

**A Socio-Political Study of the Role of the Biblical Red Heifer
In Tannaitic and Amoraic Literature**

Jennifer A. Jaech

**Thesis Submitted in Partial Fulfillment of
Requirements for Ordination**

**Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinic Program
New York, New York**

February 2003

Dr. Martin A. Cohen

Title: A Socio-Political Study of the Role of the Biblical Red Heifer in Tannaitic and Amoraic Literature

Author: Jennifer A. Jaech

Advisor: Dr. Martin A. Cohen

Organization: Three major parts, encompassing five sub-parts, and nineteen charts.

The primary purpose of the thesis was to offer an analysis of the treatment of the Rite of the Red Heifer in rabbinic literature, rabbinic folklore, and general folklore in order to ascertain the political and social role of the symbol of the Red Heifer in early rabbinic Judaism. The thesis offers a preliminary analysis of the role of the rite. In addition, the organization and presentation of the rabbinic material provides the foundation for a far more extensive analysis.

Part One of the thesis contains an introduction addressing the role of ritual in social cohesion and control. Following that introduction is a presentation of the rabbinic texts used as primary sources in the thesis, including some difficulties encountered in determining "historical evidence" from these writings. Part One concludes with a look at the folkloric origins of the Rite of the Red Heifer, and the transformation of the rite by the priestly writers of Numbers 19.

Part Two of the thesis includes a detailed description of the rite as found in Mishnah Parah (and other references in the Mishnah), Tosefta Parah, and the Talmudim. This section contains nineteen charts that record different and/or additional material found about the rite in the various rabbinic texts.

Part Three of the thesis contains a preliminary analysis of the rite. The analysis contains two foci. First, the thesis presents the evidence gleaned from the rabbinic texts that suggest the rite began as a folk ritual. Second, the thesis continues with a discussion about the rite as a locus of struggle among the leadership of early rabbinic Judaism, with a special emphasis on the role of the purity system. The thesis concludes with suggestions for further areas of exploration, and a statement about the application of such a study in today's world.

Primary material used for this thesis: the rabbinic texts, especially Mishnah and Tosefta Parah. In addition, the author examined all references to the rite in the Talmudim along with some aggadic material.

The primary contribution of the thesis lies in the careful analysis of rabbinic text that has been largely overlooked by modern scholarship because it is thought to be irrelevant. Further, the thesis provides side-by-side comparisons of Mishnah text, Tosefta text and references in the Talmud for each step of the rite of the Red Heifer. Such a presentation provides a foundation for extensive work in the future.

*This thesis is dedicated to my professor
Rabbi Martin A. Cohen
Who continually inspires me
And to my son
Isaac J. Meyer
Who gives me joy daily*

Special Thanks to Rabbi Helene Ferris, S. David Sperling and Lois M. Trask

PART I

Introduction: The Role of Ritual in Social Cohesion and Control

Solomon said: All the foregoing subject matters I understood (all except one). The one passage concerning the Heifer, whenever I grapple with it, I struggle to get at its meaning, I go over it word by word, but finally am forced to say, "*Would I could get wisdom; but it is far from me.*"¹

As we read in the midrash above, King Solomon, to whom tradition ascribes great wisdom, is unable to understand the meaning of the Rite of the Red Heifer. His frustration likely reflects the view of the rabbis who created this midrash centuries ago. And, given the fact that few scholars have focused on study of the rite, we are little closer to a full understanding of its evolution and meaning.

This thesis represents a preliminary socio-political study of the Rite of the Red Heifer. What were its origins? How did it become associated with the Israelite cultic practice? How did the Tannaim reconstruct the rite? What living issues did the rite represent? What lessons can we learn from our study that can help us understand the challenges that Reform Judaism faces in today's rapidly changing and complex world?

We begin our exploration with a look at the purpose of ritual in the life of a community. However, an examination of "ritual" in the abstract is not necessarily conducive to understanding how ritual actually evolves and functions. With that in

¹ Numbers Rabbah, 19:2

mind, we begin our study with a brief look at a ritual that is familiar to most Jews today:
the *brit milah*.

It is the early 21st century, and a boy has been born to a Reform Jewish family. On the eighth day after the birth, the infant's extended family gathers together. Their rabbi arrives at the home, along with a *mohel*. People chat nervously as the leaders prepare for the ritual. As the ceremony begins, the mother of the infant leaves the room, telling her sister that she is unable to watch. The rabbi reads from his manual issued by the Reform Movement:

The rite of circumcision is a *mitzvah*, a sign of our Covenant with God, as it is written: "God said to Abraham, 'you shall keep my covenant, you and your children after you. He who is eight days old shall be circumcised, every male throughout your generations.'"²

As the ritual proceeds, the *mohel* cuts off the foreskin of the infant's penis. The child's body now bears the mark of his membership in the Jewish community. He will notice, as he grows older, that all his Jewish friends and relatives are circumcised, while his gentile friends may not be. Should one of his gentile friends grow up and decide to convert to Judaism, he will likely have to undergo circumcision as part of the required rituals that will mark his entrance into the community. The ritual of circumcision is a primary means by which the Jewish community defines its male membership.

² From the Rabbi's Manual, CCAR: 1988, p. 7. Biblical verse: Genesis 17: 10-12.

That a modern Reform Jewish family practices what appears to be primitive tribal ritual reflects the remarkable endurance of this rite. Lawrence Hoffman describes how the early "reformers" of Judaism attacked the *brit milah* as a primitive rite, yet the ritual survived the attack to remain part of normative Reform Jewish practice.³ While the early reform rabbis declared the Talmud to be non-binding, dispensed with Hebrew, and made enormous changes to the traditional liturgy,

They could not even consider abrogating circumcision. Moreover, they could not even agree that males who are not circumcised are still Jews! Nowhere else, to the best of my knowledge, were the reformers so adamantly tied to their past as in the case of circumcision.⁴

One of the reasons why the practice of circumcision has endured can be explained because it has become linked with the idea of covenant. In the eyes of his community, this act of circumcision links the child to God's covenant with Abraham, as reflected in Genesis 17. However, as Hoffman writes, the book of Genesis itself does not consistently link covenant with circumcision: Genesis 15 describes the covenant in which Abraham's descendents would receive land and divine protection in exchange for loyalty to God's commandments.⁵ Similarly, the book of Deuteronomy emphasizes "land theology, a covenant that deeds God's chosen land to the chosen people."⁶ Thus, "covenant" was not always linked with circumcision. That linkage, made by the priestly

³ See "Circumcision as Symbol in the Jewish Psyche," from Covenant of Blood: Circumcision and Gender in Rabbinic Judaism, p. 2-9.

⁴ Ibid., p. 9.

⁵ See "Bible and Birth," from Hoffman's Covenant of Blood.

⁶ Ibid.

writers of Genesis 17, represents a later development – a layering of a different meaning onto an ancient practice.⁷

It seems fairly clear that circumcision predated its inclusion into Israelite practice. As Nahum Sarna notes, the Biblical text gives us a clue that the ritual pre-dated its inclusion in the Torah, for no instructions are given about how the circumcision is to be performed.⁸ Given that the text provides no instructions, the act of circumcision was likely familiar to the ancient audience. As Sarna writes,

This should occasion no surprise because circumcision is widely and independently attested in the histories of divergent cultures stretching from Anatolia to western Sudan, from the Australian Aborigines to the Masai of East Africa, from the Polynesian cultures to the Kingdom of Lesotho in southern Africa.⁹

As Sarna notes, with the exception of the Babylonians and the Assyrians, most Semitic cultures appear to have practiced circumcision.¹⁰ Sarna writes, “Clearly, then, the originality of the biblical law does not lie in the fact of the institution itself but in the total transformation of a widespread and ancient ritual.”¹¹

What the rite may have meant prior to the writers of Genesis 17 linking circumcision to “covenant” is a matter of debate. Julian Morgenstern traced the practice

⁷ Hoffman provides several reasons why the priestly writers were specifically interested in incorporating circumcision into their ideological system.

⁸ Sarna, Nahum. “Excursus 12: Circumcision,” from The JPS Torah Commentary: Genesis, p. 385.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid, p. 386.

to the "very first stage of Semitic cultural evolution," when people believed that spirits – largely hostile – inhabited their surroundings.¹² These spirits were thought to be the source of all human and animal life. Since they were responsible for the birth of children, children belonged to them. They were thus considered to be "taboo." This taboo had to be lifted before a child could freely participate in human activities and relationships.

According to Morgenstern,

The basic principle underlying the removal of sacrifice, the giving to the spirit or spirits, of a portion, and particularly the first, and therefore presumably the best portion, of the tabooed object redeemed the remainder, freed it from the possession and power of the spirits, and thus rendered it available for participation or use in ordinary, normal, profane existence.¹³

As Morgenstern notes, this same principle also operates with the notion that "the sacrifice of a part of the tabooed object redeemed the remainder."¹⁴ Thus, cutting off a dispensable part of the child, or even shedding some of its blood, served to remove the taboo from the child. Related to this interpretation is the suggestion that the rite remains as a remnant from the time in which Israelites engaged in child sacrifice. Hoffman presents another compelling theory of the origins of circumcision, arguing that it was originally a fertility ritual.¹⁵

Whether the custom originated as a rite to remove a taboo, a fertility ritual, or something else is unimportant to our thesis. Whatever its specific origins, it clearly is an

¹² Morgenstern, Julian. "The 'Bloody Husband' (?) (Exod. 4: 24-26) Once Again," from the Hebrew Union College Annual, 1963: 34.

¹³ Ibid., p. 36

¹⁴ Ibid.

¹⁵ See Covenant of Blood, pp. 38-39.

act that resonates with the deepest human emotions, as demonstrated by its widespread practice among the peoples of the world and the fact that it has endured over so many generations. Whatever later ideological meanings it had assigned to it, it is clear that its emotional resonance gives the ritual its power. It is deeply rooted in the psyche and needs of people, perhaps because it is associated with birth. Most liberal Jews today are likely not compelled to circumcise their sons because of the ideological construct called "the covenant between God and the Jewish people" that has been assigned to it. At the same time, Jews today do not hesitate to circumcise their sons in the ritual of *brit milah* – even though they may not be able to articulate why it is important for them to do so.

As we have seen, what began as a common folk practice became the "sine qua non of Jewish identity."¹⁶ Its transformation under the priestly writers, and through the later generations of rabbis, has been well documented by Hoffman. It has endured because it works on the visceral level, and it has served Jewish leaders throughout the ages who assigned new meanings to the rite.

Our thesis focuses on the transformation of another folk practice: namely, the Rite of the Red Heifer. This is a rite that, unlike circumcision, is no longer practiced today in normative Judaism.¹⁷ The rite has received relatively little attention in the scholarly world and has not yet been the subject of an extensive socio-political study.

¹⁶ Ibid., p. 11.

¹⁷ It should be noted, however, that the sect(s) within Judaism that seek to rebuild the Third Temple have joined forces with Christian fundamentalists in an attempt to revitalize this rite. See Rod Dreher's "Red-Heifer (sic) Days," *National Review*, April 11, 2002.

This thesis aims to trace the development of the rite from its origins in folklore, its transformation by the priestly writers, and its treatment in the early rabbinic texts. The primary focus of the thesis is the rite as recorded by the Mishnah, the Tosefta, and the Talmudim, particularly the *beraitot* contained within. Why did the Tannaim engage in discussion and disputes about a ritual that, by their time, had become functionally obsolete? This thesis begins to reconstruct the socio-political development of the rite; our ultimate aim is to better understand the socio-political dynamics that underlie all religious evolution.

Rabbinic Texts

This study primarily utilizes Mishnah Parah, Tosefta Parah, and the Babylonian and Jerusalem Talmudim, particularly the *beraitot* contained within. It is clear that these texts were not written for historical purposes, yet it is possible to glean information of socio-political significance from them if we approach the texts appropriately. As Professor Martin A. Cohen writes:

All this literature forms part of a complex world, responds to that world, and, with the fewest of exceptions, if indeed any at all, reflects institutions and therefore political agendas that were active in that world.¹⁸

Cohen cautions us that in approaching texts like the Mishnah and Tosefta, we must remember that the "extant literature represents only a portion, perhaps a small portion" of the literature generated during a given period. Further, such literature "never possesses

purely academic or exclusively personal meaning," but must be understood in the context of the institutions and politics of its time.¹⁹

Especially in examining texts concerning the Rite of the Red Heifer, material that appears to be primarily concerned with the picayune details of the rite, we must bear in mind the motivating factors behind the discussions of the ritual. We cannot take statements purely at face value; to do so may lead us to believe that disputes about the smallest details of procedure are simply concerned with the rite itself. Yet, as Harry Fox notes:

Conflicts of ideology generate differences in juristic perspective and hence differences in legal details. A given sectarian writer...may emphasize these minutiae of the law but these are secondary to the ideological and social rifts.²⁰

Before we turn to the study of the Rite of the Red Heifer as presented in Mishnah and Tosefta Parah, it is instructive to provide a brief introduction of the main texts used in this study and outline some of the outstanding questions about their purpose and relationship to each other.

¹⁸ From his "Report on the Thesis of Janine Schloss entitled *Reflections of Socio-Political Reality in Jewish and Christian Exegesis of the Tannaitic Age*," HUC-JIR, 1996.

¹⁹ Ibid.

²⁰ Fox, Harry. "Introduction," from Introducing Tosefta: Textual, Intratextual and Intertextual Studies, p. 11-12.

Danby suggests that the Mishnah may be defined as "a deposit of four centuries of Jewish religious and cultural activity in Palestine."²¹ The four-century period to which Danby refers begins in the time of the Second Temple²² and ends with the close of the second century CE. The activity under way during this time had as its object "the preservation, cultivation, and application to life of 'the Law' (Torah) in the form in which many generations of like-minded Jewish religious leaders had learnt to understand this Law."²³ Yet as Danby notes, the Mishnah is not simply an impartial record of this activity. Danby writes "it is a matter of extreme difficulty to decide what historical value we should attach to any tradition recorded in the Mishnah."²⁴ Among the reasons it is difficult to ascribe "historical value" to the traditions in the Mishnah are the political upheavals of the time, and because "the standards esteemed by the Pharisean party (whose opinions the Mishnah records) were not those of the Sadducean party."²⁵ Thus, the Mishnah can hardly be viewed as an objective record of Jewish life during this time period.

Despite hinting at the politics that may have shaped the traditions as recorded in the Mishnah, Danby holds that "the Mishnah bears no trace of a tendency to effect reforms."²⁶ Rather:

²¹ Danby, Herbert. "Introduction: Purpose and Character of the Mishnah," The Mishnah, p. xiii.

²² Danby notes that the date is uncertain, but could be during the earlier half of the second century BCE.

²³ Ibid.

²⁴ Ibid., p. xiv

²⁵ Ibid.

²⁶ Ibid., p. xv.

(The Mishnah) manifests a veneration for the letter of tradition remarkable for pedantic insistence on verbal exactitude; and there was a purposefulness about the work of the post-Destruction rabbinical schools marking a determination to preserve as exact a knowledge as possible of those aspects of life under the Law which (had) become the more precious by reason of their present impossibility of realization.²⁷

Joseph L. Blau echoes Danby's assertion, writing:

We must assume the basic accuracy of the Mishnaic materials in reporting religious practices in the later part of the second commonwealth period, since the Mishnah preserves traditions that were either still alive or had only recently become defunct.²⁸

It is especially important to look at Danby's and Blau's statements as they apply to the Rite of the Red Heifer, for at the time of the redaction of the Mishnah, this rite was functionally obsolete. According to Danby, then, the compilers of the Mishnah aimed to preserve this rite since it had become impossible to practice it (rather, it had become impossible to practice it in the context of the Temple in Jerusalem). Yet it is also plausible, as we shall see, that by recording the rite as they did, the compilers of the Mishnah were not solely engaged in an act of faithful preservation of the tradition.²⁹ In fact, generally speaking, we are not entirely sure what motivated the compilers of the Mishnah to create this work, nor are we certain how the Mishnah came to be assembled.

²⁷ Ibid.

²⁸ Blau, Joseph L. "Red Heifer: A Biblical Purification Rite in Rabbinic Literature," *Numen*, 14: 70-78, March 1967.

²⁹ We must bear in mind the possibility that the Mishnah's writers described the rite not as it was actually practiced, but as it would have to be practiced should the opportunity ever arise in the future. Since it appears that they alone left written records of "the tradition," the Tannaim ensured that the rite continued to exist within mainstream Judaism solely

In terms of dating the Mishnah, scholars generally assert that the final redaction took place under Judah haNasi around the year 200; the many layers of the Mishnah are, of course, older and difficult to date precisely.³⁰

The name assigned to the Tosefta means "addition." As the name implies, the Tosefta has been considered to be a supplement to the Mishnah – a collection of tannaitic teachings ordered along the same lines as the Mishnah. Neusner describes the Tosefta as "a collection of supplements to the Mishnah, with approximately three-quarters devoted merely to citation and amplification of the content of the Mishnah."³¹ Further, Neusner argues that the Tosefta "makes sense only in relation to the Mishnah,"³² and that:

Only seldom – for somewhat under a sixth of the whole of its volume – does the Tosefta present a statement that may be interpreted entirely independently of the Mishnah's counterpart (if any). The Tosefta covers nearly the whole of the Mishnah's program, but has none of its own.³³

For Neusner, the Tosefta is the first sustained commentary on the Mishnah, and "provides the key" to understanding that work.³⁴

under their own purview. This possibility will be discussed further in the Analysis section of the thesis.

³⁰ See Strack, H.L. and Stemberger, G. "Handling Rabbinic Texts: The Problem of Method," from Introduction to the Talmud and Midrash. Edinburgh: T&T Clark, 1991

³¹ Neusner, Jacob. "Mishnah and Tosefta," from The Encyclopedia of Religion, Vol. 9.

³² Neusner, Jacob. "Describing the Tosefta: A Systematic Account," from Introducing Tosefta, p. 42.

³³ Ibid., p. 40.

³⁴ Ibid., p. 70.

Neusner's characterization of the Tosefta does not go unchallenged. While Reena Zeidman concurs that some elements of the Tosefta point to its dependency on the Mishnah,³⁵ she points out that other elements do not. Arguing against such dependency is the fact that the Tosefta contains material that is foreign to the Mishnah, that the Tosefta adds material not found in the Mishnah, and that the Tosefta sometimes records a different saying for the same tradent cited by the Mishnah..³⁶

Zeidman suggests that "both texts drew on common materials, but to different ends."³⁷ These different ends reflect the different interests and priorities of the groups involved in the formation of these texts. Harry Fox posits a similar theory, suggesting that the Mishnah and the Tosefta drew on the same source material, which Fox terms "the sea of Torah."³⁸ In his theory, the Tosefta works by:

Occasionally supplementing the Mishnah from material in the sea which the Mishnah's redactor had ignored or perhaps even suppressed, occasionally quoting material in its more original form and context from the vast sea, which the redactor of Mishnah had shaped differently, thereby to fulfill its own vision of Torah and its own agenda, much as the Mishnah had done before it...and occasionally following its own ideas and agendas of what constituted Oral Torah worth preserving and editing for posterity.³⁹

³⁵ The signs of dependence are: we cannot read the Tosefta without reference to the Mishnah; the Mishnah adds information that is absent in the Tosefta; and the Tosefta provides glosses to the Mishnah. See Zeidman, Reena. "An Introduction to the Genesis and Nature of Tosefta, the Chameleon of Rabbinic Literature," from Introducing Tosefta, p. 89.

³⁶ Ibid., p. 90-94.

³⁷ Ibid., p. 93.

³⁸ Fox, Harry. "Introduction," from Introducing Tosefta, p. 35.

³⁹ Ibid., p. 35-36.

Fox points us to the fact that these texts were not simply intellectual exercises, as previously discussed. Rather, the texts represent products of competing socio-political concerns rooted in the time and place of their creation.

It is possible that the Tosefta is not simply an "addition" to the Mishnah, as its name implies. Shamma Friedman argues that the Tosefta is in fact not a supplement to the Mishnah, but may in fact be primary. Friedman writes:

A detailed investigation during the last several years of synoptic Mishnah-Tosefta parallels has led me towards a tentative conclusion that the primacy of the Tosefta pericope vis-à-vis its parallel Mishnah is more the rule than the exception, and indeed may indicate the pervading relationship of parallels between these two works. This finding runs counter to the prevalent judgment and accepted notion, which views the Mishnah as primary to Tosefta, not only in the general sense, but even in regard to the synoptic parallels.⁴⁰

Friedman argues that the Tosefta was compiled later than the Mishnah, but the Tosefta preserved earlier material and provides sources for the Mishnah's rulings, much like the later commentators on Maimonides' *Mishneh Torah*. According to this theory, the compilers of the Mishnah reworked and edited older *halakhot*; those older *halakhot* were then compiled in the Tosefta. Friedman provides examples of the style and content editing that can be observed in the Mishnah vis-à-vis the Tosefta, including the Mishnah's tendency towards brevity, a reworking of the content of a particular law, and even the removal of Greek names which are still found in the Tosefta parallel.⁴¹

⁴⁰ Friedman, Shamma "The Primacy of Tosefta to Mishnah in Synoptic Parallels," from Introducing Tosefta, p. 100.

⁴¹ Ibid., p. 104-105

There are several theories about the dating of the Tosefta, and the Tosefta's relationship to the *beraitot* in the two Talmuds.⁴² As Reena Zeidman writes:

Toseftan study has been hampered by the lack of established dates for the texts of these centuries...at which end should one "peg" the text of the Tosefta in relation to the rabbinic literature at hand? That is, does one place Tosefta in the realm of mishnaic literature, or should one locate it in the arena of later talmudic literature?⁴³

Goldberg rejects the idea that the Tosefta derived from an ancient source because of its close connection with the Mishnah. Instead, Goldberg holds that the time of the redaction of the Tosefta was quite close to the time of the redaction of the Mishnah.⁴⁴ In contrast to this theory, Ch. Albeck asserts that the Tosefta "cannot be dated before the late Amoraic or even post-Amoraic period."⁴⁵ S. Lieberman suggested that the Tosefta was influenced by the versions of the *beraitot* in the Babylonian Talmud (thus suggesting a later date), while J.N. Epstein proposes the existence of a "proto-Tosefta" on which the Babylonian Talmud relied, while the Jerusalem Talmud referred to "our" Tosefta.⁴⁶

⁴² For a helpful summary, see Meacham, Tirzah. "Tosefta as Template: Yerushami Niddah," from Introducing Tosefta, p. 181-183. See also Zeidman, Reena. "An Introduction to the Genesis and Nature of Tosefta, the Chameleon of Rabbinic Literature," from Introducing Tosefta, pp. 74 ff.

⁴³ Zeidman, Reena. *Ibid.*, p. 73.

⁴⁴ *Ibid.*, p. 182

⁴⁵ See Yaakov Elman's Authority and Tradition: Toseftan Baraitot in Talmudic Babylonia, p. 2.

⁴⁶ *Ibid.* Reena Zeidman provides an excellent review of the literature on this topic in her essay "An Introduction to the Genesis and Nature of Tosefta, the Chameleon of Rabbinic Literature," from Introducing Tosefta.

Yaakov Elman rejects the idea of a "proto Tosefta," although he also concludes that the redactors of the Babylonian Talmud could not have known "our" Tosefta.⁴⁷ Elman concluded that "*beraitot* seem to have circulated in Babylonia in oral tradition as discrete units, or at most, in clusters,"⁴⁸ yet the Tosefta was not mentioned by the Babylonian Amoraim. Herbert Basser discusses the antiquity of certain decrees recorded in the Mishnah and the Tosefta by showing the manner in which these decrees were used and cited in the Gospels. He argues that there is a demonstrable lag between a particular practice and the recording of that practice, and that certain rabbinic decrees were already well developed in Temple times.⁴⁹ Braverman posits that the Tosefta was composed in two stages, with the first stage – the core of the Tosefta – preceding the Mishnah, but close to it in time. After its initial creation, accretions to the Tosefta's text continued for several generations after the redaction of the Mishnah.⁵⁰

I have presented the above material to illustrate that the precise dating, the origin and the evolution of the Tosefta continue to be a matter of scholarly debate. The relationship of the Tosefta to the Mishnah and to *beraitot* of the Talmudim is also not settled. But beyond the debate, we must ask about the actual authority of these texts. To whom were they directed? Whose lives were affected by their rulings? Do they present an accurate portrait of the life of the Jewish people?

⁴⁷ This is based on the problem of the Gemara raising questions that could easily be addressed by the citation of a *halakhah* from the Tosefta.

⁴⁸ Elman, *Authority and Tradition*, p. 281.

⁴⁹ See Basser's "The Antiquity of Some Mishnaic and Toseftan Decrees and Fences," from *Introducing Tosefta*.

Strack and Stemberger point to a major problem with relying on rabbinic sources to gain a full picture of the activities of that time: while we know that many groups were active during this turbulent time, the early rabbis are our only source for examining the internal development of Judaism. Strack writes:

We are almost wholly dependent on the rabbis' own testimony, and thus on the literature of a single group within this Judaism: the rabbinic self-understanding has shaped all of tradition...It is certain that the rabbis ascended slowly to a position of recognized leadership within Judaism, and that their party's literature could only gradually become the near canonical literature of Judaism.⁵¹

Because our only extant texts from the period are those of the early rabbis, as Strack and Stemberger write, "we can only estimate with caution the actual significance of the rabbinic movement within Jewish life."⁵²

While this study carefully presents the major texts addressing the Rite of the Red Heifer, much of the analysis of the significance of the rite must be, by its very nature, highly speculative. At the same time, we are dealing with a subject that has been largely ignored because it is functionally obsolete. Therefore, we can approach these texts with few preconceptions, thus increasing our ability to extract historical kernels from them.

⁵⁰ See Meacham's "Tosefta as Template," from Introducing Tosefta. Article cited: "Bein Leshon haMishnah liLshon haTosefta." *Proceedings of the Ninth World Congress of Jewish Studies* 6 (1985), 31-38.

⁵¹ Introduction to the Talmud and Midrash, p. 6.

⁵² *Ibid.*

The Rite of the Red Heifer: Its Origins in Folklore and Transformation in Numbers 19

Many Biblical scholars suggest that the Rite of the Red Heifer originated as an ancient, non-Israelite ritual.⁵³ Priestly writers of the Book of Numbers later incorporated the rite into the Israelite sacrificial system. While it is not within the scope of this thesis to undertake an exhaustive study of the folkloric origins of the Rite of the Red Heifer, it is instructive to provide some background prior to discussing the presentation of the rite in Numbers 19.

The Role of Purification

Human beings continually try to order and understand their world. The concepts "purity and impurity" reflect such an attempt. The purity/impurity construct predated the religion of the Israelites, and is found in many other ideological systems:

The concept of purity and impurity is by no means exclusive to the Jewish religion; indeed, it was a central and integral feature of most, if not all ancient religions. It is generally believed that the concept is a concurrent of the belief in evil spirits and part of the taboo concept.⁵⁴

⁵³ One need only refer to Stith Thompson's Motif-Index of Folk Literature to see the wide ranging references to special cows in folklore.

⁵⁴ "Purity and Impurity," Encyclopedia Judaica. Given the volume of scholarly work conducted on the topic, there is clearly much more to the conceptions of purity and impurity than presented here.

At the most primitive level, purification rituals are intended to remove danger from the midst of the community. The term "taboo" denotes that which is assumed to be dangerous. A taboo can take many forms, including that which is assumed to be "holy" or "unclean." Individuals who have come into contact with a taboo must rid themselves of the effect of this contact before they are allowed to freely associate with other individuals in the community.⁵⁵ Thus, as we shall discuss in Part III of this thesis, the purity/impurity construct provides the leadership of a given group with a means of social control.

The removal of taboos, in our case called "purification," must be undertaken ritually. Kennedy observes that "the means used to remove the taboo were to a large extent identical," with the most widely used medium being water.⁵⁶ Purification rites have been recorded in several tablet series of ancient Mesopotamia. According to Walter Farber:

All these rites were concerned with cultic impurity caused by contact with impure substances or people, by transgressing taboos, or by situations beyond human control, such as earthquakes, eclipses or other signs of divine wrath. Not unexpectedly, most of these rituals, in some way or another, make use of water, oil, and several cleansing substances like potash...⁵⁷

⁵⁵ It is important to note that there is little distinction in ancient thinking between the concept of "holy" and the concept of "pollution." Both represent taboos. See Frazer, Sir James G. The New Golden Bough, p. 166.

⁵⁶ Ibid. See further for a discussion of water as an element in purification rituals.

⁵⁷ Farber, Walter. "Witchcraft, Magic and Divination in Ancient Mesopotamia," from Civilizations of the Ancient Near East, Vol. 3, p. 1905.

The ashes of the Red Heifer provide purification of a specific kind. This rite is aimed at cleansing those who have come into contact with a corpse. Death represents a universal and ancient taboo. A.R.S. Kennedy writes:

In all forms of primitive religious thought a dead body is conceived as a source of real, if undefined danger to all in proximity to it. Itself in the highest degree unclean, in modern phrase taboo, it becomes an active source of uncleanness, and renders taboo everyone and everything about it. These death taboos, as they may be called, were in full force among the ancient Hebrews, as among the other nations of antiquity.⁵⁸

Death represents the ultimate danger because it is the very antithesis of life. Thus, rituals for the removal of taboo associated with death are common in many cultures.⁵⁹

The Ingredients for the “Water of Purification”

The Red Heifer

It was noted above that what people consider to be “holy” represents one kind of taboo. The Hebrew word *kadosh* reflects the notion that whatever falls into the category of the holy is somehow set apart from others of its kind. That which is *kadosh* belongs in a different realm – what is *kadosh* is, by definition, not part of the “normal” world. People who come into contact with the *kadosh* are affected by that contact, and must be restored to normalcy. Frazer writes:

It is a common belief that the effect of contact with a sacred object must be removed, by washing or otherwise, before a

⁵⁸ From “Red Heifer,” Hasting’s Dictionary of the Bible, IV, pp. 205-210.

⁵⁹ See Frazer, Sir James George. The New Golden Bough, p. 166.

man is free to mingle with his fellows. Thus, before coming forth from the tabernacle after the sin-offering, the Jewish high priest had to wash himself, and put off the garments which he had worn in the holy place. It was a rule of Greek ritual that, in offering an expiatory sacrifice, the sacrificer should not touch the sacrifice, and that after the offering was made, he must wash his body and his clothes in a river or spring before he could enter a city or his own house.⁶⁰

According to Numbers 19, those who prepare and handle the ashes of the Red Heifer are likewise rendered impure. This suggests that those who participated in the rite considered the ashes to be *kadosh* in some way.

Could ancient people have really considered the ashes to be *kadosh* in and of themselves? The ashes represent the essence of an animal that was associated with divine beings in some cultures of the Ancient Near East. In ancient Egypt, Osiris, the god of the dead, is associated with the celestial cow.⁶¹ In his writing about dying and reviving gods, James G. Fraser writes:

Herodotus tells us that the grave of Osiris was at Sais in Lower Egypt and that there was a lake there upon which the sufferings of the god were displayed as a mystery by night. This commemoration of the divine passion was held once a year: the people mourned and beat their breasts as if to testify their sorrow for the death of the god; and an image of a cow, made of gilt wood with a golden sun between its horns, was carried out of the chamber in which it stood the rest of the year.⁶²

⁶⁰ Ibid., p. 452

⁶¹ Mythology of all Races, Vol. 12, page 399. The celestial cow is a personification of heaven. The cow's legs correspond to the four pillars at the cardinal points. (p. 37)

⁶² Fraser, Sir James G. The New Golden Bough, p. 334.

Fraser speculates that this image of the cow represented the goddess *Isis*, for "cows were sacred to her, and she was regularly depicted with the horns of a cow on her head, or even as a woman with the head of a cow."⁶³ Not only is the image of a cow associated with divine beings, it also represents deities themselves. In another example, *Hat-hor* is the goddess of the sky in the form of a cow.⁶⁴ *Isis* is especially identified with the goddess *Hat-hor*.⁶⁵ The goddess *Neith* often appears as a cow, and she was also called "the great wild cow."⁶⁶

In ancient Egypt, the sun god is also associated with the celestial cow. The sun travels on the cow, and may also be thought to hide himself in the body of the heavenly cow during the night, "so that he enters her mouth at evening and is born again from her womb in the morning."⁶⁷

The Egyptian association of the cow with the sky finds a parallel in ancient Indian cosmology, where the cow is also associated with the heavens and with fertility. Water dripping clouds are compared to cows, and "the gods fight for them against the demons."⁶⁸ Further, there is a goddess known as *Aditi*, meaning "unbinding" or

⁶³ Ibid.

⁶⁴ *Mythology of All Races*, Vol. 12 p. 40.

⁶⁵ Ibid., p. 99

⁶⁶ Ibid., p. 142 (footnote)

⁶⁷ Ibid., p. 38

⁶⁸ *Mythology of All Races*, Vol. VI, p. 62.

"boundlessness" that is the personification of the sky. She is pictured as a cow and known as "the mother of all."⁶⁹

In many cultures, and certainly in the ancient Israelite culture, corpses are placed in the earth. It makes sense that in ridding oneself from impurity associated with death, ancient people would turn to the animal associated with deities of the sky (and with fertility). The sky is the opposite of the earth, just as life is the opposite of death.

Finally, Stith Thompson also lists several folkloric references that link cows with creation and fertility. In one myth, mankind is imagined to have emerged from a salty stone licked by a cow.⁷⁰ An Irish myth tells of a man drinking the milk of a hornless, single-colored cow in order to make his wife fruitful.⁷¹ A Swiss tale tells of a magical cow that regenerates her flesh after steaks are cut from her body.⁷²

Ashes

The ashes of the Red Heifer impart the ability to remove impurity to the water with which it is combined. According to one scholar:

⁶⁹ Ibid., p. 55. Note that in ancient India, the cow played a role in "rebirthing" rituals effecting the change of status of a person. People either become "born again" from a cow fashioned of gold, or a real cow. See Frazer's Folklore in the Old Testament, pages 218-223.

⁷⁰ Motif-Index of Folk Literature, A1254.2.

⁷¹ Ibid., T591.1.2.

⁷² Ibid., D2161.2.1.

