**PARASHAT HASHAVUA**

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**PARASHAT CHUKAT**

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in honor of Mr. Aryeh Fund,

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**The Red Heifer (19:1-22)**

**Rav Elchanan Samet**

1: And the Lord spoke to Moshe and to Aharon, saying:

2: **This is the statute of the law** which the Lord has commanded, saying:

Speak to the children of Israel, that they bring you a red heifer, faultless, wherein is no blemish, and upon which never came yoke.

3: And you shall give it to Elazar the priest,

and it shall be brought forth outside the camp, and it shall be slain before his face.

4: And Elazar the priest shall take of its blood with his finger,

and sprinkle of its blood toward the front of the Tent of Meeting seven times. 

5: And the heifer shall be burnt in his sight;

its skin, and its flesh, and its blood, with its dung, shall be burnt.

6: And the priest shall take cedar-wood, and hyssop, and scarlet,

and cast it into the midst of the burning of the heifer.

7: Then the priest shall wash his clothes, and he shall bathe his flesh in water,

and afterward he may come into the camp, and the priest shall be unclean until the evening. 

8: And he that burns it shall wash his clothes in water, and bathe his flesh in water, and shall be unclean until the evening.

9: And a man that is clean shall gather up the ashes of the heifer,

and lay them up without the camp in a clean place,

and it shall be kept for the congregation of the children of Israel for a water of sprinkling;

it is a purification from sin.

10: And he that gathers the ashes of the heifer shall wash his clothes, and be unclean until the evening**;**

**and it shall be to the children of Israel, and to the stranger that sojourns among them, for a statute forever.**

11: **He that touches the dead, even any man's dead body,**

shall be unclean seven days;

12: the same shall purify himself therewith on the third day and on the seventh day –

and he shall be clean;

but if he purify not himself the third day and the seventh day –

he shall not be clean.

13: **Whoever touches the dead, even the body of any man that is dead,** and purifies not himself – he has defiled the *Mishkan* of the Lord; that soul shall be cut off from Israel; because the water of sprinkling was not dashed against him, he shall be unclean;

his uncleanness is yet upon him. 

14: **This is the law:**

when a man dies in a tent,

everyone that comes into the tent and everything that is in the tent shall be unclean seven days. 

15: And every open vessel, which has no covering close-bound upon it, is unclean.

16: And whoever in the open field touches

one that is slain with a sword, or one that dies of himself, or a bone of a man, or a grave,

shall be unclean seven days.

17: And for the unclean they shall take of the ashes of the burning of the purification from sin

and running water shall be put thereto in a vessel.

18: And a clean person shall take hyssop, and dip it in the water,

and sprinkle it upon the tent, and upon all the vessels, and upon the persons that were there,

and upon him that touched the bone, or the slain, or the dead, or the grave.

19: And the clean person shall sprinkle upon the unclean on the third day, and on the seventh day;

and on the seventh day he shall purify him; and he shall wash his clothes, and bathe himself in water, and shall be clean at evening.

20: But the man that shall be unclean and shall not purify himself, that soul shall be cut off from the midst of the assembly,

because he has defiled the sanctuary of the Lord;

the water of sprinkling has not been dashed against him: he is unclean. 

21: **And it shall be a perpetual statute to them;**

and he that sprinkles the water of sprinkling shall wash his clothes;

and he that touches the water of sprinkling shall be unclean until evening.

22: And whatever the unclean person touches shall be unclean;

and the soul that touches him shall be unclean until evening.

### I. The structure of the section

Like other halakhic sections, the section dealing with the red heifer is built in the same way that many other literary units of the Bible of different literary genres are built. It is divided into two halves of equal length, between which there is a "central axis," the role of which is to shift the theme of the first half to that of the second half.

In our description of the structure of the section, we will make use of the transcription found above.

### The first half

The first half of the section is comprised of ten verses (1-10), containing 146 words. After verse 1, which serves as a prologue – "And the Lord spoke to Moshe and to Aharon, saying"[[1]](#footnote-1) – the introduction to this half appears in verse 2:

This is **the statute** of the law[[2]](#footnote-2) which the Lord has commanded, saying:

At the end of this half, at the end of verse 10, the conclusion is similar in its wording to the introduction:

And it shall be to the children of Israel, and to the stranger that sojourns among them, for **a statute** forever.

The issue that is discussed in this half is the process of preparing the ashes of the heifer. At the beginning of the section, we find a description of the heifer that fulfills the necessary conditions for getting the process moving:

2: …a red heifer, faultless, wherein is no blemish, and upon which never came yoke.[[3]](#footnote-3)

Close to the end of the half a description is given of the end of the process:

… and lay them up outside the camp in a clean place,

and it shall be kept for the congregation of the children of Israel for a water of sprinkling;[[4]](#footnote-4) it is a purification from sin.

The main part of the first half is dedicated to a description of the various actions that must be performed in order to reach the end of the process – ashes of a red heifer that are kept for the water of sprinkling. They are:

1. Taking the red heifer out of the camp and slaughtering it (v. 3)

2. Sprinkling of its blood seven times toward the front of the Tent of Meeting (v.4)

3. Burning the heifer in its entirety (v. 5)

4. Casting cedar-wood, hyssop, and scarlet into the burning of the heifer (v. 6)

5. Gathering the ashes of the heifer and placing them in safekeeping

Regarding the people who perform acts 3-5, it is stated that they are impure until the evening and that they must wash their clothing and bathe their bodies in water in order to clean themselves (vv. 7-8, 10).

What is strikingly absent in this half is an explanation of the ultimate purpose of all the actions that the Torah commands in these verses. Toward the end of the half it is stated that the ashes are intended for "the water of sprinkling" – but for what is such water needed, upon whom is it sprinkled, and for what purpose? Nothing is said about this here, even by way of a hint or allusion.

### The central axis

The central axis is comprised of three verses containing 53 words. It is divided into two parts, almost equal in length, which open with similar words. The first part, vv. 11-12, reveals the "secret" that was not revealed to us in the first half:

**He that touches the dead, even any man's dead body,**

shall be unclean seven days;

**the same** shall purify himself therewith on the third day and on the seventh day – and he shall be clean.

Thus we see that the water of sprinkling into which is mixed the ashes of the red heifer are used to sprinkle on an unclean person who came into contact with a corpse, his purification being dependent upon this water being sprinkled on him on the third and the seventh day after he became unclean.[[5]](#footnote-5)

The second half of the central axis, v. 13, clarifies the severity of an unclean man's failure to purify himself with the water of sprinkling, and thus we understand the importance of the ashes of the heifer and the process of its preparation:

**Whoever touches the dead, even the body of any man that is dead,** and purifies not himself –

he has defiled the *Mishkan* of the Lord; that soul shall be cut off from Israel…

The root *chet-tet-alef* (in the sense of *chitui*, "purification"), which appears as a noun at the end of the first half (end of v. 9), "it is a purification [*chatat*] from sin" (= the heifer, as is explained in v. 17), appears three times as a verb in the central axis – *yitchata*, "purify."The phrase, "water of sprinkling," which also appears at the end of the first half (in v. 9), appears once again at the end of the central axis.

