

The Case of Phinehas at Baal Peor in Num 25¹

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Ever since the late 1970s I try to understand that in Hebrew there is no word for to punish or for punishment² and I follow up the idea that the Old Israelite legal system was one of making peace in and for the community.³ In judicial matters I prefer the term "sanction" to the idea of punishment. In a paper presented at the SBL-meeting of Orlando in 1998 I tried to ask for the rationale of death sanctions in the Old Testament and even there I miss the idea of punishing.⁴ If this is true, then divine sanctions in the Old Testament should be understood in the same manner. Commenting on Numbers in BKAT⁵ I came across Num 25, the Phinehas episode. This pericope is clearly difficult to explain, as is wellknown. More than that, it may be a test case for the thesis to death sanctions.

Before going into details it will be best to give an outline of V.1-15. In my opinion V.1-15 know only of one real sanction. That is called the wrath of God in V.3b and executed as a plague killing 24000 people (V.8b-9, like in 17,11). God ordered to kill all the heads of the people distorting their members after death, *but this is already thought of as an act of redemption* (V.4). Moses, changing God's word, then ordered to kill all the guilty persons by judges to end the wrath of God (V.5). Both of these are hard atoning consequences of Israel's going under the yoke of Baal Peor, even in OT thinking. But both orders were not executed because a new situation arose through Zimri the Simeonite and Cozbi the Midianite. My thesis is that their coming into the middle of the Edah while this had a ritual weeping at the tent of meeting because of the plague, changed the kind of idolatry under the yoke of Baal Peor. That Israel went under this yoke through the instigation of Moabite women already had the harshest consequences for the people. But that Zimri and the Midianite Cozbi came to the acceptance of their relatives in the middle of the mourning Edah meant the threat of a real political bond with the Midianites underlined through family ties of very highranking persons, especially on the side of the Midianites, *under the auspices of Baal Peor*. For Cozbi was the daughter of a leader of Midianite lineages or tribes, and from then on she might be the mother of highranking Israelites under the yoke of Baal Peor. So it seems that under these circumstances the death of the couple by Phinehas' spear was the only possible way to end once for all this extremely dangerous religiopolitical connection under the auspices of Baal Peor, the cruel killing of Cozbi aiming at ending her matriarchal possibilities. Because of this there was no more need to execute the earlier order to kill all the heads of the people or to kill all the guilty persons: They were not thought of as sanctions, but as means of redemption. For

¹ Paper given at the SBL-meeting in Toronto 2002 and discussed on the basis of a 10-minute-version in the Law Section, Nov. 26, presiding John D. Welch.

² See especially K.Koch, Gibt es ein Vergeltungsdogma im Alten Testament, ZThK 52 (1955) 1-42 = Um das Prinzip von Vergeltung in Religion und Recht des Alten Testaments (1972) 130-180: 164.

³ H.Seebass, Der Gott der ganzen Bibel (1982) ch.5. See, now, f.i., M.Limbeck, Das Gesetz im Alten und im Neuen Testament (1997) 4ff.

⁴ Published: H.Seebass, Zum Sklavenrecht in Ex 21,28-32 und der Diskrepanz zwischen Ersatzrecht und Todesrecht, ZAR 5 (1999) 179-185. See, too, D.Patrick, Studying Biblical Law as Humanities, Semeia 45 (1989) 27ff.

⁵ See H.Seebass, Numeri, BKAT IV/2 (2003), comprising 10,11-22,1 as a *first* volume of three.

V.10-13 expressly explain that the plague had to be stopped by redemption, and Israel's God declared that Phinehas' zeal made sufficient redemption through exacting God's own zeal or wrath.

Now for the details!

