

MONEY ISSUES

by Rabbi Doniel Neustadt

Question: Is it an obligation to lend money to another Jew, or is it merely an optional act of chesed?

Discussion: The mitzvah of lending money to another Jew in need is a mitzvah chiyuvis, an obligatory mitzvah, similar to any other mitzvah in the Torah. One who has money that he could lend, and refuses a direct request to lend another Jew money, transgresses the mitzvah of im kesef talveh es ami, which Chazal interpret as an obligation on the lender[1].

One is exempt from the obligation to lend money only when the lender truly believes that he will not be repaid, either because he does not trust the borrower to pay back or because he does not believe it possible that the borrower will have the means with which to pay him back. Still, if he could assure himself of repayment by obtaining collateral from the borrower, he is required to do so and may not refuse the latter's direct request for a loan[2].

Question: If a lender feels that he cannot lend money to a potential borrower because he does not trust him, may he avoid insulting him by telling him that he has no funds available?

Discussion: In such a case, he may respond that he has no money to lend. The real meaning of his response is that he has no money to lend to him, which is a true statement and not considered a lie at all.

The same holds true when someone that you do not trust asks to borrow a car or any other item that you do not want to lend to him. You may say that the car is not available or you may use any other excuse which will not offend the person asking for the item[3].

Question: Is it permitted to pressure another person to sell you an item of his that you desire, but that he is not interested in selling?

Discussion: No. The tenth Commandment, Lo Sachmod, "You shall not covet... anything that belongs to your fellow,"[4] forbids pressuring or even coaxing a fellow Jew to sell an item belonging to him, even if the buyer is willing to pay whatever price the owner stipulates[5]. Should the owner relent under pressure and agree to sell the item, it is forbidden for the buyer to consummate the purchase[6].

It is only forbidden, however, to exert pressure on the owner; it is permitted to ask once or twice[7] if he would consider selling the item for a certain price. But a dignitary, e.g., a rav or a rosh yeshivah, is forbidden even to ask — if there is a chance that the owner will agree only because he is

embarrassed to refuse the request of such an important person[8].

Question: In which other situations does Lo Sachmod apply?

Discussion: Lo Sachmod also applies when one pressures a fellow Jew[9] to:

- sell him an item which he will use for a mitzvah, e.g., an esrog or a menorah[10].
- rent or lend him an item[11].
- give him a gift or reward[12]. Thus, it is strictly forbidden for a groom to pressure his future father-in-law to give him a car or any other additional item that was not agreed upon at the time that the match was finalized[13].
- exchange one item for another, even for one of lesser value[14].

Lo Sachmod applies only to another person's property or items. There is no prohibition against pressuring someone to teach him Torah or a secular subject[15], to give him charity or do him a favor, or to marry his son or daughter[16].

It is questionable whether or not Lo Sachmod applies to one who pressures his partner to buy him out[17]. A rav should be consulted.

Question: Does Lo Sachmod apply when one pressures another to buy something that he does not want to purchase?

Discussion: The poskim debate whether or not pressuring another person to purchase something that he clearly does not want, by giving him an overly aggressive sales pitch, for example, is a violation of Lo Sachmod. Some poskim hold that the Torah prohibits coveting any item or object that belongs to someone else, including his money[18]. Pressuring him to purchase something that he clearly does not need or want, but that he purchases only because he is embarrassed to decline or is unable to resist the pressure, is a transgression of Lo Sachmod of another person's money. Other poskim, however, maintain that Lo Sachmod applies only to coveting a specific piece of another person's property or rare item that is not readily obtainable. It does not apply to someone else's commonplace item or to his money[19]. As we are dealing here with a possible Biblical prohibition, one should be stringent and avoid any situation which could be a transgression of Lo Sachmod[20].

Question: If a boy or girl under bar/bas mitzvah age damages another person's property, is he or she obligated to make up the loss?

Discussion: According to the strict letter of the law, a minor is not responsible for his actions and is not required to pay for any damage that he caused. The same holds true for a minor who stole — he is not required to repay the money or replace the stolen object (if the stolen object is no longer around). The parents, too, are halachically exempt from paying for damage or theft by their minor children. Still, the poskim recommend[21] that upon reaching adulthood, a person should compensate for any damage or theft he was responsible for when he was a minor[22].

1. Ahavas Chesed, Halva'ah 1:1.
2. Ahavas Chesed, Halva'ah 1:8 and Nesiv ha-Chesed 13.
3. See Shalmei Moed, pg. 537, quoting Rav Y. Y. Kanievsky and Rav S.Z. Auerbach. See also Titen Emes l'Yaakov 5:15 for several sources for this ruling.
4. Shemos 20:14.
5. It is questionable, however, if Lo Sachmod applies when the buyer raises his bid each time he pressures the seller; see Halichos Chayim, vol. 2, pg. 168, quoting Rav C. Kanievsky. For a clarification of this issue, see Toras ha-Adam l'Adam, vol. 3, pg. 109.
6. C.M. 359:10. According to Teshuvos Sha'arei De'ah 1:149, it is questionable if the owner, too, is permitted to go through with the sale, since he will be causing the buyer to violate a Biblical prohibition. See, however, Shevet ha-Kehasi 3:329, who permits it.
7. But asking three times is considered exerting pressure and is forbidden; B'tzeil ha-Chochmah 3:43 (and hashmatos). If, however, a change in the owner's situation indicates that he would reconsider, he may be approached again; Rav Y.S. Elyashiv (Mamon Yisrael, pg. 75).
8. Rabbeinu Yonah, Sha'arei Teshuvah 3:43.
9. If the item belongs to a non Jew or to a non-Jewish partner, Lo Sachmod does not apply; see Shulchan Aruch ha-Rav, O.C. 440, Kuntress Acharon 11 and Pischei Choshen, Geneivah 1, note 28.
10. B'tzeil ha-Chochmah 3:43.
11. See Sedei Chemed (Kelalim, Lamed 130, s.v. v'chideish) and Sefas Emes (Likutei Sefas Emes 17) who debate this issue. Rav C. Kanievsky is quoted (Toras ha-Adam l'Adam, vol. 3, pg. 118) as ruling stringently.
12. R. Yonah, Sha'arei Teshuvah 3:43; Rav Y.S. Elyashiv (Mamon Yisrael, pg. 73). See Teshuvos Eretz Tzvi 3:6 and Shevet ha-Kehasi 1:379.
13. Chafetz Chayim, Sefer ha-Mitzvos, Lo Sa'aseh 40. See Even Yisrael 8:105.
14. Rambam, Sefer ha-Mitzvos, Lo Sa'aseh 266 and Chinuch 416.
15. Aruch ha-Shulchan, C.M. 359:10.
16. Aruch ha-Shulchan, C.M. 359:11.
17. See B'tzeil ha-Chochmah 3:47 and Toras ha-Adam l'Adam, vol. 3, pg. 108, who debate this issue.
18. Pischei Choshen, Geneivah 1, note 26. See explanation in Toras ha-Adam l'Adam, vol. 3, pgs. 103-104.

19.Eretz Tzvi 4, quoting Rav A.M. Alter of Ger. See explanation in Imrei Yaakov on Shulchan Aruch ha-Rav, Geneivah 5.

20.Rav C. Kanievsky, quoted in Toras ha-Adam l'Adam, vol. 3, pg. 104.

21.Lifnim mishuras ha-din.

22.Entire Discussion based on ruling of Mishnah Berurah 343:9. See Pischei Teshuvah, C.M. 349:1.

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