

Paying for a Wedding Cancelled Due to Covid-19

Rabbi Baruch Meir Levin

Question:

A chasan was unfortunately forced to cancel or delay his chasuna due to Covid-19. However, he had already made an agreement with a photographer, a musician, and a caterer for the event. Is he still obligated to pay them according to halacha?

Answer:

Concerning an agreement made for a caterer, there is very little basis in halacha for keeping it, as it is similar to money given for a sale or transaction that did not take place. However, there is significant discussion in the poskim about the status of a makkas medina (a regional catastrophe) with regard to continuing to pay a po'el, or employee. As a photographer or musician with whom a contract has already been signed, often has the status of an employee, there is some basis in halacha to pay them part of the money due, similar to the recommendation given for playgroups.

However, in practice, the consensus of the poskim seems to be that a ba'al simcha is not obligated to pay for these services, since the employment did not even begin at the onset of the makkas medina.

Question:

If the ba'al simcha has already made a deposit or down payment, can he ask for a refund?

Answer:

In this case, there is more basis for the photographer or musician to keep the money for two reasons:

1. In cases of safek (uncertainty), we often follow the muchzak (one in possession of the money) and allow him to keep it. Since our case may have the status of a safek, he may have a right to keep the money.
2. Whenever a deposit is given, the halacha generally assumes that the intent is for the vendor to keep it regardless of what happens in the future. Nevertheless, the ruling in such a case is not entirely clear, and the Bais Din will IY"H issue specific recommendations for this in the near future. We should also point out that even if the ba'al simcha has already paid for the entire cost of the service, the vendor must always issue at least a partial refund for the benefit that he receives of no longer having to work the night of the wedding, which clearly lowers the price. Consequently, in such a situation he must refund at least part of the money, and the status of the rest of the money will depend upon the issues above.

Question:

Would the vendor's ability to receive unemployment affect this ruling at all?

Answer: Yes, if the vendor collects a significant amount of money from unemployment, he would definitely be required to refund the money, as he cannot simultaneously receive compensation from both sources.