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# JEWISH PERSPECTIVES ON THE ETHICS OF TAX EVASION

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## ABSTRACT

*The ethics of tax evasion has been discussed sporadically in the theological and philosophical literature for at least 500 years. Martin Crowe wrote a doctoral thesis that reviewed much of that literature in 1944. The debate revolved around about 15 issues. Over the centuries, three main views evolved on the topic.*

*This paper begins with a review of the literature and identifies the main issues and summarizes the three main viewpoints that have emerged over the centuries. It then reports on the results of two surveys of members of the Jewish faith who were asked their opinions on the ethics of tax evasion. The results of the two surveys were then compared. Male scores were also compared to female scores to determine if the responses differed by gender.*

## INTRODUCTION

The vast majority of articles that have been written about tax evasion have been written from the perspective of public finance. They discuss technical aspects of tax evasion and the primary and secondary effects that tax evasion has on an economy. In many cases there is also a discussion about how to prevent or minimize tax evasion. Very few articles discuss ethical aspects of tax evasion. Thus, there is a need for further research, which the present study is intended to partially address.

As part of this study a survey instrument was developed based on the issues that have been discussed and the arguments that have been made in the tax evasion ethics literature over the last 500 years. Similar survey instruments were used to test sample populations in Romania, Guatemala and a few other countries that will be mentioned later in this paper. The present study reports on the findings of a survey that was distributed to undergraduate Orthodox Jewish students at a branch of Touro College in New York. The results of the present study are also compared to the findings of a human values study that touched on the ethics of tax evasion (Inglehart et al, 2004).

## REVIEW OF THE LITERATURE

Although many studies have been done on tax compliance, very few have examined compliance, or rather noncompliance, primarily from the perspective of ethics. Most studies on tax

evasion look at the issue from a public finance or economics perspective, although ethical issues may be mentioned briefly, in passing. The most comprehensive twentieth century work on the ethics of tax evasion was a doctoral thesis written by Martin Crowe (1944), titled *The Moral Obligation of Paying Just Taxes*. This thesis reviewed the theological and philosophical debate that had been going on, mostly within the Catholic Church, over the previous 500 years. Some of the debate took place in the Latin language. Crowe introduced this debate to an English language readership. A more recent doctoral dissertation on the topic was written by Torgler (2003), who discussed tax evasion from the perspective of public finance but also touched on some psychological and philosophical aspects of the issue.

Walter Block (1989; 1993) sought in vain to find a justification for taxation in the public finance literature. He examined a number of textbooks but found all justifications for taxation to be inadequate. Leiker (1998) speculates on how Rousseau would have viewed the ethics of tax evasion. Alfonso Morales (1998) examined the views of Mexican immigrant street vendors and found that their loyalty to their families exceeded their loyalty to the government. McGraw and Scholz (1991) examined tax compliance from the perspective of self-interest. Armstrong and Robison (1998) discuss tax evasion and tax avoidance from the perspective of an accounting practitioner and used Rawls' concept of two kinds of rules to analyze how accountants view the issue. Oliva (1998) looked at the issue from the perspective of a tax practitioner and commented on the schism that exists between a tax practitioner's ethical and legal obligations.

There have been a few studies that focus on tax evasion in a particular country. Ethics are sometimes discussed but, more often than not, the focus of the discussion is on government corruption and the reasons why the citizenry does not feel any moral duty to pay taxes to such a government. Ballas and Tsoukas (1998) discuss the situation in Greece. Smatrakalev (1998) discusses the Bulgarian case. Vaguine (1998) discusses Russia, as do Preobragenskaya and McGee (2004) to a lesser extent. A study of tax evasion in Armenia (McGee, 1999e) found the two main reasons for evasion to be the lack of a mechanism in place to collect taxes and the widespread opinion that the government does not deserve a portion of a worker's income.

A number of articles have been written from various religious perspectives. Cohn (1998) and Tamari (1998) discuss the Jewish literature on tax evasion, and on ethics in general. Much of this literature is in Hebrew or a language other than English. McGee (1998d; 1999a) comments on these two articles from a secular perspective.

A few articles have been written on the ethics of tax evasion from various Christian viewpoints. Gronbacher (1998) addresses the issue from the perspectives of Catholic social thought and classical liberalism. Schansberg (1998) looks at the Biblical literature for guidance. Pennock (1998) discusses just war theory in connection with the moral obligation to pay just taxes, and not to pay unjust or immoral taxes. Smith and Kimball (1998) provide a Mormon perspective. McGee (1998c; 1999a) comments on the various Christian views from a secular perspective.

The Christian Bible discusses tax evasion and the duty of the citizenry to support the government in several places. Schansberg (1998) and McGee (1994; 1998a) discuss the biblical literature on this point. When Jesus is asked whether people should pay taxes to Caesar, Jesus replied that we should give to Caesar the things that are Caesar's and give God the things that are God's [Matthew 22:17, 21]. But Jesus did not elaborate on the point. He did not say that we are only obligated to give government 10 percent or 5 percent or any particular percent of our income.

There are passages in the Bible that seemingly take an absolutist position. Romans 13, 1-2 supports the Divine Right of Kings, which basically holds that whoever is in charge of government is there with God's approval and anyone who disputes that fact or who fails to obey is subject to damnation. It is a sin against God to break any law. Thus, Mao, Stalin and Hitler must all be obeyed according to this view, even though they were the biggest monsters of the twentieth century, because they are there with God's approval.

A few other religious views are also addressed in the literature. Murtuza and Ghazanfar (1998) discuss the ethics of tax evasion from the Muslim perspective. McGee (1998b, 1999a) comments on their article and also discusses the ethics of tax evasion under Islam citing Islamic business ethics literature (1997). DeMerville (1998) discusses the Baha'i perspective and cites the relevant literature to buttress his arguments. McGee (1999a) commented on the DeMerville article. A few studies have applied utilitarian ethics and rights theory to particular taxes or particular arguments found to justify certain tax policies in the public finance literature. Tax policies examined in the literature include an examination of whether the ability to pay principle is ethically bankrupt (McGee 1998f) and the related argument of whether discriminatory tax rates are ethically justifiable (McGee 1998g). Both of these arguments seemingly violate the Kantian prescription that individuals should always be treated as ends in themselves, not as a means to an end (Kant 1952abc; 1983). The "paying your fair share" argument is also examined (McGee, 1999c). McGee (2004) also addresses these issues in a book that discusses the various philosophies of taxation.

If one begins with the premise that people should get something in return for their taxes, the argument could be made that there is nothing unethical about evading the estate tax (McGee 1999b), since the government cannot possibly provide any services to the dead. It is interesting to speculate what Kant would say on this issue, since Kant favors a strong rule of law, yet views the use of individuals as means rather than ends to be unethical. Yet the estate tax does precisely that, since it sees dead people as a source of tax revenue and cannot promise them anything in return for their "contributions."

