

Police Report

Excerpted and adapted from a *shiur* by Dayan Yitzhak Grossman

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<https://baishavaad.org/wp-content/uploads/2024/01/shemos-mesirah-and-the-criminal-justice-system-20231227-bhv.mp3>

Do you propose to murder me, as you murdered the Mitzri?...Par'o heard about this matter and sought to kill Moshe...

Shmos 2:14-15

Rashi explains that Par'o was notified about Moshe's killing of the Egyptian by Dasan and Aviram, which constituted *mesirah* (informing on a Jew to a non-Jewish government). Although *mesirah* is generally considered a severe transgression, it may be permitted to report a crime: The Gemara (Bava Metzia 83b) relates that R' Elazar beR' Shimon agreed to serve as a government agent to catch thieves, including Jewish ones, and turn them over to the government for punishment, which was often death. R' Shimon ben Korchah was unhappy with R' Elazar's actions, but many *Rishonim* and *poskim* assume that this is permitted *mei'ikar hadin*. The Ritva explains that even where evidence of the crime was less than dispositive, R' Elazar permitted *mesirah* because the *malchus* need not follow the regular rules of *eidus*, and if the *malchus* is reasonably certain of the suspect's guilt, he may be turned over to it.

The Rashba writes that it is permitted to serve as a government agent to catch criminals, but great Torah sages should avoid such positions. Following the Rashba, the Maharam Schick permitted a private citizen to report a wife for poisoning her husband, as he accepted the local justice system as fair.

More recently, R' Moshe Feinstein ruled that a private citizen may not report a thief to the authorities, because the punishment they would mete out is more severe than that of the Torah. (He says R' Elazar's *heter* pertains only to government agents.) But R' Yosef Shalom Elyashiv permitted a private citizen to report a thief to the police. Rav Elyashiv and R' Asher Weiss also permit reporting a sexual abuser to the police if there is sufficient evidence of his guilt. R' Shmuel Vosner permits serving as a tax auditor, but he says one should preferably avoid it.