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THE CEREMONY OF THE RED HEIFER:
ITS PURPOSE AND FUNCTION IN NARRATIVE CONTEXT

by

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Abstract

The Ceremony of the Red Heifer:
Its Purpose and Function in Narrative Context
Joel Humann

The present thesis is a synchronic investigation of the ceremony of the Red
Heifer of Num 19, which describes a purificatory ritual that cleanses persons
who have become defiled through contact with the dead. In seeking the autho-
rial intent and meaning behind the elusive symbolism of the rite, two avenues
are pursued: 1) an investigation of the rite's relationship to the חטאת complex
of sacrifices; 2) an analysis of the text of Num 19 from within, and in rela-
tionship to, its narrative framework in Numbers and the Torah. Comparative
study with other חטאת reveals that the Red Heifer is best understood as a *rite
de passage* which effects separation and transfer from a state of impurity. In
narrative context, this rite of separation entails a spatial transfer—separation
from the domain of death typified by the wilderness and reintegration into the
camp of Israel gathered around the holy Sanctuary. Narrative context sup-
plies much of the symbolic import of the law. By means of its placement in
Numbers, juxtaposition with narrative, and employment of allusive keywords,
the prescriptions of the ritual text are endowed with symbolic meaning. The
Red Heifer thematises Israel's transit through the wilderness, the death of the
old generation and the birth of the new. Its textual location contributes to
Numbers' rhetorical concern for high-priestly succession. Lastly, the primeval
narratives of Creation and Flood, the story of Israel's passage through the
Red Sea, and the drama of man's expulsion from the Garden of Eden, all pro-
vide cosmological and foundational motifs with which the symbolism of the
ceremony of the Red Heifer interacts.

Declaration

This thesis is the product of my own work and does not include work that has been presented in any form for a degree at this or any other university. All quotations from, and reference to, the work of persons other than myself have been properly acknowledged throughout.

Statement of Copyright

Contents

Abbreviations

1QS	*Community Rule / Manual of Discipline* (Dead Sea Scrolls)
11QT	*Temple Scroll* (Dead Sea Scrolls)
4QMMT	*Halakah* (Dead Sea Scrolls 4Q394–99)
4QNum^b	*Numbers* (Dead Sea Scrolls)
4QTohB^a	*Laws of the Red Heifer* (Dead Sea Scrolls 4Q276)
4QTohB^b	*Laws of the Red Heifer* (Dead Sea Scrolls 4Q277)
Ant.	Josephus, *Antiquities of the Jews*
AV	Authorised Version
'Avod. Zar.	Tractate *'Abodah Zarah*
Barn.	*Epistle of Barnabas*
ET	English Text
𝕲	Greek Text (Septuagint)
Kel.	Tractate *Kelim*
m.	*Mishnah*
MT	Masoretic Text
NEB	New English Bible
NT	New Testament
Num. R.	*Numbers Rabbah*
Ohol.	Tractate *Oholot*
OT	Old Testament
Par.	Tractate *Parah*
Pes. K.	*Pesiqta de Rab Kahana*
Pes. R.	*Pesiqta Rabbati*
𝕾	Syriac Version (Peshitta)
Sam.	Samaritan Text
Sanh.	Tractate *Sanhedrin*
Somn.	Philo, *De somniis*
Spec. Leg.	Philo, *De specialibus legibus*
𝕿	Targum
𝕿^{J II}	Fragment Targum (Targum Jerusalem II)
𝕿^{Nf}	Targum Neofiti I
𝕿^O	Targum Onkelos
𝕿^P	Palestinian Targum
𝕿^{PJ}	Targum Pseudo-Jonathan
𝖁	Vulgate

AJT	*The American Journal of Theology*
AB	Anchor Bible
ArBib	The Aramaic Bible
AUSDDS	Andrews University Seminary Doctoral Dissertation Series
BASOR	*Bulletin of the American Schools of Oriental Research*
BETL	Bibliotheca ephemeridum theologicarum lovaniensium
Bib	*Biblica*
BibInt	*Biblical Interpretation: A Journal of Contemporary Approaches*
BJS	Brown Judaic Studies
BKAT	Biblischer Kommentar: Altes Testament
BSac	*Bibliotheca Sacra*
BTB	*Biblical Theology Bulletin: A Journal of Bible and Theology*
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZAR	Beihefte zur Zeitschrift für Altorientalische und biblische Rechtsgeschichte
CBQ	*Catholic Biblical Quarterly*
DJD	Discoveries in the Judaean Desert
DSD	*Dead Sea Discoveries*
EHAT	Exegetisches Handbuch zum Alten Testament
ETL	*Ephemerides theologicae lovanienses*
EvQ	*Evangelical Quarterly*
ExpTim	*Expository Times*
FAT	Forschungen zum Alten Testament
HSM	Harvard Semitic Monographs
HTR	*Harvard Theological Review*
ICC	International Critical Commentary
Int	*Interpretation*
JAOS	*Journal of the American Oriental Society*
JBL	*Journal of Biblical Literature*
JETS	*Journal of the Evangelical Theological Society*
JJS	*Journal of Jewish Studies*
JPS	Jewish Publication Society
JQR	*Jewish Quarterly Review*
JR	*Journal of Religion*
JSJ	*Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period*
JSOT	*Journal for the Study of the Old Testament*
JSOTSup	*Journal for the Study of the Old Testament,* Supplement Series
KHAT	Kurzer Hand-Kommentar zum Alten Testament
LCL	Loeb Classical Library
NCB	New Century Bible
NICOT	New International Commentary on the Old Testament
NRTL	*Nouvelle Revue Théologique Louvain*

Numen	*Numen: International Review for the History of Religions*
OBO	Orbis biblicus et orientalis
OTE	*Old Testament Essays*
OTG	Old Testament Guides
OTL	Old Testament Library
OTS	*Oudtestamentische Studiën*
Prooftexts	*Prooftexts: a Journal of Jewish Literary History*
RB	*Revue biblique*
RevQ	*Revue de Qumran*
SB	Sources bibliques
SBLDS	SBL Dissertation Series
SBLSCS	SBL Septuagint and Cognate Studies Series
SBLSP	SBL Seminar Papers
Semeia	*Semeia: An Experimental Journal for Biblical Criticism*
SJLA	Studies in Judaism in Late Antiquity
SJT	*Scottish Journal of Theology*
SR	*Studies in Religion/Sciences religieuses*
StudOr	Studia orientalia
TDOT	Theological Dictionary of the Old Testament
TLOT	Theological Lexicon of the Old Testament
TOTC	Tyndale Old Testament Commentaries
VT	*Vetus Testamentum*
WBC	Word Biblical Commentary
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
ZAH	*Zeitschrift für Althebraistik*
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*

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Chapter 1

Introduction

> *Who can bring forth a clean thing out of an unclean thing? Is it*
> *not the One?* (Job 14.4)
> —*Pĕsiḵta dĕ-Raḇ Kahăna 4.1.*

The present study is an analysis of the ceremony of the Red Heifer of Numbers 19, a purificatory ritual which cleanses persons who have become defiled through contact with the dead. Specifically, the study aims to clarify two issues: The first is the ceremony's purpose from within the framework of the Torah's literary depiction of the sacrificial cultus—what does the rite accomplish? The second is the ceremony's role in the narrative context of the book of Numbers and the Torah as a whole—why does the text read as it is and where it is? Ultimately these two issues are interrelated, for synchronic analysis of the Red Heifer with the other Levitical ritual prescriptions immediately presents a curiosity. The Red Heifer is not found among that other body of material where one might expect it. Rather, it is found in the middle of the text of Numbers and framed within that narrative. Ultimately, it will be shown that the ritual purpose and narrative function speak to one another. As ritual law the Red Heifer is presented as part of the narrative history of

ancient Israel and contributes thematically to that narrative. Similarly, this narrative context informs the law of its purpose and symbolic meaning.

A Cursory Synopsis of Numbers 19

The ceremony of the Red Heifer[1] begins with instructions (vv 1–10) for the preparation of "the water of purification" (מי נדה),[2] a concoction of fresh ("living") water mixed with the ashes of an incinerated cow. The cow must be unblemished, red in colour, and "on which no yoke has been laid" (v 2). Eleazar the priest is instructed to take the cow outside the camp of Israel in the wilderness where it is slaughtered. Eleazar then dips his finger in the blood of the slaughtered cow and sprinkles it seven times toward the front of the Tabernacle. The cow is then to be burnt whole "in his sight" (v 5). Cedar wood, hyssop, and scarlet wool are thrown into the fire along with the burning cow. At this point the priest, and those who are assisting him in the rite, are rendered impure until evening; they are required to wash their clothes and bathe their bodies in water. A clean person is instructed to gather the ashes and take them to a clean place outside the camp, where they are reserved for use in producing the water of purificaton. At this stage also, however, further impurity is introduced, as the person who gathers the ashes must also wash his clothes and remain impure until evening. The instructions for the preparation

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[1]Regarding the nomenclature used in this study, it should be noted at the outset that the MT, which reads פרה (Num 19.2) means simply "cow" though this is rendered in 𝕲 as δάμαλις, "heifer," thus likely reflecting an ancient exegetical tradition concerning the animal. (For further discussion of this issue see §3.2.2.) However the traditional designation of the ceremony as the "Red Heifer," the most prevalant translation in the literature to date, is here also retained; it means to refer by way of shorthand to the entire complex of instructions which are presented in Numbers 19, though this is in no way meant to suggest that פרה need be understood as anything other than "cow." Elsewhere, when reference to the animal itself is made, "cow" and "heifer" are used interchangably.

[2]For the present time in this study מי נדה is rendered as "water of purification," a common translation. See further the discussion at §3.2.6.

of the ashes conclude with the statement that the law is a "permanent statute"
for the Israelites and for those who reside among them (v 10). The conditions
which require purification by means of the water of purification are stated in
vv 11–13: "Whoever touches a corpse shall be ritually unclean for seven days.
He shall be purified with the water of purification on the third day and on the
seventh day, and then he shall be clean. If he is not purified both on the third
day and on the seventh, he shall not be clean. Everyone who touches a corpse,
that is the body of a man who has died, and does not purify himself, defiles
the Tabernacle of the LORD. That person shall be cut off from Israel. The
water of purification has not been flung over him; he remains unclean, and his
impurity is still upon him" (NEB). After these preparatory instructions have
been given, the more detailed circumstances under which corpse contamina-
tion is said to occur are outlined, along with a more detailed description of
the application of the water of purification, an application which, in certain
instances, extends to the tents and furnishings of a domicile in which some-
one has died (vv 14–22). Here again, it is stipulated that a clean person is
required to officiate (v 18). He is to take some of the ashes of the red heifer
and mix them into a vessel with "living (fresh) water" and, using hyssop as
an applicator, sprinkle the water on the corpse-contaminated person (as well
as any dwelling or furnishings) on the third and seventh day of that person's
impurity. As was the case with those involved in the preparation of the ashes,
so too here the person manipulating the ashes and performing the rite of pu-
rification is rendered impure by the process. Thus the central paradox of the
ceremony of the Red Heifer—it purifies the impure but defiles the pure. Only
one other biblical text, Num 31.23, mentions the "water of purification." There
it is pronounced that the booty seized in the Midianite war must be purified
by fire and the water of purification; that which is unable to withstand the

fire is simply to be passed through the water. Thus, the dearth of explicit reference to the מי נדה elsewhere makes intra-Biblical comparative study of Num 19 difficult.

1.1 Paradoxes and Problems: A Brief Survey of Interpretation

The Red Heifer is the subject of much discussion in the rabbinical literature. Essentially it is presented as a chief mystery of the Torah. According to one haggadah when Moses ascended into heaven to receive the revelation of the Torah, he found the Holy One absorbed in the study of his book. The passage which especially occupied his attention was Numbers 19. Why was the Holy One's attention so captivated by this particular text? We are told that, when queried, the Holy One answered: "I am busying Myself with nothing other than the means of purifying Israel."[3] That such purification is accomplished in paradoxical fashion is an inscrutable mystery. The Red Heifer purifies the impure, and defiles those who are pure. Reflecting on this central paradox *Num. R.* 19.5 suggests that, for this reason, the Red Heifer is counted among the four statutes which the Evil Impulse casts aspersions on as being irrational.[4] Comprehending the mystery is said to be beyond the capacity of human reason. The most wise Solomon, we are told, having assayed all of the matter of the Torah understood all, except the Red Heifer, and so remarked: *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*

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[3]*Pes. R.* 14.6. See also *Num. R.* 19.7. The translation is from Braude, William G. (ed.), *Pesikta Rabbati: Discourses for Feasts, Fasts, and Special Sabbaths* (Yale Judaica Series, New Haven, CT: Yale University Press, 1968), p. 269.

[4]See also *Pes. K.* 4.6 and *Pes. R.* 14.12.

from me" (Eccl 7.23).[5] Thus it is said that only in the world to come will the mystery of the Red Heifer be revealed and humankind come to know its meaning.[6] The paradox certainly did not deaden the passion for ancient study and reflection on the text. Quite the contrary, as Joseph Blau has observed, "the recurrent references to the Red Heifer in the rabbincal literature should be understood in terms of the endless capacity of the human mind to be fascinated with the insoluble problem."[7]

Beyond this central paradox several other difficulties are to be found. Why is the regulation found *where* it is, not grouped together with the other laws of purification? Though deemed a "sin-offering" (חטאת), it is slaughtered and burned outside the camp,[8] whereas all other sin-offerings are sacrificed at the altar. There is also the matter of the curious character of the rite itself: Why a red cow? Why are scarlet material, cedar, and hyssop also burnt? Indeed, if the paradox is insoluble, surpassing even the acumen of Solomon, there is still, as Henry Preserved Smith has observed, "much room here for the ingenuity of the commentator."[9] The ceremony's eccentric character is captured in a tale, recounted in *Pes. K.* 4.7, about a heathen who questions Rabban Johanan ben Zakkai regarding the Red Heifer's oddities.[10] The heathen says to him: "The

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[5]*Pes. K.* 4.3. See also *Num. R.* 19.3. The translation is from Braude, William G. and Israel J. Kapstein (eds.), *Pĕsiḵta dĕ-Raḇ Kahăna: R. Kahana's Compilation of Discourses for Sabbaths and Festal Days* (London: Routlege & Kegan Paul, 1975), p. 71.

[6]See *Pes. K.* 4.7 and *Pes. R.* 14.13.

[7]Blau, Joseph L., 'The Red Heifer: A Biblical Purification Rite in Rabbinic Literature', *Numen* 14 (1967), pp. 70–78 (78).

[8]In the context of Jerusalem and the Temple this corresponded to the Mount of Olives. However, whatever the performance of the rite as historically practised might have been, this present analysis will focus on the ceremony of the Red Heifer and its dynamics within the Pentateuchal *narrative* context in which it is presented, located on the border between the ideal camp of Israel and the wilderness during the journey from Egypt to the land of promise.

[9]Smith, Henry Preserved, 'The Red Heifer', *AJT* 13 (1909), pp. 207–228 (208).

[10]The translations which follow are from Braude and Kapstein, *Pĕsiḵta dĕ-Raḇ Kahăna,*

things you Jews do appear to be a kind of sorcery. A heifer is brought, it is burned, is pounded into ash, and its ash is gathered up. Then when one of you gets defiled by contact with a corpse, two or three drops of the ash mixed with water are sprinkled upon him, and he is told, 'You are cleansed!' " Rabban Johanan counters the heathen with a query about pagan rites of purgation prescribed for those who are possessed by a spirit of madness. The heathen answers: "Roots are brought, the smoke of their burning is made to rise about him, and water is sprinkled upon him until the spirit of madness flees." Rabban Johanan replies that it is the same with the spirit of uncleanness, as it is written in the Scripture, "I will cause the prophets and the unclean spirit to flee from the Land."[11] The water of purification is sprinkled upon the defiled person and the spirit flees. Rabban Johanan's disciples, we are told, are puzzled by this answer he has given and demand a further explanation. "You put off that heathen with a mere reed of an answer, but what answer will you give us?"—to which Rabban Johanan replies: "By your lives, I swear: the corpse does not have the power by itself to defile, nor does the mixture of ash and water have the power by itself to cleanse. The truth is that the purifying power of the Red Heifer is a decree of the Holy One. The Holy One said: 'I have set it down as a statute, I have issued it as a decree. You are not permitted to transgress My decree, *This is the statute of the Torah'* " (Num 19.1).[12]

The Mishnah and the Tosefta dedicate an entire tractate to the Red Heifer, transmitting traditional regulations with respect to the preparation of the water of purification. These prescriptions extend well beyond the material pre-

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pp. 82–83. See additionally *Num. R.* 19.8, in Slotki, Judah J. (ed.), *Midrash Rabbah: Numbers* (trans. H. Freedman and Maurice Simon; London: Soncino Press, 1939), pp. 757–758, which also relates the story.

[11]Zech 13.2.

[12]*Pes. K.* 4.7.

sented in Num 19. Even so, tractate *Parah* is not retained in the Jerusalem Talmud and it makes its way into the Babylonian Talmud without any further Gemara. Blau suggests this absence of any further Amoraic discussion "justifies the inference that during the period from the beginning of the second century, when the Mishnah was completed, to the beginning of the fifth century, when the Babylonian Talmud was set down, the Red Heifer purification rite was not practised and, as a consequence, there were no cases involving its rules that arose for judicial decision."[13] Though the rite was not a matter of practice it was most certainly a matter for study and reflection, for elsewhere there are "eighty or so almost casual intrusions of the Red Heifer theme into Amoraic discussions."[14] While tractate *Parah* is intent on transmitting the law concerning the proper preparation of the ashes it remains quite muted on how they are properly used and in what instances of impurity. Of much greater concern is the question of the circumstances in which the water can both defile and become defiled.

Josephus' representation of the rite in *Ant.* 4.78–81[15] closely follows that of the MT, with the exception of vv 7–8, the details of which are omitted, while the Biblical data of vv 11–22 are summarised by him into a short paragraph. On the surface, he appears to be following the MT in some instances and 𝕲 in others.[16] While Josephus provides no manner of interpretation of the Red Heifer, his concern being a historical retelling of the Mosaic traditions at this juncture, Philo's treatment is different. Again, Philo's descripton of the

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[13]Blau, 'The Red Heifer', p. 73.

[14]Blau, 'The Red Heifer', p. 75.

[15]Josephus, *Jewish Antiquities, Books 1–4* (ed. Thackeray, H. St. J.; LCL, 242; Cambridge, MA: Harvard University Press, 1930), pp. 514–515.

[16]But see Dorival, Gilles, *Les Nombres: Traduction du texte grec de la Septante, Introduction et Notes* (La Bible d'Alexandrie, IV; Paris: Les Éditions du Cerf, 1994), pp. 377–378 for further discussion.

ritual in *Spec. Leg.* 1.267–268 closely follows the Biblical text of Num 19.2–9, though vv 7–8 receive no comment. In one major aspect his description differs. Whereas the setting of the ceremony in the MT is framed in the context of the narrative of Israel's wilderness wandering in the desert, Philo describes the rite as practised in Jerusalem, both within and outside the Temple precincts. Philo claims to have "expounded the allegory" of the Red Heifer in full else-where, though no such account survives.[17] Nevertheless, some aspects of his interpretation of the rite's symbolism are available.[18] According to Philo's understanding, the sacrifices and ablutions of the Torah cleanse a person "in body and soul, the soul purged of its passions and distempers and infirmities and every viciousness of word and deed, the body of the defilements which commonly beset it."[19] For the soul, animal offerings are provided; for the body, sprinklings and ablutions. In the latter case, ashes, "the remnants of the sacred fire,"[20] are legislated, the reason being that

> Moses would have those who come to serve Him that Is first know
> themselves and of what substance these selves are made. ... Now
> the substance of which our body consists is earth and water, and of
> this he reminds us in the rite of purging. For he holds that the most
> profitable form of purification is just this, that a man should know
> himself and the nature of the elements of which he is composed,
> ashes and water, so little worthy of esteem.[21]

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[17] *Spec. Leg.* 1.269. It has been suggested that this allegorical treatment is from the *Quaestiones* of which only Genesis and Exodus survive. (Philo, *On the Decalogue & On the Special Laws I–III* [ed. F.H. Colson; LCL, 320; Cambridge, MA: Harvard University Press, 1937], p. 255.)

[18] The translations which follow are Colson's. (Philo, *Decalogue & Special Laws*.)

[19] *Spec. Leg.* 1.257f.

[20] *Spec. Leg.* 1.262.

[21] *Spec. Leg.* 1.263–264. Philo expounds further that those who are being purified "can

Allegorical interpretation in the Christian patristic tradition takes its cue from the typological application made in Heb 9.11–14, which draws an analogy between the purification of the flesh by means of blood sacrifices and the ashes of the heifer, with the purification of conscience brought about by the blood of Christ. But the Red Heifer is not so much interpreted as it is reconfigured in the epistle of Barnabas, a rather polemical pseudonymous work dating from the late first to early second century CE which argues for the superiority of a Christianity which has superseded the Jewish faith. The author omits a great many of the rite's details in developing his allegory. Such omissions include the heifer's characteristics, the location of the ceremony "outside the camp," the role of Eleazar and the priesthood, the mixing of the ashes with the living water, the purpose for which the water of purification is prepared (to cleanse from corpse impurity), the two-fold sprinkling on the third and seventh day, and even the central paradox, that it purifies the defiled and defiles the pure. None of these aspects are given any notice. Other textual details appear to be deliberately altered. Thus the cedar, hyssop and scarlet material are not here said to be burned, but rather constitute a sprinkling agent (perhaps the author has Lev 14.4,6 in view),[22] and the cow is said to be offered up by men who are "full of sin," (ἐν οἷς εἰσὶν ἁμαρτίαι τέλειαι, 8.1).[23]

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almost hear the voice of the elements themselves, earth and water, say plainly to them 'We are the substance of which your body consists: we it is whom nature blended and with divine craftsmanship made into the shape of human form. Out of us you were framed when you came into being and into us you will be resolved again when you have to die. For nothing is so made as to disappear into non-existence. Whence it came in the beginning, thither will it return in the end.' " (*Spec. Leg.* 1.266. See also *Somn.* 1.209–212.)

[22]For a discussion of the relationship of Num 19.6 and Lev 14.4,6, both of which involve these three elements in purification rites, see §3.2.5.

[23]Or "those in whom sins are complete." (Ehrman, Bart D. [ed.], *The Apostolic Fathers: Epistle of Barnabas, Papias and Quadratus, Epistle to Diognetus, the Shepherd of Hermas* [LCL, 25N; Cambridge, MA: Harvard University Press, 2003], p. 41.) Thus Chandler observes that the phrase is meant to be understood in relation to *Barn.* 5.11: "So then the Son of God came in the flesh for this reason, that he might complete the total of the sins of those

In no real sense, then, does *Barn.* 8.1–7 constitute an early exegesis of the Red Heifer. Rather, the highly selective handling and emendation of the original biblical data reveal the author's agenda "not only by what he chooses to tell us, but even more clearly by what he does not. No data are included which would explain the cultic significance of the rite. Only materials congenial to his typological hermeneutic are included. . . . The calf is Jesus, and those who offer it are his persecutors."[24] Yet the author is clearly not unaware of ancient Jewish tradition surrounding the ceremony. He describes those performing the sprinkling as "children" (παίδια) in vv 3–4, an expansion of the biblical text which is found in tractate *Par.* 3.3–4, though again the tradition appears modified by the author to suit his allegorical and polemical purposes, for in *m. Par.* children are charged with the task of gathering and mixing of the ashes, while in *Barn.* they are presented as administering the purificatory sprinkling.[25]

As the typological application of the Red Heifer to Christ develops in patristic commentary the presentation of the text as a purification rite with its own integral purpose recedes and exegesis remains mainly allegorical. For example, Augustine, whom Smith cites as the exemplar of this interpretive tradition, maintains that the heifer signifies the human nature, is female because of the weakness of the flesh, and red-coloured as a prefiguration of the Passion.

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who persecuted his prophets to death." (Chandler, Karen K., 'The Rite of the Red Heifer in the Epistle of Barnabas VIII and Mishnah Parah', in Green [ed.], *Studies in Judaism and its Greco-Roman Context* [Approaches to Ancient Judaism, V; Atlanta: Scholars Press, 1985], pp. 99–114 [104].)

[24]Chandler, 'The Rite of the Red Heifer', pp. 103–104.

[25]The children, as "pure," are thus contrasted with the sinful men of Israel. (Hegedus, Tim, 'Midrash and the Letter of Barnabas', *BTB* 37 [2007], pp. 20–26 [25]). Allegorical explanations of the rite's symbolism are also offered: Why three children? To witness to Abraham, Isaac, and Jacob. Why is wool placed on the wood? Because Jesus is on the tree. Why wool and hyssop together? Because one who is sick in flesh is healed by the "foul juice of the hyssop." (*Barn.* 8.4–6.)

The unyoked condition of the heifer points to the sinlessness of Christ, while Eleazar, the future high priest, sacrifices the heifer as a sign of Christ's future sacrifice. The burning of the heifer is a sign of the resurrection, Christ being translated from the earthly to the heavenly life; the cedar, scarlet material and hyssop are symbols of the graces of faith, hope and love; those who burn the heifer are as those who buried Christ, while those who administer the purification are as those who preach the Gospel of Christ. Augustine's presentation is more properly typological in the analogical relationship he forges between the water of purification and the sacrament of baptism.[26] While patristic commentators are united in their typological approach to the Red Heifer, differences in allegorical application of many of the rite's features betray the rather arbitrary manner in which they handle the text.[27] Smith has demonstrated the persistence of this broadly allegorical approach to the Red Heifer in Christian tradition in both Catholic and especially Protestant tradition through to the nineteenth century.[28] It must be stated at the outset, however, that if the shortcomings of allegorical exegesis are here being described, it is not out of a concern that this present study would articulate some "literal sense" which presumably stands in opposition to allegory. Rather, this study will aim ultimately at a *theological reading* of the Red Heifer, which is to say, it attempts an analysis of the text which elucidates its "theological sense" as defined by Barr, that is, "the theology that operated in the minds of those who created

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[26]Smith, 'The Red Heifer', pp. 214–215.

[27]E.g., for Augustine the cedar, crimson and hyssop signify faith, hope and love, while Theodoret of Cyrus understands the incorruptibility of cedar to signify the life-giving cross, the crimson symbolises the Lord's blood while the hyssop symbolises "the fact that the warmth of life melted the frigidity of death." (Theodoret, *The Questions on the Octateuch, Volume Two: On Leviticus, Numbers, Deuteronomy, Joshua, Judges, and Ruth* [eds. John F. Petruccione and Robert C. Hill; Washington: Catholic University of America Press, 2007], p. 143.) Those who burned the heifer are declared unclean as "a type of those who crucified Christ the Lord." (Theodoret, *Questions on the Octateuch*, p. 143.)

[28]Smith, 'The Red Heifer', pp. 215–218.

the biblical literature."[29]

Typological excesses find their opposite counterpart in the rationalistic explanations of Enlightenment theology, such as those which see the ultimate purpose of the rite consisting of its "sanitary benefits"—corpses are proclaimed defiling in order "to prevent infection, or to promote early interment, or to secure separation of cemeteries from dwellings."[30] Needless to say, such rationalistic explanations do not go very far in offering an actual account of the symbolic contours of the rite as presented in the text.[31] Standing equally apart from both allegorical and rationalistic treatments of the Red Heifer is John Spencer's inquiry in *De legibus Hebraeorum ritualibus earumque rationibus*, published in full in 1685, which is in many ways an important precursor to the modern treatments which draw from anthropological theory (discussed below). Spencer's approach to the Red Heifer is *comparative*, grounded in a presuppositional theology of divine accommodation and progressive revelation. Smith has summarised his treatment as follows:

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[29]Barr, James, 'The Literal, the Allegorical, and Modern Biblical Scholarship', *JSOT* 44 (1989), pp. 3–17 (12). A theological reading thus differs from an allegorical interpretation not in that the former pursues a "literal" sense, whatever that might mean, but in that it attempts not to *decontextualize* the theological meaning. Barr has described how ancient and mediaeval allegory falls short on this account. Firstly, it "works from very small pieces of text ... and interprets them in ways that are irreconcilable with the context within the books"; secondly, "it uproots them from the culture in which they have meaning." (Barr, 'The Literal, the Allegorical', p. 14.)

[30]Smith, 'The Red Heifer', p. 220, describing the interpretation provided by Michaelis in *Mosaisches Recht*, IV, pp. 211–16. Similarly Knobel argues that the whole doctrine of defilement has arisen on account of the fact that corpses exude a bad odour (Knobel, August Wilhelm, *Die Bücher Numeri, Deuteronomium, und Josua* [Leipzig: S. Hirzel, 1861], p. 95), an argument that overlooks the simple fact that the text of Num 19 presents bones and graves as equally defiling. (Thus Smith, 'The Red Heifer', pp. 220–221.)

[31]One modern reappearance of this old hygienic explanation is to be found in Brown, Raymond, *The Message of Numbers: Journey to the Promised Land* (Leicester: Inter-Varsity Press, 2002), p. 162, who suggests, regarding the origin and purpose of the rite, that "there may have been an innate social aspect to this fear of a lifeless human body. The unburied corpse was a serious health hazard. In oppressive climates, rapid decomposition might lead to widespread infection, and regulations such as these encouraged [the Israelites] to keep their distance from places where a person had recently died."

[Spencer] adduces Egyptian parallels and finds them of such a nature that there must be connection of Egyptian and Hebrew usage. His theory is that God designed to oppose and contradict heathen superstitions. . . . From Plutarch he ascertains that the Egyptians offered red bulls to Typhon and also that red cattle were sacrificed, on the theory that the souls of wicked men migrated into them. On the other hand cows were sacred to Isis. Putting the facts together Spencer argues that the heifer was chosen in order to bring the Egyptian "vaccine cultus" into contempt, that she was to be red in order to show that God would accept a sacrifice despised by the Egyptians, and finally that there was a purpose to expiate the worship of Typhon to which the Israelites had been addicted in Egypt. There was therefore a certain accommodation of Israelite law to heathen custom in order to meet the particular need of the time.[32]

Modern Interpretation of the Red Heifer

While the Red Heifer was a matter central to the study and explication of the Torah in rabbinic tradition, modern historical study has remained largely silent on the rite, with Num 19 receiving very little sustained consideration in the scholarship of the last century. When attention has been given, its study has been shaped by two factors, the literary-critical paradigm inaugurated by the Graf-Wellhausen hypothesis, and the impact of anthropological theory on Biblical studies. From the 1870s onward evolutionary paradigms which sought to explain the growth of cultural institutions in developmental terms

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[32]Smith, 'The Red Heifer', p. 222.

made significant impacts on intellectual and academic thought.[33] Thus, by the 1880s "the time was ripe for the reception into OT scholarship of the idea that the simpler was the earlier, and the more advanced was the later."[34] The central figure in this shift in scholarship was William Robertson Smith, who combined anthropological theory and literary-critical analysis of the OT text into a new methodological approach.[35] This method was determinative for subsequent treatments of the Red Heifer. In combining Wellhausen's literary-critical framework with current anthropological theory, Smith's own premise was a *theological* one, rooted in a doctrine of progressive revelation.[36] His theory of sacrifice derives from Wellhausen while his evolutionary presuppositions establish a contrast between the "higher" rational and ethical forms of religion over against the "lower" forms, which consist of phenomena such as notions of impurity, taboo, magic, superstition and the demonic.[37] According to Smith,

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[33]Rogerson relates this development to "a neo-Hegelian school of philosophy" in English intellectual thought which pervaded many disciplines, represented by such figures as T.H. Green in moral philosophy, E.B. Tylor in anthropology and H.S. Maine in legal history. (Rogerson, John W., *Old Testament Criticism in the Nineteenth Century: England and Germany* [London: SPCK, 1984], p. 280.)

[34]Rogerson, *Old Testament Criticism*, p. 280.

[35]Muilenberg remarks that his profound significance in the history of scholarship is that "he belongs at one and the same time to the students of anthropology, to the pioneers of comparative religion, and to the company of those OT scholars who are among the first to compose a history of Israel's faith on the basis of historico-critical presuppositions." (Cited in 'Introduction', Johnstone, William, [ed.], *William Robertson Smith: Essays in Reassessment* [JSOTSup, 189; Sheffield: Sheffield Academic Press, 1995], p. 15.)

[36]Spencer is thus an antecedent to Smith. Where Smith advances beyond Spencer's notion of divine accommodation in the Biblical text is his recasting of progressive revelation, "the providential ordering of Israel's religious development, in terms of Wellhausen as opposed to the Old Testament picture of Israel's history." (Rogerson, *Old Testament Criticism*, p. 280.)

[37]His paradigm is presented principally in the now-classic *Lectures on the Religion of the Semites* of 1889 (2nd edn, 1894), the theology and methodology of which is excellently summarised in Beidelman, T.O., *W. Robertson Smith and the Sociological Study of Religion* (Chicago: University of Chicago Press, 1974), pp. 28–68. Noting the highly original character of the book, Rogerson has rehearsed some of the prevailing theories of the time which it was the author's intention to challenge. See Rogerson, John W., 'Biblical Classics: IX. W. Rogerson Smith: Religion of the Semites', *ExpTim* 90 (1979), pp. 228–233.

impurity laws are entirely the remains of primitive superstition. They derive from the most primitive religious concepts which view the conceptions of both "holiness" and "impurity" on a continuum as something akin to ideas of "taboo":

> Thus alongside of taboos that exactly correspond to rules of holiness, protecting the inviolability of idols and sanctuaries, priests and chiefs, and generally of all persons and things pertaining to the gods and their worship, we find another kind of taboo which in the Semitic field has its parallel in rules of uncleanness. Women after child-birth, men who have touched a dead body and so forth, are temporarily taboo and separated from human society, just as the same persons are unclean in Semitic religion. In these cases the person under taboo is not regarded as holy, for he is separated from approach to the sanctuary as well as from contact with men; but his act or condition is somehow associated with supernatural dangers, arising, according to the common savage explanation, from the presence of formidable spirits which are shunned like an infectious disease. In most savage societies no sharp line seems to be drawn between the two kinds of taboo just indicated, and even in more advanced nations the notions of holiness and uncleanness often touch.[38]

In short, ritual notions of impurity derive from the most "primitive" and "savage" eras of Semitic religion.[39] Indeed, to properly distinguish between the

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[38]Smith, William Robertson, *Lectures on the Religion of the Semites: The Fundamental Institutions* (London: A & C Black, 3rd edn, 1927), pp. 152–153.

[39]Thus Smith: "The fact that all the Semites have rules of uncleanness as well as rules of holiness, that the boundary between the two is often vague, and that the former as well as the latter present the most startling agreement in point of detail with savage *taboos*, leaves no reasonable doubt as to the origin and ultimate relations of the idea of holiness." (Smith, *Lectures*, p. 153.)

holy and the unclean "marks a real advance above savagery."[40] Yet the He-
brew Bible, for all its presumed evolutionary "progress," still contains this
irrational element which was never eliminated from the Semitic conception of
holiness:

> Holiness, like taboo, is conceived as infectious, propagating itself
> by physical contact ... [such that] even in Hebrew ritual common
> things brought into contact with things very sacred are themselves
> "sanctified," so that they can be no longer used for common pur-
> poses. In some cases it is provided that this inconvenient sanctity
> may be washed out and purged away by a ceremonial process; in
> others the consecration is indelible, and the thing has to be de-
> stroyed.[41]

Drawing upon the anthropologist Edward Burnett Tylor's doctrine of "sur-
vivals,"[42] Smith interprets purificatory rites as *vestigial remains,* an earlier rit-
ual stratum, the evidence of which assists in the reconstruction of the develop-
ment of the history of the religion of Israel from its pre-Israelite antecedents.[43]

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[40]Smith, *Lectures*, p. 154.

[41]Smith, *Lectures*, p. 161.

[42]The concept is thus defined by Tylor: "Among evidence aiding us to trace the course
which the civilization of the world has actually followed is that great class of facts to denote
which I have found it convenient to introduce the term "survivals." These are processes,
customs, opinions, and so forth, which have been carried on by force of habit into a new
state of society different from that in which they had their original home, and they thus
remain as proofs and examples of an older condition of culture out of which a newer has
been evolved. ...The study of the principles of survival has, indeed, no small practical
importance, for most of what we call superstition is included within survival, and in this
way lies open to the attack of its deadliest enemy, a reasonable explanation. Insignificant,
moreover, as multitudes of the facts of survival are in themselves, their study is so effective
for tracing the course of the historical development through which alone it is possible to
understand their meaning, that it becomes a vital point of ethnographic research to gain
the clearest possible insight into their nature." (Tylor, Edward Burnett, *Primitive Culture:
Researches into the Development of Mythology, Philosophy, Religion, Art, and Custom, I*
[London: John Murray, 1871], pp. 14–15.)

[43]Smith, *Lectures*, pp. 446–454.

Modern theorists in social anthropology have mainly discredited the evolutionary premises from which William Robertson Smith and his successors worked, in particular the theories of social evolution, totemism, and the evidential use of "survivals" for purposes of historical reconstruction.[44] Furthermore, his analytical methodology is often problematic. According to Franz Steiner's evaluation

> [Smith] proceeds less by analysis than by appraisal of significance. In a set of laws, values, customs—that of the Hebrew Bible in general, of the Pentateuch in particular—a distinction is made between the purely spiritual and the less pure elements. The latter are found to be archaic, not relevant to present-day society, and in need of explanation. However, they have value in that, once explained, they throw light on the meaning of more highly prized passages.[45]

In a thorough assessment of Smith's œuvre Beidelman has observed a persistent circularity in his method: "Any elements inconvenient to his theories could be excluded from a contemporary system by being identified as mere residue from the past, yet these same elements could still be utilized to describe and prove the nature of a preceding period."[46] Yet his anthropological paradigm was perpetuated in biblical and Semitic studies "long after these had been abandoned by most in anthropology itself."[47] His approach, furthermore, served as a catalyst for James Frazer, who modifed and greatly expanded Smith's method into his own evolutionary argument wherein the belief systems of cultures are

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[44]See the discussion in Beidelman, *W. Robertson Smith*, pp. 35f., *et passim.*

[45]Steiner, Franz, *Taboo* (London: Cohen & West, 1956), p. 59.

[46]Beidelman, *W. Robertson Smith*, p. 39.

[47]Beidelman, *W. Robertson Smith*, p. 42.

said to move from primitive magical stages, through a religious medial phase
to maturity in a rational, scientific outlook.[48] This simplistic framework he
fleshes out with an excessive jumble of descriptive material. His subsequent
influence, a "highly distorted and naive"[49] reshaping of his predecessor Smith,
was immense.[50] This evolutionary paradigm and the accompanying notions
regarding purification rites, especially as recast by Frazer, informs directly or
indirectly most treatments of the Red Heifer in the twentieth century.

George Buchanan Gray's analysis of the Red Heifer, in his influential com-
mentary on Numbers, is an excellent example of the new evolutionary methods
being brought to bear upon the study of the text. Gray drew extensively from
such fields as lexicography, archaeology, and text criticism, proceeding on the
basis of the Graf-Wellhausen hypothesis. By his analysis the material, and
therefore the religious outlook, of Numbers is composite, ranging from early
Israel, the evidence for which is found in the narrative and poetic material of
J and E, through to the religion of the post-exilic period, characterised by its
"hierocratic organisation"[51] of society and marked especially by the notion of
the LORD's "holiness or unapproachableness."[52] The Sanctuary, the place of
יהוה's presence, is separated from the Israelites by "the sacred cordon of priests

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[48]On the influence of William Robertson Smith upon James Frazer and the relationship
between them see Ackerman, Robert, *J.G. Frazer: His Life and Work* (Cambridge: Cam-
bridge University Press, 1987), pp. 70–72.

[49]Beidelman, *W. Robertson Smith*, p. 37.

[50]Snaith, reflecting on this comparative enterprise in biblical studies mid-century, re-
marked at length on the negative effect the preoccupation with the tracing of the evolu-
tionary contours from the purported antecedents of primitive religion had had on biblical
studies of the day. Especially problematic for Snaith was the profound influence of Frazer,
whose "work fails distressingly, and is the very reverse of scientific." (Snaith, Norman H.,
The Distinctive Ideas of the Old Testament [London: Epworth Press, 1944], p. 18. See the
discussion on pp. 11–20.)

[51]Gray, George Buchanan, *A Critical and Exegetical Commentary on Numbers* (ICC;
Edinburgh: T & T Clark, 1903), *li*.

[52]Gray, *Numbers*, *li*.

and Levites: men approach him at their peril ..., and only by means of special classes of intermediaries and in a specially defined manner. The spontaneity of religious life which so strongly coloured the earlier time is lost."[53] Gray's concern to place every aspect of the text of Numbers within this evolutionary continuum is pervasive throughout the commentary.[54] Thus many of the ritual and religious aspects of the text are accounted for as vestigial remains from the earlier, pre-monotheistic Israelite era:

> Antique notions of holiness are unconsciously retained, probably because they tended to preserve and increase the awe of Yahweh ... Ancient customs, which retained too great a hold on the mass of the people to be entirely suppressed, were gradually modified and supplied by the priests with new and more suitable interpretations, and in this way acquired an even prolonged lease of life.[55]

With respect to Num 19, the tenets of contemporary comparative anthropology inform Gray's notion of Biblical corpse impurity and the need and means for purification. Like his predecessors, Gray views such purification as "one of many primitive or popular practices which were assimilated and regulated by later priestly religion and described by its writers."[56] The Red Heifer is said to be founded on a belief system more ancient than the religion of Israel itself. That corpses should be thought capable of transmitting impurity is a

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[53]Gray, *Numbers*, *li*.

[54]Gray remarks in the Preface: "I have felt it my duty, no less in the interests of religion than of scholarship ... (and in so far as the goal of both is truth, their interests are the same), to indicate as fully and as faithfully as I could the crudeness and imperfections of these ideas as well as the finer and higher ideas that find their expression in other parts of the book. For the highest that the religion of Israel attained to can only be fully appreciated in the light of the lowest which it touched, sometimes wholly, sometimes partially, to transform and ennoble." (Gray, *Numbers*, *x*.)

[55]Gray, *Numbers*, *lii*.

[56]Gray, *Numbers*, p. 243.

doctrine "both ancient and widespread [with] nothing peculiarly Hebrew, or even peculiarly Semitic, about it."[57] So also primitive rituals of purification from corpse impurity are widespread. In support of this assertion Gray amasses evidence from Tylor, Frazer and other anthropologists of "parallel practices"— among Navajos of North America, Basutos of South Africa, Zulus, Tibetans, Mandangs of Borneo, ancient Romans, Greeks, Persians, and Indians, and so on[58]—arguing that the practice of "purification in some form is naturally as ancient and general as the doctrine."[59] He notes also, again citing Frazer and Tylor, the connection between corpse impurity and "the belief in the danger to the living from the spirits of the departed" or "the susceptibility of the dead body to the attacks of demons," observing that in none of the biblical instances of corpse impurity "is there any suggestion that the demonological beliefs, with which the doctrine seems to have been originally connected, were still consciously held by the Hebrews."[60] Thus, Gray places the Biblical data downstream of the evolutionary continuum. Israel's purification rites only partly coincide with the parallels; a posited abandonment of demonological belief is for Gray a development in the Israelite religion. To account for the peculiarity of the Red Heifer, why purification should be sought particularly by means of water and the ashes of a red cow, Gray admits that the "use of this mixture cannot be actually traced further back than this law." Nevertheless its *origin* is "not to be sought in anything peculiar to the Hebrew religion. The medicated waters are mere survivals from primitive practice, or the result of borrowing on the part of the Hebrews at a late period."[61] In order to

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[57]Gray, *Numbers*, p. 243.

[58]Gray, *Numbers*, pp. 243–244.

[59]Gray, *Numbers*, p. 245.

[60]Gray, *Numbers*, p. 245.

[61]Gray, *Numbers*, p. 246.

graft the rite into a supposed evolutionary continuum Gray marshalls some evidence of wide-ranging "parallels" and presumed analogies—e.g., reddish-golden puppies and red oxen which make Roman and Egyptian crops to grow "ripe and ruddy."[62]

Gray's commentary was groundbreaking in its incorporation of the anthropological data of Frazer *et al.* Subsequent studies continued this method. Bewer proceeded along these lines, arguing for an original "meaning" of the Red Heifer as a whole burnt offering sacrificed to the demons or spirits of the dead, the sacred ashes of which "were used for getting rid of the taboo with which men and things had become infected."[63] Henry Preserved Smith buttressed this argument and provided a rationale for the retention of the rite: "In popular belief the ghost which was neglected would be angry and would inflict disease or calamity upon those who omitted the customary rites. The priestly tradition found this belief too strong to be eradicated. It was, therefore, indulged. The customary rites were permitted, in fact enjoined, only they were now placed under supervision of the priest, and made a quasi-sacrifice to Yahweh."[64] The application of the comparative anthropological theories of William Robertson Smith and James Frazer are applied to the full in Scheftelowitz's analysis of the Red Heifer. Following these predecessors he maintains that

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[62]Thus the use of oxen's urine among the Zendavesta and cows' urine in India, and Egyptian and Roman examples of "red victims," are all "analogies" outside of Israel which are meant, by Gray, to instruct the reader about the nature and meaning of the Red Heifer. He also cites Ovid's *Fasti* which describes "the Roman use of calves' ashes in lustration rites" (Gray, *Numbers*, pp. 246–249), an observation somewhat more *apropos*, for here Ovid explicitly mentions a purification in the context of the Parilia, the feast of Pales on the 21st of April, involving the ashes of a calf, along with horses' blood and beanstalks. See *Fasti* IV.733–734 in Ovid, *Fasti* (ed. J.B. Frazer; LCL, 253; Cambridge, MA: Harvard University Press, 2nd edn, 1989), p. 243.

[63]Bewer, Julius A., 'The Original Significance of the Rite of the Red Cow in Numbers xix', *JBL* 24 (1905), pp. 41–44 (43).

[64]Smith, Henry Preserved, 'Notes on the Red Heifer', *JBL* 27 (1908), pp. 153–156 (156). See also Smith, 'The Red Heifer', pp. 227–228.

the Biblical purification rites are but the "fossilized remains" (*erstarrte Über-reste*)[65] of primitive paganism. Citing William Robertson Smith's concept of taboo, Scheftelowitz asserts that impurity and the holy, as taboo, exist on the same plane. Accordingly, the "sacred" derives from supernatural "benevolent" deities while the "unclean" originates from the demonic realm. As a purification rite the Red Heifer is thus a relic from a pre-Israelite primitive context. Though originally banned, it remains in the Mosaic sacrificial system as a "concession" to an excess of primitive fear of demonic contamination from corpses circulating in Israelite beliefs.[66] The ashes of the heifer are believed to possess a magical apotropaic force which can exorcise the demonic impurity. The "paradox" of the Red Heifer is solved if the taboo character of the ashes is considered. That the ashes are ritually defiling is a facet of the pagan origin of the rite.[67] Although the rite has been "sanctioned" and brought into line with the official priestly cult (the sanctioning is indicated by the seven-fold blood-sprinkling rite), nevertheless the notion of impurity inherent in the ceremony has retained its pagan dimensions.[68] To prove that a red-coloured cow would have been considered an effective apotropaic substance in pre-Israelite pagan thought, Scheftelowitz invokes a mass of comparative anthropological evidence. Proposed parallels to the Red Heifer range from ancient Indian funeral rites and demonic exorcisms and wedding ceremonies which involved the sacrifice of red bulls, oxen and goats; blessings involving the application of cow's urine; and the use of red bulls' and cows' hides for warding off evil

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[65]Scheftelowitz, J., 'Das Opfer der roten Kuh (Num 19)', *ZAW* 39 (1921), pp. 113–123 (113).

[66]Scheftelowitz, 'Das Opfer der roten Kuh', p. 116.

[67]Scheftelowitz, 'Das Opfer der roten Kuh', pp. 116–117.

[68]Scheftelowitz, 'Das Opfer der roten Kuh', p. 117.

spirits and vesting priests.[69] Moving further afield, he notes that the Chinese used fox-tails and heads as cathartic means for expelling demons; in Italy the custom prevails with fox fur; in Scotland fox heads protect against witches. In Bohemia, Greenland, ancient Rome, Bosnia, so the list goes on, red foxes are used in some manner of magical rite or custom. Lastly, the red-coloured animals considered sacred in other cultures are itemised, all this to demonstrate that red animals in primitive belief were often considered both divine and apotropaic.[70] A similar gleaning of anthropological source material is undertaken to collect evidence for the use of ashes in various rites of lustration, catharsis and exorcism.[71] Thus, concludes Scheftelowitz, this is evidence for the origin and purpose of the Red Heifer ceremony. "Red" is an effective defence against demonic spirits in primitive belief while the burning of the red cow along with other cathartic agents, the cedar, scarlet, and hyssop, is a pagan ritual of magic only loosely affiliated with the Israelite sacrifical cult.[72]

Throughout the twentieth century—from the shift in exegetical approaches from both source and form-criticism to more redaction-centric methods, with an accompanying growth in comparative study of ancient Near Eastern literary genres—anthropological explanations of the Red Heifer remain a constant feature of its treatment in the commentaries. Quite often the attempt to elucidate the meaning and symbolism of the rite *as it stands* and *within its own textual context and narrative presentation* appears a secondary concern, if even the attempt is made. The dual focus on pre-Israelite ritual precursors and a rehearsal and recycling of the anthropological data on the one hand, and the diachronic features and literary history of the text on the other hand, form

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[69]Scheftelowitz, 'Das Opfer der roten Kuh', pp. 117–119.

[70]Scheftelowitz, 'Das Opfer der roten Kuh', pp. 119–121.

[71]Scheftelowitz, 'Das Opfer der roten Kuh', pp. 121–122.

[72]Scheftelowitz, 'Das Opfer der roten Kuh', pp. 122–123.

the two basic "talking points." That the Red Heifer is a vestigial pre-Israelite pagan/magical rite is the oft-repeated refrain.[73] However, some more recent comparative approaches are much more cautious and restrained in their use of extra-Biblical parallels to elucidate the historical development of the Red Heifer ceremony. In these treatments such material is more properly restricted to the ancient Near Eastern context. Also, where once a general continuity with ancient culture of all times and places was argued, current comparative approaches are much more likely to stress the *discontinuity* between the Red Heifer ceremony and its immediate ancient Near Eastern pagan antecedents. Baruch Levine's assessment of the Red Heifer in his commentary on Numbers is a prime example. Analysing the Red Heifer from within the comparative complex of Near Eastern "riddance rites," Levine concludes that the rite exemplifies not so much an evolutionary development but rather *a conscious and deliberate rejection* of pagan antecedents by the law's priestly legislators: "the hidden agenda of Numbers 19 is the cult of the dead."[74] As an "attempt to prevent the establishment of cults of the dead in biblical Israel, and to uproot them where they existed," the ceremony of the Red Heifer forms a corollary to Lev 21, which is "aimed at eliminating a funerary role for the consecrated Israelite priesthood and at distancing funerary rites from the Sanctuary and its

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[73]See for example: Holzinger, H., *Numeri* (KHAT; Tübingen: Mohr, 1903), pp. 78–80; Binns, L. Elliott, *The Book of Numbers* (Westminster Commentaries; London: Methuen, 1927), p. 125–126; Heinisch, Paul, *Das Buch Numeri: übersetzt und erklärt* (Bonn: Peter Hanstein, 1936), p. 75; Noth, Martin, *Numbers: A Commentary* (trans. James Martin; OTL; London: SCM Press, 1968), p. 139; Vaulx, J. de, *Les Nombres* (SB; Paris: J. Gabalda, 1972), p. 355; Sturdy, John, *Numbers* (The Cambridge Bible Commentary; Cambridge: Cambridge University Press, 1976), p. 134; Davies, Eryl W., *Numbers* (The New Century Bible Commentary; London: Marshall Pickering, 1995), p. 193; and Knierim, Rolf P. and George W. Coats, *Numbers* (Forms of the Old Testament Literature, 4; Grand Rapids: Eerdmans, 2005), p. 223.

[74]Levine, Baruch A., *Numbers: A New Translation with Introduction and Commentary* (AB, 4.1; New York: Doubleday, 1993), p. 472.

cult."[75] The priestly tradents have here implemented a rite which forbids with utmost seriousness a defiling contact with corpses, a polemic against presumed pre-exilic funerary practices involving ancestor worship.[76] The ancient Near Eastern notion that the dead have power over the living is rejected. In its place is an attitude towards the dead which considers them "a source of inspiration and guidance to their descendants," but nevertheless "consigns ancestors to the realm of memory."[77] Levine summarises his position as follows:

> certain notions of the impurity of the dead and serious objections to the cults of the dead go far back in the Israelite mentality. Nevertheless, the specific category of impurity legislated in Numbers 19, and the restrictions on priestly activity prescribed in Leviticus 21, seem to reflect a religious movement that is heralded in Ezekiel 43 and generated by the policies of Josiah, and that was to gain in strength during the postexilic period of the Second Temple. Thus in Isa 57.9 and 65.3–7 we find cryptic references to worship of the dead, to which there is intense objection, and in Hag 2.12–14 we have an explicit protest against the pollution caused by contact with the dead. Similarly, in Num 9.9–14 we find a provision allow-

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[75]Levine, *Numbers*, p. 472. Levine's definition of an ancient Near Eastern "cult of the dead" is one which involves "propitiation of the dead through sacrifice and other forms of ritual activity, as well as by magic," the objectives of such cults being securing for the dead an "agreeable afterlife" and ensuring "that the powerful dead will not forget the living and will act benevolently rather than malevolently toward them, especially toward their own descendants" (Levine, *Numbers*, p. 472). Levine acknowledges, however, that the evidence for a cult of the dead in pre-exilic Israel, to which prophets and priests are responding in the near-exilic and exilic periods, is ambiguous. It indeed remains a matter of some debate within scholarship. See the discussion of the issue in Seebass, Horst, *Numeri 10,11–22,1* (BKAT, 4.2; Neukirchen-Vluyn: Neukirchener Verlag, 2003), p. 249–251 and the references cited there.

[76]Levine argues that there is little evidence for the existence of the notion of severe impurity of the dead in pre-exilic times. (Levine, *Numbers*, p. 477.)

[77]Levine, *Numbers*, p. 473.

ing those impure subsequent to contact with the dead to defer the celebration of the paschal sacrifice.[78]

Even still, for Levine the "operative magical principle in the rites of Numbers 19 is sympathetic: death rids the community of death!"[79]

The more recent approaches of Milgrom[80] and Gorman[81] stand out in their attempts to understand the ceremony of the Red Heifer from within the theological system reflected in the text as it stands. Milgrom begins with the observation that the Red Heifer is declared to be a חטאת (Num 19.9). The systematic comparison of Num 19 with the Levitical חטאת sacrifices therefore provides the ground for an explanation of the ceremony and a resolution of its nagging paradox.[82] Milgrom's highly influential study forms the basis for the discussion in Chapter 2. Gorman's study, which develops from Milgrom's, is an analysis of the rite as a symbolic act operating within the context of a Priestly creation theology. His analysis conceives of the ritual of the Red Heifer as a rite of passage with blood functioning as the effective cleansing agent which facilitates this passage.[83]

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[78]Levine, *Numbers*, p. 479. Regarding the final intention of the legislator Seebass has reached somewhat similar conclusions to those of Levine. (Seebass, *Numeri 10,11–22,1*, pp. 248–253.)

[79]Levine, *Numbers*, p. 471.

[80]Milgrom, Jacob, 'The Paradox of the Red Cow (Num. xix)', *VT* 31 (1981), pp. 62–72.

[81]Gorman Jr., Frank H., *The Ideology of Ritual: Space, Time and Status in the Priestly Theology* (JSOTSup, 91; Sheffield: Sheffield Academic Press, 1990), p. 191–214.

[82]Baumgarten has offered a response to Milgrom's interpretation of the Red Heifer in Baumgarten, Albert I., 'The Paradox of the Red Heifer', *VT* 43 (1993), pp. 442–451.

[83]Gorman's analysis also anticipates some of the conclusions reached in Chapter 2.

Other Notable Studies

There are at present no monograph-length exegetical studies of the Biblical text of the ceremony of the Red Heifer, a dearth it is hoped this present study will help to fill. Other modern studies of the Red Heifer, not yet discussed or cited above, are here noted. Wefing's literary-critical, diachronic analysis of the Biblical text attempts to establish the historical development of the text on the basis of incongruities in the final form.[84] She argues that, originally, the ritual knew nothing of the "water of purification/impurity" (מי נדה). The earliest stratum, according to Wefing, consists of a command from יהוה given to the entire community to sacrifice a red, unyoked and unblemished cow. Eleazar and any other priestly ministrations are secondary insertions. Its classification as a חטאת is also secondary. The addition of the מי נדה serves as a "link" between two originally separate rituals, one involving the sacrifice of a red cow and the other pertaining to purification from corpse contamination. The ritual of burning originated in pre-Israelite, Canaanite culture, as an עלה, a whole-burnt offering, sacrificed apart from a shrine or altar. The present redaction has arisen through priestly attempts to eradicate the original Canaanite sacrifice, which has ultimately led to its "ritualization" according to priestly concerns. Frank S. Frick has analysed the ritual of the Red Heifer within the framework of the "ecological" anthropological method of Roy Rappaport. His analysis seeks to clarify how the ritual functions to normalise and stabilise the belief system of the community and transmit information about the status of the society, its ordering and functional regulation.[85] Dominic

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[84]Wefing, Sabina, 'Beobachtung zum Ritual mit der roten Kuh (Num 19,1–10a)', *ZAW* 93 (1981), pp. 342–359.

[85]Frick, Frank S., 'Ritual and Social Regulation in Ancient Israel: The Importance of the Social Context for Ritual Studies and a Case Study—The Ritual of the Red Heifer', in David M. Gunn and Paula M. McNutt (eds.), *'Imagining' Biblical Worlds: Studies in Spatial, Social and Historical Constructs in Honor of James W. Flanagan* (JSOTSup, 359;

Rudman has proposed a solution to the central paradox of the rite, that it purifies the impure and defiles the pure, by means of a comparative study of Num 19 with Lev 13–14.[86] Joseph Blau has surveyed the rabbinic treatment of the Red Heifer with a view to elucidating why it might have so occupied the attention of the ancient Sages.[87] A halachic dispute between Maccoby[88] and Neusner[89] highlights the methodological problem between them. Neusner argues that *m. Par.*, which encodes the necessity for purity and holiness in the performance of the Red Heifer ceremony, is a post-Temple development which reconfigures the biblical data in response to the Jewish loss of the Temple, while Maccoby maintains that the Mishnaic code is simply the product of a close reading and development of the text of Num 19.[90] Robert Hayward has analysed the presentation of the Red Heifer in $\mathfrak{T}^{\text{PJ}}$ within the context of ancient halachic discussion. He draws attention to the uniqueness of $\mathfrak{T}^{\text{PJ}}$ in several halachic items, a fact which validates the conclusion regarding the Targum's antiquity as being older than, or contemporary with, the Sifré and Tosefta, a date of c. late fourth century CE.[91] Bowman, on the basis of statements made

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Sheffield: Sheffield Academic Press, 2002), pp. 219–232.

[86]Rudman, Dominic, 'Water for impurity or water of impurity? The red cow of Numbers 19 revisited', *OTE* 16 (2003), pp. 73–78. His analysis is discussed at greater length in §3.3.4.

[87]Blau, 'The Red Heifer'.

[88]Maccoby, Hyam, 'Neusner and the Red Cow', *JSJ* 21 (1990), pp. 60–75.

[89]Neusner, Jacob, 'Mr. Maccoby's Red Cow, Mr. Sanders's Pharisees—and Mine', *JSJ* 23 (1992), pp. 81–98.

[90]See also his studies of the matter of corpse impurity and the Red Heifer in the Bible and halachic literature in Maccoby, Hyam, *Ritual and Morality: The Ritual Purity System and its Place in Judaism* (Cambridge: Cambridge University Press, 1999), pp. 1–29, 94–117, 141–148, 165–181.

[91]Hayward, Robert, 'Red Heifer and Golden Calf: Dating Targum Pseudo-Jonathan, in Paul V.M. Flesher (ed.), *Targum Studies*, I (Atlanta: Scholars Press, 1992), pp. 9–32.

in the *Community Rule* (1QS)[92] and a comparison of these with Targumic, Karaite and Samaritan testimony to the Red Heifer, has speculated on the role the ashes of the heifer might have played at Qumran.[93] With respect to the ancient controversy between the Pharisees and the Sadducees concerning whether or not it is permissible for a *ṭebul yom*, one who has undergone a purificatory bath but not waited until sundown, to perform the ceremony of the Red Heifer, J. Baumgarten has considered the testimony of Qumran material, including 11QT (the *Temple Scroll*)[94] and the fragments of the Laws of the Red Heifer (4QTohB[a] and 4QTohB[b]).[95] He demonstrates that the Qumran material presents a decidedly non-Pharisaic interpretation of the rite. 11QT articulates a position against Pharisaic laxity in this matter (so also 4QMMT), while 4QTohB[a] and 4QTohB[b] manifest a concern that administration of the rite is carried out by priestly authorities, both for the preparation of the ashes and for the sprinkling of the water. These texts also attribute to the ceremony the function of כפרה and oppose the practice of young boys preparing the water and ashes. Baumgarten has subsequently presented evidence that the use of the מי נדה was extended beyond situations involving purification from corpse contamination to treat other forms of impurity.[96] The issue of the *ṭebul yom* and the Red Heifer has recently been revisited by Birenboim, who summarises

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[92]In 1QS 3.4–10 it is stated that those who refuse entry into the Community cannot cleanse themselves with water for purification (מי נדה).

[93]Bowman, J., 'Did the Qumran Sect Burn the Red Heifer?', *RevQ* 1 (1958), pp. 73–84.

[94]Baumgarten, Joseph M., 'The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts', *JJS* 31 (1980), pp. 157–170.

[95]Baumgarten, Joseph M., 'The Red Cow Purification Rites in Qumran Texts', *JJS* 46 (1995), pp. 112–119.

[96]Baumgarten, Joseph M., 'The Use of the מי נדה for General Purification', in Laurence H. Schiffman, *et al.* (eds.), *The Dead Sea Scrolls: Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997* (Jerusalem: Israel Exploration Society, 2000), pp. 481–485.

all of the relevant data from Qumran. Birenboim concludes that the Qumran community, like the Sadducees, was strongly opposed to the Pharisees' goal of allowing nonpriests to take an active part in either the preparation or the administration of the מי נדה.[97]

1.2 A Statement of the Problem and Approach

The present study is a synchronic reading of Numbers 19 and an attempt to discern the authorial intent and meaning behind the elusive symbolism of the rite as it is presented in the final text. Synchronic study of the text is needed for two reasons, the first being the value of such a study in its own right. The predominance of diachronic approaches to the Red Heifer has often precluded serious thinking on the nature, symbolism and significance of the rite within the text as a final redaction. And yet it is precisely this "final" text that has functioned as normative in the religious setting of Second Temple Judaism. Secondly, without denying that an investigation of a text's possible historical origin and development can yield insights into its present meaning, synchronic analysis is still necessary as a control on any subsequent diachronic theories which might be formed. There is otherwise the danger that specious evidence might be offered for a text's historical development, evidence which invariably draws on posited linguistic or conceptual incongruities, and which might be explicable within the extant text without recourse to a text-historical explanation.

