**YESHIVAT HAR ETZION**

**KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**PARASHAT HASHAVUA**

**Rav Yishai Jeselsohn**

**PARASHAT KORACH**

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In memory of Rebbetzin Rebecca Singer *z"l*,
wife of Rabbi Joseph Singer *z"l*, daughter of Rabbi Chaim Heller *z"l*,
upon her *yahrzeit*, 27 Sivan,
by her daughter Vivian Singer

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**The Responsibility of the Levites**

**I. The Priests and the Levites**

This week we will examine a passage in the *Or Ha-Chaim* that aims to explain a difficult ruling of the Rambam. I will not cite the entire comment of the *Or Ha-Chaim* (the interested reader is of course invited to see the passage in its entirety), but will touch upon its main innovation regarding the Rambam. We will see how he reconciles difficulties in the words of the Rambam, and we will also learn from this more broadly about the meaning of the Levites' service in the Temple.

The position of the *kohanim* (priests) is well known both from the Bible and in *halakha*. This status has many practical ramifications, from the Temple service to the priestly gifts and laws of priestly impurity. In contrast, the status of the Levites is shrouded in fog. The Levites clearly enjoy a special status – they carry the *Mishkan* and guard the Temple – but what is that status?

In our *parasha*, after Korach's sin, we encounter a section that aims to establish the status of the Levites in Israel:

And the Lord said to Aharon: You and your sons and your father’s house with you shall bear the iniquity of the sanctuary; and you and your sons with you shall bear the iniquity of your priesthood. And your brothers also, the tribe of Levi, the tribe of your father, you shall bring near with you, that they may be joined to you, and minister to you, you and your sons with you, before the tent of the testimony. And they shall keep your charge, and the charge of all the Tent; only they shall not come near to the holy furniture and to the altar, that they die not, neither they, nor you. And they shall be joined to you, and keep the charge of the tent of meeting, whatever the service of the Tent may be; but no outsider shall draw near to you. And you shall keep the charge of the holy things, and the charge of the altar, that there be wrath no more upon the children of Israel. (*Bamidbar* 18:1-5)

It is possible that the Torah chose specifically to emphasize in these verses the special status of the Levites, which included Korach, and to emphasize that this status as well is different and special – and has both halakhic and conceptual significance.

**II. "That they die not, neither they, nor you"**

One prominent role of the Levites is singing over the sacrifices. The Gemara in tractate *Arakhin* discusses the Torah source for this obligation, including the possibility that it comes from the verses we just read:

Rabbi Yonatan derived it from here: "That they die not, neither they, nor you" – just as you engage in service of the altar, so they, too, engage in service of the altar. It was taught also thus: "That they die not, neither they, nor you" – you by engaging in their work, or they by engaging in yours, would incur penalty of death; they, however, by engaging in [another's] work of their own [group] would incur penalty for transgression, but not death. (*Arakhin* 11b)

Rabbi Yonatan understands this verse as drawing a comparison between the priests and the Levites: just as the priests perform service at the altar when they offer the sacrifices, so the Levites perform service at the altar by singing over the sacrifices. This comparison is not only conceptual, but also carries halakhic significance: just as there is a prohibition for a non-*kohen* to perform the service of a priest, so there is a prohibition for a priest to perform the service of a Levite.

**III. Rabbi Yonatan and Abaye – A singer who served as a gatekeeper**

Besides the novel idea regarding the special status of the Levites, Rabbi Yonatan teaches that even the Levites themselves are forbidden to perform each other's service. Therefore, according to him, a Levite who had been assigned to be a Temple singer but serves as a gatekeeper, or one who had been assigned to be a gatekeeper but serves as a singer, transgresses a prohibition. However, according to Rabbi Yonatan, while a priest who performs a Levite's service, or vice versa, is punishable by death, changing the service within the tribe of Levi is punishable only by lashes.

Thus, we have here two levels of prohibition: the more severe transgression is to not differentiate between the different statuses of the priests and the Levites, while the less severe level finds expression when, among the Levites themselves, one Levite performs a service which had been assigned to others rather than his own.

Abaye disagrees with this element of Rabbi Yonatan’s understanding:

Abaye said: We hold that a Temple singer who served in his colleague's place as gatekeeper incurs the penalty of death, as it is stated: "And those who were to camp before the *Mishkan* eastward, before the tent of meeting [toward the sunrising, were Moshe and Aharon…]; and the stranger [*zar*] that draws near shall be put to death" (*Bamidbar* 3:38). What "stranger" is meant here? Would you say a real stranger [non-priest]? But that has been mentioned [by Scripture] already! Rather, it must mean a "stranger" to this particular service. (*Arakhin*, ibid.)

