

Is it Permissible to Invite Non-Observant Jews to Your Home on Shabbat When You Know They Will Come by Car?

Is it halakhically permitted to invite a non-observant Jew to one's home on Shabbat or Yom Tov realizing that in order to come the guests would have to drive? Is it better for those who would violate Shabbat anyway to come and participate in the celebration of Shabbat or is this considered a mitzvah derived from the violation of the law and thus unacceptable?

Shabbat is undoubtedly the most important day in the Jewish year. It is the day from which all the other days of the week are counted, the day around which the entire week revolves. The late Professor Abraham Joshua Heschel noted that Shabbat was the first of all things that God created to be called holy (*The Sabbath: Its Meaning for Modern Man*, p. 9). Hayyim Nahman Bialik correctly described it as “the cornerstone of Judaism” and Ahad Ha’am (Asher Ginzberg) remarked that “One can say without exaggeration that more than Israel has kept the Sabbath, the Sabbath has kept Israel.” Ahad Ha’am went on to write: “A Jew who feels a real tie with the life of his people throughout the generations will find it utterly impossible to think of the existence of Israel without the Sabbath....Had it not been for the Sabbath, which weekly restored their spirit, the weekday afflictions would have pulled them further and further downwards until they sank to the lowest depths of materialism as well as ethical and intellectual poverty.”

Yet today the vast majority of Jews have become disconnected from Shabbat—from its meaning, purpose, and practice. In a very real sense, Jews today are much like the “babies raised in Gentile captivity” who, according to RaShI, never knew Shabbat (*Shabbat* 68a, bottom, s.v. *betinok shenishbah*). In the assimilated society

in which most Jews live, where Jews have little or no knowledge or appreciation of a traditional Shabbat, an invitation to a Shabbat observant home on Shabbat may very well be the spark that will ignite the flame of Jewish observance in them. It is often impossible or impractical to expose them to the sublime experiences of Shabbat without their violating Shabbat in the process. It is more productive to educate and inspire the ignorant than to become exercised by their non-observance or offended by their violating the law.

Similarly, what is true for home invitations is equally true for synagogue attendance on Shabbat. As Rabbi Aharon Lichtenstein, Rosh Yeshivah of Yeshivat Har Etzion, writes (*Tradition*, Spring 1982, p. 49): "Can anyone responsibly state that it is better for a marginal Jew in Dallas or in Dubuque to lose his religious identity altogether than to drive to his temple?" Without diminishing the halakhic objections to using the internal combustion engine on Shabbat or Yom Tov, Rabbi Lichtenstein is addressing the issue that many rabbis have had to address, even by ignoring the facts. It is best for the rabbi and for all Jews to speak of the values of Shabbat—educational, spiritual, and emotional—at home and in the synagogue, rather than dwell on the means of arrival.

A number of objections, however, may be raised against permitting such invitations: First, one who tenders an invitation that leads to Shabbat violation might be considered an accomplice in the violation of the law. The Mishnah (*Shevi'it* 5:9; *Gittin* 5:9) discusses the lengths to which one may not go in assisting those who are suspected of violating or actually violate the law. The principle enunciated by the Mishnah is "*ein mahazikin yedei 'ovrei 'averah*", meaning, one may not assist those who commit transgressions. This is understood by the commentators (RaShI, *Gittin* 61a, s.v. *lo tavor*; Rabbi Menahem HaMeiri, *loc. cit.*) to mean that it is forbidden to physically participate in the violation of the law by others at the time of their violation.

An instructive anecdote, presumably true, about one of my revered teachers relates how he once welcomed a famous non-observant Jewish scholar to his Jerusalem apartment. My teacher quickly assisted the scholar in removing his coat. But when the scholar prepared to leave, my teacher refrained from giving him any assistance whatsoever. After he had gone, another guest pointed out the inconsistency in my teacher's actions. My teacher explained that this scholar was a non-observant Jew. His coat was probably *sha'atnez* (a mixture of wool and linen, the wearing of which is forbidden by the Torah, Leviticus 19:19). Therefore, to help him off with his coat is a mitzvah, but to help him on with it would be assisting someone in the violation of the law.

Applying this principle to the case at hand, however, one could not derive a prohibition against inviting a non-observant Jew on Shabbat. Even though the invitation will most likely result in a Jew's violating Shabbat or Yom Tov through driving

to your home, you are neither in violation of the law nor an accomplice in violating the law since you are not yourself physically participating in the transgression.

Rabbi Moshe Feinstein, in a responsum regarding inviting congregants to attend synagogue services on Shabbat when it is known that they may arrive by car (*Iggerot Moshe, Orach Hayyim*, Part I, no. 99; see also *Orach Hayyim*, Part IV, no. 71) raises two further objections. First, Rabbi Feinstein suggests that one who tenders such an invitation, presumably the rabbi, may be considered a seducer, leading the unwitting away from Judaism (See Deuteronomy 13:7ff). But this can be no more than homiletical hyperbole as indicated by Rabbi Feinstein's own analysis (*ibid.*) Rabbi Feinstein further rules that an invitation resulting in people driving on Shabbat is a violation of the command not to place a stumbling block before the blind (Leviticus 19:14), which is understood to mean doing or saying anything which may mislead those who don't know any better to do something which may not be in their best interest (*Sifra Kedoshim* 2:14). Since those who drive to the synagogue because of the invitation to attend will be liable for the scriptural punishment for violating Shabbat, the one who issues such an invitation is guilty of placing a stumbling block before the blind.

