

RABBI MENACHEM M. SCHNEERSON

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מנחם מענדל שניאורסאהן
ליובאוויטש

770 איסטערן פארקוויי
ברוקלין 13 נ.י.

By the Grace of G-d
6th of Shevat, 5728
Brooklyn, N. Y.

Mrs. Sarah Rifka Rosenbloom
501 W. 120th St.
New York, N. Y. 10027

Blessing and Greeting:

I duly received your letter with the enclosed copy of a proposed Will.

First of all, I wish to refer to the first part of your letter in which you write about the birthdays of yourself, husband and children. I wish each and every one of you Hatzlocho materially and spiritually. These generally go hand in hand together, and insofar as a Jew is concerned they not only go together, but with the supremacy of the spiritual over the material. Such supremacy does not mean the negation of the material but, on the contrary, to make the material a vehicle for all things good and holy. I particularly send you my prayerful wishes that you and your husband should bring up your children - with the speedy resolution of the problems which you mention - to a life of Torah, Chupah and Good Deeds, in good health and happiness, with much Hatzlocho for your husband in his field, and for you in yours.

The present days, approaching the Yahrzeit of my father-in-law of saintly memory, at whose holy resting place each one and all of you will be remembered, are especially auspicious.

May G-d grant that you should have good news to report in all the above.

With blessing,

M. Schneerson

P.S. Inasmuch as you invite my suggestions in regard to the Will, which, in this country, is an accepted practice to make it early in life, and is a Segulo for long life - I will offer the following suggestions, although I do not, of course, touch upon any of the aspects relating to investments and the commercial handling of the estate, etc.

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Firstly, there is in my opinion an omission of an essential point, namely the matter of Tzedoko. To be sure, those who will, after one hundred and twenty years, inherit their share of the estate will, please G-d, make provisions for the distribution of Tzedoko of their own good will. Nevertheless, it is a personal Mitzvo to provide for Tzedoko rather than to leave it for others to do so, even the closest members of the family. Moreover, the provision for Tzedoko should be one of the first clauses of a Jewish Will.

Needless to say, the amount of Tzedoko provided for in the Will should be according to the generosity of the testator. But if you wish my opinion in this matter, I would suggest that the amount so provided should be ^{חמשה} (one fifth) of the net estate, with the proviso that the distribution of the Tzedoko should not be delayed until the whole estate is properly and fully evaluated, but that a proportionate amount of any and all distributions under the Will should automatically be deducted for Tzedoko.

A further point which is also essential, and, indeed, should perhaps even precede the Tzedoko clause, as customary among Jews, is the matter of arranging for the expenses of the ^{קבר} (plot) and other expenses connected with the funeral, including tombstone, etc., in accordance with strict orthodox Jewish observance, so that these expenses should again not be left to the discretion of even the closest surviving members of the family.

In addition to the above, there are several other observations which I would like to make in the light of the fact that everything should be done in the fullest accord with the Torah and Yiddishkeit, especially in the matter of a Will. Consequently, unless there are compelling reasons to the contrary, I would suggest that the distinction which the Will makes (end of page four) between surviving and predeceased children, namely that those who are alive receive a full share individually, while the children of the predeceased receive one share collectively - if this is the meaning of the clause - does not accord with the Torah. For according to the Torah, the children of each predeceased heir receive their parent's full share. Of course, the children of a predeceased child all receive no more than the share of their deceased parent would have received were he alive, but no distinction is made between living and deceased children insofar as their share is concerned.

A further observation from the Torah viewpoint, which I trust you will not mind my mentioning it, is that according to the Torah, when there are sons and daughters, the daughters

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can receive any bequests which a parent wishes to make for them in the form of gifts, but not in the form of inheritance. Therefore, it would be right, in my opinion, that a Jewish Will should make a (symbolic) distinction between the sons and daughters, such symbolic compliance being met even if there is no more than one dollar difference. The important thing in this case is that the Will should bear evidence that it is made by a Jew whose life is based on the eternal truths of our Torah.

Finally, a technical point, namely that it seems to me that on page eleven, line four, the words "as then in effect" are usually added according to legal usage.

I am returning the copy of the Will herewith.

I have addressed the above letter to you, since it is in reply to the letter which you wrote and signed. But, of course, my good wishes and cordial regards extend equally to your husband.