suppose in the case of the Mishna) a distinctly Palestinian reading, while the Babylonian Talmud and the Targum Onkelos, (and Pseudo-Jonathan, presumably under the influence of Onkelos) presuppose the Massoretic reading as does the I.XXX. This suggests that the Peshitta here is manifesting evidence of having been translated from a Palestinian version. Moreover, this probably took place before c. 350 C.E. —as it must take some time for a version to become established (?). Clearly the evidence of one single reading ¹) can never be conclusive, but perhaps it can help towards a solution of the problem of the Peshitta’s origins.

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THE CASE OF THE Daughters OF ZELOPHCHAD

Numbers xxvii 1-11 gives a graphic account of the public hearing of a novel court application presented to Moses, in his role as judge, by the daughters of a certain Zelophchad of the tribe of Manasseh. They petitioned the court that, since their father had died without leaving any male issue as his natural heir, they should be accorded the legal status of heirs and thus be entitled to inherit their deceased father’s property. Their petition makes it clear that, in the existing laws of inheritance, there had been no provision for the recognition of daughters as lawful heirs, where there were no sons. It is of interest to note that, in the statement of their plea, they included the declaration that their father had not been involved in the insurrection of Korah and his associates against the authority of Moses and Aaron (Num. xvi 1 ff.). The implication is that they assured the court that there was no legal impediment to the transfer of Zelophchad’s property to his lawful heirs and it was this legal status that they claimed.

¹) See Louis Ginzberg’s Geniza Studies, vol. 1 (New York 1928), p. 94, note 9, and p. 91. There the text of Deut. xxviii 1 is cited as reading (קִנֵּי לֹא אִישׁ (line 9), while our reading is (קִנֵּי לֹא אִישׁ. Ginzberg states that the reading in this Midrash, which is a very ancient one dating to before 415 C.E. (ibid, p. 91), is in accord with some versions of the LXX, which read only κόροις ὥστε omitting the usual κόροι following these words. (See Swete vol. 1, p. 397, col. Alex., also Brooke and McLean p. 620). He points out that the Peshitta also presupposes such a reading in its קִנֵּי לֹא אִישׁ (and not קִנֵּי לֹא אִישׁ cf. Targum Onkelos, for example, ed. Sperber, p. 336). Nonetheless it should be noted that B.M. Add. 14, 427 (see previous note) reads (fol. 89a, col. A bottom): קִנֵּי לֹא אִישׁ. Likewise B.M. Add. 14, 425, (fol. 217a, col. B) (see previous note). Thus the earliest Syriac Mss. accord in this case with the Massoretic reading.
The account tells us that Moses did not give them an immediate decision but, instead, he referred their claim to divine judgment. Clearly a decision in their favour would create a precedent in law which could have far-reaching effects, if established as a legal principle. The divine ruling which was revealed to Moses acknowledged the justice of the claim made by these young women and directed that Zelophchad’s property be transferred to them as his rightful heirs. Following immediately upon the establishment of this precedent an additional enactment was inserted into the existing laws of inheritance by divine directive in the following terms: “If a man dies and he has no son, then shall you transfer his inheritance to his daughters (v. 8)”. This additional clause was given the legal force of a יִתְנְבִּית נַפֶּה (v. 11), which may be rendered ‘a rule of law’. A proviso was further introduced in Num. xxxvi 1 ff. to the effect that the choice of husbands before the daughters of Zelophchad was now confined to men of their own tribe. This limitation was imposed upon them to prevent the transfer of Zelophchad’s property to another tribe; evidently this would have happened if they had married outside their tribe. This safeguarding proviso was made general in its application and promulgated by divine sanction by directing that any girl who inherited her father’s property could marry only within her own tribe (v. 8). It is to be noted that economic implications flowed directly from the establishment of the legal rights of daughters to inheritance, where there were no sons, and a secondary rule became necessary to safeguard the economic interests of the tribe. The danger of economic dislocation which inter-tribal marriage could cause, where an heiress was concerned, was brought to the attention of Moses by the leaders of the tribe of Manasseh, to which the family of Zelophchad belonged. The procedure of the court hearing the petition of these representatives is parallel with that of the main test case.

For the purposes of this study it is of no significance whether these accounts are factual or fictional, or whether they reflect the conditions of a settled society, rather than that of the wanderings in the wilderness. Nor is it our concern here to attempt to discover the methods by which the divine will was ascertained; it is sufficient for our purposes to note that the rulings on these test cases were attributed to divine adjudication. What is of significance is the indication of a certain type of legislative procedure, by which a new law may emerge out of the ruling of a judicial authority in a case of unprecedented circumstances, for which the law had made no provision.