Jewish Business Ethics in a Secular Society

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No single topic in contemporary society today elicits more concern, consternation, conflicting opinions, and simply outright indignation than the business ethics of modern-day "masters of the universe," whom many view as ethically—if not directly—responsible for the current problematic economic plight of many people, countries and, by extrapolated consistency, the entire global financial system. If they had only followed basic Jewish business ethical principles and practices, so the argument goes, perhaps we would not be where we currently and precariously are within the turbulent and, to a rather extensive degree, virtually uncontrollable financial straits. Yet, what these precise prescriptive ethical practices are, drawn from times long ago, and how they apply to modern-day financial econometric systems and actors within those arenas is surprisingly elusive in the present seemingly vast corpus of Jewish business-related literature. The material, unstructured at best and obtuse at worst, leaves much to the financial imagination, deals only tangentially with situations of relevance today, and does little if anything to shine light on the interstitial tissue connecting the fragile financial joints upon which the world's economic system is buttressed.

"If you can't explain it to your grandmother, then you cannot understand it yourself."

—Albert Einstein (1879–1955)

Setting what might be termed as parametric boundaries, to borrow an applied science expression for literary purposes, is really the very first task of formulating any exposé and, in the case of the what some might call the galactic financial shenanigans of the last few years (which need no further explication here), nothing could be more important to navigating us on the right strategic course for this article and, for argument's sake, making it readily understandable.

First and foremost, let's set forth what we will not deal with herein, under the logical arguments that both less is more and excluding the questionable but obvious allows readers to quickly take stock of where we are headed. To begin, we will not deal with financial crimes: These are not ethical issues; they do not involve questions of judgment; they do not afford the perpetrator the protective penumbra of self-defense; and, more often than not, they have within them issues of psychiatric dimensions with which we are totally unprepared to deal, nor should we be. Finally, "You shall not steal," in Jewish liturgy and absent a life-threatening situation, is a clear enough stricture for any functioning adult to understand. Need more be said?

Second, we will not fit the world of Jewish ethics, largely derived from biblical and talmudic edicts, situations, and commentaries, to the world in which we live today. This has been the schematic of virtually all research in the field done to date, and unfortunately, grafting arcane examples onto real-world situations results in two contemporaneous analytical problems.

Most objectively, on a quantitative basis, there are a finite number of business-related ethical issues dealt with in the vast amount of Jewish literature. For instance, of the 613 precepts in the Torah, only about 100 deal with economics or business, which may, in itself, seem like a statistically significant number, but for codifying Jewish business ethics within the behavioral crevices of, say, the financial community where so much attention has been directed—and no doubt deservedly so—these specific references do not really cover much applicable ground. Even if we distill what, at first blush, seems to be a mountainous amount of material related to the way we are expected to conduct ourselves, both in general commerce and in one-to-one business transactions, we still remain bereft of the most salient ethical issues in business and intra-office relations with which we are faced daily.

In a secondary sense and one that logically follows, the literature, as it is presently crafted, employs self-selected anecdotal material with little strategy and less structure as a venue to craft an overarching theory of Jewish business ethics. Making matters decidedly worse is the simple fact that helicopter rides with periodic landings on predefined biblically derived targets in an effort to illuminate the hard to make choices in contemporary business—which are often simply well beyond really tough calls in themselves—preordain additional problems. The approach taken in this article will be totally the obverse and, as a result, should be far more useful and decidedly more understandable, to come full circle in this section.

"If everyone is thinking alike, then nobody's thinking."
—U.S. General George S. Patton, Jr. (1885–1945)

Put differently, rather than fitting Jewish ethical theory to modern-day business fact (as those before us have done), we will reverse the trend here and do so in a historically business-like manner. Legendary Harvard Business School Professor Alfred Chandler got it right long ago, and his preeminent managerial dictum—often applied to a sweeping array of related situations—should also hold sway here. Propounding the proposition that the structure of a business enterprise must, of necessity, follow its strategy and more specifically, a company's strategy must first be developed so the structure to carry out that strategy can then be effectively formulated, Chandler's defining organizational principle will guide the construct of this article in the following way.[1]

Our strategy here is simple one: to find a methodology, approach, process, procedure, and/or technique that will allow for the infusion of Jewish ethical principles into real-world business vistas so that—and here is the critically important part of the strategy—decision-making can be enhanced by those confronted with, and indeed often confounded by, ethical dilemmas that seem exceptionally, and at times excruciatingly, difficult to resolve. Moreover, they are also often aggravatingly intractable because, when viewed through the prism of a strict adherence to broad Jewish ethical principles, business or otherwise, Jewish members of the business community often feel left in the lurch of a Judeo-legal straitjacket of rules so broad and iconoclastic that they allow little room for the freedom of defense in business situations requiring fundamental ethical decision-making. This enigma gives appropriate rise to the structure of this article, to continue through on Chandler's managerial paradigm.

Strategy defining structure, or at the least, formatting it means that, in this case, we have to develop two fundamental but complex perspectives. The first structure is an overall compendium of what is and is not allowable under Jewish business ethical standards in broad terms, so that applications to contemporary situations can be readily made and prescriptive behavioral responses may more easily be pinpointed. The second structure is a real-world framework of business ethical pressure points that involve clients or customers and shareholders, on the one hand, and business colleagues in the workplace, on the other. In this way, we can view Jewish business ethical standards applied in real-time and in situations that are not constrained by a hodgepodge of self-selected biblical precepts—many contrived to a greater or lesser degree—for situations masquerading as real-world problems that do not come close to adequately reflecting the complexity inherent in the world as those who live in the trenches know it to be.

"The test of a first rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function."
—F. Scott Fitzgerald (1896–1940)

Somewhat surprisingly, an in-depth analysis of Jewish literature in all its forms leaves those operating within the confines of contemporary business situations in something of an ethical bind, as previously noted, and it is difficult, if not impossible, to amble through international business society without a conscious concern that doing "x" as opposed to "y" or vice versa—and we will later discern in great detail what these ethical alternatives could be—would leave one either defenseless or abrogating a major Jewish ethical principle. Here is where many of today's writers, commentators, and self-described analysts of the material become somewhat unglued, and they do so in rather significant ways.

