

WHOM CAN YOU TRUST?

*Robert S. Wiener**

1. INTRODUCTION

Normative ethicists are typically interested in the question of what is the right thing to do. As a reader and writer in this field I have become convinced that, however interesting this question is, most normative business ethicists agree as to what people and businesses should do most of the time. I also believe that most people, including those who don't do what they should, would agree with those conclusions. That is, most wrongdoers probably know that their wrongdoing is wrong and they keep on doing it anyway.

We who teach business ethics generally focus our research on issues that are not likely to make an actual difference in behavior in the business world. Decent people continue to be victimized by the unethical behavior of others, including graduates of our own business schools.

* Associate Professor of Legal Studies and Taxation, Lubin School of Business, Pace University

** This is the very start of a large project in which I will explore material in many fields, including literature, psychology, social studies, and economics, with separate articles focusing on law, business ethics, and Jewish sources. A more developed version of this piece will be available at our ALSB annual meeting and from me at rwiener@pace.edu.

I doubt whether we as business school educators affect behavior and transform our students from potential wrong doers to right doers.¹ For this paper, I stipulate that we are unlikely to change many of those who perceive that activities such as defrauding others are in their self-interest and they will therefore persist in doing wrong.² What then can/should we as teachers of business do? I believe that we can be most helpful if we can better protect the right doers from the wrong doers. What should one do when confronted with another's wrongdoing?³ I believe that this is an important and potentially effective approach, but there is an even more basic problem. The challenge is that we often do not know that we are confronting wrongdoing until it is too late. And this is certainly one of those cases in which "an ounce of prevention is worth a pound of cure."⁴

¹ Robert S. Wiener, *What Good is Book Learning?* (2012)

² I do not believe that recent movies such as *The Wolf of Wall Street* (2013) and *American Hustle* (2013) will serve as morality plays, convincing people not to emulate their protagonists.

³ I have written several papers exploring the question of what Jewish sources suggest one do when they see wrongdoing.

⁴ This research has brought many age-old aphorisms to mind. Perhaps because these questions are far from new, yet we seem not to remember the lessons taught. "Those who cannot remember the past are condemned to repeat it." George Santayana (1863-1952), *The Life of Reason: Reason in Common Sense*. Scribner's, 1905: 284) <http://www.iep.utm.edu/santayan/>

I. TRUST

“Can you keep a secret?” my father was asked. He replied, “As well as you.”

Authors write articles and books on how to create and keep and repair trust in personal and business relationships. We use the term “trust” so freely today that it may have lost its meaning.⁵

Should one trust all others? In this paper I begin an interdisciplinary exploration seeking answers to this question.

⁵ We are asked if we “Trust” the source before we open an Adobe document and probably most of us click “Trust” as a reflex action.

II. LAW

The law establishes baseline expectations of others. It apparently assumes that people are deceitful and will continue to lie.⁶ Therefore, we are all expected to be on guard against those who intend to take advantage of us.

In tort law an absolute defense to all forms of tort may be assumption of risk. The elements of this defense are that the person injured is aware of the risk. [Is this test objective or subjective? In other words, is the question whether a reasonable person would be aware of the risk, or whether the party injured was actually aware, whether or not they reasonably should have been?]

In contract law, both fraud and (innocent) misrepresentation include the element of *justifiable/reasonable reliance*. In other words, a contract resulting from reliance on a false representation of a material fact is not voidable unless that reliance is justifiable/reasonable. “Blind reliance” is by definition not justifiable/reasonable and, therefore, makes the contract valid because the “blind relier” should have known better. This seems to me to parallel tort assumption of risk analysis.

The question raised in both tort and contract cases, then, is what sort of reliance is justifiable/reasonable? That is, what sort of due

⁶ This is consistent with the view of people in the Hebrew Scriptures. See the flood story. God observes that people are deceitful in their nature. Genesis...

diligence/research/vetting would a reasonable person engage in prior to entering into an agreement and assuming the risk of certain activities? [There may be “subsets” of tests, possibly a higher standard of reasonableness for merchants than for non-merchants in business transactions (see Sales law (UCC Article 2) test of good faith), or lower standards for the elderly or youth (protected under minority in contract law), or for women?]

The common law had a basic principle of *caveat emptor*, buyer beware. Over the centuries we seem to have come to believe that people need more and more protection, perhaps because they are less able to recognize bad actors or to protect ourselves from them. An unintended consequence may be that as protection from wrong doers increases, such as consumer protection laws, people (consumers) may feel that they don't need to do as much to protect themselves.

We teach that one of the required elements of proving fraud is reasonable or justifiable reliance, yet it seems that more and more people trust others without any investigation. An important issue here will be what constitutes reasonable or justifiable reliance.

The law says that one may trust a fiduciary, but even fiduciaries may be untrustworthy. To avoid becoming “a case in the book,” seeking a remedy in court

when one's trust is misplaced, can one determine, perhaps through "due diligence," whom to trust? What constitutes "due diligence" and can we learn to be better at it.

