



MACHLA, TIRZAH, HOGLAH, MILKAH & NOAH - PROPER PRO-PORTIONS

Background

As the Israelites approach the border, the Torah addresses more attention to the arrangements of society in the Promised Land. Having lived a nomadic existence with very few materials since leaving slavery in Egypt, one of the imminent challenges is to organize and legislate norms for possession and inheritance. The transition from the simplicity and relative lightness of the desert wandering lifestyle to a life complicated and burdened by material property presents formidable challenges.

In the desert, personal sense of place and identity are linked with one's position in relation to the camp-in-motion through space; one travels together with the members of one's family and tribe according to one's assigned location in relation to the other families and tribes. In the land, people will be rooted in a specific geographic space, topography, climate, vegetation, vista. The assignment of plots to each Israelite is, therefore, an important feature of one's personal and family destiny. On what basis portions are allotted, and the level of women's participation in the process is contested.

Biblical Sources

Census records:

לג וצלפחד בן-חפר, לא-היו לו בנים--כי אם-בנות: ושם, בנות צלפחד--מחלה ונעה, חגלה מלכה ותרצה.
(במדבר כו)

33 Now Zelophehad son of Hopher had no sons, only daughters. The names of Zelophehad's daughters were Mahlah, Noah, Hoglah, Milcah, and Tirzah.
(Numbers 26)

The Case:

פסוק א: ותקרבנה בנות צלפחד בן-חפר בן-גלעד בן-מכיר בן-מנשה למשפחת מנשה בן-יוסף; ואלה שמות בנותיו--מחלה נעה וחגלה ומלכה ותרצה. ב ותעמדנה לפני משה ולפני אלעזר הכהן ולפני הנשיאים וכל-העדה--פתח אהל-מועד לאמר. ג אבינו מת במדבר והוא לא-היה בתוך העדה הנועדים על-יהוה בעדת-קרח: כי-בטאו מת ובנים לא-היו לו. ד למה יגרע שם-אבינו מתוך משפחתו כי אין לו בן; תנה-לנו ארצה בתוך אחי אבינו. ה ויקרב משה את-משפטן לפני יהוה.

ו ויאמר יהוה אל-משה לאמר. ז כן בנות צלפחד דברת--נתן תתן להם ארצת נחלה בתוך אחי אביהם; והעברת את-נחלת אביהן להן. ח ואל-בני ישראל תדבר לאמר: איש-כי-ימות ובן אין לו--והעברתם את-נחלתו לבתו. ט ואם-אין לו בת--והתתם את-נחלתו לאחיו. י ואם-אין לו אחים--והתתם את-נחלתו לאחי אביו. יא ואם-אין אחים לאביו--והתתם את-נחלתו לשארו הקרב אליו ממשפחתו וירש אתה; והיתה לבני ישראל לחקת משפט כאשר צוה יהוה את-משה. (במדבר כז)

1 The daughters of Zelophehad, of the family of Menashe--son of Hopher son

of Gilead, son of Machir son of Manasseh son of Joseph--came forward. The names of the daughters were Mahlah, Noah, Hoglah, Milcah, and Tirzah. 2 They stood before Moses, Eleazar the priest, the chieftains, and the whole assembly, at the entrance of the Tent of Meeting, and they said, 3 "Our father died in the wilderness. He was not one of the faction, Korah's faction, which banded together against God, but died for his own sin; and he has left no sons. 4 Let not our father's name be lost to his clan just because he had no son! Give us a portion among our father's kin!"

5 Moses brought their case before God.

6 And God said to Moses, 7 "The plea of Zelophehad's daughters is just: you should give them a hereditary portion among their father's kin; transfer their father's share to them.

8 "Further, speak to the Israelite people as follows: 'If a man dies without leaving a son, you shall transfer his property to his daughter. 9 If he has no daughter, you shall assign his property to his brothers. 10 If he has no brothers, you shall assign his property to his father's brothers. 11 If his father had no brothers, you shall assign his property to his nearest relative in his own clan, and he shall inherit it.' This shall be the law of procedure for the Israelites, in accordance with God's command to Moses." (Numbers 27)

The Limitation

ו זה הדבר אשר צוה יהוה לבנות צלפחד לאמר לטוב בעיניכם תהיינה לנשים: אך למשפחת מטה אביהם--תהיינה לנשים. ז ולא-תסב נחלה לבני ישראל ממטה אל-מטה: כי איש בנחלת מטה אבתיו ידבקו בני ישראל. ח וכל-בת ירשת נחלה ממשות בני ישראל--לאחד ממשפחת מטה אביה תהיה לאשה: למען יירשו בני ישראל איש נחלת אבתיו. ט ולא-תסב נחלה ממטה למטה אחר: כי-איש בנחלתו ידבקו משות בני ישראל. י כאשר צוה יהוה את-משה בן עשו בנות צלפחד. יא ותהיינה מחלה תרצה וסגלה ומלכה ונעה--בנות צלפחד: לבני דדיהן לנשים. יב ממשפחת בני-מנשה בן-יוסף היו לנשים; ותהי נחלתן על-מטה משפחת אביהן. (במדבר לו)