For instance, we are taught not only what is ostensibly perceived to be right in all ethical matters, business and otherwise, but also and most importantly, that there is hardly anything remotely negative that we can do or say to and/or about our colleagues that is permissible. This is the clear impression with which one is left after any reading of what purports to be Jewish ethical law. Many of these familiar principles will be enumerated below so that we are able to develop a functional methodology of defining what these strictures are and how and in what ways with which they should be dealt. Once again, this will neither be done by a willy-nilly reiteration of ancient business situations with vague and often contorted applications to today's world, nor will it be accomplished by a recitation in biblical proportions, no less, of talmudic dictums so alien to modern businesspeople that it requires an imagination of science-fiction dimensions to apply those concepts. What we will do, however, to hearken back to Chandler's charge, is take major Jewish ethical principles for structural purposes and compare them against extreme cases where there is discernible leeway for executing correct ethical strategies in business without violating major Jewish behavioral prohibitions. To be sure, this requires the holding of opposed ideas in mind at the same time in order to provide a structural platform for decision-making under varying conditions of risk and uncertainty in ethical situations. Useful guideposts we need, fitting round pegs into square holes, we need not, so we are off to the ethical races here, at long last.

"The capacity of the human mind for formulating and solving complex problems is very small…"
—Herbert Simon (1916–2001)

As a result of this condition, argued Simon in his Nobel Prize-winning thesis, decision-making by human beings—most notably economically driven issues—are decided through what he termed an individual's "bounded rationality," namely, the cognitive limits of their own minds. Leaving aside for a moment the extraordinarily sophisticated applied non-linear mathematical models derived, over recent years, by systems thinkers such as John Sterman of M.I.T. to obviate the limitations of our neurobiological selves, we still must devise a structural framework here that deals with Jewish business

ethics in ways that our human minds are capable of comprehending.[3] In other words, we have to reduce the incredibly large number of business-related and ethically challenged situations to a digestible number and place them within a framework that we can understandably grasp.[4] Consequently, and as alluded to above, we will bifurcate the concept into its basic two broad categories.

The "do's and don'ts" of Jewish ethical problems are legion, and we really do not need any further outpouring of talmudic examples to reinforce that overly apparent fact. Nevertheless, just for the record and for the purposes of this article, let's outline the basics so that we can more fully comprehend what they are and how they break down into their two broad dimensional components: what is expected of us in our ethical lives and what is expected of us in business. Subsumed within these categories are overarching principles, but they engender incredible ethical decision-making problems if adhered to strictly. So basic, however, is fair dealing in business regarded in Judaism that it almost invariably, and to a very large extent, virtually overpowers all else in our personal lives, presumably because involved within it are highly personal interactions of the most fundamental sort. We should certainly start there first.

"Whoever conducts his business dealings honestly is liked by humankind, and it is considered as though he observed the entire Torah" (Mekhilta, Exodus 15:26). Business dealings coupled with honesty—what more in the Jewish world could be said? The follow-up is indeed appropriate. "The first question an individual is asked in the afterlife at the final judgment is 'Were you honest in your business dealings?'" (B.T., *Shabbat*, 31a). So it goes on even after we're gone! Honesty is everything here, but it is sculpted overall by its formidable counterpart in Jewish ethical life.

Indeed, the key and broader ethical principles over which we run afoul are also two in number. Inching up the pyramid is one critically important Jewish ethical stricture, so sweeping, so profound, and so abrogated in so many human interactions virtually all day long that it is hard to conceive of anyone actually towing the mark on this one for any reasonable length of time, let alone full-time in the often ruthless world of business. Some people, for instance, could hardly get by without hurdling over its high watermark anywhere on a daily basis. Yet here it is—a major Jewish ethical edit that seems almost impossible to live by. In all its forms, it is essentially *lashon haRa*, which has some strange prohibitions within it. Let's explore this precept in all its encompassing aspects and apply it to real-world business situations, because that is where the Jewish ethical business rubber quite often hits the real-world business road.

The Torah states with great finality: "You shall not go about as a tale bearer among your people" (Leviticus 19:16). As is generally perceived, a so-called tale bearer is an individual who essentially says anything about anyone, but who still transgresses this commandment even if what he or she says is true, and furthermore, this is so even if what is said is complimentary because this actually implies a true knowledge of what is good, i.e., a higher, grander, more knowledgeable level of perspective, if you will. Somewhat parenthetically, I suppose it is worth mentioning that, according to Jewish tradition, the spreader of falsehoods is regarded as right at the bottom of the moral barrel, as it were—a *motzi shem ra,* or a moral leper. So think twice before you twist things; it's surely not worth it, but that is not why we are pursuing this line of thought.

Right at the Jewish pyramidal top, if you will, sit two inextricably linked prescriptions, so broad that, when taken together, they leave little wiggle room for advancing one's cause in business or anywhere else for that matter. "You shall not take revenge" (Leviticus 19:18) is actually a commandment in the Torah. Even more transcendent is: "'What is hateful to you, do not do to your fellow human' that is the whole Torah, the rest is commentary," (Hillel, B.T., *Shabbat* 31a), which implements, "And you shall love your neighbor as yourself" (Leviticus 19:18).[5]

These are our basic Jewish parameters. They are what the human mind can absorb and precisely what Jews the world over have come to believe as actually the minimum of behavioral standards upon which the platform of our lives are explicitly required to be built. In the Jewish world more than any other, there is very little authoritative differentiation between religious and societal norms, of which business is an inextricably woven composite part, and perhaps that is the way that it should be—at least in the opinion of this writer. To the extent that the thousands of examples of business dealing ethical parameters are, by example, embedded in Jewish liturgy and, by way of extension, so are related examples of a more general ethical dimension, they serve more as in-depth calling cards, to be

employed when specific situations warrant them. Make no mistake, however, what we have isolated above are so fundamental that any further examples or principles would surely swamp our neuronal synapses, so we will happily stop here.

Nevertheless, the point to be made is that when squeezing these Jewish ethical prescriptions into the funnel of our behavioral pyramid, they cover such a vast array of activities and interfaces that a Jewish person often feels truly bereft of any reasonable recourse to defend him or herself against those seeking to advantage themselves in the competitive milieu of business today. Both what the intricacies of these situations entail and what some would consider normal behavioral responses that fly in the face of Jewish ethics, are our next tasks.

