YESHIVAT HAR ETZION

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**PARASHAT HASHAVUA**

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**PARASHAT TETZAVEH**

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In memory of our parents, Jack Stone *z”l* and Helen and Benjamin Pearlman *z”l*
and in honor of my mother, Esther Stone, *Yibadel L’chayim Tovim*
by Gary and Ilene Stone

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A *Kohen* for Seven Days

By Rav Shimon Klein

The Appointment of Aharon the *Kohen*

"Aharon *Ha-Kohen*" – Aharon the Priest – is an expression that seems to us to have existed from the beginning of time. However, a look at our *parasha* shows that this is not the case. Until now, Aharon has been mentioned in many different contexts, but never as a *“kohen*.” It is only now that this status is conferred on him:

And you shall command *Bnei Yisrael* that they bring you pure oil of olives, beaten, for the light, to cause the lamp to burn always. In the Tent of Meeting outside of the veil which is before the Testimony, Aharon and his sons shall ready it from evening until morning before God; it is an eternal statute for their generations, on behalf of *Bnei Yisrael*. (*Shemot* 27:20-21)

Moshe is commanded concerning the oil for the *menora*, but it is Aharon who is responsible for the service that it entails, "from evening until morning.” This is the first indication of his role, and it is immediately followed by a more detailed exposition:

And you – bring close to you Aharon your brother, and his sons with him, from among *Bnei Yisrael*, that he may minister to Me as *kohen*: Aharon, Nadav and Avihu, Elazar and Itamar, the sons of Aharon. And you shall make garments of sanctity for Aharon your brother, for honor and for splendor. And you shall speak to all who are wise-hearted, whom I have filled with the spirit of wisdom, that they may make Aharon's garments, to consecrate him, that he may minister to Me as *kohen*. (*Shemot* 28:1-3)

Aharon is to be "brought close" to serve as *Kohen* to God. With a long series of actions, the text describes his consecration,[[1]](#footnote-1) including the fashioning of the priestly garments and the sacrifices of consecration:

And this is the thing that you will do for them, to sanctify them to minister to Me as *kohanim*: take one young bullock and two rams without blemish… And Aharon and his sons shall you bring close to the entrance of the Tent of Meeting, and you shall wash them with water. And you shall take the garments and put upon Aharon the coat, and the robe of the *efod*, and the *efod*, and the breastplate, and you shall gird him with the finely wrought girdle of the *efod*… And you shall cause the bullock to be brought before the Tent of Meeting, and Aharon and his sons shall place their hands upon the head of the bullock. And you shall slaughter the bullock before God, at the entrance to the Tent of Meeting… And so shall you do for Aharon and for his sons, according to all that I have commanded you; seven days shall you consecrate them… And I will sanctify the Tent of Meeting, and the altar; and I will sanctify Aharon and his sons to minister to Me as *kohanim*. (*Shemot* 29:1-44)

"Moshe the *Kohen*"

What is Moshe's status in this process? Moshe consecrates Aharon and his sons, but he does not stop there. The sacrificial service, which will eventually be carried out by the *kohanim*, is in the meantime his responsibility. In his position as “*kohen*,” he even merits eating from the portion assigned to the *kohanim* from the peace offering: "You shall take the breast of the ram of Aharon's consecration, and wave it for a wave offering before God, and it shall be your portion" (29:26).

*Chazal* depict Moshe's status at this stage as follows:

"'And he slaughtered it, and Moshe took of the blood' (*Vayikra* 8) – Throughout the seven days of consecration, Moshe served as the *Kohen* *Gadol*. It was he who slaughtered, it was he who sprinkled, it was he who purified, it was he who poured, and it was he who made atonement. Therefore it is written, “*va-yishchat va-yikach Moshe”* (“Moshe slaughtered and took”)… Moshe would perform the slaughtering, while Aharon watched him; Moshe would sprinkle, while Aharon watched him; he would purify while he watched him, and likewise pour and atone, while Aharon watched him. (Sifra, *Tzav*, *parasha* 14)

A new role is coming into existence: the role of priesthood. Moshe ministers in this role for seven days, training Aharon and his sons and offering the sacrifices. After these seven days, on the eighth day, he will vacate this role. From this point onwards, the priesthood will belong to his brother, Aharon. The sacrifices of the eighth day are already offered by Aharon as *Kohen* (see *Vayikra* 9).

