

**July 14, 2019 - Num. 26:52 – 27:14 - Division of the Land, Daughters of Zelophehad**

**Torah Reading: Numbers 26:52 – 27:14 - Division of the Land, Daughters of Zelophehad**

**Psalm 105:12-22**

**Haftarah: Isaiah 57:13-19 + 58:12-14**

**Division of the Promised Land**

**Numbers 26:52-55** - "And the LORD spake unto Moses, saying, Unto these the land shall be divided for an inheritance according to the number of names. To many thou shalt give the more inheritance, and to few thou shalt give the less inheritance: to every one shall his inheritance be given according to those that were numbered of him. Notwithstanding the land shall be divided by lot: according to the names of the tribes of their fathers they shall inherit."

"according to the number of names,' i.e. in the census.

Rashi - And not to those below age twenty, although they reached the age of twenty before the allocation of the Land-for the conquest took seven years, and the allocation took seven [years]-no one other than these six hundred and one thousand took a portion in the Land, and if one of them had six sons, they received only their father's portion. - [Sifrei Pinchas 2, B.B. 117a]

Further, although the portions were unequal - since the portions were divided according to the size of the tribes - they were decided by lot, and the lot was determined by the Divine Spirit, as it is stated explicitly in [Tractate Bava Bathra [122a]: Eleazar the kohen was clad with the Urim and Thummim, and he said while inspired with the Divine Spirit, "If such-and-such a tribe is drawn, then such-and-such a territory will be allocated to it." The tribes were inscribed on twelve slips, and the twelve territories on [another] twelve slips. They mixed them in a box and the chieftain [of a tribe] placed his hand inside and drew out two slips. In his hand came a slip bearing the name of his tribe and a slip [inscribed] with the territory designated for it. The lot itself cried out, saying, "I am the lot drawn for such-and-such a territory for such-and-such a tribe" as it says, "according to lot" (verse 56) [lit. "by the mouth of the lot"] (Mid. Tanchuma Pinchas 6). Since some areas were superior to others, the Land was not divided [solely] according to measurements, but it was assessed; an inferior piece of land sufficient to sow a kor was equivalent to a superior piece sufficient to sow a seah [a thirtieth of a kor]; it all depended on the value [of the soil]. — [Sifrei Pinchas 7]

Joshua and Caleb were excluded [from this method of allocation]. And so it says, "They gave Hebron to Caleb as Moses had spoken" (**Judges 1:20**), and it further says, "According to the word of the Lord, they gave him the city he had requested" (**Joshua 19:50**). - [Sifrei Pinchas 6]

**Numbers 26:56** - "According to the lot shall the possession thereof be divided between

many and few."

"According to the lot" - This tells us that it was divided by the Divine Spirit. Eleazar was using the Urim and Thummim as the lot. (This is why it says, "in accordance with the Lord's word" [Joshua 19:50].) [Maimon. & Bartenora in Misn. Bicurim, c. 1. sect. 5.]

### **Levite Families Listed Separately**

**Numbers 26:57** - "And these are they that were numbered of the Levites after their families..."

**Numbers 26:62** - "And those that were numbered of them were twenty and three thousand, all males from a month old and upward: for they were not numbered among the children of Israel, because there was no inheritance given them among the children of Israel."

There were only nine tribes and a half among whom the land of Canaan was divided. Two tribes and a half settled on the other (east) side of Jordan, namely, the tribes of Reuben and Gad, and half the tribe of Manasseh.

### **None of the Israelites in the Original Census Included**

**Numbers 26:64-65** - "But among these there was not a man of them whom Moses and Aaron the priest numbered, when they numbered the children of Israel in the wilderness of Sinai. For the LORD had said of them, They shall surely die in the wilderness. And there was not left a man of them, save Caleb the son of Jephunneh, and Joshua the son of Nun."

All the rest of them, and those that murmured on the ill report of theirs, were now dead.

### **Women Not Included in the Curse**

Rashi - "not a man of them": But the women were not included in the decree [enacted in the aftermath] of the spies, for they cherished the Land. The men said, "Let us appoint a leader and return to Egypt!" (14:4), whereas the women said, "Give us a portion" (27:4). This is why the passage of Zelophehad's daughters follows here. — [Mid. Tanchuma Pinchas 7]

### **The Daughters of Zelophehad Ask for an Inheritance - Numbers 27:1-11**

Although the previous chapter declared "there was not a man of them" in the cursed generation who survived, and all died in the wilderness, Rashi cites a remarkable midrash:

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said, "Let us appoint a leader and return to Egypt!" (14:4), whereas the women said, "Give us a portion" (27:4). This is why the passage of Zelophehad's daughters follows here. — [Mid. Tanchuma Pinchas 7]

The midrash sees the desire of the daughters of Zelophehad for a portion of the land of Israel as an indication of that desire in all the women of the cursed generation - i.e. that there was a hidden underground stream of female faith all during the wilderness wanderings.

