

A FUNCTIONAL EQUIVALENCE TRANSLATION OF THE ZELOPHEHAD NARRATIVE IN NUM.27:1-11

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Abstract

A literal, second language reading of the Bible obfuscates the interpretation and application of Biblical texts to cultural issues such as land inheritance by female receptor communities. Texts such as the Zelophehad narrative in Numbers (27:1-11) are often glossed over in Church and Christian circles due to lack of interpretive insights resulting from a too literal reading and second language interpretations. Using a functional equivalence approach the text can be interpreted and translated in a responsible way, bearing in mind the need to create a more informed understanding and appreciation of the theological-ethical implications of the Zelophehad narratives (see also Num. 36:1-12; Jos.17:2-6) for faith communities in Nigeria.

Key words: Functional equivalence, Narratives, Translation, Natural, Exegesis, Impact

Introduction

The Zelophehad narrative was chosen for a functional equivalence translation because of its relevance to a problem that calls for an attitudinal change towards the inheritance rights of women. The choice of this text not only highlights the relevance of an otherwise obscure Scripture portion to an analysis of a problem, but also underscores a similar need for attitudinal changes toward the inheritance rights of women both in ancient Israel and today in the Niger Delta with specific reference to the Ogba and Ekpeye peoples of Nigeria. It is with this text (Num.27:1-11) that we assess the problem of land inheritance by females in a Nigerian context.

In order to effectively harness the theological and ethical potentials of the Zelophehad narratives, three methodological procedures have been applied in this discussion. In an earlier article, a brief analysis of existing research on the subject was discussed. The next step is to identify specific cultural elements common to both the ancient Near East and Israelite societies on the one hand, and Niger Delta communities on the other and to describe them which leads to the third, namely, the utilization of empirical data collected from the field in which this research was conducted namely the Ogba and Ekpeye of Nigeria in the process of making an objective assessment.

A definition of concepts such as 'culture', 'cultural relativism' has been done in the previous article and space will only permit that we define what is meant by 'functional equivalence approach', and perhaps 'hermeneutics' both of which have direct bearing on the present discussion.

What is a 'functional equivalence approach to Bible translation', if one may ask? A 'functional equivalence approach to Bible translation' involves making sense of an original text so that it can be conveyed to a receptor-audience in a clear, accurate and natural form (Nida & Taber 1969:28). It discounts the form of the original as a hindrance to effectively and accurately communicating the original text's meaning in another language (Smith 2000:24-25; de Blois 2001). Let us then look at what hermeneutics means.

'Hermeneutics' can simply be defined as the art of interpretation. It consists of the rules and procedures for determining the sense of oral and written texts. Hermeneutics in this sense has to do with our basic presuppositions when interpreting the Bible. One such presupposition is that "sacred scripture embodies a truth that is inexhaustibly rich and supremely relevant to the present time" (Soulen 2001:73). The relationship between hermeneutics and Bible translation is very close as the subsequent discussion will show.

It is noteworthy that cultural similarities exist between ancient Israelite culture, and the Niger Delta communities in Nigeria particularly the Ogba and Ekpeye peoples (Adamo 2001:347; Nwaoru 2002:56). By translating the Zelophehad narrative bearing in mind the similar cultural concerns in these two – though geographically and temporally divergent – a more profound understanding of the relevance of the Zelophehad narratives can be facilitated. This background introduces us to a pericope which highlights an exegetical and hermeneutical basis for attitudinal change towards the inheritance rights of women.

The Pericope (Num.27:1-11)

Numbers (27:1-11) portrays a legal claim by the daughters of Zelophehad to inherit land in the absence of any male offspring (Levine 2000:345). The event occurred as the children of Israel were camped on the Plains of Moab on the banks of the Jordan overlooking the city of Jericho. The setting in Num.27:2 was at the door of the tent of meeting before Moses, Eleazar the priest, the leaders and the entire congregation.

There is an assumption in the narrative that only males can inherit, since the clan is propagated through the male lineage. This being so, the daughters of Zelophehad pleaded that unless they were permitted to inherit, their father's name would be erased from the family records. Moses brought their case before God who approved their plea and granted inheritance rights to them. The inclusion of women in the line of inheritance was an innovation which meant that inheritances now had to pass through the son, daughter, brother, father's brother and nearest kinsman, in that order of priority (Weingreen 1966:518).

