

## Chapter 3

### The Five Daughters of Zelophehad

(Numbers 27:1-11, 36:1-13 & Joshua 17:3-6)

*Could we but climb where Moses stood,  
And view the landscape o'er,  
Nor Jordan's stream, nor death's cold flood,  
Should fright us from the shore.*

Isaac Watts (1674-1748)

### Introduction

The story of the five daughters of Zelophehad (*b<sup>e</sup>noth Ts<sup>e</sup>lapchad* בנות צלפחד) - Mahlah, Noah, Hoglah, Micah and Tirzah - is told in three separate narratives in chapters 27 and 36 of Numbers, and in Joshua 17. Each episode of their tale reveals a little more about their quest to be allocated land in the name of their deceased father after Israel invades and takes possession of Canaanite land. After the daughters' first court appearance, YHWH commands Moses to climb the mountain of Abarim to view Canaan which the Israelites are about to enter (Num. 27:12-14). YHWH has already made it clear that only the 'new' generation - the children of the refugees from Egypt - will enter in the Promised Land (Num. 14:20-35). As a member of the 'old' generation of Israelite refugees who escaped from Egypt, Moses dies in the land of Moab (Deut. 34:1-8).

Representing the new generation are the five daughters of Zelophehad whose initiative leads to the addition of a new law to those given to Moses on Mt. Sinai (Exod. 20:1-31:18).<sup>1</sup> These assertive yet obedient *b<sup>e</sup>tuloth* epitomise the qualities valued by YHWH and the ancestral households of Israel, YHWH's new nation.<sup>2</sup>

With their achievement recorded in Israel's holiest book, the *Torah* (תורה), it is not surprising that Zelophehad's daughters hold a place of honour in the annals of early Israel. Four times the daughters' names are listed, and their unique story is told in three different pericopes in the books of Numbers and Joshua. Yet for centuries, the *b<sup>e</sup>noth* Zelophehad have been all but invisible in the Western Church, possibly because their story - along with the three other texts chosen for this thesis - is excluded from the Old Testament readings in the Church's three-year lectionary.<sup>3</sup> Such a positive story may have been ignored because of "the general neglect of the Book of Numbers"<sup>4</sup> or because unmarried young women in ancient Israel are less noticeable if their male relatives are not important figures. It is also probable that the uninformed misogyny of biblical scholars and theologians over many centuries has contributed to their neglect. Thus the story

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<sup>1</sup> Dennis T. Olson, *The Death of the Old and the Birth of the New – The Framework of the Book of Numbers and the Pentateuch* (Chico, Ca.: Scholars Press, 1985), 175.

<sup>2</sup> The ideology of the ancestral household - the primary social unit of the twelve tribes - is promoted by the narrators of the Books of Numbers and Joshua. Norman C. Habel, *The Land is Mine: Six Biblical Land Ideologies* (Minneapolis, Mn.: Fortress Press, 1995), 56-74; L. Daniel Hawk, *Joshua* (Collegeville, Mi.: The Liturgical Press, 2004), 208.

<sup>3</sup> *The Revised Common Lectionary*, Nashville, Tn.: Consultation on Common Texts, 1992.

<sup>4</sup> Litke, "The Daughters of Zelophehad," *Currents in Theology and Mission* 29:3 (June 2002): 207.

of Zelophehad's daughters is virtually unknown among Christians today because "it has been hidden by the cultural suppositions of past centuries of readers."<sup>5</sup>

Interest in Zelophehad's daughters has grown since the emergence of feminist biblical scholarship and Katharine Doob Sakenfeld's ground-breaking analysis of their story in 1988.<sup>6</sup> Labelling Numbers 27 as a "crucial text about the worth of persons," John Litke is among a growing number of biblical exegetes who are eager to see the *b<sup>e</sup>noth* Zelophehad receive the attention they deserve.<sup>7</sup> Yet they have been ignored by a number of feminists. Phyllis Bird does not include Zelophehad's daughters in her list of women types, nor are they mentioned in Athalya Brenner's *The Israelite Woman* - perhaps because they do not represent any of the categories to which women can usually be assigned.<sup>8</sup>

Zelophehad's daughters do not belong to the dossier of biblical celebrities. They do not even belong to the collection of renowned biblical women...And yet this story, despite or perhaps because of its strikingly lacklustre ordinariness, is one of the most fascinating women's stories in the Bible.<sup>9</sup>

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<sup>5</sup> Litke, "Daughters," 218.

<sup>6</sup> Katharine Doob Sakenfeld, "In the Wilderness, Awaiting the Land: The Daughters of Zelophehad and Feminist Interpretation," *Princeton Seminary Bulletin* 9, no. 3 (October 1988).

<sup>7</sup> Litke, "Daughters," 218.

<sup>8</sup> Bird does mention the Zelophehad daughters, but only briefly in relation to land entitlement. Bird, *Missing Persons*, 23, fn. 19, 26, 56; Brenner, *Israelite Woman*.

<sup>9</sup> Ankie Sterring, "The Will of the Daughters," in *A Feminist Companion to Exodus and Deuteronomy*, ed. Athalya Brenner (Sheffield: Sheffield Academic Press, 1994), 88.

Only over the last decade or so have a number of feminist scholars followed Sakenfeld's lead and shown interest in the *b<sup>e</sup>tuloth*.<sup>10</sup> It is the work of these exegetes which will inform the feminist analysis of the three pericopes featuring the daughters of Zelophehad.

Following a narrative study of the three texts featuring the five daughters of Zelophehad I will employ a hermeneutic of suspicion to note patriarchal preconceptions within the texts, identify with the first daughter via a *midrash* and, informed by these processes, retrieve remnant strands of women's traditions which may be discerned in the relevant texts.

## **Narrative Analysis<sup>11</sup>**

### **Narrative Context**

Numbers, or "In the Wilderness" (*b<sup>e</sup>midbar* במדבר), the Hebrew Bible's fourth book of the *Torah*, provides a framework for the fabric of texts associated with

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<sup>10</sup> Ulrike Bechmann-Bayreuth, "Prophetische Frauen am Zweiten Tempel? Ein Vorschlag, die Töchter Zelofhads (Num 27) als Kultprophetinnen zu verstehen." *Biblische Notizen* 119/120 (2003):52-62; Josiah Derby, "The Daughters of Zelophehad Revisited," *Jewish Biblical Quarterly* 25, no. 3 (1997): 169-71; Litke, "Daughters," 207-18; Tamara Cohn Eskenazi, "Legacy Law, Leadership and Land," in *The Torah: A Women's Commentary*, ed. Tamara Cohn Eskenazi and Andrea L. Weiss (New York: Women of Reform Judaism, URJ Press, 2008), 961-81; Litke, "Daughters," 207-218; Dora Rudo Mbuwayesango, "Can Daughters be Sons? The Daughters of Zelophehad in Patriarchal and Imperial Society," in *Relating to the Text: Interdisciplinary and Form-Critical Insights on the Bible*, ed. Timothy J Sandoval and Carleen Mandolfo, 251-62 (Harrisburg, Pa.: T & T Clark International, 2003); Sarah Idit (Susan) Schneider, "The Daughters of Tzafchad: Towards a Methodology of Attitude Around Women's Issues," in *Torah of the Mothers: Contemporary Jewish Women Read Classical Jewish Texts*, ed. O. Wiskind Elbur and S. Handelman, 155-69 (New York: Urim Publications, 2000); Shemesh, "A Gender Perspective," 80-109; Sterring, "Will," 88-99.

<sup>11</sup> For a semi-literal translation of the pericope, see "Appendix 4" pp. 494-96.

Israel's period of forty years of nomadic existence.<sup>12</sup> While Numbers is preoccupied with the events leading up to entry into the land of promise, the last book of the Hexateuch, Joshua, describes Israel's invasion and annexation of Canaan and the subsequent allocation of land to Israelite tribes and households.

The book of Numbers consists of narrative and legal material which portrays the shaping of a previously-enslaved community into a nation during its wilderness experience.<sup>13</sup> During that period, four instances of case law are recorded and in each instance YHWH declares a new law which is duly entered into Israel's statutes.<sup>14</sup> The last case recounted is the court action by Zelophehad's daughters and contributes to our knowledge of Israelite laws of entitlement or *nachalah* (נַחֲלָה).<sup>15</sup> The reason for placing land entitlement laws in Israel's most sacred book, the *Torah*, is considered by Gordon Wenham and others to be evidence of

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<sup>12</sup> Although Israel's activities in time and place are discussed as 'history' in this and other chapters of this thesis, I recognise that the events described are narrative constructs of the compilers of the Hebrew Bible.

<sup>13</sup> Terence Fretheim, *The Pentateuch* (Nashville, Tn.: Abingdon Press, 1996), 137.

<sup>14</sup> The cases are recorded in Leviticus 24:10-23 (regarding blasphemy) and Numbers 9:6-14 (regarding an additional Passover rule); 15:32-36 (regarding Sabbath-breakers), 27:1-11, 36:1-12 (regarding the land entitlement of brotherless daughters).

<sup>15</sup> It appears that most biblical translators interpret the term *nachalah* as meaning "inheritance," "possession" or "inalienable hereditary property," and these meanings are usually applied to *nachalah* in Numbers 27 and 36. In most cases *nachalah* refers to land which cannot be bought or sold, but 'devolves' to a person or group "as a grant...inheritance...or through dispossession of the prior owner." G. Wanke, "Nachalah," in *Theological Lexicon of the Old Testament*, ed. Ernst Jenni and Claus Westermann, transl. Mark E. Biddle (Peabody, Ma.: Hendrickson Publishers, 1977), 2:731-34; M. J. E. Richardson, "נַחֲלָה" in *The Hebrew and Aramaic Lexicon of the Old Testament* (Leiden/New York: E. J. Brill, 1995) 2:687. However, in what Norman Habel describes as the "ancestral household (בֵּית אָב) ideology" of the book of Joshua, *nachalah* is more appropriately translated as a "portion of" or "entitlement to" the Canaanite land. In the Joshua world-view, the land belongs to YHWH who centuries earlier promised Canaan to Abraham. YHWH gives Joshua the mandate to conquer the Canaanite lands, divide them into tribal areas, and assign *nachalah* to the heads of Israel's ancestral households. Habel, *Land is Mine*, 56-74, 153-54. The daughters of Zelophehad receive their father's *nachalah* in Joshua 17:4. For the sake of consistency, *nachalah* is translated as "entitlement" throughout this chapter.

the value given to land laws by the community at various stages in its history.<sup>16</sup> It is this focus on the land (*ha'arets* הארץ) that links many of the writings and traditions in the Hebrew Bible, including the tradition about the challenge to the law of *nachalah* by the daughters of Zelophehad.<sup>17</sup>

The first two stories featuring the *b<sup>e</sup>noth* Zelophehad are placed in the temporary hiatus between Israel's wilderness wanderings and the invasion and settlement of Canaan. For forty years YHWH's promised gift to Israel of a land "flowing with milk and honey" (Exod. 3:8) sustains the refugees subsisting in the harsh desert environment. Near the end of this period, the prominence given to the daughters' legal challenge illustrates the significance that the pending distribution of the divinely-allotted Canaanite land has for the Israelites.

In Numbers 1-4 and 26, the lists of family groups of Israelite males over twenty years of age are the result of a census ordered by YHWH (Num. 1:2-3).<sup>18</sup> The purpose of the census is to allocate land grants according to the number of ancestral households within each tribe (Num. 26:52-56). The most significant anomaly in the census list of Israel's adult males is the inclusion of the names of five women: Mahlah, Noah, Hoglah, Milcah and Tirzah, the daughters of Zelophehad.<sup>19</sup> The narrator reminds the audience that except for Caleb and

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<sup>16</sup> Gordon J. Wenham, *Numbers* (Sheffield: Sheffield Academic Press, 1997), 44.

<sup>17</sup> The general law of *nachalah* is only accessed by inference because it is not recorded in the legal codes of the Hebrew Bible. Bird, *Missing Persons*, 36.

<sup>18</sup> These lists give rise to the book's English title of "Numbers."

<sup>19</sup> Asher's daughter Serah is the only other woman mentioned in the census lists (Num. 26:46).

Joshua, all who left Egypt and who were counted at the first census (Exod. 30:12) are now deceased (Num. 26:65b).

It is apposite, therefore, that stories of representatives of the wilderness-born generation, namely Zelophehad's daughters (Num. 27:1-11 and 36:1-13), form an *inclusio* framing the events associated with the new generation's entry into the Promised Land.<sup>20</sup> As the advance on Canaan draws near, the key element uniting the framed events is Israel's obedience to the covenant between YHWH and Israel.

The immediate context for the third reference to Zelophehad's daughters (Josh. 17:3-6) is the partition of Canaan and the distribution of Moses' land allocations according to adult male population numbers (Josh. 13:1-21:45).<sup>21</sup> In Joshua 17, the episode featuring the five *b<sup>e</sup>tuloth* appears in a sea of confused information about the distribution of land to the tribes and their ancestral households.<sup>22</sup> Seen in context, the Zelophehad daughter stories epitomise "the profound tension between God's command and human involvement."<sup>23</sup>

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<sup>20</sup> Olson, *Death of the Old*, 175. The events between the first two texts about Zelophehad's daughters include the anointing of Joshua as the next leader (Num. 27:12-23), legal-cultic instructions for the Israelites (Num. 28-31), and the initial allocations of the land by lot immediately before Israel's invasion of Canaan (Num. 32-35).

<sup>21</sup> The process of allocating land to Caleb is one of the few which is told in some detail. The life of Caleb is another biblical story presented in serial form (Num. 14:6-10, 30; Deut. 1:35-36 and Josh. 14:6-15, 15:13-19).

<sup>22</sup> Hawk, *Joshua*, 209. See also "Ambiguity," p. 209.

<sup>23</sup> Jonathon Grossman, "Divine Command and Human Initiative: A Literary View on Numbers 25-31," *Biblical Interpretation* 15 (2007): 61, 64, 77.

## Story Outline

### Act 1: First Court Scene (Numbers 27:1-11)

- Setting: The plains of Moab, the entrance to the tent of meeting,  
the Israelite assembly (vs. 1)
- Time: Near the end of Israel's 40 years in the Wilderness of Sinai
- Catalyst: Zelophehad's daughters' present their case for land entitlement
- Response A: Moses refers the case to YHWH (vs. 5)
- Response B: YHWH delivers the verdict in the women's favour, adding  
general rules about entitlement to *nachalah* (vss.6-11a)

### Act 2: Second Court Scene (Numbers 36:1-13)

- Setting: The plains of Moab, the Israelite assembly (vs.1)
- Time: Unknown, but after the first court scene
- Catalyst: Gileadite men appeal against the ruling  
which granted land to Zelophehad's daughters (vss.2-4)
- Response: Moses (on behalf of YHWH) delivers the verdict  
and announces an amendment to the legislation (vss.5-9)
- Coda: Zelophehad's daughters obey the ruling  
which is added to Israel's legal code (vss.10-13)

### Act 3: Third Court Scene (Joshua 17:3-6)

- Setting: Gilgal in Canaan, the Israelite assembly,  
the land distribution court (Josh.14:1, 6)
- Time: Some time after the invasion of Canaan
- Catalyst: Zelophehad's daughters assert their right  
of inheritance, citing YHWH's command (vs. 4a)
- Response: Eleazar and Joshua allot land to the women (vs. 4b)
- Coda: The tribe of Manasseh receives extra land  
because of the Zelophehad daughters' allocation (vss. 5-6)



## **Plot Analysis**

The daughters of Zelophehad, first mentioned in the census of Numbers 26 (vs. 33), become a focus of narrative attention in the three texts or ‘acts’ outlined above.<sup>24</sup> Unusually for a biblical narrative, the story of the five daughters - like that of Caleb - is presented as a serial with marginally-related narratives separating the story components. Each segment of the account is relatively short, but the narrator’s scene-descriptions make it clear that each takes place in a law court.<sup>25</sup>

## **Setting**

### ***Spatial Setting***

The first two acts of Zelophehad’s daughters’ story are set in the Israelite camp on the plains of Moab near Jericho (Num. 26:63; 36:13). Symbolically this is a time and place of great significance. The plains of Moab are where Moses’ Deuteronomic speech is delivered and from where the assault on Canaan is launched. The account of Zelophehad’s daughters precedes these events, and has its own significance as it joins Caleb’s story to exemplify the process of land allocation taking place in Gilgal west of the Jordan and near Jericho (Josh. 14:6).

The salient feature of all three acts is that each setting is a law court and

Zelophehad’s daughters are the plaintiffs in the first and third scenes. In the

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<sup>24</sup> I have chosen to divide the texts into acts, as the stories are a series of courtroom dramas. The purpose of this strategy is to link the three pericopes in order to facilitate a more efficient and coherent discussion about the daughters of Zelophehad.

<sup>25</sup> Although there was probably more than one narrator or redactor working on the three sections related to the Zelophehad daughters, I will continue to refer to the narrator in the singular.

second court scene, they are the subject of the plaintiffs' complaint. In most human societies, decisions regarding rules of conduct are considered to be crucial for the survival of that group and - with few exceptions - imbued with cultic significance.<sup>26</sup> The Bible points to YHWH as the creator and primary arbiter of all law and its "maintenance of the wholeness and health of the covenant community."<sup>27</sup> A court of law as the location for the action is therefore deeply significant as a place associated with power and authority. It is appropriate that some of the dignity of the occasion also falls on the young women whose petition initiates a change in the law code of Israel.

### ***Temporal Setting***

The time span for each of the sequences, or acts, is the period required for a single court appearance with a petition or appeal, and judgement. Given that the three acts are all relatively brief events, it is interesting that, rather than telling the whole story as a unit, the narrator chooses to incorporate them into the broader narrative as separate segments. The result is that the story gains a stronger sense of historical reality as the daughters' fortunes ebb and flow in the cross-currents of Israel's activities in preparation for - and during - a time of crisis, namely, the invasion of Canaan.

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<sup>26</sup> W. J. Harrelson, "Law in the OT," in *The Interpreter's Dictionary of the Bible* (Nashville, Tn.: Abingdon Press, 1962), 3:83; Reva B. Siegel, "In the Eyes of the Law: Reflections on the Authority of Legal Discourse," in *Law's Stories: Narrative and Rhetoric in the Law*, ed. Peer Brooks and Paul Gewirtz (New Haven, Ct.: Yale University Press, 1996), 225-26.

<sup>27</sup> Harrelson, "Law," 3:83.

