

Parshat Pinchas
Given at the EAJL Retreat, 7 July 2018
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Pinchas is the most frequently encountered Parsha over the course of the liturgical year, to the point that those synagogues with enough Torah Scrolls to spare, will keep one scroll permanently rolled to Pinchas, in order to allow instant access to the special Maftir readings for the Yamim Noraim, the Regalim and Rosh Chodesh.

This week's Parsha is also host to a series of contrasting narratives, beginning with God rewarding his Covenant of Peace to Pinchas, for the latter's zealous impaling of Zimri and Cozbi described in short and vivid detail at the close of last week's Balak, which put to an end a plague that consumed 24,000 Israelites and returned many others from transgression against God.

We are then led through an exhaustive census of all war able males among the tribes (excluding the Leviites for now), into God's plan of how the land will be divided as inheritance to the families of those 601,730 eligible Israelites counted.

A census of the Leviites follows – every male from a month old in their case since their servitude begins at 30 days from birth; including an implied warning in Nadav and Avihu's transgression with strange fire, and an added statistic that the entire generation of Israelites who left Egypt had now died off, aside from Calev Ben Yefuneh, Yehoshua Bin Nun and indeed Moses himself.

The account of the daughters of Zelophachad's successful appeal for their father's inheritance comes next, leading to a modification to the inheritance laws laid out with the census.

And just before the aforementioned list of offerings come into play, Moses follows God's command and appoints Yehoshua Bin Nun as his successor, laying not his hand upon Yehoshua, but his *hands* on him, as if to affirm that he has complete confidence in God's choice.

Certainly a lot gets presented to us this week, more than enough material for seven years of Divrei Torah from the one Parsha. But one of these narratives in particular, and not surprisingly I should add, seems to get eclipsed by the others. And indeed, during my research last weekend, I had a glance at Rabbi Jonathan Sacks' own page of Divrei Torah dedicated to Pinchas, and not one Dvar Torah of the eight or nine listed at the time related to the daughters of Zelophechad. I say at the time, because by Monday evening, Rabbi Sacks had published his Dvar Torah for this Shabbat, finally giving focus – albeit in a rather roundabout way – to the five sisters' appeal to Moses, for their father's inheritance.

The Midrash records the following exchange between the daughters of Tzelafchad and Moses:

Daughters: Give us a portion of the land along with our father's brothers.

Moses: It is impossible for a daughter to inherit.

Daughters: Why?

Moses: You are women.

Daughters: Then let our mother enter into yibbum (levirate marriage—as is the law with the wife of a person who died “without seed”) and conceive an inheritor that way.

Moses: Impossible. Once there are children, yibbum is not possible.

Daughters: You are contradicting yourself, Moses. Either we are not “seed” and the obligation of yibbum applies to our mother, or we are “seed” and can inherit the land ourselves.

In that moment they convinced Moses. When he heard the justice of their complaint, he immediately presented their case before G-d. (Yalkut Shimoni, Pinchas 27)

The five sisters could not have chosen better circumstances to approach and challenge Moses as he was divvying up the Promised Land amongst the tribes, and their success in not only securing their own inheritance, but also that of women in generations to come, grew out of a number of factors:

Timing: The Talmud (Bava Batra 119b): states that “the daughters of Zelophechad were wise women, for they presented their petition at the right time.”

Vision: Rashi explains: their eyes saw what Moses’ eye could not see (Midrash Tanchuma, Pinchas 8): They had clearly studied the law of levirate marriage and found the contradiction in the above dialogue that set the basis for their claim.

A Recognition of God’s Compassion: again from Yalkut Shimoni, we also find that the sisters’ appeal transcends above the compassion of humankind to that of the divine: When the daughters of Zelophechad heard that the land was being divided among the tribes but not among the women, they convened to discuss the matter. They said, “God’s mercy and compassion is not like the compassion of humankind. Humankind favours men over women. God is not like that. God’s compassion extends to men and women alike.”

Yalkut Shimoni 773,14 also looks at women being rewarded for their virtue, for not participating in the incidents of the golden calf and the spies, and affirms the sisters’ wisdom by pointing out that even the youngest of them wed beyond her 40th birthday, both seemingly additional factors contributing to the success of their appeal.

But even though God grants their appeal in the end, which leads to the law being changed, it is not the change in the law itself or the factors leading to it that are the intended focus.

I believe that this episode is here to show us that the law can – and is intended to – constantly evolve in order to accommodate changes within Jewish life and Jewish society, and particularly arising situations that develop from unforeseen circumstances.

And certainly in the present day where so many new challenges have appeared within Jewish society: egalitarianism within Jewish ritual, womens' rights, the plight of the Agunot, LGBT issues, ecological and environmental responsibility, to name just a few, should we not be doing more to remind those more rigid elements within our Jewish collective, that our own Torah M'Sinai is there to be reinterpreted, modernised and adapted, in order to fit in with the times that we live in?

Gilead Limor,
July 2018