

Dedicated in loving memory of Morris Novetsky, Z"L,
on the occasion of his first yahrzeit 8 Tammuz,
by his children: Jay and Paula Novetsky,
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THE TANACH STUDY CENTER www.tanach.org
In Memory of Rabbi Abraham Leibtag
Shiurim in Chumash & Navi by Menachem Leibtag

For Parshat Chukat - "ZOT CHUKAT HA'TORAH"

WHAT'S A CHOK, AND WHAT'S A TORAH?

How should one translate the phrase "ZOT CHUKAT HA'TORAH" (see 19:2) in the opening psukim of Parshat Para? [Note how just about every English translation slightly varies in their attempt to interpret this verse, e.g. "the Torah's decree" (Stone & Living Torah), "a ritual law" (JPS), etc.]

Many students of Chumash innocently assume that the word "torah" refers to the entire Torah, while the word "chok" implies a specific law that has no obvious reason; and hence - this opening pasuk informs the reader that the laws of Parah Adumah (that will follow) will be the quintessential example in the entire Bible of a law that doesn't make any sense.

In the following shiur, we will consider an alternate understanding of the words "chok" and "torah" in this pasuk, based on their meaning elsewhere in Chumash. While doing so, we will attempt to arrive at a clearer understanding of this special set of laws, and the purpose of this enigmatic opening phrase.

INTRODUCTION

Today, in common conversation, the word 'Torah' is used to describe either the entire Bible, or even the entire corpus of Jewish law. In fact, even the study of the Oral Law, such as the Mishna and Talmud is referred to 'Torah study'.

However, when we examine the use of the word "torah" in Chumash, we find that it has a very different meaning. Instead of referring to the entire book, the word "torah" in the books of Vayikra and Bamidbar usually refers to a specific type of law, usually one of a procedural nature.

For example, in our study of Parshat Tzav, we saw how each paragraph (in the section describing **how** to offer the various korbanot / chapters 6 thru 7) began with the phrase

"zot torat ha' -----" -

[this is the procedure for the ----- offering: ..."

Hence, the phrase "zot TORAT ha'mincha..." (see 6:7-10) is translated: "this is the PROCEDURE for how to offer the korban mincha" - followed by the details concerning **how** the kohanim are to offer it. Similarly, "zot TORAT ha'chatat" introduces the laws of how to offer the "korban chatat" (see 6:18 and 7:1, etc.).

An even better example is found in Sefer Bamidbar, at the conclusion of the laws concerning the procedure that the priest must conduct to test whether the "sota" [a wife accused by her husband for 'cheating'] was innocent or guilty. Note the use of the word "torah" in the pasuk that summarizes this lengthy process: "zot TORAT ha'knaot - this is the **torah** [the procedure] for this case of 'jealousy', when a wife... or when the spirit of jealousy comes upon a man, and he be jealous over his wife.. and the priest shall execute upon her all this **TORAH**" - i.e. this procedure! (see Bamidbar 5:29-30 in its context)

With this background, we can begin our attempt to understand the word "torah" in Parshat Para - to show that here as well, it refers to a specific procedure (and not to the entire Chumash)!

THE LAWS OF TUMAT MEYT

To appreciate what procedures are discussed in Bamidbar chapter 19, we must first provide a short overview of the basic laws of "tumat meyt" [spiritual uncleanness, caused by contact with a dead body].

According to Jewish law, if a person touches (or is in the same room with) a dead body, he becomes "tamey" [spiritually unclean] for period of at least seven days, during which time he is not permitted to enter the Temple courtyard. To 'cleanse' himself of this "tumah", a special 'procedure' is required. The kohen [priest] must sprinkle upon him from a special solution consisting of spring water mixed with specially prepared ashes of a "para Adumah" - a 'red heifer'.

The first sprinkling can only be performed after three days, and then needs to be repeated four days later, i.e. on day seven. At sunset of that seventh day, he becomes "tahor" [spiritually clean] and hence permitted once again to enter the Temple.

