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חוקי חיים

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Security Cameras and Sensors on Shabbos – 2 | Ki Seitzei 5783

305

Security Cameras in the Old City of Yerushalayim

Summary of Previous Issues in This Series

1. We will continue the series of issues on the topic of using electric devices on Shabbos. In an earlier issue (301), we mentioned several principles about turning on electric devices on Shabbos in general and via sensors in particular, e.g., opening automatic doors (ibid., par. 29). We also discussed turning on lights (Issue 302). In that issue, we presented several angles of heter in various circumstances where one is in a predicament.
2. In the previous issue (304), we elaborated with the halachos regarding security cameras, which are ever-present: on the street, in public areas, and in private areas. We established several principles on the topic. We discussed the issue of koseiv (ibid., par. 4 and on) and the issue of changing the level of electricity consumption (par. 13 and on). We suggested several angles of heter in various circumstances, e.g., when the cameras are far from the person such that passing in front of them is not an action attributed to him (par. 16); when he has no interest in them (17); or when he does not know if they are active (18).
3. We then mentioned some common cases, e.g., cameras in an entryway (21), a hospital (23), or a shul (24); baby monitors (29); and cameras in an elderly person's home (32). In the present issue, we will discuss more common cases.

Old City of Yerushalayim

4. There are plainly visible security cameras on every street, avenue, and alley of the Jewish Quarter of the Old City, as well as on every path leading to the Kosel Plaza. These cameras transmit pictures in real time to screens in the police station for on-site surveillance and to keep passersby safe from enemies of the Yidden. [The system is called Mabat 2000.]
5. A previously mentioned angle of heter to walk in a street that is being recorded is that one has no interest in, or need for, the cameras, and the "writing" is temporary. However, when one walks the streets of the Old City on Shabbos – especially in sensitive areas, e.g., Shaar Shechem, Shaar Yafo, or the Shuk – he is certainly interested in the cameras, as he knows they enable him to be watched on many screens in real time. In particular, when a Jewish passerby is seen, the authorities watch him to make sure there are no attacks or the like ל"ע. It is very possible that if not for the cameras, one would not walk through these areas at all. Also, the pictures are saved in the system so the authorities can view them in case of an incident ח"ו. Thus, perhaps there is an issue of koseiv d'rabanah here (see Issue 304, par. 8), and it is a דניחא ליה. פסיק רישיה דניחא ליה.
6. About twenty years ago, the poskim covered the topic of whether one may walk in the streets of the Old City on Shabbos, particularly in areas where one would not walk without knowing there are cameras there and people are watching him. In fact, some poskim at the time forbade going to the Kosel on Shabbos due to the camera issue (הגריש"א).
7. **Is it a דניחא ליה?** פסיק רישיה דלא ניהא ליה. Some discuss whether this scenario might be a דניחא ליה. פסיק רישיה דלא ניהא ליה. The person walking in front of the cameras does not need his picture to appear on the screen. He just wants the cameras to record the Arabs who create the dangerous situation. Even if he is on the same screen, the Jew does not need his image to be there. There are also other reasons to classify it as דניחא ליה. However, many poskim question these reasons. The assumption is that it is called דניחא ליה, so we need other reasons to allow it.

8. **Doesn't know there are cameras.** We mentioned (Issue 304, par. 25) an angle of heter when one does not know there are cameras. In such a case, he is considered מתעסק, as he is not doing any sort of melachah by merely walking through the street (ארחות שבת פט"ו). Hence, it would be better if one would not know there are cameras in the Old City. Thus, if a visitor comes from far away and does not know there are hundreds of cameras in the Old City, it is best not to inform him. However, since many people know about them; they can be seen all over and there are hundreds of them; and many of the poskim publicly discussed this topic in shiurim and in writing; we will also not refrain from publicly discussing it. Nevertheless, if there is still a person who does not know about the cameras, it is best not to make him aware so that he has a broader heter (שבות יצחק חלק גדר מעשה ופס"ד בטכנולוגיה פ"א עמ' קל"ט).
9. **Shabbos mode.** At the time, some askanim got involved. Together with the police, they arranged and installed a program at the request of the rabbanim by which the cameras work on a "Shabbos mode" – the screens constantly change, e.g., every half minute or so. Since the pictures do not remain on the screen, it is not a lasting form of koseiv. This way, there is another angle of heter: the "writing" is not called writing at all, besides the fact that in general it is not a regular form of koseiv, as we mentioned (Issue 304, par. 11). Based on this, the poskim agreed one may walk the streets of the Old City on Shabbos since the cameras are for security purposes (הגריש"א).

