

Would Someone Be Forced to Pay a Decorator If He Doesn't Like the Finished Job but Doesn't Want It Removed?

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Question: A secretary took it upon herself to decorate her office, and installed some of her own paintings on the walls. When her boss sees it, he says he doesn't like them and, therefore, won't pay her for the full price. Instead, he says that he will pay cost-price for her paintings. She's insulted and says she'll just take them back. However, he doesn't want it removed because he is worried that doing so will ruin the walls. What is the halacha in this case?

Answer: The Gemara says that if someone goes into a field and upgrades it, the owner can tell him to undo it and refuse to pay him. Alternatively, the worker can choose to take it back if he desires. If, however, the upgrade was something like planting a tree where uprooting it will negatively affect the owner, the worker cannot choose to take it back if the owner is willing to keep it and pay him for the cost. In other words, he can't be forced to ruin his ground by uprooting the tree. Since he does not want the tree, this would be a case of "*aino asuya lita*", and he would only have to pay the amount that the value of his field went up because it now has this tree in it. That would seem to be the halacha in this case. Although the secretary believed that she was beautifying the office, the owner can't be forced to agree with her. If the only reason he doesn't tell her to take the paintings back is because doing so would damage the walls, it would be a case of *aino asuya lita* and he would only have to pay the amount that the office's value increased because it is now adorned with artwork, which would probably not be much.