Personal and Financial Integrity and Halachah

By David Hojda

... Frumkeit (loosely, “religiosity”) and goodness are neither quite the same nor opposed. We all know people who are absolute apikorsim (disbelievers) and whom we would nevertheless define as being “good” by virtue of their high moral standards. Conversely, we also unfortunately know others whom we would surely designate as frum (observant)—they keep Shabbat and are scrupulous in their kashrut—but who are nevertheless ruthless or dishonest in personal and commercial relations. That, of course, hardly fits our conception of goodness.

As soon as one strays from the emet [truth], even by one letter, it is already sheker [false]. And one should not say, “It’s only slightly sheker—after all, it’s mostly emet,” because it is not so! For, if you remove the aleph from the word emet, although it is only one letter, what you have caused is known as met [dead]. Maharal, Netivot Olam, chap. 1.

If you think that “business ethics” is only for businessmen and not about absolute obligation, consider the following:

Chaim, a tourist flying back to the United States from Israel, arrives at the airport at the last minute for the last flight to New York. He hires a porter to bring his luggage to the check-in area, where he will meet up with him to pay for the service. Chaim gets sidetracked along the way, having run into an old friend. When he eventually shows up at the designated area, the bags are there, but the porter has left, having told another passenger that he could not wait any longer; the porter expects Chaim to find him. If Chaim goes looking for the porter, he’ll likely miss the flight. If he does not locate him now, he most probably will never see him again. He owes the porter twelve dollars; missing the flight will cost him several thousand. What’s his obligation?

I suppose that you’ve already guessed the answer: As many as five Torah prohibitions (and one positive commandment) are involved.2 Chaim must give the worker his twelve dollars (that very day!)—even if it means missing the flight. If the only seats available for the next day are in first class (and cost several thousand dollars more), so be it. As long as the added expense represents less than 20 percent of his assets, if Chaim considers himself a frum jew, he has no choice but to suffer the financial loss. (Even if the porter had given up all hope of ever getting paid, Chaim’s obligation would remain.)

I would imagine that, despite having guessed the answer, you are shocked. Most of us would be—despite being vaguely aware that such commandments exist. Many of us would have boarded the plane reluctantly, chastising ourselves for having been so callous as to value a conversation with an old friend more than being certain that the porter got his money. We would call it an ethical lapse, but would not consider ourselves guilty of violating several Torah-level transgressions. Others might not even feel the slightest pang of conscience. Perhaps they might even have a chuckle over their “good mazal” in having “gotten away” with saving twelve bucks. Nevertheless, all would be certain that the Chofetz Chaim would have done things differently.

Week after week, we dutifully read the parashah sheets sent home by our children’s schools, distributed in synagogues or downloaded from the Internet. Often, the major theme of these lessons is the importance of good middot. Yet, the degree that most of us actually integrate these wonderful middot into our daily lives leaves quite a bit to be desired. One reason for this is that the focus is on “good middot” rather than on bottom-line halachic obligation. We tend to view good character traits as non-binding ethical desiderata. This false impression is only reinforced when the lesson is accompanied by the
inevitable story about the tzaddik ready to walk twelve miles through the snow, barefoot, in order to apologize to some- one whom he may have inadvertently offended.

This type of literature definitely has a place. However, the modern, sophisticated individual will simply not be affected—not in a meaningful or practical way—by content he greatly admires but views as unrealistic and personally irrelevant. And, even if he were to become inspired, how could he possibly expect to implement these ethical standards without being educated as to what is minimally expected, and what is not? In other words, sometimes you do have to miss that plane (even if you don’t fancy yourself a tzaddik)—and sometimes you don’t. We are educated to be able to confidently state what the Chofetz Chaim would have done, but often haven’t a clue as to what the Chofetz Chaim would have minimally expected from us.

When facing an ethical dilemma, truly wanting to do what is right is not enough; we must be familiar with basic Torah principles so that we can properly meet the challenge for the modern reader. Most focus on the practical, some on the theoretical. Each presents a significant opportunity to help cultivate halachically informed moral virtue within our children and ourselves.

I will start with those that best lend themselves to the Shabbat table, which is, I believe, the forum where these works can have the greatest potential impact.

