BUSINESS/PROPERTY

INTRODUCTION TO BUSINESS/PROPERTY

Business Ethics

The *Torah* requires ethical behavior in business, as it does in all other areas of interpersonal behavior. We must be honest in business. We may not cheat or mislead the customer or misrepresent what we are selling. We may follow whatever are the accepted norms for honest people in our area of business.

AMENITIES AND OFFICE SUPPLIES/UTILITIES

AMENITIES

Amenities: Hotel Room

You may take whatever amenities are in your hotel room, as long as they are expected to be taken.

Amenities: Employees' Authority

Hotel employees are assumed to be authorized to give you whatever they give you.

OFFICE SUPPLIES/UTILITIES

Office Supplies: Personal Use

You may take office supplies for your personal use if your employer allows you to. If you are uncertain, ask!

Office Supplies: Permission from Boss

If your boss gives you permission to take or use things in an office where he is not the owner, we assume the boss has the authority to allow you to do whatever he tells you.

Office Supplies: Employee Directing Employee

An (non-owner) employee may not tell another (subservient) employee to take or use things for the benefit of that superior employee, unless the superior employee has the authority to take the items for himself.

EXAMPLE A doctor may not tell a secretary to take hospital envelopes and postage and mail personal items for the doctor.

Utilities: Personal Use

You may use telephone and other services that do not cost your employer anything as long as you do not have any work to do for your employer.

BET DIN

Jewish Court or Secular Court

A Jew must go to a Jewish court before going to a secular court if the issue is suitable for judging at a Jewish court.

BILLING

Billing: Personal Time

Someone who bills for his or her time may not charge a client for time used for personal purposes.

EXAMPLE A lawyer must receive the client's OK before billing that client for time he used eating a meal in order to work more hours for the client.

Double Billing

If you normally bill for your travel time, it is unethical to bill another client for work you did for the second client during the travel.

BUYING STOLEN ITEM

Buying Stolen or Knock-Off Items

You may not knowingly buy a stolen item, nor an item that is illegally trademarked (for example, a knock-off purse or watch). However, if it is not certain that it is illegally marked or stolen, you may buy it.

Finding Out a Bought Item Had Been Stolen

If you bought an item and later found out that it had been stolen, you must return the item to the original owner, but that owner must refund to you the amount of money you paid.

NOTE If the article was insured and the previous owner had already received payment for the loss, you do not need to return it.

CLERICAL ERRORS

Clerical Errors and Non-Jewish Business

If a non-Jewish business makes a mistake in your favor, it is considered a saintly trait to correct the mistake. It is especially a *kiddush HaShem* to return the money to them if they know that you are Jewish.

Clerical Errors and Jewish Business Owner

If a business makes a mistake in your favor, you must correct it if the:

- Business owner is Jewish, and
- Error is more than 1/6th of the item's value.

NOTE It is recommended to correct the error even if the owner is not Jewish.

NOTE In some situations, you must correct the error to a Jewish owner even if the error is less than 1/6th of the item's value—consult a *rabbi*.

NOTE If the owner (Jewish or non-Jewish) forgot to charge you at all, you must return the item or pay for it.

COMPETITION

Creating Competing Business

Generally, you may not go into a business if an existing business owner will go out of business or cannot survive on what income he/she will have remaining.

EXCEPTION If a better *Torah* teacher is available than the current one, the better one may be hired.

DAMAGES

Abusing Rental Cars

You may not abuse a rental car. This means you may not use it in any damaging way that you would not do to your own car.

Recovering Damages

When a company damages something of yours, you are entitled to do what you need to in order to get compensated--as long as it is legal. This is ethical and honest and you do not need to actually do what the

company wants or tells you to do.

ENCROACHING (MASIG GVUL)

Encroaching (Masig Gvul)

Masig gvul can mean:

- Actually stealing property, or
- Stealing business from someone else.