TWO PROCEDURES IN THE PROCESS

Obviously, before the kohen can perform this 'sprinkling procedure' - someone has to first make the 'ashes'. Hence, the first procedure [= "torah"] that Chumash will describe will be how to make these ashes. As only a small amount (of ashes) is needed to make this special solution, the ashes collected from the burning of each "para aduma" could suffice for decades.

After the explanation of this first procedure, Chumash will explain the details for the second "torah" - i.e. the procedure whereby the kohen sprinkles this solution of the "tmei meyt".

Therefore, as we study chapter 19, we should expect to uncover the details of two procedures:

PROCEDURE #1 - Making the 'ashes' of the parah adumah.
[as detailed in 19:2-9!]

PROCEDURE #2 - Sprinkling these ashes (mixed with water).
[as detailed in 19:17-19!]

As we study these psukim, we will show how these two procedures also contain several consequential laws, which we identify as "chukim"! Therefore, before we begin our detailed study, we must first explain the Biblical meaning of the word "chok".

WHAT'S A CHOK?

Contrary to popular opinion, a "chok" is not the name for a Biblical law that doesn't make sense (or has no reason). Indeed, we will find "chukim" that have no obvious reason, and that may even be 'characteristic' of a "chok" - but it is not the definition of a "chok"! Instead, a "chok" is a statute - i.e. a set law or ordinance that doesn't change.

To clarify this point, let's take an example from a law that you are all familiar with: the Korban Pesach. Everyone knows why we offer the Korban Pesach - to commemorate how God saved Am Yisrael from the Tenth Plague. Certainly, this mitzvah makes a lot of sense, but to your surprise - Chumash refers to this law as a CHOK and gives a reason! Let's take a look:

"... and you should keep this commandment (of Korban Pesach) as a CHOK for you and your children for ever. When you come into the Land that God shall give you... keep this ritual. And when your children will ask: What is this ritual for you? Tell them it is the Pesach offering, for God passed over the houses of Bnei Yisrael when He smote the Egyptians..." (see Shmot 12:24-27!)

In fact, Chumash refers to all of the Jewish Holidays as CHUKIM (see Parshat Emor - Vayikra 23:14,21,31 & 41) - because they are set in the yearly calendar, and repeat themselves every year!

Chumash also uses the word "chok" to describe statutes that are not mitzvot. For example, when Sefer Breishit describes how Yosef purchased of the land from the Egyptians, we are informed that he cannot acquire the land belonging to the priests -

because:

"... it is the CHOK of the priests by Pharaoh, that they eat their portion [lechem CHUKAM] that Pharaoh had given them..." (see Breishit 47:20-22 and its context)

Two psukim later, we find another example, where Chumash describes the 20% set land tax imposed on Egyptian produce as a "chok" (see Breishit 47:26)

For a similar reason, when Bnei Yisrael are required to produce a certain daily output of bricks, Sefer Shmot describes this set quota as a CHOK:

"...and the taskmasters of Bnei Yisrael scolded them saying - Why did you not complete CHOK'CHEM [your quota] to make bricks as before..." (see Shmot 5:14 and its context)

Note also how Yirmiyahu refers to the laws of astronomy, i.e. the constant and unchanging cycles of the sun and moon around the earth, as "CHUKOT shamayim v'aretz" (see Yirmiyahu 33:25 and even better, see Yirmiyahu 31:35-36!).

For this reason, the holidays in Parshat Emor are referred to as CHUKIM for they celebrated on a REGULAR basis, once a year based on the solar (agricultural) calendar. Hence, a "chok" implies something constant that doesn't change - a statute.

THE CHOK OF TUMAT MEYT

Let's see now how the word "chok" would apply to the laws of "tumat meyt".

The law that a person who touches a dead body becomes "tamey" for seven days should definitely be considered a "chok" - for it is a law that never changes - it remains constant.

