

Source Materials on Business Ethics for Chavrusa Learning
prepared by Rabbi Joshua Flug



UNITY LEARNING AND SIYUM
marking Yom HaZikaron and the Shloshim of
Rabbi Ozer Glickman

Wednesday, April 18 • Iyar 3 • Hespeidim begin 11:45pm in the Glueck Beis Medrash



ישיבת רבנו יצחק אלחנן

Rabbi Isaac Elchanan Theological Seminary

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CENTER FOR THE JEWISH FUTURE

Mourning the Loss of a Friend: Rabbi Ozer Glickman, z"l

By Rabbi Daniel Z. Feldman | March 21, 2018 | Jewish Link of New Jersey

There have been and will be many words used to describe Rav Ozer Glickman, z"l, since his sudden passing early this week. Scholar, rabbi, father, teacher, husband, investment banker, wordsmith, grandfather, risk management expert, composer, linguist, trader, conversationalist, sports fan, philosopher, ethicist, chazzan, wit, lecturer, moral guide, Renaissance man; all of these descriptions are accurate.

However, when I struggle to find the appropriate word—in my shocked, stunned, dumbfounded state—the term that comes to mind most persistently is “friend.” Reb Ozer was, first and last, a friend.

Yes, in the most basic sense, he was a friend to many—people from all walks of life immediately connected with him and were befriended by him. To me personally, he was an associate, a confidant, a colleague, a resource, a dear, cherished, treasured friend for decades. Generationally, he was a bridge between me and my father, z"l, and considered his relationship with both of us to be one seamless connection.

Just a few hours before he was tragically taken from us, he attended a rabbeim meeting at Yeshiva University, and in seven minutes of conversation before it started, we probably covered as many topics of mutual interest. As a sad irony, these included his optimistic attitude about his health, and our plans to travel together to an upcoming simcha.

However, calling him a “friend” here means more than that—he was not only a friend to specific individuals, but he was a friend in his essence.

A friend, a chaver, perceives the value of being connected to others, of seeking out goodness in people and joining with them in amity. For Reb Ozer, among many, many other involvements, that instinct brought him ultimately to Yeshiva University, where many of his talents found expression in a number of departments. He delighted in being a friend, a colleague, to the Yeshiva faculty. The fact that he was counted among the Roshei Yeshiva, a group that included so many Torah scholars he deeply admired, was a great joy to him.

Of course, he was unique within that group. His distinctive background and profile could have set him apart and made him an outsider. In actuality, it did the opposite: it enabled him to serve as an ambassador, articulating the views he shared with his colleagues in contexts that others could not access. He eagerly embraced this role, spoke of it often, and was extremely effective in it.

He was greatly honored by his friendship with rabbinic leaders such as Rav Hershel Schachter, whom he admired for his learning and his character, and would frequently refer to lessons he derived from those attributes. The recognition was mutual; over the years I directly heard from Rav Schachter and from his family of their appreciation of and recourse to his interpersonal abilities and their applications.

Of course, being who he was, his distinguished associations extended to realms outside the Torah world as well. He counted among his acquaintances figures such as the behavioral economists Richard Thaler and Daniel Kahneman. Readers of the works of statistician/scholar Nassim Nicholas Taleb can find quotations from “my friend Anthony Glickman, a rabbi and Talmudic scholar-turned option trader, then turned-again rabbi and Talmudic scholar (so far).” (Antifragile, p. 184).

He was also a “friend” in the sense of “classmate.” His life was one continuous educational experience, his world one giant classroom and Beis Midrash. He moved from one intellectual accomplishment to another, both in Torah and in secular realms.

He adored teaching, but did so with the mindset of a supportive peer rather than an instructor. The mishnah (Avot 1:10) warns that one should “hate the rabbanut.” Commentaries explain that surprising phrase to mean that one should love rabbinic service, but hate the “rabbanut” over people that sometimes accompanies it. That describes Reb Ozer’s attitude; he would be instructive, inspirational, and pastoral, but eschew any authoritative position or demeanor.

Reb Ozer was a friend in that he truly wanted the best for those around him. To come into his orbit, whether casually or formally, briefly or over many years, was to have him proactively absorb your needs and aspirations. Registering in his class meant you acquired not only a professor, but an advocate, career counselor, agent, and personal advisor.

