

## Please (Don't) Advice: The Complicated World Of Guidance

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*As always, a special thanks to my dear friend and partner in preparation, Rabbi Ben Skydell, of Congregation Orach Chaim on the Upper East Side of Manhattan, who is always a fountain of wisdom and excellent advice.*

*Dear Editor<sup>1</sup>,*

*I am a young man of twenty-one; I have a seventeen-year-old cousin, and she and her parents would like me to marry her. I like the girl. She's educated, American-born, not bad looking. But she's quite small. That is the drawback: for her age, she is very short. And I happen to be tall. So when we walk down the street together, people look at us as a poorly matched couple.*

*Another thing: she is very religious, and I am a freethinker. I ask you, esteemed Editor, could this lead to an unpleasant life if we were to marry? I wait impatiently for your answer.*

*Sympathetic*

This letter appeared in *The Forverts* in 1906, the first year the paper ran its advice column *A Bintel Brief* (in English, *A Bundle Of Letters*). Advice columns have appeared

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<sup>1</sup> [https://www.eldridgestreet.org/\\_files/ugd/dd4c82\\_6a8ea6ad595b49ffa17d5d21671b9de5.pdf](https://www.eldridgestreet.org/_files/ugd/dd4c82_6a8ea6ad595b49ffa17d5d21671b9de5.pdf)

in newspapers since 1690, brought to America by Benjamin Franklin<sup>2</sup>, who penned an advice column titled "Silence Dogood." In *The Forverts*, several generations of Jews turned to Abraham Cahan and subsequent editors for advice on how to navigate the challenges of the new world- and, as the above letter indicated, how to deal with those still living in the old one. Jeremy Dauber, professor of Yiddish Language and Literature at Columbia, said that Cahan often embellished the letters:

*"...Cahan was an artist, and he felt that the best kind of art was drawn from real life, and that as a result it was even better if real people produced that literature. The problem is that real people are not always the best writers, and Cahan sometimes felt their work needed his own kind of help."*<sup>3</sup>

Through his answers, Cahan advanced an agenda of varying subtlety of acculturation, modernization and socialism. Listen to his response to *Sympathetic*:

*Love conquers all. Many such couples live happily, and it is better for the man to be taller and the woman shorter, not the opposite. People are accustomed to seeing the man more developed than the woman. People stare? Let them stare! Also the fact that the girl is religious and the man is not can be overcome if he has enough influence on her.*

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<sup>2</sup> Gabrielle Birkner, "Advice Columns"- Jews and Popular American Culture, Volume 2, p. 290

<sup>3</sup> Ibid 288

In the twentieth century, the unquestionable doyennes of advice were the identical twin sisters Esther Lederer and Pauline Phillips, better known by their respective *nommes des plumes*, Ann Landers and Abigail Van Buren. Their professional rivalry was overhyped, but their styles were quite different. Anne Landers often tackled heavy social issues, while Dear Abby often replied to her writers with a brilliantly crafted one-liner:

***Dear Abby:***

*I'm 19 years old and not very experienced, but my mother told me to be careful of men with mustaches. Is there any truth to this? —Anita*

***Dear Anita:*** *Yes, and also be careful of men without them.*

Susan Weidman Schneider, editor of the Jewish feminist journal *Lilith*, saw in Anne and Abby a reincarnation of another Jewish archetype- the *shtetl yenta*, who knew everyone's business, was able to network to help them, and dispensed commonsense advice in memorable ways. In essence, they were the reverse of the *Bintel Brief*; while the *Bintel Brief* introduced the Jews to life in America, Dear Abby and Ann Landers introduced America to the style of the Jews.

Indeed, the medium of the advice column has made inroads even in the chareidi community; while advice is also sought from Rabbis and spiritual mentors, it is especially sought from more popular sources, especially when addressing questions

regarding dating and marriage. For example, Mishpacha Magazine runs a weekly column titled *Match Quest*, featuring questions about dating from the magazine's readership (mostly from women). Here is one, from two weeks ago:

### **"Can A Health Nut Marry A Burger-And-Fries Guy?"**

Retrieved from

<https://mishpacha.com/can-a-health-nut-marry-a-burger-and-fries-guy/>

*I know this might sound like a superficial question, but I am really struggling with it. I take my health very seriously. I work out every day, and I avoid meat, flour, and sugar except for the occasional treat on Shabbos. The guy I'm dating is a real bochur. He likes his Thursday night cholent (and on Friday, and Friday night, and Shabbos), preferably with a beer, and appreciates a good charcuterie board. I think the only exercise he gets is walking from the dorm to the beis medrash.*

*Everything else is a great fit. We have great conversations — he's a great listener and also a great contributor. We see eye to eye hashkafically, except for this area where I put an emphasis on health, and he thinks it's "getting caught up in the trends of the outside world" (his words).*

*I know we're not supposed to focus on externalities but I'm not sure if this counts as an externality. I really like this boy, but I also feel strongly about this issue. Is this a deal-breaker?*  
*A Healthy Eater*

Sara Eisemann replied:

*The first issue is that of judgment. Do you look down on his affinity toward cholent? Do you see yourself as somehow superior because of your lifestyle choices? Judgment and love can't coexist in the same moment. Yes, it's true, we can be judgmental of someone we love, but in the moment that we're judging them we are not in a place of*

*love. So if you have many cumulative moments of judgment in the relationship, what will that do to the emotional fiber of the marriage?*

*...There are many scenarios in which this could work with the proper respect and communication. It sounds like the two of you need a deeper conversation to get to the meat of the issue (sorry, couldn't help it) and help you decide.*

### יעצנו רע

Advice columns contain topics that are guaranteed to pique human interest. Salacious, heartbreaking, hilarious and everything in between. The very enterprise of giving advice is woven into the fabric of our prayers in this season. Since we began saying *Selichot*- for our Sephardic brethren, from Rosh Chodesh Elul, and for us, two weeks ago- we have been striking our chests every morning and reciting the *viduy*, the alphabetically ordered litany of offenses we have committed against God and Man. The tenth is יעצנו רע - we have given bad advice. So ritualized have these phrases become, that we have come to overlook what they actually mean, so much so that when my colleague Rabbi Skydell mentioned this subject to an extremely prominent Rabbi- a Rabbi who has mentored hundreds of Rabbis and delivered thousands of sermons in his career- it took him a while to figure out the connection.

Most of us are not advice columnists, whose guidance is sought on a myriad of life's issues. Why do we have to *klap al cheit* for this sin? What, indeed, is the sin for which we are even atoning? Is giving bad advice even a sin at all, or is it something more subtle and nuanced?

It's instructive to look in the explanations offered by several different machzorim for this sin:

### **Koren- Sacks**

*We advised people to do things we knew were against their interest. We failed to disclose to them information they lacked but we had. We exploited their ignorance to advance our own interest, or we gave irresponsible advice because we were not taking the other person seriously enough.*

Or Artscroll:

*We have knowingly advised others to do things that are not in their best interest or that are sinful. We have not cared enough about others to take their problems seriously. We have abused the trust of people by giving them advice that was to our benefit, but that was harmful to them.*

Virtually identical. What is the source for these interpretations?

