



MISLEADING ADVICE VS. SELF-INTEREST

"A STUMBLING BLOCK BEFORE THE BLIND"

SOURCE SHEET AND DISCUSSION QUESTIONS

There are mitzvos of the Torah guide and instruct us, both in terms of how we interact with others and in terms of how we interact with ourselves. One of the more interesting and applicable of these verses is Lifnei iver lo siten michshal- do not put a stumbling block in front of a blind person. It is also distinguished in that we derive several laws from it, which seem to extend beyond the literal reading of the verse.

Let's look at the following cases. Keep them in mind as we work through the class.

- A** Kenny sees George walking down the street, wearing dark sunglasses and tapping with a red and white cane as he makes his way down the block. "This will be classic," he thinks, as he throws a banana peel in George's way.
- B** "You should definitely take the job at McHarris Associates. There's lots of opportunity there," Cheryl said to Maya. "And the place is so toxic, their last ten interns quit within the month," she muttered as Maya walked away.
- C** "What can I do for you today?" asks Dan with a smile. It's always a good day when Joel, a wealthy and slightly clueless client, gives him a call. "A nice muni bond? Coming right up," he says, as he notices one issue that hasn't been moving well. It's not like Joel will know any better, and he won't actually lose anything, Dan thinks. What if he deliberately gives Joel a clearly losing investment?
- D** Chad and Harry are waiting on line at the supermarket and start talking about their investments. "I'm telling you, it's a great idea. A real sure thing!" Yehuda tells him. "Buy GameStop. I got ten grand just yesterday!" The very next day, GameStop tanks.
- E** Max is looking to buy a used car. He runs into Kalman and asks, "Which is better, a 2019 Camry or Malibu?" Jake knows all about cars, but doesn't feel like talking to Max. "Whatever," he shrugs. "Okay, thanks. I guess there's no difference," says Max.

SOURCE 1: *The Torah -- Vayikra 19:14*

Do not put a stumbling block in front of a blind person; fear your Lord, I am Hashem.

תורה ויקרא יט:יד
ולפני עור לא תתן מכשל, ויראת
ימאלקיך, אני ה'

Q: What do think the Torah is prohibiting here? Is it to be taken literally? Or is it referring to all types of potential damaging agents that you might "put" in someone's way?

Q: Could it also or only be referring to something else in a more figurative sense? What could that be?

Q: Why do you think the Torah appends the fairly dramatic “fear your Lord, I am Hashem” at the end of the verse?

Don't worry if you don't have answers just yet. The next few sources will give us more insight:

SOURCE 2: *Talmud Bavli (Avodah Zara 6b).*

Rabbi Nosson said, “Where in the Torah do we see that a person **should not hand a cup of wine to a nazir or a limb torn from a live animal to a non-Jew?** The Torah says, ‘Do not put a stumbling block in front of a blind person’

תלמוד בבלי עבודה זרה ו ב
אמר רבי נתן, “מנין שלא יושיט
אדם כוס של יין לנזיר ואבר מן
החי לבני נח? ת”ל ‘ולפני עור לא
”תתן מכשול”

Q: The Talmud seems to bypass the literal case of a physical stumbling block (or something like a stumbling block) and zeroes in on helping someone commit a sin as the prohibition. Where do you think the Talmud gets this from?

Let's take a look at the Midrash (back story of the Talmud) to get some insight into this question:

SOURCE 3: *Midrash (Sifra 19:14)*

Do not put a stumbling block in front of a blind person. This means in front of someone who is blind in that particular area. If a person asks you, “Is that man's daughter allowed to marry a Cohen?”, don't tell him she is allowed when she is actually not. If a person asks you for advice, do not give him inappropriate advice. Don't tell him, “Travel early in the day”, so that robbers will catch him. Don't tell him, “Travel in the afternoon”, so that he will get heatstroke. Don't tell him, “Sell your field and buy a donkey”, because you want to buy the field from him. **If you think that you can claim that you thought your advice was good, and no one will know your intentions, the Torah stresses, “fear your Lord; I am Hashem”.**

ספרא יט:יד
ולפני עור לא תתן מכשול. לפני סומא
בדבר. בא אמר לך, “בת איש פלוני מה
היא לכהונה?” אל תאמר לו, “כשרה”
והיא אינה אלא פסולה. היה נוטל ממך
עצה, אל תתן לו עצה שאינה הוגנת לו.
אל תאמר לו, “צא בהשכמה” שיקפחוהו
לסטים. “צא בצהרים” בשביל שישתרב.
אל תאמר לו, “מכור את שדך וקח לך
חמור” ואת עוקף עליו ונוטלה הימנו.
שמא תאמר, עצה טובה אני נותן לו,
והרי הדבר מסור ללב, שנאמר, “ויראת
”אלקייך אני ה

The Talmud only mentions the case of helping one to commit a sin, while the Sifra adds the case of bad advice.

