

PARASHAT PINCHAS

Numbers 25:10–30:1

Parashat Pinchas elaborates on the incident at the end of *Parashat Balak*: Pinchas, son of Eleazar, kills Zimri son of Salu and Cozbi daughter of Zur, a Midianite, who have entered a tent to have sex. Pinchas's zealousness saves the Israelites from a plague. God rewards him with a covenant of peace and his descendants with the office of the priesthood for all time. Moses tells the people to crush the Midianites for their "trickery" in seducing the Israelites into idolatry and whoring with their women. After the plague, Moses and Aaron take a census of the entire Israelite community. The total number of Israelites is 601,730. Moses also announces the division of the land, providing larger tribes with greater holdings and smaller tribes with lesser ones. Each person is assigned a lot of equal size, except for the Levites who are not given land but are compensated monetarily for their work in the sanctuary. During the taking of the census the case of the daughters of Zelophehad—Mahlah, Noah, Hoglah, Milcah, and Tirzah—arises. They claim that, because their father has died and left no sons, they should have the right to inherit his holdings. God confirms their claim and instructs Moses to announce that, if a man dies without leaving a son, a daughter will inherit his property. Moses is told to climb to the top of Mount Abarim to see the Land of Israel, and he is informed that he will die there. When Moses requests that his successor be chosen, God tells Moses to appoint Joshua. Moses is to instruct Joshua to present himself to Eleazar the priest, who will consult the Urim for important decisions and instructions regarding the community. The *parashah* concludes with a description of the offerings to be presented daily, on the Sabbath, on new moons, for Pesach, Shavuot, Rosh Hashanah, Yom Kippur, and for each of the days of Sukot, including the eighth day, or Shemini Atzeret.

OUR TARGUM

·1·

Elaborating on the final incident in *Parashat Balak*, the Torah informs us that Pinchas, son of Eleazar the priest, zealously kills Zimri son of Salu and Cozbi daughter of Zur, a Midianite, for entering a tent to have sexual relations. According to the Torah, Midianite women are leading the Israelites into whoring and idolatry. Pinchas rushes forward to punish Zimri and Cozbi for their sin. Because Pinchas has displayed such zeal, God rewards him with a covenant of peace and bestows upon his descendants the office of the priesthood for all time.

Moses is told to attack and defeat the Midianites because, through prostitution, they have sought to lure the Israelites into worshiping their idol-god, Ba'al-peor, and have caused a severe plague upon the people.

·2·

After the plague, Moses and Aaron take a census of the Israelites above the age of twenty-seven who are able to bear arms. They total 601,730.

·3·

God gives Moses directions for dividing the Land of Israel among the tribes. The tribes are to receive land proportional to their size, and the individuals are to receive lots of equal size. The Levites, who number 23,000, are not to receive land since they are to receive monetary compensation for their service to the sanctuary.

·4·

The daughters of Zelophehad—Mahlah, Noah, Hoglah, Milcah, and Tirzah—approach Moses with the claim that they deserve to inherit their father's land since their father has died without leaving a male heir. God informs Moses that



their cause is just and that he must transfer their father's share to them. Furthermore, the right of all daughters to inherit land when there is no male heir is established as a law of Torah.

·5·

God tells Moses to climb the heights of Abarim. From there he will see the Land of Israel, but he, like Aaron, will not be permitted to lead his people there because he disobeyed God's command at the Waters of Meribath-kadesh.

Moses requests that God appoint a successor so the "community may not be like sheep that have no shepherd." God tells Moses to choose Joshua son of Nun and to commission Joshua before all the people. Moses is also to instruct

Joshua to consult with Eleazar the priest on all matters concerning the community. Joshua is to follow the instruction Eleazar receives when he seeks direction from the Urim (these "lights" attached to the breastplate of the High Priest, a jewel for each of the tribes, were believed to be a sacred means of divination).

·6·

Moses describes the offerings to be brought to the sanctuary and to be presented daily, on Sabbaths, new moons, Pesach, Shavuot, the "day when the horn is sounded" (Rosh Hashanah), Yom Kippur, and each day of Sukot, including the eighth day (Shemini Atzeret).