Speaking personally, in the past few months alone I received so many communications from him seeking to assist me in various ways, things that I never asked him for but I recognized as greatly beneficial. This past Shavuot, he volunteered to give a drasha at my shul, knowing that would be valuable to me, despite the fact that it was at least a 45 minute walk to and from his house. He did this as a favor, without any compensation. As a genuine friend, he shared of himself with no sense of competition.

As I prepared to leave for his funeral, a student I was with lamented that he had never met him. “That’s a shame,” I said. “You would have liked each other.” I realized, of course, that I could have said that to anyone.

Reb Ozer was a friend in the sense that he was always aware that he was a member of society. He was passionate and fearlessly outspoken about the responsibilities that came with such membership.

He tirelessly spoke up on behalf of honesty, integrity, and Kiddush Hashem. He hated injustice, and among other involvements provided vital service to ORA, the Organization for the Resolution of Agunot. He would travel great distances and endure insults and personal attacks to do what he could to relieve the suffering of those involved. (“They call me when they need someone who speaks Yiddish,” he would say with a smile).

The last Shabbat of Reb Ozer’s life was Parshat Vayikra. Chazal (Vayikra Rabbah 1:15),

commenting on the beginning of the parsha, express an appreciation of Moshe Rabbeinu for not being a “Talmid chacham without de’ah,” which is a apparently a terrible thing to be.

The commentaries struggle with the meaning of the word de’ah. In context, it seems to refer to derech erez, to manners and to civil refinement. Civil discourse was in fact a passion of Reb Ozer; he never gave up believing in the possibility of nuance and respect even within intense disagreement. To be a gentleman was as important as being a scholar.

Some understand de’ah to be a sense of gratitude. Reb Ozer was constantly expressing his appreciation for the many blessings he recognized his life to include. First and foremost were his beloved wife, children, and grandchildren, and all of his family, his most cherished assets. He was vocally grateful for all the opportunities he had, primarily to live a life of learning, teaching, compassion, and service to God and humanity.

Some interpret de’ah to mean the willingness and motivation to share their learning with others. By this definition too, Reb Ozer was the consummate “talmid chacham sheyesh bo de’ah”; he was constantly finding new venues and arenas to share his learning and to inspire. And how fitting it is that this great “friend”, with no lack of formal teaching positions, should become the outstanding educational and moral voice of social media? In this often contentious setting, he boldly but carefully elevated the environment with his thoughtful participation.

Reb Ozer was a friend, a vital member of our communal “chaburah.” The Talmud (Shabbat 105b) warns that when one of the chaburah dies, all the members of the chaburah should worry. The sudden and shocking nature of Reb Ozer’s passing certainly justifies a literal application of that statement.

But it seems in this context a homiletic interpretation is fitting too. When this singular member of the chaburah is taken from us, we all must worry: who could replace him? Who could do what he did? How sorely are we lacking, are we deficient, without him.

At Reb Ozer’s funeral, there was mournful reference to the fact that he did not have time in his life to write. This is true but not completely; at the time of his passing, he was involved in several literary endeavors. Perhaps others will be able to bring some of his writings to the public. And of course, his social media postings have been recognized as the gems they are and will continue to inspire and edify as they are preserved and shared.

But the fact is he was writing his entire life, if not on paper. He wrote for himself a fascinating and magnificent internal odyssey. And he wrote for others as well, and more so: the many multitudes from all walks of life who are more educated, more inspired, more enlightened, more morally aware, more self-confident, more comforted, more prepared to achieve their potential in the eyes of society and the eyes of G-d—all because they had the good fortune to count him as a friend.

Case Study #1: The New York City Taxi Commission vs. Uber

Reuters, March 30, 2017

New York defeats taxi owners, lenders in lawsuit over rules, Uber

A federal judge on Thursday dismissed a lawsuit by taxi owners and lenders accusing New York City and its Taxi and Limousine Commission of jeopardizing their survival by imposing burdensome regulations and letting the Uber ride-sharing service take passengers away. U.S. District Judge Alison Nathan in Manhattan said credit unions, medallion owners and trade groups failed to show they were denied due process or equal protection by having to obey rules on fares, who they can pick up, vehicle equipment, and access for disabled people that Uber drivers need not follow. While the city's ground transportation industry "may well, as plaintiffs allege, be rapidly evolving," the differences in how yellow cabs and ride-sharing services serve passengers, including whether rides are hailed on the street or by smartphone, "easily justify" such distinctions, Nathan wrote. The growth of services such as Uber and Lyft in New York has caused the value of a medallion, essentially the right to operate a yellow cab, to fall by more than half from its \$1.3 million peak in 2014, according to recent sale listings.

