**“The Return of Rabbenu Tam”:
Jewish Law Rulings as Social Sanctions in the Ultra-Orthodox War on the Smartphone**

**Abstract**

The forceful and creative campaign of ultra-Orthodox Jewish leadership against open digital connectivity via the cellphone appears to be faltering/has been facing steep challenges in recent years. Initially, the “kosherphone” solution that this leadership engineered, that enables mobile telephony without compromising the isolation of the community or strict social control within it, was highly successful. But an increasing share of the community now uses an “unkosher” smartphone to supplement its “kosherphones.” A central strategy of the leadership’s fierce campaign against this trend has been initiating and propagating Jewish law legislation by leading rabbis that applies severe and unprecedented sanctions against smartphone users. In this chapter we present this “lawfare” strategy for coping with change in media technology and analyze both the unique nature of the series of legal sanctions that have been enacted and their social and religious significance. This analysis yields insight into the ways religious law takes part in ideological and social campaigns, while at the same time demonstrating a unique way traditional communities respond to change in the media ecology.

**The anti-cellphone campaign and its enforcement strategies**

Since 2005, the leaders of ultra-Orthodox society have been waging an intensive and protracted struggle against “cellular danger” (Campbell, 2007). The advent of the 2G (“second generation”) mobile phone that accommodates paid content services, and its successor, the smartphone, has given ultra-Orthodox users access to the expanses of the internet as never before and with neither filtering nor limitation. The new medium has exposed them to the wide world of Israeli and modern culture, nonreligious news sites, and “immodest” content that is perceived as threatening to the community’s religious and cultural sphere. In addition, the mediating and intimate nature of interpersonal relations by text messaging and the ability to disseminate uncontrolled information via social applications have been presented as challenges to worthy traditional hierarchies and gender limits (Rosenberg, Blondheim & Katz, 2019). It is perceived as a dire threat to the community’s survival as an “enclave culture” in the modern world—some would say the direst threat since the consolidation and coalescence of the ultra-Orthodox community in the late nineteenth century (Deutsch, 2009).

The cellular threat prompted community leaders to set a long-term technology “domestication” process in motion in order to stanch the diffusion of the ordinary cell phone and replace it with a “slimmed-down” instrument, tailored to their needs and blocking exposure to problematic contents and illegitimate interpersonal relations. In 2005, the Rabbinical Committee for Communication Affairs was established with the inclusion of representatives of all currents of ultra-Orthodox society—an unusual exception to the norm. The committee was given a twofold responsibility: to pressure the cellular companies to develop a dedicated instrument of the kind described and to assimilate the new instruments into the ultra-Orthodox public by means of a mass information campaign. The pressure on the cellular companies included a consumer boycott and refusal to advertise their services in the sectorial press, which operates under the rabbis’ direct supervision. These measures proved immensely effective and, one by one, cellphone companies introduced the “kosherphone,” a bare-bones device that allows telephone calls to be made but bars text messaging and web surfing (Rashi, 2012).

Apart from the limited technological features of the kosherphone, the Committee demanded that the cellular firms meet additional conditions that would leverage pressure on community members to adopt the approved instrument. For example, “seals of approval” were imprinted on the cover of the phone to certify its compliance, and all subscribers’ phone numbers were given a special three-digit prefix that allows callers to be identified as kosherphone owners. In addition, the whole process was accompanied by a massive public campaign at large gatherings and rallies, in the sectorial press, and in *pashkevillim*—the street posters commonly found in ultra-Orthodox communities. The public campaign, still under way at the present writing, includes ominous religious and educational warnings about the heavy price the user and his family would pay for possessing an unkosher phone (Rosenberg & Rashi, 2015). As time passed, the campaign was augmented by social sanctions such as forbidding schools to enroll children whose parents do not have a kosherphone (Ettinger, 2011).

