

God and Guns

Jewish Sources Compiled by the Atlanta Rabbinical Association

Question: Recent terrible events have prompted debate about the proper role of guns in our society. What wisdom does Judaism have to offer?

A. U.S. Constitution: 2nd Amendment

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

How does the US Bill of Rights feel about guns? Who should have them, and why? American law and ethics are expressed in terms of rights. What about the Jewish tradition?

B. The Obligation to Protect Life

B1 Mishnah Sanhedrin 3:5 (2nd century)


<p>How do we caution witnesses in a capital case? ...[We say] For this reason, one individual was created first, to teach that anyone who causes one life to be lost [from Israel], it is as if they have destroyed the entire world. And anyone who saves one life [from Israel] it is as if they have preserved an entire world.</p>	<p>כִּיצַד מְאִיְמִין (אֶת הָעֵדִים) עַל עֵדֵי נַפְשׁוֹת? לְפִיכָּה נִבְרָא אָדָם יְחִידִי, לְלַמְדָּה, שֶׁכָּל הַמְּאַבֵּד נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל, מַעֲלָה עָלָיו הַכְּתוּב כְּאִלוֹ אֵבֶד עוֹלָם מְלֵא. וְכָל הַמְּקַיֵּם נֶפֶשׁ אַחַת מִיִּשְׂרָאֵל, מַעֲלָה עָלָיו הַכְּתוּב כְּאִלוֹ קָיָם עוֹלָם מְלֵא.</p>
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Why are witnesses warned about this? If you were a witness, how would this affect your testimony?

B2 Rabbi Moshe Isserles on Shulhan Aruh YD 116:5 (16th Century)

<p>And so one must be careful of anything that could cause danger [to life], for danger is more serious than that which is prohibited, and one must be more careful about the risk of danger than the risk of violating a prohibition.</p>	<p>וְכֵן יִזְהַר מְכַל דְּבָרִים הַמְּבִיאִים לְיָדֵי סַכָּנָה כִּי סַכָּנָת חַמִּירָא מֵאִיסוּרָא וְיֵשׁ לְחוּשׁ יוֹתֵר לְסַפֵּק סַכָּנָה מִלְּסַפֵּק אִיסוּר (ב"י ב"ש ח"ס)</p>
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Traditional Jewish practice is extremely concerned about even the faintest risk of violating Jewish law. What does it mean that a risk of danger to life is seen as even more serious?

<p>The Atlanta Rabbinical Association brings together rabbis across a range of denominations and rabbinic roles to strengthen the Atlanta Jewish community. The ARA promotes fellowship and professional growth among its members, serves as a forum for rabbis to address and resolve areas of concern and potential conflict for Atlanta's rabbis and the constituencies that we serve, and works to enhance and expand the Rabbinate's role in the betterment of the Jewish people and the world at large.</p>	
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C. Ethics of owning a dangerous object:

C1. Deuteronomy 22:8

<p>When you build a new home, make a parapet around the roof, and do not put bloodguilt upon your home, lest someone fall from it.</p>	<p>כִּי תִבְנֶה בַּיִת חֶדְשׁ וְעָשִׂיתָ מַעֲקֶה לְגִגְתְּךָ וְלֹא-תָשִׂים דָּמַיִם בְּבֵיתְךָ כִּי-יִפֹּל הַנֶּפֶל מִמֶּנּוּ:</p>
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C2. Talmud, Bava Kama 15b (3rd-5th century)

<p>Rabbi Nathan says: How do we know that a person shouldn't raise a vicious dog in his house, and should not keep a rickety ladder in his house? As it says (Deut 22:8) "do not put bloodguilt upon your home."</p>	<p>ר נתן אומר: מניין שלא יגדל אדם כלב רע בתוך ביתו, ואל יעמיד סולם רעוע בתוך ביתו? ת"ל: (דברים כ"ב) לא תשים דמים בביתך.</p>
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C3. Shulhan Aruh, HM 409:3 (16th century)

<p>It is forbidden to raise a vicious dog, unless he is bound with iron chains and tied with them. In a city near the border, it is permitted to raise it, and he should tie it up during the day and let it out at night.</p>	<p>אסור לגדל כלב רע, אלא אם כן הוא אסור בשלשלאות של ברזל וקשור בהם, ובעיר הסמוכה לספר מותר לגדלו, וקושרו ביום ומתירו בלילה.</p>
<p>[Rabbi Isserles adds]: There are those who say that since we are amongst the nations, all is permitted, and go see what people are doing! However, it seems that if it is a vicious dog, that we are afraid may hurt people, that it is forbidden to raise it, unless it is tied with iron chains.</p>	<p>הגה: ויש אומרים דהשתא שאנו שרוין בין העכו"ם ואומות בכל ענין שרי, ופוק חזי מאי עמא דבר (הגהת אלפסי החדשים), מיהו נראה אם הוא כלב רע שיש לחוש שיזיק בני אדם דאסור לגדלו, אלא אם כן קשור בשלשלאות של ברזל.</p>

