

S·E·P·H·A·R·D·I·C HALACHA JOURNAL

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STAYING SAFE AND SECURE

Are All Security Measures Permitted On Shabbat?

Highlights of a Shuir by Rav Yosef Greenwald

The terrible tragedy that occurred in Pittsburgh left us all with a sense that we are not as safe as we'd like to be. Many people seek to increase the security of our public institutions. To this end, it is important to delve into the *Halachot* that relate to security measures on *Shabbat*.

FIREARMS ON SHABBAT:

The act of shooting a gun is clearly forbidden *MiD'Orayta* – a Biblical prohibition – as when one shoots a gun, he creates a combustion that is equivalent to making a fire.

We can assume that one would actually shoot a gun only if he was faced with a situation of serious danger to one's life – *Pikuah Nefesh* – in which case any measures may be taken. Therefore, practically, this prohibition is not usually relevant.

More relevant would be the prohibition of carrying a gun to a shul through an area that is not encircled by an *Eruv*. If one must pass through a real *Reshut HaRabim*, carrying a gun would be a Biblical prohibition. The concept of *Pikuah Nefesh* would not apply to this prohibition, as one need not place himself into this situation. Even if it is deemed necessary to have armed guards in shul, one may not transgress a *D'Orayta* in order to be able to daven in a shul.

However, carrying firearms to shul may be done through non-Jews. While it is forbidden to ask a non-Jew to perform a *Melacha D'Orayta* on *Shabbat* specifically for one's self, it is permitted in a case of "*Tzorech Gadol*" – a great need, and going to shul on *Shabbat* is such a need.

If there is an *Eruv* in the area, can a Jew bring the gun to shul or is a gun *Muktze*?

An object that is used exclusively in a way that is forbidden on *Shabbat* has the status of "*L'Tzorech Mahamat Issur*" (item used exclusively for prohibited purposes). Such items may not be handled on *Shabbat* at all. However, if an object can be used in a permissible way on *Shabbat*, even if its main use is in a way that is forbidden, it has the status of a "*K'li Sh'Melachto L'Issur*" (item used primarily for prohibited purposes) and may be handled in two ways: either "*L'Tzorech Gufo*", for use in a permissible way, or "*L'Tzorech Mekomo*", to move because its place is needed. A hammer, for example, is used for the act of building, but can also be used to crack nuts. Therefore, it may be moved for one of those two reasons.

A gun falls under the category of *K'li Sh'Melachto L'Issur* because, in addition to its use as a firearm, it also is used to serve as a deterrent. Just seeing an armed guard will deter most criminals from approaching a shul, and that, in and of itself, can be considered a use. Thus, it would be permitted to carry a gun for this purpose. However, as soon as one gets home, he must put down the gun.

SECURITY CAMERAS AND METAL DETECTORS:

The installation of security cameras and metal detectors leads to another *Halachic* discussion.

This question arose a number of years ago when surveillance cameras were installed in the Old City of Jerusalem, which led to the concern that when one walks in front of these cameras he has transgressed the prohibition of *Kotev*, writing, as he is causing his image to be created on the screen.

The contemporary *Poskim*,
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By Rav Yosef Greenwald

HOLY LIGHTS: LIGHTING HANUKKAH CANDLES IN SHUL *How do we make a Beracha on just a Minhag?*

The *Minhag* is to light *Hanukkah* candles in shul with a *Beracha*.

The problem:

The *Gemara* states (*Shabbat* 21b) that the obligation is "*Ner Ish U'Veto*" (one candle for each household). How is the shul considered one's house?

How can we recite a *Beracha* on a *Minhag*, to which the word "*V'Tzivanu*" – and [Hashem] commanded us – is entirely inapplicable?

Even the *Mishna Berura's* suggestion (671:44) of a precedent from the custom of reciting *Hallel* on *Rosh Hodesh* with a *Beracha* won't satisfy the opinion of *Maran* that one doesn't recite a *Beracha* on *Hallel* on *Rosh Hodesh* – because it is a *Minhag*.

Hiddushe HaGriz (on the Rambam):

There are two types of *Minhagim*:

New creations not based directly on any previous *Mitzvah*, such as beating *Aravot* on *Hosha'ana Rabba*, which the *Gemara* (*Sukka* 44a) says

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spotlight

Titchadesh! The new and revitalized Bais HaVaad.org website

From its inception, the Bet HaVaad maintained an interactive website with portals for all of its services as well as a vast archive library of *shiurim* on myriad topics. As the Bet HaVaad expanded with new programs and services, we upgraded our site to accommodate the increased traffic. Click on www.baisavaad.org and see for yourself!