### ***Lifnei Iver***

It's actually Chazal's view of a cryptic phrase in the Torah:

### **Vayikra Chapter 19 Pasuk 14**

לֹא־תִקְלַל חֵרֵשׁ וְלִפְנֵי עוֹר לֹא תָתִין מְכֻשָׁל וְיִרְאֶת מְאַלְפִיקָה אָנֹכִי ה' :

*You shall not insult the deaf, or place a stumbling block before the blind. You shall fear your God: I am God.*

The Talmud interprets this prohibition metaphorically:

## Talmud Bavli Masechet Avodah Zarah 6b

מנין שלא יושיט אדם כוס של יין לנזיר ואבר מן החי לבני נח ת"ל (ויקרא יט, יד) ולפני עור לא תתן מכשול והא הכא דכי לא יהבינן ליה שקלי איהו וקעבר משום לפני עור לא תתן מכשול הב"ע דקאי בתרי עברי נהרא דיקא נמי דקתני לא יושיט ולא קתני לא יתן ש"מ

*From where is it derived that a person may not extend a cup of wine to a nazirite, who is prohibited from drinking wine, and that he may not extend a limb severed from a living animal to descendants of Noah? The verse states: "And you shall not put a stumbling block before the blind" (Leviticus 19:14). But here, in both cases, if one does not give it to him, he can take it himself, and yet the one who provides it to him transgresses due to the prohibition: "You shall not put a stumbling block before the blind." The Gemara answers: Here we are dealing with a case where they are standing on the two sides of a river, and therefore the recipient could not have taken it himself. Since his help was instrumental, the one who conveyed the item has violated the prohibition of putting a stumbling block before the blind. The Gemara adds: The language of the baraita is also precise, as it teaches: A person may not extend, and it does not teach: One may not give. Learn from the usage of the term extend that the baraita is referring to one located on one side of a river, who extends the item to the one on the other side.*

In essence, "placing a stumbling block in front of the blind" means you are not allowed to enable others to sin, particularly if you are the only means by which they can do so.

It is worth pausing for a moment to consider why our sages chose a metaphorical interpretation of this verse, and what the implications of this choice might be. Of course, no one thinks it is permitted to place a literal stumbling block in front of an actual blind person; however, if the Talmud interprets this verse metaphorically, is doing so a transgression of this prohibition? Believe it or not, the Rambam says no. This type of sociopathic behavior falls under a broader prohibition that we read a few weeks

ago- "You shall not place blood in your home," which means that you must make sure not to endanger others.

### **Rambam Sefer HaMitzvot Lo Taaseh 298**

והמצוה הרצ"ח היא שהזהירנו מהניח המוקשים והמכשולות בארצותינו ובבתינו כדי שלא ימותו בהם בני אדם. והוא אמרו יתעלה (תצא כב) ולא תשים דמים בביתך, ולשון ספרי ועשית מעקה מצות עשה [מ"ע קפד] ולא תשים דמים מצות לא תעשה. וכבר התבאר משפטי מצוה זו בפרק ראשון משקלים ירושלמי ובמקומות מסדר נזיקין:

*The 298th prohibition is that we are forbidden from leaving obstacles or dangerous objects in our land and in our houses, in order not to endanger people. The source of this prohibition is G-d's statement (exalted be He), "Do not place blood in your house." In the words of the Sifri, "The phrase 'You must place a guard-rail' constitutes a positive commandment; and the phrase 'Do not place blood' constitutes a prohibition." The details of this mitzvah are explained in the beginning of tractate Shekalim in the Jerusalem Talmud and in a number of passages in Seder Nezikin.*

Others disagree with the Rambam's assertion, based on the principle that any text must also be interpreted according to its literal meaning, aside from any other meanings imputed to it.

Our sages offer another interpretation for this verse, prohibiting the placement of a stumbling block in front of the blind:

Quoting the Sifra, Rashi explains:

### **Commentary of Rashi to Vayikra Chapter 19 Pasuk 14**

ולפני עור לא תתן מכשול. לפני הסומא בדבר לא תתן עצה שאינה הוגנת לו, אל תאמר מכר שקדך וקח לך סמור, ואפיה עוקף עליו ונוטלה הימנו (שם):

ולפני עור לא תתן מכשול THOU SHALT NOT PUT A STUMBLING BLOCK BEFORE THE BLIND — This implies: "Give not a person who is "blind" in a matter an advice which is improper for him. Do not say to him: "Sell your field and buy from the proceeds of the sale an ass", the fact being that you are endeavouring to circumvent him and to take it (the field) from him (Sifra, Kedoshim, Section 2 14).

In Rashi's conception, this prohibition is about giving bad advice, the kind that benefits the giver and harms the clueless receiver. Rashi's interpretation focuses on the interpersonal realm, but the Sifra's full text extends the prohibition into the ritual realm:

#### **Sifra, Kedoshim 2:14**

"ולפני עור לא תתן מכשול" – לפני סומא בדבר. בא אמר לך "בת איש פלוני מה היא לכהונה?" אל תאמר לו כשרה והיא אינה אלא פסולה. היה נוטל ממך עצה אל תתן לו עצה שאינה הוגנת לו. אל תאמר לו "צא בהשכמה" שיקפחוהו לסטים, "צא בצהריים" בשביל שישתרב, אל תאמר לו "מכור את שדך וקח לך חמור" ואת עוקף עליו ונטלה הימנו. שמא תאמר "עצה טובה אני נותן לו!" והרי הדבר מסור ללב שנאמר "ויראת מאלקיך אני ה'".

*"and before the blind man do not place a stumbling-block.": before one who is "blind" in a certain matter. If someone asks you: "Is that man's daughter fit for (marriage into) the priesthood? Do not tell them that she is "kosher" if she is not. If they ask you for advice, do not give them advice that is unfit for them. Do not say: "Leave early in the morning," so that robbers should assault them. "Leave in the afternoon," so that they fall victim to the heat. Do not say to him "Sell your field and buy an ass," and you seek occasion against him and take (procure) it from him. Lest you say "But I gave him good advice!" — these things are "known to the heart," viz.: "And you shall fear your God; I am the Lord."*

Per the Sifra, you cannot take advantage of someone's lack of situational awareness in any way. For example, you cannot set someone up on a date with a person whom they don't know they are halachically prohibited from marrying, and you cannot

recommend for them to travel at a time that is known to you, and not them, to be dangerous.

The Rambam stresses two aspects of giving bad advice. The first is active: you are not allowed to advise people in a way that is self-interested, or cause them to sin unknowingly. Our mandate is to help people, prevent them from harm and place them on the proper path.

### **Sefer HaMitzvot LehaRambam, Mitzvot Lo Taaseh 299**

הזהיר מהכשיל קצתנו את קצתנו והוא שאם ישאלך אדם עצה בדבר נפתה בו, ובאה האזהרה מלרמותו ומהכשילו אבל תישירהו על הדבר שתחשוב שהוא טוב וישר, והוא אמרו ולפני עור לא תתן מכשול. ולשון ספרא למי שהוא סומא בדבר ונוטל עצה ממך אל תתן לו עצה שאינה הוגנת. ולא זו כולל ג"כ מי שיעזור על עבירה או יסבב אותה, כי הוא יביא האיש ההוא לעון ובעזרתו הכשילו וחזר עור ויפתהו ויעזרהו להשלים עבירתו או יכין לו סבת העבירה, ומאלו הפנים אמרו במלואו ולוה ברבית ששניהם יחד עוברים משום ולפני עור לא תתן מכשול, כי כל אחד משניהם עזר את חברו והכין לו להשלים העבירה, ודברים רבים מאד מזה המין יאמרו בהן עובר משום ולפני עור לא תתן מכשול, ופשיטה דקרא כמו שזכרנו תחלה. (קדושים, שם פי"ב):

*He prohibited some of us from making others stumble. And that is if a person asks you for advice about something, you fool him. And this prohibition comes to prevent deceiving him and making him stumble. Rather you should set him straight about a matter that you think is [actually] good and straight. And this is [the meaning] of its stating, "you shall not place a stumbling block before the blind" (Leviticus 19:14). And the language of [Sifra] (Sifra, Kedoshim, Section 2:14) is, "To the one who is blind about a certain matter and who [hence] takes advice from you, do not give advice that is not proper." And this negative commandment also includes one who helps another [do] a sin or enables it. For he brought that person to iniquity and made him stumble with his assistance; such that the blindness came back to seduce [the sinner], and he helped him complete his sin or arranged to enable the sin. And from such angles, [the Sages] said about the lender and borrower with interest that both of them transgress, "you shall not place a stumbling block before the blind," together. For each one of them assisted his fellow and set up the other to complete his sin. And there are very many things of this sort about which they said that through them, one transgresses, "you shall not place a stumbling block before the blind." But the simple*

meaning of the verse is as we said at first. (See Parshat Kedoshim; Mishneh Torah, Laws of Murderer and the Preservation of Life 12.)

