

# **THE ROOT G-R-A IN THE BIBLE: THE CASE OF THE DAUGHTERS OF ZELOPHEHAD AND BEYOND**

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The story of the daughters of Zelophehad appears twice in the Torah (Book of Numbers): the first time in chapter 27 and the second time in chapter 36.

THE FIRST PART OF THE DAUGHTERS OF ZELOPHEHAD'S PLEA:

*Then drew near the daughters of Zelophehad . . . of the families of Manasseh the son of Joseph: and these are the names of his daughters: Mahlah, Noah, and Hoglah, and Milcah and Tirzah. And they stood before Moses, and before Eleazar the priest, and before the chieftains, and all the congregation . . . saying, 'Our father died in the wilderness . . . but he died in his own sin, and he left no sons. Why should the name of our father be removed [yiggara] from the midst of his family because he had no son? Give us a possession among the brethren of our father.' Now Moses brought their cause before the Lord. And the Lord spoke to Moses, saying: 'The daughters of Zelophehad speak rightly: you should indeed give them a possession as an inheritance among their father's brethren; and you should cause the inheritance of their father to pass to them. And you should speak to the children of Israel, saying: If a man dies, and has no son, then shall you cause his inheritance to pass to his daughter. And if he has no daughter, then shall you give his inheritance to his brothers . . . And it shall be to the children of Israel a statute of justice, as the Lord has commanded Moses' (Num. 27:1-9, 11).*

The request of the daughters of Zelophehad is a logical one. Zelophehad only had daughters, and the inheritance laws were such that only sons could inherit. According to these rules, the sons who inherited had to provide for their mothers and unmarried sisters. The daughters of Zelophehad requested an amendment to the rules of inheritance, namely, that the daughters would

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inherit like sons. The request was logical, precise and well pleaded; there wasn't a superfluous word in it. The result of this case was that God affirmed the correctness of the plea and stated that henceforth daughters would inherit in such cases. A significant word deserving attention in the verse is *yiggara*, "be removed" (from the midst of his family).

#### THE SECOND PART OF THE DAUGHTERS OF ZELOPHEHAD'S STORY:

*There came near the heads of the family divisions of the children of Gilead the son of Machir, the son of Manasseh, of the families of the sons of Joseph; and they spoke before Moses and before the chieftains, the heads of the divisions of the children of Israel, saying: 'The Lord commanded my lord to give the land for an inheritance by lot to the children of Israel; and my lord was commanded by the Lord to give the inheritance of Zelophehad our brother to his daughters. And if they become the wives of any of the sons of the other tribes of the children of Israel, then will their inheritance be taken away from the inheritance of our fathers and be added to the inheritance of the tribe into which they marry; so will the lot of our inheritance be diminished [yiggara]. And when there is a Jubilee, their inheritance will be added to that of the tribe to which they now belong; so will the inheritance of our fathers be diminished.' And Moses commanded the children of Israel by the order of the Lord, saying, 'The tribe of the sons of Joseph have spoken well. This is the thing which the Lord has commanded concerning the daughters of Zelophehad, saying: Let them be married to those who are pleasing in their eyes; yet only to the family of their father's tribe shall they become wives. The inheritance of the children of Israel shall not pass from tribe to tribe; but the children of Israel shall adhere every one to the inheritance of the tribe of his fathers' (Num. 36:1-7).*

The leaders of the tribe of Manasseh came to Moses with the above plea. According to them, the legal implication of this new law was problematic. If daughters were allowed to inherit property, land-owning women might marry into a different tribe and the land would then be inherited by their sons, who were not of their tribe. This would result in a transfer of land between tribes,

which was never the intent of the rule concerning inheritance. In the Jubilee year, land transfers would ordinarily revert to the original owners; and since the legal system operated on a father-to-son basis, such land would be permanently transferred to the mother's husband's new tribe. This legal argument was deemed correct and in order to prevent such a loss of property [*yiggara*], an amendment to the first ruling was made, that the daughters of Zelophehad must marry within their father's tribe.

