**PARASHAT HASHAVUA**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**PARASHAT SHOFTIM**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**Please pray for a refua sheleima for
Moshe Nachum ben Chana Leiba**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**THe Priests the Levites**

**by pROF. yONatan gROSSMAN**[[1]](#footnote-1)

### Introduction

The priests the Levites, even all the tribe of Levi, shall have no portion nor inheritance with Israel; they shall eat the offerings of the Lord made by fire and His inheritance. And they shall have no inheritance among their brethren; the Lord is their inheritance, as He has spoken unto them. (*Devarim* 18:1-2)[[2]](#footnote-2)

*Parashat Shoftim* regulates the status of various different social classes in the Israelite nation. The Torah opens with the judges and officers, continues with the king, moves on to the Levites, and ends with the prophet.[[3]](#footnote-3) The verses cited here introduce the topic of "the priests the Levites." We will focus on this unit, noting that a great novelty is introduced here in comparison to what was stated earlier in the Torah.

### The new laws relating to the priesthood in the Book of *Devarim*

 The main unit of laws governing the priesthood in the book of *Devarim* is found in 18:1-8, although there are additional mentions of the role and status of the priesthood throughout the book. For now, we will survey the special laws appearing in our section, but in the framework of the *shiur* we will relate to various laws appearing elsewhere.

### The foreleg, the cheeks and the maw

And this shall be the priests' due from the people, **from those that slaughter an animal,** whether it be ox or sheep, that they shall give unto the priest **the foreleg, and the two cheeks, and the maw.** (v. 3)

The phrase "those that slaughter an animal" can be understood in two ways:

1) Those who come to offer sacrifices.

2) Those who slaughter animals in their homes in order to eat their meat.

 *Chazal* interpreted these verses according to the second possibility – even when one slaughters a non-consecrated animal, he must give a priest the gifts mentioned here. According to this understanding, it turns out that that there is a difference between a peace-offering, from which the breast and right shoulder must be given to a priest, and non-consecrated animals, from which the priest must be given the foreleg, the cheeks, and the maw, in a manner similar to government taxes.[[4]](#footnote-4)

It is possible, however, that the words "those that slaughter an animal [*zovechei ha-zevach*]" refer specifically to sacrifices, the type of sacrifice referred to as *zevach shelamim* (and sometimes just *zevach*).

If indeed these verses refer to the gifts given to a priest from peace-offerings, there is a surprising novelty here, in comparison to what is stated in *Vayikra*. In *Parashat Tzav* (7:29), we are taught that the breast and right shoulder of a peace-offering must be given to a priest, but here it says that he is (also) to receive the foreleg, the cheeks, and the maw. We will examine two proposals raised by the *Rishonim* to explain this addition, and then we will suggest an alternative explanation.

Rashi (ad loc.) uses a *midrash* to explain the change in the priestly gifts:

Those who interpret the Bible text symbolically said: The foreleg (*zero'a*) of the animals [termed *yad* in later Hebrew], became the due of the priests as a reward for the "hand" (*yad*) that Pinchas, the priest, raised against the wrongdoers, as it is stated: "And he took a javelin in his hand" (*Bamidbar* 25:7). The cheeks together with the tongue are a reward for the prayer he offered, as it is stated: "Then stood up Pinchas and prayed" (*Tehillim* 106:30). And the maw (*keiva*)is a reward for his act described thus: "And he thrust both of them through, the man of Israel and the woman in her stomach (*keiva*)" (*Bamidbar* 25:8). (*Chullin* 134b)

Rashi, based on *Chazal*, suggests that the change in the gifts of the priesthood stems from the action taken by Pinchas against the sinful act of Zimri ben Salu and Kozbi bat Tzur. The *midrash* sees these gifts as a reward for Pinchas's action; according to this view, these gifts were not originally meant to be given to the priests. The breast and the shoulder are the gifts given to the priests owing to their special status, similar perhaps to the other portions of the sacrifices that are given to them (the leftover portion of the meal-offering and the meat of an outer sin-offering and a guilt-offering), whereas the foreleg, the cheeks, and the maw are a reward and recompense for Pinchas's devotion.

