

1. Your answer differs from mine, but perhaps both our answers are correct
2. Your answer contradicts mine, but perhaps you are right and I am wrong.
3. Your answer contradicts mine and is thus certainly wrong, but was derived legitimately.
4. Your answer is certainly wrong and illegitimately derived, but I have no right to compel you to accept mine.
5. Your answer is certainly wrong and illegitimately derived, but I choose not to compel you to accept mine.

Question: According to 4 and 5, may I assist you in behavior about which we disagree?

This seems to be a practical issue, and indeed this shiur is about the practical aspects of pluralism, but it has ideological connotations. Possibly one can treat these positions as more than pragmatic, as based on the belief that people must, when possible be treated as free beings by other members of society, albeit not necessarily by the authorities. On the other hand, telling people that their decisions will, so far as you are concerned, have no consequences, detracts from the dignity and meaningfulness of those decisions.

But the ideological and the pragmatic often work at cross-purposes. For instance, Rabbi Saul Berman has noted that the only halakhic way to work cooperatively with non-Orthodox Jews on many issues is to treat them as *תינוקות שנשבו*, but this literally infantilizes them.

In tonight's area the catch-22 is reversed. Here, the most likely way to enable tolerance is to demonize. Take as a parallel my friend Dr. Don Seeman's note that R. Kuk argues that the desire to improve others' behavior flows naturally from loving them - tolerance not purely pragmatic can stem only from lack of love, and, I further note, from lack of responsibility.

Tangentially, we will at the same time have the opportunity to discuss the relationship of pragmatism and ideology within halakhah along another axis - how new halakhic truths affect a society functioning along a now-intellectually questionable halakhic tradition.

Let us begin with a case of great personal significance, as it was the first serious halakhic question ever posed to me. Is it permissible for a Jew to deliver Meals on Wheels to a mostly Jewish population, when despite the option of paying more and receiving kosher food, the majority of the Jews would be receiving non-kosher food?

Note: We will ignore ancillary issues such as *השם הילול* etc.

1. Rav Moshe claims that "all great rabbinic decisors believe, based on Avodah Zarah 6, that *lifnei* doesn't apply when alternatives are readily available. He does not declare whether non-Jewish alternatives are necessary. What about our case? Does it depend on the percentage of Jewish deliverers? Does this depend on the question of *לפני דלפני* (causing the delivery to me made by another Jew), (which in turn may depend on the question of whether it assumes the character of the other sin - chameleon prohibition - although not clear which way?) - with *יהרג ועל יעבור* of *נפקא מינה*, for example.
2. This reading clearly emerges from the text there - is the wine accessible or not?
- 3-5. However, 3 and 4 at least open the possibility of a different meaning - that he cannot compel you.

This is explicit in five (but how would he explain the opening answer re "his own animal"?)

6-7. Furthermore, 6-7 make no mention of the condition of necessity.

Note that either explanation suffices for Rambam and Chinukh, and Rav NR reads it even into Rashi! Does this change R. Moshe's psak, or testimony? Note that our lives would drastically change - cf. Souter re *Roe v. Wade*.

9. But in any case must worry about *דרבנן*. But why should rules of *דרבנן* be different? In other words, why should opportunity matter for *lifnei* but not *mesayeia*?

Simple answer - *lifnei* = him, *mesayeia* - us. According to this, which should be affected by the intent of the iver?

Surprise -R. Moshe quotes it about *mesayeia*, but unclear what he would say about *lifnei*. And Schach claims that this is because *mesayeia* = them; perhaps *lifnei* = us. Perhaps *lifnei* has limit to responsibility imposes.

10 -11. Gm says no proof since same act, not just function of intent, but DG says will prevent both acts. What was GM (later Magen Avraham) thinking? Perhaps that purpose is not to prevent act, but to encourage teshuvah, to rebuke. This sign concedes to his evil - it works with his weaknesses. DM says to prevent act.

Question - are these people *mumarim* or *meizidim*? What about non-Orthodox rabbis?

12. Since for him, will actually improve things, technicalities irrelevant. How broadly does this apply? Clearly rejects participation as basis for prohibition,

13. Also total context, but here seems formal mitzvah definition. What basis? Why should my intent matter for him? is his claim realistic?