The central axis, as much as it clarifies the objective of the vigorous activity described in the first half, does not give sufficiently clear guidelines regarding use of the "water of sprinkling" for the purification of one who contracted corpse impurity.[[6]](#footnote-6) First of all, it is not clear how the "water of sprinkling" is made with the heifer's ashes. Second, it is not clear how the purification process itself on the third and the seventh days is to be conducted. Third, does purification by way of the water of sprinkling suffice to purify the unclean person from his impurity? All of these questions and additional questions (connected to the ways one can contract corpse impurity) are answered in the second half, which is an expansion upon and elaboration of what is stated in the central axis.

### The second half

The second half of the section is comprised of nine verses (14-22), containing 146 words, precisely the same number of words found in the first half. This half has an introduction:

This is the law[[7]](#footnote-7)…

And towards the end of the second half, there is a concluding formula that is reminiscent of the concluding formula found in the first half:

21: And it shall be a perpetual statute to them.

After the concluding formula, there is an appendix to the laws found in this half (in verses 21b-22). As we shall explain below, the nature of the laws mentioned in the appendix does not allow them to be included in the body of the second half, and the conventional literary solution is such situations is to bring them at the end of the section, after the formal conclusion.[[8]](#footnote-8)

The body of the second half is divided according to its contents into four parts:

1. What are the ways of contracting corpse impurity – who and what become unclean, and what connections to the corpse cause impurity (vv. 14-16)
2. How is the water of sprinkling prepared (v. 17)
3. How does one purify and how does one become purified (vv. 18-19)
4. The punishment of one who does not undergo purification and defiles God's sanctuary (v. 20)

The fourth part, v. 20, repeats the third verse in the central axis, adding nothing new.[[9]](#footnote-9) The second part, v. 17, contains a novelty that was not discussed previously. The first and third parts greatly elaborate on what is stated in the central axis and add many details not hinted at therein.[[10]](#footnote-10)

In these verses, the root *­chet-tet-alef* appears another three times: once as a noun in v. 17 ("of the ashes of the burning of **the purification from sin** [*ha-chatat*]," and twice more as a verb (in vv. 19-20). This completes the seven instances in which this root appears in our *parasha* as a guide word.

The appendix to the second half contains two laws, which complete in chiastic order the subject matter of this half:

1. To the description of the purification process, which is described in the second part of the second half (vv. 18-20), there is added the law that both the one who sprinkles the water of sprinkling and one who touches it are unclean (v. 21b).

This law, especially as it as interpreted according to the Halakha, cannot be integrated into the body of the second half, because there the discussion is limited exclusively to the laws governing one who contracted corpse impurity and his purification, whereas the laws of the impurity of the one who sprinkled the water of sprinkling and of one who touched it is a side matter.

This is not the case in the first half. There, the laws of the impurity of those who participated in the preparation of the ashes of the heifer are integrated in the body itself of that half; they are not a side matter tangential to the issue discussed in that half, but rather part of that issue itself (this will be explained in detail in section 4).

2. To the definition of the situations of corpse impurity, which is discussed in the first part of the second half (vv. 14-16), there is added the law that also one who touches a person who contracted corpse impurity is impure, but his impurity is lighter – until the evening – and, needless to say, he does not need purification by way of the sprinkling of the water of sprinkling (v. 22).

Of course, this law as well could not be integrated in the body of the second half, which discusses the purification process of one who contracted corpse impurity and requires purification by way of the water of sprinkling.

In this appendix, the root *chet-tet-alef* does not appear, as the unclean individuals that it discusses do not require purification, whereas the phrase "water of sprinkling" appears twice in the first part of the appendix, thus completing five instances of this phrase in the entire section.

### II. "The sacrifices that are offered outside [the Temple]"

The structure of the Torah section discussed in the previous section of this *shiur –* or, to be more precise, the first half of that section as part of this structure – raises two questions.

First of all, the offering of the heifer – preparing its ashes – turns out to be a preparatory actof creating the **means** to carry out the *mitzva* of purifying those who contracted corpse impurity. Why, then, do the laws governing the offering of the heifer – preparing the means – fill an entire half, they being of the same length as the laws of purity and impurity in the second half? The fitting ratio (from a literary perspective) between the part dealing with the means and the part dealing with the main point, i.e., the end, should be such that the main idea fills most of the section!

Second, why in all of the laws dealing with the offering of the heifer in the first half is there not even a hint that the objective of these actions is the purification of those who have contracted corpse impurity?

It seems that these two questions lead us to the understanding that the offering of the heifer is not just a preparatory act, a means of obtaining the ashes that are required for the purification of the unclean, but rather it itself constitutes service of independent importance, each of its details bearing significance.

The Ramban includes the offering of the red heifer in the same group as the goat that is sent off to Azazel on Yom Kippur and the calf whose neck is broken (*egla arufa*), and sees them as offerings that are brought at the Torah's command outside the Temple. This is what he says in his commentary to *Devarim* 21:5-8:

The breaking of the neck [of the calf]… in my opinion, it is like the sacrifices that are offered outside [the Temple] – the goat that is sent off to Azazel and the red heifer. Therefore, the Sages counted the calf with the broken-neck among the statutes [that have no apparent reason].[[11]](#footnote-11)

In our *parasha*, the Ramban writes (s.v. *zot chukat ha-torah*):

Because Satan and the nations of the world taunt Israel, saying: What is this *mitzva*, on this account Scripture uses the term *chuka* [statute] regarding it: It is a decree from before Me; you have no right to criticize it – these are the words of Rashi based on the words of our Rabbis. I already wrote regarding the goat that is sent off [to Azazel],[[12]](#footnote-12) why the nations would taunt us about this more than about the rest of the sacrifices that achieve atonement, and some of them purify, such as the sacrifices brought by a *zav* and by a woman after childbirth [and therefore the red heifer is also like the offerings that come to purify the unclean]. Since it is offered outside [the Temple], it seems to them that it is offered to the satyrs in the field (see *Vayikra* 17:7). The truth is that it comes to remove the spirit of impurity, and its burning is like sweet savor outside the Temple.