Two questions present themselves. First, what is the meaning of this appointment that Moshe receives for just one week? If Moshe is worthy of priesthood, why does he not remain the *Kohen Gadol*? If Aharon is worthy, why is he not appointed from the start? Second, we note that Moshe consecrates Aharon and trains him in the sacrificial service. But who trained Moshe to serve as *kohen* for these seven days? How is it that he needs no training?

We will attempt to answer these questions by looking at the bigger picture in the context of Moshe's overall status and the entire range of roles entrusted to him.

Thus far, Moshe has functioned in three realms. He is appointed by God as leader: "And now, go, and I shall send you to Pharaoh, and bring My nation, *Bnei Yisrael*, out of Egypt" (*Shemot* 3:10). He is given the practical and spiritual responsibility of leading the people, with all that this entails. On a different level, Moshe is also a prophet. The occasion of his appointment as leader is a prophetic event – the Divine revelation at the burning bush. Eventually, Moshe will come to be known as "the greatest of the prophets,” or as the Torah formulates it: "There has not since arisen a prophet in Israel like Moshe, whom God knew face to face" (*Devarim* 34:10).

In addition, Moshe is a judge, as we discover from the verses in *Parashat* *Yitro*: "And it was, on the next day, that Moshe sat to judge the people, and the people stood by Moshe from the morning to the evening" (*Shemot* 18:13). This unit concludes with Yitro's advice that a legal system be established with officers of thousands, officers of hundreds, and of tens. In the wake of this "reform,” Moshe takes his place at the head of the legal system, with every difficult matter coming to him. He also represents the nation before God, and serves as God's emissary to the nation.

As if all of this is not enough, Moshe now assumes another position – that of "Moshe the *Kohen*.”

Four Domains in the Public Sphere

There are four domains that guide the public life of the nation. They are set forth consecutively in *Sefer Devarim*:

Judge: "If there arise a matter too difficult for you in judgment – between blood and blood, between plea and plea, and between plague and plague, matters of controversy in your gates – then you shall arise and go up to the place which the Lord your God will choose. And you shall come to the *kohanim* who are *leviim*, and to the judge who will be in those days, and you shall inquire, and they shall tell you the sentence of judgment. And you shall do according to the sentence which they of that place which God chooses shall tell you; and you shall observe to do according to all that they teach you. According to the teaching that they teach you, and concerning the judgment which they tell you, shall you do; you shall not deviate from the sentence which they tell you, to the right or to the left..." (*Devarim* 17:8-11)

King: "When you come to the land which the Lord your God gives to you, and you possess it and dwell in it, and you say, ‘I will set a king over me like all the nations that are round about me,’ then you may surely set a king over you, whom the Lord your God shall choose; [one] from among your brethren shall you set over you as king; you may not set over you a stranger who is not your brother…" (ibid. 14-15)

*Kohen*: "The *kohanim* who are *leviim* – the entire tribe of Levi – shall have no part or inheritance with Israel; the offerings of God made by fire and His dues shall they eat. And they shall have no inheritance amongst their brethren; God is their inheritance, as He has said to them. And this shall be the *kohen's* allotment from the people, from those who offer a sacrifice – whether it be an ox or a sheep: they shall give the *kohen* the shoulder and the two cheeks and the maw. The first fruit of your corn and of your wine and of your oil, and the first of the fleece of your sheep, shall you give him. For the Lord your God has chosen him out of all your tribes, to stand to minister in God's Name – he and his sons, forever." (*Devarim* 18:1-5)

Prophet: "There shall not be found among you one who passes his son or his daughter through fire, or who uses divination, a soothsayer, enchanter, or witch… You shall be wholehearted with the Lord your God. For these nations, which you are to dispossess – they listen to soothsayers and to diviners, but for you the Lord your God has not permitted this. The Lord your God will raise up for you a prophet from your midst, one of your brethren, like me; to him you shall listen…" (ibid. 10-15)

What distinguishes each of these domains? And what is the relationship between them?