The Social Security tax in the United States might be attacked on utilitarian grounds, since it is a very poor investment compared to the alternatives (McGee, 1999g). The capital gains tax might be criticized on efficiency grounds, since some studies have found that the distortion to the economy that results – what economists call negative externalities – sometimes more than offsets the amount of taxes that are actually collected (McGee, 1999f). If a particular tax actually reduces welfare in society, the argument could be made that evading the tax, and thus reducing the amount

of welfare reduction that would otherwise occur, might actually be an ethical act, from a utilitarian perspective. Evading a tariff would be one example (McGee, 1999d), since tariffs are generally viewed by economists as a negative sum game, a tax measure that is not so much intended to raise revenue as to prevent foreign competition, which feathers the nest of domestic producers at the expense of the general public (McGee, 1994b; 2003).

The present study replicates similar studies that have been made of other groups. The survey instrument used in this study is similar to the survey instruments used in several other studies.

A survey of international business professors found that some arguments justifying tax evasion are stronger than others but none of the arguments were very strong, since most of the professors who responded to the survey were strongly against tax evasion. This survey also found that women were significantly more opposed to tax evasion than were the men (McGee, 2005a). A survey of business and law students in Guatemala reached a similar result. However, the law students felt less strongly about condemning tax evasion on ethical grounds than did the business students and female students were more opposed to tax evasion than were male students (McGee & Lingle, 2005).

A survey of Romanian business students (McGee, 2005b) found that respondents often felt tax evasion was ethically justified. Males were slightly more opposed to tax evasion than were women. A survey of German business students also found that respondents were strongly against tax evasion, although some arguments were stronger than others. A comparison of male to female responses was inconclusive, in the sense that it could not be clearly determined which group of respondents was more opposed to tax evasion (McGee, Nickerson & Fees, 2005).

Similar studies have been conducted of Bosnian business and economics students (McGee, Basic & Tyler, 2006), Argentinean business and law students (McGee & Rossi, 2006), Polish business and economics students (McGee & Bernal, 2006), Armenian business students (McGee & Maranjyan, 2006), Ukrainian business & economics students (Nasadyuk & McGee, 2006a) and Ukrainian law students (Nasadyuk & McGee, 2006b).

Several Chinese studies have also been conducted. McGee & An (2006) surveyed business and economics students in Beijing. McGee & Guo (2006) surveyed law, business and philosophy students in Central China. McGee & Ho (2006) surveyed accounting, business and economics students in Hong Kong. McGee, Noronha & Tyler (2006) surveyed business students in Macau.

One finding these studies all have in common is that the moral acceptability of tax evasion depends on the fact situation. Tax evasion is more morally acceptable in some cases than in others. But the findings on the relationship of gender to the ethics of tax evasion are mixed. In some studies females were more strongly opposed to tax evasion than were males, whereas some studies found the gender difference to be statistically insignificant.

One aim of the present study is to discover the views of Orthodox Jews on the ethics of tax evasion. A second goal is to determine whether gender makes a difference for Orthodox Jews. A

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third aim is to rank the various arguments that have been put forth over the centuries to determine which arguments are strongest and which are weakest for the Orthodox Jewish community.

### THREE VIEWS ON THE ETHICS OF TAX EVASION

Over the centuries, three basic views have emerged on the ethics of tax evasion. These three views have been explored in depth elsewhere (McGee, 2006) but a brief overview is called for.

#### View One

View One takes the position that tax evasion is always, or almost always unethical. There are basically three underlying rationales for this belief. One reason is the belief that individuals have a duty to the state to pay whatever taxes the state demands (Cohn, 1998; DeMerville, 1998; Smith & Kimball, 1998; Tamari, 1998). This view is especially prevalent in democracies, where there is a strong belief that individuals should conform to majority rule.

The second rationale for an ethical duty to pay taxes is because the individual has a duty to other members of the community (Crowe, 1944; Cohn, 1998; Tamari, 1998). This view holds that individuals should not be freeloaders by taking advantage of the services the state provides while not contributing to the payment of those services. A corollary of this belief is the view that if tax dodgers do not pay their fair share, then law-abiding taxpayers must pay more than their fair share.

The third rationale is that we owe a duty to God to pay taxes, or, stated differently, God has commanded us to pay our taxes (Cohn, 1998; DeMerville, 1998; Smith & Kimball, 1998; Tamari, 1998). This view holds no water among atheists, of course, but the view is strongly held in some religious circles.

#### View Two

View Two might be labeled the anarchist view. This view holds that there is never any duty to pay taxes because the state is illegitimate, a mere thief that has no moral authority to take anything from anyone (Block, 1989; 1993). The state is no more than a mafia that, under democracy, has its leaders chosen by the people.

The anarchist literature does not address the ethics of tax evasion directly but rather discusses the relationship of the individual to the state. The issue of tax evasion is merely one aspect of that relationship (Spooner, 1870).

There is no such thing as a social contract according to this position. Where there is no explicit agreement to pay taxes there also is no duty. All taxation necessarily involves the taking of property by force or the threat of force, without the owner's permission. Thus, it meets the definition

of theft. Stated as an equation, TAXATION = THEFT. A corollary equation is that FAIR SHARE = 0.

### **View Three**

View Three holds that tax evasion may be ethical under some circumstances and unethical under other circumstances. This view is the prevalent view, both in the literature (Ballas & Tsoukas, 1998; Crowe, 1944; Gronbacher, 1998; McGee, 1998a, 1999e; and according to the results of some of the surveys (McGee, 2005a&b; McGee & Lingle, 2005).

## **JEWISH VIEWS**

Not much has been written on the ethics of tax evasion from the Jewish perspective. The two seminal articles on this topic were written by Cohn (1998) and Tamari (1998). A human beliefs and values survey (Inglehart et al. 2004) gathered some data on Jewish views but the data was never analyzed. One aim of the present study is to analyze this data. But first we will summarize the Cohn and Tamari studies.

Cohn and Tamari reached remarkably similar conclusions although the authors cited different literature to support their positions. Meir Tamari states that there is a moral obligation on society to fund social costs, which are recognized by halakhah (the corpus of Jewish law). This obligation goes beyond funding for defense and infrastructure and includes the needs of the poor, the sick and the old as well as religious study and the religious needs of the community (Tamari, 1998: 169). But the Mishnah Torah Hilkhoh Gezeilah Chap. 5 halakhah 11, cited in Tamari at 169, n. 2 states that tax laws may be disregarded where the king usurps power or where the laws are capricious or discriminatory. This view would seemingly allow for tax evasion in some cases. However, Tamari goes on to say:

Jewish legal literature is clear that non-payment of taxes is theft and is therefore forbidden. This is shown in all the Codes of Jewish law as well as in the responsa literature ... The element of theft applies not only to the internal taxes of the community but also to those of the non-Jewish authorities.

Tax evasion is regarded either as theft from other citizens who now have to pay more and from the recipients of the services funded by the tax money, since they now receive less...

However, theft from the public, which is what tax evasion is, is more heinous than theft from private people. This is solely a reflection of the spiritual damage done to the perpetrator since in the former case his atonement is more difficult. The only way one can atone for theft is by returning the stolen goods or money to the original owner. This is far more difficult in the case of public theft since all the owners and beneficiaries are unknown to the perpetrator (Tamari, 1968: 170-171).

