

## CHAPTER EIGHT

# Disarming Phineas

### Rabbinic Confrontations with Biblical Militancy

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Traditional Jewish piety is expressed largely through commitment to a comprehensive system of religious commandments. Beyond the rituals and acts of devotion that Western liberalism recognizes as the legitimate domains of religious activity, the Torah establishes a judiciary structure to administer civil, criminal, and cultic offenses. It regulates the appointment of judges (Dt 16:18–20), as well as the rules of testimony (e.g., Dt 17:6–7) and punishment (e.g., Dt 25:6–7). No person, including royalty or the priesthood, is above the law; and violations of the law are to be adjudicated according to due process (see Dt 17:5–13). To be sure, the Torah tells of individuals who took the law into their own hands and acted with violent impetuosity against wrongdoers, such as when Simeon and Levi massacred the Shechemites for dishonoring their sister Dinah (Gn 34). Their actions were not portrayed in a favorable light, and the incident belongs, after all, to the era prior to the Torah's revelation. So, too, when the young Moses slew the Egyptian taskmaster (Ex 2:12) he was not yet subject to the Torah's standards. In his later years, after the receiving of the divine law, Moses' leadership was typified by his reluctance to issue decisions without explicit direction from the Almighty. We discern this trait, for example, when an individual was arrested for gathering sticks on the Sabbath (Nm 15:32–36); or when adjudicating the inheritance claims of Zelophehad's daughters (Nm 27:1–11).

A blatant exception to the Torah's insistence on judicial processes is the episode related in Nm 25, where Phineas spontaneously executes an

Israelite leader and his Midianite consort who were openly participating in the idolatrous and licentious cult of Baalpeor:

And, behold, one of the children of Israel came and brought unto his brethren a Midianitish woman in the sight of Moses, and in the sight of all the congregation of the children of Israel, who were weeping before the door of the tabernacle of the congregation. And when Phineas, the son of Eleazar, the son of Aaron the priest, saw it, he rose up from among the congregation, and took a javelin in his hand. And he went after the man of Israel into the tent, and thrust both of them through, the man of Israel, and the woman through her belly. So the plague was stayed from the children of Israel.<sup>1</sup>

Many issues arise from this story, but we will focus here on the one that drew the most attention from the rabbinic interpreters and homilists: What normative lessons are we expected to derive from Phineas' act of zealous assassination?<sup>2</sup> Phineas' role was sometimes contrasted with that of Moses, who appears conspicuous in his inactivity in the face of an extreme provocation of idolatry, promiscuity, and insubordination.<sup>3</sup>

The rabbinic references to the Phineas episode have been explored extensively by scholars dealing with ideological foundations of the Zealot movement during the Second Temple era. The most significant study of that sort is Martin Hengel's monumental investigation of the Zealots.<sup>4</sup> The present, narrower treatment of the question will differ from Hengel's in several respects. Most importantly, my principal concern is not to scour the rabbinic corpus for evidence of the pre-rabbinic Zealot philosophy, but rather to study the talmudic and midrashic materials for their own sake and on their own terms, paying attention to how the rabbis interpreted Phineas' action, and how their rhetorical and hermeneutic approaches allowed them to take a critical view of this biblical hero without calling into question the authority of the Torah.

A second difference between this study and Hengel's has to do with the narrower definition given here to the phenomenon of "rabbinic literature." Hengel<sup>5</sup> made generous use of medieval compendia such as *Numbers Rabbah*,<sup>6</sup> *Exodus Rabbah*,<sup>7</sup> and assorted minor works from the medieval era.<sup>8</sup> Although he is cognizant of some of the methodological problems associated with this approach, and makes strong arguments for the antiquity of some of the exegetical traditions that show up in late sources,<sup>9</sup> I am nonetheless convinced that it is more valid to base conclusions on texts that can be reliably classified as "rabbinic." In the present context, this meant restricting my analysis almost exclusively to the *Sifré on Numbers* and the

two Talmuds, while using other works mostly as textual witnesses for the earlier collections.

### Phineas in the Second Commonwealth

In diverse ways, the rabbinic texts indicate that they associated Phineas' violent impetuosity with the events and attitudes of the Second Temple era, between the Hasmonean revolt and the destruction of the Jerusalem Temple in 70 C.E. Such an association is implied in the way that the rabbinic expositions of Nm 25 connect it to an anonymous teaching of the Mishnah (*Sanhedrin* 9:6) that "One who has sexual relations with an Aramean woman,<sup>10</sup> zealots [*qanna'in*] attack him."<sup>11</sup> The descriptive style and invocation of extralegal sanctions set this passage apart from the customary discourse of rabbinic legal literature, which is normally addressed to the sages and courts that are charged with the administration of ritual or judicial cases, and is couched in conventional categories of innocence, guilt, penalties, and compensation. The treatment of this mishnah in subsequent talmudic and midrashic discussions reflects the rabbis' assumption that it derived from a particularly ancient oral tradition. On the whole, it would appear that the rabbis were correct in identifying the mishnah passage as belonging to a pre-rabbinic stratum, a dating that is borne out by, among other factors, its juxtaposition with other motifs that belong to the Second Temple era.<sup>12</sup>