III. LITERATURE

A proverb teaches that one should judge another not by their words, but their deeds. And Shakespeare agrees that habits are repeated as "Whereof what's past is prologue, what to come In yours and my discharge."⁷ may come as no surprise that authors such as Shakespeare believed that, one could learn to spot a duplicitous person from their appearance, as Leonato says, "Which is the villain? Let me see his eyes, That, when I note another man like him, I may avoid him."⁸

IV. SOCIAL PSYCHOLOGY

Recently, several social psychologists, such as Dan Ariely,⁹ have been addressing trust and related issues. Mahzarin Banaji and Anthony Greenwald address the question of how we decide whom to trust.¹⁰ Affinity fraud is a prime factor.

Social mindbugs can give us ... false feelings of faith in people we

⁷ WILLIAM SHAKESPEARE, *THE TEMPEST*, Act II, Scene i., Lines 253-54.
<http://www.bartleby.com/73/1296.html>

⁸ WILLIAM SHAKESPEARE, *MUCH ADO ABOUT NOTHING*, Act V. Scene 1. Lines 183-185.
<http://www.bartleby.com/70/1651.html>

⁹ DAN ARIELY, *THE (HONEST) TRUTH ABOUT DISHONESTY* ((2012). The TED Radio Hour Podcast of June 20, 2014 is entitled "Why We Lie" and draws from several TED talks.
<http://www.npr.org/programs/ted-radio-hour/311863205/why-we-lie>

¹⁰ MAHZARIN R. BANAJI AND ANTHONY G. GREENWALD, *BLINDSPOT: HIDDEN BIASES OF GOOD PEOPLE* (2013).

perhaps

shouldn't trust Take as an example Berhard Madoff, perpetrator of

the

largest investment fraud in U.S. history. While Madoff's victims were

quite ethnically diverse, Jewish philanthropic organizations were

particularly

numerous among them, suggesting that they were more unwisely trusting

of Madoff, with whom they shared a group identity based on religion. ¹¹

V. CRIMINAL JUSTICE

Criminal justice, such as the FBI, has on-the-ground insights to share.¹² There may

even be techniques, other than polygraphs, that can assist in liar identification.¹³

VI. ACCOUNTING

Accounting, specifically papers concerning auditing fraud should be of help, but

we should be mindful of the failures of major accounting firms in auditing major

corporate fraud.

¹¹ *Id.* at 25.

¹² *Frauds and How to Spot Trouble*, <http://www.fbi.gov/news/videos/slc-frauds>

¹³ http://www.huffingtonpost.com/pamela-meyer/how-to-spot-a-liar_b_2094610.html

VII. MANAGEMENT

Management literature may be helpful. Perhaps that includes a recent book by Stephen M.R. Covey and Greg Link.¹⁴

CONCLUSION

What then can we do in a world where wrongdoing persists and the evil may even prosper? Anglo-American common law provides added legal protection if we let down our guard in fiduciary relationships, such as partnerships. However, if others behave badly, that still leaves the victim to suffer the consequences of being defrauded, including emptying one's bank account to fill a lawyers' pockets with fees spent to bring a case to court. Might it be possible that here an ounce of prevention is worth farm more than a pound of cure?

The better answer, I believe, is self help, training the vulnerable with the equivalent of a Defensive Driving course. As with driving, perhaps one can minimize life risks by learning how to identify potential wrongdoers and, thereby, be better prepared to avoid hazards ahead. To engage in preventive action and avoid becoming a case in the book by seeing unethical actors coming one's way before they hurt you or others.

How can we do that? How can we know who's who, especially when the con is a pro? Trust may be necessary for individuals and communities and culture to

¹⁴ STEPHEN M.R. COVEY AND GREG LINK WITH REBECCA R. MERRILL, SMART TRUST: CREATING PROSPERITY, ENERGY, AND JOY IN A LOW-TRUST WORLD (2012).

flourish. Spinoza wrote that trust is one of the prerequisites for peace. Perhaps this is true for individuals as well as for nations. Sadly, poorly placed trust makes one an easy mark.

It may be that the best advice we can give others, including our students, and to follow ourselves, is taught by the Russian maxim, *Доверяй, но проверяй* *doveryai no proveryai*, trust but verify, famously used by President Ronald Reagan.¹⁵

in this paper would be even more beneficial

In this paper I begin to consider how we might do that.

are not the most pressing or the most practical questions to ask and answer, at least if our objective is for right doers to be protected from wrongdoers.

And in Anglo American common law a proof of reasonable reliance is required, along with other factors, to establish a claim of fraud, and people are warned, *caveat emptor*, let the buyer beware. Are these concepts related to or even derived from ancient Jewish teachings? And do Jewish texts offer alternative options, ways to avoid being a target?

¹⁵ <http://encyclopedia.thefreedictionary.com/Trust+but+Verify>. See video at <https://www.youtube.com/watch?v=As6y5eI01XE>

Judaism has much to say about how to live an ethical life; however, not everyone we encounter is ethical. Even those who have apparently been immersed in Jewish teachings. And, despite the clarity of the rules, characters in Jewish texts themselves are often not able to distinguish the honest from the dishonest, the truth teller from the deceiver. How then is one to develop a trusting relationship If one cannot determine if another is trustworthy? The answer is not so obvious. Our ancestors weren't expert at it.

Isaac mistakenly trusted Jacob and Rebekkah. And, in much more recent times, Hadassah and prominent Jewish schools trusted Bernie Madoff. Therefore, the important Jewish ethical question addressed in this paper is, according to the Jewish sources, "Whom Can You Trust?"

