

# ליקוטי ופסקי הלכות "חוקי חיים"

ותלמד  
"חוקי חיים"  
לעשות רצונך  
בלבב שלם



שע"י "חדר הוראה" שבונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Security Cameras on Shabbos

Va'eschanan - Nachamu 5783

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## Security Cameras

### An Eye Is Watching Everywhere

- In the series of issues on the topic of using electric devices on Shabbos, we cited in an earlier issue (301) some principles about turning on electric devices on Shabbos in general and turning them on via sensors in particular, e.g., opening an automatic door (ibid., 29) or turning on lights (302). We presented several possible ways to allow this in various scenarios where one is in a predicament.
- In the present issue, we will continue this series, focusing on halachos pertaining to security cameras, the use of which is extremely common today. It is nearly impossible to go to any public place without going in a camera's field of view, whether cameras on city streets operated by the authorities and the police, or cameras of stores, banks, public institutions [including many batei medrash (see below, 24) which have cameras installed to prevent thefts and damages and to protect the mispallelim and their children], and the like. It is also very common to have cameras installed in private homes upon request of an insurance company or for any other reason, e.g., monitoring children (29) or care of the elderly (32).
- It has reached a point where one who does not want to be recorded at all by a camera on Shabbos must remain home all Shabbos – assuming there are no private cameras installed in his home... Thus, we will open with some rules about melachos on Shabbos so that we can understand the issurim involved in passing in front of a camera. Then, we will focus on permissible methods.

### Issurim Involved with Cameras

#### Koseiv [Writing]

- Besides for the discussion about affecting the electric current (below, 13), the poskim discuss whether there is an issur of koseiv involved when a person passes in front of a camera recording his movements. There is the issue of koseiv on the screen, which is of a temporary nature [אינו מתקיים], as the picture does not remain on the screen forever. There is also an issue of koseiv if the recording is saved on the computer's memory card, which can last forever.
- Images.** The melachah of koseiv is not limited to writing letters. One who draws an image is also liable for koseiv (רמב"ם פ"א שבת) (ה"י, מ"ב סי' ש"מ סק"ב דין ח'). Hence, one who draws some sort of image on paper is chayav for koseiv.
- Koseiv on a screen.** The poskim (אחרות שבת ח"א פט"ו הע"נ ג"ה) discuss whether writing letters on a screen via a keypad is considered a true form of koseiv or not. The letters appearing on the screen are not actual writing; they are a grouping of electric dots of light created by electron beams hitting a phosphorescent substance spread across the inner surface of the screen or the like. In the absence of electricity, the letters disappear, so perhaps this is just a grouping of little lights on a screen, not true writing. On the other hand, perhaps since people view it as writing, it is considered writing (ש"ת שבט ה"ו ח"ו סי' ל"ז, ח"י סי' ס').
- D'rabanan.** The consensus of many poskim is that this is only a d'rabanan form of koseiv because the "writing" does not last; it is easily erased with the press of a button, so it is considered an inherently insubstantial form of writing. Also, the letters only exist through a constant electric current that activates the light; if the electricity goes out, the letters disappear. Certainly if there is a screen saver or if the computer turns itself off after a set amount of time, the writing is considered temporary (הגרש"א, נשמת אברהם א"ח) (סי' ש"מ ח"ד סק"א, נשמת שבת סי' ש"מ אות קל"ז).
- Saved in the computer's memory.** Besides for the letters appearing on the computer screen, electric impressions are made on the

computer's memory. They are saved there even when the display on the screen changes. The poskim also discuss whether or not this is considered true writing.