1. How is a gun like an rooftop with no railing or a vicious dog? How is it different?
2. Why would a dangerous object that might be permitted in one town or area might be prohibited in another? Does it matter what is going on in the larger environment?
3. Are there obligations that apply no matter what is going on in the larger world?

D. Is it just about weapons?

D1. Genesis 4:23-4

<p>Lemech said to his wives, Adah and Zillah "hear my voice, wives of Lemech, listen to my words, for I killed a man for wounding, and a child for injuring me. If Cain would be avenged sevenfold, Lemech would be avenged seventy-seven fold."</p>	<p>וַיֹּאמֶר לִמְךָ לְנִשְׂיֹ עֵדָה וְצִלָּה שְׁמַעוּ קוֹלִי נָשִׁי לִמְךָ הָאֲזֵנָה אִמְרָתִי כִּי אִישׁ הִרְגֹתִי לְפִצְעֵי וַיִּלְד לְחַבְרָתִי: כֹּד כִּי שִׁבְעָתִים יִקָּם־קִיּוֹן וְלִמְךָ שִׁבְעִים וְשִׁבְעָה</p>
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D2 Ramban, commentary on Genesis 4:23 (13th Century)

<p>It seems to me that Lemech was a wise man in all artisanal work... and taught his third son to forge and to make swords and spears and javelins and all weapons of war. His wives were afraid that he might be punished, for he brought swords and murder into the world, and he was holding in his hands the deeds of his ancestor (Cain), for he was the descendant of the first murderer, and created a destroyer to harm.</p>	<p>הנראה בעיני, כי היה למך איש חכם מאד בכל מלאכת מחשבת, ולמד את השלישי ללטוש ולעשות חרבות ורמחים וחניתות וכל כלי המלחמה. והיו נשיו מתפחדות שלא יענש, כי הביא החרב והרציחה בעולם, והנה הוא תופש מעשה אבותיו בידו, כי הוא בן המרצח הראשון, וברא משחית לחבל</p>
<p>He said "I have not killed anyone as Cain did, so God will not punish me, but rather will protect me even more than him." He mentioned this to say even without a sword and a spear a person can kill with wounds and bruises, which are a worse death than that from a sword. The sword does not cause the murder, and the one who makes it is not a sinner.</p>	<p>והוא אמר להן אני לא הרגתי איש לפצעים ולא ילד לחבורות כאשר עשה קין, ולא יענישני השם, אבל ישמרני מן ההריגה יותר ממנו. והזכיר כן לומר, כי לא בחרב וחנית יכול אדם להרוג בפצעים וחבורות, שימית במיתה רעה יותר מן החרב, ואין החרב גורם הרציחה, ואין על העושו חטא:</p>

Lemech was a descendant of Cain who bragged about being involved in violence. Ramban relays a story that portrays Lemech as saying that swords are not the issue. Do you think Ramban agrees with Lemech's assessment?

Given that Lemech lived just before Noah, what happened to Lemech and his family?

E What is the Moral Value of Weapons?

E1. Mishnah Shabbat 6:4 (2nd Century)

<p>A man should not go out on shabbat with a sword or a bow or a shield or a mace or a spear, and if he did, he is obligated to bring a sin-offering. Rabbi Eliezer says- they are ornaments for him. But the sages say, they are nothing but a disgrace, as it is stated (in Isaiah) "they shall beat their swords into plowshares, and their spears into pruning shears, nation shall not lift up sword against nation, and they shall not learn war anymore."</p>	<p>לא יצא האיש לא בסיף. ולא בקשת. ולא בתריס. ולא באלה. ולא ברומח. ואם יצא. חייב חטאת. רבי אליעזר אומר תכשיטין הן לו. וחכמים אומרים אינן אלא לגנאי. שנאמר (ישעיה ב) וכתתו חרבותם לאתים וחניתותיהם למזמרות. לא ישא גוי אל גוי חרב ולא ילמדו עוד מלחמה</p>
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This text is about wearing weapons on the sabbath as adornments (elsewhere the sages make an exception for a situation of war or immediate danger). What is the reasoning behind the two points of view in this text?

