

Ekev

Conflict of Interest, the Community, and the Individual



One of the hardest problems to deal with is the problem of conflict of interest, when a person's self interest and the best interests of the community converge. What are we to do when the best interests of our community and our own self interests coincide? How are we to handle such a situation? Should we say that because our own self interest is being served that we should not do something that would also be good for the community, or should we say that since it is good for the community, even though it serves our own self interest, we should go ahead with it?

We all know that there is a principle of *Maaris Ayin* in Jewish Law. This principle states that if something is not wrong but it looks like it is wrong, we should have nothing to do with it, that the appearance of wrong doing should be shunned almost as much as the wrong doing itself. For example, if pimps, gamblers, or prostitutes in a certain locality wear certain clothes, we should not wear these clothes, even though we intended to do nothing wrong. Also, if we know hoodlums and gangsters frequent certain places, we should stay away from these places. On the other hand, we do have many instances even in the *Torah* where, in spite of the fact that an individual's self interests have been served, that individual was rewarded for doing something for the community, even though it benefited him personally.

The whole concept of conflict of interest is a very old one and one which is never easy to deal with. We know that Pinchas was very severely criticized when he took the law into his own hands and slew Zimri, the prince of the Tribe of Shimon, and Kuzbi, the Midianite princes, who were performing lewd, licentious, pagan rites right in front of the congregation. He was criticized, not only for taking the law into his own hands, but also because this act was in his own personal self interest. Pinchas' mother, according to the tradition, was also one of Yisro's daughters. His mother then was a Midianite herself and, although there is no comparison between what his father and mother did and between what Zimri and Kuzbi did, yet, people criticized him and said that he was only so harsh on Zimri and Kuzbi because his own mother was a Midianite. It did not make any

difference that his mother had converted and that his parents had a legal marriage. People just said that he was trying to be a "holier than thou" person, that he just wanted to show that he was, in spite of his ancestry, a much better Jew than those whose parents' genealogy stretched back to Abraham. G-d, though, approved in this instance of Pinchas' act and gave him His covenant of peace. If He would not have, Pinchas would have been tried for murder. The rabbis teach us that only in very exceptional circumstances could such an act as that of Pinchas ever be countenanced. That's why G-d, Himself, had to intervene. Maybe if someone had killed Hitler in 1933, there would not have been a Holocaust. Here Pinchas did an act which benefited himself personally, which stopped the demoralization of the Jewish people by their total flight to paganism and also stopped a plague among the Jewish people. Twenty-four thousand had died in that plague.

Should we then do things which promote our own or our family's self interest and that of our community, or shouldn't we? The answer, of course, is that it depends. It depends not on us but on others. Whenever we have a situation in which the community's best interests and our best interests are served by following a certain course of action or by making a certain decision, we should not make it. We should bring it before an objective body or before the community involved. We should let the community make the decision. Again, if G-d would not have intervened, Pinchas would have been punished severely: one, because we are not supposed to take the law into our own hands, and two, because he acted, at least on the surface, on what looked like self interest. We should lay our cards on the table and let everybody know that our self interest is being served, too. If we do not, not only are we opening ourselves up to a lot of criticism, but we are also opening the door to cronyism, nepotism, and corruption.

Moshe Rabbeinu appointed Aaron to be the high priest. This caused him a lot of grief. Korach used this pretext to foment a rebellion against him. Moshe, though, did not do this on his own. He did this only after G-d had instructed him to do it. The same thing applied when Moshe chose a successor. Moshe wanted his children to succeed him, but G-d told him that his children were not worthy. They were not initially raised as Jews and had not suffered one day of slavery. They were not fit to be considered

as Moshe's successor. However, G-d chose as Moshe's successor Moshe's *aide de camp*. His, so to speak, adopted son Joshua is referred to as Moshe's servant. This, too, could have provoked great criticism if Moshe had done it on his own.

In the *Torah* portion *Ekev* we read how Moshe Rabbeinu rehearses Jewish history, especially the sin of the golden calf. It is very carefully pointed out that this sin was so grave that G-d wanted to destroy the whole people, that if it would not have been for Moshe's intervention, He would have. G-d told Moshe, "Get up and go down quickly from here because the nation that you brought out from Egypt has become corrupt. Behold, this is a stiff-necked people. Leave Me and I will wipe them out, and I will make you a nation mightier and greater than they." Moshe immediately perceives that when G-d said, "Leave Me alone," it meant that he should intervene. G-d was giving Moshe an opening. G-d wanted Moshe to intervene on behalf of the Jewish people and save them. This is similar in a marriage when one of the spouses says, "Leave me alone. I don't care. Do what you want." These phrases really mean the exact opposite. You better not leave your spouse alone. You better not do what you want if you want your marriage to endure. Moshe now descends from the mountain, breaks the *Ten Commandments*, and afterwards returns up to Mount Sinai to gain forgiveness for the Jewish people. It also says specifically that he went up Mount Sinai to gain forgiveness for Aaron. Moreover, G-d was so angry with Aaron that He wanted to destroy him. He prayed also for Aaron at that time. To a stranger, Moshe's actions could seem to be self serving. A stranger could say that when Moshe came down from the mountain and saw that the Jewish people had instituted new religious rites and a new leadership, that Moshe took the actions he took so as to gain back his leadership, not because he wanted to protect the people from G-d's wrath or to keep the people away from paganism, but because he wanted to retain leadership for himself. After all, a stranger and the Jewish people as a whole would not know that G-d had told Moshe that He wanted to destroy the people and start a new people from Moshe. A stranger and the Jewish people would not know that G-d was ready to destroy Aaron for assuming a leadership role in this whole golden calf debacle. We know it because it says so in the *Torah*, but they could not not know it. They would just say

that Moshe made this up in order to secure his leadership.

In fact, in the *Torah* portion *Ekev* we also have mention of Korach's rebellion. We read how "the earth opened its mouth and swallowed up Dason and Aviron." Many Jews could not understand how, after Aaron had been part of the sin of the golden calf, whether willingly or unwillingly, he could later have been given the position of high priest. They still felt that Moshe was just feathering his own nest, engaging in nepotism by making his brother high priest. It took G-d's intervention to assure the people that this was not so. When we come across instances where our own self interest and the community's interest converge, we must be open and honest with the community, and we must let its leadership or the total community decide whether or not it is proper to go forward with a certain policy or decision. Many times it has happened in different organizations that board members or others have put forward proposals to remodel an institution or purchase property for an institution only for it to be found out later that they, themselves, are benefitting. They have or are going to receive a commission. When these facts become known, not only is that individual's reputation tarnished but that institution loses the confidence of its members. Conflicts of interest are very touchy things. Many of the most able politicians in America have destroyed their whole careers because they have not been sensitive to this issue. Many *kosher* establishments, too, and even rabbis who supervise them, have completely lost their credibility when conflict of interest issues have not been handled properly.

Let us all hope and pray that we will always deal openly and honestly when these issues arise, that nothing will be done under the table but that everything will be above board so that our community's best interests will always be served and all the members of our community will be treated fairly.