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Sacred Slaughter: The Discourse of Priestly Violence as Refracted through the Zeal of Phinehas in the Hebrew Bible and in Jewish Literature

A dissertation presented

by

Yonatan S. Miller

to

The Department of Near Eastern Languages and Civilizations

in partial fulfillment of the requirements

for the degree of

Doctor of Philosophy

in the subject of

Near Eastern Languages and Civilizations

Harvard University

Cambridge, Massachusetts

August 2015

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Dissertation Advisor: Professor Shaye Cohen Yonatan S. Miller

Sacred Slaughter: The Discourse of Priestly Violence as Refracted through the Zeal of Phinehas in the Hebrew Bible and in Jewish Literature

Abstract

The story of Phinehas' zealous slaying of an Israelite man and the Midianite woman with whom he dared consort in public (Numbers 25) is perhaps the most notorious of a number of famed pentateuchal narratives that are marked with vigilante violence. Significantly, these narratives feature members of the Israelite priesthood or their eponymous ancestors. When reading these texts together, we uncover a consistent literary undercurrent which associates the priesthood with acts of interpersonal violence — a phenomenon which I refer to as the motif of priestly violence. This dissertation examines the origins and discursive functions of this motif, and, employing the violence of Phinehas as a test-case, explores its interpretive afterlife in biblical and Jewish literature.

I argue that likely impelling the motif of priestly interpersonal violence is the cultural memory of the violence of the sacrificial cult — be it the violence inherent in the slaughter of animals, or the possible Israelite prehistory of human sacrifice. Despite these seemingly negative associations, the discourse of priestly violence functions as a critical legitimating component of the priestly imagination in the Hebrew Bible. Indeed, numerous biblical texts insinuate that it is violence, not the right lineage, that generates priestly identity. Exploring the

Nachleben of Phinehas' famed violence, I demonstrate how ancient readers of the Hebrew Bible recognized and were sensitive to these facets of the motif.

My findings reveal that the legitimating function of Phinehas' priestly violence continues in the Jewish literary tradition. From the literature of the Second Temple period through the rabbinic canon and continuing through the medieval midrashim, Jewish authors employed Phinehas' violence in the service of their own discourses of group (de)legitimation. Priestly groups with questions about their pedigree, such as the Hasmonaeans, appropriated the discourse of Phinehas' violence as a bulwark against the contestation of their priestly identity. But we also find subversive uses of Phinehas' violence, particularly in Palestinian rabbinic texts, which question the integrity of Phinehas' priestly lineage as well as the propriety of his lethal zeal. This serves to delegitimize the priesthood and effectively quash any lingering priestly claims to ritual leadership.

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Acknowledgments

It is almost axiomatic to write in one's dissertation acknowledgments that the accompanying project has had a long gestation, and this project, which has been on my mind for almost a decade, is no exception. I first became interested in Phinehas at the Hebrew University in Jerusalem, where I undertook graduate studies under the guidance of Daniel R. Schwartz. I enjoyed many good years in Jerusalem studying Second Temple and rabbinic literature, and I am grateful to Danny, Isaiah Gafni, and Esther Chazon for laying the foundations for my career in Jewish studies and for supporting my pursuit of a doctorate abroad.

I came to Harvard, having made it my mission when I was an undergraduate to study one day with Shaye Cohen. From Shaye I learned the hermeneutics of suspicion, respect for the scholarly greats of yesteryear, and the importance of good "old-fashioned" philological work. For the past six years it was always reassuring to me that whenever the door to his office was open, I was welcome to come inside and schmooze about matters both big and small. More importantly, Shaye kept steady faith in my dissertation work, throughout its many twists and turns. I am proud to call Shaye my Doktorvater, and I am thankful for having had the privilege to train under his tutelage. It is my sincere hope that my work bears the mark of his training.

Over my years at Harvard I gained a tremendous amount from the outstanding faculty of the Divinity School, including Giovanni Bazzana, Jon Levenson, and Jonathan Schofer. I would also like to single out Andrew Teeter for his advice and encouragement at critical times in the project. Moving across Oxford Street to the Law School, I am also extremely grateful for the guidance and assistance of Noah Feldman through my exams and the planning stages of the dissertation. Noah's enthusiasm for the distantly related research project with which this dissertation long ago began was indispensable. Although this project took me down a different path, I hope to one day revisit vigilantism and its place in the legal world.

David Stern and Martha Himmelfarb were generous with their time and served as excellent readers — even from afar. I am grateful to them for their timely and extensive feedback, constructive criticisms, and suggestions for improvement. While we may still disagree on a number of points, it goes without saying that any errors remaining in the dissertation are my own.

Portions of this dissertation were presented at the Hebrew Bible Workshop at Harvard; the New England and Eastern Canada Regional Meeting of the Society of Biblical Literature (Newton, MA, April 25, 2014); the National Meeting of the Society of Biblical Literature (San Diego, November 24, 2014); the Yale Ancient Judaism Workshop (December 4, 2014), and the Association of Jewish Studies Conference (Baltimore, December 16, 2014). In these fora I gained particular benefit from the comments of Andrew Teeter, Bernd Schipper, Ra'anan Boustan, Christine Hayes, Steven Fraade, and Yishai Kiel. Matthew Hass read substantial portions of the dissertation, and I thank him for his comments and encouragement.

Offering me valuable advice throughout my graduate career were Gregg Gardner, Eitan Kensky, Cian Power, Zvi Septimus, Michal and Elitzur Bar-Asher Siegal, and Fr. Demetrios

Tonias. My dear friend Menachem Butler, whose infectious enthusiasm for anything related to academic Jewish studies is unparalleled, has been (and remains) a constant source of assistance and encouragement.

Throughout my time at Harvard I have benefited from the generous financial support of Center for Jewish Studies and its benefactors, both during the academic year and over the summer. Rachel Rockenmacher has always greeted me with a smile and was always enthusiastic about my work and various academic programming initiatives. I feel incredibly fortunate to be able to remain a part of CJS for one more year as a Harry Starr Fellow in Judaica.

I could not have pursued advanced studies in ancient Judaism had my parents, Phyllis and Michael Miller, not provided me with two decades of excellent Jewish schooling and continually fostered my interests in Jewish texts in extra-curricular frameworks as well. Although academic methodologies may differ from the Brisker derekh, the canon of sacred texts remains the same (well, for the most part). My in-laws, Susan Wolfsthal and Bill Keys, tracked my dissertation progress with the same care that an air traffic controller carefully guides in a plane for landing. I am immensely grateful for their ongoing support throughout my graduate career.

Just about ten years ago, on the very first day of my graduate studies at the Hebrew University, I sat next to a young woman named Rebecca with a blue, dog-eared Bible. Little did I know that through that chance encounter, we would eventually get married, start a family, and build a life together. Rebecca believed in me enough to move halfway around the world so that I could study at Harvard. She has also made an excellent mother to our cherished daughter Taïr, the light of our lives. Rebecca has been a steady presence by my side at, quite literally, every step of the way, from Jerusalem to Cambridge. I know that I can always count on Rebecca to offer constant encouragement, reassurance, and editorial help. It is to her that I dedicate this work, with admiration for her relentless pursuit of peace and justice in the world, and with appreciation for everything that she has helped me accomplish over the past ten years.

Note: Translations of biblical passages are from NRSV, unless otherwise indicated.

To Rebecca,
With Love and Appreciation

For your passion for peace and pursuit of peace;
for your compassion for humanity;
and for your love of wisdom.

אוהבת שלום ורודפת שלום
אוהבת את הבריות
ומקרבן לתורה

0. Introduction

Why do people kill in the name of religion? How can we account for the glorification, in some circles, of religious violence? How are people who kill in the name of God memorialized in religious texts, and how is their memory perpetuated over time? These questions unfortunately remain relevant even as I write. In this dissertation I examine a very specific subset of ancient religious violence, Israelite priestly violence, exploring its roots, functions, and long interpretive afterlife. As a test-case, I focus on the commemoration of priestly violence as refracted through the lethal zeal of one individual priest — Phinehas son of Eleazar.

The story of Phinehas is perhaps the best-known of a number of famed, albeit deeply troubling pentateuchal narratives that are marked with—and perhaps marred by—vigilante violence. Significantly, these narratives feature members of the Israelite priesthood or their ancestors. Thus Levi is portrayed (together with Simeon) as responsible for the massacre of all of the males of Shechem in Genesis 34. In his very first act upon stepping out into the world as an adult, Moses, progenitor of the Mushite priestly clan (see below), surreptitiously kills an Egyptian. Later Moses musters the Levites and exhorts them to rampage through the Israelite camp and kill thousands — even their own family members (Exodus 32). Moses then appears to reward the Levites by installing them into the priesthood. Finally, in Numbers 25, Phinehas—the grandson of Aaron—is rewarded with a dual covenant of peace and eternal priesthood for his vigilante-style, zealous killing of an Israelite man and the Midianite woman with whom he dared consort in public.

When read together, these narratives highlight a disturbing undercurrent in biblical narrative, which associates the priesthood with acts of interpersonal violence. While the existence of this motif has been recognized by scholars, albeit in passing, it has yet to receive an adequate examination or explanation. By the same token, the actions of Phinehas—himself the most famed exemplar of priestly violence—have yet to be examined through the lens of priestly violence. And while Phinehas attracted massive attention in the Jewish interpretive literature, the Nachleben of Phinehas' priestly violence remains understudied.

To engage with Phinehas is to tap the marrow of the Aaronide priesthood. Indeed, the hegemony and perpetual continuity of the Aaronide priesthood is assured through Phinehas himself (Numbers 25:13). Yet this guarantee of cultic and spiritual leadership for the Israelites is sealed with violence and the loss of life. Phinehas' "zeal for God" in slaying two sinners is presented, without compunction, as the cause for his priestly reward. But this is hardly an aberration. As I will illustrate below, the Israelite priesthood has associations with violence that go well beyond interpersonal altercations.

I begin with a theoretical exploration of the roots of the rhetoric of priestly violence, and how and why it serves as a critical legitimating component of the priestly imagination in the Hebrew Bible. Rather than following a positivistic or excavatory approach, which would ground priestly violence in concrete historical circumstances, I approach the biblical narratives concerning priestly violence as "historicized prose fiction" — as constructions of cultural memory. Following my introduction of the motif of priestly violence, I illustrate through the example of Phinehas how both biblical and post-biblical writers recognized, or otherwise dealt

with, this motif. I further demonstrate how and why these writings alternately appropriate, embellish, and suppress memories of Phinehas' violence. My findings reveal that, beginning with the biblical text and continuing onward in the interpretive literature, the violence of Phinehas is central to discourses of (de)legitimation, even among groups critical of Phinehas.

If physical violence is a touchstone of particular significance for the expression of power, the rhetoric of violence serves a similar function; it "serve[s] as a means through which people came to locate themselves within a social world."[1] Narratives of violence offer a stylized and highly charged venue for creating new realities and power structures; they are "a kind of theater, where we collaborate in reinventing ourselves and authorizing notions, both individual and collective, of who we are."[2]

1. Methods

My analysis focuses not on a historical reconstruction of the institution of Israelite and Jewish priesthood,[3] but on the manner in which biblical and post-biblical writers employed the text as a way to generate cultural meaning for both themselves and their readers. This sentiment is captured by the late Yosef Hayim Yerushalmi in his now classic work on Jewish historiography, *Zakhor*:

That biblical historiography is not 'factual' in the modern sense is too self evident

---

1. Ari Z. Bryen, *Violence in Roman Egypt: A Study in Legal Interpretation* (Philadelphia: University of Pennsylvania Press, 2013), 205.

2. Michael Jackson, *The Politics of Storytelling: Violence, Transgression, and Intersubjectivity* (Copenhagen: Museum Tusculanum Press, 2002), 16.

3. Nevertheless, an appreciation of some of the prominent theories on the history of the Israelite priesthood enhances my findings on priestly violence. See below, pp. 8ff.

> to require extensive comment. By the same token, however, its poetic or legendary elements are not 'fictions' in the modern sense either. For a people in ancient times these were legitimate and sometimes inevitable modes of historical perception and interpretation.[4]

Though situated by its authors in what were ostensibly "historical times,"[5] the Hebrew Bible is not—and rarely even purports to be—a history book. Moreover, from the perspective of modern biblical scholarship, the Torah, for example, is not a product of the times it purports to describe.[6] It is, rather, a composite repository of traditions, myths, and memories woven together with a brilliant editorial touch.[7]

Robert Alter latches onto precisely this dichotomy between history and fiction in the Hebrew Bible, and following Herbert Schneidau, he speaks of the Bible as "historicized prose fiction" or "fictionalized history."[8] On the one hand, biblical narratives are presented as history,

---

4. Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle: University of Washington Press, 2002), p. 13.

5. Following Amos Funkenstein's characterization of the biblical portrayal of the emergence of ancient Israel "among older cultures" as rooted in historical events rather than a mythical beginning or a natural existence as "part of the furniture of the world." See his *Perceptions of Jewish History* (Berkeley: University of California Press, 1993), p. 2.

6. Perhaps the most pristine example of this phenomenon is preserved in the Book of Daniel, which, though cloaked in the rhetorical garb of the Persian Period, has been shown definitively to be a product of the Hellenistic Period – as late as the 160s BCE. See *Anchor Bible Dictionary*, s.v. "Daniel." A similar argument has been applied to the Book of Esther; see Beate Ego, "The Book of Esther: A Hellenistic Book," *Journal of Ancient Judaism* 1:3 (2010), 279-302.

7. For a general overview, see Norman Perrin, *What is Redaction Criticism?* (Philadelphia: Fortress Press, 1969); J.R. Porter, "Old Testament Historiography," in *Tradition and Interpretation*, ed. G.W. Anderson (Oxford: Clarendon Press, 1979), 125-162.

8. See Herbert Schneidau, *Sacred Discontent: The Bible and Western Tradition* (Berkeley: University of California Press, 1976), ch. 5 ("The Bible and Literature: Against Positivism").

that is, as events "that really happened and that have some significant consequence for human or Israelite destiny."[9] On the other hand, the biblical writers were able to

> manipulate their inherited materials with sufficient freedom and sufficient firmness of authorial purpose to define motives, relations, and unfolding themes . . . with the kind of subtle cogency we associate with the conscious artistry of the narrative mode designated prose fiction.[10]

Somewhat paradoxically, fiction, for Alter, is the very vehicle through which the biblical writers "realized history."[11] Like Yerushalmi, however, Alter disabuses his readers of the notion that "fiction" is tantamount to fabricated folk tradition. There is much that can be gleaned from the text aside from reconstructing historical events. The visions, hopes, and aspirations of the biblical writers are fused in the text, and consequently, the texts may serve as a window onto the worldview of the writers.

Along these lines, Ronald Hendel contends that "the historian has much to investigate regarding the collective memories of a culture," even if these are couched in folk traditions.[12] As a first step, Hendel approaches the texts of the Torah as the product of a "history of discourses."[13] Biblical narratives did not emerge in a vacuum; they are the final product of an extended and collective process of both oral and written discourse:

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9. Alter, *The Art of Biblical Narrative* (New York: Basic Books, 2011), p. 37.

10. Ibid., p. 36.

11. Ibid., p. 36.

12. Ronald Hendel, "The Exodus in Biblical Memory," *Journal of Biblical Literature* 120:4 (Winter 2001), 601-622; quote from p. 602. See also idem, "Cultural Memory," in *Reading Genesis: Ten Methods*, ed. Ronald Hendel (Cambridge: Cambridge University Press, 2010), 28-46. My methodology here is highly indebted to that employed in Mark Leuchter, "The Fightin' Mushites," *VT* 62 (2012), 479-500, esp. 489-490. I am also grateful to Mark for his generous comments to an early draft of Chapter 1 of this study.

13. Hendel, "The Exodus," 603.

> The representations of cultural memory are not the past of the historian and neither are they wholly fictive. They are versions of the past that serve as foundations for collective practices and identity; as such, they are true existentially and morally, if only intermittently true historically.[14]

In engaging biblical narrative as cultural memory, Hendel is very much influenced by Jan Assmann's "mnemohistory." According to Assmann's simplest definition, "[T]he task of mnemohistory consists in analyzing the mythical elements in tradition and discovering their hidden agenda."[15] Whereas a positivistic or excavatory approach might attempt to mine cultural history for nuggets or kernels of historical truth,[16] "mnemohistory is concerned not with the past as such, but only with the past as it is remembered."[17] Memory, according to Assmann,

> is not simply the storage of past 'facts' but the ongoing work of reconstructive imagination. In other words, the past cannot be stored but always has to be 'processed' and mediated. This mediation depends on the semantic frames and needs of a given individual or society within a given present.[18]

The above methodology is also particularly well-suited to the study of rabbinic literature, a collection of corpora which is of central importance to the current study.[19] In recent years,

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14. Hendel, "Cultural Memory," 28-29.

15. Jan Assmann, *Moses the Egyptian: The Memory of Egypt in Western Monotheism* (Cambridge, MA: Harvard University Press, 1997), p. 10. A superb exemplar of this methodology is on display in Nachman Ben-Yehuda, *The Masada Myth: Collective Memory and Mythmaking in Israel* (Madison: University of Wisconsin Press, 1995).

16. On W.F. Albright's critical role in setting the positivistic agenda in biblical studies in the mid 20th century, see James Kugel, *How to Read the Bible* (New York: Free Press, 2007), pp. 96-103. For a survey of the oscillation in scholarship bewteen maximalism and minimalism, see James Hoffmeier, *Israel in Egypt: The Evidence for the Authenticity of the Exodus Tradition* (New York: Oxford University Press, 1997), ch. 1.

17. Jan Assmann, *Moses the Egyptian,* p. 9.

18. Ibid., p. 14.

19. Although scholars remain cautious when making positivistic use of Philo and Josephus, the wealth of external evidence against which these works can be evaluated is incomparable to the paucity of the same with regard to rabbinic literature.

Anglophone scholarship on ancient Judaism has come to be characterized by an increasing skepticism toward the extent of rabbinic authority, the normativity of rabbinic Judaism, and the degree to which the institutions portrayed in rabbinic literature were grounded in reality. Owing to these developments, the last decade has seen a marked rise in the interdisciplinary study of rabbinic texts through the lens of literary, postcolonial, and legal-theoretical studies.[20]

The skeptical approach is predicated upon three primary arguments: (a) rabbinic representations of the past, when not affected by a general apathy toward history, are now thought to have often been shaped by a wishful, "rabbinized" version of history;[21] (b) much of rabbinic law was never implemented, either due to jurisdictional constraints or the possibility that it was never meant to be implemented in practice;[22] (c) there is scarce documentary evidence outside of rabbinic literature that serves to corroborate the existence of populations sympathetic to the rabbinic project or the application of rabbinic law among Jews in late antiquity.[23]

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20. For literary approaches, see, e.g., Elizabeth Shanks Alexander, "Recent Literary Approaches to the Mishnah," *AJS Review* 32:2 (2008), 225-234; Ishay Rosen-Zvi, "Orality, Narrative, Rhetoric: New Directions in Mishnah Research," *AJS Review* 32:2 (2008), 235-249. Postcolonial: Annette Yoshiko Reed and Natalie Dohrmann, "Introduction: Rethinking Romanness, Provincializing Christendom," in *Jews, Christians, and the Roman Empire*, ed. Natalie Dohrmann and Annette Yoshiko Reed (Philadelphia: University of Pennsylvania Press, 2013), 1-21. Legal-theoretical: Barry Wimpfheimer, "Talmudic Legal Narrative: Broadening the Discourse of Jewish Law," *Diné Israel* 24 (2007), 157-196.

21. For an excellent review of scholarship on this topic, see Isaiah Gafni, "Rabbinic Historiography and Representations of the Past," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee (New York: Cambridge University Press, 2007), 295-312.

22. Hirsch P. Chajes is generally credited with being the earliest skeptic of rabbinic legal authority; see his "Les Juges Juifs en Palestine de l'an 70 à l'an 500," *Revue des Études Juives* 39 (1899), 39-52. For more recent scholarship, see Naftali Cohn, "Rabbis as Jurists: On the Representation of Past and Present Legal Institutions in the Mishnah," *Journal of Jewish Studies* 60:2 (Autumn 2009), 245-263.

23. See, e.g., Martin Goodman, *State and Society in Roman Galilee* (New Jersey: Rowman & Allanheld, 1983), p. 124: "Unfortunately, not a single case is described in which the Jewish magistrates are shown acting in their role . . ." See also Hannah Cotton, "The Rabbis and the Documents," in *Jews in a Graeco-Roman World*, ed. Martin Goodman (Oxford: Clarendon Press, 1998), p. 171: "It is a remarkable fact that no court, Jewish or non-Jewish—apart from that of the Roman governor of Arabia—is mentioned in any of the documents from the Judaean Desert—a great many of which are legal documents."

Rabbinic literature may thus be considered largely a "map without a territory;"[24] it functions within a "closed textual world" that, at best, testifies to the worldview of those responsible for its production.

Rather than leading to "dead-end criticism," as lamented one opponent of this approach, new avenues of inquiry have been opened, especially concerning the construction of rabbinic identity as refracted through the text.[25] While scholars of rabbinic literature have yet to speak of "mnemohistory," the methodology described by Assmann is alive and well in the study of classical rabbinic literature. For example, despite the lack of capital jurisdiction among the rabbis, the extensive laws in rabbinic literature governing the death penalty have been ably contextualized by Beth Berkowitz, who has argued that the rabbis attempted to arrogate and consolidate their own authority not through actual executions, but via the textual pageantry of judicial violence.[26]

2. A Brief History of the Development of the Israelite Priesthood

As I will argue that violence is an inextricable part of biblical narratives concerning priests and priesthood, and as biblical narrative is one of the main sources employed in scholarly

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24. See Jacob Neusner, "Map without Territory: Mishnah's System of Sacrifice and Sanctuary," *History of Religions* 19:2 (Nov. 1979), 103-127. Neusner's use of this phrase and the framework it represents is indebted to Jonathan Z. Smith's *Map Is Not Territory: Studies in the History of Religions* (Leiden: Brill, 1978). See, more recently, Ishay Rosen-Zvi, "Afterword: The Temple and the Mishnah," in idem, in *The Mishnaic Sotah Ritual: Temple, Gender and Midrash*, trans. Orr Scharf (Leiden: Brill, 2012).

25. For criticism of the skeptical approach, see Ze'ev Safrai, "Rabbinic Sources as Historical: A Response to Professor Neusner," in *Judaism in Late Antiquity*, III:1, ed. Jacob Neusner and A.J. Avery-Peck (Leiden: Brill, 1999), 143-167; quote from p. 167.

26. See Beth Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures* (New York: Oxford University Press, 2006).

debates over priestly origins and development, my work will, willy nilly, engage with the long legacy of scholarship on these issues. Since the publication of Julius Wellhausen's *Prolegomena to the History of Israel*, and his bold assertion that the Priestly writings represent the latest stratum of the Hebrew Bible, theories on the composition-history of the Hebrew Bible have become tightly bound with the history of the Israelite priesthood. While Wellhausen's work remains influential to this day, scholarly debates over priestly origins persist, and competing theories have gained prominence.

Past and recent approaches, however, have been largely positivistic, attempting to ground priestly narratives in concrete historical circumstances experienced by the ancient Israelites.[27] As I noted above, rather than following a positivistic or excavatory approach, I approach the biblical narratives concerning priestly violence as "historicized prose fiction" — as constructions of cultural memory. I contend that the rhetoric of violence in these narratives is a touchstone of particular significance for priestly intergroup polemics and self-fashioning. In avoiding a positivistic methodology I am not seeking to circumvent the historical questions surrounding the priesthood. In certain instances, for example, I will demonstrate that inferring historical conclusions from the biblical narrative is unwarranted. Such is also the position of Joel Baden, according to whom "any authentic historical reconstruction of the place of the Levites in ancient Israel, or the development of their role in society, is perhaps inaccessible with any degree of

27. Also positivistic, but outside of the scope of this work, are those comparative studies that situate the Israelite priesthood within the larger cultic community of the Ancient Near East. See, e.g., Leopold Sabourin, *Priesthood: A Comparative Study* (Leiden: Brill, 1973); Aelred Cody, *A History of Old Testament Priesthood* (Rome: Pontifical Biblical Institute, 1969).

certainty."[28] Other texts may lend themselves to historical analysis, in which case my methodology may be complementary to positivistic approaches.

(a) The Traditional View

Karl Skorecki, a geneticist at Haifa's Technion made waves in 1997 with the publication of a landmark study in the journal *Nature*.[29] Skorecki undertook a genetic analysis of Jewish men who self-identified as *kohanim*. Men in this group claim an unbroken line of patrilineal descent from the biblical figure Aaron, the brother of Moses, who is regarded by traditional Jews as the first priest. The results of Skorecki's study ostensibly confirmed that, indeed, men who self-identified as *kohanim* shared a common genetic marker on their Y-Chromosomes (coined the "Cohen Modal Haplotype"), which was exclusive to them and to no other Jewish control group. Moreover, the marker could be traced back some three millennia, to a time consistent with traditionalist dating of the Exodus from Egypt, which is when Aaron would have lived.

Skorecki's study generated much excitement in the wider Jewish community, as it was seen as vindicating at least one aspect of the historicity of the Hebrew Bible:[30] affirming the

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28. Joel S. Baden, "The Violent Origins of the Levites: Text and Tradition," in *Levites and Priests in Biblical History and Tradition*, ed. Mark Leuchter and Jeremy Hutton (Atlanta: Society of Biblical Literature, 2011), 103-116; quote from p. 103.

29. Michael F. Hammer, et al., "Y-Chromosomes of Jewish Priests," *Nature* 385 (January 2, 1997), 32.

30. E.g., Rabbi Yaakov Kleiman of Aish ha-Torah writes: "Thus, this research . . . has shown a clear genetic relationship between Kohanim and their direct lineage from a common ancient ancestor. These genetic research findings support the Torah statements that the line of Aaron will last throughout history. The Kohanim have passed the test of time and of tradition. And tradition has passed the test of science." See idem, *DNA & Tradition: The Genetic Link to the Ancient Hebrews* (Jerusalem: Devora Publishing, 2004), p. 24. Cf. Nadia Abu El-Haj, *The Genealogical Science: The Search for Jewish Origins and the Politics of Epistemology* (Chicago: The University of Chicago Press, 2012): "Genetic history is the latest instantiation of a perduring belief in both the importance and knowability of the past: that fundamental aspects of who one is are determined by one's past and that the past can be reconstructed and known on the basis of the remainders it has left behind" (p. 221).

priesthood as a static, hereditary institution that began with Aaron, Moses' brother.[31] While both were descendants of Jacob's son Levi, only Aaron's male descendants would take the title of kohen and be entitled to offer sacrifices and receive the twenty-four priestly gifts. By the same token, they would be effected by the numerous restrictions imposed on *kohanim* relating to death and marriage. The Levites, on the other hand, an appellation for all non-Aaronid descendants of Levi, though superior in status to Israelites, are portrayed in rabbinic sources as hierdoules[32] — as responsible for serving the priests and directing only ancillary operations in the Temple.[33]

(b) The Historical-Critical View

Representative of the historical critical view is Julius Wellhausen's century-old schema, which remains influential.[34] According to Wellhausen, the development of the institution of the Israelite priesthood is coeval with the "successive strata of the Pentateuch":[35]

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31. See, e.g., mMiddot 5:4, mGittin 5:8, and Bavli thereon. There is an inherent tension in that latter pericope, most probably motivated by the fact that it was composed centuries after the upending of the priestly hierarchy. On the pre-Aaronide priesthood, see *Mekhilta de-Rabbi Ishmael*, *Parshat Bo, Pisha* 1. On the Mushite priesthood, or more precisely, the (high) priesthood of Moses, see Sifra, *Tzav* 14; bZevahim 101b.

32. See, e.g., mArakhin 2:4 and bArakhin 11a, which suggestively juxtapose Levites with slaves.

33. On the rabbinic reception of the deuteronomic הכהנים הלויים, see bYevamot 86b, bHullin 24b, bTamid 27a. According to the Bavli, the latter is taken as referring to *kohanim*.

34. Elaborating on scholarly reconstructions of the history of the priesthood would seem to militate against the mnemohistorical approach which I discussed above. I invoke these reconstructions not to say that they provide the positivistic explanation for "what really happened" in the biblical texts. Rather, I employ the historical-critical viewpoint to provide a framework of coherence for the cultural memory of intra-priestly conflict in the text. It is one thing to say, for example, that the Golden Calf narrative in Exodus 32 is a witness to a historical event. In my view, on the other hand, the Golden Calf narrative provides a narrative record of the cultural memory of tensions between competing priestly groups.

35. Wellhausen, *Prolegomena*, 141. For important theological and methodological criticisms of Wellhausen, see Jon D. Levenson, *The Hebrew Bible, The Old Testament, and Historical Criticism* (Louisville: Westminster/ John Knox Press, 1993), esp. 10-32.; cf. the pointed response of James Barr, *The Concept of Biblical Theology: An Old Testament Perspective* (Minneapolis: Fortress Press, 1999), 291-301. See also the noted remarks of

(1) The earliest phase is preserved in the "Jahwistic legislation" (J), which according to Wellhausen, dates to the period of the Israelite monarchy.[36] In these texts there is simply "no word of priests," priesthood, or high priesthood. Critically, sacrifices could be offered by anyone,[37] and there is no mention of the concept of ritual purity. Brief mention is made of Moses and Aaron as founders of the priesthood, but references to other priests are dismissed by Wellhausen as interpolations.[38] Where Levi is mentioned, it is the secular tribe — it has not yet gained any sacral association.

(2) The second phase, preserved in Deuteronomy (which Wellhausen dates to Josiah and the Josianic Reform), has the priests referred to as Levites, and the terms *kohen* and *levi*, when not used together, become interchangeable.[39] Here the Levites "take a very prominent position and constitute a clerical order, hereditary in numerous families, whose privilege is uncontested."[40] Wellhausen further notes that the Levites are scarcely mentioned outside of the Book of Deuteronomy, and he regards attempts to ground the caste of the Levites in the Levi of the Book of Genesis as anachronistic:

> It is equally an impossibility to derive the caste from the tribe; there is no real connection between the two, all the intermediate links are wanting; the tribe succumbed at an early date, and the rise of the caste was very late, and

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Solomon Schechter, "Higher Criticism – Higher Anti-Semitism," in which he notes that "Wellhausen's Prolegomena and History are *teeming with aperçes* full of venom against Judaism" (emphasis in original).

36. Ibid., 127-131.

37. See esp. Exodus 24:5; Judges 17:5; 1 Sam 14:34; 2 Sam 8:18, 20:26.

38. Wellhausen, *Prolegomena*, 141.

39. Ibid., 141-145.

40. Ibid., 141.

demonstrably from unconnected beginnings.[41]

That said, Wellhausen views Moses as a descendant of Levi, and consequently, the later caste of priests took "Levite" as a patronymic both for the sake of unity and for enhancing their claims to authority. The Deuteronomist's centralization of worship led to the Levites' losing their jobs in the country, which accounts for the constant and consistent call in Deuteronomy to care for the Levites.

(3) The final stage in Wellhausen's schema is attested in the Priestly writings, in which a clear, hierarchical distinction is drawn between priests and Levites.[42] Even among priests, the High Priest stands preeminent, and it is he who represents the people. This, Wellhausen argues, is most representative of the political situation of the Second Temple period.[43] Before that time the Levites were fully vested in the priesthood and had rights and privileges equal to those of the post-exilic priests. What we recognize from post-biblical literature as the *kehunah* began with Zadok, whom Wellhausen regards as an "interloper dating from the beginning of the monarchical period."[44] Thus the unsettling conclusion that emerges from this schema is that the Aaronid priesthood and subservience of the Levites is an "invented tradition" that dates from the post-exilic period.[45]

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41. Ibid., 145.

42. Ibid., 145-151.

43. Ibid., 149-150.

44. Ibid., 126.

45. See Eric Hobsbawm, "Inventing Traditions," in Eric Hobsbawm and Terence Ranger (ed.), *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983).

Almost one century after the publication of Wellhausen's Prolegomena, Frank Moore Cross noted that under its influence "the overall view of the early history of priesthood has changed very little if at all."[46] That said, one of the most decisive changes to occur in Bible scholarship in the intervening years was an approach that saw the texts as reflective not exclusively of the age in which they were written, but as being written at the culmination of a "long oral history."[47] Thus even if the authorship of Pentateuchal texts could be definitively dated to, say, the monarchical period, the traditions behind the text might have developed much earlier and thereby reflect concerns that were not contemporary with those of the author. Thus Wellhausen's "beguilingly simple" three-stage schema for the development of the priestly office could no longer align neatly with his three-stage schema for the evolution of the biblical text.

Merlin Rehm, one of Cross's students, reevaluated the history of the ancient priesthood on the basis of this approach.[48] Building on one of the early revisions to Wellhausen, which was authored by Kurt Möhlenbrink,[49] and undertaking a complete reassessment of priestly genealogies,[50] Rehm argues that we first begin to hear of priests and Levites in the "desert period."[51] During this time, Moses was the cultic leader of the Israelites. Like Moses, Aaron

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46. Frank Moore Cross, "The Priestly Houses of Early Israel," in idem, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University Press, 1973), 195.

47. *Anchor Bible Dictionary*, s.v. Levites and Priests, 298.

48. Merlin Rehm, "Studies in the History of the Pre-Exilic Levites" (ThD diss., Harvard Divinity School, 1967). My thanks are due to my colleague Matthew Rasure who kindly provided me with a digital copy.

49. Kurt Möhlenbrink, "Die Levitischen Überliefungen der vorexilischen Leviten," *ZAW* n.s. 11 (1934), 184-231.

50. Rehm notes one scholar who referred to the priestly genealogies as a "playground for late redactors." See Rehm, "Studies," p. 8.

51. For the "desert period," Rehm draws on the same sources as Wellhausen's first stage, but adds certain Priestly traditions, this in accordance with Frank Moore Cross's view, contra Wellhausen, that P had important evidence

also claimed Levi as an ancestor, and though he had pretensions of cultic leadership, Rehm argues that the Aaronites were "virtually read out of the priesthood" and went dormant "only to emerge later as the Zadokites."[52] He thus calls into question the "brotherhood" of Moses and Aaron at the most fundamental level:

> It is therefore our position that each of the major groups or clans of Levites (Gershon, Kohath, Merari) constituted a blood relationship within themselves but not necessarily between them. Thus Moses and Aaron would not have to be related, though the late genealogies make them brothers. But they were both Levites in the sense that they were both priests. Or to put it differently, a clan constituted a blood relationship, and several such clans who had the common function of the priesthood joined together to form the tribe "Levi."[53]

Rehm's reconstruction of the period of the tribal league[54] (post-desert, pre-monarchy) has the Mushites continuing their cultic leadership, albeit under the name "Levites" or "levitical priests." But two watershed events in Israelite history mark the downfall of the Mushites: (1) The slaughter of all of the Elide priests (who were Mushites) at the order of Saul (1 Samuel 22:6-19), and (2) the appointment by David of Zadok (2 Samuel 8:17), a priest of Aaronide stock. From the appointment of Zadok onward,

> . . . there is evidence that the Zadokites came to be referred to simply as "priests" (the Chronicler's term) or as the "sons of Aaron" (P's term), although according to

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for the Mosaic Period: "While the Priestly account is schematized and idealized, and while the Priestly writers read the theological interpretations and historical developments of later ages into their system, nevertheless, Priestly tradition must be deemed an important historical witness to the Mosaic Age." See Frank Moore Cross, "The Tabernacle," *Biblical Archaeologist* 10:3 (1947), 45-68; quote from p. 52.

52. Rehm, "Studies," 254. Rehm thus concurs with Wellhausen that the picture of Aaronid cultic leadership in the Tabernacle that is provided in the priestly writings, is indeed a later retrojection.

53. Rehm, "Studies," 259-260.

54. The notion of a tribal-league (also referred to as the "amphictyony") was first advanced by Martin Noth, *Das System der zwölf Stämme Israels* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1930). Cf. C. H. J. de Geus, *The Tribes of Israel: An Investigation into Some of the Presuppositions of Martin Noth's Amphictyony Hypothesis* (Assen: Van Gorcum, 1976).

> our analysis they were Aaronite Levites. The "Levites," according to our reconstruction, would have henceforth referred mainly to the Mushites.[55]

In the subsequent stage, as the Aaronites began to become more dominant, the "Levites" (=Mushites) would have become displaced. Consequently, Rehm assigns the establishment of the Levitical cities and the Deuteronomic rhetoric of care for the Levites to the period of David.[56]

One aspect of Rehm's compelling analysis was further developed by his *Doktorvater*, Frank Moore Cross.[57] Cross takes a closer look at the narratives of "conflict in the wilderness" and builds a clearer picture of the Mushite priesthood and its conflict and rivalry with the Aaronides, as preserved in Pentateuchal narrative.[58] Two of the most significant narratives of priestly violence, Exodus 32 and Numbers 25, are said to have taken place during this period, and as I will illustrate below, intergroup polemic features prominently in both.

I should add, in closing, that recent research on the Cohen Modal Haplotype seems to vindicate the historical-critical hypothesis of competing priestly clans, although neither geneticists nor biblicists seem to have taken note. In a study published in 2009, a team including Karl Skorecki who led the initial study, revised the unequivocal conclusions reached a decade earlier.[59] The revised study largely upholds the notion advanced by Skorecki that the Cohen gene

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55. Rehm, "Studies," 288.

56. Ibid., 289.

57. Cross, "Priestly Houses," 195-215.

58. This influential picture of the development of the priesthood went mainstream with the bestselling publication of *Who Wrote the Bible?* — authored by another of Cross's students, Richard Elliot Friedman.

59. Michael F. Hammer et al., "Extended Y chromosome haplotypes resolve multiple and unique lineages of the Jewish priesthood," *Human Genetics* 126 (2009), 707-717.

originated some three millennia ago. But rather than pointing to a single progenitor, as did the initial study (with all fingers pointing to Aaron), the new study "indicates that the majority of contemporary Jewish priests descend from a limited number of paternal lineages."[60] Indeed, the authors suggest that "multiple males were designated as Cohanim early in the establishment of the priesthood."[61]

3. Review of Scholarship

(a) Priestly Violence

Scholarship is lacking both with regard to priestly violence and the interpretive history of Phinehas. First, the association of violence and the Israelite priesthood has been recognized in a number of publications, albeit only in passing. Outside of a short, though suggestive passage in an article by Gideon Aran, which very briefly links priestly violence with cultic animal slaughter, the motif has never been treated at any length and the linkage has yet to be fully explored.[62] Mark Leuchter has isolated and unpacked the motif of *Mushite* violence, and I have gained much from his methodology.[63] On the other hand, Leuchter's findings ground Mushite violence in concrete historical circumstances of a geopolitical nature, employing the positivistic methods that I avoid here.[64]

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60. Ibid., 707.

61. Ibid., 715.

62. Gideon Aran, "The Other Side of Israelite Priesthood: A Sociological-Anthropological Perspective," in *Was 70 CE a Watershed in Jewish History?* ed. Daniel R. Schwartz and Zeev Weiss (Leiden: Brill, 2012), 43-58.

63. Mark Leuchter, "The Fightin' Mushites," *Vetus Testamentum* 62 (2012): 479–500.

64. See below, p. 45.

Similarly, the violence of the *Levites* has been examined by Joel Baden.[65] Baden links Genesis 34 and 49, Exodus 32, and Deuteronomy 33, all of which "hold in common the tradition that the Levites were chosen for special treatment as a result of an act of violence."[66] What follows is a careful evaluation of the tenor of the texts and their source-critical relationship with one another. In his concluding remarks, Baden acknowledges that Phinehas' violence should be recontextualized in light of his findings, but he does not elaborate.[67] Baden concedes that although the connection between Levites and violence is "undeniably present," his findings do not further our understanding of the meaning and/or function of this violence.

(b) Phinehas' Violence and Its Nachleben

While specific aspects of Phinehas' biblical career and his Nachleben in the interpretive literature have been treated in various venues, there has yet to be a sustained critical discussion and collection of the sources. Moreover, there has yet to be any discussion that contextualizes the biblical zeal of Phinehas within the larger framework of priestly violence, or that traces the interpretive history of the zeal of Phinehas through the same lens. It is instructive that although treatments of the biblical materials of Phinehas are found in every major commentary and encyclopaedia, not to mention scores of articles, none focuses specifically on contextualizing and understanding the violence of the zealous priest so central to his biblical portrait.

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65. Baden, "Violent Origins."

66. Ibid., 103.

67. Ibid., 116.

Scholarship on Phinehas' violence is more concentrated, however, in the study of post-biblical materials on Phinehas. We begin with Martin Hengel's treatment of Phinehas in *The Zealots* (=*Die Zeloten* [1961]), which remains an authoritative source for scholarship on the zealous priest.[68] Hengel's work is designed, first and foremost, as an exhaustive survey of sources concerning the "Zealot movement" in Roman Palestine of the first century CE. Considering Phinehas' violent *zeal* and the considerable fascination he attracted among ancient Jewish writers, the priest seems a natural object for Hengel's study of "the religious ideology that determined the Jewish freedom movement."[69]

Hengel does, admittedly, devote considerable attention to comments on Phinehas in Josephus, and a fair amount to rabbinic literature, where his comprehensive collection of sources on Phinehas is excellent. At the same time, however, Hengel's work suffers from two major problems which render it of limited utility for my work: (a) Morton Smith pointed out Hengel's confirmation bias: "references to zealots and *sicarii* in rabbinic literature and the Gospels are taken as references to members of *the* Zealots and *the Sicarii*."[70] Thus criticism of Phinehas' violence, according to Hengel, is reflexively attributed to wariness of *the* Zealots. There can be no doubting that *the* Zealots were a polarizing group, but as I will demonstrate below, there are other more persuasive and contextually sensitive reasons for criticism of Phinehas. Moreover,

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68. Martin Hengel, *The Zealots: Investigations into the Jewish Freedom Movement in the Period from Herod I until 70 A.D* (Edinburgh: T. & T. Clark, 1989).

69. Ibid., xv.

70. Morton Smith, "Zealots and Sicarii, Their Origins and Relation," *Harvard Theological Review* 64, no. 1 (1971): 1–19; quote from p. 10.

(b) while Hengel does an admirable job collating rabbinic sources on Phinehas, he treats those sources with the positivistic methodology which was characteristic of scholarship from the period.[71]

Torrey Seland's *Establishment Violence in Philo and Luke* (1995) is a comprehensive study of extra-judicial violence in the writings of Philo of Alexandria and the Gospel of Luke.[72] Following Philo's lead, Seland devotes significant attention to Phinehas and his violence in both biblical and Second Temple literature. In similar fashion as Hengel, however, Seland employs his sources positivistically. Following a century-long chain of scholars on ancient Jewish jurisprudence, Seland invokes Philo's adulation of Phinehas (among other Philonic texts) as "evidence" that the Jews in Alexandria in the first century CE lynched their correligionists for egregious violations of Jewish law. Contra Seland, I will argue below that there are ample alternative explanations for Philo's glowing remarks on Phinehas' violence that are grounded in Scripture and that do not require historical-legal reconstructions of Alexandrian Jewry.

Josephus' rendition of the Phinehas narrative is treated in two articles which appeared almost simultaneously. Louis Feldman's "The Portrayal of Phinehas by Philo, Pseudo-Philo, and Josephus" is of a broader literary scope, and Feldman provides his reader with his characteristic survey of embellishments and omissions, as well as his programmatic ascription of authorial

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71. I would also add that Hengel's teleological statement at the end of the book ("the proclamation of Jesus and the early Christian Church represented the real overcoming of the Zealots' attempt to bring about God's rule on earth by violence") is perhaps a cautionary note about the possible ideological biases guiding the analysis throughout.

72. Torrey Seland, *Establishment Violence in Philo and Luke: A Study of Nonconformity to the Torah and Jewish Vigilante Reactions* (Leiden: Brill, 1995).

Tendenz in his survey of the ancient Jewish accounts.[73] Feldman falls short, however, in failing to account for why Philo speaks so glowingly of Phinehas and why Philo was not bothered by Phinehas' having taken the law into his own hands. By the same token, Feldman does not explain why Josephus, if uncomfortable with aspects of Phinehas' violence, did not omit mention of it altogether. This fact is all the more striking, given that Josephus elsewhere omits some twenty episodes—many of them featuring violence—that he likely found embarrassing.

In this latter respect, David Bernat's "Josephus's Portrayal of Phinehas" nicely complements Feldman's work.[74] Bernat provides a number of convincing reasons as to why the Phinehas narrative in Numbers 25 was too good for Josephus to pass up, including an autobiographical argument that takes into account Josephus' priestly lineage and biases. Nevertheless, Bernat consciously brackets the problem of Phinehas' violent zeal.[75] Neither Feldman nor Bernat, moreover, seizes on how *stasis* is thematic in Josephus' presentation of the narrative and why that is of significance. Similarly, neither recognizes how Josephus very shrewdly recast Phinehas as killing Zimri and Cozbi in a *military* capacity, rather than as punishment for the violation of Jewish law.

More recently, Laliv Clenman devoted some attention to the rabbinic reception of Numbers 25 in her 2009 doctoral dissertation, "Is She Forbidden or Permitted (bSanhedrin 82a):

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73. Louis Feldman, "The Portrayal of Phinehas by Philo, Pseudo-Philo, and Josephus," *JQR* 92:3-4 (2002), 315-345.

74. David Bernat, "Josephus's Portrayal of Phinehas," *Journal for the Study of the Pseudepigrapha* 13:2 (2002), 137-149.

75. Ibid., 139 n3.

A Legal Study of Intermarriage in Classical Jewish Sources."[76] Clenman's focus, however, is on the Phinehas narrative as it relates to *intermarriage*, although she does treat the problem of Phinehas' violence in rabbinic literature. Clenman likewise treats this latter topic in a subsequent (2010), more focused article, which draws heavily from the dissertation materials.[77] Although there is much merit to her close readings of rabbinic criticisms of Phinehas, lacking in Clenman's discussion is the recognition of the *priestly* nature of Phinehas' violence, the move from in rabbinic accounts of Phinehas from narrative to law, and the fascinating continuities with the polemics underlying the text in Numbers 25.

While post-talmudic sources continue to maintain interest in Phinehas' violence, for the most part, these sources remain understudied. This is particularly true with regard to two midrashic compilations: *Pitron Torah* and *Midrash ha-Gadol*. Leaving aside traditions regarding Phinehas in these works, the wider compilations themselves are still in need of further research. One notable exception to this trend is the study of Phinehas in *Pirqei de-Rabbi Eliezer* (PRE), which has seen resurgent research interest of late. Indeed, a number of studies are to devoted to the equation of Phinehas with Elijah in PRE (as well as in Pseudo-Philo and Targum Pseudo-

76. Laliv Clenman, "Is She Forbidden or Permitted (bSanhedrin 82a): A Legal Study of Intermarriage in Classical Jewish Sources" (PhD diss., University of Toronto, 2009).

77. Laliv Clenman, "'It Was Not according to the Will of the Sages:' Halakhic and Aggadic Responses to Pinhas' Killing of Zimri and Kozbi in Numbers 25," in *Vixens Disturbing Vineyards: Embarrassment and Embracement of Scriptures: Festschrift in Honor of Harry Fox (leBeit Yoreh)*, ed. Harry Fox and Tzemah Yoreh (Boston: Academic Studies Press, 2010), 169–91.

Jonathan).[78] But these studies do not recognize the wider priestly sympathies of PRE or the lens of priestly violence through which PRE relates the story of Phinehas.

4. Major Findings

(1) Interpersonal violence, expressed in a number of biblical narratives as vigilante-like acts, is a hallmark of prominent members of the Israelite priesthood and their ancestors. I refer to this phenomenon as the biblical motif of *priestly violence*. In at least one of these narratives, it is possible that this violent characterization is meant to besmirch the priestly group; in others, however, it may derive from within the group, with the violence functioning to legitimate the group's priestly credentials. I argue that the portrayal of the interpersonal violence of Israelite priests may very well relate to the Israelite sacrificial cult, which has a heavy focus on the slaughter of animals — and a very likely pre-history of human sacrifice.[79] I likewise illustrate how aspects of the above findings find expression in numerous post-biblical texts as well.

(2) I explore the correlation between priestly violence and sacrifice in one of two ways: Do priests offer animal sacrifice because they are violent, or are they portrayed as violent because of their animal sacrifice?

(2a) According to Rene Girard's psycho-anthropological view of animal sacrifice, the sacrificial killing of animals is needed as a means to deflect violence that would otherwise be directed against other humans and create ceaseless cycles of bloodfeud. Consequently, the literary motif

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78. For a survey of scholarship, see Rachel Adelman, *The Return of the Repressed: Pirqe de-Rabbi Eliezer and the Pseudepigrapha* (Leiden; Boston: Brill, 2009), 193ff.

79. Whether or not the narratives of priestly violence are "true" or factual, however, I cannot determine.

of priestly violence may preserve primordial memories of the priesthood, before its aggression was channeled into the emotionally and physically difficult work of animal slaughter.

(2b) Modern sociological research similarly correlates animal abuse with interpersonal violence, albeit in the opposite direction. Slaughterhouse workers, for example, are shown to be more likely than their peers to engage in violent, criminal behavior. And a contentious "violence graduation" theory posits that those who abuse animals when they are younger are more susceptible to interpersonal violence as they age. Thus according to the sociological view, the portrayal of priests as violent toward other people may be a result of their engagement in sacrificial slaughter.

(3) According to the traditional understanding, the Israelite priesthood is a hereditary institution, which is transmitted automatically to males born to male priests. I demonstrate in both biblical and (certain) post-biblical texts that to become a priest, the right lineage is necessary, but not sufficient. It is ultimately acts of violence that, according to these texts, generate accession into the priesthood.

(4) Phinehas presents us with the best-developed expression of the motif of priestly violence in Numbers 25. His violence, like that of the Levites in Exodus 32, is suffused with sacrificial language, thereby corroborating the notion that priestly violence is linked with the violence of (human) sacrifice. The biblical narrative also bears strong evidence of intergroup polemic and the discourse of self-legitimation, elements that will persist in the post-biblical literature on Phinehas.

(5) In 1 Maccabees the Hasmonaeans consciously appropriate Phinehas' violence as a literary motif to legitimate their own contested priestly pedigree. In other words, their use of Phinehas tracks very closely with the use of Phinehas in the biblical narrative itself. The discourse of Phinehas' violence "generates" and legitimates the priestly authority of the Hasmonaeans.

(6) Breaking with a century-long trend in scholarship, I argue that Philo's adulation of Phinehas is a function of his recognition of the motif of priestly violence. I likewise maintain that it is Philo's close reading of biblical law, not the practice of lynching among Jews in Alexandria, which accounts for Philo's making of Phinehas into a legal role model. I also suggest that Philo's positive attention to Phinehas may supply further evidence for what some scholars have maintained is Philo's own priestly pedigree.

(7) Josephus strips Phinehas' violence of its religious component and of its priestly rewards. Instead, he presents it as a tactical military operation designed to quell the sedition (stasis) that had taken over the Israelite camp. In so doing, Josephus dissociates the priesthood from violence, this despite the many biographical resemblances between Josephus and Phinehas.

(8) In rabbinic literature, Phinehas' priestly violence is channeled into the legal system, where it is suggestively grouped with other ritual laws involving priestly violence. For a violent act with shades of human sacrifice to be transformed into a legal institution seems to vindicate the closing step of Girard's sacrificial schema.

(9) Palestinian rabbinic sources criticize Phinehas' violence, question the integrity of his lineage, and downplay his priestly rewards. I ascribe these generally negative sentiments to ongoing tensions between rabbis and priests in Roman Palestine, which are amply documented in other

texts. The Bavli, on the other hand, appears less concerned with Phinehas. In fact, one opinion quoted in the Bavli states explicitly that it was Phinehas' violence that made him into a priest. Instead, the Bavli is highly critical of Moses. Narrating Phinehas' deeds provides an opportunity for the Bavli to lampoon Moses for his ignorance and his disregard of the halakhah, thus providing a fascinating continuity with the anti-Mushite polemics underlying the biblical text. (10) Pirqei de-Rabbi Eliezer both recognizes the motif of priestly violence and greatly exaggerates the extent of Phinehas' violence, albeit in positive fashion. PRE connects Phinehas' violence with his being awarded the animal-sacrificial parts, which nicely corroborates my assertion of the connection between interpersonal priestly violence and the violence of animal sacrifice. I argue that these moves comport with the wider (but yet unexplored) priestly sympathies in PRE.

5. Plan of the Dissertation

In the first part of the dissertation (Chapter 1), I introduce and define the motif of priestly violence. I then provide a number of theoretical frameworks for understanding the possible origins of the motif, each of which draws links between the violence of sacrifice and the literary portrayals of interpersonal priestly violence. Drawing on a number of famed pentateuchal narratives, I demonstrate how violence is tightly and inextricably bound with priestly self-perception. I then contextualize Phinehas' famed zeal within the larger framework of the biblical motif of priestly violence. My findings reveal that priestly violence relates closely with the violence of sacrifice, intergroup polemic, and anxieties about the contestation of (priestly) group identity.

In the second part of the dissertation, using Phinehas' violence as a test-case, I explore the reception of priestly violence in inner-biblical and post-biblical literature. My guiding questions are how ancient writers judged Phinehas' violence, and whether they sensed, or even made use of, the motif of priestly violence. Thus in Chapter 2, I examine the legacy of Phinehas' priestly violence within the Hebrew Bible itself. I argue that already within the Hebrew Bible there may have been a struggle with comprehending or giving approbation to Phinehas' spontaneous violence. Nevertheless, priestly writers sympathetic to Phinehas continue to maintain his association with violence, albeit without ever again mentioning Phinehas' famed zeal from Numbers 25.

Chapter 3 moves forward to the literature produced during the Second Temple period. It seems natural for Phinehas to figure prominently in Second Temple literature, given the strong interest during the period in (de)legitimating the priesthood, or specific bloodlines thereof. I demonstrate how this is certainly the case in 1 Maccabees, and to a lesser extent, in Jubilees, both of which appropriate Phinehas' violence (or aspects of it) in support of the discourse of priestly legitimacy. On the other hand, I grapple with the conspicuous and mysterious absence of Phinehas from the writings of the Qumran sect, this despite its seeming preoccupation with priestly legitimacy. Continuing later into the Second Temple period, I turn to the writings of Philo, Josephus, and Pseudo-Philo, each of whom provide lengthy recapitulations of Phinehas' deeds, but grapple with Phinehas' violence in very different ways. In the case of all three writers, and despite their disparate uses of his violence, Phinehas remains central to discourses of (de)legitimation.

In Chapter 4, I turn to the reception of Phinehas' violence in the classical canon of rabbinic literature. One would expect, a priori, that the rabbis would distance themselves from the dangerous precedent of Phinehas' violence, particularly given their legal and political subjection to foreign empires. It is thus surprising that the Mishnah integrates Phinehas-like violence (and other provisions of priestly violence) into the rabbinic legal system, and that the Sifre highlights Phinehas' heroism with numerous embellishments to the biblical narrative.

I demonstrate, how nevertheless, the Palestinian Talmud and Sifre subvert the function of priestly violence by overtly *criticizing* Phinehas' violence and questioning the integrity of his priestly lineage. I ascribe these critical moves to lingering rabbinic anxieties about the priesthood, with the persona of Phinehas functioning as a cipher for the priesthood at large. On the other hand, I illustrate how the Bavli seems warmer toward Phinehas' violence and recognizes its clear priestly underpinnings. I point to the curious fact that the Bavli reserves its criticism for Moses, an interesting continuity with the interstices of the biblical narrative. This move I likewise characterize as a discourse of (de)legitimation, with Moses here representing (the somewhat subversive) intramural concerns about the rabbinic project at large.

Chapter 5 assesses the continued interest in Phinehas and his priestly violence in three post-talmudic Jewish compositions dating as late as the 13th century CE. In the earliest of these compositions, Pirqei de-Rabbi Eliezer (PRE), Phinehas is lavished with praise, the scope of his violence is extended, and his killing of Zimri and Cozbi is explicitly correlated, limb by limb, with his being awarded the sacrificial parts. I contextualize this positive portrayal of Phinehas as part of the wider priestly sympathies of the work. Similarly positive attitudes toward Phinehas'

violence (and priestly violence in general) are found in two midrashic anthologies, Pitron Torah and Midrash ha-Gadol. The former displays a concerted emphasis on the legitimacy of Phinehas' priestly lineage, a move that I situate within the documented polemics over priestly lineage around the time of the work's composition.

Chapter 1: Sacred Slaughter: Introducing the Motif of Narrative Priestly Violence

1. Introduction

A critical component in the development of the Israelite religion is the struggle for cultic leadership waged by competing groups with priestly pretensions. In the previous chapter I presented a brief history of these priestly groups and theories as to their historical evolution. As I will illustrate below, this priestly struggle for leadership is marked by rivalry, schism, and bloodshed. In this chapter I will present evidence for this phenomenon, and present a number of possibilities as to why it is that interpersonal violence is an inextricable part of the biblical memory of the Israelite priesthood.

