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PARASHAT BALAK

The Story of *Ba'al Pe'or* and Pinchas's Act
By Rav Yehuda Rock

The sin of Ba'al Pe'or and the reaction of Pinchas occupy the conclusion of *Parashat Balak* and the beginning of *Parashat Pinchas*. In this *shiur*, we will undertake a careful reading of the story, showing how certain central messages emerge from the description of the episode and its structure.

Let us begin by reviewing the relevant verses (*Bamidbar* 25:1-15):

(1) And Israel dwelled in Shittim, and the people began to stray after Moabite women. (2) And they called the people to the sacrifices of their gods; and the people ate, and they prostrated themselves before their gods. (3) And Israel was joined to Ba'al Pe'or, and God's anger burned against Israel. (4) And God said to Moshe: "Take all the heads of the people, and hang them for God, facing the sun, so that God's anger may be turned away from Israel." (5) So Moshe said to the judges of Israel: "Let every man slay his men who are joined to Ba'al Pe'or." (6) But behold – a man of the Israelites came and brought before his brethren a Midianite woman, in the sight of Moshe and in the sight of the entire congregation of the Israelites, who were weeping at the entrance to the Tent of Meeting. (7) And Pinchas, son of Elazar, son of Aharon the *Kohen*, saw it, and he rose up from amongst the congregation and he took a spear in his hand. (8) And he followed the man of Israel into the chamber, and he stabbed both of them through – the man of Israel and the woman, through her belly; and the plague was halted from upon the Israelites. (9) And those that died in the plague were twenty-four thousand.

(10) And God spoke to Moshe, saying: (11) "Pinchas, son of Elazar, son of Aharon the *Kohen*, has turned away My anger from upon the Israelites, in his zealotry for My sake in their midst, such that I did not consume the Israelites in My zealotry. (12) Therefore, say: 'Behold, I give him My covenant of peace, (13) and he shall have it, and his seed after him – a covenant of eternal priesthood, since he was zealous for his God, and he made atonement for the Israelites.'" (14) And the name of the man of Israel who was slain – who had been slain with the Midianite woman

– was Zimri, son of Salu, the prince of a father's house of the Simeonites. (15) And the name of the Midianite women slain was Kozbi, daughter of Tzur – who was the clan head of a father's house in Midian.

Even a superficial reading of this episode reveals an interesting phenomenon: while the story is recounted chronologically, some very relevant information - the names of the man and the woman involved - is reserved until the end. Seemingly, a more appropriate place for their names would be at the point where they become active in the story. Concerning the woman, the reason for the delay is perhaps more understandable: it is possible that her name is recorded right at the end in order to highlight the juxtaposition with, and justification for, what follows – the command to wage war against Midian. We may then go on to propose that since the Torah postpones naming the woman until the end of the story, it is then that the man, too, is named. Obviously, the probability of this hypothesis must be measured in terms of the degree to which the identities – especially that of the man – are necessary for an understanding of the events. Further on, we shall discuss this point.

"And the people began to stray after the Moabite women... to Ba'al Pe'or" — this introduction is clearly based on the description of the renewal of the Covenant of Sinai, when the second set of Tablets is given (*Shemot* 34:12, 15-16):

Guard yourself lest you forge a covenant with the inhabitants of the land to which you come, lest that be a snare in your midst... **Lest you forge a covenant with the inhabitants of the land and stray after the gods and offer sacrifices to their gods, that they call you and you eat of their sacrifice. And you may take of their daughters for your sons, and when their daughters go astray after their gods, they will cause your sons to go astray after their gods.**

Thus, the Torah warns of the connection between pagan women and being drawn after pagan worship, and the warning is couched in exactly the same social context that appears in our story: the call to partake of the sacrifices. Nevertheless, there are three significant differences between the two descriptions. The first is that in *Sefer Shemot*, the initial catalyst for the religious deterioration is a political alignment with the inhabitants of the land. The Torah warns that such a covenant may lead to bonds of marriage and eventually to being drawn to idolatry itself. In our case, the catalyst for the process is that the Israelites (*Benei Yisrael*) go astray after Moabite women. The second difference is that the warning in *Sefer Shemot* speaks of marriage, while our *parasha* describes a situation of harlotry. The third difference is that the concept of "straying" (*zenut*) is used in the two units to refer to different types of fickleness: in *Shemot* it is the act of idolatry, rather than intermarriage with the non-Jews, that is referred to as "straying;" in *Bamidbar*, "straying" means the act of going after Moabite women, while the sin of idolatry itself is referred to by a different term – "*hitzamdut*" (joining).

Based on the linguistic connection between the two units, and with attention to the differences between them, it becomes apparent that the Torah is emphasizing the severity of the moral failing of *Benei Yisrael* in our *parasha*. The Torah warns against the dangers of even the seemingly legitimate creation of political ties with neighboring nations, since it may eventually lead to idolatry, via institutionalized bonds of marriage. In our *parasha*, it is clear that not only have *Benei Yisrael* failed to internalize this warning, they have engaged in something far more disdainful and unnecessary: sexual

promiscuity. The violation of God's covenant, in our instance, lacks even the mitigating circumstance of genuine political need. It arises, instead, from a fundamental moral failing; the simple fact is that *Benei Yisrael* follow their desires.