Background: Owners of NYC taxi medallions invested a lot of money for the rights to pick up customers off the street. Without a medallion, the only other legal means of having a paid ride service is to order it in advance. Before Uber and other similar services, this meant that the only way to get a cab on demand was to hail a yellow taxi with a medallion. When someone purchased a medallion, it was a purchase of certain exclusivity rights that other ride services do not have. With the advent of Uber and other services, a customer can essentially "hail" an Uber through a smartphone and be in the car seconds later.

Discussion Starter: From a Jewish law perspective, who do you think has a stronger claim, the medallion owners or Uber?

Source #1- Bava Basra 21b

אמר רב הונא האי בר מבואה דאוקי ריחיא ואתא בר מבואה חבריה וקמוקי גביה דינא הוא דמעכב עילויה דא"ל קא פסקת ליה לחיותי לימא מסייע ליה מרחיקים מצודת הדג מן הדג כמלא ריצת הדג^(א) וכמה אמר רבה בר רב הונא עד פרסה שאני דגים דיהבי סייארא א"ל רבינא לרבא לימא רב הונא דאמר כרבי יהודה^(ב) דתנן רבי יהודה אומר לא יחלק חנוני קליות ואגוזין לתינוקות מפני שמרגילן^(ג) אצלו וחכמים^(ד) מתירין אפי' תימא רבנן עד כאן לא פליגי רבנן עליה דרבי יהודה התם אלא דאמר ליה^(ה) אנא קמפלגנא אמנוזי את פלוג שיוסקי אבל הכא אפילו רבנן מודו דא"ל קא פסקת ליה לחיותי מתיבי עושה אדם חנות בצד חנותו של חברו ומרחץ בצד מרחצו של חברו ואינו יכול למחות בידו מפני שיכול לומר לו אתה עושה בתוך שלך ואני עושה בתוך שלי תנאי היא דתנאי^(ו) כופין בני מבואות זה את זה שלא להושיב ביניהן לא חייט ולא בורסקי ולא מלמד תינוקות ולא אחד מבני בעלי^(ז) אומניות^(ח) ולשכנו אינו כופיהו רשב"ג אומר אף לשכנו כופיהו אמר רב הונא בריה דרב יהושע^(ט) פשיטא לי בר מתא אבר מתא אחריתי מצי מעכב^(י) ואי שייך בכרנא דהכא לא מצי מעכב בר מבואה אבר מבואה דנפשיה לא מצי מעכב^(יא) בעי רב הונא בריה דרב יהושע בר מבואה אבר מבואה אחרניא מאי תיקו

outside craftsmen from plying their trade in that alleyway. But one cannot compel his neighbor, i.e., one who already lives in the alleyway, to refrain from practicing a particular occupation there. Rabban Shimon ben Gamliel says: One can even compel his neighbor not to conduct such work in the alleyway. Rav Huna holds in accordance with the opinion of Rabban Shimon ben Gamliel.

Rav Huna, son of Rav Yehoshua, says: It is obvious to me that a resident of one town can prevent a resident of another town from establishing a similar business in the locale of the first individual. But if he pays the tax of that first town, he cannot prevent him from doing business there, as he too is considered a resident of the town. The resident of an alleyway cannot prevent a resident of his alleyway from practicing a particular trade there, in accordance with the opinion of the Rabbis in the baraita, and contrary to the opinion of Rabban Shimon ben Gamliel.

With these conclusions in mind, Rav Huna, son of Rav Yehoshua, raises a dilemma: With regard to a resident of one alleyway protesting about a resident of another alleyway conducting business there, what is the halakha? No answer was found, and the Gemara states that the dilemma shall stand unresolved. (Translation: The William Davidson digital edition of the Koren Noé Talmud)

Rav Huna said: There was a certain resident of an alleyway who set up a mill in the alleyway and earned his living grinding grain for people. And subsequently another resident of the alleyway came and set up a mill next to his. The halakha is that the first one may prevent him from doing so if he wishes, as he can say to him: You are disrupting my livelihood by taking my customers.