Some of the main sources for, and inextricably linked to, the history of the Israelite priesthood are narratives in the Hebrew Bible concerning priests and Levites. As I noted previously, a number of these narratives evince a shared literary motif: a connection between the priesthood, on the one hand, and violence, on the other. In the following sections, I will explore two distinct forms of this motif in the Pentateuch:[1]

(a) The first type (Genesis 34; Exodus 2) makes no overt mention of priests or priesthood, but both narrative feature two progenitors of priestly groups (Levi and Moses). I will argue, consequently, that these narratives are best understood under the rubric of priestly violence. Such is also the understanding of numerous ancient interpreters of the Hebrew Bible, particularly

1. There are, admittedly, other narratives which associate the priesthood with interpersonal violence, and I hope to address these in a separate study. Ancient readers of the Hebrew Bible who recognized the motif of priestly violence generally limited their prooftexts to the narratives that I treat here.

with regard to Levi's role in Genesis 34. Moreover, I will demonstrate that this type of narrative may contain critical information, heretofore unappreciated, regarding priestly identity. (b) The second type of narrative (Exodus 32; Numbers 25) attests explicit associations between violence and the Israelite priesthood. When read together, these narratives highlight the connections between priestly violence and discourses of legitimation, intergroup polemic, and human sacrifice.

1. Definitions and Method

In speaking of the biblical motif of priestly violence, we should also define what constitutes a literary motif. According to the most generic definition,

> A motif is a conspicuous element, such as a type of incident, device, reference, or formula, which occurs frequently in works of literature.[2]

Of course, with its composite layers and redactorial strands, the Hebrew Bible defies many of the conventions employed with the study of conventional literature. Shmaryahu Talmon, in his study of the biblical "desert motif," therefore developed a more refined definition:

> A literary motif is a representative complex theme that recurs within the framework of the Hebrew Bible in variable forms and connections. It is rooted in an actual situation of anthropological or historical nature. In its secondary literary setting, the motif gives expression to ideas and experiences inherent in the original situation and is employed by the author to reactualize in his audience the reactions of the participants in that original situation. The motif represents the essential meaning of the situation, not the situation itself. It is not a mere reiteration of the sensations involved, but rather a heightened and intensified

2. M.H. Abrams, *A Glossary of Literary Terms*, 7th ed. (Boston: Heinle & Heinle, 1999), 169. On the question of the distinctions between themes and motif, which will not preoccupy us here, see, e.g., Jean-Charles Seigneuret (ed.), *Dictionary of Literary Themes and Motifs* (Wesport, CT: Greenwood Press, 1988), xvi ff.; William Freedman, "The Literary Motif: A Definition and Evaluation," *NOVEL* 4:2 (1971), 123-131.

representation of them.[3]

Does the identification of a biblical motif bring us any closer to uncovering its origins? Note how Talmon is careful to differentiate between primary and secondary contexts. On the one hand, the literary motif is "is rooted in an *actual situation* of anthropological or historical nature." Even if the primary, "actual situation" is lost, the secondary text may nevertheless preserve some of its essence.

I should note that in this chapter, I offer my own interpretations of the possible origins and functions of the motif of priestly violence. This is not to say, however, that my reconstruction provides the "original" meaning of the text. But I will add, nevertheless, that the self-conscious identification of the motif of priestly violence, while not present in the Hebrew Bible, is not of my own making. Beginning with the Book of Jubilees, ancient biblical interpreters linked together, and made intertextual connections between the acts of violence in many of the narratives treated in this chapter.[4]

Again, I should emphasize that exegesis provides meaning *for* the text; not the meaning *of* the text. In extending Talmon's definition of the biblical motif to post-biblical interpretation, Kenneth Pomykala adds the following relevant caveat:

We should recognize that later biblical and post-biblical writers frequently

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3. Shmaryahu Talmon, "The Desert Motif in the Bible and Qumran Literature," in idem, *Literary Studies in the Hebrew Bible: Form and Content* (Jerusalem/Leiden: Magnes Press/Brill, 1993), 216-254; quote from pp. 225-226.

4. Even Moses' violence in Exodus 2, which is generally not appreciated as a narrative of priestly violence, is "dressed up" in priestly garb in Exodus Rabbah (1:29). There Moses is said to have executed the Egyptian by uttering the Ineffable Name. On this motif, which is likewise attested with regard to Phinehas, see below pp. 179ff.

> superimposed additional layers of meaning to biblical motifs as they appropriated and reworked scriptural themes to fit their present context."[5]

Thus the function of a literary motif in a post-biblical text will not necessarily match its function in the biblical text itself. In subsequent chapters, however, I will adduce a significant number of instances where the two appear to align.

2. Is Priestly Violence Connected to (Animal) Sacrifice?

Perhaps the most economical explanation for the motif of interpersonal priestly violence relates to the practice of human sacrifice which seems to underlie a number of biblical texts that both criticize and affirm the practice.[6] Two texts in particular, the *Aqedah* narrative (Genesis 22) and Jephthah's offering of his daughter for sacrifice (Judges 11:29-40), have both been seized upon by scholars as highlighting the seeming sanction given to the practice.[7] Regarding the *Aqedah*, for example, Jon Levenson writes that,

> It is passing strange to condemn child sacrifice through a narrative in which a father is richly rewarded for his willingness to carry out that very practice.[8]

As I will illustrate below, there are also very strong resonances of sacrificial language in two of the premier narratives of interpersonal priestly violence: Exodus 32 and Numbers 25. It certainly

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5. Kenneth Pomykala, *Israel in the Wilderness: Interpretations of the Biblical Narratives in Jewish and Christian Traditions* (Leiden: Brill, 2008), 38-39

6. I thank David Stern for encouraging me to pursue this angle. For brief survey of the field in current research, see Jason Tatlock, "The Place of Human Sacrifice in the Israelite Cult," in *Ritual and Metaphor: Sacrifice in the Bible*, ed. C.A. Eberhart (Atlanta: Society of Biblical Literature, 2011), 33-48.

7. The literature on these two narratives is vast. On the *Aqedah*, see Levenson, *Death and Resurrection*. On Jephthah's daughter, see Dolores Kamrada, "The Sacrifice of Jephthah's Daughter and the Notion of Herem," in Károly Dániel Dobos et al. (ed.), *With Wisdom as a Robe: Qumran and Other Jewish Studies in Honour of Ida Fröhlich* (Sheffield: Sheffield Phoenix Press, 2009), 57-85.

8. Levenson, *Death and Resurrection*, 13.

stands to reason that an association between the priesthood and interpersonal violence can be viewed with the interpersonal violence of human sacrifice in the background.

An alternative is offered in a short, though suggestive article by Gideon Aran, a sociologist at Hebrew University. Aran argues that the trope of priestly violence is inherently connected with the violence inflicted against *animals* in the sacrificial cult.[9] While, in principle, his is an appealing thesis very much in line with a Girardian reading of sacrifice (see below), the connection between priestly interpersonal violence and sacrificial violence is never quite articulated in the Hebrew Bible. As I will illustrate below, however, the connection between sacrifice and interpersonal violence is made explicit in numerous post-biblical texts.

Aran's brief observation, which I believe merits further examination, unwittingly taps into a vast literature (as well as a contentious debate) regarding what is is alternately called the link thesis, progression thesis, or a "violence graduation hypothesis." According to this thesis,

> Animal abusers are expected to work their way up from harming animals to harming people. The strong form of the graduation hypothesis suggests that the presence of cruelty to animals at one developmental period predicts interpersonal violence at a later developmental period.[10]

A recent study devoted to the thesis underscores the antiquity of the idea:

> Claims of a significant relationship between nonhuman animal abuse and interhuman violence have been made by such diverse thinkers as Pythagoras, Thomas Aquinas, Immanuel Kant, Mary Wollstonecraft, Mahatma Gandhi, and

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9. See Gideon Aran, "The Other Side of Israelite Priesthood: A Sociological-Anthropological Perspective," in *Was 70 CE a Watershed in Jewish History?* ed. Daniel R. Schwartz and Zeev Weiss (Leiden: Brill, 2012), 43-58.

10. Arnold Arluke, Jack Levin, Carter Luke, and Frank Ascione, "The Relationship of Animal Abuse to Violence and Other Forms of Antisocial Behavior," *Journal of Interpersonal Violence* 14:9 (1999): 963-975; quote from p. 963.

Margaret Mead.[11]

Unfortunately, the literature on the graduation thesis does not permit any neat conclusions to be drawn.[12] Yet, the graduation hypothesis is not the sole path for modeling the relationship between animal abuse and human violence. Arluke et al. argue for the "deviance generalization hypothesis," which allows for the "possibility that animal abuse might occur either before, after, or concurrently with antisocial behavior directed at humans."[13] According to Arluke, nonviolent criminal behavior is just as likely to be evinced by animal abusers as interpersonal violence.[14]

At the end of a work skeptical of the graduation thesis, Beirne seizes precisely on this latter point:

> The link between animal abuse and interhuman violence surely must be sought not only in the personal biographies of those individuals who abuse or neglect, animals but also in those institutionalized social practices where animal abuse is routine, widespread, and often defined as socially acceptable.[15]

Tellingly, Beirne points to the contemporary American slaughterhouse. After noting how Federal studies have shown that slaughterhouse workers "among all private sector US industries suffer the highest annual rate of nonfatal injuries and illnesses and repeated-trauma disorders," Beirne turns to their violence:

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11. Piers Beirne, "From Animal Abuse to Interhuman Violence? A Critical Review of the Progression Thesis," *Society & Animals* 12:1 (2004), 39-65; quote from p. 40.

12. Persuasive studies, both for and against the thesis, are regularly published in peer-reviewed journals. See, e.g., Stephen Kellert and Alan Felthous, "Childhood Cruelty toward Animals among Criminals and Noncriminals," *Human Relations* 38, no. 12 (1985): 1113-1129; F.R. Ascione, "Battered women's reports of their partners' and their children's cruelty to animals," *Journal of Emotional Abuse* 1:1 (1998), 119-133.

13. Arluke et al., 965-966.

14. Ibid., 966.

15. Beirne, "Animal Abuse," 54.

> Thus, whatever their social situation and motivation . . . slaughterhouse workers might be so desensitized by the act of animal abuse that subsequently they have lesser compassion for the suffering and welfare of many other beings (including humans). In reducing abusers' compassion, animal abuse might be found to increase tolerance or acceptance of pro-violent attitudes and, thereby, to foster interhuman violence.[16]

Both formal and anecdotal evidence suggests that there is truth to this hypothesis — at least in the contemporary American context.[17] Temple Grandin, for example, found "acts of deliberate cruelty [to animals] occurring on a regular basis" in 32% of slaughterhouses that she surveyed.[18] One slaughterhouse worker revealed how this routine abuse was easily translated to other realms:

> My attitude was, it's only an animal. Kill it. Sometimes I looked at people that way too . . . I've had ideas of hanging my foreman upside down on the line and sticking him. I remember going into the office and telling the personnel man that I have no problem pulling a trigger on a person — if you get in my face I'll blow you away . . . Every sticker I know carries a gun, and every one of them would shoot you. Most stickers I know have been arrested for assault . . . Some [guys] end up abusing their spouses.[19]

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16. Ibid., 55.

17. There is no research of which I am aware that compares the levels of interpersonal violence in contemporary American "factory farm" slaughterhouses versus smaller-scale operations. With regard to the Jerusalem Temple, there are a number of texts that underscore the general bloodiness of the place; a reminder that the Temple was, after all, a slaughterhouse. See, e.g., tPisḥa 4:12, which states that it was a praiseworthy attribute of the priests that they were soaked in blood up to their ankles — or perhaps their knees (שבח הוא לבני אהרן שיהלכו עד ארכובותיהן בדם). See also yPesahim 5:8 (32d); bMenahot 103b (regarding pilgrims), and other parallels cited in Lieberman, *Tosefta ki-Fshutah*, IV, 565. See also the list of Temple miracles in mAvot 5:5, the first three of which relate to the butchering of sacrificial meat.

18. Temple Grandin, "Behavior of Slaughter Plant and Auction Employees Toward the Animals," in *Cruelty to Animals and Interpersonal Violence*, ed. R. Lockwood and F.R. Ascione (West Lafayette, IN: Purdue University Press, 1998), 434-442; esp. 434-5.

19. From an interview conducted by Gail Eisnitz, *Slaughterhouse: The Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the US Meat Industry* (New York: Prometheus Books, 1997), 87-88.

I should emphasize that my argument (following Aran), that a relationship inheres between cultic animal slaughter and interpersonal priestly violence, is not predicated on the empirical validity of any of the above studies.

The above theories cohere nicely with the theory of sacrifice famously articulated by René Girard, who likewise articulates a correlation between animal slaughter and interpersonal violence.[20] It is the act of sacrifice, for Girard, that prevents members of society from venting all of their aggression and violence against each other. The purpose of sacrifice is to suppress "internal violence," that is, "all the dissensions rivalries, jealousies, and quarrels within the community."[21] Girard's theory does not differentiate between human and animal victims of sacrifice. Like animals, the human victims of sacrifice are typically "exterior or marginal individuals" who come from the "fringes of society."[22]

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20. In his *Purity, Sacrifice and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* ([New York: Oxford University Press, 2006]) Jonathan Klawans has claimed that Girard's work "is nothing short of an indictment of sacrificial rituals," and he notes his disappointment with the fact that "many biblicists have chosen to develop Girard's ideas or depend on his interpretations" (p. 22). Deriding the dominant trend in the study of ancient Israelite sacrifice, which he says is unnecessarily and disproportionately plagued by a search for "origins," Klawans shifts his attention to an analysis of the "developed sacrificial system."

    A fuller engagement with Klawans is beyond the scope of this work, but I would note that Klawans makes no mention of the association of priesthood and violence throughout the Hebrew Bible. The same goes for the motif of priestly violence in post-biblical literature (see, esp. below, pp. 193-197). Evidence concerning sacrifice in the Hebrew Bible appears not only in *prescriptive* contexts (to which Klawans limits his examination), but in *narrative* contexts as well. It is precisely in the narrative contexts where we find the explicit, repeated, and suggestive association of priesthood and violence, including in sacrificial contexts. Finally, if the text points to the violent origins of sacrifice, it is evidence of the cultural memory of the biblical writers, and nothing more. It does not mean that the definitive origin of sacrifice has been found, nor does it mean that sacrifice is violent. In the same way, the fact that Philo and Maimonides paint circumcision as a means of suppressing sexual pleasure does not mean that circumcision inhibits sexual pleasure.

21. René Girard, *Violence and the Sacred*, trans. Patrick Gregory (Baltimore: Johns Hopkins University Press, 1977), 8.

22. Ibid., 12.

The critical significance of the marginality of the victims is that they can be killed without opening a cycle of bloodfeud or vengeance. As Girard writes, "sacrifice is primarily an act of violence without risk of vengeance."[23] That sacrifice has all but disappeared is evidence, for Girard, that we have moved beyond the paradigm of private vengeance and bloodfeud that was typical of primitive societies. These have been effectively channeled into the judicial system, which limits vengeance to a single act — its own.[24] Under a judicial system, "an act of vengeance is no longer avenged; the process is terminated, the danger of escalation averted."[25] Societies that "lack a firm judicial system," on the other hand, will have a much greater proclivity toward sacrifice. As I will illustrate below, there are numerous instances in both biblical and post-biblical literature on priestly violence where this Girardian sacrificial theory seems to find corroboration.

3. Narratives of Priestly Violence

In the following, I turn to examine the premier pentateuchal narratives of priestly violence:

(a) Simeon and Levi's Massacre in Shechem (Genesis 34)

The episode of the rape of Dinah in Genesis 34 concludes with the narration of a seemingly senseless massacre. Adding to the disturbing nature of the narrative is the fact that the perpetrators are never punished or brought to justice; the worst they endure is a good scolding

23. Ibid., 13.

24. Ibid., 15-17.

25. Ibid., p. 16.

from their father, and even that was directed only at the two ringleaders of the massacre. One of those two brothers is Levi, and consequently, both ancient interpreters of the Hebrew Bible and modern scholars have viewed the episode as part of the prehistory of the Israelite priesthood.

As retribution for the rape of their sister, Simeon and Levi enter the city of Shechem "unmolested," murder all of its just-circumcised males, and extract their sister (Gen 34:25-26). The other brothers, who are not said to have participated in the killing, pillaged the corpses and city, and took the women and children as captives (vv. 27-29). The aftermath has Jacob censuring Simeon and Levi because of his fear of retaliation from the indigenous Canaanites (v. 30). They collectively retort, "Shall we let our sister be treated as a harlot" (v. 31).

No direct reference to the massacre in Shechem is made in the succeeding verses, or anywhere else in the Hebrew Bible.[26] As Fishbane has noted, the narrative seems utterly divorced from the surrounding context.[27] Some scholars go so far as to question whether this chapter is even a product of one of the traditional documentary sources.[28] Aside from these source-critical questions, even a cursory reading of the narrative in Genesis 34 is enough to evoke the feeling that senseless violence, if not a serious ethical breach, has just taken place.

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26. The relationship between the Genesis 34 narrative and Jacob's cryptic curse of Simeon and Levi in Genesis 49:5-7 is beyond the scope of our current examination. Yet despite the lexical and intertextual difficulties, it seems clear that the overall tenor of Jacob's message is negative. See, esp. Raymond de Hoop, *Genesis 49 in Its Literary and Historical Context*, Oudtestamentische Studiën XXIX (Leiden: Brill, 1999); James Kugel, *How to Read the Bible*, p. 169; and see the extensive bibliography cited in n5. The classical treatment of the Genesis 49 poem is in Frank Moore Cross and David Noel Freedman, *Studies in Ancient Yahwistic Poetry* (Grand Rapids: Eerdmans, 1997), 46-63.

27. Michael Fishbane, *Biblical Text and Texture* (Oxford: Oneworld, 1998[2]), 46-47.

28. Kugel, *How to Read the Bible*, 170ff.

Why, then, is this disturbing narrative included in the Hebrew Bible? Why are Simeon and Levi implicated in this heinous crime?

The narrative itself offers few answers, and biblicists have long struggled with its interpretation. John van Seters aptly captures these difficulties in the opening paragraphs of his own examination of the story:

> It is usual for scholars . . . to begin their discussion of Genesis 34 with the disclaimer that this is a very difficult text to analyze and interpret and that no previous attempt has yielded a satisfactory explanation of the source-critical difficulties or the social and cultural context out of which it arises. Even among the older literary-critical approaches there is nothing like a consensus on the source division of the chapter or its relationship to other Pentateuchal texts or its traditio-historical interpretation.[29]

For our purposes, however, I would like to draw attention to the profusion of priestly language in the narrative:

(a) Dinah is raped, a heinous act in its own right, but she is twice described as having been "defiled" (טמא). In addition to the sole attestations of טמא prior to Leviticus being in this chapter, nowhere else in the Hebrew Bible is rape said to defile a woman.[30]

(b) Circumcision, which is at the center of the treacherous proposition offered by Jacob's sons, is a hallmark of Priestly literature — not to mention that it is itself a ritual with violent associations.[31]

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29. John van Seters, "The Silence of Dinah (Genesis 34)," in *Jacob: Commentaire à plusieurs voix de Gen 25-36: Mélanges offerts à Albert de Pury*, ed. Jean-Daniel Macchi and Thomas Römer (Geneva: Labor et Fides, 2000), 239-247.

30. Shaye Cohen has suggested that perhaps it is rape by an uncircumcised Gentile that generates the defilement here, and not elsewhere.

31. On circumcision in its priestly context, see David A. Bernat, *Sign of the Covenant: Circumcision in the Priestly Tradition, Ancient Israel and Its Literature* (Atlanta: Society of Biblical Literature, 2009). Indeed, Joel Baden

(c) The decimation of the city of Shechem bears a striking resemblance to the Israelite campaign against the Midianites (Numbers 31).[32] That campaign was undertaken to avenge a single Midianite woman's offense against the Israelites, much as the massacre of Shechem avenged the offense of a single Shechemite.[33] In the former offensive, the Israelites, led by Phinehas (see below), killed only the Midianite males, sparing women (at least initially), children, and cattle. As I argue below, the campaign against Midian bears very strong priestly hallmarks.[34]

(d) When the brothers answer the protestations of an indignant Jacob, they ask, rhetorically, "Shall our sister be treated like a whore (*zonah*)?" A *zonah* is disqualified from marrying a priest (Lev. 21:7); there may also be some association with ritual impurity, as this is the theme of the preceding verses in the chapter. Moreover, the daughter of a priest who commits zenut is said to defile her father (21:9), and she is to be burned.

The Shechem narrative features such a striking amount of priestly language (as well as indications of composite authorship), to the extent that Van Seters and others have argued that an original base narrative was interpolated by a Priestly writer.[35] In the base story Dinah is not

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("Violent Origins," p. 109) notes that the portrayal of circumcision in Genesis 34 "as a national custom necessary for belonging to the Israelite group does not comport well with the magical sense of circumcision found elsewhere in J (Exod 4:24-26)." On connections made in the interpretive literature between circumcision and sacrifice, see Martha Himmelfarb, "The Ordeals of Abraham: Circumcision and the 'Aqedah' in Origen, the 'Mekhilta', and 'Genesis Rabbah,'" *Henoch* 30:2 (2008): 289–310.

32. The resemblances between the two episodes become even more evident when comparing the language of Genesis 34:28-29 with that of Numbers 31:9. These verses share two of the same verbs (*בזז* ,שבה), as well as shared locutions regarding the captives and booty.

33. See Van Seters, "The Silence of Dinah," 245. Cf. Tzemah Yoreh, "Shekhem and the So-Called Rape of Dinah," in *Vixens Disturbing Vineyards*, 67-78.

34. See below, pp. 73-76.

35. Van Seters, "The Silence of Dinah," 240ff. For similar reconstructions, see Yair Zakovitch, "Assimilation in Biblical Narratives," in *Empirical Models for Biblical Criticism*, ed. Jeffrey Tigay (Philadelphia: University of Pennsylvania Press, 1985), 175-196, esp. 185-191. Zakovitch contends that interpolations were "assimilated"

raped and Simeon and Levi are not singled out for their violence — these details are added secondarily. The message of the Priestly narrative, according to Van Seters, is legal: the base narrative was viewed as too permissive in its attitude toward intermarriage. And while P permits intermarriage "within certain strictures of religious observance, as reflected in the rite of circumcision," it is also the view of the Priestly writer that an act of personal defilement, even if committed by only one offender, warrants the collective punishment of an entire people (cf. the Midianites in Numbers 31).[36] Consequently, in Van Seters' view, the Priestly writer (a) treats Levi not as a secular tribe, but as an eponym for the clerical group,[37] (b) constructs a literary massacre, and (c) has no compunctions with implicating his own people in carrying out that massacre, since (d) it advances a central tenet of Priestly law.[38]

Eduard Nielsen argues, on the other hand, that the base narrative originally implicated only Simeon.[39] Rival priestly groups, unhappy with the ascendancy of the Levites, latched onto

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into the story on the basis of the story of Absalom and Tamar (2 Samuel 13), with which it shares overt linguistic similarities. See also S. Lehming, "Zur Ueberlieferungsgeschichte von Gen. 34," *ZAW* 70 (1958), 228-250, and A. de Pury, "Genèse XXIV et l'histoire," *RB* 76 (1969), 5-49. Alternative theories, including those positing an influence to/on Judges 7, are presented in Zev Farber, "Jerubaal, Jacob, and the Battle for Shechem: A Tradition History," *Journal of Hebrew Scriptures* 13:2 (2013), 1-26.

36. Van Seters, "The Silence of Dinah," 246.

37. MWT Allan, on the other hand, regards Genesis 34 as a story about the *secular* tribe of Levi. See also Westermann, according to whom Genesis 34 is a "family narrative" that has no relation to the eponymous "political entities" referred to in Genesis 49: "Simeon and Levi are sons of Jacob and brothers of Dinah . . . and nothing else." See Claus Westermann, *Genesis 12-36: A Commentary*, trans. John Scullion (Minneapolis: Augsburg Publishing House, 1984), 536. See also H.J. Zobel, *Stammesspruch und Geschichte*, BZAW 95 (Berlin: Töpelmann, 1965), p. 70.

38. The legal interpretation is certainly taken up by the school behind the Book of Jubilees; see Martha Himmelfarb, "Levi, Phinehas, and the Problem of Intermarriage at the Time of the Maccabaean Revolt," *Jewish Studies Quarterly* 6 (1999): 1–24.

39. Eduard Nielsen, *Shechem : A Traditio-Historical Investigation*, 2nd rev. ed. (Copenhagen: GECGad, 1959). Cf. Gunneweg, according to whom Gen 49:5-7 originally only spoke of Levi (*Leviten und Priester*, 1965, 45-51). What Simeon is doing in this narrative, particularly when there are such clear hallmarks of a priestly hand, is unclear. Perhaps the most convenient explanation for this problem follows the view that Genesis 34 was authored as an etiological narrative for Genesis 49:5-7. According to this line of argumentation, the latter text

the negative portrayal of Levi in Genesis 49 and "introduced" Levi into the Genesis 34 narrative as a way of *delegitimizing* the Levite clerical tribe. Or, as De Geus puts it, "the Simeonites once did what was afterwards considered typical of the Levites."[40] If Nielsen is correct, the interpolator even went so far as to arrogate priestly discourse by peppering the narrative with priestly language and motifs. This is almost the ancient equivalent of a gloved assassin attempting to make his murder appear to have been a suicide, by putting his victim's fingerprints on the firearm.

Both Nielsen and Van Seters argue for the purposeful and intentional inscription of Levi into a "starring" role in the massacre described in Genesis 34. We cannot know, however, whether this inscription was an act of malice on the part of a resentful biblical writer—perhaps a member of a rival priestly group—or an act of zealous pride by a sympathetic writer. But both of these interpretations fit into, and provide a further plausibility structure for, the motif of sacred violence perpetrated by a levitical priest. By shrewdly integrating this motif, and by providing repeated hints of the sacred status that comes to be associated with the Levites, the interpolator is able to both make sense of the senseless violence in the story and locate the "deviant act" of Levi within a "larger conspiracy" or as "embedded in a broader cultural context" of priestly violence.[41]

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was designed as an *ex eventu* prophecy for the "landlessness" of both eponymous tribes, and Genesis 34 was authored secondarily to explain this curse. See Kugel, *How to Read the Bible*, 172-173.

40. C.H.J De Geus, *The Tribes of Israel* (Assen/Amsterdam: Van Gorcum, 1976), 100.

41. On this move, see Joel Best and Mary M. Hutchinson, "The Gang Initiation Rite as a Motif in Contemporary Crime Discourse," *Justice Quarterly* 13, no. 3 (1996): 383–404, esp. p. 400.

(b) Moses: The Lawmaker is the Lawbreaker (Exodus 2)

The first chapter of the Book of Exodus provides an accelerated and depersonalized narrative of the initial stages of the persecution of the Israelites in Egypt. The second chapter, however, shifts attention to the story of Moses' family, his birth, and fortuitous survival. A few verses focus on the plight of Moses the hapless infant, but his growth into an adult is almost instantaneous. How Moses was raised is unknown, but the grown Moses is portrayed as aware of his "Hebrew" heritage and sensitive to the suffering of his brethren (2:11).

In what is seemingly his first foray into the outside world, Moses sees an Egyptian striking one of his Hebrew brethren (2:11). Moses is said to have looked this way and that, and presumably with no one looking, he deals a lethal blow to the Egyptian and buries him in the sand (2:12). Perhaps buoyed by his success in slaying the Egyptian, Moses attempts to intervene the very next day between two quarreling Hebrews. Unfortunately for Moses, the Hebrew antagonist heard of his slaying of the Egyptian, prompting him to question Moses' previous vigilante style killing: "Who made you a ruler and judge over us? Do you mean to kill me as you killed the Egyptian?" (2:14). Moses' fear that word of his killing the Egyptian had become public was realized. Pharaoh sought Moses' life, leading the latter to flee to Midian. Fittingly, Moses' first act in Midian is to intercede in yet another interpersonal dispute: between male and female shepherds.

It is certainly puzzling that Moses' life should begin with an act of lethal violence. Moses, while later renowned as the Israelite lawgiver, has his beginnings as a vigilante; as

someone who exercises authority that is seemingly not within the framework of a legal system.[42] He exacts private vengeance upon the Egyptian. The lawgiver is the lawbreaker.[43] But perhaps this episode is not meant to be viewed in the context of law and lawmaking.

Mark Leuchter takes up the issue of Moses' violence and argues that it is best viewed as part of a larger motif of violence that recurs with the portrayal of the Mushite priesthood.[44] Leuchter sees a connection between warfare and "cultic behavior or status":

> In essence, warfare was an opportunity to express commitment to the divine warrior YHWH in the interests of defending nascent Israelite identity; those who were successful in battle proved themselves fit to be divine representatives.[45]

On this background, the brief note of Moses' own violence takes on added significance: "it shows signs of a Mushite legacy of violent conflict."[46] Following Leuchter, I would argue that fused within the short narrative of Moses' violence is a prefiguration of the fearsome Mushites.

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42. Herbert Niehr invokes the example of Absalom, the son of David, who in attempting to shore up popular support for the usurping of his father's throne, sets up an ersatz court at the gates of Jerusalem (2 Samuel 15:2-6). Herbert Niehr, *Herrschen Und Richten: Die Wurzel Špṭ Im Alten Orient Und Im Alten Testamen*t (Würzburg: Echter, 1986), XXX.

43. My thanks to Rebecca Keys for this eloquent observation. I should also note that this is not the last we hear of Moses' struggle with the law. After the Exodus he is portrayed as overwhelmed and running an inefficient legal system as the "paterfamilias" of the Israelites. It is only an intervention by Moses' father-in-law, a Midianite priest, that results in the establishment of a hierarchical, centralized authority for the administration of justice. On the inception of the Israelite legal System: See Exodus 18:13-27; Numbers 11:16-25; Deut. 1:9-17, 17:8-13. See discussion in Hanoch Reviv, "The Traditions Concerning the Inception of the Legal System in Israel," *ZAW* 94 (1982), 566ff.; Michael LeFebvre, *Collections, Codes, and Torah* (New York: T & T Clark, 2006), pp. 40ff.

44. Mark Leuchter, "The Fightin' Mushites," *Vetus Testamentum* 62 (2012): 479–500.

45. Ibid., 489.

46. Ibid., 492.

(c) The Golden Calf and the Killer Levites (Exodus 32)

On the heels of the miraculous Exodus from Egypt and the revelation of the Ten Commandments, Moses is summoned by God to Mount Sinai to receive the “tablets of stone with the law and the commandment” (Ex 24:12). A perceived delay in Moses’ descent from the mountain leads to chaos in the Israelite camp. Moses’ brother Aaron is consulted by "the people" on the matter of the former's absence, and he devises a plan that results in the creation of a calf that is cast from molten gold. The apotheosis of this episode is Aaron's declaration, "These are your gods, O Israel, who brought you up out of the land of Egypt" (Ex 32:4). A day of festivities and sacrifices ensues after Aaron ordains a festival and builds an altar.

Moses, meanwhile, is informed by God of the corruption in the Israelite camp. God initially threatens to annihilate the Israelites (32:10), though He is said to have retracted that threat (32:14) after an intercessory prayer by Moses (vv. 11-13). The climactic events of Moses' descent are well known. Upon descending Mount Sinai and seeing and hearing the commotion in the Israelite camp, Moses proceeds to smash the two divinely inscribed tablets and destroy the golden calf. He next reprimands Aaron, the ostensible leader of the cult of the golden calf; Aaron offers only a series of excuses and half-truths about his role in the affair.

Despite Moses' impassioned plea on Mount Sinai that God not annihilate the Israelites, he nevertheless proceeds to muster a group of Israelites with the call, "Whoever is for YHWH, to me!" The “entire” Levite clan/tribe reports to Moses, at which point he has them arm themselves with swords. He then orders them, on the authority of a divine command, to “Go back and forth

from gate to gate throughout the camp, and each of you kill your brother, your friend, and your neighbor" (32:27). Three-thousand Israelites are reported to have been killed in the ensuing rampage. Following the report of the casualties, Moses issues a cryptic blessing to the Levites (32:29).

Both traditional and critical readings of this narrative are plagued with difficulties. These questions are compounded by the appearance of what is by all appearances a synoptic account of the sin of the Golden Calf, which is recounted in the Book of Deuteronomy (9:8-21) as well as a "later" text, 1 Kings 12, which relates a narrative in a different historical context, albeit one revolving around golden calves. The literary relationship between these three pericopae is undeniable, and indeed, it has been treated extensively in prior scholarship.[47] For the purposes of my brief examination here, I will be limiting my focus to Exodus 32.

First, I would like to highlight the extent to which Aaron is held to account for the corruption in the Israelite camp. In Exodus 32, Aaron emerges as a man of questionable judgment and of questionable qualification for cultic leadership. After all, it is Aaron who initiates the collection of gold jewelry and its smelting into a foreign icon. It is Aaron who declares, "These are your gods, O Israel, who brought you up out of the land of Egypt" (Exodus

47. On the connection between Exodus 32 and 1 Kings 12, including references to prior scholarship, see Moses Aberbach and Leivy Smolar, "Aaron, Jeroboam, and the Golden Calves," *JBL* 86 (1967), 129-140. Triangulating the evidence from all three sources and treating the question of literary dependence is Christine Hayes, "Golden Calf Stories: The Relationship of Exodus 32 and Deuteronomy 9-10," in Hindy Najman and Judith H. Newman (ed.), *The Idea of Biblical Interpretation : Essays in Honor of James L. Kugel* (Leiden: Brill, 2004), 45-94.

32:4). It is Aaron who constructs an altar and declares a holiday. When questioned by Moses, Aaron answers evasively, insinuating that the Golden Calf emerged ex nihilo from the flames.

Indeed, the unambiguously negative portrayal of Aaron in Exodus 32 makes it nearly certain that the story is *not* a product of the Priestly school. Given the positive portrayal of Moses and the Levites at Aaron's expense, Cross and others have argued that the narrative is Mushite propaganda, which was designed to denigrate the Aaronide priestly line.[48] The Golden Calf narrative thus bears clear signs of intergroup priestly polemic. Consequently, it is no accident, in my view, that the Mushite-Levites are elevated for having performed interpersonal violence.

Adding to the distinct priestly flavor of the Levites' act of violence is a puzzling verse at the end of the narrative (Exodus 32:29):

> וַיֹּאמֶר מֹשֶׁה מִלְּאוּ יָדְכֶם הַיּוֹם לַיהוָה כִּי אִישׁ בִּבְנוֹ וּבְאָחִיו וְלָתֶת עֲלֵיכֶם הַיּוֹם בְּרָכָה׃
>
> And Moses said, "Fill your hands this day to the Lord, for each of you has been against son and brother, that He may bestow a blessing upon you today."

48. As for why the narrative promotes the *Levites* if it is of *Mushite* provenance, scholars assume that the text as we have it was tampered with. Joel Baden ("Violent Origins," 117) argues that the violent coda has been dislocated – it belongs to the Massah and Meribah narrative in Exodus 17. Cross ("Priestly Houses," 199) regards the coda of Exodus 32 as a secondary addition, though he presumes that it is connected to Deut. 33:8, 10ff., which equate Moses and the Levites. William Johnstone follows a similar tack, arguing that there was a Deuteronomistic redaction of Exodus: "The ordination of the Levites in Deut. 10:8-9 has been transposed to the end of the golden calf incident (Ex 32:25-29) and their role has been transformed in the process from that of bearers of the ark of the covenant into that of Yahweh zealots." See idem, "Reactivating the Chronicles Analogy in Pentateuchal Studies," *ZAW* 99:1 (1987), 16-37.

In its present state, at least in the Masoretic Text, the verse is almost incoherent. It seems to be missing a verb, and the end of the verse lacks a clear subject. Nor does the "filling of hands" seem to fit the context; Wellhausen goes so far as to call the phrase in this verse "absurd."[49]

William Propp offers that the locution "is difficult," but suggests, following a number of Targumim, that "there could be an implication that the slain Israelites [constitute] Filling-offerings (*millu'im*) of priestly consecration."[50] In other words, the Levite fratricide may have constituted a consecratory act of human sacrifice. Propp likewise notes that the idiom in question is employed solely "in the context of priestly inauguration."[51] Indeed, just a few chapters prior in Exodus (29:41), Moses is commanded by God to invest Aaron and his sons into the priesthood by dressing them in priestly vestments, anointing them, and "filling their hands."[52]

Perhaps the most suggestive formulation of the relationship between the violence of the Levites and installation into the priesthood is offered by Rashi, a French exegete of the 11th century:[53]

מלאו ידכם: אתם ההורגים אותם, בדבר זה תתחנכו להיות כהנים למקום.

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49. Wellhausen, *Prolegomena*, 152.

50. William Henry Propp, ed., *Exodus 19-40: A New Translation with Introduction and Commentary*, The Anchor Bible, v. 2A (New York: Doubleday, 2006), 563. And see Neofiti and Onqelos (ad loc.); See Alexander Sperber, *The Bible in Aramaic*, vol. 1 (Leiden: Brill, 1959), ad loc; Menahem Kasher, *Torah Shelemah*, vol. 21 (Jerusalem: American Biblical Encyclopaedia Society, 1974); Peretz Perles, *Be'urei Onqelos* (Munich: Theodor Ackerman, 1887-8).

51. As in Exodus 28:41; 29:9, 29, 33, 35. Propp, *Exodus 19-40*, 452.

52. See also *TDOT*: "The conclusion must be that *mille et yad* is either a general designation for the ordination of priests or constitutes an integral part of such ordination, namely, the application of blood, the apportionment of sacrificial flesh, and the meal . . . The ritual of hand-filling is a ritual of strengthening one's efficacy as priest, of "full" empowerment, of "filling" the soul, rendering it capable of performing the service at the altar; the word yad in this context is thus to be understood in the sense of "efficacy, power."

53. I should note that this biblical phrase is not treated, let alone recorded, in classical rabbinic literature.

> You have filled your hands: You, who have killed [the Israelites], with this [action] you will have been trained to become priests for the Omnipresent.

For Rashi, in other words, not only does violence vest the Levites into the priesthood — it is what *prepares* them for the priesthood. While Rashi does not elaborate, it is clear that he sees violence as an inherent component of priesthood. Indeed, there is little utility for violence as a preparation for the priesthood unless one views the sacrificial cult as violent.

Consequently, I would argue that the violent coda of the Golden Calf episode indicates, albeit cryptically, that initiation into the priesthood is not a simple matter of hereditary descent, or even divine declaration. Here I would turn to Nancy Jay's theory of sacrifice:

> Sacrificial ritual can serve in various ways as warrant of, and therefore as means of *creating*, patrilineal descent—as a principle of social organization, not as a fact of nature.[54]

In other words, the right lineage, is *necessary*, but not *sufficient* for installation into the priesthood. Entry into the priestly caste is a function of the willingness to engage in sacred violence — even at the expense of, or perhaps especially at the price of, blood relatives.

In our view, the sanctioned act of violence with which the Golden Calf narrative closes, though cryptic in context, certainly appears to be reflective of intergroup tensions between the Mushite/Levite and Aaronide priesthoods. Read at even the most superficial level, the rampage of the Levites manifests an inherent connection between violence, sacrifice, and investiture into

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54. Nancy B. Jay, *Throughout Your Generations Forever: Sacrifice, Religion, and Paternity* (Chicago: University of Chicago Press, 1992), 37 (emphasis mine). I should note that I am transposing Jay's theory of animal sacrifice into the human sacrifice of Exodus 32.

the priesthood. Whether the violence is itself the investiture (i.e., if it constitutes an act of sacrifice), or whether it is a necessary step toward investiture, cannot be proven.

4. The Violence of Phinehas: Numbers 25

(a) Synopsis

After emerging victorious over the Amorites who refused to allow them safe passage (Numbers 21:21-35), the Israelites took a pause in their desert wandering and made camp in Moab (Numbers 22:1). Following the long interlude of the Song of Balaam, we find the Israelites encamped at Shittim and consorting with Moabite women (25:1).[55] This gives way to sacrifices to, and worship of, the Moabite deities and, subsequently, Baal Pe'or.[56] God is angered, and He orders Moses to "take all of the chiefs of the people (ראשי העם) and impale them in the sun to the Lord" (25:4).[57] But, as in the Golden Calf narrative,[58] Moses' ultimate

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55. Levine challenges the notion that *zanah 'el* refers to sexual impropriety, arguing that when *znh* "connotes actual sexual activity . . . [it] usually takes zero object." Consequently, Levine contends that the offense in this verse is one of "betrayal" – consorting with the Moabite women resulted in idolatry. See Baruch A. Levine, *Numbers 21-36*: *A New Translation with Introduction and Commentary*, Anchor Bible 4a (New York: Doubleday, 2000), 282-283. Cf. Martin Noth, *Numbers: A Commentary* (London: SCM Press, 1969), p. 198. Mayer Gruber issues a wider challenge to the association of sex with Ancient Near Eastern religion; see Mayer Gruber, "Hebrew *qedesah* and Her Canaanite Cognates," *UF* 18 (1986), 133-148.

56. On the translation and nature of Baal Pe'or, see Levine, *Numbers 21-36*, 284-5; 294-297.

57. Polzin views this locution as evidence of a covenantal breach, along the lines of the "acted-out, conditional curses that form the ritual oaths of many Ancient Near Eastern, especially West Semitic, treaties." See Robert Polzin, "HWQY' and Covenantal Institutions in Early Israel," *Harvard Theological Review* 62:2 (April 1969), 227-240. Mendenhall arrived at the same conclusion just a few years later; see George E. Mendenhall, *The Tenth Generation: The Origins of the Biblical Tradition* (Baltimore: The Johns Hopkins University Press, 1973), 117ff. On the translation of the verb, see Timothy Ashley, *The Book of Numbers* (Grand Rapids: Eerdmans, 1993), 512 (hereafter NICOT).

58. Levine (*Numbers 21-36*, p. 279) notes that Numbers 25 "exhibits considerable intertextuality," particularly with regard to Exodus 32. See also Martin Hengel, *The Zealots: Investigations into the Jewish Freedom Movement in the Period from Herod I until 70 A.D.*, trans. David Smith (Edinburgh: T&T Clark, 1989), p. 148. Not only

command, in this case to the "Israelite commanders" (שפטי ישראל), is at odds with God's instructions. Rather than ordering these commanders to impale the Israelite chiefs, per God's command, Moses commands them to kill those who "yoked themselves" to Baal Peʿor (25:5).[59]

The scene trails off abruptly and fades to the entrance of the Tent of Meeting. In a deliberate, public spectacle before Moses and the Israelites, an Israelite man, later named Zimri son of Salu, is said to have "brought near (וַיַּקְרֵב)[60] to his brethren" a Midianite woman, later identified as Cozbi daughter of Zur (25:6). The exact nature of their wrongdoing is never fully articulated.[61] The Israelites, in the meantime, are portrayed as crying at the entrance to the Tent of Meeting.[62]

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does Milgrom state that both narratives "resemble one another in their inner detail," he argues that "Baal-Peʿor is but an extension of the golden calf," a fulfillment of the prophetic statements in Exodus 32:34b-35. See Jacob Milgrom, *The JPS Torah Commentary: Numbers* (Philadelphia: The Jewish Publication Society), 211. There is likewise an intertextual relationship with 2 Samuel 21; see Polzin, "HWQY," 227-240, and Levine, *Numbers*, 300-303. Below I will demonstrate how this intertextual relationship continues in the writings of Philo of Alexandria.

59. This divergence highlights the seam thought to exist between what are widely posited to be the JE narrative (25:1-5), which concerns Baal Peʿor and the Moabites, and the P narrative (25:6ff.), which relates to a Midianite woman. See George B. Gray, *A Critical and Exegetical Commentary on Numbers* (Edinburgh: T&T Clark, 1903), 380ff.; Levine, pp. 279-281; Philip Budd, *Numbers*, Word Biblical Commentary 5 (Waco: Word, 1984), 275-279. Expressing skepticism about identifying components of a source critical substratum is Noth (*Numbers*, pp. 195-6), who even expresses doubt as to whether the Phinehas tradition is to be identified with P. For a recent summary of critical approaches to Numbers 25, see Josebert Fleurant, "Phinehas Murdered Moses' Wife: An Analysis of Numbers 25," *JSOT* 35:3 (2011), pp. 286-287. One the wider resonances of the verb *smd* in the Ancient Near East, see Mendenhall, p. 111; Milgrom, p. 212.

60. The meaning of *wayyaqrēḇ* is particularly ambiguous in this context. It can refer to the first step in a sacrificial act (i.e., bringing the animal forth; see, e.g., Leviticus 8:22, 9:15), but it is also employed in narratives of priestly installation as a way of describing the priests being brought forward (e.g., Leviticus 8:13, 24).

61. See Martin Noth, *Numbers: A Commentary,* p. 198*;* S. C. Reif, "What Enraged Phinehas? A Study of Numbers 25:8," *Journal of Biblical Literature* 90:2 (1971), 200-206.

62. Richard Elliot Friedman argues that the Israelites are simply mourning the death of Aaron (Numbers 20:29), which on the basis of his source-critical reconstruction of Numbers was the last attested verse from P before this one (*The Bible with Sources Revealed* [New York: HarperCollins, 2003], p. 288). Cf. Fleurant, "Phinehas Murdered," pp. 288-290, according to whom the weeping links up with Numbers 11:15. Milgrom (*Numbers*, 214), on the other hand, posits that the weeping was "a rite of penitence, a subtle condemnation of Moses." Cf.

Phinehas, son of Eleazar and grandson of Aaron, is described as observing the event and springing into action, with a series of six waw-consecutive verbs highlighting the vividness of his reaction. He proceeds to follow the pair and he spears them both[63] — an act which serves to cease an apparently ongoing plague, mentioned here for the first time, that took the lives of 24,000 Israelites.[64] In the verses that follow, Phinehas is lauded by God for his zeal (*qinʾāh*) – or, more precisely, for his "zeal for God." This zeal is expressed in two forms: (a) the "singular construction" in the cognate accusative (בְּקַנְאוֹ אֶת–קִנְאָתִי),[65] and (b) the more typical form with the indirect object (קִנֵּא לֵאלֹהָיו).[66] In both instances, however, it is clear that Phinehas is acting as an agent of God: "Phinehas' zeal on behalf of Yahweh realizes Yahweh's jealousy, which otherwise would have consumed all Israel."[67] In the following verses, Phinehas is blessed with a "covenant

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Ezekiel 8:14.

63. It is unclear where and how Phinehas kills the pair, and much of the ambiguity revolves around the noun *qbh*. See Reif, "What Enraged Phinehas," pp. 204-206.

64. On the possible relationship between this slaying and a Hittite ritual that similarly functions to cease a plague afflicting the camp, see Lauren A.S. Monroe, "Phinehas' Zeal and the Death of Cozbi: Unearthing a Human Scapegoat Tradition in Numbers 25:1-18," *Vetus Testamentum* 62 (2012), 211-231. For a positivistic reading of the plague narrative, see George E. Mendenhall, *The Tenth Generation: The Origins of the Biblical Tradition* (Baltimore: The Johns Hopkins University Press, 1973), 106ff.

65. *TDOT*, s.v. qn'.

66. We find a formula of the latter type attested with regard to Elijah (קַנֵּא קִנֵּאתִי לַיהוָה), after he slaughtered 400 priests of the cult of Baal (1 Kings 18:40). Indeed, we find that in the later Jewish tradition there is an association between Phinehas and Elijah. See our discussion below, pp. 220-223. Similar to the Elijah episode is that of Jehu, who, though not labeled a zealot, is given a dynastic promise in exchange for his eradication of the cult of Baal. See 2 Kings 10.

67. *TDOT*, s.v. qn', p. 56. Cf. Von Rad, for whom there is likewise an inextricable bond between God's zeal and holiness – they are "in fact only differently shaded expressions of one and the same characteristic of Jahweh." See Gerhard von Rad, *Old Testament Theology*, vol. 1 (New York: Harper & Row, 1962), 205.

of peace," and owing to his zeal for God, his bloodline is chosen for the covenant of eternal priesthood,[68] and the Israelite wrongdoing is wiped clean (כפר).[69]

(b) Critical Analysis

That the narrative is thought to be of composite origin does not obscure its clear etiological function, which is to secure the Aaronide claim to the priesthood. Thus Noth writes:

> The original point of the whole Phinehas episode is perhaps intended to legitimatize the descendants of Phinehas, in the face of any possible opposition, as the true heirs to "Aaronite" privileges.[70]

Frank Moore Cross likewise notes that the story in Numbers 25 is evidence of a "polemical literature reflecting conflicting claims of the great priestly families."[71] While Gordon Wenham does not believe that "exclusive rights to some priesthood are being claimed," he nevertheless views the narrative as addressing doubts about Phinehas' "credentials as priest" and/or "providing grounds for their supervision of the Levitical gatekeepers."[72] Milgrom goes so far as to provide a specific historical context for the episode, arguing that the narrative "was used as

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68. This explicit blessing coheres nicely with the interpretations that see in the cryptic blessing to the rampaging Levites an investiture into the priesthood.

69. The verb *kpr* has explicit sacrificial connotations, and these are sensed and even played up in the interpretive literature; see below. In addition, the verb tense here is difficult; see already Sifre Numbers §131. Owing to the difficulty, BHS emends to the perfect tense. See also Nils Martola, *Capture and Liberation: A Study in the Composition of the First Book of Maccabees* (Abo: Abo Akademi, 1984), 210.

70. Noth, *Numbers*, p. 199

71. Frank Moore Cross, "Priestly Houses," 203.

72. Wenham, *Numbers*, 278, 282. On Phinehas as gatekeeper, see below pp. 82-88.

justification of Abiathar and his family from the Jerusalem Temple so that the Zadokites alone remained as its officiating priests."[73]

If the Phinehas narrative in Numbers 25 is to the gain of the Aaronides, it is also to the denigration of Moses.[74] Moses' idleness in the narrative and his failure to exact the punishment with which he had been charged at the beginning of the chapter are only one offense.[75] But by having Phinehas slay an Israelite man who engaged in a prohibited act with a Midianite woman and insinuating that such unions are forbidden,[76] surely Moses, himself married to a Midianite woman (Exodus 2:16-21), is implicated.[77] We may thus infer further evidence for a Mushite-Aaronide schism from such a strongly worded guarantee of priesthood to the Aaronide bloodline and the decidedly anti-Moses slant of the narrative.[78]

But the narrative does not end with Phinehas' priestly covenant. Indeed, the violence does not stop with Phinehas' slaying of Zimri and Cozbi. Here the narrator has God commanding Moses to smite the Midianites as punishment for their corruption of the Israelites at

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73. Milgrom, *Numbers*, 479.

74. Cross makes the important point that "Numbers 25 stops short of condemning Moses in its present form, just as some of the anti-Aaronic traditions tend to spare Aaron" ("Priestly Houses," 203).

75. Milgrom also points to Exodus 14:15 and Numbers 14:5, 16:4 as additional examples of "Moses' inertia when action was needed" (*Numbers*, 214). This theme is developed in rabbinic literature; see below discussion.

76. See, e.g., Deuteronomy 23:4, 1 Kings 11:1-6; cf. the seemingly permissive attitude toward such unions in Ruth.

77. Fleurant takes this argument one step further, in contending that the Midianite woman was, indeed, Moses' wife. See Fleurant, "Phinehas Murdered." As I will illustrate below, the anti-Moses slant of the narrative is brought to the fore in the Babylonian Talmud.

78. Frank Moore Cross, "Priestly Houses," 202: "It is quite impossible to separate this account from the story leading up to the rejection of the Elid (Mushite) priestly house in 1 Samuel 2:22-25."

Ba‘al Pe‘or and the sin of Cozbi, whose prominence as the daughter of the nasi of Midian is emphasized (Numbers 25:17-18). Just a few chapters later, Moses is again charged with exacting God's revenge against the Midianite people. The ensuing battle is fittingly led by Phinehas (31:6), with sacred vessels in hand. Zur, the father of Cozbi, is said to have been among the victims (31:8). The brutal irony of this war is obvious for Moses.[79]

(c) Phinehas and Priestly Violence

Several outstanding features underscore that the Phinehas episode is a highly developed exemplar of the motif of narrative priestly violence:

(a) *Sacrificial language*: The narrative is suffused with language, both explicit and implicit, that strongly implies (human) sacrifice.[80] Thus when Moses orders the Israelite commanders to impale the offending leaders "in the sun to the Lord" (25:4), commentators are quick to note that "the formula strongly suggests sacrifice, indicating that YHWH is the recipient of the impaled humans."[81] Regarding the verb ויקרב, which is employed to describe the first stage of Zimri's actions, Levine notes that this verb "often describes the offering of a sacrifice, suggesting that its use here is allusive, or charged, and that several motifs are fused in the priestly narrative."[82]

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79. This irony is likewise noted in J. Daniel Hays, *From Every People and Nation: A Biblical Theology of Race* (Downers Grove, IL: InterVarsity Press, 2003), 83.

80. See, especially, Lauren Monroe, "Phinehas' Zeal," 220-221. See also Jason Tatlock, "The Place of Human Sacrifice in the Israelite Cult," in *Ritual and Metaphor: Sacrifice in the Bible*, ed. C.A. Eberhart (Atlanta: Society of Biblical Literature, 2011), 33-48, esp. 42.

81. Levine, *Numbers*, 285. See also Milgrom (213): "the public impalement was to be regarded as expiation for Israel's apostasy."

82. Ibid., 286.

Finally, Phinehas is described as having "effected atonement" for the Israelites by slaying Zimri and Cozbi. Among modern scholars, Levine notes that "the slaying of the leading offenders functioned virtually as a human sacrifice,"[83] and Lauren Monroe follows suit.[84] Sensitivity to the function of this verb is displayed already in the Midrash (Numbers Rabbah 21:3):

> וכי קרבן הקריב שנאמר בו כפרה? אלא ללמדך שכל השופך דמן של רשעים כאלו הקריב קרבן.
>
> Did [Phinehas] offer a sacrifice, that the verse should refer to *kapparah*? Rather, [this word] comes to teach you that whoever spills the blood of evildoers — it is as if he has offered a sacrifice.

As I illustrated above, the trope of human sacrifice is also thematic in the violent rampage of the Levites in the aftermath of the Golden Calf narrative (Exodus 32:26-29).

(b) *Intergroup polemic*: As noted above, the Phinehas narrative both implicitly and explicitly denigrates Moses.[85] I would argue that this polemic is to be read more generally as engaging with the Mushite priesthood.

(c) *Priestly legitimation*: Phinehas' violence quite explicitly results in his covenant of eternal priesthood.

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83. Levine, *Numbers*, 290.

84. Monroe, "Phinehas' Zeal," 220-221. Monroe adds an additional term, the highly ambiguous קבה, which "is only attested in one other instance in the Bible, in Deut 18:3, [where] it refers to a part of a sacrificial animal to be set aside for the Levite priests." This latter point was not lost on some rabbinic readers, who made the same connection; see our discussion below, pp. 193-197.

85. For a thoroughgoing overview of other narratives critical of Moses, see Trent Butler, "An Anti-Moses Tradition," *JSOT* 12 (1979), 9-15. Tellingly, Butler writes that, "It is quite possible that priestly politics are involved in the growth of the Moses polemic" (p. 14).

5. Conclusion

I have argued that there is a close association, both theoretical and textual, between priesthood and the rhetoric of interpersonal violence. I ascribed the possible origins of this association to the primordial and functional association of priests and priesthood with sacrificial violence, and I illustrated how in a number of these texts there are, indeed, strong intimations of human sacrifice. I likewise demonstrated how, given the context of rivalries between competing priestly groups, the violence in these narratives seems to have a legitimatory function for priestly groups. An even stronger reading would say, per Nancy Jay, that violence is required to generate priestly lineage.

In terms of the possible origins of priestly violence, we are left with a set of questions evocative of Plato's Euthyphro Problem:

(a) Are priests violent because they sacrifice? I.e., does the violence from the blood-soaked sacrificial cult spill over into the real world? Do priests simply become desensitized to violence?

(b) Or, per Girard, do priests sacrifice because they are violent? I.e., do priests need sacrifice to serve as an outlet for the violence that they might otherwise inflict against their fellow men?

The massacre committed by Levi in Genesis 34 and Moses' killing of the Egyptian in Exodus 2 lack any connection to sacrifice. That said, the former attests a not insignificant peppering of priestly language, which leads me to believe that it is rightly read on the background of Levi's future priestly role. This cannot be said, however, for Moses' violence in Exodus 2. Consequently, these two narratives reflect a seeming predisposition to violence on the

part of Levi and Moses, but do not necessarily speak to the origins of their interpersonal violence.

The rampage through the Israelite camp at the end of Exodus 32 and Phinehas' vigilantism, on the other hand, move the needle back toward more of a Girardian understanding. As I maintained above, both of these narratives maintain an association between sacrifice and violence. For Girard, the vesting of the Levites and Phinehas into the priesthood in the immediate aftermath of their respective killings allows for the channeling of their intramural violence into the cult of animal sacrifice.

PART II

The thrust of the discussion with which we ended the previous chapter is that the Phinehas narrative in Numbers 25 preserves a literary memory of violence which is inextricably bound with sacrifice and the discourse of priestly legitimacy. The question of the historicity of this narrative is, as I have noted above, immaterial. Our concern in the remainder of the dissertation will be directed toward the reception of Phinehas' priestly violence in later literature, guided by the following questions:

(a) How, if at all, was the motif of priestly violence recognized in later writings, both in general and with regard to Phinehas?