The point of argument was that the man Zelophehad had incurred no particular sin for which his female descendants would suffer. Instead, like the rest of the Israelite generation, he had suffered the punishment of dying in the wilderness (Num.14:29ff) so that his daughters were in the same position as the other Israelites of their generation. Moreover, the continued existence of a man's name was dependent on the inheritance of land by his descendants. Since Zelophehad had no sons to share in the territory of the Hephher clan, the argument was that his daughters should at least join with their cousins in the matter of inheritance (Noth 1966:210). However, it also raised the issue of endogamy, particularly in respect of the bearing it has to the integrity of each tribal inheritance, but this will form a discussion of its own.

It has been suggested in scholarly circles that the phraseology of these narratives are clearly of a priestly strand (Num.27:2), which implies that it apparently was a later addition deriving from the Midrashic sources and included here because of its importance in defining the inheritance rights of females and therefore crucial to the survival of the community (Milgrom 1990: xxxv; Noth 1980:210). Using a functional equivalence approach in translating the text will enhance its relevance to the cultural concern for female inheritance in those families where no male heir existed. It might create a positive impact on faith communities within for instance Ogba and Ekpeye, and might transform in these communities the attitude of apathy which has so far circumscribed the inheritance rights of women.

The Critical Aim of Bible Translation

The idea that all translations should aim at conveying the correct, accurate and natural sense of the original or source text (ST) is the goal of a functional equivalence approach to Bible translation. It is an idea contained in Eugene Nida's *Theory and Practice of Translation* (1969). On-going research in the field of translation studies has refined the concept, but the idea of functionality is still at the core of most new approaches (Gentzler 1993: 40; Statham 2003:14). A translation fulfills its function or performance for its primary target audience if it makes the target audience understand what was translated and why it was translated that way (Naude 2002:47).

This must be based on 'shared background knowledge', 'cultural assumptions' and 'literary traditions' from both source and target communities. Moreover as Naude (2002:47) has observed the functional equivalence approach under any guise must be made to make a pragmatic sense of the Biblical text based on proper textual analysis and exegesis. The Zelophehad narrative calls for such a critical textual analysis and translation.

A functional equivalence approach to hermeneutics and Bible translation strikes at the very root of a literal reading of the Bible (Mojola 2002:208), and focuses on meaning rather than form. The same thought can be expressed in different forms by different languages. Retaining the form of the original does not guarantee retaining its meaning; instead it can indeed lead to a distortion of meaning (Naude 2002:50-52). We have attempted a translation of the Zelophehad narrative in Numbers (27:1-11) below using the functional equivalence approach. This means that in some way the Ogba translation may unavoidably reflect the Hebrew forms, whereas in others it may not (Nida 1991:7).

Parallel to this is the diverse views on women's rights to the inheritance of land which has resulted from centuries of a literal reading and interpretation of the OT, both in its original Hebrew form and in all of its translations (Meyers 1988:122). A functional equivalence translation can be applied to change negative attitudes, especially if it is combined with a hermeneutical approach that is culturally sympathetic to women (Uchem 2001:148; Naude 2002:44-49).

Critics of the functional equivalence approach argue that Nida offered a dynamic equivalence form which completely ignores faithfulness to the form of the original source text (Gentzler 1993:54). Others stress the point that neither a dynamic equivalence nor a functional equivalence translation can succeed in eliciting appropriate responses from the target audience in communities which has not been exposed to a purely literal translation (de Blois 1997:21-30).

A functional equivalence approach to translation can be applied to deal with this negative attitude towards the female gender in the Biblical text based on a hermeneutics that is culturally sympathetic to women (Nord 1997:137; Uchem 2001:148; Naude 2002:44-49). In other words there are positive values of women portrayed in the Zelophehad narratives that can be captured by a sound hermeneutics and reflected in a functional equivalence translation, which can transform our attitude towards the female gender in a healthy and harmonious way (Getui 1995:3-4).