This kind of sin seems so obvious, that the severity of the sin is evident on Yom Kippur.

On the other hand, it seems so severe that it is easy to rationalize that if we are not sinning to that degree, we are not sinning at all. Is that the case?

The Talmud in Masechet Bava Basra relates a fascinating and, perhaps somewhat disturbing anecdote.

### **Talmud Bavli Masechet Bava Batra 30b**

ההוא דאמר ליה לחבריה מאי בעית בהאי ארעא אמר ליה מפלגיא זבינתה ואכלתיה שני חזקה אמר ליה פלגיא גזלגא  
הוא אמר ליה והא אית לי סהדי דאתאי אימלכי בך ואמרת לי זיל זבין אמר ליה השני נוח לי הראשון קשה הימנו אמר  
רבא דינא קאמר ליה כמאן פאדמון דתנן העורר על השדה וחתום עליה בעד אדמון ואמר השני נוח לי הראשון קשה  
הימנו וחקמים אומרים איבד את זכותו אפילו תימא רבנן התם עבד ליה מעשה אבל הכא דבורא עביד איניש דמיקרי  
ואמר

*There was a certain person who said to another: What do you want with this land of mine? The possessor said to him: I purchased it from so-and-so and then I worked and profited from it for the years necessary for establishing the presumption of ownership. The claimant said to him: So-and-so is a robber who robbed me of the field, and he did not have the authority to sell it to you. The possessor said to him: But I have witnesses that I came and consulted with you, and you said to me: Go purchase the land, indicating that you conceded that he had the authority to sell it. The claimant said to him: The reason that I advised you to purchase it was because the second person, i.e., you, the possessor, is amenable to me, while the first, i.e., the purported thief, is more difficult than he, i.e., I prefer to litigate with you rather than with him. Rava said: The claimant stated the halakha to the possessor, as this is a legitimate claim, and Rava accepted his claim. The Gemara asks: In accordance with whose opinion is Rava's statement? Is it in accordance with the opinion of Admon? As we learned in a mishna (Ketubot 109a): With regard to one who contests ownership of a field, claiming that a field possessed by someone else actually belongs to him, and the claimant himself is signed as a witness on the bill of sale of the field to*

*that other person, Admon says: His signature does not disprove his claim of ownership of the property, as it is possible that the claimant said to himself: The second person is amenable to me to deal with, as I can reason with him, while the first owner, who sold the field to the current possessor, is more difficult to deal with than he. And the Rabbis say: He lost his right to contest, as he signed a bill of sale that states that the field belongs to the possessor. Rava's ruling appears to be in accordance with the individual opinion of Admon, and not with the opinion of the Rabbis. The Gemara explains: You may even say that Rava's ruling is in accordance with the opinion of the Rabbis. There, in the case of the mishna in tractate Ketubot, by signing the bill of sale the claimant performed an action indicating that the field was not his for the benefit of the possessor of the field, but here, in Rava's case, there was no action, only speech, and a person is apt to casually say statements, and he does not lose his right by virtue of this.*

A certain person, we will call him Reuven, claimed that another person, whom we will call Shimon, was occupying his land without permission. Shimon replied, "I bought it fair and square, from Levi."

Reuven said, "Levi? That no good son of a gun? He stole the land from me!"

It was Shimon's turn to be incensed: "I have witnesses that I consulted with you and you *told me* to buy the land from Levi. How can you say that he stole it from you? You admitted *he* was the owner!"

Reuven said, "I preferred to get the land from *you*, and not to deal with *him*, so I told you to buy it from him."

This sounds like naked self interest, the kind that our sages cautioned against. Is

Reuven's claim legitimate- that he never admitted that Levi owned the land, but rather, was engaging in smart business tactics? Believe it or not, Rava was of the view that this claim is legitimate, following the view of the sage Admon, who said this is a legitimate claim. Even according to the Rabbis, the Talmud suggests that Rava's opinion would

follow, because verbally giving advice is not an action that effectuates any kind of transaction or constitutes any kind of admission of ownership of property.

This is an interesting test case, because it is clearly bad behavior, but it is so subtle as not to be legally actionable.

In his commentary on the Shulchan Aruch Choshen Mishpat 146, Rav Yehoshua Falk HaKohen Katz of Frankfurt the *Sefer Meirat Einayim* wrote as follows:

#### **Commentary of Sefer Meirat Einayim to Shulchan Aruch Choshen Mishpat 146**

נוח לי כו'. כהנה רבות בהתלמוד ובפוסקים דמהני טענ' זו לדינא מ"מ נראה דלא שפיר עבד שנתן לו עצה לטובתו ומכשילו ומציל ממון שלו בממון חבירו ועל כזה יקראו חז"ל הא דכתיב לפני עור לא תתן מכשול ולא תשגה עור בדרך:

*While there are many sources that validate this claim as a matter of Jewish law, it appears that anyone who acts in this way (advising someone to purchase a field when your intention is to take them to court to extract it from them) is saving themselves with the money of others, transgresses the prohibition of placing a stumbling block in front of the blind and causes a blind person to stray. In short, they don't deserve Maftir Yonah...*

Rav Shlomo ben Aderet, the Rashba, writes in one of his responsa concerning a case where a certain Jew's slave converted, either as a result of force or very effective outreach. Is the *kiruv* professional obligated to reimburse the former owner for lost labor?

## שו"ת הרשב"א חלק א סימן צט

שאלת ראובן היה לו עבד כנעני או ישמעאלי. ובא שמעון לאותו עבד או דרך פיתוי או בחזקה ומסר אותו לחכמי ישראל וגיירוהו בפני שלושה כדין כל גר. הודיעני אם שמעון חייב לפרוע דמי העבד לראובן אם לאו? ואם יצא העבד לחירות בענין זה מאחר שלא ישר בעיני אדוניו של עבד והוא תובע עבדו מיד שמעון?

תשובה ראיתי שערבת שני ענינין זה בזה שאין להם שום דמיון והוא שאמרת עבד כנעני או ישמעאלי. ועבד כנעני הוא שמל וטבל והוא גר וחייב במצות כנשים. ואינו יוצא לחירות אלא בגט שיחרור מרבו ואין עסק לבית דין בדבר זה אלא שצריך טבילה בשעת שחרור. אבל העבד הישמעאלי איננו קנוי לרבו קנין הגוף אלא קנין פירות... ואם פתהו שמעון להתגייר וקבל ממנו ונתגייר אין שמעון חייב כלום לרבו. שהוא לא הזיקו בכלום והעבד הוא שנתגייר מרצונו. והמשיא עצה להתגייר אינו חייב. **ולא מצינו בשום מקום משיא עצה ואפילו בנזקים שהוא חייב בדיני אדם ואפילו שוכר עדי שקר וכל שכן זה.**

The Rashba writes that he would not; nowhere do we find that simply giving advice renders a person liable for the financial results therefrom.