The idea that the red heifer is a sacrifice that is offered outside the Temple runs though many of the laws governing the handling of the heifer, both in the Written Law and in the Oral Law. This "sacrifice" is very different from ordinary sacrifices: Not only is the processing of the heifer not done in the Temple; it is not offered on an altar, its blood is not cast upon an altar, and its burning is not for "sweet savor to the Lord,"[[13]](#footnote-13) but rather for a practical purpose – to turn it into ashes that will be kept for the congregation of Israel. Indeed, the Halakha did not view the red heifer as "consecrated to the altar," but rather as "consecrated for the upkeep of the Temple," and this has various practical ramifications.[[14]](#footnote-14)

In the Written Law, we find the following laws that indicate that the preparation of the red heifer is regarded as the offering of a sacrifice (outside the Temple):

• The red heifer must be "without blemish" (v. 2) – like all the sacrifices.[[15]](#footnote-15)

• The priest's role in the various stages of the heifer's preparation (vv. 3, 4, 6),[[16]](#footnote-16) even though the sprinkling on the person who contracted corpse impurity can be performed by a non-priest.[[17]](#footnote-17)

• The sprinkling of the heifer's blood seven times "toward the front of the Tent of Meeting" (v. 4) is similar to the sprinkling of the blood of other sacrifices. See, for example, the sin-offering of the anointed priest (*Vayikra* 4:6) and the sin-offering of the congregation (*Vayikra* 4:17).

And here are examples from the Oral Law: In the *mishna* in tractate *Para*, there is a series of disputes between the Sages and R. Eliezer regarding whether to liken the preparation of the heifer to the offering of a sacrifice. In 2:3, the following dispute is brought:

One that is born from the side, the hire of a harlot, or the price of a dog is invalid. R. Eliezer rules that is valid, for it is stated: "You shall not bring the hire of a harlot or a dog into the house of the Lord" (*Devarim* 23:19) – but this was not brought into the house.

The Sages liken the red heifer to the other sacrifices, their reasoning being that the Torah refers to the heifer as a *chatat* (v. 9), the same term used for a sin-offering. R. Eliezer rejects this comparison, arguing that the heifer "is not brought into the house."

The *mishna* in *Para* 4:1 brings the following dispute:

If the heifer for the sin-offering[[18]](#footnote-18) was slaughtered under some other name, or if its blood was received or sprinkled under some other name… it is invalid. R. Eliezer rules that it is valid.

The anonymous first *Tanna* likens a red heifer to a sin-offering, the services of which must be performed for the sake of a sin-offering. He learns this from the fact the Torah refers to the red heifer as a *chatat*, teaching that it has the law of a sin-offering. R. Eliezer says that it is valid even if the services were performed for another purpose, because he rejects the comparison and argues that the term *chatat* "in its literal meaning is a term denoting purification" (Rashi, v. 9).

Later in that same *mishna*, it is stated:

If the service was performed by one whose hand or feet were unwashed, it is invalid. But R. Eliezer rules that it is valid.

The reason for this dispute is similar to that of the other disputes. R. Eliezer rules that is valid, "because it is stated: 'When they go into the Tent of Meeting, they shall wash with water, and die not' (*Shemot* 30:20) – which teaches that washing the hands and feet are necessary only inside" (Tosefta *Para* 4:4).

In all of these disputes, the law was decided in accordance with the opinion of the Sages (the anonymous first *Tanna*).

Here is another law (ibid.), regarding which there is no disagreement:

If it was performed by one who was not wearing all the prescribed [priestly] garments, it is invalid. And it was in white garments that it was to be prepared.

We see from here that not only must the red heifer be prepared by a priest, but the priest must wear the priestly garments, just as he obligated to do when performing the service in the Temple.

Additional laws can be brought in which a comparison is drawn between the red heifer and the sacrifices that are offered in the Temple, but one fundamental law distinguishes between the red heifer and all the sacrifices, a law that was the subject of a great dispute with the Sadducees. According to the Sages, the priest who burns the red heifer can be a "*tevul yom*" – one who contracted impurity that lasts for only one day and immersed himself on the day that he contracted the impurity, but the sun did not yet set, so that he is forbidden to enter the Temple or eat sacrificial meat until sunset (and he is liable for the punishment of *karet* if he violates these prohibitions). The Sadducees, on the other hand, required that the priest who processes the heifer be "one on whom the sun has set," such that he is permitted to enter the Temple.

It appears that the Sadducees drew a full comparison between the red heifer and a sacrifice offered in the Temple and required for its processing the same level of purity needed for sacrifices. The Sages did not agree. Even though they likened the processing of the red heifer to the offering of a sacrifice in the Temple with regard to various laws, they insisted that the heifer fell not into the category things consecrated for the altar, but rather into the category of things consecrated for the upkeep of the Temple, with all of the halakhic ramifications that this implies.

In summary, even though the red heifer is not an actual sacrifice – it is not consecrated to the altar – and even though its burning is not an act of actual offering of a sacrifice, because of all the fundamental differences between these two acts, nevertheless it is considered "service," and the red heifer is governed by several laws that govern things consecrated to the altar. Thus, the Ramban's position that the heifer is like a sacrifice that is offered outside the Temple has solid foundation.

But what is the objective of this "quasi-sacrifice" that is offered outside the Temple? The objective of the goat that is sent to Azazel on Yom Kippur is stated explicitly in Scripture: "And the goat shall bear upon him all their iniquities to a land which is cut off" (*Vayikra* 16:22). Similarly, the objective of the calf whose neck is broken is also spelled out explicitly in Scripture: "And all the elders of that city… shall wash their hands over the heifer whose neck was broken in the valley. And they shall speak and say: Our hands have not shed this blood… Forgive, O Lord, Your people Israel… And the blood shall be forgiven them" (*Devarim* 21:6-8). But what is the objective of offering the red heifer like a sacrifice that is offered outside the Temple?

The Ramban answers: "The truth is that it comes to remove the spirit of impurity." It stands to reason that he is referring to the corpse impurity, for this is the purpose of preparing the ashes that are kept for the water of sprinkling. But it should be noted that this is not stated explicitly in the account of its preparation, and even the concept of "the spirit of impurity" in connection with corpse impurity is not clear.

Its seems that the reason for the preparation of the heifer can be learned by comparing it to another act that appears to be a sacrifice that is offered outside the Temple – the purification of leper who was healed of his leprosy. We have marked in bold those elements that are found also in the preparation of the red heifer or in the purification of a person who contracted corpse impurity:

*Vayikra* 14:4: Then shall the priest command to take for him that is to be cleansed two living clean birds, **and cedar-wood, and scarlet, and hyssop.**

5: And the priest shall command to **kill** one of the birds in an earthen vessel **over running water.**

6: As for the living bird, he shall take it, and the cedar-wood, and the scarlet, and the hyssop, and shall dip them and the living bird in the blood of the bird that was killed over the running water.

7: **And he shall sprinkle upon him that is to be cleansed** from the leprosy **seven times,** and shall pronounce him clean, and shall let go the living bird into the open field.

The slaughter of the bird and the use of its blood are sort of a purification sacrifice for the leper. This is done outside the Temple, because at this stage the leper cannot even go in to the door of the Tent of Meeting. This is also the case with the red heifer.[[19]](#footnote-19) The difference is that the purification offering of the leper is a personal offering, but this is not possible in the case of the red heifer; it is not possible that such an animal should be slaughtered for every person who contracts corpse impurity. Therefore, this purification offering is made for the entire people of Israel, and its ashes, which are given over for safekeeping, are later used by any individual who requires purification from corpse impurity.