### ***Social Setting***

The appearance of five *b<sup>e</sup>tuloth* in a public place - a law court, no less - without the protection and guidance of a male relative is possibly an unprecedented event in ancient Israel. While the repeated listing of their genealogy suggests that the *b<sup>e</sup>tuloth* may have had some social standing,<sup>28</sup> nevertheless they were women who did not yet have the status of marriage or motherhood.<sup>29</sup>

At some later stage men of the same clan successfully petition the court with their concern that women with *nachalah* might marry outside of their tribe and thereby disrupt the balance of land allocations - and presumably the social equity - between Israel's tribes. Zelophehad's daughters comply with the amendment to the land law which requires heiresses to marry within their clan. At a later stage when Canaanite land is being allocated, the now-married women again attend court to claim their land. There is no reference to their husbands in this scene.

### **Events**

The preamble to the recounting of three separate court proceedings draws audience attention to the death of Zelophehad - an elder of the tribe of Manasseh - who had no sons and was the father of five daughters (vss. 1, 3). The concern of

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<sup>28</sup> "Genealogies...serve as memory devices for keeping track of the relationships among individuals and groups and for ranking them in terms of inheritance and succession rights." Paula Mc Nutt, *Reconstructing the Society of Ancient Israel* (London: Society for the Promotion of Christian Knowledge, 1999), 77.

<sup>29</sup> Socially, unmarried women in ancient Israel are just one step above the slave population. John J. Pilch, *The Cultural Dictionary of the Bible* (Collegeville, Mn.: The Liturgical Press, 1999), 37; I. Mendelsohn, "Slavery," in *The Interpreter's Dictionary of the Bible* (Nashville Tn.: Abingdon Press, 1962), 4:386.

the daughters is that their father's name will be forgotten because he had no son. The catalyst for their action is the Israelite census conducted just before their petition is presented to court (Num. 26:2-4). The census counts all men over eighteen years so that when land is allocated in Canaan, each man will be eligible for a land entitlement in his father's name.

The levirate law<sup>30</sup> cannot be invoked in this unique situation because “the permanent allocation of land is based on a count at an instant in time, and the use of Levirate or other means to obtain sons at a later time is irrelevant - only those alive on the date of the census count” (Num. 26:1, 2, 52-6).<sup>31</sup>

The daughters therefore decide to take the unprecedented step of claiming 'achuzzah (אֲחֻצָּה)<sup>32</sup> - a possession or plot of land - in the name of their father. They approach the entrance to the tent of meeting where YHWH meets Israel for judgement.<sup>33</sup> This most auspicious place, the tent of meeting, moves with the Israelites in their travels and symbolises the dynamic presence of YHWH among them. The tent pitched among the encampments means an open and continuous

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<sup>30</sup> Levirate marriage law can only be brought into effect after the land has been distributed. The levirate law decrees that if a man dies, his widow would be obliged by the (Deut. 25: 5-10) to marry his brother so that the firstborn son of this marriage might be designated the heir of the deceased man. Jacob Milgrom, *Numbers = [ba-midbar] The Traditional Hebrew Text with the New JPS* (Philadelphia, Pa.: The Jewish Publication Society, 1990), 231; Philip J. Budd, *Numbers* (Waco, Tx.: Word Books, 1984), 301.

<sup>31</sup> Litke, “Daughters,” 213.

<sup>32</sup> According to Milgrom, although the terms are almost indistinguishable, 'achuzzah is “inalienable property derived from a sovereign” while *nachalah* is inalienable property to which a person is entitled via patrimony. Milgrom, *Numbers*, 231.

<sup>33</sup> Other examples of the entrance to the tent of meeting as the setting for Israel's court of law are found in Num. 6:13; 10:3; 12:5; 16:18-9. Timothy R. Ashley, *The Book of Numbers* (Grand Rapids, Mi.: Wm. B. Eerdmans Publishing Company, 1993), 545; Litke, “Daughters,” 211.

opportunity for dialogue between Israel's deity and his people. Zelophehad's daughters have chosen the most significant public forum in the Israelite community to present their petition.<sup>34</sup>

According to Numbers 26:51, the assembly or congregation (*ha'edah* הַעֵדָה) of witnesses is over six hundred thousand adult males in addition to the Levites. As Jacob Milgrom states, "the judicial court...could comprise the entire male adult population (as in 1 Kings 21:12-13 and Jer. 26:7-18)."<sup>35</sup> Heading this vast throng of men are Moses, Eleazar the priest and the clan leaders. The narrator's "citation of attendees means that the case was very important...the assembled dignitaries were not there as judges but as witness to the seriousness of the claim being presented."<sup>36</sup> That the young women's application for a change in the law is made in a public place is vital, for the community must see the workings of justice in order to establish that the process is legitimate.<sup>37</sup>

The petition which the five *b<sup>e</sup>tuloth* are ready to present concerns the name of the father (*shem 'ab* שֵׁם אָב), and *'achuzzah*, matters which are certain to create interest prior to Israel's invasion of Canaan. The narrator introduces the plaintiffs, reciting their distinguished lineage within the tribe of Joseph, the son who brought honour to Jacob (Gen. 41:37-45).

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<sup>34</sup> Sakenfeld, "Wilderness," 181; Shemesh, "Gender," 85.

<sup>35</sup> Milgrom, *Numbers*, 230-31.

<sup>36</sup> Sakenfeld, "Wilderness", 211.

<sup>37</sup> Grossman, "Divine Command," 65.

With one voice, the daughters of Zelophehad present their case. Carefully choosing their words they assure the assembly that this petition is not for themselves, but in the interests of their deceased father.<sup>38</sup> As character witnesses for Zelophehad, they explain that he died “because of his own sin” (vs. 3e) and not as a consequence of joining Korah’s rebellion against YHWH (Num. 16:1-21). The real tragedy, apparently, is that Zelophehad died without a son and heir. His daughters then challenge the assembly with a question of justice: why should their father’s name be “cut off” (*gara* גרע) without *’achuzzah*, simply because he had five daughters and no sons? In connecting name and land, the daughters indicate their belief that there is a sacrosanct link between a man’s name and his land. They confidently make a claim for *’achuzzah* to be given to them as if they were Zelophehad himself: “Give us an entitlement in the midst of our father’s brothers” (vs. 4).

Moses immediately refers the claim to YHWH the judge, and without missing a narrative beat, YHWH responds with a resounding affirmation of the daughters’ claim to *’achuzzah* and instructs Moses to be sure to give the daughters their entitlement.<sup>39</sup> YHWH also grants the plaintiffs more than they claimed, namely, a declaration that they are right (*ken* כן),<sup>40</sup> and that they and all other daughters without brothers are not only entitled to a plot of land (*achuzzah*) but they are

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<sup>38</sup> Shemesh, “Gender,” 85.

<sup>39</sup> In 27:7b, the Hebrew infinitive absolute of *ntn* (נתן) indicates that this decision is emphatic; hence the translation “you shall indeed give.”

<sup>40</sup> *Ken* can be translated “justly” or “right.” *Ken* also means “upright,” “dependable” and “true.” In Modern Hebrew it means “yes.” *The New Brown, Driver and Briggs Hebrew and English Lexicon of the Old Testament*, ed. Francis Brown, S R Driver and Charles A Briggs (Lafayette, In.: Associated Publishers and Authors Inc., 1981), 467.

entitled to inheritable land (*nachalah* נַחֲלָה) which will pass on to their descendants.<sup>41</sup> YHWH decrees that this new law is to be entered into the statutes of Israel.

As it transpires, the new statute is of such significance that when the daughters are acknowledged as their father's heirs, the men of Gilead, all relatives of Zelophehad, approach the law court of Israel. Those gathered to hear the Gileadites' claim are Moses and Israel's clan leaders. There is no mention of the high priest, the congregation, the tent of meeting or the presence of YHWH.

The petition submitted by the clan leaders of the Gileadites challenges YHWH's ruling which grants land entitlement to Zelophehad's daughters. Their concern, it appears, is for the rights of the half-tribe of Manasseh, for if the *b<sup>e</sup>tuloth* marry into another tribe, that tribe would benefit from Manassite land. They further argue that in the Jubilee Year, the land would not revert to the tribe of Manasseh but would be kept by the tribe into which the young women marry.<sup>42</sup>

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<sup>41</sup> The practical results of the decision in the Zelophehad daughters' favour are not addressed in these texts, nor mentioned by most commentators. Milgrom surmises that because they marry their father's brother's sons, the daughters have gained nothing for Zelophehad's land would have been transferred to their sons anyway. Milgrom, *Numbers*, 298. Litke disagrees, pointing out that Zelophehad's death means that he was not counted in the census. With no sons who could be counted in the census, no land would ever have been allotted to Zelophehad's descendants in his name. Nor could a Levirate marriage redeem the situation. However, with this ruling in favour of the Zelophehad daughters, Zelophehad's grandsons would eventually be entitled to land allocated in their maternal grandfather's name as well as inheriting land in their father's name. Litke, "Daughters," 213. I find Litke's reasoning more compelling than Milgrom's explanation.

<sup>42</sup> In patrilineal societies, the sons of a marriage are the heirs of the father, and belong to their father's clan; daughters marry 'out' and become members of their husband's household and clan. Leo G. Perdue, "The Israelite and Early Jewish Family," in *Families in Ancient Israel*, ed. Leo G. Perdue et. al. (Louisville, Kn.: Westminster John Knox Press, 1997), 191.

Neither Moses nor YHWH cast doubt on the Gileadites' belief that the land, under Jubilee Law, would transfer to the tribes into which daughters might marry.<sup>43</sup> So Moses gives YHWH's ruling that, like the daughters, the men of Joseph are right (*ken* כֵּן), and that within the terms of the ancestral household ideology, women with land entitlements must marry men only from their ancestral house or clan (*mishpachah* מִשְׁפָּחָה) if they want to claim *nachalah*.<sup>44</sup> This ruling ensures that each tribe retains its original allotment of *nachalah*.<sup>45</sup> The consequence for Zelophehad's daughters is that their marriage options are restricted, yet without protest they obey the new command by marrying sons of their paternal uncles (Num. 36:11-12a).<sup>46</sup>

The third and last scene is initiated by Zelophehad's daughters and appears after the invasion of Canaan and during Joshua and the high priest Eleazar's allocation of land to the ancestral households of Israel (Josh. 17:3-6). Apart from Caleb (Josh. 14:13-14), Zelophehad's daughters are the only other named

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<sup>43</sup> A number of commentators have expressed uncertainty about this application of the Jubilee Law. Elsewhere in the Hebrew Bible, the Jubilee Law applies to sold land and not to inherited land entitlements (references are found variously, and in Leviticus 25 in particular). It appears that the narrator of Numbers 36 has a different understanding of the Law of Jubilee. Milgrom, *Numbers*, 297; Raymond Westbrook, *Property and the Family in Biblical Law* (Sheffield: Sheffield Academic Press, 1991), 38; Gunther W. Plaut, *The Torah: A Modern Commentary* (New York: Union of American Hebrew Congregations, 1981), 1247.

<sup>44</sup> Habel, *Land is Mine*, 57.

<sup>45</sup> Closely related to YHWH's decision is Derby's observation that "the concept of a sacred bond between a tribe and its territory is found in a number of early cultures, as witnessed among native Americans." Derby, "Daughters," 169. The same can be said for Aboriginal groups in other parts of the world, notably for Australian Aborigines.

<sup>46</sup> In Numbers 27:11, the term *huqqat mishpat* (הִקָּט מִשְׁפָּט) a term which only occurs here and in Numbers 35:29 (where it concerns the cities of refuge), gives YHWH's command the force of a "rule of law." J. Weingreen, "The Case of the Daughters of Zelophehad," *Vetus Testamentum* 16 (1966): 519.



supplicants to approach the land court.<sup>47</sup> The daughters remind the court that YHWH had ordered land to be allocated to them. Joshua or Eleazar responds promptly and gives them ten portions; that is, five double entitlements each. Presumably this is far more than the daughters might have expected for their entitlement. With no complaint or protest recorded, this outcome is apparently accepted by all concerned.

The events in all three acts read in sequence form a complete story, that is, the introduction of a quest (Act One), complication and resolution (Act Two), and the eventual realisation of the quest and coda (Act Three).<sup>48</sup> The kernel or defining events of the first two acts are YHWH's ruling in favour of their petition in the initial court scene (Num. 27:5-6), YHWH's ruling that the daughters must marry within their own clan (Num. 36:3a), and YHWH's ruling in favour of the Gileadite leaders' amendment which confirms the inalienable nature of ancestral household land rights (Num. 36:8-9a).<sup>49</sup> Casting aside the tension of the first two acts, the third act is a satellite event recording a satisfactory conclusion to the Zelophehad family's story.

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<sup>47</sup> Caleb is the first applicant for a special grant of land already promised to him by YHWH (Josh. 14: 6-15). Joshua blesses Caleb and gives him Hebron.

<sup>48</sup> Act Three could also be read as a coda to Acts One and Two.

<sup>49</sup> Each of the three rulings of YHWH is found at the centre of a chiasm. That is, the structure confirms that the three references are indeed the 'kernel' moments of the story's first two acts. See "Structure," pp. 198-200.

## Discourse Analysis

### Narrative Patterns

#### *Structure*

When the structure of the three ‘acts’ is examined as a whole there is a marked synchronicity in narrative style, namely, that of formal court proceedings.<sup>50</sup> The preambles of Act One and Act Three each list the genealogical ‘credentials’ of Zelophehad’s offspring, followed by the presentation of their case before Israel’s leaders. Act Two, in which the male relatives of Zelophehad are the subjects of the narrative, appears between the two court appearances of the daughters and therefore appears to be the critical episode in the series.<sup>51</sup>

#### Act One (Numbers 27:1-11)

- 1 The daughters of Zelophehad stand before Moses and all the leaders at Israel’s law court at the door of the tent of meeting (vss. 1-2)
- 2 “Our father died in the wilderness...He had no sons (vs. 3)
- 3 Why should the name of our father be cut off...
- 4 Give us a possession among our father’s brothers” (vs. 4)
- 5 Moses brings their lawsuit to YHWH (vs. 5)
- 5<sub>1</sub> YHWH tells Moses that the daughters are right (vss. 6-7a)
- 4<sub>1</sub> Moses is commanded to give the daughters their entitlement among their father’s brothers (vs. 7a)
- 3<sub>1</sub> and transfer their father’s entitlement to them (vs.7c-d)
- 2<sub>1</sub> If a man dies with no son his entitlement goes to his daughter (vs. 8)  
If there is no daughter a male next-of-kin receives entitlement (vs. 9)
- 1<sub>1</sub> It will be an Israelite law as YHWH commanded Moses (vs. 11)

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<sup>50</sup> John D. Litke, “The Daughters of Zelophehad,” in *Currents in Theology and Mission* 29, no. 3 ((June 2002): 209.

<sup>51</sup> See “Ambiguity,” p. 208.

The first act is structured as a chiasm or concentric ring, with the central verses revealing the pivotal moments of this event, namely, Moses' decision to bring the case before YHWH, and YHWH's pronouncement on the case. Leading up to the central verses (vss. 5-6), the daughters explain the reason for making their request. Leading away from the central verses YHWH explains his judgement. Verses 1 and 2 set the scene, and verse 11 closes the scene with YHWH's command that this judgement is to be made legally binding.

### Act Two (Numbers 36:1-13)

#### A. Preamble:

The clan leaders of Gilead approach Moses and the leaders of Israel (vs. 1)

**1** saying YHWH gave Zelophehad's entitlement to his daughters (vs. 2)

**2** But if the daughters marry into other Israelite tribes (vs. 3a)

**1<sub>1</sub>** their entitlement might be taken away from Manasseh and added to their husbands' tribes. The jubilee would confirm the change to the other tribe, so Manasseh would lose the entitlement (vss. 3b-4)

**B 1** YHWH tells Moses that the tribe of the sons of Joseph is right (vs. 5)

**2** YHWH commands the daughters of Zelophehad to marry whomever they choose, but only within the clan of their father's tribe (vs. 6)

The entitlement of the sons of Israel will not transfer between tribes

**3** because a man shall retain his entitlement of his fathers' tribe (vs. 7)

**4** Every daughter possessing an entitlement must marry within her father's clan, so everyone keeps his fathers' entitlement (vs. 8)

**3<sub>1</sub>** Thus a man retains his entitlement within the tribes of Israel (vs. 9)

**2<sub>1</sub>** The daughters of Zelophehad do as YHWH commands (vs. 10)

They marry their father's brothers' sons (vs. 11)

Their entitlement is added to their father's tribal clan (vs. 12)

**1<sub>1</sub>** These are YHWH's commands via Moses to the sons of Israel (vs. 13)

Act Two is divided into two sections. Verses 1 to 4 form a minor inverted-parallelism or introversion in which the pivot emphasises the clan leaders' concern that the land will be lost to Manasseh if an heiress marries a man from another tribe (vs. 3a). Verses 5 to 13 form a major introversion in which YHWH's decree satisfying the leaders' concerns is pivotal. It results in the daughters obeying the new marriage stipulation that heiresses must marry within their clans to preserve each tribe's allocated land quota.

### Act Three (Joshua 17:3-6)

- 1 Zelophehad's daughters approach the leaders saying that YHWH commanded Moses to give them an entitlement. The leader gives them an entitlement, along with their father's brothers (vss. 3-4)
- 2 Thus ten portions fall to Manasseh, besides the land of Gilead and the Bashan which is on the other side of the Jordan (vs.5)
- 1<sub>1</sub> because the daughters of Manasseh are entitled to an entitlement along with his sons
- 2<sub>1</sub> and the land of the Gilead remains for the sons of Manasseh (vs.6)

The significance of the final act is in its concrete evidence that YHWH's ruling in favour of the daughters is carried out. A step-parallel structure calls attention to two matters: the daughters' entitlement, and the extra allocation of land to Manasseh. Act Three differs from the first two acts in that it has minimal narrative content and almost no narrative tension. This means that all of the third text could also be viewed as a coda to the first two acts.

Overall, the three acts constitute a progressive narrative about three court cases. The acts are connected by setting, content, themes, style, chronology and characters, and by the inclusion of all of the daughters' names in each act. The acts are also separated from each other by stories which have no direct connection with the story of the *b<sup>e</sup>noth* Zelophehad. This narrative technique - which simultaneously connects and separates the daughters' stories - has the effect of highlighting their quest for land.<sup>52</sup> The narrator's decision to thread one narrative through three separate pericopes connected by the theme of land entitlement has one parallel, namely, the well-known story of Caleb (Num. 13:1-14:38, 32:11-12, Josh. 14:6-15.).

