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Jewish Business Ethics

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Jewish Business Ethics: An Introductory Perspective (Part I)

Rabbi Yitzchok Breitowitz

NOTE: Because the talk covered many areas of business ethics, this article will confine itself to introductory perspectives. Specific areas will be covered in future editions. It should also be noted that this article is a transcript of an oral presentation to a diverse audience which accounts for its informal style.

Many of us have a mistaken idea of what is within the compass or scope of our religious traditions. People know that lighting Chanukah candles is something you talk about with a rabbi, observance of the Shabbat, the laws of Kashrut, etc., but many people have an attitude that if I don't tell the rabbi how to run his business, the rabbi shouldn't tell me how to run mine. Very often, we live fragmented

dichotomized lives where what we do in the office from 9 to 5 (or if you're a workaholic from 8 to 7), is our own private affair and then at home we observe the holidays, or the rituals of Judaism, on the weekends, or three-days-a-year, or whatever.

And yet we find in the Talmud a very interesting statement. The Talmud discusses what types of questions people are asked by God after their deaths. They come up to heaven, God asks them a variety of questions. The very first question that we are held accountable for after our deaths is "Nasata V'netata Be'emunah" which means "did you conduct your business affairs with honesty and with probity?" The second question is "did you set aside time for the study of the Torah, etc." But question #1 is were we ethical in the conduct of our business. If you look throughout the Torah, you will see a constant juxtaposition between the ritual commands of Judaism and the ethical obligations between one human being and another. One verse may say, don't eat meat and milk and the other verse will say, do not cheat, do not misrepresent, do not engage in fraud, because they are all part of the same religious structure. The notion of a dichotomy between ritual behavior and social behavior is a dichotomy that is totally foreign to

Judaism because all of them are part of the same God-given basis of morality.

We know that the Torah has 613 mitzvot. Of course, none of us can do all of them but one of the mitzvot in the Torah is a mitzvah that says "Kedoshim Tiyu, be holy." Now, what does that mean? I mean, basically, is 'be holy' something that simply says do the other 612? Or is there some extra dimension that this mitzvah entails? The great commentator, the Ramban, tells us that "Kedoshim Tiyu" is a requirement of a Jew not to just obey the letter of the law but to obey the spirit of the law as well. Ramban posits that it is entirely possible for a person to be 100 percent observant, keeping all the mitzvot and yet in the famous immortal phrase, he can be a "Naval B'rshut HaTorah" he can be a repulsive, disgusting individual within the confines of the law. It is not enough just to obey the law. One must go beyond the law and embrace the ethical imperatives that are within that legal structure. This is the concept of going "Lifnim Mishurat HaDin" going beyond the law, not just confining oneself to the law.

Let me give you a story which illustrates how this works in the business context. There was a rabbi, Rabba Bar Chanah who once hired

workmen to transport barrels of wine for him. They were negligent and as a result, the barrels of wine broke and this man incurred a severe financial loss. He took the workers to court, suing them for the value of the wine that was destroyed and the workers' only defense was, "You know, we can't afford it. We don't have the money. What are you going to do about it?" So the courts found in favor of the workers. So, Rabba Bar Chanah questioned the court and said, "Is this the law? Is it not the law that I am entitled to recover for their negligence?" And the court told him, "For you, this is the law. You are a righteous person and because you are a righteous person, you have to take into account the equities of the situation, the unfairness, the fact that these are people who need the money, etc., and, therefore, you are compelled by virtue of your righteous status to go beyond pressing your exact legal rights." Well then, and perhaps this is an ancient example of chutzpah, they turned around and sued him for their wages. They said, "Well, wait a second, you didn't pay us our wages for that day." So, he was dumbfounded. He said, "Okay, it's one thing to say I can't recover from you but are you going to recover from me when you broke my wine because of your negligence?" Astoundingly, the court said,

"Yes! That's a good idea. You have to pay." And, once again, he asked, "Is this the law?" And they told him, "For you, that's the law. These are people who need the money and therefore, you must go beyond the law."

Part of the problem in American society - there are many, many structural problems in American society and many good points as well - is that too many of us are obsessed with asserting our rights to the fullest. Alexander de Toqueville remarked over 200 years ago that Americans are a litigious society, that we go to court over the smallest drop of the hat, we stand on our rights, we've become a rights oriented society rather than an obligation oriented society. Judaism teaches, above all, don't always press your claims to the fullest, deal with the other person in a spirit of tolerance, a spirit of acceptance, a spirit of compromise. But I'm not going to talk about that today. I'm not going to talk about going beyond the letter of the law. I'm going to talk about the law because what I want you to see is how high a moral standard the law itself requires us to adhere to. And then, keep in mind that the righteous individual goes beyond that letter of the law to embrace the spirit. But, we're not even going to talk about the spirit because the law itself has a

high enough standard of morality that I think many of you would be quite surprised.

