

Gender, Inheritance, and Biblical Law: A Contextual Reading of Numbers 27:1–11 in Dialogue with Marghi Customary Practice

Jantiku, I. J.

Religious Studies Programme, College of Liberal Studies, Bowen University, Iwo, Osun State, Nigeria.

Bello, O. S. *

Religious Studies Programme, College of Liberal Studies, Bowen University, Iwo, Osun State,

Nigeria.Email: samuel.bello@bowen.edu.ng

ORCID: <https://www.orcid.org/0009-0007-9741-9885>

Ajani, E. O.

Religious Studies Programme, College of Liberal Studies, Bowen University, Iwo, Osun State, Nigeria.

Ayuba, Y. L. S.

Religious Studies Programme, College of Liberal Studies, Bowen University, Iwo, Osun State, Nigeria.

Webi, Audu Emmanuel

Religious Studies Programme, College of Liberal Studies, Bowen University, Iwo, Osun State, Nigeria.

Abstract

Despite growing global advocacy for gender equity, women's inheritance rights remain significantly constrained within many African customary legal systems, including those of the Marghi of Northeastern Nigeria. This article examines Numbers 27:1–11, the narrative of the daughters of Zelophehad, as a pivotal biblical legal text that challenges patriarchal inheritance norms and affirms women's legal agency. The study aims to explore how this biblical account can meaningfully engage Marghi customary inheritance practices in ways that promote gender equity without dismissing indigenous legal traditions. The research employs a qualitative, interdisciplinary approach that integrates historical-critical and literary exegesis of the biblical text with socio-legal analysis and contextual hermeneutics grounded in African theology. The findings reveal that the Zelophehad narrative legitimises women's claims to inheritance through due legal process and establishes a model of adaptive legal reform rooted in justice, communal stability, and moral accountability. When placed in dialogue with Marghi customary practice, the text exposes structural limitations in women's access to inheritance while offering a normative framework for reform that is both culturally sensitive and theologically grounded. The article concludes that Numbers 27:1–11 provides a viable ethical resource for reimagining inheritance laws in Marghi society and similar contexts. By bridging biblical law, gender studies, and African customary jurisprudence, this study contributes to the scholarly discourse on religion, law, and social transformation, emphasising the relevance of biblical texts in contemporary debates on gender equity and legal reform.

Keywords: Gender and Inheritance, Biblical Law, Contextual Reading, Numbers 27:1-11, Marghi Customary Practice

Introduction

Inheritance plays a key role in the transfer of land, wealth, and social identity across generations. In many African customary legal systems, inheritance rules are shaped by kinship structures that privilege male heirs and restrict women's access to land and property. These practices have lasting effects on women's economic security, social standing, and ability to participate fully in community life.¹ Although statutory laws in many African states now recognise gender equality in property rights, customary norms often continue to guide inheritance decisions at the local level, where family and community authorities exercise strong influence.² Among the Marghi of Northeastern Nigeria (Adamawa and Borno States), inheritance is closely linked to patrilineal descent and male authority. Land is generally passed from father to sons, while daughters are excluded from direct inheritance and gain access to land mainly through marriage. As a result, women's land rights remain insecure and depend on marital and family relations. In cases of divorce, widowhood, or family disputes, women may lose access to land and livelihood. These realities raise questions about justice, equity, and the moral foundations of inheritance practices within customary systems.

Religious traditions play an important role in shaping moral reasoning and social norms in many African societies. In Christian communities, biblical text often informs views on family, law, and gender relations. Numbers 27:1–11 recounts the case of the daughters of Zelophehad, presenting a biblical narrative in which women challenge an existing inheritance system and receive legal recognition of their claim.³ The text records a moment where law responds to a demand for justice raised by women within a patriarchal social structure. While the daughters of Zelophehad have been widely discussed in biblical scholarship, fewer studies have examined the text in direct dialogue with specific African customary inheritance systems. Precisely, there is limited scholarship that places Numbers 27:1–11 alongside Marghi customary practice to explore their points of convergence and tension. This paper addresses this gap by reading Numbers 27:1–11 in dialogue with Marghi customary inheritance practices. It asks three main questions: How does this biblical text address women's claim to inheritance? How do Marghi inheritance practices shape women's access to land and property? What insights emerge when biblical law is read alongside Marghi custom? The study argues that the Zelophehad narrative offers a valuable resource for reflecting on gender equity and legal reform in customary inheritance systems. By bridging biblical law and Marghi practice into conversation, the paper contributes to discussions on gender, religion, and inheritance in African contexts.

