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Yonatan S. Miller

University of Toledo, USA

Phinehas' Priestly Zeal and the Violence of Contested Identities*

Abstract: Critics of biblical violence particularly scrutinize the case of Phinehas, the priestly zealot who publicly skewered an Israelite man and his Midianite consort in Numbers 25. Such studies are preoccupied with God's approbation of this extra-judicial killing, and how later Jewish readers, from Philo through the rabbis, grappled with divine approval of vigilantism. I contend that these critiques devolve from a flattened and essentialized reading of Phinehas' violence that disregards its biblical context and, by extension, its discursive function. Close examination reveals how Phinehas' violence functions performatively to legitimate priestly identity in the face of contestation by rival groups. This essay recontextualizes Phinehas' violence and traces how ancient and late antique Jewish writers detected the "world-making" functions of the biblical narrative, and shows how these later writers themselves deploy Phinehas' violence, which they contemporize and even subvert, in the service of reinforcing their own group identities.

Key words: Phinehas, biblical violence, priesthood, zealotry, world-making, group identity.

Introduction: the violence-identity matrix

The notion that violence is inextricably bound with the politics of identity has become almost axiomatic in recent writings, both scholarly and popular.¹ Thus, Amartya Sen has written, in a representative comment:

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1 See, e. g., Amin Maalouf, *In the Name of Identity: Violence and the Need to Belong*, trans. Barbara Bray (New York: Arcade, 2001); Hent de Vries and Samuel Weber, eds., *Violence, Identity, and Self-Determination* (Stanford: Stanford University Press, 1997); Nils Zurawski, "Girard Among the Paramilitaries of Ulster: Identity, History, and Violence," *Anthropoetics* 8 (Summer 2002) [n. p.]; and see, most recently, Kimberly B. Stratton, "Narrating Violence, Narrating Self: Exodus and Collective Identity in Early Rabbinic Literature," *History of Religions* 57 (2017) 68–92.

[V]iolence is promoted by the cultivation of a sense of inevitability about some allegedly unique – often belligerent – identity that we are supposed to have and which apparently makes extensive demands on us (sometimes of a most disagreeable kind).²

Recent anthropological studies of violence have likewise appreciated this performative aspect of conflict. Moving beyond definitions of violence that often focus on kinetic acts of physical harm “deemed legitimate by the performer and illegitimate by (some) witnesses,”³ Ingo Schröder and Bettina Schmidt rightly highlight violence as “a resource in world making, to assert one group’s claim to truth and history against rival claims.”⁴ Similar moves are found in the study of religion and violence.⁵ When it comes to the Hebrew Bible, for example, the notion that “acts of identity formation are themselves acts of violence” is central to Regina Schwartz’s critique of Israelite monotheism.⁶ The same goes for the reception of the Hebrew Bible, as argued by Kimberly Stratton, who has illustrated how “memories of trauma and narratives of violence and suffering constitute integral components in the formulation of collective identities.”⁷

Given the pronounced general shift towards reading the biblical text as historiography rather than history,⁸ as well as specific doubts surrounding

- 2 Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York: Norton, 2006) xii.
- 3 This is the widely discussed definition of David Riches, “The Phenomenon of Violence,” in *The Anthropology of Violence*, ed. David Riches (Oxford: Blackwell, 1986) 8. I have borrowed the term “kinetic” violence from Joel Lemon, “Ancient Near Eastern Iconography and the Psalms,” in *Oxford Handbook of the Psalms*, ed. W. P. Brown (New York: Oxford University Press, 2014) 377–391.
- 4 Ingo W. Schröder and Bettina E. Schmidt, “Introduction: Violent Imaginaries and Violent Practices,” in *Anthropology of Violence and Conflict*, ed. Bettina E. Schmidt and Ingo W. Schröder (London: Routledge, 2001) 9; see also Glenn Bowman, “The Violence in Identity,” 25–46.
- 5 See, e.g., James K. Wellman and Kyoko Tokuno, “Is Religious Violence Inevitable?” *Journal for the Scientific Study of Religion* 43 (2004) 291–296; Aziz Esmail, “Religion, Identity, and Violence,” in *Blackwell Companion to Religion and Violence*, ed. Andrew R. Murphy (Malden: Blackwell, 2011) 50–65; Sudhir Kakar, *The Colours of Violence: Cultural Identities, Religion and Conflict* (Chicago: University of Chicago Press, 1996).
- 6 Regina Schwartz, *The Curse of Cain: The Violent Legacy of Monotheism* (Chicago: University of Chicago Press, 1997) 5. See also Wellman and Tokuno, “Religious Violence”; and Joel Kaminsky, “Did Election Imply the Mistreatment of Non-Israelites?” *Harvard Theological Review* 96 (2003) 397–425.
- 7 Stratton, “Narrating Violence,” 68.
- 8 The literature on this trend in biblical scholarship is vast; for an overview, see Megan Bishop Moore, *Philosophy and Practice in Writing a History of Ancient Israel* (New York: T & T Clark, 2006); Marc Z. Brettler, *Creation of History in Ancient Israel* (New York: Routledge, 1996) esp. 1–7. For a history of scholarship with an eye toward ideological

the historicity of the centerpiece of biblical violence (viz., the conquest of Canaan⁹), these performative and world-making qualities of violence are all the more important to consider – or better yet, all that remain to consider. While scholars have recognized that “fictionalized history” is used to “to define motives, relations, and unfolding themes,”¹⁰ the discourse of violence adds a further dimension. Indeed, if physical violence is a touchstone of particular significance for the expression of power, the discourse of violence serves a similar function: “Forms of rhetorical and cultural conflict function to vitalize and mobilize religious identity as well.”¹¹ Narratives of violence offer a stylized and highly charged venue for creating new realities and power structures; they are “a kind of theater, where we collaborate in reinventing ourselves and authorizing notions, both individual and collective, of who we are.”¹²

This essay explores the world-making functions of the violence of Phinehas, the zealous priestly vigilante, both in the Hebrew Bible (Numbers 25) and in the Jewish interpretive tradition. While there have been numerous studies of Phinehas, these have tended to focus on the implications of the

bias, see Lowell K. Handy, “The Reconstruction of Biblical History and Jewish-Christian Relations,” *Scandinavian Journal of the Old Testament* 5 (1991) 1–22. Cf. Zecharia Kallai, “Biblical Historiography and Literary History,” *Vetus Testamentum* 49 (1999) 338–350.

- 9 See, e.g., J. Maxwell Miller, “The Israelite Occupation of Canaan,” in *Israelite and Judean History*, ed. J.H. Hayes and J.M. Miller (Philadelphia: Westminster, 1977) 213–284; Lori Rowlett, *Joshua and the Rhetoric of Violence: A New Historicist Analysis* (Sheffield: Sheffield Academic, 1996). On the relative value of war (albeit not the conquest of Canaan) in reconstructing Israelite history, see Megan Bishop Moore, “Fighting in Writing: Warfare in Histories of Ancient Israel,” in *Writing and Reading War: Rhetoric, Gender, and Ethics in Biblical and Modern Contexts*, ed. Brad Kelle and Frank Ames (Atlanta: Society of Biblical Literature, 2008) 57–66.
- 10 Robert Alter, *The Art of Biblical Narrative* (New York: Basic Books, 2011) 36–7; also Herbert Schneidau, *Sacred Discontent: The Bible and Western Tradition* (Berkeley: University of California Press, 1976) Ch. 5, “The Bible and Literature: Against Positivism.”
- 11 Wellman and Tokuno, “Religious Violence,” 292. See also Ari Z. Bryen, *Violence in Roman Egypt: A Study in Legal Interpretation* (Philadelphia: University of Pennsylvania Press, 2013); Bryen describes the rhetoric of violence as “a means through which people came to locate themselves within a social world” (205).
- 12 Michael Jackson, *The Politics of Storytelling: Violence, Transgression, and Intersubjectivity* (Copenhagen: Museum Tusculanum, 2002) 16. See also A. C. G. M. Robben and Carolyn Nordstrom, “The Anthropology and Ethnography of Violence and Sociopolitical Conflict,” in *Fieldwork Under Fire: Contemporary Studies of Violence and Survival*, ed. Robben and Nordstrom (Berkeley: University of California Press, 1995) 3: “Like creativity and altruism, violence is culturally constructed. As with all cultural products, it is in essence only a potential – one that gives shape and content to specific people within the context of particular histories. Little can be said about the concrete form of violence ... outside the constraints of society and culture.”

narrative's apparent approbation of vigilante violence.¹³ Indeed, wariness of the explicit concatenation of religion and violence in the Phinehas narrative is evident already within the biblical text itself, as well as later, in Palestinian rabbinic literature.¹⁴

This singular focus on the approbation of Phinehas' zeal, however, has seen the biblical narrative become unnecessarily subordinated to its reception history. Using this approach, the complex and multi-faceted narrative in Numbers 25 is flattened, and Phinehas' violence essentialized. The particulars of the larger narrative – and even of Phinehas' violence itself – are of secondary concern, if they are addressed at all. Thus, this approach is problematic in two respects: it both effaces the biblical text and misapprehends the functions of its violence. A proper apprehension of violence requires that we understand "its contingency, its historical variability, and its cultural guises."¹⁵

This study begins first and foremost with an appreciation of how Phinehas' violence functions within the narrative space in which it has been situated, as well as within the biblical text at large, for to engage with the violence of Phinehas is to open a window onto the identity of the historically dominant Aaronide priesthood. The hegemony and perpetuity of this priestly line is assured through Phinehas himself (Num 25:13), whose act of slaying of two sinners is presented – explicitly and without compunction – as the guarantor of Aaronide continuity.

13 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) esp. 146–177; Torrey Seland, *Establishment Violence in Philo and Luke: A Study of Nonconformity to the Torah and Jewish Vigilante Reactions* (Leiden: Brill, 1995); Lali Clenman, "It Was Not According to the Will of the Sages: Halakhic and Aggadic Responses to Pinhas' Killing of Zimri and Kozbi in Numbers 25," in *Vixens Disturbing Vineyards: Embarrassment and Embrace of Scriptures: Festschrift in Honor of Harry Fox (leBeit Yoreh)*, ed. Harry Fox and Tzemah Yoreh (Boston: Academic Studies, 2010) 169–91; Shlomo Zuckier, "A Halakhic-Philosophic Account of Justified Self-Defense," *Torah u-Madda Journal* 16 (2012/3) 21–51.

14 On biblical wariness of Phinehas, with especial attention to the ambiguous reference to Phinehas' actions in Ps 106:28–31, see Yochanan Muffs, *Love and Joy: Law, Language and Religion in Ancient Israel* (New York: Jewish Theological Seminary, 1992) 41. See also Michael Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford University Press, 1985) 397–399; he acknowledges that his interpretation is indebted to Muffs' (398 n. 37); David Bernat, "Phinehas' Intercessory Prayer: A Rabbinic and Targumic Reading of the Baal Pe'or Narrative," *Journal of Jewish Studies* 58 (2007) 263–82. See also Louis H. Feldman, "The Portrayal of Phinehas by Philo, Pseudo-Philo, and Josephus," *Jewish Quarterly Review* 92 (2002) 315–345.