The year was 1983, and Gilad Seri-Levi was a young soldier in a Hesder unit, training to be a tankist a few minutes from Beer Sheva. He was not among the outstanding soldiers in his unit. In fact, he was known as a shameless smart aleck, and his superiors felt strongly that he needed to be put in his place. In order to set him straight, two tank commanders named Yoni and David undertook the considerable educational challenge, a task which they performed with admirable dedication. At no time did Gilad have any

rest; the moment one of them left, the other one appeared. As he put it<sup>4</sup>, “because of them, I knew every tree and every hill on the base and in the surrounding area, and trekked with my bed to many places that were not suitable for this purpose at all.”

Yoni and David showed Gilad the toughest of love, but their real animosity was reserved for one another. No one on the base knew exactly why they despised each other so much or when it started, but their frequent blowout fights were legendary among the battalion.

While there are several different ways to serve in the army during Hesder, the basic idea is that over a period of about 4 years, Hesder yeshiva students will serve close to 18 months, not consecutively. Gilad’s active service finished, and he returned to the Yeshiva. When he was called back up to finish his active duty obligations, it was in an administrative role in Beit Hashiryon, where soldiers who are released from the army go to be placed in the units in which they will serve on reserves. Every day, sunburned soldiers with complicated medical histories would come and enter their names manually in a large book (this was before the computer age, where every soldier has a file). Every once in a while, commanders would come and comb the books, filling their brigades with reservists.

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<sup>4</sup> <https://www.makorrishon.co.il/nrg/online/1/ART1/481/175.html>

One morning, Gilad was daydreaming at his table, and in a dream, he saw Yoni, the evil tank commander, saying to him “Achi! Ma Nishma- my brother! How are you?” Waking up in a cold sweat, he realized it was no dream. It was Yoni, in the flesh, attempting to turn on the charm so that Gilad would place him in a cushy *miluim* position. Of course, Gilad reassured him “Don’t worry my brother, it will be fine- on me.”

Two days later, David appeared, also offering expressions of false friendship, remembering warmly their shared past and begging Gilad to release him from tank combat, of which he had long since had enough. He, too, left with the reassurance that he would be OK.

Two weeks later, a Rav Seren (equivalent of a Major) named Motti appeared. He was in charge of the human resources for the Armed Corps in the Southern Division. After welcoming him properly with some food and a few cups of tea, Motti began to complain about how hard it is to find good soldiers in armed units in the sweltering south. Gilad said, “Motti, you’ve come to the right place. I have two professional soldiers for you. They are the pride of every battalion, and the delight of every commander. Both of them together and each of them separately told me how much they would be honored to serve in an active unit. But there is one caveat. They are such good

friends, they completed their entire service together, that they insist on being in the same unit- and, if possible, in the same tank...”

Gilad Seri Levi is now a father and a grandfather, a sociologist and anthropologist, a public intellectual who specializes in the sociology of money. In a series of columns in the Religious Zionist newspaper *Makor Rishon* about the words of the Vidui- *Ashamnu*, *Bagadnu* and so on, different public figures told stories or shared feelings about each of them. It was in the column about יעצנו רע - we gave bad advice- that he shared this story. He concluded, “In life, everything passes and the years fly by. I have been frivolous and lied (כזבתי ולצתי) quite a bit since then, I must admit. I’ve probably even spoken slander. But once a year, when our Sephardi shul sings the upbeat melody enumerating the court administered punishments of *Skeliah*, *Sereifah*, *Hereg* and *Chenek*, I remember that bit of bad advice I gave, and picture Yoni and David riding off, in a tank, into the sunset...

Listen to the way Rav Chaim Yosef David Azoulay, the Chida, expands the definition of this sin even further:

שלפעמים מיעץ את חבירו כדי להבאיש ריחו בפני בני אדם, או שנותן לו עצה להנאתו לפי דרכו וגורם לחבירו הפסד].  
יעצנו עצות רעות, לקעריך ולקרבות. שנאת חנם ומחלוקת, וקטיגוריא

*.Sometimes a person advises his friend with the intent of making him repulsive to others, or gives him advice from which he himself will benefit and which will cause financial loss to his friend; We have given advice that has esteemed and increased baseless hatred and recrimination.*

In the Chida's interpretation, the sin of *Ya'atznu Ra* involves an even greater degree of malevolence. It's not just about giving bad or self-interested advice that causes loss to others; it's about humiliating others intentionally, and perpetuating conflict and recriminations. Of course, most of us don't give this kind of conniving, self-interested, and even vengeful advice. Even if the temptation is difficult to resist, we know on some level that yielding is wrong.

### **Bad Advice, Good Intentions**

The entire foregoing discussion is all about people who give advice with a conniving, self-interested motivation. The thing is that most of us are not malevolent; as Jessica often reminds me, everyone is trying their best. Most of us probably consider ourselves more like Wilson, the avuncular, slightly eccentric and faceless neighbor on the 90s sitcom *Home Improvement*, who is always dispensing kindly, homespun wisdom to the hapless members of the Taylor family. But are our good intentions enough? What if our good advice, delivered with the best of intentions, blows up spectacularly?

The Talmud in Tractate Bava Kamma discusses a situation where an expert is approached with regards to the valuation of a certain coin, which turned out to be erroneous. The Talmud quotes a debate about whether there is a difference in

culpability between an expert in currency, and a layperson. One view is that a layperson is responsible for any harm that arises from his evaluation, but a professional would not be, while the other opinion is that everyone is responsible. The Gemara suggests that only the most trained currency experts would be exempt from the results of their errors; everyone else would be responsible. The Gemara later on quotes a story involving a woman who came to Rabbi Chiyya, who evaluated a coin for her, which was later rejected as being invalid. Rav Chiyya told Rav to give her another coin in exchange, and to write down in his record book that he had participated in a bad transaction that he should never have been involved with. This seems conclusive proof that someone who gives bad, yet well intentioned advice is obligated to make restitution for the financial consequences, but the Talmud says that this is not correct. In fact, Rav Chiyya was actually going above and beyond the letter of the law, modeling honorable behavior that wasn't required of him.