The early midrashic tradition, however, takes this premise a giant step further by assuming that the mishnah about Zealots avenging dalliances with foreign women originated at Mount Sinai itself and was part of a body of halakhic teachings that was revealed orally to Moses simultaneously with the written text of the Torah.<sup>13</sup>

In the expanded midrashic narrative,<sup>14</sup> this assumption functions as a justification for Phineas' apparent violation of judicial protocol in acting without authorization from Moses, his master. The midrash resolved this difficulty by asserting that Phineas was acting on the basis of an explicit ruling of the oral Torah, one that had been momentarily forgotten by Moses himself.<sup>15</sup>

Indeed, the Babylonian Talmud (*Sanhedrin* 82a) explicitly ascribes the mishnah to the Maccabean revolt when it relates that:

When Rav Dimi came<sup>16</sup> he stated that the court of the Hasmoneans decreed that one who has relations with a gentile woman incurs guilt on the counts of: menstrual impurity, having relations with a slave and with a married woman. When Rabin came, he said: he incurs guilt with respect to menstrual impurity, having relations with a slave, with a gentile, and a harlot.<sup>17</sup>

An additional indication of how the rabbis associated Phineas' exploits with the radicalism of the Second Commonwealth may be discerned in an ostensibly trivial detail that they injected into their retelling of the biblical narrative: "And took a javelin in his hand"—He removed the metal point and placed it inside his bosom; and leaned himself on the wooden rod, out of fear of [Zimri's] tribe who were surrounding him."<sup>18</sup>

In its midrashic context, the story of Phineas' concealing the spear blade under his cloak does not appear to be a response to any textual stimulus; at most it serves to explain how he was able to gain close access to Zimri and Cozbi by disguising the javelin as a walking-staff.<sup>19</sup> However, the image evokes the vivid image of the Sicarii, the Zealot faction of the Great Revolt who derived their name precisely from their attachment to this practice, as recorded by Josephus (*Wars* 2:13:3 [255]; cf. *Antiquities* 20:8:12 [186]):<sup>20</sup> "Sicarii, who slew men in the day time, and in the midst of the city; this they did chiefly at the festivals, when they mingled themselves among the multitude, and concealed daggers [*sica*] under their garments, with which they stabbed those that were their enemies."<sup>21</sup>

On the whole, the rabbis were accurate in their perception that the impetuous zealotry that animated Phineas' violent response to Zimri's abomination was representative of the temperament of the late Second Temple era, a time when devotion to the Israelite covenant often took the form of armed resistance to Hellenistic or Roman authority or to a Jewish leadership that was believed to have deviated from the true path.<sup>22</sup> The author of 1 Maccabees (2:26) invoked the precedent of Phineas in describing how Mattathias the Priest incited the revolt against the Hellenistic persecutions by slaying a Jew who was offering up heathen sacrifices.<sup>23</sup> In 4 Maccabees (18:12), the mother of the seven martyred children mentions Phineas as an inspirational model for heroic resistance. Even the conservative priest Ben Sira (45:23) is full of praises for Phineas' zeal in warding off evil from his people.<sup>24</sup>

### Phineas in the Midrash

The earliest rabbinic midrash on the Phineas episode is contained in the *Sifré on Numbers*, a tannaitic compilation ascribed to the school of Rabbi Ishmael.<sup>25</sup> The *Sifré* introduces twelve miracles<sup>26</sup> that were performed for Phineas in the course of his impaling the iniquitous Zimri and Cozbi. The rabbinic preachers had a proclivity for magnifying the supernatural dimensions of biblical narratives, as a way of glorifying God and underscoring his influence over events,<sup>27</sup> particularly in instances when the divine participation is not obvious from the surface reading.<sup>28</sup> In the present passage, most

of the miracles supplied by the midrash seem to promote the specific objective of making the offense clearly visible to all observers.<sup>29</sup> To this pattern belong the following:

- [1] The culprits were forced to remain coupled together *in flagrante delicto*.
- [3] The javelin impaled them both in their genitals "and everyone could see his maleness and inside her vagina; this was on account of the fault-finders<sup>30</sup> who might otherwise have argued that he had only gone in there for personal reasons."
- [4] They did not slide off the javelin, but remained impaled on it.
- [5] An angel raised the doorway so that people could see above his shoulder.
- [7] The javelin was elongated to allow it to impale both bodies.
- [8] Phineas was given the strength to carry them out.
- [9] The javelin was strong enough not to snap under the burden.
- [12] "Normally, the upper body drops to the bottom on a javelin. In this case, however, a miracle was performed and Zimri was flipped on top of Cozbi as they had been at the time of their deed; and all Israel saw them and declared them deserving of capital punishment."