Knowing how to determine the answer to this question, that is, whom to trust, would apply to many contemporary issues, especially in business ethics. Matters of trust affect society and individuals in fundamental ways. Lawyers deceive clients,

financial

advisors steal investors' money, members of the clergy behave as sexual predators, sports heroes cheat and then lie about it, and infidelity of various types destroys marriages and families. We Jews, despite our status as "People of the Book," are not immune from committing such breaches of trust.

I propose attempt to answer these questions through research of Jewish sources — to read trickster stories where they are either exposed, although I imagine that trial by ordeal would not have much current appeal. Or stories, all too common, where deceivers are mistakenly deemed trustworthy and "get away with it" (at least in *olam hazeh*). (Note that the objective of this paper is not to provide a manual on how to run a "kosher con" through affinity fraud, although successful confidence games will provide a road map for just that.) Even better would be if truth tellers are able to confirm their truth

telling. I will seek guidance as to how to know whom to trust. And I will report what I find, whether I find it personally agreeable or reprehensible. Jews may be taught not to trust the “other,” such as non-Jews, or even certain groups of Jews. Or not to trust women and children, whose legal testimony is often prohibited, apparently on the grounds that it is untrustworthy. Perhaps there will be examples of how to establish trust such as in the relationship between people and God. Or other constructive confidence-building measures. In this investigation, keywords may help: words such as trustworthy and trust, belief, and even faith. Is *emuna* in God a case of trust? If so, how does God earn our faith? Does this provide an example for how one may determine which people deserve to be trusted? And does this lesson apply only to relationships with other Jews or to all persons?

The focus of this paper is to answer the question, what can be learned from

Jewish texts about whom to trust? In other related articles I will research the question of Whom can you trust? in business ethics literature, including perspectives from psychology, social studies, and economics. Then I will apply the insights of this paper to business situations, comparing and contrasting the secular and Jewish approaches.

Sources for this paper will include Biblical, Rabbinic, Medieval, Modern, and Contemporary texts, including those that follow.

Selected Bibliography (to be developed)

Biblical

Tanakh (already 12 sources)

Talmud

Medieval

Biblical Commentary

Modern

Spinoza, Baruch

Contemporary

Buber, Martin, Two Types of Faith (1951)

Cohen, Arthur A. and Mendes-Flohr, Paul, 20th Century Jewish Religious Thought (1987) (Louis Jacobs, "Faith"; Peter Ochs, "Truth"; Charles Elliott Vernoff, "Hope")

Dorff, Elliot N., The Unfolding Tradition: Jewish Law After Sinai (2005)

Heschel, Abraham J., Between God and Man: An Interpretation of Judaism (1959)

Kalmin, Richard: The Sage in Jewish Society in Late Antiquity

Muffs, Yochanan, The Personhood of God (2005)

Rubenstein, Jeffrey: Talmudic Stories

Sacks, Chief Rabbi, Justice, Forgiveness and Games (2009)

Tuesday, March 18, 2014

Hi Richard,

Wow! That's great stuff. Good to know that I'm not going up a blind alley, but perhaps I'm coming at the material from a somewhat different angle. I'll be sure to track down your references. I have bought your book and Rabbi Jeff's (an old friend), although they may have been left behind, and I still have the Urbach (in Hebrew). Jonathan Crane is the editor-in-chief of the new journal of the Society of Jewish Ethics http://www.societyofjewishethics.org/editorial_board to which I would intend to submit the resulting paper. Your comments make me realize that the issues I'm raising are related to trickster tales <http://www.britannica.com/EBchecked/topic/605010/trickster-tale> -- perhaps there will be material there; my plan is to begin this summer by researching these issues in non-Jewish sources. Now let's see if the Society (Michal Raucher?) accepts the paper for presentation.

Best,
Reuven

On Tue, Apr 8, 2014 at 1:44 PM, Richard Kalmin <rikalmin@jtsa.edu> wrote:
Hi Reuven,

Perhaps discussions about the phenomenon of the sinful sage in the Talmud might be helpful. Jeffrey Rubenstein wrote about this in his book, *Talmudic Stories*, and I wrote about it in my book, *The Sage in Jewish Society in Late Antiquity*, as well as an article about Doeg the Edomite that I published in *The Interpretation of Scripture in Early Judaism and Christianity*, in a collection edited by Craig A. Evans. You might also try contacting Jonathan Crane, a Jewish ethicist at Emory University, who will know much more about the topic than I do.

There is definitely a lot of information about the issues you're raising in classical rabbinical literature. Just off the top of my head, a statement in the *Yerushalmi* teaches that we have to thank deceivers, because were it not for deceivers (i.e., people who pretend to be poor), if we didn't immediately see to their welfare we'd be in big trouble (or something to that effect). A story involving Resh Lakish and R. Yohanan and a man begging for food (or money) follows and dramatizes this point. Unfortunately, I don't remember exactly where the story is found. Perhaps you could check the *Jewish Encyclopedia* (both the 2010 edition and the previous edition), or *Enzyklopedia Talmudit*, or Urbach's *The Sages*.

June 29, 2014

15

Best of luck,

Richard

Covey, Stephen M.R. et al., *The SPEED of Trust: The One Thing that Changes Everything* (2008?)

Can you keep a secret?

