

The Use of a Remote Audio/Video Monitor on Shabbat and Yom Tov

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This paper was adopted on February 8, 1989 by a vote of sixteen in favor, one opposed, and two abstaining (16-1-2). Members voting in favor: Rabbis Kassel Abelson, Ben Zion Bergman, Elliot N. Dorff, Richard L. Eisenberg, Dov Peretz Elkins, David M. Feldman, Arnold M. Goodman, Howard Handler, David H. Lincoln, Lionel E. Moses, Joel Rembaum, Seymour J. Rosenbloom, Joel Roth, Morris M. Shapiro, Israel N. Silverman, Gordon Tucker. Member voting in opposition: Rabbi Amy Eilberg. Members abstaining: Rabbis Mayer E. Rabinowitz, Avram Reisner.

שאלה

May video monitors with sound be used to project synagogue services to another part of the synagogue building? (In the discussion which follows, no distinction need be made between projection to another part of the same building, or to another building). The purpose is to allow more people to “participate” in the service when on-the-spot participation is impossible because of space limitations. Although the specific question refers to the High Holy Days, the response following will apply to any time.

I understand the arrangement to be this: video/audio equipment is set up ahead of time, out of sight, and there is no need to intervene at all for focusing, directing the lens, or otherwise adjusting the equipment during Shabbat or Yom Tov.

תשובה

This practice raises several issues which must be addressed:

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

Video Taping

(1) *Is a tape being made during the process?* I am informed by a professional in the field of video that, while a tape could be made in such a procedure, it need not be, and the services can be projected to another hall without any permanent record being made. If a tape *is* made, then we have essentially the same issue which was addressed by the Committee previously, notably by Rabbis David H. Lincoln and Mayer E. Rabinowitz. There was disagreement about the reasons for a prohibition. Lincoln focused on the negative effect on the service which would result from an awareness that a permanent record is being made. Rabinowitz argued that, in addition, we would be involved with the major prohibition of כתיבה (writing), as well as the possibility of מכה בפטיש (completely a creative act). Rabinowitz and Ms. Dvora Weisberg argued some years later again that כתיבה is involved here. In any event, the Committee voted unanimously on December 15, 1982 that videotaping be prohibited on Shabbat and Yom Tov, whether it was done by a person or by an automatic device. While it remains unclear to me why the automatic device should be prohibited, even if we accept the argument that there is כתיבה,¹ there are other good reasons to allow this Committee's decision to stand. *Thus, if a permanent tape is being made of the service in addition to the projection to another hall or to the rear of a large hall, the practice should be prohibited.*

I assume, therefore, in what follows, that we are dealing with a case where only a projection of sound and visual image is being accomplished.

Temporary Image

(2) *Is the creation of even the temporary image a basis for prohibition?* This is essentially the same question as that of the creation of the sound which emerges from the loudspeaker in the satellite hall. Both the video image and the sound are produced by a process which encodes sound waves and light patterns in electrical impulses and then “reconstitutes” them. In other words, this process raises questions not substantively different from those raised by the routine use of a microphone. While one's position on the use of electricity on Shabbat and Yom Tov could affect one's stance on this matter (e.g. in the case of a voice-activated microphone), this Committee has unambiguously ruled that the use of a microphone is permitted, and it is equally clear that any congregation which uses a microphone would be doing nothing essentially different by adding the projection of a non-permanent video image to the sound.

Setting Up Equipment

(3) Is there any reason to forbid setting up the equipment and the timer on Erev Shabbat or Erev Yom Tov? There is a general rule² that virtually anything may be done on Erev Shabbat which will result automatically in the commencement or continuation of מלאכה (work) on Shabbat. Thus, even if we have an issue of נולד (a new creation) here, there should be no problem concerning that which is done on Friday or Erev Yom Tov to bring the projection about. There are a number of exceptions to this general rule. The case of putting water under a lamp is one of them. Rabbi Moses Schick takes this up in the consideration of the permissibility of using a primitive sort of timer for lighting a lamp on Shabbat.³ His conclusion there is that the prohibition on the placing of the water is, at bottom, a גזירה (decree) which is designed to heighten the weak public awareness that it is in fact prohibited on Shabbat. He concludes that this reasoning does not apply at all to the timer, since that which is done on Shabbat is in any event only a גרמה (the closing of a switch), and גזירות of this nature do not extend to such categories.