By linking the Torah's approval of Phineas' violence with a sequence of uniquely miraculous circumstances, the *Sifré* has implicitly challenged its status as a precedent for emulation even under otherwise identical conditions. This is an inference that will have an impact on the subsequent discussions in the Talmuds.<sup>31</sup>

The Jerusalem Talmud (*Sanhedrin* 9:6; 27b), after a brief exposition of the Phineas episode in connection with the allusion to Zealots in the mishnah, cites a tannaitic tradition to the effect that he had acted "contrary to the will of the sages."<sup>32</sup> There follows the following pericope:

Could Phineas have acted contrary to the will of the Sages?! Says Rabbi Judah ben Pazi:<sup>33</sup> They wanted to place him under the ban, but for the fact that the holy spirit leaped upon him and declared: "And he shall have it, and his seed after him, even the covenant of an everlasting priesthood, etc." (Nm 25:13).

The audacity of this discussion is astonishing in the way that it pits the authority of mortal judges against the dictates of the Almighty.<sup>34</sup> What might have been implicit in the *Sifré* is stated explicitly by Rabbi Judah: if

the Jewish courts had been allowed to deliberate without divine interference, then Phineas' impetuous violence would never have been condoned. It was a violation of proper judicial process, as well as an infringement of the protocol that forbids a disciple to issue a ruling in the presence of his master (in this case, Moses).<sup>35</sup>

The Babylonian Talmud (*Sanhedrin* 82b) contains the following passages<sup>36</sup> attached to the mishnah about Zealots attacking sinners:<sup>37</sup>

Rav Kahana inquired of Rav: If the zealots did not attack him, what is the law?

Rav could not recall his received tradition.

They<sup>38</sup> recited to Rav Kahana in his dream: "Judah hath dealt treacherously, and an abomination is committed in Israel and in Jerusalem; for Judah hath profaned the holiness of the Lord which he loved, and hath married the daughter of a strange god" (Mal 2:11).

He [Rav Kahana] went and said to him [Rav]: Thus have they recited to me. . . .

In the meantime, Rav recalled his received tradition. The Talmud now goes on to expound each of the transgressions enumerated in the Malachi verse and concludes as follows:

"Judah hath dealt treacherously"—This refers to idolatry.

"And hath married the daughter of a strange god"—This refers to one who marries a gentile woman.

And immediately following this it states (verse 12):

"The Lord will cut off the man that doeth this, the alert ones and the responders, out of the tabernacles of Jacob, and him that offereth an offering unto the Lord of hosts."

—If he is a scholar, he shall have no "alert ones" among the sages, and none "responding" among the disciples.

—If he is a priest, then he shall have no son who will offer up a meal offering unto the Lord of hosts.

This exchange between two third-century Babylonian scholars goes a long way toward diminishing the severity of the crime and its punishment.<sup>39</sup> The same transgression that would provoke assassination at the hands of the Zealots would, under different circumstances, be left to divine retribu-

tion. God's penalties appear relatively benign by comparison: depriving a teacher of students and colleagues and a priest of offspring who would inherit his sacred vocation. Although these examples were obviously influenced by the wording of the biblical verse, they also reflect a homiletical setting in which the chastisements were being addressed to a law-abiding community of scholars. The authors seem to have resigned themselves to the fact that the meting out of penalties for offenses of this sort requires knowledge of motives that are inaccessible to mortals and is therefore best left to the omniscient deity.<sup>40</sup>

The pericope continues with the following more explicit discussion of the normative status of Phineas' deed:

Says Rav Hisda:<sup>41</sup> If someone were to consult about how to proceed, they should not be instructed to act in that manner

So too was it stated: Rabbah bar bar Hana<sup>42</sup> says in the name of Rabbi Johanan:<sup>43</sup> If someone were to consult about how to proceed, they should not be instructed to act in that manner

Even more so: If the culprit had succeeded in disengaging himself, and Phineas had then killed him, then he [Phineas] would have been judged guilty of homicide; whereas if Zimri had managed to turn around and kill Phineas, he would not be subject to the death penalty because it would have been deemed an act of self-defense.