LSB

Lying

TED Radio

http://www.huffingtonpost.com/pamela-meyer/how-to-spot-a-liar_b_2094610.html

liespotting

“trust building”

“trust” — website, thoughtless click to download Adobe

actions speak louder than words

what someone does is more important than what someone says *You have to prepare for what your opponents could do, not what they say they'll do, because actions speak louder than words.*

See also: [action](#), [speak](#), [word](#)

Cambridge Dictionary of American Idioms Copyright © Cambridge University Press 2003.

<http://idioms.thefreedictionary.com/Actions+speaking+louder+than+words>

Trust, but Verify

Trust, but verify is a form of [advice](#) given which recommends that while a source

of information might be considered reliable, one should perform additional research to verify that such information is accurate, or trustworthy. The original Russian proverb is a short rhyme which states, Доверяй, но проверяй (doveryai, no proveryai).

Suzanne Massie, a writer on Russia met with [President Ronald Reagan](#) many times between 1984 and 1987.^[1] She taught him the Russian Proverb, Doveryai no Proveryai (Trust but Verify) advising him that "The Russians like to talk in proverbs. It would be nice of you to know a few. You are an actor – you can learn them very quickly".^[2] The proverb was adopted as a [signature phrase](#) by Reagan, who subsequently used it frequently when discussing U.S. relations with the [Soviet Union](#).

After Reagan used the phrase to emphasize "the extensive verification procedures that would enable both sides to monitor compliance with the treaty",^[3] at the signing of the [INF Treaty](#), on 8 December 1987,^[notes 1] his counterpart General Secretary [Mikhail Gorbachev](#) responded: "You repeat that at every meeting," to which Reagan answered "I like it."^{[4][5]} While Reagan quoted Russian proverbs, Mr. Gorbachev quoted Ralph Waldo Emerson.^[3]

Other uses

The similar phrase "Trust and Verify" was also the motto of the On-Site Inspection Agency.^[6]

Lindgren's book about how interpretation, or [imagery analysis](#), of aerial and satellite images of the [Soviet Union](#) played a key role in superpowers and in [arms control](#) during the [Cold War](#).^{[7][8]}

The National Infrastructure Protection Center (NIPC), a national critical infrastructure threat investigation and response entity, published a paper entitled "Trust but verify", in 2001 on how to protect yourself and your company from e-mail viruses.^[9]

See also

- [Russian sayings](#)

Notes

1. [^] The Intermediate Nuclear Force Treaty (INF) aimed to eliminate short and medium range nuclear weapons from their respective national arsenals

(Watson 2011). Watson described it as a "written embodiment of Gorbachev's policies and personality based on a life spent in and out of the Soviet Union."

References

1. ^ "[The Reagan Years](#)". Suzanne Massie.
2. ^ Suzanne Massie speaking on the 22nd Episode of the television documentary, [Cold War \(TV series\)](#).
3. ^ **a b** Shipler, David K. (9 December 1987). "[Reagan and Gorbachev Sign Missile Treaty and Vow to Work for Greater Reductions](#)". New York Times.
4. ^ "[Remarks on Signing the Intermediate-Range Nuclear Forces Treaty](#)", 1987-12-8. Retrieved on 2009-4-8.
5. ^ Watson, William D. (Fall 2011). "[Trust, but Verify: Reagan, Gorbachev, and the INF Treaty](#)". *Hilltop Review* (Western Michigan University) **5**.
6. ^ "[DoD News Briefing: Brigadier General Gregory G. Govan, USA, On-Site Inspection Agency](#)". *United States Department of Defense*. February 22, 1995. Retrieved April 24, 2009.
7. ^ Lindgren, David T. (November 2000). *Trust But Verify: Imagery Analysis in the Cold War*. Annapolis, Md.: Naval Institute Press. pp. xiii+222.
8. ^ Day, Dwayne A. (October 2001). "Trust but Verify: Imagery Analysis in the Cold War (review)". *Technology and Culture* **42** (4): 822–823. doi:10.1353/tech.2001.0156.
9. ^ Trust but verify [electronic resource] : a guide to using e-mail correspondence (Report). [Washington, D.C.](#): National Infrastructure Protection Center (U.S.). 2001.

<http://encyclopedia.thefreedictionary.com/Trust+but+Verify>

<https://www.youtube.com/watch?v=As6y5eI01XE>

Shakespeare

“past is prologue”

William Shakespeare (1564–1616)

Whereof what's past is prologue, what to come
In yours and my discharge.

QUOTATION:

ATTRIBUTION:

WILLIAM SHAKESPEARE, *The Tempest*, [act II, scene i](#), lines 253–54. Antonio

is speaking.

“What’s past is prologue” is carved on the National Archives Building,
Washington, D.C.

<http://www.bartleby.com/73/1296.html>

Descriptive ethicists observe and report societal ethical beliefs. Normative ethicists debate what should be done. We, as ethicists, can probably stipulate that most

wrongdoers know that their wrongdoing is wrong and still they persist in doing wrong.

Even those who have been repeatedly taught halacha in yeshiva. In previous papers I have explored the question of what a good Jew should do when confronted with wrongdoing. I am convinced that Judaism provides valuable answers to that question.

These guidelines, if followed, would be of practical benefit and reduce the rate of wrongdoing. But they would not eliminate it. I have concluded that the questions of what is the right thing to do oneself and what should one do when confronted with another's wrongdoing are not the most pressing or the most practical questions to ask and answer, at least if our objective is for right doers to be protected from wrongdoers.

