

# Everyday Moral Dilemmas

Rabbi Avi Strausberg

**UNIT 1** Everyday Moral Dilemmas

**SESSION 1** Can I Steal a Paper Clip?

SOME BOUNDARIES AROUND STEALING ARE QUITE CLEAR. YOU CAN'T WALK INTO A STORE AND take something without paying or hop into someone else's car and drive off. But, we encounter all sorts of small moral dilemmas around money every day and we may question whether or not these financial indiscretions fall into the category of stealing. Does regularly, or even irregularly, printing personal documents at work qualify as stealing? If the ATM spits out an extra \$20 and I keep it, am I stealing? If I make use of my neighbor's unprotected wifi, am I stealing?

Take a moment in your *havruta* to think about a few other scenarios in which you've found yourself wondering about the ethics around what qualifies as stealing.

1. Do you ever find yourself doing something questionable when it comes to money and if so, why do you think it's okay?
2. What distinguishes one scenario from another?
3. Is "stealing" different when no direct harm is caused to another party or that harm is beyond negligible (i.e. perhaps, arguably, the example of making use of a neighbor's wifi)?
4. Is it different when you're "stealing" from a large, faceless corporation whose capitalistic ways line the pockets of the owners at the expense of most of the rest of society?

In this session, we'll take a look at Jewish sources to explore what qualifies as stealing and how we are obligated to behave with respect to someone else's money.

◇ **Pirkei Avot**

Pirkei Avot is an extremely popular book, consisting of moral sayings and advice for aspiring rabbis, judges, and people of all kinds. It is printed in most prayer books. It is originally one section of the Mishnah, the oral collection of Jewish law from 3<sup>rd</sup> century Eretz Yisrael—although you'll find that the text in prayer books often differs from the text in editions of the Mishnah. The Rabbi Yose quoted here is presumably Rabbi Yose Ha-Kohen (introduced in Avot 2:8), who is an early rabbi from the end of the 1<sup>st</sup> century CE.

## **PART I: A FRAMEWORK FOR HOW TO RELATE TO MONEY**

Take a look at the following source from the Mishnah of Pirkei Avot. ◇

**SOURCE #1**  *click icon to find source on sefaria.com!*

<p><b>משנה אבות ב:יב</b>  <b>רבי יוסי אומר, יהי ממון חברך</b>  <b>חביב עליך כשלקך...</b></p>	<p><b>Mishnah Avot 2:12</b>                  Rabbi Yose says: The money of your friend should be as dear to you as your own...</p>
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### **Questions from Rabbi Avi Strausberg**

1. *What does Rabbi Yose mean when he says that the money of your friend should be as dear to you as your own?*
2. *Who qualifies as a friend?*
3. *For what situations might this text be relevant?*
4. *Do you think this is a reasonable expectation?*
5. *Are there situations in which you feel this should not be true?*

#### **Case Study**

Think about this text in the context of the following case study:

You're traveling for work and your employer will reimburse all of your work-related expenses while traveling.

1. How might this text from Pirkei Avot govern your expenditures and for what items you seek to be reimbursed?
2. Does it change the scenario if your employer is a small, start-up operation vs. a large, for-profit corporation?

## **PART II: WHAT QUALIFIES AS STEALING?**

Let's look at several sources together that attempt to define what qualifies as stealing. We'll start first with our foundational text from the book of Leviticus and then move on to several sources from the Jewish legal code, the Shulhan Arukh.

◇ **Shulhan Arukh**

The "Set Table" is Rabbi Joseph Caro's monumental work of Jewish law. It is divided into four sections: Orah Hayyim (containing laws of daily ritual and shabbat and holidays), Yoreh Deah (kashrut, mourning, conversion, among other topics), Even Ha-Ezer (marriage and divorce), and Hoshen Mishpat (civil law, including laws of theft, as quoted here). Even today, this is probably the most influential book of Jewish law.

◇ **עכו"ם**

The Hebrew "עכו"ם" ("Akum") is an acronym for "Oved (ע) Kokhavim (כ) u-Mezalot (ומ)", literally: "One who worships stars and planets", which is used to refer to either specifically an idolator or a non-Jew more generally. There are a variety of words in traditional Jewish literature for non-Jew and it often

**SOURCE #2** ס

ויקרא יט:יא  
 לא תגנבו ולא תכחשו ולא  
 תשקרו איש בעמיתו:

**Leviticus 19:11**

You shall not steal; you shall not deal deceitfully or falsely with one another.

