



Center for Modern Torah Leadership Dvar Torah - 5774/2014 Parashat Chukat

Red Heifer, Red Herring?

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Rashi, at the beginning of this week's parsha, writes (Bamidbar 19:2):

“This is the *chok* of the Torah” -

because the Satan and the Nations of the World attack the Jews and say “What is this mitzvah and what rationale is there for it?”,

therefore the Torah categorizes it as a *chukkah*, meaning “It is a decree from before Me and you have no authority/permission to interrogate it.”

"את חקת התורה"

לפי שהשטן ואומות העולם מונין את ישראל לומר מה המצוה הזאת ומה טעם יש בה לפיכך כתב בה חקה-גזירה היא מלפני ואין לך רשות להרהר אחריה

“THIS is the *chok* of the Torah” suggests that the law of the red heifer is THE paradigmatic *chok*. However, Rashi to Vayikra 18:4 writes the following:

את משפטי תעשו

אלו דברים האמורים בתורה במשפט, שאלו לא נאמרו, היו כדאי לאמרו

ואת חקתי תשמרו

דברים שהם גזירת המלך, שיצר הרע משיב עליהם, למה לנו לשומרו, ואומות העולם משיבין עליהם, כגון

אכילת חזיר ולבישת שעטנז וטהרת מי חטאת

לכך נאמר "אני ה'" - גזרתי עליכם, אי אתם רשאים להפטר

“You must do My *mishpatim*” -

These are things that are said in the Torah with *mishpat*, meaning that if they had not been Said, it would have been appropriate/worthwhile to say them.

“and you must preserve my *chukim*” -

things that are royal decrees, which the evil inclination challenges, saying “Why should we observe these?”, and the Nations of the world challenge them, as for example [not] eating pig, [not] wearing wool-and-linen-woven-together, and the *taharah* that results from the waters mixed with the ashes of the red heifer –

therefore Scripture writes [immediately afterward] “I am Hashem” - I have decreed upon you, and you have no authority/permission to exempt yourself.

Here the red heifer is only one of three classic *chukim*.



חרות ואחריות

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"Taking Responsibility for Torah"

A search for Rashi's precedent yields a wide variety of lists. Bamidbar Rabbah 19:5 has the following:

Rabbi Yehoshua of Sikhnin said in the name of Rabbi Levi:

There are four things that the evil inclination challenges, all of which the Torah calls *chukim*:

The rules regarding marrying the wife of a brother, the prohibitions against forbidden mixtures, the sent-away-goat, and the red heifer.

רבי יהושע דסכנין בשם רבי לוי אמר
ארבעה דברים יצר הרע משיב עליהן דכתיב בהן חקה
אשת אח וכלאים ושעיר המשתלח ופרה אדומה

Here the list expands to four, with the ban on pig omitted and replaced with the sent-away-goat and the brother's wife. In truth, it is very hard to explain how the ban on pig made Rashi's list, since the Torah does not seem to describe it as a *chok*.

However, Talmud Yoma 67a (also Sifra Acharei Mot 9)

ואלו שיצר הרע משיב עליהם ואומות העולם ע"א משיבין עליהם כגון אכילת חזיר ולבישת כלאים וחליצה
יבמה וטהרת המצורע ושעיר המשתלח

expands the list to five, includes the ban on pig, and omits the red heifer! The new member of the list is the process of *taharah* for those afflicted with *tzara'at* (a condition almost but not entirely unlike leprosy.)

Finally the Geonic work Halakhot Gedolot 50

לבישת שעטנז ואכילת בשר חזיר ורוק יבמה והרבעת כלאים ושור הנסקל ועגלה ערופה וצפרי מצורע ושער נזיר
ופטר חמור ובשר בחלב ושעיר המשתלח

expands the list to *eleven*, also including the ban on pig, and *still* omitting the red heifer.

