

**Understanding  
Hilchot Yerusha:****WHO ARE THE DEFAULT TORAH-HEIRS?**

Under default Torah rules of inheritance (yerusha), the estate passes through a fixed hierarchy. Sons inherit first; if there are no sons, daughters inherit. If there are no children at all, the inheritance passes to the deceased's father. If the father is not alive, it passes to the deceased's brothers, and if there are no brothers, to the sisters. At each point in the chain, male relatives take precedence over female relatives at the same level, but once an heir is reached, that heir's position becomes the gateway for inheritance to flow downward.

This key element of the yerusha system is known as “standing in the place” (*per stirpes*). If a person who would have inherited has already died but left children, those children inherit in that person's place. At each such node, the same priority applies: sons inherit first, and if there are no sons, daughters inherit, and this rule continues through all generations. When there are multiple heirs at the same level, they generally split the inheritance equally.

The major exception is when sons inherit from their father, in which case a qualifying bechor (firstborn son) receives a double portion. Under halacha, a bechor is the father's first male child born through a non-Caesarean birth, provided no prior pregnancy resulted in a halachically recognized birth (including certain miscarriages, depending on gestational stage). The bechor's double portion applies only to inheritance from the father, not from the mother. If there are two sons, the estate is divided into three shares: the bechor receives two shares and the other son receives one. If an heir at that level is deceased, that heir's children divide their parent's share equally, following classic *per stirpes* rules.

Spousal and dependent rights operate alongside, but largely outside, the Torah inheritance system and were explicated in the Talmudic era. A husband inherits his wife, but a wife does not inherit her husband. Instead, a widow is protected through ketubah rights. Similarly, when sons inherit, daughters do not inherit by default, but they are entitled to support and dowry provisions from the estate. These mechanisms provide financial protection while preserving the Torah's formal structure of yerusha.

**Basic order of inheritance (default yerusha):**

- **Sons** inherit first.
- If no sons: **daughters** inherit.
- If no sons or daughters: the deceased's **father** inherits.
- If no father: **brothers** inherit.
- If no brothers: **sisters** inherit.
- If none of the above: move **up the paternal line** (e.g., **father's father**), then to that generation's uncles, and if none, aunts.

**“Standing in the place” / descendants inherit (*per stirpes* idea):**

- At each stage, if an heir has died but left children, the children inherit in that heir's place: Sons first, and if no sons, then daughters, continuing through all generations. Adopted or step-children are not Torah heirs.

**Splitting rules when there are multiple heirs:**

- Generally, multiple heirs at the same level split equally.
- Exception: when sons inherit their father, a bechor (qualifying firstborn son) receives a double portion.

Example: two sons → estate split into **3 shares**: firstborn gets 2, other son gets 1.

- If an heir at that level is deceased, that heir's children **split that heir's share equally** (classic *per stirpes*).

**Support for daughters when sons inherit:**

- If there are sons, daughters do not inherit by default.
- They do receive support/allowance and dowry provisions from the estate.

**Spousal inheritance:**

1. A husband inherits his wife.
2. A wife does not inherit her husband.
3. Instead, a widow receives:  
Ketubah payment (a debt obligation of the estate), and  
Support from the estate until she collects the ketubah payment, but not inheritance of the assets.

## SCENARIOS &amp; SHTAR FILL-IN GUIDANCE

**Scenario 1**

A man dies leaving a wife, two sons, and one daughter. Under default halachic inheritance, the sons inherit (with a possible double portion for a bechor), while the wife and daughter do not inherit. A shtar may be used to support a civil will that benefits the wife and/or daughter.

**Scenario 2**

A woman dies with no spouse, leaving two sons and two daughters. Under default halachic inheritance, the sons inherit and the daughters are excluded. A shtar may be used to support a civil will that provides for the daughters.

**Scenario 3**

A man dies leaving a second wife, two biological sons, two biological daughters, and a step-son from his wife's prior marriage. Under default halachic inheritance, only the biological sons inherit. A shtar may be used to support a civil will benefiting the wife, daughters, and/or step-son.

**Scenario 4**

A man dies leaving a wife and three sons, one of whom is a halachic bechor. Under default halachic inheritance, the sons inherit with the bechor receiving a double portion, and the wife does not inherit. A shtar may be used to support a civil will that benefits the wife and the non-bechor sons.

**Scenario 5**

A woman dies, her husband predeceased her, and she leaves three daughters. Under default halachic inheritance, the daughters inherit equally. A shtar would be used only if the civil will diverts funds beyond the daughter, such as other relatives or charities.

**Scenario 6**

A woman dies with no spouse and no children, and no living parents. She is survived by a sister but wishes to leave money also to her nephew, niece, and her best friend's family. Under default halachic inheritance, the sister inherits everything. A shtar may be used to support the civil will.

**Scenario 7**

A man dies, his wife predeceased him, leaving three sons including a bechor, and he has a significant charitable intent. Under default halachic inheritance, the sons inherit and charity receives nothing. A shtar may be used to support charitable giving and/or internal family equalization (often by naming the charity and, if equalizing, one or two non-bechor sons).