


HALOCHOSCOPE



This week's question:

May one benefit from *chilul Shabbos* in another time zone? For example, on Friday afternoon, one might access a source of information posted by those further east after *Shabbos* began at their location. [All in 'real time'.] The same could apply after *Shabbos* for one who is located east of the person posting the information. In a related issue, may one post such information to be viewed by others for whom it is already *Shabbos*?

The issues:

- A) The *halachic* definition of posting such information
- B) *Avsha milsa*, giving the impression of a *melacha* being done
- C) *Lifnei ivair*, helping a sinner; *tochacha*, rebuking a sinner
- D) *Chilul Hashem*, desecrating the Name of G-d, when a sin is violated in public
- E) *Maase Shabbos*, benefit from forbidden *Shabbos* activity

A) Posting information

There is no time zone in cyberspace. The information is traveling through lines in the real world, and could easily cross many time zones. Nowadays, the easiest route is taken. Since the 'web' is nothing more than a huge grid, whichever connections are available are used. Furthermore, the issues really relate to the people. These actors are in their own time zones. They need not be concerned with the consequences of their activity in other time zones, *per se*. The real issue is in the interaction with the other actor. One person is *shomer Shabbos*, by refraining from doing anything on *Shabbos*. He happens to be doing things on *Erev Shabbos* or on *Motzai Shabbos*, that have consequences elsewhere. The other person is anyhow *mechalel Shabbos* in his location. However, the *shomer Shabbos* must refrain from being somehow complicit in the *chilul Shabbos* of the violator. Thus, the issue is whether there is any communication here.

The use of a computer to communicate with is really like using an extension of the telephone. The website is basically an interactive, visually aided, answering machine. Thus, the question of accessing the information is the same as calling in to listen to a recorded message. When using tools to 'chat' or 'IM' it is even more closely related to the use of a telephone line. In addition, though delayed, the interaction causes the *melachos* of the other party. It is somewhat worse than a phone, because the user is doing more *melachos* when using a more complex electronic appliance.

On a phone, the activities are picking up the phone, dialing, talking, and hanging up. Each of these involves the basic use of electricity. The messages are converted back and forth, using various electronic forms, including lasers, sound waves and electromagnetic waves, thousands of times over. This can involve *melachos* of *hav'arah* and *kibuy*, kindling and extinguishing, and according to some, *tikun kli*, adjusting or repairing a utensil, or even a type of *boneh*, building. Scripturally, *hav'arah* only applies to real fire. Incan-

descent light is considered a *gacheles shel mateches*, metal coal. Fluorescent light does not count as fire. Laser pulses could come from a solid state core (coal!) or as a gas. Without actual knowledge of all the connections on the network and their particular apparatus, the possibility of Scriptural *melacha* arises when using a telephone.

While the actual computer being used by the end user might seem innocuous in terms of real *melacha*, there could be components in it that fit the criteria for *hav'arah* or *kibuy*. While switching on the connection might not be considered *hav'arah*, running the machine might be. Hanging up a handset might not be true *kibuy*. To violate the Scriptural *melacha* one must create a coal. According to the prevailing *Ashkenazic* practice, Scriptural *kibuy* must be done in order to create the coal. Nonetheless, any *kibuy* is forbidden, at least Rabbinically. In addition, the first one hanging up a handset often kindles a light at the exchange, which is extinguished when the other party hangs up.

Those who maintain that regular usage of electricity does not involve any other Scriptural *melachos*, forbid its use Rabbinically. It is considered a Rabbinical form of the same *melachos*. In addition, the user directly causes more *melachos* by causing the lights and waves to be produced elsewhere in the network. The usage of electricity also burns the original fuel that generates it. However, this is not conclusively attributable to the user. First, not all power sources require the burning of fuel. For example, hydro or nuclear power can often run without burning fuel for some of the time. Furthermore, the power is actually sent over the cables anyhow, from the generator to the ground. The user taps into the supply and diverts it to his appliance. While the generator will try to increase its output based on the amount of use, the user is not responsible for that act of burning the fuel.

