

**Electric Cars on Shabbat: A Renewed Responsum on the Sabbath**

**Rabbis David J Fine and Barry J Leff**

*Approved on June 19, 2023, by a vote of 10 to six with five abstentions (10-6-5). Voting in favor: Rabbis Adam Baldachin, Emily Barton, Suzanne Brody, Elliot Dorff, David J. Fine, Judith Hauptman, Barry Leff, Daniel S. Nevins, Tracee Rosen, Ellen S. Wolintz-Fields. Voting against: Rabbis Joshua Heller, Amy Levin, Micah Peltz, Joel Pitkowsky, Avram Israel Reisner, Miriam T. Spitzer. Abstaining: Rabbis Jaymee Alpert, Pamela Barmash, Robert Scheinberg, Mordecai Schwartz, Ariel Stofenmacher.*

Question: Is it permissible to drive an electric car on Shabbat?

In 1950, the Committee on Jewish Law and Standards issued its famous decision by Rabbis Morris Adler, Jacob Agus and Theodore Friedman permitting the use of an automobile to attend synagogue on Shabbat. In the words of the decision:

Refraining from the use of a motor vehicle is an important aid in the maintenance of the Sabbath spirit of repose. Such restraint aids, moreover, in keeping the members of the family together on the Sabbath. However, where a family resides beyond reasonable walking distance from the synagogue, the use of a motor vehicle for the purpose of synagogue attendance shall in no wise be construed as a violation of the Sabbath but, on the contrary, such attendance shall be deemed an expression of loyalty to our faith.<sup>1</sup>

While there are various halakhic concerns with driving an automobile on Shabbat, the Adler-Agus-Friedman responsum focuses on the two major issues of the use of electricity and the ignition of an internal combustion engine. Of the two, the use of the internal combustion engine is the more

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*The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.*

<sup>1</sup> Morris Adler, Jacob Agus and Theodore Friedman, "A Responsum on the Sabbath" CJLS OH 305.18.1950a. Printed in Mordecai Waxman, ed., *Tradition and Change: The Development of Conservative Judaism* (New York: Rabbinical Assembly and United Synagogue of Conservative Judaism, 1958), p. 361. The full paper appears on pp. 351-374 as the "majority opinion" followed by three "minority" papers by Robert Gordis (pp. 375-391), Ben Zion Bokser (pp. 302-400) and Arthur H. Neulander (pp. 401-407), with Rabbi Gordis taking a slightly stricter view, Rabbi Bokser taking a clear stricter view, and Rabbi Neulander taking a more lenient view on the specific question of electricity. For a revisionist position on the paper taking a restrictive conclusion, see David Golinkin, "Riding to the Synagogue on Shabbat" *Responsa of the Va'ad Halakhah of the Rabbinical Assembly of Israel* 4 (1992): 17-23 (Hebrew), ix-xi (English summary). In 2004 *Conservative Judaism* published an article restating Rabbi Golinkin's arguments in opposition to the 1950 responsum, with responses by David J Fine, Monique Susskind Goldberg, Kassel Abelson and Ismar Schorsch (with Rabbis Fine and Abelson supporting the 1950 teshuvah and Rabbis Goldberg and Schorsch supporting the revisionist approach). See *Conservative Judaism* 56 (spring 2004): 21-50.

problematic, both from the perspective of the authors of the paper and through the history of its reception.

Since an electric car does not use an internal combustion engine, it follows that its use, especially to drive to synagogue on Shabbat, should flow as a *kal-vahomer* (a fortiori, or “all the more so”) argument from the 1950 permission. We will examine here how the use of an electric vehicle on Shabbat might stand on its own even if one does not accept the argument of the 1950 responsum on the internal combustion engine (and *kal-vahomer* if one does). We will consider related halakhic questions such as *tehum Shabbat* (Shabbat boundaries), carrying, and the general question of *shevut* (Shabbat rest).

## The Use of Electricity

The use of electricity on Shabbat is essentially a modern question that could only have been asked since the discovery and manipulation of electricity. There are, therefore, no precedents from the pre-modern sages that speak directly to the question. In their discussion of electricity on Shabbat, Rabbis Adler, Agus and Friedman note that there is a difference of opinion as to whether the use of electricity is forbidden from the Torah as a form of fire or forbidden by the Rabbis as a secondary Shabbat prohibition, a *shevut*. They also note that there is a difference of opinion on the theoretical question of whether a *shevut* prohibition can be set aside for the sake of a *mitzvah*. They rule that the use of electricity on Shabbat should be considered forbidden as a *shevut* and not a violation of a Toraitic prohibition, and they further rule that this *shevut*, as any *shevut*, can be set aside for the sake of the *mitzvah* of the observance and enjoyment of Shabbat.

