



"You Shall Inherit No Portion in Their Land":
Maimonides on Supporting *Kohanim*, *Levi'im*, and Torah Scholars
By David Silverberg

In the second half of Parashat Korach, God lists the various *matenot kehuna*, the "priestly gifts" that the people must bring to the *kohanim* in exchange for their work and service of God in the *Mishkan* (Tabernacle). The *Levi'im*, too, who assist the *kohanim*, are given a tithe from farmers' produce as reward for their service. This arrangement also entails a provision that the tribe of Levi, which of course includes both the *kohanim* and the *Levi'im*, does not receive a portion in the Land of Israel. Regarding the *kohanim*, we read, "The Lord said to Aharon: You shall inherit no portion in their land, and you shall have no share in their midst – I am your share and portion among the Israelites" (18:20). Several verses later, the Torah applies this provision to the Levites, as well (18:24). Thus, the Torah ordains that the *kohanim* and *Levi'im* must not own farmland, as do the other tribes, and should be sustained through the various gifts prescribed in this section. Rather than living off the fruits of their own labor, the *kohanim* and *Levi'im* must desist from profitable work and be supported by the rest of the nation. This law is repeated later, in the Book of Devarim (18:1-2).

Accordingly, Maimonides, in his *Sefer Ha-mitzvot (lo ta'aseh 169-170)*, lists two prohibitions relating to property acquisition on the part of the tribe of Levi – that they shall have no "portion" and no "share." "Portion" (*nachala*), Maimonides explains (based on the *Sifrei*), refers to a portion in the land of Israel, whereas "share" (*chelek*) denotes rights to spoils won during a nationwide military campaign. The *kohanim* and *Levi'im* were denied both a tribal portion of *Eretz Yisrael*, as well as a share in the wartime spoils.

In *Mishneh Torah* (Hilkhos Shemita Ve-yovel 13:12), Maimonides provides the reason behind this prohibition:

"Why did Levi not earn a portion of the Land of Israel or its spoils together with its brethren? Because it was set aside to serve God, to attend to Him, and to instruct His upright ways and just laws to the masses... They were therefore set apart from the ways of the world: they do not conduct warfare like the rest of Israel, nor do they receive a portion [of the land]... They are rather the army of God... and He, blessed is He, earns on their behalf, as it says, "I am Your share and Your portion."

The *kohanim* and *Levi'im* are excluded from the distribution of *Eretz Yisrael* and spoils of war because of their responsibilities as God's attendants in the *Mishkan* and instructors of His law. This function exempts them from other burdens of responsibility, such as livelihood and military service, which would encumber them and hamper their efforts in the sacred realm. God assures that He will adequately provide their sustenance – "I am Your share and Your portion" – which He does through the system of priestly gifts offered by the rest of the nation.

Similarly, Maimonides writes in his *Guide for the Perplexed* (3:38), "You certainly know that the Levites had no portion, because their whole tribe was to be exclusively engaged in the service of God and the study of the Law. They shall not plow or cut the corn, but shall only minister to God."

The *Sefer Ha-chinukh* (404-5), interestingly enough, differentiates between the two prohibitions, regarding a portion in the land and the spoils of war. Though the *Chinukh* follows Maimonides' line of reasoning when it comes to Levi's exclusion from the Land's distribution, he provides a different reason entirely to explain why this tribe does not receive a share in the spoils:

"Since they are the attendants of the Lord, is not fitting for them to make use of items that have been seized from people's possession. Only something that came through

peace, justness and trust shall come to the House of God – not something over which the hearts of men and women are distressed.”

According to the *Chinukh*, the unique sanctity of the Temple demands a more perfect ethical standard. While God permits taking spoils during military combat under certain circumstances, this type of acquisition nevertheless clashes with the idyllic atmosphere that is to characterize the "House of God." Therefore, those who serve God at that site and bear the responsibility of creating and maintaining this atmosphere of peace, serenity and ethical perfection, are excluded from the distribution of booty.

Maimonides, by contrast, mentions nothing of such a distinction, and explicitly applies the same reason to both prohibitions. Meaning, Levi's exclusion from wartime spoils, too, stems from this tribe's designation for the service of God. The question, of course, arises as to how their fulfillment of this role is assisted through their exclusion from the spoils. Ownership over agricultural land, of course, would result in their investment of time and effort in its cultivation, which would considerably detract from their focus and attention on their spiritual and ritual responsibilities. But how would these responsibilities be undermined by this tribe's portion in the nation's spoils of war?