Since the end of the Nigerian civil war in 1970, there has been an upsurge of second language, literal reading of the Bible among the Ogba and Ekpeye communities. This paper argues for the possibility of using a functional equivalence method to translate the text in Num. 27:1-11 to our receptor communities in a clear, natural and accurate manner (Nida 1986:65) so as to bring about social transformation in matters of inheritance rights of women (Mojola 2001:1-26; Ahiamadu 2000:3-4).

A Functional Translation of and Explanatory Notes on Numbers 27:1-11

Social transformation takes place when the text is made to speak in the receptor language (RL) directly from the source language (SL), with or without the intervention of a trade language (TL) (Mojola 2002:202). There is an attempt to achieve this goal in the translation below. Moreover, the Masoretic (Biblical Hebrew) version of the text (Num.27:1-11) will be given first. It will be followed by an English (NIV) translation, then a vernacular translation into Ogba, and finally a back translation once again into English. The latter will enable the reader to grasp the vernacular in a more understandable way, as it stays as close as possible to linguistic forms of expression in the receptor language, which in this case is Ogba (a linguistic affine of Ekpeye)(Ahiamadu 2000:42).

1 ותקרבנה בנות זלפחד הַחֶפֶר בֶּן־גִּלְעָד בֶּן־מַכִּיר בֶּן־מָנַשֶׁה לְמַשְׁפַּחַת מְנַשֶׁה בְּרֵי־יוֹסֵף וְאֵלֶּה שְׁמוֹת בְּנֹתָיו מַחֲלָה נֹחַ וְהֹגְלָה וּמִלְכָּה וְתִרְזָח:
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1. The daughters of Zelophehad, son of Hopher, the son of Gilead, the son of Makir, the son of Manasseh, belonged to the clans of Manasseh son of Joseph. The names of the daughters were Mahlah, Noah, Hoglah, Milcah and Tirzah. They approached...
1. Á b̀ù má um̀u adnà ka iZelophehadi nwá ka Hnepa nwá Gilidi nwá ka aMeka nwá ka Manashi, shibè ẁò yá obudo ka Manashi nwá ka Jesepu bìaru ẁò. É̀whna nde guwò rini Mmala, Nonwa, Hagila, Milika, ya Tiruzò.
1. That is how children daughter of Zelophehad child of Hopher child of Gilead child of Machir child of Manasseh(1a) people family of Manasseh child of Joseph drew near(1b). Name of theirs include Mahlah, Noah, Hoglah, Milcah, and Tirzah(1c).

Comment: This text allows for more inclusive gender relations by ascribing the same status of ‘children’ to daughters as well as sons.

Vs 1a: “child of Hopher, child of Gilead, child of Machir, child of Manasseh, of the tribe of Manasseh, the child of Joseph”. This ‘*toledot*’ formula expressing the genealogical link between Zelophehad and Manasseh son of the patriarch Joseph is important as it strikes at the heart of the Abrahamic covenant (Gen.15:18; 17:7), which promised not only land but also a continuing relationship of God with Abraham’s descendants (Ulrich 1998:535).

In Ogba, as in other patrilineal societies, the use of a noun ‘child’ is representative of descendants through the male line. The English word ‘son’ translated as ‘Okpirna-nwa’ means the very first son of a man, and is rarely employed in genealogical records.

Vs.1b: “Then drew near the daughters of Zelophehad” The qal imperfect verb used can be translated as ‘approach’ (BDB 1968:897) or ‘draw near’ (KB 1958:852). One can approach another in kindness or for war, and in this case the daughters of Zelophehad drew near to ask for the help of the assembly, and especially Moses. Their status as women and children of the same parents is reflected in the Hebrew, English and Ogba. It highlights their unity of purpose as well as the importance of the issue which they were raising (Nwaoru 2002:51).

Vs.1c: “these are the names of the daughters – Mahlah, Noah, Hoglah, Milcah, and Tirzah”. The narrator is careful to mention the names of these daughters not only in Num.26:33, but also in all the other texts mentioning the case (cf. Num.36:11; Jos.17:3). The names have been translated virtually literally, with a spelling that fits into the Ogba word pattern which follows a VCV, rather than a CVC pattern (cf. Barnwell 1986:211-13).