According to Abaye, even within the tribe of Levi, if one Levite performs another’s service, he is liable for death. Abaye’s source comes from *Parashat Bamidbar*, where the Torah warns that a "stranger" who serves in the Temple is liable for death:

And you shall appoint Aharon and his sons, that they may keep their priesthood; and **the stranger that draws near shall be put to death**. (*Bamidbar* 3:10)

Later in the chapter, the Torah writes something very similar regarding the Levites:

And those who were to camp before the *Mishkan* eastward, before the tent of meeting, toward the sunrising, were Moshe and Aharon and his sons, keeping the charge of the sanctuary, the charge for the children of Israel; and **the stranger that draws near shall be put to death**. (*Bamidbar* 3:38)

On the face of it, this verse is superfluous, as it was already stated that a stranger who draws near to the *Mishkan* is to be put to death. For this reason, Abaye says this verse teaches us something new *about a Levite* – that if a Levite was assigned one role (such as to sing) but served in another role (such as gatekeeper), he too is punished with death.

According to Abaye, then, there is no difference between a Levite who performed the service of a priest and a Levite who performed the service of another Levite. Both are liable to the same punishment. Apparently, according to Abaye, both offenses carry the same degree of severity.

**IV. The Rambam's ruling**

So far, we can understand the words of the Gemara regarding the status of the Levites. However, from the Rambam's rulings in the third chapter of *Hilkhot Klei ha-Mikdash*, a picture emerges that does not agree with either of the opinions in the Gemara, and that at first glance does not accord very well with logic, either. The Rambam rules as follows:

Levites who performed the service of the priests, *or if one Levite assisted in a task that is not his*, they are liable for death at the hand of heaven, as it is stated (*Bamidbar* 18:3): "That they shall not die." But if a priest performs the service of a Levite, he is not liable for death, but [merely for violating] a negative commandment. (*Hilkhot Klei ha-Mikdash* 3:11)

According to the Rambam, a Levite who performed a priestly service or the service of a different Levite is liable for death, whereas a priest who performed a Levitical service merely violates a negative commandment. This ruling certainly does not accord with Rabbi Yonatan's position, according to which a priest who performed a Levitical service is liable for death. But the Rambam’s words are difficult even according to Abaye, for he indicates that not only is one liable for performing a different service, but even a Levite who merely *assisted* another Levite in his service is liable for death.

The difficulty with the Rambam’s ruling is clear in light of a further passage in the Gemara in *Arakhin*, which tries to establish the dispute between Rabbi Yonatan and Abaye as rooted in a Tannaitic disagreement:

It is a matter of dispute among *Tannaim*, for it was taught: It happened that Rabbi Yehoshua bar Chananya went to assist Rabbi Yochanan ben Gudgeda in the fastening of the Temple doors. He [the latter] said to him: My son, turn back, for you are of the Temple singers, not of the gatekeepers.

Would you not say that they argued about this, that one thinks he incurs the penalty of death, and thus the Rabbis decreed [against even assisting, as a preventive measure], whereas the other thinks it is only a matter of transgression, and therefore they did not decree [a prohibition against assisting]?

[No.] Both agree that only a transgression is involved [and their point of dispute is the following:] one thinks the Rabbis decreed [against assisting, as a preventive measure]; the other thinks they did not make such a decree. (*Arakhin* 11b)

Rabbi Yehoshua merely wished to *assist* Rabbi Yochanan, but Rabbi Yochanan refused – because his help would constitute a change in the service. The Gemara suggests we can infer from this that the *Tannaim* disagree as to whether or not there is liability for death in a case of actually performing the service: if there is liability for death for actual service, then assistance is also forbidden, but if actual service only involves the transgression of a prohibition, then mere assistance is not forbidden.

It follows from the Gemara that the law applying to an assistant is not the same as one who performs the actual service itself; thus, the Rambam's ruling does not accord with the opinion of Abaye either. What, then, is the basis of the Rambam's ruling?