When the public campaign for the assimilation of kosherphones began, many of the ultra-Orthodox owned ordinary cellular devices. However, even though some doubted the viability of the demarche—particularly the provision that ruled out the possibility of communicating by text messages—the campaign appears to have been resoundingly successful in its first years. The large majority of ultra-Orthodox abandoned their old phones and bought kosher ones, notwithstanding the steep cost of this step in a community that has a preponderance of economically weak members. When the smartphone appeared, however, a “two-phone phenomenon” emerged: ultra-Orthodox individuals who have one smartphone for use within their own society in order to enroll their children in schools, *inter alia*, in addition to a standard smartphone. Many rationalized this practice by citing work exigencies, sometimes obtaining rabbis’ halakhic (Jewish law) dispensation on these grounds. This state of affairs, along with the tempting economic potential, prompted several cellular companies to circumvent the Rabbinical Committee for Communication Affairs and develop “kosher-compatible” smartphones for the ultra-Orthodox. These instruments allow filtered web surfing and access to certain applications such as email and navigation software. Some companies even obtained the backing of rabbis (e.g., rabbis affiliated with a specific Hasidic community) for this innovation. The Rabbinical Committee for Communication Affairs resisted the new instruments and waged war on them. Ultimately, however, it succumbed to the public pressure and spearheaded the development of an even more limited kosher smartphone that it could control, one that contains filtered and approved “app stores” but blocks internet access. In a recent comprehensive survey, 16 percent of ultra-Orthodox respondents admitted that they own a standard smartphone and another 12 percent have kosher smartphones of various kinds (Grozman, 2019).

In response to the rapid diffusion of “impure” or half-kosher smartphones, the public campaign was intensified. Its rhetoric became even more threatening and its information channels transcended the press and the pashkevillim to include gigantic street posters, stickers and playing cards for children, recorded lectures, public gatherings, Sabbath consciousness-raising gatherings, informational literature, and dedicated web sites that include research studies, informational material, and practical assistance for disconnecting and disemboweling the offending instruments. Alongside the information campaign, ultra-Orthodox public leaders began to invoke additional enforcement strategies. Several rabbis, for example, orchestrated public ceremonies in which ritual shattering or burning of cellphones took place. Held in schools, yeshivas, and public gatherings, many of these events were documented and uploaded to the internet.[[1]](#footnote-1)

In recent years, an additional strategy has been applied in the struggle: rabbis disseminating halakhic rulings and social regulations that include hard-hitting sanctions against owners of unkosher cell phones, delineating the proper religious and social treatment that community members should mete out to these people. Below we describe the phenomenon, analyze the essence of these halakhic rulings, and examine their religious and social implications and their place within the totality of religious communities’ strategies for coping with the reach of the new media.

**Halakhic rulings**

Readers of the ultra-Orthodox press have been exposed in recent years to a lengthy series of halakhic rulings quoted in the names of a bevy of rabbis—including some considered the most senior and revered—pertaining to the treatment of community members who have unkosher smartphones (e.g., Barda, 2016; Gronich, 2016; Cohen, 2012; Mohr, 2013; Ezra, 2016; Koritz, 2012). These rulings include ramified instructions and sanctions:

1. Do not allow the owner of an unkosher smartphone to lead worship services.

2. Do not allow him to be called to the Torah.

3. Do not count him in the mandatory ten-man quorum for public worship.

4. If he is a kohen, do not allow him to give the priestly blessing.

5. Disqualify him as a witness in marriage and divorce proceedings.

6. Do not trust the kashrut of the matzo that he bakes.

7. Do not let him serve as ritual “godfather” at circumcision ceremonies, even if he is a relative of the infant.

8. Do not trust him to perform circumcision.

9. Do not allow him to perform ritual slaughter and, if he does it anyway, do not consume the meat thus produced.

10. Do not trust him as an inspector of kosher food.

11. Do not accept him as a ritual scribe, a rabbi, or an educator.

12. Do not accept his certification of a women’s ritual bath.

13. For women: do not allow them to serve as ritual-bath attendants; “Even after the fact, if a woman immersed herself in the presence of an attendant who owns an unkosher smartphone—she is not trustworthy.”

