

BUSINESS WEEKLY



RESTORING THE PRIMACY OF CHOSHEN MISHPAT UNDER THE AUSPICES OF HARAV CHAIM KOHN, SHLITA

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לע"נ הרב יחיאל מיכל בן ר' משה אהרן אורליאן



CASE FILE

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לע"נ הרב אהרן בן הרב גדליהו ע"ה

200 ZUZ; 200 ZEKUKIM

The joyous wedding day finally arrived!

Yehudah sat at the *chassan's tisch*. He was flanked by his father, father-in-law to be and the *mesader kiddushin*, Rabbi Kadosh, who was filling out the *kesubah*.

"So, your name is Yehudah," Rabbi Kadosh said. "And what is your *kallah's* name?"

"Nava," replied Yehuda.

"We wish the two of you a long, happy and healthy life together!" exclaimed Rabbi Kadosh. "You are aware, though, that in the *kesubah* you are committing financially to the sums mentioned in the eventuality otherwise."

"Yes, I am aware," replied Yehudah. "We're learning *Maseches Kesubos* in yeshivah this year."

"Then I assume you also know the amount of the *kesubah*," Rabbi Kadosh said. "200 zuz for a woman who was not previously married. The Ashkenzic practice is to add 200 zekukim."

"What are zekukim?" asked Yehudah. "I don't recall coming across that in the *Gemara*."

"Indeed," replied Rabbi Kadosh. "The *zakuk* was a coin or piece of silver used in Europe, Poland and Russia in the times of the *Rishonim* and *Acharonim*."

"How much is that worth in dollars nowadays?" asked Yehudah. "I like to know what financial commitments I'm undertaking."

"To be honest," acknowledged Rabbi Kadosh, "I myself am not sure how much the *kesubah* is worth in dollars. I see Rabbi Dayan over there, though. Maybe he knows."

Yehudah asked one of his friends to invite Rabbi Dayan to the table.

"Mazal Tov, Yehudah!" Rabbi Dayan wished him heartily. "It's a great *zechus* to be here and share in your *simchah*!"

"Thank you," said Yehuda. "We had a question, though."

"How much is a *kesubah* of 200 zuz and 200 zekukim worth in dollars?"

"There is general agreement, based on the Rambam (*Hil. Shekalim* 1:3), that the *ZUZ* coin weighed approximately 4.8 grams," replied Rabbi Dayan. "Ashkenazic ruling is to require a zuz of pure silver (*Rema, E.H. 66:7*). Thus, 200 zuz is about 960g (31 troy ounces) of silver.

"The purchasing power of silver coins relative to other commodities was much greater, though, in *Chazal's* time. 200 zuz was considered a person's basic sustenance of



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לע"נ ר' שלמה ב"ר ברוך וזוג' מרת רייכלה בת החבר יעקב הלוי ע"ה ווייל

MAASER FROM INHERITANCE

Part II

Q: In the previous column, you stated that someone who inherits money must *maaser* it even if it was already *maaser'ed* beforehand by the person he inherited it from. Am I obligated to distribute all the *maaser* to the needy immediately, or may I put it aside and distribute it over the next few years?

A: We're assuming that you asked this question because you have heard of the Noda B'Yehudah's ruling (*Yoreh De'ah* 198) that a person should calculate the *maaser* he owes each year based on the profit and loss of that year alone (see BHI issue 546). You may be wondering whether this means that you must also distribute the *maaser* during the year it was earned. The Noda B'Yehudah's ruling is not relevant to your situation, however, because he is discussing only the way the *maaser* is *calculated* — namely, that a person may deduct losses from his revenues only if they were incurred during the specific year for which he is calculating his *maaser*. He is not addressing distribution of the *maaser*, which is what you are discussing.

In our previous column, we established that once a person begins to separate *maaser*, it becomes akin to a *neder*, and he must continue to do so (unless he expressed specifically when he began that he is doing so *bli neder*). Since it is a *neder*, it is governed by all the rules of a *neder* — one of which is *bal te'acher*, which means that a person may not delay fulfillment of a vow he made to donate something for a holy purpose. Therefore, when a person makes a *neder* to give *tzedakah* to the needy (or to a shul; see Rambam, *Sefer Hamitzvos, Lo Saaseh* 157), he must make that donation immediately. If he delays payment, he transgresses the prohibition of *lo se'acher l'shalmo* (*Devarim* 23:22) — assuming there are needy people requesting a donation (*Shach* 257:5). If there are no poor people to donate to, he must set aside the money until he finds someone to donate it to (*Shulchan Aruch, Yoreh De'ah* 257:3 with *Gra*, but cf. *Psakim Uteshuvos*, fn. 57).

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CASE FILE

food and clothing for a year. My personal estimate (based on examples in the *Gemara*) is that the *zuz* corresponded then to about \$40-50 nowadays, so that 200 *zuz* represented \$8-10,000. Nonetheless, the halachic value of the *zuz* for *kesubah* and other *mitzvos* remains linked to the value of silver. At current prices, this is only about \$750 (\$3.75 per *zuz*), barely a tenth of the value in *Chazal's* time.

"Perhaps for this reason the practice developed to add to the *kesubah*. Ashkenazic communities added 200 *zekukim*, but their weight and value are not clear, and varied from place to place and from time to time.