THEMES

Parashat Pinchas contains two important themes:

1. The dangers of fanaticism.
2. Concern for the rights of women.

PEREK ALEF: *Pinchas: Dangerous Fanatic or Hero of Faith?*

The incident of Pinchas's spearing and killing of Zimri son of Salu, of the tribe of Simon, and Cozbi daughter of Zur, a tribal head of the Midianites, raises serious moral questions.

As the Torah states, the Israelites are whoring with Midianite women, who are also enticing them into the worship of their idol, Ba'al-peor. God commands Moses to put to death all the ringleaders who have led the people into wrongdoing. At that moment, Zimri and Cozbi publicly parade past Moses and enter a tent with the intention of having sexual relations. Pinchas, son of Eleazar son of Aaron, is furious. He takes his spear, rushes into the tent, and stabs both of them. The incident concludes with God rewarding Pinchas with a *berit shalom*, "a covenant of peace," and his descendants with the priesthood for all time.

Did Pinchas do the right thing? Should he be praised or condemned for his zeal, rewarded or punished for killing Zimri and Cozbi? Since Pinchas seems to benefit from breaking the com-

mandment "You shall not murder," how do we explain the apparent contradiction?

Early rabbinic tradition is divided on whether or not Pinchas's act is justified. Some commentators point out that Moses, who is present in the camp, sees Zimri and Cozbi walk past him into the tent but does not signal others to punish them. Without speaking up or suggesting a hearing or trial, Pinchas rushes to execute Zimri and Cozbi. Pinchas does not consult with Moses, who is the highest authority of law within the community, but takes the law and power of prosecution into his own hands.

Rav, head of the Sura Academy, and Samuel, head of the Nahardea Academy in Babylonia, differ strongly in their assessment of Pinchas's actions. Rav condemns him. He holds that Pinchas sees what Zimri and Cozbi are doing and says to Moses, "Did you not teach our people when you came down from Mount Sinai that any Israelite who has sex with a non-Israelite may be put to death by zealots?" Moses, says Rav, listens to Pinchas and responds, "Let God who gave the advice execute the advice!"

Clearly Rav finds fault with Pinchas for his

fanaticism. "Why are you making the judgment and carrying it out?" he asks, criticizing him for failing to follow Moses' instruction. Rav argues that, although Pinchas may have acted within the law, he should have allowed God "to execute" its provisions rather than doing it himself.

On the other hand, Samuel, who often disagrees with Rav, praises Pinchas for his zeal. Samuel claims that this is a case where God's law is being publicly desecrated, and, therefore, Pinchas is correct, even heroic, for his decisive action. Furthermore, says Samuel, it is permissible in this case for Pinchas to ignore Moses' warning or authorization since the action taken by Pinchas is clearly meant to support the law that prohibits such prostitution and idolatry.

The demands of God

Pinchas "saw in Zimri's act an open breach of the covenant, a flagrant return to the practices that the compact at Sinai had forsworn. There was no precedent in the brief history of the people to determine how to deal with such a religious and moral emergency. . . . Pinchas's impulsive deed was not merely a kind of battlefield execution but reflected his apprehension that the demands of God needed human realization and required a memorable and dramatic example against permissiveness in the religious realm. (W. Gunther Plaut, The Torah: A Modern Commentary, p. 1195)

Rabbi Barpazzi raises the possibility that Moses and others in the camp were upset with Pinchas's fanatical behavior and were ready to punish him by excluding him from the community. They were bothered by his circumvention of Moses' authority, by his self-righteous assumption that he did not need the permission of the community, or of the courts, for his zealous behavior. However, just as they were ready to punish Pinchas with excommunication, says Rabbi Barpazzi, God intervened and announced that the actions of Pinchas were praiseworthy and would be rewarded with "a covenant of peace" and that the priesthood would be given to his descendants. With that, his critics fell silent.

