

Parshat Pinchas Vigilantism?!

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Parshat Pinchas begins with extolling the virtuous action taken by Pinchas at the tail end of Parshat Balak. In the previous Parsha, many members of Bnei Yisrael had succumbed to the seduction of the Midyanite women and then had been enticed to worship the Midyanite god Ba'al Pe'or. God, incensed by this deviant behavior, instructs Moshe to initiate legal proceedings against the perpetrators in order to quell His anger. While Moshe is conveying to the gathered judges the judicial protocol for the capital punishment to be visited upon the violators, Zimri ben Salu, a prince of the tribe of Shimon, defiantly consorts with Kazbi bat Tzur, a princess of Midyan. The exasperated leaders witnessing this abhorrent act are reduced to crying. This seditious conduct and the inaction by the leadership only serves to further incite the raging plague that is sweeping through Bnei Yisrael. Quick on his feet, Pinchas takes action without hesitation and kills the two culprits in one fell swoop. He invokes the principle that he had learnt from Moshe Rabbeinu, that one who consorts with an Aramean (heathen), religious zealots may attack him (הבוועל ארמית קנאין פוגעין בו). Pinchas's alacrity in the face of inaction by the other leaders stems the tide of an intensifying insurrection and provides the much needed relief from the plague affecting the people. Due to his loyalty in zealously avenging on God's behalf, God awards Pinchas with His covenant of everlasting peace (ברית שלום) and priesthood (ברית) as recompense for sparing Bnei Yisrael annihilation from God's anger. Through this positive reinforcement of Pinchas's behavior, the Torah seems to impart a clear message that God condones and rewards religious zealotry. If taken literally, this would obviously lead to an untenable situation whereby individuals could take extralegal action under the guise of defending God's honor. It would inspire vigilantism in God's name to right all the perceived wrongs and wreak havoc on society as the ends would always justify the means. In light of this danger, how is one to perceive the Torah's sponsorship of Pinchas in this week's Parsha?

One approach would be to assume that Pinchas was an outstanding individual and therefore he was afforded special consideration when it came to religious matters and zealousness on behalf of God. If true, it would narrow the scope of this dispensation, but it still would leave a dangerous opening for people who consider themselves similar to Pinchas to act extra-legally in the name of God. On the other hand, maybe Pinchas's conduct was a unique moment in history not to be emulated or extrapolated. To gain a better perspective on how this event should be perceived, it is worthwhile to take a look at other instances where Pinchas appears in Tanach.

There are two instances in Tanach where Pinchas appears as a leader in national incidents. The first of which is found in Sefer Yehoshua.¹ After the conquest and division on the Land of Israel, Yehoshua bids farewell to the tribes of Reuven, Gad and half of Menashe. He praises their adherence to the pact they had entered into with Moshe Rabbeinu. They faithfully joined their brethren in the conquest of the Land of Israel before settling in their chosen inheritance on the eastern side of the Jordan River. Now that they have completed their end of the bargain, he blesses them and releases them to return to their homes. On their journey back home, they stop by the Jordan River and build a large and visible altar. When the news reaches Bnei Yisrael, they gather in Shilo to raise an army to attack those engaged in this traitorous endeavor. The leader of this assemblage is none other than Pinchas. A mission, comprised of Pinchas and ten princes, one representative from each tribe, is sent to warn the people of Reuven, Gad and Menashe of the consequences of their actions. When they reach the Jordan River, they immediately challenge the two and a half tribes by saying how could you be so callous to engage in this treachery against God to build a foreign altar outside of Mishkan Shilo? Was it not enough the plague that was visited upon us when we worshipped Pe'or in a similar fashion? Today, you will leave God and tomorrow he will bring his wrath upon the remainder of Bnei Yisrael. It is clear that they are invoking the imagery of Ba'al Pe'or to indicate to Reuven, Gad and Menashe the severity of their infraction, but it is also a warning that just as the plague back then was impeded by the killing of the perpetrators so too you will face that same fate. They launch into this diatribe before ever ascertaining the motives of the two and half tribes. Pinchas, true to his form, is leading a repeat performance of his zealous salvation of the nation found in this week's Parsha. Only this time, in his rush to uphold God's honor, he incorrectly assesses or misinterprets the situation. A disaster is narrowly avoided when the two and half tribes are given a moment to explain their intentions. Reuven, Gad and Menashe were afraid that in future generations the people on the western bank of the Jordan River would see the natural boundary as a dividing line between those who were a part of God's nation and those who were outsiders. They built the altar not to worship on it or to break away from God, but for it to serve as a sign of national unity, bridging between those on the eastern and western sides of the Jordan. The delegation accepts their explanation and returns to Shilo to disband the gathered army.

