

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

191 - NON-JEWS, JEWS AND MITZVOT - PART 2: LIFNEI IVER OU ISRAEL CENTER - FALL 2020

- In Part 1 we looked at the basic obligation of the 7 Noahide Laws. These include:
 - (i) The obligation to enforce laws. (ii) Not to take God's name in vain. (iii) Idolatry. (iv) Prohibited sexual activity. (v) Murder and injury. (vi) Theft. (vii) Eating flesh taken from a living animal.
- According to some opinions the following should also be added to that list:- eating blood taken from a living animal, castration, witchcraft and associated superstitions, and some forms of cross-breeding.
- We also saw that Chazal refer to 30 mitzvot which apply to Bnei Noach, although do not elaborate on all of these. Certainly, the '7 Mitzvot' are not simply 7 specific halachot, but 7 entire categories of law which encompass around 60 mitzvot - around one quarter of the actual mitzvot that practically apply to Jews.

In this shiur we will address the special relationship of Jews and non-Jews through the mitzva of Lifnei Iver - not to put a stumbling block in front of the blind.¹

A] LIFNEI IVER - PRACTICAL QUESTIONS

Consider the following scenarios²:

A1] LIFNEI IVER AND JEWS

Shabbat Issues

- Inviting those who will drive on Shabbat to attend an educational Shabbaton or a family simcha.
- Giving directions to a Jewish driver on Shabbat.
- Making Jewish drivers stop on Shabbat so you can cross the road.
- Handing over a job (eg printing, sewing) which will be done on Shabbat by a Jewish worker.
- Giving a bar-mitzvah gift in a place with no Eruv.
- Hiring a babysitter or madrich for Shabbat in such a way that they will be earning 'schar Shabbat'.

Kashrut and Food Issues

- Selling meat to Jews during the 9 days.
- Selling non-kosher meat to non-observant Jews.
- Selling clothes with shatnez to non-observant Jews.
- Selling/serving food to those who will not wash, bentch or make berachot.
- Getting a non-kosher lunch for a non-observant Jewish boss.

Marriage Issues

- A rabbi officiating at a wedding where the couple will not keep taharat hamishpacha.
- Renting out a catering hall for a function with mixed dancing or non-kosher catering.
- Encouraging a shidduch without revealing all pertinent information.

Health Issues

- Selling alcohol to underage children, or to those who will abuse it.
- Buying cigarettes for a parent or friend.

1. We looked in depth at Lifnei Iver with Jews in Shiurim 67 and 68 in Fall 2017. Both of these shiurim, together with detailed source sheets, can be found on <https://rabbimanning.com/index.php/audio-shiurim/cji/>. This shiur will focus more specifically on Lifnei Iver as it relates to non-Jews.

2. Not all of these scenarios are necessarily halachically prohibited. The halachic principles and many of the practical examples will be discussed in this shiur.

Other Issues

- Printing source sheets containing Shem Hashem when they will be thrown in the garbage.
- Smacking a child who may hit back.
- Acting as a lawyer for a Jew suing in a non-Jewish court.
- Renting an apartment to non-observant Jews who will not put up mezuzot.
- Selling clothes which are not tzanua or giving them away to friends who are non-observant.
- An observant soldier switching duty on Shabbat with a non-observant soldier.
- An Israeli army officer instructing a non-observant soldier to shave, when he will use a razor.
- Performing a burial on second day Yom Tov in chu'l.
- Are the hosts of social media platforms required to prevent and violations of halacha on those platforms.³

A2] LIFNEI IVER AND NON-JEWS (AND OFTEN JEWS)

- Paying a contractor/worker who you suspect is not paying taxes.
- Building or renovating a place of worship for idolatry.
- Letting someone else copy your homework to get higher marks in a test.
- Advising someone to change their plans based on superstition.
- Giving a bribe to an official.
- Teaching Torah or selling Torah books to a non-Jew.
- Acting as a mohel for a child who is not halachically Jewish.
- Taking an animal to a vet to be neutered.
- Selling weapons to potential murderers.
- A Jewish doctor advising a woman on abortion options.
- Assisting as an anesthesiologist for an abortion.
- A pharmacist dispensing pills which will induce an abortion.
- Selling or giving meat which is ever min hachai to a non-Jew. This raises the tricky question of eggs!