What then can we do in a world where wrongdoing persists and the evil may even prosper? Anglo-American common law provides added legal protection if we let down our guard in fiduciary relationships, such as partnerships. However, if others behave badly, that still leaves the victim to suffer the consequences of being defrauded, including emptying one's bank account to fill a lawyers' pockets with fees spent to bring a case to court. Might it be possible that here an ounce of prevention is worth farm more than a pound of cure?

The better answer, I believe, is self help, training the vulnerable with the equivalent of a Defensive Driving course. As with driving, perhaps one can minimize life risks by learning how to identify potential wrongdoers and, thereby, be better prepared to avoid hazards ahead. To engage in preventive action and avoid becoming a case in the book by seeing unethical actors coming one's way before they hurt you or others. How can we do that? How can we know who's who, especially when the con is a pro?

Trust may be necessary for individuals and communities and culture to flourish.

Spinoza wrote that trust is one of the prerequisites for peace. Perhaps this is true for individuals as well as for nations. Sadly, poorly placed trust makes one an easy mark. A

Russian maxim is Доверяй, но проверяй (*doveryai, no proveryai*), trust but verify. And in Anglo American common law a proof of reasonable reliance is required, along with other factors, to establish a claim of fraud, and people are warned, caveat emptor, let the buyer beware. Are these concepts related to or even derived from ancient Jewish teachings? And do Jewish texts offer alternative options, ways to avoid being a target?

“Can you keep a secret?” my father was asked. He replied, “As well as you.” Authors write articles and books on how to create and keep and repair trust in personal and business relationships. Should one trust all others? The law says that one may trust a fiduciary, but even fiduciaries may be untrustworthy. To avoid becoming “a case in the book,” seeking a remedy in court when one’s trust is misplaced, can one determine, perhaps through “due diligence,” whom to trust? In this paper I begin an interdisciplinary exploration seeking answers to this question.

Judaism has much to say about how to live an ethical life; however, not everyone we encounter is ethical. Even those who have apparently been immersed in Jewish teachings. And, despite the clarity of the rules, characters in Jewish texts themselves are often not able to distinguish the honest from the dishonest, the truth teller from the deceiver. How then is one to develop a trusting relationship If one cannot determine if another is trustworthy? The answer is not so obvious. Our ancestors weren’t expert at it. Isaac mistakenly trusted Jacob and Rebekkah. And, in much more recent times, Hadassah and prominent Jewish schools trusted Bernie Madoff. Therefore, the important Jewish ethical question addressed in this paper is, according to the Jewish sources, “Whom Can You Trust?”

Knowing how to determine the answer to this question, that is, whom to trust, would apply to many contemporary issues, especially in business ethics. Matters of trust affect society and individuals in fundamental ways. Lawyers deceive clients, financial advisors steal investors' money, members of the clergy behave as sexual predators, sports heroes cheat and then lie about it, and infidelity of various types destroys marriages and families. We Jews, despite our status as "People of the Book," are not immune from committing such breaches of trust.

I propose attempt to answer these questions through research of Jewish sources — to read trickster stories where they are either exposed, although I imagine that trial by ordeal would not have much current appeal. Or stories, all too common, where deceivers are mistakenly deemed trustworthy and "get away with it" (at least in *olam hazeh*). (Note that the objective of this paper is not to provide a manual on how to run a "kosher con" through affinity fraud, although successful confidence games will provide a road map for just that.) Even better would be if truth tellers are able to confirm their truth telling. I will seek guidance as to how to know whom to trust. And I will report what I find, whether I find it personally agreeable or reprehensible. Jews may be taught not to trust the "other," such as non-Jews, or even certain groups of Jews. Or not to trust women and children, whose legal testimony is often prohibited, apparently on the grounds that it is untrustworthy. Perhaps there will be examples of how to establish trust such as in the relationship between people and God. Or other constructive confidence-building measures. In this investigation, keywords may help: words such as trustworthy and trust, belief, and even faith. Is *emuna* in God a case of trust? If so, how does God earn our faith? Does this provide an example for how one may determine which people deserve to be trusted? And does this lesson apply only to relationships with other

Jews
or to all persons?

The focus of this paper is to answer the question, what can be learned from Jewish texts about whom to trust? In other related articles I will research the question of Whom can you trust? in business ethics literature, including perspectives from psychology, social studies, and economics. Then I will apply the insights of this paper to business situations, comparing and contrasting the secular and Jewish approaches.

Descriptive ethicists observe and report societal ethical beliefs. Normative ethicists debate what should be done. We, as ethicists, can probably stipulate that most wrongdoers know that their wrongdoing is wrong and still they persist in doing wrong.

Even those who have been repeatedly taught halacha in yeshiva. In previous papers I have explored the question of what a good Jew should do when confronted with wrongdoing. I am convinced that Judaism provides valuable answers to that question.

These guidelines, if followed, would be of practical benefit and reduce the rate of wrongdoing. But they would not eliminate it. I have concluded that the questions of what is the right thing to do oneself and what should one do when confronted with another's wrongdoing are not the most pressing or the most practical questions to ask and answer, at least if our objective is for right doers to be protected from wrongdoers.