Judge: The unit describes someone faced with some matter of uncertainty, and he is called upon to go up to the place that God chooses, to the "*kohanim* who are *leviim*,” and to "the judge who will be in those days.” There he must inquire and delve into the matter, and they will tell him the "sentence of judgment" – a sort of objective truth that may be perceived from this lofty perspective.

In contrast to the judge, the description of the king appears in the wake of an historical process of maturation on the part of the people: "When you come to the land" – the physical arrival; "which the Lord your God gives to you" – the land is given to the people, transferred to their domain; "and you take possession of it" – the nation attains sovereignty; "and dwell in it" – a psychological and spiritual settling in the land. Only after these three stages will the psyche of the nation be aroused to seek a king: "And you say, ‘I will set a king over me’" – like the other nations that appoint kings over themselves, with no Divine involvement in the process of the appointment. Under these circumstances, the nation will seek a king who is their own emissary and representative.[[2]](#footnote-2) Unlike the judge, whose position is independent, the king appears only after a lengthy historical process in which the nation matures and undergoes spiritual processes.[[3]](#footnote-3) Unlike the judge, who presents the people with "pure truth,” the king is in a position to give expression to the nation's deepest desires.

These two domains – the judge and the king – pertain to life on the practical level. Now the text goes on to describe two more domains, which pertain to spiritual life.

*Kohen*: The description begins with the differentiation between the *kohen* and the rest of the nation: "The *kohanim* who are *leviim*, the entire tribe of *Levi*, shall have no portion or inheritance with Israel." His portion as a regular citizen is cancelled (for example, he receives no share of spoils taken in war), and he receives no inheritance of land. The reason for this is that the *kohen* is set apart; he belongs to a higher domain; he is nourished by the sacrifices brought to the Temple. "God is his inheritance."[[4]](#footnote-4)

The fourth element in this picture is the prophet. The description of his role starts with an instruction to the people: "There shall not be found among you one who passes his son or his daughter through fire or who uses divination, a soothsayer, enchanter, or witch" – all of which are defined as abominations. In contrast to all of these, God commands, "You shall be wholehearted with the Lord your God" – in His place and in proximity to Him. After the list of different types of enchanters and soothsayers, we read: "The Lord your God will raise up for you a prophet from your midst, one of your brethren, like me; to him you shall listen." The same spiritual powers described previously in their various distortions, may also – when properly directed – lead to prophecy. The prophet embodies the spirit of the people and is a "wholehearted" and faithful expression of these powers.

Unlike the unit describing the *kohen*, which starts with a description of the "differentness" of the *kohen*, the point of departure when it comes to the prophet is his spiritual power. Another contrast between them is that whereas the *kohen* is to be found in the *Mikdash*, the prophet grows "from your midst;" he is part of the nation. In addition, unlike the *kohen*, who ministers in God's Name, the prophet bridges the gap between the people and God, facilitating an encounter.[[5]](#footnote-5)

Four Domains that are Two

These four domains actually consist of two pairs, which operate in tandem during the biblical period. The *kohen* and the judge both bring the people to an encounter with a transcendent, spiritual reality, an encounter with the "heavens,” as it were. In a similar context, both are associated with "the place which God will choose" (the *kohen* – extensively; the judge – as a member of the Great Court that sits in the Hall of Hewn Stone). The *kohen* is there as the functionary responsible for the service of the *Mikdash* and other spiritual matters; the judge is there in his capacity of deciding matters of law. As noted, these two roles are complementary: the priesthood relates to the spiritual realm, while the judge is concerned with worldly affairs and social relations.

The other pair is comprised of the prophet and the king. Both guide national life, focusing on the issues facing the nation at any given time. The prophet leads as a man of the spirit, the visionary who understands the deepest aspects of reality and guides it. The king directs and bears responsibility for the nation's life in the here-and-now. Unlike the judge, who utters pure truth, the spirituality of the king is synchronized with his all-encompassing involvement with and responsibility for reality.