"Everyone takes the limits of his own field of vision for the limits of the world."
—Arthur Schopenhauer (1788–1860)

In the complete spirit of reductionism and much like we distilled the principles of Jewish ethics—present business precepts included—down to an understandable and frankly usable format, we are compelled by an objective and comparative necessity, to do the same with contemporary business situational paradigms and the ethical dilemmas they pose. We do this so that we can see exactly what we can and cannot do within the confines of Jewish business ethical standards and, concomitantly, in what ways we can legitimately respond in such situations without demeaning our religious heritage, principles, practices, and moral standards that many have sacrificed dearly to preserve so that, often in a literal sense, we may have all lived to see another day—a theme to which we will return to hit head-on at the conclusion of this article.

Moreover and in reference to the above captioned quote, we offer a real-world kaleidoscopic view of business situational difficulties from the trenches so that our readership can readily grasp the complex and intricate nature of these interpersonal relations in ways that were not apparent previously. In order to expand their vision of the business world on the one hand, we have to reduce, to an understandable format, a global perspective of the business world, on the other. This, as they say in some business sectors, is job one. Then, in order to precipitate out from the critical crevices where the most problematic ethical situations lie, we have to present real-world examples of these in the broad context of the previously described global business milieu. By necessity, we all need to be on the same page here and expand our vision to match that of the world, as noted in the above quotation.

"There is only one valid definition of business purpose and that is to create a customer."
—Peter Drucker (1899–1995)

These words of Peter Drucker, perhaps the world's most celebrated management scholar ever, live on today and bear particular applicability not only to what we must explain here, but also to how we do it. (Of some consequential note, the November, 2009 issue of *Harvard Business Review* was dedicated to Drucker on the centennial of his birth, but quite circumspectly and in underscoring the financial crisis of the day, asked readers right on the issue's cover and as its title: *"What Would Drucker Do?"*). Nonetheless, whether they are product or service companies, the creation of a customer is the *sine qua non* of business, and from both a purely managerial viewpoint and for our own organizational purposes, a global outline of the framework, functions, and factors impacting customer development is surely in order.

There is really no managerial business scholar and/or management consultant who has better encapsulated the whole of competitive business strategy than Harvard Business School Professor Michael Porter, so to rely on any other basic material for a bird's-eye view of this complex subject is really quite silly. To be sure, all of this author's opus-like compendiums are implicitly directed toward achieving Drucker's foremost goal of customer acquisition, but what is generally involved in conducting a modern business enterprise certainly deserves a few sentences courtesy of Porter's most well-known treatises.[6] Furthermore, this information is required in order to build a foundation for our more formidable discussion of business ethics in the context of Jewish business principles.

Porter captures industry competition along the bargaining power of buyers and suppliers, the threat of new entrants, and the potential for substitute products and/or services. All of these impact on the rivalry among existing firms, but the three key elements that drive the competitive strategies of companies are, by Porter's analysis, products that have the lowest cost, greatest differentiation, and the sharpest focus on a given buyer group. These are the basics of the corporate form of organization and are the essential theoretical framework upon which strategy is developed and then structure is created. They define the internal order of things, as it were, that Porter underscores from an organizational standpoint, and we need to quickly get a sense of that organizational paradigm to deal with the ethical decisions that spew forth from its construct and "create a customer," to coin Drucker's most famous phrase.

Digging deeper here and approaching this area from a somewhat oblique angle, it may be worth noting that we strive in many scientific disciplines, and presumably in virtually all aspects of our short-lived mortal days, to achieve a clarity of focus in what we both professionally and personally attempt to accomplish. There is surely no argument about this here. In the neuroscience field and more specifically in neuro-imaging, we are continuously trying to achieve greater image quality—clarity, if you will—through a scientific combination of better spatial and temporal resolution, which often means a balancing of one in favor of the other. By analogy then and to run through deeper still waters, Porter clarifies his organizational construct by disaggregating the modern company into a series of discrete activities along a value chain that gives rise to the company's competitive advantage in the marketplace. In order to capture and sustain a company's advantageous market position, its various divisions, from product development to marketing, from research and development to sales and service, and so forth, he argues, must operate as a cohesive whole, while at the same time, the project teams within those units must do the same. This sounds simple enough, but the execution of this charge presents all kinds of business ethical problems with which individuals and managers must inevitably deal. In order to attain greater clarity—to continue the analogy one logical further—of the entire corporate dimension, we therefore inexorably move one more step forward and divide our ethical business paradigms, for prescriptive analysis, into two comprehensible arenas: the company's shareholders (the external dimension) and the company's employees (the internal dimension).

If the single purpose of a business is to create a customer, as Drucker persuasively argued many years ago, one of the more recent market-related resultant effects that, not surprisingly, subsequently became a corporate goal in and of itself, was the focus on the creation of shareholder value as the primary motivating business force.[7] We are talking about a company's stock price here, regardless of the vicissitudes of the market itself, and this strategic goal was further refined to target the company's quarterly financial performance, which would then, *ipso facto*, presumably be related to its stock price. Putting an even finer point to this ongoing financial saga is the simple fact that, over recent years, it appears by all accounts in the news that ethical transgressions occurred with a view toward bolstering profits and the resultant share price of a given company. Why is this so important? It is simply because bonuses, job longevity, and corporate bravado made it so. As an inevitable result, we find ourselves amidst the daunting modern-day challenge of hewing to Jewish ethical principles and practices so seemingly far-reaching while, at the same time, so behaviorally restrictive, that we feel discernibly pinched between the need cut quarterly corners for the good of the company and its shareholders, on the one hand, and adhering to our basic faith, on the other. Clear examples of the tension in this external dimension will follow the exploration of the internal workings of the modern corporation and the consequent effect on what is essentially human interaction and behavior.

Catapulting ourselves into the inner workings of corporate America—often even at its highest levels—is shockingly not unlike any other interpersonal situation where pay and recognition rule the day and, sometimes as we have all found, to the actual detriment of—and to tie in the framework described above—the company, its stock price, and the company's shareholders. Indeed, we all acknowledge and know well how major corporate entities of all types have floundered as a consequence of questionable business ethical behavior sparked by nothing more than outsized financial rewards hung as bait for select scrambling employees to devour. It is right here, however, in the rush for personal gain amongst fellow workers (usually constructed around a project team orientation) and the prospect of increasing corporate profits in the most notable short-term—quarterly, for instance—that breaches in business ethics occur, and, more often than not, they involve ethical assaults

on colleagues and, to wit, Jewish principles, which leaves us and our families wanting. It is therefore to this nexus of nothing more than money and politics that we direct our attention.