**Questions from Rabbi Avi Strausberg**

1. According to this text from Leviticus, does it matter who we steal from? Is stealing always stealing regardless of the parties involved?
2. Does the amount of the theft affect whether or not we classify an action as stealing?
3. If I use a paperclip from work for my personal use, am I stealing?

**SOURCE #3** ס

שולחן ערוך חושן משפט שמה:ב  
 כל הגונב אפילו שוה פרוטה  
 עובר על לאו דלא תגנובו  
 וחייב לשלם.

**Shulhan Arukh** ◇ **Hoshen Mishpat 348:2.**

Anyone who steals even a penny's worth has transgressed the commandment to not steal and he is obligated to pay.

אחד:  
 הגונב ממון ישראל או  
 הגונב ממון של עכו"ם. ◇  
 ואחד הגונב מגדול  
 או מקטן:

The following are all treated the same: one that steals money of a Jew or who steals money of a non-Jew and one that steals from the great or from the small.

**Questions from Rabbi Avi Strausberg**

1. The Shulhan Arukh teaches us that even taking something only worth a penny, i.e. a paperclip, still qualifies as stealing.  
*Does this surprise you? How might this inform various financial dilemmas you've encountered?*
2. The Shulhan Arukh also notes that there is no difference if one steals from one who is great or who is small.  
*How might this relate to our question about whether taking from a corporation is any different from taking from an individual or a small start-up?*

depended on the fashions at the time which one was used. Here it clearly means "a non-Jew" in general, regardless of what they actually worship.

◆ **R. Moshe Isserles**

Joseph Caro wrote the Shulhan Arukh in his world of Sefarad, but it was immensely popular. Isserles (also called "the Rema", an acronym of his name) then wrote glosses from his Ashkenazi perspective on Caro's text. These are introduced by the word "Note:". His notes were so important they became part of the text of the Shulhan Arukh.

R. Moshe Isserles◆ added this note to the Shulhan Arukh which introduces a totally new angle to think about:

**SOURCE #3 CONTINUED**

הגה: טעות עכו"ם כגון  
להטעותו בחשבון או  
להפקיע הלואתו מותר  
ובלבד שלא יודע לו  
דליכא חילול השם.

ויש אומרים  
דאסור להטעותו  
אלא אם טעה  
מעצמו שרי:

Note: A non-Jew's mistake, for example to make a mistake in counting or repaying his loans, is permitted, and provided that he doesn't know, so that there is no blasphemy.

And there are those who say that it is forbidden to mislead him except if he makes the mistake from his own, and then it's allowed.

**Explanation from Rabbi Avi Strausberg**

While the Shulhan Arukh notes deliberately stealing from a Jew or someone who isn't Jewish is equally problematic, Isserles' gloss allows benefiting from the mistake of a non-Jew in a way that one cannot benefit from a Jew.

What's the case? You're at the grocery store and the clerk give you back the incorrect change in your favor. Can you keep it?

According to Isserles, perhaps you can, if we assume the clerk or the owners of the store are not Jewish.

However, here's the catch. If there's a chance that the clerk will realize that he or she gave you the incorrect change to your benefit, and you kept it, and that this will reflect poorly on the Jews and by extension on God, then in doing so, you've desecrated God's name.

Other sources also indicate the reverse is true. If by returning the money, your actions will reflect positively on the Jewish people, and by extension God, then you've sanctified God's name.

**Questions from Rabbi Avi Strausberg**

1. *Play out situations with your havruta in which taking or keeping money might result in a desecration of God's name or otherwise make Jews look bad.*
2. *Now play out situations in which returning the money might count as a sanctification of God's name or otherwise make Jews look good.*

♦ **Shulhan Arukh Hoshen Mishpat 359:1**

Within the four divisions of the Shulhan Arukh (see note above), each book is divided by "siman" (literally "sign") and "se'if" ("section"). When you see a reference to the Shulhan Arukh, the first number before the colon is the siman, the second number is the se'if within that siman. This text and the previous text are, therefore, nearly adjacent to each other, only se'if 2 is in between.