While this may indeed be the case when the person invited would not otherwise be driving on Shabbat, the prohibition does not apply to a case where the person invited would drive on Shabbat anyway. According to the Talmud (*Avodah Zarah* 6a-6b and *Tosafot loc. cit., s.v. minayin*), when a person has the means of performing a forbidden act on his own or has access to that which is prohibited without the assistance of another, anyone who does lend assistance is not considered in violation of the commandment not to place a stumbling block before the blind. The model which the Talmud projects is that of one person standing on one bank of a river and another on the opposite bank. If the first passes something over the river to the latter when he is likely to use that object in violation of a law, then the former has violated the prohibition against placing a stumbling block before the blind. But if there is no river separating them so that the latter can obtain the object without the help of the former, even if the former passes the desired object to the latter, he does not violate the prohibition. Thus a Jew who shortly before a pagan festival, sells an animal to an idolater who may sacrifice it to his gods on the festival (idolatry being prohibited to all human beings in the seven laws incumbent on descendants of Noah; *Sanhedrin* 56b) is not placing a stumbling block before the blind if the idolater already possessed other suitable sacrificial animals or otherwise could have obtained them elsewhere.

Applying the principles behind this Talmudic passage to the case in question, it is clear that the great majority of non-observant Jews drive on Shabbat regardless of whether they are invited to a Shabbat meal or to attend Synagogue. Therefore those receiving an invitation to celebrate a traditional Shabbat at another's home

would be driving elsewhere anyway or would not be celebrating a traditional Shabbat at all. And, in any case, the act that they are being invited to perform is permitted and laudatory, namely, participating in public prayer or reciting kiddush. Therefore, the issuers of such an invitation cannot be considered to be in violation of placing a stumbling block before the blind.

Even if there is no violation of the Torah prohibition of placing a stumbling block before the blind, and even if the person would presumably violate the Sabbath anyway, some authorities still would forbid inviting someone to our home as a violation of the rabbinic prohibition of aiding transgressors (*mesayyeya yedei 'overei averah*). As the RITBA put it (*Hiddushim on Avodah Zarah 6b, s.v. betrei evrei nahara*, Mossad ha'Rav Kook edition, p. 11): "...there is still a prohibition involved, because of aiding transgressors, whenever we cause him to transgress, or to increase his transgression..." See also the view of Tosafot (*Shabbat 3a, s.v. bava dereisha patur umutar*) that a rabbinic prohibition still exists even when the transgressor has independent access to the means for carrying out the transgression. Their view is cited by RaShBA (*Hiddushim on Shabbat 3a, s.v. ha de'amrinan bava deresha* etc., Mossad ha'Rav Kook edition, p. 5; see the sources cited there by the editor, especially footnote 45). See also the halakhic encyclopedia *Sedei Hemed, kelalim Vav, kelal 26*, paragraph 32, which cites the strict view of Maimonides in this regard (*Commentary to the Mishnah, Terumot 6:3*).

Not all the Rishonim concur in this view, however. Rabbenu Yeroham (*Sefer Toledot Adam Ve'Hava, Netiv 14*, part 7) maintains that if a person has taken an oath to refrain from eating some food, if he has independent access to that food, we may hand it to him: "...this is permitted (*mutar*). This is obvious and is proved in *Avodah Zarah*..." See also *Erekh haShulhan* of R. Yitzhak Teib (*Yoreh De'ah 151*, paragraph 5) who cites the *Sefer Mitzvot Gadol* of R. Moses of Coucy (negative commandment 168) to the effect that if the person has independent access to the prohibited article, then there is not even a rabbinic prohibition involved.

In attempting to reconcile apparent contradictions in the views of the Rishonim, more recent authorities make some crucial distinctions of relevance to the matter here under discussion. Rabbi Jacob Ettlinger (Resp. *Binyan Tziyyon*, part 1, no. 15) was asked whether it was permissible to order printing work from a Gentile printer who had Jewish workers, since there was a likelihood that the job would be done on Shabbat. In his response, Rabbi Ettlinger distinguishes between those cases where we aid a transgressor *at the very moment* of transgression, which he declares forbidden even if the person had independent access, and those cases where our "assistance" occurs before the transgression takes place (such as in this instance where presumably the printers would have other work to do even without this particular order, but we place our order long before the actual transgression might occur), which he permits. See the similar view of Rabbi Naftali Tzevi Yehuda

Berlin (Resp. *Meshiv Davar*, part 2, no. 31) who dealt with the case of a Jewish butcher who sold meat rendered ritually unfit for Jewish consumption to local wealthy gentiles. One of the local notables was a Jew who did not keep kosher. Could the butcher sell this meat also to the household of the non-observant Jew since this Jew would buy non-kosher meat anyway? Rabbi Berlin found that where no Torah prohibition of placing a stumbling block before the blind exists, then any "assistance" rendered before the act of transgression begins would be permitted. Following the logic of these decisions, on a technical level at least, the invitation for Shabbat is offered in advance and not at the time of transgression. If we would also invite the person to participate in the *minhah* and Shabbat prayers at sundown, then at least their arrival at the synagogue by car before the onset of the Sabbath would be in a permissible manner, which further distances in time our "assistance" from any violation of the Sabbath laws.