2 ותעמדנה לפני משה ולפני אֶלְעָזָר הַכֹּהֵן
 ולפני הַנְּשִׂאִים וְכָל־הָעֵדָה פָּתַח אֶהְלִמוּעַד לֵאמֹר:

2. The entrance to the Tent of Meeting and stood before Moses, Eleazar the priest, the leaders and the whole assembly, and said,
2. *Wóo guzòpiya yá y’ihni ka Moziz yá y’ihni ká Elieza Ógóo Chukwu, yá y’ihni ká oṣa okenyi obudo nde nagburumà yá ánáma ̀̀lo ikpnó, bâ le kwu wá,*
2. They stood out (2a) in face of Moses and in face of Eleazar the Priest of God, and in face of all elders (heads of) families already gathered outside of meeting tent, saying (2b) that,

Comment: There is no gender distinction in the third person singular or plural in Ogba. In order to retain the femininity of the protagonists the reader is reminded of the preceding verse wherein the names of the ladies were explicitly mentioned. That context alone, in this case of the action of Zelophehad’s daughters, influences the reading that follows.

Vs.2a: “They stood out in front of Moses....Eleazar the priest....the elders of the people...before the entrance to the tent of meeting...saying”. The entrance to the tent of meeting was the place where major decisions were taken, because it represented the presence of God. In the ancient Near East and particularly in the cities of Canaan, the judicial court often convened at the gate of the entrance to the city (Gen.34:20; Ruth 4:1).

This custom of taking important decisions in front of the tent of meeting is also found among the Ogba and Ekpeye. Major decisions are made outside the Elder’s meeting place, and the translation is accordingly ‘anama ̀̀lo ikpno’ literally, the ‘arena of the house of meeting’.

Vs.2b: ‘..saying...’ The women spoke for themselves and directly to the leaders. Their action has been hailed by succeeding generations as unique, importunate and honourable (Getui 1995:3; Branch 2003:914). This translation challenges the Ogba and Ekpeye custom which forbids women to air their views in public, except when a man is advocating their cause. The Zelophehad narratives thus address a crucial issue in women’s inheritance rights.

3 אָבִינוּ מָת בַּמִּדְבָּר וְהוּא לֹא־הָיָה בְּחַוֵּי הָעֵדָה הַזֹּאת
 עַל־יְהוָה בְּעֵדַת־קֶרַח כִּי־בָהֱטְאוּ מֵת וּבְנֵי לֹא־הָיוּ לוֹ

3. Our father died in the desert. He was not among Korah’s followers, who banded together against the LORD, but he died for his own sin and left no sons.
3. *Didi gùwóo nwù yá uwhnó, mà ó kò nwùba uka àni Kora yá itá gǎ wò knòshi Ánwoanwò; wá Ó nwùbari hné kpòà yá íshí, ma ó kò mudebe nw’iknénwá*
3. Father theirs (3a) died in wilderness, but he did not die (3b) for the trouble that Kora and his group made against God; that he died for what his head caused (3c), and he did not born keep any male child.

Comment: A feature of Ogba is that speeches are rarely reported directly. The direct speech of the daughters of Zelophehad thus makes the narrative sound derogatory when translated literally, as in the Masoretic and NIV (Barnwell 1986:131-34). The text is therefore in the third person or reported speech; the only form in which it makes sense in the context.

Vs.3a: “Our father died in the wilderness.” This implies that without a son to inherit his property, all that Zelophehad had would be lost. The daughters pointed out the circumstances of their father’s death in detail: “He died for his own sin” or “he died for what his head caused” (Ogba version). According to Dozeman (1998:217) “By stating the facts so very clearly”, the daughters “appeal to the principle of individual responsibility for guilt”, in contrast with the alternative possibility that he might have been a participant in Korah’s rebellion.

Vs.3b “But he was not part of Korah’s followers”. The second clause begins with a *vav* on a pronoun, marking it out as a disjunctive *vav*. In this context it fits best to take it as a circumstantial clause introducing concession. The use of the Hebrew (*lo hayah*) can also mean “not in the midst of”. In other words, while Zelophehad might have been part of the rebellion, his daughters argued he was not among the ringleaders (Weingreen 1966:518-22).