♦ **Jerusalem Talmud**

All of Jewish law from the medieval period until today is ultimately filtered through the Babylonian Talmud. The Jerusalem Talmud is, by contrast, not as fundamental to Jewish law and is only cited as a legal source some of the time. Here Caro relies on it to extend the law beyond its letter by "a quality of fervency"—i.e. an extra level of piety beyond what the law requires.

3. *What do you think about the new factors Isserles introduced here? Do you find these factors strange or relevant? Why or why not?*

## **PART III: BUT, IT'S JUST A PAPERCLIP**

A lot of the blurry lines around stealing come in to play when a seemingly small quantity of money or material is at stake. Is it still considered stealing if either I'm taking a negligibly small amount from a large corporation or if I'm taking something that is objectively of very little value?

Take a look at the following source from elsewhere in the Shulhan Arukh:

### **SOURCE #4** ס

שולחן ערוך חושן משפט  
שנט:ג  
כל הגוזל את חבירו אפילו  
שוה פרוטה  
כאלו נוטל נפשו:

**Shulhan Arukh Hoshen Mishpat 359:3**

Anyone who steals from his fellow,  
even a penny-worth,  
is considered as having taken his soul.

### **Questions from Rabbi Avi Strausberg**

1. The Shulhan Arukh comes down pretty hard on stealing things of little value.

*Why do you think that is? Why does it matter if we steal something of nearly no value?*

*Is this really akin to taking someone's soul? Why equate it to murder?*

On the other hand, take a look at the source below in which the Shulhan Arukh offers a leniency to this perspective.

### **SOURCE #5** ס

שולחן ערוך חושן משפט  
שנט:א  
אסור לגזול או לעשוק  
אפילו כל שהוא בין  
מישראל בין מעכו"ם,  
ואם הוא דבר דליכא מאן  
דקפיד ביה שרי, כגון ליטול  
מהחבילה או מהגדר לחצוץ  
בו שיניו, ואף זה

**Shulhan Arukh Hoshen Mishpat 359:1** ♦

It's forbidden to steal or exploit (even)  
any amount, whether from a  
Jew or a non-Jew.  
And if it is an object that is not concerning,  
it is permitted, such as to take from the  
package or [taking a splinter] from the fence  
to brush his teeth with. But even this is

◇ **Bereishit**

**Rabbah**

An early work of *midrash* or biblical interpretation based on the book of Genesis (Bereishit), from 4<sup>th</sup>-5<sup>th</sup> century Galilee, around the same time as the Jerusalem Talmud (quoted below). Here it is explaining what was so bad about the generation before Noah's Flood such that they had to be totally wiped out.

אוסר בירושלמי  
ממדת חסידות: prohibited by the Jerusalem Talmud,  
as a quality of fervency.

**Questions from Rabbi Avi Strausberg**

1. *What might qualify as an object about which one would not be concerned? On one hand, the Shulhan Arukh rules that even taking something of very little value is still stealing. On the other hand, taking something about which someone else would not be concerned does not qualify as stealing.*
2. *What's the practical difference between these two cases?*
3. *Can you give an example of something that the Shulhan Arukh would define as stealing and an example that the Shulhan Arukh would not define as stealing?*

**PEAS AND WOODCHIPS**

Take a look at the following two stories from ancient Eretz Yisrael which illustrate the larger effect of stealing items of little value.

**SOURCE #6** ס

<p><b>בראשית רבה לא:ה</b>          וְכִּי הָיוּ אֲנָשֵׁי הַמַּבּוּל          עוֹשִׂים, הָיָה אֶחָד מֵהֶם          מוֹצִיא קַפְתּוֹ מִלְּאָה          תּוֹרְמוֹסִים וְהָיָה זֶה בָּא          וְנוֹטֵל פְּחוֹת מִשְׁנֵה פְּרוּטָה,          וְזֶה בָּא וְנוֹטֵל פְּחוֹת מִשְׁנֵה          פְּרוּטָה,          עַד מְקוֹם          שֶׁאֵינּוּ יְכוּלִּים לְהוֹצִיא          מִמֶּנּוּ בְּדִין...</p>	<p><b>Bereishit Rabbah 31:5</b>          The people before the Flood would          act like this. One of them          brought out a basket full          of peas. Another would          come and take less than a penny's worth,          then another would come and take less than a          penny's worth—          so that [the person with the basket] would          be unable to get [their money] back by law          [since the minimum amount for stealing is a          penny]...</p>
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**Explanation from Rabbi Avi Strausberg**

The text above imagines a mob, deliberately, one by one, stealing small amounts of peas so that no individual can be held accountable. While each person has only stolen a few peas, the victim is left with nothing at all and no one to hold accountable.