The Red Heifer can be studied synchronically in two ways, as a rite which belongs to the whole complex of sacrifices and purifications within the Torah legislation, and as a ritual text framed within a larger narrative and literary

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[97]Birenboim, Hannan, '*Tevul Yom* and the Red Heifer: Pharisaic and Sadducean Halakah', *DSD* 16 (2009), pp. 254–273.

context. Analysis of Num 19 as a species of sacrifice and a purification rite requires foremost a systematic comparison with the other חטאת sacrifices in order to gauge its purpose within the whole. This method especially has been inaugurated by Milgrom in his ground-breaking study.[98] Milgrom's work thus provides the basis for the analysis of the Red Heifer in Chapter 2, which seeks terminological and functional clarification with respect to the Red Heifer's designation as a חטאת and addresses some of the weaknesses of Milgrom's conclusions. On the basis of tentative conclusions reached in Chapter 2, a close reading of the whole text of Num 19 is pursued in Chapter 3, the purpose being to encounter the text afresh and engage all of the scholarly treatments and discussions of its components. This close analysis of Num 19 prepares the ground for a synchronic reading of the text within its narrative and literary framework. Prior interpretive approaches to the Red Heifer, whether ancient and allegorical or modern and critical, have, in focusing on the text itself in isolation from its textual context, precluded the possibility that the theological meaning of the rite might be principally supplied by the narratives which *frame* it. Num 19 certainly gives no explicit or implicit indication of the symbolic meaning of its many curious features. The approach here taken will be to analyse Num 19 in view of the narrative theme and structure of the book of Numbers, and the phenomenon of the juxtaposition of Pentateuchal narrative material with liturgical ordinances. Thus, in Chapter 4, a consideration of the structure and theme of Numbers and of the relationship of law and narrative within the book, given that the alternation and juxtaposition of legal and narrative texts is one of the book's central features, prepares the way for an analysis of the Red Heifer in its narrative context at the level of the book of Numbers and the Torah as a whole in Chapter 5. In sum, a two-pronged

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[98]Milgrom, 'The Paradox of the Red Cow'.

approach to the central question of the meaning of the Red Heifer ceremony is proposed:

1. Can terminological clarification and analysis of the חטאת sacrifices and the Red Heifer's relationship to these sacrifices, and a close reading of the text of Num 19 itself, shed light on its purpose and function as it is presented in the text of Numbers?

2. Given a basic understanding of the Red Heifer's ritual purpose and dynamic, can an analysis of the law's interaction and interrelation with its narrative context help to elucidate the symbolism and theology of the rite?

Though the Red Heifer be deemed "insoluble" and the study of it akin to the classical mathematician's attempt to square the circle or the early modern inventor's pursuit of a perpetual motion machine,[99] nevertheless no one would argue that such quixotic quests have not in the meantime led to better mathematical models and more efficient engines. Similarly, this present quest does not presume to crack the mystery of the Heifer; rather it is intended as a contribution towards a fuller and sharpened understanding of the ancient, contextualised theological sense of the text.

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[99]Blau, 'The Red Heifer', p. 78.

Chapter 2

חטאת and the Red Heifer

In the brief survey of the history of scholarly treatment of Numbers 19 [§1.1] a consideration of the work of Jacob Milgrom was deferred. This is because an understanding of his interpretation of the Red Heifer requires more than a cursory familiarity with the scholarship surrounding the whole issue of the חטאת offerings.[1] That חטאת is a technical term, used with precision, becomes clear when the sacrificial system of the Priestly texts is considered. As a sacrifice it has been most strongly associated with the concept of atonement,[2] although there has been some debate over the question of whether the חטאת can be considered to be an expiatory sacrifice at all or whether it is to be

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[1]A comprehensive analysis of this body of scholarship is beyond the scope of the present investigation, however. Kiuchi notes that there are three basic theological issues which have been discussed in connection with the חטאת offerings in the last century. First, vigorous debate has occurred over the difference and distinction between the חטאת and the אשם offerings of Lev 4.1–5.26, both of which are assumed to be expiatory. Second, as an animal sacrifice the חטאת has been discussed in connection with concepts of vicarious substitution, the symbolism of blood, the imposition of hands, etc. Lastly, the חטאת has been at the centre of thematic studies of 'atonement,' 'expiation,' and 'propitiation.' See Kiuchi, Nobuyoshi, *The Purification Offering in the Priestly Literature: Its Meaning and Function* (JSOTSup, 56; Sheffield: JSOT Press, 1987), p. 11.

[2]The חטאת is quite often taken up in the context of discussions of the theological concepts of 'atonement', 'expiation', and 'propitiation', on account of the fact that the term כפר most frequently occurs in connection with the חטאת. (Kiuchi, *The Purification Offering*, p. 5.)

regarded rather as a purification rite. Analysis of the חטאת[3] often first concentrates on the meaning and function of the "normal" or "regular" חטאת in
Lev 4.1–5.13 and 6.17–23, while interpreting its other instances as "unique
situations."[4] Lev 4.1–5.13 and 6.17–23 provide the basic description and full
set of regulations concerning the חטאת [§2.1] while the "Day of Atonement"
(Lev 16) and the "Ceremony of the Red Heifer" (Num 19) constitute two significant rites where the חטאת offering appears to be extended and supplemented.
The traditional critical interpretations of the חטאת, generally rendered as "sinoffering," have understood the sacrifice to be expiatory, atoning for personal
sin and impurity. [§2.2] However, a strong and persuasive interpretation which
seriously challenges many traditional notions has been developed in the work
of Jacob Milgrom, who argues that the חטאת offerings do not function to purify the offerers but rather purge the sanctuary from the defilement caused
by the sin or ritual impurity of the people. [§2.3] His understanding has been
highly influential and is the basis for his further forays into the study of the
Red Heifer. [§2.4] Both a consideration and a critique of his scholarship, in
view of the conclusions of subsequent researchers, is pursued here. [§2.5] Also,
the unique contribution of Alfred Marx, whose perspective on the חטאת might
shed further light on the nature of the Red Heifer, is considered. [§2.6] Over

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[3]The occurrences of the חטאת in the texts traditionally understood to be Priestly are:
Exod 29.10–14, 36; 30.10; Lev 4.1–34; 5.1–13; 6.10, 17–23; 7.7, 37; 8.2,14–15; 9.2–3, 7–15,
22; 10.16–20; 12.6–8; 14.13, 22, 31; 15.15, 30; 16.3, 5, 6, 9, 11, 14–15, 18–19, 25, 27–28;
23.19; Num 6.11, 14, 16; 7.16, 22, 28, 34, 40, 46, 52, 58, 64, 70, 76, 82, 87; 8.7, 8, 12; 15.24,
25, 27; 18.9; 19.9, 17; 28.15, 22; 29.5, 11, 16, 19, 22, 25, 28, 31, 34, 38.

[4]Kiuchi, *The Purification Offering*, p. 39. Apart from the situations described in Lev 4.1–
5.13 the חטאת is a feature of the following: the consecration of Aaron, the priesthood and
the altar (Exod 29.10–14, 36-37); the "eighth-day" service (Lev 9.2–3, 7–15); the חטאת flesh
incident (Lev 10.16–20); purification from impurity as result of childbirth, skin diseases, and
discharges (Lev 12.6,8; 14.19,22,31; 15.15,30); the day of atonement (Lev 16); the purification
of the Nazirite upon completion of his term of dedication (Num 6.11,14); the purification
of the Levites (Num 8.7,8.12); the ceremony of the Red Heifer for cleansing from corpse
impurity (Num 19.9,17); and several liturgical festivals (Lev 23.19; Num 7; 15.22ff.; 28-29).

all, it is hoped that a systematic study of the חטאת sacrifices which considers carefully Milgrom's theory will provide some terminological clarification and much-needed background and context for the subsequent analysis of the ritual of the Red Heifer, both in its narrative context within the book of Numbers and the Pentateuch as a whole.

It must be noted at the outset that some scholars, particularly those concerned with the diachronic aspects of the Priestly texts,[5] might not accept that a comparison and study of the various חטאת rituals *in toto*, with a view to elucidating an overall systematic meaning of חטאת, is a valid methodology since the sum of texts under consideration presumably derives from various sources and traditions and therefore might contain substantial differences in meaning and theology, the systematization of which is a somewhat artificial process. However, prehistory of these texts remains speculative and debated. Even if that history were better understood there is still the matter of the "final form" which must be accounted for.[6] This alone justifies an approach which assumes, at least at the level of a working hypothesis, that a synchronic reading of the

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[5]The term 'Priestly' is here used to refer to those texts whose origin, according to the Graf-Wellhausen hypothesis, is attributed to the posited 'Priestly Source,' the traditional dating of which is the mid-sixth century BCE—the exilic period. However, this present study is a synchronic, rather than diachronic, reading of the biblical material. Use of the term 'Priestly' here while referring to the particular subset of extant biblical material commonly denoted as P (and H), does not intend to presume a certain theory of provenance, Wellhausenian or otherwise. Caution in such matters is warranted in view of the many contemporary challenges to the Wellhausen "consensus" in recent years. For a cursory overview of the main challenges to the Graf-Wellhausen hypothesis see Grabbe, Lester L., *Leviticus* (OTG; Sheffield: Sheffield Academic Press, 1993), pp. 12–20.

[6]Thus Watts remarks: "one must read the Pentateuch first before arriving at conclusions as to its historical development. Calls for the priority of literary analysis have recently been voiced by some historically oriented Pentateuchal critics. Though the training of modern biblical scholars usually introduces them to historical theories about the text before they have read most of it, methodologically the text must be read sympathetically (i.e. described as it stands) before historical questions and evidence can be adduced from it." (Watts, James W., *Reading Law: The Rhetorical Shaping of the Pentateuch* [Sheffield: Sheffield Academic Press, 1999], pp. 131–132.)

texts pertaining to the חטאת sacrifices might afford a coherent interpretation. The following observations of Gane are taken to be fundamentally sound with respect to the synchronic study of the Priestly texts employed in this present analysis:

> An investigation into the meaning/function of a ritual at a stage for which evidence is extant need not be crippled by lack of a solid prehistory any more than semantic study of a word should be fatally flawed by insufficient etymological background. Linguists have demonstrated that the way in which a word is used in a given period determines its meaning during that period. While etymology is interesting and important, it is not a safe guide to meaning. Similarly, the origin of a ritual does not determine some kind of invariable essential meaning but, rather, the meaning of a given ritual activity resides in the way it is used and understood by a particular group of people according to the system of concepts that belongs to their cultural system.[7]

Thus, the approach taken here is ultimately to engage in a synchronic reading of the text, a prior and necessary task preliminary to any subsequent issues concerning the text's authorship, redaction or history of composition.

2.1 The חטאת Offering in Leviticus

Lev 4.1–5.13 and 6.17–23 can be understood to describe a distinct category of circumstances for which the חטאת is offered. Lev 4.1–35 presents the basic instructions and circumstances pertaining to the חטאת, with 5.1–13 describing

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[7]Gane, Roy, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake, IN: Eisenbrauns, 2005), p. 37.

a "graduated" variation of the חטאת offering in the instance of four particular sins,[8] while 6.17–23 discusses the תורה of the sacrifice, the items pertaining specifically to the role of the priests.[9] Four cases for the offering which fall into two basic categories are presented, one category for the "sin" (חטא) of the anointed priest (הכהן המשיח)[10] and the "unintentional error" (שגה) of the entire congregation (כל־עדת ישראל) and another for the laity, whether a tribal leader (נשיא) or an ordinary individual (נפש). The occasion necessitating this sacrifice is transgression against one of the divine commandments (מצות יהוה אשר לא תעשינה, Lev 4.2, 13, 22, 27). As Milgrom notes, inadvertent sin, that is, a sin committed בשגגה, is "a key criterion in all expiatory sacrifice. A deliberate, brazen sinner is barred from the sanctuary (Num 15.30–31). Presumptuous sins are not expiable but are punished with kārēt—excision."[11] The two categories of חטאת differ in ritual detail with respect to the penetration of the blood into the Tabernacle, and the disposal of the victim.

In the case of the anointed priest a bull without defect (פר בן־בקר תמים)

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[8]For a presentation of the hypothesis that the graduated חטאת of Lev 5.1–13 is a distinct sacrificial category enjoined specifically for failure or inability to cleanse impurity as soon as it first occurs see Milgrom, Jacob, *Leviticus: A New Translation with Introduction and Commentary* (AB, 3.1–3; New York: Doubleday, 1991–2001), pp. 310 f.

[9]It should be noted that although 6.17–23 is being considered systematically alongside 4.1–5.13, which provides the description and occasions for the "regular" חטאת, this passage is located in a section of Leviticus which has been arranged as a series of five תורות, ritual "instructions" for the priests, and is no longer couched in the form of ritual case law. Thus, "with this shift of emphasis comes a change in genre." (Kleinig, John W., *Leviticus* [Concordia Commentary: A Theological Exposition of Sacred Scripture; St. Louis, MO: Concordia Publishing House, 2003], p. 139.)

[10]i.e., the high priest. As Gane observes: "It is true that the anointing oil was applied to ordinary priests (Exod 29.21; 40.14–15; Lev 8.30). But Aaron, the first high priest, had a special anointing (Exod 29.7; Lev 8.12), and in Lev 6.15[22] it is clear that "the anointed priest" is the high priest in Aaron's line of succession (cf. Exod 29.29–30)." (Gane, *Cult and Character*, p. 45 n. 2.)

[11]Milgrom, *Leviticus*, p. 228. The precise contours of what constitutes "inadvertence" are often defined differently by commentators however. For Milgrom, "inadvertent wrongdoing" results due to "negligence or ignorance." (Milgrom, *Leviticus*, p. 228.) On the כרת-penalty and its relationship to the ceremony of the Red Heifer see §3.2.8.

is to be offered (v 3). Blood is sprinkled seven times before the פרכת–veil of
the inner sanctum (v 6) and placed also on the horns of the altar of incense
(v 7, על־קרנות מזבח). The blood is disposed of at the base of the altar of burnt
offering (v 7, מזבח העלה), where the fat portions are also burnt, while the rest
of the animal is taken outside the camp (אל־מחוץ למחנה) and burned in the
place where the ashes are disposed of—a designated "pure place" (v 12, מקום
טהור). In the case of the congregation, the ritual differs in only one significant
detail. The designated animal is not a bull "without blemish," but simply
a פר בן־בקר. In this instance the offering is presented by the elders of the
congregation, who lay their hand on the bull, rather than the anointed priest.
Beyond this, the ritual is the same, while the explanatory comment is added
in v 20b: "and the priest shall make atonement for them, and they shall be
forgiven" (וכפר עלהם הכהן ונסלח להם).

The other category of חטאת, that which is offered by individual laity, differs
significantly in many instances. In each case the offerer lays his hand on the
offering but the prescribed animal is different. For a leader the animal is a
male goat without defect (v 23, שעיר עזים זכר תמים). For a common person
either a female goat without defect (v 28, שעירת עזים תמימה נקבה) or a female
lamb without defect (v 32, a sheep—כבש) is offered. There is no penetration
into the inner part of tabernacle or sevenfold sprinkling rite. The blood is
used, rather, to purify the horns of the altar of burnt offering, where the rest
of the blood is similarly disposed of. The fat portion is then burnt, but the
disposal of the carcass outside the camp is not required. Instead it is eaten by
the priests. Common to all instances is the removal of all fat which is offered
up in smoke on the altar of burnt offering.

Thus the main differences, excepting the different prescribed victims, be-
tween the "burnt" חטאת and the "eaten" חטאת are as follows: a) In the former,

the sacrificial blood is applied to the inner, incense altar and sprinkled before the פרכת–veil, and the animal is burnt outside the camp; b) In the latter, the sacrificial blood is applied to the outer altar of עלה, the sacrificial altar, and the meat is subsequently eaten by the officiating priest.

The two categories[12] comprising the four prescribed instances for offering the חטאת are summarized in the following table:[13]

Offender	Victim	Location	Blood sprinkled	Blood Applied	Disposal
anointed priest	bull (תמים)	holy place	seven times in front of פרכת-veil	horns of incense altar	burned
congregation	bull	holy place	seven times in front of פרכת-veil	horns of incense altar	burned
leader	male goat	Tabernacle court	—	horns of altar of עלה	eaten
anyone	female goat	Tabernacle court	—	horns of altar of עלה	eaten
anyone	female lamb	Tabernacle court	—	horns of altar of עלה	eaten

Lev 5.1–13 comprises a secondary category, the so-called "graduated" חטאת, which appends the following specific cases: 1) failure to obey adjuration to testify in a court case (v 1); 2) guilt from unwitting contact with an unclean animal (v 2); 3) guilt from unwitting contact with an unclean person (v 3); 4) guilt for forgetfulness in fulfilling a rash oath (v 4). Here a "gradation" of the חטאת offering is also introduced (vv 6–13), such that the demands of the offering are mitigated in instances of poverty. For the most part, the

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[12]The two categories, here referred to as the "eaten" and "burned" חטאת according to the respective method of the disposal of the sacrificial victim, are conceived of as "outer-altar" and "outer-sanctum" purification offerings by Gane with reference to the degree of penetration into the sancta of the חטאת blood, its application on the horns of the altar of עלה being the former and on the horns of the incense alter being the latter. For a full and thorough analysis of the differences between the two categories see Gane, *Cult and Character*, pp. 45–90.

[13]Adapted from Jenson, Philip Peter, *Graded Holiness: A Key to the Priestly Conception of the World* (JSOTSup, 106; Sheffield: JSOT Press, 1992), p. 172.

other חטאת texts in the Priestly literature, many of which deal with unique situations or specific liturgical celebrations, do not appear to depart in ritual detail, where such detail is indicated, from the comprehensive presentation of the חטאת of Lev 4.1ff. Such texts include Exod 29.10–14, 36–37, and Lev 8.14–17, describing the consecration of the priests and the altar; Lev 9.2–3, 7–15, the eighth-day service; Lev 10.16–20, the incident of the uneaten חטאת flesh; Num 6.11, 14, the purification of the Nazirite; Num 8.7,8,12, the purification of the Levites; and other festive and unique occasions including Lev 23.19; Num 7; 15.22ff.; 28–29. One exception to the above is, of course, Lev 16, the Day of Atonement.[14] The חטאת here is somewhat anomalous when compared to the "ordinary" חטאת of the other texts. Here, the blood of the bull, offered as a חטאת for Aaron, and the blood of the goat, offered as a חטאת for the people, are both brought into the holy of holies and sprinkled on the front of the כפרת, and before the כפרת seven times. It is explained: "He shall make for the sanctuary the expiation [כפר] required by the ritual uncleanness [תמא] of the Israelites and their acts of rebellion [פשע], that is by all their sins [חטאת]; and he shall do the same for the Tent of the Presence from the time when he enters the sanctuary to make expiation until he comes out, he shall make expiation for himself, his household, and the whole assembly of Israel" (Lev 16.16, NEB). The ritual does not depart from, but rather seems to *extend*, the "ordinary" חטאת, taking it into the sphere of the holy of holies. The Azazel goat ritual, of course, is unique to the Day of Atonement and the whole Priestly system.

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[14]The ritual of the Red Heifer, insofar as it is also a חטאת (Num 19.9), is of course the other significant exception, its nature and function as a חטאת to be considered in due course.

2.2   The חטאת: Expiatory or Purificatory?

Questions immediately arise: What is the function of the חטאת? Is it expiatory? Is it purificatory? Is it both? How might an understanding of the basic function of the חטאת shed light on the nature and function of the ritual of the Red Heifer, given that the express declaration is made in Num 19.9: חטאת הוא?

2.2.1   The חטאת as an Expiatory Sacrifice

Most studies have until more recent times assumed as a matter of course that the function of the חטאת offering is expiatory. G. B. Gray is representative of this view when he asserts that the חטאת (translated as "sin-offering") is the means by which "the sins of men who offered them were removed."[15]   Gray draws attention to the fundamental meaning of the root חטאת as "sin" and therefore suggests that the derived meaning of חטאת, the "sin-offering," is that of a payment for sin taking the form of an offering. When the payment is made (i.e. the sacrifice is offered), the penalty of the sin is discharged, and the sinner subsequently acquitted.[16]   Saydon elaborates on this traditional understanding of the חטאת as an expiatory sacrifice for sins by distinguishing the חטאת from the אשם and suggesting that there exist *three* classes of sins with regard to their expiation: 1) sins committed with a "high hand" (ביד רמה) which cannot be atoned for by any sacrifice (Num 15.30); 2) "ordinary" sins which are committed out of "human frailty" rather than blatant disregard of the Law and are atoned for by the חטאת (*sacrificium pro peccato*); and 3) unintentional "sins of ignorance," imputable in spite of involuntariness, which

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[15]Gray, George Buchanan, *Sacrifice in the Old Testament: Its Theory and Practice* (Oxford: Clarendon Press, 1925), p. 60.

[16]Gray, *Sacrifice*, p. 58.

are atoned for by the אשם-offering (*sacrificium pro delicto*).[17] By contrast, Snaith suggests that the חטאת is concerned with the expiation of "unwitting" offences, those committed בשגגה and instances where the sin is "hidden" from the perpetrator—ונעלם ממנו—whereas the אשם is concerned with offences where damage has been done and loss is incurred, and thus is best understood as a "compensation-offering" rather than a "sin-" or "guilt-offering."[18] For de Vaux, for whom *every* sacrifice "has an expiatory force,"[19] the word חטאת "means all at once the sin, the sacrifice which deletes it, and the victim of such a sacrifice."[20]

Assumptions regarding the expiatory function of the חטאת have been made even in those contexts where matters of *purification* appear to be the principal concern of the rite. Interpreters sometimes go beyond the explicit statements of the text in order to posit some manner or form of sin which is being expiated. For example, Keil states regarding the חטאת offered after childbirth (Lev 12):

> For her restoration to the Lord and his sanctuary, [the mother] was to come and be cleansed with a sin-offering [חטאת] and a burnt-offering [עלה], on account of the uncleanness in which the sin of nature had manifested itself; because she had been obliged to absent herself in consequence for a whole week from the sanctuary

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[17]Saydon, P.P., 'Sin-Offering and Trespass-Offering', *CBQ* 8 (1946), pp. 393–398. That חטאת sacrifices are often prescribed in instances of purification where *no* apparent sin is involved is not an issue which Saydon addresses. Furthermore, the ritual of the Red Heifer receives no mention in his analysis.

[18]Snaith, Norman H., 'The Sin-Offering and the Guilt-Offering', *VT* 15 (1965), pp. 73–80. Again, instances where purification seems central to the חטאת sacrifices, where no obvious or apparant sin is involved, as is the case with Num 19, are simply not discussed.

[19]Vaux, Roland de, *Studies in Old Testament Sacrifice* (Cardiff: University of Wales Press, 1964), p. 91.

[20]Curiously, the ritual of the Red Heifer is also completely absent from his survey and interpretation of the sacrificial texts of the Old Testament.

and fellowship of the Lord.[21]

J. H. Kurtz is much more careful, however, as he presents his view that the ritual impurity is a manifestation of sinful nature itself:

> These [various kinds of impurity], the whole of which, with the single exception of conjugal intercourse, were involuntary and to a certain extent inevitable, are not treated in the law as sinful in themselves, or as connected with special sins . . . Yet by requiring a sin- or trespass-offering for the removal of the higher forms of uncleanness, it indicates a primary connection between them and sin, so far, that is to say, as the processes occurring in the body are dependent upon the influences and effects of the universal sinfulness. And it was this sinfulness . . . which required sacrificial expiation by means of sin-offerings, in the same manner as sinful acts unconciously performed.[22]

2.2.2 The חטאת as a Purificatory Rite

In view of these traditional assumptions made by exegetes in the past, the accusation has been made that biblical scholars have contributed to the misunderstanding of Levitical sacrifice by interpreting it with an implicit anti-liturgical bias.[23] Praising Jacob Milgrom for, more than any other contemporary scholar,

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[21] Quoted by Kiuchi, *The Purification Offering*, p. 12.

[22] Quoted by Kiuchi, *The Purification Offering*, p. 13.

[23] McLean, Bradley H., 'The interpretation of the Levitical sin offering and the Scapegoat', *SR* 20 (1991), pp. 345–356 (345). Thus, for example, Köhler, has declared regarding the Levitical sacrificial system that it is " begun, continued and accomplished by man; it is works, not grace; an act of self-help, not a piece of God's salvation . . . Salvation is the way of the world . . . this cult deserves only very limited discussion within a theology of the Old Testament" (quoted in McLean, 'The Levitical sin offering', p. 345). Similarly, Eichrodt claims that there is a "tendency of the [Levitical] sacrificial system to make the forgiveness of sins a mechanical process" (quoted inMcLean, 'The Levitical sin offering', p. 345).

"overturning many firmly held conclusions concerning the purpose and theology of Levitical sacrifice," McLean charges traditional scholarship with an exegetical insensitivity towards the texts studied, where "even those who wrote the Hebrew Bible's manual about types of sacrifice were not always clear about distinctions in meaning as opposed to distinctions in the ritual ... due to the fact that in a liturgical action what is done tends to take priority over what is meant."[24]

In a series of articles beginning in 1970 and culminating in his magisterial three-volume commentary on Leviticus, Jacob Milgrom has radically reassessed these traditional assumptions and interpretations and established himself as the principal contemporary expositor of the meaning, function, and theology of the חטאת sacrifice. Milgrom's rejection of the traditional notion and translation of the חטאת as a "sin-offering" in favour of "purification-offering" as a preferred apellation and understanding is based on several arguments: the context, morphology and etymology of חטאת, the nature of the objects of the חטאת sacrifice, and the meaning of the verb כפר, which is strongly associated with the חטאת sacrifice, in view of the prepositions it takes. Milgrom's view, in a nutshell, is that the חטאת does not purify its offerer, nor does it serve as expiation for sins. Rather, it purges the *sanctuary* of the sins and contracted defilements of the people. Because Milgrom has claimed that his interpretation of the ritual of the Red Heifer is "the capstone" of his חטאת theology, a thorough investigation of his theory is a necessary preliminary to any meaningful engagement with his interpretation of Numbers 19.

Milgrom challenges the traditional understanding of the חטאת sacrifice as a "sin offering," as a rendering which is "inaccurate on all grounds: contextually,

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[24]McLean, 'The Levitical sin offering', p. 345.

morphologically and etymologically."[25] Here he is motivated by Kaufmann,
who has asserted that the חטאת, like the "guilt-offering" (אשם) which is pre-
scribed for unintentional sins,[26] is nevertheless an essentially *purificatory* rite:
"it purifies and sanctifies objects (Exod 29.36f.; Lev 8.15; 16.15f.; Ezek 43.18
ff.; 45.18 ff.) and persons (Exod 29.10 ff.; Num 8.5 ff.). At bottom the חטאת
is no offering at all."[27] Milgrom's thesis is supported by three observations.
Contextually, "the very range of the חטאת in the cult gainsays the notion of
sin,"[28] as it is prescribed in situations where "sin" is apparently not involved.[29]
Morphologically, חַטָּאת appears as a *Piel* derivative,[30] carrying the meaning of
the corresponding verbal form "to cleanse, expurgate, decontaminate." Lastly,

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[25]Milgrom, Jacob, 'Sin-Offering or Purification-Offering?', *VT* 21 (1971), pp. 237–239
(67).

[26]Kaufmann, Yehezkel, *The Religion of Israel: From its Beginnings to the Babylonian
Exile* (trans. Moshe Greenberg; London: George Allen & Unwin, 1960), p. 113. For Mil-
grom's treatment of the אשם and its distinctive characteristics see Milgrom, Jacob, *Cult
and Conscience: The Asham and the Priestly Doctrine of Repentance* (SJLA, 18; Leiden:
E.J. Brill, 1976).

[27]Kaufmann, *The Religion of Israel*, p. 113.

[28]Milgrom, 'Sin-Offering or Purification-Offering?', p. 237.

[29]Such is the case in Lev 12, the חטאת prescribed after childbirth; Num 6, the חטאת
enjoined upon completion of a nazirite vow; and Lev 8.15; Exod 24.36 f., the חטאת on the
occasion of the dedication of the newly constructed altar.

[30]That is, its corresponding verbal form is not the *Qal* חָטָא but rather the *Piel* חִטֵּא.
Compare James Barr, who provides this argument to similar, but not identical, effect: "The
intensive stems of the root-verb are repeatedly used in the 'privative' sense best expressed by
'to unsin' (German, *entsündigen*) by some rite of purification, as Lev 8.15, Ezek 43.20–23, of
'unsinning,' *i.e.* purifying or purging the altar; Num 19.19, of 'unsinning' a person defiled by
contact with a corpse; 8.21 'the Levites unsinned themselves (RV purified themselves from
sin) and washed their clothes,' where the 'sin' of RV refers only to ceremonial uncleanness.
From this use of the verb, חטאת, itself acquired the secondary sense of 'purification,' *e.g.*
Num 8.7 (AV rightly 'water of purifying'—RV 'expiation') and 19.9–17, where the Red Heifer
and her ashes are described as a חטאת, that is, as the means of removing the uncleanness
caused by the dead. It follows from the above that 'purification offering' better expresses
to the modern mind the purposes of the חטאת than does 'sin offering,' with its misleading
association." (Barr, James, 'Sacrifice and Offering', in Frederick C. Grant and H.H. Rowley
[eds.], *Dictionary of the Bible* [Edinburgh: T & T Clark, 2nd edn, 1963], pp. 868–876 [874].)

the "waters of חטאת (Num 8.7) serve an exclusively purifying function."[31]

Thus, "purification offering" is favoured over the traditional translation "sin offering" which "implies that the חטאת deals only with sin and is the only sacrifice to do so."[32] Milgrom acknowledges that this "mistranslation" of חטאת goes as far back as 𝔊, Philo (*Spec. Leg.* 1.226) and Josephus (*Ant.* 3.230), all of which render חטאת as ἁμαρτία, but he nevertheless points out that "not only is the ḥaṭṭāʾt unrelated to sin in rabbinic thought, but most authorities deny emphatically that the impurity itself was caused by sin;" they agree instead that the purpose of the חטאת is *ritual* purification.[33] According to Milgrom, a correct understanding of the term חטאת comprises an essential step in unlocking the ultimate meaning of the sacrifice. Once the חטאת ceases to be interpreted according to the "theologically foreign notion of sin," understood instead according to its "pristine meaning" of purification, it fits much more harmoniously into the broader setting of ancient Near Eastern religions and purification ceremonies.[34] Israel, maintains Milgrom "was part of a cultic continuum which abounded in purifications both of persons and of buildings, especially sanctuaries" and the interpretation of the חטאת as a ceremony of purification is "the key that opens the door to this world."[35]

2.2.3 The Two Kinds of חטאת

That there are two discrete categories of חטאת, differing in blood manipulation, has been noted. Lev 6.23 mandates the maintenance of a strict separation be-

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[31]Milgrom, 'Sin-Offering or Purification-Offering?', p. 237.

[32]Gane, *Cult and Character*, p. 51.

[33]Milgrom, 'Sin-Offering or Purification-Offering?', p. 238.

[34]Milgrom, 'Sin-Offering or Purification-Offering?', pp. 238–239.

[35]Milgrom, 'Sin-Offering or Purification-Offering?', p. 239.

tween them, stating that no חטאת for which blood is brought into the tent
of meeting (אהל־מועד) for the purpose of atonement within the sanctuary
(לכפר בקדש) may be eaten. Rather, it must be incinerated by fire. Kaufmann
has distinguished between these two kinds of חטאת according to their speci-
fied "elimination" rite—not only in some cases do the priests eat the חטאת "in
conditions which smack of the removal of some dangerous substance (Lev 6.19–
22)," but also, in instances where the whole carcass is burnt—"not, like the
whole or priestly meal offerings, on the altar, but outside the camp, and in
its entirety, even its hide and excrement (Lev 4.11–12, 21; 16.27)"—such a
rite "seems less a 'pleasing odor' than the elimination of some danger."[36] Sug-
gesting that since both types of חטאת, being purificatory, are dangerous and
must be eliminated either by eating or burning, Kaufmann adduces Lev 10.17b
to further prove that in eating the חטאת the priests thereby destroy Israel's
sins.[37] Lev 10.17b clearly seems to link the eating of the חטאת sacrifice to
its purificatory function, as the stated purpose for eating is "for removing the
iniquity of the congregation" (לשאת את־עון העדה) and "for making atonement
on behalf of them before the LORD" (לכפר עליהם לפני יהוה).[38] Although Mil-
grom initially rejected Kaufmann's notion that the priests eliminate impurity
by eating the burnt חטאת, maintaining that the "privilege" of eating the חטאת
sacrifice was simply "the largess granted to priests for assuming the burden,

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[36]Kaufmann, *The Religion of Israel*, p. 113.

[37]Milgrom, Jacob, 'Two Kinds of ḥaṭṭā't', *VT* 26 (1976) pp. 333–337, 333 (333).

[38]Thus Gane remarks: "The parallel syntax here—prep. ל + infin. cstr. + reference to
the community (הָעֵדָה / pron. suff. הֶם-)—strongly conveys the impression that the two ideas
are intended to be synonymous. The ritual activity of eating the flesh is necessary for the
priests to remove (infin. of נשא) the iniquity (עון) of the people, and by doing so, the priests
effect purgation on their behalf. ... By eating the flesh, the priests serve as a mediatorial
bridge between the Israelites and YHWH: by taking the iniquity of the people that they
would otherwise continue to bear (cf. 5.1), the priests identify with them. By removing that
iniquity, the priests identify with YHWH, who removes iniquity (Exod 34.7)." (Gane, *Cult
and Character*, pp. 99–100.)

indeed the hazard, of purging the sanctuary on behalf of the offerers,"[39] his view has since changed. Observing that in ancient Near Eastern purification ceremonies the purifiying materials were always destroyed at the conclusion of the rites, "lest their potent remains be exploited for purposes of black magic,"[40] Milgrom suggests that by mandating that the חטאת be eaten "Israel's priests were able to affirm that the power to purge the sanctuary does not inhere in a ritual but is solely dependent on the will of God."[41] Whereas the priests are the "personification of holiness" the חטאת is, by contrast, the "embodiment of impurity."[42] Similarly, in the Priestly conception holiness denotes life in contrast to impurity, the ultimate symbol of death. By consuming the impurity of the חטאת, the priest is making "a profound theological statement: holiness has swallowed impurity; life can defeat death."[43] But whence the category of חטאת which must be incinerated rather than eaten? Priestly faith, postulates Milgrom, "was not without its limits" and so the חטאת which purges Israel's "brazen sins and impurities, which had infested the very seat of the Godhead in the Holy of Holies,"[44] was still deemed too dangerous to be eaten and continued to be incinerated much like the ritual detergents of other ancient Near Eastern rites.

B.A. Levine has proposed an alternative solution to the two kinds of חטאת, which modifies Milgrom's identification of the חטאת as solely purificatory by suggesting that, while the "burnt" חטאת is indeed purificatory and is provided by the priests as a protective measure for guarding the sanctuary and the

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[39]Milgrom, 'Two Kinds of ḥaṭṭā't', p. 333.

[40]Milgrom, *Leviticus*, p. 637.

[41]Milgrom, *Leviticus*, p. 637.

[42]Milgrom, *Leviticus*, p. 638.

[43]Milgrom, *Leviticus*, p. 638.

[44]Milgrom, *Leviticus*, p. 638.

priesthood from defilement, the "eaten" חטאת is offered by the people for different purposes, that is, the expiation of certain sins, of individuals and of their tribal chiefs (נשיאים).[45] For Levine, there are effectively *two* types of חטאת, differing in kind. The burnt חטאת is purificatory while the eaten חטאת is expiatory. The two types of חטאת, maintains Levine, are clearly differentiated in the text. For example, on the one hand, the stated purpose of the "burnt" חטאת in Lev 6.23 (ET 6.30), whose blood is brought into the sanctuary, is to "make expiation in the holy place" (NEB). We are to understand this, argues Levine, as essentially an attempt to purify and protect the sanctuary from contamination.[46] But on the other hand, the stated purpose of the "eaten" חטאת described in Lev 10.17 is to "take away the guilt of the community by making expiation for them before the LORD" (NEB).[47] This interpretation undermines Milgrom's conclusions which would view the two kinds of חטאת as differing in degree rather than kind. Against Levine's interpretation, Milgrom has raised several objections. For example, a consideration of the חטאת prescribed for the Day of Atonement (Lev 16.5–27) directly contradicts Levine's conclusions, as the goat which is to be burnt outside the camp is offered by the the people, not the priests. Also, the חטאת offered for physical defilements, such as the parturient of Lev 12, is an "eaten" חטאת which, in Levine's reckoning, is expiatory rather than purificatory. Yet it is precisely such cases where an expiatory function seems forced, as there is no obvious offence being committed by those who bring the eaten חטא.[48]

The recognition that the eaten חטאת no less than the burnt one is purifi-

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[45]Levine, Baruch A., *In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel* (SJLA, 5; Leiden: E.J. Brill, 1974), p. 103.

[46]Levine, *In the Presence of the Lord*, p. 103.

[47]Levine, *In the Presence of the Lord*, pp. 103–104.

[48]For Milgrom's full set of objections see Milgrom, 'Two Kinds of ḥaṭṭā't', pp. 335–336.

catory leads Milgrom to develop his central thesis and theology of the חטאת sacrifice. *There is a spatial dynamic which underlies the whole system of חטאת sacrfices.* The eaten חטאת purges the outer altar which is "the first of the sancta met upon entering the sanctuary and represents the minimal incursion of impurity caused by inadvertent sins of the individual."[49] By contrast, the burnt חטאת is mandated for those "higher degrees of impurity caused by inadvertences of the high priest and community" as well as the presumptuous sins [פשעים] of Israel. The burnt חטאת is, therefore, the means for purging impurity which is "powerful enough to penetrate into the shrine and adytum and is dangerously contagious."[50] The lesser form of impurity is, furthermore, not contagious and thus the חטאת flesh is capable of being eaten by the priests. But the greater form of impurity is "transferable" and requires the presiding priest, who may have become "infected" to bathe immediately after the ritual (Lev 16.23–24).[51]

2.3   Milgrom's Theology of the חטאת

Milgrom's theological interpretation of the חטאת was principally developed in his article *Israel's Sanctuary: The Priestly "Picture of Dorian Gray."*[52] At the outset Milgrom rejects the notion that the חטאת as a purification rite cleanses anything other than the sanctuary and its furnishings. The חטאת blood is the purging element, "the ritual detergent. Its use is confined to the sanctuary,

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[49]Milgrom, 'Two Kinds of *ḥaṭṭāʾt*', p. 336.

[50]Milgrom, 'Two Kinds of *ḥaṭṭāʾt*', p. 336.

[51]Milgrom, 'Two Kinds of *ḥaṭṭāʾt*', p. 336.

[52]Milgrom, Jacob, 'Israel's Sanctuary: The Priestly 'Picture of Dorian Gray' ', *RB* 83 (1976), pp. 390–399.

but it is *never applied to a person*."[53] To establish this, "a study of the *kippēr* prepositions is decisive."[54] In the context of the חטאת, when an object is non-human, כפר takes the preposition על or ב or a direct object. In the case of a personal object, כפר requires the prepositions על or בעד, signifying "on behalf of," but the person is never a direct object. Thus, concludes Milgrom, the חטאת rite of purgation is never "carried out on the offerer but only on his behalf."[55] The priest purges not individuals but rather the most sacred objects and areas of the sanctuary on behalf of the person who caused their contamination, either through physical impurity or inadvertent offence.[56]

To understand how the sancta become contaminated requires an awareness of both the graded character of the sanctuary's holiness and the dynamic, physical nature of impurity. The Priestly liturgical texts picture the architecture of the Tabernacle and the Israelite camp as a number of distinct zones separated by clearly defined boundaries, with a correlation existing between these spatial zones and the degree of attributed holiness. Jenson provides a detailed presentation of the "graded holiness" of Israel's Tabernacle and encampment as depicted in the Pentateuch.[57] He interprets this structured spatial gradation as giving substance to two themes of the Priestly theology. First, the polarity

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[53]Milgrom, 'Israel's Sanctuary', p. 391.

[54]Milgrom, 'Israel's Sanctuary', p. 391.

[55]Milgrom, 'Israel's Sanctuary', p. 391. See also Levine's detailed study of the term כפר, Levine, *In the Presence of the Lord*, pp. 56–77. Levine also argues that, in this context, כפר bears no other meaning than "purge." However, the understanding of the meaning of כפר in any instance is by no means a settled issue. For a survey of the literature on כפר, which is vast and lies beyond the confines of this present study see Janowski, Bernd, *Sühne als Heilsgeschehen: Traditions- und religionsgeschichtliche Studien zur Sühnetheologie der Priesterschrift* (WMANT, 55; Düsseldorf: Neukirchener Verlag, 2nd edn, 2000), and for important earlier works Herrmann, Johannes, *Die Idee der Sühne im Alten Testament: Eine Untersuchung über Gebrauch und Bedeutung des Wortes kipper* (Leipzig: J.C. Hinrichs'sche Buchhandlung, 1905).

[56]Milgrom, 'Israel's Sanctuary', p. 391.

[57]Jenson, *Graded Holiness*, pp. 89–114.

between life and death is implicit in the gradation. Second, the presence of God is correlated with holiness, suggesting that access to God's presence as well as holiness can be of a graded quality:[58]

Zone	Description	References
I	Holy of Holies	Exod 26.33; Num 4.4,19
II	The Holy Place	Exod 26.33;29.30; Lev 6.30; Num 3.28;28.7
III	The Court	Exod 27.9–19; Num 4.26,32
A	A holy place	Exod 29.31; Lev 6.16,26,27;7.6;10.13;24.9
B	Entrance to the Tabernacle	Exod 29.4,32,42; Lev 1.3;3.2;12.6;16.7
I–III	The Sanctuary	Exod 25.8; Lev 12.4;19.30;20.3; Num 3.28
IV	A clean place	Lev 4.12;6.11;10.14; Num 19.9
V	An unclean place	Lev 14.40,41,45

Thus, the space surrounding the innermost shrine is organized in circles of decreasing sanctity from the holy of holies at the centre to the unclean wilderness outside the camp.

Milgrom employs this picture of the graded holiness of the sanctuary depicted in the Pentateuch by focusing on the nature of biblical impurity as it relates to the חטאת. He asserts that the Priestly texts present "a notion of impurity as a dynamic force, magnetic and malefic to the sphere of the sacred, attacking it not just by direct contact but from a distance,"[59] a notion common to all ancient Near Eastern cultures, where impurity is "the implacable foe of holiness wherever it exists; it assaults the sacred realm even from afar."[60]

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[58]This presentation of the gradation of holiness is drawn from Jenson, *Graded Holiness*, p. 90. On the details of the "gradation" of holiness in the Tabernacle and the Temple see especially Haran, Menahem, *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon Press, 1978), pp. 175–188, from whom Jenson draws heavily.

[59]Milgrom, 'Israel's Sanctuary', p. 394.

[60]Milgrom, 'Israel's Sanctuary', p. 393.

Thus the חטאת allows for the purgation of the sacred sphere, a concept which also finds abundant parallels in the temple purifications of the ancient Near Eastern religions:

> Impurity was feared because it was demonic. It was an unending threat to the gods themselves and especially to their temples, as exemplified by the images of protector gods set before temple entrances (*e.g.*, the *šêdu* and *lamassu* in Mesopotamia and the lion-gargoyles in Egypt) and, above all, by the elaborate cathartic and apotropaic rites to rid buildings of demons and prevent their return. Thus for both Israel and her neighbours impurity was a physical substance, an aerial miasma which possessed magnetic attraction for the realm of the sacred.[61]

This dynamic quality of impurity corresponds to the "graded holiness" of the sanctuary in its "graded power" to contaminate. As the sanctuary is characterised by three zones of holiness, so also impurity pollutes the sanctuary at three levels. Contamination of the outer court is effected by "the individual's inadvertent misdemeanour or severe physical impurity"[62] and is purged by means of the application of the חטאת blood to the horns of the outer altar (Lev 4.25, 30; 9.9 ff.). Contamination of the holy place is effected by the inadvertent transgressions of the high priest or the community as a whole, and thus the purgation of the inner altar, which stands before the פרכת-veil (Lev 4.5–7, 16–18), is required in such cases. The most-far reaching impurity is that which "not only pollutes the outer altar and penetrates into the shrine but it pierces the veil to the holy ark and *kappōret*, the very throne of God (cf. Isa 37.16)."[63]

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[61]Milgrom, 'Israel's Sanctuary', p. 392.

[62]Milgrom, 'Israel's Sanctuary', p. 393.

[63]Milgrom, 'Israel's Sanctuary', p. 393.

Such defilement is the result of "wanton, unrepented sin," for which ordinary חטאת sacrifices will not suffice (Num 15.27–31) and so must be purged on the Day of Atonement.

What arises then is the Priestly *"Picture of Dorian Gray,"* a Priestly theology and theodicy of the חטאת: "On the analogy of Oscar Wilde's novel, the priestly writers would claim: sin may not leave its mark on the face of the sinner, but it is certain to mark the face of the sanctuary, and unless it is quickly expunged, God's presence will depart."[64] Thus, the theology which arises from the structure of the חטאת is a "doctrine of collective responsibility"—a sinner might be "unscarred by his evil, but the sanctuary bears the scars, and with its destruction, he too will meet his doom."[65] Though the Israelite system shares with its Near East neighbours the common view that the impure and the holy are irreconcilable and the sanctuary therefore requires continual purification, it departs from this pagan world "suffused with demonic impurity" in teaching that such impurity does not inhere in nature; rather, "it is the creation of man. Only man, even by inadvertence, can generate the impurity that will evict God from his earthly abode."[66]

2.4 Milgrom and the "Paradox" of Num 19

Having reviewed Milgrom's distinctive interpretation of the חטאת in general, his proposed solution to the "paradox" of the ritual of the Red Heifer (i.e., it purifies the defiled and defiles the pure) can now be considered. Given the assertion of Num 19.9, חטאת הוא, Milgrom attempts a harmonization of the Red Heifer with the חטאת as depicted in Leviticus, or rather, with his systematic

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[64]Milgrom, 'Israel's Sanctuary', p. 398.

[65]Milgrom, 'Israel's Sanctuary', p. 398.

[66]Milgrom, *Leviticus*, p. 261.

account of the Levitical material. Since the Red Heifer is also designated a
"burnt" חטאת in Num 19.17, it furthermore falls into the particular category of
חטאת which is brought for *severe* impurities—whose flesh may not be eaten.[67]
Though the whole cow is burned (v 5), the blood is "the essential ingredient
in the ashes of the red cow. It is the blood of a חטאת, a purification offering,
which is the ritual detergent *par excellence* and which will remove the impurity
from those contaminated by contact with corpses."[68] The requirement of a *red*
cow (v 2) is meant "to increase, if symbolically, the amount of blood in the
ashes"[69]—perhaps likewise the "crimson stuff," and "[red] cedar"[70] (v 6) though
Milgrom asserts, without argument, that these other "traditional purgatives
. . . are clearly secondary to the blood."[71] The ashes, then, directly correspond
to the חטאת blood as a ritual detergent.

Milgrom therefore concludes:

> The single postulate of the Red Cow as a *ḥaṭṭā't* suffices to break
> the back of the paradox. For the unique characteristic of the *ḥaṭṭā't*
> is that it defiles its handlers. Thus, the one who burns the *ḥaṭṭā't*
> outside the camp "shall wash his clothes and bathe his body in
> water; after that he may re-enter the camp" (Lev 16.28). Here
> we have a precise parallel to the defilement incurred by the one
> who burns the Red Cow outside the camp and who undergoes a

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[67]Milgrom, 'The Paradox of the Red Cow', p. 63.

[68]Milgrom, Jacob, *Numbers: The Traditional Hebrew Text with the New JPS Translation*
(The JPS Torah Commentary Project, 4; Philadelphia: The Jewish Publication Society,
1989), p. 159.

[69]Milgrom, *Numbers*, p. 158.

[70]Milgrom, 'The Paradox of the Red Cow', p. 65.

[71]Milgrom, 'The Paradox of the Red Cow', p. 63. Significantly, these same materials are
used in the Levitical purification rites for those who have contracted "leprosy" (Lev 14.4, 6,
49, 51–52). See further §3.2.5.

similar purification (v 8). Furthermore, since the ḥaṭṭā't blood
now bears the impurity it has absorbed, it contaminates anything
it touches (Lev 6.20b). Hence the laws of impurities prevail in
regard to objects touched by the ḥaṭṭā't: earthenware must be
broken (cf. Lev 6.21a with Lev 11.33, 25, 15.12a) and metal ware
scoured (cf. Lev 6.21b with Num 31.22–23). . . . In effect, the ḥaṭṭā't
absorbs the impurity it has purged and for that reason, it must be
eliminated by incineration. However, this means anyone involved
in the incineration of the ḥaṭṭā't is infected by it and must undergo
purification.[72]

Having "accounted" for the paradox, however, one finds Milgrom still faced
with the uniqueness of the aspersion of חטאת ashes on the body of the corpse-
contaminated person. This defies the central logic of his account of the חטאת
in Leviticus, which is predicated on the observation that *only* the sancta are
purified—specifically not sinful or impure persons. His *real* solution here, then,
is to appeal to presumed Near-Eastern antecedents to account for the anomaly.
The Red Heifer, it is claimed, "constitutes a vestige of the ritual's pre-Israelitic
antecedents."[73] As to why this *primitive* rite with ashes is retained, Milgrom
tentatively suggests that it is because "corpse contamination evoked an obses-
sive, irrational fear."[74] The Red Heifer constitutes the vestigial remains of a
pagan rite of exorcism which has otherwise

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[72]Milgrom, 'The Paradox of the Red Cow', p. 64.

[73]Milgrom, 'The Paradox of the Red Cow', p. 68. Milgrom's argument is founded on
comparative data: "In Mesopotamia, for example, an impure person might be purified by
having him change or launder his garments, bathe with pure water, be aspersed with tamaris
and *tullal*-plant or incensed with censer and torch, and, above all, be wiped with specially
prepared detergents. Purification rituals, then, are performed on the body of the afflicted."
(Milgrom, 'The Paradox of the Red Cow', p. 68.)

[74]Milgrom, 'The Paradox of the Red Cow', p. 69.

been totally transformed by the Israelite values inherent in its sacrificial procedures. Above all, the hitherto demonic impurity of corpses has been devitalized, first by denying it the automatic power to contaminate the sanctuary (requiring a ḥaṭṭā't) and then by denying that the corpse-contaminated need leave his camp or city during his purificatory period. Finally, the procedure for preparing the ashes has been restructured to conform to the ḥaṭṭā't requirements and integrated into Israel's sacrificial system.[75]

Whatever relevance the comparative data may have for an analysis of the Red Heifer, Milgrom's interpretation already ignores an important feature of the text. Strictly speaking, the biblical text in no way suggests that the impure person need not leave the camp during purification. While Milgrom's analysis may well reflect the actual practice of the ceremony in the historical context of the Second Temple era, there is no such provision in the text itself which, quite to the contrary, appears rather to assume that the corpse-contaminated individual is indeed separated from the camp and community. It is explicitly stated in Num 5.2 that such persons are to be sent "outside the camp" so that it might not become defiled. A natural reading of Num 19 *in its narrative context* thus presents a ceremony which occurs entirely outside the camp, and functions to purify those who have been consigned to that location.[76]

Milgrom considers his interpretation of the Red Heifer to be "the capstone" of his whole חטאת interpretation, claiming "it registers the impact of the monotheistic revolution upon ancient Israel's cult: a widespread pagan rite of exorcism, attested in hellenistic and rabbinic times (and detectable even today) was effectively neutralized and transformed by Israel's priesthood and

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[75]Milgrom, 'The Paradox of the Red Cow', p. 72.

[76]See further §2.6.

made to conform to Israel's sacrificial system and monotheistic premises."[77]
Milgrom's proposed "key" to unlock "the paradox of the Red Cow" is to har-
monize it with the חטאת of Leviticus and subsume it into his system, thereby
purportedly alleviating the puzzling reason for cross-contamination—i.e., that
the ashes of the heifer purify those on whom they are sprinkled, but defile
those who administer the sprinkling. Can Milgrom possibly be right? Does
Num 19 in fact represent the "vestige of a pre-Israelite rite of exorcism" which
has subsequently been made to conform to the חטאת, a rite which itself does
not *expiate* but only *purifies*? It is the opinion of the present writer that,
irrespective of whether Milgrom's general account of the חטאת holds or not,[78]
his treatment hardly accounts for the multitude of discrepancies between the
ritual of the Red Heifer and the other instances of the חטאת in Leviticus.

Albert Baumgarten has already pointed out at least one flaw with Mil-
grom's approach to the Red Heifer, on comparative grounds. Milgrom relies
on a number of ancient Near Eastern parallels to support his assertions. Yet
Baumgarten notes that all of the cited parallels require the destruction of the
ritual agents *after* their use, that is, after they have come into contact with
impurity.[79] This is not the case in the ceremony of the Red Heifer, where
impurity is contracted by those who prepare the ashes well before their use.[80]
The Red Heifer, then, is a very poor analogue to the other Near Eastern rites,
for "the mechanism by which its ashes defile cannot be the residual impurity
left behind in ritual detergents, since the ashes defile before they are brought

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[77]Milgrom, Jacob, *Studies in Cultic Theology and Terminology* (SJLA, 36; Leiden:
E.J. Brill, 1983), *xii*.

[78]A brief summary of more recent critiques of his system is offered below [§2.5].

[79]Thus Baumgarten: "In modern terms, it is as if some of the dirt we wash off remains
adhering to the bar of soap."Baumgarten, 'The Paradox of the Red Heifer', p. 443.

[80]Num 19.7–10.

into contact with impurity."[81] Wright has attempted to preserve Milgrom's interpretation intact by simply suggesting that secondary impurity is contracted "prospectively," before any actual use of the water and ash concoction.[82] But the idea of "prospective defilement," offered without any rationale or proposed mechanism, is highly implausible, especially, as Baumgarten notes, in the case of the Red Heifer:

> Even if we concede for the sake of the argument that prospective defilement is possible, impurity can defile prospectively only when it is present or at the very least will soon be present. When the Red Heifer is burned and its ashes prepared, however, the person or things contaminated with corpse uncleanness will be present only at some point in the unknown future. The defilement they bear is so far away that it seems meaningless to talk of them conveying defilement prospectively.[83]

What Baumgarten demonstrates is that Milgrom's interpretation simply makes no sense as one actually imagines the enactment of the ritual. If incineration of the red cow is required because, as a חטאת, it absorbs the impurity it has purged, how does this square with the plain observation that the incineration is a rite *preparatory* to any actual purgation of defilement? Incineration produces ashes to be stored away, which, when mixed with water, purify from corpse contamination. How then, in this process, is impurity transmitted to the cow, such that the impurity becomes the *rationale* for burning? Milgrom's attempted harmonization simply does not seem to work here.

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[81]Baumgarten, 'The Paradox of the Red Heifer', p. 443.

[82]Wright, David P., *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature* (SBLDS, 101; Atlanta: Scholars Press, 1986), pp. 129 f.

[83]Baumgarten, 'The Paradox of the Red Heifer', p. 444.

The sacrificial language and system of Leviticus does indeed appear to be presupposed in Numbers, and in Num 19 the Red Heifer is declared to be a חטאת. Nevertheless, a close analysis of the ritual reveals a profound *discontinuity* with the Levitical system as a whole. One cannot help but suspect that in the preoccupation with picturing the Red Heifer as another "blood" rite within his חטאת system,[84] Milgrom has glossed over the numerous inconsistencies between Num 19 and Lev 4–6, including, at the very least, the following:

1. The sacrificial victim, a female cow, is *unique to this rite alone*, not to mention also the mandated colour and condition—"on which no yoke has been laid" (v 2, לא־עלה עליה על).

2. The place of slaughter is also unique; not at the doorway of the tent of meeting before the face of the LORD, but rather "outside the camp" (v 3).

3. Eleazar is curiously singled out as the priest to preside over the rite, in sharp contrast to those rites which require the "anointed priest," namely, Aaron. If one counters that Eleazar is here singled out for no other reason than that he is the high priest following Aaron's death, it still must be accounted for that the narrative of Aaron's death occurs *after* the Red Heifer within the narrative of Numbers.

4. There is *no* laying on of hand(s) upon the victim. It is only to be slaughtered in Eleazar's presence (v 4) and "burned in his sight" (v 5).

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[84]Thus Milgrom: "The blood is the essential ingredient in the ashes of the red cow. It is the blood of a חטאת, a purification offering, which is the ritual detergent *par excellence* and which will remove the impurity from those contaminated by contact with corpses. Thus all of the blood from the red cow, except for the few drops sprinkled by the priest, is burned in the fire. Indeed, according to the rabbis, after the sevenfold sprinkling, the High Priest wiped his hands on the carcass to assure that not a single drop of blood was wasted." (Milgrom, *Numbers*, p. 159.)

5. As is the case of the burnt (but not the eaten) חטאת, a sevenfold sprinkling of blood follows upon the slaughter. Yet even this only partly corresponds in that the veil is not sprinkled (the slaughter takes place outside the camp), but the blood is rather sprinkled "seven times toward the front of the Tent of Meeting."

6. The disposal of the victim is by burning, similar to the burnt חטאת. But here the similarity abruptly ends. No altar is used and the fat is not offered. Rather it is explicitly stated that "the cow shall be burned in his [Eleazar's?] sight—its hide, flesh, and blood shall be burned, its dung included" (v 5).

7. The materials of cedar wood, hyssop, and crimson stuff are also to be thrown into the fire by the priest (v 6).

8. As has been repeatedly observed, unlike the Levitical חטאת, the preparation rite of Num 19 defiles the priest. Thus, the priest and those who assist in the burning and gathering of the ashes to a clean place outside the camp are all to wash their garments, bathe in water, and remain unclean until evening (vv 7–10). No such defilement occurs in any aspect of the administration of the חטאת as depicted in Leviticus.

9. The ashes are gathered and stored—kept for "water of purification" (as מי נדה in v 9 is commonly translated) for the Israelite community. Thus, unlike *all* instances of the Levitical חטאת, a new sacrifice is not required for every instance of purification, but rather a one-for-all preparation seems to fulfill the requirements for a host of future cases.

10. The חטאת in Leviticus becomes *holy*, such that blood sprinkled on a garment must be washed in a holy place, earthen vessels must be broken

while bronze vessels must be scoured and rinsed. Whatever touches the flesh becomes holy, and the priests must eat it in a holy place. In the Levitical חטאת, then, the sacrifice becomes *consecrated* and its status corresponds to the holy place of the Tabernacle. Indeed, it is restricted to the sanctuary. The opposite dynamic, however, appears to be operative in the case of the Red Heifer—not only is the ceremony prohibited from taking place in the Tabernacle but also the ashes produced must remain outside the camp (albeit in a "clean" place), and are defiling. (And yet they make pure the defiled!)

11. *None* of the sancta are subject to purification of any sort, whereas in the Levitical חטאת it is *only* the sancta (presumably, if one follows Milgrom entirely, but see §2.5) which require purification. In fact, the whole Tabernacle seems to cease its ritual function altogether.

12. Quite simply, the Red Heifer rite does *not* appear to be primarily a blood-rite, but rather an *ablution*, requiring the medium of "living water" and the ashes of the entire heifer.

13. The role of *time* in the purificatory process is unique, and purification is a *graduated* process, i.e. ablution is required specifically on the third *and* seventh day of a seven-day period.

14. The explicit statement is made that the rite is applicable not only for the Israelites, but also for the strangers (גר) residing among them.

Such numerous inconsistencies lead to further questions, not the least of which is: "Why is the ritual of the Red Heifer found precisely at Num. 19 at all?— Why is it *not* in Leviticus?"[85]

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[85]This question especially is addressed in Chapter 5.

2.5   Critique of Milgrom's חטאת Theory

Within the contemporary interpretive imbroglio of conflicting accounts of the חטאת offering, Milgrom's paradigm is beginning to establish itself as a certain orthodoxy. Indeed, some of his observations are as valuable as they are indisputable. That the primary function of the חטאת sacrifice in Lev 16 is to purge the sanctuary from the sin and impurity of the people is an important insight. Nevertheless, among other researchers who have recently wrestled with the interpretation of the חטאת there are weighty critiques. Do חטאת sacrifices *only* purge the sanctuary? Are the benefits of the sacrifice to be limited to the sanctuary alone? Is Milgrom correct when it is argued that the חטאת is offered in contexts where "sin" cannot possibly be in view (e.g., Lev 12, Num 6, Num 19)? On the latter point some scholars disagree. John Dennis, for instance, argues that Milgrom's whole understanding of the term "sin" is "anachronistic":

> the "sin" referred to here appears to be reduced to our modern notion of a moral lapse or an intentional or unintentional act. But, the notion of "sin" in Ancient Israel was a much broader concept: it encompassed both overt moral offenses and ritual impurities that were not due to human fault.[86]

This criticism is not intended to suggest that the Priestly conception of חטאת does not discriminate between sins as "moral or cultic offenses due to intentional or unintentional actions (Lev 4; 5.1–4; Num 15.30–31) and uncleanness

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[86]Dennis, John, 'The Function of the חטא Sacrifice in the Priestly Literature: An Evaluation of the View of Jacob Milgrom', *ETL* 78 (2002), pp. 108–129 (111–112). Also worth consideration is the conclusion reached by Sklar that although the purification offering functions to cleanse the sanctuary, and indeed this may well be its primary function, it nevertheless appears that the texts are concerned *also* with the forgiveness of the *original sin of inadvertence itself* by means of a כפר-rite. Thus the purificatory–expiatory distinction is, according to Sklar, not an either/or proposition. See Sklar, Jay, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions* (Hebrew Bible Monographs, 2; Sheffield: Sheffield Phoenix Press, 2005), p. 87.

due, for instance, to childbirth."[87] Indeed, the distinction must be maintained and the relationship between sin and impurity delineated.

In a recent and thorough treatment of the matter Klawans has demonstrated that there are two types of impurity to be discerned and distinguished, ritual and moral impurity.[88] The first, "ritual impurity," is that which "results from direct or indirect contact with any of a number of natural sources including childbirth (Lev 12.1–8), scale disease (Lev 13.1–14.32), genital discharges (Lev 15.1–33)," etc. There are three aspects to "ritual impurity"—it is contracted unavoidably and inevitably throughout the course of life, it is not inherently sinful to be in a state of ritual impurity, and such impurity is impermanent.[89] By contrast, "moral impurity" is the result of moral activity— "acts so heinous that they are explicitly referred to in biblical sources as defiling."[90] The three typical sins which result in moral impurity are sexual deviance (e.g. Lev 18.24–30), idolatry (e.g. Lev 19.31; 20.1–3), and bloodshed (e.g. Num 35.33–34). Ritual impurity, unlike moral impurity, can be remedied through purification rites. Moral impurity, however, results in a "long-lasting, if not permanent, degradation of the sinner and, eventually, of the land of Israel."[91] He notes also that, "although the term impure (טמא) is used in both contexts, the terms 'abomination' (תועבה) and 'pollute' (חנף) are used with

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[87]Dennis, John, 'The Function of the חטאת Sacrifice,' pp. 111–112.

[88]Klawans, Jonathan, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000). His analysis is in line with that put forth early on by Büchler in Büchler, Adolf, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (London: Humphrey Milford, 1928), pp. 212–269. David Wright has also provided an analysis of impurity wherein he presents two types which he calls "tolerated" and "prohibited" which largely coincide with Klawans' "ritual" and "moral" impurity. See Wright, David P., 'The Spectrum of Priestly Impurity', in Gary Anderson and Saul Olyan (eds.), *Priesthood and Cult in Ancient Israel* (JSOTSup, 125; Sheffield: Sheffield Academic Press, 1991), pp. 150–181.

[89]Klawans, *Impurity and Sin*, p. 23.

[90]Klawans, *Impurity and Sin*, p. 26.

[91]Klawans, *Impurity and Sin*, p. 26.

regard to the sources of moral impurity, but not with regard to the sources of ritual impurity."[92] An important aspect of Klawans' study is his stress on the fact that impurity, whether "ritual" or "moral," is at all times understood and treated by the Biblical authors as a real, not metaphorical or symbolic, impurity. As the Biblical writers envisage and present it, ritual impurity is generated by real, physical processes and events such as death or menstruation, which have "a perceived effect: impermanent contagion that affects people and certain objects within their reach."[93] In the world-view of the Biblical authors, moral impurity is equally "real" and is also generated by physical processes and events but to different effect, namely the defilement of persons, land and sanctuary. "Though the sources and modes of transfer of moral and ritual impurity differ, we are dealing, nonetheless, with two analogous *perceptions of contagion*, each of which brings about effects of legal and social consequence."[94] Clearly then, the defilement which arises due to corpse impurity is an instance of "ritual," not "moral," impurity. But does this mean it then bears no relation to the notion of sin? As Milgrom has rightly observed, the *failure* to purify from corpse contamination is, in effect, a grave sin. But more than this, it needs to be borne in mind that ritual impurity and moral impurity—impurity generated by sin—while distinct are still intrinsically related. The phenomenon of death stands at the centre of both forms of impurity, and the relationship of these two categories of impurity can be clarified by a consideration of their relationship to death. Moral transgressions which result in moral impurity inevitably lead to the death of the transgressor and the penalty of כרת, "cutting off,"[95] while the physical ritual impurities are the result of the condition of

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[92]Klawans, *Impurity and Sin*, p. 26.