The answer, perhaps, emerges from Maimonides' comments just one passage earlier (Hilkhhot Shemita Ve-yovel 13:11), where he limits this provision to *Eretz Yisrael* itself. Should an Israelite king expand the country's borders and conquer additional territory, the tribe of Levi enjoys the same rights and privileges to the captured lands as any other tribe. In presenting this qualification, Maimonides explicitly applies it to spoils, as well. Namely, Levi's exclusion from booty applies only to spoils won during the process of capturing *Eretz Yisrael* proper; resources taken when conquering other territory is shared equally with the tribe of Levi. Apparently, Maimonides considered spoils collected during conquest as part of the land itself. A conquering nation seizes both territory and resources, and thus Levi's status with respect to the former applies equally to the latter. Just as they are excluded from the distribution of land in *Eretz Yisrael*, so are they given no share in the spoils of *Eretz Yisrael*.

This perhaps explains how Maimonides extended the reason relevant to the land's distribution to the issue of spoils, as well. Levi's exclusion from the booty, as we have seen, is simply an outgrowth of their exclusion from the land. Once the Torah denied them a portion of the land so that they could devote their energies to the service of God, they were naturally excluded from the spoils of war, as well.

Of course, Maimonides' distinction between the Land of Israel and other territories calls into question his explanation of this entire provision. If *kohanim* and *Levi'im* receive no share in the land because they must focus their attention on their spiritual duties, then why should location be a factor? If the Torah wants to relieve them of other, mundane responsibilities, then why did it allow for their inclusion in the distribution of territory captured outside the Land of Israel?

The answer, it would appear, is that the Torah denies the *Levi'im* a share in the land as an eternal, tribal possession. Individual *kohanim* and *Levi'im* are, indeed, permitted to purchase property. (Rashi, in his commentary to Masekhet Rosh Hashanah 29a, *s.v. ka mashma lan*, writes explicitly that a *kohen* or *Levi* may personally purchase land in *Eretz Yisrael*, as the prohibition pertains only to the tribe as a whole.) Apparently, the Torah was concerned with only the tribe's large-scale involvement in commercial and agricultural activity. Now any territory seized outside *Eretz Yisrael* and subsequently distributed among the people will not become an eternal holding, as did the initial distribution of *Eretz Yisrael* after its conquest by *Benei Yisrael* under Yehoshua. Even if a king allocates different regions of the newly captured territory to different tribes, their acquisition will amount to nothing more than the legal equivalent of individual possession. The concept of a tribal possession, assigning a given territory to a specific tribe as an eternal inheritance, applies only in the Land of Israel. Naturally, then, *kohanim* and *Levi'im* earn a share in the distribution of land in areas outside of *Eretz Yisrael*.

***Kohanim* and *Levi'im* From Other Tribes?**

In his concluding remarks to Hilkhhot Shemita Ve-yovel, Maimonides makes a comment that has become the subject of considerable debate and controversy:

“Not only the tribe of Levi, but any person from among those who walk on earth whose spirit inspires him and whose mind leads him to the understanding to separate himself and stand before God, to attend to Him and serve Him, to know God and walk upright as God made him, and released from his shoulders the burden of many calculations that human beings pursue – such a person becomes very holy, and the Lord will be his share and portion forever and ever and grant him in this world that which suffices for him, just as He granted to the *kohanim* [and] *Levi'im*.”

At first glance, Maimonides here sanctions – and in fact recommends – a personal decision by other members of the nation to attain a status similar to the *kohanim* and *Levi'im*. Anybody, he appears to hold, may assume this title and withdraw from standard commercial activity. Seemingly, just as the *kohanim* and *Levi'im* receive their livelihood from "public funding," so may other members of the nation choose such a lifestyle, devoting themselves exclusively to spiritual engagement while being supported by the Jewish community.