Ibn Ezra also brings sort of a "*midrash*" to explain the change:

Because the priest slaughters the peace-offering, he is given the foreleg in reward for the slaughtering, the cheeks in reward for the blessing, and the maw in reward for the internal examination…

Ibn Ezra suggests that the additional priestly gifts stem from the priest's involvement in the act of sacrificing the animal. The priest receives the foreleg in exchange for the slaughter of the animal, the cheeks in exchange for the blessing he recites, and the maw in exchange for the internal examination of the animal that he conducts. According to him as well, we are dealing with a reward given to the priest – not a historical reward connected to the action of Pinchas, but rather a reward for the priest's service when he offers the peace-offering.

According to Ibn Ezra, the verse that speaks of "those that slaughter an animal" refers to those offering a sacrifice, rather than those slaughtering a non-consecrated animal, and the Torah adds to the gifts that must be given to the priest in exchange for his holy service.

### *Teruma* and the first sheering of a sheep

In the following verse, it is also possible to understand that a change has taken place in the mechanism of the priestly gifts familiar to us from the previous books of the Torah:

The first-fruits of your corn, of your wine, and of your oil, and the first of the fleece of your sheep shall you give him. (v. 4)

There is a halakhic dispute in *Chazal* regarding the words "the first-fruits of your corn, of your wine, and of your oil." Is the Torah obligation regarding *teruma* is limited to corn, wine, and oil, as itemized in the verse, or is there is a wider obligation? But the priestly gift in our *parasha* that is entirely new is the first sheering of a sheep, which we have nowhere yet encountered.

The Torah explains why these gifts must be given to the priest:

For the Lord your God has chosen him out of all your tribes to stand to minister in the name of the Lord, him and his sons forever. (v. 5)

These changes leave their mark not only on the conceptual plane, but also on the practical halakhic plain. But these changes are minor compared with the major change that occurs beginning in verse 6.

### The priests the Levites

And if a Levite come from any of your gates out of all Israel, where he sojourns, and come with all the desire of his soul unto the place which the Lord shall choose; then he shall minister in the name of the Lord his God, as all his brethren the Levites do, who stand there before the Lord. They shall have like portions to eat, beside that which is his due according to the fathers' houses. (vv. 6-8)

These verses present an enormous interpretative difficulty. The Torah allows every Levite who so desires to come to the house of God and minister there in the sacrificial service and even to eat of the consecrated meat, a right that, according to the earlier books of the Torah, is reserved exclusively for the members of the family of Aharon the priest![[5]](#footnote-5)

The answer that *Chazal* give to this interpretive challenge is cited by Rashi in his commentary to these verses:

"And if a Levite come… and minister" – One might think that Scripture speaks of a "Levite" in the usual sense of the word. Scripture, however, goes on to state (v.7): "And he shall minister in the name of the Lord." Thus, the Levites must be excluded, for they are not fit for service in the Temple.

"And come with all the desire of his soul… and minister" – This teaches that a priest may come and offer his free-will and obligatory sacrifices even at a time when a priestly watch is in charge to which he does not belong. Another explanation: It further teaches regarding priests who appear in the Temple as pilgrims on the festivals that they may offer with the watch and do the services connected with the sacrifices that are offered on account of the festival, as, for instance, the additional offerings due on festivals – although this watch is not theirs.

The Sages cited by Rashi replace the word "Levite" with the words, "a priest from the house of Levi." According to this interpretation, the verse comes to teach us certain halakhic details. The first possibility is to say that a priest may offer his own sacrifices not at the time of his family's watch;[[6]](#footnote-6) a second possibility is that the verse comes to permit all priests to come to the Temple on a festival, to participate in the service, and to eat from the sacrifices, even if the festival is not the time of their watch. However, this interpretation must contend with a serious linguistic difficulty; according to the plain sense of the text, the Torah is addressing every Levite. This is evident from the widespread use throughout the book of *Devarim* of the phrases "the priests the Levites" and "the priests, the sons of Levi."

A new class in Israel

 By examining the instances in which the phrase "the priests the Levites" appears in the book of *Devarim*, we will see that it is difficult to explain the phrase to mean "the priests chosen from the tribe of Levi," as is sometimes suggested, and in light of this it will become clear that we are dealing with an entirely new conception of the institution of the priesthood.

