

THE TALMUDIC PHILOSOPHICAL CONCEPTION OF BUSINESS ETHICS

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Abstract

The Talmud is considered to be one of the cornerstones of Judaism, Jewish business ethics and Jewish wisdom for business success. The Talmud has been the guide and main nerve center of the Jewish people. This article examines the philosophical conception of business ethics from a Talmudic perspective. The article used a conceptual approach as well as a review of related literature. It was found out that the road of the Talmud led not to philosophy and theology but to ethics, law and justice; it pursued not the abstract but the concrete. This article has therefore business and academic value.

Key Words: Talmud, Torah, Tanach, Business, Ethics

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1. Introduction

The Babylonian Talmud (Hebrew, *Talmud Bavli*) is without doubt the most prominent text of rabbinic Judaism's traditional literature. Indeed, the simple phrase "the Talmud says" often stands as a kind of shorthand for any teaching found anywhere in the vast rabbinic corpus surviving from Late Antiquity. Among Jews, of course, the Talmud has been revered, studied, and commented upon over and over again for more than a millennium (Jaffee and Fonrobert, 2007). The Talmud (Jewish Oral Torah) literally means "study." The Talmud is a lengthy commentary on the Mishnah composed in Hebrew and Aramaic. The earlier edition, most likely redacted in Tiberias in the late fourth and/or early fifth centuries in the current era, is known as the Jerusalem or Palestinian Talmud (*Talmud Yerushalmi*). The later and larger edition, redacted in Persia in as-yet poorly understood stages between the late fifth and late eighth centuries in the current era, is known as the Babylonian Talmud. Like the Mishnah, the Talmud is organized into orders (*sedarim*) and within the orders into tractates (*masekhot*) (Jaffee and Fonrobert, 2007).

According to Miller (2011) in Maune (2015a), the Talmud is a comprehensive term for the Mishnah and Gemara as joined in the two compilations known as the Babylonian Talmud (6th Century) and the Jerusalem Talmud (5th Century). The Mishnah is a fundamental collection of the legal pronouncements and discussions of the Tanna'im (Rabbinic sages), compiled by Rabbi Yehudah HaNasi early in the 3rd Century. The Mishnah is the basic text of the Oral Torah (Maune, 2015a). The Talmud is principally concerned with *halacha* (Jewish law), but it also provides a detailed record of the beliefs of the Jewish people, their philosophy, traditions, culture, and folklore, that is, the *aggadah* (homiletics). It is also

replete with legal, ethical, and moral questions. Friedman (1985) states that the Talmud consists of 63 tractates (volumes) which include discussions of the law (and moral obligations) with regard to religious rites, marital relations, business, torts, social relations, holidays, et cetera. There are 6 orders, 63 tractates, and 517 chapters (Kahaner, 2003). The Midrash⁵², a separate scripture, recorded the views of the Talmudic sages and is mainly devoted to the exposition of biblical verses (Friedman, 2000). The canon of the Gemara, constructed from commentaries and discussions on the Mishnah, was first recorded in written form about 1500 years ago (Friedman, 2012).

Unterman (1971) in Maune (2015a) argues that, States sprang up and States vanished but the Jew has always preserved his Talmud and from it drew the strength to overcome all the tragedies. The Talmud has been argued to be the Jewish secret for success (Brackman and Jaffe, 2008). Unterman (1971) argues that the inner world of the Jew has always remained

⁵² Midrash – Is the specific name for the activity of biblical interpretation as practiced by the Rabbis of the Land of Israel in the first five centuries of the Common Era. The Hebrew word derives from the root, d-r-sh, which literally means "to inquire" or "to search after." In the earlier books of the Bible, the root is used to refer to the act of seeking out God's will (for example, Genesis 25:22; Exodus 18:15), particularly through consulting a figure like Moses or a prophet or another type of oracular authority. Midrash itself is part of the Oral Torah. The Hebrew word for "study" used in the verse (Ezra 7:10), *lidros*, has the same root as midrash. By late antiquity midrash had come to designate Bible study in general. The Rabbis called their academy a *bet midrash*, literally "a home of study," and from such usage, midrash came to be the term the Rabbis themselves employed to designate the way they studied Scripture and interpreted its meaning.

whole and untouched; no outside influence, no danger and no whirlwind had sufficient power to destroy this world. The Talmud has always been a book solely for scholars, savants, and researchers and it is considered a significant part of their [Jewish] daily life (Unterman, 1971). To Unterman (1971) and Brackman and Jaffe (2008) the Talmud is the cornerstone of the Jewish culture, their creative strength as well as the backbone of their history. To the Jewish people the Talmudic literature, as well as the Tanach (Bible), is imbued with the highest of universal ideals, full of love for mankind and human brotherhood.

The Talmud has created a broad ethical world, and it is from this that the Jews have drawn their universal conception of morality and responsibility (Unterman, 1971). It is the Talmud which gave Jewish ethics their breadth and depth of conception. The Jews derived their views upon morality and individual responsibility, ideas concerning their relations to man and society, Jew and non-Jew, from the Talmud. The main foundations have always been universal. Love and justice for all of humanity. This is best expressed in the maxim: love thy neighbor as thyself.

This article focuses on the Talmudic conception of business ethics through a review of related literature in journal articles and books. It is the author's hope that, in some way, this will help resolve societal and business ethics related challenges. Friedman (1985) argues that although the Talmud is an ancient document, many of the problems addressed in it have their modern counterparts. This is especially true of those related to ethical behavior in business. The reason being that from region to region, and from century to century, while things may have changed, the people are still the same. The business world has been faced with immoral activities and behavior that requires ethics, not of the 21st century, but ethics as perceived by the Talmud. After the big corporate scandals such as Enron, Worldcom, Parmalat, [Andersen, Adelphia, Barings Bank, Exxon Valdez, Chernobyl] and various other failures in [both local and] global corporations, corporate governance has become the focal point and has increased to the role of business ethics (Rossouw, 2005; Crowther and Seifi, 2011 cited in Maune, 2015b). CEOs have robbed their companies of millions while leaving their workers penniless and unemployed. As Kidder (2001) states that the world will not survive the 21st century with the ethics of the 20th century. Something significant has to be done. This is true if one considers the scale at which technology is developing and if imagining the scale of future technologies. The main worry is whether our ethics have grown so strong and sophisticated to match the growth in technology. This article seeks to find solutions and answers to all these challenges from the Talmud.

2. The concept of business ethics

2.1 Definition of business ethics

Although defining business ethics has been somewhat problematic, several definitions have been proposed. De George (2006) defines the field broadly as the interaction of ethics and business, and although its aim is theoretical, the product has practical application. Velasquez (2006) defines the business ethics field as a specialized study of moral right and wrong.

In his Terminology of Logic, Maimonides divides philosophy into two divisions: theoretical and practical philosophy. The latter he also terms "human philosophy," or "political science." Under theoretical philosophy he groups mathematics, physics, and metaphysics. Under practical philosophy are found ethics, household economy, the science of government, and politics in its broadest sense (Gorfienkle, 1912).