This passage would thus appear to stand in direct opposition to Maimonides' ruling earlier in *Mishneh Torah* (Hilkhoh Talmud Torah 3:10-11), strongly condemning the practice to refrain from gainful employment and accept charitable contributions to study Torah:

“One who decides to engage in Torah and not perform work, and be supported from charity – he has desecrated the Name [of God], scorned the Torah, extinguished the light of the religion, brought evil upon himself, and relinquished his life in the next world... It is a great value for one to be supported from the work of his hands, and this is an attribute of the early pious ones. One thereby earns all the honor and goodness in this world and the next.”

Maimonides elaborates in greater detail and with even greater emphasis and force in his commentary to Avot (4:5). Commenting on the Mishna's admonition that one may not "use Torah as a spade with which to dig," Maimonides proceeds to harshly condemn the practice of accepting money from the community to support oneself while he studies Torah. He cites many Talmudic sources to this effect, including explicit references to the professional activity or labor of some of the greatest Tanna'im and Amora'im. Maimonides' comments both in *Mishneh Torah* and in his commentary to Avot have generated a vast literature. Already Rabbi Yosef Karo, in his classic commentary to *Mishneh Torah* entitled *Kesef Mishneh*, in which he generally finds support and basis for Maimonides' rulings, in this instance adamantly disputes Maimonides. He responds to Maimonides' proofs and brings evidence to the contrary. Rabbi Karo also devotes to this issue an entire chapter in his work of responsa, *Avkat Rochel* (chapter 2). This discussion continues in the various commentaries to the *Shulchan Arukh* (Y.D. 246:21), and, of course, its reverberations are heard in many different forums even today.

But even ignoring outside source material relevant to Maimonides' ruling in Hilkhoh Talmud Torah, it must be reconciled with his remarks in Hilkhoh Shemita Ve-yovel. If he so forcefully demands self-sufficient employment alongside Torah learning, then how does he speak so glowingly of those who withdraw from worldly occupation and "serve God"? Does this not force a person to accept charitable donations to enable him to study full-time – an arrangement that Maimonides denounces in the strongest possible terms?

Soliciting and Accepting

Two of the early commentators on the *Mishneh Torah* addressed this difficulty. Rabbi David Ben Zimra ("the Radbaz"), in a very brief remark, suggests that although Maimonides allows one to withdraw from professional activity to devote himself to spiritual pursuits, he does not grant permission to accept money from charity. Maimonides very specifically wrote that "the Lord will be his share and portion forever and ever and grant him in this world that which suffices for him, just as He granted to the *kohanim* [and] *Levi'im*." A person who makes this decision and genuinely devotes himself exclusively to the divine service must place His trust in God's grace and await his sustenance, but he may not support himself through charity. This explanation is indeed anchored in the text of

Maimonides' ruling in Hilkhhot Talmud Torah, where he very specifically includes accepting charity in his description of the person whose practice he condemns. Another commentary on the *Mishneh Torah*, the *Ma'aseh Rokei'ach*, answers similarly. He claims that in Hilkhhot Shemita Ve-yovel, Maimonides refers to people who either possess enough on which to subsist even without working, or are prepared to suffer the pain and humiliation of poverty. Under no circumstances, however, would Maimonides permit one to impose a financial burden on the community or public by deciding to devote himself entirely to spiritual involvement.

This approach was echoed in later generations and invoked as a basis for the widespread – indeed, universal – practice for communities to hire a rabbi and provide him with a sustenance in return for his scholarship and religious leadership. Rabbi Yechiel Michel Epstein, 19th-century rabbi of Nevarduk and author of the famous halakhic code *Arukh Ha-shulchan*, argues that Maimonides never intended to forbid accepting a salary (or perhaps even a *kollel* stipend) from a community who willingly offers such an arrangement. Without making any reference to Maimonides' remarks in Hilkhhot Shemita Ve-yovel, Rabbi Epstein asserts that his condemnation was limited to those who expect or demand payment in exchange for their devotion to learning. Rabbi Epstein even suggests that the controversy surrounding Maimonides' harsh stance opposing payment for Torah study resulted from a misreading of his comments. Later scholars understood his ruling as forbidding even the familiar arrangement of a salaried rabbi, and they therefore rejected his view as vigorously as they did. In truth, however, Rabbi Epstein claims, Maimonides himself would gladly sanction this kind of agreement, and denounced only the practice of actively soliciting charitable contributions to allow one to study without the encumbrance of financial responsibilities.