[93]Klawans, *Impurity and Sin*, p. 34.

[94]Klawans, *Impurity and Sin*, p. 34.

[95]See §3.2.8 for further discussion of the כרת-penalty in the context of Num 19.

human mortality which stands in stark contrast to the divine nature of יהוה.[96] Milgrom himself has noted that the common condition underlying all impurity is death.

> If טָמֵא stands for death, קָדוֹשׁ must stand for the forces of life. The verb קָדַשׁ not only means "separate from" but "separate to." Since God is the quintessence of holiness and Israel is enjoined, וִהְיִיתֶם קְדֹשִׁים כִּי קָדוֹשׁ אָנִי (יהוה) "Be you holy because I the Lord your God am holy" (Lev 11.44), Israel is therefore instructed to observe the life-giving and life-sustaining commandments of God.[97]

Thus, in the Priestly worldview the "common denominator" to all forms of impurity is death. Just as moral faults ultimately bring about death so also "physical ritual impurities arise from an existing state of mortality."[98]

More recently, Milgrom's central thesis has received a sustained critique by Gane[99] who argues that Milgrom has overlooked the preposition מן which often occurs in the goal formulas of the חטאת texts. An example is Lev 12.7, in the context of the sacrifice for the parturient: והקריבו לפני יהוה וכפר עליה וטהרה ממקר דמיה, "and he [the priest] shall offer it before the LORD and make atonement for her and then she shall be pure from her flow of blood." Clearly, the force of the מן preposition in this passage is privative, "a usage derived from the overall concept of separation that is basic to this preposition . . . the parturient becomes pure in the sense that she is freed/separated 'from' (מִן) her physical ritual impurity, which is identified in terms of its physical cause

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[96]Gane, *Cult and Character*, pp. 200–201.

[97]Milgrom, Jacob, 'Rationale for Cultic Law: The Case of Impurity', *Semeia* 45 (1989), pp. 103–109 (105–106).

[98]Gane, *Cult and Character*, p. 201.

[99]Gane, *Cult and Character*, pp. 106–143.

as 'her source of blood.' "[100] Gane systematically analyses the goal formulas of the חטאת offerings, concluding that the מן preposition is employed in a privative sense also in instances where the individual is purified from moral faults (e.g. Lev 4.6). Thus, Gane concludes, except in the case the Day of Atonement, which results in purgation of the sanctuary, the חטאת offering always otherwise only purges the offerer.[101]

2.6   The חטאת as a *rite de passage*?

A unique contribution to scholarship concerning the חטאת offerings is that of Alfred Marx, who has sought to interpret the חטאת not through a direct analysis of the ritual itself, or its elements or stated effects, but through the construction of an inventory of *circumstances* in which the חטאת appears, and a subsequent inquiry into the place and function of the חטאת on these different occasions.[102] Marx identifies four categories of circumstances in which the חטאת is offered. The first category comprises those instances codified in Lev 4.1–5.13 where the occasion necessitating a sacrifice is the inadvertent

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[100]Gane, *Cult and Character*, p. 113.

[101]Gane thus holds an interpretation similar to Gammie who also argues, contra Milgrom, that the חטאת offerings "purge from their sins or uncleannesses the *person* or *persons* in whose behalf they were presented." (Gammie, John G., *Holiness in Israel* [Minneapolis: Fortress Press, 1989], p. 39.) Gane's overall theory is that atonement which is achieved through חטאת offerings is a two-step process: "חטאת sacrifices purge their offerers of pollution that is transferred to YHWH at his sanctuary, and this defilement is later removed from the sanctuary on the Day of Atonement." (Gane, *Cult and Character*, p. 177.) See Zohar, Noam, 'Repentance and Purification: The Significance and Semantics of חטאת in the Pentateuch', *JBL* 107 (1988), pp. 609–618 for a similar conclusion. Milgrom has responded to Gane's critique in Milgrom, Jacob, 'The Preposition מן in the חטאת Pericopes', *JBL* 126 (2007), pp. 161–163, arguing for a *causative* rather than privative sense of מן in the relevant passages while Gane, most recently, has reiterated his position and the methodological differences between them in Gane, Roy, 'Privative Preposition מן in Purification Offering Pericopes and the Changing Face of "Dorian Gray" ', *JBL* 127 (2008), pp. 209–222.

[102]Marx, Alfred, 'Sacrifice pour les péchés ou rite de passage? Quelques réflexions sur la fonction du ḥaṭṭa't', *RB* 96 (1989), pp. 27–48.

transgression of one of the divine commandments (Lev 4.2, 13, 22, 27), with the specific cases of Lev 5.1–13 appended and a "gradation" of the sin offering introduced. According to Marx, Num 15.22–31 extends the law of Lev 4 to the transgression of any commandment, even though the application in Lev 4 is restricted to a transgression made inadvertently or "unconsciously," the transgressor becoming aware of his sin only when it is subsequently revealed to him. But sins committed in defiance or impudently (with a "high hand") are to be excluded from the atoning benefit gained by the חטאת. Marx thus concludes that with respect to "sins" the חטאת applies only to "borderline" cases where, even though there is an "objective" transgression, there is no actual *intent* to sin.[103] Secondly, the חטאת appears in the several cases of contracted impurity, or to use the terminology of Klawans and Wright, "ritual impurity" or "tolerated impurity": 1) impurity resulting from childbirth (Lev 12); 2) the impurity of "leprosy"; 3) the impurity of genital discharges (Lev 15); 4) impurity resulting from contact with a corpse (Num 19). The חטאת in these various cases has a strictly purificatory function. Such impurities demand exclusion of the individual from the sacred worship of Israel; the totality of the prescribed ceremonies effect not just purification but also re-integration. The third context for the חטאת sacrifice is as an element of one of the ceremonies of consecration: 1) of Aaron and his sons as high priest and priests (Exod 29.1–30; Lev 8.1–36); 2) the ceremony for the ordination of the Levites (Num 8.5–22), during which they are separated from the other Israelites and placed into the service of the priests; 3) the consecration of the altar. Additionally, the "deconsecration" of the נזיר who has completed the terms of

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[103]Thus Marx: "En fait, cette loi ne s'applique qu'à ces seuls cas limites où, d'un point de vue éthique, il n'y a pas véritablement faute puisqu'il n'y a pas responsabilité, mais où, objectivement, il y a eu transgression d'une loi divine et où, de ce fait, le "coupable" s'est mis en marge de la communauté dans laquelle il a introduit, de par son péché, une souillure (cf. Lev 16.30, 34)." (Marx, 'Sacrifice pour les péchés', p. 30.)

his or her oath (Num 6.13–20) should be added to this category as a type of
"reverse image" of the other instances of consecration.[104] This third category,
in which the ceremonies accompany the passage from a profane state to a holy
one (and conversely, in the case of the נזיר from a holy state to a profane
one) have actually *neither* sin nor impurity at issue. The fourth category of
circumstances in which the חטאת is offered is the regular liturgical worship of
the Israelites. חטאת offerings are prescribed for the new moon festival (Num
28.11–15, with an additional חטאת being required at the seventh month, Num
29.1–6), and during each of the great festivals of Passover (Num 28.16–25),
Pentecost (Lev 23.15–21; Num 28.26–31), the Day of Atonement (Lev 16; Num
29.7–11; cf. also Exod 30.10) and the festival of Tabernacles (Num 29.12–38).
Contrariwise, no חטאת is offered within the framework of daily worship or the
Sabbath. Marx concludes from this that the חטאת is prescribed only for those
sanctified occasions which mark the various divisions of time—the lunar cycle,
solar cycle, the first and seventh month (which establish the two poles of the
sacerdotal calendar), etc.

Having thus fit all instances of the חטאת into this four-fold scheme, Marx
concludes that the "common denominator" of them all is their rôle as "rites of
passage," though in each case the particular circumstances can be quite varied,
"passage" from either sin or impurity to a state of "innocence" or purity, or from
a profane (yet clean) state to one of special sanctity, or even the passage of one
season of the year to another.[105] Marx furthermore notes that the occurrences

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[104]Marx remarks: "A ces trois rituels P ajoute un quatrième qui en est comme une image
inversée puisque sa fonction est de faire passer de l'état de sainteté, *qādôš*, dans lequel se
trouvaient pour un temps ceux parmi les Israélites qui s'étaient voués, *nzr*, à Dieu, à l'état
profane (Num. 6.13–20). Ce rituel, qui à la différence des rituels de consécration est réservé
aux laïcs qui se sont consacrés à Dieu pour une durée limitée, permet à ceux-ci de retrouver
leur place normale dans la société." (Marx, 'Sacrifice pour les péchés', p. 34.)

[105]Thus Marx: "Ce qui, en fait, apparaît comme le dénominateur commun aux différentes
circonstances où est offert un *ḥaṭṭā't*, c'est la notion de passage. Tous ces rituels, en effet, ont

where the חטאת explicitly implies sin or impurity are fewer than the others where such is not the case.

What must be still accounted for, though, is the observation that the חטאת rarely occurs on its own. חטאת sacrifices are typically prescribed as part of a larger complex of other sacrifices on any given occasion. Marx notes that most frequently they are associated with the עלה,[106] which generally *follows* the חטאת sequentially.[107] According to Marx's analysis the חטאת, as a *rite de passage*, effects separation from a prior state (whether of sin, impurity, etc.), while the עלה reintegrates the individual into the new or renewed state—into a direct relationship with the community and with God. Marx's suggestions regarding the function of the עלה appear to have a certain validity when one considers that the context of the ordinances in Lev 1.1–17 presupposes the legislation of Exod 29.38–46, where the daily performance of the עלה at the entrance to the Tabernacle is spoken of in terms of an act of the LORD, who, on the occasion of its ceremonial enactment, meets with his people there and dwells among them. Drawing on Marx's important insights one might go on to suggest then that what is central to the חטאת in all cases, including the Red Heifer, is that *it effects separation.* Furthermore, as in the case of the Red Heifer, it often specifically effects separation from a state, whether sin or

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pour fonction de réaliser un passage. Ces passages sont de différents types. Dans le cas 1 et 2, il s'agit de réintégrer le pécheur ou l'impur, et donc de mettre fin à une situation anormale, négative, et de permettre le retour à la situation antérieure, normale, en faisant passer de l'extérieur de la communauté cultuelle à l'intérieur de celle-ci ceux qui s'en étaient trouvés exclus de par leur péché ou leur impureté. Dans le cas 3, ce passage se fait à l'intérieur même de la communauté, le rituel ayant ici pour fonction de réaliser un changement de statut en faisant passer du profane au sacré, et donc de créer, sauf pour ce qui est du rituel de désécration du nazir, une situation nouvelle, irréversible, supérieure à la situation antérieure. Enfin, dans le quatrième cas, le ḥaṭṭā't porte sur le cadre spatio-temporel où se déroule l'existence d'Israël et a pour objet de réaliser l'alternance régulière des temps et de régénérer annuellement le pays." (Marx, 'Sacrifice pour les péchés', p. 37.)

[106]Marx, 'Sacrifice pour les péchés', pp. 38–40.

[107]Marx, 'Sacrifice pour les péchés', p. 42.

impurity, which prohibits one entering into this communal or ordered relationship with the LORD, while the עלה effects and maintains the relationship in a positive fashion.

As can be ascertained from this brief summary, Marx's analysis poses a serious challenge to the studies of Milgrom concerning the function of the חטאת. Milgrom has offered a spirited a defence of his viewpoint,[108] arguing that Marx completely avoids the philological evidence which necessitates an understanding of the חטאת solely in terms of a purification rite. But surely it is not that Marx "avoids" the evidence. Rather, philological considerations are, from the outset, simply not a part of his methodology. In any event, a strict understanding of the חטאת as *merely* or *only* purificatory on the basis of philology is by no means assured. The judgement that חַטָּאת, as a *Piel* derivative, can never refer to any aspect of human sin, is one which is perhaps guided by more systematic, theological concerns rather than linguistic ones. As Dennis astutely observes, Milgrom has stated that the חטאת must be "freed from the *theologically* foreign notion of sin," the implication being the חטאת "does not relate to human sin in any way but rather *only* to the purification of the sanctuary."[109] But against Milgrom's view that every instance of חַטָּאת with the *dagesh*, derives from the *Piel* and carries only the meaning of "purification," Dennis has convincingly argued for the inclusion of a notion of "sin" in the meaning of חטאת.[110] Milgrom's objections on the basis of etymology are by

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[108]Milgrom, Jacob, 'The ḥaṭṭāʼt: A Rite of Passage?', *RB* 98 (1991), pp. 120–124.

[109]Dennis, John, 'The Function of the חטאת Sacrifice,' p. 112.

[110]"What," asks Dennis, "must we do with the related term חַטָּאָה which means "sin" or "iniquity" but also has the *dagesh* in the second radical and thus, according to Milgrom's argument, would be a *Piel* derivative? This would mean that such a sentence as Exod 34.7: נצר חסד לאלפים נאש עון ופשע וחטאה would have to be translated: "keeping covenant faithfulness for thousands, forgiving iniquity and transgression and *purification*...". This, of course, would be non-sense." (Dennis, John, 'The Function of the חטאת Sacrifice,' p. 113.) Arguing from comparative Semitics, Dennis offers the following philological considerations: "There is evidence that a *Piel* formation can retain in certain instances the *Qal* meaning.

no means assured, and what is more, are perhaps not that meaningful in any event. Etymology is no guarantee of contextual usage. Thus, A.I. Baumgarten observes, that though the חטאת sacrifices "effect purgation, atonement and purification," as clearly expressed by the text through the employment of the verbs כפר and טהר, nevertheless the etymology of חטאת is "a far from reliable guide" when attempting to establish *how* these rituals accomplish their purposes.[111] Milgrom has further insisted that the absence of the עלה in certain cases cannot be explained as simply as Marx proposes. Reintegration, rather, is effected by the purification of the altar with the blood of the חטאת, and has little or nothing to do with the עלה. But this amounts to little more than ignoring the data which Marx offers. If they truly have little to do with each other, then how does one account for their coexistence in so many instances?

Baumgarten nevertheless discerns an especial weakness in Marx's system as well, namely, the omission of Num 19 from his discussion of the חטאת sacrifices. The Red Heifer "is not accompanied by a holocaust, yet it is explicitly designated as a חטאת (Num 19.9). [It] effects separation, in one sense, in that its ashes purify the person contaminated with corpse uncleanness. Nevertheless, understanding this sacrifice as an agent of separation will not explain the rea-

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Rodriguez has pointed out that in Akkadian the noun *hatti'u* ("sinner"), which seems to be based on the D formation, still retains the G meaning. This leads to the conclusion that the nominal form of the *Piel* (חַטָּאָה) could still retain the meaning of the *Qal* root (חָטָא "to sin"). Thus, it seems that whenever חטאת (or חטאה) occurs with the *dagesh* it is not required that it must convey the *Piel* privative emphasis on the undoing of the action of the *Qal* ("to purify from sin"). It is clear, however, that there are instances where חטאת is intended to carry the meaning of the *Piel* privative, "to *purify* from sin" (Num 8.7; 19.9,17), and other instances where it retains the basic meaning of the root, "to sin"." (Dennis, John, 'The Function of the חטאת Sacrifice,' p. 113.) On account of this "*Doppelbedeutung*" of the term, both Rendtorff (Rendtorff, Rolf, *Leviticus* [BKAT; Düsseldorf: Neukirchen-Vluyn, 1992], p. 221) and Schenker (Schenker, Adrian, 'Interprétations récentes et dimensions spécifiques du sacrifice *ḥaṭṭāt*', *Bib* 75 [1994], pp. 59–70 [61]) also reject the full conclusions of Milgrom's morphological and etymological argument. For these scholars, *context* "must be the deciding factor concerning whether חטאת retains the *Piel* or *Qal* meaning." (Dennis, John, 'The Function of the חטאת Sacrifice,' p. 114.)

[111]Baumgarten, Albert I., 'ḥaṭṭā't Sacrifices,' *RB* 103 (1996), pp. 337–342 (338–339).

son that all those who prepare it, or who later use its ashes, begin as pure but are rendered impure."[112] The discussion concerning the חטאת thus gains much from the contributions of Marx, but the explanatory power of his paradigm with respect to the Red Heifer is incomplete. Nevertheless, his investigation paves the way for further reflection. Considered as a *rite de passage*[113] within the spatial architecture of the narrative, it should be noted that there is a *spatial* dimension to all instances of the חטאת within the gradation of holiness which characterizes the sanctuary and camp (holy-of-holies⟶holy place and altar⟶courtyard⟶camp⟶clean dump outside the camp⟶unclean area outside the camp⟶wilderness). Thus the חטאת, if one follows Marx, also functions to transfer an individual not just from one *state* to another, but *spatially from one place to another*. Considered spatially, the Red Heifer is the *only* instance of a חטאת sacrifice to take place within an *unclean* sphere— indeed the slaughter is made "outside the camp" (Num 19.3) in the nether region, so to speak, between Israel who dwells in the presence of God and the utter desolation of the wilderness. This unique aspect is perhaps one reason why, in comparative studies of the חטאת sacrifices, the Red Heifer often seems to play by its own rules. Some of the Red Heifer's unique aspects, perhaps even its nagging paradox, may be due to the dynamics at play with respect to this most curious *spatial uniqueness* in the narrative of Numbers. Marx's study leads us to the realization that this element of spatial transfer, most especially in the ceremony of the Red Heifer, is an aspect which needs further exploring.

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[112]Baumgarten, 'ḥaṭṭā't Sacrifices', p. 339.

[113]The conception of the ritual of the Red Heifer as a *rite de passage* is a view also held by Gorman Jr., *The Ideology of Ritual*, pp. 191–214.

2.7   חטאת הוא: Concluding Remarks

In Num 19.9 the pronouncement regarding the Red Heifer is made: חטאת הוא.[114] The חטאת constitutes a specific set of sacrificial rituals within the Levitical system. Closely associated with the concept of atonement, its essential function, whether expiatory or purificatory, has been long debated. Milgrom's thorough analysis of the חטאת has led to the conclusion that, as a purificatory rite, it essentially works to purge the sanctuary of the accumulated impurities generated through physical ritual defilement or inadvertent offences, impurities which assault the sacred realm as an "aerial miasma" and adhere to the various zones of the sanctuary according to their capability to defile. His interpretation of the ceremony of the Red Heifer is an attempt to integrate the rite within his general theory regarding the חטאת as the "capstone" of his interpretation, an attempt which raises several questions regarding the sustainability of his interpretation. Firstly, though his studies have contributed immensely to the overall understanding of the חטאת there remain questions regarding certain aspects. The question of the relationship of sin to impurity and of both to the חטאת is probably more nuanced. Sin and the impurity it generates is clearly distinct from ritual impurity. Sin is the result of transgression against the law of the LORD which ultimately leads to death, while ritual impurity is that which arises on account of the human mortal condition. But in this mutual aspect they are also inter-related. And so, while sin and impurity are distinct categories, their "common denominator" is death, as Milgrom himself recognises. Impurity regulations therefore bring to remembrance the mortality of man and also separation from God, whereas through ritual purification and reintegration communion with God is restored. As a ceremony which purifies from the defilement of death itself the Red Heifer is foundational as a חטאת. It

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[114]For the issue of the *kethib* vs. the *qere* reading of the pronoun see §3.2.6.

purifies in the realm of the "front line," as it were, of the polarity between life and death which is implicit in the graded holiness of the sanctuary. Secondly, Milgrom's assertion that חטאת offering *never* purges its offerers is likely to be overstated. Lastly, Marx's contributions to the study of חטאת sacrifices contribute greatly to the discussion. Understood as a *rite de passage*, what is common to every חטאת offering is the effecting of *separation* from a prior state, in most cases of sin or impurity—a state which prohibits entry into the communal relationship with the LORD. Applied to the Red Heifer, one can build on Marx's observations to note that the separation which the Red Heifer effects is, as depicted in the narrative story in which the legislation is given, not just one of state, from corpse contamination to purity, but also one of *place*—in the setting of the narrative of Numbers this change of place is from "outside" to "inside" the encampment of Israel around the holy shrine. In the book of Numbers, at the outset and immediately after the taking of the first census is described, יהוה commands that all those who are unclean, including those who have become contaminated through contact with the dead (Num 5.2, וכל טמא לנפש),[115] are to be excluded, sent "outside the camp" (אל־מחוץ למחנה) so that they might not defile the camp within which יהוה has made his abode (Num 5.4). The narrarator goes on to assure the reader: "The Israelites did this: they put them outside the camp. As the LORD had said when he spoke to Moses, so the Israelites did" (Num 5.4, NEB). Thus, the ceremony of the Red Heifer is presented from within a deliberately-crafted narrative context within which the spatial gradation of the wilderness Tabernacle functions as the backdrop for the narrative which is to unfold.

The consideration here of the Red Heifer as a חטאת offering thus provides some contextual data for the subsequent analysis of the ritual of the Red Heifer

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[115]On the use of the term נפש to indicate "corpse" see §3.2.7.

in its narrative context within the book of Numbers and the Pentateuch as a whole. The analysis of its rôle and placement within the overall narrative context of Numbers and the Pentateuch is to be pursued towards the further elucidation of the function and meaning of the rite. For examination of ritual actions alone cannot yield their meaning because actions have no inherent meaning. But ritual actions do *carry* meaning—meaning that is *assigned* to them, meaning which derives from another source "such as culture or religious authority."[116] On account of this, any given ritual action can have more than one meaning. Indeed, Gane is correct to suggest that without such "attached meaning" it is very difficult to regard any system of ritual actions as a "ritual" in the full sense of the word. "Physical activities alone are inadequate for unifying and bounding activity systems that constitute rituals. So rituals must consist of physical activities plus meaning that is attached to them. In this sense we can say that ritual consists of symbolic activity. But in this context the term 'symbolic' should not be taken to mean 'virtual unreality.' "[117]

This meaning of the ritual is its *telos*, its goal.[118] Thus, a certain collection of activities makes up a חטאת offering "because the Israelite religious system has attached meaning to physical activities that would otherwise be incoherent and meaningless."[119] An important corollary to this is the recognition that the biblical text, which is our primary source of information on the ancient Israelite

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[116]Gane, *Cult and Character*, pp. 4–5.

[117]Gane, *Cult and Character*, pp. 7–8. Thus Gorman observes, with respect to the scapegoat ritual of Lev 16 that Aaron's placing of the sins of the people on the goat is "not 'simply' a symbolic act. The sins are ritually placed on the goat so that it may carry them into the wilderness (certainly not a symbolic carrying, which, if taken to extremes, might eventuate in a symbolic goat!). The high priest actualizes or concretizes the sins through confession and puts them on the goat, which carries them into the wilderness, away from the camp." (Quoted in Gane, *Cult and Character*, p. 8.)

[118]Gane, *Cult and Character*, pp. 12–14.

[119]Gane, *Cult and Character*, p. 8.

system of rituals, presents these rituals in an idealised manner and couched in a narrative story. The details of the rituals are narratively presented as being given by יהוה to Israel through the mediation of Moses during their sojourn from exile in Egypt.[120] The text, in other words, does not give access to an understanding of the rituals, except as already idealised by the Biblical author. Furthermore, it need not be only in the explicit statements, the ritual commandments given by the figure of יהוה, that meaning becomes attached to ritual. In the case of the Red Heifer, symbolic meaning, it will be argued, is also implicitly attached through the accompanying narrative and the textual placement of the description of the ritual acts within this narrative context. Ultimately, this present study is concerned with an articulation of the theological and symbolic meaning of the ceremony of the Red Heifer as conceived and realised ideally by the Biblical authors, who present the rite couched and redacted in a narrative context. Preparatory to analysis of Num 19 within its narrative context for the purposes of discerning further symbolic meaning surrounding the Red Heifer ceremony [Chapter 5] a detailed and close study of the many aspects of the ritual as presented in Num 19 [Chapter 3] will be undertaken, as well as an initial broad survey of the structure and theme of Numbers as a whole with some remarks on the role that the juxtaposition of legal texts with narrative might play [Chapter 4].

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[120]Gane, *Cult and Character*, pp. 8–9.

Chapter 3

A Close Analysis of Numbers 19

A close reading of the text of Num 19 is now pursued, engaging all the while with the various scholarly questions which have been raised concerning the many aspects of the text. This exercise is of some worth in its own right as there is yet no monograph-length study of Num 19 which engages the entirety of past scholarship on this biblical text. But beyond this task exegetical conclusions will be drawn which prepare the ground for an analysis of the text within its overarching narrative context in Chapter 5. Analysis begins with the structure of Num 19 [§3.1], the superscription זאת חקת התורה [§3.2.1], the unique characteristics required of the sacrificial victim [§3.2.2], the roles played by Aaron and Eleazar [§3.2.3], the location and method of burning of the victim [§3.2.4], the inclusion of cedar wood, scarlet thread, and hyssop in the preparation of the ashes [§3.2.5], the term מי נדה [§3.2.6], the terminology used to refer to human corpses [§3.2.7], the penalty which is imposed for non-purification [§3.2.8], and the casuistry of the rite [§3.3], which includes discussion of the issue of terminological changes which occur in the text as noted by several commentators engaging in diachronic analysis. The present analysis and discussion proceeds in the light of the conclusions already reached

with respect to the nature of the rite as a חטאת and as a *rite de passage*—a means of passage from one state to another, impure to pure—and the ritual, temporal and spatial implications involved in such a "passage" as dramatised by the biblical writers in the narrative setting of Num 19.

3.1   The Structure of Numbers 19

3.1.1   Diachronic Analyses of the Structure of Num 19

Much discussion of the structural form of Numbers 19 has proceeded from initial diachronic investigations regarding its history of composition. Questions and proposals regarding the final structure and form of Num 19 are therefore often bound up with issues of the text's historicity, where it is assumed to be conflate or composite. Its apparent "fissures" are taken as a given.[1] For those operating within the traditional post-Wellhausen source-critical paradigm Num 19 is, of course, universally assigned to the Priestly stratum.[2] This relatively late dating of the text thus creates an inevitable tension in that the rite otherwise embodies what is presumed to be an "ancient practice and belief," that is, the belief that corpses are capable of defiling, and the practice of ritual purification from corpse contamination.[3] The supposition

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[1]e.g. See Seebass, *Numeri 10,11–22,1*, pp. 244 f.

[2]Even so, it is generally recognised as ill-fitting within P. Gray remarks that although "the law has been edited in the priestly school, it does not appear to have formed part of P^g, nor to be of the same origin as the laws of uncleanness in Lev 11–15, nor, perhaps, of the same origin as Num 6 or Lev 5.1–6. That it is *younger* than any or all of these there is little or no positive ground for saying; the law is P^x rather than P^s." (Gray, *Numbers*, p. 242.) Budd, also agreeing that the text is P, notes that "many recognize it as isolated, as an accretion, if not to P, to some completed form of the Pentateuch." (Budd, Philip J., *Numbers* [WBC; Waco, TX: Word Books, 1984], p. 209.) For a cursory, if oversimplified, review of the basic contours of the history of the source criticism of Numbers, see Wenham, Gordon J., *Numbers* (OTG; Sheffield: Sheffield Academic Press, 1997), pp. 68–80.

[3]Budd, *Numbers*, p. 210.

that Num 19 is itself composite, with vv 14–22 serving as a later supplement
to vv 1–13, was a view already held by Wellhausen,[4] and has been developed
by commentators such as A. Kuenen and H. Holzinger, where it is suggested
that vv 14–22, as an addition, is intended to modify the original prescription
of Lev 5.2–3, which appears to require a guilt offering (אשם) for removing im-
purity from persons who have come into contact with corpses.[5] However, this
apparent discrepancy with Lev 5.2–3 is more illusional than real. It should
be noted that the case of Lev 5.2 comprehends only contact with an unclean
carcass (נבלה) of a wild animal (חיה), cattle (בהמה) or "swarming thing" (שרץ),
while v 3 merely extends the law to contact with other *general* forms of hu-
man impurity (או כי יגע בטמאת אדם לכל טמאתו אשר יטמא בה). Contact with
a *human* corpse does not appear to be in view at all, but rather the inad-
vertent contact with other general forms of impurity, which are here placed
on a level with the sort of impurity contracted through contact with dead,
non-human creatures. To argue otherwise is, at the very least, to argue from
silence. It is surely also pertinent to note that נבלה, while almost without
exception referring to human corpses elsewhere in the MT (e.g. Isa 5.25; Jer
7.33; 9.21,22; 16.4; 19.7; 34.20; 1 Kgs 13.22; 2 Kgs 9.37), is *not* so used in the
Pentateuchal texts, the only two exceptions being Deut 21.23, the law which

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[4]Thus Wellhausen: "Kap. 19. . . zerfällt in v 1–13 und v 14–22. . . . Zu dem Hauptgesetze ist
v 14–22 eine authentische Erläuterung, mit seltsamem Hebräisch beginnend." (Wellhausen,
Julius, *Die Composition des Hexateuchs und der historischen Bücher des alten Testaments*
[Berlin: Georg Reimer, 1889], p. 178.)

[5]Kuenen, Abraham, *An Historico-Critical Inquiry into the Origin and Composition of
the Hexateuch* (trans. Philip Wicksteed; London: Macmillan, 1886), p. 96 and Holzinger,
Numeri, pp. 78–79. Kuenen, for example, remarks that Wellhausen "rightly regards v 14–22
(with the heading זאת התורה) as an appendix to v 1–13, and further notes the peculiarity
of form and contents of the law. It can only be taken as a later modification of the original
demand that the restoration of the unclean must be accompanied with a trespass offering
(cf. Lev 5.2,3). If the author of Lev 5.1–13 . . . had been acquainted with Num 19 he would
have referred to it, or inserted it after his own ordinance." (Kuenen, *An Historico-Critical
Inquiry*, p. 96.)

requires the body of an executed person hung on a stake to be removed be-
fore sundown, and Deut 28.26, which shares the tone of the prophetic threats
outside of the Pentateuch wherein it is proclaimed that disobedient rebellion
against the LORD would most assuredly culminate in tragic military defeat to
the extent that the human corpses would lie exposed and unburied. Elsewhere
throughout the Pentateuchal legislation נבלה is used *only* in reference to non-
human creatures. Human corpses, in the Pentateuchal texts concerned with
the transmission of impurity, are by contrast always referred to with phrases
such as נפש מת (e.g. Lev 21.11; Num 6.6).[6] Thus comparison of Lev 5.2–3 with
Num 19.14–22 need not lead to the conclusion that the latter is a subsequent
modification of the former and a later addition to Num 19.1–13. Rather, what
the comparison highlights is the important distinction which the Priestly leg-
islation makes between impurity resulting from non-human corpses on the one
hand and human corpses on the other. In the case of the latter, the elaborate
ceremony of the Red Heifer is uniquely enjoined.

Gray notes the absence of any allusion to Num 19 not just at Lev 5.2–3
but also in the other laws which are presumed to be relevant to the issue of
defilement through contact with a human corpse (Lev 11.8,24–28; 21.1–4,10f.;
22.4–7; Num 5.2; 6.6–12; 9.6f.,10f.). By contrast, Num 31.19–24 most certainly
presupposes Num 19.[7] He also notes the literary separation of Num 19 from
these other-mentioned passages "by much intervening material" and considers
vv 1–13 and vv 14–22 to be "originally distinct laws, which have been com-
bined by the compiler for the sake of completeness," with vv 14–22 repeating "in
greater detail and in somewhat different phraseology" the material contained

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[6]In the case of Num 19, where those touching corpses are declared unclean the peculiar
phrases הנגע במת לכל־נפש אדם (v 11) and כל־הנגע במת בנפש האדם אשר־ימות (v 13) are
employed. For a further discussion of these phrases see §3.2.7.

[7]Gray, *Numbers*, p. 242.

in vv 11–13.[8] The suggestion of discrepancies among these various legal pre-
scriptions could give rise to the supposition of disparate sources which, on the
matter of purification from corpse impurity, are to some degree contradictory.
However, the context of Lev 11.8,24–28 is surely not problematic since, as is
the case with Lev 5.2–3, this passage is concerned with impurity generated by
contact with *non-human* carcasses.[9] The other passages require some further
comment.

In Lev 21.1–4 the priests (הכהנים בני אהרן) are forbidden to become con-
taminated through contact with the dead, except in the case of their nearest of
kin. Lev 21.10–12 extends the prohibition enjoined upon the high priest (הכהן
הגדול) even to the closest members of his family, for the "consecration of the
anointing oil of his God is upon him" (v 12, כי נזר שמן משחת אלהיו עליו). Simi-
larly, in Num 6, the command enjoined upon one who has undertaken a "vow
of a Nazirite," (v 2,נזיר נדר) to "separate himself for the LORD" (להזיר ליהוה)
resembles that of the high priest. All the days that the Nazirite "separates
himself to the LORD" (v 6, כל־ימי הזירו ליהוה) he is forbidden to approach
a corpse (על־נפש מת לא יבא), not even his closest kin, lest he should make
himself unclean, because his "consecration to God is upon his head" (v 7, כי נזר
אלהיו על־ראשו). The parallel to the law for the anointed priest is obvious. It

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[8]Gray, *Numbers*, p. 254. Similarly, Binns, *Numbers*, p. 125 and McNeile, A. H., *The Book
of Numbers: in the Revised Version with Introduction and Notes* (The Cambridge Bible for
Schools and Colleges; Cambridge: Cambridge University Press, 1911), p. 101. Gray is, of
course, concerned to maintain that "whatever the exact age of the literary origin of the law,
the belief on which it is based and the custom which it regulates are ancient and primitive."
(Gray, *Numbers*, p. 243.) On his anthropological treatment of Num 19 see §1.1.

[9]Against Gray, who considers it to be a matter of legislative inconsistency that, unlike
Num 19, Lev 11.24–28 requires "nothing more than this simpler cleansing" for instances of
impurity contracted through contact with non-human carcasses. (Gray, *Numbers*, p. 242.)
Surely, Gray is failing to perceive a highly significant anthropological and theological point
which is being communicated through this radical disparity in mode of cleansing—a differ-
ence consistent with the different terminology employed when reference is made to either
human or non-human corpses. On this matter see below §3.2.7.

suffices here simply to note that in Lev 21.1–4 and vv 10–12 an articulation of
the means by which the priests are to remove from themselves any contracted
corpse impurity is not a concern of the text, a matter on which it is completely
silent. Num 6.9f., however, *does* go on to legislate for such a scenario (v 9, "If
any man dies very suddenly beside him," etc.), and a completely different rite
to that of Num 19 is commanded, which requires the shaving of the Nazirite's
head and the bringing of two turtledoves or two pigeons to be offered as a
חטאת and an עלה on the eighth day, so that the priest can make atonement
(וכפר עליו) on account of his "sin" incurred through the corpse (חטא על־הנפש,
vv 10–11). But careful attention paid to this legislation reveals that it *in no
way actually contradicts* that of Num 19. What is at issue is the situation
where a person suddenly dies *near* the Nazirite, thus defiling his consecrated
head (v 9, וכי־ימות מת עליו בפתע פתאם וטמא ראש נזרו). Thus Milgrom astutely
observes, "In contrast to the layman, who is contaminated by a corpse only
by direct contact or by being under the same roof, the Nazirite (v 6, and
the High Priest, cf. Lev 21.11, which uses the same word על, "near") is con-
taminated merely by being in its proximity."[10] Num 6.6–12, then, is dealing
with a different manner and form of corpse contamination, one which is con-
tracted by mere proximity—a unique situation involving the Nazirite with a
corresponding unique manner of purification.

Lev 22.1f. legislates that a priest, if in a state of impurity, is to be prohibited
from handling the "holy things of the Israelites" (v 2, מקדשי בני־ישראל, i.e. the
allotted priests' portions of the sacrificial offerings) and forbidden to eat such
offerings until he is pure (v 4, לא יאכל עד אשר יטהר). One of the listed sources
of impurity is a priest's contact with anything that is unclean through contact
with the dead (v 4, והנגע בכל־טמא־נפש), which causes him to be impure until

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[10]Milgrom, *Numbers*, p. 46.

evening (v 6, עד־הערב) and requires his body to be washed in water (רחץ בשרו במים) after which, when the sun sets, he is considered to be clean (v 7). Though it has been suggested that this passage is inconsistent with Num 19.11–12, which requires seven days of purification,[11] such a reading is somewhat inattentive to the actual text. The clause והנגע בכל־טמא־נפש clearly describes only the *second-hand* transmission of impurity and, as such, it appears to be entirely consistent with the secondary forms of impurity described in Num 19.7, 8, 10, 20–22, which result in one-day impurity and for which bathing is also enjoined.

Lastly, as Israel prepares for its wilderness journey in Num 5.1–3, the command is given that impure Israelites must be removed to areas outside the camp, including those who have become contaminated through contact with a corpse (v 2, כל טמא לנפש).[12] The immediate concern of this text is to prevent defilement of the camp in the midst of which God dwells (v 3, ולא יטמאו את־מחניהם אשר אני שכן בתוכם). This is not in any way inconsistent with the legislative details of Num 19. In fact, in the context of its narrative setting *Num 19 implicitly presupposes Num 5.1–4.* There is indeed no explicit command given in Num 19 to the effect that individuals rendered impure through corpse contamination must leave the camp, only that those who *fail to purify themselves* are to be "cut off from Israel" (Num 19.13) and from "the midst of the assembly" (Num 19.20, מתוך הקהל), a fate far more severe than temporary

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[11]E.g. Gerstenberger, Erhard S., *Leviticus: A Commentary* (OTL, Louisville, KY: Westminster/John Knox Press, 1996), p. 325. Gray also suggests that Lev 22.4–7 "appears to place uncleanness from the corpses of men on the same footing as other forms of uncleanness, and to require for it, as for them, simply bathing in plain water." (Gray, *Numbers*, p. 242.)

[12]Num 5.1–3 reads: "The LORD spoke to Moses and said: Command the Israelites to expel from the camp . . . everyone who suffers from a malignant skin-disease or a discharge, and everyone ritually unclean from contact with a corpse. You shall put them outside the camp, both male and female, so that they will not defile your camps in which I dwell among you" (NEB).

exclusion from the camp.[13] But at the level of a synchronic reading of Num 19 within the book of Numbers, the reader envisages that this is precisely where such individuals are already meant to be consigned—outside the camp. The perception of an inconsistency arises from a misreading of the main rhetorical purpose of Num 5.1f, which continues to develop the architectural vision begun in Exodus and Leviticus of an Israel encamped around the Tabernacle and characterised by the spatial gradation of holiness. Here the text consigns corpse-contaminated individuals to a location outside the orbit of the holy.[14] Unlike Num 19, it is not a law concerned with the *treatment* of corpse impurity. Thus the whole of the rite, as narratively conceived and idealised by the biblical authors in Num 19, from the preparation of the ashes to the purification of the individual, is performed in this location.

In sum, comparison of Num 19 with other passages that portray situations of corpse contamination does not yield evidence of any inconsistent or conflicting legislation upon which a theory of diachronic progression or change in the law treating corpse impurity can easily be built.[15] It naturally follows, then, that any such constructed speculative system is of no value as a criterion for uncovering the presumed diachronic elements of the redacted text of Num 19. Nor can any such speculative historical reconstruction shed much light on the final structure of the text as a redaction. What does remain a vital question, one whole-heartedly taken up in Chapter 5, is *why* Num 19 should be found

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[13]On the punishment which is due those who fail to purify themselves from corpse contamination see further below in §3.2.8.

[14]On the spatial gradation of holiness see further the discussion at §2.3.

[15]Though it should here be noted that, in addition to comparative analysis of legislative texts concerning corpse impurity, commentators in search of the diachronic "fissures" in Num 19 often also draw attention to several phraseological peculiarities, including the employment of different terminology in vv 1–13 and vv 14–22 (e.g. the "ashes" of the cow, אפר in v 9f. and עפר v 17), a phenomenon which leads some to conclude that these two sections "were originally distinct laws, which have been combined by the compiler for the sake of completeness." (Gray, *Numbers*, p. 254.) This whole issue is taken up in §3.3.

separated from these other passages "by much intervening material."

More recent diachronic analysis is inclined to discern three, rather than two, main components: 19.1–10, 11–13, and 14–22. Noth suggests that 19.1–10a, which is principally concerned with the preparation of the ingredients for the מי נדה, constitutes the original "heart" of the chapter behind which lies "a firm belief in the magical effect of a substance prepared in accordance with a specific prescription."[16] Verses 14–22 are considered to be a "continuation" which articulate the instructions for the use of the מי נדה while interposed between vv 1-10a and vv 14–22, 19.10b–13 is an "addition" with "only a very tenuous connection with the context in which it is set.[17] Noordtzij proposes that two stages of supplementation have occurred. The original text is 19.1–10 for which v 10b is the subscript. This has been supplemented by vv 11–13, which outlines the situations in which the water is to be used, while vv 14–22 comprises a further supplement to vv 11–13.[18] De Vaulx suggests (as did Noth also) that 19.1–10 betrays a complex history, the evidence of this history being the various addressees of the law which range from Moses, Aaron and Eleazar to the generic "priest" as well as other undetermined individuals cited in v 8a, and vv 9–10. He suggests that a historical development has taken place whereby the oversight of the rite has gradually been taken over by the priesthood (and more latterly the sons of Aaron as represented by the figure of Eleazar). This prehistory can be discerned in the final text with the oldest (antedating the priesthood) elements of the rite surviving in v 3b, 5a, 6, and 9. By contrast, Num 19.11–13 is of a different literary genre, while 19.14–22 is yet again a patchwork of texts which can be separated into original units

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[16]Noth, *Numbers*, p. 139.

[17]Noth, *Numbers*, pp. 141–143.

[18]Noordtzij, A., *Numbers* (trans. Ed van der Maas; The Bible Student's Commentary; (Grand Rapids: Zondervan, 1983), p. 167.

based on form-critical analysis of style and content.[19] Budd's analysis proceeds along similar lines and with the assumptions of his forebears, although he endeavours to present "a somewhat simpler literary history" according to a five-stage historical process:[20]

1. The text originates in an ancient rite with magical associations involving a red heifer whose purpose is unclear and in which there was a limited role for priests (which accounts for what Budd perceives as the "awkwardness" of v 3b, 5–6 and 9a).

2. This tradition is taken up in Numbers and integrated into the narratives of wilderness wandering by means of the introductory formula and reference to the מחנה in v 3, 7b and 9. Also, the purpose and demands for the ablution are specified at this stage (v 7a, 8, 9b, 10) and it is harmonised with the other sacrificial rituals of the Torah through the addition of the sevenfold blood-sprinkling rite (v 4).

3. Num 19.11–13, which is "possibly a connecting link between the red heifer ritual" (vv 1–10) and "a quite different ritual" for removing corpse impurity, is an addition which presents the circumstances for its use.

4. Originally a different and independent ritual, Num 19.14–19, which deals with corpse impurity and its removal, is taken up by the author of Numbers from traditional material. It is assumed that originally vv 14–19 provided for the ashes of any purification offering to be mixed with water employed for this purpose.

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[19]De Vaulx, *Les Nombres*, pp. 214–216. Budd has summarised de Vaulx's conclusions in Budd, *Numbers*, p. 210.

[20]Budd, *Numbers*, p. 210-211.

5. The redactor reiterates the warning of v 13 in v 20 and adds the additional requirements and conditions of vv 21–22.

Budd concludes that if his analysis is correct then "the author of Numbers has taken up the red heifer ritual, which originally served some other purpose, and made it into the sole purification offering from which ashes may be taken to make the water for purification."[21]

In the main, these diachronic approaches to the text have as a central justification the evidence of the various addressees and liturgical actors within the law; they assume that the multiplicity of these designated individuals stems from, and attests to, a long historical development. If this is so, that the patent inconsistencies have been left to stand in the final textual redaction remains puzzling. Why should this be so? But more to the point, what if there are actually no ritual or theological inconsistencies? Perhaps all of the participants in the ceremony can be systematically accounted for. The implicit danger of such diachronic approaches is that they might lead to premature conclusions before sufficient attention is given to the final text as it stands. There could very well be a logically consistent rationale for the various designated actors— Moses, Aaron, Eleazar, unnamed priests and laity—and the allotted role that each plays within the narration of the law. This caveat will be borne in mind in the present analysis of the text and a resolution of the problem will be proposed.

3.1.2   The Binary Structure of Numbers 19

Whatever the historical process of the composition of Num 19 might have been, the discernment of which is not essentially of concern here, it is perhaps

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[21]Budd, *Numbers*, p. 211. Even so, suggests Budd, "the extent to which the section is internally loose and disconnected" can nevertheless be "greatly exaggerated." (Budd, *Numbers*, p. 211.)

hasty to conclude, as some do, that the present text so obviously manifests inconsistencies due to a multiplicity of sources behind the redacted text. With regard to the structure of the final form of Num 19, several commentators eschew diachronic concerns altogether and simply propose that a major structural division occurs after v 10. Often, this suggestion is made solely on thematic grounds. For example, Sakenfeld observes, "The opening paragraph (19.1–10) gives instruction for preparation of ashes to be used in the purification rites. These instructions are followed by general (vv 11–13) and more specific (vv 14–22) instructions concerning purification."[22] Similarly, Ashley regards the chapter as consisting of two sections each of which possesses its own function. The first section (vv 1–10) is concerned with the procedure for manufacturing the "waters of impurity" while the section (vv 11–22) is concerned with their use, beginning with their general use (vv 11–13), followed by two specific cases (vv 14–16) and more detailed instructions regarding the application of the waters (vv 17–19), concluding with a statement on the importance of following the procedure (vv 20–22).[23]

Milgrom's methodology is, in general, much more open to the resolution of diachronic conundrums, yet where others perceive textual inconsistencies in Num 19 due to multiple sources or authorship, Milgrom views the text principally as a carefully-crafted "ideological and structural unity."[24] He draws attention to the ancient observations of the rabbis that the text contains seven subjects each mentioned seven times. For example, *Num. R.* 19.2 states: "R. Ḥanan b. Pazzi expounded the verse as applying to the Biblical section

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[22]Sakenfeld, Katharine, *Journeying with God: A Commentary on the Book of Numbers* (International Theological Commentary; Grand Rapids: Eerdmans, 1995), p. 107.

[23]Ashley, Timothy R., *The Book of Numbers* (NICOT, Grand Rapids: Eeerdmans, 1993), p. 362.

[24]Milgrom, *Numbers*, p. 437.

dealing with the Red Heifer, which contains seven mentions of seven things; namely, seven mentions of a heifer, seven of burning, seven of sprinkling, seven of washing, seven of uncleanness, seven of cleanness, and seven of priests."[25] In addition to this septenary principle to which the Sages appeal, Milgrom himself discerns in the text two carefully crafted and balanced sections, 19.1–13 and 19.14–22, which act as compositional counterparts, each section beginning with a superscription: זת חקת התורה "this is the statute of the law" in v 2a and זת התורה "this is the law" in v 14a. Milgrom presents this binary structure of two "panels" as follows:[26]

Panel A	Panel B
"This is the ritual law" (v 2a)	"This is the ritual" (v 14a)
Preparation of the ashes renders impure (vv 2b–10)	Touching the corpse or its derivatives renders impure (vv 14–16)
Purification procedure (vv 11–12)	Purification procedure (vv 17–19)
Penalty for nonpurification (v 13)	Penalty for nonpurification (v 20)
	"Law for all time"(v 21a)
	[Addition (vv 21bb–22)]

Thus, according to Milgrom, the two halves of the chapter, historically understood to provide evidence of composite origin, have nevertheless been crafted with a view to their structural symmetry. Even so, Milgrom suggests that the concluding statement concerning the law for one-day, secondary impu-

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[25]Slotki, *Midrash Rabbah*, p. 748. See also *Pes. K.* 4.2 and *Pes. R.* 14.6. Milgrom elaborates as follows: "(1) the cow and its ashes (vv 2, 5, 6, 9^2, 10, 17); (2) burnt items, including skin, flesh, blood, dung, cedar, hyssop, and crimson (vv. 5–6); (3) sprinkling (v 4); (4) persons who wash (vv 7 [referring to three priests; v 4, 6, 7], 8, 10, 19, 21); (5) contaminated items (by a corpse in a tent: occupants, those who enter, open vessels; and, in an open field: those who touch someone slain, someone who died naturally, a human bone, a grave; vv 14–16); (6) those that are purified (tent, vessels, persons, one who touched a bone, one who was slain, one who died naturally, a grave; v 18); (7) priests (vv 1 [Moses and Aaron], 3, 4, 6, 7^2)." (Milgrom, *Numbers*, p. 437.)

[26]Milgrom, *Numbers*, p. 437.

rities resulting from indirect corpse contamination constitutes a later addition. The symmetry of the two sections is emphasised by the respective endings of each "panel" as Milgrom demonstrates:[27]

"... does not cleanse himself	"... fails to cleanse himself
defiles the LORD's Tabernacle	that person shall be cut off from
that person shall be cut off from Israel	the congregation for he
Since the water of lustration	has defiled the LORD's sanctuary
was not dashed on him	The water of lustration
he remains unclean" (v. 13).	was not dashed on him
	he is unclean" (v. 20).

In the analysis which follows below, Milgrom's schema has been adopted as an organizing principle for the close reading of the text of Num 19. Most commentators after all, whether engaging in synchronic or diachronic analysis, acknowledge that the text broadly falls into two main sections. Furthermore, the presence of the superscriptions at v 1 and v 14a appear clearly to be major structural markers signalling the rhetorical subunits of the text. While Milgrom's proposal of the structural symmetry between the two sections is persuasive, it is important also to note that each section has a somewhat different rhetorical function in view. The presentation of the ceremony in vv 1–13, closely tied to the narrative of the law's promulgation to Moses and Aaron, concerns principally the preparation and purpose of the מי נדה. The focus seems to shift in vv 14–22 to more casuistic concerns, namely, the presentation of an itinerary of the conditions which make purification from corpse contamination necessary, as well as detailed instructions for the method of the application of the מי נדה.

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[27]Milgrom, *Numbers*, p. 437.

3.2   Numbers 19.1–13

Num 19.1–10 gives instruction for the preparation of the mixture of ashes of
the incinerated red cow which, when combined with living water, produce the
מי נדה to be used in purifying persons and objects that have been contaminated
by the dead. General instructions for the purification of corpse-contaminated
individuals follow in vv 11–13. Every person involved in the preparation and
adminstration of the ashes is also required to undergo purification, though
their impurity is of a less severe type than the corpse-contaminated individual.
Many aspects of these verses require further comment and analysis, including
the superscription [§3.2.1], the peculiar characteristics of the victim [§3.2.2],
the respective roles of Aaron and Eleazar in the narration of the law [§3.2.3],
the method and location of the incineration of the cow [§3.2.4], the curious
inclusion of the cedar wood, scarlet stuff and hyssop into the ash-producing fire
[§3.2.5], the term מי נדה itself [§3.2.6], the nature and conception of the human
corpse which produces impurity [§3.2.7], and the consequence and penalty
enjoined on those who fail to purify themselves from corpse-impurity [§3.2.8].

3.2.1   The Superscription of Num 19.1–13

As was outlined above, Num 19 can be seen to have a "bifid" structure with two
major sections, the first beginning with the superscription זת חקת התורה "this is
the statute of the law" (in v 2a) and the second with the superscription זת התורה
"this is the law" (in v 14a). The peculiarity of the phrase which introduces
the law in v 2 has long been observed.[28] Some commentators suggest that the
phrase is a conflation of independent, older headings, which in the redacted
final text has combined the designation חקה as is found in v 10 (והיתה לבני

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[28]E.g., Dillmann, August, *Die Bücher Numeri, Deuteronomium und Josua* (Leipzig:
S. Hirzel, 1886), p. 106 and Gray, *Numbers*, p. 248.

(והיתה להם לחקת עולם) and v 21 (ישראל ולגר הגר בתוכם לחקת עולם) with the designation תורה as found in introduction to the second "panel" of the chapter at v 14 (זאת התורה).[29] Even if this speculation were so it still must be noted that the term חקת התורה is found in the MT at only one other place, at Num 31.21 in the context of the law (Num 31.21–24) which Eleazar announces to the men who had fought in the Midianite war (Num 31.21b: זאת חקת התורה אשר־צוה יהוה את־משה). This law commands that for those involved in the war, who had become unclean through contact with the dead, purification by means of the מי נדה (v 23) would be required.[30] Not just the men but also the booty required purification. All metal objects capable of withstanding the fire (כל־ דבר אשר־יבא באש) were to be "passed through the fire" (תעבירו באש) and then sprinkled with the מי נדה.[31] Other items simply required purification by the water. This expansion of the circumstances and requirements of purification outlined in Num 19 immediately follows the command that any who have killed anyone and have touched any of the slain must themselves remain outside the camp for seven days. The temporal requirements for purification are identical to Num 19: "Purify yourselves and your captives on the third and seventh days. You must purify every garment as well as everything made of hide, everything woven of goat's hair, and everything made of wood" (Num 31.19–20, NEB). Thus in its only two occurrences in the MT (Num 19.2 and 31.21) the phrase

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[29]Seebass, *Numeri 10,11–22,1*, p. 254.

[30]For a study of Num 31.19–24 which closely analyses its relationship to Num 19 see Wright, David P., 'Purification from corpse-contamination in Numbers 31.19–24, *VT* 35 (1985), pp. 213–223.

[31]The Hebrew of v 23 is somewhat unclear. Though the NEB understands fire alone to be prescribed as the method of purification for the metal objects, if the particle אך here is understood roughly as "nevertheless," the apparent difficulty is removed. Therefore the understanding that both fire and water act as purifying agents for the metals is to be preferred. See Harrison, R. K., *Numbers* (Chicago: Moody Press, 1990), p. 387 and Wenham, Gordon J., *Numbers: An Introduction and Commentary* (TOTC; Leicester: Inter-Varsity Press, 1981), p. 212.

חקת התורה refers only to the preparation or the application of the מי נדה. One is tempted to think, therefore, that the phrase is not entirely arbitary, nor redundant. At the very least the phrases חקת התורה and חקת עולם warrant closer analysis.

a. "an eternal statute" (חקת עולם)

The noun חקה derives from the root חקק, "to fix/determine" or "carve/write,"[32] and in the complex of priestly texts there is, arguably, a semantic difference between the fem. חקה meaning "law, decree" and the masc. חק meaning "allotment, portion." Such a distinction, as also argued for by Milgrom,[33] is generally not strictly maintained by others.[34] In these texts, furthermore, the phrase חקת עולם[35] is applied in rather specific and circumscribed con-

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[32]For the sense of "carve" see Isa 22.16; 49.16; Ezek 4.1; 23.14; "fix limits" see Isa 5.14; Jer 5.22; Prov 8.27,29; "fix allotments" see Gen 47.22; Ezek 16.27; Prov 30.8; 31.15; Job 23.14; and "fix a law" by inscribing it see Isa 10.1; 30.8; Pss 2.7; 94.20 (Milgrom, *Leviticus*, pp. 1656–57.). As a legal term it generally pertains, like תורה, to the category of "religious law." (Milgrom, *Leviticus*, p. 2127.)

[33]Milgrom, *Leviticus*, pp. 435, 618–619, 1656–1657, 2101.

[34]Ringgren (following Hentschke) recognises that חק and חקה are technical terms for certain types of law found in P, appearing "primarily in the subscriptions at the end of individual cultic regulations or minor collections of cultic ordinances, usually in the phrase ḥoq- ḥuqqat 'ôlām." Hentschke's categories for the meaning of חקה/חק are: (a) "(established) ceremony" in the context of rituals, cultic activities (חקה Exod 12:14,17,43; 30:21; Lev 16:29,31; 17:7; 24:3; Num 9:3,12,14; 10:8; 18:23; 19:10,21); (b) חקה/חק both used as "general obligations" (Lev 3:17; 10:11; 23:14,21,31,41; Num 15:15; 30:17[16]) and "special ritual obligations" (Exod 28:43; 30:21; Lev 10:9; 16:34; Num 18:23) of the priests, the boundary between 'established ceremony' and 'cultic obligation' being rather vague; (c) the 'legal claim of the priests' to the exclusive performance of cultic functions (Exod 29:9) or to certain sacrificial offerings (חקה Exod 27:21; Lev 7:36); (d) both חק (Lev 10:13f.) and חק-עולם as "technical terms for the sacrificial offerings assigned to the priests as their legal portion" (Exod 29:26-28; Lev 6:11[18]; 7:34; 10:13-15; 24:9; Num 18:8,11,19); (e) the phrase חקת משפט as a subscription characterising the laws of inheritance (Num 27.8–11) and asylum (Num 35.9–29). (Ringgren, H., 'חָקַק', in G.J. Botterweck and H. Ringgren [eds.], *TDOT,* V [Grand Rapids: Eerdmans, 1986], pp. 139–147 [144].)

[35]With respect to the term עולם, the semantic field of the lexeme is considerably broad. The thesis that the basic meaning throughout Biblical Hebrew as well as the witness of Ugaritic, Canaanite and Aramaic dialects is "most distant time" seems sound. In construct

texts. Firstly, it is used of the established festivals:[36] the Feast of Unleavened Bread (חג המצות),[37] the Feast of Weeks (חג שבעת)[38] the Day of Atonement (יום הכפרים),[39] and the Feast of Booths (חג הסכות).[40] On these festivals Israel is enjoined to gather around the sanctuary; they are the "fixed times of the

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expressions, however, one finds the sense of "an absolute quality that can best be rendered 'permanance'; thus: 'permanent covenant' (Gen 9.16), 'permanent possession' (Gen 48.4), 'permanent slave' (Deut 15.17), 'his permanent house' (Ecc 12.5)." (Wilch, John R., *Time and Event: An Exegetical Study of the Use of 'ēth in the Old Testament in Comparison to Other Temporal Expressions in Clarification of the Concept of Time* [Leiden: E.J. Brill, 1969], pp. 17–19.) Here the reference is to the static, unchangeable character of the statute—"perpetual," "for always,"—it remains in force and continues to be valid, even to the "descendents." (Preuss, H. D., 'עוֹלָם', in G.J. Botterweck and H. Ringgren [eds.], *TDOT,* X [Grand Rapids: Eerdmans, 1999], pp. 530–545 [539–540].)

[36]The festal observances are presented primarily in two texts, the festival calendar of Lev 23 and the sacrificial calendar of Num 28–29. Jenson notes: "The former is directed to lay Israelites, and records details of their responsibilities in the cult. Numbers 28–29, on the other hand, provides the priests with details about sacrifices, and omits popular rituals such as the waving of the sheaf. The two texts therefore complement one another and may be read together." (Jenson, *Graded Holiness*, p. 186.)

[37]Passover (פסח, the term "ordinance of the Passover" חקת הפסח is found in Exod 12.43 and Num 9.12) and Unleavened Bread are discrete but closely bound observances, the former being celebrated on the fourteenth day of the first month in the evening, the latter being a seven-day festival beginning on the fifteenth day of the same month. Their various prescriptions and details are given in Exod 12–13; 23.14ff.; 34.18ff.; Lev 23.5–8; Num 28.16–25 and Deut 16.1–8. The ordinance is described as an חקת עולם in Exod 12.14 and 17. Within the Feast of Unleavened Bread is the Wave Sheaf (עמר) Day (Lev 23.9–14), taking place on the "day after the Sabbath" during the days of unleavened bread and also marking the start of the grain harvest.

[38]The prescriptions and details for the Feast of Weeks beginning on the day after the "seventh Sabbaths" from the Wave Sheaf Day are given in Exod 23.14ff.; 34.18ff.; Lev 23.15–21; Num 28.26–31 and Deut 16.9–12. The observance is described as an חקת עולם in Lev 23.14 and 21.

[39]The prescriptions and details for the Day of Atonement are given in Lev 16.1–34; Lev 23.26–32 and Num 29.7–11. The ordinances for the Day of Atonement are described as חקת עולם four times, in Lev 16.29, 31, 24 and Lev 23.31. The blowing of trumpets on the first of the seventh month, as described in Lev 23.23–25 and Num 29.1–6 is likely intended to prepare for the celebration of the Day of Atonement on the tenth of the month and should therefore be viewed as intrinsically connected to that day. See Weyde, Karl William, *The Appointed Festivals of YHWH: The Festival Calendar in Leviticus 23 and the sukkôt Festival in Other Biblical Texts* (FAT, 2.4; Tübingen: Mohr Siebeck, 2004), pp. 89–92.

[40]The final festival of the year, celebrated after the autumn harvest is described as a חקת עולם in Lev 23.41. Its prescriptions and details are found in Exod 23.14ff.; 34.18ff.; Lev 23.33–36, 39–43; Num 29.12–39 and Deut 16.13–15.

LORD" (Lev 23.2). Secondly, with respect to the priesthood and the sanctuary, some central ritual commands given to Aaron and his descendants are designated as חקת עולם, including the command to keep the lamp situated outside the פרכת–veil continually burning;[41] the requirement for Aaron and his sons to vest in their "holy garments" when entering the sanctuary or approaching the altar so that they "do not bear guilt and die" (ולא־ישאו עון ומתו);[42] the prohibition on wine and strong drink when they enter the sanctuary;[43] the command to blow the silver trumpets described in Num 10 for the purposes of convening the assembly at the appointed times;[44] and the stipulation that the sons of Aaron are to hold the priesthood perpetually.[45] To this list of statutes pertaining to the ministrations of the Aaronic priesthood should probably be added Exod 30.17–21 where, in the context of the instructions for the fashioning of the bronze laver situated between the "tent of meeting" and the altar, it is commanded that Aaron and his descendants are to wash when they enter the "tent of meeting" or approach the altar to minister, lest they die. Though the MT reads חק־עולם (v 21b: והיתה להם חק־עולם לו ולזרעו לדרתם) the reading attested in the Sam. text, חקת־ should be preferred[46] since it accords with the general observation that, in this complex of texts, חק signifies "due," "allotment."[47] Thirdly, the service of the Levites with respect to the sanctuary, the

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[41]Exod 27.21; Lev 24.3.

[42]Exod 28.43.

[43]Lev 10.9.

[44]The injunction to sound the trumpets on the appointed feast days, and over the burnt offerings and peace offerings on the first days of the months is given in Num 10.10. It is described as an חקת עולם in Num 10.8.

[45]Exod 29.9. This statement occurs in the context of the ritual stipulations for the consecration of the Aaronic priests.

[46]As argued in Milgrom, *Leviticus*, p. 16.

[47]Instructive by comparison is a survey of the expression חק־עולם which always appears to be a technical term for the portions of the sacrificial offerings assigned to the Aaronic priests

"service of the tent of meeting" (Num 18.23, עבדת אהל מועד), is also a "perpet-
ual statute." Lastly, with respect to the "peace offering" (שלמים), and perhaps
also the "whole burnt offering" (עלה) and the "grain offering" (מנחה), there
are several injunctions which are said to be "perpetual statutes." Thus, at
Lev 3.17, a prohibition against eating fat and blood is enjoined as a חקת עולם.
In Lev 17.3–7, all slaughter (שחט) of herd animals, whether it is done within
or outside the camp, is forbidden unless the sacrifice has been brought to the
doorway of the tent of meeting and sacrificed as a peace offering.[48] Num 15.15
commands that the sojourner (גר) is to make "offerings by fire" (אשה) in the
same manner as the Israelites, for there is to be only "one statute" (חקת אחת)—
a "perpetual statute throughout the generations" (חקת עולם לדרתיכם).[49]

The symbolic use of "seven," which is common throughout many of the
other ritual prescriptions designated as חקת עולם, should also not go unob-
served: Unleavened Bread is a seven-day festival, Weeks begins the "seventh"
sabbath from Wave Sheath day, Trumpets and the Day of Atonement fall in the
seventh month, and Booths is a seven-day festival on the 15th of the seventh
month. This symbolism also extends to other aspects of the sacrifices of these
festivals, including the sacrifice of seven male lambs as עלה offerings (Num
28.19, 27, 35) on each occasion. Such is the case also for Trumpets and the

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as their "due" (e.g. Exod 29.26–28; Lev 6.11[18]; 7.34; 10.13–15; 24.9; Num 18.8.11.19). One
textual difficulty remains in that the MT of Lev 7.36, in describing the assigned priestly
portions of the שלמים reads חקת עולם. Again, the Sam. text provides a preferred reading חק
עולם, "perpetual due." (See also Milgrom, *Leviticus*, p. 435.)

[48]This injunction is called a חקת עולם in v 7.

