**Hospitality**

*Probably few if any business deals will be done at the Purim Seudah – so there shouldn’t be too many issues about whether deals agreed with people who were affected by alcohol are valid after the event! But are there wider ethical considerations about business hospitality?*

First, don’t be too sure that no business is done at Purim Seudos! What about all the charity representatives who come around collecting? Joking aside, they need to be careful that if people are feeling “merry” enough to be more than usually generous – which is very much in the spirit of Purim – they are not so far gone as to be incapable of thinking seriously about whether they are genuinely happy to give away a particular sum. Taking money from someone who is actually drunk – whether or not he or she declares at the time that they are happy to donate – could raise real issues of consent and intention after the event, and could involve the charity in questions of *avak gezel* (theft-related matters).

As to the more general issues of business hospitality, from the Jewish ethical perspective they fall under two broad headings: *shochad* (bribery) and *da’as* (intent to enter into legally binding relations).

As to *shochad*, while the Torah prohibition on bribery is primarily concerned with judicial decision-making, its halachic and ethical hinterland extends to many different kinds of discretionary function, both in public service and in commerce. (While corruption in secular law was once primarily perceived as being entirely concerned with the public service, since the passage of the Bribery Act 2010 there is a much broader understanding of the implications of corruption in private commercial settings.)

At one extreme, extravagant hospitality which is deliberately intended to obtain the goodwill of the guest, to make him or her feel personally beholden to the host and to influence the guest’s commercial decisions on behalf of an employer or other third party, clearly engages questions of bribery both in law and as a matter of ethics. At the other extreme, providing modest refreshments at a business meeting to enable it to continue for a length of time or over a mealtime clearly raises no issues whether of law or of ethics. Between the two extremes there is a grey area which can be tricky to navigate, and as to which the best guide as always will be common sense. (It will, however, be important to check whether either the host or the guest organisation has rules or guidance in place which might impose more stringent requirements than common sense alone might dictate.)

In terms of Jewish ethical considerations it should also be remembered that there is a concept of *shochad lemafraya* (retrospective bribery): an extravagant party thrown after the conclusion of a deal may be seen as compromising the commercial integrity of the guests, whether because it was promised or hinted at earlier on and may have influenced negotiations, or because it may be seen as an attempt to influence future relations.

The issue of *daas* in general, and *g’neivas daas* (“stealing the mind”) in particular, arises wherever decisions are to be made under the influence of hospitality. It is well known, for example, that sales teams pushing timeshare or similar products often provide free alcohol in the knowledge that potential customers become less critical and careful even when far from being drunk or anything like it. To put it at its lowest, this is introducing an irrelevant factor into the negotiations, trying to soften the customer’s critical faculties, and any self-respecting business would avoid the use of tactics of this kind. However, there will sometimes be a fine line between the use of alcohol or other entertainment to encourage guests to make deals which they would not otherwise make, and providing a congenial business environment in which guests can relax and make sensible unpressurised decisions. Again, the key guiding factors will be common sense and the relevant industrial norms of behaviour, qualified only by any particularly stringent rules or guidance operated by the particular host or guest organisations.

It occasionally occurs that a guest at an event at an occasion at which alcohol is served over-indulges, when that was far from the intention of the organisers of the event, and is no longer in a position to make sensible commercial decisions. It goes without saying that businesses and individual entrepeneurs will have their own rules designed to ensure firstly that guests are not encouraged to over-indulge and, secondly, that no unfair advantage is taken of any guest who happens to become “merrier” than is appropriate on any day except Purim!

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