

THE CALL CENTER for HILCHOS RIBBIS

UNDER THE AUSPICES OF HARAV PINCHOS VIND SHLITA



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סניף ליקוואוד וגלילותיה

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Q&A

Q. Chaim was on the bus on the way to camp and was getting extremely thirsty. After discovering that he had left his case of water back at home, he was at a loss. How would he manage for the next two hours without a drink? Pinchos, who was sitting beside him, saw the expression on Chaim's face and quickly asked him what was wrong. Chaim replied, "Is there any way you can lend me a bottle of water?" "Sure!" Pinchos said. "I have an extra bottle in my handbag, and it's anyway too heavy for me, so I will be happy to lend it to you." Chaim was very relieved. He reached out to take the bottle from Pinchos, when suddenly, Shmuel, who was listening to the conversation shouted, "Wait! This could be a violation of the laws of ribbis!" "Why, what's the problem?" Chaim asked, surprised. "I'm not sure, but you should find out before you go ahead with this," Shmuel responded. Is Shmuel correct? Can this be a violation of ribbis?

A. It depends. If Pinchos stated that Chaim must return the water bottle specifically in camp and the price of a water bottle in camp is more expensive than the location of the loan,^[1] then Shmuel is correct, and it is prohibited for Pinchos to lend Chaim the water bottle. However, if Pinchos did not demand payment specifically in camp, then it would only be prohibited for Chaim to borrow if he pays back in camp. Yet, if Chaim returns the water bottle to Pinchos at a location where the price is the same or lower than the place of the loan, it would be allowed. The proper solution for this would be for Pinchos to *sell* Chaim the water bottle (at the fair market price) as opposed to *lending* it to him. Then, at the time of payment Chaim may ask Pinchos if he is willing to accept a water bottle instead of the money he owes him. However, if the price of the water bottle is higher than the amount he owes, it would only be allowed if the difference is just slightly more.

Explanation: In general, when one lends an item on condition that an equivalent item needs to be returned, and the price of the item constantly fluctuates, it could potentially be a concern of ribbis. Because, if at the time the item is returned the price has gone up and the item is worth more, it will cause the borrower to return more than what was borrowed, violating the laws of ribbis.

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Ribbis Involvement

When it comes to the איסור of ribbis, the lender and the borrower are not the only ones who are עובר the איסור. Rather, anyone involved in the transaction is also included. However, there are different איסורים for diverse types of involvements with the severity of the איסור (מדרבנן or מדאורייתא) also varying based on the situation.

Q. I am a lawyer, and I was asked to write up a contract for a Jewish lender who will be lending with interest (to a Yid). Am I permitted to do so?

A. No, it is אסור. However, the לאוין that you would be עובר would depend. If the lender would go through with the loan regardless of whether you are willing to draft the loan documents for him, then there would only be an איסור of מסייע ידי עוברי עבירה of איסור מדרבנן and לא תשימון עליו נשך of איסור. Yet, if it would be difficult for him to find a non-Jewish lawyer that he trusts, and he will only go through with the loan if you draft the loan documents for him, then there will be an added מדאורייתא of איסור of לא תתן לפני עור לא אתן מכשול.

Q. In the above scenario, if the borrower follows a Rov who holds that one may be lenient in this specific case (for whatever reason), but I know that the פוסקים that I follow clearly hold otherwise, would I be allowed to draft the loan documents for him?

A. No, it would still be אסור. In general, whenever there is a legitimate opinion that allows a certain situation and someone else follows that opinion, there is no איסור of לפני עור when helping him out. However, in our case since there is a specific איסור of תשימון לא for you to draft the loan documents (in an interest bearing loan), then although you may not be עובר on עובר (as there are lenient opinions that allow it), nevertheless, since you follow the opinions of פוסקים who hold it is אסור you will still be עובר on the לאו of תשימון לא.

Q. I work at a law firm and my job is to look over loan documents to make sure that there are no mistakes, and then have my boss fix them up. Being that many of our clients are non-religious Jews, countless loan documents that I look over contain ribbis. Am I allowed to look them over?

A. Since you are only perusing the documents and not actually editing them, in regard to the לאו of תשימון לא you would definitely not be עובר and would be allowed to look over the documents. However, regarding the איסור of מסייע לדבר עבירה it is not so simple. Therefore, if there is a non-Jewish co-worker who can do the job instead, that would be the best choice. Otherwise, if you can explain to the boss that it is against your religion to do this job, and it would not create animosity between you and your boss, then you should try to do so. However, if it creates animosity, then you would be allowed to look over the documents. The reason for this is, that since even if you wouldn't do it, your boss would figure out another way to have it done, and the actual איסור of ריבית is not being done while you are looking over the documents, there are opinions that hold that there is no איסור of מסייע in such a case.

Q. In the above scenario there are times that my boss would ask me to make a copy of his standard loan documents and mail it out to his clients to use for their loans. In a situation that by not doing as asked it will create an animosity between me and my boss, would I be allowed to make those copies?

A. This is more of a severe problem, and although there are some opinions who may be lenient, one should try his hardest to get out of such a situation. However, if that is not possible, he should discuss it with an expert in Hilchos Ribbis. The reason for this stringency is that since there is a prohibition to write a loan document that includes ribbis, some authorities feel that even making a copy of the document for the client, may be included in the prohibition of מסייע עליו נשך. ³⁸