We say in the Shma, "You shall love the Lord your God with all of your heart, with all of your soul, and with all of your might." All of your heart, all of your soul we understand. What is the reference to all of your might? Rashi interprets that the verse means, you should love God with all of your money. So he then raises the question, if God already says you must love God with all of your soul even to the extent of giving up your life, if necessary, then why is it necessary to say you should serve God with all of your money? Rashi comments that there are some people who prefer their money to their lives and, therefore, if the verse would simply say you serve God with your life they wouldn't necessarily infer you serve God with all of your money. This is of course reminiscent of the famous Jack Benny joke when he is approached by the mugger who says, your money or your life and he says let me think about it a little bit. We have a similar idea here. The Torah has to address both types of people.

But, what is the concept of serving God with all of your possessions? Certainly, God does not require us to take oaths of poverty. God does not

require us to renounce material wealth. So, how does one serve God with all of his possessions?

The short answer is: with the probity and integrity by which we amass those possessions.

Business ethics is the arena where the ethereal transcendent teachings of holiness and spirituality confront the often grubby business of making money and being engaged in the rat race that often comprises the marketplace. It is the acid test of whether religion is truly relevant or religion is simply relegated to an isolated sphere of human activity. It is business ethics, one could posit, above all, that shows God co-exists in the world rather than God and godliness being separate and apart.

And the meaning of serving God with all your possessions, therefore, means that in the conduct of our business in the accumulation of our wealth, there is also a mechanism to serve God.

We find on Yom Kippur we spend an entire day beating our breasts, confessing our sins over and over and over again, and sometimes we don't even know what we've done wrong. Rambam tells us that we often fail to realize that every sin has many implications. For example, if

you confess to God, I'm sorry for any murders I've committed, you might think, "Well I haven't killed anybody." Keep in mind, however, the Talmud says, that humiliating somebody publicly is tantamount to murder. There are all sorts of repercussions. Maybe I didn't do the murder by shooting somebody but I did something else. Perhaps I did not take the steps I could have as a member of society to cut down on the crime rate. There are all sorts of dimensions to what sins are. After a whole day of beating one's breasts, we come to the end of Yom Kippur which is the prayer of Neilah, the final moments in which we beseech God.

Neilah doesn't have a lengthy confessional. The Vidui is only a few short paragraphs. But if you look at Neilah you'll notice that the one thing that it stresses is theft. We ask God for His forgiveness for the appropriation of other people's property, the appropriation of theft. You see how severe the notions of appropriating other people's property are. The Talmud says that only a minority of people commit sexual offenses, most people sin in matters of theft, and that will become clear as I go on, and all people sin with respect to evil gossip that they say about others.

When we come to the business

area, the two sins we will encounter most often are theft, as broadly defined, and lashon ha'ra - defamation regarding competitors and the like.

What I propose to do is to examine through the prism of Jewish law four relational contexts in the business ethics area. One is our responsibilities vis-a-vis our competitors, and that's whether I have a store or whether I'm a lawyer or a doctor, anyone that's trying to get the same people as I, is my competitor. What are my responsibilities? Two, my responsibilities to my clients and to my customers. Three, my obligations towards employees and my co-workers. And, four, my responsibility as an observant Jew toward the government and the legal system as a whole, what are my obligations? Each of these topics can be not only the subject of a talk or article but the object of an entire book or course. A quick skimming of the surface, however, should give us all a flavor of the Jewish sensitivity to these vital areas. Future installments will attempt to provide this basic skimming.

Let me end with this thought: our Rabbis teach us that through adherence to ethics in our business, we bring the redemption, we bring Messiah because we create a peaceful

world, a world where we're not looking after number one, a world where we have a shared sense of community and that, in turn paves the way for the Messiah, paves the way for the ultimate redemption of the Jewish people that we hope and pray for, that the light of Chanukah commemorates. Torah teaches us to live in this world. We know that in this world, the world is a mixture of good and evil and we know that we live in a world where other people don't play by the same rules. But the test of a moral person is not whether he behaves morally when others are behaving morally to him. The test of an ethical and moral person is one who can adhere to those values even if everyone else fails to adhere to them. As we have just celebrated Chanukah, may we all come to recognize that the little bit of light that we can bring into our personal lives can pierce through a whole lot of darkness, and that should be our goal this year and in the coming years.

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