



COVENANT & CONVERSATION

.....Family Edition.....

FINDING FAITH IN THE PARSHA WITH RABBI SACKS



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בס"ד

פנחס תש"ף
Pinchas 5780

Moral vs. political Decisions

** KEY IDEA OF THE WEEK **

For a nation to flourish, politics must be moral



PARSHAT PINCHAS IN A NUTSHELL

Despite escaping Bilam's curses, the Israelites bring disaster on themselves anyway when Moabite women convince some Israelite men to have forbidden relations with them and to worship idols. 24,000 people suffer a deadly plague as punishment, until Pinchas, in an act of zeal, rises up against the wrongdoers to slay an Israelite man and Moabite woman who are sinning together publicly. Immediately, the plague ends. God gives Pinchas a "covenant of peace" and "lasting Priesthood" as a reward for this act of leadership.

The parsha then tells two stories. The first is about the daughters of Tzelofechad who ask Moses for their own share in the land of Israel because their father had no sons to

inherit his portion. God tells Moses that they are indeed able to inherit their father's portion of the land. The second story is about Moses' request that God appoint someone to be the new leader of the people after he dies. The parsha ends with two chapters about the different sacrifices that should be brought daily, weekly, monthly, and on festivals.

QUESTION TO PONDER:

Was Pinchas right or wrong to slay the man and woman?



THE CORE IDEA

The Israelites began mixing with Midianite women and were soon worshipping their gods. A plague raged and 24,000 Jewish men died. A leading Israelite, Zimri, brought a Midianite woman, Cozbi, and sinned with her in full view of Moses and the people. It was the most shameless act of rebellion against God. Pinchas took a spear and killed them both, and the plague immediately ended.

Was Pinchas a hero or a murderer? On the one hand, he saved countless lives: no more people died from the plague. On the other hand, did he know that in advance? To any onlooker, he might have seemed like a man of reckless violence, caught up in anger. In our parsha God announces: "Pinchas, son of Eleazar, son of Aaron the Priest, has turned back My anger from the Israelites by being zealous among them on My behalf, so that I did not wipe out the Israelite people in My zeal. Therefore ... I am making with him My covenant of peace." (Bamidbar 25:11-12)

God declared Pinchas a hero. He had saved the Israelites from destruction by showing a passion for God that was the antidote to the people's faithlessness, and as a reward, God honoured him. Pinchas acted correctly in God's eyes.

The Rabbis of the Talmud tell us that the halachah sees things differently. Firstly, they rule that if Zimri had turned and killed Pinchas in self-defence, he would be declared innocent in a court of law. Secondly, they rule that if Pinchas had killed Zimri and Cozbi just before or after they were engaged in the sin, he would have been guilty of murder. Thirdly, had Pinchas checked with a Bet Din whether he should act as he did, the answer would have been 'No'. This is one of the rare cases where we say *Halachah ve-ein morin kein*: "It is the law, but we do not teach people to act like this." While the Torah gives us an answer about Pinchas' act, rabbinic halachah teaches us that this is not the kind of behaviour we can follow.

But God was pleased with Pinchas, so why do the Rabbis criticise his actions? How can he have been both right and wrong? It helps to look at the story from two different perspectives. From an individual, *moral* perspective, Pinchas should not have done what he did. He took the law into his own hands. But from a *political* perspective, he showed true leadership and protected his people – he stopped the plague and was blessed by God.



IT ONCE HAPPENED...

Together with his government, the authoritarian leader made many decisions that imposed hardships on the citizens of his country for years. He enforced a curfew on the nation, controlling the hours when people could move around freely. He rationed food, limiting families to the basic foodstuffs, much less than they were used to. He enlisted every man who was able to fight, young and old alike, into the army. Ultimately, he sent thousands to their death.

QUESTIONS TO PONDER:

1. Why do you think the Rabbis are so uncertain about the act?
2. If the act was morally questionable, what is the message of the story for us?

His name was Winston Churchill, and under his leadership during the years of 1939-1945, he guided the British people through the most challenging era Britain had ever faced, ultimately defeating Nazism, which threatened the free world.

QUESTIONS TO PONDER:

1. How did you feel about this leader when you read the first paragraph (before you knew who he was)?
2. Did your opinion change once you learned his name? Why?



THINKING MORE DEEPLY

The coronavirus pandemic raised a series of heart-breaking moral and political dilemmas, such as: How far should governments go in seeking to prevent a virus from spreading? To what extent should they restrict people's movements, violating their civil liberties? How far should they be allowed to clamp down on businesses, driving many bankrupt, increasing unemployment, building up national debt and sending the economy into a severe recession?

Strikingly, almost every country adopted the same measures: social distancing and lockdowns until the number of new infections dropped. Nations didn't count the cost. Virtually unanimously, they placed the saving of lives above all other considerations. The economy has suffered, but life is infinitely precious and saving it takes precedence over all else.