1. לכאורה יש לאסור ביצים לב"ג בזמן הש"ס דגבי ישראל גלי התורה ולא לב"ג, כמו מפרנסת דשרי לישראל ולא לב"ג. וס"ל להרמז"ם פ"ט מהל' מלכים דאפילו בהמה טהורה וכשירה לישראל אסורה מפרנסת לב"ג ולית ליה מי איכא מידי. ואפילו להחולקים וס"ל מי איכא מידי מ"מ צטריפה וטמאה דאסורה בלא"ה לישראל אסורה לב"ג. ואם כן ה"ג צביצים אסורים לב"ג לכל הפחות ביצים טריפות ולהרמז"ם כל הביצים אסורים. מיבו ביצים שלימות פשיטא דשרי לתת אותם במתנה כיון דאיכא למתלי דלהשיב עליהם תרנגולים לגדל אפרוחים קצעי להו שרי. דצכל שהוא דאיכא למיתלי תלין אמנם להזמין על המאכלים שנילושו צביצים ... או שנתצלו עמם ביצים מנא לן להתייר. ואין לומר דטעם כעיקר לא נאסר לב"ג ז"א! אדרבה לב"ג אפילו באלף לא צטיל ואף נותן טעם לפגם נמי אסור לדידהו ...

פתחי תשובה יורה דעה סימן סב

Eggs would be prohibited as ever min hachai, except that the Torah explicitly permits them for Jews.⁴ It does not however permit them to non-Jews. Poskim who accept the concept 'mi ika midi' - that there is nothing which is permitted to a Jew which is prohibited for a non-Jew - would permit all kosher eggs for a non-Jew. But treif eggs would be prohibited. As such giving or possibly selling eggs to non-Jews could be a real question of Lifnei Iver if they are buying them to eat!

- Buying from or supporting people who have stolen property.

2. אסור לקנות דבר הגזול מן הגזול, ואסור לסעודו על שינויו כדי שיקנהו. שכל העושה דברים אלו וכיוצא בהן מחזק ידי עוברי עבירה ועובר עלולפני עור לא תתן מכשול.

רמב"ם הלכות גזלה ואבדה פרק ה הלכה א

The Rambam rules that buying from or supporting people who have stolen property is a violation of Lifnei Iver.

- One of the most common applications of this question is illegal downloading or sharing of information on the internet.
- The definitions of what is considered halachically theft on the web are complex.⁵

3. See <https://www.etzion.org.il/en/shiur-32-responsibility-facilitating-sin-lifnei-iver-iv> for an analysis of this by R. Jonathan Ziring. This article is one of 4 dealing with Lifnei Iver and is part of a series of 39 shiurim dealing more generally with Halakha in the Age Social Media - see <https://www.etzion.org.il/en/topics/halakha-age-social-media?page=1>

4. A similar question is raised regarding honey, which should in theory be treif as the derivative of a treif animal.

5. For more analysis, see my two shiurim on Halacha and the Internet at <https://rabbimanning.com/index.php/audio-shiurim/cji/>

To download more source sheets and audio shiurim visit www.rabbimanning.com

B] LIFNEI IVER - THE TORAH PROHIBITION

3. לֹא־תִקְלַל חֵרֶשׁ וְלִפְנֵי עֹרֵר לֹא תִתֵּן מִכְשׁוֹל וְיִרְאֶתָּה מֵאֲלֵהֶיךָ אֲנִי ה'

ויקרא יט:ז

The Torah includes a mitzvah not to place a stumbling block in front of the blind. What is that verse referring to?

4. **ולפני עור לא תתן מכשול - לפני סומא בדבר.** בא ואמר לך בת איש פלוני מה היא לכהונה? אל תאמר לו כשירה, והיא אינה אלא פסולה. היה נוטל ממך עצה, אל תתן לו עצה שאינה הוגנת לו. אל תאמר לו צא בהשכמה, שיקפחוהו ליסטים. צא בצהרים, בשביל שישתרב. אל תאמר לו מכור את שדך וקח לך חמור, ואת עוקף עליו ונוטלה ממנו. שמא תאמר 'עצה טובה אני נותן לו', והרי הדבר מסור ללב שנאמר ויראת מאלהיך אני ה'

ספרא קדושים פרשה ב

Chazal, in the Sifra, state that the actual prohibition is intentionally giving bad advice and causing others to stumble by following that advice.

