

A Most Peculiar Inheritance

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At age 23, Tim Monutz, a college student, inherited a simple glass jar from his grandfather. The jar was filled to its brim with a collection of heirloom tomato and bean seeds the grandfather collected all of his life. Tim recalls how happy he was to have something of his grandfather's, since they had always been close, and yet the young man had not appreciated this peculiar inheritance at first.

As luck would have it, Tim lived just fifteen miles away from a leading expert in the field. Curious about his inheritance, Tim took his jar to this expert, whose eyes immediately lit up as he examined each seed and then evaluated the collection as a whole. At that moment, for the very first time, Tim realized he had come upon a very rare treasure.

Tim went on to devote his life to his grandfather's jar. Eighteen years later, the gift has grown into Happy Cat Farm, which boasts 342 types of tomatoes and various other heirloom produce. Reflecting on this turn of events, Tim remarked, "I'm grateful that this unconventional inheritance helped me find my true passion. I think that's a much better gift than money."
(Whole Living, *Family Roots* by Coleen Egan, July-August 2011)

During Tim's entire childhood and early adulthood, Tim's grandfather had failed to mention the existence of this rare collection, the secret passion of his life's work. Seed upon seed were added to the jar, without anyone knowing a thing about this growing treasure.

Upon hearing this story, I can't help but wonder about the many jars that are not as fortunate as Tim's grandfather's jar. How many jars containing seeds of worlds gone by, the recollections, traditions, and passions, of generations long past, sit aimlessly on a shelf, drying out, without ever seeing new growth, giving fruit to new life, or heaven forbid, are tossed thoughtlessly into the trash.

The question of inheritance is at the heart of our tradition – a tradition focused deeply on linking the future with the past, of rooting tomorrow’s fruit in yesterday’s labor. And yet, before we focus on the Jewish aspects of this question, let us for a moment take a cautionary note of how this question finds expression universally, in its most basic form, in the channels of the marketplace.

In a recently published article titled, *What to Tell the Children About Their Inheritance and When*, journalist Paul Sullivan includes several surprising stories that explore the challenge of wealth transference.

“When Naomi Sobel learned at 20 that she would receive a large inheritance, she said she knew it was a lot of money, and for her...it raised questions about a house: would it be enough to buy one? She laughs at this today, since it would have paid for many, many homes.”

“Jason Franklin, now 32, said he received a call from his grandfather’s secretary asking if he wanted to serve on the board of the family foundation. He was 21 at the time, and up until that point, he said he thought his parents were just affluent professionals like his friends’ parents. The invitation prompted questions.” (Paul Sullivan, *What to Tell the Children About Their Inheritance and When*, NY Times, July 20, 2012, <http://www.nytimes.com/2012/07/21/your-money/estate-planning/what-to-tell-children-about-their-bequest-and-when.html? r=1&pagewanted=all>)

In fact, several experts in the field of wealth transference claim a 70% failure rate in estate transitions, a failure that often leads to a significant wiping out of a family’s inheritance in the course of three generations.

Now when I hear these findings, I can’t help but notice the striking and amazing parallel that one can draw between these numbers and the high rate of assimilation figures that afflict our own Northern California Jewish community. If we were not aware of the context of the statement, “70% failure rate in estate transitions,” we could easily imagine that the concern

that one's inheritance would be wiped out in three generations was none other than our own fear for Jewish continuity, for our own inherited tradition and faith.

While the challenge of wealth transference, from materialistic possessions to spiritual riches, is a universal one, let us consider this question from a uniquely Jewish lens.

In several instances, when discussing inheritance, the Torah uses two distinct terms, '*nachalah*' and '*yerusha*.'

In *Ma'amar Chikur Ha'din* (II:28), R. Menachem Azaryah of Fano, a 17th century leading scholar in Italy, observes that there is a difference between the two expressions.

“‘*Nachalah*’ is related to ‘*nachal*’ (a stream), and is used repeatedly in the Torah when referring to inheritance which flows directly from a father to a son (just as a river flows continuously and directly)” (Shlomo Katz, *Hamaayan/The Torah Spring*).

In *The Jewish Law of Inheritance*, Dayan Dr. I Grunfeld points out that Rav Yisrael Moshe Hazan, the Chief Rabbi of Rome around 1850, makes a similar claim.

“*Nachalah*...is an original right (not a derivative one) which rests on the body of the estate in favor of him who is the legal heir. At the moment of death of the one who transmits the inheritance that original right flows like a river to the one who possessed it from the beginning. The original right of the heir has always been there, though dormant, and at that moment of death of the one who transmits the inheritance to the heirs, the dormant right revives...The legal position which is inherent in the Hebrew word נחלה can be symbolically expressed by applying to it the biblical verse כל הנחלים הולכים אל הים, all the rivers run into the sea, the ‘sea’ being the legal heir to whom the inheritance flows by a natural process as a river flows into the sea.” (<http://jlperspectives.org/2010/01/20/inheritance-as-a-natural-force-in-halacha/>)

Nachalah is an inevitable inheritance, a natural transition that takes place of necessity, with or without any focused effort on behalf of the giver or receiver.

In contrast, the word *'yerushah'* is used when referring to indirect inheritance, whether a son inheriting from a mother, a brother from a brother, or a daughter from a father. Unlike *'nachalah,'* these transitions are not direct. More importantly, these transitions may never occur at all. A brother will only inherit from his brother where the deceased brother was unmarried or without progeny. Similarly, according to Biblical law at least, a daughter will only inherit from her father if she is without brother.

