

“To Stream or not to Stream that is the question”

A year ago, today we gathered in holy convocation in our main sanctuary. We welcomed the new year together in a way that seems unreal today – many hundreds of us gathered together in one crowded room, with no face masks. As we reflected on the themes of the awesome Day of Judgment, as we recited Unataneh Tokef and reflected on the three books, the Book of Life, the Book of Death, and the intermediate book, we had no idea that a year later over 800,000 people around the world would have died from a virus that had not at the time yet infected a single human.

Over the past year our lives have been upended in ways we could not have imagined a year ago. Over 125,000 Canadians have contracted COVID-19. Over 9,000 Canadians have died, and many of those who have been infected may have lifelong medical consequences.

We now wear face masks and keep our distance from others. Our economy is in the worst recession since the Great Depression in the 1930s. Millions of Canadians are unemployed.

Parents have struggled with distance learning. Yes, we're fortunate to have technology that didn't exist in the last global pandemic 100 years ago. But it comes with many challenges. There's a video posted by an Israeli woman that really captures how many people feel; she says, in a very upset voice,

“Listen, it's not working, this distance learning. Seriously, it's impossible! Straight off in the morning, it's only the 2nd day, millions of WhatsApp messages, I have 4 kids, may they be healthy, just imagine, how many WhatsApp's, how many teachers for each child, how many subjects per child, I've only got two computers in the house, all morning they're fighting over the computers. One of my daughter's teachers is living in a dream world,

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thinks she'll get up at 8am to see him on screen, at 8am she only manages to rollover in bed. Where do you get off?!”

Her closing comment is, “If corona doesn't kill us, distance learning will!”

And in order to save lives, our synagogue building was closed. We could no longer gather together in prayer, at least not physically.

We are responding to this crisis with halachic boldness. Most of you are at home, watching our service over a video feed. Within a matter of a few short months, working with the religious services committee and the Board, we have adapted to our new circumstances in a way that allows us to remain connected as a community while at the same time keeping everyone safe and affirming our commitment to halacha.

A year ago, it would have been unthinkable that we would make such a dramatic change in our religious practice so quickly. And it's not just us: many traditional synagogues are doing the same thing. It may seem to be unprecedentedly fast. The truth is, responding to a crisis with halachic boldness is not something new; it is, in fact, the way Jews have always responded to crises. It is understood in the halachic system that a *sha'ah dachak*, an urgent time, calls for urgent measures.

The greatest revolution in halacha, of course, happened in the wake of the destruction of the Temple in the year 70. Prior to the destruction of the Temple, Judaism was a very Temple-centered religion; it was very focused on the physical Temple and the rituals of animal sacrifice. If someone wanted to express gratitude to God, they brought a sacrifice to the Temple. If someone sinned, and wanted to atone for the sin, they brought a sacrifice to the Temple. There was no Passover

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seder; sheep were sacrificed, and the Passover offering was eaten with matzah and maror, but they did not have the same structured seder that we have today.

There was a group in those days that were opposed to radical changes in the law. That group was the Sadducees – including many of the priests and Levites who served in the Temple. They couldn't accept such a radical change. And they ceased to exist as a separate group, either to leave Judaism, or to be absorbed into the fold of Pharisees and other early rabbis.

After the destruction of the Temple, the sages at Yavneh moved with amazing halachic boldness. They ruled that if we couldn't bring sacrifices, we would offer our prayers instead. And not only that, they insisted that this change was consistent with God's will, as reflected in a famous story in Avot d'Rabbi Natan:

R. Yohanan and R. Yehoshua were out walking near Jerusalem, and R. Yehoshua saw the Temple Mount, and said, “Woe to us, for the place where we atoned for all of Israel's sins has been destroyed.” R. Yohanan replied, “Don't be distressed, my son, for we have another way to atone, that's just like it. And what is it? *Gemilut chasidim*, acts of loving kindness, as it is written, *ki chesed chafatzti v'lo zevach*, it is kindness I desire, not sacrifices.