Vs.3c “he died for his own sin”, or in Ogba, “for what his head caused” The word order here is emphatic, indicating that there was no reason why his daughters could not receive their rightful inheritance except, perhaps, because of their gender (Branch 2003:913).

4 לָמָּה יִגָּרַע שֵׁם־אָבִינוּ בְּתוֹרַת מִשְׁפַּחְתּוֹ כִּי אֵין לוֹ בֵּן
תְּנֵנוּ לָנוּ אַחֲזָה בְּתוֹרַת אָחִי אָבִינוּ:

4. Why should our father’s name disappear from his clan because he had no son? Give us property among our father’s relatives.
4. Ndáa hné éwhnà ká didi wò bà whuruni yá òbudò yá úka ka amụ nw’iknenwa? Wá ọ niga wò wò mkpe ka didi wò ka wò ria y’ede ani ọ bọ du umuneá wò.
4. Why should the name (4a) of our father be lost from among his clan because he has no son? That they should be given his inheritance (4b) to share among their father’s relatives(4c).

Comment: The Hebrew verb *yiggara* used here for ‘be lost’ could be better translated as ‘be cut off’ and is a nifal imperfect 3rd person masculine singular, referring specifically to a man. The noun used for ‘father’s relatives’ reflects the emotive content of the five daughters’ speech, and should be captured by a translation (Nida 1986:15). It has been expressed in a more inclusive sense in Ogba as ‘umuneá wò’ and English as ‘father’s relatives’. This is quite close to the Masoretic rendering of ‘father’s brothers’.

Vs. 4: “Why should our father’s name be lost (deleted) from the family record...Give us a possession among the brothers of our father....”

(4a) The preservation of a man’s name is possible only if in association with the inheritance of land by his descendants (Noth 1980:210). Land had to be registered in a name, so in a patriarchal system no son means no name. The daughters therefore pressed for the perpetuation of their late father’s name (Levine 2000:343).

The translation has retained this sense by using one word ‘mkpé’ to cover both the receipt of ‘ahuzzah’ and ‘nahalah’. A synonym for ‘mkpé’ is ‘ùgwè’, which refers to one’s share or portion and which can be used as one wishes, more like the Hebrew ‘ahuzzah’. The difference is that the distinction between ‘mkpé’ and ‘ùgwè’ is, in a semantic sense, broader than can be said of ‘ahuzzah’ and ‘nahalah’.

(4c) The word in Hebrew translated as ‘relatives’ can be interpreted more closely as ‘brothers’, to retain its masculine component. In patrilineal culture ‘relatives’ and ‘brothers’ in this context are synonymous. That the daughters of Zelophehad wanted a possession of land that will be distinctly theirs was revolutionary, and showed a disdain for the existing culture whereby only males could inherit land or property (Getui 1995:3; Nwaoru 2002:52).

5 וַיִּקְרַב מֹשֶׁה אֶת־מִשְׁפָּחָן לִפְנֵי יְהוָה:

- 5. So Moses brought their case before the LORD
- 5. Á bù má Moziz buri uka onwe le Ánwoanwò dà chishi ikpe.
- 5. So he (Moses) brought their case before the Lord.

Comment: The case was of such an importance that Moses, along with Eleazar and all the elders, could not decide it but had to bring it before Yahweh. The translation captures this in Ogba by using the expression ‘*chishi ikpe*’ literally ‘to enthrone for judgement’. The status of a person chosen or ‘*enthroned*’ for judgment on any particular issue, which in this case is Yahweh the Most High, indicates the importance of both the case and the seriousness of the people involved.

Vs.5: “So he (Moses) brought their case before the Lord”. The word translated ‘brought’ literally means ‘to draw near with’ (*vayyiqareb*) is from the same root as the very first word in the narrative (Num.27:1), except that in 27:1 it is a *qal imperfect* showing performance, whereas in Num.27:5 it is a *hiphil imperfect* showing causality.

