**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha in the Age of Social Media**

**Rav Jonathan Ziring**

**Shiur #31:**

**Responsibility for Facilitating Sin -**

***Lifnei Iver* III**

**Several Steps Removed**

The classic cases of *lifnei iver* are instances in which one performs an action that directly enables a sinner to violate Halakha. However, the kinds of questions raised in the context of social media — such as the responsibility of the social media platforms and/ or users for problematic content posted or neutral content used for sinful ends — are not nearly that direct. What does Halakha say about this?

The first category to examine is *lifnei de-lifnei —* literally, “before of before”. This phrase first appears in the middle of the passages we have been discussing. As noted, there is a series of prohibitions relating to engaging in business with non-Jews in the days leading up to their holidays. In addition, the Mishna prohibits selling objects normally used for idolatrous worship at any point during the year, unless one has good reason to believe that the objects will in this instance not be used for idolatry. In this context, the Gemara writes the following about the prohibition to sell frankincense, which was used for incense:

The Mishna taught that selling **frankincense** to gentiles is prohibited. **Rabbi Yitzḥak says** that **Rabbi Shimon ben Lakish says:** The mishna is referring specifically to **pure frankincense,** which is used as incense for objects of idol worship. A Sage **taught: And with regard to all** of these items whose sale is prohibited, **one may sell to** gentiles a large **bundle** of merchandise, as it is clear that the gentile intends to sell the merchandise rather than sacrifice it to his object of idol worship. **And how much** does such **a bundle** weigh? **Rabbi Yehuda ben Beteira explained:** For the purposes of this *halakha*, **no bundle is less than** the weight of **three hundred dinars.**

The Gemara raises a difficulty: **But let us be concerned lest** the buyer **go and sell** these items **to another** gentile, **and they sacrifice** them. **Abaye said** in response: This scenario is certainly possible, but **we are commanded** only not **to** “place a stumbling block **before** the blind” ([Leviticus 19:14](https://www.sefaria.org.il/Leviticus.19.14)), i.e., one may not be the direct cause of a gentile’s idol worship. **We are not commanded** not **to** place a stumbling block **before** one who may subsequently place it **before** the blind. (*Avoda Zara* 14a, Koren translation)

In this passage, the Gemara permits selling frankincense to a non-Jewish businessman, even if there is a likelihood that the non-Jew will then sell it to an idolater who will use it as part of idolatrous worship. The justification is that this is *lifnei de-lifnei*.

However, other Talmudic passages imply that even in such cases, it is prohibited to facilitate sin. For example, the Gemara (*Avoda Zara* 65b, *Nida* 61a, *Pesachim* 40b) cites a *baraita* that prohibits selling clothing containing *kilayim,* the forbidden mixture of wool and linen, to a non-Jew out of concern that the non-Jew will then sell the clothing to a Jew:

With regard to **a garment in which diverse kinds,** a prohibited mixture of wool and linen, **has been lost,** i.e., a wool garment into which a linen thread was sewn or vice versa, **one** may **not sell it to a gentile; and one** may **not** even **fashion it** into **a saddlecloth for a donkey.** It is prohibited to do so lest one remove a piece of this garment and sew it onto his own clothing. **However, one** may **fashion it** into **a shroud for a dead body,** as there is no concern that he will remove it from the dead

The Gemara clarifies this issue: **What is the reason** that one may **not** sell it **to a gentile?** Is it **not due to** the concern **that** the gentile **will resell it to a Jew?** Since the mixture of wool and linen is not visible, it is possible for a Jew to use this cloth unawares. (*Pesachim* 40b, Koren translation)

Why is this prohibited? Isn’t the original seller two steps removed from the sin? The Rishonim offer several answers. The *Tosafot Rid* (*Avoda Zara* 14a s.v. *Amar Abbayei*) suggests that it depends on whether the potential sinner would violate the sin willingly or accidentally. Were the sinner an intentional sinner, it would be prohibited only to directly enable that person to sin. However, in the case of the *kilayim*, the concern is that by selling the garment to a non-Jew, a Jew will be **unwittingly** led to sin. In such a case, the Rid argues, one must do everything possible to avoid causing this situation.