Ashes have religious significance as the substance remaining after the divine living energy of sacred fire has departed from a living being or has acted to purge, purify, destroy, volatilize, punish, consume, sublimate, or **extract the essence of some cremated thing.**⁷³

The ashes, then, are a concentrated form of the essence of the Red Heifer. Yet they may also represent something else. Ashes are used in purification rituals,⁷⁴ and also in fertility rituals. For example, in ancient Rome, "the ashes from sacred fires of animal sacrifices were fed to flocks in order to stimulate their fertility and their production of milk."⁷⁵ It has been suggested that ashes are considered to have this power not only because of the sanctity of the sacrifices they represent, but because of the "divine fiery energy" or "life-force" that they are said to represent.⁷⁶

Other items also act as ingredients for the Red Heifer ashes. Numbers 19: 6 directs the priest to take hyssop, cedar wood and "crimson cloth" and add it to the fire where the Red Heifer burns. Kennedy sees this act as a primitive custom "from the time when the fragrant woods, such as juniper and cypress and the aromatic plants of the mint family were supposed to act as a protection against the harmful unseen powers that were the cause of death and hovered around the dead."⁷⁷ Further, the Biblical writers mandated the use of hyssop, cedar wood and "crimson cloth" in the ritual of purging both

⁷³ Thurn, Richard W. "Ashes," The Encyclopedia of Religion, Vol. I., p. 456.

⁷⁴ In the case of the Red Heifer, and in other cultures as well. The brahmans in India achieve ritual purity by applying ashes to their bodies before performing religious rites. (Ibid., p. 457)

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ "Red Heifer," Hasting's Dictionary of the Bible.

a leper and a house that suffered an eruptive plague.⁷⁸ These ingredients, combined with the blood of birds (see below) clearly were thought to hold some kind of magical healing and protective power.

The crimson cloth increased the potency of the ashes because of its color: it contained "a special healing virtue" because it is the color of the "sacred blood, the taboo color *par excellence*."⁷⁹ As discussed in the overview of Numbers 19, Biblical writers identified "blood" with "life."⁸⁰ Further, like the fragrant woods, "blood could be employed in rites designed to protect the living against the forces of death."⁸¹

Water

As noted above, water is utilized in many rituals of purification. In ancient thinking, water was considered to embody particular powers. Generally speaking, the power ascribed to water falls into two categories. First, water is linked to divine beings. It is a vivifying medium, giving life even to the gods. In ancient Hindu cosmologies, "waters are often represented as a receptacle of the divine egg or seed, which grows in

⁷⁸ Leviticus 14:4, 49

⁷⁹ Ibid.

⁸⁰ See Deut. 12:23 and Lev. 17:11.

⁸¹ S. David Sperling, "Blood," The Anchor Bible Dictionary, Vol. I, p. 761.

the waters."⁸² Similarly, in Egyptian mythology we read of a body of water called *Nun*. This "primordial water" is considered divine.⁸³ *Nun* provides a waterway for the Sun's boat to sail, but it is more than that: "(*Nun*) is a personage who can speak."⁸⁴

According to Rudhardt, "wherever they are found, waters are often bound up with divine powers."⁸⁵ Rudhardt provides the following examples:

- In Vedic India, people sacrificed to rivers;
- The Tigris and Euphrates appear on a list of Hittite deities;
- The named of the Ugaritic god *Yamm* means the sea itself;
- The Greek *Pontos* is the salty expanse of the sea, and often couples with the earth to form offspring;
- In Egypt, the Nile is honored as *Hapi*, an "anthropomorphic god."⁸⁶

Water also has power because it is essential to all life. Rudhardt writes:

(Water) is more than nourishment, since it is the source of nourishment. It may, therefore, be compared not only to milk, but **more particularly to the cow**. Because of its utility, it is perceived as a privileged support of vital forces. The Vendas, for instance, **equate water with the blood**, while the *Desa_na*, view the rivers as umbilical cords joining people to the amniotic waters underground. In both Hindu and African texts, it is common to speak of the waters giving life and engendering mankind.⁸⁷

⁸² Rudhardt, Jean. "Water," The Encyclopedia of Religion, Vol. 15, p. 352.

⁸³ Ibid.

⁸⁴ Ibid., p. 355.

⁸⁵ Ibid., p. 354.

⁸⁶ Ibid., p. 355.

⁸⁷ Ibid., p. 356.

Finally, water as the ultimate source of vitality allows people to ward off sickness and ultimately death. For example, in ancient Greece, when a man died of a particular disease, "his children were made to sit with their feet in water until the body was burned."⁸⁸ Carried to an extreme, in some instances water is said to provide immortality:

Gilgamesh finds the herb of life, which enables people to escape death, at the bottom of the waters. Several peoples speak of a "water of life" that bestows immortality. Similarly, to give her son Achilles eternal life, Thetis wants to plunge him into the waters of the Styx.⁸⁹

Water, the source of life, is thus the perfect medium for the removal of the taint of death.

As we have seen, ancient people ascribed vivifying powers to the ingredients of the water of purification long before the rite was incorporated into the religion of the Israelites. Now we turn to the rite as it appears in the Book of Numbers.

The Biblical Narrative: Numbers 19

Numbers 19 focuses on the specific problem of impurity resulting from contact with a corpse and the remedy for such impurity. Elsewhere in the book of Numbers⁹⁰ we read that those who come into contact with a corpse are rendered impure and must be

⁸⁸ Frazer, The New Golden Bough, p. 12.

⁸⁹ Rudhardt, The Encyclopedia of Religion, Vol. 15, p. 356.

⁹⁰ 5: 1-4

removed from the camp so that the camp itself is not contaminated. Numbers 19 further establishes "the severe impurity of the corpse,"⁹¹ and its threat to the divine sanctuary:

Whoever touches a corpse, the body of a person who has died, and does not purify himself, defiles the Tabernacle of YHWH. (verse 13)

If anyone who has become impure fails to purify himself, that person shall be cut off from the congregation, for he has defiled the Sanctuary of YHWH. (verse 20)

Numbers 19 outlines the remedy for the vitally important disposal of the impurity resulting from corpse contamination. While the argument offered by Baruch Levine that the "hidden agenda of Numbers 19 is the cult of the dead"⁹² is a fascinating one, it is beyond the scope of this thesis. We are primarily concerned with the socio-political aspects of the preparation and application of the "water of purification" – the central ingredient in the rite of purification.⁹³ Since any person contaminated by contact with a corpse is to be "cut off" from his people until he is purified by this method, it is clear that the people who control this rite have the power to grant access to the "congregation," and to the divine sanctuary within its midst.

Verse Two: "This is the statute of the prescribed instruction that YHWH has commanded: Instruct the Israelite people to bring you a red cow, physically perfect and without blemish, one that has never borne a yoke."

⁹¹ Levine, Baruch. The Anchor Bible: Numbers 1-20, p. 472

⁹² Ibid.

⁹³ Thus, we will focus on verses 2-10a, 17-19 and 21b-22.

The statute of the prescribed instruction: While the words *hukkah* and *torah* are found many places in other priestly writings in the Torah, their usage together is unusual and seems redundant. The words together, *hukat ha-torah*, occur in only one other place in the Torah: Numbers 31:21. That passage also addresses removing corpse impurity, in the case of persons and objects after battle. The “waters of purification” concocted with the ashes of the red heifer are the means of removing this impurity.

“Instruct the Israelite people to bring you a red cow, physically perfect and without blemish, one that has never borne a yoke.” (Verse 2b)

The Hebrew word *parah* according to Levine, “tells us little about the precise age of the animal, because *par* (bull) and *parah* (cow) are used rather loosely in Biblical Hebrew.”⁹⁴ Wright notes that many translate *parah adumah* as “red heifer” because “the context requiring an unworked animal suggests that the animal was young.”⁹⁵ Although the rite likely has its origins in folklore, as explored elsewhere in this thesis, in the priestly system, the designation of the red cow as a *hatta't* in verse nine fits the requirement that a female of the flock be brought as the *hatta't* for an individual Israelite.⁹⁶

⁹⁴ Ibid., p. 461

⁹⁵ Wright, David P. “Heifer,” Anchor Bible Dictionary, Vol. III, p. 115. This thesis employs the terms “red heifer” and “red cow” interchangeably.

⁹⁶ Milgrom, Jacob. “The Paradox of the Red Cow,” JPS Torah Commentary: Numbers, p. 438.

Although the Biblical text does not identify the red cow as a *hatta't* until verse nine of Numbers chapter 19, it is instructive at this point to discuss the term. As we shall see, the rite of the red cow presents a paradox because it has the ability to "purify the impure and render impure the pure."⁹⁷ For Milgrom, the designation of the cow as a *hatta't* is the key to "breaking the back of the paradox,"⁹⁸ for "the unique characteristic of the *hatta't* is that it defiles its handlers....in effect, the *hatta't* absorbs the impurity it has purged."⁹⁹ Baumgarten calls this interpretation into question by noting:

In the Near Eastern examples cited (by Milgrom) the ritual detergents are contaminated with the impurity they have removed *after* they have been used....In the case of the Red Heifer, however, it is explicitly stated that all those involved in preparation of the sacrifice after the consecration of its blood are rendered impure (Num. 19: 7-10), even *before* the ashes are used and have come into contact with the impurity of corpse uncleanness.¹⁰⁰

As we saw above, the ashes render impurity because they are thought to be holy.

Although the point about whether the red heifer constitutes an "offering" is debated among scholars,¹⁰¹ it is clear that the rite of the red heifer does not fit neatly into this category: it is not slaughtered at the altar at the sanctuary, it is killed outside of the camp apparently without an altar, (c.f. Lev. 17) and it is

⁹⁷ Pesikta de-Rav Kahana, 4:6

⁹⁸ Milgrom, Jacob. "The Paradox of the Red Cow," JPS Torah Commentary: Numbers, p. 439.

⁹⁹ Ibid.

¹⁰⁰ Baumgarten, Albert I. "The Paradox of the Red Heifer," *Vetus Testamentum* XLIII. 4. p. 443.

¹⁰¹ Milgrom insists that it is, while Levine argues that it is not.

required to be an "un-worked" animal.¹⁰² Further, as Milgrom notes, "the ashes of the red cow are not sprinkled only on impure objects; they are used primarily on impure persons – constituting a break with the rule that the *hatta't* blood is applied solely to objects."¹⁰³ Perhaps the reason it does not fit neatly into the priestly writers' definition of a *hatta't* is that the term is a later one grafted by priestly officials onto an earlier rite conducted by lay people.¹⁰⁴ Therefore, the rite that we read about in the book of Numbers is a composite one.

The term *hatta't* does help to understand the purpose of the rite of the red heifer. While the term has traditionally been translated as "sin offering," Milgrom and others have noted that it "would better be understood as referring to the process of purification."¹⁰⁵ This argument grounds itself in the fact that the term is often used in situations that have no relation to sin, such as the parturient (Lev. 12), the person suffering from a discharge (Lev. 15), and the Nazirite (Num. 6). Anderson writes "in each of these cases, the act of sacrifice serves to purge or purify something rather than to remove sin."¹⁰⁶ Certainly, in the case of the rite of the red heifer, the water/ash mixture provides purification from contact with the dead, thereby allowing entrance into the community.

¹⁰² Wright, David. "The Red Heifer," Anchor Bible Dictionary Vol. III. P. 115.

¹⁰³ Milgrom, Jacob. "The Paradox of the Red Cow," p. 441.

¹⁰⁴ According to the Biblical text, lay people could slaughter, burn, gather ashes, prepare the sprinkling water, and sprinkle the water, suggesting that the rite was originally conducted by and for "laypeople." In his excursus "The Paradox of the Red Cow," Jacob Milgrom writes "the lustral ashes of the red cow are the only vestige of a pre-Israelite exorcism for corpse contamination. Otherwise, the rite has been totally transformed by the Israelite values inherent in its sacrificial procedures" (p. 443).

¹⁰⁵ Anderson, Gary A. "Sacrifice and Sacrificial Offerings," Anchor Bible Dictionary, Vol. V, p. 879.

The requirement that the cow be red seems to Levine to be "inescapably" linked to blood, as he notes that the "adjective *'adom* may itself be related to *dam*, blood, expressed with the prothetic *'aleph*."¹⁰⁷ Milgrom concurs, noting "the association of red with blood is widely attested in primitive cultures. Thus the red hide of the cow symbolically adds to the quantity of blood in the ash mixture."¹⁰⁸ The importance of blood as an ingredient in the remedy for impurity resulting from contact with a corpse stems from the association of blood with life. In many ancient cultures, blood was thought to contain the soul or life of a creature, and is thus forbidden to consume.¹⁰⁹

This association of blood with life is prevalent in the Torah. Sperling writes, "'blood' and 'life' are attested as lexical pairs in Hebrew, Ugaritic and Akkadian poetry," and observes that Deuteronomy 12:23 and Leviticus 17:11 explicitly identifies blood with life.¹¹⁰ Even further, as Sperling notes:

Because of its vital power, blood could be employed in rites designed to protect the living against the forces of death. In Exodus 12 the Israelites are instructed to slaughter the Passover offering, collect its blood, and smear some of it on the lintel and doorposts of their homes. When Yahweh sees the blood he will

¹⁰⁶ Ibid.

¹⁰⁷ Levine, Baruch. *Numbers 1-20*, p. 460.

¹⁰⁸ Milgrom, Jacob. "The Paradox of the Red Cow," JPS Commentary on Numbers, p. 438.

¹⁰⁹ See Frazer, *The New Golden Bough*, p. 177-178.

¹¹⁰ Sperling, S. David. "Blood," *The Anchor Bible Dictionary*, Vol. I, p. 761.

Deuteronomy 12:23: "For the blood is the life and you must not consume the life along with the flesh." Leviticus 17:11: "For the life of the flesh is in the blood. I have consigned it to the altar in your behalf to atone for your lives, because the blood, in its value as life, makes atonement."

protect the door and not permit the destroyer to enter and smite the home. The apotropaic function of blood is likewise evident in the rites by which the high priest was enabled to enter and exit the inner sanctum "without dying" (Lev. 16:2). Among the prescriptions is the threefold sprinkling of blood seven times (Lev. 16:14, 15, 19).¹¹¹

It makes sense that the primary ingredient for the purification of individuals after contact with death is provided by the vital force inherent in blood: by the ashes of a red heifer, wholly burned with its red hide and all of its blood (and with other red items added to the flames) mixed with "living water."¹¹² We find references to the vivifying power of blood in the mythology of other cultures as well,¹¹³ suggesting that this element also has its roots in folklore.

The red cow used in this ritual must also be "physically perfect, without injury." This is a common requirement for sacrificial animals, as articulated in Leviticus 22: 17-20. The Biblical text places a further requirement on the red cow: that it must have never borne a yoke. This is a qualification that is not placed on animals designated for sacrifice. Deuteronomy 21: 3 contains a similar requirement for the calf that is slaughtered in order to expiate bloodguilt when the body of a murder victim is found in the open and the slayer is unidentified. In that case, the heifer cannot have ever "pulled a yoke." In both instances, the agent employed to remove the miasma of bloodguilt in the case of the *eglah arufah*, or the impurity of corpse contamination in the case of the *parah*

¹¹¹ Ibid.

¹¹² It should be noted that blood functioning as a purifying agent is also found in the ritual of returning those who have suffered from skin eruptions (commonly translated as "leprosy") to the camp (Leviticus 14). Numbers 12: 12 associates *tz'ra'at* with death.

¹¹³ See The Mythology of All Races, Vol. I, p. 279-281.

adumah, must not have previously been used "for profane purposes."¹¹⁴ The similar provision links two rites that likely have their roots in ancient folk practice.

Baumgarten suggests a reason for the provision that the red cow must never have been yoked: the vital force contained in the blood provides strength that is "unattenuated because the animal has never been yoked."¹¹⁵ When dealing with the miasma of bloodguilt or the stain of corpse contamination, the vitality of the "cleansing agent" must not be diluted.

"You shall give it to Eleazar the priest. It shall be taken outside the camp and slaughtered in his presence." (Verse 3)

With the introduction of priestly supervision here, priestly writers assert their authority over the rite of the red heifer. Milgrom writes: "The need for continuous priestly supervision betrays the inherent danger that the ritual may slip back to its pagan moorings."¹¹⁶ It seems likely, however, that the priestly authorities were not only concerned about the theological interpretation of the rite; rather, control over the rite really meant the acquisition of power: control over who was authorized to function in the service of the divine.

¹¹⁴ Milgrom, Jacob. JPS Torah Commentary: Numbers, p. 158.

¹¹⁵ Baumgarten, Albert I. "The Paradox of the Red Heifer," p. 445.

¹¹⁶ Milgrom, Jacob. JPS Torah Commentary: Numbers, p. 440.

The fact that the preparation of the ashes was to take place outside of the encampment, with "no recourse to a sacrificial altar," identifies the rite as one of "riddance," not as a sacrifice.¹¹⁷ In the case of a ritual of riddance, since the ancients believed that the impurity/sinfulness is transferred to the victim (the cow), it makes sense that the contaminated victim would be kept outside the camp to avoid further pollution. Keeping the animal outside the camp also makes sense in Baumgarten's thesis about the source of impurity associated with the red heifer (see below).

Eleazar, the priest, shall take some of its blood on his finger and sprinkle it seven times in the direction of the Tent of Meeting. (Verse 4)

Sprinkling blood taken from a sacrificed animal is a "normal act of purification," according to Levine.¹¹⁸ The priest is to sprinkle the blood in the direction of the Tent of Meeting because "the impurity of the dead impacted the Sanctuary, and its elimination was to be visually and geographically linked to it."¹¹⁹ Milgrom makes the argument that the act is meant to "consecrate" the blood for its use in the ritual, just as the priest sprinkles oil seven times "before the Lord" prior to the purification of the leper (Lev. 14:16).¹²⁰ Whether the act of sprinkling is one of purification or consecration, or both, seems to make sense in the priestly system. If we were to peel away the priestly layer from the ritual, the sprinkling could be interpreted as simply one of protection: the "life

¹¹⁷ Levine, Baruch. The Anchor Bible: Numbers 1-20, p. 461.

¹¹⁸ Ibid., p. 462. (cf. Lev. 4:6, 17; 14:7, 16:14-15; Num. 8:7)

¹¹⁹ Ibid.

¹²⁰ Milgrom, Jacob. JPS Torah Commentary: Numbers, p. 440.

force" contained in the blood of this especially powerful animal will guard the divine sanctuary from the threat of defilement.

The cow shall then be burned in his presence; its hide, meat and blood shall be burned, together with its dung (verse 5).

The fact that the cow is to be wholly burnt with its blood is another departure from the normal rules of sacrifice, thereby again illustrating the imprecise fit of this ritual with other priestly legislation. Levine notes, "nowhere else in Torah ritual do we find the explicit requirement of burning the blood of a ritual victim."¹²¹ Milgrom concurs, though he adds that with the exception of the requirement to burn all of the blood of the cow, the parts of the cow that are to be burned "duplicate those of the *hatta't* animal."¹²² Wright observes that although the procedure might resemble the *olah* (wholly burnt) offering and the *hatta't*:

On second inspection it is really quite different. The burning of the holocaust is the means of making the offering, and the burning of *hatta't* carcasses is for the purpose of disposing of an impure sanctum. In Numbers the burning of the cow serves to provide ashes which will then later be used; it is not a means of offering or disposal.¹²³

All the blood of the red heifer must be burned along with its flesh, because blood, as the container of the "life force," is the primary detergent in the purity formula (as discussed above).

¹²¹ Levine, Baruch. The Anchor Bible: Numbers, p. 462.

¹²² Milgrom, Jacob. JPS Torah Commentary: Numbers, p. 440.

The priest shall take cedar wood, hyssop and crimson cloth, and cast them into the fire where the cow is being burned (verse 6).

Blood, cedar wood, hyssop and crimson cloth are the same ingredients used to purify the "leper," according to Leviticus 14: 6, and to cleanse a house of an eruption, as we read in Leviticus 14: 49-50. Cedar and hyssop are aromatic, and hyssop is associated with a ritual of purification in Psalm 51:9: "Purge me with hyssop till I am pure." Cedar and crimson cloth have the same color as blood, the primary ingredient in the ashes of the red heifer. Adding these items to the flames may have been thought to increase the potency of the cleansing ashes. Although their usage is well-attested in the *Tanakh*, as we saw above, the power ascribed to them originated in folklore.¹²⁴

The priest must then launder his clothing and bathe his body in water, after which he may reenter the encampment. He remains impure until evening. The person who burned (the cow) must likewise launder his clothing in water, and bathe his body in water. He remains impure until evening (verses 7-8).

The personnel involved with the preparation of the ashes have themselves been rendered impure. As stated above, Milgrom explains this by conceptualizing the red cow as a *hatta't*, which absorbs the targeted impurity and thus renders its handlers impure. Baumgarten disputes this explanation, since the handlers of the ashes become impure

¹²³ Wright, David P. "Heifer, Red," from *The Anchor Bible Dictionary*, Vol. III, p. 115.

even before the ashes come into contact with those contaminated by corpse uncleanness. He offers a different explanation for the rendering of impurity. First, Baumgarten notes that "in anthropological terms, holiness and purity imply completeness and order: everything being in its proper place at the proper time."¹²⁵ If one comes too close to the sacred, or strays too far from it, one is rendered impure. In the case of the person contaminated from his contact with a corpse, he has strayed too far and must be "brought back into normalcy" via purification through the red heifer ashes. The people involved in the preparation of these powerful ashes began preparation at "normalcy," but through their contact with the ashes, "they are raised further above the line than they ought to be; hence they are rendered impure."¹²⁶ This notion fits with the idea that the sacred is, in itself, a source of danger.

We should also note the two-stage process of purification. First, laundering and bathing allow (the priest) to enter the encampment. Presumably, he is not yet able to enter the divine sanctuary, for he is not wholly purified until the sun has set. This two-stage purification process will become highlighted as we explore the rabbinic material relating to the rite of the red heifer.

A man who is pure shall gather up the ashes of the cow and deposit them outside the camp in a clean place, to be kept for water of lustration for the Israelite community.

¹²⁴ See above: "The Ingredients for the Water of Purification."

¹²⁵ Baumgarten, Albert I. "The Red Heifer," p. 444-445.

¹²⁶ Ibid., p. 445.

It is a purification offering (verse 9). He who gathers up the ashes of the cow shall also wash his clothes and be unclean until evening. (verse 10a)

Using Baumgarten's explanation of the source of the impurity associated with this rite, the powerful ashes must be kept outside the camp lest they accidentally come into contact with anyone in a state of normalcy, for a person in such a state would then be moved "above the line" and thus rendered impure. Indeed, the one who moves the ashes for storage is indeed rendered impure by his contact with the ashes.

Commentators have struggled to understand how to interpret *me niddah*, Levine offers the most satisfactory explanation, asserting that *niddah* is a variant of *nizah*, "to splatter," which is said of blood (Lev. 6: 20, 2 Kings 9:33).¹²⁷ On this basis, *me niddah* means "water for sprinkling" – for the purposes of lustration. Similarly, although the verse identifies the ashes as a *hatta't* as discussed above, it does not fit neatly into that category.

This shall be a permanent statute (*hukkat olam*) for the Israelites and for the strangers who reside among you (verse 10b).

The words *hukkat olam* are found only in the P Source and are often used to signal a supposed innovation.¹²⁸ For example, they are used in connection with the establishment of the Passover celebration (Exodus 12: 14, 17). In that case, although a

¹²⁷ Levine, Baruch. The Anchor Bible: Numbers 1-20, p. 464.

spring festival likely existed before the story of the Exodus, the priestly writers imbued the custom of the ancient spring celebration with their own ideology: the spring festival ceased being one of celebration of new grain and lambing, and became one of marking the beginning of the new year and the Deliverance from Egypt. Similarly, the words *hukkat olam* are used in connection with establishing the rule for the perpetually burning lamps in the Tent of Meeting. In that case, the priests likely appropriated a Zoroastrian practice. In the case of the red heifer, the words are again used – twice (in this verse and in verse 21) – perhaps to signal the layering of a new meaning onto an older rite.

It is also interesting to note that *gerim* are also subject to the rite of the red heifer.¹²⁹ This is important for the ultimate goal of protecting the divine sanctuary from contamination. To a certain extent, it is up to the individual to self-disclose his impurity stemming from corpse contamination, since in certain cases only the individual would know if he came into contact with a dead body.¹³⁰ For the system to work, non-Israelites must accede to the importance – and the efficacy – of the rite. If non-Israelites participated in the system, this is perhaps another clue to its non-Israelite, folkloric origins.

Some of the “dust” of the burned purification offering shall be used for the impure person, and living water shall be poured over it, into a vessel. (v. 17)

¹²⁸ As noted by S. David Sperling.

¹²⁹ *Gerim* are gentiles who lived among the Israelites, following some of the major Israelite laws, yet not fully accepted into the community. Interestingly, the Tannaim exempted gentiles from the rite.

¹³⁰ Guilt, then, becomes an important factor in the efficacy of the purification system.

A pure person shall then take hyssop and dip it into the water, and sprinkle it on the tent, and on the persons who were there, and on the one who had contact with the bone, or the slain body, or the corpse, or the grave (verse 18). The pure person shall perform the sprinkling over the impure person on the third day, and on the seventh day, finally removing the impurity on the seventh day. He must then launder his clothing and bathe in water, and at evening he is restored to purity (verse 19). If anyone who has become impure fails to purify himself, that person shall be cut off from the congregation, for he has defiled the sanctuary of YHWH (verse 20). This shall be a permanent statute for you. The person who sprinkled the lustration water must launder his clothing: and anyone who had contact with the water of lustration remains impure until evening. (verse 21).

What is striking about the remainder of the rite is the fact that the priests no longer play a role, either in the mixing or in the sprinkling. The absence of priestly involvement here may suggest that the rite was originally a layperson's rite before being incorporated into the province of the priests. Can we find evidence of the insertion of priestly authority into a domain previously governed by laypeople? There is a linguistic clue in verse 20, a verse that essentially repeats an earlier admonition (verse 13). However, in verse 20, the writer uses the word *mikdash* to refer to the divine sanctuary, instead of *mishkan*. According to Levine, *mishkan* is "a more particularly priestly term."¹³¹ Two similar admonitions expressed differently may be evidence of the stitching together of rituals – one conducted by laypeople and the other by priests.

¹³¹ Levine, Baruch. The Anchor Bible: Numbers 1-20; p. 468.

If it is the case, then, that the priestly writers appropriated a folk ritual and asserted their authority over it, we are left with this question: why did they focus their authority on the preparation of the ashes, and not the mixing of the ashes with water and the sprinkling? One possible answer may be that the preparation of the ashes was the only place that the priestly writers could insert their authority over the rite. While the rite could not be wholly removed from the hands of the laypeople, the production of the primary ingredient – the ashes of the red heifer – could be. Thus, a ritual that originated in folklore moved into the domain of the priests.

PART II: Description of the Rite in Tannaitic Literature

Outline of the Rite with Corresponding Tables (Tables follow the narrative Description of the Rite)

I. Preparing the *Hatta't* Ashes

A. Requirements re: Red Cow (Tables A-C)

B. Preparing the priest who burns the Red Cow (Table D)

1. Separation seven days before burning
2. Sprinkled with *hatta't* water/ash mixture seven days
3. Preparation of mixture used to sprinkle priest:
 - i. Children raised pure from birth
 - ii. Ride oxen to Shiloah and gather water
 - iii. Use of animal to remove ash from container; mix with water

C. Slaughtering Red Cow (Tables E, F)

1. Precede on ramp to Mount of Anointment
2. Priest is rendered impure and immerses
3. Red Cow is bound and placed on wood
4. Priest slaughters and receives blood in his hand
5. Priest sprinkles blood seven times towards sanctuary
6. Priest wipes hand on body of Red Cow

D. Burning the Red Cow (Tables G-J)

1. Priest kindles fire
2. Priest adds cedar wood, crimson cloth and hyssop
 - i. Asks "this cedar wood/crimson cloth/hyssop?" three times;
 - ii. Bystanders say "yes" for each item
3. Ashes are gathered
4. Priest and others who burn the cow are rendered impure

II. Mixing the Ashes and Water

A. Utensils used in the Rite

1. Suitability (Table L)
2. Purity (Table K)

B. Definition of water fit for mixing (Table N)

C. Drawing the water (Table M)

- D. Mixing the water and *hatta't* ashes (Table O)
- E. Rules governing the mixture (Table P)
- F. Purity regulations (Table Q)

III. Sprinkling the *hatta't* mixture

- A. Hyssop Fit for Sprinkling (Table R)
- B. Rules of Sprinkling (Table S)
 - 1) Who is qualified to sprinkle
 - 2) When to sprinkle
 - 3) Purity issues
 - 4) Process of dipping/sprinkling

Abbreviations Used in Description

BB	Bene Berak
BS	Bet She'arim
CAE	Caesaria
KA	K'far Aziz
L	Lydda
P	Peki'in
SE	Sepporis
TB	Tiberias
U	Usha
Y	Yavne

Narrative Description of the Purification Rite

The Red Cow (Tables A-C)

The Red Cow is the essential ingredient in the purification rite; without it, there can be no purification from contact with a corpse. Numbers 19 instructs the Jews to bring the Red Cow to Eleazar the priest. The biblical text offers no special instructions or contingency if no such cow can be found among the herds of the Jews. The assumption seems to be that a "red cow, physically perfect and without blemish," while

rare enough to be perceived as possessing a special status, nevertheless could be found among the herds of the Jews.

Only later did the Tannaim codify requirements about the Red Cow's physical attributes that would classify such an animal as a true rarity. For example, Numbers 19 provides no details about how "red" the cow had to be. According to the Biblical text, if a cow appeared to be mostly red, and did not have the blemishes that would disqualify it as a sacrifice, it could be the Red Cow. The Mishnah, however, requires a minimum uniformity in color: two black or white hairs within a single pore render the cow unfit.¹ Parah 2:5 incorporates various opinions of the Tannaim, ranging from the strict ("even if one black or white hair is in the head and one in the tail, it is unfit"²) to the lenient ("even fifty"[hairs may be plucked out]).³ If some of the cow's hair had black tips and red roots, or vice versa, the Sages decreed that the color should be determined according to the roots, with Meir offering the opposite opinion.⁴ The various opinions offered concerning the color of the cow are absent from the Tosefta, suggesting that by the time of its redaction, the issue was either moot or irrelevant. (The Tosefta does record the opinion of Jose b. Hammeshulam that in the case of bi-color hair, one could shave the top and ignore the possibility of liability on that account.⁵) Other extra-Biblical stringencies established by the tannaitic recorders include that the cow cannot have been used to hire prostitutes, that it cannot be

¹ Parah 2:5; See Table B

² Joshua b. Bathyra

³ Eliezer.

⁴ Parah 2:5

⁵ Tosefta Parah 2:7

pregnant,⁶ that it may not be delivered by Caesarian section,⁷ and that it be at least three years old.⁸

Given the *hatta't* requirements for the Red Cow, it makes sense that such a cow would become increasingly difficult to find. Rather than simply requisitioning the animal from the flocks of the Jews, the cow becomes a commodity: something that may be purchased on the open market. Mishnah Parah 2:1 records the different opinions of the Sages and of Eliezer, the former holding that the cow could be purchased from the gentiles, and the latter contending that it could not.⁹ The Tosefta also records Eliezer's opinion, and refers to the case of a red cow being purchased from the gentiles in Sidon.¹⁰ Even by the time of the Talmud, the cow as a commodity remains a subject of interest. Tractate Avodah Zarah 23a records a lengthy discussion about whether Eliezer's opinion that the cow could not be purchased from gentiles was rooted in a concern that the gentiles would sodomize the cow, thereby disqualifying it from use in the rite.¹¹ This *sugya* provides a hint about the market value of a Red Cow, as the Talmud surmises that the gentile would not sodomize the cow, for that would disqualify

⁶ Parah 2:1, though Eliezer disagrees and rules that a pregnant cow is fit.

⁷ Parah 2:2. Tosefta Parah 2:2 records Shimon's opinion that a cow born of a Caesarian section is fit for use in the rite.

⁸ Parah 1:1 – On this issue, several minority opinions are again preserved, offering a range of the acceptable age from two years (Eliezer) to five years (Meir). All opinions are attributed, suggesting that the issue had not been completely settled at the time of redaction.

⁹ Eliezer's opinion is likely grounded in the Biblical text, which requires the Israelites to provide the cow (Numbers 19:2).

¹⁰ Tosefta Parah 2:1

¹¹ Avodah Zarah 23a

it, and the gentile would not want to forfeit the high price due him should he be unable to deliver a valid Red Cow.

At the same time the Mishnah creates stringencies in terms of the required physical attributes of the cow, it also offers the option of altering a cow that may be a borderline case in terms of suitability. If a cow had black horns and hooves, they may be cut off¹² (though the Tosefta warns that the marrow cannot be removed); whether or not a wart may also be removed is a subject of debate.¹³ A dwarf cow is valid; black eye sockets, teeth or tongue do not render the cow unfit.¹⁴

The physical attributes of the cow are only part of the story. Also important are the actions that humans may take that would render the cow unfit. Numbers 19 specifies that the cow must have "never worn a yoke." A *beraita* recorded in the Talmud (Sotah 46a) defines a yoke as "any burden whatsoever." The Mishnah offers concrete examples, including: riding on it, leaning on it, hanging onto its tail, and even folding a rein on it and putting a cloak on it.¹⁵ Thus, a single absent-minded gesture renders this rare cow unfit for use in the rite

¹² Mishnah Parah 2:2; the Tosefta (2:2) warns that if horns and hooves are removed along with the marrow, the cow is unfit.

¹³ Ibid.

¹⁴ Ibid. The Tosefta records Meir's opinion that black eyeballs do render the cow unfit "if there is no other cow which is similar to it.

¹⁵ Mishnah Parah 2:3. The Mishnah makes a distinction between actions that may be done for the sake of the cow (which do not render it unfit) and actions done for any other purpose.

"Accidental" work is another concern reflected in the tannaitic writings. While a bird resting on the cow does not disqualify it for use, a bull mounting it does.¹⁶ The Tosefta records the case of a young heifer brought to the threshing floor to suckle. If the heifer happened to do work (threshing) while sucking, it remains fit, but if one brought the heifer to the threshing floor with the intention that it would suckle and work becomes unfit.¹⁷ In order to prevent such "accidental" work, Judah notes¹⁸ that the cow must be guarded in order to ensure that it does not labor. He is overruled, however, by unnamed others: "If so, the matter has no limit. It is presumed suitable."¹⁹

Another *beraita* recorded in Sotah 46a suggests that the Mishnah's expansion of the category of "yoke" was not without controversy. The *beraita* asks:

"Yoke" in the *parah* passage limits disqualification to a yoke. Where do we derive that other forms of work disqualify it?

The Gemara answers the question raised by the *beraita* by noting that there is a tannaitic dispute about its derivation: some Tannaim derived the principle from the parallel to the *eglah arufah*²⁰ and some from Numbers 19 itself.

¹⁶ Mishnah Parah 2:4

¹⁷ Tosefta Parah 2:3

¹⁸ U 135-170

¹⁹ Tosefta Parah 2:1

²⁰ See Deut. 21: 3, which requires a heifer for the rite that "has never been worked, which has never pulled in a yoke."