[49]This latter decree follows a summary of the ritual details for the שלמים and מנחה, עלה
offerings (Num 15.1–13), suggesting that the status of חקת עולם applies to all three categories
of sacrifice. Lev 1–3 also seems to indicate this, in that these chapters comprise a single
unit of discourse framed by the superscription at Lev 1.1 (ויקרא אל־משה וידבר יהוה אליו מאהל
מועד לאמר) and subscription at Lev 3.17 (חקת עולם לדרתיכם בכל מושבתיכם). The next major
unit of discourse is clearly demarcated at Lev 4.1 (וידבר יהוה אל־משה לאמר) which introduces
basic ritual details for the חטאת.

Day of Atonement (Num 29.2, 8). There one finds the curious sequence of bull offerings during Booths; beginning with thirteen, one less is offered each day until, on the seventh day, seven bulls are offered (Num 29.12–34). The description of Trumpets, the Day of Atonement, and Booths as times of "complete rest" (שבת שבתון Lev 16.32; 23.32, 39 or simply שבתון Lev 23.24, 39) invites comparison to the Sabbath and further emphasises the symbolism of "seven" as a completed sequence of time. Purification from corpse impurity by means of the מי נדה, a seven-day process, participates in this symbolic matrix.[50]

In the light of these observations, one notes that all instances where חקת עולם is employed in legal texts *pertain to the sanctuary,* whether it be priestly or levitical service of the sanctuary, the gathering of festivals around the sanctuary, or the sacrifices which are central to both the daily ministrations of the priests at the sanctuary as well as the celebration of those festivals. At first blush, the ceremony of the Red Heifer might seem an odd fit, in that all elements of the rite are performed not only outside of the sanctuary, but outside of the camp—in the wilderness. However, the expressly stated purpose of the ceremony is to *prevent the sanctuary from becoming defiled.* Those who fail to purify themselves must otherwise be cut off from the congregation lest they defile it.[51] If, however, in its narrative conception the Red Heifer is also ultimately concerned with the transfer of individuals not just from a state of impurity to purity but also *spatially from outside to inside,* from the wilderness to the ideal camp of Israel gathered around the sanctuary, one can see further how it plays a central role in connection with the other ritual prescriptions designated as חקת עולם in the Pentateuchal narrative. Ultimately, apart from the Red Heifer, access to the sanctuary could never be gained by those who,

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[50]The perceived use of seven-fold symbolism in the contruction of the *text* of Num 19 should also be recalled. See §3.1.2.

[51]Num 19.13, 20.

according to the directives of Num 5.1–3 are required to remain outside the camp. In fine, as a חקת עולם the ceremony of the Red Heifer is a component of those ritual laws concerned with perpetuating the priestly service of the sanctuary, the preservation of its holiness and, in narrative presentation, the maintenance of the camp of Israel's holy status gathered around it.

b. "the statute of the law" (חקת התורה)

As has been noted, the only other occurrence of the term חקת התורה is at Num 31.21, which also introduces a text concerned with purification from corpse contamination.[52] Commentators are divided as to the significance of the unique term. Levine, for instance considers the combination to be merely "redundant,"[53] though others consider the term to be deliberately constructed so as to give the law "special emphasis,"[54] and stress its "definitive nature"[55] and "divine origin."[56] Given the restriction of the phrase חקת התורה in the MT to instances involved with the production and administration of the מי נדה one is tempted to wonder whether the intention of the phrase is to provide a proper, rather than generic, designation for the sum of procedures; perhaps

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[52]A similar construction חקת המשפט occurs at Num 27.11 (the law prescribed in the context of the matter of the inheritance of the daughters of Zelophehad) and Num 35.29 (the law concering cities of refuge for those who have committed involuntary homicide). This construction and the occurrence of חקת התורה at Num 31.21 is enough to reject the proposed emendation of the BHS for Num 19.2, חקת הפרה.

[53]Levine, *Numbers*, p. 460. Levine also observes that the term תורה "occurs repeatedly as a way of designating manuals of instruction for the priests," an example being Lev 6.2, זאת תורת העלה, "this the prescribed instruction for the burnt offering."

[54]Harrison, *Numbers*, p. 255.

[55]Ashley, *Numbers*, p. 363.

[56]Cole, R. Dennis, *Numbers: An Exegetical and Theological Exposition of Holy Scripture* (The New American Commentary; Nashville: Broadman and Holman, 2000), p. 305. Cole also observes that the sequence of וידבר and צוה occurs elsewhere in Numbers "to introduce some special legislation" (i.e. Num 5.1; 28.1–2; 34.1–2; 35.1–2,9–10) though "only here is the verb not in the imperative mood."

התורה should even be understood as referring to the totality of the Mosaic legal dispensation. As will be elaborated below, Num 19 in its narrative context is the *final* law given to the Sinai generation before their death in the wilderness. However, against this interpretation perhaps are the renditions of 𝕿, where 𝕿^O, גזירת אוריתא, and 𝕿^Nf, גזירת אוריתה, read "this is the *decree* of the law," while the 𝕿^Nf marginal gloss reads אחוייתא, "instruction" (of the law).[57] As McNamara observes, when the Hebrew תורה "refers to a specific regulation, not to the Mosaic dispensation as such," 𝕿^Nf renders "decree of the law."[58] As for 𝖁 the translation is most curious: *ista est religio victimae quam constituit Dominus*.[59] Lastly, in 𝕲 חקת התורה is provocatively translated as ἡ διαστολὴ τοῦ νόμου, indeed the *only* instance in the whole of 𝕲 where חקה is so rendered.[60] Though διαστολή basically means "separation,"[61] the term is perhaps not entirely ill-suited to the context, as it can signify "detailed statement or explanation, list of dues or statement of a contract."[62] However, διαστολή is employed also at

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[57]The reading of 𝕿^PJ, גזירת אחויית אורייתא ("decree of the instruction of the Law"), appears to be a conflation of these earlier renditions.

[58]McNamara, Martin and Ernest G. Clarke (eds.), *Targum Neofiti 1, Numbers & Targum Pseudo-Jonathan, Numbers* (ArBib, 4; Edinburgh: T & T Clark, 1995), p. 6.

[59]Thus Seebass remarks: "Entweder selbst oder ihre Vorlage könnte חקת התורה als Doppelung empfunden und statt dessen aus halackischer Diskussion "Opfertier" eingesetzt haben, obwohl die Kuh als reguläres Opfertier atl. nicht belegt ist." (Seebass, *Numeri 10,11–22,1*, p. 240.)

[60]Elsewhere, חקה is translated as δικαίωμα (Gen 26.5; Lev 25.18; Num 27.11; 31.21; 35.29; Deut 6.2 and 6 others), ἐντολή (Deut 28.15), νόμιμος (Exod 12.14 and 3 others; Lev 3.17 and 16 others; Num 10.8 and 3 others), νόμος (Exod 12.43; 13.10; Lev 19.19, 37.; Num 9.3 and 5 others) and πρόσταγμα (Lev 18.4,5; 20.8,22; 26.3,43).

[61]Liddell, H.G. and R. Scott, *A Greek-English Lexicon* (ed. H.S. Jones; Oxford: Clarendon Press, rev. edn, 1968), p. 413. Wevers suggests that ἡ διαστολὴ τοῦ νόμου should be understood as "the stipulation of the law," arguing from this basic meaning of "separation" that "separate distinctions" are being made within the law, "hence the understanding what the regulation (νομος) stipulates." (Wevers, John William, *Notes on the Greek Text of Numbers* [SBLSCS; Atlanta: Scholars Press, 1998], p. 311.)

[62]Thus Dorival remarks that the use of διαστολή is "heureux, car, dans les papyri, διαστολή signifie: "liste détaillée, liste d'impôts, disposition particulière d'un contrat" or "requête d'un plaignant, instruction, ordre, consigne." (Dorival, *Les Nombres*, p. 378.)

Exod 8.19 [ET 8.23] to translate פדת where, suggests Wevers, "the notion of 'separation, parting' is intended." Here the LORD commands Moses to speak to Pharaoh, in the context of the narrative of the plagues sent upon Egypt, saying "I will make a distinction [διαστολή/פדת] between my people and yours" (NEB).[63]

What might be the motivation of the translator of 𝕲?[64] Z. Frankel has suggested that this is an echo of the halakhah found in *m. Par.* 3.1 which requires that seven days before the burning of the cow, the priest who is to burn the cow is to be cloistered in the *Birah*, where he is to be purified throughout the seven days.[65] Assuming the sense of "separation"–"division" Dorival acknowledges the possibility of a "play" on this sense of διαστολή on the part of the translators but rejects the idea that it is meant to echo Exod 8.19 [ET 8.23].[66] However, if the present thesis concerning the nature of the Red Heifer as a חטאת holds,

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[63]In the MT, the sense of "separation" here is perhaps debatable. Elsewhere in 𝕲 פדת is rendered λύτρωσις as at Ps 119.9, 130.7 and Isa 50.2. But the Hebrew of Exod 8.19a reads: ושמתי פדת בין עמי ובין עמך, which contextually fits the notion of "separation"–"distinction" a sense reflected in three of the versions: διαστολή 𝕲, *divisio* 𝖁, and *pwršn'* 𝕾. 𝕿ᴼ reads: ואשוי פורקן לעמי ועל עמך איתי מחא "I will appoint redemption/deliverance for my people, but upon thine I will bring a plague," פורקן clearly meaning "redemption, delivery" here, though the verb from which the noun derives (פרק) means also "separated, removed." Compare 𝕿ᴺᶠ which retains the ambiguity: אאשווי פורקן בין עמיי עבין עמך. Rabbinic commentators seem to preserve a dual interpretation of "separation" and "redemption." For a full discussion of the matter see Macintosh, A.A., 'Exodus VIII 19, Distinct Redemption and the Hebrew Roots פדהand פדד', *VT* 21 (1971), pp. 548–555. διαστολή also occurs at Num 30.7 where it translates מבטא. In the NT διαστολή is clearly used in the sense of "distinction" (Rom 3.22, 10.12, 1 Cor 14.17).

[64]It should be noted that in Num 31.21 חקת התורה is simply rendered as τὸ δικαίωμα τοῦ νόμου.

[65]"Vielleicht liegt in der Uebers. Numer 19.2 חקת διαστολὴ ein halachisches Moment: bei diesem Gesetze bedurfte es für den Priester einer ungemeinen Absonderung; vgl. Para c.3." (Frankel, Z., *Über den Einfluss der palästinischen Exegese auf die alexandrinische Hermeneutik* [Leipzig: Joh. Ambr. Barth, 1851], p. 354.)

[66]Thus Dorival: "Il ne semble pas que les traducteurs aient voulu par ce mot faire écho à Ex 8,19, où la mouche à chiens est envoyée pour établir une diastolé, "séparation", entre le peuple hébreu et le peuple égyptien. ...La raison du choix des traducteurs reste donc à découvrir." (Dorival, *Les Nombres*, p. 379.)

that it is a "rite of passage" that effects separation and transfer from one state to another—from impurity to purity—the possibility of such terminological "play" becomes much more suggestive. The case is further strengthened when it is understood that this rite of transfer effects also movement *spatially from one place to another*, from the wilderness into the camp. It is a distinct possibility then that 𝔊, in directly alluding to the image of separation–redemption depicted in Exod 8.18–19 [ET 8.22–23] and paradigmatic for Israel's notion of redemption, is making an intertextual connection through wordplay to communicate a theological idea: the "separation" effected in the ceremony of the Red Heifer is analogous to the act of separation/redemption portrayed in Exod 8.[67]

In sum, the designation חקת התורה at Num 19.2a need not be considered a conflation of independent, older headings which employ חקה עולם (vv 10, 21) and התורה (v 14). There has been no rationale proposed for why such an odd conflation should be allowed to stand alongside its supposed precursors. The designation of the Red Heifer as a חקת עולם circumscribes it as one of the legal texts which pertain to the priestly service of sanctuary. Meanwhile, the employment of חקת התורה at Num 31.21-24, in the context of an extension of the law of Num 19, suggests that, as far as the final text is concerned, חקת התורה is a clearly a term reserved for the law of purification from corpse contamination with the מי נדה, the "water of impurity." The treatment of the phrase חקת התורה in the versions, especially the attempt of both 𝔊 and 𝔙 to provide an *interpretive* translation, testifies both to its uniqueness and its difficulty. 𝔊 especially, which employs the suggestive term διαστολή, invites speculation that the ancient translator also understood the ritual as fundamentally a rite of *separation*.

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[67]Dines notes, citing examples, that this manner of making such deliberate connections between passages is a type of translation practice, and also a form of exegesis, which is readily found in 𝔊; interpretation "is built into its very fabric." (Dines, Jennifer M., *The Septuagint* [London: T & T Clark, 2004], pp. 123–24.)

3.2.2 The Character of the Victim

The body of the law begins with the required sacrificial victim. The cow which is to be brought for slaughter is described in Num 19.2 as a פרה אדמה תמימה "a red cow, unblemished" while two further clauses stipulate that it is to have "no defect" (אין־בה מום) and "no yoke is to have gone upon it" (לא־עלה עליה על). Each of these characteristics will here be considered in turn.

a. "a red cow, unblemished" (פרה אדמה תמימה)

As noted in Chapter 1, פרה translated as "heifer" reflects the understanding of 𝕲, δάμαλις,[68] though the Hebrew word itself bears no sense other than "cow" and, as 1 Sam 6.7 illustrates, even one that may have calved.[69] Clearly the פרה is a fully-grown animal, though the permissible age, ranging from two to five years, is a matter of debate in *m. Par.* 1.1. Likewise, the matter of whether the פרה may have calved—i.e. whether or not it must be a *heifer*—is debated by the Tannaitic rabbis (*m. Par.* 2.1). Thus the translation of פרה as δάμαλις in 𝕲 might reflect an ancient exegetical deduction with respect to age and status, a tradition also attested in 𝕿[PJ], which takes תמימה, "complete, whole" as meaning "two years old" and also understands לא־עלה עליה על as requiring that "no male shall have mounted the heifer."[70] The predominant rabbinic interpretation held תמימה to be a reference to the colour—an entirely red cow.[71] Thus even two non-red hairs on the animal would render it invalid for use. It should be borne in mind however that תמימה is generally a specified

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[68]פרה is translated as δάμαλις elsewhere five times and, more properly, 18 times by βοῦς. (Wevers, *Notes on the Greek Text*, p. 311.)

[69]Ashley, *Numbers*, p. 364. In general usage פרה suggests a fully-grown animal, as opposed to an עגלה, female calf.

[70]Hayward, 'Red Heifer and Golden Calf', pp. 11–13.

[71]E.g. see *m. Par.* 2.5.

requirement for *any* of the sacrificial animals stipulated throughout the priestly legislation in Exodus, Leviticus and Numbers.[72]

Ashley suggests that since it is a female animal this "indicates that the rite is to be looked upon as a purification offering of the individual, since these offerings are females," citing Lev 4.28, 32; 5.6; 14.10; Num 16.4; 15.27 in support of the idea that purification offerings for individuals are female animals.[73] This argument has some appeal but downplays the unique character of the *cow* with respect to the total sacrificial system. Nowhere else in the entire corpus is a "cow" (פרה) stipulated as a legitimate sacrificial victim. It also overlooks the fact that, though the ashes will indeed be used for the purpose of purifying individuals, the cow itself is not brought by an individual, as is the case in the supposed parallels cited, but rather by *the whole community* of Israel (v 2, בני־ישראל) and subsequently handed over by Moses and Aaron[74] to Eleazar. It is given by the entire community, including Moses and Aaron the high priest. In this respect it is perhaps best to attempt to understand the rite from the vantage point of its uniqueness rather than attempt a systematization with the sacrifices described in Leviticus.

The text remains silent regarding explicit reason as to *why* the heifer must be אדמה, conventionally translated as "red," a rendering not without certain problems due to differences in the basic terminological categories and degree

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[72]Kedar-Kopfstein, B., 'תָּמַם', in G.J. Botterweck and H. Ringgren (eds.), *TDOT,* XV (Grand Rapids: Eerdmans, 2006), pp. 699–711 (706).

[73]Ashley, *Numbers*, p. 364. Also Milgrom: "A bovine is required in order to provide the maximum amount of ashes. However, the bull cannot be chosen since it represents the חטאת either of the high priest (Lev 4.1–12; 16.11) or of the community (Lev 4.13–21). The red cow, on the other hand, is intended for the exclusive use of the individual Israelite, and, according to the priestly code, the individual may bring only a female of the flock for a חטאת (Lev 4.22–35; Num 15.27–29). Thus, since the ashes of the red cow must theoretically supply the purificatory needs of the entire population, the largest female animal is selected—a cow." (Milgrom, 'The Paradox of the Red Cow', p. 65.)

[74]See §3.2.3.

of granularity in distinguishing the colour field in biblical Hebrew. Brenner, analysing all the occurrences of אֲדֻמָּה/אָדֹם, demonstrates that this colour referent is of a much wider range than that of our "red." The colour field signified by אֲדֻמָּה/אָדֹם incorporates: 1) 'brown' (of animals' hide) in Num 19.2 and in Zech 1.8, 6.2; 2) 'yellowish brown' (of lentils) in Gen 25.30; 3) 'blood colour' in Isa 63.2, and perhaps in 2 Kgs 3.22; 4) 'crimson' (metaphorically, of sins) in Isa 1.18; 5) 'wine colour', or non-chromatic colour properties, in Prov 23.31; 6) 'pink', healthy flesh colour in Song 5.10 and Lam 4.7.[75] Our modern "red" is therefore "more restricted in scope than the biblical אדם"[76] and thus the use of only one term—red—to translate אֲדֻמָּה/אָדֹם is problematic and not always possible. Regarding the heifer, then, Brenner concludes:

> Clearly, the cow cannot be 'red'. Whether its skin has a reddish
> sheen or not is beside the point: today we would probably term it
> 'bay' or 'brown' in English. . . . We cannot argue that the lack of
> a specifying term for 'brown' points to a lack of its identification
> as a specific entity: as there are no 'red' cows or horses, when the
> term is applied to lexemes denoting these animals it refers to their
> visible, 'real' colour, inasmuch as when applied to 'blood' it means
> 'blood red'.[77]

Does this then pose a problem for the question of any colour symbolism involved? There is no dearth of opinion regarding this issue throughout the commentaries. Most interpreters do posit a symbolic connection to blood.

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[75]Brenner, Athalya, *Colour Terms in the Old Testament* (JSOTSup, 21; Sheffield: JSOT Press, 1982), pp. 58–80.

[76]Brenner, *Colour Terms*, p. 58.

[77]Brenner, *Colour Terms*, pp. 63–64. Gray also suggests that "no unnatural colour is intended; for though the word אדם at times denotes a brilliant red colour (as of blood), it is also used where we should rather speak of a brown, or reddish brown." (Gray, *Numbers*, p. 248.)

Olson, for example, suggests that the red colour, the inclusion of the stipulation that the blood of the animal must be burned with the rest (v 5), and the addition of the cedar and scarlet thread (v 6) "all appear to signify blood and its powerful ability to draw out impurity and lead one from the realm of death (contact with a corpse) to the realm of life (a state of cleanness and return to the camp)."[78] Citing Gen 9.4 and Lev 17.11, 14, which equate the life of every creature with its blood,[79] he posits that blood is, according to the biblical understanding, "connected with both death and life. The spilling of blood is a sign of death. But blood is also the primary carrier of life ... Because of its dual association with both life and death, blood is seen as a powerful and effective agent for ritually leading someone from the realm of death to the realm of life."[80] Gorman furthermore maintains that it is unnecessary for the cow to be "bright" red in order for this symbolic connection to be made, and that, as a "tensive symbol," blood itself is "used to effect dangerous passage from death to life" and has the power to do so "because it partakes of both of these states."[81] Blood symbolism is, of course, central to Milgrom's interpretation. In harmony with his overall solution to the paradox of the Red Heifer he concludes that the purpose of the designation אדמה is "to increase, if symbolically, the amount of blood in the ashes."[82] Milgrom draws attention to the "widely attested" association of red with blood in primitive cultures and further suggests that the crimson yarn and the [red] cedar in v 7 are similarly meant to "symbolically add

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[78]Olson, Dennis T., *Numbers* (Interpretation: A Bible Commentary for Teaching and Preaching; Louisville, KY: John Knox Press, 1996), p. 121.

[79]The equation provides the rationale for the prohibition against eating blood, which is the central concern of these texts.

[80]Olson, *Numbers*, p. 121.

[81]Gorman Jr., *The Ideology of Ritual*, pp. 202–203.

[82]Milgrom, *Numbers*, p. 158.

to the quantity of blood in the ash mixture" and thus enhance its potency.[83] But against any such interpretive gesture Brenner asserts that though it is "conceivable that animals with reddish or brownish hide have been used for ritual purposes by various communities because of the resemblance of their hide to blood" nevertheless "whether there is a colour symbolism in our passage or not cannot be decided on the strength of external evidence alone."[84] Thus, "on both semantic and interpretative grounds," concludes Brenner, "no colour symbolism should be attributed to the red heifer."[85]

Other symbolic associations have been suggested, however. Kennedy, for example, suggests that "red" is symbolic of fire as a cathartic agent.[86] Greenstone notes that "the Rabbis explain that the red heifer was to serve as an atonement for the sin of the golden calf . . . [thus] it must be red, which is symbolic of sin (Isa 1.18)."[87] Sturdy's answer is most intriguing—the cow is red-brown, "like the earth in which the dead are buried."[88] The significance of the cow's colour thus remains problematic and debated. Certainly the text itself gives no indication of colour significance and due caution is necessary

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[83]Milgrom, *Numbers*, p. 440. See also Feldman who, noting the equation in Gen 9.4 of נפש with blood remarks: "A small amount of blood is equivalent to a body and may defile (Sanhedrin 4a). The almost universal use of the colour red in connection with death and burial in primitive cultures has been explained by some scholars as being a symbolic attempt to restore life to the dead by the use of blood or its surrogate, red." (Feldman, Emanuel, *Biblical and Post-Biblical Defilement and Mourning: Law as Theology* [New York: Yeshiva University Press, 1977], p. 153.)

[84]Brenner, *Colour Terms*, pp. 64–65. "Within our text blood is indeed used (v 4) and so is fire (v 5). However, there is no hint, no clue in the text in regard to the colour significance of the heifer's skin." (Brenner, *Colour Terms*, p. 65.)

[85]Brenner, *Colour Terms*, p. 65.

[86]Kennedy, A.R.S., *Leviticus and Numbers* (The Century Bible; Edinburgh: T.C. & E.C. Jack, 1910), p. 297.

[87]Greenstone, Julius H., *Numbers with Commentary* (Philadelphia: The Jewish Publication Society of America, 1948), p. 201.

[88]Sturdy, *Numbers*, p. 134.

before any easy assertions are made. But Brenner goes too far in suggesting
that no colour symbolism should be understood. After all, a unique colour
is specified; such a specification could hardly be arbitrary. Furthermore, in
another instance Brenner *does* note that "אָדֹם and דָּם, אָדָם, and אֲדָמָה are so
similar phonetically that they absolutely demand paranomasia and speculative
etymologization, in addition to the אָדָם from אֲדָמָה and עָפָר (Gen. 2.7, וַיִּיצֶר
יהוה אלהים את האדם עפר מן האדמה; 2.19; 3.19; Ezek. 28.20; Zeph. 1.2–3), a
conceptual link which the Hebrew creation story shares with other Eastern
myths."[89] Similarly, "אָדָם and דָּם are notably linked in the chiastic formula
שֹׁפֵךְ דם האדם באדם דמו ישָּׁפֵךְ (Gen. 9.6), while אָדֹם and דָּם are joined together
in 2 Kgs 3.22, אֶת־הַמִּים אֲדֻמִּים כַּדָּם."[90] She also draws attention to Josephus,
who draws on the אָדֹם—אֲדָמָה—עָפָר—אָדָם complex while engaging in extensive
speculative etymologization with respect to the name of "Adam."[91]

While the notion that the quantity of blood in the ashes is somehow sym-
bolically increased by the colour of the heifer is perhaps far-fetched, symbolism
is nevertheless still quite likely in Num 19. Likewise, the suggestion that blood
itself is the symbolic element that underpins the Red Heifer ceremony, as a ten-
sive symbol with an "association with both life and death,"[92] is a speculation
built on little more than Gen 9.4 and Lev 17.11, 14 and certainly does not ac-
count for many of the other peculiar aspects of the rite.[93] Thus, it is presently
suggested that the symbolism underlying the requirement of a "red" (אדמה)

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[89]Brenner, *Colour Terms*, p. 161.

[90]Brenner, *Colour Terms*, p. 161.

[91]Brenner, *Colour Terms*, p. 161. The reference is to *Ant.* 1.31: "Now this man was called Adam, which in Hebrew signifies "red," because he was made from the red earth kneaded together; for such is the colour of the true virgin soil." (Josephus, *Jewish Antiquities, Books 1–4*, pp. 16–17. The translation is Thackeray's.)

[92]Olson, *Numbers*, p. 121.

[93]Why, one can simply ask, is blood not actually used for the ceremony of purification? Why the reduction of the whole cow to ashes? Why the use of ashes and water?

cow is grounded rather in *textual* paranomasia. Furthermore, such symbolism, as in the other texts Brenner cites, should be sought at the *conceptual* and *textual* level itself[94]—that is to say, it occurs at the level of word-play within the complex of אָדָם, דָּם, אֲדָמָה, אֲדָמָה, אָדָם and their employment in the biblical narrative. The red cow (פרה אדמה which is reduced to dust (עפר) is a symbolically linked with the the primeval story of man's (אדם) creation from the dust (עפר) of the ground (אדמה). That the cow is *reduced* to dust, furthermore suggests that the cow, and the incineration of it in its entirety, may very well be an elaborate symbol of human mortality. What is depicted in the ceremony is the *reversal* of the creation man, a return to the dust of the earth.[95]

b. "without defect, which has never borne the yoke" (אשר אין־בה מום (אשר לא־עלה עליה על

Num 19.2 goes on to stipulate that the cow should be "without defect" (אין־בה מום) and must "never have borne the yoke" (לא־עלה עליה על). Milgrom suggests that the characteristic תמימה means "without blemish," and אין־בה מום "in which there is no defect" thus constitutes a "redundancy for the purposes of

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[94]Such symbolic interplay of terms need not be predicated on any supposed genetic or etymological links between these terms. For a brief discussion regarding etymology of אָדָם see Maass, Fritz, 'אָדָם', in G.J. Botterweck and H. Ringgren (eds.), *TDOT*, I (Grand Rapids: Eerdmans, 1974), pp. 75–87 (75–79) and for אֲדָמָה see Plöger, Josef, 'אֲדָמָה', in G.J. Botterweck and H. Ringgren (eds.), *TDOT*, I (Grand Rapids: Eerdmans, 1974), pp. 88–98 (88). While etymological relationships remain uncertain and interpretive dependence on etymology "can be dangerous" (Barr, James, *The Semantics of Biblical Language* [London: Oxford University Press, 1961], p. 145.) the issue of deliberate paranomasia on the part of the Biblical legislator is a different issue altogether.

[95]See especially Gen 3.19 in this regard. This observation leads to the possibility that the ceremony of the Red Heifer is even more closely linked to Pentateuchal narratives such as Gen 3, a matter which is explored further when the issue of the relationship of Num 19 to its narrative context is considered in Chapter 5.

emphasis,"[96] citing Lev 22.21 as a parallel example.[97] Leviticus 22.19–25 certainly seems to supply the meaning of תמימה and אין־בה מום within a sacrificial context for it goes on to specifically prohibit animals which are blind, lame, mutilated, castrated, etc.[98] Commentators generally understand, in harmony with ancient rabbinic opinion, לא־עלה עליה על, "no yoke has gone upon it" to mean that the animal must not have ever been used for domesticated, profane purposes.[99] The unusual phrase is, as Ashley observes,[100] a verbal play on the consonants א, ע and ל and, as noted above, is understood by 𝔗^{PJ} to be a euphemism—it shall not have been mounted by a male.[101] However, this interpretation is likely stimulated by the ancient (and debated) tradition that the animal must be a *heifer*. But the MT itself makes no suggestion that this is the case. Since the plain reading simply specifies an adult cow, the stipulation is most likely to mean no more than this: the cow must be undomesticated, it should never have been subjected to agricultural labour.

3.2.3   The Roles of Aaron and Eleazar

In Num 19.1 the LORD addresses Moses and Aaron; v 3 introduces Eleazar as the priest who presides over the rite; from v 7ff. reference is made only to "the priest" though Eleazar is clearly implied. Immediately we are beset

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[96]Milgrom, *Numbers*, p. 158.

[97]Lev 22.21 stipulates the requirements for שלמים offerings given as freewill offerings or in fulfilment of a vow. The phrase reads: תמים יהיה לרצון כל־מום לא יהיה־בו.

[98]A nearly identical list of prohibitions applies to those descendants of Aaron who would serve as priests (Lev 21.16–24).

[99]E.g. Ashley, *Numbers*, p. 364; Milgrom, *Numbers*, p. 158; and Levine, *Numbers*, p. 461. Similar provisions in Deut 21.3 and 1 Sam 5.14 are often pointed out. See also *m. Par.* 2.3.

[100]Ashley, *Numbers*, pp. 262 n. 1.

[101]*m. Par.* 2.4 articulates the same requirement but without any exegetical reference to the phrase לא־עלה עליה על.

with some textual conundrums. Who is being addressed by God? To whom
do the Israelites bring the cow? Who is to give it to Eleazar? Who leads
the cow out of the camp and who slaughters and burns it, and in the sight of
whom? Consideration now turns to the resolution of these questions as well as
an analysis of the seven-fold blood sprinkling rite which Eleazar is explicitly
commanded to perform in v 4.

a. Aaron

One should note first that "Aaron" in v 1 (וידבר יהוה אל־משה ואל־אהרן) is
missing in seven late-medieval MSS, an attestation that is perhaps too weak to
follow.[102] The variant, for example, could possibly be an attempt to harmonise
19.1–2 with Num 31.21: זאת חקת התורה אשר־צוה יהוה את־משה. In the MT the
addressee of God's command in 19.2b is clearly singular and undoubtedly
Moses is intended: דבר אל־בני ישראל ויקחו אליך, whereas in v 3a the addressee
is plural: ונתתם אתה אל־אלעזר הכהן. Milgrom explains the situation as follows:
"Because Hebrew *dabber*, "instruct," and *'elekha*, "you" are in the singular, the
instruction may have been given to Moses alone: Only he, the prophet, relays
God's message to Israel. But when the instruction changes from words to
action, it is addressed to Aaron as well: "You (pl.) shall give it" (v 3)."[103]
Wevers suggests that the MT has the plural ונתתם, "since this is part of what
Moses is saying to the Israelites."[104] But this overlooks the fact that God is
directly addressing Moses and Aaron, though Wevers' suggestion does draw
attention to the fact that *collectively the Israelites are also involved in the
rite*—they are to bring the cow to Moses. "In any event," Wevers notes, "the

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[102]Seebass, *Numeri 10,11–22,1*, p. 240. See further discussion below.

[103]Milgrom, *Numbers*, p. 158.

[104]Wevers, *Notes on the Greek Text*, p. 312.

heifer is to be given to Eleazar, the priest."[105]   Thus Aaron's only distinct role in the ceremony is that, together with Moses, he is responsible for giving over to Eleazar the cow which has been brought. Seebass suggests that this demonstrates that a lesser priest, such as Eleazar, must be explicitly charged with the task of performing the rite by the high priest.[106] As to why Aaron himself is not charged with the rite, Budd suggests that the involvement of Eleazar "is probably to be explained in the light of Lev 21.12 which insists that Aaron himself, as high priest, is not to go out of the sanctuary."[107]

It should be noted, however, that 4QNum^b, 𝕲 and 𝔳 all continue with the singular in v 3, "and thou shalt give it." Therefore Jastram suggests: "The singular form conforms to the singulars in the preceding verse (דבר, אליך), and is probably original. The plural form refers back to the plural objects in verse 1 (אל מושה ואל אהרון), and may have developed from a conscious attempt to include Aaron as one of the addressees, together with Moses, within the body of the speech."[108] To adopt such a reading would be, of course, to make Aaron entirely functionless within the rite. Thus Budd goes even further in suggesting, on the strength of these variants, that "Aaron" was therefore not original in v 1, noting also that Aaron "is not usually included in the reception of law."[109] As a general rule it is true that, in Numbers, God addresses Moses alone. But there are significant exceptions. In addition to

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[105]Wevers, *Notes on the Greek Text*, p. 312.

[106]"Dies hat wohl den Sinn, daß ein einfacher Priester wie Eleasar vom Hohen priester für die Durchführung des folgenden Ritus beauftragt sein mußte." (Seebass, *Numeri 10,11–22,1*, p. 240.)

[107]Budd, *Numbers*, p. 211.

[108]Jastram, Nathan Ray, *The Book of Numbers from Qumrân, Cave 4 (4QNum^b)* (Ph.D. Thesis, Harvard University, 1990), p. 129. Contra Jastram, see Seebass, *Numeri 10,11–22,1*, pp. 240–41.

[109]Budd, *Numbers*, p. 209. Budd cites Num 5.1, 11; 6.1; 15.1, 17 as examples of instances in Numbers where Moses alone is addressed by God in the reception of law.

Num 19.1 the stereotypical phrase וידבר יהוה אל־משה ואל־אהרן לאמר occurs at Num 2.1, 4.1,[110] 4.17, 14.26, and 16.20,[111] a sufficient number of occurrences to undermine Budd's argumentation. Furthermore, though Num 19 differs from the other instances cited where Aaron is addressed with Moses in that it involves the "reception of law," this does not necessarily make any more likely the supposition that "Aaron" is not original to v 1. All the legal sections of Numbers are ultimately framed within a narrative context. And so inclusion of Aaron with Moses as God's addressee could in fact be of great significance when interpreting the law within this narrative context. None of the versions, it must be remembered, omit "Aaron" in v 1. Contrariwise then, 4QNum^b, 𝔊 and 𝔙 could all simply be "smoothing" the more difficult reading of the MT, with its transition from the singular to plural. But the MT is coherent as it stands—*both Moses and Aaron* are to give the heifer which has been brought by the Israelites to Eleazar, who presides over the rite. That this aspect of the ceremony involves Aaron might be of symbolic significance when the broader narrative context of Numbers is considered.

b. Eleazar

Textual questions continue into v 3bff., this time centring around Eleazar himself. The MT of 3b suggests that Eleazar leads the cow out of the camp: והוציא אתה אל־מחוץ למחנה.[112] Immediately, 3c is puzzling: ושחט אתה לפניו. If Eleazar

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[110]"Aaron" is missing in Num 4.1 in a few witnesses, however.

[111]Consider also Num 20.12 and 23, ויאמר יהוה אל־משה ואל־אהרן, on the occasion of the death of Aaron. Furthermore, in Num 18, immediately prior to the account of the Red Heifer, Aaron alone(!) is addressed three times by God: וידבר יהוה אל־אהרן (Num 18.8) and ויאמר יהוה אל־אהרן (Num 18.1, 20).

[112]𝔊 furthermore adds εἰς τόπον καθαρὸν, "in a pure place," in what is quite likely an attempt to harmonize the text with v 9b: מחוץ למחנה במקום טהור. But not all commentators are agreed that Eleazar himself leads the cow out of the camp. See, for example, Gilders, William K., 'Why does Eleazar Sprinkle the Red Cow Blood? Making Sense of

is also the one slaughtering the cow, who then is the referent of לפניו? Against
the MT, the verbs are plural in 4QNum[b] and 𝕲.[113] 𝕲 (but not 4QNum[b]) also
renders v 5a (ושרף את־הפרה לעיניו) in the plural.[114] J. de Vaulx provides
a traditio-historical explanation, in which "before יהוה" was the earlier text
(cp. Lev 4.4), an explanation which, if true, is still of little value in under-
standing the *present* text here.[115] The singular reading is, as Wevers remarks,
"the more difficult, since the verbs are not only singular but also active, and
the most natural rendering would be 'and he shall bring out . . . and slaughter,'
but this is followed by לפניו, which must refer to Eleazar. In other words, the
singular verbs can not refer to him, but must also be taken as indefinite, thus
'and one must bring it . . . and slaughter it before him.' "[116] The plural form
in the variants is therefore likely intentional to remove the ambiguity of an
admittedly difficult text, thereby avoiding any possible misunderstanding that
Eleazar was meant to perform the slaughter.[117] Such is the argument given,

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a Biblical Ritual', *The Journal of Hebrew Scriptures* 6, art. 9 (published online, 2006)
<http://www.arts.ualberta.ca/JHS/>.

[113]3b: והוציאו אותה, καὶ ἐξάξουσιν αὐτὴν; 3c: ושחטו אותה, καὶ σφάξουσιν αὐτὴν. Consider
also the "solution" provided by 𝖁 in v 3: *tradetisque eam Eleazaro sacerdoti qui eductam
extra castra immolabit in conspectu omnium.*

[114]καὶ κατακαύσουσιν αὐτὴν ἐναντίον αὐτοῦ

[115]De Vaulx, *Les Nombres*, p. 214.

[116]Wevers, *Notes on the Greek Text*, p. 312.

[117]Wevers, *Notes on the Greek Text*, p. 312. See also Jastram, *The Book of Numbers
from Qumrân*, p. 129. Dorival, in comparing all of the above data with Josephus (in whose
retelling Eleazar is not specifically mentioned, but rather the "high priest") and Targumic
material ultimately discerns three traditions of interpretation: "Apparemment Josèphe (AJ
IV, 79–80) suit ici le TM, puisqu'il attribue ces deux actes au grand prêtre; les Targums
ont le singulier, mais le Targum Jo. considère que, si le "grand prêtre" est bien le sujet
du premier verbe, c'est un autre prêtre qui immole la génisse; il y a donc trois traditions
d'interprétation: les deux premières ont les verbes au singulier, mais, tantôt, c'est le grand
prêtre seul qui agit (Josèphe et peut-être TM), tantôt, c'est le grand prêtre et un autre prêtre
(Targum Jonathan et peut-être TM); la troisième interprétation, représentée par la LXX,
a les verbes au pluriel, sans que l'on sache qui sont ces "ils" anonymes: le peuple, les aides
d'Eléazar, Eléazar et un ou plusieurs autres prêtres, des prêtres sans Eléazar?" (Dorival,
Les Nombres, p. 110.)

assuming Eleazar is indeed the antecedent to the pronominal לפניו. If under-
stood in this manner an interpretive problem arises in that the text is silent as
to whether or not the one who *slaughters* the cow is rendered impure, as is the
case with all other participants. Three possibilities immediately exist: firstly,
one might simply infer from the other instances that the one who slaughters
is also rendered impure; secondly, the one who slaughters the cow may be the
same as the one who burns it; lastly, it could be a significant aspect of the rite
that the act of slaughter itself is not defiling but only those actions involved
in incineration and production of the ashes. But these last two possibilities
are certainly not the understanding of *m. Par.* 3.4, which rules that *all* who
are engaged in the preparation of the [red] cow, from the beginning until the
end, render their garments unclean."[118] Neither is it the understanding of 𝕿[PJ],
which expands the MT by adding that "the priest who slaughtered the heifer
shall rinse his clothes and shall wash his body in forty seah of water, and af-
ter this he shall enter the camp; but that priest shall be unclean, before his
immersion, until the evening."[119]

But there is another quite natural and viable reading which is overlooked
by these commentators. In taking "the camp," מחנה as the antecedent to the
troublesome pronoun the NEB ingeniously translates the passage as "...and
it shall be taken outside the camp and slaughtered *to the east of it*," under-
standing "the camp" (מחנה) to be the referent of לפניו (literally "in front of
it"). The NEB translation gives due consideration to the narrative setting of
Num 19 and the spatial orientation of the ceremony as conceived within that
setting. Numbers begins not only with a detailed census of the tribes of Israel

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[118]Epstein, I. (ed.), *Hebrew-English Edition of the Babylonian Talmud—Parah* (London: Soncino Press, 1989).

[119]McNamara, *Targum Neofiti & Pseudo-Jonathan, Numbers*, p. 242.

but a lengthy description of the orientation of the camp of Israel in ch 2.[120]
The "front" of the camp, according to this spatial arrangement, would be the
eastern side, that of the entrance to the Tabernacle where both the sons of
Aaron and Moses are stationed. This is made explicit in Num 3.38, where
Moses and Aaron and his sons are described as the "ones encamped in front
of the Tabernacle on the east" (והחנים לפני המשכן קדמה) and "in front of the
Tent of Meeting eastwards" (לפני אהל־מעד מזרחה). Thus the ceremony of the
Red Heifer is, narratively speaking, oriented spatially in a two-fold manner; it
occurs not only outside the camp, but also to the east of the camp. This in-
terpretation furthermore resolves the issue of *who* slaughters the heifer. With
the problematic pronoun accounted for the actor is, most naturally, *Eleazar
himself*! The textual conundrum resolves itself. If it is understood that an
individual other than Eleazar is to perform the slaughter "before him" then the
text remains strangely silent as to whether or not this one who slaughters is
rendered impure, as is the case with all of the other participants. But if indeed
it is Eleazar who slaughters then the question is resolved, for he, "the priest,"
(v 7) is indeed rendered impure and required to bathe. All of the actors are
accounted for.

The conclusions which arise from this synoptic look at the text of the rite
are here summarised. In narrative context, Moses and Aaron are the addresees
of the law of Num 19. All of Israel is to bring the cow to them. They are, in
turn, charged to give the cow over to Eleazar, who presides over the rite itself.
Eleazar is to take the cow outside the camp and slaughter it in a prescribed
location, to the east of the camp facing the entrance to the Tabernacle (v 3).
Eleazar does not function alone in all of the ritual details however. Another

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[120]For a detailed excursus on the spatial orientation of the camp, arranged in a square
with three tribes on each side and the cordon of priests and levites within, see Milgrom,
Numbers, pp. 340–341.

actor is charged with the task of burning the cow (v 5), while Eleazar, for his part, performs the blood sprinkling rite (v 4) and, taking הכהן in v 6 to be a reference to him (as is the case in v 3 and 4), also casts the cedar, hyssop and scarlet thread into the fire. Eleazar for his part is also rendered impure by the procedure and must bathe and wash his garments (v 7), as also the one who burns the heifer (השרף, v 8) and the איש טהור charged with the task of gathering the ashes (v 9, 10). The key aspects of the rite, then, that pertain to Eleazar, in addition to his leading out the cow and presiding over the whole affair, are its slaughter, the blood-sprinkling action of v 4 and the addition of the cedar, hyssop and scarlet thread to the fire in v 5. This latter action is discussed in §3.2.5. The seven-fold blood sprinkling calls for further analysis below.

c. The seven-fold blood sprinkling

Num 19.4 states that Eleazar is to take some of the blood with his finger and sprinkle it (הִזָּה)[121] seven times towards the entrance of the tent of meeting: אֶל־נֹכַח פְּנֵי אֹהֶל־מוֹעֵד.[122] Gilders observes that not only is Eleazar singled out by name to perform this particular task but also his "priestly status is emphasized by the repetition of his title," הכהן.[123] What is the purpose of this act of sprinkling—what does it accomplish? As a ritual act it is found in 18 verses in

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[121]The verb נזה occurs 24 times in the MT, 4 times intransitively in the Qal, meaning "spatter," otherwise transitively in the causative sense (Hif.) "bespatter, sprinkle" where, except in Isa 52.15, it "always refers to intentional sprinkling of a liquid in a ritual context." (Milgrom, Jacob and David P. Wright, 'נָזָה', in G.J. Botterweck and H. Ringgren [eds.], *TDOT,* IX [Grand Rapids: Eerdmans, 1998], pp. 300–303.)

[122]4QNum[b] reads פתח "gate" instead of פני.

[123]Gilders, 'Why does Eleazar Sprinkle', p. 7.

connection with the "general" חטאת sacrifice,[124] the Day of Atonement,[125] the rites of purification for צרעת ("leprosy"),[126] purification from corpse unclean-ness,[127] the dedication of the altar,[128] the ordination of the priests,[129] and the ordination of the Levites.[130] Vriezen, in a thorough study that tries to estab-lish the significance of the term הזה in ritual acts, disinguishes three forms of הזה-rites: the seven-fold הזה-rite before יהוה (Lev 4.6, 17; 5.9; 14.16, 27; 16.14, 15; 19.4[131]), the seven-fold הזה-act for the sake of a person or a holy object (Lev 8.11; 14.7, 51; 16.19), and the "simple" הזה-rite (Exod 29.21; Lev 8.30; Num 8.7; 19.18, 19, 21).[132] The latter two forms of the הזה-rites all occur in clauses construed with על, while the former category is distinguished as fol-lows: 1) the rite is performed before יהוה, 2) sprinkling occurs seven times,

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[124]Lev 4.6, 17; 5.9. Here the ritual is a sevenfold-sprinkling performed with the blood of the sacrifice before the פרכת-veil of the sanctuary.

[125]Lev 16.14, 15, 19. Here the ritual is a sevenfold-sprinkling of the sacrificial blood "on" and "before" the כפרת and upon the horns of the altar.

[126]Lev 14.7, 16, 27, 51. Here the rather complex ritual involves a sevenfold-sprinkling of the sacrificial blood mixed with "living water" and applied directly to the one to be cleansed after recovering from צרעת (Lev 14.7 and 51), while an accompying seven-fold sprinkling with oil, performed by the priest, before he can use the oil for the purification rite, is also prescribed (Lev 14.16 and 27).

[127]Num 19.4, 18, 19, 21. Whereas the first occurrence is related to the seven-fold sprinkling act of Eleazar with respect to the blood of the heifer, the latter three occurrences apply to the sprinkling of the one being purified from corpse impurity. Here the act is not described as a seven-fold sprinkling, but rather is to be performed on the third and seventh day.

[128]Lev 8.11; a seven-fold sprinkling of the altar with the anointing oil.

[129]Exod 29.21; Lev 8.30; sprinkling of the garments of the priests with the holy anointing oil mixed with the blood of the sacrifice.

[130]Num 8.7; a sprinkling of the Levites with the מי חטאת for cleansing, in connection with their separation for Levitical service.

[131]Num 19.4 is understood to be performed before יהוה in that it is described as being performed before the אהל מעד.

[132]The simple הזה-rite is distinguished from the seven-fold act for the sake of a person or holy object in that the repetition of the act is not specified. There is, of course, a symbolic repetition of sorts that is specified in Num 19.18, 19 and 21 in that the one undergoing purification is to be sprinkled on the third and seventh day.

3) sprinkling occurs by dipping the finger in the blood and splashing directionally towards the sanctuary, 4) the verb is not construed with על.[133] In such cases, Vriezen asserts, "it is apparent that we have to do with a special *consecration-act* of the fluid (blood, oil). . . . The consecration by the *hizza*-act stamps special expiation-ceremonies as particularly holy or sacrosanct, elevates them to a special degree of holiness."[134] They constitute "an introductory ceremony, which is required in special, most holy offerings, a ceremony that has a special meaning as a consecration-act of the blood of the victim (or of the oil that is used in the case of the purification of the leper)."[135] Thus, in Num 19.4 the seven-fold sprinkling of the blood of the slaughtered heifer in the direction of the sanctuary is, according to Vriezen, "a consecration act," the blood of the slaughtered heifer being dedicated to יהוה; "so the heifer herself is consecrated; after that the heifer is burnt and her ashes have purifying force."[136]

Milgrom likewise understands the sprinkling act as a consecration of the blood. Noting that in Lev 14.16 and 27 oil is sprinkled before יהוה prior to the purification of the one who has recovered from צרעת,[137] and that the sevenfold sprinkling of blood on the altar of burnt offering effectively consecrates the altar,[138] "by the same token" then, "the sevenfold aspersion of the blood of

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[133]Vriezen, Theodore C., 'The Term *Hizza*: Lustration and Consecration', *OTS* 7 (1950), pp. 201–235 (212–13).

[134]Vriezen, 'The Term *Hizza*', pp. 214–15.

[135]Vriezen, 'The Term *Hizza*', p. 218.

[136]Vriezen, 'The Term *Hizza*', p. 209. Janowski, though he rejects the major implications of Vriezen's theory, nevertheless holds that in Num 19.4 the sprinkling-act symbolizes the consecration of the blood though he considers the Red Heifer rite to be atypical, and its designation as a חטאת a late addition (Janowski, *Sühne als Heilsgeschehen*, pp. 227 n. 211.) For an evaluation of Janowski's interpretation of blood manipulation in the חטאת rituals see Kiuchi, *The Purification Offering*, pp. 120–23.

[137]Thus Milgrom: "[The oil] needs to be consecrated before being daubed on the leper by its sevenfold aspersion." Milgrom, 'The Paradox of the Red Cow', p. 66.

[138]Milgrom: "The purpose of this double manipulation is supplied by the text . . . [to]

the Red Cow also consecrates it that it may always act as a purgative when, in the form of ashes, it is sprinkled upon the impure."[139] In agreement with Milgrom, Gorman states: "this act of preparation is best understood as the moment when the blood itself is consecrated and thereby made effective for its use in the larger ritual," but against Milgrom's suggestion that the sprinkling is equivalent to placing the blood on the altar, Gorman makes the following observation with respect to the tent of meeting as a spatial designation:

> Specific types of ritual activity are associated with the altar, but
> the front of the tent of meeting/tabernacle is a broader category
> which indicates a place of sacred, ritual activity. Indeed, it is often
> described as the place of presentation of sacrifices. Thus, the fact
> that the blood of a חטאת is sprinkled toward the front of the
> tent in order to prepare it for further ritual use indicates another
> transformation of the חטאת in this ritual. This is, in part, required
> because the ritual takes place outside the camp. It is also required,
> however, because of the nature of the ritual. This חטאת is not
> designed for purgation of some part of the tabernacle structure,
> but to provide ritual passage from a defiled state brought about by
> contact with a corpse to a state of purity.[140]

Rodriguez further suggests that the sprinkling in Num 19.4 is indeed a consecration, but on the analogy of Lev 14.16, 27 "not only the blood but the whole animal is consecrated."[141] Gilders, however, has noted some weaknesses

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'cleanse it (the altar) of Israel's impurities and consecrate it' (Lev 16.19)" Milgrom, 'The Paradox of the Red Cow', p. 66.

[139]Milgrom, 'The Paradox of the Red Cow', p. 66.

[140]Gorman Jr., *The Ideology of Ritual*, p. 205.

[141]Rodriguez, Angel M., *Substitution in the Hebrew Cultus* (AUSDDS, 3; Berrien Springs, MI: Andrews University Press, 1979), p. 124. He cites Noth who states that the sevenfold

in the notion of the sprinkling-act as a "consecration" of the blood. Milgrom, for example, fails to distinguish between the הזה-act for the purposes of consecrating the blood itself and for the purposes of consecrating the object of the sprinkling. Furthermore, throughout the Priestly texts, there is not a single clear statement that the הזה-act brings about, or results in, the consecration of the blood.[142]

Another interpretation of the sprinkling-rite has been offered by Kiuchi who rejects outright the notion that the rite symbolizes or effects the consecration of the blood.[143] Noting that in Num 19.18, 19 the seven-fold הזה-sprinkling of the מי נדה purifies the person or object being sprinkled, he suggests that "it appears reasonable to infer that in v 4, too, the sprinkling of blood is somehow related to the purification of the Tent."[144] Levine interprets the sprinkling-act similarly, suggesting that the purificatory rites of Num 19 have a two-fold purpose, purification of persons directly contaminated by corpses, and at the same time, protection from contamination of the sanctuary, the "abode of the resident deity."[145] This interpretation seems unlikely for reasons already stated

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sprinkling "is presumably to be understood as signifying a dedication of the blood and thereby of the slaughtered animal as a whole." (Noth, *Numbers*, p. 140.) Similarly Gray suggests the sprinkling indicates "that the cow is sacred" to יהוה. (Gray, *Numbers*, p. 250.)

[142]Gilders, 'Why does Eleazar Sprinkle', pp. 9–10. He argues further: "When blood is used in purification rituals nothing special is done to prepare it. Note, especially, Lev 14.5–7: within the same ritual complex with the oil manipulation we find blood sprinkled in a purification ritual with no prior act that might be said to have consecrated it. Note also Exod 29.20 and Lev 8.23–23 where blood is daubed on the bodies of Aaron and his sons, again with no preparatory act. Its ability to purify what is impure seems to be regarded as inherent. We are led to ask, then, why blood should need to be consecrated in the case of the red cow when it does not need to be consecrated in any other setting."

[143]Kuichi asks: "Why is there any necessity to consecrate the blood? Is the supervision of the priest not sufficient to give the heifer a sacred character? (Kiuchi, *The Purification Offering*, p. 123.)

[144]Kiuchi, *The Purification Offering*, p. 123.

[145]Levine, *In the Presence of the Lord*, p. 75. Thus Levine: "The impurity of the dead impacted the Sanctuary, and its elimination was to be visually and geographically linked to it, even though great distance from the Sanctuary was required because of the impurity

above in §2.4. The notion of prospective defilement is implausible.

A key aspect of the הזה sprinkling-rite has, in fact, been overlooked by all commentators—its essential correspondence with חטאת rituals, and exclusively so. As a ritual act, all of its 18 instances are found in conjunction with the חטאת and the categories of circumstances articulated by Marx[146] in which the חטאת is performed: 1) the "general" חטאת for inadvertent transgression of the divine commandments, codified in Lev 4.1–5.13; 2) instances of contracted impurity;[147] 3) the ceremonies of consecration of Aaron, priests, altar (Exod 29.1–30; Lev 8.1–36), and the Levites (Num 8.5–22); 4) regular liturgical worship of the Israelites.[148] By contrast, the הזה-act is not enacted in any other sacrificial rites. It is therefore a unique and definitive feature of the חטאת—the complex of rituals which effect separation and transition from one state to another—and within this complex it is an essential priestly gesture.

Gilders, in his study of the הזה-sprinkling in Num 19 has also contributed to the overall understanding of the meaning of this action through the application of Peircian semiotics to its analysis.[149] Gilders observes that interpretations

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realized in the rite itself." (Levine, *Numbers*, p. 462.)

[146]See §2.6.

[147]Explicit descriptions of the ritual enactments are given only for the impurity of צרעת, where the הזה-act is described in Lev 14.7, 16, 27, 51, and the Red Heifer, where the הזה-act occurs in Num 19.4, 18, 19, 21. As for the חטאת for impurity resulting from childbirth (Lev 12) and genital discharges (Lev 15), since these texts are concerned primarily with presenting the conditions requiring purification rather than detailed ritual legislation, the הזה act can simply be assumed to be a component of the חטאת ceremony, on the basis of its description in Lev 4–5.

[148]Again, since only the Day of Atonement provides a description of the explicit ritual enactments among the festivals where a חטאת is offered, the הזה-act is only explicitly stated in conjunction with it. Nevertheless, it can be assumed to be a component of the חטאת ceremonies of the other festivals on the basis of Lev 4–5.

[149]Peircian semiotics articulates the distinction between three different types of signs, the "symbol, icon and index." (Gilders, 'Why does Eleazar Sprinkle', p. 12.) A *symbol* is related to its object by convention; an *icon* is an exhibition of its object; while an *index*, such as the gesture of pointing or in this case directional sprinkling of blood, is in existential relation to its object, *indicating* the object as opposed to representing it. For the application of Peircian

such as those offered by Milgrom, Levine and Kiuchi all attempt to understand the sprinkling-act in "instrumental terms," seeking an explanation of what the action accomplishes. He contributes immensely to the overall understanding of the action in 19.4 by addressing the question in another way, an analysis of the sprinkling-act as an "indexical sign." Noting the fact that there is no explicit explanation for Eleazar's sprinkling of the blood in 19.4[150] and consequently no explicit statement of how it might conventionally function as "symbolic," nevertheless, the sprinkling-act, an *indexical* sign, "has an indexical dimension":

> Whatever one might say about its conventional symbolic or instrumental significance, when one envisages the performance of the rite in the world represented by the biblical text, the gesture also points to, focuses attention on—*indicates*—the shrine. . . . The result is that the sprinkling gesture places the ritual complex and its participants into a relationship with the shrine. The gesture of sprinkling places the red cow and the shrine into a relationship with one another. Furthermore, by prescribing that Eleazar sprinkle blood towards the Tent of Meeting, the text binds the red cow ritual to other rituals performed in and around the Tent of Meeting.[151]

Gilders also draws attention to his other studies into the ritual use of blood in the priestly texts which establish that such blood manipulations "mark the moment when the priest lays special claim to control over the ritual process

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semiotics to the analysis of sacrificial ritual, see Jay, Nancy, *Throughout Your Generations Forever: Sacrifice, Religion, and Paternity* (Chicago: University of Chicago Press, 1992), pp. 6–7.

[150] Gilders, 'Why does Eleazar Sprinkle', p. 8.

[151] Gilders, 'Why does Eleazar Sprinkle', p. 13.

and asserts his necessity for its efficacy."[152] Eleazar's blood-sprinkling act towards the opening of the tent thus indicates and establishes his status as the necessary and effective mediator of the ritual process.[153]

In sum, the הזה-sprinkling gesture by Eleazar the priest is central to the enactment of the ceremony of the Red Heifer, since it is an instance of a חטאת offering. Furthermore, whatever else it may accomplish instrumentally, it is an indexical assertion of Eleazar's priestly prerogative to preside over the ceremony and thereby make effective the חטאת sacrifice. That Aaron the high priest (along with Moses) has given over the cow to Eleazar to preside as the efficacious priest in this manner indicates a transfer of authority to preside over the rite. The textual presentation of this transfer of authority should therefore be borne in mind when the broader matter of the relationship of text of Num 19 to its narrative context is subsequently considered.

3.2.4   The Burning of the Heifer

Num 19.5 stipulates that the cow is to be "burned" (שרף) in the sight of Eleazar, the priest (לעיניו). Sherwood notes the inclusion of this entire verse within the repetition of the verb שרף (ושרף ... ישרף) which draws rhetorical emphasis to the act.[154] No altar is used and the fat is not offered. Rather, it is explicitly stated that the whole cow, including her hide (ערה), flesh (בשרה), and blood (דמה) shall be burned, including, indeed upon, the dung (על־פרשה). The parallels to the חטאת bull and goat on the Day of Atonement are striking, for at the conclusion of those rites it is stipulated in Lev 16.27 that the bull

[152]Gilders, William K., *Blood Ritual in the Hebrew Bible: Meaning and Power* (Baltimore: The Johns Hopkins University Press, 2004), pp. 61–141 *passim*.

[153]Gilders, 'Why does Eleazar Sprinkle', p. 14.

[154]Sherwood, Stephen K., *Leviticus, Numbers, Deuteronomy* (Berit Olam: Studies in Hebrew Narrative and Poetry; Collegeville, MN: The Liturgical Press, 2002), p. 170.

and the goat "whose blood was brought in to make atonement in the holy
place" (אשר הובא את־דמם לכפר בקדש) are to be taken outside the camp, (אל־
מחוץ למחנה) where their hides (ערתם), flesh (בשרם) and dung (פרשם) are
to be "burned in the fire" (ושרפו באש). But the similarities do not end here.
The burning of the cow is carried out by a third party, השרף (v 8), who is
subsequently required to bathe, wash his garments and remain unclean until
evening. Likewise, at the conclusion to the rites of the Day of Atonement, the
one who burns (השרף) the bull and the goat is to bathe and wash his garments
before entering into the camp (Lev 16.28).[155] These two particular instances,
the Day of Atonement and the ritual of the Red Heifer, are therefore quite
similar to each other, and quite unlike all other instances of חטאת sacrifices
in these respects. Sakenfeld observes regarding the heifer that "no other ritual
recorded in the Pentateuch requires such complete burning of the animal," for
in the case of the red heifer burning extends even to the blood of the victim.[156]

The suggestive overtones of this verb should not be overlooked. Of the 117
occurrences of the verb throughout the MT, even within the context of ritual
acts, the transitive שרף almost always connotes an act of *destructive annihi-
lation* of some person or object.[157] It is this overarching sense of *annihilation*
that leads Rüterswörden to suggest that, strictly speaking, שרף is not a sacri-
ficial term in the Priestly texts. It refers to *the annihilation of ritual elements*
rather than their sacrifice.[158] In addition to Num 19.5, examples of such ac-

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[155]No mention is made in Lev 16.28 of his remaining unclean until evening as is the case
in Num 19.8. That he is rendered unclean remains implicit.

[156]Sakenfeld, *Journeying with God*, p. 108.

[157]Thus Rüterswörden: שרף "describes an act of annihilation carried out with regard to
people and objects that in their own turn are characterized by such features as hostility,
ritual taboo, or particular abominableness" (Rüterswörden, U., 'שָׂרַף', in G.J. Botterweck
and H. Ringgren [eds.], *TDOT*, XIV [Grand Rapids: Eerdmans, 2004], pp. 218–228 [219].),
in contrast, e.g. to בער.

[158]Rüterswörden, 'שָׂרַף', p. 221.

tivity include the annihilation of the remainders of sacrificial meals, including
the Passover lamb (Exod 12.10), the "ordination offering" (מלאים, Lev 8.32),
and the "peace offering" (זבח השלמים, Lev 7.16–17); impure objects such as
unclean meat (Lev 7.19) or textiles contaminated with צרעת (Lev 13.52, 55,
57); and, as outlined in §2.2.3, the "burnt" חטאת (Exod 29.14; Lev 4.11–12, 21;
8.17; 9.11; 16.27–28). By contrast, שרף is never used in contexts of what are,
properly speaking, *sacrificial* acts—the burning of offerings upon the altar—
for which the verb הקטיר is used. Thus the slaughter of the heifer is not in
this sense a sacrifice in the sense of an *offering*.[159]

Also, there is no laying on of hand/hands upon the victim.[160] This gesture
is understood to indicate the ownership of the offered victim and therefore
the one who is to benefit from the sacrificial act,[161] and also that the owner is
giving the offering to יהוה. Thus Gane observes that the "hand-leaning signifies
the *end* of ownership ... between hand-leaning and slaughter, a legal transfer
of ownership from the offerer to YHWH takes place."[162] But without any
ceremony of hand-laying the heifer is simply slaughtered in Eleazar's presence
and burned in his sight. The heifer is thus not an offering in the sense of "gift."
No transfer of the victim to the LORD takes place. Its slaughter and destruction
are more properly understood as a ritual disposal by means of burning (שרף).[163]

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[159]Contra Gorman who suggests that the Red Heifer must be perceived as a sacrifice
because of the requirement that the cow be without defect or blemish, thus placing it
"within the context of a sacrifice in that these requirements are also prescribed for sacrificial
animals" as in Lev 1.3,10; 3.1,6; 4.3; 22.20,21,25. (Gorman Jr., *The Ideology of Ritual*,
p. 202.)

[160]Compare, e.g. the עלה offering (Lev 1.4), the שלמים offering (Lev 3.2,8,13), and the
חטאת offering (Lev 4.4, 15, 24, 29, 33).

[161]Gane, *Cult and Character*, pp. 53–59.

[162]Gane, *Cult and Character*, p. 56. See Wright, David P., 'The Gesture of Hand Placement
in the Hebrew Bible and in Hittite Literature', *JAOS* 106 (1986), pp. 433–446 for the
justification of the "identification of ownership" interpretation against other theories.

[163]Wright categorises the three varieties of such ritual disposal as follows: "(a) the burning

It is an *annihilation*, not an offering, an action which furthermore brings about defilement of the one who executes it.

3.2.5   Cedar, Hyssop and Scarlet Thread

As the red cow is incinerated the presiding priest is instructed in Num 19.6 to take cedarwood (עץ ארז), hyssop (אזוב) and scarlet thread (שני תולעת)[164] and "cast them into the midst of the burning of the cow" (והשליך אל־תוך שרפת הפרה). These are the same materials used in the purification of צרעת, "leprosy,"[165] which immediately suggests a close symbolic association between the two rites. ארז is likely to be identified with cedar of Lebanon,[166] while עץ here likely indicates a branch as in Lev 14.4. אזוב[167] occurs in the Pentateuch as an instrument for ritual sprinkling in Exod 12.22, Lev 14.4, 6, 49, 51, 52, and Num 19.18.[168] שָׁנִי, "scarlet," is likely to be an Egyptian loanword,[169] while the construct שני תולעת, "crimson thread/yarn," is so called on account of the Kermes "worm" (*Coccus ilicis L.*—shield louse) from which a scarlet-coloured

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of the carcasses of חטאת sacrifices whose blood is used in the Tabernacle enclosure or which belong to the priests, (b) the burning of the portions of edible sacrifices which remain beyond the time allotted for consumption, and (c) the burning of sacrificial portions which have become impure." But he neglects to remark on the burning of the heifer in the context of this classification. (Wright, *The Disposal of Impurity*, p. 129.)