In both cases the Torah rules in a similar fashion. Both pleas are accepted as truthful, using similar phrases. In the first case it says, *ken benot Tzelofehad doverot* (Num. 27:7); and, in the second case *ken matteh venei Yosef doverim* (Num. 36:5). There is one other case in the Torah where a group of Israelites requested a just solution when a rule bore hard on a particular minority, and there again we find the use of the verb *gimmel-resheyin*.<sup>1</sup>

#### THE SECOND PASSOVER:

*And these men said to him: 'We are defiled by the dead body of a man: why shall we be kept back [niggara] from offering the sacrifice of the Lord at its appointed season among the other children of Israel?' And Moses said to them: 'Stand by, and I will hear what the Lord will command concerning you.' Then the Lord spoke to Moses, saying, 'Speak to the children of Israel, saying, If any man among you or your posterity is unclean by reason of a dead body, or if he is on a distant journey, yet shall he prepare the Passover lamb to the Lord. In the second month on the fourteenth day toward evening shall they prepare it, with unleavened bread and bitter herbs shall they eat it . . . But the man that is clean, and is not on a journey, and refrains from preparing the Passover lamb, that soul shall be cut off from his people; because he did not bring the offering of the Lord at its appointed season, that man shall bear his sin' (Num. 9:7-13).*

A common denominator of all three cases mentioned above is their use of the root *gimmel-resheyin*, meaning "to diminish, subtract, cut off" (from the group) or, in a broader sense, "hew a chunk" from the whole. This illustrates the ancient legal principle, that a group has the right to be kept intact.<sup>2</sup> The root *g-r-a* has its counterpart in the Akkadian *gerû* or *garû*, which is

translated as "to be hostile, to bring a lawsuit."<sup>3</sup> The Hebrew and Akkadian terms both have the connotation of a legal dispute. It seems to me that these three narratives deliberately used a Hebrew word meaning "to cut away from" that echoed a similar Akkadian word meaning "to litigate" because they dealt with filing a petition.

In the first case, the daughters of Zelophehad sought to keep the family name intact, in the second case, the aim was to keep the tribe intact, and, in the third case, it was to keep the nation of Israel intact. However, there is a clear distinction between the solutions offered in the first and second cases. It was only a matter of time before the tribes would intermarry and divisions between the tribal lands would disappear. The second solution, marrying exclusively within the tribe, was therefore offered only to the generation of Israelites that lived for forty years in the wilderness. In the first and third cases, however, the Israelites were offered a lasting solution, with no time limit.

The Talmud (TB *Bava Kama* 102a) deals with the issue of inter-tribal marriage and states that, in the second case (marriage exclusively within one's own tribe), the daughters of Zelophehad merely received good advice – that they should marry the most fitting husbands. Another Talmudic passage explicitly states that the ruling that a woman must marry within her own tribe was intended for that generation only (TB *Ta'anit* 30b). It is clear that the rules governing the Jubilee, inter-tribal marriage, and daughters' inheritance are incompatible. Since the Jubilee rules were actually practiced for only a short while (see, for example, TB *Arakhin* 12b), the conflict remained largely theoretical.

As time passed, the Israelites developed from an agrarian into an urban society, and from living only in the Land of Israel to living in the Diaspora as well. As a result, the rules of inheritance as applied to daughters became an important issue. It was understood that daughters should receive their fair share of an inheritance, and the rabbis devised several instruments to achieve this, such as *shetar zakhar shalem* and *shetar hatzi-zakhar*. The first device gives the daughter a full share of her inheritance as a gift, one hour before her father dies, while the second device gives her half of that share, thereby avoiding the "son only inherits" rule. The daughter's portion is then technically a gift in the father's lifetime, before it is truly an inheritance.