"…the character of every act depends upon the circumstances in which it is done."
—Justice Oliver Wendell Holmes, Jr. (1841–1935)

Crafting a series of representative scenarios involving compromising business ethical situations is a reductionist game, and we have to adhere to our basic outline, which includes making certain that the ultimately derived principles of behavior fall within our predefined framework. Broadly construed, this real-life paradigm remains bounded by both the external corporate dimensions of Americana and its internal project team counterpart as well as their resultant prescriptive nature, defined so that we can learn something useful when common-day ethical dilemmas are compared and contrasted with Jewish ethical standards as applied to the business milieu in which we all operate. And it should come as no surprise that, to a greater or lesser degree, we actually all do. Both dimensions intersect in that actions in one arena, say, inside the company and the sometimes derivative internecine warfare that results, affects shareholders and stock price alike, but bisecting them into discrete components should help in bringing the complexities of ethical decision-making into a more focused perspective. To borrow from the above quotation, each of these circumstances impacts on the character of each ethical decision when placed under the Jewish microscope.

For starters, we begin with the well-spring of business today: the individual worker and those around him or her, or more notably termed, the project team. If there ever were seeds of ethical discontent planted, it was right here, and these teams—small to large, transient to ongoing, at the highest or lowest levels of the organization—is precisely where the damage is done to business ethics, sometimes on a grand scale and at almost incalculable personal and corporate cost. Few, however, see it that way, and for those making even the vaguest of attempts at staying under the rather wide umbrella of ethical Jewish behavior, life can become close to unbearably uncomfortable.

Transcending the internal boundaries of corporate departments of all stripes—whether they are marketing, finance, information technology, legal, or even human resources—is the not too terribly transparent nature of the project team vis-à-vis the department or divisional head. Without being too thinly veiled about its driving force, at least from the standpoint of each team member, it is no doubt sufficient to state that individual input maximization in recognition form is surely the goal and making the division's "top dog" aware of one's input, however sometimes exaggerated, is clearly enough to begin turning the tables on one's colleagues. One could argue that this is human nature, of course, but the often inevitable result is often the downplaying of contributions to the project made by other team members, which morphs into the demeaning of colleagues and, with that, so many basic previously enumerated Jewish ethical principles—business and otherwise—are crossed that it is almost pedantic to reiterate them. As a perpetrator, no further repudiation is warranted here; we know with whom we deal. As a defendant, however, we are up against a "hard break," if you will, with the Jewish prescriptions cited so far in this article leaving us with little recourse. There is surely no room to maneuver if we cannot speak in any way about anyone, to cite just one restraining Jewish stricture. Moreover, if our income is at stake, if our employment is up for grabs, or if our self-esteem is continuously trodden, being on the short-end of the project team stick is a tough place for an observant Jewish person to find oneself—at least the way we know one generally to be. This is just one example, albeit an absolutely critical one, but time and space do not allow for the enumeration of others within the confines of the our present-day business world, so we will conclude the internal dimension here, if only to proffer some hopefully reasonable answers later.

Neatly wedged between the internal infrastructure of the modern-day corporate form of enterprise and that which directly effects corporate profits and shareholder price, but has within it ethical dilemmas so fundamental to our way of life that it is comparably hard to extract similarities between it and anything else that we may do in business, are the functions that involve direct client and/or customer contact in a sales capacity. These activities, by their very existence, are almost always incentivized by remunerative arrangements that tag sales performance to pay; how could it be otherwise? More specifically, clients, across the board are of two intellectual stripes: those who are individuals and who are generally

expected to know far less about the product or service being purveyed and those who are institutional or corporate purchasers, a group generally perceived to have the knowledge to make reasoned sales decisions or, at the very least, to have access to sources of information that will ultimately allow them to make decisions of a fully informed nature. Time has shown, however, that this intellectual dichotomy is not universally the case, so that if a salesperson were to be ethically consistent—reasonably guarding against any buyer's lack of product knowledge so that taking advantage for a sale's sake was obviated—sellers would treat all buyers as individuals without the knowledge and/or resources to do the kind of in-depth due diligence of the institutional professional. That said, it actually becomes more incumbent on those sales professionals interfacing with any buyer to position the product or service for sale as exactly what it should be: a customer need, absent the remuneration and/or commission for the sale. Now ethically, this is one tough nut to crack, especially when the salesperson's livelihood depends on the sale and the internal organizational pressures encouraging the sale itself loom large—hopefully, a delicate, but realistic way to put the latter premise. For the moment, we will leave this business ethical predicament in abeyance; we have our hands full as it is, and the character of the act in each of the attendant circumstances is done needs to be addressed accordingly.

The signature ethical impasses encountered in business today, however, have their genesis in actions that affect the company in visible ways—namely, its profits, share price, shareholder value, and as we have learned throughout this decade, the financial viability of the company itself. We have termed this the external dimension, but unmistakably, the seeds of these conundrums are sown internally within the same organizational frameworks that define the parameters of project teams at any corporate level. The difference is that these decisions, together with their ethical counterparts, involve the allocation of corporate resources on a grand scale, with the final go-aheads made at high levels of the organization, and as we have found sometimes, without all of the facts illuminated or with a shading or burying of the potential, but somewhat less apparent, risks—all in the name of potential pecuniary gain for the proposers. At times, it apparently seems that the use of what is commonly described as "other people's money" knows no bounds.

What business actions could possibly precipitate such a wholesale problematic effect on a company of any notable size? A merger decision for one, a strategy to sell a division for another, or the purchase of a major company, the leveraging of a firm's capital base, the marketing launch of a major product, or the research investment of a drug, for instance, and the list goes on. They are not subsumed within the body corporate, nor are they enveloped within the recesses of the corporate hierarchy. Rather, they are front and center, standing astride the upper level project teams and the company's most senior executives. Every corporate player has some stake in the decision-making process here, but throwing caution to the wind, while not the rule but rather the exception, is so often shrouded in minimizing the risks inherent in the process while emphasizing the potential gains if all goes according to an optimistic plan that one often wonders whether the ultimate decisions are so biased in favor of potential and personal monetary gains that corporate risk parameters have been diffused into oblivion. Given the input from the usual suspects of sources and the committee-like nature of the decision-making process—project teams writ large, to be sure—it is comparatively easy understand how exculpatory rationales, coming the wake of some unintended consequences, afford major corporate decisions, in effect made by top-level teams, seem not only well reasoned, but also unanticipated, given what could be termed the arguably sound research and analysis that went into the deficiently executed strategy.

