

## Do Children Have to Obey Parents' Wishes for their Estate When There Is No Will?

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**Question:** If a parent did not write a will but they intentionally stated to the children their intentions of how they want their assets to be divided. Are the children obligated to honor those wishes?

**Answer:** I would first note that it is highly recommended for parents to have a will. Simply stating your intentions to your children is not a good idea, as we shall explain.

In terms of whether the children are obligated to honor their parents' wishes under the general obligation of *l'kayem divrei hameis*, that wouldn't always apply. There are a number of conditions that have to be met and often those conditions won't hold.

As to the general obligation of *kibud av v'eim* to listen to one's parents, it's not so simple that it would apply here. First of all, *bais din* does not enforce *kibud av v'eim*. Secondly, it isn't entirely clear that the children even have a personal obligation to obey their parents' words in such a scenario. The Gemara deliberates whether a child must spend his own money to honor his parents and we *pasken* that he does not. In this case, the sons are being asked to give up part of their inheritance to honor their parents, and they might not be obligated to do so.

Furthermore, there is a major debate if *kibud av v'eim* requires listening to a father's wishes altogether. The Gemara's examples of *kibud* and *morah* for a parent are certain actions that show *kavod* or *morah*, such as standing up when a parent enters the room, not sitting in his place, helping him get dressed, feeding him, and so on. It does say that one shouldn't contradict him, but that's because it's a lack of *kavod* to say that he's wrong. Whereas, if a parent tells you to wear a sweater because it's cold outside, although you shouldn't tell her that she's wrong, there are many Poskim who say that you don't have to listen to her. Instead, you can smile politely and then go outside without a sweater.

The Maharit has a famous teshuva where he says that if a father orders his son to marry a girl whom he does not wish to marry, he does not have to listen. Two of his reasons are the ones that we mentioned above. Firstly, giving up the girl of his choice would be like honoring the father with the son's own resources, which he is not obligated to do. Secondly, he says that a son does not have to listen to his father's arbitrary commands.

Both of these reasons apply in the case in question and can be used as justifications not to have to obey the father and give a share of the inheritance to a sister.

Obedying the parents' wishes may be the correct thing to do, and Rav Yaakov Kamenetsky is quoted as saying that it is a *hiddur* in the mitzvah of *kibbud av v'eim*, but it is not at all clear that there is an obligation to do so. That is why Poskim recommend writing a will to avoid arguments and so that there is no ambiguity about who is entitled to the money.