Free of the mostly male trait of competition for honor or power that drove Korah and others, they are able to see from a different and true perspective. In contrast to the urge to return to Egypt, these women love and long for the land of Israel and want their rightful portion.

In "Bewilderments," Avivah Gottlieb Zornberg sees the story of the daughters as a "bookend" to the description of the wife suspected of adultery at the beginning of Numbers. The depiction of her silence as she endures a humiliating "Sotah" trial is contrasted with the bold speech of Zelophehad's daughters here.

**Numbers 27:1-2** - "Then came the daughters of Zelophehad, the son of Hopher, the son of Gilead, the son of Machir, the son of Manasseh, of the families of Manasseh the son of Joseph: and these are the names of his daughters; Mahlah, Noah, and Hoglah, and Milcah, and Tirzah. And they stood before Moses, and before Eleazar the priest, and before the princes and all the congregation, by the door of the tabernacle of the congregation, saying,"

### Coming Forward

Unlike the wife suspected of adultery, who is "brought" to the trial, the daughters here approach of their own accord.

"came" = *qarab* - to draw near, approach, often used to mean "encroach" onto sacred ground.

Sometimes, like for Nadab and Abihu, the desire to encroach in the sacred has dangerous consequences. "...the stranger that cometh nigh (*qarab*) shall be put to death" - **Numbers 1:51**

So like Esther going in to see the king uncalled for, these daughters were risking something by approaching a very intimidating group - Moses, the High Priest Eleazar and the all-male council of "princes," and the "whole assembly" - the *edah*, the gathering of male representatives of the tribes.

Could they possibly be transgressing, stepping over the line in some way, being too audacious?

### Standing

"they stood" - *`amad* - to rise up, to stand, to take a stand, to hold one's ground, to endure, to remain, to persist

**Numbers 27:3** - "Our father died in the wilderness, and he was not in the company of them that gathered themselves together against the LORD in the company of Korah; but died in his own sin, and had no sons."

Zelophehad's name means either positively "a shadow from terror" or negatively "the bringer of terror is shadowed." What was his sin? It is not stated. But they wanted to make sure Moses knew their father was not part of any of the schemes against his leadership.

Rashi - Zelophehad did not cause others to sin with him (B.B. 18b, Sifrei Pinchas 13). R. Akiva says, He was the wood gatherer [see 15:32], and R. Shimon says: He was among those who ascended [the mountain] defiantly [see 14:44]. — [Shab . 96b]

**Numbers 27:4** - "Why should the name of our father be done away from among his family, because he hath no son? Give unto us therefore a possession among the brethren of our father."

"Why should..." - a phrase that challenges the gathered leaders to show why it should be so - The burden of proof is laid on them.

"Give us" - elsewhere in scripture the phrase is used to imply vital and often existential need that brooks no denial. Somewhere between a request and a demand.

This is the same "why?" that the murmuring congregation often voiced in their complaints in the wilderness, but here it is directed toward a firm belief that Israel would go in and conquer the land, and they should receive a part of that.

According to the Gemara, the daughters demonstrated their wisdom and tact by raising their case in a timely fashion, just as Moses was expounding the law of levirate marriage, or *yibbum*, and they argued for their inheritance by analogy to that law (Bava Batra 119b).

"If we have the status of a son, let us inherit like a son; if not, let our mother perform the levirate marriage." - something usually only done if there were no children, to "raise up seed" in Israel.

**Numbers 27:5** - "And Moses brought their cause before the LORD."

Moses was supposed to be the greatest interpreter of the Law, yet he defers to make a ruling on this question.

The Zohar (Zohar 3:205b) says Moses recused himself either out of modesty or to avoid suspicion that he was prejudiced against Zelophehad for whatever his sin had been.

Rashi says that in this case "the law escaped him" i.e. Moses was befuddled by this request. God was punishing him for "crowning himself," implying he was the the supreme legal authority, saying, "The case that is too hard for you bring to me (**Deuteronomy 1:17**)

In fact, the daughters were challenging a tradition of male inheritance that was the norm in the days of the Patriarchs.

