



## נדרים דף ע

### English Halacha Topics

Dedicated by Mr. and Mrs. Mayer and Chaya Rivka Fishl

*THIS WEEK'S MAAREI MEKOMOS ARE DEDICATED  
In Honor of My Chavrusa, Meir Eliezer*

#### Laws of Inheritance

The Gemara on Amud 2 says that the result of an arusa's father passing away is the same as the result of her becoming a bogeres. Just as in the first case, the husband does not become the sole nullifier, so too in the second. We might have thought that with her father's death, her brothers inherit his nullification right, like the rest of their inheritance. To that the Ran emphasizes that a man does not bequeath his rights over his daughters, to his sons. Let's discuss some practical aspects of laws of inheritances.

According to Jewish law, a daughter does not inherit anything of her parents' estate. However, it is an old established custom to nevertheless include her in the inheritance. In East European communities, it was common to bequeath to her half the amount a son received. This is excluding land and holy books. In Emes L'Yaakov he writes that in our days it is proper and correct to accord a substantial amount for daughters, and it is not an infraction of precluding inheritance (of the sons). Certainly, though, there should remain enough for the sons (C.M. 282). The Pischei Choshen (Yerusha 4) notes that Sefardim did not have such a practice.

However, Poskim frown upon the practice to **equate** the daughters' shares with that of the sons. See Shu"t Chasam Sofer C.M. 153 and Chazon Ish Igros 1:96. It flies in the face of the Torah's instructions that only males inherit their father.

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If there is cause for concern that arguments will erupt, one may allocate more to the daughters, but care must still be taken to ensure that the boys will get more than the girls. As Rav Henkin zt”l wrote, “if one of the sons or daughters seem fitting to get a larger share than the others – if they labored in their father’s business, or are poor, or are Torah scholars – they may do so.” (See Cheshev HaEifod 3:50; Kisvei R’ Henkin 2:100.)

One exception, found in the Cheshev HaEifod, is that of life insurance. The father may declare that all the life insurance payments are to be given to a daughter. It is plainly logical, this sefer maintains, to permit. The policy is not at all within the parameters of inheritance, but is given at a certain juncture however the policyholder deems fit.

One other topic is that of charity. Chazal warn us not to give away more than a fifth of one’s holdings to charity. But this doesn’t apply when one is on his deathbed (Rema, Y.D. 259:1). Chazal’s reasoning is that “he shouldn’t become a burden on others” if he gives away all his money, which doesn’t apply at that point. So how much can he give away posthumously?

The Poskim dispute this point. Some say he can give only up to a third of his holdings (R’ Akiva Eiger), some permit up to half (Aruch Hashulchan), and some allow almost all his money, as long as a significant amount remains for his children (Igros Moshe C.M. 2:50).

(Most of this material was drawn from the kuntress of Rav Aryeh Marburger shlit”a on Yerusha Al Pi Halacha; see there for more details.)

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