15 J. Abbink, "Preface: Violation and Violence as Cultural Phenomena," in *Meanings of Violence: A Cross Cultural Perspective*, ed. Göran Aijmer and J. Abbink (Oxford: Berg, 2000) xvi.

I argue that the lethal zeal of Phinehas in Numbers 25 must be appreciated as a function of his priestly identity, which was being contested, and as a discursive vehicle for legitimating that contested identity. With this understanding of the biblical context, I demonstrate through three illustrative examples in the reception history of the episode how ancient Jewish readers deftly recognized these functions of the biblical narrative, which they then contemporized and deployed to alleviate their own anxieties about identity, priestly and otherwise. In so doing, these ancient readers showed a sophisticated appreciation for the deep structures of the biblical text – which is often considered the exclusive province of modern scholars.¹⁶

1. Numbers 25

1.1. Close reading

A close reading of the biblical narrative in Numbers 25 is necessary in order to better comprehend the contextual functions of Phinehas' violence.

The chapter begins with a multi-pronged apostasy in the Israelite camp. First, while encamped at Shittim,¹⁷ the Israelites are said to have consorted with Moabite women (Num 25:1).¹⁸ This illicit activity gives way to sacrifices to and worship of the Moabite deities (v. 2) and Baal Pe'or (v. 3).¹⁹ Angered, God orders Moses to “take all the chiefs of the people and impale them in the sun to the Lord” (v. 4).²⁰ But Moses' ultimate order to the “Israelite commanders” is at odds with God's instructions.²¹ Rather than

¹⁶ See Andrew Teeter, “The Hebrew Bible And/As Second Temple Literature: Methodological Reflections,” *Dead Sea Discoveries* 20 (2013) 349–77.

¹⁷ On the Moabite setting, see Baruch A. Levine, *Numbers 21–36: A New Translation with Introduction and Commentary* (New York: Doubleday, 2000) 137, 282.

¹⁸ Levine challenges the notion that *zanah 'el* refers to sexual impropriety, arguing that the offense in this verse is one of “betrayal” – consorting with the Moabite women resulted in idolatry. See Levine, *Numbers*, 282–283. Cf. Martin Noth, *Numbers: A Commentary* (London: SCM, 1969) 198. Mayer Gruber issues a wider challenge to the association of sex with Ancient Near Eastern religion; see Mayer Gruber, “Hebrew *qedesah* and Her Canaanite Cognates,” *Ugarit-Forschungen* 18 (1986) 133–148.

¹⁹ On the translation and nature of Baal Pe'or, see Levine, *Numbers*, 284–285; 294–297.

²⁰ See Robert Polzin, “HWQY' and Covenantal Institutions in Early Israel,” *Harvard Theological Review* 62 (1969) 227–240; George E. Mendenhall, *The Tenth Generation: The Origins of the Biblical Tradition* (Baltimore: Johns Hopkins University Press, 1973) 117 ff.

²¹ For other local illustrations of this dynamic, see Jonathan Grossman, “Divine Command and Human Initiative: A Literary View on Numbers 25–31,” *Biblical Interpretation* 15 (2007) 54–79.

ordering them to impale the Israelite chiefs, Moses commands them to kill those who “yoked themselves” to Baal Pe’or (v. 5).²²

The wider apostasy scene ends abruptly and turns to focus on the entrance to the Tent of Meeting (v. 6). In a public spectacle before Moses and the Israelites, an Israelite man, later named Zimri son of Salu, is said to have “brought near²³ to his brethren” a Midianite woman, later identified as Cozbi daughter of Zur – although the exact nature of their wrongdoing is never fully articulated.²⁴ The Israelites, in the meantime, are portrayed as crying at the entrance to the Tent of Meeting.²⁵ Phinehas, son of Eleazar and grandson of Aaron, is described as observing the event and springing into action, with a series of six *waw*-consecutive verbs highlighting the vividness of his reaction (v. 7). He proceeds to follow the pair and spear them both²⁶ – an act that serves to cease an apparently ongoing plague, mentioned here for the first time, that took the lives of 24,000 Israelites (vv. 8–9).²⁷

22 A similar disconnect between God’s command and Moses’ actions appears in the Golden Calf episode in Exodus 32. Levine notes that Numbers 25 “exhibits considerable intertextuality,” particularly with regard to Exodus 32; *Numbers*, 279. See also Hengel, *Zealots*, 148. Not only does Milgrom state that both narratives “resemble one another in their inner detail,” he argues that “Baal-Pe’or is but an extension of the golden calf,” a fulfillment of the prophetic statements in Exod 32:34b–35; see Jacob Milgrom, *JPS Torah Commentary: Numbers* (Philadelphia: Jewish Publication Society) 211. There is likewise an intertextual relationship with 2 Samuel 21; see Polzin, “HWQY,” 227–240, and Levine, *Numbers*, 300–303.

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

24 See Martin Noth, *Numbers*, 198; S. C. Reif, “What Enraged Phinehas? A Study of Numbers 25:8,” *Journal of Biblical Literature* 90 (1971) 200–206.

25 Richard Elliot Friedman argues that the Israelites are simply mourning the death of Aaron (Num 20:29), which on the basis of his source-critical reconstruction of Numbers is the last attested verse from P before this one; R. E. Friedman, *The Bible with Sources Revealed* (New York: HarperCollins, 2003) 288. Cf. Josebert Fleurant, according to whom the weeping links up with Num 11:15; Fleurant, “Phinehas Murdered Moses’ Wife: An Analysis of Numbers 25,” *JSOT* 35 (2011) 288–290. Milgrom, on the other hand, posits that the weeping was “a rite of penitence, a subtle condemnation of Moses” (*Numbers*, 214). Cf. Ezekiel 8:14.

26 It is unclear where and how Phinehas kills the pair, and much of the ambiguity revolves around the noun *qbh*. See Reif, “What Enraged,” 204–206; David Shepherd, “Visible Violence: Numbers 25 and the Atonement of Phinehas,” *Judaïsme Ancien/Ancient Judaism* 4 (2016) 23–39, esp. 31–33.

27 On the possible relationship between this slaying and a Hittite ritual that similarly functions to cease a plague afflicting the camp, see Lauren A. S. Monroe, “Phinehas’ Zeal and the Death of Cozbi: Unearthing a Human Scapegoat Tradition in Numbers 25:1–18,” *Vetus Testamentum* 62 (2012) 211–231. For a positivistic reading of the plague narrative, see Mendenhall, *Tenth Generation*, 106 ff.

In the next verses (vv. 10–15),²⁸ Phinehas is praised by God (through Moses) for his zeal – or, more precisely, for enacting God's zeal upon the sinners (v. 11). God then blesses Phinehas with two covenants: a “covenant of peace” (v. 12), and owing to his zeal for God, his bloodline is chosen for the “covenant of eternal priesthood” (v. 13). The narrative closes with the statement that Phinehas “atoned for” (*kpr*) the Israelite wrongdoing.

1.2. Narrative summary and etiology

Despite broad scholarly consensus that the narrative is a composite text, its etiological function, which is to secure the Aaronide bloodline's claim to the priesthood, remains clear.²⁹ Thus Martin Noth wrote:

The original point of the whole Phinehas episode is perhaps intended to legitimize the descendants of Phinehas, in the face of any possible opposition, as the true heirs to “Aaronite” privileges.³⁰

Frank Moore Cross likewise noted that the story in Numbers 25 is evidence of a “polemical literature reflecting conflicting claims of the great priestly families.”³¹ While Philip Budd did not believe that “exclusive rights to some priesthood are being claimed,” he nevertheless viewed the narrative as addressing doubts about the priestly credentials of Phinehas and his descendants “and/or providing grounds for their supervision of the Levitical gatekeepers.”³² Jacob Milgrom went so far as to provide a specific historical context for the episode, arguing that the narrative “was used as justification

²⁸ According to tradition, these verses begin a new weekly Torah portion. Could this be a subtle suppression of the connection between Phinehas' act of violence and its praise?

²⁹ See George B. Gray, *A Critical and Exegetical Commentary on Numbers* (Edinburgh: T&T Clark, 1903) 380 ff.; Levine, *Numbers*, 279–281; Philip Budd, *Numbers* (Waco: Word, 1984) 275–279. Expressing skepticism about identifying components of a source critical substratum is Noth, who even expresses doubt as to whether the Phinehas tradition is to be identified with P (*Numbers*, 195–6). For recent summaries of critical approaches to Numbers 25, see Fleurant, “Phinehas Murdered,” 286–287; Marko Marttila, “The Figure of Phinehas from Different Perspectives: The Hero of His People in Num 25:6–13, Ps 106:28–31 and Sir 45:23–26,” *Journal of Ancient Judaism* 5 (May 2014) 2–24, esp. 3–4.

³⁰ Noth, *Numbers*, 199.

³¹ Frank Moore Cross, “The Priestly Houses of Early Israel,” in F. M. Cross, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University Press, 1973) 203.

³² Budd, *Numbers*, 278, 282. On Phinehas as gatekeeper, see 1 Chr 9:20. On the potentially violent aspects of this role, see Jacob Milgrom, *Studies in Levitical Terminology* (Berkeley: University of California Press, 1970) 15–16; 48–49.

for the banishment of Abiathar and his entire family from the Jerusalem Temple so that the Zadokites alone remained as its officiating priests.”³³

Why was there a need to justify one’s priestly legitimacy in the face of competition? By and large, traditional readings of the Hebrew Bible consider the priesthood as an uncontested and hereditary institution that began with Aaron, Moses’ brother and fellow descendant of Levi.³⁴ This is the picture painted in the Priestly writings, which continually reiterate phrases such as “the sons of Aaron, the priests,” and it is largely reinforced in Ezekiel (40–48), Chronicles (e. g., 1 Chr 6:34; 23:13), Ezra and Nehemiah.³⁵ The non-Aaronide descendants of Levi known as Levites, on the other hand, although apparently superior in status to lay-Israelites by virtue of their access to and work in the holy precincts, are nevertheless portrayed as temple servants, responsible for serving the priests and directing only ancillary operations in the Tabernacle.³⁶ This Aaronide-dominant picture of the priestly hierarchy is affirmed in rabbinic literature, and it has maintained a hold in traditional Jewish communities to the present day.³⁷ According to this holistic reading, Moses, despite being a prominent descendant of Levi just like his brother Aaron, is not seen as possessing any priestly authority.

