

# SEPHARDIC INSTITUTE

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בס"ד

## Parashat Balak Part II Numbers 25:1-9

### 1. Backsliding and Resolution, Again

The first few verses of Numbers 25 present a sobering contrast to the immediately preceding chapters. The renowned seer of the neighboring nations had just depicted Israel as a nation blessed by G-d, purged from iniquity and pagan fetishes and with a glorious future. At the same time, however, while literally at the threshold of the promised land and on the verge of entering it, the nation engages in a major violation of the covenant. Its men, mingling with the local women, succumb to sexual enticement, which leads them to worship of, even attachment to a strange god (ויצמד ישראל לבעל פֶּעוֹר).<sup>\*</sup> The new generation had just come of age and it was paralleling the early sinfulness of the previous generation. The harlotry-apostasy affair of our passage is narrated with diction highly reminiscent of the warning statements against such behavior in Exodus 34:15-16. The latter verses are part of the legislation attached to G-d's reconciliation with Israel following the other case of apostasy in the Torah, that of the golden calf.

G-d's response to the present backsliding, however, is very different from what it was in the case of the golden calf, an event that took place shortly after the Exodus and lawgiving. In that case He at first declared that He had in mind to destroy the whole nation and start over with Moses, when the latter came to the rescue with his prayers. On that occasion, however, G-d had actually hinted to Moses that prayer would be effective to at least mitigate the harshest aspect of His declared intention. Here, His instructions to Moses focused on the leadership; He obviously deemed them guilty of dereliction of duty. This time He did not give Moses a hint that prayer was called for; rather, stern action was required. He states: "Take all the heads of the nation and impale them to Hashem facing the sun so that the wrath of

Hashem will turn away from Israel" (קח את כל ראשי העם והקע אותם לה' נגד השמש וגו' [Num. 25:4]). In addition, He sent a plague and people were dying.

The Talmud asks, "If the people sinned, what sin did the heads of the nation commit" to deserve death? (*b. Sanh.* 35a). Rav interprets G-d's instructions as directing Moses to instruct the leaders to take action; Moses was to divide them into courts of law to investigate and determine who the sinners were and put them to death. A number of commentators interpret the verse accordingly, that the leaders were to adhere to the principles of judicial procedures as specified elsewhere in the Torah concerning application of the death penalty to the guilty parties.

This explanation, however, clearly runs counter to the verse's syntax and grammar and doubtlessly was not proposed as *peshat*. Use of *kah* ("take") in regard to the heads of the nation does not lend itself to the expansion "charge them to judge the guilty"; a significant substantive clause is missing and such a long ellipsis is not indicated. The idolaters are not mentioned in the verse that they may be the antecedent for the pronoun *otam* ("them"). Even in the previous verse it is the singular, collective Israel (ישראל) that is termed the sinner at whom G-d is angry, with no mention of individuals to be referred to with the plural *otam*. The pronoun must refer to the heads of the nation. In the following verse, Moses directs his instructions to *shofteh Yisrael*, the judges, a different group than the heads.

The NJPS translates: "Take all the ringleaders and have them publicly impaled," with a footnote on "ringleaders," that it literally reads "heads of the people." But in Scripture ראשי העם ("heads of the people") is never attested to mean "ringleaders" and it is unlikely that G-d would term the idolatrous

“ringleaders” the heads of the nation. It is difficult to escape the simple translation that the meaning is, “impale the heads of the nation.”

This should not be thought of as applying collective or vicarious punishment upon innocents as part of the punishment due sinners in the service of communal justice or as expiation.\*\* The Torah emphatically prohibits a court from engaging in such a practice – a person may not be put to death (or given any punishment) for the transgression of his child or parent or any other person (Deut. 24:16).