The implications of these talmudic discussions were not lost on the traditional Jewish exegetes of the medieval and modern eras. Notwithstanding the diversity of their interpretations, most of them operated within a consistent set of parameters, assuming that Phineas' zealous attack had been justified by a special constellation of circumstances, personality traits, and motivations that were virtually irreproducible.<sup>44</sup>

Ultimately, the normative status of Phineas' action for Jewish practice was determined by the interpretations of the medieval codifiers.<sup>45</sup> The foremost of these, Maimonides (*Issurei Bi'ah* 12:4), summarizes the talmudic discussion as a normative regulation, which he classifies as an ancient oral "halakhah to Moses from Sinai." Zealots may attack individuals involved in sexual acts with heathen women only if the conditions that existed in Phineas' case are all satisfied:<sup>46</sup> the offenders must be caught in the act, and in public. Nevertheless, no court must ever instruct an individual to emulate Phineas' zealotry. The divinely ordained penalties that were designated for these sinners in lieu of judicial sentences were equated by Maimonides with the biblical punishment *karet* ("cutting off"; usually understood as a supernaturally inflicted premature demise).

### Conclusions

The course of events that we have traced demonstrates an unmistakable shift by the rabbis vis-à-vis the dominant values of the Bible and Second Temple documents, all of which extolled Phineas' zeal as a model to be emulated and as a hero whose decisively violent response to sacrilege and immorality merited divine commendation. While nominally accepting that Phineas' assault had been justified in its distinctive circumstances, the upshot of the expositions in the midrashic and talmudic sources was to relegate the episode to the past, if only as recent as the Second Commonwealth.

As we attempt to account for the shift in attitude, it is tempting to ascribe it to the changed historical circumstances, as the rabbis accommodated themselves to a new situation in which zealous violence was no longer a realistic option. An instructive parallel may be discerned in Josephus Flavius' marginalizing of the Zealots in his accounts of the Jewish Wars. Josephus' policy was likely motivated by his intention to persuade his Roman patrons and gentile readership that the recent revolt had been instigated by a small group of fanatics and did not enjoy the support of the wider Jewish populace, who were nothing more than unfortunate victims of the political dynamics. By exonerating the mainstream movements, particularly the Pharisees, from the taint of Zealot sympathies, these parties could still be proposed as acceptable candidates for leadership in the post-70 reality.<sup>47</sup>

On further reflection, it does not seem plausible to ascribe such an agenda to the rabbinical sages who assumed the mantle of Jewish leadership in the wake of the Temple's destruction.<sup>48</sup> Rabbinic literature is no less uncompromising than the Zealots in its hatred and demonization of the evil Roman Empire, an attitude that can be discerned in countless homilies in Palestinian aggadic midrash, is not lacking from the Babylonian Talmud, and was given normative status in the mandatory prayers. Like the Zealots, the rabbis were outspoken in their conviction that acceptance of "the yoke of the kingship of Heaven" implied a rejection of heathen rule, even if the religious ideology could not be applied in the present circumstances.<sup>49</sup> A popular insurrection against Rome did arise in 132–135 C.E., with the support of some of the same rabbis whose views were incorporated into the Mishnah and kindred works.<sup>50</sup>

Nevertheless, the talmudic sages may well have been reacting to the violent excesses that had led to tragic consequences in the previous era, excesses that they ascribed to the "baseless hatreds" of religious fanaticism and factionalism.<sup>51</sup>

It seems preferable to regard the talmudic attitude not so much as a response to historical circumstances, but as a fundamental philosophical mind-set, perhaps even a psychological one, that strove to impose moral

and legal order on the world through the instrument of the halakhah. Religious and communal leaders who are responsible for the orderly administration of their societies will inevitably be wary of all ideologies that encourage passion, subjectivity, or charisma as grounds for policy. At the core of rabbinic discourse, whether in the courtroom or the academy, is an emphasis on free and rational discussion, wherein every opinion must be defended against opposing arguments or proof texts, and even the most senior judges and scholars are not immune from challenge.<sup>52</sup> Appeals to emotion or supernatural revelation were antithetical to that process and were not considered acceptable justifications in a halakhic debate.<sup>53</sup> Needless to say, the potential for disaster is far more daunting when human lives are placed on the scales. Seen this way, what requires an explanation is not the rabbis' neutralization of the Torah's endorsement of Phineas, but the attitude of the Torah itself.

The case of Phineas' zealotry is but one example of the rabbis' efforts to diminish the impact of a biblical validation of uncontrolled violence. The same combination of reverence for scriptural authority, hermeneutic daring, and sensible humanism is discernible in their treatment of other Torah institutions that chafed at the sages' orderly and moderate sensibilities. Some conspicuous instances that come readily to mind are: the *lex talons* (Ex 21:24, etc.), the city seduced to idolatry (Dt 13:12–18), the rebellious son (Dt 21:18–23), and the institution of capital punishment.<sup>54</sup> Each case requires a thorough analysis that would take us far beyond the scope of the present study.

