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Numbers 36

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Further instruction concerning the daughters of Zelophehad.

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Transcript

Numbers 36. The heads of the fathers' houses of the clan of the people of Gilead, the son of Macchae, son of Manasseh, from the clans of the people of Joseph, came near and spoke before Moses and before the chiefs, the heads of the fathers' houses of the people of Israel. They said, The Lord commanded my Lord to give the land for inheritance by lot to the people of Israel, and my Lord was commanded by the Lord to give the inheritance of Zelophehad our brother to his daughters.

But if they are married to any of the sons of the other tribes of the people of Israel, then their inheritance will be taken from the inheritance of our fathers, and added to the inheritance of the tribe into which they marry. So it will be taken away from the lot of our inheritance. And when the jubilee of the people of Israel comes, then their inheritance will be added to the inheritance of the tribe into which they marry, and their inheritance will be taken away from the inheritance of the tribe of our fathers.

And Moses commanded the people of Israel, according to the word of the Lord, saying, The tribe of the people of Joseph is right. This is what the Lord commands concerning the daughters of Zelophehad. Let them marry whom they think best, only they shall marry

within the clan of the tribe of their father.

The inheritance of the people of Israel shall not be transferred from one tribe to another. For every one of the people of Israel shall hold on to the inheritance of the tribe of his fathers. And every daughter who possesses an inheritance in any tribe of the people of Israel shall be wife to one of the clan of the tribe of her father, so that every one of the people of Israel may possess the inheritance of his fathers.

So no inheritance shall be transferred from one tribe to another. For each of the tribes of the people of Israel shall hold on to its own inheritance. The daughters of Zelophehad did as the Lord commanded Moses.

For Maula, Terza, Hogla, Milca and Noah, the daughters of Zelophehad, were married to sons of their father's brothers. They were married into the clans of the people of Manasseh the son of Joseph, and their inheritance remained in the tribe of their father's clan. These are the commandments and the rules that the Lord commanded through Moses to the people of Israel in the plains of Moab by the Jordan at Jericho.

The Book of Numbers ends in a very surprising manner with a chapter that commentators like Jacob Milgram consider likely to be a later appendix. Back in chapter 27 the case of the daughters of Zelophehad was raised. We read in verses 1-4 of that chapter.

Then drew near the daughters of Zelophehad the son of Hepha son of Gilead son of Macchae son of Manasseh from the clans of Manasseh the son of Joseph. The names of his daughters were Maula, Noah, Hogla, Milca and Terza. And they stood before Moses and before Eleazar the priest, and before the chiefs and all the congregation, at the entrance of the tent of meeting, saying, Our father died in the wilderness.

He was not among the company of those who gathered themselves together against the Lord in the company of Korah, but died for his own sin, and he had no sons. Why should the name of our father be taken away from his clan because he had no son? Give to us a possession among our father's brothers. The attention given to the case of Zelophehad's daughters is a curious feature of the later chapters of the book of Numbers, perhaps suggesting that it is a more significant case than it might initially appear to be.

The daughters of Zelophehad first appear in the account of the census in Numbers chapter 26. Much of chapter 27 is devoted to their case, and the entire final chapter also concerns them. For modern people reading these chapters it is easy to be tempted to frame things in the more individualistic terms of liberalism.

This is, we might think, about gender equality, about ensuring the justice of daughters getting the same inheritance rights as sons. Yet this would be badly to misunderstand what is going on. The case of Zelophehad's daughters was an exceptional one, rather

than a provision of inheritance rights for daughters more generally.

The concern was not the rights of daughters, but the protection of patrimony, about ensuring that the father's name not be blotted out. Daughters were not left without inheritance, besides often receiving both a dowry and a substantial bride price, a gift of money and property from the groom and his family. A daughter could also receive some of her father's property upon his death.

Indeed, there are historical indications that, in certain perhaps more exceptional contexts, daughters might even have ended up receiving more than their brothers generally did. The inheritance at issue for Zelophehad's daughters, however, was land, and land was subject to special considerations. To ensure that land not be lost to a family, it was kept in the paternal line.

The problem for Zelophehad's daughters was that, because their father had no sons, he might receive no portion in the land, and his name, the name of their family, might be blotted out from among their kinsmen. While this would be a continuing issue in the history of the nation, it was an especially keen one at the time of the original distribution of the land. While subsequent men who died leaving only daughters would probably only risk losing their land to their nearest living kinsmen, a man with only daughters at the first division of the land risked not having any land to leave behind at all.

Zelophehad's daughters then feared not truly entering the inheritance of the promised land as a family, only being able to marry into the inheritance as if they were outsiders. Their concern then seems to have been for their family's enjoyment of a stake among the people, not, as moderns might mistakenly think, about the place of women in a patriarchal society. The judgement that the Lord gave in their case in chapter 27 verses 6-11 is recorded as follows.

