

DAUGHTERS OF ZELOPHEHAD: STORY OF INHERITANCE AND INFLUENCE

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Abstract

Patriarchal societies are mostly regarded as conservative and rigid especially when it comes to the democratic rights of women. Women are habitually curtailed of free expression of speech and activity. Biblical texts are often cited to prove the point either in support of this claim or to prove the misogynic attitude of the author himself. However, the present study unearths a solid example of freedom of speech and expression of women, that too of young daughters of Zelophehad in claiming for their right to property. The study also highlights how open-minded the leaders were in the community headed by Moses to listen, to respect and uphold justice in the case of these young unmarried daughters. Ultimately the study throws a challenge that laws and rules are not stagnant, they are to be framed or reframed with the signs of the time.

Keywords: Daughters of Zelophehad; Justice; Inheritance; Levirate Law; Leadership; Property Rights

Introduction

There are types of democracy, such as direct democracy, participatory democracy, real democracy, deliberative democracy, pure democracy, electoral democracy, etc. Hence democracy refers to

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the pluralism of governing structure. Although the governing components like Democracy, Human Rights and the Rule of Law are all interlinked, yet we observe that there is a gap between these involving Policies and Practices. However, it is interesting to note that the Old Testament offers an example of bridging these gaps with a participatory and deliberative structure of democracy through a narrative on the daughters of Zelophehad.

Laws pertaining to women have always been a contentious issue in our society. The reason being that most of our societies function within the framework of patriarchy. The ideological and cultural excuse to subordinate women was intrinsic to the very nature of patriarchy. Even if there is some legislation favouring women, these very legislations are made so invisible that the preferred goal of patriarchy is achieved. It is no different when we discuss biblical families and societies. Most biblical laws that concern women were enacted in the course of the patriarchal history of the bible and hence the laws pertaining to women are fewer and are subordinate in nature. Nevertheless, we discover that for the most part, there is a tendency to generalize the laws so as to give the impression that women could not inherit property at all. The present study seeks to explore that women, indeed, were inheritors of property and that laws were flexible in a place where one would expect them to be rigid.

Inheritance Law in the Bible

The Hebrew Bible presents a variety of texts from different times that may be used to reconstruct family laws, and it is uncertain whether the rules and concepts in these texts all functioned simultaneously. Several texts suggest that a man's principal heirs were the sons born to him by his wife or wives. Sons by other women (concubines, slaves and prostitutes) were not included as heirs (Judg 11:2). Daughters were given dowry instead of inheritance. Upon the death of the father, his heirs could divide the property immediately or they could keep it intact for a time until the younger son comes of age. Special rules applied to brothers living in an undivided estate. Deut 25:5-10 stipulates Levirate Law that if one brother married but died childless, another brother was to marry the widow and impregnate her with a baby boy, who would then inherit the share that the deceased had been entitled to. When it came to dividing the father's property, it was apportioned into equal shares. Assigning specific shares to each heir was likely done by casting lots. Deut 21:17 suggests that typically the eldest son received two shares and other

sons one each. A father by virtue of a testament could designate the younger son as the “firstborn” and reassign the right to a double share to him. He could not do so, however, if he was married to multiple women and had previously chosen to hate the mother of the biologically oldest son. In this case, the oldest retained the status of firstborn (Deut 21:15-17).¹ Like other societies of the era, Israelite society too was patriarchal in structure. This intended that land would pass from father to son with the provision that sons would support their widowed mothers and unmarried sisters.² This clearly emphasizes that women do not inherit property.

However, there are texts which signal that women inherited property either in the form of favour/gift as in the case of the daughters of Job. The text states: “In all the land there were no women so beautiful as Job’s daughters; and their father gave them an inheritance along with their brothers” (Job 42:15); or in the form of demand as in the case of Achsah, the daughter of Caleb, who said to her father, “Give me a present; since you have set me in the land of the Negeb, give me springs of water as well” (Josh 15:19; Judg 1:15). As for her demand, Caleb gave her the upper springs and the lower springs; or in the form of inquiry as in the case of Leah and Rachel who asked, “Is there any portion or inheritance left to us in our father’s house?” (Gen 31:14). Besides these, the one episode which outsmarts the rest is the story of the inheritance of the daughters of Zelophehad mentioned in a series of biblical texts (Num 26, 27, 36 and Josh 17). This story of the daughters of Zelophehad is significant not only for an account of clarification on biblical inheritance law but also for the insight it provides into the fact how the biblical laws had room for insertion and expansion of laws within laws.