### ***Themes***

The primary theme of this trio of stories focuses on land and *nachalah*. The secondary theme of justice is twofold. On the one hand, both the Israelites and YHWH are concerned with the rights of each tribe to retain "its full inheritance and integrity as a tribe;"<sup>53</sup> and on the other, the daughters' legal challenge to Israel's land entitlement laws relates to the ideal - expressed in Deuteronomy and by Israel's prophets - of justice for the fatherless, widows and aliens (e.g. Deut. 14:29, 26:12; Isa. 1:17; Jer. 22:3; Amos 5:24).<sup>54</sup>

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<sup>52</sup> Christian tradition has shown little interest in this story, whereas Jewish scholars have given it more attention, possibly because of its association with a topic always important to Jewish people, namely, possession of the land.

<sup>53</sup> Dennis T. Olson, *Numbers* (Louisville, Ky.: John Knox Press, 1996), 165.

<sup>54</sup> While the members of the tribes have their rights addressed in these stories, the plight of the alien in the land the Israelites are about to invade is not addressed at all.

### Land Entitlement

Emphasising land entitlement as the key theme of the daughters' story is the multiple repetition of the word *nachalah* across the three acts.<sup>55</sup> The story is underpinned by the ancestral house ideology in which each tribe has its land divided into entitlements, and each entitlement consists of a cluster of family lots.<sup>56</sup> It is evident from the narrative that the basis for the daughters' challenge to the land entitlement laws is their belief in the right of a household patriarch who has no sons to be remembered by name through the allotment of land to his female offspring.

On one level, the challenge by Zelophehad's daughters to the process of land allocation is a test case for the legal system of the fledgling nation. On another level, the multiple repetition of the subject of *nachalah* highlights the powerful commitment which Israel has to the annexation of Canaan and allocation of land to the households of Israel. The process of invasion, occupation and consequent land distribution is regarded by the Israelites as divinely ordained.<sup>57</sup>

Just as the subject of land and *nachalah* absorbs the thoughts and actions of the *b<sup>e</sup>noth* Zelophehad, it is also a recurring motif throughout the books of Numbers, Deuteronomy and Joshua. Indeed, the expression and promotion of a variety of land ideologies throughout the Hebrew Bible is evidence of Israel's

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<sup>55</sup> See "Repetition," pp. 207-208.

<sup>56</sup> Habel, *Land is Mine*, 57. See also "Narrative Context," p. 185, fn. 15.

<sup>57</sup> Derby, "Daughters," 171.

preoccupation with the issue of land and the intensity with which land and *nachalah* occupy the collective Israelite consciousness.<sup>58</sup>

The series of texts which focus on Zelophehad's daughters along with another series featuring Caleb (Num. 13:1–14:38; Josh. 14:6-14; Judg. 1:12-15) link the books of Numbers, Joshua and Judges via the theme of *nachalah*. Both Caleb and the daughters are rewarded with *nachalah* because of their confidence that YHWH would fulfil YHWH's promise to give Canaan into the hands of Israel.

### Justice

Justice in ancient Israel is the second major theme in this series of narratives. The law court is a sacred place, and “in Israel every judicial decision is an oracle, a divine decision.”<sup>59</sup> A challenge is presented by five *b<sup>e</sup>tuloth* to one of Israel's - and YHWH's - new inheritance laws, laws which were not required in Egypt or the wilderness where land ownership was impossible. The *b<sup>e</sup>tuloth* make the challenge because they are determined to achieve justice in the name of their father. This is the story of their success, the modification of that success, and the positive conclusion to their endeavours.

The narrative's three acts focus on the genesis of an important precedent, namely, early Israel's establishment of land entitlements for fatherless women without brothers. These extra land entitlements are achieved with a change to Israel's land allocation laws: a change initiated by five *b<sup>e</sup>tuloth* in the wake of

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<sup>58</sup> Habel, *Land is Mine*, 134, 149-57.

<sup>59</sup> A. Noordtjiz, *Numbers*, trans. Ed van der Maas (Grand Rapids, Mi.: Zondervan, 1983), 253; Mazar, “Judges,” 3. 245-6.

their father's death. The rationale which the daughters employ is that their father who has no son should have the right to have his name preserved via an allocation of land to his daughters. As chief justice, YHWH not only passes judgement (*mishpat* מִשְׁפָּט) in favour of Zelophehad's daughters, but also rules that the *nachalah* of every man who has daughters but no sons should be passed along to the daughters as their right. YHWH then rules on the process for the distribution of a man's *nachalah* if he dies without any offspring.

Act Two recounts the legal appeal of the Gileadite men - relatives of the *b<sup>e</sup>tuloth* petitioners - who also believe in the justification of their challenge to the court. On this occasion, the Gileadites' call for justice arises from a perceived threat to the integrity of Manasseh's land entitlements if the *b<sup>e</sup>noth* Zelophehad marry into other tribes. YHWH upholds their appeal, and decides that the daughters - and all female heirs - must marry someone from their own clan within their father's tribe. To show that justice has been done, Act Three reports another court appearance of the *b<sup>e</sup>tuloth* to claim their rightful *nachalah* from Eleazar, Joshua and other Israelite leaders who have the task of distributing the land allotments.

The hope-filled themes in this series of stories are also two of the most important topics in the entire Hebrew Bible, namely, land and justice and the role they play in the relationship between YHWH and his chosen people. The Zelophehad daughter narratives depict a community in which potentially disenfranchised



households receive a fair hearing in the nation's justice system. The sealing of a new land entitlement law in Numbers 27 contributes to the ideology that YHWH is the ultimate authority in the formation of Israelite justice.

### ***Motifs and Repetition***

The first motif is the lineage of the five daughters. Numbers 26:33 first cites the lineage of the young women, and this is repeated in Numbers 27:1 and Joshua 17:3; Numbers 36:1 begins with the lineage of the men of Gilead. The genealogy motif reminds the audience about the importance of *toledoth* where land entitlement laws are concerned. Further, the re-listing of forebears emphasises the daughters' credentials for claiming entitlement on behalf of Zelophehad, the firstborn son of Hopher, the great grandson of Manasseh (Num. 26:30-33).

There is related significance in the repetition of the names of the *b<sup>e</sup>tuloth*: Mahlah, Noah, Hoglah, Milcah and Tirzah.<sup>60</sup> It appears that the name of each daughter is important enough for the narrator to list it repeatedly, once at each stage of their story.<sup>61</sup>

In each act, the motif of the verb "to draw near" (*qrb* קרב) follows the recounting of lineage as the petitioners draw near in order to present their case to

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<sup>60</sup> See "Names," pp. 224-25.

<sup>61</sup> "The only way of fixing a particular action or statement for special inspection was by repeating it." R Alter, *Narrative Art*, 90, 93. The first citation of the Zelophehad daughters' names appears in Numbers 26:33.

the law court.<sup>62</sup> In Act One, the audience also hears that the daughters' petition is brought (*hip'iy l of qrb*) by Moses to YHWH. Together with the descriptions of the court and of Israel's leaders, the motif of *qrb* links the trilogy of stories. According to Leonard Coppes, the root meaning of *qrb* is "coming into the most near and intimate proximity of the object (or subject)."<sup>63</sup> Approaching an area where the deity is present, however, is no small event as Kühlewein explains: "The notion that one may not approach Yahweh or the place where he is present is quite ancient and may occasionally be expressed with *qrb qal*: in the originally local tradition of the 'holy place,' Exod 3:5."<sup>64</sup>

This notion is found elsewhere in Numbers where the narrator repeatedly emphasises the mortal danger associated with unauthorised access to the tent of meeting (Num. 1:51; 3:10, 38; 18:7).<sup>65</sup> In the light of these and other deadly warnings about the necessity of fearing the holiness of YHWH, it is remarkable that the daughters dare to approach the court at the entrance to the tent of meeting. The *qrb* motif reminds the audience that the daughters' decision to approach the tent of meeting is fraught with danger and of great significance.<sup>66</sup>

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<sup>62</sup> *Qrb* is the term used for entering a law court in other Hebrew texts (e.g. Josh. 7:14; Isa. 41:1. 5; 48:16; 57:3). J. Kühlewein, "*Qrb*", in *Theological Lexicon of the Old Testament*. Trans. Mark E Biddle (Peabody, Ma.: Hendrickson Publishers, 1997), 3: 1165.

<sup>63</sup> Leonard J Coppes, "*Qrb (qarab)*" in *Theological Wordbook of the Old Testament* (Chicago: Moody Press, 1980): 2: 811.

<sup>64</sup> Kühlewein, "*Qrb*," 1167.

<sup>65</sup> Kühlewein, "*Qrb*," 1167.

<sup>66</sup> The Gileadite leaders also approach the tent of meeting, but only after the daughters have paved the way.

The opening speech by the *b<sup>e</sup>tuloth* is an excellent example of the use of repetition in order to underscore a point. In verse three, they refer twice to their father's death, twice to the fact that he had no son, and three times to the evidence that he was not in the rebellious "gathering" ('*arah* ערה) of Korah.<sup>67</sup> In this way they impress on their audience the noble purpose of their petition; that is, their concern is not for themselves but to honour their father's name by receiving his *nachalah*.<sup>68</sup>

In Act Three, the double recurrence of the phrase "an entitlement along with our brothers/their father's brothers/his sons" (Josh. 17:4b, 4c, 6a) appears in Act Three which comprises only four verses. Through this repetition the narrator underscores the respected status of Zelophehad's daughters, cements the place these five women have among Israel's land-holders, and gives the reason for the distribution of extra land to the tribe of Manasseh (Josh. 17:5-6).<sup>69</sup>

The most pointed use of repetition occurs in the discussion about land entitlement (*nachalah* נחלה) and land allocation. The word *nachalah/nachal* occurs no less than twenty seven times in the three texts.<sup>70</sup> This astonishing

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<sup>67</sup> Sterring, "Will", 89.

<sup>68</sup> The importance of sons to inherit and thereby preserve a father's name is greater at a time in Israel's history when post-death existence remains a hazy concept. Laffey, *Introduction*, 59.

<sup>69</sup> Hawk, *Joshua*, 208.

<sup>70</sup> *Nachalah* occurs six times in Numbers 27:7-11 when the daughters are granted an entitlement to land, and seventeen times in Numbers 36 where the Gileadites protest that verdict. Joshua 17:4b-6 contains three occurrences of *nachalah*, and one of *nachal* (meaning 'to be entitled'). See also the discussion of *nachalah* in the introduction to this chapter: p. 185, fn. 15, and in "Themes," p. 201-203.

statistic makes it abundantly clear that land entitlement is the foremost theme in the story of the *b<sup>e</sup>noth* Zelophehad and of primary interest to the narrator.

### *Ambiguity*

It is possible to draw conflicting conclusions about the narrator's interest in the daughters as the story's principal protagonists. Structurally, Act Two is pivotal, thus implying that the key moment in the narrative is Moses' delivery of God's message to the men who head Gilead's ancestral households.<sup>71</sup> Yet each Act begins or ends with the daughters and their initiatives, thus reminding the audience of their ongoing role in the three pericopes.

Also intriguing are the narrator's variations in his descriptions of the three settings. While there are similarities, in Act Two neither the high priest nor the tent of meeting are mentioned, thus giving the impression that the second occasion is less auspicious than the first.<sup>72</sup> This idea is reinforced by a subtle but significant difference between the delivery of YHWH's judgement in Act One and his delivery in Act Two. In the first act, YHWH speaks to Moses, implying that the congregation - including the daughters - are able to hear the deity speak. In Act Two, however, Moses does not refer the Gileadites' complaint to YHWH, but speaks on the deity's behalf. So does the central position held by the Gileadite men in Act Two give them a certain status, or is their importance downplayed by the briefer description of the court and YHWH's muted role in

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<sup>71</sup> See "Structure," pp. 198-200.

<sup>72</sup> See "Events," p. 195.

the handing down of his judgement? Tensions such as these help to nuance and enrich what otherwise could be a rather prosaic narrative.

Further ambiguity is apparent in two curious anomalies in Numbers 36:6b and c, and another in Joshua 17:4c. In the Numbers example, when Moses speaks about choosing someone who is good in their eyes to marry the audience expects to hear two feminine pronoun-suffixes for “their”; instead the text has two masculine suffixes. In Joshua 17:4c, a literal translation reads: “So...he gave them (masculine suffix) an entitlement, along with their (feminine suffix) father’s brothers.” Translators ignore the anomalies, or conclude, “Often Hebrew uses a more common masculine form even when the referent is feminine.”<sup>73</sup> This confusion about gender inevitably leads the audience to ponder, “Whose eyes do the choosing?” and “Who actually takes possession of the entitlement?”

Joshua or Eleazar’s decision about the land allocation after granting the daughters their entitlement is also confusing and open to various interpretations. While exegetes disagree on how and to whom the land is distributed within Manasseh, unsurprisingly most feminists have chosen to read it as benefitting the daughters of Zelophehad.

### **Irony**

The use of irony is not immediately apparent in the three acts of the story of Zelophehad’s daughters. However it is possible to see the narrator’s choice of

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<sup>73</sup> Adolph L. Harstad, *Joshua* (St. Louis, Mo.: Concordia Publishing House, 2004), 560.

five *b<sup>e</sup>tuloth* to represent the vanguard of the wilderness-born Israelites claiming their allotments in the long awaited Promised Land as surprising and paradoxical. Unexpectedly the narrator does not choose a man in a leadership position to epitomise the ‘new’ Israelite who has grown to adulthood in the wilderness, but instead he chooses for that role those who are among the least important in Israelite society, namely, five orphaned unmarried young women.<sup>74</sup>

The irony is accentuated when the narrator repeatedly names Mahlah, Noah, Hoglah, Milcah and Tirzah and describes impressive settings for their achievements which, given their life circumstances, are truly remarkable.<sup>75</sup> All this the daughters accomplish simply because they are anxious that Zelophehad’s name will be “cut off” (Num. 27:4a) without a son’s *nachalah* to ensure the perpetuity of their father’s name.

Zelophehad’s daughters’ petition is unique in Israel’s history. Culturally, it would seem fitting for them to ask their *goel* (גֹּאֵל), their father’s male next-of-kin,<sup>76</sup> to make the land claim on their behalf at Israel’s court of justice. However, the *goel* may be reluctant to challenge YHWH’s law-code if his own interest is not being served. He may ask himself, “Why risk challenging God’s

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<sup>74</sup> A rabbinic tradition (BT *Bava Batra* 119b) has it that Zelophehad’s daughters were older women. Judith R. Baskin, “Post-biblical Interpretations,” in *The Torah: A Women’s Commentary*, ed. Tamara Cohn Eskenazi and Andrea L. Weiss (New York: Women of Reform Judaism, URJ Press, 2008), 985. Contra the rabbi, I have assumed that the *b<sup>e</sup>tuloth* are young. According to de Vaux, “it seems certain that [Israelite] girls...were married very young.” De Vaux, *Ancient Israel*, 29.

<sup>75</sup> See “Social Setting,” p. 191.

<sup>76</sup> Perdue, “Israelite,” 180-81, 192; *Goel*, the term for “redeemer,” can also mean “next of kin” as in Ruth 2:20; 4:1. R. C. Dentan, “Redeem, Redeemer, Redemption,” in *The Interpreter’s Dictionary of the Bible* (Nashville, Tn.: Abingdon Press, 1962), 4:22.

law for the sake of a deceased relative's name?"<sup>77</sup> The daughters are in a difficult situation, for whatever course of action or inaction they choose carries the possibility of failure. Consequently there is a touch of irony in the outcome: the *b<sup>e</sup>tuloth* do not follow the protocol of remaining out of sight while a male relative speaks for them in public.<sup>78</sup> Yet, unexpectedly and surprisingly, YHWH rewards them in multiple ways.

### **Character Analysis**

In the story of the five *b<sup>e</sup>tuloth* and their bid for land entitlement there is limited development of any character, with no descriptions and only glimpses into the thoughts and desires of the protagonists. These glimpses are provided by the daughters' two speeches in Act One and Three, the Gileadites' speech in Act Two, and YHWH's responses. However, these moments of insight are sufficient for the audience to receive an impression of two determined groups of women and men who are willing to face the might and potential wrath of their God in order to achieve justice: in the case of the daughters, justice for their father, and in the case of the men, justice for their tribe.

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<sup>77</sup> Litke points out that the census (Num. 26) ensures that the land is allocated only to men twenty years and over. If a tribe has more men, the tribe will be allocated more land. Litke, "Daughters," 208-209. However, land distribution laws may not be well known at this stage and the men may be reluctant to speak on behalf of the *b<sup>e</sup>tuloth*. Although the audience is not told how Zelophehad daughters are feeling, they have good reason to feel anxious about approaching the court. The *b<sup>e</sup>tuloth* would have witnessed Miriam's punishment when she and Aaron challenged Moses' authority (Num. 12:1-15).

<sup>78</sup> "The family was represented in the public sphere by its male head or adult male members." Bird, *Missing Persons*, 57.

## Character Portrayal

### *Mahlah, Hoglah, Milcah, Noah and Tirzah*

The five daughters of the deceased Zelophehad are the subjects of the first and third acts. Yet instead of developing the young women as fully-fledged individual characters, the narrator presents them as a group character. Generally a group which speaks as one in a biblical narrative is not the primary protagonist;<sup>79</sup> however Zelophehad's daughters appear twice as the subjects of a scene. As each individual in the group of *b<sup>e</sup>tuloth* is named and their words establish and set the tone for the discourse which follows, I am reluctant to categorise them as narrative types or agents.<sup>80</sup> Defying character categories, the daughters are a unique group, atypical of other women.<sup>81</sup>

Despite the difficulty of categorising the *b<sup>e</sup>tuloth*, or perhaps because of it, the narrator nevertheless reveals a number of interesting qualities in the daughters' group character. In Act One, they have the audacity to appear at the entrance to YHWH's earthly place of judgement, the tent of meeting. They "draw near" (*qarab* קרב) to stand before (*'amad* עמד) a court of law in order to present a petition. "Because leadership is spoken of in this way [that is, in standing before

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<sup>79</sup> For example the men of Sodom are not the primary protagonists in Genesis 19. However, the two messengers are the subjects of the opening scene (Gen. 19:1a), and in this they are similar to the daughters of Zelophehad.