God doesn't want us sacrificing ourselves, endangering ourselves, to come together physically. God wants to see our acts of kindness toward each other in this challenging time.

The post-destruction rabbis also borrowed a “technology” from the nations around them: They took the Greek symposium, a structured philosophical meal, and borrowed the framework to provide a mechanism to take the place of the rituals we could no longer perform on Passover. They took something secular – the symposium – and transformed it into something sacred, the Passover Seder.

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Similarly, we have taken something secular – video streaming technology – and turned it into something sacred, a way for us to connect our community and enable us to join together in communal prayer during a pandemic.

Over a thousand years after the destruction of the Temple, around the 13th century, we have another example of halachic boldness. In Kiddushin (41a), the Talmud very clearly states the halacha is that a man can betroth his daughter who is a young woman to someone; however, he is NOT allowed to betroth his daughter to someone while she is still a minor, since a minor isn't capable of giving consent. Yet by the time of the days of the Ba'alei haTosafot, economic conditions for Jews had become very precarious. So they responded to the changing circumstances by permitting fathers to betroth minor daughters. They said,

Because every day that we are living in exile we are oppressed, and if someone has enough money in his hand now to provide his daughter a dowry, we permit him to betroth his daughter, lest after some time he won't have the means for a dowry, and his daughter will remain eternally unwed.

Another dramatic halachic response happened in Israel in the late 1800s. For well over 1,000 years, the remnant of Jews living in the Holy Land did not engage in agriculture. They mostly lived off of charitable contributions from Jews in other countries. That all changed with the aliyah of members of the Chovevei Tzion movement and the establishment of agricultural moshavim starting in 1881. When the first *shmitta* year came around in 1889, there was great concern that the budding moshavim would not be able to survive a year without income, and the residents very well might starve or have to abandon the communities. Several important rabbis associated with the movement, including Rabbi Shmuel Mohilever, together with his European rabbi colleagues, Rabbi Yehoshua of Kutna, and Rabbi Klapfish, the Av Beit Din of Warsaw, gave their permission for the *heter*

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mechira, ritually selling the land to a non-Jew for the *shmitta* year, similar to the way we sell our chametz to a non-Jew during Passover, with the difference that in the agricultural version the farmers are allowed to make an arrangement to go ahead and work the fields and benefit from the produce. Some of the Sefardi rabbis in Israel agreed with the approach and arranged the sale. It was a controversial action – some rabbis were opposed to the idea, but the community went ahead and did it and saved themselves. When Rabbi Kook became the chief rabbi of Palestine in the early 1900s, he continued the practice, and it continues in Israel today.

The greatest tragedy to strike the Jewish people in modern times, the Shoah, also brought about some bold halachic rulings. One of the rabbis who survived the Shoah, Rabbi Ephraim Oshry, compiled his halachic rulings from the camps into a book, *Shaalot U'Teshuvot Mimaamakim*, Halachic Responsa from the Depths. Some of the questions he had to answer are heartbreaking: Can you perform *tahara*, the ritual cleansing of a body, immediately after the death and not just before the funeral in case you won't be able to do it later? Can you bring tefillin into a place where all ritual objects are burned? Can you commit suicide so that you won't have to watch your loved ones die, and so you can be buried amongst Jews? (The answer to that one was no). Halachic boldness showed up in a couple of places. One was the question of allowing people to remarry after the horrors of the Shoah when they had no idea if their spouse was still alive or not. It's considered a grave sin for a married woman to remarry without a get or proof that her husband was dead. But after the Shoah, it was often impossible to find even a single witness who could testify that someone had died.

But to tell someone who had managed to survive the horrors of the death camps, and whose spouse was almost certainly dead, that they couldn't remarry and must

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live alone for the rest of their days would be a horrible outcome. And especially in the case of younger women, who could have children and raise families that were desperately needed in the Jewish world. Rabbis ruled boldly: they allowed people to remarry as long as based on testimony of typical practices at the camp the spouse was taken to it is likely they were dead. They also added conditions, such as if the first spouse turns out to be alive, the second marriage would be considered null and void.