The idea of the red heifer as a quasi-sacrifice that is offered outside the Temple will be used later in this study, in order to resolve the famous difficulty raised by *Chazal* and the *Rishonim* regarding the red heifer.

### III. "The red heifer renders unclean those who occupy themselves with it, though it is made to purify all uncleanness"

In several *midrashim* and in the words of the Biblical commentators, the red heifer is presented as the clearest example in the Torah of a *mitzva* the reason for which we cannot understand. This is the way that the *Amora* R. Yitzchak opens a *peticha* to our *parasha* (*Bemidbar Rabba* 19:3):

"This is the statute of the law" – R. Yitzchak opened: "All this have I tried by wisdom; I said: I will get wisdom; but it was far from me" (*Kohelet* 7:23).

The homilist continues with a description of Shelomo's wisdom, referring specifically to his giving reasons for various *mitzvot* in the Torah. He concludes:

Shelomo said: All of these [*mitzvot*] I understood, but the section dealing with the red heifer I investigated, inquired about, and examined: "I said: I will get wisdom; but it was far from me."

Rashi opens his commentary to our *parasha* with the following:

"This is the statute of the law" – Because Satan and the nations of the world taunt Israel, saying: What is this command and what reason is there for it? On this account, it [Scripture] wrote the term "*chuka*" [statute], implying: It is a decree from before Me; you have no right to criticize it.[[20]](#footnote-20)

Why did these people have difficulty with the red heifer, more so than with other purification ceremonies? As we saw at the end of the previous section, there are many similarities between the purification of a person who contracted corpse impurity and the purity of a recovered leper.[[21]](#footnote-21) Why, then, did Shelomo not apply his words (in the *midrash*) to the purification of a leper? And why didn't the commentators discuss the issue of the reasons for the *mitzvot* in connection with the purification of a leper or with the many other *mitzvot* whose reasons are hidden from us?

The author of the *Chinukh* relates to this problem in his discussion of the reason for the *mitzva* of the red heifer (*mitzva* 397):

Even though my heart has driven me to write hints of the reasons for the preceding *mitzvot* based on the plain understanding… regarding this *mitzva* my hands are lax and I am afraid to say anything even about the plain understanding. For I saw that many of our Rabbis spoke at length about its profound mystery and great significance, to the point that they said that King Shelomo… [here he brings the Midrash cited above]. They also said in *Midrash Rabbi Tanchuma* (*Chukat* 8): "R. Yose bar Rabbi Chanina said: The Holy One, blessed be He, said to Moshe: To you will I reveal the reason for the red heifer, but not to others," and many other such statements.

Now, one should not think that the mystery of this statue lies in the fact that it purifies when its ashes reach the body of the person being purified, for we find something similar in other sacrifices in the case of a *zav* and a woman after childbirth, that their purification is completed with their sacrifices.

But the real marvel, according to what I have heard, is that it purifies the unclean, but renders unclean those who participate in its burning… And another great question about it – that it is done outside the camp, unlike the rest of the sacrifices, and it is about this that the nations of the world taunt Israel….[[22]](#footnote-22)

The question arising from the fact that the red heifer is burned outside the Temple applies also to the calf whose neck is broken and to the goat who is sent to Azazel, as we saw in the previous section, and so this still does not account for the unique attitude toward the section dealing with the red heifer that we find in the words of the Midrash and the commentators. However, the first reason mentioned in the *Chinukh* is in fact unique to the red heifer. There is a paradox that give rise to a logical difficulty: How can the same thing purify the unclean and at the same time render the clean impure (though not with the same degree of impurity)?

Indeed, it is specifically this question that several *midrashim* raise with respect to the red heifer, and it is here that they see the uniqueness of this *mitzva,* which distinguishes it from the rest of the commandments.

I present here *Midrash Tehillim* to *Tehilim* 9 (ed. Buber, p. 80):

This is what Scripture says: "Kohelet sought to find out words of delight" (*Kohelet* 12:10) – Shelomo sought to understand the matter of the red heifer, for R. Yitzchak said: **All who occupy themselves with the heifer render their garments unclean,[[23]](#footnote-23)** while it itself purifies the unclean. The Holy One, blessed be He, said to him: "and that which was written uprightly, even words of truth" (ibid.) – I already wrote to you about My book – uprightness… Act with uprightness, act with innocence, act with faith. I issued a decree, I enacted a statute, and you must not criticize it, as it is stated: "This is the statute of the law."[[24]](#footnote-24)

In the *piyyutim* that are recited in Ashkenazic communities on *Shabbat Para*, the idea that the red heifer is a statute whose reason cannot be understood is prominently featured. So writes R. Elazar Ha-Kalir in the *siluk* for *Shabbat Para*, "*Ein le-sochei'ach otzem nifle'otekha*":

The red heifer renders unclean those who occupy themselves with it, though it is made to purify all uncleanness.

Its ashes become a father of uncleanness, though it renders clean the father of fathers of all uncleanness.

Therefore, one cannot understand the mystery of Your Torah, nor the refinement of Your word or the clarification of Your decree.

The medieval commentators try to resolve this paradox regarding the red heifer by way of examples from nature. The Chizkuni, in his commentary to verse 12, writes:

One might ask: How does the red heifer render the impure clean and the clean impure? The answer is that we find that one thing can have two opposite effects. Fire melts lead and other things and hardens eggs and other things. Similarly, medicines heal the sick but hurt the healthy… Seeing that this is true, one can understand by way of logic that it is possible that the Holy One, blessed be He, commanded to render these clean and these unclean. It is also written in a book that if one places water in a clear glass utensil in the sun, fire will issue from it.[[25]](#footnote-25)

The author of the *Chinukh* writes in *mitzva* 397:

Various medicines obtained from plants and trees… are full of opposite effects: They cool down the hot and warm up the cold. If we [properly] understood man's nature, his sickness and health, we would understand… that it is the nature of the [red] heifer to render a person sick and unclean while it is being burned, and after it has turned into ashes, it heals the sickness of impurity.

However, the *Chinukh* immediately and correctly adds his reservations about the forced answer that he had proposed:

This does not provide a clear understanding of anything!

### IV. Why "All who are engaged in the preparation of the red heifer" Are rendered unclean

In this section, we will argue that the paradox found in the laws of the red heifer, which troubled the commentators across the generations, is nothing but an imaginary paradox. An examination of the laws of impurity that stem from occupation with the red heifer and the water of sprinkling, **based on the way these laws were explained according to the Halakha**, in the Mishna and other Talmudic sources, and as they were codified in the Rambam's *Mishneh Torah*, will teach us that it is only an optical illusion that causes us to draw a connection between these laws of impurity and the fact that the red heifer purifies those who have contracted corpse impurity. The truth is that there is no connection between these two sets of laws – the laws of impurity that stem from occupation with the red heifer, on the one hand, and the laws of purity for which the preparation of the red heifer is intended, on the other.

