

Parashat Pinchas

Numbers Chapter 25 (1-13)

- 1** While Israel was staying at Shittim, the people profaned themselves by whoring with the Moabite women,
- 2** who invited the people to the sacrifices for their god. The people partook of them and worshiped that god.
- 3** Thus Israel attached itself to Baal-peor, and the LORD was incensed with Israel.
- 4** The LORD said to Moses, "Take all the ringleaders and have them publicly impaled before the LORD, so that the LORD's wrath may turn away from Israel."
- 5** So Moses said to Israel's officials, "Each of you slay those of his men who attached themselves to Baal-peor."
- 6** Just then one of the Israelites came and brought a Midianite woman over to his companions, in the sight of Moses and of the whole Israelite community who were weeping at the entrance of the Tent of Meeting.
- 7** When Pinchas, son of Eleazar son of Aaron the priest, saw this, he left the assembly and, taking a spear in his hand,
- 8** he followed the Israelite into the chamber and stabbed both of them, the Israelite and the woman, through the belly. Then the plague against the Israelites was checked.
- 9** Those who died of the plague numbered twenty-four thousand.
- 10** The LORD spoke to Moses, saying,
- 11** "Pinchas, son of Eleazar son of Aaron the priest, has turned back My wrath from the Israelites by displaying among them his passion for Me, so that I did not wipe out the Israelite people in My passion.
- 12** Say, therefore, 'I grant him My pact of friendship.
- 13** It shall be for him and his descendants after him a pact of priesthood for all time, because he took impassioned action for his God, thus making expiation for the Israelites.'"
- 14** The name of the Israelite who was killed, the one who was killed with the Midianite woman, was Zimri son of Salu, chieftain of a Simeonite ancestral house.
- 15** The name of the Midianite woman who was killed was Cozbi daughter of Zur; he was the tribal head of an ancestral house in Midian.

Numbers Chapter 27 (1-11)

- 1** The daughters of Zelophehad, of Manassite family—son of Hopher son of Gilead son of Machir son of Manasseh son of Joseph—came forward. The names of the daughters were Mahlah, Noah, Hoglah, Milcah, and Tirzah.
- 2** They stood before Moses, Eleazar the priest, the chieftains, and the whole assembly, at the entrance of the Tent of Meeting, and they said,
- 3** "Our father died in the wilderness. He was not one of the faction, Korah's faction, which banded together against the LORD, but died for his own sin; and he has left no sons.

4 Let not our father's name be lost to his clan just because he had no son! Give us a holding among our father's kinsmen!"

5 Moses brought their case before the LORD.

6 And the LORD said to Moses,

7 "The plea of Zelophehad's daughters is just: you should give them a hereditary holding among their father's kinsmen; transfer their father's share to them.

8 "Further, speak to the Israelite people as follows: 'If a man dies without leaving a son, you shall transfer his property to his daughter.

9 If he has no daughter, you shall assign his property to his brothers.

10 If he has no brothers, you shall assign his property to his father's brothers.

11 If his father had no brothers, you shall assign his property to his nearest relative in his own clan, and he shall inherit it.' This shall be the law of procedure for the Israelites, in accordance with the LORD's command to Moses."

Mishnah Sanhedrin 4

Therefore but a single person was created in the world, to teach that if any man has caused a single life to perish from Israel, he is deemed by Scripture as if he had caused a whole world to perish; and anyone who saves a single soul from Israel, he is deemed by Scripture as if he had saved a whole world.

Sanhedrin 82a

Rav Hisda says: Concerning one who comes to consult with the court when he sees a Jewish man engaging in intercourse with a gentile woman, the court does not instruct him that it is permitted to kill the transgressor. It was also stated that Rabba bar bar Hana says that Rabbi Yoḥanan says: Concerning one who comes to consult with the court, the court does not instruct him that it is permitted to kill the Jewish man engaging in intercourse with a gentile woman.

Sanhedrin 82a

Moreover, if Zimri son of Salu (see [Numbers 25:1–9](#)) had separated himself from the woman and only then Pinchas killed him, Pinchas would have been executed for killing him, because it is permitted for zealots to kill only while the transgressor is engaged in the act of intercourse. Furthermore, if Zimri would have turned and killed Pinchas in self-defense, he would not have been executed for killing him, as Pinchas was a pursuer. One is allowed to kill a pursuer in self-defense, provided that the pursued is not liable to be executed by the court.

