**YESHIVAT HAR ETZION**

**KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**PARASHAT HASHAVUA**

**Rav Yishai Jeselsohn**

**PARASHAT CHUKAT**

**Concerning the Torah, Impurity, and Purity**

**I. "This is the statute of the Torah!"**

The beginning of our *parasha* emphasizes the laws of ritual purity and impurity – both the ways to become pure, in the section dealing with the red heifer, and the ways to become impure (a status which can be removed with the heifer's ashes). However, the beginning of the section, the very first verse, starts off on a very different tune:

This is the statute of the Torah… (*Bamidbar* 19:2)

This is a somewhat grandiose declaration, which implies that we are about to deal with a basic and fundamental Torah matter.

Some commentators locate the emphasis in this phrase in the word "*chuka*," "statute," and refer to the famous *midrash* according to which even Shlomo, the wisest of men, did not understand how the purification achieved through the ashes of a red heifer works:

"All this I tested with wisdom" (*Kohelet* 7:23). Rabbi Yitzchak opened: "All this I tested with wisdom." There are no words of wisdom in the world that I passed over without understanding them, but when I came to the section of the red heifer, I said: "I thought I could fathom it, but it eludes me" (ibid.). (*Kohelet Zuta* 7:23)

However, the *Or Ha-Chaim* emphasizes the dimension of the "Torah" found in this glorious opening of our *parasha*. He sees the connection of this word to the laws of purity as conveying an important foundation in the laws of ritual purity and impurity.

Already at the beginning of his comments, the *Or Ha-Chaim* points out that we are dealing with an important principle. One possible understanding might seem to be that Torah study, owing to its sanctity, requires a higher level of purity; however, the *Or Ha-Chaim* rejects this interpretation, as *Chazal* write the very opposite:

We must understand why this single commandment is referred to here by the comprehensive term "Torah." The Torah should simply have said: "This is a statute," or "This is the statute of impurity," or "the statute of purity," in the same way that it says: "This is the statute of the Pesach offering" (*Shemot* 12:43).

We cannot say that the verse comes to require purification by way of the ashes of the heifer in order to engage in Torah study, because this is not what we find in the words of *Chazal.* For they said (*Berakhot* 22a), on the contrary, that the words of the Torah are not subject to ritual impurity, and according to all opinions in *Chazal* (ibid.), even according to those who are stringent about one who had a seminal emission because Torah requires dread and fear, one who contracted impurity from a corpse is permitted to engage in Torah study. (*Or Ha-Chaim*, *Bamidbar* 19:2)[[1]](#footnote-1)

**II. The Difference Between Israel and the Nations**

The *Or Ha-Chaim* continues with another suggestion, according to which only a person who received the Torah is subject to ritual impurity:

We may be able to explain the matter based on what is stated in the last chapter of *Nazir* (61b), and was codified by the Rambam in chapter 1 of *Hilkhot Tum'at Met*, that a gentile does not contract the impurity connected to a corpse… The Jewish people were elevated above other nations in that they received the Torah, without which the Jews would not be different from any other nation. Now we can understand the wording of our verse, "This is the statute of the Torah," i.e., this statute of impurity and the ways of purification from it *are caused by* the Torah.Because the Jewish people received the Torah, the lesser spirits yearn to attach themselves to them inasmuch as they represent a high level of holiness not only while alive but even when they are dead. The sanctity Jews experience during their lives is evident due to the fact that when they come into contact with the dead, or even stand under the same roof with a corpse, the impurity of the dead adheres to them, and does not wish to separate from them, and can only be removed by the great power that God bestowed upon the *mitzva* of the red heifer. And when they die, impurity is also increased, as *Chazal* said (*Bava Metzia* 114b) regarding the verse: "When a man dies in a tent" (*Bamidbar* 19:14) – an Israelite imparts ritual impurity in a tent, but a member of the nations does not impart impurity in a tent. (*Or Ha-Chaim*, ibid.)

The *Or Ha-Chaim* suggests that Israel's acceptance of the Torah brought with it the laws of impurity and purity. The proof of this, according to him, is the fact that the laws of impurity and purity do not apply to gentiles, as it is stated in *Nazir* (61b) that gentiles are not subject to impurity.