5. **ולפני עור לא תתן מכשול - (ת"כ)** לפני הסומא בדבר לא תתן עצה שאינה הוגנת לו. אל תאמר מכור שדך וקח לך חמור ואתה עוקף עליו ונוטלה הימנו.

רשי"ש

Rashi learns that the requirement not to give bad advice is actually the pshat in the verse, as opposed to a literal understanding.

6. ... נארה דפסוק הזה דלפני עור ילא לגמרי מפשוטו. דאס נתן מכשול ממש אבן לפני עור אינו עובר!

מנחת חינוך מצוה רלב

Some mefarshim go so far as to suggest that if one actually places a concrete block in front of a blind person and causes them to trip, this mitzva has not been violated!⁶ This is also indicated in the Sifrei, which understands that it is not always obvious to the onlooker if this mitzva has been breached, or if the person was acting in good faith. Clearly, this doubt would not apply to someone tripping up a blind person in the street.

7. והמצוה הרצ"ט היא שהזהירנו מהכשיל קצתנו את קצתנו בעצה. ולשון ספרא - 'לפני סומא בדבר'. היה נוטל ממך עצה אל תתן לו עצה שאינה הוגנת לו. ולא זו אלאו אמרו שהוא כולל גם כן מי שיעזור על עבירה או יסבב אותה כי הוא יביא האיש ההוא, שעוורה תאותו עין שכלו וחזר עור ויפתהו, ויעזרהו להשלים עבירתו או יכין לו סבת העבירה ודברים רבים מאד מזה המין יאמרו בהם עובר משום ולפני עור לא תתן מכשול. ופשטיה דקרא הוא במה שיזכרנו תחלה

רמב"ם ספר המצוות - מצוה רצ"ט

*The Rambam also rules that the 'pshat' in the verse is the prohibition not to give misleading advice. However, the mitzva also includes a scenario whereby one person encourages or facilitates another in committing an aveira. The Rambam warns that **MANY** every day life situations can involve the breach of this Torah prohibition!*

• One distinction between these two forms of Lifnei Iver is as follows. If someone gives bad advice they have transgressed the mitzva, whether or not the advice is acted upon. But if they enable someone to do halachic aveira, many poskim rule that Lifnei Iver is only breached if the aveira is actually committed.

C] THE TALMUDIC DEFINITION OF 'LIFNEI IVER'**C1] ONE OR TWO SIDES OF THE RIVER**

8. לפני אידיהן של עובדי כוכבים ומזלות שלשה ימים אסור לשאת ולתת עמהן

משנה מסכת עבודה זרה פרק א משנה א

The Mishna rules that it prohibited (rabbinically) to do business with an idolator within the three days prior to their festival.

6. It goes without saying that it IS clearly halachically prohibited on a Torah level to do such a thing! The Rambam includes in the mitzvah of *ביתך* ולא תשים דמים בביתך anyone who places traps or stumbling blocks before others - see the מצוה לרמב"ם מצות לא תעשה רצח. Note also the repetition of the idea in Devarim 27:18 - אָרֹר מִשְׁגֵּה עֹרֵר בְּדֶרֶךְ -

9. איבעיא להו - משום הרווחה או דלמא משום ולפני עור לא תתן מכשול? (רש"י:-- דמזין ליה זכמה ומקריב לטעות כוכבים. וזני נח נלטו עליה דביא אחת משצט מלות צד' מיתות צסנהדרין (דף נ). ונהי דאמרן עמד והתירן, מיכו אל יעצרו על ידיך. שכרי עתידין בן ליתן את הדין על שאין מקיימין אותן ואף על פי שאין להן שכר בקיומן. ואכתי קא עבר ישראל משום ולפני עור לא תתן מכשול.) למאי נפקא מינה? דאית ליה בהמה לדידיה. אי אמרת משום הרווחה הא קא מרווח ליה. אי אמרת משום עור לא תתן מכשול הא אית ליה לא עבר משום עור לא תתן מכשול? והתניא אמר רבי נתן מנן שלא יושיט אדם כוס של יין לנזיר ואבר מן החי לבני נח ת"ל ולפני עור לא תתן מכשול. והא הכא דכי לא יהבינן ליה שקלי איהו וקעבר משום לפני עור לא תתן מכשול! הב"ע? דקאי בתרי עברי נהרא (רש"י:-- עובד כוכבים מלד זה זה דאי לא יביב ליה לא מני שקיל). דיקא נמי דקתני לא יושיט ולא קתני לא יתן, ש"מ.