A historical-critical examination of the priesthood, or better yet, a closer examination of the biblical record itself, reveals a more fluid and contentious picture. Thus a number of texts, particularly in the Deuteronomistic History, indicate that all male descendants of Levi could function as priests – thereby militating against the notion that a specific bloodline was privileged for the priesthood and consequently, that Levites were “second-class priests.”³⁸ Mention of the Aaronide priesthood is strikingly rare in this substantial corpus of texts.³⁹ In Exodus 32 and Deut 10:8–9, the Levites,

33 Milgrom, *Numbers*, 479.

34 See, e. g., the critique of this picture in Mark Leuchter, *The Levites and the Boundaries of Israelite Identity* (New York: Oxford University Press, 2017) 1–2. I would like to thank Mark for generously sharing his work with me before the book went to press.

35 As the Phinehas episode is attested in the Pentateuch, which makes no reference to Zadokite priests, I am bracketing their discussion for the moment; but see below.

36 See, e. g., Num 1:48–53; 3:5–9; 16:9; 18:2; Ezek 44:11, 13. The servile nature of the Levites is reflected in mArakhin 2:4 and bArakhin 11a, which suggestively juxtapose Levites with slaves.

37 See, e. g., mMiddot 5:4, mGittin 5:8 and bGittin 59b. There is an inherent tension in that last pericope, most probably motivated by the fact that it was composed centuries after the upending of the priestly hierarchy. On the pre-Aaronide priesthood, see *Mekhilta de-Rabbi Ishmael*, *Parshat Bo*, *Pisha* 1; mZevachim 14:4.

38 See, e. g., Risto Nurmela, *The Levites: Their Emergence as a Second-Class Priesthood* (Atlanta: Scholars, 1998) 141–163.

39 See R. H. Kennett, “The Origin of the Aaronite Priesthood,” *Journal of Theological*

writ large, seem to be vested into the priesthood. In Deut 33:8–9, they are designated the carriers of the Urim and Thummim, and the possibility of a pan-Levite priesthood is latent in the locutions “priestly levites” or “priests, the descendants of Levi” that appear throughout the book.⁴⁰ Reflecting on these and other texts about the priestly status of the Levites, Leopold Sabourin wrote that “the varying biblical interpretations of the Levitical status reflect historical ambition and rivalry.”⁴¹ (These are seen vividly in one strand of the Korah narrative, which has Korah, a non-Aaronide Levite, challenge the exclusive authority of Aaron over the priesthood.)

Any reconstruction of the history and evolution of the Israelite priesthood remains tentative,⁴² but Julius Wellhausen’s theory continues to remain influential.⁴³ Wellhausen argued for an evolution from a total absence of priestly groups,⁴⁴ followed by the assumption of priestly power by the Levites,⁴⁵ and concluding with the rise of the Aaronide priesthood and the demotion of the Levites to temple servants.⁴⁶ This latter stage was

Studies 6:22 (January 1905) 161–186; John R. Spencer, “Priestly Families (or Factions) in Samuel and Kings,” in *The Pitcher Is Broken: Memorial Essays for Gösta W. Ahlström*, ed. Steven Holloway and Lowell Handy (Sheffield: Sheffield Academic, 1995) 387–400, esp. 392. On mentions of Aaron in Deuteronomy and related literature, see Joseph Blenkinsopp, “The Mystery of the Missing ‘Sons of Aaron,’” in *Exile and Restoration Revisited: Essays on the Babylonian and Persian Periods in Memory of Peter R. Ackroyd*, ed. Gary N. Knoppers and Lester L. Grabbe with Deirdre N. Fulton (London: T&T Clark, 2009) 65–77.

- 40 On the rabbinic reception of the Deuteronomic *ha-kohanim ha-leviim*, see bYevamot 86b, bHullin 24b, bTamid 27a.
- 41 Leopold Sabourin, *Priesthood: A Comparative Study* (Leiden: Brill, 1973) 102.
- 42 See the survey of caveats in Alice Hunt, *Missing Priests: The Zadokites in Tradition and History* (New York: T&T Clark, 2006) 1–2.
- 43 Julius Wellhausen, *Prolegomena to the History of Israel*, trans. J. Sutherland Black and Allan Menzies (Edinburgh: Adam and Charles Black, 1885) 141. For important theological and methodological criticisms of Wellhausen, see Jon D. Levenson, *The Hebrew Bible, The Old Testament, and Historical Criticism* (Louisville: Westminster, 1993) esp. 10–32.; cf. the pointed response of James Barr, *The Concept of Biblical Theology: An Old Testament Perspective* (Minneapolis: Fortress, 1999) 291–301.
- 44 Critically, sacrifices could be offered by anyone; See esp. Exod 24:5; Jud 17:5; 1 Sam 14:34; 2 Sam 8:18, 20:26. See also the list of references in Aelred Cody, *A History of Old Testament Priesthood* (Rome: Pontifical Biblical Institute, 1969) 12.
- 45 Wellhausen, *Prolegomena*, 141–5. Wellhausen further notes that the Levites are scarcely mentioned outside of the Deuteronomistic History, and he regards attempts to ground the caste of the Levites in the Levi of Genesis as anachronistic.
- 46 Wellhausen, *Prolegomena*, 145–151. This clerical arrangement is most representative of the political situation of the Second Temple period; 149–150. How and whether the Zadokite dynasty figures in priestly history is a matter of debate; see Hunt, *Missing Priests*.

ossified in the latest strata of the Hebrew Bible, and it is likewise codified in post-biblical Jewish literature.

Writing almost a century after the publication of Wellhausen's *Prolegomena*, Cross observed that under its influence "the overall view of the early history of priesthood has changed very little if at all."⁴⁷ Various aspects of Wellhausen's schema have been augmented and refined, but no scholar has sought to defend the traditional, static picture of the priesthood. Even Yehezkel Kaufmann, one of Wellhausen's harshest critics, conceded that the latter's theory on the priesthood passed critical muster, at least among other scholars.⁴⁸

Cross, however, added further depth and nuance to the critical theory of priestly development, noting that whereas Wellhausen rightly "recognized Mosaic (better Mushite) ancestry among the priestly families of early Israel," he did not examine events from Moses' own lifetime from the perspective of priestly history.⁴⁹ Cross went on to reexamine the "stories of conflict in the wilderness," invoking them as evidence for "an ancient and prolonged strife between priestly houses" that pitted the Levite-aligned Mushite priesthood against that of the Aaronites.⁵⁰ Mark Leuchter has recently revisited these and other traditions, arguing, "There can be no doubt that the preeminence of the Moses traditions results from Mushite dominance at the highland sanctuaries."⁵¹

⁴⁷ Cross, "Priestly Houses," 195.

⁴⁸ Kaufmann, quoted in Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Code* (Tübingen: Mohr Siebeck, 2007) 200.

⁴⁹ Quote from Cross, "Priestly Houses," 197. Cross was following up on the work of his student, Merlin Rehm, who revisited Wellhausen's theory on the basis of *Traditionsgeschichte*, i. e., assessing biblical texts as reflective not exclusively of the age in which they were written, but as being written at the culmination of a "long oral history." See Merlin Rehm, *Anchor Bible Dictionary*, s. v. Levites and Priests, 298, which is a distillation of his dissertation, "Studies in the History of the Pre-Exilic Levites" (ThD diss., Harvard Divinity School, 1967). I am grateful to my colleague Matthew Rasure, who kindly provided me with a digital copy of this dissertation.

⁵⁰ Enmity (with shades of violence) between Moses and Aaron is found even in the Islamic *hadith* tradition; see, e. g., Al-Hakim al-Naysaburi, *Al-Mustadrak 'ala al-Shāḥihayn*, 4 vols., ed. Mustafa 'Ata (Beirut: Dar al-Kutub al-'Ilmiyya, 1411/1990) 2:632, *hadith* no. 4109. My colleague Ovamir Anjum kindly helped me locate this reference.

⁵¹ Leuchter, *Levites*, 81; on the origins and development of the Mushite priesthood, see 59–92. For textual sources and discussion on the priesthood of Moses, see Cody, *Old Testament Priesthood*, 39–52; John Lierman, *The New Testament Moses: Christian Perceptions of Moses and Israel in the Setting of Jewish Religion* (Tübingen: Mohr Siebeck, 2004) 66 ff.; Diana Edelman, "Taking the Torah Out of Moses? Moses' Claim to Fame Before He Became the Quintessential Law-Giver," in *La construction de la figure de Moïse/The Construction of the Figure of Moses*, ed. T. Römer (Paris: Gabalda, 2007) 13–42, esp. 14–17.

While the priesthood of Moses is mentioned explicitly only once in the Hebrew Bible (Ps 99:6),⁵² we find Moses ministering in a priestly capacity – offering sacrifices, engaging in blood manipulation, etc. – in numerous pentateuchal texts.⁵³ These functions were also well detected by ancient writers, both Jewish and Graeco-Roman, who had no compunctions about speaking of Moses as a priest, even a high priest.⁵⁴

1.3. Synthesis

Phinehas stands at the epicenter of this “ancient and prolonged strife” between rival priestly houses.⁵⁵ Indeed, if the violence of Phinehas in Numbers 25 is to the gain of the Aaronide priestly line, it is also – both explicitly and implicitly – to the detriment of Moses, and by extension, the Levites who saw Moses as their “mythic patron.”⁵⁶ Moses’ idleness in the Numbers 25 narrative, and his failure to exact the punishment with which he was charged at the beginning of the chapter, are offenses in and of themselves.⁵⁷ But when the narrative has Phinehas slay an Israelite man who consorted with a Midianite woman and insinuates that such unions are forbidden, it implicates Moses himself, who is married to a Midianite woman (Exod 2:16–21), daughter of a Midianite priest.⁵⁸ That God’s covenantal praise of Phinehas is communicated to Moses, who is directed to relate it to Phinehas, is a further insult to Moses.⁵⁹

52 “Moses and Aaron were among his priests.” On this verse and its context, see Mark Leuchter, “The Literary Strata and Narrative Sources of Psalm XCIX,” *Vetus Testamentum* 55 (2005) 20–38.

53 See, e. g., Exod 24:3–8, 29:11 f., 16:20 f., 33:7–11; Lev 8:15, 19:23 f.

54 See the comprehensive collection of evidence in John Lierman, “Moses as Priest and Apostle in Hebrews 3:1–6,” in *Hebrews in Contexts*, ed. Gabriella Gelardini and Harold Attridge (Leiden: Brill, 2016) 47–62.

55 Cross, “Priestly Houses,” 202: “It is quite impossible to separate this account from the story leading up to the rejection of the Elid (Mushite) priestly house in 1 Samuel 2:22–25.”

56 On the relationship between Moses and the Levites, see Leuchter, *Levites*, 86–90.

57 Cross makes the important point that “Numbers 25 stops short of condemning Moses in its present form, just as some of the anti-Aaronic traditions tend to spare Aaron” (“Priestly Houses,” 203). Milgrom also points to Exod 14:15 and Num 14:5, 16:4 as additional examples of “Moses’ inertia when action was needed” (*Numbers*, 214). This theme is further developed in rabbinic literature.