What then can we do in a world where wrongdoing persists and the evil may

even prosper? Anglo-American common law provides added legal protection if we let down our guard in fiduciary relationships, such as partnerships. However, if others behave badly, that still leaves the victim to suffer the consequences of being defrauded, including emptying one's bank account to fill a lawyers' pockets with fees spent to bring a case to court. Might it be possible that here an ounce of prevention is worth farm more than a pound of cure?

The better answer, I believe, is self help, training the vulnerable with the equivalent of a Defensive Driving course. As with driving, perhaps one can minimize life risks by learning how to identify potential wrongdoers and, thereby, be better prepared to avoid hazards ahead. To engage in preventive action and avoid becoming a case in the book by seeing unethical actors coming one's way before they hurt you or others. How can we do that? How can we know who's who, especially when the con is a pro?

Trust may be necessary for individuals and communities and culture to flourish. Spinoza wrote that trust is one of the prerequisites for peace. Perhaps this is true for individuals as well as for nations. Sadly, poorly placed trust makes one an easy mark. A Russian maxim is Доверяй, но проверяй (*doveryai, no proveryai*), trust but verify. And in Anglo American common law a proof of reasonable reliance is required, along with other factors, to establish a claim of fraud, and people are warned, caveat emptor, let the buyer beware. Are these concepts related to or even derived from ancient Jewish teachings? And do Jewish texts offer alternative options, ways to avoid being a target?

“Can you keep a secret?” my father was asked. He replied, “As well as you.” Authors write articles and books on how to create and keep and repair trust in personal and business relationships. Should one trust all others? The law says that one may trust a fiduciary, but even fiduciaries may be untrustworthy. To avoid becoming “a case in the book,” seeking a remedy in court when one’s trust is misplaced, can one determine, perhaps through “due diligence,” whom to trust? In this paper I begin an interdisciplinary exploration seeking answers to this question.

Judaism has much to say about how to live an ethical life; however, not everyone we encounter is ethical. Even those who have apparently been immersed in Jewish teachings. And, despite the clarity of the rules, characters in Jewish texts themselves are often not able to distinguish the honest from the dishonest, the truth teller from the deceiver. How then is one to develop a trusting relationship If one cannot determine if another is trustworthy? The answer is not so obvious. Our ancestors weren’t expert at it. Isaac mistakenly trusted Jacob and Rebekkah. And, in much more recent times, Hadassah and prominent Jewish schools trusted Bernie Madoff. Therefore, the important Jewish ethical question addressed in this paper is, according to the Jewish sources, “Whom Can You Trust?”

Knowing how to determine the answer to this question, that is, whom to trust, would apply to many contemporary issues, especially in business ethics. Matters of trust affect society and individuals in fundamental ways. Lawyers deceive clients, financial advisors steal investors’ money, members of the clergy behave as sexual predators, sports heroes cheat and then lie about it, and infidelity of various types destroys marriages and families. We Jews, despite our status as “People of the Book,” are not immune from committing such breaches of trust.

I propose attempt to answer these questions through research of Jewish sources

— to read trickster stories where they are either exposed, although I imagine that trial by ordeal would not have much current appeal. Or stories, all too common, where deceivers are mistakenly deemed trustworthy and “get away with it” (at least in *olam hazeh*). (Note that the objective of this paper is not to provide a manual on how to run a “kosher con” through affinity fraud, although successful confidence games will provide a road map for just that.) Even better would be if truth tellers are able to confirm their truth telling. I will seek guidance as to how to know whom to trust. And I will report what I find, whether I find it personally agreeable or reprehensible. Jews may be taught not to trust the “other,” such as non-Jews, or even certain groups of Jews. Or not to trust women and children, whose legal testimony is often prohibited, apparently on the grounds that it is untrustworthy. Perhaps there will be examples of how to establish trust such as in the relationship between people and God. Or other constructive confidence-building measures. In this investigation, keywords may help: words such as trustworthy and trust, belief, and even faith. Is *emuna* in God a case of trust? If so, how does God earn our faith? Does this provide an example for how one may determine which people deserve to be trusted? And does this lesson apply only to relationships with other Jews or to all persons?

The focus of this paper is to answer the question, what can be learned from Jewish texts about whom to trust? In other related articles I will research the question of Whom can you trust? in business ethics literature, including perspectives from psychology, social studies, and economics. Then I will apply the insights of this paper to business situations, comparing and contrasting the secular and Jewish approaches.

Sources for this paper will include Biblical, Rabbinic, Medieval, Modern, and Contemporary texts, including those that follow.

Selected Bibliography (to be developed)

Biblical

Tanakh (already 12 sources)

Talmud

Medieval

Biblical Commentary

Modern

Spinoza, Baruch

Contemporary

Buber, Martin, Two Types of Faith (1951)

Cohen, Arthur A. and Mendes-Flohr, Paul, 20th Century Jewish Religious Thought (1987) (Louis Jacobs, "Faith"; Peter Ochs, "Truth"; Charles Elliott Vernoff, "Hope")

Dorff, Elliot N., The Unfolding Tradition: Jewish Law After Sinai (2005)

Heschel, Abraham J., Between God and Man: An Interpretation of Judaism (1959)

Kalmin, Richard: The Sage in Jewish Society in Late Antiquity

Muffs, Yochanan, The Personhood of God (2005)

Rubenstein, Jeffrey: Talmudic Stories

Sacks, Chief Rabbi, Justice, Forgiveness and Games (2009)