Preparing the Priest Who Prepares the Ashes (Table D)

Numbers 19 contains no requirement that "Eleazar," the priest who oversees the slaughter and burning of the Red Cow, must undergo special preparation for this task. Despite the absence of this requirement in the Biblical text, the Mishnah describes an elaborate procedure to prepare the priest who will burn the Red Cow. The first requirement established by the Mishnah is that the priest be separated from the community for seven days, which is the period required for purification.²¹ This separation parallels the tannaitic requirement that the High Priest be separated from the community for seven days prior to the fulfillment of his duties on Yom Kippur.²² (While there is a parallel in terms of separation, there is not a parallel in terms of rank. The Mishnah does not require that the High Priest conduct the rite of the Red Cow.) The Tosefta notes that the separation of the priest who burns the Red Cow is for the sake of purity, while the separation of the High Priest who officiates on Yom Kippur is for the sake of sanctity.²³ Interestingly, the Tosefta contains no additional details about the separation of the priest. The Jerusalem Talmud records a statement by Johanan in which he states that the rule governing the priest burning the cow is not derived from the Yom Kippur ritual, but that the "stricter rule" for the red cow applies only in that case, to differentiate the rite from the others.²⁴

²¹ See Numbers 19:19

²² Mishnah Yoma 1:1

²³ Tosefta Parah 3:1

²⁴ Yerushalmi Yoma 1:1

The Mishnah stipulates that on each of the seven days, the priest is sprinkled with the purification water, though Jose maintains that the priest is sprinkled only on the 3rd and 7th day, as is done normally for the disposal of impurity. The Mishnah contains a statement attributed to Hanina, the deputy of the High Priests, brought to settle the matter: in the case of preparing the priest who prepares the ashes of the red cow, the priest is sprinkled for each of the seven days; in the case of the priest who officiates on Yom Kippur, he is sprinkled only on the 3rd and 7th day.

Further, the Mishnah (Parah 3:2) records an elaborate procedure to prepare the purification water used to sprinkle the priest. The process begins with children who are born and raised in special courtyards in Jerusalem built above hollowed rock, and thus not susceptible to contamination from graves below. According to the Tosefta,²⁵ the children live in the courtyard until the age of seven or eight. When the time comes to prepare the purification water for the priest, they ride on doors on the backs of oxen to the Shiloah, a source of spring water in Jerusalem. The children ride on oxen because live animals do not transmit impurity, and the doors act as a further barrier against impurity that might emanate from the ground. The Tosefta records a statement by Judah²⁶ that the oxen have broad bellies so that the children's feet do not protrude.²⁷

²⁵ Parah 3:2

²⁶ U 135-170

²⁷ Tosefta Parah 3:2

When the children reached the Shiloah, the Mishnah states that they alight, fill stone cups with water, and then remount. Jose²⁸ offers a minority opinion: they did not dismount; instead, they filled their cups from the backs of the oxen. How? The Tosefta provides an interesting explanation, offered by anonymous speakers who attribute this statement to Akiba in the name of Ishmael²⁹: the oxen had cups suspended from horns, and when they knelt to drink, the cups were filled.³⁰ Akiba dismisses this statement, replying: do not give the *minim* a chance to cavil after you! (It is interesting that Akiba maintains that this stringency alone would give an opening for the "*minim*," whoever they are, to discredit the rite, given the far more onerous requirement of raising children "pure from birth" in Jerusalem.)

After filling their cups with water from the Shiloah, the Mishnah³¹ states that the children would then ride to the Temple Mount and dismount. A "pitcher of *hatta't*" – the ashes of the previously burned Red Cows,³² stood ready at the entrance to the court. The Mishnah describes an elaborate process for the mixing of the water and ashes used for sprinkling the priest. The process seems to be been carefully constructed so as to avoid any intrusion of impurity. First, the actors in the rite brought a male sheep to the pitcher of *hatta't*. The sheep had a rope tied between his horns and a meshy plant attached to the rope. Then the plant is thrown into the ashes, and the sheep is struck so it moves backwards. Finally, the child puts the removed ash on the water. The same

²⁸ U 135-170

²⁹ Akiba (BB 110-135); Ishmael (Y 110-135)

³⁰ Tosefta Parah 3:3

³¹ Mishnah Parah 3:3

Mishnah records an objection by Jose,³³ who protested that such a procedure would “give the Sadducees a chance to ridicule us,” and said that the procedure was simply that the child mixed the water and ashes.

Tosefta Parah 3:5 also records sketchy details involving hitting an unspecified male animal in order to make it move backwards and remove the ash for mixing, but it is used in the context of Judah’s³⁴ connecting it to rites performed by the returning exiles. Simeon notes that the ashes went into exile with the Babylonians, and returned with them. In an interesting footnote, Simeon is asked whether the ashes were rendered impure in the land of the gentiles, to which he replies “they declared impurity in the land of the gentiles only after they returned from the exile.” Mishnah Parah 3:4 records a dispute about whether the children require sprinkling, while Tosefta Parah 3:2 asserts “all agree that the children require sprinkling.”

The later rabbinic writers seem well aware that their predecessors layered additional stringencies onto the rite, and they speculate about the reasons for the stringencies. Yoma 2a records the observation that all the functions of the red heifer ritual had to be performed with stone vessels because a *tevul yom* did the ceremony, so the stringency was enacted in order that people should not treat the ritual lightly. The stringencies of the rite were not considered to be derivative of the Yom Kippur ritual,

³² Mishnah Parah 3:5 records a statement that seven or nine Red Cows were previously burned, and names those who prepared their ashes.

³³ U 135-170

³⁴ U 135-170

despite their similarities. Rather, according to the Jerusalem Talmud,³⁵ the stricter rule for the Red Cow was meant to differentiate the rite from the others.³⁶

Slaughtering the Red Cow and Sprinkling its Blood (Tables E and F)

While Numbers 19 names just two people who slaughter the Red Cow, Eleazar the Priest and an unnamed person who slaughters the cow in his presence, the Mishnah describes a delegation that proceeds to the site of slaughter. According to Mishnah Parah 3:6, the priest and "all who assisted" proceed on the ramp that connects the Temple Mount to the Mount of Anointment. Parah 3:7 notes that the "elders of Israel" go ahead of this procession. The Tosefta does not mention the "elders of Israel" as going to the place of slaughter. However, as we shall see, the rite presupposes that others witness the act of slaughter.³⁷

The procession makes its way to the place of slaughter on a specially built ramp, according to the Mishnah. Mishnah Parah 3:6 states that the ramp was built "by arches upon arches, with an arch directly above the post below, because of a grave in the depths." Because corpse contamination cannot penetrate these hollow spaces, the ramp represents a special stringency intended to guard against impurity. The Tosefta³⁸ records an opinion in the name of Eliezer that the cow did not need to go on the

³⁵ Yoma 1:1

³⁶ See also Zev. 113a, in which Hunah b. Joshua notes that the special courtyards in Jerusalem are a stringency for the Red Cow.

³⁷ See Mishnah Parah 3:10

³⁸ Parah 3:7

pecially constructed ramp to the Mount of Anointment since the cow (while alive) was not susceptible to impurity. Eliezer further disputes that there was indeed a ramp at all, asserting that they used pillars of marble with planks of cedar upon them – also insusceptible to impurity. The midrashic work *Pesikta de Rab Kahana* (4:7) provides this curious detail: not one of the High Priests would lead his particular Red Heifer out on the runway built by his predecessor. Each one would demolish his predecessor's runway, and then build one at his own expense. They did this, according to the Midrash, in order to demonstrate their scrupulous concern for the purity of the Red Heifer.

The question about who is authorized to slaughter the cow receives considerable attention in the rabbinic writings. Mishnah Parah 4:1 requires that the High Priest slaughter it.³⁹ The Priest must wear white priestly garments.⁴⁰ Tosefta Parah 4:6 records the general rule that the High Priest is to do the burning of the cow and the sprinkling of the blood, while an ordinary priest does the reminder of the tasks. Further, the Tosefta notes that every aspect of the rite is to be done by priest, except for gathering the ashes, drawing the water, and mixing the water and ashes.⁴¹ Consistent with the recorded tannaitic view, the Babylonian Talmud⁴² records the following *beraita*: "all acts of slaughter are valid when done by a non-priest, except for that of the *parah*." However, at the same time, the Talmud records a statement attributed to

³⁹ The Mishnah further requires that the priest have washed hands and feet (4:1).

⁴⁰ Though Mishnah Parah 4:1 specifies that the high priest must slaughter it, the Tosefta (Parah 4:6) specifies that the four white garments of the ordinary priest must be worn.

⁴¹ Tosefta Parah 4:11

⁴² Yoma 43b

Johanah⁴³ that disputes this assertion. Further, Yoma 42a begins a long discussion about whether or not a priest is required for the actual slaughtering, with several Amoraim weighing in on the topic.

Once on the Mount of Anointment, according to the Mishnah,⁴⁴ the elders render the priest impure by touching him, after which he immerses once. The Mishnah offers a reason for this action: "because of the Sadducees, lest they say (the ritual) must be performed only by those upon whom the sun has set."⁴⁵ In effect, the procedure as described in the Mishnah would create ashes that would be considered impure by the Sadducees, given that a *tevul yom* had prepared them.⁴⁶ The Talmud⁴⁷ also notes that a *tevul yom* is permitted to prepare the Red Cow, which is one of the reasons, as stated above, that the tannaim created other visibly stringent measures regarding purity. We will explore this issue further in the Analysis section of this thesis.

After the priest has immersed and acquired the status of a *tevul yom*, the slaughter of the Red Cow can take place. According to Mishnah Parah, the wood for the fire is arranged like a tower. The Tosefta adds another detail about a measure taken to guard against impurity: the spaces between the place of the pit and woodpile were

⁴³ Palestine, 250-290

⁴⁴ Parah 3:7

⁴⁵ Ibid.

⁴⁶ Whether or not one who has immersed to dispose of his impurity must wait until sunset before he is considered pure is one of the chief disputes between the Sadducees and their opposition group(s).

⁴⁷ Yev. 73a

hollow.⁴⁸ The cow is bound with *magag* rope⁴⁹ and placed so that her head is in the south and her face towards the west. The Tosefta⁵⁰ adds "some say the heifer went up on (the woodpile) with a mechanical device," but Eliezer b. Jacob stated that a ramp was made to serve this purpose. Finally, according to both the Tosefta and the Mishnah,⁵¹ the priest slaughters the cow with his right hand and receives the blood with his left hand. (Both works also record Judah's statement that the priest receives the blood with his right hand and transferred it to his left.)

The Talmud⁵² records three opinions by Amoraim about whether a Red Cow slaughtered in a place not opposite the (Temple) entrance is valid. The *sugya* concludes that a cow slaughtered further away (from the Sanctuary) than allowed, or brought closer to the Sanctuary than allowed is invalid.

Finally, the priest takes blood on his finger and sprinkles seven times.⁵³

Numbers 19 directs Eleazar the priest to sprinkle in the direction of the Tent of

⁴⁸ Tosefta Parah 3:9

⁴⁹ Made from a plant material that is not susceptible to impurity, according to Kehati.

⁵⁰ Tosefta Parah 3:9

⁵¹ Mishnah Parah 3:9 and Tosefta Parah 3:10

⁵² Zev. 113a

⁵³ While the Mishnah apparently assumes that only one priest would be involved in the sprinkling, Tosefta Parah 4:2 states that if seven priests sprinkle at once, the sprinkling is invalid; if they sprinkle one after the other, the sprinkling is valid.

Note also that the Talmud records a dispute about whether an ordinary priest can receive the blood and sprinkle it, or a high priest must do it, with Rav taking the former view and Samuel the latter. (Yoma 43a)

Meeting; the Mishnah⁵⁴ directs the priest to sprinkle in the direction of the Holy of Holies. Not to sprinkle in the correct direction renders the sprinkling invalid.⁵⁵ Menahot 27b records a *beraita* that presents an alternative opinion concerning the direction of the sprinkling, stating that if the sprinklings are not rightly directed, they are still valid.⁵⁶ Further, the same page of Talmud states that the priest must stand facing the west with his back to the east.

The tannaitic writings direct that the sprinkling be done in a precise manner. The right finger must be used for the sprinkling; Tosefta Parah 3:10 states that if the priest changes hands, or sprinkles with a utensil instead of his finger, the sprinkling is invalid. Mishnah Parah 3:9 directs the priest to dip and sprinkle seven times, dipping for every sprinkling. Each dip and sprinkle must be done with the proper intent and with the proper amount. Sprinklings done "not for their own name" are invalid, as are sprinklings that are "lacking."⁵⁷ If the priest dips once for two sprinklings, or dips twice for one sprinkling, the Tosefta declares the sprinkling to be invalid.⁵⁸ The Mishnah provides a concrete example: if he sprinkles a seventh time from the sixth dipping, the sprinkling is invalid (though an eighth sprinkling from a seventh dipping is permitted, since the requisite seven sprinklings have been performed).⁵⁹ In the Talmud, tractate Menahot 27b records a *beraita* that states that if the sprinklings were made under the

⁵⁴ Mishnah Parah 3:9

⁵⁵ Mishnah Parah 4:2

⁵⁶ Hisda (B 250-290) offers the following in order to resolve the contradiction: one *beraita* is that of Judah, and the other is of the Sages.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Mishnah Parah 4:2

name of some other offering (or not directed rightly, as the Mishnah requires), the process is invalid. Further, all sprinklings must occur during the day. According to the Tosefta, even if all but one sprinkling took place during the day, but the final one occurred at night, the entire sprinkling is invalid.⁶⁰

After the sprinkling, the priest is to wipe his hand on the body of the Red Cow.⁶¹ In order to preserve the power of the blood, every drop that is not sprinkled must remain with the cow and become part of the ashes. According to the Tosefta⁶², if the blood splashed from his hand when the priest sprinkled, whether it fell inside or outside the pit or woodpile, it is invalid. Eliezer b. Jacob⁶³ offers a different approach, stating that if the blood splashed from the hand of the priest and fell outside the woodpile he should not bring it back, but if he did, it is valid.⁶⁴

During the entire process of slaughtering and sprinkling, one must be careful not to undertake any extraneous work, or the Red Cow is rendered invalid. Mishnah Parah 4:4 states that extraneous work renders the Cow invalid until it is reduced to ashes. The Tosefta⁶⁵ records the same rule, and adds the clarification that extraneous work done as part of gathering the ashes or sprinkling the water does not render the Cow invalid.

⁶⁰ Tosefta Parah 3:10 and 4:11

⁶¹ Mishnah Parah 3:9

⁶² Tosefta Parah 3:10

⁶³ Y 80-110

⁶⁴ Ibid.

⁶⁵ Tosefta Parah 4:11

Finally, the Biblical narrative does not provide detail about precisely when (at which stage in the process) the priest who oversees the slaughter and burning of the cow is rendered impure. Mishnah Parah 4:4 states that all who occupy themselves with the Cow, from the beginning to the end, render their clothing impure. However, if the cow is rendered unfit (by extraneous work) during her slaughter, those involved do not become impure; if she is rendered unfit during the sprinkling of the blood, all who dealt with the Cow before it became invalid render their clothing impure. Those who dealt with her after she became invalid do not render their clothing impure. Tosefta Parah 4:9 states a general rule about the Cow as follows: before the Cow becomes invalid, it renders clothing impure; after it becomes invalid, it does not render clothing impure. The Tosefta does not make a distinction between the slaughter/sprinkling processes as the Mishnah does, and this general rule is attributed to Simeon.⁶⁶

Burning the Red Cow (Tables G, H and I)

Numbers 19 does not specify the person who is to burn the cow, stating only "the cow must be burned in (Eleazar's) presence."⁶⁷ Mishnah Parah 3:9 assigns the task of kindling the fire to the same priest who slaughters the cow and sprinkles its blood. The Tosefta⁶⁸ states that the High Priest is to burn the cow, with Meir⁶⁹ offering a dissenting opinion, claiming that the Chief of Priests is to burn it. Tosefta Parah 4:6

⁶⁶ U 135-170

⁶⁷ Numbers 19: 5

⁶⁸ Tosefta Parah 4:6

records the opinions of three other tradents⁷⁰ on the topic: the Chief of Priests burned the first Red Cow, all others were prepared by the High Priest. Tosefta 4:3 disqualifies an *onan*⁷¹ and one who is "lacking in atonement" from burning the cow.⁷² Further, if the one burning it has unwashed hands and feet, the Tosefta declares the Cow unfit.⁷³

According to Mishnah Parah 3:9, after the priest wipes his hand on the body of the Red Cow, he descends and kindles the fire with wood chips. The Mishnah records an opinion ascribed to Akiba⁷⁴ that the priest kindled the fire with dried twigs. The Mishnah⁷⁵ permits the burning of the Red Cow with or without wood, and does not specify which kind of wood should be used, even allowing straw. Adding wood to the fire does not render the cow unfit.⁷⁶ The Tosefta⁷⁷ states that "they continually add wood to the fire," and includes Judah's⁷⁸ assertion that only bundles of hyssop were *hatta't*, because they produce abundant ashes. It is permissible to flay the Red Cow and cut up its hide.⁷⁹

Numbers 19: 5 requires that the cow be "wholly burned," including its hide, meat, blood and dung. The Mishnah specifies that the Red Cow must be burned

⁶⁹ U 135-170

⁷⁰ Jose b. Judah (BS 170-200), Simeon (U 135-170) and Eliezer b. Jacob (Y 80-110).

⁷¹ An *onan* is a bereaved person during the period between death and burial.

⁷² Joseph haBavli: An *onan* is fit; one lacking atonement is unfit.

⁷³ Tosefta Parah 4:4. This *halakhah* includes a statement attributed to Elazar b. Shimon (BS 170-200) that in this case the cow is fit.

⁷⁴ BB 110-135

⁷⁵ Mishnah Parah 4:3

⁷⁶ Mishnah Parah 4:4

⁷⁷ Tosefta Parah 4:10

⁷⁸ U 135-170

entirely in its own pit. If it is burned in two pits, or two were burned in one pit, it is invalid.⁸⁰ The Tosefta elaborates, stating that if some of its skin, flesh or hair burst outside of the pit, it must be put back; if it is not put back, the Red Cow is invalid.⁸¹ If the cow burst outside the woodpile, one must add wood to it and burn it in its place.⁸² In the Talmud, Zevachim 113a records a statement attributed to Johanan⁸³ that a cow burned in a place other than opposite the Temple entrance is invalid; Oshaya⁸⁴ offers the opposite opinion.

The Tosefta appears to address some confusion about whether the Red Cow was considered a sacrifice or not.⁸⁵ If it were included in the sacrificial category, then the rules about burning sacrifices would apply to the burning of the Red Cow. Mishnah Zevachim 14:1 does not hold liable one who burned the cow outside its specified place, probably because the writers of the Mishnah did not consider the Red Cow a sacrifice. Similarly, Tosefta Parah 3:12 states that if the horns or hooves burst, one does not have to restore it, for it is not a sacrifice.

⁷⁹ Mishnah Parah 4:3

⁸⁰ Mishnah Parah 4:2. Tosefta Parah 4:8 provides a qualification of this statement, allowing a second cow to be burned in the pit after ashes have been formed from one cow. The Tosefta also records a statement by Judah haNasi (BS 170-200) that allows the cow to be burned in two halves.

⁸¹ Tosefta Parah 3:11

⁸² Ibid. Eliezer (L 80-110) dissents, stating, "An olive's bulk invalidates." In other words, if more than an olive's bulk burns outside the woodpile, it is invalid.

⁸³ SE/TIB 250-290

⁸⁴ BS/CAE 200-220

⁸⁵ See the first chapters of Mishnah Parah (1:2-4) and Tosefta Parah (chapter one), in which the age of the Red Cow and of the other sacrifices are discussed. This perhaps reflects an attempt to determine exactly why the Red Cow was called a *hatta't* – an attempt to determine how it fit within the sacrificial system.

According to the text from Numbers 19, as the Red Cow burns (after it bursts), the priest takes cedar wood, hyssop and crimson cloth and casts them into the fire.⁸⁶ Mishnah Parah 3:10 adds another step. Prior to the casting, the priest is to say to the bystanders, "This cedar wood? This hyssop? This crimson cloth?" – three times for each item. The bystanders are to reply, "yes," three times for each item. Tosefta Parah 3:12 includes Elazar b. Zadok's⁸⁷ statement that the priest is to ask "Shall I throw?" three times for each item. Despite the elaborate verbal exchange presented in the Mishnah and the Tosefta, the Talmud (Yoma 42b) claims that the casting does not require any special attention of the priest, since these items are not part of the cow itself.

The Mishnah⁸⁸ specifies that the priest wraps the hyssop, cedar wood and crimson cloth together with the strip⁸⁹ and tosses the items into the fire. However, Tosefta Parah 3:12 states that it is "suitable" if the items were thrown in the fire one after the other. This same Mishnah makes an issue of the timing of the toss: if one threw them before the flame had caught most of the cow, or after the cow had been made into ashes, it is unfit. To further complicate the matter, Yoma 41b records two contradictory opinions concerning the timing. One statement, attributed to Hanan in the

⁸⁶ The Talmud (Yoma 43a) records the Gemara's discussion of the positions held by Samuel (B 220-250) and Rav (B220-250): Rav holds that a priest's service is required, despite the fact that the hyssop, cedar wood and crimson cloth are not part of the cow itself; Samuel concurs, holding that an ordinary priest may perform this task.

⁸⁷ U 135-170

⁸⁸ Mishnah Parah 3:11

⁸⁹ Kehati explains that the strip of scarlet wool was longer than the cedar wood and the hyssop. All the items were wrapped together so that they will be heavy and fall into the burning cow. This is based on a *beraita* found in Yoma 41b, in which Judah haNasi (BS 200-220) teaches that they wrap them together in order to form one bunch, while

name of Rav, states that if the flame caught the cedar wood and the strip, they are still usable. A *beraita* disputes this, stating that if the strip caught fire, another strip is brought.

Finally, Numbers 19 states that the one who burns the cow (and the priest) are rendered impure until the evening. As we see below, his garments must be laundered before he returns to camp. Mishnah Parah 8:8 describes the process of contamination. Specifically, according to the Mishnah, the cow itself does not render the garments impure; rather, the cow renders the human impure, and the human, in turn, renders his garments impure. The Tosefta contains a different statement on the same subject: according to Meir,⁹⁰ the cow itself does not render clothing impure, but it does convey impurity to food and liquids; the Sages concur with the latter part of Meir's statement.⁹¹ Zevachim 105a includes a *beraita* that expresses the same position: the carcasses of the cow (and the dispatched goat from the Yom Kippur ritual) do not render impurity to people or to their garments; they do impart impurity to food and liquids. The Jerusalem Talmud enlarges the circle of those rendered impure via the burning of the cow to include anyone who participates in the burning, even at a distance.⁹² Another passage in the Jerusalem Talmud includes a *beraita* that teaches that watchmen of the cow also render their clothing impure. The Amoraim in Yoma 42b bring the verse "the priest

Elazar b. Shimon (BS 170-200) teaches that they wrap them together in order that they will have sufficient weight to fall into the burning heifer.

⁹⁰ U 135-170

⁹¹ Tosefta Parah 7:8

⁹² Jerusalem Talmud, Yoma 6:6-7. The statement is attributed to Hezekiah (I 320-350).

shall immerse his clothes and remain unclean until evening” to support the assertion that a priest in his priestly garments is required for the rite in subsequent generations.

The Biblical text provides more detail about the last stage of burning – namely, ridding those who burned the cow of the impurity they contracted – than do the rabbinic texts. Both the Mishnah and the Tosefta contain no additional details on the subject. This is unusual, for in looking at other stages of the rite, the tannaitic texts are far more detailed than the Biblical text.

Preparing, Gathering, and Storing the Ashes (Table J)

Unlike much of the rite up to this point, the task of preparing, gathering and storing the ashes is not reserved for those in the priesthood. Numbers 19 allows “a pure person” to gather the ashes and deposit them in a pure place outside the camp. The Tosefta⁹³ specifically allows a non-priest to gather the ashes, and Yoma 43a interprets the verse to mean that even a woman can gather the ashes.

Once the Red Cow becomes ashes, it can no longer be invalidated through extraneous labor.⁹⁴ At that point, the Mishnah records that the burnt carcass of the cow is beaten with sticks and sifted with sieves.⁹⁵ Mishnah Parah 3:11 directs that any bones left had to be crushed; if a black cinder had ashes on it, it was crushed, and if not, it was

⁹³ Tosefta Parah 4:11

⁹⁴ Mishnah Parah 4:4

not crushed. The Tosefta declares that bone or black cinder is ineffective if mixed with the water, but if dust clings to the ashes from any part of its body, it can be crushed and mixed, and is suitable.⁹⁶ Further, the Mishnah⁹⁷ states that if ritually fit ashes become mixed with ordinary ashes, they may not be used for mixing, though Eliezer⁹⁸ dissents, claiming that all the ashes together may be used for mixing. Even if they are not used for mixing, however, they still represent a possible source of impurity. According to Mishnah Parah 9:7, if ritually fit ashes become mixed with ordinary ashes, whether or not they convey impurity depends on which part is greater.

As far as the storage of the ashes, the Mishnah claims that one part of the ashes was placed in the Rampart, one on the Mount of Anointment, and one was divided among all "the divisions."⁹⁹ The Tosefta¹⁰⁰ elaborates, saying that the portion of ashes kept on the Rampart was kept "as a testimony for the children of Israel,"¹⁰¹ the portion kept on the Mount of Anointment was what the priests mixed with the purification waters, and the portion "divided among all the divisions" was what the Israelites used to sprinkle.

⁹⁵ Ishmael (KA 110-135) states that this was done with stone hammers and sieves (Mishnah Parah 3:11).

⁹⁶ Tosefta Parah 3:13

⁹⁷ Mishnah Parah 3:11

⁹⁸ Eliezer = L 80-110. See also Tosefta Parah 9:8: if the color of the ashes changed naturally or because of soot, it is fit; but if it changed because of stove ash/dust, it is unfit.

⁹⁹ Mishnah Parah 3:11

¹⁰⁰ Tosefta Parah 3:14

¹⁰¹ Thus fulfilling the directive in Numbers 19: 9.

That the Jewish laity received one-third of a particular batch of ashes (according to the Tannaitic material) possibly reflects the right that laypeople had to claim the ashes for their own use. Two pieces of material provide support for this thesis. First, Mishnah Kiddushin 2:10 notes, "one may betroth a woman with *hatta' t* ashes/water – even an Israelite." This suggests that *hatta' t* ashes and water were not to be the sole possession of the priesthood, as demonstrated by the apportionment formula above. Second, Menahot 51b/52a notes "the ashes are not subject to the laws of sacrilege." The *sugya* records the following: when they¹⁰² saw that people treated the ashes "lightly" and applied them to their wounds, they ordained that the ashes should be subject to the laws of sacrilege; when they (then) saw that people who had doubtful cases of impurity were avoiding sprinkling in order to avoid being accused of misusing the *hatta' t* ashes, they "reverted to the laws of the Torah."

The Purity of the Utensils Used in the Rite (Tables K and L)

Numbers 19 makes no statements about the specific utensils for carrying out the Rite of the Red Cow, nor does the Torah text comment on the purity of those utensils. Mishnah Parah 5:1 states that the one who brings the earthen vessel for the collection and sanctification of water must immerse and spend the night at the kiln. Such a stringency would therefore guard the vessel from the touch of an impure person. Judah¹⁰³ declares that the one bringing the vessel may bring it directly from the potter's

¹⁰² Presumably the rabbinic leaders

¹⁰³ U 135-170

house, "for all are considered trustworthy regarding the *hatta't*."¹⁰⁴ All are considered trustworthy – including, apparently, the *am ha'aretz*. In the Tosefta¹⁰⁵ we find a hierarchy of trustworthiness concerning the *am ha'aretz* and the *haver*, who presumably ascribes to more rigorous standards regarding purity than does the former.¹⁰⁶ The Tosefta says that if an *am ha'aretz* brought vessels for his *hatta't*, a *haver* may accept them for his *hatta't* and his *terumah*. If an *am ha'aretz* brought vessels for his *terumah*, a *haver* may not accept them. An *am ha'aretz* is considered trustworthy for *hatta't*, but not for *terumah*. Nevertheless, the Tosefta¹⁰⁷ includes a sweeping statement that if an *am ha'aretz* says, "I am pure concerning *hatta't* water," they accept the statement from him; if he says, "these utensils are pure for *hatta't* water," they accept the statement from him.

The Mishnah¹⁰⁸ includes strict rules about immersing the vessel used for the *hatta't*. If it is immersed in water fit for immersing, but not fit to be mixed with the *hatta't* ashes, the vessel must be dried off. If sanctified water is to be collected in it, it must also be dried, whether or not the water it was immersed in is suitable for mixing

¹⁰⁴ According to Kehati (commentary on Mishnah Parah 5:1), the law follows Judah. Even an *am ha'arte* is considered trustworthy to declare the vessel pure for *hatta't*, "whose severity and stringent treatment is respected by all." Note that Tosefta Parah 5:1 includes the opinion of Judah haNasi (BS 170-200) that if the one bringing the vessel spent the night before immersing, the vessel is impure; Jose b. Judah (BS 170 adds "because it is not in the presumption of being guarded."

¹⁰⁵ Tosefta Parah 4:13,14

¹⁰⁶ See Mishnah Demai 2:3: "Whoever undertakes to become a *haver* may not sell to an *am ha'aretz* anything moist or dry, nor may he buy from him anything moist, and he may not be the guest of an *am ha'aretz*, nor may he receive him as his guest in his garments."

¹⁰⁷ Tosefta Parah 4:12

¹⁰⁸ Mishnah Parah 5:2

with the ashes. Special rules apply to the use of a gourd shell, which absorbs water from immersion. Water and ashes may be mixed in it as long as it remains pure; the moment it is rendered impure, it cannot be used.¹⁰⁹

The reed used for collecting ashes also requires immersion. Tosefta Parah 5:6 states that if *hatta*'t ashes are gathered in it before the tube is immersed, the ashes are rendered impure. Mishnah Parah 5:4 records two opinions about the proper procedure for preparing the reed. Eliezer (L 80-110) asserts that the reed is to be immersed immediately after cutting, while Joshua (P 80-110) claims that it should be rendered impure and then immersed. Interestingly, in both cases the utensil has the status of a *tevul yom*. The only difference between Eliezer's opinion and that of Joshua is that in Eliezer's case, the reed is not deliberately rendered impure before it is immersed.

The Mishnah and Tosefta provide ample examples of vessels that are suitable and unsuitable for mixing (see Table L). The vessel must be "whole" and may be made of any material (including cattle dung).¹¹⁰ Contrast this with the statement in Yoma 2a that only stone utensils were used throughout the rite. According to the Mishnah, even a boat may be suitable for mixing.¹¹¹ Given the large number of examples of proper utensils in the Mishnah and Tosefta, including a trough attached to the ground¹¹² and a

¹⁰⁹ Mishnah Parah 5:3. Joshua (P 80-110) adds that if the gourd discharges an impure drop at any point, it should not be used.

¹¹⁰ Mishnah Parah 5:5

¹¹¹ Ibid.

¹¹² Mishnah Parah 5:7

potter's egg,¹¹³ many things would have met the definition of a "vessel" and thus could have been used for mixing the ashes with the water. In the case of using various vessels for mixing, including a trough which is conjoined, two kneading tubs set together, or a trough split into two, the Mishnah offers a rule about when the water is considered mixed¹¹⁴ (refer to Table L).

Drawing the Water for the Mixing (Table M)

The Mishnah and Tosefta contain strict rules about the procedure for collecting the water to be used in mixing with the *hatta't* ashes. The material on this topic in the Mishnah and Tosefta has no parallel in the Biblical text, nor is it addressed in either Talmud or in the Aggadah. The "rules" reflected in the Tannaitic literature are rather strict. For example, water cannot be diverted from a spring into a vat or into cisterns – it must be collected, intentionally, in a vessel.¹¹⁵ Even more stringent are the rules regarding extraneous labor, for such labor immediately renders the water drawn for *hatta't* unfit for use in the mixing.

The general rule regarding extraneous labor and the drawing of water is as follows: No such work can intervene between the drawing of the water and the mixing of the water with the ashes. Such extraneous labor, including drawing additional water and/or mixing for another, renders one's own water unfit – it does not render unfit the

¹¹³ Mishnah Parah 5:5

¹¹⁴ See Mishnah Parah 5:7-9, and Tosefta Parah 5:9-10.

¹¹⁵ Mishnah Parah 6:5

water of another.¹¹⁶ However, if one collects water with one hand and performs extraneous labor with his other, it is unfit, whether he was collecting for himself or for another.¹¹⁷ If one draws water for himself and also for the *hatta't* rite, he must not do anything between drawing the water for the rite and mixing that same water, and the water drawn for the *hatta't* rite must be guarded.¹¹⁸

The tannaitic material makes a distinction between labor that is intrinsic to drawing the water and that which is tangential and therefore forbidden. As we saw above, drawing additional water, either for one's own use or for an additional mixing, is considered labor that renders the water invalid. Examples of extraneous work offered by the Mishnah include: going out of one's way to return a borrowed rope,¹¹⁹ coiling the rope after the water is drawn, doing anything for the sake of another part of the rite,¹²⁰ stopping while carrying the water in order to decide the law or give directions to another.¹²¹

As Table M demonstrates, many activities qualify as work that would render the water unfit, from laying out figs to dry to closing a door. One can gain a measure of

¹¹⁶ These principles are illustrated in Mishnah Parah 7:1, and in parallel material in Tosefta Parah 6:4-8.

¹¹⁷ Mishnah Parah 7:2

¹¹⁸ Mishnah Parah 7:5

¹¹⁹ Mishnah Parah 7:6. Tosefta Parah 7:4 adds to this "case study" about the borrowed rope, saying "men of Asya came to Yavneh on the festivals to seek a dispensation for this ruling." Both the Mishnah and the Tosefta contain a statement attributed to Jose (U 135-170) that the case was really about coiling a rope after the water is drawn, with the Tosefta adding the following: "They taught him who asked that it was suitable in the past, but not in the future."

¹²⁰ Mishnah Parah 7:8

protection from this unhappy occurrence, however, by enlisting "guards." Mishnah Parah 8:1 states that if two were guarding, and either performed extraneous labor, the water is fit because it is under the charge of the other one. (If both performed the extraneous labor, the water is unfit.)

When drawing water used for the *hatta't*, avoiding those actions that would render the water unfit is only one part of the story. One also has to avoid actions that would render the water unfit by virtue of proximity to items susceptible to impurity. Mishnah Parah 6:4 offers the following general rule: whatever is susceptible to impurity renders the water unfit; whatever is not susceptible is fit. Therefore, according to the Mishnah, if a person helps direct the water in the jar using a hand, foot or vegetable leaves, the water is unfit.