Oversight for Shabbos Mode

10. **Unclear if on Shabbos mode.** However, there was a question whether one could rely on the police to activate Shabbos mode. Most of them are personally irreligious and not interested in, or trusted about, Shabbos observance. Thus, one cannot rely on their word that they will make sure to activate the system's Shabbos mode. Hence, some still questioned this arrangement.
11. **Still a safeik.** However, even if they do not activate it, it does not lose its status of a safeik. If so, we still gain a heter: it is a ספק פסיק רישיה לשעבר, which, as we cited (Issue 304, par. 18), constitutes another consideration of heter. We would have been able to rely on this as another reason to be meikel.
12. However, after a certain period of time [Av 5776/2016] in which many people did not want to rely on the police's promise that they activate Shabbos mode, the rabbanim coordinated with the police to appoint a mashgiach with yiras Shomayim to oversee the matter. He enters police headquarters whenever he wants to oversee and ensure the Shabbos mode system was indeed activated. They installed indicator lights to indicate when the Shabbos mode is active. Once it became known that the Shabbos mode was actually on all Shabbos, the poskim held one could rely on it and walk the streets of the Old City on Shabbos (עי' שו"ת שערי צדק ח"א סי' י"ב באריכות, גליונות עומק הפשט 68).

Cameras at the Kosel

13. Some organizations, e.g., Yeshivas Aish HaTorah, have cameras installed at the Kosel Plaza which they use to broadcast a live picture twenty-four hours a day to various sites so that the public can see what is happening at the Kosel Plaza in real time.



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14. The people who go in front of the cameras at the Kosel Plaza do not know they are there, and the cameras are far enough from the people that their operation is not attributed to the people passing before them (as we explained in Issue 304, par. 16). Still, since there is no need for them – they are only there for entertainment, not protection or security – the various organizations acceded to the rabbanim's request to turn off the cameras for Shabbos or point them upward so they do not capture or record people and their movements on Shabbos.

Metal Detectors

15. Due to the security situation, there are metal detectors at the entrance to the Kosel Plaza and at hospital entrances in Eretz Yisroel. To prevent entry to those who want to harm us, everyone must pass through them. The poskim discuss whether one may pass through them on Shabbos.
16. **Operation during the week.** During the week, when a person passes through a metal detector with metal on him, the machine beeps and lights go on to warn of the entry of metal devices, which can constitute a danger.
17. **Shabbos mode.** A Shabbos mode was installed on the metal detectors at the Kosel which deactivates the beeping and the lights. Instead, when metal is detected via magnets, an electric current is sent to a meter on the gate which moves, notifying the guard that the person has metal in his pocket. To preclude the shailah of creating a new electric current, the meter was set up to constantly receive a low current [too low to move the meter]; when it identifies metal, it increases the current and the meter moves a lot.
18. **No metal on him.** If one has no metal on him, he will not affect the machine at all on Shabbos. Thus, one who must pass through a metal detector should ensure he actually has no metal on him; then he has no problems.
19. **Has metal on him.** However, if one has metal on him, passing through the detector will cause increased electricity consumption on Shabbos, and the poskim argue whether this is mutar or assur (see Issue 301, par. 23). Here, too, there is a discussion of פסיק רישא דלא, as this person does not need the melachah. If the issur is d'raban and there is a need, this can be allowed, as mentioned above, but it is certainly better for one not to have any item with metal, e.g., a belt, shoes, or the like, on him so that he does not even cause an increased current. If he has metal on him, he has poskim to rely on (אחרות שבת פכ"ו אות ל"ז).

Underground Garbage Receptacles

Public Bins

20. **Underground bins.** For several years already, they have been producing and installing underground garbage bins in public places. The authorities are putting in more of these everywhere, since they help maintain cleanliness and prevent excessive odors, as all the garbage is underground. We benefit from this, as we can make brachos and speak in learning on the streets without shailos of filthy streets. It also prevents fires in garbage bins.
21. **Smart.** Many of the underground bins, even in Yerushalayim, are of the so-called "smart bin" type, i.e., there is a sensor attached to the inside of the big garbage container which senses changes in volume and temperature. It gauges and transmits to a municipal control center when the container is almost full and needs to be emptied. This way, the authorities know exactly when each garbage bin needs to be emptied. The garbage truck driver gets automated detailed list, including the shortest and most efficient route to clear the garbage. Through this, the authorities save lots of money by not needing to empty half-empty bins.
22. Some bins also have a digital display on their side which indicates whether the bin is full or not. This way, someone approaching the bin to place his garbage bag inside knows in advance whether the bin is full or whether there is still room for his bag.
23. The question is, may one take out the garbage bag from his house on Shabbos [where there is an eiruv] and put it into this sophisticated public garbage bin? It is possible that right when his garbage goes into the bin, the sensor will communicate to the control center that the bin is full. Also, perhaps the screen located on the bin will be updated to indicate it is full. Both of these involve activating and changing an electric current on Shabbos.
24. **Two types of sensors.** It should be noted that there are primarily two types of sensors. One type of sensor automatically gauges and transmits at fixed intervals. For example, every three minutes, regardless of motion, it gauges volume, temperature, and the like, and sends the data to the control center. There are no problems on Shabbos with this type as it is automatically activated at fixed intervals, not by the person throwing the garbage in.
25. There is another type of sensor that senses and is activated through motion. When a person puts a bag of garbage into the bin, the sensor detects motion and sends the new data to the control center.

