



## Competing Values, Coalition Politics, and Identity Formation

### 1. "A Holiday Gift Wrapping Project and Shabbat" (1985)

**QUESTION:** For six years Congregation Beth El, in Traverse City, has cooperated in a fund-raising effort by operating a Christmas gift wrap service at the local shopping mall. This activity has provided funds both for the congregation and the local United Way campaign. Is it appropriate for the congregation to sponsor such an activity during *shabbat*? (C. Carnick, Traverse City, MI)

**ANSWER:** Reform Judaism has continually emphasized the general mood of *shabbat*. It is a day of rest, worship, study and family activity (S. Maslin, *Gates of the Season*, pp. 18 ff). In the matter of specific prohibitions, traditional Judaism has been guided by the thirty-nine major categories of work listed in the *Mishnah* (Shab. 7.2; 49b) and their later development in the Codes (*Yad, Tur, Shulhan Arukh* etc.) We, too, have emphasized the need to refrain from the normal routine of work.

It is clear from both the Biblical commandments and the subsequent development of Judaism that all kinds of business activities are prohibited, and it is the task of the congregation to encourage its members to live in the spirit of *shabbat* without involvement in any business activity. The fact that the activity helps to provide funds for the congregation and the United Way Campaign would make no difference. The holiday gift wrapping activity is carried out in a business setting with all the bustle and activity of the normal working week. It necessitates the involvement of individuals in a working routine, and so, in every way is a business activity. It should not be conducted by Jews, either on Friday night or on *shabbat*. After *shabbat* is over on Saturday night, there would be no objection to Jewish involvement.

### 2. Poverty Project and Shabbat (March 1986)

**QUESTION:** Members of the congregation are involved in a social action program which seeks to rebuild homes in various deprived areas of the city. Plans are made for this throughout the year; the building material is gathered; hundreds of volunteers both in the Christian and Jewish community are involved in the process. The actual rebuilding takes place twice a year each time on a *shabbat*. Should members of the Jewish community be involved in this activity which violates the spirit of *shabbat*, but on the other hand helps the poor? (Rabbi J. Zabarenko, Houston, TX)

**ANSWER:** The commitment of Judaism to help those who are poor has been very clear from Biblical times onward. The legislation of the *Torah*, and the constant exhortation of the prophets, have moved us in this direction. The statements about charity by the legal literature from the *Mishnah* onward have been very specific, and makes this one of the highest priorities of Judaism. *Tzedakah* in all forms has always been important to us. Maimonides' eight steps of charity have systematized our efforts. The last of his steps is akin to the project undertaken by your community, as it enables the poor to provide for themselves with dignity, and in this case, proper homes in which their families can live.

Reform Jews have placed special emphasis on social action programs, and the eighth point of the Pittsburgh Platform of 1885 stressed this:

"In full accordance with the spirit of Mosaic legislation which strives to regulate the relation between rich and poor, we deem it our duty to participate in the great task of modern times, to solve on the basis of justice and righteousness the problem presented by the contrasts and evils of the present organization of society" (*The Changing World of Reform Judaism: The Pittsburgh Platform in Retrospect*, W. Jacob, ed. p. 109).

The efforts of the Reform Movement in this regard are clear. The resolutions of the Union of American Hebrew Congregations and the Central Conference of American Rabbis, as well as the action of hundreds of congregations, have led us in this direction for more than a century. The Social Action Center, which was established in Washington, DC, some two decades ago, has provided additional national leadership.

We must, however, ask how we can balance this goal of Reform Judaism with the equally significant tasks of honoring the *shabbat* and observing the spirit of this day of rest.

The Reform Movement has considered the *shabbat* very important and has tried to strengthen it. When the immigrant generation found it difficult to attend *shabbat* morning services, Isaac M. Wise created the late Friday evening service. The effort by some early Reform leaders to emphasize a Sunday weekday service over the *shabbat* service was vigorously rejected as an infringement on the sanctity of *shabbat* (W. Jacob, *Pittsburgh Platform in Retrospect* pp. 115 ff). During last decades we have placed greater emphasis on *shabbat* observance. The C.C.A.R. has done so through resolutions and publications (W. Gunther Plaut, *Shabbat Manual*; Peter Knobel, *Gates of the Seasons*). Reform Judaism has emphasized rest, worship, study and family activity rather than the details of the thirty-nine major categories of prohibited work (*M. Shab. 7.2; Mishnah Torah; Shulhan Arukh*).

