

Work Ethics

There is a lot of discussion among the Jewish people for many generations regarding work and business ethics. I will give you some normative Jewish thought, and also my opinions as well.

Rabbi Shimon ben Elazar, who notes that animals do not have to work at trades to provide for themselves—presumably ignoring the fact that wild animals devote considerable effort to finding food and that domesticated ones are often put to work by humans. “If these, who were created only to serve me, earn their livelihood without anguish, then is it not right that I, who was created to serve the One Who formed me, should earn my livelihood without anguish?”

I think Bebb Elazar’s opinion is a bit out of balance. I would rather interpret this thought as follows: “Find something that you love to do, that is a righteous benefit to others, and do it with all your strength, in joy.”

In addition to their concern that work ought not be too onerous, the rabbis of the Talmud were clearly worried that excessive pursuit of material well-being would distract from higher pursuits.

Hillel cautioned that one who is too engaged with business cannot become wise.

In Pirkei Avot, Rabbi Meir states unequivocally: “Minimize business and engage in Torah.”

Rabban Gamliel states outright that one should occupy himself both with Torah study and work: “Excellent is the study of the Torah together with a worldly occupation; for the exertion [expended] in both of them causes sin to be forgotten.”

In Psalms, which is traditionally attributed to King David, it says: “You shall enjoy the fruit of your labors; you shall be happy and you shall prosper.”

In the Mishneh Torah, Maimonides describes eight levels of charity, the highest being to grant a loan or a business partnership or helping the poor find work “until he is strong enough so that he does not need to ask others [for sustenance].”

I find that the central theme of all Scripture regarding work is summarized in a few sentences:

1. G-d and His righteousness are more important than work.
2. Your family is more important than work.
3. You must support your family financially, as part of your duties as a husband.
4. If you are able, but do not work, you are lazy and a worthless fellow.
5. Work is another way that you witness of our G-d in this world. Your work ethic, and your honesty, testify of the One you serve.
6. It is the difficult times which test your work ethic, and your honesty, that produce the greatest witness of who you are, and who our G-d is.

7. Balance is essential in everything we do. That is crucial in the realms of work, family life, and the study of Torah and being part of a congregation. The balance point between these three important parts of your life will often change, but there will always be a proper balance point for every time and every season.
8. Work for an employer as if you are working for G-d Himself. Always give more than is required of you, and never give second best.

With these principles in mind, let's look at some examples of how we should behave as good workers, and preserve our best witness in the community through a life of holiness.

Accurate weights and measures

We are admonished in the Book of Leviticus (19:35-36): “You shall not falsify measures of length, weight, or capacity. You shall have an honest balance, an honest weight, an honest *ephah* [dry measure], and an honest *hin* [liquid measure]”.

The Mishnah (Bava Batra 5:10) rules that: “The wholesaler must clean out his measures once every thirty days and the householder once every twelve months... The retailer cleans his measures twice a week and polishes his weights once a week; and cleans out his scale before every weighing.”

Throughout the Talmudic period, the rabbis appointed *agronomoi*—a Greek word for market commissioners—whose job it was to inspect measures and weights and to fix prices for basic commodities (Babylonian Talmud [=B.T.], Bava Batra 89a). The *agronomoi* eventually disappeared, but the ideal was still there as late as the nineteenth century when Rabbi Israel Salanter [the founder of the *musar* (ethical self-improvement movement)] wrote: “As the rabbi must inspect periodically the slaughtering knives of the *shochtim* [slaughterers] in town to see that they have no defect, so must he go from store to store to inspect the weights and measures of the storekeepers.”

Today, these laws are just as applicable as they were in biblical times. Wholesalers and retailers must check their scales and cash registers on a regular basis, not just because civil law demands it, but also because Jewish law requires it.

Ona’at Mamon (Monetary Deception)

This concept, too, is based on a verse in Leviticus (25:14): “When you sell anything to your neighbor or buy anything from your neighbor, you shall not deceive one another.”

This verse clearly refers to monetary deception. The rabbis of the Talmud used it as a basis for a series of specific laws on the subject (B.T. Bava Metzia 49b and 50b; Maimonides, *Mishneh Torah*, Laws of Sales, Chapter 12). They ruled that if the price charged was *more* than one sixth above the accepted price, the sale is null and void and the seller must return the buyer’s

money. If it was *exactly* one sixth more, the transaction is valid, but the seller must return the amount overcharged. If it was *less* than a sixth, the transaction is valid and no money need be returned. Needless to say, these laws are still very relevant today. It is permissible for a Jew to make a fair profit; it is not permissible to price gouge and rob the customer blind. Such behavior is *ona'at mamon*, or monetary deception.

I would rather that the ruling be that a fair price must be offered and accepted for every transaction. If the price is too high, then the seller steals from the buyer. If the price is too low, then the buyer steals from the seller. Neither buyer nor seller should use the circumstance of desperation of the other as leverage in any transaction.

***Ona'at Devarim* (Verbal Deception)**

This category is related to the second, and it is based on another verse in the same chapter of Leviticus (25:17): “Do not deceive one another, but fear your God, for I the Lord am your God.”

Since the other verse had explicitly mentioned monetary deception, the rabbis concluded that this verse refers to verbal deception. And thus we learn in the Mishnah (Bava Metzia 4:10): “Just as there is deception in buying and selling, there is deception in words. A person should not say to a merchant: ‘How much does this cost?’ if he has no intention of buying it”.

