

canTorah Values in the Workplace

A Review of *Making It Work: A Practical Guide to Halachah in the Workplace*

by Ari Wasserman

Feldheim: New York. 2016.

written by Rabbi Yosef Gavriel Bechhofer

When I saw the cover of *Making It Work: A Practical Guide to Halachah in the Workplace*, I was pessimistic. The cover designer chose to highlight three questions the book addresses (there are two more questions on the front cover, but they are largely obscured):

- Shaking Hands: What is the halachah regarding shaking a woman's hand if she extends it first?
- Meeting at a non-kosher cafe/restaurant: I have a meeting at a non-kosher cafe/restaurant. I can't change the location. What are...
- Maaser Money: My wife and I were wondering, can *ma'aser* money be used to pay off debts, taxes or other government fees:

I groaned inwardly. One *Even HaEzer* and two *Yoreh Deah* questions. What about what should be the main topic, *Choshen Mishpat*? Even more importantly, what about the values that must compel an *Oved Hashem* to go beyond the letter of the law? The blurbs and endorsements on the book's back cover were hardly more reassuring.

Thankfully, the cover designer did the book a grave disservice! The first inkling that we are in for a "disappointment" is to be found in one of the *haskamot* not excerpted on the back cover, the first in a series of glowing approbations, that of Rabbi Shmuel Kamenetsky *shlita*:

In particular, I enjoyed what you wrote concerning honesty in business and *dina d'malchusa dina*. Chazal's words in *Shabbs* (31a) are well known: the first question one is asked on the *Yom HaDin* is, "Did you deal honestly in business?"

Rabbi Wasserman peppers his book with stories and anecdotes. He begins the first chapter with a story, concluding with a synopsis:

When we venture out into the world, we do so with a built in identity as religious Jews. Our behavior will always be subject to an extra degree of scrutiny, and it will reflect on *all* Jews... We will either be respected specifically as observant Jews (a *kiddush Hashem*), or disliked, also specifically as observant Jews (a *chillul Hashem*, G-d forbid). "Neutral" will not be one of the choices. These are high stakes, requiring an ongoing, conscious effort on our part to make a *kiddush Hashem*.

This theme is more explicit in the later chapters of the book. More on that later.

In an early chapter, the author discusses the parameters of wearing a *kippah* to work. One of the book's few flaws emerges here. I question the author's choice of *poskim* to cite as significant sources. For example, in this chapter Rabbi Wasserman cites the *Be'er Moshe* by the Debrecziner Rav *zt"l*. *Making It Work's* book whose readers will doubtless include many graduates of Yeshiva University – and many more individuals who are not of the *Hashkafah* that it is forbidden to teach or learn at YU. Were these readers to know that the Debrecziner in a *teshuvah* (8:3) wrote that it is prohibited to teach or learn at

YU, as well as to learn from *seforim* written by *rabbeim* who teach in YU, they would probably not regard him as a compatible *moreh derech*.

I am not advocating omission of the positions of *poskim* such as the Debrecziner. To do so would be to mimic his perspective. Rather, in a work that is meant as a practical guide for *Halachah* and *Hashkafah* in the working world, greater weight should be given to *poskim* and *ba'alei machashavah* who are a part of the scope of the target audience.

Rabbi Wasserman cites several other *poskim* who may be regarded as questionable *morei derech* for the book's target population. For example, Rabbi Moshe Sternbuch *shlita* has written very strong words against the Rabbinical Council of America's prenuptial agreement.¹ This agreement has been endorsed by many of the *poskim* that the book's intended audience regard as their leaders in *Halachah* and *Hashkafah*. Another example is Rabbi Menashe Klein *zt"l*, who is inclined to prohibit Rabbi Wasserman's own chosen vocation, the legal profession.² An example of a questionable stringency prescribed by Rabbi Klein that Rabbi Wasserman cites, is a ruling on the basis of an *agadah* in the *Tanna d'Bei Eliyahu* (Chap. 8), "...that it is forbidden to eat with a non-Jew at one table even in one's home, not only at a non-Jew's home." Obviously such a ruling has far reaching implications for social gatherings and even conferences. In such areas, Rabbi Klein is not a "mainstream" authority for most of *Making It Work's* readers, not to mention the dubious quality of an Halachic pronouncement on the basis of a non-Halachic source.³