The relationship between these four functions might be presented schematically as follows:

|  |  |  |
| --- | --- | --- |
|  | "From that place" – transcendent | Expression of the nation's deepest aspirations |
| Spiritual | *kohen* | prophet |
| Practical | judge | king |

 The question arises: according to these textual units, are these four domains meant to be occupied by a single individual, or are they separate from one another? Are we talking of one consolidated system or four separate powers?

The text seems to give no indication of any mingling or overlap among these roles. There is a substantial difference between one domain and another in terms of the literary structure of its presentation,[[6]](#footnote-6) the location of each functionary,[[7]](#footnote-7) and – beyond these technical details – the essence of the role and the abilities that it demands. The legal system is important enough that it occupies a domain in its own right; this is also true of the king, the priesthood, and prophecy. A mingling of these domains could negatively affect their professionalism, and could also create a situation of conflict of interest.[[8]](#footnote-8)

Separation of Powers – A Historical Process

Let us briefly survey the state of these various domains from the time of Moshe up until the First Temple period.

As noted, Moshe occupies all four domains during the seven days of inauguration, following which he hands over the priesthood to Aharon and his sons.

Yehoshua receives his power from Moshe, and to a considerable extent he represents a continuation of Moshe's leadership.[[9]](#footnote-9) Like Moshe, he serves as leader, as prophet (God speaks to him repeatedly), and also as judge.[[10]](#footnote-10) The *Kohen* in his generation is Elazar, son of Aharon, who is succeeded in turn by Pinchas, his son.[[11]](#footnote-11)

In *Sefer Shoftim*, the four domains are more or less frozen; national life during this period all but comes to a halt.[[12]](#footnote-12)

*Sefer Shmuel* starts with a description of Eli Ha-Kohen, at a time when the public system has not yet "awoken.” Eli is not a leader, and yet at his death he is described with same the formula used for the leaders in *Sefer Shoftim*,[[13]](#footnote-13) a sign of the weak leadership of someone whose main interest was the *Mikdash*, not what lay outside of it. It is possible that at a certain stage he was also a prophet.[[14]](#footnote-14) His leadership may be viewed as a sort of regression to an unsuccessful combination of priesthood and leadership,[[15]](#footnote-15) ending in his loss of both the priesthood and public life (in the words that the man of God addresses to him in chapter 2).

Shmuel is regarded as leader by virtue of being a prophet,[[16]](#footnote-16) and in practice he serves as leader and judge, but not as a *kohen*.

In Shaul's generation, there comes a further separation, following which the prophet stands at the side of the leader – the king – and a relationship is maintained between the man of the spirit and the leader in practice. At this stage, there is a separation between the domain of the king, the domain of the *kohen*, and the domain of the prophet. The king, however, is still responsible for judgment.[[17]](#footnote-17)

This severance between the prophet – the man of spirit – and the king becomes more clearly defined in the time of David. David is king and judge, but he does not serve as a prophet. Whenever God seeks to convey something to him, He sends a prophet to him. Conversely, David approaches the prophet. This situation of separation continues afterwards as well.[[18]](#footnote-18) During the period of David's reign, the four domains are empowered and they become important and significant;[[19]](#footnote-19) at the same time, the separation between them is clearer.

Right up to the end of the *Tanakh*, there is no description signifying a clear separation between the domain of the king and that of the judge. A description of this sort exists in the Oral Law and is seemingly self-evident.[[20]](#footnote-20) This process of separation of powers is a logical, natural, necessary one, and it happens in different human societies.[[21]](#footnote-21)

The process of separation might be summarized as follows: At first, the four powers overlap, with the same individual bearing within him the positions of transcendent holiness (priesthood), spiritual leader (prophet), as well as judge and king. The first separation involves the role of the *kohen*, who represents the pole furthest removed from leadership and the monarchy. Thus, the seven days of inauguration attribute the role of *kohen* to Moshe only in the context of instructing Aharon, rather than as a real option. The next separation involves prophecy – once again, owing to its fundamental association with the world of the spirit. The severance of both of these functions benefits themselves as well as the institution of leadership. It benefits leadership in the sense that it allows whoever is responsible for leading to be guided by inner, immanent logic. The separation is also good for the functions of priesthood and prophecy insofar as they receive their proper elevated status, attached to the world of the spirit and receiving spiritual inspiration, rather than being enmeshed and involved in the affairs of this world, with the danger of being drawn to even its lowest levels. Last to separate from leadership is the legal system. Like kingship, law is also concerned with the reality of here-and-now, but in contrast to it, law is oriented towards the objective truth, the continuation of the principle that "judgment belongs to God.” Kingship involves temporal existence, and its tools are temporal, too – the spirit of the king, the spirit of the people, and what takes place between them.