Later in this section, we will see that the laws of impurity that stem from occupation with the red heifer are not unique to occupation with the heifer, but rather are general laws that are found also in other places where there is a similar reason for impurity. Therefore, it is not the red heifer in itself that causes the impurity of those occupied in its preparation. Rather, there is a more general reason for this, one that is unrelated to the fact that the heifer renders the impure clean. But because the concepts of purity and impurity meet in one act, the appearance is created of a contradiction between them, and it is this imaginary contradiction that created great difficulty for those considering the matter and gave rise to solutions based on the "the unity of opposites" – which are totally unnecessary solutions.

Before we clarify the matter, we must first define the situations of impurity that stem from occupation with the red heifer at its various stages.

In the Torah section itself, these laws of impurity are discussed in two places and in two different contexts. In the first half – in the laws governing the preparation of the heifer – a law of impurity is first mentioned in v. 7, after the stage of casting the cedar-wood, the hyssop, and the scarlet in the midst of the burning of the heifer:

7: Then the priest shall wash his clothes, and he shall bathe his flesh in water, and afterward he may come into the camp, and the priest shall be unclean until the evening.

The meaning of the verse is somewhat obscure: Who is the "priest" referred to in the verse? Is it just the last priest who was mentioned in v. 6: "And the priest shall take the cedar-wood, and hyssop, and scarlet, and cast it into the midst of the burning of the heifer," or perhaps also the priest who was mentioned in v. 3: "And you shall give it to Elazar the priest, and it shall be brought forth outside the camp, and it shall be slain before his face," and if so, certainly also the priest who was mentioned in v. 4: "And Elazar the priest shall take of its blood with his finger, and sprinkle…"?

Another question may be raised. In v. 8, it is stated:

And he that burns it shall wash his clothes in water and bathe his flesh in water, and shall be unclean until the evening.

The actions of the one who burns the heifer were described in v. 5. Why then is the fact that he is impure not written immediately after his action (as we find regarding the one who gathers the ashes, below in vv. 9-10)?

It seems that the answer to the first question will resolve also the second one: The "priest" who was rendered unclean in v. 7 is the slayer, the sprinkler, and the caster, for regarding all three of them mention is made of a priest. However, in v. 5 it is not stated that the burner must be a priest, and therefore what is stated in verse 7 does not relate to him. It was therefore necessary for the Torah to add in v. 8 that even the one who burns the heifer is unclean.[[26]](#footnote-26)

In the continuation, in v. 9, instruction is given regarding the gathering up of the ashes of the heifer:

And a man that is clean shall gather up the ashes of the heifer…

This gathering up of the ashes may be performed by a non-priest ("a man that is clean" – but not necessarily a priest). Then, in v. 10, instruction is given regarding the impurity of the man who gathered the ashes:

And he that gathers the ashes of the heifer shall wash his clothes and be unclean until the evening.

The conclusion as formulated by the *mishna* (*Para* 4:4), is:

All who are engaged in the preparation of the [red] heifer, from the beginning until the end, render their garments unclean.

The matter is explained by the Rambam (*Hilkhot Para Aduma* 5:1):

All of those involved in offering the red heifer from the beginning to the end become impure and impart impurity to their garments as long as they are involved in its being offered. This concept is derived as follows: With regard to the one who slaughters the heifer and one who casts the cedar-wood into its midst, it is stated: "Then the priest shall wash his clothes, and he shall bathe his flesh in water." And with regard to the one who burns it, it is stated: "And he that burns it shall wash his clothes in water." And it is stated: "And he that gathers the ashes of the heifer shall wash his clothes." These verses teach that all those involved in offering it from the beginning until the end impart impurity to their clothes, must immerse themselves, and wait for nightfall to regain purity according to Torah Law.[[27]](#footnote-27)

What is the law regarding those who afterwards occupy themselves with the ashes of the red heifer? The Rambam writes as follows (*Hilkhot Para Aduma* 5:4):

When the collection of its ashes was completed, anyone who is involved with it thereafter – i.e., with the division of its ashes or with setting them aside for safekeeping – or who touches it is pure.[[28]](#footnote-28)

Here, with the gathering of the ashes of the heifer from the place where it was burned, end the laws of impurity that govern those with occupy themselves with the preparation of the red heifer. But they start once again at a later stage, when the ashes are mixed with the living water. In the appendix to the second half it is stated:

21: And he that sprinkles the water of sprinkling shall wash his clothes; and he that touches the water of sprinkling shall be unclean until evening.

It is evident that these laws are different from the ones that were stated earlier.[[29]](#footnote-29) There is also no continuity of laws of impurity between the first laws and these laws (for the ashes of the heifer do not render impure those who occupy themselves with it or touch it – see note 28).

In this study we will only examine the laws of impurity found in the first half, whereas the laws in the appendix, which are different in their nature and reasons, require a separate discussion, which we hope to enter into in the future. Here we wish merely to refer the reader to chap. 15 of the Rambam's *Hilkhot Para Aduma,* where one can find the solution to the seeming contradiction between the impurity of one who comes into contact with the water of sprinkling and the fact that the water of sprinkling purifies the unclean (though we must still clarify the reason for the law that "the water of sprinkling is one of the fathers of uncleanness by Torah law").

The impurity with which "all of those involved in the preparation of the red heifer" become unclean is not a phenomenon unique to them. There are two other actions involving occupation with consecrated animals that bring impurity upon those involved with them:

1. In the section dealing with the Yom Kippur service (*Vayikra* 16), it is stated in v. 26:

And he that lets go the goat for Azazel shall wash his clothes, and bathe his flesh in water, and afterward he may come into the camp.

2. The service of the High Priest on Yom Kippur includes the offering of a bullock sin-offering and a goat sin-offering. These sin-offerings are not ordinary sin-offerings – no portion of them is eaten, and their blood is taken within the veil to be sprinkled there. The laws of these sin-offerings is:

27: And the bullock of the sin-offering, and the goat of the sin-offering, whose blood was brought in to make atonement in the holy place, shall be carried forth outside the camp; and they shall burn in the fire their skins, and their flesh, and their dung.

28: And he that burns them shall wash his clothes and bathe his flesh in water, and afterward he may come into the camp.

This law of impurity governing one who burns the sin-offerings was expanded in two directions, which we will present using the Rambam's formulation (*Hilkhot Para Aduma* 5:4):

a] These principles do not apply to the red heifer alone, but also to all the sin-offerings of bulls and goats that are burnt. One who burns them imparts impurity to his garments while he is burning them until they are reduced to ashes.

That is to say, also the bullock sin-offering of the anointed priest, the bullock sin-offering for communal oversight (*Vayikra* 4:1-21), and the goat sin-offering for inadvertent communal idolatry (*Bemidbar* 15:22-26), all of which are burned outside the Temple, impart impurity to those who burn them.

b] According to the Oral Tradition, it was taught that **one** **who carries the bulls and the goats that are burnt** to transport them to the ash heap to burn them is ritually impure and imparts impurity to his garments according to Torah Law as long as he is involved in transporting them. To regain purity, he is required to immerse himself in a *mikveh* and wait until nightfall, like the one who sends the goat to Azazel. The latter imparts impurity to all the garments and all the implements that he touches that are on him throughout the time he is involved in sending the goat to its destination.