58 Fleurant takes this argument one step further, in contending that the Midianite woman was indeed Moses’ wife; “Phinehas Murdered.” The brutal irony of the subsequent war against the Midianites (Numbers 31) is also obvious for Moses; see J. Daniel Hays, *From Every People and Nation: A Biblical Theology of Race* (Downers Grove: InterVarsity Press, 2003) 83.

59 This is a reversal of a pattern we find elsewhere, where God’s use of Moses to

Given the thoroughgoing anti-Moses slant of the Phinehas episode, which concomitantly proclaims God's eternal priestly covenant with the Aaronide bloodline, it is clear that this violent narrative is designed to establish the legitimacy of a priestly group at the expense of its rival.⁶⁰ Later readers of the narrative were quite sensitive to – and heightened – both this world-making aspect of the narrative and the anti-Moses thrust of the story.⁶¹

That Phinehas' violence in Numbers 25 centers not just on generic identity politics, but on establishing specifically priestly *bona fides*, serves to explain the distinctly cultic flavor to the violence depicted in the episode. In fact, language strongly implying human sacrifice suffuses the larger narrative.⁶² This includes the use of the verb *kpr* – which is almost universally employed to denote the aftereffects of a successful sacrifice – to describe the consequence of Phinehas' slaying of Zimri and Cozbi.⁶³ Levine notes that “the slaying of the leading offenders functioned virtually as a human sacrifice,” an argument echoed by other scholars as well.⁶⁴

This biblical episode also reflects that, contrary to traditional notions about priestly descent, the right lineage is necessary, but not sufficient, for establishing priestly legitimacy. It is violence that legitimates – and perhaps even creates – priestly identity. This can be attributed to: (a) the world-making functions inherent in generic violence; (b) the distinct causal

communicate with Aaron seems to make the latter appear subservient; see Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary* (New York: Doubleday, 1991) 57.

- 60 In this respect, Numbers 25 is a striking mirror image of the Golden Calf episode, which disparages Aaron, while having Moses invest the Levites into the priesthood after they commit an act of mass fratricide.
- 61 For a thoroughgoing overview of other narratives critical of Moses, see Trent Butler, “An Anti-Moses Tradition,” *Journal for the Study of the Old Testament* 12 (1979) 9–15. Butler writes that, “It is quite possible that priestly politics are involved in the growth of the Moses polemic” (14).
- 62 See, especially, Monroe, “Phinehas’ Zeal,” 220–221. Also Jason Tatlock, “The Place of Human Sacrifice in the Israelite Cult,” in *Ritual and Metaphor: Sacrifice in the Bible*, ed. C. A. Eberhart (Atlanta: Society of Biblical Literature, 2011) 33–48, esp. 42; Levine, *Numbers*, 285. Also Milgrom: “the public impalement was to be regarded as expiation for Israel’s apostasy” (*Numbers*, 213).
- 63 The verb tense here is difficult; see already Sifre Numbers 131. BHS emends to the perfect tense. See also Nils Martola, *Capture and Liberation: A Study in the Composition of the First Book of Maccabees* (Abo: Abo Akademi, 1984) 210. On suggestive parallels between our narrative and the Korah episode in Numbers 17, see Shepherd, “Visible Violence,” esp. 35–39.
- 64 Levine, *Numbers*, 290; Monroe, “Phinehas’ Zeal,” 220–221. Monroe adds an additional term from Num 25:8, the highly ambiguous *qbh* (“only attested in one other instance in the Bible, in Deut 18:3, it refers to a part of a sacrificial animal to be set aside for the Levite priests”).

connection drawn between Phinehas' act of violence and his being awarded a priestly covenant; and (c) the competitive/polemical facets of the biblical narrative. The repeated sacrificial valences of Numbers 25 may also contribute to the notion that (d) violence creates priestly identity. This point was not lost on the rabbis of the Babylonian Talmud, for example, who posit that "Phinehas did not become a priest until he killed Zimri."⁶⁵ Indeed, according to Nancy Jay:

Sacrificial ritual can serve in various ways as warrant of, and therefore as means of creating, patrilineal descent – as a principle of social organization, not as a fact of nature.⁶⁶

Given the above factors, the world-making and group-legitimizing functions of the violence of Phinehas in Numbers 25 could not be more apparent.

2. Reception History

Later writers detected these world-making and group-legitimizing functions and continued to make use of Phinehas' violence in different ways, both to legitimate and to delegitimize distinctive groups, both inside and outside the priestly community.

2.1. 1 Maccabees

One of the most spectacular legitimacy uses of Phinehas' violence comes in 1 Maccabees, almost a millennium after the priestly protagonist was supposed to have lived.⁶⁷ The book opens by relating how Mattathias, a priest of the House of Joarib⁶⁸ and patriarch of the clan that would later become

⁶⁵ bZevahim 101b.

⁶⁶ Nancy B. Jay, *Throughout Your Generations Forever: Sacrifice, Religion, and Paternity* (Chicago: University of Chicago Press, 1992) 37. I am transposing Jay's theory of animal sacrifice into the putative human sacrifice of Numbers 25. I am grateful to Ra'anan Boustán for introducing me to Jay's work.

⁶⁷ Proposals for the dating of 1 Maccabees are collected in David S. Williams, "Recent Research in 1 Maccabees," *Currents in Research: Biblical Studies* 9 (2001) 169–184, esp. 173–174.

⁶⁸ See 1 Chr 24:7; on the possibility of Hasmonean tampering with the biblical verse, see L. Dequeker, "1 Chronicles xxiv and the Royal Priesthood of the Hasmoneans," *Old Testament Studies* 24 (1986) 94–106. See also Yitzhak Lee-Sak, "The Lists of Levitical Cities (Joshua 21, 1 Chronicles 6) and the Propagandistic Map for the Hasmonean Territorial Expansion," *Journal of Biblical Literature* 136 (2017) 783–800.

known as the Hasmoneans,⁶⁹ openly defied the religious decrees issued by Antiochus IV (1 Macc 1:42).⁷⁰

Officers of the Seleucid king are said to have invited Mattathias, with enticements of wealth and grandeur, to bring an illicit sacrifice (2:15–18). They are met with Mattathias' refusal to obey the word of the king or violate any Jewish precepts. Immediately after this, another Jewish man comes forward, in public view, to offer an illicit sacrifice (2:23).⁷¹ Seething with rage, Mattathias slaughters the Jewish man on the altar, slays the Seleucid officer who had solicited his own sacrifice (2:25) and destroys the altar.⁷²

The author explicitly underscores that Mattathias “burned with zeal for the law just as Phinehas did” (2:26) generations earlier.⁷³ Moreover, the author's use of the Greek verb *esfaxen* and placement of the victim on the altar underscores a great sensitivity to the priestly-cultic nature of Mattathias' violence – a creative and suggestive adaptation of the same move we saw above with regard to Phinehas. (The Septuagint employs this verb to render *šḥt* in the realm of ritual-cultic slaughter.) Nils Martola is “inclined to the opinion that the word has been chosen with care and that the author quite seriously regards Mattathias' deed as a cult act,” similar to

69 This clan-name originates in Josephus (*Ant.* 12:263), and its use continues in rabbinic literature. See Jonathan Goldstein, *1 Maccabees* (New York: Doubleday, 1976) 17–19.

70 The origins of Antiochus' religious persecution have been the subject of much debate. See, esp. Victor Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia: Jewish Publication Society, 1966); and Elias J. Bickerman, *The God of the Maccabees* (Leiden: E. J. Brill, 1979). On the similarity of the language of this decree to that in the Greek additions to Esther, see Elias Bickerman, “Notes on the Greek Book of Esther,” *Proceedings of the American Academy of Jewish Research* 20 (1951) 101–133, esp. 127.

71 Whether he offered a sacrifice or merely stepped forward to do so is left unclear. The Greek verb is the aorist active infinitive *thusiasai*. It is not clear whether this indicates that the Jew had merely come forward to offer the sacrifice but was slain before he was able to follow through, or that he came forward *and* offered the sacrifice, after which he was slain. In Josephus' rendition of these passages, the verb is rendered as the finite *ethuse*, thus indicating that the Jewish fellow had indeed made the sacrifice.

72 Mattathias' slaughtering of the Jewish man on the altar also evokes Josiah, who literally sacrificed priests on the altar (2 Kgs 23:20). On this latter verse, see Tatlock, “Place of Human Sacrifice,” 40.

73 Only in 1 Maccabees is Phinehas said to have committed his act of zealotry in the name of the law. God's reward of a “pact of priesthood” is twice attributed to Phinehas' zeal for God (25:11, 13). On this shift, see Hengel, *Zealots*, 154; cf. Daniel R. Schwartz, “From Moses' Song to Mattathias' Speech: On ‘Zeal for the Law’ and *Heilsgeschichte* in the Second Century BCE,” in *Heil und Geschichte: Die Geschichtsbezogenheit des Heils und das Problem der Heilsgeschichte in der biblischen Tradition und in der theologischen Deutung*, ed. Jörg Frey, Stefan Krauter and Hermann Lichtenberger (Tübingen: Mohr Siebeck, 2009) 185–193.

that of Phinehas.⁷⁴ Thus the author of 1 Maccabees makes explicit that he has drawn inspiration from Phinehas and fashioned both Mattathias and his violence in the style of Phinehas and his zealotry from Numbers 25.⁷⁵

The fact that 1 Maccabees is widely regarded as preserving a historically faithful (albeit somewhat biased) account of the Hasmonean uprising brings up the question of the historicity of Mattathias' violence.⁷⁶ On the one hand, a number of scholars have argued that the episode is to be viewed as a part of the Hasmonean court author's historical account. Thus Torrey Seland contends that the writer of 1 Maccabees employed Phinehas strictly to provide a legal precedent: "as a legitimation for the action of self-redress of Mattathias."⁷⁷ John J. Collins likewise takes a positivistic approach in invoking the Mattathias episode as an example of how the Phinehas narrative "served to legitimize violent action."⁷⁸

I argue, however, that this historicizing stance is problematic. First, the Hasmoneans nowhere else appear concerned to ground their actions in biblical precedent.⁷⁹ The clan has no compunction about portraying themselves as legal renegades. They take innovative, extra-biblical positions on warfare on the Sabbath (1 Macc 2:29–41),⁸⁰ forcible circumcision (1 Macc 2:46), and most famously, declaring a Jewish holiday (later known as Hanukkah) by fiat (1 Macc 4:59). Moreover, numerous scholars have provided ample grounds to cast doubt on the authenticity of the entirety of the Mattathias narrative cycle.⁸¹

⁷⁴ Martola, *Capture*, 218.

⁷⁵ That the two narratives share a great deal in common has long been noted. See e.g., Goldstein, *1 Maccabees*, 6–7.