Moshe Serves in all Four Capacities

This unit depicts a historical process whose point of departure is a concentration of powers; then, as reality develops, there is a separation. It would seem that the attribution of all four powers to Moshe embodies the idea that all four emanate from the same source. Had these four powers come into the world separately, the chasm between them would be widened; the unresolvable contradictions between them, and the resulting battles, would be intensified. Their collective attribution to Moshe is, first and foremost, a spiritual statement. An encounter with Moshe is, in some sense, comparable to an encounter with the Divine.[[22]](#footnote-22) He is the man appointed by God and invited into the greatest intimacy that a mortal has ever known with Him. In this transcendent reality, the four domains exist and function side by side.

The distinction between the powers is a spiritual and philosophical one, but no less so also existential and practical. It invites the reader to meditate on the text and try to understand the nature of each of the four domains: to identify the friction between them and to try to decode the wisdom and the complexity embodied in Moshe, the "man of God,” who was able to maintain these roles and, at the same time, to separate them, allowing each to exist side by side within him.

Translated by Kaeren Fish

1. The existence of *kohanim* had been mentioned previously in the context of Mount Sinai: "God said to Moshe: ‘Go down; charge the people, lest they break through to God to gaze and many of them perish. And let the *kohanim* also, who come near to God, sanctify themselves, lest God break forth upon them.’ And Moshe said to God, ‘The people cannot come up to Mount Sinai, for You charged us, saying: Set bounds around the mountain, and sanctify it.’ And God said to him, ‘Go, descend, and you shall come up – you and Aharon with you, but let the *kohanim* and the people not break through to come up to God, lest He break forth upon them’" (*Shemot* 19:21-24). In these verses, mention is made of Aharon, but not by his title as *kohen*. The "*kohanim*" are as yet unidentified; there is no indication that they belong to the tribe of Levi. Some commentators suggest that the mention of "*kohanim*" at this stage refers to the firstborn (R. Shimshon Raphael Hirsch ad loc.). [↑](#footnote-ref-1)
2. There are many expressions in this unit that attribute sovereignty to the nation:

"And you shall say" – The initiative for the whole affair comes from the nation.

"I shall set" – I, the nation, as sovereign and as the source of authority, shall make the appointment.

"over myself" – The appointment is "over me", and thus I as the nation will be subservient to the next appointment.

"like all the nations that are round about me" – who appoint their own kings

"You may surely set over yourself a king – A Divine acquiescence/command, according with the nation's desire.

