

Weapons Sales in Halacha

Rabbi Jacob Epstein (b. 1954, Israel) wrote a teshuvah (*Hevel Nachalateinu* 1:12) about Israeli arms sales, available online at https://he.wikisource.org/wiki/חבל_נחלתו_א_יב. This text sheet presents some of the key sources Rabbi Epstein cites. While his context is Israeli arms exports, the same sources apply to domestic American weapons sales.

I. Rabbinic Sources

A. Mishnah Avodah Zarah 1:7

One may not sell to [non-Jews] bears, lions, or anything that may cause harm to the public. One cannot build with them a basilica, a gallows, a stadium, or a dais...

אין מוכרין להם דבין ופארייות וכל דבר
שיש בו נזק לרבים. אין בונין עמקם
בסילקי, גרדום, ואצטדא, ובימה.

Rashi (Talmud Avodah Zarah 17a)

[Basilica, gallows, stadium, dais]...In all of these there is harm to the public, and in order that Jews not be caught there, we are forbidden to collaborate in building them.

רש"י
...ובכל אלה יש נזק לרבים וכדי שלא
יתפש ישראל שם אסור לבנות עמהם:

Do you read Rashi as offering one rationale here or two? Does it help your understanding if you translate Rashi's "Jews" to mean "our people" or "innocents"?

B. BT Avodah Zarah 15b

The following text appears shortly before mishnah 7 (above):

And furthermore, it is taught in a baraita: One may not sell weapons [to non-Jews] or the [auxiliary] equipment of weapons, and one may not sharpen weapons for them. And one may not sell them stocks [used for fastening the feet of prisoners], or iron neck chains, or foot chains, or iron chains. [This prohibition applies equally] to both a non-Jew and a Samaritan.

ועוד תניא אין מוכרין להם לא
זיין ולא כלי זיין ואין משחיזין
להן את הזיין ואין מוכרין להן
לא סדן ולא קולרין ולא כבלים
ולא שלשלאות של ברזל אחד
עובד כוכבים ואחד כותי.

II. Possible Rationales

Rabbi Epstein presents a debate among early authorities about the basis for these restrictions. Here are two possibilities:

A. Causing death by an intermediary

Ritva (R' Yom Tov ben Ishbili, Spain, 13th-14th c.) on BT Avodah Zarah 17a

...[selling raw materials for weapons] is a case of "caused by our hands"; that non-Jew is considered like an extension of ourselves, and therefore it is forbidden.

ריטבא על טז: א ד"ה אמר רב אדא בר אבא
אין מוכרין להם עשיות של ברזל.

...כיון דאיכא גורם על ידינו לההוא גוי
גופיה חד לפני חשיב ואסור.

B. A stumbling-block before the blind

Rambam, Laws of Murderers 12:14

Anything that one may not sell an idolater one may also not sell a Jew who is a bandit, because we would find ourselves holding the hand of those who sin and causing them to fail. This is like one who makes a blind person stumble, such as by giving her improper directions, or who strengthens the hand of sinners—who are blind and cannot see the way of truth because of the passions of their hearts. Such a one transgresses the negative commandment, “Do not place a stumbling-block before the blind.” (Lev. 19:14) One who comes to seek your advice, give her advice appropriate to her.

How do you think guns or other arms are a stumbling block?

רמב"ם בהל' רוצח יב:יד
כל שאסור למכור לעובד כוכבים אסור
למכור לישראל שהוא ליסטים, מפני
שנמצא מחזיק יד עוברי עבירה
ומכשילן. וכן כל המכשיל עוור בדבר,
והשיאו עצה שאינה הוגנת, או שחזק
ידי עוברי עבירה, שהוא עוור ואינו
רואה דרך האמת מפני תאוות לבו, הרי
זה עובר בלא תעשה, שנאמר: ולפני עור
לא תתן מכשול. הבא ליטול ממך עצה,
תן לו עצה ההוגנת לו.

III. A Theological Conclusion

Rabbi Epstein then treats various modifiers and exceptions to these general principles, such as selling arms to those who protect Jews and a distinction between governments and individuals. He concludes:

We have seen various reasons to allow the export of weapons from the State of Israel to foreign states. However, we must still treat the question from the perspective of Kiddush Hashem, sanctifying God's name, and its denigration (God forbid). Our sages taught in the Talmud (Shabbat 63a) that weapons are not adornments but rather are shameful, as it says, “Let them beat their swords into ploughshares and their spears into pruning hooks; nation shall not lift up sword against nation, nor shall they study war anymore.” (Isaiah 2:4) Despite all its military entanglements today, the people of Israel lifts its eyes towards a future in which weapons of destruction will be eliminated. Therefore, already today the people of Israel must pave the path toward a time when the “earth will be filled with the knowing of God” (Isaiah 11:9) and “nation shall not lift up sword against nation, nor shall they study war anymore.”

ראינו איפוא, כמה וכמה צדדים
להיתר יצוא נשק ממדינת ישראל
למדינות זרות. אך עדיין יש לדון
בדבר מהיבט של קידוש ה' וחילולו,
חלילה. חכמים שנו במס' שבת [ס"ג,
א'], שכלי נשק אינם תכשיטין אלא
גנאי הם, "שנאמר, וכתתו חרבותם
לאתים, וחניתותיהם למזמרות; לא
ישא גוי אל גוי חרב, ולא ילמדו עוד
מלחמה". עם כל סבוכי מלחמותיו
בהווה, נושא עם ישראל את עיניו אל
העתיד, בו יבטלו כלי משחית. על כן,
כבר בהווה צריך עם ישראל לסלול
את דרכו עד עת תמלא הארץ דעה
את ה', ולא ישא גוי אל גוי חרב, ולא
ילמדו עוד מלחמה.

IV. A Final Thought: The Open Pit as an Analogy

Exodus 21:33-34 forms the basis for an entire body of halacha about damages: “When a man opens a pit, or digs a pit and does not cover it, and an ox or an ass falls into it, the one responsible for the pit must make restitution...” Dr. Zackary Sholem Berger¹ proposes this as a framework: those who sell or acquire arms may do so—the person may dig the pit—but must also take responsibility for the consequences.

¹ <https://forward.com/opinion/396551/gun-control-mandated-by-health-supported-by-jewish-sources/> 3/14/2018



the rabbinic call for human rights

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