Rabbi Avrohom Ehrman, who grew up on Manhattan’s Upper West Side and went on to spend two decades learning in a kollel in Bnei Brak, was one of the first contemporaries to meet the need for such literature. Recognizing that many from Jews are more aware of rabbinic hiddurim in the mitzvah of tzitzit than they are of interpersonal mitzvoth, “which are mostly d’Oraita [Biblical commandments],” he set out to write a Kitzur Shulchan Aruch for mitzvot bein adam lechaveiro (interpersonal commandments). That Hebrew work, Halichot Olam: Kitzur Dinim Bein Adam Lechaveiro, has been published in English as Journey to Virtue: The Laws of Interpersonal Relationships in Business, Home and Society. The English version is somewhat different than the Hebrew, omitting some of the lomdus and adding illustrative examples of the situations in question. Broad in scope, the major chapters of the book include “Love and Hate” (e.g., giving constructive criticism and accepting criticism, judging others favorably, and the prohibition against hating others); “Abuse and Conflict” (e.g., verbal abuse, using belittling nicknames, awakening a sleeping person, embarrassing others, when to give reproof, how not to bear grudges, the mitzvah to seek peace) and “Purity of Soul” (mockery and cynicism, conceit, anger, crude speech, the effect of having a negative personality, self-aggrandizement at others’ expense, envy). Although Journey to Virtue could provide more halachic detail as well as contemporary responsa, it is highly recommended as a one-volume introduction to these laws for the general reader.

Another such work is Rabbi Tzvi Spitz’s three-volume Mishpati Hatorah: Teshuvot Lehalaiot Actualiot Bedinei Mamonot Ubein Adam Lechaveiro, which is exceptionally popular in Eretz Yisrael. In 2001, it was abridged and translated into English as Cases in Monetary Halacha. This is a superb work: authoritative, informative, relevant and intriguing. My personal copy of the Hebrew edition has been so well used that two of its volumes are falling apart. In the book, the reader is presented with a question and a brief answer, along with an explanation of the principles upon which the latter is based. The book covers some of the major halachic principles that govern interpersonal relations, particularly those that relate to monetary matters. Below are two questions taken from the book:

- Reuven put a pot of meat on the stove to cook and then left for work, asking his neighbor to turn off the flame in two hours. The neighbor agreed to take care of it, but then forgot to do so. As a result, the meat burned. Must the neighbor pay for the meat?
- Shimon found a very old sefer in a genizah. Realizing that it was of great value, he sold it to a dealer for $500. It was subsequently discovered that the handwritten comments in the margins were those of one of the greatest rabbis of the sixteenth century, which increased the sefer’s value ten-fold. Shimon now claims that he was underpaid and asks to be reimbursed for the true value or have the sefer returned to him, as he never would have sold it for such a low price had he known its actual worth. What are Shimon’s rights?

These questions will have everyone at the Shabbat table guessing, including those who thought they knew a thing or two about Jewish law. Rather than immediately reading the answer, I believe that the best pedagogic technique would be to let everyone at the table give a shot at guessing what the
Students who find learning Gemara to be boring and irrelevant. Note, for example, the cases that parallel the chapter in Bava Kama known as “The Ox that Gored the Cow”:

- An individual sent a virus over the Internet and destroyed someone else’s data. Is the sender financially responsible for the damage caused by the data loss?
- A spiteful neighbor loosened the wheel of someone else’s truck. The wheel fell off a later point, causing the truck to crash into another vehicle. Both vehicles were damaged. Is he responsible for all of the ensuing damage?
- A visitor to the zoo ignored the warning signs and tossed food to one of the monkeys, causing the animal to choke and die. Must he pay for a new monkey?

Examples such as these not only make Gemara study more relevant and meaningful to students, it helps them to better respect and appreciate the nature of pesak halachah.

Rabbi Yisroel Pinchos Bodner, of Lakewood, N ew Jersey, is the author of The Jewish Ethicist: Everyday Ethics for Business and Life, by Asher Meir, is very different from any of the other works reviewed here. Smooth and sophisticated, it reads like something out of The New York Times. (I intend this both as a compliment and as criticism; more about that later.) In fact, The New York Times column “The Ethicist” was its model. This work could have a great effect on the legions of students who find learning Gemara to be boring and irrelevant.
Moral Reckoning

In the observant Syrian community trust is a business essential. Where others look to in-house counsel to safeguard and secure agreements, many in the Syrian community get by on relying on honesty and integrity. They could not do business without it.

Sammy J. is not a small-time operator. He owns a chain of retail stores, spread across a good expanse of the United States. He is very focused and hands-on, but in his business of his size and scope, many tasks are necessarily delegated.

When he switched accounts payable managers—Sammy contracts out for the service—signals got crossed, and one vendor was mistakenly addressed by both the old and the new services. Each service generated a unique number for the same check request; each issued a check.