♦ **Jerusalem Talmud**

The name Jerusalem Talmud (or Talmud Yerushalmi) is really a misnomer since it comes from 4<sup>th</sup> century Galilee, but this is its most common name. It is the earlier of the two Talmuds, the one from Eretz Yisrael as opposed to Babylon. There is also not a universally accepted way to reference passages in the Yerushalmi; here is given the reference to the mishnah in Hallah on which this section is anchored, while on Sefaria it is on page 28a, the page and side in the Vilna printed edition.

♦ **Rav Shimon Bar Kahanah was...**

This is a story about an early rabbi, Eliezer ben Hyrcanus (in the Hebrew the first א of his name was dropped, but Liezer = Eliezer), and his student, Shimon bar Kahanah. Students were expected to care for their masters in all sorts of ways and it is not uncommon

**Questions from Rabbi Avi Strausberg**

1. According to this text, why is stealing something of little value so problematic?
2. How does this text relate to our text from the Shulhan Arukh which says, "Anyone who steals from his fellow, even a penny-worth, is considered as having taken his soul"?
3. Can you imagine a modern day scenario that might be akin to this story?

**SOURCE #7** ס

תלמוד ירושלמי חלה ד:ה  
 רבי שמעון בר כהנה הוה  
 מסמך לרבי ליעזר  
 עברון על חד סייג אמר ליה  
 אייתי חד קיסם נחצי  
 שניי, חזר ואמר לא  
 תיתי לי כלום. אמר  
 דאין אתי  
 כל ברנש ובר נש מיעבד כן  
 הוה אזיל סייגה דגובריה.  
 רבי חגיי הוה מסמך  
 לרבי זעירא עבר חד  
 טעין חד מובל דקיסין  
 אמ' ליה אייתי לי  
 חד קיסם נחצי שניי. חזר  
 ואמר ליה לא תיתי לי כלום  
 דאין אתי  
 כל בר נש ובר נש  
 מתעבד כן הא  
 אזלא מובלה דגברא.

**Jerusalem Talmud ♦ Hallah 4:5**

R. Shimon bar Kahanah was once assisting R. Eliezer. ♦  
 They passed a fence. [R. Eliezer] said to [R. Shimon]: "Bring me a woodchip to pick my teeth." He changed his mind and said: "Don't bring me anything." [R. Eliezer] said: "For if you bring it, others might follow my example and will cause the fence to be demolished!"  
 R. Haggai was once assisting R. Zeira. A man passed by carrying a load of wood. [R. Haggai] said to [R. Zeira]: "Bring me a woodchip to pick my teeth." He changed his mind and said: "Don't bring me anything, for if you bring it, others might follow my example and the man's load would be destroyed."

**Explanation from Rabbi Avi Strausberg**

These two stories above from the Talmud Yerushalmi offer a similar perspective to the one from Bereishit Rabbah. Here again, someone is taking a small amount of something and yet he imagines the disastrous effect it might have.

**Questions from Rabbi Avi Strausberg**

1. What are the similarities and differences between this story and the previous from Bereishit Rabbah?

in Rabbinic texts to find them walking around with the teacher leaning on the student for support, as here and in the next story about the later rabbis R. Haggai and R. Zeira.

♦ **Babylonian Talmud**

The Babylonian Talmud or Talmud Bavli is the monolithic masterpiece of ancient Babylonian Jewry. It is built upon the Mishnah (but frequently digresses) and is mostly finished in the 6<sup>th</sup> century CE. Berakhot ("Blessings") is the first section of the Talmud. Here is told a story of Rav Huna, an early Babylonian rabbi.