### **‘The daughters of Zelophehad speak right’**

**Numbers 27:6-7** - "And the LORD spake unto Moses, saying, The daughters of Zelophehad speak right: thou shalt surely give them a possession of an inheritance among their father's brethren; and thou shalt cause the inheritance of their father to pass unto them."

The Lord had been silent for the 38 years in the wilderness, waiting for the generation to die off. Rashi says "the Divine *dibbur* (Word) never addressed Moses - in the mode of affection, of a face-to-face encounter, and of tranquil communication" - all those 38 years.

Now God finally heard something "right."

Rashi - "Zelophehad's daughters speak justly": As the Targum [Onkelos] גִּאֲוִת, rightly. [As if God said,] This is the way this passage is inscribed before Me on high (Sifrei Pinchas 18). It teaches us that their eye perceived what Moses' eye did not. - [see Mid. Tanchuma Pinchas 8] This passage ought to have been written through Moses, but Zelophehad's daughters were meritorious, so it was written through them. — [Sanh. 8a] Fortunate is the person with whose word the Holy One, blessed is He, concurs. - [Sifrei Pinchas 18]

The daughters are given a title generally reserved for men by the rabbis - *darshaniyot* - expounders of textual meaning, those able to draw out the right meaning from the biblical text. (B.Baba Batra 119b)

Implicit in this story is that justice and "rightness" emerge when we come forward and "stand" to speak from the heart. It also hints at a sort of Natural Law of equity "written in the heavens" that can be discovered - apart from the 613 commandments of the Torah.

An even more radical meaning has been put forward by the rabbis: When men were saying "Let us appoint a leader and return to Egypt," you demand an inheritance in the Land! [The daughters] answered, "WE know that in the end, Israel will claim their share in the Land; as it is said, "It is a time to act for God; they have transgressed the Torah." (Psalm 119:126) Don't read like this; read "They have transgressed your Torah in acting for God! ... Where there is not man, try to be a man!" (Yalkut Shimoni 773)

In other words, "When it is time to act for God, one may even transgress Torah

commandments."

Although the daughters broke no commandments, they spoke against the grain of common prejudice, and the *status quo* of legal interpretation. Jesus, of course, did the same, arguing against the Pharisees' interpretations even while He fulfilled the Torah in Himself.

The forcefulness of the five daughters' request is similar to Caleb's:

- **Joshua 14:12** - "Now therefore give me this mountain, whereof the Lord spake in that day; for thou heardest in that day how the Anakims were there, and that the cities were great and fenced: if so be the Lord will be with me, then I shall be able to drive them out, as the Lord said."

Their faith in God's ability to deliver the land is similar to Jeremiah's investment in a plot of ground as Jerusalem is being besieged, because, "Houses and fields and vineyards shall be possessed again in this land." (**Jeremiah 32:15**)

### The Rest of the Story

Later, the family heads of the clan of Manasseh's grandson Gilead appealed to Moses and the chieftains, arguing that if Zelophehad's daughters married men from another Israelite tribe, then their share would be lost to the tribe of Manasseh and be added to the portion of the tribe into which they married. So Moses, at God's bidding, instructed the Israelites that the plea of the tribal leaders was just and that Zelophehad's daughters could marry anyone they wished, but only among the men of the tribe of Manasseh (**Numbers 36:1–6**).

Each of the daughters married a son of an uncle. [**Numbers 36:10–11**] When the Israelites entered the land, Zelophehad's daughters appeared before Eleazer the priest, Joshua (who by then had assumed leadership from Moses), and the chieftains, reminding them that God had commanded Moses to grant them a portion among their kinsmen, and Zelophehad's daughters received a portion in the holdings of Manasseh, probably on the east side of the Jordan River (**Joshua 17:4–6**).

We see also that Job's daughters were given equal inheritance rights to his sons, probably a reflection of this ruling:

- **Job 42:15** - "In all the land there were no women so beautiful as Job's daughters; and their father gave them an inheritance along with their brothers."

### God Confirms to Moses that He Won't Enter the Promised Land

**Numbers 27:12-13** - "And the LORD said unto Moses, Get thee up into this mount Abarim, and see the land which I have given unto the children of Israel. And when thou hast seen it, thou also shalt be gathered unto thy people, as Aaron thy brother was

gathered."

Abarim = 'Those-on-the-other-side' (of the Jordan) Mt. Abarim, Pisgah and Nebo are mountains in this range.

**Numbers 27:14** - "For ye rebelled against my commandment in the desert of Zin, in the strife of the congregation, to sanctify me at the water before their eyes: that is the water of Meribah in Kadesh in the wilderness of Zin."

(see **Numbers 20:12**)