

Numbers 27: Biblical Reading and Reflections

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[0 : 0 0] Numbers chapter 27. Then drew near the daughters of Zelophehad, the son of Hepha, son of Gilead, son of Machir, son of Manasseh, from the clans of Manasseh, the son of Joseph. The names of his daughters were Malah, Noah, Hogler, Milcah, and Terzah, and they stood before Moses and before Eleazar the priest and before the chiefs and all the congregation at the entrance of the tent of meeting, saying, 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, and he had no sons. Why should the name of our father be taken away from his clan because he had no son? Give to us a possession among our father's brothers. Moses brought their case before the Lord, and the Lord said to Moses, The daughters of Zelophehad are right. You shall give them possession of an inheritance among their father's brothers, and transfer the inheritance of their father to them. And you shall speak to the people of Israel, saying, If a man dies and has no son, then you shall transfer his inheritance to his daughter. And if he has no daughter, then you shall give his inheritance to his brothers. And if he has no brothers, then you shall give his inheritance to his father's brothers.

And if his father has no brothers, then you shall give his inheritance to the nearest kinsmen of his clan, and he shall possess it. And it shall be for the people of Israel a statute and rule as the Lord commanded Moses. The Lord said to Moses, Go up into this mountain of Abarim and see the land that I have given to the people of Israel. When you have seen it, you also shall be gathered to your people as your brother Aaron was, because you rebelled against my word in the wilderness of Zin when the congregation quarreled, failing to uphold me as holy at the waters before their eyes. These are the waters of Meribah of Kadesh in the wilderness of Zin. Moses spoke to the Lord, saying, Let the Lord, the God of the spirits of all flesh, appoint a man over the congregation, who shall go out before them and come in before them, who shall lead them out and bring them in, that the congregation of the Lord may not be as sheep that have no shepherd. So the Lord said to Moses, Take Joshua the son of Nun, a man in whom is the spirit, and lay your hand on him. Make him stand before Eliezer the priest and all the congregation, and you shall commission him in their sight. You shall invest him with some of your authority, that all the congregation of the people of Israel may obey. And he shall stand before Eliezer the priest, who shall inquire for him by the judgment of the Urim before the Lord. At his word they shall go out, and at his word they shall come in, both he and all the people of Israel with him, the whole congregation. And Moses did as the Lord commanded him. He took Joshua and made him stand before Eliezer the priest and the whole congregation. And he laid his hands on him, and commissioned him as the Lord directed through Moses.

At the beginning of Numbers chapter 27, we find a situation where there is in clarity in the law that needs to be clarified by case law. We had a similar sort of situation back in chapter 9, where people were impure and so could not celebrate the Passover. On that occasion, the Lord made provision for an alternative Passover celebration a month later. Both of these situations are ones in which people are concerned about being left out of the blessings of the people, the celebration of the Passover, and the enjoyment of the property within the land. In both cases, they come to Moses and the high priest, Aaron in the first case and Eliezer in the second, and ask for some sort of ruling in their case. On both occasions, Moses turns to the Lord for judgment in the matter. The law's ruling in the matter then sets a precedent for later practice.

The teaching given in the books of the law is not a comprehensive legal system. It gives people the means by which they would be able to arrive at larger principles, shaping the principles by which they could exercise good jurisprudence, but leaving many elements yet to be determined, and details left to be settled. The case here was raised by the daughters of Zelophehad, mentioned in

passing in the preceding chapter. Their concern was that since their father had died without male heirs, they would lose any stake within the land that they were going to inherit. This of course was a live issue at the time of the second census, as the census was being used in order to divide the land by lot, and to apportion possessions within it by the size of the tribes. Like the men who are concerned about being left out of the celebration of the Passover in chapter 9, the daughters of Zelophehad are concerned that their father's name will be blotted out, and that their family will enjoy no portion. We might see further similarities with another one of the rare cases in which the people consulted the Lord for judgment in a difficult matter. In the case of the man who cursed the Lord in Leviticus chapter 24, his blasphemy, his cursing of the Lord, was probably occasioned by his not enjoying a possession among the people, not being considered among his mother's tribe of Dan, on account of the fact that his father was an Egyptian. As possessions were determined by the male line, he had no portion. His response, provoked by a fight with an Israelite, was to curse the Lord. By contrast, the daughters of Zelophehad, in a situation where it seems that the law is on the surface of it against them, do not curse the Lord, but appeal to Moses and then finally to the Lord for judgment in their case.

