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HOSTING POSTINGS: *Is Facebook Responsible for Its Content?*

Adapted from the writings of Rav Ariel Ovadia

Is a facilitator liable for the actions of others?
People of the 'book

In the past 30 days, 3 out of every 10 people on the planet—some 2,227,000,000 souls—accessed their Facebook accounts.

This is a staggering fact.

On November 27, at the inaugural hearing of the “International Grand Committee on Disinformation” in London, lawmakers from nine countries took turns castigating Zuckerberg and his company for disseminating “fake news.” Not showing up for the meeting probably didn’t help his case.

Arguably, the company’s troubles are largely self-inflicted. Along with other social media companies, it chose not to be a passive forum where users publish what they will. Instead, it actively polices its platform, banning and promoting viewpoints according to its own values and politics.

By contrast, there are other services that provide a forum for communication but do not concern themselves with its content. Phone companies take no interest in what is said on their lines, so it occurs to no one to punish them for the activities of prank callers or telemarketers or terrorists planning attacks. Ditto for email providers and the postal service. Because these entities claim no jurisdiction over the content they transmit, they are not held accountable for it.

From the Torah perspective, which approach is correct? If I hang a bulletin board, must I monitor what is posted there?

LIFNE IVER

The Torah (*VaYikra* 19:14) prohibits placing

a stumbling block before a blind man. This means that one may not create an opportunity for another Jew to sin (*Avoda Zara* 6a). *Hachamim* prohibited *Mesayea LiDvar Avera*, assisting in a transgression, even where the sinner could have done it on his own (*Tosafot* and *Rosh, Shabbat* 3a).

While the *Shach* (Y.D. 151:6) is lenient in the case of a *Mesayea* to a *Mumar* (one who completely disregards Torah law), this doesn’t seem to be the consensus of the *Aharonim* (see *Dagul M’Revava* ad loc.).

HALL MONITOR

The owner of a wedding hall asked R’ Moshe Feinstein (*Igrot Moshe* Y.D. 1:72) whether he could rent his facility to people who would serve non-kosher food or have mixed dancing at their event. R’ Moshe replied that this is permitted because the hall will not be the cause of the *Avera*, only its location. Otherwise, he argues, why doesn’t *Halacha* forbid the sale of dishes to Jews who don’t keep kosher?

Facebook, it would seem, is no worse than a ballroom owner.

FEED THE EVILDOER

A similar scenario is discussed in the *Mishna* in *Ma’aser Sheni* (5:1). R’ Shimon Ben Gamliel says that outside of the *Shemita* year (when all may freely enter any field and eat its produce) one doesn’t have to make it known to the public that the fruit of his vineyard is forbidden because of *Kerem Revai* (fruits of the 4th year) or *Orla* (fruits of the first 3 years). The *Gemara* in *Bava Kama* (69a) explains that we follow the maxim *Hal’itehu LaRasha V’Yamut*—“feed the evildoer and he will die.” I need not see to it that someone who will steal my grapes doesn’t violate additional prohibitions. The *Rambam* codifies this in *Hilchot Ma’aser Sheni* (9:7).

There is a debate among
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By Rav Yechiel Biberfeld

PARENTAL SUPPORT: WHO IS PAYING?

The financial obligation of honoring parents is on who?

We find in this week’s *Parasha* praise for the ‘*Tzedakah*’ of Yosef for supporting his father, Yaakov Avinu, all the years in *Mitzrayim*.

Was it a charitable act or his obligation as a son?

There is a debate if the costs of *Kibbud Av* are borne by the son or the father.

The *Halacha* is that it is the financial responsibility of the father. However, if the father does not have the means, then it is the son’s obligation.

In this scenario, to what extent is the son obligated financially? This will depend on the nature of the obligation.

The *Ran* is of the opinion that it is akin to *Tzedakah*.

The *Yerushalmi* says that it is not *Tzedakah* but rather a *Mitzvah* of *Kibbud Av* that is not based on *Tzedakah*.