According to Gorfienkle (1912), ethics, or the science of self-guidance, consists, on the one hand, in acquiring for one's self noble soul-qualities or characteristics, and, on the other hand, of avoiding evil qualities. These qualities, whether good or bad, are called states or conditions, and when acquired each is known as a property. Noble qualities are called virtues, while evil qualities are termed vices. The virtues cause good deeds, the vices, bad ones. Ethics to Gorfienkle (1912) is the science of virtues or of good deeds.

Unterman (1971) further defines ethics as the science of moral and right behavior, the art of so regulating human conduct as to ensure happiness to all mankind, the system of thought which attempts to change the factors determining manners and to introduce harmony and clarity in them. To him, ethics is essentially the teaching of human justice, the teaching of precepts that bind the individual to obligations that are not enforceable by law. Ethical obligations are not under the jurisdiction of the court, and no one can be punished for violating them. The individual himself is responsible for adhering to them, and they are entrusted to him alone. This points to Kidder's (2001) definition of ethics.

According to Kidder (2001), Lord Moulton, a British jurist in the 19th century, described ethics simply as "obedience to the *unenforceable*." Obedience to the *enforceable* is merely law—an important part, but only a small part, of the reason we behave as we do. He further states that, obedience to the *enforceable* is what prevents us from driving 65 miles an hour in a school zone: You get caught. Obedience to the *unenforceable*, however, is what keeps you from going into a supermarket and, just as an elderly woman is about to put her hand on the last shopping cart, elbowing her away, seizing the cart, and running off down the aisle with it. There is no law that says, "Thou shall not steal shopping carts

from elderly women.” People do not do those things—because of the very real but ultimately *unenforceable* canons of society. This concept of ethics as obedience to the unenforceable helps to explain some of the things people see going on around in the regulatory and legislative climate today. We are clearly regulated one way or another—that is the nature of the human experience. Our choice is only whether to be self-regulated or to be regulated by externalities (Kidder, 2001). As the ethics of self-regulation dropped away, in other words, the law rushed in to fill the void. And that will ever be the case. If one asks him/herself why we are such a litigious society, regulated by vast bodies of law at every turn, is it not largely because our ethics has dropped away and the law has swept in to replace it? What used to be obedience to the *unenforceable* has become obedience to the *enforceable*. What used to be regulation by our own good habits has become regulation by the will of the legislators (Kidder, 2001).

Kidder (2001) further provides another definition that grows out of concern over dictionary definitions of the word ethics. This talks about ethics in relation to the difference between right and wrong. Frankly, for most people, most of the time, ethics is the battle of right versus right. Few people, facing an ethical dilemma, say to themselves, “Here, on one hand, is the great, the good, the wonderful, and the pure and, on the other hand, the awful, the evil, the miserable, and the terrible—and here I stand equally torn between them.” People do not do that. Once one defines one side as evil, it is pretty much dismissed.

The whole subject of business ethics revolves around Hillel the Elder’s most famous Talmudic saying: “What is hateful to you, do not do to your fellow human, that is the whole Torah, and the rest is just commentary.”⁵³

3. The Talmud’s conception of business ethics

The soul of the Jewish religion is its ethics. Its God is the Fountainhead and Ideal of morality. Jewish business ethics, then derives its sanction from God, the Author and Master of life, and sees its purpose in the hallowing of all life, individual and social. At the beginning of the summary of the ethics laws in the Mosaic Code stands the verse: “Speak to the entire assembly of the Children of Israel and say to them: You shall be holy, for holy am I, Hashem, your God”⁵⁴ (Leviticus 19:2). According Friedman (2012), numerous books and papers examine Talmudic

business ethics (for example, Friedman, 1980; Friedman, 1984; Friedman, 1985; Levine, 1987; Tamari, 1987; Tamari, 1991; Tamari, 1995; Friedman, 2000; Gellis, Giladi, and Friedman, 2002; Kahaner, 2003; Levine, 2005; Friedman and Klein, 2010; Friedman and Adler, 2011). Friedman (2012) further states that, the Talmud has *extensively discussed issues* of business ethics. To him, this is not surprising given that more than a 100 of the 613 precepts in the Torah itself deal with the subject.

The Talmud (Yoma, 85b) states that, transgressions committed against one’s fellowman are, in a sense, more severe than those committed against God. If a person sins against God and subsequently repents, God forgives him. But if the sin is against one’s fellowman, then even if the sinner repents, he cannot be forgiven until he has appeased the offended party. We see, then, that transgressions against one’s fellowman are more severe than those committed against God, and this is underlined by the manner in which each type of sin is atoned for. If a sinner repents, then Yom Kippur atones for all his sins against God, but until his fellowman forgives him, Yom Kippur cannot atone for interpersonal injuries, no matter how fervently one confesses and regrets them. This then supports Hillel the Elder’s above mentioned famous saying in Shabbos (31a) that: “What is hateful to you, do not do to your fellow human, that is the whole Torah, and the rest is just commentary.” The Jewish faith and ethics is centered on this.

There are various schools of philosophy that believe, however, that ethical concepts are not completely arbitrary and although they may often change they remain essentially the same. These include the naturalist, the intuitive and the hedonistic schools of thought that hold that beliefs are inborn in human nature and that it is by intuition that man knows what is right and what is wrong. However, the ethical beliefs of Judaism are totally different. They are immutable and are independent of human will or intuition. The laws of right and wrong are universal, because they are determined by the will of God. Jewish ethics are spiritual ethics – based on the idea that there is a constant awareness of God that infuses all thought and actions. Unterman (1971) argues that even from the purely human viewpoint, in the light of everyday experience, the Tanach and the Talmud are the greatest and most glorious works of ethics; this to him is true as regards their prismatic clarity, as well as their historical significance, their many humanitarian laws, and their great influence. To prove his point, he states that when the foundations were being laid for the future world, the city of Rome on the hills of the Tiber, the prophets of Israel had already been prophesying about the fate and future of nations. At the present time, when people are in possession of the ancient literatures of the Egyptians, the Assyrians, and the Babylonians, people are able to judge that the truth of the Tanach and the Talmud has

⁵³ Shabbos, 31a

⁵⁴ This Sidrah begins by instructing the nation to become holy by emulating God as much as possible; this will elevate their lives in this world. “You shall be holy” is a general admonition that one’s approach to all aspects of life be governed by moderation.

no equal; and that the most magnificent and splendid works of other peoples were created under the influence of Jewish ethics.

