

# Women's Rights in the Torah

## *The Daughters of Zelophehad*

Robert Schoen

I first heard the story of the Daughters of Zelophehad about ten years ago. My immediate thought was, “Why have I never heard of this before?” Because it certainly appeared to be a well-kept secret!

The story—from the book of Numbers—is simple enough:

The five daughters of Zelophehad...came forward. They stood before Moses, Eleazar the priest, the chieftains, and the whole assembly, at the entrance of the Tent of Meeting, and they said, “Our father died in the wilderness. He was not one of the faction, Korah’s faction, which banded together against Adonai, but died for his own sin; and he has left no sons. Let not our father’s name be lost to his clan just because he had no son! Give us a holding among our father’s kinsmen!”

In her book *All the Women of the Bible*, Edith Deen asserts that the daughters of Zelophehad had just filed one of the earliest reported lawsuits on record. And Robert Alter, in *The Five Books of Moses: A Translation with Commentary*, writes that the daughters’ demand is more than an abstract legal precedent or feminist argument; it is an impassioned plea for justice—the women fear that the patriarchal system of inheritance will deprive them of their rights. Their chief concern is to not only preserve the inheritance, but to not allow the “name” of the clan to disappear.

To his great credit, Moses brings the case before God who tells him, “The plea of Zelophehad’s daughters is just; you should give them a hereditary holding amongst their father’s kinsmen; transfer their father’s share to them.” God then specifies in what order property will be assigned if a man dies without a son.

This story, probably one of the first recorded incidents of the fight for women’s rights, caused me to question why it has not become a key component in the struggle by women to achieve equality and parity in society.

Recently, I discussed the story with Rabbi Mates-Muchin and expressed my surprise that it had not become one of the well-known bible stories taught to every child—particularly to every girl. After all, isn’t this where the struggle for women’s rights really begins?

The rabbi gave me some insight as to why this story may not have made it to the big time. One reason, she suggested, is that there is no miracle associated with it.

This is true. The most famous bible stories—I call them “tier one” stories—are usually associated with miracles or great displays of nature. Examples include Noah and the

flood, Moses and the burning bush, Sodom and Gomorrah, the Ten Plagues, the parting of the Red Sea, Jonah and the whale, and so on.

Now some might say that given the rigid patriarchal society of the time, the granting of the right of inheritance to women might indeed be considered a miracle. But regardless, I still could not understand why women have not picked up this story and run with it.

Examining the episode more critically, I was struck by the lack of dramatization. For example, stories such as Moses bargaining with Pharaoh to let his people go, or Joseph being sold into slavery by his brothers have a better narrative. In the story of the Zelophehad's daughters, one has to use imagination to conjure up the true drama.

Our good friend Dan Fendel suggested that I might dramatize the story myself and assign some of you roles in the play. I toyed with Dan's suggestion, and here's what I came up with:

*Dawn breaks over the wilderness, and the tents of the Israelites become visible in the early light. A small group of people move about restlessly as they gather near the entrance of the largest tent—the Tent of Meeting.*

*As we enter a smaller (but well-appointed) tent nearby, we witness the sleeping figure of Moses. His wife, Zipporah, gently shakes his shoulder.*

**Zipporah:** *(with urgency)* Moishe! Moishe! Wake up!

**Moses:** *(still half asleep)* What, what? Why are you waking me up? You know how tired I am. I just counted over 600,000 Israelites for this meshugenah census!

**Zipporah:** *(giving him a steaming cup of liquid)* I know, I know. But you have to wake up. Here—I've brought you some hot tea—it's made from Manna.  
*(pause for laughter)* There are some people outside who need to talk to you.

**Moses:** *(turning over in bed)* Tell them to come back later.

**Zipporah:** *(sternly)* Moishe, get out of bed—you need to talk to the girls—the Five Daughters of Zelophehad.

**Moses:** *(astonished)* What—you wake me up to talk to some girls?

**Zipporah:** I warn, you, Moishe—if you don't get up and talk to them right now, I'm going to get angry!!

**Moses:** All Right! All Right! I'm getting up!

I can't help but picture the five daughters as young girls, but the Talmud<sup>1</sup> tells us that Zelophehad's daughters were righteous women in their forties. And despite their advanced ages, after their marriages they all bore children. Perhaps there is a miracle yet to be found in this story.

Why should I, a man, find this story so interesting.