Let's put a somewhat different spin on the ball here because this topic is vitally important, and indeed has been, and continues to be, the notorious focus of business practices from the standpoint of ethics evaluations in the recent past simply because so many companies have either financially collapsed as a result or have come so perilously close that emerging unscathed has been almost miraculous. What we are saying here is that ethical lapses have occurred by those who have turned the other cheek in the face of possible catastrophic results coming from decision-making at the highest levels of the organization, and further and most profoundly, those hypothetically involved may actually, and somewhat insidiously, have transgressed Jewish ethical principles and differentially insulated themselves from the process. After all, who wants to get skewered by a firm's top-level management committee? Nevertheless, how and in what ways this could have been avoided will be handicapped in

the next section.

"It's hard to beat a person who never gives up."
—Babe Ruth (1895–1948)

Rather than throw in the towel and walk away from our ethical dilemmas that, in reality, only serve to magnify the encountered problems sometimes often well beyond our ability to cope with them through Jewish strictures or even otherwise, we shall meet them head-on, but this requires navigating the labyrinth of Jewish principles, fortunately distilled down, by at least one notable writer, in ways that we can prescriptively apply in business. To refresh our memories here, it may be wise to recall some of the most basic principles of ethical behavior in the Jewish tradition, both generally and as applied to business, appeared to leave us handcuffed in situations involving our need to defend ourselves, point out ethical conflicts to others, and on a much larger scale, take positions that would protect the sanctity of the firm, its value, and the investment of its shareholders, whether they be public or private. We, as Jewish people and for some millennia, never gave up, and so, of course, we will not do so here under the premise, and in the presumptive hope, that somewhere, someplace in our literature, there are allowable formulations that fit business situations of modern-day society. To be sure, and with some statistical reference points, this writer assumed going into this project that there had to be. After all, our literature, as vast and comprehensive as it is, must have produced some broad parameters affording us guidance for today's business ethical conflicts—it did for everything else.

With that premise as an accurate backdrop, we developed three representative microcosms of ethically challenged situations in business that covered the corporate organizational gamut of possible root causes stemming from both where the pressure points were located and to where they would have the greatest effect. These were, just for review, the internal project team, the somewhat related salesperson-client relationships, and finally, the top-tier management level where macro decisions potentially affecting the global firm could, and indeed, do occur. To make life interesting here, let's tear through them and, with the help of one reputable secondary source[8] on Jewish ethics as applied to business, see just where we come out in our ability to tilt the windmills of Jewish strictures such that we, at once, adhere to our most basic principles, while at the same time defend both ourselves and the company itself from ethical assaults.

Flying in the face of Jewish principles against speaking ill of others is the need, as explicated earlier, to defend oneself essentially in the office—when on the project team, such that it is—and when one's efforts, input, and successful contributions are being minimized, demeaned, or simply ignored by those seeking to better themselves, financially more than anything else, at our expense. This happens all day long, all the time, virtually everywhere, and most especially when the financial remunerative stakes are highest. Concomitantly, however, someone once said that "academic politics are so ruthless because the stakes are so petty," which gave credence to the inherently false notion that one need not be a multi-million-dollar-a-year Wall Street universe master to suffer the indignities inherent in the everyday working world. Whether one's job is at stake or whether one's income is at risk, one of the stranger, and surely sadder, results is that people in those very tough spots implicitly turn their backs on religion, particularly Judaism in which societal and religious ethical principles are so entwined, because of an overwhelming but unstated opinion that stepping up to the plate in self-defense and, as we shall see later, in defense of the corporation itself, is mutually exclusive with obeying and adhering to the basic principles of faith. One key message of this article is simply that nothing can be further from the truth.

Consider this frontal assault, for example. Famed author Rabbi Joseph Telushkin, whose references will form the skeletal framework for this discussion states simply that "…in at least six circumstances, Jewish law permits, or even obligates us to lie, exaggerate, or otherwise mislead one another,"[9] but these are for defensive purposes only it seems, and although rightly so, this does afford us some unusual, useful, and previously unrecognized ethical exemptions—and thankfully they do. "Lying in order to right a past wrong done to you"[10] is permitted and "it would also seem to be permitted to deceive someone who has deceived you, in order to undo the damage."[11] He continues further that, "You may lie to people who have defrauded or stolen from you, in order to get your

property returned."[12] For argument's sake, then, it would seem more than obvious to even the most partisan observer that there are, in fact, protective measures we can apply in any business setting that, when taken together, afford us more than enough tools to deal with whatever ethical violations that have been thrust our way. We surely need not be shrinking violets in the competitive world of business for the sake of religion, because, strangely, our Judaism would not condone that response, to think through the problem with a kind of philosophical confirming inverse logic.

By far, the toughest road to hoe is in the sales-related spectrum of activity largely because that realm of interaction has within it a wide set of behavioral norms with greatly varying opportunities for ethical disagreements. Nonetheless, if we take as a given our previous position—namely, that we should treat each customer as an unknowledgeable client to avoid the exploitation of persons who simply do not know better—things begin to rapidly fall into the right ethical space. Indeed, "The Talmud says one may alter the truth or, if necessary, lie to save a person from being exploited."[13] Presumably, executing this dictum may involve turning the tables on oneself and one's firm from a monetary standpoint, once in a while and in some form, in order to restrict the sales of unnecessary products and/or services, but making things far more palatable in this scenario may be the combinatorial overarching Jewish concept of not fostering on your colleague what you would not like done to you. Now, as a conceptual whole, this process seems to work as it was intended to do so long ago.

Cruising up the business ethical food chain, we have finally arrived at a point where those sweeping company-wide decisions of probable momentous magnitude collide with ethical boundaries that seem to be in a constant state of managerial flux. It is not really that the ethical parameters have been altered; rather, it is that the human mind tends to minimize the risks inherent in any course of action. Thus, the more comprehensive the strategic change is, the greater the attendant risk becomes—but the risk does not expand arithmetically. In statistical reality, its consequences increase exponentially. In other words, we can fool ourselves into thinking that the worst case scenario will be far less dramatic than would otherwise be the case, especially if we have something to gain if the best case comes to pass—a virtual universally accurate assumption. With the high-level project team in place, we are seemingly insulated from singular blame, but this cocoon-like existence can come home to ultimately roost—big time, as we have all witnessed over recent years. Indeed, this is one of the most far-reaching business-related ethical problems that those with the responsibility face, and some have abrogated their ethical obligations to a startling degree. However, adopting a lower-risk profile here is both doable and ethically critical.

