

Pinchas

by: Rabbi Jeremy Rosen

This sedra includes the approach of Tzelafchad's daughters to Moshe regarding the matter of female inheritance. Their father had died and there were no sons. This meant that when the allocation of land was going to be made in Israel their father's family would lose out, because land was given through the males. (We may argue that this was unfair, but bear in mind that in Britain females were allowed to inherit only in late Victorian times, and in Switzerland they were given the vote barely thirty years ago).

Moshe does not know how to respond, so he consults God. This is interesting in itself because it implies that there were laws that Moshe did not know about even after the Sinai revelation. Moshe returns with a ruling: Where there are no male descendents, then women may inherit.

However, the law was qualified to restrict marriage to someone within the tribe. The reason was that otherwise the land would then follow the tribe of the husband and could create an imbalance in tribal property. This way each tribe would retain the proportion of the original allocation. The Torah does not specify this. What is made clear is that any tribal land that was sold outside of the tribe could be redeemed by a member of that tribe within the Sabbatical or the Jubilee periods. Otherwise, the land would automatically return with the 50 year Jubilee. (It seems originally that everyone was supposed to marry within the tribe. The Mishnaic festival of the 14th of Av is the anniversary of a decree allowing "intermarriage" beyond the tribal boundaries.)

There is an implicit principle in all this that no one should acquire too much of or a monopoly over lands. Of course this applied at a time when tribal land was relevant, which ended with the first exile. Similarly, the function of the Jubilee required conditions—the Sanhedrin, the Temple—that no longer apply, so we are left with the concepts and ideas that can have relevance even though the commercial world has changed.