[In modern Hebrew we find a similar use, where the 'laws of nature' are called CHUKI ha'TEVA. Take for example Newton's laws of motion - they are set and don't change.]

Based on this definition, a CHOK can be logical, but it doesn't have to be! Certain CHUKIM may be beyond our comprehension, however many other CHUKIM can actually make a lot of sense. Therefore we find some "chukim" that are quite logical, while others are not - however, the fact that a certain law is not logical, does not define it as a CHOK!

In contrast, a MISHPAT, as its name implies, is a JUDGEMENT - based on reason. The very concept of a MISHPAT relates to a decision or judgment that must be made between two claims that come before the court. Hence, the Torah refers to the entire set of civil laws relating to damages etc. in Shmot chapters 21->23 as MISHPATIM (see Shmot 21:1 & 24:3).

With this background, let's read through Parshat Parah and attempt to identify more precisely where we find a TORAH and where we find a CHOK, and how they relate to one another. As we read, we will notice how the chapter neatly divides into two sections, according to the two procedures that we mentioned above.

[As a teacher's note - to explain this concept of TORAH as a procedure, take the word 'recipe' as an example. A recipe demands a certain procedure to attain a certain goal, i.e. a sponge cake recipe requires that we take 4 eggs, flour, water, sugar; mix them into a batter, and bake it etc. The result - a cake - and hence the recipe card is titled: Sponge cake. In a similar manner, the Parshat Parah informs us of the proper 'recipe' [i.e. the TORAH] to make the ashes for "efer parah"!]

PROCEDURE #1 & its CHUKIM

We assumed above that the first "torah" (or procedure) would describe how to prepare the "efer ha'parah" [the ashes of the heifer], that will later be used for sprinkling). As you review 19:2-6, note how these psukim describe precisely this procedure: 19:2-3 -

Take a red heifer (one without a blemish) and give it to Elazar (the deputy high priest) who must slaughter it outside

the camp.

19:4 -

Sprinkle the blood of the heifer seven times opposite the entrance to the Ohel Moed.

19:5-6 -

Burn the carcass of the heifer together with branches from both a hyssop and cedar tree, etc., until it turns into ashes.

Now that the 'ashes' have been prepared, the Torah informs us of two special CHUKIM that accompany this process:

19:7 -

The kohen who PERFORMS this procedure becomes "tamey" [that's a CHOK], therefore he must wash his clothes and remains "tamey" until the evening ["tumat yom"].

19:8 -

The kohen who BURNS the animal becomes "tamey" [that's also a CHOK], and must wash his clothes etc.

Then Chumash continues with the final stages of this procedure:

19:9 -

A clean person must COLLECT the ashes and stores them outside the camp. This is actually the final stage of the procedure [i.e. part of the TORAH].

19:10 -

This person who collects the ashes also become "tamey" [just like the other two]. That's yet another CHOK!

Hence, we find that this specific procedure of making the "efer" is accompanied by several special CHUKIM. Note how these CHUKIM, even though they are not an integral part of the procedure, they are a direct consequence - and therefore should be defined as related "chukim" [statutes], but not an integral part of the procedure.

[If we use again our "mashal" from the cake recipe, the person mixing the batter must later wash his hands, but that does not affect how the cake comes out!]

To prove these definitions, let's take a more careful look at this last pasuk, as it explains the purpose of this procedure. i.e. for these ashes must be used for the CHOK of "tumat meyt":

"The person who collects the ashes must wash his clothes, and [these ashes] are to be [used] for Bnei Yisrael for a CHUKAT OLAM - an everlasting statute: [i.e. introducing the CHOK of:]

- One who touches a dead body becomes "tamey" for seven days. If he is sprinkled upon on the third & seventh day, he becomes "tahor"; if not he remains "tamey"... and should he enter the Mikdash, he is to be cut off from Israel."

(see 19:10-13)

These psukim end the first section of Parshat Parah, as the ashes are prepared, and we are also informed of what they will be needed for.

