

Business Ethics: a Jewish Perspective

✓ ST - shabbos - in that case, go out!
 or ST - work and no punishment for shabbos.
 I told you all I know

I. Introd.

- "J. Bus. Ethics" - but must begin w. Law.
- Halakic Levels: (minhagim; 12-30; 20-30. All similar - Borslaw)
- Let. Hal. - Bible, Talmud (17-20-30), commentaries, Codes (11-12); die
Today: last 3 continue, plus: Rabbinic courts (esp. Isr.); scholarly
 monographs (Slon, Radkower) (Avraham's "From Ethnopraxis to J-Law")
- Bus. Law/Eth not finding diff't rest also, except that subject
 matter exclusively commercial, rel. man-man, man-soc, thus
greater latitude than vis-à-vis to 20-30
- based on Torah's principles 20-30-40, & precepts such as:
 פסוקי תורה - 17-20-30, 20-30, 11-12, 12-13, 13-14
much to instruct mod. business-men except as illustrated above
- no INTROD'G LECT, will start clear of specifics - have that
 to later MAURYS. Introd.: OVERVIEW.

II. HALAKHIC DEVELOPT: RELEVANCE TALMUDIC LAW TO CHANGING ECON. CLIMATE

A. How apply Talm. Bus. Law - elaborated under specif. econ. structures, circumstances,
to contemporary life?

B. maggid mekubal (עובד פה): (as for 17-20-30, 20-30, 11-12, 12-13, 13-14, 14-15, 15-16, 16-17, 17-18, 18-19, 19-20, 20-21, 21-22, 22-23, 23-24, 24-25, 25-26, 26-27, 27-28, 28-29, 29-30, 30-31, 31-32, 32-33, 33-34, 34-35, 35-36, 36-37, 37-38, 38-39, 39-40, 40-41, 41-42, 42-43, 43-44, 44-45, 45-46, 46-47, 47-48, 48-49, 49-50, 50-51, 51-52, 52-53, 53-54, 54-55, 55-56, 56-57, 57-58, 58-59, 59-60, 60-61, 61-62, 62-63, 63-64, 64-65, 65-66, 66-67, 67-68, 68-69, 69-70, 70-71, 71-72, 72-73, 73-74, 74-75, 75-76, 76-77, 77-78, 78-79, 79-80, 80-81, 81-82, 82-83, 83-84, 84-85, 85-86, 86-87, 87-88, 88-89, 89-90, 90-91, 91-92, 92-93, 93-94, 94-95, 95-96, 96-97, 97-98, 98-99, 99-100, 100-101, 101-102, 102-103, 103-104, 104-105, 105-106, 106-107, 107-108, 108-109, 109-110, 110-111, 111-112, 112-113, 113-114, 114-115, 115-116, 116-117, 117-118, 118-119, 119-120, 120-121, 121-122, 122-123, 123-124, 124-125, 125-126, 126-127, 127-128, 128-129, 129-130, 130-131, 131-132, 132-133, 133-134, 134-135, 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690-691, 691-692, 692-693, 693-694, 694-695, 695-696, 696-697, 697-698, 698-699, 699-700, 700-701, 701-702, 702-703, 703-704, 704-705, 705-706, 706-707, 707-708, 708-709, 709-710, 710-711, 711-712, 712-713, 713-714, 714-715, 715-716, 716-717, 717-718, 718-719, 719-720, 720-721, 721-722, 722-723, 723-724, 724-725, 725-726, 726-727, 727-728, 728-729, 729-730, 730-731, 731-732, 732-733, 733-734, 734-735, 735-736, 736-737, 737-738, 738-739, 739-740, 740-741, 741-742, 742-743, 743-744, 744-745, 745-746, 746-747, 747-748, 748-749, 749-750, 750-751, 751-752, 752-753, 753-754, 754-755, 755-756, 756-757, 757-758, 758-759, 759-760, 760-761, 761-762, 762-763, 763-764, 764-765, 765-766, 766-767, 767-768, 768-769, 769-770, 770-771, 771-772, 772-773, 773-774, 774-775, 775-776, 776-777, 777-778, 778-779, 779-780, 780-781, 781-782, 782-783, 783-784, 784-785, 785-786, 786-787, 787-788, 788-789, 789-790, 790-791, 791-792, 792-793, 793-794, 794-795, 795-796, 796-797, 797-798, 798-799, 799-800, 800-801, 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912-913, 913-914, 914-915, 915-916, 916-917, 917-918, 918-919, 919-920, 920-921, 921-922, 922-923, 923-924, 924-925, 925-926, 926-927, 927-928, 928-929, 