[164]Literally: "scarlet of a worm."

[165]Lev 14.4, 6, 49, 51, 52.

[166]Milgrom, *Numbers*, p. 159, though he notes that some Tannaim and modern scholars have suggested, on account of the rarity of cedar outside of Lebanon, that cypress is meant.

[167]Perhaps to be identified with *Majorana syriaca* which is widespread throughout Israel and "ideal for sprinkling" (Milgrom, *Numbers*, p. 159.), though the exact identity of "hyssop" has been subject to long controversy. For a thorough discussion see Harrison, R.K., 'The Biblical Problem of Hyssop', *EvQ* 26 (1954), pp. 218–224.

[168]Excepting Num 19.6 (see below). Ps 51.9 appears to have a similar context in mind: תחטאני באזוב ואטהר. The only other occurrence of אזוב in the MT is 1 Kgs 5.13.

[169]Milgrom, *Numbers*, p. 159.

dye is extracted.[170] In addition to Num 19.6 the construction שני תולעת oc-
curs in Lev 14.4, 6, 49, 51, 52, all pertaining to the purification of צרעת. The
reverse construction, תולעת השני/תולעת שני, is used to describe the scarlet ma-
terial used in the manufacture of the Tabernacle, the sacred garments of the
high priest, and the covering for the "most holy things."[171] The close material
association of the high priest's garments with the Tabernacle and the "most
holy things" connotes the special relationship between the high priest's minis-
trations and the Tabernacle. Jenson notes that, although all priestly garments
were considered holy,[172] "those of the high priest were distinct from the others,
in accord with the way that Aaron is often treated separately from his sons
(e.g. Exod 31.10; 35.19; 39.41)."[173] Furthermore, the successors to the high
priesthood achieved their new status in a ceremony involving the transfer of
these high priestly garments (Num 20.28). It is conceivable then, that as an
indexical sign,[174] the שני תולעת indicates the person of the high priest and and
his ministration in the holy Tabernacle.

The close association of the ceremony of the Red Heifer with the ritual
purification from צרעת[175] must be explored further on account of the paral-

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[170]Brenner, *Colour Terms*, p. 143.

[171]Exod 25.4; 26.1, 31, 36; 27.16; 28.5, 6, 8, 15, 33; 35.6, 23, 25, 35; 36.8, 35, 37; 38.18, 23; 39.1, 2, 3, 5, 8, 24, 29, Num 4.4.

[172]Thus, for example, the garments of the sons of Aaron are described as בגדי קדש in Exod 28.4 and 35.19.

[173]Jenson, *Graded Holiness*, p. 125.

[174]See §3.2.3 for a discussion of how symbolism can have an indexical dimension.

[175]Most certainly צרעת is not to be equated with the disease leprosy (i.e. Hansen's disease). The identification of the actual underlying diseases remains uncertain, the Levitical passages not being of the sort of description which can lead to a medical diagnosis. (Wilkinson, John, 'Leprosy and Leviticus: The Problem of Description and Identification', *SJT* 30 [1977], pp. 153–169.) 𝕲 translates צרעת as λέπρα, a generic term in Hellenistic Greek which referred to scaly skin diseases such as psoriasis. Confusion of the disease/diseases denoted by λέπρα with Hansen's disease first occurred in the ninth-century CE (Wilkinson, John, 'Leprosy and Leviticus: A Problem of Semantics and Translation', *SJT* 31 [1978], pp. 153–166; Milgrom,

lelism of these three elements. In Lev 13.1–46 the procedures for diagnosing and declaring a person impure on account of **צרעת** are given. Those who are stricken with the condition are to remain outside the camp for as long as the condition persists (Lev 13.46). Lev 13.47–59 extends the diagnosis of the condition to woollen or linen clothing and leather goods, which if they are unable to be cleaned of the condition, must be destroyed ("incinerated," **שרף**) by fire (Lev 13.57). Lev 13 is not concerned so much with providing a medical diagnosis of a particular skin disease. Rather, the term **צרעת** likely covers several kinds of infection which all have one thing in common: "they ate away at the flesh of the body or the fabric of a piece of clothing," key symptoms being "the loss of flesh beneath the infection, its spread across the body, and raw ulceration on flesh of the infected area,"[176] a symptomology which was applied to rotting fabrics as well. Lev 14.1–32 goes on to describe the rather complex procedure for ritually purifying one who has recovered from the condition which effects a transition from a state of impure to pure with the result of reintegration into the camp of Israel. Lev 14.33–57 presents both the procedures for diagnosing **צרעת** in houses as well as their required treatment and subsequent "purification,"[177] again involving cedar wood, crimson material and hyssop. Detailed analysis of this rite is well beyond the scope of the present study[178] except to observe carefully its relationship to Numbers 19 and the role these three particular materials play in each case.

Leviticus, pp. 816–818.) Thus in order to avoid any misunderstanding Milgrom and Levine both render **צרעת** as "scale disease." (Milgrom, *Leviticus*, pp. 768–889; Levine, Baruch A., *Leviticus: The Traditional Hebrew Text with the New JPS Translation* [The JPS Torah Commentary Project, 3; Philadelphia: The Jewish Publication Society, 1989], pp. 75–76.)

[176]Kleinig, *Leviticus*, p. 286.

[177]In instances where the house is unable to be rid of **צרעת** it must be demolished and all the material taken to an "unclean place outside the city" (Lev 14.45).

[178]For an exhaustive analysis of these chapters see Milgrom, *Leviticus*, pp. 827–901.

Immediately attention is drawn to the close association of צרעת and the defiling force of death itself. As an infection that "killed off the flesh in the body and made it decay . . . [צרעת] was the mark of death on a person. It turned some part of the body into a corpse before the actual death of the person; it brought with it a kind of impurity like the impurity of carcasses and corpses."[179] צרעת is thus itself "an aspect of death: its bearer is treated like a corpse."[180] As Milgrom further observes, the identification of צרעת with death is explicitly made in the narrative of Num 12 when Aaron in his intercession for Miriam, who has been stricken with with צרעת (Num 12.10), prays: "Do not let her be like one who is dead" (Num 12.12: אל־נא תהי כמת).[181] In the rite of purification for those who have recovered from צרעת the cedar wood and hyssop were likely tied together with the scarlet thread to form a sprinkling utensil to sprinkle the one being purified seven times with the blood of a slaughtered bird mixed in a bowl of "living" (i.e. fresh) water while a live bird is also dipped into the bowl and subsequently set free (Lev 14.5–7). After bathing and shaving the individual is declared pure after seven days (Lev 14.8–9) and on the eighth day offers a series of offerings and receives an anointing with oil and the blood of the guilt-offering (אשם). Milgrom concludes from his exhaustive analysis of this complex rite that the whole process is nothing but

> a rite of passage, marking the transition from death to life. As
> the celebrant moves from the realm of impurity outside the camp,
> restored first to his community, then to his home, and finally to his

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[179]Kleinig, *Leviticus*, p. 286.

[180]Milgrom, *Leviticus*, p. 819. Note especially that Num 5.2 stipulates that they must be excluded from the camp even as those who suffer from corpse contamination are required to remain outside the camp.

[181]Milgrom comments: "In antiquity, the leper was regarded as a dead person" referencing *Sanh.* 47a and *'Avod. Zar.* 5a. (Milgrom, *Numbers*, pp. 97, 310 n. 45.)

sanctuary, he has passed from impurity to holiness, from death to
life, is reinstated with his family, and is reconciled with his God.[182]

When considering the parallels between Num 19 and Lev 14 most com-
mentators speculate that the three elements have some special purifi-
catory or symbolic significance. For example, Keil suggests that they increase the purifi-
catory power of the ashes; cedar "as symbol of the incorruptible continuance
of life; and hyssop, as the symbol of purification from the corruption of death;
and scarlet wool, the deep red of which shadowed for the strongest vital en-
ergy."[183] Harrison appeals to the aroma of the elements, noting that cedar,
because of its high oil content, was resistant to rotting and "thus it might
have symbolized resistance to future defilement."[184] A symbolic connection to
blood, on account of the red colour of the cedar and the scarlet material, is
often suggested. Wefing, also noting that שני is a colour used "metaphorically"
to describe blood,[185] applies 1 Kgs 5.13 [ET 4.33] to the task of understanding
the symbolic import of cedar and hyssop which, in the context of a discourse
on the wisdom of Solomon, describes his knowledge as ranging from the largest
(cedar of Lebanon) to the smallest (hyssop that grows out of the wall) subjects
imaginable. Thus Wefing speculates that these objects in Num 19.5 symbol-
ise a totality: "Hier wäre dann in den drei Ingredienzien symbolisch alles das,
was mit dem menschlichen Leben zusammenhängt, ausgedrückt."[186] Appeals

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[182]Milgrom, *Leviticus*, p. 889.

[183]Keil, Carl Friedrich, *The Pentateuch* (Edinburgh, 1864–65), p. 124.

[184]Harrison, *Numbers*, p. 256.

[185]Wefing cites Nah 2.4 [ET 2.3] and Song 4.3 as examples. (Wefing, 'Beobachtung', p. 351.)

[186]Wefing, 'Beobachtung', p. 351. See *Pes. K.* which also applies 1 Kgs 5.13 to the purifica-
tion of the leper: "Solomon spoke upon the uses of trees, upon the *cedar that is in Lebanon*,
and upon *the hyssop that springeth out of the wall* . . . Asking why Scripture requires that
in the ritual cleansing of a leper both the cedar, tallest of the trees, and the hyssop, lowest
of the herbs, be used, his answer was, Because when a man exalts himself like a cedar, he is

to comparative evidence are also often made to justify the appropriateness of the materials.[187] Leaving aside for the time being the vexing question of symbolism, there is one especial fact of great importance which arises when comparing the two rites, one which Milgrom also recognises. Although these elements are the same in both rites, "their effect on the manipulators is not the same: The waters for corpse contamination defile; the waters for leprosy do not."[188] His explanation for this fact is that the blood for the leprosy ritual is not a חטאת and, since he concludes that it is a vestigial pagan rite, it here retains its "pristine, pre-Israelite form."[189] But this explanation is wanting of a more basic observation. In the rite for the purification of צרעת the cedar, hyssop, and crimson material also have a functional role within the rite—beyond any symbolic sense they might carry they nevertheless serve practically as a sprinkling agent for the mixture of blood and water (Lev 14.6–7, 51–52). By contrast, there is no practical purpose whatever for these elements in the Red Heifer rite. Instead, they are simply *annihilated*, burned (שרף) along with the heifer. Their central purpose is to be reduced to ash along with the heifer, a process of elimination which defiles.[190] The description of the materials being thrust into the midst of the fire (Num 19.6) seems to heighten the destructive intent of this act.

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smitten with leprosy; but when he humbles himself like hyssop, he is healed with hyssop." (Braude and Kapstein, *Pěsiḵta dě-Raḇ Kahǎna*, p. 68.) Cp. also *Num. R.* 19.2.

[187]Milgrom, for instance, draws attention to a Mesopotamian ritual for the covering of a temple kettle-drum wherein "the bull (whose hide would become the drumskin) was sprinkled with cedar balsam, burned with cedar wood, and buried in red cloth." (Milgrom, *Numbers*, p. 159.) Noordtzij claims that cedar wood "played a prominent role" in the purification rituals of the Euphrates-Tigris valley. (Noordtzij, *Numbers*, p. 169.)

[188]Milgrom, *Numbers*, p. 440.

[189]Milgrom, *Numbers*, p. 440.

[190]Compare with Num 19.18 where hyssop *is* used in a practicable manner comparable to Lev 14.6–7, 51–52 for the application of the מי נדה.

3.2.6   The "Water of Impurity"

After the cow has been incinerated the presiding priest and the one who burned the cow are to bathe and wash their clothes, remaining unclean until evening (Num 19.7–8). Then the ashes are gathered by someone who is clean (v 9, איש טהור) and kept in a designated, clean place outside the camp (והניח מחוץ למחנה במקום טהור) kept for the preparation of the מי נדה. Num 19.9 concludes: חטאת הוא. While the discussion of the relationship of Num 19 to the complex of sacrifices and rituals called חטאת was the focus of Chapter 2, some further remarks on the identification of the חטאת in v 9 are here necessary. Although the Masoretic vocalisation of the text provides a reading of the feminine pronoun (הוא), Milgrom reads the *kethib* as a masculine pronoun, rejecting the vocalisation which would imply that the cow (הפרה), rather than the ashes (אפר), is to be identified as a חטאת.[191] Such a reading fits his theory which sees blood, and in this instance a purifying blood transmitted through the medium of the ash-water, as the central aspect of the חטאת and what is identified as such. His reading has not gone uncontested. Gilders, for example, retains the *qere* reading and understands the cow itself to be the חטאת, pointing out that Num 19.17 presents the חטאת as distinct from the ashes.[192] The phrase reads: ולקחו לטמא מעפר שרפת החטאת, "And they shall take for the unclean some of the ashes of the burning of the חטאת."[193] On the strength of this observation there is no compelling reason for rejecting the *qere* reading.

The expression מי נדה occurs only in this chapter[194] and once more in Num 31.23 which explicitly enjoins and presupposes the rite described in

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[191]Milgrom, 'The Paradox of the Red Cow', p. 90.

[192]Gilders, 'Why does Eleazar Sprinkle', pp. 7–8.

[193]On the terminological shift which has taken place here, from אפר to עפר, see below §3.3.2.

[194]מי נדה: Num 19.9, 13, 20; מי הנדה: Num 19.21.

Num 19.[195] The noun נִדָּה is somewhat problematic. Outside of its use in the phrase מי הנדה/מי נדה, it mainly refers to the impurity generated by menstruation,[196] and elsewhere in the more general sense of "defilement/abomination."[197] On the strength of the association of נִדָּה with instances of menstrual impurity Maccoby posits that מי נדה actually bears the sense of "water of menstruation." He speculates that the phrase originates in "an era when menstrual blood was regarded with awe and reverence as having healing and purifying power,"[198] that the heifer is "the last vestige in the religion of the Israelite Sky-God of the earth-goddess,"[199] who "in the person of the Red Cow ... gives herself to death, and overcomes it by being transmuted into a substance, the *mei niddah*, that is sovereign against death-impurity."[200] Thus, as a pagan remainder the ceremony, according to Maccoby, "stands outside the confines of the priestly system of purity."[201] Is such a speculative theory actually viable? Does it adequately account for the phrase מי נדה? One suspects an illegitimate totality transfer with the importation of the sense of "menstrual impurity" into Num 19.9, 13, 20, 21 and 31.23. A simpler explanation, in line with the present thesis and in harmony with the overall priestly system, is available, leaving this particular hypothesis of vestigial paganism unnecessary.

Admittedly the basic sense and etymology of נִדָּה is unclear; derivations from נדד and נדה have both been postulated.[202] Levine prefers the verbal

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[195]Compare Num 8.7, the מי חטאת for the purification of the Levites.

[196]Lev 12.2, 5; 15.19, 20, 24, 25, 26, 33; 18.19, Ezek 18.6; 22.10; 36.17.

[197]Lev.20.21; Ezek 7.19; Zech 13.1; 20 Lam 1.17; Ezra 9.11; 2 Chron 29.5.

[198]Maccoby, *Ritual and Morality*, p. 108.

[199]Maccoby, *Ritual and Morality*, p. 112.

[200]Maccoby, *Ritual and Morality*, p. 112.

[201]Maccoby, *Ritual and Morality*, p. 109.

[202]נדד: *Qal,* "depart, flee, wander" (e.g. Isa 21.15, Hos 9.17); *Hiphil,* "chase away" (e.g. Job 18.18); נדה: *Piel,* "chase away, put aside" (e.g. Isa 66.5, Amos 6.3). See Greenberg, Moshe,

root נדה suggesting that this is cognate with the Akkadian *nadû*, 'to hurl, cast off' and a variant of נזה, 'to spatter', and so the מי נדה can be understood to mean "water of lustration; water for sprinkling."[203] Milgrom and Wright, arguing that double *'ayin* and *lamed he* roots are often similar or synonomous in meaning, assert that both נדד and נדה share the basic meaning 'chase away, drive away.' Thus, נִדָּה "can be assigned the putative basic meaning 'expulsion, exclusion.' "[204] Accordingly, מי נדה could convey the meaning "water of expulsion (of impurity)." However, morphologically the most probable root of נִדָּה is the double *ayin* נדד.[205] Greenberg's careful study[206] convincingly demonstrates that the basic sense of נִדָּה is more likely that of "distancing, apartness," which, in the instances where it is applied to the ritual impurity of

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'The Etymology of נִדָּה '(Menstrual) Impurity' ', in Ziony Zevit, *et al.* (eds.), *Solving Riddles and Untying Knots: Biblical, Epigraphic and Semitic Studies in Honor of Jonas C. Greenfield* (Winona Lake, IN: Eisenbrauns, 1995), pp. 69–77 (69–70).

[203]Levine, *Numbers*, pp. 463–464. As regards the menstruating woman נִדָּה, says Levine, literally means " 'one who is spilling' blood. Such a woman was declared to be impure during her period, but it is not the word *niddah* that, by itself, connotes that impurity!" (Levine, *Numbers*, p. 464.) Whatever one makes of Levine's analysis, this certainly seems to be the *interpretive* move made by 𝔊, 𝔙 and 𝔗. 𝔊 renders מי נדה as ὕδωρ ῥαντισμοῦ at Num 19.9, 13, 20 and 21. Elsewhere in 𝔊 נדה is translated as ἄφεδρος "menses", ἀκαθαρσία "uncleanness", χωρισμός "separation, division", and ἁγνισμός "purification" (the latter uniquely at Num 31.23, which undoubtedly corresponds to the exceptional translation of חטאת as ἅγνισμα at Num 19.9). 𝔗^O and 𝔗^PJ read מוי אדיותא, "water of sprinkling", while 𝔙 reads *aqua aspersionis*. See Milgrom, Jacob and David P. Wright, 'נִדָּה', in G.J. Botterweck and H. Ringgren (eds.), *TDOT,* IX (Grand Rapids: Eerdmans, 1998), pp. 232–234.

[204]Milgrom and Wright, 'נִדָּה', p. 232. Further: "In the case of a menstruating woman, the word originally denoted the discharge or elimination of the menstrual blood; it then came to denote the impurity of a menstruating woman in particular or impurity in general."

[205]Joüon, Paul, *A Grammar of Biblical Hebrew,* (ed. T. Muraoka; Subsidia Biblica, 14; Rome: Editrice Pontificio Institutio Biblico, rev. edn, 2000), § 88,B,h.

[206]Greenberg, 'The Etymology of נִדָּה'. His methodology is to examine "Hebrew words translated in the Peshiṭta by derivatives of Syriac *ndd* and Peshiṭta and Targumic Aramaic equivalents of Hebrew *ndd* [in order to] yield contours of a semantic field, interlocking with one or two other terms." (Greenberg, 'The Etymology of נִדָּה', p. 71.) Ugaritic evidence is ignored on account of the problematic situation of widespread disagreement in the literature regarding what words belong to the נדד-group and their definitions. (Greenberg, 'The Etymology of נִדָּה', p. 70 n. 2.)

the menstruant, applies specifically to "the separation of women from certain social contacts during their time of menstrual impurity:[207]

> The semantic fields of Heb. and Syr. *ndd* indicate a basic meaning 'distance oneself' with negative connotation, as in flight or from disgust or abhorrence. Heb. *niddâ* appears to contain both ideas: distancing and separation due to abhorrence. The term has a specific abstract reference to menstrual impurity (as abhorrent [to males] and entailing separation of the sexes). It has a generic abstract reference to the state of "impurity," and a generic concrete reference to an "impure thing/act" (what is to be kept apart, abhorred). The generic senses occur almost exclusively in biblical and Qumran nonlegal contexts; the specific abstract sense 'menstrual impurity' prevails in priestly legal texts.[208]

Greenberg's conclusion, that the etymon of נִדָּה is נדד with a basic meaning of "distancing, separation," an hypothesis which "has the least morphological and semantic obstacles in its way,"[209] is congruent with the notion that the basic concern of חטאת rites in general, and the ceremony of the Red Heifer in particular, is that of "separation." The מי נדה are thus understood as the "waters of separation (from defilement, the impurity of death)", a reading which agrees with the overall understanding of the rite as proposed thus far.[210]

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[207]Greenberg, 'The Etymology of נִדָּה', p. 75.

[208]Greenberg, 'The Etymology of נִדָּה', p. 76.

[209]Greenberg, 'The Etymology of נִדָּה', p. 77. See also the development of Greenberg's analysis in Bar-Asher, Moshe, 'The Qal Passive Participle of Geminate Verbs in Biblical Hebrew', in Steven E. Fassberg and Avi Hurvitz (eds.), *Biblical Hebrew in its Northwest Semitic Setting: Typological and Historical Perspectives* (Jerusalem: Magnes Press, 2006), pp. 11–25.

[210]This reading leads to the retention, rather than the resolution of the central paradox of the Red Heifer waters—that they purify the impure and defile the pure. Thus Maccoby

3.2.7 The Corpse (נפש)

Num 19.11–13 introduces the general requirement and instructions for purification from corpse contamination. Cole notes how the chiastic structure of this section emphasises the severity of the contracted impurity which results in a full seven-day period of impurity for persons who have been rendered unclean.[211] He remarks that the "seriousness of this impurity is heightened by the focus of each of the chiastic structures in this section. The variant in the centre of v 12 is the issue of compliance or non-compliance with the purification rites. In the second cycle of v 13 only the matter of noncompliance is addressed, and the focal point is that of the consequence for failure to undergo the ritual cleansing."[212] Additionally, he notes that the term טמא occurs four times in these verses, in contrast to טהור which occurs twice.[213] It has already been noted how the corpse contamination treated in Num 19 is of a

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agrees that understanding the מי נדה as "water of separation" is a valid reading, but nevertheless goes on to ask: "But why should this purifying water be called 'water of separation'? If it means 'separation because of impurity,' again why use this very specific term as a general one? If it means 'separation *from* impurity', this is indeed an extraordinary reversal of meaning in a word that normally signifies a serious impurity." (Maccoby, *Ritual and Morality*, p. 108.)

[211]Ashley also remarks, "This double application of the waters may have indicated the seriousness of the pollution of contact with a corpse." (Ashley, *Numbers*, p. 371.)

[212]Cole, *Numbers*, p. 310. Cole's presentation of the chiastic literary structure of this section as follows:

A Touching the dead renders one unclean seven days (19.11)
    B Purification on third and seventh days makes one clean (19.12)
    B′ Failure to purify on third and seven days makes one unclean
A′ One who touches the dead is unclean (19.13)
    B″ Failure to purify
        C Defiles the sanctuary
        C′ Must be cut off from Israel
    B‴ Failure to purify: The מי נדה not applied
A″ Uncleanness remains

[213]Cole, *Numbers*, p. 310.

different level, and thus higher severity, than the sort of impurity contracted through contact with other dead creatures, in which cases the term נבלה is employed.[214] The requirement for purification from corpse contamination is first introduced in v 11 as follows: הנגע במת לכל־נפש אדם וטמא שבעת ימים; while v 13 begins: כל־הנגע במת בנפש האדם אשר־ימות. This curious use of נפש requires further analysis.

Literature on the term נפש is vast.[215] The noun occurs some 754 times in the MT bearing such meanings as "breath," "throat/gullet," "longing/desire" or "craving," "soul/life/living being/person," and in a few cases (it is supposed) "corpse."[216] Brotzman quite exhaustively groups נפש into ten categories of meaning—five major categories which occur in a large number of texts, and five minor categories represented in only a few texts. The major categories include: 1) appetitive use "to express the seat of desire;" 2) personal use "to refer to a single person, to a group of people in a collective sense, or to a group in a plural sense;" 3) with reference to life, referring "to the *life* of the person in a more abstract sense;"[217] 4) pronominal use;[218] 5) emotional use. The

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[214]See §3.1.1.

[215]See, for instance, Westermann, Claus, 'נֶפֶשׁ', in Ernst Jenni and Claus Westermann (eds.), *TLOT,* II (Peabody, MA: Hendrickson, 1997), pp. 743–759; Seebass, Horst, 'נֶפֶשׁ', in G.J. Botterweck and H. Ringgren (eds.), *TDOT,* IX (Grand Rapids: Eerdmans, 1998), pp. 497–519; Wolff, Hans Walter, *Anthropology of the Old Testament* (trans. M. Kohl; London: SCM Press, 1974), pp. 10–25; Brotzman, Ellis R., 'Man and the Meaning of נֶפֶשׁ', *BSac* 145 (1988), pp. 400–409; Lys, Daniel, *Nèphèsh: Histoire de l'ame dans la révélation d'Israël au sein des religions proche-orientales* (Études d'histoire et de philosophie religieuses; Paris: Presses Universitaires de France, 1959); Murtonen, A., *The Living Soul: A Study of the Meaning of the Word nœfœš in the Old Testament Hebrew Language* (StudOr, 23; Helsinki, 1958); Johnson, Aubrey R., *The Vitality of the Individual in the Thought of Ancient Israel* (Cardiff: University of Wales Press, 1949), pp. 7–26; Briggs, Charles A., 'The Use of npš in the Old Testament', *JBL* 16 (1897), pp. 17–30.

[216]Westermann, 'נֶפֶשׁ', p. 743–756. Seebass's survey of OT usage (Seebass, 'נֶפֶשׁ', p. 504–519.) closely follows that of Westermann.

[217]Thus Brotzman: "In a general sense נפש means life and in a specific sense נפש is almost the same as blood." (Brotzman, 'Man and the Meaning', p. 402.)

[218]Brotzman observes: "The regular pronominal use of נפש is seen in a very instructive

minor categories are: 1) uses linked with heart; 2) used for "corpse;" 3) used for throat; 4) used for physical breath; 5) with reference to animals. Brotzman concludes that "in the 10 major categories of meaning expressed by נפש perhaps the most basic meaning is "being" or "creature.""[219]

נפש occurs four times in the Red Heifer legislation in the sense of "person/living being," at Num 19.13 and 20 with respect to the כרת–penalty for non-purification (ונכרתה הנפש ההוא), and at v 18 (ועל־הנפשות אשר היו־שם) and v 22 (והנפש הנגעת) with reference to persons requiring purification. Westermann suggests that in casuistic law which "seeks to designate the given actor as generally as possible, both in the determination of the circumstance and in the determination of the consequence," נפש ("human, person, someone") serves as a very suitable "abstract juristic term" in contrast to the collective אדם or איש, which is gender-exclusive.[220] But the presumed understanding

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text (Lev 11.43–44). The context deals with ritual uncleanness, and this uncleanness is expressed in terms of reflexive action. Interestingly the reflexive action is expressed in three ways: with a Hithpael stem and with a Niphal stem in verse 43, and with a Piel stem in verse 44. Since the Piel cannot be used to express a reflexive action, the text adds "your נפש (plural)" as a following object. In this way a Piel stem can express a reflexive idea perfectly well." (Brotzman, 'Man and the Meaning', p. 403.)

[219]Brotzman, 'Man and the Meaning', p. 406. Worth comparing is the approach of Wolff who, operating with the presupposition that נפש arises from "stereometric-synthetic thinking" which "sees a part of the body together with its particular activities and capacities," begins with the bodily referents of נפש, "conceived as being the distinguishing marks of the whole man" and progressively moves to more metaphorical and abstract uses. (Wolff, *Anthropology of the OT*, p. 11.) He thus presents the uses of נפש as: 1. throat; 2. neck; 3. desire; 4. soul; 5. life; 6. person; 7. pronominal use. Wolff concludes: "If we survey the wide context in which the נפש of man and man as נפש can be observed, we see above all man marked out as the individual living being who has neither acquired, nor can preserve, life by himself, but who is eager for life, spurred on by vital desire, as the throat (the organ for receiving nourishment and for breathing) and the neck (as the part of the body which is especially at risk) make clear." (Wolff, *Anthropology of the OT*, pp. 24–25.)

[220]Westermann, 'נֶפֶשׁ', p. 755. Seebass notes that such texts include include Gen 17.14; Exod 12.15,16,19; 31.14; Lev 2.1; 4.2; 5.1,2,4,15,17,21[6.2]; 7.18.20–21,25,27; 17.12,15; 18.29 (pl.) 19.8; 20.6; 22.3,4,6; 23.29,30; Num 5.6; 9.13; 15.27,28,30,31; 19.13,20,22; 30.3–13[2–12]; also Ezek 18.4,20. (Seebass, 'נֶפֶשׁ', p. 515.) The formula כי אדם, however, occurs in Num 19.14, as well as at Lev 1.2 and 13.9 in this general juristic sense of "person."

of נפש as "corpse" in Num 19.11 and 13 is difficult since נפש is otherwise so often endowed with the sense of life and vitality. Thus Westermann, reviewing the many passages in which נפש means, or is suitably translated, "life," states: "usage is strictly confined to the limits of life;" that is to say נפש "is life *in contrast to death*."[221] Occurrences of נפש as life thus divide into two major categories; "one concerns deliverance or preservation, the other threat or destruction of life."[222] And so, as Michel also observes, that the same word should mean both "life" and "corpse" is highly astonishing.[223] Nevertheless, Westermann suggests that in legal texts concerned with corpse contamination the term נפש itself refers to the deceased.[224] He posits that the usage probably derives from the general meaning of "person," and is employed euphemistically.[225] Wolff, supposing that the "personal" use of נפש, which "suggests a detachment of the concept נפש from the concept of life," thinks that the stress on the individual being as such "makes the extreme possibility of speaking of a נפש מת (Num 6.6) comprehensible"[226] and therefore also "in certain cases נפש can mean the corpse of a human individual even without the addition of מת (dead)."[227] Brotzman suggests that this use of נפש was "a reminder of the life

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[221]Westermann, 'נֶפֶשׁ', p. 754. Emphasis mine.

[222]Westermann, 'נֶפֶשׁ', p. 754.

[223]Michel, Diethelm, '*næp̄œš* als Leichnam?', *ZAH* 7 1994, pp. 81–84 (81).

[224]Westermann, 'נֶפֶשׁ', p. 756. Westermann cites the following passages which appear to employ either נפש or נפש אדם in this manner: Lev 19.28; 21.1; 22.4; Num 5.2; 6.11; 9.6f., 10f.,13; Hag 2.13. Also נפש מת in Lev 21.11 and Num 6.6.

[225]Thus Westermann: "One could regard this designation as a euphemism designed to avoid direct reference to the corpse: Lev 21.11 "he (the high priest) may not approach the 'person' of the deceased"; Num 19.11 "whoever touches a dead body, the 'person' of anyone," etc." (Westermann, 'נֶפֶשׁ', p. 756.)

[226]Thus Wolff: "Here the writer is not thinking of a 'dead soul', or of a 'slain life', but simply of a person who has died—a dead individual, a corpse; a Nazirite must not go near one during the whole period of his consecration." (Wolff, *Anthropology of the OT*, p. 22.)

[227]Wolff, *Anthropology of the OT*, p. 22.

lived by the individual."[228] Johnson considers it "no far step" to use the term
נפש to denote a living person on the one hand and a dead one on the other.[229]

However, there remain difficulties with this line of interpretation. Michel
has surveyed all of the instances in which a translation of נפש as "corpse"
is considered possible.[230] Noting the similarity of the construction נפש מת
(Num 6.6; also Lev 21.11: ועל כל־נפשת מת לא יבא) with the well-known נפש
חיה of Gen 2.7, he states that this can only be understood as a genitival
construction, since נפש is a feminine noun. Thus, according to Michel, at least
for Num 6.6 and Lev 21.11, the assumption of a meaning "corpse" for נפש is
groundless.[231] So also, with regard to Num 19.11 (הנגע במת לכל־נפש אדם) and
19.13 (כל־הנגע במת בנפש האדם אשר־ימות), נפש does not refer to the corpse itself,
but rather to something *in association* with it. Strikingly, all of these passages
occur in priestly legislation concerned with the contraction of impurity. Michel
observes that in Num 19.14–15, in the case of one who dies in a tent (אדם כי־
ימות באהל), any who enter or are present in the tent (כל־הבא אל־האהל וכל־אשר
באהל) are rendered unclean. So also is the case with *every open vessel on
which no cover has been fastened:* וכל כלי פתוח אשר אין־צמיד פתיל עליו טמא הוא
(v 15). The conclusion drawn is that נפש does not then refer to the dead body
but the departing "life-force" of the recently deceased. It is not necessary, here
or anywhere else, to understand נפש as signifying "corpse."[232]

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[228]Brotzman, 'Man and the Meaning', p. 406.

[229]Thus Johnson: "it is sufficient to speak quite simply of a נפש when one wishes to refer
to a 'corpse'." (Johnson, *The Vitality of the Individual*, p. 26.)

[230]Lev 19.28; 21.1,11; 22.4; Num 5.2; 6.6,11; 9.6,7,10; 19.11,13 and Hag 2.13. (Michel,
'næp̄œš als Leichnam?', pp. 81–84.)

[231]A מת is not a נפש, claims Michel, contra Wolff, rather it *has* a נפש.

[232]Yet even so, Michel's further explanation as to *why* a נפש מת should be defiling remains
pure guesswork. According to him the נפש—"Lebenskraft"— escapes the body at death and,
facing the prospect of a descent into שאול, searches out a new "home" to inhabit. This
remains speculation with no basis in the text itself. In fact, given that the text goes on

Michel's argument is strengthened when one considers the careful correc-
tive offered by Barr with respect to modern emphases on "the psychosomatic
totality of the human being" which "depreciate ideas of a separate or sepa-
rable" נפש.[233]   A central passage for Barr's argumentation is Gen 2.7, which
describes the creation of the first man: "Then the Lord God formed a man
from the dust of the ground and breathed into his nostrils the breath of life.
Thus man became a living creature [נפש חיה]" (NEB). On the basis of this text
many commentators have sought to demonstrate that the Biblical conception
of humanity is that man *is*, rather than possesses, a living נפש. But Barr sees
this as an exegetical misstep.

> נפש here, by the argument itself, belongs to the sense *Lebewesen*:
> the man, receiving breath, becomes an animate being. The col-
> location נפש חיה seems always to have this sense. ...Far from
> emphasizing a psychosomatic union, the sentence may well be a
> dualistic one: the man consists of two distinct substances, mud or
> dust and breath. As a living being he has these both together; if
> the breath ceases, he ceases to be a *Lebewesen*.[234]

Barr therefore reckons that the sense of "soul" for נפש has been "understated"
in the literature, and that "there is more evidence of a meaning, not necessarily
of a soul totally separable from the body, but at least of one at the other end

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to explicitly describe such things as bones and graves as defiling, the notion of a departing
Lebenskraft being that which defiles is all but ruled out. Also certainly to be rejected is
the suggestion of Seligson that in Num 19.11,13 the נפש is the soul of the dead which has
now become transformed into a "malevolent spirit," a "disease and death demon" which is
"looking for victims to deprive the survivors of the pleasure of life." (Seligson, Miriam, *The
Meaning of* נפש מת *in the Old Testament* [StudOr, 16; Helsinki, 1951], p. 93.)

[233]Barr, James, 'Scope and Problems in the Semantics of Classical Hebrew', *ZAH* 6 (1993),
pp. 3–14 (7).

[234]Barr, 'Scope and Problems', p. 7.

of the spectrum from it."[235]

In conclusion, while it is relatively clear that the dead (i.e. corpses and human remains) are a source of major impurity, ambiguity and uncertainty exists as to the exact meaning of נפש in the context of Num 19.[236] Careful consideration of the usage of the term in the rest of the Hebrew corpus suggests that נפש should be understood not as strictly referring to the corpse itself, but rather as something associated with it. What is more broadly clear is its employment communicates a particular anthropology. The death of human beings is not equivalent to the death of other creatures in the animal kingdom. Different terminology is used to refer to human corpses in the Priestly texts. Impurity generated by human corpses is also more severe, and a different method of purification is required, that of the Red Heifer. Together this reflects a significant anthropological and theological vision which is developed by the biblical authors. The basis of this development is the conception of man as formed both from the dust of the earth and the breath of life bestowed by God. The death of man is the undoing of these two substances which have been joined, a death

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[235]Barr, 'Scope and Problems', p. 7.

[236]This ambiguity is retained in 𝔊 which, in all the relevant passages (Lev 19.28; 21.1,11; 22.4; Num 5.2; 6.6,11; 9.6,10; 19.11,13), translates נפש as ψυχή, a term which simply cannot bear the sense of "corpse." Thus in 19.11 𝔊 renders הנגע במת לכל־נפש אדם as Ὁ ἁπτόμενος τοῦ τεθνηκότος πάσης ψυχῆς ἀνθρώπου and, in 19.13, כל־הנגע במת בנפש האדם אשר־ימות as πᾶς ὁ ἁπτόμενος τοῦ τεθνηκότος ἀπὸ ψυχῆς ἀνθρώπου ἐὰν ἀποθάνῃ. Note, by way of radical contrast, the use of νεχρός in 19.16 to translate מת. Though often regarded as a misleading translation of נפש on account of a presumed introduction of a philosophical Greek conception of the soul (e.g., Wolff, *Anthropology of the OT*, p. 7 who claims that 𝔊 has "led in the false direction of a dichotomic or trichotomic anthropology, in which body, soul and spirit are in opposition to one another" such that "Greek philosophy has here supplanted Semitic biblical views, overwhelming them with foreign influence") there is, in reality a high degree of correspondence between נפש and the pre-Platonic usage of the term ψυχῇ." Instructive in this matter is Lys, who has thoroughly argued that, in 𝔊, ψυχῇ should never be understood as an entity in opposition to the body, as is the case in Platonic dualism. (Lys, Daniel, 'The Israelite Soul According to the LXX', *VT* 16 [1966], pp. 181–228.) Rather, it shares the basic sense and variety of the Hebrew noun. (Seebass, 'נֶפֶשׁ', p. 503.) In stark contrast to 𝔊, 𝔙 removes any ambiguity in 19.11, *qui tetigerit cadaver hominis*, while 19.13 reads *omnis qui tetigerit humanae animae morticinum.*

which results in defilement categorically more severe than that of the death
of any other creature. It is proposed here that this theological vision is what
accounts for the ambiguous and evocative phrases which the biblical authors
employ, במת לכל־נפש אדם (v 11) and במת בנפש האדם אשר־ימות (v 13). Why,
for instance, the seemingly redundant use of אדם in v 11 and האדם in v 13?[237]
Inner-biblical allusion may provide the answer. Besides Num 19.11 נפש אדם is
a rare construction (Lev 24.17; Num 31.35,40,46; 1 Chr 5.21; Ezek 27.13) while
in addition to 19.13, נפש האדם occurs in only one other instance (Gen 9.5).
Num 19.11 and 13 should therefore be understood not as mere redundancies,
but rather as allusive phrases which deliberately recall texts such as Gen 2.7.
Their employment communicates the Priestly conception of the nature of man,
and the tragedy of his death.

3.2.8   The Consequence and Punishment for Failure to Purify

Anyone who contracts corpse impurity and does not undergo purification on
the third and seventh days remains impure (Num 19.12). The consequences
of failing to be purified are stated in v 13; such a one is said to "defile the
Tabernacle of the LORD" (את־משכן יהוה טמא) and therefore must be "cut off
from Israel" (ונכרתה הנפש ההוא מישראל). The injunction is repeated in v 20:
one who is unclean and fails to be purified is to be "cut off from the midst
of the assembly" (ונכרתה הנפש ההוא מתוך הקהל) for defiling the Sanctuary
of the LORD (כי את־מקדש יהוה טמא). The seriousness of this transgression,
defilement of the Tabernacle, is communicated by Lev 15.31: "You shall set
apart the Israelites from their impurity, lest they die through their impurity by

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[237]Sam. reads אדם here but it is likely that this is a harmonisation of the text. (Wevers, *Notes on the Greek Text*, p. 317.)

polluting my Tabernacle which is among them" (וְהִזַּרְתֶּם אֶת־בְּנֵי־יִשְׂרָאֵל מִטֻּמְאָתָם

וְלֹא יָמֻתוּ בְּטֻמְאָתָם בְּטַמְּאָם אֶת־מִשְׁכָּנִי אֲשֶׁר בְּתוֹכָם).[238] But what is meant by "defile

the Tabernacle" and, more specifically, how and why does such defilement

come about in Num 19? Also, what exactly is the nature of the punishment

described as being "cut off" (כרת) from Israel? These two issues are now

addressed.

a. The defilement of the Tabernacle

There is significant debate over the issue of the defilement of the Tabernacle

which is said to occur if one fails to purify from corpse contamination. A

traditional and common understanding is that purification is required lest the

sanctuary be defiled through either direct or indirect physical contact with

corpse-generated impurity. According to this view, the existence of the *possi-

bility* that a corpse-contaminated individual might enter the area of the sanc-

tuary is sufficient cause for the need of purification. Even if this is not the case,

secondary impurity is generated by corpse contamination and so the sanctu-

ary is still at threat from some manner of contamination, even secondarily.[239]

On this view the corpse-generated impurity itself, or the secondary impurity

it conveys, is clearly transferable to the Tabernacle,[240] though this need not

imply the necessity of direct contact with the contaminated individual. Con-

tamination could presumably spread through secondary defilement such that,

sooner or later, someone might inadvertently contaminate it. This view is in

harmony with later rabbinic notions concerning the unique character of corpse

uncleanness. The deduction is made that since both the corpse and the corpse-

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[238]The translation is Milgrom's. Milgrom, *Leviticus*, p. 1292.

[239]Levine, *Numbers*, p. 457.

[240]Ashley, *Numbers*, p. 371.

contaminated individual are capable of defiling both persons and objects, they are both considered to be אבות טמאה, "fathers of impurity." But since the corpse itself is the *ultimate* source of impurity it is, alone among all other sources of impurity, אבי אבות טמאה, "father of fathers of impurity" the highest possible degree of impurity in the rabbinic system.[241]

With respect to Lev 15.31 Hoffmann maintains that only upon actual entry into the Tabernacle would an individual be condemned to death,[242] but this notion can be rightly challenged as an unnecessary assumption.[243] Whatever may be the case regarding Lev 15.31, clearly the condemnation in Num 19.13 and 20 is explicitly connected to the *failure to purify*, not the act of personally entering the Tabernacle in a defiled state. For this reason Kiuchi maintains that, in both Lev 15.31 and Num 19.13, 20, even though the latter differs in that the כרת–penalty is explicitly enjoined (see below), it is unnecessary to assume that physical entry into the Tabernacle by the corpse-contaminated individual is specifically the cause of its defilement.[244] Also Büchler suggests that, so long as one is "in an unpurified condition, his mere presence in God's camp defiles the Tabernacle."[245] While this clearly seems to be the plain sense of the text, the rabbinic understanding is no doubt concerned with articulating the seemingly inevitable indirect physical defilement which would ultimately take place through the generation of secondary impurity.

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[241]See Harrington, Hannah K., *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations* (SBLDS; Atlanta: Scholars Press, 1993), pp. 147–150 and Maccoby, *Ritual and Morality*, pp. 214–15 for brief and helpful summaries.

[242]E.g. Hoffmann: "Hieraus lernen wir, dass nur der Unreine, der das Heiligthum betritt, des Todes schuldig ist. Uebrigens sind alle Sünden, welche Israel in Unreinheit begeht, als eine Verunreinigung der Wohnung Gottes zu betrachten." (Hoffmann, David, *Das Buch Leviticus: übersetzt und erklärt* [Berlin: M. Doppelauer, 1905], p. 430.)

[243]Gane, *Cult and Character*, p. 147.

[244]Kiuchi, *The Purification Offering*, pp. 61–62.

[245]Büchler, *Studies in Sin and Atonement*, p. 265.

Against this understanding of direct or indirect physical defilement stands Milgrom's interpretation. His theory of sin and impurity as miasma has already been described.[246] According to this interpretation the various sins and impurities of the Israelites have a graded capacity to defile the three zones of the sanctuary depending upon their severity: individual, inadvertent transgressions and severe physical impurities pollute the outer altar, the inadvertent transgressions of the congregation or the high priest pollute the inner shrine, while wanton sin penetrates into the most holy place, defiling the ark and the כפרת. It here remains to point out that his whole notion of the defilement of the Tabernacle from a distance through transgression is *founded* upon Num 19.13, 20 as well as Lev 20.3. From these explicit statements his more general theory of defilement from a distance is extrapolated.[247] Also, according to Milgrom, what defiles the Tabernacle in Num 19.13, in contrast to the other major sources of impurity, is *not* the impurity itself but rather the subsequent sin; defilement is the consequence of *the deliberate failure to purify* from corpse contamination—the wilful neglect of the command of the LORD.[248] It is *only* this wilful neglect which defiles, not the corpse-impurity itself.[249] As

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[246]See §2.3.

[247]Gane has astutely recognised this fact, and also that, since Milgrom attributes Lev 15.31, 20.3, and Num 19.13 to H rather than P, he is left *only* with Num 19.20 as "unambiguous evidence for his miasma idea," that sins penetrate and contaminate the sanctuary "aerially" according to their severity. (Gane, *Cult and Character*, pp. 156–157.)

[248]The impurity "*ab initio*" Milgrom further claims, is "not severe enough to pollute the sanctuary" when compared to the other impurities remedied by a חטאת. (Milgrom, 'The Paradox of the Red Cow', p. 71.) Milgrom understands corpse contamination to be the *weakest* of all the forms of impurity. On the difficulties this view presents see below. Much of Milgrom's justification for this view stems from his assumption that the corpse-contaminated individual is permitted to remain in the camp, which neglects the evidence of Num 5.1–4 and the overall the narrative setting and framework within which the law of the Red Heifer is cast.

[249]Gane elaborates Milgrom's position: "This is no mere inadvertence expiable by a purification offering; as in Lev 20.3 the individual is "cut off" (*nip'al* of כרת) from Israel, that is, he/she suffers the divine penalty of extirpation. Compare Lev 15.31, where neglect to be

a defilement which results from the failure to purify, it follows that according to Milgrom's scheme there is something of a "delayed reaction" in the whole process.[250]

It is worth noting that one of the props to Milgrom's general thesis is data from the comparative study of Babylonian, Egyptian and Assyrian religion. In such systems, purgative sacrifice is an attempt to drive away evil and harmful spirits in order to protect the abode of the deities.[251] Since, according to Milgrom, Israelite religion constitutes a monotheistic development of such pagan notions, the whole concept of pollution, in keeping with his theology of the חטאת sacrifices, has been changed from its pagan antecedents. In the Priestly conception, impurity is aerial miasma, generated through human transgression, which contaminates the Tabernacle rather than the sinner.[252] Milgrom's evolutionistic axiom therefore has no room for any conception of the *corpse itself* generating the impurity which defiles the Tabernacle, for this, according to Milgrom, is precisely the belief being censored by the Priestly tradents:

> Corpses and carcasses do not contaminate the sanctuary from afar
> ... The dead are dead. The corpse does exude impurity but only
> within a confined space ... but it does not threaten the sanctuary.
> Only live humans generate unbounded miasma. The miasma is
> created not magically ... but by disobedience.[253]

separated from genital impurity through the ritual procedures prescribed in ch. 15 carries the penalty of death for defilement of the sanctuary, apparently including defilement from a distance." (Gane, *Cult and Character*, p. 145.)

[250]Gane, *Cult and Character*, p. 145. Presumably, such is not the case in Lev 20.3, where worship of Molech constitutes a "sin of commission rather than neglect."

[251]Maccoby concisely and helpfully summarises Milgrom's overall theory of an evolutionary trajectory in Maccoby, *Ritual and Morality*, pp. 167–68.

[252]On Milgrom's theology of the חטאת sacrifices see §2.3.

[253]Milgrom, Jacob, 'Impurity is Miasma: A Response to Hyam Maccoby', *JBL* 119 (2000), pp. 729–733 (731).

Milgrom's notion of defilement from a distance has received a sustained critique from Maccoby.[254] Maccoby insists that a correct understanding of Num 19.13 and 20 must allow for ellipsis. That corpse-generated impurity defiles the Tabernacle through direct, or perhaps indirect, contact is to be understood contextually. Accordingly, Milgrom's reading is overly-literal in not allowing for any ellipsis, such as "if he should enter it."[255] "One may ask" suggests Maccoby, "how the 'miasma' actually works" if only disobedience, not the impurity itself, has an effect on the Tabernacle, for it seems that "the very term 'miasma' loses its meaning when one tries to visualise Milgrom's thesis in tangible terms. . . . Miasma makes sense in a context of real impurity, not in a context of mere obedience."[256] Maccoby further contrasts Milgrom's understanding with the rabbinic view, which he holds to be correct.[257] He also draws attention to other Biblical texts which he views as incompatible with Milgrom's thesis. Lev 12.4, for example, contains the explicit command that the menstruant must refrain from entering the sanctuary. "On Milgrom's thesis," Maccoby argues, "it is hard to see why it should be specially offensive to enter the Temple while in a state of impurity. Since impurity acts at a distance, it is just as offensive to be impure outside the Temple as in it."[258]

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[254]Maccoby, *Ritual and Morality*, pp. 165–92.

[255]Thus Maccoby: "But we may even grant, in this case, that there are grounds for the fear of defiling the Tabernacle even without entering it: by touching a priest, who then enters the Tabernacle, unaware of his defilement or eats holy food. Such considerations do not require a theory of miasmic defilement of the Temple from afar. . . . Even if speedy purification is being urged, this may be for reasons other than distance-defilement of the Temple; the concern may be for indirect defilement of the sanctuary through unwitting defilement of priests." (Maccoby, *Ritual and Morality*, p. 173.)

[256]Maccoby, *Ritual and Morality*, p. 169.

[257]Maccoby, *Ritual and Morality*, p. 170.

[258]Maccoby, *Ritual and Morality*, p. 170. Similarly, in 2 Chron 23.19, Jehoiada is said to have "stationed the door-keepers at the gates of the house of the LORD, to prevent anyone entering who was in any way unclean" (NEB). "What was the need for this," asks Maccoby, "if the Temple was affected even by the uncleanness of people who did not set foot in it?"

He also notes that intertestamental literature appears, in the main, to be in continuity with this rabbinic understanding.[259]

Most problematic, however, is Milgrom's conclusion that, since in three other instances ritual impurity *is* generated "automatically" (that is, apart from human will)—in the case of the the parturient (Lev 12), persons with genital discharges (Lev 15) and the צרעת (Lev 13–14)—therefore corpse-generated impurity has effectively become a *weaker* form of impurity compared to these other sources of "automatic" miasma.[260] According to Milgrom's evolutionary schema, the fact that corpse-generated impurity is presumably portrayed as less severe than these other impurities (Lev 12–15) which "betray more primitive traces" supplies evidence for the relative lateness of Num 19. Therefore, this disparity "is perhaps what accounts for its insertion in Numbers rather than in Leviticus."[261] Nevertheless, Milgrom has argued thoroughly and persuasively against certain aspects of Maccoby's position. Although references to the pollution of the Tabernacle are found throughout the Priestly texts, in no instance is there even an allusion to pollution being effected by physical entry.[262] Maccoby's ellipsis is, in the end, "nothing but the old argument from

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(Maccoby, *Ritual and Morality*, p. 170.)

[259]Thus Philo "refers, in his account on the sacrifices, to the need for purity in these words ('On those who offer sacrifice', III): 'It is necessary, therefore, for those who are about to go into the temple to partake of the sacrifice, to be cleansed as to their bodies and as to their souls before their bodies.' This says plainly that ritual purity was required of those entering the Temple, not for going about their business outside the Temple. Philo, writing at about 40 CE, knows nothing about an obligation to remove one's impurity at a distance from the Temple, because of the 'aerial' miasmic properties of ritual impurity." (Maccoby, *Ritual and Morality*, p. 184.)

[260]"In effect," claims Milgrom "the priestly legislators have reduced the degree of impurity in corpse contamination from the most to the least severe; that is, the impurities requiring a minimum of eight days of purification actually rank as more severe than corpse contamination, which requires seven days of purification and no sacrifice." (Milgrom, *Numbers*, p. 443.)

[261]Milgrom, *Numbers*, p. 443.

[262]Milgrom, 'Impurity is Miasma', p. 729.

silence multiplied many times over."[263]

Milgrom is certainly right to stress that the wanton sin of *failing to purify* seems to be a principal concern of the text of Num 19.13, 20. But Milgrom's resulting view that corpse-generated impurity is a *weaker* form of impurity than other instances is very hard to reconcile with the biblical evidence. Unlike all the other forms of contracted impurity, failure to purify from corpse contamination carries the threat of the כרת-penalty, extirpation (see below), a punishment of equal weight, for instance, to that enjoined for sacrificing infants to Molech (Lev 20.3). Wright asserts that since this "rhetoric of Num 19.13, 20 is much stronger than that in Lev 5.2–3 [it] hints that a greater pollution [of the sanctuary] occurs," and holds that it indeed is the most holy place that is being defiled, not merely the outer altar.[264] And so, it is most natural to assume that failure to purify from a *greater* impurity would result in greater defilement of the sanctuary, not vice versa. Also, the corpse-contaminated individual undergoes cleansing in two stages, the third and seventh day sprinkling, which implies a more serious state of impurity. Gane is therefore not convincing when he suggests, in tacit agreement with Milgrom, that "corpse contamination is weaker because, unlike the other cases of major impurity, it is secondary," the primary impurity being that of the corpse itself.[265] Frymer-Kensky speaks of death as the "chief exception" among the various sources

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[263]Milgrom, 'Impurity is Miasma', p. 730. Thus, e.g., "when confronted with the unambiguous statement of Num 19.13, 20 that a corpse-contaminated person (wherever he may be) *has contaminated* (טִמֵּא; note the perfect), the tabernacle/sanctuary, Maccoby still resorts to his ellipsis but with a new twist. The impure one may have unwittingly touched a priest, who then entered and contaminated the sanctuary." But, Milgrom astutely asks, "why should the corpse-contaminated person have to purify himself? According to Maccoby this should have been the responsibility of the one who entered the sanctuary—the priest!" (Milgrom, 'Impurity is Miasma', p. 731-732.)

[264]Wright, 'The Spectrum', p. 161.

[265]Gane, *Cult and Character*, pp. 152–53.

of pollution, and corpse contamination as "a most virulent pollution,"[266] and further remarks: "The boundaries between life and death are crucial and no individual who has had contact with the world of death can be part of life." Until such time as the individual undergoes purification by means of the מי נדה which "enable him to rejoin the life-group . . . he belongs at least partially to the world of death."[267]

The impurity generated by the dead is therefore most severe of all the impurities—this is the most straightforward way to interpret the impurity system as a whole. Still, as Gane observes, the texts which describe the resulting defilement of the Tabernacle are, in the end, simply silent as to the exact manner in which this takes place. However, because we are dealing with the world of ritual, which is not limited by constraints operating in the mundane material sphere, a strictly mechanistic explanation need not be forthcoming. "That dynamics such as these defy ordinary norms of cause and effect is symptomatic of the fact that rituals reflect a conceptual system that transcends physical considerations."[268] Ultimately, "the defilement in question is *conceptual*" and therefore "can have an effect through space in the sense that it causes a change of state to occur at a distance."[269] There is a direct correlation, then, with the purity of the encampment and the Tabernacle in its midst. An individual cannot remain impure in the former without directly affecting the latter. Just as the Tabernacle, the abode of יהוה, must be pure and holy, so also Israel encamped around the Tabernacle must be pure. It is the realm of the living.

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[266]Frymer-Kensky, Tikva, 'Pollution, Purification, and Purgation in Biblical Israel', in Carol L. Meyers and M. O'Connor (eds.), *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman* (Winona Lake, IN: Eisenbrauns, 1983, pp. 399–414 (399).

[267]Frymer-Kensky, 'Pollution, Purification, and Purgation', p. 400.

[268]Gane, *Cult and Character*, p. 159.

[269]Gane, *Cult and Character*, p. 160.

Death must not encroach. Whoever "brazenly brings it into the midst of Israel is liable to *kareth*."[270]

b. The כרת-penalty: "Cut off" from Israel

The penalty for failing to purify oneself from corpse contamination is the כרת-penalty: that person shall be "cut off" from Israel (ונכרתה הנפש ההוא מישראל, Num 19.13) and from the midst of the assembly (ונכרתה הנפש ההוא מתוך הקהל, Num 19.20). Levine suggests that the metaphor of being "cut off" is drawn from the image of felling trees or other types of vegetation.[271]   In its several occurrences the כרת-penalty is accompanied by various qualifiers: "cut off from one's people" (Gen 17.14; Exod 30.33,38; Lev 7.20,21,25,27; Lev 17.9; Lev 19.8; Lev 23.29; Num 9.13), "cut off from among one's people" (Exod 31.14; Lev 17.4,10; 18.29; 20.3,5,6,18; 15.30), "cut off in the sight of the sons of one's people" (Lev 20.17), "cut off from before me" (Lev 22.3), "cut off from Israel" (Num 19.13), "cut off from the midst of the assembly" (Num 19.20) and lastly, simply "cut off" (Lev 17.14).[272] Most strikingly, in the context of "high-handed" defiant sins committed against the LORD, Num 15.31 supplies the emphatic הכרת תכרת.[273]

Debate surrounds the interpretation of this penalty with respect to what is specifically enjoined by the "cutting off" of the transgressor. Surveying

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[270]Wold, Donald J., 'The Kareth Penalty in P: Rationale and Cases', in Achtemeier (ed.), (SBLSP, 1; Missoula, MT: Scholars Press, 1979), pp. 1–45, p. 18. Wold goes on to observe: "This is the most reasonable explanation for why Moses found it necessary to go outside the camp to meet the returning soldiers and to advise them to follow the purification procedures for corpse-contamination. They must not cause the residence of God to be defiled (Num 31.19)." (Wold, 'The *Kareth* Penalty', p. 18.)

[271]Levine, *Numbers*, p. 241.

[272]Sklar, *Sin, Impurity, Sacrifice, Atonement*, p. 15.

[273]Num 4.18 also speaks of the Kohathites as being "cut off from the Levites."

modern scholarship on this issue,[274] Sklar has identified three main interpretations which have been proposed: excommunication, death, and extinction of one's lineage.[275] The understanding of the כרת-penalty as excommunication is founded on a simple reading of the majority of occurrences: "cut off from [among] one's people,"[276] but this interpretation does not give significant weight to the several texts which explicitly equate כרת with death.[277] Exod 31.14, for example, which prohibits the profanation of the Sabbath, appears explicitly to equate the כרת-penalty with being put to death for this transgression.[278] Without necessarily rejecting the view that the כרת-penalty

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[274]Older Jewish exegetical views regarding the כרת-penalty are, as Milgrom observes, more wide-ranging than modern ones. While universally held to be a divine punishment it was nevertheless variously considered to consist of: "(1) childlessness and premature death (Rashi on Shab. 25a); (2) death before the age of sixty (MK 28a); (3) death before the age of fifty-two (Rabad); (4) being "cut off" through the extirpation of descendants (Ibn Ezra on Gen 17.14); (5) the death of the soul at the time of the body's death so that it will not enjoy the spiritual life of the hereafter (Maimondes, Yad, Teshuvah 8.1; cf. Sif. Num. 112 and Ramban on Lev. 20.2)." (Milgrom, *Numbers*, p. 405.)

[275]Sklar, *Sin, Impurity, Sacrifice, Atonement*, pp. 15–20. Punishment in the afterlife constitutes a fourth proposal, as presented e.g. by Wenham, who notes that Lev 20.2–3a prescribes כרת *in addition* to execution by stoning (Wenham, Gordon J., *The Book of Leviticus* [NICOT; Grand Rapids: Eerdmans, 1979], p. 278) and suggests that, as the antithesis of the reference to death as 'gathered to one's fathers', the phrase 'cut off from one's people' might "hint at judgment in the life to come. Offenders will be cut off from their people forever." (Wenham, *Leviticus*, p. 242.) Regarding this latter possibility Milgrom observes: "This interpretation would be in keeping with *karet* as an individual not a collective retribution." (Milgrom, *Numbers*, p. 407.)

[276]Thus Phillips states: "The punishment of excommunication is expressed by the Niph'al of כרת ('cut off') . . . Whether initially excommunication involved physical exile as well as exclusion from the worshipping life of the community cannot now be determined with certainty." (Phillips, Anthony, *Ancient Israel's Criminal Law: A New Approach to the Decalogue* [Oxford: Basil Blackwell, 1970], pp. 28–29.) Also Budd: "It seems likely that being 'cut off' had implications regarding family and property. The phrase *from your kin* suggests disinheritance, and that the offender is deprived of his family and property rights. (Budd, Philip J., *Leviticus* [NCB; Grand Rapids: Eerdmans, 1996], pp. 122–23.)

[277]Sklar, *Sin, Impurity, Sacrifice, Atonement*, p. 16.

[278]Horbury concludes that in the context of the relevant Scriptural literature כרת was "above all" associated with "divinely-ordained death." (Horbury, William, 'Extirpation and Excommunication', *VT* 35 [1985], pp. 13–38 [16–18].) Also, Milgrom remarks: "Given the cardinal postulate of the priestly legislation that sins against God are punishable by God—

"denotes death by divine intervention,"[279] an understanding of the כרת-penalty as also referring to the extinction of one's lineage can be maintained. Such a view is well-supported by both the priestly and non-priestly literature.[280] Thus, the significance of the כרת-penalty is "not simply that the sinner would die prematurely, but further that the sinner's name might be cut off, a consequence abhorred by the ancient Israelites."[281]

Wold has demonstrated that the כרת-penalty is always applied as a punishment for infractions which violate the distinction between the sacred and the profane or impure, "willful transgressions of the border between holiness and impurity ... thereby creating the situation for the potential withdrawal of God's presence and protection from Israel."[282] Such transgressions include: 1) violations against sacred time, such as the failure to observe the Passover (Num 9.13), the eating of leaven during the Passover and the Feast of Unleavened Bread (Exod 12.15,19), working during the Sabbath (Exod 31.14), working or eating during the Day of Atonement (Lev 23.29,30); 2) violations against sacred substances, including the eating of blood (Lev 7.27; 17.10,14) and the fat of sacrifices (Lev 7.25), the profanation of the oil of anointing (Exod 30.33) and most holy (קדש קדשים) sanctuary incense (Exod 30.38), the eating of the שלמים sacrifice after the third day (Lev 7.18, 19.8) or the eat-

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and not by man—it follows that the punishment of *karet* is executed solely by the Deity," (Milgrom, *Numbers*, p. 406) though Horbury suggests that in some instances this might have been carried out through human agency (Horbury, 'Extirpation and Excommunication', p. 32; e.g. see Josh 11.21, 1 Kgs 11.16, 1 Sam 28.9, Ps 51.8).

[279]Weinfeld, Moshe, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon Press, 1972), p. 242.

[280]Milgrom, *Numbers*, pp. 406–407 and Sklar, *Sin, Impurity, Sacrifice, Atonement*, pp. 16–17. An example is Ps 109.13 which, in a parallel construction, equates כרת with the "blotting out" of names in the following generation. See also 1 Sam 24.22, Mal 2.12, Ruth 4.10. Extirpation of the lineage seems to be in view in Num 4.18 and Lev 20.20–21.

[281]Sklar, *Sin, Impurity, Sacrifice, Atonement*, p. 17.

[282]Wold, 'The *Kareth* Penalty', pp. 2–3.

ing of sacrificial portions while in a state of impurity (Lev 7.20–21, 22.3,9),
and unauthorised contact (of the Kohathites) with the sancta (Num 4.18);[283]
3) illegitimate worship, including illicit slaughter or sacrifice outside of the
sanctuary precincts (Lev 17.4,9); the worship of Molech (Lev 20.2–5),[284] and
necromancy (Lev 20.6); 4) illicit sexual relations (Lev 18.29); 5) the "blas-
pheming" of יהוה (Num 15.30–31);[285] and lastly 6) the neglect of circumcision
(Gen 17.14) and the failure to purify from corpse contamination (Num 19.13–
20).[286] Wold suggests that the כרת-penalty is "aimed at making Israel a pure
and holy people, patterned after the holiness of God himself (Lev 20.26)"[287]
and is prescribed in instances which "compromise Israel's holiness as a people
separated unto God."[288] The sanction thus guards against the commingling of
the sacred and the profane or impure, a central distinction in view of the fact
that יהוה is pictured as dwelling among the Israelites, in their midst, in the
Tabernacle, in the centre of the camp. As God's dwelling it must be protected
from defilement. Thus Frymer-Kensky remarks that

> since he is holy, they must be holy (Lev 11.44,45; 19.2; 20.7,26)
> and must not contaminate the camp, temple, or land in which he

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[283]In this instance, infraction results in the Kohathites being "cut off" from among the
Levites, and is thus a particular warning to them.