Tuesday, March 18, 2014

Hi Richard,

Wow! That's great stuff. Good to know that I'm not going up a blind alley, but perhaps I'm coming at the material from a somewhat different angle. I'll be sure to track down your references. I have bought your book and Rabbi Jeff's (an old friend), although they may have been left behind, and I still have the Urbach (in Hebrew). Jonathan Crane is the editor-in-chief of the new journal of the Society of Jewish Ethics http://www.societyofjewishethics.org/editorial_board to which I would intend to submit the resulting paper. Your comments make me realize that the issues I'm raising are related to trickster tales <http://www.britannica.com/EBchecked/topic/605010/trickster-tale> -- perhaps there will be material there; my plan is to begin this summer by researching these issues in non-Jewish sources. Now let's see if the Society (Michal Raucher?) accepts the paper for presentation.

Best,
Reuven

On Tue, Apr 8, 2014 at 1:44 PM, Richard Kalmin <rikalmin@jtsa.edu> wrote:
Hi Reuven,

Perhaps discussions about the phenomenon of the sinful sage in the Talmud might be helpful. Jeffrey Rubenstein wrote about this in his book, *Talmudic Stories*, and I wrote about it in my book, *The Sage in Jewish Society in Late Antiquity*, as well as an article about Doeg the Edomite that I published in *The Interpretation of Scripture in Early Judaism and Christianity*, in a collection edited by Craig A. Evans. You might also try contacting Jonathan Crane, a Jewish ethicist at Emory University, who will know much more about the topic than I do.

There is definitely a lot of information about the issues you're raising in classical rabbinical literature. Just off the top of my head, a statement in the *Yerushalmi* teaches that we have to thank deceivers, because were it not for deceivers (i.e., people who pretend to be poor), if we didn't immediately see to their welfare we'd be in big trouble (or something to that effect). A story involving Resh Lakish and R. Yohanan and a man begging for food (or money) follows and dramatizes this point. Unfortunately, I don't remember exactly where the story is found. Perhaps

you could check the Jewish Encyclopedia (both the 2010 edition and the previous edition), or Enzyklopedia Talmudit, or Urbach's The Sages.

Best of luck,

Richard

Covey, Stephen M.R. et al., The SPEED of Trust: The One Thing that Changes Everything (2008?)

Can you keep a secret?

Dad: As well as you.

Lying

TED Radio

http://www.huffingtonpost.com/pamela-meyer/how-to-spot-a-liar_b_2094610.html

liespotting

“trust building”

“trust” — website, thoughtless click to download Adobe

actions speak louder than words

what someone does is more important than what someone says *You have to prepare for what your opponents could do, not what they say they'll do, because actions speak louder than words.*

See also: [action](#), [speak](#), [word](#)

Cambridge Dictionary of American Idioms Copyright © Cambridge University Press 2003.

<http://idioms.thefreedictionary.com/Actions+speak+louder+than+words>

Trust, but Verify

Trust, but verify is a form of [advice](#) given which recommends that while a source of information might be considered reliable, one should perform additional research to verify that such information is accurate, or trustworthy. The original Russian proverb is a short rhyme which states, Доверяй, но проверяй (doveryai, no proveryai).

Suzanne Massie, a writer on Russia met with [President Ronald Reagan](#) many times between 1984 and 1987.[1] She taught him the Russian Proverb, Doveryai no Proveryai (Trust but Verify) advising him that "The Russians like to talk in proverbs. It would be nice of you to know a few. You are an actor – you can learn them very quickly".[2] The proverb was

adopted as a [signature phrase](#) by Reagan, who subsequently used it frequently when discussing U.S. relations with the [Soviet Union](#).

After Reagan used the phrase to emphasize "the extensive verification procedures that would enable both sides to monitor compliance with the treaty",^[3] at the signing of the [INF Treaty](#), on 8 December 1987,^[notes 1] his counterpart General Secretary [Mikhail Gorbachev](#) responded: "You repeat that at every meeting," to which Reagan answered "I like it."^{[4][5]} While Reagan quoted Russian proverbs, Mr. Gorbachev quoted Ralph Waldo Emerson.^[3]

Other uses

The similar phrase "Trust and Verify" was also the motto of the On-Site Inspection Agency.^[6]

Lindgren's book about how interpretation, or [imagery analysis](#), of aerial and satellite images of the [Soviet Union](#) played a key role in superpowers and in [arms control](#) during the [Cold War](#).^{[7][8]}

The National Infrastructure Protection Center (NIPC), a national critical infrastructure threat investigation and response entity, published a paper entitled "Trust but verify", in 2001 on how to protect yourself and your company from e-mail viruses.^[9]

See also

- [Russian sayings](#)

Notes

1. [^] The Intermediate Nuclear Force Treaty (INF) aimed to eliminate short and medium range nuclear weapons from their respective national arsenals (Watson 2011). Watson described it as a "written embodiment of Gorbachev's policies and personality based on a life spent in and out of the Soviet Union."

References

1. [^] ["The Reagan Years"](#). Suzanne Massie.
2. [^] Suzanne Massie speaking on the 22nd Episode of the television documentary, [Cold War \(TV series\)](#).