Another radical change after the Shoah was on the question of how many people do you need to make a minyan. There’s a saying, “nine rabbis can’t make a minyan, but ten cobblers can.” Yet after the Shoah there were Jewish communities that were so decimated by the Nazis they didn’t have a minyan’s worth of Jews left. Yet they desperately needed to say Kaddish. To meet this desperate need in some communities, such as Dubrovnik, they would count 6 or 7 as a minyan.

In some cases, such as the changes brought about in the wake of the destruction of the Temple, the halachic innovations were permanent. In other cases, such as the responsa from the Shoah, the changes were temporary because of the unusual times.

Regarding the changes we’ve seen as a result of the coronavirus, some will probably prove to be temporary, and others will be lasting. It’s likely that we’ll continue to have a video feed of our services after this crisis passes – for one thing, it’s not as bold a halachic move as it might seem. It’s more a case where circumstances have pushed us to change our custom, and to follow a more lenient halachic ruling which has already been present for some time.

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Back in the 1920s, Rabbi Yudel Rosenberg, the Chief Rabbi of the United Hebrew Orthodox Congregations of Montreal wrote a famous paper called Maor HaChasmal on the subject of using electric lights on Yom Tov. In his paper he said that “the masses are lenient about using electric lights on Yom Tov. Some rabbis forbid the practice, some approve of the practice, but none of the rabbis provide sources for their reasoning.”

He wrote Maor HaChashmal to provide the sources. His conclusion was that it’s permissible to flip light switches on Yom Tov. Since you can cook with an electric stove using electricity would in theory be permitted. The main halachic question is whether you’re creating a new flame when you flip the switch, which is prohibited on Yom Tov. That’s why we can transfer fire from one candle to another on Yom Tov, or from a candle to light a gas stove, but we can’t strike a match. The argument R. Rosenberg used (and others, including R. Yechiel Michel Epstein, a major scholar and author of Oruch HaChulchan) is that the electricity is already present in the wall, so it’s not creating something new.

However, in the way we are doing things, we don’t have to rely R. Rosenberg’s *psak*. We’re not turning anything on during holidays. The system will run automatically without human interference, similarly to the way lights can be turned on and off on Shabbat using a timer.

With the way we are doing things there are other questions to consider. Is it similar to a weekday activity that we should avoid? Should we prohibit it lest someone come to fix it if there’s a problem with the connection?

A group of 15 respected Orthodox Sephardi rabbis in Israel wrote a letter before Pesach saying that a Zoom seder would be permissible as long as it was set up

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ahead of time. In their letter, they pointed out that the sages would allow weekday activities on Yom Tov if it was for the sake of a mitzvah. Allowing families to safely be together for a seder – and similarly, allowing our community to pray together – is certainly for the sake of a mitzvah.

Times such as these show why we need rabbis. When Rambam wrote the Mishneh Torah, still one of the most widely used law codes 800 years after it was written, many rabbis were opposed to it. They said people would just turn to a book, not to their rabbis, and particular situations may call for different responses under halacha. Halacha is not something that can always just be looked up in a book. The same chicken can be kosher for one person, and treif for someone else. How’s that you may wonder? There are certain issues in kashrut that raise doubt about the status of whether a particular chicken is kosher. In such an instance, if the person who owned the chicken was rich enough to just go out and buy another chicken, the rabbi would rule the chicken is treif. If it was a poor person who would not have a chicken to eat that Shabbos if it was ruled treif, he would declare the chicken kosher. Context matters to halacha.

The actions we have taken to enable our community to pray together this year do not indicate that we are any less committed to halacha, God forbid. The actions we have taken are very much in keeping with the way rabbis have always responded to urgent times – with halachic boldness, and with compassion.

God willing, we’ll all be together in person next year. L’shana ha’ba’ah birushalayim! L’shana ha’ba’ah b’yachad! Next year in Jerusalem! Next year, together, in person!