

**“The Kohanim, the Levi'im”**  
By Rav Tamir Granot

**A. Structure of Authority in Parashat Shoftim**

*Parashat Shoftim* is aptly named, since most of it deals with issues of law and public administration. The *parasha* starts with a command to establish a broad system of law and law-enforcement, and then goes on to discuss the laws pertaining to the Great Court and its authority, the king, the *Kohanim* and *Levi'im*, and the institution of prophecy. At the end of the *parasha*, Moshe conveys the laws pertaining to war, which are likewise firmly within the subject of public administration.

One of the most important questions that should be asked concerning any structure of authority concerns the relationship between its various branches. In recent years there has been increasing debate in Israel over the relationship between the Knesset and the courts, between the courts and the government, and between the government and the Knesset. The clear delineation of the relations between these branches and their hierarchy defines, to a large extent, the political and moral nature of any state. In a dictatorship, for example, the power of the political leader (be it a president, chairman or king) supersedes the power of the judiciary and the legislature, such that he is not subservient to them, and may therefore wield his power – for the good of the country or for his own personal benefit – in a way that violates public values and individual rights. In a liberal country, the judiciary is supposed to hold supreme status, so that it is able to protect the rights of the individual and the values which, according to liberal principles, represent the state's *raison d'être*.

The question of the relationship between the various branches of public authority is discussed at length by *Chazal*, and their understanding of it is rooted in some explicit verses in the Torah. The uniqueness of the governmental structure set out in the Torah lies in the senior status that it awards to branches of authority that are not “civic,” but rather of a religious nature and significance: the priesthood and the institution of prophecy. A judicial authority exists in the Torah-state just as it does in most states, while specifically the status of the executive (ruling) branch is somewhat limited: as we know, the Torah command concerning the appointment of a king is conditional rather than absolute – in other words, only if the nation so wishes, will it seek to appoint a king.

While the commentaries, in addressing the command to appoint a king, discuss at length the question of what type of regime is preferable – monarchy, aristocracy, or democracy – it appears that the Torah has reservations as to political power in and of itself. When the Torah stipulates that the appointment of a king is dependent upon the public will (“And you shall say, We shall appoint over ourselves a king, like all the nations that are

around us”), it is not proposing, for example, a democracy instead of a monarchy, but rather poses as an alternative the absence of political rule, instead of the existence of a centralized power. In other words, the opposite of a situation of monarchy is a situation that is devoid of a central political regime: a situation of theocracy, or – as the Gidon argues, in refusing to rule over Israel, “God will rule over you” (*Shoftim* 8:23). The prophet Shemuel likewise tells the nation, at the beginning of the period of monarchy, “The Lord your God is your King” (I *Shemuel* 12:12).<sup>[1]</sup>

The reservation towards the very existence of a central source of political power also influences the limitations that the Torah places on the authority of the king once he has been appointed. From the words of Gidon and of Shemuel, and from the history of the early kings, it becomes apparent that the primary tension characterizing the system of public administration in Israel is that between mortal kingship and the Kingship of God, with loyalty to the latter being expressed in observance of the laws of the Torah and acceptance of the authority of God's representatives in the public administration system: the prophets, the *Kohanim*, and the judges of the Beit Din. The Torah commands explicitly:

“And it shall be, when he sits upon his royal throne, that he shall write for himself a copy of this Torah in a book, from before the *Kohanim* and the *Levi'im*. And it shall be with him, and he shall read therein all the days of his life, in order that he may learn to fear the Lord his God and to keep all the words of this Torah, and these statutes, to perform them, Lest his heart be lifted up above his brethren, and lest he deviate from the commandment, to the right or to the left...” (*Devarim* 17:18-20).

The king is subordinate to the Torah, and seemingly – according to the above verses – also to the *Kohanim* and the *Levi'im*. The significance of the king's dual subordination requires some clarification: seemingly, the *Kohanim* and *Levi'im* represent the Torah and act on its behalf, such that subordination to the Torah would in any case include subordination to its bearers and to its commands. What, then, is the significance of the Torah specifying explicitly that the king is subordinate not only to the Torah, but also to the *Kohanim* and *Levi'im*?

The answer to our question is to be found in the unit preceding the one about the king, the unit which *Chazal* refer to as the “rebellious elder.” The Torah sets down that when an especially complicated legal issue arises, it must be brought to the Great Court (Sanhedrin): “... Then you shall arise and to up to the place which the Lord your God will choose. And you shall come to the *Kohanim* and the *Levi'im* and the judge who will be in those days...” Concerning the ruling of this court, the Torah commands: “You shall do according to the sentence that they will tell you... in accordance with the [sentence of the] Torah which they will instruct you, and concerning the judgment that they tell you, so shall you do; you shall not deviate from the

judgment which they tell you either to the right or to the left.” We deduce, then, that there is an obligation of full and completely faithful obedience to the instructions of the members of the Beit Din – the judges, *Kohanim*, and/or *Levi'im*. The simple meaning of the command, “You shall not deviate from the judgment which they tell you, either to the right or to the left” is that their ruling must be followed punctiliously, with no deviation. However, Rashi - following the *Sifri*<sup>[2]</sup> - explains: “Even if they tell you, concerning the right, that it is left, or concerning the left, that it is right – listen to them.” And yet, Rashi is interpreting – as usual – the plain meaning of the text,<sup>[3]</sup> since his explanation is the necessary outcome of the Torah’s granting of authority to the *Kohanim* and sages to give instruction in matters of Torah, even in those matters which are not explicit or which are subject to controversy. The validity of any authority is measured specifically where other people have the impression that it is mistaken, since if everyone were to agree that the ruling of Beit Din was true, just and proper, then there would be no dissent. Hence, the Torah’s transmission of authority to Beit Din to issue rulings means that we are commanded to obey their words, even where it appears to us that they are mistaken.

