

Judaism and Guns

One evening, over 50 years ago, while my great aunt and uncle, Dotty and Ed Golden, were walking their dog around the block of their upscale San Francisco neighborhood, devastation struck. While enjoying their regular evening stroll, three young men, not yet in their twenties, confronted my aunt and uncle, demanding Ed to give them his nice watch. He refused. They shot him and he died on the sidewalk with my aunt hovering over him. This tragic story has had a profound impact on me my entire life and on the lives of my relatives.

I remember writing a report in middle school on gun violence in the aftermath of the first Brady Bill draft and interviewing my cousin Ann—Dotty and Ed’s daughter—who had been fighting for years to prevent criminals from obtaining guns. From an early age, whenever I read about a shooting, I thought about my own family story and how each one of these horrible tragedies affects countless people including parents, children, siblings, distant relatives, teachers, and friends.

Our great nation is sick. It has an unhealthy fetish with weapons and it is tearing our country apart. We can look at all the statistics and numbers that prove exactly how many people have been injured or killed by guns over a specific time period but after a while, we get desensitized to the reality of this horror.¹ But this is unacceptable. If we are not shaken, then I ask God to forgive us for the sin of insensitivity, indifference, and coldheartedness.

Every day, 100 Americans are killed with guns and hundreds more are shot and injured.²

¹ There are, of course, many people whose lives are saved by guns. However, these statistics are not as readily available or systematically collected and analyzed as figures pointing to gun deaths and violence. It would be quite hard to find out how many people were dissuaded from harming another because the potential victim had a firearm.

² <https://everytownresearch.org/gun-violence-america/>

According to the Center for Disease Control, over the last five years in this country, an average of 36,383 people are killed by guns intentionally and 100,120 unintentionally each year.

Firearms are the second leading cause of death for American children and teens and the first leading cause of death for African American children and teens.³

Nearly 1 million women alive today have been shot or shot at by an intimate partner⁴ and 4.5 million American women alive today have been threatened with a gun by an intimate partner.⁵

Approximately three million American children witness gun violence every year.⁶

On average, one mass shooting—defined as an event in which four or more people are killed or injured with a firearm—happens every day in the United States.⁷

³ Centers for Disease Control and Prevention. National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. Data from 2017.

⁴ Sorenson SB, Schut RA. Nonfatal gun use in intimate partner violence: A systematic review of the literature. *Trauma, Violence & Abuse*. 2016.

⁵ Ibid. See also: Tjaden P, Thoennes T. Full report of the prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey. National Institute of Justice, Centers for Disease Control and Prevention; 2000.

⁶ Finkelhor D, Turner HA, Shattuck A, Hamby SL. Prevalence of childhood exposure to violence, crime, and abuse: Results from the National Survey of Children's Exposure to Violence. *The Journal of the American Medical Association Pediatrics*. 2015; 169(8): 746-754. Everytown analysis derives the 3 million number by multiplying the share of children (ages 0-17) who are exposed to shootings per year (4.2%) by the total child population of the U.S. in 2016 (~73.5M).

⁷ "Mass Shootings," Gun Violence Archive, <https://www.gunviolencearchive.org/mass-shooting>. Calculations were based on the five most recent years of available data (2014-2018).

Six of the 10 deadliest mass shootings in the United States have happened in the last 10 years.⁸

Despite the large place they occupy in our public consciousness, mass shootings comprise a small fraction of all gun violence, with estimates showing that such violence constitutes less than 1% of all gun deaths.⁹

My friends, I did not decide to stand before you and talk about the NRA, gun violence prevention legislation or our country's inability to enact common sense gun laws. I am here tonight, on the holiest day of the year, to talk with you about what our Jewish tradition has to teach us regarding this problem which has taken so many lives. Tomorrow morning we will read Moses urging us to "choose life." How do the rabbis and sages across the generations understand this commandment and what can we learn from them with respect to our current situation? What would Rabbi Akiva and Maimonides have to say if they were alive today?

Speaking about guns is one of the most divisive topics nowadays. As Americans, we know this all too well. And so, before we dig into our texts, I'd like to preface this conversation by acknowledging that the Second Amendment gives our country's citizens the right to own guns. I know there are Beth Israel congregants who own guns and we should respect their choice to act on this freedom. But most importantly, I want to thank them for being responsible gun owners and for understanding that when we speak of our country's illness, in no way are we insinuating that they are part of the problem.