In this statement, Tamari turns the traditional "taxation is theft" argument on its head by stating that it is tax evasion that is theft. This position can easily be criticized, at least in cases where the tax is unjust, by those who take a less than absolutist position. They would argue that if a tax is unjust, there is no obligation to pay. The fact that others must pay more if you pay less merely means that the tax collector must steal more from others. That sin is on the head of the tax collector, not those who are able to evade the tax. Tamari does not address this possibility.

Tamari also states that tax evasion is unethical because it must necessarily involve lies and falsehoods, which can lead to corruption in other areas of life as well. According to Tamari, citing Midrash Rabah Kedoshim, telling a lie, even when not under oath, amounts to a denial of the existence of God.

The literature on the ethics of lie-telling could be discussed here, but Tamari does not do it. This literature, going back to Plato and Aristotle, points out that telling lies is not always unethical. For example, if a crazed husband barges into your home shouting "I am going to kill my wife, where is she?" there is no moral obligation to tell him where she is. You can say you don't know, even if you do know.

However, Tamari's point is well-taken. Where lying is rampant in one area, such as in tax evasion, there is a tendency for it to spread into other areas, thus corrupting the society. However, the argument could be made that the blame for that corruption should be placed on those who have made the unjust tax laws (assuming they are unjust), not on those who merely try to protect their property. Tamari goes on to say:

So even if the tax evasion seems justified morally, because of the high tax rates or waste in the public sector, it seems that these should be combatted by the ballot box, political pressure or a taxpayers revolt, perhaps involving a jail sentence, rather than accepting the unethical effects of tax evasion.

One criticism that political scientists might make of Tamari's position is that a wasteful public sector or a government that has high tax rates cannot easily be changed via the ballot box. The literature that has been generated by the Public Choice School of Economics over the last thirty years or so makes this point clear (Buchanan, 1977, 1985, 1989a, 1989b; Buchanan, Tollison & Tullock, 1980; Rowley, Tollison & Tullock, 1988). Special interests convince the legislature to pass some spending bill that benefits them at the expense of the general public. Every special interest group under the sun tries to influence the legislature to pass laws that benefit them and the legislature often responds favorably. So, as a practical matter, the ballot box is almost useless. In the meantime, Tamari would allow the taxpaying public to continue to be fleeced.

Serving a jail sentence rather than evade unjust taxes seems a bit extreme, especially if one has to support a family. Those who believe it is never unethical to evade taxes might argue that it is not unethical to hide money from a thief, even if the thief would spend the money wisely. How can it be unethical to hide money from a corrupt government that squanders the money it raises from tax collections?

Another criticism that non-absolutists might make is the belief that individuals have some duty to "society." The problem with this view is that "society" does not exist. Society is just a convenient collective term that describes a collection of individuals who share certain things in common, like geographic location, language (maybe) and culture (maybe). All obligations are individual in nature. Individuals owe obligations to other individuals, not to some collective term. Another criticism non-absolutists might make of Tamari's argument is that he ignores property rights. They would argue that the State does not have an unlimited claim on the property of taxpayers. There is a limit. The State does not own all the assets, merely allowing individuals to keep and use some of them, an argument Adams (1993: 217) discusses in relation to Louis XIV's view that the king owns everything.

Individuals own assets. Before the State can spend money it first has to take it from those who have earned it. Tamari does not discuss this point. If Tamari's position can be summed up in a single sentence, it would be that tax evasion is always unethical, even where the government is corrupt. But Tamari is not alone in this belief. The empirical studies cited elsewhere in this paper show that there is strong support for this view. It could also be pointed out that the Mormon (Smith & Kimball, 1998) and Baha'i (DeMerville, 1998) positions are similar to those of Tamari.

Gordon Cohn, the other Jewish author, arrives at the same conclusion using different arguments and citing different Jewish sources. For Cohn, tax evasion is unethical for four reasons:

The *Halachic* (Jewish legal) perspective on paying taxes has four components. First, there are laws related to a citizen's duty to follow his country's statutes. This is called *dina damalchusa dina*. Second, laws prohibit lying. Third, a Jewish person may not do anything which could discredit the religion. This is known as *Chillul Hashem*. Finally, since it is essential for a Jewish person to perform the maximum number of mitzvos (commandments and good deeds), he is required to refrain from any activity which could result in confinement in a place where Judaism cannot be properly practiced, e.g., jail. (Cohn 1998: 182)

Secularists or political philosophers might criticize all of these reasons. Cohn's first argument is that there is a duty to follow the laws of one's country. Political philosophers might argue that while there may be a duty to follow just laws, strong arguments have been made that there is a duty to disobey unjust laws. They might cite Martin Luther King, Mahatma Gandhi, Thoreau and other advocates of civil disobedience to support their view. Thus, the argument could be made that one cannot categorically say that one must obey all the laws of the country where you live because some laws may be unjust. Certainly it would not be unethical to disobey some of the laws of Nazi Germany. One may even have a duty to disobey such laws. If unjust laws (like segregation in the United States, for example) were not openly disobeyed, they might never be changed.

Cohn does not discuss this possibility in his article. However, in all fairness, it must be mentioned that it was not Cohn's intent to delve into issues of political philosophy. His focus was on the Jewish literature.



Cohn points out that there are laws prohibiting lying, although the moral prohibition against lying is not absolute (Cohn 1998: 184-185). Others have also pointed out that lying is not always unethical. Plato discusses this point both in *The Laws* and *The Republic*. It is not unethical to tell an enraged husband that you do not know where his wife is. It is not unethical not to tell a thief that you are hiding \$20 in your shoe. And it is not unethical not to disclose the fact that you have unreported income if the tax collector is not morally entitled to the funds. Cohn does not address any of these possibilities, since his intent was to discuss the Jewish literature on the topic, not to apply the literature to specific fact situations.

The view that a Jewish person may not do anything that would discredit the religion is a strongly held belief, one that permeates both the Jewish literature and Jewish culture. Some political philosophers (Hayek, 1976) would challenge this view, since it is based on the premise that someone can owe a duty to a group or to a group of ideas. They would argue that duties can be owed only to individuals. Again, Cohn does not address this issue, since it is an issue of political philosophy rather than religion.

The view that one must not do things that might result in a jail term runs contra to one of Tamari's suggestions, that one should protest unjust taxes even if it means a jail term, rather than evade the tax in question. The argument could be made that it might also be possible that more mitzvos could be performed in jail than out of jail, since the jail population has more needs unfulfilled than the general population.

Cohn points out that the Jewish literature states that "the king owns the country and therefore everyone is required to give him a portion of their income as rent." (Cohn, 1998: 182) Political philosophers might criticize this statement for a number of reasons.

First of all, most countries don't have kings anymore. Even if we concede that a modern government might assume the power that kings formerly had, it does not follow that tax evasion is always unethical because the king (or the government) is not entitled to all the income or property of the people living under the government's protection. At most, they are only entitled to a portion of it. When tax collections exceed this portion, tax evasion may be justified. Cohn does not address this possibility, although he does state that "In cases where the king or leader is not legitimate, *dina damalchusa dina* could not suffice to forbid tax evasion." (Cohn, 1998: 183).