Background to the Story of Daughters of Zelophehad

The story of the daughters of Zelophehad comes in a section of the book of Numbers dealing with succession issues. In chapter 26, we find Moses taking a new census and the purpose of this survey is to provide statistical data for allotting the Promised Land after it had been conquered (Num 26:55-56). Each family was to hold the land in perpetuity as a gift from God. The process for dividing the land that Moses outlined made no provision for passing the inheritance of a

¹Bruce Wells, “Inheritance Laws in Ancient Israel,” <https://www.bibleodyssey.org/en/passages/related-articles/inheritance-laws-in-ancient-israel> accessed on 15.01.2020.

²Sue and Larry Richards, *Every Woman in the Bible*, Nashville: Thomas Nelson Publishers, 1999, 78.

man who died, having only daughters but no sons. At this juncture, it is reasonable to assume that Zelophehad had lost his wife too and so, there is no widow to bear children by her dead husband's brother in accordance with the requirements of Deut 25:5-10. The daughters of Zelophehad had been numbered among all those in the tribes who either were twenty years of age or would be twenty by the time the land actually was distributed. As part of the list of the various clans, we read, "Now Zelophehad son of Hephher had no sons, only daughters: and the names of the daughters of Zelophehad were Mahlah, Noah, Hoglah, Milcah, and Tirzah" (Num 26:33). As the census concludes, God directs Moses, "To these, the land shall be apportioned for inheritance according to the number of names" (Num 33:53). Here the expression, "To these" refers to the males listed in the census and therefore we can conclude that the daughters of Zelophehad were not included in the listed census thereby they were not entitled to any land as an inheritance.³

Dared to be Different Daughters

For the most part, the laws in the Jewish tradition were rigid, unchanged and strictly followed. We might expect that these daughters, who lived a life of slavery along with other Israelites in Egypt, would comply in silence with the customary law which frequently favoured men, and remained out of sight staying in their closed tents. But these five daughters dared to go out from their living place, from the destiny imposed on them, to write a new chapter in the history of Israel.⁴ They recognized an injustice in the law. Although their names were referred to while taking the census, yet they were not included in the list of inheritance of the Promised Land. They did not helplessly say "O it's a man's world," and hang their heads in silence, or go through life dejectedly; neither did they instigate a negative campaign of complaints.⁵ Rather than sit back quietly, they responded to this injustice immediately and appropriately by taking their case before Moses, Eleazer the priest, and the leaders of the Congregation (Num 27:3-4). Most probably the place may be a camp where each tribe was assigned a place with the Tabernacle in the middle and the authoritative figures Moses, Eleazer

³According to Samuel Ryan, "Five Girls Ask, Why? And a Woman Says, No!" *Vidyajyoti* 57 (1993) 306, women could not possess because they themselves were possessed (Ex 20:17; 21:2-7-11; Num 30:4-14; Deut 5:21).

⁴Rabbi Silvina Chemen, "The Daughters of Zelophehad: Power and Uniqueness," <https://www.myjewishlearning.com/article/the-daughters-of-zelophehad-power-and-uniqueness/> accessed on 15.01.2020.

⁵Sue and Richards, *Every Woman in the Bible*, 78.

the priest, and the leaders stayed close at the centre. It could be the place where only high ranking men congregate, a place of holiness and authority, and a place where women did not have authority (Num 27:1-2).⁶ Nevertheless, these daughters presented their matter on inheritance using legal tactics in a logical and respectful manner:

1. United Effort in a Collective Voice: These daughters who are mentioned four times in the Scripture (Num 26:33; 27:1; 36:11; Josh 17:3) presented themselves not only in person but also made their appeal to the highest judicial tribunal in a collective voice that implies the existing cooperation among them. They do not appoint among themselves a spokesperson to present their concerns. They act together. They did not see themselves as passive victims of anatomy, fate, or karma. They were in a sense, initiating a social revolution, a new social order.⁷

2. Acquainted with Knowledge about Facts: these daughters posed a legal question in front of the entire congregation using cogent arguments on what should happen to a father's patrimony if he died without a male heir. This question was immediately recognized as one likely to occur in the future and affect subsequent generations.⁸ Their argument exhibits a clear understanding of the desert experience and the reason for the death of their father. They speak with determination and affirm that their father Zelophehad was not involved in the rebellion of Korah who attacked the divine order by questioning Moses and Aaron. This would indicate that the Korahites had lost their right to inherit the land by their rebellion against Moses and Aaron (Num 16) much like Miriam in Num 12.⁹ Zelophehad had sinned, no doubt, but as an ordinary human person with the rest of the people and sharing their punishment had died during the forty years in the desert (Num 14:28-35). They said: "Our father died in the wilderness; he was not among the company of those who gathered themselves together against the Lord in the company of Korah, but died for his own sin" (Num 27:3). According to Rabbi Akiba, Zelophehad's sin is that he was the man who gathered wood on the Sabbath (Num 15:32; *b. Sabb.96b*).¹⁰

⁶Chemen, "The Daughters of Zelophehad."