Q: What is the common denominator between the Talmud's case of causing a sin and the Sifra's case of giving bad advice?

Both cases refer to a person who is “blind”. In the case of the Talmud, the recipient / transgressor is making himself blind by ignoring the Torah's prohibitions and openly choosing the sin. In the second case of bad advice, the recipient is blind because of his lack of awareness that the advice is bad for him.

Q: How does the Sifra conclude that the case is not referring to an actual stumbling block but rather these two more figurative interpretations of the verse?

Perhaps the Sifra reasons that the **unnecessary “fear your Lord, I am Hashem”** at the end of the verse is only necessary to prevent malicious intent which is in a person's heart as in the case of bad advice; as opposed to the case of an actual stumbling block which can be seen with someone's own eyes, and reveals one's intent.

However, this doesn't explain why helping someone sin should be prohibited. That also is an action that is seen and out in the open.

Now, let's take a look at how Maimonides (Rambam) describes the mitzvah and codifies it in Jewish law:

SOURCE 4: *Mishna Torah of Maimonides (Rambam) Hilchos Rotzeach: Laws of Murder 12:14*

A person who causes a person **who is blind in a certain area** to stumble, either by giving him inappropriate advice, or by **helping a sinner** - because the sinner is blinded by his desires and cannot see the truth (that he should not sin) - transgresses a negative commandment.

רמב"ם משנה תורה הלכות רוצח יב:יד
וכן כל המכשיל עור בדבר והשיאו עצה
שאינה הוגנת, או שחזק ידי עוברי עברה,
שהוא עור ואינו רואה דרך האמת מפני
תאות לבו, הרי זה עובר בלא תעשה

It appears that Maimonides is in line with the Sifra above and defines the prohibition as 1) inappropriate advice and 2) helping someone sin.

Question: Maimonides seems to say that the most obvious reading of the verse – that it relates to an actual stumbling block and an actual blind person - is incorrect. In fact, in another work, he says that the simple meaning of the verse is in reference to bad advice. Why would he say that?

Let's look at the explanation of Rabbi Meir Leibush Wissur (Malbim) which will help to explain the Rambam. His explanation will hinge upon the translation of "Lo Titen" in our verse, which literally means "to give" (a stumbling block) , but is rendered in English with the less awkward (and less literal) to place" (a stumbling block).

SOURCE 5: *Rabbi Meir Leibush Wisser (Malbim) on verse in Vayikra (19:14)*

Blindness has two meanings. It can refer to either **physical or intellectual blindness**. The word "**place**" is different than the word "**give**" because "**to place**" means that something was prepared beforehand, but "**to give**" means to hand something from one person to another with their knowledge. If we are talking about preparing a rock to trip someone without their knowledge, we would use the word meaning "**place**" and not "**give**". This is why the verse is understood to be talking about a person who is lacking in knowledge and who is "**given**" bad advice". **That is an appropriate usage of the word "give" because the advice itself is clearly given while the misleading aspect is hidden.** This is why the verse ends, "**be fearful of your Lord**", because even though nobody knows what you were thinking when you gave the advice, Hashem does know! This is also how we know that the verse is talking about **enabling** someone to sin (**they are being "given" the help to sin**).

מלבי"ם ויקרא יט:יד
ולפני עור לא תתן מכשול. גם העור
מובנו תאומי. בא על עור העין ועל
עור הלב וכו' ומבואר אצלינו בהבדל
שבין לשון 'שימה' ובין לשון 'נתינה';
שלשון 'שימה' יבא על ההכנה, ואם
יבא לשון 'נתינה' מאדם לאדם,
פירושו שיתן לו או לפניו בידיעתו. ועל
שיכין לפניו צור מכשול שלא בידיעתו,
משתמש בלשון 'שימה' וכו' מזה
הוציאו לפרש על עור השכל שנותן לו
עצה, שעל זה יצדק לשון 'נתינה' כי
יתן לו העצה בידיעתו, רק המכשול
נסתר וכו' ולכן אמר 'ויראת מאלקיך'
וכו' ר"ל הגם שאינך ירא אנשים
הבלתי יודעים תעלומות לב, הלא
אלקים יחקור זאת וכו' ומזה הוציאו
גם אם מכשילו בעבירה