This was a momentous example of the Torah value that human life is sacred. As the Sages put it, "Every life is like a universe. Save a life and it is as if you have saved a universe." (Mishnah Sanhedrin 4:4)

In the ancient world, economic considerations always took precedence over life. Great building projects like the Tower of Babel and the Egyptian pyramids involved huge loss of life. Even in the 20th century, lives were often sacrificed to economic ideology: between 6 and 9 million under Stalin, and between 35 and 45 million under Chinese communism. The fact that virtually all nations, in the face of the pandemic, chose life was a significant victory for the Torah's ethic of the sanctity of life.

That said, the former Supreme Court judge Jonathan Sumption recently wrote a challenging article in which he argued that the world, or at least Britain, had got it wrong. It was overreacting. The cure may be worse than the disease. The lockdown amounted to subjecting the population to house arrest, causing great distress and giving the police unprecedented and dangerous powers. It represented "an interference with our lives and our personal autonomy that is intolerable in a free society." The economic impact would be devastating. "If all this is the price of saving human life, we have to ask whether it is worth paying."

There are, he said, no absolute values in public policy. As proof, he cited the fact that we allow cars, despite knowing that they are potentially lethal weapons, and that every year thousands of people will be killed or maimed by them. In public policy there are always multiple, conflicting considerations. There are no non-negotiable absolutes, not even the sanctity of life. It was a powerful and challenging piece. Are we wrong to think that life is indeed sacred? Might we be placing too high a value on life, imposing a huge economic burden on future generations?

I am going to suggest that there is a direct connection between this argument and the story of Pinchas. It is far from obvious, but it is fundamental. It lies in the difference – philosophical and halachic – between *moral* and *political* decisions. Moral decisions are answers to the question, "What should I do?" Usually they are based on *rules that may not be transgressed whatever the consequences*. In Judaism, moral decisions are the province of halachah.

Political decisions are answers to the question, “What should we do?” where the “we” means the nation as a whole. They tend to involve several conflicting considerations, and there is rarely a clear-cut solution. Usually the decision will be based on an evaluation of the likely consequences. In Judaism this sphere is known as *mishpat melech* (the legal domain of the king), or *hilchot medinah* (public policy regulations). Whereas halachah is timeless, public policy tends to be time-bound and situational.

Were we in Pinchas’ position, asking, “Should I kill Zimri and Cozbi?” the *moral* answer is an unequivocal ‘No’. They may deserve to die; the whole nation may be eyewitnesses to their sin; but you cannot execute a death sentence without a duly constituted court of law, a trial, evidence and a judicial verdict. Killing without due process is murder. That is why the Talmud rules *Halachah ve-ein morin kein*: if Pinchas had asked a Bet Din first, he would have been told, ‘No’. Halachah is based on non-negotiable moral principles, and halachically you cannot commit murder even to save lives.

But Pinchas was not acting on moral principle. He was making a *political* decision. There were thousands dying. The political leader, Moses, was in a highly compromised position. How could he condemn others for consorting with Midianite women when he himself had a Midianite wife? Pinchas saw that there was no one leading. People were sinning. People were dying. The danger was immense. So he acted – *not on moral principle but on political calculation*, relying not on *halachah* but on what would later be known as *mishpat melech*. Better take two lives immediately that would have eventually been sentenced to death by the court, and save thousands now. And he was right, as God soon made clear.

Now we can see exactly what was ambiguous about Pinchas’ act. He was a private individual. The question he would normally have asked was, “What shall I do?”, to which the answer is a moral one. But he acted as if he were a political leader asking, “What shall we do?” and decided, based on consequences, that this would save many lives. Essentially, he

acted as if he were Moses. He saved the day and the people. But imagine what would happen today if an ordinary member of the public usurped the role of Head of State. It would be disastrous. Only God’s endorsement protected Pinchas.

In politics, as opposed to morality, the sanctity of life is a high value, but it is not the only value. What matters are consequences. A ruler or government must act in the long-term interests of the people. That is why, though some will die as a result, governments are now gradually easing the lockdown provisions once the rate of infection falls, to relieve distress, ease the economic burden, and restore suspended civil liberties.

We have moral duties as individuals, and we make political decisions as nations. The two are different. That is what the story of Pinchas is about. It also explains the tension in governments during the pandemic. We have a moral duty to the sanctity of life, but we also have a political duty, not just to life but also to “liberty and the pursuit of happiness.” What was beautiful about the global response to COVID-19 was that virtually every nation in the world put moral considerations ahead of political ones until the danger began to recede.