Now that the "efer" is prepared, we are ready to discuss the second TORAH [procedure] found in this chapter, i.e. the precise details of this 'sprinkling process' - known in Hebrew as "torat ha'haza'ah".

PROCEDURE #2 and its CHUKIM

Let's take a look now at 19:14. Note how this pasuk (at first glance) seems to contradict our definition of a TORAH:

"And this is the TORAH - a person who dies in a tent, everything in the tent becomes tamey [unclean] for seven days. And any open vessel... it too becomes tamey..."

(19:14-15)

Based on our above definitions of CHOK & TORAH, this law [of how one contracts "tumat meyt"] should be considered a "chok" for it describes a set law that never changes! Why then does 19:14 introduce this law as a TORAH?

The answer to this question is quite simple.

If one reads the next set of psukim carefully, it becomes clear that the phrase "ZOT HA'TORAH" in 19:14 is INTRODUCING the

procedure that is defined later on 19:17-19. In other words, we need to add the word 'for' in 19:14 [i.e. a "lamed" after "zot ha'torah L'adam asher yamut b'ohel..." [which is implicit based on the context - see also Rashbam on 19:2!].

In this manner, 19:14-16 should be translated as follows:

"This is the TORAH - FOR:

- a) the case when a person dies in a tent, then everything in the tent becomes "tamey" (19:14), [and for...]
- b) any open vessel in that tent (19:15), or
- c) any person who touched a dead body in the field or bone or grave (who also becomes "tamey" (19:16)

THEN: for any of these "tamey" persons or objects, we must take from the "efer" [the ashes of the heifer] and put it into a vessel with water (see 19:17) in order to perform PROCEDURE #2 [i.e. "torat ha'za'ah"], as explained in the next set of psukim:

"A person who is TAHOR [clean] shall take a hyssop branch, dip it in the water [mixed with the ashes], and then sprinkle it on (either) the tent and vessels, or on the person who touched the bones... or who touched a grave..." (see 19:18).

This procedure, as described in 19:18, was first introduced by the phrase "zot ha'TORAH" in 19:14. The next pasuk (19:19) informs us that this procedure must be repeated on both the third and seventh days (see 19:19).

THE CHUKIM OF PROCEDURE #2

This second procedure, just like the first procedure, is also accompanied by certain consequential "chukim":

- a) he who sprinkles the solution becomes "tamey" (see 19:21, see also Rashi who quotes Chazal's understanding that it refers to only someone who carries this solution, but not actually the one who sprinkles it);
- b) anyone who touches this solution also becomes "tamey" (see 19:22).
[i.e. "tamey for one day, he must wash his clothes and then he becomes "tahor" at sunset.]

Note how both Procedures #1 and #2 carry with them very similar consequential CHUKIM, i.e. anyone who is involved in this process of either making the "efer", or sprinkling it upon someone else, becomes "tamey".

CHUKAT ha'TORAH

Based on these definitions, we can suggest an explanation for the opening phrase "CHUKAT ha'TORAH" that introduces these laws (see 19:1). As we have shown, this chapter contains many special CHUKIM that relate to the TORAH (procedures) of "tahara" from "tumat meyt", i.e.

- (1) making the ashes; and
- (2) sprinkling the "mei chatat" - water w/ashes solution.

Each of these two procedures carry special "chukim" that accompany these procedures: The special chukim all have one common denominator. Anyone involved in these procedures for cleansing one who is "tamey" - he himself becomes "tamey". This strange CHOK that by making someone else TAHOR you become TAMEY is an inherit 'statute' [CHOK] of this 'procedure' [TORAH]. Hence, this may be the technical meaning of this introductory phrase "chukat ha'torah", i.e.

- the CHOK {that those involved becomes "tamey"} in the TORAH [procedure] required to cleanse "tumat meyt".

Clearly, this CHOK appears to negate all logic - for why should the person involved in the process of making someone else TAHOR become TAMEY? For this reason, this specific CHOK becomes a classic example of a law that doesn't make sense (see Rashi 19:2). HOWEVER, this does not mean that the definition of a CHOK is a law that doesn't make sense! As we explained above, a CHOK is a set law. CHUKIM don't have to make sense, but certainly it is OK if they do.