The Malbim is explaining that the expression “to give” is the appropriate expression to use in terms of (i) giving bad advice, and (ii) enabling someone to sin. He also explains why nobody interprets the verse of “lifnei iver” to mean the literal physical case of putting an actual stumbling block, e.g. a bolder, in front of a blind person to trip him up, because the appropriate term for that would have been “to place” a stumbling block, and not “to give” a stumbling block.

So, at this point after a nuanced analysis of the verse, we understand the Torah as referring to giving bad advice and helping someone to sin.

Two questions should be screaming out to us at this point:

1. Q: Are we to understand that actually placing a physical stumbling block (or something like it) in front of a blind person is actually permitted?

2. Q: Why did the Torah present a seemingly clear physical case – placing a stumbling block before a blind person – if it wanted to only prohibit non-physical figurative extensions of that case? Why trip us up like that? :)

Causing a blind person to stumble is clearly wrong, and covered under multiple prohibitions in the Torah. However, it is also something that is self-evident. We all instinctively know that injuring an innocent, helpless person is just plain wrong. **It could be that the Torah is connecting that wrong to the act of giving bad advice and enabling a sin to tell us that the two are the same - both are equally wrong and we should have the same natural revulsion to both of them.**

Let’s take a closer look at the aspect of lifnei iver that deals with giving advice.

The prohibition of lifnei iver touches on so many common life circumstances and affects so many different kinds of people, including doctors, pharmacists, stockbrokers, realtors, and Rabbis who give advice professionally, and almost everyone else who tends to give advice to others from time to time.

Since just about everyone is in a position to give advice to others, it would seem that at the very least we are responsible to make it good advice.

Bad Advice:

Q: But what happens in cases where a person thought the suggestion was good, but it turns out to be bad?

It is clear from the early rabbinic sources that the determining factor is if the advice was given in good faith.

Also, people give advice all the time, sometimes when they really shouldn’t, because they don’t really have the knowledge.

Q: Is that a breach of “good faith” as well? How about a professional as opposed to a lay person?

Depending on how little the person knows, there may be lifnei iver. There is also the potential for monetary responsibility. A person should be careful not to give advice when they are not qualified to do so.

Not Giving Advice:

Q: If someone asks for advice, and a person doesn't give any (when they knew the correct advice), is that a problem?

The rabbis say that if by not giving advice it implies that all options are equal, that is in and of itself a form of bad advice and would be a problem of lifnei iver.

Suffering a Loss Vs. Not Maximizing Gain as a Result of the Advice:

Q: What if the bad advice of a professional causes his client to actually suffer a loss that could have been prevented if he had given them the proper advice? For example, selling him a stock that he knew was a bad investment. What do you think?

If a client suffers a loss from the 'knowingly bad advice' of the professional that gave it to him, not only is he violating lifnei iver but he may have a responsibility to repay his client for the loss.

Q: What about the case where the professional gave advice that they knew would not maximize gain for the client (i.e. not the best advice), but wouldn't result in a loss? For example, a real estate broker offered a commercial space that wasn't the best one for his client's needs, but a "suitable one" which he wanted to clear from inventory.

Though this is a case of lifnei iver and prohibited, since the client didn't suffer a loss, no remuneration is required.

EXTRA CREDIT: ENABLING OR AIDING ANOTHER JEW

- A** "Thanks for the invitation, Rabbi Heller," Johnny says. "I would be happy to come for Shabbos, but I'd rather stay in my own apartment. I'll drive over in the morning."
- B** Todd carefully picks the lock and opens the back door of the jewelry store. "You're the best!" whispers Alan as they sneak inside. "There is no way I could break into here without you!"
- C** "A pleasure doing business with you," Larry says, as his brother Danny signs the lease. "The same," Danny replies. "I am really excited about this new 24/7 minimart. It'll be open all day, every day of the week. No more missed customers for me!"

Let's look at a couple more details before we get to our cases, which can help us more accurately apply the principle of lifnei iver.