14. If a lost unkosher smartphone is found, it should not be returned to the owner.

15. One who finds a smartphone and breaks it is not liable for the damage done to the phone.

In an attempt to understand the essence and the religious and social significance of these directives, we propose the differentiation of two “waves” in the issuance of halakhic rulings pertaining to unkosher smartphones. The first wave comprised proscriptions related to the instrument itself. When kosher cell phones came onto the scene in 2005, many rabbis forbade the use of unkosher ones. Afterwards, too, when dispensations for the use of limited smart instruments began to appear, they were restricted to livelihood necessities and to those who received rabbinical permission, other cases remaining off-limits.

These dispensations were accompanied by further stringencies, such a ban on using smart instruments in public, bringing them into a synagogue or a beit midrash (place of religious study), and so on. In halakhic terms, proscriptions of these types are defined as *issurei heftsa,* bans applying to specific objects, “deriving from the presence or the properties of the object,” i.e., its sanctity or impurity.[[2]](#footnote-2) Some of the recent halakhic rulings presented above, including exempting one who finds a lost smartphone from the requirement to return it to its owner and the absolution of liability if the finder damages the instrument, may be explained in this spirit. Smartphones are seen as forbidden objects and are termed, in publications of the campaign and in rabbis’ sermons, *avizarayhu d-‘arayot* (accessories of forbidden relations) and *avizarahyu d-‘avoda zara* (accessories of idol-worship). The rules and objects embedded in these concepts belong to the gravest prohibitions in the halakhic corpus. The *avizarayhu* designation recurs in public smartphone-shattering ceremonies, where damaging the instrument is called “eradicating idol-worship” or “obliterating the memory of Amalek,” The analogy of the smartphone and Amalek, the age-old mythical enemy of the Jewish people, appears prominently in many publications associated with the campaign; it not only expresses the vileness of the instrument but also reflects the perception of existential threat that the new technology poses to the community’s survivability.

The second wave of halakhic rulings includes most of the instructions presented above but began to appear only in recent years with the escalation of the public campaign against the diffusion of unkosher smartphones in ultra-Orthodox society. These “second-level rulings” are aimed at owners of the instrument and dictate how the community should treat them. In halakhic terms, they are *issurei gavra,* bans on people and not on things, and their purpose in the case at hand is to enforce the injunction by shaping the attitude of community members toward the wayward. Many of these second-wave rulings are reminiscent in nature of the socio-halakhic practice known as the “distancing methods of Rabbenu Tam.” These rules, familiar in the history of medieval Jewish communities, were meant to bring pressure on straying members of the community in order to enable rabbis and public leaders to enforce community norms (Finkelstein, 1924).

**Social sanctions as means of community pressure: the distancing methods of Rabbenu Tam**

*Herem,* the public social shunning of a member of the community, is an ancient punitive practice that applies pressure on a person who refuses to adhere to the community’s ways and submit to the authority of community institutions. It was common as far back as antiquity; there are even testimonies of its use among members of the Dead Sea sects (Whitman, 2006). Among medieval Jewish communities, however, *herem* was rarely invoked and the community rabbis in Europe strove to avoid it wherever they could. From the late eighteenth century onward, its use among Jewish communities dwindled even more as European governments forbade the practice while limiting or abolishing the communities’ de jure autonomy. Today, it is rare to find religious communities’ use of *herem* against an individual (in contrast to the banning of books, which has occurred in many cases).

Much more common was a milder form of *herem* known as the “distancing methods of Rabbenu Tam”—a set of social sanctions that establish distance between an individual and the public. These rules were set forth by Rabbi Jacob b. Meir (1100–1171), a.k.a. Rabbenu Tam, one of the greatest Jewish sages of France in his time. They are applied to this day by rabbinical courts, mainly against “*get*-refusers” (husbands who refuse to release wives who wish to divorce them). They are social in nature, e.g., forbidding members of the community to converse with those targeted, to greet them, to teach them Torah, and to honor them in any way; to do business with them, and to host them or visit them when they are ill. They also include religious injunctions: do not seat them in the synagogue; deny them any religious practice that would include them in public worship: to go up to the Torah, to lead prayer services, and to recite the Kaddish after a relative’s death. The substantive difference between these rules and the traditional *herem* is that while *herem* targets the alleged miscreant, the “distancing methods of Rabbenu Tam” are addressed to the public, which, in essence, is instructed to withhold favorable treatment of the target by placing him at physical and symbolic arm’s length.

