

B'not Tz'lofchad

Guest article by **Tirtza Jotkowitz**

Machla, No'a, Chogla, Milka & Tirtza were the daughters of Tz'lofchad. He was the son of Chefer, son of Gil'ad, son of Machir, son of Menashe, son of Yosef, son of Yaakov Avinu. This made the girls the inheritors of double portions belonging to "bechorim".

B'not Tz'lofchad are mentioned various times in different orders to teach that they were equally sagacious regarding textual analysis and able to deduce appropriate laws from verses. For example, they reiterated that their father had no son to emphasize that he also had no granddaughter from him, teaching that if there had been a son who died leaving a daughter, she would have inherited and not her aunts.

They are also described as wise in their knowledge of Torah, righteous in their observance of it, and skillful in their ability to apply its teachings. Since Tz'lofchad died before the oldest was six years old, from where did they get their Torah knowledge?

Miriam, Moshe Rabeinu's sister, established a school for girls and they might have studied there or overheard Torah instruction given to their male cousins.

B'not Tz'lofchad, despite being very righteous, did not marry at an expected age. They wanted to find men who believed in women inheriting (i.e., when women were guaranteed this right under certain circumstances) and to further their case for inheriting (i.e., had they

married, this may have weakened their case). They married between age of 40-47, and their piety was rewarded by each having at least two children.

Thirty-nine years after the first census and following the plague following Bnei Yisroel's immoral behavior with the women of Midian and Moav, Hashem ordered Moshe to take a new census, since many had died and a new count was needed. Facing wars, they had to know the number of recruits. However, while males ages 20-60 were counted for military duty, it was not yet clear if only they were to inherit land - since they would fight for it - or whether women, too, would be included. Since land was to be divided on the basis of tribal population, current data was needed. The projected division was based on these males receiving a portion.

Chefer died and his land was divided among 4 sons (one died leaving no progeny). Since Tz'lofchad, Chefer's bechor, was over 20 when he left Egypt, he was entitled to his own portion plus a double portion from his father. In all, Tz'lofchad was entitled to 4 portions.

Now we can understand why the question B'not Tz'lofchad actually asked Moshe wasn't, "Can we inherit because our father had no son?" Even if he had one, he might not have been counted for military duty for various reasons (e.g., health, age, etc.); nor was the question: "Why should our father's name be disadvantaged just because he had no son?" They argued: If daughters are progeny like sons, give us our father's property; if they aren't, our father died

leaving no progeny and Yibum should apply (i.e., Let one of our father's brothers marry our mother and acquire both his own portion and that of our father). Therefore, B'not Tz'lofchad's real question was: Were only those counted entitled to inherit?

B'not Tz'lofchad came before the respective hierarchy of courts after Moshe and Elazar HaKohen told them to take their case to "the leaders of thousands, ... hundreds, ... and ... tens," who shifted them to Moshe to have their petition considered, as instructed to do in the most difficult cases.

The daughters argued: Our father came out of Egypt over age 20 (eligible for inheritance) and wasn't part of Korach's group. (By which he would have lost any claim to land, since a Moreid b'Malchut - one who rebels against the king - loses his land rights. - ed.)

Moshe brought this seemingly simple case before Hashem because:

1) The answer eluded Moshe due to punishment for saying, "If any case is too difficult, bring it to me and I will hear it." "Mishpatan" terminates with a long "nun" to emphasize that the 50th gate of knowledge was sealed before Moshe, thereby keeping the answer from him.

2) To teach that that when a judge is confronted with a situation where he is uncertain of the law, he shouldn't be embarrassed to consult with those greater than himself.

3) Moshe suspected that B'not Tz'lofchad feared that he would apply the law unjustly because their father had spoken

evil against him.

B'not Tz'lofchad had a just claim and, until now, the pertinent law was only known to Hashem. Because of their merit, Hilchot Yerusha (the Laws of Inheritance) was revealed through them. Accordingly, they got hereditary portions of land alongside their father's brothers. B'not Tz'lofchad got three portions of inheritance, as delineated by the triple replication of NATON, TITEIN, and V'HAAVARTA: First portion - Tz'lofchad's personal inheritance - which included Tzelafchad's extra birthright share as the bechor (i.e., Chefer's inheritance was divided into four quarters & Tzelafchad got two. His brothers each got one); 2nd portion (Tzelafchad's third of his father, Chefer's 3 sons' equal shares); and 3rd portion (there had been a 4th brother who had died childless and the remaining brothers shared his ¼ portion from their father).

B'not Tz'lofchad were also told by Hashem to marry within their tribe and they did, but this rule was abolished after one generation.

Sources for the above article include the Gemara (Bava Batra), Rashi on the Torah, Yalkut Mei'am Lo'eiz, the Book, The Daughters Victorious by Rabbi Shlomo Wexler..., and more.