To all of this we may add the stipulation, "[one] from among your brethren shall you set over you as king" – there are criteria for the selection, and these would seem to indicate the status of the nation as the decision-maker. The words "whom the Lord your God will choose" may be understood as meaning, "In acquiescence with the nation's request, God declares, 'You may surely set over yourself a king.'” The nation appoints a king for itself, but there is a condition: "whom the Lord your God will choose.” In other words, the situation to which the text refers is not reflected in a scenario in which you resemble the other nations, because you have a different destiny, which contains the dimension of your special connection with God. This will be expressed in the fact that God will choose the king that you will set over yourselves, so as to cause His Divine Presence to rest upon him. This condition, appearing at the end of the unit, illuminates the entire process of the appointment of the king as being directed towards a king who finds favor in the eyes of God. In time, God will cause His Name to dwell upon him and his kingdom. [↑](#footnote-ref-2)
3. In the unit about the king, the text describes a historical process that starts with the leaders – God's emissaries. In the middle, there develops a process of maturation and ripening until one day, there comes the "revolution" in which the nation seeks to change the system. They no longer want a leadership whose source of authority is Divine; they now want leadership whose source of authority is the nation itself. To put it simply, the nation now seeks to assume responsibility for its own life and its own decisions. This process essentially parallels the one experienced by every individual: in childhood he is in the domain of his parents and subject to their decisions; slowly, he matures and starts to take responsibility for his own actions and his own life. Sometimes, the transition is accompanied by signs of rebellion, but it is fundamentally a process of maturation in which a person comes to recognize his inner desires, gives his own answers to the question, "What do I want?", and assumes responsibility for his choices. [↑](#footnote-ref-3)
4. The text goes on to describe his status in the eyes of the people – those who will be bringing him the priestly gifts of *terumot*, tithes, and the first of the fleece: "For the Lord your God has chosen him from amongst all your tribes, to stand, to minister in God's Name – he and his sons, forever." God has chosen him to minister in God's Name – from amongst the nation. This being the case, the nation is required to enable him to occupy this lofty status. [↑](#footnote-ref-4)
5. This is stated explicitly further on in the same unit: "According to all that you asked of the Lord your God at Chorev, on the day of the assembly, saying: ‘Let me not hear again the voice of the Lord my God, and let me not see again this great fire, so that I will not die.’" The subject is the connection between the people and God. The people desire a connection, but they are concerned: closeness entails great demands and responsibility, and may carry a heavy price – a threat to life itself. "And God said to me, they have spoken well" – God agrees that their request does not entail a distancing from him. The solution is, "I shall raise up a prophet for them from amongst their brethren, like you, and I shall place My word in his mouth, and he shall speak to them all that I command him" (ibid. 18). The prophet is the response to the need for connection between the people and God. [↑](#footnote-ref-5)
6. To illustrate some of the gaps: In the initial exposition of the unit on the legal system, "Judges and officers shall you set for yourself in all your gates which the Lord your God gives you, by your tribes, and they shall judge the people with righteous judgment" (16:18), we find a command to appoint judges. In the case of the king, the text describes a situation that arises in which God accedes to the people's request. In the case of the *kohen*, there is no appointment, since the *kohanim* are permanent. When it comes to the prophet, God "raises him up," with no commandment to or initiative on the part of the people.

