YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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***Bein Adam Le-chavero:* Ethics of Interpersonal Conduct**

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**Shiur #27: Honest Business Practices**

The centrality of *Parashat Kedoshim* in the Torah is apparent from the numerous prominent *mitzvot* that appear in its instructions for a life of holiness. However, an unfortunate consequence of the concentration of well-known *mitzvot* is that others are often overlooked. In this week’s lesson we shall discuss three interconnected *mitzvot* that, though fundamental, are often overlooked in the context of the *parasha*.

The verses in the beginning of *Parashat Kedoshim* appear, at first glance, to contain a potpourri of *mitzvot*, including the prohibition of stealing and a focus on the need for honesty, including the prohibition of denying falsely, lying, and swearing falsely, which constitutes a profanation of the name of God. These *mitzvot* read as follows:

You shall not steal, and you shall not deny falsely, and you shall not lie, one man to his fellow, and you shall not swear falsely by My name, thereby profaning the Name of your God. I am the Lord. (*Vayikra* 19:11–12)

Ibn Ezra, as well as Chizkuni, notes that this verse is a direct outgrowth of the previous one, which discussed agricultural gifts to the poor. After commanding the Jewish people to provide for the needy, the Torah follows up with a reminder not to take from others while giving to the poor.

Rashbam[[1]](#footnote-1) comments that the first of our verses discusses three different modes of illegally taking another individual’s money. A person is forbidden, he explains, to steal money, to falsely deny having received another person’s property for safekeeping, or to lie about having received a loan.[[2]](#footnote-2)

*Panim Yafot* clarifies that theft is, in a sense, the least of these transgressions, in the sense that the owner is unaware of who the thief is. Conversely, denying having received an object to watch exhibits a greater level of obnoxiousness, and the ultimate affront is to openly lie to a benefactor about a loan provided by him.

The placement of these verses here stresses that the fundamental pivot of Jewish monetary dealings consists of honesty and striving to avoid unlawful possession of property. Notably, *Targum Yonatan* expresses the notion that honest monetary dealings must be a defining characteristic of the Jewish people by rendering the verse as, “My nation, the people of Israel, shall not be thieves …” Honesty in business is not only a mitzva or a group of *mitzvot*, but a key factor in an individual’s religiosity.

**The Slippery Slope**

It might seem to us that the Torah needn’t go to the trouble of telling us to be honest in our business dealings. The fact that it not only makes mention of this requirement, but details various different modes of dishonestly acquiring or holding money indicates that there is more to be learned from these verses than the elementary need to be honest in business.

Rashi (verse 11) describes the *mitzvot* as outlining a slippery slope:

If you steal, you will eventually come to deny falsely, and consequently you will come to lie and then swear falsely.

Rabbeinu Bachya adds:

The Torah, with its infinite psychological insight, describes a sequence of events. One starts by stealing, then denies having stolen, then denies it on oath. In the end, [others discover what has been done and] one is guilty of desecrating God’s name.

Rabbeinu Bachya adds that the injunction against desecrating God’s name, which the Torah here describes as an outgrowth of dishonest business dealings, first appears in the Ten Commandments. There the Torah notes that the sin of desecrating God’s name is so severe that He will never completely forgive it.

*Hadar Zekeinim* describes this process of spiritual deterioration as a snowball effect in which one sin leads to another (*Avot* 4:2). The initial transgression is far more benign than those that follow, but the nature of the slippery slope is that one continues to sin more and more, not only in quantity of sins but also in their severity.

Rav Chaim Palti’el goes one step further, explaining the proximity of our verses to the commandments of the agricultural gifts to the poor. He posits that a person might embark on a path of dishonesty by using falsehood to hide his not wanting to provide for others from his field, claiming falsely that he has already set aside the agricultural gifts. The verse warns that one who does so may well continue on this path of falsehood and rob others, who will bring him to court. He then will deny their claims, lie, lie falsely under oath, and ultimately even cheat his workers.

One of the messages of this *parasha*, then, is that there is no such thing as one little white lie – even if it is “merely” fibbing about having already given charity. Lying hurts the equilibrium of honesty in a person’s soul, breaks down one’s sense of right and wrong, and can lead to even graver misdeeds.

