



SHUL SECURITY: HALACHIC PERSPECTIVES

A few months ago, I was sitting on a *bais din* interviewing a *geirus* candidate. I was very impressed with this woman's energy and drive to join the Jewish nation. I asked her if she had heard of the recent anti-Semitic events in supermarkets, synagogues and on the streets in so many Jewish communities. She replied, "Yes I am well aware." I immediately responded with a question, "Why would you want to subject yourself to such a risk?" She replied, with a statement that truly resonated with me: "I thought about that for a long time and came to the conclusion that the benefits outweigh the risks. Yes, it's true that Jews are not popular among many nations, and that presents

complexities in a Jew's life. But the Jews are the chosen nation and they merit to be the children of G-d, which is worth every threat they face as a people." Every convert, before immersing in the ritual bath, has a similar conversation: seconds before transforming into a full-fledged Jew, the *bais din* asks: "Are you fully aware that as a Jew you will encounter anti-Semitism, which can include physical and verbal abuse from those around you?" The convert accepts that reality and enters *klal Yisrael*, acknowledging that Judaism is not necessarily a smooth ride.

On the night of Pesach, each and every Jew has a similar conversation. The Chasam Sofer suggests that

Pesach is an annual existential conversion and a renewal of *Yiddishkeit* for *am Yisrael*. At the Seder, we reaffirm Judaism as if it were a conversion. This dimension of the conversion process is also included in the Haggada. There, we recite that in every generation our enemies seek to annihilate us, but G-d saves us, and this is why we are here today. This is the topic we raise with the convert that is reiterated to us in our own conversion and rededication to *Yiddishkeit* on the night of Pesach.

On the final day(s) of Pesach, we approach anti-Semitism with a different frame of mind. In the Torah reading for the seventh day of Pesach, we read the Torah's (*Shemos*

13:18) description of how the Jewish nation exited Egypt with weapons prepared for their enemies who would ultimately attack them. Hashem wanted am Yisrael to have a plan to defend themselves against their attackers. Although the Jewish people believed they were vulnerable without G-d's assistance, they were required to implement security efforts to protect themselves. Unfortunately, these realities are ever-present this Pesach more than in recent years.

In this article, I would like to focus on the concept of protecting ourselves and our communities and the halachic implications. We recognize the reality of anti-Semitism and we are therefore responding the way our ancestors did, just as we read about on the seventh day of Pesach, by enhancing security in our shuls. We will address some of the halachic concerns and issues that may arise when implementing security protocols. As a disclaimer, the goal of this article is to provide an educational framework to appreciate the issues. I encourage all security members and councils to consult their local Orthodox rabbi for official guidance.

The Concept of Pikuach Nefesh

Before addressing individual challenges, it is important to categorize and assess the threat level from a halachic standpoint. The Gemara, in *Yuma* 84b, introduces a halachic principle that in a life-threatening situation, all halacha can potentially be suspended if necessary. This principle is known as *pikuach nefesh*. Does the rise in anti-Semitism and recent attacks in synagogues cause us to treat shul security as a situation of *pikuach nefesh*? Is there

a specific number or threat level that we can use to quantify which situations are treated as *pikuach nefesh*? The *Magen Avraham* 316 and *Teshuvos Rabbi Akiva Eiger*, YD 60, both write that when the threat is less than one in a thousand that someone will be harmed, it is too remote to be considered *pikuach nefesh*. Does that translate to mean that if these attacks occur in less than one in a thousand gatherings it is not considered *pikuach nefesh*? One could argue that the number of attacks might not determine the status of *pikuach nefesh*. The poskim who introduced these numbers and percentages were dealing with natural issues and diseases that come and go. However, the threat of anti-Semitism is constant and emanates from ongoing and preexisting hatred. This is different than a natural phenomenon and disease that can be quantified by numbers and cases. Anti-Semitic attacks could arise at any given point due to an escalation of a hatred that is steady and ever-present. The catalyst of these threats is always in play, and quantifying the threat by the number of previous attacks is not reflective of the actual threat.