Rather, it appears that our case should be understood as one in which G-d informed Moses that the leaders are deserving of death for they literally bear responsibility for the backsliding. It is their shortcomings that allowed the situation to deteriorate as it did. At a minimum they should have been protesting the sinful behavior. In the Midrash, Rabbi Yudan (Judah) and Rabbi Nehemiah dispute this point, the former maintaining that the chiefs were indeed “hung” because they did not protest the sinful behavior (*Num. Rab.* 20:23; *Tan. Balak* 19).

However, despite G-d’s words having been presented as a command, it is extremely far-fetched to assume that Moses actually executed the heads of the nation. The omission in the text of any hint of such a detail that would have been so critical to the narrative surely indicates that Moses did not put them to death. In addition, such an explanation runs counter to the tenor of the passage. Had Moses implemented capital punishment on the heads, it is inconceivable that shortly thereafter there would have been a chieftain publicly cavorting with his consort in front of him and the assembly. And it is also inconceivable that in such a context the recently active Moses would have been immobilized and reduced to weeping, together with the assembly, at the Tent of Meeting as is so vividly portrayed. Furthermore, G-d’s instructions to impale the heads concluded with the statement, “so that Hashem’s wrath should be turned away from Israel,” which surely was not the case. \*\*\*

In the following verse, Moses instructs the judges to put to death those in their respective jurisdictions who attached themselves to Baal-peor. Obviously, he interpreted G-d’s message and acted on it in conformity with the standard law and judicial

procedure; he does not impale the heads but initiates proceedings of due process against the actual violators. Perhaps he understood G-d’s harsh words in accordance with a broad definition of the principle that *דיבְרָה תוֹרָה כְּלָשׁוֹן בְּנֵי אָדָם* (“The Torah speaks in the language of man”). G-d’s instructions were a sign of His immense displeasure with the leaders. They were an urgent reminder that action must be taken at once and that the guilty parties must be put to death or the heads will suffer dire consequences, not that G-d meant them to be taken literally. After all, how could Moses take the command literally, for he could not then have excluded himself, being the overall chief and the foremost head of “all the heads” of the nation.

At some point a plague had set in and people began dying, a total of 24,000. Interestingly, the plague is not mentioned as the narrative unfolds, but is only known through flashback, after Phinehas’ valiant act ended it (vv. 8, 9, 11). Perhaps this device was employed to lessen the reader’s feeling of disappointment at Moses’ ineffectual leadership while the sinning and dying were going on. It is exceedingly sorrowful to focus on any great leader’s decline, let alone that of Moses.

While the sinning was going on a chieftain showed off his Midianite princess to his brethren, in front of Moses and the assembly’s leaders, who were weeping at the entrance to the Tabernacle – a stunning depiction of the leadership’s paralysis. The chieftain with his consort entered a nearby *qubah*, a portable chamber linked to the Baal-peor idolatry, possibly set up for the occasion. There they engaged in both licentiousness and idolatry. Phinehas, son of Eleazar the high priest, observed the situation and acted (Num. 25:7-8), probably responding to Moses’ charge of putting the transgressors to death. He entered the chamber with a spear, pierced the chieftain and princess to death, and the plague was terminated. This act, done with pure motivation (as G-d attests shortly afterwards), had tremendous impact. It fulfilled G-d’s command to Moses to put the leaders to death, although applied to only one leader, and checked the sinning, obviating the need for any further action.

There are a number of similarities between the Baal-peor sin of the fortieth year and the golden calf

apostasy of the first year, the two instances of Israel's idolatry in the Pentateuch. The contrast, however, is perhaps more illuminating, particularly the details regarding Moses. In the golden calf episode the transgression occurred while Moses was absent for a prolonged period of time; it cannot be imagined to have taken place in his presence. When he returned he was a dynamo, fearlessly taking immediate and decisive action, destroying the calf and putting those who served it to death. Clearly, he retained control of the nation. He prayed hard for the nation's welfare and moved it to repentance. Through his efforts he achieved reconciliation between G-d and Israel.

