

May a Lawyer Draft a Contract For a Loan That Contains Ribbis?

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

Case: Reuven is a lawyer. He is asked to draw up a loan contract between two Jews, and upon reading it, he realizes that the loan contains *ribbis*.

Question: Is he permitted to draft this contract?

Answer: *Ribbis* is a unique prohibition.

When someone cheats or steals from another Jew, he is the lone transgressor of a prohibition. *Ribbis* is different in that although the lender is usually the only one who gains financially from the interest, he is not the only one who transgresses a prohibition. The borrower is also Biblically prohibited from agreeing to repay a loan with interest. Furthermore, the Shulchan Aruch says that anyone who helps facilitate a loan with interest transgresses a prohibition as well. This includes a cosigner and any witnesses who sign onto a loan.

The Shach adds that some opinions say that even the *sofer* who writes the loan document transgresses a prohibition if the loan contains *ribbis*.

Accordingly, anyone who has any part in bringing the loan to fruition does as well, which would include a lawyer who drafts the contract. Because of this, a lawyer should be very careful to make sure that any document he writes up for a client contains no potential issues of *ribbis*.