Proof might perhaps be drawn for this approach from the formulation of the passage in Avot in the context of which Maimonides voices his opposition to taking money for Torah study: "*Al ta'asem... kardom la-chpor ba*" – "Do not make them [words of Torah]... a spade with which to dig." The Mishna speaks not of accepting money, but rather of proactively using Torah for the purpose of financial gain. This wording might suggest that the Rabbis spoke here of actively soliciting money through Torah, rather than accepting financial support by those interested in enabling one to devote his time and efforts to Torah scholarship.

Distinguishing Between Different Classes of People

A different approach perhaps emerges from a remark by Rabbi Yisrael Meir Kagen, more commonly known as the *Chafetz Chayim* (18th-19th century), in his *Bei'ur Halakha* (156). Commenting on the *Shulchan Arukh's* vehement insistence – based on Maimonides – on combining Torah study with employment, the *Chafetz Chayim* cites unnamed sources as limiting this admonition to those incapable of devoting themselves entirely to Torah learning. Those endowed with such talents (the *Chafetz Chayim* does not – at least in this context – specify which qualities are required) should indeed divest themselves of occupational responsibility and trust that the Almighty will provide for them. The *Chafetz Chayim* cites in this context the passage in Hilkhhot Shemita Ve-yovel, perhaps suggesting that in this vein he sought to reconcile the otherwise conflicting passages in the *Mishneh Torah*. Maimonides' opposition to taking money for purposes of studying referred to those who lack the qualities necessary for full-time devotion to Torah learning. In Hilkhhot Shemita Ve-yovel, he speaks of those graced with the necessary talents.

Most likely, however, the *Chafetz Chayim* was not attributing this position to Maimonides. After all, Maimonides in Hilkhhot Shemita Ve-yovel allows "any person from among those who walk on earth whose spirit inspires him" to adopt a Torah-only lifestyle. He explicitly invites any individual, regardless of background and talents, to follow the model established by the tribe of Levi. We cannot, therefore, limit these comments to those of superior qualities enabling them to devote their lives exclusively to Torah study.

"Any Person From Among Those who Walk on Earth"

Rabbi Yosef Kapach, in his commentary to *Mishneh Torah* (Hilkhhot Shemita Ve-yovel), argues that the question itself posed by the aforementioned (and other) commentators stems from a grave misreading of Maimonides' remarks. The very question assumes that in Hilkhhot Shemita Ve-yovel,

when Maimonides allows a non-Levite to follow that tribe's example, he refers to a person who takes money to enable him to study Torah. Rabbi Kapach proves that this is not the case from the simple fact that, as mentioned, Maimonides offers this opportunity to "any person from among those who walk on earth whose spirit inspires him." This description – "any person from among those who walk on earth" – clearly extends Maimonides' audience beyond the Jewish people, and includes all mankind. He invites all people of every race or nationality to withdraw from standard occupation and devote themselves to the service of God. Since gentiles never received the Torah and bear no obligation with regard to its study, Maimonides here cannot possibly be speaking of those who devote themselves to learning.

To what, then, does Maimonides refer? Rabbi Kapach chose to keep the answer a mystery: "I do not wish to elaborate on our rabbi's intent so as not to open the mouths of those with obstinate hearts and twisted minds, and who are bereft of knowledge." He felt that the true reading of Maimonides' comments might be misleading and could result in theological distortion.

A Different Reading

We will suggest a possible reading of this passage whereby it does not speak of withdrawing from occupational activity for purposes of Torah learning, as Rabbi Kapach argued. It must be emphasized, however, that, as Rabbi Kapach himself noted, Maimonides' comments here have been generally understood in this vein, as sanctioning – at least under certain conditions, as discussed earlier – a Torah-only lifestyle without employment. Our proposed reading, therefore, should be taken as but a humble, speculative attempt to interpret this passage in a manner that justifies its relevance to "any person from among those who walk on earth," which appears to include gentiles as well as Jews.

Let us more closely examine the relevant passage in *Hilkhot Shemita Ve-yovel*:

“... any person from among those who walk on earth whose spirit inspires him and whose mind leads him to the understanding to separate himself and stand before God, to attend to Him and serve Him, to know God and walk upright as God made him, and released from his shoulders the burden of many calculations that human beings pursue – such a person becomes very holy...”