The Talmud apprehended three fundamental truths: the belief in one God, the belief in a moral and ethical life, and the hope for the salvation and liberation of all mankind. Faith in God demands of the Jew a disciplined moral life, regulated by the precepts concerning the relations between man and God and man and man. Only the transgressions against God can be forgiven, but not the transgressions against man. The duty subsisting between man and man is absolute and must be observed absolutely, because this duty flows from the very faith in Divinity (Unterman, 1971). Faith and morality, belief and good deeds are all closely bound together. According to the Talmud, morality without faith is impossibility. This is clearly expressed in Psalms (10:4) (Scherman, N. (2013). The Stone Edition Tanach, 3rd Ed., Mesorah Publications, Brooklyn, N.Y.): “The wicked man, in the pride of his countenance, [says]: “He will not avenge!” All his schemes are: “There is no Divine Judge.” Wicked people assume that God will not punish misdeeds.

The concepts of democracy, freedom, equality, and fraternity are found first in the Torah. If there is such a thing as ethics, they are rooted in Jewish life, in its very innermost being and essence. Jewish ethics, in their immense scope and vast conception, were the first to burgeon upon our earth; they were the very first foundation of civilized life (Unterman, 1971). The Jews were the first and only people to develop clearly and comprehensively the idealistic

view of man and mankind. The Jews were the first to regard labor as sacred, to put aside a day of rest, to proclaim complete freedom and equality, and to pray for peace among nations.

According to the Talmud, the belief in God and in His so-called attributes is the foundation and edifice containing the entire Jewish spiritual lore. The apprehension of the Divinity does not grow out of human ethical concepts, but because human sentiments are an integral part of the Divinity and are fundamentally rooted, in and linked with human consciousness. The Jewish concept is that ethics are the divine spirituality, the mark of God with which man was created. In distinction to the Jewish concept, is the Greek concept that sees ethics as a result of purely human rationalism (Unterman, 1971). Both the term ethics (from the Greek *ethos*) and morality (from the Latin *mores*) are derived from custom or habit. The word “ethics” comes from the Greek word *ethos*, meaning “character” or “custom”, and the derivative phrase *ta ethika*, which the philosophers Plato and Aristotle used to describe their own studies of Greek values and ideals (Zimmerli, Holzinger, and Richter, 2007). An ethos is that core of attitudes, beliefs, and feelings that gives coherence and vitality to a people (in ancient Greek, an *ethnos*, a word significantly similar to “ethos”) (Zimmerli et al., 2007).

In distinction to this, the Tanach points to God’s will as perceived in the human conscience as the source of all morality. Below is a table that provides the distinction between the Jewish and Greek concepts of ethics.

Table 1. Jewish and Greek concepts of ethics

Judaism	Hellenism
Demands spirituality	Demands pure reason
Believes in a world of deeds	Believes in a word of thought
Is soul and sentiment	Is mind and reason
Emphasizes cleanliness	Emphasizes beauty
Teaches morality	Teaches art
Is holiness	Is lust
Is ethics	Is esthetics/aesthetics
Not man but God is the central point of existence. It is not man’s will which prevails, but the will of God. Not man’s justified or unjustified passions and caprices must be fulfilled, but the external ethical laws of God, the laws of morality and justice, of truth and equity, peace and brotherhood.	Its belief is that morality and ethics are completely divorced from faith and are not a consequence of a belief in God placed the main emphasis upon man and prepared the soil for an uncontrolled individualism. In the idealistic system of philosophy man became the creator of the world, the foundation and the source of being. The Universe exists only through man and with man. The Universe is an image of man and only as an idea of man does it have a place in Universal creation.

The Talmud apparently believes that without religious influence morality and ethics are divested of their fundamental basis. The Talmud also believes that no logical theory is capable of inducing an individual or group to do that which may be against

their own immediate interests. The Talmud and the prophets consider it far too dangerous for man to observe ethical precepts merely because they are for the good of the community. It is far easier for man to enjoy that which is immediately available than to

think of the welfare and security of the group. Jewish religion is far more practical and realistic. Jews have always based their ethics not upon reason and logic, but upon Divine authority and Divine perfection.

According to the Talmud, the desire to acquire ethical standards of conduct comes not from man, but from the portion of the Divinity that is found within man. The desire comes from its primeval source, which are the Power of Creation and the Power of Domination. Without God, ethics are without essence and foundation, without influence and reality, without system and permanence. Rabban Shimon ben Gamaliel⁵⁵ says: On three things the world is sustained: on law, on truth, and on peace, as it is said: "These are the things that you should do: Speak the truth with one another; and in your gates judge with truth, justice and peace" (Zechariah 8:16)⁵⁶. Mishnah 18⁵⁷ seems to contradict the dictum of Shimon the Righteous in mishnah 2⁵⁸, who says that the world exists because of Torah, service, and kindness. There is no contradiction. According to Lieber (2008), mishnah 2 speaks of virtues because of which God created the universe. He wanted a world where there would be people who are dedicated to Torah study, Divine service, and unselfish kindness to others. Indeed, even in the worst of times there have been such people even though they may have been few and unappreciated. As the Rambam⁵⁹ comments in Lieber (2008), all Creation is worthwhile even if there is only one righteous person in the world. This is the teaching of Shimon HaTzaddik in mishnah 2, and it sets up a standard for people whose goal it is to live up to the Divine goal of Creation. Mishnah 18, on the other hand, speaks to the very practical question of how society can be maintained on an even keel, without descending into an animalistic jungle. To this Rabban Shimon ben Gamliel responds that the "social contract" cannot exist without justice, truth, and peace (Lieber, 2008).

The Jewish civilization for the past 3,000 years has turned for ethical guidance to the Torah itself and all other sacred literature that flowed from studying it and wrestling with everyday ethical challenges from the beginning of time right up until today. The fundamental religious principle that underlies all of Jewish ethics is the idea that transformed the world itself the minute the Torah entered human consciousness. Then the Torah came into the world and introduced the idea that there is a God who has

ethical expectations of every human being. It was an idea whose time had come and continues to resonate to this very day – that what you do matters, and what you say matters because who you are really matters.

4. Business ethics philosophy from a Talmudic perspective

Numerous books and articles have been written examining the Talmudic business ethics philosophy and how applicable it is to the contemporary business environment that is rampant with corruption, bribery, fraud, misappropriation, misrepresentation and all other forms of unethical behavioral activities. The following are some of the authors who have devoted their time and energy to bring this unique kind of information to the world (Friedman, 1980; 1984; 1985; Levine, 1987; Tamari, 1987; 1991; 1995; Friedman, 2000; Gellis, Giladi, and Friedman, 2002; Golinkin, 2003; Kahaner, 2003; Levine, 2005; Friedman and Klein, 2010; Friedman and Adler, 2011; Friedman, 2012; Schwartz, 2012). The following are some of the basic Talmudic philosophies of business ethics as discussed by the Sages. These will go a long way as referral points for both business and the society at large.