### **Talmud Bavli Masechet Bava Kamma 99b-100a**

אִיתְּמַר הַמְּרָאָה דִּינָר לְשׁוֹלְחָנִי וְנִמְצָא רַע תְּנִי חֲדָא אוּמָן פְּטוּר הֲדִיּוּט חֵיִיב וְתִנְיָא אִידָהּ בֵּין אוּמָן בֵּין הֲדִיּוּט חֵיִיב אָמַר רַב פָּפָא כִּי תִנְיָא אוּמָן פְּטוּר כְּגוֹן דְּנָכוּ וְאִיסוּר דְּלֹא צְרִיכִי לְמִיגְמַר כְּלָל אֶלָּא בְּמֵאֵי טְעוּ טְעוּ בְּסִיכְתָּא חֲדָתָא דְּהֵיאָא שְׁעֵתָא דְּנִפְקָא מִתּוֹתֵי סִיכְתָּא הֵיאָא אִיתְּתָא דְּאַחְזִיָּא דִּינָרָא לְרַבִּי חֵיָּיא אָמַר לֵהּ מַעֲלִיא הוּא לְמַחֵר אֶתְּאֵי לְקַמִּיָּה וְאִמְרָה לִיָּה אַחְזִיתִּיהָ וְאָמְרוּ לִי בִישָׁא הוּא וְלֹא קָא נְפִיק לִי אָמַר לִיָּה לְרַב זִיל חֲלִפִיָּה נִיְהִלָּה וְכַתּוּב אֶפְנֶקְסִי דִּין עֶסֶק בִּישׁ וּמֵאֵי שְׁנָא דְּנָכוּ וְאִיסוּר דְּפִטְרִי מְשׁוּם דְּלֹא צְרִיכִי לְמִיגְמַר רַבִּי חֵיָּיא נְמִי לֹא לְמִיגְמַר קָא בְּעֵי רַבִּי חֵיָּיא לְפָנִים מְשׁוּרַת הֲדִין הוּא דְּעַבְד כְּדִתְנִי רַב יוֹסֵף וְהוֹדְעַת לָהֶם זָה בֵּית חֵיָּיהֶם אֶת הַדְּרָךְ זֶה גְּמִילוּת חֲסָדִים יִלְכוּ זֶה בִּיקוּר חוֹלִים בְּהָ זֶה קְבוּרָה אֶת הַמַּעֲשָׂה זֶה הֲדִין אֲשֶׁר יַעֲשׂוּן זֶה לְפָנִים מְשׁוּרַת הֲדִין

*The Gemara continues the discussion of an expert who erred, thereby causing a loss. It was stated: With regard to one who presents a dinar to a money changer to assess its value or authenticity and the money changer declares it valid, and it is found to be bad, i.e., invalid, causing its owner a monetary loss, it is taught in one baraita that if the money changer is an*

*expert, he is exempt, while if he is an ordinary person he is liable. And it is taught in another baraita that irrespective of whether he is an expert or whether he is an ordinary person, he is liable to pay for the owner's loss. To reconcile the baraitot, Rav Pappa said: When the baraita teaches that an expert is exempt from liability, it is referring to renowned experts such as the money changers Dankhu and Issur, whose expertise is so great that they do not need to learn about assessing currency at all. The Gemara asks: But if they are so proficient, in what did they err? The Gemara answers: They erred with regard to a coin from a new press, which at that time was leaving the press, and they did not know its value. The Gemara relates: There was a certain woman who presented a dinar to Rabbi Hiyya to assess its authenticity. He said to her: It is a proper coin. The next day she came before him and said to him: I presented it to others, and they told me that it is a bad dinar, and I am not able to spend it. Rabbi Hiyya said to Rav: Go exchange it for her, and write on my tablet [apinkasi]: This was a bad transaction, as I should not have assessed the coin. The Gemara asks: But what is different about Dankhu and Issur, who are exempt due to the fact that they do not need to learn about assessing currency? Rabbi Hiyya too did not need to learn, as he was also an expert. The Gemara responds: Rabbi Hiyya was not actually required to return a dinar to this woman, but when he did so he acted beyond the letter of the law. This is as that which Rav Yosef taught concerning the verse: "And you shall show them the way wherein they must walk, and the work that they must do" (Exodus 18:20): "And you shall show them"; this is referring to the core of their existence, i.e., Torah study, which is the source of life. "The way"; this is referring to acts of kindness. "They must walk"; this is referring to visiting the sick. "Wherein"; this is referring to the burial of the dead. "The work"; this is referring to conducting oneself in accordance with the law. "That they must do"; this is referring to conducting oneself beyond the letter of the law. This indicates that the Torah mandates that people conduct themselves beyond the letter of the law.*

The Shulchan Aruch adopts a position, based on this passage, that experts who are paid are responsible for the consequences of their expert advice. If you show a coin to an expert in a *non-professional* capacity, as a friend, the expert is not responsible. But if the person is an amateur, they are responsible no matter what- because they need to recognize they're out of their depth. In other words, if you pay a therapist and their

professional advice turns out to be injurious, they could be on the hook for their advice.

If you have a *friend* who is a therapist and you ask them for advice at kiddush on Shabbos and they help you out, they're *not* responsible. But if you have a friend who seems like a pretty smart woman but knows nothing about therapy, and she tells you her opinion, she *is* on the hook for the consequences of her advice.

### **Shulchan Aruch Choshen Mishpat 306:6**

המראה דינר לשולחני ואמר לו יפה הוא ונמצא רע אם בשכר ראהו חייב לשלם אע"פ שהוא בקי ואינו צריך להתלמד ואם בחנם ראהו פטור והוא שיהיה בקי שאינו צריך להתלמד ואם אינו בקי חייב לשלם אע"פ שהוא בחנם והוא שיאמר לשולחני עליך אני סומך או שהיו הדברים מראים שהוא סומך על ראייתו ולא יראה לאחרים (ו"א דאפי' סתמא נמי חייב (טור בשם רבינו יצחק והרא"ש) ומ"מ הסברא הראשונה נראה עיקר):

Believe it or not, this ruling of the Shulchan Aruch is germane to secular rulings on similar matters. In 2018, a British architect named Basia Lejonvarn<sup>5</sup> advised her neighbors and friends, a couple named the Burgesses, about a landscaping project they were undertaking. She agreed to assist them, and, for no fee, identified a contractor to execute the landscaping and various earthworks necessary. At some later stage, she would provide design work, which would be for a fee. Unfortunately, the friendship could not withstand this arrangement; the Burgesses alleged that the contractor performed defective work, and that, by offering advice and arranging for that contractor's services, Basia had assumed responsibility for the project and was therefore negligent in its execution. What was once a friendly relationship ended up in

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<https://www.architecture.com/knowledge-and-resources/knowledge-landing-page/even-when-it-is-free-giving-advice-could-lead-to-legal-action>

British civil courts, which ruled that Lejonvarn *did* have “duty of care” over the project. Duty of care is created when you advise, even for free, about an area in which you are known to have skills and knowledge. Ultimately, the court rejected the claim that she had breached that duty of care, but affirmed her responsibility.

### **Withholding Advice**

Until now, we have described bad advice offered proactively- whether out of malice or positive intent. I know what you’re thinking. Based on this, the solution is simple: never say anything to anyone, ever. But there is another kind of bad advice- when one offers no advice at all. This interpretation emerges from a more careful reading of the Rambam, both in the Sefer Hamitzvot and the Mishneh Torah. As the Rambam writes in the Sefer Hamitzvot, when someone approaches you for advice, you are not supposed to provide it in a way that is self-interested or deceitful.

הזהיר מהכשיל קצתנו את קצתנו והוא שאם ישאלך אדם עצה בדבר נפתה בו, ובאה האזהרה מלרמותו ומהכשילו אבל תישיריהו על הדבר שתחשוב שהוא טוב וישר,

In the Yad HaChazakah, the Rambam phrases this in the positive:

### **Mishneh Torah Hilchot Rotzeach Chapter 12 Halacha 14- you are *required* to give suitable advice (implicitly, refusing to do it means you are violating it)**

כָּל שֶׁאָסוּר לְמַכּוֹר לְעַפּוֹ"ם אָסוּר לְמַכּוֹר לְיִשְׂרָאֵל שֶׁהוּא לְסֻטִּים מִפְּנֵי שְׁנִמְצָא מִחֲזִיק יְדֵי עוֹבְרֵי עֲבֵרָה וּמְכַשִּׁילוֹ. וְכֵן כָּל הַמְכַשִּׁיל עוֹרֵר בְּדָבָר וְהִשְׂיֵאוֹ עֲצָה שְׂאִינָה הוֹגֵנֶת אוֹ שְׁחֲזֵק יְדֵי עוֹבְרֵי עֲבֵרָה שֶׁהוּא עוֹרֵר וְאִינוֹ רוֹאֶה דְרָף הָאֲמֵת מִפְּנֵי תַאֲוֹת לְבוֹ הָרִי זֶה עוֹבֵר בְּלֹא תַעֲשֶׂה שְׁנִאָמַר (וּיְקָרָא יֵט יֵד) "וְלִפְנֵי עוֹרֵר לֹא תִתֵּן מְכַשֵּׁל". **הַבֵּא לְטַל מִמֶּה עֲצָה תֵּן לוֹ עֲצָה**  
**הַהוֹגֵנֶת לוֹ:**