<sup>80</sup> Agents are story functionaries who move the action along, but rarely is there much information about their personalities. Berlin, *Poetics*, 23, 27.

<sup>81</sup> Even the number of daughters, five, is atypical: legends are replete with groups of two, three or seven, not five. (For example, the three sons of Noah (Gen. 6:10), Abraham's three visitors and the two messengers in Sodom (Gen. 18-19), Isaac and Rebekah's two sons and the two daughters of Laban (Gen. 25:21-26; 29:16), the seven daughters of Reuel (Exod. 2:17-22), and the three compatriots of Daniel: Shadrach, Meshach and Abednego (Dan. 3:8-30)).



the people], such an interpretation gives the daughters significant status.”<sup>82</sup>

Before uttering a word these five women demonstrate that first, they have “faith in their nation’s justice system and their right to challenge and change it,”<sup>83</sup> and second, that in facing the gamut of Israel’s leaders, they possess not only initiative but a remarkable degree of courage.<sup>84</sup>

When they begin to speak, this favourable impression is strengthened by their clear and well-reasoned presentation, coupled with an intelligent assessment of their situation which has led them to place their claim for justice. Not only do the daughters demonstrate knowledge of the law, skill in its interpretation and wisdom in solving a problem, but they also show that their cooperation is such that they are able to speak as one.<sup>85</sup>

Theirs is a potentially dangerous venture, for the daughters’ speech not only challenges the status quo, but more significantly it challenges a divine law.

Other challenges placed before Moses by Miriam, Korah and Zimri are punished harshly by YHWH (Num. 12:1-15; 16:1-49; 25:6-18).<sup>86</sup> Nevertheless these five young women choose to face danger because of their determination to honour

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<sup>82</sup> Litke, “Daughters,” 211.

<sup>83</sup> Vanessa L. Ochs, *Sarah Laughed: Modern Lessons from the Wisdom and Stories of Biblical Women* (New York: McGraw Hill, 2004), 42.

<sup>84</sup> Shemesh notes the similarities between the daughters of Zelophehad and Achsah, Caleb’s daughter (Josh. 15:16-19; Judg. 1:12-15), but adds that the boldness of Zelophehad’s daughters exceeds that of Achsah. Shemesh, “Gender,” 90-91; Litke, “Daughters,” 212; Katharine Doob Sakenfeld, *Numbers: Journeying with God* (Grand Rapids, Mi: Wm. B. Eerdmans Publishing Company, 1995), 149.

<sup>85</sup> Shemesh, “Gender,” 85, 98; Sakenfeld, “Wilderness”, 181.

<sup>86</sup> Sakenfeld, *Numbers*, 149-50. Interestingly, Aaron also challenges Moses (Num. 12:1) and is not punished.

their father.<sup>87</sup> There is no indication that the *b<sup>e</sup>tuloth* are anxious, for their presentation is delivered with confidence; they know that their cause is just and that YHWH will honour their claim.<sup>88</sup>

The daughters' address - which can be interpreted as being delivered via Moses to YHWH as judge - does not begin with their predicament, but with the story of their father. With good timing and honesty, they concede that their father "died because of his own sin" (vs. 3c) and distance him and themselves from Korah's rebellion.<sup>89</sup> This reference implies that the shocking punishment of the Korahites remains foremost in the Israelites' thoughts, so instead of avoiding the issue the *b<sup>e</sup>noth* Zelophehad wisely address this potential problem by including it in their presentation.

The five *b<sup>e</sup>tuloth* call for their father's name to be remembered via the '*achuzzah*, the once-only divine land allocation which they assert should be theirs as his only children.<sup>90</sup> Olson and Eskenazi interpret their reason – that their father's name should not be cut off - as exemplifying their unselfishness.<sup>91</sup>

Essentially, however, they are astute advocates on behalf of their deceased father

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<sup>87</sup> All the other father/daughter relationships in this dissertation are "fraught with danger." See thesis "Introduction," p. 5. There is no telling if Zelophehad's daughters also had a fraught relationship with their father or not, but now he is dead they seek to honour him.

<sup>88</sup> Litke, "Daughters," 215. Later in Judges 1:15, Caleb's daughter Achsah claims a gift with similar confidence. The gift, however, is from her father rather than from YHWH.

<sup>89</sup> Shemesh, "Gender," 85 fn.11; S. I. Schneider, "Daughters," 157.

<sup>90</sup> See '*achuzzah*, in "Events," p. 192, fn 32.

<sup>91</sup> Olson, *Numbers*, 167; Eskenazi, "Legacy and Land: Mahlah, Noah, Hoglah, Milcah, and Tirzah (27:1-11)," in *The Torah: A Women's Commentary*, ed. Tamara Cohn Eskenazi and Andrea L. Weiss (New York: Women of Reform Judaism, URJ Press, 2008), 972.

and his rights. “By the imperative mode, they assert that the only just response to the claim is that they and the members of their family count as Israelites.”<sup>92</sup>

As YHWH judges in favour of their claim, Zelophehad’s daughters receive it without comment. When this judgement is modified to restrict their marriage options, they again receive the verdict in silence and proceed to obey the amended law. Indeed, their obedience is impeccable, for they all choose ideal marriages, that is, to marry their father’s brother’s sons.<sup>93</sup> Consequently the rabbinic sages honour them as righteous not simply because of their “exceptional intelligence and strength of integrity...[but] *because* they were willing to pay this price [namely restricted marriage options] for authenticity.”<sup>94</sup> Perhaps because of YHWH’s initial generous response the *b<sup>e</sup>tuloth* seem to have no problem with these restrictions.

The “five feisty daughters” as Miriam Therese Winter describes them,<sup>95</sup> never lose their focus on the future, for after Israel’s capture of Canaanite land the daughters appear in person in the land distribution court to remind Eleazar and Joshua about their right to *nachalah*.<sup>96</sup> Again their speech shows that they are astute by getting straight to the point that their entitlement “along with our brothers” is by divine decree (Josh. 17:4a). There is no polite skirting around the

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<sup>92</sup> Litke, “Daughters,” 214.

<sup>93</sup> Pilch, *Cultural Dictionary*, 36-37. Marriage between cousins is favoured by the patriarchs: both Isaac and Jacob marry their cousins (Gen. 24:24-27; 28:2) through their fathers’ arrangements and YHWH’s providence.

<sup>94</sup> Schneider, “Daughters,” 162.

<sup>95</sup> Miriam Therese Winter, *Woman Witness: A Feminist Lectionary and Psalter* (North Blackburn, Vic.: Collins Dove, 1992), 226.

<sup>96</sup> Schneider, “Daughters,” 163.

edges of an issue with these assertive young women: they know what they want, say what they want, and get what they want.<sup>97</sup>

The string of court-scenes reveals the narrator's positive presentation of the daughters' group character. Their portrayal in the Bible is unique for not only do their choices, actions and achievements receive approval from YHWH, but Eleazar and Joshua also allocate them an unexpectedly large land entitlement.<sup>98</sup> Further, the determination of the *b<sup>e</sup>tuloth* to ensure that they receive *nachalah* for the honour of their deceased father, and the eventual achievement of this aim demonstrates their tenacity and *chutzpah*.

### ***The Leaders of Gilead***

Like the daughters of Zelophehad, the heads of Gilead's ancestral houses are presented as a group which speaks as one, but unlike the *banoth*, the Gileadite leaders are unnamed as they walk onto the narrative stage (Num. 36:1).<sup>99</sup> The subjects of the story in Numbers 36 in which they mount a protest against YHWH's favourable judgement on the Zelophehad daughters' petition, these men can be categorised as type characters.

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<sup>97</sup> "Know what you want, say what you want, get what you want" are important 'catch phrases' in "Survival Skills for Healthy Families" parent education material which I use as an adult educator. Florence P. Creighton, George T. Doub and Virginia Morgan Scott, *Family Wellness: Survival Skills for Healthy Families Workbook*, Australian ed. (Parramatta, NSW: Anglicare Community Education and Training Unit, 2005), 76-94.

<sup>98</sup> See a discussion on the leaders' approval of Zelophehad's daughters in "The Birthright Blessing," pp. 255-56.

<sup>99</sup> For a comment about their namelessness, see "Names," p. 226.

Before the narrative featuring their court appeal appears in Numbers 36, eight chapters about cultic laws and other events (Num. 27:12-35:34) separate Acts One and Two of the series of stories about Zelophehad's daughters. This gap gives the impression that the Gileadite leaders have taken some time to act on what they perceive to be a problem with the new law instigated by the *b<sup>e</sup>noth* Zelophehad.

After a narratorial summary of their genealogical credentials, the men initiate the events of the second court scene. Their speech is thoughtful and careful, commencing with a synopsis of YHWH's ruling at the court hearing of the *b<sup>e</sup>tuloth* and politely addressing Moses as "my lord" (Num. 36:2b).<sup>100</sup> The Gileadites' presentation is longer than that of the *b<sup>e</sup>tuloth* because they detail the potential difficulties they perceive as inherent in the new law favouring land entitlement for brotherless women.

Like the daughters of Zelophehad, the Gileadite leaders speak with the confidence of those who know that their cause is valid. While thorough in canvassing the possible difficulties regarding land transfers if an heiress marries a man from another tribe, the men do not suggest a way of solving the problem. Nevertheless their petition is affirmed when Moses announces that the leaders are right. When Moses/YHWH restricts all Israelite women with land entitlements to marriage within their own clans, the men of Gilead make no

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<sup>100</sup> Milgrom, *Numbers*, 297.

reply and need none, for they have achieved their goal of keeping Manasseh's allotted land intact.

### *Moses*

In this series of stories highlighting the quest of the daughters of Zelophehad, the narrator portrays Moses as YHWH's agent; as agent he takes a position secondary to that of the daughters.<sup>101</sup> Moses' role becomes apparent immediately after the daughters have made their submission, for he has the opportunity to decide an instance of case law but chooses instead to refer the case to YHWH who, as judge, hands down his decision.<sup>102</sup>

There is, however, a small but significant difference in Moses' conduct in Act One compared with his conduct in Act Two. In the former, the audience hears YHWH's voice responding to the claim; in Act Two, the audience hears Moses giving the verdict rather than the voice of the deity.

Most audiences would be aware that Moses, a fully-fledged character in other narratives, has had his differences with YHWH (e.g. Num. 20:7-12). Yet in the court scenes involving the five *b<sup>e</sup>tuloth* and Gilead's leaders, Moses expresses

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<sup>101</sup> Grossman, *Divine Command*, 64.

<sup>102</sup> Schneider says that Moses absents himself from the initial decision because he himself could be affected by the outcome of the case, just as everyone in Israel would be personally affected by the decision. Schneider, "Daughters," 165. I have difficulty in seeing how Moses - as an elderly man with sons and who knows his death is imminent - would be affected. Also problematic is M. J. Evans' suggestion that in referring the petition to YHWH Moses may be "reflecting the unwillingness of a male-dominated culture to accept their demands." M. J. Evans, "Women," in *Dictionary of the Old Testament*, ed. T. Desmond Alexander and David W. Baker (Downers Grove, IL: InterVarsity Press, 2003), 903. Yet the narrative gives no hint that Moses disapproves of the petition in any way.

no opinion, and restricts himself to the role of relaying the daughters' petition to YHWH in Act One, and the role of YHWH's mouthpiece in Act Two.

These glimpses of Moses' character and his modest role in the series about the daughters of Zelophehad can be viewed in a positive light. Because this situation in which women step forward to present a petition to Israel's law court is unprecedented,<sup>103</sup> Moses could have resisted their entrance, telling them to ask their *goel* to speak on their behalf. Instead he allows the *b<sup>e</sup>tuloth* to speak and listens without criticism. Moses seems to be wise and humble enough to recognise that this petition is beyond his legal jurisdiction.<sup>104</sup> Although Moses' status in Israel is unassailable as Miriam found to her cost (Num. 12:9-15), there are times when he makes the difficult decisions alone and others when he refers them to YHWH (e.g. Num. 9:8).<sup>105</sup>

In Act Two, without any indication that Moses first consults YHWH about the concerns of the Gileadite men, the narrative suggests that - in this matter at least - Moses is confident enough to speak for YHWH (Num. 36:5).<sup>106</sup> This may be partly due to YHWH informing Moses immediately after the daughters' first court appearance that the latter's death is imminent and that Moses is to commission Joshua as the leader-elect of Israel. Whatever the reason for the

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<sup>103</sup> YHWH summons Miriam and Aaron to the entrance of the tent of meeting after they complain about Moses (Num. 12:1-5); they do not approach with a petition as the *b<sup>e</sup>tuloth* do.

<sup>104</sup> Milgrom mentions that one ancient rabbinical *midrash* praises Moses for admitting that he does not know how to proceed, and another *midrash* which says that in his ignorance, Moses is humiliated by the women. Milgrom, *Numbers*, 232.

<sup>105</sup> Milgrom, *Numbers*, 232.

<sup>106</sup> YHWH has given this authority to Moses (Exod. 18:19, Num. 12:7-8).

change in Moses' tactic in Numbers 36, as an elder-statesman and respected law-maker Moses' word carries divine authority.

### ***YHWH***

The structure of Act One shows its central event to be YHWH's verdict that the daughters of Zelophehad speak justly.<sup>107</sup> Despite its significance, however, YHWH's role in the first act is confined to making the judgement and establishing statutes, and in Act Two Moses speaks on behalf of YHWH. This means that the audience has virtually no entrée into the divine thought processes. Moreover, because the land allocation plans are presumably already in place before Moses' death (Deut. 34:1-6), YHWH plays no overt role in Act Three.

YHWH's initial statement in Act One is almost identical to the statement which Moses attributes to God in Act Two: "Justly are the daughters of Zelophehad speaking" (Num. 27: 7a), and "Justly is the tribe of the sons of Joseph speaking" (Num. 36: 5c).<sup>108</sup> This means that YHWH and Moses-on-behalf-of-YHWH accept the premises for both appeals and pronounce the legal changes accordingly.

Although the legal decisions of Acts One and Two are announced rather than discussed, they do give the audience an idea of some aspects of YHWH's character as it is portrayed in the *Torah*. YHWH is Israel's sole lawmaker, but

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<sup>107</sup> See "Structure" pp. 198-99.

<sup>108</sup> *ken...dobroth* ברת...פנד (qal active participle feminine plural suffix) in Numbers 27:7; *ken...dobriym* פנד...ברים (qal active participle masculine plural suffix) in Numbers 36:5.



he appears not to have anticipated a circumstance like this. Nor does it appear that YHWH anticipates the problem raised by the Gileadites. In Numbers 27 and 36, the narrator portrays a God who welcomes thoughtful ideas and proposals of ordinary Israelites - women as well as men - and is amenable to his chosen leader making legal decisions on his behalf. Israel's divine judge acknowledges the legitimacy of both parties' concerns and immediately addresses them.

In Act One, YHWH's initial response actually exceeds the expectations of the daughters, for their father's name is honoured not merely through a one-off grant of *'achuzzah*, but through an entitlement to land (*nachalah*) into perpetuity for his daughters and their offspring. YHWH also takes their cause to a new level by establishing another law which decrees that all daughters without brothers are entitled to land ahead of other male kin.<sup>109</sup> Given that all petitioners are apparently satisfied with the outcome, the narrator showcases these decisions as examples of the wisdom of YHWH.

### ***Eleazar and Joshua***

In the land allocation court of Act Three, Eleazar the priest's name appears ahead of Joshua's. The role of Eleazar and Joshua in relation to the quest of the daughters of Zelophehad is to listen and respond to their land claim. Without a verbal response "he" grants their claim, yet most commentators assume that Joshua makes the allocation. It would be more accurate to say that Eleazar and

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<sup>109</sup> Sterring, "Will," 91.

Joshua are the scene's joint-agent.<sup>110</sup> The remarkable act of Eleazar/Joshua is that he treats each daughter as a firstborn son and awards each a double allotment of land.<sup>111</sup> Clearly, there is an untold story behind this unusual decision.

### **Characterisation Summary**

On the basis of the three courts scenes alone, the narrator is spare with his description of each character or group of characters, giving *nachalah* more narrative space than some of the human actors receive.<sup>112</sup> Perhaps this is the reason that those who cursorily read the Book of Numbers are often unable to recall the story of Zelophehad's daughters. It is only when the nuances of direct discourse are examined and reviewed in the light of the protagonists' motives do the characters come to life. The five *b<sup>e</sup>tuloth* can then be seen as important members of the Israelite community and their foresight, intelligence and fortitude can be appropriately admired and honoured.

### **Point of View**

In the series of three pericopes, the predominant point of view is that of Zelophehad's daughters because both Act One and Act Three begin with their legal petitions outlining the thoughts and plans of the *b<sup>e</sup>tuloth*. Act Two presents

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<sup>110</sup> In the Book of Joshua, after entering Canaan, Joshua is usually the allocator of land (e.g. Josh. 14:13, 17:15-18), but in at least three texts, Eleazar joins Joshua to distribute land (Josh. 14:1, 17:4, 21:1-4).

<sup>111</sup> This act is alluded to in Joshua 17: 5-6 as an explanation for Manasseh's extra ten allotments. This event is discussed in more detail in "Retrieval," pp. 255-56, 264.

<sup>112</sup> This minimal characterisation in the Zelophehad's daughters stories contrasts with character in stories like that of Ruth, in which Ruth and Naomi's are rounded and engaging personalities.

the counter-viewpoint of the daughters' male relatives. Overall, direct speech conveys the characters' ideological perspectives.

Adele Berlin asserts that the use of a relationship term like "daughter" is an indicator of the "interest point of view" of a father.<sup>113</sup> In this story the father is dead, but by repeating the word "daughters" so often, the narrator emphasises that the views of the *b<sup>e</sup>tuloth* are presented in the interest of their deceased father and determined by their relationship to him.

Israel's leaders, represented by Moses and later by Eleazar and Joshua, do not express their own viewpoint in any of the scenes. However, it is clear that in each situation the narrator implies that they agree with - or acquiesce to - YHWH's opinion.

The narrator's presentation of YHWH is the most intriguing illustration of perceptual point of view in this series of narratives. In the first act, YHWH responds to the *b<sup>e</sup>tuloth* by accepting their perspective. So much so, YHWH makes it the divine point of view and even enshrines it in law. In the second act, Moses, speaking for YHWH, responds in an almost identical way to the Gileadites leaders' dissenting opinion. The outcome is that via Moses, YHWH finds a compromise. The instructions of the compromise are duly accepted and followed by the daughters and - since they make no protest - also accepted by the men of Gilead.