Literary differences: "If there arise a matter too difficult for you in judgment… then you shall arise and go up to the place which the Lord your God will choose" – Here we find a command in the singular form addressed to the judge who finds some matter of the law beyond his ability, and the people are described at the end of the unit in the plural. In the second unit (the king), the text addresses the people as an entity in the second person singular, describing processes that it will experience. In the third unit, there is an appeal to the *kohen* in the plural alternating with the singular, and the words addressed to the people are likewise in the singular and plural. The last unit is mainly a dialogue with the people, as the entity that will have a prophet arising from its midst. [↑](#footnote-ref-6)
7. The judge and the *kohen* are found in "the place that God will choose," while the king and the prophet are not associated with any particular place. [↑](#footnote-ref-7)
8. One example of the sort of corruption that becomes manifest is where the king exercises decisive influence over what happens in the *Mikdash*: "Amatzia said to Amos: ‘Seer – go, flee to the land of Yehuda, and eat bread there, and prophesy there. But not do prophesy again any more at Beit El, for it is the king's sanctuary and a royal house’" (*Amos* 7:12-13). Amatzia sends Amos away from Beit El. This is not a place for prophecy, because the Temple in Beit El is under the control of the king and influenced by him: "For it is the king's sanctuary," not "God's sanctuary.” [↑](#footnote-ref-8)
9. One of the expressions of this idea is the fact that Yehoshua is repeatedly mentioned in the Torah as secondary or auxiliary to Moshe, rather than as a leader in his own right. He is mentioned for the first time as the military leader in the war against Amalek (*Shemot* 17:9), where he receives instructions from Moshe. Then he appears as someone who draws close to Mount Sinai: "And Moshe arose, and Yehoshua his attendant, and Moshe ascended to the mountain of God" (*Shemot* 24:13). Following the sin of the golden calf, Yehoshua is again described as Moshe's attendant: "And God spoke to Moshe face to face, as a man speaks to his fellow, and he returned to the camp, and his attendant, Yehoshua bin Nun, a young man, did not depart from the Tent" (*Shemot* 33:11). In the episode of Eldad and Meidad, Yehoshua is depicted as being zealous for his teacher's honor: "And Yehoshua bin Nun, Moshe's attendant from his youth, answered, and he said, ‘My master, Moshe, restrain them’" (*Bamidbar* 11:28). When Yehoshua is appointed, Moshe rests his hands upon him, commanding him and entrusting the mantle of leadership to him: "God said to Moshe: Take to you Yehoshua bin Nun, a man of spirit, and place your hands upon him. And you shall stand him before Elazar, the *Kohen*, and before the entire congregation, and you shall command him in their sight" (*Bamidbar* 27:18-19; see also *Devarim* 3:27-28). The picture arising from all these situations is spelled out in the description from the end of *Devarim*: "And Yehoshua bin Nun was filled with a spirit of wisdom, for Moshe had placed his hands upon him, and *Bnei Yisrael* listened to him and they did as God had commanded Moshe" (*Devarim* 34:9). The "spirit of wisdom" attained by Yehoshua is a direct continuation of the spirit of Moshe. Correspondingly, a central axis of *Sefer Yehoshua* is this principle of continuity from Moshe. [↑](#footnote-ref-9)
10. This is not stated explicitly, but in events that have a legal aspect to them, Yehoshua is involved or even takes charge – in the punishing of Akhan, in the lots concerning the inheritances (laws of inheritance), and in the setting aside of the cities of refuge. [↑](#footnote-ref-10)
11. See *Yehoshua* 14:1; 17:4; 19:51; 21:1, in the context of the inheritances. Starting from chapter 22, Pinchas enters the picture. [↑](#footnote-ref-11)
12. The leader is called upon to save the people from their crisis and distress, not to lead in a permanent, responsible manner. Prophecy is extremely rare during the period of the judges, and the priesthood also maintains a very low profile (it is mentioned only once, in the civil war that is waged in the wake of the concubine in Giv'a – *Shoftim* 20:28). All of this is suited to a period of more than three hundred years during which the *Mishkan* is mentioned in the text only once – a clear indication of the degree to which this spiritual center did not occupy any significant place in national life and consciousness. [↑](#footnote-ref-12)
13. "… and he judged Israel for forty years" (*Shmuel* I 4:18). [↑](#footnote-ref-13)
14. The beginning of *Sefer Shmuel* defines the period as follows: "The word of God was precious in those days; there was no frequent vision" (3:1). Nevertheless, Eli instructs Shmuel in prophecy – indicating that perhaps in the past he had experienced prophecy personally. (The Vilna Gaon views Eli's blessing to Chana as the language of prophecy: "And Eli answered and said, ‘Go in peace, and may the God of Israel grant your request that you ask of Him’" [*Shmuel* I 1:17]). [↑](#footnote-ref-14)
15. After national life has been "on hold" for a period of more than three centuries, it is necessary to start, as it were, from the beginning, and the personality perceived as being the "greatest of the generation" is seemingly the candidate for leadership. The perception of the *Kohen Gadol* in the *Mikdash* as leader indicates considerable immaturity in the understanding of public life – or, as the text notes, "In those days there was no king in Israel; each man did what was right in his own eyes" (17:6; 18:1; 19:1; 21:25). [↑](#footnote-ref-15)