*Every article that is forbidden to be sold to a gentile is also forbidden to be sold to a Jewish robber, for by doing so one reinforces a transgressor and causes him to sin. Similarly, anyone who causes a person who is blind with regard to a certain matter to stumble and gives him improper advice, or who reinforces a transgressor - who is spiritually blind, for he does not see the path of truth, because of the desires of his heart - transgresses a negative commandment, as Leviticus 19:14 states: "Do not place an obstacle in front of a blind man." **When a person comes to ask advice from you, give him proper counsel.***

Meaning to say that in addition to refraining from actively providing bad advice, we are obligated to actively provide good advice. The implication of this is clear- that when a person comes to ask advice from you, and you are in a position to help, you should not withhold that advice. Listen to an extraordinary question posed to Rav Yaakov Breishc, the Av Beit Din of Zurich, Switzerland (1895-1976).

אם הרופא מחויב לגלות סודו להכלה, בידעו שהחתיך שלה מסוכן מאד ושלא תנשא לו רופא חרדי שאלני שאלה מענינת, וז"ל בחור אחד כבן עשרים שנה יש לו רח"ל חולאת מסוכנת (רח"ל סרטן) ולהחולה עצמו וגם למשפחתו לא נודע כלל מזה, וכמובן שזה מחוקי הרופאים שלא לאמור זאת להקרובים וגם לא להחולה בכדי שלא יכבד עליו החולאת כשיתוודע זאת להחולה, והוא נתארס לנערה בתולה ורוצה לינשא עמה, והשאלה אם מחויב לאמור זאת להכלה, כי לפי דעת הרופאים לא יחיי' יותר משנה או שנתיים, וכמובן שאם הכלה תדע זאת לא תנשא עמו, או שב ואל תעשה עדיף דכל זמן שלא נשאל על זה לא הוי בכלל יעצנו רע, ואינו מחויב לחזור עלי' בכדי לייעצה.

A *chareidi* physician asked me a fascinating question, and here it is in his language:

*A young man, twenty years of age, suffers from a dangerous illness, may God save us (that is to say, cancer). The young man and his family do not know about this, and the law states that physicians are not allowed to tell relatives or even the sick person himself, so as not to exacerbate the illness once it is known to the patient. This young man got engaged to a young woman whom he wishes to marry, and the question is whether the physician is obligated to tell the bride.*

*According to the estimation of the physicians, he will not live more than a year or two. Of course, were the young woman to know this information, she would never marry the young man. Alternatively, is it better to be passive and say nothing, because the Doctor wasn't asked about it and if he withholds the information, he would not be in the category of "one who offers wicked counsel" such that he would not be obligated to seek her out to advise her.*

Of course, the premise of this question contradicts the code of ethics of the AMA and HIPAA laws, but remember that Rav Breisch lived in a different country, and died in 1976- well before these laws took hold. Having said that, let's look at Rav Breisch's answer. After some analysis, he states clearly that the physician is **obligated** to reveal the information to the bride, for three reasons:

1. Per the Rambam, failing to disclose to someone that you know they are about to come to harm violates the biblical prohibition against standing by when your brother's blood is spilled. In this case, who knows what kind of pain you could cause this poor girl by not telling? She will be in a marriage that is almost certain to end prematurely, leaving her a young widow, possibly with a child. Furthermore, she could also end up with a husband whose fertility is complicated, if not eliminated, by the medical procedures he needs to undergo and medicines he needs to take. Even if she loves him so much that she is willing to take the risk, she needs to do so *consciously*.

2. There is a Talmudic principle called *טב למיתב טן דן מלמיתב ארמלו* - women generally prefer to be married, or in a relationship, than otherwise. In principle, this could mean that women might “settle” into marriages that are less than optimal- but the Talmud makes clear that this is no reason to force women into relationships with men they find repulsive, or with conditions they never agreed to care for.
3. Furthermore, it is a violation of *lifnei iver*, of giving bad advice- because, as we said, **giving bad advice includes the withholding of good advice.**

**ולאחר העיון קצת בזה, נלפע"ד שמחויב הרופא לומר זאת להכלה, ובאתי בזה בשתיים.**

א) ברמב"ם פרק א' דרוצח הלכה י"ג, ונעתק לשונו בחו"מ סי' תכ"ו, וז"ל הרואה את חברו טובע בים וכו' או חיה רעה באה עליו או ששמע עכו"ם או מומרים מחשבין עליו רעה או טומנים לו פח, ולא גילה אוזן חברו, וכיוצא בדברים אלו, עובר על לא תעמוד על דם רעך עכ"ל. הרי להרמב"ם ושו"ע, כשמחשבים עליו רעה או טומנים לו פח וכיוצא בדברים אלו, הוא עובר על לא תעמוד על דם רעך - וני"ד ודאי בכלל מה שמסיים הרמב"ם והשו"ע "וכיוצא בדברים אלו" דמה לי אם אחרים מחשבים עליו רעה מחמת רשעותם או לסבה אחרת, עובדא היא, כשהוא ישא אותה יביא עליה רעה, שבזמן קצר לאחר נשואיה תשאר אלמנה, ונוסף לזה, כפי שאומרים הרופאים, בזמן קצר יצטרך לקבל זרמי-חשמל (בעשטראלונג בלע"ז) לרפאותו ולהקל מעליו קצת ממחלתו וכאבו, ולפי דעתם זה קשה מאוד להולד, אם תתעבר בינתיים שיוולד עובר שאינו מתוקן בגופו או בשכלו וכדומה, ואין לך רעה להאשה יותר מזה, ועוברים על לא תעמוד על דם רעך אם לא יגלה אזנה מקודם לידע מה לעשות.א