Their practical ruling (*psak din*) was that “we declared it to be permitted to use electric lights on the Sabbath for the purpose of enhancing the enjoyment of the Sabbath, or reducing personal discomfort or of helping in the performance of a *mitzvah*.”<sup>2</sup> It was necessary for them to rule on the *easier* question on the use of electricity for the sake of a *mitzvah* before they could consider the use of an automobile which involves the use of electricity but also the *more difficult* question on the use of the internal combustion engine. They state that all authorities forbid the use of electricity for purposes that would be forbidden on the Shabbat as a *melakhah* (a forbidden labor) if performed by other means, such as boiling water or cooking. That is, cooking with gas or directly on a fire involves the use of flames which is clearly forbidden. The use of an electric oven or stove or microwave would still be forbidden because the result, cooking, is forbidden.

But when the result is permitted, such as reducing personal discomfort, laudable, such as the enjoyment of Shabbat (*oneg Shabbat*), or required, such as the performance of a *mitzvah*, then one could permit the use of electricity for such results. While they do not necessarily permit all uses of electricity on Shabbat even for items that would not be clear violations of Shabbat (talking on the phone, watching television), they do permit the use of electric lights, both in the home and in a vehicle to get to synagogue.

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<sup>2</sup> Adler, Agus and Friedman, “A Responsum on the Sabbath,” in Waxman, *Tradition and Change*, p. 368. See pp. 366-368, 373-374, for the discussion of electricity on Shabbat.

In another approved opinion from the 1950 deliberations, Rabbi Arthur Neulander, who a few years later became chair of the CJLS, argued that the use of electricity on Shabbat be considered permitted for “such uses as do not involve work prohibited on the Sabbath.”<sup>3</sup> He extended the permission to, for example, the use of the telephone for appropriate uses (family connections, friendships, or to call to cheer up someone who is ill) but not for business or shopping. He permitted watching television but only for programs appropriate to the holiness of Shabbat. Rabbi Neulander, therefore, argued for a more lenient standard for what we call “the spirit of Shabbat.”

While Rabbi Isaac Klein argued in his *A Guide to Jewish Religious Practice* that “in common parlance we certainly associate electricity with fire,” Rabbis Michael Katz and Gershon Schwartz in *The Observant Life* acknowledged that “electricity, of course, is not fire. However, some authorities hold that electricity has enough of the qualities of fire to warrant its prohibition anyway. More liberal authorities assert that electricity is not enough like fire to warrant that kind of sanction.” In their view, “fire and electricity are similar enough to make the discussion reasonable, but not identical enough to warrant the actual prohibition of the latter based on the law as it relates to the former.”<sup>4</sup> Some see electricity in a circuit as more analogous to water in a pipe than to fire – it only flows when the tap or circuit is open.

We can see why the question of the use of electricity on Shabbat (where there is the mere suggestion of fire) is substantively “easier” than the question of the use of an automobile with an internal combustion engine where there is (some) actual fire. We also see why there is such a variety of practice by the Sabbath observant (*shomrei Shabbat*) Conservative community from those who will use electric lights only to those who use electricity for other functions such as telephone and television to those who will drive to synagogue.

In a comprehensive responsum on the use of electricity on Shabbat approved by the CJLS in 2012, Rabbi Daniel S. Nevins argues that the use of electricity should not be considered as a Shabbat melakhah (prohibited labor like the use of fire) unless the device is used for purposes that would constitute a melakhah (such as a coffee grinder). While Rabbi Nevins considered the possibility of prohibiting all electrical devices as a shevut, that is, in violation of the obligation to “rest” on Shabbat, he mitigates that tendency with a permissive approach towards electric lights, elevators, and when there is a mitzvah involved, stating that “Sabbath observant people can be trusted to decide what formally permitted activities are consonant with their Shabbat observance.” However, Rabbi Nevins follows this general guidance with a very specific list of devices with opinions on which should be considered permissible and which forbidden.<sup>5</sup> While he does not consider an electric vehicle, Rabbi Nevins does rule that an electric scooter or wheelchair is *patur aval assur* (literally “exempt but prohibited”), a highly nuanced halakhic term

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<sup>3</sup> Arthur H. Neulander, “The Use of Electricity on the Sabbath” in Waxman, *Tradition and Change*, p. 407. See pp. 401-407 for the full paper.

<sup>4</sup> Isaac Klein, *A Guide to Jewish Religious Practice* (New York: Jewish Theological Seminary, 1979), p. 86; Michael Katz and Gershon Schwartz, “Shabbat” in Martin S. Cohen and Michael Katz, eds., *The Observant Life: The Wisdom of Conservative Judaism for Contemporary Jews* (New York: Rabbinical Assembly, 2012), p. 134.

<sup>5</sup> Daniel S. Nevins, “The Use of Electrical and Electronic Devices on Shabbat” CJLS OH 305.18.2012a [THE USE OF ELECTRICAL AND ELECTRONIC DEVICES ON SHABBAT \(rabbinicalassembly.org\)](https://www.rabbinicalassembly.org/sites/default/files/2012-12/305.18.2012a%20THE%20USE%20OF%20ELECTRICAL%20AND%20ELECTRONIC%20DEVICES%20ON%20SHABBAT.pdf) with ruling on “Sabbath observant people” on p. 56.

for something that is technically prohibited but which carries no liability (whatever that means for ritual infractions today). The concerns Rabbi Nevins raises are that one might repair the device (the scooter or wheelchair) in the case of a malfunction and lest one carry items on the device and violate the prohibition of carrying on Shabbat. These same concerns would apply to the use of an electric vehicle and will be discussed below.

