### Responsum on Riding to the Synagogue on Shabbat

### From time to time, legal issues arise that are specific to Israel, or are shared by Israel and the Diaspora but require a different treatment in Israel because of local conditions. Here are just a few examples: ceding land in a peace agreement; going on the Temple Mount in our time; milking a cow on Shabbat (on the Conservative/Masorti kibbutz, Hanaton); extraditing a Jewish criminal from Israel to another country; conscripting women and yeshivah students into the Israeli Defense Forces; eating legumes (*kitniyot*) on Passover (Sephardic Jews eat legumes on Passover and at least half the Israeli Jewish population is Sephardic); riding to the synagogue on the Sabbath under work and living conditions significantly different from those in the Diaspora; donating one’s body to a medical school (to advance pathology or teach anatomy in a country that depends upon first-rate medical schools and hospitals and cannot rely on non-Jewish corpses to serve these needs).

###  To address these and other important legal issues, in 1985 the Conservative/Masorti Movement established a Va’ad Halakhah (Committee on Jewish Law) in Israel. The Va’ad Halakhah respected the CJLS’s authority by solely treating issues specific to Israel or unique to Israel’s local conditions. A Va’ad opinion became an official decision when a majority of its members voted for it…. [Today] the Va’ad… includes seven rabbis and several honorary members who served on the original Committee….

### The Va’ad Halkahah has taken a different position from that of the CJLS (the Rabbinical Assembly’s Committee on Jewish Law and Standards) on the question of riding to the synagogue on the Sabbath.

### In 1950, the CJLS approved a ruling by Morris Adler, Jacob Agus, and Theodore (Tuvia) Friedman, three rabbis of large Conservative congregations in the United States, who were focused on revitalizing Shabbat observance at a time when many Jews had moved to the suburbs and no longer lived within walking distance of a synagogue. Examining what happens in the combustion chamber of an automobile, the rabbis determined that the driving violations were not based on the Torah’s laws but rather on Rabbinic extensions of the law, and those Rabbinic prohibitions needed to be balanced against the commandment to observe Shabbat, which has higher Torah status. Furthermore, because Shabbat observance is inherently a communal experience, if people who live beyond walking distance to a synagogue do not ride to attend services, they are unlikely to observe Shabbat while staying at home. The rabbis therefore ruled that even though it is preferable to walk to synagogue on Shabbat, if Jews could honestly say to themselves that they would not attend synagogue without having driven there, whether because of distance, weather, or handicap, they should drive to the synagogue on Shabbat.

### Much has been written about this decision since its approval by the CJLS. Its detractors say that it ruined the phenomenon of a Shabbat community in which people deliberately choose to live within walking distance of one another and of their synagogue so that they can share Shabbat meals together as well as participate in services without driving. Others maintain that the legal analysis of what happens in the combustion chamber of an automobile is flawed. Its defenders maintain that it faced the reality of contemporary living conditions; any ruling that had preserved the integrity of Jewish law would simply have been unrealistic and ignored. The controversy continues today in both the Diaspora and Israel.

### The Va’ad Halakhah responsum of 5750 (1990) asked a similar question to the American one, but positioned it within an Israeli context: “There is no Masorti synagogue in Petach Tikvah, where we reside, and my wife will not attend an Orthodox synagogue since it makes her feel inferior. Is it permissible for us to ride to a Masorti synagogue in Hod Hasharon or Ramat Aviv in order to participate in the mitzvah of public prayer on Shabbat?”

### In his ruling (summarized here), Rabbi David Golinkin criticizes the earlier CJLS ruling on legal grounds. What happens in a car engine when someone is driving, he says, not only violates Rabbinic commandments, but Biblical ones as well, and therefore a Jew may not drive to the synagogue on Shabbat. (The appendix, however, suggests that it is permissible to hire a non-Jew to drive a Shabbat bus or taxi that will transport the elderly or the handicapped to the synagogue, providing that the bus does not leave the city limits.) To read the full ruling in Hebrew, with its notes to sources, see <http://www.responsafortoday.com/vol4/3.pdf>

### Practically speaking, Rabbi Golinkin’s ruling may be more realistic to enact in Israel, where the vast majority of Jews live in large apartment buildings clustered close to one another and synagogues tend to be within walking distance, certainly more so than one generally finds in the Diaspora. Moreover, as Rabbi Golinkin notes, in Israel very few people work on Saturdays, and any Israeli can open a prayer book in Hebrew and pray. Notably, Rabbi Theodore (Tuvia) Friedman, who co-authored the American ruling, also endorsed this one, suggesting that, at least in his opinion, different circumstances warranted a different ruling.