♦ **Or Some Say..**

The Talmud (and all of Rabbinic literature) was taught for centuries orally. This sometimes results in two different versions of events being incorporated into the same story: there might be two different ways people recite a text, and

2. *Why does R. Eliezer / R. Haggai initially think it's okay to tear off a wood chip and why does he ultimately reverse his decision?*
3. *Why are there two of these stories and not just one? Can you find a difference between the two cases that makes both stories add new information?*

## WINE AND VINE SHOOTS

In this final text from the Babylonian Talmud, Rav Huna learns a lesson about stealing.

### SOURCE #8

תלמוד בבלי ברכות דף ה עמוד ב

רב הונא תקיפו ליה ארבע מאה דני דחמרא.

על לגביה רב יהודה אחוה דרב סלא חסידא ורבנן –

ואמרי לה רב אדא בר אהבה ורבנן – ואמרו ליה: לעיין מר במיליה.

אמר להו: ומי חשידנא בעינייכו?

אמרו ליה: מי חשיד קודשא בריך הוא דעביד דינא בלא דינא?

אמר להו: אי איכא מאן דשמיע עלי מלתא, לימא!

אמרו ליה: הכי שמיע לן דלא יהיב מר שבשא לאריסיה.

אמר להו: מי קא שביק לי מידי מיניה? הא קא גניב ליה כוליה!

אמרו ליה: היינו דאמרי אינשי – בתר גנבא גנוב וטעמא טעים.

**Babylonian Talmud** ♦ **Berakhot 5b**

Once, four hundred jars of wine belonging to Rav Huna turned sour.

Rav Yehudah, brother of Rav Sala Hasida (or some say: ♦ Rav Ada bar Ahavah), and the Rabbis came to visit him and said, "Let the master [i.e. Rav Huna] examine his [past] actions."

He asked them, "Am I suspect in your eyes?"

They replied, "Is the Holy One suspect of imposing judgment without justice?"

He said to them, "If anyone has heard something against me, let them speak up."

They replied, "We have heard that the master does not give his tenant his [lawful share of] vine shoots."

He said to them, "Does he leave any of them for me? He steals them all!"

They said to him, "That is exactly what the proverb says: 'Even if you steal [what is your own] from a thief, you are also a bit of a thief.'"

our written text combines them both in an aside like this one. In this case, there are two versions as to specifically which named rabbi visited Rav Huna.

◇ **Some Say:**

Again here (as above) there are two versions of the text that are presented side-by-side. The first version is miraculous: as soon as he made his pledge, the vinegar turned back into wine. The second is less supernatural but still very unlikely: vinegar, much cheaper than wine, suddenly rose in price such that he was able to recoup all his losses.

אמר להו: קבילנא עלי דיהיבנא ליה.	He said to them, "From now on, I pledge myself to give them to him."
איכא דאמרי: הדר חלא והוה חמרא,	Some say:◇ The vinegar turned back into wine!
ואיכא דאמרי: אייקר חלא ואיזדבן בדמי דחמרא:	But some say: Vinegar increased in price and he bought wine with the value.

**Explanation from Rabbi Avi Strausberg**

As a landowner, Rav Huna was obligated to give his tenant farmers not only a share of the crop but also a percentage of the growth of the vines planted in a given year. Rav Huna, angry that his tenant farmer was taking all of the produce for himself, failed to give his tenant farmer the vines that he owed him. For this, he's divinely punished as he's stealing from his tenant farmer, even though he rationalizes it as taking from one who has stolen from him. No sooner than he pledges to give him his lawful vines, the punishment is reversed.

**Questions from Rabbi Avi Strausberg**

1. *How might this story be relevant to modern day conversations around stealing and what we perceive as blurry ethical boundaries?*
2. *Play out a situation with your havruta in which someone may feel justified taking or keeping something from someone that they feel was stolen from them.*
3. *According to this text, taking is still stealing even if you're taking back what's lawfully yours. Do you agree with the bottom line of this text? Why or why not?*



**Take a Step Back**



We've seen several different texts that could map on to very different scenarios of taking and stealing.

1. *What are the moral guide posts with regards to these questions in your own life?*
2. *Are there some situations of taking or keep money that you feel are justified? Why or why not?*
3. *How do these texts change your thinking, if at all?*