

## Jewish Contemporary Ethics Part 37: Business Ethics 4 – Bribery

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The Torah forbids bribery (*shochad*) for it “blinds the wise and distorts the words of the righteous” (Shemot 23:8 and Devarim 16:19).

The Talmud adds that this prohibition is transgressed by the act of taking a bribe

itself, regardless of whether it affects the judgement or perverts the course of justice; it even applies where equivalent bribes are accepted from each side (Ketubot 105a).

The Talmud goes on to explain that the reason for prohibiting a bribe is that it results in a sense of indebtedness that creates a bond between the giver and the receiver. This is the meaning of the word ‘*shochad*’, which is a contraction of the phrase ‘*she’hu chad*’, meaning that ‘he [the judge] has become one [with the litigant]’ (Ketubot 105b). Such a judge is no longer objective and is therefore incapable of impartiality.

The Rambam (Maimonides, 1135-1204) extends this prohibition to forms of bribery which do not necessarily involve the giving of physical gifts but include favours. Rabbi Yechiel Michel Epstein (1829-1908) rules that the prohibition of receiving a bribe not only applies to judges in a court of law, but to all individuals who have been appointed to public office or who are engaged in the needs of the community. Similarly, Rabbi Moshe Isserles (1525-1572) rules that the appointment of such individuals is subject to the same rules as judges. Taking a bribe should therefore preclude them from serving in public office.

Rabbi Moshe Sofer (known as the Chatam Sofer, 1762-1839) was asked to rule in a case where it came to light that some members of the selection committee for a local rabbi had received a bribe from the relatives of one of the candidates. He wrote that if witnesses testified that this was

indeed the case, the election of that candidate would be null and void.

The Rambam also states that the act of offering a bribe falls under the Torah prohibition of ‘*lifnei iver*’, not placing a stumbling block in front of a blind person. This prohibition applies equally to Jews and non-Jews, given that one of the seven Noachide laws (see part 10 of this series) is to establish a judiciary. Bribery undermines the universal commandment for all societies to establish and maintain a system of justice.

Free gifts, loyalty points or corporate events and entertainment are not generally considered bribes. The Talmud states that a storeowner can give free treats of toasted grain and nuts to children to encourage them patronise his shop, for his competitors may well do the same (Bava Metzia 60a). While each case is unique, benefiting from company perks is usually permitted. For example, when travelling for business, one may collect air miles by using a specific airline, provided that this does not increase the cost to the employer and that the company does not collect the air miles for its own use.