4.1 Care for the environment

The idea that everything-including the environment-belongs to God and that one of mankind's job is to act as its caretaker plays a large role in how the Talmudic rabbis viewed the world's resources. Ecclesiastes Rabbah (7:13) says, "God said to Adam: 'everything you see I created for your sake. See to it that you do not spoil and destroy the world for if you do, there will be no one to repair it after you.'" The Talmud (Ta'anit, 23a) tells a story that one day as Rabbi Honi ha-Ma'agel was travelling on the road, he encountered a man planting a carob tree. He asked the man, "How long does it take for the tree to bear fruit?" The man replied, "It takes seventy years for the tree to bear fruit." He asked him, "Are you certain you will live another seventy years?" The man replied, "When I came upon this land, I found a grown carob tree that my ancestors had planted for me. I am doing the same by planting this tree for my descendants" (Judovits, 2009). One of the hallmarks of Talmudic environmental beliefs is that what someone does in one place can affect someone else no matter how much distance is between them (Kahaner, 2003). Traces of radioactivity from the Chernobyl nuclear plant accident were found in the milk of cows grazing in Scandinavia (Kahaner, 2003). The Torah (Deuteronomy 20:19) states that: "When you besiege a city you shall not destroy its fruit trees. Man's life depends on the trees of the field. The Talmud (Shabbos, 67b) states that, "It is forbidden to cause the oil in a lamp to burn too quickly, thus

⁵⁵ Avos 1:18

⁵⁶ Scherman, N. (2013). *The stone edition Tanach*, 3rd Ed., Mesorah Publications, Brooklyn, NY.

⁵⁷ Avos 1:18

⁵⁸ Avos 1:2

⁵⁹ Rabbi Moses Ben Maimon (Maimonides/Rambam) (1135-1204) born in Spain before moving to Egypt. He was a physician and wrote medical works as well. His greatest works are the Mishneh Torah and The Guide of the Perplexed.

wasting fuel.” The Midrash (Genesis Rabbah⁶⁰, 13:3) summarily states that, three things are of equal importance: earth, humans and rain.

4.2 Honesty in Business

The Talmud (Shabbos, 31a) states that: "The first question an individual is asked in the afterlife at the final judgment is: 'Were you honest in your business dealings?'" This statement on its own demonstrates the importance of honesty in business dealings. In fact, all that the Holy One blessed be He desires, is honesty, as it states (Psalms 31:24): "The Eternal safeguards the honest." And it says (Isaiah 26:2): "Open the gates and let the righteous nation enter – they have waited trustingly" and (Psalms 101:6): "My eyes are upon the faithful of the land, that they may dwell with me; he who walks the way of perfect innocence, he shall serve me," and (Jeremiah 5:3): "Surely your eyes are toward those who are faithful." "Whoever conducts his business dealings honestly is liked by humankind and it is considered as though he observed the entire Torah" (Mechilta, Exodus 15:26). Rabbi Shimon Ben Gamliel, in Avos (1:18) states that: "The world endures on three principles: truth, justice, and peace." "One who wishes to become pious must be scrupulous in observing the laws dealing with damages and torts" (Bava Kamma, 30a).

The Talmud states that rather eat vegetables and fear no creditors than eat duck and hide (Pesachim, 114a). The rabbis made this statement several times in different ways. It calls on companies and individuals not to spend beyond their means. Once in debt, you are always fearful of creditors and the humiliation that being in debt can bring (Kahaner, 2003).

Obedying the strict letter of the law is not enough. The Talmud says that Jerusalem was destroyed, for not doing more than the law required (Bava Metzia, 30b). This idea is brought out in the story of Kamtza and Bar Kamtza, which is told in the Talmud (Gittin, 55b). The Talmud uses the term "the way of the pious" to describe the highest form of ethical behavior. A businessperson who leads his or her life according to this standard would rather sacrifice time and money before exploiting another's misfortune (Friedman, 1985).

4.3 Employer-Employee Relations

The Talmudic sages encouraged people to be hard-working. They taught four things that have to be industriously completed: Torah study, performance of

good deeds, prayer, and performance of one's occupation (Berachos, 32b). Whenever he went to the academy, Rabbi Yehudah would carry a pitcher on his shoulders and say, "Great is labor for it honors the worker" (Nedarim, 49b). The Psalmist declares, "When you eat the labor of your hands, you are praiseworthy⁶¹, and it is well with you" (Psalms 128:2).

The Talmud exempted laborers from the Biblical obligation of standing up for elderly individuals and scholars while working (Kiddushin, 33a). The following law, discussed in the Talmud (Berachos, 16a), further demonstrates the importance of not wasting time that belongs to one's employer. Laborers were permitted to recite various prayers while on top of a tree or on the top of a scaffold. The worker was not permitted to climb down the tree since it would waste time that belonged to the employer. The employer, on the other hand, was obligated to climb down the tree in order to recite the prayers with more feeling. One is obligated to perform religious obligations at one's own expense, not at the expense of the other.

The Torah (Leviticus, 25:41) requires employers to treat slaves, that is, the lowliest employees, humanely as it says: "You shall not rule over him through rigorous labor." Furthermore, the master is not permitted to make the slave perform debasing tasks (Leviticus 25:39), and he have to provide for the slave's family (Leviticus 25:41). Degrading work, labor without purpose, or jobs with no definite time limit could demoralize a human being. Therefore these were prohibited for servants and certainly for employees (Leviticus 25:39).

The Talmud (Kiddushin, 22a) interprets the verse, "because he fares well with you," (Deuteronomy 15:16) to mean the servant must have the same living standard as the master, "[the servant] must be equal to you in food and drink; you should not eat refined bread and he eat coarse bread, you [should not] drink old wine and he drink new wine, you [should not] sleep on a mattress and he on straw." The Talmud concludes that one who procures a servant acquires a new master for himself! Many scholars have noted that the rules applying to slaves would certainly apply to employees. Thus, treating employees poorly is prohibited.

The Talmud (Berachos, 5b) tells a story that once Rabbi Huna suffered great financial loss when four hundred jars of his wine turned sour. Rav Yehuda, the brother of Rabbi Sala Hasida, and the other rabbis visited him. They said to him; "Master, you ought to examine your deeds." He asked them, "Do you find me suspect?" They answered him: "Is God to be suspected of punishing unjustly?" He declared, "If somebody has heard that I am accused

⁶⁰ Genesis Rabbah – Also called Bereshit Rabbah is the most ancient systematic aggadic midrashim in our possession. It was composed in Eretz Israel in the 4th or 5th centuries C.E., and its language is Galilean Aramaic. The meaning of the words "Bereshit Rabbah" is "the Great Genesis" (Hananel Mack, 1989, MOD Books, Tel-Aviv).

⁶¹ Scherman (2013). Man must toil to produce results with his own two hands. Only then does God send His blessing (Tanchuma, Vyeitzei).

of any misdeed, let him speak.” They replied, “We heard that the master does not give his tenant his lawful share of vine twigs.” He replied, “Does he leave me any? He steals them all.” They said to him, “That is exactly what the proverb says. If you steal from a thief, a taste of his theft remains with you.” He said to the rabbis: “I take upon myself to give him his share in the future.” It was reported that after this visit, the vinegar became wine again. Others say that the price of vinegar increased so much that Rabbi Huna sold the vinegar for the same price as wine. The employee-employer relationship is very critical for business success as evidenced by the above classical Talmudic discussions and examples. It must be a win-win relationship.