16. Chapter 4 of *Sefer Shmuel* opens with the words, "And Shmuel's word came to all Israel" (4:1). The obvious question is: what is the basis for him starting to spread his word to all of Israel? The answer is to be found in the preceding verses, which describe Shmuel as a prophet: "And all of Israel, from Dan to Beer Sheva, knew that Shmuel was a faithful prophet to God. And God appeared again in Shilo, for God revealed Himself to Shmuel in Shilo, by the word of God." (3:20-21). In other words, the basis of his leadership is the unstated assumption that if a person merits prophecy, he must certainly be a worthy individual, suitable for leadership of the nation. The same assumption applied in the generation of Eli, but then it was still in less developed form, focusing on the role of the priesthood, which is bequeathed from one generation to the next, and the belief that it was possible to lead the nation from within the precinct of the *Mikdash*. [↑](#footnote-ref-16)
17. During the time of Shaul, there is no explicit mention of any legal system or proceedings, suggesting that this system is still undeveloped. At the same time, there are some indirect expressions: Shaul sentences all the *kohanim* of the city of Nov to death; and it seems that his pursuit of David with the aim of killing him is also related to law. *Chazal*, in their *midrashim*, attribute to Doeg the Edomite and Shim'i ben Gera the role of heads of the Sanhedrin in the generation of Shaul, and as those who sentenced David to death. In the text itself, they are both described as being confidants of Shaul. [↑](#footnote-ref-17)
18. In repeated dialogue between the prophet and the king. In this context, mention should be made of Shlomo, David's son, to whom God appears twice – but these episodes are depicted as exceptions, not as an ongoing situation: "In Giv'on, God appeared to Shlomo in a night vision, and God said, ‘Ask what I shall give you’" (*Melakhim* I 3:5). God appears to him again in Giv'on, and this is described as a second vision: "And God appeared to Shlomo for the second time, as he had appeared to him in Giv'on. And God said to him, ‘I have heard your prayer and your supplication… and as for you – if you walk before Me as David, your father, walked wholeheartedly and uprightly, to do all that I have commanded you, observing My statutes and My judgments, then I shall establish the throne of your kingdom over Israel forever… If you or your children turn away from after Me… then I shall cut Israel off from the face of the land that I have given to them, and the House which I have hallowed for My Name, will I cast out of My sight, and Israel will be a proverb and a byword among all the nations…" (ibid. 9:2-7). The content of this second vision is a warning and a setting down of the condition for the Temple and for the people in its land: commitment to observance of the laws and judgments of the Torah. [↑](#footnote-ref-18)
19. David is described as performing judgment: "And David reigned over all of Israel, and David would perform judgment and righteousness for all his people" (*Shmuel* II 8:15). This is in contrast to the period of Shaul, where there is mention of the *kohen*, but he does not occupy his rightful place. (Pressed for time, with the Pelishtim approaching, Shaul orders the *kohen*, "Withdraw your hand…" (*Shmuel* I 14:19); he also kills the *kohanim* of Nov as part of his bitter battle against David.) During David's time, the *kohen* is awarded a special place. At first David is accompanied by Evyatar, who makes inquiry for him of the *Urim ve-Tu*mim on several occasions. Afterwards, David consults Tzadok. In addition, Evyatar is granted his life by Shlomo, David's son, despite the renewed rebellion against him, by virtue of having borne the Ark of God before David: "And to Evyatar the *kohen* the king said, ‘Go to Anatot, to your fields, for you are deserving of death, but I will not put you to death this day, for you bore the Ark of God before David, my father, and you were afflicted in all my father's afflictions’" (*Melakhim I* 2:26). In the relationship between prophet and king, Natan the prophet and Gad the seer fill the void to a much lesser degree than Shmuel had; they leave extensive room for the king and his own decision-making. Nevertheless, at important junctions, they have their say – including sharp criticism of the king (*Shmuel* I 22:5; *Shmuel* II 12 – following David's sin with Bat Sheva; *Shmuel* 2:24 following the census.) [↑](#footnote-ref-19)
20. A differentiation between the *beit din* and the law of the king is found in many places in the Talmud, such as in the following description: "Our Sages taught: Those who are put to death by [verdict of] the king – their assets go to the king; those put to death by [verdict of] the *beit din* – their assets go to their heirs" (*Sanhedrin* 48b); discussed at length by the *Derashot Ha-Ran* (the 11th sermon, "*shoftim ve-shotrim*”). [↑](#footnote-ref-20)
21. The principle of the separation of powers was addressed by the French philosopher Montesquieu, who drew a distinction between the legislative, judicial, and executive powers. [↑](#footnote-ref-21)
22. To illustrate: "And Israel saw the great work which God had performed in Egypt, and the people feared God, and they believed in God and in Moshe, His servant" (*Shemot* 14:31). The idea is expressed even more clearly in the following description: "God said to Moshe, Behold, I come to you in a thick cloud, in order that the nation will hear when I speak with you, and they will believe in you, too, forever. And Moshe told the words of the people to God" (*Shemot* 19:9). [↑](#footnote-ref-22)