Although rebuilding a home for the poor is a religious activity, we can not consider it restful. Furthermore, we are not dealing with an emergency situation, but with a well planned activity for which preparations have been made over a long period of time. Some Reform Jews may not live up to the ideals of *shabbat* observance, but we must, nevertheless, encourage them and discourage activities which clearly lead in other directions.

We would, therefore, encourage the Jewish community to participate in other aspects of this charitable venture. They may plan, collect the necessary materials as well as fund the project, but they should not participate on *shabbat* itself.

As the project is carried out twice during the year, one of those occasions can be a day other than *shabbat*. If Sunday seems inappropriate, then one of the national holidays can be selected.

We should participate in the project but not on *shabbat*.

### **3. "Communal Work on Shabbat" (c. 1993)**

***She'elah*** Clearly, a Reform congregation would ordinarily encourage its members to help construct a needed facility for the poor in the community. But if this mitzvah were to be performed on Shabbat, would it be a violation of Torah law and therefore be wrong in the Reform view? Or could this activity on Shabbat be considered life saving (*piku'ach nefesh*) and reflect the true spirit of

Judaism and its concern for the underprivileged, and therefore be permissible? (Rabbi Leo E. Turitz, Laguna Hills, CA)

**Teshuvah** The very same question was submitted to Responsa Committee in 1986 and answered by R. Walter Jacob.<sup>1</sup> A copy of his *teshuvah* is enclosed. We see no reason why we would override this decision; on the contrary, it is as badly needed today as it was then. We would add a few additional observations.

1. We commend those who care for the underprivileged and are prepared to do something about it. Reform Judaism has emphasized this concern as a vital aspect of our religious obligations. At the same time, Shabbat observance remains for us a vital part of our Jewish existence, however much it has been neglected.<sup>2</sup>

2. We therefore have two *mitzvot* at odds with each other. Which shall be given preference? The answer is not hard to fathom: The construction can be done on any day, Shabbat cannot be moved. The old principle comes also into play, that generally we do not perform a true *mitzvah* if it is done by transgressing another command.<sup>3</sup>

3. The one exception is *piku'ach nefesh*. If saving of a human life is at stake, then Shabbat laws may be overlooked. Is that the case here? Surely not; there is no indication that immediate action on Shabbat is necessary, lest there be loss of life.

4. We suspect that the congregation's members did not contemplate doing the work on Sunday, because this might offend Christian sensibilities. But would no Jewish sensibilities be offended? The very *she'elah* reveals that, by some at least, the action was considered troublesome.

5. We are certain that those who are ready to participate think that they are doing the right and religious thing, and we suspect none of them observes Shabbat as a day of rest in the accepted way. But as partners in this activity they perform the labor not as private persons; they act under the auspices of the synagogue. Jews may eat pork privately and find it both delectable and religiously acceptable, but the synagogue will refuse to serve it to them.

6. If no other day can be arranged for the building, then let the members contribute in some other manner. By doing so they will increase Gentile respect for exhibiting faithfulness to their religious tradition.

7. There is an opportunity for the Rabbi to study these *teshuvot* with the members and to explore how the sanctity of Shabbat may be strengthened in their lives. This presents an excellent opportunity for *talmud torah* and its application.<sup>4</sup>

#### **4. "Fund Raising on Shabbat" (1990)**

**QUESTION:** Is it appropriate for a congregation to discuss matters of fund raising on *shabbat*? The officers of the congregation would like to meet before or after a *shabbat* service which they normally attend. (Charles Levine, Chicago IL)

**ANSWER:** The Biblical statement clearly prohibits work on *shabbat* as recorded in the Decalogue (Exodus 20.8 ff and reemphasized by the prophets (Isaiah 58.13). The *Talmud* subsequently

provided details and specifics which included the discussion of business matters on *shabbat* although no immediate commercial transactions may have been involved (Shab 150a). There were further discussions later about the permissibility of dealing with communal matters, and a general agreement that matters of charity as well as synagogue affairs might be discussed on the *Shabbat* (*Yad Hil Shabbat* 24.5; *Tur* and *Shulhan Arukh* Orah Hayim 306 and commentaries). The welfare of the congregation may certainly be discussed on *shabbat*, but how specific may the meeting become?