The Gemara suggests learning this law from the verse: "And the pure person shall sprinkle upon the impure" (*Bamidbar* 19:19), that whoever is subject to purity is subject to impurity. This derivation in itself is very interesting: it sees the primary difference between Israel and the nations in the ability to achieve purification. The people of Israel, who were given the laws of the red heifer and of ritual baths, have a way to purify themselves, and thus they are also subject to becoming impure in the first place. This is not the case with gentiles, who cannot purify themselves; it would be inappropriate for them to be subject to impurity without being able to remove it.

**III. An Incident Involving Two Utensils**

If we examine the continuation of the *Or Ha-Chaim's* words, however, it emerges that the root of the difference between Israel and the nations lies not in the ability to achieve purification, but rather in the ability to contract impurity. The *Or Ha-Chaim* brings a parable that well illustrates this point:

I have already elsewhere illustrated this relationship between Israel and ritual impurity by means of a parable to one who has two utensils – one full of honey, and the other full of refuse – and takes them both outside. The utensil full of honey will attract swarms of flies; although some will be attracted to the utensil full of refuse as well, the number is insignificant in comparison.

Similarly, when a Jew dies, since he was full of sweet, pleasant holiness while alive [i.e., he was sweet as honey], when his soul departs and the body is empty, it attracts all kinds of spiritually negative elements. These are the forces of impurity which always attempt to attach themselves to holiness, as they wish to benefit from its sweetness. This is why the body of a dead Jew confers impurity on any other Jew who is under the same roof; even if a thousand houses attached to each other surround the room with the dead body, as long as one opens into the other, the impurity is spread throughout the airspace in all these houses. This is not the case if the dead body is not that of a Jew; since the gentile never possessed holiness while alive, the spiritually negative elements do not gather around it so much, other than the portion of death that clings to the body. The root cause for all of this is the Torah [which was given to the Jewish people]. (*Or Ha-Chaim*, ibid.)

When a utensil is full of something good, evil adheres to it more. Therefore, the concept of impurity pertains to Israel more than to the nations of the world.

This understanding of the *Or Ha-Chaim* is very novel, for the plain sense of the verses does not point to a direct connection between the Torah and impurity. Moreover, the general concept of impurity does in fact apply to gentiles, as the Rambam writes:

Corpses of both Jews and gentiles impart impurity through touch or through carrying. (*Hilkhot Tum'at Met* 1:12)

If so, a better definition is needed for which parts of the laws of impurity do not exist without the Torah, and which parts do exist. We will try to clarify these concepts by studying several sources in which *Chazal* relate to ideas that are similar to the words of the *Or Ha-Chaim*, according to which the laws of impurity and purity are connected to Israel's receiving the Torah.

**IV. Ritual Impurity Before the Revelation**

At the end of his words, the *Or Ha-Chaim* proposes to solve an interesting problem. *Chazal* point out that before the Pesach offering was brought in Egypt, God commanded Israel to do two things: 1) to undergo circumcision, and 2) to destroy their idols. We learn the first from the verse: "And I said to you: In your blood, live" (*Yechezkel* 16:6),[[2]](#footnote-2) and the second from the verse: "Draw out, and take your lambs" (*Shemot* 12:21).[[3]](#footnote-3) Both of these elements appear in the laws governing the Pesach offering brought in future generations, but so does a third: the Pesach offering cannot be eaten by a man who is uncircumcised, by a gentile [who is perhaps attached to other gods], or by one who is ritually impure. The Torah commanded Israel at the time of the Pesach offering in Egypt to undergo circumcision and, by removing their idols from their midst, to not be gentiles, but we do not find any command at that time about ritual impurity!