Rabbi Barpazzi seems to be suggesting the possibility that, while Pinchas did the right thing by taking the law into his own hands, he erred in the way in which he acted. He should have consulted with Moses and, perhaps, others. His actions would have been more just had he gained the community's consent rather than acting alone. (Jerusalem Talmud, *Sanhedrin* 9:7, 11, 82a)

Still other interpreters claim that Pinchas acted only when he saw that Moses was neglecting his duty by not carrying out the laws of the Torah. Perhaps, these commentators claim, Moses was weak from long years of stressful leadership or so old that he forgot the laws forbidding sexual relations between Israelites and non-Israelites. Given the situation, and the danger of punishment by God to the entire people for Moses' neglect, Pinchas took matters into his own hands, saving the people from catastrophe. For that reason, these interpreters maintain that Pinchas was entirely justified and was rewarded by God. These teachers conclude that Pinchas's decisive actions teach one to be "fierce as a leopard, swift as an eagle, fast as a hart, and strong as a lion in doing God's will." (*Numbers Rabbah* 20:24; *Avot* 5:23)



Rambam (Maimonides)

Moses Maimonides agrees with this view and includes it in his *Mishneh Torah*. He writes that "a Jew may be put to death by zealots if he is found having sexual intercourse with a non-Jewish woman or prostitute." He points to the example of Pinchas, stating that "zealots are justified in killing such a person only if they catch him during the act itself. Should they kill him afterwards, however, they are to be charged with murder." ("Illicit Relations," 124-125)

Kanaim pogeim bo

Translated literally, kanaim pogeim bo means that zealots may take justice into their own hands and may execute a transgressor on the spot. There are, to be sure, many halachic

“legal” fences that serve to limit implementation of this principle. First, punishment may be meted out only while the act is actually in the course of being performed. According to some authorities, the usual hatra’ah, or “warning,” must be administered. More significantly, the rule that applies is: halachah ve-ein morin ken; while the punishment is justified, no one may be instructed to carry it out. Nevertheless, a person who acts in accordance with this principle acts in accordance with halachah. (J. David Bleich, Contemporary Halachic Problems, Volume II, Ktav, New York, 1983, pp. 273–274)

Differing from Maimonides, Turkish-born (16th century) commentator Rabbi Moshe ben Chaim Alshekh suggests that Pinchas’s zeal may not have originated in the pure motive of defending the ethical laws of Torah. Rather, his stabbing of Zimri and Cozbi is a deliberate act meant to prove he is worthy of the priesthood and of passing on that privilege to his descendants.

According to Alshekh, Pinchas realizes his claim to the priesthood is flawed. His father, Eleazer son of Aaron, is not yet a priest at the time of his birth. Technically, Pinchas is not automatically in line to inherit his father’s office. “He therefore decides to risk his life and, armed with the mitzvah of killing Zimri, hopes to wipe out what appears to him a stain on his character, namely, not being a priest though his father was a priest.”

Alshekh believes Pinchas has an ulterior motive for his demonstration of zeal. He rushes forward to punish Zimri and Cozbi, not out of a sense of outrage at their public insult to God and Torah, but because he wishes to attract Moses’ attention and secure the office of the priesthood for himself and his offspring. His act, therefore, must be denounced. (Commentary to Numbers 25:1)



Hirsch

Commentator Rabbi Samson Raphael Hirsch disagrees with Alshekh’s argument. He justifies

and praises Pinchas’s act as “not merely an external forward rush but the result of his deep inner feeling that made a betrayal of God’s affairs feel like a treachery against one’s own self.” Zimri, he explains, is not an ordinary Israelite. He ranks as a “prince, as one who should set the example as a pattern of noble moral purity” for his people. His public act of entering a tent with the intention of having sexual intercourse with a Midianite woman “derided God . . . Torah and Israel.” It debased the Jewish people and faith.