This act of appeal, perhaps involving a degree of chutzpah, is a manifestation of trust and confidence in the Lord's justice. As Rabbi David Foreman points out, they don't just complain that the situation is unfair. They make a case for themselves. First of all, they point out that while their father, along with all the other males of his generation, died out in the wilderness on account of his sin, he was not among those in the company of Korah who would have forfeited their property and their stake in the land.

[5 : 34] The principle that they appeal to is seen in the case of leveret marriage, for instance, the Lord's concern that the names of people not be blotted out. In the case of leveret marriage, the widow of the deceased could marry his brother in order to raise up an heir after her husband's death. Looking at their father's situation, they can see that this principle should come into effect, but there's no mechanism by which it can do so. Like the faithful person performing leveret marriage, they do not want to see their father's name be blotted out, but the law does not currently provide for their situation or give them means by which they can act. Their appeal to the Lord then is driven by a positive impulse, by a desire to have a share within the Lord's blessings and a confidence in his justice. It should not surprise us then that it meets with the Lord's approval. The case of Zelophehad's daughters leads to a new set of principles for inheritance. If a man dies without sons, his possession goes to his daughters. If he has no daughters, it goes to his brothers. Without brothers, it goes to his father's brothers. If there are no uncles, then it goes to the nearest kinsmen of his clan. It's important to consider that the possession of such a man would go to his daughters, chiefly in order that his name might be perpetuated by their sons. Israel's possession in the land was very much a patrimony, not something in which males and females shared in the same way. This was because the inheritance was going to be passed on through the father's side to ensure that the property of the land remained in the possession of the clan and the larger tribe. If the inheritance had been given to sons and daughters in the same way, it would easily have been lost to the original clans and tribes, and the old solidarities would have been dissolved as the possessions got divided out and separated. As Jacob Milgram observes, Israelite inheritance practices differed from those of other ancient Near Eastern societies. In several of these other societies, daughters enjoyed more extensive inheritance rights than they did in Israel, while the allowance made for the daughters of fathers dying without sons is also found in societies long pre-existing Israels in the ancient Near East.

In some of those other societies, daughters had similar inheritance rights more generally to those of sons. What should we make of this? We should begin by observing that the particular concern here is that the land not become separated and divided out and lost to its initial clans and tribes. Daughters may not have enjoyed the same inheritance rights from the land, but they would have been expected to be maintained by their father's estate while they were unmarried. When they married, they could receive a substantial dowry, a large amount of property and money from their family of origin.

They could also often expect a substantial bride price from their husband, which might have been given to their father's family and held in trust for them, so that if they ever needed the money, they would have it at their disposal. Hence, even if they did not receive the same inheritance as sons of the land, they could nonetheless expect to receive a substantial amount of their father's estate and

wealth, along with a sum of their husband's wealth that would be held in trust for them as their independent possession. Such marriage and inheritance customs had a lot to do with the fact that Israel was an agricultural society that was ordered according to clans and tribes. Strict inheritance customs, according to the male side, ensured that the land would not get divided out and lost to its original clans and tribes. It is quite possible that inheritance customs and practices differed for those parts of a father's estate that were not land. The concerns that would apply in the case of land would not apply in the same way in the case of money. It should not surprise us then that more urbanised societies in the region followed different customs and practices. The daughters of Zolophagad provide a good example of how case law developed and also of accommodations that could be made for exceptional cases. At the waters of Meribah, Moses had rebelled against the word of the

Lord, and as a result he was not able to enter into the promised land. We read in Numbers chapter 20 verses 6 to 13, Then Moses and Aaron went from the presence of the assembly to the entrance of the tent of meeting and fell on their faces. And the glory of the Lord appeared to them, and the Lord spoke to Moses, saying, Take the staff and assemble the congregation, you and Aaron your brother, and tell the rock before their eyes to yield its water, so you shall bring water out of the rock for them, and give drink to the congregation and their cattle. And Moses took the staff from before the Lord as he commanded him.