A wonderful contribution to the literature is the section on "Staying Connected: *Davening* and Learning." As *Making It Work* is a work of both *Halachah* and *Hashkafah*, it is very appropriate that chapters such as "Making Time to Learn" and "Maintaining Motivation to Learn" impart both inspiration and practical advice. Quotations such as the following words cited in the name of Aaron Berger are helpful and motivational:

It is no wonder that *Daf HaYomi* has been so successful in inducing so many of us to actually spend an hour or two every day learning *gemara*. *Daf yomi's* attraction is that it is based on definitive, concrete milestones that lead to a definitive, concrete objective – to finish *Shas*. To get to that goal, one must obviously finish the *masechta*, and to finish each *masechta*, one must obviously do whatever it takes to get through today's *daf*.⁴

These laudable and impressive sections, do not address a certain segment of the book's potential readership: Working women. With so many observant women out in the workplace, it is a pity that women are clearly, at best, a secondary target audience. Yet women certainly could use some *chizuk* and concrete suggestions for maintaining *yirat shamayim* while out and about in the world of commerce. Often women are not aware of certain basic *halachot* that can be spiritually beneficial as well. As an example, some years ago I spoke at a conference for women in the workplace, and mentioned that *al pi din* (according to the strict letter of the law), women are obligated to daven

1 See <http://www.theyeshivaworld.com/news/headlines-breaking-stories/331440/eida-ravaad-speaks-out-in-harshest-terms-against-rca-pre-nuptial-agreement.html>.

2 *Mishneh Halachos* 4:313. Another aspect of this *teshuvah* is discussed in *Making It Work* pp. 418-419.

3 Rabbi Klein's interpretation of the *Tanna d'Bei Eliyahu* is questionable in and of itself, as the case in point was King Chizkiyahu's hosting of non-Jews at his table. There are many distinctions that can be made between the circumstances in that case and scenarios that may be faced in today's business world.

4 *Making It Work* p. 137. I asked Mr. Berger, a close friend for over 50 years, what he is currently learning, and he told me that he is now systematically pursuing the completion of *Shas Mishnayot*, with numerous reviews built into the system. This is an alternative system that facilitates regular and substantive learning (see a moving story about such a system in *Making It Work* pp. 136-137).

minchah. Many of the women present – many of whom attended fine high schools and seminaries – were shocked to hear that this is the Halachic “baseline.” Now, there are various *heterim* (leniencies) upon which many women rely not to daven *minchah*. But, as I explained to them, davening *minchah* would be a great source of *chizuk* in the middle of the work day. Rabbi Wasserman (*Making It Work* pp. 179-180) even relates a story of in which his wife was hard pressed to daven her daily *minchah* while on a work-related excursion. Yet no where does he clarify whether or not a woman must daven *minchah* altogether! I hope that in a future edition Rabbi Wasserman elaborates on the *Avodat Hashem* of working women.

But these are minor reservations. Let us return to the core value that *Making It Work* addresses – directly and comprehensively. There is a major issue that confronts the average yeshiva alumnus who enters the workplace. A *chevrusah* of mine who is a successful entrepreneur and consultant expressed it as follows: Someone who learned in yeshivas for many years may enter the worlds of business and commerce and become a *Naval b’Reshus HaTorah* – “a coarse and base person with the Torah’s permission.” This concept is elucidated in a famous *Ramban* at the beginning of *Parashas Kedoshim*. The examples he gives there are from various realms of personal behavior. In our context it is manifest in deploying *Halachah* and *Hashkafah* in ways that rationalize dishonesty, poor treatment of colleagues and employees, and cutting corners – while ostensibly upholding the letter of Jewish law. As my *chevrusah* put it, our schools and yeshivas excel at teaching *Halachah* and *Hashkafah* – but they do necessarily impart the concept of “values” to their students.⁵ A *Ben* (or *Bas*) *Torah* in the workplace is well served by considering his or her values – and making them lodestars of their work lives. Values such as authenticity, balance, fairness, justice, kindness, peace, service, trustworthiness and wisdom are all compatible with – and often demanded by – *Ratzon Hashem* and the Torah. But we are not trained to think in terms of such values.⁶