Nearly all halakhic rulings relating to the proper treatment of smartphone owners seem to follow the practices of Rabbenu Tam. The social sanctions that they impose fall within the domain of the religious community. Thus, they exclude the targeted person from the prayer quorum, from leading prayer services and being called to the Torah, from receiving godfather honors at a circumcision ceremony, and so on. The apparent rationale behind these sanctions, essentially, is related to the perceived offense caused by the presence of the smartphone in the ultra-Orthodox public. Since the mobile phone causes social harm and environmental degradation of the Torah climate in the ultra-Orthodox community, the appropriate sanction is de facto distancing from normal social contact. This is also compatible with the historical aspect of the Rabbenu Tam injunctions, as a sanction invoked against those who commit a “social” and not a “religious” transgression (foremost “*get*-refusers” and not, for example, Sabbath desecrators). In this sense, owning a smartphone is also perceived as a grave social transgression above all.

Comparing the cellular halakhic rulings with the Rabbenu Tam injunctions, one finds additional implications. First, a critical aspect of these injunctions against “*get*-refusers” is their intrinsic shaming effect. The public shaming that besets the refuser in his community, and in other communities where the court’s ruling is disseminated, is a structured part of the pressure applied. In this spirit, the rabbinical courts, in recent years prescribing the “distancing” of present-day *get*-refusers, have allowed and even recommended the dissemination of refusers’ names, particulars, and photographs on social networks (Bar-On 2019). Similarly, the ultra-Orthodox press has reported several cases of public upbraiding of smartphone owners by worshipers in synagogues and denial of the right to be called to the Torah and be counted in the quorum (Gronich, 2015).

Second, a basic feature of the Rabbenu Tam rules that contrasts with the ancient *herem* is that the Rabbenu Tam sanctions are not imposed on the offender; instead, they instruct those in his surroundings to distance themselves from him or her. Perhaps the meaning of the rabbis’ choice of these injunctions toward smartphone owners is an attempt to mobilize the entire community for the struggle against the technological threat and to evict the recalcitrant from its confines. This strategy has stood out in the information campaign in the press and the pashkevillim, which used rhetoric that evokes public mobilization and, by employing various linguistic devices, speaks in the voice of a community that demands individuals’ compliance with the rabbis’ directive. These halakhic rulings, however, seem to carry a graver implication because they urge the public to take practical action: social and religious denunciation and the de facto expulsion of the wayward individual from the community sphere. In this sense, technology is not only something that the leaders define but also something that defines the community’s borders, making the individual’s choice of the technology a decision on whether to belong or to face denunciation.

**The communitarian axis and the trustworthiness axis**

Additional halakhic rulings are not associated with the community; they originate in the way the rabbis perceive the nature and the corruptedness of smartphone owners. Ownership of an unfiltered smartphone is perceived not only as having the *potential* of impairment to the individual’s spiritual fitness and world seen but as *certain ruination.* The intrinsic temptation that the instrument carries, it is assumed, will surely and inevitably expose the user to heretical and, particularly, sexual contents. It embodies the religious principle *ein apotropos la-‘arayot,* i.e., no one can be trusted to withstand the ordeal of sexual temptation. By implication, rules of trustworthiness that are accepted in other fields do not hold in the sexual domain. This motif was repeatedly underscored in the public information campaign against the smartphone. In one pashkevil, for example, a young ultra-Orthodox man is shown clutching a smartphone. Next to him appears the message: “Phone owner! The public isn’t guileless. Everyone knows that you’ve certainly stumbled into grave transgressions. What will you plead on day of judgment?” The assumption that a smartphone owner must have committed the sin of consuming forbidden contents impacts directly on defining the *trustworthiness* of the smartphone owner and, in turn, the religious attitude that should be taken toward him. The concept of a person’s trustworthiness has important implications in many fields in the halakhic world, particularly in the propriety and ability of an Orthodox individual to trust the actions and rhetoric of others. The halakhic assumption that this person behaves appropriately in private life, which undergirds others’ ability to trust him, is violated. Indeed, several of the halakhic rulings noted above are based on the inability to trust such a person in matters such as ritual slaughter, consuming matzo that he baked, and matters related to the ritual bath.