The next time Pinchas appears in a national context is in the story of Pilegsh B'Giva.² The story begins with a terrible incident in which low-lives from the Giva in the tribe of Binyamin attack a visitor who is lodging

overnight in their city.³ Ironically, he had traveled further to reach the safety of the Jewish city in Binyamin rather than risk the danger of lodging in the Jebusite city of Jerusalem. In order to placate the gathered mob, the visitor hands them his mistress. They repeatedly rape her and she collapses on the doorstep of the house where the visitor is lodging. When the visitor awakens in the morning, he discovers his dead mistress. Distraught over what had transpired, he sends messages to all the other tribes retelling the trauma he and his mistress had undergone at the hands of these people from Binyamin and he demands that they immediately address this debauchery. Disgusted by the immorality, the other tribes gather to demand that the tribe of Binyamin turn over those responsible for this heinous crime. The people of Binyamin refuse and a civil war ensues with innumerable casualties on both sides. In their rush to defend their honor and punish this immorality, the remainder of the nation nearly completely wipes out the tribe of Binyamin. To make matters worse, they also entered a pact by which everyone agreed not to allow their daughters to marry anyone from the tribe of Binyamin. There is much soul searching throughout the disastrous civil war, but it is misguided and too little too late. In the end, they regret their behavior and try to restore some semblance of the tribe of Binyamin. The only leader mentioned in the entire incident is Pinchas. Throughout the civil war, Bnei Yisrael repeatedly seek God's counsel, with Pinchas as the conduit, through the Urim V'tumim. While there is no direct implication of Pinchas, the circumstances of him once again presiding over extralegal action taken by the tribes against Binyamin is a tacit indictment of him. His complicity in the whole affair implies a certain responsibility for the disastrous outcome of the civil war.

In these two stories, Pinchas is a leader of the people's zealous prosecution of those that are guilty. He attempts to reuse the same methods that were so successful for him by Ba'al Pe'or, but the results are much different. In the first case, in Yehoshua, a misplaced civil war is narrowly avoided, while in the second instance, Pilegish B'Giva, a civil war ensues, which results in an unmitigated disaster. It is interesting to note that Pinchas is associated with Sefer Shoftim, which is a book of anarchy (בימים ההם) whereas his father Elazar is associated with the Sefer Yehoshua, a book of order and compliance.⁵

Even though Pinchas was within the Halachik guidelines when he killed Zimri and Kazbi (הבועל), both the Talmud Bavli and Yerushalmi take umbrage with his action. The Bavli

does it in a more circumspect manner.⁶ It first declares that if a zealot seeks counsel from a Halachik authority (הבא לימלך) as to the proper course of action to be taken if he comes across someone consorting with an Aramean (בועל ארמית), they should instruct this avenger of God to desist from any action (אין מורין כן). As Rashi notes, the definition of a zealot is someone who acts out of passion, not someone who seeks official sanctioning of his behavior.⁷ The Gemara then continues to slowly close the window on extrapolating this precedent by narrowing the scope of its chances for success. It first qualifies that the permission to act zealously and attack the perpetrators is only if it is done when they are in the midst of the act. Had Pinchas taken action a moment later, once the sin had already been committed (אם), (פירש זמרי והרגו פנחס), he would have been subject to a death penalty for murdering a fellow Jew.⁸ In addition, had Zimri turned to protect himself from Pinchas's attack (נהפך זמרי והרגו לפנחס), it would have been considered self-defense and if he killed Pinchas it would have been deemed a justifiable homicide.⁹ This incremental contraction of the applicability of the law invoked by Pinchas (הבועל ארמית קנאין פוגעין בו) until it is nearly impossible to meet the criteria for it to be relevant demonstrates Chazal's uneasiness with the precedent and the Oral Laws clear limitation on its pertinence.

The Yerushalmi minces no words when it says that the authorities of the time were displeased with the deadly action Pinchas had taken (שלא ברצון חכמים) and they wanted to excommunicate him for what they considered to be aberrant behavior (ביקשו לנדותו).¹⁰ It is clear they saw this as setting a dangerous precedent. The Torah Temima explains that the Chachamim's disapproval stemmed from the need for a religious zealot to act completely altruistically when avenging God's honor.¹¹ That is a threshold that is hard for any person to meet since by definition human beings are mortal and fallible. They are overtly or subconsciously influenced and driven by personal interest.¹² In this case, the stakes are even higher

⁶ אמר רב חסדא: הבא לימלך - אין מורין לו. אימנר נמי, אמר רבה בר בר חנה אמר רבי יוחנן: הבא לימלך - אין מורין לו. (סנהדרין פב.)