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including Rav Shlomo Zalman Auerbach zt"l and Rav Yosef Shalom Elyashiv zt"l, permitted one to walk in front of these cameras. They explained, based on the words of earlier *Poskim*, that although it is forbidden to perform a *Melacha* on *Shabbat*; however, it is not necessarily forbidden to have a *Melacha* performed as a result of your action if you did nothing consciously to cause it to happen. Therefore, if someone is merely walking down the street, and his picture is taken through no desire of his own, he has not transgressed any prohibition.

Similarly, if someone walks down a street and triggers an automatic light to go on, he has not transgressed any prohibition, as he has not done any act of *Melacha*.

This leniency, however, will not permit someone to walk up to his own house thereby triggering automatic lights or surveillance cameras, as in such an instance he is deliberately doing an act that causes a *Melacha*.

When one walks through a metal detector, knowing that he has metal objects in his pocket that will create an electric current that will set off an alarm, he would seemingly not have this leniency, as he is physically performing an act that causes a *Melacha* to be done.

A similar issue is discussed in Igrot Moshe¹. Rav

Moshe Feinstein ruled that it is forbidden to use a microphone on *Shabbat*, even though when one speaks into a microphone he is not creating a new electric current but is merely magnifying an existing one. He explains that since the magnification of the current is recognizable to all, it is akin to a new current. Accordingly, going through a metal detector that does not create a new current when triggered would only be permitted if the enhancement of the existing current does not make a noise and is not recognizable.

The obvious solution would be to walk through the metal detector with no metal in one's pocket, and without any intention of setting it off. If one does so, he would not be actively performing any *Melacha*.

Regarding walking in front of closed-circuit cameras, one may walk down the street, as we explained earlier, even if that means walking past cameras. However, to specifically walk into one's home or into a shul when one knows he will be pictured on camera would be problematic.

In any event, the actual operation of any such equipment on *Shabbat* should only be done by non-Jews. May we all merit the protection of the One Above!

The Daf in Halacha

Bring the Daf to Life!

מסכת חולין

This Week's Topics

RAV SHIMUEL YESHAYA YOFFE,
ROSH CHABURA BAIS MEDRASH GOVOILA

- דף י' Rov vs. Chazakah : Part 2
- דף י"א Statistics & Probability
- דף י"ב Rov vs. Chazaka : Part 3
- דף י"ג Thought and Deed
- דף י"ד Canned Food and Muktzeh
- דף ט"ו Benefitting from Chillul Shabbos
- דף ט"ז Ko'ach Sheni and Modern Technology

¹ Helek 4, Siman 84

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is a *Minhag Nevilim*.

Minhagim that are direct extensions of already existing *Mitzvot*,

such as eating *Matza* and *Maror* at a second *Seder* outside *Eretz Yisrael*, which the *Gemara* (*Betza* 4b) says is based on *Minhag*.

On the first type of *Minhag*, no *Beracha* is recited, as we cannot say "V'Tzivanu" on an action that wasn't actually commanded. But the second type of *Minhag* does warrant a *Beracha*, as the original *Mitzvah* was commanded, and the *Minhag* is an extension of the original *Mitzvah*.

Both reciting *Hallel* on *Rosh Hodesh* and lighting *Hanukkah* candles in shul are in the second category, since they are an extension of

the original *Mitzvot* of reciting *Hallel* on the other *Mo'adim* and lighting *Hanukkah* candles at home, respectively.

Based on this logic, a *Beracha* is recited on both. [Maran must hold, however, that *Hallel* on *Rosh Hodesh* is not an expansion of the *Halacha* to recite *Hallel* on the other *Mo'adim* but rather an obligation unto itself, that no *Beracha* is recited, like *Hibbut Aravot* (AO).]

BAIS HAVAAD KEHILLA EVENTS

People sometimes ask what occurs on a regular basis in the Bet HaVaad. Given the breadth of our activities in sensitive areas of *Halacha*, it is understandable that the daily activities are constantly changing. Here is a sampling from last Thursday afternoon. In a span of three hours, as the Kollel for Dayanut was studying the complicated halachos of *Ribbit*, there were two *dinei Torah* unfolding in our Bais Din. Across the hall, as part of our *Even HaEzer Habura*, Rabbi Eliezer Cohen presented an intricate *shiur* on the correct writing and spelling of names in a *Ketuba* and *Get*. Next door, the Director of the Medical Halacha Center was putting the final touches on an upcoming *Shiur* discussing *Hanukkah* challenges in the medical profession. All par for the course.



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