

What is the Difference between Business Ethics and Halacha?

## Rav Yosef Kushner

**Case:** In the previous session, we discussed the meaning of the concept of business ethics within secular law as well as business ethics within the realm of halacha.

**Question:** What is the difference between the two, and how can a person identify what type of question is only an ethical issue and which questions are halachic issues as well?

**Answer:** In most *shailos* related to *Choshen Mishpat*, both sides know that the dispute at hand involves a *shaila*. For example, if Reuven's tree lands on Shimon's fence and causes damage, both parties realize that the question of whether Reuven is responsible involves a halachic issue, as each side demands something from the other: Shimon insists that Reuven pay for the damage, and Reuven insists that Shimon return his tree.

In business, on the other hand, an actual dispute between two parties does not always even arise. Rather, a person may have certain inner misgivings about whether his conduct is proper or not.

In such a case, a person must first realize that he often has a bias towards himself. Although this is generally a healthy phenomenon, as a person should be motivated to take care of himself, in business he must be aware that this may cause him to rationalize certain behavior, and he must evaluate whether his conduct is indeed proper.

If during his self-evaluation he realizes that he is justifying why the act should be permissible, he has specific reasons why this is the case, and he does not wish to divulge all of the relevant information, then it may be worthwhile to ask a *shaila*, making sure to specify all of the relevant information. These types of cases often involve halachic issues and may sometimes even be outright *geneiva* (theft).