⁷Ryan, "Five Girls Ask, Why?", 306, 309.

⁸Robin Gallaher Branch, "Zelophehad, Daughters of," in *The Dictionary of the Old Testament: Pentateuch*, ed. T.D. Alexander and D.W. Baker, Downers Grove, Illinois: InterVarsity Press, 2003, 913.

⁹Branch, "Zelophehad, Daughters of," 913.

¹⁰Hereafter, texts from the Babylonian Talmud are taken from Epstein I., ed., *Hebrew-English Edition of the Babylonian Talmud*, London: Soncino Press, 1960-1989,

3. Commitment to Retain Family Property: The manner in which they present their argument does not allude to any personal interests. They emphasize by mentioning twice the death of their father and that he had no sons (Num 27:3-4). Their main argument is that the name of their father must not be “taken away from his clan.” There was no moral reason why the name of Zelophehad should perish when he has not committed any exceptional sin. There was nothing to separate their father from being in line to receive his inheritance.¹¹ It is not a matter of demanding justice to themselves, rather they point out an injustice done to their father, to his name and memory.¹² They felt that when daughters are given the same rights as sons to inherit land, their father’s name will be preserved. If no inheritance had been assigned to him in the land because he had no sons, his family would become extinct. On the other hand, if his daughters received possession of their own among the brothers of their father, the name of their father would be preserved by it, since they could then marry husbands who would enter upon their landed property and their father’s name and possession would be perpetuated through their children (Cf. case of Sheshan in 1 Chr 2:34, 35).¹³

Divine Direction and Enactment of the Law

The continued existence of a man’s name was important to Israelites, and one way in which it could be preserved was in connection with the inheritance of his land by his descendants. Therefore, these five daughters went before Moses with a legitimate concern. They asked to receive their father’s share of the land after he had died since he left no sons to inherit it. Moses listened to them with an open mind and heard the merit of their complaint. While Moses was convinced by the daughters’ argument, it was not Moses’ place to modify the divine law. God originated the law and Moses transmitted it.¹⁴

and *The Talmud of Babylonia: An American Translation*, trans. Jacob Neusner, Brown Judaic Studies 240, Atlanta: Scholars Press, 1992. The Mishnahic texts are taken from *The Mishnah*, trans. Herbert Danby, Oxford: Clarendon Press, 1933.

¹¹ Elke Seifert, *Tochter und Vater im Alten Testament. Eine ideologiekritische Untersuchung zur Verfügungsgewalt von Vätern über ihre Töchter*, Neukirchener theologische Dissertationen und Habilitationen 9, Neukirchen-Vluyn, 1997, 77.

¹²Yael Shemesh, “A Gender Perspective on the Daughters of Zelophehad: Bible, Talmudic Midrash, and Modern Feminist Midrash,” *Biblical Interpretation* 15 (2007) 86.

¹³C.F. Keil and F. Delitzsch, *Pentateuch*, Commentary on the Old Testament, Peabody, Massachusetts: Hendrickson Publishers, 2001, 798.

¹⁴Sue and Richards, *Every Woman in the Bible*, 78.

The fact that Moses has no immediate reply to the request of the daughters causes some confusion. Some scholars limit this to Moses' ignorance and some to a sign of his humility yet others to a good example to future judges on matters of which they are uncertain.¹⁵ Moses chose not to decide their request on his own. Instead of rejecting their petition outright, he refers their case to the Lord (Num 27:5). His decision to inquire of God was appropriate. The Lord answered on the side of the daughters by telling Moses "The daughters of Zelophehad are right in what they are saying; you shall indeed let them possess an inheritance (נחלה=landed property) among their father's brothers and pass the inheritance of their father on to them" (Num 27:7).

Then the Lord laid down a series of principles covering cases in which a man died without having a son to inherit his property. The rule of inheritance was decided the following way: the first in the line of inheritance would be the son. If there was no son, then the daughters would inherit their father's property. If he had no daughters, the inheritance would go to his brothers. If he had no brothers, the inheritance would go to his father's brothers. If his father has no brothers, then the nearest relative would be the heir to his property (Num 27: 8-11).¹⁶ This elaborated law is directed to all Israelites and is to become binding for future generations. Thus, the case of the daughters of Zelophehad changes the inheritance law in Israel for all Israel that when their late father has no sons, the daughters can receive an inheritance.