A critical consensus on Num 25 has been that there should be a strict division between v.1-5 and v.6ff, with v.16-18 as a late addition and maybe more than one strand or some more additions in v.1-5 and v.6-15. This was not the special finding of source criticism, though it mostly was put in the terms of sources (JE and R^P). For everyone is able to observe that v.6-9 effect a total break with the content of v.1-5, as Martin Noth in his commentary on Numbers was carefully describing.⁶ But already R.Smend, *Die Erzählung des Hexateuch auf ihre Quellen untersucht* (1912) 233, insisted that it is impossible to understand v.1-5 without v.6ff and vice versa. E.Blum, *Studien zur Komposition des Pentateuch*, BZAW 189 (1990) 114-116 took it up once more, and P.J.Budd, *Numbers* (1984) 278f sought to establish an original sequence of v.1-5 in v.6-15 by reconstruction. Both of these approaches concur with a new trend of OT scholarship to analyze first of all the extant tradition, in this case v.1-18 as a whole, before analyzing diachronically. Though not overlooking the many problems of the extant text this was, too, the approach of J.Milgrom, *Numbers* (1990) 476-480: he or she who provided the last version of the text must have made sense out of it, and it is this extrapolated sense that we have to detect.⁷

But if one reads v.1-18 as one whole the exegete is confronted with a big problem of divine justice, which has not been really dealt with in the explanations up to now. The Roman emperor Julian Apostata noted it in his tirades against the Jewish and Christian religion. First, he felt a disproportion between the intention to kill about 600000 persons (v.11; cf. 26,64f) while only some, maybe about 1000 persons, could have done wrong in the sense of v.2 whoring after Moabite women. Further, Phinehas' god is placated in a very capricious and simple way: a single human being utters the same wrath as he himself feels, he is therefore content with executing only two persons (v.11); see G.Dorival, *La Bible de`Alexandrie 4. Les Nombres* (1994) 465. I wish to add the minor discrepancy that YHWH ordered the execution of all the politically responsible leaders called "heads" to turn away his wrath from the people (v.4MT), but is full of praise for Phinehas without even mentioning his first judgment though Phinehas only killed two guilty persons. To be sure, in the meantime 24000 persons were killed by a plague as the effect of God's wrath. But v.4 ordered the death of all the political leaders as responsible: not as a judgment of the people's guilt but as a propitiation to effect an end of the wrath/plague.

This I call the case of Phinehas at Baal Peor. How, then, is Num 25 to be understood? Since the explanation of the text is in no way simple I try to present it in a sequence of steps.

1. There are four philologically doubtful Hebrew words which should be translated in the most probable way at the time being, represented by HALAT: צָנַד ni. "to go in a yoke, to harness oneself", יָקַע hi. "to luxate members (of dead persons)",⁸ קִבָּה "vaulted tent" and קִבְחָה "her (abomasus), belly, womb" (MT non emendatus). Ges¹⁸ Vol. II (1995) 306 made it very probable that זָנָה in the extremely rare combination with the preposition אֶל (V.1) does not mean carnal prostitution, but idolatry.

⁶ M.Nothing, *Das vierte Buch Mose. Numeri*, ATD 7 (1966) 170f.

⁷ So, too, T.R.Ashley, *The Book of Numbers*, NICOT (1993) 514f; H.Seebass, *Zu Numeri 25,1-18*, A.Graupner et alii (ed.), *Verbindungsstellen* (FS W.H.Schmidt 2000) 351-362: 351.

⁸ See W.Thiel, *Rizpa und das Ritual von Gibeon* (FS O.Kaiser 1994) 247-262, who convincingly explained the ritual.

2.V.1-5 do not only expose the issue of idolatry but mention two ways to reach a solution. V.1 says that when Israel arrived at Shittim in the Ghor east of the Jordan, they began with idolatry in regard (ל) to Moabite women. Invited to participate in sacrificial meals for their god/s the people ate the meat of those sacrifices and bowed down to the Moabite god/s. But they went a step further and submitted to the yoke of Baal Peor. This seems to be the god of the place sometimes called Beth Baal Peor at the edge of the Moabite plateau (*Ras Musaqqar* near Nebo⁹): for people accustomed to climbing mountains not difficult, though from Shittim (*Tell Hammam* or *Tell Kefren* in the southeastern Ghor) it meant backtracking and is thus a minus for the people. The yoke of Baal Peor united Israel, Moab and Midian (as will be related later) in idolatry at a station on the main road from the plateau down to the Ghor. For the narrative, this was not a casual idolatry but a binding commitment at a cultic place. So YHWH's wrath was inflamed against Israel. He ordered the dismemberment after the death of all the politically responsible leaders before YHWH under the sun (an extremely rare act of propitiation, mentioned only once more in 2Sam 21),¹⁰ even there not as a punishment, but as a means of propitiation (V.4 non emendatum contra Samaritanum). Astonishingly Moses did not carry out this order but changed it as if he had to see to it that his god did not do an injustice to innocent persons,¹¹ and gave orders to kill all the guilty persons by judges. V.6ff show that neither God's nor Moses' order was fulfilled. Instead we find the Edah which was not mentioned before performing a ritual weeping at the entrance of the Ohel Mo'ed and Moses in their company.

