, which could be remedied, however, by the restorative effect of drinking Friday evening *Kiddush* wine.¹⁰⁴

In the tractate *Berakhot* we also learn that one should not take long strides from the synagogue after services. According to Rashi, doing so indicates an eagerness to leave the house of prayer, which would constitute a sign of disrespect. No distinction is made here between Shabbat or weekdays, however, and nothing is said about the negative impact of such activity on one's health. On the contrary, the *Gemara* goes on to state that running to the synagogue for worship is a *mitzvah*, and that running to hear an exposition of Torah on Shabbat is praiseworthy: “דְּרַבִּי תַנְחוּם אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי לְעוֹלָם יֵרוּץ אָדָם לְדַבֵּר הַלְכָה וְאִפִּילוּ בַשַּׁבָּת” -- Rabbi Tanhūm said in the name of Rabbi Yehoshua ben Levi, a person should always run for a matter of Torah law, even on Shabbat, as it is stated, ‘They shall march behind the Lord who will roar like a lion . . . (Hosea 11:10)’¹⁰⁵

The above *sugyot* are puzzling, especially when read in conjunction with one another. It would seem impermissible to take long strides *any day of the week* because of a perceived threat to one's health. On the other hand, it is not only permissible, but laudable, to run to perform a commandment -- not only on Shabbat but *during the week* as well. It is difficult, then, to understand how precisely the *Gemara* differentiates one's gait on Shabbat from the rest of the week.

Maimonides similarly teaches that a person must deliberately differentiate his pace on the

104. *ibid.* “וכי בחול מי הותרה שאני אומר פסיעה גסה נוטלת אחד מחמש מאות ממאור עיניו של אדם, ומהדר ליה” -- And would this (the taking of long strides) be permissible even on weekdays? Taking long strides takes away one-five-hundredth of a person's eyesight. Yet it is restored to him by drinking Friday night *Kiddush* wine.”

105. B.T. *Berakhot* 6b

Day of Rest from the remainder of the week -- hence, running is not allowed on Shabbat because it would be *uvdin d'hol*. Running for the sake of a *mitzvah* on Shabbat, however, is certainly allowed.¹⁰⁶ This is echoed by Rabbi Ya'akov ben Asher, author of the *Tur*, but with one very noteworthy addition: “כתוב בספר המצות בחורים המתענגים בקפיצתם ובמרוצתם” -- מותר, וכן לראות כל דבר שמתענגים בו מותר לראותו -- It is written in *Sefer Hamitzvot* of the permissibility for youngsters to jump and run on Shabbat because they enjoy doing so; it is similarly permissible to go see those things that are sources of pleasure.”¹⁰⁷

In the above passage, the element introduced by the *Tur* comes from his older contemporary, Rabbi Yitzhak ben Yosef of Corbeil, author of *Sefer Mitzvot Katan*, in which the latter writes: “וכן אל ידלג ואל ירוץ בשביל חפציו להרויח, אבל לדבר מצוה מותר ונ”ל” -- כי בחורים המתענגים בריצתם ובקפיצתם מותר שאינם רצים להרויח וכן כל דבר שמתענגים בו לראותו -- Thus one may not skip or run for the sake of material profit, but for the sake of a *mitzvah* it is permitted. And it appears to me that children, because they enjoy running and jumping, should be allowed to do so because they do not run to earn material wealth; so, too, to go to see that which they find pleasurable [for its own sake].¹⁰⁸

These sources reshape our understanding of what distinguishes a Shabbat gait from its weekday counterpart. According to the *Tur*, and even more explicitly the *Sefer Mitzvot Katan*, it is not merely the physical character of one's walking that makes it Shabbat appropriate or not, but an individual's motivation. A person may run to perform a *mitzvah* on Shabbat and gain joy from doing so. By the same token, a child may jump and run on Shabbat simply because she finds it enjoyable. It is that pleasure, then, which is consonant with the experience of *oneg*

106. *Mishneh Torah, Hilkhot Shabbat* 23:4-5.

107. *Tur, O”H* 301 In the *Bayit Hadash* Rabbi Joel Sirkes suggests that running as *oneg* is permitted only *b'di'avad*, i.e. after the fact. Should one inquire *ab initio*, however, it is fitting to prohibit it. *Bayit Hadash ad. loc.*

108. *Sefer Mitzvot Katan siman* 280 as quoted by Rabbi Yoel Sirkes, *Bayit Hadash to Tur O”H* 301.

Shabbat. In a similar vein, Rabbi Mordechai ben Avraham Yoffe in his 16th century *Levush* writes it is permissible on Shabbat for children to run and jump for their own sake or when going to see something pleasurable, and for adults to stroll through the streets and marketplaces so long as they do not toil (*l'hitamel*) while doing so.¹⁰⁹

Rabbi Yehiel Epstein's *Arukh Hashulhan* and, in a more abbreviated form, the *Mishneh Berurah* and the *Magen Avraham* do an admirable job of synthesizing the various strands into a coherent whole. Like Corbeil they distinguish a weekday stride from its Shabbat counterpart not by speed, but by demeanor. To walk with a business-like step, to hustle along as if one were in the process of attending to business would not accord with Isaiah's exhortation. Running however is compatible with Shabbat so long as it is for one of several things: 1) for the sake of a *mitzvah*; **2) for its own enjoyment** (emphasis added); 3) to hasten to a desired destination to partake in a pleasurable (and permissible) Shabbat activity. The foregoing are all permitted *a priori*, even if one's running causes him at least some degree of exertion (but not overly so). They, too, are mindful that the *Tosefta* forbids running on Shabbat because it is toil, but like other *poskim* view the running as secondary to the prohibition of exertion, if exertion is employed to cause perspiration for medicinal reasons. Since administering medicine on Shabbat -- except in dire circumstances -- is forbidden, sweating for therapeutic purposes would likewise be prohibited (see section on "Weight Lifting and Calisthenics" below).

The implication here is that if one did not run for medicinal reasons, but for any of the reasons already noted, it would be considered *oneg* rather than exercise. Even if one happened to sweat parenthetically while running, and even if that perspiration brought with it some therapeutic aspect, so long as one ran for a different reason it would be acceptable.¹¹⁰

109. *Levush O"H* 301:2. Yoffe's language echoes that of *Tosefta* Shabbat. See note 29.

110. Yehiel Epstein, *Arukh Hashulhan*, *O"H* 301:43-44; *Mishneh Berurah O"H* 301:2. *simanim k'tanim* 5-7; *Magen Avraham ad loc.*, *simanim k'tanim* 2-5. The *Taz*, however, takes a more restrictive view. Although he admits that running might produce *oneg*, it is not the actual experience which is enjoyable, but what one might obtain from the act of running. Thus he understands the *Tur* to mean that running for the sake of getting somewhere pleasurable more quickly is permissible, but cannot conceive that running for its own sake might be an example of *oneg*. *Turei Zahav ad. loc.*, *siman katan* 1.