(b) How did readers of Numbers 25 receive Phinehas' violence? Was it an act destined for commemoration, or even replication?

(c) How did ancient readers of Numbers 25 read the emphatic commendation of Phinehas' violence? As James Barr has stated, albeit regarding the utter destruction both commanded and described in the Bible, "the problem is not whether the narratives are fact or fiction, the problem is that, whether fact or fiction, the ritual destruction is commended."[1]

(d) Finally, how might ancient readers have responded—and how might we respond—to the question posed by Gordon Wenham: "Why particularly was there a need to vindicate the

1. James Barr, *Biblical Faith and Natural Theology* (Oxford: Clarendon, 1993), 209; as quoted in Collins, "Zeal of Phinehas," 11.

priesthood of Phinehas, and why was this particular way chosen?"[2] Put differently, shouldn't the Aaronide priesthood have passed automatically to Phinehas by virtue of his being born to the son of Aaron?

2. Wenham, *Numbers*, 278.

Chapter 2: Forgotten Fame? Inner-Biblical Memories of Phinehas' Violence

2. Introduction

In this chapter, I examine those biblical texts which, on account of their awareness of an Israelite apostasy with (Baal) Pe'or, should also (theoretically) be familiar with Phinehas' cessation of the plague in the aftermath of that affair. I assess these texts in an effort to determine whether and how biblical writers *outside* of Numbers 25 commemorated Phinehas' famed violence or evinced an awareness of the motif of priestly violence. My findings are quite surprising. On the one hand, two texts, Deuteronomy 4:3 and Hosea 9:10, make mention of the Pe'or affair, but not of Phinehas or of violence of any kind. On the other hand, two other texts, Psalm 106 and Joshua 22, do indeed know of Phinehas and are also aware of his association with the Pe'or affair. Yet these two texts likewise do not mention Phinehas' violence. I invoke one additional text, Numbers 31:6, to demonstrate, counter to the above trend, continuity with Numbers 25 and the sustained association of Phinehas with the motif of priestly violence.

As the caveat goes, absence of evidence is not evidence of absence. This is especially pertinent to our case, as the Numbers 25 narrative is almost universally regarded by scholars as a composite of two different editorial strands. Phinehas' violence, according to this argument, was present in only one of the two strands. Thus we cannot discount the possibility that certain writers of the above texts were either unaware of, or perhaps could not have been aware of, the strand containing Phinehas' violence. In the case of Psalm 106, however, I demonstrate that there are ample grounds to speak of the psalter's active and knowing suppression of Phinehas'

violence, albeit for reasons unknown. To a certain extent, the same can be said for the omission of Phinehas' violence in Joshua 22, although I argue that this serves a contextual purpose and actually promotes Phinehas' standing. All told, with the exception of Numbers 31:6, it appears that the legacy of Phinehas' violence might have already been contested within the biblical text itself.

1. Pe'or without Phinehas: Deuteronomy 4:3 and Hosea 9:10

One simple strategy for contending with the propriety of Phinehas' violence is to ignore it altogether. And indeed, this may very well be the case with regard to certain inner-biblical mentions of the Baal Pe'or episode. Thus in Deuteronomy 4:3, Moses reminds the Israelites of how God destroyed all of their fellows who engaged in Pe'or worship. Hosea 9:10 likewise recalls the shame of the Israelite deeds at Baal Pe'or.[1] Neither text, however, mentions Phinehas, the violent ending of the affair of an Israelite man with a Midianite woman, or the "plague" that afflicted the Israelites.[2] Thus some scholars view these two verses as yet further evidence for the composite scheme of the narrative in Numbers 25, and more centrally, for the late interpolation

1. Both of these latter verses oscillate between regarding Baal Pe'or as a deity and/or a toponym.

2. George Boudreau takes the position that Hosea 9:10 could not have been aware of the Baal Pe'or tradition in Numbers 25. In his reading, Numbers 25:1-5 is redolent of Deuteronomistic language, and would thus postdate the eighth century Hosea. See George Boudreau, "Hosea and the Pentateuchal Traditions: The Case of Baal of Pe'or," in *History and Interpretation: Essays in Honour of John H. Hayes*, ed. M. Patrick Graham [et al.]. (Sheffield: JSOT Press, 1993), 121-132.

of Phinehas into the story.[3] Deuteronomy 4:3 and Hosea 9:10, according to this reading, were either unaware, or could not have been aware, of the tradition of Phinehas' violence.

2. Phinehas' Disappearing Violence: Psalm 106:28-31

An alternative viewpoint would posit that these texts, *despite* their awareness of the Phinehas episode, deliberately chose not to incorporate it in their rendition of the Peʻor narrative. I would argue that an explicit example of this phenomenon is attested in the recollection of the Baal Peʻor narrative in the Book of Psalms (106:28-31):

> 28 וַיִּצָּמְדוּ לְבַעַל פְּעוֹר וַיֹּאכְלוּ זִבְחֵי מֵתִים: 29 וַיַּכְעִיסוּ בְּמַעַלְלֵיהֶם וַתִּפְרָץ־בָּם מַגֵּפָה: 30 וַיַּעֲמֹד
> פִּינְחָס וַיְפַלֵּל וַתֵּעָצַר הַמַּגֵּפָה: 31 וַתֵּחָשֶׁב לוֹ לִצְדָקָה לְדֹר וָדֹר עַד־עוֹלָם:
>
> [28] Then they attached themselves to the Baal of Peʻor, and ate sacrifices offered to the dead; [29] they provoked the LORD to anger with their deeds, and a plague broke out among them. [30] Then Phinehas stood up and wypll, and the plague was stopped. [31] And that has been reckoned to him as righteousness from generation to generation forever.

Contrary to the previous examples, this psalm is clearly aware of the Phinehas tradition in Numbers 25 or some version thereof.[4] In just a few short verses the psalter touches on all of the

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3. According to Levine (*Numbers*, 294), the narrative in Numbers vv. 1-5 is a product of "the same circles that produced Hosea 9." In general, Levine fully adopts the stance of Wellhausen in arguing that the Phinehas narrative and the notion of an Aaronide priesthood are post-exilic. See also Gray, *ICC*, 385-386. Cf. Milgrom, *Numbers*, 479.

4. Indeed, Hossfeld and Zenger posit that the Psalm's relationship with the Book of Numbers is decisive in ascribing it a post-exilic dating. They further contend that "the Priestly shaping of Psalm 106 is unmistakable; this clearly represents the interests of an Aaronide priestly group." See Frank-Lothar Hossfeld and Erich Zenger, *Psalms 3: A Commentary on Psalms 101-150*, trans. Linda Maloney (Minneapolis: Fortress Press, 2011), 86. Also positing a post-exilic dating is Susan Gillingham, "The Exodus Tradition and Israelite Psalmody," *Scottish Journal of Theology* 52:1 (1999), 19-46. Regarding Psalm 106, Gillingham notes that "the silence regarding the legitmacy of the house of David, suggest a time after the monarchy" (p. 40). Gordon Wenham, on the other hand, argues precisely the opposite: Psalm 106 is *pre*-exilic, and likely served as a source for the priestly supplementation of Numbers 25. See Wenham, *Numbers*, 278. If Wenham is correct, then we would find in the Phinehas narrative yet an additional instance of the wholesale literary creation of priestly violence.

primary themes in Numbers 25: (a) communal sinning at Baal Pe‘or;[5] (b) a widespread plague; (c) intercession by Phinehas (see below); (d) the staying of the plague; and finally, (e) praise of Phinehas. Notwithstanding these similarities, the Psalm does not record mention of Phinehas' slaying of Zimri and Cozbi, to which the narrator in Numbers 25 attributes the staying of the plague, nor does the Psalm record Phinehas' dual covenant of peace and perpetual priesthood.[6]

The nature of Phinehas' "intercession" in Psalm 106 ultimately revolves around the rendering of the verb wypll. While the Septuagint provides ἐξιλάσατο, which generally renders *kpr*,[7] most translators have either followed the Vulgate's "deiudicavit" (KJV, ASV: "executed judgment") or a less formal variation thereof (NJPS, NIV, NKJV: "intervened"; Dahood "interceded"). Much of the uncertainty doubtless arises from the attestation here of *pi‘el* form of *pll*, which is exceedingly rare in the Hebrew Bible. The root *pll* is attested almost exclusively in the *hitpa‘el*, which generally has connotations of prayer.[8]

While it may be tempting to follow the various interpretive traditions that have advanced the claim that Phinehas offered a prayer on behalf of the Israelites,[9] most scholars dismiss a

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5. According to Milgrom, v. 28 in our psalm offers decisive proof that the sin of Baal Pe‘or was not idolatry, but necrolatry, i.e., Baal Pe‘or was a "funerary cult." See Milgrom, *Numbers*, 479-480. Shaye Cohen has noted to me, however, that זבחי מתים is an example of a cacophemism, offering the Israelite perspective on—rather than a historical description of—the Pe‘or cult.

6. Shaye Cohen has suggested to me that perhaps a hint to the perpetuity of the priesthood is to be seen in the phrase "from generation to generation forever" (v. 31).

7. E.g., Exodus 30:10, Leviticus 1:4

8. TDOT, *pll*, 568-569.

9. This motif is widespread in ancient Jewish literature; see David Bernat, "Phinehas' Intercessory Prayer: A Rabbinic and Targumic Reading of the Baal Pe‘or Narrative," *Journal of Jewish Studies* 58:2 (2007), 263-282. Not mentioned by Bernat is the strong parallel to this tradition in the fourth century CE writings of Aphrahat (*Demonstrations* 4.14 [trans. Lehto]). Invoking both Numbers 25 and Psalm 106, Aphrahat writes that

substantive connection between the two verbal forms. Thus Clines renders the *pi'el* of *pll* as "intervene, intercede, mediate," and *HALOT* provides "to pronounce judgment, be the intercessor."[10] Dissent is voiced by Fabry, who dismisses the "proposed basic meaning 'judge, determine' [as] highly dubious, probably being inspired by modern notions of order."[11] Yet Fabry's argument rests on the untested assumption that Psalm 106:30 necessarily mirrors the precise details of the narrative in Numbers 25: "According to Nu. 25:7-8, Phinehas executes apostates; he does not issue a judicial verdict."[12]

Whether Phinehas engaged in intercessory prayer, interceded without prayer, or exercised judgment, the psalter is clearly conscious of Phinehas' central role in the narrative (including his commendation), but also seems hesitant to glorify violence. Tellingly, nowhere in these verses do we hear of "zeal,"[13] which is thematic in the Numbers 25 episode.[14] Quite the opposite: v. 31 readily evokes Abra(ha)m, the only other figure in the Hebrew Bible whose actions are reckoned

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Phinehas' "killing was considered prayer because he killed them for the sake of God." On Phinehas' prayer in Pseudo-Philo, see below, pp. 134-140.

10. See, respectively, David J. A. Clines, *The Dictionary of Classical Hebrew* (Sheffield: Sheffield Academic Press, 2012), s.v.; Ludwig Köhler, *The Hebrew and Aramaic Lexicon of the Old Testament* [1st English ed.]. (Leiden: Brill, 2000), s.v.

11. *TDOT*, ibid., 574. See also the comprehensive analysis offered in E.A. Speiser, "The Stem PLL in Hebrew," *JBL* 82:3 (1963), 301-306. Like Fabry, Speiser rejects the judicial rendering and forcefully argues that, in this instance, *pll* is to be translated as "intercede, mediate." Adele Berlin's recent reassessment of the evidence renders the verb in this instance as "assigned responsibility." In Berlin's reading, Phinehas "ascribed liability, and meted out the punishment, to specific offenders." See eadem, "On the Meaning of PLL in the Bible," *Revue Biblique* 96:3 (1989), 345-351, esp. 348. See also Martola, *Capture*, 213.

12. *TDOT*, ibid. See also Berlin ("PLL," 348), who likewise assumes symmetry with the Numbers 25 narrative.

13. Cf. Schliesser: ". . . clearly his judging zeal is part of the story, even if not explicitly mentioned." See Benjamin Schliesser, *Abraham's Faith in Romans 4* (Tübingen: Mohr Siebeck, 2007), p. 155.

14. Nor do we hear of Phinehas' lineage, which is critical to understanding the narrative in Numbers 25. See Wenham, *Numbers*, p. 278.

to him as righteousness.[15] Notably, Abraham "intercedes" on behalf of the Sodomites (Genesis 18:23-32). Surely it is Abraham's *trust* in God, not his *zeal* for God, that is reckoned to him as righteousness.[16]

Consequently, I would argue that the psalter was fully aware of the contours of the Numbers 25 narrative,[17] and nevertheless decided to selectively suppress elements thereof.[18] Whether the psalter had an aversion to violence and did not wish to offend his readers with the bloody narrative, per Yochanan Muffs, whether the "psalter in exile" wished to recast the act of Phinehas as "an exemplar of hope . . . for divine mercy and deliverance," per Michael Fishbane, or whether the psalter was concerned with sanitizing his own (levitical?) heritage,[19] we cannot

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15. On the connection with the same locution in the Pauline epistles, see William Farmer, "The Patriarch Phineas: A Note on 'It was Reckoned to Him as Righteousness,'" *AThR* 34 (1952), 26-30. Farmer makes the observation that "within certain circles of Post-Exilic Judaism Phineas was regarded as one of the great patriarchs," alongside Abraham and Moses. This assertion is readily manifest in 1 Macc 2:54 (Φινεες ὁ πατὴρ ἡμῶν); see also Ben Sira 45:23. In a number of later Jewish texts, as well as throughout Samaritan literature, Phinehas is counted as one of the Israelite greats. See also Derekh Eretz Zuta 1:16, which lists Phinehas among the שבעה אבות כורתי ברית. Phinehas is also counted among the select forefathers in *Apostolic Constitutions* 7.39.3; 8.5.3 (Charlesworth, *OTP* II, 686-7).

16. Of course, one additional connection between Abraham and Phinehas is that God is propitiated by their respective acts of pseudo-sacrifice.

17. According to Milgrom (*Numbers*, 477), the psalm "presupposed the Masoretic text of Numbers 25." This argument has been renewed quite recently by Marc Brettler, whom I thank for sharing an unpublished draft of his work on the topic. Brettler invokes Psalm 106 as "the most likely case of a Psalm that knows the Torah as we more or less have it." See Marc Brettler, "Identifying Inner-Biblical Allusions: Problems and Promise in the Historical Psalms," paper presented at SBL 2014, San Diego.

18. Within the space of a few verses, the psalter likewise appears to suppress the violence at the end of the Golden Calf narrative (106:23): "Therefore he said he would destroy them—had not Moses, his chosen one, stood in the breach before him, to turn away his wrath from destroying them" [NRSV]. There is a very plausible intertextual connection here with Phinehas, who turns away God's wrath in Numbers 25:11. Perhaps a wider study of approaches to violence in the Psalms is warranted.

19. On the strong evidence for the hand of the Levites in the Psalms, see Susan Gillingham, "The Levites and the Editorial Composition of the Psalms," in *The Oxford Handbook of the Psalms*, ed. W.P. Brown (New York: Oxford University Press, 2014), 201-213. It is certainly suggestive that Aaron appears quite infrequently in the Psalms, and where he is mentioned, it is usually "alongside Moses without any particular priestly associations" (207).

know.[20] The model preserved in Psalm 106 is thus a curious hybrid: the author is concerned with maintaining an association of Phinehas with a status of eternal righteousness on par with Abraham, yet makes no mention of the covenant of priesthood, or the violent, zealous act which served to secure it.[21]

3. Phinehas' Implied Violence: Joshua 22

In the wake of Joshua's conquest of Canaan and the Transjordan, the tribes of the Transjordanian settlement of Reuben, Gad, and (half of) Manasseh "had built an altar at the frontier of the land of Canaan" (Joshua 22:11; i.e., the Transjordan), an ostensible violation of cultic law, and the enraged Israelites "gathered at Shiloh, to make war against them" (22:12). Here Phinehas is portrayed, together with ten (unnamed) tribal chieftains, as appointed by the Israelites to be sent to the troublesome tribes (22:13-14).[22] Notably, Phinehas is the only one of these agents who is named (22:13), and his appointment also receives its own verse. These

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20. Yochanan Muffs argues, "The psalmist is put off by the act of zealousness dripping with blood, and so replaces it with conversation, dialogue, and rational means of persuasion." See idem, *Love & Joy: Law, Language and Religion in Ancient Israel* (New York: The Jewish Theological Seminary of America, 1992), 41. See also Michael Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford University Press, 1985), 397-399, who acknowledges that his interpretation is indebted to that of Muffs (398 n37). Bernat, on the other hand, regards the use of *pll* a function of the "decidedly juridicial cast" of Numbers 25:4-6 ("Phinehas' Intercessory Prayer," 265 n8).

21. There is perhaps wider evidence for the selective suppression, or better yet, selective representation of violence in the Psalms. Joel Lemon has made a spectacular demonstration of this phenomenon in the case of Psalm 76, which depicts *"resultative"* violence rather than *"kinetic"* violence, i.e., the enemies are portrayed as already in a "vanquished state" and there is no description of combat. I have found this distinction particularly useful in my work on Phinehas' violence. See Joel Lemon, "Ancient Near Eastern Iconography and the Psalms," in *The Oxford Handbook of the Psalms*, ed. W.P. Brown (New York: Oxford University Press, 2014), 377-391. On calls for God's vengeance in the Psalms, see Jerome Creach, *Violence in Scripture* (Louisville: Westminster John Knox Press, 2013), 193-211.

22. In MT, Phinehas is designated "Phinehas son of Eleazar, the priest," which is identical with his title in Numbers 31:6. LXX, on the other hand, attests "Phinehas, son of Eleazar, son of Aaron the high priest" (Φινεες υἱὸν Ελεαζαρ υἱοῦ Ααρων τοῦ ἀρχιερέως), a formula familiar to us from Numbers 25. See also LXX to Joshua 23:33 (=MT 24:33).

leaders are said to have issued a collective plea to the Transjordanian tribes to desist from their illicit worship (מעל).[23]

Despite the fact that Phinehas' father, Eleazar, was still occupying the office of (high) priest, Phinehas' presence seems appropriate, given what we know to be his success in ending the apostasy at Baal Peʿor and waging a successful war against the Midianites.[24] The very fact that Phinehas was a member of the delegation was perhaps meant to carry with it the threat of violence.[25] Indeed, in their entreaty to the Transjordanian tribes, the delegation hints to the Peʿor affair (22:17-18):

> 17 הַמְעַט־לָנוּ אֶת־עֲוֹן פְּעוֹר אֲשֶׁר לֹא־הִטַּהַרְנוּ מִמֶּנּוּ עַד הַיּוֹם הַזֶּה וַיְהִי הַנֶּגֶף בַּעֲדַת יְהוָה: 18 וְאַתֶּם תָּשֻׁבוּ הַיּוֹם מֵאַחֲרֵי יְהוָה
>
> [17] Have we not had enough of the sin at Peor from which even yet we have not cleansed ourselves, and for which a plague came upon the congregation of the LORD, [18] that you must turn away today from following the LORD!

The juxtaposition of Phinehas' presence and mention of Peʿor is suggestive. Indeed, Kloppenberg has drawn several parallels between the two episodes, concluding that:

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23. On the strong hallmarks of priestly language in the chapter; see Pekka M.A. Pitkänen, *Joshua* (Downers Grove, IL: InterVarsity Press, 2010), 368; Ronnie Goldstein, "Joshua 22:9-34: A Priestly Narrative from the Second Temple Period," *Shnaton le-Heqer ha-Miqra veha-Mizrah ha-Qadum* 13 (2002), 43-82 (Hebrew).

24. Indeed, this has fueled speculation among source-critics that this narrative has knowledge of the full composite episode in Numbers 25. See Pitkänen, *Joshua*, 372. Pitkänen likewise sees strong intertextual connections with Judges 19-21 (p. 373) and Numbers 32 (373ff.). On the latter, see David Jobling, *The Sense of Biblical Narrative* (Sheffield: JSOT Press, 1986), 88-134.

25. Also making this point is Organ, "Pursuing Phinehas," 214. Cf. Josephus (*Antiquities* 5.107), who has Phinehas threaten the Transjordanians with "righteous vengeance, should the accusation prove true" (δικαίως ἀμυνώμεθα τῆς διαβολῆς ἐλεγχθείσης ἀληθοῦς).

> In both Numbers 25 and Joshua 22, Phinehas acts in conformity with the priestly laws devised to protect the sanctity and purity of the Israelite cult.[26]

As with the above biblical mentions of the incident at Pe‘or, however, no mention is made of Phinehas' violent role therein. Despite, or perhaps because of, the looming—albeit unspoken—threat of violence, Phinehas is ultimately satisfied with the explanation provided for the construction of the Transjordanian altar, and personally addresses the Cisjordanian tribes to that effect (22:31). The Israelites found pleasing the report provided by Phinehas and the rest of the delegation, and conflict was averted.

As biblicists have noted, this narrative certainly stands out within the framework of the Book of Joshua. For one, as Butler remarks, "the cultic nature of the material suggests its origin within priestly circles of Israel."[27] This is to be contrasted with the putative place of Joshua as a composition of the Deuteronomistic school.[28] Second, we note the outsize role played by Phinehas in this chapter. Not only is he the only named member of the delegation, as well as repeatedly singled out in the narrative; Phinehas "is the only leader besides Joshua to take the initiative in any action within the book" and takes the "center stage away from Joshua."[29]

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26. John S. Kloppenberg, "Joshua 22: The Priestly Editing of Ancient Tradition," *Biblica* 62:3 (1981), 347-371; quote from p. 353. See also Jacob Milgrom, *Studies in Levitical Terminology*, I (Berkeley: University of California Press, 1970), 48-49.

27. Butler, 243. Some scholars maintain that even the ostensibly "priestly" materials are nevertheless an integral part of Joshua. See, e.g., Pitkänen, *Joshua*, 377. On the stakes of this debate, see pp. 363-380. See also Goldstein, "Priestly Narrative," 43-45 (Hebrew).

28. Butler, xx-xxiii. That said, scholars debate whether the demand for cultic unity is Deuteronomistic or Priestly; see Kloppenborg, "Joshua 22," 355-356.

29. Butler, 246.

Despite these unique features, which are ostensibly designed to *heighten* Phinehas' importance, it is odd that the narrative should omit mention of the violent act which made Phinehas prominent in the first instance. Should this text join Psalm 106 as an example of those traditions that knowingly suppress Phinehas' violence? While it is difficult to offer a conclusive answer as to the intent of the author of the episode in Joshua 22, given the greater context of the narrative, it seems to be a sensible omission. After all, the focus of the narrative is on peacemaking and the avoidance of conflict with the Transjordanian tribes. As the priestly author may have wished to burnish this *non*-violent and *diplomatic* aspect of Phinehas' resumé, perhaps we can understand the editorial license taken here in a positive sense. In other words, the surprising omission of Phinehas' violence from Joshua 22 need not (necessarily) be viewed as a negative judgment on priestly violence, and it certainly should not be viewed as a negative judgment on Phinehas.

4. Phinehas the (Priestly) General: Numbers 31:6

If the above texts concern the *secondary* commemoration of Phinehas' violence, we should add an additional text with implications of priestly violence much closer to the "original" events: the Israelite campaign against Midian in Numbers 31. After dispatching with Zimri and Cozbi and putting an end to the plague which had cost the lives of thousands of Israelites, God commanded Moses to "harass" and "defeat" the Midianites (Num 25:16-18), thereby ascribing to the Midianites collective responsibility for both the apostasy at Peor and the sin of Cozbi.[30] But

30. With its mentioning of both Peor and the Midianite women, Numbers 31 seems to have had knowledge of the composite narrative in Numbers 25, and would consequently appear to be dependent thereon. Cf. Ken Brown,

the execution of that command is five chapters removed from its origins, the intervening material rich and eclectic.[31] Finally, in Numbers 31, Moses is instructed "to exact vengeance" from the Midianites, and he proceeds to muster troops fit for the task.[32]

> It is here that Phinehas reappears (v. 6) [NRSV, modified]:
>
> וַיִּשְׁלַח אֹתָם מֹשֶׁה אֶלֶף לַמַּטֶּה לַצָּבָא אֹתָם וְאֶת־פִּינְחָס בֶּן־אֶלְעָזָר[33] הַכֹּהֵן לַצָּבָא וּכְלֵי הַקֹּדֶשׁ וַחֲצֹצְרוֹת הַתְּרוּעָה בְּיָדוֹ׃
>
> Moses sent them, a thousand from each tribe to the war, they along with Phinehas son of Eleazar the priest to the war [*sic*], with the vessels of the sanctuary and the trumpets for sounding the alarm in his hand.[34]

Thus Phinehas resurfaces in a military context, serving alongside the Israelite forces—sacred vessels in hand—in their war against Midian. Milgrom goes so far as to argue that Phinehas served as a "chaplain . . . to render priestly services," along the lines of the Mesopotamian baru.[35]

"Vengeance and Vindication in Numbers 31," *JBL* 134:1 (2015), 65-84.

31. Arguing for the unity of these intervening chapters is Jonathan Grossman, "Divine Command and Human Initiative: A Literary View on Numbers 25-31," *Biblical Interpretation* 15 (2007), 54-79.

32. On the dissonance between God's command and Moses' action, see Brown, "Vengeance," 71-75. Such dissonance comports quite well with the beginning of Numbers 25, where Moses likewise seems to disregard God's instructions. In both instances, Moses emerges weaker, a motif highlighted in the Bavli; see below, pp. 170ff.

33. LXX adds "son of Aaron," perhaps in keeping with the style of Numbers 25, with its repeated invocation of the three generations of Phinehas' heritage.

34. LXX: "in *their* hands," i.e., not in Phinehas' hands. This variant appears to have played into the Hellenistic-Jewish interpretations of the narrative, none of which portrays Phinehas as holding the priestly implements. A number of scholars have suggested, perhaps on the basis of the interpretive literature, that Phinehas brought the ark (!) into battle; see, e.g., N. Snaith, *Leviticus and Numbers* (London: Nelson, 1967), 325. According to Numbers Rabbah (22:5), Phinehas brought the ark into battle as well as the Urim and Thummim. See also PsJ, ad loc. In certain respects, the confusion here is reminiscent of 1 Samuel 14:18, where MT states that Saul instructed Ahijah to take the ark into battle. LXX, on the other hand, has Saul request the *ephod.* On this verse see P.R. Davies, "Ark or Ephod in 1 Sam 14:18," *JTS* 26 (1975), 82-87.

35. Milgrom, *Numbers*, 255. Interestingly, Milgrom renders הכהן (v. 6) as a participle—"serving as a priest"—rather than as an appellative.

That Phinehas should play a role in the campaign against Midian seems quite appropriate. After all, it is Phinehas who, in certain respects, initiated the program of vengeance against the Midianites by slaying Cozbi — the daughter of a prominent Midianite.[36]

(a) The Midianite War and Priestly Violence

To better appreciate this appearance of Phinehas and its coherence with the motif of priestly violence, I would bring the reader's attention to the devastating results of the campaign against Midian. All Midianite men and boys were killed (v. 7). Among women, only virgins were to be spared execution (vv. 17-18). Their cities were burned to the ground and plundered (vv. 10, 11ff.). In these respects Numbers 31 very much resembles the much-discussed *herem*,[37] including (but not limited to) the involvement of a priest (cf. Deuteronomy 20:2-4). Yet the root *hrm* is not attested in Numbers 31.[38] This, however, has not stopped numerous modern commentators from calling the campaign a "holy war."[39] Indeed, Susan Niditch maintains that despite the absence of the thematic root, Numbers 31 is nevertheless rife with other terminology

36. See Milgrom, *Numbers*, 255; cf. Numbers Rabbah 22:4 (מי שהתחיל במצוה הוא גומר).

37. For a full classification, see *TDOT*, s.v.

38. Niditch, *War*, 81. Organ, "Pursuing Phinehas," 211.

39. See, e.g., Dennis Olson, *Numbers* (Louisville: John Knox Press, 1996), 176-177 ("this is a holy war campaign"; Numbers 31 presupposes the regulations in Deuteronomy 20); Snaith, *Leviticus and Numbers*, 324 ("this was a 'holy war' [cf. the *jihad* of Islam]"); Organ, "Pursuing Phinehas," 210.

associated with *herem*.[40] Taking this argument one step further is Norbert Lohfink, who asserts that the Midianite campaign was authored with "an intent to expand, if not at certain points even to offer a corrective to the Deuteronomic laws of war that occur later in the Pentateuch."[41]

In line with Niditch and Lohfink, I maintain that Numbers 31 should be read with herem serving as the backdrop. For Niditch, this reading throws the role of Phinehas into stark relief:

> The priest is not merely the pre-battle homilist, as in Deut 20:2-4, or the one who helps to remove from the troops those who might be distracted by personal matters . . . The priest is rather *the leader of the armed forces* . . . [who] leads this substantial army with symbols of his status, temple vessels and special trumpets, which only priests are allowed to make and use.[42]

Nowhere is it stated in Numbers 31 that Phinehas *led* the Israelite troops, and consequently, I believe that Niditch may be reading too strongly into Phinehas' role in the Midianite campaign. I will concede, however, that the *prominence* accorded to Phinehas as the only named member of the Israelite forces, and the strong ritual bent of the provisions that occupy most of the chapter, lend a distinct priestly flavor to the military campaign.

Of course, the priestly character of Numbers 31 has not escaped the notice of scholars. While the preponderance of *herem* texts is Deuteronomistic, there is a special resonance of a *herem*-like war in a priestly context, particularly given the presence of Phinehas and our

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40. Niditch, *War*, 81.

41. Norbert Lohfink, *Theology of the Pentateuch: Themes of the Priestly Narrative and Deuteronomy*, trans. L.M. Maloney (Minneapolis: Fortress Press, 1994), 222. Lohfink sees Numbers 31 as relevant to "wars originating from post-exilic Jerusalem" (222).

42. Niditch, *War*, 83 (emphasis mine). See also Lohfink, *Theology*, 222 n120. Organ ("Pursuing Phinehas," 211) takes Phinehas' role in Numbers 31 too far, arguing that he "attests that this war is indeed in Yhwh's interests." This is reading Phinehas' role in Judges 20:28, which describes a wholly different war (even if thematically related) into the text in Numbers 31.

awareness of his prior priestly violence. Indeed, in one of the earliest academic studies on the *herem*, Friedrich Schwally made the radical assertion that "War [in ancient Israel] is a continuous, highly enhanced sacrificial service."[43] Moreover, Niditch has argued that there is both an implicit and explicit element of human sacrifice inherent in *herem* ideology:

> The ban as sacrifice accepts that the slaughter of the enemy in a successful battle is the killing of humans like oneself, but treats the deaths as necessary offerings to God.[44]

While appealing on a theoretical plane and resonant of our sacrificial argument regarding the violence of Phinehas (and priestly violence in general), the notion of ban-as-sacrifice is difficult to detect in Numbers 31, although there are some suggestive hints. Thus in Numbers 31:50, we find Israelite officers making the following statement to Moses:

> וַנַּקְרֵב אֶת־קָרְבַּן יְהוָה אִישׁ אֲשֶׁר מָצָא כְלִי־זָהָב אֶצְעָדָה וְצָמִיד טַבַּעַת עָגִיל וְכוּמָז לְכַפֵּר עַל־נַפְשֹׁתֵינוּ לִפְנֵי יְהוָה׃

> And we have brought the LORD's offering, what each of us found, articles of gold, armlets and bracelets, signet rings, earrings, and pendants, to make atonement for ourselves before the LORD.

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43. "Der Krieg ist ein fortgesetzter, hochgesteigerter Opferdienst." See Friedrich Schwally, *Der heilige Krieg im alten Israel* (Leipzig: Deiterich, 1901), 59. One cannot help but notice resonances of Clausewitz's famous aphorism (1832) that "War is the continuation of politics by other means."

44. Niditch, *War*, 50. See, esp., the graphic sacrificial language in Jeremiah 46:10, Isaiah 34:6. Further expanding Niditch's view is Henrietta Wiley, "The War *Herem* as Martial Ritual Service and Sacrifice," *Proceedings Eastern Great Lakes and Midwest Biblical Society* 25 (2005), 69-76. Militating against the sacrificial reading of *herem* is Richard D. Nelson, "*Herem* and the Deuteronomic Social Conscience," in M. Vervenne and J. Lust, *Deuteronomy and Deuteronomic Literature : Festschrift C.H.W. Brekelmans* (Leuven: Leuven University Press , 1997), 39-54. For a critique of Nelson, see Jason Tatlock, "How in Ancient Times They Sacrificed People: Human Immolation in the Eastern Mediterranean Basin with Special Emphasis on Ancient Israel and the Near East," PhD Thesis, University of Michigan, 2006, pp. 173-174.

Here we have an explicit connection between *material* booty, a sacrificial act, and expiation.[45] This curious association may be connected with another distinctly priestly aspect of the narrative: the necessity of ritual purification after the battle.[46] Niditch captures the theme nicely: "The cause is holy, the war is ritualized, but the killing defiles."[47]

5. Summary

Phinehas' role in the Midianite campaign is quite limited, and it is perhaps even overshadowed by that of his father Eleazar. Nevertheless, there is an overt priestly *Tendenz* in the war, and there are clear hallmarks of priestly violence in the chapter. As I will demonstrate below, ancient Jewish readers appear to have detected this undercurrent as well, and in turn, they expanded both Phinehas' priestly role in the war as well as his role in the combat. Although the Midianite campaign is just a few chapters removed from Numbers 25, the renewed association of Phinehas with (priestly) violence is something of a break from all other biblical texts outside of Numbers 25 that concern (or could concern) Phinehas. That said, given that both texts are very closely

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45. Levine (*Numbers 21-36*, 462-463) argues that the sense of *kpr* here is not expiatory. Rather, "certain cultic offerings redeem their donors" and "God has spared the lives of the combatants who now owed him their lives." See also idem., *In the Presence of the Lord* (Leiden: Brill, 1974), 67-69. This interpretation is predicated upon viewing the post-war counting of the troops (נָשְׂאוּ אֶת־רֹאשׁ אַנְשֵׁי הַמִּלְחָמָה; v. 49) as a census, like that in Exodus 30:11-16, which required a half sheqel from all participants to prevent the visitation of harm upon them (לְכַפֵּר עַל־נַפְשֹׁתֵיכֶם). For whatever reason, "census taking in Israel was an exercise fraught with danger"; see Jay Sklar, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions* (Sheffield: Sheffield Phoenix Press, 2005), 52-53; and see the classic study by E.A. Speiser, "Census and Ritual Expiation in Mari and Israel," *BASOR* 149 (1958), 17-25. In Speiser's view, the military context is essential: "Military conscription was an ominous process because it might place the life of the enrolled in jeopardy" (24).

46. On this topic, see David P. Wright, "Purification From Corpse-Contamination in Numbers Xxxi 19-241," *Vetus Testamentum* 35:2 (1985): 213–23.

47. Niditch, *War*, 89. Some commentators have seen in 2 Maccabees 12:38 a reference to purification after battle. See Daniel R. Schwartz, *2 Maccabees* (Berlin: Walter de Gruyter, 2008), ad loc.

related, and perhaps are even a product of the same hand, it is difficult to view Numbers 31:6 as an external or impartial judgment of Phinehas' original act of violence against Zimri and Cozbi.

6. Conclusion

It should not surprise us that Phinehas was a famed biblical persona. Mentions of Phinehas span the entire biblical corpus, from Exodus through Chronicles. Moreover, Phinehas' long career is said to have extended from the desert period through the end of the period of the Judges — a distinction held by no other member of his generation. Consequently, and given the importance of the (high) priesthood by the time of the stabilization of the biblical text, one would expect that the act of violence which brought Phinehas to prominence would figure prominently in the latter's long literary legacy.

I demonstrated above that this is not the case. In fact, despite the very suggestive association of Phinehas with priestly violence in Numbers 31:6, there is no mention of Phinehas' violence outside of the Numbers 25 narrative itself — this notwithstanding the awareness, in other texts, of an apostasy involving Pe‘or. In certain instances, to speak of a conscious *omission* might very well be anachronistic. To speak of Phinehas' violence would require an awareness of the full Numbers 25 narrative that we possess. This assumption cannot necessarily be sustained in the cases of Deuteronomy 4:3 and Hosea 9:10.

This assumption can be sustained, however, with regard to both Psalm 106 and Joshua 22. Yet, surprisingly, neither of these texts speaks of Phinehas' violence. Psalm 106 may very well have been uncomfortable with Phinehas' violence, this despite its recognition of the

greatness of the priest, whom it suggestively compares with Abraham. If this argument is correct, it may very well prefigure (or have influenced) the downplaying of Phinehas' violence, which we later find in Ben Sira, Josephus, and the Sifre. Joshua 22 was similarly cognizant of—and played up—Phinehas' prestige and appears to have had knowledge of the full Numbers 25 narrative. But I would ascribe the omission of Phinehas' violence from Joshua 22 not to any judgment of its propriety, but to an attempt for a writer sympathetic to Phinehas to highlight the priest's prowess in non-violent, diplomatic engagements.

To a great extent, a related move may be seen in the portrayal of Phinehas in Numbers 31:6. While not describing any *kinetic* violence on the part of Phinehas—a lacuna that is filled in the interpretive literature—the presence, or perhaps leadership, of the priest in an organized campaign of warfare heightens his prestige and further diversifies his resumé. Outside of Numbers 25, priestly violence is thematic alongside Phinehas in this narrative alone. I should add that Numbers 31 appears to derive from the same editorial school that may very well have produced Phinehas' violence in Numbers 25. It therefore seems quite clear that while the greatness and prominence of Phinehas was recognized in numerous biblical texts, commendation of Phinehas' violence is the exception, rather than the rule.

7. Excursus: Other Biblical Phinehas Traditions

Though guaranteed a covenant of eternal priesthood, in a great stroke of irony, Phinehas himself never quite functions as a priest. Following his famed appearance in Numbers 25, Phinehas reappears briefly four times in the rest of the Hebrew Bible, in an eclectic series of roles of varying authority and title.[48] I examined two of these texts above: In Numbers 31:6, at the outset of the Israelite campaign against Midian, Phinehas seems to function in a military capacity, priestly implements in hand. At the end of the Book of Joshua (ch. 22), Phinehas takes on what can be best described as a diplomatic role, leading an Israelite mission to the Transjordan in an effort to avert a civil war.

Seemingly defying the laws of nature, Phinehas—or possibly a different priest of the same name—appears again at the end of the Book of Judges (20:28), in the aftermath of the affair of the Concubine at Gibeah. There he takes on the role of oracle, asking God whether the Israelites would be victorious in their campaign of vengeance against the Benjaminites. Phinehas appears one last time in 1 Chronicles (9:20), where he is described as "chief" of the Temple gatekeepers, a role that seems incongruous with his illustrious life. These texts are part and parcel of the interpretive afterlife of Phinehas' violence, and as such, I summarize them here and provide brief critical analyses.

48. Phinehas likewise appears in various genealogical notes (Exodus 6:25; Ezra 7:5; 1 Chronicles 5:30, 6:35).

(a) Phinehas the Priest (Judges 20:28)

In Numbers 31:6, we found Phinehas dispatched to the war against Midian, priestly implements in hand. The association between Phinehas and the priestly vessels is certainly suggestive, but as I underscored above, it is clear throughout the same chapter that Phinehas' *father*, Eleazar, is functioning in full cultic capacities. Perhaps the sole priestly activity of Phinehas is found in Judges 20:28, toward the conclusion of the infamous narrative of the "Concubine at Gibeah." Even then, the reference to Phinehas is highly problematic. He materializes out of nowhere, is not even called a priest, and following the various chronological notations in the Book of Judges, he would have been hundreds of years old if he were alive during the events at Gibeah.[49]

We pick up the story as it builds toward a confrontation between the Israelites and the Benjaminites. Outraged by the concubine's death at the hands of the people of Gibeah, all of the Israelites gathered at Mizpah, including a large sword-bearing detachment. Impelled to act, "all of the people arose as one" with a plan to give the people of Gibeah their just desserts for "the senseless disgrace which they committed in Israel." The Benjaminites refused to deliver the people of Gibeah to the Israelite masses, and instead, they rallied behind their fellow tribe-mates and gathered en-masse at Gibeah to fight the Israelites. Rather than attacking immediately, the Israelites consult God (Elohim) at Bethel, asking who should go into battle first (20:18). God

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49. I am taking an intentionally maximalistic view here. Scholars have noted serious difficulties with the chronology in Judges. For a recent survey, see Robert Chisholm Jr., "The Chronology of the Book of Judges: A Linguistic Clue to Solving a Pesky Problem," *JETS* 52:2 (2009), 247-255. Ancient interpreters, however, regarded this Phinehas as identical with the Phinehas of Numbers 25, and for the most part, they did not attempt to account for the chronological difficulties of that identification.

(YHWH) responds that Judah should go first, but the Judahites were routed and suffered heavy casualties on two successive days.

A subsequent gathering of the people at Bethel included weeping, fasting, sacrifice, and yet another consultation with YHWH. We are told that the ark of the covenant was in Bethel, and it is here that Phinehas reappears (20:28):

> וּפִינְחָס בֶּן־אֶלְעָזָר בֶּן־אַהֲרֹן עֹמֵד לְפָנָיו בַּיָּמִים הָהֵם לֵאמֹר הַאוֹסִף עוֹד לָצֵאת לַמִּלְחָמָה עִם־בְּנֵי־בִנְיָמִן אָחִי אִם־אֶחְדָּל וַיֹּאמֶר יְהוָה עֲלוּ כִּי מָחָר אֶתְּנֶנּוּ בְיָדֶךָ׃
>
> And Phinehas son of Eleazar, son of Aaron, ministered before [the ark] in those days, saying, "Shall we go out once more to battle against our kinsfolk the Benjaminites, or shall we desist?" The LORD answered, "Go up, for tomorrow I will give them into your hand."[50]

YHWH once again exhorts the Israelites to attack, and on the next day, the Israelite forces gained the upper hand, and put the entire city of Gibeah to the sword.

Although finally fulfilling a priestly role, Phinehas seems out of place. As Butler observes, Phinehas' presence underscores "the lack of chronological order as the structural key to the book of Judges."[51] After all, according to the chronological notations interspersed throughout book, the narrative in Judges covers over four centuries.[52] Phinehas, who was already an adult when Joshua led the Israelites, could not possibly have lived to the very end of the period of the Judges. Spiro refers to his appearance as a "chronological absurdity," and takes to task modern

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50. Notably this verse does not refer to Phinehas as הכהן, this despite the fact that he seems to be serving in a priestly capacity. See also Wellhausen, *Prolegomena*, 237.

51. Trent Butler, *Judges: Word Biblical Commentary* (Nashville: Thomas Nelson, 2009), 447.

52. See Chisholm, "Chronology," 247-248. But see the highly contentious genealogical note in Judges 18:30.

commentators for failing to account for the reason behind this interpolation.[53] Boling thus contends that this Phinehas is not the same as that in Joshua; the latter, however, is the same Phinehas as that in Numbers.[54] Josephus appears to have recognized this same difficulty, and "dislocated" the Gibeah affair to the very beginning of his rewritten account of Judges.[55] Medieval Jewish exegetes followed suit, as did at least one modern commentator.[56]

(b) Phinehas the Gatekeeper (1 Chronicles 9:20)

Incredibly, Phinehas' identity takes yet another turn and his inner-biblical legacy continues with a brief, albeit significant reference, in the Book of 1 Chronicles (ch. 9):

> 19 וְשַׁלֻּם בֶּן־קֹורַא בֶּן־אֶבְיָסָף בֶּן־קֹרַח וְאֶחָיו לְבֵית־אָבִיו הַקָּרְחִים עַל מְלֶאכֶת הָעֲבוֹדָה שֹׁמְרֵי הַסִּפִּים
> לָאֹהֶל וַאֲבֹתֵיהֶם עַל־מַחֲנֵה יְהוָה שֹׁמְרֵי הַמָּבוֹא: 20 וּפִינְחָס בֶּן־אֶלְעָזָר נָגִיד הָיָה עֲלֵיהֶם לְפָנִים יְהוָה ו
> עִמּוֹ: 21 זְכַרְיָה בֶן מְשֶׁלֶמְיָה שֹׁעֵר פֶּתַח לְאֹהֶל מוֹעֵד: 22 כֻּלָּם הַבְּרוּרִים לְשֹׁעֲרִים בַּסִּפִּים מָאתַיִם וּשְׁנֵים
> עָשָׂר הֵמָּה בְחַצְרֵיהֶם הִתְיַחְשֻׂם הֵמָּה יִסַּד דָּוִיד וּשְׁמוּאֵל הָרֹאֶה בֶּאֱמוּנָתָם: 23 וְהֵם וּבְנֵיהֶם עַל־הַשְּׁעָרִים
> לְבֵית־יְהוָה לְבֵית־הָאֹהֶל לְמִשְׁמָרוֹת:
>
> [19] Shallum son of Kore, son of Ebiasaph, son of Korah, and his kindred of his ancestral house, the Korahites, were in charge of the work of the service, guardians of the thresholds of the tent, as their ancestors had been in charge of the camp of the LORD, guardians of the entrance. [20] And Phinehas son of Eleazar was chief over them in former times; the LORD was with him. [21] Zechariah son of Meshelemiah was gatekeeper at the entrance of the tent of meeting. [22] All these, who were chosen as gatekeepers at the thresholds, were two hundred twelve. They were enrolled by genealogies in their villages. David and the seer Samuel established them in their office of trust. [23] So they and their

53. Abram Spiro, "The Ascension of Phinehas," *PAAJR* 22 (1953), 94. Spiro holds that Phinehas had died at the end of the Book of Joshua, with the account of his death lost to an emendation of the verse (Joshua 24:33) that in all extant texts reports the death of his father, Eleazar.

54. Boling, *Joshua*, 512.

55. *Antiquities* 5.136.

56. See Seder Olam 12; Isaiah di Trani, ad loc.; Moore, *Judges*, 434.

> descendants were in charge of the gates of the house of the LORD, that is, the house of the tent, as guards.

Here Phinehas is portrayed not as a high priest or even as a priest of any special consequence. Indeed, this is one of the sole attestations of Phinehas' name, as an adult, where it lacks the appellative *ha-kohen*.[57] One can get the sense from vv. 19-20 that Phinehas functions as a glorified security guard, or perhaps an administrator in charge of those guarding the entrances to the Temple.[58] A priori, this seems like a demotion, to say the least.[59] As a guardian of the Temple gates, Phinehas would not even have a function *within* the Temple itself. And of course, there is no mention, echo, or intimation of Phinehas' violence at Shittim or his twofold rewards.[60]

Considering the universal consensus for a post-exilic dating of Chronicles, and its great concern with priestly matters, this portrayal of Phinehas would seem to have great ramifications.[61] As Matthew Lynch remarks:

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57. See also Judges 20:28, where Phinehas is surprisingly not called a *kohen*, this despite (because of?) the fact that he is clearly acting in a priestly capacity.

58. Another version of this list of Temple functionaries may be found in Nehemiah 11. With specific regard to gatekeepers, cf. Neh 11:19, which makes no mention of Phinehas. On the possibility of a relationship between these two lists, see Gary Knoppers, "Sources, Revisions, and Editions: The Lists of Jerusalem's Residents in MT and LXX Nehemiah 11 and 1 Chronicles 9," *Textus* 20 (2000), 141-168; and Oded Lipschitz, "Literary and Ideological Aspects of Nehemiah 11," *JBL* 121 (2002), 423-440.

59. See Jacob Myers, *1 Chronicles*, Anchor Bible (New York: Doubleday, 1965), 176. If it is known to the Chronicler that the Samaritans ascribed tremendous importance to Phinehas, it certainly could be a polemical move to "demote" Phinehas to an administrative position. On Chronicles as anti-Samaritan polemic, see Moshe Garsiel, "The Structure and Contents of Chronicles as a Veiled Polemic against the Samaritans," in *Jerusalem and Eretz Israel: Arie Kindler Volume*, ed. J. Schwartz, et al. (Ramat Gan: Bar-Ilan University Press, 2000), 42*-60*; Martin Noth, *The Chronicler's History* (Sheffield: JSOT Press, 1987), 100-106; Amit, *Hidden Polemics*, 211ff.

60. Gary Knoppers, *1 Chronicles 1-9*, Anchor Bible v. 12 (New York: Doubleday, 2004), 405.

61. For an exhaustive survey and analysis of the issues in dating Chronicles, see Kai Peltonen, "A Jigsaw without a Model? The Date of Chronicles," in *Did Moses Speak Attic? Jewish Historiography and Scripture in the*

> Many scholars argue (or assume) that the post-exilic period bore witness to intense bitter conflicts between priests and Levites, and that these conflicts found expression in pro-priestly or pro-Levitical literary activity in Chronicles.[62]

Given the centrality of Phinehas to legitimating the priesthood it is noteworthy that no care is made to distinguish Phinehas from the Levite gatekeepers whom he supervised.[63] Sarah Japhet highlights precisely this point:

> [A]ccording to random notices in biblical historiography, those who 'guarded the threshold' were *priests*. The Chronicler makes clear, in no uncertain terms, that this function is reserved for the *levitical* gatekeepers . . . It is only the overall supervision which is invested in the hands of the high priest.[64]

Summing up the seeming awkwardness of this appointment, Gary Knoppers notes, "It is surprising to see him cast as a gatekeeper."[65]

Others argue that the Temple gatekeepers occupied a more central role than is generally acknowledged. John Wright, for example, contends that:

Hellenistic Period, ed. Lester Grabbe (Sheffield: Sheffield Academic Press, 2001), 225-271.

62. Matthew Lynch, *Monotheism and Institutions in the Book of Chronicles* (Tübingen: Mohr Siebeck, 2014), 141. Knoppers presents a synopsis of the scholarly positions as to the sympathies of the Chronicler: (a) pro-Levite; (b) pro-Priestly; (c) an original pro-Levite layer supplemented with a pro-Priestly layer; (d) an original pro-Priestly layer supplemented with a pro-Levite layer. See Gary Knoppers, "Hierodoules, Priests, or Janitors? The Levites in Chronicles and the History of the Israelite Priesthood," *JBL* 118:1 (1999), 49-72; esp. 51-55.

63. On the motif of priestly-levitical unity in Chronicles, see Lynch, *Monotheism*, 145ff.

64. Sarah Japhet, *1 & 2 Chronicles: A Commentary* (London: SCM Press, 1993), 215 (emphasis mine). See 2 Kings 12:10, 23:4, 25:18; Jeremiah 35:4, 52:24. I believe that Japhet errs in this latter statement in two respects: (a) Phinehas is nowhere described as a high priest; (b) it is only Phinehas, and none other, who is portrayed as chief of the gatekeepers. Japhet is correct, however, in pointing out that the invocation of Phinehas fulfills a legitimatory role in this context.

65. Knoppers, *1 Chronicles*, ibid.

> Rather than minor clerical functionaries, the Chronicler portrays gatekeepers as a *paramilitary inner city security force*. According to the location of their assigned posts, the Chronicler depicts these military figures as possessing three significant roles in the Jerusalem temple-state: the governance of the state, the administration of temple revenue, and the maintenance of the temple and its paraphernalia.[66]

Moreover, from a strictly intertextual standpoint, the portrayal of Phinehas as chief-gatekeeper is sensible. After all, in Numbers 25, despite the many ambiguities in language with which we grappled above, one can come away with the impression that Phinehas protected the Tent of Meeting against trespass. Along the same lines, Ralph Klein reminds us that Phinehas' father, Eleazar, was appointed as the "chief over the leaders of the Levites," who were themselves charged with guarding the sanctuary (Numbers 3:32).[67] Taking this argument to its logical conclusion, Milgrom concedes that while "the guarding of sancta by priests is nowhere mentioned in [Numbers 25]," the latter narrative nevertheless "describes the ideal behavior of the sanctuary guard."[68] Consequently, it is possible to understand how this role might become systematized and projected onto Phinehas' regular priestly service.

Invoking Numbers 25, the deaths of Nadab and Abihu in Leviticus 10:1-7, and the rebellion of Korah (Numbers 16:9-10), Kloppenberg argues along similar lines: "Although deliberate trespass is not the subject of priestly law codes, there are several traditions which

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66. John Wright, "Guarding the Gates: 1 Chronicle 26:1-19 and the Roles of Gatekeepers in Chronicles," *JSOT* 48 (1990), 69-81; quote from p. 69 (emphasis mine). There may be a similar view of the gatekeepers in the midrash; see Numbers Rabbah 6:3 -- כל הבא לצבא צבא שהיו שוערים.

67. Ralph Klein, *1 Chronicles: A Commentary*, Hermeneia (Minneapolis: Fortress Press, 2006), 277.

68. Jacob Milgrom, *Studies in Levitical Terminology*, 48-49.

illustrate it."[69] Following Milgrom, he connects the institution of guardianship (Numbers 1:53, 8:19, 18:1-24) to the "the dangers of wrath and plague which result from encroachments upon the sancta."[70]

Milgrom takes the argument one step further, generating a wider historical context for the role of the levitical gatekeepers in Chronicles, whom he describes as "armed guards about the Tabernacle with the authority and the means to put any trespasser to death:"[71]

> When we examine the historical antecedents of the Levites we shall realize that this military role assigned them should not surprise us and that it is entirely in keeping with their image in the earliest sources . . .[72] [The Levites] have a belligerent, trigger-happy record . . . Their sacking of Shechem . . . [and] their slaughter of their fellows Israelites in the Wildnerness is in keeping with their military prowess and temperament, and their demonstrated loyalty to Yahweh may anticipate or reflect their later role in the sancturary.[73]

There are thus two opposing camps in the evaluation of Phinehas' role here. Milgrom et al., see a unified trajectory not only for Phinehas, but for the levitical gatekeepers writ large. In certain respects, 1 Chronicles 9:20 serves as either the capstone of, or the cipher for, the association of the levitical priests with violence: Either their preexisting violence was channeled and institutionalized through the role of gatekeeper, or it is precisely their role as gatekeepers

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69. Kloppenberg, "Joshua 22," 357.

70. Ibid.

71. *Studies in Levitical Terminology*, 15.

72. Ibid., 16.

73. Ibid., 48.

that explains the consistent association with violence. Others, however, see in the role of gatekeeper a discontinuity, a diminution of the once heralded Phinehas.

Chapter 3: Between Exegesis and Self-Fashioning: Phinehas' Zeal in Second Temple Literature

3. Introduction

Phinehas may be the preeminent biblical exemplar of priestly violence, but unlike other famed examples of biblical violence, such as the massacre perpetrated by Simeon and Levi in Shechem (Genesis 34), the violence of Phinehas continues to loom large in both the biblical and the post-biblical imagination.[1] From the Book of Psalms, to Ben Sira, and from the tradents of the Babylonian Talmud through the literature of the Samaritan-Israelites, biblical and Jewish authors, though living in different communities and separated by time, geography, and political fortunes, devoted an outsize amount of attention to the memory of the violent events in Numbers 25.

Yet this devotion to perpetuating the memory of someone who "took the law into his own hands" seems counterintuitive. As I illustrated in the previous chapter, it appears that there may have already been discomfort with Phinehas' violence *within* the Hebrew Bible itself. Moreover, a majority of our post-biblical sources were composed by Jews living in the presence of imperial domination, and particularly in the case of the Roman Empire where much of our

1. No reference is made to the Genesis 34 narrative elsewhere in the Hebrew Bible; see Michael Fishbane, *Biblical Text and Texture* (Oxford: Oneworld, 1998[2]), 46-47. While much is made of the episode in Jubilees and TLevi, Philo and Josephus both omit many sensitive details from the Genesis 34 narrative; see Louis Feldman, "Philo, Pseudo-Philo, Josephus, and Theodotus on the Rape of Dinah," *JQR* 94:2 (2004), 253-277. Rabbinic literature does not address the killing of all of the men in the city, the attack on men healing from circumcision, or the involvement of the other brothers with the pillaging of the city. The problematic passages, particularly those concerning the attack on the third day after circumcision when the Shechemite males were most vulnerable and defenseless, are instead expounded for halakhic purposes. This situation is confirmed by Ginzberg, who states, "The old rabbinic sources give no particulars about the war against Shechem." See Louis Ginzberg, *Legends of the Jews*, vol. 5 (Philadelphia: Jewish Publication Society, 1967), n289.

post-biblical literary evidence was composed, jurists and judges roundly condemned "private" justice of the type exercised by Phinehas.[2] These circumstances would seem to dictate a renunciation of all forms of violence and an attendant distancing from figures like Phinehas. This, however, is not the case. I demonstrate in this chapter how only a minority of Jewish writers from the Second Temple period suppressed memories of Phinehas' violence. By and large, ancient Jewish authors recognized the motif of priestly violence, perpetuating and even *creating* cultural memories of violence inspired by Phinehas.

Here I should note that preserving, or even enhancing, the memory of Phinehas' violence is not tantamount to blanket approbation for vigilantism. Building on my arguments from Chapter 1, I emphasize here that beginning with the biblical narrative itself, Phinehas' violence became inextricably bound with, and subordinated to, the the discourse of priestly (de)legitimation. More so than the kinetic act of priestly violence, I will argue that it is precisely the legitimation that is so inextricably bound with the violence, that impelled many of our authors to preserve the memory of Phinehas' zeal.