In another comprehensive responsum approved by the CJLS at the same time as this paper, Rabbis Marcus Mordecai Schwartz and Chaim Weiner argue that the use of electric vehicles should be forbidden on Shabbat as a shevut.<sup>6</sup> They argue, in a constructive understanding of the application of the concept of shevut, that the very controlling of electricity is forbidden in general as a shevut, and more specifically, that any kind of travel in a vehicle (except for emergency purposes) is forbidden as a shevut. However, their reading of shevut as an absolute rather than a subjective prohibition offers an approach at variance with seventy-three years of CJLS precedent that shevut refers principally to the subjective matter of “the spirit of Shabbat.” That is how we have generally understood Maimonides’ explanation that shevut prohibitions apply to activities that “are suggestive of prohibited activities” (*domim lemelakhot*).<sup>7</sup>

As Rabbi Neulander applied the concept of shevut to the use of electrical devices on Shabbat:

It must be clearly understood that whatever use of electric apparatus we permit on the Sabbath, we allow only on condition that use is in consonance with the spirit of the Sabbath. Thus the telephone may be used for conversation to strengthen family ties, to foster friendship and neighborliness, to convey a message of cheer to the sick or for a similar *dabar mitzvah*. But the telephone should not be used for shopping purposes, for making a business appointment, much less a business transaction. The first group is in keeping with the holiness of the Sabbath. The second group violates the *menuhah sheleimah* of the Sabbath.

Similarly, in the use of radio or television common sense should dictate that only such programs may be indulged in which are not vulgar and banal and do not desecrate the sanctity of the ideal Sabbath. Only programs of high esthetic taste, of high ethical content, instructive and of social value are in keeping with our concept of a *Shabbat Kodesh* and only such programs should be listened to and seen on the Sabbath day.<sup>8</sup>

What we learn from Rabbi Neulander is that the observance (*shmirah*) of Shabbat is found not in the use or non-use of electric devices, but in how they are used and not used. Rabbi Neulander’s advice on the proper and improper use of a telephone on Shabbat is the same as one would give for speech in general. One may certainly engage in conversation on Shabbat, but one should not engage in a business conversation. Rabbi Neulander’s advice on the proper and improper usage of a radio or television on Shabbat is the same as one would give for reading a book or

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<sup>6</sup> Marcus Mordecai Schwartz and Chaim Weiner, “A New Responsum on the Sabbath” CJLS OH 305:18.2023b. [schwartz-weiner-sabbath-final-7.26.pdf](https://www.rabbinicalassembly.org/sites/default/files/2023-07/schwartz-weiner-sabbath-final-7.26.pdf) ([rabbinicalassembly.org](https://www.rabbinicalassembly.org))

<sup>7</sup> Maimonides, *Mishneh Torah*, *Hilkhot Shabbat* 21:1.

<sup>8</sup> Neulander, “The Use of Electricity on the Sabbath” in Waxman, *Tradition and Change*, p. 407.

magazine. One may certainly read on Shabbat, but there is reading material that is more suitable for “Shabbat reading” than others.

As Rabbis Michael Katz and Gershon Schwartz write: “In the light of Rabbi Neulander’s strictures, using an electric light to read a sacred book on Shabbat seems reasonable, even perhaps worth encouraging, but not using that same light to review last year’s tax return.”<sup>9</sup> While the halakhah strives to set us on a path towards realizing the holiness of Shabbat, what is and is not fitting on Shabbat is ultimately beyond legislative prescription and is, to a large degree, in the eye of the beholder.

We agree with Rabbi Neulander that electricity may be utilized on Shabbat when the action is within the spirit of Shabbat. Therefore, the use of an electric vehicle on Shabbat is dependent on whether its use would be considered in consonance with or in violation of the spirit of Shabbat. Before we turn to that central issue, we will consider the other related halakhic questions.

#### *Gezeirah Shema Yitaken* (A Decree to Avoid Repair)

A number of Shabbat activities are prohibited by rabbinic decree lest use of the device in question lead one to repair it on Shabbat. *Shema yitaken* is one of the principal objections to the use of musical instruments on Shabbat, for example, the argument being that a guitar player would automatically tie a new string when an old string snaps before remembering that it is Shabbat. In its 2015 deliberations on the permissibility of various physical activities on Shabbat, the CJLS, in the responsum by Rabbi Jonathan Lubliner, offers two positions on riding a bicycle on Shabbat. One view prohibits because of shema yitaken, lest the rider fix a flat tire or derailed chain. A second view permits the use of the bicycle “to perform a mitzvah” (such as but not limited to getting to synagogue) when the distance is too far to walk, as preferable to driving a vehicle, and as long as one remains within the boundary of the eruv.<sup>10</sup> If shema yitaken, the concern lest the cyclist repair a flat tire or derailed chain on Shabbat, can be waived for the sake of a mitzvah, then kal va-homer, all the more so, can we waive the concern for shema yitaken with an electric vehicle, where repairs are more likely to require skilled labor. We do not hold to a decree of shema yitaken for things that require an expert to repair, as noted in the Shulhan Arukh’s ruling on clapping on Shabbat:

וְיֵשׁ אוֹמְרִים דְּבִזְמַן הַזֶּה הַכֹּל נִשְׂרִי, דְּאִין אָנוּ בְּקִיָּאִין בְּעֵשִׂית כְּלֵי נְשִׂיר וְלִיכָא לְמַגְזֵר שְׂמָא יִתְקֹן כְּלֵי נְשִׂיר דְּמִלְתָּא דְּלֵא שְׂכִיחַ הוּא וְאִפְשָׁר שְׂעַל זֶה נִהְגוּ לְהַקְל בְּכֹל

And there are those who say that today all of this is permitted, because we are not experts in fixing instruments, and we cannot decree "lest one comes to fix

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<sup>9</sup> Katz and Schwartz, “Shabbat” in *The Observant Life*, p. 134.

<sup>10</sup> Jonathan Lubliner, “Recreational Sports and Exercise on Shabbat” CJLS OH 301.2.2015. [Orah Hayyim | The Rabbinical Assembly](#), piskei halakhah after n. 77 (pages are unmarked), where the more prohibitive psak was approved by a vote of 10-5-3 while the permissive psak that approved of use of the bicycle on Shabbat for a dvar mitzvah (and within the eruv) was approved by a wider margin of 14-4-0.

an instrument" for it is a thing which happens so infrequently. So it is possible that because of this, the custom is to be lenient on all of this.<sup>11</sup>

While a strict concern with *gezeirah shema yitaken* might lead us to see the use of an electric vehicle on Shabbat as preferable to a bicycle as we are more likely to repair a bicycle than a car on Shabbat, we do not disagree with Rabbi Lubliner, nor with Rabbis Schwartz and Weiner in their paper approved by the CJLS at the same time this responsum, that the use of a bicycle is preferable to a car, even an electric vehicle. We agree that use of a bicycle is more consonant with the spirit of Shabbat than a use of a vehicle. The (very subjective) test of “the spirit of Shabbat” is more critical than the concern for shema yitaken. None of this mitigates the point that if shema yitaken can be waived to permit use of a bicycle on Shabbat (albeit limited to a mitzvah), then kal vahomer can shema yitaken be waived to permit use of an electric vehicle.

### *Tehum Shabbat* (Shabbat Boundaries)

*Tehum Shabbat*, the law of Shabbat boundaries, is intended to prevent one from journeying on Shabbat from one place to another. The *tehum* is defined rabbinically as two thousand *amot* (cubits) beyond the city limits (which are defined by halakhah as seventy and two-third cubits beyond the last house).<sup>12</sup> If another dwelling arose (alone or part of another town) within the city limits, then the city limits are extended, as if all are combined into one community, and the *tehum* now surrounds the extended limits by two thousand *amot*. In addition to their expansive determination of the city limits, the Rabbis permitted the artificial extension of the *tehum* Shabbat (the two thousand *amot* that surround the city limits) by means of an *eruv*, a dish of food set up at the boundary that would count as a “dwelling” thereby extending the boundaries further out.<sup>13</sup> Given these halakhot, we recognize that in urban and suburban areas the *tehum* Shabbat is extensive and would be difficult to cross. However, there are certainly exurban and rural communities where the *tehum* Shabbat would be an issue. In such a case, one could not cross the boundary even on foot. The issue of *tehum* Shabbat is the same whether you are walking, riding a bicycle, or driving a car of any type.

The *tehum* Shabbat is a biblical prohibition, based on Exodus 16:29, "אֶל גֵּזַע אִישׁ מִמֶּקְמוֹ בַּיּוֹם", "הַשְּׁבִיעִי", “one shall not go out from one’s place on the seventh day.” In the Mishneh Torah, Rambam understands the biblical measure as 12 mil and the rabbinic boundary as 2,000 *amot*.<sup>14</sup> Since the biblical distances were based on body parts with uncertain sizes, the distances are only known in an approximate fashion. 12 mil is approximately 8 miles / 13 kilometers. The halakhah has always permitted travelling beyond the *tehum* for the performance of a necessary mitzvah.<sup>15</sup> While one could argue that the mitzvah of attending synagogue is such a necessary

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<sup>11</sup> Shulhan Arukh, Orach Hayim 339:3.

<sup>12</sup> Shulhan Arukh, Orach Hayim 398.

<sup>13</sup> Shulhan Arukh, Orach Hayim 408.

<sup>14</sup> Mishneh Torah, Hilchot Shabbat 27:1.