The Gemara suggests: Let us say that a baraita supports his opinion: One must distance fish traps from fish, i.e., from other fish traps, as far as the fish travels, i.e., the distance from which the fish will travel. The Gemara asks: And how much is this distance? Rabba bar Rav Huna says: Up to a parasang [parsa]. This indicates that one must distance himself from the place where another has established his business. The Gemara responds that this is no proof: Perhaps fish are different, as they look around. One fish explores the area ahead of the others, indicating to them where to go. Once they encounter the first trap they will not approach the second...

The Gemara answers: This entire matter is a dispute between tanna'im, as it is taught in a baraita: The residents of an alleyway can compel one another to agree not to allow among them in that alleyway a tailor, a tanner, a teacher of children, nor any type of craftsman. They can bar

Discussion Questions:

- 1) What do you think is the point of contention between those who restrict outsiders from setting up shop in town and those who permit them to do so?
- 2) Uber's drivers are local, but the company itself is not based in NYC. Does that make Uber a local company or an outsider? Why?

Source #2- Nimmukei Yosef, Bava Basra 11a

שיעור חיותייבו. פי' הר"י בן
מג"ש ז"ל (ד"ה מרחיקין)
דהיינו דוקא היכא דלא מוזלי
תרעא טפי אז אמרינן דמזו מעבדי
אבל אי מוזלי טפי הא איכא תקנת לוקחים דההיא מתא ^(א)אם
ישראל נינהו לא מזו מעבדי. ונראה דעת הרב ז"ל צול גדול
אבל להחיל מעט יותר ממוכרי העיר ודאי מזו מעבדי דאם לא
כן לעולם לא מזו מעבדי שאי אפשר שכשיש שם הרבה מבני
אומנות שלא יחול השער וצביל
דבר מועט כזה לאו כל כמיניה לבר
מתא אחריתי דליפסיד להאי וליחקן
להאי דאי בעו בני מתא דלחיל
גבייהו או יתנו על השערים או
יושיבו אחר מעירן כן נראה דעת
הרמב"ן ז"ל (ד"ה והרב).

R. Yosef ibn Migash explained that the ability for local sellers to prevent outside competition only applies when the outsiders won't cause the price to be lowered. In that case, the locals can prevent outside competition. However, if they lower the price more, then it is beneficial for the local (Jewish) customers and one cannot prevent outsiders. It seems that the opinion of our teacher is to accept this qualification [of R. Yosef ibn Migash] only if there is a major discount of prices. However, if they are only selling at a slightly lower price, the locals can prevent the outsiders because when there are extra competitors there is a

guarantee that the price will decrease slightly (and as such, the case where outsiders may not compete must be one where there is a minimal price decrease). For a small amount, it is not worthwhile to allow the outsiders to cause a loss to the locals in order to benefit the local customers because if the locals want the discounted prices, they can set up more local competitors. This seems to be the opinion of Ramban.

Discussion Questions:

- 1) How does Nimmukei Yosef balance the rights of the local buyers and the rights of the local sellers?
- 2) How do you think this discussion applies to Uber?