In the face of Zimri’s outrageous public behavior, argues Hirsch, someone is needed to restore the people’s faith in God and to demonstrate Israel’s commitment to God’s commandments. Pinchas understands this and believes that, unless he acts, the people will forfeit their relationship with God and “thereby their own future existence.” Pinchas’s conviction and “honest brave act,” Hirsch concludes, save “the soul of his nation for faithfulness to God and to God’s Torah.” For this reason God rewards him with a covenant of peace and his descendants are designated as priests for all time. (Commentary on Numbers 25:6–15)

The danger of the true believer

The fanatic is perpetually incomplete and insecure. He cannot generate self-assurance out of his individual resources—out of his rejected self—but finds it only by clinging passionately to whatever support he happens to embrace . . . he easily sees himself as the supporter and defender of the holy cause to which he clings. And he is ready to sacrifice his life to demonstrate to himself and others that such indeed is his role. He sacrifices his life to prove his worth. . . . Passionate hatred can give meaning and purpose to an empty life. Thus people haunted by the purposelessness of their lives try to find a new content not only by dedicating themselves to a holy cause but also by nursing a fanatical grievance. (Eric Hoffer, The True Believer, Harper and Row, New York, 1966, pp. 80, 92)

Hirsch’s contemporary Rabbi Naphtali Zvi Judah Berlin, author of the Torah commentary *Ha-*

Emek Davar, suggests that, while Pinchas's zeal may reflect deep conviction, it also reveals sinister and disturbing motives. People who are ready to murder, terrorize others, and destroy for a cause are often filled with hatred, bitter suspicions, and the poison of prejudice. As a result, their acts of vengeance against others are often followed by self-destructive acts. Feelings of guilt and regret lead them to target themselves or those close to them for punishment.

Berlin imagines that Pinchas, despite his courageous act of leadership and his demonstration of commitment to God's Torah, is deeply disturbed by his zealous, impulsive behavior. Despite the fact that his motives are pure, he remains agitated for taking the law into his own hands without consulting Moses and for not taking Zimri before the judges and courts of his day.

This, Berlin comments, explains why God gives him "a covenant of peace." It is not a reward for his impulsive behavior but a cure for it. This "covenant" is meant to calm him, "that he should not be quick-tempered or angry. Since the nature of his act, killing with his own hands, tended to leave his heart filled with intense emotional unrest, God provides a means to soothe him so that he can cope with his situation and find peace and tranquility of soul." Clearly, Berlin is troubled by Pinchas's zeal, finding in it signs of psychological disturbance that require the "healing" of God's "covenant of peace." (Discussion of Numbers 25:11-12)

Reviewing the variety of interpretations of Pinchas's behavior reveals deep differences of opinion about his execution of Zimri and Cozbi. Some applaud his action; others deplore it, leaving modern readers of the Torah with the continuing challenge of answering the question: Was Pinchas a dangerous fanatic or a genuine hero of faith?

PEREK BET: *Women's Rights: What Does the Torah Say?*

In preparing the people to enter the Land of Israel, Moses assigns portions of land to each family according to the listing of their tribes. The inheritance of property is to pass through fathers and sons from one generation to the next.

Hearing this, the five daughters of Zelophehad, whose tribe is Manasseh, one of Joseph's sons, rise in protest before Moses. Standing in front of the *mishkan*, where all official meetings of the community are held, they tell Moses and the leaders of the community that the law of inheritance from father to sons is unjust. "Our father was not one of Korah's disloyal faction, but he died in the wilderness, and he has left no sons. We ask that his name not be lost but that his portion be given to us, his daughters."

Moses consults with God and is told that their plea is justified. He announces to the community: "If a man dies without leaving a son, his property is to be transferred to his daughter." Obviously, the daughters of Zelophehad win a significant victory for women's rights.

But do they?

In the final chapter of Numbers (36:1-13), the tribal leaders of Manasseh issue a counter-protest. Approaching Moses, they accuse him of cheating them of their tribal lands. Since each tribe will receive a portion of land according to its size and that land will be passed from father to son, the area of the tribal land will remain the same. However, if the daughters of Zelophehad are given their father's land and marry out of the tribe of Manasseh, that land will pass from father to son into another tribe. "Our allotted portion will be diminished," the tribal heads tell Moses.

According to the Torah, God informs Moses that the leaders of the counterprotest have a just cause. To solve the dilemma, the daughters of Zelophehad are told they can marry only within their tribe, and the people of Israel are informed that "no inheritance of the Israelites may pass over from one tribe to another . . . every daughter . . . who inherits a share must marry someone from a clan of her father's tribe. . . ." (Numbers 36:7-8) While women win the right to inherit, it is clearly subservient to the higher principle of preserving the size and borders of tribal lands.