**Addressing the Nation**

The commentators note that the all of the Hebrew verbs used for *mitzvot* in these two verses are in the plural, despite the fact that most verbs in the chapter are in the singular.

*Targum Yonatan* apparently understands this peculiarity as indicating that the verse addresses the community as a whole; this is the reason for rendering the verse with the words “My nation, the people of Israel” added, as noted above. From this perspective, we can understand that the Torah chooses to refer to the communal element because the Jewish people’s holiness is expressed by how Jews comport themselves in business.

Ibn Ezra, meanwhile, understands the plural formulation as indicating a more expansive definition of these transgressions. For instance, the plural form of the prohibition of denying falsely indicates that even one who is not a party to a case, but possesses information that can force another person to return an object he was asked to watch, is forbidden to deny this knowledge. In the case of not lying, the plural serves to forbid even requesting that another person return money he does not owe.

Rav Hirsch expands this line of thought, arguing that these verses direct man not only to refrain from obvious monetary impropriety, but even from forms of robbery and lying that one might not have thought would be forbidden:

Had Scripture stated here, “You shall not steal” [in the singular form], these words would have addressed the individual, as in the Ten Commandments. The discussion, then, would have been of stealing, lying, and swearing falsely per se. However, the prohibition against these has no relation to the chapter of holiness. A person is far from being holy if he merely refrains from stealing or swearing falsely.

Stated in the plural, however, the words address the nation as a whole, and it is no longer possible to say that the discussion here is of the latent sins of stealing, lying, and swearing falsely, for these will never be committed by the whole people, nor even by the majority. In any national society, these sins can constitute only isolated phenomena, and the community of its own accord initiates measures to suppress them through the power of the state.

Rather, the discussion here is of those types of theft, lies, and false oaths that can permeate the entire business and social life of the people – indeed, these may become dominant national characteristics. Because everyone takes them so lightly, these offenses lose the stigma of being crimes, and even are considered to be a form of art, deserving of praise and respect. Nevertheless, in God’s sight, they are low and despicable: they are truly theft, lies, and false oaths. It is against such offenses that God’s word warns here: He seeks to sanctify His people in business and social life.

The unexpected plural verbs, Rav Hirsch further comments, also explain why earlier the people are termed an *am* – an inwardly oriented community – but in verses 11–12 are called an *goy* – an outwardly oriented political unit:

Scripture says to Israel as it dwells among the nations: you will desecrate the name of God with your falsehood. You are God’s messenger among the peoples, and God’s name is associated with you. As His people, you are obligated to be a model for the nations and present to them a society that is based on justice, truth, and faithfulness. If you stain yourself with practices that are related to theft and falsehood, then you desecrate God’s name, which is associated with you; you undermine the recognition of God, which you should herald and nurture through your deeds.

Finally, Rav Hirsch states that the plural usage here teaches that one may not even steal to retrieve that which is rightfully his if the other party denies the obligation (see Year 1, Lesson 25). Stealing (and profaning God’s name in the process) is forbidden even if the goal is to salvage one’s own property. Moreover, even if the other party seems likely to perjure himself if required to take an oath, it is better for one party, rather than two, to be responsible for desecrating God’s name.

**Denying and Lying**

Following his explanation of the prohibition of theft, Rav Hirsch goes on to find novelty in the other *mitzvot* in verse 11. He explains that the prohibition of false denial

… commands us to be honest in business and social life. The consideration of our own interests must not determine what we say. In business and in society, we must listen to anyone who approaches us with a justified claim. We should be able to have confidence and admit the truth even when it is to our disadvantage.

Regarding the sin of lying, Rav Hirsch writes:

The whole immense sphere of falsehood should have no place in business and social life, for the truth – recognition of things and relationships as they truly are – is the basis of all harmony and of all faithfulness to duty. Man’s word is responsible for his dignity and destiny; it is the moving force behind all socially redemptive action. Falsehood turns man’s word into the very opposite: … the instrument of all evil and all crime.