Another exception to the general rule about setting equipment up in advance is that of the water mills, which should not have grain placed in them on Erev Shabbat if it will be ground on Shabbat.⁴ The point is, essentially, one of מארית עין (one of appearances). Particularly since the mill makes an audible sound as it is grinding, one might mistakenly conclude that the grain had been placed in the mill on Shabbat. The Bet Yosef in Orah Hayyim 338 argues, however, in the case of setting up a chime clock, that in such cases everyone knows that clocks are routinely set up a day in advance. Thus, the גזירה does not extend. And here, too, it is quite clear to everyone (particularly to VCR owners) that video and audio equipment are routinely set up in advance with timers. No problem should exist for this reason either.

Finally, there is the issue of the possible breakdown of the equipment, and what would then result. This is not a light matter in our case, since the failure of the equipment would, in effect, destroy an entire overflow service, and would create an enormous motivation to repair or reset the equipment. It was clear to Rabbi Moshe Feinstein⁵ that the talmudic גזירה of שמא יתקן (lest he repair it) applies in such a case (Feinstein actually applied it to the case of a simple microphone) to prohibit the use of the equipment ab initio. There are, however, two good reasons not to follow his conclusion of a blanket prohibition on the use of audio or video equipment. First, it is not obvious at all that the גזירה of שמא יתקן is truly relevant here. The talmudic context of the גזירה⁶ is one of musical entertainment, and the concern was that an instrument might be created in order to embellish the musical program.⁷ But we are dealing here with

a somewhat different situation. We have all the instruments set up in advance, and the only worry we have is that they may fail and need to be repaired. Thus, we have at least the issue of whether it is proper to extend גזירה to situations that were not dealt with classically, and which may not be analogous.⁸ Moreover, it seems that our case is more positively analogous to the case of the chime clock just mentioned; that is, we have an instrument which is providing both beauty and utility, and which has been set up prior to Shabbat or Yom Tov. There is certainly the possibility that the chimes will get stuck or that the clock will otherwise malfunction. But neither the Shulḥan Arukh nor Feinstein himself (who mentions the case of the clock in the teshuva just cited) feel that such a worry would justify a prohibition on using the clock on Shabbat. And no one suggests that שמה יתקן would be at all relevant to that case. It may well not be to ours, either.

Even were we to decide that the גזירה does have relevance, there are other reasons to reject Feinstein's conclusion. For one thing, the Rama's statement in Oraḥ Ḥayyim 339:3 that "nowadays" there is no real problem inasmuch as the average person does not have expertise in the construction of musical instruments would probably apply to this video projection case for any problem greater than a plug coming loose. Feinstein rejected the Rama on the grounds that a microphone can be adjusted by most people. But we are dealing with a technology that is much more complicated, and while anyone could attempt to fiddle with various knobs, it is less likely that someone will really know how to repair a monitor which has malfunctioned during services. Moreover, the equipment can be locked up in such a way as to preclude easy adjustment or repair. And Feinstein's suggestion that such inaccessibility would have no effect on the גזירה seems unpersuasive, and he gives no argument for it. Thus, the applicability of the גזירה is itself somewhat far-fetched, and even assuming its applicability still does not present us with an obstacle to permitting the practice under consideration.

This is not to say that the problem of malfunction is not to be reckoned with. It is clear that failure of the equipment would create hardship and embarrassment. At the least, those who purchase tickets for such a service would be made aware that the service depends to a large extent on the functioning of the equipment (some repairs might not be possible on the spot even if it were a weekday!). Some helpful approaches here might include the following: (a) having someone on hand who could be prepared to officiate himself or herself should the equipment fail, or (b) having a non-Jew in the employ of the synagogue prepared and briefed prior to Shabbat or Yom Tov on what to do in the case of malfunction. There is ample provision in the sources for the permissibility of giving fairly explicit instructions to a non-Jew before

Shabbat (or in some cases on Shabbat itself) for מלאכות (in this case, repair would be perhaps בנין (building) or מכה פטיש) which are necessary to prevent undue loss or to promote the observance of a mitzvah.⁹ Video equipment tends to be very reliable, but there is undeniably an impracticality in relying on “services by monitor.” Still, impracticality does not entail impermissibility, particularly if there is no better alternative in the congregation in question. There are, when all is said and done, no solid grounds to prohibit the practice under consideration on the grounds of שמא יתקן.

Sanctity of Service

(4) *Is there an issue of a diminution of the sanctity of the synagogue or the services?* It is suggested by Rabbi Lincoln that the presence of cameras, even if well hidden, is a disruptive element. There can also be a temptation to “play to the camera.” However much this may be an issue in *videotaping*, it seems not to be an issue in our case. In *videotaping*, a permanent record is made, and officiants may well be aware that their words and voices can be replayed many times, studied, seen in slow motion, etc. However, in a simple projection to another room, this is not the case. Similarly, in televised congressional proceedings (Lincoln’s analogy), the *nature of the audience* is changed through the use of television. That, too, is not the case here. It is simply a matter of extending the congregation into another room. Thus, there does not seem to be any issue of this nature here.