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<sup>113</sup> Berlin, *Poetics*, 48, 59.

Like the daughters, YHWH is portrayed as an adaptable character in the story, demonstrating the will to listen to the points of view of the protagonists and adopting them as his own. None of the characters dispute the outcome of the events in Numbers 36 and Joshua 17. Similarly the narrator - who almost invariably takes YHWH's point of view – apparently also accepts the positions of the various characters as they arise.<sup>114</sup>

### *Names*

“A name is not merely a designation, but an integral part of existence: only that which has a name exists.”<sup>115</sup> The naming of the daughters of Zelophehad reflects the importance of these women as the story's primary protagonists,<sup>116</sup> and indeed Mahlah, Noah, Hoglah, Milcah and Tirzah's names are listed four times in two books of the Bible (Num. 26:33, 27:1, 36:11 and Josh. 17:3b). A few scholars look at the origins of their names,<sup>117</sup> while Milgrom recounts claims in several ancient *midrashim* that the repetition of the women's names is to honour them

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<sup>114</sup> The discussion in “Ambiguity” reveals a few uncertainties about the narrator's views at various points in this story. See pp. 208-209.

<sup>115</sup> Noordtzij, *Numbers*, 253.

<sup>116</sup> Ben-Barak, *Inheritance by Daughters in Israel and the Ancient Near East* (Jerusalem: Graphit, 2004), 54; Eskenazi, “Legacy and Land,” 973.

<sup>117</sup> Sakenfeld has various entries: Mahlah may be from *chll* (חלל) and mean “wounded” or “pleasing ornament” from *chlh* (חלה); Hoglah means “partridge” from *chgl* (חגל) “to hop”; Tirzah may be from *rtsh* (רצה) meaning “pleasure.” Milcah and Noah are names with no known meaning. Katharine Doob Sakenfeld, “Hoglah,” “Mahlah,” “Milcah,” “Noah,” “Tirzah,” in *Women in Scripture*, ed. Carol Meyers (Grand Rapids, Mi.: Wm. B. Eerdmans Publishing Company, 2000), 96, 114, 127, 132, 165; Litke, “Daughters,” 210; Dozeman, *Numbers*, 212; Benjamin Mazar, “Judges,” in *The World History of the Jewish People* (Israel: Jewish History Publications, Ltd., Rutgers University Press, 1971), 3. 207. All of the daughters' names also have been found as place names in Israel - perhaps to establish that women did inherit land. Noah and Hoglah are the names of districts of Manasseh inscribed on the 8<sup>th</sup> Century Samaria ostraca (pottery fragments), Mahlah is a place in 1 Kgs. 19:16, Milcah is a region in northern Israel and Tirzah a city (1 Kgs. 14:17). Harold Louis Ginsberg, “Zelophehad,” *Encyclopaedia Judaica* (Jerusalem: Keter Publishing House, 1972), 980; Eskenazi, “Legacy and Land,” 972; Budd, *Numbers*, 300, 302.

because their faith and courage outshines that of the men who fear to enter Canaan.<sup>118</sup>

Before their court appearances in the first and third acts, the names of the daughters of Zelophehad appear after their genealogical credentials are listed.<sup>119</sup> Together, their lineage and listed names inform and assure the audience that these women have genuine status in the Gileadite clan. According to Dozeman it is high status indeed. “The clan structure of Manasseh is also unique in Numbers 26 because of the linear depth of the genealogy. It is structured as seven generations, of which the daughters of Zelophehad are the ‘perfect’ seventh.”<sup>120</sup> From this Dozeman construes that, apposite to inheritance laws, “the daughters of Zelophehad will represent a new transition in the priestly history.”<sup>121</sup> Laffey’s proposal that the daughters are Israelite nobility because they are direct descendants of Joseph complements Dozeman’s view.<sup>122</sup> Certainly the *b<sup>e</sup>tuloth* demonstrate the self-confidence often apparent in people who have standing in the community.

Another hypothesis regarding the daughters’ names is one which I believe is more compelling than those mentioned above. The narrator, according to this premise, repeats the names of Mahlah, Noah, Hoglah, Milcah and Tirzah

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<sup>118</sup> Milgrom, *Numbers*, 230.

<sup>119</sup> This includes the genealogical list in Numbers 26:28-34 where the names of Zelophehad’s daughters first appear.

<sup>120</sup> The Israelites regarded number seven as the number of wholeness or perfection. Dozeman, “Numbers,” 212.

<sup>121</sup> Dozeman., *Numbers*, 212.

<sup>122</sup> Perhaps Laffey mistakes Joseph’s position as Prime Minister of Egypt for royalty (Gen. 41:39-44). Laffey, *Introduction*, 59.

primarily because they are strongly connected to traditional Israelite land entitlements. In other words, land and *nachalah* are such fundamental issues in the story of Israel that a claim to land which leads to a change in Israel's legal code warrants the preservation of the claimants' names.<sup>123</sup> Whatever the reason, the naming of the daughters assures their relative significance in the eyes of the audience.

Despite the repetition of their names, however, Zelophehad's daughters invariably appear as a single five-person 'character.' Indeed, Mahlah, Hoglah, Milcah, Tirzah and Noah are among the very few named people who are presented this way in Hebrew biblical narrative.<sup>124</sup> In contrast, neither the clan leaders of Gilead who are the subjects of Act Two nor the men whom the daughters marry in Numbers 36:11 are given names. The narrator's decision to omit the names of these two groups of men emphasises that Mahlah, Hoglah, Milcah, Noah and Tirzah are the primary protagonists of the story as a whole.

The name of Zelophehad is also essential to this story because its preservation via land allocation is the daughters' motivation for presenting their case.

However today's scholars find it challenging to understand just how

Zelophehad's name is preserved when his daughters are awarded the

entitlement. It is possible that their firstborn sons become known as 'the sons of

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<sup>123</sup> This explanation was suggested by Dr. Vicky Balabanski at a 2003 postgraduate students' meeting at the Adelaide College of Divinity, Adelaide, South Australia.

<sup>124</sup> The closest parallel to the portrayal of Zelophehad's daughters is the narrative of the twelve men whom Moses sends to spy on the Canaanites (Num. 13:1-33). They are all named and, like the daughters, ten of the twelve spies speak as one voice; Joshua and Caleb alone speak as individuals.

Zelophehad’, for “only a son can ensure that a name will not ‘disappear’ (cf. Deut. 25:6ff).”<sup>125</sup>

In the book of Ruth, however, Westbrook finds clues towards sorting out this puzzle.<sup>126</sup> In Ruth, ‘name’ (*shem* שֵׁם) is also represented as ‘property’ or land entitlement (Ruth 4:10).<sup>127</sup> Citing the Ruth narrative and following Neufeld, Westbrook deduces that the legal purpose of the levirate rule is not to ensure that the name of the deceased man precedes that of his descendants in genealogical lists, but that its legal purpose is “to prevent extinction of the deceased’s title to his landed inheritance.”<sup>128</sup> In the case of Zelophehad, the allocation of land to his daughters would therefore preserve the connection of his title - or ‘name’ - to that land. Martin Noth<sup>129</sup> and Milgrom come to the same conclusion, namely, “that a name exists as long as it is attached to land.”<sup>130</sup> In this process his daughters, now land-title holders, “are given the status of name-bearers of their father’s family.”<sup>131</sup>

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<sup>125</sup> Noordtzij, *Numbers*, 253.

<sup>126</sup> By marrying Ruth, Boaz claims to have redeemed the land of Elimelech and his sons Mahlon and Chilion “to perpetuate the name of the dead in his inheritance” (Ruth 4:10, and 4:5). Yet the genealogy in Ruth 4:21 lists Obed not as Mahlon’s son, but as Boaz’s son. Westbrook, *Property*, 75-76.

<sup>127</sup> Ephraim Neufeld, *Ancient Hebrew Marriage Laws: With Special References to General Semitic Laws and Customs* (London: Longmans, Green and Co., 1944), 47; Westbrook, *Property*, 63.

<sup>128</sup> Westbrook, *Property*, 76-77.

<sup>129</sup> Noth writes that in ancient times a man’s name “could be preserved only in association with the inheritance of land by his descendants.” This statement probably holds for all Israelite men apart from the Levites who were exempted from ancestral house allotments. Martin Noth, *Numbers: A Commentary*, trans. J. D. Martin (London: SCM Press, 1968), 211.

<sup>130</sup> Milgrom asserts, despite what appears to me to be inadequate evidence, that a man’s name can be perpetuated via his daughters’ sons. He gives the examples of Sheshan of Judah whose *toledoth* continues through his son-in-law (1 Chron. 2:34-35), and Barzillai, who takes the name of his father-in-law, a Gileadite, who probably had no sons (Neh. 7:63b). Milgrom, *Numbers*, 231.

<sup>131</sup> Litke, “Daughters,” 218.

Noordtzij also translates the meaning of “Zelophehad” enigmatically as “Protection is the one to be feared.”<sup>132</sup> As a father Zelophehad’s task is to protect his daughters, but his death might be regarded as an event which generates fear because his daughters have no brother to safeguard their interests. The daughters nevertheless manage admirably by ensuring that both their father’s and their own interests are safeguarded. Not only that, but the daughters’ goal of preserving Zelophehad’s name succeeds in ways that would have been beyond their wildest expectations.

The other named characters in the three acts are Moses, YHWH, Eleazar and Joshua. While the three men play secondary roles in this story, they all command great respect both here and in other texts of the Hebrew Bible, and all hold leadership positions. Most significantly, the name YHWH is prominent in the first two acts of the stories about Zelophehad’s daughters. YHWH’s involvement emphasises the deity’s intense interest in the matter of land as Israel prepares to enter Canaan (e.g. Deut. 8:7-10). It seems that the points of view of YHWH and of all the characters in the Zelophehad daughter stories correspond when land is the focus of the narrative.

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<sup>132</sup> *Tsal* (לצל) means “shade” or “protection” and *pachad* (פחד) means “terror.” Noordtzij, *Numbers*, 252. Holladay translates *pachad* YHWH in 1 Sam. 11:7 as “terror caused by God.” So “Zelophehad” could also be translated as “the terror of protection.” Holladay, *Lexicon*, 290.



### **Narrator's Purpose**<sup>133</sup>

Along with scholarly dissension about the arrangement of the book of Numbers as a whole, the placement - and therefore purpose - of the Zelophehad daughter passages is open to debate.<sup>134</sup>

Biblical commentators hold a variety of ideas - all valid - regarding the inclusion of the Zelophehad daughters in the Torah. For example, while Litke is passionate enough to state that he sees the gender issue as the “key point” of the texts featuring the daughters,<sup>135</sup> Sakenfeld’s proposal is that “the larger implied purpose of the case law allowing women’s inheritance, as the narrative presents it, is the preservation of the father’s name.”<sup>136</sup> With yet another view, N. H. Snaith deduces that the narrator’s basic purpose is to explain Manasseh’s land allotment west as well as east of the Jordan (Josh. 7:1-6).<sup>137</sup> Wenham broadly agrees with Snaith, and adds, “Numbers is preoccupied with the fulfilment of the land promise.” That is, the story of Zelophehad’s daughters is part of this preoccupation because it focuses on the significance of land, land entitlement and land distribution in Israel.<sup>138</sup>

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<sup>133</sup> Since the daughters of Zelophehad story appears in two books of the Hexateuch, I reiterate that it is more than likely that multiple narrators/editors worked on these pericopes. Yet after analysing the story’s three acts they appear to be in ideological accord. For the sake of simplicity I will continue to refer to the narrator as a single entity. See “Explanatory Notes,” p.1.

<sup>134</sup> Wenham, *Numbers*, 14-15.

<sup>135</sup> Litke, “Daughters,” 218.

<sup>136</sup> Sakenfeld, “Wilderness”, 183.

<sup>137</sup> N. H. Snaith, “Numbers”, *Peake’s Commentary on the Bible* (London: Thomas Nelson, 1962), 126.

<sup>138</sup> Wenham, *Numbers*, 27.

In Joshua 17:3-6, when Zelophehad's daughters appear in the land court for their land allocation, the narrator gives a reason for the inclusion of this scene, namely, that Manasseh receives extra land because another ten portions have been allocated to Zelophehad's daughters (Josh. 17:4c-6). The record of the transaction may be highlighted in order to avert inter-tribal complaints of unfairness, and/or to promote the ancestral household as the ideal unit as opposed to competing ideologies (e.g. royal or theocratic).<sup>139</sup> Subsequently the head of each household would be expected to secure his *nachalah* by emulating the confidence and initiative of Caleb, Joshua and Zelophehad's daughters, and thereby gain God's approval and protection of his land.<sup>140</sup>

Dennis Olson sees three theological objectives in the stories of the five daughters.<sup>141</sup> First, in YHWH's approval of the daughters' demand, the deity reaffirms his promise of the gift of land to the Israelites. Second, with the amendment to the law in Numbers 36 the YHWH tradition aims for 'fairness' in the distribution of land entitlements to Israel's ancestral households. Last, the two instances in Numbers 27 and 36 in which a new statute is added and an amendment made to the law showcase a willingness on the part of God and his people to reinterpret legal matters. This "suggests a realistic and dynamic stance in the application of God's will for his people."<sup>142</sup>

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<sup>139</sup> Habel, *Land is Mine*, 149-51.

<sup>140</sup> Habel, *Land is Mine*, 73.

<sup>141</sup> Olson, *Death of the Old*, 175. Olson's viewpoint fits a 'theocratic ideology' which has some resonance in Numbers, but in Joshua the 'ancestral house ideology' dominates. Habel, *Land is Mine*, 56-74.

<sup>142</sup> Olson, *Death of the Old*, 176.

In summary, Olson sees that the narrator's primary purpose for these land-claim narratives is to draw audience attention to Israel's new beginnings in the Promised Land by the placement of the daughters' legal case at the end of the book of Numbers.<sup>143</sup> The prominence given to the viewpoint of the five *b<sup>e</sup>tuloth* reveals the direction of the whole book, namely, that unlike the first generation whose scepticism and fear ties them to the wilderness, the new generation of Israelites represents a fresh beginning for God's people.

This overarching structure of the death of the old generation and the birth of a new generation of hope provides the interpretative framework for the other varied contents of the book of Numbers.<sup>144</sup>

Thus the new generation - represented by the daughters of Zelophehad - boldly claims YHWH's promises and demonstrates its readiness to take on the might of Canaan.

## **A Feminist Re-reading**

### **Introduction**

For all its positive attributes, the story of Mahlah and her sisters<sup>145</sup> has often been ignored in the world of biblical literary analysis. With their androcentric

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<sup>143</sup> Olson, *Numbers*, 165.

<sup>144</sup> Olson, *Numbers*, 6.

<sup>145</sup> In the feminist analysis of the story of Zelophehad's daughters, I shall also refer to the five young women as "the Zelophehad sisters," "Mahlah and her sisters," or as "the sisters". According to Berlin, "namings...are a way that the narrative calls attention to specific relationships between certain characters." Berlin, *Poetics*, 18. In the feminist analysis below, it seems appropriate to emphasise the sibling relationship between the *b<sup>e</sup>tuloth* by calling them

focus many ancient and modern exegetes show less interest in the Zelophehad sisters than they show in Israel's inheritance laws, the preservation of a clan leader's name and/or the ideology of land entitlement.<sup>146</sup> Even Thomas Mann's *The Book of the Torah*, published just over two decades ago, completely ignores the sisters' story.<sup>147</sup>

Another reason for the obscurity of this series of texts may stem from attitudes like that of Genesis Rabbah who views the place in the Torah held by Zelophehad's daughters as inconsequential and that the *b<sup>e</sup>tuloth* are given their *nachalah* simply to reward their ancestor Joseph for ignoring the seductions of the women of Egypt.<sup>148</sup> Midrash Tanhuma interprets Numbers 27:1-11 more as an indictment of Moses' failure to respond directly to a legal petition of women than saying anything positive about the achievement of the latter.<sup>149</sup> Furthermore Josephus - in condensing the story and telling it exclusively from the tribal leaders' point of view - only refers to the daughters as the passive recipients of land.<sup>150</sup> Today attitudes are beginning to change as recent feminist interest in the story has led to increased commentary space and more journal articles devoted exclusively to the phenomenon that is the Zelophehad sisters.

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"sisters." Indeed, the narrator's technique of presenting them as speaking with one voice underscores their sisterly relationship.

<sup>146</sup> Exemplifying these scholars are J. Weingreen and N. H. Snaith who concentrate only on the legal ramifications of these addenda to the Mosaic Code. Weingreen, "The Case of the Daughters of Zelophehad", *Vetus Testamentum* 16 (1966), 518-22; Snaith, "The Daughters of Zelophehad", *Vetus Testamentum* 16 (1966), 124-27.

<sup>147</sup> Thomas W. Mann, *The Book of the Torah: Narrative Integrity of the Pentateuch* (Atlanta, Ga.: John Knox Press, 1988).

<sup>148</sup> Shemesh, "Gender," 96. Other rabbinic records (e.g. Sifrei B'midbar 133) give the sisters fulsome praise. Baskin, "Post-biblical Interpretations," 984.

<sup>149</sup> Shemesh, "Gender," 96.

<sup>150</sup> Josephus, *Antiquities* (trans. William Whiston) 4.7.5. Josephus paraphrases Act Two (Numbers 36) only, in which the sisters are the objects rather than the subjects of the story.

### **Suspicion of Patriarchal Biblical Authority**

Despite the positive outcome for the Zelophehad sisters' quest, the three pericopes demonstrate the difficulties faced by women - especially unmarried women - in a patriarchal culture. Such difficulties have led some feminist scholars to express reservations - with some justification, I believe - about the sisters' willing participation in the preservation of a male hegemony since they are merely "challenging patriarchal policies for the benefit of a male, the continuation of their father's name."<sup>151</sup>

Evidence that the narrator believes in the primacy of land ideology - and ancestral house land ideology in particular - is found in his structuring of the three acts. The pivotal event occurs in the central scene (Act Two) in which Zelophehad's male relatives appear as the narrative subjects. Structurally the first and last scenes featuring the daughters appear to support the pivotal event of Numbers 36.<sup>152</sup> This arrangement suggests that Act Two can justifiably be read as the narrator's placement of the sisters in the role of "pawns in a potential land dispute."<sup>153</sup>

When Moses speaks for YHWH in Act Two he acknowledges the view of the men and changes the law to preserve the inalienable land rights of each ancestral house. In this way the rights of the tribes - controlled by male leaders - have

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<sup>151</sup> Mbuwayesango, "Can Daughters," 257; Sakenfeld, "Family Inheritance," 55. While this is true, there are strands which weaken patriarchy's grip on the story. See "Women's Traditions," 257.