"And God's anger burned against Israel" – further on in the story (verses 8-9), we discover that God's anger is manifest in the form of a plague. This has happened before (see *Bamidbar* 17:9-15).

"And God said to Moshe: 'Take all the heads of the people, and hang them for God...'" – taken on the literal level, this verse suggests that Moshe is supposed to put all the heads of the nation to death. However, from Moshe's words in the next verse – "'Let every man slay his men who are joined to Ba'al Pe'or'" – it seems that this is not the intention. The commentators tend to interpret God's words in light of Moshe's instructions "to the judges of Israel." Thus, Rashi comments: "'Take all the heads of the people' – to judge those who worshipped *Pe'or*; 'and hang them' – the worshippers." Similarly, the Ibn Ezra explains: "'And hang them' – meaning, those who were joined [to Ba'al Pe'or]." The Rashbam likewise adopts the same understanding.

The *midrash* in *Bamidbar Rabba* (20:23) records a dispute between two Tanna'im in this regard:

"God said to Moshe: 'Take all the heads of the people and hang them...'

Rabbi Yudan said: "[This means,] hang the heads of the people – for not objecting to [what] the people [were doing]."

Rabbi Nechemya said: "[This does not mean,] hang the heads of the people; rather God said to Moshe, 'Seat them in courts and let them judge all those who went after *Pe'or*.'"

The simple reading of the verse clearly favors the understanding of Rabbi Yehuda (referred to in the *midrash* as "Rabbi Yudan"): the word "them" clearly refers to those mentioned in the previous clause – "the heads of the people." Likewise, the term "Take" ("*Kach*") seems better suited to describe the rounding up of people who are going to be put to death than as a selection of people who are going to carry out a mission.

In any event, God's command is not carried out in the literal sense. Instead, Moshe dispatches the judges of Israel to sentence to death the sinners themselves. Why does Moshe change God's command? Apparently, he opposes punishing "the heads of the people," who are not themselves involved in the transgression. The reason for the punishment of the leaders suggested by Rabbi Yehuda – "for not objecting to what the people were doing" – does not seem justified to Moshe; therefore, he directs the punishment towards those who have actually "joined themselves" to Ba'al Pe'or. Moshe is depicted here as a figure somewhat like Avraham faced with the imminent destruction of Sodom (*Bereishit* 18:23-33), arguing even with God Himself, from a moral position, opposing collective punishment. Obviously, there is a difference between the two instances: here God speaks only of "the heads of the people," who bear greater and more direct responsibility for the sinners among the public than that borne by regular individuals. Nevertheless, Moshe objects even to this, and he therefore proceeds in a different manner from God's words. Apparently, Moshe regards God's words not as a direct command, but rather as an

indication of how the plague may be halted: if he takes all the heads of the people and hang them, then God's anger will be turned away from Israel. Therefore, Moshe permits himself to adapt an approach which seems fairer to him, with the hope that he may achieve the same result by putting the sinners themselves to death. The sinners must number more than "the heads of the people," but to his view their deaths will be more reflective of justice and righteousness.

At this point we must "fast-forward" and take into account the information that appears only later on. At the end of the story we discover that one of the heads of the people, the head of a patriarchal house in the tribe of Shimon, is personally involved in the sexual sin, playing an active role in the public desecration of God's Name. This hints to us that the responsibility of "the heads of the people" is not only passive, arising from the expectations of them in their leadership capacity, but also direct: personally joining with Ba'al Pe'or, actually leading and serving as an example for the people in committing the sin. What truly causes the plague to be halted is the slaying of this head of the people, in full view of the public, as the debacle is going on. In light of all of this, which is revealed to us, the readers, only later on, God's words assume an entirely different meaning. God's command that "the heads of the people" be publicly put to death reflects the active, public involvement of the nation's leaders in this disgrace.

Why, then, does the Torah conceal this information until the end of the story? Apparently, the intention is that we, the readers, understand Moshe's objection and identify with it. It is only by virtue of our ignorance of the involvement of the heads of the people in the sin that Moshe's decision can be viewed as a position of moral principle. The Torah wants us to absorb this important idea – that those who have not sinned should not be punished – and to know that this is sufficiently fundamental that it causes Avraham to argue with God and causes Moshe to act in a manner that differs from God's command. For this reason, the Torah allows the reader to assume, for the time being, that the leaders of the people are not involved in the sin and that they are criticized only for their failure to protest. In order to achieve its educational goal, the Torah goes so far as to create a situation in which it appears, as first, that God is judging unfairly, and only afterwards clarifying the basis for and justification of His judgment.

All of the above also gives rise to a point that illuminates our understanding of *Sefer Bamidbar* in general, not only our particular episode. Moshe is depicted here as a leader who is cut off from the reality of the people. He is oblivious to the nation's inner social dynamics and unaware of the degree to which the nation's leaders have deteriorated. We have encountered this severance between Moshe and the people earlier in *Sefer Bamidbar*, and we shall not dwell upon it here.