4.4 Fraud and theft

The Talmud’s views towards fraud and theft go beyond those of contemporary business ethics thought. Besides acknowledging the rational and logical requirement of honest dealings within the marketplace, the Talmud looks at monetary dishonesty as a transgression against God’s will. Regarding stealing, many prohibitions have been stated in reference to it in the Torah: “You shall not steal” (Exodus 20:13), “Nor may you rob” (Leviticus 19:13), “You shall not oppress” (ibid.), “Nor may any man [among you] make a false denial” (Leviticus 19:11), “Or lie against his fellowman” (ibid), “You must not cheat one another” (Leviticus 25:14), “You must not move back the border of your fellowman [‘s field]” (Deuteronomy 19:14). Such activities lead to Divine retribution (Tamari, 1991).

The Talmud (Bava Basra, 88b) states, “Stealing from a human being is worse than stealing something that is consecrated [for use in the Beis HaMikdash⁶²], for when referring to the former, [the Torah] speaks first of ‘sinning’ and only afterwards does it mention ‘misappropriation’ [while when referring to the latter it speaks first of ‘misappropriation’ and only then does it mention ‘sinning’].” Theft requires not only restitution, but repentance before God (*teshuvah*), and may result in an individual becoming ineligible as a witness (Tamari, 1991).

The Talmud (Bava Kamma, 119a) states, “Whoever steals from another, even [something] worth only a prutah, it is as if he has taken his life.” [From here] one sees the severity of this sin even with regard to small amounts. The Talmud further says on this subject (Taanit 7b): “The rains are withheld only because of the sin of stealing.” The Midrash (Leviticus Rabbah⁶³, 33:3): “[In] a basket full of

transgressions, which sin is the most incriminating? The sin of stealing!” And it was the sin of stealing that finally condemned the generation of the Flood to such harsh punishment (Sanhedrin, 108a).

4.5 Misleading others with bad advice

The principle of *lifnei iver* (literally, “before the blind”) prohibits one from giving bad advice to another person. It is based on the verse in the Torah (Leviticus 19:14): “You shall not curse the deaf, and you shall not place a stumbling block before the blind⁶⁴; you shall fear your God - I am Hashem.” The original Hebrew reads, *lifnei iver lo sitten michshol* (“before the blind do not place a stumbling block”) and is often referred to, succinctly, as *lifnei iver*. The term “blind” is interpreted metaphorically as meaning someone who is unsuspecting, naïve, ignorant, or even morally blind⁶⁵. Thus, one who purposely gives bad advice to another has violated this law. In fact, one who conceals his true motives for giving the advice (for example, there is a conflict of interest and the advisor stands to make a hidden profit or get a kickback from his advice) has violated the principle of *lifnei iver* (Leviticus 19:14). As the Midrash explains, the reason the verse ends with the warning about fearing God is that human beings do not know whether advice proffered to them by friends is good or bad; after all, advice is often given with an ulterior motive. Only God knows the true motive of the advice giver.

In addition, *lifnei iver* is considered to be a prohibition against helping or causing another to sin⁶⁶. Thus, placing any kind of prohibited temptation in front of someone would not be allowed. For example, providing an individual with a prohibited food would be a violation of *lifnei iver*, thus according to the Talmud, Pesachim (22b). How many times do people fail in these transgressions daily as their lust for profit lures them onward? In the Torah the severity of their punishment has already been spelled out (Deuteronomy 27:18): “Cursed is he who misleads an undiscerning person.”

The responsibility of an honest person is such that when someone comes to him for advice he must give him the same advice that he would himself follow, having no other end in mind, immediate or distant, than the benefit of the one who has come for the advice. And if it should happen that he sees himself as standing to lose by such advice, he should reveal this to the other party if he is able to, and if he cannot, he should excuse himself and not give any advice (Luzzatto, 2009).

⁶² Temple

⁶³ Vayikra/ (Leviticus) Rabbah – is an ancient volume of aggadot which was created in Eretz Israel and was edited in the 5th or the beginning of the 6th century C.E. It was clearly influenced by the ancient Tannaic Midrashim (Hananel Mack, 1989, MOD Books, Tel-Aviv).

⁶⁴ Scherman (2013). “Before the blind.” [In addition to the lateral meaning,] one may not give bad advice to an unsuspecting person (Rashi; Sifra), or cause someone to sin (Rambam).

⁶⁵ ibid

⁶⁶ ibid

4.6 Bribery, outright and subtle

The Torah is very strict about taking bribes: It states (Exodus 23: 8; Deuteronomy 16:19): “Do not accept a bribe” and (Deuteronomy 16:19): “Do not pervert judgment.” The Talmud (Kethuboth, 105a) adds that the Torah prohibits a judge from taking money even in order to acquit the innocent or to declare the guilty liable. To further elaborate on this point, the Talmud (Kethuboth, 105b) tells the story of Rabbi Yishmael son of Rabbi Yosi whose sharecropper brought him a basket of a fruit (from Rabbi Yishmael’s own orchard) every Friday afternoon. One day he brought the basket on Thursday. When Rabbi Yishmael asked him why he brought the fruit early, he was informed that the sharecropper wanted to use him as a judge on a case. Rabbi Yishmael recused himself and found others to try the case. Later, when Rabbi Yishmael overheard the proceedings, he kept thinking to himself of arguments the sharecropper might use to win the case. When he realized what he was doing, he cursed those who take bribes. He said that in this situation, where he did not take the gift and even if he had, it was fruit from his own orchard, yet, he was still biased and could not think clearly. All the more so, one who takes a bribe (or who even has a conflict of interest) can never be impartial.

4.7 Conflict of interest

The Talmud (Bava Metzia, 38a) discusses a disagreement regarding the law in the case of a bailee who is watching someone’s fruit, wine, oil, or honey and notices that it is starting to spoil. Should he sell it or is he not permitted to do anything? The Talmud maintains that he should sell it to others under the supervision of the court, but he is not permitted to buy it for himself. The reason being to avoid people to suspect that the bailee purchased it for an unfairly low price. Klainman (2000) uses this law to prove that the Jewish laws dealing with conflict of interest are not only for judges, witnesses, or public officials. These laws are also for trustees or “anyone having a fiduciary relationship with another.” Also, they cause others to be suspicious of one’s motives, implying a lack of transparency or oversight. One is obligated to act in a way that does not cause others to be suspicious of one’s actions.

