**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha in the Age of Social Media**

**Rav Jonathan Ziring**

**Shiur #39:**

**Retrospective:**

**Halakha and Social Media**

**Why I Wrote This Series**

Recent studies have found that on average, social media users spend two hours and twenty-two minutes a day on social media.[[1]](#footnote-1) The average American adult spends over eleven hours on screens daily.[[2]](#footnote-2) That is more time than is devoted to most other pursuits. According to those numbers, it is common for people to spend more time on screens than praying, eating, sleeping and learning Torah; social media usage alone takes up more time than the combined three daily prayers for most people. Nevertheless, while books have been and continue to be written (and for good reason) on the *halakhot* of prayer and *kashrut*, much less has been presented to provide halakhic guidelines and Torah perspectives on how we utilize the powerful and easily misused tools that the internet and social media offer us. It was to remedy that, to some extent, that I wrote this series.

One of my teachers, Rabbi Aryeh Klapper, writes as follows: “There is more and more Halakha, and ever more punctilious observance, and yet less and less of Halakha is relevant to the real moral and ethical issues facing individuals and communities.”[[3]](#footnote-3) Much of the community has begun “seeing Halakha more as an obstacle course rather than a moral highway.” In discussions I’ve had over the year with people who wondered what I could possibly write about in a series on “Halakha in the Age of Social Media,” I’ve seen these sentiments to be true. Either people thought there was nothing to write, or they thought the sum total of the series should be a few *shiurim* spelling out how the laws of *lashon ha-ra* apply in the modern world. The notion that communications technology in general and social media in particular have shaped the way we experience life and therefore the Torah, and that the Torah can in turn orient the way we utilize those tools, was surprising to them. But it should not be.

Rav Chayim David Ha-Levi argues in several places for the critical need to have halakhists approach the issues that challenge each generation, arguing that to fail to do so borders on heresy. As he writes:

Some argue that God's Torah is incapable, as it were, of answering new questions that arise in modern society, as if the Torah of God does not have a solution to social, economic, political and other problems. In this claim there is half truth; nevertheless, a person is not entitled to make this claim unless he has filled his belly with *Shas* and Posekim. This is because the simple truth is that for many of the problems that plague modern society, a reasonable halakhic solution can be found in every generation. A person who thinks otherwise is nothing but a heretic in the fundamentals, for one of the foundations of faith is that the Torah is from heaven, and God read the generations in advance, foresees and looks until the end of all generations. Is it possible that his Torah should be ineffective in any time period?! There is no greater heresy than that![[4]](#footnote-4)

It was in this vein that this series came into being. In our last *shiur*, I want to reflect on some of the themes that have emerged.

**Relationships — Personal and Communal**

We began the year with an analysis of the *berakhot* of *She-hecheyanu* and *Mechayeh Ha-meitim* (Shiur #2)*,* in which we presented the position of several Posekim who understand the parameters of the former *berakha* as an encapsulation of the conviction that nothing can ever replace in-person relationships. In our *shiur* about *tefilla*, we saw that several Posekim feel that praying on behalf on someone requires developing true empathy. While it may not require “friendship” per se, it does eschew allowing prayer to become rote words without emotional investment.

In our *shiur* on *teshuva* (*Shiur* #35)*,* we argued that the same insights should guide the ways in which we seek to mend relationships that have been damaged. While we argued that there are benefits to shallow apologies sent en masse or posted on social media, we saw that real contrition only comes when one engages directly with the person one has hurt.

The same insight appeared in a radically different context, that of *tzivui ha-ba’al* (*Shiur* #5)*,* the requirement for a husband divorcing his wife to provide direct instruction to the scribe and witnesses involved in drafting the *get.* While many Posekim feel that the requirement is merely about ensuring that those involved know the husband’s desire, there are those who think that this requires a more intense investment in the process, something possibly only provided in person. On the other hand, as this is not an emotional investment, we noted that these instructions may perhaps be issued by telephone or videoconference.

