

The Real "Revolutionary Innovation" of KosherSwitch

The KosherSwitch is the name of a switch whose marketing platform claims allows for "on-demand control of electricity on Shabbat" which is "endorsed by leading Orthodox Rabbis". Recently, many have begun to wonder how a product claiming such initial widespread support is under fire from the preeminent *poskim* in America and elsewhere, and a number of the original "endorsers" of the product have clarified their opposition to use of the switch for reasons other than health and security.

The reason, however, though less sensational than others would like one to believe, seems to be very evident for those with a little background. Despite claims of "revolutionary" and "innovative" technology, the switch is essentially a combination of two standard, well known means of technological modification; the first one controversial (and more than 35 years old), and the second one generally viewed as unsubstantial. Fascinatingly, this piece of information explains not only the widespread rabbinical opposition to the switch, but also the confusion regarding the rabbinical endorsements.

The *Halakhic* Background

The basic rationale of the switch's developers (as indicated in the Hebrew language responsa) was to develop a switch that would not be defined as *gramma*, indirect causation of a forbidden Shabbat activity, whose permitted use is limited to health and security needs. They attempted to do so by using a combination of a thirty five year old controversial means of modifying electricity known as *Meni'at HaMone'a*, preventing a preventer (see Shabbat and the Modern Kitchen, 1986, pp. 140-142), with the addition of two forms of delay and randomness. By doing so, they aimed to market their product for the general public.

The *halakhic* difficulties of such an approach are relatively self-evident. If the basis of the technology has been around for so long, then why hasn't it been used for this (obviously profitable) purpose in the past? If the concept of adding forms of delay and randomness were used in other modifications in the past, why were they never advanced for light switches or the like?

The reason relatively simple: "On demand control" of any form of electricity on Shabbat is an oxymoron that would need support so widespread that there would be no room for dissention. That has yet to be found. The originators of the *Meni'at HaMone'a* technology (Rav Levi Yitzchak Halperin's Institute for Science and Halacha) have advocated use of this form of modification for health and security needs, knowing full well that due to its novelty and difficulty defending against preeminent *poskim*, as well as additional concerns, should never be used for household use.

Meni'at HaMone'a's detractors, among them Rav Shlomo Zalman Auerbach, view this technology as inferior to *gramma* modifications, and assert that any immediate result stemming from usage of this technology is classified as one's direct action, a Biblical violation of Shabbat. For this reason, the Zomet Institute of Rav Yisrael Rozen does not make use of this technology even for health and security needs, and instead modifies equipment necessary for the sick and security based upon a complex *gramma* system.

Anyone wondering why the additional modifications of delay and randomness are insignificant according to most *poskim* is rather simple. If the equipment were truly random and completely unreliable, there would be no marketable product, as no one would ever buy something that may or may not light up. It is very hard to understand how a product can, on the one hand, market itself as "permitting the on-demand control of electricity on Shabbat", and on the other-hand claim that it is permissible due to the possibility that the light might never work.

Halakha is a Divine system, and therefore, has no holes. As there are no holes in the Torah, there is no room for loopholes. *Gramma* is essentially the means that the Torah allowed for necessary health and security needs to be met, but the surety of the result makes widespread use a mockery of Halakha as a whole and Shabbat in particular.

The primary innovation of the KosherSwitch is not the technology, but rather the desire to market established technologies for general public use. This motive is much more revolutionary than the technology, and should have been patented alongside everything else the company has done; at the very least, this intention should have been explicitly stated from the get-go to every rabbi who was asked to endorse the product. Unfortunately, their own website reveals they used a different approach.

The "Endorsements"

Aside from the expectation that a company with such an innovative proposal (and at best debatable innovative technology) of "on demand control of electricity on Shabbat" would go directly to *Gedolim*, or to at least state their intentions clearly to everyone they sought endorsements from. Yet, from KosherSwitch's own site it is clear that they didn't even show the technology to all the rabbinical "backers" of the product, as they write: "The concepts and Halachic issues raised by KosherSwitch® technology are not necessarily analyzed by a rabbi/posek on a technological level. Instead, they are compared to cases and analogies that exist in the Talmud, the Shulchan Aruch and related works. For example, rather than dealing with electric circuits, their analysis would examine the permissibility of extinguishing a candle by opening a window at a time when a wind is not yet present, etc."

This unconventional means of seeking endorsements is evident when reading the original Hebrew of some of the "responsa" on the site. Although translated by the company as a response permitting use of the KosherSwitch, the original Hebrew responsa make no mention of the product (but discusses the hypothetical case of a computer rigged by a computer technician), and from the site itself there is no reason to believe the writer was ever shown the switch.

Foul Play?

As a growing number of rabbis originally (and some still) cited as endorsers of the product clarified that they had never intended its use for anything other than health and security, the makers of KosherSwitch expressed astonishment, and raised allegations of foul play against several individuals. It is here where the saga is a little vague, but one thing is patently obvious. Whether or not the claims of some of those approached for endorsements were explicitly told something other than their current marketing platform (i.e., that this product would help wean *ba'alei Teshuva* off of electricity in a hope that they will soon arrive at complete Shabbat observance) are the result of a misunderstanding or foul play, the

KosherSwitch site makes it abundantly clear that rabbis were never informed, at least originally, of the company's plans to market the switch to the general public. This was something the rabbis were to realize on their own if they took the time to read a sixty page binder which included the opinions of some lesser known *poskim* who mention the possibility of household use.