Rav Baruch Weintraub argues that the logic is as follows: one can look at *lifnei iver* as an interpersonal sin or a sin between man and God. Perhaps when the sinner is an intentional violator, the interpersonal aspect does not apply. After all, he wants to sin. Still, there is a prohibition from the perspective of one’s relationship with God, namely that it is wrong to be part of someone else’s sin. However, when the sin is several steps removed from one’s actions, it is difficult to claim that one is part of the sin. This obviates the aspect of the sin that is between man and God. Nevertheless, one may still be responsible for harming another spiritually. Still, this aspect only applies if the sin is committed inadvertently, and the sinner would consider it harm to violate the prohibition.[[1]](#footnote-1)

The Ritva (*Avoda Zara* 14a s.v. *Amar*) suggests that the relevant factor is whether the potential sinner is Jewish or not. One is responsible to prevent other Jews from sinning, even if one is several steps removed from the sin. On the other hand, one must avoid directly aiding a non-Jew in sin only. Rav Weintraub suggest that this is based on the above distinction: a Jew must avoid facilitating a non-Jew’s sin only sin to ensure that one does not violate the former’s relationship with God. However, among Jews, *lifnei iver* is also prohibited because of the interpersonal aspect, which is more demanding. Alternatively, he suggests, as we did last week, that for Jews, in addition to the prohibition of *lifnei iver,* one is obligated to proactively aid other Jews’ performance of *mitzvot,* which entails ensuring that no sin is caused by one’s actions, even if the result is several steps removed. The position of the Ritva is accepted by the Taz (*YD* 151:3, *EH* 5:10) as well as other commentaries to *YD* 151 and *EH* 5.

**Time Delay**

A similar issue is raised when there is no middleman between the facilitator and the sinner, but the aid is offered not at the time of sin. Commenting on the prohibition for a woman to grind grain with another woman who is suspected of violating *shemitta* laws, Rashi (*Gittin* 61a s.v. *Lo*) writes that it is forbidden “to aid her, for it is forbidden to aid sinners with one’s hand at the time of the sin.” He implies, therefore, that one only violates *lifnei iver* if one helps the sinner at the time of the sin, not before. However, as Rabbis David and Avraham Stav note, the Ritva (*Chiddushei Ha-Ritva Gittin* 61a, s.v. *Aval*) seems to disagree and forbid even such a case as *lifnei iver.[[2]](#footnote-2)*

The most cited source in this context is a responsum by Rav Naftali Tzvi Yehuda Berlin, the Netziv. He was asked (*Responsa* *Meshiv Davar* 2:32) about the permissibility of acting as the matchmaker for a couple in a case in which one knows that the couple will not keep the laws of family purity, of *nida.* The marriage is not sinful; in fact, it is a mitzva (a point we will return to). However, by bringing the couple together, at some level one is responsible for their subsequent violation of these laws.

In this context, he notes that the question is a dispute among many Rishonim. He cites Rav Ya’akov Ettlinger (*Responsa* *Binyan Tziyon* 15) who argues that according to Tosafot and the Rosh, it depends on whether it is a case of *trei avrei de-nahara* or *chad ever de-nahar.* If the sinner could not have sinned without help, then it does not matter how long of a time delay there is between the help and the sin — helping violates *lifnei iver*. This is based on the theory developed above, that for a Jew, in addition to the prohibition of aiding others in sin, one must proactively ensure that they keep the Torah. This added obligation makes all cases in which one’s support is indispensable a full-blown violation of *lifnei iver.* However, if the sinner could have accomplished the goal either way, and there was a time delay between the help and the sin, then it would be permitted.

On the other hand, the Netziv contends that the Ran (in his comments on *Avoda Zara* 6a-b), like Rashi above, would argue that in all cases one violates *lifnei iver.* However, the Netziv argues (*Meshiv Davar* 2:31) that even Rashi would only prohibit in a case in which the aid shortens the time it takes for the sinner to sin. If, however, there is a time delay between the aid and the sin, and the sinner could have accomplished his goal in the same amount of time without help, then even Rashi would permit it. Numerous Posekim discuss this issue, with many accepting the more lenient interpretations, such as *Ketav Sofer* (*Responsa* 83) and Maharsham (*Responsa* 2:184).[[3]](#footnote-3)

**Neutral Help**

Even Posekim who are not willing to be lenient in the above case note that this only applies when one’s actions can be construed as aiding the sin. However, there are cases in which one provides a neutral framework which can be used for good or ill, but one’s actions in no way push the potential sinner in either direction.