<sup>15</sup> Shulhan Arukh, Orach Hayim 407:1, which gives the example of a midwife assisting in childbirth, but the Mishnah Brurah understands the Shulhan Arukh’s term וכיוצא בזה (and other such things) as not only restricted to פיקוח נפש (medical emergencies), but applying to other mitzvot such as giving testimony regarding the intercalation of the

mitzvah that it overrides the concern of *tehum Shabbat*, we believe that appreciation for the *tehum Shabbat* is an important reminder of the general idea of staying in one place rather than journeying on the day of rest. But just as we have set aside other rabbinic ordinances for the sake of attending services and for *oneg Shabbat* and other mitzvah purposes, we can set aside the rabbinic limit, if not the biblical limit. The detailed laws of *tehumim* are beyond the scope of this paper, but as a general rule, one should not travel more than 8 miles or 13 kilometers from one's home if in a rural area, or from the edge of the built-up development in urban or suburban areas.

### *Hotza'ah* (Carrying)

*Hotza'ah* (carrying) refers to the prohibition of carrying items from one domain to another (whether the domains be private or public).<sup>16</sup> The artificial extension of a domain for carrying effected through the construction of *eruvim* testifies to the difficulties of observing *Shabbat* in an area where there is no *eruv* and one therefore cannot carry things out of one's home or property. While many observant Jews live in communities where there is an *eruv*, there are many *Shabbat* observant Jews who do not and have then to be mindful to empty their pockets before *Shabbat* and make sure that they have left the things they need where they need them (i.e. what they will need at synagogue) so as to avoid carrying on *Shabbat*.

In his reponsum on recreational sports and exercise on *Shabbat*, Rabbi Lubliner argued that one may not ride a bicycle outside of an *eruv*, even where the cyclist was careful not to bring a water bottle or lock-chain as one usually brings when biking. His arguments for leniency with the use of a bicycle are dependent on the lenient decision of the Ben Ish Hai, who limited the permission to use the bicycle *ביתוך העיר שיש בו ערווה*, that is, to a town that has an *eruv*.<sup>17</sup> Neither the Ben Ish Hai nor Rabbi Lubliner are clear as to what the specific issue with *hotza'ah* is, but we suspect that it is rooted in the Ben Ish Hai's understanding of the "gari" that he describes as in use in Bombay where one propels the two wheels oneself rather than with the aid of a driver or animal. We suggest that the Ben Ish Hai's concern with *hotza'ah* derives from his understanding of the role of the cyclist as "carrying" or more accurately "moving" the bicycle in the way that an animal pushes a cart. His words betray that meaning: *גאר"י שקבוע בו שני גלגלים, ואינם מושכין אותו, אלא הוא מהלך מאליו על ידי אדם היושב בו, שדוחה את הגלגלים ברגליו*, that the "gari" has two wheels and is not pushed by animals or human, but rather is driven by the person sitting on it, who moves the wheels with his legs. While it is not our intention (nor do we have the space here) to discuss the question of *hotza'ah* and the bicycle, our point is, rather, that driving a vehicle, that is, a "car" which is of course short for a "horseless carriage," is literally putting the cart before the horse. The "carriage" is "carried" by the horse, but a horseless carriage is not carried. Where the Ben Ish Hai understands the bicycle rider as the effective engine who "carries" the bicycle, the motorized vehicle is not powered by human motor but by the vehicle's engine. As such, driving a motorized vehicle should not constitute a violation of *hotza'ah* where there is no *eruv*.

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moon (Mishnah Brurah, ad loc., se'if katan 1, and for the precedent of violating *tehum* for testifying on the new moon, see b. Rosh Hashanah 19b, and Rashi ad loc., s.v. *ומחללין את השבת*).

<sup>16</sup> Shulhan Arukh, Orach Hayim 345-354.

<sup>17</sup> Ben Ish Hai, *Rav Pealim*, Orach Hayim 1:25. Cited in Lubliner, "Recreational Sports and Exercise on *Shabbat*" at note 67 (pages are unmarked).

The Ben Ish Chai also permits riding a bicycle in a place that does not have an eruv if it is for the purpose of “a great mitzvah.” In a place where there is an eruv, he permits riding a bicycle for any purpose, including simply going for a ride, אבל בעיר שיש בה עירוב מותר לרכוב בזה הגאר”י אפילו “but in a city where there is an eruv it is permitted to ride the gari even for an excursion, whether on Shabbat or Yom Tov.”<sup>18</sup>

In this same important responsum of the Ben Ish Hai on the bicycle, he advises that ועוד אין לגזור גזירות חדשות מדעתינו, ודי שיעמדו אנשי הדורות האלה להזהר בגזירות המפורשים להדיא בדברי חכמים, על “furthermore, we do not add a new decree based on our opinion, it is enough that people of our generations are cautious with the famous decrees from the words of our sages, therefore we can permit the shufi whether on Shabbat or Yom Tov, within a city that has an eruv, even just for travel for its own sake.” In other words, we already have enough prohibitions, we do not need to go looking for more. This approach to halakhic decision-making is especially important for us as Conservative/Masorti rabbis who find ourselves serving a less- rather than more- observant community.