Thus, in his *Shemirat Shabbat K'hilkhitah*, Rabbi Yehoshua Neuwirth permits running games (e.g., tag), but not running for exercise. In addition, he allows for running in order to perform a *mitzvah*, or to avoid an impending rainstorm, or because one is in an unsafe place. Unlike the authorities quoted above, however, he does not acknowledge that running might serve as an intrinsic form of *oneg Shabbat*.¹¹¹

In the final analysis, the *Sefer Mitzvot Katan*, the *Tur*, the *Levush*, the *Magen Avraham*, the *Arukh Ha-shulhan* and the *Mishnah Berurah* all take the position that running need not be *u'vdin d'hol* or performed for the sake of *refuah*, but enjoyed on its own terms. We have no reason to rule stringently simply because we can. On the contrary, given ample eloquent testimony by runners of how running is a form of spiritual practice in its own right, there is little doubt that it may serve as a vehicle for *oneg Shabbat*, provided that such activity does not entail a violation of any *melakhot* or their derivatives.¹¹²

Piskei Halakhah:

1. Jogging or running at a leisurely pace constitutes a legitimate form of *oneg Shabbat*, if pursued for its own enjoyment, rather than for the purpose of training or racing. Organized races remain prohibited as a matter of *shevut*. Similarly, running against one's own watch to beat a particular personal best is incompatible with the spirit of Shabbat.
2. The limits of *Tehum Shabbat* apply to the distance and routes that runners may take.

111. Neuwirth, *Shemirat Shabbat K'hilkhatah*, *op cit.*, 14:43, 16:40, 29:4-7.

112. "You would be hard-pressed to find a gym or health spa in the country that doesn't also offer yoga lessons, yet for most people who practice yoga, the spiritual side has been minimized or even ignored. Nearly the same things can be said about running . . . Running does, indeed, provide an efficient way to burn calories for weight loss; it helps tone muscle and is great for cardiovascular health. But recently men and women across the country have recognized that, like yoga, running can also be a *spiritual* exercise -- a means to spiritual enlightenment or spiritual fulfillment." Warren A. Kay, *Running the Sacred Art; Preparing to Practice*. (Woodstock, Vermont: SkyLight Paths Publishing, 2007), p. 4. See also Amy Burfoot, *The Runners Guide to the Meaning of Life: What 35 Years of Running Have Taught Me about Winning, Losing, Happiness, Humility, and the Human Heart*. (Emmaus, Pennsylvania: Rodale Books/Daybreak Books, 2000); Roger D. Joslin, *Running the Spiritual Path: A Runner's Guide to Breathing, Meditating, and Exploring the Prayerful Dimension of the Sport*. (New York: St. Martin's Press, 2003). These are but a few of the many works about the spirituality of running.

E. Is it Permissible to Ski on Shabbat?

This section was approved on May 13, 2015 by a vote of nine in favor, one against, and eight abstaining (9-1-8). Voting in favor: Rabbis Aaron Alexander, Elliot Dorff, Jeremy Kalmanofsky, Jonathan Lubliner, Adam Kligfeld, Elie Spitz, Reuven Hammer, Pamela Barmash, Paul Plotkin. Voting against: David Hoffman. Abstaining: Rabbis Noah Bickart, Micah Peltz, Gail Labovitz, Amy Levin, Daniel Nevins, Susan Grossman, Jay Stein, Joshua Heller.

The question of the permissibility of skiing on Shabbat has been given scant attention until the present.¹¹² Having originated in Scandinavia in the Middle Ages -- a region with a relatively small Jewish population -- and cultivating a popular following only in recent decades, there is little halakhic literature dealing with its permissibility. As discussed earlier, skiing would not be a derivative of plowing (*horesh*) since it involves frozen water rather than arable land.¹¹³

Still, downhill skiing presents a number of other problems. While one might assume that a ski-lift functions automatically like a Shabbat elevator, a mechanical device governed by the principle of *ein shevitat kelim b'Shabbat*,¹¹⁴ it is actually supervised by an operator, who will stop and start the lift. Its use would be problematic for anyone who refrains from the use of electricity on Shabbat.

The biggest dilemma, however, is the all but foregone conclusion that downhill skiing on Shabbat would involve carrying one's lift ticket (purchased before Shabbat) and one's ski equipment in a place without an *eruv*, as well as the real possibility of traveling beyond *tehum Shabbat*.¹¹⁵ For these reasons, while skiing on Shabbat may be "technically OK" as Rabbi Barry

112. Rabbi Barry Leff, however, has written about the subject on his website, www.neshamah.net. See his post for *Vayakhel* 5770 "Skiing on Shabbat?" (March 12, 2010).

113. Interestingly, one does not commit *horesh* even when plowing desert or other land which cannot be cultivated (עפר תיחור). See *Eider, Halachos of Shabbos, op. cit.*, IV A6, p.42. Plowing in desert sand is *patur aval asur*, rabbinically forbidden, but not prohibited by the Torah.

114. B.T. *Shabbat* 18a; *Shulhan Arukh, O"H* 252:5.

115. The carrying would likely be in a *carmelit* and hence would be a violation of Jewish law *d'rabbanan*.

Leff suggests,¹¹⁷ the likelihood of finding a ski resort with an *eruv* or, in the absence of one, a ski mountain where *hotza'ah* within a *karmelit* does not pose a problem seems rather small.¹¹⁸ No matter how beautiful the vistas and invigorating the experience, the act of carrying on Shabbat in the absence of an *eruv* cancels out the possibility of deriving *oneg Shabbat* from an activity that itself transgresses Shabbat observance. The chances are far greater, however, that one might find opportunities for cross-country skiing within an *eruv*, e.g., a municipality with a large urban park in its midst.¹¹⁹

Piskei Halakhah:

1. Downhill skiing and cross-country skiing are permissible on Shabbat only within an *eruv*. It is far likelier to find a place where one may cross-country ski within an *eruv* than to find a similarly acceptable venue for downhill skiing on Shabbat.
2. It is a violation of Shabbat to purchase lift tickets on Shabbat.
3. The limits of *Tehum Shabbat* apply to the distance and routes that skiers may take.

117. Leff, "Skiing on Shabbat," *op. cit.*

118. A report several years ago in the Jewish media indicated the existence of a kosher restaurant, an Orthodox synagogue, and an *eruv* at the Canyons, a popular Park City, Utah ski resort. While the article did not elaborate upon the extent of the area covered by the *eruv*, it pointed at least to the possibility of downhill skiing within an *eruv*. On the other hand, the excitement occasioned by the report also underscores the rarity of such accommodations to Jewish observance at ski resorts. See Mathew Weinstein, "With New Restaurant at Canyons, Kosher Food Debuts at a U.S. Ski Resort," *Jewish Telegraphic Agency*, January 23, 2012.