Beyond any technical considerations, though, we must reiterate the difference between the situations referred to by the *poskim* of Jews who rebelled against observance of *mitzvot*, and the present situation of Jews who have no idea of what traditional Judaism is all about. Here the rabbi, or any other traditional Jew, carries out a sacred mission of outreach to fellow Jews. While this important task does not allow us to change or dilute Jewish law, it would appear to mandate a more flexible approach out of a desire to make Jewish experience available to those who would otherwise not have any exposure to it. Thus a contemporary rabbi, Moshe Sternbuch of South Africa (Resp. *Teshuvot veHanhagot*, part 1, no. 358) permits a newly religious son to invite his parents to his home for the Shabbat eve meal even though they will return home by car. Sternbuch offers the novel and even daring view that the Torah's prohibition of placing a stumbling block before the blind applies only when we want someone to "stumble": "...just as a surgeon is not called one who assaults his fellow man, so here his intention is not to do him harm or to give him improper advice, rather his hope is to direct them and draw them near to the proper path..." He does note, however, that the parents should not park their car right in front of the son's house, and that the son should continue to mention to them his distress at their non-observance of the Sabbath. But all of this should be done in an atmosphere of "let the left hand push away while the right hand draws near" (*Sanhedrin* 107b). See also Rabbi Moshe Weinberger, *Jewish Outreach: Halakhic Perspectives* (Ktav, 1990), p. 80, who cites an unpublished responsum of Rabbi Shlomo Zalman Auerbach: "Even an individual living far from the synagogue may be invited to come for Shabbat, as long as he is informed that a room in the area has been reserved for him. Even if he openly denies any intention of taking up the offer, we are not obligated to retract the invitation nor must we warn him not to drive." See also Joel Wolowelsky's insightful review of Weinberger's book in the Spring 1992 issue of *Tradition*, pp. 99-104. Wolowelsky quotes extensively from

a soon-to-be-published paper by Rabbi Yehuda Amital which also advocates a revised attitude towards the whole issue of the "stumbling block before the blind" in the context of outreach to non-observant Jews.

Another issue which some have raised is that any potential positive value which the guest might derive from performing *mitzvot* at a Shabbat meal or at synagogue would be nullified because it derived from a violation of the law (*mitzvah haba'ah ba'averah*). Rabbi Aaron Kotler's analysis of *mitzvah haba'ah ba'averah* (*Responsa Mishnat Rabbi Aharon*, no. 9, based on *Sukkah* 31a and *Tosafot ad locum*, s.v. *mishum*), however, limits the application of this principle to the performance of *mitzvot* through the use of a prescribed object (e.g., a *lulav*) when the use of that object itself entails a violation of the law (e.g., the *lulav* was stolen). In our case of the Shabbat invitation, even though the guest violates the law prohibiting driving in the process of observing positive *mitzvot* of Shabbat through the recitation of kiddush and performing other Shabbat rituals, since these *mitzvot* are not discharged through the use of a specified object which was involved in a violation of the law, the rule of *mitzvah haba'ah ba'averah* does not apply. Moreover, even if *mitzvah haba'ah ba'averah* were to apply to our case, it would only mean that the *mitzvot* which the guest performs at the Shabbat meal to which he had driven would not count as *mitzvot*. The educational value of that person's participation in a traditional Shabbat meal and the positive feelings toward the experience which might motivate the guest to begin practicing these *mitzvot* on his own would not be devalued in the least.

Driving a motor vehicle on Shabbat is forbidden, and what we have stated above can in no way be construed to permit a Jew to drive on Shabbat. It is also forbidden for one Jew to encourage another Jew to violate Shabbat when he otherwise would not have violated it. However, when one extends an invitation for a Shabbat meal to a Jew who would otherwise be violating Shabbat anyway, Halakhah does not consider the host to be encouraging that Jew's violation of the law, nor is the host considered an accomplice in violating the law, nor is he considered to be misleading the guest to believe that his driving is permissible. Although all possible steps ought to be taken to avoid or minimize any violations of Shabbat when inviting guests (e.g., by making it possible for the guest to stay until the conclusion of Shabbat), none of the above halakhic concerns is sufficiently applicable to the case in question to necessitate a blanket prohibition. The great positive benefits which can result from offering Shabbat invitations to the marginally committed or the Jewishly uneducated mandate that tendering invitations to others to observe a traditional Shabbat be permitted without concern over the means of arrival.

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