929-930, 930-931, 931-932, 932-933, 933-934, 934-935, 935-936, 936-937, 937-938, 938-939, 939-940, 940-941, 941-942, 942-943, 943-944, 944-945, 945-946, 946-947, 947-948, 948-949, 949-950, 950-951, 951-952, 952-953, 953-954, 954-955, 955-956, 956-957, 957-958, 958-959, 959-960, 960-961, 961-962, 962-963, 963-964, 964-965, 965-966, 966-967, 967-968, 968-969, 969-970, 970-971, 971-972, 972-973, 973-974, 974-975, 975-976, 976-977, 977-978, 978-979, 979-980, 980-981, 981-982, 982-983, 983-984, 984-985, 985-986, 986-987, 987-988, 988-989, 989-990, 990-991, 991-992, 992-993, 993-994, 994-995, 995-996, 996-997, 997-998, 998-999, 999-1000, 1000-1001, 1001-1002, 1002-1003, 1003-1004, 1004-1005, 1005-1006, 1006-1007, 1007-1008, 1008-1009, 1009-1010, 1010-1011, 1011-1012, 1012-1013, 1013-1014, 1014-1015, 1015-1016, 1016-1017, 1017-1018, 1018-1019, 1019-1020, 1020-1021, 1021-1022, 1022-1023, 1023-1024, 1024-1025, 1025-1026, 1026-1027, 1027-1028, 1028-1029, 1029-1030, 1030-1031, 1031-1032, 1032-1033, 1033-1034, 1034-1035, 1035-1036, 1036-1037, 1037-1038, 1038-1039, 1039-1040, 1040-1041, 1041-1042, 1042-1043, 1043-1044, 1044-1045, 1045-1046, 1046-1047, 1047-1048, 1048-1049, 1049-1050, 1050-1051, 1051-1052, 1052-1053, 1053-1054, 1054-1055, 1055-1056, 1056-1057, 1057-1058, 1058-1059, 1059-1060, 1060-1061, 1061-1062, 1062-1063, 1063-1064, 1064-1065, 1065-1066, 1066-1067, 1067-1068, 1068-1069, 1069-1070, 1070-1071, 1071-1072, 1072-1073, 1073-1074, 1074-1075, 1075-1076, 1076-1077, 1077-1078, 1078-1079, 1079-1080, 1080-1081, 1081-1082, 1082-1083, 1083-1084, 1084-1085, 1085-1086, 1086-1087, 1087-1088, 1088-1089, 1089-1090, 1090-1091, 1091-1092, 1092-1093, 1093-1094, 1094-1095, 1095-1096, 1096-1097, 1097-1098, 1098-1099, 1099-1100, 1100-1101, 1101-1102, 1102-1103, 1103-1104, 1104-1105, 1105-1106, 1106-1107, 1107-1108, 1108-1109, 1109-1110, 1110-1111, 1111-1112, 1112-1113, 1113-1114, 1114-1115, 1115-1116, 1116-1117, 1117-1118, 1118-1119, 1119-1120, 1120-1121, 1121-1122, 1122-1123, 1123-1124, 1124-1125, 1125-1126, 1126-1127, 1127-1128, 1128-1129, 1129-1130, 1130-1131, 1131-1132, 1132-1133, 1133-1134, 1134-1135, 1135-1136, 1136-1137, 1137-1138, 1138-1139, 1139-1140, 1140-1141, 1141-1142, 1142-1143, 1143-1144, 1144-1145, 1145-1146, 1146-1147, 1147-1148, 1148-1149, 1149-1150, 1150-1151, 1151-1152, 1152-1153, 1153-1154, 1154-1155, 1155-1156, 1156-1157, 1157-1158, 1158-1159, 1159-1160, 1160-1161, 1161-1162, 1162-1163, 1163-1164, 1164-1165, 1165-1166, 1166-1167, 1167-1168, 1168-1169, 1169-1170, 1170-1171, 1171-1172, 1172-1173, 1173-1174, 1174-1175, 1175-1176, 1176-1177, 1177-1178, 1178-1179, 1179-1180, 1180-1181, 1181-1182, 1182-1183, 1183-1184, 1184-1185, 1185-1186, 1186-1187, 1187-1188, 1188-1189, 1189-1190, 1190-1191, 1191-1192, 1192-1193, 1193-1194, 1194-1195, 1195-1196, 1196-1197, 1197-1198, 1198-1199, 1199-1200, 1200-1201, 1201-1202, 1202-1203, 1203-1204, 1204-1205, 1205-1206, 1206-1207, 1207-1208, 1208-1209, 1209-1210, 1210-1211, 1211-1212, 1212-1213, 1213-1214, 1214-1215, 1215-1216, 1216-1217, 1217-1218, 1218-1219, 1219-1220, 1220-1221, 1221-1222, 1222-1223, 1223-1224, 1224-1225, 1225-1226, 1226-1227, 1227-1228, 1228-1229, 1229-1230, 1230-1231, 1231-1232, 1232-1233, 1233-1234, 1234-1235, 1235-1236, 1236-1237, 1237-1238, 1238-1239, 1239-1240, 1240-1241, 1241-1242, 1242-1243, 1243-1244, 1244-1245, 1245-1246, 1246-1247