119. For example, New York City's Central Park is within the Manhattan *eruv*. See Corey Kilgannon, "The Allure of Urban Cross-Country Skiing," *New York Times*, March 2, 2009.

F. Is Swimming Permissible on Shabbat?

This section was approved unanimously on May 13, 2015 (18-0-0). Voting in favor: Rabbis Aaron Alexander, Pamela Barmash, Noah Bickart, Elliot Dorff, Reuven Hammer, Joshua Heller, David Hoffman, Susan Grossman, Jeremy Kalmanofsky, Adam Kligfeld, Gail Labovitz, Amy Levin, Jonathan Lubliner, Daniel Nevins, Micah Peltz, Paul Plotkin, Elie Spitz, Jay Stein.

While bathing on Shabbat is permissible if it meets certain conditions (see “Bathing after Exercise on Shabbat” below), the *Mishnah* imposes a separate ban on swimming, which the accompanying *gemara* explains as a matter of *shevut* -- lest the swimmer construct a flotation device to use. As explained by Rashi such utensils consisted of a mat of woven reeds (*gomeh*) and shaped like a long barrel.¹²⁰ The intent of this *shevut*, then, was to safeguard a swimmer violating the *av melakhah* of weaving (*oreg*) and completing a utensil (*makeh b'patish*)¹²¹

Elsewhere the Talmud reports that Rabbi Zeira once observed Rabbi Abahu floating in an in-ground tub on Shabbat. When the former could not recall whether or not his colleague had floated on his back in the water (which would have violated the Mishnah’s injunction against swimming) or had kept his feet on the ground (which would not have technically counted as such), the *gemara* explains that the question would not have mattered because the Mishnah’s prohibition is limited to larger in-ground pools without rims or other larger bodies of water. In a smaller tub or pool with a rim, however, it is permissible to float because its diminutive size renders the need for a flotation device moot. Thus, Rabbi Abahu was permitted to float because his smaller receptacle did not meet the criterion necessary to the ban.¹²²

It is valid to ask whether or not the cause-and-effect between swimming and creating a flotation device is as self-evident today as it appeared to the rabbis. In our day and age

120. B.T. *Beitzah* 36b. Rashi *ad. loc.*

121. Tosafot disagrees with Rashi’s understanding of the flotation device, maintaining that it was a hollow clay device without openings which gave it buoyancy in the water. *ad loc.*, ד"ה שמא יעשה חבית של שייטין.

122. B.T. *Shabbat* 40b-41a.

swimming lessons are common, while many public pools and swim clubs limit or prohibit the use of flotation devices because they may interfere with the volume of pool traffic. Moreover, the flotation devices that exist today are either made of polyurethane and require no assembly at all, or are plastic tubes that one may inflate by mouth and secure with a removable stopper, an activity that would be fully permissible on Shabbat.¹²³

There are several other concerns connected with bathing or swimming on Shabbat, including squeezing or wringing water from one's hair or clothing, a derivative prohibition of bleaching/laundrying (*malben*), one of the 39 categories of *melakhah*, as well as the necessity of drying off at the edge of a lake or river, lest one carry the droplets of water more than four cubits in a *carmelit*. These are not irremediable concerns; indeed, *poskim* within the classical corpus of *halakhic* literature offered solutions to the very questions they themselves posed, including exercising care in using a towel without wringing one's hair or swimsuit, and shaking off excess water at the edge of the lake or river.¹²⁴

Subject to the general strictures of *melakhah* on Shabbat (e.g. carrying), there is no reason in our day to prohibit recreational swimming on Shabbat as a refreshing and enjoyable form of *oneg Shabbat*.¹²⁵

123. Though one should not inflate a brand new one on Shabbat, but rather before Shabbat begins. See Neuwirth, *Shemirat Shabbat K'hilkhitah* 17:29, notes 23 and 24.

124. *Shemirat Shabbat K'hilkhitah* 14:22, see note 66; *Mishneh Berurah* 301:48, *siman katan* 174. The heated negativism with which some contemporary *poskim* decry swimming on Shabbat may, in fact, point to the weakness of the halakhic argument against it. After all, that which is unthinkable generally does not require so rigorous a defense. "Because of the numerous issurim which are involved in bathing on Shabbos, the minhag (emphasis mine) is not to bathe, swim, or even shower, even in cold water. This is prohibited in a pool or any other water body -- even without a bathing suit. This minhag has been accepted by countless generations and has been in effect hundreds of years. The penalty for one who violates this minhag is severe, because bathing or swimming has been accepted as a major transgression (emphasis mine)." Eider, *Halachos of Shabbos*, *op. cit.*, XIV H10 (p. 393).

125. Blessed with the temperate climate of Florida much of the year and a recreational park that includes a swimming pool, my congregation, the Jacksonville Jewish Center, uses its pool as a place to create an alternative Shabbat culture *after* services and *kiddush* on Shabbat morning. That those who pray together then "shmooze" leisurely while cooling off in the water is a wonderful example of how swimming can become an extension of *oneg Shabbat*.

Piskei Halakhah:

1. Swimming in a pool or a natural body of water is permitted on Shabbat.
2. Contemporary flotation devices and pool toys may be used within an *eruv*. The same would apply to the carrying of towels or robes.
3. Care should be taken on Shabbat not to wring one's hair or bathing suit after swimming. One may rub one's hair with a towel, but should not wring out the towel after use.

G. Are Weight lifting and Body Building Permitted on Shabbat?

This section was approved on May 13, 2015 by a vote of eleven in favor, two against, and five abstaining (11-2-5). Voting in favor: Rabbis Pamela Barmash, Elliot Dorff, Reuven Hammer, Joshua Heller, David Hoffman, Jeremy Kalmanofsky, Gail Labovitz, Amy Levin, Jonathan Lubliner, Daniel Nevins, Jay Stein. Voting against: Rabbis Aaron Alexander, Paul Plotkin. Abstaining: Rabbis Noah Bickart, Susan Grossman, Adam Kligfeld, Micah Peltz, Elie Spitz.

Our discussion with weight lifting and calisthenics begins with a source from the *Tosefta*, which we already encountered in our discussion on running: **אין רצין בשבת כדי להתעמל**, -- **אבל מטייל כדרכו, ואינו חושש, ואפילו כל היום** -- One may not run on Shabbat for the sake of toil, but may stroll as is one's custom all day long without concern.¹²⁶ In the context of this issue our interest lies in the phrase “for the sake of toil.” If running, as we have seen, does not always constitute exercise (even if the physiological effects are identical), what is the definition of *l'hitamel*, “to toil,” “to exert oneself”? This question has two aspects: 1) How does the tradition understand the term descriptively in terms of what physical movements constitute exercise? 2) How do the sources view the broader purpose of such exercise?