⁷ קנאי הבא לימלך בבית דין ובשעת מעשה אם יפגע בו - אין מורים לו, שלא נאמרה ולא למקנא מעצמו ואינו נמלך (שם רש"י ד"ה אמר רב חסדא)

⁸ ולא עוד אלא, שאם פירש זמרי והרגו פנחס - נהרג עליו (סנהדרין פב.)

⁹ נהפך זמרי והרגו לפנחס - אין נהרג עליו, שהרי רודף הוא (שם)

¹⁰ ירושלמי סנהדרין פרק ט ה"ד: ...ופינחס שלא ברצון חכמים אמר רבי יודה בר פזי ביקשו לנדותו אילולי שקפצה עליו רוח הקודש ואמרה והיתה לו ולרועו אחריו ברית כהונת עולם וגו'

¹¹ כמה עמלו המפרשים לפרש דרשה זו בכלל, אבל האמת יש לפרש בדרך פשוט, דאמר בזה תני שלא ברצון חכמים, כלומר, הא דקנאים פוגעין בבועל ארמית אין רוח חכמים נוחה מזה, והסבירא בזה י"ל, דכיון דצריך לעשות זה ברוח קנאה אמיתית לכבוד ה', א"כ אי אפשר לתת רשות לכל אדם שיהיה רשאי לפגוע באיש כזה, כי מי יודע אולי הוא עושה זה באתר פניה צדדית ואומר כי עושה ברוח קנאת ה', ובין כה הוא הורג נפש שאינו מחויב מיתה מצד הדין ממש, וכעין מ"ש ביבמות ל"ט ב' שטוב לחלוץ מליבם, דשמא אינו עושה לשם מצות יבום אלא לשם פניה צדדית ונמצא נכשל באיסור אשת אח, ופריך וכי פינחס עשה מעשה שהיא לא ברצון חכמים, ומשני אמנם כן, וכי באמת ביקשו לנדותו על מה שעשה, אלמלא קפצה רוח הקודש ואמרה והיתה לו ברית כהונת עולם תחת אשר קנא וגו', וא"כ העידה רה"ק כי היה קנאי ממש ופטרורו... (תורה תמימה הערה לא במדבר כה, יג.)

¹² עיין רמב"ם פיה"מ מכות ג, טז: מיסודות האמונה בתורה שאם קיים האדם מצוה משלש עשרה ושש מצוות מצות ראויה וההוגן ולא שתף עמה מטרה ממטרות העולם הזה כלל, אלא עשה לשמה מאהבה כמו שביארתי לך, הרי הוא זוכה בה לחיי העולם הבא, לכן אמר ר' חנניה כי מחמת רבוי המצוות אי אפשר שלא יעשה האדם אחת בכל ימי חייו בשלימות ויזכה להשארות הנפש באותו המעשה...

³ הרמב"ן על התורה מתיחס להקבלות בין הסיפור של פלגש בגבעה לביקור המלאכים אצל לוט בסדם: ודע והבן כי ענין פילגש בגבעה (שופטים יט) אף על פי שהוא נדמה לענין הזה אינו כמותו לרוע... (רמב"ן בראשית יט, ח.)

⁴ עיין שופטים יז, יח, יט, כא, כה

⁵ עיין יהושע יד, יא, יט, כא, כד, לא ולג

since the zealot is going to take the life of another person through extralegal action. In the end, the leaders were stymied by God's endorsement of Pinchas. In awarding him His covenant, God validated that Pinchas had acted in a completely selfless manner on behalf of God. The Gemara Yerushalmi is unequivocal that, absent God's approval, religious zealotry would be shunned and punished rather than championed.

Tosafot summarizes it best when he says that when a person engages in religious zealotry, he is so impassioned and self-righteous that he will inevitably take it too far.¹³ Going back to the story of Pilegsh B'Giva, the Gemara tells us that the reason God punished the parties so harshly is because of their hypocrisy.¹⁴ Simultaneous with the story of Pilegsh B'Giva, a little further to the north in the mountains of Ephrayim, there was unfettered idol worship taking place (פסל מיכה).¹⁵ Chazal relate that, due to its proximity, the smoke that arose from the idol worship of Pesel Micha mingled with the smoke from the sacrifices of Mishkan Shilo. God is angered by the zealousness of the tribes to protect their honor and punish the tribe of Binyamin in an extralegal fashion, yet they looked aside when it came to God's honor by ignoring the conspicuous idol worship taking place right under their noses. The Ramban adds that the tribes felt morally compelled to go beyond the letter of law to right the injustice perpetrated by the tribe of Binyamin when it came to an infraction that offended their sensibilities, but they could not even bring themselves to administer the letter of law when it came to a heretical abrogation of a primary fundamental of our faith that aggrieved God.¹⁶