Must noting with layers of J. B. v. Low

- 1) laws relating to honest trade, no * $\bar{p}/\bar{c}/\bar{p}$ (price ~~performance~~), honest weights & measures, etc. going: eternal validity - bec. $\bar{p}/\bar{c}/\bar{p}$, & bec. of subject (i.e.; honesty - bet. buyer & seller - which = permanent)
- 2) laws relating to economic policy - no price & profit regulation {consumer protection}
- going NOT $\bar{p}/\bar{c}/\bar{p}$, & not analyze each to see how far
- D. law insists upon applic'n all conditions

A) Rabbits very concerned w. overbrowsing (p. 508 & 523). Condemned them in same breath w.

fruit-bearers (1 to 3/11), warblers, & mouse-decapters. One way of keeping prices down-

redner w. mitnehmen: $\frac{1}{2} \cdot 1000 = 500$ (für 1000 Personen)

נכס - יינוק שמתקן וסלוגו. ואלו כלי חסד כפי שצוה להם שיהיו ואלו.
ויאמר, בילד צעיר ואלו יין מצדק חיוני, ואלו היה מצדקו של צד. וכן נכסך הלאה יבא.

במספר: "...אלו זה מים מרין ומלח, וזה מים מקרין ומלח, כי שימכנו שול"

8) But this says that every producer market versus retail - could destroy business in a more complex economy. So note :

1. Only vital products (thurs: π^e in π^e of 1)
2. only if not plentiful (as: π^e in π^e of 1)
3. only if in the main invested in labor. (thurs π^e ^{13 cent} exempted)

- * as = when buyer pays a higher price to seller who failed to disclose that market price was far lower.

Miller who proved what ~~the~~ intro floor

4. acc. Cip, ^{14 cont} where producer cannot easily sell waves to public bec. of complexity marketing, middle-man permitted - since they invest n/c.
5. In addn, only principles remain: details unimportant...

IV - LAW AND ETHICS

A. Q. rel's Law & Eth - very old, complicated, still not solved.

gen. criterion: enforceability

will not get into philos. (basically law $\rightarrow$ act; ethics $\rightarrow$ person)

B. Hal. absorbed Eth by peculiar quality of law - (Sillman: duty/rights). Thus:

ה' ע'ל דאס זאגן - דאס זאגן איז אן ע'ל
 (אין אים איז אן ע'ל און אן ע'ל איז אן ע'ל). און אן ע'ל איז אן ע'ל
 "און אן ע'ל איז אן ע'ל" - אן ע'ל איז אן ע'ל
 "אן ע'ל איז אן ע'ל" - אן ע'ל איז אן ע'ל

C. Ethics thus has great-legal status - tho' not enforceable in court of law

D. Other examples (of Eth w/ great-legal): ; א'ל, א'ל, א'ל

א'ל, א'ל, א'ל ; א'ל, א'ל, א'ל ; א'ל, א'ל, א'ל
 (in order: closest to furthest from normative)

V - א'ל, א'ל, א'ל - EQUITY BUT NOT IDENTICAL TO "EQUITY"

A. In both Equity + א'ל - not very Law/Judicial, but blunt sharp edges.

B. Ex: CIVIL. If lender seizes encumbered property from borrower, court must reverse (CIVIL = reason + reduce value of property thereby put by borrower. Lender now owns it fully. Acc. 1's can sell it - or refuse to sell it - to whomsoever he wishes. But Hobbes: א'ל requires that

D. As extra-legal arrangement -- esp. when doubt not meaning Term. (explan.)

יש בזה (ונתן לך) : שם ואלו הנהיגו את כלל ישראל.