Cohn also states that "Continuing to live in a country is an implicit agreement to abide by its rules." (p. 183) Political philosophers would find at least two reasons to challenge this statement. For one thing, it may not be possible to leave a country if you disagree with its rules. You may not have the financial resources to leave. You may not be able to find another country willing to admit you due to immigration restrictions. Or the country in which you live might not allow you to leave. Thus, political philosophers might reasonably conclude that it cannot be said that you must obey the rules of the country in which you live because of some implicit agreement.

The second point political philosophers might raise is that it is possible that an individual may not agree with the rules of any country. Yet it is a physical necessity that the individual must

live somewhere. Even with free immigration and emigration and sufficient financial resources to live anywhere, it is quite possible that an individual would choose to live in the country that violates his rights the least. So it cannot be said that the individual in question consents to the laws of the country of residence. He may have chosen the country in question because it is the least evil of a number of possible choices.

Cohn states that "...someone living in a society where there is an illegitimate dictatorship should still pay taxes in order to avoid prison."(p. 187). It makes sense to pay taxes in such cases, since the alternative could be very unpleasant. But the question could be raised whether there is an ethical duty to pay taxes in such cases, or should taxes be paid to avoid the extreme discomfort that might result from the nonpayment of taxes. It is a well established principle of philosophy that where there is no choice there is also no morality. It is only possible to be moral where there is also the opportunity to be immoral. Thus, in some cases at least, paying taxes to an evil dictator is not a question of ethics.

Tamari and Cohn's seminal articles make a contribution to the English language literature because they expose readers of English to the Jewish religious literature on the issue of tax evasion. If their work could be criticized, it could be because they do not also include the political philosophy literature in their discussion. But such criticism would be unfair because it was not their intent to do so. Besides, much of the political philosophy literature was written by gentiles, which would have taken their articles too far afield of their intent, which was to discuss the Jewish religious literature. More work could be done to explore Jewish views on the ethics of tax evasion. Survey research is one avenue that could be used. One such survey that has already been conducted is the Human Beliefs and Values Survey (Inglehart et al. 2004), which collected a lot of data on many different value issues. That survey is discussed below.

### **Human Beliefs and Values Survey**

The Human Values and Belief Surveys (Inglehart et al. 2004) collected responses to scores of questions from 200,000 people in 81 societies representing 85 percent of the world's population. The survey differed by country. Not all questions were asked in all countries. One question was:

Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between: Cheating on taxes if you have a chance. [Question F116]

The range of responses was from one to ten where one (1) represented "never justifiable" and ten (10) represented "always justifiable." The survey included 324 Jews from more than 40 countries. The survey did not break down the results by age, gender or education. It also did not distinguish which branch of Judaism respondents came from, although it is probable that a large percentage of the Jews who lived in countries other than the United States were mostly Orthodox,

since there are not many Reform or Conservative Jews outside the United States. However, some of the responses from Jews outside the United States might not be religious Jews.

Many of the countries either did not include any Jews in their sample or included only a few. Only four countries had a sample that included more than 20 Jews. Although Israel was included in the survey, the question on tax evasion was not asked in Israel.

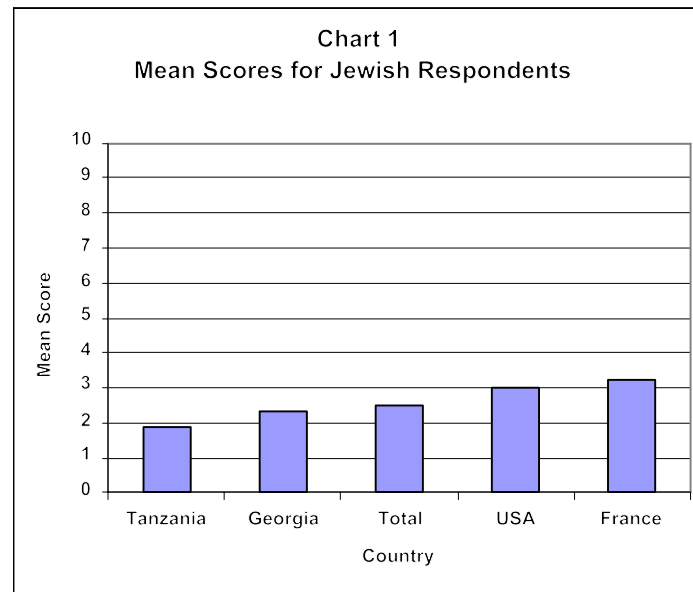
The range of scores for the overall study and for the four countries that included more than 20 Jews in the survey is listed in Table 1.

Score	%				
	Total Sample	France	Georgia	Tanzania	USA
1	56.4	33.8	55.6	82.9	48.7
2	12.9	17.9	12.5	2.4	15.7
3	8.5	19.2	11.1	2.4	10.0
4	5.5	-	5.6	2.4	4.3
5	6.2	14.4	8.3	2.4	-
6	2.2	-	1.4	-	6.3
7	1.0	4.3	1.4	-	1.6
8	1.5	4.3	1.4	-	2.8
9	1.5	-	1.4	-	4.3
10	4.2	6.0	1.4	7.3	6.3
Sample Size	324	21	72	41	50
Mean	2.49	3.24	2.33	1.90	3.00
Standard Deviation	2.412	2.665	2.056	2.447	2.912

The most frequent response is one (1), meaning that tax evasion is never justified. For the sample as a whole more than half (56.4%) gave this response. The percentage for Tanzania was the highest at 82.9%. The lowest was France, with a 33.8% score.

The mean scores are also uniformly low. From a range of 1 to 10, the overall sample mean was 2.49. The Tanzanians had the lowest mean (1.90), indicating the most opposition to tax evasion. The French had the highest mean at 3.24. However, with a range of 1 to 10, even a score of 3.24 indicates that there is not much support for tax evasion. Chart 1 shows the relative means.

Another comparison worth making is the relative scores of various major religions. The total sample size for this question was 82,589. The sample included both major and minor religions. The highest response rate for the “never justifiable” option was given by Hindus at 81.6%, followed by Muslims (77.9%), Buddhists (75.0%), Protestants (61.4%), Roman Catholics (60.0%), Jews (56.4%) and Orthodox (51.7%). Table 2 shows the scores for the full range of responses for the major religions.