Take heed in the plague of leprosy, that you observe diligently and do according to all that the priests the Levites shall teach you; as I commanded them, so you shall observe to do. (24:8)

 Here the phrase "the priests the Levites" relates to the examination of leprosy, a right belonging exclusively to the members of the priestly family, and not to the larger family of Levites. Here it may be understood that the reference is to the priests who were chosen from among the tribe of Levi.

And Moshe wrote this law and delivered it unto the priests the sons of Levi, who bore the ark of the covenant of the Lord, and unto all the elders of Israel. (31:9)

 This verse turns again to "the priests the sons of Levi." This, however, is rather astonishing, as we know that it was not the job of the priests to bear the ark of the covenant; rather, this was the task of the Levites! How, then, can the Levites who bore the ark be called "the priests the sons of the Levites"?

 At the same time, there are verses that imply that even the book of *Devarim* knows how to distinguish between priests and Levites:

And Moshe and the priests the Levites spoke unto all Israel, saying, “Keep silence, and hear, O Israel; this day you are become a people unto the Lord your God.” And the Levites shall speak and say unto all the men of Israel with a loud voice, “Cursed be the man… (27:9, 14-15)

 In these verses, there is a clear differentiation between the priests the Levites, who say, "Keep silence, and hear, O Israel," and the Levites, who say, "Cursed be the man." It is fitting to relate also to the verses that we skipped in the previous citation:

And Moshe charged the people the same day, saying, “These shall stand upon Mount Gerizim to bless the people, when you are passed over the Jordan: Shimon, and Levi, and Yehuda, and Yissachar, and Yosef, and Binyamin. (27:11-12)

The term Levi is used in verse 14 to describe the Levites as those who stand and pronounce the curses, whereas in verse 11 it becomes clear that Levi is standing on Mount Gerizim, and not in the center of the event of the covenant. These verses present an exegetical challenge that we cannot contend with in detail in this forum. For our purposes, what is important is the distinction in the verses between the tribe of Levi as a whole and "the priests the Levites."

Taken as a whole, what we have seen above leads to a surprising conclusion: The phrase "the priests the Levites" (or "the priests the sons of Levi") in the book of *Devarim* reflects a unique understanding according to which every Levite can decide whether he wishes to be a "priest." In other words, his belonging to the chosen tribe allows him to be a priest, but it is still up to him to decide whether in fact he wishes to minister in the Holy, and only if he so decides does he in fact become a priest of God.

In light of this suggestion, let us examine the verses in our *parasha* mentioned above:

And if a Levite come from any of your gates out of all Israel where he sojourns, and come with all the desire of his soul unto the place which the Lord shall choose; then he shall minister in the name of the Lord his God, as all his brethren the Levites do, who stand there before the Lord. (6-7)

 The Torah teaches us here that the Levite has the option to choose whether he wishes to be a priest and to function exactly like the priests functioned during the years of Israel's sojourning in the wilderness. This surprising insight follows from the various instances of "the priests the Levites." The Torah makes it very clear when it is referring to a Levite and when to a priest and when to the priests the Levites and when to ordinary Levites. The verse teaches that the entire family of Levites can avail themselves of the possibility to "advance" and become priests.

 Moreover, it can be argued that in chapter 14, when Scripture describes the gifts that are given to the stranger and the widow, mention is always made there of the Levite "who is within your gates.” In other words, the Levites who chose not to become priests and to enter further into the Holy retained their original status as Levites who must be maintained:

And the Levite, because he has no portion nor inheritance with you, and the stranger, and the fatherless, and the widow, who are within your gates, shall come and shall eat and be satisfied; that the Lord your God may bless you in all the work of your hand which you do. (14:29)

The book of *Devarim* distinguishes thus between the Levites who are "within your gates" and "the priests the Levites."