We are enjoined to emulate God when it comes to constructive engagement with others – just like God is merciful, so should you be merciful, just like He takes care of others so should you take care of others.¹⁷ We need to strive to be Godly in the goodness we bestow on others, in the favorableness of the prism through which we view them and in the joy we experience in their successes. While we never can be completely altruistic in our positive interactions, nevertheless, falling short in this realm still generally

results in a virtuous outcome. On the other hand, when it comes to avenging God's honor, in essence, to act on behalf of God is in some sense to be God. Therefore, anything short of Godly perfection, which is an impossible task for us human beings, by extralegal zealotry is not just a slight deviation, but an outright failure. One small misstep by Pinchas would have been construed as murder rather than a commendable and unimpeachable act. It is an all or nothing proposition that has only one very rare successful outcome. Vigilantism, especially in the religious realm, leads to unnecessary overzealousness that causes the impassioned individual to become a sinner rather than a righteous defender or justice seeker. The Oral Law wisely foresaw the dangers of this behavior because people who feel justified in taking extralegal action soon extrapolate that "permission" to be above the law in other areas. Their personal motives and goals cloud their judgment and soon there are no longer any laws or guidelines that bind their actions. The other stories in Tanach about Pinchas remind us that even for the greatest among us this was a one-time non-extrapolable event. Therefore, Chazal wisely put their foot down and advised us that the ends do not justify the means. They remind us of the limits of the applicability of this historical event, at least with regards to destructive or extralegal pursuits. If one feels impassioned or zealous, whether personally or in the name of God, it needs to be manifest in positive and constructive action. In the end, that might be the Torah's message when God awards Pinchas his covenant of peace for his alacrity in defending God's honor. It is an everlasting reminder that we need to channel those negative emotions towards a positive outcome.

Shabbat Shalom

¹³... והשתא מה כפיית יצר שייך כיון דמצוה לשנאתו וי"ל כיון שהוא שונא גם חבריו שונא אותו דכתיב (משלי כז) כמים הפנים לפנים כן לב האדם לאדם ובאין מתוך כך ליד י שונא גמורה ושייך כפיית יצר. (תוד"ה שראה פסחים ק"ג);

¹⁴ תניא, רבי נתן אומר: מגרב לשילה שלשה מילין, והיה עשן המערכה ועשן פסל מיכה מתערבין זה בזה. בקשו מלאכי השרת לדוחפו, אמר להן הקדוש ברוך הוא: הניחו לו, שפתו מצויה לעוברי דרכים. ועל דבר זה נענשו אנשי פלגש בגבעה. אמר להן הקדוש ברוך הוא: בכבודי לא מחיתם, על כבודו של בשר ודם מחיתם! (סנהדרין ק"ג).

¹⁵ שופטים פרק ז'
¹⁶... ומה נכבדו דברי רבותינו (סנהדרין ק"ג ב) שהיה הקצף בפסלו של מיכה, אמר הקדוש ברוך הוא בכבודי לא מחיתם, בכבוד בשר ודם מחיתם. לומר, בכבודי לא מחיתם במחוייבי מיתה ופושטים ידיהם בעיקר, בכבוד בשר ודם מחיתם יותר משורת הדין. (רמב"ן בראשית י"ט, ח)

¹⁷ אבא שאול אומר: ואנוהו - הוי דומה לו: מה הוא חנון ורחום - אף אתה היה חנון ורחום. (שבת קל"ג) \ \ ואמר רבי חמא ברבי חנינא, מאי דכתיב: אחרי ה' אלקיכם תלכו? וכי אפשר לו לאדם להלך אחר שכינה? והלא כבר נאמר: כי ה' אלקיך אש אוכלה הוא! אלא להלך אחר מדותיו של הקדוש ברוך הוא, מה הוא מלביש ערומים, דכתיב: ויעש ה' אלהים לאדם ולאשתו כתנות עור וילבישם, אף אתה הלבש ערומים; הקדוש ברוך הוא ביקר חולים, דכתיב: וירא אליו ה' באלוני ממרא, אף אתה בקר חולים; הקדוש ברוך הוא ניחם אבלים, דכתיב: ויהי אחרי מות אברהם ויברך אלקים את יצחק בנו, אף אתה נחם אבלים; הקדוש ברוך הוא קבר מתים, דכתיב: ויקבר אותו בגיא, אף אתה קבור מתים. (סוטה י"ד).