

## "FOREMOST IN RANK AND FOREMOST IN POWER": CONFLICT OVER THE FIRST-BORN IN ISRAEL

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When the patriarch Jacob blessed his children on the verge of his death, he described Reuben as *'My first-born, first of my strength, first of my vitality . . . foremost in rank and foremost in power'* (Gen. 49:4). But he disqualified Reuben for reasons of personality (*unstable as water* [49:4]) and for his act of consorting with Bilhah, Jacob's concubine (35:22).<sup>1</sup> Moreover, Jacob did not assign Reuben's privileges to one other son, but rather to *three* other sons.

As the Targum Jonathan (49:3) writes, "The birthright was given to Joseph." Jacob had earlier made clear that Joseph's two sons, Ephraim and Manasseh, would be regarded as his own, thus giving to the first-born son of his favorite wife, Rachel, the double portion usually accorded to the eldest son.<sup>2</sup> Furthermore, in the course of that earlier blessing, Jacob elevated Ephraim, the younger son, above his older brother Manasseh, despite Joseph's protest.

Secondly, the Targum notes that "the kingship was given to Judah." In the long discourse popularly known as the Blessing of Jacob, the patriarch assigned Judah the right to rule (49:9-10), exalting his strength and promising that, *the scepter shall not depart from Judah until he come to Shiloh, and to him will assemble all the nations*, (49:10).<sup>3</sup>

Finally, the Targum concludes "the priesthood was given to Levi."

Each of these reassignments was linked to physical location: Joseph to Shechem, Judah to Shiloh, and Levi to *the place that the Lord thy God will choose from among all the tribes to place His name there. His presence shall*

*you seek out and come there* (Deut. 12:5). This place (although not mentioned in the Five Books of Moses) turns out to be the Temple in Jerusalem.

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We have here an exceptionally complex case of the displaced first-born. It is our view that otherwise obscure references in the Bible, including some of Israel's later political history, can be explained through the prism of conflict over the division of the first-born inheritance. Three examples will be analyzed: the rebellion of Korah; the creation of the monarchy and location of the Temple; and the rebellion of Jeroboam that split the kingdom of David and Solomon.

#### THE REBELLION OF KORAH

Moses, of the tribe of Levi, who himself was not a first-born, was chosen by God to lead the people of Israel out of Egypt (Ex. 3:10, 15). He combined in his person political, judicial, and prophetic authority, and beyond this served also as high priest while training his brother Aaron. In this, he certainly followed the usual practice for those times, reflected even in language. (The Ugaritic term for "judge" is identical to that of "king.")<sup>4</sup> Moses, brought up in Pharaoh's court (2:10), was uniquely qualified to represent the Israelites before the Egyptian monarch. But he was not a first-born son, nor from the tribe of a first-born son. Perhaps for this reason, Jewish sages, ever sensitive to the issue of first-born rights, suggest that he was comparable to Abraham (Deuteronomy Rabbah 2:7), and thus by implication above the issue of the rights given by Jacob.

The concentration of authority in Moses was disputed. The first rebellion of a "displaced first-born" came from Korah son of Yizhar, of the tribe of Levi.<sup>5</sup> Korah protested an arrangement that gave the two sons of Amram, Moses and Aaron, both the political leadership and the priesthood; by his reasoning, he should have had Aaron's post. Korah extended this argument to include in particular the tribe of Reuben (that got nothing) and the first-born of the other tribes, whose selection for the priesthood was forfeited by the sin of the Golden Calf. (Our explanation here follows that of Abarbanel *ad. loc.*) Moses rebuked his cousin by accusing him of overreaching: *'Is it not enough that the God of Israel separated you from the assembly of Israel to bring you close to Him?* (Num. 17:9). This shows Moses' clear understanding of how revolutionary was the act of giving Levi, Jacob's third son, a privilege that not only Reuben but also the first-born of all the tribes might claim. For Korah or Levi to seek a permanent political elevation would go too far. (The Hasmonean

## "FOREMOST IN RANK AND FOREMOST IN POWER"

dynasty would do just that following the Maccabean revolt, with ultimately disastrous consequences.)

