

Bais HaVaad on the Parsha, Parshas Pinchas

Heir in Law

Excerpted and adapted from a shiur by Dayan Yosef Greenwald

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https://baishavaad.org/wp-content/uploads/2021/06/BAM81_008_Pinchos_Rightful_Heir-Order_and_Rights_of_Yerusha.mp3

If his father has no brothers, you shall give over his inheritance to the kinsman (sh'eiro) closest to him in his family, who shall inherit it.

Bemidbar 29:11

In the Torah's laws of inheritance, a person who dies is inherited by his closest male blood relative. According to the Rambam and Sefer Hachinuch, the Torah uses the word "*veha'avartem*"—and you (plural) shall give over—because the mitzvah of *yerushah* applies to the bais din, which is directed to ensure that the Torah's inheritance protocol is followed. However, in the *pasuk* above, the Torah says "*veyarash osah* (and he shall inherit her)." According to *Chazal*, this refers to the husband inheriting "*sh'eiro*," which means his wife (see Bava Basra 111b). It would seem from the use of the singular "he" in this instance that a husband's *yerushah* of his wife is not part of the standard *sefer nachalos* that bais din oversees. This is because the wife is not a blood relative. Her relationship with her husband is built upon marriage and the mutual obligations it engenders; he is obligated to provide for her in various ways during her lifetime, and in return, he inherits her assets if she dies.

There may be a practical application of this idea. A person is allowed to distribute his assets as he sees fit shortly before he dies, per the rule that "*mitzvah lekayem divrei hamais* (it is a mitzvah to uphold the words of a dying person)." Nevertheless, it is recommended to leave at least some of one's assets for distribution according to the Torah's *sefer nachalos*. In contrast, there does not appear to be any source that recommends that a woman in a second marriage leave aside some assets for her husband. Rather, it is customary that she gives it all to her children.