עבודה זרה ו. ורשי שם

The Gemara asks what is the reason for the rabbinic prohibition of doing business with a non-Jew before their festival. Is it in case the non-Jew mentions the name of their idol in thanks for bringing the business deal. Or is it because of Lifnei Iver, since the Jew facilitates the non-Jew performing idolatry by giving them an animal to sacrifice. The Gemara compares the parallel case of giving wine to a Nazir and concludes that Lifnei Iver would only apply in a situation which is equivalent to 'two sides of the river' i.e. the person handing over the wine is the ONLY source of the transgression. If the Nazir could obtain wine elsewhere, there would be no Torah prohibition of Lifnei Iver. As such, if one is assisting another person (Jew or non-Jew) in doing an aveira, it would appear that there is no Torah prohibition of Lifnei Iver if they could also do that aveira without your help.

- How 'easy' does it need to be for them to get the aveira elsewhere? Do they need to have immediate access to it? What if they can get hold of it fairly easily? What if they could theoretically get hold of it, but in reality will not? This is a machloket Rishonim. Some (including Rashi) rule that Lifnei Iver will cease to apply even if the alternative source is only theoretically available. Others (including the Meiri) rules that the alternative source must be practically available.
- What if the only other source of the aveira is another Jew, such that Lifnei Iver will be committed in any event? Some (including Mishne LeMelech) rule that, in such cases, there will still be a prohibition of Lifnei Iver if YOU facilitate the aveira. Others (including the Pnei Moshe) rule that there will not be.
- Note that some poskim understand that the Rambam does NOT accept this definition of one/two sides of the river and rules that, even if the sinner could breach the the prohibition without your help, you are STILL in violation of Lifnei Iver.⁷

C2] CAUSING OTHERS TO BREAK A RABBINIC PROHIBITION

- There is a major debate as to whether causing a Jew to break a rabbinic law is a type of Lifnei Iver on a rabbinic level. How could the causer be liable to a greater degree than the principal?
- Other argue that, since giving bad advice is itself a breach of the Torah mitzva of Lifnei Iver, causing someone to breach a rabbinic law cannot be less serious than bad advice, and is thus a breach of Lifnei Iver deoraita.
- There is also a major debate as to whether there is such a concept as a rabbinic law in the 7 Noahide Laws - eg ever min hachai derabbanan. On the one hand, non-Jews are not bound by the mitzvot to listen to the Rabbis, so there is no mechanism for such an obligation. On the other hand, some poskim answer that the rabbis effectively made this like Torah prohibition so it would also be forbidden to a non-Jew.⁸

C3] ACTIONS WHICH COULD LEAD TO A PERMITTED OR PROHIBITED USE

10. רב אשי הוה ליה ההוא אבא (יער), זבניה לבי נורא (שם עבודת כוכבים). א"ל רבינא לרב אשי האיכא לפני עור לא תתן מכשול!! א"ל: רוב עצים להסקה ניתנו

נדריים סב: ורשי שם

Rav Ashi was challenged when he sold wood to people who could use it for idolatry. His response was that most people bought the wood for heating, so he did not have to assume that it was being used for idolatry.

- The poskim rule that an item which could be used for permitted or prohibited purposes (eg a cow during shemita year, which could be used for meat or working the field) CAN be sold to anyone, even if there is a possibility that they will use it for prohibited purposes. Since they could use it for permitted purposes, this is acceptable. This would not apply if they clearly state that they intend to use it for prohibited purposes.

7. See <https://www.etzion.org.il/en/shiur-30-responsibility-facilitating-sin-lifnei-iver-ii> on the position of R. Nachum Rabinowitz who maintains that this is not only the position of the Rambam but also other Rishonim, thereby potentially widening liability for Lifnei Iver on a Torah level. For the Rambam, both Lifnei Iver AND Mesayeha (see below) are min haTorah.