**Table 2: Comparative Responses to Question F116**

Range of Scores (%)

(1 = never justifiable; 10 = always justifiable)

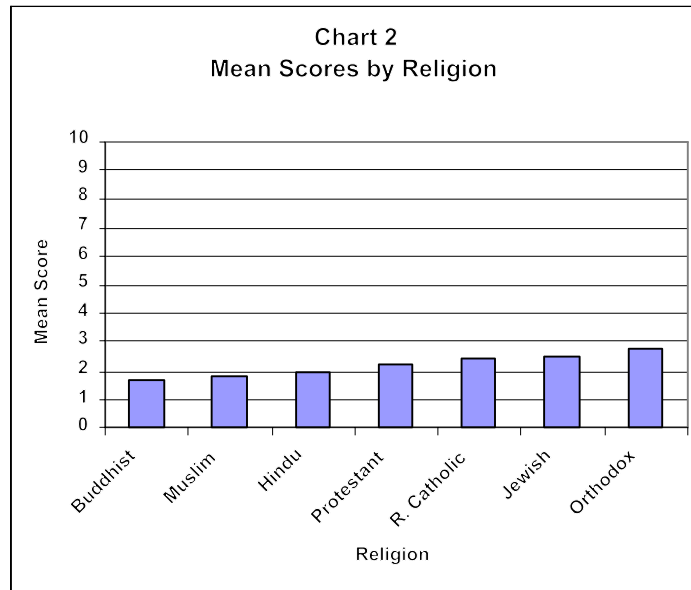
Score	%							
	All Religions	Jewish	R. Cath.	Muslim	Prot.	Orthodox	Buddhist	Hindu
1	64.5	56.4	60.0	77.9	61.4	51.7	75.0	81.6
2	9.5	12.9	10.4	5.9	12.4	12.0	10.6	0.8
3	6.8	8.5	7.7	3.9	8.2	8.7	4.8	5.1
4	3.8	5.5	4.5	2.1	4.1	5.4	2.2	0.1
5	5.6	6.2	6.6	3.3	5.1	7.9	3.5	2.1
6	2.3	2.2	2.8	1.3	2.2	3.4	1.3	0.4

Score	%							
	All Religions	Jewish	R. Cath.	Muslim	Prot.	Orthodox	Buddhist	Hindu
7	1.9	1.0	2.2	1.1	1.7	3.0	0.6	3.1
8	1.8	1.5	2.0	1.1	1.5	3.1	0.4	0.4
9	1.0	1.5	1.0	0.8	0.8	1.7	0.2	0.2
10	2.8	4.2	2.9	2.5	2.4	3.1	1.4	6.2
Sample Size	82,589	324	31,964	17,063	12,535	8,601	1,764	1,644
Mean	2.25	2.49	2.40	1.83	2.22	2.76	1.68	2.00
Std Deviation	2.249	2.412	2.307	2.011	2.128	2.489	1.609	2.470

The “never justifiable” responses provide one indication of the relative views on tax evasion but they do not tell the whole story. Another important score to examine is the mean, since that will tell us what the average view is. Table 3 ranks the mean scores from lowest (never justifiable) to highest.

Rank	Religion	Mean Score
1	Buddhist	1.68
2	Muslim	1.83
3	Hindu	2.00
4	Protestant	2.22
5	Roman Catholic	2.40
6	Jewish	2.49
7	Orthodox	2.76

The range of means is 1.68 to 2.76. When one considers that the range of possible scores is 1 to 10, one must conclude that tax evasion is frowned upon by all the major religions. Chart 2 illustrates the relative low scores. As can be seen, the mean scores do not differ by much. Thus, it can be concluded that all the major religions do not think highly of tax evasion.



Question F116 discussed above was generic and theoretical. In substance it asked do you approve of tax evasion in general or not. But responses might differ if one asked a more specific question. The survey did that. Question F131 asked:

Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between: Paying cash for services to avoid taxes. [Question F131]

It was thought that getting into specific situations might result in higher scores, meaning that tax evasion in particular cases might be more acceptable than tax evasion in general. An analysis of the scores for this question will make it possible to determine whether this initial belief is justified.

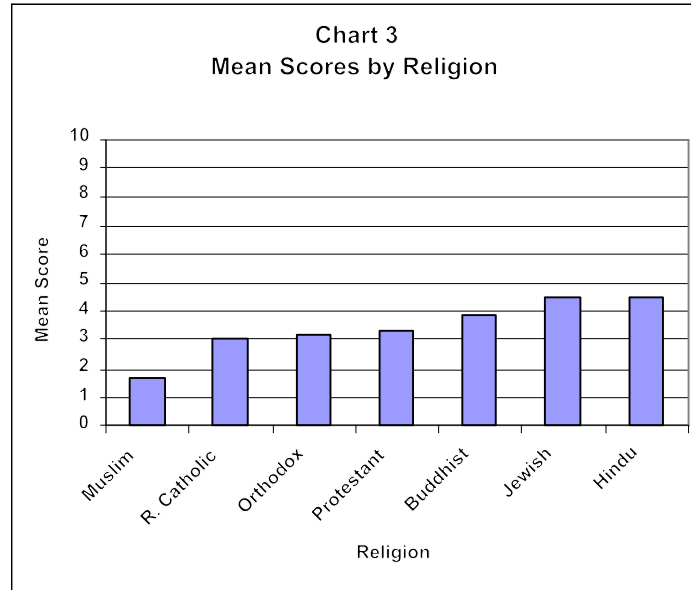
Table 4 does that. It shows the scores for each of the ten possible responses for each of the major religions. It also shows the mean scores and the sample size for each religion. Question F131 was asked to 27,256 individuals, of which 56 were Jewish. The Jews in this sample came from 13 different countries. Because of the small sample size for any one particular country the authors did not think it would be worthwhile to show the scores for each of the 13 countries.

Score	%							
	All Religions	Jewish	R. Cath.	Muslim	Prot.	Orthodox	Buddhist	Hindu
1	45.1	20.0	44.9	81.2	34.8	47.1	19.9	25.5
2	10.3	8.5	10.5	5.4	12.3	9.0	9.4	5.0
3	10.6	13.3	10.5	3.6	14.3	9.2	3.6	8.6
4	6.6	9.6	6.8	1.8	8.2	5.5	18.1	5.1
5	11.0	16.1	11.1	3.0	12.8	10.4	44.0	26.8
6	4.2	4.4	4.3	1.5	4.7	4.0	-	-
7	3.7	9.5	3.7	0.9	4.0	4.0	-	15.3
8	3.4	10.6	3.2	0.8	4.3	4.0	-	-
9	1.6	3.7	1.5	0.6	1.4	2.4	0.1	7.8
10	3.5	4.3	3.5	1.2	3.2	4.4	4.9	5.9
Sample Size	27,256	56	14,469	1,430	5,603	4,550	20	15
Mean	3.07	4.50	3.06	1.64	3.35	3.16	3.91	4.52
Std Deviation	2.253	2.746	2.543	1.703	2.500	2.724	2.149	2.932

Table 5 compares the mean scores for each religion for questions F116 and F131. As can be seen, the mean scores have increased for six of the seven religions. The only religion that showed a decrease in mean score was Muslim.

Religion	F116	F131	Incr. or (Decr.)
Buddhist	1.68	3.91	2.23
Hindu	2.00	4.52	2.52
Jewish	2.49	4.50	2.01
Muslim	1.83	1.64	(0.19)
Orthodox	2.76	3.16	0.40
Protestant	2.22	3.35	1.13
Roman Catholic	2.40	3.06	0.66
All Religions	2.25	3.07	0.82

Chart 3 graphs the mean scores by religion for question F131. As can be seen, all the scores are still low, although some scores are higher than others.



## THE PRESENT STUDY

The present study builds on the prior study although the authors were not aware of the Human Beliefs and Values Study when they started their study. The present study also replicates a few other studies, which were mentioned above.