**V. The Sifrei**

The *Or Ha-Chaim* presents these difficulties, and then offers a very interesting proposal:

It seems that the Rambam based his ruling on a *baraita* brought in the *Sifrei* (*Sifrei Zuta*), which states: "Rabbi Yehoshua ben Chananya once wanted to assist Rabbi Yochanan ben Gudgeda in the fastening of the Temple doors, whereupon he [the latter] said to him: Turn back, for you will become liable for your life, as I am one of the gatekeepers, while you are one of the Temple singers." We see then that a Levite is liable for performing the service of a different Levite, and we hear also that even if he only assists him, he is liable for death. This is the very ruling of the Rambam. (*Or Ha-Chaim* 18:11-12)

The *Or Ha-Chaim* cites a different version of the incident, found in the *Sifrei*, according to which Rabbi Yochanan specifically warned Rabbi Yehoshua about a death penalty even for mere assistance. It is surprising, however, that the Rambam would rule against an explicit Gemara on the basis of a variant midrashic source! The *Or Ha-Chaim* recognizes the difficulty, and explains why the Rambam rules in accordance with the *midrash*:

Even though the Talmud implies the opposite, the Rambam rules according to the reading of the *Sifrei* for two reasons: First, because according to the Gemara, both according to the initial understanding and according to its rejection, all agree, both Rabbi Yehoshua and Rabbi Yochanan, about the prohibition that a Temple singer cannot be a gatekeeper; they only disagree about one who assists. If so, what is the meaning of what Rabbi Yochanan said: "Turn back, for you are of the Temple singers, etc."? Surely, Rabbi Yehoshua knew that! He should have said: "Turn back, for even an assistant is forbidden by Rabbinic prohibition." (*Or Ha-Chaim*, ibid.)

The *Or Ha-Chaim* points to the difficulty in the wording of Rabbi Yochanan's response: if the dispute were, as it is described in the Gemara, about whether an assistant is treated like one who performs the actual service, then Rabbi Yochanan should have emphasized that point. However, what he emphasizes is the difference between his own designated role and that of Rabbi Yehoshua – which, according to the Gemara, was agreed upon by all!

And furthermore, when it is stated that a Temple singer cannot be a gatekeeper, what difference does it make whether he serves as a gatekeeper by himself or with another person? After all, the service of the gatekeepers was such that they would gather together to fasten the Temple doors and to open them, and they were all called gatekeepers. And when it is stated that a Temple singer who served as a gatekeeper is liable for death, it should be whether he served as a gatekeeper by himself or with others. And the Gemara in *Arakhin* that understood that an assistant is forbidden because of a Rabbinic prohibition – that was according to the reading of the *baraita* that it had, in which it does not say: "for you will become liable for your life." The Gemara had difficulty understanding the issue about which Rabbi Yehoshua and Rabbi Yochanan disagree, and it was forced to reconcile their disagreement in this way and say that by Torah law, the prohibition is only when he does it by himself, but not when he assists others, and it was the Sages who prohibited the assistant, and about this Rabbi Yehoshua and Rabbi Yochanan disagree. But according to the reading of the *Sifrei*, even an assistant is forbidden by Torah law, and logic supports this. (*Or Ha-Chaim*, ibid.)

In addition, the *Or Ha-Chaim* has difficulty with the very idea of a special law of assistance: the entire service of guarding the Temple involves assistance, as this it was performed not by a single individual, but by a "security company" of Levites. What, then, is the point of "assistance" in this context?[[1]](#footnote-1)

In the wake of these two arguments, the *Or Ha-Chaim* understands that the Rambam chose to give preference to the reading of the *Sifrei* and consider it to be the correct one. This is an exceedingly novel idea, for the Babylonian Talmud is the main source of authority on which the Rambam based his code. Understanding Rambam as preferring a version in the *midrash* because he sees it as more accurate is very novel.

**VI. The dispute between Rabbi Yehoshua and Rabbi Yochanan**

Based on this reading, the *Or Ha-Chaim* also explains the dispute between Rabbi Yehoshua and Rabbi Yochanan in a very novel manner:

It remains for us to explain the point about which Rabbi Yehoshua and Rabbi Yochanan disagree. It seems that Rabbi Yehoshua maintains that changing the service is forbidden only when the change is from a lenient service to a severe service, such as from gatekeeping to singing. But as for changing from singing to gatekeeping, which is a service that is performed by a Temple singer himself when he grows older and his voice deteriorates, as the Rambam writes in that very chapter – Rabbi Yehoshua maintains that he can do that. About this, Rabbi Yochanan contradicted his argument and said: "Turn back, as I am one of the gatekeepers, while you are one of the Temple singers." That is to say, a person cannot perform the service of his colleague, rather each person must do that to which he was assigned. I was assigned to be a gatekeeper and you were assigned to be a singer, and a person may not do that which was not assigned to him. And this is what the Rambam ruled: "Thus a singer should not assist a doorkeeper, nor a doorkeeper a singer" – to negate the opinion of Rabbi Yehoshua which he maintained when he came to assist Rabbi Yochanan. (*Or Ha-Chaim*, ibid.)

Rabbi Yehoshua was of the opinion that a Temple singer can "descend" in rank and assist a gatekeeper, though not the other way around, and Rabbi Yochanan disagreed with him.