This failure to think in terms of values has far reaching implications. Several years ago, I wanted to publish a piece on racism in the Orthodox community in a certain Orthodox Jewish publication. A member of the publication’s Editorial Board vetoed the idea. In explanation, he stated that he himself categorically rejects and abhors manifestations of racism in our community. However, he does not believe that these attitudes can be eradicated by writing about them. He therefore preferred not to “wash our dirty linen in public” by raising the issue altogether. He went on to say that for this reason he also discourages the publication of articles on honesty in matters of *Choshen Mishpat*. He reiterated that he categorically rejects and abhors manifestations of dishonesty and impropriety in our community. But, he continued, while any such conduct was utterly wrong, he understands its antecedents in the unjust monetary policies imposed on the Jews by non-Jewish governments and institutions in pre-war Europe, and in the cruel treatment of the Holocaust. Therefore, he opined, it is almost impossible to eradicate such shortcomings, and in this area too, it is better to not wash our dirty linen in public.

Making It Work constantly stresses the most fundamental value of all: *Kiddush Hashem* (and the avoidance of its opposite: *Chillul Hashem*). Essentially, the entire book – from a chapter on shaking hands with members of the opposite gender, through a chapter on commuting by public transportation, on to a chapter on personal use of office supplies, and closing with a chapter on taxes and *dina d’malchusa dina* (24 chapters in all) – is an elucidation and elaboration of that value. Which is why it is so gratifying to find in the very first chapter of the book (pp. 29-30), the passage from the *Talmud*

5 A relatively short list of fifty sample values can be found at <http://jamesclear.com/core-values>. A more extensive list, of 400 values is at <http://www.stevepavlina.com/blog/2004/11/list-of-values/>.

6 A good summary of the core Jewish values is given by the prophet Micha (6:8): *Asot Mishpat, Ahavat Chesed, v’Hatznei’a Lechet im Elokecha*.

Yerushalmi (*Bava Metzia* 2:5) that may be the most important *gemara* in the entirety of the two Talmuds. In Rabbi Wasserman's paraphrasing:

The *Tanna* Rabbi Shimon ben Shetach dealt in flax. Seeking to ease his workload, his students purchased a donkey for him from a non-Jew. When the donkey was delivered, Rabbi Shimon ben Shetach discovered a very valuable pearl attached to its ear. The proceeds of its sale would have allowed him to give up the flax business altogether. From a halachic standpoint he was not obligated to return the pearl to the donkey's former owner, but he chose to give it back for one reason: the potential for a *kiddush Hashem*. The non-Jew gratefully accepted the pearl, saying, "Blessed is the G-d of the Jews!" Rabbi Shimon ben Shetach's exceptional honesty was credited not only to himself, but above all, to the "G-d of the Jews."⁷

As Rabbi Kamenestky concludes his *haskamah*, with this essential work, Rabbi Wasserman, "... will have the *zechus* of being among those who bring merit to the community, whose righteousness endures forever."

Rabbi Bechhofer, a frequent contributor to Jewish Action serves as a dayan on the Beth Din of America in Choshen Mishpat cases.

If I could add one thought, it would be that honesty and integrity is one of the most compelling reasons customers buy from us. It makes business sense to be honest! - *Yankee Engel*

⁷ This is not a precise translation of the *Yerushalmi*, but catches its gist. I think it is worthwhile to provide here a more exact translation:

Rabbi Shimon ben Shetach dealt in linen. His students said to him: "Rebbe, desist from this trade. We will buy you a donkey [to make an easier living as a donkey driver] and you will not have to toil so much." They went and purchased a donkey from a bandit. The students subsequently found a precious stone dangling from it. They went back to Rabbi Shimon ben Shetach and said to him: "From now on you need not exert yourself." He asked: "How so?" The students responded: "We purchased a donkey for you from a bandit and a precious stone was dangling from it." Rabbi Shimon ben Shetach asked: "Did the donkey's seller know that the stone was there?" They answered: "No." He then said to them: "Go return it." The students remonstrated with Rabbi Shimon ben Shetach: "Although theft from an idolater is prohibited, is one not permitted to keep an object that an idolater has lost?" He responded: "What do you think, that Shimon ben Shetach is a barbarian? More than all the wealth of the world, Shimon ben Shetach desires to hear [the non-Jew say]: "*Berich Eloko d'Yehudo'ei*" ("Blessed is the God of the Jews").