The risks that shuls face differ from classic *pikuach nefesh* for another reason. The threats that are of concern relate to a future *pikuach nefesh* situation, and there is no imminent threat. Can the principle of *pikuach nefesh* be employed to prevent future *pikuach nefesh* situations? If there is a theoretical possibility of an attack, does that create a *pikuach nefesh* situation today? The *Noda Beyehuda*, *Tinyana*, YD 210, was asked about performing an autopsy that might help introduce medical information and cures for future patients carrying this disease. The *Noda Beyehuda*

responded that one cannot permit any violations of halacha under the guise of *pikuach nefesh* if at the time of violation there is no sick individual who needs a cure. He argues that *pikuach nefesh* requires a sick person to be present. If the entire motivation for the violation is for future predicaments and illnesses, it would not be considered *pikuach nefesh*.

The *Chasam Sofer*, *Teshuvos*, YD 336, concurs with the approach of the *Noda Beyehuda*. According to this approach, if shuls are facing no life-threatening situation at the moment, one can argue that synagogues cannot employ *pikuach nefesh* as the basis for leniencies in determining security protocols. However, the *Chazon Ish*, *Ohalos* 22:32, had a different approach. He writes that a situation of *pikuach nefesh* is not merely a function of a sick individual being present, but whether the threat is reasonable. If the threat is not too far-fetched and is considered reasonable, this qualifies as *pikuach nefesh*. According to this approach, one can argue that the potential threat to Jews around America would be recognized as *pikuach nefesh*, as recent history has demonstrated. Unfortunately, the possibility of an attack is not unreasonable and the large investment of money and time into shul security attests to the gravity of the situation.

Even if one were to assume the *Noda Beyehuda*'s more restrictive approach to *pikuach nefesh*, the situation facing shuls in America may be slightly different. Threats that relate to the public are treated differently than threats to an individual. The Gemara, *Shabbos* 42b, states that one is allowed to extinguish a burning coal in the street on Shabbos because it will otherwise cause public harm. The

Ramban cites the opinion of the Behag, who explains that the Gemara permits a violation of a biblical transgression for the sake of avoiding public harm. The Ramban asks: How can this be permissible if there is no *pikuach nefesh*? Nobody is going to die from stepping on a coal, and the concern is merely public harm. The Ramban explains that Behag is of the opinion that a danger to the public, even if it is non-life threatening, is on par with a life-threatening situation facing an individual. The halachic criteria regarding the public is approached with unique criteria. The Ramban does not accept the Behag's ruling and would only permit a rabbinic violation in a situation of danger to the public. The Ramban's opinion is codified in *Shulchan Aruch*, OC 334:27.

While the opinion of the Behag is not the accepted opinion regarding that particular case, it doesn't mean that we reject his logic. Rav Moshe Shternbach in *Teshuvos Vehanhagos*, 3:105, argues that the criteria for determining *pikuach nefesh* of the public is more lenient than for an individual. He cites Rav Chaim Soloveitchik that hospitals can utilize leniencies that individuals cannot, because their policies relate to the *pikuach nefesh* of the public and the danger is more common. Perhaps one can argue that the current security situation is a public threat and therefore would not require a present danger. Once one assumes that the current situation is *pikuach nefesh*, we don't require a definite threat. The Gemara, *Yuma* 85a, extends *pikuach nefesh* even to cases where there is a doubt as to whether someone's life is in danger.

Nevertheless, even if we treat the

situation as *pikuach nefesh*, it is imperative to analyze all protocols and limit violations to situations where there is no permissible alternative. In many security situations there are methods that are completely permissible, or less severe violations that don't require a compromise in security.

The poskim assume that in situations of *pikuach nefesh*, the rules are not entirely suspended. There are two approaches to understand why one violates prohibitions in the face of *pikuach nefesh*. *Hutra* means that when faced with any possibility of a life-threatening situation, all prohibitions are entirely suspended. We are permitted to violate anything even when it can be avoided. The other approach is that the mitzvos are considered *dechuya* in the face of *pikuach nefesh*. This means that the prohibitions remain in place but are overridden by the concern for *pikuach nefesh*. The override is limited and restricted when necessary. The practical difference between these two approaches is whether one is required to limit and avoid overriding transgressions when there is an alternative that doesn't compromise the effectiveness of mitigating the danger. This *hutra-dechuya* debate is a major debate among the rishonim. The Rama, OC 328:12, rules that *pikuach nefesh* is *dechuya* and therefore, one is required to limit desecrating Shabbos. This would include asking a gentile to perform *melacha* instead of a Jew, as long as this will not slow down the rescue or operation. This is one advantage of having a non-Jewish security guard who can be involved with *melacha* activity on Shabbos.