R. Menachem Azaryah of Fano points out that the word *'yerushah'* is used most significantly in regards to two distinct religious inheritances: the land of Israel and the Torah. (See <http://www.torah.org/learning/hamaayan/5762/matos.html>)

In the Book of Deuteronomy we read, "Righteousness, righteousness shall you pursue, so that you will live and possess (*ve'yarashta*) the Land that the Lord, your G-d, gives you" (Deuteronomy 18:20). R. Azaryah explains that "the Torah uses a form of the word *'yerushah'* (the less direct inheritance) here in order to teach that we should not feel certain about holding-on to the Land of Israel."

Similarly, in Deuteronomy 33:4, the Torah itself is called a *'morashah,'* an inheritance, a word that shared its root with the term *yerushah*. Using his insightful distinction, R. Azaryah explains that the Torah cannot be directly transmitted from parent to child as a *nachalah*, a natural, effortless inheritance. The Torah is a *yerushah*, a form of inheritance that must be acquired by each person independently, through focused effort and intent.

R. Azaryah's distinction between two types of inheritances can help explain what seems to be a constant and growing challenge to our Jewish American community. Perhaps some of our shortcomings, be it high rates of assimilation, impoverished levels of Jewish literacy, a growing dispassionate and apathetic stance on Israel, to name but a few, are partially rooted in a profound confusion between Judaism as a *nachalah* and Judaism as a *yerushah*. In other words, despite prevalent talk about the crisis of Jewish survival and continuity, we still view Judaism as a natural inheritance, that will effortlessly and necessarily, be passed from generation to

generation, as opposed to viewing Judaism as an indirect inheritance, one that requires premeditated thought, effort, constant engagement, and proactive choosing at each step of the way, by each and every individual.

The economic model, of wealth transitions, offers an apt analogy. Money placed in your bank account doesn't guarantee that you'll know how to use those funds, how to spend or how to invest them.

Similarly and sadly, Jewish education on its own, without reinforcement at home, may easily become a worthless investment. Attending synagogue, without working on cultivating personal prayer, can easily slip into a prayer in vain. The Shabbat morning sermon, without dedication to struggling with the text more regularly, is a form of entertainment and not education. Standing up for the State of Israel, without immersing one's self in its delicate historical, social, or political nuances, can easily slip into a form of empty patriotism. Worst of all, with time, these forms of values and identity transitions will become less sustainable and will grow shallower and hollow.

While the challenge is immense, I believe that part of a solution can be found in very simple steps. In fact, the economic model of wealth transitions, offers plain and sound advice.

In the book, *Preparing Heirs: Five Steps to a Successful Transition of Family Wealth and Values*, authors Roy Williams and Vic Preisser offer a checklist for proactive dealing with these issues. It includes the following suggestions:

“Our family has a mission statement that spells out the overall purpose of our wealth.

The entire family participates in most important decisions, such as defining a mission for our wealth.

All family heirs have the option of participating in the management of the family's assets.

Heirs understand their future roles, have "bought into" those roles, and look forward to performing in those roles.

Heirs have actually reviewed the family's estate plans and documents.

Our current wills, trusts, and other documents make most asset distributions based upon heir readiness, not heir age.

Our family Mission includes creating incentives and opportunities for our heirs.

Our younger children are encouraged to participate in our family philanthropic grant-making decisions.

Our family considers family unity to be just as important as family financial strength.

We communicate well throughout our family and regularly meet as a family to discuss issues and changes.”

Now consider this checklist once again with a few slight modifications. Instead of wealth, we will use the word Jewish tradition or Jewish community. Instead of family, we will use the word congregational family. Instead of family heirs we will use the expression congregational family members.

Here are a few examples:

Our congregational family has a mission statement that spells out the overall purpose of our Jewish community.

The entire congregational family participates in most important decisions, such as defining a mission for our Jewish community.

All congregational family members have the option of participating in the management of the community's traditions.

Congregational family members understand their future roles, have "bought into" those roles, and look forward to performing in those roles.

Our congregational family Mission includes creating incentives and opportunities for our members.

Our younger children are encouraged to participate in our congregational family philanthropic Tzedakah-making decisions.

Our congregational family considers congregational unity to be just as important as the congregational family's financial strength.

We communicate well throughout our congregational family and regularly meet as a congregational family to discuss issues and changes.

This is nothing short of an open and bold invitation. Imagine leading your Jewish life with an absolute sense of ownership and empowerment.

How would we learn, pray, eat, observe Shabbat, support Israel, teach, donate, lead, participate differently if each of us truly believed Judaism was our own?

The lesson for us is clear.

Judaism is not a *nachalah*, it is a *yerushah*. It is only ours when we fight and invest, struggle and engage, sift, mine, and constantly choose to make it our own. No teacher or rabbi, no sermon or book, no community or school, nothing can take the place of proactive, direct, and personal participation in Jewish life and Jewish identity.

Each of us has been given a jar filled with the seeds of our tradition and these inherited seeds are in need of our constant attention; they are in need of constant cultivation. Indeed, the seeds of our tradition are waiting to sprout and blossom with meaning; to bear fruits with new flavors and tastes.

This Yom Kippur, I urge each of us, open the jars, plant the seeds, cultivate the continued growth of our tradition. This Yom Kippur, may we truly begin to inherit that which is already our own.