[284]Wold notes that the nature of such worship has long been debated. (Wold, 'The *Kareth*
Penalty', pp. 20–21.) Ezek 23.37–39 seems to indicate that child sacrifice was involved. In
Ezek 14.8 the כרת-penalty is applied to idolatry in general.

[285]More specifically, these verses refer to transgressions committed "defiantly" (ביד רמה)
which result in יהוה being "reviled" (את־יהוה הוא מגדף).

[286]The categories of infractions here are those presented in Wold, 'The *Kareth* Penalty',
pp. 3–24. Wold combines the neglect of circumcision and the neglect of purification from
corpse contamination to form the category of "failure to perform purification rituals" (Wold,
'The *Kareth* Penalty', pp. 15–19.) However, this seems quite tenuous given that Gen 17.9–14
nowhere describes circumcision as effecting any form of purification.

[287]Wold, 'The *Kareth* Penalty', p. 2.

[288]Wold, 'The *Kareth* Penalty', p. 25.

lives. The protection of the realm of the sacred is a categorical imperative in Israel: it must be differentiated, not only from the impure, but also from the pure, which serves almost as a buffer zone between the sacred and the defiling.[289]

In the light of these observations, two further considerations are worth noting. Firstly, of all of the purification rituals in the Pentateuch, Num 19 is the only purification which prescribes the כרת-penalty when the rite is neglected. This is further evidence in support of the understanding of the severity of corpse-generated impurity. Death is the greatest of all impurities. And so, corpse contamination of the living is not to be tolerated among Israel. When it occurs it must be dealt with, lest the "dwelling place of the LORD be defiled" (Num 19.13). The threat of כרת stresses the ultimate incompatibility of death with the Israelites gathered around the sanctuary. Secondly, the texts in Num 19 which establish the כרת-penalty employ unique phraseology compared to other instances in the Torah. Num 19.13 speaks of being "cut off from Israel"; Num 19.20 of being "cut off from the midst of the assembly." This latter phrase especially roots the law *spatially* within the narrative framework of Numbers and the camp of Israel gathered around יהוה and the Tabernacle. This further highlights the spatial dimension of the Red Heifer ceremony and its function as a *rite de passage* which transfers the individual not only from the state of impurity to purity but also, in the narrative presentation of the rite, *spatially* from the wilderness into the gathering of Israel around יהוה. Whatever else the כרת-penalty might suggest (i.e., death and/or extirpation of one's lineage), the formulation in Num 19.20 in narrative context uniquely depicts the spatial expulsion from the camp required of those who neglect purification.

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[289]Frymer-Kensky, 'Pollution, Purification, and Purgation', pp. 404–405.

3.3   Numbers 19.14–22

The second section of Num 19 describes the conditions which make purification from corpse contamination necessary, followed by instructions for the application of the מי נדה, a repetition of the כרת-penalty, and concluding with the instructions for those who, through involvement in the administration of the rite, require purification from the secondary impurity they will have contracted. In its structure this second "panel" forms a compositional counterpart to Num 19.1–13.[290] Levine observes that the sequence of material within each of these two panels which comprise the chapter follows a general principle in the priestly, legal texts that "before the actual law with its contingencies is stated, the means for fulfilling it are prescribed."[291] Verses 14–22 display some intriguing differences when compared to vv 1–13. For one, there is no priestly function explicitly prescribed in the second section. Rather, the rite of sprinkling is instead to be performed by "a pure man" (19.18, 19 איש טהור). There are also some differences in vocabulary and phraseology, which have sometimes been offered as evidence in support of the hypothesis that 19.14–22 and 19.1–13 were originally distinct laws here brought together.[292] The present analysis will now consider the stated situations which require purification from corpse contamination as presented in vv 14–16 [§3.3.1], the description of the method for applying the purifying water in vv 17–19 [§3.3.2], the reiteration of the כרת–penalty which occurs at v 20 [§3.3.3], and lastly, the matter of secondary impurity which is generated by corpse-contaminated persons which is the concern of vv 21–22 [§3.3.4].

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[290]See 3.1.2.

[291]Levine, *Numbers*, p. 458. Notably, this is also the manner in which the laws of sacrifice in Lev 1–6 have been arranged. (See also Ashley, *Numbers*, p. 370.)

[292]See, e.g. Gray, *Numbers*, pp. 242–243.

3.3.1   Situations Requiring Purification: Num 19.14–16

The contingencies in Num 19.14–16 outline the two basic situations which would result in impurity: contact, direct or indirect, with a corpse within a domestic dwelling (vv 14–15), and direct contact with a corpse out in the open (v 16). A death which occurs in a tent (באהל) renders anyone within the tent or entering it impure with the seven-day state of corpse-impurity (v 14)—"tent" here clearly referring to a personal dwelling place. Thus, the law is closely integrated into its narrative setting. What is envisioned is the situation of the people of Israel, encamped in tents around the central sanctuary during their wilderness journey between Sinai and promised land.[293] Unique to this situation is the possibility of indirect contamination which can occur.[294] A person can be rendered impure simply by occupying the shared space of the dwelling with the deceased. That direct physical contact is not here necessary indicates a view of impurity which is capable of becoming "trapped within the covered, enclosed structure"[295] and from which the principle of "overhang" has been developed.[296] Impurity in this situation also extends to all open vessels

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[293]Levine, *Numbers*, p. 466. 𝔊, in translating אהל as οἰκία, not only emphasises that domestic environs are in view but also probably reflects an ancient exegetical adaptation to settled conditions. Also, Levine notes that subsequent legislation, as found in tractates such as *Ohol.*, "translated the dicta of the Torah to fit the structural requirements of buildings and homes." (Levine, *Numbers*, pp. 466–67.)

[294]Thus Gray: "This is more comprehensive than v 11–13, which only speaks of defilement being occasioned by physical contact with a corpse." (Gray, *Numbers*, p. 254.)

[295]Levine, *Numbers*, p. 466.

[296]i.e. *ma'ahil* (Milgrom, *Numbers*, p. 161.) Milgrom considers this to be an example for the "the original notion that impurity was a dynamic, physical substance exuded by the contaminated body." (Milgrom, *Numbers*, p. 161.) The Rabbinic understanding and development of "overhang" or "overshadowing" is discussed at length throughout Maccoby, *Ritual and Morality* (See, e.g., pp. 6–8, 13–29, 141 ff.) Briefly stated, "overshadowing" is a posited characteristic of corpse contamination which, even in the open, is capable of defiling persons or vessels directly above or below a corpse. "This contamination has no spatial limit. It operates only vertically: anything situated to the side of the corpse, even if only a foot away, is unaffected." (Maccoby, *Ritual and Morality*, p. 141.) Transmission of impurity in

(כל כלי פתוח) within the domicile, that is, those which are not fastened down with a covering (v 15, אשר אין־צמיד פתיל עליו).[297] The force of impurity appears capable of spreading through the space of the domicile, and contaminating the interior contents of unprotected vessels.[298] In contrast to corpse impurity contracted within dwellings, contact with corpses encountered out in the open (על־פני השדה, that is, "upon the face of the ground"), whether it is a death which has occurred through violence (חלל־חרב, "one slain by a sword"), an ordinary corpse (מת), skeletal remains (עצם אדם), or a grave (קבר), results in a seven-day state of impurity through direct contact only (v 16, וכל אשר־יגע "anyone who touches"). That bones and graves also defile indicates that corpse impurity is a permanent situation. Human remains defile no matter how old they are or what their condition of deterioration might be.[299]

3.3.2 The Application of the מי נדה

The method for the application of the מי נדה is the concern of vv 17–19. Some of the "dust" (עפר) is to be taken and running water[300] poured over it into a vessel (v 17, ונתן עליו מים חיים אל כלי). The Hebrew נתן is here best understood

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this manner is unique to human corpses.

[297]The terminology is somewhat difficult. צמיד, which elsewhere means bracelet (Gen 24.22, 30, 47; Num 31.50; Ezek 16.11; 23.42), is assumed to mean "lid" here—the nominal form of צמד meaning "bind, join"—perhaps "fastening" is best. (Milgrom, *Numbers*, p. 316 and Levine, *Numbers*, p. 467.) Regarding the פתיל, twisted cord or thread (pass. part. of the root פתל "twist"), Milgrom explains as follows: "Archaeological evidence suggests that what may be meant is a lid attached to the vessel by cords passing through holes in the lid and through the handles of the vessel. Such a lid would keep the vessel tightly closed and preserve it from defilement." (Milgrom, *Numbers*, p. 161.)

[298]Rabbinic interpretation and elaboration of the law is found in *m. Kel.* 10.1–8 which includes rulings on the necessary types of fastenings.

[299]Levine, *Numbers*, p. 467.

[300]"living water" (מים חיים, cp. Gen 26.19, Jer 17.13, Zech 14.6)—that is, fresh water from a natural source. This regulation also features in the rite for the purification of צרעת (Lev 14.5,6,51,52).

in the sense of "pouring out"—an often overlooked connotation of the root.[301]
Purification of contaminated tents, articles (כל־הכלים) and persons is effected
through the sprinkling (הזה) of the מי נדה by means of hyssop dipped into
the water, a procedure which is to be carried out by a clean person (v 18, איש
טהור).[302] Sprinkling is required on the third and seventh day. Finally, after
laundering clothes and bathing, one achieves a state of purification from corpse
contamination (v 19). Two apparent discrepancies in the text require further
comment. Firstly, the use of עפר in v 17 differs from the term אפר used in
v 9 and 10. Secondly, v 12 employs the *hithpael*, "he shall purify himself" (הוא
יתחטא־בו) which, some have suggested, is incongruous with v 19 which does
not envisage the self-application of the מי נדה.

a. Dust and Ashes (עפר and אפר)

The word denoting the "ashes" in v 17 (עפר) is different from that used in v 9
and 10 (אפר), and both words, as furthermore noted by Ashley, are different
from the word normally used of the ashes of sacrifices, דשן ("fat").[303] This
reinforces the idea that the destruction of the cow is here an annihilation,
not an offering. Regarding this puzzling switch to עפר from אפר Levine
remarks: "One immediately recalls the cliché *'āpār wā'eper* 'dust and ashes'
in Gen 18.27, echoed in Job 42.86."[304] Levine's recollection of the cliché עפר
ואפר invites further exploration. עפר, which encompasses a range of meanings,

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[301]See Dijk, H.J. van, 'A Neglected Connotation of Three Hebrew Verbs', *VT* 18 (1968),
pp. 16–30 and Reif, S. C., 'A Note on a Neglected Connotation of *NTN*', *VT* 20 (1970),
pp. 114–116. This sense is reflected in both 𝕲, ἐχχεουσιν and 𝕾, *wrdmwn*.

[302]Since the one who prepares the מי נדה (v 17) is thereby rendered impure a second
participant is here required.

[303]Ashley, *Numbers*, p. 373.

[304]Levine, *Numbers*, p. 468. He suggests further that עפר is used here to describe the
"dusty physical character of the cow's ashes."

including "loose earth," "dirt," "dust" and "rubble,"[305] also intersects with אֲדָמָה

in meaning.[306] אפר, with a range of meanings that is narrower than that of

עפר, only partially overlaps with the semantic field of עפר, while resembling

it phonologically. Wächter, on the basis of Num 19.9–10, suggests that the

sense of "ashes" is the domain in particular where the meanings of עפר and

אפר coincide.[307] However, given the phonetic similarity and the occurrence of

אפר and עפר in parallel constructions elsewhere, could not this be another

instance of paranomasia?[308]

The passages where אפר and עפר are used in parallel are Gen 18.27 and

Job 30.19.[309] The narrative context of Gen 18.27 is Abraham's bartering with

the LORD on the occasion of the LORD's announcement of the impending de-

struction of Sodom. Abraham addresses the LORD: הואלתי לדבר אל־אדני ואנכי

עפר ואפר, "May I presume to speak to the Lord though I am but dust and

ashes?" The metaphorical expression is, as Westermann observes, "a descrip-

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[305]Wächter, L., 'עָפָר', in G.J. Botterweck and H. Ringgren (eds.), *TDOT,* XI (Grand Rapids: Eerdmans, 2001), pp. 257–265 (259–60).

[306]Thus Wächter: "Gen 2.7—God "formed man from earth *('āpār)*, from the ground *(min-hāᵃḏāmâ)*"—distinguishes loose earth *('āpār)* from the ground *(ᵃḏāmâ)*. In Gen 3.19, how-ever, the statements about returning to the *ᵃḏāmâ* from which the man was taken and returning to dust are placed in parallel. Even if there is a traditio-historical explanation for the difference, these two passages nevertheless reveal that the meanings of *'āpār* and *ᵃḏāmâ* also intersect. For this reason, too, the "dust" sprinkled on the head in rituals of (self-)abasement . . . can be called *'āpār* or *'ēper* as well as *ᵃḏāmâ*. (Wächter, 'עָפָר', p. 259.)

[307]While there are two passages at least where אפר clearly signifies "ashes", Ezek 28.18 and Num 19.9–10, Rainey goes further and argues, contra Barth, that "ash(es)" rather than "dust" is the principle and basic meaning of אפר. (Rainey, Anson F., 'Dust and Ashes', *Tel Aviv* 1 [1974], pp. 77–83.) With respect to Num 19.17 Rainey suggests: "It should be noted that עפר alone is not used here as the exact equivalent of אפר. On the contrary, it was felt necessary to qualify the עפר as . . . עפר שרפת, "dust of the burning of . . ." (Rainey, 'Dust and Ashes', pp. 77–78.) Thus, although the substitution of עפר for אפר has bolstered the view that the two terms are synonymous, "in fact, the passage should have served as a warning that they were not." (Rainey, 'Dust and Ashes', p. 78.)

[308]See §3.2.2 above.

[309]Notable also is Job's cry of repentance in 42.6: על־כן אמאס ונחמתי על־עפר ואפר.

tion of human nature."[310] More specifically, it is a description of the *mortality*
of human nature, which here nevertheless presumes to speak to the living,
eternal Lord. This mortal nature of man is also the central image behind the
phrase in Job 30.19. Job laments: ואתמשל כעפר ואפר, "I have become like
dust and ashes." Thus Habel comments, "By asserting that he had become
as "dust and ashes" ... Job announces that he has been reduced to nothing.
He looks like the lifeless clay from which he was formed and the very ashes
which marked his humiliation."[311] Elswhere עפר is "the symbol of mortality"
and "the domain of death to which mortals return."[312] Standing behind the
metaphor is no doubt the story of man's creation from the "dust of the earth"
(עפר מן־האדמה)[313] and also, most significantly, the sentence pronounced upon
the man after his rebellion in the garden in Gen 3.19—the condemnation to
a life of toil and mortality: "by the sweat of your brow you shall eat bread
until you return to the ground (אל־האדמה) for out of it you were taken. For
you are dust and to dust you shall return (כי־עפר אתה ואל־עפר תשוב)." The
substitution of עפר for אפר at Num 19.17, and the occurrence of both terms
within the legislation thus need not indicate disparate sources. Rather, delib-
erate word-play may be operative, through which an allusion to the narrative
of man's creation, punishment and inevitable mortality is being constructed, a
theme which is repeatedly found elsewhere (sometimes also in connection with

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[310]Westermann, Claus, *Genesis 12–36* (trans. John J. Scullion; Minneapolis: Augsburg, 1985), p. 292.

[311]Habel, Norman C., *The Book of Job: A Commentary* (OTL; Philadelphia: Westminster Press, 1985), p. 420.

[312]Habel, *Job*, p. 582. See also Ridderbos, N. H., 'עָפָר als Staub des Totenortes', *Oudtes-tamentische Studiën* 5 (1948), pp. 174–178, who surveys the symbolical use of עפר as a reference to the abode of the dead.

[313]Gen 2.7: וייצר יהוה אלהים את־האדם עפר מן־האדמה ויפח באפיו נשמת חיים ויהי האדם לנפש חיה, "And the LORD God formed the man of dust from the ground and breathed into his nostrils breath of life and the man became a living being."

אדמה) in the biblical text.[314]

b. "And a clean person shall sprinkle the unclean" (והזה הטהר על־הטמא)

It is sometimes argued that Num 19.12 requires one to apply the מי נדה to oneself whereas v 19 indicates that one is sprinkled by another, and thus an incongruity arises in the extant text on account of different original sources.[315] Num 19.12 stipulates that he[316] shall purify himself (הוא יתחטא־בו) on the third and seventh day and thus be clean, but if he does not cleanse himself (ואם־לא יתחטא) he remains unclean. Contrariwise, v 19 states that a clean person is to sprinkle the מי נדה upon the unclean, thus cleansing him. But the suggestion that v 12 indicates self-application of the waters constitutes a careless reading since v 13 goes on to explicitly state that the one who does not cleanse himself (ולא יתחטא) has failed in that the מי נדה have not been thrown (זרק) upon him—a description which implies application by another.[317] Also, v 19 continues with v 20 which again employs the *hithpael*: ואיש אשר־יטמא ולא יתחטא ונכרתה ("and the man who is unclean but does not purify himself shall be cut off"). Careful reading thus suggests that this *hithpael* construction, התחטא—commonly translated as "purify oneself" or "cleanse oneself" in English translations[318]—does not here indicate self-application of the מי נדה. Why then might it be used? The form התחטא is employed nine times in the MT,

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[314]e.g. Ps 22.30; 104.29; 146.4 (with אדמה); Job 10.9; 23.14–15; Eccl 3.20; 12.7; Dan 12.2 (wherein the abode of the dead is described as the אדמת עפר). See Wächter, 'עָפָר', p. 264.

[315]See Gray, *Numbers*, pp. 242–243.

[316]i.e. the one who has touched a corpse: הנגע במת לכל־נפש אדם, v 11.

[317]See also Gray, *Numbers*, p. 243 who agrees that v 13 implies that the man has the water thrown over him by another.

[318]For a discussion, see Kiuchi, Noboyoshi, *A Study of Ḥāṭā' and Ḥaṭṭā'ṯ in Leviticus 4–5* (FAT, 2; Tübingen: Mohr Siebeck, 2003), pp. 119–123.

eight of these occurrences being in the book of Numbers.[319] Of these, seven
pertain to the application of the מי נדה, and the sole remaining use refers to the
purification of the Levites at the time of their separation from the congregation
of Israel (Num 8.21). An important observation is the different subject of the
verbs in each case; in v 12 the unclean person is the subject while v 19 is
the clean person. It seems best then to understand the sense of התחטא as to
"undergo purification" and the *piel* חטא as "administer purification."

3.3.3   Reiteration of the כרת-Penalty

Num 19.20 repeats the warning of v 13: Those who fail to purify themselves
shall be cut off from the midst of the assembly (ונכרתה הנפש ההוא מתוך הקהל)
for defiling the sanctuary (כי את־מקדש טמא). Though some have understood
this to be a simple repetition of v 13,[320] Ashley notes that, in addition to some
terminological differences, v 20 moves the clause containing the articulation
of the כרת-penalty from the fourth place in the construction to the third,
"thus giving the clause more prominence."[321] Also, quite significantly, Ashley
observes that the כי clauses, which provide the rationale for punishment,
are different in each case. Verse 13 stipulates the כרת-penalty "because the
person has not been affused with the waters," while v 20 mandates the penalty

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[319]Num 8.21; 19.12(x2), 13, 20; 31.19, 20, 23. Outside of Numbers is the text of Job 41.17,
a difficult reading.

[320]One clause is the same in both verses—ולא יתחטא, "and he does not purify himself,"
and the other clauses "are very close and the differences may only be for variety." (Ashley,
Numbers, p. 373.)

[321]Ashley, *Numbers*, pp. 373–374. See also Milgrom, who does not consider the verse a
"pointless repetition" of v 13 on account of the fact that each is the conclusion of two panels
which present different material: v 13 concludes vv 11–13 which "speaks of the purification
of a person who is contaminated by a corpse," while v 20 concludes vv 14–21 "which itemizes
a series of objects and persons contaminated by corpses and parts of corpses." (Milgrom,
Numbers, p. 162.)

"because such a one has defiled the tabernacle."[322] The effect of this transition
is, suggests Ashley, a movement "toward more specificity and more emphasis
on the punishment."[323] In addition, the rhetorical effect of this transition is to
draw a parallel between the person and the sanctuary—the condition of the
one affects and is reflected by the condition of the other. Thus if one is not
purified by the waters, the sanctuary also becomes defiled.

A variation in terminology occurs in two more instances here. Whereas v 13
speaks of the community of Israel[324] v 20 uses the term קהל. Also the sanc-
tuary, called the משכן יהוה (tabernacle) in v 13 is spoken of as the מקדש יהוה
(sanctuary) in v 20. Both of these changes could possibly reflect a rhetorical
transition in the legislation which shifts the focus from the narrative context
of Israel in the wilderness to actual, settled conditions centred around worship
at the Jerusalem temple. The shift to מקדש certainly removes the specificity
suggested by משכן, which has the tent-shrine of the wilderness in view. The
abode of God is here abstracted. It is the holy place, again an allusive shift
which should be borne in mind when the overall narrative context of Num 19
is considered.[325] The use of קהל as a synonym for עדה could also reflect
a contemporising gloss if, as Milgrom believes, עדה is a pre-monarchic tech-
nical term for the Israelite community which, having fallen into disuse, was
substituted with קהל by post-exilic redactors.[326]

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[322]Ashley, *Numbers*, p. 373.

[323]Ashley, *Numbers*, p. 373.

[324]In addition to "Israel" in v 13, the phrase בני ישראל is used in v 2 and 10 while v 9 uses
the phrase עדת בני־ישראל.

[325]See especially §5.5.

[326]Milgrom, Jacob, 'Priestly Terminology and the Political and Social Structure of Pre-
Monarchic Israel', *JQR* 69 (1978), pp. 65–81. According to Milgrom, the scope of עדה in-
cludes: 1) the whole nation of Israel (its chief meaning); 2) all adult males "particularly those
bearing arms"; 3) the clan leaders meeting as a political assembly "invested with legislative
and judicial functions." (Milgrom, 'Priestly Terminology', pp. 69–70.) The disappearance of

3.3.4   The Contraction of Secondary Impurity

After a reiteration of the perpetual character of the law for purification from corpse impurity[327] which serves as a conclusion to the second panel of Num 19, the matter of secondary impurity which is generated through contact with corpse-contaminated individuals is addressed (vv 21–22). Because of this shift to the matter of secondary impurity the legislation here has the character of "an appendix."[328] The articulation of this secondary impurity is central to the great paradox of the Red Heifer; it purifies the unclean but defiles those who are clean. In addition to those involved in the preparation of the מי נדה who are thereby rendered impure (vv 7–8, 10), those involved in the *application* of the waters are also rendered impure—the one who sprinkles (מזה) or otherwise contacts (הנגע) the waters (v 21). Similarly, any thing (וכל אשר־יגע־בו) or any person (והנפש הנגעת) who comes into contact with the corpse-contaminated person (הטמא) also is secondarily defiled (v 22). This secondary impurity lasts until evening, עד־הערב, the shortest possible duration for a ritual impurity,[329] and is removed through the washing of garments. It is thus an impurity of similar severity to that described, for example, in Lev 15. The capability of the corpse-contaminated individual to secondarily cause defilement highlights the character of this impurity as the most severe of all the biblical impurities.

עדה as a functioning term in the post-monarchical era has, according to Milgrom's theory, a *terminus ad quem* at the time of the exilic writings. (Milgrom, 'Priestly Terminology', p. 72.) Problematic for this view, however, is the question as to why both terms have been left to stand in the exant text. Milgrom hypothesises that "out of reverence for the text, they did not replace every עדה with it but only once or twice in each pericope, so that the reader would know that the term he knew as קהל originally read עדה. Thus the alternation of עדה and קהל in legal material may be due to editorial activity rather than stylistic criteria." (Milgrom, 'Priestly Terminology', p. 76.)

[327]On חקת עולם see §3.2.1. As a clause parallel to that of v 10b, v 21a should be understood as a subscription, and therefore conclusion, to the regulations already given.

[328]Ashley, *Numbers*, p. 374.

[329]Budd, *Numbers*, p. 213.

Death is the greatest defilement.[330] The paradox is, of course, that the ashes
and the water, which purify from death, also have this defiling character upon
those who are clean.

At this juncture, a recent attempt to resolve this central paradox is worth
noting, one founded on the observation that the מי נדה has itself the capacity
to defile with a lesser form of impurity. According to Rudman, the mixture
of the ashes with the water creates "a weak solution of death."[331] The ashes
retain a form of "death-impurity," and this is what necessitates their storage
outside the camp.[332] He suggests that since it is nowhere directly stated that
the מי נדה has a cleansing effect it therefore should not be assumed to be the
case. Rather,

> The paradox can be resolved by understanding מי הנדה as having
> not so much a cleansing function as a facilitating one. The function
> of מי הנדה, a minor source of pollution that can be removed by
> bathing, seems to cause a more serious contamination of a like
> nature to become responsive to the usual treatments for impurities.
> Possibly, the operation of מי הנדה was not rationalised, but it seems
> more likely that the lesser pollution was understood to merge with
> the greater, thereby diluting its power.[333]

There is therefore a symbolism of "nullification and death implicit in the use
of the ashes of the red cow."[334] By "imparting a minor impurity that weakens
a greater one" they function and should be understood as 'water for impurity'

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[330]See also the discussion at §3.2.8.

[331]Rudman, 'Water for impurity', p. 75.

[332]Rudman, 'Water for impurity', p. 75.

[333]Rudman, 'Water for impurity', p. 75.

[334]Rudman, 'Water for impurity', p. 76.

rather than 'water of impurity', the polluting effect "clearly seen in the fact that it contaminates those who come into contact with it."[335]

This notion of a *dilution*, while ingenious, seems overly speculative. While plausible as a hypothesis, it seems nevertheless strained—there is nothing explicit in the text to indicate that the waters actually defile the one to whom they are applied, for the purposes of "diluting" a more severe impurity. And while the ashes are indeed kept outside the camp, they are kept in a designated "clean" place. Thus within the axis of graded holiness they occupy a *liminal* space—at the border of the sphere of the camp of Israel and the wilderness. What *does* strike the present investigator as an important observation of Rudman's is the symbolism of the מי נדה, that of "nullification and death." As water imbued with the death of the Red Heifer which has been burned outside the camp, it defiles those who are clean who come into contact with it, just as the ashes defile those involved with their preparation and handling. Understood as a form of "death-impurity" this resultant secondary impurity is therefore understandable. Nevertheless, this ash-water which defiles the pure, also purifies the impure. The paradox still stands.

3.4 Numbers 19: Concluding Remarks

The phrase חקת התורה of Num 19.2 and Num 31.21 is used exclusively of laws regarding purification from corpse impurity. Its occurrence at Num 31.21 in addition to Num 19.2 suggests that it has not arisen simply as a conflation of vv 10, 14 and 21. It is perhaps evocative of the narrative context in which

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[335]Rudman, 'Water for impurity', p. 77. Rudman further compares the מי נדה to the waters of Lev 14, suggesting that they can be seen "as mirror images of each other." Whereas the מי נדה pollute with a form of death impurity, albeit a lesser form, the waters mixed with the blood of the sacrifice in Lev 14 have a purifying function opposite to the defiling action of the מי נדה—they purify from a lesser form of death-impurity itself, which is the condition of the one suffering from צרעת.

the law is found—the *final* law given to the Sinai generation before the narration of their demise in the wilderness. The translation of 𝕲, ἡ διαστολὴ τοῦ νόμου, might reflect via wordplay the "separation" effected in the ceremony. Furthermore, its designation as a חקת עולם in vv 10 and 21, a phrase always otherwise employed in contexts pertaining to the sanctuary and its ordinances, identifies the ceremony of the Red Heifer as one whose ultimate concern is intimately bound up with the relationship of Israel to the sanctuary and the priestly ministrations therein. It is a means of purification which effects the transfer of individuals from a condition of impurity to purity as well as, in the narrative context of Numbers, a *spatial* transfer from the wilderness to the camp of Israel gathered around the sanctuary. This spatial aspect is a central feature of the ceremony when it is read synchronically within the narrative of Numbers.

Among the prescribed characteristics of the victim—unique among the sacrificial animals of the priestly system—is of course the designation of its colour אדמה. Though the text provides no explicit explanation for this colour designation, most scholars posit a symbolic connection to blood. It is perhaps more profitable, however, to seek a symbolic rationale for the colour at the conceptual and textual level of a text which may very well be engaging in paranomasia within the אֲדָמָה, אֲדָמָה, אָדָם, דָּם, אָדֹם complex. Another likely use of paranomasia within the legislation is the employment of עפר in v 17, in place of אפר, the term for "ashes" in vv 9 and 10. עפר furthermore intersects with אדמה in meaning. Here, then, is an allusion to the narrative of the creation and mortality of man of Gen 2–3, an observation which will be developed further in Chapter 5, where the relationship of Num 19 to its narrative context is investigated.

The specific mention of Moses and Aaron in Num 19.1 and the introduc-

tion of Eleazar in Num 19.3 are often contrasted with the subsequent generic references to "the priest" (v 7ff.) and the other unnamed (and presumably non-priest) individuals involved in the ceremony. The contrast, it is presumed, provides the evidential means for elucidating the diachronic development of the ceremony from an early stage, where priests had a limited role, to a late stage, where aspects of the rite are delimited to the sons of Aaron.[336] Just why such inconsistencies and "fissures" remain in a redacted text which otherwise manifests itself as a carefully-crafted "ideological and structural unity"[337] remains unclear. The explicit inclusion of Moses, Aaron and Eleazar directly links the law to the narrative context in which it is given, a context which is likely of some importance for the fuller understanding of the rite. Both Moses and Aaron, along with the Israelites, are depicted as presenting the heifer to Eleazar, who presides over the preparation of the ashes for the מי נדה. Eleazar's role is to lead the cow out of the camp, to a designated location to the east of the encampment and the entrance to the Tabernacle. There the cow is slaughtered by Eleazer himself, who also enacts the blood-sprinkling rite and casts the cedar, scarlet thread and hyssop into the fire. Eleazar's act of seven-fold sprinkling is an act which particularly marks it out to be a חטאת, as the הזה-sprinkling is a unique and definitive feature of the חטאת, not enacted in any of the other sacrificial rites. As a symbolic act it is an indexical sign which binds the rite to the sanctuary and asserts Eleazar's priestly prerogative to preside efficaciously over this particular חטאת sacrifice. The text, considered narratively, depicts a transfer of authority from Aaron to Eleazar. Again, this opens up further avenues for exploration when the consideration of the text's relationship to its narrative context is undertaken in Chapter 5.

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[336]See §3.1.1.

[337]Milgrom, *Numbers*, p. 437. See §3.1.2.

The slaughter and destruction of the red cow, along with the included elements of cedar, scarlet thread, and hyssop, are properly understood as a ritual disposal—a destructive annihilation—by means of burning (שרף), rather than as an "offering." This ritual annihilation is an activity which furthermore results in defilement. A close association of the Red Heifer with the ritual for purification from צרעת is evoked by the addition of these three elements to the burning heifer—the impurity of צרעת itself is closely related to the defiling nature of death. But the use to which these materials are put in each rite is radically different. These elements, otherwise used by the priests for effecting purification, are in the present rite simply being destroyed along with the cow.

The ashes of the cow when mixed with living water produce the מי נדה, a term only used in Num 19 and 31.23 in the context of the purification of corpse impurity. It is argued that the phrase is best translated and understood as "waters of separation" which fits well with the understanding of the nature of the rite as a חטאת which effects separation from the impurity of death.

There is some ambiguity around the use of the term נפש in v 11 and v 13. Although many interpreters, if not most, claim that נפש can be understood to mean "corpse," others are in disagreement, arguing on the basis of close analysis of the relevant texts that נפש is to be understood as something *in association* with the corpse, not as strictly referring to the corpse itself. Regardless of the ambiguity and uncertainty within scholarship of the appropriateness of understanding נפש to signify "corpse," what is evident is that the use of נפש within the redundant phrases in v 11 (במת לכל־נפש אדם) and v 13 (במת בנפש האדם אשר־ימות) communicates a particular anthropology. It is presently argued that attention might more profitably be given to the textual and rhetorical *purposes* of the phrases in v 11 and 13. Specifically, these cumbersome and redundant phrases could very well be allusive, especially given the rarity of

the constructions נפש אדם and נפש האדם elsewhere. By employing these allusions, the biblical author draws attention to the narrative of the creation, and therefore also, the death of man. In the theological vision of the author, death itself is the most severe of all defilements, indeed it is the ultimate source of all other types of defilement, because it is the undoing of the special creation of man who is formed both from the dust of the earth and the breath of life bestowed by God.

The failure to undergo purification from corpse contamination results in the defilement of the sanctuary, the consequence of which is the כרת-penalty, a punishment which applies to transgressions violating the boundary between the sacred and the profane. The penalty stresses the ultimate incompatibility of the realm of death with Israel gathered around the sanctuary, and emphasises the spatial dimenson of the Red Heifer rite which functions to transfer individuals from exclusion from the camp back into the gathering of Israel around the sanctuary and the divine presence of יהוה. Reiteration of the penalty in the second "panel" of the pericope reinforces and emphasises the legislation and provides a second rationale, the defilement of the sanctuary, thus drawing a parallel between the state of purity of the Israelites and the sanctuary around which they are encamped and stressing the essential correspondence between them. As the sanctuary is holy, so also the Israelites are to be pure. Unchecked defilement of the latter results in the defilement of the former.

Lastly, the generation of impurity is a permanent condition of the dead. No amount of time or state of deterioration will result in the attenuation of the force of defilement which corpses exhibit. Within domiciles, the dead are also capable, directly or indirectly, of communicating impurity to objects and vessels, in addition to persons, within the abode. All such items must undergo purification with the מי נדה, application being made by another, clean person

on the third and seventh days. The מי נדה which purify the impure, result also in the defilement of the pure—the chief "paradox" of the Red Heifer. Central, then, to the production and administration of this ash-water is the nullification and death involved in their preparation and administration. Yet by means of this symbolic "death," purification from the impurity of death is achieved. Attempts to reconcile this paradox are here forestalled. Rather, it is borne in mind in Chapter 5, where attention shifts to the analysis of Numbers 19 within its larger narrative context. Chapter 4 serves as prolegomena to this analyis, giving consideration to the structure and theme of the book of Numbers in §4.1, and the interrelationship between legal and narrative texts in §4.2.

Chapter 4

The Composition of Numbers

What constitutes the valid scope and context for the study of material from the book of Numbers? The most common methodological approach to material from this book, most especially the interpretation of the legal texts tradition-ally understood to be of Priestly provenance, is to first *abstract* the material from its narrative context and consider it, explicitly or implicitly, either in isolation or comparatively with similarly abstracted texts. This approach, however, precludes the possibility that theological meaning in the legal and ritual texts might not only be supplied by these texts in themselves, but also by the narratives which *frame* them—at the level of the redaction of narrative and law, that is to say, in the very *juxtaposition* of narrative material (Priestly or otherwise) with the liturgical ordinances. On this view then, Numbers, indeed the whole Pentateuch, is an assemblage of narratives and law, among other things, which suggests that any approach to either narrative or law must contend with the fact that the sum is greater than its parts. Discursive units and genres are *intended* to be read in tandem with others, the legal corpus be-ing embedded in an overarching framework. Interpretation accrues not merely from bits of material considered in themselves or re-assembled, but from re-

flection on the *intentional* juxtaposition and placement of the composite parts of the literature as a whole. Especially in the case of Numbers, which is quite unlike Leviticus in this regard, narrative material is prominent and might indeed provide the *primary* interpretative context for the legal material within it. Perhaps it is at the interplay *between* the narrative and the legal material that a theology of the text arises. A reading which seeks the theological intention of the authors and redactors of the text must ask whether juxtaposition of these disparate materials is intentional and, if so, what is the function and purpose of the juxtaposition. It has previously been suggested, as a working hypothesis, that an exegesis of Num 19 must take into consideration, in addition to the several studies which primarily compare and contrast Priestly or liturgical material alone, a synchronic reading from within the Levitical ritual system, as well as the function of its present placement within the context of at least *two* narrative levels, the level of the book of Numbers itself, and a larger level of the Pentateuch in its entirety. Read inside of such narrative contexts some of the puzzling quirks of Numbers 19 might take on a new shape. As a whole, Numbers is a narrative of Israel's wilderness journey from Sinai, with continual interruptions of legal material. Reading Num 19 within this larger narrative context may bring certain other themes beyond the obvious matters of interest into play. An analysis of the relationship of Num 19 to narrative themes in the book of Numbers and the larger pentateuchal context is therefore the goal of Chapter 5. In preparation for this analysis, the present chapter surveys prior scholarship on the structure and theme of Numbers [§4.1] and the issue of the relationship between legal and narrative material within the overall text of Numbers and the Pentateuch. [§4.2]

4.1 The Structure and Theme of Numbers

The narrative material of the book of Numbers is broadly concerned with the wilderness sojourn of Israel—from Sinai to the verge of Canaan. During this forty years of "wandering" a new generation of Israelites arises while the old generation dies in the wilderness. The forty years thus "serve as a period of transition."[1] The book is in no real sense however a chronicle of events. Narrative weight is placed on episodes at the very beginning (the old generation) and the end (the new generation) of the journey.[2] Wenham suggests that a greater variety of genres is to be found in Numbers than in any other biblical book, including "short (e.g. 6.24–26; 10.35) and long poems (e.g. 23.18–24; 24.3–9, 15–19), census lists (chs. 1–4, 26), itineraries (e.g. 33.1–37), prescriptive ritual texts (e.g. ch. 19), descriptive ritual texts (e.g. ch. 7), cultic calendars (chs. 28–29) and various narrative genres, such as murmuring stories (e.g. chs. 11–12), campaign records (ch. 21, 31) and so on."[3] This great variety of genres and seemingly disparate materials which comprise the text can make a unified and cohesive reading of the text no easy task. It is often not immediately apparent how its many parts relate to the whole or to each other, a problem here now addressed.

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[1]Milgrom, *Numbers*, *xi*.

[2]The narrative setting of 1.1–14.45 is the outset of the wilderness journey while the events of 21.10–36.13 are said occur in a span of five months in the final year of the journey. In fact, only the event of Korah's rebellion (Num 16–17) and the laws of Num 15, 18–19 are attributed to the years outside of the first and last of the journey. See further Milgrom, *Numbers*, *xi*.

[3]For his thorough analysis of these various "genres" within the book see Wenham, *Numbers (1997)*, pp. 26–67.

4.1.1 The Problem of Numbers

Within scholarship generally, interpretations which give consideration to the possibility that Numbers possesses a unified and cohesive structure and theme have for long been lacking. With the rise of critical scholarship, commentaries devoted to the elucidation and sorting of the written sources of the Pentateuch tended to stress the disunity of Numbers as a "rather disorganized, formless omnium-gatherum of miscellaneous materials"[4]—the articulation of methods for understanding how it might be read as a narrative unity was not perceived as a problem to be solved.[5] It is characteristic of such analyses that the location of Num 19 within the entirety of the book is considered somewhat arbitrary. Gray, for example, asserts that the chapter, while belonging to P, "has no intimate connection either with what precedes (c. 16–18—the revolt of Korah) or with what follows (c. 20—the arrival at Kadesh),"[6] and furthermore suggests that "the actual want of organic connection between this chapter and those that follow is proved rather than disproved by the attempts to establish one,"[7] since "not only is the present section [i.e. Num 19] entirely unrelated to the preceding and following, it is also separated by much intervening matter from that part of

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[4]Hummel, Horace, review of *The Death of the Old and the Birth of the New: The Framework of the Book of Numbers and the Pentateuch* (BJS, 71; Chico, CA: Scholars Press, 1985), by Dennis T. Olson, in *Concordia Journal* 14 (1988), pp. 82–86 (83).

[5]For a brief survey of the results of source critical scholarship in the commentaries on Numbers see Olson, Dennis T., *The Death of the Old and the Birth of the New: The Framework of the Book of Numbers and the Pentateuch* (BJS, 71; Chico, CA: Scholars Press, 1985), pp. 9–20. Olson contributes the following observation: "Often very little theological analysis entered into the [source-critical] commentaries at all. When it did, descriptions of theology tended to be superficial and not the result of a close reading of the text. Certainly no detailed and convincing theology of the book of Numbers as a whole was produced in this period." (Olson, *Death of the Old*, p. 13.)

[6]Gray, *Numbers*, p. 241.

[7]Gray, *Numbers*, p. 241.

the Hexateuch with which it is in subject most closely connected."[8] However, with respect to the elucidation of an overall literary structure of Numbers, Gray is not entirely negative. While noting the miscellaneous character of much of the material in Numbers he nevertheless perceives an overall organizational strategy based upon the geographical setting of the narrative. The book, suggests Gray, has three sections corresponding to the geographical cues in the narrative, the wilderness of Sinai (1.1–10.11, 29–32), the wilderness of Paran (12.16b–20.21), and the steppes of Moab (22.1–36.13). Between these sections are travelogues, the migration from Sinai to Paran (10.12–28, 10.33–12.16a) and the migration from Paran to the steppes of Moab (20.22–21.35).[9] Gray also maintains that chronological indicators in the text, including 1.1; 7.1; 9.1, 5; 10.11; 20.1; 33.38, play an organisational role.[10] Yet he regards the first section of Numbers (1.1–10.10) as an "appendix" to Exodus and Leviticus, arguing on the basis of shared subject matter in Exod 19.1–Num 10.11, and the "single conception" which predominates this section of the Pentateuch, that being the "organisation of the people with a view to securing the sanctifying presence of Yahweh in their midst."[11] Consequently for Gray, Numbers is "a section somewhat mechanically cut out of the whole of which it forms a part; the result is that it possesses no unity of subject,"[12] while "the legal matter

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[8]Gray, *Numbers*, p. 242. See also Binns, *Numbers*, p. 125. For Noth, Num 19 is simply "an addition," "an originally independent unit which has been inserted immediately before the Pentateuchal narrative is resumed once more in 20.1." (Noth, *Numbers*, p. 139.) More recent scholars, however, are more likely to offer some cogent suggestions for the rationale behind the placement of Num 19 within the overall framework of the book. For a survey of the main positive suggestions see §5.1.

[9]Gray, *Numbers*, *xxii–xxiii*.

[10]Gray, *Numbers*, *xxiii*.

[11]Gray, *Numbers*, *xxiii–xxiv*.

[12]Gray, *Numbers*, *xxiv*.

of the book is very loosely connected with the narrative."[13]   This analysis
of the structure of the book which both relates each section to geographic
locale and views Num 1.1–10.10 as matter very much separate from the rest
of the book has been very common among subsequent commentators.[14]   The
introduction of form-critical methods under Gunkel and Gressmann altered
some of the methodological assumptions of source criticism, but again, the
interpretive value of studying the parts from within its redactional whole was
still not acknowledged.[15]

With the emergence of Martin Noth's landmark commentary on Numbers,[16]
some measure of "caution and restraint in the use of source criticism"[17] in the
interpretation of Numbers was encouraged. Noting the piecemeal character
of the text and the "lack of longer complexes," Noth claims that the text ap-
pears to be "an unsystematic collection of innumerable pieces of tradition of
very varied content, age and character ('Fragment Hypothesis')" which cannot
feasibly be analysed according to the traditional sources J, E, and P.[18] Here a
negative appraisal of the ultimate value of source criticism is conjoined with a
negative appraisal of any approach that would attempt to give consideration

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[13]Gray, *Numbers*, *xxvi*.

[14]Thus Olson, surveying 46 different commentaries, observes that 37 of them (e.g., Dill-
mann, *Die Bücher Numeri, Deuteronomium und Josua*; Noth, *Numbers*; Wenham, *Numbers
(1981)*) considered Num 1.1–10.10 to be an independent section of Numbers, often viewed as
material more properly attached to Exodus–Leviticus. (Olson, *Death of the Old*, pp. 31–32.)
Even so, the diversity of suggested structures in the commentaries is great. On the diffi-
culty of viewing geographical markers as organising principles of the text see Artus, Olivier,
'Le problème de l'unité littéraire et de la spécificité théologique du livre des Nombres', in
Thomas Römer (ed.), *The Books of Leviticus and Numbers* (BETL, 215; Leuven: Uitgeverij
Peeters, 2008), pp. 121–143 (123–125).

[15]For a survey of the results of form critical methodology in Numbers commentaries see
Olson, *Death of the Old*, pp. 13–20.

[16]Noth, *Numbers*.

[17]Olson, *Death of the Old*, p. 20.

[18]Noth, *Numbers*, p. 4.

to the possibility of a meaningful and consistent redaction at the level of the book's final form.[19]   However, advancement from the form-critical paradigm was made through Noth's traditio-historical programme which posited the historical growth of "themes" in the process of transmission—the originally separate oral traditions which were gradually filled out and linked together to form the corpus of Genesis through Numbers. Thus, from a traditio-historical perspective, the significance of Numbers was its conclusion of the theme of "the revelation at Sinai," its presentation of the secondary theme of "guidance in the wilderness," and its introduction of the theme of "conquest of the land." Many of the commentaries since Noth have followed his method, though his own conclusions based on traditio-historical methodology and his concept of "free-floating Pentateuchal themes" have not won widespread acceptance.[20]   As for the matter of the placement of Num 19 within the redacted book, Noth is confident that it is "an originally independent unit which has been inserted im-

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[19]Essentially a diachronic approach like his source and form-critical predecessors, Noth's analysis, observes Olson, "made the question of the growth of the book considerably more complex. One now had to reckon not only with three or more written sources (J, E, and P) [but also] with a long oral history of tradition before the written sources. For the book of Numbers, at least, one also had to take into account the various substantial additions which occurred *after* the completion and combination of the written sources of J, E and P in Genesis–Numbers." (Olson, *Death of the Old*, p. 21.)

[20]Olson, *Death of the Old*, p. 21. Noth's notion of Pentateuchal "themes" is developed in Noth, Martin, *A History of Pentateuchal Traditions* (trans. B. Anderson; Englewood Cliffs, NJ: Prentice–Hall, 1972). For a survey of the commentaries on Numbers following upon Noth's influential work see Olson, *Death of the Old*, pp. 20–30. Polzin has offered, from a structuralist perspective, an insightful critique of Noth's method and results which concludes: "Noth's desire to provide us with an adequate thematic analysis of the Pentateuch has resulted primarily in a diachronic orientation of his major thematic categories. Insofar as this is clearly what Noth intended to do, his categories are clear, concise, and stimulating. Insofar, however, as an exploitation of the major themes of the present pentateuchal narrative is concerned, it must be said that a truly synchronic thematics of the Pentateuch has yet to be accomplished. Moreover, it is doubtful whether such a thematics will be accomplished as long as it is accepted among biblical scholars that Noth's *diachronic* thematics, or attempts similar to it, are after all 'the fundamental presuppositions for correct solutions' on the synchronic level as well." (Polzin, Robert, 'Martin Noth's *A History of Pentateuchal Traditions*', *BASOR* 221 [1976], pp. 113–120 [119].)

mediately before the Pentateuchal narrative is resumed once more in 20.1."[21] But as to *why* this might be so, Noth, whose method generally fails at the point of a synchronic reading, remains silent.

In more recent years, however, there have been attempts to move beyond the source-critical, form-critical, and traditio-historical paradigms towards the elucidation of a unified structure and theme of Numbers. Such an approach would assume *a priori* that the book of Numbers, as a composition or redaction, possesses some manner of literary integrity in its own right, a view which is not always held.[22] Indeed, it is at times not even conceded that Numbers should in any integral sense be considered a book. Eissfeldt, for example, while acknowledging that the "dividing lines between the individual books of the Pentateuch are in general meaningful" nevertheless suggests that the fivefold division has been made secondarily, deriving from "the desire to divide into five approximately equal parts a complex which was felt to be too large."[23] Against such a view are the persuasive arguments of Olson, based upon both external and internal evidence, which suggest that each book of the Pentateuch has been deliberately crafted to possess an amount of literary

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[21]Noth, *Numbers*, p. 139.

[22]For a survey of research since Noth, especially that which continues to highlight the apparent disunity of the book even as a redaction, see Achenbach, Reinhard, *Die Vollendung der Tora: Studien zur Redaktions-geschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (BZAR, 3; Wiesbaden: Harrassowitz Verlag, 2003), pp. 1–36. Achenbach's own view of the book's history of redaction is that of a two-stage process through the fifth century BCE, culminating in a third-stage "theocratic" revision in the fourth century. For Achenbach, Num 19, as a purity regulation, is a constituent of this latter stage of redaction, given that such purification rites were part of the theocratic programme of structuring a social order centred around the Sanctuary. (Achenbach, Reinhard, *Die Vollendung der Tora*, pp. 525–528.) Achenbach's view of the redaction history of Numbers challenges approaches to the book that would argue for an essential literary integrity or unified theme in its final form.

[23]Eissfeldt, Otto, *The Old Testament: An Introduction including the Apocrypha and Pseudepigrapha, and Also the Works of Similar Type from Qumran* (trans. Peter R. Ackroyd; Oxford: Basil Blackwell, 1965), pp. 156–57.

integrity and structural consistency in its own right, apart from its collocation within the Pentateuch as a whole.[24] Numbers is, of course, still also an integral part of the Torah and in this sense is perhaps best understood as a "distinct literary division."[25] Olson's analysis of Numbers, which convincingly argues for a view of the book as a redactional unity with a meaningful structure and conceptual unity in its own right, is considered in further detail in §4.1.2. His study is followed and heavily critiqued by Won W. Lee[26] whose conclusions are assessed in §4.1.3. These two are the only full-length studies of the entirety of Numbers to address the problem of the book's interpretation as a structural unity with a view to elucidating its unifying theme. Mary Douglas has also presented a radical and revisionary way of approaching the structure of the book of Numbers, giving central consideration to the intentional juxtaposition of law and narrative in the composition of the book.[27] Her study of the structure of Numbers, surveyed in §4.1.4, leads to a further consideration of the compositional purposes for the alternation of narrative and law in the book of Numbers [§4.2.] Each of these studies is briefly considered in turn, preliminary to the task of analysing Num 19 in its narrative context in Chapter 5.

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[24]Olson, *Death of the Old*, pp. 44–49.

[25]Olson, *Death of the Old*, p. 43.

[26]Lee, Won W., *Punishment and Forgiveness in Israel's Migratory Campaign* (Grand Rapids: Eerdmans, 2003).

[27]Douglas, Mary, *In the Wilderness: The Doctrine of Defilement in the Book of Numbers* (JSOTSup, 158; Sheffield: Sheffield Academic Press, 1993), pp. 83ff. In addition to Douglas' study, Olivier Artus' *Etudes sur le livre des Nombres: récit, histoire et loi en Nb 13,1–20,13* (OBO, 157; Göttingen: Vandenhoeck und Ruprecht, 1997) gives consideration to the redactional purpose for the alternation of narrative and legal texts in Num 13.1–20.13. Though the work does not concern itself with the whole of Numbers many insightful observations regarding the book's final structure are offered.

4.1.2 Death of the Old and Birth of the New Generation

Addressing what he considers to be "the central problem in the interpretation of the book of Numbers," that is, "the failure to detect a convincing and meaningful structure for the book,"[28] Olson proposes a governing structure of Numbers based upon a synchronic reading of the text. At the centre of his thesis is the suggestion that the census lists of Numbers 1 and 26 are intended to signal an overall bipartite structure to the book. Each half of the book concerns a generation of Israel, the old generation of the Exodus which "ends in failure and death in the wilderness" (Num 1–25), and the new generation, born during the wilderness sojourn "whose perspective is one which is poised on the edge of the promised land" (Num 26–36).[29] This being the overaching framework of the book, Olson identifies the central unifying theme of Numbers as "the death of the old and the birth of the new."[30] Olson provides three forms of evidence in his attempt to establish that the census lists form the basic structure of Numbers: formal indicators within the book, thematic indicators within the content of the book, and signs of later intentional editorial shaping. These all provide evidence for a deliberate crafting of the book into two panels, thus advancing the theme of the "death of the old and the birth of the new."

Formal indicators include the chronological and geographical notices, the position of each census in the narrative, the symmetry of both censuses and the degree of parallelism which can be discerned between the two halves of the

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[28]Olson, *Death of the Old*, p. 31.

[29]Olson, *Death of the Old*, p. 83.

[30]Olson, *Death of the Old*, p. 83.

book. Num 1.1 contains an explicit chronological[31] and geographical note[32] at the head of the first census, as do Num 25.19 [ET 26.1][33] and 26.3[34] which introduce the second census. The chronological note "after the plague" which stands at the head of the second census is to be taken as meaning "after the death of the rest of the first generation."[35] Num 26.64–65 which concludes the second census reinforces this understanding and makes explicit that at this juncture in the narrative the old generation has now passed away: "Among them there was not a single one of the Israelites whom Moses and Aaron the priest had recorded in the wilderness of Sinai; for the LORD had said they should all die in the wilderness. None of them was still living except Caleb son of Jephunneh and Joshua son of Nun" (NEB). Regarding the geographical notice at 26.3 Olson comments, "this new generation does not begin in the wilderness as the first generation did; rather, they now stand at the edge for the remainder of Numbers, and it is at this location that the book ends (Num 36.13)."[36] The placement of the two censuses within the narrative reinforces the theme of death of the old and the birth of the new. That the first census stands at the head of Numbers and the second census immediately at the narrative point of transition between the old and new generation ties these

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[31]"On the first day of the second month in the second year after the Israelites came out of Egypt" (NEB)

[32]"at the Tent of the Presence in the wilderness of Sinai" (NEB)

[33]"After the plague" (ויהי אחרי המגפה)

[34]"in the lowlands of Moab by the Jordan near Jericho" (NEB)

[35]Olson, *Death of the Old*, p. 84. Milgrom observes that "the Masoretic note *piska' be-'emtsa' pasuk* indicates a break in the text at this point, which may mean that originally the account of the war against Midian followed" (Num 31) and the census (Num 26) interposed "since war requires draft registration." He notes that Philo (*1 Mos.* 305–318) follows his account of chapter 25 with chapter 31. Nevertheless, he agrees "the juxtaposition of the second census (Num 26) to this clause implies . . . that the plague wiped out the entire generation that had left Egypt." (Milgrom, *Numbers*, p. 218.)

[36]Olson, *Death of the Old*, pp. 84–85.

major structural divisions of the book to this theme.[37] There is also a symmetrical construction shared by the censuses. The ordering of the tribes in both is identical except for a reversal in the order of Manasseh and Ephraim. However, Num 26 supplements the list with an enumeration of "sub-clans within each tribe" which, Olson suggests, expresses "the further development of the tribal families into a new generation which has now branched out into various sub-clans."[38] The bipartite structure and theme of the book is furthermore reinforced by the technique of narrative parallelism between the two halves. Numerous events or laws in Num 1–25 are in some way recapitulated in the second half in Num 26–36. Olson perceives the following as "parallels": legal discourse involving women (Num 5 and Num 27); laws concerning vows (Num 6 and Num 30); provisions for the Levites (Num 18.21–32 and Num 35); laws concerning offerings (Num 7, Num 15 and Num 28–29); matter concerning the Passover celebration (Num 9 and Num 28.16–25); the chosen list of spies and of tribal leaders (Num 13 and Num 34); a recapitulation of the stages of Israel's journey (Num 33); and a recollection of the event of Israel's rebellion in Num 13–14 (Num 32.6–15).[39] Olson's analysis of such "recapitulation" might also apply to Num 19 and Num 31.19–24, though the two are not "parallel" in any strict sense. Perhaps more importantly, reflection upon Olson's analysis with respect to Num 19 highlights one significant fact, that is, the ceremony of the Red Heifer is *the final law*, narratively speaking, to be given by God to the Sinai generation of Israel.[40] Rounding off his presentation of "formal indicators" is an appeal to the overall "cohesiveness of the two sections."[41]

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[37] Olson, *Death of the Old*, pp. 85–85.

[38] Olson, *Death of the Old*, p. 87.

[39] Olson, *Death of the Old*, pp. 87–88.

[40] This observation will be elaborated below.

[41] Olson, *Death of the Old*, pp. 88–89.

In addition to these formal features, Olson draws attention to three major passages which "explicitly announce and develop the unifying theme of the book,"[42] Num 14.26–33 which concludes the "spy story" of Num 13–14, Num 26.63–65 which concludes the second census, and Num 32.6–15 which describes the response of Moses to Gad and Reuben's request to settle in the Transjordan rather than Canaan. The spy story concludes with the LORD's instruction to Moses and Aaron to announce his condemnation and sentence upon the old generation: "Here in this wilderness your bones shall lie, every man of you on the register from twenty years old and upwards, because you have made these complaints against me. Not one of you shall enter the land ... your bones shall lie in this wilderness; your sons shall be wanderers in the wilderness[43] forty years, paying the penalty of your wanton disloyalty[44] till the last man of you dies there"[45] (Num 14.29–30a, 32–33, NEB). This pronouncement of the impending, inevitable death of the old generation is explicitly tied to the census list of Num 1 by the phrase in Num 14.29: "all those of you counted of your censuses from twenty years old and upward who have murmured against me" (וכל־פקדיכם לכל־מספרכם מבן עשרים שנה ומעלה אשר הלינתם עלי). Thus "the narrative looks back to the census at the beginning of the book and includes all of those numbered there in the judgement."[46] With the

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[42]Olson, *Death of the Old*, p. 90.

[43]Literally, "and your children shall be shepherds in the wilderness" (ובניכם יהיו רעים במדבר). The implication is a denigration to a wandering, nomadic existence. Milgrom notes that some "would read *na'im*, 'wander,' on the basis of 32.13; others *to'im*, 'wander aimlessly'" (𝕿^PJ, 𝕿^Nf)." (Milgrom, *Numbers*, pp. 115, 311.)

[44]Literally, "and you shall bear your harlotry" (ונשאו את־זנותיכם), זנה being a metaphor for idolatry and rebellion against God's commandments (e.g., Exod 15.39, 34.16–17).

[45]Literally, "until your carcasses are finished" (עד־תם פגריכם במדבר). See also v 35 and 17.28 for the root תמם (Num 14.32–33) used in this sense. Milgrom suggests: "the implication is that burial is denied." (Milgrom, *Numbers*, p. 115.)

[46]Olson, *Death of the Old*, pp. 90–91.

conclusion of the second census the author makes clear that, at this narrative juncture, the old generation has now passed away. Again, there is an explicit reference to the original census: "Among them there was not a single one of the Israelites whom Moses and Aaron the priest had recorded in the wilderness of Sinai" (Num 26.4, NEB). The new census represents an entirely new generation which has now supplanted the old.[47] Lastly, in Num 32, Moses' words to the tribes of Gad and Reuben recall the infidelity of the old generation: "The LORD became angry that day, and he solemnly swore: "Because they have not followed me with their whole heart, none of the men who came out of Egypt, from twenty years old and upwards, shall see the land which I promised on oath to Abraham, Isaac and Jacob" . . . The LORD became angry with Israel, and he made them wander in the wilderness for forty years until that whole generation was dead which had done what was wrong in his eyes" (Num 32.10–11, 13, NEB). Thus Num 32 forges a clear link to both the spy narrative of Num 13–14 and the censuses of Num 1 and Num 26. In this manner, Num 14, 26 and 32, concludes Olson, "very clearly develop the unifying theme of the book, the death of the old and the birth of the new. The passages also clearly support the claim that the census lists in chapters 1 and 26 provide the overarching framework for the book as a whole."[48]

Beyond these formal and thematic indicators, Olson suggests that subsequent editorial shaping at a later stage of redaction also demonstrates an awareness of the census lists as constituting the major structural divisions of the book. He draws attention to two phenomena in particular, singled out as structural markers for the Pentateuch as a redactional whole, the תולדת formulae and the wilderness itineraries. Of the twelve תולדת formulae to be

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[47]Olson, *Death of the Old*, p. 92.

[48]Olson, *Death of the Old*, p. 93.

found in the Pentateuch, eleven occur in Genesis (2.4a, 5.1, 6.9, 10.1, 11.10, 11.27, 25.12, 25.19, 36.1, 36.9, 37.2) while the twelfth formula, "These are the generations of Aaron and Moses," occurs at Numbers 3.1. Olson notes that these תולדת formulae always make reference to the descendants of the named person and always anticipate the future events of those descendants. Thus the תולדת of Aaron and Moses (Num 3.1) likewise "looks ahead to the future destiny of the leaders and the whole people of Israel" and provides "an overarching redactional structure for the Pentateuch which recounts the death of one generation and the birth of a new generation."[49] With regard to the wilderness itinerary notices throughout the Pentateuch, which trace the movement of the Israelites from place to place, Olson asserts that, though they do indeed play a role in structuring the material in Exodus–Numbers, they operate at a *secondary* level within the overall structure of Genesis–Numbers, the primary framework of which remains the succession of one generation to another.[50]

In summation, Olson's thorough analysis of Numbers concludes that the book is arranged in a bipartite fashion. Num 1.1–25.18 pertains to the first generation of the exodus and the *death of the old* generation in the wilderness, outside of the promised land. Num 26.1–36.13 pertains to the next generation, *the birth of the new*, as it prepares to enter into the promised land. Although Olson's study has not had much of an impact on subsequent commentaries and studies on Numbers,[51] Artus considers the suggestion that the census lists and the narrative of Num 14 are the keys to understanding the centrality of the theme of the transition from the old to the new generation to be an unquestionable literary observation that any synchronic reading of the book must

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[49]Olson, *Death of the Old*, pp. 112–113.

[50]Olson, *Death of the Old*, pp. 114–118.

[51]His own subsequent commentary (Olson, *Numbers*) is of course an obvious exception.

consider.[52] His analysis of the structural arrangement and overarching theme of Numbers provides the foundation for which the analysis of Num 19 in its narrative context will here be developed. Neither the weight of prior scholarship, which takes the geographic data to be the central organising feature of Numbers, nor the paucity of subsequent studies in support of Olson's conclusions need deter from this methodological approach. For, as Artus points out, structural considerations prior to Olson were ultimately rather superficial in that they failed to demonstrate any consistency of theme in the actual book. None explored the relationship between their proposed topographic markers and the related textual material from which a coherent, synchronic structure might have been constructed.[53] Artus himself proposes a tripartite structure which, in part, builds upon Olson but also views the geographical setting as playing a more significant organising role. According to his schema the first section (Num 1.1–10.10) relates to the geographical location of Sinai. The second section (Num 10.11–22,1) is characterized by the migration of Israel, itself subdivided into three parts: the Sinai desert of Paran (Num 10.11–12.16), the locale of Kadesh (Num 13,1-20,13), and the movement from Kadesh to the plains of Moab (Num 20.14–22.1). Lastly, the third section (Num 22.1–36,13) is located on the plains of Moab.[54] Though Artus' structural analysis is more elaborate that Olson's, it is nevertheless sympathetic to Olson's main *thematic* conclusion in that (as Olson himself argued) geographically, the book is understood to be organized around two central "poles," Sinai and the plains of Moab, between which takes place both the migration of Israel and the death

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[52]Artus, 'Le problème de l'unité littéraire', p. 127.

[53]Artus, *Etudes sur le livre des Nombres*, pp. 17–18.

[54]Artus, *Etudes sur le livre des Nombres*, pp. 15–16. See also Artus, *Etudes sur le livre des Nombres*, pp. 32–35 for Artus' arguments in support of his preference for a tripartite structure demarcated by geographical data.

of the old and birth of the new generation: "La structure qui part des données géographiques ne semble donc pas contredire celle, proposée par Olson, qui cherche à refléter la succession des générations: elle lui est superposable."[55] It remains to be noted, however, that, as an essentially *narrative* reading, Olson's study does not especially concern itself with the resolution of the issue of the heterogeneity of the book's materials and how they are inter-related, in particular the phenomenon of the alternation of narrative and law, nor how such juxtaposition contributes to the theological theme of the book.[56]

4.1.3   The Theme of Punishment and Forgiveness

Olson's work has been subjected to a sharp critique by Won W. Lee who offers his own structural study. The stated goal of Lee's study is to reconstruct the "conceptual system of Numbers 10.11–36.13 at its highest level, that is, the macrostructure of the text, in order to understand better both its parts and the whole,"[57] by means of an exegetical approach called "conceptual analysis."[58]

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[55] Artus, *Etudes sur le livre des Nombres*, p. 34.