The *Or Ha-Chaim* offers an original explanation:

While one can come up with various ways to set aside the question, nevertheless, according to what we have written, there is a correct, praiseworthy explanation. The Israelites did not need to purify themselves, even though they had come into contact with corpses, because they had not yet received the Torah; they were considered like a proselyte who converted to Judaism on the fourteenth of Nissan, for whom a Pesach offering is slaughtered, and we are not concerned about ritual impurity that he contracted prior to the conversion. You find that they said in *Pesachim* (92a), and the Rambam codified this in chapter 6 of *Hilkhot Pesach*: “Regarding a proselyte who converted on the fourteenth of Nissan and circumcised himself and immersed in a *mikveh*, a Pesach offering should not be slaughtered on his behalf… This is a decree lest this convert become impure due to contact with a corpse in the following year on the fourteenth of Nissan, and immerse himself and seek to partake of the Pesach offering in the evening, saying: Last year, the Jews did this for me, when I circumcised myself and immersed [and partook of the Pesach sacrifice in the evening].” From the fact that he offers the reason of a decree because of the following year, you learn that were it not for this decree, we would not be concerned about ritual impurity contracted from a corpse. Similarly, when the Israelites brought the Pesach offering in Egypt, they were not subject to the law of impurity of a corpse. This is the meaning of the statement: "This is the statute of the Torah." (*Or Ha-Chaim*, ibid.)

According to the *Or Ha-Chaim*, the impurity contracted by Israel before the revelation at Sinai was not considered impurity, and was of no significance after their conversion. This law is stated explicitly in the Mishna, regarding the ritual impurity of a *metzora*:

The following bright spots are clean: Those that one had before the Torah was given, those that a non-Jew had when he converted, or a child when it was born. (Mishna *Nega'im* 7:1)

In the *Sifra* (*Tazria* 1, 2), this law is derived from the verse: "When a man will have" (*Vayikra* 13:2) – implying that it does not apply to what he already had. The Mishna pours a great deal of meaning into this concept, including the fact that prior to the giving of the Torah and for the descendants of Noach, the impurity of *tzara'at* does not apply. Therefore, a proselyte who converted or an Israelite prior to the giving of the Torah would not be subject to the impurity of *tzara'at.*

There is a big difference between the *midrash* that deals with the laws of *tzara'at* and brings a special derivation in that context, and the words of the *Or Ha-Chaim*, according to which the Israelites were not subject to *any* type of impurity before they received the Torah at Sinai. But we do find a basis for the words of the *Or Ha-Chaim* in the words of the *Tannaim*.

If we want to be more precise and find out which elements of impurity applied before the revelation at Mount Sinai and which are related precisely to Israel's receiving the Torah, we must consider another Talmudic passage, from which it emerges that there is a difference between the laws of impurity before the giving of the Torah and those laws after the giving of the Torah. The Gemara in *Nazir* expounds the verses in our *parasha* that deal with tent impurity[[4]](#footnote-4) and tries to understand in which cases impurity is imparted only by touching and in which cases it is also transmitted by being inside the same tent. For our purposes, we will focus on a difference in the laws governing the impurity of a grave:

For it has been taught: "And whoever in the open field touches one that is slain with a sword, or one who died [(i.e., naturally), or a human bone, or a grave, shall be impure seven days]" (*Bamidbar* 19:16): *"*In the open field" refers to one who creates a “tent” over a corpse… "Or a grave" refers to a closed grave; for the master said that impurity breaks through [the ground] and ascends, and breaks through [the ground] and descends. (*Nazir* 53b-54a)

Regarding tent impurity, the *baraita* learns that a closed grave (one that does not have an opening, one handbreadth by one handbreadth, to the outside) defiles everything with it in that same tent. The Gemara continues with a *baraita* that deals with the laws of impurity imparted through touching and defines when this impurity applies:

Whereas regarding [impurity imparted] through touching, Rav Yehuda said that it has been taught: "[and he will sprinkle upon…] and upon one who touched a bone or a corpse [or one who died or a grave]" (*Bamidbar* 19:18): "a bone" refers to a barley-corn's bulk of bone… “or a grave" – Resh Lakish said: This refers to the grave [of those buried] before the revelation [at Sinai]. (*Nazir*, ibid.)

The Gemara here needs a special derivation to learn that a grave in which a person was buried before the revelation imparts impurity by way of touching. This implies that the underlying assumption is that it should *not* impart impurity at all. Rashi explains this derivation in the wake of another law that appears in several places in the Talmud, according to which the corpse of a gentile cannot impart impurity by way of a tent. We see this, for example, when the prophet Eliyahu explains how he can stand in a cemetery despite being a priest:

Rabba bar Avuha met Eliyahu in a non-Jewish cemetery… He said to him: Are you not a priest; why then do you stand in a cemetery? He replied: Has the master not studied the laws of purity? For it has been taught: Rabbi Shimon bar Yochai said: The graves of gentiles do not defile, for it is written: "And you My flock, the flock of My pastures, are men" (*Yechezkel* 34:31) – only you are designated "men," but gentiles are not designated "men." (*Bava Metzia* 114b)

The Rambam rules (*Hilkhot Tum'at Met* 1:12-13) that the corpses of gentiles impart impurity through touch, but not through being in the same tent.