As for the Reubenites, Dathan and Abiram,<sup>6</sup> their complaint was material. Having taken them out of Egypt to perish in the desert, how can Moses pretend to lead the people? By the test of results, in other words, Moses lacked a credible claim to govern (Num. 16:14). Moses took their complaint as a veiled attack on his honesty, as if he owed them a material gain. The rebellion ended dramatically when the rebels were burnt by a holy fire and swallowed by the earth following an attempted sacrificial offering. The incense pans were recovered, however, and turned into a symbolic casing of the altar, a reminder to the children of Israel that someone who is not from the descendants of Aaron may not offer incense (17:5). Moses' sensitivity to the tribal divisions may also be seen in the very construction of the Tabernacle (Ex. 31:1-11). By appointing Bezalel from the tribe of Judah and Ohaliav from the tribe of Dan, one representing the descendants of a full wife, the other, one of the concubines, the surrogate of Rachel, mother of Joseph, Moses tied the tribes together in the holy work.

Thus the Korah incident establishes the right of the Levites to perform the Holy Service (especially the incense ceremony that signifies God's acceptance of the sacrifice) against the claims of Reuben and the first-born of all the tribes.

## ESTABLISHMENT OF THE KINGDOM

Neither the sons of Moses nor of his tribe succeeded him as political leader. Instead, Moses' faithful servant, Joshua son of Nun, was selected by God's command. He was from the tribe of Ephraim. The leadership of Ephraim was also confirmed by the presence of the Tabernacle at Shiloh.

The long period of the Judges is a story mostly of regional rather than national leaders. Still, we see evidence of Ephraim's presumption to lead. There are two examples. Gideon son of Joash from the tribe of Manasseh was chosen by God to rescue Israel from the Midianites in a brilliant military campaign (Jud. 6:15). After his success, Ephraimites upbraided him: *'What is this you have done to us, not to call upon us when you went to war with Midian?'* *They quarreled strongly with him* (8:1). Gideon healed the breach through flattery, and there was no war. He also refused the offer of kingship (8:23).

This suggests that Ephraim considered itself, and was considered, as the leading tribe.

There is a second incident, but with a disastrous ending. Jephthah of Gilad, son of a prostitute, is recruited to defend Israel against the Ammonites. After his subsequent victory (marred by the sacrifice of his daughter, figurative or literal), Ephraim complained to Jephthah that he did not call upon them to join the fight and threatened: *'Your house we will burn upon you in fire'* (12:1). Jephthah returned an insult, claiming that Ephraim had not responded to his calls for help. He promptly waged war on the tribe, and Ephraim's willingness to fight indicates a very serious claim to leadership.

The epoch of the Judges reaches its apogee (and end) in the figure of Samuel, son of a man *from Mount Ephraim* (1 Sam. 1:1). This fact adds additional weight to Samuel's complaint when the people demand a king; Samuel himself was effectively an Ephraimite running a judicial government and combining in his person powers comparable to those of both Moses and Joshua. The king was selected from Benjamin (Saul son of Kish), thereby retaining political supremacy within the House of Rachel. But he hailed from a small tribe virtually devastated by the others as a result of the incident of the concubine in Gibeah (Jud. 20). Saul's political structure was a weak one. When he explained his failure to carry out the Divine mandate against Amalek, he confessed his weakness: "the people" made him do it. As the king was intended to put an end to the anarchic pattern of the Judges, Samuel, at God's request, quite rightly pronounced Saul to be unfit to do the task. In short, a vacuum had been created that David son of Jesse, of the tribe of Judah, was to fill.

#### THE REBELLION OF JEROBOAM SON OF NEBAT

David reflected the size of and strength of Judah, celebrated by the earliest tradition as a leader. The tribe distinguished itself in the conquest of the land (Josh. 2). But David himself was a rebel against Saul, and his assumption of the monarchy, although sanctioned by Samuel, did not sit well with the others, especially Ephraim whose claim to rule by virtue of the first-born had been asserted since Joshua's time.

