

MITZVAH 232: To not place a stumbling block before the blind

SEFER HACHINUCH 232

To not make an innocent one stumble on the way: To not make the Children of Israel stumble, to give them bad advice; but rather we right them when they ask advice, with that which we believe to be right and good advice, as it is stated (Leviticus 19:14), "and you shall not put a stumbling block in front of the blind." And the language of Sifra, Kedoshim, Section 2:14 [is] "In front of one who is blind about a thing and he takes advice from you, do not give him advice that is not appropriate for him." And they, may their memory be blessed, said [there also], "A man should not say to his fellow, 'Sell your field, and buy a donkey,' and he stalks him and takes it from him." And this negative commandment also includes one who helps one who commits a sin, since he brings him to being seduced to also transgress other times besides this. And from this angle, they, may their memory be blessed, said that the both the lender and the borrower with interest transgress with regards to "in front of the blind, etc."

The root of the commandment is well-known, since the guidance of people and to give them good advice for all of their actions [is needed for] the ordering of the world and its civilization.

From the laws of the commandment is that which they, may their memory be blessed, said (Avodah Zarah 14a), that we are concerned about "in front of," but we are not concerned about "in front of" of "in front of." And because of this they explained there that when we had the question in the Gemara (Avodah Zarah 6a) [regarding] the reason for our Mishnah (Avodah Zarah 2a), if it is on account of that he will go and thank [his idol] or if it is on account of "in front of the blind" - that we were only in doubt about the reason of the Mishnah regarding buying and selling with them, that an Israelite give the gentile something fit for a sacrifice. And in such a way, it is possible that there would be [a violation] of it. But in all the rest of our Mishnah - for example to give loans, to redeem them and to have them borrow - it is forbidden on account of that he will go and thank. As it cannot be said that it is on account of "in front of the blind"; as he must return the actual item he borrowed, and also in giving them loans and redeeming them - he gave him coins, and coins are not fit for a sacrifice. What [might] you have said? Maybe he will buy a sacrifice with them. [But] that would be "in front of" of "in front of." And we are not concerned about such a way, as they said - and so [too,] all that is similar to it. **And so [too,] that which they, may their memory be blessed, said (Avodah Zarah 15b) that it is forbidden to sell any weapons and anything that can injure the public, unless he sells them so that they will defend us. And so [too,] is it forbidden to sell them to an Israelite who sells them to idolaters, and so [too, if he sells them] to Israelite brigands. And it is all forbidden on account of "and in front of the blind."** And the rest of its details are in scattered places of the Talmud

MISHNA AVODA ZARA 16A

מתני' אין מוכרין להם דובין ואריות וכל דבר שיש בו נזק לרבים אין בונין עמהם בסילקי גרדום איצטדייא ובימה אבל בונין עמהם: בימוסיאות ובית מרחצאות הגיע לכיפה שמעמידין בה עבודת כוכבים אסור לבנות

One may not sell bears, or lions, or any item that can cause injury to the public, to gentiles. One may not build with them a basilica, a tribunal [gardom], a stadium [itztadeyya], or a platform. But one may build with them small platforms [bimmusiot] and bathhouses. Even in this case, once he reaches the arched chamber in the bath where the gentiles put up objects of idol worship, it is prohibited to build it.

רש"י שם

בסילקי - לשון טירה גבוהה היא כדאמר בסדר יומא (דף כה.) לשכת הגזית כמין בסילקי גדולה היתה. ושם דנין בני אדם ומפילין אותו ומת:

גרדום - בנין אחד הוא לדון נפשות כמו שנים שעלו לגרדום בר"ה (דף יח.)

