



# Business weekly

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לע"נ הרה"ח ר' נחמיה ב"ר שלמה אלימלך ז"ל  
by his son, R' Shlomo Werdiger

## STORYLINE

### benny's bogus bill

By Rabbi Meir Orlian

Halacha Writer for the Business Halacha Institute

"Benny, please buy some chickens on your way home this afternoon," his mother said.

"Sure," he responded. "How many?"

"Two should be fine," said his mother, rummaging through her pocketbook. "I've only got a \$50 bill, though."

Benny stopped off at Mendel's Meat Market that afternoon. The two chickens came to \$20.

"That's \$30 change," Mendel said, handing him a \$20 and \$10 bill as change. Benny put the money in his pocket.

That evening, when Benny's mother returned home, she asked, "How much were the chickens?"

"They were \$20," Benny said, reaching into his pocket. "Here's the change."

Benny's mother took the money. "This \$20 bill looks funny," she said, "Mendel gave it to you?"

"Yes," said Benny, looking at it; the paper seemed somewhat different than the other bill. "I guess I got a counterfeit bill," he said.

"I'll take it back to the store tomorrow."

Benny returned the next morning to the store. "I was here yesterday and you gave me this \$20 bill as change," he said. "It seems counterfeit."

Mendel looked at the bill. "You're right that it's counterfeit, but how do I know that you got it from me? Maybe you got it from another store?"

"I definitely got it from you," said Benny in a raised voice. "I didn't go anywhere else!"

Just then, Rabbi Dayan entered the store. "What are you arguing about?" he asked good-naturedly.

"I received a counterfeit bill as change yesterday," said Benny. "Mendel should replace it!"

"Who says it's from me?" said Mendel. "Even if it is, I got it from some other customer."

"If you believe Benny that this counterfeit bill is from you, you must replace it, even if you received it unaware from another customer," said Rabbi Dayan. "The fact that you were cheated does not allow you to cheat others (Rama C.M. 232:18)."

"But I don't know if he's telling the truth," said Mendel. "Anyone can come with a counterfeit bill and say he received it as change!"

"This is then a case where the plaintiff makes a definite claim and the defendant is uncertain," said Rabbi Dayan. "In general, if the defendant is unsure whether he borrowed (aini yodei'a im lavisi), he cannot be made to pay, although he must swear that he does not know, but has a moral obligation to pay. If he borrowed, but is uncertain

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## FROM THE BHI HOTLINE

Submitted by  
M. H.

### reward money

I saw a sign hanging in my apartment building that read: "I lost an expensive coat with my name written on the inside label. \$50 reward for its return."

When I read the sign, I immediately thought of a coat that has been hanging on the coat rack in my yeshiva for the past few weeks. I went to check it, and indeed, it seemed that it was the lost coat.

When I returned the coat to its grateful owner, he wanted to pay me the fifty dollars that

he had promised.

**Q: Am I permitted to accept payment for performing this mitzvah?**

**A:** Shulchan Aruch (C.M. 265:1) writes that one who sees a lost object is obligated to return it to the owner without reimbursement for his efforts. On the other hand, one is not obligated to suffer a financial loss to fulfill this mitzvah, even if it is lost profit rather

than a loss of capital. According to some authorities, it is even prohibited to accept payment for returning a lost object, similar to the prohibition on accepting payment for teaching Torah (Rosh Bava Metzia 2:24, see Bechoros 29a). Therefore, the finder cannot accept any reward for fulfilling the mitzvah, whether he wants to charge money or if the owner of the object wants to pay him for the return (Machaneh Ephraim: Sechirus 15).

Other authorities contend that the prohibi-

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## STORYLINE CONTINUED

whether he repaid (aini yodei'a im perasicha), he is obligated to pay, because his status quo is one of debt (75:9)."

"What about a case similar to ours, where he borrowed and repaid, but the lender later claims that the payment was counterfeit?" asked Benny.