### The dispute between the Rambam and the *Sefer ha-Chinukh*

In light of this interpretation, we can understand the exegetical disagreement between the Rambam and the *Sefer Ha-Chinukh*:

We are commanded that the priests should serve in watches, one watch should serve each week, and they should not all serve together, except on festivals, when all the watches serve equally and whoever comes offers a sacrifice. It was already explained in *Divrei Ha-Yamim* how David and Shemuel divided them up into twenty-four watches… And the formulation of this *mitzva* is: "And if a Levite come forth… and come with all the desire of his soul… then he shall minister in the name of the Lord his God, as all his brethren the Levites do, who stand there before the Lord. They shall have like portions to eat" (18:6-8). (*Sefer Ha-Mitzvot*, positive commandment 36)

The Rambam learns from our verses the halakhic principle that follows from the *midrash* cited by Rashi – that every priest can serve in the Temple on a festival, even if his family's watch does not fall out on that festival. The *Sefer Ha-Chinukh* writes something similar,[[7]](#footnote-7) although with a dramatic difference that apparently stems from the aforementioned difficulty in the verses:

That the priests and the Levites should serve in the Temple in watches – that is to say, in fixed groups – and they should not all serve together, except for on festivals, when everyone serves together; whoever comes should consecrate himself with the joy of the festival. In the book of *Divrei Ha-Yamim* it is explained how David and Shemuel divided them up and made of them twenty-four watches of priests **and twenty-four watches of Levites,** so that each watch should serve two weeks a year. In Tractate *Sukka* they said that on the festivals, they are all equal. And about this it is stated: "And if a Levite come forth…," **and included under the term "Levite" is the priest, since the Levite was the father of the entire tribe….** (*Sefer Ha-Chinukh*, commandment 509)

Despite the great similarity between the words of the Rambam and the words of the *Chinukh*, the *Chinukh*, unlike the Rambam,found it necessary to mention both the priests and the Levites (with a *vav* ["and"] separating between them). The *Chinukh* proposes that there are not only twenty-four watches of priests, but also twenty-four watches of Levites. This almost prompts us to say that the *Chinukh* considered the verse, saw that it speaks of the Levite, and attributed the verse also to the Levites, and not only to the priests – even though the Rambam translated the word "the Levite," based on the *midrash*, as "a priest from the family of the Levites."

### Why create a new class?

###

The revolutionary significance of this lies in the very assertion that the clear distinction between the priests and the rest of the Levites, which appeared to us would be preserved forever – as follows from the plain understanding of the previous three books of the Torah – was only a temporary distinction. In the book of *Devarim*, on the eve of Israel's entry into the Promised Land, the priestly and Levitical classes merge.

The change we have just described can be explained as if the turnaround came in the wake of the entry into the land. The main function of the Levitical class in the wilderness was intimately connected to the nature of the camping and journeying in the wilderness – carrying the sacred vessels and guarding the *Mishkan* around which all of Israel camped, which raised the concern that a non-priest would draw near to the Holy.

But even if this is so, this change has essential significance that transcends the historical change. The tribe of Levi was chosen to serve in the Holy in the wake of their following Moshe at the time of the sin of the Golden Calf and in the wake of their responding to his call:

Then Moshe stood in the gate of the camp, and said, “Whoever is on the Lord's side, let him come unto me.” And all the sons of Levi gathered themselves together unto him… And Moshe said, “Consecrate yourselves today to the Lord, for every man has been against his son and against his brother; that He may also bestow upon you a blessing this day." (*Shemot* 32:26-29).

In this respect, there is a profound difference between the sanctity of the priests in the book of *Shemot*, which stems from God's choosing Aharon and his descendants, and the status of the tribe of Levi, which stems from their choosing of God. The book of *Devarim* gives great weight to the voluntary choice to serve God, and in this respect the tribe of Levi receives all of the possibilities that had originally been given exclusively to the chosen class of priests.

Support for this argument can be adduced from *Parashat Eikev*, where Moshe relates to the sin of the Golden Calf and mentions the process by which the tribe of Levi was chosen:

At that time the Lord separated the tribe of Levi, to bear the ark of the covenant of the Lord, to stand before the Lord to minister unto Him, and to bless in His name, unto this day. (10:8)

"At that time" – at the time of the sin of the Golden Calf – the entire tribe of Levi was set apart for the holy service, both the carrying of the ark (the traditional role of the Levites) and the service before God and the blessing in His name (the traditional role of the priests). The book of *Devarim* renews the choosing of the tribe of the Levi and merges the two statuses together. From now on the matter depends on the choice of each and every individual Levite.

