***Teshuvah*: “Reading Electronic Books during Holy Time”:**

**Airplane Mode as Shabbat Mode**

**by Rabbis Elie Spitz and Charles Simon**

***She’elah***: Is it permissible to use an e-reader on *Shabbat* and *hagim*?

The United States ambassador to Switzerland recently took her oath of office on an e-reader.[[1]](#endnote-1) Her choice conveyed that she does most of her reading in a relatively new way. This is true for millions of Americans and many more around the world. Sales of electronic books in the United States have increased exponentially in recent years.[[2]](#endnote-2) The question of this *teshuvah* is whether this new format of reading would be permitted on *Shabbat* and *hagim*?

We Jews are the last people to commission handwritten scrolls: our Torahs. At the same time, most of us use a printed book on Shabbat. The printing press in the 15th century made possible the mass production of books, lowering costs and thereby greatly expanding access to reading material and education. And yet, electronic books have advantages over paper books, including the need for less storage space; lower costs; easier to carry; adjustable font; and more easily obtained reading material. The electronic devices- whether computers, smartphones, or tablets- on which we read e-books are also used for our writing, downloading, and purchases. Our electronic devices are identified with work and pose the temptation to engage in workweek activities. Should we not simply unplug on Shabbat?

In examining the halachic permissibility of electronic reading, a distinction needs to be made between what a Jew is forbidden to do and encouraging certain behaviors as wise and well suited for the holy time of Shabbat.

**Can a Jew use an electronic device on Shabbat?**

Shabbat is a day set apart from the rest of the week. As Abraham Joshua Heschel described Shabbat, the day is a palace in time. As a palace, there is a distinct architecture: an elaborate set of halachic blueprints detailing permitted and forbidden activities. The restrictions of Shabbat are intended to create a distinctive repose: a time for communion with God, community, family, and oneself. Shabbat entails refraining from creative pursuits, *melachah.* We imitate God who on the seventh day completed creation, experiencing the wholeness of an ordered world. For our sages, the definition of *melachah* is technical: performance of any of the thirty-nine labors and their corollaries entailed in building of the *mishkan,* the tabernacle. For in the Torah, the Divine mandate to build a sanctuary for God was superseded by the crafting of sacred time. Those thirty-nine labors include the prohibitions of writing and erasing.

Reading what is already on a device is no different than opening a book. Our electronic devices have an airplane mode, which prevents downloading new material. Reading already downloaded material entails moving of electrons, which is similar to our permitted use of electricity. We might think of airplane mode as Shabbat mode- a time to take off from the demands of daily life. On the Sabbath it is forbidden to actively make recordings- whether in writing, photo, or audio- when the intent is to preserve material as if by physical writing, let alone to make purchases and thereby engage in commerce.

Even on airplane mode, there is still the possibility of creative acts, such as recording whether by writing, audio, video, or photo. The question is whether the possibility of forbidden recording or the making of purchases should bar use of the otherwise permitted activities on the electronic device. We have dealt with a related temptation. Although electricity can be used for the forbidden activities of cooking and adjusting heat, we have permitted the turning on and off of lights on Shabbat and the use of electrical appliances, such as a fan. We have demonstrated that electricity is not technically combustion and hence not the equivalent of the forbidden making of a fire. As a consensus, we trust our laity to make a distinction between permitted and forbidden uses of electricity. In the words of Rabbi Daniel Nevins, “Sabbath observant people can be trusted to decide what formally permitted activities are consonant with their Shabbat tranquility.”[[3]](#endnote-3)

**Defining *Koteiv* (Forbidden Writing)**

Writing, *koteiv,* is forbidden on the Shabbat as a violation of one of the thirty-nine acts of *melachah* in crafting the tabernacle. The rabbis of the Mishnah establish a two-letter definition of writing (Shabbat 7:2; 12:3). In chapter twelve, they examine facets of permitted and forbidden writing more closely, eliciting requirements of intention and permanence. Rabbi Yosi explains that the prohibition of writing is linked to the marking of the *Mishkan*’s planks, so that they would know which planks went together (12:3). Regarding the intentionality of “writing,” if a person sought to write the letter ח (*het*) and instead wrote two letters of ז (*zayin*), it does not count as “writing” (12:5). Or, if a person wrote on two separate occasions of forgetfulness, the sages hold that such a person is exempt (12:6). The permanent nature of the dye or ink matters, too: “if anyone wrote with liquids, or fruit-juice, or in road dust, or in writer’s sand, or with anything that does not last, he is exempt” (12:5). This sentence continues, “But if with the back of the hand, or with his foot, or with his mouth, or with his elbow… he is exempt.” Here too the context suggests that if a person writes in such a way that is inefficient or so removed from the normal way of writing than we do not impugn intentionality. We may surmise that the Tanaim, the early rabbis, avoided labeling a person as a violator of a Biblical command that bore the consequence of capital punishment. To violate the Biblical command, “writing” required an intentionality of permanence.