8. See *התרומה סי' כג, סמ"ק סי' רא, יש"ש חולין פ"ד סי' יז*, who permit rabbinical prohibitions to non-Jews. But see *ד"ה ה"ג, ר"ן שם, ועי' ש"ך סי' נה ס"ק יא* who say that since the rabbis made it like a Torah prohibition it is still forbidden to give to a non-Jew.

- However, an item used primarily for prohibited purposes (eg a plough during shemita year) may not be sold to someone suspected of using for a prohibited purpose.⁹
- How would this relate to the sale of hunting guns vs assault weapons? Does it depend on the buyer - eg a gun club vs a militia.

C4] LIFNEI OR LIFNEI DELIFNEI - DEFINING THE CHAIN OF CAUSATION

11. לבונה מוכרין להן חבילה. וליחוש דלמא אזיל ומזבין לאחרני ומקטרי אמר אביי: אלפני מפקדין, אלפני דלפני לא מפקדין (רש"י - כגון הכא דהאי ודאי לאו לעבודת כוכבים קצעי ומשום דלא ליזדכן איבו לאחרני ומקטרי לא מפקדין למיסר)

עבודה זרה יז. ורשי שם

Incense may be sold wholesale to non-Jews even though the buyers may sell it on retail to non-Jewish idolators. The Torah prohibition of Lifnei Iver appears to apply to the immediate recipient and not to those down the chain of sale.

12. רבה זבין ההוא חמרא לישראל החשיד למכור לעובד כוכבים. א"ל אביי: מ"ט עבד מר הכי? א"ל: אנא לישראל זבני! א"ל: והא אזיל ומזבין ליה לעובד כוכבים! לעובד כוכבים קא מזבין, לישראל לא קא מזבין? והאמר רב נחמן אמר רבה בר אבוב: כדרך שאמרו אסור למכור לעובד כוכבים, כך אסור למכור לישראל החשוד למכור לעובד כוכבים. רהיט בתריה תלתא פרסי, וא"ד פרסא בחלא, ולא אדרכיה.

עבודה זרה טו:

However this seems to be contradicted by another Gemara. The Rabbis made a rabbinic prohibition on selling large domesticated animals (behema gassa) to non-Jews.¹⁰ Raba sold a donkey to a Jew (which is permitted) but that Jew was suspected of intending to sell it on to a non-Jew. Abaye proved to him that this was prohibited.

13. וא"ת מאי שנא מלפני דלפני דלעיל (דף יד.)? וי"ל דהתם מיירי בעובד כוכבים שאינו מוזכר על לפני עור. לפיכך אין אנו חוששין אם העובד כוכבים ימכור לחצירו. אבל הכא דמיירי בישראל החשוד אנו מוזכרין שלא יבא שום ישראל לידי תקלה על ידינו

תוספות עבודה זרה טו: ד'ה לעובד כוכבים מזבין ליה לישראל לא מזבין

Since a non-Jew is not liable in Lifnei Iver, one can sell to a non-Jew who will then sell to another non-Jew eg for idolatry. But we may not cause a Jew to do the prohibition of Lifnei Iver to another Jew (or non-Jew)¹¹.

- The assumption is that non-Jews are not themselves obligated in the mitzva of Lifnei Iver, since this is not one of the 7 Noahide laws. Although this is the mainstream position¹², there is a minority view¹³ that a non-Jew is liable for Lifnei Iver regarding mitzvot that they are themselves obligated in.¹⁴
- This may relate to a fundamental disagreement in the *lomdus* of Lifnei Iver. According to most opinions, it is a separate prohibition, independent of the aveira it is causing. So if a person causes a Jew to break Shabbat, they are not themselves breaking Shabbat, but a separate mitzva of Lifnei Iver. However, according to others¹⁵, Lifnei Iver is 'built-in' to every other mitzva. So if a person causes chilul Shabbat, they are actually breaking an aspect of Shabbat¹⁶. In this way, the 7 Noahide Laws could have Lifnei Iver built into them.