A brief introduction. I'm here as the director of the Summer Beit Midrash, and a major purpose of this shiur is to convince you that you'd like to spend the summer learning in that program; I hope you'll come talk to me after the shiur, or take a business card and call or e-mail. This shiur was chosen to give you a sense of what the program is about, which is a particular way of looking at Talmud, halakhah, and the connection between them

The reason I think this shiur an appropriate introduction is that the topic was my first introduction to halakhah as a subject of serious inquiry; it was the first sh'eilah I was asked, and contemplating it opened me for the first time to the idea that psak halakhah was a fascinating intellectual and spiritual enterprise rather than the mechanical result of the really exciting and creative work, lomdus. Let me tell you the story.

A high school student, of somewhat shaky frumkeit, had volunteered to deliver for a Meals On Wheels program. After volunteering, he discovered that the majority of clients were Jewish, and that while they had the option of receiving kosher food, it cost significantly more, and thus the majority of the Jewish clients ordered nonkosher food. (We leave open the reaction of all my nonOrthodox rabbinic friends, which was to ask why the local rabbinate passively accepted the difference in price.) He then asked me whether he could keep his commitment. I had a strong inclination to say yes, as I feared a terrible lesson would be taught him if, likely the first time he volunteered to do a major chesed, he was told the Torah forbade it. But on the other hand it seemed a clear case of lifnei iver?

1. So I found this teshuvah of R. Moshe, which is source #1. It seemed clear evidence that at least lifnei iver could be solved. But we should note that using it to solve our problem rests on the assumption that for R. Moshe it was sufficient for the catering halls to exist – they did not have to be owned by non-Jews. This creates a peculiarity in that the possibility that someone else will sin makes your action not a sin, and vice versa, which seems very much chotei niskar! On the other hand, to say you can't do it although you could if they weren't Jewish must depend on some kind of notion of lifnei d'lifnei, and if so not doing it is even worse!

2. But leaving that aside, is R. Moshe right that this is peshat in the sugya, and that "v'chein pasku kol haposkim"? On first reading yes. However, we note that the cases of the animal and wine aren't exactly parallel, in that the first deals with ownership and the second with access. Let's trace the meaning of the phrase further then.

3-4 – Two cases in which access is a possible definition, although one could note that each introduces a new element – coercion.

5 – introduces coercion explicitly into our sugya. (Note – doesn't seem to fit well with animal case, but R. Rabinovich claims different girsa, not capable of discussing now.)

6-7 leave out this condition altogether – plausible if issue of coercion, not if access. Note that 7 is only necessarily an issue in the hava amina, though.

Note that R. Rabinovich says similarly not mentioned in Rambam and Chinukh, and sees R. Chananel in Rashi.

8. But even if we grant the issue of lifnei iver, R. Moshe points out that there is still a derabbanan issue. Why should the derabbanan issue extend even to cases where not necessary component? Presumably because lifnei = them, so no issue if they can do anyway, whereas mesayyeia = us. But if so, their intent should matter only for lifnei, and R. Moshe says fakeirt!

Note that R. Moshe equates public policy with private chiyuv (an individual ganav is not necessarily a mumar but the class ganavim may well be considered mumarim at least l'oto davar). Note also that – quote R. Berman, segue to Don, perverse relationship between ideology of disrespect and action of respect in my case.

9. Note that R. Waldenburg has pretty good proof that if works, works only on derabbanan level, and Rambam uses language that sounds like mesayyeia

10 – 11 – R. Moshe seems to assume that Maharsha can't be discussing case in which one is merely forcing the ganav to choose which to steal.

But even this heter runs into problem – much of rest of what we do depends on tinok shenishba, but here requires meizid! Must we be consistent?

12. R. Moshe invents new category – no problem of mesayyeia if overall affect is good – how define the good? Seems still them focused. But unlikely getting to eat is good in these terms since kosher option existed.

13. Sridei Eish (can one check lungs for people who won't eat glatt and therefore take away their heter of rov) claims that intent for mitzvah is enough, either technically or pragmatically. Seems you focused. Note also that may not work for mesayyeia – in his peculiar case probably no issue.

My theory – lifnei iver, is substantive contribution, mesayeia is not taking opportunity to force them to decide again. In our case no further decision on their part, since parcels will be distributed by someone else without their involvement.
Rabbi G, Rabbi T, and me.