In the tractate *Shabbat* we find a discussion about the permissibility of massaging oil into the skin for therapeutic purposes. While one is allowed to do so, the order in which one applies the oil and rubs the skin should be changed so as to avoid *u'vdin d'hol*. For this very reason, the *gemara* states one should not rub the skin too vigorously (literally, “one does not exercise”), lest

126. *Tosefta Shabbat* 17:23

the massage resemble a weekday activity.¹²⁷

The 11th century Tunisian scholar and Talmudic commentator Rabbenu Hananel elaborates upon what constitutes such exercise as well as its purpose: “an extension and retraction of the arms and legs both in front of and behind the body, thereby warming the body and causing perspiration. As a form of therapeutic treatment (*refuah*) it is therefore forbidden on Shabbat.”¹²⁸

As Rabbenu Hannanel suggests, perspiration is the ultimate gauge of *l'hitamel*. Maimonides elaborates upon this: ואין מתעמלין בשבת. אי זה הוא מתעמל? זה שדורסים על גופו בכח עד שייגע ויזיע, או שיהלך עד וייגע ויזיע, שאסור ליגע את עצמו כדי שיזיע -- One may not exercise on Shabbat -- What is exercise? Pushing against one's body forcefully until one tires and sweats, or walking until one tires or sweats, for it is forbidden to exert oneself to the point of perspiration, since this would be considered healing, which is not permitted on Shabbat.” For this reason, Maimonides adds, one may not stand by the mineral springs in Israel for they exert healing properties.¹²⁹

The *Shulhan Arukh* quotes the language of Maimonides almost verbatim, but does not explicitly mention that the prohibition of exercise is due to its healing power. In a comment on this passage, however, the *Mishneh Berurah* notes that the prohibition of administering therapeutic treatments on Shabbat is largely centered around the *shevut* lest one come to grind medicaments, a very different activity than sweating due to exercise. For the *Mishneh Berurah*, however, they remain linked because just as medicine may cause sweating, so, too, may

127. B.T. *Shabbat* 147b. The language reads “אבל לא מתעמלין” - lest one come to exercise.”

128. Rabbenu Hananel to B.T. *Shabbat* 147b.

129. Maimonides, *Hilkhot Shabbat* 21:28. The first of the two descriptions offered by the Rambam might include calisthenics, but conceivably weight lifting as well.

exercise.¹³⁰

We see that any number of activities might fall within the rubric of exercise (*mitamel*) on Shabbat: running, massaging, calisthenics or weight lifting, walking, or even sitting by a mineral spring that causes sweating. Nevertheless, as demonstrated earlier, the nature of one's motivation is key in deciding the permissibility of the activity. Walking on Shabbat for the pleasure of doing so is clearly permissible; doing so up to the point of working up a sweat for therapeutic reasons is not. Running to perform a *mitzvah* is laudable, even if one sweats in the process; running in pursuit of *uvdin d'hol* isn't, even when one doesn't perspire.

This is precisely the view of Rabbi Abraham Gumbiner, the *Magen Avraham*, who observes that it is not the act of sweating, but the motivation which may well determine its permissibility. Thus, if one exercises for enjoyment rather than for medicinal purposes, it might be acceptable, even if one incidentally sweats.¹³¹ Rabbi David Zvi Hoffman, who lived at the turn of the 20th century, echoes this sentiment. In a responsum regarding the use of a *turnen* (the German word for the horizontal bar gymnasts use), Hoffman is inclined to grant permission. He cites a case from the Talmud wherein individuals were permitted to climb up fences or the walls of pits and caves on Shabbat even if 100 cubits (*amot*) high.¹³² This would be a most arduous climb if undertaken! He then reviews sources we have already spoken of in connection with running on Shabbat, and its permissibility in conjunction with things that bring an individual *oneg*. He acknowledges explicitly that the use of a *turnen*, despite the exertion involved and it being a form of exercise, should be allowed because it is for the sake of *oneg*. Nevertheless, because of his reluctance to rule in a contrary fashion to so many others, he would not permit its

130. *Mishneh Berurah* to O"H 308:42, *siman katan* 130. On that same passage, the *Turei Zahav* also links exercise with drugs that cause sweating. See *Taz*, *ad loc.*, *siman katan* 28.

131. *Magen Avraham* to O"H 308:42, *siman katan* 46.

132.B.T. *Eruvin* 100a. A vertical height of 100 *amot* would be approximately 158 feet, or roughly the height of a 13 story building. As Rashi notes *ad loc. s.v.*, "טטט" One is permitted to climb in these circumstances because there is no fear of stripping branches, limbs etc., which would be forbidden on Shabbat. He also notes that despite the exertion of such a climb it would still be allowed.

use on Shabbat¹³³

From a contemporary perspective there is no reason for us to deny what Rabbi David Zvi Hoffman publicly acknowledged, even if not comfortable acting upon his own conclusion. In the spirit of our earlier discussion on *shevut*, prophylactic legislation that no longer serves its purpose has no *raison d'être* apart from the specific element of Shabbat it was designed to protect. We sweat freely on Shabbat for a variety of reasons, including walking to services in Shabbat clothing on a hot summer day. Even when exercising today we do not seek to perspire for therapeutic reasons related to the sweat; indeed, our sweat is fully incidental to the purpose of our exertions. Nevertheless, weight lifting and body building on Shabbat remain problematic.

The first issue concerns *u'vdin d'hol*. Those who work out regularly generally follow a particular regimen of exercising certain muscle groups on specific days, rotating the focus of each workout to ensure that all body parts are given equal attention. Thus, without conscious differentiation of what one does specifically on Shabbat, a Saturday workout might easily be identical to Tuesday's regimen one week and Thursday's the following week. It is precisely this type of activity that is least likely to conform to the parameters of *oneg Shabbat* as we have defined them.

While some weight lifters have their own home gyms, a large number travel to fitness clubs because of the wide variety of equipment available for use. Beyond the issue of driving to and from a facility, carrying one's membership card and bag in and out of the gym in a place

133. David Zvi Hoffman, *Melamed L'ho'il* part 1, *siman* 53 (New York: Frankel edition, 5714/1954), pp. 65-66. More recently, however, Rabbi Eliezer Waldenberg does not accept these arguments. In a question concerning an "expander," a spring loaded device to strengthen arms he forbids it because it is *u'vdin d'hol* and therapeutic sweating. He does not consider that the activity could be an anct of *oneg* itself. See *Tzitz Eliezer* Part 6, *siman* 4. Parenthetically, Neuwirth allows jumping rope on Shabbat, because he considers it a game rather than exercise! See *Shemirat Shabbat K'hilkhitah* 16:40.