Alongside the company's allegations against anyone who would think the technology wasn't intended for everyone, they carefully word their aggravation as follows: "**There is not a single document authored by our company that would indicate intent for our technology to be used only with the "purpose of medicine or security"**" (bolding in the original). This statement outright admits that there is not even a document in their binder revealing their true intentions. Their promotional video is clear that the impetus for the development of the product was household use of the switch; why was that not specified when seeking endorsements?

Imagine medical experts who were asked to express their approval of a new respirator. Logically, they would be analyzing whether it serves the needs of those who cannot breathe on their own, as that is the common use of respirators. If the developers of the product would then present the expert medical opinions as advising that such a respirator should be in everyone's home (adding claims that one who doesn't use it might be being lenient or in violation of *bal taschit* (wasting), as KosherSwitch does) then one can understand how the medical experts would want to "clarify" or "retract" their statements.

After the most well-known original so called Rabbinical endorsers of the product clarified that they never endorsed this product for general household use, nor had any knowledge of those intentions, KosherSwitch's response was not an attempt to clarify these things directly with the rabbis (reminding them of their original permission or taking out the recordings they have produced in other instances), but a host of allegations against the original detractors, primarily Rav Yisrael Rozen of the Zomet Institute who publicized the clarifications. His initial response as to the permissibility of KosherSwitch, published in 2011, succinctly summed up the unfathomability of using the controversial *meni'at hamone'a* technology for general use, irregardless of whatever modifications were made. The Institute which developed the technology never dreamed of such use, despite their convictions to the efficacy of the technology, and the detractors felt the modifications would at best classify the switch as a *gramma*, with all its limitations.

What were they told?

Rav Rozen, an expert in the field, and one who was in constant contact with Rav Shlomo Zalman Aeurabach's students regarding technological modification; seeing three names of his students among the endorsers of such a product was incredulous. As it turns out, one of them, Rav Zalman Nechemia Goldberg's written responsa was anything but an approbation; explicitly stating that it was not permissible for general use (and has since been removed from the site). The other two rabbis immediately wrote clarifications that they never intended permitting this for general use (something KosherSwitch admits was never mentioned to them), and their original short blessings to the project never stated otherwise. Anyone familiar with their rulings and the rulings of their rebbe, Rav Shlomo Zalman, knew this to be true.

It is here where KosherSwitch's marketing team made, in my opinion, a fundamental error. Rather than revealing the whole story, they raised nasty allegations against their original

detractors. The primary allegations of Rav Rozen being out to get KosherSwitch because as head of the Zomet Institute he is competition, and connotations of their detractors as "zealous individuals" are too much to stomach. These allegations become more and more ridiculous as additional letters of clarification or total retraction become even more numerous, with original "endorsers" making their discontent of the product's general use (and its advertising) publicly known, alongside more and more rabbinical authorities explaining the impermissibility of such use. Nevertheless there is a final point worth mentioning which will hopefully not only put an end to such allegations, but will also delineate the differences between the varying types of electrical modifications and their modifiers.

Who would want to compete?

While there is no reason to assume that the developers of KosherSwitch had anything but righteous motives for developing such a product, their site is clear that it is being marketed as a business. Every mention of KosherSwitch is copyrighted and there are options for partnering and investing in the product. KosherSwitch is certainly a product that will be very profitable if successfully marketed to the public at large. While this might be a legitimate means of raising money for an altruistic cause, a look at who they claim to be their "competition" reveals otherwise. Rav Halperin's Institute for Science and Halacha doesn't even have an internet site (the link on KosherSwitch's site is to a non-Jewish organization), and the Zomet Institute's site is primarily educational. For good reason, these institutes which have known about this technology for over thirty years never made use of it for general use; because they are not out to make a profit off of Shabbat merchandising, even if it will further their abilities to increase their activities. They are institutes primarily aimed at assisting Shabbat observance for health and security, and all their products for the general public involve a completely different set of modifications that are not possible for anything (such as lights) which seeks "on demand control" of electricity on Shabbat.

As a matter of illustration; besides the unfathomability of accusing competition as the motive for any established institute to express their disapproval of using known forms of modification for generally use, something they find *halakhically* implausible, and never advanced despite the profitability, the proof is in the pudding. Unlike the copyrighted, patented, for-profit KosherSwitch, the non-profit Zomet Institute doesn't copyright or patent any of its modifications. They can be used by others (if used correctly) free of charge if done for the benefit of those in need. Additionally, the only product that Zomet has that could ever be used for lights (though it is rare that that need would ever be its use) is a *gramma* device that Zomet makes clear is not only limited to health and security, but one must ask their *posek* if it is suitable for them. In fact, Zomet which is heavily involved in education and answering general questions free of charge, offers their *gramma* device for free for anyone who needs it for three months or less. The blatant difference, Zomet's modifications are to enable Shabbat appreciation, observance, and enjoyment for those in need; it isn't run like a business, and accusations by businesses with such questionable (putting it lightly) business practices of competition and foul play should be redirected at the accusers. In short, great organizations the likes of Zomet have no desire or reason to compete with those for whom Shabbat is a business, and being upfront about one's intentions is optional.

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