

Can a Borrower Be Forced to Take a Job to Repay His Debt?

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Case: Reuven comes to *beis din* and says that Shimon borrowed money from him and is not repaying his loan. Shimon admits he borrowed the money but claims he has no money to pay Reuven back. Reuven counters that employment opportunities are available and Shimon should get a job to make money to repay him.

Question: Can *beis din* force Shimon to take a job to pay his debt?

Answer: The Teshuvos HaRosh says in the name of the Rabbeinu Tam that the borrower cannot be forced to work. This ruling is based on the verse in the Torah that says that we are slaves only to Hashem. From these words, Chazal infer that one cannot be treated like a slave and forced to work by a human being. Accordingly, one cannot be forced to work in order to pay off a debt.

While he cannot be forced to work, the Acharonim debate whether he has a personal obligation to work and earn money to pay his debt. While he definitely is permitted to work of his own volition in order to pay the lender back, as this is not similar enough to slavery to be prohibited, some Poskim say that enacting an obligation on him to work would be akin to slavery and is, therefore, forbidden. Others say the only prohibition is to force him to work, but he does have a personal obligation to accept a job, for if he does this on his own it is not like slavery.

Question: What if Reuven says that Shimon told him explicitly that if he can't pay back the loan he will take a job to earn the money?

Answer: Even if the borrower explicitly promised to take a job to pay back the loan, *beis din* still cannot force him to accept employment.