C5] ACTIVE OR EVEN PASSIVE LIFNEI IVER

14. תא שמע, דשלחו ליה לאבוב דשמואל: הלן תורי דגנבין ארמאי ומגנחין יתהון, מהו? (רש"י - ומסרסין אותם, ואחר כך מחזירין לבעלים, ומאבוב צעלו ישראל גונבו הנכרי שהוא מכירו, ומסרסו כדי שיהא יפה לחרישה.) שלח להו: הערמה אתעביד בהו, אערימו עלייהו ויזדבנו. אמר רב פפא: בני מערבא סברי לה כרבי חידקא, דאמר: בני נח מצווין על הסירוס, וקא עברי משום ולפני עור לא תתן מכשל. סבר רבא למימר: ימכרו לשחיטה. אמר לו אביי: דיין שקנסת עליהם מכירה.

בבא מציעא ז. ורשי שם

The Gemara raises the case of Jews who knowingly (and intentionally) 'allowed' non-Jews to steal their oxen, castrate them (to make them stronger for ploughing) and then return them. According to the opinion that non-Jews are not permitted to castrate animals, the Jews would be liable for Lifnei Iver in this scenario.

- Note that this would indicate that even passive Lifnei Iver is still a problem.

9. See Rambam Hilchot Shemita VeYovel 8:1-6 and Shulchan Aruch OC 169:1-2 (on the issue of giving food to people who will not make berachot).

10. This was a precaution in case a non-Jew borrowed a Jew's farm animal and made it work on Shabbat, or in case a Jew sold a farm animal close to Shabbat and the non-Jewish buyer wanted to test it. If the animal responded to its former Jewish owner, he would then be breaking Shabbat.

11. There is a debate as to whether this once-removed prohibition is itself Lifnei Iver deoraita or derabbanan.

12. As indicated by the Tosafot just quoted - see Minchat Chinuch (Mitzva 232) and Sde Chemed 23.

13. Ginat Veradim Klal 43.

14. One of the proofs for this is that Chava was punished not only for eating from the fruit but also for giving it to Adam (see Ramban Bereishit 1:13)

15. This view is often attributed to the Ponevicher Rav.

16. One implication of this could be that causing chilul Shabbat is a more serious aveira than causing Jews to eat treif, since Shabbat is a more serious aveira. According to the first position, all Lifnei Iver is effectively the same aveira.

C6] A NON-JEWISH CHILD

• There is no concept of Bar Mitzva for a non-Jew. As soon as they reach the age of awareness and understanding, they are fully obligated in the 7 Noahide Laws. As such, if a Jew causes a non-Jews child to break one of these laws, they will be liable in Lifnei Iver.

D] A FURTHER RABBINIC PROHIBITION - MESAYEI YEDEI OVREI AVEIRA

15. מנין שלא יושיט אדם כוס יין לנוזר – ולפי זה אסור להושיט למומרים לעבודת כוכבים דבר איסור אע"פ שהוא שלהם. כי הדבר ידוע שיאכלוהו והוא נאסר להם כדישראל גמור חשצין ליה. ומיירי דקאי צמקום שלא יוכל ליקח אם לא יושיט לו זה וכדמסיק דקאי צתרי עברי נהרא.

תוספות עבודה זרה ו:

Tosafot in Avoda Zara rule that one may not give non-kosher food to apostate Jews, even if it belongs to them. Tosafot then qualify this by applying the 'two sides of the river' test that we saw above. If the apostate Jew could get it without your help, there is no problem of Lifnei Iver.

16. בבא דרישא פטור ומותר. וא"ת והא קא עבר אלפני עור לא תתן מכשול? ואפילו מיירי שהיה יכול ליעלו אפילו לא היה צידו דלא עבר משום לפני עור – דמושיט כוס יין לנוזר מוקי לה צפ"ק דמס' עבודת כוכבים (דף קי:) דקאי צתרי עברי דנהרא – מ"מ איסור דרבנן מיבא איבא שחייב להפרישו מאיסור

תוספות שבת ג.

Tosafot in Shabbat are stricter. They rule that EVEN if Lifnei Iver ceases to apply (since the other person could do the aveira without assistance) there is a FURTHER Rabbinic prohibition to actively prevent others from doing aveira. On that basis, even if Lifnei Iver does not technically apply, there may still be a prohibition of Mesayei Yedei Ovrei Aveira.