The information being posted is often monitored. In our case, this could involve more *chilul Shabbos*. The user is contributing to this situation. [See references to *Halachoscope* I:4 III:10 etc. *Encyclopedia Tamudit Hachashmal*.]

B) *Avsha milsa*

A number of restrictions apply based on appearances. The most common is known as *maris ayin*. Another is *hashma'as kol*, literally, making a sound. One type of this Rabbinical restriction applies to using items made for sound-production. It is forbidden as a precaution against repairing an instrument. The other type restricts producing the sound of a *melacha* taking place. This is often associated with intrusive, non-*Shabbos* sounds made by utensils that perform a *melacha*. As such, they might give the impression of *melacha* taking place. However, even if such an impression is not automatic, such as on a utensil that is usually set to do its work by itself, like a water powered mill, the issue still arises. [Milling is a *melacha*.] Those hearing it might know that no human performed the *melacha* on *Shabbos*, but the noise and the knowledge that it was set before *Shabbos* to operate on *Shabbos* is considered disturbing and not in the spirit of *Shabbos*. To help explain this concept, the Talmud explains it using an additional term: *avasha milsa*, 'it is public scene'. They also use the term *zilusa deshabbos*, belittling the sanctity of *Shabbos*.

In our case, the nature of any network is that lines can be used from anywhere in it. If so, the Jewish owned lines are being put to work on *Shabbos*. The Talmud debates whether ones utensils may be used for *melacha* on *Shabbos*. The conclusions are themselves subject to debate by the poskim. However, it seems that if the item makes a noise, or otherwise makes a public show of *melacha* activity, it is forbidden. Some view this as

a case of *shvisas kailim*, the requirement for utensils to be idle from *melacha*, applied in this specific case. Others view it as a case of *avsha milsa*.

In our situation, none of the activity in question is done on *Shabbos*. The *chilul Shabbos* is taking place at a different venue. The onlooker need not even know about the *chilul Shabbos*. He does not know the source of the information. However, the user is aware of this. Some cases of *maris ayin* refer not to *chashad*, arousing suspicion, or *she-ma yilmedu*, precaution against confusing it with a forbidden activity and thereby permitting it. Rather, the actor himself may not do something that has the appearance – to him – of the forbidden activity. In similar vein, the user in our case is aware of the source of the material. While one can always turn off the sound, the concept of *avsha milsa* being something over and above *maris ayin* arises here. It is not local *avsha milsa*, but it is like seeing the non-*Shabbos* activity from a distance, knowing that where it is taking place it is *Shabbos*. The user does nothing wrong himself. However, by accessing this information he allows himself to view the *chilul Shabbos*. [See *Shabbos* 18a *Eruvin* 104a, *Poskim*. *Tur Sh Ar OC* 252 338, commentaries. *Halochoscope* I:36-7 III:10 XII:22.]

C) *Lifnei ivair*; *Tochacha*

One may not place a stumbling block before the blind. One way this Scriptural *mitzvah* applies is when one aids and abets a sinner. To qualify as a Scriptural violation, one must actually facilitate the sin. Thus, if the sinner is unable to reach the forbidden item, one may not pass it to him. If he can reach it himself, passing it to him violates a Rabbinic extension of the *mitzvah*. In our case, if the user interacts with the *mechalel Shabbos*, causing him to violate more *melachos*, he causes direct sin. If he just uses the information, he does not really help the sinner, who has already performed his forbidden act. However, by using the information so soon after it is posted, he shows the violator that his decision to post it on *Shabbos* paid off. This encourages him to continue doing it. While this does not fall into the category of *lifnei ivair*, it violates a related *mitzvah*, *lo sachanifu*. This means that one may not show support to a sinner for his forbidden act.