The sum was not trivial—in the neighborhood of $50,000. On the other hand, this particular vendor—Joey D.—provided so many large lots of goods in the course of a year, that neither Sammy nor his accountants would likely ever have noticed. Perhaps more importantly, when Joey did notice a check he wasn’t quite expecting, he could easily have subconsciously tricked himself into not probing further. The two checks came with different transaction numbers; he knew Sammy to be a sharp and astute businessman. He could have convinced himself that the payments must have been accurate, and that the mistake was his own.

Joey did not flinch. When Sammy turned up at a trade show he attended, Joey sought Sammy out, and told him, “You overpaid me by $50,000.” Joey then whipped out a checkbook and wrote out a check on the spot for the full amount.

I am told that incidents like this would raise no eyebrows in the Syrian community because they are commonplace.

Rabbi Yitzchok Adlerstein directs an educational outreach program for the Simon Wiesenthal Center in Los Angeles, and serves on the editorial board of Jewish Action.

is what “The Ethicist” would sound like if he were a knowledgeable and committed Orthodox Jew.

Rabbi Dr. Meir is an economist, trained at Harvard and MIT. He writes a weekly business ethics column for The Jerusalem Post, and his lectures on Jewish law and ethics are highly popular. Unlike the authors mentioned here, Rabbi Meir’s goal is to present ethical guidelines rather than “act as a substitute for the ethical judgment of the reader by recommending an authoritative guide to action.” Of course, some might see this as absolutely antithetical to the concept of halachah, which by its nature is authoritative. Contrast Rabbi Meir’s approach with that of Rav Aharon Lichtenstein, who writes in By His Light, “God’s command takes precedence, in every respect, over our moral sensibility and our conscientious objections.” Rabbi Meir would doubtless agree. But Rabbi Meir’s language is understandably influenced by the fact that the book was written primarily for the general (i.e., not a halachically committed) audience. Nevertheless, his opinions are derived from authoritative sources, and the halachah-committed individual will benefit from reading this work just as much as he who is merely curious about Judaism’s ethical guidelines.

Rabbi Meir discusses complicated issues concerning public policy, economic theory and technology. The answers are all quite interesting, as they touch upon important areas not addressed elsewhere: spying on employees, doing business with sweatshops and with individuals who violate tax laws, outsourcing, stealing business plans and stealing from employees, for instance. Everyone would benefit from reading these brief responses. However, the halachically educated reader will doubtless be left wishing for a bit more substance. This is a unique and admirable book that would have been significantly more valuable had its seamless essays been supplemented with source material and detailed explanations (in the form of non-intrusive endnotes) for those wishing to explore the various topics in a deeper fashion.

Compared to the other works reviewed here, Daniel Z. Feldman’s recently expanded book, The Right and the Good: Halakah and Human Relations, and Aaron Levine’s Moral Issues of the Marketplace in Jewish Law are at the other end of the spectrum: highly detailed, highly demanding and somewhat less practical in orientation.

Moral Issues of the Marketplace is a massive work of scholarship that carefully examines several major questions through the lenses of classical economic theory, American law and halachah. Some of the complex topics Dr. Levine, a professor of economics at Yeshiva University, addresses include truth-telling in the context of labor negotiations, the extent to which halachah allows certain types of competitive pressure, post-employment restrictive covenants, marketing techniques related to telemarketing (e.g., the use of pressure tactics), the right of employers to unilaterally change employees’ work conditions, parameters of halachically acceptable commercial speech and aspects of property rights (including the teacher’s responsibility to maintain discipline versus the student’s right to not have his property confiscated).

While the topics themselves are important and fascinating, non-academic readers might become discouraged by the author’s style, which can be quite demanding. Given the author’s great expertise regarding the marketplace, one hopes Dr. Levine will produce a follow-up work that will limit itself to providing practical and clear guidelines for readers who simply wish to know what one should or should not do when confronted with dilemmas in the marketplace. Until that work appears, however, the reader intrigued
Corporate Loyalty

For seventeen years, a major retail outlet counted on Yossi for his IT consulting services. One Friday afternoon, Yossi’s manager called him into his office, closed the door and asked him to take a seat. He told Yossi that he was having a little financial problem and needed some money. The manager told Yossi that he could make extra money by increasing his current hourly rate. “You can bring in a few extra people to work for you, paying them far less than your fee to the company and pocket the difference.” He then added, “And I’ll take a little cut from that as well.” Trying to contain his shock, Yossi told him he would see what he could do.