In order to understand the depth of the dispute and also to reconcile the additional difficulty in the words of the Rambam that we raised above – why a priest who performed a Levitical service is not liable for death, but a Levite who performed a priestly service is liable for death – we will delve a little deeper into the status of the Levites according to the Rambam's understanding.

**VII. The status of the Levites**

In his *Sefer ha-Mitzvot*, the Rambam enumerates the mitzvaof the service of the Levites as follows:

And the twenty-third commandment is that the Levites alone were commanded to serve in the Temple in specific [types of] service, such as shutting the gates and reciting song at the time of the sacrifice. And this is what He said: "And the Levite shall serve" (*Bamidbar* 18:23). And this is the formulation of the *Sifrei* (*Sifrei Bamidbar* 119:5): "I might have understood that if he wishes, he serves, and if he does not wish, he does not serve. Therefore, the verse teaches: 'And the Levite shall serve' - [even] against his will." That is to say, it is an obligatory command that falls upon him by force. (Rambam, *Sefer ha-Mitzvot*, positive commandment 23)

The Rambam's words imply that a Levite must perform the service in the *Mishkan* as part of his special status. However, in the *Mishneh Torah*, the implication is different:

The descendants of Levi were singled out for service in the Temple, as it is stated (*Devarim* 10:8): "At that time, God separated the tribe of [Levi](https://www.chabad.org/library/article_cdo/aid/4254752/jewish/Who-Were-the-Levites.htm)." It is a positive commandment for the Levites to be free and prepared for the service of the Temple, whether they desire to do so or not, as it is stated (*Bamidbar* 18:23): "And the Levite shall perform the service of the tent of meeting." A Levite accepts all the *mitzvot* of the Levites except one matter, he is not accepted, unless he accepts them all. (*Hilkhot Kelei ha-Mikdash* 3:1)

The Rambam opens with the words of the *midrash*, that there is an obligation and duty to perform the service, and ends with the fact that the Levite must accept upon himself to perform the service. The question arises: Is the Levitical service voluntary and dependent on the Levite's acceptance and desire, or is it an obligation?

It seems that in the Rambam's opinion, there is an obligation upon the Levites to *desire* to serve. Unlike the priests, whose status is defined by virtue of their sanctity, the holiness of the Levite is of a lesser degree. He is not forbidden to contract ritual impurity from a corpse, nor is he permitted to eat of consecrated foods. His holiness derives exclusively from his assignment to perform the service. Therefore, a Levite is obligated to fulfill this assignment, but he can only do so by way of acceptance – including accepting all of the services – because it is essentially acceptance of a new status.[[2]](#footnote-2)

If we understand the Rambam in this manner, we can understand why he ruled in accordance with Rabbi Yochanan. Rabbi Yehoshua understands that even among the Levites, there is gradation: the service of singing is higher than the service of guarding the Temple. Therefore, a Temple singer can guard, but not the other way around. This is because Rabbi Yehoshua maintains that the level of holiness is what creates the prohibition to serve. In contrast, Rabbi Yochanan emphasizes that a Temple singer is prohibited to guard – because the sanctity of the Levite stems from his assignment to a particular service. If he changes his service – regardless of whether he changed to a lower service or to a higher one – he has betrayed his office.

This understanding can also explain the Rambam's ruling regarding a priest who performed a Levitical service. While a priest is designated for his service by virtue of his holiness, a Levite is assigned to his service by virtue of his assignment itself. Therefore, when a priest performs the service of a Levite, he performs a service to which he has no connection, but he does not impair his status; therefore, his punishment is only lashes.[[3]](#footnote-3) In contrast, when a Levite performs the service of a priest, the problem is not only the performance of a service to which he has no connection, but the forfeiture of his entire status – because the Levite's entire status derives from the fact that he "is singled out for service in the Temple." When a Levite performs a service to which he is not connected, he demonstrates that he is not singled out only for this position.

We have seen, then, in the wake of the words of the *Or Ha-Chaim*, that not only does the Rambam's base his position on the *midrash*, but he also has a novel reading of the Gemara. This reading leads to a deeper understanding of the role of the Levite vis-à-vis the role of the priest in the teachings of the Rambam.

(Translated by David Strauss)

1. It may be noted that several sources suggest that the main point of the Levites' guard duty was to uphold the glory and dignity of the Temple, not to guard it against thieves. This supports the understanding that we are dealing here not with actual "assistance," but with a collective action. [↑](#footnote-ref-1)
2. See at length *Bekhorot* 30b. [↑](#footnote-ref-2)
3. The source of this law as well is the *Sifrei Zuta*. [↑](#footnote-ref-3)