### Notes

1. The older source-critical theories ascribe Nm 25:1–9 to the Priestly source incorporating narrative elements that had been merged into JE; see George Buchanan Gray, *A Critical and Exegetical Commentary of Numbers*, International Critical Commentary on the Holy Scriptures of the Old and New Testaments (New York: Scribner, 1906), pp. 380–387; Martin Noth, *Numbers, a Commentary*, Old Testament Library (Philadelphia: Westminster, 1968), pp. 196–199; Norman Henry Snaith, *Leviticus and Numbers*, Century Bible (London: Oliphants, 1969), pp. 302–304. A more nuanced hypothesis is offered by Israel Knohl, *Miqdash Ha-demamah: 'Iyun Be-roude Ha-yetsirah Ha-Kohanit Sheba-Torah [The Sanctuary of Silence: A Study of the Priestly Strata in the Pentateuch]*, Publications of the Perry Foundation for Biblical Research in the Hebrew University of Jerusalem (Jerusalem: Magnes, 1992), pp. 92, 96. Knohl notes that the Phineas

episode differs from the normal style of P, but exhibits typical signs of the Holiness Code (H). See also Ps 106:30–31.

2. An instructive summary of the exegetical puzzles may be found in the *'Aqedat Yiṣḥaq* by the fifteenth-century Spanish commentator R' Isaac Aramah [*Sefer 'Akedat Yiṣḥaq 'al Ḥamishah Ḥumshe Torah ve-'al Ḥamesh Megillot . . . R' Yiṣḥaq 'Aramah . . .*, ed. Hayim Yosef Pollak (Pressburg: Verlag von Victor Kittseer, 1849)] [Hebrew], 4:126b–127a, #83: “What was it that Phineas saw which was not evident to Moses? And why did he act without being commanded to do so? And if it was proper to act in that manner, then why was it not commanded?”  
Virtually every study of the Zealot ideologies during the latter part of the Second Commonwealth focuses on the archetype of Phineas. See 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); A. Stumpff, “ζῆλος, ζηλόω, ζηλωτής, παραζηλω,” in *Theological Dictionary of the New Testament*, ed. Gerhard Kittel, Gerhard Friedrich, and Geoffrey William Bromiley (Grand Rapids: Eerdmans, 1985), pp. 877–888; William Klassen, “Jesus and Phineas: A Rejected Role Model,” *Society of Biblical Literature Seminar Papers* 25 (1986): 490–500; David Rhoads, “Zealots,” in *The Anchor Bible dictionary*, ed. David Noel Freedman (New York and Toronto: Doubleday, 1992), pp. 1043–1054.
3. See Louis Ginzberg, *The Legends of the Jews*, trans. H. Szold, 7 vols. (Philadelphia: Jewish Publication Society of America, 1909–1939), 3:384 ; 6:136–137, n.792, for a survey of midrashic passages that offer favorable or critical assessments of Moses' passivity.
4. Martin Hengel, *Die Zeloten: Untersuchungen zur jüdischen Freiheitsbewegung in der Zeit von Herodes I. bis 70 n. Chr.*, 2. verb. und erw. Aufl. n ed., *Arbeiten zur Geschichte des antiken Judentums und des Urchristentums* (Leiden: Brill, 1976). I will be citing the work according to the English translation: Hengel, *The Zealots*. The most crucial section for our purposes is IV B (pp. 149–177).
5. He acknowledges the help provided by Paul Billerbeck and Hermann Leberecht Strack, *Kommentar zum Neuen Testament aus Talmud und Midrasch* (München: Beck, 1922).
6. See Günter Stemberger and Hermann Leberecht Strack, *Introduction to the Talmud and Midrash*, trans. Markus N. A. Bockmuehl, 2nd ed. (Minneapolis: Fortress Press, 1996), pp. 309–311.
7. Stemberger and Strack, *Introduction to the Talmud and Midrash*, pp. 308–309.
8. A definitive argument for the classification of “late midrashim” as medieval, rather than as rabbinic documents, was made by Joseph