ב) יש בזה הלאו דלפע"ע, וכמבואר ברמב"ם הל' רוצח פי"ב הל' י"ד וז"ל וכן כל המכשיל עור בדרך והשיאו עצה שאינה הוגנת או שחזק ידי עוברי עבירה שהוא עור ואינו רואה דרך האמת מפני תאות לבו, הרי זה עובר בל"ת דלפע"ע - ובתורת כהנים קדושים סופ"ג וז"ל ולפע"ע לא תתן מכשול, לפני סומא בדבר, בא אומר לך בת איש פלוני מה לכהונה... ה' נוטל ממך עצה אל תתן לו עצה שאינה הוגנת, אל תאמר לו צא בהשכמה, מכור את שדך וכו' ע"ש. חזין דלהשיאו עצה שאינה הוגנת או לחזק ידי עוברי עבירה שניהם שוין, והם בלאו דלפע"ע. ומבואר במל"מ פ"א מכלאים הל' ו' דאף בשלילה עובר בלפני עור, ומשום הכי ס"ל להרמב"ם שם דאסור לישראל להניח לעכו"ם שירכיב לו אילנות כלאים, ואף בלי אמירה רק שהעכו"ם בעצמו רוצה להרכיב כלאים נמי אסור, כיון דנכרי מוזהר, כשיניח לו לעשות עובר בלפני עור, הרי דאף בשלילה, כלומר שאינו עושה כלום רק שמניח לו לעשות ואינו מעכבו עובר בלפע"ע, אם כן נמי בעצה שאינה הוגנת, כמו בני"ד, למשל אם יבא לשאול פשיטא דאסור להשיאו עצה שאינה הוגנת, כמו לחזק ידי עוברי עבירה, וכמו שעוברים לענין עוברי עבירה בלפע"ע אף בשלילה, ממילא אף לענין עצה שאינה הוגנת, אם אינו מעכבו מלעשות מה שאינו הוגן, גם כן עובר בלפע"ע לדעת המל"מ. ועי' בספרי חלי"ע חלק יו"ד סי' נ"ו קצת בארוכה, והבאתי דגם דעת הגר"א יו"ד רצ"ה ב' כדעת המל"מ, וגם בפמ"ג א"א תמ"ג סק"ה ותמ"ד סק"ו מביא להאי דמל"מ. אכן דעת הדרישה יו"ד סי' רצ"ז אינו כן, רק בשלילה אינו עובר בלפע"ע ע"ש, באופן שזה תלוי במחלוקת.ב ועי' מנ"ח מצוה רל"ב ס"ק א', דעתו כיון דאיסור דלפני עור שייך גם לענין עכו"ם, דאסור להושיט אבמה"ח לב"נ, א"כ אף לענין עצה שאינה הוגנת אסור להשיאו אף לעכו"ם, ואף שפסק הרמב"ם סוף פי"ב מרוצח, דאסור להשיא עצה טובה לעכו"ם רק לסלק עצמו מעצה, אבל להשיאו עצה רעה גם לב"נ אסור - א"כ לכאורה בני"ד, אם נאמר דהטעם משום לפ"ע, **יאסר אף אם הנידון יהי' כלפי עכו"ם, כיון דאסור להשיאו עצה רעה, ממילא גם בשלילה כשיש בידו לעכבה מעצה רעה שייך לפ"ע,** וכמו בהרכבה דאסור להניחו לעכו"ם

משום דמוזרה, ועובר בלפ"ע כשמניחו, כמו כן לענין עצה רעה - אכן לטעם הא' בני"ד לאסור מטעם לא תעמוד על דם רעך, מבואר להדי' ברמב"ם פ"ד מרוצח הל' י"א דלא שייך בעכו"ם דאין זה רעך. אכן לענין עכו"ם, כיון דטעם דלא תעמוד לא שייך לגבי עכו"ם וכאמור, וטעם דלפ"ע לענין עצה רעה אינו דבר ברור, דהא בחינוך מבואר דזה רק לגבי ישראל, וכמבואר במנ"ח שם, וגם הא דלפ"ע שייך גם בשליה במחלוקת שנוי וכאמור. וחוז' לזה לגבי עכו"ם שפיר שייך לומר גם במציאות, פתגם הגמ' דכתובות ע"ה א' וכולן מזנות ותולות בבעליהן, וממילא לא הוי כך דבר רע לגבי דידהו להינשא אף לאיש כזה, אם כן הדעת נוטה, שהרופא אינו מחויב לגלות סודו, שזה מחקי הרופאים שלא לגלות סודם. אכן כשהנידון כלפי ישראל ובת ישראל, נראה לפע"ד דמחויב לגלות הסוד, שלא לעבור על לא תעמוד, ואפשר גם על לפני עור, וכאמור. ואף דלגבי אשה שייך לומר טב למיתב טן דו וכבב"ק ק"י ב' אלא מעתה יבמה שנפלה לפני מוכה שחין תיפוק בלא חליצה דאדעתא דהכי לא קדשה עצמה, ומשני התם אגן סהדי דמינח ניחא לה בכל דהו דטב למיתב טן דו מלמיתב ארמלו, התם קאמרי הגמ' דעל ספק שמא ימות הבעל ותיפול לפני מוכה שחין אמרינן טב למיתב טן דו, אבל לישא לבעל מוכה שחין לא מצינו לומר דניחא לה משום טב למיתב טן דו, אדרבה הרי גמרא ערוכה בכתובות ע"ה על כמה מומין דכופין אותו להוציא, ולא אמרינן הסברא דטב למיתב טן דו, אם כן ממילא בני"ד, כיון דידיעין כמעט בטח דהכלה תמאן להינשא בידעה זאת, וכאמור, ודאי הסברא נותנת דמחויב הרופא לאמור לה שלא לעבור על לא תעמוד או לפ"ע לכמה פוסקים, והיא בעצמה כטוב בעיניה תעשה, כנלפע"ד - והשי"ת יצילנו משגיאות.

Rav Moshe Chaim Luzatto, in the eleventh chapter of his magnum opus *Mesilat*

*Yesharim*, goes one step further. If you are in a position to help another person, the only factor you can take into consideration when advising them is what is good *for them*. The only time you refuse to offer advice is if offering the necessary guidance would be injurious to you. While this seems like an out- and it is- it is rather limited in scope. Otherwise, you need to offer selfless and objective advice.

### **Mesilat Yesharim, Chapter 11**

אך זאת היא חובת האדם הישר, כאשר יבוא איש להתייעץ בו, ייעצו העצה שהיה הוא נוטל לעצמו ממש, מבלי שישקיף בה אלא לטובתו של המתייעץ, לא לשום תכלית אחר, קרוב או רחוק שיהיה. ואם יארע שיראה הוא היזק לעצמו בעצה ההיא, אם יכול להוכיח אותה על פניו של המתייעץ, יוכיחו. ואם לאו, יסתלק מן הדבר ולא ייעצה. אך על כל פנים, אל יעצו עצה שתכליתה דבר זולת טובתו של המתייעץ, אם לא שכונת המתייעץ לרעה, שאז ודאי מצוה לרמותו, וכבר נאמר (תהלים יח): ועם עקש תתפתל, וחושי הארכי יוכיח.

*The obligation of the upright man when someone comes to him for advice is to counsel him what he himself would have done in a similar situation, without looking at any purpose whatsoever, distant or immediate, other than the benefit of the person asking advice. And if it occurs that he anticipates some loss to himself as a result of this advice, then if he is able to admonish the*

advisee directly, he should do so. Otherwise, he should withdraw from the matter and not give any advice. In any case, he must not give advice whose purpose is other than the benefit of the advisee, unless the intent of the advisee is evil, in which case it is certainly a mitzvah to deceive him. And scripture already said: "but with a crooked one, You deal crookedly" (Tehillim 18:27), and the story of Chushai the Archite demonstrates it.

## Message

It feels good when our guidance is sought. When people place a value on what we have to say and listen to us speak with rapt attention, it is a tremendous ego boost. It's like Tevye sang, in *Fiddler On the Roof*:

*The most important men in town would come to fawn on me!*

*They would ask me to advise them like a Solomon the Wise*

*"If you please, Reb Tevye..."*

*"Pardon me, Reb Tevye..."*

*Posing problems that would cross a rabbi's eyes!*

Aside from the ego boost, it feels good to be able to advise someone in a way that helps them. Indeed, the *Sefer Hachinuch* writes that providing wise counsel is what makes the world turn; he uses that ever ubiquitous term *Tikkun Olam*:

### **Sefer HaChinuch Mitzvah 232**

שלא להכשיל תם בדרך – שלא להכשיל בני ישראל לתת להם עצה רעה, אבל נישיר אותם כשישאלו עצה, במה שנאמין שהוא ישר ועצה טובה, שנאמר (ויקרא יט יד) ולפני עור לא תתן מכשל. ולשון ספרא (ב יד) לפני סומא בדבר והיה נוטל ממך עצה, אל תתן לו עצה שאינה הוגנת לו. ואמרו זכרונם לברכה (שם) אל יאמר אדם לחברו מחר שדך וקח חמור, והוא עוקף עליו ונוטלה הימנו. וזה הלאו כולל כמו כן מי שיעזר עובר עברה, שהוא מביא אותו שיתפתה בזולת זה לעבר פעמים אחרים עוד, ומזה הצד אמרו זכרונם לברכה (ב"מ עה ב), במלוה ולוה ברבית ששניהם עוברים בלפני עור וגו'. שרש המצוה. ידוע, כי תקון העולם וישובו הוא להדריך בני אדם ולתת להם בכל מעשיהם עצה טובה...