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2. See Boaz Cohen, "Self-Help in Jewish and Roman Law," in idem., *Jewish and Roman Law: A Comparative Study* (New York: The Jewish Theological Seminary of America, 1966), 624-651, esp. 645-650; Detlef Liebs, "Self-Help is Punished," in idem., *Summoned to the Roman Courts: Famous Trials from Antiquity* (Berkeley: University of California Press, 2012), 155-164.

1. Ben Sira 45:23-24

Ben Sira's approach to Phinehas' violence is quite similar to that which we encountered above in Psalm 106.[3] Unlike Psalm 106, however, Ben Sira can be dated with a great degree of confidence.[4] Consequently, we can contend with certainty that the author had before him the Phinehas narrative as it is now extant in Numbers 25, and nevertheless elected for a selective reading (45:23-24):

(כג) וגם פינחס [בן] אלעזר, בגבורה נח[ל שלישי].
בקנאו לאלוה כל, ויעמוד בפרץ עמו.
(כד) אשר נדבו[5] לבו, ויכפר על בני ישראל.
לכן גם לו הקים חק, ברית שלום לכלכל מקדש.
(כה) אשר תהיה לו ולזרעו, כהונה גדולה עד עולם.

[23] Καὶ Φινεες υἱὸς Ελεαζαρ τρίτος εἰς δόξαν ἐν τῷ ζηλῶσαι αὐτὸν ἐν φόβῳ κυρίου καὶ στῆναι αὐτὸν ἐν τροπῇ λαοῦ ἐν ἀγαθότητι προθυμίας ψυχῆς αὐτοῦ· καὶ ἐξιλάσατο περὶ τοῦ Ισραηλ. [24] διὰ τοῦτο ἐστάθη αὐτῷ διαθήκη εἰρήνης προστατεῖν ἁγίων καὶ λαοῦ αὐτοῦ, ἵνα αὐτῷ ᾖ καὶ τῷ σπέρματι αὐτοῦ ἱερωσύνης μεγαλεῖον εἰς τοὺς αἰῶνας.

[23] And Phinees son of Eleazar is third in glory, since he was zealous in the fear of the Lord, and since he stood firm in the turning of the people, in the goodness of the eagerness of his soul; he also made atonement for Israel. [24] Therefore there was established with him a covenant of peace to be in charge of holy things and of his people, so that he and his seed might have the magnificence of the priesthood forever.[6]

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3. On the many different names for the book, see Patrick Skehan and Alexander Di Lella, *The Wisdom of Ben Sira*, The Anchor Bible (Doubleday: New York, 1987), 3-4.

4. Here we must distinguish between the original Hebrew composition by Jesus Ben Sira, which was written "during the first quarter of the second century BC" (Skehan, *Ben Sira*, 9) — and the translation into Greek by his grandson in Egypt in the final quarter of that same century.

5. Cf. Numbers Rabbah (25): עמד מתוך העדה ונתנדב.

6. Translation of the Greek text by Benjamin Wright from *NETS* online (http://ccat.sas.upenn.edu/nets/edition/30-

From the above text it seems apparent that despite the author's awareness of Numbers 25, Ben Sira's adaptation of the Phinehas narrative seems to be highly indebted to Psalm 106.[7] In addition to the shared genre of hymn/historical-retrospect,[8] we also find an artful wordplay on Phinehas' "standing" which plays on the author's awareness of both Numbers 25 and Psalm 106.[9]

Phinehas is thus regarded as a role-model insofar as the perpetuity of the (high)priestly covenant began with him. He is even elevated to the "trinity" of Israelite greats, together with Moses and Aaron.[10] But as in Psalm 106, and despite the opaque mention of "zeal," the violent origins of this covenant have been obscured.[11] As Martha Himmelfarb remarks, for Ben Sira, "what is important about Phinehas is the covenant he earned, not the way he earned it."[12] The omission of Phinehas' violence is all the more pronounced, considering that from even a

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sirach-nets.pdf). The differences between the Hebrew and Greek will not preoccupy us here. As Martha Himmelfarb remarks, "there can be no doubt about the point [of the passage], the superiority of the priestly covenant to the Davidic covenant." See eadem, *A Kingdom of Priests : Ancestry and Merit in Ancient Judaism* (Philadelphia: University of Pennsylvania Press, 2006), 35.

7. Cf. Seland, according to whom Numbers 25 serves as the basis for Ben Sira here (*Establishment Violence*, p. 49). See also Martola, *Capture*, 216.

8. See Thomas R. Lee, *Studies in the Form of Sirach 44-50* (Atlanta: Scholars Press, 1986), 23-29.

9. Thus two distinct verbs describe Phinehas' initial actions: he "stands firm" (καὶ στῆναι αὐτὸν) in the face of mass attrition (playing on עמד in Psalm 106:30), and God's covenant is "established" with similar language (ἐστάθη, which generally renders קום [see Numbers 25:7]).

10. Lee, *Studies*, 211. Skehan, on the other hand, regards this expression as referring to Phinehas being third in the line of descent from Aaron (*Ben Sira*, 513). On Phinehas in patriarchal lists, see above, p. 67 n15.

11. Lee, *Studies*, 206: "[B]y the omission or suppression of discreditable incidents, by the attribution of qualities that do not exist, and by tailoring his narration, the encomiast seeks to portray his subject in the best possible light."

12. Martha Himmelfarb, "Levi, Phinehas, and the Problem of Intermarriage at the Time of the Maccabean Revolt," *Jewish Studies Quarterly* 6 (1999), 1-24; quote from p. 22. Emphasizing other facets of the passage is Dane Ortlund, "Phinehan Zeal: A Reconsideration of James Dunn's Proposal," *Journal for the Study of the Pseudepigrapha* 20:4 (2011), 304-307.

superficial reading of the work it is evident that the priesthood was of great interest to Ben Sira.[13] By extension, should not the charter of priestly legitimacy—which is tightly bound with Phinehas' violence—have been important to the work as well?

Why did Ben Sira fail to make mention of Phinehas violence? We cannot know for sure. To begin, I would suggest that the mention of Phinehas' *zeal* (v. 23) and effecting atonement (v. 24), both of which are absent from Psalm 106, may be a more loaded allusion to Phinehas' violence than we have previously considered. If we take the absence of explicit violence at face value, however, we can follow Martha Himmelfarb, according to whom the omission is a function of intermarriage not posing a threat in the times of Ben Sira.[14] It may also be the case that the omission of Phinehas' violence may be related to the stabilization and politicization of the institution of the High Priesthood in the times of Ben Sira.[15] In other words, if priestly violence signals the *contestation* of priestly legitimacy, a stable priesthood can do without the motif.

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13. Providing a comprehensive survey of the support for the Jerusalem priesthood *implicit* in Ben Sira's work is Benjamin Wright, "Fear the Lord and Honor the Priest: Ben Sira as a Defender of the Jerusalem Priesthood," in idem, *Praise Israel for Wisdom and Instruction: Essays on Ben Sira and Wisdom, the Letter of Aristeas and the Septuagint* (Leiden: Brill, 2008), 97-126. See also Saul Olyan, "Ben Sira's Relationship to the Priesthood," *Harvard Theological Review* 80:3 (1987), 261-286; Himmelfarb, *Ancestry*, 35ff.

14. Himmelfarb, "Levi, Phinehas," p. 23.

15. The political status and function of the High Priest during the Ptolemaic period is, as Rooke describes it, "rather imprecise, because so much of it is guesswork due to lack of direct documentation." While Rooke ascribes importance to the High Priest solely in the cultic arena, earlier commentators were much more confident in an expanded political function. Thus Box-Oesterly writes, "When the grandson of Ben-Sira wrote, the political power of the High Priest had been strongly asserted. The High Priest had become ethnarch. One consequence was that the office became the sport of constant political intrigues." See Deborah Rooke, *Zadok's Heirs: The Role and Development of the High Priesthood in Ancient Israel* (New York: Oxford University Press, 2000), esp. ch. 10.

2. Qumran

Christophe Batsch has observed that "the name Phinehas never appears in Qumran literature" except for a lone mention in a genealogical fragment.[16] This omission is all the more surprising considering that the Qumranites took great interest in the priesthood, the prohibition against intermarriage, and of course, the rhetoric of priestly legitimacy.[17] Moreover, the "priest commanding the armed forces of Israel" conceived of in the sect's War Scroll, certainly invites associations with Phinehas, who serves as a military leader—priestly implements in hand—in the Israelite war against Midian (Numbers 31:6). Yet this association is never made.[18] Indeed, Batsch refers to the priestly general in the War Scroll as the "anti-Phinehas."[19]

One explanation for Phinehas' absence from the Scrolls may relate to the sect's attitude toward the Patriarchs (Abraham, Isaac, and Jacob). Despite the repeated invocation of this triad

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16. Christophe Batsch, "Priests in Warfare in Second Temple Judaism: 1QM, or the Anti-Phinehas," in *Qumran Cave 1 Revisited*, ed. D.K. Falk et al. (Leiden: Brill, 2010), 165-178; quote from p. 176. On "zeal" at Qumran, see Katell Berthelot, "Zeal for God and Divine Law in Philo and the Dead Sea Scrolls," *Studia Philonica Annual* 19 (2007), 113-129.

17. See, e.g., Daniel R. Schwartz, "On Two Aspects of a Priestly View of Descent at Qumran," in *Archaeology and History in the Dead Sea Scrolls*, ed. L.H. Schiffman (Sheffield: JSOT Press, 1990), 157-179. Cf. the thoroughgoing revision in Robert Kugler, "Priesthood at Qumran," in *The Dead Sea Scrolls After Fifty Years: A Comprehensive Assessment*, vol. II, ed. Peter W. Flint et al. (Leiden: Brill, 1999), 93-116.

    Carolyn Sharp sees a veiled reference to Phinehas' violent opposition to intermarriage in 4QMMT's use of the phrase ונחשבה לך לצדקה בעשותך הישר והטוב. Most Qumran scholars, however, view the phrase as speaking of Abraham. See Carolyn Sharp, "Phinehan Zeal and Rhetorical Strategy in 4QMMT," *Revue de Qumran* 70:2 (1997), 207-222.

18. Batsch has elsewhere argued against a pacifistic view of the sect; see Christophe Batsch, "Le 'pacifisme des Esseniens,' un mythe historiographique," *Revue de Qumran* 21/83 (2004): 457-68.

19. Batsch, 176. Cf. Tobias Funke, "Pinhas und Anti-Pinhas? Priestertum und Gewalt im 1 Makk un 1QM," in *Ex Oriente Lux: Studien zur Theologie des Alten Testaments. Festschrift für Rüdiger Lux zum 65. Geburtstag*, ed. Angelika Berlejung and Raik Heckl (Leipzig: Evangelische Verlagsanstalt, 2012), 199-224.

within the Hebrew Bible, as Moshe Bernstein has written, "there are no substantial surviving narratives found at Qumran that involve all three patriarchs."[20] Bernstein continues:

> [T]he patriarchs are not significant at Qumran in any notable fashion; their stories are not told; allusions to events in their lives tend to be almost trivial; there is almost no attempt to characterize them or develop their personalities beyond the biblical descriptions.[21]

Surely it is significant that in a number of sources both contemporaneous with, and later than the Scrolls, Phinehas is regarded as one of the Israelite forefathers.[22] Might it be the case that apparent omission of Phinehas from the scrolls is a function of the sect's general (apathetic) attitude toward the Patriarchs?

In addition to this tentative suggestion, I would offer two additional explanations for avoiding mention of Phinehas in the Qumran scrolls: (a) the Qumranites were concerned to ground their priestly authority only as far back as Zadok. As we find with Josephus (see below), the Qumranites may have found it problematic that the covenant of eternal Phinehan priesthood was interrupted, and therefore violated, with the ousting of Abiathar.[23] Alternatively, as we will

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20. See Moshe Bernstein, "Where Are the Patriarchs in the Literature of Qumran?" in *Rewriting and Interpreting the Hebrew Bible: The Biblical Patriarchs in the Light of the Dead Sea Scrolls*, ed. Devorah Dimant and Reinhard Gregor Kratz (Berlin: De Gruyter, 2013), 51–76; quote from p. 52. Bernstein excludes the Book of Jubilees from his discussion.

21. Ibid., 71-72.

22. For sources, see p. 67n15.

23. The ousting of Abiathar was also of decisive importance for the Samaritans; see below, pp. 225ff.

see shortly, (b) the Qumranites may have been bothered by the fact that the Hasmonaeans had appropriated the figure of Phinehas for their own propaganda.[24] Thus Berthelot writes:

> The absence of reference to Phinehas in most of the DSS could be explained by a desire to avoid referring to a figure that the Hasmonaean dynasty had taken as a model and promoted to the rank of spiritual ancestor.[25]

As a final word of caution, I should note that particularly in the case of the Qumran scrolls, evidence of absence is not absence of evidence, i.e., that Phinehas is not mentioned in the extant Qumran writings does not constitute positive evidence that the sect never wrote of Phinehas.

3. Jubilees

Similarly, the name Phinehas does not appear in the Book of Jubilees, an additional composition with great priestly interest.[26] That said, while not invoking Phinehas *by name*, the author of Jubilees demonstrates a clear consciousness of Phinehas' violence and its rewards, which he interweaves into his rendition of Simeon and Levi's massacre in Shechem.[27] After recounting its laudatory rendition of the massacre (ch. 30), Levi is singled out for praise:

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24. See below, pp. 96ff.

25. Berthelot, "Zeal," 123. On suppressing memories of the Hasmonaeans, albeit in rabbinic literature, see Gedalyahu Alon, "Did the Jewish People and Its Sages Cause the Hasmoneans to be Forgotten," in *Jews and Judaism in the Classical World* (Jerusalem: Magnes Press, 1977), 1-47.

26. See Todd Hanneken, *The Subversion of the Apocalypses in the Book of Jubilees* (Leiden: Brill, 2012), pp. 100; 112-113.

27. A similar exegetical move is found in the Testament of Levi. On the relationship between these compositions, see Himmelfarb, "Levi, Phinehas," 12-13. Himmelfarb argues that Jubilees is a later reworking of Aramaic Levi. Cf. Robert Kugler, *From Patriarch to Priest* (Atlanta: Scholars Press, 1996), 161-162. Later readers likewise connected these two episodes; see below pp. 190ff. For a somewhat contrived intertextual reading of Genesis 34 and Numbers 25, see Helena Z. Sivan, "The Rape of Cozbi (Numbers XXV)," *Vetus Testamentum* 51:1 (2001), 69-80.

> [18] Levi's descendants were chosen for the priesthood and as levites to serve before the Lord as we do for all time. [19] Levi and his sons will be blessed forever because he was eager to carry out justice, punishment, and revenge on all who rise against Israel.[28]

After invoking the above narrative, Todd Hanneken notes that "the author neither denied nor avoided the positive evaluation of biblical violence."[29] Indeed, Phinehas is present in every respect of this narrative,[30] with the exception of his name, the omission of which may be a simple function of the author's restatement of biblical history, which recounts no events after the Exodus from Egypt.[31]

4. 1 Maccabees

(a) Introduction

An entirely different approach is found in a composition written not long after Ben Sira was translated into Greek. Almost a full millennium after Phinehas would have lived (at least according to a traditionalist dating), the Jewish population of the Eastern Mediterranean found itself caught in the so-called Syrian Wars, which erupted with the conclusion of the Wars of the

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28. Translation from James VanderKam, *The Book of Jubilees* (Leuven: Peeters, 1989).

29. Hanneken, *Subversion*, 113. He likewise demurs on the question of Jubilees' engagement with priestly polemics (p. 100).

30. See, esp., John Endres, *Biblical Interpretation in the Book of Jubilees* (Washington, DC: The Catholic Biblical Association of America, 1987), 147-153; Christine Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (New York: Oxford University Press, 2002), 79-80.

31. On the promotion of Levi in Jubilees and other Second Temple writings, see James Kugel, "Levi's Elevation to the Priesthood During the Second Temple Period," *Harvard Theological Review* 86 (1993), 1-64; Cana Werman, "Levi and Levites in the Second Temple Period," *Dead Sea Discoveries* 4 (1997), 211-225.

Diadochi. Perhaps the most consequential of these ongoing conflicts was the Seleucid takeover of Judaea in 198 BCE under the leadership of Antiochus III, ending more than a century of Ptolemaic rule, about which we know little.[32]

Although the Jews welcomed Antiochus III, this placid period of Seleucid rule is ultimately overshadowed by the legacy of his son, Antiochus IV Epiphanes, to whom ancient Jewish writers ascribe responsibility for a program of religious persecutions in the 160s BCE.[33] Long regarded as the most reliable historical witness to these events is the book of 1 Maccabees, which relates how Antiochus IV, under the pretext of national unity, issued a decree calling on all of his subjects to "give up their particular customs" (1:42).[34] He likewise forbade a host of the most foundational Jewish practices and instituted a regimen of pagan ones in their stead. Failure to comply would result in summary execution (1:50).

The author of 1 Maccabees relates that officials dispatched by the king offered forbidden sacrifices on the altars of the Jerusalem Temple and persecuted those Jews who continued to adhere to the now-forbidden ritual practices. While some Jews fled (1:53), others heeded Antiochus' call for national religious unity, and yet others "stood firm... and chose to die rather than be defiled by food or profane the holy covenant" (1:62-63).

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32. As Bickerman notes, "Our information about Ptolemaic Palestine is scanty and haphazard." See Elias Bickerman, *The Jews in the Greek Age* (Cambridge: Harvard University Press, 1988), 70.

33. The origins of Antiochus' religious persecution have been the subject of much debate. See, esp. Victor Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia: Jewish Publication Society, 1966); and Elias J. Bickerman, *The God of the Maccabees* (Leiden: E. J. Brill, 1979).

34. On the similarity of the language of this decree to that in the Greek additions to Esther, see Elias Bickerman, "Notes on the Greek Book of Esther," *PAAJR* 20 (1951), 101-133, esp. 127.

(b) Mattathias: A Latter-Day Phinehas

The first act of open defiance of the religious decrees issued by Antiochus IV Epiphanes is said to have been committed by Mattathias, a priest of the House of Joarib,[35] the progenitor of clan that became known as the Hasmoneans.[36] The narrative begins by introducing officers of the king who arrived in Modein and ordered Mattathias, with enticements of wealth and grandeur, to bring an illicit sacrifice (2:15-18). They are met with Mattathias' refusal to obey the word of the king or violate any Jewish precepts.[37] Immediately with the conclusion of Mattathias' steadfast refusal, a Jewish man is said to have come forward, in public view, to offer an illicit sacrifice (2:23). (Whether he offered a sacrifice or merely stepped forward to do so is left unclear.[38])

Seething with rage, Mattathias slaughters (ἔσφαξεν) the Jewish man on the altar, slays the officer who had previously solicited his own sacrifice (2:25), and destroyed the altar.[39] The use

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35. See 1 Chronicles 24:7; on the possibility of Hasmonean tampering with the biblical verse, see L. Dequeker, "1 Chronicles xxiv and the Royal Priesthood of the Hasmoneans," *OTS* 24 (1986), 94-106. For a comprehensive analysis and reassessment of the genealogy of Mattathias, see Alison Schofield and James VanderKam, "Were the Hasmoneans Zadokites?" *JBL* 124:1 (Spring 2005), 73-87.

36. This clan-name originates in Josephus (12:263), and it continues in rabbinic literature. See Jonathan Goldstein, *1 Maccabees*, Anchor Bible vol. 41 (New York: Doubleday, 1976), 17-19.

37. The narrative oddly omits any reference to the consequences of Mattathias' refusal, which, according to the previous chapter, should have been punishable by death (1:50, 57).

38. The Greek verb is the aorist active infinitive θυσιάσαι. It is not clear whether this indicates that the Jew had merely come forward *to* offer the sacrifice, but was slain by Mattathias before he was able to follow through with his intentions; or that he came forward *and* offered the sacrifice, after which he was slain by Mattathias. Interestingly, in Josephus' rendition of these passages (on which see further below), the verb is rendered as the finite ἔθυσε, thus removing the ambiguity.

39. Mattathias' slaughtering of the Jewish man on the altar also evokes Josiah, who quite literally sacrificed priests

of the verb ἔσφαξεν underscores the *priestly* nature of Mattathias' violence; LXX employs this verb exclusively to render שחט* in the realm of ritual slaughter. Similarly, Martola is "inclined to the opinion that the word has been chosen with care and that the author quite seriously regards Mattathias' deed as a cult act," similar to that of Phinehas.[40]

If the similarities to the narrative of Phinehas (Numbers 25:6-15) were not clear enough, the author explicitly underscores that Mattathias "burned with zeal for the law" (2:26) as did Phinehas, generations earlier. That the two narratives indeed share a great deal in common has long been noted.[41] The protagonists of both episodes are of priestly stock (Num 25:7; 1 Macc 2:1) who find their respective periods of mourning (Num 25:6 [see 20:29]; 1 Macc 2:14) interrupted by the public performance of forbidden acts (Num 25:6; 1 Macc 2:23), which involve a Jew/Israelite and complicit Gentile. Phinehas' feat of impaling his two victims almost simultaneously (Num 25:8) was not replicated by Mattathias, although the latter's actions nonetheless did claim two victims (1 Macc 2:24-25). In a certain respect, Mattathias even outperforms the example set by Phinehas with his single-handed destruction of the idolatrous altar (2:26). It would seem that the author of 1 Maccabees both modeled Mattathias in the manner of Phinehas, as well as utilized Phinehas' violence from Numbers 25 as a literary paradigm.

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on the altar (2 Kings 23:20). On this latter verse, see Tatlock, "Human Sacrifice," p. 40.

40. Martola, *Capture*, 218.

41. See e.g., Goldstein, *1 Maccabees*, 6-7.

Further underscoring the literary affinities of this episode with that of Phinehas are the repeated references to "zealotry." Whereas no mention of zealotry is made in Numbers 25 until after the killing of Zimri and Cozbi (Num 25:11, 13), Mattathias' act is framed—from the outset—with emphasis on his zeal. A literary lead-in describes a threefold progression as Mattathias "burned with zeal" (ἐζήλωσεν), "his heart was stirred," and "he gave vent to righteous anger."[42] As if answering a need to provide further justification for this act which draws so heavily on the narrative in Numbers, a final verse of summation concludes the episode with the episode's first—and only—acknowledgment of the parallel between Mattathias' conduct and that of Phinehas: "Thus he burned with zeal for the law (νόμος),[43] just as Phinehas did against Zimri son of Shalom [sic]."

The correspondence between the two episodes continues even after the violent climax. Of course, the blessing of eternal priesthood bestowed by God upon Phinehas (Num 25:13) following his act of violence seems hardly relevant in the case of Mattathias — a priest who had left Jerusalem, lamented the desecration of its temple, and fearing for the law and covenant, fled

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42. As with the Hebrew and LXX renditions of the Phinehas narrative, the sequence of verbs is *waw*-, or better yet *kai*-, consecutive.

43. Only in 1 Maccabees is Phinehas said to have committed his act of zealotry in the name of the *law*. God's reward of a "pact of priesthood" is twice attributed to Phinehas' zeal for God Himself (25:11, 13). Hengel has already highlighted the pivot from "zeal for God" to "zeal for the law," albeit with his own teleological slant: "This change is characteristic of the religious development of Judaism after the exile, when the law came between the individual and God . . ." (*The Zealots*, p. 154). D.R. Schwartz ascribes this shift to a strong reading on the part of the author of 1 Maccabees of Deuteronomy 32:21 (i.e., God will "make the Jews קנאים by allowing a foreign power to attack them"); see Daniel R. Schwartz, "From Moses' Song to Mattathias' Speech: On 'Zeal for the Law' and *Heilsgeschichte* in the Second Century BCE," in *Heil und Geschichte: Die Geschichtsbezogenheit des Heils und das Problem der Heilsgeschichte in der biblischen Tradition und in der theologischen Deutung*, ed. Jörg Frey, Stefan Krauter, and Hermann Lichtenberger (Tübingen: Mohr Siebeck, 2009), 185-193; quote from p. 190.

for the wilderness. That said, after experiencing some amount of success in combating the king's regimen of profanation, Mattathias delivers a deathbed exhortation[44] in which he calls on his sons to "show zeal for the law and give [their] lives for the covenant of [their] ancestors" (2:50).[45] It is in the context of this speech that Mattathias refers to Phinehas as "our father" (ὁ πατὴρ ἡμῶν; 2:54).[46]

(c) Phinehas, Mattathias, and the Violence of Priestly Legitimacy

That 1 Maccabees is widely regarded as preserving a faithful—if somewhat biased[47]—account of the Hasmonean uprising begs the question as to the historicity of Mattathias' violent episode, with its reception of the violence of Phinehas. Are we meant to view the portrayal of Mattathias' outburst of religiously motivated violence as having a place in the author's historical account? In this case, we might say that the violence of Phinehas was understood by the court author as a legal precedent. Or are the numerous close correspondences between the two

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44. For detailed analyses of Mattathias' deathbed speech, see Thomas Hieke, "The Role of 'Scripture' in the Last Words of Mattathias," in *The Books of the Maccabees: History, Theology, Ideology*, ed. Géza G. Xeravits and József Zsengellér (Leiden: Brill, 2007), 61-74; Renate Egger-Wenzel, "The Testament of Mattathias to His Sons in 1 Macc 2:49-70," in *Deuterocanonical and Cognate Literature Yearbook* (Berlin: W. de Gruyter, 2006), 141-149.

45. Here Mattathias evokes his earlier twofold call-to-arms, "Let everyone who is zealous for the law and supports the covenant (διαθήκην) come out with me" (2:27). The widespread ascription of מי לה אלי to Mattathias is spurious, and is first attested in Josippon. See Aryeh Ulman, "Did Mattathias Actually Say 'Whoever is for God – To Me'?" *Ha-Ma'ayan* 54:2 (5774), 22-27 (Hebrew).

46. On Phinehas as patriarch, see above, p. 67 n15.

47. On the reliability and/or biases of First Maccabees, see Bezalel Bar-Kochva, *Judas Maccabaeus: The Jewish Struggle Against the Seleucids* (New York: Cambridge University Press, 1988), 151-170.

episodes evidence of the continued use of a literary motif, in which case we would posit that the narrative is a conscious literary construct of priestly violence?

Perhaps it is instructive to point to the scholarly consensus with regard to the famed, graphic martyrologies in Second Maccabees. As Tessa Rajak maintains, "Martyrology is idealized representation and the characterization of martyrs is portraiture, to a lesser or greater extent stereotyped."[48] I should note that a close connection inheres between martyrdom, on the one hand, and violence of the type exercised by Phinehas and Mattathias: both fall under the general rubric of "death for the sake of God and/or the Law." The martyr *dies* for the law, while the zealot *kills* for the law.[49] Modifying the construct coined by Eugene Weiner and Anita Weiner, I would refer to the literary representation of priestly violence as a type of *proto*-martyrdom.[50]

Is Mattathias' proto-martyrological outburst best viewed as "stereotype portraiture," as a shrewd literary recycling of Phinehas' violence? Torrey Seland contends just the opposite, arguing that the writer of 1 Maccabees employed Phinehas strictly as providing a *legal*

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48. Tessa Rajak, *The Jewish Dialogue with Greece and Rome* (Leiden: Brill, 2002), 100.

49. It is certainly suggestive that the Bavli juxtaposes its discussion of those instances in which one must martyr oneself to those cases where one must kill for the sake of the law. I thank Shaye Cohen for bringing this to my attention.

50. See Eugene Weiner and Anita Weiner, *The Martyr's Conviction: A Sociological Analysis* (Atlanta: Scholars Press, 1990), 29-42. The authors describe proto-martyrdom as essentially the same phenomenon as martyrdom, albeit without the elaborate literary framework that typifies martyrologies.

    I should add that with the passage of time, Phinehas' proto-martyrdom begins to take on shades of martyrdom. I illustrate this phenomenon below, pp. 210ff.

precedent: "as a legitimation for the action of self-redress of Mattathias."[51] But Seland's argument, which is clearly meant to lay the foundations for his programmatic and positivistic assertion of the existence of Phinehas-like "Torah Police" in Jewish antiquity, suffers from two major flaws: (a) he assumes the historicity of Mattathias' violence act, when numerous scholars contest the place of Mattathias in the historical record of the Hasmonaeans;[52] (b) he likewise overlooks the fact that the Hasmoneans nowhere else appear concerned to ground their actions in biblical precedents. If anything, the Hasmoneans are halakhic renegades.[53]

Contrary to Seland, I follow Hengel, who observes that following the function of the Phinehas narrative in Numbers 25, the Mattathias episode must be read within the context of the politics of priestly legitimacy.[54] Goldstein similarly notes, "the author lets the Jewish leader

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51. Seland, *Establishment Violence*, 50.

52. A similar positivistic view of the Mattathias narrative is central to John J. Collins, "The Zeal of Phinehas: The Bible and the Legitimation of Violence," *Journal of Biblical Literature* 122:1 (2003), 3-21. Although Collins acknowledges that there are grounds to defend Mattathias' actions on account of self-defense, he nevertheless presents the episode in 1 Maccabees as a dangerous example of the use of the Bible to legitimize violence. Rappaport briefly alludes to the possibility that the Mattathias episode is a literary fiction (*1 Maccabees*, p. 127). Adding a series of textual difficulties within ch. 2 to further this case is Francis Borchardt, *The Torah in 1 Maccabees* (Berlin: De Gruyter, 2014), 56-58. The narrative under discussion here is not attested in Second Maccabees, nor is the name Mattathias. The Mattathias cycle in 1 Maccabees may very well be a function of its author's dynastic interests, which are not shared by the Judas-centric 2 Maccabees. See Daniel R. Schwartz, *2 Maccabees*, 324-325. On the possibility that later events were artificially transposed onto Mattathias, see Klaus-Dietrich Schunk, *Die Quellen des I. und II. Makkabäerbuches* (Halle: M. Niemeyer, 1954), 62.

53. E.g., the case of defensive warfare on the Sabbath. See Bar Kochba, *Judas*, 474-493. There is also the case of the forcible circumcision of "all the uncircumcised boys that they found within the borders of Israel" (1 Macc 2:46).

54. *The Zealots*, 154. For similar observations, see also Agneta Enermalm-Ogawa, *Un langage de prière juif en grec: Le témoignage des deux premiers livres des Maccabées* (Uppsala: Uppsala University Press, 1986), p. 45; Othmar Keel, '1 Makk 2—Rechtfertigung, Programm und Denkmal für die Erhebung der Hasmonäer: Eine Skizze', in *Hellenismus und Judentum: Vier Studien zu Daniel 7 und zur Religionsnot unter Antiochus IV* (Göttingen: Vandenhoeck & Ruprecht, 2000), pp. 123-33 (126-29).

draw the inference: as Phineas was rewarded by being made the founder of the high priestly line, so will Mattathias be rewarded."[55]

Why was there a need for priestly legitimacy? One school of scholars has long contended that questions regarding the priestly pedigree of the Hasmoneans were cause for strife in the decades after their rise to power.[56] This argument gained momentum with the publication of the Qumran scrolls, some of which are notable for their criticism of the "Wicked Priest(s)."[57] According to this school of thought, the Hasmoneans were indeed priests, albeit not from the Zadokite bloodline.[58]

Taking this argument one step further is Morton Smith. In a provocative posthumously published study, Smith questioned whether the Hasmoneans could claim even Aaronide descent.[59] Drawing on documents from 1 Maccabees through the Babylonian Talmud,[60] Smith

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55. Goldstein, *1 Maccabees*, 7.

56. For bibliography, see Schofield and VanderKam, "Were the Hasmoneans Zadokites?" p. 73 n2.

57. This then leads to the argument, also widespread, that "the separation of the [Qumran] sect from the rest of Judaism was triggered by the usurpation of the high priesthood by the Maccabees." See John J. Collins, "The Origin of the Qumran Community: A Review of the Evidence," in *To Touch the Text: Biblical and Related Studies in Honor of Joseph A. Fitzmyer*, ed. Maurya Horgan and Paul Kobelski (New York: Crossroad, 1989), 159-178; quote from p. 162.

58. A comprehensive corrective to this argument can be found in Schofield and VanderKam, "Were the Hasmoneans Zadokites?": "It is more in tune with the Qumran evidence to say that, while the community opposed Hasmonean ruler-priests, there is no surviving indication that they considered them *genealogically* unfit for the high priesthood" (p. 83). See also John J. Collins, "The Origin of the Qumran Community: A Review of the Evidence," 162-65; Eyal Regev presents a comprehensive overview in his *The Hasmoneans: Ideology, Archaeology, Identity* (Göttingen: Vandenhoeck & Ruprecht, 2013), 120-124.

59. Morton Smith, "Were the Maccabees Priests," in *Studies in the Cult of YHWH*, vol. 1, ed. Shaye J.D. Cohen (Leiden: Brill, 1996), 320-325.

60. Perhaps the most damning piece of evidence comes from the famed narrative in Bavli Qiddushin 66a, where one Judah b. Gedidiah said to Jannaeus: הנח כהונה לזרעו של אהרון ("leave the priesthood for those of Aaronide seed"). Smith regards this as the original accusation. On this story, its parallel in Josephus, and their long history in the scholarship of ancient Judaism, see most recently, Vered Noam, "The Story of King

concludes that while "it seems likely that the Maccabees were *not* an Aaronide family," nevertheless, "it seems likely that they *were* priests."[61]

Following this argumentation, I would argue that the discourse of Phinehas' violence clearly operates in 1 Maccabees in very much the same way as it does in Numbers 25: as a bulwark against the contestation of priestly legitimacy. Given both the highly stylized form of the narrative and the lack of any external corroboration for its dramatic events, it is fair to say that, as with the martyrologies in 2 Maccabees, the Phinehan-violence of the Mattathias narrative is a literary construct of priestly violence that was designed to both defend the Hasmonaeans from their detractors and grant an internal sense of priestly legitimacy and continuity. Given the overt sacrificial resonances of Mattathias' violence and the contestation of the priestly lineage of the Hasmonaeans, I return here to Nancy Jay's theory of sacrifice:

> Sacrificial ritual can serve in various ways as warrant of, and therefore as means of creating, patrilineal descent—as a principle of social organization, not as a fact of nature.[62]

As in the case of Phinehas, the right genealogy is *necessary*, but not *sufficient* for installation into the priesthood. It is ultimately violence that generates priestly legitimacy.

Jannaeus: A Pharisaic Reply to Sectarian Polemic," *Harvard Theological Review* 114:1 (2014), 31-58.

61. Smith, "Priests," 323.

62. Nancy B. Jay, *Throughout Your Generations Forever: Sacrifice, Religion, and Paternity* (Chicago: University of Chicago Press, 1992), 37. I should note that I am transposing Jay's theory of animal sacrifice into the human sacrifice of Exodus 32.

5. Philo

(a) Introduction

More than a century after a Hasmonaean court author described Mattathias as a latter-day Phinehas, yet another ancient Jewish author, Philo of Alexandria, wrote lavish praise for the zealous grandson of Aaron. Surpassing the short Mattathias episode and even the biblical Phinehas narrative itself, Philo provides extensive coverage of, and commentary on, both Phinehas as well as the phenomenon of Phinehas-like vigilantism throughout his writings.

Philo was so enamored with Phinehas, and praise of extra-judicial violence so pervades his writings, that a mass of scholarship treating Jewish violence in antiquity rests solely on the Philonic corpus. According a theory formulated by Jean Juster on the basis of Philo's writings, lynching was practiced by ancient Jews in the Roman Empire for punishing grave offenses against Jewish law.[63] Moreover, Juster ascribes to Philo responsibility for having "elevated" the practice of lynching to the level of canonized law ("à la hauteur d'une régle, une principe"). That Alexandrian Jews had their own courts did not mean that they adjudicated all areas of law; Juster regards the notion of all-encompassing jurisdiction as irresponsible ("un cercle vicieux"), pointing to the fact the Roman authorities would certainly have prohibited Jewish courts from administering capital punishment.

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63. Jean Juster, *Les Juifs dans l'Empire romain: leur condition juridique, économique et sociale*, II (Paris: Paul Geuthner, 1914), 158 n2. I have traced the notion that Jews exercised an intramural lynch-law as far back as 1694, where it appears in Willem Selden's *Otia Theologica*. In a future research project I hope to revisit the circulation of this idea among Christian Hebraists and other Gentile scholars.

Taking a more maximal view than Juster of Jewish legal jurisdiction in Alexandria was E.R. Goodenough, according to whom the laws expounded by Philo in his *De Specialibus Legibus* were the laws that were "administered daily" in some formal political capacity and could serve as a witness to the judicial practices in the Jewish courts in Egypt.[64] That said, Goodenough followed Juster in arguing that the Romans would have prohibited the use of capital punishment in Jewish courts, and consequently, flagrant violations of Torah law were punished by "lynching . . . without tribunal."[65] This theory has been renewed most recently by Torrey Seland, who adduces the execution of Stephen (Acts 6:8-15; 7:54-60) as positive evidence for the existence of the Philonic lynching practice within the Jewish community.[66]

Opposition to this theory has an almost equally long history and generally rests on one of three general suppositions:[67] (a) Philo presents his legal expositions as theoretical, rather than practical;[68] (b) a concession that extra-judicial executions were, indeed, selectively employed

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64. Erwin R. Goodenough, *The Jurisprudence of the Jewish Courts in Egypt* (New Haven: Yale University Press, 1929), e.g., p. 22.

65. Ibid., 253 and passim.

66. Seland, *Establishment Violence*, ch. X. Critical of Seland's thesis are Louis Feldman's review in *JAOS* 117:1 (1997), 154-155; Gregory Sterling's review in *JBL* 116:2 (1997), 368-370; Christophe Batsch, *La guerre et les rites de guerre dans le judaïsme du deuxième Temple* (Leiden: Brill, 2005), 158-159.

67. For a comprehensive survey, see the literature collected in Seland, *Establishment Violence*, pp. 20-29.

68. Ralph Marcus, "Recent Literature on Philo (1924-1934)," in *Jewish Studies in Memory of George A. Kohut*, ed. Salo Baron and Alexander Marx (New York: The Alexander Kohut Memorial Foundation, 1935), p. 472: "[Philo] wished to give an ideal picture of ancient Hebrew civilization rather than to expound the actual law of Alexandrian Jewry." F.H. Colson, *LCL*, Philo vol. VII, "it must be regarded as a rhetorical way of saying that apostasy is so hateful a crime that to avenge it on the spot is not only pardonable but a duty" (p. 620). See also Valentin Nikiprowetzky, *Le commentaire de l'écriture chez Philon d'Alexandrie: son caractère et sa portée, observations philologiques* (Leiden: Brill, 1977), 224-228.

among Alexandrian Jews;[69] or (c) general disbelief.[70] But the positivistic debate of whether Philo's expositions on biblical law reflect Jewish legal practice in Roman Alexandria, whether the so-called "lynch laws" were really practiced in Jewish antiquity, and whether this conclusion can even be verified on the basis of extant evidence is beyond the scope of our examination.[71] The purpose of our examination is to assess Philo's manipulation of the traditional materials at his disposal.

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We will begin with an examination of Philo's treatment of Phinehas' violence in Numbers 25. It appears that Phinehas was of "special interest" to Philo, as he treats the relatively short biblical episode in eight of his works.[72] In none of these passages does Philo criticize Phinehas or take issue with the fact that he "had not proceeded through judicial channels but rather had taken the law into his own hands."[73] In fact, Philo seems to *surpass* the biblical narrative in

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69. Belkin, for example, argues that lynching is appropriate, according to Philo, for the prevention of *impending* crimes, rather than for the post-facto punishment of *committed* crimes; see Samuel Belkin, *Philo and the Oral Law: The Philonic Interpretation of Biblical Law in Relation to Palestinian Halakah* (Cambridge, MA: Harvard University Press, 1940), 113-119. Alon reconciles the Philonic prescriptions with "ancient halakhah"; see Gedalyahu Alon, "On Philo's Halakha," in *Jews, Judaism and the Classical World*, trans. I. Abrahams (Jerusalem: Magnes Press, 1977), 114-124.

70. Thus Marcus writes, "lynch law cannot be part of the judicial system of a minority group in a Hellenistic city under Roman rule" ("Recent Literature," 472).

71. Feldman notes, instructively, that "If, indeed, lynching was justified by Jewish authorities we may wonder why there is no mention of it in the considerable body of vicious anti-Jewish propaganda in the papyri and in extant pagan literature" (Review of Seland, p. 154).

72. Louis Feldman, "The Portrayal of Phinehas by Philo, Pseudo-Philo, and Josephus," *JQR* 92:3/4 (2002), 316.

73. Feldman, "The Portrayal of Phinehas," 317. While the assumption guiding Feldman's study of the relevant passages from Philo, Pseudo-Philo, and Josephus is that Phinehas "bypassed the rule of law" in his killing of Zimri and Cozbi, he does not address why Philo is so effusive in his praise of Phinehas' taking the law into his own hands, nor does he account for why only Josephus--and not Philo--would have to make substantial, apologetic modifications to the narrative. This is all the more surprising given Feldman's attribution of irregularities elsewhere in Philo's writings to the writer's sensitivity and expressions of rapprochement toward

lavishing praise upon Phinehas. Moreover, I will argue that Philo recognized and played up the motif of priestly violence, both with regard to Phinehas and elsewhere, perhaps hinting to his own priestly lineage, and adding further to the legitimating functions of of Phinehas' violence.

(b) De Vita Mosis 1.295-304

Philo's most comprehensive treatment of the Numbers 25 episode may be found in his *De Vita Mosis* (1.295-304). In a creative expansion of Numbers 25:1-2 together with Numbers 31:16, Philo has Balaam suggest to Balak (295-299) that he permit the Moabite women to prostitute themselves to the Israelite men, and convince them, in the heat of passion, to convert (μεταβαλὼν) and offer illicit libations and sacrifices.[74] That Balak's permission was required for this subterfuge is explained by Philo as a function of his having to annul the apparent Moabite prohibitions on seduction and fornication, and "ignore" the law on adultery (300).

Philo then expands, in great detail, upon the nature of the offending Israelite's sin, which as we noted previously, is left ambiguous in the biblical account. The man is said to have been

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the Gentile community in Alexandria. See, e.g., Feldman's remarks regarding Philo's rendition of Simeon and Levi's massacre in Shechem (Genesis 34), where he notes that "Philo would surely have found it impolitic to recall the details of an incident in which Jews demanded conversion and then were guilty of perfidy once it had been agreed to." See Louis Feldman, "Philo, Pseudo-Philo, Josephus, and Theodotus on the Rape of Dinah," *JQR* 94:2 (2004), 255-261; quote from p. 261.

74. By adding the detail that the Moabite women would demand that the Israelite men offer sacrifices and libations in order to prove the sincerity of their conversion, Philo may, perhaps, be drawing elements of this plot from the subterfuge of Jacob's sons in Genesis 34 and their proposal of the merging of the Shechemite clan with their own. The brothers concoct a "test" for the sincerity of the Shechemite plan (Genesis 34:15-16), viz. circumcision, without which the merger of the clans could not proceed (Genesis 34:17). In his amplification of the the dialogue between Balaam and Balak, Philo, who employs a great deal of self-censorship in his rendition of the Genesis 34 narrative (Feldman, "The Rape of Dinah," 260 -- with particular regard to his omission of the deceitful use of circumcision as a test of sincerity) appears to seize the opportunity here to besmirch the scheming Gentiles with the very "test" that he omitted in the Genesis narrative.

"offering sacrifice and visiting a harlot . . . flaunting his licentiousness boldly and shamelessly . . . " (302). It is here that Phinehas arrives on the scene. Springing into action and

> attacking the pair while they still lay together, [Phinehas] slew both the lover and his concubine, ripping up also her parts of generation because they had served to receive the illicit seed.[75]

Contrary to the biblical narrative in which Phinehas is described as having acted with successive *waw*-consecutive verbs and without any emotional involvement or descriptors, Philo records Phinehas' emotional disposition in great detail. The profoundly disturbed Phinehas is portrayed with much the same language as Mattathias — first "angered," then "horrified," then "filled with bitterness and righteous anger."[76] Only then is he said to slay the sinning pair.

Tellingly, in an additional departure from the biblical text, Philo reports that the 24,000 fatalities mentioned at the end of the narrative were inflicted,[77] on the command of Moses (!), by

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75. All translations of Philo are from the Loeb Classical Library edition, occasionally with my modifications.

76. We should note here the remarkable similarity of this formula to the Mattathias narrative in 1 Maccabees (see above). While we cannot assert literary dependence or even an awareness of 1 Maccabees on the part of Philo, we also cannot discount the possibility that the legend of Mattathias was a "floating anecdote" known to Philo, given his great interest in Phinehas. Matthew Kraus has remarked that Philo employs identical language to describe Moses' disposition in the rebellion of Korah; idem, "Josephus and Philo on the Rebellion of Korah: Hellenisms not Hellenizations" (paper presented at the annual meeting of the Association of Jewish Studies, Baltimore, Maryland, December 2014).

77. Philo is exceedingly careful to note that only the guilty were punished; the marauders "spared the rest who gave clear proof of their piety" (303). In making this distinction, Philo may very well be responding to a polemic of the type issued by Julian centuries later:

    "What could be more trivial than the reason for which God was falsely represented as angry by the writer of this passage? What could be more irrational, even if ten or fifteen persons, or even, let us suppose, a hundred, for they certainly will not say that there were a thousand,—however, let us assume that even as many persons as that ventured to transgress some one of the laws laid down by God; was it right that on account of this one thousand, six hundred thousand should be utterly destroyed? For my part I think it would be better in every way to preserve one bad man along with a thousand virtuous men than to destroy the thousand together with that one." (LCL 157, trans. W.C. Wright, 161A) On Julian's program in *Contra Galileos*, see Ari Finkelstein, "Julian Among Jews, Christians, and Hellenes in Antioch: Jewish Practice as a Guide to Hellenes and a Goad to Christians," PhD Dissertation, Harvard University, 2011, 53-62.

a group of Israelites, "zealous for continence and piety" (τῶν τὴν ἐγκράτειαν καὶ θεοσέβειαν ἐζηλωκότων) who wished to emulate Phinehas (303).[78] The biblical narrative, on the other hand, says nothing of how these 24,000 Israelites were killed; it provides only a passive, de-personified description of the body count (Numbers 25:9): ויהיו המתים במגפה ארבעה ועשרים אלף ("those that died by the plague were twenty-four thousand").

Philo regards those Israelites who engaged in the communal purge as likewise holding themselves "free from guilt" (Colson), or closer to the literal sense of the text, they held themselves free from *defilement* (καθαροὺς νομίσαντες; 303) — a curious, but not unexpected priestly recasting of the narrative.[79] He further exonerates their actions with the following pronouncement: "And, therefore, they kept in their own hand the act of vengeance, which in the truest sense was laudable to its executors" (ὅθεν οὐδενὶ παρεχώρησαν τὴν ἐπέξοδον φέρουσαν τοῖς δρῶσιν ἀψευδέστατον ἔπαινον; 303).

(i) Priestly Violence in Philo

In portraying *Moses* as mustering zealous Israelites to avenge the wrongdoers, Philo appears to be engaging in an artful intertextual play with the violent conclusion of Exodus 32.[80]

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78. In contrast with the biblical narrative, Philo does *not* describe Phinehas as possessed by zeal of any type. Batsch (*La guerre*, 158-159) rightly criticizes Seland for reading "zeal" into the Philonic narratives where it does not exist in the text. The identity of who was responsible for the 24,000 Israelite deaths is a problem that preoccupies generations of interpreters. See below.

79. The sinners, on the other hand, are described in terms of ritual defilement and as having contaminated the camp with "a common polution" (τοῦ κοινοῦ μιάσματος). An almost identical sentiment is found in 3 Maccabees 7:14, 15. Perhaps Philo is drawing on Moses' command to his troops after the military engagement with the Midianites that they purify themselves (Numbers 31:19); see Philo's comments, *Mos*. I:314. On the priestly language suffusing the Midianite war in Numbers 31, see above, pp. 73-76.

80. As I noted above, this intertextual relationship is evident in the biblical text itself. On Philo's connection of

There, with his famed call of מי לה' אלי,[81] Moses charges the Levites with slaying the Israelite sinners, even their own family members. And indeed, according to the biblical account the Levites are said to have killed 3,000 Israelites in that rampage. Philo deftly pulls the intertext of the Exodus 32 rampage into the Phinehas narrative. Thus, in Philo's account, those same zealous Israelites who emulated Phinehas are said to have (303):

> massacred all their friends and kinsfolk who had taken part in the rites of these idols made by men's hands . . . To none of their convicted blood relations did they show pity or mercifully condone their crimes . . .

This passage looks as though it could have been pulled out of the violent conclusion of Exodus 32, but it is part and parcel of Philo's rendition of Numbers 25. The narrative in Philo concludes with the rewards bestowed upon Phinehas for his "heroism"[82] (304):

> the highest of blessings, peace—a gift which no human being can bestow—and, besides peace, full possession of the priesthood, a heritage to himself and his family which none should take from them.[83]

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these two narratives, see David Lincicum, "Philo on Phinehas and the Levites: Observing an Exegetical Connection," *Bulletin for Biblical Research* 21:1 (2011), 43-50. Philo's exegetical anchor also appears to be a strong reading of the command in Numbers 25:5: הרגו איש אנשיו, rendered by LXX as Ἀποκτείνατε ἕκαστος τὸν οἰκεῖον αὐτοῦ.

81. On the spurious ascription of this call to Mattathias, see above, p. 101 n45.

82. The element of heroism is not attested in the biblical narrative, nor is this label consistent with the circumstances in which Phinehas kills Zimri and Cozbi. Surely they are at their most vulnerable during intercourse! On Phinehas' bravery, which is played up in the rabbinic midrashim, see below, esp. pp. 210-212.

83. Philo adds that before these rewards were bestowed by God upon Phinehas, Moses himself had sought to issue a reward, but was "forestalled by God." Perhaps Philo is here attuned to the fact that God communicates his blessing of Phinehas through Moses (Numbers 25:10).

This formulation resembles the manner in which Philo recounts the praise of the Levites in the aftermath of their slaying of 3,000 Israelites at the conclusion of the Golden Calf story. But there Philo makes a closer connection between violence and the priesthood (*Mos.*, 2.173):

> For it was right that those who had voluntarily taken up arms for the honour of God, and so quickly achieved success, should receive the priesthood, and thus be worthily promoted to be His ministers.

Here, I would argue, Philo is making explicit the motif of priestly violence that underlies and connects both the massacre by the Levites in Exodus 32 and Phinehas' zealotry in Numbers 25.

As I noted above, the biblical Phinehas narrative subverts our understanding of how the priesthood is inherited. Phinehas' identity is already set apart by his Aaronide lineage; his hereditary accession to the priesthood therefore should have been sealed with his birth. Thus the narrative in Numbers 25 seems to underscore that the right lineage is a *necessary*, but not *sufficient*, precondition for the priesthood. In other words, violence generates priestly identity. This message resonates clearly in Philo's praise of the Levites.

Elsewhere in his writings Philo develops the connection between priests/levites and violence. In a meditation on Cain's killing of Abel, Philo seizes on an interpretive opportunity that results from God's promise to protect Cain from blood vengeance. Juxtaposed to this promise is the description of Cain as a builder of cities. Philo here makes a brilliant interpretive move.[84] Just as Cain was protected from blood vengeance and is associated with the building of

84. There are numerous other points of contact between Cain and the Levites. I hope to revisit these in a future study.

cities, those guilty of manslaughter are proffered cities of refuge — administered by Levites. Here Philo makes an astounding association between the Levites and violence (*De Sacrificiis*, 130):

> And thus it is natural that Levite and homicide should dwell together, for their deeds, though not the same, are alike.

Philo likewise plays up priestly violence with regard to Phinehas' role in the military campaign against Midian (*Life of Moses* 1.305-318).[85] As I noted above, Phinehas' position of command is insinuated by, but not mentioned in, the biblical account. But in Philo's account, Moses explicitly appoints Phinehas as commander (*strategos*) over the forces to be sent against the Midianites.[86] Before going out to battle, Phinehas is said to have offered "favorable sacrifices" (καλοῖς ἱερείοις) and then address the troops with a rousing exhortation.[87] Philo does not make mention of Phinehas handling any of the sacred vessels, and as such, the offering of sacrifice is an alternative priestly duty that best befits Phinehas.[88]

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85. For a close philological study of technical elements of Philo's retelling of the narrative, see Christopher Begg, "Josephus and Philo's Retelling of Numbers 31 Compared," *Ephemerides Theologicae Lovanienses* 83:1 (2007), 81-106.

86. *Life of Moses*, 1.306. All translations in this section are from F.H. Colson, *LCL* 289.

87. While it is unclear whether Moses or Phinehas is the subject of these latter actions, I would argue, contra Begg, that Phinehas is the likelier candidate. In general, the practice of *sphagia*—animal (and perhaps human!) sacrifice—before battle is well known in ancient Greek literature. See, e.g., M. Jameson, "Sacrifice Before Battle," in *Hoplites: The Classical Greek Battle Experience*, ed. V.D. Hanson (London: Routledge, 1991), 197-227.

88. That Phinehas does not handle the sacred vessels may be a function of the biblical text before Philo. See above, p. 72 n34.

Per the biblical narrative, the Israelite forces are then said by Philo to have decimated the Midianites. Yet Philo takes the rhetoric of the war to an entirely different level in portraying the Israelites as having "*slaughtered* their opponents" (ἱερεῦσαι μὲν τοὺς ἀντιπάλους).[89] Employing the very verb that denotes *ritual animal sacrifice*, I would argue that Philo is playing up the motif of priestly violence and/or the very clear sacrificial quality of the campaign against Midian.

In sum, it seems clear that Philo recognized the motif of priestly violence and even employed it to generate interpretations of his own. I cannot detect any hint of criticism in these Philonic texts. In fact, Philo lavishes even greater praise upon the violent figures than the biblical text itself.

(c) Post. 54.182-185

(i) Phinehas Created Social Order

While none of Philo's remaining comments on Phinehas elsewhere in his works approach the level of detail and development of the biblical narrative in the foregoing passages, his positive reception of Phinehas' violence nevertheless remains constant through his essays.[90] In

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89. 1.309.

90. If the *De Vita Mosis* narrative is the most developed rendition of the Phinehas episode, it appears that the far more concise rendition in *De Vertutibus* (7.41) was either a reworked version of the former or otherwise a skeletal version from which Philo subsequently developed the story. The episode in *Vert*. also begins with a plot to seduce the Israelite men with Gentile women, though the women are said to be Midianites (rather than the Moabites in *Mos*.) and neither Balaam nor Balak is mentioned. More significantly, Zimri and Cozbi are not mentioned--neither in name nor in deed--and neither is Phinehas, let alone the fact that Phinehas commits any sort of action. Lastly, the rendition in *Virt*. has God--not "zealous" Israelites as in *Mos*.--as responsible for the purge of the 24,000 corrupt members of the nation.

an allegorical rendition of Phinehas' actions, and more centrally, a short excursus on Phinehas' reward, Philo notes (Post. 54.182-185) that the rewards bestowed upon Phinehas are a direct consequence of Phinehas' having

> [done] all those things in which her [*sic*] Master delighteth: He delights in the (1) maintenance of a well ordered state under good laws, (2) in the abolishing of wars and factions — not only those which occur between cities, but also of those that arise in the soul . . . (184)

Feldman regards this praise as ironic, considering that Phinehas "bypassed the law," "resorted to force before seeking a peaceful solution," and did not quite facilitate the maintaining of societal order by killing two defenseless people without due-process.[91]

Our view, however, is quite the opposite. First, Feldman's view is predicated on an flawed portrayal of the Israelite judicial system. To say that Phinehas circumvented the law is to assume the existence of legal institutions. As I will argue below, not unlike modern scholars of biblical law, Philo is careful to not retroject judicial institutions into pentateuchal narratives.[92] Second, Philo's praise for Phinehas decidedly reinforces the biblical narrative with his pronouncement that the violence to which Phinehas resorted constituted a critical component for maintaining civil order and quashing internal conflict. Surely Philo was conscious of the fact that "both Plato and Aristotle believed that the fundamental function of law is the maintenance of

91. Feldman, "The Portrayal of Phinehas," 321.

92. See below, pp. 123ff.

social order."[93] There is thus no reason to doubt that Philo viewed Phinehas' actions as part and parcel of the legal process.[94]

(d) Ebr. 17-18

(i) Did Phinehas Get Away with Murder?

A curious deviation from these positive sentiments is preserved in yet an additional excursus, where Philo seems to pass judgment on Phinehas' violence, albeit without mentioning the protagonist by name (*Ebr*. 17-18.73-76):

> Surely such a one must pass for a murderer in the judgment of the multitude, and be condemned by custom the woman-like, but in the judgment of God the all-ruling Father he will be held worthy of laud and praise beyond reckoning...