- Dan, *The Hebrew Story in the Middle Ages*, Sifriyyat Keter (Jerusalem: Keter, 1974), especially pp. 15–23 [Hebrew]. Of relevance to our topic is the typology of medieval Jewish eschatological scenarios, as described there, pp. 33–46.
9. Note particularly the “Phineas is Elijah” tradition, which Hengel, *The Zealots* (see pp. 162–177), dates to Second Temple Zealot traditions, though it does not appear explicitly in Hebrew sources prior to the Middle Ages. Some of his arguments (though assuredly not all of them) are supported by references to medieval “midrashim” and Targums [and cf. Avigdor Shinan, *The Embroidered Targum: The Aggadah in Targum Pseudo-Jonathan of the Pentateuch*, Publications of the Perry Foundation for Biblical Research in the Hebrew University of Jerusalem (Jerusalem: Magnes Press, 1992), pp. 193–198 (and n. 13) [Hebrew] on the dating of Targum Ps. Jonathan]. On the other hand, some current research by J. Yahalom, D. Boyarin, and others might ultimately strengthen Hengel's hypothesis that ideas that were suppressed in “official” rabbinic works (including distinctive Priestly values) survived in the popular Targums, *piyyuṭ* and other genres of the same era.
  10. “Aramean” is the conventional equivalent of “gentile” or “heathen” in Jewish Aramaic dialects, including the biblical Targums. On this usage see: Saul Lieberman, *Greek in Jewish Palestine* (New York: The Jewish Theological Seminary of America, 1942), p. 86, n. 130; Geza Vermes, “Leviticus 18:21 in Ancient Jewish Bible Exegesis,” in *Studies in Aggadah, Targum, and Jewish Liturgy in Memory of Joseph Heinemann*, ed. Jakob J. Petuchowski and Ezra Fleischer (Jerusalem: Magnes Press and Hebrew Union College Press, 1981), pp. 108–124; M. Sokoloff, *A Dictionary of Jewish Palestinian Aramaic*, Dictionaries of Talmud, Midrash, and Targum (Ramat-Gan: Bar-Ilan University Press, 1990), p. 76.
  11. See Hengel, *The Zealots*, p. 158. Rabbinic Hebrew routinely employs the present participle in a jussive sense, indicating what must, should, or may be done; see Moses Hirsch Segal, *A Grammar of Mishnaic Hebrew*, reprint ed. (Oxford: Clarendon Press, 1986), p. 159, #331. Thus, it is not clear whether our passage should be read as normative—“the zealots ought to strike him”—or as descriptive. The assigning of the punishment to the Zealots serves to inject a measure of contingency into the matter, as if to say: “if there are zealots present, then they will attack him.”
  12. Benzion Lurie, *Megillat Ta'anith with Introduction and Notes* (Jerusalem: Bialik Institute, 1964), pp. 20–26 [Hebrew]; Hengel, *The Zealots*, pp. 67, 215. The Mishnah juxtaposes three offenses that are

