



Parashat Matot Masei

## **The Inheritance of Shevet Levi**

By Rabbi David Silverberg

Parashat Matot (chapter 31) tells of the battle that *Benei Yisrael* waged against the nation of Midyan, and the spoils brought by the soldiers to the Israelite camp. God instructed Moshe to divide the spoils into two even groups, and to give one group to the soldiers who fought in the war. The second group was distributed among the rest of the nation. The soldiers were then commanded to donate 1/500<sup>th</sup> of their share to the *kohanim*, and the rest of the people were required to give 1/50<sup>th</sup> of their share.

Reference is made to this narrative in the context of a ruling codified by Maimonides in *Hilkhos Shemita Ve-yovel* (13:11) concerning the tribe of Levi. Maimonides in that chapter discusses the prohibition that forbids allocating agricultural lands in Israel to the tribe of Levi. As the Torah discusses in Parashat Masei (35:1-8), *Benei Yisrael* were to allocate forty-eight cities for the *Leviyim*'s residence, but the *Leviyim* did not receive any additional land for farming. The *Leviyim* were denied agricultural property in order that they could devote themselves to their roles as attendants in the *Mikdash* and Torah educators. By the same token, the *Leviyim* did not receive a portion of the nation's military spoils.

In this chapter, Maimonides posits the theory that these prohibitions applied only to *Eretz Yisrael*. It was only there where the Levite tribe was not to receive land (except for their designated cities), and it was only spoils seized during the battles for the Land of Israel that were not shared with the *Leviyim*. If, however, *Benei Yisrael* wage war and capture territory beyond the boundaries of the Land of Israel, then, according to Maimonides, the Levite tribe receives its fair share of the land and the spoils.

The Ra'avad, in his critique of Maimonides' *Mishneh Torah*, disputes this ruling, and claims that the Levites' exclusion from territory and spoils applies to all battles waged by *Benei Yisrael*. He draws proof to his view from the story of the *bizat Midyan* – the spoils taken from Midyan – which were distributed by force of a special command issued by God. The need for a special ordinance requiring the people to give a percentage of the spoils to members of the Levite tribe implies that otherwise this tribe would be excluded from the division of spoils. Despite the fact that this war was fought outside the borders of *Eretz Yisrael*, it appears that the Levites would have ordinarily been denied a share in the spoils.

Rabbi Yosef Karo, in his *Kesef Mishneh* commentary to *Mishneh Torah*, answers that to the contrary, the donation of spoils to the *kohanim* after the war with Midyan likely provides proof and a basis for Maimonides' position. With this command, God perhaps intended to set a precedent of the Levite tribe's inclusion in the distribution of spoils seized in battles waged outside the Land of Israel. This donation established the

protocol of including the Levite tribe in territory and other possessions seized in these wars.

Interestingly enough, Nachmanides advances this position, as well, in his commentary to this section. He notes that whereas a percentage of Midyan's spoils was given to the Levite tribe, so such donation was required after the battle waged against the Emorite kingdom, which the Torah describes earlier in the Book of Bamdibar (chapter 21). Nachmanides explains that the war against the Emorites was fought as part of the process of capturing *Eretz Yisrael*. As opposed to the battle with Midyan, which served to avenge the Midyanites' role in the tragic incident of Ba'al Pe'or, the war with the Emorites marked the beginning of the process of *kibbush ha-aretz* (capturing the land). As such, Nachmanides writes, the Levites received a portion of the spoils of Midyan, but not of the spoils of the Emorites. Like Maimonides, he felt that the Levites' were denied a portion only from battles waged in *Eretz Yisrael*. When *Benei Yisrael* wage war outside the land, then all tribes – including the tribe of Levi – receive an equal share in the spoils.