However, having only a gentile guard

the premises on Shabbos has practical limitations. The gentile doesn't know the members of the shul and is not as adept at screening those who enter. Additionally, hiring professional security guards can be expensive.

Furthermore, there is an additional concern raised by the *Shulchan Aruch* in this very discussion, which also relates to security. The *Shulchan Aruch* quotes from the Rambam that in *pikuach nefesh* situations, the rabbi of the shul (or someone of great stature) should be the one to violate Shabbos because he will do so without hesitation. Others may be reluctant to violate Shabbos out of concern that they are doing something wrong. The rabbi will act swiftly and decisively and as such, he is the most suited to be the first responder. The same concern applies to security personnel. Some security experts have noted that a volunteer security member performs certain tasks with greater alacrity and scrutiny than a paid professional. As such, he or she is more suited for these tasks. If the shul has a non-Jewish paid professional working together with volunteer shul members, the Shabbos and security concerns can be ameliorated.

Muktzah Issues

One question that arises is the issue of carrying a gun on Shabbos. [We are not going to discuss the issue of whether it is prudent from a security perspective to have shul members come to shul armed. This is something that should be discussed with security experts and local police in coordination with the rabbinic and lay leadership of the shul.] Are guns considered *muktzah*? The halacha is that a vessel that is primarily used for an activity that is prohibited

on Shabbos may not be moved on Shabbos. This is referred to as a *kli shemelachto le'issur*. What is the primary use of a gun? Rav Shlomo Goren argued that the primary use of a gun is self-defense. The only time one should discharge a gun is to save a life and as such, it is not designated for a prohibited activity, but for a permissible one — *pikuach nefesh*. Alternatively, one can argue that the gun is primarily used for training or hunting and is a *kli shemelachto le'issur*, since its usage violates two potential *melachos* of Shabbos. The first *melacha* is creating a fire inside the gun, which is the *melacha* of *hav'ara* (kindling). The other *melacha* (if the gun is primarily used for hunting or if one assumes that killing for *pikuach nefesh* doesn't change its *muktzah* status) is causing bleeding or death, which is *netilas neshama*. However, one may move a *kli shemelachto le'issur* under certain circumstances. The Gemara, *Shabbos* 124a, states that if the vessel is being moved *letzorech gufo*, which is for use of the *kli* in a permissible manner, then it is permitted. The classic example of a *kli shemelachto le'issur* moved *letzorech gufo* is using a hammer to crack nuts. The Chazon Ish suggested soldiers employ this idea if they need to carry a gun on Shabbos. He told them to carry nuts in their pockets and use the gun to crack them. Rav Shlomo Zalman Auerbach (cited in *Shemiras Shabbos Kehilchasa* 20:28) argued that this is not necessary, because the gun is not a *kli shemelachto le'issur*. He contended

that part of the purpose of the gun is not merely to shoot and kill but rather to instill fear among those who are planning to attack. According to the Rashba, *Shabbos*, 123a, a vessel that is used for multiple functions is classified based on majority use. Since the majority use of the gun is for the purpose of instilling fear, a gun should be classified as a *kli shemelachto le'heter* — a vessel designated for a permissible purpose. If a gun is a *kli shemelachto le'heter*, it is not *muktzah* at all. This psak is relevant to our security situation since the gun serves a similar purpose — to act as a deterrent against those who might plan an attack. [Some have argued that guns are completely *muktzah* and they are under the category of *muktzah machmas chisaron kis*.]

A related issue involves carrying radios on Shabbos so that security team members can communicate with one another. The device is categorized as a *kli shemelachto le'issur* because using it for communication is ordinarily prohibited. However, since the device is being carried for a permitted usage to hear any urgent communication when necessary, it is considered *letzorech gufo*, which is permitted. There should be no difference between devices that are carried on a belt, like walkie talkies, or earpieces.