The Talmud (104b) states that a person only violates the *melachah*, the Biblical act of writing, if it is permanent, both in terms of the ink and the surface. “Permanent” goes undefined in the text. Rashi comments that it means [it lasts] “a long time” (see Shabbat 102b; 111b, s.v. *v’eilu).* Maimonides will suggest that the criteria for non-permanent is not lasting until the end of Shabbat (*Hilchot Shabbat* 9:13). Close to a thousand years after the composition of the Mishnah, Maimonides further clarifies the rules that define writing (*Hilchot Shabbat* 11:9-17). He emphasizes that it is only an act of writing when done with a person’s dominant hand, unless they are ambidextrous (11:14; based on Shabbat 103a). He also states that writing must take place on an object possessing qualities of permanence, such as leather, parchment, paper, or wood (11:16). He immediately continues with the language of the Mishnah ruling out writing with liquids or fruit juice as impermanent (11:16). With time the rules will become more restrictive through repeated rabbinic enactments.[[4]](#endnote-4)

**Why Electronic Writing Is Not *Koteiv***

Electronic writing, as on a computer or e-reader, is essentially the movement of electrons that cause small dots of light to flicker. The computer hardware issues a command to light specific pixels. This command is repeated many times a second until interrupted by some new condition. When we see characters on the screen, we are seeing changes in molecules, observed as the glow of phosphorous or liquid crystals that are continually refreshed. When we scroll down a page, the writing vanishes. The writing on an electronic screen is temporary. The movement of electrons to fashion characters on a screen is similar to the movement of electrons to create light, which we have permitted. Even if we do not scroll down, a computer or e-reader goes into sleep mode if the device is not actively used and the writing vanishes. It is even less permanent than writing with fruit juice. There is no permanence as defined in the Mishnah and the early Codes to constitute a Biblical violation of writing.

Prominent twentieth-century scholars who have examined electronic writing have usually held that it is not a Biblical violation. Rabbi Nachum Rabinovich [born 1928, head of Yeshivat Birkat Moshe in Maale Adumim] has written that writing on a computer screen is not a prohibited form of writing, because neither the letters nor the background will last once the computer is turned off. Moreover, writing by typing is like writing with you left hand, a non-normal way of writing [*Melumdei Milchamah,* 1993, nos. 57, 63]. Rabbi Ovadia Yosef [*Orach Chaim* 8:48] and Rabbi Auerbach [cited in *Nishmat Avraham, Orach Chaim* 340:4] each consider writing on a computer screen not to be significant enough to be considered actual writing and is at most only rabbinically prohibited.[[5]](#endnote-5)

Electronic writing is not halakhically the equivalent of writing with pen and paper. It is akin to writing in sand. With electronic memory there is a pulsating of electrons, it is more like the way the mind records than how we inprint on paper. There is an evolving technology of reading brain waves. If we could discern thoughts technologically [and science is not too far away from doing so], would that mean that it was forbidden to process new ideas in one’s mind. Here too an absurd result to make the point that recording with electrons is a whole new area of human know-how and is different than pen and pad. And yet, if the intention is to make a permanent record, than we are wise as a matter of rabbinic decree to equate keyboarding on a computer with writing and to forbid it on Shabbat. Thus, it is only the reading of material that is already downloaded that we are permitting in this teshuvah.

To discern what is forbidden and permitted with electronic devices on Shabbat, it is wise to make analogies to what we already do. We manually place bookmarks in our printed books. When e-readers move electrons to designate where we stopped reading, it is the functional equivalent of the bookmark. The functional approach works in two ways, not only to forbid, but also to permit. Just as we are prohibited from making a permanent record, the active taking of digital photographs and video should be prohibited.