So let's begin exploring our tradition's stance on the matter.

What does Judaism actually have to say about guns? Not surprisingly, this question can't be answered with the perfect passage from the Torah or the Talmud. Moses, King Solomon or even Rabbi Akiva could never have fathomed the destructive nature of modern weaponry. Such an instrument of

⁸ "America's Gun Culture in 10 Charts," BBC News, October 27, 2018, <https://www.bbc.com/news/world-us-canada-41488081>.

⁹ Garen J. Wintemute, "What You Can do to Stop Firearm Violence," *Annals of Internal Medicine* 167, no. 12 (2017): 886–887.

violence just didn't exist in their time. After all, David used a slingshot to take down mighty Goliath. Therefore, in order to understand what our sages would have thought about our modern issues with advanced firearms, we need to examine their perspectives on the dangers in their own time, such as swords and wild dogs. Their wisdom remains eerily relevant for us in 2019.

In the Mishnah¹⁰ we find a conversation between Rabbi Eliezer and his colleagues regarding carrying a sword or other weapons on Shabbat. Eliezer allows this potential violation of carrying something on shabbat by explaining "these are his ornaments" like jewelry, and therefore one should be permitted to wear them. The sages, however, were quite uncomfortable with people walking around with weapons (concealed or not), explaining, "These are not ornaments. Rather, these weapons are shameful; as it says, *They shall beat their swords into plough shares and their spears into pruning-hooks, and nation shall not lift up sword against nation, and they will not learn war any more.*"¹¹ By using this famous line from Isaiah, the sages are suggesting that humanity's goal is to someday make these weapons disappear. The sages outnumber Eliezer and thus win the debate.

As you can imagine, however, this isn't the end of the conversation about weapons. The rabbis, just like society today, had to deal with the realities of the environment they were living in balanced against their ideal vision of the world.

In the Talmud we read about the sale of weapons. Very clearly the rabbis state, "One may not sell bears, or lions, or *any* item that can cause injury to the public."¹² Imagine what they would say about our current situation. Even then, 1500 years ago the sale of weapons was heavily regulated, especially if the potential buyers were enemies in which case it was forbidden. Selling weapons to someone with a history of crime could make one guilty as an accessory to a crime. One of the great medieval Spanish Tal-

¹⁰ Mishnah Shabbat 6:4

¹¹ Isaiah 2:4

¹² BT Avodah Zarah 16b

mud scholars, Rabbeinu Nissim explains that even if the criminal does not have a violent past, he might eventually be in a situation where he will use the weapon to avoid being captured and therefore, we are not only prohibited from selling weapons to people who are actually prone to commit some type of crime, we may not sell weapons to those who have a greater than average propensity to use the weapon in a destructive manner, such as people with violent tendencies or severe mental health issues.

Jewish law, as it developed through the centuries, understood the value in the ownership of weapons, but only as tools for self-defense, not as collectibles. Take for the example the explanation our rabbis provide concerning wild dogs. It was not uncommon many generations ago for people to keep dogs on their property to defend themselves and their possessions from robbers. My back gate even has a sign that reads, "Beware of dog." The 16th century law code, Shulchan Arukh, placed parameters, however, on the way owners could utilize their dogs. In the city, the law states, a dangerous dog must be tied up with a metal chain.¹³ It's one thing to scare away potential criminals with a barking dog, and another issue if the dog gets loose and creates even more damage than it's prohibiting in the first place.

When it comes to country life, on the other hand, the law states that owners are not required to tie up their dog in the evening, but just during daylight hours. The rabbis argue that individuals were more at risk of dangers at night in addition to help taking longer to arrive. Thus a guard dog could keep watch untied.

What these laws teach us are that Judaism gives people the right to defend themselves and their homes but this right to self-defense isn't limitless. The ferocious guard dog must be tied up by day because of the liability of it breaking free and harming others. The bottom line is that when danger is not imminent, societal welfare outweighs personal protection.

Guns, like swords and wild ferocious dogs, are dangerous. If there is a risk of them getting in the wrong hands, Jewish law teaches that we must remove this potential risk. If we choose not to, then we will be responsible for

¹³ Choshen Mishpat 409:3

the spilling of another person's blood.¹⁴ The seller of such a weapon is considered guilty if someone is harmed by any act that is not committed in self-defense.