- avenged by Zealots: (1) stealing a sacred bowl from the Temple; (2) cursing through sorcery; and (3) intimacy with gentile women. Luria suggests that the background for (1) can be explained in terms of issues and events from the Hellenistic reforms prior to the Hasmonean uprising.
13. See Stemberger and Strack, *Introduction to the Talmud and Midrash*, pp. 31–44, for a summary and bibliography of rabbinic beliefs about the antiquity of the oral Torah. In relatively few instances do the talmudic sources insist on a belief in a literal received tradition dictated to Moses, as distinct from Sinaitic authorization of the interpretations and enactments of the sages through history.
  14. Ginzberg, *The Legends of the Jews*, 3:383–388, 6:135–138.
  15. Sifré on Numbers #131 [H. S. Horovitz, ed., *Siphre D'Be Rab: Siphre ad Numeros adjecto Siphre zutta*, 2nd ed. (Jerusalem: Wahrmann, 1966), pp. 172–173 (Hebrew)]; *Tanhuma Balaq* 21; Solomon Buber, ed., *Midrash Tanhuma*, 2 vols. (Vilna, 1885); *Balaq* 30 (p. 2:148) [Hebrew]; *TP Sanhedrin*; *TB Sanhedrin*.
  16. Rav Dimi and Rabin belonged to the class of *nahote* who brought traditions from the Land of Israel to Babylonia.
  17. There is some confusion regarding the respective mnemonics in the text. This seems to be the best reading.
  18. Sources are listed in Ginzberg, *The Legends of the Jews*, 6:137, n. 796. The texts employ different terms to designate the javelin's blade.
  19. Cf. Mishnah *Sheqalim* 3:2.
  20. Ralph Marcus, ed., *Josephus with an English Translation*, The Loeb Classical Library (London and Cambridge, Mass.: William Heineman and Harvard University Press, 1966), 2:422–423, 9:488–491, and notes. *Sicarii* are mentioned occasionally in rabbinic literature; see, e.g., Mishnah *Makhsirin* 1:6, *Avot de-Rabbi Natan* B 7 [Solomon Schechter, ed., *Aboth de Rabi Nathan*, newly corrected ed. (New York: Feldheim, 1967), p. 20 (cf. A 7)] [Hebrew]; *TB Gitin* 56a; Hengel, *The Zealots*, pp. 50–56.
  21. Menahem Stern, "Zealots," *Encyclopedia Judaica Year Book*, vol. 1 (1973). The same midrashic tradition has Zimri's bodyguards comment sardonically as he enters the tent: "Let him go in! The Pharisees have permitted it" [i.e., Zimri's idolatrous deeds]. This rare rabbinic usage of the term Pharisee (following the usual pattern, the word is being used by their opponents) further demonstrates how the rabbis linked the episode to the Second Commonwealth setting, when the Pharisees existed as a distinct movement. Notwithstanding Josephus' attempts to distance the Pharisees from the Zealots, even he cannot avoid acknowledging the fundamental closeness of the two "philosophies"; see *Antiquities* 18:23; Hengel, *The Zealots*, pp. 77, 80.
  22. Virtually all scholarly accounts on Second Temple Zealotry make reference to the impact of Phineas in the consciousness of the Zealots, whether in the Hasmonean revolt or the struggle against Rome. See Morton Smith, "Zealots and Sicarii: Their Origins and Relations," *Harvard Theological Review* 64 (1971): 1–19; H. P. Kingdon, "The Origins of the Zealots," *New Testament Studies* 19 (1972–1973): 74–81; Valentin Nikiprowetzky, "Josephus and the Revolutionary Parties," in *Josephus, the Bible, and History*, ed. Louis H. Feldman and Gohei Hata (Detroit: Wayne State University Press, 1988), pp. 216–236.
  23. The Septuagint renders the Hebrew *romah*, conventionally translated as a spear or javelin, as *seiromasten*, a kind of dagger.
  24. The Qumran scrolls, to the best of my knowledge, do not focus especially on Phineas.
  25. Stemberger and Strack, *Introduction to the Talmud and Midrash*, pp. 247–251, 266–268. Cf. Hengel, *The Zealots*, p. 156.
  26. The enumeration is divided into two lists of six. I have been unable to identify any qualitative, logical, or narrative difference between the two lists. Evidently, they were taken by the redactor from separate sources. See Ginzberg, *The Legends of the Jews*, 6:137, n. 798.
  27. Conveniently ascribed to the activity of angels.
  28. See Isaac Heinemann, *Darkhei ha'aggadah* (Jerusalem and Tel-Aviv: Magnes and Masadah, 1970), pp. 80–82 [Hebrew]; Eliezer Segal, *The Babylonian Esther Midrash: A Critical Commentary*, Brown Judaic Studies (Atlanta: Scholars Press, 1994), 3:254–256.
  29. This interpretation forms the basis of Rashi's commentary to the parallel passage in *TB Sanhedrin* 82a, where six of the miracles are enumerated with some variations. Items #10 and #11 were designed to prevent the priestly Phineas from contracting impurity through his contact with a corpse. The midrashic expansion of the passage cannot be seen as a response to any textual stimulus or difficulty.
  30. The Hebrew expression appears in many forms in the various manuscripts and parallel versions, though the sense is clear from the context.
  31. Hengel, *The Zealots*, p. 160, who assumes a more extreme contrast between the attitudes of the *Sifré* and the Talmuds.
  32. Cf. Hengel, *The Zealots*, p. 159 and n. 75. This kind of anachronistic projection of rabbinic institutions ("sages") onto the Bible is, of course, a familiar trope of midrash. A different understanding of the discussion may be found in the traditional commentary *P'nei Mosheh* by Rabbi Moses Margalit.
  33. R' Judah, the son of R' Simeon ben Pazi, was a prominent Palestinian teacher known chiefly for his homilies. See Stemberger and Strack, *Introduction to the Talmud and Midrash*, p. 94.

34. A general discussion of this tension may be found in Eliezer Berkovits, *Not in Heaven: The Nature and Function of Halakha* (New York: Ktav, 1983).
35. The question of why God endorsed Phineas' action in this case is one that occupied the post-talmudic exegetes; see below.
36. The passages does not present any major textual difficulties. For purposes of my translation and discussion I have consulted R. N. N. Rabinowicz, *Diqduqé Soferim, Variæ Lectiones in Mishnam et in Talmud Babylonicum*, reprint ed., 2 vols. (New York: M. P. Press, 1976) *ad loc.* [Hebrew]; Samuel K. Mirsky, ed., *Sheeltot de Rab Ahai Gaon* (Jerusalem: Sura Research and Publication Foundation, 1963–1977) 5:75–77 [Hebrew]; and the fine Yemenite tradition of Z. M. Rabinowitz, ed., *Midrash Haggadol on the Pentateuch: Numbers* (Jerusalem: Mossad Harav Kook, 1973), pp. 440–443. [Hebrew].
37. It is not obvious which genre of rabbinic sources this passage belongs to, since it combines the elements of academic discussion with those of an aggadic narrative (apparently, one that took place outside the academic setting). See Eliezer Segal, *Case Citation in the Babylonian Talmud: The Evidence of Tractate Neziqin*, ed. E. S. Frierichs, *Brown Judaic Studies* (Atlanta: Scholars Press, 1990), vol. 1, pp. 63–64.
38. I.e., unspecified supernatural informants.
39. For biographical information see Stemberger and Strack, *Introduction to the Talmud and Midrash*, pp. 93–95. It is interesting to note that the same Rav Kahana would later commit an act of zealous violence by slaying an informer. See Isaiah Gafni, "The Babylonian *Yeshiva* as Reflected in Bava Qamma 117a," *Tarbiz* 49, no. 3–4 (1980), 292–301; Daniel Sperber, "On the Unfortunate Adventures of Rav Kahana," *Irano-Judaica* 1 (1982), 83–100.
40. As Arama explains it, this was the reason why Moses did not prosecute the case, since he represented the finite authority of the judicial system. Arama adds that this attitude should be read into the sequence of 1 Kgs 18–19, where Elijah (a figure who was regarded by Jewish tradition as a parallel to Phineas) massacred the prophets of Baal and was subsequently forced to flee into the wilderness under unbearable conditions, until he was told to go to Horeb and experience the presence of God in the same way that Moses had. Arama reads this whole episode as a punishment for Elijah's zealotry, and as a divine recommendation to follow Moses' ways, not Phineas'. To be sure, Arama is aware of rabbinic texts that prefer Phineas' activism to Moses' indecisiveness. However, he insists that Phineas' case was a unique one and was not intended to serve as a precedent for similar situations that might arise in the future.