Some of you know that I occasionally do a parody of the drash given by the bar or bat mitzvah boy or girl. This parody is not difficult to do, really—just include one or more of the following: baseball, soccer, the guitar, or dance lessons. The mention of a puppy or a kitten can't hurt. Then finish up with a long list of people to be thanked and a little sister or brother whom you both love and hate, and there it is.

But even more interesting is the speech given by the father of the bat mitzvah. It goes something like this: “Tiffany, I am so proud of you. I'll never forget that moment in the delivery room 13 years ago when your mother was giving birth to you. As you came out of her womb, I saw that you were a girl, and knew at that moment what a very special young woman you would turn out to be.”

Well, I am that father. My first child—Marna, was born in 1973, and I was one of the first wave of fathers who attended Lamaze classes and was present—huffing and puffing in the prescribed manner, as my daughter exited the womb. And yes, I did feel proud, and knew that my daughter was indeed special.

There was no question in my mind that this little girl could and would become anything she aspired to be. Doctor, lawyer, firefighter, President of the United States—anything. Even a rabbi!

Things were changing in American society, and I suspect that many of these major changes were a direct result of the end of the Vietnam war, the emergence of new technologies, and even more important, the development of the birth control pill and a woman's ability to better determine her own reproductive, domestic, and educational future.

After World War 2, all the Rosie the Riveters were sent home to resume their domestic roles. But in the 1960s and 70s, things would be different; and they were.

Dr. Mary Catherine Raugust Howell was the first woman dean at Harvard Medical School during the early 1970s, and led the fight to end quotas and open medical schools to women. Her book, *Why Would a Girl Go Into Medicine?* started as a collection of the experiences of women medical students—documenting the flagrant discrimination against women—and became instrumental (in synch with the feminist movement and Title IX legislation) in increasing the percentage of women medical students from 9% in 1969 to almost 50% at present.

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<sup>1</sup> Baba Basra 119b

Speaking in 2004 at Cornell University Law School, Supreme Court Justice Ruth Bader Ginsberg observed, “Today, women account for more than 50 percent of the entering law school classes, up considerably from 3 or 4 percent during the period from 1947 to 1967.” Justice Ginsberg added that 23 percent of tenured law professors were now women—a huge jump from 1963—the year she began teaching at Rutgers, when there were fewer than 20 women *total* among tenure-track faculty at accredited law schools in the United States.

It will come as no surprise to this congregation that the enrollment of female rabbinical students at the Hebrew Union College, which ordained its first female rabbi in 1972, is now 55%.<sup>2</sup>

The men of my generation are very much aware of the roles played by Betty Friedan, Gloria Steinem, and even Jane Fonda in their fight for women’s rights, not to mention the work by the brave women who preceded them. So why, I ask, does the biblical story of the Five Daughters and the courageous and unprecedented petition for their rights to inherit their father’s property not play a prominent role in this struggle?

Eight or nine years ago I asked Rabbi Berlin why she thought the story was not better known. I clearly remember her response. First, she made a face, and then she said, “Well, you know it doesn’t end well.”

Sadly, this is true. Tribal leaders appealed to Moses with this argument: “If the daughters of Zelophehad marry men from another Israelite tribe, their share will be cut off from our ancestral portion and be added to the portion of the tribe into which they marry; thus our allotted portion will be diminished.”

So Moses modified the decision, and declared, “The plea of the Josephite tribe is just. This is what Adonai has commanded concerning the daughters of Zelophehad: They may marry anyone they wish, provided they marry into a clan of their father’s tribe. Thus no inheritance shall pass over from one tribe to another, but the Israelite tribes shall remain bound each to its portion.”

It was all about land then, just as it still is today.

The five daughters of Zelophehad—Mahlah, Tirzah, Hoglah, Milcah, and Noah were married to sons of their uncles, marrying into clans of descendants of Manasseh son of Joseph; and so their share remained in the tribe of their father’s clan.

Yes, it is true—it doesn’t end well. “Go ahead and marry anyone you want, *but...*” The property they’ve inherited from their father isn’t really theirs’ to keep—it’s rather a dowry-like transfer.

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<sup>2</sup> Thirteen years later, the Jewish Theological Seminary ordained its first female rabbi, and women now comprise 37% of the JTS student body.

If I were a 13-year-old doing this drash today, I would now say, with indignation, “I don’t think it was *fair* of God to not let the daughters keep their own property.”