Potential Problem and an Appendix to the New Law

The book of Numbers ends referring to a further conflict regarding the daughters of Zelophehad (Num 36). This chapter actually re-opens the case mentioned in Num 27. The decision to give daughters the right of inheritance to the property of their father in the absence of male heirs gave rise to new problems. This time, it is not the daughters who approached Moses and Eleazer, instead the family heads of the clan of Gilead. They briefed the consequences of enacting such a law given in Num 27:1-11, as it did not consider the question of what would happen when these daughters marry into another tribe. These girls who inherit landed property might take

¹⁵Philip J. Budd, *Numbers*, Word Biblical Commentary, Waco, Texas: Word Book Publisher, 1984, 301-302.

¹⁶ Sebastian Kizhakeyil, *The Pentateuch: An Exegetical Commentary*, Bandra, Mumbai: St Paul's, 2009 (Revised Edition), 402.

away the property of one tribe to the tribe into which they would be married. This would confuse families and complicate interests if they married outside their ancestral tribe and on account of this, some tribes would suffer a serious loss of land and the tribal boundary lines would have to be redrawn.¹⁷ In the future, the land would go to their children, who on their father's side might belong to another tribe. This would, besides opening the way for some tribes to grow richer and others to become poorer, introduce also Inequality to the detriment of the fellowship of Israelite tribes.¹⁸ The concern of the clan heads also indicated that the land would pass out of the tribe, not by sale but by inheritance, hence it would not be affected by the law of Jubilee (Lev 25:13ff). It would remain, it is true, in the hands of the daughters of Zelophehad, but would be permanently withdrawn from the tribe of Manasseh.¹⁹ Hence there was a great and urgent need to set this anomaly right by the authorities (Num 36:5-9).

Moses inquires the Lord on this conflict and once again God intervenes to remedy the deficiency of the previous law (Num 27:8-11). The Lord commanded Moses to tell the leaders of Gilead that the daughters of Zelophehad could marry anyone whom they think best but only within the tribal clan of their father (Num 36:6). As a rule, this applied only to daughters who were heiresses so that their tribe would not lose their landed property. No inheritance of heiress will pass between tribes through intertribal marriages. Rather each Israelite will have the tribal land inherited from his forefather (Num 36:1-13). Thus, an appendix to the law was enacted to meet this contingency, providing a balance of power among the tribes.²⁰ The interest of the case, from a legal point of view, has led to the careful preservation of Zelophehad's genealogy.²¹

Moses ordered the daughters of Zelophehad to take husbands from the tribe of Manasseh. The section (Num 36:1-12) concludes with the report that the daughters of Zelophehad complied with the direction of the Lord. They married within their father's clan, to sons of Manasseh. The Midrash relates that even the youngest of the sisters did not marry before the age of forty, because she waited to marry

¹⁷Budd, *Numbers*, 390. See also Keil and Delitzsch, *Pentateuch*, 840.

¹⁸Ryan, "Five Girls Ask, Why?," 312-313.

¹⁹George Buchanan Gray, *A Critical and Exegetical Commentary on Numbers*, The International Critical Commentary, Edinburgh: T&T Clark, 1976, 478.

²⁰Deen, *All the Women of the Bible*, New York: Castle Books, 1955, 63-64.

²¹"Zelophehad," in *Encyclopaedic Dictionary of the Bible*, Vol. 10, ed. William Smith and J.M. Fuller, New Delhi: Logos Press, 2004, 1837.

the husband who was fit for her, from her own tribe.²² This action ensured that Zelophehad's inheritance continued in the tribe of Manasseh.

A Shrewd Reminder

In Josh 14:1-19:51, the story is told of how the territory of the Promised Land was divided among the twelve tribes of Jacob. Eleazer the priest, Joshua and the leaders of the families of the Israelite tribes assigned the territories. The Method used to determine God's will was by drawing lots, that is, using the Urim and Thummim. This explains the role of Eleazer in the division of the land, as it was the priest who drew the lots.²³ Once again, the daughters of Zelophehad present themselves before the highest authorities to remind them of the divine judgment given in the wilderness. Num 27:1-11 is the background for the words of the Zelophehad's daughters in Joshua 17:4.²⁴ These daughters were shrewd, alert and vigilant. They do not want to get things messed up in the end. So they come with a gentle reminder than a demand. They approached Eleazer the priest and Joshua saying: "The Lord commanded Moses to give to us an inheritance in the middle of our brothers" (Josh 17:4). In accordance with the Lord's decision, Joshua commanded that they be given land on the west side of the Jordan together with other male descendants of Manasseh.²⁵ A brief account of Josh 17:3-6 confirms that the daughters' allotment was contained in that of the tribe of Manasseh.