This is the reason why the king is commanded to be subservient both to the Torah and to the *Kohanim* and the *Levi'im* who are authorized to interpret it: so that he will accept their decisions and instructions even where they lack an explicit basis in the Torah, but are derived from it.

The role of instruction that is entrusted to the *Kohanim* and *Levi'im* is just one of their tasks. Their primary task, set out in the previous *Sefarim*, concerns the Sanctuary: offering sacrifices and the other Divine service that is performed there, carrying the *Mishkan*, and song. Our *parasha* adds to their responsibilities the sphere of instruction, as part of the general mold of *Sefer Devarim*, which depicts *Am Yisrael* as a society with orderly branches of authority that are set up in accordance with the Torah’s principles.

## B. Who are “the *Kohanim*, the *Levi'im*”?

*Sefer Devarim* consistently refers to “the *Kohanim*, the *Levi'im*,” an appellation that is found in none of the other *Sefarim*. Up until *Sefer Devarim* we were familiar with “the *Levi'im* and the *Kohanim*” (or “the children of Aharon, the *Kohanim*”), each treated separately. The new term, “the *Kohanim*, the *Levi'im*,” is confusing: does the Torah refer here to the entire Tribe of Levi, who until now have been called “*Levi'im*,” with perhaps a new title of honor bestowed on them here, or is the Torah referring specifically to descendants of Aharon? The question becomes even more perplexing in light of the fact that *Sefer Devarim* mixes up roles which, in the previous *Sefarim*, were designated for the *Kohanim*, with roles which had been designated for *Levi'im*:

“At that time God set apart the Tribe of Levi, to bear the Ark of God’s covenant, to stand before God to serve Him, and to bless in His Name, to this day” (*Devarim* 10:8).

This verse mentions, in the same breath, the role of carrying the Ark, which in *Sefer Bamidbar* is given to the *Levi'im* who are descendants of Kehat, and the role of blessing in God’s Name, which according to *Sefer Bamidbar* is

the job of the *Kohanim*. We may explain that the verse lists together the roles that were given to different branches of the Tribe of Levi, but the context of the verse makes it difficult to accept this interpretation: the verse is talking about the setting aside of the *Levi'im* following the Sin of the Golden Calf, and it logically goes on to the functions entrusted to the *Levi'im* in light of their loyalty and selfless dedication to God and to Moshe at the time of the sin. It does not seem logical that the priesthood was given to Aharon in the wake of the Golden Calf, since he himself was involved in this debacle. Hence, the meaning of this mixing up of roles in the verse remains unclear.

A similar difficulty arises from Moshe’s blessing to the Tribe of Levi at the end of the *Sefer*:

“And to Levi he said: let Your *urim* and *tumim* be with Your righteous one, whom You tested as Masa and with whom You strove at the waters of Meriva; who said of his father and of his mother, ‘I have not seen him,’ nor did he acknowledge his brothers or know his children, for they observed Your word and kept Your covenant. Let them teach Your judgments to Yaakov and your Torah to Yisrael; let them offer incense before You and whole burnt sacrifices upon Your altar” (*Devarim* 33:8-10).

The blessing opens with a reference to the *urim* and *tumim*, which, according to *Sefer Shemot*, are upon the breastplate worn by the Kohen Gadol, and then immediately goes on to justify the choice of Aharon using an explanation that is connected to the Sin of the Golden Calf: “Who said of his father and of his mother, I have not seen him....” This is strikingly reminiscent of the narrative at the time of the Sin of the Golden Calf: “Let every man slay his brother, and every man his neighbor, and every man his close relative” (*Shemot* 32:27). Then, in Moshe’s blessing, we read: “Let them teach Your judgments to Yaakov,” which may be referring to either the *Kohanim* or the *Levi'im*, but immediately thereafter there follows, “Let them offer incense before You and whole burnt offerings upon Your altar” – which invokes two prominent roles that belong to the exclusive domain of the *Kohanim*. One again our question arises: how can the selection of the *Kohanim*, the descendants of Aharon, be explained in terms of the Sin of the Golden Calf, in which their own forefather played a role, while the *Levi'im* – who not only refrained from participation in this sin, but took an active role in countering its effects – are awarded a lesser status?

With a view to clarifying these issues let us review the other relevant places in *Sefer Devarim* where mention is made of “the *Kohanim*, the *Levi'im*” (or “the *Kohanim*, sons of Levi”).

### 1. *Egla arufa*

In the unit devoted to the *egla arufa*, the “*Kohanim*, sons of Levi” are given a central role:

“The *Kohanim*, sons of Levi, shall draw near, for it is they whom the Lord your God chose to serve Him and to bless in God’s Name, and by their word shall every conflict and every plague be decided” (*Devarim* 21:5).