Q - what is the nature of the Rabbinic prohibition of Mesayeha? Possibilities include (i) a rabbinic level of Lifnei Iver; (ii) an application of of the mitzvah of Tochacha; or (iii) an independent rabbinic prohibition.

E] THE PSAK IN SHULCHAN ARUCH

17. דברים שהם מיוחדים למין ממיני עבודת כוכבים שבאותו מקום אסור למכור לעובדי אותן עבודות כוכבים שבאותו מקום הגב: י"א הא דאסור למכור להם דברים השייכים לעבודתם היינו דוקא אם אין להם אחרים כיוצא בו, או שלא יוכלו לקנות צמקום אחר. אבל אם יכולים לקנות צמקום אחר מותר למכור להם כל דבר. ויש מחמירין. ונהגו להקל כסצרא הראשונה. וכל צעל נפש יחמיר לעלמו.

שולחן ערוך יורה דעה קנ"א

The Shulchan Aruch (16C Eretz Yisrael) rules that one may not sell to idolators items used for idolatry. The Rema then brings the principle of 'two sides of the river' and appears to rules like the Tosafot in Avodah Zara - that if the idolator can get hold of it elsewhere, it will not be your problem. The Rema then brings a stricter opinion (Tosafot in Shabbat) which applies a Rabbinic prohibition of Mesayeha (even for non-Jews). Ultimately, the Rema rules that the custom is to be lenient in this case, but a 'ba'al nefesh' is encouraged to be strict.

18. דמ"מ איסור מדרבנן איבא אפילו לא הוי כמו 'תרי עברי דנהרא', וכל זה לדעת הרב. אבל לפעד"נ דלא פליגי דכ"ע מודים להמרדכי ותוס' צפ"ק דעבודת כוכבים דעבודת כוכבים או מומר שרי. והגמ"ר ותוס' והרא"ש צפ"ק דשבת והר"ן פ"ק דעבודת כוכבים מיירי צישראל שהוא חייב להפרישו מאיסור, וכדכתב הרא"ש שם דלא גרע מישראל קטן אוכל נבילות שצ"ד מלוויים להפרישו, כ"ש ישראל גדול. משא"כ צעוד כוכבים וישראל מומר שאינו חייב להפרישו.

שך יורה דעה קנ"א:

The Shach (17C Poland) harmonizes the two opinions in Tosafot. He rules that the Rabbinic level of Mesayei ONLY applies in the case of a regular Jew (the Gemara in Shabbat). However, in the case of a non-Jew or an apostate Jew (the Gemara in Avoda Zara), although Lifnei Iver certainly applies in principle, once the prohibition of Lifnei Iver has been removed (because they can get the aveira elsewhere) there is NO further Rabbinic level of Mesayeha.

• As such, according to the Shach, it is permitted to facilitate an aveira by a non-Jew or even an apostate Jew¹⁷ as long as they have the means (or perhaps could easily acquire the means - see above) to do the aveira without you.

17. In our previous shiurim on Lifnei Iver we examined at length the status of 'mumar' and how, if at all, this would apply to non-observant Jews today who break halacha not through rejection or rebellion, but lack of education. We quoted there the Degul Mervava (R' Yechezkel Landau, 18C Prague) who understands the key distinction to be between a Jew who is about to commit an aveira intentionally, and one who is a 'shogeg' - mistaken in some way. In the case of an intentional transgressor, although Lifnei Iver will in principle apply, once we are able to dismiss Lifnei Iver (since he can breach the aveira without you) you have no further obligation to intervene to prevent the aveira. However, if the transgressor is mistaken, you must intervene to prevent the aveira. This in turn raises the question of whether non-observant Jews today are transgressing mitzvot 'intentionally'. To what extent is intentional transgression required to come from a position of knowledge?

• Others (Ketav Sofer (Y.D. 83) and Shu't Binyan Tzion (15)) reconcile the two positions of Tosafot by distinguishing between assistance given at a time significantly prior to the commission of the aveira, which is permitted as long as the case is 'one side of the river' (i.e. they could access the aveira without you), and assistance given right at the time of the aveira (as in the case in Shabbat), which is prohibited in all cases.