Intention and Motivation of the Author

The right of the daughters to inherit was not an immemorial custom in the time of the writer. Inheriting the paternal property was a legal question that might have come up much later after Israel had settled in Canaan and had landed property. It is presented here as if Moses had resolved this question in his time in consultation with Yahweh. This presentation would give the above-mentioned practice a legal status.²⁶ It is opined that the story is possibly intended to

²² Tamar Kadari, "Daughters of Zelophehad: Midrash and Aggadah," <https://jwa.org/encyclopedia/article/daughters-of-zelophehad-midrash-and-aggadah> accessed on 02.02.2020.

²³ Robert G. Bratcher and Barclay M. Newman, *A Handbook on the Book of Joshua*, New York: UBS Handbook Series, 1983, 192.

²⁴ Adolph L. Harstad, *Joshua*, Concordia Commentary: A Theological Exposition of Sacred Scripture, Saint Louis: Concordia Publishing House, 2004, 566.

²⁵ Bratcher and Newman, *A Handbook on the Book of Joshua*, 223.

²⁶ Kizhakkeyil, *The Pentateuch*, 402.

resolve a particular issue that had become pressing in the time of the author. The circumstances of exile and return made the question of access to land, and associated rights, a real and very live issue. The question which was left unanswered in Deuteronomic law concerning the rights of daughters is here given legal status through a clear and definitive law.²⁷ Some reasonably consider that in order to keep the landed property in one's own tribe or clan, the legislation mentioned in Num 27:1-11 and Num 36:1-12 appears to have been initiated through the story of the five daughters.²⁸

If this is so, how could the author initiate the story of the five daughters unless he witnessed and believed in the influence of the surrounding societies? As mentioned in the introduction, most societies in the ancient world were patriarchal. Besides Israel, there were many great civilizations in ancient times. In the East, there had been Akkadians, Hittites, Assyrians and Persians among others. In Palestine, there had been Canaanite city-states. These societies had been for the most part patriarchal, relegating women to an inferior and subordinate position. However, there were a few exceptions. Sumerians positioned women almost equal to that of men. Women were able to own and control the use of the property.²⁹ Cuneiform tables show that wealthy Mesopotamian wives and widows throughout history made business contracts and appeared in courts as plaintiffs, defendants and witnesses. They borrowed and lent money, and bought and sold the property. Almost always, however, the woman is acting in consult with or on behalf of her husband or another male family member. In the West, Egypt was another exception. The status of Egyptian women was high and their legal rights approached equality with men. Women had equal rights in inheritance. Women from different social strata engaged in litigation and owned houses and fields, which they seem to have been able to bequeath as they liked, usually within the family.³⁰ In the ANE literature, there are laws which favour women more than those of Israel. For example, the code of Hammurabi allows women to inherit along with their brothers and if they are divorced, makes material provision for them.³¹ Moreover, in the book of Genesis, God

²⁷Budd, *Numbers*, 302.

²⁸Kizhakkeyil, *The Pentateuch*, 402.

²⁹Elizabeth M. Tetlow, *Women and Ministry in the New Testament*, New York: Paulist Press, 1979, 5.

³⁰Mary Joan Winn Leith, "Women: Ancient Near East and Israel," in *The Oxford Companion to the Bible*, ed. Bruce M. Metzger and Michael D. Coogan, New York: Oxford University Press, 1993, 809.

³¹Mary J. Evans, *Woman in the Bible*, Exeter: The Paternoster Press, 1983, 25-26.

committed the world and its resources to humanity (Gen. 1:28–29). Having created human beings, both male and female in his own image and likeness, and commanded *them* to subdue the created order and to exercise dominion over the whole of it. God granted *dominion* to this first *human pair* under his law, but he did not grant his *sovereignty* to them, for God alone is Lord and the only sovereign over all, as Lev 25:23 made clear: “the land is mine and you are but aliens and my tenants.”³²

These examples from the surrounding cultures as well as some biblical texts could have had a bearing in the composition of the daughters of Zelophehad just as the inter-testamental period Judaism was affected by its encounter with Hellenism. There were Jewish women who had acquired wealth and education within that society. Many Jews lived their everyday lives more according to the Hellenistic society than those of Torah and Talmud.³³

Inspirational Influence on Other Traditions

The inheritance story of the daughters of Zelophehad may have become an inspiration to other traditions to accord dignity to women, if they are chronologically later texts.

1. Book of Proverbs: at least on an ideological level and perhaps on an idealistic one, we find that book of Proverbs praises an industrious wife who is a landowner. She is busy managing the affairs of her household, rushing to work, making business decisions, shopping and volunteering her time for worthwhile causes. She brings in food from afar; evaluates and buys a field; out of her own earnings plants a vineyard; makes sure that her trading is profitable; makes linen garments and sells them. She does all of these apparently on her own discretion (Prov 31:10–31).³⁴

2. Song of Solomon: The mutuality of the sexes is clearly affirmed in the Song of Solomon. There is no male dominance, no female subordination, and no stereotyping of either sex. The woman is independent. Her interests, work and words defy the connotation of “the second sex.” In Old Testament thought, the concept of mutuality and equality between the sexes could be envisaged as possible and even perhaps as desirable, although again it must be stressed that the

³²Walter Kaiser, “Ownership and Property in the Old Testament Economy,” <https://tifwe.org/resource/ownership-and-property-in-the-old-testament-economy/> accessed on 14.12.2019.