[56] Artus, 'Le problème de l'unité littéraire', p. 128 and Artus, *Etudes sur le livre des Nombres*, p. 34.

[57] Lee, *Punishment and Forgiveness*, p. 47.

[58] As a theory and method developed by Rolf Knierim, "conceptual analysis" embodies an intended solution to the present perceived stalemate in biblical criticism between synchronic and diachronic exegetical approaches to the Biblical text. As a refinement of the form-critical method which calls for an integration of the historical-critical methods—literary, form, tradition, and redaction criticism—in the overall exegetical task, it engages in "structure analysis" of individual texts as the means for identifying genres. (See Knierim, Rolf P., 'Old Testament Form Criticism Reconsidered', *Int* 27 [1973], pp. 435–468 and Knierim, Rolf P., 'Criticism of Literary Features, Form, Tradition, and Redaction', in Douglas A. Knight and Gene M. Tucker [eds.], *The Hebrew Bible and its Modern Interpreters* [Philadelphia: Fortress Press, 1985], pp. 123–165.) Knierim's more recent works, Knierim, Rolf P., *Text and Concept in Leviticus 1:1–9: A Case in Exegetical Method* (FAT, 2; Tübingen: J.C.B. Mohr [Paul Siebeck], 1992) and Knierim, Rolf P., *The Task of Old Testament Theology: Substance, Method, and Cases* (Grand Rapids: Eerdmans, 1995), set forth a method for ascertaining hierarchical relationships among different structural elements in a text by focusing on the "infratextual conceptual aspects" of the text, that is, the "inexplicit textual information located

His starting-point, like Olson's, is a synchronic reading wherein he applies conceptual analysis to Num 10.11–36.13, proceeding as follows: (1) Num 10.11–36.13 is established as a distinct block, a "macrostructure," within the book as a whole;[59] (2) The "individual units" within this text are identified and described as a "first and necessary step toward discerning and explaining the operative conceptual factors responsible for the units' connectedness to each other and to the whole;"[60] (3) the relationships of these individual units to the whole text is analysed, a process which involves asking how the individual units are grouped together to form macro-units, how these established macro-units are related to each other, and what is the final "macrostructure" of the text throughout the various levels of its "infrastructure."[61] This leads to an attempt to clarify the theological claim of the text reflected by its elucidated macrostructure. In his analytical reconstruction into a hierarchical arrangement of his identified textual "units," Lee concludes that the central dominant narrative of Numbers, which informs the whole unfolding drama, is the "spy narrative" of Num 13–

foundationally underneath the surface expression of a text. (Lee, *Punishment and Forgiveness*, pp. 55–56.). A thorough summary of the theoretical aspect of Knierim's programme of "conceptual analysis" is not easily done for want of space, and an explicit eludication of his fully-developed method is still outstanding. For a fuller discussion see Lee, *Punishment and Forgiveness*, pp. 47–72.

[59]Lee's concentration on Numbers 10.11–36.13, rather than the book as a whole, proceeds on the assumption that this "macrostructure" is a distinct literary block which "demands an analysis of its structure in its own right and its own terms, even if its structure is relative to that of Numbers and ultimately to that of the Pentateuch." (Lee, *Punishment and Forgiveness*, p. 73.) Indeed, most commentaries present 1.1–10.10 as a coherent literary unit, with 10.11 beginning a major subdivision within Numbers.

[60]Lee, *Punishment and Forgiveness*, p. 62. Lee's criteria for identifying the "individual literary units" is that it "consists of its own subject, verb, and verb complement; if it contains any pronouns and pronominal suffixes, their antecedents are to be found within its boundary; it displays an identifiable genre; and it conveys an intention or a theme. The criteria for determining its boundary include not only compositional devices, such as linguistic, stylistic, rhetorical, formal, generic, and thematic signals, but also conceptualities under the text." (Lee, *Punishment and Forgiveness*, p. 120.) For Lee's determination and analysis of these 36 "individual literary units" see Lee, *Punishment and Forgiveness*, pp. 123–209.

[61]Lee, *Punishment and Forgiveness*, p. 62.

14, while Num 21.1–3 constitutes a major turning point in this drama. His conclusions with respect to each of these texts are here summarised.

If Num 10.11–36.13 is the narrative of Israel's wandering as an "epiphanic military camp" with the "objective of the conquest of the promised land and its permanent settlement," then, Lee argues, the spy story of chapters 13–14 "signals a structurally decisive break" within the text as it narrates the reason both for the failure of Israel to enter the promised land (Num 10.11–14.45) and the consequence of this failure, forty years of wilderness wandering (Num 15.1–36.13).[62] Lee substantiates his claim in respect of Num 13–14 with a variety of textual and compositional evidence. The structure of Num 13–14 has two parts: the report of the event (13.1–14.35) and its aftermath (14.36–45). The LORD's stated intention to bring Israel into the promised land is reflected in the beginning of the narrative (13.1–2). The scope of the scouting mission is the promised land of Canaan, the purpose of the LORD's command being "to gather essential military information about the land of Canaan to prepare Israel prior to a military assault," an intention confirmed by the scouts' reports (13.25–33).[63] However, Israel's rejection of the LORD's plan and promise reaches a climax in the choice by the people of a new leader to bring them back to Egypt, a proposal which completely reverses and undermines the work of the LORD in bringing about the exodus from Egypt. Nevertheless, on account of the intercession of Moses, the LORD forgives Israel. The failure of Israel does not annul the promise of the land.[64] Yet the LORD still metes out punishment for

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[62] Lee, *Punishment and Forgiveness*, p. 216. The textual units prior to Num 13.1–14.45 "function to highlight Israel's distrust of Yahweh's leadership, power, and ability to fulfill the promise that Yahweh made to their ancestors. The units following it unfold Yahweh's response to their failure: entering the promised land has been delayed and will be fulfilled by the next generation, once the Exodus generation dies out in the wilderness during their forty years of wandering." (Lee, *Punishment and Forgiveness*, p. 216.)

[63] Lee, *Punishment and Forgiveness*, pp. 220–224.

[64] Lee, *Punishment and Forgiveness*, p. 228.

the rebellion in that "they will not enter the promised land but shall die in the
wilderness during the forty-year wandering; even though the next generation
will fulfill the promise and enter the promised land, they will still suffer the
consequence of the faithlessness of the forebears by having to live the desert's
hardships and trials."[65] Thus, the "underlying conceptuality" of Numbers 13–
14 is Israel's rebellion and failure to let the LORD fulfil the promise of the land
made to their ancestors and the punishment of that failure.

The textual unit at Num 21.1–3 heralds the advent of the next generation
of the Israelites, and thus constitutes a turning point in the latter half of the
macrostructure (Num 15.1–36.13). By contrast, Num 20 ends with the report
of the death of Aaron and the transfer of the priesthood to his son, Eleazar
(20.23–29), which is "indicative of the transition from the Exodus generation
to the next generation."[66] "Thus," concludes Lee, "20.22–29 brings out three
points: Israel's march to Mount Hor shows their last attempt to enter Canaan
from the south; Aaron's death indicates fulfillment of Yahweh's punishment
on Israel's failure; and Eleazar's new priesthood signals the dawn of Yahweh's
forgiveness of the next generation, which will carry out Yahweh's plan to bring
them into the promised land."[67] Num 21.1–3, which narrates the destruction
of the Canaanites at Hormah, functions as a turning point as it marks the
beginning of the LORD's forgiveness, "as once again Yahweh's promise is car-
ried out by the second generation."[68] Following the announcement of the new
generation, Num 21.4–25.18 characterizes this generation as having "unprece-
dented confidence, unlike the Exodus generation"[69] in the plans of the LORD.

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[65]Lee, *Punishment and Forgiveness*, p. 228.

[66]Lee, *Punishment and Forgiveness*, p. 265.

[67]Lee, *Punishment and Forgiveness*, p. 265.

[68]Lee, *Punishment and Forgiveness*, p. 280.

[69]Lee, *Punishment and Forgiveness*, p. 280.

The material of Num 25.19–36.13 goes on to largely concentrate on the LORD's instructions pertaining to the promised land. Thus, the two sides of Yahweh's response to Israel's distrust—punishment and forgiveness—constitute the generative concepts for the structure of Numbers 15:1–36:13.

Ultimately, Lee's analysis of the "macrostructure" of Num 10.11–36.13 argues for a highly-structured, coherent and unified text. His identification of the spy story of Num 13–14 as central to the thematic content of Numbers and Num 21.1–3 as a narrative turning point complement Olson's thematic analyis. Indeed, Olson also views the narrative of Num 13–14 as "the first clear and explicit exposition of the book's unifying theme and structure."[70] But Lee differs from Olson in his rejection of the centrality of the theme of the succession of generations—the death of the old and the birth of the new—and his neglect of the two census lists as the two structural poles of the book. He differs fundamentally in method as well, giving no consideration to a possible reading of the *whole* book of Numbers as a unity. While Lee does elsewhere argue that there is a "conceptual coherence" in the material of Num 5.1–10.10, namely, an articulation of the prerogatives and duties of the Aaronide priesthood,[71] he makes no attempt to relate this section to the "macrostructure" of Num 10.11–36.13 which follows, or to articulate how the book *in its entirety* might communicate a central theme. This is one major weakness of his "synchronic" approach which follows a tradition of analysis that groups Num 1.1–10.10 with Exodus 19–40 and Leviticus as "Sinai" material. By contrast, Olson's careful reading provides a strong argument for a thematic break occurring at the juncture between Leviticus and Numbers, signaled by stylistic

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[70]Olson, *Death of the Old*, p. 129. For his extensive analysis of this narrative see Olson, *Death of the Old*, pp. 129–152.

[71]Lee, Won W., 'The Conceptual Coherence of Numbers 5,1–10,10', in Thomas Römer (ed.), *The Books of Leviticus and Numbers* (BETL, 215; Leuven: Uitgeverij Peeters, 2008), pp. 473–489.

and rhetorical devices ignored by Lee. Lev 27.34 clearly appears to delimit the text of Leviticus on the one hand[72] while Num 1.1 introduces a new literary unit on the other.[73] A close comparison of the two passages reveals that the superscription to Numbers

> represents an entirely different context, both geographically and theologically. The action has moved from *Mount* Sinai to the *wilderness* of Sinai. God no longer speaks from the top of the mountain but he now speaks in Numbers from the portable tent of meeting. ...At the beginning of Numbers, the elevated and stationary site of God's revelation on the mountain has been transferred in a decisive transition to a moveable site of revelation in the midst of the people in the wilderness. Hence, the beginning of Numbers provides clear evidence of an editorial intention to separate the end of Leviticus and the beginning of Numbers.[74]

Some other aspects of Lee's study are also questionable. In spite of his attempt to establish an "empirically verifiable procedure"[75] a reviewer suggests that "at times one wonders if Lee's analysis is in the arena of science (empirically verifiable) or that of art."[76] Lee maintains, in criticism of Olson

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[72]Leviticus terminates with the summarising subscription "These are the commandments which the LORD gave Moses for the Israelites on Mount Sinai" (Lev 27.34, NEB).

[73]The superscription reads "On the first day of the second month in the second year after the Israelites came out from Egypt, the LORD spoke to Moses at the Tent of the Presence in the wilderness of Sinai in these words:" (Num 1.1, NEB).

[74]Olson, *Death of the Old*, pp. 48–49.

[75]Lee, *Punishment and Forgiveness*, *vii*.

[76]Boda, Mark J., review of *Punishment and Forgiveness in Israel's Migratory Campaign* (Grand Rapids: Eerdmans, 2003), by Won W. Lee, in *JBL* 123 (2004), p. 747. Boda continues: "For instance, when he defines the "individual unit" for his study, he notes that the criteria for determining the boundaries of units is "not only compositional devices, such as linguistic, stylistic, rhetorical, formal, generic, and thematic signals, but also conceptualities

and in defence of his own methodology, that Olson's work merely presents a
"surface reading" of the text, and that the elucidated central theme has rather
been "imposed on the text," a construct which has led him to "suppress or
ignore much contrary textual evidence."[77] Yet his main criticism of Olson is
objectionable. Lee denies the validity of understanding the phrase "after the
plagues" (Num 25.19, ET 26.1) which introduces the second census in Num 26
as a chronological signal which implies "after the death of the rest of the first
generation," an exegetical conclusion which is central to Olson's argument.[78]
In fact, the supposition is quite sound, especially in view of the fact that
the census list concludes with the explicit notice that "not one of them was
among those counted by Moses and Aaron the priest when they counted the
Israelites in the desert of Sinai (Num 26.64)."[79] Lastly, it should be noted that
Lee's method of "conceptual analysis" certainly confronts the heterogeneity of
the material of Numbers more systematically than Olson's primarily narrative
reading. Even still, an articulation of any hypothesis as to why the alternation
of narrative and law characterises the book is wanting. The authorial inten-
tionality behind this feature of juxtaposition, the rhetorical or pragmatic force
it might have, does not factor into Lee's analysis.

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under the text" (120). He adds, "It is possible that not one but a mixture of several devices
works together to circumscribe the limits of a unit, to mark out a unit from adjacent units,
and thus to establish the independence of the unit" (120). Here we see a clear admission
that the identification of the rhetorical units cannot be controlled by consistent and re-
peating phenomena." (Boda, review of *Punishment and Forgiveness*, p. 747.) In the end,
observes Blenkinsopp, what Lee means by "conceptual-structural analysis," is "not transpar-
ent." (Blenkinsopp, J., review of *Punishment and Forgiveness* [Grand Rapids: Eerdmans,
2003], by Won W. Lee, in *JSOT* 28.5 [2004], pp. 91–92.)

[77]Lee, Won W., 'The Transition from the Old Generation to the New Generation in the
Book of Numbers: A Response to Dennis Olson', in W. Kim, *et al.* (eds.), *Reading the Hebrew
Bible for a New Millenium: Form, Concept, and Theological Perspective, II* (Harrisburg,
PA: Trinity, 2000), pp. 201–220 (205).

[78]Lee, 'The Transition', pp. 205–206.

[79]See also Milgrom, *Numbers*, p. 218, who interprets the placement of this clause as im-
plying that the entirely of the old generation died in the plague.

4.1.4   Narrative and Law—An Interpretive Key?

Mary Douglas offers a revisionary way of approaching the structure of Numbers in attempting to demonstrate that, through the deliberate juxtaposition of narrative and law, the book is composed as a ring.[80] The patchwork of alternating narrative and legal material often leads interpreters to favour one or the other genre as interpretive material. But, suggests Douglas, "it is equally dubious to select the narrative rather than select the regulations or to select the regulations as the real text and play down the narrative."[81] For Douglas, the *intentional juxtaposition* of this diverse material is the key element of its structure and signals how the book should be read and interpreted. The continual interruptions of law in the narrative framework constitute an intentional rhetorical device employed by the biblical authors.[82] The lack of coherence often attributed to Numbers is, asserts Douglas, due to modern unfamiliarity of ancient genres and an underappreciation of the structural complexity of much of antique literature. Often, the more highly structured a text is, the more likely it is to be condemned by latecoming outsiders as defective.[83]

Assuming Numbers to be a self-contained and internally consistent work in its own right, Douglas first identifies the building blocks of the structure by suggesting that the deliberate alternation of two strands, one of law and one of narrative, is a determinative rhetorical device. In her analysis, seven narrative

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[80]Douglas, *In the Wilderness*. After first presenting this hypothesis Douglas further treated the book of Leviticus in a similar fashion in Douglas, Mary, *Leviticus as Literature* (Oxford: Oxford University Press, 2001).

[81]Douglas, *In the Wilderness*, p. 84.

[82]Douglas, *In the Wilderness*, pp. 87–88.

[83]Douglas refers to a diverse range of scholarship to bolster her argument, such as the Pindaric odes, the Vedantas, the classical Chinese novel. For a disussion of this parallel literature see Gutzwiller, Kathryn, 'Comments on Rolf Rendtorff', in Sawyer (ed.), *Reading Leviticus: A Conversation with Mary Douglas* (JSOTSup, 227; Sheffield: Sheffield Academic Press, 1996), pp. 36–39.

sections and six ordinance sections emerge as follows:

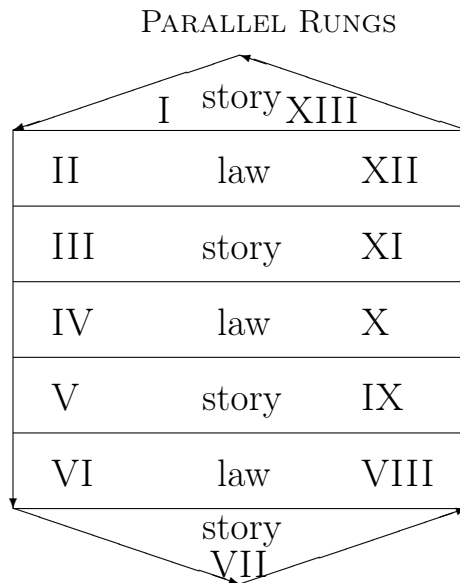|	*Narrative*		*Law*
I	1.1–4.49	II	5.1–6.27
III	7.1–9.23	IV	10.1–10.10
V	10.11–14.45	VI	15.1–15.41
VII	16.1–17.13	VIII	18.1–19.22
IX	20.1–27.33	X	28.1–30.16
XI	31.1–33.49	XII	33.50–35.34
XIII	36.1–36.13		

Signalling the shift from one mode of composition to another are opening
formulae and strong closing perorations such that shifting from one mode to
the other would have been recognized by readers and listeners. The narrative
sections use distinctive formulaic beginnings and always identify a group of
persons and/or locate the action in time. The long concluding perorations are
replete with repetitions, inversion, and plays upon names, often with a "double"
peroration. Without exception the legal sections begin with the Lord speaking
to Moses or Aaron, and the stereotyped phrase, 'The Lord said to. . . '. They
also end with summary perorations marked by individual words or groups of
words repeated twice or thrice.[84]

Having identified these two compositional strands, Douglas proceeds to
the question of their structural arrangement, asserting that "they are an elab-
oration of the well-known poetic structure of parallelism which is typical of
Hebrew poetry. Each section has its parallel, each law section matches an-
other law section, each story section matches another story section."[85] Here is

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[84]For an extended discussion of these beginnings and ending see Douglas, *In the Wilder-
ness*, pp. 109–113. David Goodman further supplies Douglas with notes on these rhetorical
cues on the basis of the MT. (Douglas, *In the Wilderness*, pp. 123–126.)

[85]Douglas, *In the Wilderness*, pp. 103–104.

where Douglas becomes most creative, if idiosyncratic, in her analysis. Suggesting that cues in the book itself announce its structural schema she notes that the first section of Numbers "lays out the positions of the twelve tribes on the four cardinal points. If this design is going to be the structure of the book, we would look for twelve sections in all, arranged in a strong quartering pattern."[86] Similarly, "Jewish lunar calendar has twelve regular units and an optional thirteenth month, not brought in to use every year."[87] Therefore Numbers, claims Douglas, employs the bipartite "calendrical" sequence of 12 as the model for the structure of the book of Numbers itself. Just as Israel's mid-year is marked at the mid-point of the two months, the 15th day of the first and the seventh months, with five months on each side of the divide, so too the Book of Numbers is arranged in a ring, with section VII as the mid-point, and the last section overlapping with the first, and a horizontal pairing of laws and stories in "regular rungs across the book:"[88]

PARALLEL RUNGS

I	story	XIII
II	law	XII
III	story	XI
IV	law	X
V	story	IX
VI	law	VIII
	story	
	VII	

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[86]Douglas, *In the Wilderness*, pp. 113–114.

[87]Douglas, *In the Wilderness*, p. 114.

[88]Douglas, *In the Wilderness*, pp. 116–117.

On the basis of her structural hypothesis, Douglas proceeds to read and interpret the book of Numbers by giving each "rung" a close reading, in an attempt to demonstrate the formal parallel and ring pattern which she discerns. Here is where the analysis often seems to fail. For example, two corresponding halves of a "rung", according to this schema, are Num 15 and Num 18–19. Num 15 presents the law for cereal and drink offerings (15.1–21), sacrifice for unintentional sins (15.22–31), the narrative of the Sabbath lawbreaker and his execution (15.32–26) and the law of the tassels (15.37–41); Num 18 concerns the duties of the priests and Levites and the provisions and tithes they receive, while Num 19 presents the Red Heifer. It is hard to see how, collectively, the material comprising this proposed "rung" is thematically linked beyond the overly general observation made by Douglas: the rung completes the set of laws by "summing the whole doctrine of defilement."[89] In fine, the focus on the alternation of law and narrative as a structuring principle is an appealing approach to the analysis of the text. But Douglas's own results are not always satisfactory.[90]

4.2 Law and Narrative

As Douglas recognises, the regular alternation and juxtaposition of narrative and legal material in Numbers is a particularly conspicuous aspect of the text. Milgrom also recognises this as a central feature of the text, though he analyses and presents this regular alternation of law and narrative differently from Douglas, as follows: 1–10.10 (law); 10.11–14.45 (narrative); 15 (law); 16–17

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[89]Douglas, *In the Wilderness*, p. 147.

[90]Regarding her method Cole remarks: "This pattern of thematic analysis is fruitful, but does not address the intricate poetic and rhetorical devices employed throughout these and the surrounding chapters." (Cole, *Numbers*, p. 304.)

(narrative); 18-19 (law); 20–25 (narrative); 26–27.11 (law); 27.12–23 (narrative); 29–30 (law); 31–33.49 (narrative); 33.50–56; 34–36 (law).[91] Generally, observes Milgrom,

> the narrative is confined to the wilderness march; the law, to the three main stations of the march: Sinai (1–10.10), Kadesh (chaps. 15.18–19), and the steppes of Moab (chaps. 28–30, 34–36). However, there are exceptions. Certain events are associated with stations, for example, the scouts (chaps. 13–14), the Korahite rebellions (chaps. 16–17), the Midianite war and Transjordanian settlement (chaps. 31–32). And some laws arise from test cases composed in narrative style, for example, the *pesaḥ* (9.1–14), the wood gatherer (15.32–36), and Zelophehad's daughters (27.1–11). Thus this alternation is not a function of whether Israel was stationary or in motion.[92]

The Pentateuchal laws have, in the main, been studied outside of any consideration of their narrative framework, or with a disregard for any possible interaction with surrounding narrative texts. Indeed, systematic and comparative treatment of these legal texts can be a fruitful approach. For instance, the systematic and comparative study of the חטאת sacrifices throughout the

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[91]He furthermore asserts that "the admixture of these two genres comes as no surprise to anyone conversant with ancient Near Eastern vassal treaties, which open with a recounting of the suzerain's benefactions to his vassal (narrative) and follow with the stipulations imposed upon the vassal (law)." (Milgrom, *Numbers*, *xv–xvi*.) Perhaps the term "law," used to describe, in addition to legal material strictly speaking, such material as census data is a rather loose usage. In this respect, O'Banion's terminology which describes two major types of rhetorical discourse, "list" and "story," is better. On these two basic modes of discourse, see O'Banion, John D., *Reorienting Rhetoric: The Dialectic of List and Story* (University Park, PA: Pennsylvania State University Press, 1992) and additionally Watts' appropriation and development of O'Banion's rhetorical theory for the task of Pentateuchal exegesis in Watts, *Reading Law*, pp. 36–60.

[92]Milgrom, *Numbers*, *xv–xvi*.

Pentateuch certainly aids in understanding the text.[93] But there still remains the necessary task of accounting for the literary context of the laws; a reading from within, and engaging with, the narrative context. The interaction and juxtaposition of law and narrative may well, as Sprinkle observes, "serve to convey a greater meaning than would be the case if the laws were independent of the narratives."[94] Any synchronic account of Pentateuchal law must consider that the narrative context certainly influences the way in which the law is read. Thus Watts asserts that the narrative presentation of the Pentateuchal laws suggest they are to be read and interpreted in the context and order of their narrative presentation. "Unlike law, narrative invites, almost enforces, a strategy of sequential reading, of starting at the beginning and reading the text in order to the end. The placement of law within narrative conforms (at least in part) the reading of law to the conventions of narrative."[95] Given the narrative framework of the laws of the Pentateuch it is not unreasonable to posit that the narrative may shed certain light upon otherwise peculiar and puzzling aspects of the legal texts. And furthermore, the distinct possibility exists that the reverse is possible—that the laws themselves allude to, and

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[93]See Chapter 2. Indeed, the distinguishing and separating of these two basic modes of discourse, which are found intertwined in the biblical text is the hallmark of two categories of rabbinic analysis—the *halakhah* and the *aggadah*. Still, as Watts observes, such treatment of the legal genre in the religious, academic and legal spheres "seems to invite readers to pick and choose, rearrange and codify to suit their purposes." (Watts, *Reading Law*, p. 11.)

[94]Sprinkle, Joe M., 'Law and Narrative in Exodus 19–24', *JETS* 47 (2004), pp. 235–252 (241). Sprinkle's study, Sprinkle, Joe M., *'The Book of the Covenant': a Literary Approach* (JSOTSup, 174; Sheffield: JSOT Press, 1994), is just such an attempt to understand how the laws of Exod 19–24 interact and relate to the narratives of the Pentateuch.

[95]Watts, *Reading Law*, p. 29. Jackson also argues that "Biblical law . . . cannot be studied from a discrete set of legal texts alone. For the texts of Biblical law were integrated, by the Biblical editors themselves, within the larger literary corpus which we term the Bible, and particularly the "Five Books of Moses" (the Pentateuch). Indeed, the laws are there presented as part of the theological-historical narrative of ancient Isarel." (Jackson, Bernard S., 'The Literary Presentation of Multiculturalism in Early Biblical Law', *International Journal for the Semiotics of Law* 8.23 [1995], pp. 181–206 [183].)

inform, the narrative context.[96] There indeed appears now to be an increasing amount of scholarship concerned with the deliberate reading of law within the context of, or in relationship to narrative, whether out of concerns for a synchronic "close" reading or with regard to the redactional purposes for which law and narrative have been juxtaposed in the final form of the text.

In the matter of the juxtaposition of law and narrative "proximity is the invitation to comparison."[97] But, the arrangement of the material in Numbers has, as has been noted above,[98] long been considered to be marked by a certain amount of disunity in theme, and the arrangement and sequence of its disparate materials a rather arbitrary one. More recent scholarship has by contrast been open to the possibility that such modern judgements are somewhat myopic in nature, failing to consider that the criteria by which a text is adjudged as rightly ordered and arranged are themselves time-bound and culture-conditioned. This had already been argued by Cassuto,[99] who avers that one of the principal methods of arrangement of Biblical material is that of association—of ideas, as well as words, and phrases.[100] Though mod-

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[96]Thus Jackson states: "we should not exclude the possibility that the legal form can be used to transmit a narrative message." (Jackson, Bernard S., 'The Ceremonial and the Judicial: Biblical Law as Sign and Symbol', *JSOT* 30 [1984], pp. 25–50 [37].) For this reason, Sprinkle suggests that greater attention to the relationship between laws and narratives is "a fruitful avenue for future OT research." (Sprinkle, 'Law and Narrative', p. 252.)

[97]Lee, Bernon Peng Yi, *Reading Law and Narrative: The Method and Function of Abstraction* (Ph.D. Thesis, University of St. Michael's College, 2003), p. 298.

[98]§4.1.1.

[99]Thus Cassuto: "We must not forget that the conception of order may vary among different peoples and in different periods, and that there are systems of arrangement that appeared natural and correct to the peoples of the ancient East, yet would never occur to a person accustomed to ways of Western thinking, which is the offspring of Greek civilization. When we bear this in mind, many seemingly obscure and bizarre features in the compilation of the Biblical books become easily and clearly intelligible of their own accord." (Cassuto, Umberto, 'The Sequence and Arrangement of the Biblical Sections',in *Biblical and Oriental Studies, I* [Jerusalem: Magnes Press, 1973], pp. 1–6 [1].)

[100]For his examples of this principle of association at work in the book of Numbers see Cassuto, Sequence and Arrangement, pp. 3–4.

ern scholarship is increasingly recognising that the deliberate arrangement and juxtaposition of thematically-related texts, in configurations which may not be immediately or patently congruent, is an artful technique of the redactor,[101] such awareness is not recent. Leveen observes that "medieval commentators of the Bible, such as Rashi, assumed that seemingly distinct biblical events found in a narrative sequence were linked by purposeful association. The commentators strove to supply the meaning of such linkages as part of their commentaries."[102]

Applying this insight to the regular alternation of law and narrative which characterises the books of Leviticus and Numbers, Bernon Lee has argued that the legal texts of these books often have an intrinsic, associative relationship to their adjacent narrative passages in that they prescribe "thematic statements" which are characterised by the narrative.[103] Essentially, argues Lee, "laws contain statements that extract the thematic essence in a stretch of narrative by referring to a word, phrase or sentence that may stand to qualify

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[101]Thus Grossman: "Scholars have already noted how the process of redaction plays a critical role in conveying various messages and meanings in scriptural texts. Smaller literary units, apparently divorced from each other in subject matter, combine to create a larger, holistic message and outlook." (Grossman, Yonatan, 'Divine Command and Human Initiative: A Literary View on Numbers 25–31', *BibInt* 15 [2007], pp. 54–79 [54].) Grossman, operating within the method of redaction criticism, views such juxtaposition as a "fundamentally creative and artistic act that imparts meaning, sometimes new, to the edited texts." (Grossman, 'Divine Command', p. 55.) Thus the interpreter must remain aware that "when the order of the units is most surprising, and their position alongside one another has no obvious explanation, there is sometimes a general approach that serves to illuminate all the units concerned, and it explains why one appears adjacent to the next." (Grossman, 'Divine Command', p. 76.)

[102]Leveen, Adriane B., *Memory and Tradition in the Book of Numbers* (Cambridge: Cambridge University Press, 2008), p. 39.

[103]Thus Lee: "These thematic statements consist of words, phrases or clauses capable of standing as a summary description for the sequence of events that constitute the designated passage of narrative. ... [The] search for the common denominator in the laws also uncovers general principles or concepts complementary to the overarching themes straddling narrative and law. A familial resemblance between the laws and the narrative emerges." (Lee, Reading Law and Narrative, p. Abstract.)

the series of events in a given portion of the narrative. Alternatively, the laws may designate the events defining the beginning and the end of the series of events in the narrative."[104] Lee understands the function of the positioning of laws in relation to adjacent narrative as an attempt to influence and inform a reader's understanding of the narrative. The relationship between law and narrative is not arbitrary or incidental. Rather, "laws function as comments about narratives, and narratives as dramatic representations of those comments."[105] Similarly, Leveen argues that through juxtapostion with narrative sequences "the broader message or argument of the narrative is communicated to the reader."[106] But this could also easily be conceived of the other way around—narrative is what *informs* the law—supplies it with symbolic or theological meaning which is not explicit within the text of the legislation itself. That legal texts are not mere insertions or intrusions into the narrative stories, but are rather thus essentially intertwined and necessarily related to the narrative, has been argued forcefully also by Damrosch.[107] The legal pericopes are not interruptions but rather complements to the narrative; the "laws complete it, and the story exists for the sake of the laws that it frames."[108] These two ways of conceiving the relation of law to narrative are similar to the two other approaches adduced by Milgrom: the one, represented by Robert Cover,[109] holds that "narrative *generates* law," framing the law's set of "socioeconomic, polit-

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[104]Lee, Reading Law and Narrative, p. 4. Lee's thesis is an attempt to demonstrate this dynamic at work in the following passages: Lev 10.1–20; 24.10–23, Num 9.1–14; 15.1–41; 27.1–11; 36.1–13.

[105]Lee, Reading Law and Narrative, p. 2.

[106]Leveen, *Memory and Tradition*, p. 168.

[107]Damrosch, David, *The Narrative Covenant: Transformations of Genre in the Growth of Biblical Literature* (San Francisco: Harper & Row, 1987), p. 262.

[108]Damrosch, *The Narrative Covenant*, p. 262.

[109]Cover, Robert, 'Nomos and Narrative', *Harvard Law Review* 97 (1983) pp. 4–68.

ical and religious" circumstances; the other, represented by James Watts,[110] claims that "narrative *justifies* law," providing the rationale and support for the acceptance of the law's legitimacy.[111] Both of these approaches, claims Milgrom, are valid and essential.

These observations have methodological implications for the study and interpretion of the legal texts of the Pentateuch. Jackson, in his advocacy of an approach to legal texts which pays closer attention to semiotic matters,[112] both the symbolic import of laws and their pragmatic force, therefore suggests that attention also be given to the "semiotic *choices*" made by the author/redactor of a given text.[113] "The analysis of what is present in the text can only proceed by reference to what is absent, but what is absent has to be defined in terms of what could have been substituted in the context of that speech community."[114] Two essential features are singled out as especially relevant: *terminology* and *arrangement.* With respect to terminology a legal text might employ certain terms or phrases, and not others, for certain communicative or symbolic purposes.[115] With respect to arrangement, here also "semiotic

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[110]Watts, James W., 'The Rhetorical Strategy in the Composition of the Pentateuch', *JSOT* 68 (1995), pp. 3–22

[111]Milgrom, Jacob, 'Law and Narrative and the Exegesis of Leviticus XIX 19' *VT* 46 (1996) pp. 544–548 (544).

[112]A semiotic approach to Biblical law—semiotics understood as "the study of systems of signification (how meaning is constructed) and communication (how meaning is transmitted)" (Jackson, Bernard S., 'Ideas of the Law and Legal Administraton: A Semiotic Approach', in R.E. Clements [ed.], *The World of Ancient Israel* [Cambridge: Cambridge University Press, 1989], pp. 185–202 [199].)—necessarily involves a consideration of "the medium in which the message is sent" (Fitzpatrick-McKinley, Anne, *The Transformation of Torah from Scribal Advice to Law* [JSOTSup, 287; Sheffield: Sheffield Academic Press, 1999], p 101.)

[113]Jackson, 'The Ceremonial and the Judicial', p. 42.

[114]Jackson, 'The Ceremonial and the Judicial', p. 42.

[115]Jackson cites an example from his own research: "Exodus 21.21–22 uses the unusual term *aswn*, which in the present context seems to refer to the death of a human being. But the *mishpatim* in many places refer to the death of a human being, while using the normal

choice"[116] is displayed by the text. Why are laws found *where* they are in a text? How is the arrangement of a text related to its meaning and pragmatic force? Carmichael also suggests that seeking out the thematic links between laws and narratives can help to explain not only why the biblical material is "set out in sequences that often bewilder"—the arrangement and placement of textual units—but also provide an account of the "often peculiar language of the laws," the terminological signals by means of which allusions to other texts are made.[117] Through such terminological and thematic cues, "the laws incorporate something of the drama of biblical narratives" to which they allude.[118]

In the investigation of a given legal prescription's relationship to its narrative context, two avenues of investigation suggest themselves: *a consideration of the law's placement* within the overall narrative framework, and *a consideration of terminological cues* which it might employ to allude to other narrative

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verb. A choice has been made. Why? I have offered a particular explanation [Jackson, Bernard S., *Essays in Jewish and Comparative Legal History* (Leiden: E.J. Brill, 1975), pp 76–78, p. 95–98]. It may or may not be correct. But all too many commentators have preferred to ignore the problem." (Jackson, 'The Ceremonial and the Judicial', pp. 42–43.)

[116]Jackson, 'The Ceremonial and the Judicial', p. 43.

[117]Carmichael, Calum, *Illuminating Leviticus: A Study of Its Laws and Institutions in the Light of Biblical Narratives* (Baltimore: John Hopkins University Press, 2006), p. 4.

[118]Carmichael, *Illuminating Leviticus*, p. 166. Carmichael's focus on the intertextuality of the legal formulations is highly productive and helpful. Carmichael, however, goes further to present a view of both narrative and law as essentially "fictive," that is, neither are essentially linked to actual history. He understands the process of compositon to be one where narrative story generates the law, which is itself simply the product of creative authorship. "The rule presupposes intimate knowledge of the narrative and indeed, cannot be understood without it. ...[Thus] the laws and the narratives are bound together as a unified whole." (Carmichael, *Illuminating Leviticus*, p. 3.) But as Carmichael himself develops these insights, the nature of the legal texts themselves as *law* unfortunately gets swept aside. In the end these texts appear to be, for Carmichael, *merely* coded allusions to a corpus of pre-existing narrative, a sort of wisdom literature dressed as legal genre. That the texts do not reflect or were not written to serve as actual law is a presupposition not shared by most researchers, whether or not they proceed synchronically or diachronically. For a thoroughgoing critique of Carmichael's earlier work on Deuteronomy which elaborates this concern see Levinson, Bernard M., 'Calum M. Carmichael's Approach to the Laws of Deuteronomy', *HTR* 83 (1990), pp. 227–257.

texts and themes. Furthermore, the consideration of a law's relationship to some of the overarching principal narrative themes of the Pentatuch, again often through the employment of phrases, clauses and key-words, is in need of consideration. For, as Jackson argues, two events stand out within narrative history as functioning in biblical law: "the creation of the world (the foundation of universal history) and the exodus of the Israelites from Egypt (the foundation of their particular history, and the prelude to the Sinaitic covenant)".[119] To these, it will be subsequently argued, a third foundational narrative must also be considered, that of the world's purgation and recreation in the archetypal story of the Flood. Thus an overall integral relationship between law and narrative is forged in general through "the use of allusion to narrative history in the context of the justification of particular laws."[120] With these presuppositions in mind, Chapter 5 will analyse the ceremony of the Red Heifer's relationship to the narrative context of Numbers and the Torah as the whole, giving consideration to both its placement in the book of Numbers and the employment of significant, allusive terminology within the text of Num 19.

Lastly, it is worth briefly addressing the question as to *why* law and narrative should be so conjoined in the Pentateuch. The question can be put another way: "How was the combination of Pentateuchal narratives and laws intended to be read?"[121] And further: "What rhetorical effects does the combination of law and narrative have on the Pentateuch's intended readers?"[122]

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[119] Jackson, 'The Literary Presentation', p. 182.

[120] Jackson, 'The Literary Presentation', p. 182.

[121] Watts, *Reading Law*, p. 13.

[122] Watts, *Reading Law*, p. 13. Watts assumes that Pentateuchal laws were deliberately edited with a view to their being heard orally in public reading and recitation within the context of their surrounding laws and narratives, thus "the writing of law would in that case require attention to rhetoric, mnemonics and narrative context." (Watts, *Reading Law*, p. 29.) Watts cites several scholars who have persuasively argued for an understanding of a redacted Pentateuch which has been deliberately constructed for public reading. Thus,

The authorial reason, suggests Watts, for the conjoining of law and narrative is rhetorical—the purpose is persuasion. Law requires justification and explanation from the narrative. "Persuasion depends on the combination of list and story."[123] In addition to the rhetorical function of persuasion, a pragmatic aspect of the text, there is also the matter of signification—the symbolic import of laws which is communicated to them by narrative. Thus Cover, regarding the universal relationship between law and narrative, asserts:

> No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning. For every constitution there is an epic, for each decalogue a scripture. Once understood in the context of the narratives that give it meaning, law becomes not merely a system of rules to be observed, but a world in which we live.

> In this normative world, law and narrative are inseparably related. Every prescription is insistent in its demand to be located in discourse—to be supplied with history and destiny, beginning and end, explanation and purpose. And every narrative is insistent in its demand for its prescriptive point, its moral.[124]

If this is so, then the function of narrative in supplying meaning to legal texts can also be understood to extend beyond the "moral," the "prescriptive point." Narrative also supplies symbolic meaning, and in the case of *liturgical* legal texts this is perhaps the principal relationship to be considered. For as Gane has observed, ritual actions are capable of carrying symbolic meaning, but this

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suggests Watts, "public reading established the literary forms of Israel's law ... and those forms remained unchanged long after public reading had become a rarity and perhaps an anachronism." (Watts, *Reading Law*, p. 31.)

[123]Watts, *Reading Law*, p. 39.

[124]Cover, 'Nomos and Narrative', pp. 4–5.

is meaning that must be *assigned* to them; for Gane the assignation is made by "culture or religious authority."[125] But how does a liturgical *text* appropriate such meaning? The hypothesis here pursued is that this is also a principal rationale for the juxtaposition of law and narrative, and for the placement and reading of the former within the framework of the latter. Symbolic meaning is assigned by the authors to a ritual text through its placement within, and relationship to, its narrative context. Furthermore, this relationship is rhetorically forged not only through strategic placement within that narrative but also through the use of "key words" and allusions to founding narrative texts and themes. Ultimately, the narrative and the law are conjoined in a strategy of persuasion—neither mode of discourse governs the other. And so, "Pentateuchal law cannot be analyzed successfully as simply narrative, nor can biblical stories be reduced entirely to legal case studies."[126] Law and narrative work together as "distinct literary complexes" to "create the rhetorical force of Torah, the original expression of a religion of Scripture."[127] Given this premise, a consideration of the relationship of the law of the Red Heifer to its narrative context is now pursued.

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[125] Gane, *Cult and Character*, pp. 4–5.

[126] Watts, *Reading Law*, p. 88.

[127] Watts, *Reading Law*, p. 88.

Chapter 5

Numbers 19 in Narrative Context

Attention now turns to a reading of the Red Heifer within its narrative context. An explanation for the rite's placement and its relationship to surrounding narrative has been offered by several investigators [§5.1]. The interrelationship of Num 19 with the theme of Numbers, as presented in §4.1, and a thematic rationale for its placement within the overall structure of Numbers is here proposed [§5.2]. The juxtaposition of the rite with its immediate surrounding narrative highlights another aspect of the rite. Textually the law contributes in a *narrative* fashion to the development of the theme of priestly prerogative and high-priestly succession which is a major feature of the book of Numbers [§5.3]. It also stands at the head of a cluster of narratives centred around the motif of "water in the wilderness" which leads to a further consideration in some of the symbolism which might be at play in the rite and facilitated by its juxtaposition with these narratives [§5.4]. Lastly, it is proposed that, through the use of certain allusive key-words and phrases, the text of Num 19 is intentionally related to the Biblical cosmology of Gen 1–3 [§5.5]. When read through the lens of this symbolic framework of the Torah several of the curious and unique features of the rite become clear. The cosmological narratives, it will be argued,

are the keys which unlock the symbolism of the Red Heifer. Thus we arrive, at last, at a fully *theological* reading of the text, a contextualized symbolism for the rite which, it is here proposed, was operative in the minds of those who produced the biblical literature.

5.1 The Placement of Numbers 19: An Initial Consideration

The apparently anomalous location of the ceremony of the Red Heifer and the whole matter of corpse purification within the book of Numbers is an issue which attracted some ancient speculation and commentary. There is the perceived anomaly, which is noted in *Pes. K.* 4.4 and *Num. R.* 19.4[1] to which Milgrom draws attention,[2] that the defilement caused by corpses is already referred to in Lev 21.1–4, 10, 22.4–7, Num 5.2, 6.6–13 and 9.6, but the manner of purification is not presented until Num 19. Josephus looks to the adjacent biblical material and finds a narrative rationale for the placement of Num 19 in the account of the death of Miriam.[3] Milgrom also looks to the adjacent narra-

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[1]"R. Joshua of Siknin, quoting R. Levi, said: In connection with all the various laws [of defilement] which the Holy One, blessed be He, communicated to Moses, He told him the mode both of defilement and of purification. When He reached the section, Speak unto the priests (Lev 21.1), Moses said to him: 'Sovereign of the Universe! If a priest is defiled what shall be his mode of purification? 'He did not answer him. At that moment the face of Moses turned pale. On reaching the section dealing with the Red Heifer the Holy One, blessed be He, said to him: 'On that occasion when I told you, *"Speak unto the priests"* and you asked Me: "If a priest is defiled what shall be his mode of purification?" I did not answer you. This is his mode of purification: *And for the unclean they shall take of the ashes of the burning of the purification from sin'* (Num. xix,17)." (Slotki, *Midrash Rabbah*, p. 755.)

[2]Milgrom, *Numbers*, pp. 157, 316 n 2.

[3]Although in the MT the ceremony of the Red Heifer precedes the death of Miriam, Josephus recounts its institution as an explicit response to this event: "And now it was that death overtook his sister Mariamme, who had completed her fortieth year since she left Egypt, on the new moon, by lunar reckoning, of the month Xanthicus. They buried her at the public expense in state on a mountain which they call Sin; and when the people had

tive context,[4] focusing upon the twice-iterated warning against the defilement of the sanctuary (19.13, 20) which makes "this chapter a natural sequel to the parashah of Korah"[5] which is also principally concerned with the protection of the sanctuary, here the matter being the possibility of desecration through the encroachment of non-priests. He also highlights the role played by Eleazar rather than Aaron as officiant in Num 19, noting especially the role Eleazar plays in the narrative of Korah's rebellion (Num 17.2–3). "As both instances involve corpse contamination, Aaron is barred from officiating and Eleazar takes his place. Hence this unit was placed here, between the Korah narrative and the account of Aaron's sin and death (20.1–13, 20–29)."[6] Budd sees both chs 18 and 19 as appropriately related to the narrative of the "Levitical failures" of Num 16–17. Noting that in this narrative there are "at least 250 who have died in Korah's rebellion, and a further 14,700 in the subsequent plague (Num 16.35; 17.14 [Heb.])" the author has incorporated the law of the Red Heifer at this juncture as "part of the process of reconstruction" in the aftermath of these disasters.[7] Cole similarly holds that the chapter's positioning relates both to the protection of the sanctuary from encroachment and the narrative of the plague following Korah's rebellion.[8] Ashley's analysis of the integral

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mourned for her thirty days, they were purified by Moses on this wise. A heifer, yet ignorant of the plough [etc.] . . ." (Josephus, *Jewish Antiquities, Books 1–4*, p. 515. The translation is Thackeray's.)

[4]He regards as tenuous, however, the suggestion of Josephus that the death of Miriam gives a "concrete case" of corpse impurity and therefore supplies the rationale for the placement of the Red Heifer rite immediately prior. Also rejected by Milgrom is Ibn Ezra's explanation on the basis of proximity to Num 18 which "also contains rules for priests." (Milgrom, *Numbers*, pp. 316 n 3.)

[5]Num 16–18.

[6]Milgrom, *Numbers*, p. 157. Wenham likewise focuses on the matter of defilement of the sanctuary held in common by chs 18 and 19. (Wenham, *Numbers (1981)*, pp. 145–146.)

[7]Budd, *Numbers*, pp. 211–212.

[8]Cole, *Numbers*, p. 301.

relationship of Num 19 to the surrounding narrative is even more thorough. The main thrust of the narrative material of Num 11–13 and 16–17 is the recounting of the episodes of rebellion, culminating in the punishment which concludes Num 17. "The plague so frightened the Israelites that they were convinced that any who even approached the tent of meeting would be slain (17.27–28) [Eng. 12–13]). Yahweh responded to Israelite fear by redefining the role of the priests and especially the Levites, making them the ones who would die for encroachment on the sanctuary (18.1–7, 22–23)."[9] Intrinsically related to the episodes of rebellion is the punishment of death, which is "surely one of the lessons of the wilderness wandering period."[10] Therefore, Num 19 fittingly "gives a procedure by which the pollution brought by contact with a corpse may be countered,"[11] since "following the plague, death was all around, almost everyone would have been in contact with a corpse, and virtually all could have been excluded."[12] Ashley also recognises that the placement of the ceremony of the Red Heifer occurs at a crucial moment within the narrative—the death of the older generation in the wilderness. Thus, the chapter

> becomes a way of making progress toward Canaan for the younger generation, the generation that would still inherit the land, but not until the older generation was dead. [Num 19] forms a fitting conclusion to the section on the causes and consequences of rebellion in chs. 11–19. Death is the final consequence, but those heirs of the promise may have fellowship with God by following the divinely given procedure here included.[13]

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[9]Ashley, *Numbers*, p. 361.

[10]Ashley, *Numbers*, p. 361.

[11]Ashley, *Numbers*, p. 361.

[12]Ashley, *Numbers*, p. 362.

[13]Ashley, *Numbers*, p. 362.

In all of the foregoing analyses both narrative context and the juxtaposition of the liturgical text with narrative are invoked to supply a cogent explanation for the textual location of Num 19. Several explanations provide valuable insights. Indeed, it is by no means necessary that variant explanations are mutually exclusive of one another. Ashley in particular highlights the theme of death itself which provides a narrative framework for the law. Olson's penetrating analysis of the structure and theme of Numbers is immediately recalled,[14] wherein the themes of the "death of the old generation" and the "birth of the new generation" provide the redactional centre or framework around which the various materials and narrative episodes are woven together through "the use of formulaic phrasing, repetition, and the deployment of key words."[15] The relationship of Num 19 to this theme thus provides a fruitful starting point for the analysis of the ceremony of the Red Heifer within its narrative context.

5.2   Death and Life in the Wilderness

The theme of death, a "stock element" in the wilderness stories,[16] pervades the narrative of Numbers, in particular the first sections pertaining to the old

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[14]§4.1.2.

[15]Leveen, *Memory and Tradition*, p. 32. The relationship of textual units to the whole necessarily must proceed from a sense of what constitutes that whole. Therefore, Leveen asserts, only by "observing that larger whole" can one understand the purposes of the *placement* of the discrete material of Numbers. "In other words, why weave the cloth in one particular way and no other? The final product, whether in the hands of a single or multiple editors, does produce a design that is different from its parts." (Leveen, *Memory and Tradition*, p. 26.) Here then it will be asked, how does Num 19 relate to, and interact with, this central theme of Numbers?

[16]Mann, Thomas W., 'Holiness and Death in the Redaction of Numbers 16:12–20:13', in Marks and Good (eds.), *Love and Death in the Ancient Near East* Guilford, CT: Four Quarters, 1987), pp. 181–190 (183 n. 21).

generation.[17] Throughout the book death comes as a punishment for the seri-
ous sins of the Israelites. Numbers begins with a concern for the inviolability
of the sanctuary: unauthorised persons, those who are not priests or Levites,
who encroach (קרב)[18] upon it are to be put to death. The formulaic prohi-
bition, והזר הקרב יומת,[19] occurs four times throughout Numbers (Num 1.51;
3.10, 38; 18.7). The occurrence of the formula reflects the spatial gradation
of holiness which characterises the sanctuary: "In the first two instances it
is directed to the Levitical cordon outside the sanctuary, and in the latter
two, to the priestly cordon within."[20] Thus each respective zone of holiness is
to be guarded against any unauthorised entry—the penalty for encroachment
is death.[21] And so it is not just encroachment by laity upon the sanctuary
itself which is prohibited, but also Levitical encroachment into unauthorised
priestly zones. This prohibition and the threat of death is reinforced when, in
the context of the first Levitical census (Num 3.1–51) wherein the Levites are
subordinated to the Aaronic priests,[22] the mortal fate of Nadab and Abihu is
recalled (v 4),[23] and in the context of the second Levitical census (Num 4.1–

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[17]Artus, *Etudes sur le livre des Nombres*, pp. 20–23.

[18]Milgrom suggests that קרב should not be rendered as "approach." Rather "in prohibitive
contexts," it should be understood as "encroach" and, in "permissive contexts," as "qualify."
(Milgrom, *Numbers*, p. 342.)

[19]Thus Milgrom translates the phrase as "and the stranger who encroaches shall be put
to death." (Milgrom, *Numbers*, p. 342.)

[20]Milgrom, *Numbers*, p. 342.

[21]Milgrom comments further: "Illicit contact with sancta produces divine wrath (*ketsef,*
e.g., Num 1.53) or plague (*negef,* e.g., Num 8.19), which not only is liable to strike down
the sinner but to engulf the entire community as well (e.g., Num 17.11–15, 27–28; 25.9,
18–19; 31.16). That is why the establishment of the sacral guards is often coupled with
the motive clause "that wrath shall no longer strike the Israelites" (Num 1.53; 18.5; see
8.19). It is therefore crucial that the intruder be stopped before he carries out his intended
encroachment lest he trigger the deadly consequences." (Milgrom, *Numbers*, pp. 342–343.)

[22]Num 3.5–13. See Milgrom, *Numbers*, pp. 16–17.

[23]וימת נדב ואביהוא לפני יהוה בהקרבם אש זרה לפני יהוה במדבר סיני—the narrative of this event
is presented in Lev 10.1–4. In the aftermath of the death of Nadab and Abihu the command

47), wherein the Levitical duties are outlined, the Kohathites are specifically warned against coming into contact with the sacred objects they are to carry, lest they die (vv 15, 17–20).[24] After the Kohathite rebellion, the command given to the Levites and the Aaronite priesthood to guard their respective "zones" of the tabernacle is reiterated (Num 18.3–5). Aaron and his sons are also enjoined to guard their priesthood; the encroacher is to be put to death (Num 18.7).

Initially, the death/punishment theme is restricted to matters pertaining to encroachment upon the sanctuary,[25] but as the narrative of Numbers progresses the threat of death is extended to other forms of transgression. Such transgressions include rebellion against the LORD which, according to Artus, manifests itself either as lack of faith in the LORD, illegitimate challenge of the established hierarchy, or the deliberate defiance of the command to rest on the Sabbath, a transgression which results in death.[26] The spy narrative (Num 13–14), central to the overall theme of Numbers, results in the LORD's denouncement of the lack of faith of the people (v 4) and the condemnation of the first generation to death in the wilderness (vv 27–35).[27] In Num 16 a second conflict which ensues between Aaron and the Kohathites who have claimed the prerogatives of Moses and the Aaronic priesthood to themselves

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is given to the Aaronic priests, in Lev 10.10, "to maintain a separation" (ולהבדיל) between the holy and the profane (בין הקדש ובין החל) and between the unclean and the clean (בין הטמא ובין הטהור).

[24]The extended prohibition of vv 17–20, which inludes the invocation of the כרת-penalty, undoubtedly foreshadows the coming narrative of the rebellion against the privilege of the Aaronic priests and the drastic fate of the Kohathites in Num 16.

[25]Artus remarks: "dans la première section du livre des Nombres, le thème de la mort intervient dans une contexte exclusivement cultuel: la mort est inévitable pour celui qui, volontairement ou non, s'approche de manière inappropriée de la demeure de Yahvé." (Artus, *Etudes sur le livre des Nombres*, p. 21.)

[26]Artus, *Etudes sur le livre des Nombres*, pp. 21–23.

[27]Artus, *Etudes sur le livre des Nombres*, p. 21.

(vv 2–3) results in the dramatic extirpation of the entire congregation of rebels who "descend alive into Sheol with all that belong to them" (v 33).[28] Then follows the rebellion against God, now perpetrated by Moses and Aaron themselves (Num 20.1–13), which results in their being prohibited, along with the old generation, from entering the promised land (v 12).[29] Though the exact nature of this rebellion narrated in Num 20.1–13 has been described as "one of the Gordian knots of the Bible,"[30] the crux could, following Milgrom, be understood to be this: Moses and Aaron state נוציא לכם מים, "shall we bring forth water for you" (v 10) whereas they should have said יוציא, "shall He draw forth."[31] This statement implies that the miracle is being attributed to Moses and Aaron themselves. Rather than trusting God they set themselves "up in His place, arrogating to themselves the divine power to draw forth the water miraculously from the rock."[32] Here then is a third rebellion, and yet one more illegitimate challenge of the divinely-established hierarchy—Moses and Aaron brashly usurp the prerogatives reserved for God alone. Significantly, the death of Miriam is recounted at the outset of this pericope. What follows in the narrative of this last rebellion is, rhetorically, a recital of the reasons for the impending death of the entire first generation in the wilderness. The

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[28]Artus, *Etudes sur le livre des Nombres*, pp. 21–22.

[29]Thus Artus remarks: "Le récit de la mort d'Aaron (Num 20.22–24) comme le rappel de la mort prochaine de Moïse (Num 27.12–13) viennent confirmer, dans la suite du texte, la sanction qui les frappe." (Artus, *Etudes sur le livre des Nombres*, p. 21.)

[30]Milgrom, *Numbers*, p. 448. What action constitutes the rebellion? Moses striking the rock? His doubting God? A failure of character? Or, according to modern critical theory, has the actual sin been edited out of the text? The matter is well-summarised by Milgrom and his analysis is most convincing. (Milgrom, *Numbers*, pp. 448–456.)

[31]Milgrom, *Numbers*, p. 451.

[32]Milgrom, *Numbers*, p. 452. "In defying God," Milgrom reflects, "Moses did not merely countermand His order; indeed his behavior could be interpreted as a denial of God's essence." (Milgrom, *Numbers*, p. 451.)

chapter closes with the narrative of the death of Aaron (vv 22–29).[33] Encroach-
ment upon the sanctuary and rebellion against the LORD and the established
priestly order are thus the "two axes"[34] around which the theme of death un-
folds. Death is the inevitable consequence of the sins of encroachment and
rebellion against the holy God by a sinful people, who have been called to live
in a holy community, in imitation of the holy God and gathered around Him
who dwells in the midst of the sanctuary (Lev 19.2).

Viewed this way a pattern in the narrative emerges—the three narratives
of rebellion are homologous to the concentric zones of graded holiness which
characterises both the Tabernacle and the people of Israel. Budd observes
that these three rebellions are the "three major setbacks" in the narrative of
rebellion and death in the wilderness:

> The first is the sin of the community in failing to believe the faith-
> ful spies (13.1–14.45). In the material following there is a renewed
> commitment to the land, and additional stress on the need for obe-
> dience (15.1–41). The second setback is the sin of the Levites, and
> its aftermath (16.1–17.28). This is followed by a renewed commit-

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[33]Thus Artus suggests: "la simple mention de la mort de Myriam participe de la même
thématique—même si le texte n'établit pas de relation explicite entre la faute de Myriam
(décrite par le récit de Nb 12) et sa mort: Myriam a en effet contesté l'autorité de Moïse,
et s'est par là-même opposée au projet de Yahvé et à la manière dont il dirige son peuple
au désert." (Artus, *Etudes sur le livre des Nombres*, p. 22.)

[34]Thus Artus remarks: "En rapprochant les deux axes autour desquels se déploie le thème
de la mort (mort de l'homme qui viole les lois de Yahvé et qui, de ce fait, ne peut plus se
tenir en sa présence / mort du rebelle qui s'oppose au projet de Yavhé), Nb 17,25-28 suggère
que la rébellion du peuple ou de certains de ses membres revêt la même signification que la
transgression des lois données par Yahvé à Israël - et particulièrement des lois cultuelles dont
l'objet est de préciser qui est admis en présence de la demeure de Yahvé: lors de la marche
et du séjour au désert, le peuple vit dans la proximité de Yavhé, la tente de la rencontre
accompagne ses déplacements et les sanctions prononcées contre le peuple ou contre ses chefs
sont toujours précédées de l'apparition de la gloire de Yahvé (Nb 14,10; 16,19; 17,7; 20,6).
Ainsi, la mort peut être interprétée comme la conséquence inévitable du face-à-face entre
Yahvé et un peuple pécheur - quel que soit son péché - car seul un peuple saint est appelé
à vivre dans la proximité de Dieu." (Artus, *Etudes sur le livre des Nombres*, pp. 22–23.)

ment to the Levitical order (18.1–19.22). The third setback is the
sin of Moses and Aaron (20.1–13, 22–29).[35]

Though he does not draw the conclusion, Budd's observation leads towards a
recognition of the correspondence between the narratives of death and rebellion
and the spatial and personal gradation of holiness within the camp of Israel.
As the narrative unfolds, the rebellious dissent of Israel begins, in Num 11,
at the very boundary between the camp of Israel and the wilderness. This
chapter, wherein the Israelites are said to grumble and complain about their
condition in the wilderness, specifically the lack of a rich and luxurious diet
as was their experience in Egypt, is unfortunately overlooked by Budd. God
responds to the dissent by consuming *the outer boundaries of the camp* with
fire (Num 11.1).[36] Increasingly the sin of the whole of Israel "encroaches"
upon the holy as it is both spatially and personally demarcated, beginning
in the first zone, within the camp of Israel itself (Num 13–14), progressing
to the second, the Levitical "buffer" which separates Israel from the priestly
sancta (Num 16–17), and finally the third sphere, that is the priesthood of
Aaron and, indeed, Moses himself (Num 20). The homological correspondence
between spatial and personal gradation of holiness thus provides the thematic
framework for the progression of these rebellion narratives. The terminus of
the rebellion narratives is the ultimate divine boundary—Moses and Aaron
attempt to usurp the role and place reserved for the Deity alone.[37]

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[35]Budd, *Numbers*, *xvii–xviii*.

[36]Leveen comments on the narrative significance of Israel's dissent beginning "precisely at
the edge of the Wilderness camp," an attack on the societal structure which begins at the
"margins." (Leveen, *Memory and Tradition*, pp. 110–111.)

[37]This observation corresponds well with Budd's own, that the centralisation of the Taber-
nacle and the establishment, articulation, and *separation* of the boundaries of holiness and
subordination of the Levites are major features of Numbers. Especially in comparison with
Exodus and Leviticus "the significant contribution made by Numbers is the description
of Levites as a subordinate order, and the discussion of their relationship to the priests

The danger of encroachment upon the holy, the spatial polarity between holiness and death, and concern for the gradation of holiness are indeed themes which develop already at the very outset of the Mosaic narratives. In the story of the call of Moses (Exod 3), Mann observes that the polarity between holy and profane space is established and "a real sense of danger" is expressed in the divine prohibition to keep the holy space around the burning bush undefiled.[38] "Do not encroach (אל־תקרב)" the LORD says to Moses, "for the place on which you are standing is holy ground" (Exod 3.5). Similarly, at the Sinai theophany the Israelites are forbidden to touch the mountain (Exod 19.12); the priests who do approach are required to "consecrate" themselves (vv 22–23); but in the end only Moses and Aaron are to ascend the mountain (v 24). Similarly, in Exod 24.1–2, 9–11, Moses alone is allowed to "approach"' (נגש) the LORD though Aaron, Nadab, Abihu and the seventy elders are permitted so "see" (ראה, חזה) God.[39] Thus the continuous theme throughout the Mosaic narratives is the polarity of holiness and death. "In them one can see the danger which is intrinsic to holiness, a danger which represents a threat to the life of anyone who would approach (*qrb* and *ngš*) the divinity recklessly and without proper authorization."[40] At greatest remove is the realm of death itself, consigned to the wilderness. As the narrative accounts of rebellion develop in the book of Numbers, the transgression of spatial boundaries and the concomitant defiance of hierarchical distinctions form a common theme. On account of these transgressions the Israelites bring the curse of death upon themselves

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proper—the sons of Aaron. The distinction is formulated in the first major section of the book (1.47–54; 3.1–4.49), is pursued in the second (16.1–18.32), and is returned to at the end of the third (35.1–8)." (Budd, *Numbers*, xx.)

[38]Mann, 'Holiness and Death', p. 181.

[39]Mann, 'Holiness and Death', p. 181.

[40]Mann, 'Holiness and Death', p. 182.

and fall in the wilderness.

Leveen draws attention to the "sheer volume and variety" of imagery which is used to narrate this "grim eruption of death" throughout the first half of Numbers—"different kinds of plague, God's consuming fire, excommunication, stoning, being engulfed by the earth, and lethal poisoning by snakes."[41] Divine fire especially "plays a prominent role in the deaths of the wilderness generation.[42] The "wilderness" (מדבר) itself becomes a principal spatial metaphor for this theme of death which runs throughout the narrative.[43] Though broad in its possible connotations,[44] מדבר is not a neutral term but rather occurs with generally negative connotations in the Biblical texts. It is associated with

> the "periphery, the undomesticated, the uncivilized, the *'reṣ lo'*
> *zĕrû'āh*, "land unsown" (Jer 2.2). It is the dwelling place of wild
> and demonic creatures (Isa 13.21; 34.14) and the refuge of outlaws
> and fugitives (Gen 21.20)." The Pentateuchal narrative views the
> wilderness in light of these negative connotations. It is "that great
> and terrible wilderness" (Deut 1.19) to which the fugitive Hebrews
> flee. There they encounter hunger and thirst, snakes and scorpions,
> and fierce desert nomads. The difficulty of life in the wilderness

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[41]Leveen, *Memory and Tradition*, p. 144.

[42]Leveen, *Memory and Tradition*, p. 245.

[43]"Wilderness" is used here for מדבר, often otherwise translated as "desert." But, as Talmon observes "desert" in the sense of "parched wilderness" narrows the more comprehensive connotation of מדבר.