NOTE This is complicated, so consult a *rabbi* if needed.

GAMBLING

Gambling and Jews

Gambling may not be approved for Jews; some types are completely forbidden. Consult a *rabbi*.

INHERITANCE

Timing of Giving

Property may be given away in any manner and amounts desired during a person's lifetime. A Jew must give his property away before death if he does not want to make the inheritance according to Jewish law (such as double portion to a father's first-born son, etc.--consult a *rabbi* for details). A person should reserve some money to fulfill the *Torah* commandment of inheritance. Consult a *rabbi*.

NOTE In inheritance issues, the first-born son means the first-born son of the father (although *pidyon ha'ben* refers to the first-born son of the mother).

NOTE A mother can leave whatever she wants to her children without being required to give twice as much to a son who is the first-born of his father.

American Will

Since a person cannot give away property after his/her death (since he/she does not own it anymore), an American will has no *halachic* validity. An American will should be written to keep the inheritance out of the hands of the government and lawyers. In order for a secular will to be effective under *halacha*, an acquisition should be made that starts to take effect beginning at the time of the *kinyan* and finalize one hour before the person's death.
Rabbinic guidance is recommended.

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INTERNET ACCESS

Internet Access

You may use a public or private internet without paying if it does not cost the owner or slow down the owner's use of it (or if the owner gives you permission!) and as long as doing so does not violate the secular law wherever you are.

LABORERS

Paying Day Laborer

You may pay a laborer at whatever time intervals you agreed upon; you do not need to pay the laborer each day before sunset unless you agreed to do that. If you did not make any agreement, follow local custom. If there is no local custom, pay by the end of the work day.

LOANS

LOANS: WITNESSING/WRITING DETAILS

Loans: Witnessing/Writing Details

You must have a witness or write down the details of an agreement before loaning money or material goods. Both parties should count the money together unless there is a written record, as with electronic transfers, checks, etc.

NOTE If the amount is so small that the lender would not mind its not being paid back, it is customary to lend without a written record or witness.

LOANS: CHARGING INTEREST (RIBIT)

General Law on Heter Iska

A Jew is not permitted to charge interest (*ribit*) for a loan made to another Jew. A *heter iska* should be used in any case where a loan has been made between Jews if more money will be paid back than what was received.

NOTE In some cases, if you prepay for a purchase and thereby get a discount, it might be considered as interest paid on a loan, and you would need a *heter iska*.

Charging Interest: Loans or Borrowed Items

Prohibitions of charging interest *(ribit)* apply only to loans of money or a commodity (*halva'a*), not to borrowed items (*she'eila*):

1. Loan/*Halva'a*

You do not get back the exact item you loaned but, rather, some equivalent of the original, such as money. The borrower may not give back more than he/she borrowed and the recipient may not accept more. Even saying “thanks” is considered to be a form of interest.

2. Borrowed Items/*She'eila*

The original item is returned to the loaner (for example, borrowing a car), and there is no prohibition of paying more than what was originally received.

Heter Iska in Normal Language

If you use a *heter iska* for a loan, the document should be in English or whatever is the normal language of both parties.

RETURNING LOST OBJECTS (HASHAVAT AVEIDA)

Returning Lost Objects (Hashavat Aveida)

You are required to return a lost object (*hashavat aveida*) to its Jewish owner if you can. This is a *Torah* commandment.

NOTE It is saintly behavior to return lost objects to non-Jews, too, if it will be a *kiddush Hashem*.

NOTE You should tell a person if his or her cigarettes fall out of a pocket, even though the cigarettes are dangerous to the smoker's health.

SHMITA AND DEBTS

Shmita and Cancellation of Debts

Shmita applies to debts in our era, but the normal requirement of forgiving debts may be circumvented via a document (*prozbul*).

TAKING ITEMS

Taking Items

You may not take items that do not belong to you even if they are worth less than a *shava pruta*, unless the items have no perceived value.

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