The “*Kohanim*, sons of Levi” function here as representatives of authority, and it is to them that the elders of the city present their report. The Torah notes that it is specifically the *Kohanim* who are chosen for this role because of their other responsibilities – serving God, blessing in His Name, and ruling in matters of controversy and of *tzara’at*.<sup>[4]</sup> If we understand the “service” here as the sacrificial service in the Temple, then the verse strengthens our hypothesis that the term “the *Kohanim*, sons of Levi” refers to the *Kohanim* who are descendants of Aharon, for it is they who serve in the Temple, according to the previous *Sefarim*. Still, this is not stated here explicitly.

## 2. Instruction in *tzara’at*

“Take care in the plague of *tzara’at*, to be exceedingly diligent and to do whatever the *Kohanim*, the *Levi’im*, instruct you; as I have commanded them, so shall you observe to do.” (*Devarim* 24:8)

According to *Sefer Vayikra*, instruction in matters of *tzara’at* is clearly the job of the *Kohanim*, sons of Aharon, as we read at the beginning of the discussion there: “Then he shall be brought to Aharon the kohen, or to one of his sons, the *Kohanim*” (*Vayikra* 13:2). From the verse in *Sefer Devarim* alone it would be impossible to know whether the reference is to the *Kohanim* specifically or to all *Levi’im*.

## 3. Giving of the Torah to the *Kohanim*, Sons of Levi

“And Moshe wrote this Torah and gave it to the *Kohanim*, sons of Levi, who bore the Ark of God’s covenant, and to all the elders of Israel” (*Devarim* 31:9)

The giving of the Torah to the *Kohanim*, sons of Levi, conforms with their role throughout the *Sefer* as representatives of the Torah and as its teachers, as described above. The Torah explains that it is specifically the “*Kohanim*, sons of Levi,” who merited to receive the Book of the Torah since it was they who bore the Ark of God’s covenant, and the Torah was going to be placed alongside the Ark (*Devarim* 31:26). Seemingly, this would indicate that “the *Kohanim*, sons of Levi” is not meant to refer to the sons of Aharon, since all the children of Kehat bore the Ark, as we are told explicitly in *Sefer Bamidbar*:

“And when Aharon and his sons finish covering the Sanctuary and all the vessels of the Sanctuary, when the camp is going to journey on, then afterwards the sons of Kehat will come to carry [it], but they shall not touch any sanctified thing, lest they die; these things are the burden of the sons of Kehat in the Tent of Meeting” (*Bamidbar* 4:15).

Clearly, then, the term “the *Kohanim*, the *Levi’im*” in *Sefer Devarim* is not a synonym for “the *Kohanim*” in the other *Sefarim*, since the Torah draws a clear distinction (in the verses cited above, from *Sefer Bamidbar*) between the *Kohanim*, sons of Aharon, who are responsible for covering the vessels of the Sanctuary, and the *Levi’im*, sons of Kehat, who carry it; nevertheless, in *Sefer Devarim* those who “carry the Ark of God’s covenant” are referred to as “the *Kohanim*, the *Levi’im*.” Indeed, in the verses that follow, the Torah refers to

the same people who were previously called “the *Kohanim*, the *Levi’im*,” as simply “the *Levi’im*”:

“Moshe commanded the *Levi’im*, bearers of the Ark of God’s covenant, saying: Take this Book of the Torah and place it alongside the Ark of the Covenant of the Lord your God, that it may be there a witness against you” (*Devarim* 31:25-26).

## 4. Forging of the Covenant

“Moshe spoke, and the *Kohanim*, the *Levi’im*, to all of Israel, saying: Take heed and hear, Israel; this day you have become a nation unto the Lord your God” (*Devarim* 27:9).

The “*Kohanim*, the *Levi’im*” are Moshe’s partners in leading the nation; therefore it is only natural that they are at his side at the forging of the covenant. However, the Torah then goes on to refer to the same “*Kohanim*, the *Levi’im*,” as simply “the *Levi’im*”:

“And the *Levi’im* shall answer and they shall say to all the men of Israel, with a loud voice” (*Devarim* 27:14).

Once again, it is clear that the Torah is not talking about the *Kohanim*, sons of Aharon, since they are subsequently referred to as “the *Levi’im*.” However, it is equally clear that it cannot be talking about all the *Levi’im*, since they are previously referred to as “the *Kohanim*, the *Levi’im*.” We may add that it is clear from the verses that not all of the *Levi’im* are considered “the *Kohanim*, the *Levi’im*,” since during this ceremony of forging the covenant most of the Tribe of Levi stood on the mountain of blessings (Mount Gerizim), together with five other tribes:

“Moshe commanded the nation on that day, saying: these shall stand to bless the nation on Mount Gerizim, when you cross over the Jordan: Shimon and Levi and Yehuda and Yissakhar and Yosef and Binyamin” (*Devarim* 27:11-12).

In other words, the plain and simple “*Levi’im*” participated in the covenant ceremony in the same way as every other tribe. Only a few of them – those referred to as “the *Kohanim*, the *Levi’im*” – were partners in directing the ceremony.

Before clarifying the picture which, to my mind, arises from the above verses, it should be noted that *Sefer Devarim* makes frequent mention of “the levi,” with no additional title (especially in the context of gifts to the poor), and we need to consider the meaning of this title, too.

