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בס"ד

## Parashat Phinehas Part II

### 1. Transition

The Torah did not provide the names or descriptions of the man and woman Phinehas killed until after the narration of his zealous act and G-d's praise of him; they had been referred to as "a man of the Israelites" and "the Midianite." Surely Phinehas was aware of the princely status of these individuals – a tribal chieftain and a Midianite princess, daughter of one of that nation's "kings," do not dress and conduct themselves as commoners. Such anonymous narration may be a comment on Phinehas' motivation, that he was not influenced by the high status of the perpetrators; to him they were flagrant transgressors deserving of death. Moses had given instructions to the judges to put to death all who served Baal-peor. These two individuals flaunted their intentions "before the eyes of Moses and before the eyes of the assembly" and entered the idolatrous tent set up in the sanctuary precinct to perform their sinful act. They were clearly engaging in what would incur the death penalty in a court of law.

Nevertheless, it was important to record the information that the slain were individuals of princely status. In addition to pointing to Phinehas' courage – for nobility generally endeavors to avenge its slain – these details mark the fulfillment of G-d's instructions to Moses to put the heads of the nation to death, even if fulfilled on only one leader. They also indicate that the Israelites' promiscuity and idolatrous intermingling was not only with the Moabites but also with the Midianites, further highlighting the enormity of the problem that had set in. With this information the stage is set for the following passage.

G-d instructs Moses that Israel was to assail Midian "for they are assailants against you with their plots that they devised against you in the matter of Peor and in the matter of Cozbi, the daughter of the chieftain of

Midian, their kinswoman" (Num. 25:16-18). Use of the present tense *כִּי צִרְרִים הֵם לָכֶם* ("for they are assailants against you") seems to indicate that the threat still existed and required military attention. The culture that supports such knavery, employing sexual seductiveness to lure others to idolatry and utilizing the chieftain's daughter, must be vigorously opposed. Her name, Cozbi, which connotes deception, was probably given her by the Torah narrative for its symbolism. While Amalek must be fought until elimination because it breached civilized norms in an unprovoked attack against Israel's stragglers and vulnerable (Deut. 25:1-19), Midian must be battled for violating basic standards of morality and human decency. The actual call to battle will come in chapter 31, subsequent to the census and several other topics.

Phinehas' act sounded an optimistic note that carries through to the end of the book of Numbers. This transition is reflected in the Masoretic Text by use of a rare interruption of a blank space in the midst of verse 26:1. This device separates the termination of the plague – *וַיְהִי אַחֲרֵי הַמִּגַּדָּה* – from the instructions to conduct a census, the basis for allocation of the promised land and the beginning of the final portion of the book. What follows in the eleven chapters until the book's close are subjects related to possession of the land or concluding items and summary statements. This may be seen by surveying the topics from this point to the end of the book (chapters 26–36) in sequence.

1. Census (26)
2. Daughters inheriting – inheritance laws (27:1-11)
3. Regarding Moses' imminent death and Joshua as successor (27:12-23)
4. Sanctuary service in the land (28-29)
5. Vows and oaths (30)
6. Battle against Midian (31)
7. Request for Transjordanian land (32)

8. Forty-year itinerary (33)
9. Instructions to possess the land and destroy idolatry objects therein (33:50-56)
10. Israel's boundaries (34:1-15)
11. Chieftains in charge of land distribution (34:16-29)
12. Levite cities (35:1-8)
13. Refuge cities, with relevant laws (35:9-34)
14. Further regarding daughters inheriting (36)

## 2. The Census and Land Distribution

The census (ch. 26) provided the basis for territorial allocations to the tribes in the promised land. Immediately upon its conclusion, Hashem stated: "To these shall the land be apportioned" (Num. 26:53). In contrast to the Numbers 1 census, which stressed "all who would go forth to the army," a phrase there mentioned with the count of each tribe and with the grand total, that consideration is mentioned only once in this census. Here, the emphasis is placed on *mishpah*□*ot*, the family clan, the unit within the tribe that was the basis for the tribal land distribution, and each *mishpah*□*a* is explicitly cited. (The number of such clans that comprise the 601,730 men of the twelve tribes plus the clans of the 23,000 Levites appears to be seventy, probably a macrocosm of the seventy individuals who descended to Egypt.)