There is an important and fundamental common denominator between the three cases in which those who are occupied with these consecrated animals are rendered impure:

The red heifer:

Similarly, with regard to all those involved in offering the red heifer: If they touch a garment or an implement at the time they are slaughtering or burning the heifer, it becomes impure. After such an individual ceased the tasks involved with it, however, … he does not impart impurity to an implement that he touches… **The red heifer itself does not impart impurity to a person or to implements that touch it. It is only those involved in its offering who become impure,** must immerse themselves, and impart impurity to their garments, as long as they are involved in its offering. (Rambam, *Hilkhot Para Aduma* 5:2)

The bullocks and goats that are burnt:

**When an entity** - whether a person, an implement, food, or liquid - **touches the bodies of the bulls and the goats that are burnt,** even after they have been taken out of the Temple Courtyard, **everything is pure.** (*Hilkhot Para Aduma* 5:7)

The goat that is sent to Azazel:

**Similarly, if they would touch the goat sent to Azazel itself while it is being carried there, they would be pure. For these sacrificial animals impart impurity only to one who is involved with carrying them,** as it is stated: "The one who burns them shall wash his clothes" (*Vayikra* 16:28). One who touches, by contrast, is pure.[[30]](#footnote-30) (*Hilkhot Para Aduma* 5:7)

What is the meaning of this shared law? What it means is that it is **not the animals** that cause the impurity, but rather **the actions that are done with them.** If so, this is a special impurity, the result of human activity, and not of contact with something that imparts impurity.[[31]](#footnote-31)

The obvious question arises: What is the reason for this special impurity specifically in these three cases? What is the common denominator between them?

A hint to the answer is found in the Ramban's commentary to the matter of the goat that is sent off to Azazel (*Vayikra* 16:8, s.v. *ve-goral echad*, end):

But regarding the goat that is sent to Azazel they [= the nations of the world] taunt us, because they think that we are acting as they do [= offering sacrifices to the satyrs in the field], and similarly regarding the red heifer, because it is prepared outside the camp, and its purpose is similar to that of the goat that is sent to Azazel, to remove the spirit of impurity…

**And from this you will understand the reason for washing the clothes of the one who sends the goat to Azazel and of the one who burns the heifer, and that which the Rabbis said about washing the clothes in the cases of the bullocks and goats that are burnt.**

That is to say, the common denominator of the three cases is that they involve "quasi-service" that is performed outside the Temple. That which the Ramban alluded to in brief and in an obscure manner was spelled out by R. Meir Simcha of Dvinsk in his book, *Meshekh Chokhma*,on our *parasha*:

Know that all service performed outside the Temple renders the clothes of the persons performing that service impure, and that one who occupies himself in such service is unclean and may not enter the camp of the *Shekhina*.

Thus we see that none of the three – the goat that is sent to Azazel, the red heifer, or the bullocks and goats that are burnt – in themselves impart impurity. Rather, the service that is done with them outside the Temple leads to the impurity of those occupied in that service. In this way the Torah alludes that it is only necessity that causes these services to be performed outside the Temple, but this necessity exacts a price – namely, the impurity.[[32]](#footnote-32)

Now the question arises, why doesn't the breaking of the neck of the calf or the slaughter of the leper's bird lead to impurity. Surely those too involve "quasi-service" that is performed outside the Temple? R. Meir Simcha answers this question later in the passage:

It is precisely those that start inside [the Temple], like the one who sends off the goat to Azazel [= who leaves the Temple with it after the High Priest confessed his sins over it], and those who take out the bullocks that are burnt [= after they were slaughtered and their blood was sprinkled in the Temple], and so too those who occupy themselves with the red heifer whose blood must be sprinkled toward the front of the Tent of Meeting [= and thus its connection to the Temple has been clarified].[[33]](#footnote-33)

But in the case of the birds of the leper, the priest does not become unclean, because they are not connected to the Temple at all. The same applies to the calf whose neck is broken.

This is consistent with other laws in the Torah, e.g., a non-Jew does not impart impurity, and his *zav* discharges are pure, because impurity is found only in a place where there is sanctity.

It is the distancing from the Temple that is fundamentally connected to it that causes impurity. Only in a place where there is sanctity is there also its negative image, impurity, which stems from the opposition to sanctity or distancing from it. But actions that are performed outside the Temple, with no connection to it, even though they look like sacrificial service performed outside the Temple, do not impart impurity, because they do not express distancing from the holy.

It is clear now that there is no contradiction between the laws of impurity that apply to all who occupy themselves with the red heifer from beginning to end, and the objective of preparing the heifer – to purify those who became unclean with corpse impurity. It is not the red heifer that imparts impurity, but rather it is the actions of those occupied with the heifer outside the Temple that cause the impurity. This is not a law unique to those occupied with the heifer, but rather a general law that applies to all those who perform elements of the sacrificial "service" outside the Temple.[[34]](#footnote-34)

To complete this study, see also the discussion regarding the impurity that accompanies the water of sprinkling in our study of *Parashat Chukat*, in *Sefer Iyunim Be-Farashat Ha-Shavua*, third series, pp. 291-300.

(Translated by David Strauss)

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1. Such a prologue, in which Moshe and Aharon are mentioned as the addressees of God's words, is found at the beginning of most of the sections dealing with purity and impurity in the book of *Vayikra* (chapters 11-15). In our study of *Parashiyot Tazria-Metzora*, section 12, we noted that the section dealing with the red heifer belongs to those sections, and we explained why it was uprooted from its place there. In our study of *Parashat Chukat*, first series, at the end of section 1 (p. 218), we explained why it was placed specifically in our *parasha* (in accordance with the principle that that there is no chronological order to the sections of the Torah). In the present study, we will not return to that discussion. [↑](#footnote-ref-1)
2. a. The phrase "the statute of the law [*chukat ha-torah*]" appears in one other place in the Torah, in *Bemidbar* 31:21: "And Elazar the priest said to the men of war that went to the battle: **This is the statute of the law** which the Lord has commanded Moshe." In the continuation (v. 23), mention is made of the need to purify the spoils of war in water of sprinkling.

   b. The term *chuka* is explained in the *gemara* in several places (*Yoma* 40a; ibid. 60a; *Kiddushin* 14a; and elsewhere) in relation to a process that is commanded by the Torah and that must be performed "in the prescribed order; if one service was done out of order before another one, it is as if it had not been done at all" (*mishna* and *baraita*, *Yoma* 60a). This explanation fits in well in our *parasha*, both with regard to the preparation of the red heifer described in vv. 1-10 and with regard to the purification process of one who contracted corpse impurity described in vv. 17-19. In *Menachot* 27a it is stated in the *mishna* that the three species mentioned in connection with the heifer – the cedar-wood, the hyssop and the scarlet – are indispensable and that the seven sprinklings of the blood of the heifer are indispensable, and the *gemara* explains that these laws follow from the term *chuka* that is used in connection with the red heifer. See also *Menachot* 29a.