"Chazon Ish (*E.H.* 66:21), based on the *Gra*, evaluated 200 *zekukim* as 57.6 kg of silver, currently worth about \$45,000. At the other end, *Nachalas Shiva* (12:49), citing the *Bach* and *Drisha*, writes that 200 *zekukim* is a few times the base value of the *kesubah*, which would be only several thousand dollars." In many cases of divorce, the couple reach an overall monetary settlement, so that the specific value of the *kesubah* becomes irrelevant. However, there are cases, especially in Israel, in which the *kesubah* is awarded, and *beis din* must rule how much to pay.

"Harav Ovadia Yosef, *zt"l*, ruled that the husband can be held liable only for the lesser amount of the *Nachalas Shiva* (*Piskei Din Rabboniim* (Pd"R), vol. XI, pp. 362-366). *Tzitz Eliezer* (22:81), based on *Shiurei Torah* of Rav Chaim Naeh, similarly ruled 3.896 kg silver (~\$3,000). *Igros Moshe* (*E.H.* 4:91-92) rules 50 lbs. of silver (~\$17,500), so that the amount will be substantial. Others maintain 40 kg, currently about \$30,000 (*Bikkurei Goshen*, #19).

"For this reason," concluded Rabbi Dayan, "many people in Israel write a specific amount in a NIS or dollar sum."

Verdict: The value of a 200 *zekukim kesubah* ranges (at current silver prices) from several thousand to \$45,000.



MONEY MATTERS

Based on writings of Harav Chaim Kohn, shlita

MONEY MATTERS

Dayanim (Judges) #29

Location

לע"נ ר' יחיאל מיכל ב"ר חיים וזוג' ח'י בת ר' שמואל חיים ע"ה

Q: Which *beis din* has precedence when the litigants are from different locations?

A: In principle, the plaintiff (lender, or victim of theft or injury) can sue in the *beis din* of his locale. Alternatively, he can insist that they adjudicate before the primary established *beis din* of that time, even in another city (*C.M.* 14:1; *Sma* 14:1,6).

The long-time practice, however, is that neither party can insist that they adjudicate in another city when there is a local *beis din*. Furthermore, the practice – nowadays also among Sephardim – is that the plaintiff is drawn to the locale of the defendant, even if that *beis din* is less erudite (*Rema* 14:1; *Minchas Elazar* 2:2).

There are numerous reasons for this practice (*Knesses Hagedolah*, *Hagahos Hatur* 14:21):

- That the defendant will presumably be more subservient to the ruling of his local *beis din*
- To avoid disputes about which *beis din* is considered greater
- So that people should not treacherously sue wealthy people in the hope that they will settle to avoid having to travel to the plaintiff's city
- Since the plaintiff is the one who wants the money (*Gra* 14:18)



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Nevertheless, a person is not required to give all his *maaser* to the first poor person he encounters; he may distribute it in small increments to individuals or institutions who solicit him (see *Yoreh De'ah* 250:3), because a person separates *maaser* with the intention of serving as a treasurer of sorts, distributing it as he sees fit (*Beis Yosef* 257). This benefits *tzedakah* resources, because he is able to distribute his *tzedakah* to more recipients, or to relatives, who take precedence according to *Halachah*. Even so, he may not hold onto *maaser* money without a valid reason (see *Psakim Uteshuvos*, *ibid.* fn. 42).

Some *poskim* maintain that even if someone did not make a *neder* to give *tzedakah*, but he began to give *maaser* without expressing that it is *bli neder*, he still transgresses *bal te'acher* if he doesn't separate the *maaser* immediately (see *Derech Emunah*, *Matnos Aniyim* 8:8, but others disagree. If a person planned to use *maaser* for *mitzvos* other than *tzedakah*, see *Chazon Ish*, *Yoreh De'ah* 153:5 regarding whether *bal te'acher* applies).

Returning to your *she'eilah*, you must start to distribute the *maaser* from the inheritance immediately, but you may split it into small amounts and distribute it over a period of time — even a number of years — as long as you consider it beneficial for *tzedakah*. If it is not for the benefit of *tzedakah*, you may not hold onto it at all.

Nevertheless, you are permitted to make a condition, when you separate the *maaser*, that you will keep it on hand to distribute in small increments to whichever needy people you prefer (*Yoreh De'ah* 257:3; see *Derech Emunah* *loc. cit.* for another approach).

It is possible that since the custom nowadays is that when someone has a large sum of *maaser* money he distributes it over time to his preferred causes, then even if a person doesn't specifically express that this is how he intends to handle his *maaser*, he most likely set aside the *maaser* with that intention (see *Shu"t Shevet Sofer*, *Yoreh De'ah* 84, which we cited in our previous issue).

Having said that, the *Shelah* (*Maseches Chullin*, *Ner Mitzvah*, cited in *Eliyahu Rabbah* 156:2) writes:

Even if *Hakadosh Baruch Hu* granted a person a large sum of *maaser*, it is proper to empty his coffers and distribute it in the third and sixth years of *Shemittah*, in keeping with the *halachah* that pertains to *maaser* from produce. People who hold onto their *maaser* so that they still have some of it when they pass away are like "fools walking in darkness" (see *Koheles* 2:14), because they do not fulfill the *mitzvah* on their own.

It is likely, however, that the *Shelah* is not basic *Halachah* but a pious practice — as we can infer from his description of this as "*ra'ui* — proper" (*Tzitz Eliezer* 14:76).

On a final note, the *Chofetz Chaim* (footnote to *Ahavas Chesed* 18) says that a person may set up a *gemach* with his *maaser* and lend out the money at the time — and to the borrowers — of his choice.

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