

Is It Forbidden For a Notary Public To Notarize a Document That Contains Ribbis?

Harav Chaim Weg, Rosh Kollel of Kollel Zichron Gershon L'Dayanus

Case: Reuven is a notary public who works in a company that employs a number of non-frum Jews. One day, two of his non-religious Jewish coworkers ask him to notarize a contract for a personal loan that one is giving the other. He looks at the contract and sees that it contains *ribbis*. From the looks of it, they had done this in the past and weren't likely to change things now.

Question: Is he allowed to notarize it?

Answer: As we mentioned in the previous segment, anyone who helps facilitate a deal that includes *ribbis* transgresses a Biblical prohibition; however, it is uncertain whether a notary is considered to be a "facilitator." A witness is considered to have facilitated the loan because he gives strength to the debt. Even if the two sides would have agreed to go forward with the transaction without witnesses, the witness is still a facilitator because he ultimately did make the loan stronger.

Whether or not a notary is considered a facilitator, on the other hand, is the subject of a *machlokes haposkim*. Unlike witnesses, a notary doesn't have to know anything about the actual loan. All he actually does is certify that the signatures are authentic. The Chelkas Binyomin writes that many Poskim hold that this is not considered to be facilitating the loan, and, therefore, a notary does not transgress a *ribbis* prohibition if the loan contains interest. There are still two other factors that have to be taken into consideration.

1. There is a prohibition known as "*lifnei iver*," which means that it is forbidden to cause a Jew to transgress a prohibition.
2. Furthermore, one is not allowed to help a Jew transgress any prohibition.

This is known as "*mesayeh l'ovrei aveirah*."

Since the parties asked this man to notarize their document, it is presumable that they would not go ahead with the loan if it were not notarized. If he is the only one available who can notarize it, he is causing them to transgress, which would be a prohibition of *lifnei iver*. If, however, a non-Jewish notary is available as well, it may be assumed that they would use that person as a notary and would go through with the deal anyway. If this were the case, he is not causing them to transgress and therefore, would not be transgressing *lifnei iver*.

Even if a non-Jewish notary is available, the problem of *mesayeh l'ovrei aveirah* might still exist, as he is still helping them transgress the prohibition of *ribbis*. There are some Poskim who are not concerned about this and say that if the two sides would go through with it anyway by using a different notary, he is not considered to be helping them. Others, however, still prohibit this.

Bearing all this in mind, if it is at all possible to get out of being the notary on this loan, he should try to avoid it.