   c. The term *torah* in our context – and similarly in v. 14: "This is the law [*ha-torah*]: When a man dies in a tent…" refers to a set of instructions governing a specific halakhic issue (and not to the entire Torah). This is true in many other places in the Torah as well. In our context, the reference is to the "law of corpse impurity and the purification from it." Therefore, "this is the statute of the law" means: This is the set of actions that must be performed [= *chuka*] in the framework of the instructions [= *ha-tora*] regarding the laws of corpse impurity and purification from it. This is the way that the Rashbam explains v. 2.

   d. The words of the *midrash* that are cited by Rashi change the meaning of both of these words: *chuka* is understood to mean a "decree," the reason for which cannot be understood, and *torah* is understood as referring to Moshe's Torah in its entirety. [↑](#footnote-ref-2)
3. From the words of *Chazal* in several places (see, for example, Mishna *Para* 3:5), it would appear that a blemish-free red heifer that meets all of the halakhic conditions was exceedingly rare, and that over the course of history, from the time of Moshe until the destruction of the Second Temple, less than ten such animals were found. [↑](#footnote-ref-3)
4. *Mei nida* means "water of sprinkling" (R. Saadya Gaon, Rashi). Rashi explains that it is similar in meaning to: "and they cast [*va-yadu*] a stone upon me" (*Eikha* 3:53). Ibn Ezra explains that *mei nida* is water for one who is *menudeh* (distanced, unclean); the water that purifies him (so it would appear from his brief comment). The first explanation is more persuasive. [↑](#footnote-ref-4)
5. The need for the application of the water of sprinkling on two occasions, on the third day and on the seventh day, is stated unequivocally in v. 19, and therefore this is the way that we must also understand both parts of v. 12. [↑](#footnote-ref-5)
6. The general instructions that appear in the central axis do not accord with the nature of the first half, which provides very detailed instructions regarding the preparation of the heifer's ashes. The reason for this is that the central axis serves as a transitional stage between the first half and the second half, as will be explained below. [↑](#footnote-ref-6)
7. For the meaning of the term "*tora*" here and in verse 2, see note 2c. [↑](#footnote-ref-7)
8. This phenomenon is found in many halakhic sections, especially in the book of *Vayikra*. We noted this in our study of *Parashat Tetzaveh*, first series, note 22. The appendix found in our *parasha* should be added to the list of examples presented there. [↑](#footnote-ref-8)
9. Nevertheless, there is a slight difference between the two verses. Verse 13 states: "Whoever **touches** the dead, even the body of any man that is dead, and purifies not himself…," whereas verse 20 states: "But the man **that shall be unclean**, and shall not purify himself…" This difference stems from the fact that the second half specifies other ways of contracting corpse impurity, in addition to touching. [↑](#footnote-ref-9)
10. Many laws are added in the first part: Corpse impurity is contracted not only through touch, but also by being in the same tent as the corpse; the impurity is imparted not only by the entire corpse, but even by a bone and even by a grave; the impurity is contracted not only by humans, but also by vessels.