⁷⁶ On the reliability and/or biases of 1 Maccabees, see Bezalel Bar-Kochva, *Judas Maccabaeus: The Jewish Struggle Against the Seleucids* (New York: Cambridge University Press, 1989) 151–170.

⁷⁷ Seland, *Establishment Violence*, 50. In so doing, Seland lays earlier foundations for his programmatic and positivistic assertion of the existence of Phinehas-like "Torah Police" in Jewish antiquity.

⁷⁸ John J. Collins, "The Zeal of Phinehas: The Bible and the Legitimation of Violence," *Journal of Biblical Literature* 122 (2003) 3–21. Although Collins acknowledges that there are grounds to defend Mattathias' actions on account of self-defense, he nevertheless presents the episode in 1 Maccabees as a dangerous example of the use of the Bible to legitimize violence.

⁷⁹ Cf. 1 Macc 4:46 and 14:41, where a more cautious approach is evident.

⁸⁰ On Sabbath warfare, see Bar-Kochva, *Judas*, 474–493.

⁸¹ See Bar-Kochva, *Judas*, 196–197. Rappaport briefly alludes to the possibility that the Mattathias episode is a literary fiction; Uriel Rappaport, *First Book of Maccabees* (Hebrew; Jerusalem: Yad Ben-Zvi, 2004) 127. Adding a series of textual difficulties within Chapter 2 to further this case is Francis Borchardt, *The Torah in 1 Maccabees* (Berlin: De Gruyter, 2014) 56–58. The narrative under discussion here is not attested

Given these problems with the positivistic approach, the substantial literary indebtedness of the Mattathias episode to Numbers 25, and the author's demonstrated sensitivity to the motif of priestly violence, it is clear that the narrative in 1 Maccabees serves a discursive purpose that is unrelated to defending the propriety of Mattathias' real-world, Phinehas-like violence. Martin Hengel has already observed that the Mattathias episode must be read within the context of the politics of priestly legitimacy – similar to the function of the Phinehas narrative in Numbers 25 to which it is indebted.⁸² Jonathan Goldstein notes, "the author lets his Jewish leader draw the inference: as Phineas was rewarded by being made the founder of the high priestly line, so will Mattathias be rewarded."⁸³ Neither Hengel nor Goldstein, however, elaborates any further.

As with the episode in Numbers 25, we are again faced with the question as to why the Hasmoneans felt the need to defend their priestly legitimacy. If there was cause to contest the priestly legitimacy of the Hasmoneans, then the use of violence by Mattathias would follow that of Phinehas in both literary form *and* world-making function. Indeed, a school of scholars has long contended that questions regarding the priestly pedigree of the Hasmoneans were cause for strife in the decades following their rise to power.⁸⁴ This argument gained momentum with the publication of the Qumran scrolls, some of which are notable for their criticism of the "Wicked Priest(s)."⁸⁵ This leads to the argument that "the separation of the [Qumran] sect from the rest of Judaism was triggered by the usurpation of the high priesthood by the Maccabees."⁸⁶ According to this theory, the

in 2 Maccabees, nor is the name Mattathias. The Mattathias cycle in 1 Maccabees may very well be a function of its author's dynastic interests, which are not shared by the Judas-centric 2 Maccabees. See Daniel R. Schwartz, *2 Maccabees* (Berlin: De Gruyter, 2008) 324–325. On the possibility that later events were artificially transposed onto Mattathias, see Klaus-Dietrich Schunk, *Die Quellen des I. und II. Makkabäerbuches* (Halle: M. Niemeyer, 1954) 62.

⁸² Hengel, *Zealots*, 154. For similar observations, see Agneta Enermalm-Ogawa, *Un langage de prière juif en grec: Le témoignage des deux premiers livres des Maccabées* (Uppsala: Uppsala University Press, 1986) 45; Othmar Keel, "1 Makk 2 – Rechtfertigung, Programm und Denkmal für die Erhebung der Hasmonäer: Eine Skizze," in *Hellenismus und Judentum: Vier Studien zu Daniel 7 und zur Religionsnot unter Antiochus IV* (Göttingen: Vandenhoeck and Ruprecht, 2000) 123–33, esp. 126–29.

⁸³ Goldstein, *1 Maccabees*, 7.

⁸⁴ For bibliography, see Alison Schofield and James C. VanderKam, "Were the Hasmoneans Zadokites?" *Journal of Biblical Literature* 124 (2005) 73–87; see 73 n. 2.

⁸⁵ See John J. Collins, "The Origin of the Qumran Community: A Review of the Evidence," in *To Touch the Text: Biblical and Related Studies in Honor of Joseph A. Fitzmyer*, ed. Maurya Horgan and Paul Kobelski (New York: Crossroad, 1989) 159–178.

⁸⁶ Collins, "Origin," 162.

Hasmoneans were indeed Aaronide priests, albeit not from the then-preferred Zadokite bloodline.⁸⁷

Following this argument, the violent use of Phinehas in 1 Maccabees would constitute a world-making and legitimating response to claims about the Hasmoneans' lack of appropriate priestly ancestry. By portraying Mattathias as a zealous, latter-day Phinehas and tracing his priestly lineage back to Phinehas ("our father," 2:54),⁸⁸ the Hasmonean court author could bypass Zadok with an authoritative biblical tradition tracing back to the genesis of the Israelite priesthood. An analogous tradition is seen in the writings of another group with a contested priestly identity – the Samaritan-Israelites.⁸⁹ That said, the consensus in recent Qumran scholarship has turned against the notion of Hasmonean conflict with the Zadokites, with some scholars even going so far as to argue that the Hasmoneans were themselves Zadokites.⁹⁰

Questions surrounding the priestly lineage of the Hasmoneans, however, need not rest exclusively on the genesis and/or writings of the Qumran sect. On the one hand, the Hasmoneans seem to be at pains to tout their priestly

87 Representative of this theory is Daniel R. Schwartz, "Two Aspects of a Priestly View of Descent at Qumran," in *Archaeology and History in the Dead Sea Scrolls*, ed. Lawrence H. Schiffman (Sheffield: Sheffield Academic, 1990) 157–179.

88 Deborah Rooke views the references to Phinehas as reflecting claims of descent from Phinehas "in both a physical and spiritual sense (whether or not they were actually descended from him)"; D. W. Rooke, *Zadok's Heirs: The Role and Development of the High Priesthood in Ancient Israel* (New York: Oxford University Press, 2000) 282.

89 The Samaritans employed Phinehas in their literature as a means of promoting their antiquity and the authenticity of their priesthood and cultic centers. Just as Chronicles has an extensive account of the priestly line of succession, the Samaritans maintained similar lists – albeit ones that were "authenticated through Eleazar and Phinehas, without recourse to suggesting (as does Josephus) that the Samaritan priesthood was a collateral branch of the Zadokite priesthood in Jerusalem"; James D. Purvis, "The Samaritans," in *Cambridge History of Judaism*, vol. 2, ed. W. D. Davies and Louis Finkelstein (Cambridge: Cambridge University Press, 1989) 591–613; quote on 612. For one of the authoritative Samaritan priestly genealogies, see, e.g., the *Shalshalat*, also known as the Samaritan "Chain of the High Priests," in Moses Gaster, *Studies and Texts: In Folklore, Magic, Medieval Romance, Hebrew Apocrypha and Samaritan Archaeology* (3 vols.; London: Maggs Bros, 1925) 1.483–502.

90 See, e.g., Schofield and VanderKam: "It is more in tune with the Qumran evidence to say that, while the community opposed Hasmonean ruler-priests, there is no surviving indication that they considered them *genealogically* unfit for the high priesthood" ("Were the Hasmoneans," 83). According to Jonathan Klawans, this strife is not evident in the works of Josephus: "Josephus nowhere suggests that sectarian disputes concerned questions about the legitimacy of the high priesthood"; J. Klawans, *Josephus and the Theologies of Ancient Judaism* (New York: Oxford University Press, 2012) 20. See also Collins, "Origin," 162–65; Eyal Regev, *The Hasmoneans: Ideology, Archaeology, Identity* (Göttingen: Vandenhoeck and Ruprecht, 2013) 120–124.

bona fides throughout 1 Maccabees. At the same time, they did not get their story straight, first noting their descent from the House of Joarib (2:1; 14:29) and subsequently pointing to ancestry from Aaron (7:14), as well as from Phinehas (2:54).

Moreover, connections between the Hasmoneans and Melchizedek, which are found both in Hasmonean court literature⁹¹ and in other Jewish compositions,⁹² add further questions. True, invoking Melchizedek would provide legitimation for the priest-king prototype, which became the hallmark of Hasmonean dynasty beginning with Alexander Jannaeus (103–76 BCE). Yet these mentions are counterintuitive, as, in the words of Daniel Schwartz, Melchizedek is “an obvious proof-text for those who claimed that genealogy is irrelevant to religion.”⁹³ This would be the “antithesis of the Hasmoneans’ dynastic ideology, which ... depended on their descent from Aaron and Phineas.”⁹⁴ These objections underscore the potential for the genealogical vulnerability discussed above.

Surely presenting the clan as descending from the (putatively) prestigious House of Joarib should have been more than sufficient to allay any challenges to the priestly legitimacy of the Hasmoneans.⁹⁵ And yet, the priestly *bona fides* of the Hasmoneans continued to be doubted as late as in the Babylonian Talmud, which contains the accusation that Jannaeus was not even of Aaronide descent.⁹⁶

91 See Daniel R. Schwartz, *Studies in the Jewish Background of Christianity* (Tübingen: Mohr Siebeck) 47–48. While the court literature does not mention Melchizedek explicitly, it does attest a number of clear allusions to the two biblical texts that mention this mysterious biblical figure (Gen 14:18; Ps 110:4). On the possibility of Hasmonean authorship of Psalm 110, see Jakob J. Petuchowski, “The Controversial Figure of Melchizedek,” *Hebrew Union College Annual* 28 (1957) 127–136; regardless of the question of authorship, the Hasmoneans employed Psalm 110 to “legitimize [their] dynasty vis-a-vis their opponents” (135).

92 See *Testament of Moses* 6:1, Josephus, *Ant.* 16.163; bRosh ha-Shanah 18b; Scholion to Megillat Ta’anit, 3 Tishri (see Vered Noam, *Megillat Ta’anit: Versions, Interpretation, History* [Jerusalem: Yad Ben-Zvi, 2003] 94; 235–236).

93 Schwartz, *Studies*, 47, citing Hebrews 7 and 11Q Melchizedek.

94 Schwartz, *Studies*, 47. Schwartz ultimately argues that allusions to Melchizedek were ultimately intended to provide biblical precedent for the priest-king paradigm.