3. There is a clear break in the narrative beginning with v.6, since we never before heard of the Edah (v.1-5 said "Israel" or "people") or of the Ohel Mo'ed, and it is not explained why the Edah wept. Since the narrative does not tell a fulfilment of v.4 or v.5, but mentions a plague killing up to 24000 persons in v.8b.9, it is only possible to assume that the plague (v.8b.9) was the reason for the ritual weeping. The plague must be the effect of God's wrath (v.4a) just as we read it before in Num 17,11 (Num 17,14, too, provides a similarly high number of deaths at the Korah incident). This clearly shows a very weak position of Moses in view of Phinehas' initiative. For into this ritual weeping of the Edah and before Moses' eyes a man of Israel came without respecting the Edah and brought "the" Midianite woman (the article is explained in v.14f) to his brothers or relatives. J.Milgrom showed that the verb קרב hi. only means "to bring near", not bring to a marriage or take the woman home as the last act of a marriage.¹² So v.6 has no sexual connotation (see, too, below). Phinehas as grandson of (the dead) Aaron and son of the official chief priest Eleazar, a member of the young generation that was to see the holy land after the incident of Num 13f, took the initiative, followed the man of Israel to the vaulted tent (not mentioned before) with a spear and pierced with it the man of Israel and in a special way the Midianite woman, through her womb. It is sheer and insane conjecture on the part of Targ Jon. and Rashi, that she was killed through her vulva or both in sexual intercourse (according to talio: With which member they sinned at that they were killed). B.A.Levine, Numbers 4B (2000) 297-299 made a strong case arguing that there are no real sexual connotations in v.8f. The vaulted tent has nothing to do with prostitution, and in my opinion it has nothing to do with a cult, be it for YHWH or for idolatry, since both these explanations are only read into the text. Vaulted tents are wellknown as used by Arabic nomads attacked by the Assyrian army (Sanherib, Assurbanipal, see ANEP

⁹ See S.Mittmann, Die Gebietsbeschreibung des Stammes Ruben in Josua 13,15-23, ZDPV 111 (1995) 1-27: 22f.

¹⁰ See n.6.

¹¹ J.Milgrom, Numbers 477.

¹² Numbers 214.

468-471), relatives of the Midianites.¹³ Only one thing is very clear: To be killed by a spear through the womb does not mean an instant death, but a slow and extremely painful dying. An old suggestion said that the Midianite woman was killed in a special way because she was a foreigner, associating conflicts in the time of Nehemiah and Ezra.¹⁴ But that is impossible, because Moses had a Midianite wife and – so Num 12 – a Cushanite wife (Cushan as part or relative of Midian). But the wives of Moses were not attacked, and Num 31 relates that Israelites were allowed to take Midianite virgins as wives. The reason for Phinehas' deed can only be that the man of Israel and the Midianite woman were acting demonstratively, with a high hand, as Num 15,30 explains as the worst case of being guilty, and that this was going on under the yoke of Baal Peor, since both of them were not respecting the ritual weeping of the Edah. But even then the Rabbis were uncomfortable with this case, as J.Milgrom 215 notes: they would have excommunicated Phinehas if God had not expressly accepted his deed, because he acted without the judgment of a real lawcourt¹⁵ (and did not warn the man of Israel before killing him: so TJ 9,27b). But this leads to the main question: Why could YHWH accept Phinehas' killings as laudable, why could He approve of them, mentioning especially the zeal of Phinehas which performed the zeal of YHWH Himself? Why did God not insist any more on His former judgment of v.4 where not only guilty persons were made responsible but all the leaders of the people as the responsables? And why was the foreign woman so cruelly killed though the man of Israel should be responsible as husband and as an Israelite who was a member of the people of YHWH? But God did even more than only accepting Phinehas. He granted him a covenant as Shalom (V.12) and a covenant of eternal priesthood. Why?