<sup>152</sup> See "Ambiguity," p. 208.

<sup>153</sup> Bellis, *Helpmates*, 107.

priority over the rights of orphaned women without brothers. It is a perspective which approximates that of M. J. Evans, who sees Moses' referral of the sisters' petition to YHWH as an example of an androcentric power-broker resisting a legislative shift which in turn might weaken the social position of Israelite males.<sup>154</sup>

Apposite to the new ruling in Act Two which addresses the Gileadites' concerns, Sakenfeld questions the narrator's attribution of Moses' decision to YHWH. "Decision making is represented as YHWH's, but it is culturally attached to the male power figures of the community."<sup>155</sup> Thus the supposedly 'liberating' events for women in Act One are tightly controlled by a male hierarchy epitomised by Moses, Eleazar and the clan heads. I concur with Sakenfeld's view that YHWH is depicted as the final arbiter, for in Acts One and Two the narrator repeatedly draws YHWH into scenes to demonstrate that YHWH is indisputably part of Israel's decision-making process. Yet for Sakenfeld to differentiate between YHWH and the male hierarchy is curious, for YHWH is the ultimate male icon in the Hebrew Bible. A hermeneutic of suspicion applied to Israel's male leadership cannot exempt - and also needs to be applied to - Israel's 'male' God.<sup>156</sup>

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<sup>154</sup> M. J. Evans, "Women," in *Dictionary of the Old Testament*, ed. T. Desmond Alexander and David W. Baker (Downers Grove, IL: InterVarsity Press, 2003), 903.

<sup>155</sup> Sakenfeld, "Wilderness", 184.

<sup>156</sup> As if to confirm that God is male, the Hebrew Bible invariably uses the masculine pronoun when referring to YHWH. See "Explanatory Notes 2," p. 1. While a number of female metaphors are used for YHWH (e.g. Hos. 11:3-4), they are rare. Rosemary Radford Ruether, "Feminism and Patriarchal Religion: Principles of Ideological Critique of the Bible," *Journal for the Study of the Old Testament* 22 (1982): 58.

### *The Status of Women versus the Status of Land*

Unmarried daughters are low on the social scale in the ancient Israelite community,<sup>157</sup> and “as unmarried women whose father had died, the five daughters represent the least powerful members of the community.”<sup>158</sup> The status of a *b<sup>e</sup>tulah* is almost always temporary, but the improved status of a land-holding married woman carries its own problems.

A daughter was expected to marry; that was a given of the society. It was also a given of the society that a propertied daughter must relinquish her property to the man she could marry...and though she may have had some say in whom she married, she would - ironically enough...have had considerably fewer potential suitors than her unpropertied counterpart.<sup>159</sup>

Before their entry into Canaan the Zelophehad sisters choose to marry their cousins who in turn become beneficiaries of their wives' land. Bird remarks that the husbands probably should be regarded as the real heirs of Zelophehad.<sup>160</sup> Marriage to an heiress becomes newsworthy at the stage of Israel's history in which the men of Israel appear to be preoccupied by the idea of possessing land which - as YHWH has promised<sup>161</sup> - they will wrest from the Canaanites. In Genesis 2:24, “to cling” (*dabaq* דָּבַק) refers to the bond between a man and his

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<sup>157</sup> The status of a *b<sup>e</sup>tulah* is revealed in Leviticus 27 which explains the value placed on a special vow. A vow made by a male is double in monetary value to that of a female. The value of a vow made by an unmarried girl of 5 to 20 years was a third that of a woman (usually married or widowed) aged 20 to 60 years. Eskenazi, “Legacy and Land,” 971.

<sup>158</sup> Eskenazi, “Legacy and Land,” 971; Sakenfeld, “Wilderness”, 181; The last and least status of *b<sup>e</sup>tuloth* is especially evident in other stories of unmarried girls in the Hebrew Bible.

<sup>159</sup> Alice L. Laffey, *Introduction to the Old Testament: A Feminist Perspective* (Philadelphia, Pa.: Fortress Press, 1988), 61-62.

<sup>160</sup> Bird, *Missing Persons*, 26, fn. 31; Sterring, “Will,” 93.

<sup>161</sup> For example, Balaam's fourth prophecy in Numbers 24:15-19.

wife, but twice in Numbers 36 (vss. 7 and 9) Moses uses the word *dabaq* when referring to “every son of Israel” and his *nachalah*.<sup>162</sup> Moses’ pronouncement that “every man shall cling to the entitlement of the tribe of his father” (Num. 36:7c-d) suggests that a man’s primary relationship is now with his land. According to Ankie Sterring, the implication of this shift in rhetoric is that a man’s relationship with his wife has become secondary. This movement away from attachment of family to attachment to land seems to have been overlooked by most feminist commentators.<sup>163</sup>

The powerful ideology of *nachalah* is also evident in the restrictions imposed on the sisters’ marriage options (Num. 36:6).<sup>164</sup> The Gileadites warn that the sisters’ *nachalah* would become part of their husbands’ land-holdings and thereby lost to Manasseh if the *b<sup>e</sup>tuloth* marry into other tribes. One feminist reaction to the Gileadites’ protest is that it is “typical of patriarchal society” to mount a counter-measure against women’s achievements.<sup>165</sup> Since the patriarchal deity does amend the new law, the Zelophehad sisters - perhaps having anticipated the protest and amendment - know that their only option is to comply.

Why then does Moses/YHWH decree in Act Two that women who are entitled to *nachalah* may only marry within their own *mishpachah* (משפחה) or clan, rather than within the whole tribe which seems to be the solution required by the

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<sup>162</sup> Sterring, “Will,” 94.

<sup>163</sup> Sterring, “Will,” 94.

<sup>164</sup> Sakenfeld, “Wilderness,” 184.

<sup>165</sup> Sterring, “Will,” 94.



Gileadites? Perdue believes that “this legislation was designed to preserve the patrimony within the kinship group.”<sup>166</sup> After all, as land-holders the sisters are unusually privileged because land means potential wealth, an attractive prospect for any would-be husband. On the other hand, the legislated restriction in Numbers 36: 6-9 is also a reminder that these are constraints on females which no Israelite male need consider.

With their statement that a married woman’s land could be seconded to her husband’s tribe during the Jubilee,<sup>167</sup> the Gileadite leaders’ speech in court reveals their anxiety about the Zelophehad sisters’ entrée into the arena of land entitlement.<sup>168</sup> Since the men do not offer a solution to the problem they place before Moses perhaps they are hoping that their appeal will result in an annulment of the new law favouring brotherless women. Although no annulment is commanded, the sisters’ prospects are nevertheless pruned by the clan leaders’ determination to ensure that the rights of an ancestral house override the rights of those daughters entitled to *nachalah*.<sup>169</sup>

Nor do the *b<sup>e</sup>tuloth* succeed in changing the basic premise of Israel’s land distribution legislation. That is, if a woman has a brother she cannot be entitled

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<sup>166</sup> Perdue, “Israelite,” 191.

<sup>167</sup> Leviticus 25:28 does not address the Gileadites’ statement about this possible effect of the Law of Jubilee, so it is uncertain whether or not the Jubilee does confirm the transfer of a daughter’s land entitlement to her husband’s *nachalah*. See “Events,” p. 195.

<sup>168</sup> Roland de Vaux notes the evidence that the law regarding brotherless daughters marrying within their clan is followed. In 1 Chronicles 23:22, Eleazar, a Levite, has no sons. When he dies, his daughters marry their father’s brothers’ sons. Roland de Vaux, *Ancient Israel: Its Life and Institutions*, 2<sup>nd</sup> ed., trans. John McHugh (London: Darton, Longman and Todd, 1965), 54.

<sup>169</sup> Sakenfeld, “Wilderness”, 183.

to any land, and if a man has no children at all, the new law decrees that only the man's male next-of-kin is entitled to the land. Through the effort of the five sisters, patriarchy does make a concession to a select group of women, but in Israel's androcentric world overseen by a male deity, in practice the social adjustment required to accommodate brotherless daughters as land-holders is probably not too onerous.

### *The Status of Women versus the Status of Men*

Another example of the lower social position of *b<sup>e</sup>tuloth*<sup>170</sup> is in the way Mahlah and her sisters are addressed – or not addressed – by other protagonists.

Although the narrator repeatedly names all the sisters in Numbers and Joshua,<sup>171</sup> YHWH and the other protagonists refer to the sisters only as “the daughters of Zelophehad.” This implies that - consistent with ancient Israelite views about families - the leaders and YHWH relate to the *b<sup>e</sup>tuloth* only through their father because they consider the father-daughter relationship to be more significant than the sisters' relationship to each other.<sup>172</sup> This approach, plus the fact that the *b<sup>e</sup>tuloth* always speak as one person without an individual spokeswoman, tends to de-personalise them.<sup>173</sup>

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<sup>170</sup> See “The Status of Women versus the Status of Land,” p. 235 and “Introduction,” p. 183, fn. 9.

<sup>171</sup> See “Motif and Repetition,” p. 205; “Names,” p. 224.

<sup>172</sup> Berlin, *Poetics*, 18.

<sup>173</sup> On the other hand, there is narrative power in a group which speaks with one voice. A repeated example of this is the voice of the Israelites who cry out to YHWH either in misery or complaint (e.g. Exod. 2:7c).

The result is a hint of tension between the narrator who names individuals, and the narrative's male protagonists who do not. This is a tension similar to that between the two conflicting structural emphases: one which points to the *b<sup>e</sup>tuloth* as the story's primary interest, and another which places the Gileadites in the spotlight.<sup>174</sup> It is as if the narrator acknowledges that Mahlah, Noah, Hoglah, Milcah and Tirzah deserve recognition, but that he also understands that men in Israelite society would view them only as the daughters of a once-prominent man.<sup>175</sup>

The narrator also downplays the achievements of the Zelophehad sisters with his very brief report on their final appearance at the land distribution court in Joshua 17:3-6. In contrast, the narrator gives detailed attention to the allocation and grant of Caleb's *nachalah* (Josh. 14:6-14). For example, when Caleb is allocated Hebron, Joshua blesses him (Josh. 14:13). In Joshua 17, however, the daughters' legal achievements are not recounted, they do not receive a spoken blessing, and they are given little narrative space. On the other hand the sisters each receive a double allocation of land in what appears to be a special endorsement of their quest.<sup>176</sup>

I interpret this apparent contradiction in terms of the narrator's own doubts about the Zelophehad sisters. That is, they deserve the double land allocations because

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<sup>174</sup> See "Ambiguity," p. 208.

<sup>175</sup> McVann reminds his readers that individualism is a construct of the modern West. McVann, "Family-Centeredness," 75.

<sup>176</sup> See also "The Birthright Blessings," 255-56.

they epitomise the ideal daughter and the ideal citizen of a new nation: brave as well as dutiful towards God and God's chosen leaders. But the central position of the Gileadite protest indicates narratorial concern about the precedent the sisters have set, for the new law has ramifications for the future of land entitlements and family relationships in Israel.

Meanwhile Litke praises the sisters' achievement as "the right of women to count" as recognised members of the Israelite community.<sup>177</sup> But Litke overstates the case because only women without fathers or brothers now count. Yes, the narrator does bring the issue of gender to the fore, but for him it is not primary. Rather his priorities are those which are crucial to the relationship between YHWH and Israel, namely, God's justice for ancestral households and the weighty issues of land distribution, entitlement and inheritance.

Apposite to this is the statement that ten land portions are allocated to Manasseh "because the daughters of Manasseh were entitled to an entitlement along with his sons" (Josh. 17:6). I read it as implying that the *b<sup>e</sup>tuloth*, rather than YHWH or the leaders, are responsible for the Manasseh clan's extra allocations. Although the text is silent about the direct consequences of the sisters receiving land, there may be veracity in Hawk's assertion that textual "befuddlement" about the land distribution in Manasseh and Ephraim (Josh 17:1, 2, 6-16) is related to the granting of land to women and the associated disturbance of a

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<sup>177</sup> Litke, "Daughters," 218.

world patterned along patriarchal lines. “Ownership of land by women destabilizes the essential structures which define and organize the tribes.”<sup>178</sup>

### ***Textual Anomalies***

Three curious textual anomalies appear in the second and third acts: three masculine possessive pronoun-suffixes occur where the context suggests that they should be feminine suffixes.<sup>179</sup> It is disconcerting that the masculine suffixes occur precisely in the verses where Mahlah and her sisters are given an opportunity which is atypical for women, that is, the opportunity to choose husbands.<sup>180</sup> Because of the masculine suffixes in Numbers 36:6d-6g, the implication is that the men, not Mahlah and her sisters, choose the husbands, “and, in fact, they were given to their cousins.”<sup>181</sup> Although Sakenfeld accepts the masculine suffixes as a sign that other male relatives probably do choose wives for Zelophehad’s daughters,<sup>182</sup> to whom do the masculine suffixes refer? No *goel* is ever mentioned and no *goel* appears for the sisters. This is an anomaly which could just as easily be the result of a male redactor’s attempt to modify the surprising gesture of autonomy granted to the Zelophehad sisters.<sup>183</sup>

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<sup>178</sup> Hawk, *Joshua*, 207, 209.

<sup>179</sup> See “Ambiguity,” p. 209. A few manuscripts (e.g. the Syriac and Septuagint) have feminine possessive pronouns in these instances.

<sup>180</sup> “In the case of a first marriage, a woman’s nuptials are routinely depicted as arranged for her by her father or, if he is dead or otherwise unable to act, by her brothers.” Susan Ackerman, *Warrior, Dancer, Seductress, Queen: Women in Judges and Biblical Israel* (New York: Doubleday, 1998), 225.

<sup>181</sup> Ginsberg, “Zelophehad,” 980.

<sup>182</sup> Katharine Doob Sakenfeld, “Family Inheritance: The Daughters of Zelophehad,” in *Women’s Bible Commentary with Apocrypha*, exp. 2<sup>nd</sup>. ed., ed. Carol A. Newsom and Sharon H. Ringe (Louisville, Kn.: Westminster John Knox Press, 1998), 55.

<sup>183</sup> According to Julian Pitt-Rivers, “the classical Greeks recognised in the institution of the *epikleros*, the brotherless daughter of a line of descent, a preferential right to marry their

Later, in Joshua 17:4, Eleazar/Joshua gives the inheritance “to them” (masculine suffix *lahem* להם). Perhaps these male recipients are the husbands of Mahlah and her sisters and the narrator is subtly conveying the idea that the husbands take over the management of Zelophehad’s legacy. Harstad tries to justify the change with the strange idea that “perhaps the masculine is used here also because the five sisters, for purposes of inheritance, are treated as males.”<sup>184</sup> My hypothesis is that each of these syntactical ‘adjustments’ in favour of masculine activity are possible examples of editorial anxiety about women choosing their husbands and Joshua handing over land claims to women.

### ***Limits to the Sisters’ Achievements***

A few commentators have written enthusiastically about the gender equality and inclusivity which they deem the sisters to have achieved on the Plains of Moab.<sup>185</sup> Yes, the *b<sup>e</sup>tuloth* do make gains for women, but their gains do not amount to gender parity with men. In biblical history, women with brothers never gain the legal right to share an entitlement to *nachalah*.<sup>186</sup>

There are also practical problems associated with women as landholders in a patriarchal social system based on male inheritance rights. There is little doubt that Mahlah and her sisters’ expressed aim, namely, to protect their father’s

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patrilineal kinswoman whose estate was thereby kept within the lineage.” Pitt-Rivers, *Fate of Shechem*, 120, 167.

<sup>184</sup> Harstad, *Joshua*, 560.

<sup>185</sup> For example, Winter, *Woman Witness*, 227; Olson, *Death of the Old*, 175.

<sup>186</sup> Job’s daughters receive *nachalah* “among their brothers”, but this event is more likely to symbolise Job’s abundant wealth than the establishment of a legal precedent (Job 42:15). de Vaux, *Ancient Israel*, 54.

name, is one which appeals to Israel's patriarchal elite.<sup>187</sup> The women not only hit the right note in order to change the law, they hit the only note. As David Pleins wryly remarks, "Zelophehad's daughters are accorded inheritance rights in the absence of a male heir (Num. 27:1-11), [and] the primacy of male inheritance is thereby protected and reinforced."<sup>188</sup>

Finally, the Zelophehad sisters might also be viewed as mere "place-holders" in the male line because their husbands and sons are, or will be, the real heirs.<sup>189</sup> The argument is that "the foremost goal of its [the Bible's] legal system was the preservation of the clan."<sup>190</sup> From this perspective, although the Zelophehad sisters instigate a change in Israel's land entitlement laws, patriarchy remains unchallenged.

Yet are not the lives of these five women transformed by this unique event? One can only speculate about the way the sisters themselves view their situation and their future after their goal is achieved.

### **Identification<sup>191</sup>**

Before writing the story through the eyes of Mahlah I had given a few presentations on the tale of Zelophehad's daughters and was confident that I

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<sup>187</sup> Sterring, "Will," 91.

<sup>188</sup> J. David Pleins, *The Social Visions of the Hebrew Bible: A Theological Introduction*. Louisville, Kn.: Westminster John Knox Press, 2001, 73; Eryl W. Davies, "Inheritance Rights and the Hebrew Levirate Marriage: Part 1," *Vetus Testamentum* 31, no. 2 (1981): 90;

<sup>189</sup> Bird, *Missing Persons*, 26

<sup>190</sup> Milgrom, *Numbers*, 482, Sakenfeld, "Family Inheritance," 55.

<sup>191</sup> This section on "Identification" is based on the *midrash*, Appendix 5, pp. 490-502.

knew it well. Yet the *midrash* in which I identify with Mahlah has given me an unexpected perspective which the relevant literature naturally does not address.

The first surprise has been that there may have been a special relationship between Zelophehad and his daughters. The amount of preparation that must have gone into the sisters' submission to Israel's law court surely springs from more than the sisters' simple concern for their father's name to remain in Israel's collective memory via land allocation. These five young women are so highly motivated that they are willing to brave the possibility of punishment for questioning YHWH's judgment: punishment such as ostracism, illness or even death. I also gathered from the description of their careful preparation of the speech that the sisters believe that their father is a distinguished man who deserves to be awarded a place in Israel which only land entitlement can bestow. Of course, little do they know that their endeavour will eventually far exceed its originally-modest ambition.