What do Jewish strictures on business ethical behavior teach us about how to handle these more global implicated situations? Actually, a great deal, much of which has gone largely unnoticed in Jewish ethical business literature. However, at least one writer of repute has pinned this down to a concise degree. Apparently, correcting the ethical behavior of colleagues, in a group situation or otherwise, is incumbent on us all and actually trumps the basic Jewish stricture on public retribution, of all things. Rooted in the commandment that "You shall rebuke, yes rebuke, your fellow, and not bear sin because of him" (Leviticus 19:17), which implies that, when observing others behaving badly, we should, and indeed cannot, remain silent.[14] Surely, compromising the financial stability of an organization eminently qualifies as such a condition. Even more interesting and infinitely more prescriptive is the second part of the commandment that implies we share in the that person's misdeeds if we do not act to influence a change in behavior or decision-making.[15] By way of useful explication, Rabbi Telushkin argues that this often overlooked commandment in Leviticus "is so significant that the Talmud teaches, 'Jerusalem was destroyed because its citizens didn't rebuke one another' (*Shabbbat* 199b). Thus, no matter how elevated a society is—and Jerusalem has long been regarded as its premier city—if people don't effectively critique each other's ethical lapses, the society will deteriorate quickly."[16]

"The business of America is business."
—President Calvin Coolidge (1882–1933)

Touting the high business ethical standards demonstrated by Jews during the early years of the American Republic, Rev. Ezra Stiles, then President of Yale College, singled out Sephardic Jewish merchant Aaron Lopez (1735–1782) as one: "In honor and aptitude of commerce, there was never a

trader in America equal to him. In business, he dealt with the highest degree of seriousness and clear-sightedness, showing always an affability in manner, a calm urbanity, and agreeable and sincere courtesy of manners."[17] Indeed, representative of a long-standing tradition in American Jewish business history running back to the time when the first Jewish pilgrims—23 of them in all—set foot on the soil of New Amsterdam in 1654 (about 120 years before the first shots were fired signaling a war that would give birth to the most powerful business-driven capitalist society ever on this earth), Jewish businessmen of great social standing and impeccable ethical credentials actually, when one examines modern business systems in an historical perspective, set the standards for today's business context in Jewish terms. Consequently, we would be remiss in our responsibilities, both as historians and as analysts seeking prescriptive answers to the all-too-common ethical enigmas permeating business in our most modern society, if we did not pay at least some respect, however modest and in literary form, to those of our great Jewish American predecessors who, by dint of high character and fair business dealings, did so much for so many of us who came to the business and commerce tables long after them.

Lopez was surely not a Jew alone in such stature during those early years as many others of similar character and prodigious but fair-dealing business acumen either preceded him or came soon in his wake. Isaac Moses in 1768, for instance and who later became Parnas of Congregation Shearith Israel—the first Jewish congregation in North America that was born from the small band of early settlers—was a founder of the New York Chamber of Commerce, while Sampson Simson, later a Parnas of the same synagogue, was instrumental in drafting the constitution of the Chamber of Commerce. Most notably, the New York Stock Exchange, America's premier institution for the global trading of the securities of companies whose operations transcend its shores, had among its founders three prominent persons of Jewish descent and impeccable ethical reputations—Benjamin Mendes Seixas, Ephraim Hart, and Alexander Zuntz. Crossing business lines into the founding of the Republic, Haym Salomon, also of Shearith Israel, was a key financier of the American Revolution, raising money for George Washington and later helping to keep the new government financially afloat after it was created. There are many others who had a major hand in the early years of America's business development, but the overall and significant input by Jews of celebratory business character into the incipient stages of a burgeoning free economy is a dynamic worthy of note: It set the stage for a melding of business, education, and scientific research leading to discoveries that now afford more than a modicum of protection for ourselves, our country, other countries that rely on us, and people of the Jewish faith.

Nowhere did early Jewish Americans of impeccable stature have more of a providential impact than in the founding of what would become Columbia University and that gave birth almost 200 years later to perhaps the most celebrated research department ever housed in one institution and one that would have the most profound impact on global history and, in reality, Jews the world over. The story, extracted here and stitched together in brief summary, begins with Rev. Gershom Mendes Seixas (1746–1816) of Congregation Shearith Israel who was one of the signatory incorporators of Kings College (later called Columbia College coinciding with the nation's independence from Great Britain), and who served on its Board of Trustees from 1984 through 1815. While almost equally worthy of a consolidated note is the fact that Sampson Simson, mentioned above, graduated from Columbia in 1800, delivering the commencement address in Hebrew and underscoring the generally most conspicuously unrecognized importance of that language to members of the Colonial establishment. Interesting though these historical tidbits may be, the gargantuan impact that this university had on the fate of the world did not come until the storm clouds of World War II emerged, when literally tens of the world's most renown physicists, many of Jewish descent who, some having known each other in Europe's high-powered universities and research centers, fled the rising tide of anti-Semitism in their home countries and huddled together in the basement of Pupin Physics Laboratory at Columbia University, while some there at the time had already received degrees in physics from that university. Nevertheless so astonishingly preeminent was Columbia's Physics Department during the two decades or so, from the early 1930s to the 1950s, that we have to pause here just to digest a couple of intellectually overwhelming statistics. First and foremost, Columbia related physics faculty members accrued a galactic 13 Nobel prizes, and overall, the number of researchers hauling down Nobel prizes in physics who worked in the Department of Physics at Columbia at one time or another came to a

mind-numbing total of 29. On top of those almost outrageous numerical facts, one has to consider that focusing on Nobel Prize recipients totally obscures the incalculable amount of ongoing ground-breaking research attendant to the success of all those individual efforts and the outlying research generally. Recounting all of these great physicists, especially the many who were of Jewish descent, is surely beyond the scope of article, but what most certainly is not, is the telling tale of the handful Jewish nuclear pioneers, with essentially pacifist scientific ethical values, who labored at Columbia and changed the face of the world as we know it to be today.