The case of the daughters of Zelophehad caused Moses to approach Yahweh for a resolution on their behalf. Milgrom (1990:232) has pointed out that during this time in ancient Israel, only Moses was qualified to bring this case before the Lord as implied in Exodus 18:19, exemplified in Leviticus 24:13; Numbers 9:8-9; and 15:35-36.

6 וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה לֵאמֹר:

- 6. and the LORD said to him,
- 6. Á bù má Anwoanwò kwùni Moziz òkwù gbà wa:
- 6. And He (the Lord) spoke to Moses, saying:

Vs.6: “And the LORD spoke to Moses saying” The NIV translation apparently ignored a *qal infinitive construct* which can also serve as a ‘colon’ indicating that direct speech will follow. This has been translated as ‘saying’ in the Ogba version as well. Moreover, Yahweh’s oracular decision would establish a binding precedent for the future. The priestly editor seem to be concerned about this also. That Yahweh responded promptly and positively to the demands of these daughters shows that He is a caring and faithful God, who does not despise the yearnings and aspirations of women for economic self-reliance and equality. As James D. Hester aptly puts it, “both land and people are the special, inalienable possession of God and enjoy the privileges of God’s special care” (Hester 1968:26; see also Ulrich 1998:535).

However we are not told the process by which God and Moses communicated, except that, as we pointed out earlier, Numbers 12:8ff offers a very useful hint that when God spoke to Moses, He did so face to face (Ashley 1993:546).

7 בְּנֹת צִלְפַּחַד דְּבָרָת הָיוּ תַּחַן תַּחַן לָקֵם אֲחֵיהֶן נַחֲלָה בְּתוּךְ
אָחֵי אֲבִיהֶם וְהִעֲבַרְתָּ אֶת־נַחֲלָת אֲבִיהֶן לָהֶן:

7. What Zelophehad's daughters are saying is right. You must certainly give them property as an inheritance among their father's relatives and turn their father's inheritance over to them.
7. Hné mè àmè ka umu adna ká iZelophehadi kpàri. Nigani wò mkpe y'ede o du didi wo, ka wo sno ri mkpe du didi wò y'ede ani o bo du umunea wo.
7. Right (7a) is what the daughters of Zelophehad have said. Give to them an inheritance in the same place that their cousins will have their share (7b).

Comment: The Hebrew word '*ken*' which in English is translated as '*right*' is in Ogba translated literally as the 'right thing which has always happened', and it resonates with both the religious ethos of the ancestors as well as with the worldview which incorporates both the ancestors and those yet unborn (Yakubu 1985:16). Consequently, the Ogba here uses 'Hne me ame' or as the Ekpeye may say 'Hne m're eme zhi kpom' literally "The right thing that happens is this". This translation of the Hebrew '*ken*' speaks naturally to the receptor audience, because in their worldview when a thing is right it has to be right from the point of view of the past (ancestors), present (the elders) and future (the unborn) generations (Yakubu 1985: 246; Akolokwu 1981:18).

When the inheritance is to be given to males the word changes to *natan* or '*grant*' (Milgrom 1990:232). The mix of gender suffixes in the Hebrew text should not, however, obscure the specific reference to women here whose share of the inheritance is to be included with that of their male counterparts (Nwaoru 2002:52). While the fine distinction between '*grant*' and '*transfer*' is hard to reflect in Ogba, the sense of the daughters as co-sharers is retained.

Milgrom (1990:232) points out that a '*transfer*' is from the qualified to the unqualified; the movement of an object or property from one domain to another. While the inheritance of property by daughters seems to signify such a transfer, that by sons does not, as sons are extensions of their fathers and therefore part of the same domain (Ashley 1993:546). The patrilineal principle of inheritance has to be restored as quickly as possible in the order of succession either in the long run through the daughters or in the short run through the sons or brothers (Meyers 1988:19).