Interpreters of Torah raise several questions about this incident concerning the daughters of Zelophehad: Why were these women given such deferential treatment? What was the motivation for their treatment? Why did Moses turn to God for a decision rather than make it immediately

on his own? Did the women really win a “victory”? What roles are considered appropriate for women within the Jewish community and within society?

Modern commentator Jacob Milgrom contrasts ancient Israelite practices of inheritance with those of their neighbors. He finds that the right of daughters to inherit property from their fathers is upheld in Sumerian law a thousand years before the Torah is written. The practice is common throughout Mesopotamia, in communities along the Mediterranean coast, and in the laws of ancient Egypt well before the liberation of the Israelites. Later Greek law also stipulates the right of daughters to inherit equally with sons.

In the face of such “equality” of treatment, Milgrom asks, “How then are we to explain the fact that the Bible gives women no inheritance rights except in the case where there are no sons?” In other words, why does the Torah appear to discriminate against women, especially a woman’s right to inherit the land and property of her parents?

Milgrom suggests that, in contrast to ancient Israel’s neighbors in Mesopotamia and Egypt where “centralized urban societies” already existed, the early Torah laws of the Israelites reflect a nomadic-clan structure. In such a society “the foremost goal of its legal system was the preservation of the clan.” Equity between members of the tribe or family preserves peaceful relationships and strengthens cooperation between all persons.

This explains why the pleas of both Zelophehad’s daughters and the leaders of the tribe of Manasseh are considered just. Both uphold the principle of preserving the clan. Zelophehad’s daughters argue that, if they are not given the right to inherit, their father’s name will be lost—his properties absorbed without identity. The leaders counter that, if the daughters marry outside the tribe, the clan will lose its rightful land holdings. The Torah’s solution solves both problems. The daughters will inherit their father’s property, thereby preserving his name; tribal lands will not be diminished because the daughters must marry within their tribe.

This solution, however, does not give daughters equality with sons in the area of inheritance.

Both the Torah and the Talmud make it clear that under normal circumstances, where there are sons and daughters, inheritance of property is from father to sons. Women share the lot of their husbands; they do not inherit from their fathers. (*JPS Torah Commentary: Numbers*, pp. 482–484)

Milgrom’s sociological explanation of the nomadic and tribal laws of inheritance in ancient Israel and their comparison to such laws in other ancient societies clearly aid in understanding the reasons behind the Torah’s laws of inheritance. What about the place of women in the rest of the Torah tradition? How do the interpreters of Torah view the protesting daughters of Zelophehad and their demand for equal rights within society?



Peli

Contemporary interpreter Pinchas Peli writes that these women “are not presented as private individuals but as genuine representatives and spokeswomen of all members of their sex. The case they pleaded is not regarded as a personal claim for land appropriation but rather as an outcry of women against discrimination and second-class citizenship.” Citing insights from early rabbinic commentaries, Peli praises the five daughters of Zelophehad for their wisdom and approach to the problem facing them.

The rabbis, for instance, point out that, when the daughters hear Moses announce the laws of inheritance, they realize they are not included. Instead of immediately rushing forward and loudly challenging him, the Torah says that “they drew near.” In other words, they demonstrate patience. They organize themselves, discuss the matter, formulate an approach, and then calmly “draw near” to Moses with their concerns.

According to Simeon ben Lakish, founder of a third-century academy for Torah study in Tiberias, they do not take their case directly to Moses. Instead, they discuss the matter with the tribal chiefs of tens, of fifties, hundreds, and thousands. Showing honor to each of them, the

daughters ask that the officers consider the matter before they take it to their superiors. Finally, having patiently pursued their claim within the judicial process, "they draw near" to Moses.