David's conquest of Jerusalem, a city overlapped by the territory of Judah and Benjamin,<sup>7</sup> resulted in the movement of the Ark of the Covenant to the

new capital, but not yet in the construction of the sanctuary that would have been a definitive break with Ephraim's claim. That must await a more qualified king, one not "bloodied" like David. The "blood" means not the blood of Israel's enemies but rather the "bad blood" that existed between the House of Rachel, especially Ephraim, and Judah. Although Solomon's kingdom is "exceedingly well-established," the old problem had not been resolved. When his son Rehoboam proved to be politically inept, Jeroboam son of Nebat, an Ephraimite and an enemy of the House of David, returned from exile to lead a successful revolt. Jeroboam was a leader of the House of Joseph in the time of Solomon, and Solomon tried to kill him after Ahijah of Shiloh prophesied that Jeroboam would lead 10 of the 12 tribes after Solomon's death (I Kg. 11:28-40.) Like Korah's, Jeroboam's revolt was ostensibly about one thing, taxes, but really about political supremacy. In II Samuel 20:1, rebels had voiced their complaint: *'We have no portion in David, no share in Jesse's son'*. The commentary of Malbim explains this latter expression: David's ascendancy has no foundation in tradition (he was the son of Jesse, whose own origins were problematic, descended as he was from the Moabite convert Ruth). We catch a glimpse of a political maneuver when Rehoboam tried to invoke loyalty by going to Shechem, the special city of Joseph, *for to Shechem came all of Israel to crown him* (II Chr. 10:1). This conflict even divided the House of Rachel; Benjamin stayed with Rehoboam. Civil war was prevented only by Divine command.

Free from fear of immediate war, Jeroboam set about to create a new kingdom. The first capital at Shechem was transferred to Tirzah, in Manasseh's territory, and by a later king to Samaria. Seeing that the people were still loyal to the Temple at Jerusalem, he set up two golden calves, using nearly the identical words, *these are your gods, O Israel* found in reference to the sin of the Golden Calf.<sup>8</sup> One calf he set up in Bethel, on the border of Ephraim and Benjamin. This location is highly significant. It owed its name to Jacob, who had the dream of the ladder at Bethel [House of God]: *'How awesome is this place; it can be no other than the House of God and this is the gate of Heaven'* (Gen. 28:18). It is also the place where Jacob gave thanks to God after his encounter with his brother Esau (35:7). Jeroboam placed the other calf in Dan and it seems to have been well patronized.

This, too, was insufficient to change religious allegiance. Jeroboam, therefore, created his own Festival of Tabernacles, a popular pilgrimage during which the king publicly read from the Torah, a sign of legitimacy. Moreover, Jeroboam also performed an incense ceremony as if he were high priest (I Kg. 12:33). He had anointed himself king, although in a way different from the kings of Judah.<sup>9</sup> He thus asserted the first-born claim to its fullest extent: The double portion of Joseph, the priestly service of Levi, and the kingship of Judah. To the author of the Book of Kings he thus *caused Israel to sin*, not only in the worship of idols but in effect the overturn of the division of the first-born dating from the patriarchal period.

The House of Jeroboam was extinguished by Baasha, who was succeeded by his son Elah, from the tribe of Issachar. After the short-lived House of Baasha, there were 15 more Kings of Israel, and their tribal origins are not recorded. Presumably, they were from Ephraim.

Some had great political talent, including the infamous Ahab. They all proved unable to give Israel a distinctive religious loyalty to offset the Jerusalem Temple and, as a consequence, its spiritual life became a mixture of the surrounding cults. In this sense then, Judah had "come to Shiloh," by moving the site of worship from Shiloh to Jerusalem, the House of David assured that Judaism would find its unity there, thus depriving Ephraim of its ultimate religious claim. This notably fulfills Ahijah's original charge to Jeroboam: to him would fall the temporary political leadership of 10 tribes, but Judah would retain a kingdom because of God's promise of rulership to David: *'Before Me in Jerusalem the city that I chose for Myself, to put My Name there* (I Kg. 11:32, 36). The prophet Hosea succinctly summarized the case against Ephraim: *When Ephraim spoke, there was trembling, he exalted in Israel, but when he became sinful through Baal, he died* (Hos. 13:1).