## C. Method of Selection of the *Kohanim* in *Sefer Devarim*

The key to solving the riddle lies in the verses in our *parasha* that clarify the relationship between the *Kohanim* and the *Levi’im* (the division into sections here is my own):

a. "The *Kohanim*, the *Levi'im* – the entire Tribe of Levi – shall have no portion or inheritance with Israel; they shall eat God's offerings by fire, and His portion. Nor shall they have any inheritance among their brethren; the Lord is their inheritance, as He has said to them.

b. And this shall be the allotment to the *Kohanim* by the nation, from those who offer a sacrifice – whether an ox or a sheep: they shall give the kohen the shoulder and the two cheeks and the maw. You shall give him [also] the first of your corn, of your win, and of your oil, and the first of the fleece of your sheep.

c. For the Lord your God has chosen him from all of your tribes, to stand and minister in the Name of God; he and his sons, forever.

d. And if a levi should come from any of your gates in all of Israel, where he dwells, and he comes full of eagerness to the place which the Lord shall choose, then he shall serve in the Name of the Lord your God like all his brethren, the *Levi'im*, who stand there before the Lord." (*Devarim* 18:1-7)

We have divided the verses into four units: unit a. discusses the inheritance of the *Levi'im*; unit b. – the gifts to the *Kohanim*; unit c. describes God's selection of the *Kohanim* or *Levi'im* as the reason for the previous two units; and both c. and d. define the legal right to minister to God in the Sanctuary.

Seemingly, unit a. repeats that which we know already from *Sefer Bamidbar* – that the *Levi'im* do not receive an inheritance among the tribes of Israel. However, the verses here start off with an internal contradiction: "the *Kohanim*, the *Levi'im*, shall not have..." – this tells us that whatever follows applies to only some of the *Levi'im*; while "all of the Tribe of Levi" clearly refers to the entire tribe. What is the meaning of this verse? How can these two definitions be resolved, and what does each add to the other?

The second unit, stipulating the gifts to the *Kohanim*, appears to contradict that which we know already from *Sefer Vayikra*. Here the Torah tells us that the *Kohanim* receive "the shoulder (*zero'a*) and the two cheeks (*lechayayim*) and the maw (*keiva*)," while in *Vayikra* chapter 7 we learn that the *Kohanim* receive the shoulder (*shok*) and the breast (*chazeh*). Moreover, it is not at all clear which "*Kohanim*" receive these gifts: is it the *Kohanim*, sons of Aharon, or "the *Kohanim*, the *Levi'im*, all of the Tribe of Levi," as verse 1 would suggest?

It seems that we can explain these verses in light of the three verses that conclude the section (units c. and d.), which deal with the right to minister before God.

In verse 5 we read: "For the Lord your God has chosen him from all of your tribes, to stand and minister." This is stated as the explanation for the kohen's right to receive the peace offerings, the tithes, and the first of the fleece. Hence it is clear that the term "minister" includes the sacrificial service, for this is the service of the kohen who is entitled to these gifts. Indeed, in verse 7 the Torah repeats the same expression – "He shall

serve in the Name of the Lord your God like all his brethren, the *Levi'im*, who stand there before the Lord" – and here it is clear that the Torah is referring to service in the Sanctuary, and not to the tasks of carrying the Ark or guarding the Sanctuary.

Who, then, is worthy of ministering in the Sanctuary before God? Here the Torah states explicitly: "And if a levi should come from any of your gates in all of Israel, where he dwells, and he comes full of eagerness to the place which the Lord shall choose..." In other words, any levi may come to the Sanctuary and minister to God, as do all of his brethren who stand there before God. Actually, "his brethren, the *Levi'im*, who stand there before God" are not the *Levi'im*, but rather the *Kohanim*, who were spoken about previously. Hence we conclude that any levi may become a kohen, when he decides to come and minister before God. The rights of the kohen are a function of the role filled by the levi, rather than of dynastic affiliation. Prior to the levi's arrival at the "place which God will choose," he is simply a "levi." Once he begins to minister there, he is a "kohen, a levi." This is the simplest explanation for the terms so prevalent in *Sefer Devarim*, "the kohenim, the *Levi'im*," or "the *Kohanim*, sons of Levi": these terms refer to those who are *Levi'im* according to their family lineage, but *Kohanim* according to their tasks.

Thus, any levi may become a kohen; however, only those who serve in the Sanctuary are actually considered *Kohanim*. The term "the *Kohanim*, the *Levi'im*" indicates the authority and the rights bestowed on some of the *Levi'im*, who minister in the Sanctuary and who serve as teachers and leaders. The term "kohen" describes the role of ministering, rather than indicating family genealogy.

The status of priesthood (*kehuna*) is therefore a voluntary one, and the choice of whether to join depends on the levi, who "comes full of eagerness." It seems likely that the Torah refers here not to a capricious spur-of-the-moment decision or sporadic periods of commitment, but rather a decision by the levi to minister to God on a permanent basis. According to this understanding, the levi may decide to upgrade his status and become a kohen, but this decision will be binding on him from now onwards. This is precisely what Chana decided on behalf of Shemuel, her son: although Elkana was a descendant of Yitzhar, son of Kehat (I *Divrei Ha-yamim* I 6:12), and not a descendant of Aharon, Chana sanctified Shemuel for priesthood, turning him into a kohen.<sup>[5]</sup>

Now we can understand the formulation of the Torah: "The *Kohanim*, the *Levi'im*, all the Tribe of Levi, shall have no part or inheritance with their brethren." As the plain meaning of the text suggests, the whole of the Tribe of Levi has no inheritance. The title "the *Kohanim*, the *Levi'im*" comes to explain this law: since every levi is a potential kohen, the entire tribe is given no inheritance among their brethren.

