

Can One Transfer Part of His Yerusha Away From the Halachic Heirs?

Rav Yitzchak Grossman

Question: We said in the previous segment that is forbidden to transfer an inheritance away from the rightful heirs. What if one only wants to give part of his estate to someone else, but is still giving part of it to the halachic heir? Is that permitted?

Answer: This is a major *machlokes* amongst the Poskim. There are some sources in the Rishonim that indicate that one is allowed to do that. They say that as long as one leaves something to the halachic heirs, he can give the rest to others. Other Poskim point out that the Gemara seems to say that one cannot do this. The Gemara questions how it is permitted to leave some money as a dowry for one's daughter, and answers that this is permitted in order to help the daughter get married. We see from this that the Gemara questioned even giving away part of the inheritance, and answered that there is a special dispensation in this particular case, which seems to indicate that it is generally forbidden.

Question: According to the Poskim who permit bequeathing part of one's estate to non-halachic heirs, how much must be left for the halachic heirs?

Answer: That also is an important question.

One of the main sources for the opinion that one may give away part of one's assets to non-halachic heirs is the Tashbatz. He says that one must leave four *dinar* to the rightful heirs. Some Poskim say that this seems to be a nominal amount. Others, including Rav Moshe Feinstein, assume that four *dinar* was a significant amount at that time, and conclude that one must leave a substantial amount for the halachic heirs. How much is considered a substantial amount? One opinion is that one must leave half of his estate to the rightful heirs. In one *teshuva*, written in the mid-1960s, Rav Moshe says that one must leave them \$1,000. In another *teshuva*, he suggests leaving them 20% of the estate. So, while this opinion is that one must leave a significant amount, the exact amount is not entirely clear.