Here, the sin transpired while Moses was with the nation. There is no reference to his taking any action before the situation had so deteriorated that G-d had to instruct him to impale the leaders. Neither is there any mention of his praying. Further, when the chieftain parades by with his consort, Moses along with the members of the assembly are weeping at the entrance to the Tent of Meeting, apparently having surrendered to the enormity of the problem.

One wonders whether all this may not be an indication that the new generation, with problems and shortcomings similar to those of the previous generation, should have a new approach and a new leader. This supports the view that G-d's choice of punishment for Moses' transgression that was committed a short time prior at the Waters of Meribah – that he is not to lead the people into the land (Num. 20:12) – reflected His acknowledgement of this situation. Such an understanding has also been seen as consistent with Moses' statements that he is not entering the land because of the people (Deut. 1:37; 4:21), as well as with the verse in Psalms, "and Moses suffered on their account" (Ps. 106:32). The greatest of men, a superlative leader for his generation, may not be suitable for the next generation.

## 2. On Zealotry

In the following passage G-d praises Phinehas' totally unanticipated act of zealotry. In the midst of mass defection from the covenant into harlotry-idolatry, a chieftain was publicly, unquestionably and intentionally participating in the ongoing depravity, hastening the national degeneration. He flaunted his

consort, a Midianite princess, to his brethren in front of Moses and the elders and was committing his desecration of the covenant in an idolatrous chamber in proximity to the sanctuary precinct, and nothing was being done. Moses and the elders were weeping, obviously in despair, passively suffering what appeared to possibly be the end of the grand enterprise of Israel as a nation of G-d.

Zealotry, to the extent that one takes the law into his own hands, especially when another's life is at stake, is universally recognized in civilized society as a most dangerous endeavor. Society cannot trust unauthorized individuals to act on their personal evaluation of a situation, disregarding due process in a court of law. Subjective views are usually not fully thought out and may not take into account many relevant considerations and variables that affect the case or that the general welfare requires. Possible extenuating circumstances are overlooked. Emotion clouds one's thinking and superficial certainty prevails. Principles are easily misapplied, there is no patient review of the decision before it is executed and reaction often breeds counterreaction. Furthermore, it cannot be known if the zealot is stable, prompted by absolutely pure and altruistic motives and not by an obsession, inner compulsion or vested interest. The public cannot have confidence in the appropriateness of the act. It is understandable that zealotry, when another's harm is the object, is wholly and roundly condemned.

Nevertheless, in Phinehas' case zealotry was eminently effective, but it was not a case of zealotry as commonly defined. Moses had already commissioned the judges to put to death those guilty of serving Baal-peor and there was no question that the chieftain flaunting his Midianite consort who entered the *qubbah* was guilty of the transgression and much more, shamelessly disregarding the most important laws in public. And as a chieftain, he fit the criterion of G-d's directive, "take all the heads of the nation and impale them." Truly, having received G-d's instructions through Moses and with all the firsthand witnesses of the transgression, it was a certainty that in a court of law the chieftain would be convicted and executed. The "zealot" term as applied to Phinehas does not refer to his decision that the chieftain deserved death, which essentially was an established fact. In his case the term refers to his

courage to proceed as an individual, to take the initiative and act while greater leaders, including Moses, were present and fully aware of the situation but were doing nothing, apparently seized with inertia. Phinehas also had to put aside fears of possible threats to his personal welfare given that retaliation by family and tribe was a common element of ancient society. Although ultimately his decision was prompted by feelings of zealousness, his act was carried out in unique circumstances.

Despite the magnificent divine approbation for Phinehas, nowhere in the Torah is permission granted to act as he did, dispensing with a court of law. Clearly, the various unique factors in his case do not allow it to be seen as a precedent for acts of zealotry in other contexts.

