

May a Contractor Back Out of a Job if He Took on Too Much Work?

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Question: Reuven is a contractor with a flourishing business. In fact, business is booming so much and he has so many customers that he realized he can't possibly complete all the work he was contracted to do. What options does he have?

Answer: A contractor has the halachic status of a "kablan", a worker who is paid for a completed job. The halacha is that if a kablan takes on two jobs, and cannot do them both, he must first do the job he accepted first. If he accepted numerous jobs and cannot do them all, he also must do them in order of when he accepted them.

For our case, we are assuming that the contractor accepted two jobs thinking he could do both, but later, due to unforeseen circumstances, realizes he cannot manage to get them both done in a timely fashion.

The Maharil Diskin discusses this case and says that he is in doubt as to what the contractor should do. It is possible that the halacha would be the same as a regular kablan, and he would be required to do the first job he accepted and do the second job afterward. It is also possible that this case would be viewed differently, as both were feasible when he accepted them, neither is given precedence now that it is not possible to do both; therefore, the contractor would be required to divide his time between the two jobs. Since he is beholden equally to both jobs, both deserve his attention equally, even though this may mean that neither will be fully completed in a timely manner. (This is assuming that nothing was arranged between the parties involved to rectify this.)