- Here too, the consensus of many poskim is that this is not an issur d'oraisa of koseiv. The computer's virtual memory is not considered writing, and the binary code created in the computer's memory cannot be detected by a human eye due to its infinitesimal size, and in Torah, we do not reckon with things that are completely invisible (ע"פ אג"מ י"ד ח"ב סי' קמ"ו ד"ה ומה, הגר"ח בדרך אמונה הל' שמיטה פ"ד הל' א' באהל"ל ד"ה ב"ן). Although it is possible to bring the text in the memory back onto a screen, one does not see what is actually recorded on the memory; one merely sees a translation from the binary code saved to the memory into a text that can be read via a lighted display (see 7 above).

#### Passing in Front of a Camera

- Based on this, the poskim discuss whether someone who passes in front of a camera violates the issur of koseiv. This discussion includes cases where the picture appears on a screen as well as where the image is saved on a computer's memory.
- Act of drawing.** The poskim say that when a person passes in front of a camera and his picture appears on the screen, it is considered as though he drew his image on the screen, and drawing an image is assur as a toldah of koseiv (above, 5). Since that is the way one creates his image through a camera and there is no other way to create that image on a screen, it is not considered a shinui in the act of writing and it is considered the person's action (ש"ת מעשה חושב ח"ה סי' א'). Nevertheless, the poskim hold this is not an issur d'oraisa of koseiv since in a general sense, people do not normally write by standing in front of a camera (הגר"ש"א, הובא בארחות שב פט"ו הע"נ ג"ה).
- Temporary.** Additionally, since the image does not last – when he moves away from the camera, his image disappears from the screen – it is not a permanent thing [דבר מתקיים] so there is only an issur d'rabanan (above, 7) (ש"ת מעשה חושב ח"ה סי' א'). Even if the image is saved in a computer's memory and it is considered permanent, that is not considered koseiv whatsoever since what was actually "written" will never be seen due to its infinitesimal size (above, 9).

#### Electric Current

- Activating electric appliances.** We previously mentioned (Issue 301, par. 10) that the issur of hav'ara is not violated with electric appliances unconnected to fire. The consensus of the poskim is that one does violate boneh on a d'rabanan level (ibid., 14) or moldid (ibid., 17). Similarly, when a person activates a camera or screen by entering the sensor's range, thereby reintroducing a flow of an electric current, or when a person's motions cause a camera to begin recording, he violates the issur d'rabanan of boneh or moldid if he did it intentionally and benefits from it.
- Changing the electric current.** Even if a screen or camera is running constantly and is not turned on by a person's motion, the motion nonetheless changes the device's electricity consumption by changing the picture. The poskim also discuss whether this is an issur on Shabbos (ibid., 22 and on) when done intentionally.

#### Making Noise [אוושא מילתא], Disgracing Shabbos [זלזול שבת]

- Some also consider the possibility that using a screen connected to security cameras is an issur of "making noise" – watching pictures changing on a screen throughout Shabbos borders on the issur of אוושא מילתא. This is certainly a problem of disgracing Shabbos and weekday activity [עובדא דחול] (עובדא דחול) (ש"ת באר) (משה ח"ו ק"ר עלעקטריק סי' פ"ב). Thus, if one wants to have a screen on throughout Shabbos only due to curiosity but has no great need for it, it is certainly better not to do it.

## Angles of Heter

### Distant Cameras

16. Some cameras are far from the person passing in front of them and one is just about unaware of them, e.g., street cameras on tall poles, buildings, or the like belonging to the authorities or police. One's walking in the street has nothing to do with the cameras. We mentioned previously (Issue 301, par. 27) that this is completely fine; there is no concern whatsoever. The Torah only forbids מהשבת מלאכת מחשבת, and we do not see any connection between the person and the device activated from his motion (פוסקי זמנינו). We certainly do not relate at all to photographs from the various satellites orbiting the earth.