The Mishnah (*m. Sanh.* 9:6) does record several cases in which zealots for G-d's glory were permitted to so act, but the talmudic sages point out a number of extreme and serious limitations. They state that had Phinehas asked the authorities for permission to do what he did, they would not have granted it. Had Zimri (the chieftain killed) separated himself from Cozbi (his companion) the instant before Phinehas acted, the latter would have been guilty of the death penalty; even Phinehas' zealotry was only permitted while the transgressors were "in the act." Had Zimri killed Phinehas (a "pursuer"), he would not have been guilty of murder.

The Talmud makes clear that there is no explicit source for permitting Phinehas' act except the oral tradition of *halakha le'moshe mi'sinai* (a law that goes back to Moses at Sinai) and, the sages say (in an *aggadic* peregrination), when Moses was asked about it, he didn't recall it (*b. Sanh.* 82a). They also state: "His [Phinehas'] act was contrary to the will of the sages... Rabbi Yuda the son of Pazi states בְּקִשְׁוֹ לְגַדְתּוֹ ('they sought to excommunicate him [Phinehas]') but a heavenly voice came forth declaring, '...it shall be for him and his descendants after him a covenant of eternal priesthood'" (*y. Sanh.* 9:7). One wonders whether those Mishnah cases may not have been pedagogic tools or measures addressing pressing problems in one way or another.

### 3. Midian and Balaam

Although Israel first consorted with "the daughters of Moab," G-d's subsequent command to strike at the enemy focused on the neighboring Midian. It was their leaders who launched the "trickery" and permitted their own daughters to participate in the unholy cause. It appears that Balaam was active in conceiving the strategy, since Moses later refers to the Midianite women as, "they were the ones who enticed the Israelites at the word of Balaam to trespass against Hashem" (הֵן הֵנָּה הָיוּ לְבָנֵי יִשְׂרָאֵל בְּדַבַּר ) (Num. 31:16) [Num. 31:16]). Balaam understood a little about the moral standards G-d expected from Israel (his oracles brought this out) and that the nation's success was predicated upon their fulfillment. Since he met his end at Israel's hand while with the leaders of Midian (Num. 31:8), we assume that upon taking leave of Balak he joined with Midian. He had realized cursing Israel was futile, but succumbed to his ambitions and advised Midian of an alternate approach.

The reader's knowledge of Balaam's role in Midian's strategy is derived only via flashback, from Moses' reference to it. This literary device reflects Balaam's *modus operandi* as seen in *Parashat Balak*. He does not explicitly state what is lurking in his heart; officially, he acknowledges G-d's supremacy and is committed to His will. His deeper motivations must be discerned between the lines (see our study *Parashat Balak Part I*). Perhaps after being offered a handsome reward by the Midianite kings to help subdue Israel, he told them that he was committed to G-d and could not violate His wishes, etc., but they should know that such and such is the case with the Israelites, and they got the message.

Perhaps there is a literary hint that subtly reflects Balaam's transition from attempting to curse to counseling promiscuity. The chamber the sinners used for their promiscuity is called קִבְּבָה (*qubbah*) – a word that in Scripture is attested only in our passage. In Semitic languages *qubbah* means a "vault" or "alcove" (the latter word being an English derivative from the Arabic *il qubeh*, the same root as in the stuffed culinary delicacy *qibeh*). In Midianite culture *qubbah* particularly referred to a portable idolatrous tent. Phinehas pierced Cozbi אֶל קִבְּבָתָהּ (*el qobatah*). Despite the sound similarity with *qubbah*, since *qobatah* contains the possessive "her," it probably does not refer to the *qubbah* chamber; it is

implausible that the chamber the sinners entered in the Israelite region belonged to her and the לָא would not fit the context. Some take *qobatah* to mean “her stomach,” related to קֶבֶה (*qebah*), but in Scripture that word is only used in reference to animals. Others translate “in her female organ,” perhaps derived from נִקְבָּה (*ne-qeba* – female), which would also be a unique usage. Perhaps *qobatah* means “her alcove” in the sense of “her private chamber,” that of the genitalia. In any event, the term seems to have been chosen because it consists of the same key letters as *qubbah*, making a word association. As the stem most frequently used for “curse” in *Parashat Balak* is ק-ב-ה (*q-b-h*) – another word utilizing the identical root letters – the Torah may be indicating through alliteration that the *qubbah* sinning was associated with Balaam’s subtle follow-up of his attempts at cursing.