Biblical Law, Gender, and Inheritance

Inheritance in the Hebrew Bible is framed not merely as an economic transaction but as a legal and theological institution that safeguards land, family continuity, and covenant identity.⁴ In Numbers 26–36, for example, land distribution is described as a collective process in which tribal holdings are allocated under divine instruction, emphasising that inherited land belongs to the community under God's sovereign care. Milgrom emphasises that, in Israelite law, land functions as a covenantal trust, not as absolute private property; this trust imposes obligation on heirs to maintain tribal stability and the obligations of the covenant.⁵ Thus, biblical inheritance law cannot be fully understood without its theological context. Within this wider context, inheritance is typically transmitted through male heirs. Deuteronomy 21, for instance, privileges the rights of firstborn sons in matters of primogeniture, reinforcing male lineage as the normative channel through which family identity and rights are preserved.⁶ Baruch, in his commentary on Deuteronomy, explains that such provisions reflect an underlying patriarchal social order in which male descendants

are viewed as responsible for carrying the family name and property into future generations.⁷ Similarly, the land allotments described in Joshua 13–

21 exhibit a pattern of male-centered transmission, with tribal and familial boundaries defined by patriarchal descent.⁸

Despite this general pattern, scholars argue that biblical inheritance law is not rigid but can respond to social realities. James Watts's socio-

legal analysis suggests that the legal corpus in the Pentateuch anticipates and accommodates exceptions to dominant norms when justice requires it.⁹ This interpretive posture sets the stage for considering the daughters of Zelophehad in Numbers 27:1–11 as a case where legal change emerges from a legitimate communal claim-

making process. The narrative of the daughters of Zelophehad has become a focal point for discussions about female legal agency in ancient Israel. Carol Meyers argues that the daughters' appearance before Moses and Israel's leadership signals an active legal role for women within the covenant community.¹⁰ Meyers reads the text as demonstrating that women could, under certain circumstances, assert claims that would be heard and resolved within the legal process. Likewise, Tamar Kadarian analyses the motif of inheritance and its exceptions, highlighting how Numbers 27 interrupts expected patterns by foregrounding daughters as claimants rather than passive figures.¹¹

However, Cheryl Exum characterises the case as a limited or controlled exception that preserves male lineage; Exum contends that the legal ruling primarily protects tribal property by preventing its reversion to other clans, rather than altering patriarchal logic.¹² From this perspective, the daughters' claim is permitted only because it serves the overarching goal of maintaining tribal land and integrity. In contrast, Carol Meyers and others see the narrative as illustrating a degree of flexibility and concern for fairness in biblical law, in which the law can respond to genuine claims for justice.¹³ These opposing readings reflect wider debates about the extent to which biblical law was normative and adaptable in practice. Feminist scholars such as Susanne Scholz, Barbara Reid, and Carol Dempsey, among others, extend these interpretations to highlight the narrative's portrayal of women's agency. Elizabeth Johnson emphasises that the daughters are not pleading for charity but asserting rights based on reasoned argument; their appeal is framed in terms of justice, not mere need.¹⁴ This framing aligns with Watts's view of the text as legal discourse, in which claimants engage recognised authorities with established procedures rather than relying on informal or extra-legal appeals.