### Has No Interest

17. Even if there is a nearby camera one is aware of and can see in front of him, e.g., next to a store or private house [and we mentioned that standing before a camera on Shabbos is an *issur d'rabanan* (above, 7, 13)], in many cases the person passing in front of the camera has no interest in his image appearing on the screen, e.g., when one casually walks on the street and his image is captured on some camera on the street that he has nothing to do with. We previously mentioned (Issue 302, par. 12, 14, 26) one may be *meikel* if necessary for an *issur d'rabanan* he has no interest in whatsoever (ש"ת חשב) (האפוד ח"ג סי' פ"ג, ש"ת שבט הלוי ח"ט סי' ס"ט).

### Does Not Know If the Camera Is On

18. **ספק פסיק רישיה לשעבר.** See Issue 302 (par. 4 and on), where we cited the rules of פסיק רישיה on Shabbos. There is another relevant concept called an "uncertain רישיה of the past." The halachah of פסיק רישיה is based on a מתכוון דבר. E.g., someone drags a bench on the ground – a furrow can be created as a result of this action, but he has no intention to make the furrow. This is a דבר שאינו מתכוון and is *mutar* on Shabbos. However, if the second *melachah* will certainly happen, e.g., he knows with certainty it will make a furrow, then it is *assur* as a רישיה פסיק.

19. The *poskim* discuss the halachah if the uncertainty is not whether a *melachah* will happen in the future based on one's actions, but whether certain preexisting conditions have already been created. In this case, a person is considering whether to do a permissible action, but if the conditions of the *issur* exist, the forbidden outcome will automatically result. For example, a person wants to close a box. If there are flies inside, he will certainly violate *tzeidah* [trapping], and if there are no flies, he may close the box, but he does not currently know whether there are flies inside. In other words, he is unsure whether or not there are preexisting conditions that will forbid closing the box. Several *poskim* hold there is no *issur* of פסיק רישיה in such a case (ש"ת רב קו"א) (סי' רע"ז סק"א); some rely on this heter when the *issur* is *d'rabanan* (ביאה"ל סי' שט"ז סי' ד"ה ולכן).

20. **Unsure if the camera is active.** Thus, if there is a camera in a place where someone is passing by but he is unsure whether it is on or off, he may pass in front of it based on this halachah of ספק פסיק רישיה לשעבר. He is unsure whether it is active. If it is, he will certainly violate the *issur*, just the question is whether it is on or not. Especially in view of the fact that the camera only involves an *issur d'rabanan* (above, 7, 13), one may rely on the lenient *poskim*.

## Various Cases of Cameras on Shabbos

### Camera at a Closed Door

21. Sometimes, a person wants to enter a building, but he will not be let in unless he is identified as a recognized person, so he must appear on camera to be let in, e.g., at the entrance to a hospital, hotel, or the like. Some *poskim* hold it is *assur* to stand in front of the camera as the person is interested in the camera's operation, and the act of moving his body is attributed to him as if he activated the camera. This is an *issur d'rabanan* of *koseiv* (7) and affecting an electric current (13). Since he is interested in this happening, it is *assur* (הגר"ש"א).

22. However, others allow this too, the reason being that the picture on the screen is not a drawn image. Rather, it is like a person's image reflected in a mirror, and hence, it is *mutar* (ש"ת בצל החכמה) (ח"ו סי' ס"ה, תשובות והנהגות ח"ב סי' קפ"ט).

23. Even if one sees cameras in a hospital or hotel corridor or room, he may sit or pass by there since it is a דבר שאינו מתכוון and he is not interested in the *melachah* at all (17) (מכתב סוף סי' ) (ארחות שבת ח"א).

### Camera in Shul

24. It is common today for cameras to be installed in *batei medrash* and *shul* buildings as well, in side rooms or even in the *beis medrash*

itself. It is done in the interest of protecting the *mispallelim* and to track thieves or other unscrupulous people who sometimes frequent these places. Although it is essentially in the interest of the *mispallelim*, when a person passes a camera, he has no interest at all in being recorded and gets no personal benefit from appearing on camera [the thief himself certainly does not want to be recorded...]. Thus, in a scenario and place where there is a need for closed-circuit cameras in a *beis medrash*, there is a valid basis to rely on to keep them active on Shabbos.