But why not? What’s wrong with comparison shopping? Nothing! But in this case he is not asking in order to compare prices. He is asking out of idle curiosity, which gives the

merchant false hopes. Therefore the Mishnah says “he has *no intention* of buying it” and a parallel [source] (Bava Metzia 58b) states that he doesn’t even have any money.

As for our own day, once again the law *ofona’at devarim* is very applicable. Let us say that Reuven goes into a warehouse outlet in order to buy a computer, but he wants a demonstration before he spends \$1000. The warehouse outlet is not equipped for demonstrations. The salesman says to Reuven: “go to the IBM showroom down the block and ask for a demonstration, then come back here and buy the computer at our low low price”. Reuven complies and gets a free demonstration plus a discount.

In this case, Reuven has committed *ona’at devarim*—verbal deception. When Reuven asks for the demonstration at the IBM store, he has *absolutely no intention* of purchasing the computer there. He merely wants a free demonstration. The IBM salesman is being deceived. He either loses a real customer while waiting on Reuven, or feels badly when Reuven walks out on him after a half-hour demonstration. This is *ona’at devarim*.

Another example that I have seen is when ladies order a dress online, or even purchase it in the store, and then they wear it at an event. Later they return the dress to get their money back. They have stolen the value of the use of that dress through deception, and taking advantage of the seller’s good will.

False Packaging or False Labeling

This is an example of *genevvat da'at*, which literally means, “stealing a person’s mind.” Interestingly enough, [this prohibition] is not based on a specific verse from the Bible, but was derived by the Sages from the laws of theft and the laws of honesty. We learn in the [second-century commentary, the]Mekhilta (D’nezikin, Chap. 13): “There are seven kinds of thieves: the first is he who steals the mind of his neighbor...”

The Talmud gives a number of specific examples of such false packaging or false labeling. [Two examples follow:]

“Our Sages have taught: one should not sell a sandal made from the leather of an animal that died of disease as if it was made from the leather of an animal that was slaughtered, because he is misleading the customer.” (B.T. Hullin 94a)

“One should not sift the beans at the top of the bushel because he is “deceiving the eye” by making the customer think that the entire bushel has been sifted. It is forbidden to paint animals or utensils in order to improve their appearance or cover up their defects.” (B.T. Bava Metzia 60a-b)

We are all familiar with these kinds of false packaging. A wholesaler takes an inferior brand of shirt and puts on Pierre Cardin labels. You buy a box of perfect-looking tomatoes or strawberries, only to discover upon opening the box at home that they were packaged with the bad spots facing down. And we all know how used cars are touched up and polished for the sole purpose of overcharging the customer. These are all good examples of *genevvat da'at*, clearly forbidden by Jewish law.

Another example that I have seen is how some boxed loose items, such as cereals, are now lesser in volume on the inside, but the box has remained the same. Or the volume is the same as it has been in the past, but the box is made larger to make the customer think there is more inside.

Another example is taking an item which is regularly priced at \$10, and then posting a new price card on the shelf that shows \$14, and then posting next to that a sign indicating a special sale price of only \$10. This is also deception.

Another example is advertising an item at a very low price, well below its normal price, but having not enough of those items to satisfy a reasonable public demand for it at that price. Then placing nearby the special sale item other items of similar use, but of higher expense, in hopes that frustrated buyers will just go ahead and spend the extra money for the item they wish to have, since they have already made the trip to the store. This is a deceptive trade practice.

"Putting a Stumbling Block before the Blind"

We would call [this] “giving someone a bum steer.” This law is based on Leviticus 19:14): “You shall not curse the deaf nor put a stumbling block before the blind, but you shall fear your God, I am the Lord”.

Our Sages interpreted this verse in a very broad fashion. In a midrash on that verse, Sifra [another early midrash collection] says:

“ ‘You shall not put a stumbling block before the blind’ —before someone who is blind in that particular matter.... Don’t say to your neighbor ‘sell your field and buy a donkey,’ when your whole purpose is to deceive him and buy his field. And if you claim, ‘But I gave him good advice!’ [Remember,] this is something which is hidden in the heart, [and therefore] the end of the verse says: ‘but you shall fear your God, I am the Lord.’ ”

Once again, the law of the stumbling block can be readily applied to modern situations: a real estate agent should not dupe a young couple into buying a home with structural faults simply in order to make a fast buck. A stockbroker should not sell his client a bad investment just to collect the commission. A salesman should not convince his customer to buy an expensive item he really has no use for. These are all considered “a stumbling block before the blind” about which we are warned “and you shall fear your God, I am the Lord.”

I believe that the best test for this is the following: If you have withheld information that if given would reasonably be an important influence the seller or buyer in making the deal, then you have entered into this deception.

Taxes and Tax Evasion

Considering the scope of Jewish business law, it is not surprising that it also has a clear opinion regarding tax evasion.

Eighteen hundred years ago the [Talmudic sage] Shemuel established the legal principle that in civil matters *dina d'malkhuta dina*—“the law of the land is the law” (B.T. Bava

Kama 113a). In its discussion of this principle, the Talmud specifically includes taxation as a secular law that must be followed. This, for example, is the way Maimonides summarizes this law (Mishneh Torah, Laws of Theft 5:11):

“[...] but a tax fixed by the king of 33% or 25% or any fixed sum... a person who avoids paying such a tax is a transgressor because he is stealing the king’s portion, regardless of whether the king is Jewish or not.”

So we see, Jewish law requires us to pay our taxes in a scrupulous fashion because in civil matters “the law of the land is the law.”

In my view, this is part and parcel of being a model citizen. To the degree that the laws of the land do not cause us to violate Torah, then we should obey them. Our good citizenship is a daily witness to those in the world of who our G-d is, and who we are.