Thus equipped with a clear definition of the terms involved, let us return to the various sources which we examined above:

• The selection of the *Kohanim* and the *Levi'im* did indeed follow in the wake of the Sin of the Golden Calf, as suggested by the description of that episode and by Moshe's blessing at the end

of *Sefer Devarim*. The whole of the Tribe of Levi was selected at that point, and not just the children of Aharon: Those who will “teach Your judgments to Yaakov” and “offer incense before You” are the *Kohanim* of the Tribe of Levi who are not necessarily descendants of Aharon. Hence, we now have no problem with the assertion that “at that time [following the Sin of the Golden Calf] God set apart the Tribe of Levi... to minister before God and to bless in His Name.” Indeed, the entire Tribe of Levi is worthy of blessing Israel, although in practice it is only the *Kohanim* who will do so – i.e., those among the *Levi'im* who wish to minister and who volunteer to do so.

- The description of the “*Kohanim*, the *Levi'im*” who bear the Ark now also makes sense: Since the Torah is not referring specifically to the *Kohanim* who are descendants of Aharon, it is quite possible that these will be descendants of Kehat.

- The frequent interchanging of the terms “the *Kohanim*, the *Levi'im*” and “the *Levi'im*” no longer presents any difficulty, since the *Levi'im* themselves are the *Kohanim*, from the moment that they choose to serve as such. Once again, the term “levi” has a dynastic, tribal denotation, while the term “kohen” denotes a function.

- The various laws which fall under the jurisdiction of the *Kohanim* – law, instruction in *tzara'at*, *egla arufa*, etc. – are entrusted, according to *Sefer Devarim*, to any member of the Tribe of Levi who becomes a kohen, based on the principle of voluntarism, rather than specifically to the descendants of Aharon.

- At the forging of the covenant, those *Levi'im* who had not chosen to serve as *Kohanim* stood together with the five other tribes on Mount Gerizim, while their brethren who were “full of eagerness” for the role of priesthood participated in directing the ceremony.

- Finally, in several places in *Sefer Devarim*, mention is made of “the levi,” without the title “the *Kohanim*, the *Levi'im*.” A review of these sources shows that this title always appears in the context of social status:

“For you shall eat them before the Lord your God, in the place which the Lord your God will choose – you and your son and your daughter and your man-servant and your maidservant, and the levi who is in your gates, and you shall rejoice before the Lord your God in all of your endeavors. Guard yourself lest you abandon the levi all of your days upon your land...” (*Devarim* 12:18-19).

The obligation of eating the tithe together with the levi, and the command not to abandon him, arise from his lowly economic status. The Torah does not state here that the levi must be given a gift because he serves in the Sanctuary; rather, he must be treated with compassion because he is destitute. The levi under discussion here is “the levi who is in your gates” – in other words, the same levi concerning whom

our *parasha* teaches, “If a levi comes, from one of your gates” – i.e., one of the *Levi'im* who has not chosen to serve as a kohen.

The “*Kohanim*, the *Levi'im*” are not in need of socio-economic assistance, since they receive gifts in lieu of their service in the Sanctuary: the shoulder, the cheeks and the maw; the tithes (“the first of your corn”), and the first of the fleece. In contrast, the regular “*Levi'im*” (“the levi who is in your gates”) are on one hand not entitled to payment for their services, but on the other hand also have no inheritance. Therefore, this levi has neither benefit to rely on, and as a result his economic status is inferior and he needs support.

The obligation of assisting the *Levi'im* is mentioned in other places in *Sefer Devarim*, and the reference is always to plain “*Levi'im*,” not to “*Kohanim*, the *Levi'im*.” Thus, for example, concerning *ma'aser sheni* and *ma'aser ani* we read:

“You shall spend that money on all that your heart desires; on oxen or sheep or wine or strong drink or whatever your soul requires; and you shall eat there before the Lord your God, and you shall rejoice – you and your household. And the levi who is in your gates – you shall not abandon him, for he has no portion or inheritance with you. At the end of three years you shall bring forth all of the tithe of your produce, in that year, and lay it in your gates. And the levi shall come, for he has no portion or inheritance with you – as well as the stranger and the orphan and the widow who are in your gates – and they shall eat and be satisfied; in order that the Lord your God may bless you in all of your endeavors that you undertake” (*Devarim* 14:26-29).

It is obligatory to include the levi in the rejoicing of the jubilee year when one eats before God in Jerusalem, because the levi has no inheritance, and therefore he has no produce of his own. When a tithe is taken for the poor of the nation, the levi must be taken care of together with the other needy sectors: the strangers, the orphans, and the widows.

#### **D. Priesthood – Unique Qualities or a Matter of Choice?**

Now let us attempt to get at the root of the idea of priesthood in *Sefer Devarim*, and compare it with the perception that is familiar to us from the other *Sefarim* of the Torah.