On the other hand, Rabbi Ben Zion Abba Sha'ul, the *Rosh Yeshivah* of *Yeshivat Porat Yosef* in Jerusalem, allows for both weight lifting and the use of gym equipment on Shabbat -- so long as one's intention is not to sweat for therapeutic reasons! A careful reading of this source reveals his only concern is the issue of sweating, not the possibility that weight lifting and the use of gym equipment might be *uvdin d'hol*. *Or L'Tziyon* (Jerusalem: *Or L'Tziyon*, 1995), 36:12, p. 277.

lacking an *eruv*, the fact remains that the weight rooms at such venues are conspicuously devoid of *ruah Shabbat*. The scene within a typical gym on an average Saturday is indistinguishable from what one sees or encounters there on any other day of the week. That there are Jewish Community Centers who keep their gyms and weight rooms open on Saturdays does not make such activity more religiously acceptable or substantively different than what takes place in for-profit fitness centers elsewhere.

Finally, even if one is only in competition with oneself, weight lifting is a highly goal oriented and competitive activity, one whose success is measured by the ability to lift progressively more weight, perform additional repetitions of a particular exercise, or add more sets of a given exercise to one's routine. Those who work out regularly with weights will affirm the importance of the sport to their well-being and sense of self, yet unlike other forms of recreational sport, weight lifting is geared toward *tirha yetirta*, superfluous toil, in a way that other forms of exercise are not. Whether spurred on by a partner spotting them or simply by their own motivations, the act of pushing and straining to achieve one more repetition, sometimes accompanied by grimaces and groans, accords with those forms of exercise prohibited for reasons of *shevut*.

P'sak Halakhah:

1. Weight lifting and body building with free weights or machines are not permitted on Shabbat. Light stretching and mild calisthenics that do not require excessive exertion are permissible.

H. Is Yoga Permitted on Shabbat?

This section was approved on May 13, 2015 by a vote of fifteen in favor, one against, and two abstaining (15-1-2). Voting in favor: Rabbis Micah Peltz, Elliot Dorff, Gail Labovitz, Jeremy Kalmanofsky, Jonathan Lubliner, Adam Kligfeld, David Hoffman, Daniel Nevins, Susan Grossman, Elie Spitz, Reuven Hammer, Jay Stein, Pamela Barmash, Paul Plotkin, Joshua Heller. Voting against: Rabbi Noah Bickart. Abstaining: Rabbis Aaron Alexander, Amy Levin.

Broadly defined, yoga combines physical, spiritual and mental disciplines to attain a

“stilling of the changing states of the mind.”¹³⁴ While yoga originated within one of the six mainstream schools of Hindu thought and was traditionally harnessed to a variety of religious ends, for the vast majority of Americans yoga is about the physical techniques of attaining a variety of postures and poses¹³⁵. Practitioners of the discipline report improvements in musculo-skeletal health, reductions in stress, and corresponding increases in serenity and feelings of well-being.

Interest in yoga within the Jewish community has grown exponentially in recent years. From the birth of organizations like the Jewish Yoga Network and synagogues like New York City’s Romemu, where it is integrated into the traditional liturgy, the practice of yoga on Shabbat has spread to mainstream synagogues as well. Diane Bloomfield, author of *Torah Yoga: Experiencing Jewish Wisdom Through Classic Postures*, observes, “There is a spiritual experience that comes with a yoga posture . . . the practice of yoga could lead to a deeper understanding of Torah and the study of Torah could lead to a richer Jewish experience. Rather than yoga just being a physical or spiritual experience, it could also be a Jewish spiritual experience”¹³⁶

We have already observed there can be a spiritual component to virtually any type of exercise. In yoga, however, the connection is more integral and overt than in many other forms. Given that yoga requires no equipment (other than perhaps a mat) and can be performed just about anywhere, not only is it free from the concerns of *melakhah* that pose a problem to other kinds of physical activity, but its goals are clearly consonant with the spirit of Shabbat. Accordingly, its practice can serve as a commendable way to fulfill the *mitzvah* of *oneg Shabbat*.

134. Edwin Bryant, *The Yoga Sutras of Patañjali: A New Edition, Translation, and Commentary* (New York: North Point Press, 2009), p. 10.

135. Knut A Jacobsen and Gerald James Larson, *Theory And Practice of Yoga*. (Leiden, Netherlands: BRILL, 2005), p. 4.

136. www.jewishyoganetwork.org and www.romemu.org. For an interview with Diane Bloomfield, see Rebecca Phillips “Finally, Kosher Yoga” on www.Beliefnet.com.

A caveat must be issued, however, about Bikram, a particular genre of yoga designed to take place in rooms heated to a temperature of 40 C° (104 F°). The practice of Bikram yoga is founded upon the premise of therapeutic sweating, which it is claimed assists in the elimination of toxins, greater mental clarity and concentration. Thus, far from an incidental byproduct, the act of sweating profusely for therapeutic purposes is the very reason why one engages in Bikram Yoga *ab initio*.¹³⁷ Accordingly, this specific type of practice accords precisely with the definition of *l'hitamel* in the *Tosefta* as understood by Rabbenu Hananel, Maimonides, the *Magen Avraham*, the *Mishneh Berurah*, the *Tzitz Eliezer* and others.¹³⁸ Sweating does not preclude the permissibility of *oneg* activity when incidental and secondary to the action; when heavy perspiration is intrinsic and primary to the activity, however, a millennium of Jewish legal precedent disqualifies its performance on Shabbat.

P'sak Halakhah:

1. Yoga is permitted on Shabbat, with the sole exception of Bikram, which requires exercise in a highly heated room to induce heavy perspiration for therapeutic reasons.

137. http://www.bikramyoga.com/BikramYoga/about_bikram_yoga.php

138. see section on “Weightlifting”, pp. 61-62 *supra*.

Is Bathing After Exercise on Shabbat Permissible?

Oreh Hayyim 326

This section was approved on May 13, 2015 by a vote of eleven in favor, two against, and five abstaining (11-2-5). Voting in favor: Rabbis Pamela Barmash, Elliot Dorff, Reuven Hammer, Joshua Heller, David Hoffman, Jeremy Kalmanofsky, Gail Labovitz, Amy Levin, Jonathan Lubliner, Daniel Nevins, Jay Stein. Voting against: Rabbis Aaron Alexander, Paul Plotkin. Abstaining: Rabbis Noah Bickart, Susan Grossman, Adam Kligfeld, Micah Peltz, Elie Spitz.