Even if the driving of the vehicle where there is no eruv, or from an area where there is an eruv to an area where there is no eruv (but all within the tehum) is not, in our opinion, a violation of hotza’ah, one must still be careful not to use the vehicle to carry items from one domain to another. Items within the car before Shabbat should remain within the car until after Shabbat to avoid any effective hotza’ah on Shabbat from one domain to another. Unless the entire trip is within an eruv, the vehicle should not be used to transport anything.<sup>19</sup> Of course one should have one’s license when driving, as required by most authorities, but the license and other emergency wallet items should ideally be secured in the vehicle. Carrying one’s wallet, as well as contact with the car in general, raises the additional issue of *muktzeh*.

### *Muktzeh*

*Muktzeh* is an additional area of Shabbat law that requires certain objects to be “set aside” and not carried or even touched on Shabbat.<sup>20</sup> As Rabbis Michael Katz and Gershon Schwartz explain, “The laws governing *muktzeh* prohibit handling objects that are not intended for use on Shabbat. Of these, the most common are those objects that are always *muktzeh* because they have no licit use on Shabbat at all, like money and writing implements. Certain religious objects also fall into this category. *T’fillin*, for example, are worn only on weekdays. Thus, handling them on Shabbat is not allowed because they are deemed *muktzeh*, ‘set aside,’ and thus untouchable on Shabbat.”<sup>21</sup> Being mindful of *muktzeh* is one of the important ways that observant Jews keep Shabbat holy (i.e., distinct from the other days of the week), and one who does not drive in a vehicle on Shabbat would normally consider the entire car as *muktzeh*. However, once one accepts the permission (heter) to drive to synagogue on Shabbat, then the vehicle is no longer considered

<sup>18</sup> Ibid.

<sup>19</sup> Whether one is permitted to take one’s tallit bag and other such items from the car into the synagogue depends on the question of whether or not one is permitted to carry within the parking lot of the synagogue into the building. The rabbi of the synagogue or community should be consulted on such matters.

<sup>20</sup> Shulhan Arukh, Orah Hayim 308.

<sup>21</sup> Katz and Schwartz, “Shabbat” in *The Observant Life*, p. 131.

muktzah since its use is now not only permitted but necessary in order to perform a mitzvah. Special care must be taken though to avoid touching other items that one might keep in the car that would remain muktzeh (i.e., money or tools). One's wallet containing the driver's license and other emergency wallet items (such as cash or credit cards) should, therefore, ideally be secured in the vehicle where one does not need to touch or carry it.

## Conventional Internal Combustion versus Hybrid versus Electric Vehicles

Our discussion of *gezeriah shema yitaken*, *tehum Shabbat* and *hotza'ah* apply to the use of any vehicle on Shabbat including those with internal combustion engines, and should be read as a renewed reading of the "Responsum on the Sabbath" by Rabbis Adler, Agus and Friedman.

Our contention, though, is that use of an electric vehicle on Shabbat is preferable to one with an internal combustion engine because we find the arguments for the use of electricity for the enhancement of Shabbat as an easier argument than the additional argument necessary to permit the ignition of the internal combustion engine employed by Rabbi Adler, Agus and Friedman.<sup>22</sup>

There are different potential halachic issues that arise between internal combustion, hybrid, and fully electric vehicles.

### *Internal Combustion*

The Adler, Agus, Friedman paper argues that an internal combustion engine is not *d'oraita* (Toraitic) fire. They argue:

The combustion of gasoline to produce power is a type of work that obviously could not have been prohibited before its invention. All acts of burning are prohibited only when performed for specifically described purposes, such as cooking, heating, lighting, or the need of its ashes. Burning for the sake of power was not included in this list. Of course, some heat is produced in the act of combustion, but this result is neither intended nor desired by the motorist. Hence, it falls in the category of *psik reisha d'lo nikha lei* which is permitted by the latest authorities. The combustion of gas is therefore the type of work classed as *melakhah sh'ainah tzricha l'gufah* according to the definition considered in Tosafot, Shabbat 94a...a labor which, while it necessarily results in a transgression, is neither intended nor desired.<sup>23</sup>

In this paper we are not taking a position ourselves on whether the above understanding of fire is correct or not. But we point out that while there are authorities who agree with it, there are also

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<sup>22</sup> Their argument is that the spark ignition and burning of gasoline is a *psik reishah*, a necessary but not the primarily intended result of operating the vehicle, and they then permit the *psik reishah* when it is *leshem mitzvah*. See Adler, Agus and Friedman, "A Responsum on the Sabbath," in Waxman, ed., *Tradition and Change*, pp. 368-372.

<sup>23</sup> Adler, Agus and Friedman, "Responsum" in Waxman, *Tradition and Change*, pp. 368-369.

authorities who disagree, and who believe an internal combustion engine is a *toldah* (result) of fire, and hence still forbidden d'oraita.