The discussion of biblical inheritance law becomes even more complex when read alongside studies of African customary systems. Research on gender and property rights in African settings reveals that, like ancient Israel, many indigenous legal systems prioritise family continuity and land preservation within patriarchal frameworks that marginalise women. Michael Kevane's study of property systems in Africa highlights how customary norms can limit women's access to land even where statutory law appears to guarantee gender equality.¹⁵ Kevane's analysis reveals that customary inheritance practices often resist statutory reforms, resulting in persistent gender disparities. African legal and theological scholars have responded to these tensions by advocating contextual readings of biblical texts that address lived experiences.¹⁶ Jeanne Reis, for example, argues that biblical law should not be read abstractly but in dialogue with contemporary customary systems in Africa; such readings can provide ethical resources for rethinking gendered norms without dismissing cultural identity.¹⁷ Despite these important contributions, few studies have brought Numbers 27:1–

11 into conversation with specific customary practices, such as those of the Marghi. By juxtaposing biblical exegesis with the socio-

legal analysis of Marghi inheritance norms, this study aims to fill that gap, exploring points of connection and areas of tension between canonical law and indigenous practice.

Legal Agency and Inheritance Reform in Numbers 27:1–11

Numbers 27:1–11 is situated within the larger narrative of land allocation in Israel (Numbers 26–36), a text concerned with the orderly division of property, the preservation of tribal identity, and the continuation of covenantal obligations.¹⁸ The passage introduces the daughters of Zelophehad, Mahlah, Noah, Hoglah, Milcah, and Tirzah, who petition Moses and the Israelite leaders for their father's inheritance. The narrative opens by situating their appeal at the entrance of the tent of meeting, signalling both the formality of the legal setting and the public nature of their claim.¹⁹ By presenting their petition publicly, the daughters engage Israelite legal norms that require recognised authority and communal observation for the resolution of disputes.²⁰

The daughters articulate their case carefully, emphasising both legal reasoning and ethical concerns. They declare: “Our father died in the wilderness; he was not among the company of those who gathered themselves against the Lord in the company of Korah, but he died because of his own sin. And he had no sons. Why should the name of our father be lost from his clan?” (Num 27:3, ESV). The Hebrew phrase *al-yikkaret shem min-ha-mishpachah* literally means “let his name not be cut off from the clan.” The verb *karet* carries connotations of permanent severance or legal erasure.²¹ The daughters' appeal is thus framed not simply as a request for material property, but as a plea to preserve familial identity, social memory, and tribal continuity.²² This framing reflects an understanding of law as intertwined with communal ethics, highlighting the daughters' role as informed participants in the legal system.

Exegetically, the narrative emphasises procedural integrity and divine consultation. Moses does not issue a judgment independently. Instead, he brings the case before Yahweh: *vayyave Moshe et-divram lifnei Yahweh*.²³ The verb *vayyave* signals a formal act of presentation, indicating that legal claims require mediation through recognised channels and the approval of the divine. This procedural structure emphasises a fundamental principle of biblical jurisprudence: law is communal, ethical, and grounded in divine authority.²⁴ God's ruling affirms the daughters' claim. It establishes a legal principle of inheritance in the absence of sons, which is later clarified in Numbers 36 to prevent tribal land from transferring outside the allocated inheritance lines.²⁵ This legal flexibility demonstrates that biblical law is not static; it can adapt to new social situations while preserving communal stability. Milgrom observes that the narrative reflects a sophisticated approach to balancing equity and social order, allowing justice to respond to claims from within the community.²⁶

The daughters' legal agency is particularly noteworthy. By formulating a reasoned petition, addressing recognised authorities, and appealing to principles of justice, they become active participants in legal reform. Watt emphasises that this is an example of community-driven legal adaptation, in which ordinary individuals can influence law within a patriarchal framework.²⁷ The narrative challenges the assumption that women in ancient Israel lacked agency, showing that legal structures could recognise claims from marginalised members under appropriate procedural conditions. Compared to the narrative, the Ancient Near Eastern (ANE) legal codes resonate. Roth and Dalley note that women could inherit property in exceptional circumstances, though claims were often contingent upon male oversight.²⁸ Numbers 27 represents a distinctive adaptation: the

daughters' petition is successful without male intermediaries, and their claim is codified, setting a precedent for flexible interpretation within patriarchal norms.²⁹ This demonstrates the biblical system's ability to integrate principles of justice, ethical reasoning, and social continuity.

