

## Provision Provisos

*Excerpted and adapted from a shiur by Dayan Daniel Dombroff*

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[https://baishavaad.org/wp-content/uploads/2022/07/BAM82\\_008\\_Pinchos\\_Next\\_in\\_Line\\_Daughters\\_and\\_Yerusha-.mp3](https://baishavaad.org/wp-content/uploads/2022/07/BAM82_008_Pinchos_Next_in_Line_Daughters_and_Yerusha-.mp3)

*And to the B'nei Yisrael you shall speak, saying: If a man dies and has no son, you shall pass his inheritance to his daughter.*

Bemidbar 27:8

A daughter does not inherit her father if there are sons. There are several enactments of Chazal that address a decedent's daughter's needs, including *isur nechasim*, under which 10% of the estate is designated as a dowry for her future marriage, and *mazon habas*, which provides that her daily needs be met using money from the estate. Although these *takanos* cannot be implemented today in their original form, it is appropriate today, according to many contemporary *poskim*, for daughters to receive an equal portion of the *yerushah*.

The standard method used to implement this is *shtar chatzi zachar*, in which one undertakes a financial obligation to his daughters (or his wife, if he wishes that she inherit him) that is larger than his estate—and this debt takes precedence over inheritance—but the *shtar* states that the debt can be waived if the will (in which the daughters inherit equally with the sons) is executed properly. This method is effective if at least a small but significant portion of the estate is designated to fulfill the mitzvah of *yerushah de'Oreisa* properly.[1]

[1] Other suggestions for allowing daughters to inherit part of the estate include viewing a secular will as a mode of *kinyan* (acquisition), which is valid even against the rules of *yerushah* (R' Moshe Feinstein) or that the principle of mitzvah *lekayeim divrei hameis* (there is a mitzvah to fulfill the words of the deceased) overrides *yerushah*.