In fact, the Torah offers two different and contradictory models of the idea of priesthood. According to the first model, put forward obliquely in *Sefer Shemot* and addressed at length in *Sefer Bamidbar* (chapter 3), the *Kohanim* are the descendants of Aharon exclusively. Only someone who belongs to this dynasty can be a kohen. According to the second model, described in *Sefer Devarim*, priesthood is a status that is available to any levi who wishes to take it upon himself.

According to the first model, we must assume that it is the special qualities of the family of Aharon, flowing from the personality of their ancestor, from the close connection to Moshe or owing to other natural qualities, that justify the selection of Aharon's descendants as *Kohanim*. The Torah

gives no explanation for the specific selection of Aharon's descendants as *Kohanim*; it sets this selection down as a royal decree: the status of priesthood is dependent on dynasty, and it requires no justification or explanation. To use the terminology that is usually employed in Jewish philosophy, this view reflects the "uniqueness (*segula*) approach," since the selection of the *Kohanim*, based on their unique dynasty, is not democratic, nor does it depend on any action on their part.

According to the second model, the *Kohanim* become such by choice. This is a voluntary view of the priesthood, maintaining that attainment of the status of priesthood is a function of the kohen's will, rather than of Divine dictate. This is a democratic perception: anyone from the relevant population (the Tribe of Levi) who so desires may become a kohen.

This gives rise to a question. Ultimately, even according to this second view, the status of priesthood is not truly democratic, since the opportunity to become *Kohanim* is open only to *Levi'im*. What, then, is the point of this voluntary opportunity? If the Torah wanted to open the priesthood to anyone who wanted to take part, why can an Israelite not become a kohen?

The answer to this question obviously requires a clarification of the status of the Tribe of Levi. Why was specifically this tribe chosen from amongst all its brethren?

According to *Sefer Devarim*, and on the basis of the hints in *Sefer Shemot* ("And to bestow upon you this day a blessing" – *Shemot* 33), the *Levi'im* were chosen because of their actions. When Moshe saw the people worshipping the Golden Calf, he declared, "Whoever is for God – come to me" – i.e., who is ready to serve God and to act as His agents. Only the *Levi'im* gathered to him, voluntarily; the other tribes did not. The *Levi'im* fulfilled, by their actions, the condition of being "full of eagerness," and demonstrated, at the critical moment, their profound desire and readiness to be God's servants, even where this required great self-sacrifice. The selection of the Tribe of Levi, then, is not dictated from Above, and is not an expression of family affiliation or unique natural qualities. Rather, it is the result of the Tribe of Levi volunteering itself for God, while the other tribes stood by. In other words, historically speaking, the Levite status, with its possibility of promotion to the level of "kohen," is itself a voluntary status and the result of a choice on the part of the *Levi'im*. The voluntary model of priesthood that is proposed in *Sefer Devarim* is a continuation of the same historical concept that began with the selection of the *Levi'im* in a similar manner.

We may ask: is it fair that according to *Sefer Devarim*, only *Levi'im* can become *Kohanim*, while the rest of Bnei Yisrael can never become either *Levi'im* or *Kohanim*, and all because of a one-time historical event? In response we may explain that the voluntary principle does not require that every person be entitled to choose his status at any moment that he may so desire. Even according to the voluntary model, there are historical junctions where choices are determined and eternalized. The Sin of the Golden Calf represented one such junction, and at that point the status of the *Levi'im* was decided for all generations. As noted above, it is quite possible that "the *Kohanim*, the *Levi'im*" are not *Levi'im* who at any given

moment may decide to be *Kohanim*, but rather *Levi'im* who are prepared to devote their entire lives, or at least a lengthy period, to Divine service – like Shemuel. This view is hinted at in the expression, "all of his brethren who stand there before God"; in other words, the levi joins his brethren who are permanently stationed in the Sanctuary, by virtue of their decision long ago.

Having the priesthood dependent on human good will is also significant for future generations. Concerning Pinchas we are told: "He and his descendants after him will have a covenant of eternal priesthood" (*Bamidbar* 25:13); in other words, by virtue of his zealousness for God, he and his descendants were deemed worthy of priesthood. On the other hand, concerning the sinful sons of Eli, God declares: "I surely said that your house, and your father's house, shall walk before Me forever; but now, says God, far be it from Me, for I shall honor those who honor Me, while those who despise Me shall be lightly esteemed" (I *Shemuel* 2:30). Although Eli and his sons belong to the right family, as descendants of Aharon and Pinchas, God honors with His service only those who honor Him, while those who despise Him – including the sons of Eli – are despised by Him in turn. Therefore, as a result of the actions of the sons of Eli, they were stripped of the eternal right of priesthood which had been promised to their ancestor.

Similarly, following the destruction of the First Temple, God promises the prophet Yechezkel that the priesthood will belong to a special family from among Aharon's descendants:

"And the *Kohanim*, the *Levi'im*, the sons of Tzadok, who kept the charge of My Sanctuary when Bnei Yisrael went astray from Me – they shall come near to Me, to minister to Me, and shall stand before Me, to offer to Me the fat and the blood, says the Lord God" (*Yechezkel* 44:15).

Only the sons of Tzadok, who kept apart from their brethren and kept God's charge, will henceforth minister to God.