³³Tetlow, *Women and Ministry*, 6.

³⁴James Malcolm Arlandson, *Women, Class and Society in Early Christianity: Models from Luke-Acts*, Peabody, Massachusetts: Hendrickson Publishers, 1997, 70.

concept rarely found worked out in practice within the Israelite society.³⁵

3. Biblical Antiquities: Before introducing the character of Deborah, Pseudo-Philo introduces a story of Zebul, a character of his creation that points to a transfer of power from male recipients to female recipients. He appears to have built this episode around the account of Moses' ruling concerning Zelophehad's daughters, who were given their father's inheritance (Num 27, 36). This episode reflects the author's more positive perception of women, and his placing the story immediately before he introduces Deborah also serves to set the stage for a woman filling a role traditionally reserved for men.³⁶ After the death of Kenaz, Zebul is chosen by the people as a leader and in his first act in that capacity, he apportioned the property of Kenaz to his three daughters.³⁷

4. Mishnah and Talmud: We find evidence of a struggle against the injustice done to women by excluding them from the inheritance laws. Although the daughters do not inherit property, they do inherit a certain amount of money to cover their expenses until the age of maturity or marriage. Besides this, depending on the size of the estate, the daughters can inherit amounts greater than the sons. Thus, in a few cases, women are favoured over men. According to *Baba Batra 139b*,

In the case of one who died and left behind both sons and daughters, when the estate is large the sons inherit the estate and the daughters are provided with sustenance from it according to the stipulations of the deceased's marriage contract with their mother. With regard to a small estate, which is insufficient to provide for both the sons and the daughters, the daughters are provided with sustenance. And if the sons, who receive in this case neither inheritance nor sustenance, have no other means with which to support themselves, they go and request charity at the doors.³⁸

Some laws speak not only of women's right of owning possessions but also of disposing of them freely. This category includes unmarried women/minors (*m. Baba Bathra* 8.2-4; *m. Ketuboth* 4.4; 8.1), widows who were entitled to the full amount of *Ketubah* (*m. Ketuboth* 4.2; 5.1; 11.1-2; 12.3) and divorced women (*m. Ketuboth* 4.2; 5.1). There

³⁵Evans, *Woman in the Bible*, 23-24.

³⁶Cheryl Anne Brown, *No Longer be Silent: First Century Jewish Portraits of Biblical Women*, Louisville, Kentucky: John Knox Press, 1992, 41.

³⁷Frederick J. Murphy, *Pseudo-Philo: Rewriting the Bible*, New York: Oxford University Press, 1993, See (Biblical Antiquities: 25-29), 116.

³⁸https://www.sefaria.org/Bava_Batra.139b.7-10?lang=bi accessed on 21.12.2020.

is evidence that a married woman could hold and dispose over property and money independently of her husband (*m. Nazir* 4.4; *b. Kiddushin* 24a; *Tosefta Maaser Sheni* 4.4; *b. Baba Bathra* 51b; *b. Nazir* 24a-b). An explicit statement on this freedom is found in *m. Nedarim* 11.8 which states, "This money is given thee as a gift on the condition that thy husband shall have no right over it and that thou deal with it at thine own pleasure." The same rule is applied to a gift from a stranger (*b. Nazir*. 24b; *b. Sanhedrin* 71a). She is also free to dispose of the property she inherited before her betrothal (*m. Ketuboth* 8.1).³⁹

5. Gospel of Luke: The nature of service (*διακονέω*) of the Galilean women at the cross in the Markan gospel (Mk 15:40-41) evokes a range of views (as referring to table service, to discipleship, to leadership, etc). It is not clear what kind of service (*διακονέω*) is rendered by the women. Therefore, when in Lk 8:1-3, Luke adds a prepositional phrase namely, the resources (*τὰ ὑπάρχοντα*) to service (*διακονέω*), this possibly indicates that Luke gives a different meaning. In Luke-Acts, wherever the participle *ὑπάρχω* appears with the definite article *τα* it refers to property (11:21; 12:15, 33, 44; 14:33; 16:1; 19:8; Acts 4:32; cf. Acts 4:34). This is also true in other NT texts (Mt 19:21; 24:47; 25:14; 1 Cor 13:3; Heb 10:34).⁴⁰ Since *τὰ ὑπάρχοντα* pertains to possession of wealth, the obvious discussion revolves around the issue, whether women were allowed to have private property? The story of the daughters of Zelophehad gives substantial evidence to show that women were legally entitled to hold property and probably Luke drew inspiration from this story in composing Lk 8:1-3.