In answering these questions we must look at the circumstances which led to the permissive attitude. The only day of rest in most previous generations was *shabbat*. In many periods, therefore, this was the only day on which it was possible for individuals to gather together to discuss communal affairs. That is not our case, as virtually the entire society rests on both Saturday and Sunday and the vast majority in our society people restrict themselves to forty working hours per week. This means that there is ample time during the week for business discussions of all kinds. The necessity of holding such a meeting on *shabbat* either before or after service has been eliminated. It would be permissible to conduct such meetings during emergencies, but this should not become a regular habit of the congregational officers.

We have sought in every way to enhance *shabbat* and the spirit of rest. It will be difficult for individuals who are normally engaged in business to refrain on *shabbat* while at the same time engaging in the business affairs of the congregation. The line of demarcation may become gray. We should not do so.

## 5. “Presenting a Check for Tzedakah at Shabbat Services”(c. 1996)

**Sh’elah** Our congregation plans a special Shabbat service to honor the work of a charitable agency. As we have raised funds for that cause, we wonder whether it would be permissible to give a check to a representative of that agency during the service. (Rabbi Lawrence Englander, Mississauga, Ontario)

**T’shuvah** The observance of Shabbat is a complex and challenging issue for Reform Jews. On the one hand, we dispense in our practice with many of the traditional prohibitions associated with the day. Put differently, we tend to be more comfortable with *zakhor*, the various rituals which enable us to “remember” the Sabbath, than with *shamor*, the requirement that we refrain from a multitude of activities as the proper means to “observe” the Sabbath. On the other hand, it is inaccurate to say that we Reform Jews have no concept of Shabbat observance. The seventh day is for us, as it is for other Jews, *shabbat kodesh*, a sacred time, possessing a character which differentiates it from other days. An inescapable component of this sanctity is the recognition that certain activities ought not to be performed on Shabbat, for to indulge in them would violate the essence and spirit of the holy day as we perceive these to be. Our list of “forbidden activities” may differ from and be markedly smaller than that maintained by the traditional *halakhah*, but the spirit behind these prohibitions demonstrates that we regard the issue of Shabbat observance with the utmost seriousness.[1]

In the case before us, we are asked whether a congregational gift to *tz’dakah* is one of these “forbidden activities.” The she’elah demands that we balance a traditional observance, that which prohibits the making of gifts on Shabbat, against an action which reflects a community’s commitment to social justice, one of the highest values in Reform Jewish thought. Is the making of this donation compatible with our conception of Shabbat observance? The answer to this question requires that we consider the nature of the halakhic prohibition, the extent to which it continues to

speak to us as Reform Jews, and the possibility that a gift to *tz'dakah* counts for us as an exception to the rules laid down by Jewish law and tradition.

1. *Commercial Activity (Sale and Gift) on Shabbat.* Although buying and selling (*mekach umimkar*) are not numbered among the thirty-nine categories of work (*m'lakhah*) prohibited on Shabbat,[2] commercial activity is nonetheless forbidden on that day....

2. *Shabbat Observance and Reform Judaism.* Does this prohibition apply to our case, in the context of a contemporary Reform congregation? A good argument can be made that it does not. It is well known, after all, that Reform Judaism does not strictly observe the traditional prohibitions connected with the Sabbath. While we accept the traditional conception of Shabbat as a day on which we “rest” and do no manner of “work,” we do not believe that the structure of *m'lakhah* and *sh'vut* framed by the ancient rabbis represents the final word on Jewish practice. We exercise the freedom to do continue their work for our own time, to “develop definitions of work and rest that resonate with the needs of contemporary Jews.”[18] We may set aside the traditional prohibitions when we find them irrelevant to our conception of Shabbat or when we believe that the sanctity of the day will be nurtured and encouraged thereby.