Maimonides here speaks of one who chooses to: 1) "separate himself and stand before God, to attend to Him and serve Him"; and 2) "to know God and walk upright as God made him, and released from his shoulders the burden of many calculations that human beings pursue." We have divided this passage into these two sections because their formulations are borrowed from two different contexts in Tanakh. The first half is clearly taken from the Torah's references to the Levites' "separation" for the purpose of "attending to" and "serving" God. For example, the Torah says in the Book of Devarim (18:5), in the context of the prohibition against assigning territory to the *Levi'im*, "for God has chosen it [the tribe of Levi]... to stand and attend in the Name of God." Indeed, Maimonides speaks of one who chooses to live like a Levite, devoting himself exclusively to the service of God.

The second half of Maimonides' description, however, is taken from a different context entirely, from the Book of Kohelet (7:29): "However, see what I have found – that God made man upright, but they pursued many calculations." In his *Guide for the Perplexed* (3:12), Maimonides cites this verse as an example of what he defines as "the third class of evils" that befall man, namely, "those which every one causes to himself." He later explains, "This class of evils originates in man's vices, such as excessive desire for eating, drinking and love; indulgence in these things in undue measure, or in improper manner, or partaking of bad food. This course brings diseases and afflictions upon body and soul alike." King Solomon here proclaims that God created the human being perfect, but man, through his indulgence and excessive preoccupation with physical enjoyment, has blemished both his body and his soul. The many "calculations" mentioned in this verse refers to the concentrated, determined pursuit of luxury and gratification, which ultimately tarnishes the otherwise perfect essence and composition of the human being.

Returning, then, to Maimonides' description in *Hilkhot Shemita Ve-yovel*, he speaks of one who chooses a lifestyle that reverses the unfortunate tendency spoken of in Kohelet: "to... walk upright as God made him, and released from his shoulders the burden of many calculations that human beings

pursue." Does this individual decide to withdraw entirely from worldly occupation? In light of Maimonides' implicit reading of this verse in the *Guide*, he perhaps refers here to one who resigns himself to limiting his preoccupation in worldly pursuits, rather than abstain from them entirely. Rather than tirelessly pursuing wealth, comfort and enjoyment, as most people unfortunately do, he seeks to focus his attention on "walking upright as God made him" – to restore and maintain the state of perfection with which he entered the world. Does this process require complete abstention from worldly occupation? In light of Maimonides' comments in *Hilkhot Talmud Torah* and his commentary to *Avot*, where he so strongly demands occupational engagement, it is hard to imagine that worldly occupation signifies imperfection and blemish. Hence, in this clause in *Hilkhot Shemita Ve-yovel*, Maimonides appears to describe one who commits himself to prioritizing his life such that he could preserve the "upright" nature with which he was born, by limiting his worldly and physical pursuits and focusing on his service of God.

The question, then, arises, why does Maimonides also describe this individual in "Levitical" terms, as one who seeks to "stand before" and "attend to" the Almighty, as do the *kohanim* and *Levi'im*?

The answer perhaps emerges naturally from a basic understanding of Maimonides' style in *Mishneh Torah*. Very often, he concludes a section of laws by briefly addressing the broader, philosophical implications of the topic discussed in that section. For example, he concludes the laws of *tzara'at* – the skin disease that would afflict a person as punishment for negative speech – by analyzing the unique severity and results of this transgression. In the closing paragraph of *Hilkhot Me'ila*, which deals with the prohibition against making personal use of sacred property, Maimonides likewise develops the theological messages that emerge from this set of laws.

We might approach the closing paragraph of *Hilkhot Shemita Ve-yovel* in a similar vein. Maimonides here does not establish a halakhic provision or protocol, but rather concludes his discussion of the unique laws relevant to the *Levi'im* by extracting the fundamental message latent within these laws. The Levite tribe, which did not possess land and was supported directly by God, in the form of the various gifts He prescribed for them, is perhaps meant as a model for the rest of the nation – and in fact the rest of the world – to follow, albeit in more moderate fashion. All people "from among those who walk on earth" are enjoined to live a life focused on the service of God, which necessarily entails placing a limit on our "pursuit" of "many calculations." As Maimonides emphasizes in *Hilkhot Talmud Torah*, this clearly cannot refer to complete cessation from professional activity. It does, however, demand moderation in the quest for luxury and gratification, as exemplified in more extreme form by the lifestyle of the Levite tribe.