It should be emphasized that the third case, the enactment of a Second Passover (*Pesah Shenî*), applied only to those who, for a variety of reasons, could not participate in the ritual at the proper time. Their ability to celebrate the Second Passover kept them within the nation of Israel. This was most important, because the Passover experience was the formative event that transformed individual Israelites into a nation. They went down to Egypt as individuals (Gen. 46:27) and came forth a people (*am benei Yisrael*, Ex. 1:9), as promised in God's covenant with Abraham (*berit bein ha-betarim*, Genesis 15).

#### OTHER USES OF THE ROOT *G-R-A* IN THE BIBLE:

Use of the root *g-r-a* is not limited to the three cases above; it is a broader concept employed throughout the Bible. One can already perceive a connection between the use of *g-r-a* and judicial functions such as pleas. This root is used in other biblical contexts, including a deduction for a legally fixed amount, as in *All this word which I command you, that shall you observe to do; you shall not add to it nor diminish [tigra] from it* (Deut. 13:1). There is another instance in the Prophets (Ezek. 16:27): *I have stretched out My hand over you, and diminished [va-egra] your allowance [hukkekha]*. The word *hukkekha* (from the root *h-k-k*, "to legislate, enact") refers to a statutory, daily food allocation, and *va-egra* means reducing this allowance. Similarly, when the Israelites were enslaved in Egypt, legal quotas were set as to how much building material they had to collect each day. Here, *g-r-a* is used three times: *You shall not diminish [tigre'u] any of the bricks of your daily task* (Ex. 5:8, 11, 19). A legal limit was also set for the rights of the wife in relation to her husband: *If he takes another wife, her food, her clothing, and her conjugal rights he shall not diminish [lo yigra]* (Ex. 21:10). In the case of a person who consecrates his field to the Temple, the priest will reduce the value of the bequest by the years remaining until the next Jubilee year. *But if he sanctify his field after the jubilee, then shall the priest reckon to him the money in proportion to the years that remain until the year of the jubilee, and a deduction shall be made [ve-nigra] from your estimate* (Lev. 27:18). In later Wisdom literature, use of the term is broadened: *I know that whatever God does, that will be for ever: nothing can be added to it, and nothing taken from it [ein li-gro'a]* (Eccles. 3:14).

Sensing that *g-r-a* has a legal connotation, rabbinic literature uses it in this context as well. For example, *Pesikta Zutarta*<sup>4</sup> interprets the verse, *The Rock, His work is perfect, for all His ways are justice* [mishpat] (Deut. 32:4), to mean God gives everyone what they deserve according to the law, *mishpat*; hence, we should neither add to it nor subtract [li-gro'a] from it

#### CONCLUSION

The root *g-r-a* in Hebrew dictionaries conveys myriad meanings — "to lessen, reduce, subtract, deduct, diminish, detract (derogate) from; to trim (beard), shear."<sup>5</sup> This article suggests that the term has a distinct legal connotation, "to subtract from" a legally recognized unit. The root *g-r-a* was therefore used specifically in legal pleas, as shown above, and in other legal contexts.

#### NOTES

1. Nathan Aviezer, "Ken benot Tzeloferhad doverot," *Daf Shevu'i*, Bar Ilan University, #817 (2009), Pinhas.
2. See John H. Walton, *Ancient Near Eastern Thought and the Old Testament* (Grand Rapids, Michigan: Baker Academic) pp. 299-301.
3. *Chicago Assyrian Dictionary (CAD)*, 1956, 5:61.
4. More correctly known as *Midrash Lekah Tov* (a commentary on the Pentateuch and Five Scrolls compiled by R. Tobias ben Eliezer, Greece, 11th-12<sup>th</sup> cent.), Deuteronomy, Ha'azinu, 55b; S. Buber edition, Vilna, 1880.
5. Reuben Alcalay, *The Complete Hebrew-English Dictionary* (Ramat-Gan-Jerusalem: Massada Publishing Co., 1970).col. 386. See also: Brown, Driver and Briggs, *Hebrew and English Lexicon* (2003) p.175, where *gimmel-resh-ayin* (#1639) is stated to mean "diminish, restrain, withdraw."



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