Rav Hirsch then elaborates on the relationship between these two concepts:

Brazen denial is the robber of truth; more subtle falsehood is its thief. Just as the recognition of the truth is more important and exalted than the value that is attached to any material possession, so is the theft of truth a far more serious crime than the theft of property. Even flatterers – who use the most important truth, the truth of knowing oneself, to steal from their fellow men – and even hypocrites – whose whole personalities are inscribed with falseness – are counted among the most reprehensible liars. The prohibition “you shall not lie” is designed to banish them from Jewish social life.

Further, just as truth means not only logical truth but also practical truth, i.e. faithfulness, so does falsehood denote any unfaithfulness, failure to keep one’s word … Do not deceive through empty promises: keep your word to one another.

Finally, Rav Hirsch explains how the next verse represents the ultimate contemptible act of untruth:

Finally, “and you shall not swear falsely by My name”: do not call My presence, which judges between man and man, to your assistance to establish the truth of a lie.

**Swearing Falsely for Monetary Gain**

Chizkuni comments only briefly on the prohibition of swearing falsely by the name of God, stating that one who does so attributes no significance to God’s name and therefore is willing to use it for false purposes.

*Hadar Zekeinim* adds that theft of another person’s money can be partially corrected by returning the money, but a false oath cannot be corrected.

Sforno remarks that swearing falsely in God’s name always is forbidden. This verse, though, focuses specifically on swearing in order to escape a monetary obligation. Therefore, the verse states that besides causing a loss to a fellow man, the sinner desecrates God’s name.

We should add that the false oath itself is not the only way in which God’s name is desecrated, but the very willingness of a Jew to lie in business is a desecration of God’s name. The greatness of God, whose seal is truth (*Shabbat* 55a), is apparent when the business of His nation is characterized by honesty. Therefore, aside from the sin of swearing falsely in God’s name, to *live* falsely as a Jew is to falsify and desecrate God’s name.

The degree of desecration, though, depends on the individual sinner. *Meshekh Chokhma* notes that, unlike the prohibitions in our verses, the verb that denotes desecration of God’s name (“thereby *profaning* the Name of your God”) is written in the singular. Swearing falsely always is a severe sin, but the degree to which it desecrates God’s name is a function of the one who swears. The more honorable he is, the greater the desecration of God’s name, and the greater the punishment that he incurs.

Far from desecrating God’s name and damaging another person, the intended purpose of an oath is to establish truth and to serve as an instrument of justice. A brief overview of the role played by oaths will flesh out their role in expressing reality in a way that is representative of the ultimate truth.

**The Nature of an Oath**

If a man vows a vow to the Lord, or swears an oath to bind his soul with a bond, he shall not profane his word: he shall do according to all that proceeds from his mouth. (*Bemidbar* 30:2)

The Torah uses the term “profane” for an individual who breaks his word because the basis of an oath or vow is the sanctity of one’s word. A person’s word can be sacred only if it is true. It follows that swearing falsely is not only a prohibited act, but a desecration of one’s power of speech.

The sanctity of the power of speech, and the severity of its desecration, is further evidenced by the punishment earned by one who swears falsely. The Gemara (*Yoma* 86a), as mentioned earlier, states that such a person cannot be fully forgiven for his sin.

Since it was stated at Horev[[3]](#footnote-3) [with regard to repentance], “absolved,” one might think that even the transgression of “You shall not take the name of the Lord, your God, in vain” (*Shemot* 20:6) were included. Therefore, the verse states, “He will not absolve” (34:7). One might have thought that this also would apply to those who are guilty of violating all other prohibitions. Therefore, the verse states, “His name” (20:6): God does not absolve one who disrespects His name.[[4]](#footnote-4)

The severity of swearing falsely is detailed further in *Shevuot* (39a), which records the warning to be delivered to a person who is about to take an oath in court:

Know that the whole world trembled when the Holy One, blessed be He, said at Sinai, “You shall not take the name of the Lord, your God, in vain.” Regarding all sins in the Torah, it is said, “absolved,” but here it is said, “He will not absolve”. For all other sins in the Torah, [the sinner] alone is punished, but here, he and his family are … For all other sins in the Torah, he alone is punished, but here, he and all the world are … Regarding all other sins in the Torah, if he has merits, punishment is suspended for two or three generations, but here he is punished immediately …

**A Mitzva to Swear**

Due to the severity of the sin of swearing falsely, one might be inclined to refrain from swearing altogether. It is surprising, then, that the Torah more than once states that one ought to swear in God’s name under certain circumstances. Rambam (in *Sefer Ha-mitzvot*) even counts this as one of the *mitzvot*, explaining:

The seventh mitzva is that we are commanded to swear in God’s name whenever necessary – whether to ensure that something be done or to prevent ourselves from doing something – because this exalts, glorifies, and magnifies God, as it is said, “and by His name shall you swear” (*Devarim* 10:20).