איצטדייא - מקום שעושין שם איצטדנית שור כמו שור האיצטדיין (ב"ק לט.) מנגח והורג אנשים ושחוק הוא להם

בימה - נמי כעין מגדל קצר הוא וגבוה כדאמר במס' סוטה (דף מא.) בימה של עץ עושים לו בעזרה ואנו קורין אותו אלמבר"א והיו עושין אותו לדחוף משם איש להמיתו. ובכל אלה יש נזק לרבים **וכדי שלא יתפש ישראל שם אסור לבנות עמהם**

TALMUD AVODA ZARA 16A

והאידיגא דקא מזבנין א"ר אשי לפרסאי דמגנו עילוון

One may not sell blocks [ashashiot] of iron to gentiles. What is the reason? It is because they forge weapons from them. The Gemara asks: If so, then even hoes and axes should not be sold to them, as they too can be used to forge weapons. Rav Zevid said in response: The ruling of Rav Adda bar Ahava was stated with regard to Indian iron, which is of a superior quality and used only for crafting weapons. ***The Gemara clarifies: And as for the fact that nowadays we do sell all weapons, Rav Ashi said: We sell the weapons to the Persians, who protect us.***

רש"י: דמגני עילוון - נלחמים לשמור העיר ואת יושביה

MEIRI

We are concerned only with injury to Jews, since the use of these instruments by non-Jews to punish their own people is permitted under the seven Noahide laws.

[Re: Persians] It is proper to aid as much as possible anyone under whose protection one dwells.

Ri'az adds: There is no prohibition to sell weapons to nations which are not at war with the Jews.

Meiri adds: The prohibition would only be limited to nations that are lawless and immoral.

Ba'al HaMaor: Today we sell horses and mules to non-Jews, who protect us, similarly to the sale of shields which may be sold to the Persians who protect us. The Ramban rejects: It is forbidden to sell mules even to Persians since they will work with them on Shabbat ... The prohibition of selling work animals is because of Shabbat and the protection that the non-Jews provide has no relevance.

Meiri explains: Prohibitions of sale are inapplicable where the reason of protection is relevant. However, this reason is sufficient to abrogate what is prohibited not in its own right, but only as a rabbinic enactment to prevent certain circumstances. ... Anything whereby we benefit from the fact that they purchase from us is included in this principle.

Ri: Work animals may be sold if significant monetary loss will occur in the absence of this sale.

Ran: In Talmudic times the Jews were concentrated together and were able to sell to each other. Today, however, when we are only a few in each place and not together, there would ensure a loss if we could not sell to non-Jews.

AVODA ZARA 6A-B

A dilemma was raised before the Sages: Is the reason for the prohibition against conducting business with gentiles in the days preceding their festivals because the gentile might profit, which will bring him joy, and he will subsequently give thanks to his idol on his festival? Or perhaps it is because this is a violation of the prohibition: "And you shall not put a stumbling block before the blind" (Leviticus 19:14), as one who sells an animal to a gentile thereby aids him in engaging in prohibited idol worship. The Gemara explains: What is the practical difference between the two options? The practical difference is in a situation where the gentile already has an animal of his own. If you say that the reason for the prohibition is because he might profit, here too the Jew causes him to profit. But if you say that the reason for the prohibition is due to the prohibition: "You shall not put a stumbling block before the blind," since the gentile has his own animal, the Jew is not helping him sin. The Gemara challenges: And even if he already has his own animal, does not one who assists him transgress due to the command: "You shall not put a stumbling block before the blind"? But isn't it taught in a baraita that Rabbi Natan said:

From where is it derived that a person may not extend a cup of wine to a nazirite, who is prohibited from drinking wine, and that he may not extend a limb severed from a living animal to descendants of Noah? The verse states: "And you shall not put a stumbling block before the blind" (Leviticus 19:14). But here, in both cases, if one does not give it to him, he can take it himself, and yet the one who provides it to him transgresses due to the prohibition: "You shall not put a stumbling block before the blind." The Gemara answers: Here we are dealing with a case where they are standing on the two sides of a river, and therefore the recipient could not have taken it himself. Since his help was instrumental, the one who conveyed the item has violated the prohibition of putting a stumbling block before the blind. The Gemara adds: The language of the baraita is also precise, as it teaches: A person may not

extend, and it does not teach: One may not give. Learn from the usage of the term extend that the baraita is referring to one located on one side of a river, who extends the item to the one on the other side.