THE RAMBAM

A similar explanation of CHUKIM is found in the Rambam in his concluding section of Sefer Avodah in Hilchot Meilla. Note how Rambam differentiates between CHUKIM and MISHPATIM: "... the MISHPATIM are laws whose reason is evident ["taamam geluyah"] and the benefit for keeping them is apparent in this world, e.g. the prohibition to steal or to murder, or honoring one's parents; while the CHUKIM are laws whose reason is not evident ["taamam eino geluyah"]... and the laws of Korbanot fall under category of CHUKIM..." [see Hilchot Meilla 8:8]

Note the examples that Rambam uses for Mishpatim - stealing, murder, and honoring one's parents. Even though these are mitzvot in the Torah, they are based on a very obvious rational. Even without the Torah, most societies establish similar laws for they are based on common sense. In contrast, CHUKIM are divine decrees and as such do not necessarily need to be based on any obvious reason. Nevertheless, note how Rambam demands that we make every effort to understand God's reason for the CHUKIM as well:

"It is fitting that one should contemplate the laws of the Torah to understand their reasoning to the best of his ability. But should he find a law that he does not understand (or does not make sense to him)... he should not conclude that they are any less important, rather he must keep them and treat them with the utmost respect...

(see Rambam Hilchot Meillah - the beginning of 8:8)

Even though CHUKIM (by their very nature) don't have to make sense ["ein taamam glu'yah"], nevertheless Rambam implores that we make every effort to try to understand them, Should one be unable to find a reason for a certain CHOK, he must relate this lack of understanding to his own inability to grasp God's infinite wisdom rather than conclude that the CHOK has no purpose. [Note for example how Rambam mentions if this final halacha that "korbanot" are a classic example of CHUKIM, yet in his MOREH NEVUCHIM he makes effort to explain the reason and logic for each and every type of korban! In fact, Rambam claims that if we were aware of all the various types of Avodah Zarah that existed in the time of Yetziat Mitzraim, we would be able to understand the reason for ALL of the CHUKIM of korbanot! [See Moreh III, the closing two paragraphs of chapter 49.] In fact, one could consider Rambam's attempt in Moreh Nevuchim to provide a reason for the various laws korbanot an example of what he suggested in Hilchot Meillah 8:8 - i.e. that we attempt with the best of our ability to understand the reasons for CHUKIM as well.]

This dialectic, where on the one hand we must 'blindly' accept each and every one of God's CHUKIM, even though we may not understand them, yet at the same time we are encouraged to make every intellectual effort to attempt to comprehend their reason - is a beautiful example of the challenge of our faith in God. In Judaism, our faith in God can only be enhanced by our constant quest for reason and truth.

shabbat shalom,
menachem

FOR FURTHER IYUN

1. In Sefer Devarim, it appears that the word TORAH is used in a very general context, referring to entire set of mitzvot including many chukim and mishpatim. See 1:5, 4:44 - "v'zot ha'Torah asher sam Moshe...", 27:3 etc.

However, if you remember our study of the main speech of Sefer Devarim, the use of the word Torah may remain in its original context as a procedure. To determine what the goal of that overall procedure is, note carefully 5:1-2, 5:28, 6:1, and most important -the closing psukim of that speech in 26:16-19, and relate to Shmot 19:5-6!

In other words, the entire set of laws recorded in the main speech in Sefer Devarim (chapters 5-26) are consistently referred

to as a "torah" - for they comprise the 'procedure' for how to make Am Yisrael an "am kadosh" - just as God originally proposed (and Bnei Yisrael accepted) at Maamad Har Sinai!]

2. Can you find the logic of this chok that one who makes someone else tahor becomes tamey? Is there a law of 'the conservation of tumah'?! [Ask anyone in the "kiruv" business!]