8 וְאֵלֵּבְנֵי יִשְׂרָאֵל תְּדַבֵּר לֵאמֹר אִישׁ כִּי־יָמוּת וְבֵן
אֵין לוֹ וְהִעֲבַרְתֶּם אֲתָנְחָלָתוֹ לְבָתוֹ:

8. Say to the Israelites, "If a man dies and leaves no son, turn his inheritance over to his daughter"
8. Jè dà lé umu Izreni kwúni gbâ, wá ó bú kà nwokno lè nwúma mà ó kò múdébé nw'ikénwă, lénì nw'inyénwă ó mù sání mkpé gǎ eka kà ó ría
8. For the sons/children of Israel you must tell, saying, if a man dies and has no son/male child, let his daughter/female child eat his inheritance.

Comment: The English translation of the Hebrew '*ebir*' as '*transfer*' can be offensive in Ogba because of its sociological implication that the daughter takes the land with her wherever she goes in life or death. Instead, the Ogba translation uses '*sani mkpe gǎ eka*', literally 'let his inheritance alone' so that his descendants can 'eat it'. This agrees with the worldview that land use is a temporary and not a permanent right of anyone. A man or woman's relationship to the land is terminated upon death (Nwaoru 2002:55-60).

Vs.8a: “You shall say to the Israelites, ‘If a man dies, and has no son, then you shall...’” The divine judgement in vs.7 which gives the daughters of Zelophehad the right to an inheritance among their father’s brothers, is followed by a ruling in vs. 8a which would be valid for Israel as a whole (Budd 1984:212). The focus in the Hebrew ‘A man, if he dies’ is on the subject ‘a man’, implying that the demise of a man leaves his inheritance open as a grant to his sons, or if he has none, as a transfer to his daughters. The distinction between ‘transfer’ and ‘grant’ has already been pointed out in the previous verse.

It is instructive to note that the ruling in this singular case eventually became a permanent law – “to be made an ordinance for all Israel for the future, which establishes and sufficiently secures the rights of succession in matters pertaining to inheritance” (Nwaoru 2002:53).

Vs.8b-11a “transfer his inheritance to his daughters, and if then give to the nearest kinsman of his clan, let him possess it” Henceforth, the following order of inheritance would apply: son, daughter, brother, paternal uncle, nearest clan kinsman. It is the same order (except for daughters) followed in Lev. 25:48-49, which deals with the case of redemption of land in the Jubilee year.

Comment: Scholars think that the case of the daughters of Zelophehad signified a more traditional pattern of inheritance in Israel, rather than positing a unique feature (Snaith 1966:125; Levine 2000:357; Noth 1980:211-212). This is in no way intended to dilute the literary or historical substance of the narratives (Budd 1984:300-301).

Dozeman (1998:218) identifies four case laws from the claims of the daughters of Zelophehad. (1) A man’s daughter inherits his property in the absence of a male heir (vs.8). This is followed by three other case laws which transcend vs.1-7, and underscore the patrilineal nature of inheritance in ancient Israel. (2) If a man dies childless, his inheritance passed to his brother or brothers (vs.9). (3) In the absence of brothers, his father’s brothers inherited (vs.10); and (4) if there are no paternal uncles then a near kinsman of the same clan would inherit (11a).

These stipulations do not diminish the Levirate law. Instead, they extend the principle by ensuring a man’s inheritance is kept as close as possible within the *mishpahah* even if there are no sons or daughters. This divine ruling is therefore intended to affirm the value of maintaining land within each family, so as to secure the economic base of each family against any future decimation or encroachment. This could also be the reason behind the Jubilee law which stipulates that land be held by a man and his family in perpetuity (Lev.25:10).

9 וְאִם־אֵין לּוֹ בֵּת וְנִתְּמָם אֶת־נַחֲלָתוֹ לְאָחָיו:

9. If he has no daughter, give his inheritance to his brothers.

9. Ó bú ka ò débéyé m’ohnú nw’inyénwá léni nwánne ikénwá o mù nìga mkpe gá kà o rí.

9. (If) it be that he has not any daughter, give his inheritance to his brother to eat it

10 וְאִם־אֵין לּוֹ אָחִים וְנִתְּמָם אֶת־נַחֲלָתוֹ לְאָחֵי אָבִיו:

10. If he has no brothers, give his inheritance to his father’s brothers.

10. Ó bú kà òdie nwánne a wò ikénwá á yá mùmù, wèrini nwánne dídia wò ikénwá nìgá mkpe gá kà ó rí.