Other rabbinic interpreters also claim that the five daughters chose their tactics and words of protest with great care. While they believe that the Torah law is unfair to them and to others, they demonstrate constant loyalty to Moses, to their people, and to the Torah. They draw the contrast between their father who had remained loyal to Moses and other Israelites who had followed Korah. Furthermore, they deliberately use words that clarify the distinction between them and those who had said to Moses: "Give us a captain, and we shall return to Egypt." Echoing that statement, they tell Moses, "Give us an inheritance in the land." In this way, say the rabbis, the daughters demonstrate their superior commitment to their people and to the Land of Israel. Instead of abandoning the Promised Land, they merely demand their just inheritance within it. (*Numbers Rabbah* 16:10-12)

Peli concludes from his review of early rabbinic commentaries that the daughters of Zelophehad "in their superb wisdom . . . chose a suitable place, a proper time, and the proper approach" to lobby Moses regarding the law of inheritance. He writes: "In their arguments in favor of women's rights . . . they made Moses see what he had overlooked before. In truth, says the Talmud, Moses was supposed to have written that daughters get their rights along with sons. It was, however, a special privilege granted to the daughters of Zelophehad that this should be written into the Torah as a result of their painful and powerful protest." (*Baba Batra* 119a; "Torah Today," *Jerusalem Post*, July 20, 1985)

Women more pious than men

The women of Israel were always more pious than the men: We see that they did not want to give their earrings for the golden calf. Also, when the spies came, the women did not agree with them. Thus, all the men died in the desert and never reached the Land of Israel, but the wives did. (See Numbers 26:64; Tze'edah u-Re'edah on Numbers 27:1.)

Rabbi Samson Raphael Hirsch sees much more than the issue of land inheritance in the incident between Moses and the five daughters of Zelophehad. Hirsch contends that the heart of the matter in question is the loss of the family name. He points out that the daughters do not only say, "Give us an inheritance of land," but rather they offer an explanation for their request. They plead with Moses, "Let not our father's name be lost. . . ."

The perpetuation of the family name is their just cause, says Hirsch. It is the reason why the Torah determines that "the daughter has a right of inheritance only if there is no son or descendant of one." For, in such a case, the family name would disappear. To safeguard against such a danger, "If there is no son and no descendant of a son, then the daughter or her descendant is the heiress." (Commentary on Numbers 27:1-4)



Hertz

Caring for daughters

The rabbis, while denying the daughters a share in the inheritance where there are sons, still make ample provision for their maintenance and support, as long as they remain unmarried. The cost and provision of such maintenance constitute the first charge upon the estate of the deceased. In case the estate was small, the principle was laid down: "The daughters must be supported, even if the sons are reduced to beggary." (J. H. Hertz, The Pentateuch and Haftorahs, p. 692)

Modern commentator Rabbi W. Gunther Plaut cites the daughters of Zelophehad as an example of the treatment of women during the biblical period. He observes: "While the Torah records a number of laws in which men and women are treated equally (for instance, as regards reverence for parents; punishment in cases of incest; and dietary observances), it is on the whole male-oriented. The male has rights the female does

not enjoy. She is to be wife and mother, invested with inherent dignity, to be sure, but by law and social order relegated to a second-class status comparable to that of minors." Regarding the case of Zelophehad's daughters, Plaut concludes that they "are accorded special treatment—but only so long as they fulfill the primary purpose of preserving the integrity of tribe and land (Numbers 36:6), reflecting the fact that men always remained members of their tribe, while women might in effect join another tribe by marriage." (*The Torah: A Modern Commentary*, pp. 1218–1219)

As Plaut points out, the traditional Jewish view of women places them in a "second-class status." While some early rabbinic authorities hold that women are gossips, envious, gluttonous, lazy, quarrelsome, and weak-willed, others argue that they are more pious than men, more merciful, hospitable, sensitive to the needs of others, and wiser. Yet all are agreed that women may not act as witnesses; nor as judges; nor be counted as a part of the *minyan*, the "ten men required for worship"; nor sit with men during worship. Furthermore, every married woman, according to Moses Maimonides, is obligated "to wash the face, hands, and feet of her husband; mix for him his cup of wine; prepare his bed; and stand and serve him. . . ." Regarding the doing of mitzvot, women are exempt from all commandments that must be fulfilled within certain boundaries of time, such as the putting on of *tefillin* or worshipping three times daily. (See *Genesis Rabbah* 18; 45; *Avot* 2:8; *Shabbat* 33b; *Kiddushin* 30b; *Megillah* 14b; *Berachot* 6b; *Niddah* 45b; *Yad ha-Hazakah, Ishut* 21:3.)