E2. Exodus 2:22

<p>When you make a stone altar for Me, you should not make it of hewn stone, for if you apply your sword to it, you desecrate it.</p>	<p>ואם־מִזְבֵּחַ אֲבָנִים תַּעֲשֶׂה־לִּי לֹא־תִבְנֶה אֹתוֹן גְּזִית כִּי חִרְבְּךָ הַנִּפְתָּ עָלֶיהָ וַתְּחַלְלֶהָ</p>
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E3. Mishnah Middot 3:4 (2nd Century)

<p>For metal (as used in a weapon) was created to shorten people's days, and the altar was created to lengthen the days of humankind. It is not right that the shortener should be used upon the lengthener.</p>	<p>שֶׁהַבְּרִזָּל נִבְרָא לְקַצֵּר יָמֵי שָׁל אָדָם, וְהַמִּזְבֵּחַ נִבְרָא לְהַאֲרִיךְ יָמֵי שָׁל אָדָם, אֵינּוּ בְּדִין שְׂיִוֵּנֶרְף הַמְּקַצֵּר עַל הַמְּאֲרִיךְ:</p>
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E4. Kol Bo 17, citing Rabbi Meir of Rothenberg (13th Century Germany)

<p>Rabbi Meir (of Rothenberg) writes that it is forbidden to enter [the synagogue] with a long knife because prayer lengthens the days of a person, and a knife shortens his days</p>	<p>והר"ם נ"ע כתב שאסור ליכנס שם עם סכין ארוך לפי שתפלה מאריך ימיו של אדם והסכין מקצר ימיו</p>
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How do these texts see weapons? As positive or negative? In particular how do they see the relationship between weapons and worship?

E5. Teshuvot of Rabbi Meir of Rothenberg (13th Century Germany)

<p>You asked about Reuven who hired Shimon to teach him the profession of swordsmanship, and after one day, he changed his mind. He must pay him like [he would pay] any skilled worker whose work is cancelled after it has begun, for this profession is no different from any other, and sometimes this profession has a lifesaving potential when robbers come upon a person.</p>	<p>וששאלת על ראובן ששכר את שמעון ללמדו אומנות בעלי תריסין, וכשלמד יום אחד חזר בו. נותן לו כל שכרו כפועל בטל, דלא שנא אומנות דפעולה זו משאר אומנות, וכמה פעמים שאומנות זו יש בה הצלת נפשות כשבאים לסטין על האדם:</p>
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How does this text differ from the previous quote from Rabbi Meir of Rothenberg? Do the texts contradict each other, or can we see them as reflecting answers to two different questions?

F. Background Checks- Who Should have Weapons?**F1. Maimonides, Mishneh Torah, Laws of Murderers 12:12-14 (12th Century)**

<p>It is forbidden to sell to other nations weapons of war, nor do we sharpen their weapons, or sell them knives or manacles, iron chains, raw Indian Iron, nor bears nor lions, nor any thing that can harm the masses, but we sell them shields which are only defensive.</p>	<p>אסור למכור לגוים כל כלי המלחמה ואין משחיזין להם את הזיין ואין מוכרין להן לא סכין ולא קולרין ולא כבלים ולא שלשלאות של ברזל ולא עששיות של ברזל הינדואה ולא דובים ואריות ולא כל דבר שיש בו נזק לרבים אבל מוכרין להן תריסין שאינן אלא להגן.</p>
<p>As we forbade to sell to other nations, so too to Jews who might sell to them, but it is permitted to sell weapons to the soldiers of the state, because they protect the Jews.</p>	<p>וכשם שאסרו למכור לגוי כך אסרו למכור לישראל שמוכר לגוי, ומותר למכור הזיין לחיל של בני המדינה מפני שהן מגינין על ישראל.</p>
<p>Anything which is forbidden to sell to gentiles also may not be sold to a Jew who is a criminal, because you are supporting the hands of the sinner and thus tripping him up.</p>	<p>כל שאסור למכור לגוי אסור למכור לישראל שהוא ליסטיס, מפני שנמצא מחזק ידי עובר עבירה ומכשילו</p>

Why did the Maimonides draw a distinction between giving weapons to Jews and to other nations? How might we understand this distinction today?

Are you surprised by the nature of Maimonides' concern for the criminal?

(How can you trip someone up by giving them what they ask for?)

Conclusions:

Having seen all of these sources, can you say anything about a Jewish view of guns and other weapons?

What Jewish values would be most important in making an ethical decision?

Is there any gap between the ideal and the real in what our values suggest?