From a theological perspective, the daughters' appeal engages with the Hebrew concept of justice *sedeq*.³⁰ The verb *adaq* conveys not only legal correctness but also ethical righteousness, emphasising that legal outcomes must serve the purpose of fairness and moral order. Johnson notes that Numbers 27 exemplifies law serving both communal and ethical ends, reflecting a biblical concern for justice that transcends strict proceduralism.³¹ Literary analysis further reveals the narrative's structure as carefully constructed to highlight authority, mediation, and resolution. The daughters' appeal, Moses' consultation, and God's ruling form a tripartite structure that emphasises the legitimacy of legal reform initiated from within the community. This structure also preserves social cohesion: inheritance is reformed without undermining tribal or patriarchal systems, demonstrating a balance between continuity and adaptation.³²

The narrative also addresses ethical and social concerns, particularly regarding the preservation of family lines and community memory. The daughters' claim ensures that Zelophehad's name and legacy remain within the clan *mishpachah*, linking property rights to communal identity. This emphasis reflects ANE values in which land inheritance was inseparable from social and ritual continuity.³³ From a socio-legal perspective, the story illustrates legal reform through reasoned petition, negotiation with authority, and ethical appeal. The daughters employ a multi-layered argument: they reference their father's innocence, invoke tribal and covenantal principles, and address recognised leaders.³⁴ Meyers interprets this as evidence of female rhetorical and legal sophistication, illustrating that women could operate effectively within legal and social systems to effect change.³⁵

The narrative also has implications for contemporary African customary law, including Marghi society, where inheritance practices prioritise male heirs and often marginalise women.³⁶ The story of Zelophehad's daughters provides a model for integrating ethical appeals, procedural propriety, and social continuity in advocating for gender equity. It demonstrates that legal reform can be achieved without destabilising existing social structures, offering a biblical structure for discussion on women's inheritance rights in patrilineal societies.³⁷ In addition, Numbers 27:1–11 presents a classic example of legal agency and reform. The daughters of Zelophehad articulate a reasoned claim, engage authority in accordance with legal norms, and secure divine approval, resulting in a codified change to inheritance law. The passage integrates literary, procedural, social, and theological elements, illustrating how law can adapt to claim social justice while preserving communal order. It also provides a framework for contextual engagement with contemporary customary law, particularly in African societies where biblical texts influence moral and legal reasoning.

Kinship, Land, and Inheritance among the Marghi

The Marghi, also known as the Margi, are an ethnic group primarily located in Adamawa and Bornostates of Northeastern Nigeria.³⁸ They have a cultural heritage rooted in agriculture, weaving, and traditional governance systems. Land functions not only as an economic resource but also as a marker of social identity, lineage, and status, making inheritance a central component of family continuity and social cohesion.³⁹ Land inheritance determines social standing, ensures the continuity of family labour, and plays a critical role in organising marital alliances.⁴⁰ This context demonstrates why

heritance practices among the Marghi are tightly linked to broader social, economic, and political structures, reinforcing the importance of understanding the cultural setting before analysing gendered aspects of inheritance.

The Marghi society is organised around patrilineal kinship, in which descent, inheritance, and social identity pass through male heirs.⁴¹ Sons inherit land directly from their fathers, while daughters are generally excluded because they are expected to marry into other families, transferring their labour and potential inheritance to their husbands' households. This system ensures that land remains within the paternal lineage, thereby reducing property fragmentation across generations.⁴² While patrilineal inheritance preserves family continuity, it creates structural gender inequality, restricting women's access to resources and limiting their social and economic autonomy. This dependence exposes women to vulnerability, particularly in cases of widowhood, divorce, or family disputes. Without secure access to land, women are often unable to cultivate crops independently, manage household resources effectively, or participate in decisions affecting family property.⁴³ This arrangement reinforces gendered hierarchies, restricting women's agency and economic opportunities, and illustrates how customary law can produce structural inequities despite serving social stability.