Maharsham (above), for example, was asked whether it is permitted to rent a house to those who violate Shabbat knowing they will violate Shabbat in their home. He permits for several reasons. First, he notes that this is aid not during the time of the sin, which is permitted according to many Posekim, as noted above. Moreover, he notes that this isn’t really helping to sin at all. One gives the Shabbat violator a home, but this is not the object of the sin; the sinner merely commits sins within the house. Rav Eliezer Waldenberg (*Responsa Tzitz Eliezer* 19:33) cites several Posekim who agree with this assessment and rules accordingly.

Rav Moshe Feinstein agrees and offers a slightly different formulation. He was asked (*Responsa Iggerot Moshe, YD* 1:172) if the owner of a ballroom/ hall may rent out the space for a wedding during which there will be prohibited kinds of dancing. Rav Moshe is lenient. He noted that one rents the hall for neutral purposes: for a wedding or a meal. The fact that the dancing which takes places is problematic does not relate to the purpose for which it was rented. Thus, it is permitted. Based on this, Rav Feinstein allows renting the hall even when there are no other venues.

The authors of the Bais HaVaad article note that in some cases we allow even setting up situations in which people will sin. In the Mishna (*Ma’aser Sheni* 5:1), Rabban Shimon ben Gamliel rules that in a non-*shemitta* year, when it would be stealing for someone to take produce from the property of another, the owner of the field need not make it known that the produce is forbidden to eat due to *orla.* The Gemara gives the following reason: “*Haliteihu le-rasha ve-yamut,”* “Feed the evil person and let him die.” The Acharonim debate the parameters of this principle, but it at least potentially means that there are cases in which we just allow sinners to follow their own path and be punished, taking no responsibility ourselves. The two views the authors of the Bais HaVaad article cite as relevant are as follows:

The Chazon Ish (Demai 8:9) writes that the Mishna is only lenient where the potential violator would have to steal the item with which he would transgress.

R’ Shlomo Zalman Auerbach (Minchas Shlomo, Bava Kama ibid.) and other Acharonim maintain that so long as one is not partaking in the aveira actively, he is exempt, so he is not required to intervene.

**Doubtful Cases**

Similarly, both Rav Feinstein and Rav Waldenberg discuss cases in which one is unsure whether a sin will be violated. They cite the *Mishna Rishona (Shevi’it* 5:6), who notes that the Mishna permits lending objects that may be used for permitted purposes in addition to possible forbidden ones. From here, they derive that in cases in which the commission of sin is ambiguous, one does not violate *lifnei iver.*

The Ritva (*Chiddushim, Avoda Zara* 15b s.v. *Mi dami*), commenting on the lists of objects forbidden to sell to idolaters who might use them for sin, notes that the rabbis allow selling these objects when there are potential permitted purposes, because biblical *lifnei iver* is only violated when the sin is inevitable. The rabbis forbid giving objects to potential sinners where there is a **likelihood** they will be used for sin; but when there is a potential permitted explanation, the rabbis allow reverting to the biblical, lenient standard.

However, others, such as the Ramban (*Chiddushim, Avoda Zara* 15b) argue that the Mishna only allows lending objects to those who might violate *shemitta* when there is both a doubt whether any sin will be committed and a concern that failing to lend would impinge on peaceful relations, *darkhei shalom.[[4]](#footnote-4)* Based on this, Rav Waldenberg notes that it might be permitted to help someone who may sin only if there is a positive reason to be helpful in the first place.

**Preventing Greater Sin**

This leads us to the next avenue of leniency. Sometimes, enabling a given sin prevents a greater violation of the Torah. In such a case, several major Posekim rule that it is permitted to facilitate the lesser sin.

Rav Shelomo Zalman Auerbach issues this ruling in a celebrated case. The Gemara (*Chullin* 107b) forbids giving bread to someone who will not perform the washing of hands (*netilat yadayim*) before eating. This is accepted as *halakha* and expanded to forbid giving food to someone who will not make a blessing before eating (see *Shulchan Arukh,* *OC* 169:1-2.) The reason for this is *lifnei iver;* whoever provides the food is causing the recipient to violate the requirement to bless God before eating.