95 There is also the odd mention of the Hasmoneans as being of “the family of those men through whom deliverance was given to Israel” (1 Macc 5:62). This possible biblicalism of *zera’ anashim* appears only with reference to the prayer of Hannah, mother of Samuel. It is certainly suggestive that Samuel is an Israelite who assumes the role of priest to take over from the corrupt Elides. See Goldstein, *1 Maccabees*, 305; Rappaport, *1 Maccabees*, 183–184.

96 Qiddushin 66a: “Leave the priesthood for the seed of Aaron.” See Morton Smith, “Were the Maccabees Priests?” in *Studies in the Cult of Yahweh*, ed. Shaye J. D. Cohen (2 vols.; Leiden: Brill, 1996) 1.320–325. On this story, its parallel in Josephus and their long

Given the above evidence, I argue that the discourse of Phinehas' violence operates in 1 Maccabees in very much the same way as it does in Numbers 25: as a bulwark against contestation of the priestly legitimacy of the Hasmonean clan. Given both the highly stylized form of the narrative and the lack of any external corroboration for its dramatic events, it is fair to say that the Phinehas-like Mattathias narrative is a literary construct of priestly violence that was designed to both defend the Hasmonaeans from their detractors and grant an internal sense of priestly legitimacy and continuity.

As in the case of Phinehas, the Mattathias episode in 1 Maccabees reflects that the right genealogy is necessary, but not sufficient, for installation into the priesthood.⁹⁷ By the same token, as with Phinehas, it is ultimately violence that generates priestly legitimacy, and perhaps even an invented sense of priestly lineage. Nor were the Hasmonaeans alone in this regard in the Second Temple period. As noted by Alice Hunt, this was a time that "brought a need for legitimation, and everyone felt the need and realized the expediency of developing lineage for the purpose of legitimation."⁹⁸

2.2. Sifre Numbers

If Phinehas' violence functions in 1 Maccabees, as it does in Numbers 25, as a means of legitimizing an otherwise contested priestly identity, it is used to precisely the opposite effect in Sifre Numbers: as a means of delegitimizing the priesthood. This reading recognizes the biblical function of Phinehas' priestly violence, which it shrewdly subverts and yet appropriately deploys within the arena of identity politics. Thus Phinehas, who earlier functioned as code for priestly legitimacy, here becomes a locus for criticism of the priesthood, and by extension contributes to the solidification of rabbinic identity.

Sifre Numbers attests what is ostensibly the earliest rabbinic treatment of the biblical Phinehas narrative. The larger text systematically diminishes Phinehas' praise and rewards.⁹⁹ Indeed, whereas the biblical narrative features a twofold reward bestowed by God upon Phinehas as a consequence

history in the scholarship of ancient Judaism, see most recently, Vered Noam, "The Story of King Jannaeus: A Pharisaic Reply to Sectarian Polemic," *Harvard Theological Review* 114 (2014) 31–58.

⁹⁷ On this point, see Benedikt Eckhardt, "An Idumean, That Is, a Half-Jew': Hasmonaeans and Herodians between Ancestry and Merit," in *Jewish Identity and Politics between the Maccabees and Bar Kochba*, ed. B. Eckhardt (Leiden: Brill, 2011) 104–105.

⁹⁸ Hunt, *Missing Priests*, 190.

⁹⁹ More comprehensive treatments of the Sifre's various embellishments, omissions and changes to the Numbers 25 episode are beyond the scope of this essay.

of his zeal, the Sifre provides a twofold extra-biblical criticism of Phinehas and a diminishing of his priestly rewards. I examine two texts from Sifre Numbers § 131, each of which subverts the laudatory sense of the biblical narrative toward Phinehas' violence, and contextualize these excerpts within the larger framework of early rabbinic attitudes toward the priesthood.

The Sifre picks up when Phinehas has just speared the illicit couple. This midrash introduces a new layer of conflict, one which gets to the very heart, indeed the very legitimacy, of the priesthood:

The tribe of Simeon [Zimri's tribe¹⁰⁰] came over to the tribe of Levi [Phinehas' tribe¹⁰¹]. The one said to the other: "Does the son of the daughter of that Puti [Zimri] wish to uproot one of the tribes of Israel? Do we not know whose son he is?" When the Omnipresent saw that everyone was denigrating [Phinehas], he began to vest him into praiseworthy lineage, as it is written, *Phinehas, son of Eleazar, son of Aaron the Priest, has turned back my wrath from the Sons of Israel* (Num 25:11). A priest the son of a priest, a zealot the son of a zealot, a subduer of wrath the son of a subduer of wrath, has turned back my wrath from the Sons of Israel.¹⁰²

It is certainly instructive that in a biblical narrative that revolves around priestly legitimacy, the Sifre introduces an extra-biblical exchange that questions Phinehas' pedigree. First, the midrash has the Simeonites insult Phinehas' lineage. According to Exod 6:25, Phinehas' father took a wife from the daughters of the otherwise unknown Putiel.¹⁰³ The insinuation here is that descent from Putiel would compromise Phinehas' lineage, although the exact reason is not made explicit.¹⁰⁴ Elsewhere in rabbinic literature, Putiel is identified with Jethro the Midianite, inviting the accusation that Jethro's daughter, who was Phinehas' paternal grandmother, was a non-Israelite/non-Jew.¹⁰⁵

¹⁰⁰ See Num 25:14.

¹⁰¹ While having Levi stand in for the entire priesthood runs against the grain of the critical reading of the biblical narrative (which pits Phinehas against Moses, the patron of the Levites), later rabbis will nevertheless recognize the anti-Moses valence of the narrative.

¹⁰² *Sifre Numbers*, ed. H.S. Horovitz (Hebrew; Jerusalem: Shalem, 1992 [1917]) 173; see also Menahem I. Kahana, *Sifre on Numbers: An Annotated Edition* (Hebrew; 4 vols.; Jerusalem: Magnes, 2015) 4.435–436.

¹⁰³ In later variations of this narrative, Putiel is identified as Jethro; elsewhere, Putiel is identified with Joseph. Both of these identifications are made on the basis of wordplay. For the criticism in the Sifre to carry its full weight, the referent must be Jethro. See, e.g., Sifre Numbers 157; bSotah 43a; bBava Batra 109b–110a (and parallels); Leviticus Rabbah, *Behar* 33; *Pesikta de-Rav Kahana* 13:12; Midrash ha-Gadol, *Pinhas* 25:11.

¹⁰⁴ See also Kahana, *Sifre on Numbers*, 4.1109 n. 233.

¹⁰⁵ In disparaging the maternal descent of Phinehas, this midrash evokes a similar move in the story of the banquet of Alexander Jannaeus with the Pharisees in bQiddushin 66a – which is very much a part of the discourse of priestly legitimacy.

As a response to this accusation, God begins His introduction of Phinehas with an affirmation (or perhaps a reinforcement) of the latter's priestly pedigree.¹⁰⁶ Yet while the Sifre seems to lessen the tension surrounding Phinehas' descent by pointing to God's response, the Simeonite barb remains largely without an effective answer. Phinehas' detractors do not contest Phinehas' patrilineal priestly lineage; they point to his questionable matrilineal descent. God's invocation of Phinehas' paternal lineage is thus hardly an adequate response.¹⁰⁷

In fact, the full consequences of the Simeonite attack have yet to be sufficiently appreciated. For the Putiel gibe to possess any negative connotation, two separate traditions must be at play: (a) the rabbinic, matrilineal notion of descent, and (b) the rabbinic tradition that identified Putiel as Jethro, a Gentile. Accordingly, Phinehas, and as a consequence, all priests descended from him, would not be considered Jews!¹⁰⁸ Thus an etiological narrative that was designed to promote Phinehas' priestly legitimacy is transformed into an embarrassing exposure of the priesthood's "true" roots. The net effect of this attack is to completely delegitimize the Israelite priesthood.

With Phinehas' pedigree effectively compromised, we might expect the Sifre to return to the simple sense of the biblical narrative and restore his priestly standing by invoking God's twofold covenant of peace and eternal priesthood (Num 25:12–13). Yet the "covenant of peace" as interpreted by the Sifre is neither covenantal nor peaceful. Instead, we are provided with an exposition on the corruption brought about by the commoditization of the priesthood in the Second Temple period.¹⁰⁹

¹⁰⁶ The invocation and repetition of three generations of Phinehas' priestly lineage is a peculiar feature of Numbers 25. Cf. the case of Phinehas' father, Eleazar, who is frequently identified as "Eleazar, son of Aaron," not "Eleazar, son of Aaron, son of Amram."

¹⁰⁷ Clenman is likewise flummoxed by this passage ("It Was Not," 185).

¹⁰⁸ This certainly gives added polemical resonance to the much-discussed passage in the Sifra (*Ahare Mot* 9:13) that equates a "Gentile who 'does' the Torah" with the High Priest.

¹⁰⁹ Horovitz ed., 173. Parallels to this text may be found in *yYoma* 1:1 (38c) and *Leviticus Rabbah* 21:9. In *bShabbat* 116a–b there appears to be a later, secondary expansion of the closing line of the story that polemicizes with Christianity; see Luitpold Wallach, "Textual History of an Aramaic Proverb (Traces of the Ebionite Gospel)" *Journal of Biblical Literature* 60 (1941) 403–415; see also Burton L. Visotzky, "Overturning the Lamp," *Journal of Jewish Studies* 38 (1987) 72–80. While Wallach acknowledges that the origin of the phrase is in Sifre Numbers, he does not explain its meaning in that context. Kahana (*Sifre*, 4.1114) on the other hand, sees the phrase as introduced secondarily by the redactor of the Sifre, who transposed it from its original attestation in *Pesiqta de-Rav Kahana* (Eikhah 9).

Therefore say, I hereby grant him my covenant of peace (Num 25:12). This teaches us that [from Phinehas] stood 18 High Priests in the First Temple.¹¹⁰ But in the last Temple, there stood from him 80 priests. And because they would buy the priesthood with money, their lives were shortened. An incident is related of a certain man [coveting the position of High Priest] who sent with his son two silver measures full of silver pieces and accompanying strikes of silver, so another man rose and sent with his son golden measures full of gold pieces and accompanying strikes of gold. People said: "The ass-foal has trodden out the lamp."¹¹¹

In other words, even though the Phinehan bloodline may have enjoyed longevity and continuity in spanning the two Temples, the Sifre does not hesitate to show how this same priesthood became tarnished through corruption.¹¹² How (if at all) the Sifre anchors this teaching in the term "my covenant of peace" (*briti shalom*) is unclear,¹¹³ although a possible exegetical explanation can be found with a forced re-reading of the noun *shalom* as the verb *šlm*, in the sense of making payment.¹¹⁴ Even without this explanation, however, the Sifre decidedly goes against the grain of the biblical text by once again subversively employing Phinehas to disparage the priesthood.

¹¹⁰ Some MSS have "18 prophetic priests." See Kahana, *Sifre*, 4.1112 n. 265.