[9 : 50] Then Moses and Aaron gathered the assembly together before the rock, and he said to them, Here now you rebels, shall we bring water for you out of this rock? And Moses lifted up his hand and struck the rock with his staff twice, and water came out abundantly, and the congregation drank and their livestock. And the Lord said to Moses and Aaron, Because you did not believe in me, to uphold me is holy in the eyes of the people of Israel. Therefore you shall not bring this assembly into the land that I have given them. These are the waters of Meribah, where the people of Israel quarreled with the Lord, and through them he showed himself holy. At Meribah the Lord showed himself holy, but the accusation made against Moses here is that he failed to uphold the Lord as holy.

Moses had disobeyed the word of the Lord, expressed his doubt in the Lord and his word before all of the people, hitting the rock twice when he had been instructed to speak to it, not to hit it. Prior to that point Moses had stood out from the rest of the people in his faithfulness. On account of his faithfulness he had been able to intercede for the people and intermedicate for them when they had sinned. However in his rebellion at Meribah he became associated with the rest of the people in that behavior that excluded them from entrance into the land. As the one who was supposed to be their leader and model, this was inexcusable. Nonetheless the Lord would allow Moses to see the land that he was bringing the people to. He would see the goodness of the land to which the Lord was bringing the people, even though he himself would not enter into it. There was a need now for a new leader to take Moses' place at the head of the people. This new leader would have a lower stature than that of Moses. The Lord would not be establishing a new covenant through him, but he would be leading the people into the promised land and completing the mission that Moses had started.

Of all the people around, Joshua the son of Nun was the most fitting for the task. Joshua had led the people in fighting against Amalek in Exodus chapter 17. He had accompanied Moses up onto Mount Sinai when he had met with the Lord as his assistant. He was one of the twelve spies in Numbers chapter 13, and one of the only two with Caleb who had been faithful. With Caleb he alone remained of the original Exodus generation. He had also been renamed by Moses. Originally he had been called Hoshea, and then he was called Joshua by Moses, as we see in Numbers chapter 13 verse 16. This suggests that he was like a son to Moses.

Israel needs a new shepherd, and Joshua is the man. Back in chapter 11, the Lord had taken some of the spirit of Moses and placed it upon the seventy elders. Here a similar thing happens to Joshua in particular, the ordaining of Joshua as Moses' successor occurring by the laying on of his hands. This commission occurs before Eliezer the priest, in front of all of the people. The Lord himself reinforces Joshua's commission at the beginning of Joshua chapter 1, in verses 1 to 9 of that chapter, after the death of Moses the servant of the Lord, the Lord said to Joshua the son of Nun, Moses' assistant, Moses my servant is dead. Now therefore arise, go over this Jordan, you and all this people, into the land that I am giving to them, to the people of Israel. Every place that the sole of your foot will tread upon I have given to you, just as I promised to Moses. From the wilderness

and this Lebanon as far as the great river, the river Euphrates, all the land of the Hittites to the great sea, toward the going down of the sun, shall be your territory. No man shall be able to stand before you all the days of your life, just as I was with Moses, so I will be with you. I will not leave you or forsake you. Be strong and courageous, for you shall cause this people to inherit the land that I swore to their fathers to give them. Only be strong and very courageous, being careful to do according to all the law that Moses my servant commanded you. Do not turn from it to the right hand or to the left, that you may have good success wherever you go. This book of the law shall not depart from your mouth, but you shall meditate on it day and night, so that you may be careful to do according to all that is written in it. For then you will make your way prosperous, and then you will have good success. Have I not commanded you? Be strong and courageous. Do not be frightened, and do not be dismayed, for the Lord your God is with you wherever you go." While Moses inquired more directly of the Lord, Joshua will inquire using the Urim and the Thamim through Eleazar the priest, the Urim and the Thamim, more generally seem to give yes or no answers, or binary answers. Yet there seem to be instances where they give more elaborate judgments. We are left only with speculations about what they actually were. Some have suggested that they were objects that enabled a binary choice, two stones, one black and white for instance. Others have speculated that they involved all the letters of the Hebrew alphabet, and that Urim and Thamim speak of the first and the last letters, including by implication all the others in between. Urim is connected with the word light, and Thamim with the word for perfect. Milgram notes the possibility that Urim stands for God's first creative act, the forming of light, and Thamim for the completion of it all on the Sabbath, the perfection. With Eleazar as the successor of Aaron, and Joshua as the successor of Moses, the people would finally be brought into the Promised Land.

[15 : 01] A question to consider, what are some of the ways in which we can see the unity of the mission of Moses and the mission of Joshua?