4.The answer can only be found in v.14f. But in critical scholarly literature these verses are suspected to be an addition (either v.10-13 – so A.Dillmann and B.Baentsch, but they did not find many followers – or v.14f, so the majority),¹⁶ because they come too late, and they might be a preparation of v.16-18 through mentioning a highranking Midianite before waging war (Num 31). But it is much more probable that v.10-13 is the scopus or aim of the narration of v.1-15 and v.14f the intended conclusion exactly explaining the high reputation that YHWH found applicable for Phinehas. The main information comes from v.15. It says that the Midianite woman was not a simple person, but the daughter of a very high ranking Midianite “head” of אֲבוֹתָא: either tribes or lineages. The very cruel killing of this woman has a parallel in the politically extremely shameful killing of the Phoenician princess Jezebel, the wife of Ahab and queen-mother of the actual king Jehoram (2K 9,33). In a former draft I thought that there was the answer to the above questions: the extremely cruel killing of Jezebel, together with the killing of the responsible king Jehoram, ended the coalition with the Phoenicians and the cult of Baal in Samaria as a parallel to the ending of the cult of Baal Peor and the coalition with the Midianites and the Moabites through the cruel killing of Kozbi and the killing of the responsible man of Israel, Zimri.¹⁷ But a second look teaches that Jehu had much more to do to end the cult of the Baal in Samaria (2K 10),¹⁸ and the supposed parallel does not explain properly why the death of Zimri and Kozbi ended the contact with the Moabites. But

¹³ T.Staubli, Art. Zelt, NBL II (2001) 1198-1202 shows a picture of a nomadic tent from the time of Ashurbanipal (though he thinks of a cultic use in Num 25).

¹⁴ See especially J.Wellhausen, Prolegomena zur Geschichte Israels (1927=1981) 354f (many followers).

¹⁵ See the more extensive explanation of M.Hengel, Die Zeloten. Untersuchungen zur jüdischen Freiheitsbewegung in der Zeit von Herodes I. bis 70 n.Chr. (1961) 160ff.

¹⁶ See all exact notes in my forthcoming comment, BKAT IV/3.

¹⁷ See my essay mentioned in n.5.

¹⁸ A recent interpretation gave W.Dietrich, Jehus Kampf gegen den Baal von Samaria, ThZ 57 (2001) 115-134.

