



The Daughters of Tzelafchad Teach Halacha

Before the Entire Congregation of Rabbis

We live at a time when women's place in Torah learning and active participation in community life is in a state of transformation. Many Jewish women, although passionately religious, are not satisfied with the traditional roles of Jewish women. They no longer accept limitations to their expression of Jewish ritual, and they request equal legal rights to take responsibility and participate in every aspect of Jewish community life, including the halachic decision-making process. We are in the process of clarifying the Torah parameters which allow a paradigm shift in the status of Jewish women. In this process, we need to ask ourselves as Orthodox Jewish women, how to follow the Torah path in engendering positive change, without infringing on the halachic authority of the tradition. The daughters of Tzelafchad can serve as role models for the accepted way for women to take responsibility in bringing about the necessary change that allows women greater leeway of expression in Judaism. These five sisters came before Moshe to request a portion of the land of Israel as an inheritance, since their father had passed away without leaving behind any sons. Not only was their request fulfilled, but moreover, the Torah and the Talmud praise the daughters of Tzelafchad for being wise, learned and righteous. From the daughters of Tzelafchad, we can glean the proper guidelines for how women can affect the necessary change in women's roles, within the framework of halacha. These five righteous sisters got together to present their petition, that their father's land inheritance should be transferred to his daughters since he passed away without any sons. When they came before the entire congregation, publicly presenting their petition before Moshe and the elders, no one even hints that they stepped out of line as women. Not only were they not criticized for venturing forward to address the male Rabbis, but they were even praised for their bold request.

Wise, Righteous and Learned

תלמוד בבלי מסכת בבא בתרא דף קי"ב תנא בנות צלפחד חכמניות הן דרשניות הן צדקניות הן חכמניות הן שלפי שעה דברו דא"ר שמואל בר רב יצחק מלמד שהיה משה רבינו יושב ודורש בפרשת יבמין שנאמר כי ישבו אחים יחדו אמרו לו אם כבן אנו חשובין תנה לנו נחלה כבן אם לאו תתיבם אמנו מיד ויקרב משה את משפטן לפני ה'. דרשניות הן שהיו אומרות אילו היה [לו] בן לא דברנו... אפילו היה בת לבן לא דברנו. צדקניות הן שלא נישאו אלא להגון להן:

It is taught that the daughters of Tzelafchad were wise, learned and righteous. They were wise since they knew to speak at the proper time. Rabbi Shmuel, son of Rabbi Yitzchak, teaches that Moshe Rabbeinu was in the middle of teaching the section dealing with levirate marriage: "If brothers abide together..." (*Devarim* 25:5). They said to him, if we are considered as a son, give us a portion in the land like a son, if not then let our mother be taken in levirate marriage. Moshe then immediately brought their cause before Hashem. They were learned since they said if he had a son, we wouldn't have spoken...even if he had a daughter of a son we wouldn't have spoken. They were righteous since they didn't marry except those who were befitting them (*Babylonian Talmud, Baba Batra* 119b).

Wisdom: The Secret of Proper Timing

A person gains continuation in the world through his children and through his land, which is the outer manifestation of his soul. The fruits on the trees, which he planted, are like his children – his continuation in the world. If a person passes away without children, he has no continuation. The children continue the work of their parents. The children begin where their parents left off, rectifying their unsolved issues and problems. There are two ways in which a person's name is

carried on even after death. One is levirate marriage (*yibum*) – where the brother of the deceased or his closest relative marries his widow. Their child will be called in the name of the deceased. The second way is when the deceased transfers his heritage to his offspring. The father's name will be remembered through his field which is passed on to his children. As it states, "...to raise up the name of the dead upon his inheritance" (*Ruth* 4:5). The daughters knew to speak at the proper time, when Moshe and the elders were learning about Levirate marriage. Each moment comes with its own lights and possibilities of transformation. The daughters of Tzafchad understood the secret of timing. It is a deeply intuitive wisdom. From their example, we derive an essential principle: one must wait for the moment when an injustice or wrong attitude impacts upon the physical plane and blocks the path of truth for someone who is ready, now, to travel that path. The daughters waited to present their case until the precise moment when channels aligned to facilitate the needed change (Sarah Yehudit Shneider). We must learn the secret of proper timing from the daughters of Tzafchad. The revelation of the Feminine Divine Presence goes hand in hand with the revelation of the feminine light. However, imminently before the birth, there is often a very strong urge to push. Giving in to this urge, before its time, may have detrimental consequences. This was the case with B'nei Efraim, who hastened the end and left Egypt prematurely. We must balance the dichotomy of רץ ושוב – "running and returning" – Going forward in the dynamic process of change, yet returning and staying connected with the roots of our tradition. This inner process must temper our urge to push forward and guide us on the way of renewal, as it states, שִׁיֵּנוּ כְּיָמֵינוּ / *chadesh yameinu ke'kedem* – "Renew our days as of old" (*Eicha* 5:21).