Rabbi Nevins in his teshuvah on “The Use of Electrical and Electronic Devices on Shabbat” concedes that the use of an e-reader is not a violation of the Torah’s mandate against writing. He would permit the use the use of such devices for the vision disabled when in passive mode. But, he holds that such use would be “rabbinically forbidden unless superseded by a countervailing halakhic value (פתור אסור אבל, *patur aval issur).[[6]](#endnote-6)* In the body of his teshuvah he explains:

If the use of a particular electrical appliance or electronic device does not involve *melakhah*, one still must ask whether it could expose one to the risk of performing *melakhah.* For example, some e-readers may be used in a “read-only” manner in which images are displayed in a transient fashion which would not be deemed “writing.” Nevertheless, the normal operation of these devices is to follow links to download new content, whether free or for a fee, thus leading to both *melakhah* (*toldat koteiv*) and violation of *shvut.* Moreover, the device tracks one’s usage and stores information such as the current page view so that when the reader returns it will be easy to resume reading. Each of these objections could arguably be addressed, and in this way allow for the reading of content of Shabbat which would be otherwise be inaccessible. At this point it appears that the border between permitted and prohibited activity with e-readers remains impossible to articulate, leaving the operation of such devices in the middle category of אסור אבל פתור, exempt form liability but still forbidden absent a competing value….[[7]](#endnote-7)

As Rabbi Nevins states, “each of these objections could arguably be addressed” and so we will. When an e-reader is in airplane mode, there are no prompts for further downloads. Even if a person often uses the same device for downloading during the week does not mean that on Shabbat such a person will choose to do so. The placement of a marker as to the current page is the movement of an electron and not writing, which is why he permits its use for a person with special needs. The border between permitted and prohibited is possible to discern: it is prohibited to download new material, let alone to make purchases or write with the intention of permanent record making. Reading already downloaded material is permitted on Shabbat. Whether it is wise to do so is a separate question. As noted earlier, we in the Conservative movement have offered choice in the use of electricity despite a slippery slope toward forbidden uses of electricity on Shabbat. Since reading on an electronic device set on travel mode is formally permitted we have reason to trust our constituents who are observers of Shabbat to make distinctions between permitted and forbidden use of their devices.

**Should we use an electronic device on Shabbat?**

The question remains whether a Jew should choose to fully unplug so as to both avoid temptation to misuse the device for forbidden activities. No doubt, there is great merit in fully separating from the demands and temptations of the workday week. We are constantly attached to our electronic devices, which can separate us from the immediacy of those before us. There are business lunches, for instance, that begin with placing all the cellphones at the center of the table as a statement that the focus must remain on those who are physically present. Likewise, to unplug on Shabbat is to state, “Enough for the distractions and demands of the work week.” At the same time, this positive statement may feel to extreme for many in our communities. If you have been reading a novel electronically and Shabbat afternoon is a time set aside to relax, it is formally permitted to pick up the iPad and read the book. Such a person might say, “If the choice is a slippery slope or a cage, I prefer a slippery slope. I can handle it. I can make the distinctions between reading and writing, reading and purchasing. My device is not forbidden it is only certain activities.”

We fully understand those Jews who choose not to actively engage with electricity on Shabbat and the temptations of its misuse by saying, “I will set all my lights on timers before Shabbat.” At yet, such a precaution is not required or widely observed in our Conservative community. As the Committee of Jewish Law and Standards, our responsibility is to delineate what is formally forbidden and to offer guidance as to how to best observe sacred time. We distinguish in our rulings between what a Jew can do and what he or she should choose to do. The issue before us, is whether it is permitted to read from an electronic device on Shabbat. The answer is yes when the material is downloaded before Shabbat and the device is set to airplane [Shabbat] mode.

In the future, more and more religious material will be available for electronic use, enabling the customization of Shabbat services, including material for study. We leave it to the *mara d’atra* of each community to decide whether to offer participants the opportunity to pray and study from an electronic device during services and in holiday celebrations. For instance, at a communal Seder, there is already the opportunity to electronically customize the Haggadah. Likewise, in the home, each Jew must weigh the benefits of using an electronic device in circumscribed ways versus the temptations that could lead to violation of Shabbat and the failure to experience its sacred repose. Changes on the screen do not meet the standard of writing as defined by the sages. At the same time, we recognize that there are distinct limitations to the use of an electronic device and encourage, but do not mandate, unplugging.

**P’sak:** Airplane mode is Shabbat mode, enabling the reading on an electronic device of material that was downloaded before Shabbat.

