

Gratitude from the Torah

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Parashat Pinchas

What Do the Daughters of Tzelafchad Teach us about the Laws of Inheritance?

How Do We Make a Will of Inheritance Fair to All Our Children?

Lately, during these insecure times, I've talked with my husband about making a will. We hope and plan to live until 120! But you never know. Making a clear and fair will of inheritance is important to prevent disputes and ill feelings among our children. Since we only have two sons, it seems like sharing in half whatever we leave behind (until 120!) should be an easy task. I wish! Without getting into the intricate laws of the firstborn son, things are still complicated for us, since our main asset is our home in the prime land of Bat Ayin, Gush Etzion. As our greatest prayer and will is that our descendants will live in our house and pick the fruits of the trees we have planted on the land, our halachic and legal will must favor the one who will live on our land. We would love to see our grandchildren and great-grands swing in the swings we built and add new ones too. How to find a way to apportion such preference in our will is complication #1. Complication #2. is that it's not simple to divide our homestead into two portions in a way that will be fair to both of our sons. Currently, on our plot, our house is much more valuable than both of our two small downstairs apartments located partially on the basement level. When we first obtained our plot, nothing was growing on it except dry thorn bushes. We worked hard to remove the weeds, plant trees, and add compost and good soil, to transform our plot into a magical bird resort. Although we struggle to upkeep our land, we would hate to see it revert back into brambles and thorns. Our greatest desire and yearning are for our descendants to treasure the land, here in Eretz Yisrael, and show appreciation and care for it. Our plot has a natural land division with a small garden in front of our home and a more than double as large garden behind it. It would make more sense to grant the larger piece of land as an inheritance to the descendent most suitable to take care of it. Complication #3 is all the variables and uncertainties in our lives and that of our children. Since no one can predict the length of their lives, our grandchildren may be the ones to take over our homestead when the time comes. As our younger son is newly married, we don't even know who that will be.

The Daughters of Tzelafchad Teach the Laws of Inheritance

The source of the mitzvah to leave our earthly possessions as an inheritance to our children is found in *Parashat Pinchas*. I find it interesting that although according to the Torah, the son takes precedence over the daughter regarding inheritance, we specifically learn about the mitzvah of leaving our possessions to our children from the daughters of Tzelafchad:

במדבר פרק כז פסוק א, ד-ז

וּתְקַרְבְּנָה בָּנוֹת צִלְפַּחַד בֶּן חֲפַר בֶּן גִּלְעָד בֶּן מַכִּיר בֶּן מְנַשֶּׁה לְמִשְׁפַּחַת מְנַשֶּׁה בֶּן יוֹסֵף וְאֵלֶּה שְׁמוֹת בָּנֹתָיו מַחֲלָה נֹחַ וְחֹגְלָה וּמִלְכָּה וְתִרְצָה... לָמָּה יִגְרַע שֵׁם אָבִינוּ מִתּוֹךְ מִשְׁפַּחְתּוֹ כִּי אֵין לוֹ בֶּן תִּנָּה לָנוּ אַחֲזָה בְּתוֹךְ אַחֵי אָבִינוּ: וְיִקְרַב מִשָּׁה אֶת מִשְׁפָּטֹן לִפְנֵי הָשֵׁם: וַיֹּאמֶר הָשֵׁם אֶל מֹשֶׁה לֵאמֹר: כֵּן בָּנוֹת צִלְפַּחַד דְּבַרְתְּ נָתַן תִּתֵּן לָהֶם אַחֲזֹת נַחֲלָה בְּתוֹךְ אַחֵי אָבִיהֶם וְהֵעֲבַרְתְּ אֶת נַחֲלַת אָבִיהֶן לָהֶן:

“The daughters of Tzelafchad, the son of Chefer, the son of Gilead, the son of Machir, the son of Menashe, of the families of Menashe, the son of Yosef came forward. His daughters’ names were Machlah, Noah, Hogla, Milkah, and Tirtzah. Why should our father’s name be eliminated from his family, because he had no son? Give us a portion along with our father’s brothers.’ So, Moshe brought their case before Hashem. Hashem spoke to Moshe, saying, ‘The daughters of Tzelafchad speak properly. You shall certainly give them a portion of inheritance along with their father’s brothers,

and you shall transfer their father's inheritance to them" (*Bamidbar* 27:1-7).