With regard to bathing on Shabbat we read in the Talmud:

מאי "עוברי עבירה"? דא"ר שמעון בן פזי אמר ריב"ל משום בר קפרא - בתחילה היו רוחצין בחמין שהוחמו מע"ש. התחילו הבלנים להחם בשבת ואומרים מערב שבת הוחמו, אסרו את החמין והתירו את הזיעה ועדיין היו רוחצין בחמין ואומרים מזיעין אנחנו. אסרו להן את הזיעה והתירו חמי טבריה ועדיין היו רוחצין בחמי האור ואומרים בחמי טבריה רחצנו. אסרו להן חמי טבריה והתירו להן צונן.

"As sinners proliferated" - What does this expression mean? As Rabbi Shimon ben Pazi in the name of Rabbi Yehoshua ben Levi, quoting bar Kappara, said: In former times the people were accustomed to bathe [on the Sabbath] in water that was warmed on Friday. The bath-keepers then began to warm the water on the Sabbath itself, and to tell the people that it had been warmed on Friday. Thereupon the rabbis prohibited bathing in warm water, but still placed no restriction upon steaming. The people then would come and bathe, while pretending to be there for steaming. Then steaming was also prohibited, but washing in the hot spring water of Tiberias was still allowed. The people, however, would come and wash themselves in water that was warmed by the fire, while claiming to have washed in the hot spring water. Subsequently warm water was prohibited for bathing altogether, but bathing in cold water was allowed.

ראו שאין הדבר עומד להן התירו חמי טבריה וזיעה עומדת
תנו רבנן: מתחמם אדם כנגד המדורה ויוצא ומשתטף בצונן,
ובלבד שלא ישתטף בצונן ויתחמם כנגד המדורה מפני שמפשיר

מים שעליו.

Seeing the ban could not be sustained, the sages once again allowed bathing in the hot spring water of Tiberias. The prohibition of the steambath, however, remained The rabbis taught: One may warm himself by a hearth-fire and afterwards rinse himself with cold water, but not bathe first in cold water and then warm himself by a hearth-fire, because he warms the water that is on him.¹³⁹

The above passage outlines for us both the primary Shabbat prohibition as well as the infringements that led the sages to the enactment of *gezerot* as a means of safeguarding the integrity of Sabbath observance. The Talmud did not oppose the act of bathing on Shabbat, even in warm water.¹⁴⁰ The need to ban the practice arose when the attendants began to heat water on Shabbat itself to satisfy the demands of bathers, which clearly was a violation of Jewish law: once water is heated beyond a certain degree, it is considered an act of *bishul*, cooking, and it does not matter whether or not the water is for culinary purposes.

The above talmudic source also records a dispute between the sages Rav and Sh'muel. The former, taking a more lenient approach, continued to permit bathing one's entire body, limb by limb, in warm water on Shabbat, so long as it was heated before the beginning of the Sabbath. The latter, on the other hand, maintained a more stringent view, limiting warm water washing to one's hands, feet, and face, even when the water was heated prior to Shabbat. Sh'muel reasoned that by limiting the use of warm water for washing on Shabbat, the temptation to heat additional water would accordingly be diminished.¹⁴¹

139. B.T., *Shabbat* 40a.-b

140. Indeed, there are circumstances when immersion in water on Shabbat is not only permissible, but praiseworthy. Thus, a woman is encouraged to go to the *mikveh* on Shabbat to resume sexual intimacy with her spouse. According to the 18th century *halakhist*, Hayim Halberstam, author of *Divrei Hayim*, a collection of responsa, a woman may use a *mikveh* even with hot water (provided it was heated before Shabbat), “דכבר נהגו גדולי דורינו, “בזה להתיר, והנח להם לישראל, we let Israel be.” *Divrei Hayim*, Part 2, *siman* 26. For further discussion see Neuwirth, *Shemirat Shabbat K'hilkhitah*, 14:1, note 4.

141. The *Shulhan Arukh* records that the *halakhah* follows Shmuel's position and quotes his view verbatim. *O"H* 326:1

One would logically expect the sages to have a more permissive attitude toward bathing in cold water. In a *baraita* found in the tractate Shabbat, Rabbi Meir prohibits bathing one's entire body on Shabbat in water of any temperature, while Rabbi Shimon takes the diametrically opposite view, permitting full-body bathing in cold or warm water, so long as the latter was heated prior to Shabbat. The law, however, follows Rabbi Yehudah, who takes the middle approach: bathing one's entire body in warm water is impermissible (even if the water was heated before Shabbat), but one may wash using cold water without restriction.¹⁴²

As previously seen in the responsum on swimming, there were some *poskim* who remained hesitant about bathing even in cold water. Among the objections raised to the practice of bathing in cold water: as a safeguard against squeezing water from one's hair (squeezing being one of the 39 prohibited labors on Shabbat); as a means of preventing swimming on Shabbat (a rabbinic prohibition, lest one create a flotation device, which would be forbidden on Shabbat); and as a way to ensure that one not walk with water droplets on one's body in a place lacking an *eruv*.¹⁴³

In our time these concerns are less compelling. Modern indoor plumbing renders moot the issue of carrying water droplets on our bodies after bathing in a place without an *eruv*; the use of a bath towel, which is certainly permitted, obviates the need to squeeze one's hair dry (though it may be helpful to remind bathers not to wring their towels!); and if we are not worried that individuals will construct flotation devices on Shabbat for their swimming pools, we are

142. B.T. *Shabbat* 39b; *Beit Yosef*, *O"H* 326:1

143. The *Shulhan Arukh* permits bathing in a river on Shabbat -- whether the water is naturally warm or cold is immaterial; since it has not been heated on Shabbat it is by definition "cold." One must take care, however, to dry off at the edge of the bank lest one carry droplets of water a distance of four *amot* and violate the rabbinic prohibition of carrying in a *carmelit*. *O"H* 326:7. Both the *Magen Avraham* and the *Mishneh Berurah* cite the possibility of squeezing water from one's hair (squeezing being one of the 39 prohibited labors on Shabbat) as another reason to avoid bathing on Shabbat. See *Magen Avraham on O"H* 326, note 8 and *Mishneh Berurah* note 21.

even less concerned about such devices being created for bathtubs and shower stalls. It is telling to note that Sephardic halakhic authorities generally find none of these fears compelling, and therefore allow bathing one's whole body on Shabbat in cold water without restriction.¹⁴⁴

While the prohibition of *bishul*, heating water for use on Shabbat remains a constant and will be addressed below, our perspective on hygiene and washing has undoubtedly changed over the course of the centuries.

The Mishnah relates a story in which Rabban Gamliel bathed in hot water the first night after his wife died -- though the laws of mourning clearly prohibited such. When his students expressed surprise at this seeming transgression of Jewish law, the sage replied, "I am a delicate individual."¹⁴⁵ According to the commentaries on this passage, Rabban Gamliel sought to draw a distinction between bathing for pleasure and doing so to alleviate discomfort.¹⁴⁶ Perhaps what made the sage's behavior so noteworthy at the time of the Mishnah was the rarity of its character.