6 This is what God has commanded concerning the daughters of Zelophehad: They may marry anyone they wish, provided they marry into a clan of their father's tribe. 7 No inheritance of the Israelites may pass over from one tribe to another, but the Israelites must remain bound each to the ancestral portion of his tribe. 8 Every daughter among the Israelite tribes who inherits a share must marry someone from a clan of her father's tribe, in order that every Israelite may keep his ancestral share. 9 Thus no inheritance shall pass over from one tribe to another, but the Israelite tribes shall remain bound each to its portion."

10 The daughters of Zelophehad did as God had commanded Moses: 11 Mahlah, Tirzah, Hoglah, Milcah, and Noah, Zelophehad's daughters, were married to sons of their uncles, 12 marrying into clans of descendants of Manasseh son of Joseph; and so their share remained in the tribe of their father's clan. (Numbers 36)

Talmudic Elaboration

א"ר שמעון ב"ג לא היו ימים טובים לישראל כחמשה עשר באב וכיוה"כ. ... אלא ט"ו באב מאי היא אמר רב יהודה אמר שמואל יום שהותרו שבטים לבוא זה בזה מאי דרוש (במדבר לו) זה הדבר אשר צוה ה' לבנות צלפחד וגו' דבר זה לא יהא נוהג אלא בדור זה (תענית ל)

Rabbi Shimon the son of Gamliel said, "There were never days as joyous for Israel as the fifteenth of [the month of] Av and as Yom Kippur" . . . What is the reason for [the joy on] the fifteenth of Av? Rav Yehuda said in the name of Shmuel, "[It is] the day that the tribes were permitted to intermarry among one another." What is the interpretation? "This is what the Lord has commanded concerning the daughters of Zelophehad: They may marry anyone they wish, provided they marry into a clan of their father's tribe" (Numbers 36:6). This [prohibition] was not practiced except in that same generation. (Ta'anit 30a)

Questions for Discussion

Imagine the scene of the sisters coming forward publicly before the assembly of leaders, officials, and the entire community to present their case. According to what criteria do they advance their argument - what are their justifications? In your view, are they speaking openly about their reasons for requesting a portion of the inheritance of the land; to what extent is their reasoning rhetorical and strategic for the sake of persuasion?

Why does Moses, the inspired leader and arbiter of divine law, not decide this case himself? Why is this matter so momentous that it demands a direct divine response?

To what extent does the new inheritance code normalize the case of women inheriting property, and to what extent does it emphasize the uniqueness and exceptional character of this situation? What are the purposes of the limitations and why does the talmudic passage celebrate the annulment of them?

According to the marriage restriction enacted in connection with the sisters, the women's marriages must perpetuate their claim to their portion as men's usually do. What are some of the meanings and implications of the connections among land, name, and marriage? - how are these connections gendered?

Links for Inquiry

Noam Zohar, "The Good Deeds of the Mothers are an Omen for the Daughters, " <http://www.biu.ac.il/JH/Parasha/eng/pinchas/zoh.html>

Islamic teachings on inheritance law, including inheritance by daughters, <http://www.islam101.com/sociology/inheritance.htm>

For a discussion of women and property in Victorian England in Charles Dickens' *Great Expectations*, <http://www.umd.umich.edu/casl/hum/eng/classes/434/geweb/WOMENAND.htm>

Contemporary violations of women's property rights lead to devastating consequences in Sub-Saharan Africa,
<http://hrw.org/campaigns/women/property/gna.htm>

Summary of Issues

Throughout the world, control of resources, particularly property, is generally a privilege dominated by men. Possession of the land is assumed to be a male prerogative. The sisters' petition establishes a new interpretation of justice in Israelite society that is initiated by divine response to women's claims. This interpretation, however, is limited to specific circumstances where there is no male heir. Nonetheless, the bold action that Mahlah, Noah, Hoglah, Milcah, and Tirzah take establishes a significant precedent for proactive initiative-taking to redress the injustices of established social order. The divine affirmation is also a significant precedent for those who wield power to seek to refine their concepts of justice and respond positively to new righteous claims.

Methodology Matters

Noam Zohar (cited above) discusses the possibility that the sisters' request is a textual device - the pretense for introducing the already formulated, divinely-intended inheritance legislation. Accrediting Mahlah, Tirzah, Hoglah, Milcah, and Noah with the initiative is a tremendous honor to the sisters. How do you understand the narrative of the text - is it historical, symbolic, didactic, mythic, divine mystery etc?

Contact

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