¹¹¹ Translation adapted from Wallach, "Textual History," 404. The last remark in this passage is rendered by Jastrow as "the ass (of gold) has upset the lamp" (*Dictionary of the Talmud*, s. v. אֶפֶס). This serves to enhance the polemic by evoking Aaron's role in the golden calf episode – yet an additional blight on Phinehas' priestly lineage. Other lexica render "foal," which resonates with accusations that Jews engaged in ass worship; see Menahem Stern, *Greek and Latin Authors on Jews and Judaism* (3 vols.; Jerusalem: Israel Academy of Sciences and Humanities, 1974) 1.184. See also Josephus, *Contra Apionem* 2.80. On the accusation of ass worship, see the exhaustive summaries of Aryeh Kasher, *Against Apion* (Hebrew; Jerusalem: Shazar Center, 1996) 376–82; Louis Feldman, *Jew and Gentile in the Ancient World* (Princeton: Princeton University Press, 1993) 499–501; Rina Neher-Bernheim, "The Libel of Jewish Ass-Worship" (Hebrew), *Zion* 28 (1963) 106–116.

¹¹² For rabbinic sources on the corruption and commoditization of the high priesthood, see Gedalyahu Alon, "Par'irtin: On the History of the High Priesthood at the End of the Second Temple Era," in *Jews, Judaism and the Classical World*, trans. Israel Abrahams (Jerusalem: Magnes, 1977) 57. If the Sifre wanted to deal a lethal blow to Phinehas' priestly covenant, it could have mentioned the destruction of the Temple and cessation of the cultic function of the priesthood altogether (but does not). However, this point may be alluded to in the Sifre's next lemma.

¹¹³ See Kahana, *Sifre*, 4.1112 n. 266.

¹¹⁴ While our extant biblical manuscripts do not attest this defective spelling, there is a tradition in the Bavli (Qiddushin 66b), according to which the word *shalom* in our verse is read defectively as *shalem*. The rabbis justify this teaching on account of *waw* in *shalom* being "cut," but as Levy notes, he has "found no evidence for a defective spelling of the word." See Barry Levy, *Fixing God's Torah: The Accuracy of the Hebrew Bible Text in Jewish Law* (New York: Oxford University Press, 2001) 91.

One final opportunity presents itself for the Sifre to single out Phinehas for praise, viz., the “covenant of eternal priesthood,” the second part of Phinehas’ twofold reward (Num 25:13). This covenant, which functions as the pinnacle of this etiological biblical narrative, is not explained by the Sifre as referring to a divine guarantee for the perpetuity of the priestly leadership of Phinehas’ hereditary line. Rather, the Sifre glosses the covenant as referring to the perpetuity of the 24 priestly gifts.¹¹⁵ An esteemed biblical covenant of perpetual leadership is replaced by a guarantee of regular baskets of produce. This represents yet another rather stark departure from the biblical text.¹¹⁶

Such a withering attack against Phinehas, and by extension the entire priesthood, should come as no surprise. Indeed, both overt and tacit polemics against the priesthood are widely attested in rabbinic sources. Numerous rabbinic texts are outright critical of priests, speaking of their arrogance, corruption and occasional violence, and making highly unfavorable comparisons between priests, slaves and Gentiles.¹¹⁷ Priests are notoriously absent from the rabbinic chain of transmission in mAvot 1:1,¹¹⁸ and the High Priest of Mishnah Yoma is treated as though he is an utter ignoramus. Peter Schäfer writes that, not content with criticizing the

¹¹⁵ These are enumerated in Sifre Numbers 119, tHallah 2:7–9 and elsewhere.

¹¹⁶ Martha Himmelfarb has noted that this statement may be coming from a purely utilitarian perspective: with the destruction of the Temple and the cessation of the High Priesthood, the rabbis were simply attempting to demonstrate any possible instance of perpetuity relating to the office; and indeed, a number of the 24 priestly gifts continued to be offered, even after the Temple’s destruction. See Martha Himmelfarb, “‘Greater Is the Covenant with Aaron’ (Sifre Numbers 119): Rabbis, Priests, and Kings Revisited,” in *The Faces of Torah: Studies in the Texts and Contexts of Ancient Judaism in Honor of Steven Fraade*, ed. Michal Bar-Asher Siegal, Tzvi Novick and Christine Hayes (Göttingen: Vandenhoeck and Ruprecht, 2017) 339–350, esp. 343–344. There are scattered references to the presentation of sacrificial parts to priests even after 70 CE; see Ari Finkelstein, “Julian Among Jews, Christians, and ‘Hellenes’ in Antioch: Jewish Practice as a Guide to ‘Hellenes’ and a Goad to Christians” (PhD diss., Harvard University, 2011) 112–116; Matthew Grey, “Jewish Priests and the Social History of Post-70 Palestine” (PhD diss., University of North Carolina, 2011) 171–182.

¹¹⁷ See Reuven Kimelman, “The Conflict between the Priestly Oligarchy and the Sages in the Talmudic Period” (Hebrew), *Zion* 48 (1983) 135–147; see also the more focused discussion in Jonathan Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (New York: Oxford University Press, 2006) 176–187. For priestly violence, with particular regard to the cultic arena, see, e.g., mYoma 2:2, and the even more violent parallel in the Tosefta; also tZevahim 11:16. For a brief analysis of these narratives, see Chaim Licht, *Ten Legends of the Sages: The Images of the Sage in Rabbinic Literature* (Hoboken: Ktav, 1991) 87–102.

¹¹⁸ See M. D. Herr, “Continuum in the Chain of Torah Transmission” (Hebrew), *Zion* 44 (1979) 43–56.

priesthood, the rabbis “almost eradicated the priests from the collective memory of their people and replaced them with themselves, the new heroes of Judaism.”¹¹⁹

Rabbinic anxiety about the priesthood is understandable. Priests, not rabbis, are the cultic leaders repeatedly mentioned in the Hebrew Bible. Despite valiant attempts to retroject themselves into the biblical text, the rabbis are, of course, nowhere to be found. Thus, rather than asserting themselves as having replaced or superseded the priesthood, the rabbinic move, as we see here in Sifre Numbers, is to disparage the institution of the priesthood and dismantle its covenantal promises. Rabbinic exegesis of the Phinehas episode facilitates this delegitimation on two fronts: genealogical and covenantal.

In subverting the narrative, assaulting Phinehas’ lineage, questioning the very legitimacy of the Israelite-Jewish priesthood and devaluing the protagonist’s rewards, the rabbis are, paradoxically, very much engaged with the polemical spirit of the biblical narrative. If Phinehas’ violence is itself a vehicle for communicating discourses of legitimation, it would appear that the rabbis recognized, appropriated and subverted this very function, which they contemporized and deployed to alleviate their own anxieties vis-a-vis the priesthood.

2.3. Bavli Sanhedrin

Given the stability of the cultic hierarchy as represented in rabbinic writings, as well as the tendency in rabbinic texts to harmonize disparate biblical texts, one would expect that evidence of various priestly houses jockeying for power would be papered over, if not suppressed altogether. Indeed, although there are scattered mentions of Moses ministering as a priest, the notion of a Mushite priestly house is nowhere found in rabbinic literature. At the same time, however, I will illustrate how the rabbis of the Babylonian Talmud identified, heightened and put to use the anti-Moses *Tendenz* of the biblical narrative. While Moses may be critiqued only in the interstices of Phinehas’ biblical violence, this move is essential to the priestly world-building and legitimating functions of the episode. In the following rabbinic adaptation of the narrative, however, rather than being used as a

¹¹⁹ Peter Schäfer, “Rabbis and Priests, or: How to Do Away with the Glorious Past of the Sons of Aaron,” in *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World*, ed. Gregg Gardner and Kevin L. Osterloh (Tübingen: Mohr Siebeck, 2008) 155–172. On the priesthood as a sociologically defined group after the destruction, see Grey, “Jewish Priests.”

foil to empower the Aaronide priesthood, Moses is employed by the rabbis in a rare, introspective reflection on the legitimacy of the rabbinic project itself. This *sugya* is far more capacious than a mere exegetical expansion of the biblical narrative, and it merits inclusion alongside the more famed exemplars of rabbinic self-awareness.

Expanding on a cryptic passage in Mishnah Sanhedrin (9:6) that seemingly canonizes Phinehas' zealotry into rabbinic law, bSanhedrin 82a includes a lengthy aggadic expansion of the Phinehas episode and attends to some of the legalities and precedential issues of biblically sanctioned vigilante violence. This expansion exhibits a generally positive reckoning of Phinehas' violence that stands in stark contrast with the Palestinian tradition, as represented above in Sifre Numbers and, even more pointedly, in the Palestinian Talmud, which states outright that Phinehas acted "not in accordance with the will of the Sages."¹²⁰

The overall recasting of Phinehas' deed is facilitated by a compelling back-story, in contrast to the laconic, even cryptic style of the biblical narrative:

[Zimri] grabbed [Cozbi] by her hair and brought her to Moses. He said to him: "Son of Amram, is this one forbidden or permitted? And if you say she is forbidden, who permitted to you the daughter of Jethro?" [Moses] had forgotten the *halakhah*. They all burst out into tears, as is written, *And they were crying at the entrance to the Tent of Meeting* (Num 25:6).¹²¹ It is also written, *And Phinehas saw* (Num 25:7). What did he see? Rav said: He saw the act and was reminded of the *halakhah*. He said to [Moses]: Great-uncle, did you not teach me upon your descent from Mount Sinai, "One who fornicates with a Gentile woman – zealots strike him"? [Moses] said to him: "Let the reader of the letter be the messenger."¹²²

The Bavli here highlights its sensitivity to a conflict latent in the biblical text: If Zimri was in violation of the law for consorting with Cozbi, a Midianite woman, was not Moses guilty as well? He too was married to a Midianite woman (Exod 2:16–21) and enjoyed cordial relations with her father, a Midianite priest! Zimri thus challenges Moses' authority, referring to him derisively as "son of Amram," and endangers him with a charge of at least hypocritical, if not forbidden, behavior.¹²³

¹²⁰ See ySanhedrin 9:4 [27b]; Clenman, "'It Was Not.'"

¹²¹ MS Yad ha-Rav Herzog attests a tradition that this verse "teaches that the cries swelled in the study hall when the *halakhah* was forgotten by Moses."

¹²² bSanhedrin 82a; my translation.

¹²³ Rightly noted by Clenman is the fact that this doubly negative treatment of Moses is not attested in the Yerushalmi, despite the fact that the Palestinian sages generally played up the biblical criticisms of Moses ("It Was Not," 188); see Richard Kalmin, *The Sage in Jewish Society of Late Antiquity* (New York: Routledge, 1999) 91 ff.

