

BUSINESS WEEKLY

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



Issue #759 | Korach | June 27, 2025 | 1 Tamuz 5785

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



CASE FILE

Rabbi Meir Orlian
Writer for the Business Halacha Institute



BHI HOTLINE

לע"נ הרב אהרן בן הרב גדליהו ע"ה

Submitted by the Beis Hora'ah

SILVER COINS

With the guests seated and the table beautifully set, the Weinberg dining room was filled with excitement. The aroma of marinated roast beef wafted through the air, but all eyes were on the 30-day-old baby, cradled in a soft white blanket.

"What a *zechus*!" Mr. Weinberg exclaimed emotionally. "We, and all my other children, had daughters first; this is the first *pidyon haben* in our family!"

Rabbi Dayan, a family friend, sat beside him, ready to officiate.

"Are you ready?" Mr. Weinberg asked his son Yisrael. "You have the coins?"

Yisrael reached into his pockets, first one, then the other.

"I forgot the silver coins!" he blurted out. "I had them in a pouch... I must have left them on the table at home!"

The room fell silent. Mrs. Weinberg glanced around nervously at the guests, who were now whispering among themselves. The photographer stopped mid-click.

"Can we still do the *pidyon*?" Yisrael asked Rabbi Dayan. "I have my checkbook... and I've got enough cash."

"Maybe you can get the coins?" Mrs. Weinberg gently asked her son. "There's plenty of food, meanwhile."

Yisrael smiled weakly. "We're 15 minutes away; I can drive over and get them." He took out his car keys.

But then Mr. Weinberg said: "That's a half-hour round trip. Why not just give the *Kohen* the cash? Or write him a check?"

"Can we do that?" Mrs. Weinberg whispered to him. "Isn't it supposed to be silver coins?"

The guests waited with curiosity.

Yisrael turned to Rabbi Dayan and asked:

"Can I give the *Kohen* a check or cash instead?"

"The Torah (*Bamidbar* 18:16) requires redeeming a firstborn son (*bechor*) with five silver *shekalim*," replied Rabbi Dayan. "The *Poskim* generally calculate this as 96 grams of pure silver. Nowadays, this is worth about \$120" (Y.D. 305:1).

"However, the *Gemara* (*Shavuos* 4b; *Bechoros* 51a) derives through the methodology of *klal uprat uklal* that the redemption can be done not only with silver coins but with any movable item of equivalent value (Y.D. 305:2).

"Nonetheless, *shtaros* (loan documents) cannot be used for the *pidyon*, since they do not have inherent monetary value but rather only represent the loan written in them (*ibid.*).

"The *Acharonim* address the possibility of redeeming a *bechor* with a check or paper cash.

"The halachic consensus is that a check cannot be used to redeem, since it is merely a written instruction to the bank to pay the bearer that amount from the funds in the account. It has no inherent monetary value and is no better than a loan document (see *Pischei Teshuvah* C.M. 95:1; *Pischei Choshen*, *Halva'ah* 10:[21]).

"Nonetheless, *Chasam Sofer* (Y.D. #134; C.M. #187) rules that governmental "banknotes" are considered

MOTHER'S WILL, MOTHER'S WAY

Q: Our father passed away five years ago, and our mother, who passed away recently, left a will bequeathing stocks she had invested in to her grandchildren. She bought those stocks with money

she inherited from her father 20 years ago, and her investments were very lucrative.

Our question is whether she had a right to distribute those stocks at all. We know that anything a woman acquires belongs to her husband, so it would seem that those stocks should have belonged to our father, in which case, we, his children, should inherit them, not the grandchildren to whom she bequeathed them.

Are we correct?

A: Assets a woman brings into marriage are classified in two ways:

1) *Nichsei tzon barzel*, also referred to as *nedunya*, are assets that are appraised when a couple gets married, and the husband takes responsibility for their value in the *kesubah*. He is then free to use them. If he dies or divorces the woman, he (or his heirs) must repay the full value as per the appraisal. They are called *tzon barzel*, because they are as reliable as iron (*barzel*), since their owner (the woman) will not be affected by their devaluation (*Rashi, Kesubos* 101a).

2) *Nichsei meilog* are assets for which the husband does not accept responsibility but may nevertheless use for investment purposes so he can benefit from the profits. If he dies or divorces his wife, those assets are returned to her at their value at that time, regardless of whether they appreciated or depreciated. The word *meilog* is related to plucking feathers from a bird but leaving the actual bird intact. Similarly, the husband has the rights to the dividends these assets produce, but the principal, as long as they still exist, belongs to their owner, the woman (*Rashbam, Bava Basra* 139b).

In earlier times, most of the assets a woman brought into marriage were appraised and written into the *kesubah* as

THE WERDIGER EDITION - לע"נ הרב"ח ר' נחמיה בן הרב"ח ר' שלמה אלימלך ז"ל - DEDICATED BY HIS SON R' SHLOME WERDIGER



BEIS HORA'AH

Ask the Rav, Email correspondence / Arbitration and Mediation
/ Small Claims / Wills and Estate Planning / Halacha Hotline



BUSINESS SERVICE DIVISION

Rabbinical Consultation / Banking and Iska / Contract Drafting
/ Shabbos Initiative / Industry-specific Seminars



AWARENESS & EDUCATION

Business Weekly / Hebrew Masa Umatan / Shiurim and Chaburis / Kollel IDayanis Choshen Mishpat
Curriculum / Seforim & Publications / Self-learning Program / Halacha on the Daf



CASE FILE

as money, not *shtaros*, for all financial purposes. Although their physical content is not of equivalent monetary value, since they are used by all people as monetary payment, they are considered as having inherent value. Furthermore, *dina d'malchusa dina* (the law of the land) certainly applies to issues of currency, so that if the government declares paper money as legal tender, it is considered of inherent cash value like actual silver coins.