Modern hygiene, however, has engendered a culture which renders Rabban Gamliel's response more the norm than the exception. In an era when deodorants, soaps and running water are readily available, showering daily is neither a luxury nor a pleasurable privilege reserved for the few. On the contrary, today's norm is to find body odor repugnant and distressing -- whether one's own or that of another.¹⁴⁷ It is no stretch, then, to count ourselves among "those who are accustomed to wash their bodies daily, and would be greatly distressed if precluded from doing

144. *Kitzur Shulhan Arukh Yalkut Yosef* 326:3

145. B.T., *Berakhot* 16b. Rabban Gamliel says, "איסטניס אני." See also J.T. *Yoma* 8:1 and J.T. *Ta'anit* 1:6 in which Rabbi Yehoshua ben Levi permits himself to wear leather shoes on Yom Kippur for the same reason and with identical words.

146. *Tosafot* to *Berakhot* 16b s.v., "איסטניס אני". In this case even bathing one's entire body in hot water would be permitted. See *Tur, Yoreh Deah* 381:1

147. One could make this claim not only about showering for the sake of hygiene during the week of *shiva* or bathing after exercise on Shabbat, but during the nine days before *Tisha b'Av* as well.

so on Shabbat.”¹⁴⁸

There are also *poskim* who advocate leniency in such cases precisely because of this distress. In his supercommentary to the *Shulhan Arukh*, Rabbi Akiva Eiger (1761-1837) emphasized leniency with such *gezerot*; he acknowledged distress at the inability to bathe being sufficient reason to wash on Shabbat even in warm water, provided it was heated before Shabbat.¹⁴⁹ If we accept the premise that recreational exercise of certain kinds constitute a form of *oneg Shabbat* and is praiseworthy because it can enhance one’s enjoyment of the Sabbath, then we must consider the ramifications of allowing certain forms of exercise, yet prohibiting an individual to bathe afterward. Those who go for an early morning jog before changing into their Shabbat finery for services would likely find the experience of putting on a dress or suit and tie a “distressing” and uncomfortable experience if clammy or drenched with sweat. The same would hold true for a person who exercised during the afternoon hours, yet planned to return to the synagogue for *minhah*.¹⁵⁰

We must still tackle the central issue of heating water on Shabbat itself. This is due to the design of the majority of water heaters, which heat and store hot water in an insulated tank until ready to use. As hot water exits the top of the tank, it is replaced by a flow of unheated water at the bottom. The unit’s thermostat registers the ensuing drop in temperature and then activates the heating element to raise the temperature to a predetermined level. Because it is the user’s intention to obtain hot water for the shower, rather than to bathe in water that incidentally “happens” to be hot, we cannot credibly utilize either the halakhic principles of *davar sh’eino mitkaveyn* (an act that is itself permissible on Shabbat, though it might lead to an unintentional violation), or *psik reisha d’lo niha leh* (the inevitable consequence of an action which is a

148. Neuwirth, *Shemirat Shabbat K’hilkhitah* 14:1 and especially note 8.

149. *Hagahot Rabbi Akiva Eiger*, O”H 307, *siman katan* 3 s”v “שלא”.

150. Living in Florida I can attest to the sweaty discomfort of merely walking 1/2 mile to or from synagogue while wearing a suit and tie in the heat of a typical summer day in the southern U.S.

Shabbat violation, despite the fact that the result is of no benefit). In this case the heating of the water is precisely what the individual desires.¹⁵¹

There are several common exceptions to the conventional hot water heater. Thus, those who use a solar-powered water heater may avoid this particular issue.¹⁵² Similarly, the *halakhic* challenge of heating water on Shabbat may not be relevant to residents of high-rise apartments, dormitories or guests in hotel rooms because of the manner in which water heaters serve many users, presuming the majority of them are not Jewish.¹⁵³ One may also heat water prior to Shabbat in an urn, which can then be poured into a bathtub for use.

According to the Talmud the threshold beyond which water cannot be heated on Shabbat is *yad soledet bo*, i.e., sufficiently hot to cause one's hand to recoil in discomfort from contact. The sage Rahva suggests that anything hot enough to scald an infant's stomach would constitute *yad soledet bo*.¹⁵⁴ There are a plethora of views regarding the translation of this view into objective terms. Rabbi Moshe Feinstein rules that the water has to be less than the temperature that most normal people wash in during the week for it not to be hot water, and suggests 43°C (109°F), while Rabbi Shlomo Auerbach posits 45°C (113°F) as a threshold for *yad soledet bo*. Rabbi Ovadiah Yosef cites 50°C (122°F) as the minimum. Other halakhic decisors offer even more lenient views, with one as high as 71°C (160°F)!¹⁵⁵

151. Eider's *Halachos of Shabbos* offers a concise description of the various *halakhic* principles that determine the status of various activities on Shabbat. It should be noted that even something is determined to be *p'sik reisha d'lo niha lei*, most authorities consider it *patur aval asur*, i.e., forbidden at the behest of the rabbis, even if not by the Torah itself. See *Halachos of Shabbos*, III F3, p. 29.

152. Water heated only by the rays of the sun is permissible on Shabbat. With regard to a solar water heater, there is some difference of opinion. The *Tzitz Eliezer* and Rabbi Ovadiah Yosef permit solar powered water heaters, which is also the position taken by Neuwirth, *Shemirat Shabbat K'hilkhitah*, 1:45.

153. *Shulhan Arukh, O"H* 326:13 permits Jews to use a bathhouse on Shabbat frequented primarily by non-Jews, even if the water is heated on Shabbat itself. Of course, this would not apply to most Jews living in Israel.

154.B.T. *Shabbat* 40b. Rashi explains that because some adults may have greater tolerance for heat, an infant's reaction offers a more universal definition.

155.Moshe Feinstein, *Igrot Moshe O"H* vol. IV *siman* 74; Shlomo Auerbach, *Minhat Shlomoh* vol. II, p. 613. Auerbach extensively reviews the perspectives of the *rishonim* regarding *Yad Soledet Bo*; Ovadiah Yosef, *Yehaveh Da'at* vol. VI, *siman* 21; Rabbi Yitzhak Ya'akov Weiss, *Minhat Yitzhak* maintains 60°C (140°F) as the

To make matters more complicated, there are mixing valves and anti-scald devices that are often incorporated into plumbing systems to ensure different temperature thresholds at different faucets -- thus, there may be considerable variation between the temperature setting of the water heater, and the temperature of the water at its delivery site. Anti-Scald regulations regarding the temperature limits of such devices, moreover, vary from state to state. And, as many of us have experienced at one time or another, a drop in water pressure (say, from the flushing of a nearby toilet) can cause rapid spikes in shower temperature.