RAMBAM HILCHOT ROTZE'ACH 12:12-14

12. It is forbidden to sell arms of any kind to heathen (גוי); one should not sharpen their weapons; one should not sell them a knife — — or anything that is likely to be a public danger. Shields, however, may be sold to them, since they are used only for defense. 13. Just as the sages have prohibited the sale of arms to a heathen (גוי), so have they prohibited selling the same to a Jew who sells to a heathen. On the other hand, weapons may be sold to the local citizens' force, since they protect the Jewish population.

14. Whatever must not be sold to a heathen must not be sold to a Jewish bandit, since this will encourage a criminal and misdirect him. So too, anyone who misdirects a person, blind on any subject, by giving him wrong advice, or encourages a criminal, who is blind and cannot see the way of truth because of his greedy lust, is transgressing a prohibitive command, **as it is written: "You shall not place a stumbling block before the blind" (Leviticus 19:14)**, meaning that if a man comes to you for advice, you should give him an advice fitting his needs.

RAMBAM, COMMENTARY ON MISHNA, AVODA ZARA 1:7

אין מוכרין להם דובים וכו': כל דבר שיש בו נזק לרבים כגון כלי מלחמה כולן וכלי יסורין כגון שלשלאות וכבלי ברזל וצינוק'י וכמו כן אין מתקנין להם כלי מלחמה ואין מלטשין להם החרבות והרמחים וכיוצא בהם שלא לעזור המשחיתין בארץ להשחית: בסילקי וגרדינין ואצטדיא ובימה כלן תארי כסאות ואצטבאות שעושין לכבוד עבודת כוכבים ובשבילה

SHABBAT 63A

מתני' לא יצא האיש לא בסייף ולא בקשת ולא בתריס ולא באלה ולא ברומח ואם יצא חייב חטאת. רבי אליעזר אומר תכשיטין הן לו וחכמים אומרים אינן אלא לגנאי שנאמר וכתתו חרבותם לאתים וחניתותיהם למזמרות ולא ישא גוי אל גוי חרב ולא ילמדו עוד מלחמה

MISHNA: Just as it is prohibited for a woman to carry out certain items unique to a woman into the public domain, the Sages said that a man may neither go out on Shabbat with a sword, nor with a bow, nor with a shield [teris], nor with an alla, nor with a spear. And if he unwittingly went out with one of these weapons to the public domain he is liable to bring a sin-offering. Rabbi Eliezer says: These weapons are ornaments for him; just as a man is permitted to go out into the public domain with other ornaments, he is permitted to go out with weapons. And the Rabbis say: They are nothing other than reprehensible and in the future they will be eliminated, as it is written: "And they shall beat their swords into plowshares and their spears into pruning hooks; nation will not raise sword against nation, neither will they learn war anymore" (Isaiah 2:4).

Rabbi Dr. Itamar Warhaftig

In other words, even if there are benefits in the arms industry, the disadvantages may well outweigh them. The export of arm, as practiced today, is one of the more negative aspects of our society ... Who knows what role arms merchants play in inciting wars. Why should we not accept the straight-forward statement of the Talmud prohibiting the sale of all injurious instruments? Instead of utilizing logical contortions to justify the situation, we should be trying to change it. The ideal of the Jewish people as a light to the nations need not wait for the messianic era, we should strive to fulfill it at present. From Zion shall come forth Torah – not instruments of war. My intention is not to totally ban supervised sale of weapons to our allies, but the goal should be to limit it as much as possible and to acquit ourselves from the crime of abetting bloodshed.

PROPOSED LEGISLATION

In order to prevent Israeli arms from reaching the hands of human rights offenders, Zandberg and Glick have drawn up three legislative initiatives, all of which are pending approval. One is an amendment to the law governing weapon sales, which would require the committee that approves export licenses to take into consideration ethical concerns. The second is an emergency act that would put an end to all Israeli arms exports to Myanmar until further notice. The third is a bill that would impose a cooling-off period on army officers and defense ministry officials seeking employment in arms sales.