#### IN THE PLACE WHERE THE LORD WILL CHOOSE

This brings us to the final location associated with the division of the first-born rights, Jerusalem. The late Haim Gevaryahu noted<sup>10</sup> that the expression *In the place where the Lord will choose* appears 18 times in Deuteronomy. It is connected once to the phrase *from among your tribes*; once to *in one of your tribes*; three times to *to put my Name there*; six times to  *dwell with My Name there*. Outside of Deuteronomy, the phrase *will choose* occurs only

## "FOREMOST IN RANK AND FOREMOST IN POWER"

once (Josh. 9:27). Whether Jerusalem was meant by this phrase is contested; the "place" name is not mentioned and as noted earlier, the Tabernacle and Ark traveled six times, all in the area of Ephraim.<sup>11</sup>

The portable Ark and Tabernacle were clearly artifacts of the earlier period of Israelite history, when the nation was on the move, in the desert or during the conquest. This lack of permanency could only be changed when the people were sufficiently established to justify a permanent location for the Ark: Jerusalem, a location shared by Judah, the strongest tribe, and Benjamin, a lesser tribe of the House of Rachel. It was a neat compromise on the claims of the birthright. (Similarly, in the United States, the capital of Washington D.C., was set midway between the northern and southern states; a good example of such geo-politics.) Indeed Jerusalem became a place unto itself with special *halachot* [laws] befitting its unique status. But it also represented a decisive rejection of Ephraim's assertion that the first-born rights included an exclusive claim to the House of the Lord, or, for that matter, to the rulership.

## CONCLUSION

The quarrel over the birthrights of the first-born is a constant biblical theme from the time of Jacob to the end of the Northern Kingdom. Reuben's loss of rights is used to challenge Moses; Ephraim's claim, founded in Jacob's preference for Joseph, had considerable tradition behind it; and following the death of Solomon, Jeroboam acted effectively to establish a new kingdom. Ultimately, however, these attempts failed to dislodge the order described in I Chronicles 5:1-2. To paraphrase that passage: His [Reuben's] birthright was given to the children of Joseph, son of Israel, but not to claim primacy through descent. Judah was strongest among his brothers and the rulers stemmed from him, although the first-born was Joseph.

Joseph received a double portion of land, but the claim of Ephraim to both the monarchy and the Temple service ended with the ruin of the Northern Kingdom and the exile of the 10 tribes. Echoes of the conflict continue, including the famous passage read in the synagogue on the second day of Rosh HaShana:

*A voice is heard in Ramah, wailing, bitter weeping, Rachel crying over her children, refusing to be comforted . . . .*

*Surely Ephraim is a dear son to Me . . . . I do earnestly remember him . . . . I will receive him back in love declares the Lord (Jer. 31:15, 30)*<sup>12</sup>

The Talmud (B. Sukah 52a) portrays a Messiah son of Joseph as the precursor of the ultimate Messiah son of David. The son of Joseph is slain after recovering the 10 lost tribes exiled by the Assyrians.<sup>13</sup> One can still feel the force of the argument over the displaced first-born in Hosea's prophecy: *And the descendants of Judah and the descendants of Israel will be gathered together and they will put for themselves one leader and they shall ascend from the land for great is the day of Jezreel (Hos. 2:2).*

## NOTES

1. Deuteronomy 21:15-17 forbids a father to demote a natural first-born son because he dislikes the mother. Jacob specifies, however, that Reuben has disqualified himself because of his own actions not his mother, thus not falling afoul of the prohibition.

2. The biblical source for giving the first-born son a double portion is Deuteronomy 21:17.

3. In Jacob's blessing, all the brothers and Joseph's sons except Joseph himself, are mentioned by name. *Ben Porat Yoseph* is a reference to his sons as many interpreters correctly suggest. The formula used with Joseph's sons, including the placement of the hands on their heads (Gen. 48:14) in a *semiha* fashion, includes their blessing with the brothers (Gen. 49:22), assures their first-born rights. On his death-bed, Jacob affirmed Joseph's first-born son rights of double portion and the rule over his brothers (v.. 26) and he also made the declaratory announcement that the four sons of the concubines are counted among "his sons" thus entitling them to an equal inheritance.