In contrast with the voluntary model of *Sefer Devarim*, *Sefer Bamidbar* makes no mention of the selection of the *Levi'im* resulting from their voluntary mission for God after the Sin of the Golden Calf:

"God spoke to Moshe, saying: Bring near the tribe of Levi and present them before Aharon, the kohen, that they may minister to him... And you shall give the *Levi'im* to Aharon and to his sons; they are wholly given to him from Bnei Yisrael. And you shall appoint Aharon and his sons, that they shall guard their priesthood, and the stranger who comes near shall be put to death... And behold, I have taken the *Levi'im* from amongst Bnei Yisrael, instead of every firstborn who opens the womb from Bnei Yisrael, and the *Levi'im* shall be Mine. For every firstborn is Mine; on the day when I struck every firstborn in the land of Egypt, and sanctified unto Me every firstborn of Israel, both man and beast; they shall be Mine; I am the Lord." (*Bamidbar* 3:5-13).

According to the plain meaning of the verses, the *Levi'im* are given to Aharon as assistants because of the

family connection between them. Just as being the firstborn is a natural fact, independent of one's actions or desire, so God sets down that He has taken the *Levi'im* unto Himself. The selection of these, too – like the taking of the firstborn – arises from a natural datum: the fact that they are descendants of Levi, and not as the result of any choice or right that they possess. As stated, it is possible that the choice is based on some unique quality of this tribe – perhaps by virtue of family connection to Moshe and Aharon, or perhaps because Levi was the next brother in line following the eldest two, Reuven and Shimon, who had been rejected. In any event, according to *Sefer Bamidbar* (and seemingly also according to *Shemot* and *Vayikra*), Levite and priestly status are dynastic, inborn statuses, while according to *Sefer Devarim* both are voluntary.

### E. The Voluntary Model and *Sefer Devarim*

Following on the ideas we have explored in previous *shiurim*, I believe that the perception of the priesthood and of the Levite status in *Sefer Devarim* is a clear manifestation of the moral theme of the *Sefer* as a whole.

We had previously demonstrated that *Sefer Devarim* represents a human perspective on religious faith and values, and we argued that the Divine will is expressed in it through the human prism. Thus, for example, the source for Shabbat, in *Sefer Devarim*, is not dependent on the Divine dictate of Creation, but rather on the human ideal of social rest.

The “uniqueness” model assumes that the special sanctity of certain members of Bnei Yisrael is the result of Divine dictate in human nature or in history, which we must follow but over which we have no control or influence. The sanctity of the kohen is a given from the moment of his birth, and various laws are derived from this fact.

The “human” perspective conveys the concept of sanctity via the most manifestly human prism: freewill. There is priesthood and there is sanctity, but these are not data that are dictated from on High, but rather statuses whose acquisition depends on human freewill. God certainly agrees to this, but His agreement is post facto, after human action has already determined reality from below. The volunteering of the *Levi'im* at the scene of the Golden Calf, and the “eagerness” of every individual levi, are what bestow the Levite and priestly statuses.

This may also be the reason for the omission of many of the laws pertaining to the priesthood in *Sefer Devarim*. In chapters 21-22 of *Sefer Vayikra* we learned that the kohen is sanctified just like the holy vessels, or the Sanctuary itself, and therefore it is forbidden for him to become ritually impure, or to defile himself, or for any kohen who is blemished to serve. These prohibitions are easily understood if sanctity is indeed inborn, drawing a sharp distinction between one dynasty or tribe and the others. But if the priesthood is a function of will, rather than the result of some essential difference, then it is possible that the prohibitions of impurity and defilement are not binding to the same degree: the person did not have to become a kohen; it was his will that made him such. In halakhic terms, his sanctity is not inherent (*kedushat ha-guf*) but rather a functional sanctity.<sup>[6]</sup>

It is appropriate that we conclude our discussion of the two models with the famous words of the Rambam, which suggest that from a theoretical perspective – and perhaps even in certain halakhic aspects – he adopted the voluntary model of *Sefer Devarim*.<sup>[7]</sup>

“Not only the Tribe of Levi, but every person of all who live in the world whose spirit moves him, and whose knowledge guides him to separate himself to stand before God to minister to Him and to serve Him, to know God, and who walks uprightly as God made him, and removes from upon himself the yoke of the many accounts that concern people, then this person is sanctified with the highest sanctity, and God will be his portion and his inheritance forever and for all time, and He will grant him in this world sufficient for his needs, as He granted to the *Kohanim* and the *Levi'im*. Concerning him David, of blessed memory, said: God is the portion of my inheritance and of my cup; You maintain my lot.” (Rambam, Laws of Shemitta and Yovel 13,13).

### Appendix: What was Really the Case?

We have not attempted, in this *shiur*, to propose a synthesis to resolve the contradiction between the perception of priesthood and the manner of selection of the *Kohanim* and *Levi'im* as presented in the different *Sefarim*. We have also not proposed any historical hypothesis. The proposal of any such solutions would require a comprehensive and thorough discussion of some fundamental questions pertaining to the relationships between the different *Sefarim*, the contradictions to which they give rise, and the question of the historical origins of the biblical text.

