

And there He Ordained Enactments and Justice [3] by Dr. Meir Tamari

"It is a positive mitzva to ensure that one's weights and measures are always correct and in perfect condition, a negative mitzva not to do injustice with false weights and another negative mitzva not to possess false or inaccurate measures even if not for use but merely as ornaments." (Rambam Hilchot Geneiva 7). The Rambam like the other halachic codes stresses that these apply to Jewish clients as well as idolaters; he also deduces from here that one is not allowed to cheat them regarding accounts or calculations. Some authorities have argued that where the gentile makes a mistake one is not obliged to correct them except if Chilul Hashem is involved; in today's sophisticated and internationally available information world, there is almost no chance that such Chilul Hashem does not become immediately and widely known. (And the potential for Kiddush HaShem - ed)

"Just weights and measures you shall have... I am your G-d who took you out of Egypt" (Vayikra 19:36). Chazal (Baba Metzia 61b) see the connection with the Exodus as teaching that the G-d who distinguished between the seed of the firstborn and other Egyptians, a distinction based on the most intimate knowledge, surely punishes one who soaks his weights in order to cheat in secret. Cheating with false weights, like all white-collar crimes, is secretive and hidden and this

connection reaffirms Torah's teaching that there is nothing hidden from Hashem. This knowledge that He is always watching and aware of our actions is probably the first line of defense against such crimes.

Parshat K'doshim defines such forms of stealing as a perversion of justice. The merchant is actually a judge and therefore such sins are punished as a distortion of justice, not merely as theft (Avnei Nezer). Sinning with weights proves that Jews are unable to judge their own actions, thus giving their enemies the power to attack them. "Because you sinned with weights and measure I brought the enemy on you" (Rashi, D'varim 25:17). One does not have to be a mystic to see relationships between the material and spiritual worlds. So it is understandable that the same distortion of justice in material matters inherent in the weight sins, can also occur in spiritual behavior. "A person should weigh and measure each of their many outward expressions of religious observance and analyze the justice of these acts. Thereby, they will avoid hypocrisy and superficiality, self-delusion and flattery; neither cheating themselves nor others" (Shem MiShmuel). The Admor of Kotsk changed the AYIN in "you shall not cheat your fellow - amitcha" (Vayikra 25:16)) to an ALEF reading "amitcha, your own truth.

In Parshat Ki Teitzei, the sins in false weights and measures are defined as abominations, just as the Torah defines idolatry or sexual immorality. The Tur, Rambam and Shulchan Aruch all repeat that the punishment for false weights is greater than that of sexual immorality,

as it is *bein adam lamakom* whereas *arayot* is only against G-d. The Bach adds that the reason lies in the difference which exists in the *t'shuva* for the sins. For *arayot* simple *t'shuva* is sufficient for atonement whereas weights require both *t'shuva* and restitution and appeasement of the injured party. It should be noted that like *chametz* on *Pesach*, false weights and measures are forbidden even in the smallest measure, *asur b'mashehu*.

The Torah also forbids stealing another's mind, *geneivat da'at*; presenting things in a false light. Despite the primitive examples in the *Shulchan Aruch*, *geneivat da'at* has much relevance for modern issues of truth in advertising and marketing, "It is forbidden to dye a slaves beard or hair to make him appear younger [comparable to writing a C.V. which falsifies ones qualifications for employment]. One is not allowed to give an animal bran to drink which will make her hair brown and upright thereby creating the impression that she is sleek and fat, nor to comb her artfully to create the same impression comparable to temporary financial restructuring which makes corporations appear more stable and attractive to buyers than it is in reality]. One is not allowed to paint old baskets to make them look new [comparable to window dressing financial reports and imaginative accounting]" (*Choshen Mishpat* 358).

The same source continues; "just as it is forbidden to steal, so it is forbidden to buy anything from a thief." This also includes services, articles or goods which are sold under suspicious conditions or prices. The examples

given there are buying sheep or wool from hired shepherds or fruit from the watchmen of orchards or anything where the seller asks that one hides the purchases. In our day this would probably include buying goods on which taxes or import duties were not paid; such evasion is recognized to be halachically theft. Rambam recognizes these buyers as *'mesayei'a l'ovrei aveira*, helping the perpetrator of a forbidden act. He wisely notes that the thief or robber would not commit a crime if the buyers did not create a market. Chazal put it poetically but true when they said, "it is not the mouse who steals but the hole which encourages him" (*Gittin* 45b); they warned us against being such holes. ★