

## May One Give a Portion of His Yerusha to Tzedakah?

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**Question:** A person wants to give the bulk of his estate to his children, but also wants to leave part of it to a yeshiva or *chesed* organization. His children object and say that according to Halacha, the entire estate is supposed to go to them. Who is right?

**Answer:** This is a major *machlokes haposkim*.

There actually are conflicting Gemaras that discuss whether it's appropriate to give away one's estate to *tzedakah*. In one Gemara, someone is criticized for doing that. In another Gemara, it says that Mar Ukva left a lot of his money to *tzedakah*, and praises him for this. There, the Gemara adds that although a living person may not give more than one-fifth of his money to charity, at the time of death one may give more than one-fifth.

The Rema rules that there is no limit to how much one can give to *tzedakah* at the time of his death. Other Poskim rule that one can give up to half of his estate to charity, while some say that one may give up to one-third. The Chasam Sofer says that one shouldn't leave anything to *tzedakah* because all of the money should go to the children. He only makes an exception in a case where there are no sons and one wants to leave some of his assets to *tzedakah* as a *zechus* because he is not leaving behind any sons. Otherwise, he says that one shouldn't do that. So, there is a wide array of opinions on this matter.

**Question:** Does it make a difference if the reason he wants to give to *tzedakah* is that he wants to help that charity or because he wants to deny his children the money?

**Answer:** Most Poskim who discuss the question of *tzedakah* don't get into that but there are some who explicitly say that the whole dispensation to give a significant amount to *tzedakah* at the time of death is only when he is doing it *l'shem tzedakah*; however, if he is doing it specifically to disinherit the rightful heirs, it should not be done.