On his commute home, the disturbing scene rolled over and over again in Yossi’s head. He couldn’t believe that his manager was trying to extort money from him. “Boy do we have trouble,” he confided in his wife. “How can I possibly extricate myself from this situation?” They decided to contact the police. The police directed Yossi to the state attorney general, who suggested he testify against the manager in court. He knew it would be a case of his word against that of the respected manager and opted for another way out.

His father-in-law, an experienced lawyer, came up with a novel idea. “Tell him your wife won’t give you the money and she wants to talk to him herself.” Yossi explained the plan to the police, who agreed to employ a policewoman to impersonate Yossi’s wife. He met with the manager again and informed him that his wife, who controls the purse strings of the family, refuses to allow him access to the money unless she knows exactly what it’s for. Yossi explained that until his wife hears the request from the manager personally, she could very well suspect he’s involved with another woman. “Alright, tell her to meet me in the parking lot of the Greensprings Golf Course at 4:30 tomorrow afternoon,” said the manager.

At 4:15 p.m. the next day, Yossi picked up the policewoman and they drove to the golf course together. As soon as the manager spotted them, he let himself into the backseat of Yossi’s car. His “wife” turned around and asked him what this was all about. The manager calmly explained the scheme to her. Within seconds, a dozen detectives, waiting in an unmarked van, arrested him on the spot.

Unfortunately, in the end, the manager only got probation. Yossi stopped receiving work from the company. Virtually all the employees thought he had tricked the manager and that the manager was the true victim. After seventeen loyal years of service to the company, Yossi, ostracized by his colleagues, left the company without any regrets. “Had I gone along with my supervisor’s plan, it would be stealing money from the company,” he says. “As an observant Jew, I couldn’t agree to take even a penny under false pretenses.”

Bayla Sheva Brenner is senior writer in the OU Communications and Marketing Department.

by these questions and prepared to trek through this somewhat challenging volume will find himself richly rewarded.

The Right and the Good is a survey of conceptual inquiries (chakirot) on some of the important issues concerning interpersonal relations. Rabbi Feldman, a maggid shiur at Yeshiva University, addresses topics including emotional homicide, lying for the sake of peace, vengeance and grudges, judging others favorably, the obligation to forgive and concern for human dignity.

Rather than serving as a practical guide, which would first offer a straightforward conceptual introduction and then lay out halachic guidelines based upon majority opinions, Rabbi Feldman’s book seems to be primarily directed at those who “delight in Brisker-style lomdus,” as one of the blurbs on the back of the book quite accurately states. In other words, the book is constructed along the lines of a yeshivah-style Talmudic discourse designed to quickly survey the relevant literature and highlight conceptual differences between the many different opinions. The language, however, is not that of the bet midrash but rather of academia. Those looking to research more fully the topics addressed will find a goldmine here, the list of sources spans fifty-five pages. Rabbi Feldman deals with important topics not covered with this kind of detail in any other English-language work. The patient reader, whether or not he happens to delight in “Brisker-style lomdus,” could learn a great deal from this book.

Finally, I would like to encourage readers to investigate some of the excellent Hebrew sefarim that serve as detailed guides to Choshen Mishapat.

Shimru Mishpat: Shu’t Bedinei Mamonot: Be’urim Vehiskerel Ha’alachot Bedinim Hamitzyuyim, by Rav Shlomo Zafra;15 is similar to Mishpat HaTorah in that it uses everyday, contemporary cases to demonstrate important principles of monetary law to a general audience. Although its answers are more comprehensive than those of M Mishpati HaTorah, each is no more than a few pages long. Pitchel Choshen (eight volumes), by Rav Yaakov Yeshaya Blau;16 is a modern-day classic that presents basic laws of Choshen Mishapat and includes comprehensive footnotes on every page. Sefer Limud Lehalachot Bein Adam Lechaverio: Lo Tisneh17 and Lo Tikom Velo Tatur, by Rabbis Tzvi Weinberger and Baruch Chaitetz,18 are written as textbooks, skillfully guiding the reader through the relevant sources, which are quoted in their entirety and then carefully analyzed. Mishpat Tzedek: Nizkei Shecheinim (two volumes), by Rav Ilan Aish,19 clearly details the laws regarding property disputes between neighbors.

Choshen Mishapat is not merely the Torah’s version of secular civil law; it is our window into the very nature of God Himself, specifically His attribute of Justice. The Tur explains that “justice is the underpinning of society, and thus it is not only the key to the world’s continued existence, it is also a prerequisite to proper Divine service.”