F] A DIFFERENT ANGLE - ARE YOU BE 'HELPING' BY FACILITATING A LESSER AVEIRA?

19. אשה אינה במצות הקפה, וי"א שאף על פי שמתרת להקיף פאת ראשה, אסורה להקיף פאת ראש האיש ואפילו הוא קטן

שולחן ערוך יורה דעה סימן קפא סעיף ו

Women are excluded from the prohibition of cutting off the corners of the hair on their heads. However, they may not cut off the 'peot' of a man, presumably due to Lifnei Iver.

20.

ואולי י"ל רבזה ליכא איסור מדין מצוה להפרישו דאדרבה במה שהיא מגלחת אותו בזה מפרישתו דאם לא היתה מגלחת אותו היה מגלח בעצמו והיה עובר בבי' לאוין דניקף ומקיף ועיי' שהיא מגלחת מפרישתו מלאו דמקיף

חינושי ר' עקיבה איגר יורה דעה קפא:א:ו

R' Akiva Eiger (19C Germany) raises a possible challenge to this ruling. If the woman cuts a man's peot, he is liable for one Torah prohibition - being shaved. But if HE cuts them himself, he is liable for TWO Torah prohibitions - being the shaver and being shaved! If so, is she causing him to stumble or actually HELPING him by cutting his peot? If she is helping and not harming halachically, how could that be Lifnei Iver?

- This opens up the contemporary question of whether causing others to drive on Shabbat to an outreach Shabbaton could be permitted on the basis of the 'net gain'.¹⁸
- R' Shlomo Zalman Auerbach also uses this logic to permit offering food to someone who will not make a beracha, if the alternative will be to alienate them from Torah and mitzvot.
- In which other situations would 'net gain' be an overriding consideration. Would this apply to non-Jews too?

G] CAN YOU DO A 'SMALL AVEIRA' TO HELP SOMEONE ELSE DO A 'BIG' MITZVAH?

21. מי ששלחו לו שהוציאו בתו מביתו בשבת להוציאה מכלל ישראל מצוה לשום לדרך פעמיו להשתדל בהצלתה ויוצא אפילו חוץ לשלש פרסאות. ואי לא בעי כייפינן ליה

שולחן ערוך אורח חיים סימן שו סעיף יז

The Shulchan Aruch rules on the case of a Jewish child who is kidnapped by non-Jews on Shabbat to be raised in the Church. The child will NOT be physically harmed, so there is no 'pikuach nefesh'. But if one waits until Motzei Shabbat it will be too late to get them back. He rules that one MUST break Shabbat to rescue them. On what basis?

22. שהוציאו בתו - ... וע"כ התיירו לו לשום לדרך פעמיו להצילה דקי"ל אם אינו פושע חייב לעשות איסורא זוטא כדי שלא יעשה חבירו איסורא רבא אצל אם פשעה אין לו לאציה לחלל שבת עבודה ...

משנה ברורה ש"ד

The Mishna Berura explains that one is permitted to do a 'small' aveira to enable someone else to do a 'big' mitzvah but ONLY if the other person was not negligent. In this case, one must break the 'smaller' mitzvah of Shabbat to enable the other person to do the 'bigger' mitzvah of living a life of Torah.

- This opens up the following question. If we conclude that there IS indeed a prohibition of Lifnei Iver, under what circumstances can we say that the 'ends justify the means'. Is it more important that we break Lifnei Iver in order to avoid a bigger problem or achieve a higher goal?
- To the extent that this principle applies, it seems clear that it only relates to other Jews, for whom we have a responsibility (perhaps under the rubric of Arvut - 'kol Yisrael areivin zeh lazeh'). But it would not apply to a non-Jews for whom there is no Arvut.

18. See R. Moshe Sternbuch, Teshuvot V'Hanhagot, Orach Chaim 1:358 who applies this logic to the question of inviting someone for Shabbat in the knowledge that they will likely drive. He notes that there is no violation of the biblical prohibition of Lifnei Iver because the person has the option of driving regardless of the invitation. Regarding the rabbinic prohibition against assistance in performance of a mitzva - mesayeha, one must examine the end result. Since the purpose of inviting this person is to bring him closer to Judaism, inviting him is considered bringing him closer to Torah rather than assisting him in the performance of transgressions.