Contrary to the "immunity" said by Philo to have been enjoyed by the rampaging Israelites (Mos. 1.303)—and, presumably, Phinehas as well—here Philo presents a more subtle dichotomy surrounding the possibility of Phinehas' culpability for the charge of murder. In giving his consideration to the potential for the Israelite multitude to consider Phinehas as having violated the prohibition against murder with his slaying of Zimri and Cozbi, Philo appears to hedge the unapologetic defense—and praise—of Phinehas' act attested elsewhere in works. Indeed, with his use of God's reward as a signal of Phinehas' *exoneration* rather than as a sign of unequivocal

93. Brian Tamanaha, *A General Jurisprudence of Law and Society* (New York: Oxford University Press, 2001), p. 11.

94. Josephus makes a similar move, portraying Phinehas as acting in a capacity of martial law; see below, pp. 126ff.

approbation, Philo's remarks here appear to diverge ever so slightly from both the biblical narrative as well as his own renditions of the episode.

In other words, is Phinehas a murderer, albeit one who is the recipient of divine praise, which appears to negate any punishment? Here Philo appears to be struggling with one of the major distinctions drawn by legal scholars and judges when it comes to assessing the border between licit and illicit violence. On the one hand is a "*justified*" crime, which "renders a nominal violation lawful–in accordance with the jus, or higher, unwritten law of legitimate conduct."[95] An act of self-defense that results in the death or injury of an assailant may very well fall under this rubric. On the other hand, we may speak of "*excuses*," which "merely negate the actor's personal responsibility for the violation."[96] Whereas in the more lengthy account in *De Vita Mosis* Philo treats Phinehas and the zealous Israelites who emulated him, as justified in their lethal violence, here Philo appears to employ the language of excuse. As I will demonstrate below, this distinction likewise appears quite explicitly in the Palestinian Talmud and in the writings of Optatus.[97]

(e) Spec. Leg.

In none of the above instances, however, does Philo adduce the case of Phinehas as a legal precedent. This is very much in keeping with the biblical narrative, which nowhere states

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95. George P. Fletcher, *A Crime of Self Defense* (Chicago: University of Chicago Press, 1988), 19.

96. Ibid.

97. See below, pp. 164ff.; p. 167, n70.

that Phinehas' act is a model to follow. In Philo's legal writings, however, Phinehas' violence could, in fact, be construed as a precedent for the summary extra-judicial killing of apostates.[98]

In Philo's rendition of the laws of the "enticer" (מסית) of Deuteronomy 13:7-12, he comments on the punishment for "any members of the nation who betray the honor due to the One,"[99] noting that (*Spec. Leg.* I.55-57):

> All those who have a zeal for virtue should be permitted to exact the penalties off-hand and with no delay, without bringing the offender before jury or council or any kind of magistrate at all, and give full scope to the feelings which possess them, that hatred of evil and love of God which urges them to inflict punishment without mercy on the impious.[100]

Beyond his close adherence to the biblical prescription, which calls for the summary execution of the offender, Philo apparently felt the need to provide a legal-theoretical underpinning for this summary punishment (55):

> νομίσαντας αὐτοὺς ὑπὸ τοῦ καιροῦ τὰ πάντα γεγενῆσθαι, βουλευτάς, δικαστάς, στρατηγούς, ἐκκλησιαστάς, κατηγόρους, μάρτυρας, νόμους, δῆμον, ἵνα μηδενὸς ὄντος ἐμποδὼν ἄφοβοι σὺν ἀδείᾳ πολλῇ προαγωνίζωνται ὁσιότητος.
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> They (i.e., those who inflict punishment) should think that the occasion has made them councilors, jurymen, high sheriffs, members of assembly, accusers, witness-

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98. For an introduction to *Spec. Leg.*, see Richard Hecht, "Preliminary Issues in the Analysis of Philo's *De Specialibus Legibus*," *Studia Philonica* 5 (1979), 1-55

99. According to Colson, Philo here seizes on Deuteronomy 13:7-12, although we may surmise that Philo utilized either an alternative version of the Septuagint, or otherwise a Septuagint text closer to MT. On the betrayal of honor in Philo's writings, see Seland, *Establishment Violence*, 110-112. There is a curious use of *military* terminology here (ibid., 112-116), e.g., "They have abandoned their most vital duty, their service in the ranks of piety and religion . . ." This language persists in Josephus, where, I will argue below, it is critical to the legitimation of Phinehas' actions.

100. While Philo embellishes the biblical command somewhat with his addition of the zealous attribute of the punisher (ἅπασι τοῖς ζῆλον ἔχουσιν ἀρετῆς), his rendering of this extra-judicial punishment paradigm is remarkably faithful to the Hebrew text in Deuteronomy. LXX, on the other hand, renders הרג תהרגנו as הגד תגדנו: ἀναγγέλλων ἀναγγελεῖς περὶ αὐτοῦ. Seland views these passages as anchored in Numbers 25 (*Establishment Violence*, 103-108).

> es, laws, people, everything in fact, so that without fear or hindrance they may champion religion in full security.

In other words, Philo does not suffice with the strongly worded biblical command for the execution of the enticer. Rather, he provides a justification for the assailant's lethal attack on the offender, following the contention that the punishment is not, in fact, extra-judicial. The circumstances of such a flagrant violation of the law make it as though the offender has been brought through the criminal justice system and that all of the normally required stipulations and conditions for a judicially sanctioned capital punishment have been satisfied and subsumed within the actions of the enforcer.

In addition to this jurisprudential justification, Philo points to Phinehas as an exemplar for his ruling:[101]

> (56) There is recorded in the Laws the example of one who acted with this admirable courage. He had seen some persons consorting with foreign women . . . Seized with inspired fury, keeping back the throng of spectators on either side, he slew without a qualm him and her . . . (57) This deed suddenly wrought in the heat of excitement acted as a warning to multitudes . . . So then God, praising his high achievement, the result of zeal self-prompted and whole-hearted, crowned[102] him with a twofold award, the gifts of peace and priesthood . . .

In other words, Philo invokes Phinehas' violence as an example of the successful punishment of the apostate from Deuteronomy. The biblical law regarding the apostate (Deut 13:12) calls for the merciless, violent, communally inflicted death of the offender to serve as a warning for

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101. Seland makes much of the fact that Philo provides this supplementary legitimation for the scriptural law. Per his programmatic thesis, he adduces Philo's invocation of Phinehas as positive evidence for the practice of lynching in Alexandria (132-136). I challenge this reading; see below.

102. On the crown-priesthood motif, see Noam, "King Jannaeus," 46-47.

potential perpetrators of similar offenses in the future. These conditions certainly seem to have been upheld in the case of Phinehas. But rather than viewing Phinehas' violence as a *precedent* for the law in Deuteronomy, I would argue that Philo regarded Phinehas as an example of someone who *upheld* the law in Deuteronomy. The importance of this distinction will be revisited below.

(f) Against a Positivistic Reading of Phinehas in Philo

Our analysis of Philo's extensive comments on the form of punishment due to apostates—along with those who wish to sway others to apostatize—serves to highlight the ancient writer's artful exegesis of the biblical text. Indeed, as David Runia writes with regard to Philo's exegetical *and* legal texts, "Philo is first and foremost an exegete of scripture."[103] While the question of the practice of lynching in the Alexandrian Jewish community is beyond the scope of this study, I would note that autobiographical details regarding life in Alexandria can be gleaned readily from those various instances in which Philo signals that he is speaking explicitly of his contemporary situation.[104] These types of formulations are not attested in any of the passages under our examination. I would add that, if extrapolated to other ancient literary corpora, the positivistic methodology of Seland, et al., would result in the circular argument that

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103. See David Runia, "How to Read Philo," in idem, *Exegesis and Philosophy: Studies on Philo of Alexandria* (Hampshire: Variorum, 1990), 189.

104. See, e.g., three examples from *Spec. Leg.* provided by Reinhartz: 3.159-162; 1.123.128; 4.68. On the difficulties in ascertaining *realia* from Philo's work, see Adele Reinhartz, "Philo's *Exposition of the Law* and Social History: Methodological Considerations," *SBL Annual Meeting 1993 Seminar Papers* (Atlanta: Scholars Press, 1993), 6-21.

the Hebrew Bible provides evidence for the practice of biblical law and that rabbinic literature does the same for the application of rabbinic law.

Obscured by the debate over the practice of lynching in Alexandria are other possible reasons for Philo's preoccupation with extra-judicial violence in general, and Phinehas' (priestly) violence in particular. One possibility questions an assumption that has prevailed in scholarship on Philonic law for much of the last century. This assumption is latent in the title of E.R. Goodenough's masterful work, *The Jurisprudence of the Jewish Courts in Egypt*. In the following, I question Goodenough's use of "*courts*."

In all of his work, Philo rarely mentions the existence of Jewish courts in Alexandria. Goodenough himself says as much:

> Of Jewish courts in Alexandria Philo indicates several. First, above all Jewish courts in Egypt, was the Great Sanhedrin in Jerusalem.[105]

Of course, the "Great Sanhedrin in Jerusalem" is hardly a Jewish court in Alexandria, but this is emblematic of the problem. Next Goodenough writes of "the highest Jewish court in Egypt,"

> [the] γερουσία πᾶσα, to which Philo specifies that the charge of fraudulent mis-representation of a daughter's virginity should be brought . . . [and] the θεῖον δικαστήριον to hear the ordeals by oath.[106]

These are the sole examples that Goodenough is able to muster. We can now see how the paucity of the mention of courts in Philo's writings combined with the lack of independent Jewish

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105.*Jurisprudence*, 248-249.

106.Ibid., 249. Other mentions of court procedure may be found in *Spec. Leg.* III:64, 141, 145.

jurisdiction created the perfect storm to advance the notion that Jews in Alexandria regularly "took the law into their own hands" and lynched their correligionists for egregious violations of Jewish law. I maintain that a more subtle approach is called for.

Consequently, I would argue that Philo is such a committed reader of the Torah that he recognized, as do modern scholars of biblical law, that much of biblical law is "self-executing," i.e., "designed for implementation by the parties themselves, without the need for recourse to third-party adjudication."[107] Judicial institutions are few and far between in the Torah; indeed, they appear in Philo with the same infrequency with which they appear in the Torah itself. The critical fact of Philo's close adherence to the biblical model of law is overlooked by Juster, Goodenough, and Seland. Instead, they mistake Philo's close reading of Scripture for positivistic evidence of Alexandrian legal practice.

In my view, Philo's preoccupation with the Phinehas narrative should be viewed in the wider context of biblical law. Phinehas' violence is, for Philo, a success story of the "horizontal" Israelite legal system.[108] It is no accident that Philo invokes Phinehas, however paradoxically, as a model of law-and-order. It is likewise noteworthy that Philo is careful to produce a legal-theoretical statement that subsumes the entire legal process within the actions of the justified

107. Bernard Jackson, *Wisdom Laws*, 29.

108. By "horizontal" I mean that legal issues were adjudicated by peers rather than a "vertical," institutional system of judges and courts.

vigilante. The approbation and reward bestowed upon Phinehas represented for Philo explicit affirmation of the "justice" of the biblical legal system.

In addition to the foregoing, I would like to offer one final possibility for Philo's fascination with Phinehas. I have noted that not only was Philo enamored with Phinehas' violence, he also recognized and played up the motif of priestly violence. As I emphasized above, Phinehas' violence, in both its original context and in its reception history, is inextricably bound with the affirmation of priestly legitimation. How might this obtain in the case of Philo? Although Philo never says so in his own writings, Jerome noted that Philo was of priestly descent: "Philon Iudaeus, natione Alexandrinus, de genere sacerdotum."[109] Daniel Schwartz has written a comprehensive and convincing study in support of Jerome's assertion.[110] Philo's almost excessive glorification of Phinehas, in particular, and priestly violence, in general, might just be another piece of evidence in favor of Jerome's statement.[111]

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109. *De viris illustribus* 11.

110. Daniel R. Schwartz, "Philo's Priestly Descent," in *Nourished with Peace: Studies in Hellenistic Judaism in Memory of Samuel Sandmel*, ed. F.E. Greenspahn et al. (Chico, CA: Scholars Press, 1984), 155-171.

111. On Philo's self-fashioning, see Maren Niehoff, "Philo's *Exposition* in a Roman Context," *Studia Philonica Annual* 23 (2011), 1-21.

6. Josephus

(a) Introduction

After seeing Philo's seeming preoccupation with Phinehas, we should expect a similar, if not more expansive, treatment of the biblical hero in the writings of Josephus. This is because of the observation, noted in two recent studies, of the striking parallels between the personae of Josephus and Phinehas.[112] Indeed, David Bernat goes so far as to say that "Josephus' portrayal of Phinehas is not only an example of scriptural exegesis, but a masterful piece of autobiography."[113] Most centrally, it is important to underscore that both Phinehas and Josephus were members of the priesthood, a fact highlighted generously in the latter's writings.[114] Both likewise function as military commanders.[115] Yet contrary to Philo, Josephus *suppresses* rather than embellishes critical components of the Phinehas narrative, and he does so in such a way that minimizes its potential import for Josephus' own autobiographical use.

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112. Feldman, "The Portrayal of Phinehas," esp. 328; and David Bernat, "Josephus's Portrayal of Phinehas," *Journal for the Study of the Pseudepigrapha* 13:2 (2002), 137-149, esp. 145-148. Feldman touches only briefly on the portrayal of violence in Josephus' narrative and leaves unexplained why Josephus includes a rendition of Numbers 25, when elsewhere in his writing he freely omits episodes he finds distasteful. Bernat makes clear that his study does not treat Phinehas' zealotry (p. 139, n3).

113. Bernat, "Josephus's Portrayal of Phinehas,"138.

114. See Josephus' superlative comments about his priestly lineage in *Life* 1-2. See also Seth Schwartz, *Josephus and Judaean Politics* (Leiden: Brill, 1990), 88-92

115. Phinehas is portrayed as a military *leader* in Numbers 31:6, but as a *general* in the writings of both Philo and Josephus. See also Bernat, "Josephus' Portrayal," 139 n7. On Josephus' emphasis on military leadership, both autobiographical and exegetical, see Feldman, *Josephus's Interpretation*, 106-113.

(b) Antiquities 4.126ff.: Zimri's Act of War, Phinehas' Act of Combat

The opening of Josephus' rendition of the Phinehas episode (Ant. 4.126-130) attests an intricate plot hatched by Balaam before Balak to lead the Israelite men astray through a seductive subterfuge by Midianite women. This plot appears to derive from the same extra-biblical tradition as that of Philo (Mos. 295-304) — albeit with minor variations.[116] Josephus then provides a lengthy description of the successful execution of Balaam's plan (131-139), replete with extensive dialogue between the Midianite seductresses and their Israelite suitors.[117] It is then that Zambrias (=Zimri) is said to have "consorted" (συνὼν)[118] with Chosbia (=Cozbi), a Midianite woman (141).

Whereas at this point in the biblical narrative Phinehas appears (and Moses' absence is pronounced), in the following passage Josephus has Moses "gather the people into an assembly" in efforts to prevent the Israelite camp from deteriorating any further (142). Moses is said to not accuse anyone by name, and he manages only a weak speech in which he urges the Israelites to abjure pleasure (143-144). Zambrias then steps forward and delivers a scathing critique of both Moses and the Israelite religion, the dictates of which he calls "tyrannical" and "harsher to the

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116. See above, pp. 109ff.; see also Louis Feldman, *Judean Antiquities 1-4* (Leiden: Brill, 2000), 377 n388. On the possibility of Josephus' acquaintance with Philo's work, see Seth Schwartz, *Josephus and Judean Politics* (Leiden: Brill, 1990), 52-54.

117. Nowhere does Josephus record God's command to Moses to exact punishment from the chieftains, or Moses' command to the *shoftim* to exact punishment from the sinners.

118. Per LSJ (s.v.) the verb has a wide lexical range, and it is unclear whether a sexual union is intended. Feldman notes (p. 381 n416) that a majority of manuscripts add that Zimri both offered prohibited sacrifices and contracted to marry Cozbi.

Hebrews than the Egyptians."[119] Zambrias proudly incriminates himself of his marriage with a "foreign wife" (148)[120] and pagan sacrifice (149).

Moses does not respond to Zimri, and instead dismisses the assembly for fear that they would become "imitators of the shamelessness of [Zambrias'] words" and perhaps be emboldened by Moses' own failure to respond (151). At this point an "indignant" Phinehas is said to have intervened,

> before [Zambrias'] insolence gained strength through impunity, to take the law into his own hands (ἔργῳ τὴν δίκην αὐτὸν)[121] and to prevent the [lawlessness] (παρανομίαν) from spreading further afield should its authors escape chastisement. (LCL)

Josephus narrates Phinehas' slaying of Zimri and Cozbi with the same terse, animated language as the biblical narrative. Unlike Philo, however, Josephus does not employ any language that would color Phinehas' violent deed with shades of *religious* zeal.[122] Lastly, Josephus surprisingly omits mention of the twofold reward of eternal priesthood and a covenant of peace bestowed by God upon Phinehas.[123]

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119. Following Seth Schwartz, Feldman notes that Zambrias' speech "artfully summarizes arguments that assimilated Jews of Josephus' day might have used" (Feldman, *Antiquities* 1-4, p. 382 n422).

120. Surprisingly, Josephus' suppresses neither Moses having married a Midianite nor the fact that Cozbi herself was a Midianite. In Samaritan literature, on the other hand, I was not able to find mention of Moses' wife.

121. Feldman: "to exact the punishment upon him by action."

122. Characteristically, Hengel ascribes this to Josephus' strong distaste for the Zealots of his own era. See below.

123. This may be a function of Josephus' unwillingness to anchor this foundational moment in the priesthood to an episode of sedition and violence. Furthermore, Josephus elsewhere (*Ant*. 3.190; 4.26-27) has Moses speak of wanting to award himself the high-priesthood -- a tradition preserved in rabbinic literature as well (see Leviticus Rabbah 11.6). Bernat ("Josephus' Portrayal," 143-144) suggests that (a) Josephus saw the covenant as extraneous, because the priesthood should have passed to Phinehas due to his lineage; and (b) the perpetuity of the Phinehan priesthood seemed to have been violated when the Elides lost their ministering position at Shiloh.

Although omitting these critical components of the narrative, Josephus provides a different literary frame. Josephus characterizes Phinehas' act as a heroic *military* operation, in which the priest courageously "infiltrates" Zimri's tent, killing him and Cozbi — as if the two lovers were armed or posed a mortal danger to the protagonist. Josephus further portrays Phinehas as acting in a tactical capacity by framing the narrative with military attributes. The public insubordination of Zimri is precipitated by "lawlessness [which] pervaded the entire (Israelite) *army*" (140), this in contrast with the narrative in Numbers which speaks only generally of the people and the congregation. Josephus likewise describes Phinehas' successful operation as a "victory" (νίκην) and speaks of the fatalities of the subsequent purge as having "perished from [the Israelite] *ranks* (τάξεων)." As I noted above, nowhere does Josephus have Phinehas receive any of rewards bestowed upon him in the biblical text. Instead, Moses is said to have appointed Phinehas as general of the forces that he sent to destroy the Midianites. This commission serves to highlight Josephus' desired military framework for the episode.

But perhaps the most important piece of evidence for a military framework is Josephus' description of the lawlessness in the Israelite camp as giving way to "a sedition (=*stasis*) far worse than the previous one."[124] He thereby colors the people's flirtation with pagan practices first and foremost as a *military mutiny*, and only thereafter as a religious offense.[125] Van Unnik

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124. The previous sedition mentioned by Josephus is a reference to the rebellion of Korah (Ant. 4.10-65), which he described as a *stasis* so severe that it surpassed any known sedition among both Greeks and barbarians (Ant. 4.12). On *stasis* in Josephus' writings, see Louis Feldman, *Josephus's Interpretation of the Bible* (Berkeley: University of California Press, 1998), 140-143.

125. Similar terminology may likewise be detected in Philo's account of the apostate; see Seland, *Establishment Violence*, 112-113. On the possibility of Josephus' acquaintance with Philo's writings, see Seth Schwartz,

underscores Josephus' usage of *stasis*, noting that this was the "term for ruin threatening the welfare of the state in Greek political thinking," particularly in the writings of Thucydides.[126] Indeed, Josephus employs *stasis* as thematic throughout his *War*, and he famously implicates *stasis* as the reason for the destruction of Jerusalem (War 1.10).[127]

(i) Summary: Criminal vs. Enemy

Thus Josephus altogether removes Phinehas' violence from both the legal and religious/ priestly realms. Josephus carefully narrates Phinehas' slaying of Zimri and Cozbi as an act of *combat* perpetrated under the extenuating circumstances of mass sedition. This subtle feature allows Josephus to skirt the need to contend with the legal propriety of Phinehas' killing. Moreover, by omitting the notion of Phinehas' zeal for the law/God and his everlasting rewards, Josephus is able to fossilize the episode and preclude the use of Phinehas' behavior as a legal or

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Josephus, 44, following E.R. Goodenough, *By Light Light*, p. 99 (skeptical); Thackeray, *Josephus*, 93-94 (plausible).

126. W.C. van Unnik, "Josephus' Account of the Story of Israel's Sin with Alien Women in the Country of Midian," in *Travels in the World of the Old Testament: Studies Presented to M.A. Beek on the Occasion of His 65th Birthday*, ed. M. S. H. G. Heerma van Voss et al. (Assen: Van Gorcum, 1974), 241-261; quote from p. 252. On *stasis* in Greek literature, see Jonathan Price, *Thucydides and Internal War* (Cambridge: Cambridge University Press, 2001), 11-78; for *stasis* in Josephus' *War*, see idem, "Josephus' Reading of Thucydides: A Test Case in the Bellum Iudaicum," in *Thucydides: A Violent Teacher: History and Its Representations*, ed. G. Rechenauer and V. Pothou (Göttingen: V&R unipress, 2011).

127. Mark Andrew Brighton, *The Sicarii in Josephus' Judean War: Rhetorical Analysis and Historical Observations* (Atlanta: Society of Biblical Literature Press, 2009), 79-82. See also Tessa Rajak, "The *Against Apion* and Continuities in Josephus's Political Thought," in *Understanding Josephus: Seven Perspectives*, ed. Steve Mason (Sheffield: Sheffield Academic Press, 1998), 222-243, esp. 240

inspirational precedent.[128] Finally, Josephus allows for the dissociation of this foundational moment of the priesthood from violence.

From a rhetorical standpoint, Josephus has transformed the offenders from criminals into enemies. According to Paul Kahn, while

> criminals and enemies may do the same violent acts, destroying property and persons . . . everything about the criminal is defined by law . . . [while] the enemy . . . is not a juridical figure at all.[129]

Thus Zimri was slain not for his litany of infractions against the Law, but for becoming an enemy of the Israelite people by fomenting sedition. Phinehas' tactical strike should thus not be confused for an extra-judicial punishment; it was the first act of the subsequent war against the Midianites in which Phinehas served as general.[130]

(c) Ant. 12.268ff.

The works of Josephus afford us yet an additional opportunity to assess his reception of Phinehas' violence. With his close paraphrase of 1 Maccabees and his own well-established priestly chauvinism, one would expect Josephus to have provided a full account of Mattathias' Phinehas-like slaying, upon which we dwelled above.[131] As in his rendition of Numbers 25,

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128. Phinehas may very well be supplanted in Josephus' writings by the judges, who have a "zeal for justice" (*Ant*. 4.214).

129. Here I draw on Paul Kahn, "Criminal and Enemy in the Political Imagination," *The Yale Review* 99:1 (2011), 148-167.

130. On Josephus' otherwise unremarkable account of the Midianite campaign, see Begg, "Numbers 31."

131. On the relationship between Josephus and 1 Maccabees, and on the former's divergences from his paraphrase,

however, Josephus preserves a mere kernel of the narrative and either jettisons or alters many important details of the violence in his *Antiquities* 12.268-271.

Josephus preserves a faithful, if abbreviated account of the arrival of the king's officers in Modein, their entreaty to Mattathias to offer a sacrifice, and Mattathias' refusal (12.268-269 // 1 Macc 2:15-22). In Josephus' rendition, a Jew is said to come forward and offer a sacrifice, as in 1 Maccabees (2:23).[132] In a significant departure from the account in 1 Maccabees, according to which Mattathias is said to have acted without any assistance (2:24-25), Josephus writes that Mattathias killed the offending Jew and the king's officer (and additional Seleucid officers) together with his sons (Ant. 12.270).[133]

Moreover, while the author of 1 Maccabees frames Mattathias as a latter-day Phinehas, with language reminiscent of the zealous priest (2:24) and explicit mention of Phinehas as the precedent for Mattathias (2:26), Josephus *omits mention of Phinehas altogether.* Finally, Josephus departs from his third-person omniscient paraphrase by providing a quotation of Mattathias' rallying cry (12.271 // 1 Macc 2:27), but alters the text of this religious exhortation: "Whoever is zealous for our country's laws and the worship of God, let him come with me!"[134]

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see Isaiah M. Gafni, "Josephus and I Maccabees," in *Josephus, the Bible, and History*, eds. Louis H. Feldman and Gohei Hata (Detroit: Wayne State University Press, 1989), 116-131. See also Louis H. Feldman, "Josephus' Portrayal of the Hasmoneans Compared with 1 Maccabees," in *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith* (Leiden: Brill, 1994), 41-68.

132. Josephus offers the finite ἔθυσε, while in 1 Maccabees the aorist infinitive leaves unclear whether the Jew merely came forward to sacrifice, or did actually offer a sacrifice.

133. Josephus also adds that they used "broad knives" (κοπίδας), when no such implement is mentioned in 1 Macc.

134. 1 Maccabees 2:27 [NRSV]: "Let every one who is zealous for the law (νόμος) and supports the covenant (*diatheke*) come out with me!" *Antiquities* 2.271 [LCL]: See Hengel, *The Zealots* 155: "Mattathias' speech

Finally, despite the relative length of his rendition of Mattathias' deathbed scene,[135] Josephus omits all mention of the ten verses (1 Macc 2:51-60) in which Mattathias is said to urge his sons to "remember the deeds of the ancestors," including that of "Phinehas our ancestor, because he was deeply zealous, received the covenant of everlasting priesthood" (2:54).

Scholars have taken note of these divergences, and are generally unanimous in their ascription of Josephus' alteration of these narratives to Josephus' sensitivities regarding the Jewish revolt against Rome. Representative of the prevailing argument is Martin Hengel:

> . . . Josephus consciously suppressed any elements that may possibly have established a close link between early Jewish history and the principles and aims of the Jewish movement of revolt against Rome.[136]

But this argument leans heavily on Josephus' selective suppression of Greek *zelos*, for fear of association with the eponymous group.[137] Yet Josephus includes *zelos* in his rendition of Mattathias rallying cry: "Whoever is zealous (εἴ τις ζηλωτής ἐστιν) for our country's laws and the worship of God, let him come with me!" Moreover, the more pointed association with the Jewish rebels is in the *acts of killing* committed by Phinehas and Mattathias, which Josephus does not suppress.

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appears as a call to preserve the traditional structure of the state that is founded on piety towards one's father."

135. Relative, at least, to his decidedly brief recapitulation of Mattathias' killing of the idolater. Josephus has 220 words for the 369 words comprising the excerpt from 1 Maccabees.

136. Hengel, *The Zealots*, 155. Similar arguments are advanced by Seland, *Establishment Violence*, 60-61; Feldman, "The Portrayal of Phinehas," 326-327.

137. See the thoroughgoing review of scholarship and critique of the notion that the root "zeal" is to be automatically associated with *the* Zealots, in Morton Smith, "Zealots and Sicarii, Their Origins and Relation," *Harvard Theological Review* 64:1 (1971): 1–19.

Elsewhere in his work Josephus has no compunctions with "omitting passages featuring apparently incriminating details."[138] Feldman lists twenty such episodes, which include Moses' slaying of the Egyptian and the Golden Calf narrative. Why, then, did Josephus not omit Phinehas' violence? According to Bernat, the resemblances between Phinehas and Josephus were too good for the latter to pass up: "Phinehas, in his biblical incarnation as priest, armed champion and diplomat, was made to order for Josephus' self-identification."[139] This explanation, however, does not account for why Josephus felt the need to preserve his narration of Phinehas' killing of Zimri and Cozbi. Josephus could have easily omitted that episode, while still maintaining that Phinehas commanded the army in the campaign against Midian.

I would argue that Josephus consciously reshapes and recasts Phinehas' violence for his own contemporary, secular purposes. In addition to his memories of the ruinous *stasis* in the failed war against Rome,[140] Josephus also faced the accusation leveled by Apion (2.68) that "the Jews fomented sedition in Alexandria."[141] I emphasized above that *stasis* is the driving-force in Josephus' narration of the Phinehas episode; the sedition fomented by Zimri was said by Josephus to be even worse than that of the unprecedented sedition of Korah.

138.Feldman, *Judean Antiquities*, p. 7 n22.

139.Bernat, "Josephus' Portrayal," 148.

140.See, e.g., Jonathan Price, "Josephus' Reading of Thucydides," 85.

141.Feldman, *Josephus's Interpretation*, 141.

By defying our expectation and maintaining Phinehas' killing of Zimri and Cozbi, perhaps Josephus sought to demonstrate that he supported whatever means were necessary to quell *stasis*, even if it entailed the taking of life. This could explain the suppression of any connection of Phinehas' violence to the priesthood. In other words, Josephus' appropriation of Phinehas' violence may have lost its connection with the priesthood, but it nevertheless serves as a discursive means for legitimating the use of intramural violence under extraordinary circumstances.

7. Pseudo-Philo

An account of Phinehas' life and brief mention of his famed violence are also found in the work known as Pseudo-Philo or *Liber Antiquitatum Biblicarum* (hereafter: LAB).[142] Notably, Phinehas is entirely absent from Pseudo-Philo's retelling of the Pentateuch (§1-19). While also omitting mention of Phinehas from his rendition of the Transjordanian altar affair, LAB devotes disproportionate attention to Phinehas' role in his rendition of the narrative of Joshua-Judges.[143]

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142. Scholars are nearly universal in their ascription of LAB to the Second Temple period, or shortly thereafter. While I believe that the dating of LAB is in need of reevaluation, I follow the prevailing scholarly convention for the purposes of this dissertation. On the dating and provenance of the work, see D.J. Harrington, "Pseudo-Philo: A New Translation and Introduction," in *The Old Testament Pseudepigrapha*, ed. James H. Charlesworth (Garden City, NY: Doubleday, 1985), 297-300. On the various names for the work, see Howard Jacobson, *A Commentary on Pseudo-Philo's Liber Antiquitatum Biblicarum*, vol. 1 (Leiden: Brill, 1996), 196-199.

    Aspects of Pseudo-Philo's writings on Phinehas that do not concern priestly violence are beyond the scope of this project, although I hope to address them in a future study.

143. According to Spiro, Pseudo-Philo was uncomfortable with Phinehas' unnaturally long life. Consequently, he introduces Phinehas only later in his biblical retelling. See Spiro, "Ascension," 100 n21; see also Feldman, "Prolegomenon," xxxv.

Moreover, Pseudo-Philo makes clear the veneration with which Phinehas, and perhaps the priesthood by extension, was regarded (28:3):

> Does anyone speak before the priest who guards the commandments of the Lord our God, especially since truth goes forth from his mouth and a shining light from his heart?[144]

As I noted above, Pseudo-Philo does not recount the stabbing of Zimri and Cozbi "in situ," in his retelling of the Torah. Instead, he interweaves the narrative into a prayer uttered by Phinehas' in the "later" story of the Concubine at Gibeah.[145] As you will recall, the sole place in the Hebrew Bible where Phinehas has a (high) priestly function is in the midst of the Israelite campaign of vengeance against the Benjaminites in retaliation for the gruesome murder of an Israelite concubine. Whereas in the biblical narrative Phinehas employs the ark as an oracle, inquiring as to whether the Israelite campaign would be successful after two successive routs at the hands of the Benjaminites, in LAB, Phinehas is said to offer a prayer (47:1):

> God of our fathers, hear my voice and tell your servant today whether it has been done properly in your sight, or perchance the people have sinned and you wanted to do away with their evil deeds so as to chastise those of us who have sinned against you. For I remember in my youth when Zimri sinned in the days of Moses your servant, and he went in to the Midianite woman and I exercised the zeal of my soul, and hoisted both of them up on my spear. The rest wished to rise

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144. SC and Jacobson both cite the ostensible parallel from the Mishnah (Gittin 5:8), which states that a priest is the first to be called to the Torah. Setting aside the relationship between LAB and rabbinic literature, I should note that the mishnaic provision signifies not the *privilege* or *priority* of the priests, but a symbolic and manufactured gesture designed to maintain social cohesion.

145. In a move that has perplexed commentators, LAB moves the scene of the crime from Gibeah to Nob. Jacobson (*LAB*, II, 1028) postulates that Pseudo-Philo may be attempting to provide a justification for the massacre of the priests at Nob (1 Sam 22) — in much the same way he justifies the rout of the Israelites in their war with the Benjaminites by citing Micah's apostasy.

> up against me and kill me, and you sent your angel and you smote of them twenty-four thousand men, and you saved me from their hands.[146]

Similar to a move in the Sifre that I will address below,[147] Pseudo-Philo "decouples" Phinehas' zeal from the cessation of the violence against his fellow Israelites.[148] In other words, in the biblical narrative, Phinehas' killing of the two sinners is said to have put an end to a plague which had taken the lives of 24,000 Israelites. LAB, however, does not mention a plague. Instead, the 24,000 casualties are said to have been inflicted by God's angel upon the men who wished to kill Phinehas.[149] Pseudo-Philo also departs from the biblical narrative in not mentioning any expiatory function of the slaying, and more significantly, he does not mention Phinehas' priestly rewards.[150]

It appears to me that Pseudo-Philo is here performing a complex midrashic reading, which triangulates Numbers 25, Judges 20, and Psalm 106.[151] The telegraphic and even

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146. Translation from Jacobson, *LAB*, I, loc. cit.

147. On rabbinic parallels to LAB, see Feldman, "Prolegomenon," lxviii-lxx. See also Leopold Cohn, "Apocryphal Work," 315-327. To my mind these "parallels," among other evidence, point to a much later dating of LAB than has previously been acknowledged.

148. Hengel (*Zealots*, 165) errs, in my opinion, on this point. He contends that the "effect of [Phinehas'] zeal for God in turning away punishment is presupposed."

149. Similarly noted by Feldman, "The Portrayal of Phinehas," 324.

150. Noted by Clark, "Elijah," 176. As with other commentators on LAB, however, he has not attempted to account for this important omission. Later in the composition (§52), when revisiting the sinning of Eli's sons, Pseudo-Philo has Eli scold his sons by saying, "Do you not know that I received this position from Phinehas as a pledge?" Jacobson notes that the Latin here, depositum, underscores the *provisional* nature of the priesthood. Phinehas' bloodline was given an eternal guarantee in the biblical narrative, but with the death of Eli and his sons, the guarantee never saw fulfillment. It would appear in excising the promise of eternal priesthood, Pseudo-Philo may be following a move similar to that made by Josephus in his retelling of Numbers 25. See Bernat, "Josephus' Portrayal of Phinehas," 143-144.

151. Cf. Bernat, "Phinehas' Intercessory Prayer," 264. On Pseudo-Philo's knowledge of the Psalms, see Jacobson, II,

mysterious mention of Phinehas in Judges 20:28 provides a suitable blank canvas for Pseudo-Philo to provide his extra-biblical story. In addition to the mention of Phinehas, I would argue that Pseudo-Philo likewise latches onto the thematic use of **ngf* in Judges 20, where the root is attested five times over the course of the battles between the Israelites and Benjaminites.[152] This is the single most frequent use of *ngf* in one chapter in the entire Hebrew Bible.[153] By the same token, the derived noun מגפה finds its most dense usage in Numbers 25, where it is attested four times. Thus I would argue that when Pseudo-Philo reads in Psalm 106:30 that with the prayer of Phinehas the מגפה was stayed, he has in mind not the plague of Numbers 25, but the slaughter of the Israelites at the hand of the Benjaminites in Judges 20.

In addition to Phinehas' prayer, which would likewise indicate a strong reading of *pll* in Psalm 106:30, we also find the portrayal of Phinehas arguing with God.[154] This aspect of the narrative I would ascribe to a further engagement with the following verse of Psalm 106, v. 31. As I noted previously, this verse has an undeniable intertextual connection with Abraham. Yet there is also a certain discord between Abraham and Phinehas; the former is known for his piety, not his violent zeal. But in having Phinehas challenge God and question his judgment, perhaps

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1171; 1192.

152. On Pseudo-Philo's knowledge of Hebrew and use of a Hebrew biblical text, see already Cohn, "Apocryphal Work," 308ff. And see the important corrective in Daniel Harrington, "The Biblical Text of Pseudo-Philo's Liber Antiquitatum Biblicarum," *CBQ* 33:1 (1971), 1-17.

153. Per a search with Accordance Bible Software.

154. On this genre, see most recently, Dov Weiss, "Divine Concessions in the Tanhuma Midrashim," *Harvard Theological Review* 108:1 (2015), 70-97;

Pseudo-Philo is "pulling in" Abraham's dispute with God over the killing of innocents in Sodom: "Far be that from you! Shall not the Judge of all the earth do what is just?" (Genesis 18:25).

That said, there may also be a more utilitarian aspect of Phinehas' prayer-in-protest. God is said to have responded to Phinehas:

> . . . I swear by myself, says the Lord, if you had not prayed, I would not have been mindful of you in what you said, nor would I have answered you today (47:3).

In other words, there may be an etiological sense of the narrative as underscoring the necessity of addressing God in prayer in order to bring His attention to worldly affairs.[155] Indeed, elsewhere (LAB 22) Pseudo-Philo seemingly expresses opposition to animal sacrifice.[156] Here, before Phinehas' prayer, LAB has the priest undermine the efficacy of the Temple oracle: "Now they say that your Urim and Tummim are telling lies before you" (47.2). Prayer is portrayed as a much more reliable vehicle for communicating with the divine than mantic appliances such as the Urim and Tummim.[157]

The importance of LAB having Phinehas both underscore the effectiveness of prayer and disparage priestly means of communication with God cannot be overstated in this context. Here is Phinehas, the figure who carries the banner of the Israelite priesthood — a caste that is built around the Temple cult. Not only does Pseudo-Philo portray the cultic objects and sacrificial

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155. Murphy (*Pseudo-Philo*, 181) takes a different tack, noting that God's response here underscore a different motif, viz., "God would frequently like to sever ties with Israel but cannot."

156. See Jacobson, LAB, II, 702; cf. Begg, "The Transjordanian Altar," 18.

157. As Jacobson notes, Pseudo-Philo likewise emphasizes God's recognition of the efficacy of prayer elsewhere in his work. See, e.g., 10.5 (Moses and the splitting of the Red Sea); 39.11 (Jephthah and the Ammonite war); 42.3 (Wife of Manoah); 50.7 (Prayer of Hannah).

worship as ineffectual (if not downright deceptive), he has Phinehas at the center of these allegations, and he has Phinehas provide the most effective remedy: prayer. This move sounds highly evocative of the various rabbinic traditions which speak of how, in the aftermath of the Temple's destruction, sacrifice was superseded by prayer and other practices. That said, Pseudo-Philo is not as explicit here as the rabbinic traditions.[158]

Although not avoiding Phinehas' famed violence, LAB oddly dislocates it and integrates it into its account of the Gibeah affair. Also odd is LAB's omission of Phinehas' priestly rewards, this despite the otherwise dignified place reserved for priests elsewhere in the composition. Considering the importance of Phinehas' prayer and the questions raised regarding the efficacy of sacrifice and divine oracles, LAB's account of Phinehas comes across as anti-cult, but pro-priest. Far from being paradoxical, however, this approach befits a post-Temple dating of the work.[159]

Thus while holding the priesthood in high esteem, LAB's interest was not in legitimating the priesthood, which should have called for reference to Phinehas' priestly rewards. Rather, LAB appears to have held an interest in legitimating alternate methods for communion with God in the aftermath of the Temple's destruction. By shrewdly appropriating a priestly hero and

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158. For a collection of the rabbinic traditions, see Nahum Glatzer, "The Concept of Sacrifice in Post-Biblical Judaism," in idem, *Essays in Jewish Thought* (Tuscaloosa: University of Alabama Press, 2009), 48-57. See also Shaye J.D. Cohen, "The Temple and the Synagogue," in *The Cambridge History of Judaism*, vol. III, ed. W. Horbury et al. (New York: Cambridge University Press, 1999), 298-325, esp. 312-313; 318-319. For a critique of the "supersessionism" of modern Jewish scholarship on these texts, see Klawans, *Purity, Sacrifice, and the Temple*, 204-209.

159. On the general post-Temple context of LAB, see Jacobson, *LAB*, I, 199-210.

casting his famed intercession from Psalm 106 as one of prayer, LAB illustrates how Phinehas was central to multiple discourses of legitimation, even if his violence played a secondary role.

8. Conclusion

Phinehas has, understandably, become a central figure in critiques of biblical violence. There is a widespread contention that sees in the Phinehas episode an aberrant act of spontaneous violence at odds with the law and (our western) moral sensibilities.[160] This approach is exemplified in the Presidential Address delivered by John J. Collins before the Society of Biblical Literature meeting in November 2002 – just over a year after the terrorist attacks of September 11, 2001. The address was entitled "The Zeal of Phinehas: The Bible and the Legitimation of Violence," and Collins set out to "reflect on the ways in which the Bible appears to endorse and bless the recourse to violence, and to ask what the implications may be for the task of biblical interpretation."[161] As intimated in the title of the address, Collins devotes attention to how Phinehas legitimates the violence of Mattathias, and how they both functioned as a model for the "zealots who fought against the Romans in the first century C.E., and whose methods would surely qualify for the label 'terrorist' in modern political rhetoric."[162]

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160. The following sentence opens Eugene and Anita Weiner's discussion of Mattathias (*Martyr's Conviction*, p. 35 [emphasis mine]: "The 'zealot' is a *militant fanatic* who would kill rather than see the Law of Moses compromised." See also, e.g., John J. Collins, "The Zeal of Phinehas: The Bible and the Legitimation of Violence," *Journal of Biblical Literature* 122:1 (2003), 3-21.

161. John J. Collins, "The Zeal of Phinehas," 4.

162. Ibid., 13.

I would argue, however, that these types of contentions misrepresent the narrative on both literary and contextual merits. The etiological function of the Numbers 25 episode could not be more apparent; Phinehas' violence is nothing more than a vehicle to legitimate the Aaronide priesthood. Some biblical writers seemed to have been unaware of the episode altogether; others appear to have evinced a discomfort with Phinehas' violence. There is no denying that the use of Phinehas as a model in First Maccabees does, indeed, legitimate Mattathias' violence. That said, by interpreting Mattathias' violence in positivistic fashion,[163] Collins overlooks the etiological and rhetorical function of Phinehas in legitimating Hasmonean claims to the (high) priesthood.

Philo's remarks about Phinehas' violence have likewise been overshadowed by positivistic scholarship about the use of extra-judicial violence by Jews in Alexandria. I have argued that Philo, not unlike modern scholars of biblical law, did not retroject the existence of judicial institutions into his exegetical account of religious crimes and their punishments in Scripture. As such, Philo's glowing praise of Phinehas can be accounted for as a function of Numbers 25 being a "story of the law." Phinehas is an exemplar, for Philo, of the justice of the Israelite judicial system. I likewise make the tentative suggestion that with his recognition of the motif of priestly violence and his thoroughgoing approbation of Phinehas, Philo may also be playing up his own (putative) priestly lineage.

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163. I should note that elsewhere in his remarks Collins is careful to underscore the gap between what the Bible says and what scholars postulate happened (or didn't happen). Thus with regard to the violence of Israel's conquest of Canaan, Collins is more concerned with the *commendation* of violence than its actual use.

Our expectation in reading Josephus was a significant reworking of the Phinehas episode, if not a complete omission. Elsewhere in his *Antiquities* Josephus freely omits narratives with excessive violence, and the case of Phinehas certainly qualifies, particularly considering the potential association of Phinehas' zeal with that of the "zealot movement." Yet while Josephus does indeed make some important changes to the narrative and omits mention of Phinehas' *zeal*, he nevertheless narrates Phinehas' having taken the law into his own hands in killing Zimri and Cozbi. I underscore that Josephus narrates the sequence of Numbers 25 as a sinister *stasis*, thereby transforming Zimri from a criminal into an enemy, and situating Phinehas' violence as a tactical military strike rather than a fit of religious rage that ratified the priesthood.

The picture of Phinehas' violence presented in Pseudo-Philo's LAB is an outlier of sorts. Phinehas' famed violence is dislocated from its biblical location and moved into a lengthy extra-biblical account of the Gibeah affair. It is stripped of both its original context, and, more importantly, its priestly rewards. More significantly, Phinehas is portrayed as ratifying the (very "unpriestly") practice of intercessionary prayer. I therefore underscored how Pseudo-Philo's use of Phinehas points to the variety of legitimatory discourses for which Phinehas could be employed.

Chapter 4: From Narrative to Law: Phinehas' Priestly Violence in Rabbinic Literature

4. Introduction

Philo and Josephus provide us with an invaluable literary, exegetical, and historical witness to ancient Judaism, but their writings are not, and do not purport to be, binding codes for members of Jewish society. Much of rabbinic literature, on the other hand, has the appearance of binding law.[1] Although the scope of rabbinic influence is highly contested, as is the extent of the application of rabbinic legal norms,[2] the carefully crafted rabbinic legal system claims comprehensive jurisdiction over civil, criminal, and ritual law, replete with a hierarchy of higher and lower courts, detailed procedural guidelines, and protocols for pecuniary, corporal, and capital punishment.

Thus if the Phinehas narrative posed a formidable challenge to ancient Jewish writers like Josephus, it posed an even greater challenge to the creators of rabbinic law and literature. First, the laudatory coda of the narrative in Numbers provides explicit approbation for Phinehas having

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1. This is particularly the case with regard to the Mishnah. For a comprehensive summary of positions on what precisely the Mishnah *is*, see Yaakov Elman, "Order, Sequence, and Selection: The Mishnah's Anthological Choices," in *The Anthology in Jewish Literature*, ed. David Stern (New York: Oxford University Press, 2004), 53-80. For a taxonomy of rabbinic law that cuts even deeper into this question, particularly with regard to *halakhah* vs. *halakhah le-ma'aseh*, see Hanina Ben-Menahem, "The Second Canonization of the Talmud," *Cardozo Law Review* 28:1 (2006/7), 37-51.

2. Exemplary of the synchronic/positivistic school is Hugo Mantel, in his *Studies in the History of the Sanhedrin* (Cambridge: Harvard University Press, 1961). The skeptical approach now favored among Anglophone scholars of ancient Judaism is represented nicely in Naftali Cohn, "Rabbis as Jurists: On the Representation of Past and Present Legal Institutions in the Mishnah," *Journal of Jewish Studies* 60:2 (Autumn 2009), 245-263; see also Seth Schwartz, "The Political Geography of Rabbinic Texts," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Martin Jaffee and Charlotte Fonrobert (New York: Cambridge University Press, 2007), 75-96.

carried out lethal punishment outside of a judicial framework. This is problematic on both synchronic and historical-critical levels. Although the rabbis on occasion retrojected their legal framework back onto biblical texts,[3] Phinehas seemingly acted in contravention of the rabbinic dictate that all capital cases be tried before a panel of twenty-three judges (mSanhedrin 1:4).[4] From a historical-critical perspective, the rabbis took great pains to imagine a comprehensive judicial system, this despite their "jurisdictional impotence" under the Romans.[5] Through the "textual pageantry" of its judicial violence, Beth Berkowitz has argued, this system was designed as a rhetorical means of enhancing rabbinic authority.[6] But by receiving such lavish praise from God for "taking the law into his own hands," the example of Phinehas, if taken as a legal precedent, would seemingly undermine Berkowitz's notion that the rabbis claimed to monopolize legitimate violence.[7]

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3. See, e.g., Sifre Numbers, *Shelah* 111. The rabbis may have also retrojected the existence of their legal framework and institutions onto the Second Temple period -- a topic that is beyond the scope of this paper. See Cohn, "Rabbis as Jurists," and idem, *The Memory of the Temple and the Making of the Rabbis* (Philadelphia: University of Pennsylvania Press, 2012).

4. And, as noted by Clenman ("Responses to Pinhas," 182), "rabbinic traditions are generally uncomfortable with the notion that intermarriage and sexual relations between Jews and non-Jews be punishable by death."

5. A locution coined by Natalie Dohrmann in "Law and Imperial Idioms: Rabbinic Legalism in a Roman World," in *Jews, Christians, and the Roman Empire*, ed. Natalie Dohrmann and Annette Yoshiko Reed (Philadelphia: University of Pennsylvania Press, 2013), 65.

6. See Beth Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures* (New York: Oxford University Press, 2006).

7. I am intentionally taking a synchronic view of biblical law, which notably lacks formal or central judicial institutions. As Bernard Jackson has noted, much of biblical law is "self-executing," i.e., "designed for implementation by the parties themselves, without the need for recourse to third-party adjudication." See Bernard S. Jackson, *Wisdom Laws* (New York: Oxford University Press, 2006), 29.

By extension, the rabbis would have to decide whether and how to engage the biblical Phinehas narrative. Embracing this distinctive episode as a model for emulation and/or as a legal precedent could function to promote vigilantism, erode rabbinic authority, and invite sanctions — particularly from the Romans, whose jurists and judges roundly condemned "private" justice of the type exercised by Phinehas.[8] On the other hand, suppressing or radically altering the memory of Phinehas' actions would invariably invite confrontation with the biblical text. Finally, writing after the destruction of the Second Temple and with it, the cessation of the office of High Priest and the stripping of authority from lay priests, the rabbis would likewise have to contend with the reward of an eternal priesthood bestowed upon Phinehas.

1. Sifre Numbers

(a) Muting Phinehas' Violence

The Phinehas narrative in Numbers 25 is treated at length in Sifre Numbers (Balaq 131 [Horovitz, 172-173]).[9] Similar to the traditions with which Philo and Josephus open their retelling of the episode, the Sifre embellishes the episode with its own narrative structure, in which the story of Phinehas' victims is fleshed out at length. The Sifre begins with a focus on Phinehas' male victim, Zimri. As a "chieftain" of the tribe of Simeon (Num 25:14), Zimri is said

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8. See Boaz Cohen, "Self-Help in Jewish and Roman Law," in idem., *Jewish and Roman Law: A Comparative Study* (New York: The Jewish Theological Seminary of America, 1966), 624-651, esp. 645-650; Detlef Liebs, "Self-Help is Punished," in idem., *Summoned to the Roman Courts: Famous Trials from Antiquity* (Berkeley: University of California Press, 2012), 155-164.

9. Yerushalmi Sanhedrin 10:2 (52a) attests a parallel aggadic tradition, albeit with minor changes.

by the midrash to have been among those officers charged by Moses with the task of killing (the disquieted) members of his own tribe and to have reveled in what he thought was his own immunity from punishment:

> בא לו שבטו של שמעון אצל זמרי. אמר לו: הרי אתה יושב שליוה ואנו נדונים בהריגה! עמד וכינס עשרים וארבעה אלף משבטו, ובא לו אצל כזבי . . .
>
> The tribe of Simeon came over to Zimri, saying to him, 'Behold you are sitting in peace while we have been sentenced to death!' [Zimri] stood and convened 24,000 members of his tribe. He then went over to Cozbi. . . .[10]

In the subsequent text, Cozbi takes Zimri by the hand, and the Sifre narrates the subsequent events with a quotation of Numbers 25:6. Although no particular offense is specified, Phinehas springs into action:

> נענה פנחס באותה שעה ואמר: אין אדם כאן שיהרגו ויהרג? . . . התחיל צווח. כיון שראה שהיו הכל שותקים, עמד מתוך סנהדרי שלו ושמט את הרומח והניחה בפונדתו והיה מסתמך במקלו והולך. אמרו לו: פינחס להיכן אתה הולך? אמר להם מצינו ששמעון גדול מלוי. אמרו: הניחו לו ויכנס -- התירו פרושים את הדבר.
>
> Phinehas responded at that time and he said: Is there no one here who [is willing to] kill or be killed? . . . He began to scream. When he saw that they all held their silence, he arose from his Sanhedrin, removed the tip of his spear, placed it in his garment, and walked while leaning on the shaft.
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> They said to him: "Phinehas, where are you going?" He said, "We have found that Simeon is greater than Levi."[11] They said: "Let him enter; the abstainers have permitted it."[12]

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10. All translations from the Sifre are mine, unless otherwise noted.

11. As a word of background, Cozbi had previously deflected Zimri's advances, saying that she would only take orders from the most important Israelite. Zimri responded that he, a Simeonite, was greater in importance than Moses, a Levite, because Simeon was born prior to Levi. Phinehas gains entry to the tent by echoing this latter statement, and reaffirming to the gatekeepers the more prestigious birth order of Simeon.

12. I.e., once the gatekeepers see Phinehas, a priest of the Aaronide line, make his way into the tent of debauchery, they deduce that whatever is going on inside is permissible for everyone.

Contrary to the biblical narrative, which underscores the spontaneity and vibrancy of Phinehas' actions with a succession of *waw*-consecutive action verbs (25:7-8), the Sifre initially highlights only Phinehas' acute frustration with the indolent Israelite public. Moreover, after arising from his "Sanhedri(n)",[13] Phinehas is portrayed as behaving in an evasive, clandestine fashion in scheming to punish Zimri and Cozbi.[14] He detaches his dagger from its long handle, hides it in his coat, and uses the handle as a walking stick. Having successfully hidden his violent intentions, Phinehas is admitted into the tent in which Zimri consorted with Cozbi.

Whereas the very distinction of Phinehas' biblical act is in his having acted alone when others stood by idly, the subsequent passages in the Sifre portray Phinehas as aided in numerous aspects of the operation by an angel and/or miraculous occurrences. Twelve such miracles are recounted in the Sifre, and like the notion of aid offered by an angel, they do not appear to be driven by any exegetical difficulty with the text.[15] David Bernat draws our attention to the sixth miracle:

> נס ששי: שהיה המלאך מחבל לפניו ויוצא. כיון שיצא וראה פנחס את המלאך שהיה מחבל בעם יותר מדאי, השליכן לארץ ועמד ופלל שנא' ויעמוד פנחס ויפלל ותעצר המגפה ותחשב לו לצדקה.
>
> A sixth miracle: The angel went out before [Phinehas] and was harming [the people]. When Phinehas exited and saw that the angel was harming the people in ex-

13. At the simplest level, it appears that the Sifre is glossing ויקם מתוך העדה. Kuhn employs the Tanhuma to clarify the cryptic text here. In that later rendition, God commands Moses to convene a meeting of the Sanhedrin, and it was from this meeting that Phinehas volunteered to mete out the death penalty. Following Kuhn, Hengel (*The Zealots*, 156) accepts this reading without reservation.

14. Cf. Josephus, who likewise describes Phinehas' actions in a tactical sense. See above, pp. 126ff.

15. For a brief survey of the various miracle traditions, see Bernat, "Phinehas' Intercessory Prayer," 271-275.

> cess, he threw them (=Zimri and Cozbi) down onto the ground, stood, and prayed, as it is written, "And Phinehas stood and prayed, and the plague was stayed, and it was reckoned to him as righteousness" (Psalm 106:30-31).

Bernat observes that according to this miracle tradition,

> The killing is fully and explicitly disengaged from the ending of the plague. When Phinehas executed the two apostates, he merely punished them for their transgression. His action has neither a cosmic effect, nor an effect on the Israelite nation as a whole. The plague still rages, and its devastation is only stopped through Phinehas' active prayer, or debate, with God.[16]

In addition to "decoupling" Phinehas' zeal from the cessation of the plague, this exegetical move likewise allows for the rabbis to reconcile the problematic text from Psalm 106 with the narrative in Numbers 25: Phinehas both killed the two sinners *and* stayed the plague, albeit in two separate acts — one of violence and one of prayer.[17]

The penultimate miracle likewise constitutes a radical departure from the biblical text: "the eleventh miracle: that they (=Zimri and Cozbi) did not die, in order that he (=Phinehas) not be defiled" (נס אחד עשר שלא מתו שלא יטמא).[18] In other words, while Zimri and Cozbi were stabbed by Phinehas, they were not killed — this in order that Phinehas, a priest, not be defiled by

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16. Ibid., 275.

17. Exploiting the ambiguity as to the meaning of the verb *pll* is Numbers Rabbah. Rather than rendering the verb as connoting prayer, the Midrash plays up the judicial sense: ויעמד פינחס ויפלל שהוא עושה את הדין, שנאמר ונתן בפלילים. See also Bavli Sanhedrin 44a: מלמד שעשה פלילות עם קונו.

18. There is some amount of uncertainty here regarding the integrity of text of this statement. The text provided by Horovitz is שלא מתו והן בידו שלא יטמא. According to Horovitz's critical apparatus, however, MS British Museum Add. 16006, does not attest והן בידו. A transcription of the manuscript is avaiable here: http://www.biu.ac.il/JS/tannaim/sifrei/Sifrei%20Bam%20Dev%20London.pdf.

contact with their corpses.[19] I should note, in this context, a tantalizing "parallel" in the writings of John Chrysostom (*Adversus Iudaeos* 4.2):

> Phinehas certainly slew two people in a single moment of time—a man and his wife; and after he slew them, he was given the honor of the priesthood. His act of bloodshed did not defile his hands; it even made them cleaner.[20]

This particular miracle tradition may actually reflect a heightened sensitivity to the biblical text: nowhere in Numbers 25 is Phinehas said to have actually killed Zimri and Cozbi.[21] In addition to maintaining the ritual purity of Phinehas as he is about to receive a covenant of eternal priesthood, this close reading of the text and shrewd reinvention of the narrative would also allow the rabbis to circumvent the question of Phinehas (a) having earned the priesthood in exchange for violence, and (b) having exacted lethal punishment outside of a legal framework. Indeed, in its final comment on the violence inflicted upon Zimri and Cozbi, the Sifre states that "they were seen by all of Israel, and they were sentenced to death" (וראום כל ישראל וחייבום מיתה).