Further, the water can be rendered unfit if those in proximity to it – either the "keeper" or the "owner" are themselves rendered impure. The Mishnah and the Tosefta offer slightly different opinions on this point. Mishnah Parah 7:10 states that if the water is in the hands of a keeper who is impure, the water is rendered unfit. Eliezer (L 80-110) disagrees, offering the statement that even if the keeper is impure, the water remains valid as long as the owner does not perform any intervenient acts of *melakhah*. The Tosefta concurs with Eliezer's opinion: even if the water is under the charge of an impure keeper, it is rendered unfit only in the case of intervenient *melakhah* done by the owner.¹²²

¹²¹ Mishnah Parah 7:9. See also Mishnah Parah 7: 11-12 for further details.

¹²² Tosefta Parah 7:7

In the case of two people guarding water drawn for mixing, if one becomes impure the water remains fit because it is under the charge of the second; if both become impure, the water is unfit.¹²³ The Tosefta¹²⁴ more directly links the status of the water to the status of the owner of the water. It offers the case of a tent with a corpse inside: if both water and owner are inside the tent, both are rendered impure; if only the water is inside the tent, it remains pure; if the water is outside and the owner is inside, the water becomes impure. Simeon¹²⁵ offers the following: keep yourself pure, so your water will be pure.

Fit Water for Mixing (Table N)

“Living water, pure and sweet, is fit for water of *hatta't*.” This is the general rule found in Mishnah Mikvaot 1:8. While Tosefta Parah 4:12 notes, “water of *hatta't* can be filled anywhere,” that does not turn out to be the case. Many sources of water are in fact not fit for use in the rite. Mishnah Parah 8:9 disqualifies salty or lukewarm waters from use in the rite, along with water from sources that dry up once in seven years. (Waters that fail in time of war or years of drought remain fit.)¹²⁶ Apparently,

¹²³ Mishnah Parah 8:1

¹²⁴ Tosefta Parah 7:5

¹²⁵ U 135-170

¹²⁶ Judah (U 135-170) disagrees, claiming such waters to be unfit. Tosefta Parah 9:2 records a statement attributed to Judah in which he states that the sources of the Tzalmon are unfit because it ceases to flow in times of war. They said to him: all the waters of Creation are interrupted in times of war, including the Siloam.

water from springs is the only water fit for use.¹²⁷ Tosefta Parah 9:1 disqualifies all water from rivers, and Mishnah Parah 8:10 disallows marsh waters. Mishnah Parah 8:11 allows aqueduct water to be used, as long as it is guarded – though this might be a difficult criterion to meet.¹²⁸

In case one is confused about whether a particular body of water meets the requirement for “living water, pure and sweet,” both the Mishnah and the Tosefta name specific sources of water as fit or unfit. In the category of “unfit,” Mishnah Parah 8:10 names the Jordan and the Yarmuk, because they are “mixed” – they are comprised of both fit and unfit waters.¹²⁹ Tosefta Parah 9:2 records Judah’s¹³⁰ statement that the “sources of the Tzalmon” are unfit. On the other hand, Mishnah Parah 8:11 names the springs known as “the well of Ahab” and “the cave of Pamias” as being fit. As we saw in Mishnah Parah 3:2, which names the Shiloah as the source of water for making the mixture to sprinkle the priest prior to the preparation of the Red Cow, that particular source of water is always presumed to be fit.

If one has found a fit source of water – a well or a spring – there are still limits on its use. If potter’s clay or earth fell into a well, Ishmael¹³¹ asserts that one must wait

¹²⁷ Except those springs that dry up every seven years, as in Mishnah Parah 8:9. Tosefta Parah 9:2 notes that a spring that may “change its flow” is fit.

¹²⁸ Judah (U 135-170) makes it a little easier to meet, stating that aqueduct water is presumed to be guarded.

¹²⁹ It is permissible to mix two sources of fit water together, as seen in a statement attributed to Judah (U 135-170) found in Tosefta Parah 9:1.

¹³⁰ U 135-170

¹³¹ KA 110-135

until the water clears up before it can be used; Akiba¹³² disagrees, saying that one does not need to wait. Similarly, in the case of a well into which a flood of rain has descended, Tosefta Parah 9:3 states "all agree that one has to wait until the water returns to normal." When one discovers a new source of water – a spring which "emerges for the first time," this same *halakhah* in the Tosefta records the opinion of the Sages that "one does not have to examine it" to see if it is fit.¹³³

After the water is collected, it can become invalidated by one's intention to drink it, according to Eliezer.¹³⁴ Joshua¹³⁵ takes a more lenient approach, disqualifying the water only at the moment one inclines it to take a drink. Finally, the water can be disqualified after it is collected if rain or dew descended into it.¹³⁶ It can be protected from possible sources of impurity by a tight-fitting lid.¹³⁷

Mixing the Water and Ashes (Table O)

Numbers 19 does not specify who is to mix the water and the *hatta't* ashes. It is clearly not reserved for those in the priesthood. Mishnah Parah 5:4 states that all are

¹³² BB 110-135

¹³³ The same *halakhah* (T. Parah 9:3) records Judah (U 135-170) expressing a minority opinion that the status of the spring has to be investigated prior to its use as a source of water for the rite.

¹³⁴ L 80-110, as recorded in Mishnah Parah 9:4

¹³⁵ P 80-110

¹³⁶ Tosefta Parah 9:3. Also contained in this *halakhah* is the statement by Eliezer (L 80-110) that if dew descended into the jug of collected water, one can leave it out in the sun to evaporate, and the water remains fit.

¹³⁷ Mishnah Parah 11:1

qualified to mix except a deaf-mute, a mentally deranged person, and a minor. Judah¹³⁸ adds that a minor is fit, but a woman and a hermaphrodite are unfit. The position of the Mishnah is also reflected in the Talmudic discussion of the topic.¹³⁹ Not only can almost anybody mix the ash and the water, but according to the Tosefta, the mixing may take place anywhere.¹⁴⁰ However, the person who begins a particular mixing cannot be replaced during the process. Tosefta Parah 6:4 states that if the one mixing was standing, and trembled or got tired, or was pushed by the wind, he cannot be replaced by another. Nor can a person take payment for mixing the water and the ashes. Mishnah Bekorot 4:6 states, "one who takes payment for mixing (or sprinkling): his water is like water of the cave, and his ashes are like ashes of the hearth." In other words, the sprinkling of such a person would be completely worthless.

Regarding the process of mixing the water with the ash, Numbers 19:17 simply states that some of the ashes of the *hatta't* are to be taken, and "living water" poured over them in a vessel. This order is to be precisely followed, according to the Tosefta: if water is *hatta't* on top of the ash, the mixture is unfit.¹⁴¹ Mishnah Parah 6:1 specifies that the ashes must enter the water solely by human power, or the water becomes unfit, although according to the Tosefta,¹⁴² in that case, the ashes may be dried and used for another mixing. However, if the ashes have been placed in the water by human

¹³⁸ U 135-170

¹³⁹ Yoma 43a

¹⁴⁰ Tosefta Parah 4:12

¹⁴¹ Tosefta Parah 6:3. Simeon (U 135-170) disagrees, arguing that the mixture is fit in that case. Sotah 16b and Temurah 12a both record the same *beraita*, which states that the ashes must be placed upon the water, not the other way around (though to do otherwise is valid after the fact).

agency – not blown in by the wind accidentally – then the ashes may not be dried and used again, according to the Sages.¹⁴³ Mishnah Parah 6:2 offers the following illustrations of that principle: if excess ashes were floating on the water after the mixing occurred, or if mixed water had been used and ashes were found on the bottom. In both cases, say the Sages, the ashes may not be dried and used again.¹⁴⁴

To further add to the complicated rules on this topic, Tosefta Parah 6:2 states that after the ash enters the water, and before it is mixed, any excess may be taken and mixed “in another place.” In fact, this is the procedure that must be followed if the ash that has been *hatta’t* is excessive. According to Tosefta Parah 6:3, Simeon “agrees” that one cannot add more water in this case. Rather, a second mixing needs to be performed. Why? Because “purification water does not produce purification water – only the putting in of ashes produces purification water.”

Just as it is with slaughtering the Red Cow and carrying the water used in the rite, so in the process of mixing one has to avoid extraneous labor, or the mixture becomes invalid. The Mishnah rules that the following acts render the water invalid during the mixing process: covering the reed container that is used to store the ashes, closing a door, or setting the reed container upright on the ground.¹⁴⁵ The Tosefta makes a distinction between labor that is acceptable while going to mix (taking a key to

¹⁴² Tosefta Parah 6:2

¹⁴³ Ibid.

¹⁴⁴ Meir and Simeon (U 135-170) disagree with the opinion of the Sages. This dispute is recorded both in the Mishnah and in the Tosefta.

open a door, taking a spade and digging, moving a ladder) because "one is occupied with the mixing," and actions that render the mixture unfit if they occur during the mixing (closing a door, cutting olive leaves so that the reed will hold more ashes).¹⁴⁶

While the tannaitic material assumes that a certain amount of ashes placed on the water would be considered "excessive,"¹⁴⁷ nowhere does the Mishnah or the Tosefta offer a "recipe" for the water – a correct ratio of water to ash. In the Talmud, however, we find a *beraita* that reads:

Three things need to be visible: the earth of the *sotah*, the ashes of the *parah adumah*, and the spittle of the *yevamah*.¹⁴⁸

In terms of purity implications during the mixing, Mishnah Parah 8:2 directs that the one who mixes should not wear a sandal, because if liquid falls on it, the sandal is rendered impure – and the sandal would then convey impurity to the one mixing. The same thing would happen if liquid fell on his garment. If, however, liquid falls on the flesh of the one mixing the ashes and water, he remains pure.

In an instance where valid ashes are mixed with invalid water, the mixture renders impure one who is pure for *terumah*; it does not render impure one pure for

¹⁴⁵ Mishnah Parah 6:1. Tosefta Parah 6:1 says that if the reed is placed on the ground in the presence of watchmen, it is suitable, but if not, the mixture is unfit.

¹⁴⁶ Tosefta Parah 6:1

¹⁴⁷ See Mishnah Parah 6:2 and Tosefta Parah 6:2

¹⁴⁸ Sotah 16b

hatta't.¹⁴⁹ The Tosefta¹⁵⁰ includes a similar statement: unfit ash placed in water, whether or not the water was suitable for mixing, renders the hands of the person pure for *terumah* impure via contact or carrying. This same *halakhah* includes a curious statement by Johanan b. Nuri:¹⁵¹ “*Hatta't* ash that has been made impure is like the ash of the hearth.” This suggests that according to the view held by Johanan b. Nuri, there is no consequence whatsoever if the *hatta't* ashes are rendered impure – while there is in the case of the ashes which are invalid (if they are mixed with water).

Rules Regarding the Sanctified Water (Table P)

Once mixed, the sanctified water can be rendered invalid. The first scenario presented is the case of water that is unsanctified falling into the sanctified water. Mishnah Parah 9:1 records a dispute over what is to happen in such a case: Eliezer¹⁵² argues that the water can be used, but that the impure person must be sprinkled twice instead of just once, while the Sages assert that the water cannot be used altogether. Tosefta Parah 9:5 includes a statement attributed to Judah haNasi, in which he notes that if the *halakhah* follows Eliezer, then it is acceptable to use sanctified water into which any amount of other water fell – even if the mixture is only half sanctified water and half regular water, the mixture can be used. In the case of dew falling into the sanctified water, once again we have a difference of opinion. In this case, Eliezer argues that the flask can be set in the sun so that the dew will evaporate from it, while

¹⁴⁹ Mishnah Parah 9:9

¹⁵⁰ Tosefta Parah 10:1

¹⁵¹ SE 110-135

the Sages assert that the water is invalid. The Tosefta¹⁵³ includes a *halakhah* that states “*hatta’* water into which fell spring water, pool water, or fruit juice is unfit for sprinkling.” Mishnah Parah 9:1 states in that if other liquids fall into the water, the entire amount must be poured out and the flask dried.

What about various animals that might fall into the sanctified water? The answer varies, depending on the creature. Mishnah Parah 9:2 invalidates the water if an insect or a creeping thing falls into the water and bursts, causing the water to change color. If a beetle falls into the water – whether or not it burst – the water is invalid. This same *halakhah* records the opinion of Simeon¹⁵⁴ and Eliezer b. Jacob¹⁵⁵ that if a worm or a weevil from grain falls into the water, the water remains valid, because these creatures do not contain moisture.¹⁵⁶ The parallel Tosefta¹⁵⁷ states that if a spider, a fish or a frog fell into the sanctified water, the water only becomes unfit if these animals burst and change the color of the water. (This *halakhah* includes Judah’s¹⁵⁸ opinion that even if these animals do not burst, the water is unfit, because these animals “run.”) At the same time, however, there seems to be no controversy about the status of the water if a locust falls into it and bursts: the water remains fit.¹⁵⁹ If an animal drinks from the water, whether or not the water is invalidated thereby depends on whether the animal

¹⁵² L 80-110

¹⁵³ Tosefta Parah 9:4

¹⁵⁴ U 135-170

¹⁵⁵ Y 80-110

¹⁵⁶ Moisture renders certain items susceptible to impurity.

¹⁵⁷ Tosefta Parah 9:6

¹⁵⁸ U 135-170

¹⁵⁹ Tosefta Parah 9:6

leaves spittle in the water.¹⁶⁰ If a cow drinks the mixture, its flesh is rendered ritually impure for 24 hours.¹⁶¹

According to some opinions, the sanctified water can also be invalidated by one's intention to drink it or by one's actions in drinking it. Mishnah Parah 9:4 records this case, including Eliezer's¹⁶² opinion that the water is rendered unfit when one inclines it to drink from it, and Joshua's¹⁶³ opinion that it is rendered unfit when he actually drinks it. In its elaboration of Joshua's stance, the Mishnah states that if the water were poured in order to drink from it, so that one's mouth does not touch the vessel containing the sanctified water, the water in the vessel remains fit. This suggests that the basis for Joshua's opinion is it is the contact with saliva that renders the water unfit, and not necessarily the intent to drink it.¹⁶⁴ This dispute over whether intent to drink or action in drinking renders the water invalid provides the inspiration for Jose¹⁶⁵ to observe in Tosefta Parah 9:6 that "the rulings of Eliezer concerning the *parah* are directed towards leniency." However, there are certainly better illustrations of this thesis than the case of inclining the water to drink from it.

The sanctified water can also be disqualified because of a change of color that is not "natural." Tosefta Parah 9:7 states that if the color of the water changed on account

¹⁶⁰ See Mishnah Parah 9:3 and Tosefta Parah 9:6

¹⁶¹ According to Mishnah Parah 9:5. Judah (U 135-170) disagrees, arguing that the mixture becomes nullified in the bowels of the cow.

¹⁶² L 80-110

¹⁶³ P 80-110

¹⁶⁴ Tosefta Parah 9:6 confirms this, saying that Joshua ruled that the water becomes unfit when one actually drinks from it "on account of the liquid of his mouth."

of soot, or if a plant used in producing red or blue dye fell into it, the water is unfit. The Tosefta offers a general rule in such cases: whatever renders a spring unfit because of a color change renders the *hatta't* water unfit. What should one do with *hatta't* water that is rendered unfit? The answer is not spelled out, although Mishnah Parah 9:5 states that it should not be mixed with mud. This same *halakhah* includes Joshua's¹⁶⁶ opinion that the water is nullified – once rendered unfit, it no longer has the ability to convey impurity.

Careful storage is imperative in preserving the *hatta't* water so that it may be used at any time, as illustrated by two cases. Although it seems unlikely, it is possible that the sanctified water might freeze. Tosefta Parah 9:8 addresses this possibility. In the case of *hatta't* water that becomes frozen, it remains fit if it melts on its own or by the heat of the sun. If melted by fire, it is unfit. Eleazar b. Tzadok¹⁶⁷ offers the following rule: if it is melted by something that keeps things warm on Shabbat, it is fit; if melted by something that does not warm things on Shabbat, it is unfit. Water that is drained or drawn off of the thawing water is unfit for use. The second case involves protecting the water from intrusion. If one left the *hatta't* mixture uncovered and came back to find it covered, or vice versa, the water is unfit.¹⁶⁸ Tampering with the water, either by humans or animals, renders it unfit. At the same time, a tight-fitting lid is not a guarantee against impurity – if the vessel containing the *hatta't* water is placed in an impure place, it is rendered impure, even if covered by a tight-fitting lid. (Compare this

¹⁶⁵ U 135-170

¹⁶⁶ U 135-170

¹⁶⁷ Either the First, who was active in 80-110, or the Second, who was active in 135-170.

with the same situation concerning water fit for *hatta't*, yet not yet mixed. In that case, the tight-fitting lid protects against impurity.)

There are clear limitations placed on the transport of the *hatta't* water. Mishnah Parah 9:6 states that the mixture cannot be transported across a river on a boat, nor may it be floated or thrown over the water. (One who is ritually pure may cross a river on a boat with an empty vessel pure for the *hattat*, and with water that is fit for *hatta't*, but not yet mixed with the ashes.) The Mishnah does allow one to wade across the water up to his neck while holding the *hatta't* mixture. In the Tosefta,¹⁶⁹ we read that the *hatta't* mixture should not be carried over a bridge, and that the Jordan and all other rivers are the same concerning the rules for transporting the mixture. (The Tosefta records the statement attributed to Hananiah b. Akabya¹⁷⁰ that the rule about transporting the mixture over a river concerned the Jordan River alone.) Further, Tosefta Parah 9:9 states that as a general rule, the *hatta't* mixture should not be carried in a situation where "his feet do not touch the ground" – one cannot ride on an animal or on another person.

Returning to the topic of items that may accidentally fall into the *hatta't* mixture, the Mishnah addresses the purity implications of such a happening, specifically regarding *terumah*. Mishnah Parah 11:3 states that if a fig-cake of *terumah* (pure or impure) larger than the size of an egg fell into the *hatta't* water, and it was taken out

¹⁶⁸ Mishnah Parah 11:1

¹⁶⁹ Tosefta Parah 9:9

¹⁷⁰ U 135-170

and eaten, the water is rendered impure, and the person who ate the fig-cake “deserves death.” However, if the piece of fig-cake that fell into the water was smaller than the size of an egg, the water remains pure (but the person who ate it still deserves death!).¹⁷¹ The Tosefta¹⁷² adds a detail to this scenario by including a statement attributed to Meir:¹⁷³ If the piece of *terumah* was drawn out with a spindle or a chip, it is possible for the water to remain pure; if drawn out with a hand, the water is rendered impure. The Mishnah¹⁷⁴ also imagines the following case: if someone who is pure for *hatta't* put his head and the greater part of his body into the *hatta't* water, the person is rendered impure. The Tosefta¹⁷⁵ adds: the person who is clean for *terumah* does not render the *hatta't* water impure.

Finally we address the purity implications of water that has been invalidated or rendered impure. Mishnah Parah 9:8 states that the *hatta't* mixture that has been rendered unfit conveys impurity to one pure for *terumah* via hands and body, but does not convey impurity to one who is pure for *hatta't*. If the mixture were rendered impure, it conveys impurity to one who is pure for *terumah* whether hands or body came in contact with it, but only conveys impurity to one pure for *hatta't* if he touched it with his hands – not his body. Tosefta Parah 9:4 adds that if one is carrying *hatta't* water into which spring water, pool water, or fruit juice had fallen, the mixture renders

¹⁷¹ Jose (U 135-170) offers a dissenting opinion, stating that if the *terumah* was pure, the water remains pure.

¹⁷² Tosefta Parah 11:4

¹⁷³ U 135-170

¹⁷⁴ Mishnah Parah 11:3

¹⁷⁵ Tosefta Parah 11:4

one impure only if the greater part is the *hatta't* mixture, or if the ratio is half-and-half. If the greater part is juice, the mixture does not convey impurity.

Impurity and the Purification Rite (Table Q)

A brief note about two terms may be instructive at this point. Mishnah Parah 10:1 utilizes two terms in relation to impurity law: *midras* impurity and *midaf*¹⁷⁶ impurity. *Midras* impurity is a primary source of impurity resulting from direct contact with a corpse, or with a man or a woman who has a flux, a menstruating woman, a woman after childbirth, or a leper.¹⁷⁷ *Midaf* impurity, as we shall see from how it is defined in our Mishnah, is apparently a "fence" around primary sources of impurity. It is seemingly a lesser form of impurity that can be transmitted indirectly – by moving, for example.

Mishnah Parah 10:1 provides a general rule about these levels of impurity as they pertain to the rite: whatever can contract *midras* impurity is regarded as being impure with *midaf* impurity as far as the rite is concerned – whether or not the items are pure or impure. Further, human beings have *midaf* impurity regarding the *hatta't*. This *halakhah* in the Mishnah includes a dispute about those things that are susceptible to

¹⁷⁶ Kehati's Mishnah Commentary vocalizes the term as "*madaf*." Blackman uses the term *midaf*; it is vocalized that way also in Jastrow's Dictionary of the Talmud, p. 735. Note that Jastrow defines *midaf* impurity as that which is conveyed by indirect contact, through shaking or breathing – this is contrary to Mishnah Parah 10:2.

corpse impurity in general. Eliezer¹⁷⁸ claims that such items do not have *midaf* impurity, Joshua¹⁷⁹ takes the position that they do, and the Sages say that those items that are impure have *midaf* impurity, but pure items do not. Joshua's position is elucidated in Tosefta Parah 10:2; a statement attributed to him reads "even that which is pure is subject to *midaf* impurity." The Tosefta¹⁸⁰ adds that whatever is not impure with *midaf* impurity in relation to *terumah* is not considered impure with *midaf* impurity in relation to the *hatta't*.

Midaf impurity is conveyed to one pure for *hatta't* by touch. If one pure for *hatta't* touched food or liquids with his hand – a source of impurity because they are susceptible to *midras* impurity – then he is rendered impure.¹⁸¹ There is a dispute about the consequences of moving food or liquids with one's hand, with Joshua¹⁸² arguing that the person would be rendered impure, and the Sages saying that he is pure. The Tosefta¹⁸³ includes a statement attributed to a later figure, Judah haNasi,¹⁸⁴ which asserts that one who is pure for *hatta't* will be rendered impure if he moves the spittle or urine of one pure for *terumah*. The same *halakhah* records a dispute between Eliezer and Joshua about whether one who moves an insect, carrion or semen is rendered

¹⁷⁷ Danby, Herbert. *The Mishnah*, Appendix IV, p. 802

¹⁷⁸ L 80-110

¹⁷⁹ P 80-110

¹⁸⁰ Tosefta Parah 10:2

¹⁸¹ Mishnah Parah 10:2. Note that if he touched the food/liquids with his foot, he remains pure for *hatta't*.

¹⁸² P 80-110

¹⁸³ Tosefta Parah 10:4

¹⁸⁴ BS 170-200

impure.¹⁸⁵ Table Q records other scenarios considered by the Tannaim in the Mishnah and Tosefta, including the case of a pitcher of *hatta't* coming into contact with a dead creeping thing,¹⁸⁶ and the case of a person pure for *hatta't* touching or passing a flask of *hatta't* over an oven.¹⁸⁷

Tosefta Parah 10:2 records a curious statement by Eliezer:¹⁸⁸ "They did not innovate impurity with respect to *hatta't*." The Tosefta then records a "*ma'aseh*" as follows:

Shema'iah of the village of Otenai held a jar of *hatta't* water, and he pushed against a door from which a key impure with corpse impurity was suspended. He came and asked Johanan ben Zakkai, who said to him: "Shema'iah, go sprinkle your water.

In this scenario, the person holding the jar of *hatta't* water is not rendered impure, despite his having moved a key that was impure with corpse impurity. This is consistent with Eliezer's opinion recorded in the Mishnah,¹⁸⁹ that whatever is susceptible to corpse impurity (in this case, the key) does not have *midaf* impurity. Thus, the key – even though impure – cannot render Shema'iah impure by his having moved it. (As noted above, Joshua¹⁹⁰ and the Sages do not share this opinion.) In the Jerusalem Talmud, Hagigah 2:5 notes: "The sages did not innovate by creating a level

¹⁸⁵ Joshua (P 80-110) asserts that he is; Eliezer (L 80-110) claims that he is not.

¹⁸⁶ Mishnah Parah 10:3 and Tosefta Parah 10:5

¹⁸⁷ Mishnah Parah 10: 4-5 and Tosefta Parah 10:6

¹⁸⁸ L 80-110

¹⁸⁹ Mishnah Parah 10:1

¹⁹⁰ Joshua (KA 80-110) holds an extreme view on this subject, stating in M. Parah 10:1 that anything susceptible to corpse impurity automatically has *midaf* impurity regarding *hatta't*. Tosefta Parah 10:3 includes a story of Ishmael (KA 80-110) and Joshua

of purity pertaining to the *hatta't* water; but they maintained that in that setting, if one becomes impure through a minor source of impurity, he is considered to be impure through a major source of impurity.

The Tannaim also pay close attention to the purity implication of the *hatta't* and the utensils of the *hatta't* coming into contact with the utensils and offerings of the priesthood, namely those of *kodesh* and *terumah*. Tosefta Parah 10:6 states that if a flask of *hatta't* touched a flask pure for *kodesh* or *terumah*, the flask of *hatta't* is rendered impure while the others remain pure. Tosefta Parah 10:7 contradicts this rule, saying if a jar of *hatta't* water and a jar of *terumah* touched each other, they both remain pure. If these items are carried, however, the purity implications change. Mishnah Parah 10:6 states if a person pure for *hatta't* carried a flask of *hatta't* and one of *kodesh* or *terumah*, both are rendered impure (unless the vessel for *kodesh* or *terumah* is wrapped in paper).¹⁹¹ In this case, the vessel for *kodesh/terumah* renders the hand of the person pure for *hatta't* impure, and then his body becomes impure and contaminates the flask of *hatta't*. (Hagigah 2:5 reads "as for the *hatta't*, if one's hands are made impure, one's entire body is deemed to be impure as well.") Mishnah Parah 10:6 also contains the following scenario: if the flasks were situated on the ground and one touched them, the *hatta't* becomes impure, but that of the *kodesh/terumah* remains pure. If they are moved without touching them, the Sages say they all remain pure.¹⁹²

discussing a case of someone who moves a key pure for *terumah*. Joshua holds that the person becomes impure for *hatta't* by doing so.

¹⁹¹ Joshua (P 80-110) disagrees, saying that the *hatta't* is rendered impure.

¹⁹² Joshua disagrees, as above. Tosefta Parah 10:8 records the following general rule offered by Joshua: whatever renders *hatta't* water impure in contact renders it impure

Despite the differences in the way these items are treated regarding purity, Mishnah Parah 11:2 says that matters of doubt that are resolved in favor of purity in relation to *terumah* are similarly resolved in relation to the purification rite.¹⁹³

The tannaitic material stresses that only those who are pure can handle the *hatta't*. But which law governs purity in this regard? Mishnah Parah 11:6 answers that question, stating that any person requiring immersion either by Torah Law or by rabbinic enactment renders sanctified *hatta't* water impure and *hatta't* ashes impure, either by touch or by carrying. That person also renders impure hyssop that is susceptible to impurity, water that has not been mixed with the ashes, and an empty vessel that is pure for *hatta't*. There is a dispute about how that impurity is spread, with Meir¹⁹⁴ arguing that the impurity is spread by touch or by carrying, and the Sages holding that it is spread by touch, but not by carrying.¹⁹⁵ (Tosefta Parah 11:5 records an opinion attributed to Elazar¹⁹⁶ that one who is impure because of contact with a corpse may take utensils pure for *hatta't* and put them on a yoke on his shoulder without fear.)

In the normal schema of purity, impurity from a particular source diminishes with "removes" from the original source of impurity. For example, a corpse (or part of

in carrying. Whatever does not render *hatta't* water impure in contact does not render it impure in carrying.

¹⁹³ Tosefta Parah 11: 1-2 qualifies this statement, excluding "hands," which are a matter of doubt concerning the body, and a chest, which could be pure for *terumah* and impure for *hatta't*.

¹⁹⁴ U 135-170

¹⁹⁵ Tosefta Parah 11:5 agrees with Mishnah Parah 11:6.

¹⁹⁶ 135-170

a corpse) can convey impurity up to seven removes.¹⁹⁷ Generally speaking, the further removed from the source, the lesser the degree of impurity. This general rule does not apply to the *hatta't* rite. Mishnah Parah 12:7 states that if the hands of one pure for *hatta't* are rendered impure, his body is rendered impure, and he conveys impurity to his fellow, and his fellow to his fellow, "even if they be one hundred." Mishnah Parah 12:8 applies the same principle to a flask of *hatta't* whose outer side is rendered impure: it conveys impurity to neighboring vessels, and those vessels to their neighbors, and so on, "even if they be one hundred." The Tosefta¹⁹⁸ contains a similar statement, though it adds "it also renders impure the one who sprinkles." Further, according to Tosefta Parah 12:15, degrees/removes of impurity do not apply to the *hatta't* – impurity does not diminish the further removed it is from the source. Instead, all degrees are considered to be of the first degree of impurity.

Hyssop for Sprinkling (Table R)

It comes as no surprise that the tannaitic material contains specific requirements for the hyssop that is used for sprinkling the *hatta't* water. First, this hyssop must have no accompanying name¹⁹⁹ and should not be taken from the *terumah* offering (although if used after the fact, the sprinkling is fit).²⁰⁰ Nor should hyssop be used if it has been taken from an *ashera*,²⁰¹ an idol, or an apostate city.²⁰² The origin and species of the

¹⁹⁷ Rule 17 from "The Rules of Uncleaness," Danby's *Mishnah*.

¹⁹⁸ Tosefta Parah 12:14

¹⁹⁹ As in "Greek hyssop," or "Roman hyssop." See Mishnah Parah 11:7.

²⁰⁰ Ibid.

²⁰¹ Jastrow defines an *ashera* as a tree or grove dedicated to idolatry.

hyssop is only one of the qualifications for this item. As we shall see, the tannaitic material contains precise descriptions about how the hyssop is to be arranged for sprinkling, and what parts of the hyssop may be used to sprinkle.

There is some confusion about terminology, as the following issue illustrates. Mishnah Parah 11:7 states that "one may not sprinkle with young shoots or with *temarot* at the tip of the hyssop, but if one sprinkled with the young shoots (after the fact), he is not culpable."²⁰³ The Tosefta²⁰⁴ contains a disagreement about what these terms mean. A statement is attributed to Meir²⁰⁵ in which he defines "young shoots" as calyxes that have not ripened and *temarot* as what has not sprouted. This same *halakhah* attributes a statement to the Sages in which *temarot* is defined as calyxes which have not ripened, and young shoots have not sprouted at all. The Tosefta²⁰⁶ declares that the hyssop is suitable for sprinkling when it has begun to sprout, and contains a minority opinion attributed to Judah haNasi²⁰⁷ that if one sprinkled with hyssop that had not begun to sprout, the sprinkling is fit. Tosefta Parah 11:8 adds, "they did not disagree about the law, but the language."

²⁰² Tosefta Parah 11:6

²⁰³ Meaning that a person who was sprinkled with this water to rid himself of corpse impurity is not liable for a sin offering if he enters the Sanctuary. Note also that Eliezer (L 80-110) adds: nor is he culpable if he sprinkled with the *temarot*.

²⁰⁴ Tosefta Parah 11:7

²⁰⁵ U 135-170

²⁰⁶ Tosefta Parah 12:1

²⁰⁷ BS 170-200

Mishnah Parah 11:9 states that the hyssop must consist of three shoots containing three stalks.²⁰⁸ Further, a hyssop that has three stalks should be severed and then bound together (though if one severed and didn't bind, or bound but didn't sever, or did neither, the sprinkling is fit after the fact). This *halakhah* contains a statement attributed to Jose²⁰⁹ that the requirement is three shoots with three stalks, but it can be carried out with two or with the remainder. However, this opinion is not uniformly reflected in other tannaitic material. Tosefta Parah 12:1 also records a statement attributed to Jose in which he "agrees" that if one has two stalks and the remnants of one, the sprinkling is unfit. This same opinion appears in the Talmud,²¹⁰ where we find a *beraita* attributed to Jose which states that "a hyssop bundle whose formation was with two, or whose remainder is one, is invalid. It is not valid unless its formation was with three and its remainders are at least two."

Dipping the hyssop into the *hatta't* water is also subject to certain tannaitic requirements. Mishnah Parah 12:1 allows one to lengthen a hyssop bundle that is too short to reach the water in the flask with a thread or a reed.²¹¹ However, Judah and Simeon²¹² both disagree, asserting that the dipping must be done with the hyssop alone. Tosefta Parah 12:2 concurs with the majority opinion of the Mishnah, adding that

²⁰⁸ Judah (U 135-170) differs, asserting that each shoot must contain three stalks.

²⁰⁹ U 135-170

²¹⁰ Sukkah 13a

²¹¹ In Sukkah 37a, Rava rules based on Mishnah Parah 12:1 that taking by means of something else is also regarded as taking. The case under Rava's consideration concerned holding the *hoshanna* with a scarf.

²¹² U 135-170

remnants of hyssop and remnants of *tzitzit* are suitable for extending a hyssop that is too short.

In Mishnah Parah 12:1, Judah and Simeon base their objection to extending the hyssop that is too short on the argument that just as the sprinkling must be done with the hyssop alone, so must the dipping be done with the hyssop alone. Tosefta Parah 12:3 relaxes that rule a bit, stating that if one dipped the wood of a hyssop with the calyx, even though he sprinkles and the water drops from the calyx, it is fit. In that situation, one should sprinkle in the normal way and not worry if water goes forth from the wood.

One must be concerned with the purity of the hyssop, even though as a general rule it is not susceptible to impurity. The intended use of the hyssop also has an impact on the rules governing its purity. Mishnah Parah 11:8 states that if the hyssop were gathered for firewood and liquid fell on it, the hyssop may be dried and it is fit. If it were gathered for food and liquid fell on it, it is unfit. In a statement attributed to Meir²¹³ we learn that if the hyssop were picked for the *hatta't* rite, it is the same as if it were picked for food – liquid would render the hyssop unfit for use. However, Judah, Jose and Simeon²¹⁴ disagree, asserting that it would be the same as if the hyssop were picked for firewood. Nevertheless, if the hyssop indeed were rendered impure, it renders the water unfit, and the sprinkling becomes invalid.²¹⁵ Further, the impure

²¹³ U 135-170

²¹⁴ All U 135-170

²¹⁵ Mishnah Parah 12:6

hyssop renders the adjacent hyssop impure, and the adjacent one – and so on, “even if they be one hundred.”²¹⁶

Rules of Sprinkling (Table S)

We now come to the culmination of the rite: the sprinkling of the *hatta 'i* water on those who have come into contact with a corpse. As noted in the chapter on the Biblical text, this rite for removal of impurity is vital if one wishes to fully engage in the community. Given that death is a fact of life, it would seem that nearly everyone would need to be sprinkled upon at some point in his or her lifetime.