1. http://www.washingtonpost.com/blogs/the-switch/wp/2014/06/02/a-u-s-ambassador-was-just-sworn-in-on-a-kindle/ [↑](#endnote-ref-1)
2. Growing 4,000% between 2008 and 2013-http://www.usatoday.com/story/life/books/2013/05/15/e-books-print-books/2159037/ [↑](#endnote-ref-2)
3. Rabbi Daniel Nevins, “The Use of Electrical and Electronic Devices on Shabbat,” [hereinafter “The Use”], Committee of Jewish Law and Standards, Approved on May 31, 2012, p. 56 [↑](#endnote-ref-3)
4. The notion that it is rabbinically forbidden to write in sand has a history. The first recording of the prohibition of writing with non-permanent materials is the 13th century, Rabbi Yitzhak ben Moshe (Vienna, 1200-1270), who forbade writing on Shabbat with fruit juices or dust that accumulates on a surface [*Ohr Zarua, no. 76*]. There was precedent for such a prohibition in the comment in the Talmud that it is rabbinically forbidden to write on a vegetable [Shabbat 104b]. Rabbi Joseph Karo in the 16th century codified the *Ohr Zarua* admonishment*,* “be careful of writing with one’s finger in liquids on the table or in the dust” [*Orach Chaim* 340:4]. Rabbi Karo uses the words *yesh l’hizaher,* be careful or more precisely, “there is reason to be careful,” suggestive of a rabbinic safeguard, rather than the more stringent Biblical decree. Immediately in the *Shulchan Aruch*, the Remah (Rabbi Moshe Iserles, Poland 1525-1572) comments, “but it is permitted to indicate letters in the air [citing *Terumat HaDeshen 73*]. By Torah law, there needs to be a physical change to constitute writing even with impermanent materials. Note that in later rabbinic writings, even touching sand will become forbidden as touching *muktzeh*, an item that is taboo on Shabbat, because touching sand could lead to the temptation of digging, a primal violation.

Rabbinic decrees will expand the forbidden. The Hafetz Hayim [Rabbi Yisrael Meir Poupko, Lithuania, 1838-1933] forbade Shabbat writing on the condensation on windows. He writes that even if neither the writing nor the background will last, the writing is rabbinically prohibited [Mishnah Berura 340:22]. In a related vein, the Hafetz Hayim will prohibit cutting any letters on the icing of a cake on Shabbat as an act of erasing, *mohek,* the flip side of writing [Mishnah Berura 340:15]. He is considered lenient compared to the Chazon Ish [Rabbi Avrohom Yeshaya Karelitz, Belarusia, 1878-1953], who even forbade eating letters baked into a cookie on Shabbat. All of these stringencies against non-permanent writing are rabbinic decrees as safeguards. Rabbi Moshe Feinstein in 1979 culminates this unfolding of stringency, when he asserted a functional definition of “writing” as “anything that creates the act of writing, and in any manner that one performs the act of writing is considered writing, because the result of his action is that there are letters he wanted and he made them in the normal way of the act” [*Iggerot Mosheh, Orach Chaim* 4:40:10]. It is a long way from the Mishnah’s more nuanced definitions of the *melachah* of writing, looking at the actual physical actions that were similar to the marking of the Tabernacle planks. [↑](#endnote-ref-4)
5. The Zomet Institute, an Israeli organization that looks at how modern technology can be used by observant Jews, examined the technical aspects of writing on a computer during Shabbat for essential security and medical needs and concluded as follows: “Temporary writing is prohibited by a rabbinical decree only. It is very doubtful if “writing” on a screen, which does not make use of physical materials such as ink, is in fact included in the Torah prohibition for writing. When a screen saver is used the information is retained in the computer, but a lenient approach is possible in view of the doubts about the definition of writing.” As for data storage, the summary states: “If a ‘save’ is essential, it might be considered as ‘building’ or ‘putting on the final touch *(makeh bapatish*) from a rabbinical point of view- and such actions are forbidden on Shabbat.” The Institute recommends using a computer over a “Shabbat pen” [which uses a temporary ink] for medical purposes in that “writing on a computer is not halachically defined as writing, but rather involves electronic or electromagnetic records. The writing of a Shabbat pen is real writing, except that from a halakhic point of view it is “defective” in that it is temporary” [[www.zomet.org.il/ENG/?CategoryID=253&ArticleID=317](http://www.zomet.org.il/ENG/?CategoryID=253&ArticleID=317)]. [↑](#endnote-ref-5)
6. Nevins, The Use, p.57. [↑](#endnote-ref-6)
7. Nevins, The Use, p. 45. [↑](#endnote-ref-7)