In Praise of the Daughters of Zelophehad

1. The names of the daughters are mentioned four times in the scripture (Num 26:33; 27:1; 36:11; Josh 17:3). This is noteworthy in itself, given the biblical tendency to omit the names of women who are central to the plot; eg. Potipher's wife, Manoah's wife, Jephtha's daughter, etc.⁴¹ The daughters of Zelophehad are not merely attached

³⁹For more details see Moshe Meiselman, *Jewish Woman in Jewish Law*, New York: KTAV, 1978, 84-95; Judith Romney Wegner, *Chattel or Person? The Status of Women in the Mishnah*, New York: Oxford University, 1988, Chapters 2-7.

⁴⁰For details of this study see, Virginia Rajakumari Sandiyagu, *Women as Eyewitnesses in the Christian Kerygma: The Galilean Women in the Redaction of Luke An Exegetical Study of Luke: 1-3*, KristuJyoti Research Series 2, Bangalore: KristuJyoti Publications, 2017, 300-305.

⁴¹Shemesh, "A Gender Perspective on the Daughters of Zelophehad," 83. However, G.B. Gray is of the opinion that this story is not a historical account of certain individuals, but a mode of raising a legal point, because the names of these

to their father's name but are identified by name and given extensive coverage of their story.

2. Several scholars have described the daughters of Zelophehad as "First Feminists."⁴² However, we see that the wives of Jacob, Leah and Rachel raise their voice concerning their inheritance (Gen 31:14-15) and also Achsah who demands from her father Caleb for a field and obtains the upper springs and the lower springs (Josh 15:19; Judg 1:15). Yet, Achsah's demand does not become a law. It merely satisfies her own personal interests. Considering the success part, we could call these daughters of Zelophehad 'first feminists' who succeeded in fighting for their rights and perpetuated it for all generations in Israel.

3. The story of the daughters of Zelophehad has been used to promote various causes, notably the struggle for women's rights. They have become a cultural model of a struggle to obtain one's rights under both divine and human morality and justice. It is a tale of personal victory by five intelligent women, whose initiative bettered the legal status of daughters in families without sons.⁴³ There is a contrast between the daughters of Zelophehad and the daughters of Job. While Job's daughters seem to have received the inheritance as a special favour, Zelophehad's daughters inherit property by right.

4. The initiatives and success of daughters of Zelophehad are referred to as the 'islands and lighthouses' in the patriarchal and discriminatory ocean of the Old Testament. Besides drawing light, inspiration and strength from these daughters' courage, we also draw critical spirit and boldness in laying claim to rights traditionally denied to their sex.⁴⁴ They are models for today. Anyone with a touch of humanity and a sense of dignity could be proud of them.

5. The Jewish tradition heaps praises on the daughters of Zelophehad calling them, wise, exegetes and virtuous (*Bava Batra 119b*); that they

daughters are names of clans or places. See Gray, *A Critical and Exegetical Commentary on Numbers*, 398. The conclusion is drawn that the story was accommodated to reality by Kerstin Ulrich, "Joshua: Tradition and Justice—Women's Share in the Inheritance" in *Feminist Biblical Interpretation: A Compendium of Critical Commentary on the Books of the Bible and Related Literature*, ed. Luise Schottroff and Marie-Theres Wacker, Grand Rapids, Michigan: W.B. Eerdmans Publishing Company, 2012, 108.

⁴²Josiah Derby, "The Daughters of Zelophehad Revisited," *Jewish Bible Quarterly* 25 (1997) 169-171; Zvi Ron, "The Daughters of Zelophehad," *Jewish Bible Quarterly* 26 (1998) 260-262.

⁴³Shemesh, "A Gender Perspective on the Daughters of Zelophehad," 80-82.

⁴⁴Ryan, "Five Girls Ask, Why?", 313.

are like the princes of the kings, fine and worthy (*Sifrei Zuta* 15:32). They all possessed admirable qualities: none was better than the others, and all were equal (*Sifrei* on Numbers para 133). They repaired the breaches committed by men. In contrast with the men who did not want to enter the promised land and gain possession of it, the daughters arouse to demand a portion of the land as an inheritance in the promised land (*Num. Rabbah* 21:10).