In this chapter their case is brought up again as there is a further potential complication that must be addressed. That a man's land could be left to his daughters raised the possibility of his land being lost to his clan and tribe if his daughters were to marry men of another tribe or clan. Such land would then be given to the tribe that they had married into at the time of the Jubilee.

Milgram observes the way in which, although the concern expressed is that the land not be lost to the tribe, the original concern seems to be more specific than that, that the land not be lost to the clan within the tribe. The resolution here is that they marry within their own clan so that their possession not be lost to their father. The daughters of Zelophehad married paternal first cousins to ensure that their father's property be preserved.

The underlying logic of all of this is similar to that of the law of leperate marriage described in Deuteronomy chapter 25 verses 5 and 6. If brothers dwell together and one

of them dies and has no son, the wife of the dead man shall not be married outside the family to a stranger. Her husband's brother shall go into her and take her as his wife and perform the duty of her husband's brother to her. And the first son whom she bears shall succeed to the name of his dead brother that his name not be blotted out of Israel.

The daughters of Zelophehad, in wanting to ensure that their father's name is preserved in the land, are performing an act similar to that of leperate marriage. They perceived in the deep logic of the law a principle that seemed to work against the surface reading of the law. And so they brought their case to the Lord, appealing for some allowance to be made for the operation of that principle in their exceptional circumstance.

In chapter 27 where their case is first raised, it is probably important to read it in the light of what immediately precedes it at the end of chapter 26, something that is also referenced within it, the death of the entire Exodus generation in the wilderness on account of their sins. The men of that generation had drawn back from entering into the promise. Seen against that background, the daughters of Zelophehad present a stark contrast.

Where the sons of Israel drew back, here are five daughters pressing in, doing whatever they can to ensure that the name of their dead father reaches the promised land, or at least in the settled possession of their tribe in the Transjordan, competently appealing to the Lord's justice on his behalf. It is interesting to note that Zelophehad's daughters came from the clan of the people of Gilead, the son of Macchae. We read of this clan in Numbers chapter 32 verses 39-41.

Rabbi David Foreman observes a curious biblical detail that only the most attentive hearer might observe. In 1 Chronicles chapter 2 verses 21-23 we read of Hezron, the grandson of Judah, and his descendant Jair. Jair was a descendant of Judah on his father's side.

However, in Numbers he is presented as the son of Manasseh on account of his grandmother, the daughter of Macchae. In Jair we have another exceptional and surprising example of a father's name being preserved and secured through his daughter's line. When we consider what the daughters of Zelophehad represent, we might understand why it is fitting that the whole book of Numbers ends with a reminder of them.

In the biblical history there are several examples of women who proactively sought to ensure that the names of their husbands, fathers, or fathers-in-law not be blotted out. We might think of the daughters of Lot in Genesis chapter 19, Tamar in Genesis chapter 38, and most notably Ruth in the book of Ruth. The actions of these women were not all morally praiseworthy, but in the character of Ruth in particular, the laudable character of such a woman's faithfulness, loyalty, and creative proactivity is most clearly manifest.

Zelophehad's daughters are exemplars of these virtues too, virtues that Israel itself should pursue as a whole nation. Zelophehad's daughters represent the promise of a new faithful generation, of a generation of children determined to grasp their possession in the land where their fathers had once drawn back. As daughters, they might also be a symbol in which Israel is invited to see itself.

At various points in our discussion of the book of Numbers, we have noted the presence of passages strangely preoccupied with unusual situations involving women or female animals. The law concerning the test of jealousy in chapter 5, the ritual of the red heifer in chapter 19, the daughters of Zelophehad in chapter 27, the law concerning the vetoing of women's vows in chapter 30, and now the case of the daughters of Zelophehad again. In each of these instances, I believe that beyond the immediate situations or cases being addressed, there is a symbol of Israel as a nation.

In these various figures, Israel can see something of what it is or what it could be. Tested as a bride, they should be found faithful, the unfaithful bride having perished in the wilderness and having been cleansed of corpse defilement. Their faithful divine husband will affirm the vow that they once made to him, and as they enter into the promised land, they should follow the example of the faithful and determined daughters of Zelophehad, grasping hold of their inheritance.

Ending on such a note, the book of Numbers presents its hearers with a model for their own confident response to the promise of the Lord. As they follow Zelophehad's daughters' example, every one of them will secure their inheritance promised to their forefathers. A question to consider, the case of the daughters of Zelophehad was first raised in the opening half of chapter 27, a chapter which ended by treating the death of Moses and the appointment of his successor Joshua.

We have noted the likely significance of what the book of Numbers ends with, but just as a piece of music that does not conclude in the expected manner, the absence of the expected resolution of a piece has its own effect upon a hearer. What designed effect might the text's recognised omission of any mention of the death of Moses and the succession of Joshua have upon the attentive hearer of this final chapter?