I am sure some of us are thinking, *these ancient texts just aren't relevant today*. I would argue that they are still pertinent, even though guns are quite different than swords or wild dogs. The biggest difference is that a gun can wipe out dozens of people in seconds, thus all the more reason to provide safeguards for the public in keeping with our tradition.

The message that these examples from our textual tradition provide is that we must weigh individual interests with societal well-being and safety. Our sages were concerned with people owning dangerous tools or animals and the liability they faced. A person has a responsibility to ensure that their property or possessions do not harm others, or even themselves. Just consider the biblical commandment to build a parapet on a roof so even a thief in the night won't fall off and get injured.¹⁵

The rabbis respected everyone's right to protect themselves and their families but they most likely did not support excessiveness. One wild dog in the front yard is acceptable. A pack of hungry hyenas is not. A handgun is one thing, a semi-automatic weapon and bump stocks are another. The law may allow it but that doesn't mean it is morally right.

Additionally, the rabbis felt strongly about who should and who should not be in possession of such property such as individuals who are emotionally or mentally unstable and people who do not know how to properly handle and take care of such weapons or animals. Selling such things to these people would be a criminal act.

It is true that we are living in an entirely different society than the rabbis from ages past. However, the threat against oneself or one's property from criminals is just as prevalent today as it was then, yet probably less so. Similarly, the possibility of anti-Semitic attacks, while a real problem today,

¹⁴ Choshen Mishpat 427:8

¹⁵ Deuteronomy 22:8

pales in comparison to the rabid Jew hatred and violence that our ancestors lived through. Perhaps this is why we find Talmudic sages teaching, "If someone is coming to kill you, rise against him and kill him first."¹⁶ This law applies equally to someone coming to kill another person. A Jew is obligated to kill the murderer in order to save the intended victim.

The modern problem of guns in our country, and it is a problem, is one that everyone knows the solution to. And we all know what the root causes are as well. *It's not guns, it's people. It's mentally ill people. It's loopholes in our gun laws. It's video games. It's Congress. It's the NRA. It's access to military style weapons. It's backdoor vendors.* As Jews, we need to participate in this debate, not just because we are citizens but because we are obligated to do what we can to alleviate suffering and save lives. Taking a proactive approach to prevent the loss of life is not optional. It is a requirement. After a point we can't simply argue anymore, we need to create change.

For those who are staunch supporters of the Second Amendment, I would ask if one's allegiance to that singular clause carries more weight than the wisdom from our Jewish tradition. And I would ask those who would love a complete gun ban how they value and interpret the teachings from our heritage.¹⁷

As Jews, we ought to formulate our opinions rooted in the wisdom from our tradition. Otherwise, what good is it and why study it in the first place? We should be asking ourselves: How does Judaism inform the way I see the world? The ethics that stem from Jewish law are still applicable today. As you can see the rabbis are not on one extreme side of the debate. They are not pacifists. They take a sensible approach to understanding that safeguarding our society is paramount while acknowledging that responsible individuals ought to be allowed to be trusted with dangerous weapons. Does this all translate to stricter background checks and bans on certain

¹⁶ BT Tractate Sanhedrin 72a

¹⁷ The point is not that it's one or the other. The point is that some use the 2A as the basis for their obsession with guns and disdain for any kind of gun control legislation. On the flip side, those who want to model Japan, New Zealand, or other gun-free countries might come to a different conclusion after studying Jewish texts on the matter.

types of assault weapons? Maybe so. Would the rabbis support a repeal of the Second Amendment? Probably not, but they'd likely want it more specific. What I do know is that our tradition would prefer a world in which there are fewer instances of violence and fewer weapons, not more. Owning weapons might be considered for some to be a necessary evil but should not be a desire and certainly not an obsession.

My friends, tomorrow afternoon, we will hear the following words read aloud, "Do not stand idly by while your neighbor's blood is shed."¹⁸ In an increasingly impersonal culture, we must remember that each American is our neighbor and that the sanctity of human life is a primary Jewish value. May the words of Rabbi Abraham Joshua Heschel ring loud in our ears today and in the months ahead, "In a free society, only some may be guilty but all are responsible." Amen

¹⁸ Leviticus 19:16