



## Can Saying Hello Be *Lifnei Iver*?

The *Misnah* (5:11) lists the negative prohibitions that are violated when a loan with interest (*ribit*) is drawn. Those violating all or some of these prohibitions are the lender, borrower, guarantor, witnesses and, according to the *Chachamim* even the scribe who drafts the contract.

Regarding the scribe, the *Tosfot Yom Tov* explains that in a case where the lender would not have agreed to the loan without a contract, then the scribe violates the prohibition of *lifnei iver* – literally, “one should not place a stumbling block in front of a blind person”. The understanding is that the prohibition of *lifnei iver* is violated when enabling another person to sin.

If we return to the previous *Mishnah*, we will find that the prohibition of *lifnei iver* in the context of *ribit* is even broader.

In the previous *Mishnah* we saw the opinion of *R' Shimon* that the even words can constitute interest. The example brought is if the borrower volunteered information to the lender, where he would not have done so if he had not borrowed money from him. The *Gemara* adds that even if the borrower greeted the lender, when he would not ordinarily do so, it would constitute *ribit*. This is derived from the *passuk* “*neshech call davar*” (*Devarim* 23:20) – with the word *davar* implying even a word. One might ask, would the prohibition of *lifnei iver* apply in this case also?

The *Chazon Yechezkel* (6:6 *Chidushin*, s.v. *Af*) cites the *Kiryat Sefer* who explains that the derivation from the *passuk* cited in the *Gemara* is an *asmachta* and a greeting would constitute *avak ribit* – rabbinically prohibited *ribit*. He reasons that even when it comes to a monetary payment, it would only be considered biblically *ribit*, if it was a fixed amount.

The *Chazon Yechezkel* then cites the *Rashba* who explains that when it comes to *avak ribit*, that is only violated by the lender and not the borrower. His proof comes from the *Gemara* (68b) that discussed a contract where *Rav Ilish* was the borrower and whether it constituted *avak ribit*. The

*Gemara* there reasoned that “certainly *Rav Ilish* would not have caused another to violate a prohibition.” The implication there is that it is the lender and not the borrower that would be violating *avak ribit*.

The *Chazon Yechezkel* however continues that that *Gemara* is not necessarily a proof. One could even say that both the borrower and lender violate the prohibitions. The *Gemara* however had a greater concern. He explains that had there been an issue of *avak ribit*, then *Rav Ilish* would have violated the biblical prohibition of *lifnei iver*. In other words, we find that enabling another to violate a rabbinic prohibition, would constitute a biblical prohibition of *lifnei iver*. He said that that is because *lifnei iver* also encompasses giving another person bad advice. In other words, the issue here is not because he is assisting the lender to perform a prohibition, but rather because of his ill guidance. It would seem at this stage that *lifnei iver* would also apply even if the borrower greeted the lender.

The *Chazon Yechezkel* however continues by questioning the *Rashba*'s assertion that *avak ribit* is only violated by the lender. We just learnt that even the borrower greeting the lender could constitute *avak ribit*. In that case however, the lender had no chance to prevent the *avak ribit* from occurring. How then could the lender violate the prohibition? He continues that the *Navat Yaakot* cites the *Beit HaLevi* that answers this question. He explains that the reason why *avak ribit* only applies to the lender is because the entire rabbinic prohibition of *avak ribit* is to distance one from violating biblical *ribit*. Consequently, it is sufficient to apply *avak ribit* to lender to achieve that end. The *Beit HaLevi* however explains that if one could not apply *avak ribit* to the lender, as in our case, then it would apply to the borrower.

Returning then to our original question, one could conclude that if the borrower greeted the lender, the borrower alone has violated the prohibition of *avak ribit*. Since the lender however would not have violated the prohibition, the prohibition of *lifnei iver* would not also apply.

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**Revision Questions**

בבא מציעא ה' ל"א – ז' ה'

- Which parties to a loan with interest have transgressed a biblical prohibition? (ה' ל"א)
- For what type of work is one who was commissioned to do work and changes his mind, responsible to finance a replacement? (ז' ה')
- What is the rule regarding changing the conditions of a workplace agreement? (ז' ב')
- If a rented animal dies is the person who rented it responsible and what is the exception? (ג' ה')
- In what case is the renter of an ox and plough obligated to pay if the plough broke? (ז' ד')
- When is the renter obligated to pay if the ox slipped while involved in threshing legumes? (ז' ד')
- If someone rented an animal to transport a product of a particular weight, can he use the animal to transport a different product of the same weight? (ז' ה')
- What type of guardian is a craftsman that was supplied with material by the customer? When does this change? (ז' ה')
- What type of guardian are people the guard each others items on alternating days? (ז' ה')
- Explain the debate regarding the type of guardian that one who is holding a collateral of a loan is considered. (ז' ה')
- What does *Abba Sha'ul* allow to be done with a collateral belonging to a poor person? (ז' ה')
- What is the law regarding a paid removalist that breaks the item while moving it? (ז' ח')
- What is the law regarding a case where an employer hires a labourer for a days work but did not formalise a workplace agreement? (ז' א')
- What did *R' Yochanan ben Matya* find problematic with the agreement his son made with his workers and who argued that it was fine? (ז' א')
- Which employees may take food (by biblical right) irrespective of the local custom regarding feeding workers? (ז' ב')
- What limitation does *R' Yosi bar Yehuda* place on the law referred to in the previous question? (ז' ג')
- Regarding the previous questions, can the employee be selective with the food he takes? (ז' ד')
- What limitation did the *Chachamim* place on this right for the benefit of the employer? (ז' ז')
- Explain the debate regarding whether the employee can consume food of a value that is greater than his salary. (ז' ה')

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Bava Metzia 7:6-7	Bava Metzia 7:8-9	Bava Metzia 7:10-11	Bava Metzia 8:1-2	Bava Metzia 8:3-4	Bava Metzia 8:5-6	Bava Metzia 8:7-8