Electricity Issues

The other issue with radios is activating the device prior to use. This

issue touches on a major disagreement among poskim regarding activating electrical appliances on Shabbos. The *Chazon Ish*, OC 50:9, was of the opinion that when activating electrical appliances, one is closing a circuit, which would be classified as the *melacha* of building. His opinion was that making a device functional was similar to building it. This view was contested by Rav Shlomo Zalman Auerbach (*Minchas Shlomo* 1:11), The *Bais Yitzchak* (Hashmatos to YD 2:31) and Rav Hershel Schachter (*Mesorah* vol. 20) as well as many other poskim. They argued that the issue is, at most, only rabbinic in nature. As stated previously, even if a situation doesn't meet the criteria for *pikuach nefesh*, the *Shulchan Aruch* permits violating a rabbinic prohibition to ensure that the public does not get harmed. However, we encourage downgrading the severity of every transgression whenever possible. There are two ways to minimize the prohibition: either by having a gentile turn it on, or when that option is not available, by activating the power button in an abnormal fashion (e.g., with the elbow), which is also rabbinic in nature called *k'l'achar yad*. When a *melacha* is performed in an abnormal manner, it is only considered a rabbinic violation. Couple that with the fact that activating the device is only rabbinic in nature and we are dealing with a double *derabonon*.

Communication through the device usually requires pressing a button to talk. Producing sound waves on



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the device is similar to the question of producing sound waves on a telephone, which Rav Shlomo Zalman considered to be *molid*, a rabbinic violation on Shabbos. Security teams should be aware that unnecessary communication should be avoided.

Recording Information

There are certain situations that require the immediate collection of information to send to the authorities. For instance, a security team member may witness some highly suspicious activity or notice a car circling the shul, and there is a need to quickly record a license plate or take a picture. Writing down the license plate on paper would be a potential biblical violation of *kosaiv* (writing). If the writing is done with the weaker hand, that would lower it to a rabbinic violation, since it is *k'l'achar yad*. One should opt to write with a weaker hand to lower the severity of the transgression.

What about taking a picture with a phone? This might be considered *kosaiv* because a picture appears on the screen, which is a form of writing. It might also be considered *boneh* or *makeh b'patish* (fixing something), since storing this information constitutes a significant improvement to the device it is stored on (See *Shemiras Shabbos Kehilchasa* 66: note 211). Using one's knuckle to press the button can minimize the severity of the *melacha* to a rabbinic violation because it is being done in an abnormal fashion. Another consideration is the possibility that taking a picture with a phone is only rabbinic in nature because the image on the screen is temporary, and the stored information is not needed once it is submitted to the authorities. As such, taking a picture of a license plate

with a phone in an abnormal manner may be preferable to writing it down in an abnormal manner.

Security Cameras

Many shuls have cameras around the premises on Shabbos. Is there an issue with walking in front of a camera that will now cause the screen to change images? As mentioned earlier, an image on the screen may violate the *melacha* of *kosaiv*. For writing to be a biblical transgression it needs to be permanent. In many situations this picture is temporary (*kesiva she'aino shel kayama*), and therefore is only considered rabbinic in nature. However, what if the shul is saving the information and recording it? Would this be biblical in nature (*koseiv, boneh* or *makeh b'patish*)? Even if the picture is saved and recorded, walking in front of a camera is different than actively taking a photograph. The individual walking in front of the camera has no intention of being photographed. His only intention is to walk into the shul. The *Shevet Halevi*, 10:60, is of the opinion that if an individual is merely walking and a camera catches his movement, this is not considered *melacha*. The operating term when it comes to *melacha* on Shabbos is *melech machsheves* — a *melacha* must include planned and creative work. Walking into a shul and being caught by a monitor or camera would not be *melech machsheves*, and therefore he argues that it is permissible to walk in front of a camera on Shabbos. Rav Hershel Schachter disagrees and compares this issue to a discussion between the Ran and the Rashba in *Maseches Shabbos* daf 94. The Rashba rules that an individual can close the door to his house knowing that a deer is inside and need not be concerned for the *melacha* of

tzad (trapping) on Shabbos. The Ran disagrees with the Rashba and argues since it is inevitable that the deer will be trapped when closing the door to the house, this would be prohibited. The question is, how did the Rashba permit such an activity? Isn't the Rashba aware of the fundamental principle that when doing activity "A" that will inevitably cause *melacha* "B" that is a transgression on Shabbos? Don't all rishonim subscribe to the halachic principle of *psik reisha* (an unintended but inevitable consequence of one's activity is prohibited)? Many achronim including the *Avnei Nezer*, OC 194, as well as the *Oneg Yom Tov* OC 22, suggest that the Rashba is of the opinion that *psik reisha* is only applicable when the inevitable consequence was the result of a direct activity on that same item. For instance, when dragging a bench on soft ground, it is inevitable that there will be a ditch created in that same spot. However, closing the door indirectly creates a trap for the deer and is not a classic *psik reisha*. The act of closing the door only inhibits the exit of the deer in an indirect manner. According to the Rashba, an indirect *psik reisha* (or *psik reisha al yedei grama*) is not a *psik reisha* and therefore, walking in front of a camera, where the activity and the inevitable consequence are in two different places, would be permissible. Rabbi Akiva Eiger, in his *Commentary to Shulchan Aruch, Magen Avraham* 316:11, writes that the Rama, OC 316:3, follows the opinion of the Ran. For this reason, Rav Schachter suggests avoiding cameras on Shabbos when possible, since this would only be permissible according to the opinion of the Rashba but prohibited according to the Ran.