The Yearning for the Land Awakening Among Women

In our time and age, there is an intensified awareness, especially among women of the inherent holiness of our Land. Despite our current difficulties, many among our people are willing to risk their lives to defend Eretz Yisrael. Our attachment to the Land of Israel is constantly being strengthened as we with *mesirut nefesh* (self-sacrifice) expand our yishuvim and build new communities. From where do we get this strength to stand up for the Land despite the dangers it entails? From which source do we draw our inherent attachment to this land? "The deeds of the fathers are signs for their children" (*Midrash Bereishit Rabbah* 70:6; Ramban, *Bereishit* 12:10). I believe that this saying can also be understood in the feminine: "the deeds of the mothers are signs for their daughters!" We are only an extension of the souls who preceded us. The spiritual rectifications enacted by our ancestors have paved the way for our continued efforts in those same areas and have become part of our spiritual genetics. Among the role models who have affected our inherent attachment to the Land of Israel are the daughters of Tzelafchad. In a time when the general sentiment was remiss regarding the love of the Land of Israel, the five sisters stood up in their dedicated quest for a portion of the Land. They yearned to be part of revealing the Shechinah through redeeming Eretz Yisrael. Let us draw increased strength in our holy endeavor to reclaim our Holy Land.

Contrasting the Men's Depreciation and the Women's Appreciation for the Land

The Midrash and commentaries contrast the desire of the women for the land of Israel with the men's lack of emunah: "*The daughters of Tzelafchad...approached*" – that generation, the women would repair what the men would breach. "*The daughters of Tzelofchad...approached*" – that generation, the women would repair what the men would breach, as you find that Aharon said to them: "Remove the gold rings that are in the ears of your wives" (*Shemot* 32:2). But the women were not willing, and they reprimanded their husbands, as it is stated: "All the people removed the gold rings [which were in their ears]..." (*Shemot* 32:3), but the women did not participate with them in the act of the calf. Likewise with the spies who disseminated slander: "They returned and caused the entire congregation to complain against him, [to disseminate slander about the land]" (*Bamidbar* 14:36). The decree was determined against them because they said, "We cannot ascend." (*Bamidbar* 13:31). However, the women did not participate in their complaint, as stated above, "...*They shall surely die in the desert and no man was left of them except Kaleb the son of Yefune and Yehoshua the son of Nun.*" (*Bamidbar* 26:65). It states, "man" and not 'woman,' because the men didn't want to enter the land, but the approached to seek an inheritance in the land. Therefore, this section is juxtaposed to the death of the generation of the wilderness, where the men breached and the women repaired (*Midrash Bamidbar Rabbah* 21:10). The Kli Yakar goes as far as to say that Hashem would have preferred to send women to spy the land since they love it and ask for possession of the land (*Bamidbar* 27:4), whereas the men despised the land and asked to return to Egypt (*Ibid.* 14:4). Therefore, Hashem told Moshe שלח לך / *shelach lecha* – "Send men for you" – according to your own opinion. However, in My opinion, it would have been better to send women (*Kli Yakar, Bamidbar* 13:12). Perhaps because of the women's love of and appreciation for the Land of Israel, we learn all laws of inheritance from women. Following the daughters of Tzelafchad's request for an inheritance in the land Hashem reveals to Moshe all the additional halachot of inheritance:

ספר במדבר פרק כז פסוק ח וְאֵל בְּנֵי יִשְׂרָאֵל תְּדַבֵּר לֵאמֹר אִישׁ כִּי יָמוּת וְבֵן אֵין לוֹ וְהֵעֲבִרְתֶּם אֶת נַחֲלָתוֹ

לְבַתּוֹ: (ט) וְאִם אֵין לוֹ בֵּת וּנְתַתֶּם אֶת נַחֲלָתוֹ לְאִחֵיו: (י) וְאִם אֵין לוֹ אֲחִים וּנְתַתֶּם אֶת נַחֲלָתוֹ לְאִחֵי אָבִיו: (יא) וְאִם אֵין אֲחִים לְאָבִיו וּנְתַתֶּם אֶת נַחֲלָתוֹ לְשָׂארוֹ הַקָּרֵב אֵלָיו מִמִּשְׁפַּחָתוֹ וְיָרַשׁ אֹתָהּ וְהִיְתָה לְבְנֵי יִשְׂרָאֵל לְחֻקַּת מִשְׁפָּט כְּאֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה:

“Speak to the children of Israel saying: If a man dies and has no son, you shall transfer his inheritance to his daughter. If he has no daughter, you shall give over his inheritance to his brothers. If he has no brothers, you shall give over his inheritance to his father's brothers. If his father has no brothers, you shall give over his inheritance to the kinsman closest to him in his family, who shall inherit it. This shall remain for the children of Yisrael as a permanent statute like Hashem commanded Moshe!” (*Bamidbar* 27:8-11).