Rashi, as mentioned above, uses this law, that the corpse of a gentile does not impart impurity through a tent, in order to explain the status of a grave of one who was buried before the revelation:

"Or the grave" – Resh Lakish said: This refers to the grave [of those buried] before the revelation [at Sinai]. That is to say, gentiles impart impurity through touch, even though they do not impart impurity by way of a tent. As it was taught: The graves of gentiles do not impart impurity by way of a tent, but only through touch. And whatever was before the revelation, before the giving of the Torah, whether a gentile or an Israelite, is called the grave of a descendant of Noach. And the grave of a gentile after the revelation is like that before the revelation, that it does not impart impurity by way of a tent, because they were not given the Torah, and therefore it is called a grave of one buried before the revelation. (Rashi, *Nazir* 54a, s.v. *o*)

The Israelites before the revelation were similar to gentiles, since they had not yet received the Torah. Thus, their impurity was similar to the impurity of gentiles, in that it could be imparted through touch but not by way of a tent.

Thus, we learn that were it not for the giving of the Torah, a corpse would have been able to impart impurity through touch, but not by way of a tent. In addition, the impurity of *tzara'at* does not exist, nor does the ability to contract impurity, for a person who has not received the Torah. We saw this in tractate *Nazir*, and it is explicit in the Rambam's rulings:

Similarly, a gentile does not contract the impurity connected with a corpse. Instead, if a gentile touches a corpse, carries it, or stands over it, it is as if he did not touch it. To what can the matter be compared? To an animal that touched a corpse or stood over a corpse. Not only the impurity imparted by a human corpse, but all types of impurity do not cause gentiles or animals to become impure. (*Hilkhot Tum'at Met* 1:13)

**V. The Source of Impurity and What Follows From It**

In order to explain the special status of the laws of impurity and purity, we must distinguish between the source of impurity and what it causes. The source of impurity is what imparts impurity to its environment, through touching, carrying, a tent, and the like. A corpse, for example, is a source of impurity[[5]](#footnote-5) – whereas one who touches or makes a “tent” over a corpse is said to contract impurity from it.

If we are precise about the above sources and their implications, we see that a person who does not have the Torah – a gentile, or an Israelite before the giving of the Torah – can be a *source* of impurity but cannot *contract* impurity from other sources. The corpse of a gentile transmits impurity through touching, as it is a source of impurity, but not by way of a tent, which is a less direct way of transferring impurity than touching. In contrast, the corpse of a Jew *can* impart impurity in this manner. Contracting impurity is a concept that does not apply at all to a gentile, but does apply to a Jew.

As for the impurity of *tzara'at*, the *tzara'at* is the source of the impurity and the person becomes impure from it. Therefore, even though the corpse of a gentile imparts impurity, the concept of *tzara'at* does not apply to a gentile. It may be suggested that a gentile can be an object [*cheftza*] of impurity, but he is not a person [*gavra*] who imparts impurity.[[6]](#footnote-6)

**VI. The Essence of Impurity – Nature or Spirit**

One of the main questions in the laws of impurity, which has preoccupied the Torah authorities of Israel from the *Tannaim* through the *Rishonim* to the *Acharonim* of our time, and has not yet been resolved, is the riddle of impurity. Is impurity a metaphysical concept that operates as part of nature, despite the fact that it cannot be sensed or felt, or is it a mode of conduct that *halakha* requires even though it has no expression or meaning whatsoever in nature?