However, on the communal level, we have seen several indications that Halakha accepts, at least for certain purposes, the notion of an ideological community rather than a geographical one. Thus, we presented a model to explain how halakhic communities, centered around authority figures, may be formed by identification rather than physical proximity (*Shiurim* #6-7). More recently, we explored whether the same insight can change the way in which the rules of charity, dictated by the preference for “the poor of your city,” may now give preference to those causes one has a pre-existing relationship with or to those organizations whose missions one identifies with (*Shiur* #37). On the negative side, it is this reality that permits using social media to create a version of social shaming for *get-*refusers which the Jewish community lost once it stopped living in cloistered environments (*Shiurim* #20-21).

In other instances, however, community continues to require physical presence. Hence, while many Posekim allow fulfilling *mitzvot* and responding Amento blessings over the telephone, the creation of a *minyan* requires ten mento be in the same room (*Shiur* #38).

**The Spread of Information: The Implications for Reputation**

*Halakhot* that are focused on the sharing and spreading of information have radically changed in the interconnected world in which we now live. We saw that some Posekim entertain the possibility that a husband can no longer be “lost,” creating a classic *aguna* (*Shiur* #3-4). It is for this reason that many Posekim who still allow saying *She-hecheyanu* over the joy of seeing a friend for the first time in a month usually disallow saying *Mechayeh Ha-meitim,* as there is rarely a true doubt as to someone’s wellbeing (*Shiur* #2).

The ease with which information spreads also requires increased sensitivity to the possibility of hurting others, as the shaming can spread further, last longer, and cause more pain (*Shiurim* #20, 22). As noted above, it is what makes such shaming effective against *get-*refusers, but also what makes somePosekim hesitant to use these tools (*Shiur* #21).

Similarly, the prohibitions related to *lashon ha-ra* are particularly important to remember in this world. However, the possible dispensations for *lashon ha-ra* said in front of three or in public need to be re-examined in light of the new methods of communication (*Shiur* #16-19).

Other prohibitions have not inherently changed, but their modern manifestations make them worthy of reconsideration, such as the issues surrounding truth-telling and “fake news” (*Shiurim* #27-28) Similarly, cyberbullying and public humiliation on social media are merely the newest applications of classic prohibitions (*Shiurim* #23-24).

This further forces us to examine each person’s responsibility to protect their own image, in light of the prohibitions of *marit ayin* and *chashad* (*Shiur* #9), and the ways in which people must favorably judge those with whom they have no connection (*Shiur* #8). In these cases, we noted that the extent to which these values protect the relationships we have with specific people, judging strangers favorably is less important. However, to the extent that these issues are about creating perceptions about the religious state of society, they become even more relevant when one is constantly exposed to the global community. We also noted that exposure to the constructed images of other people’s lives, from mostly a psychological and philosophical perspective, should make us remember the values inherent in laws such as *lo tachmod* and should make us avoid being overcome by desire for the imaginary lives of others (*Shiur* #12).

In our *shiurim* (#33-34) on the ethics of sharing and retweeting, we noted that the Torah demands that we not create even the perception of support for sin. When such encouragement can be offered from our phones with a “like,” we need to be conscious of how we react to posts on social media.

The ease with which information reaches all corners of the earth also made us question whether halakhic constructs such as *Yom Tov Sheni,* which were created in a world in which communication was difficult, would ever have come into being in our contemporary reality (*Shiur* #26).

**Responsibility**

In several contexts, we noted how the power of these tools potentially increases our responsibilities towards others. While under most circumstances we argued that one cannot be held accountable from the perspective of *lifnei iver* for what others post on social media, the possibility to protect others may obligate us to act when we have the power to effect change (*Shiurim* #29-32). It was in this context that we emphasized, as noted above, the responsibility to present an image that is in consonance with the dictate of the Torah (*Shiurim* #8-9, 33-34).