It is important to note that the above dispute about security cameras is about cameras placed in areas where there is no concern for *pikuach nefesh* or public harm. In a shul security setting there is more room to be lenient, because at most it involves an indirect *melacha*, which is known as *grama*. *Grama* is at most a rabbinic issue and would be permissible in a case of *pikuach nefesh* or even to avoid public harm (*hezek rabim*).

Tefillah Issues

The security dilemma raises halachic issues beyond Shabbos as well. Is it permissible to bring a weapon to shul and daven while holding or carrying a weapon? The *Shulchan Aruch*, OC 151:6, quotes from the Maharam Mirutenberg that one should not carry a sword to shul. This is based on the Torah's prohibition against using a sword to construct the Mizbe'ach. Chazal teach us that the Mizbe'ach is a symbol of peace and there is no place for a sword, which is a symbol of violence. Similarly, our shuls today represent the same idea, and it is inappropriate to bring a weapon into shul.

One may bring weapons into shul for the purpose of *pikuach nefesh*, and that is common practice in Israel. Furthermore, even if one were to argue that carrying a weapon is not *pikuach nefesh*, many poskim are lenient if the weapon is concealed. If a person was off-duty inside the shul and wanted to daven, according to many poskim he can conceal his weapon and the issue is resolved.

Often security volunteers can join the tefilla at certain points. Security personnel should discuss with their rabbanim which parts of tefilla they

should try to attend, especially if multiple minyanim are available to coordinate shifts. Certain tefilos can only be recited with a minyan, and for others a minyan is preferred. These include the silent Amidah, Kaddish, Kedusha and Kerias Hatorah. It is important to emphasize that security members who are needed outside of the shul are exempt from *tefilla betzibur* (prayer with a minyan) under the halachic principle of *osaik bemitzvah pattur min hamitzvah* — an individual involved in one mitzvah is exempt from performing another

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mitzvah. The security personnel are involved in the mitzvah of protecting the community and are therefore exempt from other mitzvos. There is a disagreement among the rishonim whether one is obligated to perform both mitzvos if it is possible to perform both. The Baalei Hatosfos, *Sukkah* 25a, argue that if one is capable of accomplishing both mitzvos one is not exempt but rather is required to do so. The Ran, *Sukkah* 11a, disagrees and argues that even if one can figure a way to accomplish both one is not obligated to do so if it will require effort. The *Mishna*

Brura, Biur Halacha 38:8, follows the opinion of the Ran and is lenient on this matter. Therefore, security guards should not feel that they are not fulfilling their obligations and missing out on their mitzvos. They are exempt from the services that they are unable to attend. I think that it is not advisable to try to accomplish both because it may jeopardize security, which necessitates a clear and present mind focusing only on security. If they have an opportunity to attend services before or after their shift, they should certainly do so because at those times they are not “*osek bemitzvah*.”

It is important for rabbonim to be involved with security teams and security protocols that are being implemented in the shuls. The rabbonim should provide guidance to ensure that security protocols are within the confines of halacha. This should be in consultation with security experts and lay leadership so that solutions can be found that address the sensitivities of halacha, security and practicality.

It is a rapidly changing world with many new issues that the Jewish nation faces on a day-to-day basis. A few years ago, the Jew in America would never imagine having to address these issues or have such emotions when reciting *Bechol dor vador* at the Seder. The most important measure and takeaway from the chag of Pesach in a world with growing anti-Semitism is the need to strengthen one's *emunah* and dependency on the Lord above. It is important to recognize that beyond the security protocols and other human efforts, we exist today because of the hand of God and we live into tomorrow depending on the hand of God.