In *The Women’s Torah Commentary*, Rabbi Pamela Wax calls the daughters’ case “a Pyrrhic victory at best.” She says, “Despite compelling reasons to allow daughters to inherit, and despite legal ways in which they might have liberalized the law in Numbers to attain this goal, the Rabbis did not do so...(and) in fact created...laws that were harsher to daughters (who inherited property) than those originally imposed by Torah...(going) to great lengths to keep the inheritance out of (a) daughter’s hands.”

No, it doesn’t end well. But I can’t give up on the significance of this story—because the daughters are indeed given the *right* to inherit. “*Keeping*” is another thing.

As Rabbi Chester always reminds us, things happen in the Torah for a reason. Sometimes we need to examine what’s happening very closely. In this regard, the parashah Pinchas begins with a beautiful example of foreshadowing.

God said to Moses and Eleazar, “Take a census of the whole Israelite community from the age twenty years up...all Israelites able to bear arms.” *Able to bear arms*. God is telling them to count the men.

After 30 verses of fathers, sons, tribes, clans, and male descendants, we arrive at verse 33 and read: “Now Zelophehad, son of Hopher, had no sons, only daughters. The names of Zelophehad’s daughters were Mahlah, Noah, Hoglah, Milcah, and Tirzah.”

The Torah, in the midst of counting all the men who can serve in the army, boldly inserts the names of the daughters of Zelophehad. I say that that’s significant!

Alice Camille, a well-known Catholic writer and dear friend of mine, is the author of a number of books including *Listening to God’s Grace*, *Invitation to Catholicism*, and *Invitation to the Old Testament*. She is also the person responsible for the publication by Loyola Press of my own book, *What I Wish My Christian Friends Knew About Judaism* (now available in paperback from amazon.com).

Writing in the June 2008 issue of *God’s World Today*, Alice Camille asks,

“What makes us who we are? Predestination isn’t a Hebrew idea. Nor would ancient Israel view destiny as a fixed path unaffected by human freedom.

“And still we insist on the right to freedom...Family is destiny, but it is not the last word on the subject of us. Perhaps this is one reason why the story of Zelophehad’s daughters is so poignant. Even the ancients felt the need to record the names of these five females three times among the tribes of Israel. In a culture that did not “count” females at all, to be named and counted was a symbol of autonomous existence. Zelophehad’s daughters were counted not simply because Zelophehad had died without male heirs, but because they *insisted* on being counted. They dared to stand before the great lawgiver Moses, the high priest, and

the princes of the community at the mouth of the meeting tent and ask for recognition and for land. Because of their boldness, the law was changed for all Israel. Their family name remains alive in the tradition, and so do they.”

In this Age of Information, a Google query of the Five Daughters of Zelophehad quickly reveals 26,400 responses.

One of the first that appears is a spirited discussion on Chabad.org led by Sarah Schneider who writes, “There is a growing number of Torah-observant women struggling to reconcile two aspirations (that) are not easily joined. One is the longing for marriage and children, the other a passion for study and more active participation in communal life.... (She continues,) I suggest that the Torah’s account of how the daughters of Zelophehad presented their case to Moses...serves as an excellent role model for Jewish Women today contesting the status quo.

Another site, called Bloggadah, Sefer Ha-Aggadah, features a piece entitled, “How the Daughters of Zelophehad Radically Changed Halacha (And No One Seems to Have Noticed).”

And Tamar Kadari on the Jewish Women’s Archive says, “The Rabbis (praise) the daughters of Zelophehad: they are wise...and virtuous; they are like the daughters of kings....”<sup>3</sup>

What would one have to do to make this incredible story better known amongst the general population? Should we introduce a miracle, perhaps having the women transported to heaven in a flaming chariot or swallowed by a whale? How about a forbidden love interest with the son of a rival tribal leader? Perhaps a movie written and directed by Woody Allen: “Zelophehad and his Five Daughters.” I’m thinking we could rename the daughters: Meg, Jo, Beth, and Amy...and Tiffany.

No, the story must stand as it is, on its own. And perhaps it has already succeeded in what it set out to do—women can, indeed, inherit property in their own names in this society and in many others.

I may be a man, but there have always been significant women in my life—my mother, my sister, my wife, my daughter, my friends, my teachers, my colleagues; and my rabbis and cantor. The story of the Five Daughters of Zelophehad may never achieve a ranking among the most famous stories of the Bible, but it nevertheless maintains a vital position in the Torah as a fascinating and singular episode that everyone—particularly women, should be proud of.

Shabbat Shalom.

*July 11, 2009*

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<sup>3</sup> *Sifrei Zuta* 15:32