If some readers are surprised at the views that have been presented here, it is mainly because the Oral Law has molded in our consciousness a clear position that completely negates the perception of *Sefer Devarim*. According to *Chazal*, both priestly and Levite status are determined on the basis of genealogy: the priesthood belongs eternally and exclusively to the descendants of Aharon, while the Levite status belongs to the Tribe of Levi.

However, the halakha, as ultimately codified, does not exhaust the possibilities that exist in the Torah in theoretical form: “Both these and those are the words of the living God, and the law is in accordance with....” We may paraphrase this to say that the Torah presents two open possibilities, each embodying an authentic and significant theoretical model, and halakha chooses one of them. It is possible that the Rambam, cited above, comes back to illuminate the second model, that of *Sefer Devarim*, and to give it a place in halakha.

Moreover, to my mind it is clear that historically, in biblical times, not only the dynastic model was practiced. Many proofs may be brought for this, some of which have been mentioned above, showing that *Levi'im* served in priestly roles quite legitimately.

We may hint at the possibility that the decision to cancel the right of every levi to become a kohen was a later move – and, in keeping with what we have said above, that this once

again was the result of actions, rather than Divine dictate. In truth, this is set forth explicitly in *Sefer Yechezkel*, if the verses are understood in accordance with their plain meaning:

“So says the Lord God: No stranger with uncircumcised heart and uncircumcised flesh shall come to My Sanctuary, of any stranger who is amongst Bnei Yisrael. But the *Levi'im*, who distanced themselves from Me, when Bnei Yisrael went astray – they who went astray from Me after their idols – they shall bear their iniquity. And they shall be ministering in My Sanctuary, having charge at the gates of the Temple and serving in the Temple; they shall slaughter the burnt offering and the sacrifice for the people, and they shall stand before them, to minister to them. Because they ministered to them before their idols, and were a stumbling block and an iniquity for Bnei Yisrael; therefore I have lifted My hand against them, says the Lord God, and they shall bear their iniquity. And they shall not come near to Me, to perform the priestly ministering to Me, nor come near to any of My holy things, to the most holy things; but they shall bear their shame and their abominations which they committed. And I shall make them keepers of the charge of the Temple, for all its service, and for all that is done in it.” (*Yechezkel* 44:9-14)

In other words, the placing of the *Levi'im* in the outer circle of guarding the Temple, in a role that would seemingly have been destined for them from the outset, according to *Sefer Bamidbar*, is the result of their sins; it is a diminishing of the status that they had previously enjoyed, as *Kohanim*. As a result of their sins, the *Levi'im* will be able to engage only in roles related to guarding or other jobs that even non-*Levi'im* may perform, such as slaughtering. In contrast, only one family from among the *Kohanim* – the family that preserved the way of God even at a critically difficult time – will now be able to serve inside the Sanctuary.

“And the *Kohanim*, the *Levi'im*, the sons of Tzadok, who kept the charge of My Temple, when Bnei Yisrael went astray from Me – they shall come near to Me, to minister to Me, and they shall stand before Me to offer to Me the fat and the blood, says the Lord God. They shall come to My Sanctuary, and they shall offer at My table, to minister to Me, and shall keep My charge.” (*Yechezkel* 44:15-16)

Translated by Kaeren Fish

these verses, once the nation of Israel has actually chosen this option.

- [2] The Sifri, ad loc, interprets the verse using language that is slightly different from Rashi's formula: “Even if they show you....” Apparently, Rashi seeks to reinforce the idea of faithful fulfillment of the ruling of Beit Din.
- [3] The *Yerushalmi* (*Horayot* 1:1) records a Beraita that is the exact opposite of the one cited by Rashi: “Does this mean that if they tell you, concerning the right, that it is left, or concerning the left, that it is right, then you must obey them? [Surely not,] therefore the Torah says, ‘To the left or to the right’: [In other words, this applies] so long as [Beit Din] tells you, concerning right - that it is right, and concerning left – that it is left.” Clearly, this is a controversy of fundamental importance concerning the authority of the sages. To my humble view it appears that Rashi, based on the *Sifri*, offers the correct interpretation.
- [4] The ceremony involving the *egla arufa* has both a legal aspect and a religious, ritual aspect, and therefore it is proper that the *Kohanim*, sons of Levi – who bear this dual role – should play a central role.
- [5] There is a view held by some modern scholars according to which Shemuel was not even a levi: at the beginning of *Sefer Shemuel* we read about Elkana who was “the son of Tohu, son of Tzuf, an Ephraimite”; this would seem to suggest that he was from the tribe of Ephraim. However, I do not consider this proof to be strong enough to counter the plain text in *Divrei Ha-yamim*.
- [6] I do not mean to suggest that these prohibitions do not exist at all, but rather that their omission from *Sefer Devarim* is understandable against the background of the theoretical environment that is foreign to these concepts. And, conversely: their omission from *Sefer Devarim* reinforces their significance in *Sefer Vayikra*, in light of the natural, inborn perception of sanctity that characterizes this *Sefer*.
- [7] My thanks to R. Yitzchak Bart, editor of the *shiur*, for his good advice to mention the Rambam here.

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[1] There is extensive debate among the commentators as to whether the Torah requires the appointment of a king or merely allows for it. The plain reading of the text clearly points to the second possibility, although it is possible that the views of *Chazal* and of the Rambam, who interpret the commandment as an obligatory requirement, are retroactively justified as an “oral tradition” interpretation of