



**Refusal to Pay: Rent, Workers, for
Merchandise, or Deposit Return - Part 2 Final
of Hilchot Oshek [#63]**

Watch This Video And More At
[MoneyHalacha.com](http://www.MoneyHalacha.com)

(Please refer to Part 1 of "Oshek" [video #61] for limitations of where the rules of Oshek apply)

We previously spoke about the *isur* of *oshek*, which we said was the refusal to pay back to somebody who you owed money to, we brought an introduction and example case application of loans. That was last week, in Video #61.

Today, I want to go further and bring a few more cases where the *isur* of *oshek* applies as well. So today, we're going to speak about the case of refusal to pay for merchandise which was given to you, or refusing to pay your workers, or to pay your rent, or to pay for a deposit which was given. This is from the Sefer *Halachos of Other People's Money* by R' Yisroel Pinchos Bodner.

The case of the merchandise is in a case where, let's say, somebody gave you items. You took a bunch of something and you said, okay, lend it to me, or give it to me, so that I will go and make money and then I'll pay you back afterwards. So the guy goes and takes his items and he goes and he makes money.

Whether he's profitable or not in what he does, that money which he made off selling those items, he went and he spent it on whatever he wanted. When it came time to pay back, he says, oh, I wasn't so profitable, whatever it is. He denies paying back the money for the stuff that was given to him originally. He would be *over* the *isur* of *oshek*.

Even if he says, I'm not doing business anymore, whatever it is, it doesn't make a difference. Because he was given those items to sell, he must pay back for what he took.

It says that in a case, however, where you accepted the merchandise as a corporation and then you legally declared bankruptcy, then, a *halachic* authority should be consulted in such a case. Again, where it was a corporation and they declared bankruptcy. But otherwise, such as a regular case where you took items and you just don't want to pay back, then you would be *over* the *isur* of stealing, of *oshek*.

Similarly, if a person takes items, and comes to the end of the month, and the company comes to him and says, please pay. And he says, listen, I usually pay you, this month leave me alone, and if you don't leave me alone, I'm not going to do business with you anymore. So then the company says, hey, if we keep pushing the guy, then he's not going to buy from us anymore, so it's not worth it for us to keep pushing him for this one-time payment. And they actually leave the guy alone. So the guy says, oh, I got out of a payment. If that's the case and he scares them away from asking for the payment anymore, then he would also be *over* the *isur* of stealing, of *oshek*, as well in such a case.

The next case is in paying wages of workers. Let's say you have workers, where you owe them money, and if you don't pay them, then on top of the *isur* of *ba'al tolin*, which is a separate *isur* of paying workers on time, there is going to be the *isur* of *oshek*.

For example, he has an unprofitable business and he says, okay, that store is not doing well, I'm going to shut down that store. So even if he shuts down the store, if he owes workers money, he has to pay them even if he shuts down the store, because the store closing has nothing to do with his owing them their wages, even if he didn't make money in the store.

In this case, again, if it is a company and he legally declares bankruptcy, then, in a separate case where he declares bankruptcy, again, that's not what we're talking about and a *halachic* authority should be consulted. But in just a regular case, where he just closes one store, he's not declaring bankruptcy, he just doesn't want to pay the workers, then he would also be *over* the *isur* of *oshek*.

The next case is in a case of paying rent. Let's say you rent for real-estate, or you rent equipment, and you don't pay back for the land that you were using or the equipment, so, again, that would *over* the *isur* of *oshek*.

The examples he gives over here is, let's say, you're renting and you don't want to

pay your landlord. Or an example if a guy has a store in a neighborhood and the store is not successful, so the guy closes up shop and he moves somewhere else and he doesn't pay for the last month's rent. So even though he could say, hey, it's not so much money, or the guy is not going to even bother me so much for it, or even if the guy does bother him and asks for the money, and, like we spoke about earlier, he gives him a runaround for his money and doesn't pay him back, he's also going to be *over* the *isur* of *oshek* if he doesn't pay back.

And finally, the last case we're going to speak about where *oshek* applies, is where somebody gave a deposit. Whether you were holding money for somebody or something of value for safekeeping, or you were holding an item in escrow, or even, let's say, you were looking to buy something, and the store, they took a deposit, like a check or something, just to guarantee that you're serious about the purchase. But they're going to give it back to you. Whatever the reason is, they just want the security, to see that you're a serious buyer. But if you decide against the deal, then they agree to give you the money back. Meaning, they just want to see that you're serious, so they take some money to hold.

So, in all those cases where the money was entrusted under the condition that the money would be given back, let's say, for some reason the one with the money doesn't want to give that money back. He gives an example, let's say, someone looking around your store and you say, listen, we want to know if you're serious or not, please write us a check for \$100 to show us that you're a serious buyer, which he then proceeds to write out the check. However, after a long while of checking the item he doesn't want to buy it. If the storeowner gets upset and decides that in return for his wasted time on this customer that he will keep the \$100 deposit. Since it was agreed that he would give it back, he is now *over* the *isur* of *oshek*.

*Please note that these halachos are intended to inform and educate the reader/listener in general. For any specific questions which arise, it is recommended to speak over the exact case with a competent halachic authority in order to assess the halacha accordingly. You can send in your questions in to us as well by replying via WhatsApp to our halacha Q & A number on the group, sending an email to Ask@MoneyHalacha.com, or via our contact page at MoneyHalacha.com/contact-us

Transcription Provided By:

E-mail: transcriptionlm@gmail.com

Tel: +972-53-986-0645