The exclusion of women from inheritance also has socio-economic implications. Women who cannot own or control land are limited in their capacity to generate independent income, secure resources for their children, or accumulate wealth for personal or family advancement.⁴⁴ These limitations often perpetuate cycles of poverty and dependence, affecting not only women but also their families and future generations. The gendered exclusion embedded in Marghi inheritance practices highlights ethical and social tensions, raising questions about fairness, justice, and the balance between communal preservation and individual rights.

Marghi inheritance practices also emphasise community authority and collective decision-making, with elders and clan leaders adjudicating disputes to ensure that land remains within the lineage.⁴⁵ While this communal oversight strengthens social cohesion and preserves the integrity of family land, it often limits women's independent participation in legal and economic decisions. The contrast with Numbers 27 suggests that integrating procedural mechanisms for women to present claims can enhance equity while maintaining communal stability, offering a pathway for potential reform in Marghi inheritance practices. Finally, Marghi inheritance reflects wider historical patterns in Ancient Near Eastern societies, where inheritance was predominantly patrilineal, and women could inherit only in exceptional circumstances.⁴⁶ Numbers 27 provides a biblical example of legal adaptation that formally recognises women's claims, balancing family continuity with justice for female heirs. Engaging Marghi customary law alongside biblical precedent demonstrates that cultural continuity and gender equity are not mutually exclusive and that structured legal recognition can create space for women's agency without destabilising social order.

Convergences and Tensions between Biblical Law and Marghi Custom

Both biblical law and Marghi customary law place significant emphasis on family continuity, land preservation, and lineage stability.⁴⁷ In the Hebrew Bible, inheritance is treated as a collective obligation: land is distributed among tribes and families to preserve tribal identity, ensure the continuity of family labour, and prevent the fragmentation of holdings (Num 26–36; Deut 21:15–

17). Similarly, among the Marghi, inheritance practices and kinship structures ensure that land remains within the paternal lineage, preserving social cohesion, maintaining the economic viability of households, and upholding traditional

authority.⁴⁸ In both systems, inheritance is not merely an economic transaction; it is intertwined with social identity and community well-being. This convergence shows that both biblical and Marghi legal systems recognise inheritance as central to the stability of social structures, highlighting the universality of concerns for lineage and property continuity.

Despite these similarities, significant tensions arise regarding women's access to inheritance. In Marghi society, daughters are largely excluded from inheriting land and other family property, with access mediated through male relatives or marriage.⁴⁹ This exclusion reflects the patrilineal emphasis on maintaining land within the male line. Still, it also places women in a vulnerable position, especially in cases of widowhood, divorce, or intra-family disputes. In contrast, Numbers 27:1–11 presents a case in which women—Malah, Noah, Hoglah, Milcah, and Tirzah—successfully petition Moses for their father's inheritance when no sons are present, and God affirms their claim.⁵⁰ The biblical narrative demonstrates that legal recognition of women's claims is possible within a patriarchal framework and shows that justice can be achieved without undermining family continuity. This contrast highlights how the balance between maintaining tradition and ensuring justice can be navigated differently across societies, suggesting that formalised legal mechanisms can create space for women's rights.

Another point of divergence lies in decision-making authority and procedural access. In the biblical narrative, the daughters bring their claim to Moses, who consults the priest and brings the issue before God.⁵¹ The process reflects structured deliberation and formal recognition of a claim, emphasising the importance of legal procedure in validating rights. By contrast, Marghi customary law relies heavily on the judgment of male elders and family heads, with women often unable to present claims independently.⁵² This divergence underscores the pivotal role procedural fairness plays in promoting gender equity, as access to decision-making processes significantly affects the recognition and enforcement of women's rights.

Reading biblical law alongside Marghi practices suggests that respect for tradition does not preclude adaptation or reform. The Zelophehad narratives show that law can respond to claims for justice and modify established norms without destabilising the community.⁵³ For the Marghi, this insight opens the way to explore legal reforms that acknowledge women's inheritance rights while maintaining communal cohesion and lineage continuity. Such reforms might include formal recognition of women's claims in cases of no male heirs or greater procedural involvement for women in land disputes.⁵⁴ This demonstrates that cultural and legal change can be ethically guided and contextually sensitive, ensuring that women's rights are respected without undermining the social framework.