While such a degraded view of women undoubtedly reflects the era and sensibilities of the premodern period, it is precisely this view that early Reform Jews in the nineteenth century rejected. In 1837, Abraham Geiger spoke out for the equality of the sexes proclaiming, "Let there be from now on no distinction between duties for men and women . . . no assumption of the spiritual inferiority of women . . . no institution of the public service, either in form or content, that shuts the doors of the temple in the face of women; no degradation of women. . . ."

Nine years later at the Breslau Rabbinical Con-

ference, a paper presented called for the equality of women in all religious duties, declaring that both sexes share equal responsibilities toward rearing children and that women are as obligated as men to pursue Jewish education. While it would be over one hundred years until the first women were ordained as rabbis or cantors, women played significant roles of leadership within the Reform Jewish community. (W. Gunther Plaut, *The Rise of Reform Judaism: A Sourcebook of Its European Origins*, UAHC, New York, 1963, pp. 252–255)

Contemporary traditional Jews have also responded to changing attitudes about women. Few Orthodox Jews demand of their wives the service defined by Moses Maimonides. Indeed, Rabbi Eliezer Berkovits, a leading Orthodox scholar, goes so far as to declare that such practice "is incompatible with the status that the woman had in the ethos of Judaism . . . our self-respect would not allow us to accept this kind of service from our wives, or even from any other human being." Referring to the case of Zelophehad's daughters, Berkovits comments that "notwithstanding the biblical law of inheritance, today in Orthodox Jewish families, wives do inherit their husband's property and daughters inherit together with sons." However, Berkovits makes it clear that women within traditional Judaism still suffer disabilities and inequalities and that these must be solved by seeking legally "valid possibilities" within the structure and interpretation of Jewish law. He warns that it is not only the status of women that is at stake but also the capacity of traditional Judaism to meet the requirements of the modern era. (From *Contemporary Jewish Ethics*, Menachem Marc Kellner, editor, Sanhedrin Press, New York, 1978, pp. 355–373)

Today women are assuming roles of leadership in every area of social, political, religious, business, and professional life. Equal numbers of men and women are working in information services as managers, administrators, and financial experts. As many women as men are starting new businesses, entering scientific professions, and attending liberal Christian and Jewish seminaries.

In such an age, women will also play an equal role in defining Jewish tradition and practice.

During biblical times it was the daughters of Zelophehad who challenged and altered an unjust law of Torah. Standing up for their rights, they extended fair treatment for others. Today, as both men and women struggle to define their rights and responsibilities, they will undoubtedly strengthen and revitalize some of the most significant ethical values and practices of Jewish tradition.

QUESTIONS FOR STUDY AND DISCUSSION

1. Two great teachers of Jewish tradition, Rav and Samuel, disagree on the justification of Pinchas in killing Zimri and Cozbi. What is the moral basis for their arguments? How do other commentators divide on this moral issue?
2. How would you apply the ancient talmudic principle *kanaim pogeim bo* to the incident of Pinchas's killing of Zimri and Cozbi? Does it protect against fanatics taking the law into their own hands? Could such a principle be applied on an international basis between hostile nations and peoples?
3. The Torah labels both the claim of the daughters of Zelophehad and the counterprotest of the tribal leaders of Manasseh as "just." Is the solution offered by the Torah a fair one?
4. Professor Paula E. Hyman comments: "Within the framework of traditional Judaism, women are not independent legal entities. Like the minor, the deaf-mute, and the idiot, they cannot serve as witnesses in Jewish courts. . . . They do not inherit equally with male heirs; they play only a passive role in the Jewish marriage ceremony; and they cannot initiate divorce proceedings. . . . What Jewish feminists are seeking . . . is not more apologetics but change, based on acknowledgment of the ways in which Jewish tradition has excluded women from entire spheres of Jewish experience and has considered them intellectually and spiritually inferior to men." (From "The Other Half: Women in the Jewish Tradition," in *Conservative Judaism*, Summer 1972) How are the modern movements within Jewish life dealing with what "Jewish feminists are seeking"?