The following *midrash* already dealt with this question:

A certain idolater asked Rabban Yochanan ben Zakai: These actions that you perform seem to be a type of sorcery. You bring a heifer, burn it, crush it, and take its ashes. One of you becomes impure from a corpse, one sprinkles upon him two or three drops, and you say to him: You are purified. He said to him: Has a spirit of insanity never entered you? He said to him: No. Have you seen a person into whom a spirit of insanity has entered? He said to him: Yes. He said to him: And what do you do to him? He said to him: We bring roots, smoke them beneath him, and sprinkle water on it, and it flees. He said to him: Let your ears hear what you express from your mouth. The same is true of this spirit, this spirit of impurity, as it is written: "I will remove the prophets and the spirit of impurity from the land" (*Zekharya* 13:2). We sprinkle upon it the water of sprinkling, and it flees.

After he left, his students said to him: You rebuffed this one with a reed. What do you say to us? He said to them: As you live, it is not the corpse that imparts impurity, and it is not the water that purifies. Rather, the Holy One, blessed be He, said: I instituted a statute, issued a decree; you are not permitted to violate My decree, as it is written: "This is the statute of the Torah." (*Bamidbar Rabba* 19, 8)

Among the *Rishonim*, it seems that the Ramban and the Rambam disagreed about this issue. In several places, the Ramban refers to impurity as a tangible and natural thing. For example, the Ramban claims that the impurity of a *metzora* adheres to the birds he brings as part of his purification process (Ramban, *Devarim* 14:3), and that the impurity of a menstruating woman is harmful to her environment (Ramban, *Vayikra* 18:19). Accordingly, the *Sefer ha-Chinukh* as well (mitzva159) writes that impurity harms the soul. In contrast, the Rambam writes:

It is a clear and apparent matter that the concepts of purity and impurity are Scriptural decrees and they are not matters determined by a person's understanding and they are included in the category of *chukim*. Similarly, immersion in a *mikveh* to ascend from impurity is included in the category of *chukim*, because impurity is not mud or filth that can be washed away with water. Instead, the immersion is a Scriptural decree and requires focusing the intent of one's heart. (*Hilkhot Mikva'ot* 11:12)

We see here two approaches regarding impurity: one that sees it as a realistic phenomenon and one that sees it as a halakhic decree.

The *Or Ha-Chaim* explains that the difference brought about by the revelation at Mount Sinai stems from the holiness that was added to Israel by the Torah. It may be suggested that the same holiness finds expression in the dimension of impurity associated with the Divine decree. The impurity that applies to the descendants of Noach or to Israel before the giving of the Torah is the impurity that is clearly derived from reality. This is corpse impurity, where the foundation of the impurity – i.e., death – is there before our eyes and can be transferred by touch. In contrast, the transfer of impurity by way of a tent, the impurity of *tzara'at*, and other impurities that do not have clear expression in reality, exist only by virtue of the Divine decree.

After having defined the relationship between impurity before the revelation at Mount Sinai and after it, the Torah's functioning regarding impurity can be explained in two ways:

1. An increase in holiness, and thus an increase in the potential for impurity.

2. Obedience to God's command, which gives rise to impurities that do not exist in physical reality.

(Translated by David Strauss)

1. Editor’s note: A reminder that many of the translations of the *Or Ha-Chaim* in this series borrow from the explanation of R. Eliyahu Munk, available at Sefaria.org. [↑](#footnote-ref-1)
2. See *Shemot Rabba* 17, 3. [↑](#footnote-ref-2)
3. *Mekhilta de-Rabbi Yishmael*, *Bo*, *parshata de-Pischa*, *parasha* 5. [↑](#footnote-ref-3)
4. Tent impurity is the ability for impurity to be transferred without physical contact, merely by being in the same space as the corpse. [↑](#footnote-ref-4)
5. There are discussions as to whether it itself is impure. See, for example, *Sifrei Zuta* 19, 11, but this is not the forum to expand upon the matter. [↑](#footnote-ref-5)
6. This follows also from the source of Rabbi Shimon bar Yochai's exposition in the Gemara in *Bava Metzia* (114b) that the corpse of a gentile does not impart impurity by way of a tent, since a gentile is not designated as a "man," and in our *parasha* it is stated that only a "man" imparts impurity by way of a tent. That is to say, whatever it is that completes Israel, that adds holiness to them and causes them to be called a "man," is what makes possible the expansion of the impurity from direct to more indirect modes of transmission. [↑](#footnote-ref-6)