There is no question that Jewish law does not allow people or organizations to place themselves in a situation where a conflict of interest is present. The Talmud (Sanhedrin, 18b) states that neither the king nor the High Priest may be members of the court that is involved in the intercalation of the year. The Talmud felt that the conflict of interest was too great and therefore did not allow the king to participate as a member of the panel. The High Priest also had a conflict of interest. If he agreed to add another month, the following Yom Kippur would be later in the year when it is colder in Israel. This would result in a great

deal of discomfort for him, either because of the five ritual baths he took on Yom Kippur and/or because the floor would be very cold and he performed the service barefoot. When it comes to conflicts of interest, no one is to be trusted (Friedman and Friedman, 2009).

4.8 Honest weights and measures

The Torah is very concerned with honest weights and measures. The Torah states (Leviticus 19: 35-36): “You shall not commit a perversion in justice⁶⁷, in measures of length, weight, or volume. You shall have correct scales, correct weights, correct dry measures, and correct liquid measures – I am Hashem, your God, Who brought you forth from the land of Egypt.” One is not permitted to own an inaccurate weight or measure (Deuteronomy 25: 13-16): “You shall not have in your pouch a weight and a weight – a large one and a small one. You shall not have in your house a measure and a measure – a large one and a small one. A perfect and honest weight shall you have, a perfect and honest measure shall you have, so that your days shall be lengthened on the Land that Hashem, your God, gives you. For an abomination of Hashem, your God, are all who do this, all who act corruptly” (Bava Metzia, 61b). This is why shopkeepers were instructed to wipe their weights once a week and clean their scales after every weighing (Bava Basra, 88a).

The Talmud further states that, “The punishment for measurements is [even] more severe than the punishment for promiscuity....” The Talmud is so concerned with honest measures that the sages even prohibit vendors of liquids from pouring a liquid rapidly from a great height. Since foam is generated, the consumer ends up with less liquid. In addition, market commissioners were appointed to oversee businesses using weights and measures (Bava Basra, 89a). For example, the strict Jewish attitude towards maintaining accurate weights and measures counters society’s lenient view with respect to “shortchanging” clients and “cutting corners.” One major form of theft or monetary exploitation regarded by Jewish law is “overcharging.”

There are three degrees of overcharging. If the discrepancy between the sale price and the market value is less than one sixth of the market value, no legal action is possible. It is assumed that the buyer and seller waive their legal rights as the social costs of cancelled sales would outweigh any benefits (Tamari, 1991). If the discrepancy between the sale price and the market value is exactly one sixth, the buyer may make a claim for the price differential. If the sales price differs from the market value by more than one sixth, the sale may be invalidated. If the

⁶⁷ Scherman (2013). Ch.19:35-36. A businessman who falsifies weights and measures is likened to a judge who perverts judgment.

seller makes it clear that there is an overcharge, and no form of oppression exists, then no claim for “overcharging” can be made. This form of legal protection is designed to prevent the exploitation of a party who may be weaker, ignorant, misled, or otherwise disadvantaged (Tamari, 1991). The issue still arises whether one is entitled to charge more than the market value up to the one-sixth level. The Talmud suggests that the moral activity would be charging no more than the market price, despite being technically allowed by the law.

4.9 Transparency

The Torah (Numbers 32:22) states that, “And you shall be innocent before God and Israel.” This verse is used by the Talmud (Yoma, 38a) to derive the principle that it is not enough for one to know that that one’s actions are proper in God’s eyes. One must also act in such a way as not to engender suspicion on the part of human beings. Conflicts of interest, of course, cause people to be suspicious of one’s actions and this is not permitted. Demonstrating the importance of keeping honest records, the Torah (Exodus, 38:21-31) enumerates the amount of gold, silver, and copper used in the construction of the Tabernacle. Moreover, the Torah (Exodus, 38:21) informs us who was ultimately responsible for guaranteeing that accurate records were kept: “These are the accounts of the Tabernacle, the Tabernacle of the Testimony, as they were calculated according to the commandment of Moses...” Moses wanted to show everyone that he was acting in such a way so that no one would be suspicious of him and to make evident to the Israelites that no precious metals were diverted for anyone’s personal use. Thus, he commanded others to audit the books.

The Sidrah begins with a detailed listing of the amounts of gold, silver and copper that was contributed for the construction of the Tabernacle. Despite the fact that metals were deposited with Moses and were under the supervision of Bezalel – people whose greatness and integrity were indisputable, known to the people, and attested to by God – Moses would not rely on assumptions. Leaders must be beyond reproach and must keep accounts of the funds that pass through their hands. Today we would refer to this as transparent accounting records. Moses gave a complete reckoning to the Jewish people of what their donations had been used for. Financial transparency is essential for all organizations and especially those that are supported by the community.

The Talmud (Pesachim, 13a) states that the overseers in charge of the soup in the kitchen were not allowed to purchase surplus food when there were no poor people for whom to distribute it. Surpluses were only allowed to be sold to others so as not to arouse suspicion that the charity overseers were profiting from public funds. The Talmud (Yoma, 38)

relates how the family of Garmu, that made the showbread for the Temple, was especially careful to be above suspicion. Their children were never seen with fine bread. Brides from the family of Abtimas never wore perfume since this family made the incense for the Temple.

4.10 Not discriminating against the stranger

One type of poor person that is mentioned numerous times in the Torah is the stranger. According to one opinion in the Talmud (Bava Metzia, 59b), the precept of treating the stranger properly is mentioned thirty-six different times in the Torah. For instance, Leviticus (25:35) states: “You shall strengthen him, whether he is a stranger or a native, so that he can live with you.” In addition, the Torah prohibits one from wronging or oppressing the stranger (Exodus 22:20; 23:9). Moreover, the Torah obligates one to love the stranger (Leviticus 19:34; Deuteronomy 10:19). This concept of caring for the stranger is mentioned seemingly endless times in Scriptures (also in the Prophets-Jeremiah 22:3; Zechariah 7:10) because there is a natural tendency to take advantage of those who are different, whether of a different nationality, different background, or different race. Employers have a special obligation to “strengthen” those who are of different backgrounds by providing them with meaningful work.

4.11 Paying Wages and Rents on Time

The Torah (Leviticus 19:13) states: “You shall not cheat your fellow and you shall not rob; a worker’s wage shall not remain with you overnight until morning⁶⁸.” Employers must pay employees on time. Withholding payment due to workers is a violation of the Torah law. The Talmud (Bava Metzia, 112a) says that, “Whoever withholds an employee’s wages, it is as if he has taken the person’s life from him.” The Talmud (Bava Metzia, 111b) extends this law to all kinds of payments owed, including various types of rental fees. Firms that are late in paying their landlords or suppliers violate this law. The importance of paying workers on time can be seen from the following episode related in the Talmud (Bava Metzia, 83a). Some porters hired by Rabba Ben Huna were negligent and broke his cask of wine. Not only did Rabba not get restitution, but Rab, the judge, required that Rabba pay the workers. Rab felt that since the porters were quite poor, one must sometimes go beyond the strict letter of the law. Rab, somewhat cryptically, quoted a passage from Proverbs to demonstrate that an ethical person

⁶⁸ Scherman (2013). Ch. 19:13 If a worker was hired by the day, his employer has until morning to pay him; if he was hired for the night, he must be paid by the next evening (Rashi; Sifra).

sometimes must do that which may not be necessary on purely legal grounds. The verse in Proverbs (2:20) says: "That you may go in the way of the good and keep the ways of the righteous."