I believe that there are moral and political decisions and they are different. But there is a great danger that the two may drift apart. Politics then becomes amoral, and eventually corrupt. That is why the institution of prophecy was born. Prophets hold politicians accountable to morality. When leaders act for the long-term welfare of the nation, they are not criticised. When they act for their own benefit, they are. Likewise when they undermine the people’s moral and spiritual integrity. Salvation by zealot – the Pinchas case – is no solution. Politics must be as moral as possible if a nation is to flourish in the long run.

QUESTION TO PONDER:

In the absence of Prophets today, how can we ensure our political leadership keeps morality at the heart of its decision-making?



FROM THE THOUGHT OF RABBI SACKS

The concept of covenant has the power to transform the world. It sees relationships in terms not of interests but of moral commitment. It changes everything it touches, from marriage to friendship to economics and politics, by turning self-interested individuals into a community in pursuit of the common good... Societies have moved from ‘I’ to ‘We’ in the past. They did so in the nineteenth century. They did so in the twentieth century. They can do so in the future. And it begins with us.

Morality, p. 336



AROUND THE SHABBAT TABLE

1. What are the complex elements that every government has to base their policies on during the coronavirus pandemic?
2. If Pinchas made a political decision (rather than a personal moral one), was he right to act as if he was the leader?
3. How does Judaism ensure that morality is at the heart of political decisions taken by the leaders?



QUESTION TIME

Do you want to win a **Koren Aviv Weekday Siddur**? Email CCFamilyEdition@rabbisacks.org with your name, age, city and your best question based on the ideas from the *Covenant & Conversation Family Edition*. **Entrants must be 18 or younger**. Thank you to Koren Publishers for kindly donating these wonderful siddurim.



EDUCATIONAL COMPANION TO THE QUESTIONS

IN A NUTSHELL

1. This is a tricky question. We are asking for the child's own opinion, and all opinions are legitimate. However, the Torah seems to suggest that God agreed with Pinchas, and rewarded him with a "Covenant of Peace" (although perhaps there was a message in the name of this covenant – you may have acted correctly, but peaceful ways of achieving your goal would have been even more preferable). On the other hand, as we will read later in this Family Edition, the Rabbis of the Talmud were uncomfortable with Pinchas' behaviour and cast some doubt on the morality of the act.

THE CORE IDEA

1. The Rabbis were warning that this should not be seen as a precedent for future individuals to take the law into their own hands. A person must go through due process using the framework of the legal system.
2. However, the message of the story is that sometimes leadership must make difficult moral decisions. For the sake of the wellbeing of the people. Pinchas acted swiftly, showing strong leadership and zeal for God and the people by acting on his own in this way.

IT ONCE HAPPENED...

1. The story is intentionally written ambiguously, allowing the reader to, at first, assume that the leader is a despot, causing suffering to his people, for his own personal benefit. It is not until the reader becomes aware of the context of the story that we can understand the difficult moral decisions that had to be taken for the greater good of the people in this case.
2. Now we know that the story is about Winston Churchill, who led the battle against the despotic Hitler and the evil of Nazism, saving the free world, we can see that these acts caused necessary hardships in order to ensure the greater long-term good for the British people and for the world. This connects to the message of the *Covenant & Conversation* in the following way: The decisions Churchill took, if he were an individual, would have been morally wrong. It was unjust to cause suffering to the British people in this way. However, these were difficult political decisions taken by a government on behalf of its citizens, in order to protect them. Just as governments are trying to take the same political decisions today in the age of coronavirus pandemic.

THINKING MORE DEEPLY

1. Prophets spoke truth to leadership. We may still have an equivalent process, when people as a movement stand up in protest for what they believe in. In democracies this can make change, and hold governments accountable. The ultimate power the people have over their democratically elected leaders, is their vote. Unfortunately, this process of change can take a long time.

AROUND THE SHABBAT TABLE

These questions are all open, to encourage thought and debate. There are no wrong answers. However, here are some thoughts to consider:

1. Value of life is only one of the moral elements of a government's decisions in times of crisis such as these. Protecting the economy is also a moral decision. When economies collapse, people die and suffer from poverty, and hardship can be experienced by millions. It is a government's responsibility to protect its citizens both physically, emotionally, and economically.
2. This act, which was sanctioned by God (as proven by the rewarding of Pinchas with a "Covenant of Peace"), was on some level a challenge to the leadership of Moses. Pinchas was not the leader of the people (he had a spiritual leadership position as a Kohen rather than a political position of power) yet he stepped in with zeal to act in the moment, protecting the people from themselves and waging a moral war for God.
3. Through the institution of prophecy (Prophets speaking truth to power) and through the area of law called *mishpat melech* (the legal domain of the king), or *hilchot medinah* (public policy regulations). Today we no longer have prophecy and these laws are not applied in this form in the state of Israel. However, through the democratic systems that are in place, we still have the mechanisms to hold our leadership morally accountable.