41. Died in 309. See Stemberger and Strack, *Introduction to the Talmud and Midrash*, p. 101.
42. Stemberger and Strack, *Introduction to the Talmud and Midrash*, p. 101.
43. Stemberger and Strack, *Introduction to the Talmud and Midrash*, p. 94.
44. See S. Federbush, *Ha-Musar Veba-mishpat Be-yisra'el* (Jerusalem: Mosad Harav Kook, 1979), pp. 135–136 [Hebrew]. A fine survey of the principal commentators to the passage may be found in Yehudah Nachshoni, *Studies In the Weekly Parashah*, trans. Shmuel Himelstein, 5 vols., Mesorah, vol. 2: Sh'mos (New York: ArtScroll, 1988), 4:1111–1121. See also Nehama Leibowitz, *Studies in Devarim (Deuteronomy)*, 3rd ed. (Jerusalem: World Zionist Organization, Dept. for Torah Education and Culture in the Diaspora, 1980), pp. 328–333.
45. See Mirsky, ed., *Sheeltot de Rab Ahai Gaon, 5:75–77*; Zwi Taubes, ed., *Otsar ha-Ge'onim Le-masekhet Sanhedrin* (Jerusalem: Mossad Harav Kook, 1966), pp. 444–446 [Hebrew]; Abraham Sofer, ed., *Beit Habbehirah 'al Masekhet Sanhedrin asher hibber Rabbeinu Menahem . . . Hamme'iri*, 2nd rev. ed. (Jerusalem: Kedem, 1974), 298–300 [Hebrew]; S. J. Zevin, ed., *Talmudic Encyclopedia*, 2nd rev. ed., vol. 1 (Jerusalem: Talmudic Encyclopedia Institute, 1969–), 3:14–16 [Hebrew].
46. See Gerald J. Blidstein, *Political Concepts in Maimondean Halakha* (Ramat-Gan: Bar-Ilan University, 1983), p. 224, n. 43 [Hebrew]. Blidstein argues that Maimonides limits the scope of the law to where the woman herself is an idolater.
47. Hengel, *The Zealots*, pp. 11, 14–16, 65–66, etc. Cf. Louis H. Feldman, *Studies in Josephus' Rewritten Bible*, Supplements to the Journal for the Study of Judaism (Leiden, Boston, and Köln: Brill, 1998), pp. 302–303.
48. On the diverse Pharisaic and rabbinic attitudes towards the Zealots and the post-Destruction Roman authorities, see E. Urbach, *The Sages: Their Concepts and Beliefs*, trans. I. Abrahams (Cambridge, Mass., and London: Harvard University Press, 1987), pp. 595–601.
49. One should not lose sight of the simple fact that the rule sanctioning attack by Zealots is, after all, preserved in that quintessential testimony to rabbinic legalism, the Mishnah.
50. As far as I can tell, there is insufficient evidence to determine whether the anti-Zealot views described here represent a consensus among the rabbis or were restricted to particular schools. It would not be surprising, for example, if the school of Rabbi Akiva, who supported the Bar Kokhba insurrection, were more sympathetic to biblical militants like Phineas and Elijah.

51. See Urbach, *The Sages*, pp. 540, 929 n. 53.
52. See, e.g., Mishnah *Sanhedrin* 4:1–4, 624–625.
53. See E. E. Urbach, “Halakha and Prophecy,” *Tarbiz* 18 (1947), 1–27; Berkovits, *Not in Heaven*.
54. With respect to each of these instances, we know that there were rabbis, especially in the earlier stages of the talmudic era, who upheld the literal sense of the biblical commandments.