    The following laws are added in the third section: The sprinkling must be done with a hyssop; the one who sprinkles must be clean; the purification requires washing one's clothes and bathing one's body in water. [↑](#footnote-ref-10)
11. In *Yoma* 67b it is stated: "'And My statutes you shall keep' (*Vayikra* 18) – such commandments to which Satan objects, they are [those relating to] the putting on of *sha'atnez*, the *chalitza* [performed] by a sister-in-law, the purification of the leper, and the goat that is sent off to Azazel." However, in some manuscripts, as well as in the commentary of Rabbeinu Chananel, ad loc., the list includes additional examples, including the calf whose neck is broken and the mixture of meat and milk. The Rambam (end of *Hilkhot Me'ila*) cites this list and includes the red heifer, as does the Ramban in his commentary to *Vayikra* 16:8. [↑](#footnote-ref-11)
12. In his commentary to *Vayikra* 16:8, s.v. *ve-goral echad la-azazel*, toward the end. [↑](#footnote-ref-12)
13. This stands in contrast to the words of the Ramban cited earlier, but accords with what the Rambam writes in *Hilkhot Para Aduma* 4:3 – that "the expression 'sweet savor' was not stated with regard to it." [↑](#footnote-ref-13)
14. Such as the possibility of redeeming a red heifer if a more attractive one is found, even if no blemish was found in the first one (Rambam, *Hilkhot Para Aduma* 1:10). [↑](#footnote-ref-14)
15. In Mishna *Para* 2:3, it is stated: "All blemishes that cause consecrated animals to be invalid cause also the [red] heifer to be invalid." [↑](#footnote-ref-15)
16. The Rambam writes (*Hilkhot Para Aduma* 4:17): "All of the activities performed with the red heifer from the beginning to the end must be performed only during the day [= like sacrifices brought in the Temple] and by male priests." The source for this ruling is Mishna *Para* 4:4. [↑](#footnote-ref-16)
17. Rambam, *Hilkhot Para Aduma* 10:6, based on Mishna *Para* 12:10. [↑](#footnote-ref-17)
18. *Chazal* commonly refer to the red heifer as the "*chatat* heifer," based on the verse: "it is a *chatat*." Its ashes are also referred to as "*chatat* ashes," and the water of sprinkling is called "*chatat* water." [↑](#footnote-ref-18)
19. Regarding the necessity of preparing the ashes of the red heifer outside the Temple, see note 31. [↑](#footnote-ref-19)
20. Rashi's source seems to be the Talmudic passage in *Yoma* 67b, cited above in note 11, but no mention is made there of the red heifer, not in the printed version of the Gemara, nor in the commentary of Rabbeinu Chananel, who cites a different reading of the Gemara, and not in the many other versions of the text cited in *Dikdukei Sefarim.* However, the matter is strange: Not only Rashi, but also the Rambam at the end of *Hilkhot Me'ila* and the Ramban in his commentary to *Vayikra* 16:8 include the red heifer in the list of examples of statutes according to the Gemara! The absence of this example from the Gemara in *Yoma* raisesalso a substantive question. [↑](#footnote-ref-20)
21. The purification of the leper is in fact one of the examples brought in the Gemara in *Yoma* 67b of statutes that Satan and the nations of the world use to taunt Israel. [↑](#footnote-ref-21)
22. The author of the *Chinukh* took this last reason from the words of the Ramban cited in the previous section. [↑](#footnote-ref-22)
23. The editor of the Midrash, R. Shlomo Buber, asks: "I don't understand why he brought this… in the name of R. Yitzchak, for it is an explicit Mishna (*Para* 4:4)." Indeed, parallel *midrashim* cite the *mishna*. But the last clause, "while it itself purifies the unclean," is not found in the *mishna*, and perhaps this is what R. Yitzchak adds. [↑](#footnote-ref-23)
24. *Tanchuma* (Buber), *Chukat* 23 (and parallels), brings four *mitzvot* that have an internal logical contradiction, and therefore "the evil inclination objects to them, and regarding each of them the word 'statute' is used." Upon closer examination, however, only one *mitzva* – the red heifer – raises real difficulty, whereas the other three – the prohibition of one's brother's wife as opposed to levirate marriage, the prohibition of *sha'atnez* as opposed to the *mitzva* of *tzitzit*, and the goat that is sent to Azazel, which renders its sender unclean, but at the same time atones for the sins of Israel – are not as difficult as the red heifer. [↑](#footnote-ref-24)
25. Brought also by Rashi in *Beitza* 33a. [↑](#footnote-ref-25)
26. According to the Halakha, the one who burns the red heifer must also be a priest; it is not at all clear why this is not stated in the verse. [↑](#footnote-ref-26)
27. We have explained the law stated in the *mishna*: "All who are engaged in the preparation of the [red] heifer, from the beginning until the end, render their garments unclean," in accordance with what appears to us to be the plain meaning of the verses and in the wake of the words of the Rambam. The *Sifrei* (124), however, learns the source of this law in a different manner: "'Then the priest shall wash his clothes, and he shall bathe his flesh in water' (v. 7) – the verse comes to teach about the one who **casts** the hyssop, that he renders his clothes unclean… 'And he that burns it shall wash his clothes' (v. 8) – the verse comes to teach about the one that **burns** the heifer, that he renders his clothes unclean. Surely, had it not stated [the law of the burner], I could derive it [by way of a *kal va-chomer* argument]: If the one who casts the hyssop [whose service is short and light] renders his clothes unclean, the one who burns the heifer [whose service is extended and of critical importance] should certainly render his clothes unclean. If I can derive this [by way of a *kal va-chomer* argument], what is taught by the verse: 'And he that burns it shall wash his clothes'? The verse comes and teaches about those occupied in the heifer from the beginning until the end that they must wash their clothes, bathe their bodies, and wait for nightfall." [↑](#footnote-ref-27)
28. The source for these words of the Rambam is the plain meaning of the Biblical text, as the *Kesef Mishneh* argues in the name of Ri Corcus: "Since it is written: 'And he that gathers the ashes of the heifer shall wash his clothes,' the implication is that there is no impurity for one who occupies himself with it afterwards." The words of Rashi (*Bekhorot* 23a, s.v. *ve-i amrat tum'a*) suggest that he disagrees with the Rambam and maintains that the ashes impart impurity. But the words of the Rambam appear to be correct, for the division of the ashes and setting them aside for safekeeping are not included among the services explicitly mentioned in the Torah in connection with the preparation of the red heifer, which impart impurity, as argued by Ri Corcus, and touching the ashes is also not included in what is stated at the end of the section in verse 21: "and he that sprinkles the water of sprinkling… and he that touches the water of sprinkling," for the ashes are not the water of sprinkling. [↑](#footnote-ref-28)
29. V. 21 mentions for the first time impurity contracted through touch. Those who occupy themselves in the preparation of the heifer become unclean because of their occupation, even without touching (and the heifer does not render unclean by way of touch one who is not occupied in its preparation; see below). Proof to this may be brought from the Rambam's definition: "Who is considered as 'one who burns' it? Anyone who helps in burning it, for example, one who turns over the meat, one who places wood upon it, one who fans the fire, one who stirs the coals so that the fire will burn, and the like.' None of these people touch the heifer. [↑](#footnote-ref-29)
30. This law that is shared by the three "who occupy themselves" with consecrated animals appears in Mishna *Para* 8:3:

    "He who burns the red heifer or the bullocks [of the sin-offerings that are burnt] and he that sends the goat off to Azazel, render garments unclean.

    The red heifer, however, and the bullocks and the goat that is sent off do not themselves convey uncleanness to garments.

    Well may it say [= the garment to the person]: Those that cause you to be unclean do not cause me to be unclean, but you have caused me to be unclean."

    The joining of these three laws – the red heifer, the bullocks and the goat – in one Mishna stems from the saying that is shared by the three which is a recurring motif in that chapter of the Mishna. But the joining of the three in one chapter of the Rambam's *Mishneh Torah* in *Hilkhot Para Aduma* testifies to the fact the Rambam saw these three laws as expressions of the same fundamental law. [↑](#footnote-ref-30)
31. See our remarks in note 29, and the words of the Rambam cited there. [↑](#footnote-ref-31)
32. What necessitates that each of these services be performed specifically outside of the Temple is as follows:

    • The goat that is sent off to Azazel – by its very nature this service must be performed outside the Temple.

    • The burning of the sin-offerings that must be burnt – this too cannot be performed in the Temple, because only a burnt-offering is burnt in its entirety on the altar, and not a sin-offering. Since burning is a law applying to these sin-offerings, but it is not part of their service, it must be done outside the Temple.

    • The burning of the red heifer must be done outside the Temple, for it is not burning for "sweet savor," but rather burning for the sake of using the ashes, and this cannot be done on the altar. Apart from this, the heifer is not consecrated for the altar but rather for the upkeep of the altar, and therefore even its slaughter cannot be performed in the Temple courtyard. Hence, all of the services performed in its regard must be done outside the Temple. [↑](#footnote-ref-32)
33. "If he sprinkled the blood, but did not direct it to the Sanctuary, it is invalid. For it is stated: 'Toward the front of the Tent of Meeting" – this implies that he should direct it toward the Sanctuary and see it. Similarly, if he slaughtered it or burnt it not opposite the Sanctuary, it is invalid, as it is stated: 'He shall slaughter it before him'" (Rambam, *Hilkhot Para Aduma* 4:5). [↑](#footnote-ref-33)
34. Thus, it is not **because** the red heifer comes to purify the unclean that it renders unclean those who occupy themselves with it, but rather these are two separate laws and there is no connection between them.

    It should be noted that both the Rambam and the Ramban, even though they discuss the fact that the red heifer is included among the statutes with which the nations of the world taunt Israel, nowhere mention the seeming logical contradiction that the heifer renders the clean impure while it purifies the unclean. They do not mention this because they do not see in this a contradiction, and it is upon their words that we have based our explanation of the matter.

    The author of the *Chinukh*, who saw this logical "contradiction" as the great difficulty in the section dealing with the red heifer (his words were brought above in section 3), sensed that the contradiction could be reconciled in the manner presented here, but immediately retreated from it. His argument is unclear:

    "But the real marvel, according to what I have heard, is that it purifies the unclean, but renders unclean those who participate in its burning. Even though **this is the law regarding all the bullock and goat sin-offerings that are burnt,** that he who burns them renders his clothes unclean when he burns them until they turn into ashes, nevertheless their ashes [= of these sin-offerings] do not purify." [↑](#footnote-ref-34)