Another positive outcome of writing the *midrash* is that I am more sharply aware of just how successful the sisters' legal petition becomes and how their success is due principally to their ability to work unselfishly and effectively as a team. The sisters pool their various gifts and resources to produce a speech which earns the praise of YHWH and provides each of them with a 'birthright' land entitlement.



Unexpectedly, writing the *midrash* has also obliged me to acknowledge the shock and distress that the sisters probably experience as members of an invading nation which – in the wake of the manifold horrors of war - dares to allocate the land which has been torn from its original inhabitants. Despite their youth, these wilderness-raised women have already experienced many hardships as well as death and destruction in their travels, but through the process of identification I am now more aware of the suffering arising from the Israelites' determination to access 'God's land.' War involves tremendous suffering for all concerned, but in the *midrash* at least the dispossession, enslavement and/or deaths of the indigenous people of Canaan is acknowledged - albeit fleetingly - by Mahlah as she claims her *nachalah* and begins the difficult work of settling in a new land.

As I typed Mahlah's reaction to the double blessing for each of the sisters, it impressed on me just how generous the blessings are. However, I found it difficult to reconcile Joshua and/or Eleazar's act of generosity with the suspicion aroused in me by the androcentricity pervading other aspects of Mahlah's story, namely, the all-male assembly, the Gileadites' protest, and the limitations placed on women's land entitlements. When the leaders award the Zelophehad sisters more land than they could have anticipated, their decision seems to be an aberration. The story of Zelophehad's daughters certainly contains some surprising twists, indicating that pre-monarchic Israel is perhaps a more generous place for some women than many today might imagine.

Thus the melding of practice and ideals is no simple matter, and the Zelophehad sisters' story with its themes of justice and land entitlement epitomises this dilemma. As *b<sup>e</sup>tuloth*, Mahlah and her sisters are relatively powerless in an androcentric society. Yet they challenge Israel's inheritance laws and win, thereby overcoming one gender-based legal restriction. Their achievement means that after a successful invasion and confiscation of Canaanite land they - along with other women in the same situation - are allotted land along with the men of their clan.

Yet, as part of Israel's invading force, the *b<sup>e</sup>noth* Zelophehad also bear some responsibility for the suffering of the established indigenous population because the land portions allotted to Mahlah and her sisters have been annexed by force. "Israelite women are basically imperial women who are oppressed by patriarchy, while Canaanite women are doubly oppressed by patriarchy and Israelite imperialism."<sup>192</sup> Along with countless others, I have long been distressed by the biblical accounts of Israel's divine mandate to dispossess the Canaanites.<sup>193</sup>

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<sup>192</sup> Mbuwayesango, "Can Daughters," 252, 261; Musa W. Dube, *Postcolonial Feminist Interpretation of the Bible* (St. Louis, Mi.: Chalice Press, 2000), 73. Dora Mbuwayesango reminds her readers that even gracious women like the daughters of Zelophehad "are also imperialist Israelites who do not question the premise of distributing a land that belongs to other people." Mbuwayesango, however, does not address the Israelites' belief that Canaan already belongs to them through the legacy of YHWH's covenant with Abram (Gen. 17:9). Nor does she acknowledge Israel's misery, namely, the homeless status of this cohort of refugees who escaped enslavement in Egypt and spent forty years in the wilderness longing for a homeland for themselves. Mbuwayesango, "Can Daughters," 261.

<sup>193</sup> Similarly, Britain's seizure of the continent of Australia without due consideration for the rights of the Aboriginal people is no less a source of shame, grief and loss - shame which 'White Australia' is at last beginning to acknowledge<sup>193</sup> - and grief and loss which indigenous people continue to carry.

So while the achievements of the Zelophehad sisters within their own society may be cause for celebration and emulation, their involvement - like my own as a descendant of the Europeans who invaded Australia - cannot be ignored. The stark distinction between women of a conquering nation and the dispossessed women of a defeated nation challenges feminists with a confronting and uncomfortable perception of the achievements of the *b<sup>e</sup>noth* Zelophehad.

### **Retrieval of Resistance Strands**

While this task is to identify and retrieve strands of resistance narrative in the text, some strands of the retrieved material challenge patriarchal assumptions while other strands simply confirm that the story of Mahlah, Hoglah, Milcah, Noah and Tirzah carries many ambiguities.

### ***The Sisters' Story and the Significance of its Layout in Three Sections***

Among the unique features of the Zelophehad sisters' story is that it crosses the boundary between the Torah - in which the sisters appear in a list (Num. 26:33) and in two scenes - and in the book of Joshua.<sup>194</sup> With the format of each scene or act shaped by the ongoing process of land allocation, their placement in these particular positions is intriguing. No other women's stories in the Hebrew Bible are told in this way, for unlike the narratives about Israel's famous male leaders, the activities of women are almost always confined to the private rather than the

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<sup>194</sup> See "Introduction," p. 181.

public sphere of community life.<sup>195</sup> The Zelophehad sisters are the exception, boldly addressing Israel's courts on the Plains of Moab and then at a later stage speaking up at the land court of Gilgal.

While fully aware of the impossibility of confirming hypotheses about ancient texts, it is my supposition that the communities of ancient Israel have such a high level of interest in the unique features of the sisters' repeated appearances before and after the invasion of Canaan - their legal challenge, the Gileadites' appeal against YHWH's ruling, the sisters' compliance with the amendment to the ruling, and the final resolution at the land-court - that the narrator cannot but showcase the story. Consequently he has probably woven the story's three scenes into the fabric of Israel's greater narrative in order to provide a 'human face' to this momentous period of change in the nation's history. I also have some confidence in supposing that the sisters' actions are commended and admired by the women of ancient Israel.

The three pericopes in their contexts could - and should - be endorsed as examples of 'mainstream' biblical narrative. In the context of two millennia of predominantly Christian indifference to the story,<sup>196</sup> my hope is that the once-valued tradition about the Zelophehad sisters will once again become a well-

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<sup>195</sup> The matriarchs Sarah, Rebekah, Leah and Rachel remain within the confines of the Book of Genesis, and their lives revolve around their concerns for their husbands and/or sons. Ruth and Esther are the heroines of their own books, but feature in no other texts.

<sup>196</sup> Zelophehad's daughters have been neglected in Judaism, but not to the same extent as it has been in Christian tradition. 'Paula,' "A daughter of Zelophehad." Available: <<http://www.graspingmashiach.files.wordpress.com/2009/04/>>, 26 April 2009. 'Paula' discusses the idea of the story as a woman's tradition; see "Inspirational Achievements," p. 252.

known and respected women's story. It is a tradition which I believe belongs naturally to the genre of women's folklore.<sup>197</sup>

### **Challenging YHWH to Improve Social Justice**

What an unprecedented scene is this, where a group of five unmarried young women dares to stand before an auspicious legislative assembly of Israel's leaders and their God to boldly demand "Give us *nachalah*" (vs. 4a) with such confidence in the justice of their cause, that YHWH responds immediately with a respectful affirmation.<sup>198</sup> In this way the sisters' petition in the name of their father results in a new law "for the good of their whole community."<sup>199</sup> The *b<sup>e</sup>tuloth* are surely the 'fore-sisters' of Queen Esther, another resolute and brave young woman who presents her cause before the lawmaker of the land to bring about social change (Esth. 5:1-8).<sup>200</sup>

In initiating action towards social justice the Zelophehad sisters can be counted among the pioneers of women's rights. Remarkable in a number of ways, their initiative is the only recorded case in the Torah in which a group of Israelites - female or male - go to court to both challenge sacred law and propose a new one. The narrator even calls their challenge a *mishpath* (מִשְׁפָּת): a judgement or

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<sup>197</sup> See further discussion on this in "Women's Traditions," pp. 257-59.

<sup>198</sup> One may also speculate on possible Egyptian influences on early Israelite attitudes. In Egypt "in the middle of the third millennium B.C., legal documents attest the right of unmarried and married women to dispose of their own property." Erika Feucht, "Women," in *The Egyptians*, ed. Sergio Donadoni, trans. Robert Bianchi et al. (Chicago: University of Chicago Press, 1997), 333.

<sup>199</sup> Olson, *Numbers*, 167; Eskenazi, "Legacy and Land," 972.

<sup>200</sup> In the Hebrew Bible, the only other women to appear in Israel's high court of law to await a verdict are the two prostitutes who stand before King Solomon (1 Kgs. 3:16-28). The stories of the prostitutes and Esther are well known, but the story of the five sisters is not.

rule (Num. 27:5b). The *mishpath* is accepted immediately and brought into effect by divine decree.<sup>201</sup> In other words, Mahlah and her sisters instigate and achieve systemic change in Israelite law.<sup>202</sup>

Because of their initiative, these five women have a unique place in Israel's history. They dare to question the law, and in doing this they question the male deity who is Israel's lawmaker and ultimate judge. That the Zelophehad sisters take such an audacious step despite their lowly place in the social hierarchy is extraordinary.<sup>203</sup> Although they are critical of his divine law, YHWH commends their action, acknowledges his mistake - perhaps in itself a unique event<sup>204</sup> - and adds the new law to the Israelite legal code. This is important evidence that the God of Israel accepts these women as co-legislators and is willing to share responsibility with his people when traditions require adaptation for the good of the nation.

### **Inspirational Achievements**

While a few scholars regard the Zelophehad sisters' achievement as modest in feminist terms - chiefly because the Gileadite men's appeal leads to YHWH's modification of the marriage law regarding women with land entitlements<sup>205</sup> - nevertheless I contend that the sisters' quest for justice is highly successful on a

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<sup>201</sup> Eskenazi, "Legacy and Land," 971, 973. In the other case law instances, a new law is not proposed by the plaintiffs.

<sup>202</sup> Winter, *Woman Witness*, 227.

<sup>203</sup> See "Social Setting," p. 191, fn. 29.

<sup>204</sup> Litke sees YHWH's implicit admission of an error as qualitatively different from his remorse (e.g.) over the flood. Litke, "Daughters," 218.

<sup>205</sup> Bellis, *Helpmates*, 109. This is Bellis' opinion which is reasonable but less than compelling in the light of what others regard as the sisters' considerable achievements.

number of levels. First, they achieve fame in their own society as evident in the narrator's repeated reporting of each sister's name. Second, their accomplishment echoes the achievements of the first five women of the Book of Exodus whose brave actions made possible Israel's formative event, namely, the great exodus from slavery in Egypt and the epic journey towards nationhood in the Promised Land.<sup>206</sup> Having reached that land, this second group of five women - who succeed in gaining a just result *within* Israel's legal traditions, not outside of them<sup>207</sup> - admirably represents the wilderness-born and hope-filled Israelites who pioneer the settlement of YHWH's Promised Land.

Third, the sisters are exceptional in the context of Numbers because their story clearly contrasts with the book's more discouraging narratives and laws about women.<sup>208</sup> The story of Mahlah, Noah, Hoglah, Micah and Tirzah is outstanding as a positive, future-oriented and inspiring women's text. As the rabbis have long recognised, these *b<sup>e</sup>tuloth* - filled with initiative, audacity and knowledge of the law - are a brilliant group of women who can stand tall beside Brenner's 'wise women' in *The Israelite Woman*.<sup>209</sup> According to Brenner, a wise woman has presence of mind, good judgment, able to gain co-operation from others and

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<sup>206</sup> The first five women of Exodus who helped to bring Israel into its own were Shiphrah and Puah the midwives (Exod. 1:15-21), followed by Jochebed, Miriam and Pharaoh's daughter (Exod. 1:1-10). Tamara Cohn Eskenazi and Elizabeth Goldstein, "Securing Land and Limits for Zelophehad's Daughters," in *The Torah: A Women's Commentary*, ed. Tamara Cohn Eskenazi and Andrea L. Weiss, (New York: Women of Reform Judaism, URJ Press, 2008), 1025.

<sup>207</sup> Olson, *Numbers*, 167.

<sup>208</sup> Examples include the woman charged with adultery and the associated unjust legal procedures (Num. 5:11-21), Miriam's punishment for disobedience (Num. 12:1-16), Israel's enslavement of the Midianite virgins (Num. 31:13-18) and a father or husband's legal right to negate a woman's vows (Num. 30:3-8).

<sup>209</sup> Rather arbitrarily in my view, Brenner restricts her list of wise women and their activities to those to whom biblical narrators attach the word *chokmah* (חָכְמָה). Brenner, *Israelite Woman*, 12-45.

is “adept in both rhetoric and psychology.”<sup>210</sup> The five sisters have all these traits. As ‘Paula’ writes in her blog:

These sisters are considered by the commentators to be among the most righteous and wise women in the entire Torah for HaShem saw fit to use them as a vehicle through which a mitzvah was established. This most rare and unusual occurrence (of G-d’s revelation and mitzvah being given via someone other than Moses) is seen only one other time, in the establishment of Pesach Sheni (Numbers 9:6-14). Bava Batra 119 b states; “*The daughters of Zelophehad were wise women, they were exegetes and they were virtuous.*” The sages understand their wisdom as the ability to speak “*at the opportune time.*”<sup>211</sup>

Fourth, the initiative of the five sisters sets a precedent in their society. The special character of their achievement lies not only in their audacity in approaching a court of law without male accompaniment - even the famed Miriam spoke out only when her brother Aaron stood beside her - but also in their resolve to speak forthrightly to Israel’s hierarchy without using manipulation and/or subterfuge to achieve their goals.<sup>212</sup> The Zelophehad sisters’ landmark speech is crafted so skilfully that YHWH declares them just, their demand for *’achuzzah* is met, and the eventual land allocation to the sisters is beyond their expectations.

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<sup>210</sup> Brenner, *Israelite Woman*, 35.

<sup>211</sup> ‘Paula,’ “A daughter of Zelophehad.” Available: <<http://www.graspingmashiach.files.wordpress.com/2009/04/..>>, 26 April 2009.

<sup>212</sup> Exemplifying this subterfuge are the actions of the daughters of Lot, Rebekah and Tamar *bat Shua* (Gen.19:33-35; 27:5-17; 38:13-19).



### *YHWH's Affirmation*

What makes this story even more special is the affirmation the *b<sup>e</sup>tuloth* receive first from YHWH and then from Eleazar and Joshua. In Numbers 27:2-4, the sisters are so confident in divine justice and the worth of their cause that they speak directly to Moses and through him to YHWH. Paradoxically however, in challenging the law they criticise the system of justice that they trust will vindicate them.<sup>213</sup> When YHWH decrees, “Justly (*ken*) speak the daughters of Zelophehad” (vs. 7a), their right to make a claim is not only acknowledged but their argument is also affirmed by the ultimate arbiter of justice.<sup>214</sup> Significantly, *ken* is the very first word the deity utters in reply to Mahlah and her sisters; the deity is impressed.

That this is a pivotal moment in Act One is also borne out structurally, for the first sentence of YHWH's response is central to the chiasm.<sup>215</sup> YHWH's complete approval is manifested in his legal decision to grant the sisters more than they requested.<sup>216</sup> Having simply demanded *'achuzzah* or a plot of land to possess, the *b<sup>e</sup>tuloth* now hear God say to Moses, “You will transfer (‘*abar עבר*) the *nachalah* of their father to them” (Num. 27:7c). Thus they receive not just a possession or holding which they claim on behalf of their father, but by YHWH's decree they receive entitlement to land which is transferable to their descendants as an inheritance.

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<sup>213</sup> Litke, “Daughters,” 214.

<sup>214</sup> Sakenfeld, *Wilderness*, 182; Litke, “Daughters,” 215.

<sup>215</sup> See “Structure: Act One,” p. 199

<sup>216</sup> Sterring, “Will,” 91.

This change in the law poses a problem regarding YHWH's formulation of Israel's legal code: did he 'forget' to be more explicit about the rules regarding *nachalah*? Or is this an example of God permitting human beings to refine his laws and co-produce the code? Whatever the answer may be, there is no doubt that the Zelophehad sisters make a notable contribution to the development of the Torah.

### **Women Land-holders Choosing Husbands**

After the second ruling which restricts the sisters to marrying within their clan (*mishpachah*), the *b<sup>e</sup>tuloth* learn from YHWH that they can choose their own husbands, literally, "whoever is good in their eyes," (Num. 36:6) from their *mishpachah*. This means that the highest authority of all has given them a remarkable right and responsibility. Where else in the Bible are young women given the opportunity to choose their husbands? <sup>217</sup> Although the text implies that this is because they are entitled to land (Num. 36:6b-c), there is no Israelite law against a woman choosing a husband. Indeed, if a woman's dowry is entitlement to land, it is expedient that she be allowed to make her own choice rather than having to endure the sight of avaricious men jostling to claim her as his wife. <sup>218</sup>

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<sup>217</sup> The sisters' situation is so unusual that it may explain the presence of ill-fitting masculine suffixes in the text (Num. 36:6d, 6g). If the five *b<sup>e</sup>tuloth* do have a *goel* to manage their affairs and choose husbands for them, why do they make their own submission to Israel's legal assembly? See "Irony," 211.

<sup>218</sup> Sakenfeld, "Family Inheritance," 55; Laffey, *Introduction*, 61.

Further, Carol Meyers' archaeological research indicates that subsistence living in the hill villages of Judah is so demanding that each man and woman necessarily plays an important role in keeping alive the extended family. This situation, Meyers postulates, means that women in ancient rural Israel are valued more than women in the more urbanised population of later centuries.<sup>219</sup> In accepting Meyers' deduction - which she bases on her archaeological research - I view the Zelophehad sisters' freedom to choose their husbands as representing early Israelite women who appear to have relatively more control over their lives than do their counterparts during Israel's monarchic period.<sup>220</sup>

### **The Birthright Blessing**

When Israel's forces eventually confiscate enough land to allot to their people, the book of Joshua records the sisters' reappearance in the lists of allocations of Canaanite lands and cities to the tribes' ancestral households. The narrator seems to consider the sisters' activities to be significant enough to demand a resolution to their story, so Joshua 17 records what Mazar calls "an independent tradition regarding the daughters of Zelophehad" in which the sisters once again approach (*qrb*) a court of law.<sup>221</sup> As they claim the land allotted to them another surprise awaits Mahlah and her sisters. As five heirs, the sisters each receive a double

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<sup>219</sup> Meyers, *Discovering Eve*, 168-69.

