

Equal Inheritance, Equal Justice ***Parashat Pinchas***

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In this week's Parsha, Pinchas in the book of Numbers, all the descendants of each tribe are named and counted. This is the second time the census was taken since departing Egypt and it is in preparation for entering the Promised Land. Each tribe and each clan in the tribe will receive a share in the land according to the clan numbers. "The land moreover is to be apportioned by lot and the allotments shall be made according to the listings of their ancestral tribes." (Numbers 26:55) In listing the names of all the descendants, The Torah makes a point of mentioning that Tzelophehad had no sons—only daughters—Mahlah, Noah, Hoglah, Milcah, and Tirzah. Later these daughters come before Moses, Eleazar the priest, the chieftains, and the whole assembly to ask for an inheritance of land. In their plea they state, "Our father died in the wilderness. He was not one of the faction, Korah's faction, which banded together against the Lord, 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 has no son. Give us a holding among our father's kinsman." (Numbers 27:3)

Moses then brings their case before God. And the Lord said to Moses, "The plea of Tzelophehad's daughters is just, you should give them a hereditary holding (27:6-7) God then proceeds to amend the original laws of inheritance given at Sinai and includes the rights of daughters.

God's new law of inheritance is stated in verse 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. If he has no daughter, you shall assign his property to his brothers. If he has no brothers, you shall assign his property to his father's brothers. If he has no brothers, you shall assign his property to his nearest relative in his own clan and he shall inherit it. Thus shall be the law of procedure for the Israelites, in accordance with the Lord's command to Moses." Thus God is asserting that daughters are second in the inheritance chain. The daughter is seen as a link for passing on the land to her sons, thereby retaining the father's heritage.

The 5 daughters of Tzelophehad are showing initiative, and are asking for a way to honor their father and perpetuate his name. They are acting in a selfless manner. The land is viewed as a gift from God, as God ultimately owns the land. It is a way for the lineage of each member of the clan to live on for generations to come. The five sisters are named individually multiple times with the order of their names changing, to emphasize their individuality and their equal status, as well as their solidarity in acting in their father's name. Their actions are in contrast to other siblings mentioned in the Torah, who are often pitted against one another to receive their birthright.

Although God amends the original patrilineal laws of inheritance to include daughters, there remains a bias throughout the Rabbinic period to favor the male heir and circumvent the rights of the daughter. Women are expected to marry and to be part of their husband's estate. The only inheritance a woman received was through a dowry upon marriage.

According to *The Women's Torah Commentary*, edited by Rabbi Elyse Goldstein, Rabbi Pamela Wax discussed how the way around the Rabbis' ruling on inheritance during the Rabbinic period was for fathers to gift their daughter prior to their death. Rabbi Wax speaks about 2 values that emerged to protect a daughter's inheritance: *K'Vod ha-met* meaning "honor for the dead," which is honoring a dying man's wishes. In medieval Jewish law the provision of *sh'tar hatzi zachar*, which translates as "deed of half the male share," is where a daughter receives half of a son's portion. Fortunately in today's world a daughter can inherit equally to a son from both her mother and father. Five brave women: Mahlah, Noah, Hoglah, Milkah, and Tirzah started this process toward equality in their justified act to honor their father after his death.

In today's society inheritance rarely involves a piece of land, although it may include a house or condo in which the parent lived. The house or condo and any property attached is often sold by the children and the proceeds of the sale are split. Thus, the monetary value is not the same as a legacy of land, which would then perpetuate the parent's name. Lineage instead is passed down through stories and small memorabilia belonging to a parent. Therefore, the idea of equality of women in inheritance has become a legal matter, but its religious origins are no less important.

Today's Black Lives Matter movement, in which people of all races are marching together to fight for the rights of Black people in our society, has roots in the actions of Tzelophehad's five daughters. The daughters act in unison to receive their rightful inheritance, which changes the law for future generations of women. Today's protesters act collectively to guarantee equal rights for all people. In both instances, justice is the overarching principle in order to correct the treatment of a disenfranchised group. However, what can we learn from the story of the daughters of Tzelophehad going forward? Perhaps that change doesn't happen instantly or fully. For years during the Rabbinic Period, daughters often still didn't receive their full inheritance. Likewise, in spite of decades of civil rights protests, Blacks still don't receive fully equal treatment by society. Full compensation for past injustices may never be possible, but we need to continually challenge ourselves to find ways to move further towards our goal of equal justice for all.

Shabbat shalom.