### *Hybrid Vehicles*

Use of a hybrid vehicle, while it has elements of both an electric car and a conventional internal combustion powered car, is potentially preferable to a regular car. While the hybrid vehicle is certainly preferable to a conventional internal combustion engine from the perspective of environmental responsibility (because it uses less fossil fuel), it still burns some gasoline.

There are different types of hybrid vehicles, but in general, when one starts a hybrid car the gas engine does not turn on immediately, it comes on only when needed. Thus, the driver is only indirectly causing the combustion of fuel, what is known as a *grama*, which is permitted d'oraita, but may be considered a rabbinic prohibition. The Shulhan Arukh permits extinguishing a fire on Shabbat if it is done in an indirect fashion.<sup>24</sup>

Non-plug-in hybrid vehicles typically have a very limited range on the electric engine only, or a very limited speed. If it is inevitable that the gas engine will turn on at some point in the journey to the synagogue, it would fall under the category of *psik reisha* (an inevitable result) and would be considered forbidden by one who does not permit an internal combustion engine on Shabbat to drive to synagogue.

On the other hand, with a plug-in hybrid there is a very good chance the drive could be made without the internal combustion engine coming on at all. Since it is not inevitable for the internal combustion engine to come on, it would qualify as a *grama* only, and be permitted even if one held that internal combustion was a derivative of fire.

### *Electric Vehicles*

As stated above, we follow the opinion of Rabbi Neulander that use of electricity on Shabbat is not a *melakhah* (prohibited labor), and as such, electric vehicles do away with any concerns about violating the biblical prohibition on kindling fires on Shabbat. Electric vehicles are certainly also preferable any day of the week, as they are better for the environment and do not directly contribute to global warming. If powered by electricity that comes from non-fossil fuel sources such as solar, wind, or hydro, their use does not contribute to air pollution or global warming.

Therefore, while the CJLS permitted the use of driving to synagogue on Shabbat depending on two *kullot* (i.e., *leniencies*), use of the electricity and of the internal combustion engine, the use of a fully electric vehicle on Shabbat only involves implementation of a single *kullah*, namely, the

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<sup>24</sup> Shulhan Arukh, Orah Hayim 334:22.

use of electricity on Shabbat. Invoking a single kullah is certainly preferable to invoking two kullot.

### Autonomous Driving Vehicles

Another question that is asked is whether an autonomous (AI) driven electric car is permissible on Shabbat. That is, what is the status of the driving if the car is preprogrammed to take one from one's home to the synagogue? Rabbi Daniel Nevins argued in a 2019 CJLS responsum that "it would seem permissible to arrange for an autonomous vehicle to transport a person with special needs (illness, frailty, disability, avoiding danger) within the local limits of travel on Shabbat"<sup>25</sup> While we would apply a broader extension of when the spirit of Shabbat would permit travel in a vehicle, we agree with Rabbi Nevins that the use of AI technology is not substantively different than the use of any other *shaliah* (i.e., "agent") and that one's agent is considered, halakhically, equivalent to one's self. The extent that the driving performed by the AI rather than the driver is not halakhically determinative because in either case we are making use of electricity on Shabbat, which we do not see as in violation of Shabbat beyond the question of the spirit of Shabbat, which we call shevut. Any electric device that can bring one to synagogue on Shabbat is permitted. That being said, the more that can be taken out of direct human hands, the more the spirit of Shabbat is constructed and preserved. If the technology and capability of an autonomous driving car is available and safe and able to transport one to synagogue, then all the better.

### Driving and the Spirit of Shabbat

As we have argued above in our discussion of electricity, so much of our application of the laws of Shabbat observance to modern living involves an understanding of the nature of the subjective term "spirit of Shabbat." That is a decision that is ultimately up to the individual observant Jew.<sup>26</sup> We also note that the positive command *tishbot*, to rest on Shabbat (Exodus 23:12), which is the source of the whole area of shevut prohibitions, is fulfilled not only through the negative observance of refraining from certain actions but also the positive fulfillment of *oneg Shabbat*, the joy of Shabbat. As Abraham Joshua Heschel explains in *The Sabbath*: "In the tempestuous ocean of time and toil there are islands of stillness where man may enter a harbor and reclaim his dignity. The island is the seventh day, the Sabbath, a day of detachment from things, instruments and practical affairs, as well as attachment to the spirit."<sup>27</sup> Heschel acknowledges that the way we sanctify Shabbat is by both detaching and attaching. While we generally seek to detach from the everyday, the question of which tools permit us to attach to the sacred is ultimately a subjective and individual judgment of which we can, at best, give our best guidance.

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<sup>25</sup> Daniel S. Nevins, "Halakhic Responses to Artificial Intelligence and Autonomous Machines" CJLS HM 182:1.2019a [Microsoft Word - Nevins, AI, Moral Machines and Halakha--Final \(rabbinicalassembly.org\)](#), p. 39.

<sup>26</sup> As Rabbi Nevins concluded in his responsum on electricity on Shabbat: "Sabbath observant people can be trusted to decide what formally permitted activities are consonant with their Shabbat observance." See above, n. 5.