If so, why should a Reform Jew or congregation be prevented from making a charitable donation on Shabbat? We have already seen that the halakhic tradition permits gifts on Shabbat when these enhance the day's holiness or when they enable us to perform a *mitzvah*. In the case before us, the gift is to be made to *tz'dakah*, surely one of the most exalted of the mitzvot. *Tz'dakah*, moreover, plays a vital and central role in the practice of Reform Judaism, which has distinguished itself by its dedication to the cause of social justice. A gift to *tz'dakah* in the context of a worship service would serve to strengthen in our congregants the sense of holiness and the commitment to Jewish life. Thus, while *halakhah* prohibits the transfer of money on Shabbat, this prohibition should perhaps be waived when the recipient of the money is a person or organization that will use it for the sake of *tikkun olam*.

Yet this argument fails to register the other side of our attitude toward religious observance. Though we are free to depart from traditional practices, we are not free to ignore them altogether. The tradition serves us as an indispensable starting point, the standard by which we measure our perception of “the needs of contemporary Jews” against the collective religious experience of the Jewish people throughout its history. It is our goal “to balance our creativity in practice with the desire to conserve and adapt what speaks to us from the past.”[19] This conception implies that we are not neutral and dispassionate in our attitude toward traditional standards of practice. Rather, we seek actively and affirmatively to “conserve” and to “adapt” those traditions whenever possible. In practical terms, traditional observances ought to enjoy a considerable presumptive weight in our thinking. As liberal Jews who seek affirm our connection to our people in all lands and all ages, we should maintain the traditional practice in the absence of a compelling reason to abandon or alter it.[20]

The Responsa Committee has long followed this approach with respect to questions on the observance of Shabbat. We have stressed time and again that Shabbat is a *mitzvah* in its own right, one which makes its own legitimate demands upon us, demands which often take precedence over other worthy causes.[21] We maintain the prohibition against performing weddings and funerals on the Sabbath, even though both of these ceremonies enjoy the status of *mitzvah* in the Jewish tradition.[22] We strongly discourage the scheduling of congregational meetings and synagogue fundraising projects on that day, even though it is a *mitzvah* to support the community.[23] In each

of these cases, we have found that the traditional practice expresses a sense of the sanctity of Shabbat that maintains its attraction to Reform Jews. We have therefore favored that practice over an alternative, more “innovative” standard.

We have also urged that social action and *tz’dakah* projects involving traditionally-prohibited labor not be held on Shabbat. *Tz’dakah* is indeed a *mitzvah*, but then, so is the observance of Shabbat; and generally, “we do not perform a true *mitzvah* if it is done by transgressing another command.”[24] In light of our movement’s increasing efforts during recent decades to strengthen Shabbat observance among our people,[25] we must acknowledge that while a social action project may be scheduled on a weekday, “the seventh day is the Sabbath; it belongs to Adonai your God” (Ex. 20:10; Deut. 5:14). Shabbat is not simply a day on which we do good deeds. It is *shabbat kodesh*, a holy day, a refuge from many of the activities associated with the weekday world of building and planting, sowing and reaping, getting and spending. We do not trespass upon Shabbat, even for the sake of mitzvot, unless those mitzvot must be performed on that very day.

*Conclusion.* In the case before us, we would ask a simple question: must the donation be made to the charitable organization on Shabbat? Clearly, the answer is “no.” This is not an emergency situation; there is no consideration of *pikuach nefesh* (the saving of a life) that demands an immediate response. We see no reason why the gift cannot be made, and do just as much good, on Friday or Sunday. It is true that a gift to *tz’dakah* does not count as a “commercial activity” and is therefore less offensive to our religious sensibilities than an ordinary business transaction. Still, we doubt that any good purpose is served by abandoning the traditional prohibition against the transfer of money on the Sabbath. Indeed, the opposite is the case. By not making the gift at the service, by pointedly calling attention to the fact that we do not transfer money on this day, we remind our community that Shabbat is a holy day, a day set aside for the pursuit of its own very special purposes.

The congregation may by all means devote the theme of its Shabbat services to *tz’dakah* or to the work of the organization in question. And a representative of the congregation may certainly announce that a gift has been made (or will be made at the conclusion of the Sabbath) to the agency. In this way, the community can achieve its goal of instilling and reinforcing the value of *tz’dakah* in its members. And by not making the actual donation at the service, it can demonstrate its commitment to another, no less important value: that Shabbat, no less than *tz’dakah*, is a *mitzvah* in its own right.