"He questions, though, whether the 'banknotes' — or even metal coins without equivalent monetary content — can be used for *pidyon haben*, since it is primarily payment to Hashem, which He granted to the *Kohanim*. Hashem required the redemption of five silver *shekalim*, and regarding for Hashem — perhaps the government's rule to grant formal value to the currency due to its form is meaningless (*Pischei Teshuvah Y.D. 305:7*; see also *Aruch Hashulchan 305:18*).

"However, *Chazon Ish* (Y.D. 72:10) rules that official currency is considered money at its face value even for purposes of *pidyon haben* because of its usage value.

"*Aruch Hashulchan* (Y.D. 305:18) also rules that *pidyon* with paper money is valid in principle, but nonetheless writes to be stringent in practice.

"The common practice is to use silver coins, whether silver dollars minted in the U.S. or special silver coins minted now in Israel with the proper silver content," concluded Rabbi Dayan. "Where this is not possible, though, you can redeem with other movable items or possibly even cash of the requisite amount."

Verdict: *Pidyon haben* is with silver coins of 96 grams, or other movable items of equivalent value. A check on this amount is not a valid *pidyon*, but some *poskim* consider cash payment as valid.



MONEY MATTERS

MONEY MATTERS

Shabbos and Yom Tov

#8

Remote Worker; Car Mechanic

Based on writings of Harav Chaim Kohn, shlita

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

Q: 1. My non-Jewish employee works remotely at home and must do 40 hours weekly. 2. My mechanic charges an hourly rate for labor. Can I allow them to do my work on Shabbos?

A: We mentioned that a *po'el*, who works on a time-basis, not a flat-rate, is considered as working on behalf of the employer and is not allowed to work for you on Shabbos.

Nonetheless if the employer does not care when the work is done, even if the payment is calculated on an hourly or daily rate — it is sometimes permissible (O.C. 247:3)

Shevet Halevi (5:27) explains that the distinction is not per se between a *po'el* and a *kablan* but rather whether the worker is working on Shabbos for the Jew's purpose or for his own convenience.

Therefore, he rules that you can allow an employee who works 40 hours at his discretion to work on Shabbos, since you have no benefit from his work specifically on Shabbos, provided that you do not instruct him to work then and he does not work in your premises (O.C. 244:5).

Certainly, the mechanic can work on Shabbos, since he is an independent *kablan*; the hourly rate is merely his method of calculating the charge for the job. He is not even your "employee" in the regular sense of the word.

For questions on monetary matters, arbitrations, legal documents, wills, ribbis, & Shabbos, Please contact our confidential hotline at 877.845.8455 or ask@businesshalacha.com



BHI HOTLINE

nichsei tzon barzel (*Shu"t Radvaz 1:316; Nesivos 62:3*). Nowadays, most possessions are categorized as *nichsei meilog*, since they are not written in the *kesubah* — unless the husband specifically accepted responsibility for them.

The money your mother inherited, with which she bought those stocks, were *nichsei meilog*, since your father didn't take responsibility for them (*Shulchan Aruch, Even Ha'ezer 85:7*).

Now, since *nichsei meilog* belong to both husband and wife, *Chazal* took measures to protect both of their interests. Therefore, neither side is entitled to invest the money into risky ventures that could easily devalue or even be lost entirely (see *Chelkas Mechokek* *ibid.* 2). Furthermore, when the couple have differing opinions on where to invest the funds, the money should be invested into the investment that is likely to profit with minimal expense.

Given these guidelines, your father could have used your mother's inheritance to buy a property, and if he would have had to add some of his own money to purchase the property, only the part of the property purchased with your mother's inheritance would have been classified as *nichsei meilog* and returned to her upon his passing.

Since your father was entitled to derive benefit from the assets, your mother was not entitled to unilaterally decide to invest the money into stocks, for two reasons: (1) because stock investments are risky; (2) because he is not obligated to wait a long time to benefit from the profits. The capital gains of the stocks are not profit; they are considered principal and belonged to your mother. Only the dividends would qualify as profit that her husband could take, and that is usually not worth much.

But since your father did not insist on investing these *nichsei meilog* in something that would provide immediate profit, and he allowed your mother to invest in stocks, when your father died, they belonged to her (*Shu"t Igros Moshe, Even Ha'ezer 4:93[2]*). Her will is therefore binding, and the stocks should be distributed among her grandchildren.

We must emphasize, however, that in order for her will to be valid, she had to have prepared it in a manner that would make it binding even for assets that were not in her possession at the time it was written.



PLACE YOUR LOGO HERE IT WILL BE SEEN BY 30,000 PEOPLE
NL@BUSINESSHALACHA.COM
(718) 233-3845 #201

Neuhaus
CERTIFIED PUBLIC ACCOUNTANTS • ADVISORS
732-886-5430

Haas & Zaltz, LLP

WILLS & TRUSTS | ELDER LAW
SPECIAL NEEDS | PROBATE

718.412.5288

Sensible

Car Rental

718-633-2500
reservations@sensiblecarrentalbklyn.com