R.Z.Sivan, *The rape of Kozbi (Numbers xxv)*,¹⁹ who sought the answer of the rationale of Numbers 25 in a similar direction, brought to light a parallel that helps to understand Num 25. The parallel is from Livy, *Ab urbe condita libri*, book I, 57-59 in the interpretation of A.Feldherr, *Livy's Revolution. Civic Identity and the Creation of the Res Publica*, in: T.Habinck and A.Schiesaro (edd.), *The Roman Cultural Revolution (1997)* 136-157 (Sivan 75ff). True, this parallel is from a quite different culture, and it is not sure that the narrative of Livy has an historical core. But the interesting point that allows us to compare Livy's story with Num 25, is the fact that the change from one political status to another is anchored in a family story. It runs as follows: During an interlude in a war aristocrats had a contest over the chastity of their wives. A certain Collatinus suggested riding to Rome to check up on them. The men rode off in an alcoholic daze only to find all their wives except one consorting with male friends. The exception was Collatinus' wife Lucretia. Collatinus invited his defeated friends to dinner at his house. During the meal Sextus Tarquinius, heir to the throne of Rome and a relative of Collatinus, decided to seduce Lucretia. He returned to her when her husband was absent. Though coming as an honoured guest he invaded her bedroom and threatening her with death pressed her to submit. But Lucretia preferred to die than to submit. Then Sextus threatened that if she refused to be raped he would kill a slave, lay his naked body next to her and kill her as though he caught them in the act of adultery. Then Lucretia yielded. After Sextus left she summoned her male relatives, divulged her disgrace and the name of her ravisher, asserted her innocence and committed suicide in spite of the protests of her relatives. Brutus, a relative of the couple and of Sextus Tarquinius vowed revenge holding the bloody knife with which Lucretia had killed herself. Her body was brought to an open space to be viewed by the crowds. Anger at the brutality of the king's son and sympathy with the father's grief stirred every one. So Brutus made a great speech resulting in a revolution against monarchy that ushered into the Republic (cp. W.Shakespeare, *The rape of Lucrece*).- This is depicted as the extension of family matters into the public domain as one branch of a family succeeded over the other resulting in the change from kingship to republic. Sivan explains this in view of Num 25. In the story of Livy a conflict about a woman between members of a very highranking family led to a change of the political system, and it was a conflict between the male members though Lucretia is at the centre of the conflict. In Num 25, so I wish to continue, the marriage of Zimri with the highranking Midianite Kozbi under the yoke of Baal Peor resulted in a change of the political status of the idolatry. Since the Midianites were represented by one of their heads and became partners of the family of a Simeonite head, Israel, the Edah, was threatened by an institutionalized idolatry through family bonds with the Midianites. Sivan 73f seems to be right in observing that Cozbi was not mainly the object of sexual desire, but a matriarch able to bear highranking sons, patriarchs, under the blessing of Baal Peor, and therefore her being killed through her womb is clearly symbolic (no illicit sex, but sex only as a means of fertility). The original order of YHWH in v.4 was hard though an understandable propitiation for the yoke of Baal Peor. But the threat of the status of idolatry through the family connection with Midianites was much greater, and the death of the two persons that represented the change put an end to both dangers. It was imperative to impose a sanction against the Midianite woman, too, but it had never been imperative to think of a sanction against the Moabites, as v.4 makes certain, which mentions only Israel. Phinehas was vindicated because he (instead of Moses) acted politically in the right way, though he took the risk of war because of the killing of Cozbi.²⁰ What he had done was not so much an act

¹⁹ VT 51 (2001) 69-80.

²⁰ M.Hengel, *Zeloten* 163 mentions that Rabbis discussed a possible blood vengeance of the Simeonites prevented only by an angel killing the Simeonites.

against foreigners as an act against idolatry under the auspices of highranking family ties with another people. So YHWH blessed Phinehas eternally with two covenants, not because of being cruel but because of solving a very dangerous situation with respect to the very important singularity of Israel in the ancient world: Israel as the exceptional people of YHWH.²¹

5. Literarily it seems sound to interpret v.1-15 as one whole and to understand v.16-18 as an addition in view of Num 31. Since there is nearly a consensus of the otherwise rather disturbing situation of the Old Testament research, that there was a priestly strand and that this strand is, with the exception of only a few details, correctly isolated by Theodor Nöldeke at the end of the 19th century,²² it has to be observed against an older prejudice that there are only very few P-elements in v.6-15²³ that probably allow the reconstruction of a "Vorlage".²⁴ One of the P-elements is v.13, the announcement of a covenant of eternal priesthood for the genealogy of Phinehas besides v.12, the covenant as shalom (priesthood missing, too, in Ps 106,31).²⁵ Following Num 3f; 18 there would have been no special necessity to grant Phinehas an eternal priesthood (after all the text says nothing of highpriesthood like Ben Sira 45,23f). So it seems that there was some necessity for the Aaronites to claim a new word of YHWH after Ex 29,9f; 40,15 granting eternal priesthood to Aaron. There is no proof of the very common assumption that the Aaronites of P were identical with the Zadokites.²⁶ Then the best explanation for this new declaration of YHWH is that Phinehas acted as Aaron should have acted in Ex 32 (Ex 32,25b.35b). While Aaron was not vindicated in the incident of the Golden Calf in Ex 32, Phinehas made things straight for the Aaronites by gaining a new word of YHWH. That means that the present form of v.1-15 cannot be very old, and that suits well to the fact that the Aaronites and Zadokites – leading in postexilic times – are not intermingled before the Chronicler. On the other hand most scholars will agree, that there is an old tradition in v.1-5. There seem to be some signs of redacting, as e.g., the word "heads" in v.4a, which has its root in Ex 18,25 (there an addition) and the word "judges" in v.5 or the wording of v.2 with its parallel in Ex 34,15f. So v.1-4 (v.5 may already be a later correction) might be a reminiscence of Omride political heritage, but not remembering the important