Even if one could suggest a magic number for setting one's hot water heater to preclude *yad soledet bo*, on many models changing the recommended manufacturer's settings will entail using a Phillips-head screwdriver to remove the 4 to 6 screws of the water heater's outer panel, removing the insulation pad underneath the panel, using a flat-head screwdrivers to adjust the temperature setting, and then reversing the steps. Prior to adjusting the water heater's temperature, it is necessary to cut the breaker switch for safety reasons; after completing the adjustment, one must turn the breaker back on. The process is not particularly complicated, but it is inconvenient and time-consuming enough to legitimately consider the likelihood of individuals adjusting their hot water heaters up and down on a weekly basis. There is the additional concern that turning down one's water heater, even for a short period of time, may encourage the growth of pathogens such as Legionella and other aquatic pathogens that can prove deadly, particularly those with compromised immune systems.

For all the above reasons, there is no clear way to take a hot shower on Shabbat, unless one lives in a large apartment complex with many non-Jewish neighbors or lives in a dwelling with a solar water heater.

threshold. It is Feinstein who quotes a view (though in disagreement) of 71°C (160°F) as the most lenient opinion. *Igrot Moshe* ibid.

Other Considerations Related to Bathing

In the Talmud there is a discussion about cleansing agents forbidden for use on Shabbat because of their depilatory effect. Though the *sugya* focuses on a mixture of *neter* (likely a mineral alkaline salt, carbonate of soda) and sand, Rashi and Rabbeinu Nissim classified soap (*borit*) as possessing such properties.¹⁵⁶ This would not describe any of the soaps commercially available today. Indeed, there is no clear explanation why bar soap has been avoided by Ashkenazi Jews for several hundred years. Indeed, for every explanation offered there is a dissenting view. Thus Rabbi Moshe Isserles (Rama) forbade the use of soap because he view the creation of lather on Shabbat as a transformative act (*molid*), analogous to crushing ice and snow into water for drinking, which would be an infringement of rabbinic law.¹⁵⁷ The *Mishneh Berurah*, however, does not agree that the use of soap is analogous to the crushing of ice and water because the latter was forbidden because of its potability, i.e., like squeezing fruit to drink the juice on Shabbat. Since soap does not fit into this category, he cites the view of the *Tiferet Yisrael*, Rabbi Yisrael Lipshutz, who believes that bar soap shouldn't be used on Shabbat because it resembles scraping (*m'mahek*), one of the 39 categories of labor prohibited on the Day of Rest.¹⁵⁸

Rabbi Yehoshua Neuwirth, however, takes issue with *this* explanation. A closer look at how scraping is defined by Jewish Law distinguishes this activity from the purpose and manner in which soap is used. Maimonides describes *m'mahek* as a process of scraping hair from leather or spreading pitch, wax or a compress of some kind on the hide to remove the hair -- nothing

156. *The Jewish Encyclopedia* (1906) s.v. "niter". The Hebrew נתר describes a cleaning agent in *Jeremiah 2:22*. See Rashi to B.T. *Shabbat* 50b s.v. "כל היכא דליכא רובא אהלא שפיר דמי" and Ran to *Rif ad loc.* 23a

157. Gloss of RaMa to *Shulhan Arukh, O"H* 326:10. Yosef Karo, however, mentions no such prohibition.

158. As quoted and explained in the *Mishneh Berurah* 326:10, *siman katan* 30. In his commentary, the *Magen Avraham*, also compares using soap to the mashing of snow and chunks of ice to create water. He maintains that the sages banned the latter because of its potable character, i.e., it would fall under the rabbinic prohibition of squeezing fruit on Shabbat. On the other hand, because of its inedible character, soap would not fall within the rubric of the prohibition. *Magen Avraham* to *O"H* 326:10, *siman katan* 11.

remotely similar to using soap on Shabbat. For this reason a number of authorities explicitly reject the reasoning of the *Tiferet Yisrael*.¹⁵⁹ Whatever agent Rashi and the Ran identified as having the depilatory effects of *borit*, today's commercial soaps do not possess this property.

In contrast to the Rama's view, Rabbi Yitzhak Lampronti, in his early 18th century work, *Pahad Yitzhak*, clearly permitted the use of solid soap.¹⁶⁰ As for Sephardic authorities, there is generally no prohibition against its use on Shabbat.¹⁶¹

Given the ambivalence toward bar soap by so many *poskim*, one might choose liquid soaps and body washes rather than their solid counterparts when both are readily available. That being said, there is no substantive reason to uphold a rabbinic prohibition so clearly in search of a reason. We may also rely on the view of contemporary authorities such as Rabbi Ovadiah Yosef in addition to the *Pahad Yitzhak*. The use of bar soap on Shabbat, therefore, is permissible even *ab initio*.

The use of a towel to dry off after bathing is allowed. Care should be taken not to squeeze out the water from one's hair, whether by hand or with a towel. It is acceptable, however, to rub one's hair with the towel. The bather should also exercise caution in not wringing out the wet towel.¹⁶²

Piskei Halakhah:

159. *Mishneh Torah, Hilkhot Shabbat* 11:6. Yehoshua Neuwirth is quite critical of the *Tiferet Yisrael* on this point. *Shemirat Shabbat K'hilkhatah* 14:18, note 49.

160. The *Pahad Yitzhak* of Rabbi Yitzhak Lampronti (1679-1756) as quoted in Rabbi Eliezer Yehudah Waldenberg, *Tzitz Eliezer*, vol. VI, *siman* 34, summary note 14, p. 142.

161. Ovadiah Yosef, *Yehaveh Da'at* vol. 2, *siman* 50, p. 192.

162. The prohibition of wringing is assumed under the category of *malben*, bleaching or cleaning, one of the 39 categories of forbidden labor on Shabbat. See *Shemirat Shabbat K'hilkhatah* 14:22, see note 66; *Mishneh Berurah* 301:48, *siman katan* 174

1. Bathing or showering one's entire body on Shabbat is permissible.
2. Those living in large apartment complexes with multiple non-Jewish residents and large boilers for common use, and those who own solar water heaters may take warm showers on Shabbat, but should not use water hot enough to qualify as *yad soledet bo*. For those with conventional water heaters, the heating of water for bathing on Shabbat constitutes an act of *bishul* and is therefore impermissible.
3. Shampoo, liquid and bar soap are permitted for Shabbat use.
4. Care should be taken on Shabbat not to wring out one's towel or hair after washing.



וקוי ה' יחליפו כח יעלו אבר כנשרים,
ירוצו ולא ייגעו ילכו ולא ייעפו.
-ישעיהו מ': ל"א

*But they who trust in the Lord shall renew their strength as eagles grow new plumes:
they shall run and not grow weary, they shall march and not grow faint.*

-Isaiah 40:31