מלוא ימים לא נכנסו. חצי צי-נבא מלפני ואחריהם.

לרצות; ולא דב"י פד-פד, הוללות הקדושים וילקחו מנכסי בנה

1. חלל - 67135

Here judge can decide on basis of general want of max. govt.

16[±] cm) relation favor man who was neighbor of 2 persons who

but w/ weaving & ^{work-} ~~anyway~~ washing business, in general - but it will

+ other. strict four-wheel; but 1915-3-ye.

enforcing their decision. group members sent goods overseas, ship

granted. They decided: whatever is recovered will be divided prop'ly to

ants shipping. One merchant absent at vote, found vote for him, & he

Later sends letter confirming. Venetian authorities recover only

(5)

3 ^{crates} ~~bundles~~, one of which is his. He now refuses to divide. Argument: agreement
won't contemplate such small recovery; he didn't agree w. 1/3 and 2/3 -
re, formal arguments. ע"ל - by law alone his right: concept of
ע"ל ע"ל prevails. But by virtue of ע"ל, majority
vote prevails even if no formalities; even if paid.

if
time

D. Legal power of ע"ל-ר"י?: מחנה (ע"ל) long list of
ע"ל-ר"י cases. Among them: one who takes foul or fish or animals
dropped by another. Says - ע"ל-ר"י לך ע"ל ע"ל; ר"י - שני לך.
So: since לך-ר"י, ע"ל-ר"י לך ע"ל ע"ל (לך ע"ל ע"ל ע"ל)
what's difference bet- them, since it's לך either way?
Ans (in (122)): לך ע"ל - ר"י - ר"י can sue to return
in court; ר"י - says - only moral reason, not legally actionable.

VII - Supererogatory conduct: (לך ע"ל ע"ל ע"ל)

This category - more moral - voluntary, less strictly legal.

But Talmud requires us to accept its higher standards.

A. Waiving a privilege ש"ל: Lawst ג"ר ג"ר
but (ע"ל) (ע"ל) exempt. Talm (Bm 30): ע"ל לך ע"ל
~~must~~ traveling, so man takes bundle with him, gets from man friend, & also
"to help return. R. Y: brought him from home & put on man
says he & put on & reports. L. - finally. Finally, & put on
everyone but that man. Why not, since (ע"ל) (ע"ל) (ע"ל) (ע"ל)?
Ans: ש"ל.

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B. Waring on exemption as sidestep. Deals w. calculation of exports - not possible! Deep Michael - money - value of metal, so needed export money-changes. What if he gave unintentionally wrong advice? If import (G.I.S.) - must compensate. If reversal report - no payment (assume: no 3.5M at all). So: R. Higgins asked (quoted!) by woman to import coin, imp: etc. ~~And~~ on that basis she accepted it. Later returns to complaint: but coin, not accepted in market. R. Higgins to Har (supervisor fin / v.p.) - give her her money & write it off as a lost deal, Talm: but why pay since his report? Ans: sidestep.

Difficult: 451 vs 410 - 35 Revol: Judge can enforce
410; can only recommend 35 Revol.

(VIII) - 1130A-13N - Plenty in the market place
(will not merge - most voluntaristic, least enforceable)

IX - Ex. of ethical nature of (BV) HAL-ITOP

- protection of privacy - no rival trespass - self 1702E / 2015C
- several rights
- if more parcel, each can form to share payment
three min 4 abts - p 503 1702E 1703 p 503
- ordinarily, entry to one neighbor for benefits, must pay
- BA v. Nakhman: if on motion, so on bottom marks

(7)

privacy of Ivy (= Joan) from her mother - only brother forced to
pay for ENTIRE FENCE; i.e. on plan, even pay if not
as beneficiary - my privacy protected - but moral-legal
issue: I must prevent myself from casually
prying into neighbor's affairs)