The Divine Laws of Inheritance Imbue us With Gratitude to Hashem and our Relatives

I found the explanation of the famous medieval *Sefer Hachinuch* (a widely respected codification of all the 613 mitzvot organized by the Torah portion in which each mitzvah is found) of the mitzvah of inheritance particularly moving because it explains how the laws of inheritance show gratitude to Hashem who grants us our possessions, as well as an appreciation for our relatives who assisted us in gaining the skills that helped us earn our prosperity. It helped me tap into my overwhelming gratitude for everything Hashem has granted us, especially for our portion in the holy land! The *Sefer HaChinuch* writes extensively on the laws regarding inheritance in the 400th mitzvah of the Torah: “Among the root of the mitzvah a person should reflect that the world is in the hand of the Master that oversees all of His creatures, and it is in His desire and His goodly will, that each and every person acquires the portion of possessions that he attains in this world. And His gift is blessed, that it stays forever with the one He gave it to, were it not that it was decreed that every person would die due to our sins. Yet the removal of a person’s body is not a reason to end the blessed gift of G-d. Rather, this present should extend [to] the body that emanates from him, i.e. his son or his daughter. But if he passes away with no children, it is proper for the blessing of G-d to return to his closest relative; as this blessing that he acquired was due to his forefathers’ merit. Or perhaps together with his close relatives, he learned the skills with which he acquired this wealth taught him some skill with which he acquired his possessions. It is therefore fitting when a person leaves the world that his relatives who helped him through his life should receive his possessions.”

Making A Will Aligned with the Will of the Divine

Whereas a person has the full right to decide the allocation of his possessions while alive in this world, after his passing, the possessions return to Hashem who grants them to his closest relatives according to the laws of the Torah. If a father makes a will in which his son will not inherit him, it has no legal validity, as he has no powers to uproot Hashem’s decree that an inheritor receives the inheritance. Even though a person’s belongings are given over to him for all his wishes, and he can give them as a present to whoever he wants, and he may even destroy them, nevertheless he may not change the laws of inheritance after his death, as this thing is against the will of Hashem. These laws regarding inheritance stirred up in me the gratitude for the trust with which Hashem allowed us to be guardians of His most cherished asset – the Land that is considered Hashem’s beloved daughter. I’m facing the prospect of making our halachic and legal will with even more reverence and awe! I hope and pray that we will be able to align our will with the Will of the Divine!

Gratitude Focus for the Week of Parashat Pinchas – Some Tips for Making a Halachich Will

Many people believe a will or testament is only for people with large estates. Or they put off writing

their will until some undetermined future day when they believe it will become appropriate to think about such matters. Without a will, families may be split apart as the heirs argue incessantly over the inheritance. Even within the halachic community, governed by the Torah's clear laws of inheritance (*Bamidbar* 27:7-11), families are sometimes torn asunder by disputes, large and small financially, yet heated and protracted emotionally. In the interests of peace within a family, we must arrange to divide our assets fairly among the children. However, according to most authorities, a typical last will and testament is halachically ineffective. One cannot bequeath property posthumously (*Pitchei Choshen* 9:134). Yet, a will that calls for the Torah's exclusion of daughters could lead to hatred and a split in the family (*Gesher Hachaim* p.42). Today, bequeathing equal shares to all children is the most likely way to avoid these terrible results, and there are halachic ways to write a will to that purpose. At first glance, writing a will may feel less like a spiritual experience and more like a thankless chore governed by necessity. Second thought, though, reveals otherwise. Writing a will that adheres to Jewish law is a powerful reminder that where you are, what you have, and what you accomplish can (literally) give you and posterity the future. Spelling out your wishes is also the greatest gift you can give to your loved ones: it allows them the comfort of knowing that they are fulfilling your requests even after separation.

- **Make a Commitment to Writing your Will** – and ask your rabbi how to ensure it is in accordance with halacha, given your specific circumstances.
- **According to Jewish Tradition, Legacy Planning is not Associated with Death** – but rather with an extended lease on life: Our sages teach us that making arrangements for one's inevitable demise unlocks the blessing of longevity. Why? Perhaps because thinking about – and preparing for – the moment of departure from this world helps us re-orient and refocus ourselves.
- **From the Torah Perspective Life is not an Aimless Path** – rather, it is a journey and mission imbued with direction, meaning, and purpose. Contemplating the moment when life ceases in this world reminds us that living is all about giving; giving, in turn, helps us connect with the boundless benevolence of G-d – the life force of existence.
- **Learn About the Halachic Ways of Distributing an Estate Equally to all Your children** – it is no modern invention. The Rama (Rabbi Moshe Isserless) of the mid-16th century, wrote about the custom of giving daughters a portion of an estate through a halachically sanctioned document called a *shtar chatzi zachar*. (The Rama *Even HaEzer* 113:2 and *Choshen Mishpat* 281:7).
- **Review Your Will Regularly** – especially after significant life events (e.g., marriage, divorce, births, deaths, or changes in financial circumstances), and make any necessary updates to ensure it remains valid and reflects your current wishes.