What about the non-Israelite – does he/she require purification after coming into contact with a corpse? The Biblical text answers in the affirmative: Numbers 19: 10 makes the rite of the Red Heifer incumbent on “the alien” who resides among the Israelites. It is interesting that there is no comment on the need for the non-Israelite to purify him/herself in the tannaitic material; however, Nazir 61b contains the assertion that “gentiles are not subject to corpse contamination, and therefore do not need to be sprinkled.”

Numbers 19 states simply that “a pure person” is to sprinkle on the impure. Mishnah Parah 12:10 qualifies this statement, declaring that “all are fit to sprinkle,

²¹⁶ Ibid.

except a *tumtum* (one of unknown sex), an *androgynos* (one of dual sex), a woman, and a child that has no understanding. According to the Mishnah, a woman may assist when a man sprinkles by holding the water, but if she held his hand, the sprinkling is invalid. The Tosefta²¹⁷ contains a different statement about who is eligible to sprinkle, qualifying all except "a deaf-mute, an idiot and a minor." Even on this point, there is disagreement: Judah²¹⁸ holds that a minor is fit, and Ishmael b. Johanan b. Berokah²¹⁹ claiming that if others oversee the sprinkling of the above, their sprinkling is fit. The discussion about who is qualified to sprinkle continues even in the Talmud. In Yoma 43a, we find a discussion reconstructed between the Rabbis, who claim that a woman is disqualified and a minor is qualified, and Judah, who holds that a woman is qualified but a minor is not. This contradicts the statement attributed to Judah in Tosefta Parah 12:8. Further, Yevamot 72b records a statement attributed to Elazar, in which he says that sprinkling performed by an uncircumcised person is valid.

Numbers 19 also offers few details about the process of sprinkling, saying only that a pure person takes the hyssop and dips it into the water/ash mixture, and sprinkles on the impure people or items to rid them of corpse impurity. Numbers 19 also states that the sprinkling is to happen on the 3rd and 7th day of the period of impurity, and that the impurity is removed on the 7th day. At that time, the impure person must launder his clothing and bathe in water; in the evening, he is restored to purity.

²¹⁷ Tosefta Parah 12:8

²¹⁸ U 135-170

²¹⁹ U 135-170

However, one must avoid contact with the *hatta't* water unless one is in a state of impurity. Yoma 14b records a statement attributed to Akiba²²⁰ that a pure person who is sprinkled upon becomes impure. Tosefta Parah 12:12 reads, "thus did Simeon b. Gamaliel²²¹ say to the one who sprinkles: "step back lest you be made impure." It should be noted that Yoma 14b contains a *beraita* in which the Sages appear to disagree with Akiba (and that is what the Gemara conjectures), though the *beraita* itself is unclear.

Certainly, even according to Numbers 19, the one who sprinkles is rendered impure. The tannaitic material adds more details about how the impurity is conveyed. According to Mishnah Kelim 12:5, an amount of *hatta't* water sufficient for sprinkling conveys impurity via carrying. (Mishnah Parah 12:5 defines "sufficient for sprinkling" as enough to dip the tops of the hyssop shoots in and sprinkle.²²²) Yet there are also points of disagreement concerning the purity laws in relation to the *hatta't* water. Tosefta Parah 11:3 records a curious statement in response to the case in which *terumah* falls into the water. In that case, if the *terumah* is greater than the bulk of an egg, the water is rendered impure.²²³ The Tosefta says, "if so, purity does not apply to the *hatta't*. For the one who sprinkles is rendered impure, and renders the water impure; the hyssop is rendered impure by the water, and it renders the water impure."

²²⁰ BB 110-135

²²¹ Not specified whether this is Simeon b. Gamaliel the First (40-80) or the Second (135-170).

²²² Judah (U 135-170) says that one should regard the water as if it were on a hyssop of brass, meaning that a lesser amount of *hatta't* water conveys impurity by carrying.

The tannaitic material adds a number of details that are absent from the Torah text. First, Mishnah Parah 12:11 requires the sprinkling to take place during the day (if it took place during the rise of dawn, the sprinkling is valid).²²⁴ Dipping and sprinkling are considered to be one act. Therefore, if one dipped during the day and sprinkled at night, or vice versa, the sprinkling is invalid. Tosefta Parah 12:19 adds a further detail: if one dipped the hyssop at night, the sprinkling is unfit, but the water remains fit. However, if one sprinkled the hyssop at night, his carrying is unfit and the water is rendered impure. Thus, the penalty for sprinkling at night is not simply that those who are sprinkled upon do not rid themselves of their corpse impurity. Instead, in addressing this scenario, the Tosefta raises the stakes and renders the water utterly useless – and even dangerous, as a source of contamination.

What is the process for dipping to achieve a valid sprinkling? Mishnah Parah 12:1 states simply that the hyssop must be held itself (not by anything used to augment its length) when it is dipped and sprinkled. The water must also come from the hyssop itself during the sprinkling – if there is doubt about whether the sprinkling is from the thread, the reed or the stalk, the sprinkling is invalid.²²⁵ The Tosefta²²⁶ concerns itself with the amount and type of water that may find its way on the hyssop, stating that if there is a “rivulet of rainwater” on the hyssop, the sprinkling is unfit. (Judah²²⁷ adds that “liquid pearls” on the hyssop also render it unfit.) Further, a hyssop that is only

²²³ See Mishnah Parah 11:3

²²⁴ In the Talmud, Megillah 20a states “sprinkling should not be done until the sun has risen.”

²²⁵ Mishnah Parah 12:2

²²⁶ Tosefta Parah 12:2

partially dipped is fit, according to Judah. In that case, one should dip part of the hyssop, then "add to it" until he dips the entire thing. If the *hatta't* water has decreased in its container, one may dip the tips of the stalks and then sprinkle, provided he does not wipe away the water from the bottom or sides of the flask with the hyssop. In the case of a flask containing *hatta't* water that has a narrow mouth, one may dip and raise in the usual manner,²²⁸ according to the Mishnah. However, Tosefta Parah 12:5 includes an opinion attributed to Judah²²⁹ that one may sprinkle from a flask with a narrow mouth after a second dipping, but not after a first, "because the water is wrung out." Tosefta Parah 12:6 adds a statement attributed to Simeon b. Gamaliel:²³⁰ "in the time of the priests, they did not refrain from sprinkling with hyssop immersed in a flask with a narrow mouth." This statement is offered along with other examples that illustrated his assertion that the priests "did not scruple on account of impurity."

The hyssop should not be sprinkled twice if it has only been dipped once, according to Tosefta Parah 12:4. Further, intent about sprinkling is vital in rendering the sprinkling fit. If one intended to sprinkle in front of him, but instead sprinkled behind, or vice versa, the sprinkling is invalid. Similarly, if he intended to sprinkle in front of him, and hit the sides instead, the sprinkling is invalid.²³¹ If one intended to sprinkle on items or people that needed to be sprinkled, but instead sprinkled on something insusceptible to impurity, or sprinkled on an animal, he does not need to

²²⁷ U 135-170

²²⁸ Mishnah Parah 12:2. Judah (U 135-170) adds: "only on the first sprinkling."

²²⁹ U 135-170

²³⁰ U 135-170, offered in the name of Simeon b. Kahana.

²³¹ Mishnah Parah 12:2

repeat the dipping – he may go ahead and sprinkle on what needs to be sprinkled. If he intends to sprinkle on something that doesn't need to be sprinkled, he does need to repeat the dipping in order for the impurity to be removed.²³² Water that drips from the hyssop is fit and carries that same status as *hatta't* water that has not been sprinkled, according to Mishnah Parah 12:3.

While intent is important on the part of the one sprinkling, it is not so important for the one being sprinkled. Mishnah Parah 12:2 states that a person may be sprinkled upon with or without his knowledge,²³³ and that several people or vessels might be sprinkled at once. However, one cannot say to another “sprinkle on me and I will sprinkle on you.” According to Tosefta Parah 12:7, which records the opinion of Akiba²³⁴ and the Sages, such a sequence would result in more impurity. If the one sprinkling was not pure, and he sprinkled in an impure state, the disposal of impurity cannot be accomplished.

Apparently, one could choose to be sprinkled from a “public window” or a “private window.” However, one is not fully protected in case of a defective sprinkling if one chooses to be sprinkled at a “private window,” as we read in Mishnah Parah 12:4:

²³² Mishnah Parah 12:3

²³³ Kiddushin 25a contains a *beraita* in which the following case is discussed: if, during sprinkling, water fell on a person's mouth, is he considered sprinkled? Judah haNasi (BS 170-200) answers in the affirmative, while the Sages disagree. This *beraita* resembles the discussion on “connections” in sprinkling and in impurity concerning vessels found in Mishnah Parah 12: 8-10, with parallel material in Tosefta Parah 12: 10, 16-18.

²³⁴ BB 110-135

If someone sprinkled from a public window and (the one sprinkled upon) entered the Sanctuary, but it was found that the water was unfit – he is exempt. If from a private window and he entered the Sanctuary, and it was found that the water was unfit – he is culpable.

Apparently, many sprinklings took place at the “public window,” for the Mishnah²³⁵ tells us that “they used to slip on the ground before the public window,” but nevertheless, they did not refrain from walking there. They could walk on the used *hatta't* water without fear, since “*hatta't* water whose mitzvah has been performed does not convey impurity.” *Hatta't* water whose mitzvah has not been performed, however, is dangerous stuff. As Tosefta Parah 12:15 states, “they do not count removes of impurity with respect to sprinkling the *hatta't* water.”²³⁶

²³⁵ Mishnah Parah 12:4

²³⁶ Guarding the *hatta't* water, however, is another matter. According to Tosefta Parah 12:7, one who watches over the *hatta't* water, even for ten days, is “confirmed in his assumed status,” and does not require immersion.

Table of Tables

Table	Corresponding To	Subject
A	Numbers 19:2	Red Cow: Where Procured, Age, Value
B	Numbers 19:2	Red Cow: Color, Physical Attributes
C	Numbers 19:2	Red Cow: "Never Worn a Yoke"
D	N/A	Preparing the Priest
E	Numbers 19:3	Slaughtering the Red Cow
F	Numbers 19:4	Sprinkling the Blood
G	Numbers 19:5	Burning the Cow
H	Numbers 19:6	Adding the Cedar Wood, Hyssop and Crimson Cloth
I	Numbers 19:7-8	Cleansing the Priest and One Who Burned
J	Numbers 19:9	Gathering and Storing the Ashes
K	N/A	Purity of Utensils Used in Rite
L	N/A	Utensils Used in Rite
M	N/A	Drawing the Water
N	N/A	Water Used in Rite
O	Numbers 19:17	Mixing the Water and the Ashes
P	N/A	Rules re: Sanctified Water
Q	N/A	Impurity and the Purification Rite
R	N/A	Hyssop for Sprinkling
S	Numbers 19: 18-19, 21	Rules of Sprinkling

Table A: The Red Cow (How it is acquired, its age, its value, other references)
Numbers 19:2

	Numbers 19	Mishnah	Tosefta	Talmud/Aggadah
Acquiring The Cow	Israelite people are instructed to bring the Red Cow	Sages (U 135-170): Permit the purchase of the cow from gentiles; Eliezer (L 80-110): the cow may not be purchased from gentiles (Parah 2:1)	Eliezer (L 80-110): the cow may not be purchased from the gentiles. They present a case of an animal purchased from the gentiles in Sidon. (2:1) It may be redeemed: <ul style="list-style-type: none"> - for any blemish - if it dies - if one slaughtered it (except if slaughtered on the woodpile as part of the rite) - if a more beautiful one is found If its price came from <i>terumah</i> offering and it is redeemed, it goes back to the <i>terumah</i> chamber. (2:4)	Discussion about whether Eliezer's opinion recorded in the Mishnah is grounded in the concern for sodomy. With respect to that concern, the gentile would not want to forfeit the great amount of money (he could get) for the cow. (AZ 23a) Shila (200-220) taught in a <i>beraita</i> that Eliezer's reason is based in the verse from Numbers: The Israelites must take/sell the cow. <i>Beraita</i> : Story about the purchase of a cow from a gentile; Eliezer asserts "they had been guarding it from the moment it was born." Gemara emends statement: they had been guarding the cow's mother from the moment she was formed in the womb; also claims that a Jewish merchant was the broker between Jews and the gentile.

Age and Value; Other Details		<p>Age: Sages (U 135-170): a <i>parah</i> is three years old or four years old; Eliezer (L 80-110): two years old; Meir (U 135-170): even five years old, but they don't wait that long; Joshua (P 80-110): I have not heard of any except a <i>shelishit</i> (Parah 1:1)</p> <p>It is subject to the laws of sacrilege. (Parah 4:4)</p>	<p>Discussion in 1:2, 1:3 and 1:4 about the <i>hatta't</i> and its place in the sacrificial system; no parallel in Mishnah.</p> <p>Simeon (U 135-170): Heifer = one year old; Heifer for <i>hatta't</i> is two years old; "Physically perfect" means with respect to years (fully 2 years) and free of every sort of blemish. (1:5)</p>	<p>AZ 23a - Discussion about whether the cow, called a <i>hatta't</i>, has the same rules that apply to other sacrificial animals.</p> <p>The laws of sacrilege do not apply to the ashes: The Torah calls it a <i>hatta't</i>. It is subject, but its ashes are not. (Men. 51b/52a)</p>
Miranda	<p>Red Cow (see tables B and C)</p>	<p><i>Parat hatta't</i>: Cow of Purification (Parah 2:1)</p>	<p><i>Hatta't</i> = <i>paraclete</i> Simeon (U 135-170): A <i>hata't</i> is like a <i>paraclete</i> who enters in to appease the judge before the gift is brought in. (1:1) <i>Eglah arufah</i> Tosefta makes the distinction between the <i>eglah arufah</i>, which is an atonement offering, and the <i>parah adumah</i>, a <i>hatta't</i>. (1:5); Discussion re: differences in the rules applying to the <i>parah</i> as compared to the <i>eglah arufah</i>. (2:6) <i>Kodashin</i> Discussion re: more strict/less strict rules applying to the <i>Parah</i> (2:5)</p>	<p>Gentiles (and the concern for sodomy). (AZ 23a)</p>

Table B “...a red cow, physically perfect and without blemish”
Numbers 19:2

	Numbers 19	Mishnah	Tosefta	Talmud/Aggadah
Qualifications of Cow	<p>“A red cow, physically perfect and without blemish.”</p>	<p>Eliezer (L 80-110): if pregnant, it is fit. Sages: it is unfit. (Parah 2:1)</p> <p>A cow with black horns and hooves: they may be cut off; If it has (black) eye sockets, teeth or tongue, it is not unfit; A dwarf cow is valid; If it has a wart and it was cut off:</p> <ul style="list-style-type: none"> - Judah (U 135-170): it is unfit; - Simeon (U 135-170): if red hair does not sprout at the spot where the hair is removed it is unfit. (Parah 2:2) <p>If born via Caesarian section it is unfit; If used to hire prostitutes, it is unfit, (Eliezer [L 80-110] it is fit); All blemishes that render sacrifices unfit render the red cow unfit. (Parah 2:2)</p> <p>If it has two black or white hairs within a single pore, it is unfit. Judah (U 135-170): even within a single hollow or two adjoining hollows, it is unfit.</p>	<p>Meir (U 135-170): A cow with black eyeballs is unfit if there is no other cow which is like it. (2:1)</p> <p>If horns and hooves were removed along with its marrow, it is unfit. (2:2)</p> <p>One born via Caesarian section is unfit, but Simeon (U 135-170) declares it fit. (2:2)</p> <p>If two black or white hairs are found in two pores, it is fit. (2:7)</p>	<p>A <i>beraita</i> “of the academy of Ishmael (KA 110-135) equates sodomy with a blemish – therefore, sodomy disqualifies the cow. (AZ 23a)</p> <p>How to produce a red cow: Rav Kahana (B 250-290): they pass a cupful of red liquid before the mother at the time the male mounts her...with a herd established as having a tendency to produce red offspring when this was done. (AZ 23b)</p>

Qualifications of Cow	"A red cow, physically perfect, without blemish."	<ul style="list-style-type: none"> - Akiva (BB 110-135): even four or five: if dispersed, they may be plucked out. - Eliezer (L 80-110): even fifty (may be plucked out). - Joshua B. Bathyra (1/2nd century Tanna): even if one is in the head and one in the tail, it is unfit. (Parah 2:5) <p>If two hairs with black roots/red tips (or vice versa): Sages: (U 135-170) The color is determined according to the roots. Meir: (U 135-170) color determined by what is visible. (Parah 2:5)</p>	<p>Tosefta does not have this discussion about the number of allowable non-red hairs.</p> <p>If hairs had red roots and black tops: Jose b. Hammeshulam (BS 170-200): shave the top of the hairs; ignore the possibility of liability on account of shaving. (2:7)</p>	
Miranda	The color red "physically perfect/without blemish"	Caesarian section Dwarf cow "Hire of a prostitute"		Passing a cup of red liquid before a cow before the male mounts her.

Table C “Which has never worn a yoke”
Numbers 19:2

	Numbers 19	Mishnah	Tosefta	Talmud/Aggadah
Qualifications re: “never worn a yoke”	The red cow must have “never worn a yoke”	<p>The following actions render the cow unfit: Riding it, leaning on it, hanging on to its tail, crossing the river by it, folding a rein on it, and putting a cloak on it.</p> <p>These actions do not invalidate the cow: fastening it by its rein, making a sandal for it, spreading a cloak because of flies.</p> <p>The general rule: whatever is done for the sake of the cow, the cow remains fit; anything done for another purpose, the cow is rendered unfit. (Parah 2:3)</p> <p>If a bird rests on it, it is fit. If a male mounts it, it is unfit. Judah (U 135-170): if (the owner mounts the male on it) it is unfit; if by itself, it is fit. (Parah 2:4)</p>	<p>Judah (U 135-170): they guard it to ensure that it does not labor.</p> <p>They said: “if so, the matter has no limit. It is presumed suitable.” (2:1)</p> <p>Labor that renders the <i>kodashin</i> unfit renders the cow unfit. If brought to the threshing floor to suck and it worked with its mother, it is fit. If brought to suck and thresh, it is unfit. (2:3)</p> <p>The yoke renders unfit whether it is used for actual work or not. (2:4)</p>	<p>Rav Judah in the name of Rav (B 220-250): if one placed a bundle of sacks on the <i>parah</i>, it is disqualified.”</p> <p>Beraita: “Yoke in <i>parah</i> passage limits disqualification to yoke – where do we derive that other forms of work disqualify it?</p> <p>Gemara answers: there is a Tannaitic dispute about where it is derived – some derive it from the <i>eglah arufah</i>, and some from the Numbers verse.</p> <p>A <i>beraita</i>: “A yoke means any burden whatsoever. A yoke disqualifies whether it was placed at a time of work or not at a time of work. (Sotah 46 a/b)</p> <p>Scripture has treated all other sorts of labor as equivalent to pulling on the yoke. (Yeru. Sotah 9:5)</p>

Miranda	yoke	<p>Riding the cow leaning on the cow hanging on to its tail, crossing the river by it, folding a rein on it, and putting a cloak on it.</p> <p>Fastening it by its rein, making a sandal for it, spreading a cloak because of flies.</p> <p>"Anything done for the sake of the cow" vs. "actions done for another purpose."</p>	"Accidental work" – (calf brought to threshing floor to suck)	

Table D: Preparing the Priest Who Prepares the Ashes (No corresponding material in Numbers 19)

	Mishnah	Tosefta	Talmud/Aggadah
Personnel	Priest who will burn the cow; Unnamed others who will sprinkle him. (Parah 3:1)		
Process	<p>Priest taken from home to a chamber in the <i>Birah</i> called House of Stone seven days before the burning. Sprinkled with purification water each of the seven days. Jose (U 135-170): Sprinkle only on 3rd and 7th day. Hanina the deputy of the High Priests (40-80): They sprinkle for each of seven days; for Yom Kippur, only on 3rd and 7th days. (Parah 3:1)</p> <p>Preparing water for sprinkling: Children born and raised in courtyard in Jerusalem that are built above hollowed rock. They ride on doors on backs of oxen to the Shiloah; once there, they alight and fill stone cups with water; then they remount. Jose (U 135-170): they didn't dismount – filled cups from the backs of the oxen. (Parah 3:2)</p> <p>Children dismount at Temple Mount; Pitcher of <i>hatta't</i> (Mishnah Parah 3:5 says seven/nine Red Cows were prepared, and names those who prepared them) stood ready at entrance to court; They bring a male sheep with a rope tied between his horns and a netted/meshy plant at the end of the rope; They throw the plant into the ashes and struck the sheep so it moved backwards;</p>	<p>Separation of priest burning cow for the sake of purity; separation of YK priest for sake of sanctity. (3:1) Details of the separation of the priest and his sprinkling are not contained in the Tosefta.</p> <p>Children are raised until age seven or eight. Judah (U 135-170): the oxen have broad bellies so the children's feet do not protrude. "All agree" that they require immersion prior to gathering water. (3:2)</p> <p>"They said" before Akiba (BB 110-135) in the name of Ishmael (Y 110-135): The oxen had cups suspended from horns; when they kneeled to drink, the cups were filled. He (Akiba) said: do not give the <i>minim</i> the chance to "cavil" after you! (3:3)</p>	<p>Johanan (I 250-290) The rule governing the priest burning the cow is not derived from YK ritual; the stricter rule for the red cow applies only in that case, to differentiate that rite from the others. (Y Yoma 1:1)</p> <p>All functions of the heifer ritual had to be performed with stone vessels because a <i>tevul yom</i> did the ceremony, so the stringency was brought in order that the ritual not be treated lightly. (Yoma 2a)</p> <p>The heifer was a <i>hatta't</i>, so the ceremony was in the NE corner to serve as a reminder that the Red Cow is a <i>hatta't</i>. (Ibid.)</p>

	<p>A child puts the removed ash on the water – enough to be visible.</p> <p>Jose (U 135-170): “Do not give the Sadducees occasion to rebel/prevail/ridicule us!” The procedure was simply that the children mixed the water and ashes. (Parah 3:3)</p>	<p>Ashes stored at the gate from the court of women to the rampart; stone flasks set along the wall of the stairs of women’s court; their covers of stone are visible to the rampart. (3:4)</p> <p>Judah (U 135-170): adds “these rites were performed by returning exiles;” kind of animal not specified. Shimon (U 135-170): The ashes went to Babylonia with the exiles & returned. (3:5)</p>	<p>The special courtyards in Jerusalem = a stringency for the red cow. (Hunah b. Joshua, B 350-375, Zev. 113a)</p>
Miranda	<p>Children raised in Jerusalem courtyards; Oxen/doors/stone implements; Male sheep with apparatus for removing <i>hatta’t</i> ashes; Sadducees</p> <p>Ashes from seven/nine previously prepared red cows</p>	<p>Ashes stored at gate.</p>	<p><i>hatta’t</i></p>
Purity	<p>Did children require sprinkling: Jose haGelili (Y 110-135): yes Akiba (BB 110-135): no</p> <p>“They do not use one purification in place of another.” (Parah 3:4)</p>	<p><i>Tevul Yom</i>: They poured out ashes prepared by Ishmael ben Piavi and prepared another as a <i>tevul yom</i>. (3:5)</p> <p>Simeon (U 135-170) asked whether ashes in Babylonia would be rendered impure; he said “they declared impurity in land of gentiles only after they returned. (3:5)</p> <p>“All agree” that the children require immersion (3:2)</p>	

Table E: Slaughtering the Red Cow.
Numbers 19:3

	Bible	Mishnah	Tosefta	Talmud/Aggadah
Personnel	<p>"Eleazar the Priest"</p> <p>Unnamed person(s) who slaughter the cow</p>	<p>The priest, and "all who assisted." (These take the cow on the ramp connecting the Temple Mount to the Mount of Anointment.) (Parah 3:6)</p> <p>"Elders of Israel" proceed before them. (Parah 3:7)</p> <p>If it were not slaughtered by the high priest, it is invalid. Judah (U 135-170): it is valid. (Parah 4:1)</p> <p>If the priest were not (wearing priestly) garments – white – it is invalid. (Parah 4:1)</p> <p>A priest must perform the activities of the red cow. (Parah 4:4)</p>	<p>No mention of "elders of Israel" as witnesses to the slaughter. Only priest is mentioned. (3:7)</p> <p>High priest does the burning of the cow and the sprinkling; an ordinary priest does the remainder of the tasks. (4:6)</p> <p>Every aspect done by priests except for:</p> <ul style="list-style-type: none"> - gathering the ashes - drawing the water - mixing (4:11) <p>Story about Johanan b. Zakkai (40-80): tells his disciples that golden garments used in the rite; disciples correct him. "A deed which my own hands did and my own eyes witnessed – and I forgot the rule." Some say the story took place with Hillel the Elder (20 BCE) and his disciples. (4:7)</p> <p>The four white garments of the ordinary priest must be worn. (4:6)</p>	<p>Rav (B 220-250): A priest must do the actual slaughtering; Samuel (B 220-250): A layperson may do the slaughtering. (Yoma 42a) NOTE several Amoraim weigh in on the topic.</p> <p><i>Beraita</i>: All acts of slaughter are valid when done by a <i>zar</i>, except for that of the <i>parah</i>. (Yoma 43b) Johanan (I 250-290) disputes. See also Yeru. Yoma 3:7, in which Rav repeats this.</p>

<p>Process</p>	<p>The cow is taken "outside the camp" and slaughtered "in Eleazar's presence."</p>	<p>The cow must go alone (with priest and assistants) on the ramp. (Parah 3:7)</p> <p>The elders render the priest impure by touching him; he immerses once in the place of ritual immersion. They did this "because of the Sadducees, lest they say (the ritual) must be performed only by those upon whom the sun has set." (Parah 3:7, 8)</p> <p>The wood is laid in order like a tower.</p> <p>The cow is bound with <i>magag</i> rope. Head of cow in the south; face towards the west.</p> <p>The priest slaughtered the cow with his right hand and received (the blood) with his left. Judah (U 135-170): He received with his right hand and transferred to his left. (Parah 3:9)</p> <p>If slaughtered not for its own purpose, it is invalid. (Parah 4:1, 3) Eliezer (L 80-110): Intention does not render unfit with the cow. (4:3)</p>	<p>Eliezer (L 80-110): the cow didn't need to go on the ramp, being insusceptible (to impurity.) (3:7)</p> <p>Story about Rabban Johanan b. Zakkai (40-80) and the Sadduccee who attempted to prepare the ashes. (3:8)</p> <p>The spaces beneath the place of the pit and woodpile were hollow. Some say the heifer went up on it with a mechanical device. Eliezer b. Jacob (80-110): They made a ramp. (3:9)</p> <p>Judah (U 135-170): Slaughters with right, receives with right, transfers to left. (3:10)</p> <p>Leaving the cow overnight does not render it invalid – it can be burned the following day. (4:1)</p>	<p>(Based on Num. 19:19), the <i>tevul yom</i> is permitted to prepare the red cow. (Yev. 73a)</p> <p>If one slaughtered the <i>parah adumah</i> not opposite the (Temple) entrance:</p> <ul style="list-style-type: none"> - Johanan (I 250-290) It is valid; - Addah bar Ahavah (B 250-290): it is invalid - Resh Lakish (I 250-290): it is invalid. <p>Summary by the Gemara: A cow slaughtered further away (from the Sanctuary) than allowed, or brought closer to the Sanctuary than allowed is invalid. (Zev. 113a)</p> <p>If another animal slaughtered with it: Nathan (135-170): the <i>parah</i> is invalid and the other is valid. Sages (135-170): the <i>parah</i> is valid, the other invalid. Rava (B 320-350): "according to all views, the <i>parah</i> is invalid." (Hullin 31b/32a)</p>
-----------------------	---	---	--	--

Miranda	Camp/Outside the Camp	<p>Ramp built connecting Temple Mount and Mount of Anointment; constructed with "arches upon arches" to guard against impurity. (Parah 3:6)</p> <p>The High Priest used to build a runway for the Red Heifer at his own expense. (Shek. 4:2)</p> <p>Place of ritual immersion on the Mt. of Anointment (Parah 3:7)</p> <p>West (direction of Temple Mount)</p> <p>Unwashed hands/feet</p> <p>White garments of priest</p>	<p>Eliezer (L 80-110): there was no ramp: they used pillars of marble with planks of cedar upon them. (3:7)</p>	<p><i>Zar</i></p> <p>Re: ramp for the Red Heifer: Not one of them (the high priests) would lead his Red Heifer out on the runway built by his predecessor. Each one would demolish his predecessor's runway, and then build one at his own expense....(they did this) in order to demonstrate their scrupulous concern for the purity of the Red Heifer. (Pesikta de Rab Kahana 4:7)</p>
Purity		<p>If it were slaughtered by a priest with hands and feet unwashed, it is invalid. Eliezer (L 80-110): it is valid. (Parah 4:1)</p> <p>Touch renders priest impure; <i>Tevul yom</i> vs. "one upon whom the sun has set; <i>Magag</i> rope/special ramp: to guard against impurity.</p> <p>If the cow is rendered invalid during the slaughter, it does not render their clothing impure. (Parah 4:4)</p>	<p>"They made the priest who burns the cow unclean because of the Sadducees, so they would see that a <i>tevul yom</i> prepared the ashes." (3:7)</p> <p>Simeon (U 135-170): A cow "fit for one moment" renders food and liquids impure. Judah (U 135-170): a cow, once slaughtered, renders unclean through carrying. (7:9)</p>	<p>"Why in the case of the cow do they touch the priest, while in the case of Yom Kippur they do not?" Note that <i>sugya</i> reflects confusion about this practice. (Y. Yoma, 1:1)</p>

**Table F: Sprinkling the Blood
Numbers 19:4**

	Bible	Mishnah	Tosefta	Talmud/Aggadah
Personnel	Eleazar the Priest	The Priest		Rav (B 220-250): an ordinary priest can receive and sprinkle the blood. Samuel (B 220-250): "the province of Elazar" (high priest) (Yoma 43a) Not valid when done by a woman (Yeru.Yoma 3:7)
Process	Takes blood on finger Sprinkles blood seven times in the direction of the Tent of Meeting	<p>The priest received the blood in his left hand. Judah (U 135-170): He received in his right hand, and transferred it to his left. The priest sprinkled with his right hand. (Parah 3:9)</p> <p>He dips and sprinkles 7 times in the direction of the Holy of Holies; dipping for every sprinkling. When he finishes the sprinkling, he wipes his hand on the body of the cow. (Parah 3:9)</p> <p>If he sprinkled not in the direction of the entrance (of the sanctuary) it is invalid. If from the sixth he sprinkled a seventh, and repeated to sprinkle a seventh, it is invalid.</p>	<p>Sprinkles with right finger; if he changes hands, it is invalid. (3:10)</p> <p>If it splashed from his hand when he sprinkles, whether outside its pit or woodpile, it is invalid. Eliezer b. Jacob (Y 80-110): if outside the pit, it is invalid; if outside the woodpile, he should not bring it back. If he brought it back, it is valid. (3:10)</p> <p>Sprinkling by night renders sprinkling invalid, even if all but one were by day. (3:10 and 4:11) Sprinkling with utensil instead of finger renders sprinkling invalid. (3:10) Sprinkling with left hand renders invalid. (3:10)</p>	<p><i>Beraita</i>: The following render the seven sprinklings of the blood invalid:</p> <ul style="list-style-type: none"> - if made under the name of some other offering; - if not directed rightly. <p>(Menachot 27a/b)</p> <p>Alternative <i>beraita</i>: If sprinkled under the name of another offering, they are invalid; If not rightly directed, they are valid. Hisda (B 250-290): one <i>beraita</i> is of Judah, and the other of the Sages. (Menachot 27a/b)</p>

		<p>If from the seventh he sprinkled an eighth, it is valid. (Parah 4:2)</p> <p>Extraneous work renders the cow invalid until it is reduced to ashes. (Parah 4:4)</p>	<p>If seven priests sprinkle at once, it is invalid. If they sprinkle one after the other, it is valid. (4:2)</p> <p>Sprinkling "not for their own name" are unfit; a sprinkle which is lacking, and one dip for two sprinkles/or two dips for one: all are invalid. (4:2)</p> <p>Extraneous work renders the cow invalid, except when done as part of gathering ashes or sprinkling water. (4:11)</p>	<p>The priest was to stand facing the west with his back to the east. (Menachot 27a/b)</p> <p>Rava (B 320-350): when he has finished sprinkling, he wipes his hand on the body, but if he has not, then he wipes only his finger.</p> <p>Gemara: on what would he wipe his finger?</p> <p>Abaye (B 320-350): He wipes it on the rim of the basin. (Zev. 93b)</p>
Miranda	<p>Blood</p> <p>The number seven</p> <p>Tent of Meeting</p>	<p>Right hand/left hand</p> <p>Holy of Holies</p> <p>Extraneous work</p>		Basin for catching blood
Purity		<p>All who occupy themselves with the cow, from beginning to end, render their clothing impure.</p> <p>If the cow is rendered invalid during slaughter, does not render clothing impure.</p> <p>If the cow is rendered invalid during sprinkling, all who dealt with it before it became invalid render their clothing impure; those involved after it became invalid do not render their clothing impure. (Parah 4:4)</p>	<p>Tosefta has the general rule: before it was rendered invalid, it renders clothing impure; after it becomes invalid, it does not render clothing impure. The Tosefta does not make the distinction between slaughtering/sprinkling as the Mishnah does. (4:9)</p> <p>The position of the Mishnah is attributed to Simeon (U 135-170). (4:9)</p>	

Table G: "Burning the Cow"
Numbers 19: 5

	Numbers 19	Mishnah	Tosefta	Talmud/Aggadah
Personnel	An unnamed person burns the cow	The priest who slaughtered the cow and sprinkled the blood (Parah 3:9)	High priest does the burning of the cow. Meir (U 135-170): The chief of priests does the burning. (4:6) Jose b. Judah (BS 170-200), Simeon (U 135-170) and Eliezer b. Jacob (Y 80-110): The chief of priests did the first cow; all others prepared by the high priest. (4:6) An <i>onan</i> or one lacking in atonement who burns the cow renders it unfit. Joseph haBavli: An <i>onan</i> is fit; one lacking in atonement is unfit. (4:3)	Rav (B 220-250): the burning requires the attention of the priest. <i>Beraita</i> : All tasks of the Red Heifer must be done by a man during the day, except for gathering ashes, drawing water and mixing. (Yoma 42b)
Process	The cow is "wholly burned" in Eleazar's presence: its hide, meat, blood and dung.	After wiping his hand on the body of the cow (to remove the blood used in sprinkling), the priest descends and kindles the fire with wood chips. Akiba (BB 110-135): He kindled with dried twigs. (Parah 3:9) It is permissible to: <ul style="list-style-type: none"> - burn it without wood; - burn it with any kind of wood; - burn it with straw. (4:3) It is permissible to flay it and cut up its hide. (4:3)	If some of its skin, flesh or hair burst outside of the pit: it is put back. If not put back, it is unfit; If it burst outside the woodpile, one adds wood to it and burns it in its place. Eliezer (L 80-110): an olive's bulk outside the woodpile invalidates. (3:11) If its horn or hooves burst, one does not have to restore it – it is not a sacrifice. Whatever does not invalidate it when it is alive does not invalidate it when it burns. (3:12) RE: Flaying and cutting up. Jose haGelili (Y 110-135): Sacrifices on Mt. Sinai didn't require flaying and cutting up; those actions	If one burned the red cow in a place not opposite the Temple entrance: Johanan (SE/TIB 250-290): it is invalid. Oshaya (BS/CAE 200-220): it is valid. (Zev. 113a)

		<p>Adding wood to the fire is permissible (it does not render the cow invalid). (4:4)</p> <p>If cow is burned outside its pit, or in two pits, or two were burned in one pit, it is invalid. (4:2)</p> <p>If one burnt the cow of the <i>hatta't</i> outside its specified place (its pit), he is not liable. (Zev. 14:1)</p>	<p>required only after <i>matan Torah</i>. (4:5)</p> <p>They continually add wood to it. Judah (U 135-170): when they add wood, it is only bundles of hyssop, which produce abundant ashes. (4:10)</p> <p>Re: prohibition against burning two cows in one pit -- after ashes formed from one cow, another may be burned on top of the first. Judah haNasi (BS 170-200): If burned in two halves, it is valid. (4:8)</p>	
Miranda	Blood/hide	The pit	<p><i>Onan</i> One lacking in atonement Hyssop Cutting and Flaying Bulk of an olive <i>Matan Torah</i></p>	
Purity	The one who burns the Red Cow is impure until the evening.	The one who burns the cow renders garments impure. The cow itself does not render garments impure. The cow renders the human impure, and the human renders his garments impure. (Parah 8:3)	<p>If the one burning it has unwashed hands and feet, it is unfit. Elazar b. Simeon (BS 170-200): it is fit (4:4)</p> <p>He who burns the red cow renders clothing impure. Meir: (U 135-170): a cow does not itself render clothing impure, but it does render food and liquids impure. Sages: the cow renders food and liquids impure. (7:8)</p>	

Table H: “Adding Cedar Wood, Hyssop and Crimson Cloth to the Fire”
Numbers 19: 6

	Numbers 19	Mishnah	Tosefta	Talmud/Aggadah
Personnel	The Priest	The Priest		<p>Rav (B 220-250): a priest’s service is required – may not be done by a layperson. Samuel (B 220-250): it is valid even if done by an ordinary priest. (Yoma 43a)</p> <p>The casting...does not require special attention of the priest since it is not part of the cow itself. (Yoma 42b)</p>
Process	Takes cedar wood, hyssop and crimson cloth and casts them into the fire where the cow is being burned.	<p>When the cow bursts, the priest takes cedar wood, hyssop and crimson cloth. He says (to the bystanders): “This cedar wood? This hyssop? This crimson cloth?” -- Three times for each item. They answer “yes” – three times for each item. (Parah 3:10)</p> <p>The priest wraps the items together with the ends of the strip and casts it into the fire. (Parah 3:11)</p>	<p>Elazar b. Zadok (U 135-170): “Shall I throw?” (three times); they answer “yes,” three times for each item.</p> <p>The following are suitable:</p> <ul style="list-style-type: none"> - whether one tore (the cow) it open by hand, or with a knife, or whether it tore by itself; - whether one threw the items into the cow or the pyre; - whether the items were thrown all at once or one after the other. <p>If one threw them before the flame had caught most of (the cow), or after it had been made into ashes, it is unfit. (3:12)</p>	<p>Hanan in the name of Rav: if the flame caught the cedar wood and strip, they are usable. Contradicted by this Beraita: if the strip caught fire, another strip is brought and the <i>hatta’i</i> water prepared. (Yoma 41b)</p> <p>Beraita: Judah haNasi (BS 200-220) taught that they wrap them together to form one bunch. Elazar b. Simeon (BS 170-200): they wrap them together so that they have (sufficient) weight to fall into the burning heifer. (Yoma 41b)</p>
Miranda	Cedar Wood, hyssop, Crimson Cloth, Red	Threefold question/answer	“Shall I throw?”	