## Endnotes

\* The particular idolatry they engaged in, Baal-peor, was apparently a local modality of what was for centuries the most popular and alluring Canaanite fetish. *Ba'al* is the name of the god (mentioned here for the first time in the Torah except when used as a place name) and *Pe'or* is a particular place-name. *Ba'al* was believed to be in charge of fertility, both of the earth and of living creatures. It seems that the act of human copulation in his service was thought to prompt him and related gods to engage in similar activity, generating rain for the earth and other benefits, so sexual rites were sometimes incorporated into religious rituals associated with his service.

\*\* In G-d’s sphere, the following are widely considered to be related to such concepts: “Visits iniquities of fathers upon sons” (Exod. 20:5; Num. 14:18; Deut. 5:9) and the decimation of Achan’s family (Josh. 7). It is noteworthy that in the Talmud this aspect of G-d’s providence was viewed as having been annulled in the days of Ezekiel (*b. Mak.* 24a). There are many considerations to be taken into account for a fuller, more accurate understanding of

these cases. See our study *Visiting Iniquity of Fathers upon Sons*.

\*\*\* The only other instance in Tanakh where the הִקְעָה (“impale”) term appears is also in a case that is associated with a manifestation of zealousness, albeit a negative manifestation, and in which a plague (a famine) is also prominent (2 Sam. 21). Ronald Benun has pointed out a number of features unique to these two narratives. G-d informed David that the famine was due to Saul’s killing of Gibeonites, subsequently described as perpetrated “in his [Saul’s] zealousness for Israel and Judah” (בְּקִנְיַתוֹ לְבְנֵי יִשְׂרָאֵל וְיְהוּדָה) [2 Sam. 21:2]). Regarding Phinehas, G-d said about him that he “turned back My wrath from Israel when he acted zealously for My zeal” (בְּקִנְיָאוֹ אֶת קִנְיָאִי) [Num. 25:11). For Israel’s expiation, the Gibeonites demanded that seven of Saul’s descendants be turned over to them (וְהִקְעַנּוּם לָהֶם) (“and we will impale them to Hashem” [2 Sam. 21:6]). Not insisting on due process as did Moses, David straightaway complied and the seven were impaled. The famine ended, as its persistence had been placed at the discretion of the Gibeonites, but in the following narrative (2 Sam. 24), after G-d entices David to take a census (contrasting with the census G-d asked for in the Numbers chapter following our narrative) another plague set in, apparently due to David’s turning over the innocent descendants of Saul to death (for a discussion on this see our study *Parashat Ki Tissa Part II: On the King David Census*). When David builds an altar in the area he purchases (eventually the site of the temple) and offers sacrifices, the plague ends, וַתֵּעָצֵר הַמַּגֵּפָה מֵעַל יִשְׂרָאֵל (2 Sam. 24:25), virtually the same words used when Phinehas acts וַתֵּעָצֵר הַמַּגֵּפָה מֵעַל בְּנֵי יִשְׂרָאֵל (Num 25:8). Placed between the two narratives in 2 Samuel is some concluding material of the book. Included is David’s statement וַיֵּשֶׁב יִשְׂרָאֵל וַיִּנְאָם הַגִּבּוֹר...רוּחַ ה' דָּבַר (2 Sam. 23:1-2), which is parallel to Balaam’s words preceding Israel’s backsliding, וַיִּנְאָם בַּלְעָם בְּנוֹ בָּעַר, וַיִּנְאָם הַגִּבּוֹר...שָׁמַע אֱמֹרֵי קָל (Num. 24:3-4).