

What is the Halachic Order of Inheritance?

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Question: A person passes away and leaves over a spouse and a number of children. How does halacha dictate for the assets to be divided?

Answer: When it comes to inheritance, halacha differs from secular law in a number of significant ways.

According to Halacha, the order of heirs is as follows:

Sons take precedence over all others. If there are sons, they are the only halachic heirs. If there are no sons, daughters inherit their parents' assets. If there are no children, the assets go to the deceased's father. If the father is no longer alive, the assets go to his sons (the deceased's brothers), or, if he has no sons, to his daughters. If there are no living descendants of the father, the assets go to the children of the father's father (the deceased's uncles, or aunts if there are no uncles), and so on and so forth.

The one exception to this rule is that a husband inherits his wife, although a wife does not inherit her husband.

This is different than American law in a number of ways. For example, in American law, sometimes an estate is divided between a spouse and children. According to Halacha, however, the different levels of relatives never split an estate. The closest relatives always get the entire estate to divide amongst themselves. If there are multiple sons, for example, they divide the estate among themselves, but not with any other relatives. Also, as mentioned, according to halacha the wife does not get any share in her husband's inheritance, and a mother also does not inherit a son. If a woman has a husband, he gets everything and her children get nothing, even if they are not his children.