Learned: Able to Separate Between Personal Interest and the Truth of The Torah

The daughters claimed: If we do not inherit our father's land, it would seem as if females are not considered offspring. Therefore, shouldn't our mother be taken in levirate marriage? If you give us our inheritance, then our father's name will carry on. Otherwise, let our mother be taken in levirate marriage, so that our father's name won't be lost. Only because their father never had a son, did they have an argument from the section about levirate marriage (*yibum*). Had their father had a son, even if this son had died and only left a daughter, the daughter of the son would exempt their mother from levirate marriage. Therefore, it would not have been Tzafchad's daughters preventing their mother from *yibum* and for this reason they would have no argument that the inheritance should be passed on to them (Tosfot, *Baba Batra* 119b). The daughters were learned since they acknowledged that they would have no right to speak, had their father had a son or even a son's daughter. They were able to learn out the intricate law, even when it went against their own personal interests. This exemplifies the ultimate ideal of Torah scholarship, that entails putting the objective truth before the slightest tinge of self-interest. All the halachot, established throughout the generations, were decided by the great people of the generation, who were able to separate between their personal interest and the truth of the Torah. For this ability, the daughters are praised by being called דַּרְשָׁנִיּוֹת / *darshaniot* – masters of textual analytical skill.

Righteousness: Ultimate Self-sacrifice

Before making their petition, the daughters of Tzafchad cleansed themselves of any ulterior motives or attachment to anything less than truth (based on Targum Yonatan, *Bamidbar* 27:1). Although they hoped for a favorable outcome, they gave the matter up to G-d and cleansed themselves of any desire other than to fulfill G-d's highest will for them and for all concerned. We can affirm our commitment through prayer, "G-d not my will but yours be done. If my labor serves you, please prosper its path and if not, please block it and let me know as gently as possible how to adjust my course." This methodology of attitude practiced in good faith by all parties, will draw the unfolding of G-d's highest will into the halachic discourse generated by our times (Sarah

Yehudit Shneider). Often our petitions and requests are colored by self-interest. We may not even be aware ourselves that our idealistic words may be rationalizations, and what we truly care about is our own comfort. The fact that the daughters of Tzelafchad with great self-sacrifice chose to marry within their own tribe proves that their petition indeed emanated from holy intentions. They requested an inheritance for the sake of the continuation of their father's name, in order that his soul should have an eternal, physical manifestation by means of his spiritual inheritance of the land. Had they afterwards married men from other tribes, their father's land would have passed from his eternal, spiritual possession to the tribe of their husbands. This would have indicated that their request was merely a rationalization for their personal desire to grab land for themselves, G-d forbid. "Rabbi Eliezer son of Ya'acov taught, even the youngest among them did not marry before she turned 40..." (*Babylonian Talmud, Baba Batra 119b*). The fact that they were willing to wait until the age where they risked being too old for having their own children, proved the complete altruistic intentions of their petition. This self-sacrifice is hinted in the beginning of their story: וַתִּקְרַבְנָה בָּנוֹת צִלְפַּחַד – "The daughters of Tzelafchad came close" (*Bamidbar 27:1*). The word וַתִּקְרַבְנָה/vatikravna is related קִרְבָּן/korban – 'sacrifice.' The daughters were willing to sacrifice their own future by only marrying within their tribe.