Table I – “Cleansing After the Burning”
Numbers 19:7-8

	Numbers 19	Mishnah	Tosefta	Talmud/Aggadah
Personnel	The priest who oversaw the slaughtering/burning Unnamed person who burns the cow			
Process	The priest must launder his clothes and bathe his body in water. The one who burned the cow must launder his clothes in water and bathe in water			The verse “the priest shall immerse his clothes and remain unclean until evening” teaches that a priest in his priestly garments is required for this rite in subsequent generations. (Yoma 42b)
Miranda	Water Laundering clothes Bathing Body			
Purity	The Priest remains impure until evening. The one who burns remains impure until evening	The one who burns the cow...renders garments impure. But the cow (itself) does not convey impurity to garments. (Parah 8:3)		Hezekiah (I 320-350): “He who burns the cow shall be unclean until evening” – this serves to encompass anyone who participates in the burning, even at a distance. (Y. Yoma 6:6-7) Hiyya (SE 200-220): <i>Beraita</i> teaches that watchmen also impart impurity to their clothing. (Y. Baba Metzia 7:9) <i>Beraita</i> : carcass of the cow and the dispatched goat do not render impurity to people or their garments; they do render impurity to food and liquids. (Zev. 105a)

**Table J – Preparing, Gathering and Storing the Ashes
Numbers 19: 9-10a**

	Numbers 19	Mishnah	Tosefta	Talmud/Aggadah
Personnel	"A pure person"	Unnamed persons prepare the ashes and divide the ashes. (Parah 3:11)	A non-priest may gather the ashes. (4:11)	"A man" = even a non priest; "Pure" = even a woman "and he shall place" = to exclude a deaf-mute, mentally deranged person, and a minor. (Yoma 43a) <i>Beraita</i> : all tasks must be done by a man during the day except for gathering ashes, drawing water and mixing. (Yoma 42b)
Process	Gathers the ashes; Deposits them outside the camp "in a pure place;" They are stored there for "waters of lustration."	When the cow is burned, they beat it with sticks and sift it with sieves; Ishmael (KA 110-135) This was done with stone hammers and sieves. (Parah 3:11) A black (cinder) that had ashes on it was crushed; if no ashes on it, it was left. A bone was crushed. (Parah 3:11) Storage: One part of the ashes placed in the Rampart, one on the Mount of Anointment, and one divided among all the divisions. (3:11)	Bone or black cinder is ineffective if mixed with water. If dust clings to the ashes from any part of its body, it can be crushed and mixed and is suitable. (3:13) Part of ashes kept on Rampart: as "a testimony for the children of Israel;" Part of ashes kept on Mount of Anointment: what the priests mixed with the purification waters;	The ashes are not subject to the laws of sacrilege. When they saw that people treated the ashes lightly and applied them to their wounds, they ordained that the ashes should be subject to the law of sacrilege; when they saw that people in doubtful cases of impurity were avoiding sprinkling, they reverted to the laws of the Torah. (Men. 51b/52a)

		<p>If ritually fit ashes become mixed with ordinary ashes, they may not be used for mixing. Eliezer (L 80-110): All the ashes together may be used for mixing.</p>	<p>Part of ashes divided among all the divisions: what the Israelites used to sprinkle. (3:14)</p> <p>If color of <i>hatta't</i> ashes changed naturally or because of soot, it is fit. If it changed because of stove ash/dust, it is unfit. (9:8)</p>	
Miranda	<p><i>Hatta't</i> "Waters of Lustration" Outside the Camp</p>	<p>One may betroth a woman with <i>hatta't</i> ashes/water – even an Israelite. (Kid. 2:10)</p> <p><i>Melakhah</i> – Extraneous labor renders the cow invalid until the point it becomes ashes. (Parah 4:4)</p> <p>Bone Black cinder Rampart Mt. of Anointment</p>		
Purity	<p>A pure person must gather and store the ashes; Ashes must be kept in a pure place. Person who gathers the ashes must launder his clothing; he remains impure until evening.</p>	<p>If ritually fit ashes become mixed with ordinary ashes, whether or not they convey impurity depends on which quantity is greater. (Parah 9:7)</p>		<p>Jacob bar Aha (I 3rd c) in the name of R. Elazar (U 135-170): "A man who is clean" – why specified? To indicate that even if one collects the ashes in a ladle, the Torah has said it remains pure. (A person remains pure until the rite is complete.) (Yeru. Hag. 2:5)</p>

Table K – Purity of Utensils Used in Rite
No corresponding material in Numbers 19

	Mishnah	Tosefta	Talmud/Aggadah
Personnel	"The one who brings the vessel" (Parah 5:1)	<i>Am HaAretz (AmHa)</i> <i>Haver</i>	
Process	<p>The one bringing the earthen vessel must immerse and spend the night at the kiln. Judah (U 135-170) He may also bring it from the potter's house, for all are considered trustworthy regarding the <i>hatta't</i>. (Parah 5:1)</p> <p>Immersing a vessel used for the <i>hatta't</i>:</p> <ul style="list-style-type: none"> - if the water is not suitable for mixing with ashes, the vessel must be dried off. - If it is suitable, it does not need to be dried off. <p>If sanctified water is to be collected in it, in either case, it must be dried. (Parah 5:2)</p> <p>If the vessel to be used is a gourd shell, which absorbs water from the immersion: they may mix ashes and water in it as long as it remains pure.</p> <p>If it was rendered impure, they may not mix in it.</p> <p>Joshua (P 80-110): If the gourd discharges an impure drop at any point, it should not be used. (Parah 5:3)</p>	<p>If he spent the night before immersing, it is impure (Judah haNasi BS 170-200); Jose b. Judah (BS 170-200): because it is not in the presumption of being guarded. (5:1)</p> <p>If an <i>Am HaAretz</i> brought vessels for his <i>hatta't</i>, a <i>Haver</i> may purchase/accept them for his <i>hatta't</i> and his <i>terumah</i> offering; If brought for his <i>terumah</i>, a <i>Haver</i> does not purchase. The <i>AmHA</i> is considered trustworthy for <i>hatta't</i>; not for <i>terumah</i>. If the <i>AmHA</i> considers the vessels to be for <i>hatta't</i>, they are also suitable for <i>terumah</i>. (4:13, 14)</p> <p>The tube made of reed: If <i>hatta't</i> water and ashes are gathered in it before it is immersed, they are impure. Simeon (U 135-170): they are pure. A <i>ma'aseh</i>: one person cut off his reed in Bet She'arim. Simeon (U 135-170): it is pure; Sages: it is impure. (5:6)</p>	<p>All the functions of the red cow had to be performed with vessels made of stone or earthenware, because a <i>tevil yom</i> did the ceremony, and the Rabbis did not want it to be treated lightly. (Yoma 2a)</p> <p>R. Ba bar Mamel: What is the difference between a man who is pure for the purpose of preparing the <i>hatta't</i> water and an empty vessel pure for the purpose of use in preparing <i>hatta't</i> water? Ammi (I 290-320): "And a man who is clean shall gather." Why does Scripture refer to man? To place the man in the highest status of purity, to treat him as if he himself were the purification</p>

	<p>The reed used for collecting ashes:</p> <ul style="list-style-type: none"> - Eliezer (L 80-110): We immerse the reed and use it (vessels completed in purity do not require the setting of the sun) - Joshua (P 80-110): it should be rendered impure and immersed (conferring status of a <i>tevul yom</i>) (5:4) 		<p>water and the purification ash. (Yeru. Hag. 2:5)</p>
Miranda	<i>Tevul Yom</i>	<i>Am HaAretz Haver</i>	
Purity	<p>The vessel for <i>hatta't</i> must be guarded even from the time before it is susceptible to impurity. (Vessels for <i>terumah</i>: do not have to be guarded in this most stringent manner.) (Parah 5:1)</p>	<p>Assumptions about trustworthiness in matters of purity: the <i>AmHA</i> and the <i>Haver</i></p> <p>If an <i>AmHA</i> said "I am pure concerning <i>hatta't</i> water," they accept the statement from him. If an <i>AmHA</i> said "these utensils are clean for <i>hatta't</i> water," they accept the statement from him. (4:12)</p>	

Table L – Utensils Used in Rite
(No corresponding material in Numbers 19)

Description of Suitable and Unsuitable Vessels For Mixing	Mishnah	Tosefta
	<p>Any sort of whole vessel may be used for the mixing:</p> <ul style="list-style-type: none"> - cattle-dung - clay - stone - even in a boat <p>Shards may NOT be used. (Parah 5:5)</p> <p>“Egg” of a potter is fit. Jose (U 135-170): it is unfit. A hen’s egg (shell):</p> <ul style="list-style-type: none"> - Meir and Judah (U 135-170): it is fit - Sages: it is unfit. <p>(Parah 5:5)</p> <p>Troughs used for mixing:</p> <ul style="list-style-type: none"> - A trough hewn in a rock is not an autonomous utensil, so it cannot be used for collecting water, mixing, or sprinkling. - If the trough were attached to the ground, it may be used. - (Various clarifications of detail) <p>(Parah 5:7)</p>	<p>Broken sides of wooden, bone or glass utensils are unsuitable for mixing. A fixed water-channel or receptacle that has been uprooted and attached by water is unsuitable. (5:8)</p> <p>Broken pieces, or a stopper made into vessels are suitable, as is a deliberately uprooted water channel or receptacle that is affixed to the ground. (5:8)</p> <p>A cavity/mortar into which a spring flows: if stopped up, dried, and water led to it, it is suitable. (5:9)</p> <p>A trough in the mud, if can be moved, is suitable. (5:9) Judah (U 135-170) in the name of Eliezer (L 80-110): if one made a brim of mud (with a trough) in order to lead the water, whether or not it is movable, it is suitable. (5:9)</p> <p>Egg of an ostrich – suitable. (5:8)</p> <p>A trough encompassed by holes: if (connecting channel) is as wide as the stopper of a leather skin, one mixing is suitable. If the connecting channel is not as wide as the stopper, each hole must be mixed separately. (5:9)</p> <p>If one splashed water with hand, feet, or clay shards, it is unfit. (6:3)</p>

	<p>Two troughs that are conjoined: The water of one is not mixed when ashes are added to the other, unless water flows from one to the other. (Parah 5:8)</p> <p>Two kneading tubs; two stones set together to make a trough, or a trough split into two: water in the space between them is not mixed when water in one or another is mixed with ashes, unless the items are joined together and can be moved as one. (Parah 5:9)</p>	<p>Using the same examples as in the Mishnah: Jose (U 135-170): I asked about the law in the presence of Akiba (BB 110-135): The two of them are not mixed, for the water in the crack between them is not gathered together like a vessel. (5:10)</p>
Miranda	<p>Whole vessels Boat (may be used to mix, even though it is not a vessel)</p>	
Purity	<p>Only vessels with tight-fitting lids provide protection against impurity. (Parah 5:5)</p> <p>A trough hewn in a rock is not a vessel; does not require a tight-fitting lid to protect from <i>tumah</i>; If the trough were attached to the ground, it is considered a vessel, and requires a tight-fitting lid to protect from <i>tumah</i>. (Parah 5:7)</p>	

Table M – Drawing the Water
No corresponding material in Numbers 19

	Mishnah	Tosefta
Personnel	Not specified. <i>Beraila</i> on Yoma 42b: drawing does not have to be done by a man or during the day.	
Process	<p>If the water was diverted from a spring into a vat or into cisterns, it is unfit, because it was not collected in a vessel. (Parah 6:5)</p> <p>Drawing of water following by mixing of ashes must not be interrupted by an act of labor extraneous to the process. Illustrations:</p> <p>Five men collecting water:</p> <ul style="list-style-type: none"> - in five jars for five mixings; if they reconsider and do one, it is fit. - If they collect in one container and later divide into five, it is fit. <p>One man collecting water:</p> <ul style="list-style-type: none"> - if in five jars, and he reconsidered to perform one, only last one is fit; - if he collected in five to perform one, and reconsidered to perform five, only the first one is fit. <p>Two involved in process with five jars:</p> <ul style="list-style-type: none"> - first one says "sanctify for yourself," only the first one is fit. - First one says "sanctify for me," all are fit. (Parah 7:1) <p>If a man collects water with one hand and performs <i>melakhah</i> with his other, it is unfit, whether he was collecting for himself or another. (Parah 7:2)</p> <p>If one draws water for himself and also for the <i>hatta</i> 'l rite, he must not do anything between drawing the water for the rite and mixing, and must guard the water drawn for the rite. (Parah 7:5)</p> <p><i>Melakhah</i> which is intrinsic to drawing the water is distinguished from that which is tangential and therefore forbidden:</p>	<p>Parallel in Tos. 6:4-8 present several cases that illustrate the same principles laid out in the Mishnah:</p> <ul style="list-style-type: none"> - no extraneous work can intervene between the drawing of the water and the mixing of the water with the ashes. - <i>Melakhah</i> (including mixing for another) renders one's own water unfit – not the water of another. If another person, acting on your behalf, performs <i>melakhah</i> while drawing your water, it is unfit. - Once mixed, the water cannot be invalidated by <i>melakhah</i>. <p>However, the cases presented speak of drawing and mixing together – as if little time separated the act of drawing from the act of mixing.</p> <p>If one drew/mixed or mixed/drew for another person with both hands at once, if it is for himself, it is fit; if for someone else, it is unfit. (6:4)</p> <p>Simeon (U 135-170): This rule (in 6:4) applies if there are guards there. If no guards, if he mixed for others, it is as if he mixed for himself.</p>

	<ul style="list-style-type: none"> - carrying a borrowed rope going out of the way to return it; (Case said to have been considered three times by Sanhedrin at Yavneh) (Parah 7:6) - coiling a rope after the water is drawn; (Jose [U 135-170] notes that the Sanhedrin at Yavneh considered this case, not the one of the borrowed rope) (Parah 7:8) <p><i>Melakhah</i> done for the sake of any other part of the <i>hatta't</i> rite OTHER than drawing the water renders the water unfit. (Parah 7:8)</p> <p>Carrying the water prior to mixing. These render water unfit:</p> <ul style="list-style-type: none"> - deciding the law - giving directions <p>These do not:</p> <ul style="list-style-type: none"> - killing a snake or scorpion - taking food to store. <p>Judah (U 135-170): Offers a general rule. If the action has the character of <i>melakhah</i>, the water is invalid, whether or not he stood still. Standing still invalidates the water whether or not it was on account of <i>melakhah</i>. (Parah 7:9)</p> <p><i>Melakhah</i> intrinsic distinguished from that which renders the water unfit: two people lifting, pulling thorns, breaching fences, eating figs, laying figs out to dry. (Parah 7: 11-12)</p> <p>If two were guarding, and either performed <i>melakhah</i>, the water is fit because it is under the charge of the other one. If both performed <i>melakhah</i>, the water is unfit. (Parah 8:1)</p>	<p>Five jars/one mixing, etc. Parallel in 7:1-2. "Closing the door" and "giving jars to another" is considered <i>melakhah</i> that invalidates the water.</p> <p>Tos. 7:4 adds to the story about the borrowed rope, saying that "men of Asya came to Yavneh on the festivals to seek a dispensation for this ruling. Contains Jose's statement, with the following: "They taught him who asked that it was suitable in the past but not in the future."</p> <p>Contains examples of intervenient acts of work while carrying the water, IF one stopped to do it.:</p> <ul style="list-style-type: none"> - a minor declared her unwillingness to remain wed; - another performed <i>halitzah</i>; - he put aside a stone for someone. <p>Judah's general rule stated. (7:6)</p> <p>See 7:7: addresses case of breaking down a fence to gain access to the water (valid); and eating figs (valid).</p>
Miranda	<ul style="list-style-type: none"> - <i>Melakhah</i> (that intervenes between filling and mixing renders the water unfit.) 	

	<ul style="list-style-type: none"> - "Guarding the water" - Sanhedrin at Yavneh - Drawing water – seems to require a communal effort to avoid undertaking the <i>melakhah</i> that would render it unfit. - Water for mixing -- susceptible to impurity. 	
Purity	<p>This is the general rule: whatever is susceptible to impurity renders the water unfit; whatever is not susceptible is fit.</p> <p>If he helps direct the water in the jar using his hand, foot, or vegetable leaves, the water is rendered unfit for mixing. If he used reed leaves or nut leaves, the water is fit. (Parah 6:4)</p> <p>If the water is in the hands of a keeper, it remains fit as long as the keeper is pure.</p> <p>Eliezer (L 80-110): even if keeper is impure, it remains valid as long as the owner does not perform any intervenient acts of <i>melakhah</i>. (Parah 7:10)</p> <p>If two were guarding, and one became impure, the water is fit because it is under the charge of the second one.</p> <p>If they both became impure at the same time, the water is unfit. (Parah 8:1)</p>	<p>The status of the water for <i>hatta't</i> depends on the status of its owner:</p> <ul style="list-style-type: none"> - If water and owner are inside the tent of a corpse, both are impure; - if water is outside and owner is inside, the water is impure; - if water is inside and owner is outside, the water is pure. <p>Simeon (U 135-170): keep yourself pure, so your water will be pure. (7:5)</p> <p>Judah (U 135-170): If the impure person did <i>melakhah</i>, the water is fit, since it remains in the possession of the owner. If the owner did <i>melakhah</i>, it is unfit, since it is in the possession of the impure person.</p> <p>Eliezer: if the owner did work, the water is unfit. (7:7)</p>

Table N – Fit Water for Mixing
No corresponding material in Numbers 19

	Mishnah	Tosefta
Definition of fit and unfit water used for the sprinkling	<p>Water in a sponge is unfit for mixing. (Parah 6:3)</p> <p>Living water, pure and sweet, is fit for water of <i>hatta't</i>. (Mikvaot 1:8)</p> <p>The following are unfit waters:</p> <ul style="list-style-type: none"> - “smitten” (salty/lukewarm) - “failing” – those that dry up once in seven years. <p>Waters that fail in war or in years of drought are fit.</p> <p>Judah (U 135-170): they are unfit. (Parah 8:9)</p> <p>Unfit Sources of Water: The Qarmyon and Pugah are unfit because they are marsh waters.</p> <p>The Jordan and Yarmuk are unfit because they are mixed waters: fit and unfit mixed together.</p> <p>Mixed water from two fit sources remains fit.</p> <p>Judah (U 135-170): it is unfit. (Parah 8:10)</p> <p>Fit Sources of Water: Well of Ahab and cave of Pamias; water that changed by itself (not as a result of mixture); Aqueduct water, as long as it is guarded.</p> <p>Judah (U 135-170): the presumption is that aqueduct water is fit. (Parah 8:11)</p> <p>A well into which potter’s clay or earth fell:</p> <p>Ishmael (KA 110-135): must wait until it clears.</p> <p>Akiba (BB 110-135): do not need to wait.</p>	<p>Water of <i>hatta't</i> can be filled anywhere. (4:12)</p> <p>Water from all rivers is unfit for mixing. Judah (U 135-170): a spring that wells forth from two separate locations and goes back and is mixed is fit. (9:1)</p> <p>Judah (U 135-170): The sources of Tzalmon are unfit because it ceases to flow in times of war. (<i>Polmos</i> = war w/Romans)</p> <p>They said to him: all the waters of Creation are interrupted in times of war, including Siloam.</p> <p>A spring which may change in flow is fit. (9:2)</p> <p>Judah (U 135-170): A man draws a jar from this spring and one from that spring and pours them into a single trough and mixes. (9:1)</p> <p>Well into which a flood of rain comes down: all agree that one has to wait until water returns to normal. (9:3)</p> <p>A spring which emerges for first time:</p> <p>Judah (U 135-170): one has to investigate its status.</p> <p>Sages: one does not have to examine it. (9:3)</p> <p>If his jug (for collecting) was lying before him:</p> <ul style="list-style-type: none"> - If rainwater flowed into it, it is unfit - If dew descended into it, it is unfit - If dew descended by night, Eliezer (L 80-110) maintains that one can leave it in the sun to evaporate. (9:3)

	Eliezer (L 80-110): If one intends to drink it, it is rendered unfit. Joshua (P 80-110): It is rendered unfit when he inclines it (to drink). (Parah 9:4)	
Miranda	All named bodies of water Rivers Springs Mixed sources Changes in water	War with Romans Siloam Dew Rainwater Wells
Purity	Water is protected by a tight-fitting lid. (Parah 11:1)	

Table O – “Mixing the Water and the Ashes”
Numbers 19: 17

	Bible	Mishnah	Tosefta	Talmud/Aggadah
Personnel	Unclear	<p>All are qualified to mix except a deaf-mute, a mentally-deranged person, and a minor. Judah (U 135-170): a minor is fit, a woman and a hermaphrodite are not fit. (Parah 5:4)</p> <p>One who takes payment for mixing (or sprinkling): his water is like water of the cave, and his ashes like ashes of the hearth. (Bekorot 4:6)</p>		<p>A non-priest and a women are qualified; a deaf-mute, mentally-deranged person, and a minor are not. Principle: Those qualified for the gathering are qualified for the mixing. Gemara explains and offers a counterpoint to Judah's argument that a minor is fit, and a woman is not; concludes “two can take the ashes and one can mix them.” (Yoma 43a)</p>
Process	<p>Some of the ashes of the <i>hatta't</i> are taken; Living water poured over them in a vessel.</p>	<p>The ashes must enter the water by human power, or the water is unfit.</p> <p>The following acts of <i>melakhah</i> render the water invalid during the mixing process:</p> <ul style="list-style-type: none"> - covering the ashes' reed container; - closing a door - setting the reed container upright on the ground. (If in his hand, it is valid). (Parah 6:1) <p>If ashes were floating on the water: Meir & Simeon (U 135-170): He may take</p>	<p>Water of <i>hatta't</i> can be mixed anywhere. (4:12)</p> <p>The following acts of <i>melakhah</i> while going to mix are acceptable because one is occupied with the mixing:</p> <ul style="list-style-type: none"> - taking a key to open a door - taking a spade and digging - moving a ladder 	<p><i>Beraita</i>: Three things need to be visible: the earth of the <i>sotah</i>, the ashes of the <i>parah adumah</i>, and the spittle of the <i>yevamah</i>. Sotah 16b)</p> <p><i>Beraita</i>: the ashes should be placed upon the water, as the earth of the <i>sotah</i> should also be placed upon the water;</p>

		<p>and mingle with other water; Sages: Any ashes that have touched water may not be mixed (with other water).</p> <p>If the mixed water had been used and ashes were found on the bottom: Meir and Simeon (U 135-170) they may be dried and used again Sages: they may not be dried and used again (see above). (Parah 6:2)</p> <p>If a narrow-necked jug was also in the mixing trough, even if no ashes entered it, the water in the jug is considered sanctified. (Parah 6:3)</p>	<p>The following acts during mixing render the water unfit:</p> <ul style="list-style-type: none"> - closing a door - cutting olive leaves so the reed will hold more ashes. <p>If he stuck (the reed) into the ground or gave it to those standing by him:</p> <ul style="list-style-type: none"> - if there are watchmen, it is suitable; - if no watchmen, it is unfit. <p>(Parah 6:1)</p> <p>Before ash enters the water, "excessive" amounts can be put back into the reed. After it enters, part of it may be taken from the water and mixed in another place. If the wind blew the ash in the water, it can be dried and used again. (Dispute between Simeon and Sages also appears here.) (6:2)</p> <p>Order of mixing: if water is added on top of ash, it is unfit. Simeon (U 135-170): It is fit. (6:3)</p> <p>If ash is on water and it is "excessive," Simeon (U 135-170) agrees that one can't add more water – it needs a second mixing. "Purification water does not produce purification water – only the putting in of ashes produces purification water. (6:3)</p>	<p>Simeon (U 135-170): if he placed the ashes (into a vessel) before the water, it is valid. Gemara provides support for this statement by Simeon and explains why the Sages reject it. (Sotah 16b)</p> <p>Purification water is fit only with the putting of the ashes into the water; same beraita as in Sotah (above). (Temurah 12 a/b)</p> <p><i>Beraita:</i> He shall place upon (the Ashes) living water in a vessel. Biblical verse can be Read two ways:</p> <ol style="list-style-type: none"> 1) the water must come directly from the spring into the vessel used for the mixing; 2) the water must be "detached" from the spring before they are put into the
--	--	--	---	---

			<p>If the one mixing was standing and trembled or got tired, or was pushed by the wind, he cannot be replaced by another. (6:4)</p> <p>Drawing/Mixing case studies dealing with intervenient <i>melakhah</i>: see 6: 4-8</p>	<p>vessel.</p> <p>The Beraita discusses not a Biblical Law, but a stringency. (Pesachim 34b)</p>
Miranda	“living water” <i>hatta't</i> ash	<p><i>Melakhah</i></p> <p>Ash must enter by human agency</p>	<p>There appears to be a proper ratio of ash to water, but it is not identified here.</p> <p><i>Am haAretz</i></p>	
Purity	N/A	<p>The one who mixes should not wear a sandal, because if liquid falls on it, the sandal is rendered impure and thus the one who mixes is rendered impure.</p> <p>If liquid falls on his flesh, the one who mixes is pure.</p> <p>If on his garment, his garment is rendered impure, and the garment conveys impurity to him. (Parah 8:2)</p> <p>Whatever renders <i>terumah</i> unfit conveys impurity of the first degree to liquids, that then convey one impurity and one invalidation – except a <i>tevul yom</i>. (Thus, a <i>tevul yom</i> can handle the <i>hatta't</i> water.) (Parah 8:7)</p> <p>Valid ashes mixed with invalid water: renders impure one who is pure for <i>terumah</i>; does not render impure one pure for <i>hatta't</i>. (Parah 9:9)</p>	<p>Ash which is unfit which has been placed in the water, whether or not the water was suitable for mixing, renders the hands of the person pure for <i>terumah</i> impure via contact or carrying.</p> <p>Johanan b. Nuri (SE 110-135): <i>hatta't</i> ash that has been made impure – is like the ash of the hearth. (10:1)</p>	

Table P – Rules RE: Sanctified Water
No corresponding material in Numbers 19

	Mishnah	Tosefta
Personnel		
Process	<p>If water that is unsanctified falls into sanctified water: Eliezer (L 80-110): Let there be two sprinklings. Sages: The water is invalid. If dew dropped into it: Eliezer (L 80-110): Let it be set in the sun (so dew will evaporate from it) Sages: The water is invalid. If other liquids fall into it, the water must be poured out and the flask dried; if anything that “leaves a trace” fell into it, it must be poured out, but does not have to be dried. (Parah 9:1)</p> <p>If an insect or creeping thing fell into the water and burst or imparted a color to the water, it is invalid. If a beetle fell into it, it is invalid. Simeon (U 135-170) and Eliezer b. Jacob (Y 80-110): if a worm or weevil from the grain falls into it, the water remains valid – because they contain no moisture. (Parah 9:2)</p> <p>If an animal left spittle in the water, it is invalid. (Parah 9:3)</p> <p>Sanctified water that one intends to drink: Eliezer (L 80-110): is rendered unfit when he inclines it; Joshua (P 80-110): is rendered unfit when he drinks it. If he poured it (to drink), it is fit. (Parah 9:4)</p>	<p><i>Hatta't</i> water into which fell spring water, pool water or fruit juice is unfit for sprinkling. (9:4)</p> <p>Judah haNasi (BS 170-200): if (the law follows) Eliezer, then sprinkling of any amount (of this mixture into which other water fell) is acceptable. If half is from fit water and half unfit water, then sprinkling renders pure in any amount at all. (9:5)</p> <p>If a spider, fish or frog fell into the <i>hatta't</i> water: - if they burst and color changed, it is unfit; - if not, the water is fit.</p> <p>Judah (U 135-170): even if they did not burst, it is unfit, because they run. (9:6)</p> <p>If a locust falls in and bursts, it is fit. (9:6)</p> <p>Eliezer (L 80-110) and Simeon (U 135-170): The opinion of Rabban Gamliel (Y 80-110) regarding the snake appears to be correct. Relates to Mishnah Parah 9:3: if a snake drinks from the water, it is unfit. (9:6)</p> <p>Jose (U 135-170): “the rulings of Eliezer concerning the <i>parah</i> are directed towards leniency.” (Cites parallel to Mishnah 9:4 re: inclining the flask to drink from it.) (9:6)</p> <p>If the color of <i>hatta't</i> water changed naturally, it is fit.</p>

	<p><i>Hatta 't</i> water rendered unfit:</p> <ul style="list-style-type: none"> - should not be mixed with mud <p>Judah (U 135-170); it is nullified. (Parah 9:5)</p> <p><i>Hatta 't</i> water (mixed) and ashes:</p> <ul style="list-style-type: none"> - may not be transported across a river on a boat - may not be floated or thrown over the water. <p>One may wade across the water up to his neck while holding the water/ashes.</p> <p>One who is ritually pure may cross a river on a boat with an empty vessel that is pure for the <i>hatta 't</i>, and with <i>hatta 't</i> water that is not yet mixed. (Parah 9:6)</p> <p>If one left the <i>hatta 't</i> mixture uncovered and came back to find it covered, it is unfit; if one left it covered and came back to find it uncovered, it is unfit.</p> <p>The <i>hatta 't</i> mixture is not protected by a tight-fitting lid. (Parah 11:1)</p>	<p>If it changed:</p> <ul style="list-style-type: none"> - on account of soot; - if a plant producing red or blue dye fell into it <p>It is unfit.</p> <p>General rule: whatever renders a spring unfit because of a color change renders the <i>hatta 't</i> water unfit. (9:7)</p> <p><i>Hatta 't</i> water that froze over:</p> <ul style="list-style-type: none"> - if melted on its own, or by the sun, it is fit - if melted by fire, unfit. <p>Eleazar b. Tzadok (I/80-110; II/135-170): If melted by something that keeps things warm on Shabbat, it is fit; if melted by something that does not warm things on Shabbat, it is unfit.</p> <p>Water that is drained or drawn off (of the thawing water?) is unfit. (9:8)</p> <p><i>Hatta 't</i> mixture should not be carried:</p> <ul style="list-style-type: none"> - in a situation where "his feet do not touch the ground" – if he rides on a cow or on his fellow; - over a bridge. Jordan and all other rivers are the same. <p>Hananiah b. Akabya (U 135-170): They spoke concerning the Jordan alone. (9:9)</p>
Miranda	<p>Insects/creeping things</p> <p>Spittle of animals</p> <p>Unfit water</p> <p>River</p> <p>Boat</p> <p><i>Terumah</i></p> <p>Tight-fitting lid</p> <p>Color of water</p>	<p>Jordan River</p> <p>Shabbat</p> <p>"A situation where his feet do not touch the ground" bridge</p>