Rav Avraham Yitzchak HaKohen Kook writes:
... The most basic and most effective way to achieve repentance, that which derives from the light of Torah in the world, is intensive study in the part of law having to do with commerce and all the statutes regarding man and his fellow man... This study rectifies all "offenses of the heart" to be found in life, establishes Divine righteousness on its enduring foundation and removes the wound of doubt and confusion from within the soul." 21

We cannot even pretend to aspire to Godliness while neglecting to actively implement His vision of earthly justice and to integrate it into our very beings. Perhaps by moving these types of sefarim to the forefront of our Shabbat table discussions, we might also move the ideas they contain closer to the forefront of our consciousness and our daily practice. 1

Notes

1. While this review does not cover By His Light: Character and Values in the Service of God, along with knowing the rules, which is what the halachic works in this review set out to teach, one needs inspiration as well. As a sophisticated discussion for the modern reader emphasizing "character and values in the service of God" (which is the subtitle of the book and what this review essay is about), this book is in a class unto itself. The sensitive reader cannot fail to be inspired and humbled by the idealism, thoughtfulness and intelligence that pervade this volume. Of particular note is the essay "Being Frum and Being Good: On the Relationship Between Religion and Morality."

2. See Leviticus 19; Deuteronomy 24 and Bava Metzia 111a. Bava Metzia states: One who withholds the wages of a worker (potentially) violates these five prohibitions and also a positive commandment: the negative commandments, "not to retain what is due your fellow"; "not to rob"; "not to retain [wages] of an employee who is poor"; "not to withhold wages overnight"; "the sun shall not set upon him" and the positive commandment, "on this day shall you pay his hire."

3. Rabbi Tzvi Spitz, Cases in Monetary halachah (Brooklyn, 2001), 342 pages.

4. A Jew is obligated to forfeit up to 20 percent of his possessions in order to fulfill a positive commandment and up to 100 percent in order to avoid actively transgressing a negative commandment. Although not paying one's worker involves several negative commandments, normally demanding the highest level of sacrifice, many authorities cap the obligation to avoid the passive avoidance of a transgression of commandments at 20 percent.

5. 1986.

6. (Brooklyn, 2002), 550 pages.

7. Mishpatéi Hashalom by Rabbi Yitzchak Isaac Silber (2005), (Hebrew only), also written as a Kitzur Shulchan Aruch for interpersonal mitzvot, provides slightly more detail, limited references to contemporary responsa and more source material. (It does not, however, cover as many topics as Rabbi Ehrman's sefer.) However, while the physical presentation of Rabbi Silber's book is modern and well done, this reviewer found the writing somewhat unclear. More importantly, I suspect that readers of this magazine might find that the author's perspective lacks the breadth and depth one might hope for. See, for instance, the chapter on "Lo Tisneh." While Rabbi Ehrman focuses on how important it is to not hate others (and why the commandment to hate overtly rebellious Torah violators does not generally apply anymore), Rabbi Silber spends much more time telling us to whom the obligation to hate does apply. While I am not qualified to judge which author is standing on firmer halachic ground, the differences in emphasis, tone and attitude are quite striking. However, if one is prepared to take the flaws in Rabbi Silber's sefer into account, there is a great deal of valuable information here. An example would be the discussion regarding the prohibition against flattery. While both authors describe the prohibition, Rabbi Silber also explores the thorny issue of granting honors to someone who is married to a non-Jew. He quotes the famous responsa of Rav Moshe Feinstein, z"l, on this topic, which permits honoring such a person for his merits.


9. See note 3.

10. (Jerusalem, 2003), 223 pages.

11. Trans. Daniel Weiss (Jerusalem, 2004), 145 pages


13. (Brooklyn, 2005), 304 pages.

14. (Brooklyn, 2005), 612 pages.


17. Tzefat, 1995


20. From Journey to Virtue.


Translation adapted from Orot Hateshuvah by Alter B. Z. Metzger (New York, 1968).

An Ageless Lesson

Several summers back, Camp Shoresh, a kiruv camp of 350 children located in Frederick, Maryland, eagerly set out for its annual trip to Kings Dominion amusement park. Both the children and adults reveled in their fun-in-the-sun time together. Upon their return, a camp secretary noticed that some of the children had been misclassified as being younger than they really were. Consequently, the camp underpaid the entrance fee by $112. Camp Shoresh had lost its largest donor that year and was facing serious financial difficulties. Nonetheless, the shortage of funds didn't influence the camp director's prompt decision to address the oversight and send a check for the difference owed.

Bayla Sheva Brenner is senior writer in the OU Communications and Marketing Department.