סימן כ והנה בשם חנה חרמ"ז כי חלול הדין הזה
משרב חגולו הגדול מותר שמואל כחם כ"י חזק
למענך דבר הנהגה צפלי חכום של אחד יש לו לישענך ופורה הנהג
מחכותו כחג וסאחר הסעך לו אין לו לישענך וסוחקים לו מוטלי העיר
אם רשאי זה שיש לו לישענך לעקור אלל חרומים או שגל בחופו אחר
למענך חוננים צמקלות שלל יריח למכור בחנותו וכן אחד שיש לו זכוח
לחוג י"ש סקעלישעק שסחיג בחצולה על שם סכרי וכדומה וסחיג אין לו
רשון ע"י וסחיג בחסאי אס רשאי זה למכור נוחו ע"פ ר"ח שלל יחוג על
סקעלישעק או סחיג מוכנו כח עסירה וכיולל זו וסחיג דענולר צס"ע קינן
קחי רכשעורע עס א"י לומר קח עסקת לחיחאי זה דוקא ענכ כללי אכל
באס יש עס מיוחד על אס עסק אולי יכול לומר כיון שאין אס פורה
עס אין לך רשות לעסק בזה וקח עסקת לחיחאי וסחיג לכאורה דבר גדול
ריכר רש"י דזה עסקת לחיחאי אסח אחר העיון כלעפ"ד דזה דוקא אס סחיג
סך קלכ כחם יס"י צעיר צמלי חרות או מוכרי מציג וסחיג צכל חוסק חרות
או מוכרי מציג אף צכק וסחיג לומר קפסקי לחיחאי וסחיג דענאי דבר
עיר אחרת או צרי מציג אסח דענחמל קלכ כחם אסחיג יש צעיר או כחם
פאעלינעין צמרי זו אכל באס סיכול לסיום כחם חרות או מוכרי מציג רק
עס ללדון כך וכך א"כ אינו עסק לחיחאי דסחיג אס סחיג עסקס סחיג נס
סחיג רשאי לסיום צמלי חרות וכדומה ורק שאינו עסקס אס כן חלו גורס
סחיג עסגיחם עליו וסחיג אחר בזה וסחיג דסחיג סחיג עסקס לסלס וסחיג
לו לסלס לא סחיג מוכרי חוב דסחיג רשאי אס עסקס. דבר מועט וסחיג אף
עס אין לו יש לו לאסר לסלס ולא עסקס סחיג עסקס אס אכל אף אס
סחיג לר"ך סך רב וכדומה ע"י כל ססיה יכול אחר ג"כ לנכ לזס סחיג אינו
עסקס חרות גמור ככלעפ"ד וסחיגס באמס סך דעסקס לחיחאי אינו דבר
צור וסחיג רק גרעל צמלעל לכל סמירנס וכל שאין כאן צור סעסקס
כיון דגס אחר סחיג יכול לסלס א"כ עס שאין עסגיחין עליו וסחיג עסקס
זס צורלי אינו רק גרעל צמלעל וסעסקס דלכ"ע לא מצי למכב עליו אסחם
לעפ"ד כחם דסחיג יכול למכב אס עסחיג ע"י עסל לר"ך לסלס א"כ
עסחיג דעכ"פ רסיה עדיק עיחם צורלי אינו ככן וכע"פ צמסס סאציאסק דסחיג
דענצוי עסולס יכול למכב עסוס דאף דלל קייל סך דריס צריס דריס וליס
עסקס לחיחאי עכ"פ עדיק עיחם לא ע"י וסחיג באס כל דחינו עסחיג צמניל
זס אינו יכול למכב עליו וכל סעוסרו סחיג מוסר עסחיג על יסרלל ציד גרי

... Regarding a storeowner who has a license to sell and pays taxes for that license, and if someone opens a store without a license, the government closes the store. Is it permissible for the storeowner with the license to report the competitor without a license to the government? Similarly, if one purchased a liquor license which permits one to mix drinks and the competitor does not, and mixes drinks in a clandestine manner, is it permissible to force the competitor through a din Torah to stop mixing or to report the individual? ...

It seems to me that if there are a limited number of licenses for storeowners or pubs and nobody else can enter the market even if he is willing to pay, then the license owners can claim "you are disrupting my livelihood" similar to the outsiders of a town or of an alleyway, as there are a limited number of potential competitors in a town or in an alleyway. However, if the government sells unlimited licenses, then the seller who does not have a license is not disrupting the livelihood of the one who does ... Nevertheless (even when there are unlimited licenses), if the cost of the license forces the seller to sell at a higher price and the one without the license is able to sell at a lower price because he doesn't pay the license,

then this is certainly not proper.

Discussion Questions:

- 1) Given that there are a limited number of taxi medallions, how do you think R. Nathanson would deal with the dispute between the medallion owners and Uber?
- 2) If Uber can undercut NYC taxi driver because they don't have to pay for medallions, does that play a role?

Concluding Questions:

- 1) Uber can provide a much cheaper rate for its customers but it does so by circumventing the fees that medallion taxis pay. How do the sources above deal with this conflict?
- 2) The Federal judge ruled in Uber's favor because Uber's service is fundamentally different. Instead of hailing a cab, you order one on your smartphone. How would you apply the sources above to this argument?