In conclusion, the significance of the unique phrase "the priests, the Levites" is that every member of the tribe of Levi has the authority to decide for himself whether to remain an ordinary Levite or to become a priest-Levite. We proposed that this might be connected to the historical change in the role of the Levites between the time of Israel's sojourning in the wilderness and their permanent settlement in the land of Israel. But even if this is so, the decision in the book of *Devarim* gives more weight to human choice than to Divine choice. In more moderate terms: Divine selection is not enough; what is necessary is human partnership and the decision of each and every individual. In the first books of the Torah, we see the distinction between a priest and a Levite, but after the classes in Israel became fixed, they could be reconsidered and the priesthood could be turned into a role open to each and every Levite.

### An interpretive proposal for the Book of *Shemuel*

In light of these insights, we can attempt a fresh reading of other stories in the Bible. We will suffice with one example: Shemuel, as it would appear from the plain sense of Scripture, belongs to the family of the Levites, and according to the plain sense of Scripture, he is consecrated to become a priest.[[8]](#footnote-8) Scripture describes Shemuel as one who performs all aspects of the holy services. Indeed, many *Rishonim* attemptto explain this strange phenomenon; how can a Levite serve in the Holy like a priest? According to our proposal, it does not appear necessary at all to change the plain meaning of these verses, as the Torah already opened the possibility of a consecratory action on the part of a Levite who chooses to become a priest.

It turns out then that *Chazal* adopted in their halakhic interpretation the model of the priesthood that was developed in the books of *Shemot*, *Vayikra*, and *Bamidbar*. Perhaps the model developed in the book of *Devarim*, which offers a Levite the choice of becoming a priest, will be realized in the Messianic period.

(Translated by David Strauss)

**Visit our website:** [**http://etzion.org.il/en**](http://etzion.org.il/en)

1. Unlike the previous four *shiurim*, this *shiur* has been reviewed by Prof. Grossman. [↑](#footnote-ref-1)
2. Unless specified otherwise, all references are to *Devarim* 18. [↑](#footnote-ref-2)
3. Because of the unit’s length, we will not enter into a detailed discussion of each subunit, but will rather suffice with the matter of the priests the Levites. As a rule, we can describe the continuum of classes in a descending order, based on human choice, and in an ascending order, based on Divine choice. The appointment of judges and officers is fully given over to human choice, the king is chosen by the people and by God, the priesthood is a tribal choice of God, and the prophet is an individual choice of God. [↑](#footnote-ref-3)
4. This interpretation connects well to the manner in which we explained in the previous *shiur* the halakhic changes following from the allowance of meat of desire, i.e., non-consecrated meat. [↑](#footnote-ref-4)
5. In my opinion, it is difficult to argue that the Torah is describing a Levite who is performing in the Temple the service of the Levites, because it states explicitly that the Levite can eat from the sacrifical meat. [↑](#footnote-ref-5)
6. During the days of David, the service in the Temple was divided into watches. The ongoing service was divided among twenty-four priestly families, so that only one particular family performed the service each week. In practice, a priest serves in the Temple between a week and a week and a half, besides the days of the festivals, which were a shared project of all the priestly families. [↑](#footnote-ref-6)
7. It is not clear who wrote the *Sefer ha-Chinukh*. The commonly-accepted view is that it was written by R. Aharon HaLevi, who lived in Spain in the thirteenth century and who was a disciple of the Ramban and a well-known contemporary of the Rashba. [↑](#footnote-ref-7)
8. Many verses support this. See, for example, I *Shemuel* 2:12-18: "Now the sons of Eli were base men; they knew not the Lord. And the custom of the priests with the people was that, when any man offered sacrifice, the priest's servant came, while the flesh was in seething, with a flesh-hook of three teeth in his hand… But Shemuel ministered before the Lord, being a child, girded with a linen ephod." Scripture contrasts the sons of Eli, who did not know God and performed the service in an inappropriate manner, to Shemuel, who served God in a correct and worthy way. Scripture describes this in even clearer terms in the next chapter: "And the child Samuel ministered unto the Lord before Eli…"   [↑](#footnote-ref-8)