Rav Shelomo Zalman Auerbach, however, argues that if the recipient is a non-observant Jew who is positively inclined towards those who keep *mitzvot*, one **must not** withhold food from such a person. Acting ungraciously will lead this non-observant person to hate those who keep Torah, and this is a greater violation than eating without a *berakha.* Thus, the same principle which in the time of the Gemara forbids giving such a person food would now require it.

As we have seen, this is the kind of thinking that brought Google to work in China in the first place. While they disagreed with China’s censorship, they thought that withholding from the Chinese people the tools offered by Google would be an even worse violation of the right of the Chinese people to information. Thus, they initially entered the moral morass of involvement with China. While the calculus eventually changed, we see that this kind of thinking resonates beyond the halakhic realms.

**Positive Intent**

We may posit an even more fundamental argument, however. For example, while Rav Asher Weiss agrees with Rav Shelomo Zalman’s ruling above, he takes it in a different direction. He notes that *lifnei iver* is problematic because one intends to harm another; however, in any case in which one’s intent is to help others, it is not *lifnei iver.* He develops this argument in several places (*Minchat Asher al Ha-Torah, Vayikra, Kedoshim, Lifnei Iver*; *Responsa Minchat Asher* 2:30).

The *Chazon Ish* (*Shevi’it* 12:9) argues similarly. He contends that the reason that it is permitted to lend objects to people who might use them for sin but may not is because the Torah does not want *lifnei iver* to become the reason that people refrain from performing acts of kindness. While we don’t want to aid sin, being overly zealous in avoiding providing potential sinners with their needs will engender interpersonal hatred and cause other Torah values to suffer.

Rav Moshe Sternbuch (*Responsa Teshuvot Ve-Hanhagot* 1:358) argues similarly that when one causes potential spiritual harm out of a desire to help said sinner, this cannot be a violation of *lifnei iver.* Thus, he allows inviting one’s parents home for Shabbat, even if those parents are not halakhically Sabbath-observant, in an effort to bring them closer to halakhic observance.

**On the Other Hand….**

There are Posekim, however, who seem to disagree with this line of thinking in a radical way.

The Mishna (*Bava Kama* 10:9; Gemara 118b) rules: “Do not buy wool or goat milk from shepherds, nor fruit or wood from orchard watchmen.” The majority of Posekim assume that this refers to buying objects that may be stolen goods. The Rambam (*Hilkhot Gezeila* 6:1), for example, writes “It is forbidden to buy anything with a presumption that it is stolen, and so too we don’t buy it if the majority of the object is stolen.” Even though the thief might have been able to sell the object to someone else regardless, buying the object is considered participation in the theft. As Rav Yehoshua Falk (*Sema*, *CM* 356:1) notes: “Even though the thief could take it to another place, where they don’t know he is a thief, still it won’t be as common to steal… Therefore, a person should avoid buying [from him] so that he will not steal regularly.”

However, Rav Yechiel Michel Epstein (*Arukh Ha-shulchan, CM* 356:1, 6; 348:1) understands the Tur’s view of this prohibition differently. In several places, he suggests that it may be prohibited to buy anything from thieves, as one is not meant to support them in any way, even when not involved in sin. This kind of thinking will be relevant in our future *shiurim* when we deal with the related prohibitions that deal not only with enabling sin, but with providing emotional support for sinful behavior and sinners.

Next week, we will take the principles we have developed and draw practical conclusions.

1. See: <https://www.etzion.org.il/he/%D7%9C%D7%A4%D7%A0%D7%99-%D7%93%D7%9C%D7%A4%D7%A0%D7%99-%D7%A2%D7%99%D7%95%D7%95%D7%A8>. [↑](#footnote-ref-1)
2. Stav above, p. 243. [↑](#footnote-ref-2)
3. For more, see *Responsa Yabia Omer, OC* 2:15; *Responsa Mishneh Halakhot* 7:115; and *Responsa Ateret Paz* 1:1, *OC* 13. [↑](#footnote-ref-3)
4. The exact meaning of this phrase is beyond the scope of this *shiur*. [↑](#footnote-ref-4)