When it comes to the lifnei iver of helping someone sin, there is a significant difference between enabling a sin and aiding one.

1. Enabling a sin means making it available or encouraging a person to do something that they would not have done otherwise.
2. Aiding ("missayeah") a sin refers to a situation where the action could, and would have been done even without any intervention.

Q: Can you see how aiding is a lighter form of encouraging wrongdoing than enabling? It's less about the helper and more about the wrongdoer.

Enabling is a Torah prohibition; aiding is Rabbinic.

There are numerous differences between the Torah and Rabbinic prohibitions. In general, however, there are more exceptions and leniencies in relation to Rabbinic restrictions.

Let's analyze the following two cases to help us understand how "lifnei iver" (enabling) differs from "missayeah" (aiding).

- Renting a non-religious Jew a store or an apartment which will be used on Shabbos.
- Inviting a non-religious Jew over for a Shabbos meal when you know they will be driving on Shabbos.

Q: Are these cases of lifnei iver or missayeah?

Remember we said above that helping someone to sin if they could have done it on their own, brings the prohibition down from a Torah Prohibition to a Rabbinic Prohibition.

Q: When would renting out the apartment be considered lifnei iver (enabling and a Torah prohibition) and when "missayeah" (aiding and Rabbinic)?

If this apartment or store was so unique or the "last one available" then it would be "lifnei iver" (enabling) and certainly prohibited to rent. If not, it would be a case of "missayeah" (aiding).

Q: How about the case of inviting someone for Shabbos – "lifnei iver" (enabling) or "missayeah" (aiding)?

Even though this may sound tricky, it's a clear case of "missayeah" (aiding) because the person can drive to your house with or without your invitation, so you are not enabling, but rather aiding!

Let's take a look at one last source that provides us with room to be lenient when it comes to cases of "messayeah" (aiding) like those just mentioned:

SOURCE 6: *Rabbi Yaakov Ettliger (Binyan Tzion) Questions and Answers #15*

When we are discussing a case where a person is **not yet doing a sin**, there is a difference between if the person can get it on their own or not. **If the person could get it on their own, even without your help, it is permissible to give it to him.** There is **no rabbinical prohibition** in that case. If **the person is doing the sin at that moment, and you could prevent the sin (at that moment) by not giving it to him**, there is **definitely a rabbinic prohibition** to aid a person who is sinning.

שו"ת בנין ציון טו
דדוקא להושיט להעובר האיסור טרם
יעשה האיסור בזה יש חילוק אם יכול
מעצמו להביא לו האיסור או לא שאם
יכול להביא לו האיסור גם בלא שיושיט
לו אז אפילו מדרבנן מותר אבל אם
בשעה שעושה האיסור יכול להפרישו
ע"י שלא יושיט לו זה ודאי אסור מדרבנן
שאסור לסייע ידי עוברי עבירה

Q: How would you look at the cases mentioned above, 1) renting the apartment and 2) inviting for a Shabbos meal in light of the Binyan Tzion's mitigating factors?

Binyan Tzion says that there is a difference if the sin is **being done right away or not**. He seems to understand missayeah as aiding the sinner. **If the sin is not being done at that moment and the sinner can get the item on their own, the aid is insignificant and permitted.**

- In the first case of the apartment, since the sins would presumably be committed later, "messayeah" (aiding) is permissible.
- In the Shabbos invite case, you might also think since the invitation is made during the week before the sin is committed it too is permissible. But the invitation is viewed in Jewish law more as an ongoing catalyst for the sin, "as if" it was made directly before he gets in the car to drive over on Shabbos. **This would be a case of "messayeah" (aiding) and therefore prohibited.**

Q: So how do Rabbis and other observant Jews invite Jews who will drive over for Shabbos?

It's a very interesting topic within halacha with a broad range of views, some prohibiting the invite, while others permitting the invite.

One of the many lenient positions is that of Rabbi Yitzchok Berkovits, the Rosh HaYeshiva of Aish HaTorah, who says that because the invitation is extended with the intention that it will lead the guest to appreciate Torah and mitzvos and possibly lead to more observance overall, it is not considered to be aiding a sin. On the contrary, it would be a mitzvah, and permissible!

(This of course assumes that there is a reasonable chance that the Shabbos experience will help move the person along on his or her journey. Consult with a Rabbi for guidance on this issue).

Now let's take a look at our cases from the beginning of the module to see if they are examples of "lifnei iver" or not?