6. The daughters of Zelophehad had filed one of the earliest reported lawsuits on record. They are a splendid example of how women should handle prejudicial treatment even if it is spelled out in laws and bylaws.⁴⁵ Jurists still turn to it for opinions and have declared it the oldest decided case “that is still cited as an authority.” In the American Bar Association Journal of February 1924, there appears an article by Henry C. Clark in which this decision of the daughters of Zelophehad is quoted. It is described as an “Early declaratory judgment in which the property rights of women marrying outside of their tribe are clearly set forth.”⁴⁶

Excursus

1. The courageous action of the daughters of Zelophehad is indeed a milestone contribution to the enactment of a historical law pertaining to landed property. From within the patriarchal family, such a spirited voice of women is an inspiration and encouragement for women from similar societal backgrounds and for generations to come. The example of Mary Roy from Kerala who took her fight for property right to the Supreme Court and became victorious parallels the story of the daughter of Zelophehad. Her case was considered a landmark case for the reason it fought for equal property rights for Syrian Christian women.

2. The story of the daughters of Zelophehad is significant not only as an account of a clarification of biblical inheritance law but also for the insight it provides into the relationship of women with those in authority. Women were free to bring their concerns to Moses in that era. Rather than dismissing their case, the leaders evaluated it on its merit.⁴⁷ They were open to listening to new voices, to face fresh challenges, to rethink old structures, to honour reasonable demands and to accord to people their dignity, rights and needs over institutions and laws however ancient or sacred. Action is taken to

⁴⁵Sue and Richards, *Every Woman in the Bible*, 79.

⁴⁶Access through Deen, *All the Women of the Bible*, 63.

⁴⁷Sue and Richards, *Every Woman in the Bible*, 78-79.

change discriminatory laws and transform traditions in favour of women.⁴⁸

3. Up until now, women had no legal property rights. That could be one of the reasons, why a man always desired a son. The decision handed down in this time of Moses was a great victory for these five daughters and it became law among the twelve tribes of Israel.⁴⁹ Thus it is not military strength that determines the ownership of land but the justice the women asked of Yahweh. This act should remind us that changes are possible even in extremely stable, social organizational forms with the right interventions.

4. These inheritance laws illustrate how rabbinic legislation responded to changing values in society and in turn were at the forefront of effecting desired social changes. The thrust of these laws was to narrow the gaps between the rights of women and men.⁵⁰

5. The Israelite women did have rights, both legal and economic, but these rights were secured and safeguarded for them, not by themselves, but by the men under whose authority they were at the time. When a woman becomes part and parcel of the family that she is married to, the question of possessing personal property may not arise. It all becomes the property of the family. "Where family ties are strong, legislation is often unnecessary."⁵¹

6. Although the story of the daughters of Zelophehad gives an egalitarian view, yet it is deceiving. This story does not grant women of Israel the right for inheritance in general. There is a conditional clause, only in cases where there are "no sons" only then the daughters could possess the property rights. Again, their freedom to marry anyone outside the clan is restricted. The daughters comply with this command to prevent any diminution of the tribal property.

7. From Biblical times to the present times, we see a lot of progress in India. The Indian Succession Act (ISA) of 1925 has laid down basic law for the inheritance of property. Many sections of this Act have been amended from time to time over the years. It speaks of an equal share of ancestral property among the children. However, while dealing with the property issues, one has to keep in mind that the

⁴⁸Ryan, "Five Girls Ask, Why?", 313.

⁴⁹Deen, *All the Women of the Bible*, 63-64.

⁵⁰Judith Hauptman, "Images of Women in the Talmud," in *Religion and Sexism: Images of Woman in the Jewish and Christian Traditions*, ed. Rosemary Radford Ruether, New York: Simon and Schuster, 1974, 196.

⁵¹Walther Eichrodt, *Theology of the Old Testament*, Vol 1, Stuttgart: Ehrenfried Klotz Verlag, 1961, 131.

laws are also amended based on religions like the Hindu Succession Act, Muslim Succession Act, Christian Succession Act, etc. In a landmark judgment on 11th August 2020, the Supreme Court of India held that daughters will have equal coparcenary rights in Hindu Undivided Family Properties, irrespective of whether the father was alive or not on the 9th September 2005, when an amendment came into force.

Conclusion

The patterns and rights of property ownership in general and women, in particular, vary between societies and are generally influenced by cultural, radical, political and legal factors. Often, we tend to pick up generalized statements that “women could not possess property.” Indeed, the society in Israel had the common norm that only the sons possess inheritance and this was strictly followed too. However, the incident of the daughters of Zelophehad is studied to prove the contrary. This incident and related texts in the Bible show that the laws were flexible and new norms were formulated in a democratic spirit after relevant interventions. These are sporadic yet significant incidents that narrate the position of women as property owners because of their determination and visionary spirit. We cannot, however, forget that the achievement is always through struggles.