4. Cyrus Gordon, *Lifnei Heyot Ha-Tanakh* (Tel-Aviv: 1966) p. 245. A priest, a judge, and a prophet share common symbolic features, such as bestowing anointment on others. See an example of a prophet being anointed at I Kings 19:16. *Semiha*, that is a symbolic transfer (Lev. 16:21), is shared by judges (see Joshua's in Num. 27:18-23; Deut. 34:9) and kings. Kings and priests pass on the title/position to their children, and one example suggests that a son of a prophet might possess some inheritance powers as well (Amos 7:14). The above indicates a shared stem among priests, judges, prophets, and kings.

5. Levi had three sons: Gershon, Kohath and Merari. Kohath had two sons: Amram, the father of Aaron and Moses, and Yizhar, the father of Korah.

6. The midrash (Exodus Rabbah Parasha A, 30 and other midrashim) attributes to Dathan and Abiram from the tribe of Reuben (Num. 26:5-9) three rebellions against Moses.

7. See Joshua 15:8, 15:63, 18:28, and Judges 1:21. Yehuda Elitzur and Yehuda Kiel try to reconcile the territorial issue of Jerusalem in *Atlas Daat Mikra* (Jerusalem: Mossad Harav Kook, 1998) p. 152. See also Yehuda Kiel *Sefer Yehoshua* (Jerusalem: Mossad Harav Kook, 1970) p. 147 and p. 158.

## "FOREMOST IN RANK AND FOREMOST IN POWER"

8. It is astonishing that at an event associated in the Israelite tradition with disaster, the sin of the Golden Calf, should be invoked by Jeroboam to attract adherents. Either there was a narrative separate from the Torah of what happened with the Calf or, as Max Sicherman suggests, Jeroboam might have argued that the Levites and Aaron, in particular, were responsible for the trouble. Hence, the calf worship might have been acceptable by God if the leaders of Israel, namely Ephraim, had offered sacrifice.

9. The Talmud notes that anointment was only needed when the regal line changed (Keritot 5b; Horayot 11b) Abarbanel, in his introduction to the Book of Judges (Commentary on the Early Prophets) describes the differences in anointing between the kings of Judah and Ephraim and also the distinction between judge and king. He views the king as essentially a military leader, while the judge is essentially a civilian leader.

10. *Hamakom asher yivchar* (Jerusalem: World Congress of Jewish Studies, 1947) (published 1952) pp. 211-216.

11. The Samaritan Torah version contains here a significant difference from the Masoretic text. It specifies Mt. Gerizim as the chosen place whereas the Masoretic text has *In the place where the Lord will choose*. Mt. Gerizim near Shechem, in Ephraimite tribal land, is the center of the Samaritan religion, not Jerusalem. We wish to thank Reuven Z. Gevanyahu for pointing out this variation to us.

12. The issue of first-born rights and succession of son to father, however, persisted in virtually every area of Jewish life. Descendants of the Davidic dynasty still claimed primacy after the end of the Herodian state, in both the remaining Jewish communities in the Holy Land and those in the exile. It was only with some difficulty that the dynastic principle was avoided in the rabbinate, where learning remained the primary qualification. See Sidney B. Hoenig "Filial Succession in the Rabbinate," *Gratz College Annual* (1972) pp. 14-22. The Hatam Sofer (Rabbi Moses Schreiber, 1762-1839) claimed that rabbis do have the right to leave their rabbinical posts to their learned sons and the root of this issue goes all the way back to succession rules of the patriarchs. Also, according to the Hatam Sofer, Rabbi Yehuda the Prince, the codifier of the Mishnah, omitted virtually the entire chapter on Hanukkah from the Mishnah, since he was a direct descendant of David whereas the miracle of Hanukkah was accomplished by the Hasmoneans from a priestly family. Hatam Sofer made this bold statement in his homily to Hanukkah 5580 (1820) but it was removed from most editions. See Eliezer Katz, *Hehatam Sofer* (Jerusalem: Mosad Harav Kook, 1960) p. 40.

13. Joseph, as a precursor to Messiah ben David, is further elaborated in *Sefer Zerubbabel* in the collection titled Beit Ha-Midrash, A. Jellinek 2 (Leipzig, 1853; reprinted by Wahrmann Books, Jerusalem, 1967) pp. 54-57.

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