Although the Levites did not share in the apportionment of the land, their population figures were necessary for the determination of the number of cities that were to be given to them (see Num. 35).

The passage attests to the fulfillment of G-d's decree that the Exodus generation was to die out in the wilderness, for "among these there was not a man" from the earlier count except Caleb and Joshua (Num. 26:64-65). The time was at hand for the new generation to enter the land.

Land allocation was to be both proportional to population and carried out by the casting of lots (Num. 26:52-56; 33:54). The most straightforward explanation appears to be that of Abarbanel (26:52 ff.), that each of these two modes of selection governed its own sphere. The lot determined the tribe's general location, thus preventing disputes concerning advantages and disadvantages of particular regions and accusations of bias that might be attached

to other methods of allocation. The size of each tribe's estate, however, was determined by population, as is logical and to some degree beyond dispute. The lot may be viewed as essentially placing the most difficult aspect of distribution in G-d's hands, providing the vehicle for Him to manifest His providence. "Into the lap the lot is cast, but from Hashem is its decision" (Prov. 16:33) and "Strife is ended by the lot" (Prov. 18:18a). Chieftains from each tribe were appointed to join Eleazar the high priest and Joshua (Num. 34:16-29) to guarantee evenhanded application of the land allocation procedures.

Some commentators assume that the quality and nature of the land were also factored into determining the size of each tribal portion, a procedure necessary to ensure that the allocation be as just as possible.

One may wonder how the dialogue between the Josephites and Joshua (Josh. 17:14-18) relates to this supposition. The former complained that their portion of land was insufficient for their large population. Joshua responded that if they clear the forest and dispossess the inhabitants of the valley – a formidable task, to be sure, as the latter possessed iron chariots – their territory would be adequate.

In our *Parashat Bemidbar Part II* study we pointed out that a comparison of the number details of the two censuses yields some important insights.

## 3. The Daughters of Zelophehad

The focus on land distribution brought up the need to clarify the regulations of inheritance. A deceased man's estate was inherited only by his sons – when there were sons – a common practice in ancient agrarian societies. This was especially the case where maintenance of a tribe's land estate (and often that of a clan) was a highly cherished value, as was the case in Israel. Had daughters inherited, a complication might have arisen. Had a daughter married a husband from another tribe, upon her death her possessions would pass to her sons; given that tribal affiliation of sons is determined by their father, her land estate would pass to another tribe.

Zelophehad had died and left no sons and five daughters. They came forth before Moses and the leaders at the Tent of Meeting and asked, "Why

should our father's name be missing from his family clan just because he does not have a son?" (Num. 27:4). It was a question of fairness to which the Law is ever sensitive and Moses presented it to G-d.

Although they expressed concern with the continuation of their father's name they may have been primarily concerned for their personal welfare. Were they not to be their father's heirs and their father's name eliminated from the clan, their position in the clan would be weakened and their well-being jeopardized, since their relatives may not be sensitive to their situation. But they may have had deeper considerations in mind, based on an aspect of the principle incorporated in the institution of *yibbum*, levirate marriage (Deut. 25:5; see Gen. 38:8). This practice was established to try to prevent a man's name from being blotted out. The book of Ruth manifests an aspect of this concept in the stipulation articulated by Boaz that redeeming the land was linked to marrying the widow of the deceased man who had no children so that his name would be perpetuated on his land (Ruth 4:5).