The violent aspect of Phinehas' zeal for God is further muted elsewhere in the Sifre:

> תחת אשר קנא לאלהיו, תחת אשר הערה למות נפשו:
>
> "Because he was zealous for his God — "Because he poured out himself to death" (Isaiah 53:12).

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19. The language in Numbers Rabbah is more decisive: ששמר הקדוש ברוך הוא רוחותיהן שלא ימותו ויטמא.

20. A similar tradition also appears in Targum Pseudo-Jonathan to Numbers 25:8, and in the Samaritan *Asatir*.

21. In Num 25:8, Phinehas is said to stab (דקר) Zimri and Cozbi; later (25:11, 13), Phinehas is commended by God for his zeal (קנא); and yet later (25:14-15), Zimri and Cozbi are described as having been smitten (נכה). That smiting is not (always) tantamount to killing is evident from Exodus 22:1 regarding the tunneler: אם במחתרת ימצא הגנב **והכה ומת** אין לו דמים. Interestingly, Milgrom renders והכה as "killed" and Levine renders "slain." See, respectively, Milgrom, *JPS*, 216; Levine, *The Anchor Bible*, 281.

A simple-sense reading of the biblical narrative associates Phinehas' zeal with the spontaneous *violence* he inflicted upon two (defenseless) wrongdoers *in flagrante delicto*. The Sifre, however, makes no such association. Drawing on a *gezerah shavah* with the word תחת in Isaiah 53:12, the Sifre portrays Phinehas' zeal in the fact that he, like Isaiah's suffering servant, "poured out himself to death" and risked his life for the sake of God.[22] That Phinehas' life was in danger is repeatedly emphasized in the Sifre's rendition of the narrative — from his clandestine entrance into the tent of Zimri and Cozbi to the need for an angel to smite the angry crowd waiting to ambush him upon exit.[23]

Between the multiple angelic interventions, the tradition that Phinehas did not kill Zimri and Cozbi, the sentencing of the wrongdoers by the Israelite public, and the focus on the risks faced by Phinehas, it seems quite clear that the Sifre distances Phinehas from the violence with which he is so closely associated in the biblical text.

(b) Phinehas the Gentile; Or, Undoing Phinehas' Priestly Rewards

If this latter recasting of Phinehas' actions allowed for the relief of potential issues arising from Phinehas' violence in the narrative, the Sifre nevertheless is left to contend with the story's laudatory conclusion. Whereas the biblical narrative features a twofold *reward* bestowed by God

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22. The tremendous theological import of Isaiah 53 in Christianity raises the question as to whether the rabbis are here appropriating the figure of the suffering servant through Phinehas. See Hengel, *The Zealots*, 157; Ortlund, "Phinehan Zeal," p. 302 n8. Phinehas effects vicarious atonement through death, albeit through the death of *others*. Cyril of Jerusalem picked up on this idea (*Catechetical Lectures* XIII:2 [McCauley and Stephenson, p. 5]: "If Phinees by his zeal in slaying the evildoer appeased the wrath of God, shall not Jesus, who slew no other, but "gave himself a ransom for all,"o take away God's wrath against man?"

23. The trope of Phinehas as a near-martyr is played up in post-talmudic midrashim; see below pp. 210-212.

upon Phinehas as a consequence of his zeal, I would argue that the Sifre, on the other hand, provides a twofold extra-biblical *criticism* of Phinehas and a dampening of his priestly rewards. This move begins with a questioning of the legitimacy of Phinehas' lineage:

> בא לו שבטו של שמעון אצל שבטו של לוי. אמר לו: וכי בן בתו של פוטי הזה מבקש לעקור שבט אחד מישראל? וכי אין אנו יודעים בן מי הוא? כיון שראה המקום שהכל מזלזלים בו, התחיל מייחסו לשבח, שנא' פינחס בן אלעזר בן אהרן הכהן השיב את חמתי מעל בני ישראל. כהן בן כהן, קנאי בן קנאי,[24] משיב חימה בן משיב חימה, השיב את חמתי מעל בני ישראל.
>
> The tribe of Simeon came over to the tribe of Levi. The one said to the other: "Does the son of the daughter of that Puti wish to uproot one of the tribes of Israel? Do we not know whose son he is?" When the Omnipresent saw that everyone was denigrating [Phinehas], he began vest him into praiseworthy lineage, as it is written, "Phinehas, son of Eleazar, son of Aaron the Priest has turned back my wrath from the Sons of Israel:" A priest the son of a priest, a zealot the son of a zealot, a subduer of wrath the son of a subduer of wrath, has turned back my wrath from the Sons of Israel.

First, the midrash attests an extra-biblical addition to the narrative in which the Simeonites are said to insult Phinehas' lineage. The facts of the insult, however, derive from elsewhere in the Torah. Indeed, according to Exodus 6:25, Phinehas' father Eleazar took a wife from the daughters of the otherwise unknown Putiel.[25] The insinuation here is that descent from Putiel would somehow compromise Phinehas' pedigree, although the exact reason is not made explicit.[26]

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24. On this turn of phrase, see Hengel, *The Zealots*, 393 n43.

25. In later variations of this narrative, Putiel is identified as Jethro; elsewhere, Putiel is identified with Joseph. Both of these identifications are made on the basis of wordplay. For the criticism in the Sifre to carry its full weight, I believe that the referent must be Jethro. See, e.g., Sifre Numbers 157 [p. 210]; bSotah 43a; bBava Batra 109b-110a (and parallels); Leviticus Rabbah, *Behar* 33; *Pesikta de-Rav Kahana* 13:12 (ארבעה הן שהן באין ממשפחה נכוייה); Midrash ha-Gadol, *Pinhas* 25:11. On the notion that violence generates Phinehas' priestly lineage, see below, pp. 212-216.

26. In disparaging the maternal descent of Phinehas, this midrash evokes a similar move in the famed banquet of Alexander Jannaeus with the Pharisees; see Bavli Kiddushin 66a. As I noted above, this story is very much a

As a response to these accusations, God is said by the Sifre to have begun His introduction of Phinehas (פנחס בן אלעזר בן אהרן הכהן) with an affirmation, or perhaps a reinforcement, of the latter's priestly pedigree. We should note that while the Sifre seems to lessen the tension surrounding Phinehas' descent by pointing to God's response, the Simeonite barb remains largely without an effective response. Phinehas' detractors try to make the point that his *patrilineal* stake to the priesthood is overshadowed by his questionable *matrilineal* descent. God's reminder of Phinehas' *paternal* lineage is thus hardly an adequate response to the remarks of his detractors.[27] In fact, according to the rabbinic, matrilineal notion of descent and the later rabbinic tradition that identified Putiel as Jethro—a Gentile—Phinehas, and as a consequence, all priests descended from him, would not be considered Jews![28]

Such a withering attack against Phinehas, and by extension, the entire priesthood, should come as no surprise. Indeed, scholars have long noted the presence in rabbinic literature of both overt and tacit polemics against the priesthood. Various rabbinic sources are outright critical of priests, speaking of their arrogance, corruption, and occasional violence, and making highly unfavorable comparisons between priests, slaves, and Gentiles.[29] Priests are famously absent

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part of the discourse of priestly legitimacy; see above, pp. 104ff. On this story, its parallel in Josephus, and their long history in the scholarship of ancient Judaism, see most recently, Vered Noam, "The Story of King Jannaeus: A Pharisaic Reply to Sectarian Polemic," *Harvard Theological Review* 114:1 (2014), 31-58.

27. Clenman is likewise flummoxed by this passage ("Responses to Pinhas," 185).

28. This certainly gives added polemical resonance to the much-discussed passage in the Sifra (*Ahare Mot* 9:13), which equates a "Gentile who 'does' the Torah" with the High Priest.

29. See Reuven Kimelman, "The Conflict between the Priestly Oligarchy and the Sages in the Talmudic Period," *Tziyyon* 48:2 (1983), 135-147 (Hebrew); see also the more focused discussion in Jonathan Klawans, *Purity, Sacrifice, and the Temple : Symbolism and Supersessionism in the Study of Ancient Judaism* (New York: Oxford University Press, 2006), 176-187. It would appear that attitudes toward the priesthood warmed in the years

from the rabbinic chain of transmission in mAvot 1:1,[30] and the High Priest of mYoma is treated as though he is an utter ignoramus. Finally, Peter Schäfer has written that the rabbis "almost eradicated the priests from the collective memory of their people and replaced them with themselves, the new heroes of Judaism."[31]

Consequently, I would argue that in subverting the narrative, assaulting Phinheas' lineage, and questioning his very identity, the rabbis are, paradoxically, very much engaged with the *spirit* of the biblical Phinehas narrative. If the biblical Phinehas narrative is itself a vehicle for communicating discourses of (de)legitimation, it would appear that the rabbis recognized, appropriated, and subverted this very function, which they contemporized and deployed to alleviate their *own* anxieties vis-a-vis the priesthood.

With Phinehas' pedigree effectively compromised, we might expect the Sifre to restore his legitimacy and priestly standing by resorting to God's twofold covenant of peace and eternal priesthood. Yet Phinehas' "covenant of peace" is glossed by the Sifre as a covenant of priestly

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following the ending by the Romans of the office of Palestinian Patriarch; see Oded Irshai, "The Role of the Priesthood in the Jewish Community in Late Antiquity: A Christian Model?" in Christoph Cluse et al., *Jüdische Gemeinden und ihr christlicher Kontext in kulturräumlich vergleichender Betrachtung: von der Spätantike bis zum 18. Jahrhundert* (Hannover: Verlag Hahnsche Buchhandlung, 2003), 75-86. Contesting Irshai is Steven Fine, "Between Liturgy and Social History: Priestly Power in Late Antique Palestinian Synagogues?" *Journal of Jewish Studies* 56:1 (2005), 1-9.

For priestly violence, with particular regard to the cultic arena, see, e.g., mYoma 2:2, and the even more violent parallel in the Tosefta. See also tZevahim 11:16. For a brief analysis of these narratives, see Chaim Licht, *Ten Legends of the Sages: The Images of the Sage in Rabbinic Literature* (Hoboken, NJ: Ktav PubHouse, 1991), 87-102.

30. On which see M.D. Herr, "Continuum in the Chain of Torah Transmission," *Tziyyon* 44:1 (1979), 43-56 (Hebrew).

31. See Peter Schäfer, "Rabbis and Priests, or: How to Do Away with the Glorious Past of the Sons of Aaron," in *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World*, ed. Gregg Gardner and Kevin L. Osterloh (Tübingen: Mohr Siebeck, 2008), 155-172.

succession, which was marred by the corruption brought about by the commoditization of the priesthood in the Second Temple period:[32]

> לכן אמור הנני נותן לו את בריתי שלום, מלמד שעמדו ממנו בבנין ראשון שמונה עשר כהנים גדולים, אבל בבנין אחרון עמדו ממנו שמנים כהנים, ובשביל שהיו שוכרין אותה בדמים התחילו שנותיהם מתקצרות. מעשה באחד ששלח ביד בנו שתי מדות של כסף מלאות כסף ומחוקיהם כסף. שוב מעשה באחד ששילח ביד בנו שתי מדות של זהב מלאות זהב ומחוקיהם זהב. אמרו: כפה סייח את המנורה.[33]
>
> *Therefore say, "I hereby grant him my covenant of peace."* This teaches us that [from Phinehas] stood eighteen High Priests in the First Temple. But in the [Second] Temple there stood from him eighty priests. And because they would buy the priesthood with money, their lives were shortened.
>
> An incident is related of a certain man (coveting the position of High Priest) who sent with his son two silver measures full of silver pieces and accompanying strikes of silver, so another man rose and sent with his son golden measures full of gold pieces and accompanying strikes of gold. People said: "The ass-foal has trodden out the lamp."[34]

In other words, even though the Phinehan priesthood may have enjoyed longevity in spanning the two Temples, the Sifre does not hesitate to show how the same priesthood became tarnished through corruption.[35]

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32. Parallels to this text may be found in yYoma 1:1 (38c); Leviticus Rabbah 21:9. In bShabbat 116a-b there appears to be a later, secondary expansion of the closing line of the story which polemicizes with Christianity; see Wallach, "Textual History of an Aramaic Proverb (Traces of the Ebionean Gospel)," *JBL* 60:4 (Dec. 1941), 403-415; see also Burton L. Visotzky, "Overturning the Lamp," *JJS* 38:1 (1987), 72-80. While Wallach acknowledges that the origin of the phrase is in Sifre Numbers, he does not explain its meaning in that context.

33. The last remark in this passage, כפה סייח את המנורה, is rendered by Jastrow as "the ass (of gold) has upset the lamp" (*Dictionary of the Talmud*, s.v. כפי). This serves to enhance the polemic by evoking Aaron's role in the golden calf episode -- yet an additional blight on Phinehas' priestly lineage. Other lexica render סייח as "foal," which resonates with accusations that Jews engaged in ass worship; see Menahem Stern, *GLAAJ,* I, 184. See also Josephus (*Contra Apionem* II:80). On the accusation of ass worship, see the exhaustive summaries of Aryeh Kasher, *Against Apion* [Hebrew] (Jerusalem: Shazar Center, 1996), 376-82; Louis Feldman, *Jew and Gentile in the Ancient World* (Princeton: Princeton University Press, 1993), 499-501; Rina Neher-Bernheim, "The Libel of Jewish Ass-Worship," *Zion* 28 (1963), 106-116 (Hebrew).

34. Translation of this latter passage from Wallach, "Textual History," 404.

35. For rabbinic sources on the corruption and commoditization of the high priesthood, see Gedalyahu Alon, "Par'irtin: On the History of the High Priesthood at the End of the Second Temple Era," in *Jews, Judaism and the Classical World*, 57ff. If the Sifre wanted to deal a lethal blow to Phinehas' priestly covenant, it could

The final opportunity of the Sifre to single out Phinehas for praise is in its interpretation of Phinehas' covenant of eternal priesthood. It certainly suggestive that this covenant, which functions as the pinnacle of this etiological biblical narrative, is not explained by the Sifre in its simplest sense as referring to the perpetuity of Phinehas' priestly lineage. Rather, the Sifre glosses the covenant as referring to the perpetuity of the twenty-four priestly gifts.[36]

(c) Summary

The Sifre thus mutes Phinehas' violence, undercuts—and does not restore—the legitimacy of his priestly lineage, and largely suppresses the laudatory aspects of the biblical narrative.[37] While we cannot discount the significance of the overt anti-priestly polemics in motivating the reinterpretation of Phinehas' rewards, the attestation elsewhere of similar dampenings of Phinehas' rewards in non-polemical contexts should serve to refocus our attention

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have—but does not—mention the destruction of the Temple and cessation of the cultic function of the priesthood altogether. See next note.

36. Martha Himmelfarb recently noted that this statement may be coming from a purely utilitarian perspective. With the destruction of the Temple and the cessation of the High Priesthood, the rabbis were simply attempting to demonstrate the perpetuity of the priestly covenant. Martha Himmelfarb, "Greater is the Covenant with Aaron' (Sifre Numbers 119): Rabbis, Priests, and Kings Revisited," presented at Rabbis and Other Jews: Rabbinic Literature in Late Antiquity, New Haven, May 11, 2014. On the other hand, included in the enumeration of the twenty-four priestly gifts are numerous parts from sacrificial animals. This certainly lessens the relevance for a post-Temple context. On the twenty-four gifts and their correlation with Phinehas' violence, see our discussion below, pp. 193-197.

37. I therefore call into question Hengel's (*The Zealots*, 174) characterization of this midrash as "echoing [the zealotic] movement and as a sign that [its] influence must have penetrated deeply into Pharisaical circles." Hengel's invocation (ibid., note 146) of Kuhn takes this latter viewpoint to an extreme: "the narrative 'is a glorification of Zealotism, for which Phinehas is the prototype'." See *Sifri zu Numer*i, ed. and trans. K. G. Kuhn (Stuttgart: Kolhammer, 1959).

on the problematic nature of Phinehas' violence for the rabbis.[38] Moreover, the Sifre may accept the general rubric of the biblical narrative, but significantly, nowhere does the text of the midrash call for the narrative to be utilized as a halakhic precedent. The Sifre thus engages the Phinehas episode in a threefold manner: it (a) calls into question the very nature of Phinehas' actions; (b) rereads the laudatory conclusion of the narrative; and (c) forestalls the episode's entrance into the halakhic canon.

2. Mishnah Sanhedrin 9:6

If the Sifre, a tannaitic midrash, attests a polemically charged engagement of the biblical Phinehas narrative, other tannaitic sources appear to disengage from Phinehas and his actions. The Tosefta, for example, neither mentions Phinehas nor preserves any record of extra-judicial punishment of the type meted out by Phinehas.[39] The Mishnah, on the other hand, does appear to evoke the case of Phinehas and give selective approbation to priestly forms of violence (mSanhedrin 9:6 [Vilna]):

> הגונב את הקסוה, והמקלל בקוסם, והבועל ארמית: קנאין פוגעין בו. כהן ששימש בטומאה: אין אחיו הכהנים מביאין אותו לבית דין, אלא פרחי כהונה מוציאין אותו חוץ לעזרה ומפציעין[40] את מוחו בגזרין. זר ששימש במקדש: רבי עקיבא אומר בחנק, וחכמים אומרים בידי שמים.
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> One who steals a *qswh*,[41] curses by sorcery, or fornicates with an Aramaean woman — zealots strike him. As for a priest who served while defiled: his

38. This will come to the fore in our discussion of the Yerushalmi; see below.

39. The Tosefta does, however, recognize other violent extra-judicial remedies. Comments on the Phinehas narrative are also notably absent from Sifre Zuta.

40. MSS Kaufmann and Parma: ומוציאין.

41. Meaning of Heb. uncertain. Beginning with the Talmud, the word has been regarded as referring to a ritual

> priestly brethren do not bring him to court, but rather young priests take him out of the Temple Court and beat his head with sticks. As for a non-priest who served in the Temple: R. Aqiva says [he is to be executed] by strangulation; the Sages say [his punishment is] in the hands of Heaven.

While the first two cases attested in the Mishnah are ambiguous and do not evoke any clear precedent, the third case, with its call for the use of force in the case of a sexual transgression with a foreign woman, certainly evokes the case of Phinehas' violence. It might appear, then, that the Mishnah understood the biblical narrative as a prescriptive precedent for the selective use of Phinehas-like violence.[42]

That said, there are a number of significant incongruities between the biblical episode and the Mishnah. First, while the circumstances of the third case mentioned in the Mishnah evoke those of Numbers 25, nowhere is Phinehas mentioned by name or a readily available prooftext invoked from the biblical episode.[43] Second, the Mishnah does not explicitly call for the killing of the transgressor; that would have invited stronger language.[44] Third, Cozbi is said to have

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object stolen from the Temple.

42. So Hengel, *The Zealots*, 89; Christine Hayes, "Palestinian Rabbinic Attitudes to Intermarriage in Historical and Cultural Context," in *Jewish Culture and Society Under the Christian Roman Empire* (Leuven: Peeters, 2003), 11-64; see p. 36; Clenman, "Responses to Pinhas," 174-175.

43. The lack of a prooftext is not a decisive argument in itself. Biblical precedents are adduced elsewhere in mSanhedrin together with the attendant prooftexts (e.g., 1:4, 6, etc.). On the use of the Bible in Mishnah, see Shaye Cohen, for example, has highlighted the Mishnah's "relative independence from the Torah." See Shaye J.D. Cohen, "The Judaean Legal Tradition and the Halakhah of the Mishnah," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. M. Jaffee and C. Fonrobert (New York: Cambridge University Press, 2007), 121-143; quote from p. 123. There are, nevertheless, some 500 citations of Scripture in the Mishnah; see Alexander Samely, *Rabbinic Interpretation of Scripture in the Mishnah* (New York: Oxford University Press, 2002), and Samely's online database at http://mishnah.llc.manchester.ac.uk/search.aspx.

44. In this respect, the Mishnah may perhaps be drawing on the above-noted ambiguity in the biblical narrative, which states only that Zimri and Cozbi were stabbed by Phinehas. (See above, p. 149 n21.) The text may leave the reader to assume that the wounds sustained by the two were fatal, but this is not borne out in the text. Perhaps this is why in his medieval commentary to the talmudic text, Meir Abulafia (*Yad Ramah*) draws on

been a *Midianite* woman (Num 25:15), while the Mishnah seems to restrict the use of force to cases involving an *Aramaean* woman.[45] Fourth, whereas Phinehas struck both Zimri and Cozbi, the Mishnah restricts the use of force to the male transgressor alone.[46] Finally, and perhaps most importantly, nowhere does the text of Numbers 25 present the actions of Phinehas, which are related in narrative form, as a prescriptive precedent. We are consequently left with the task of ascertaining the extent to which the Mishnah is even to be read in the context of Phinehas' violence in Numbers 25.[47]

Other features of the Mishnah demand explanation as well. Whether this spontaneous violence is to be regarded as obligatory behavior is contingent upon the interpretation of two key terms in the opening line of the Mishnah. With regard to פוגעין ("strike"), the use of the participle—here, as elsewhere in rabbinic literature—leaves ambiguous whether the ruling is imperative (zealots *must* strike), descriptive (zealots [*are known to*] strike), discretionary (zealots *may* strike), or otherwise modified by some modality (zealots *should* strike).[48] If the ruling is

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scriptural language (e.g. 1 Kings 2:34) to *prove* that פגע has the sense of a lethal strike.

45. At least according to Vermes, "Aramaean" as a metonym for all Gentile women. See Geza Vermes, "Leviticus 18:21 in Ancient Jewish Bible Exegesis," in *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann*, ed. J.J. Petuchowski and E. Fleischer (Jerusalem: Magnes Press, 1981), 116.

46. MSS Kaufmann and Parma and ySanhedrin, on the other hand, both attest קנאים פוגעים **בהם**. The Bavli, however, retains the singular. I would add that the singular form might reflect a close and strong reading of the biblical narrative. Lauren Monroe reads Num 25:18, which speaks only of the death of Cozbi, as "support for the idea that originally only the woman fell victim." See Lauren Monroe, "Phinehas' Zeal and the Death of Cozbi: Unearthing a Human Scapegoat Tradition in Numbers 25:1-18," *Vetus Testamentum* 62 (2012), p. 220.

47. Clenman ("Responses to Pinhas," 175 n17) cites other uses of the law of בועל ארמית. On the other hand, that the Mishnah utilizes the term קנא is certainly evocative of Phinehas.

48. See, e.g., bYevamot 12b; Rashi, s.v. *meshamshot*; Tosafot, s.v. *shalosh nashim*. Clenman, "Responses to Pinhas," p. 174 n14. On the use of the participle in the Mishnah, see Shimon Sharvit, "The Tense System in Mishnaic Hebrew," in *Studies in Hebrew and Semitic Languages: Dedicated to the Memory of Professor*

obligatory, we are not told of the consequences of failing to strike the transgressor; likewise, if the ruling is discretionary, we are not apprised of the fate of the transgressor if he/she is not stricken.[49]

As for the specific persons charged with carrying out this action, the Mishnah refers to *qanna'im*, an appellation heretofore unknown in rabbinic literature. It would appear that the term refers either to those persons whose zeal for the law is spontaneously brought to the fore by the actions of the transgressors, or perhaps to a defined group of people known as the קנאין.[50] In either case, this denomination serves to confirm that the ruling does not appear to have been designed to be binding for all of the addresses of the Mishnah.

(a) Legalizing Priestly Violence

Indeed, that the Mishnah here preserves a particularistic halakhah should be evident from its placement, context, and content. The first case in the latter part of our Mishnah relates to a priest who has performed cultic duties while in a state of ritual impurity; the second to a "foreigner" (= a non-priest) who has served in the Temple. In the case of the first, the Mishnah stipulates explicitly that the offending priest not be brought before a tribunal, but that he be removed from the Temple precinct by adolescent priests who are to bludgeon his head with

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Yechezkel Kutscher, ed. G. B. Sarfatti et al (Ramat Gan: Bar Ilan, 1980), 110-125 (in Hebrew).

49. The Talmudim, on the other hand, take up both of these questions.

50. In this latter respect, it is instructive to refer to the variant adduced by Hengel (after Krauss), according to which קנאין takes the definite article in MS Munich of the Bavli, seemingly designating a known group of individuals. See Hengel, *The Zealots*, 394-395. Contesting the notion that Mishnaic *qannaim* are to be identified with the Zealots is Børge Salomonsen, "Some Remarks on the Zealots with Special Regard to the Term Qannaim in Rabbinic Literature," in *New Testament Studies* 12 (1965-6), 164-176.

truncheons.[51] The law of the *qanna* is thus followed by two other exceptional capital cases where the "normative" judicial rules and processes are seemingly suspended. (It is certainly telling that our Mishnah makes no stipulation that there be witnesses for any of the above transgressions.)

In the instance of the non-priest who serves in the temple, the offender is also charged with a capital crime, and is to be executed.[52] Underscoring the exceptional nature of this latter case is the possibility that the execution of the non-priest is to be carried out summarily — a possibility likely corroborated by the wording of the so-called "warning inscriptions" placed outside of the Second Temple.[53]

In addition to their procedural peculiarities, the cases in mSanhedrin 9:6 are largely united by their relation to the temple cult and priestly matters. From a historical perspective, it is reasonable to imagine that intra-temple infractions were dealt with according to a code of conduct specific to the Temple authorities.[54] Indeed, according to Peretz Segal, the violations

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51. See also tKelim (Bava Qamma) 1:6, which specifies a similar penalty for entering the area "between the porch and the altar" while unwashed. As with the above case, the offender's ultimate fate is left to the imagination of the reader.

52. At least according to R. Aqiva, who stipulates strangulation as the punishment. That said, Peretz Segal contends that even מיתה בידי שמים connotes summary execution by priests; see idem, "Liability Under Divine Jurisdiction: The Death Penalty by a Human Court and by a Divine Hand," PhD diss., Hebrew University of Jerusalem, 1986, esp. pp. 31-92.

53. Advocating for this particular reading is Elias J. Bickerman, "The Warning Inscriptions of Herod's Temple," *Jewish Quarterly Review* 37:4 (1947), 387-405 (esp. 394, 398-402); see also Hengel, *The Zealots*, 214-215 and notes. Peretz Segal ultimately concurs with Bickerman, albeit through the lens of rabbinic texts concerning priestly punishment of Temple offenders. See idem, "The Penalty of the Warning Inscription from the Temple of Jerusalem," *Israel Exploration Journal* 39:1/2 (1989), 79-84.

54. See Peretz Segal, "Postbiblical Jewish Criminal Law and Theology," *Jewish Law Annual* 9 (1991), 107-121.

enumerated in our Mishnah, including intermarriage, were thought by priestly jurists to profane the Temple.[55] And though the rabbis generally sought to inscribe themselves as having jurisdiction over matters internal to the Temple,[56] the jurisdiction in our Mishnah is very clearly left to the priesthood.[57]

Consequently, given the priestly nature of our Mishnah and its other violent provisions, I believe that there are grounds to see echoes of Phinehas' priestly violence in the law of *bo'el aramit*.[58] It is certainly noteworthy that this biblically inspired law is codified by the Mishnah, together with a number of related provisions, as a series of temple-centric laws seemingly appended as the very last legal prescriptions in Mishnah Sanhedrin.[59] The "legalization" of Phinehas' priestly violence (and, in general, priestly interpersonal violence) into the realm of

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55. Peretz Segal, "The 'Divine Death Penalty' in the Hatra Inscriptions and the Mishnah," *Journal of Jewish Studies* 40:1 (1989), 46-52.

56. Representative studies are: Naftali Cohn, *The Memory of the Temple and the Making of the Rabbis* (Philadelphia: University of Pennsylvania Press, 2012); Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender and Midrash* (Leiden: Brill, 2012); and Daniel Stökl Ben Ezra, *The Impact of Yom Kippur on Early Christianity* (Tübingen: Mohr Siebeck, 2003).

57. That the rabbis would "write off" these procedures as elements of a particularistic, priestly law code is somewhat inconsistent with their propensity to view the rabbinic court as having sole jurisdiction over the cultic law of the temple (e.g., Mishnah Parah 3:7-8; Mishnah Yoma 1:3-5). This difference may have something to do with different literary genres; while our Mishnah in Sanhedrin is of a prescriptive genre, the latter two cases take on a "ritual narrative" form. On the genre of ritual narrative and its attendant implications, see Cohn, "Rabbis as Jurists," 245-263. On the definition and significance of ritual narrative (in general, and in the Mishnah), see also Cohn, "The Ritual Narrative Genre," 47-100, esp. 47-51.

58. There are likewise echoes of Balaam, whom Phinehas is said to have killed according to a number of midrashic texts (see below), in the case of מקלל בקוסם. Balaam is referred to as a *qsm* (Joshua 13:22), and of course, Balaam was called upon to curse the Israelites (*qll*; Joshua 24:9).

59. On so-called "priestly courts," see E. E. Urbach, *The Halakhah: Its Sources and Development*, trans. R. Posner (Tel Aviv: Modan, 1996), 74-75. That the provisions of our Mishnah are to be viewed as united by their shared extra-judicial punishment is a possibility raised by Urbach, who views the Mishnah as "representing the period of transition from rule by vigilantes to institutionalized procedural law" (ibid., 58). On the "priestly advisory body" that may very well have served as a proto-Sanhedrin, see Grabbe, "Sanhedrin," 16-19.

ritual-law enforcement is a move of massive import. In the Girardian schema, the cessation of a sacrificial cult sees the displaced violence that was once inflicted against animals channeled into the legal system. The case of our Mishnah, a post-sacrificial text by all accounts, appears to vindicate that particular aspect of Girard's thesis.

3. Palestinian Talmud

(a) Phinehas Violated Rabbinic Law

It is in the Yerushalmi that we find the first explicit connection between Phinehas and the provision in the Mishnah (ySanhedrin 9:4 [27b]):

> הבועל ארמית. תני רבי ישמעאל זה שהוא נושא גויה ומוליד בנים [ו]מעמיד אויבים ממנה למקום. כתיב וירא פינחס בן אלעזר בן אהרן הכהן. מה ראה? ראה את המעשה ונזכר להלכה: הבועל ארמית הקנאים פוגעין בהן. תני שלא ברצון חכמים.
>
> *One who cohabits with an Aramaean woman*. R. Ishamel taught: this one, who marries a Gentile woman and has children — he raises from her enemies of the Omnipresent. It is written: *And Phinehas son of Eleazar son of Aaron the Priest saw*. What did he see? He saw the act and he was reminded of the law: One who cohabits with an Aramaean – the zealots strike them. It was taught: It was not in accordance with the will of the Sages.

The dialogical structure of this excerpt allows for the exposure of the uncertainties with which the Phinehas narrative was approached by the Palestinian rabbis. R. Ishmael's opening statement tellingly avoids invoking any biblical precedent or mention of Phinehas. Instead, he provides a rationale of his own for the mishnaic law, namely, that the progeny of intermarriage will become enemies of God. According to Christine Hayes, R. Ishmael thereby

> limits the application of the mishnaic dictum to the case of intermarriage, and so signals a rabbinic aversion to the notion of zealous assaults on those who engage in casual and non-reproductive intercourse.[60]

It is certainly suggestive that the Yerushalmi would resort to invoking a non-biblical justification for the law of *bo'el aramit*, when a prooftext from Phinehas is readily available.[61]

Only in the subsequent editorial exchange do we find what is ostensibly the first link between Phinehas' violence and its canonization as halakhah. Driven by the apparently extraneous וירא opening Numbers 25:7, the anonymous layer of the Yerushalmi provides both tacit affirmation of Phinehas' violence as well as an original understanding of the source of the law. Contrary to the "traditional" model in which halakhah is thought to be a derivative of biblical teachings, Phinehas is portrayed as having "recalled"[62] the halakhic ruling of our Mishnah (הבועל ארמית קנאין פוגעין בהן).[63] Thus rather than looking toward Phinehas as providing the obvious biblical precedent for our Mishnaic law and inviting the question as to how to

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60. Hayes, "Intermarriage," 37.

61. Sifre Deuteronomy (*Shoftim* §171) glosses the prohibition against "passing a son or daughter through fire" (Deut 18:10) as referring to the *bo'el aramit*, grounding its explanation in the rebellious progeny of the union. See also yMegillah 4:10. In general, statements of this sort, which situates the Tanna as glossing the Mishnah with a deictic זה, are not emblematic of the sayings of R. Ishmael. I would like to thank Shaye Cohen for bringing this matter to my attention.

62. The motif of remembrance/forgetfulness returns in the Bavli and appears to be thematic in Amoraic treatments of the Phinehas episode; see below, pp. 170ff.

63. It is important to note that the Yerushalmi here does not utilize the language of הלכה למשה מסיני. See Christine Hayes, "*Halakhah le-Moshe mi-Sinai* in Rabbinic Sources: A Methodological Case Study," in *The Synoptic Problem in Rabbinic Literature*, ed. Shaye J.D. Cohen (Providence, RI: Brown Judaic Studies, 2000), 61-117.

reconcile his actions with the rabbinic legal system, the Yerushalmi here considers the Mishnaic (!) law as the legal precedent, thereby keeping Phinehas' actions within normative bounds.[64]

In the subsequent lines, however, the Yerushalmi is marked by a more ambivalent approach toward Phinehas' violence. First, we are confronted with the (Tannaitic?) assertion שלא ברצון חכמים ("it was not in accordance with the will of the Sages"). The following editorial question (ופינחס שלא ברצון חכמים; "Could Phinehas have acted not in accordance with the will of the Sages?") appears to refer to the violent actions of Phinehas:

> ופינחס שלא ברצון חכמים? א"ר יודה בר פזי: ביקשו לנדותו אילולי שקפצה עליו רוח הקודש ואמרה והיתה לו ולזרעו אחריו ברית כהונת עולם וגומר.
>
> Could Phinehas have behaved not in accordance with the will of the Sages? R. Judah b. Pazi said: they wished to excommunicate him, were it not for the Holy Spirit that came upon him and said "It shall be for him and for his descendants after him a covenant of eternal priesthood . . ."

It is unclear whether the question with which this passage opens relates to the anachronism of the proposition of Phinehas not behaving in accordance with the rabbis, to the notion of a wrongdoing committed by a biblical hero, or to the possibility that calling Phinehas' actions into question jeopardizes the integrity of what the questioner viewed as the resultant halakhah.[65] R. Judah b. Pazi's answer is seemingly an affirmation of the latter possibility, and while the case of

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64. This subversive move is evocative of the famed story of Moses' visit to R. Aqiva's study hall (bMenahot 29b). See the recent study of Jeffrey Rubenstein, in his *Stories of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2010), 182ff. And see, most recently, Azzan Yadin-Israel, "Bavli Menahot 19b and the Dimunition of the Prophets," *Journal of Ancient Judaism* 5:1 (2014), 88-105. See also Philo, *Spec. Leg.* I.56-57; Philo regards Phinehas as having acted in accordance with a preexisting law, rather than creating a precedent through his actions.

65. This position is at odds with the prior view in the Yerushalmi that saw Phinehas as behaving in accordance with the already existing rabbinic law.

Phinehas is resolved with a timely divine intercession, the discord between the halakhah and its biblical "precedent" is left open.

Surfacing in this exchange is the exceptional sentiment that Phinehas' killing of Zimri and Cozbi constituted a *violation* of the law; Phinehas was vindicated solely for reasons peripheral to the acceptability of his actions.[66] As Hayes maintains, "one is left with the impression that barring special divine protection, the zealot avenger should be ostracized."[67] Moreover, R. Judah b. Pazi's statement subsumes two separate teachings which have attestations in earlier rabbinic and non-rabbinic literature. First, there is the tradition that we encountered in the Sifre that saw the suppression of the laudatory component of the Phinehas narrative with a rereading of God's twofold reward. A similar move is employed here, with the covenant of eternal priesthood functioning not as a *reward*, but as a *reprieve* for Phinehas.

Whereas the "reading away" of Phinehas' rewards in the Sifre was marked by anti-priestly polemic but did not go so far as to criticize Phinehas for his actions, R. Judah b. Pazi both quashes the defining, foundational moment of the narrative *and* holds Phinehas accountable for his actions. I should add that, far from this being an isolated pericope, Phinehas is criticized elsewhere in the Palestinian Talmud:[68]

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66. The same sentiment is expressed by Philo; see above pp. 117-118. And see the comments of Optatus, p. 167 n70. On the relationship between Philo and rabbinic law in general, and on the case of our Mishnah in particular, see Gedalyahu Alon, "On Philo's Halakha," in *Jews, Judaism and the Classical World* (Jerusalem: Magnes Press, 1977), 89-137 (esp. 114-118).

67. Hayes, "Intermarriage," 37.

68. yHorayot 3:2 (12b); yYoma 1:1 (5a); yMegillah 1:10 (14a).

רבי יוסי, כד הוה בעי מקנתרה לרבי לעזר בי רבי יוסי, הוה א"ל: לפנים עמו. בימי זמרי מיחה, ובימי פלגש בגבעה לא מיחה.

R. Yose, when he wished to bother his son [lit.: R. Eleazar son of R. Yose], would say to him, "[God] was previously with him." In the days of Zimri, [Phinehas] protested, but in the days of the Concubine at Gibeah he did not protest.[69]

In either case, ySanhedrin may establish a connection between the halakhah of the Mishnah and Phinehas, but it would appear that the Palestinian Talmud was hostile to both Phinehas and to his famed violence.

4. Babylonian Talmud

(a) Further Legalities of Priestly Violence

Whereas the Yerushalmi makes an almost immediate connection between Phinehas and the halakhah of קנאין פוגעין, the Bavli (Sanhedrin 81b-82a) echoes the silence of the Mishnah for almost 350 words after first invoking the principle. In fact, the Bavli opens its discussion with a lengthy excursus regarding the implications of the case where a zealot *does not* strike the transgressor in the three cases delineated by the Mishnah (bSanhedrin 82a):

בעא מיניה רב כהנא מרב: לא פגעו בו קנאין מהו? אינשייה רב לגמריה . . . אם ת"ח הוא, לא יהיה לו ער בחכמים ועונה בתלמידים. אם כהן הוא, לא יהיה לו בן מגיש מנחה לה' צבאות.

69. The homily here is quite simple and takes advantage of the Masoretic cantillation, which joins the eclectic readings of this verse. The Septuagint, for example, reads לפנים as a caesura, thus breaking the verse into two clauses: "καὶ Φινεες υἱὸς Ελεαζαρ ἡγούμενος ἦν ἐπ᾽ αὐτῶν ἔμπροσθεν, καὶ οὗτοι μετ᾽ αὐτοῦ" (And Phinehas son of Eleazar was chief over them formerly; and they were with him.") The Vulgate, on the other hand, "Finees autem filius Eleazar erat dux eorum coram Domino," reflecting a Hebrew Vorlage of לפני ה. R. Yose adds yet an additional way of reading the verse: "Phinehas son of Eleazar was chief over them; formerly, God was with him."

> R. Kahana inquired of Rav: What if zealots did not strike him? Rav utterly forgot . . . If he is a learned disciple, he will not come to the awareness of scholars and will not have disciples who respond to him. If he is a priest, he will not have a son who presents an offering to the Lord of Hosts.[70]

R. Kahana's question goes to the very root of the ambiguities in the Mishnah that we noted above, as does the the indeterminacy of the question itself: Is R. Kahana concerned with the implications of a zealot passing up the opportunity to strike a transgressor, or is he concerned with a case in which those who do strike the transgressor are not "zealots"? Rav, the addressee of R. Kahana's question, is said to have "completely forgotten" the ruling in such a case.[71]

The ultimate answer to R. Kahana's question highlights an interesting discord between rabbis and priests: if the non-striker is a rabbi, he merely loses his standing in the rabbinical community; if he is a priest, however, he is cursed with the cessation of his priestly lineage. If above I argued that priestly violence generates lineage, it appears that failure to be violent does just the opposite! Thus the nature of the punishment for the non-striking priest may serve to confirm our hypothesis, which regards קנאין פוגעין as a vestige of priestly law. That said, the

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70. There is a fascinating "parallel" discussion of this very same question in Optatus (*Against the Donatists*):

> Moreover, when Phineas, son of a priest, found an adulterer with an adulteress, he raised his hand with his sword, and stood uncertain between the two voices of God. On this side was heard: Thou shalt not kill; on the other was heard: You shall kill both. If he struck, he would sin; *if he did not strike*, he would fail in duty. He chose the better sin, to strike the blow. And perhaps there had not been lacking some who wished to condemn the avenger of this crime as if he were a murderer; but God, so as to show that some evils are done for the better, spoke saying: Phineas has appeased my anger. And God was pleased by the murder because it avenged fornication.

71. That both R. Kahana and Rav are portrayed as ignorant of the answer may simply function as a rhetorical device underscoring that the law was not normative and that its particulars were not known. The theme of forgetfulness/remembering appears to be a hallmark of rabbinic texts on this topic; Phinehas "is reminded" of the law in the Yerushalmi, and we will see below that Moses is portrayed as being ignorant of the law in the Bavli.

inference of these punishments is that the slaying of the *bo'el aramit* is indeed the preferred course of action.

On the other hand, the Bavli's continued discussion of קנאין פוגעין relates to the various contingencies of the halakhah, but not to the halakhah itself:

> אמר רבה בר בר חנה א"ר יוחנן: הבא לימלך אין מורין לו. ולא עוד אלא שאם פירש זמרי והרגו פנחס נהרג עליו. נהפך זמרי והרגו לפנחס אין נהרג עליו שהרי רודף הוא.
>
> Rabbah b. Bar Hanna said in the name of R. Yohanan: If [the *qanna*] comes to consult, they do not instruct him. Moreover, if Zimri had withdrawn [from Cozbi] and Phinehas had killed him — [Phinehas] would have been liable for execution. If Zimri had rolled over and killed Phinehas he would not have been executed, for [Phinehas] was a *rodef*.

According to the teaching of Rabbah b. Bar Hannah one who goes to take counsel (presumably with a rabbi or a rabbinic court) before striking one of the transgressors listed in the Mishnah, is not to be directed to pursue this course of action. As such, Rabbah b. Bar Hannah appears to accept the fundamental legitimacy of Phinehas-type violence, but attributes the responsibility for such action to those individuals who carry it out. In so doing, this teaching drives a wedge between the rabbis and those who seek their approbation for violent behavior along the lines of Phinehas.

While the case of Phinehas was never adduced in the Bavli as a precedent for the Mishnaic law, an unfavorable connection between the two may be inherent in the subsequent exchange. According to the continuation of Rabbah b. Bar Hannah's remarks, Phinehas would have been liable for murder had he not killed Zimri and Cozbi while the former was in the midst

of penetrating the latter.[72] A final provision would have allowed for the full exculpation of Zimri if he were to have killed Phinehas. Significantly, however, these teachings in the Bavli *do not instruct against* Phinehas-like behavior. No punishment is specified for one who goes ahead after a consultation and kills a Zimri-type figure. Being open to Zimri's justified self-defense is certainly an added risk;[73] and having to perform the slaying while the couple is *in flagrante delicto* is an added difficulty.[74]

These impediments aside, the Bavli could have easily removed the law of *bo'el aramit* from the legal sphere. To begin with, nowhere in the biblical Phinehas narrative are there signals that the episode is to function prescriptively. By contrast, the law of the wayward and defiant son (Deuteronomy 21:18-21), is attested within a legal code and couched in prescriptive (albeit casuistic) language. Yet there is a consciousness, first attested in the Tosefta (Sanhedrin 11:6), that while the biblical prescription is binding, the criteria are so specific and demanding that the case will never come to fruition (לא היה ולא עתיד להיות).[75] Thus the Bavli may have made Phinehas more vulnerable and the criteria for his strike more exacting, but it did not employ the full array of strategies at their disposal to remove the scenario from the realm of the "practical."

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72. Thus highlighting the continuous force of the participle employed in the Mishnah, הבועל.

73. For an analysis of the legal-theoretical underpinnings of this twist, see Shlomo Zuckier, "A Halakhic-Philosophic Account of Justified Self-Defense," *Torah u-Madda Journal* 16 (2012/3), 21-51.

74. But cf. the *Pitron Torah*, which attests a tradition according to which Phinehas killed Zimri *after* the latter had ejaculated. See below, p. 211.

75. On this stratagem, see Moshe Halbertal, *Interpretive Revolutions in the Making: Values as Interpretive Considerations in Midrash Halakhah* (Jerusalem: Magnes Press, 1999), 59-66 (Hebrew).

(b) The Implication of Moses

The final part of the sugya preserves a midrashic reading of the Phinehas narrative that finally contends with the question of the "precedent" for the Mishnaic law:

> תפשה בבלוריתה והביאה אצל משה. אמר לו: בן עמרם זו אסורה או מותרת? ואם תאמר אסורה, בת יתרו מי התירה לך? נתעלמה ממנו הלכה. געו כולם בבכיה, והיינו דכתיב: והמה בוכים פתח אהל מועד.[76] וכתיב: וירא פנחס בן אלעזר. מה ראה? אמר רב: ראה מעשה ונזכר הלכה. אמר לו: אחי אבי אבא, לא כך לימדתני ברדתך מהר סיני: הבועל את <הכותית> {הגויה} קנאין פוגעין בו? אמר לו: קריינא דאיגרתא איהו ליהוי פרוונקא.
>
> [Zimri] grabbed [Cozbi] by her hair and brought her to Moses. He said to him: "Son of Amram, is this one (=Cozbi) forbidden or permitted? And if you will say that she is forbidden, who permitted to you the daughter of Jethro?" [Moses] forgot the halakhah. They all burst out into tears, as is written, "And they were crying at the entrance to the Tent of Meeting." It is also written, "And Phinehas saw." What did he see? Rav said: He saw the act and was reminded of the halakhah. He said to [Moses]: Great-uncle, did you not teach me upon your descent from Mount Sinai, "One who fornicates with a Gentile woman — zealots strike him"? [Moses] said to him: "Let the reader of the letter be the messenger."

The Bavli here is highlighting its sensitivity to a matter we raised earlier in our analysis of the biblical text. If Zimri was in violation of the law for consorting with Cozbi, a Midianite woman, wasn't Moses guilty as well? After all, he too was married to a Midianite woman (Exodus 2:16-21)! Zimri thus challenges Moses' authority and endangers him with a charge of hypocritical behavior.[77] Moses is then said to have forgotten the law, and is reminded by

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76. MS Yad ha-Rav Herzog: אמ' רב יהודה אמ' רב מלמד שרבתה בכיה בבית המדרש כשנתעלמה הלכה ממשה

77. Rightly noted by Clenman ("Responses to Pinhas," 188) is the fact that this doubly negative treatment of Moses is not attested in the Yerushalmi, this despite the fact that the Palestinian sages generally played up the biblical criticisms of Moses; see Richard Kalmin, *The Sage in Jewish Society of Late Antiquity* (New York: Routledge, 1999), 91ff.

Phinehas of the Sinaitic provision of קנאין פוגעין בו.[78] This serves to bring the Bavli (or this tradition in the Bavli) into accordance with the anonymous tradition quoted in ySanhedrin that views the law as a precedent for Phinehas, and not vice-versa.[79]

More importantly, this embellishment of the narrative again serves to highlight the pitting of "rabbis" versus priests. In somewhat subversive fashion, the Bavli comes across with greater sympathies for priests, and even priestly violence. Indeed, elsewhere in the Bavli we encounter the startling tradition that violence, in effect, generates priesthood: "Phinehas did not become a priest until he killed Zimri."[80]

Moses, on the other hand, despite being the preeminent lawgiver, is said to have been unable to remember the law — not unlike his rabbinic "successors," R. Kahana and Rav, neither of whom is aware of the particulars of the law. When reminded of the Sinaitic law by Phinehas, the preeminent priest, Moses enlists Phinehas to carry out the act, thereby falling afoul of the rabbinic law on two counts:[81] (a) instructing Phinehas to act as a *qanna* when the law dictates that one who comes to "consult" is not instructed to act; (b) by failing to act,[82] Moses invites the

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78. We should note again that the text here does not utilize the more common formula of הלכה למשה מסיני, which, in the case of our topic, is attested only in Bavli Avodah Zarah 36b. According to Hayes, this is characteristic for the Bavli when it comes to "bolster[ing] the authority of exceptional, anonymous, or disputed laws." See Christine Hayes, "Authority and Anxiety in the Talmuds: From Legal Fiction to Legal Fact," in *Jewish Religious Leadership: Image and Reality*, ed. J. Wertheimer (New York: The Jewish Theological Seminary of America, 2004), 154.

79. According to Clenman ("Responses to Pinhas," 178-179), this move also accounts for Moses' failure to act.

80. bZevahim 101b: א"ר חנינא: לא נתכהן פנחס עד שהרגו לזמרי.

81. I am consciously taking a synchronic view here.

82. In the words of Numbers Rabbah: ולפי שנתעצל.

aforementioned consequences for a non-striking rabbi. Phinehas, according to Clenman, "thus becomes a repository, not only for halakhic action, but halakhic knowledge, authority, and memory."[83]

And while in the biblical narrative Moses is implicated only by inference, in that he failed to act on God's command to kill the ringleaders of the Baal Pe'or apostasy, this text explicitly and additionally implicates Moses for (a) his ignorance, in being unaware of the appropriate course of action; and (b) for violating the same prohibition as Zimri, by being married himself to a Midianite woman.[84] Ironically, despite his honorific "Moshe Rabbenu—Moses our Rabbi," here as elsewhere in rabbinic literature, Moses is repeatedly criticized, lampooned, and second-guessed.[85]

But our text goes even further than undermining Moses' intellectual capacity. By affirming Phinehas' recollection of the law, which outlaws relations with Midianite women, Moses implicates himself in the same crime as Zimri. Thus through Phinehas, the Bavli highlights rabbinic ambivalence toward Moses — an interesting continuity with the biblical narrative, which likewise seems designed to undercut Moses' authority.

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83. "Responses to Pinhas," 179. The trope of priestly knowledge is highlighted elsewhere in the interpretive tradition on Phinehas; see below, pp. 202-207.

84. *Pitron Torah* has Moses offer a series of halakhic excuses for why *his* union with a Midianite was permissible; see below, pp. 208ff..

85. See the collection of sources in Kalmin, *The Sage*, 91ff. See, e.g., Sifre, *Mattot* 157: משה רבינו לפי שבא לכלל כעס בא לכלל טעות.

5. Conclusions

We postulated initially that the case of Phinehas' violence would pose a great challenge to the rabbis, for whom an ordered judicial system was the mandated venue for all capital cases. Moreover, the rabbis would have to contend with the laudatory ending of the Phinehas episode, which, in addition to providing divine approbation for Phinehas' violent actions also functions as the foundational text for securing the priesthood in Phinehas' bloodline. The first corpus that we examined, the Sifre, grapples with all of the latter problems by employing a decidedly non-prescriptive approach to the text, which it examines as a *narrative* and not a legal text; by suggesting that Phinehas did not even kill his two victims; and by both dampening and rereading the rewards bestowed upon Phinehas.

The Mishnah, on the other hand, appears to possibly read Phinehas' violence as prescriptive by legislating the paradigm of קנאין פוגעין, but makes no mention of Phinehas (or his rewards) and is not forthcoming with any detail regarding the halakhah (including whether the use of lethal of force is mandated and upon whom). Yet, given the intra-priestly laws surrounding it, it seems very likely that Phinehas' violence was channeled into the legal system — a stunning turn for a non-prescriptive biblical narrative.

Presented with the telegraphic line in the Mishnah and the Sifre's rereading of the biblical narrative, the Amoraic sources, on the other hand, grapple with the case of Phinehas, its consequences, and its place in informing the halakhah of קנאין פוגעין. That said, they also express

fundamental misgivings regarding both Phinehas' actions and the halakhah mandating vigilantism. Both the Yerushalmi and the Bavli preserve the view that Phinehas was himself impelled to action by our Mishnah, thereby shifting the discussion from the propriety of the law to the circumstances under which it may/not be employed.

Having established a connection with Phinehas, both texts examine the question of Phinehas' culpability, with the Yerushalmi attesting the remarkable stance that Phinehas did, indeed, deserve punishment. It is here that the Bavli and Yerushalmi diverge.[86] Whereas the implication of the closing comments of the Yerushalmi is that the circumstances that allowed for Phinehas' reprieve would not extend to others (who would bear full culpability if attempting to emulate Phinehas), the Bavli treats קנאין פוגעין as a received law—albeit with substantial limitations—and as a legitimate course of action.

Particularly fascinating in our survey of rabbinic accounts of Phinehas' act is the persistence of more ancient traditions. The Sifre expresses anxieties about Phinehas' priestly identity and decouples Phinehas' violence from the staying of the plague (as in Psalm 106); but it

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86. Ben-Menahem attributes the difference between the Bavli and Yerushalmi to a fundamental difference in the conception of judicial power in the two corpora. The Bavli, according to Ben-Menahem, will occasionally "allow the power of a judge to exceed the limits of the law" and deviate from the legal norm by taking into account "extra-legal considerations." The Yerushalmi, on the other hand, "does not consider extra-legal reasons to be acceptable grounds for judicial decisions."

    Ben-Menahem attempts to elucidate the divergent attitudes toward Phinehas' actions in the Bavli and Yerushalmi to this very issue. The extra-legal consideration in the case of Phinehas would have been the fact that his killing of Zimri and Cozbi is said to have stopped the plague and saved the Israelites from God's wrath. While I disagree with his contention that the Bavli regards Phinehas' actions as "commanding great respect and praise," it is illuminating to view the two *sugyot* through the prism of disparate legal philosophies. See Hanina Ben-Menahem, *Judicial Deviation in Talmudic Law: Governed by Men, Not by Rules*, Jewish Law in Context 1 (New York: Harwood Academic Publishers, 1991), 55-98, esp. 93.

is also careful to refrain from framing his actions as a legal precedent. While the Mishnah evokes Phinehas and seems to preserve a clear vestige of intra-priestly law, there are substantial differences between the Mishnah's provisions and Phinehas' actions. Criticism of Phinehas surfaces in the Yerushalmi, which, evoking one tradition in Philo, views God's reward as exempting Phinehas from punishment, and not as justifying his actions. Both the Sifre and the Yerushalmi may very well reflect tensions between rabbis and priests. In the Bavli, on the other hand, criticism of Phinehas is more muted. While there are constraints placed on the law of *bo'el aramit*, the law remains intact. Moses, on the other hand, is portrayed less than favorably, echoing one of the main polemical undertones of the biblical narrative.

(a) Excursus: Phinehas and the Midianite War

While I argued above that the biblical narrative of the war against Midian bears strong shades of herem, and while the presence of Phinehas with the priestly implements evokes the trope of priestly violence, nothing in Numbers 31 ascribes acts of violence directly to Phinehas. This portrait of the narrative is maintained by Josephus in his rewriting of the episode. Though expanding Phinehas' rhetorical role and calling him a strategos, Phinehas is not said to take part in the war itself. In these respects, Josephus' narrative is largely consistent with that of Philo. On the other hand, Philo speaks of the Israelites having *slaughtered* the Midianites. By employing the very same verb with which he speaks of ritual sacrifice, Philo appears to be quite attuned to the sacrificial quality of the war against Midian.

In similar fashion to the multifarious accounts of Phinehas' zeal in Numbers 25, the rabbinic account of the latter's role in the war is quite variegated. Whereas the Hellenistic-Jewish tradition saw in Phinehas a model military general, numerous rabbinic sources portray Phinehas as filling a special priestly appointment — that of the priest anointed for war. While this might seem to heighten Phinehas' prestige, we note that the role may have been ascribed to Phinehas in order to solve an exegetical problem. But given the widespread declaration that the priest anointed for war is *not* a hereditary office, it is unclear how the rabbis interpreted Phinehas' covenant of eternal priesthood.

Phinehas is given a role in the actual warfare according to one midrash from the classical rabbinic canon. Even then, he is not said to exercise any violence. In later traditions, however, Phinehas, aided by supernatural (priestly?) powers, participates in combat and slays Balaam. This remarkable tradition ascribes to Phinehas a killing which he is never said to have committed. Yet it is wholly fitting with both Phinehas' previous actions as well as the larger phenomenon of priestly violence.