<sup>27</sup> Abraham Joshua Heschel, *The Sabbath: Its Meaning for Modern Man* (New York: Farrar, Straus and Giroux, 1951), p. 29.

We understand why Rabbis Adler, Agus and Friedman in 1950 chose to limit their *heter* (permissive ruling) to driving to synagogue on Shabbat because they understood that as a fundamental *mitzvah berabim*, a public observance that had the force to override the *pesik reishah*, the unintended but generally forbidden action of burning gasoline in an internal combustion engine. However, in their discussion of electricity they permit the use of electric lights as an *oneg*, an enhancement of the joy of Shabbat, a position that was confirmed by the CJLS in its approval of the responsum by Rabbi Daniel Nevins on electricity on Shabbat in 2012. It seems that, while respecting the decision of the CJLS in 1950, we can at the least expand the application of electricity to the sense of *oneg* Shabbat in the light of their reasoning and the further development of technology.

In 2004, Rabbi Kassel Abelson, then chair of the CJLS, wrote in a reflection on the 1950 decision on driving to synagogue:

The question now arises, Should we enlarge this permission to drive to the synagogue for services to include other vital Jewish activities that would strengthen a sense of community with other Jews? Should we permit driving to Jewish homes on Friday evening for Shabbat meals that would be celebrated with kindling candles, kiddush and Birkat Hamazon? Is driving to a Torah study group on Shabbat permissible? Is driving to a havurah for some Jewish cultural activity to be permitted? Has the time come for the issuing of a new Program for the Revitalization of the Sabbath in the twenty-first century?<sup>28</sup>

Assuming that Rabbi Abelson meant that the Shabbat candles were lit before candle-lighting time, we would agree that all of his suggestions would likely fall into the category of one's "spirit of Shabbat" or *oneg* Shabbat. To these we would add spending time with friends and family, or going to a park or other place to enjoy nature or the aesthetic workings of humanity (e.g., a museum) as all of these things are at a relaxed pace that is restorative and *dissimilar* to weekday activity. As long as one does not expend money or violate any other area of halakhah (whether the areas we delineated or others), then we would consider these as acceptable and laudable forms of *oneg* Shabbat. While we are not necessarily in this paper extending the kullah of the use of the internal combustion engine for these purposes as Rabbi Abelson is suggesting, we are comfortable extending these examples as forms of *oneg* Shabbat for which the use of electricity, including the use of an electric vehicle, is permitted.<sup>29</sup>

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<sup>28</sup> Kassel Abelson, "Responses to Avram Hein" in *Conservative Judaism* 56 (spring 2004): 48.

<sup>29</sup> We *do* support extending the kullah of the 1950 tshuvah to such other understandings of *oneg* Shabbat, but that goes beyond the scope of this paper that is addressed specifically to electric vehicles on Shabbat. A relevant precedent is the 1988 responsum by Rabbi Arnold Goodman that argued that a mohel should not drive to a brit milah on Shabbat. Rabbi Goodman cited the 1961 CJLS "clarification" that the 1950 *heter* applied only to driving to synagogue, but he did not base his decision on that restriction, but rather on the argument that a brit milah can be postponed, so the *heter* for driving on Shabbat should only be for a *mitzvah* that cannot be postponed to after Shabbat. See Arnold M. Goodman, "Shabbat and Brit Milah" CJLS YD 266.1988 [goodman\\_shabbatbrit.pdf](#) ([rabbinicalassembly.org](#))

Because the electric vehicle is still similar in form and speed to the internal combustion vehicle, and in that way it is more suggestive of weekday activities than walking or use of a bicycle on Shabbat, we see its use as less preferable to walking or using a bicycle, but still permitted.

#### Piskei Din

1. Use of an electric car per se is not a violation of Shabbat as long as the driving is not for non-Shabbat purposes.
2. Other rules related to driving on Shabbat, such as not traveling beyond the tehum Shabbat (following the greater biblical measure of approximately 8 miles or 13 kilometers), not carrying in an area without an eruv, and not touching items that are proscribed on Shabbat (muktzeh) should be preserved when using an electric vehicle (or an internal combustion engine following the opinion of Rabbis Adler, Friedman and Agus) to get to synagogue on Shabbat.
3. For those who drive to the synagogue on Shabbat, driving an all-electric car is preferable to driving a conventional car, as it does away with any possible concerns about the status of the internal combustion engine.
4. Other uses of an electric car within the tehum Shabbat should only be for “oneg Shabbat” purposes, such as gathering with friends, because driving is normally a weekday activity, and this is part of how we make Shabbat special.
5. A hybrid car where the gas engine does not start immediately on turning the switch is also preferable to a conventional car, as it is grama, only an indirect cause of the gas engine operating.
6. When possible, we encourage walking or riding a bicycle as they are at a slower pace and more conducive to the spirit of Shabbat, and are not so closely associated with the workweek for most Jews. Weather conditions may also dictate which mode of transportation is more conducive to oneg Shabbat.