<sup>220</sup> Meyers' deductions may well be misleading in view of modern examples of subsistence living (e.g. in Africa and Asia) which indicate that women - despite the importance of their labour for the family's survival - continue to be exploited by the male members of their extended families. Thus it is probably more accurate to say that rural women in ancient Israel are *relatively* better off than urbanised women.

<sup>221</sup> Mazar, "Judges," 3. 207. Caleb's land grant process (Josh. 15:13-19) is the book's only other scene about an individual land transaction.

entitlement,<sup>222</sup> that is, two portions which represent the birthright of a first-born male.<sup>223</sup>

In the book of Joshua's ancestral house ideology, the distribution of five double portions means that every sister is the 'head of a household' as it were, just as a first-born male who holds the family birthright becomes the head of his ancestral house and has authority over his younger brothers and their families.<sup>224</sup> If this is an accurate interpretation of the text, it is an undeniably extravagant gesture: a sign of hearty approval of the five worthy women by Joshua and Eleazar and of course by YHWH.

### **Women's Traditions**

In both the first and third court scenes the narrator chooses to present events from the sisters' point of view. Yet why does the narrator tell the story in this way rather than androcentrically which is the choice of Josephus and sages of the Babylonian Talmud?<sup>225</sup> Apart from the stories of the matriarchs, mothers of famous men and a handful of others, very few narratives in the Hebrew Bible begin with the point of view of a woman, let alone a group of women. A most

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<sup>222</sup> This is the conclusion of Snaith, Hawk and others. Snaith, "Numbers," 127; Hawk, *Joshua*, 192, 200. However, a few exegetes interpret Joshua 17:5-6 as outlining the allocation of five portions of land west of the Jordan to the sisters and five portions to the five clans of Manasseh. Trent C. Butler, *Joshua* (Waco, Tx.: Word Books, 1983), 191; Harstad, *Joshua*, 566. To add to the confusion, Sterring quotes a variety of rabbinical sages, each with a different opinion and rationale for the number of land shares distributed to Zelophehad's daughters. Sterring, "Will," 94-96.

<sup>223</sup> Genesis 25:31-33. In Deuteronomy 21:17, Moses decrees the birthright of firstborn males.

<sup>224</sup> This is the situation when the younger brothers remain in the household. However, like Jacob, some leave to form separate households.

<sup>225</sup> Josephus, *Antiquities* 4.7.5; Bernard J. Bamberger, "Revelations of Torah after Sinai: An Aggadic Study," *Hebrew Union College Annual* 16 (1941):107-109.

compelling theory, I believe, is that the narrator is mindful of a legend or legends about the sisters - whether oral or written or both - which are recounted from one generation to the next by Israelite women who are proud of their foremothers' intelligent initiative, daring and respectful assertiveness in effecting the addition of another statute to YHWH's legal code.

Audacity is a feature of all pioneering stories, and the sisters' intrepid pioneering cannot be obliterated no matter how androcentric the world may be. A good argument can be made for regarding the *b<sup>e</sup>tuloth* as heroes like Caleb and Joshua, whose positive outlook on the future in the face of great danger also earned YHWH's commendation (Num. 14:6-9, 24, 30).<sup>226</sup> It is not difficult to imagine such an engaging adventure as the story of the Zelophehad sisters - preserved by the Gileadite women in the villages and in the countryside - passing between the generations throughout pre-exilic, exilic and eventually post-exilic Israelite communities to become a favourite legend. Anyone, especially a woman recounting the legends of early Israel, surely would not hesitate to include and celebrate this special story.

My proposal that this is a prominent traditional women's folktale makes sense of the items of interest uncovered in analysis of the narrative. One is the narrator's repeated references to five daughters. The number five is not significant in Hebrew numerology, so this number gives credibility to the notion that there

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<sup>226</sup> There is, however, an ethical problem in linking the Zelophehad sisters with Caleb and Joshua, for the latter are rewarded by YHWH primarily because they advocate the invasion of Canaan (Num. 14:6-8).

may really have been five *b<sup>e</sup>tuloth* whose achievement became famous in early Israel. It is therefore feasible that certain features of the story, such as the list of the daughters' names, would slip easily into Israelite folklore.

Another sign of orality includes the motif of the law court with each scene's repetition of the plaintiffs' approach and the handing down of YHWH's decisions. The presentation of three scenes is in traditional folkloric style, and although the narrator distributes the scenes throughout the wider narrative of Israel's entry into Canaan, it is easy to imagine them told sequentially as a well-loved story about the Zelophehad sisters.<sup>227</sup>

From a woman's point of view, these traditional tales are engaging emotionally and socially. Deep pride in the achievements of prominent women in early Israel would naturally lead to the preservation of the names Mahlah, Noah, Hoglah, Milcah and Tirzah: pioneer land-holders all. Although their names are usually regarded as simply reflecting the names of towns west of the Jordan,<sup>228</sup> I concur with Eskenazi that "it is conceivable that the five sisters are among the ancestors whose names become toponyms."<sup>229</sup>

Women's legends might also be responsible for the use of direct discourse to demonstrate the sisters' intelligent use of male inheritance rights to their

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<sup>227</sup> Ostriker and Goitein discuss possible folkloric origins for other biblical narratives (e.g. Miriam's story); origins which I believe can be just as readily applied to the Zelophehad sisters' story. Ostriker, *Feminist Revision*, 43; Goitein, "Women as Creators," 5.

<sup>228</sup> Budd, *Numbers*, 300. See "Names," p. 224, fn. 118.

<sup>229</sup> Eskenazi, "Legacy and Land," 973.

advantage. The challenge which clinches their petition in the eyes of YHWH is “Why should the name of our father be cut off from the midst of his clan, because he had no son?”(Num. 27:4). Their speech includes all that it needs to make their case clear, yet it is succinct and would roll easily off the tongue of a folklorist.

In his discussion of Numbers 26, Hawk makes an interesting observation:

The naming of Zelophehad’s daughters (Mahlah, Noah, Hoglah, Milcah, and Tirzah [v. 3]) establishes a structural equivalency with the enumeration of Manasseh’s sons (Abiezer, Helek, Asriel, Shechem, Hopher, and Shemida [v.2]) and thus suggests a social equivalency as well.<sup>230</sup>

The idea of social equivalency between a group of sisters and their male relatives in the world of ancient Israel is debatable, but whatever their gender, pioneer land-holders would enjoy at least some social status. Adding to the prestige of the sisters is the increased amount of land allocated to Manasseh as a direct result of their claim (Josh. 17:5-6). Thus it is entirely reasonable to imagine the Zelophehad sisters as favoured subjects in the oral traditions of Israel’s women.

### **The Prophetess Proposition**

In recent years two German scholars, Irmtraud Fischer and Ulrike Bechmann-Bayreuth, have formulated the hypothesis that the Zelophehad sisters’

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<sup>230</sup> Hawk, *Joshua*, 208.

background may be more important than previously recognised.<sup>231</sup> Fischer and Bechmann-Bayreuth speculate that these *b<sup>e</sup>tuloth* are among the women who serve at the entrance to the tent of meeting (Exod. 38:8; 1 Sam. 2:22), and that some of the serving women might also be prophets of YHWH. Phyllis Bird's research leads her to conclude that although the women at the tent of meeting do indeed "function in the cult of the earlier period" of Israel, later negative reactions to women's involvement in Canaanite religious practices mean that Israelite women's roles in the official cult are eventually terminated.<sup>232</sup>

While evidence of cultic activities of women in Israel has been lost over time, Bechmann-Bayreuth argues that there is a clue in the text which indicates that the sisters probably have had life experience outside of the *beyt 'ab*.<sup>233</sup> That is, if Mahlah and her sisters' experience includes service as cultic prophets, that service may be the reason they can so confidently challenge the status quo, speak the truth and demand justice in the presence of Israel's great assembly.<sup>234</sup>

Fischer points out that law/Torah and prophecy are so closely connected that one cannot function without the other. When the sisters mount their case for a

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<sup>231</sup> Bechmann-Bayreuth, "Prophetische Frauen," 52-62. Bechmann-Bayreuth, referring to Irmtraud Fischer 2002 thesis on *Gotteskündinnen* or "God-speaking women" in the Hebrew Bible, has expanded on Fischer's theories about Zelophehad's daughters.

<sup>232</sup> Bird, *Missing Persons*, 42. In 1898, Ismar Peritz reports on his extensive research that "especially in the earlier periods of [the Hebrews'] history... woman participated in all the essentials of the cult, both as worshipper and official." Ismar J. Peritz, "Women in the Ancient Hebrew Cult," *Journal of Biblical Literature* 17 (1898):114.

<sup>233</sup> Bechmann-Bayreuth, "Prophetische Frauen," 54.

<sup>234</sup> Fischer and Bechmann-Bayreuth also note the similarities between known women prophets, namely, Miriam (Exod. 15:19-21), Deborah (Judg. 4:4-10, 5), Hulda (2 Kgs. 22:8-23:3) and Noadiah (Neh. 6:14), and the self confidence of Zelophehad daughters. Bechmann-Bayreuth, "Prophetische Frauen," 53.



change in the law, YHWH responds to their 'prophetic call' by proclaiming the justice of their cause. Fischer argues that the entrance to the tent of meeting is the second most sacred space because it is here, at the crossover between the sacred and profane, that YHWH speaks to the people on matters of life and death.<sup>235</sup> "Die Töchter Zelofhads stehen also am gleichen Ort wie die Kultprophetinnen und erwirken eine Offenbarung Gottes."<sup>236</sup> Bechmann - Bayreuth also insists that there is more to the Zelophehad sisters than the narrative allows:

Die wachsende Forschung über die Prophetie von Frauen ist möglicherweise ein Ansatzpunkt, die Lücke in der Forschung über die Töchter Zelofhads zu schließen. Hier tut sich ein neues Forschungsfeld auf, das dringend bearbeitet werden muss, weil es für ein vertieftes Verständnis alttestamentlicher Prophetie und für eine historisch gerechtere Sicht der Rolle von Frauen in Religion und Gesellschaft Israels wichtige neue Perspektiven eröffnet.<sup>237</sup>

It is always possible that a response to Bechmann-Bayreuth's call for more research on these texts may bear out her hypothesis. At the very least further study would raise the Zelophehad sisters' profile - surely in itself a positive result. However the notion of a prophetic challenge to change a law of YHWH

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<sup>235</sup> Bechmann-Bayreuth, "Prophetische Frauen," 56. The most sacred place is the Holy of Holies. In Numbers 12:1-11, it is at the entrance to the tent of meeting that YHWH pronounces judgement on Aaron and Miriam and punishment for Miriam.

<sup>236</sup> Bechmann-Bayreuth, "Prophetische Frauen," 56. "The daughters of Zelophehad therefore stand in the same place as the cultic prophetesses, and achieve a revelation from God." Translation by Dr. A. Brixius and M Hunt, July 2008.

<sup>237</sup> Bechmann-Bayreuth, "Prophetische Frauen," 62. "The increasing research on women's prophecy is a possible starting point in order to close the gap in research about the daughters of Zelophehad. Here is a new field of research which should be dealt with urgently, because important new perspectives for a deeper understanding of Old Testament prophecy and for an historic view of justice are being opened via study of the role of women in religion and the history of Israel." Translation into English by Dr. A. Brixius and M Hunt, July 2008.

appears to be unprecedented. Although pre-monarchic prophecy is not clearly understood today, it appears that it is predominantly concerned with connecting YHWH with his chosen people.<sup>238</sup> My conclusion, therefore, is that the gap between the celebratory proclamations of prophets like Miriam and Deborah and the legal challenge of the Zelophehad sisters is possibly too wide to bridge. Indeed, from a feminist point of view Fischer's thesis that the sisters are prophets could even be viewed negatively, for a public appearance of five women prophets is less compelling than the scene in which five young women walk out of obscurity to confidently and competently challenge a law of the mighty God of Israel. If the latter is the more realistic view, as I believe it is, the sheer audacity of the Zelophehad sisters' action demands our acclamation and celebration.

## Conclusions

My hermeneutic of suspicion discusses the difficulties faced by *b<sup>e</sup>tuloth* in a patriarchal culture. Such difficulties have led to a few feminist scholars expressing concern about the sisters' participation in the preservation of a male hegemony whereby they are "challenging patriarchal policies for the benefit of a male (in) the continuation of their father's name."<sup>239</sup> These doubts are reasonable, and given the androcentric world in which they live there is merit in concluding that the sisters are granted their father's entitlement primarily

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<sup>238</sup> B. D. Napier, "Prophet, Prophetism," in *The Interpreter's Dictionary of the Bible* (Nashville, Tn.: Abingdon Press, 1962), 3:905.

<sup>239</sup> Mbuwayesango, "Can Daughters," 257.

because they have been wise enough to focus their presentation on the preservation of the name “Zelophehad.” In no way, however, does this dim the sisters’ achievement. Indeed, their clever approach to problem-solving is admirable for its honesty and panache.

In the process of analysing the three scenes, I have noted the narrator’s abiding interest in land, but his ambivalence about the sisters themselves is also evident. Examples of narratorial ambivalence are found in the terse brevity of the scenes, the structuring of the three acts to highlight the appearance of the men of Gilead, and apparent attempts to narrow the sisters’ achievements by adding male suffixes where female suffixes are expected.<sup>240</sup> At the same time the narrator seems to be advocating the sisters’ cause and success through his prominent placement of the story in its various contexts, his positive portrayal of Mahlah and her sisters, his description of the magnitude of the occasion on which they appear before Moses, and in his repetition of their names and lineage.

Well might the narrator’s portrayal be positive, for the achievements of the *b<sup>e</sup>noth* Zelophehad are outstanding. Their pioneering spirit ensures that they are accorded a place of honour in the Torah, Israel’s most holy book, for Zelophehad’s daughters are the first women to petition a court of law in the Hebrew Bible. Their legal challenge receives YHWH’s unreserved approval, they are instrumental in establishing a law which YHWH had originally

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<sup>240</sup> Of course there is no knowing when the male suffixes are added; it may have been many years after the narratives first appear in written form.

overlooked, they are the first women in biblical narrative who are instructed to choose their own husbands, and they are the first women to be granted birthright status through double allotments of *nachalah*. The prophetess hypothesis is also viable and worth further research.

By choosing the words of their petition with wisdom and care, Mahlah and her sisters achieve their goal of becoming entitled to *nachalah* in their father's name. However it is their fearless vision for Israel's future in the land of Canaan which becomes a source of inspiration for the nation as a whole.<sup>241</sup> In Wenham's opinion, the narrator employs "the obedience of these young women [as] a pledge of the nation's future hold on the land."<sup>242</sup> In this capacity, the Zelophehad sisters are positioned as role models for all Israel. It remains a patriarchal society but they provide the earliest biblical instance of women's entitlement to land. The recording for posterity of such a significant event suggests that Israel can no longer be identified or defined in masculine terms alone.<sup>243</sup>

It is evident that the sisters' connection to *nachalah* contributes to the narrator's decision to preserve their achievements in Israel's Scriptures. During their lifetime they would have been well-known land-holders, but as the initiators of a new law for Israel's divine code, it is easy to imagine how the sisters might gain legendary status after their deaths, especially through the oral traditions of the

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<sup>241</sup> See "Narrative Purpose," p. 231.

<sup>242</sup> Wenham, *Numbers*, 98.

<sup>243</sup> Hawk, *Joshua*, 209.

women of their own clan. Becoming a legend among the grandmothers of Gilead and other clans of Manasseh might also explain the attachment of the sisters' names to towns and districts in Israel and the secure place their names have in the scrolls of the Hexateuch. After the Diaspora and throughout the millennia as Jewish communities mourned the loss of their homeland, the story of the *b<sup>e</sup>noth* Zelophehad surely would have been a delight to recall proudly for the next generation.

Curiously, for many Christian feminists in the West the story remains peripheral.<sup>244</sup> Now however, the tide of indifference is turning. Each year more commentators give increased space to the daughters of Zelophehad in their publications. The sisters are beginning to receive attention and to have a positive influence on the lives of some of today's women. In 1999, Anke Schröder and Helmut Reich published an article on the encouraging experience of studying the Zelophehad sisters as role models for young female students in religious education classes.<sup>245</sup> Six years later the sisters' story was brought to light on a larger scale when the 2005 World Day of Prayer was structured around Numbers 27:1-11 and thousands of women around the world took part in a study of the story of Mahlah, Hoglah, Milcah, Noah and Tirzah.

On another level, the Zelophehad sisters' determination to achieve their goal despite the odds is inspirational for those in the audience who have experienced

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<sup>244</sup> Litke, "Daughters," 218.

<sup>245</sup> Anke Schröder and Helmut Reich, "Eve's RE, not Adam's: A Lesson about Zelophehad's Daughters," *British Journal of Religious Education* 21 (Spring 1999): 90-100.

sorrow, fear, powerlessness and injustice based on gender and/or marital status. The audience can learn from the sisters' brilliant preparation of their case, and their ability to combine daring, assertiveness and *nous*. These qualities are powerful enough to motivate other women to "overturn old customs and create new possibilities in the social and economic relationships between men and women."<sup>246</sup> Indeed, the sisters-of-old who dialogue with the deity have been neglected for too long as a source of encouragement for today's suffering women who "God-wrestle" in their search for answers, particularly regarding issues of gender-related injustice.<sup>247</sup>

Central to the purpose of this thesis is the idea of the presence of resistance narrative strands. The sisters' story is so brief it could easily have been forgotten in the broad sweep of Israel's religious history, but here it is enshrined in the Torah and in the Hexateuch. Although there are no means of proving that women's oral traditions preserve the story of Zelophehad's daughters before it is later committed to writing, I believe that this chapter provides my hypothesis with enough evidence for today's audiences to say with Mahlah-like confidence, "Yes, this might well be a tradition which women folklorists of early Israel delighted in recounting to their daughters and granddaughters."

Without doubt the five sisters have made a valuable contribution to Israel's history. Why cannot their names become as well-known as the names of Miriam

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<sup>246</sup> Olson, *Numbers*, 167.

<sup>247</sup> For a short discussion on Waskow's notion of "God-wrestling," see Chapter 1, "Support for a Feminist Narrative Methodology," p. 15.

and Deborah? May Mahlah, Noah, Hoglah, Michal and Tirzah soon be released from the obscurity to which they have been consigned for so long and their story brought to the attention of a much wider audience.