### Methodology

The survey instrument used in the present study was very similar to the instrument used in the Romania (McGee 2005b), Guatemala (McGee & Lingle, 2005), Argentinean (McGee & Rossi, 2006) and other empirical studies.

The survey consisted of eighteen (18) statements that generally began with the phrase “Tax evasion is ethical if...” and included a seven-point Likert scale. Those who agreed strongly with the statement were instructed to select one (1) as their response. Those who disagreed strongly were instructed to select seven (7) as a response. The statements reflected the three views on the ethics of tax evasion that have emerged in the literature over the last 500 years.

Respondents consisted of undergraduate students in a branch of Touro College in New York. Respondents were all Orthodox Jewish. Many of the male students had rabbinical training. Many



of them also studied Jewish law extensively in high school. Most of the female students had a strong high school background in Jewish studies as well as post high school education. The group was highly knowledgeable about Jewish law.

One hundred and seven usable responses were received. Table 5 gives the breakdown by gender.

Male	65
Female	40
Unknown	2
Total	107

## Hypotheses

The following hypotheses were made:

- H1: The average respondent will believe that tax evasion is ethical sometimes. This hypothesis will not be rejected if the average score for at least 2 of the 18 statements is more than 2 but less than 6.*
- H2: Scores will be lower [tax evasion will be more acceptable] when the statement refers to government corruption. This hypothesis will not be rejected if the score for Statement 11 is lower than the scores of at least 12 other statements.*
- H3: Scores will be lower [tax evasion will be more acceptable] when the statement involves a human rights issue. This hypothesis will not be rejected if the scores for S16, 17 and 18 all rank in the top six [are among the 6 lowest scores].*
- H4: Opposition to tax evasion will be strongest [scores will be highest] in cases where it appears that taxpayers are getting something in return for their money, or where there is a perception that there is a duty to other taxpayers to pay taxes, even if there may not be a duty to the government. This hypothesis will not be rejected if the scores for S5, 7, 9 and 15 all have scores that are among the highest 9 scores.*

*H5: Scores will be lower [there will be more sympathy to tax evasion] where there is a perception that the taxpayer is being treated unfairly. This hypothesis will not be rejected if the scores for S1, 3, 11 and 14 are all among the lowest 9 scores.*

*H6: Women will be more strongly opposed to tax evasion than males. This hypothesis will not be rejected if female scores are higher than male scores for at least 12 of the 18 statements.*

## **Survey Findings**

Table 6 lists the 18 statements and the average scores received for each statement. A score of one (1) indicates strong agreement with the statement. Seven (7) indicates strong disagreement. An average score of 2 or less would indicate that tax evasion is always, or almost always ethical. An average score of 6 or more would indicate that tax evasion is never or almost never ethical. Scores averaging more than 2 but less than 6 would indicate that tax evasion is sometimes ethical. As can be seen from Table 6, the average score for all statements is less than six (5.57) and the scores for 9 of the 18 statements are also less than 6, which indicates the average respondent believes tax evasion to be ethical sometimes.

H1: The average respondent will believe that tax evasion is ethical sometimes. This hypothesis will not be rejected if the average score for at least 2 of the 18 statements is more than 2 but less than 6.

H1: Cannot be rejected.

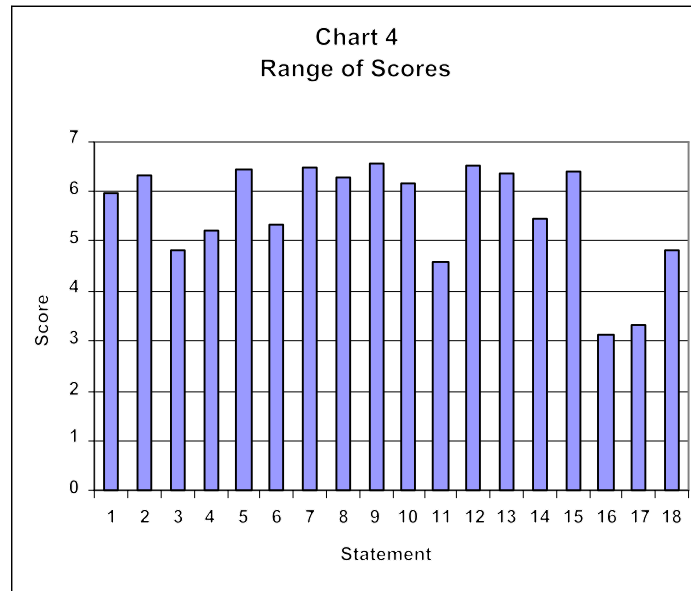
Table 7 ranks the eighteen statements from most acceptable to least acceptable. Scores ranged from 3.12 to 6.57, indicating that there are circumstances when tax evasion can be ethically justified. Respondents believed that the strongest case for tax evasion was in cases where a Jew is living in Nazi Germany. Surprisingly, however, the score for that statement was not even close to 1.0, which indicates there is a belief, even among Jews, that there is some duty to pay taxes even to Hitler.

Such a relatively high score (3.12) might come as a surprise to a political scientist or philosopher, since there is a whole body of literature that argues that the duty to the state is both limited and conditional, but some Jews the authors have spoken to do not think it is an unreasonable score. Some of the comments made in the comment section of the survey shed some light on the

rationale for the belief that there is some duty to pay taxes to the state even in cases where those in charge of the state are evil.

<b>Table 6: Summary of Responses</b> (1 = strongly agree; 7 = strongly disagree)		
S#	Statement	Score
1	Tax evasion is ethical if tax rates are too high.	5.95
2	Tax evasion is ethical even if tax rates are not too high because the government is not entitled to take as much as it is taking from me.	6.34
3	Tax evasion is ethical if the tax system is unfair.	4.84
4	Tax evasion is ethical if a large portion of the money collected is wasted.	5.24
5	Tax evasion is ethical even if most of the money collected is spent wisely.	6.44
6	Tax evasion is ethical if a large portion of the money collected is spent on projects that I morally disapprove of.	5.34
7	Tax evasion is ethical even if a large portion of the money collected is spent on worthy projects.	6.49
8	Tax evasion is ethical if a large portion of the money collected is spent on projects that do not benefit me.	6.28
9	Tax evasion is ethical even if a large portion of the money collected is spent on projects that do benefit me.	6.57
10	Tax evasion is ethical if everyone is doing it.	6.19
11	Tax evasion is ethical if a significant portion of the money collected winds up in the pockets of corrupt politicians or their families and friends.	4.61
12	Tax evasion is ethical if the probability of getting caught is low.	6.54
13	Tax evasion is ethical if some of the proceeds go to support a war that I consider to be unjust.	6.38
14	Tax evasion is ethical if I can't afford to pay.	5.46
15	Tax evasion is ethical even if it means that if I pay less, others will have to pay more.	6.39
16	Tax evasion would be ethical if I were a Jew living in Nazi Germany in 1940.	3.12
17	Tax evasion is ethical if the government discriminates against me because of my religion, race or ethnic background.	3.30
18	Tax evasion is ethical if the government imprisons people for their political opinions.	4.81
	Average Score	5.57

Chart 4 shows the average scores for each statement.