Swearing by God’s name, Rambam explains further, actually exalts and glorifies it, due to the reverence implicit in the logic that something is so true, one can swear by it. He concludes:

This is the intended meaning of the scripture “and by His name you shall swear,” i.e. keep in mind that He alone is the True Existence by whom it is appropriate to swear.

Thus the essence of an oath is the recognition of the basic truth in the world: the existence of God. An oath functions by stating that its subject is true just as God is true. When one swears honestly, he fulfills a mitzva by bearing witness to God’s truth. However, when one swears falsely, he equates his own perjured, desecrated power of speech with God, as if stating that God is false! This is the reason for the very severe punishment for swearing falsely in God’s name.[[5]](#footnote-5)

How much more severe is it, then, to swear falsely in God’s name simply for monetary gain! As terrible as it is to desecrate God’s name in any way, one who does so in order to accumulate property effectively chooses illegal acquisition of money over recognition of God’s truth. This is the ultimate desecration of both man’s character and God’s name.

**Living Honestly**

It is in this light that Rav Hirsch explains the pivotal role of the phrase that concludes these two verses: “I am the Lord.” Quoting Maharshal (*Bava Metzi’a* 61b), he notes that whenever a mitzva is concluded with these words, they serve as a warning against deception and fraud, reminding us that God is present everywhere and sees everything. A person who keeps this truth in mind will be careful to abide by His commandments.

Now, the truths of the conception of God that are innate in the Tetragrammaton are innumerable. Here, though, the particular aspect emphasized is that which reflects what to us appears to be the fundamental meaning of this name: that God brings about every approaching moment of our lives in accordance with our need to be educated to holiness and redemption; thanks to Him we will live to see every moment yet to be. Every present moment is ever before Him. On the basis of the present moment, He makes decisions regarding the coming moment. At all times He is examining our present life. On the basis of the present, He will give us life or take our life in the future, He will increase joy or decree sorrow.

Thus all our feelings and thoughts, words and actions, are apparent to Him at all times; all the secrets of our heart are well known to Him. Therefore, if we remember Him, who examines all our feelings and thoughts, words and deeds; if we sense the holiness of His closeness and remain aware of His watchful presence, our whole being will become holy, as befits His holiness. And this consciousness will affect our human relationships as well: we will be honest and reliable, truthful and just, as befits those who are called God’s people.

Though God’s truth and the fact of our living under His watchful eyes are especially apparent when a person swears in His name, our actions always must bear witness to these principles. A life of honesty is a life that recognizes God’s involvement hand in our lot while representing Jewish honesty to the world and thus sanctifying God’s name, rather than doing the opposite.

In the next lesson, which will focus on the *mitzvot* of correct weights and measures that appear in *Parashat Kedoshim*, we will continue to consider how the concept of real, unwavering knowledge of and commitment to God is the fulcrum of honest business practices.

1. Cf. Sforno. [↑](#footnote-ref-1)
2. It bears note that although the Torah cautions us, “You shall distance yourself from any false matter” (*Shemot* 23:7), the only specific prohibition regarding lying in a certain context is that appearing here, regarding false denial of having received a loan. [↑](#footnote-ref-2)
3. I.e. Mount Sinai. [↑](#footnote-ref-3)
4. This *gemara* homiletically renders the Hebrew *ve-nakkeh lo yenakkeh* as a composite of “he shall be absolved” and “He will not absolve.” [↑](#footnote-ref-4)
5. For a fascinating discussion of Chasidic sources on this topic, see Rav Itamar Eldar, *Chassidut on the Parasha*, on *Parashat Mattot*. [↑](#footnote-ref-5)