In our own time, Aaron Feuerstein, President (owner) of Malden Mills, displayed an unusually high level of ethics after his textile company burned down on December 11, 1995. This was so unusual that President Clinton was moved to invite him to sit with his wife Hillary and daughter Chelsea during the State of the Union address the following month (Kahaner, 2003). Feuerstein could have taken the insurance money and not rebuilt his company. Not only did he choose to rebuild (primarily in order to save the jobs of 3000 employees), but he paid his idled workers for three months and took care of their health-care benefits for six months. The total cost of his generosity was about USD10 million. Apparently, Mr. Feuerstein chose to "keep the ways of the righteous."

4.12 Fringe benefits for employees

The Torah requires the master to give his or her slave a severance gift. The Torah (Deuteronomy 15:13-14) states: "Do not send him away empty-handed. You shall give him a severance gift from your flocks, from your threshing floor, and from your wine cellar; as Hashem, your God, has blessed you, so shall you give him." An ethical employer should realize that if the Torah demands that a slave be given a severance bonus after six years of labor, it is certainly appropriate for employers to reward loyal workers who have been with a firm for many years. The Torah gives a field worker the right to eat the produce he cultivates.

The Torah (Deuteronomy 23:25-26) states: "When you come [as a worker] into your neighbor's vineyard, you may eat as many grapes as is your desire, to your fill, but you may not put any into a receptacle. When you come into your neighbor's standing corn, you may pluck ears with your hand, but you should not lift a sickle on your neighbor's standing corn." Grape-pickers, for example, can eat some of the grapes they are harvesting, but they are not allowed to place them into a vessel (to take home with them). These laws ensure that a field worker has a right to eat the crop he or she is working on while harvesting. However, they also protect the field owner from a rapacious worker who will take too much. Surely, an ethical employer, especially one in the food business, should allow workers to take a reasonable amount of food for them. Interestingly, many hotels allow employees to get all their meals free while working, but do not allow them to pack up food to bring home.

The Talmud recounts the story of the son of Rabbi Yochanan Ben Mattia, who once hired workers and agreed to supply them with food, without specifying the quantity or type of food. When his

father heard about this, he said: "My son, even if you would prepare for them a banquet as majestic as Solomon when in his grandeur, you would not fulfill your undertaking" (Bava Metzia, 83a). Rabbi Yochanan believed that a simple meal would not be sufficient to satisfy one's obligation, since laborers had to be treated with great honor and respect. Providing the workers with bread and water for their meal would be as unacceptable as feeding one's own family such a meal.

4.13 Honesty in negotiations

The negotiation between Ephron and Abraham over the Cave of Machpelah provides interesting insights into proper and improper ways to negotiate (Genesis 23). Abraham's wife Sarah died, and Abraham needed a place to bury her. Abraham was desperate for a burial plot. Ephron, knowing this, realized that he could overcharge Abraham and probably still get his asking price. Ephron, however, was also interested in posturing before his countrymen and looking generous. He said to Abraham, "No, my lord, listen to me! I have already given the field to you, and as for the cave that is in it, I have given it to you; in the sight of my countrymen, I have given it to you. Bury your dead" (Genesis 23:11). Abraham certainly had the opportunity of saying to Ephron, "Thank you very much for this nice gift." Abraham probably suspected that Ephron was offering the land only because his countrymen were watching and was not sincere in his offer. Abraham replied, "If only you would listen to me! I am giving you the money for the field..." Ephron said, "My lord, hear me! Land worth four hundred silver shekels, between me and you, what is it? Bury your dead" (Genesis 23:15). Ephron, still pretending that he wanted to give away the land, slyly mentioned its value. Abraham understood what Ephron really wanted and ended up paying him the grossly outrageous sum of four hundred silver shekels (Jeremiah paid seventeen shekels (Jeremiah 32:9) for property that was better, and probably larger, than the Cave of Machpelah).

The Torah could simply have stated that Abraham paid Ephron four hundred silver shekels for the Cave of Machpelah and left it at that. One reason this chapter is in the Torah is possibly to instruct us in the proper way to negotiate. Abraham did not want to take advantage of Ephron, knowing very well that Ephron was simply posturing. Abraham desired to pay a fair price. Ephron's behavior, on the other hand, was reprehensible. Knowing that he had the upper hand, Ephron proceeded to ask for an outrageous sum. From Ephron's conduct, the Talmud (Bava Metzia, 87a) derives the principle that "wicked people promise much and do not even do a little." They would offer to anoint with oil from an empty flask.

Negotiations are quite common in business. In particular, there are employer-employee and buyer-

seller negotiations. The story of Abraham and Ephron demonstrates the importance of being honest. Ephron comes across as a sleazy character because he promised much and then ended up overcharging for his property. Ephron was more concerned with grandstanding than with being honest and straightforward.

The Talmud discusses various standards of conduct that affect negotiation techniques. For instance, the Talmud prohibits asking a dealer the price of an item if an individual has absolutely no intention of buying the item (Bava Metzia, 58b). Asking a merchant a price when one has no intention of buying, causes the merchant to have a false expectation of a sale. The Talmud considers this to be deceptive. Furthermore, the merchant is upset when the inquiry does not result in a sale. Only an individual who has some interest in purchasing a product has the right to inquire about a price.

The Talmud states that an individual who “jumps in” while another person is involved in negotiations and snatches the property away from the latter party is wicked. The Talmud tells the story of a sage who abandoned a field he had just purchased after discovering that someone else had been negotiating for it prior to the purchase (Kiddushin, 59a). A decent person (or organization) does not intrude when others are in the midst of negotiations. Legally, of course, one cannot prevent another from interloping. The Talmud, however, frowns on such behavior. This rule also applies to an individual who “steals” a job from another person who is in the middle of negotiations with a prospective employer. It may be legally binding, but it is certainly immoral by Talmudic standards.

4.14 Honesty in selling

Talmudic law requires that the seller inform the buyer of any hidden defects in the merchandise. Sales made under false pretenses, for example, by hiding a product defect, would be null and void. Two classic cases are discussed in the Talmud. One case involves an individual who sells fruit without specifying whether the fruit is to be used for eating or seed. The buyer, who purchases the fruit for its seeds, plants the seeds and then finds out that the seeds are sterile. The seller’s argument was that he sold the fruit for eating and not for the seeds. The other classic case involves an individual who buys an ox and then finds out that the ox is a gorer and thus unsuitable for plowing. The seller claims that he sold it for meat. The above cases are situations in which the seller distributes both types of products, for example, oxen for plowing and oxen for meat. If, however, a seller only sells one type of product and clearly is trying to deceive a blameless customer, there is no question that this is a violation of the biblical law.