"The Taz (C.M. 75:25) was asked this question and ruled that it is considered questionable debt," replied Rabbi Dayan. "Since the loan was presumably repaid with good coins, as most coins are not counterfeit, there is no status quo of debt anymore; the demand to replace the counterfeit money is considered a new, questionable, claim. He cites the Rama (232:18), who similarly rules that if someone sold a ring that was ostensibly solid gold and the customer returns later holding a bronze ring with only gold plating and the seller does not trust that it's his, he can swear that doesn't know and is exempt.

"However, the Shach (232:15) concurs with Maharashdam who considers the case of possible counterfeit payment as a case of questionable repayment, so the borrower must replace the bill.

"Later authorities continue to dispute the issue, so it remains unresolved," said Rabbi Dayan. "Therefore, we invoke the rule of hamotzi meichavero alav ha'reaya (the burden of proof is on the plaintiff) so that Mendel is exempt from paying."

"So if Mendel doesn't trust me, I'm stuck?" asked Benny.

"In practice, he may be obligated to swear that he does not know that he gave a counterfeit bill, and he still has a moral obligation to pay," concluded Rabbi Dayan. "Therefore, it is recommended that the borrower pay up to a third as a compromise (Aruch Hashulchan 75:35)."

"Here, though, there are additional reasons to exempt Mendel. Some authorities maintain that the obligation in a case of questionable repayment is only when there was a clear status quo of debt, such as a borrower. Here, although Mendel owed Benny the change, he gave it immediately - there was never a status quo of debt. Also, if the counterfeit bill looks almost genuine, Mendel is not expected to know whether he gave a counterfeit bill (Pischei Teshuva 75:27)."

## FROM THE BHI HOTLINE CONTINUED

tion for not accepting a reward for fulfilling a mitzvah is limited to Torah study (Rashi to Gemara Bechoros). Nevertheless, since the finder is obligated to fulfill the mitzvah, he may not only agree to fulfill this mitzvah for payment, and as such, he may not demand payment for that mitzvah. Furthermore, if the finder refuses to return the lost object without reimbursement, he would be a thief (Even HaAzel: Gezeilah 12:3). On the other hand, if the owner voluntarily wants to pay the finder for his efforts, the finder may accept those monies.

All of the above applies if the finder was never approached by the owner to find the lost object, directly or otherwise,

e.g. a sign that promises a reward for the finder.

It would seem that all opinions would agree in your case that you may accept the money. In this case, since the owner indicated that he was willing to reward the finder, what he is essentially doing is hiring the potential finder to find his lost object. Although it is a mitzvah for one who notices a lost object to return the item, there is no obligation to search for someone's lost things.

As such, since the payment is for the one who is willing to search and find the lost object, it is certainly permitted to accept the \$50 reward, like any remuneration for work (see also Teshuvos V'hanhagos 3:463).

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## MONEY MATTERS

### laws of interest week #22

**Q: Is there any requirement to grant an interest-free loan or just a prohibition to charge ribbis?**

**A:** It is important to realize that there is a great mitzvah to grant an interest-free loan when a person is able to, not just a prohibition against charging ribbis. This is a fulfillment of the verse (Shemos 22:24), "When you lend money to My people..." (C.M.

97:1). The amount and duration of a loan that a person is required to lend depends on his financial ability and the needs of the borrower. You are not required to borrow money or sell assets to grant a loan, but money which is deposited in a checking or savings account is considered available (Ahavas Chesed 1:4-5,12; Pischei Choshen, Halva'ah 1:9). A person can apportion some of his ma'aser kesafim for the purpose of granting

interest-free loans, either through a gemach (free-loan fund) or private loans. The Chofetz Chaim recommends apportioning a third of one's ma'aser for loans at first, until he has amassed a sufficient amount for granting loans (Ahavas Chesed, II, 18:1). However, a person is not obligated to grant a loan if he does not have sufficient security, collateral or guarantees from the borrower that he will repay (C.M. 97:4; Ahavas Chesed, 1:8).

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