Some¹⁰ claim that there must not be any “unclean” space (such as active rest rooms) between the officiant and the congregation. But that is both a minority opinion,¹¹ and irrelevant when we are speaking of electrical impulses traveling through a cable to a monitor and loudspeaker.

Fulfill Obligations

(5) Can one fulfill obligations such as hearing קריאת התורה, and most pertinently, hearing the shofar, through a video/audio hookup? There is a considerable literature on this subject, with many opinions for and against. The most critical matter here is whether the shofar, which requires a clear, unmixed sound, is properly transmitted via electronic devices. Does the loudspeaker create a kol havara (an echo) and thus make it impossible to fulfill the mitzvah of shofar? Rabbi Yosef Engel¹² argues that devices such as a telephone are no more a גרם, i.e. no less direct, than is “unaided” voice transmission, since all sound is transmitted immediately, through vibration of air particles. Thus, he

argues, there is reason to permit the hearing of the shofar over telephone wires (and thus in a case such as ours). Similarly, Yerushat Peleita #10 records a responsum of Rabbi Schlüssel of Munkacs in which it is argued that electronically transmitted sounds are no different from and no less direct than the actual sounds themselves. In case of pressing need, it is argued, the shofar could be heard this way. Indeed, we could add to this argument the fact that with electrical transmission, the sound actually reaches the ear faster than it would were the transmission done entirely through the use of the intervening air particles. Thus, the indirectness of the transmission seems to be no issue at all. One of the most comprehensive תשובות in the matter is that of Rabbi Eliezer Waldenberg.¹³ Although Waldenberg does not seem to accept this reasoning, he does not say why. There is no clearly articulated reason anywhere not to conclude that the shofar is heard through electronic mediation and reconstitution exactly as it is heard through the medium of air vibrations alone. This is common sense, and is also in keeping with several precedents, some of which have been noted. There should, of course, be no noticeable audio distortion in the system.

CONCLUSION

Worshipping in a congregation with no visible officiant is far from ideal for many reasons, and it should be avoided if at all possible. The aesthetics of such a situation from the point of view of the יראה (awe) that services (particularly on the ימים נוראים) should inspire, and from the point of view of feeling part of a ציבור (a congregation) can be disastrous for many people. In addition, we should be encouraging the development of synagogue skills among our congregants, and this kind of practice gives the opposite message, i.e. that human skills are not essential because technology can provide an answer when congregations cannot provide enough practiced leaders of תפילות. It thus is clear that the use of a remote monitor and loudspeaker should be turned to only as a final and unavoidable alternative.

If there is no alternative, then a remote monitor and loudspeaker may be used to increase the number of worshippers in the synagogue, particularly on the ימים נוראים. It should be permitted, provided that (1) no permanent tape is made in the process, (2) the equipment is set up before Shabbat or Yom Tov, and either turned on or placed on a timer, (3) the equipment is either inaccessible to adjustment or repair, or is placed in the skilled hands of a non-Jew in the employ of the synagogue, and (4) there is no noticeable distortion in the visual or sound components of the system.

NOTES

1. See, for example, the Rambam, chapter 3 of *Hilkhot Shabbat*.
2. Clearly stated, as noted above, in *Mishneh Torah*, “*Hilkhot Shabbat*,” chapter 3.
3. Maharam Schick, *Orah Hayyim*, #157.
4. See *Shabbat* 18a.
5. See *Iggerot Moshe*, *Orah Hayyim*, part 4, #84.
6. Betza 36b.
7. Similarly, certain water recreation was prohibited because of the worry that it might lead one to create a floating vessel. These prohibitions are codified in *Shulhan Arukh*, *Orah Hayyim* 339.
8. On that, see the Maggid Mishneh on “*Hilkhot Hametz Umatzah*” 5:20, rejecting an overly cautious *humra* of the Rabad.
9. See *Shulhan Arukh*, *Orah Hayyim* 307:5 and 19.
10. e.g. Rabbi Jacob Breisch in *Helkat Ya'akov*, part 1, #59.
11. See *Orah Hayyim* 55:20.
12. *Gilyonei Hashas*, Berakhot 25b.
13. *Tzitz Eliezer*, part 8, #11.