<p>Purity</p>	<p>If a cow drank <i>hatta't</i> water:</p> <ul style="list-style-type: none"> - its flesh becomes ritually impure for 24 hours - Judah (U 135-170): it is nullified in its bowels. <p>(Parah 9:5)</p> <p><i>Hatta't</i> water that is rendered unfit:</p> <ul style="list-style-type: none"> - conveys impurity to one pure for <i>terumah</i> via hands and body; - does not convey impurity to one fit for <i>hatta't</i>. <p><i>Hatta't</i> water that is rendered impure:</p> <ul style="list-style-type: none"> - conveys impurity to one who is pure for <i>terumah</i> whether hands or body came in contact with it; - conveys impurity to one pure for <i>hatta't</i> if he touched it with hands, but not with body. <p>Cf. Num. 19:21: he who touches the water of sprinkling shall be impure until evening. (Parah 9:8)</p> <p>If a fig-cake of <i>terumah</i> (pure or impure) fell into the <i>hatta't</i> water, and was taken out and eaten:</p> <ul style="list-style-type: none"> - if the size of an egg or larger, the water is impure, and the person who ate the fig-cake deserves death; - if not the size of an egg, the water is pure, but the one who ate it deserves death; - Jose (U 135-170): if the fig-cake was pure, the water remains pure. <p>If someone pure for <i>hatta't</i> put his head and greater part of body into the <i>hatta't</i> water, the person becomes impure. (Parah 11:3)</p>	<p>Johanan b. Nuri (SE 110-135): <i>hatta't</i> water that has been made impure is like "the ash of the hearth." (10:1)</p> <p><i>Hatta't</i> water into which fell spring water, pool water or fruit juice:</p> <ul style="list-style-type: none"> - renders one impure by carrying if the greater part is <i>hatta't</i> water or if the mixture is half and half, - does not render one impure if the greater part is juice. (9:4) <p>Re: <i>Terumah</i> that falls into the water.</p> <p>Meir (U 135-170): Under what circumstances? If he drew it out with his hand or with a spindle or chip....if he drew it out with his hand, he is rendered impure, and he renders the <i>hatta't</i> impure.</p> <p>Jose & Simeon (U 135-170): The person who is clean for <i>terumah</i> does not render the <i>hatta't</i> water impure.</p>
----------------------	---	--

Table Q – Impurity and the Purification Rite
No corresponding material in Numbers 19

	Mishnah	Tosefta	Talmud/ Aggadah
Rules of Purity and Impurity Relating to the Rite	<p>What can contract <i>midras</i> impurity regarded as impure with <i>midaf</i> impurity as far as the rite is concerned.</p> <p>Human beings have <i>midaf</i> impurity regarding <i>hatta't</i>. Whatever is susceptible to corpse impurity:</p> <ul style="list-style-type: none"> - Eliezer (L 80-110): does not have <i>midaf</i> - Joshua (P 80-110): has <i>midaf</i> - Sages: the impure has <i>midaf</i>, but the pure does not. (Parah 10:1) <p><i>Midaf</i> impurity is conveyed to one pure for <i>hatta't</i> by touch. If one pure for <i>hatta't</i> touched food or liquids with his hand, he is impure; with his foot, he is pure.</p> <p>If one pure for <i>hatta't</i> moved the food/liquids with his hand:</p> <ul style="list-style-type: none"> - Joshua (P 80-110): he is impure - Sages: he is pure. (Parah 10:2) <p>A pitcher of <i>hatta't</i>:</p> <ul style="list-style-type: none"> - if it touches a creeping thing, it is pure; if placed on top of a creeping thing: Sages declares it impure; Eliezer (L 80-110) declares it pure. - If it touches food/liquids or Scriptures, it is pure. If placed on top of these items, the Sages declare it impure; Jose (U 135-170) declares it pure. (Parah 10:3) 	<p>The Tosefta is consistent with Eliezer's statement in Parah 10:1.</p> <p>Whatever is not impure with <i>midaf</i> impurity in relation to <i>terumah</i> is not considered impure with <i>midaf</i> impurity in relation to <i>hatta't</i>.</p> <p>Eliezer (L 80-110): They did not innovate impurity with respect to <i>hatta't</i>. <i>A ma'aseh</i>: Shema'iah of the village of Otenai held a jar of <i>hatta't</i> water, and he pushed against a door from which a key impure with corpse impurity was suspended. He came and asked Johanan ben Zakkai, who said to him: "Shemai'iah, go sprinkle your water."</p> <p>Joshua (P 80-110): Even that which is pure is subject to <i>midaf</i> impurity. (10:2)</p> <p>Story about Ishmael (KA 80-110) and Joshua (P 80-110) discussing the case of moving a key pure for <i>terumah</i>. Joshua asserts that the person is impure. (10:3)</p> <p>Judah haNasi (BS 170-200): One who is pure for <i>hatta't</i>:</p> <ul style="list-style-type: none"> - if he moved the spittle or urine of one pure for <i>terumah</i>, he is rendered impure; - if he moved his blood, he is pure <p>If he moved an insect, carrion and semen: Eliezer (L 80-110): it is pure Joshua (P 80-110): he is impure (10:4)</p>	<p>Re: Mishnah Hag. 2:5: "The sages did not innovate by creating a level of purity pertaining to the <i>hatta't</i> water; but they maintained that in that setting if one becomes impure through a minor source of impurity, he is considered to be impure through a major source of impurity. (Yeru. Hag. 2:5)</p>

<p>If one pure for <i>hatta't</i> touched an oven with his hand, he is impure. With his foot, he is pure.</p> <p>If a human stands on the oven holding the <i>hatta't</i> :</p> <ul style="list-style-type: none"> - Sages: they are impure - Akiba: (BB 110-135) they are pure <p>If he passes the <i>hatta't</i> over the oven (when not standing on it):</p> <ul style="list-style-type: none"> - Akiba: (BB 110-135) it is impure - Sages: it is pure. <p>One pure for <i>hatta't</i> may stand on the oven holding an empty vessel pure for <i>hatta't</i>, or unmixed water. (Parah 10: 4-5)</p> <p>If a flask of <i>hatta't</i> touched a flask pure for <i>kodesh</i> or <i>terumah</i>:</p> <ul style="list-style-type: none"> - the flask of <i>hatta't</i> is rendered impure; - the one for <i>kodesh</i> or <i>terumah</i> is pure. <p>(Parah 10:6)</p> <p>If a person pure for <i>hatta't</i> carried a flask of <i>hatta't</i> and one of <i>kodesh/terumah</i>, both are rendered impure. If the <i>kodesh/terumah</i> vessel is wrapped in paper, both remain pure; Joshua (P 80-110) says the <i>hatta't</i> is rendered impure. (Parah 10:6)</p> <p>If the flasks were situated on the ground and one touched them, the <i>hatta't</i> is impure but that of the <i>kodesh/terumah</i> remains pure. If he moved them, the Sages say they remain pure, but Joshua (P 80-110) declares them impure. (Parah 10:6)</p> <p>Matters of doubt resolved in favor of purity in <i>terumah</i> are similarly resolved in relation to the purification rite. (Parah 11:2)</p>	<p>A jar of <i>hatta't</i> water placed on top of a creeping thing: Eliezer (L 80-110): it is pure</p> <p>Sages: if when one removed the creeping thing, the jar moves, it is impure. But if the thing is removed without moving the jar, even if a corpse or carrion were touching it on its outer side, it is pure. (10:5)</p> <p>A jar of <i>hatta't</i> water placed on top of a <i>machshav</i> or <i>moshav</i> or impure clay utensil is rendered impure. (10:5)</p> <p>Passing the jar over an oven: Tosefta adds "or over an impure clay utensil or creeping thing. (10:5)</p> <p>"Nothing renders impure above and below except an olive's bulk of a corpse and things which render impure via "overshadowing." (10:6)</p> <p>A jar of <i>hatta't</i> water and jar of <i>terumah</i>:</p> <ul style="list-style-type: none"> - if they touched each other, they are both PURE. <p>Also discusses instance of jar of <i>hatta't</i> water and pitcher of <i>terumah</i>. (10:7)</p> <p>This is the general rule that Joshua (P 80-110) laid down:</p> <ul style="list-style-type: none"> - whatever renders <i>hatta't</i> water impure in contact renders it impure in carrying; - whatever does not render <i>hatta't</i> water impure in contact does not render it impure in carrying. <p>(10:8)</p> <p>A tight-fitting lid protects utensils pure for <i>hatta't</i> and hyssop susceptible to impurity. (11:1-2)</p>	
--	---	--

	<p>Whoever requires immersion either by Torah law or rabbinic enactment renders the following impure:</p> <ul style="list-style-type: none"> - <i>hatta't</i> water (sanctified) - <i>hatta't</i> ashes - the one who sprinkles <p>The impurity is spread either by touch or carrying. (11:6)</p> <p>The person requiring immersion also renders impure:</p> <ul style="list-style-type: none"> - hyssop that is susceptible to impurity - water that has not been mixed with ashes - an empty vessel pure for <i>hatta't</i> <p>The impurity is spread:</p> <ul style="list-style-type: none"> - Meir (U 135-170): by touch or carrying - Sages: by touch, but not by carrying (11:6) <p>And for the <i>hatta't</i>, if one's hands are made impure, one's entire body is deemed to be impure as well. (Hag. 2:5)</p> <p>If the hands of one pure for <i>hatta't</i> are rendered impure, his body is rendered impure, and he conveys impurity to his fellow, and his fellow to his fellow, even if they be one hundred. (Parah 12:7)</p> <p>If the outer side of a flask is rendered impure, the inside is rendered impure, and it conveys impurity to its neighboring vessel, and that vessel to its neighbor, even if they be one hundred. (Parah 12:8)</p>	<p>Any doubtful impurity that is considered pure for <i>terumah</i> is also pure for <i>hatta't</i> EXCEPT for hands, which are a matter of doubt concerning the body, and a chest/box, which could be pure for <i>terumah</i> and impure for <i>hatta't</i>.</p> <p>Case of latticework discussed. Judah: (U 135-170) my associates have said that I should agree with them in a matter of purity." (11:1 and 11:2)</p> <p>Whoever requires immersion in water, whether according to the Torah or according to the Scribes renders <i>hatta't</i> water, <i>hatta't</i> ash and the one who sprinkles impure. (11:5)</p> <p>Elazar (135-170) in the name of Tarfon (L 80-110): One impure because of contact with a corpse may take utensils pure for <i>hatta't</i> and put them on a yoke on his shoulder without fear. (11:5)</p> <p>One pure for <i>hatta't</i>: if his hands are made impure, his body is impure, and he makes his fellow impure, and his fellow, his fellow. (12:14)</p> <p>The outer part of a pitcher of <i>hatta't</i> water that is rendered impure: the inside becomes impure, and it renders its fellow impure, and its fellow, its fellow. It also renders impure the one who sprinkles. (12:14)</p> <p>They do not count degrees/removes of impurity with reference to the <i>hatta't</i>. All are of the first degree of impurity. (12:15)</p>	
--	---	--	--

Table R – Hyssop for Sprinkling
Numbers 19 directs the use of hyssop for sprinkling

	Mishnah	Tosefta	Talmud/Aggadah
Qualities of Hyssop Used in Rite; Requirements for the bundle	<p>Kind of hyssop used: Any hyssop that has an accompanying name is invalid: Greek hyssop, Roman hyssop or wild hyssop.</p> <p>Hyssop that is part of <i>terumah</i>: if it is impure, it is unfit. If pure, it should not be used for sprinkling, but if used, it is fit.</p> <p>One may not sprinkle with young shoots or with <i>temarot</i> at the tip of the hyssop. But if someone sprinkled with the young shoots, he is not culpable. Eliezer (L 80-110): nor is he culpable if he sprinkled with the <i>temarot</i>. (Parah 11:7)</p> <p>Hyssop: three shoots containing three stalks. Judah (U 135-170): each (shoot) containing three (stalks). (11:9)</p> <p>A hyssop that has three stalks: should be severed and bound together.</p> <p>If he severed but did not bind, or bound but did not sever, or neither severed nor bound, it is fit after the fact.</p> <p>Jose (U 135-170): The mitzvah is three shoots with three stalks, but the mitzvah can be carried out with two or with the remainder. (Parah 11:9)</p> <p>A hyssop that is too short (to reach the water in the flask) may be lengthened with a thread or a reed.</p>	<p>The following hyssop is unfit: if taken from an <i>ashera</i>, an idol, or an apostate city. (11:6)</p> <p>Meir (U 135-170): Young shoots are calyxes that have not ripened, <i>temarot</i> to what has not sprouted.</p> <p>Sages: <i>Temarot</i> refers to calyxes that have not ripened; young shoots have not sprouted at all. (11:7)</p> <p>“They did not disagree about the law, but the language.” (11:8)</p> <p>Hyssop is suitable for sprinkling when it has begun to sprout. (May be implied in the Mishnah, if “stalks” is equated with “sprouting.”)</p> <p>If one sprinkled with it before it began to sprout:</p> <ul style="list-style-type: none"> A. Judah haNasi (BS 170-200): it is fit B. Jose (U 135-170): Agrees that if it has two stalks and its remnants one, it is unfit. (12:1) <p>The following are suitable (for extending a hyssop that is too short? Unclear):</p> <ul style="list-style-type: none"> - Remnants of hyssop 	<p>Re: different names for the hyssop, in context of discussion about different names for bitter herbs on Passover:</p> <p>Abaye (B 320-350): Whatever had different names before the Giving of the Law excludes the specific item only if a general item is named. (Sukkah 13a)</p> <p><i>Beraita</i> attributed to Jose re: what constitutes a “bundle” vs. what is necessary for the mitzvah of sprinkling. “A hyssop bundle whose formation was with two, or whose remainder is one, is invalid. It is not valid unless its formation was with three and its remainders are at least two.”</p> <p>Gemara concludes: Rabbis require three for the mitzvah, but a “bundle” can be defined as two. (Ibid.)</p> <p>Based on the Mishnah allowing for extending the hyssop that is too short, Rava (B 320-350)</p>

	Judah & Simeon (U 135-170): the dipping must be done with hyssop alone, just as in the case of sprinkling. (Parah 12:1)	<ul style="list-style-type: none"> - Remnants of <i>tzitzit</i> (12:2) <p>If one dipped the wood of a hyssop with the calyx: - even though he sprinkles and the water drips from the calyx, it is fit; - he sprinkles in the normal way and does not worry lest (the water) go forth from the wood. (12:3)</p>	rules that taking by means of something else is also regarded as taking. (Case under discussion: holding the hoshanna with a scarf.) (Sukkah 37a/b)
Miranda	<i>Terumah</i> Hyssop with accompanying names The number three Intention for use of hyssop: food or firewood	<i>Ashera</i> , idol, apostate city	
Purity	<p>If gathered for firewood and liquid fell on it, it may be dried and it is fit. If hyssop is gathered for food, and liquid fell on it, it is unfit.</p> <ul style="list-style-type: none"> - Meir (U 135-170): if he picked it for <i>hatta</i> 't, it is the same as if he picked it for food (liquid would render it unfit) - Judah, Jose and Simeon (U 135-170): it would be as if he picked it for firewood. (it would be fit) (Parah 11:8) <p>An impure hyssop:</p> <ul style="list-style-type: none"> - if the size of an egg, it renders the water unfit and the sprinkling is invalid; - if less than the size of an egg, the water remains fit, but the sprinkling is invalid. <p>It renders the adjacent hyssop impure, and the adjacent one – and so on, even if they be one hundred. (Parah 12:6)</p>		

Table S – “Rules of Sprinkling”
Numbers 19: 18-19, 21

	Bible	Mishnah	Tosefta	Talmud/Aggadah
Personnel	A pure person (sprinkles on the impure person[s]).	<p>All are fit to sprinkle except a <i>tumtum</i>, an <i>androgynos</i>, a woman, and a child that has no understanding.</p> <p>A woman may assist when he sprinkles by holding the water; if she held his hand, the sprinkling is invalid. (Parah 12:10)</p> <p>One who takes payment for mixing or sprinkling: his water is like water of the cave, and his ashes like ashes of the hearth. (Bekorot 4:6)</p>	<p>All are fit to sprinkle except a deaf-mute, an idiot, and a minor.</p> <p>Judah (U 135-170): a minor is fit.</p> <p>Ishmael b. Johanan b. Berokah (U 135-170): if others oversee the sprinkling of the above, their sprinkling is fit. (12:8)</p>	<p>Rabbis: A man, but not a woman; “pure,” even a minor.</p> <p>Judah: a man but not a minor; “pure,” even a woman. (Yoma 43a)</p> <p>Elazar: If an uncircumcised person performs sprinkling, it is valid. It is like the case of the <i>tevil yom</i>, who may not eat <i>terumah</i>, but may prepare the red heifer. Gemara doesn’t let the statement stand. (Yevamot 72b)</p>
Process	<p>Takes the hyssop and dips into the water/ash mixture; Sprinkles on tent, persons, one who had contact with bone/slain body/corps or grave.</p> <p>Sprinkling happens on the</p>	<p>Sprinkling must take place during the day. If it took place during the rise of dawn, it is valid. (Parah 12:11)</p> <p>Dipping and sprinkling = one act. If he dipped during the day or sprinkled at night, or vice versa, it is invalid. (Parah 12:11)</p> <p>The impure person himself may immerse at night and be sprinkled during the day. (Parah 12:11)</p> <p>The hyssop is dipped and brought up.</p> <p>One must hold the hyssop (itself) when he sprinkles.</p>	<p>If one dipped the hyssop at night, (the sprinkling) is unfit, but the water is not unfit.</p> <p>If one sprinkled the hyssop at night, his carrying is unfit, and the water is impure. (Carrying water renders him impure, and he renders the water impure.) (12:19)</p> <p>If the hyssop was dipped and there is a rivulet of rainwater on it, and he sprinkled, it is unfit. If dripping moisture on it, it is fit.</p>	<p>Some say there is no minimum amount necessary for sprinkling. This means that there is no minimum amount that needs to fall on the body of the person being sprinkled; there is a minimum amount that needs to be in the vessel; quotes</p>

	<p>3rd and the 7th day; Impurity is removed on the 7th day.</p> <p>The impure person must launder his clothing and bathe in water; At the evening, he is restored to purity.</p>	<p>(Parah 12:1)</p> <p>The following cases render the sprinkling invalid:</p> <ul style="list-style-type: none"> • if there is doubt about whether the sprinkling is from the thread, reed or stalk; • if, in sprinkling on two vessels, there is doubt about whether he sprinkled on both, or water dripped from one to the other; Same in the case of a needle fixed in earthenware. (Parah 12:2) <p>If he intended to sprinkle in front of him but instead sprinkled behind, or vice versa, it is invalid. If he intended to sprinkle in front, and hit the sides instead, it is valid. (Parah 12:2)</p> <p>If the flask has a narrow mouth, he may dip and raise in the usual manner. Judah (U 135-170): Only on the first sprinkling. (Parah 12:2)</p> <p>If the <i>hatta</i>'t water decreased, he may dip the tips of the stalks and then sprinkle, provided he does not wipe away (the water from the bottom or sides of the flask with the hyssop). (Parah 12:2)</p> <p>A person may be sprinkled upon with or without his knowledge. (Parah 12:2)</p> <p>Several people or vessels may be sprinkled at once, even if there are a hundred. (Parah 12:2)</p> <p>If he intended to sprinkle on something susceptible to impurity, but instead sprinkled on something</p>	<p>Judah (U 135-170): If there are "liquid pearls" on it, it is unfit. (12:2)</p> <p>A hyssop that is only partially dipped: Judah (U 135-170): it is fit. He dips part of it, then adds to it until he dips the entire thing. If one dips the entire hyssop, he should not sprinkle a second sprinkling from it, except after he dries it off. (12:4)</p> <p>He who says to his fellow, "sprinkle on me and I will sprinkle on you:" Akiba (BB 110-135): it is impure Sages: it is impure (12:7)</p> <p>Sprinkling on utensils: see 12:10, 16, 17, 18.</p>	<p>Parah 12:5. (Yoma 14a; Sotah 9a)</p> <p>Sprinkling should not be done until the sun has risen. (Meg. 20a)</p> <p>Gentiles are not subject to <i>tumah</i>, and therefore do not need to be sprinkled. (Nazir 61b)</p> <p>Beraita: If he is sprinkling and it falls on a person's mouth: Judah haNasi: (BS 170-200) he is sprinkled; Sages: he is not. (Kiddushin 25a)</p> <p>Why is it necessary for Numbers 19 to state that one must sprinkle on the 3rd and the 7th day twice? Hanina b. Gamaliel: so that one doesn't think that one day is sufficient and</p>
--	---	---	---	---

		<p>insusceptible, or if he intended a person and sprinkled on an animal, if there is water left on the hyssop, he does not repeat the dipping. In the opposite case, even if there is water left in the hyssop, he repeats the dipping. (Parah 12:3)</p> <p>Water that drips from the hyssop is fit; it carries the same status as <i>hatta't</i> water (that has not been sprinkled). (Parah 12:3)</p> <p>If one was sprinkled from a "public window," and entered the Sanctuary, and later found that the sprinkling was invalid, the person is not culpable. If from a "private window," he is culpable. (Parah 12:4)</p> <p>Connections for sprinkling/impurity: See Parah 12: 8-10 (various items discussed)</p>	<p>Judah (U 135-170): A flask with a narrow mouth: they sprinkle from it a second time, but not a first, because the water is wrung out. (12:5)</p> <p>Simeon b. Gamaliel (U 135-170) in the name of Shimon b. Kahana : In the time of the priests, they did not refrain from sprinkling with hyssop immersed in a flask with a narrow mouth. (12:6)</p>	diminish the period necessary for purification.
Miranda	<p>Hyssop Water (for sprinkling)</p> <p>Sprinkling Numbers 3 and 7</p> <p>Launder clothing</p> <p>Evening</p>	<p><i>Tumtum, Androgynos, Woman, child</i></p> <p><i>Hatta't</i> water "whose mitzvah has been performed."</p> <p>Connections for impurity/sprinkling</p> <p>Intention in sprinkling</p> <p>Flask with a narrow mouth</p> <p>Daytime</p>	Deaf-mute, idiot, minor	
Purity	<p>The person who sprinkles is pure when he takes the hyssop, dips and sprinkles.</p> <p>Anyone who had contact/touches</p>	<p>They used to slip on the ground before the public window, but did not refrain from walking there, since "<i>hatta't</i> water whose mitzvah has been performed does not convey impurity." (Parah 12:4)</p> <p>Someone who is pure may hold an impure axe in the flap of his garment and sprinkle in it; he remains pure. (Parah 12:5)</p>	<p>Thus did Simeon b. Gamaliel (40-80 or 135-170) say to the one who sprinkles: "step back lest you be made impure." Same statement about the "<i>hatta't</i> water that has carried out its purpose." (12:12)</p> <p>Re: case of <i>terumah</i> falling into</p>	<p>Akiba (BB 110-135), transmitted by Hisda: a pure person who is sprinkled upon becomes impure. Beraita: the pure shall sprinkle upon the impure. Akiba: it is</p>

	<p>the water remains impure until evening; The person who sprinkled must launder his clothing.</p>	<p><i>Hatta't</i> water sufficient for sprinkling conveys impurity by carrying. (Kel. 12:5) "Enough for sprinkling" = enough to dip the tops of the shoots in and sprinkle. Judah (U 135-170): Regard (the water) as if it were on a hyssop of brass. (A lesser amount conveys impurity.) (Parah 12:5)</p> <p>An impure hyssop:</p> <ul style="list-style-type: none"> - if the size of an egg, it renders the water unfit and the sprinkling is invalid; - if less than an egg, the water remains fit, but the sprinkling is invalid. <p>It renders the adjacent hyssop impure, and the adjacent one – and so on, even if they be one hundred. (Parah 12:6)</p>	<p>water: "If so, purity does not apply to <i>hatta't</i>. For I say:</p> <ul style="list-style-type: none"> • the one who sprinkles is rendered impure, and he renders the water impure; • the hyssop is rendered impure by the water, and it renders the water impure." (11:3) <p>Simeon b. Gamaliel (U 135-170) in the name of Shimon b. Kahana (?): In the time of the priests, they cracked nuts of <i>terumah</i> with dirty hands; they "did not scruple on account of impurity." (12:6)</p> <p>One who watches over <i>hatta't</i> water, even for ten days, is confirmed in his assumed status, and does not require immersion. (12:7)</p> <p>Sprinkling the hyssop at night: renders impurity. (12:19)</p> <p>They do not count degrees/removes of impurity with respect to sprinkling the <i>hatta't</i> water. (12:15)</p>	<p>only when one sprinkles on the impure that he is considered pure. Sages (as reconstructed by the Gemara): if the <i>hatta't</i> water renders the impure pure, all the more so would the pure remain pure.... In order for the one who carries the sprinkling waters to become impure, we require that he carry the amount needed for sprinkling. (Yoma 14b)</p>
--	--	--	---	---

PART III: Analysis of the Rite

Introduction and Terminology

As addressed in previous chapters of this thesis,¹ the Rite of the Red Heifer likely originated as a folk ritual. The priestly writers of the Book of Numbers later incorporated the rite into the Jewish cultic practice. Because the Rite of the Red Heifer existed in a previous context – within a world-view not wholly consistent with that of the priestly writers – the appropriation of the symbol into the priestly system could not be entirely seamless. In other words, although priestly writers declared the Red Heifer to be a *hatta't*, the Red Heifer did not fit neatly into that category.

The material at the very beginning of Mishnah Parah and Tosefta Parah may reflect an attempt by the Tannaim to understand why the Red Heifer is called a *hatta't*. In this material, the Tannaim engage in a discussion about how the Red Heifer fits into the sacrificial system.² Apparently, the Tannaim noted that while the Biblical text assigns the label "*hatta't*" to the Red Heifer, the passage does not include a rationale for such a designation. Indeed, two tannaitic passages argue against the view of the Red Heifer as a sacrifice. The Mishnah³ does not hold a person liable if he burned the cow outside of its designated place, and the Tosefta⁴ states that if the burning cow's horns or hooves burst, one does not have to restore it, for it is not a sacrifice. This confusion

¹ See Part I: "The Rite of the Red Heifer: Its Origins in Folklore and Transformation in Numbers 19."

² Mishnah Parah 1: 1-4 contains a discussion about the age of the Red Heifer as compared to the age of other sacrificial animals, and the first chapter of Tosefta Parah includes a similar discussion as well as an attempt to understand how the *hatta't* fits into the sacrificial system at large.

³ Zevachim 14:1

about new terminology (*hatta't*) used to describe old symbols (the Red Heifer) arises when leaders try to fit old symbols into a new world-view.

At this point, it is instructive to introduce two terms as presented by Professor Martin A. Cohen.⁵ The first is the term *miranda*. *Miranda* are symbols that can be perceived by sight, sound, smell, taste or feel. They evoke emotional and psychological responses among the people of a given group. Their emotional resonance often enables them to endure for many generations. While *miranda* themselves may not change throughout the ages, the meaning assigned to them – expressed by the term *credenda* – may change. The *mirandum* of the Christmas tree provides a good example of this dynamic. Bringing an evergreen tree into one's home during the darkest season of the year is a custom that long preceded the creation of Christianity. It originally carried a different meaning (*credendum*) than the one given to it by later leaders of the Church. And today, for many Americans, the tree holds a still different *credendum* – the evergreen tree is an entirely secular symbol of a civil holiday.

Similarly, the Red Heifer existed as a *mirandum* long before it made an appearance in the Torah. The people who conducted a rite of purification around the use of such an animal likely associated a different *credendum* with it than did the later priestly writers.⁶ The priestly writers assigned to it the *credendum* consistent with the

⁴ Parah 3:12

⁵ Professor Cohen notes that this construct is borrowed from Charles E. Merriam.

⁶ This is elaborated in the chapter on folklore.

sacrificial system of their time. Thus, they called the Red Heifer a "*hatta't*," thereby assigning a new *credendum* to it.

It is the leadership⁷ of a particular group that assigns different *credenda* to the *miranda* they inherit. *Miranda* such as the Christmas tree and the Red Heifer operate in the realm of popular emotional appeal. Often the population that embraces a particular *mirandum* does not concern itself with how that *mirandum* fits into the ideological schema of the group. For example, those who brought trees into their dank houses during the darkest time of the year likely did not concern themselves with how that act fit into the ideological framework of Christianity. Nor did the people who utilized Red Heifer ashes to purify themselves from contact with death wonder how their rite fit into the developing priestly sacrificial system. Such an accommodation is the responsibility of the leadership, who must provide new meaning for the powerful *miranda* that they inherit. This new meaning must be consistent with the ideological system the leadership represents. This is precisely what the priestly writers did with the *mirandum* of the Red Heifer during their time.

The priestly leadership had to find a place for the *mirandum* of the Red Heifer in the ideological system of the sacrificial cult. Even if it did not precisely fit into that system, it carried too much emotional resonance to discard. Once the leadership accommodated the rite, it endured as an important *mirandum* in the Jewish cultic

⁷ Martin A. Cohen calls this the High Cultural Tradition. See Professor Cohen's work *Two Sister Faiths*, p. 6-7, for a more complete description of the dynamic between the "leadership" and the "led."

practice to the time of the Tannaim. It even outlasted the institution of the Temple itself, underscoring the fact that the origins of the rite long preceded the sacrificial cult of the Jews.

It is striking that the vast majority of tradents cited in Mishnah Parah and Tosefta Parah concerning the Rite of the Red Heifer are associated with the academy at Usha, and were active in the years immediately following the Bar Kokhba revolt. Why such activity pertaining to the Rite during that time? Certainly, the sages at Usha could not have been concerned about functional value of the Rite, since the end of the Bar Kokhba revolt dashed any remaining hopes of rebuilding the Temple in Jerusalem. The Romans were fully in control of Judea. The Rite of the Red Heifer had become functionally obsolete, according to the *credendum* assigned to it by the priestly writers of the Torah. Yet the Red Heifer continued to garner great attention from the Tannaim. Clearly, the Red Heifer as a symbol continued to have resonance among the Jews, and that is why the Tannaim had to address the Red Heifer in their literature. We will explore this issue further in the second part of this analysis.

Our analysis focuses on the Rite of the Red Heifer as a *mirandum* in the literature of the Tannaim, particularly in Mishnah Parah and Tosefta Parah. First, we will see how the tannaitic material reflects the popular appeal of the Red Heifer as a *mirandum* that transcended the ideological place assigned to it by the priestly writers. The tannaitic literature both reflects the popular appeal of the rite, and, more important, it allows a place for lay participation in the rite. Second, we will see how the rite

becomes a locus of struggle among the leadership of the evolving Jewish ideologies in the turbulent first and second centuries of the Common Era.

The Rite as a Folk Ritual

Were the ashes of the Red Heifer important only to those concerned with the daily functioning of the Temple? The answer cannot be yes, since the Mishnah explicitly designates ashes for the use of the laypeople. The Mishnah⁸ states that one third of all the ashes were placed in the Rampart, and the Tosefta⁹ explains that this portion was to serve "as a testimony for the children of Israel." An additional third was "divided among all the divisions," according to the Mishnah;¹⁰ this portion was "what the Israelites used to sprinkle."¹¹ According to this formula, then, fully two-thirds of the ashes were set aside for the use of the non-priests.

Non-priests clearly had a right to own¹² Red Heifer ashes. The Mishnah¹³ records that "one may betroth a woman with *hatta't* ashes and water – even an Israelite." Not only may a priest betroth a woman with *hatta't* water or ashes, but also an ordinary Israelite may do the same.¹⁴ It would seem, then, that in mishnaic times, laypeople could own *hatta't* water and ashes and even use them to effect a business

⁸ Mishnah Parah 3:11

⁹ Tosefta Parah 3:14

¹⁰ Mishnah Parah 3:11

¹¹ Tosefta Parah 3:14

¹² See also Mishnah Parah 12:4, and the reference to being sprinkled "from a private window."

¹³ Kiddushin 2:10

transaction. The later commentators of the Gemara interpret the "water of *hatta't*" and the "ashes of *hatta't*" to mean the wages received for drawing the water or for bringing the ashes from one place to another.¹⁵ But they interpret the Mishnah in this manner not because such items could not be the property of an ordinary person, but because the Amoraim attempted to reconcile the idea of the *hatta't* water and ashes having value (thereby enabling a man to effect a betrothal) with the prohibition against receiving payment for mixing or sprinkling the water of purification.¹⁶ If one cannot make a profit with the *hatta't* ashes and water, how could they have value? That question seems to be the sole concern of the Gemara on this issue.

If non-priests could own *hatta't* ashes, the ashes clearly had uses beyond purification for the activities of the Temple. Indeed, according to Simeon's¹⁷ statement recorded in the Tosefta,¹⁸ the ashes went into exile with the Babylonians and returned with them. If the ashes were solely used to purify people for the Temple's sacrificial cult, there would be no reason to carry the ashes into exile. Simeon's statement reflects the fact that the rite predated the sacrificial cult of the Israelite priesthood. The purifying water made potent by the ashes of the Red Heifer was a folk practice that allowed people to return to "normal" after contact with death. The rite met a primal need: to remove a taboo and allow a person to freely move among his social group.

¹⁴ See Pinhas Kehati's commentary on this Mishnah.

¹⁵ Kiddushin 58b

¹⁶ Bekorot 4:6: "One who takes payment for mixing or sprinkling: his water is like water of the cave, and his ashes like ashes of the hearth." With no profit motive behind the rite, social control seems to be the primary motivation for those seeking to engage in it.

¹⁷ U 135-170

Even after the priesthood incorporated the rite into their schema, the need met by the rite for the common folk likely did not change. Functionally, the ashes of the Red Heifer served the same primal purpose – to meet a need present wherever the people lived, and wherever they died – whether in the Land of Israel, or in Babylon.

The Babylonian Talmud¹⁹ records an interesting detail about another possible use for the ashes. In the context of a discussion about whether the ashes of the Red Heifer are subject to the law of sacrilege,²⁰ we read:

And concerning the Red Cow (they ordained) that the law of sacrilege does not apply to its ashes. Is this the law of the Torah? For it was taught: It is a *hatta't*. This teaches that it is subject to the law of sacrilege; and “it” implies that only it (the cow) is subject to the law of sacrilege but its ashes are not subject to the law of sacrilege! Said R. Ashi²¹: There were two ordinances. By the law of the Torah only it (the cow) is subject to the law of sacrilege but not its ashes; but **when they saw that people treated (the ashes) lightly and applied them to wounds**, they ordained they should be subject to the law of sacrilege. When they saw, however, that people in doubtful cases of impurity would avoid the sprinkling,²² they reverted to the law of the Torah.