In this passage, Maimonides does not introduce a provision allowing for anyone who so desires the right to decline employment in favor for a Torah-only lifestyle. Rather, he explains the symbolic meaning of the institution of the Levite tribe: it calls upon all of us to gain inspiration from the *kohanim* and *Levi'im* and learn to limit our mundane involvement and prioritize spiritual goals and values. In a broad sense, the laws of the Levite tribe apply to each and every person on earth, insofar as they demand faith in God's benevolence and a willingness to limit the pursuit of wealth, devoting oneself more profoundly to the divine service.

One advantage of this reading – beyond reconciling this passage with Maimonides' comments in *Hilkhot Talmud Torah* and his commentary to *Avot* – is that it obviates the need to find a source for the expansion of the Levites' role. If, indeed, Maimonides here presents a halakhic ruling, granting all people the right to adopt a Levitical lifestyle, and qualifying the general obligation to earn a livelihood through employment, we would expect to find a specific source to this effect in Talmudic literature. Nowhere, however, do we find a passage inviting non-Levites to join the ranks of those supported by the nation to devote themselves entirely to spiritual pursuits. On what basis, then, did Maimonides issue such a ruling? What more, the Torah discusses the Levite tribe's designation in this context – in *Parashat Korach* – in response to Korach's demand for unlimited, nationwide access to the priestly service. Korach challenged Moshe and Aharon, "For the entire congregation – they are all holy; why, then, do you raise yourselves above the congregation of the Lord?" (16:3). After the death of Korach and his cohorts, God reaffirms the specific designation of the *kohanim* and the *Levi'im*, and commands the rest of the nation to support them. If anything, then, the Torah appears to emphasize the exclusivity of the priestly role. What allowed Maimonides to expand this role – even partially – to include "any person from among those who walk on earth"?

The answer becomes clear in light of the reading proposed here. The concluding passage of *Hilkhot Shemita Ve-yovel* must not be taken as a halakhic ruling, as much as an explication of the symbolic meaning underlying the institution of the Levite tribe. It should inspire each and every one of us to shake ourselves free of the "yoke of many calculations," the obsessive, unrelenting pursuit of worldly possessions, and devote ourselves instead to the divine service.

"A Time to Act on God's Behalf – They Have Annulled Your Torah"

As mentioned earlier, Rabbi Yosef Karo, in his *Kesef Mishneh*, presents a lengthy refutation of Maimonides' position. Towards the end of his discussion, he asserts that the widespread and accepted practice for scholars and rabbis to receive support from communities to enable them to study Torah testifies to the fact that Maimonides' view was not accepted. Rabbi Karo then proceeds to suggest an alternative outlook on this phenomenon. Perhaps Maimonides' position was embraced, in principle, but the realities that presented themselves necessitated acting otherwise. The *Kesef Mishneh* cites a verse from the Book of Tehillim (119:126) which has evolved as a reference to a particular halakhic concept: "A time to act on God's behalf – they have annulled Your Torah." The Talmud in several places invokes this verse as the basis for the concept of a *hora'at sha'a*, an extraordinary provision entailing a Torah violation, enacted for the purpose of ensuring the Torah's survival. The most famous example, perhaps, is the decision of Rabbi Yehuda Ha-nasi (Judah the Prince) to put into print the oral tradition, realizing that otherwise these laws would be forgotten. Similarly, Rabbi Karo conjectures, Jewish leaders may have accepted Maimonides' disdainful outlook on receiving money for learning, but felt that such an arrangement was necessary to ensure the continuation of Torah scholarship. The hardships of exile and lures of the host societies in which Jews lived rendered Torah achievement impossible without public funding of rabbis and scholars.

Quite possibly, then, while Maimonides' position is perhaps correct in principle, in practice, the Jewish world found it necessary to follow a different approach. In order to ensure the survival of Torah learning and observance, financially capable individuals and communities throughout the centuries willingly supported Torah scholars and institutions, a practice that obviously continues even today. While the precise scope and nature of this system is debated, and questions are often raised regarding who may or should receive funding, and, if so, how much and for how long, the basic arrangement of publicly funded institutions of learning has, for the most part, been universally accepted throughout the observant Jewish world.

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