Although not as yet published, word leaked out to Columbia physicists—including the Jewish and future Nobel Prize winner, I.I. Rabi, working at Princeton University—that German chemists had concluded an experiment in "nuclear fission." Returning to Columbia with the news, the physicists there conducted their own nuclear fission experiment, which was the first in the United States. The potential catastrophic possibility of what this force could engender was not lost on anyone, particularly if Germany found a way to harness its power before the United States. One Columbia research physicist, Leo Szilard—yet another Jewish refugee who held patents with both Einstein (Nobel, 1921) and Enrico Fermi of Columbia (Nobel, 1938) and is credited with many key physics-driven inventions of the twentieth century, but who never took home a Nobel because many others went on to finish his work—sought to influence the President to pursue research on nuclear weapons. Underscoring his predilection for the preservation of human life, Szilard nonetheless advocated that, once developed, the full-scale destructive power of the bombs should be demonstrated to the enemy first because of their potential to be employed against civilian populations. Szilard was advised to seek the help of Alexander Sachs, himself a Columbia College graduate, member of Congregation Shearith Israel, chief of the economic research division of the National Recovery Administration, and unofficial advisor to President Franklin Delano Roosevelt, but that the aid of the world's most celebrated scientist of its time, the Jewish Albert Einstein, would be required. Einstein, also a life-long pacifist and opposed to the making of weapons, signed a letter in August 1939—drafted by Szilard and delivered by Sachs to the President—which referred to work done by Fermi and Szilard suggesting that the construction of bombs through a nuclear reaction could destroy vast areas. This apparently convinced President Roosevelt of the need to develop these weapons before Germany did. Eventually, the Manhattan Project was born to that end, the President appointed the Jewish physicist J. Robert Oppenheimer as its director of scientific research, and we all know how the story ended.

Lost to many observers of the nuclear research scene through to this day are the flagrantly positive scientific values and ethical underpinnings of the weapons story. Business as form of war is really where we begin to get into ethical trouble. Science here was pursued for the sake of scientific values and knowledge until it was found that we could also be staring death in the face—a reasonable way out of these specific ethical dilemmas according to every Jewish religious source that we know. No better tribute to these Jewish scientists of super-human talent could there be than that paid to Leo Szilard on the centenary of his birth in his native Hungary when he was hailed as "having an enduring passion for human life" and that he "personified the moral and ethical responsibilities of science," especially having spent much of his time, in the wake of the war, attempting to diffuse, in metaphorical terms, the arms race itself.[18]

"And this is our motto: 'In God is our trust.'"
—Francis Scott Key (1779–1843)

Concluding any piece of exposition does not call for, and indeed should not entail, recapitulation in the classical sense of the term for many reasons. High on the list is the simple fact that what has been said has, in fact, been so, and as a result, there is no presumptive need for reiteration. Far more importantly, however, the way in which any argument has been laid bare for any readership inevitably entails linearity, that is to say, each section forms a composite whole, and when strung together, where we started often has little to do with where we ended up, so that to use terms employed in the systems dynamics field of thinking, there is no room for the rich information afforded by feedback loops, multiple interconnections, and other elements related to the complexities inherent in

dynamic systems and, by analogy, literary discourse. Consequently, it is incumbent upon authors to put meat on the skeletal bones of an article, for instance, and rather than summarize—which many writers do—present the threads of commonality within the piece that not only hold the facts together in linear form, but also help the reader embrace the underlying non-linear linkages in the ongoing sections, which could not be done previously because the sections were, to argue in a somewhat uncharacteristically obvious fashion, linearly ongoing. This is an important major point, so we will come at the simultaneously entwined themes of Jewish business ethics in a secular society, as herein described, in a somewhat oblique way in order to precipitate out its fully formed meaning.

As an inherent part of this methodology, we used a translational approach that entailed, as it normally does, attacking the problem from multiple angles or, more precisely, through a multi-disciplinary approach. As pure scientists in the burgeoning fields of nanotechnology, systems biology, computer science, electronics, and telecommunications—to name a few—will tell you, with little hesitation, that no complex problem was ever solved without the input of a diversely disciplined group. We even acknowledge this today in finance, economics, and its applications to the world's capital markets. There is very little argument here. Its ethical counterpart in business and as it relates to Judaism, was approached in a similar way, not through rabbinical eyes, but rather from the standpoint of those who were, to coin a phrase, in its multitude of trenches and were there for a long time. This does not insure against bias, any more than any observer and/or participant can, but neither could rabbis and Jewish educators avoid their own innate predilections when studying whatever was served up on their research table. In this case at least, business ethics was seen from the perspective of those involved in business today or from a long term composite series of interactions in that medium of existence, and this attests, in some semi-scientific way, to its experimental validity. Although management by walking around is not the position advocated here, talking the talk while you are walking the walk certainly adds an unquantifiable measure of credibility.

On both the religious and business sides of the ethical equation, we adapted a reductionist paradigm that allowed for the minimizing of ethical configurations to a definable number that could be completely envisioned by the human mind. This took into account, on the religious side, what we believe to be the ethical foundations of our faith that are basically rooted in how we should treat each other, simply stated. On the business side, we reduced the number of ethically challenged situations to those that involved our co-workers, our clients, and our firms. This approach stands in rather stark contrast to couching studies in Jewish business ethics by rooting them in specific biblical or talmudic examples of enormous numbers and multiplicity of circumstances, all barely replicable today. The framework that we employed echoes that of business scholars of great repute, while at the same time, it takes into account what neuroscientists have long since known and economists—from a behavioral standpoint—have now proven to be true, namely that there is a limit on what we our brains can process. Consequently, most of us are guided only by the most basic of religious strictures, and the ethical implications of that in business suggest that the application of religious, and in this case, Jewish ethical standards, are only useful when we can concretely define the business environments wherein they should apply.

Cutting to the Jewish ethical business chase, we found a curious pattern. Instead of what would normally be considered rational ethical conduct from which we, as Jewish people, should derive more than a measure of sustenance in today's widely acknowledged "dog-eat-dog" business world, what many have come to know as, and believe to be, the foundations of Jewish ethical behavior—business or otherwise—have built-in limitations of redress, to be rather pointed about it. This is when individuals stop believing, and it is here where religion falls off the proverbial cliff. People in business look no further in the literature to find countervailing principles and practices that would allow for some defense of themselves, their clients, and the companies for which they work. The reality is, however, that Jewish ethical business practices—whether they be biblically derived or otherwise—actually work, and do so surprisingly well, in contemporary society, when and if given the explanatory chance. Conveyance is the key to understanding first and application second.

