

How Are Parents' Assets Divided When There Is a First-Born Son?

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Question: Two parents pass away within a few weeks of each other, leaving behind several sons, including a *bechor*. How is their estate divided?

Answer: In addition to the rule that sons inherit their father and mother, there is another rule that a first-born son gets "*pi shnayim*", a double portion. He receives twice as much as his brothers. If there are three brothers, for example, the inheritance is divided into four equal parts, with the *bechor* taking two parts and the other two brothers each taking one. However, this halacha only applies to the estate of a father and not to the estate of a mother. Therefore, if both parents passed away we have to establish which assets were the father's and which were the mother's, and who died first. If the father died first, his sons inherit his assets, with the first-born getting a double portion. Then, if the mother has independent assets, upon her death they are divided evenly amongst all of the brothers. If the mother died first, the husband inherited all of her assets. When he subsequently dies, the firstborn gets a double portion of all of the assets.

Question: Do all first-born males have the status of a *bechor* that entitles them to *pi shnayim*?

Answer: Not every oldest son is a *bechor*.

First of all, a boy is only a *bechor* if he was the first child to be born. If he has older sisters, even if he is the oldest son, he is not a *bechor*.

Additionally, even if he was the first child, if he was born via a C-section, he does not have the status of a *bechor* (nor does the son born after him).