In this passage, R. Ashi provides an explanation to resolve an apparent contradiction about the laws of sacrilege as they apply to the Red Heifer ashes. At first, when the laws of sacrilege did not apply to the ashes, people “treated them lightly” and applied

¹⁸ Tosefta Parah 3:5

¹⁹ Menahot 51b-52a

²⁰ The “law of sacrilege” pertains to the unlawful use of property that is consecrated – set-aside for Temple use.

²¹ Babylonian, 375-475

²² People who were unsure about whether they were in fact impure would avoid being sprinkled with the water/ash mixture, lest they would be accused of wrongful use of consecrated property.

them to their wounds. Yet even ordinary ashes have the right properties to help to staunch bleeding and protect an open wound. Why use the ashes of the Red Heifer? Apparently people attributed special healing powers to these ashes. Certainly if the ashes could remove the taint of death, it makes sense that they should also help revitalize wounded flesh.

That the Red Heifer carried enormous popular hold might also be evidenced by the strict rules regarding its treatment prior to its slaughter. Numbers 19 specifies that “no yoke” can have been placed on the Red Heifer. The Tannaim expand the definition of “yoke” to include “any burden whatsoever.”²³ The Mishnah²⁴ offers examples of many actions that would render the Red Heifer unfit – including folding a rein or laying a cloak on it. It seems unlikely that the Tannaim would establish requirements for the treatment of the Red Heifer that would be impossible to meet. Whether or not people actually held to the letter of the rules recorded in the Mishnah is another subject. Nevertheless, the creators of the Mishnah would gain nothing by promulgating rules that would be viewed as ridiculous. The great expansion of the definition of “yoke” suggests that all people – not just the leadership – knew how to recognize the Red Heifer, and knew that it must be treated with extraordinary care in order to preserve its powers.

²³ According to a *beraita* recorded in the Babylonian Talmud on Sotah 46a. It should be noted that this definition is not universally accepted. Perhaps some Amoraim hesitated to define “yoke” in such a way as to make it possible to invalidate the Red Heifer by a single careless act. This needs further exploration.

²⁴ Mishnah Parah 2:3

What about the role for non-priests in the rite itself? Numbers 19 allows laypeople to mix the ashes and water, and to sprinkle the mixture on those who required purification. Only the production of the ashes was to be done by the priesthood. As we saw in the previous chapter, the Tannaim largely held to this broad definition of those qualified to mix and sprinkle. (Refer to Tables O and S.) For example, Mishnah Parah 5:4 allows all to mix except minors, deaf-mutes and the mentally deranged.²⁵ (The Mishnah²⁶ disqualifies women from sprinkling, but a woman may hold the water.)

While the Tannaitic material allows many people to mix and sprinkle, however, it does not provide an important piece of information. Given the tendency of the rabbinic writers to address the lacunae in the Biblical text, one might expect to find a formula for the proper ratio of ashes to water. There is none – only the statement that the ashes must be “visible” on the water.²⁷ In other material, we find references to “excess ash” that had been placed on the water,²⁸ suggesting that mere visibility was not the only criterion for a proper ratio of ash to water. Perhaps the Tannaim did not need to provide further instructions about the proper ratio of ash to water because people already recognized the proper “formula.” If it had been practiced as a folk-rite for centuries, there would be no need to supply a recipe for the proper mixing of water and ashes.

²⁵ Judah disqualifies women and hermaphrodites, and holds that minors are fit to mix.

²⁶ Mishnah Parah 12:10

²⁷ Found in a *beraita* on Sotah 16b

²⁸ See Mishnah Parah 6:2 and Tosefta Parah 6:2-3

One cannot take money for mixing or sprinkling, thereby removing the profit motive for its performance and defining the act as a public good.²⁹ There was even a “public window” for the sprinkling, as well as “private windows” from which one could receive purification:

If someone sprinkled from a public window and he entered the Sanctuary, but it was found that the water was unfit – he is exempt.
If from a private window and he entered the Sanctuary, and it was found that the water was unfit – he is culpable.
(Mishnah Parah 12:4)

The reference to being sprinkled from a “private window” suggests that private individuals could own the waters of purification (though utilizing this water carried a certain risk, as the Mishnah reflects). The mixture was clearly not intended to be in the hands of an elite few. As for the popular usage of the water from the “public window,” it was apparently well utilized: the Mishnah³⁰ states that “they used to slip before the public window” because of the amount of *hatta't* water sprinkled there. Nevertheless, people did not refrain from walking by this window. This mishnah explains that they did not refrain since the *hatta't* water had performed its service, and therefore had no further power to spread impurity. Another reason could simply be that the use of the water was an ordinary part of the life of the people – as it had been for generations. Because it was a normal act, people did not feel that they needed to avoid walking where the water had fallen.

²⁹ Bekorot 4:6

³⁰ Mishnah Parah 12:4

While Numbers 19 leaves the door open for a role in the Rite for laypeople³¹, it assigns the responsibility for producing the main ingredient of the waters of purification – the ashes of the Red Heifer – to the priesthood.³² This comes as no surprise, given the priestly authorship of this passage. It is likely that the appropriation of the rite by the priestly authorities seemed a natural evolution. The preparation of the ashes had likely always been in the hands of the ritual experts of the community. Certainly, the magical elements of the rite correspond to the magical elements of the sacrificial cult – another area with undisputed priestly authority. The “magic” of the Red Heifer fit with the “magic” of the sacrificial system. Yet after main institution of the priesthood – the Temple – is no longer extant, what leadership group will assume the authority for the Rite? That question forms the basis for our next area of exploration.

The Rite as a Locus of Struggle Among the Leadership: The Role of Purity

One need only glance at the Tables in the previous chapter to see that the interests of the Tannaitic writers are not entirely the same as the interests of the Torah’s priestly authors. Jacob Neusner observes:

Just as it is striking to observe how little of the Oral Torah derives from or is generated by the Written Torah, so it is remarkable to

³¹ Laypeople may gather the ashes, mix the water and ashes, and sprinkle the mixture.

³² It should be noted, however, that the issue of whether a layperson could slaughter the Red Heifer prompted a lengthy discussion in the Babylonian Talmud, beginning on Yoma 42a. That the issue remained open (or was able to be opened again) hints at the folkloric roots of this rite.

realize that the Oral Torah, for its part, is rather indifferent to what is important to the Written Torah.³³

Neusner notes that the Written Torah concerns itself with the sprinkling of the blood after the slaughter, the burning of the heifer, and the cleansing of those who participated in preparing the ashes. In contrast, the Mishnah and Tosefta give only cursory attention to these actions, offering no additional rules about the impurity of those who participated in the slaughter and the burning. Neusner writes:

(The Mishnah) rushes past the *uncleanness* of all who have been involved in the rite, in its haste to reach the real interest of the tractate, the *cleanness* required of all who are going to be involved in the rite, not to mention the mindfulness to be paid to the process of drawing the water, the fierce concern not to perform an extraneous act of labor throughout the rite, and the like.³⁴

The previous chapter of this thesis ("Description of the Rite" with the accompanying tables) supports Neusner's observations.

One of the major differences between the emphases of the Biblical account and those of the Tannaitic writers is in the area of purity. Neusner calls this "the single most striking divergence between the two Torahs."³⁵ Given this major difference, it is useful to understand what the terms "pure" and "impure" really denote. The subject is a

³³ Neusner, Jacob. A History of the Mishnaic Law of Purities, Vol. IV, Part IX. Leiden: E.J. Brill, 1976, p. 19.

³⁴ Ibid.

³⁵ Ibid., p. 20. It should be noted that Hyam Maccoby disagrees with Neusner, arguing "there was no fundamental discontinuity between biblical and rabbinic understandings of impurity." (From Michael L. Satlow's review of Maccoby's book Ritual and Morality: The Ritual Purity System and its Place in Judaism, from the *Review of Biblical Literature*, 2000.)

huge one and cannot be fully explored in this thesis. However, it is important to examine the concept of "purity" as used in a socio-political study of rabbinic texts.

The Tosefta³⁶ records a reference made by Simeon³⁷ to the ashes going into exile with the Babylonians:

They said to him, "Was it (the ashes) not made impure in the land of the gentiles? He said to them, "They decreed impurity on the land of the gentiles only after they came up from the Exile."

As the above passage shows, purity and impurity are human constructs. An object or a person is not intrinsically "pure" or impure;" rather, human beings declare them to be as such. Further, the concepts of "pure" and "impure" serve a socio-political purpose. Whether one is "pure" or "impure" determines whether one can freely function as a member of a given group. What a group believes about purity and impurity allows that group to distinguish its members from members of other groups. Mishnah Hagigah 2:7 illustrates this idea perfectly. The Mishnah presents a hierarchy of purity as follows:

The clothes of an *am ha'aretz* are *midras* to the *Perushim*. The clothes of the *Perushim* are *midras* to those who eat *terumah*. The clothes of those who eat *terumah* are *midras* to the *kodesh*. The clothes of the *kodesh* are *midras* to the *hatta't*. Joseph b. Yoezer was righteous among the priestly community, and his kerchief was *midras* for the *kodesh*. Johanan b. Gudgada would eat according to the sanctity of *kodesh* all his days, and his kerchief was *midras* for the *hatta't*.

³⁶ Tosefta Parah 3:5

³⁷ U 135-170

In this hierarchy of purity, the *am ha'aretz*³⁸ is at the bottom of the scale, with those involved with the *hatta't* bearing the highest level of purity. Yet this rule does not hold throughout the Mishnah. Mishnah Parah 5:1 records Judah's³⁹ statement that "all are considered trustworthy regarding the *hatta't*." Further, in the Tosefta we read:

If an *am ha'aretz* said "I am pure concerning *hatta't* water," they accept the statement from him. If an *am ha'aretz* said "these utensils are clean for *hatta't* water," they accept the statement from him. (Tosefta Parah 4:12)

The notion that there is a hierarchy of purity, and the declaration that one group or another can be "considered trustworthy" in a matter of purity, points to the fact that the concept of "purity" carries important socio-political implications. Purity laws are a means by which one group exerts control over a particular public action, for if one is declared "impure," one cannot participate in the specific group activity. As Martin A. Cohen notes, in every society, "purity" denotes "political correctness."⁴⁰ In this section, we will explore how the Tannaim used the concept of purity to exert their authority over the Rite of the Red Heifer.

First it is important to ask the question why the Tannaim paid attention to the rite in the first place. We partially answered this question by noting that the Red Heifer is a *mirandum* that had resonance with the people. It was once a folk-rite, long before it became associated with the Temple – and after the destruction of the Temple, it continued to have resonance. There is another possibility based on the social reality of

³⁸ The meaning of this term is not precise; it is a subject for further exploration.

³⁹ U 135-170

the time: not only did the rite continue to have resonance among the people, but those who used the rite as part of the activities of the Temple were also still part of the community, even though their central institution had been destroyed. This is a possibility that is not always recognized. Shmuel Safrai writes:

Of the men who established and shaped the institutions of national (sic) and community leadership in Jabneh, none belonged to those circles that had formed the social elite in the days of the Temple. Those elements had completely vanished from public life.⁴¹

The tannaitic discussions about the Rite of the Red Heifer suggest that while these elements may have disappeared from positions of leadership, they were still a force to be acknowledged. While the institution that supported the leaders of the Temple may have vanished, the people themselves – and their constituents – remained. In all probability, the rite itself also remained in some form and in some places after the destruction of the Temple. In fact, John Bowman noted that the Samaritans actually prepared the ashes of the Red Heifer at least until the 14th century, and kept them in the (Samaritan) synagogue for use with the water of purification.⁴² The Samaritans did so in part because they retained a priestly class as part of their organized worship. In his study of Mishnah Terumot, Peck notes that even after the destruction of the Temple,

⁴⁰ Cohen offers the time of the Inquisition with its concern for “blood purity” as an example of this principle.

⁴¹ *A History of the Jewish People*, p. 327.

⁴² Bowman, John. “Did the Qumran Sect Burn the Red Heifer?” *Revue de Qumran*, Vol. 1, Num. 1, July 1958, p. 78.

"the people who stand behind Tractate Terumot affirm that the priests retain their special privileges."⁴³

Although the priests and their constituencies outlasted the Temple, they lacked their central institution, and were thus in a weaker position vis-à-vis the Tannaim. As Peck points out, despite its title, Tractate Terumot does not emphasize the role of the priests. Rather, it highlights the layperson's responsibility in handling the priestly gift. It is the layperson that designates the *terumah* as *kadosh*, not the priest. As Peck writes,

The intentions and perceptions of the common Israelite are central in the process of sanctification and in the maintenance of the holy in the profane world.⁴⁴

Similarly, Chandler writes that the Red Heifer garnered more attention in the turbulent years of the 2nd century precisely because the Temple was no longer a viable institution:

Parah's framers are writing in a time when the Temple no longer guarantees the sanctity of Israel. The rite is of interest to them precisely because it does take place "outside the camp" ... They are able to demonstrate that purity is possible, even when the Temple no longer stands...Purity (and thus order and life) may be established and maintained apart from the Temple through the deliberate intentions of the Israelite and his attentive, purposeful action.⁴⁵

⁴³ Peck, Alan J. The Priestly Gift in Mishnah: A Study of Tractate Terumot, p. 6. Peck proposes an ideological agenda on the part of the Mishnah's framers: namely, that they wished to "affirm that God still is owner of the Land and Lord of the people of Israel."

⁴⁴ Ibid., p. 7

⁴⁵ Chandler, Karen K. "The Rite of the Red Heifer in the Epistle of Barnabas VIII and Mishnah Parah," from Approaches to Ancient Judaism, Vol. 5, p. 106.

With the seemingly permanent loss of the Temple, purity and impurity get a new address and an expanded constituency.

The literature of the Tannaim reflects the struggle over the definitions of purity and impurity. Because "purity" is a human construct with social implications, it is natural that not all groups will agree about the specifics of a given purity law. The issue of a *tevul yom* is a perfect example – and it happens to play a central role in the tannaitic treatment of the rite. *Tevul yom* literally means "one who has immersed during the day." There are instances of ritual impurity that require two stages for its removal. First, one must immerse in a ritual bath (*mikveh*). After immersion, the *tevul yom* must wait until nightfall for his purity to become complete. Numbers 19: 7 and 10 illustrate this concept. In both verses, the priest and the one gathering the ashes of the Red Heifer must perform ablutions after the rite, and they "remain unclean until evening." During the time between immersion and nightfall, a certain impurity remains, according to the Torah.

As we saw in the description of the rite in the Mishnah and Tosefta, prior to the slaughter of the Red Heifer, the priest is deliberately rendered impure and then he immerses. This means that the priest who prepares the ashes is technically a *tevul yom* – according to the Torah, he still carries a measure of impurity. This act was a deliberate one, and it had a political purpose, according to both the Mishnah⁴⁶ and the

⁴⁶ Mishnah Parah 3:7

Tosefta. The Tosefta reads "They made the priest who burns the cow impure because of the Sadducees, so they would see that a *tevul yom* prepared the ashes."⁴⁷

The issue of the *tevul yom* was apparently a major locus for the pervasive struggle between Sadducees and their opposition. The Tosefta records the following:

A *ma'aseh*: a certain Sadducee had awaited sunset (for purification) and came to burn the cow. Rabban Johanan b. Zakkai became cognizant of his intention, and he came and placed his two hands on him and said to him, "My lord, High Priest. How fitting are you to be high priest! Now go down and immerse one time." He went down and immersed and emerged. After he came up, he (Johanan) tore his ear (rendering him unfit to serve.) - Tosefta Parah 3:8

The issue is carried to a further extreme. The Tosefta records an exchange between Ishmael b. Phiabi, a High Priest, and his priestly colleagues. We read:

They said to him, "If we preserve them (the ashes prepared by you in perfect purity), we give a bad name to the former generations, for they will say that they (who used ashes of the rite done by a *tevul yom*) are impure. They decreed concerning it and poured (the ashes) out, and he went and did another in the status of one who had immersed on the same day. (Tosefta Parah 3:6)

The Tannaim, then, reconstructed the rite in their literature in such a way that the ashes produced would be unusable by those who followed the Torah's prescription for the removal of impurity. That this reconstruction was a political act is explicitly stated by Mishnah Parah 3:7 and Tosefta Parah 3:7.

⁴⁷ Tosefta Parah 3:7

Nevertheless, the political nature of the act is not evident to later rabbinic authorities. There are several parallels between the ritual preparation of the high priest for Yom Kippur and the preparation of the priest who is to slaughter the Red Heifer (See Table D). In the Jerusalem Talmud, at the beginning of tractate Yoma, the question is asked: "why in the case of the Cow do they touch the priest, while (in the case of) Yom Kippur they do not?" The answers provided have nothing to do with the issue of the *tevil yom*. By the time of the compilation of the Jerusalem Talmud, the socio-political implications of that act had been obscured.

In examining the way the Tannaim imposed rules of purity on the Rite of the Red Heifer, we must ask whom the rules really affected. While purity laws are in force for all the people, they really only affect those who have daily dealings with the sacrificial cult and all associated with it. The constituency of those involved in the sacrificial cult also has a stake in the purity implications of the rite. Further, while they could not function unless they were in a state of "purity," which group got to define what actually constituted such a state? Certainly, as we saw with the issue of the *tevil yom*, different groups had different rules pertaining to purity. A statement attributed to Simeon b. Gamaliel in the Tosefta casts aspersions on the priestly purity standards. In the statement, he notes that in the time of the priests, they cracked nuts of *terumah* with dirty hands; they "did not scruple on account of impurity."⁴⁸ This suggests that the Tannaim developed higher standards of purity than did the priests – despite their

⁴⁸ Tosefta Parah 12:6

prescription that a *tevul yom* must prepare the ashes. Whether or not their purity standards were actually more stringent is a question that deserves further exploration.

Keeping in mind the socio-political implications of purity, it is interesting to note how the Tannaim associated dangerous degrees of impurity with the rite. The Mishnah⁴⁹ describes what happens if the hyssop for sprinkling or the flask that contains the water of purification is rendered impure: the impurity spreads with no diminishing potency. What happens to humans who are “pure for *hatta't*?” The Mishnah states:

If the hands of a person pure for *hatta't* are rendered impure, his body is rendered impure, and he conveys impurity to his fellow, and his fellow to his fellow, even if they be one hundred.⁵⁰ (Parah 12:7)

Tosefta Parah 12:15 offers this general rule: “they do not count degrees/removes of impurity” with respect to this rite. The dangerous degrees of impurity associated with the rite might have deterred its practice by those whose lives would become disrupted should they be rendered impure.

At the same time that the Tannaim rewrote the rules of purity and even allowed a *tevul yom* to prepare the ashes of the Red Heifer, they also innovated stringencies, many of which were highly visible. Yoma 2a links one of these stringencies to the fact that a *tevul yom* oversaw the preparation of the Red Heifer ashes. In this passage, we read that all the functions of the ritual had to be performed with stone vessels because a *tevul yom* did the ceremony, so the stringency was brought in order that people not treat

⁴⁹ Mishnah Parah 12:6 and 8

the ritual lightly. The stone vessels are intended to guard against impurity. Unlike a *tevil yom*, which cannot be visibly identified as such, the use of stone vessels represents a visible stringency in the name of purity. Thus, anyone who witnessed the ritual would be impressed by the care taken to guard against impurity, even though a *tevil yom* conducted the rite.

Another visible stringency was the ramp that connected the Temple Mount to the Mount of Anointing. The Red Heifer and all involved in the preparation of the ashes walked on a ramp specially constructed to guard against impurity.⁵¹ The *mirandum* of the ramp generated its own folklore. Mishnah Shekelim 4:2 states that the High Priest used to build a ramp for the Red Heifer at his own personal expense. Further, Pesikta de Rab Kahana⁵² states that not one of the high priests would lead his Red Heifer out on the runway built for his predecessor. Each one would demolish his predecessor's runway and then build one at his own expense. Why go to such extremes? This midrash answers, "in order to demonstrate their scrupulous concern for the purity of the Red Heifer." Whether this is the actual reason is unknown, but it does seem an extreme measure to take to prevent the intrusion of impurity. This so-called precaution is especially striking because live animals are not susceptible to impurity,⁵³ and the priest who accompanied the Red Heifer would himself be deliberately rendered

⁵⁰ We can compare this Mishnah to Mishnah Yadayim 3:2 and 4:6 and conclude that one who is in a state of purity for *hatta't* should not handle Scripture.

⁵¹ It was constructed with "arches upon arches" to guard against corpse contamination from the ground. See Mishnah Parah 3:6.

⁵² 4:7

⁵³ Which makes it curious that a special rope insusceptible to impurity is used to bind her on the woodpile.

impure prior to the slaughter. It is interesting that Eliezer⁵⁴ disputes the premise that there even was a ramp constructed for this purpose, saying that they used marble with planks of cedar on top of them. In any event, a procession along a specially built runway makes a powerful visual statement that the leadership is giving the ritual the due care it deserves. In comparison, the *tevul yom* seems a minor issue – it is important only to a leadership group that would declare a *tevul yom* to be unfit to prepare the ashes.

The qualifications of the Red Heifer itself is another example of a visible *mirandum*, though the Tannaim did not stray far from the Biblical requirements as they did with the *tevul yom*. The strict requirements about numbers of white or black hairs that would disqualify a heifer are again far more compelling for the common people than the issue of whether one is a *tevul yom*. Also in this category are the three-fold questions: “This cedar wood? This hyssop? This crimson cloth?” and “shall I throw?” during the burning.⁵⁵ Throwing these items into the fire is required by the Biblical text; the Tannaim make the action far more ritualistic. Doing so increases the emotional resonance of the rite for the laypeople observing it. People are much more likely to pay attention to these visible *miranda* than to the various purity rules developed by the Tannaim concerning the rite. The people would be likely to support the group that highlighted the visible *miranda*, paying little attention to issues such as the *tevul yom*.

⁵⁴ L 80-110; found in Mishnah Parah 3:7

⁵⁵ See “Adding the Cedar Wood, Hyssop, and Crimson Cloth,” Table H, in the Description of the Rite.

One passage possibly related to the Tannaim's highlighting of visible *miranda* is a description of the elaborate measures taken to prepare the priest who is to prepare the ashes of the Red Heifer. As you will see, the Mishnah describes extreme actions taken to guard against the intrusion of corpse contamination:

There were courtyards in Jerusalem built on rock, with hollowed space beneath them, because of a grave in the depths. They used to bring pregnant women who would give birth there, and raise their children there. And they brought oxen with doors on their backs and children sitting on them, holding cups of stone in their hands. When they reached the Shiloah, they alighted and filled them...

They came to the Temple Mount and alighted...at the entrance to the court a pitcher of the *hatta't* stood ready. They bring a male from among the sheep, tie a rope between its horns and tie a stick and a bristly branch with the end of the rope. They throw it into the pitcher and strike the sheep, which flinches backwards. He then takes the ashes and performs the sanctification. (Mishnah Parah 3: 2-3)

Mishnah Parah 3:3 concludes with a suggestion that this elaborate description carries socio-political implications. The Mishnah records the following comment attributed to Jose⁵⁶ about using the sheep to remove the ashes: "Do not give the Sadducees an occasion to prevail! He just takes (the ashes) and performs the sanctification."

Could such preparations have actually happened the way the Mishnah describes?
Could children have been raised from birth in special courtyards, specifically for the

⁵⁶ U 135-170

purpose of collecting water to sprinkle the priest?⁵⁷ Jose's comment suggests that this description served a purpose other than a faithful recording of life during the days of the Temple. What this passage actually represents is a subject for further exploration; at the very least, Jose's statement hints at a socio-political reason for its inclusion.

It is possible that this description of such an elaborate process used to prepare the priest for the rite served the purpose of indelibly linking the Red Heifer to the Temple service. It represents the most extreme example of all the other visible *miranda* layered on the rite. All of these *miranda* were connected to the priesthood and the Temple. As the Tannaim incorporated the Rite of the Red Heifer in their literature, it is possible that the rite was incorporated in such a way as to render it functionally obsolete within mainstream Judaism. This question needs further consideration.

All the visible *miranda* that the Tannaim layered on the rite, from the preparation of the priest, to the ritualized tossing of the bundle of hyssop into the fire demonstrated the sanctity accorded this rite – even though it could not be practiced given the destruction of the central institution to which it had become primarily associated. The Tannaim could capitalize on the powerful emotional connection people felt to a rite that long predated the Temple, at the same time the Tannaim could limit its

⁵⁷ Neusner asserts, based on a comparison of Sifre Numbers 124 with Mishnah Hagigah 2:5-7, that there are "two distinct theories on the degree of cleanness imposed on the rite." He concludes that these were not "historical traditions." Neusner writes, "The possibility that the Ushans built their narratives on received traditions based on how things actually were done is therefore remote." See Neusner's Form Analysis and Exegesis The Case of Mishnah Parah Chapter Three," from the Journal of Jewish Studies, Vol. 30, 1982.

use. Their masterful recreation of the rite also allowed them to rewrite the rules of purity, thus directly affecting the activities of their opposition group: those connected with the waning sacrificial cult and their constituency. In this way, the *mirandum* of the Rite is once again imbued with a new *credendum*. The Rite of the Red Heifer finds a new place in the world without a Temple – a place that is limited and controlled by the rules generated under the authority of the Tannaim.

Conclusion

This thesis represents a preliminary study of the Rite of the Red Heifer. The description of the rite as found in the literature of the Tannaim provides material useful for further work on a number of questions, including (but not limited to):

- What are the major issues of dispute among the Tannaim? What living issues did these disputes reflect? Which remained unsettled, and why?
- Did the literature of the Tannaim record the rite as it was actually practiced? If not, why not?
- What was the actual authority of the Tannaim vis-à-vis the diverse community of Jews at the time the Mishnah came into formation?
- Why is there no tractate Parah in either the Babylonian or the Jerusalem Talmud?⁵⁸ Further, why did the redactors of the Jerusalem Talmud not include the text of Mishnah Parah in their Talmud?

⁵⁸ Blau provides one answer in his article "Red Heifer: a Biblical Purification Rite in Rabbinic Literature" (*Numen*, 14: 70-78). He writes that the lack of a sustained

- How was the *mirandum* of the Red Heifer treated in the writings of the early church fathers?
- Did the Red Heifer receive significant attention from the medieval Jewish commentators and philosophers?
- What is the connection of the *parah adumah* to the *eglah arufah*?

What practical value does the study of an obscure rite hold for us today?

Precisely because the Rite of the Red Heifer has attracted little scholarly attention, we are able to approach the Tannaitic material concerning it with few preconceptions of its relevance. We are not emotionally attached to it because we do not practice the rite today. Because we have this emotional distance, we are better able to unmask the rite and see the socio-political dynamics behind its evolution. While the specific focus of our inquiry, the Rite of the Red Heifer, may be functionally irrelevant today, the socio-political dynamics behind its evolution are still very much in force.

This thesis began with a presentation of the midrash about King Solomon puzzling over the mystery of the Red Heifer. Indeed, the rabbis imagined that even "The Holy One, Blessed be He," engaged in study of the text about the Red Heifer.⁵⁹ This suggests that in the time of these rabbis, a ritual that once spoke to the living issues of the community had lost its meaning. A ritual that once held great force and purpose had fallen into obscurity.

discussion by the Amoraim on the issue was due to the fact that "the Red Heifer purification rite was not practiced, and, as a consequence, there were no cases involving its rules that arose for judicial decision." Other possibilities should also be explored.

Are there “red heifers” in our synagogues today? While the world has always changed, the pace of that change has accelerated. Due to our telecommunications prowess, the world seems smaller – but because we know more, the world seems more complex. We know more about other cultures than we ever did before. And, especially in North America, the boundaries of the Jewish community are more permeable than ever.

All these factors challenge us to reevaluate our Jewish religious practice. While we know that Judaism has evolved over time, can we say with confidence that its ritual practices truly address our essential human needs? Do the meanings we ascribe to our ritual *miranda* resonate with the lives of those who come to our synagogues? Similarly, how do we identify those *miranda* from the so-called “non-Jewish” world that would lend power and meaning to our Jewish ritual life? These are questions that faced our ancestors concerning the Rite of the Red Heifer; they are no less vital today. With this study, we begin to better understand the socio-political forces behind evolving religious practice.

⁵⁹ Numbers Rabbah, 19: 7

Bibliography

Primary Sources

Babylonian Talmud

Jerusalem Talmud

Midrash Sifre on Numbers, 123-124.

Mishnah Parah (entire). Ed. Avner Tomaschoff, with commentary by Pinhas Kehati. Jerusalem: Maor Wallach Press, 1996.

Mishnah: selections from tractates Bekorot, Hagigah, Kiddushin, Kelim, Menachot, Mikvaot, and Yedayim.

Numbers Rabbah

Peskikta de Rab Kahana

Tanakh (JPS Hebrew-English). Philadelphia: The Jewish Publication Society, 1999.

Tosefta Parah (entire). Ed. Moshe Shmuel Zuckerman and Shaul Lieberman. 2nd ed. Jerusalem: Bamberger et Wahrmann, 1938.

Secondary Sources

Anderson, Gary A. "Sacrifice and Sacrificial Offerings," Anchor Bible Dictionary, Vol. V. New York: Doubleday, 1992.

Baumgarten, Albert I. "The Paradox of the Red Heifer," Vetus Testamentum XLIII, 4 (1993).

Blau, Joseph Leon. "Red Heifer: A Biblical Purification Rite in Rabbinic Literature." Numen 14: 70-78, Mar 1967.

Bowman, John. "Did the Qumran Sect Burn the Red Heifer?" Revue de Qumran, Vol. 1, July 1958.

Budd, Philip J. Word Biblical Commentary, Vol. 5: Numbers, Texas: Word Books, 1984.

Chandler, Karen K. "The Rite of the Red Heifer in the Epistle of Barnabas VIII and Mishnah Parah," from Approaches to Ancient Judaism, Vol. 5 (Green, William S., ed.). Atlanta: Scholars Press, 1985.

Cohen, Martin A. Two Sister Faiths, Second Annual Rabbi Joseph Klein Lecture, Assumption College, 1979, copyright 1985.

Danby, Herbert. "Introduction" and "Appendix IV: The Rules of Uncleaness." The Mishnah. London: Oxford University Press, 1933,

Dozeman, Thomas. The New Interpreter's Bible, Numbers 19. Nashville: Abingdon Press, 1998.

Dreher, Rod. "Red-Heifer (sic) Days: Religion Takes the Lead," from *National Review*, April 11, 2002.

Elman, Yaakov. Authority and Tradition: Toseftan Baraitot in Talmudic Babylonia. New Jersey: Ktav Publishing House, 1994.

Fox, Harry and Meacham, Tirzah editors: Introducing Tosefta: Textual, Intratextual and Intertextual Studies, Ktav Publishing House, 1999:

- Bassier, Herbert, Queens University: "The Antiquity of Some Mishnaic and Toseftan Decrees and Fences"
- Friedman, Shamma, Jewish Theological Seminary: "The Primacy of Tosefta to Mishnah in Synoptic Parallels"
- Heger, Paul, University of Toronto: "Tosefta and Historical Memory"
- Meacham, Tirzah, University of Toronto: "Tosefta as Template: Yerushalmi Niddah"
- Neusner, Jacob. University of South Florida and Bard College. "Describing the Tosefta: A Systematic Account"
- Zeidman, Reena, Queen's University: "An Introduction to the Genesis and Nature of Tosefta, the Chameleon of Rabbinic Literature"

Frazer, Sir James George: The Golden Bough: A Study in Magic and Religion, New York: The MacMillan Company, 1953.

Frazer, Sir James George: Folklore in the Old Testament: Studies in Comparative Religion, Legend and Law. New York: Avenel Books, 1923.

Hoffman, Lawrence. Covenant of Blood: Circumcision and Gender in Rabbinic Judaism. Chicago: University of Chicago Press, 1996.

Kennedy, A.R.S., "Red Heifer," Hasting's Dictionary of the Bible, 2nd edition, 1963.

- Levine, Baruch A. The Anchor Bible: Numbers 1-20. New York: Doubleday, 1993.
- Milgrom, Jacob. The JPS Torah Commentary: Numbers. Philadelphia: The Jewish Publication Society, 1990.
- Neusner, Jacob. "Form Analysis and Exegesis: The Case of Mishnah Parah Chapter Three," from the Journal of Jewish Studies, Vol. 30, 1982.
- Neusner, Jacob. A History of the Mishnaic Law of Purities, Part Nine (Parah). Leiden: E.J. Brill, 1976.
- Neusner, Jacob. "Mishnah and Tosefta," Encyclopedia of Religion, Vol. 9.
- Peck, Alan J. The Priestly Gift in Mishnah: A Study of Tractate Terumot. Brown University, 1981.
- "Purity and Impurity, Ritual." Encyclopedia Judaica. 1971 ed.
- "Red Heifer," The Interpreter's Dictionary of the Bible. New York: Abingdon Press, 1962.
- Rudhardt, Jean. "Water," The Encyclopedia of Religion, Vol. 15. New York: Macmillan Publishing Co., 1987.
- Safrai, Shmuel. "The Era of the Mishnah and Talmud," A History of the Jewish People, Ben-Sasson, Ed. Tel Aviv: Dvir Publishing, 1976.
- Sarna, Nahum. The JPS Torah Commentary: Genesis. Philadelphia: The Jewish Publication Society, 1990.
- Strack, H.L. and Stemberger, G. Introduction to the Talmud and Midrash. Edinburgh: T&T Clark, 1991.
- Sperling, S. David. "Blood," Anchor Bible Dictionary, Vol. I. New York: Doubleday, 1992.
- Sasson, Jack M. (Editor). Civilizations of the Ancient Near East, Vol. 3. New York: Simon and Shuster MacMillan, 1995.
- "Tanna, Tannaim." Encyclopedia Judaica, 1971 ed.
- Thompson, Stith. Motif-Index of Folk Literature. Bloomington: Indiana University Press, 1955.

Thurn, Richard W. "Ashes," The Encyclopedia of Religion, Vol. I. New York: Macmillan Publishing Co., 1987.

Wright, David P. "Heifer," Anchor Bible Dictionary, Vol. VI. New York: Doubleday, 1992

Wright, David P. "Red Heifer, The," Anchor Bible Dictionary, Vol. VI. New York: Doubleday, 1992

Wright, David P. "Water for Impurity," Anchor Bible Dictionary, Vol. VI. New York: Doubleday, 1992

Zeitlin, Solomon. The Rise and Fall of the Judaeen State: A Political, Social and Religious History of the Second Commonwealth. Philadelphia: The Jewish Publication Society of America, 1962.