25. **Don't tell others.** However, it is better that the general public not know whether the cameras are active on Shabbos. This way, they have the *petur* of מתעסק and לשיעור (20). Thus, it is better not to ask the *gabbai* for guidance on the activation of cameras on Shabbos; one who asks does himself a disservice.

26. **Lofty sights.** When there are cameras in a *beis medrash* or at a *Rebbe's* *tish* hall based on the above heterim, it is certainly *assur* to use and enjoy the lofty sights of the *beis medrash* for personal benefit after Shabbos, as doing so is benefiting from filming done on Shabbos.

### Turn Off the Screen

27. Even when there is a situation requiring cameras to be left active on Shabbos, e.g., out of concern for theft, damage, wrongdoers, etc., the screen should be turned off before Shabbos. This way, the pictures of people go straight into the computer's memory, not onto the screen, minimizing the concerns of Shabbos *issurim*, as mentioned above.

28. **Cover the screen.** If one forgot to turn the screen off before Shabbos, the screen can be covered on Shabbos so that no benefit whatsoever is derived from the pictures on the screen on Shabbos.

### Baby Monitor

29. The use of baby monitors has become popular as of late. One device with a microphone and camera is placed in the baby's room; another device with a screen and speaker is left on in the parents' room. This way, parents can constantly see, hear, and watch over their children.

30. **ספייה בדיים [actively "feeding" a child *issur*].** Leaving the baby in front of the camera is not an *issur*, as the baby is not *chayav* in these *halachos*. It is also not considered *ספייה* since the parent merely places the baby near the *issur* but does not actively give the actual *issur*. Also, the parent does not instruct the child to do the *issur* (ש"ת) (חת"ס או"ח סוף סי' פ"ג, ארחות שבת ח"ב פ"ד אות ה'). Additionally, since the parents turn on the monitor before Shabbos, at a time of heter, there is no *issur* of *ספייה* (מ"ב סק"ט"ו) (ש"ת סי' רס"ו סי' ס"ו, מ"ב סק"ט"ו). Plus, some *poskim* allow *ספייה* for an *issur d'rabanan* (see above, 7, 13) when it is for the needs of the child himself (ש"ת רע"א) (ביאה"ל סי' שמ"ג ד"ה מדברי סופרים, ש"ת רע"א).

31. **Parents in the baby's room.** However, if the parents enter the baby's room to put him to sleep or soothe him and they speak and move around, they cause their picture to come onto the screen and their voices to come out of the device in the other room. For this, we must use the heterim we mentioned above: since the parents have no interest in appearing on the screen – they want to be the ones seeing, not the ones being seen – it is a פסיק רישיה דלא ליה for an *issur d'rabanan*, which has room to be lenient if there is a need, e.g., the needs of the baby. However, *l'chatchilah* they should certainly not speak in the baby's room, and they should try to move quietly, so as not to activate the speaker unnecessarily. One should certainly not intentionally speak to his wife in the other room – that is certainly *halachically* forbidden.

### Cameras in an Elderly Person's House

32. Also recently, many people have installed cameras in the home of their parents who require elderly care in order to monitor them from their own homes. This is done either to always keep an eye on elders who live alone to make sure they do not fall into distress *ח"ו*; or, if the parents are accompanied by a foreign worker or aide, to oversee the aide to make sure he is caring for the parents properly. Here too, the shailah of whether the cameras may be active on Shabbos arises.

33. But the halachah depends on many factors. It is more serious since one is interested in the picture coming onto the screen. This would be a reason to say it is preferable that the elder not know the camera is also active on Shabbos so that it is מתעסק (25). Sometimes, the elder does not have *da'as*, e.g., if he suffers from dementia *ח"ו*, or is a *choleh*. Since the matter is more serious in both aspects, in every situation one should consult a *rav* who is well-versed in these topics.