If this was not enough, when queried by Phinehas, Moses is then said to have forgotten the law and has to be reminded of his own “Sinaitic” teaching that sanctions the vigilante slaying of someone like Zimri.¹²⁴ Thus, while in the biblical narrative Moses is implicated only by inference, in that he failed to act on God’s command to kill the ringleaders of the Baal Pe’or apostasy, this text explicitly and additionally implicates Moses both for ignorance and for violating the same prohibition as Zimri, by being himself married to a non-Israelite woman.¹²⁵

Here, as elsewhere in rabbinic literature, the rabbis criticize, lampoon and second-guess Moses.¹²⁶ Ironically, despite being the preeminent lawgiver, he is said to have been unable to remember the law.¹²⁷ While elsewhere this is merely satirized, here it almost costs Moses his life. By ultimately affirming Phinehas’ recollection of the law that outlaws relations with Midianite women, Moses implicates himself in the same crime as Zimri, thus effectively signing his own death warrant in front of a ready and willing vigilante.

Of course, the import of this pericope goes deeper. Moses’ startling display of ignorance of his own received revelation reflects a (rare) self-conscious critique of the rabbinic project, writ large. Here the context of Phinehas’ biblical violence and the Bavli’s extra-biblical threat of his violence against Moses lay bare fundamental anxieties about the foundations of rabbinic identity – not unlike the narrative in bMenahot of a befuddled Moses sitting in the study hall of R. Aqiva.¹²⁸ As in this latter episode, we

¹²⁴ This serves to bring the Bavli (or this tradition in the Bavli) into accordance with the anonymous tradition quoted in ySanhedrin that views the law as a precedent for Phinehas, and not vice-versa. According to Glenman, this move also accounts for Moses’ failure to act (“It Was Not,” 178–179).

¹²⁵ The post-talmudic midrashic composition *Pitron Torah* has Moses offer a series of halakhic excuses for why his union with a Midianite was permissible.

¹²⁶ See the collection of sources in Kalmin, *Sage*, 91 ff.

¹²⁷ Other instances of Moses forgetting the law can be found in Leviticus Rabbah 13:1, which itself collects a number of other cases; Exodus Rabbah 25:10; bPesahim 66b. See also Sifre Numbers 157.

¹²⁸ In bMenahot 29b, Moses is projected forward in time into Aqiva’s study hall and finds himself unable to understand what is being taught. When a student queries Aqiva about the source of his teaching, the latter replies that it is a *halakhah le-Mosheh mi-Sinai*. In the narrative this explanation placates Moses, but the story insinuates quite explicitly that Moses was not a party to the revealed teachings regularly ascribed to him. The literature on this story is vast. For a recent and thorough revisiting of previous scholarship, see Azzan Yadin-Israel, “Bavli Menahot 29b and the Diminution of the Prophets,” *Journal of Ancient Judaism* 5 (2014) 88–105.

are confronted with frank introspection about the fragility of rabbinic truth claims and a deep "expression of rabbinic anxiety."¹²⁹

Moses' breathtaking ignorance of Phinehas' legal question raises fundamental questions surrounding the rabbinic truth-claim of his receipt of the Oral Law at Sinai. Whereas the particulars of Aqiva's teachings are left unspecified in Menahot,¹³⁰ here Moses is confronted outright with a specific case, one which Phinehas said had already been revealed to Moses as part of the Oral Law. But Moses was not only caught unaware of the legal ruling; he was also in violation of it with his own Midianite wife. Here the foil to Moses is his own priestly contemporary Phinehas, who, as Lalive Clenman writes, "thus becomes a repository, not only for halakhic action, but halakhic knowledge, authority, and memory."¹³¹ Phinehas is employed as a means of criticizing Moses, which was one of the ways the rabbis were able to "reflect upon the widening breach between the Mosaic text and their own critical activity."¹³²

With its unresolved extra-biblical criticism of Moses, the Bavli thus sees a return to the general *Tendenz* of the biblical narrative, albeit in a much changed temporality. Phinehas' violence (or threats thereof) becomes a locus for reconsidering the revelatory truth claims at the foundations of rabbinic identity and their sometimes tenuous connections with their putative biblical heritage. That this should happen in the Bavli is not entirely unexpected. As the sectarian struggles of the post-Destruction generations become more distant, both temporally and geographically, we begin to see evidence of a renewed warmth towards priests and the Aaronide priesthood in the Bavli, and even more so, in the post-talmudic Babylonian diaspora.¹³³

¹²⁹ On this "ironic self-awareness," also found in mHagigah 1:8, see Laurence L. Edwards, "Rabbi Akiba's Crowns: Postmodern Discourse and the Cost of Rabbinic Reading," *Judaism* 49 (2000) 417–435, esp. 428.

¹³⁰ Moreover, there are no examples of *derashot* devolving from the crowns of letters.

¹³¹ "Responses to Pinhas," 179.

¹³² Yair Furstenburg, "The Agon with Moses and Homer: Rabbinic Midrash and the Second Sophistic," in *Homer and the Bible in the Eyes of Ancient Interpreters*, ed. Maren Niehoff (Leiden: Brill, 2012) 316.

¹³³ On the "corporate prestige enjoyed by the priesthood in Babylonia," see Geoffrey Herman, "Priests and Amoraic Leadership in Sasanian Babylonia," *Proceedings of the World Congress of Jewish Studies* (1997) 64*; see also Oded Irshai, "The Role of the Priesthood in the Jewish Community in Late Antiquity: A Christian Model?" in *Jüdische Gemeinden und ihr christlicher Kontext in kulturträumlich vergleichender Betrachtung: von der Spätantike bis zum 18. Jahrhundert*, ed. Christoph Cluse et al. (Hannover: Hahnsche, 2003) 75–86. Cf. Steven Fine, "Between Liturgy and Social History: Priestly Power in Late Antique Palestinian Synagogues?" *Journal of Jewish Studies* 56 (2005) 1–9. On the post-talmudic period, see Arnold Franklin, *This Noble House*:

That the Bavli should have Phinehas, the Aaronide priest *par excellence*, emerging with the upper hand in his legalistic duel with Moses brings us back full-circle to the etiological, world-making function of the biblical narrative. But rather than using this episode to rekindle ancient priestly rivalries, the rabbis here take up the question of group legitimacy, going so far as to seemingly undermine their own.

Finally, given the biblical narrative context driving this meta-critique of the rabbinic project, it is fitting to note that the talmudic *sugya* itself, not unlike Zimri and Cozbi (or Moses and Zipporah), consorts with the cultural “other.” Like the narrative in Menahot, our text fits the Graeco-Roman genre of Menippean satire, which Boyarin has defined as: “a peculiar type of literature produced by and for intellectuals in which their own practices are both mocked and asserted at one and the same time.”¹³⁴ Likewise, with its criticism of Moses, the Bavli here also employs the Graeco-Roman motif of the “ignorant messenger.”¹³⁵ This motif may be alluded to (or triggered) with the Bavli’s use of *parvanka* (messenger) – the final word of the *sugya*, a loanword from Middle Persian, which itself is likely a loanword from Greek.¹³⁶

Conclusion

Phinehas has, understandably, become a central figure in critiques of both biblical violence and violence in the later Jewish tradition.¹³⁷ These critiques see in the Phinehas episode an aberrant act of spontaneous, religiously-fueled violence at odds with legal norms and western moral

Jewish Descendants of King David in the Medieval Islamic East (Philadelphia: University of Pennsylvania Press, 2012) 109ff.

¹³⁴ See Daniel Boyarin, “Patron Saint of the Incongruous: Rabbi Meir, the Talmud, and Menippean Satire,” *Critical Inquiry* 35 (2009) 526.

¹³⁵ Furstenburg, “Agon,” 299–328; on the “ignorant messenger” motif, see 311–316. Furstenburg makes a persuasive case for situating these negative rabbinic attitudes towards Moses within the context of the Second Sophistic. It helps, however, that the biblical text itself is unafraid of criticizing Moses.

¹³⁶ For a recent extended study of this term (albeit with specific reference to its use in a different talmudic context), see Adiel Schremer, “Parvanka: The Mandaean Context of an Anti-Heretical Polemic in the Babylonian Talmud” (Hebrew), *Tarbiz* 85 (2017) 205–231, esp. 218–224. Schremer does not address the possible Greek cognate in *prunikos*, which would also heighten the sexual innuendo in Phinehas’ violence. On the connection between *prunikos* and Middle Persian *parwanag*, see W. F. Albright, “The Goddess of Life and Wisdom,” *American Journal of Semitic Languages and Literatures* 35 (1918–1919) 289–290.

¹³⁷ See, e.g., Gideon Aran and Ron Hassner, “Religious Violence in Judaism: Past and Present,” *Terrorism and Political Violence* 25 (2013) 355–405.

sensibilities.¹³⁸ This approach is exemplified in the Presidential Address delivered by John J. Collins before the Society of Biblical Literature meeting in November 2002 – just over a year after the terrorist attacks of September 11, 2001. The address was entitled “The Zeal of Phinehas: The Bible and the Legitimation of Violence,” and Collins set out to “reflect on the ways in which the Bible appears to endorse and bless the recourse to violence, and to ask what the implications may be for the task of biblical interpretation.”¹³⁹ He devoted attention to how the precedent of Phinehas served to legitimate the violence of Mattathias and how they both functioned as a model for the “zealots who fought against the Romans in the first century C. E., and whose methods would surely qualify for the label ‘terrorist’ in modern political rhetoric.”¹⁴⁰

It is understandable that contemporary readers would regard the violence of Phinehas as worthy of condemnation rather than commendation. But these sentiments, justified as they may be, ultimately devolve from a flattening, essentializing and positivistic reception of the biblical episode, while overlooking its discursive, world-making and contextual functions. Critiques of Numbers 25 invariably devote disproportionate attention to a Phinehas who exists only in the minds of select later readers – ignoring how and why the Phinehas narrative might have been shaped by priestly writers in the first instance.

Sensitivity to the deeper structures of Numbers 25 yields an entirely new dimension of the biblical narrative and its reception. The violence of Phinehas needs to be read in light of the etiological function of the narrative, which is to reinforce a contested (priestly) identity. This same world-making function is indispensable to understanding Mattathias' violence, which is deployed in the service of legitimating the questionable priestly identity of the Hasmonean clan. The rabbis, both Palestinian and Babylonian, likewise employ the violence of Phinehas as an exegetical opportunity to grapple with their anxieties about their identity as religious leaders. To appreciate these sophisticated ancient receptions of the biblical text, we must begin with a nuanced appreciation of the biblical text itself.

Yonatan Miller (orcid.org/0000-0002-9243-6463)

¹³⁸ “The ‘zealot’ is a militant fanatic who would kill rather than see the Law of Moses compromised” is the opening sentence of Eugene Weiner and Anita Weiner, *The Martyr's Conviction: A Sociological Analysis* (Atlanta: Scholars, 1990) 35.

¹³⁹ Collins, “Zeal,” 4. This article is frequently cited in secondary treatments of Phinehas and/or biblical violence.

¹⁴⁰ Collins, “Zeal,” 13.