One is not permitted to deceive others under any circumstances. The Talmud prohibits various kinds of

deceptions in selling, including the following: painting animals or utensils to fool prospective buyers into thinking they are younger or newer; or deceiving potential customers by placing the better quality merchandise on top of the bin (and the lower quality merchandise on the bottom) to make it appear that the merchandise is of uniformly high quality throughout. The law against deception is relevant even in marriage, that is, one party can claim *mekach taos* (transaction under mistaken assumption) if the other party has a hidden defect. The discovery of a bodily defect in a spouse can annul a marriage; this kind of marriage is voidable. Evidently, the Talmud considers any type of deception or dishonesty to fall under the biblical prohibition against stealing, denying falsely, or lying.

The Talmud states that there is a clear distinction between fraudulent and legitimate business practices: Whatever one does to show the buyer the true value and beauty of an item is a fair and honest effort. However, whatever [is done] to conceal its defects is fraudulent and prohibited. This according to the Talmud is a fundamental rule in the workings of business ethics (Luzzatto, 2009).

4.15 Providing an honest day’s work

The rule of thumb is that whatever the work may be, one who has been hired to do a day’s work is regarded as having sold all his hours to his employer for that day, as the Talmud (Bava Metzia, 56b) says: “One who hires himself out for a day’s work sells himself for that day.” Therefore, whatever one takes [from those hours] to benefit himself, in whatever manner, is pure thievery, and if [his employer is not prepared] to overlook this he is not absolved of guilt, as the Talmud (Yoma, 85b) adds that: “A man’s sins against his neighbor are not atoned for on Yom Kippur until he placates his neighbor. Employees are required to work to the best of their abilities and not waste time. Incidentally, companies that are hired on a cost-plus basis as contractors have the same obligation of working to the best of their abilities and not wasting time and money belonging to others. Homiletically, one sees this principle in the following biblical passages. Ya`akov Avinu (Jacob) ran away from his parents’ home in Israel to another country because his brother Esav wanted to kill him. When he arrived in Haran, he noticed some shepherds idling around the well. He said to the shepherds, “Look, the day is still long; it is not yet time to bring in the cattle. Water the sheep and go on grazing” (Genesis 29:7). A stranger in a foreign land does not usually question the work habits of others. This can be quite risky, especially with the wrong kind of people.

Apparently, Ya`akov Avinu was surprised that these shepherds appeared not to be doing an honest day’s work. Many years later, Ya`akov Avinu described the kind of work he himself had performed for Laban. Ya`akov Avinu told his wives, “You know

that I have served your father with all my strength” (Genesis 31:6). Ya’akov Avinu also described to Laban the kind of work he did for him: “These twenty years that I have been with you, your ewes and your she-goats have not miscarried their young, and I have not eaten the rams of your flocks. That which was torn of beasts I did not bring to you; I bore the loss of it.... “In the daytime I was consumed by drought and in the evening by frost, and my eyes were deprived of sleep” (Genesis 31:38-41). So what will they say – those who are busy with their own pleasures while they are supposed to be at work attending to their jobs, or who are occupied with enriching their pockets [at their employers’ expense]?! Evidently, Ya’akov Avinu worked to the best of his abilities for Laban this, despite the fact that Laban had deceived him by substituting Leah for Rachel at the wedding, thus requiring that Ya’akov Avinu work an additional seven years. Ya’akov Avinu believed that an employee should work as hard as possible and do an honest day’s work.

The Talmud relates that Abba Chilkiyah was so meticulous about not wasting his employer’s time that he ignored and did not even greet two scholars sent by the rabbis to ask him to pray for rain. The two scholars then later asked Abba Chilkiyah about the mysterious behavior to which Abba Chilkiyah answered, “Because I was a paid laborer; I could not steal my employer’s time to greet you” (Ta’anit, 23a-b).

4.16 Kiddush Hashem and chillul Hashem

These two principles apply not only to business ethics but to all of our relations with our neighbors. The two are called kiddush Hashem, or the sanctification of God’s name, and chillul Hashem or the desecration of God’s name. They stem from a verse in Leviticus (22:32): “You shall not desecrate My holy name, that I may be sanctified in the midst of the people of Israel - I am the Lord who sanctifies you.” This verse means that any good or holy act that a person does, sanctifies God’s name in the eyes of people while any bad or profane act that a person does, desecrates God’s name in the eyes of the public. A Jew’s primary privilege and responsibility is to sanctify God’s Name through his behavior, so that people say of him, “Fortunate are the parents and teachers who raised a person.” Conversely, there is no greater degradation for a Jew than to act in a way that will make people say the opposite (Yoma, 86a).

As we learn in the classic Talmudic story about Shimon ben Shetah (Yerushalmi Bava Basra, 2:5): Shimon Ben Shetah was in the flax trade. His students said to him: ‘retire from the flax trade and we will buy you a donkey and you will not have to work so hard.’ They bought a donkey for him from a non-Jewish trader. As it turned out, a precious gem was hanging from its neck. They came to him and said:

‘from now on you will not have to work anymore!’ He replied: ‘why not?’ They explained: ‘we bought you a donkey from a non-Jewish trader and we found a precious gem hanging from its neck’. Shimon said: ‘And did its master know?’ They replied: ‘no’. He said: ‘go and return it. Do you think I am a barbarian?! I want to hear the non-Jew say “blessed be the God of the Jews” more than I want all the material rewards of this world!’ This taught us that we should always have the Lord in our thoughts. If we are able to think of business when we are praying, we should be able to think of praying when we are doing business.

4.17 Responsibility for damages

According to Kahaner (2003), the biblical phrase “an eye for an eye” does not have anything to do with punishment for knocking out someone’s eye, and it is not an endorsement of the death penalty. It means that we are responsible for everything that we do. If we break something, we are expected to fix it, replace it, pay for it, or otherwise make restitution. The corollary he said is that we are also obligated to prevent damage to or the destruction of anything unnecessarily. This includes anything that happens as a result of our action or our inaction. This prohibition refers not only to material things but to intangibles such as another person’s self-esteem or reputation.

5. Conclusion

In conclusion, the Talmud is without doubt the most prominent text of rabbinic Judaism’s traditional literature. The Talmud has created a broad ethical world from which the Jew has drawn his universal conception of morality and responsibility. The Talmud is therefore a guide for every person who honestly seeks to unite with God and man, with the love of God as well as with the love of man. In his book, *The Complete Idiot’s Guide to the Talmud*, Rabbi Aaron Parry says that when, shortly before his death, Albert Einstein was asked what he would do differently if he could live his life again, he replied without hesitation: “I would study the Talmud.” Many people, Jews and Non-Jews have resorted to study the Talmud which is a significant part of our very life and an efflorescence which has substantially helped to mold and form our very essence.

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