(i) The Priest Anointed for War

In the classical rabbinic imagination, the priestly aspect of Phinehas' military role in the Midianite campaign is heightened. Yet Phinehas' military function is scarcely emphasized. This appears to be in keeping with the imagination of Phinehas as fitting the rabbinic notion of the persona of the כהן משוח מלחמה, the priest anointed for war.[87] This priestly appointment, which is

87. There is precious little critical scholarship on this topic. The one study of which I am aware (and of which the author is himself aware) is Nils Martola, "The Priest Anointed for Battle," *Nordisk Judaistik* 4:2 (1983), 21-40.

of a stature just beneath that of High Priest, appears to be an exegetical creation of the rabbis. In the laws of war recorded in Deuteronomy 20, a priest—or perhaps *the* priest—is said to address the troops:

> 2 וְהָיָה כְּקָרְבְּכֶם אֶל־הַמִּלְחָמָה וְנִגַּשׁ הַכֹּהֵן וְדִבֶּר אֶל־הָעָם 3 וְאָמַר אֲלֵהֶם שְׁמַע יִשְׂרָאֵל אַתֶּם קְרֵבִים הַיּוֹם לַמִּלְחָמָה עַל־אֹיְבֵיכֶם אַל־יִרַךְ לְבַבְכֶם אַל־תִּירְאוּ וְאַל־תַּחְפְּזוּ וְאַל־תַּעַרְצוּ מִפְּנֵיהֶם: 4 כִּי יְהוָה אֱלֹהֵיכֶם הַהֹלֵךְ עִמָּכֶם לְהִלָּחֵם לָכֶם עִם־אֹיְבֵיכֶם לְהוֹשִׁיעַ אֶתְכֶם:
>
> [2] Before you engage in battle, the priest shall come forward and speak to the troops, [3] and he shall say to them: "Hear, O Israel! Today you are drawing near to do battle against your enemies. Do not lose heart, or be afraid, or panic, or be in dread of them; [4] for it is the LORD your God who goes with you, to fight for you against your enemies, to give you victory."

This exhortatory role is the sole extent of ritualized priestly involvement in times of war in the Hebrew Bible.[88] In the rabbinic tradition, however, this priest assumes a much greater, more official, and institutionalized role, as the priest anointed for war. This role is mentioned in Mishnah Sotah (8:1), which identifies the priest of Deuteronomy 20:2 with the priest anointed for war and provides a lengthier and more detailed script for his exhortation.[89]

The Sifra (*Tzav* 5) contrasts the priest anointed for war with a High Priest on two accounts:[90] (a) the war position is *not* hereditary,[91] and (b) the priest anointed for war may *not*

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88. This is true for biblical *law*. In a number of biblical *narratives*, however, priests are given something of a supporting role, e.g., with the bringing of the ark into battle.

89. The next mishnah refers to כהן מערכי מלחמה; it is unclear whether this is one and the same person as the priest anointed for battle. See Martola, "Priest," 21.

90. Another contrast is found in a lone opinion in mMakkot (2:6), according to which the death of the priest anointed for war is sufficient to release manslaughterers from cities of refuge.

91. Compare the tradition regarding Melchizedek in bNedarim 32b: הוא כהן ואין זרעו כהן.

serve in the Sanctum.[92] Numerous rabbinic sources take pains to distinguish between the high priest and the priest anointed for battle, but the latter is nevertheless portrayed as a position of great prestige, ranked just below the high priest.[93]

Consequently, while Phinehas never quite seems to occupy the office of (High) Priest, he is identified as occupying the role of a priest anointed for war in a number of rabbinic sources. Thus we find in the Tosefta (Sotah 7:17 [Lieberman, p. 197]):

> כי ה' אלהיכם ההולך עמכם: זה השם הנתון בארון, שנ' וישלח אותם משה אלף למטה, מלמד שהיה פינחס משוח מלחמה.
>
> *For it is the Lord your God Who goes with you*. This is the Name deposited in the Ark, as it is written, *And Moses sent them, a thousand from each tribe* — this comes to teach that Phinehas was anointed for war.

This exegetically derived tradition posits that Phinehas served in an official capacity as the "priest anointed for war."[94] In certain respects, this serves to solve a problem that emerges from the biblical text, viz., if God guarantees a covenant of eternal priesthood to Phinehas and his descendants, where is the fulfillment of the covenant? Consequently, the point of this homily in the Tosefta might be to creatively install Phinehas into a priestly position so that God's covenant sees fulfillment.

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92. Interestingly, the War Scroll stipulates that the clothing worn by the priests at war (בגדי מלחמה) were not to be brought into the Temple precincts (ואל המקדש לוא יביאום; XX). Cf. tSotah 7:17.

93. See, e.g., tHorayot 2:10; bYoma 72b-73a.

94. See also bSotah 43a; Leviticus Rabbah 20:2 and Seder Olam Rabbah, ch. 7, albeit in a different context.

By the same token, some rabbinic sources identify Phinehas as the priest anointed for battle, but leave open the possibility that he could return to serve as high priest (yMegillah 1:10 [72a]):[95]

> מנין שהוא מתמנה כ"ג? שנאמר פנחס בן אלעזר נגיד היה עליהם לפנים ה' עמו.
>
> Whence [do we learn that the priest anointed for war] may be appointed as high priest? It is written, *Phinehas son of Eleazar was chief over them in former times; God was with him*.

The Yerushalmi does not develop this point any further. In fact, the very next statement employs the very same prooftext from 1 Chronicles to *criticize* Phinehas.

(ii) Phinehas' Further Priestly Violence: Killing Balaam

While the duties imagined for the priest anointed for war appear limited to the pre-war exhortation of the Israelite troops, some rabbinic sources ascribe to Phinehas a role in the combat as well. Thus the following tradition in Numbers Rabbah (22:5):[96]

> אמר משה לפנחס ולאנשי הצבא: יודע אני שבלעם הרשע הוא שם ליטול שכרו. עד שהזאב בא לצאן פרשו לו מצודה, ואותו רשע אם תראו אותו שעושה כשפים ופורח באויר העולם, הראו לו את הציץ שכתוב בו קדש לה' והוא נופל והרגו אותו.
>
> Moses said to Phinehas and the military men: "I know that the evil Balaam will be there to reap his reward. Before the wolf comes for the sheep, lay a trap for him. And that evil man, if you see him performing witchcraft or flying in the air, show

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95. Parallels in yHorayot 3:2 (47d); yYoma 1:1 (38d). The *stam* in Bavli Yoma (73a) appear to argue that the priest anointed for battle would be able to perform the duties of high priest—even during the lifetime of the hereditary high priest—were it not for fear of offending the latter (משום איבה). On meta-halakhic considerations and the treatment of the priesthood, see, esp. Mishnah Gittin 5:8.

96. See also Numbers Rabbah 20:20.

> him the frontlet on which it is written 'Holy for God,' he will fall, and you (pl.) will kill him."

According to the post-battle report in Numbers 31:8, Balaam—together with the five kings of Midian—was killed by the Israelite forces. Although Balaam's death is related in a separate clause from the deaths of the five Midianite kings, there is little else in the verse to suggest that Balaam's death was distinct, nor is there any indication of any special role played by Phinehas. Yet this midrash advances the notion that Phinehas employed his priestly powers and "weaponized" his priestly implements to take down Balaam.[97]

Alternatively, this midrash may be triggered less by a desire to involve Phinehas in the combat and more by an omnisignificant reading of a few peculiarities in Numbers 31:8.[98] Geza Vermes has noted that the notion of Phinehas and Balaam "flying" through the air is an exegetical move on—and intentional misreading of—the idiomatic expression על חלליהם.[99] The simple-sense understanding of this locution is noted by Levine: "Prepositional *'al* often means 'in addition to, together with' in priestly texts."[100] In this midrash, however, the preposition is taken in a locative sense, i.e., Balaam was "upon" or "above" the Midianite dead. It is this locative sense of *'al* that generates the portrayal of the flying Balaam. Moreover, that Balaam

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97. The actual execution of Balaam, however, is charged not to Phinehas specifically, but to the collective.

98. On omnisignificance in biblical interpretation, see James Kugel, *The Idea of Biblical Poetry: Parallelism and Its History* (New Haven: Yale University Press, 1981), pp. 103-104.

99. Geza Vermes, "The Story of Balaam," in idem, *Scripture and Tradition in Judaism* (Leiden: Brill, 1961), 127-177; here at 171. See also ySanhedrin 10:2 [29a]: דבר אחר על חלליהם שהיה צף כנגד כל חלליהם והיה פינחס מראה לו את הציץ והוא שוקע ויורד ("Another tradition: *On their corpses* — [Balaam] was floating over their corpses, and when Phinehas showed him the frontlet, he sank down").

100. Levine, *Numbers 21-36*, 453, citing Numbers 6:20, 9:11, 15:5, 9; 28:10.

would be capable of performing "witchcraft" may be a strong reading of Joshua 13:22, where we find that Balaam is referred to as a קוסם.[101]

A similar, albeit greatly expanded tradition, is attested in Targum Pseudo-Jonathan to Numbers 31:6:

> והוה כיון דחמא בלעם חייבא ית פנחס כהנא רדיף מן בתרוי, עבד מילתא דקוסמין ופרח באויר שמיא. מן יד אדכר פנחס שמא רבא וקדישא, ופרח בתרוי, ואחדיה ברישיה, ואחתיה. שלף סייפא ובעא למקטליה.
>
> And it came to pass when the wicked Balaam saw the the priest Phinehas pursuing him, he performed an act of magic and flew in the air. Immediately, Phinehas called upon the great and holy Name and flew after him and seized him by his head and brought him down; and drawing his sword, he sought to kill him.[102]

Unlike the above rabbinic midrash, which merely describes the *potential* for violence (i.e., if you see Balaam, here is what to do), here we have a graphic depiction of *kinetic* violence.[103] In the Targum, Phinehas follows Balaam's flight into the air,[104] a power that the latter gains by invoking God's name — a characteristic priestly act.[105] When Phinehas is poised to slay Balaam by the

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101. Boling notes erroneously that outside of this verse in Joshua "there is no other reference to Balaam's execution by the Bene Israel." See Robert Boling, *Joshua*, Anchor Bible vol. 6 (New York: Doubleday, 1982), 344.

102. Trans. Vermes in ibid., "Story of Balaam."

103. For this terminology, see above, p. 68 n21.

104. Shinan has enumerated all of the miracle traditions in PsJ, noting that of all of the Targumim, PsJ is most likely to narrate miraculous events. As he notes, there is no miracle recounted in any Targum that is not also present in PsJ. See Avigdor Shinan, "The Form and Content of the Aggadah in the Palestinian Targumim on the Pentateuch and its Place within Rabbinic Literature," PhD Thesis, Hebrew University of Jerusalem, 1977, 247-252 (Hebrew).

105. On the divine name in PsJ, see Avigdor Shinan, *The Embroidered Targum: The Aggadah in Targum Pseudo-Jonathan of the Pentateuch* (Jerusalem: Magnes Press, 1992), 134-138 (Hebrew). And see our discussion below, pp. 203ff.

sword, the next part of the text (not quoted here) has the latter makes a final plea for his life to Phinehas, promising that if his life was spared, he would never again curse the Israelites. Phinehas, however, is not swayed, accusing Balaam of responsibility for generations of Israelite suffering.[106] He then "drew his sword from the scabbard and killed him" (ומן יד שלף סייפיה מן תיקה וקטליה). It is certainly suggestive that PsJ ascribes to Phinehas a killing for which he is nowhere said to have any personal responsibility.[107]

A composite rendition of this narrative that also contains elements unattested in the prior texts, is found in the Yalqut Shimoni:[108]

> אמר רבי שמואל בר נחמן אמר רבי יונתן: כשהלך פינחס למדין הוא וכל חיילותיו שהלכו עמו, כיון שראה בלעם הרשע את פינחס, עשה את שתי זרועותיו כשני לוחות אבנים, והיה פורח ועולה למעלה מפני שהוא משתמש בשם המפורש. אף פינחס כיון שראהו פורח ועולה, אף הוא עושה שתי זרועותיו כשני לוחות אבנים והיה פורח ועולה אחריו, עד שמצאו עומד ומשתטח לפני כסא הכבוד. מיד נתן עליו פינחס ציץ של הקב"ה ותפשו והורידו והביאו לפני משה ודנוהו בסנהדרין והרגוהו, שנאמר ואת בלעם הרגו, וכשם שעשה הקב"ה נקמה במואב ובמדין כך עתיד הקב"ה לעשות נקמה בעובדי אלילים שנאמר כי יום נקם בלבי ושנת גאולי באה: [ילקוט שמעוני, מטות].
>
> R. Samuel b. Nahman said in the name of R. Jonathan:[109] When Phinehas marched on Midian, he together with his troops — when Balaam the wicked saw Phinehas, he made his two arms like two stone tablets, and he flew and ascended by

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106. For exhaustive references to this motif and its variations in rabbinic literature, see Ginzberg, *Legends*, VI:123-124. I should note that Josephus, while freely making use of the Gentile-nation-as-cipher motif in his work, takes the exact opposite approach with regard to Balaam. As Feldman writes, Josephus takes a decidedly more positive view of Balaam than other ancient Jewish sources: "Balaam was not a conspirator against Israel, but a professional soothsayer." In fact, in Josephus' account of the Midianite war, there is no mention of Balaam's death. See Feldman, *Judean Antiquities 1-4*, p. 386. See also Hengel, *The Zealots*, 162.

107. Extra-biblical priestly violence is played up elsewhere in PsJ. I hope to revisit these texts in a future study.

108. Although generally dated to the thirteenth century Simeon ha-Darshan, Elbaum notes that what are ostensibly early midrashim (e.g., Genesis Rabbah) can, in their extant forms, be shown to have drawn materials from the Yalqut. There is therefore no use in discounting the Yalqut as a mere "second-class" anthology. See Jacob Elbaum, "Yalqut Shim'oni and the Medieval Midrashic Anthology," *Prooftexts* 17:2 (1997), 133-151.

109. I have noticed a general trend of hagiography and/or whitewashing in statements with this named attribution. See, e.g., bYoma 9a (sons of Eli); bShabbat 55b (Reuben, sons of Samuel).

> invoking the Divine Name. So too Phinehas, when he saw [Balaam] flying and ascending, he too made his two arms like two stone tablets, and he flew and ascended after him until he found him standing and bowing down before the Holy Throne. Phinehas immediately placed upon him the frontlet of the Holy One blessed be He, grabbed him, brought him down, brought him before Moses, judged him before the Sanhedrin, and killed him — as it is written, "And they killed Balaam." And just as the Holy One blessed be He avenged Moab and Midian, so too He will avenge the idol worshippers, as it is written, "For the day of vengeance was in my heart, and the year of my redeemed is come" (Isaiah 63:4).

Here, it is *Balaam* who invokes the Divine Name as a means of enabling his flight from Phinehas.[110] Phinehas, on the other hand, appears to be capable of flight even without resorting to the invocation of a formula (cf. Ps-J). Finding Balaam literally at God's feet, Phinehas here employs the frontlet (as in Numbers Rabbah), a *priestly* implement, to bring Balaam back down to earth. But rather than slaying Balaam (per Ps-J), the Yalqut has him tried by the Sanhedrin. Interestingly, the tradition that Balaam was executed by the Sanhedrin may have its roots in the Sifre, where R. Natan states that Balaam was killed by a Jewish court.[111] An even more explicit rendition of this tradition is attested in the Bavli (Sanhedrin 106b). According to Rav, Balaam was executed with each of the four rabbinic methods of execution.[112]

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110. On the powers of the divine name in PsJ, see Shinan, "Form and Content," 279ff. On the Ineffable Name facilitating flight, see also *Toledot Yeshu*, which may very well be drawing on the midrashim with Balaam and Phinehas, as well as the case of Lilith in the *Alphabet of Ben Sira* (§78). I am indebted to David Stern for bringing my attention to the former source. On the motif in Christian literature, see T. Baarda, "The Flying Jesus: Luke 4:29-30 in the Syriac Diatessaron," *Vigiliae Christianae* 40:4 (1986), 313-341.

111. Sifre *Mattot* 157 (Horovitz, p. 211). R. Natan cites Joshua 13:22, which states that the Israelites (pl.) killed Balaam.

112. Ginzberg's colorful reconstruction is as follows: "They hanged him, kindled a fire beneath the gallows, struck off his head with a sword, and then dropped him from the gallows into the fire below." See Louis Ginzberg, *Legends of the Jews*, vol. III, p. 409.

(iii) Phinehas the Robber

A final, perplexing text, also relates the tradition of "Phinehas" slaying "Balaam" (bSanhedrin 106b):

> אמר ליה ההוא מינא לרבי חנינא: מי שמיע לך, בלעם בר כמה הוה? אמר ליה: מיכתב לא כתיב,[113] אלא מדכתיב, באנשי דמים ומרמה לא יחצו ימיהם - בר תלתין ותלת שנין או בר תלתין וארבע. אמר ליה: שפיר קאמרת, לדידי חזי לי פנקסיה דבלעם, והוה כתיב ביה: בר תלתין ותלת שנין בלעם חגירא כד קטיל יתיה פנחס ליסטאה.
>
> A certain min said to R. Hanina: Have you heard how old Balaam was? — He replied: It is not actually stated, but since it is written, "Bloody and deceitful men shall not live out half their days" (Ps 55:24), [it follows that] he was thirty-three or thirty-four years old. He rejoined: you have said correctly; I personally have seen Balaam's Chronicle, in which it is stated, "Balaam the lame was thirty-three years old when Phinehas the Robber killed him."[114]

As I noted above, the notion that Balaam was slain by Phinehas has ample precedent in the post-talmudic tradition, but not in the classical rabbinic corpus. This text would thus appear to be of tremendous import. It is not entirely clear, however, that the Bavli is talking about Balaam and Phinehas from Numbers 31. This ambiguity is due, in large part, to the young age ascribed to Balaam and the Aramaized-Greek description of Phinehas as a robber or bandit, an appellation which, in a Jewish context, seems best at home in the early first century CE.[115]

Taking up these ambiguous details, Herford argued in his *Christianity in Talmud and Midrash* that this passage in the Bavli deals with Christianity, albeit in an encoded discourse.

113.MS Herzog: מישמע לא שמיע.

114.Trans. Soncino. with modifications.

115.See Hengel, *The Zealots*, 24-46.

Thus the *min* is a Christian, Balaam is a cipher for Jesus,[116] and the Chronicle of Balaam is a cloaked reference to one of the Gospels.[117] Drawing on earlier scholarship,[118] Herford regards פנחס ליסטאה as a "corruption" of Pontius Pilate (פנטס פליסטאה), adding that:

> [I]t is certainly strange that a Jew should call Phinehas a robber, being, as he was, a highly honoured hero of tradition.[119]

I should note that Herford appears to have confused the two interlocutors here; it is the min who calls Phinehas a robber, not R. Hanina. Moreover, I hope to have demonstrated by now that there was no universal adulation of Phinehas in the rabbinic tradition and that there is no shortage of traditions that disparage Phinehas. Thus the reflexive attempt to identify the Phinehas of this pericope with Pilate on the basis of the former being called a robber does not pass critical muster.

Bacher long ago rejected the aforementioned reading.[120] In his view, the Bavli speaks of "Balaam himself, the old heathen prophet," and the Chronicle of Balaam refers to

> a work upon Balaam with apocryphal additions to the Biblical narrative, and of an anti-Israelite tone, perhaps a production of the Gnostics, who were fond of

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116. Other texts in the Bavli appear to relate Balaam with Jesus; see, e.g., bBerakhot 17b (read against mSanhedrin 10:1); yTa'anit 2:1 (65b), which polemicizes against Jesus' divinity through the text of Balaam's oracle (Numbers 23:18-24). On these texts see Peter Schäter, *Jesus in the Talmud* (Princeton: Princeton University Press, 2007), 30-33; 107ff.

117. R. Travers Herford, *Christianity in Talmud and Midrash* (London: Williams & Norgate, 1903), 72-73.

118. Perhaps the first to make the Balaam-Jesus equation was Abraham Geiger, "Bileam und Jesus," *Jüdische Zeitschrift für Wissenschaft und Leben* 6 (1868), 31-37. While enjoying a period of acceptance among scholars, the equation has fallen into disfavor; see Grintz, *Encyclopaedia Judaica*, s.v. "Balaam"

119. Ibid., 74. Interestingly, ליסטיא appears once in again in Tosefta Sanhedrin 9:7 — a text in which there may be resonances of Jesus.

120. W. Bacher, "The Supposed Inscription upon 'Joshua the Robber'," *Jewish Quarterly Review* 3:2 (1891), 354-357.

> distorting figures of the Old Testament, and glorifying just those very persons who are described in the holy writings of the Jews as being godless.[121]

Bacher's reading is heavily reliant upon the so-called Procopius Inscription. Procopius of Caesarea was a historian in the early-mid sixth century CE, who *inter alia*, wrote a history of the military campaigns in which Justinian (AD 527-565) "defended the eastern boundary of the Roman empire against the Persians."[122] In a much touted passage in which he asserts the "Canaanite ancestry of the Moors,"[123] Procopius claims to have seen an inscription in Numidia (Tigisis) that read as follows (*War* 4.22):

> Ἡμεῖς ἐσμεν οἱ φυγόντες ἀπὸ προσώπου Ἰησοῦ τοῦ λῃστοῦ υἱοῦ Ναυῆ.
>
> "We are they who fled from before the face of Joshua, the robber, the son of Nun."

Bacher regarded the pejorative "Joshua, the robber" (Ἰησοῦ τοῦ λῃστοῦ) as illuminating the expression פנחס ליסטאה and as obviating the need to emend the talmudic expression. But Bacher did not elaborate any further. I would expand his argument as follows: From the perspective of the putatively displaced Canaanites, it would have been reasonable to portray Joshua, the commander of the dispossessing Israelite forces, as a robber.[124] By the same token, it

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121. Ibid., p. 357.

122. *Brill's New Pauly*, s.v. "Procopius."

123. The historicity of the inscription has been questioned already for a few centuries; for a recent survey, see Philip C. Schmitz, "Procopius' Phonecian Inscriptions: Never Lost, Not Found," *Palestine Exploration Quarterly* 139:2 (2007), 99-104; quote from p. 100.

124. Ginzberg (*Legends*, VI, p. 145), in a highly cryptic comment, cites a Masoretic tradition according to which *Joshua* killed Balaam. Jordan Penkower (e-mail communication) located this tradition in the Masorah Finalis in the Rabbinic Bible, which states בלעם חכימא יהושע קטליה. While this would appear to be a tradition of tremendous significance, Penkower maintains that it is nothing more than a mnemonic device "and does not reflect an aggadic tradition." My thanks are also due to David Stern for helping me with this conundrum.

is the min in the Bavli who calls Phinehas a robber. Again, it is not unreasonable to imagine that the commander of the brutal campaign against Midian would be given such an appellation — particularly considering the fact that so much of the narrative surrounding the campaign focuses on the despoiling of the Midianites. Indeed, perhaps we can add this to the list of rabbinic traditions critical of Phinehas.[125] In this case, criticism would extend past Phinehas' actions in Numbers 25 and would include the military campaign in Numbers 31. Nevertheless, the pejorative is voiced via the *min*, making it unclear as to extent to which the statement should be viewed as representative of a rabbinic viewpoint.

125.So Hengel, *The Zealots*, 162.

Chapter 5: Above Reproach: Phinehas' Zeal in Post-Talmudic Midrash

5. *Introduction*

In the previous chapters I illustrated how Phinehas enjoyed expansive exegetical attention in a broad cross-section of ancient and late-ancient Jewish literature. Taken together with brief, albeit significant inner-biblical references to Phinehas, it became evident that the grandson of Aaron is not just "another" biblical figure. Rather, the figure of Phinehas "pulls in" associations with priestly violence, which are alternately appropriated, embellished, and suppressed. Moreover, I demonstrated how in a number of instances Phinehas' violence functioned, as in Numbers 25 itself, as a nexus for discourses of (de)legitimation. In general, it appears that the sources most favorable toward Phinehas' violence have a strong interest in promoting the priesthood. By the same token, those texts critical of Phinehas may have been motivated by antipathy toward the priesthood.

In this chapter I will examine sources generally dating from after the rise of Islam, from around and from within the rabbinic orbit. I refer, respectively, to *Pirqei de-Rabbi Eliezer*, and two midrashic anthologies, *Pitron Torah* and *Midrash ha-Gadol*. I demonstrate how in this diverse body of literature there are continuities and discontinuities with both the classical rabbinic traditions and the Second Temple texts. On the one hand, as in the texts we examined in the previous chapters, Phinehas' violence is treated at great length. Narrative aspects of the pericope are expanded and embellished in these works, in ways both familiar and unfamiliar

from earlier literature. Debates continue in halakhic literature as to the various legalities of Phinehas' actions and the scope of their potential applicability.[1] Finally, the use of Phinehas as a marker for priestly legitimacy is brought to the fore, even in works of ostensibly "rabbinic" provenance.

On the other hand, the overt and implicit criticisms of Phinehas that featured so prominently, particularly in Palestinian rabbinic texts, are scarce. Attempts to downplay the violence in Numbers 25 are likewise not attested in these texts. In fact, their aggrandizing of Phinehas and his violence is almost reminiscent of the glorious treatment accorded to the zealous priest by Philo. These same texts appear to both recognize *and* heighten the motif of priestly violence. In the case of PRE, I will argue that its aggrandizing of Phinehas coheres with the clear—but understudied—priestly sympathies of the larger work. *Pitron Torah* and *Midrash ha-Gadol* are anthologies, and consequently the subject of editorial biases require a wider study that is beyond the scope of our work. That said, I will illustrate how contemporaneous Jewish polemical works remained preoccupied with the legitimacy of priestly lineage — a topic that is addressed at length in both of the midrashic anthologies.

1. Pirqei de-Rabbi Eliezer

One of the more extensive exegetical treatments of Phinehas' zeal is found in *Pirqei de-Rabbi Eliezer* (hereafter: PRE). Composed in Palestine and post-dating the rise of Islam, this

1. These legal sources, while important in their own right, are beyond the scope of the current work. I hope to return to them in a future project.

work is traditionally, though "falsely ascribed to the tannaitic scholar R. Eliezer ben Hyrcanus."[2] Yet precisely because of this spurious ascription, PRE enjoyed wide circulation and popularity among medieval Jewish authorities. As Rachel Adelman notes in her recent work on PRE, the popularity of the composition "bel[ies] the controversial nature of its content."[3] Adelman is referring to the recognition by scholars that PRE appears to incorporate a good deal of non-rabbinic materials from the Second Temple period — most notably, materials with close parallels to the book of Jubilees.[4]

In PRE's extensive treatment of Phinehas, this connection with Second Temple literature is quite evident, as is a concern for priestly matters.[5] Tellingly, the narrative of Phinehas begins not in Shittim, as in Numbers 25:1, but with a recollection of the massacre in Shechem, as related in Genesis 34 (PRE 47):[6]

> שמעון ולוי קנאו על הזנות הרבה מאד, שאמרו ויאמרו הכזונה יעשה את אחותינו, ולקחו איש חרבו והרגו את אנשי סדום /שכם/,[7] והנשיא של שבט שמעון לא זכר מה עשה זקנו ולא גער בבחורי

2. Rachel Adelman, *The Return of the Repressed: Pirqe de-Rabbi Eliezer and the Pseudepigrapha* (Leiden: Brill, 2009), 3. For recent survey of scholarship on PRE, see eadem, 35-42; see also Steven Daniel Sacks, *Midrash and Multiplicity: Pirke de-Rabbi Eliezer and the Renewal of Rabbinic Interpretive Culture* (Berlin: Walter de Gruyter, 2009), 1-9.

3. Ibid.

4. Ibid., 3-4. For a list of parallels, see Gerald Friedlander, *Pirke de Rabbi Eliezer* (New York: Sepher-Hermon Press, 1981[4]), xxvii-li. On PRE and pseudepigraphy, see Sacks, *Midrash*, 42ff.

5. I believe that this issue has not received adequate attention. See my tentative findings below, pp. 205-207.

6. Hebrew text from Bar-Ilan Responsa Project (online), checked against the critical edition of Dagmar Börner-Klein, *Pirke de-Rabbi Elieser* (Berlin: Walter de Gruyter, 2004), and the supplementary critical texts in Adelman, *Return*.

7. This latter line is attested only in MS Casanatense 2858. For whatever reason, this variant is not noted in Börner-Klein's critical edition, but was brought to my attention in Adelman, *Return*, 296.

ישראל, הוא בעצמו בפרהסיא בא בזנות על המדיינית . . . וכל הנשיאים ומשה ואלעזר ופנחס ראו מלאך המשחית לעם והיו יושבים ובוכים ולא היו יודעים מה לעשות.

> Simeon and Levi were exceedingly zealous because of harlotry, as it is said, "And they said: shall our sister be treated like a harlot" (Genesis 34:31). Each took his sword and slew the men of Sodom (Shechem). The prince of the tribe of Simeon did not remember that which his ancestor had done, and he did not rebuke the young men of Israel, but he himself sexually engaged with the Midianite woman... And all the princes, with Moses, Eleazar, and Phinehas saw the angel who was to destroy the people, and they sat down and wept and they did not know what to do.[8]

True to form, this text is very much reminiscent of a Second Temple tradition that we saw earlier: The Book of Jubilees (ch. 30) draws a very distinct connection between the Phinehas episode in Numbers 25 and the massacre in Shechem of Genesis 34.[9] Indeed, Jubilees "collapses" the two narratives, and regards Levi's zeal in Shechem as the guarantor of his tribe's priesthood.[10]

I should note, however, that this ostensibly similar exegetical move in PRE, while related in a general sense, is nevertheless different in its focus. Jubilees emphasizes *Levi's* role, portraying him as a proto-Phinehas who earned the priesthood as a reward for his zeal in

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8. All translations from Friedlander, occasionally with modifications.

9. Also connecting Simeon's role in Genesis 34 to Zimri's role in Numbers 25 is Yannai, the *payytan* (Rabinowitz, 108). See also Numbers Rabbah 21:3: אביו קינא על הזנות תחילה . . . וזה פרץ גדר שגדר אביו. Thus we should also bear in mind the possibility that what looks like a parallel with Jubilees may, in fact, be an expansion of a rabbinic tradition.

10. Making a similar move, albeit without the obvious connection to Phinehas attested in Jubilees, is the Testament of Levi. Marinus de Jonge writes with reference to TLevi 12:5 that "There is a close connection between the 'zeal' displayed by Levi at Shechem and his call to the priesthood." In that passage Levi states, "I was eight years when I went to the land of Canaan, and eighteen years when I killed Shechem, and at nineteen years I became priest . . ." Tellingly, de Jonge notes that "Our oldest Greek manuscripts tell us that Levi's testament deals with 'the priesthood and arrogance' and that covers its contents pretty well." See idem, "Levi in Aramaic Levi and in the Testament of Levi," in *Pseudepigraphic Perspectives: The Apocrypha and Pseudepigrapha in Light of the Dead Sea Scrolls*, ed. Esther Chazon and Michael Stone (Leiden: Brill, 1999), 71-89; quote from p. 75. See also Himmelfarb, *Kingdom*, 46ff.

Shechem.[11] In PRE, however, the focus is on contrasting *Simeon's* zealous role in the Shechem affair with the sinfulness of Zimri — a chieftain in the tribe of Simeon. Nevertheless, the intertextual connection between Genesis 34 and Numbers 25 is maintained: Simeon and Levi are described with language retrojected from the Phinehas narrative; they acted with great zeal, and, as in Jubilees, the tenor of PRE's reception of the Shechem massacre seems to be quite positive.[12]

PRE's portrayal of the events in Numbers 25 is also a distinct departure from earlier midrashic renditions. Thus Zimri is said to have had sexual relations with the Midianite woman in public (or better yet, with public knowledge), employing the term בפרהסיא. Now this language is attested in Bavli Avodah Zarah (36b), which, while making mention of the halakhah of *bo'el aramit*, makes no mention of the Phinehas episode. Nevertheless, in post-talmudic halakhic literature the criterion that the sexual act be perfomed with public knowledge is transposed into the halakhic reception of Phinehas' act.[13] In addition, PRE connects the crying of the people not to Zimri's audacious act, but to the angel's non-biblical violence. Interestingly, Phinehas is included along with Moses as one of the people who was crying and "had no idea what to do."

The next passage focuses in on Phinehas' violence and his priestly rewards:

> ראה פנחס את זמרי שבא בפרהסיא בזנות על המדיינית, וקנא קנאה גדולה, וחטף מידו של משה את הרומח, וירץ מאחריו ודקרו מאחרי בריתו, ויצא הרומח בקובתה של האשה . . .

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11. See our brief analysis above, pp. 95-96.

12. See PRE 38 for its very unique rendition of the Shechem narrative. PRE greatly plays up the deviousness of Shechem's act, saying that he "captured" (שללה) Dinah and impregnated her. Jacob is then said to have taken the priestly frontlet (!), written upon it the ineffable name, placed it upon Dinah, and sent her down to Egypt.

13. See, e.g., the codification of the Phinehas episode in the She'iltot (Balaq 134) of Aḥai (Aḥa) of Shavḥa (680-752); Isaac b. Jacob Alfasi (Rif); Maimonides, both in his commentary on the Mishnah and in his Code.

> Phinehas saw how Zimri had public sexual congress with the Midianite woman, and he was moved by a great zeal, and he snatched the spear out of the hand of Moses, and he ran after (Zimri) and pierced him through his place of circumcision, and the spear went into the belly of the woman . . .

Continuing the relationship with its interpretation of Genesis 34, PRE describes the zeal of Phinehas (קנא קנאה גדולה) with the same language it used to describe that of Simeon and Levi. PRE also captures the spontaneity of Phinehas' violence with a biblicizing idiom, employing a series of vivid *waw*-consecutive verbs. Here Phinehas grabs the spear from Moses and straight away kills the sinners. This is quite contrary to the rendition of the narrative in the Sifre, which had Phinehas disassemble his spear and surreptitiously gain entry to Zimri's tent only with some trickery. Thus unlike the classical rabbinic account which emphasized the *dangers* faced by Phinehas, PRE emphasizes his audacious zeal, rather than cautious risk.

(a) Violence and the Sacrificial Parts

More importantly for our purposes is the explicit correlation in PRE between Phinehas' violence and his being rewarded with the sacrificial parts:

> ויצא הרומח בקובתה של האשה: לפי' נתן לו הב"ה מאכל קיבה. ואמץ את זרועותיו . . . לפי' נתן הב"ה שכר טוב לו ולבניו במאכל הזרוע.[14] ונתפזרו הלחיים הלחי של האיש ולחיים של אשה, לפי' נתן הב"ה שכר טוב לבניו במאכל הלחיים, שנ' ונתן לכהן הזרוע והלחיים והקבה.
>
> And the spear went into the belly of the woman: therefore the Holy One, blessed be He, gave him the food of the stomach. And he strengthened his arms . . . therefore the Holy One, blessed be He, gave a good reward to him and to his sons with the food of the shoulder. And the jaws were separated, the jaws of the man (from) the jaws of the woman; therefore the Holy One, blessed be He, gave him and his sons a good reward with the food of the cheeks, as it is said, "And they

14. Some MSS: במאכל הקבה.

> shall give unto the priest the shoulder, and the two cheeks, and the maw" (Deut 18:3).

In other words, PRE establishes a direct correspondence between the acts of Phinehas' interpersonal violence (or human sacrifice) and the specific parts that are awarded to priests in the act of animal sacrifice.[15] This conception certainly coheres nicely with the Girardian theory of sacrifice as inextricably linked with, and as a a productive diversion of, interpersonal violence.[16] Moreover, this tradition dovetails with Gideon Aran's correlating of interpersonal priestly violence with the violence of animal slaughter.

There is, at best, an implicit and tenuous relationship between Phinehas' violence and priestly rewards in Sifre Numbers (131 [Horowitz, p. 173]). There, Phinehas' covenant of eternal priesthood was glossed as the the perpetuity of the twenty-four priestly gifts.[17] While various animal sacrifices are included among the twenty-four priestly gifts, the correspondence is not spelled out.

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15. The correlation between violence and (human) sacrifice appears elsewhere in PRE, in the context of its rendition of the Aqedah narrative. As if the explicit human-sacrificial connotations of the biblical narrative were not enough, PRE adds the following: וككהן גדול הגיש את מנחתו ונסכו ("Like a high priest, he brought near his meal offering and drink offering"). In other words, Abraham was prepared to offer up Isaac not just as a response to a demand by God, but as part and parcel of the priestly cult. Cf. Origen, Homilies on Genesis 8:7. On the sacrificial aspects of the Aqedah in earlier interpretive literature, see also Himmelfarb, "Ordeals of Abraham." Chrysostom also regarded Abraham as a priest; see the recent discussion in Demetrios E. Tonias, *Abraham in the Works of John Chrysostom* (Minneapolis: Fortress Press, 2014), 120ff.

16. See above, pp. 37ff. Tellingly, Klawans (*Purity, Sacrifice*) does not engage with this text (or its antecedents).

17. The twenty-four gifts are enumerated in Sifre Numbers 119, tHallah 2:7-9, and elsewhere. On the importance of the number twenty-four, see below.

A tannaitic midrash much closer to PRE is Sifre Deuteronomy 165 [Finkelstein, p. 215], a midrash on Deuteronomy 18:3:[18]

> ונתן לכהן, לכהן עצמו. הזרוע, זרוע של ימין, והלחיים, זה לחי התחתון, והקבה כמשמעה. רבי יהודה אומר – דורשי רשומות אומרים: נתן לו זרוע תחת היד, וכן הוא אומר: ויקם מתוך העדה ויקח רומח בידו. והלחיים תחת תפילה, וכן הוא אומר: ויעמד פינחס ויפלל. קיבה תחת קיבה, שנאמר: ואל האשה אל קובתה.
>
> [A] "And he shall give to the priest" — to the priest himself. "The shoulder" — the right shoulder. "The jowls" — this [refers to] the lower jowl. "The stomach" — as implied.
>
> [B] R. Judah says: the dorshei reshumot say: He gave him the shoulder in honor [lit.: in place] of the arm, as it is written, "And he arose from within the congregation and took a spear in his hand." The jowls are in place of prayer, as it is written, "And Phinehas stood and prayed." The stomach is is place of the stomach, as it is written, "And [he stabbed] the woman through her stomach."

As in PRE, tradition [B] in Sifre Deuteronomy, which is ascribed to the mysterious *dorshei reshumot*, likewise articulates a relationship between the sacrificial parts and the violence of Phinehas. The anonymous interpretation [A], on the other hand, is concerned not with *why* these specific parts are given to the priest, but *which* specific parts are given.[19]

Who are the enigmatic *dorshei reshumot*? Lauterbach identified the group as a

> Certain class of exegetes, whose peculiar method was to see in the words of the Scripture signs or symbols and parabolical expressions, which should be taken in a figurative sense, not in their plain and literal meaning.[20]

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18. See also Midrash Tannaim Deuteronomy 18; bHullin 134b.

19. This aspect of the Sifre has been treated at length in Finkelstein, "Julian Among Jews," pp. 84ff.

20. See Jacob Z. Lauterbach, "The Ancient Jewish Allegorists in Talmud and Midrash," *JQR* 1:3 (1911), 291-333; quote from p. 301.

This style of interpretation has much in common with that of Philo, though the rabbinic allegorists were Palestinian. Daniel Boyarin wrote a strident, philologically driven critique of Lauterbach's interpretation.[21] In his view, the *dorshei reshumot* are not allegorists; rather, they provided explanations for biblical verses that were otherwise "closed" to interpretation.

Unfortunately, neither Lauterbach nor Boyarin discusses our passage in Sifre Deuteronomy. I would note, contra Lauterbach, that our text in Sifre Deuteronomy is not an allegory in the classical sense. The sacrificial parts are not abstracted in a supra- temporal or historical sense; they are presented as correlated with, and as a consequence of, Phinehas' actions at Shittim. Philo, who also seems to be concerned with this very same biblical verse in Deuteronomy, provides something more along the lines of allegory.[22] Boyarin's interpretation seems to apply nicely here, in that there is no other reasonable explanation (other than the force of the biblical command itself) for these specific parts to be given to the priest.

Notably, the position of the *dorshei reshumot* in Sifre Deuteronomy is represented elsewhere. A piyyut by Yannai and Targum Pseudo-Jonathan to Numbers 25:13 make substantially the same point. A somewhat different spin on the tradition is attested in Midrash ha-Gadol (*Pinḥas* 25:12 [ed. Rabinowitz, p. 450]:

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21. Daniel Boyarin, "*Doreshei reshumot amru*," *Be'er Sheva* 3 (1987-8), 23-35 (Hebrew).

22. See *Spec. Leg. I*, 147-148 (p. 183). Belkin felt a strong resemblance between the Philonic and midrashic passage, but the passage in Philo says nothing of violence. See Samuel Belkin, "The Exegesis of Philo of Alexandria in Light of Palestinian Midrash," *Sura* 4 (1963-4), 41 (Hebrew).

דורשי רשומות אומרין: כנגד ארבעה ועשרים אלף שנפלו במעשה זמרי וקנתרוהו[23] עליהן זכה וניתן לו ארבעה ועשרים מתנות כהונה בכלל ופרט וברית מלח.

The dorshei reshumot say: On account of the 24,000 who perished in the Zimri affair and their chiding him about them, he merited and was given the twenty-four priestly gifts by generalization and specification and by the "covenant of salt."

This unique tradition establishes a numerical correspondence between the number of Israelites who died at Shittim (24,000) and the priestly gifts (24). Is this text hinting, like PRE (see below), that it was Phinehas who was responsible for the general slaughter, and not just the deaths of Zimri and Cozbi? If so, here we have a much more extreme example of the correlation between interpersonal violence and the sacrificial parts.

(b) Phinehas' 24,000 Victims

Even after dispatching the two sinners, Phinehas' violence is said by PRE to have continued:

קם כדיין גדול ושופט ושפט את ישראל, שנ' ויעמוד פנחס ויפלל. מה הלשון הזה ויפלל? כדיין גדול, כשם שאתה אומ' ונתן בפלילים. והיה מכה את בחורי ישראל כדי שיראו כל ישראל וייראו, שנ' וכל ישראל ישמעו וייראו. וראה הב"ה מה שעשה פנחס ומיד נתמלא רחמים ועצר המגפה.

He arose like a great judge and officer and he judged Israel, as it is written, "And Phinehas stood and *wypll*." What is the meaning of *wypll*? Like a great judge, as it is written, "he shall pay as the judges determine." [Phinehas] was smiting all of the young men of Israel in order that they see and fear, as it is written, "And all of Israel shall hear and fear." The Holy One blessed be He saw what Phinehas had done, and he was immediately filled with compassion and stayed the plague.

23. There is some uncertainty in the manuscripts about this word; see Fisch, *MhG*, II, 216.

Here we have yet another intertextual interpretation of Psalm 106.[24] Like the interpretations we analyzed earlier, the connotation of the verb *pll* takes center stage. Indeed, PRE takes *pll* in a judicial sense, similar to the Tanhuma and Vulgate.[25]

Whereas the Tanhuma casts Phinehas as having acted in a "judicial" sense by intervening and offering a prayer on behalf of the people in order to stop the ongoing plague, PRE takes this homily in a different direction. In PRE, Phinehas acts as both judge *and* executioner — and adds to his biblical violence. Rather than *stopping* (or interceding to stop) the casualties from the plague, it is Phinehas himself who is said to inflict those very casualties! It is only when God witnesses the extent of Phinehas' violence that He puts an end to the slaughter. Ironically, this rendition of the narrative in PRE aligns with the "decoupling" of Phinehas' violence from the cessation of the plague that we saw in Sifre Numbers.[26] There it was Phinehas' intercessory prayer—not his killing of the sinners—that effected atonement and stopped the plague. In PRE, on the other hand, it takes an intercessory act of God to stop *Phinehas'* violence.

(c) Zeal that Transcends Time: Phinehas is Elijah

After narrating the violent component of the episode, PRE turns to Phinehas' rewards. Above we noted how PRE frames the priestly gifts as a consequence of Phinehas' slaying of the sinning couple. Here PRE turns to other aspects of God's dual covenant with Phinehas:

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24. See our discussion above, pp. 64-68.

25. כשראה פינחס שעמד לכלותן חבטן בקרקע, ועמד והתפלל וסילקן, הה"ד ויעמד פינחס ויפלל (תהלים קו ל), שהוא עשה את הדין, אין ויפלל אלא דין, שנאמר ונתן בפלילים ; Cf. bSanhedrin 82b.

26. See above, pp. 147ff.

> ר' אליעזר אומ' קרא שמו של פנחס כשמו של אליהו — אליהו מתושבי הגלעד, שעשה ישראל תשובה בהר גלעד — ונתן לו חיי העולם הזה וחיי העולם הבא. ונתן לו ולבניו שכר טוב בין הצדיקים למען כהונת עולם , שנ' והיתה לו ולזרעו אחריו ברית כהנת עולם.
>
> Rabbi Eliezer said: He called the name of Phinehas by the name of Elijah — Elijah of the dwellers of Gilead, for he brought about the repentance of Israel in the land of Gilead. The Holy One, blessed be He, gave him the life of this world and the life of the world to come, as it is said, "My covenant was with him of life and peace" (Malachi 2:5). He gave to him and to his sons a good reward, in order that (he might have) the everlasting priesthood, as it is said, "And it shall be unto him and to his seed after him the covenant of an everlasting priesthood" (Numbers 25:13).

As I hope to discuss elsewhere, the identification of Phinehas with Elijah has a lengthy history, albeit in non-rabbinic Jewish literature.[27] For our purposes, I would underscore here the important intertextual and thematic connection between Phinehas and Elijah.[28] Both are singled out for their spectacular acts of violence driven by zeal for God. In both Numbers 25 and in the narrative of Elijah at Mt. Carmel, blatant breaches of ritual law are corrected with violence, and the root *קנא is thematic.

PRE is emphatically clear about this tradition, which appears elsewhere in the work as well. Thus in PRE 29, God, quoting from Numbers 25, reminds Elijah of his (!) zeal in Shittim.[29] There, as Adelman notes, the "exegetical hook" is the root קנא, which is attested with regard to

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27. The motif also appears, in varying forms, in Pseudo-Philo and Targum Pseudo-Jonathan. See Robert Hayward, "Phinehas — the Same is Elijah: The Origins of a Rabbinic Tradition," *JJS* 29:1 (1978), 22-34.

28. A significant link between Phinehas and Elijah is based on something the biblical text lacks: neither zealot is ever said to die (at least according to MT).

29. The focus in PRE 29 is circumcision, and the chapter functions as an etiological narrative for the customary "seat of Elijah" at Jewish circumcisions. This topic is beyond the scope of our examination, but see David Daube, *The New Testament and Rabbinic Judaism*, 20-23; Aharon Wiener, *The Prophet Elijah in the Development of Judaism* (London: Routledge, 1978), 58-59.

Elijah's violence in 1 Kings (19:10, 14), and of course, with regard to Phinehas' violence as well, in Numbers 25.[30] In this chapter, however, Adelman contends that:

> The identification between the two zealots hinges on the assumption that the gift of the 'covenant of peace' (Num. 25:12-13) is one and the same as the 'covenant of life and well-being' in Malachi (2:5).[31]

Through a *gezerah shavah* of sorts, PRE regards Phinehas' covenant of peace as a covenant of eternal life. The ambiguous ברית שלום of Numbers 25 is glossed by בריתי היתה איתו החיים והשלום in Malachi 2:5. The root *שוב also appears to be thematic here.[32]

Read closely, there is a great deal of ambiguity as to the nature of the association between Phinehas and Elijah and the extent to which PRE views one as having superseded, or been assimilated to, the other. The instability of the textual tradition on this passage does not help either. Did God "liken" Phinehas' name to that Elijah (**חשב** שמו של פנחס **כ**שמו של אליהו)? Call one by the other's name (**קרא** שמו של פנחס **ב**שמו של אליהו)? Or were they one and the same person? Looking at the earlier passage (§29), it is Elijah who is said to have acted with zeal in Shittim. On the other hand, in PRE 47, God speaks of a covenant of priesthood for Phinehas and his

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30. Adelman, *Return*, 193. In addition to the common root *קנא, I would note, further, that there is an obvious element of human sacrifice in Elijah's violence as well, when Elijah singlehandedly "slaughters" (*שחט) the priests of Baal in Wadi Kishon (1 Kings 18:40).

31. Adelman, 195.

32. PRE makes a clear wordplay on אֵלִיָּהוּ הַתִּשְׁבִּי מִתֹּשָׁבֵי גִלְעָד (Elijah the Tishbite, of the dwellers of Gilead; 1 Kings 17:1). The seemingly extraneous מתשבי is read in the sense of repentance (~ ממשיבי). Indeed, ancient and modern interpreters alike struggle with the interpretation of מתשבי. LXX takes it as a toponym (Elijah the Tishbite, from Tishbe in Gilead), as do many modern translations. Cementing the intertextual connection, but not mentioned in PRE, is the fact that Phinehas turned God's wrath away (השיב את חמתי) from the Israelites, and in Malachi, Elijah is said to return the hearts of fathers to their sons (והשיב לב אבות על בנים); Clark, "Elijah," 35.

children. Nowhere is Elijah said to have children, but Phinehas' son Abishua is mentioned in 1 Chronicles (5:30, 6:35) and Ezra (7:5).

One possibility is that PRE saw Phinehas' zeal as prefiguring that of Elijah, and that their similarity caused Phinehas to be named Elijah in anticipation of the future prophet who would bear that name. If, alternatively, we are meant to understand that Phinehas and Elijah are one and the same person, albeit with two different names, one significant implication is that Elijah is himself to be viewed as a priest, replete with a covenant of eternal priesthood. While this idea is articulated in neither LAB nor PRE, the notion that Elijah was a priest is attested in early Christian sources, a singular mention in classical rabbinic literature, and Targum Ps-J.[33]

It seems to me quite plausible that Elijah's priesthood could be a major driving force in the Phinehas-Elijah schema and that other resemblances and exegetical moves are secondary. Perhaps Elijah needs to be identified as a priest for the simple reason that he officiates over sacrifices (1 Kings 18:30-38). Would it not be hypocritical for Elijah to execute the priests of Baal for illicit worship when he himself is not fit to offer licit sacrifices?[34] In other words, the identification of Phinehas with/and Elijah may simply serve to solve an legal-exegetical difficulty.

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33. See, respectively, See Louis Ginzberg, *Die Haggda bei den Kirchenvätern* (Amsterdam, 1899), 76-80; bBava Mezia 114a; PsJ to Exodus 6:18 (Elijah is the High/Great Priest); See also PsJ to Exodus 40:10; Deut. 30:4 (Elijah facilitates ingathering by the Messiah); Deut. 33:11 (within Blessing of Levi; "break the backs of his foes...")

34. One rabbinic source appears to be attuned to this problem (Midrash Tehillim 27:6):

אמר ר' יוסי ב"ר חנינא אין הבמה ניתרת אלא על ידי נביא, מה טעם, השמר לך פן תעלה עולותיך וגו' (דברים יב יג), ואליהו מקריב בכל יום בהר הכרמל בשעת איסור הבמות,

(d) The Priestly Lawmaker

Following its rendition of Phinehas' rewards, PRE continues with an extra-biblical account of the priest's further deeds:

> ר' אלעזר המודעי אומ' עמד פנחס והחרים על כל ישראל בסוד שם המפורש ובכתב הנכתב על הלוחות וכחרם בית דין העליון וכחרם בית דין התחתון שלא ישתה אדם מישראל מיינם של גוים . . . שכל יינם של גוים לע"ז ולזנות . . .
>
> Rabbi Eleazar of Modein said: Phineas arose, and pronounced the ban upon Israel by the mystery of the Ineffable Name, and with the script which was written on the tables (of the Law), and by the ban of the celestial Court of Justice, and by the ban of the terrestrial Court of Justice, that a person of Israel should not drink the wine of the nations . . . Because all the wine of the nations was devoted to idolatry and immorality . . .

Like the classical rabbinic works we analyzed above, PRE sees the Phinehas narrative as providing a halakhic precedent. But while rabbinic works see the legal content of the Phinehas episode as relating to the duplication of Phinehas' killing of sexual sinners, PRE portrays the narrative as providing the basis for an entirely different prescription: the prohibition of Gentile wine.[35] After acting as a "judge," the role of Phinehas now turns to that of legislator. As in the Bavli, Phinehas functions as a "repository of tradition." And as in the Bavli, there is nary a whisper of criticism of Phinehas.

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35. There is a loose connection between wine and the episode at Shittim. According to Numbers Rabbah (20:23), the Midianite women used wine as part of their plot to ensnare Israelite men in idolatry. Significantly, the midrash states that at that point, the wine of Gentiles had not yet been forbidden (ועדיין לא נאסר יין של גוים). PRE appears to portray Phinehas as having closed that loophole.

Also important to note is Phinehas' use of the divine name, a motif which we also found attested with regard to Phinehas' slaying of Balaam.[36] The importance of this association cannot be understated. As Gideon Bohak maintains, "the aggressive use of the power inherent in God's name . . . probably is the oldest and longest-continuing practice in the history of Jewish magic."[37] Indeed, the long-standing association between the divine name and violence—or the potential for violence—is apparent in a wide cross-section of Jewish texts.[38] Moses is the subject of a number of these traditions. Thus the Hellenistic-Jewish writer Artapanus writes of how Pharaoh died and had to be resuscitated when Moses whispered the name of God to him.[39] In a variety of rabbinic traditions, including PRE (48), a young Moses slays the Egyptian (Exodus 2:12) by uttering the divine name.[40] Likewise in PRE (45), Moses is said to have employed the divine name in the aftermath of the Golden Calf episode to incapacitate "Peor," an angel of death.[41]

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36. See above, pp. 179-184

37. See Gideon Bohak, *Ancient Jewish Magic: A History* (New York: Cambridge University Press, 2008), 127. Cf. E.E. Urbach, who has noted that the "use" of the divine name is unique to post-biblical literature. See Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs* (Jerusalem: Magnes Press, 2006[2]), 103 (Hebrew).

38. On the power and dangers of the Tetragrammaton at Qumran and in ancient Jewish texts, see Lawrence Schiffman, *Sectarian Law in the Dead Sea Scrolls* (Chico, CA: Scholars Press, 1983), 133-154.

39. Artapanus, apud Eusebius, *Praeparatio Evangelica* 9:24-26. On Moses' magical powers in Graeco-Roman literature, see John Gager, *Moses in Greco-Roman Paganism* (New York: Abingdon Press, 1972), 134-161.

40. On PRE's חרב שפתיו ("sword of the lips"), see Yuval Harari, "Moses, the Sword, and *The Sword of Moses*: Between Rabbinical and Magical Traditions," *JSQ* 12 (2005), esp, 300-301.

41. Dinah Stein, *Maxims, Magic, Myth: A Folkloristic Perspective on Pirkei de-Rabbi Eliezer* (Jerusalem: Magnes Press, 2004), 241 (Hebrew).

Illuminating the use of the divine name in PRE in general, and in our episode in particular, Dinah Stein points to the fact that the Phinehas narrative is situated as a direct consequence of the Golden Calf episode:[42]

> Whereas before the sin of the Calf the Israelites, adorned with crowns engraved with the divine name, were as angels, free from the angel of death — in their war with the Midianites, "All the princes with Moses, Eleazar, and Phinehas saw the angel who was to destroy the people, and they sat down and wept, and they did not know what to do."[43]

Thus when Phinehas pronounces a ban by employing the divine name, PRE is signaling that despite the loss of the power of the name on a national level, select individuals—Phinehas, in this instance—are still capable of wielding it.[44]

Stein likewise underscores the importance of Phinehas as a priest in this context.[45] Indeed, in the rabbinic imagination, only the High Priest may utter the Ineffable Name.[46] Yet as I have mentioned, despite the promise to Phinehas of everlasting priesthood, he rarely (if ever) functions in a priestly capacity. Consequently, that Phinehas both had knowledge of, and invoked, the ineffable name serves to further advance his (high) priestly portrayal.

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42. Ibid., 236ff.

43. Ibid., 240 (my translation).

44. Ibid.

45. In Stein's view, there is an inescapable association between magic and the Jewish priesthood, perhaps a function of influence from external priestly cultures; see ibid., 244.

46. See, e.g., See mYoma 3:8; Shmuel Safrai and Ze'ev Safrai, *Mishnat Eretz Israel: Tractate Yoma* (Jerusalem: Liphshitz College, 2010), 113-120 (Hebrew).

In its final comments on the Phinehas episode, PRE narrates the military campaign against Midian (Numbers 31). Moses is instructed by God to exact vengeance against the Midianites, and as in the biblical text, Moses is not satisfied with the results:

> הלכו ושבו את בנות מדיין, ואמ' לא על אלו נפלו מישראל ארבעה ועשרים אלף . . . התחיל כועס עליהם שנ' ויקצוף משה על פקודי החיל, ובכעסו נסתלקה רוח הקדש מעליו, מכאן אתה למד שהקפדן מאבד את כל חכמתו.
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> They went, and they took captive the daughters of Midian. [Moses] said: Because of these did not twenty-four thousand men of Israel fall? . . . He began to be angry with them, as it is said, "And Moses was wroth with the officers of the host." As a consequence of his anger the Holy Spirit departed from him. Hence one learns that the impetuous man destroys his wisdom.

Here PRE evinces a sensitivity to the interstitial polemic in the biblical Phinehas episode that we highlighted in the previous chapter: the denigration of Moses. In the early rabbinic tradition, the consequences of Moses' anger are relatively minor: משה רבינו לפי שבא לכלל כעס בא לכלל טעות.[47] Here, however, Moses' punishment is severe: the loss of the Holy Spirit.[48]

(i) Summary: Pirqei de-Rabbi Eliezer's Priestly Sympathies

PRE's embellishments of Phinehas' violence surpass every body of traditions that we have examined thus far, including Philo's highly laudatory comments. The composition is remarkable for its (a) recognition of the motif of priestly violence, particularly in cementing the connection between Phinehas' violence and the sacrificial parts; (b) its extensive attention to, and exceedingly positive attitude toward, Phinehas' zeal; and (c) its extreme expansion of the scope

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47. Sifre Mattot §157.