3. ^ **a b** Shipler, David K. (9 December 1987). "[Reagan and Gorbachev Sign Missile Treaty and Vow to Work for Greater Reductions](#)". *New York Times*.
4. ^ "[Remarks on Signing the Intermediate-Range Nuclear Forces Treaty](#)", 1987-12-8. Retrieved on 2009-4-8.
5. ^ Watson, William D. (Fall 2011). "[Trust, but Verify: Reagan, Gorbachev, and the INF Treaty](#)". *Hilltop Review* (Western Michigan University) **5**.
6. ^ "[DoD News Briefing: Brigadier General Gregory G. Govan, USA, On-Site Inspection Agency](#)". *United States Department of Defense*. February 22, 1995. Retrieved April 24, 2009.
7. ^ Lindgren, David T. (November 2000). *Trust But Verify: Imagery Analysis in the Cold War*. Annapolis, Md.: Naval Institute Press. pp. xiii+222.
8. ^ Day, Dwayne A. (October 2001). "Trust but Verify: Imagery Analysis in the Cold War (review)". *Technology and Culture* **42** (4): 822–823. doi:10.1353/tech.2001.0156.
9. ^ Trust but verify [electronic resource] : a guide to using e-mail correspondence (Report). [Washington, D.C.](#): National Infrastructure Protection Center (U.S.). 2001.

<http://encyclopedia.thefreedictionary.com/Trust+but+Verify>

<https://www.youtube.com/watch?v=As6y5eI01XE>

Shakespeare

“past is prologue”

William Shakespeare (1564–1616)

QUOTATION:

Whereof what’s past is prologue, what to come
In yours and my discharge.

ATTRIBUTION:

WILLIAM SHAKESPEARE, *The Tempest*, [act II, scene i](#), lines 253–54. Antonio is speaking.

“What’s past is prologue” is carved on the National Archives Building, Washington, D.C.

<http://www.bartleby.com/73/1296.html>

Those who cannot remember the past are condemned to repeat it” (*The Life of Reason: Reason in Common Sense*. Scribner’s, 1905: 284).

George Santayana (1863-1952)

<http://www.iep.utm.edu/santayan/>

<http://www.tabletmag.com/scroll/163725/lunch-with-baruch-goldstein-one-year-before-the-hebron-massacre>

It's frightening to realize that one never really knows what lies behind a welcoming smile from a friendly stranger.

Trust that speaker will lie (from experience)

Trickster tale

The Boy Who Cried Wolf is one of [Aesop's Fables](#), numbered 210 in the [Perry Index](#). From it is derived the English idiom "to cry wolf", meaning to give a [false alarm](#).^[1]

Wikipedia

http://en.wikipedia.org/wiki/The_Boy_Who_Cried_Wolf

There was once a young Shepherd Boy who tended his sheep at the foot of a mountain near a dark forest. It was rather lonely for him all day, so he thought upon a plan by which he could get a little company and some excitement. He rushed down towards the village calling out “Wolf, Wolf,” and the villagers came out to meet him, and some of them stopped with him for a considerable time. This pleased the boy so much that a few days afterwards he tried the same trick, and again the villagers came to his help. But shortly after this a Wolf actually did come out from the forest, and began to worry the sheep, and the boy of course cried out “Wolf, Wolf,” still louder than before. But this time the villagers, who had been fooled twice before, thought the boy was again deceiving them, and nobody stirred to come to his help. So the Wolf made a good meal off the boy’s flock, and when the boy complained, the wise man of the village said:

“A liar will not be believed, even when he speaks the truth.”

<http://etc.usf.edu/lit2go/35/aesops-fables/375/the-boy-who-cried-wolf/>

Never give a sucker an even break

This line is generally associated with W.C.Fields, who made a film of this name in 1943 and said it as an ad-lib in a stage production of the musical Poppy in 1923. It appears this was more than just a dramatic line and expressed Fields' true sentiments. As well as being a comic actor he was a successful and reportedly ruthless businessman.

Eric Partridge, in his Dictionary of Catch Phrases, says the quotation is "more credibly attributed to a remark made by Edward Francis Albee (1857-1930)", although he offers no evidence to support that view.

Abraham Lincoln

Respectfully Quoted: A Dictionary of Quotations, 1989.

#609

Abraham Lincoln (1809-65)

“You may fool all the people some of the time; you can even fool some people all the time; but you can’t fool all of the people all the time.”

Attributed to Abraham Lincoln

Alexander K. McClure, “*Abe*” *Lincoln’s Yarns and Stories*, p. 184 (1904).

Many quotation books have also attributed this to Lincoln, and the sources given have varied. According to Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, vol. 3, p. 81 (1953), “Tradition has come to attribute to the Clinton [Illinois] speeches [September 2, 1858] one of Lincoln’s most famous utterances—‘You can fool all the people some of the time and some of the people all the time, but you cannot fool all the people all the time.’” But he goes on to say that the epigram and any references to it have not been located in surviving Lincoln documents.

This remark has also been attributed to P. T. Barnum.

<http://www.bartleby.com/73/609.html>

Psychology

Kosfeld M et al. 2005. Oxytocin increases trust in humans. Nature 435:673-676.
PDF PMID 15931222

<http://www.nature.com/nature/journal/v435/n7042/abs/nature03701.html>

trust -- prosocial

Banning the Box

<http://www.npr.org/2014/07/14/330731820/how-banning-one-question-could-help-ex-offenders-land-a-job>

will ex-offenders commit crimes again?

Trust jobs? Why?