From all this it seems hard to see the red heifer as particularly hard to understand. However, there is a separate tradition, found inter alia on Yoma 14a, which describes the red heifer as the mitzvah which confounded the wisest of all men, King Solomon. This is on the basis of Kohelet 7:23:

כל זה נסיתי בחכמה אמרתי אחכמה והיא רחוקה ממני

All this I tried with my wisdom: I said 'I will become wise', but she (wisdom) is far from me.



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Rashi's comment on our parshah is apparently a conflation of these traditions. Again, this does not explain why the traditions differ as to whether the red heifer is unique.

I want to draw your attention to the flip side of the issue. Rashi to Vayikra 18:4 defines *chukim* and *mishpatim* as opposites, but he gives a description of *mishpatim* rather than providing examples. All his precedents, however, give the same list of five *mishpatim* -

ע"ז וגילוי עריות ושפיכות דמים וגזל וברכת השם

Foreign worship, sexual sins, bloodshedding, robbery/theft, and cursing the Name.

These are five of the Seven Noachide Commandments, excluding the positive commandment to establish a court system (which may simply be an obligation to enforce the six prohibitions) and the ban on eating flesh taken from live animals.

What is interesting, and perhaps important, about this is that it suggests that the law against eating flesh taken from live animals is at least a kind of *chok*, and not among the laws that "if they had not been Said, it would have been appropriate/worthwhile to say them." This is perhaps why Rashi did not cite the examples – he did not wish to suggest that Gentiles as well have a relationship with G-d which binds them to accept incomprehensible commandments.

The difficulty is serious – if Gentiles have such a relationship, why should the Nations of the World harass the Jews for observing incomprehensible commandments?

I suggest, however, that the terms *mishpat* and *chok* in Rashi's precedents should not be understood as comprehensively categorizing all mitzvot – some are neither *chukim* or *mishpatim*, although none can be both. A *mishpat* is a rule that regulates the human/Divine or human/human relationship. A rule intended to prevent cruelty to animals, or to prevent human beings from becoming cruel, is not incomprehensible, but it is still not a *mishpat*. Perhaps it would not have been said had it not been Said, but it was Said, to non-Jews as well as Jews.

The question remaining is – do we agree that the obligation to obey incomprehensible rules is a privilege, or at least a reflection of higher status, or even that obeying such rules is a good thing? Should we instead strive to better King Solomon and succeed in rationalizing *all* Divine commandments?



One of my favorite Talmudic moments is when the *stam* cites a tradition that Mosheh's request to Hashem

הראני נא את כבודך

please show me Your glory,

was a request to understand why good things happen to bad people and bad things happen to good people, and that Hashem responded with an explanation, and here it is! But they then find a contradictory text which proves that the answer found in the previous tradition cannot be correct. At this point they should surrender and say that we simply can't know the answer, but instead, they offer what they think is a reasonable answer and assume it was what G-d said in answer to Mosheh's Ultimate Question! But it is hard to accept that really important things are unknowable, and it should be.

Here too, Bamidbar Rabbah 19:5 explains that Solomon, the wisest of men, understood everything about Torah other than the red heifer. To show this, however, it feels compelled to offer its own explanations of everything that Solomon understood, without in any way claiming that its explanations are received Solomonic traditions. What is left of his superior wisdom, then, if we can satisfactorily explain everything he was praised for understanding.

My suggestion is: when the Satan, the Nations of the World, and the evil inclination challenge our obedience to Torah, our response must be that we obey simply because He is our Commander, Who took us out of Egypt. But sometimes – often – it is our *yetzer hatov*, our inclination toward good, that challenges our willingness to obey the incomprehensible and accuses us of spiritual laziness in not seeking better rationales, and thereby better ways to apply those laws to new cases.

Jews ought not glory in incomprehensibility, and obey the absurd with greater joy than the reasonable. We should instead strive to rationalize when we can do so with sincerity and integrity; to recognize when we cannot, and that since we are not G-d, in every generation there will be some mitzvot – often different than those considered *chukim* in earlier generations - that we cannot rationalize with sincerity and integrity, and which we must nonetheless obey; and to know – as best we can - when we are and when we are not acting and thinking with sincerity and integrity.

Shabbat shalom