²¹ The last version of V.1-15 would know the older Deuteronomic/Deuteronomistic understanding of Israel's singularity in the multitude of the nations.- One member of the Law Section of the SBL-meeting in Toronto asked what it could have made convincing for the Israelite tradition that there was a real danger coming out of the connection between Israel and the Midianites more than the idolatry that was already arrived at in V.3. Clearly it was the very destructive experience made in view of the outcome of the Omride dynasty.

²² See W.H.Schmidt, Einführung in das Alte Testament (1995) 98. In my opinion it is not to the credit of the OT scholarship that presently so many scholars try to reject this important insight by postulating a more and more shortened version of the P-strand.

²³ פתח אהל מועד in V.6a, עזר ni. Like in 17,13,15, כהנת עולם in V.13a like in Ex 40,15 (29,9f), the identification of wrath and plague like in 17,11 and the genealogy of Phinehas. Note that even Eleazar is nowhere mentioned though he should have a role in the ritual weeping of the Edah.

²⁴ The „Vorlage“ will be found in my commentary.

²⁵ Ps 106,28-31 is neither interested in Phinehas' genealogy nor in his priesthood but only in Israel's catastrophic guilt and Phinehas' mediation before God resulting in the acknowledgement of Phinehas' deed as צדקה in the idea of a breach for the people in Ps 106 is a remembrance of Ez 22,30. Together with the interpretation of the וזח in Num 25,2 as one for the dead in Ps 106,30 it seems that Ps 106,28-31 is a later reference to Num 25.

²⁶ Following A.Cody, A History of the Old Testament Priesthood (1969) 158ff and now E.Otto, Die Tora des Mose. Die Geschichte der literarischen Vermittlung von Recht, Religion und Politik durch die Mosegestalt, Berichte aus den Sitzungen der Joachim Jungius-Gesellschaft der Wissenschaften e.V. Hamburg. Jg 19, H. 2, 33 n.90, Göttingen 2001.

neighbouring YHWH-cult place of Nebo that Mesha/Mosha destroyed in the last days of the Omrides.²⁷ What is left is only a fragment. But Hos 9,10 recalls the incident.

6.Finally there should be a word about the verbal attacks of the Roman emperor Julian Apostata. In the modern world of liberal democracies and their moral standard it is difficult to understand the 24000 deaths of V.9, and it is not easy to understand the killings of Phinehas.²⁸ In the world of the Old Testament the judgements of this pericope were morally and ethically convincing as I hope to have shown. Especially important seems to be the clear result that the pericope does not enhance Israelite rejection of foreigners but has its centre in redeeming idolatry. For the modern observer there is one point that no one should overlook: It is Israel itself criticizing itself harshly, especially after the highlights of the foreign diviner Balaam who did not submit to king Balak of Moab while Israel submitted to Moabite women. This Israelite-Jewish-Christian heritage is certainly important even today, maybe more than ever.

²⁷ See i.a. K.P.Jackson and J.A.Dearman, The Text of the Mesha Inscription, in: J.A.Dearman (ed.), Studies in the Mesha Inscription and Moab. Archaeology and Biblical Studies 2 (1989) 94-96: 95, lines 14-18; „The Moabite Stone“, ANET (³1969) 320, lines 14-18.

²⁸ In his presidential address to the SBL-meeting in Toronto 2002 J.J.Collins made a big point out of this together with other in the same sense problematic passages of the Bible, probably as a warning against an uncautious use of the Bible over against the Qur'an in the hands of muslim terrorism, published as: The Zeal of Phinehas. The Bible and the Legitimation of Violence, JBL 122 (2003) 3-21. But we should not forget that Christian teaching from very early times was aware of this problem, and especially since the end of the 19th century (Religionsgeschichtliche Schule) Jews and Christians learned to make sufficient efforts to interpret acts and thoughts with respect to their own time and thoughts.