The great value that was attached to keeping a man's name or memory alive may be related to notions about the afterlife. Whatever situation the deceased may be in upon death, the assumption is that he could benefit from living beneficiaries who focus positive efforts toward his betterment. An individual who was born as a direct result of such considerations or who assumed possession of land with such a connection would presumably be well disposed to the welfare of the deceased benefactor; his or her productivity would to some degree be attributed to that deceased person. In a way, the dead party would be considered living on. The living name is the constant reminder of this state of affairs; in the common mind the name was the objective manifestation that facilitated connection with the deceased. The focus on deceased men rather than women is because the welfare of deceased women was thought to be bound with that of the men they were associated with during life.

G-d confirmed the position of the daughters of Zelophehad, and upon transmitting guidelines for inheritance established the law of the right of daughters to inherit in the absence of sons. This was a significant step toward gender equality in the ancient world.\* Indeed, in the context of the ancient world the

very scene of the five sisters stepping forth to stand "before Moses, before Eleazar the priest and before the chieftains and the whole assembly at the entrance of the Tent of Meeting" to present their case themselves is an inspiring example of women's advancement.

Subsequently, leaders of the tribe of Manasseh, to which Zelophehad belonged, expressed a concern to Moses and the tribal leaders (Num. 36). If any of Zelophehad's daughters married a man from another tribe, the portion of Zelophehad's estate that she had inherited would go to another tribe; this would diminish the original ancestral land estate of the tribe of Manasseh.

Once again, the response recognized the merit of the petitioners' concern. Upon G-d's instructions Moses told Zelophehad's daughters that although they had the right to choose whom to marry, they were to marry within their tribe. And they did so. This restriction has traditionally been understood as applicable only to that generation that entered the land with Joshua and to the original distribution of the land. Once a tribe's land allocation was set with the establishment of tribal borders the transference of land within the borders was of a less serious nature.

It is significant that in the fortieth year, shortly before Moses' death, questions based on the new circumstances that were soon to prevail were addressed to him to which he had no answer. The daughters of Zelophehad episode reflects the progressive revelation that was G-d's original plan for Israel, that in the future there would be a prophet like Moses to whom questions may be addressed: "I will raise up a prophet for them from among their brethren, like yourself, and I will place My words in his mouth, and he will speak to them..." (Deut. 18:18).

The two aspects of the daughters of Zelophehad case, one attached to the census and the other being the final passage of the book of Numbers, provide fitting "bookends" to the last portion of Numbers (Num. 26–36) directly dealing with inheriting the land.

#### **4. Moses' Impending Death and Succession**

The passage within which G-d informs Moses of his impending death is framed in an optimistic mode

(Num. 27:12 ff.). G-d invites Moses to ascend the mountain and view the territory He has given to Israel, signifying that everything is in order and that the nation will soon possess its land. This surely gave Moses a deep sense of satisfaction. In Deuteronomy 34 – the last passage of the Torah – we read that just before Moses’ death he ascended the mountain and G-d showed him the whole land up to its borders on all sides, perhaps indicating that this “viewing” included a prophetic vision.

In our Numbers account, when G-d notified Moses of his imminent passing away, He did not at first inform him regarding his successor. We are then told that Moses promptly implored Him to appoint an appropriate leader, highlighting the point that the departing leader was primarily concerned about the welfare of his charges. In Moses’ Deuteronomy review no mention is made of this; he presents the matter as G-d straightaway having selected Joshua as successor. The explanation may be that the narrative informing us of Moses’ immediate reaction to being told of his imminent departure with a prayer expressing concern for the people’s welfare is part of the objective report of Numbers. But in his personal review in Deuteronomy he did not deem this matter to be necessary to mention.

On the other hand, in our context we are not told about Moses beseeching G-d to rescind the decree banning him from entering the land and having been turned down, as narrated in Deuteronomy 4:23-25. This personal request and G-d’s refusal were private matters and the account of them did not belong in the objective narrative of Numbers. It was Moses’ prerogative to reveal them if he so chose. In Moses’ valedictory address in Deuteronomy, where it served his purpose, he chose to reveal them.