The ease with which data and personal information about others can be accessed and shared also forces us to turn to the prohibitions surrounding breaches of confidentiality. We noted that while it is relatively obvious that one cannot “share” that which one cannot repeat even in private, it is perhaps less obvious that there are also limitations upon what we may access to satisfy our own curiosity (*Shiurim* #10-11, 13-15)

We noted that the ways in which these laws are manifest becomes more difficult when data can be shared without ever being seen by any human beings. We explored different models for grounding the obligation to respect privacy in these unique circumstances, from taking seriously the sources that commoditize information (and returning to forgotten understandings of *lashon ha-ra*), to expanding the ways in which we think about *hezeik re’iya* (*Shiurim* #24-25).

**Opportunities**

While we often focused on the potential prohibitions, we noted in many of these *shiurim* that the ability to reach a global audience allows us to magnify the good we do. Just as we must be worried about creating a negative image and endorsing problematic activities, we can use these tools to spread Torah, to encourage others to do good, and to create global communities centered on positive values. Perhaps this may be lost in our emphasis on the negative, but it is critical to note this. To take some examples from our *shiurim*:

* While it may be difficult to truly care for others, justifying prayer for them, when we manage to reach that level of concern, we expand our own ability for empathy, and unify people around the world.
* While noting the potential issues raised by “crowdfunding” we must remember how amazing it is that we can and should mobilize the world to solve problems.
* While the use of shaming may be unfortunate, the fact that globally people use their collective power to right wrongs is powerful and positive.

Every person can and should think about the good one wants to accomplish, and how one can use social media to harness wider networks of people towards those ends.

***Min Ha-ma’aseh ad La-mekorot***

One of my *chavrutot*, Rabbi Shlomo Zuckier, noted that the methodology of this series has, in many ways, been the reverse of that of much of modern halakhic literature. Many incredible books have been published to help guide people *min ha-mekorot ad la-ma’aseh,* from the sources to the practical implications. As we have seen, without a *siman* in *Shulchan Arukh* on the laws of social media, we have had to invert this process.

In our introduction, we noted that our methodology would be to start by asking about the ways in which our lives have been affected by communications technology and social media, and then to turn back to potentially relevant issues in the Torah to gain insight. As we conclude our series, it seems that the cumulative insights may be summarized into a few cohesive ideas that tie together many of the issues we have dealt with. While each topic on its own demands intense analysis, a few key lessons emerge, which we have summarized above.

**The Challenge**

My hope is that as technology and society continues to change and present challenges to the way we live our lives, we remember our fundamental belief that the Torah is eternal and speaks with relevance to every generation. While it may take creativity to tease out the Torah’s perspective(s) on these issues, it is not impossible. Hopefully, by engaging in that process, we will gain insight for the local problems we encounter, as well as internalize the depth of the Torah’s brilliance.

I want to thank the readers of this series, especially those who have reached out to offer feedback, to ask questions, to present constructive criticism and to suggest topics. It has sharpened the way I think about these issues. Please feel free to contact me (jziring@migdalhatorah.org) so we can deepen our understanding of Halakha together.

The complete archives of this series can be found at

<https://www.etzion.org.il/en/topics/halakha-age-social-media>

1. Available at: <https://www.digitalinformationworld.com/2019/01/how-much-time-do-people-spend-social-media-infographic.html>. [↑](#footnote-ref-1)
2. Available at: <https://www.marketwatch.com/story/people-are-spending-most-of-their-waking-hours-staring-at-screens-2018-08-01>. [↑](#footnote-ref-2)
3. *Acharayut Ketuvah: Responsibility Inscribed*, Volume 1, ed. Rachel Gelfman Schultz (The Center for Modern Torah Leadership). [↑](#footnote-ref-3)
4. See *Responsa Aseh Lekha Rav* 3:56; and *Da’at Torah Be-inyanim Mediniyim*, *Techumin* 8, reprinted here: <http://etzion.org.il/dk/1to899/693daf.htm#fnB1>. [↑](#footnote-ref-4)