48. Ironically, the very same punishment is said to have afflicted Phinehas; see above, p. 165.

of Phinehas' violence. Moreover, PRE surpasses other compositions in its presentation of Phinehas' dynamism: as a zealot, judge, executioner, and lawmaker. Linking Phinehas with Elijah likewise heightens both the association with sacred violence as well as Phinehas' extra-temporal qualities.

Also important in our analysis of PRE is assessing what it lacks. At no point do we encounter any hedging or criticism of Phinehas' actions or rewards, the likes of which we saw in Josephus, Sifre Numbers, and the Palestinian Talmud. More importantly, despite its undeniable links with the classical rabbinic texts on Phinehas, nowhere does PRE take issue with Phinehas' lineage. To the contrary, Phinehas' lineage is not mentioned altogether! Tellingly, the locus of criticism is Moses who, as in the Bavli, sees his character impugned in this episode.

How might we account for such a warm embrace for Phinehas and priestly violence? It appears that PRE may have had wider sympathies for the priesthood. In recounting the chain of transmission of the ritual calendar (PRE 8), Shem and Abraham are both called priests.[49] Regarding circumcision PRE writes (§29 [Friedlander, 207]):

> Everyone who brings his son for circumcision is as though (he were) a *high priest* bringing his meal offering and his drink offering upon the top of the altar.

Likewise, in its rendition of the Aqedah narrative, PRE describes Abraham as follows (§31 [Friedlander, 227]): "Like a high priest he brought near his meal offering, and his drink offering." We also cannot overlook the angelic appointment of Levi to the priesthood (PRE 37). Taken together, it would appear that PRE may be characterized as a work with overt priestly

49. A similar chain of transmission for the secrets of the calendar is attested in the Samaritan *Tulidah*.

sympathies.[50] Phinehas is consequently treated as a locus of priestly pride, not of contestation. Tellingly, the discourse of violence is alive and well in a priestly work that post-dates the destruction of the Second Temple by almost one millennium.

2. Pitron Torah

(a) Introduction

Pitron Torah (hereafter: PT) refers to a little-known midrashic composition first brought to the awareness of scholars by E.E. Urbach.[51] Showing signs of a Judeo-Persian background and dated to between the end of the ninth and end of the tenth centuries,[52] *Pitron* is something of a misnomer in the case of this composition; it is better classified as an anthology (ילקוט).[53] Unlike other classical anthologies, however, PT does not cite its sources,[54] and complicating matters is the fact that in addition to collecting a host of traditions attested in the rabbinic

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50. While the priestly sympathies of PRE have not been explicated in any study, those of Targum Pseudo-Jonathan, which was heavily reliant on PRE, have been studied at length. See Beverly Mortensen, *The Priesthood in Targum Pseudo-Jonathan: Renewing the Profession* (Leiden: Brill, 2006), passim. On the connection between PsJ and PRE, see Shinan, *Embroidered Targum*, 176-185. According to Shinan and the majority of scholars, the author of PsJ made use of, and thus post-dates, PRE. (Shinan dates PsJ to the middle of the eighth century CE; see pp. 193-198.) Cf. Hayward, whose early dating of PsJ necessitates the repudiation of any links with PRE; see idem, "Pirqei de-Rabbi Eliezer and Targum Pseudo-Jonathan," in idem, *Targums and the Transmission of Scripture*, 172-209. In this instance, I believe that PsJ is incomprehensible without prior knowledge of the tradition from PRE.

51. Ephraim E. Urbach, *Sefer Pitron Torah* (Jerusalem: Magnes Press, 1978 [in Hebrew]).

52. Ibid., 32-33. Urbach very cautiously entertains the tantalizing possibility that Hai Gaon was the author. On this thesis, see Menahem Kahana, *Sifre Zuta on Deuteronomy* (Jerusalem: Magnes Press, 2005), 30 n3 (Hebrew).

53. Ibid., 14.

54. Ibid., 20.

canon,[55] PT likewise attests a substantial body of traditions unknown from prior sources.[56] This then raises the question as to the antiquity of this heretofore unknown body of traditions. Are they *ex nihilo* creations of the midrashist, or faithful preservations of otherwise lost works?

(b) Rehabilitating the Forgetful Moses

This admixture of known and unknown traditions is highly evident in PT's extensive comments on Phinehas. In the following, I will analyze those traditions regarding Phinehas' violence that were not previously attested in the classical rabbinic canon. We begin with the contentious exchange between Zimri and Phinehas that has resonances of the Bavli:

> בא אצל משה תפוס בידה, אמ' לו זו מהיא. אמ' לו משה, אסורה. אמ' לו למה. אמ' לו שהיא מדינית. אמ' לו זו מדינית ושלך אינה מדינית? אותה מותרת וזו אסורה, אותה בת כומר עבודה זרה מותרת, וזו בת מלכים אסורה?
>
> [Zimri] came to Moses holding [Cozbi's] hand, and he asked, "This one, what is her status?" Moses said to him: "She is forbidden." He asked him why. He answered him: "Because she is a Midianite." He said to him, "This one is a Midianite, and your [wife] is not a Midianite?! Yours is permitted and this one is forbidden?! Yours, the daughter of a priest of idolatry is permitted, and this one, the daughter of kings is forbidden?!"

Whereas in the classical rabbinic tradition Moses is left stunned and crying with Zimri's charge of hypocrisy, here Moses delivers a response firmly grounded in halakhah:

> אמ' לו משה, שלי עד שלא ניתנה התורה, ולא עוד אלא שלי היטבלתי אותה. אמ' לו מה שערב לכם אתם דורשים. מיד בכה משה וכל ישרא', שנ' והמה בוכים וג', ומפני מה בכו? אמ' ר' אליעזר הלכה נעלמה מן משה שאינו יודע אם חייב מיתה אם לאו. ר' יהושע אומ' יודע היה משה שהוא חייב מיתה

55. Ibid., 20-23.

56. Ibid., 24. Some of these traditions have since been corroborated in recently discovered manuscripts; see Kahana, *Sifre Zuta*, 30-36. Cf. Jay Rovner, "Two Early Witnesses to the Formation of the Miqra Bikurim Midrash and their Implications for the Evolution of the Haggadah Text," *HUCA* 75 (2004), 75-120, esp. 115ff.

אלא אינו יודע באיזה מיתה ימות. אמ' ר' שמעון בן לקיש לא בכה משה אלא מפני שנעלמה ממנו הלכה.

> Moses said to him, "My [wife, I married] before the Torah was given; moreover, I had her immersed [in a ritual bath]." [Zimri] said to him: "You derive laws that are convenient for you." Immediately Moses and all of Israel cried . . . Why did they cry? R. Eliezer said: Moses forgot the halakhah, for he did not know if he was liable to be killed or not. R. Joshua said: Moses knew that he was liable to be killed, but did not know by which means. R. Simeon b. Laqish said: Moses cried only because he forgot the halakhah.

Responding to Zimri's charge, Moses here invokes the notion that marriages contracted before revelation at Sinai were not bound by the post-Sinaitic prohibition against marrying Gentile women. As Moses' marriage with Jethro the Midianite's daughter is recorded in Exodus 2:21, well before the revelation at Sinai (Exodus 20), he seems well protected by this argument. Moreover, Moses claims to have had his wife undergo ritual immersion, perhaps hinting to the fact that, as an extra safeguard, he had her convert to Judaism.[57] Zimri's spiteful response aptly captures Blu Greenberg's famous dictum: "Where there was a rabbinic will, there was a halakhic way."[58]

The next section of this midrash is quite ambiguous. On the one hand, PT seems eager to defend Moses by having him provide a perfectly defensible, twofold halakhic response to Zimri. On the other hand, the trope of Moses forgetting the law returns here and is heightened — and it is for this reason that Moses is said to have broken down in tears. Yet the use of pronouns in this

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57. On conversion by ritual immersion, see Shaye J.D. Cohen, *The Beginnings of Jewishness* (Berkeley: University of California Press, 1999), ch. 7, esp. pp. 222-225.

58. Blu Greenberg, *On Women and Judaism: A View from Tradition* (Philadelphia: The Jewish Publication Society, 1996), 44. Zimri's spite for Moses is likewise well captured in Josephus; see above.

passage returns to the ambiguity that we highlighted in the Bavli as to whether Moses himself feared being implicated in the same sin as Zimri.[59] As per our earlier argument, the language employed here likewise leaves open the possibility that Moses worried about the possibility of his own guilt. In any event, PT rehabilitates Moses' character somewhat in lessening the blow of his ignorance; rather than being ignorant of the law itself, Moses is portrayed as unaware of certain particularities of the law.

(c) Shades of Martyrdom

It is at this point that Phinehas steps into action:

> וירא פינחס בן אלעזר וג' מה ראה? מלאך ראה שירד מן השמים לחבל את ישר'. מיד עמד ומסר את עצמו על קדושת שמו של הק' ונכנס אחריו לקובה. . .
>
> "And Phinehas son of Eleazar saw." What did he see? He saw an angel descending from the heavens in order to harm Israel. He immediately stood, and risked his life for the sanctification of the name of the Holy One, and he entered after [the sinners] into the tent . . .

The sequence of events in this text differs from what we have seen previously. Here Phinehas is impelled to action *not* by the flagrant offense committed by Zimri, but by the potential harm to be inflicted against the Israelites by the angel. That Phinehas arose and pursued Zimri was, in the first place, an attempt to stop the plague and spare his Israelite brethren. *Pitron Torah* also amplifies the notion, which we have seen elsewhere, that Phinehas risked his life (מסר נפש). This tradition first appears in Sifre Numbers, where Phinehas' zeal is translated into the "suffering

59. See above, pp. 170ff.

servant's" having "poured himself out to death."[60] In PT, however, we see for the first time in this context the locution of *qiddush Hashem*, which certainly brings to the fore the potential for Phinehas' martyrdom. In light of my comments on Phinehas' violence in 1 Maccabees, it is interesting to note how Phinehas the proto-martyr (who is willing to *kill* for the law) takes on greater shades of martyrdom (willing to *die* for the law) as the time progresses.[61]

The midrash continues by reengaging with the "canonical" corpus, providing a tradition, first attested in Sifre Numbers, of Phinehas' clandestine approach to Zimri's tent. As in the Sifre, the tent is guarded. And, as in the Sifre, Phinehas gains entry by dismantling his spear and comparing the tribes of Simeon and Levi. But unlike the classical rabbinic sources, which emphasize that the offending couple was killed *in flagrante delicto*, we have here an entirely different reading:

> מיד אמ' פינחס אם אהרגנו קודם שיגמור את הדבר עומד בכוחו והרגני, אילא אמתין לו עד שיגמור את הדבר ותשש כוחו ואחר כך אהרגנו אותו. . .
>
> Phinehas immediately thought: If I kill him before he finishes the act, he will stand with his strength and kill me. Rather, I will wait for him to finish the act, once his strength has waned, and then I will kill him.

Indeed, the first of PT's list of ten miracles that occurred for Phinehas is the fact that he entered the couple's tent precisely when Zimri was ejaculating. Here we have a remarkable divergence

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60. For other rabbinic uses of Isaiah 53:12, see bSotah 14a (applied to Moses); Numbers Rabbah, *Nasso* 13:2.

61. The trope of Phinehas' near-martyrdom is likewise attested in the *Derashot* of Hayyim Eliezer b. Isaac of Vienna (Maharaḥ). Phinehas' bravery is portrayed by Maharaḥ with the language of self-sacrifice. But it is Phinehas' selfless faith—not his violence—that Maharaḥ urges be replicated. Recasting Phinehas as a martyr certainly has added resonance in post-Crusades Ashkenaz. On Maharaḥ and his work, see Noah Goldstein, "Rabbi Hayyim Eliezer Ben Isaac Or Zarua: His Life and Work, and a Digest of His Responsa" (DHL thesis, Yeshiva University, 1959), ch. 1. On the dates of his birth and death, see pp. 12-13. On his peripatetic life, see pp. 23ff.

from the classical account. After all, according to the Bavli, it was imperative that Phinehas strike the couple while they were in the midst of copulating. This stipulation is likewise attested in the Geonic literature contemporaneous to PT.[62] But far from criticizing Phinehas for acting in a manner not concordant with the halakhah, PT proceeds with a laudatory 140-word piyyut in his praise.

(d) Violence Generates Lineage

This piyyut marks the break between the Torah portion of Balaq, which ends right after Phinehas' violence is reported (Numbers 25:9), and the beginning of the portion of Phinehas. Appropriately enough, PT continues to lavish praise upon Phinehas:

> פינחס בן אלעזר וג', ז' ה' ש' ה' עטרת זקנים בני בנים וג', אימתי הזקנים משתבחין ומתעטרין, בשעה שבניהם ובני בניהם עושין מעשיהן . . . ואף פינחס ודאי בן בנו של אהרון הוא, אלא אהרן אינו אביו, אלא שעשה מעשיו של אהרן בשעה שיצא הקצף על ישר' באותה המחלקת, שנ' וילנו כל עדת וג'.
>
> Phinehas son of Eleazar, etc. This is what Scripture says, "The sons of sons are the crowns of the aged" (Proverbs 17:7). When are the aged praised and crowned? When their sons and grandsons emulate their deeds . . . So too, though Phinehas was certainly Aaron's grandson, Aaron was not his father. That said, [Phinehas] did the deeds of Aaron when wrath came upon Israel in that [episode of dissension], as it is written, "The whole congregation rebelled" (Numbers 17:6).

As I recounted earlier, in the classical rabbinic tradition, the repeated emphasis of Phinehas' three-generational lineage is employed as a response to the denigration of Phinehas' ancestry. Given, however, that PT is remarkably uncritical in its reception of the Phinehas episode, it is not entirely surprising that we would find a positive spin on Phinehas' lineage attested here. Indeed,

62. See, e.g., the She'iltot of Aḥai (Aḥa) of Shavḥa (Balaq 134).

PT avoids the awkwardness of Phinehas being awarded a priestly ministry when it was ostensibly guaranteed by his lineage.

Thus PT relates Phinehas' staying of the plague at Shittim to his grandfather Aaron's resolution of the rebellion of Korah.[63] (Fittingly, the Korah episode is explicitly about the legitimacy of rival priestly groups.) The violent end of the Korah episode saw the earth swallow up the entire clan of Korah, as well as (presumably) the families of Dathan and Abiram. In the wake of this divine punishment, the Israelites are said to have gathered against Moses and Aaron, apparently in protest of the lethal punishment of Korah (17:6). When God then threatens to wipe out the Israelites (17:10), Moses orders Aaron to effect atonement for the Israelites with a censer of incense (17:11). Aaron brings his censer down among the people, and is thus able to bring an end to the plague (ותעצר המגפה; cf. Num 25:8), which had taken the lives of 14,700 Israelites.

PT first distills the resolution of the Korah narrative, and then connects it with the deeds of Phinehas:

> יצא מלאך המות והיה משחית בישר', כיון שראה אהרן שהוא מחבל והולך עמד בזריזות ועצר המגפה שנ' ויעמד בין המתים וג', ואף פינחס כיון שראה מעשי זמרי וכזבי אמ' אם איני מקנא עכשו ישר' מתים במגפה ועמד בזריזות ועצר המגפה, שנ' ויעמד פינחס וג'.
>
> The angel of death came out and was destroying the Israelites. When Aaron saw that [the angel] was continuing to harm [the Israelites], he quickly stood and stayed the plague, as it is written, "And he stood between the corpses, etc." So too Phinehas; when he saw the act of Zimri and Cozbi, he said, "If I am not zealous now, all Israel will perish in the plague." He quickly stood and stayed the plague, as it is written, "And Phinehas stood, etc."

63. Josephus likewise links the Korah and Phinehas episodes. See above.

In its connection of the two narratives, it is notable that PT downplays the atoning effect of both Aaron (Numbers 17:12; ויכפר על העם) and Phinehas (25:13; ויכפר על בני ישראל). The root כפר would provide an easy exegetical link, but PT chooses to couple the two episodes by the common cessation of a plague by both grandfather and grandson.

After connecting Phinehas with his grandfather Aaron, the theme of the former's lineage returns. But nowhere does PT question or take issue with the lineage of Phinehas — this in stark contrast with the canonical rabbinic traditions which we looked at above. On the contrary, Phinehas' lineage is elevated, and compared with that of the Patriarchs and David.[64] And rather than resorting to the contrived folk etymologies offered in rabbinic literature for the name Putiel—Phinehas' maternal grandfather—PT claims that Phinehas descended from Joseph, given that he buried his father Eleazar in "Mt. Ephraim" — Ephraim being one of Joseph's sons.[65]

In yet another tradition, PT ignores the problem of Phinehas' lineage altogether, focusing on a different reason for the repeated invocation of the names of his father and grandfather:

> העיד עליו הכת' פינחס בן אלע' וג', שהיו ישר' אומ' כל שנמשח עם אהרן בשמן המשחה, או שנולד אחר שמן המשחה הוא כהן. ופינחס היה עומד שם ולא נמשח עמהן ואינו כהן. וכיון שגדר הפרצה הזאת העיד עליו הכת' פינחס בן אלעזר וג'.
>
> Scripture testified concerning him, "Phinehas son of Eleazar, etc." For the Israelites were saying that whoever was anointed together with Aaron with the anointing oil, or whoever was born after the anointing with oil, is a priest. But Phinehas was standing there and was not anointed — therefore he is not a priest. Once [Phinehas] corrected this breach, Scripture testified concerning him, "Phinehas son of Eleazar, etc."

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64. On Phinehas as "patriarch," see above, p. 67 n15.

65. Cf. Joshua 24:33.

PT here appears to be grappling with two distinct problems: (a) why Phinehas' three generations of lineage are continually repeated in Numbers 25; and (b) why there was a need for Phinehas to be "awarded" the priesthood, when it should have passed to him automatically by virtue of being born to a male priest. Here PT argues that Phinehas fell through the cracks of the laws of priestly heredity.

The argument is as follows: Phinehas had already been born when Aaron and his sons were anointed (Exodus 28:41, 30:30, 40:15; Numbers 3:3), though he was perhaps not old enough to serve. Only those born *after* the anointing of Aaron and his sons would benefit from automatic hereditary induction into the priesthood. Eleazar's priesthood consequently did not pass to Phinehas at birth — a sensible move, given that at Phinehas' birth, Eleazar himself had not yet become a priest.

With this schema in place, Phinehas would need some other way to enter the priesthood. Here returns the notion which we encountered in the Bavli, although it is stated in more muted terms: it was the the "correcting of the breach," i.e., the killing of Zimri and Cozbi, that "transformed" Phinehas into a priest.[66] Indeed, PT then attests the motif of sacrificial-parts-in-exchange-for-violence,[67] as well as other traditions that reflect how the work is well attuned to the trope of priestly violence:

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66. This notion is already implicit in the laudatory climaxes of Exodus 32 and Numbers 25. We also find its manifestation with regard to the Hasmonaean use of Phinehas' violence.

67. See our discussion above, p. 193ff.

אמ' ר' ברכיה בזכות זו שעשה זכה ליטול את הכהונה . . . ונתן לו כד' מתנות לו ולזרעו אחריו עד עולם, על ידי שקינא להקב"ה . . .

R. Berekhiah said: In merit of what [Phinehas] did, he earned the privilege of the priesthood . . . And [God] gave him the twenty four priestly gifts, to him and his descendants for perpetuity, on account of his having been zealous for the Holy One blessed be He . . .

Here PT cements the connection between Phinehas' violence and his being awarded, respectively, with the priesthood and the twenty-four priestly gifts.[68]

Finally, PT brings together the violence of Phinehas and the legacy of Levite violence:

אמ' ר' יהודה לעולם שבטו של לוי קנאין, במעשה העגל מה כת' שם מי לה' אלי, מיד ויאספו כל ב' לוי. . . וכן עמדו בו בני לוי שכיון שראה פינחס מעשה זמרי. אמ' זקיני וזקינו של זה הם עמדו וגדרו הפרצה הזאת בשכם.

R. Judah said: The tribe of Levi has always been zealous. In the [Golden] Calf affair what is written? "Who is on the Lord's side?" Immediately afterward [it is written], "And all the sons of Levi gathered around him" (Exodus 32:26) . . . The tribe of Levi likewise stood when Phinehas saw the act of Zimri. He said: "My forefather and that one's forefather stood and corrected this breach in Shechem."

(e) Summary

As an anthology, it is difficult to speak of the work's wider sympathies without a larger study and without touching on questions of imputing intent to editorial selectivity in the production of anthological literature. Both of these are issues that are well beyond the scope of my work here. Nevertheless, PT's selection of traditions regarding Phinehas is remarkable in going well beyond the selective praise offered to the zealous priest in rabbinic literature. The lack of any hint of

68. See above, pp. 193-197.

criticism of Phinehas or his violence is likewise remarkable, alongside the work's recognition of priestly violence.

My tentative hypothesis concerning PT's treatment of Phinehas relates to the particular interest that the work seems to have in upholding the latter's priestly lineage. It is certainly suggestive that the wider Jewish world in which PT was produced both retained interest in priestly lineage and witnessed battles for leadership on the basis of proper lineage. As Arnold Franklin has illustrated at length, at around the time to which PT is dated,

> [A]ncestry constituted an important element in the discursive arsenal that competing religious and political authorities used as they contended with one another.[69]

Franklin draws on a host of documentary sources that demonstrate how polemics over leadership often devolved into attempts to "discredit an opponent's legitimacy by impugning his lineage."[70] In numerous instances, these polemical tracts disparage the priesthood, such as a famed polemical letter attributed to Hai Gaon concerning the "Exceedingly Rebellious Kohanim of Ifriqya."[71] Thus it may be the case that legitimizing Phinehas and his violent deeds was a product of PT's time, during which the legitimacy of the priesthood was relevant as ever.

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69. Arnold Franklin, *This Noble House: Jewish Descendants of King David in the Medieval Islamic East* (Philadelphia: University of Pennsylvania Press, 2012), 109.

70. Ibid.

71. See ibid., pp. 111ff. For the text of the letter, see B. M. Lewin, "The Epistle of Hai Gaon to the Priests of Ifriqi," *Ginze Kedem* 4 (1930), 51–54 (Hebrew).

3. Midrash ha-Gadol

(a) Introduction

Midrash ha-Gadol (hereafter: MhG) is a midrashic anthology from the 13th century that is ascribed to the Yemeni David b. Amram Adani.[72] In a similar fashion to PT, MhG does not cite its sources. Nevertheless, it has been observed that MhG includes a:

> multitude of extracts which he incorporates from ancient tannaitic Midrashim either unknown, or only partially known, from other sources.[73]

Indeed, MhG preserves excerpts of numerous rabbinic compilations which were known to exist in the distant past, but which did not survive.[74] As with my discussion of the Phinehas narrative in PT, I am primarily interested in those traditions not previously attested elsewhere.

(b) Phinehas and the (S)word of the Torah

We begin with a homily on Psalm 45:4 (*Pinhas* 25:11 [Rabinowitz, 448]):

> ז׳ה׳ש׳ה׳ חגור חרבך על ירך גבור הודך והדריך: הכתוב מדבר כנגד תורה ולומדיה. חרב זו תורה המשולה כחרב, שנאמר רוֹמְמוֹת אֵל בִּגְרוֹנָם וְחֶרֶב פִּיפִיּוֹת בְּיָדָם. גבור זה ההוגה בתורה, שנאמר גבורי כח עושי דברו. הודך והדריך, שהיא נותנת לו הוד בעולם הזה והדר לעולם הבא . . . כגון פינחס שנתהדר בשעה שלקח הרומח ונתגבר כנגד זמרי. . .
>
> That which Scripture says "Gird your sword on your thigh, O mighty one, in your glory and majesty" (Psalms 45:4): Scripture is speaking of the Torah and those who study it. *Sword* refers to Torah, which is likened to a sword, as it is written, "Let the high praises of God be in their throats and two-edged swords in their

72. *EJ*, s.v. Fisch maintains that Adani was the *translator* of MhG, which was written originally in Arabic by R. Abraham, son of Maimonides. See S. Fisch, *Midrash Haggadol on the Pentateuch: Numbers* (Manchester: Manchester University Press, 1940), 6-41, esp. 16ff.

73. *EJ*, Ibid.

74. Fisch, *MhG*, 84-97.

> hands" (Psalms 149:6). *Mighty one* refers to one who studies the Torah, as it is written, "You mighty ones who do his bidding" (Psalm 103:20). *Your glory and your majesty* — for Torah gives you glory in this world and majesty in the world to come . . . Like Phinehas, who was glorious when he grabbed the spear and overcame Zimri.

This midrash is not known from any other source, although there are other midrashim that treat this verse in Psalms.[75] What is fascinating here is the "weaponization" of the Torah, which is likened to a sword, and the seeming back-and-forth between literal and allegorical understandings of Psalms 45:4.[76] Thus despite the emphasis on the non-literal understanding of "sword" as Torah and the "mighty one" as he who studies Torah, the referent of the verse's praise is Phinehas, who took literal action with his spear.[77]

MhG continues with a homily on the the subsequent verses in the same Psalm (*Pinhas* 25:11 [Rabinowitz, 449]):

> דבר אחר: חציך שנונים — זה פינחס שהרג לזמרי ולכזבי ברומח שבידו, שנאמר יפלו בלב איבי המלך . . . ומה שכרו? כסאך אלהים עולם ועד, שניתנה לו ולבניו גדולה עד עולם . . . אמר לו הקב"ה . . . הריני מיחסך ומגדלך מכל בני דורך.
>
> *Your arrows are sharp* (Psalms 45:6) — this refers to Phinehas, who killed Zimri and Cozbi with the spear in his hand, as it is written, "they shall fall into the heart of the king's enemies" . . . And what is his reward? *Your throne, O God, forever and ever* (v. 7) — greatness was given to him and his sons for perpetuity . . . God

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75. See, e.g., Mekhilta de-Rabbi Ishmael, *be-Shallah*, *Shirah* 4; Mekhilta de-Rabbi Simon b. Yohai 15:3; Midrash Tehillim, ad loc. I should also note that there is a longstanding christological reading of Psalm 45; see Hebrews 1:8-9, and David Hunter, "The Virgin, the Bride, and the Church: Reading Psalm 45 in Ambrose, Jerome, and Augustine," *Church History* 69:2 (2000), 281-303.

76. The allegorical interpretation of this verse is much contested already in the Bavli; see bShabbat 63a and David Weiss Halivni, *Peshat and Derash* (New York: Oxford University Press, 1991), 58-61. On this motif, see also Tanhuma (Buber) *va-Yehi* 14, where Ehud, famed for stabbing Eglon, is said to study Torah.

77. In two of the texts in which he addresses Phinehas' violence, Philo regards Phinehas' sword in an allegorical sense, as a probe with which Phinehas inquires "into the nature of existence." See *Post*. 54.182, *Mut*. 18.108.

> said to him . . . I will vest you into your lineage and make you greater than anyone in your generation.

As with the association of Phinehas' spear with the sword of v. 4, here the king's "sharpened arrows" (v. 6) are likewise associated with Phinehas. Perhaps more significant is the continuation of the homily with its application to Phinehas of v. 7: "Your throne, O God, forever and ever." The messianic resonances of this verse are evident already in Hebrews 1:8-9, and perhaps even in the Septuagint.[78] Here, however, the verse is interpreted not as referring to any salvific quality, but to Phinehas' covenant of eternal priesthood. This is an interesting move, given the numerous post-talmudic Jewish traditions which portray Phinehas as a messiah-like figure. If anything, MhG here is following the biblical model for messianism, which as P. Zerafa has shown, is a function of this-worldly dynastic continuity, rather than other-worldly eschatology.[79]

(c) Phinehas and Elijah the Peacemakers

Despite the fact that the above tradition does not ascribe to Phinehas a messianic quality, a number of subsequently quoted texts in MhG appear to do just that.[80] Thus MhG quotes the Sifre, which portrayed Phinehas as "not moving and making atonement for the Israelites until the

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78. See, e.g., Hans Ausloos, "Psalm 45, Messianism, and the Septuagint," in Michael A. Knibb, ed., *The Septuagint and Messianism*, Bibliotheca Ephemeridum Theologicarum Lovaniensium 195 (Leuven: Peeters, 2006), 239-252.

79. See P. Zerafa, "Priestly Messianism in the Old Testament," *Angelicum* 42 (1965), 318-341.

80. Discrepancies and inconsistencies are to be expected in an anthology.

resurrection of the dead." A subsequent text likewise gives Phinehas a vaguely messianic role resonant of PRE:

> אמר רבי שמעון בן לקיש: הוא פנחס הוא אליהו. אמר לו הקב"ה: אתה נתת שלום ביני ובין בני ישראל בעולם הזה, אף לעתיד לבא אתה הוא שעתיד ליתן שלום ביני ובין בני ישראל, שנאמר הנה אנכי שולח לכם את אליהו הנביא .
>
> R. Simeon b. Laqish said: Phinehas is Elijah. The Holy one Blessed be He said to him: You made peace between Me and the Sons of Israel in this world — so too, in the world to come, you are the one who will continue to make peace between me and the Sons of Israel, as it is written, "Lo, I will send you the prophet Elijah" (Malachi 3:23).

We have already seen the Phinehas-is-Elijah tradition above in PRE, and I hope to dwell at length on this identification in a separate publication. While this tradition is, for reasons unknown, not attested in classical rabbinic literature, MhG formulates the concept in classical rabbinic language and style. The statement is ascribed a named attribution, and the identification (or equation) of Phinehas with Elijah is couched in a formula (הוא x הוא y) which is widely attested in rabbinic literature.[81] By the same token, the identification (or equation) of biblical and/or historical figures is a common motif in rabbinic texts. Thus while scholars offer a number of possibilities as to why the Phinehas-is-Elijah tradition is not represented in classical rabbinic texts, perhaps we should not foreclose the possibility that MhG here—as elsewhere—preserves an authentic, albeit lost, rabbinic tradition.[82]

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81. See Isaac Heinemann, *Darkhei ha-Aggadah* (Jerusalem: Magnes Press, 1954), 29. My thanks are due to Shaye Cohen for this very helpful reference. For a collection of such identifications, see Chajes, *Mavo ha-Talmud*, ch. 21 and Azariah de Rossi's *Light of the Eyes*, ch. 18 [Weinberg, pp. 314-322]. In Heinmann's view, the purpose of such conflations, particularly when the two figures are separated by multiple generations, is to "demonstrate and reify the trans-temporal forces active in Israelite history" (p. 30; my translation). This aspect of character identifications certainly seems true, but surely there is an individual and contextual meaning to each discrete instance of the phenomenon.

As I mentioned briefly above, perhaps the most logical homiletical link between Phinehas and Elijah is the fact that both exercised lethal zeal on God's behalf. The homily in MhG, however, does not speak of violence. Instead, Phinehas and Elijah are linked by virtue of their peacemaking. In the case of Elijah, MhG cites the final verse of Malachi (3:24), which portrays the prophet as reconciling fathers with sons at a future time: "before the great and terrible day of the Lord" (3:23). Indeed, Phinehas, though lauded for his violence, is also something of a peacemaker: (a) he stays the plague and God's wrath against the Israelites in the aftermath of the affair at Shittim; (b) he is blessed with a covenant of peace; and (c) Phinehas leads a diplomatic campaign to avert an Israelite civil war in the Transjordan (Joshua 22).[83] But despite its linkage of Phinehas and Elijah as peacemakers, surprisingly lacking in the homily is a somewhat obvious exegetical "link." Malachi (2:4-5) associates Levi with a *berit shalom*, and Elijah is quite easily identified with the angel of the *berit* in the next chapter (Malachi 3:1).

As with almost every rabbinic source on Phinehas, MhG turns to the zealous priest's all-important lineage:

> פינחס בן אלעזר בן אהרן הכהן. עליו הכתוב אומר עטרת זקנים בני בנים. את מוצא שלא נכרתה ברית לאהרן אלא על ידי פנחס בן בנו לפי שהיו מעשיו דומין לאהרן -- מה אהרן עצר את המגפה . . אף פינחס כמותו.
>
> *Phinehas son of Eleazar son of Aaron the Priest*. About him Scripture says "The sons of sons are the crowns of the aged" (Proverbs 17:7). Thus we find that a covenant was only extended to Aaron on account of his grandson Phinehas. For

82. On the absence of Phinehas=Elijah in rabbinic literature, see Hengel, *The Zealots*, 163; S. Krauss, "The Jews in the Works of the Church Fathers," *JQR* 5:1 (1892), 153-154; Adelman, *Return*, 204.

83. See above, pp. 68-71.

> his actions were similar to those of Aaron. Just as Aaron stopped the plague . . . so too Phinehas . . .

We encountered a substantially similar homily in PT, which linked Phinehas to his grandfather Aaron by virtue of their shared success at staying plagues that had been afflicting the Israelites.[84] Both PT and MhG employ the same intertext: Proverbs 17:7. But MhG takes the verse one step further. PT portrayed Phinehas' staying of the plague as mirroring the deeds of Aaron, and thereby as having "praised and ornamented" his grandfather. This homily in MhG likewise links the two by virtue of their similar actions, but the homily makes the radical assertion that the "covenant," presumably of eternal priesthood, was only granted to Aaron by virtue of Phinehas. Phrased differently, Phinehas was not vested into the Aaronide priesthood; Aaron became vested into the Phinehan priesthood!

(d) Summary

MhG attests a massive—and perhaps the most extensive—collection of midrashic traditions on Phinehas. Among this overwhelmingly positive body of traditions, there is no shortage of texts glorifying Phinehas' violent deeds, and criticism of Phinehas is notably absent. Above, however, I highlighted a number of texts compiled in MhG that alternate in their understandings of Phinehas' violence. Is Phinehas' spear meant to be understood allegorically as the "sword of the Torah"? Is the most sensible exegetical equation of Phinehas and Elijah, two zealots famed for their violence, to be found in their respective capacities as peacemakers? These are but two minor traditions embedded in a discourse otherwise quite friendly to priestly violence. It is

84. See above, pp. 212ff.

certainly suggestive that there is an ever so slight downplaying of Phinehas' violence in the few "new" traditions attested in MhG.

4. Conclusion

Above I argued that the positive reception of both Phinehas and his violence, not to mention the embellishment of the extent of Phinheas' violence, is sensible in PRE, given the work's wider priestly sympathies. The rabbinic anthologies are somewhat more difficult to characterize. On the one hand, both works cite traditions that are overwhelmingly positive toward Phinehas' violence, refrain from criticizing Phinehas, and appear to recognize the motif of priestly violence. On the other hand, to ascribe priestly sympathies to either work would require a much larger study, which would also have to address the question of editorial intent in the production of anthologies.

On the basis of PT's (positive) remarks on establishing Phinehas' lineage, I argued, tentatively, that the work should be appreciated within the context of wider polemics in the Jewish world about the legitimacy of priestly lineage. I pointed to research demonstrating how, even in the tenth century CE world of the Geonim, priestly lineage served as a locus for both legitimating and delegitimating those with aspirations for communal leadership. Finally, I concede that an overarching tendency is difficult to detect in the myriad of traditions attested in MhG. On the other hand, I pointed to the fact that among the few texts unique to MhG and not previously attested anywhere, there is an ever so subtle move toward reframing Phinehas' violence away from physical harm.

(a) Excursus: Phinehas in Samaritan Literature

Whereas Phinehas is resoundingly absent from the Qumran scrolls,[85] this despite the sect's seeming preoccupation with priestly legitimacy, the biblical zealot is of central importance to another sectarian group that made a name for itself in the Second Temple period and beyond — the Samaritans. If Phinehas served as a figure through whom biblical and ancient Jewish writers expressed their sense of a contested group identity, there is perhaps no group more appropriate than the Samaritans to make use of the priestly zealot. In fact, there is hardly a group in Israelite-Jewish history with a more complex, contested, or fraught identity. Even the label "Samaritan" is contested; members of the sect do not self-identity as "Samaritan."[86]

While the debate over the historical origins of the Samaritans is well beyond the scope of our current examination, a small amount of background is in order.[87] In the cultural memory of the Samaritans, the schism that would result in their separation from the Israelite-Jews is traced back to the split between the Northern and Southern kingdoms of Israel and Judah — a split

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85. See our discussion above, p. 93.

86. Benyamim Tsedaka, *Summary of the History of the Israelite-Samaritans* (Holon: A.B. Institute for Samaritan Studies, 2001), 1 (Hebrew).

87. For a survey of material and literary evidence, see, e.g., Menachem Mor, "Samaritan History: The Persian, Hellenistic, and Hasmonaean Period," in *The Samaritans*, ed. Alan Crown (Tübingen: Mohr Siebeck, 1989), 1-18. An excellent survey of scholarship on Samaritan origins may be found in Reinhard Pummer, "Samaritanism: A Jewish Sect or an Independent form of Yahwism," in *Samaritans: Past and Present*, ed. Menachem Mor and F.V. Reiterer (Berlin: De Gruyter, 2010), 1-24. Pummer makes brief reference to the fascinating schema of Nodet, according to which the "Samaritans of Gerizim were the most direct heirs of the ancient Israelites and their cult, [and] that the material in the Hexateuch should generally be attributed to them." See Etienne Nodet, *A Search for the Origins of Judaism: From Joshua to the Mishnah*, trans. Ed Crowley (Sheffield: Sheffield Academic Press, 1997), quote from p. 12; see esp. 154-194.

which appears to have centered on the legitimacy of competing cultic sites and priestly lines.[88] In the view of the Samaritans, the construction of the Temple in Jerusalem was a "late" development, and constituted an "adversarial, political, social, and religious response to the ancient centers [of worship] in the vicinity of Mt. Gerizim and Shechem."[89] By the same token, the Samaritans portrayed the priesthood of Eli at Shiloh as illegitimate.[90] It should therefore come as no surprise that the Samaritans employed Phinehas in their literature as a means of promoting their antiquity and the authenticity of their priesthood and cultic centers.

Indeed, the Samaritans took great care to emphasize their priestly lineage, its continuity, and legitimacy. Here we can point to an ironically common ground shared between the Samaritans and Israelites. As Gary Knoppers points out:

> The temple priesthoods at Mt. Gerizim and Mt. Zion both claimed a common priestly pedigree rooted in the classical past. Each sought to legitimate its sacerdotal leadership by tracing its origins to Aaron, the authoritative high priest of the Sinaitic period. . . To be sure, each tradition views the Aaronide priesthood officiating at the other's sacred site as derivative of one's own.[91]

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88. This is to be contrasted with the cultural memory of the Jews—which we will not deal with here—which saw the Samaritans as foreigners who had been resettled in Samaria (2 Kings 17:24ff.) by the Assyrian king Shalmaneser. These foreigners then tried to stymie the attempt to build the Second Temple (Ezra 4). On the Jewish sources for the Samaritan schism, see Ingrid Hjelm, *The Samaritans and Early Judaism: A Literary Analysis*, Journal for the Study of the Old Testament 303 (Sheffield: Sheffield Academic Press, 2000), 13-51.

89. Tsedaka, *Summary of the History of the Israelite-Samaritans*, 5-6 (my translation).

90. See, e.g., *Kitab al-Tarikh*, 41 [Stenhouse, p. 47]. I should add that the Samaritans did not view any biblical literature other than the Pentateuch to be canonical. See ibid., 108 [Stenhouse, p. 135].

91. Gary Knoppers, *Jews and Samaritans: The Origins and History of Their Early Relations* (New York: Oxford University Press, 2013), 190.

Here the Samaritans took advantage of the glaring priestly discontinuity that is preserved in 1 Samuel, whereby priests *not* of the Zadokite line (e.g., Eli and Abiathar) administered the Israelite cult. As John Bowman notes,

> The Samaritans knew that attack was the best method of defence. They knew that the Zadokite priesthood in Jerusalem had not always been dominant; at best, their supremacy went back no farther than the time of Solomon, when Abiathar, the descendant of Eli, the priest of Shiloh, had been ousted.[92]

Indeed, according to the genealogical note in 1 Chronicles 24:6, Abiathar was a descendant of Ithamar. Bowman therefore contends that this fact

> made the Jews emphasize all the more their Zadokite priesthood, since it traced its lineage to Eleazar, Aaron's elder son and father of Phinehas, with whom the eternal covenant of priesthood was made. Nevertheless, Aaronite priests who were not descendants of Phinehas had officiated, and could still officiate, in Judah. The Samaritans, eager to claim the validity of their own priestly orders, made no such mistake. Their priestly genealogy was traced back to Phinehas, Eleazar, and Aaron, and even a Zadok figured in it.[93]

Just as the Book of Chronicles has an extensive account of the priestly line of succession, the Samaritans maintained similar lists — albeit ones that were "authenticated through Eleazar and Phinehas, without recourse to suggesting (as does Josephus) that the Samaritan priesthood was a collateral branch of the Zadokite priesthood in Jerusalem."[94] Considering the stakes of

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92. John Bowman, *Samaritan Documents Relating to Their History, Religion and Life* (Pittsburgh: Pickwick Press, 1977), 38.

93. Ibid., pp. 38-39.

94. James D. Purvis, "The Samaritans," in *The Cambridge History of Judaism*, vol. II, pp. 591-613; quote from p. 612. For one of the authoritative Samaritan priestly genealogies, see, e.g., the *Shalshalat*, also known as the Samaritan "Chain of the High Priests," in Moses Gaster, *Studies and Texts: In Folklore, Magic, Medieval Romance, Hebrew Apocrypha and Samaritan Archæology*, vol. 1 (London: Maggs Bros, 1925), 483-502.

these genealogies, a number of scholars go so far as to regard the Book of Chronicles as anti-Samaritan polemic.[95]

I have surveyed *Tibat Marqe*, *Asatir*, *Tulidah*, and the Samaritan Book of Joshua, which are among the most important works in the Samaritan literary canon, to assess their reception of the violence of Phinehas. In so doing, I believe that the the oft-asserted centrality of Phinehas to the Samaritans needs to be revisited. It appears that, not unlike the rabbinic traditions assessed above, the literature of the group does not have a uniform conception of Phinehas or his violence. In fact, Phinehas appears to be of *less importance* to the sect than previously acknowledged. Despite the importance of Phinehas to legitimating the chain of the Samaritan high-priesthood, his violent zeal and/or covenant of priesthood are either muted or altogether absent. In fact, in no major Samaritan literary work do the two elements appear together.

In certain respects, this may be a byproduct of the sect's veneration of Moses, who comes to be considered a messiah-like figure known as the *Taheb*.[96] Previously I described how the biblical narrative contrasts the spontaneous zeal of Phinehas with the inaction of Moses. Moreover, Moses' own marriage to a Midianite woman makes him appear hypocritical. These problems are both brought to the fore in the classical Jewish canon. None of these criticisms of

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95. Perhaps the "demotion" of Phinehas to a gatekeeper in 1 Chronicles should be viewed on this backdrop. On Chronicles as anti-Samaritan polemic, see Moshe Garsiel, "The Structure and Contents of Chronicles as a Veiled Polemic against the Samaritans," in *Jerusalem and Eretz Israel: Arie Kindler Volume*, ed. J. Schwartz, et al. (Ramat Gan: Bar-Ilan University Press, 2000), 42*-60*; Martin Noth, *The Chronicler's History* (Sheffield: JSOT Press, 1987), 100-106; Amit, *Hidden Polemics*, 211ff.

96. The most extensive treatment of the Samaritan Taheb is in Ferdinand Dexinger, *Der Taheb: ein "messianischer" Heilsbringer der Samaritaner*, Kairos 3 (Salzburg: O. Müller, 1986). On the diversity of beliefs about the identity and role of the Taheb, see idem., "Samaritan Eschatology," in *The Samaritans*, 272-273.

Moses, however, is evident in the literature of the community. Indeed, I was not able to find mention in Samaritan literature of Moses ever having married — let alone to a Midianite woman. Thus it may be that Phinehas' importance, at least as reflected in Numbers 25, was set aside in order to maintain a pristine image of Moses.

Nevertheless, the discontinuity with the simple sense of the Numbers 25 narrative is all the more jarring, given the expectation (generated by scholarship on the Samaritans) of Phinehas' centrality to the group, particularly in authenticating its priesthood. An alternative explanation may be tightly intertwined with the dating of Samaritan literature. According to the Tulidah, an originally 12th century priestly genealogy that begins with Adam and has been continually updated to the present, the continuity of the Phinehan high-priestly bloodline was interrupted in 1624 CE. It stands to reason that Phinehas' violence was so tightly bound with his priestly covenant (and vice versa) that if the perpetuity of the covenant had been violated, both it and its connection to Phinehas' violence would be rendered meaningless.

With the link between the two components effectively severed, we can appreciate how the constituent parts remained significant, albeit separately, in Samaritan literature. The Samaritans had every interest to emphasize these proud aspects of their heritage. Phinehas' violence at Shittim continued to be recorded in varying configurations, and the same can be said for his priestly covenant. But it is suggestive that the link between the two appears to have been suppressed. In the absence of any other persuasive argument, I therefore leave open the possibility that, in fact, 1624 CE may be the *terminus post quem* for works thought to be of much greater antiquity (e.g., *Asatir* and the Samaritan Book of Joshua).

6. Conclusion

1. Contributions and Implications

I began this dissertation with a simply worded, albeit perilously complex, question: Why do people kill in the name of religion? This question has unfortunately remained all too resonant, as religiously motivated violence has surged, from both near and far. In the foregoing, I set aside this ambitious (and probably unanswerable) question. Instead, I set out to examine a specific subset of violence in only one religious tradition and examine its evolution and metamorphoses as refracted through one preeminent representative of that violence.

My psycho-anthropological and literary analysis of the motif of priestly violence would seem to provide a number of answers as to why prominent members of the priesthood and their ancestors have such strong associations with interpersonal violence. Nevertheless, despite the overwhelmingly positive memories of priestly violence preserved in the Hebrew Bible, a vocal minority of texts seems somewhat more ambivalent. This ambivalence, particularly regarding the violence of Phinehas, appears to reverberate already in the biblical text itself — and it continues through Josephus, the Sifre, and the Palestinian Talmud. Just as Phinehas took the law into his own hands, the authors of these texts took the retelling of the narrative in their own hands, and reshaped it according to their personal tastes. Taken together with biblical and exegetical traditions that associate Phinehas with peacemaking, there is much to be said for a strand of "conscientious objection" to priestly violence. Thus, surprisingly, the weight of pentateuchal precedent did not always translate into *willy nilly* acceptance.

Of course, for quite a few other ancient, late-ancient, and medieval writers, the biblical glorification of Phinehas' priestly violence signaled a need for further veneration—and perhaps even emulation—of the zealous priest. Frequently, however, I pointed to the fact that positive uses of Phinehas' violence came from places of weakness, disempowerment, and/or contestation of identity. This is certainly the case with regard to the Hasmonaeans, a group of questionable priestly pedigree, who consciously modeled their foundational moment as a fit of priestly violence modeled after that of Phinehas. Such uses of Phinehas represent a fascinating continuum with the (de)legitimatory discourse which is at the heart of priestly violence in the biblical text itself. It is certainly no coincidence that the texts most approving of Phinehas' violence emanate from priestly circles — even a millennium after the Temple's destruction.

On the simplest level, I have demonstrated that the interpretive literature on Phinehas' violence did not develop in a vacuum. By this I do not mean to say that we should wary of approaches that treat the literature "as if anesthetized from historical, social, and cultural intrusions."[97] Instead, I have maintained that an understanding of the biblical materials regarding priestly violence—especially their intergroup-polemical and sacrificial undertones—lends an enhanced appreciation of the exegetical and aggadic traditions thereon. This is particularly the case with regard to rabbinic literature, which evinces stunning continuities with the interstices of the biblical narrative. As scholarship on rabbinic literature is experiencing a resurgence in comparative studies with non-Jewish literary canons (some of which are considerably later than

97. Fraade, "Moses and the Commandments," 417.

the rabbinic texts themselves), I believe that it is important to appreciate how the study of rabbinics can be enhanced by the critical study of the Hebrew Bible.[98]

Similarly, I have put to use some of the fruitful work of the subfield of "Religion and Violence." While this field has enjoyed substantial attention in biblical studies, scholars in Jewish studies, and particularly in the field of rabbinics, have yet to (or perhaps have refrained from) engaging with the theories, methods, and questions raised by René Girard and others. There is, of course, the not so subtle matter of Girard's supersessionism, which was roundly condemned by Jonathan Klawans in his *Purity, Sacrifice, and the Temple*. I have maintained, however, that Girard's theoretical framework may have its flaws, but that does not invalidate his work *in toto*. Indeed, I have demonstrated that Girardian theory provides an apt framework of coherence for narrative priestly violence, its origins, and development. That Phinehas' interpersonal violence—itself deeply suffused with resonances of human sacrifice—is ultimately incorporated into the rabbinic legal system seems to me a remarkable corroboration of Girard's sacrificial theorem.

This project also fills a number of significant lacunae, both in biblical studies and in the study of classical Jewish literature. To date, no study has attempted to provide a framework for understanding the biblical motif of interpersonal priestly violence or its afterlife. And while Second Temple literature has been studied with an eye toward discourses of priestly

98. For a similar approach, see Andrew Teeter, "The Hebrew Bible And/as Second Temple Literature: Methodological Reflections," *Dead Sea Discoveries* 20:3 (2013): 349–77.

(de)legitimation, only isolated attention has been paid to these same discourses in rabbinic literature. I have highlighted how these discourses are ever present and persistent, long after the destruction of the Temple.

2. Limitations and Future Directions

There is still much further ground to explore with regard to the motif of priestly violence. I limited my discussion to narratives in the Pentateuch, and even then, my focus was admittedly on the narrative in Numbers 25. In addition to expanding my examination of the other pentateuchal narratives, which I treated quite briefly, a number of other episodes and topics which evince various associations between priesthood and violence bear more extensive exploration as well. These include the deaths of Nadav and Abihu (Leviticus 10), the rebellion of Korah (Numbers 16), the role of the priestly implements in campaigns of war, the massacre of the priests of Nob (1 Samuel 22), Josiah's slaughtering of priests on the altar (2 Kings 23:20), the supposed cultic war between Jeroboam and Aviam (2 Chronicles 13; cf. 1 Kings 15:7b), and the violence of the Levites in 2 Chronicles 23.

A more in-depth exploration of priestly violence would continue Joel Baden's work in assessing the source-critical relationships between the various pentateuchal narratives. Indeed, we have seen evidence of Levi(te), Mushite, and Phinehan/Aaronide violence. Following the ancient interpretive literature, I have likewise considered these texts as part of a shared discourse of priestly violence, given that the narratives exhibit considerable intertextuality with one another, and share fundamental thematic components. But with which group did the motif

originate? Given the intertextual relationships, is it possible to determine who borrowed from whom? Does this information contribute to our understanding of the history of the Israelite priesthood?

If above I suggested expanding the scope of study *within* the biblical corpus, another possible direction is to look *outside* the Hebrew Bible. My hypothesis regarding the motif of priestly violence posited a connection with either the violence of human sacrifice or the violence of animal slaughter. As the Israelite priesthood did not have a worldwide monopoly on either type of sacrifice, it would be profitable to take another look at the literature of other sacrificial cultures, particularly, though not exclusively from the Ancient Near East. Are non-Israelite sacrificial priesthoods also portrayed as sliding into interpersonal violence? If not, might these cultures provide alternatives to my hypothesis? Moreover, are there examples of laudatory narratives of religious violence that are utterly disconnected from sacrifice?[99]

Outside of the Israelite-Jewish reception of Phinehas' violence, there has yet to be a study of the place of Phinehas in Patristic literature.[100] In the foregoing I indicated a small number of Christian interpretive traditions that bear resemblances to rabbinic comments on Phinehas.

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99. Michael D. Jackson, who has done extensive study on the contemporary narratives of violence (particularly in Africa), has commented to me that he has never encountered *laudatory* narratives from the perpetrators of violence; only lachrymose narratives from the victims.

100. A single work has gathered many of the Christian sources, but its focus is on representations of Phinehas in Christian artwork. See Andreina Contessa, "Pinhas, lo zelante. Un personaggio problematico nell' arte cristiana," in *Raccontare Dio: il Midrash e la tradizione di Israele*, ed. Raffaello Zini (Novellara Reggio Emilia: Aliberti, 2002), 115-146.

Outside of these "parallels," however, there remains a substantial interpretive tradition awaiting future study.

By and large, I have followed Jan Assmann's "mnemohistory" as a guiding methodological frame, and I have generally refrained from making positivistic assertions about the texts under study — particularly with regard to the biblical and rabbinic texts. By positivistic assertions I mean statements that ascribe definitive authorship, dating, and provenance of a given textual tradition, when the only source for such ascriptions is the text itself. Having held back (again, for the most part) from grounding texts in history, I believe that an examination of Phinehas could, conceivably, benefit from a cautious positivism.[101] This methodology would trace the evolution of Phinehas in the interpretive literature alongside historical developments in the institution of the high priesthood or the place of priesthood in society. To a certain extent, I have alluded to such an approach in handling the rabbinic materials on Phinehas' zeal. Employing Christian literature, Oded Ir-Shai, for example, has provided external sources of evidence for the history of the Jewish priesthood. I believe that his findings may be employed, tentatively, to account for the more positive impressions of Phinehas (and the priesthood in general) in Jewish literature dating from around and after the rise of Islam.

Expanding this latter point, I believe that there needs to be a more systematic and critical investigation of (a) rabbinic attitudes toward the priesthood, as well as (b) other manifestations of violence associated with the priesthood in rabbinic literature. In discussing the latter issue,

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101. The recent dissertation of Matthew Grey, "Jewish Priests and the Social History of Post-70 Palestine," draws not only on the literary evidence, but also on archaeology and epigraphy.

both Steven Weitzman and Naftali Cohn have employed the theoretical lens of "ritual failure."[102] It seems to me, however, that the more appropriate lens is that of priestly violence, particularly as I have demonstrated the continuity of this motif elsewhere in rabbinic literature.

While I emphasized the reception of Phinehas' violence in the classical rabbinic legal canon, the treatment of the legal vigilantism inspired by Phinehas continues well into the works and codes of the medieval halakhists. To a certain extent, Phinehas' violence is given wider and more extensive attention in medieval Jewish legal literature than in the aggadic literature of the same period. The mainstreaming of Phinehas' violence is certainly ironic, given that when it first appears in rabbinic legal literature, the violence resembling that of Phinehas is presented as part-and-parcel of intra-priestly (or intra-Temple) law. But the medieval codification of Phinehas' violence deserves serious study, particularly in those Jewish communities that were granted legal autonomy and capital jurisdiction.

Returning to the biblical materials, there is also the matter of what I would call the metamorphoses of Phinehas, which I alluded to with the texts appended to Chapter 2. Indeed, there is hardly a biblical character whose resumé can match that of Phinehas. In addition to his famed vigilantism and covenantal rewards, Phinehas was also a military leader, a diplomat, a (high) priest, and a high ranking Temple functionary. Mentions of Phinehas span the entire biblical corpus, from Exodus through 2 Chronicles. Phinehas' long career is said to have

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102. See, respectively, Naftali Cohn, "Ritual Failure and Ritual Success in the Mishnah: Contemporary Theory For an Ancient Text" (paper presented at a symposium on Religious Studies and Rabbinics, University of Virginia, February 19, 2013); Steven Weitzman, "From Feasts to Mourning: The Violence of Early Jewish Festivals," *Journal of Religion* 79:4 (1999), 545-565. I thank Naftali for kindly sharing his paper with me.

extended from the desert period through the end of the period of the Judges — a distinction held by no other member of his generation.

Naturally, Phinehas and his diverse exploits outside of Numbers 25 garnered lavish attention in the interpretive literature. These materials deserve to be treated, alongside Phinehas' famed violence, in a separate exegetical biography. My findings, to date, reveal a dizzyingly diverse portrait, rife with inconsistencies and contradictions. This, in turn, raises questions regarding the fundamental possibility of exegetical biography. In other words, can we be sure that biblical interpreters intended to paint a coherent picture of Phinehas? Or was their work driven by thematic consistency rather than consistency in character? As a final alternative, is it possible that "Phinehas" is really just a composite construct, with the thrust of interpretation centering on the diverse verses that all mention him by name? Such a project would make an excellent test-case for these questions, and perhaps have greater implications for the study of exegetical biographies, in general.

One final area for further study is, perhaps, a fitting conclusion for the dissertation. It is recorded in the Numbers 25 narrative that in addition to a covenant of perpetual priesthood, Phinehas is also promised a "covenant of peace" as a reward for his violent outburst at Shittim. Of course, a covenant of peace seems incongruous with Phinehas' violence, not to mention the violent legacy of the priesthood at large. But there are a number of texts, both within the Hebrew Bible and in the interpretive literature, that, while not denying Phinehas' associations with violence, also link him with peace and peacemaking. These latter traditions deserve study together with other texts critical of Phinehas' violence. More importantly, with the surge of

contemporary religious violence, these texts should give us an appreciative pause for the exegetical peacemakers, who millennia ago expressed their misgivings with biblical violence.

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