Only in That Generation

במדבר פרק לו פסוק ו זֶה הַדְּבָר אֲשֶׁר צִוָּה ה' לְבָנוֹת צִלְפַּחַד לֵאמֹר לְטוֹב בְּעֵינֵיהֶם תִּהְיֶינָה לְנָשִׁים אַךְ לְמִשְׁפַּחַת מִטָּה אֲבֵיהֶם תִּהְיֶינָה לְנָשִׁים: (ז) וְלֹא תִסַּב נַחֲלָה לְבְנֵי יִשְׂרָאֵל מִמִּטָּה אֶל מִטָּה כִּי אִישׁ בְּנַחֲלַת מִטָּה אֲבֹתָיו יִדְבְּקוּ בְנֵי יִשְׂרָאֵל:

"This is the thing that Hashem has commanded concerning the daughters of Tzelafchad. Let them marry whomever they please, but they shall marry only within the family of their father's tribe. Thus, the inheritance of the children of Israel shall not be transferred from tribe to tribe for each person from the children of Israel will remain attached to the inheritance of his father's tribe (*Bamidbar 36:6-7*).

From these verses, it is not clear whether the daughters of Tzelafchad were commanded to marry within their own tribe. The Talmud clarifies as follows: "Shemuel said, the daughters of Tzelafchad were permitted to marry all the tribes as it states, 'Let them marry whom they please' so how do we establish, 'only within the family of the tribe of their father shall they marry'? Scripture gave them good advice, that they should only marry those who are fitting for them (*Babylonian Talmud, Baba Batra 120a*). The daughters of Tzelafchad had full permission to choose any marriage partners- even outside of their own tribe. However, in order to ensure that their land would not be lost permanently from their tribe, they were advised to marry within their tribe. The land receives its mission and shape from the original ownership by the tribe it is assigned to, as if the land is only born through the infusion of the soul of the particular tribe to whom it belongs. Ba'al Turim notes that the words, זֶה הַדְּבָר /ze hadavar – 'This is the thing' from our Torah verse shares the gematria of זֶה בְּדוֹר /b'dor ze – 'in that generation.' The advice to the daughters to marry within their own tribe only pertained to them and their generation; otherwise, a situation of apartheid would arise between the tribes. After the conquest of the Land of Israel, when the portions of the tribes were established, it was no longer a problem if the daughter would transfer her portion to the tribe of her husband. It was vital only for the first generation that conquered the land, that each portion be allotted according to the original Divine design.

Reframing Torah Laws to Concur with Our Current Reality Brings Redemption

The story of the daughters of Tzelafchad and the laws of inheriting the land conclude the traveling in the desert and the book of *Bamidbar*. It occurs on the last of the 42-stage journey from Egypt to the holy Land. Thus, its reenactment in the 6000-year scale of history will be one of the last stages

before the messianic age. This indicates that the final *geulah* will be drawn down by righteous women, who are willing to employ self-sacrifice and take risks in order to attach ourselves to the Land of Israel and reveal new Torah laws. We can learn from the daughters of Tzelafchad how Torah laws that seemingly denigrate women, can in truth be understood from a deeper perspective, by researching and revealing the inner kernel of the Torah – its eternal principle. Matters in the Torah that bother us as women cannot be brushed away. The eternal dynamic of the Torah entails that over time, a friction develops between the current reality and the exterior layer of the Torah. In order to resolve this friction, rather than dismissing the Torah as being old-fashioned, we need to reveal the inner layer of the Torah as the daughters of Tzelafchad did. By understanding the inner dimension of the Torah, we have an opportunity to reframe the usually accepted application of the Torah in an appropriate way for our current reality. Yet, it is no less important to accept that the endless depth of the Torah is beyond our limited understanding. Since there is absolutely no way, we will ever be able to grasp it totally, we must humbly accept even those matters in the Torah that bother us, and which we have not yet been able to understand in a deeper way that is fully satisfactory to us. The daughters of Tzelafchad exemplified this kind of *bitul* (selfless humility) and faith in our sages when they displayed their trust in the authority of Moshe in front of the entire congregation. They recognized the fact that rabbis and elders are the gatekeepers of halacha, which applies within the external world of action. However, in the internal higher worlds, women are the leaders. This is why the *geulah* (redemption)—leading us towards the internal world—is brought about by the righteous women. In *geulah* times, the wellsprings are flowing outwards – *יִפְצְצוּ מְעִינֹתֶיךָ חוּצָה* / *yafutzu ma'ayanoteicha chutza* – as the inner layer of the Torah must be revealed. We can speed up the redemption process, when matters in Torah, which bother us as women, prompt us towards revealing its inner layer. Thus, the daughters of Tzelafchad, who set the precedent for new revelations in the Torah *תּוֹרַת נָשִׁים* / *Torat Nashim* – ‘the Torah of women,’ paved the way for our final redemption.