### Open to question is whether the Va’ad Halakhah and the CJLS may reconsider their respective rulings given the advent of new automotive technology. Fully electrically powered automobiles might avert the gasoline ignition issue, and self-driving cars presumably could be programed before Shabbat to drive to the synagogue and back at specified times.

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### *Why Riding to the Synagogue on Shabbat is Forbidden*

...We have come to re-examine the lenient decision from the United States of 1950 in light of the conditions in Israel forty years later. It is clear that the reasons for that leniency do not apply. In those days most Jews in the United States worked on Shabbat, did not pray in general, did not know how to pray alone at home, and lived at great distances from the nearest synagogue. Thus, prayer at the synagogue on Shabbat was the only remnant of their Shabbat observance. This is not the case in Israel today, where almost no one works on Shabbat, where every Jew can open a siddur and pray if he so desires, and where there is a synagogue in every neighborhood. We therefore agree with the minority that it is forbidden to ride to the synagogue on Shabbat.

From a *halakhic* point of view, riding to the synagogue on Shabbat is forbidden for the following reasons:

1. Kindling a fire is a biblical prohibition (Exodus 35:3) and turning the key in the ignition creates sparks.

2. It is forbidden as a *shevut*, or rabbinic prohibition, lest the car break down and he [the driver] be forced to fix it, and then he may transgress both biblical and rabbinic prohibitions.

3. It is forbidden to go more than 2,000 cubits outside of your own city on Shabbat (*Eruvin* 49b). Therefore, in this specific case it is forbidden to travel from Petah Tikvah to Hod Hasharon or Ramat Aviv.

4. Any item that may not be used on Shabbat is considered “*muktzeh*” and may therefore not be touched or carried. When one drives a car, one normally touches a wallet, money, a credit card and other forms of “*muktzeh*.” In addition, one frequently buys gas, which is also forbidden on Shabbat. It is therefore forbidden to drive on Shabbat, because it will lead to carrying and touching *muktzeh*.

5. Another type of “*shevut*” is “*uvdin d'hol,*” or weekday activities. In other words, Shabbat should not look and feel like a weekday. There is nothing more weekday-like than driving a car. *Shevut* is also an activity that may lead to biblically forbidden labors. Driving may lead to biblical prohibitions, such as carrying outside of the *eruv*, commercial and agricultural transport, writing, building, fishing, and more. Thus even if driving were biblically permitted, it would be forbidden because of *shevut*.

6. Driving is also forbidden because of “*lo pelug*,” which means that the rabbis do not usually decree partial prohibitions. This is because they were familiar with human nature. If we allow driving to the synagogue, many people will think it is permissible to drive everywhere on Shabbat, and, indeed, that is what happened in the United States.

7. Rabbi Moshe Sofer forbade inter-city train travel on Shabbat because of physical and mental stress. There is no question that driving a car entails physical and mental stress, which are not in keeping with the spirit of Shabbat.

8. Public prayer is not a biblical requirement. It is either a rabbinic requirement or simply a recommended form of prayer and can therefore not push aside the biblical prohibition of starting a car on Shabbat.

Furthermore, many rabbis have ruled that public prayer on Shabbat does not even push aside a *shevut* or rabbinic prohibition, so even if driving is only a rabbinic prohibition, it would not be set aside for the sake of public prayer.

9. The Masorti movement wishes to create *kehillot* (communities), not just synagogues. It is impossible to create a community when every family lives a great distance from every other family, and in order to create a community that observes the Shabbat together, its members must live in close proximity to each other.

10. In light of the above, driving to the synagogue on Shabbat is a “mitzvah achieved through transgression, which is forbidden (*Berakhot* 47b, etc.).

There are, however, three possible solutions to the question that was asked:
1. Efforts should be renewed to found a Masorti synagogue in Petah Tikvah.

2. Just because a *mehitzah* [separate seating for men and women] is not necessary does not mean that it is forbidden. We should not be as intolerant as those who refuse to pray in our synagogues. It is better to walk to an Orthodox synagogue on Shabbat than to drive to a Masorti synagogue.

3. It is also possible to move near a Masorti synagogue. This may be an expensive or inconvenient solution, but Jews have traditionally made great sacrifices in order to observe *mitzvot*. If people move to another city for the sake of a good job or a good school, why shouldn't they move for the sake of living near the *kehillah* [community] of their choice?

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