RAMBAM (Laws of Forbidden Relations 12:4-5,7)

The zealot is only allowed to strike them at the actual time when they are sinning, as in the case of Zimri where the verse states, "He pierced both of them – the Israelite man and the woman – right through her abdomen." However, once they have separated, he is no longer permitted to kill them, and if he did kill one of them at this point he would be guilty of murder and hence

liable for the death penalty. **If the zealot asks the Jewish Court for a ruling permitting him to kill the sinner he should not be given any response, even if the act of the sin is still taking place.** Furthermore, if the zealot comes to kill the sinning cohabitor, and the cohabitor kills the zealot in self-defense, then the cohabitor is not subject to the death penalty.

Rabbi Jonathan Sacks (5 May 2020)

<https://rabbisacks.org/pinchas-5780/>

Was Pinchas a hero or a murderer? On the one hand, he saved countless lives: no more people died because of the plague. On the other hand, he could not have been certain of that in advance. To any onlooker, he might have seemed simply a man of violence, caught up in the lawlessness of the moment.

God declared Pinchas a hero. He had saved the Israelites from destruction, showed the zeal that counterbalanced the people's faithlessness, and as a reward, God made a personal covenant with him. Pinchas did a good deed.

Halachah, however, dramatically circumscribes his act in multiple ways. ... The Torah resolves the ambiguity but halachah reinstates it. Legally speaking, Pinchas was on very thin ice.

We can only understand this by way of a fundamental distinction between moral decisions and political decisions. Moral decisions are answers to the question, "What should I do?" Usually they are based on rules that may not be transgressed whatever the consequences. In Judaism, moral decisions are the province of halachah.

Political decisions are answers to the question, "What should we do?" where the "we" means the nation as a whole. They tend to involve several conflicting considerations, and there is rarely a clear-cut solution

The coronavirus pandemic raised a series of deep moral and political issues. How far should governments go in seeking to prevent its spread? To what extent should it restrict people's movements at the cost of violating their civil liberties? How far should it go in imposing a clampdown of businesses at the cost of driving many of them bankrupt, rendering swathes of the population unemployed, building up a mountain of debt for the future and plunging the economy into the worst recession since the 1930s? These are just a few of the many heart-breaking dilemmas that the pandemic forced on governments and on us.

We have moral duties as individuals, and we make political decisions as nations. The two are different. That is what the story of Pinchas is about. It also explains the tension in governments during the pandemic. We have a moral commitment to the sanctity of life, but we also have a political commitment, not just to life but also to "liberty and the pursuit of happiness." What was beautiful about the global response to Covid-19 was that virtually every nation in the world put moral considerations ahead of political ones until the danger began to recede.

Rashi

ויקרב משה את משפטן AND MOSES BROUGHT THEIR CAUSE [BEFORE THE LORD] — The law on this subject escaped him (Sanhedrin 8a). This chapter ought to have been written by Moses (i.e., like most laws in the Torah it should have been spoken to the people by Moses without his having waited until some incident made its promulgation necessary), but for the fact that the daughters of Zelophehad had so much merit, it was therefore written through them (it was their complaint which gave occasion for stating it) (Bava Batra 119a; Sanhedrin 8a).

Sanhedrin 8a

Rather, the unusual manner in which the halakha of women's inheritance (see Numbers, chapter 27) was revealed may be understood as it is taught in a baraita: It would have been fitting for the Torah portion about inheritances to have been written by attributing it to Moses, our teacher, i.e., to introduce the halakha with the standard formulation: And the Lord spoke to Moses, saying. But the daughters of Zelophehad achieved merit as a result of their initiative in pursuing a portion in Eretz Yisrael, and therefore the halakha was written by attributing it to them.

Dr. Brenda Bacon

The Schechter Institute

<https://schechter.edu/the-daughters-of-zelophehad-and-the-struggle-for-justice-for-women/>

With their usual artfulness, our sages fill in the spaces between the words of the Biblical text, and present a lively picture of the events. They do so by answering many questions that the story raises: What gave these five women the courage to face the great leader Moses and to challenge the traditional order of inheritance? What was the exact setting for this event? What sort of a relationship did these five sisters have? What personal qualities did they have in addition to courage?

According to the midrash, their certainty that God is merciful is what gave these five women the courage to present their demand. They knew that in the patriarchal society in which they live, it is natural that men have less regard for women than they have for their own gender. In this trait men differ from God, who has mercy equally for men and for women. Therefore, if women suffer from an unjust law, it is not God's will, but rather a result of the solidarity of men against women. The words of the sages are as follows:

When the daughters of Zelophehad heard that the Land was to be divided among the tribes – but only for males, not for females – they gathered to take counsel. They said that the mercy of flesh and blood is not like the mercy of God.