We are also not sitting idly and prescriptively by in this article. If we cannot figure out what to do in ethically challenged situations as Jewish people in business, then we undoubtedly have many more problems than initially thought. From the top down, showing how minimizing risk is in the interest of company shareholders is one major part of the prescriptive puzzle as it has uniformly always been, but

it appears never more so than today when its effect on the foundations of some of the largest financial institutions in the world was, and continues to be to some extent, at stake. Client focus with an emphasis on acknowledging what the client does not know rather than what our own or our firm's ultimate interest is, in each instance and quite often, ends up to be not usually viewed as dichotomous as it should be. Finally, business project teams of all sorts and at all levels give rise to the kinds of corporate political power plays that often demand some type of defense, and we have found that we need not be defenseless while adhering to Jewish ethical principles of the most fundamental sort.

In threading the translational needle even further, we also found that the waves of Jewish immigrants landing on America's shores, beginning in the late nineteenth century, had predecessors with as deep roots in the country as any individuals who came before them, and they excelled in business and commerce, while still maintaining, and further attaining, the highest of ethical business standards. Through this contingent, which staked its claim in New Amsterdam in 1654, arose Congregation Shearith Israel—the only Jewish Congregation in New York until 1825—and that carried something of a mantle of responsibility in both disseminating information relating to the country's distinguished Jewish heritage and also setting standards of worship and fair business dealings for which so many of its early members were so widely known. Moreover, if the system of research silos has long since been a concept restricted to distant memories, then the convergence of financial and scientific meltdowns is surely in the forefront of our ethical concerns, and here is where Jewish genius in the science of physics made sizable strides in balancing the greater of gains for the greater good, as discussed at length herein and for sound reasons. Rather than being interlopers onto American society, the reality is that Jewish Americans were inextricably entwined in its most early history, its development, and much later, in helping retain its standing in the world, both in terms of economic and military power—all of which has, and will continue to, go far in protecting us and our heritage. Much of this has stemmed from the ability to carry on ethical fair dealings in business, which has, by and large, kept the American capital system on a steady course, with the requisite and expected mid-course corrections for which human beings bear the ultimate responsibility.

One of the truly unusually accepted aspects of about roughly one-half of the year's Monday mornings in America—the location of the world's business heartbeat—is that one can quarterback with a clarity of focus unbeknownst to the Western world or to any world for that matter, and for many, the same activity also takes place during the remainder of the year with a continuing certainty. No ethical prescription is failsafe, to be sure, and requesting forgiveness, especially in business ethical transgressions, is as natural a part of Judaism as any other rite, and its pervasiveness is as sweeping as are the business-related underpinnings of virtually every society on earth today. However, the world's accumulated pantheon of logic dictates that we look for answers to ethical paradoxes in the totality of Jewish literature when they are not in easy reach in order to avoid giving sway to what may be most financially beneficial to us in the immediate term. At the same time and in many cases, we should seek Jewish prescriptive practices that prevent ourselves and our families from being vulnerable to what many would consider to be patterns of business conduct that are not as ethical as they could notably be. In any event and to conclude, perhaps the most appropriate coda to this article and one that helps to hammer home some of its more salient points is a line in the fourth verse of the American National Anthem—often song, while standing and at the close of select dinners in Jewish homes, because the verse includes the words: "In God is our trust,"[19] and indeed, it should ultimately be.

Notes:

1Alfred D. Chandler, Jr., *Strategy and Structure: Chapters in the History of American Industrial Enterprise* (Boston: M.I.T. Press, 1962), 1–17.
2Herbert Simon, *Administrative Behavior: A Study of Decision-Making Processes in Administrative Organizations* (New York: Macmillan, 1957), 198.
3John D. Sterman, *Business Dynamics: Systems Thinking and Modeling for a Complex World* (New York: McGraw-Hill, 2000).
4The reason that our behavioral reductionism may be mathematically well-founded is noted here in oppositely conjoined sentences. For example: "The possible ranges of behavior [for physical,

biological, and social systems (inserted by author's reference)] even for a simple system of three equations is enormous…The most general three-dimensional differential equation system with quadratic right-hand sides has 30 parameters, so graphs or tables of its eigenvalues for Jacobian matrices at the fixed points is utterly impractical."
From: Foster Morrison, *The Art of Modeling Dynamic Systems: Forecasting Chaos, Randomness, and Determinism* (Dover, 1991, 2008), 268.
5For a broad discussion of these principles, see: Rabbi Hayim Halevy Donin, *To Be A Jew: A Guide to Jewish Observance in Contemporary Life* (Selected and Complied from the *Shulhan Arukh* and Responsa Literature and Providing a Rational for the Laws and Traditions) (New York: Basic Books, 1972).
6See: Michael E. Porter, *Competitive Strategy: Techniques for Analyzing Industries and Competitors* (New York: Simon & Schuster, 1980), and *Competitive Advantage: Creating and Sustaining Superior Performance* (New York: Simon and Schuster, 1985).
7Alfred Rappaport, *Creating Shareholder Value: The New Standard for Business Performance* (New York: Free Press, 1986). (No known relation to the author of this article.)
8Rabbi Joseph Telushkin, *A Code of Jewish Ethics: Volume 1—You Shall Be Holy* (New York: Bell Tower, 2006).
9*Ibid*., 423.
10*Ibid*.
11*Ibid*., 435.
12*Ibid*.
13*Ibid*., 434.
14*Ibid*., 380.
15*Ibid*.
16*Ibid*.
17For a complete review of Jewish American history as seen through the eyes of the members of Congregation Shearith Israel, see the following remarkably well-done book from which some of the material in this section is drawn: Rabbi Marc D. Angel, PhD, *Remnant of Israel: A Portrait of America's First Jewish Congregation—Shearith Israel* (New York: Riverside Book Company, Inc., 2004.
18William Lanouette, quoted in *The New York Times*, March 20, 1998, "Hungarian Fingerprints All Over the 20th Century," from the *Budapest Journal*. See also: William Lanouette and Bela Silard, *Genius in the Shadows: A Biography of Leo Szilard: The Man Behind the Bomb* (New York: Charles Scribner's Sons, 1992).
19An acknowledgement is due here to the Neumarks: Debby and Mel, and Susan and Avery.
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