In addition, one is held liable for neglecting the opportunity to rebuke the person who did something wrong. In some cases, where the information is posted to a public site, one could reason that most of this should not apply. It is a stretch to assume that one user's protests would make an impression. [Though if enough people did protest, it would help.] This sometimes relieves the onlooker from the obligation to rebuke. Nonetheless, by using it, one silently condones the action. The proof for this is that many sites support themselves with advertisements. They are able to sell ads by showing how many people view them and when they are viewed. The record of one's use, made as it is on *Shabbos* at the location of the source, raises some issues of its own. But the greater problem is that the user becomes complicit in the violation of the poster. [See *Baba Metzia* 75b *Avoda Zara* 6a-b etc. *Sifri Masei* 30, commentaries, *Poskim*. *Sh Ar OC* 608:2, commentaries. *Chofetz Chaim*, *Psicha Lavin* 4 16, *Asei* 5.]

D) *Chilul Hashem*

Some aspects of non-*Shabbos* activity raise the issues of *chilul Hashem*. For example, strictly speaking, one may make a partnership with a gentile to do business on *Shabbos*. It is structured in a way that the Jewish partner has no share in any activity or profits of *Shabbos*, nor does he exchange it for a weekday. However, if there is a strip of Jewish

owned stores, all practicing this, the entire main street will remain open for business on *Shabbos*. This causes *chilul Hashem*, desecration of the Divine Name. This Scriptural *mitzvah* forbids violating a law in the presence of ten Jews. It also forbids activity that is not becoming of a religious person, at different levels, depending on his station, both religious and societal. In addition, the issue arises when non-Jews see Jews giving the appearance of violating their own Torah. The reasoning is that while the letter of the law is observed, it clearly 'does not look right'. It also applies when people freely evade *mitzvos*, based on a loophole. It is invoked by contemporary poskim in forbidding the use of electricity generated by a Jew on *Shabbos*.

In our case, the concept of *chilul Hashem* seems to apply when it is known that *mechalelei Shabbos* can operate with no reaction from *shomrei Shabbos*, and indeed the *shomrei Shabbos* even benefit from their activities. [See *HalochoScope* XII:10, refs.]

E) Maase Shabbos

One may not benefit from *melachos* done on *Shabbos*. This applies primarily to those who did the *melacha* or those for whom it was done. Others may benefit although often in a reduced manner. The Talmud debates whether this is a Scriptural or a Rabbinical issue, and on differences between an intentional and unintentional violator. We follow the view that it is Rabbinical, as a penalty. If one is not the violator or his intended beneficiary, he may benefit from an intentional *melacha* right after *Shabbos* is over, and according to some, right away. Regarding the violator or his intended beneficiary, some poskim permit their benefit after *Shabbos*, while others forbid it.

What about benefiting from the activity after *Shabbos* in one's own locale, but while it is still *Shabbos* in the locale of the violator? It seems that the basis of the penalty or deterrent includes waiting until *Shabbos* is over for the violator.

Viewing information is benefit. One might also act on it. Information might be posted for public dissemination. In that case, all viewers must be considered the intended beneficiaries. [See *Chulin* 14a-15b etc. Poskim. *Tur Sh Ar OC* 318:1, commentaries.]

In conclusion, though the *melacha* was already done, there are many reasons not to view the site for information. Posting it to be viewed on *Shabbos* is worse.

On the parsha ... Hashem said to Avram .. raise your eyes and see 'from the place where you are there' north and south and east and west. For all of the land that you see, I will give to you .. [13:14-15] How would Avram see the entire land that he will be given, from the spot that he is on? Why did he need to see it? Why from that spot specifically? [see *Haamek Davar*] It seems Hashem was telling Avram that though he was a lone shepherd now, limited to his spot, he would expand and grow to a large nation and populate the entire land. 'Raise your eyes and see' is a reference to using one's mind to picture the land past his range of vision. He would base it on what he could see, and on what he knew about what was out of sight. It also refers to seeing past the present. Do not limit yourself to what is visible right here and now! How much more so when one actually does know what is being done in a distant place, due to technology!

**Sponsored by Joshua Sindler dedicated to the memory of his grandmother, Rose Sindler a”h,
on her *yahrzeit*, which falls on the 12th of Cheshvan. ׀**

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