Another apparent direct reason to impugn the trustworthiness of a smartphone owner, it seems, is the nature of the medium and the complex challenge that it poses to the ultra-Orthodox leadership relative to earlier communication technologies such as television and online computing. Borrowing from Meyrowitz (1985), one may argue that the features of any medium define and are defined foremost by its physical and symbolic “place,” from which are derived the modes of access and the requisite stages of its use. The physical nature of cinema, television, and the computer is such that the user must be exposed to them in front of other people nearby—at home, at work, or in a place of leisure. In ultra-Orthodox society, where mutual social control is applied and community members live in separate areas and neighborhoods and public domains that have no unmonitored spaces (Friedman, 1991), surreptitious consumption of these media (*a fortiori* at home) is almost impossibly challenging. The cell phone, in contrast, is an epitomically personal medium that requires no access to a fixed and public communication terminal; hence it is not visible to those in its social surroundings (Ling, 2004) and even, at times, to those in the user’s home (Hijazi-Omari & Ribak, 2008). Smartphone use is usually private and users can easily conceal the contents to which they are exposed from those close to them. The resulting gap between a community member’s overt image and the presumption of his or her secret consumption of forbidden contents contradicts the essence of *trustworthiness,* our confidence that people behave privately as they do publicly. Thus, proclaiming a smartphone owner untrustworthy is more than a halakhic determination about his or her status; it also constitutes public disclosure of the intrinsically ravaged hidden inner world of any smartphone owner anywhere.

**Conclusion**

Thus, the halakhic rulings revolve around two main axes: social sanction flowing from the perception of a cellular presence as a social and environmental offense, and rules pertaining to personal trustworthiness and public statements about the inner world of a community member who owns an unkosher smartphone. These rulings do more than demonstrate the way the community leaders read the medium and the interaction between the user and the technology and its contents; they also give an indication of a conservative community’s ability to resist the diffusion of a technology that is perceived as a threat to its values and survival. In this sense, the halakhic rulings serve as a practice of struggle that augments the enforcement strategies as would a story added to a building. On the ground floor are practices pertaining to the device itself: identifying it outwardly by imprinting a stamp of approval on it and assigning a unique prefix to users’ numbers; on the second floor is the intensive information campaign in the press, in the community’s public spaces, and in public events. The third floor comprises institutional rules such as an injunction against the enrollment in school of children whose parents own unkosher smartphones. And on the fourth floor are rulings that urge the public to invoke its own social and religious sanctions against the wayward.

It is hard to get a clear picture of how much the rulings are actually carried out. The few reports gleaned from the ultra-Orthodox media on events such as those presented above, in which the rabbis’ directives are enforced, make it seem as though such cases are negligible—relative, of course, to the growing extent of smartphone ownership among the ultra-Orthodox. However, even if the halakhic rulings remain at the declarative level, and if perhaps this was their intention ab initio, they reveal the tangled and tense relationship that exists between the leaders of a traditional community and the technological climate that envelops them—and, in particular, the limits of the enforcement that they may invoke in order to survive as a “technological ghetto” in a modern world.

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1. They may be observed on YouTube, e.g., <https://www.youtube.com/watch?v=ZqzMDyNvCxE> [↑](#footnote-ref-1)
2. Babylonian Talmud, Nedarim 2; see also accepted commentary, e.g., in Rabbi Avrohom Bornsztain of Sochatchov, *Avnei Nezer* (Orah Hayyim 37:4), and Rabbi Shimon Shkop, *Sha’arei Yosher* (3:25). [↑](#footnote-ref-2)