In Moses’ prayer for a proper successor, he requests that the successor be one **אֲשֶׁר יֵצֵא לְפָנֵיהֶם וְאֲשֶׁר יָבֵא לְפָנֵיהֶם** (“who goes out before them and comes in before them” [Num. 27:17]), connoting a leader who is active, courageous and inspiring, one who sets an example. Continuing in the same verse with another nuance of the same verbs, **וְאֲשֶׁר יוֹצִיאֵם וְאֲשֶׁר יָבִיאֵם** (“who takes them out and brings them in”), he implores that the successor be one who can be in charge of making decisions, planning strategy and managing them. He concludes his prayer with, “so

that Hashem’s assembly not be like sheep that have no shepherd.” (Since Moses had been a shepherd, the simile is more meaningful.)

Moses undoubtedly knew Joshua was the leading candidate for succession. He had been Moses’ assistant from the first year after the Exodus and led a successful military campaign at that time. In Deuteronomy, Moses stated that G-d had indicated at the time of the episode of the spies (Deut. 1:38) that Joshua was to be the future leader who would lead Israel to take possession of the land. But of course Moses wanted G-d to officially make the appointment at this critical time.

G-d responds by designating Joshua as the successor. However, He structures the new leadership role very differently from that of Moses. The new leader is to stand before Eleazar the high priest and (regarding important matters) inquire of the Urim [and Thummim]. Using the identical verbs Moses employed, He radically modified the meaning: **עַל פִּי יֵצְאוּ וְעַל פִּי יָבֹאוּ** (“by such instruction they shall go out and by such instruction they shall come in” [NJPS]), placing the word of G-d derived through the Urim and Thummim as the guideline for leader and nation. Some commentators take the antecedent to **פִּי** to be Eleazar, the high priest who consults the Urim and relays the message, while others take it to be G-d, for ultimately decisions are at His word. But the common denominator of these explanations is the same. Future heads of state are not to make important decisions without consulting with the high priest. After all, Moses was unique – a leader and prophet in one. The subordination of future leaders to G-d’s word must be ensured.

It is noteworthy that there is never an issue in the Torah of Moses’ sons receiving a leadership role after his passing away. Clearly, the position of foremost national leader that was filled by Moses was understood as being based on merit, requiring the most qualified candidate available, and therefore not inheritable. That the Torah passes over Moses’ sons completely as regards a public position makes the important point that a man’s greatness does not automatically secure positions of eminence for his sons.

The priesthood is altogether a different matter. In that sphere, in which many individuals were to be

functioning, the guiding concept was that a clan be designated for sanctuary service and related matters and be excluded from participating in the secular life of the nation in order to focus on the sacred. Fathers would raise their children from birth to be aware of their future calling and children would become imbued with the appropriate spirit and be familiar with priestly responsibilities from early on. G-d said to Aaron: "In their land you shall have no inheritance and you shall have no portion among them; I am your portion and your inheritance among the Israelites" (Num. 18:20). Thus, to achieve greater spiritual heights, the priesthood was established as heritable.\*\*

## 5. Sanctuary Service

With the focus on entering the promised land, the Israelites were to recognize that the fundamental condition for remaining and thriving therein was devotion to G-d's will. Upon entering the land the Israelites were to be dedicated to His dwelling place within the nation and to proper and ongoing sanctuary service. Hence, the next topic is a comprehensive statement of sacrificial service for all the set times of the year.

The Numbers statement on sacrifices is not a repetition of Leviticus 23. There, the focus is on establishing the festival calendar, with only general statements regarding the sacrifices to be brought, mostly "you shall present an offering by fire to Hashem." Here, the focus is the particular sacrificial service for all occasions of the year with the prescribed numbers and types of offerings specified for each occasion.

