

B”H

Guns – Their Aim, Their Control

Rabbi Nochum Mangel - Chabad of Greater Dayton

A The Divine Target

Opening question: A contemporary rabbi explored a question sent to him about whether someone who is armed can enter a synagogue for prayer.

Question: Is an armed soldier allowed to enter a synagogue with his rifle or handgun?
SHuT Yechaveh Daat 5:18

1 *When you build for Me an altar of stones, do not use hewn stones in it, for by waving your sword upon it you would have profaned it [Exodus 20:22].* Rabbi Shim'on ben Elazar said: The altar was created to lengthen man's years; iron shortens man's years. One is not permitted to wave the shortener over the lengthener.

Mechilta, Parashat Yitro

2 *It is forbidden to enter a synagogue with a long knife (like a machete), because prayer lengthens man's life and the knife shortens it.*

Maharam Rothenberg, cited in *SHuT Yechaveh Daat 5:18*;
the ruling in *Shulchan Aruch* follows his opinion.

3 One must not go out with a sword, nor with a bow, nor with a triangular shield, nor with a round one, nor with a spear; if he does so he is liable for a sin-offering. R. Eliezer says they are ornaments to him, but the sages say they are nothing but a stigma, for it is written [Isaiah 2:4; Micah 4:3]: *"They shall beat their swords into ploughshares and their spears into pruning-knives; nation shall not lift up sword against nation, neither shall they learn war any more.*

Shabbat 8b

4 *The Holy One saw no better vessel to contain blessing than peace. - Uktsin 3:12*

B Defending Life

1 Do battle with the Midianites and strike them. For they fought with you...
(Numbers 25:18) – From here we learn that if someone comes to kill you, you should get up earlier and kill him.
Bamidbar Rabba 21:4

- 2 *And there was no smith found throughout all the land of Israel; for the Philistines said, Lest the Hebrews make themselves swords or spears; But all the Israelites went down to the Philistines, to sharpen every man his plowshare, and his spade, and his ax, and his mattock. And there was a charge for filing the mattocks, and the spades, and the three-pronged forks, and the axes, and for setting the goads. So it came to pass in the day of the battle, that there was no sword nor spear found in the hand of any of the people who were with Saul and Jonathan; but only with Saul and with Jonathan his son was there found.* I Samuel 13:19
- 3 *The weapons of a soldier in current army service are considered as part of his garments with respect to the prohibition of carrying things on Shabbat and he is permitted to wear them as he goes from one Shabbat domain to another.*
Rabbi Yechiel Michel Epstein, Aruch Hashulchan, Hilchot Shabbat
- 4 *The people of Israel went up armed out of the land of Egypt.* Exodus 13:18
- 5 *They understood themselves as redeemed, free people, and not slaves running away.*
Commentary of Rabbi Moshe ben Nachman and Ibn Ezra, ad loc
- 6 *There is a presumption that a man will not refrain from protecting his property. Therefore, burglar certainly thinks; "If I go in, he will stand opposite and not let me steal. If he does that, I will have to kill him." The Torah then says: "Since he is coming to kill you, get the jump and kill him first."* Sanhedrin 72a
- 7 *Let him die while he is innocent and not in bloodguilt. For the death of the wicked is beneficial to them and beneficial to the world.* Mishnah Sanhedrin (72a)

Now we can answer the question we had quoted earlier: may a soldier enter a synagogue bearing his arms?

Answer: It is proper and very desirable that the soldier who enters the synagogue to pray should conceal his weapons with his garment so that it doesn't show. If it is impossible to conceal it, as in the case of a rifle or something similar, and there is some security need or the like that he should carry his weapon with him, one should be lenient and allow him to enter the synagogue to pray.

SHuT Yechaveh Daat 5:18

C. Protecting Life

1 *When you build a new house, you shall make a guardrail for your roof, so that you shall not cause blood [to be spilled] in your house, if the one who is liable to fall should fall from it [the roof].* Deut. 22:8

2 *There are four general categories of hazards: the [trampling, goring] ox, the pit, the maveh [foraging animal according to some; or damages caused by man, according to others], and the fire.* Bava Kama 1:1

Question: In which category do you think a gun would belong?

3 *Rabbi Nathan says: Whence is it derived that nobody should breed a vicious dog in his house, or keep an impaired ladder in his house? [We learn it] from the text, "You shall not cause blood [to be spilled] in your house."* Bava Kamma 15b

4 *Our Rabbis taught: No man should breed a dog unless it is kept on a chain. He may, however, breed it in a town adjoining the frontier where he should keep it chained during the daytime and loose it only at night.* Bava Kamma 83a

Alternative or supplementary reading:

It is a positive command to remove any hazard that poses a danger to life; one should take effective precautions against the danger, as it says: "Be very careful and guard your life well." If one does not remove such hazards and allows them to stand one has nullified a positive command and transgressed the prohibition of "Do not put blood." An example would be leaving a flimsy ladder in place in one's home or yard.

Similarly, one who raises a vicious dog. This is so even if it only barks and doesn't bite, for it may cause a woman to miscarry from fear. Anyone who raises such a vicious dog is cursed, the same as one who raises swine. However, it is permissible if the dog is tied with an iron chain, for then people do not fear it.

In a city near the border, in which security is a concern, it is permissible to raise such a dog, chaining it by day and letting it loose at night. One is permitted to raise

a dog that is not bad, that does not bark at people, and there is no need to chain it at all.