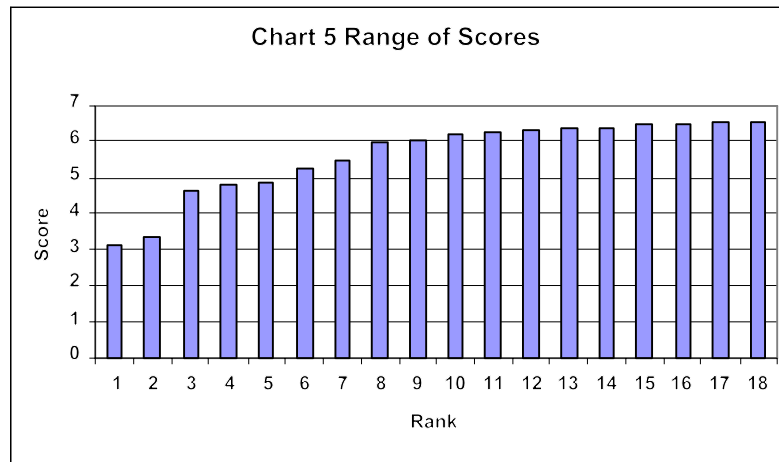
One reason given for paying taxes even to Hitler might be summarized by the phrase “the law is the law.” This view has a long history in both the Biblical and secular literature. Although it is no longer the prevailing view, a number of people still subscribe to it.

One might also justify payment of taxes to Hitler on cost-benefit grounds or on the basis of duty. Even Hitler must raise taxes to pay for streets, legitimate government services and pensions, so something is due even to an evil dictator. The authors are not saying they subscribe to this line of reasoning but are merely asserting it as one possible explanation for why the Jew in Nazi Germany statement had a score higher than 1.0.

The view that Jews owe some taxes to Hitler was found to be a widespread view in the other surveys as well. Although the international business academic survey (McGee, 2005a), the Romania survey (McGee, 2005b), the Guatemala survey (McGee & Lingle, 2005), the German survey (McGee, Nickerson & Fees, 2005), the Armenia survey (McGee & Maranjyan, 2006), the Bosnia survey (McGee, Basic & Tyler, 2006), the Poland survey (McGee & Bernal, 2006) and the Ukraine surveys (Nasadyuk & McGee, 2006a & 2006b) all ranked that statement as among the strongest reasons to justify tax evasion, none of them gave it the lowest possible score, or even close to the lowest possible score. Human rights statements, including the Nazi statement, were not included in the various China surveys.

The next strongest argument to support tax evasion, with a score of 3.30, was the statement: “Tax evasion is ethical if the government discriminates against me because of my religion, race or

ethnic background.” The third ranking statement was: “Tax evasion is ethical if a significant portion of the money collected winds up in the pockets of corrupt politicians or their families and friends.” The score for this statement was 4.61, more than a full point higher than the 3.30 score for the second statement. Chart 5 shows the range of scores from lowest to highest.



Rank	Statement	Score
1	Tax evasion would be ethical if I were a Jew living in Nazi Germany in 1940. (S16)	3.12
2	Tax evasion is ethical if the government discriminates against me because of my religion, race or ethnic background. (S17)	3.30
3	Tax evasion is ethical if a significant portion of the money collected winds up in the pockets of corrupt politicians or their families and friends. (S11)	4.61
4	Tax evasion is ethical if the government imprisons people for their political opinions. (S18)	4.81
5	Tax evasion is ethical if the tax system is unfair. (S3)	4.84
6	Tax evasion is ethical if a large portion of the money collected is wasted. (S4)	5.24
7	Tax evasion is ethical if a large portion of the money collected is spent on projects that I morally disapprove of. (S6)	5.34
8	Tax evasion is ethical if I can't afford to pay. (S14)	5.46
9	Tax evasion is ethical if tax rates are too high. (S1)	5.95
10	Tax evasion is ethical if everyone is doing it. (S10)	6.19
11	Tax evasion is ethical if a large portion of the money collected is spent on projects that do not benefit me. (S8)	6.28

<b>Table 7: Ranking</b> (1 = strongly agree; 7 = strongly disagree)		
Rank	Statement	Score
12	Tax evasion is ethical even if tax rates are not too high because the government is not entitled to take as much as it is taking from me. (S2)	6.34
13	Tax evasion is ethical if some of the proceeds go to support a war that I consider to be unjust. (S13)	6.38
14	Tax evasion is ethical even if it means that if I pay less, others will have to pay more. (S15)	6.39
15	Tax evasion is ethical even if most of the money collected is spent wisely. (S5)	6.44
16	Tax evasion is ethical even if a large portion of the money collected is spent on worthy projects. (S7)	6.49
17	Tax evasion is ethical if the probability of getting caught is low. (S12)	6.54
18	Tax evasion is ethical even if a large portion of the money collected is spent on projects that do benefit me. (S9)	6.57

- H2: Scores will be lower [tax evasion will be more acceptable] when the statement refers to government corruption. This hypothesis will not be rejected if the score for Statement 11 is lower than the scores of at least 12 other statements.
- H2: S11's score is lower than the score for 15 of the 18 statements. H2 cannot be rejected.
- H3: Scores will be lower [tax evasion will be more acceptable] when the statement involves a human rights issue. This hypothesis will not be rejected if the scores for S16, 17 and 18 all rank in the top six [are among the 6 lowest scores].
- H3: S16, 17 and 18 rank 1, 2 and 4, respectively, well within the top 6 scores. H3 cannot be rejected.
- H4: Opposition to tax evasion will be strongest [scores will be highest] in cases where it appears that taxpayers are getting something in return for their money, or where there is a perception that there is a duty to other taxpayers to pay taxes, even if there may not be a duty to the government. This hypothesis will not be rejected if the scores for S5, 7, 9 and 15 all have scores that are among the highest 9 scores.

H4: The ranks for S5, 7, 9 and 15 were 15, 16, 18 and 14, respectively, well within the bottom half. H4 cannot be rejected.

H5: Scores will be lower [there will be more sympathy to tax evasion] where there is a perception that the taxpayer is being treated unfairly. This hypothesis will not be rejected if the scores for S1, 3, 11 and 14 are all among the lowest 9 scores.

H5: The scores for S1, 3, 11 and 14 were 9, 5, 3 and 8, respectively, all within the lowest 9 scores. H5 cannot be rejected.

Some of the studies mentioned above found that females were more firmly opposed to tax evasion than males whereas other studies found no statistically significant difference. Table 8 compares the scores of male and female respondents. Females had higher scores in all 18 cases.