***To not make an innocent one stumble on the way:** To not make the Children of Israel stumble, to give them bad advice; but rather we right them when they ask advice, with that which we believe to be right and good advice, as it is stated (Leviticus 19:14), “and you shall not put a stumbling block in front of the blind.” And the language of Sifra, Kedoshim, Section 2:14 [is] “In front of one who is blind about a thing and he takes advice from you, do not give him advice that is not appropriate for him.” And they, may their memory be blessed, said [there also], “A man should not say to his fellow, ‘Sell your field, and buy a donkey,’ and he stalks him and takes it from him.” And this negative commandment also includes one who helps one who commits a sin, since he brings him to being seduced to also transgress other times besides this. And from this angle, they, may their memory be blessed, said that both the lender and the borrower with interest transgress with regards to “in front of the blind, etc.” The root of the commandment is well-known, since the guidance of people and to give them good advice for all of their actions [is needed for] the ordering of the world and its civilization...*

We need each other to get by, to make our way through the world, to be able to make wise choices and smart decisions. However, the enterprise of providing and seeking guidance presents us with several important challenges.

The first is the importance of interrogating our own motives, and being honest about our biases when we are approached for advice. All the sources we studied about *lifnei iver* enjoin us from giving advice at the expense of others, whether it will place them in a compromising position or it will benefit us at their expense. However, these sources are not just cautions against acting with malicious intent; they are challenges to all of us, even those who harbor no ill will, to think hard about what is really behind our advice. During my dating years, for example, it was conventional wisdom that singles should not consult other singles for advice about their relationships. Whereas our single friends

certainly wanted nothing but our happiness, perhaps they preferred subconsciously for us to remain single with them, and would sabotage promising relationships through their biased advice. In retrospect, this logic was faulty. Married friends could be just as biased, giving advice that would sustain unhealthy relationships in the hopes that their single friends will be married like they are. Regardless, this conventional wisdom does illustrate the idea that people with biases are poor choices for seeking advice. On those occasions when colleagues pick my brain about particular situations, I try to be upfront with my biases so that whoever is asking me can make an informed decision about whether my advice is worth taking. Even still, I will instinctively advise them to do what I did in the same situation that I thought succeeded, or to what I *wish* I had done, but didn't. Indeed, regret may be a motivating factor in advice we provide others; we advise them to act as we feel we should have done in the same situation, and thereby live vicariously through them. *Your life experience may very well be helpful to others, but it may also be harmful.* Which one is answering when you are asked for advice?

But as much as the sources about *lifnei iver* challenge those who *give* advice to interrogate their motives, they also challenge those who ask it to be discerning in choosing whose advice we seek. Is the person you are asking really concerned about your well being? Do they have biases that could compromise their judgment, and are they in an emotional place that would enable them to give the advice you need? The last

one is the most difficult to gauge; none of us really knows what is going on in anyone else's life behind closed doors. But someone whom you know is experiencing financial challenges may have difficulty giving the best advice if you ask them about obtaining an indulgence or luxury expense. Someone who has a turbulent relationship with her mother may not be in the proper head space to advise you on what present you should buy for your own. In asking the wrong person for advice, you may be inadvertently placing a stumbling block in front of a blind person, by causing them to place one in front of you...

The second challenge of giving advice is that we love to give ourselves a pass on our transgressions so long as our intentions are good. Even if the outcome of our actions, or of our advice, is disastrous, we sleep easily knowing that we meant well- and we expect others to forgive us on those grounds. But when it comes to advice, *our good intentions are meaningless*, particularly in the face of bad outcomes. This is especially true when the disastrous outcome stems from our advice on subjects about which we know very little. The halacha according to the Shulchan Aruch is that an inexperienced and well-intentioned friend is legally culpable for the results of their free advice. How critical it is for us to stay in our lane, and only speak about subjects we are familiar with- and refer people to the *right* address when we are the wrong one. It is also critical for us to consult only people who actually know what they're talking about when we

need advice ourselves. All too often, we don't pause to think whether we or our interlocutors have any expertise in the matter at hand, such that there is any reason for that advice to be taken seriously at all. When the person giving advice is a person of means, we must be even more careful, because wealthy people are often ascribed knowledge and wisdom far beyond reality; one of the reasons Tevye wanted to be wealthy is that he would be *somebody*. Suddenly, everyone would ask for his opinion even if there was no reason to do so.

*And it won't make one bit of difference if I answer right or wrong*

*When you're rich, they think you really know!*

But even if we *are* knowledgeable, even if our advice *is* worth something, the following story should give us pause. Rav Yaakov Yisrael Kanievsky, known as the Steipler Gaon, was one of the great Torah personalities of the 20th century, an austere Talmudic genius of few words, an iron will and indomitable spirit. His home at 15 Rechov Rashbam in Bnei Brak was the address to which thousands streamed for blessings and guidance. Yet, for all of the life-changing advice he gave- and I can tell you stories of people I know whose life was changed based on a few words from him- and for all the powerful blessings he bestowed, in the final moments of his life, he was seen crying. His family members asked him why he was crying, and he said, "*Efsher hob ich nit gutte eitzos*

*gegeben.*" Maybe I didn't give good advice... If the Steipler was worried about *his* advice, we certainly ought to be worried about ours. And this is for advice that is solicited, where we are responsible only for the outcome. *Al achat kama vekama*, how much more so should we be circumspect about offering *unsolicited* advice. Even if it is well intentioned, it is often offensive, usually clueless and rarely wanted, especially when the person on the receiving end is a member of groups that are often the targets of this behavior- singles, people struggling with fertility challenges, people suffering from mental illness come to mind. I've heard it described as the emotional equivalent of a drive-by shooting... When we offer it, we are responsible for the outcome in the rare event that it is taken, *and* the emotional cost as well, regardless of our intent.

Finally, it is easy to think that, since giving advice is so complicated, it is best for us to shut our mouths and stay out of it. Better to avoid culpability for instigating or perpetuating conflict, and recuse ourselves entirely. For this, too, the sources are clear. While meddling in the lives of others is discouraged as a rule, we are obligated to do so when we are in a position to save them from harm. *A life lived by what is safe is not necessarily a life lived by what is good.* We will be taken to task for our malicious, biased or self-interested advice, we will be held accountable for our well-intentioned advice that has gone wrong, but we will also be responsible for remaining silent when

we could have provided meaningful assistance to another person. This is the way the world has to work- you can't bow out. יעצנו רע is an inevitable part of the human experience, and the risks we take are part of what makes the world a better place. As we strike our chests tomorrow evening once again, let us be mindful of the sobering responsibility of giving guidance. Wise counsel is essential, especially in an ever more broken world. Let us find it in the right places, and be its sources for others, with altruism, with honesty, with humility and with kindness. G'mar Chasimah Tovah!