Rabbi Schneur Zalman of Liadi, Hilchot Shemirat Guf vaNefesh 3

- 5 *A person who sends a fire in the hands of...a mentally incompetent person or a child is not held liable by an earthly court; he does, however, have a moral and a spiritual obligation [to make restitution for the damages].*

When does the above apply? When he gave them a coal and they fanned it into a flame, for it is normal for a coal to burn out before it causes a flame. If, however, [the person] gave them a flame, he is liable, for his deeds caused the damage.

When a person sends a fire with a mentally competent individual, the agent who spread the flame is liable, and the principal is free of liability.

Similarly, if he charged a watchman with guarding a fire, [and the fire nevertheless caused damage,] the watchman is liable.

Maimonides, Hilchot Nizkei Mammon 14:5-6

Questions: Is a gun more like a vicious dog or more like an ember? Why?

- 6 *Now Adah bore Yaval; he was the father of those who dwell in tents and have cattle. And his brother's name was Yuval; he was the father of all who grasp a lyre and a flute.*

And Zillah she too bore Tuval Cain, who sharpened all tools that cut copper and iron, and Tuval Cain's sister was Na'amah.

Now Lemech said to his wives, "Adah and Zillah, hearken to my voice; wives of Lemech, incline your ears to my words, for have I slain a man by wounding (him)? A child by bruising (him)?"

"If Cain shall be avenged sevenfold, then for Lemech it shall be seventy-seven fold."

Genesis 4:20-24

- 7 *Lemech was very wise and taught one son herding, the other music, and the third metallurgy. His wives remonstrated with him that the introduction of ironworking would enable the production of weapons and bring murder to the world. He responds to them: "I have done no guilt as I have killed no one as Cain has. It is not the sword that kills, but the bad choice by a man. Without a sword a man could kill another by wounding and battering as did Cain, to who I am not alike." Swords do kill – but only if they have evil intent behind them.*

Commentary of Nachmanides, ad loc

- 8 *Today, homeowners possess all kinds of electrical devices and various harmful drugs. How can we possess these things? Are we not violating the prohibition of Do not put blood? We are causing stumbling; G-d forbid, people do stumble on these things. If we say that by writing a warning notice on these things that they are dangerous we have done our job, then we can view positively those many people who store such things in their homes...*

All of this is said about objects. But such a notice will certainly not suffice for a vicious dog. For whenever the dog is not tied up securely, it will be able to move away from any warning notice about danger. Similarly, even when the dog is inside the house, a notice will not be enough as long as the dog is not tied up. For it is impossible that no one will at some time open the door to the house and the dog will go out. But if the dog is chained up, that is fine.

Rabbi Menashe Hakatan, Meshaneh Halachos 201d- 202a

D. The Target Market

- 1 *It is forbidden to sell any weapons of war to idolaters. Nor may we sharpen their weapons nor sell them knives, neck chains, iron leg chains, chains of Indian iron, bears, lions or any item that constitutes a public hazard. But we may sell them shields, for they are only for defense.*

Everything that is forbidden to sell to an idolater is forbidden to sell to a Jewish outlaw, because thereby you strengthen transgressors and cause them to stumble. Similarly, anyone who causes someone who is blind to a matter to stumble or gives him unsuitable advice, or who strengthens the hands of transgressors who are blind to a matter and do not see the truth because of their heart's cravings: such a person violates a Torah prohibition, as it says: "Do not place a stumbling block before the blind." Only give advice that is proper to the person who seeks it from you.

Maimonides, Hilchot Rotseach 12:12-13

- 2 *A knife in the hands of a mental incompetent is a hazard.* Tishbi, Samech

E. A Clear Scope

- 1 *Make my eyes pass over seeing vain things; enliven me in Your ways.*
Psalms 119:36

- 2 *Hold my eyes back from seeing vain or forbidden things lest I crave them and come to stumble.*
Metsudat David, *ad loc*

- 3 *Every person needs to have the fear of sin, that is, the fear to do anything that opposes G-d and His purposes. This includes not just avoidance of actual sins or transgressions, but even setting boundaries on one's senses, so that one closes one's eyes against seeing evil and one's ears against hearing evil. One's sense of sight should not be open to seeing whatever stands before him, and certainly not to gaze at forbidden things, for truly, looking (and gazing even more) is the cause for every evil thing and brings one into complete evil, G-d forbid. As the Talmud teaches: The eye and the heart are the two brokers of sin – the eye sees, the heart craves, and all who gaze... will in the end come to sin. It is well known that the essence of pleasure comes through the sense of sight... and it is sight, therefore, that arouses pleasure in the soul. Therefore, we see that even devoted servants of G-d can be distracted temporarily from their attachment to G-d by their sense of sight.*

Rabbi Sholom Dovber Schneersohn, Kuntres Ha'avoda, p. 11

- 4 *Concern on the part of the public and Congress about the harmful influence of media violence on children dates back to the 1950s and 1960s, and remains strong today. The legitimacy of that concern is corroborated by extensive scientific research that has accumulated over the past 40 years. Indeed, in reviewing the totality of empirical evidence regarding the impact of media violence, the conclusion that exposure to violent portrayals poses a risk of harmful effects on children has been reached by the U.S. Surgeon General, the National Institutes of Mental Health, the National Academy of Sciences, the American Medical Association, the American Psychological Association, the American Academy of Pediatrics, and a host of other scientific and public health agencies and organizations.*

Dale Kunkel, PhD, University of Arizona, testimony before Senate Committee on Commerce, Science and Transportation, June 26, 2007