Pinchas's act should also be viewed in light of the interpretation that we have offered for God's words. According to our understanding, God has already declared that in order for His anger to be turned away from *Benei Yisrael* – i.e., in order for the plague to be halted – it is necessary that the heads of the nation be publicly executed, as those responsible for the sins of immorality and idolatry. This is precisely what Pinchas does: he slays the head of a patriarchal house, in full view of the nation, while the victim is committing his crime in public and leading the people to sin. Pinchas thereby causes the plague to cease.

However, this too becomes known to us only when the Torah finally reveals that the man's identity. Without this information, there seems to be little connection between God's words and Pinchas's

act. Moreover, even the praise for Pinchas's zealous act and the reward that is promised to him for it – a covenant of eternal priesthood – is recorded by the Torah prior to the revelation of the man's identity.

Thus, when the Torah says, "Pinchas... saw it," the reader imagines that he sees the actions of a regular individual – not the prince of a patriarchal house. Hence, Pinchas's motive is viewed not as the fulfillment of God's command to Moshe, but rather as a spontaneous decision, based on what he sees. It is doubtful whether Pinchas is even aware of what God has told Moshe. The defense of and praise for Pinchas's zealous act, which appear only in the subsequent verses, are not dependent on God's command here; rather, they stand on their own. Despite this, since God does actually issue His command prior to Pinchas's act, the message conveyed by the verses is that even prior to what Pinchas does, such an act will be regarded with favor by God.

All of this gives rise to a complex picture: on the one hand, Pinchas's act is recounted as expressing the existing will of God; thus, it is significant as such – as the fulfillment of God's will. On the other hand, the Torah takes pains to present the act in terms of its independent value, severing it (through literary devices) from God's original command. This situation appears to reflect the inner tension characterizing the Torah's view of zealotry. A zealous act, in extreme circumstances, is praiseworthy and rewarded; in these cases, such an act does indeed reflect God's will. At the same time, though, God does not directly order such an act; in fact, it cannot be prompted by a command. Within the regular framework of *mitzvot*, there is a need for a regulated process of justice – as Moshe himself is fully aware, appealing as he does to "the judges of Israel." Zealotry is a deviation from this framework, and it is perceived generally as dangerous and negative. Only in extreme instances of *chillul Hashem* (desecration of God's Name) – and even then, not through any official command – can zealotry be endorsed.

This ambivalence is also reflected in Halakha. The Mishna (*Sanhedrin* 9:6) teaches: "One who copulates with an Aramean woman, zealots may attack him." This law is handed down by tradition (*halakha le-Moshe mi-Sinai*, an unwritten Mosaic law from Mount Sinai), and it is conditional upon the zealous act being carried out in public and while the crime is being committed (*Avoda Zara* 36b). This formulation of the Mishna suggests a fixed, definitive law. Indeed, from a certain perspective, this is the punishment that should be meted out to one who commits this sin, and it represents the proper response in such a situation. At the same time, the Gemara (*Sanhedrin* 82a) states:

Rabba, son of Bar Chana, said in the name of Rabbi Yochanan: "If a person comes to ask [whether to act as a zealot], he is not told to do it. Furthermore, had Zimri separated [from Kozbi] and then been killed by Pinchas, [Pinchas] would have been liable to be executed on his account. [Similarly,] had Zimri turned around and killed Pinchas, he would not have been liable for murder, for [Pinchas] was a pursuer (Zimri would be acting in self-defense)."

Zealotry is not another implementation of the laws of capital punishment amid the various types of death sentences meted out by the court. Rather, it is an extra-institutional act that affords its executor none of the immunity that is extended to the emissaries of the court.

The same ambivalent view is expressed in a debate among the Amora'im concerning Pinchas's motives (*ibid*):

"And Pinchas, son of Elazar... saw" – what did he see?

Rav said: "He saw the act and recalled the *halakha*. He said to [Moshe]: 'Brother of my father's father, did you not teach me, when you descended from Mount Sinai, that "One who copulates with a non-Jewish woman, zealots may attack him"?' Moshe said to him: 'Let him who reads the letter be the agent to fulfill it.'"

But Shmuel said: "He saw that 'There is neither wisdom, nor understanding, nor counsel opposite God' (*Mishlei* 21:30) – any place where there is *chillul Hashem*, we do not worry about the Torah teacher's honor."

Rav depicts Pinchas as simply fulfilling God's command as conveyed by Moshe, while Shmuel regards him as acting autonomously, in response to an extreme situation that requires a deviation from the regular frameworks. As we have seen, the verses provide support for both views.

As noted, the formulation of the *mishna* reflects one aspect of the situation – the just and fitting punishment, as though this were a fixed, definitive law. The other aspect arises from the discussion among the Amora'im. The Rambam (*Hilkhot Issurei Bia* 12:4) voices the problematic nature of the zealous act by formulating the basic law as a *post facto* statement rather than as a directive:

Anyone who copulates with a non-Jewish woman... if he does so in public... then any zealots who attack and kill him are praiseworthy and alacritous. This is a law handed down to Moshe from Sinai, and the proof of it is from Pinchas's act against Zimri.

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