S#	Statement			Score Larger by		P value
		Male	Female	Male	Female	
1	Tax evasion is ethical if tax rates are too high.	5.75	6.23		0.48	0.173
2	Tax evasion is ethical even if tax rates are not too high because the government is not entitled to take as much as it is taking from me.	6.20	6.53		0.33	0.2777
3	Tax evasion is ethical if the tax system is unfair.	4.27	5.73		1.46	0.001506
4	Tax evasion is ethical if a large portion of the money collected is wasted.	4.88	5.80		0.92	0.03115
5	Tax evasion is ethical even if most of the money collected is spent wisely.	6.28	6.69		0.41	0.04416
6	Tax evasion is ethical if a large portion of the money collected is spent on projects that I morally disapprove of.	5.02	5.77		0.75	0.1393
7	Tax evasion is ethical even if a large portion of the money collected is spent on worthy projects.	6.34	6.70		0.36	0.2926
8	Tax evasion is ethical if a large portion of the money collected is spent on projects that do not benefit me.	6.11	6.53		0.42	0.1333
9	Tax evasion is ethical even if a large portion of the money collected is spent on projects that do	6.43	6.78		0.35	0.08842

<b>Table 8: Comparison of Male and Female Scores</b> (1 = strongly agree; 7 = strongly disagree)						
S#	Statement	Score Larger by				P value
		Male	Female	Male	Female	
	benefit me.					
10	Tax evasion is ethical if everyone is doing it.	5.92	6.62		0.70	0.04259
11	Tax evasion is ethical if a significant portion of the money collected winds up in the pockets of corrupt politicians or their families and friends.	3.96	5.71		1.75	0.0001188
12	Tax evasion is ethical if the probability of getting caught is low.	6.40	6.74		0.34	0.2481
13	Tax evasion is ethical if some of the proceeds go to support a war that I consider to be unjust.	6.25	6.56		0.31	0.3155
14	Tax evasion is ethical if I can't afford to pay.	5.22	5.84		0.62	0.08176
15	Tax evasion is ethical even if it means that if I pay less, others will have to pay more.	6.18	6.70		0.52	0.1385
16	Tax evasion would be ethical if I were a Jew living in Nazi Germany in 1940.	2.69	3.95		1.26	0.01719
17	Tax evasion is ethical if the government discriminates against me because of my religion, race or ethnic background.	2.93	4.00		1.07	0.01514
18	Tax evasion is ethical if the government imprisons people for their political opinions.	4.48	5.43		0.95	0.01789
	Average Score	5.29	6.02		0.73	

Wilcoxon tests were made for each statement comparing and male and female scores to determine the statistical significance. Nonparametric tests like the Wilcoxon test are preferred to parametric tests because they do not assume that the distribution is normal. The differences in scores for S3 and 11 were statistically significant at the 1 percent level. Differences for S4, 5, 10, 16, 17 and 18 were statistically significant at the 5 percent level. Differences for S9 and 14 were statistically significant at the 10 percent level.

H6: Women will be more strongly opposed to tax evasion than males. This hypothesis will not be rejected if female scores are higher than male scores for at least 12 of the 18 statements.

H6: The female scores were higher than the male scores for all 18 statements. In 4 cases the female scores were more than a full point higher than the male



score. The probability that this distribution could happen by chance is very low. H6 cannot be rejected.

Chart 6 compares the male and female scores.

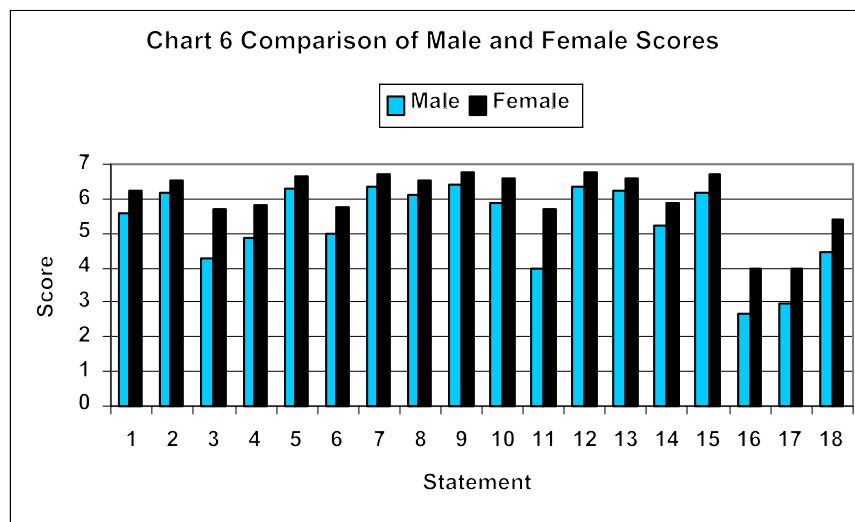


Table 9 shows the average scores for 15 studies. They are ranked from most opposed to least opposed to tax evasion. The table shows that Orthodox Jews are more opposed to tax evasion than any other group except international business professors. The second numerical column shows the score for the Jewish-Nazi statement for each study. The last column shows where the Jewish-Nazi statement ranked. For example, in the international business professor study the Jewish-Nazi statement ranked second, meaning that only one other statement showed stronger support for tax evasion. The Jewish-Nazi statement was not included in all surveys.

Rank	Study	Avg. Score	Jewish Stmt. Score	Jewish Stmt. Rank
1	Int'l Bus. Profs. (McGee 2005a)	6.15	4.23	2
2	Jewish (present) study	5.57	3.12	1
3	Argentina (McGee & Rossi 2006)	5.4	4.1	1
4	Guatemala (McGee & Lingle 2005)	5.2	4.0	2

Rank	Study	Avg. Score	Jewish Stmt. Score	Jewish Stmt. Rank
4	Hong Kong (McGee & Ho 2006)	5.2	-	-
6	German (McGee, Nickerson & Fees 2005)	4.94	3.59	2
6	Macau (McGee, Noronha & Tyler 2006)	4.94	-	-
8	Bosnia & Herzegovina (McGee, Basic & Tyler 2006)	4.91	4.89	9
9	Poland (McGee & Bernal 2006)	4.7	3.9	5
10	Romania (McGee 2005b)	4.59	4.50	9
11	Armenia (McGee & Maranjyan 2006)	4.54	-	-
12	Ukraine (Nasadyuk & McGee, 2006b)	4.42	4.13	8
13	China – Beijing (McGee & An 2006)	4.4	-	-
14	Ukraine (Nasadyuk & McGee, 2006a)	4.31	3.67	8
15	China – Hubei (McGee & Guo 2006)	4.3	-	-

If any pattern can be seen from Table 9 it would be that countries that are in transition from central planning to a market economy have less opposition to tax evasion than do other countries. This might be because they have less respect for the rule of law and also because their country has not yet developed a strong rule of law.

### CONCLUDING COMMENTS

The purpose of this study was to learn the views of educated Orthodox Jews on the ethics of tax evasion. This goal has been achieved. This study replicates several other studies and reaches the same basic conclusions – that some arguments supporting the concept that tax evasion is ethical are stronger than others; and that none of the arguments supporting tax evasion on ethical grounds are very strong.

This study ranks the various arguments that have evolved over the last 500 years and also finds that women are significantly more opposed to tax evasion than are men, which confirms some

of the other studies. The present study also analyzes for the first time the data on tax evasion under Judaism that were gathered from the Human Beliefs and Values Survey.

If one were to summarize the results of this study in a few words one might say that Orthodox Jews believe that tax evasion is ethical in some cases, although the view that tax evasion is justifiable is generally frowned upon. Orthodox Jews are more strongly opposed to tax evasion than all but one of the other groups surveyed to date.

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