

## May One Give His Daughters a Portion of His Will?

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**Question:** We said in a previous segment that when one has sons, they receive the entire inheritance. What if a father wants to include his daughters in his will? Is he permitted to do so?

**Answer:** At first glance, this would seem to be problematic because one is normally not supposed to transfer his estate away from the rightful *yorshim*, and, according to halacha, when there are sons, the daughters are not *yorshim*. Nevertheless, there is a longstanding custom going back hundreds of years to the times of the Rishonim for fathers to bequeath some of their estates to their daughters. This was typically done in medieval Ashkenaz with a mechanism called a “*shtar chatzi zachor*”. This was a document that was typically given to daughters upon their marriage that guaranteed that they would receive a portion of their father’s estate when he passes away. The Poskim give various justifications to explain why this practice was acceptable. One of the most prominent explanations was that, as we previously explained, the Gemara says that giving part of the estate as a dowry for a daughter is a mitzvah because it helps her get married, which is why it is not a problem of *havaras nachalah*. Accordingly, the *chachmei* Ashkenaz accomplished the same thing in the form of a *shtar chatzi zachor*. Instead of giving her a dowry upfront to help her find a suitable shidduch, they gave her an assurance that she would receive part of the estate later, which accomplished the same.

Based on that rationale, there are Poskim who say that this mechanism is only legitimate at the time of marriage or beforehand, in order to encourage suitors, but once the daughter is married there is no such *heter*.

Nevertheless, the dominant custom is to allow this even in the form of a will that includes daughters who are already married, since there are also other reasons to permit it. For one, there is an opinion that permits giving away a part of one’s estate to someone who is not the halachic heir, which is one justification to permit giving part of one’s assets to a married daughter. Some add that it is permitted in order to make her more appealing in her current husband’s eyes. The minhag today seems to be to include even already married daughters in one’s will.

**Question:** Can one give daughters the same amount as sons or is there a limitation to how much one can give them?

**Answer:** That’s not entirely clear. The dominant *minhag* for hundreds of years was *shtar chatzi zachor*, meaning the daughter gets half the amount of her brothers. A *bechor* gets double the amount of a regular son and a daughter gets half the amount of a regular son.

No one really discusses whether one is allowed to give a daughter more. Rav Zalman Nechemiah Goldberg and other contemporary Poskim say that we do find some cases where fathers gave their daughters an equal share to what they gave their sons. So we see that is fine.

The Chasam Sofer says clearly that one shouldn’t give a daughter more than he gives his sons, but these Poskim say that one may give up to the

amount he gives his sons. I think that is the common practice in contemporary times.