Reasons to Allow It

26. **פסיק רישא for an issur d'raban.** The poskim discuss the heteirim mentioned above for this too. Namely, the result of the melachah is a דבר שאינו מתכוון, as the person throwing his bag into the garbage has no intent whatsoever for the melachah caused by the sensor. Although it is a פסיק רישא that the sensor will be activated, it is a פסיק רישא for an issur d'raban, which is subject to a machlokes among the poskim (see Issue 302, par. 7).
27. **פסיק רישא דלא ניהא ליה.** It is also a פסיק רישא דלא ניהא ליה, as the person throwing in his bag has no need for the control center to be updated on whether or not it is full. Only the city sanitation department is interested in that, not the average person. This case is also subject to a machlokes (ibid., par. 8). There is certainly room to be meikel, as it is a פסיק רישא דלא ניהא ליה for an issur d'raban, which the poskim are meikel on in a situation of necessity (ibid., par. 12). This is possibly also an issue of human dignity [כבוד הבריות].
28. Even when there is a display screen near the bin indicating whether it is full or empty, the logic of לא ניהא ליה still applies. The person does not benefit from the change in display caused by his action; it is the next person who benefits from knowing in advance that the bin is full.
29. **ספק פסיק רישא.** It is also possible it is only a ספק פסיק רישא, as it is not certain that the sensor will be activated the moment the person puts his bag inside. We mentioned (above, 24) that there are two types of sensors. The sensor that gauges at fixed intervals is no problem on Shabbos. However, the second sensor, which detects motion, is a problem on Shabbos, as right when a person throws garbage into the bin, the sensor is activated to gauge and transmit. That being said, since one does not know which type of sensor is built into the bin, it is only a ספק פסיק רישא – all the more so when one does not know if there is a sensor installed in the first place. We previously mentioned a discussion about being meikel on this (Issue 304, par. 18).
30. **Yerushalayim.** "Smart bins" were installed in some neighborhoods in Yerushalayim. The neighborhood rabbanim pointed out that there is a problem on Shabbos and applied pressure until the Yerushalayim municipality agreed to disable all sensors for Shabbos so that they are inactive and don't transmit automatically on Shabbos. This way, putting garbage in a bin on Shabbos is not a problem, obviously in a place with a high-level eiruv that can be relied on.

Tracker, AirTag on Shabbos

Question

31. We were asked about a tracker device, or what is called an AirTag. This device is a small, coin-sized, battery-operated diskette which can be attached to anything whose location one wants to track, e.g., keys, a wallet, a suitcase when traveling by plane, etc. It sends via Bluetooth its location along with a unique code to any device that can receive it belonging to someone in the area. Hence, someone who loses his keys can use his device to search for them, and he will receive the precise location of the item he lost.
32. Someone asked whether he may attach a tracker diskette – which does not cost very much – to his expensive Shabbos coat so that if his coat gets lost or swapped, he will be able to find it after Shabbos with his device.

Answer

33. **The device.** As far as the device's actual operation: the person does not do anything or cause any change to the device. The device automatically transmits every minute to any device which can receive the transmission. Even if one moves his coat from one place to another, he does not cause any change in electricity consumption; in any event, the device transmits from wherever it is. Thus, this aspect presents no problems on Shabbos.
34. **Carrying.** As far as carrying on Shabbos, if he sews the device to the coat such that it is secondary to the garment, there is no issue of carrying, as it becomes a part of the coat and serves a function for the coat. It is like a label with a name and phone number sewn to the coat – since the label with the name serves a function for the coat, there is no potential problem of carrying. Similarly, this diskette serves a function for the coat. Although it has no use on Shabbos itself since one cannot use it on Shabbos to find the coat, it still serves a function for the coat already on Shabbos, as it gives the owner an address to find his coat.

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