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WHO IS THE PRIEST "WHO WILL BE IN THOSE DAYS"?

Revised from 5774

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Devarim 26:3 reads:

ובאת אל הכהן אשר יהיה בימים ההם

you will come to the priest who will be in those days

Leaving aside the possibility of time-travel, why does the Torah bother instructing us to bring *bikkurim* (first fruits of the Seven Species) to a kohen *who will be in those days*? In what other days might a *kohen* be available?

An almost identical expression occurs in Devarim 17:9 in the context of legal judgment:

ובאת אל הכהנים הלויים

ואל השופט אשר יהיה בימים ההם

you will come to the priests who are Levites
and to the judge who will be in those days

The standard explanation of the phrase there is that it discourages nostalgia—the judge of your time is your legitimate Torah authority, even if you remember much greater leaders. In that vein, Rosh HaShanah 26a states:

שקל הכתוב שלשה קלי עולם כשלשה חמורי עולם

ירובעל בדורו כמשה בדורו

בדן בדורו כאהרן בדורו

יפתח בדורו כשמואל בדורו

Scripture equated three all-time lightweights with three all-time heavyweights:

Yeruba'al (Gid'on) in his generation with Mosheh in his generation;

B'Dan (Shimshon) in his generation with Aharon in his generation;

Yiftach in his generation with Shmuel in his generation

Perhaps "*who will be in those days*" has the same anti-nostalgic implication here. This fundamentally is the approach of Seforno.

But while it is in some sense possible to hand legal decision-making over to the past — for example by binding present judges absolutely to precedent — a past kohen cannot lift a present basket of grain. (Think of the distinction between giving a disembodied soul an *aliyah*, and giving the same disembodied soul *hagbahah*).

Ramban also interprets "*the kohen who will be in those days*" as excluding a kohen who will be in other days, but in an entirely different sense. He notes that the kohanim were divided into 24 *mishmarot* (watches), with each serving a week and then waiting 23 weeks for their next turn. The verse tells us that it is illegitimate to time one's arrival in Yerushalayim to match a particular *mishmar*'s tour of duty.

Perhaps the most common Rabbinic interpretation of the phrase is purely halakhic. How do we know that if a kohen is mid-sacrifice when it is discovered that he is invalid to serve, that what he has done to that point is valid? "*A kohen in those days*" — even if it is discovered later that he had been an invalid kohen throughout.

This interpretation has generated a fascinating and voluminous literature. Is this true about all priestly service, or only (specific elements) of the Temple Service? Is it true of all

disqualifications, or only those of lineage, only those that apply exclusively to kohanim, etc.? Discovered by whom — the kohen himself, the owner of the sacrifice, or a court with proper jurisdiction?

The Rogotchover Gaon, for example, thought that *terumah* (an agricultural tax given to a kohen) given to a kohen remains validly given even if that kohen is subsequently

invalidated, but that this is not so for items such as the *reishit hagez* = the first shearing (which must be given to a kohen). His argument was that *terumah* is separated and acquires its legal identity before being given to the kohen, whereas the shearings acquire their legal identity at the very same moment that they are given to the kohen.

These legal conversations generally lack considerations of why a particular rule might or might not be a good idea. In a more pragmatic mode, we should all consider the consequences of allowing an error of fact about the status of a kohen to yield a reversal of law, and conversely the consequences of validating an action known to have been performed by an invalid kohen.

One reason to validate sacrifices might be that sacrifices accomplish atonement, and one purpose of atonement is closure. Allowing for retroactive invalidation would mean that people inclined to obsession would never be able to let go of their sins.

Chatam Sofer offers a possibly radical counterreading. He contrasts *the kohen who will be in your day* not with kohanim of past days, but rather with kohanim whose priestly status depends on their genealogy rather than on their character. The kohen of the verse is superior rather than inferior.

This seems peculiar, as priesthood cannot be earned halakhically. Understanding Chatam Sofer requires putting this detail of his interpretation in its context.

נ"ל
 כי התורה מדבר עם צדיקים גמורים שאינם אוכלים בזכות אבות
 כי הם עצמם כדאים
 והכהן הוא מעצמו ראוי בלי זכותו ויחוסו של אהרן
 ע"כ ובאת אל הכהן אשר יהיה בימים ההם
 לא מימים קדמונים מימי אהרן, אלא בימים ההם הוא ראוי להיות כהן
 וכן ענין מקרא בכורים
 שמספר חסדי ה'
 כי בהיותם במצרים בלי שום זכות ומצוה
 רק ונצחק אך ה' אלוקי אבותינו, ובזכות זה נגאלנו
 ועתה . . . זכיתי כי . . . הבאתי ראשית פרי האדמה אשר נתת לי ה'
 בזכות עצמי בלי זכות אבותינו
 "ושמחת בכל הטוב אשר נתן ה' לך" – דייקא . . .
 It appears to me
 that the Torah is speaking with completely righteous people
 who do not eat in the merit of their ancestors,
 but rather they are themselves worthy,
 and the kohen is himself worthy, without the merit and
 ancestry of Aharon –
 therefore "you will come to the kohen who will be in those
 days" –
 not from previous days, the days of Aharon, but rather in those
 days
 he is worthy of being a kohen,
 and the bikkurim declaration means the same,
 that he is telling Hashem's acts of grace
 because when they were in Mitzrayim without any merit or
 mitzvot,
 only "and we cried out to Hashem the Gd of our fathers" and
 we were redeemed in that merit,
 but "now behold I have brought the first of the fruits of the
 land which You have given me Hashem" –
 in my own merit, without the merit of our ancestors,
 "and you will rejoice in all the good that Hashem your G-d has
 given to you and to your household" – read it with precision.

Chatam Sofer apparently read the entire passage nonnormatively, as dealing with both a kohen and a farmer who are completely righteous. The purpose of the farmer's declaration is to contrast himself with the generation of the Exodus. They were redeemed solely because they called on the

G-d of their fathers, who responded out of his love for their ancestors, but the farmer has earned these fruits entirely on his own.

This reading captures well the sense of spiritual self-assurance that pervades the bikkurim ritual, especially the narrator's constant reference to Hashem as the G-d of the

farmer, and the farmer's reference to Him as the G-d of the specific kohen present. But I confess complete bafflement as to why it matters that the kohen as well be completely

righteous, or why this is the true meaning of a ritual that is halakhically obligatory on every farmer regardless of their personal virtues and vices.

Rashi's interpretation is enigmatic and opaque - "The kohen who will be in those days – כמות שהוא = as he is." One possible understanding is found in the following story:

The Lubliner Rav (R. Meir Shapiro) once visited the Chofetz Chayim (R. Yisroel Meir HaKohen) for Shabbat. He naturally asked the Chofetz Chayim to say some words of Torah, but the latter declined, pleading that ill-health made him unfit. The Lubliner responded by quoting Rashi - "*as he is*" The Chofetz Chayim chuckled and began speaking words of Torah.

There is tremendous beauty in past glory, and the Rabbis say that Mosheh placed the broken tablets in the Ark alongside the whole tablets to teach us that scholars whose capacities have waned must still be treated with respect.

But it is nonetheless vital to distinguish the broken from the whole and not grant authority even as we listen reverently to Torah pronouncements from great scholars whose lights have failed.

Shabbat shalom!