Finally, the comparison highlights both ethical and theological dimensions. Biblical law frames inheritance claims within a moral and divine context, emphasising that justice involves both human decision-making and adherence to ethical principles.⁵⁵ Marghi customary law emphasises social cohesion and collective responsibility, but often at the expense of women's individual rights.⁵⁶ By bringing these systems into dialogue, scholars and community leaders can identify points of convergence, such as the importance of lineage and social stability, as well as points of tension, particularly regarding access to gender and procedural equity. Engaging in such dialogue allows for thoughtful reform, balancing ethical considerations, cultural values, and social norms to promote both justice and continuity.

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Gender Equity, Faith, and the Possibility of Legal Change

Inheritance practices are not merely legal or economic matters; they are ethical and social, raising questions about fairness, human dignity, and communal responsibility.⁵⁷ In Marghi society, the exclusion of women from inheritance has a significant impact on their social status, economic security, and participation in community life.⁵⁸ These practices perpetuate cycles of dependence and restrict women's ability to contribute fully to household and community decision-making. From a theological perspective, such exclusions can be examined through the lens of biblical texts that affirm justice, equity, and the recognition of women's agency.⁵⁹

Numbers 27:1–

11 provides a model for understanding how faith can inform legal and ethical reform.⁶⁰ The daughters of Zelophehad assert their claim within a patriarchal system, and God affirms their rights, demonstrating that legal systems can adapt to address inequities without undermining social order. This narrative suggests that religious texts can serve as valuable resources for ethical reasoning in contemporary debates over inheritance. For the Marghi, engaging with biblical principles enables communities to consider women's inheritance rights in ways that resonate with their faith and moral tradition, rather than as an externally imposed legal requirement. Such engagement creates space for culturally sensitive reform that honours both ethical and social continuity.

Faith and community leaders play a critical role in facilitating reform.⁶¹ They can guide conversations on inheritance rights, interpret religious texts to support justice and equity, and mediate between traditional practices and emerging ethical norms. In contexts where customary law is closely tied to social identity, leadership by trusted religious and community figures can help ensure that reforms are perceived as supporting, rather than undermining, cultural values. This approach promotes gradual change, reduces resistance, and integrates ethical principles into existing social frameworks.

Legal and theological engagement can also support practical measures to enhance women's agency.⁶² These measures may include formal recognition of women's claims in cases where no male heir exists, structured involvement of women in dispute resolution, and public awareness initiatives that link inheritance practices with ethical and faith-based reasoning. By framing reform in terms of both justice and communal well-being, such interventions can strengthen social cohesion while correcting gender inequities. The biblical precedent demonstrates that legal recognition of women's rights need not destabilise the social or religious order; instead, it can reinforce ethical governance and social justice.

Finally, dialogue between biblical law and Marghi customary practice illustrates the possibility of harmonising faith, tradition, and justice.⁶³ Numbers 27 encourages communities to see law as responsive to ethical claims, while Marghi practices emphasise continuity, social responsibility, and the authority of elders. Bringing these perspectives together offers a pathway for reform that respects cultural identity, protects women's rights, and promotes equity through ethical, faith-informed approaches. Such a synthesis highlights the potential for transformative legal and social change grounded in

both tradition and moral reflection.

Conclusion

This study has examined Numbers 27:1–

11 in dialogue with Marghi customary inheritance practices, demonstrating that the biblical text affirms women's legal agency and illustrates how law can adapt to claims for justice within a patriarchal system. In contrast, Marghi custom largely excludes women from inheriting land, producing economic vulnerability, limiting social participation, and reinforcing gender inequality. By comparing these systems, the study highlights both convergences, such as the emphasis on family continuity and property preservation and tensions, particularly regarding women's access to inheritance and participation in legal processes.

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