10. (If) it be that he has no brothers, then give his inheritance to his father’s brother to eat it.

Comment: While the heir is alive he enjoys the inheritance, but also shares it with the rest of the *mishpahah* by contributing to the social and economic well-being of other less privileged people within the clan or kindred, by fulfilling the religious and ritual obligations of the cult, and by observing the do's and don'ts of the land (interviewee source: Chukwu, J.O. 76 years, Erema, Rivers State, Nigeria. Jan 5 2003).

11 ואם אין אחים לאביו ונתתם את־נחלתו לשאריו הקרוב
אליו ממשפחתו וירש אתה והיתתה לבני ישראל
לקחת משפט כאשר צוה יהוה את־משה:

11. If his father had no brothers, give his inheritance to the nearest relative in his clan, that he may possess it. This is to be a legal requirement for the Israelites, as the LORD commanded Moses.
11. Ó bú kà òdíé nwánné didí ikénwá á yá mùrnù, nìgánì ohnú ényé ewhù gá ikénwá yá ónúmirna gùwóo kà ó ría. Ónwùnìá á bù iwù umú Izreni ba jé dá mébá òmélali, sà òdání Ánwoanwò kwùni Moziz.
11. And if his father has no brothers, give his inheritance to any of his near kinsman – let him eat it (11a). This will be a law (11b) which the children of Israel will observe as custom, as God has commanded Moses.

Comment: While the source of any legislation was important (vs.5), it was not more important than the channels through which the legislation was communicated to the people. That the elders of the tribes of Israel were all associated with Yahweh's final ruling on the inheritance rights of men and women in Israel, in which He enunciated the due order of succession, may be culturally significant to the Ogba and Ekpeye – a people whose self-government has been through gerontocracy and oracles (Afigbo 1967:683-700).

Vs 11a: (see above 8b – 11a)

Vs.11b: “It shall be for the Israelites a statute and ordinance, as the Lord commanded Moses.” The Hebrew *lehuqqat mishpat* ‘a statute and judgement’ is a legal term (Budd 1984:302). This designation of divine law occurs only one other time (Num.35:29), namely as conclusion to the laws concerning the cities of refuge (Dozeman 1998:218). This has been captured in the Ogba translation.

Conclusion

Since the Biblical standards for a sound theological and moral life resonates with cultural values in most of our societies, especially in Africa, there is no reason why the continent's rich cultural heritage should not be explored so that positive values of a more gender inclusive reading of the Bible can be undertaken. This point has been strongly emphasized by women from different cultural backgrounds (Uchem 2001:146-8; Meyers 1988:168).

The request of the daughters of Zelophehad to inherit property in Numbers 27:1-11 provides a model of change within the Ogba tradition, and provides clues that transformation, if not complete change, is possible (Getui 1995:3; Dozeman 1998:222; Jonker 2001:259). The challenge posed by the Zelophehad Narrative to contemporary social concerns such as the inheritance rights of female lies in its modeling of social transformation, as well as in the issue of gender equality which it raises.

The attention of modern readers has been drawn to the request of the daughters of Zelophehad because of the issues of gender implied in their request. The text itself (Num.27:1-

11) emphasizes that change is indeed part of the biblical tradition. As such, it provides a basis for evaluating change in gender roles in for instance, Nigerian culture. Yet it leaves one with skepticism when viewed against the background of the relativity inherent in all cultures be it Hebrew or Nigerian.

Although there are lots of similarities between ancient Israelite and contemporary Nigerian culture, one should not underestimate the fact that the social background of Biblical literature is often far removed from contemporary life and therefore unable to provide concrete models for contemporary social concerns. The power of the text however lies in its modeling of social transformation (Getui 1995:7; Dozeman 1998:222).

There is no gainsaying the fact that a functional equivalence translation of, and incisive exegetical comments on our pericope can help in changing the negative attitude towards women's quest for the inheritance of land in Ogba and Ekpeye, and in doing so can defuse any potential gender tension in the Nigerian society where a hermeneutics that is culturally sympathetic to the inheritance rights of women can also be applied

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