The sacrificial program seems to contain a great deal of covenantal symbolism. As pointed out in previous studies, the number symbol in the ancient Near East to connote completion and perfection was seven, which is often alluded to in the Torah (and at a certain point seems to have represented the "old order"). However, the number signifying the G-d-Israel covenant in the Torah is eight, which superseded the seven in covenantal matters (see our study *On Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon*). The sacrificial program contains many cases of sevens that are transformed to eights.

Thus, one ram was added to seven lambs in the 'olah offering on commemorative occasions. As an animal of the same species and gender (given that all 'olot sacrifices are male) but more mature and more prominent, the ram seems to have been intended to transform the group of seven into a covenant-connoting unit of eight. The service for *Rosh Hodesh*, all the days of Passover, Shavuot, Rosh Hashanah, Yom Kippur and Shemini Asseret all require seven lambs and one ram. The prescription for Sukkot is different but a clearly related variant. Each of its seven days requires fourteen lambs and two rams, maintaining the symbolism of eight through doubling.

On an ordinary day one lamb was sacrificed for the perpetual 'olah offering each morning and one each afternoon. On the Sabbath, in addition to these two it was required to sacrifice two extra 'olah lambs. Thus, the perpetual 'olah offerings comprised a total of sixteen lambs each week. By requiring the extra two Sabbath lambs, the Sabbath day is counted twice, as the seventh day of the week and as the special day that the seventh day is, the day that suffuses sanctity into the week. In this way, the Sabbath subsumed the seven-day week – which obviously could not be changed – into the covenant symbolism of eight.

A standard "lunar year" (one that concludes after twelve months of twenty-nine and one-half days each) contains 354 days. It would have fifty Sabbath days (in the model year, in which the first day of the first week is Sunday). Thus, the yearly total of the perpetual 'olah sacrifices would be  $354 \times 2 + 100 = 808$ , clearly covenantal symbolism.

Shemini Asseret is, as the sages term it, "a festival for itself," not part of the preceding seven-day Sukkot festival but an eighth day added to the Sukkot commemoration. Thus, this day appears to have wholly been established as a covenant signifier.

All rams in Numbers 28–29 are 'olot, and, as mentioned, are prescribed for every commemorative occasion, apparently creating covenant symbolism. Why was the ram specifically selected to be the animal to signify the covenant? This lends itself to an aspect of midrashic thought that in this case may very well be the *peshat*. The ram is a reminder of Abraham's ram that he noticed caught in the thickets by its horns (obviously providentially provided) that

he sacrificed as an *'olah* in place of Isaac (Gen 22:13). It serves as a most suitable backdrop in a commemorative context given that it recalls the highest level of commitment to G-d.

### Endnotes

\* In standard cases when sons inherit their father's estate, the text does not provide any guidelines regarding support of the widow and single daughters of the deceased. But it is inconceivable that the sons would not be required to use part of the inherited property to care for them, at least until they are married. Such was an arrangement that obtained in many parts of the ancient world. In some Near Eastern societies daughters inherited equally with sons. The absence of some protection for the widow and daughters would clearly be a great injustice, incompatible with the fundamentals of the Torah and with its spirit throughout. This is one of the numerous indications that the Torah text was to be understood as embedded within an "Oral Law" tradition. Indeed, the very fact that Zelophehad's daughters assumed that

they were not going to inherit without a special dispensation, although the law of sons inheriting and not daughters had not specifically been taught as part of the lawgiving, also implies a certain unwritten law that must have been based on established practice and custom, a "common law." Surely this bespeaks the existence of an Oral Law.

In postbiblical times, when Jewish society assumed a vastly different structure, rabbinic practice developed means for the estate of the deceased to provide for the widow and her daughters when there were sons. Subsequently, traditional Jewish law has recognized use of legal instruments to provide for daughters to inherit equally with sons.

\*\* When the people opted for kingship "like all the nations," inheritability was intrinsic to that institution, which required stability. But that institution was established as a response to the request of the public and its rules are modifiable.

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