

Can A Worker's Tools Be Seized to Repay a Debt?

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Question: You've mentioned that when a *beis din* seizes assets, they allow the debtor to retain certain basic assets like food and clothing. What about tools he needs for his livelihood? Is he allowed to keep any of those?

Answer: He is allowed to keep certain essential professional equipment that he needs to do his job. However, the Mishnah differentiates between different types of equipment. For example, if he is a woodcutter, he may keep an ax to chop down trees, but he may not keep an ox to help him drag the wood, as this is not considered essential. The Pischei Choshen suggests that the difference between the two types of assets is that the ones he is allowed to keep are the type of tools one usually uses for himself, while those he is not permitted to retain are those that are typically rented out to others.

A Rov in Argentina sent a question to the Minchas Yitzchok regarding a case of a butcher who owned commercial equipment that he used for his job – such as a commercial freezer and meat-cutting equipment. The questioner suggested that this equipment would not be considered essential, as the butcher could technically use more basic equipment and cut up the meat by hand, as was done for centuries before the invention of modern machinery. The Minchas Yitzchok agreed and said that this equipment could be seized by the lender. The Pischei Choshen, however, disagrees with this ruling and says that although butchers in the past may have been able to operate without modern equipment, today, using such tools is the norm for any butcher and it would not be realistic to expect him to be able to work without it. He says that this would deem the equipment essential and it cannot be seized from the borrower.

Question: What about *tashmishei kedusha*, such as a *talis*, *tefillin* and *sefarim*? Can those be seized by *beis din*?

Answer: The borrower is allowed to keep his *tefillin* because they are considered to be a part of his clothing.

Some Rishonim say that a *talmid chochom* should be allowed to keep his *sefarim* because they are essential to him, but we *pasken* like those who rule that *sefarim* can be seized.