He infers this from the wording in the *Passuk*: ‘*Kabed Et Avicha*’, honor your father. The Torah does not

qualify how much a person should spend. This is in contradistinction to general *Mitzvot*

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spotlight

A Ketubah: Not Just Any Old Contract

The Bet HaVaad is fortunate to count among its members advanced Poskim with specialties in multiple, sensitive areas of Halacha. Rav Ariel Ovadia is a case in point. As the Menahel of our Sephardic Halacha Center and the author of many Shiurim in the Journal, he is now adding yet another Halachic specialty to his arsenal by joining the Even Ha’Ezer Habura. Recently, Rabbi Ovadia presented a technical shiur on the options for composing a Ketubah in delicate scenarios. The shiur was based on exhaustive research and presented to critical acclaim.

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the *Aharonim* how far this principle goes.

The Rash Sirilio holds the most lenient view, that one never has to be concerned about the potential additional transgression of an evildoer.

The *Hazon 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 (*Minhat Shelomo*, *Bava Kama* ibid.) and other *Aharonim* maintain that so long as one is not partaking in the *Avera* actively, he is exempt, so he is not required to intervene.

The most stringent view is that of the *Havot Ya'ir* (142), who forbade placing non-kosher food in a place where it could be stolen and eaten by a Jew.

(A jarring story, recorded in *Kovetz Pa'amei Yaakov*, demonstrates how far the approach of the *Hazon Ish* can legitimately be taken: A chemist had his lunch stolen every day at work. To unmask the thief, he put poison in his food, put it in the office fridge, and waited to see which of his co-workers developed symptoms. When the culprit got sick, the triumphant chemist administered the antidote, doubtless sure he had lost his lunch for the last time. R' Yitzchok Zilberstein, asked about the incident, concluded that allowing the thief to harm himself was permitted based on the "feed the evildoer" concept. R' Chaim Kanievsky concurred.)

Our Facebook question would seem to hinge

on this *dispute*: According to the *Hazon Ish*, because the service enables forbidden conduct, it is the provider's responsibility to prevent it. To R' Shlomo Zalman, however, because the sinner is helping himself, as it were, one need not intervene. It would seem that even the *Hazon Ish* would agree if the platform's rules forbade the behavior in question.

ARVUT

We are all *Arevim* (guarantors) for each other's Torah observance. Would that require us to prevent another's violation in a case like ours?

R' Yerucham Fischel Perla (*Parasha* 57) and other *Aharonim* understand that *Arvut* doesn't apply when a person is in any case transgressing other prohibitions. Additionally, R' Yitzhak Elhanan Spektor (*Ein Yitzhak* O.H. 1:11) writes that *Arvut* only applies when one knows that a sin is being committed.

GOING BEYOND

The *Mishna* in *Ma'aser Sheni* concludes that the pious would always refrain from causing other people to sin, even where it is permitted and even at a cost to themselves. The *Rambam* cites this, and *Igrot Moshe* (O.H. 1:52) writes that one should strive to attain this level.

In conclusion: If you establish a communications platform and you publish rules that ban forbidden speech, you are not required to intervene against violators (unless someone is endangered). Nevertheless, it is an act of piety to do so.



מסכת חולין

This Week's Topics

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ROSH KOLLEL OF KOLLEL OHEL YITZCHOK OF LAKEWOOD

RAV ELIEZER COHEN

ROY OF BAIS MEDRASH TIFERES ELIEZER

RAV YOSEF GREENWALD

DAYAN, BAIS HAVAAD YERUSHALAYIM

- דף י"ז CHECKING YOUR KNIVES
- דף י"ח PERFECTLY SQUARE: RIBUAH B'TEFILLIN
- דף י"ט HAGRAMA: LAWS & CONCEPTS
- דף כ' SHECHITAH & MELIKAH: A STUDY IN CONTRAST
- דף כ"א USING YOUR MA'ASER FOR TUITION?
- דף כ"ב THOU SHALT BRING THY NEDARIM...
- דף כ"ג KEEPING YOUR FRIEND'S WORD

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where we follow the dictum of *Kabed Et Hashem M'Honecha*, which *Hachamim* explain to mean, 'from that which He has blessed you', and not more than what you have.

The *Hazon Ish* observes that the practical implication between these two opinions will be in the extent of the son's responsibility. If it is *Tzedakah*, it will be limited to the guidelines what a person must generally contribute to charity. If it is not *Tzedakah* based, then there is no limit. For example, according to the *Yerushalmi*, a person would have to spend on his

father's care even more than a fifth; or, perhaps solicit from the general public; duties that he would not have if it were *Tzedakah*. In any case, there is a curse leveled on one that has the financial means and still chooses to use his *Tzedakah* funds.



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