[44]Talmon's thorough analysis of the Biblical literature demonstrates that there are three main subgroups of "spatial-geophysical" connotation to be found:, areas devoid of agriculture, sparsely inhabited borderlands, and arid zones ("true desert") beyond the borders of cultivated land. In addition is the "temporal-historical" connotation throughout the literature which designates the "clearly circumscribed period" between the Exodus and the conquest of Canaan. See Talmon, Shemaryahu, 'The Desert Motif in the Bible and in Qumran Literature', in *Literary Studies in the Hebrew Bible: Form and Content, Collected Studies* (Jerusalem: Magnes Press, 1993), pp. 216–254 (227–234).

> is repeatedly contrasted with the security of life in the promised
> land. The wilderness is desolate; the land is fertile (Deut 8.1–10).
> The wilderness is chaos; the land is rest (*měnûḥāh*, Deut 12.9).[45]

The negative connotation and association of death with the wilderness is a deliberate narrative trope employed throughout Numbers— "death transforms the landscape into a foreboding and desolate territory, the very antitype of the promised land."[46] But spatially, as a trope, the wilderness stands also in stark contrast to the sanctuary, at the centre of which is the most holy place—the presence of God who is the source of life. As space it is located *outside* of the sphere of the holy—it is the place to where death is consigned.[47]

In the context of its presentation within the narrative framework of the camp of Israel in the midst of the wilderness, there is, therefore, a spatial

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[45]Cohn, Robert L., *The Shape of Sacred Space: Four Biblical Studies* (Chico, CA: Scholars Press, 1981), pp. 13–14. For an analysis of the "wilderness wandering" of the Israelites as a literary motif which recurs throughout the framework of the Hebrew Bible, see Talmon, 'The Desert Motif'.

[46]Leveen, *Memory and Tradition*, p. 129. Leveen comments further on the wilderness motif as symbolic space in Numbers: "The language and logic of destruction are used with great precision in the biblical account. As a result of that destruction, by the end of Numbers the wilderness has been transformed into a symbolic space, the premier site of death, juxtaposed in the starkest of terms with its counterpart, the land promised by God." (Leveen, *Memory and Tradition*, p. 142.)

[47]Awareness of the need to give attention to the spatial markers and references within Biblical narrative is growing. Mirguet notes that "the construction of narrative space and the meaning place can convey in a story have long been overlooked—not only in biblical interpretation, but in literary studies in general." (Mirguet, Françoise, 'Numbers 16: The Significance of Place—An Analysis of Spatial Markers', *JSOT* 32 [2008], pp. 311–330 [315].) But, since the spatial dimension most clearly discloses the gradation of holiness which characterises the Tabernacle a close reading of the Pentateuchal texts, centred around the Tabernacle, priesthood, sacrifice and worship, demonstrates that spatial "markers" and spatial progression in the narrative often provide a "key" to interpretation—they "sketch a backdrop for the main plot of the story, at the same time suggesting a deeper level of interpretation of the actions, movements, and words of the characters involved." (Mirguet, 'Numbers 16', p. 330.) See also Gärtner-Brereton, Luke, *The Ontology of Space in Biblical Hebrew Narrative: The Determinate Function of Narrative 'Space' within the Biblical Hebrew Aesthetic* (London: Equinox, 2008), who argues that narrative space the central structural element of the biblical Hebrew text.

analogy between the ceremony of the Red Heifer and the narratives of death and encroachment which becomes manifest. Death is the ultimate impurity. It is consigned to the space at farthest remove from the holy of holies—the wilderness. For the corpse-contaminated individual to remain in the camp and wantonly neglect purification is itself a form of encroachment and thus is punishable by extirpation (כרת). The ceremony negotiates between the extreme poles of graded holiness, traverses the boundary between the source of life, spatially conceived as the sanctuary, and the realm of death, relegated to the outer wilderness.[48] The מי נדה constitute the means and medium by which individuals can be rid of the contamination of death which is consigned to the wilderness, and thereby reintegrated into the community of Israel.

Operating within this spatial matrix, as argued earlier,[49] the Red Heifer as a rite of passage effects *separation* from a state of corpse-generated impurity. Such separation entails also *spatial* transfer. Among the חטאת sacrifices the Red Heifer is the only instance where the slaughter and subsequent ceremony occurs "outside the camp" (Num 19.3). From this locale the ceremony, as it is presented in its narrative context, thus effects a spatial transition.[50] The corpse-contaminated individual is, by means of the מי נדה, not merely purified but spatially transferred from "outside" to "inside" the encampment of Israel,

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[48]See also §3.2.8.

[49]Indeed there is a spatial dimension to *all* of the instances of the חטאת which operate within the matrix of the ideal sanctuary and the camp; they transfer and effect separation not just from one state to another, but also spatially separate and transfer from one place to another, spatial locales being homologous with various grades of holy status. See §2.6.

[50]It must be borne in mind that the ideal configuration and topology of the camp of Israel in the wilderness underlies the drama unfolding in the narrative texts, and also frames the ritual texts and provides the spatial topography for their enactment. Accordingly, in the book of Numbers it is assumed that those who are impure through corpse contamination are excluded from the camp of Israel, as is explicitly enjoined at the outset of the book (Num 5.1–4).

while those who administer the rite are thereby defiled.[51] When one turns
to the question of the relationship of Num 19 to its overall narrative context
and the question of thematic and symbolic relationships between the two, the
characterisation of the ceremony of the Red Heifer as a *rite de passage* also
becomes significant. Narratively, the exodus from Egypt, transit through the
wilderness, and entry into Canaan form an inseparable whole. The narrative
highlights the "physical dichotomy between the wilderness as the realm of the
dead versus the promised land as the site of the living."[52] In an intriguing anal-
ysis of this narrative Vogels has described the transit of Israel portrayed in this
narrative also as a "rite of passage." Its narrative features share close similari-
ties to the ritual dimensions of "rites of passage" as studied by van Gennep and
Turner.[53] Israel travels from its initial status of bondage and servitude in Egypt
to its new status as servant of God in Canaan (beginning with Jos 6) by pass-
ing through a "liminal period" which entails "separation" (Exod 11.1–15.21),
"margin" at Sinai (Exod 15.22–18.28; 19.1–Num 10.10; Num 10.11–Deut) and
"aggregation" (integration) at the point of traversing the Jordan into Canaan
(Jos 1–5). Vogels perceives the whole narrative complex of Israel's transit from
Egypt to Canaan as a "concentric structure," a chiasm framed at either end by
the celebration of passover and a corresponding narrative of "passing" through
water with the revelation at Sinai in the centre, an elaborate rite of passage in

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[51]Thus Milgrom's observations regarding the purification of the צרעת, a close analogue of
the Red Heifer, apply here as well: "the purification process is . . . a rite of passage, marking
the transition from death to life. [The one purified] moves from the realm of impurity outside
the camp, restored first to his community, then to his home, and finally to his sanctuary, he
has passed from impurity to holiness, from death to life, is reinstated with his family, and
is reconciled with his God." (Milgrom, *Leviticus*, p. 889.)

[52]Leveen, *Memory and Tradition*, p. 164.

[53]Vogels, Walter, 'D'Égypte à Canaan: Un rite de passage', *Science et Esprit* 52 (2000),
pp. 21–35.

narrative form.[54] Cohn likewise has interpreted the story of Israel's wilderness journey as analgous to a *rite de passage.* Just as a ritual initiate undergoing a rite of passage is, in the liminal phase, "betwixt and between . . . undergoing a symbolic death to his old life and is in the process of being reborn to a new one,"[55] so too Israel passes through three distinct phases:

> (1) separation, the exodus from Egypt in which the crossing of the Red Sea marks the final break ("For the Egyptians whom you see today, you shall never see again") [Exod 14.13]); (2) *limen,* the transitional period of wandering for forty years; (3) reincorporation, the crossing of the Jordan river, conquest and settlement in the new land.[56]

Cohn's analysis, furthermore, rightly perceives the centrality of the death of the old generation in the wilderness as a key aspect of the liminal phase of Israel's transition, an aspect which is completely overlooked in Vogel's study and which thus weakens the full force of Vogel's analysis.

This understanding of the wilderness wandering as a transit, a "rite of passage," is in harmony with the overall theme of Numbers, the transit from the wilderness of Sinai to the verge of the promised land and the death of the old generation and the birth of the new, based upon the two censuses which "anchor the book."[57] The first generation, that of the exodus, departs from the mountain of Sinai, the locus of God's revelation, but on account of rebellion is condemned to die in the wilderness outside of the promised land, which is entered instead by the new generation, born in the wilderness. Num 21 con-

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[54]Vogels, 'D'Égypte à Canaan', pp. 24–25.

[55]Cohn, *The Shape of Sacred Space*, p. 10.

[56]Cohn, *The Shape of Sacred Space*, p. 13.

[57]Leveen, *Memory and Tradition*, p. 32.

stitutes a major turning point in this overall narrative progression. Num 20 concludes with the death of Aaron and the succession to the high-priesthood of his son Eleazar (a son, it can be inferred, born during the wilderness wandering and thus a member of the "new" generation) who will serve as high priest for the generation of those entering the promised land. This succession narrative is "indicative of the transition from the Exodus generation to the next generation."[58] Num 21, by contrast, "signals" the second generation.[59] The narratives concerning this second generation are no longer characterised by the theme of death. When such mention of death occurs, it is merely exemplary—the fate of the first generation is invoked as a reminder for the new.[60] Instead the concluding chapters of Numbers are "motivated by a single theme, the immediate occupation of the promised land."[61] The placement of Num 19 within the narrative is thus highly significant. It is the *final liturgical law given during the era of the Sinai generation* and itself thematises purification and separation from death and the wilderness. Considered merely as another rite of purification it could conceivably "be located almost anywhere that cultic legislation is appropriate."[62] In fact, Leviticus, at first blush, seems a more appropriate literary context. But *intentional juxtaposition* is the key to its placement—the Red Heifer itself thematises the narrative at this point. The wilderness is "preeminently a place of death for Israel, which must die to be reborn."[63] The heifer, as a symbol of the old generation Israel, is reduced to dust in the wilderness; by means of the ashes of the heifer and living water

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[58]Lee, *Punishment and Forgiveness*, p. 265.

[59]Lee, *Punishment and Forgiveness*, p. 280.

[60]Artus, *Etudes sur le livre des Nombres*, pp. 22–23.

[61]Milgrom, *Numbers*, xv.

[62]Mann, 'Holiness and Death', p. 185.

[63]Cohn, *The Shape of Sacred Space*, p. 16.

the one contaminated by death is restored to a living relationship with God, even as the new generation is transferred from the wilderness to the land of promise. The heifer immediately foreshadows the impending final elimination of the old generation, and symbolises the promise given to the new. "Future life in the land will replace the pervasiveness of death in the wilderness."[64]

The sin of refusing to receive that purification which is necessary for separation from the impurity of death and reintegration with the holy community of Israel, a sin which results in the כרת-penalty,[65] also has a close analogy within the narrative theme of death in the wilderness. As Leveen observes, the reference to the exodus from Egypt at the outset of Numbers (Num 1.1) does more than simply anchor the book in narrative time, it also "represents the past."[66] The rebellion of the old generation of Israel is accompanied with their desire to abandon their destiny and return to Egypt.[67] Their past in Egypt "becomes an obstacle to a successful future. Only after the death of those seduced by the Egyptian past can the next generation proceed to fulfill a *future* in the promised land."[68] Rebellion entails a *refusal* to enter the promised land—a narrative analogue of the *refusal* to be purified, and thus

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[64]Leveen, *Memory and Tradition*, p. 38.

[65]See §3.2.8.

[66]Leveen, *Memory and Tradition*, p. 164.

[67]The craving and desire to return to Egypt (Num 11.1f.) is narrated immediately after the account of the departure from Sinai (Num 10.11f.) heightening the caricature of Israel as faithless. Rejecting the manna that had been given them the "rabble" among them complain: "We remember the fish that we ate in Egypt for nothing, the cucumbers, the melons, the leeks, the onions and the garlic . . . " (Num 11.5). The essence of their rebellion is said to be their questioning the exodus from Egypt, which is tantamount to the rejection of the LORD (Num 11.20). Later, the rebellion of the whole congregation (not merely the "rabble") consists essentially of the determination to abandon the leadership of Moses and the journey to the promised land and instead return to Egypt: " 'Would it not be better for us to return to Egypt?' And they said, each to his brother, 'Let us choose a leader and return to Egypt' " (Num 14.3b–4).

[68]Leveen, *Memory and Tradition*, p. 46.

maintain one's connection and integration with the holy camp in the midst of the wilderness. The result of such instances of obstinacy are parallel—death in the wilderness and the כרת-penalty.

Overall, this analysis is consonant with Artus' synchronic study of Num 13.1–20.13, in which he gives consideration to the common thematic element underlying the deliberate alternation of narrative and law in this section of the book.[69] His semiotic analysis concludes that the theme of "separation" underlies all of the narrative and legal texts; deliberate links are established between the stories and the laws and a "logic of separation" informs the whole—the separation of the holy from the profane, the pure from the impure—a decidedly "priestly" theology.[70] The separation extends ultimately to the two generations, a separation of the old, faithless generation from the new by means of the former's death in the wilderness.

However, although his study is both insightful and helpful, Artus only weakly establishes a thematic relationship between Num 19 and its immediate neighbouring texts. He sees a clear thematic link existing between the narratives of Num 16–17 and the laws of Num 18:

> les récits de Nb 16-17 réaffirment en effet les prérogatives sacerdotales que la revendication des lévites a remises en question. Les lois de Nb 18 précisent et clarifient de nouveau les relations entre prêtes et lévites, et peuvent être considérées comme un développement juridique des récits qui les précèdent.[71]

Priestly prerogative is thus an explicit concern which closely links the narratives of Num 16–17 with the laws of Num 18. Yet Artus suggests there is no

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[69]Artus, *Etudes sur le livre des Nombres*, pp. 41–82.

[70]Artus, *Etudes sur le livre des Nombres*, p. 82.

[71]Artus, *Etudes sur le livre des Nombres*, p. 56.

relationship between these texts and Num 19 which, he maintains, remains somewhat distinct from its immediate narrative context.[72] His judgement is perhaps hasty—the matter of priestly prerogative and Num 19 is addressed below.

5.3   Numbers 19 and High-Priestly Succession

The establishment and delineation of the hierarchical boundaries within the Levitical priesthood is a central concern of Numbers.[73] The narrative of Numbers is a carefully-crafted text which "places the priestly leadership exclusively in the hands of Aaron" and creates "a powerful legitimization for that hierarchy."[74] Not only the establishment and maintenance of priestly boundaries but also the articulation of the priestly "sphere of activity" is a central concern of Numbers.[75] The priesthood is portrayed as indispensible for Israel: "only the sons of Aaron could ensure the proper functioning of the wilderness camp with its tabernacle."[76] The non-negotiability and eternal character of this priestly prerogative and the rightly-ordered hierarchy is a continuous concern throughout the narrative episodes of Numbers;[77] indeed, as Artus has observed, the

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[72]Artus, *Etudes sur le livre des Nombres*, pp. 51, 56. Suggesting that a thematic link between Num 18 and 19 is "tenuous" he claims that the priestly role of Eleazar in Num 19 and the priestly functions of Num 18 are the only thing in common between the two chapters; also a possible relationship between Num 19 and subsequent adjacent chapters remains unconsidered. (Artus, *Etudes sur le livre des Nombres*, p. 51.)

[73]Budd, *Numbers*, *xx*. Levine also considers this to be a distinctive trait of the book of Numbers. (Levine, *Numbers*, p. 280.)

[74]Leveen, *Memory and Tradition*, p. 3.

[75]See Leveen's helpful summary in Leveen, *Memory and Tradition*, pp. 183–184.

[76]Leveen, *Memory and Tradition*, p. 3.

[77]This fact constitutes, for Knierim and Coats, strong evidence for the fact that the redaction of Numbers was carried out with priestly interests. (Knierim and Coats, *Numbers*, p. 22.)

theme of death and punishment for rebellion against the LORD is closely intertwined with rebellion against the priestly hierarchy and illicit encroachment upon the hierarchical boundaries.[78] Such boundaries must remain inviolable.[79]

Read carefully in its immediate textual context, Num 19 also relates closely to this literary articulation of the necessity and centrality of the priesthood. As has been observed, with respect to the officiants in the ceremony of the Red Heifer, priestly or otherwise, the "material moves from the specific to the general, and from the clergy to the laity."[80] The instructions begin with the LORD's address to Moses and Aaron (vv 1–2), who subsequently give the heifer to Eleazar (v 3) to preside over the ceremony with unnamed (priestly?) assistants. The nomenclature becomes generic: "the priest" (vv 6–7). The latter half of Num 19, which is concerned with the *application* of the מי נדה rather than the preparation of the ashes (vv 14–22), seems to suggest that a simple lay person is eligible for administering the water, so long as that person is clean. Though diachronic speculation surrounds this shift in liturgical actors,[81] there is perhaps a certain logic to the text as it stands. Priests are forbidden to come into contact with the dead, except in the case of immediate family (Lev 21.1–4)

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[78]Artus, *Etudes sur le livre des Nombres*, pp. 20 f.

[79]Leveen elaborates on the persuasive purpose of Numbers in this matter. The narratives of rebellion and encroachment are ultimately "cautionary" tales, "used to persuade a much later audience to submit to priestly authority," (Leveen, *Memory and Tradition*, p. 93) for, by their priestly ministrations in the Tabernacle, only they "can ensure God's blessing and Israel's future by obtaining the divine presence in the priestly sanctuary." (Leveen, *Memory and Tradition*, p. 165.) As the text of Numbers draws to a close "even before the new generation enters the land, it finds itself dependent on priestly arrangements, obligated to perform sacrifices in the years ahead under the direction of a clearly demarcated and hierarchical priestly class." (Leveen, *Memory and Tradition*, p. 166.) The narratives of Numbers, thus ultimately serve "as a reminder of the past generations that perished in the wilderness, of their existence outside the promised land, of the abiding promise of their own and their future generations, and of the expectation of compliance with the prescribed ordinances." (Leveen, *Memory and Tradition*, p. 171.)

[80]Mann, 'Holiness and Death', p. 185.

[81]See §3.1.1.

and would thus be generally unable to administer the מי נדה. Even more so
is this the case for the high priest, for whom the prohibition against corpse
contamination extends even to closest kin (Lev 21.10–12). But the *preparation*
of the ashes is an entirely different matter. The high priest's (and perhaps
other priestly) involvement in the slaughter and burning of the heifer secures
priestly prerogative over the rite, and perhaps even ensures the efficacy of the
subsequent purification. The whole system thus allows for priestly purifica-
tion of those who are contaminated; indeed it ultimately *ensures* the high
priest's prerogative to effect the separation of the individual from the impurity
of death,[82] even though the high priest is removed from the actual purifica-
tory process in time and space. This high priestly prerogative is singularly
declared by the הזה-act of the sprinkling of the victim's blood.[83] This shift
in actors, from Eleazar and his assistants in the rite of preparation, to those
unnamed individuals who administer the מי נדה, is thus logically consistent
with the overall priestly system—a diachronic explanation is unnecessary to
resolve any discrepancy.

Twenty-four of the thirty-six chapters of Numbers feature Aaron, his high-
priestly successor and son Eleazar, or his grandson Phinehas as "the major
actors."[84] With the over-arching emphasis on these three figures, not just high-
priestly status, but also *legitimate succession* becomes a concomitant concern
of the text and is an essential component of the book's framework. The con-
cern with high-priestly succession is bound up already with the book's main
structural device, the two censuses. Whereas Moses and Aaron preside over
the original census of the old generation (Num 1–4), the numbering of the

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[82]The high priest's central role in maintaining this boundary between holiness and life
over against death is evoked by the narrative at Num 16.46–50.

[83]See §3.2.3.

[84]Leveen, *Memory and Tradition*, p. 57.

new generation of Israelites and Levites which occurs at Num 26 is undertaken by Moses and Eleazar, Aaron's son and successsor.[85] Immediately prior to this second census is the narrative of Phinehas and God's establishment of the "covenant of friendship" with him (Num 25.12–13). Thus, "God grants extraordinary legitimacy to the descendants of Aaron" through Eleazar his immediate successor, via Phinehas as "the first family of the priestly community."[86] At the turning-point of the narrative of Numbers, the dying days of the old generation while the new has already come into being, the death of Aaron and the high-priestly succession is recounted (Num 20.22f.). Moses strips the high-priestly vestments from Aaron and places them on Aaron's son, Eleazar. Aaron dies on the mountain and, as Moses and Eleazar descend, all of Israel see that Aaron has perished and mourn for thirty days (Num 20.28–29). Milgrom comments on the solemnity of the scene:

> All Israel observes as Moses, Aaron, and Eleazar ascend Mount Hor and as Moses descends with Eleazar, who is wearing Aaron's priestly garments. Thus all know that Aaron has died on the mountain and that Eleazar has taken his place. They mourn for thirty days. The mystery and grandeur of Aaron's death, so anticipatory of Moses' own death (Num 27.12–14; Deut 34.1–8), is befitting the founder of Israel's priesthood and its first High Priest. Subsequently, the death of the successors to his office will have expiatory effect (35.25), thus continuing to be of great moment to all of Israel.[87]

The centrality of this occasion is further underscored by the repetition of the

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[85]Leveen, *Memory and Tradition*, p. 35.

[86]Leveen, *Memory and Tradition*, p. 47.

[87]Milgrom, *Numbers*, p. 169.

occasion at Num 33.38–39. Indeed, the aside at Num 33.38–39 offers additional
information; Aaron's age and the exact day of his death are recorded.[88] The
recollection thus serves to signal his role as the first high priest, first in the
line of succession.

Here then is a cogent explanation for the portrayal of Moses, Aaron and
Eleazar in the ceremony of the Red Heifer and the placement of the rite within
the text of Numbers, immediately preceding the narrative of Moses and Aaron's
rebellion and the subsequent death of Aaron. It is essentially bound up with
need for high-priestly succession at a critical juncture in the narrative of Israel
in the wilderness, the dying days of the old generation. Num 19 rhetorically
anticipates this narrative turn, the death of Aaron and succession of Eleazar,
in addition to anticipating of the death of the whole generation of Israelites in
the wilderness.[89] Once again, the location of the pericope is explainable as a
deliberate juxtaposition of interpretive significance. The handing over of the
heifer to Eleazar by Moses and Aaron is thus of symbolic import within the
immediate context of the narrative.[90] The eternal legitimacy of the successors
of Aaron and their prerogative has just been established in the text preceding
the rite (Num 18). Num 19 now foreshadows Eleazar's imminent succession,

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[88]Leveen, *Memory and Tradition*, p. 43.

[89]In this way it functions similarly to the many instances of prolepses which characterise
the book of Numbers, as itemised by Milgrom, *Numbers*, *xxx–xxxi*. Milgrom regards such
anticipatory passages as "a key technique in the redactor's art. It piques the curiosity of the
reader, sustains his attentiveness, and prods him to read on so that he can discover the full
meaning of each allusive prolepsis." (Milgrom, *Numbers*, *xxx*.)

[90]"In fact," suggests Mann, "one suspects that the specific inclusion of Eleazar in 19.3–4
may be related to the material in 17.1–5, where he is also prominent. This may also provide
a clue for the reason behind the insertion of chap. 19 in its present position. Since the priests
emerge in chaps. 16–18 as the "inner circle" who prevent the congregation from encroaching
on the realm of the holy and thus from inviting death, what better place to insert legislation
in which the priests are the manufacturers of a substance which counteracts the effects
of contact with the dead? This is particularly the case if . . . death is the ultimate form of
defilement and thus the extreme opposite to holiness." (Mann, 'Holiness and Death', p. 185.)

as rightful incumbent, to the office of high priest over Israel, contributing to the theme and rhetorical concern for the absolute necessity of high-priestly succession.

5.4   Water in the Wilderness

Immediately after Num 19 the narrative of wilderness wandering is resumed, the transit from Kadesh to the plains of Moab forming the background to chapters 20–21. A "unifying theme" of these two chapters, suggests Milgrom, is "that God provides water (and all of Israel's other needs) even when the leaders fail to do so."[91] Water is certainly a common motif in the materials of this section of the book, beginning already with Num 19 and the מי נדה.[92] Water is the centrepiece of the narrative of Num 20.2–13, Moses' striking of the rock at the "waters of Meribah" (v 13). The term מים itself is employed seven times in this narrative.[93] Also, the drinking of water from the wells of Edom (Num 20.14–21) and Sihon (Num 21.21–32) is germane to Israel's disputes with these nations. The "Song of the Well," where God commands Moses to

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[91]Milgrom, *Numbers*, xv. For Milgrom's insightful analysis of the structure of the narratives of Num 20–21 see Milgrom, *Numbers*, pp. 463–467. According to Milgrom, the material is grouped into two parallel panels. The first concerns the rebellion and punishment of Moses and Aaron, while the second, by contrast, presents the rebellion and deliverance of the Israelites. The key to the chapters, considered as a redaction of materials, is "to show that despite the continual murmuring of the Israelites, now by a new generation, and the rebellion of their leaders, Moses and Aaron . . . God provided His people with all its needs: water, healing, and victory." (Milgrom, *Numbers*, p. 464.)

[92]Prior to Num 19, "water of purification" (מי חטאת) is used to cleanse the Levites (Num 8.7); water is also a prominent and intriguing feature in the matter of the suspected adulteress (Num 5.11–31), where a priest is instructed to take "holy water" (מים קדשים) and add to it dust (עפר) from the floor of the Tabernacle, thus concocting the "waters of bitterness" (מי המרים) which bring about a curse (המאררים). There are perhaps some intriguing parallels to Num 19 here (though certainly more to Exod 32, the incident of the Golden Calf) though want of space precludes any further consideration of them.

[93]Num 20.2,5,8(x2),10,11,13.

gather the people together, stating that he himself will provide water for them, is situated prominently in a travelogue between these two encounters.[94] The miraculous provision of water narrated in Num 20.1–13 and 21.16–18 has its counterparts in Exod 15.22–26 and 17.1–7 and is an archetypal event which is referenced throughout the rest of the Hebrew Bible.[95] Significantly, the third oracle of Balaam describes the encampment of Israel, symbolic of their future dwellings in the promised land, in paradisiacal imagery which evokes the Garden of Eden as described in Gen 2.10:

> How fair are your tents, O Jacob,
>
> Your dwellings, O Israel!
>
> Like palm-groves that stretch out,
>
> Like gardens beside a river,
>
> Like aloes planted by the Lord,
>
> Like cedars beside the water;
>
> Their boughs drip with moisture,
>
> Their roots have abundant water. (Num 24 5–7a)[96]

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[94]Num 21.16–18: "And from there to Beer, which is the well where the Lord said to Moses, "Gather the people and I will give them water." Then Israel sang this song: Spring up, O well; sing to it, the well which the chieftans dug . . ." Milgrom remarks, regarding v 16 and the well song which follows, that the purpose of the reference is "to indicate that the people's cry for water was not only punished (by the plague of snakes, vv 4–9) but requited, as God had done in all previous murmuring incidents (11.4–34; 20.1–13)." (Milgrom, *Numbers*, p. 177.)

[95]The miraculous events described in Exod 15.22–26, 17.1–7, Num 20.1–13 and referenced in 21.16–18 are recalled (without designation of the locale) in Deut 8.15; 32.13; Ps 78.15–16, 20; 105.41; 114.8; Neh 9.15 and also (with specific reference to Massah or Meribah) in Num 27.14; Deut 6.16; 9.22; 33.8; Ps 81.6; 95.8; 106.32. Also, as Propp notes, prophecy and psalmody pertaining to the "return from exile are especially fond of the motif of Water in the Wilderness." (Propp, William Henry, *Water in the Wilderness: A Biblical Motif and its Mythological Background* [HSM, 40; Atlanta: Scholars Press, 1987], p. 5.) Such passages include Isa 35.6–7; 41.17–19; 43.20; 48.21; 49.10; Jer 31.9; Ps 107.3.

[96]The translation is Milgrom's. However, the couplet at 7a (יזל־מים מדליו וזרעו במים רבים) is difficult. Many emendations and conjectures have been proposed. (See Ashley, *Numbers*, pp. 490–492.) דליו (which Milgrom translates as "their boughs") being dual, is perhaps more

The "water in the wilderness" motif thus thematises the narrative turn which the book of Numbers takes at this juncture—"death" is no longer a central theme,[97] but rather "life" and the hope of the new generation as it journeys to the land of promise.

It is often asserted by commentators that blood is the key substance in the ceremony of the Red Heifer, blood being a "liminal" substance of sorts, which is capable of signifying both life and death as a "tensive symbol" since it "partakes of both of these states."[98] But, far from explanatory, this assumption *creates* interpretive problems: Why is the whole cow burned? If blood is the "tensive symbol" then why is blood not actually used? Why instead are ashes combined with "living" (i.e. fresh) water in order to produce the מי נדה?[99] The resumption of "water" themes in the wilderness narrative immediately following Num 19 suggests the possibility of further associative links. Indeed, with reflection upon other Biblical texts, it is *water*, much more than blood,

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properly understood as "their buckets" following Rashi, who suggests the image is one of "Israel's prosperity under the figure of a man returning from his abundant springs with water dripping over the two full buckets carried over his shoulders." (Milgrom, *Numbers*, p. 204.) Also, וזרעו could be a reference to posterity or understood literally as seed or "roots." (Milgrom, *Numbers*, p. 204.) Regarding 𝕲's overtly messianic interpretation see Ashley, *Numbers*, p. 491.

[97]Artus, *Etudes sur le livre des Nombres*, p. 23.

[98]Gorman Jr., *The Ideology of Ritual*, pp. 202–203. Thus Olson also states "blood is connected with both death and life. The spilling of blood is a sign of death. But blood is also the primary carrier of life." On account of this liminal characteristic it is "seen as a powerful and effective agent for ritually leading someone from the realm of death to the realm of life." (Olson, *Numbers*, p. 121.)

[99]Sailhamer suggests that the contrast established between the "dust" (עפר) of the heifer and the "living water" (מין חיים) over which the dust is sprinkled brings the ceremony "into alignment" with the narrative of Gen 3, since these are two key terms in that narrative (Gen 3.19, 24). Thus the ashes of the heifer, representing the "return to dust" in Gen 3, exemplify a principal theme underlying the theology of the rite: "death itself is viewed as the ultimate defilement of God's good creation." (Sailhamer, John H., *The Pentateuch as Narrative: A Biblical-Theological Commentary* [Grand Rapids: Zondervan, 1992], p. 395.) Sailhamer's observation is intriguing but alone seems too weak for an explicit allusive connection to Gen 3 to be made. The allusions to Gen 3, which are indeed found in Num 19, are explored below [§5.5].

which proves itself to be a "tensive symbol" with strong associations not just to "life" but also to death. At the symbolic level of the Biblical text, *water* is the liminal substance *par excellence*. A brief survey of analyses below serves to establish this important point.

A number of texts link the abode of the dead, שאול,[100] with images of water (e.g. Jon 2.3–7 [ET 2–6]; Ps 69.2f. [ET 1f.]; 88.4–8 [ET 3–7]), though only in poetic texts, "particularly in psalms where death and the descent to the underworld are understood to be metaphors for the troubles afflicting the individual."[101] Rudman argues convincingly regarding the central locus of this metaphor: "the depictions of the individual swallowed up by the primeval chaos waters (cf. Gen 1.2) denote the passing of that individual from the realm of creation (life, the earth), to that of noncreation (death, Sheol)."[102] Gen 1 and 6–8 are central to the metaphor; in Gen 1 God's creative act brings order out of a "watery chaos," while Gen 6–8, the flood account, describes God's response to a world corrupted with violence: "God withdrew the restraints placed on the waters at the time of creation, and they flooded the world once more from the 'great deep' (תהום רבה) and the 'windows of heaven' (ארבת השמים)."[103] The primordial waters are thus "symbolic of the *absence* of order and creation"—in the narrative of the flood they "denote the *reversal* of creation."[104] Thus the

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[100]The question whether שאול, the "abode of the dead," should be understood as a discrete cosmological entity or simply as a metaphor for death or the grave, is unresolved within scholarship—to address the question adequately is beyond the scope of this present study. It here suffices to establish that a relationship exists between several שאול passages and the use of water imagery. For further discussion of the state of the question, with references, see Rudman, Dominic, 'The Use of Water Imagery in Descriptions of Sheol', *ZAW* 113 (2001), pp. 240–244 (240–242).

[101]Rudman, 'The Use of Water Imagery', p. 242.

[102]Rudman, 'The Use of Water Imagery', p. 244.

[103]Rudman, 'The Use of Water Imagery', p. 243.

[104]Rudman, 'The Use of Water Imagery', p. 244.

depths of the primordial waters become an appropriate image for death, for "to be alive is to be part of the created world: to be dead is to be uncreated."[105] Whereas the flood narrative is characterised as a return to primeval chaos, the undoing of creation, the image of the "conquest of the waters" is often employed as a "metaphor for God's salvific activity."[106] So also the narrative theme of "water in the wilderness" is often developed in other biblical materials as an allusion to the creation of the world from the primordial waters and the irrigation of fertile Eden.[107] Clines similarly argues that the central theme of the primeval history (Gen 1–11) can be understood as "creation—uncreation—re-creation." In these narratives water plays the central role of the liminal substance, the medium which brings about the change of state in each case. The narration of the creation of the world in Gen 1, the emergence of the created realm out of the original watery chaos (תהו ובהו), is "largely a matter of separation and distinction" whereas Gen 6, in deliberate contrast, "portrays the annihilation of distinctions."[108] The concept of the unravelling of creation in the flood waters is expressly signalled by the linguistic allusions to the creation

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[105]Rudman, 'The Use of Water Imagery', p. 244. Rudman observes further: "Little wonder then, that some later writers characterised the perfection of creation in the end-times with the drying up of the sea (Apk 21.1; Sib 5.447f.; AssMos 10)." (Rudman, 'The Use of Water Imagery', pp. 243–244.)

[106]Rudman, 'The Use of Water Imagery', p. 244. This metaphor is often linked to the Exodus throughout the Hebrew Bible (Pss 77.17–21 [ET 16–20]; 106.9; 107.23f.; Isa 51.9f.; Isa 44.27; 63.11f.; Hab 3.10; Zech 10.11). In developing the metaphor Rudman notes that "Deutero-Isaiah specifically uses the verbs יצר "form" and ברא "create", with Yahweh as the subject and Israel the object when he speaks of the Exodus (Isa 43.1–17), and envisions for Israel a new Exodus from Babylon—a new creation, as it were." (Rudman, 'The Use of Water Imagery', p. 244).

[107]Propp, *Water in the Wilderness*, pp. 9–14. Though not immediately explicit in the prose narratives themselves, the allusions to creation, salvation and the promise of fertility in connection with "the motif of the miraculous production of water in the desert" are developed in "the poetry of all periods, from the archaic and highly mythological Psalm 114 to the archaizing and equally mythological Isaiah 34–35, 40–55." (Propp, *Water in the Wilderness*, p. 2.)

[108]Clines, David J.A., 'Theme in Genesis 1–11', *CBQ* 38 (1976), pp. 483–507 (500).

stories employed in describing the destruction of mankind. For example, the LORD resolves to "blot out (the) man whom I have created from the face of the ground" (Gen 6.7, אמחה את־האדם אשר־בראתי מעל פני האדמה), thus recalling the narrative of the creation of man from the ground in Gen 2.6–7. Likewise Gen 7.22 records the death of "all in whose nostrils was the breath of the spirit of life" (כל אשר נשמת־רוח חיים באפיו), again a clear reference to Gen 2.7 and the bestowal of the breath of life.[109] The flood is thematised as a reversal of creation. But with the separation once again of the waters from the land after the flood, creation is renewed.[110] In this cosmological schema the primeval water is the liminal substance which stands betwixt life and death.

As has been seen, Israel's passing through water stands at the beginning and the end of the whole narrative of transit. By crossing the Red Sea, separation from Egypt is effected; after a period of liminal passage through the wilderness the crossing of the Jordan brings about reincorporation as the people of God and settlement in the new land.[111] As Damrosch has argued, the journey of Moses and the Israelites through the wilderness is "portrayed against the background of the primordial history of creation and flood."[112] Flood symbolism appears repeatedly throughout the exodus narrative.[113] Could not then

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[109]See further Clines, 'Theme in Genesis 1–11', p. 501.

[110]For the many direct narrative allusions to Gen 1 which function to establish this thematic link with the Flood story see Clines, 'Theme in Genesis 1–11', p. 500.

[111]Cohn, *The Shape of Sacred Space*, p. 13.

[112]Damrosch, *The Narrative Covenant*, p. 272. The primordial history is articulated already at the outset of the book of Exodus. Thus Damrosch observes that when Moses is set "afloat on the Nile, he relives the experience of the Flood, a point made through verbal echoes of the flood story. He is set afloat in "a *tevah* of papyrus." *Tevah* is a word that appears only here and in the flood story, where it is Noah's ark. His mother carefully caulks the *tevah* to prepare it for the voyage, just as Noah was instructed to seal the ark." (Damrosch, *The Narrative Covenant*, pp. 272–273.)

[113]Thus Damrosch remarks, regarding the narrative engagement with this symbolism that "the wandering in the wilderness is represented as a new experience of the Flood, with the entry into the Promised Land seen as parallel to the reestablishment of society after the

the allusive symbolism of מי נדה also be participating in these biblical "water" motifs and their allusions to water as the liminal boundary between life and death? The "dust" of the burned heifer, behind which is the central image of the mortal nature of man, a metaphor for the "domain of death to which mortals return,"[114] is poured into the waters—a compound metaphor for a return to the primeval chaos and the unravelling of creation. Yet the מי נדה brings about, paradoxically, a separation from the impurity of death; the water purges and restores one to life. The impurity resulting from corpse contamination is the most severe within the whole spectrum of impurity, death being the "chief exception of all forms of impurity."[115] The fuller understanding of the textual presentation of the Red Heifer cannot therefore be divorced from the Biblical cosmology which undergirds it, the "primeval history," Israel's story of origins which itself is "a story of cosmic pollution and purgation"[116] by means of water—destruction and re-creation. Indeed, as a redaction Genesis 1–9 has "retold" the primeval history "in the light of Israel's ideas about pollution."[117] Cosmology is thus the ideological framework for ritual action.[118]

Cosmological symbolism and allusion to Gen 1 provide a cogent explanation for an especially puzzling aspect of the Red Heifer ceremony—purification is a two-stage process where the מי נדה are to be applied on the third and the seventh day (Num 19.12,19). The symbolism behind the seven-day period, as a reference to the seven days of creation and the use of "seven" as a symbol

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receding of the floodwaters." (Damrosch, *The Narrative Covenant*, p. 273.)

[114]Habel, *Job*, p. 582. See §3.3.2.

[115]Frymer-Kensky, 'Pollution, Purification, and Purgation', p. 399. See §3.2.8.

[116]Frymer-Kensky, 'Pollution, Purification, and Purgation', p. 399.

[117]Frymer-Kensky, 'Pollution, Purification, and Purgation', p. 409.

[118]As will be seen therefore, the primordial narratives of creation and the Edenic garden of paradise, to which attention is directed in §5.5, may indeed provide the principal symbolic ground for some of the ceremony of the Red Heifer's most intriguing characteristics.

of perfection and completion, is self-evident.[119] But why also the third day?
Close analysis of the three central narratives which articulate the theme of the
"separation of the water from the dry land"—the Creation (Gen 1), the Flood
(Gen 6–9), and the crossing of the Red Sea (Exod 14)—reveals further ways
in which the relationship between them has been expressly forged through
the use of common phrases and key words.[120] The verb בקע, "divide, split"
(Exod 14.16,21), employed to describe the "splitting" of the Red sea of the
Exodus, has a parallel in Gen 7.11 where God "splits" the fountains of the
great abyss. The "abyss" itself (תהום) referenced in Gen 7.11 and 8.2 conjures
up the image of the primordial waters of Gen 1.2.[121] The repetition of the
phrase בתוך הים, "in the midst of the sea" (Exod 14.16, 22, 23, 27, 29), in
the Red Sea narrative again draws attention to the narrative of the Creation
(Gen 1.6).[122] But especially significant in the symbolic linking of all three
events together is the use of the rarely-used noun יבשה "dry ground," a term
which Ska has discerned is employed in a rather "technical sense."[123] As part
of the vocabulary of the narrative of Creation (Gen 1.9,10) and the Red Sea
crossing (Exod 14.16,22,29) the phrase draws attention to the Exodus as a

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[119]Note also the extensive symbolic use of "seven" which is common to many other Levitical
ritual prescriptions (§3.2.1).

[120]See the thorough study on this matter in Ska, J.-L., 'Séparation des eaux et de la terre
ferme dans le récit sacerdotal', *NRTL* 4 (1981), pp. 512–532.

[121]cf. Exod 15.5, which describes the descent of Pharoah's army into the sea: תהמת יכסימו
ירדו במצולת כמו־אבן.

[122]The account of the crossing of the Jordan river contains a similar expression (Josh 3.17;
4.9–10).

[123]Thus Ska: "Le mot . . . semble bien être un terme technique. Il désigne l'élément sec,
stable, ferme, et il est toujours employé en contraste avec l'élément liquide. On ne le rencontre
que dans des textes qui ont trait à des situations exceptionnelles." (Ska, 'Séparation des
eaux', p. 515.)

clear echo of the Creation itself (Gen 1.6).[124] Likewise, though not occurring as a noun in the Flood narrative, the verbal root is used in Gen 8.7 and 14 to describe the abatement of the flood waters and the reappearance of the dry earth. These correspondences, suggests Ska, serve the purposes of presenting the Flood as something of a "controlled reversal" of creation, and the crossing of the Red Sea as the inverse of the life-destroying flood.[125] Central to this thematisation is the third day of the creation narrative, for the flood is a reversal of the first work of creation done on that day (Gen 1.9–10). It is a return to the primordial state in which there was no distinction maintained between the water and the dry land; they have yet to be separated.[126] What is thematised in this return to the *third day* is a cleansing or "purging" rather than a re-creation per se, for God is not depicted as creating anything new, but rather "renewing" the universe which he has created.[127] If the מי נדה is understood as homologous with the narratives of cosmic destruction and renewal, a recapitulation of the cosmic purgation at the level of the individual, then the two-stage process becomes explicable. The application of the waters on the third day has its analogue in the third day of creation—when the separation of the waters brought forth the dry land from out of the primordial

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[124]Once again, the crossing of the Jordan also participates in this symbolic matrix by means of the same verbal allusion (Josh 4.22).

[125]Thus Ska: "Le déluge . . . décrit une opération exactement inverse de cell d'*Ex 14*. Lors du "passage de la mer", Dieu a fendu les eaux pour faire appaître la terre sèche, puis il a fait revenir les flots sur Pharaon et son armée. Au cours du déluge, Dieu a ouvert les écluses du ciel et les vannes de l'abîme pour recouvrir la terre entière, et ensuite, il a peu à peu fait réapparaître la terre qui a encore dû sécher lentement. Dans ce second cas, le processus est inverse: on aboutit à un état "sec", alors que dans le premier, à la fin, ce sont les eaux qui reprennent leur place." (Ska, 'Séparation des eaux', pp. 523–524.)

[126]Ska: "Le déluge est en quelque sorte une inversion contrôlée de la première oeuvre réalisée le troisième jour (Gen 1.9–10), quisqu'on retourne à une situation où les eaux et la terre sèche ne sont plus distinguées de manière nette. Cela signifie bien sûr la disparition d'autres oeuvres de la création (animaux et êtres humains: Gen 7.21)." (Ska, 'Séparation des eaux', p. 524.)

[127]Ska, 'Séparation des eaux', p. 524.

abyss. The seventh day represents the fullness and completion of this renewal of creation.[128]

Lastly, this cosmological background accounts for the peculiar phrases used to refer to corpses which are employed in Num 19. Here, it is presently argued, is another instance of terminological allusion. It has already been noted that the supposition that the term נפש can easily, of itself, signify "corpse" is much more tenuous than commonly thought.[129] Even if it is the case that נפש is capable of bearing the sense "corpse", its use in v 11 and 13 is still redundant. מת is adequate of itself to denote "corpse." The prohibitions against contact with corpses describe them as מת לכל־נפש אדם (v 11) and נפש האדם אשר־ימות (v 13). While נפש אדם is itself a rare phrase,[130] נפש האדם occurs in only one other context, the blessing of Noah and his sons which immediately follows the flood narrative (Gen 9.5). The allusions in Gen 9 to the original creation of mankind narrated in Gen 1, a further development of the theme of the renewal of creation brought about by the flood, are unmistakable. Noah and his sons are commanded to "be fruitful and multiply and fill the earth" (Gen 9.1), a clear parallel to Gen 1.28 and the original blessing of mankind. Dominion over the other creatures (Gen 1.28) is reiterated in Gen 9.2 as is the provision for food in Gen 9.3.[131] Following the prohibition against eating blood, God commands that a reckoning is required for whoever sheds blood—"from every man's brother I will require the life of the man" (v 5). For "whoever sheds the blood of man, by man shall his blood be shed, for in the image of God

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[128]Perhaps also related is the narrative of the miraculous purification of the water at Marah (Exod 15.22f.), an event which is said to have occurred after three days' journey in the wilderness after departing from the Red Sea.

[129]See §3.2.7.

[130]In addition to Num 19.11 it occurs in Lev 24.17, Num 31.35, 40, 46 and 1 Chr 5.21.

[131]The reference to Gen 1.29 in Gen 9.3 is explicit. "Every creeping thing that lives shall be food for you. And *as I gave the green plants to you,* I give you everything."

he made man" (v 6). Here the reference to the "life of the man" (נפש האדם)
whose life will be required is conjoined with a reminder of Gen 1.27, where
man (האדם) is created in the image of God. Could not then Num 19.11 and 13
also be intimations of the inviolability of the life of man? Man is created as a
נפש חיה (Gen 2.7), but in Gen 1.27 and 9.6 man (האדם) is decribed as created
in God's own image. The impurity generated on account of the death of man
is therefore the most defiling of all impurities; a corpse (מת)—the death of the
נפש האדם—is the undoing of the image of God.

5.5 Tabernacle, Eden and the Red Heifer

The recognition that Biblical cosmology provides the symbolic framework for
several aspects of the ceremony of the Red Heifer raises the possibility of fur-
ther parallels to the narratives of Gen 1–3. One immediate connection is to
be found in the nature of the חטאת purification itself. The Red Heifer is a
rite which purges ritual impurity, specifically the defilement of death, the hu-
man mortal condition. Such ritual impurity is distinct from but nevertheless
related to sin. The "common denominator" of sin and ritual impurity is mor-
tality.[132] The unique characteristic of the Red Heifer, as it is portrayed in the
narrative space of Num 19, is that it occurs at the boundary between life and
death which is implicit in the graded holiness of the Tabernacle. In Gen 3 the
inter-relationship between sin and mortality is especially forged. For in this
grand narrative, the mortal condition of humanity is itself a consequence of
transgression against a commandment of the LORD. Marx has persuasively
argued that the חטאת purifications, which purge ritual impurities, function es-
pecially to bring to remembrance the human mortal condition, "characterised

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[132]See §2.5 for a full discussion.

by finitude, and marked with the seal of death,"[133] thus standing in stark an-
tithesis to the nature of God, who is immortal, eternal and the source of life.
The dichotomy between mortal humanity and God is a result of "la rupture
originelle d'avec Dieu,"[134] as narrated in Gen 3. Furthermore, that the whole
concept of impurity in the Priestly legislation appears in some manifestation
of either death or sexual reproduction is on account of an essential relation-
ship between impurity and the foundational narrative of Gen 2–3.[135] Marx's
suggestion is intriguing and his method even more so. He ultimately appeals
to biblical cosmology and those foundational narrative texts for the elucida-
tion of the Priestly ritual texts. Given this immediate and general connection
between Num 19, as a חטאת within the Priestly system, and narratives of
Gen 2–3, attention will now turn to other textual relationships and allusions
to the cosmological and foundational narratives of Gen 1–3. In addition, focus
will be directed especially to the *spatial elements* of these narratives and their
relationship to the Tabernacle, for Num 19, as has been argued, is intrinsically

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[133]Thus Marx: "Les règles relatives à l'impureté vont avoir pour fonction à la fois de
rappeler à l'être humain sa condition distinctive, caractérisée par la finitude, marquée du
sceau de la mort et qui, par là même, se situe aux antipodes de la condition divine, et de
lui rappeler que cette condition résulte de la rupture originelle d'avec Dieu." Marx, Alfred,
'L'impureté selon P: Une lecture théologique', *Bib* 82 (2001), pp. 363–384 (384).

[134]Marx, 'L'impureté selon P', p. 384.

[135]As Marx reads Gen 2–3, the first man, though but a "fragile statuette faite de poussière,"
a "symbole de l'éphmère," was nevertheless potentially immortal. (Marx, 'L'impureté selon
P', p. 382.) The story decribes the archetypal man's loss of the *opportunity* of eternal life on
account of the expulsion from the garden and the consequent denial of access to the tree of
life (Gen 3.22–24). The first man was created to be unique. Thus Marx goes on to surmise
that the original purpose for the creation of the woman was not procreation, but rather
"pour lui servir de vis-à-vis et pour venir à son aide." (Marx, 'L'impureté selon P', pp. 382–
383.) Sexuality then, no less than mortality, is a consequence of the fall, for "la référence à la
procréation n'intervient qu'après la transgression de l'interdit, d'abord dans la sentence dont
Dieu la frappe (Gen 3.16), puis, à travers le nom d'Ève—"mère de tous les vivants"—que lui
donne Adam aussitôt après que Dieu l'ait condamnée à la mortalité (Gen 3.20). Et ce n'est
qu'après que le premier couple ait été chassé du jardin d'Éden qu'Adam connaît sa femme,
et qu'Ève conçoit et donne naissance à des fils (Gen 4.1–2)." (Marx, 'L'impureté selon P',
p. 383.)

related to the spatial dynamic of the Tabernacle at play within the narrative of Numbers.

Several scholars have persuasively argued that the Biblical narratives pertaining to the construction and functioning of the Tabernacle (and likewise the Temple) are replete with cosmic significance and imagery. In a study which analyses the structural character of the Priestly texts, Blenkinsopp notes the occurrence of formulaic expressions, which he calls "the solemn conclusion-formulae," at three points in the narrative history:[136] the creation of the world (Gen 2.1,2),[137] the construction of the tabernacle and its furnishings (Exod 39.32; 40.33),[138] and the partition of the promised land among the twelve tribes after the erection of the tabernacle at Shiloh (Jos 19.51).[139] This not only gives special structural "prominence"[140] to the narratives of cosmic creation and of the construction and establishment of the sanctuary, but also further reinforces the conceptual, typological link between the creation narrative and the sanctuary, for as Blenkinsopp further observes, "the linguistic similarity goes beyond the formulae"[141] when the narratives are considered in parallel as follows:[142]

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[136]Blenkinsopp, J., 'The Structure of P', *CBQ* 38 (1976), pp. 275–292 (275–276).

[137]"Thus the heavens and the earth were finished and all the hosts of them. And God finished on the seventh day his work which he had done, and he rested on the seventh day from all his work which he had done."

[138]"Thus was finished all the work of the tabernacle of the tent of meeting . . . so Moses finished the work."

[139]"So they finished dividing the land."

[140]Blenkinsopp, 'The Structure of P', p. 278.

[141]Blenkinsopp, 'The Structure of P', p. 280.

[142]Reproduced here as it is presented in Blenkinsopp, 'The Structure of P', p. 280.

Creation of the world	*Construction of the sanctuary*
And God saw everything that he had made, and behold, it was very good (Gen 1.31)	And Moses saw all the work, and behold, they had done it (Exod 39.43)
Thus the heavens and the earth were finished (Gen 2.1)	Thus all the work of the tabernacle of the tent of meeting was finished (Exod 39.32)
On the seventh day God finished his work which he had done (Gen 2.2)	So Moses finished the work (Exod 40.33)
So God blessed the seventh day (Gen 2.3)	And Moses blessed them (Exod 39.43)

These "structural homologies at the linguistic level" are accompanied by "thematic associations between the two pericopes."[143] Kearney has observed that the prescriptions for the construction of the Tabernacle (Exod 25–31) are given in seven speeches, each of which is distinctly introduced: וידבר יהוה אל־משה לאמר, "and the LORD said to Moses".[144] Kearney further notes that while the first six speeches (25.1–31.11) pertain to the building of the Tabernacle and its furnishings the seventh speech "changes the tone of the previous six"[145] by issuing an extended admonition to keep the Sabbath, which directly references the seven days of creation (Exod 31.12–17).[146] Blenkinsopp also observes that the command requires the Sabbath as a "perpetual covenant" (ברית עולם) and

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[143]Blenkinsopp, 'The Structure of P', p. 281.

[144]Exod 25.1, 30.11, 17, 22, 34; 31.1, 12. See Kearney, Peter J., 'Creation and Liturgy: The P Redaction of Ex 25–40', *ZAW* 89 (1977), pp. 375–387. The introduction is slightly altered at Exod 30.34 (ויאמר יהוה אל־משה) and 31.12 (ויאמר יהוה אל־משה לאמר). On the heptadic structure of Gen 1.1–2.3, the text of which also features groups or multiples of seven throughout in various elements, see Levenson, Jon D., *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence* (Princeton, NJ: Princeton University Press, 1994), pp. 66–68.

[145]Kearney, 'Creation and Liturgy', p. 375.

[146]Kearney goes on to argue that Exod 25–40 has been arranged according to the thematic sequence of creation (Exod 25–31), fall (Exod 32–33) and restoration (Exod 34–40). (Kearney, 'Creation and Liturgy', pp. 384–385.)

a "sign" (אות) of God's original creation. Thus, "the inference would appear to be that just as God rested after creating the world so must Israel after constructing the sanctuary."[147] Also, both the inauguration of the creation of the world and the construction of the sanctuary refer to "the intervention of the Spirit of God" (רוח אלהים) the phrase as it occurs in Gen 1.2 recurring with reference to Bezalel and his fellow craftsmen (Exod 31.3, 35.31).[148] Levenson reflects on the typological connections forged between Tabernacle, Temple and the narrative of creation; the world incarnated in the worship of the Tabernacle is "not the world of history but the world of creation, the world not as it is but as it was meant to be and as it was on the first."[149]

Wenham has demonstrated that there are several verbal clues and parallels in the narrative and description of the garden in Eden in Gen 2–3 which serve also as symbols and allusion to the Tabernacle.[150] The garden is the "archety-

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[147]Blenkinsopp, 'The Structure of P', p. 281. Thus, Blenkinsopp concludes, "the perpetual and therefore unconditional covenants made in the beginnings (Gen 9.16; 17.7,13) lead up to the moment when God has ordained to be indefectibly present to his people through its legitimate cult."

[148]Blenkinsopp, 'The Structure of P', p. 282. In P, Blenkinsopp notes, "the divine spirit is mentioned only three times . . . all crucial points in the historical narrative: the creation of the world (Gen 1.2), the construction of the sanctuary (Exod 31.3; 35.31), and the commissioning of Joshua as successor to Moses (Num 27.18; Deut 32.9)." (Blenkinsopp, 'The Structure of P', p. 282)

[149]Levenson, Jon D., 'The Temple and the World', *JR* 64 (1984), pp. 275–298 (297).

[150]The suggestion that Tabernacle imagery and symbolism is replete with allusions to Gen 2–3 is perhaps more controversial, given that a certain scholarly opinion has been held for some time that contends that the Eden narratives are a "marginal" aspect of the biblical Hebrew literature, ideologically detached from the rest of the Bible considered in its totality. Stordalen has recently rehearsed and refuted the reasoning behind this commonly held view in Stordalen, T., *Echoes of Eden: Genesis 2–3 and Symbolism of the Eden Garden in Biblical Hebrew Literature* (Leuven: Peeters, 2000), pp. 21–34.) In fact, there are many similes, metaphorical and allegorical references to the garden of Eden story throughout the Biblical literature. (See Stordalen, *Echoes of Eden*, pp. 321–408 for a thorough analysis of these texts.) Also, there are a number of biblical allusions to Eden, a significant subset of which function to forge thematic associations between Zion, the Tabernacle, Temple and Eden. (Stordalen, *Echoes of Eden*, pp. 409–454.) The Tabernacle, in fine, "echoes" the Garden. (Stordalen, *Echoes of Eden*, p. 457.)

pal sanctuary" where "God dwells and where man should worship him."[151]
Verbal clues and allusions establish the relationship. Firstly, the verb התהלך
(Hith. הלך) in Gen 3.8 ("and they heard the sound of the LORD God walking
to and fro (מתהלך) in the garden ...") is used also in Lev 26.12, Deut 23.15
and 2 Sam 7.6–7 to indicate God's presence in the Tabernacle.[152] Secondly,
the cherubim which are placed to the east of the garden after the expulsion of
the man to guard the entrance are symbolically replicated in the Tabernacle—
two cherubim on the ark form the "throne of God in the inner sanctuary and
images of cherubim adorn the curtains of the tabernacle (Exod 25.31) which,
like Eden, is entered from the east."[153] Thirdly, the tree of life has its analogue
in the menorah. The geographic account of the garden in Gen 2.10–14 also has
several parallels to the design of the sanctuary and its adornment.[154] Lastly,
the vocation of the man placed in the garden, who is instructed "to till it and
keep it" (לעבדה ולשמרה, Gen 2.15) has an analogue in priestly and levitical
service of the Tabernacle for, as Wenham observes, the only other use of these
two verbs together in the Pentateuchal text (in Num 3.7–8, 8.26 and 18.5–6) is
in the context of the Levitical duties of guarding and ministering in the sanc-
tuary.[155] If this general line of interpretation is accepted, then close reading
of Num 18.1–7 reveals that the Adamic archetype is not just levitical but also

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[151]Wenham, Gordon J., 'Sanctuary Symbolism in the Garden of Eden Story', in Richard
S. Hess and David Toshio Tsumura (eds.), *"I Studied Inscriptions from before the Flood":
Ancient Near Eastern, Literary, and Linguistic Approaches to Genesis 1–11* (Sources for
Biblical and Theological Study; Winona Lake, IN: Eisenbrauns, 1994), pp. 399–404 (399).

[152]Thus Wenham: "The LORD walked in Eden as he subsequently walked in the tabernacle."
(Wenham, 'Sanctuary Symbolism', p. 401.)

[153]Wenham, 'Sanctuary Symbolism', p. 401. In Solomon's temple the cherubim are also
described as guarding the inner sanctuary (1 Ki 6.23–28) and images of them adorn the
walls (1 Ki 6.29).

[154]Wenham, 'Sanctuary Symbolism', p. 402.

[155]Wenham, 'Sanctuary Symbolism', p. 401. Thus, continues Wenham, if Eden is the ideal
Tabernacle "then perhaps Adam should be described as an archetypal Levite."

priestly and, indeed, high-priestly. In Num 18 God addresses Aaron regarding the high-priestly and priestly duties given to his descendants (v 1), whom the Levites are to serve (v 2). The service of the Levites is restricted to the service of the "tent" (האהל, v 4, 6) while the priesthood is to attend (ושמרתם) to the duties of the sanctuary (הקדש) and the altar (המזבח, v 5). Aaron and his sons are to "guard" (שמר) the priesthood concerning the altar and all that is inside the פרכת-veil and "serve" (עבד) the "service of gift" (עבדת מתנה) for which the priesthood is given (v 7).[156] In sum, the cosmological and creation narratives of Gen 1–3 serve as the symbolic paradigm for the Tabernacle and the priestly ministrations within it. By means of the thematic associations forged through key-words and structural homologies the Biblical authors present a Tabernacle which, in its construction, architecture and accoutrements, is rich with allusions to the perfected Creation and the Garden of Eden. Likewise, the priestly service of the Tabernacle typifies the the service of the archetypal man in the Garden.[157]

Several of the unique and puzzling aspects of the ceremony of the Red Heifer and its elusive symbolism become clear when the rite is considered in the light of the cosmological narratives which underlie the Tabernacle and priesthood. As already suggested, the colour of the heifer (אֲדֻמָּה) is quite possibly a conceptual symbol, a colour which signifies the "ground" (אדמה) and the "man" (אדם) who has been formed from it.[158] Attention therefore

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[156]However, the translation of Num 18.7b (ועבדתם עבדת מתנה אתן את־כהנתכם) is difficult. Milgrom follows Speiser, "I make your priesthood a service of dedication," while acknowledging the problems with the rendering. (Milgrom, *Numbers*, pp. 148, 315 n 17.) Among them is, according to Milgrom, "the most crucial of all"—עבדה "is never assigned to the priests but only to the Levites." (Milgrom, *Numbers*, p. 315 n 17.) But if a deliberate allusion to the archetypal Edenic vocation is intended here, this then accounts for the otherwise problematic use of the term. It is not a reference to the Levitical service, but an allusion to Gen 2.15.

[157]Wenham, 'Sanctuary Symbolism', p. 403.

[158]See §3.2.2.

now turns to the text of Gen 2–3 to explore further the possible relationship between the ceremony of the Red Heifer and the narrative of the creation (and "fall") of man (אדם). Right away the word play between אדם, "man," and אדמה, "ground," in Gen 2–3 becomes apparent. But the relationship between these terms extends beyond their "obvious close and intentional association"[159] at the level of word-play. The relationship of the man to the ground is a central aspect of the narrative story. At the outset of this narrative the newly fashioned primordial world, which was created in the "day that the LORD God made the earth and the heavens" (Gen 2.4), is described as being in the condition of having no אדם to work the ground (ואדם אין לעבד את־האדמה, v 5). Instead, there is a "mist" (ואד) which rises from the earth to water the whole face of the ground (והשקה את־כל־פני־האדמה). What immediately follows this description is the fashioning of the man from the dust of the ground (וייצר יהוה אלהים את־האדם עפר מן־האדמה, v 7). The LORD God then breathes the breath of life into the man's nostrils and the man becomes a נפש חיה (v 7). Thereafter the man is placed into the garden of Eden; his vocation is to till and keep it (v 15). Miller suggests that, although there is no reference to the אדמה in v 15, in view of Gen 2.5, 3.23 and 4.2 "it is clear that the narrative means to speak of this working of the ground as the principal function of man. He does his work, lives out his life, has his calling in relation to the *'ădāmāh*."[160] This is a reasonable assumption, but it overlooks the spatial dimension of the narrative and thus one of its key components and contrasts. The man was formed from the ground *outside* of the garden of Eden and subsequently *placed into* the garden to "work" and keep *it* (that is, the *garden*—ויקח יהוה אלהים את־האדם וינחהו בגן־עדן לעבדה ולשמרה, Gen 2.15). This vocation stands in sharp *contrast*

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[159]Miller, Patrick D., *Genesis 1–11: Studies in Structure and Theme* (JSOTSup, 8; Sheffield: JSOT Press, 1978), p. 38.

[160]Miller, *Genesis 1–11*, p. 39.

to the subsequent fate of man whose vocation, once condemned and banished from the garden, will be to till the ground outside of the garden. This spatial and vocational contrast—the garden vs. the ground outside of Eden to which he is condemned to return as dust, and the work of tending the garden vs. the hard labour of tilling the ground *outside* of the garden—is, as we shall see, an important aspect of the symbolism of the ceremony of the Red Heifer.

After the narration of the creation of the woman (אשה) from the "rib" (צלע) of the man (Gen 2.20–25), comes the account of their "fall" and expulsion from the garden in Gen 3. Barr rightly notes the centrality of the theme of death which characterises this whole account. At the outset the theme is stated— God takes the man he has fashioned and places (נוח, Hiph.) him in the garden, commanding him not to eat of the fruit of the tree of the knowledge of good and evil: "for in the day that you eat of it you will certainly die" (מות תמות, Gen 2.17). The command is recalled by the woman (Gen 3.3)[161] to which the snake counters: "You will certainly not die!" (לא־מות תמתון). Barr notes a certain irony. Apparently, "the serpent was the one who was right in such matters. They did not die."[162] It remains an enigma in the text, but perhaps it is more properly understood that at this juncture the sentence of death is *deferred*; from here on death is an impending, but certain, reality. Barr goes on to suggest, in reference to Gen 3.17–19:

> Indeed, the punishment brought upon the man does include the *mention* of death: because of man the ground is cursed, and he will suffer toil and frustration all his life. In the sweat of his face he will eat food, until he returns to the ground, for from the ground

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[161]Indeed, she recalls the command with a hedge around the Torah: God said "you shall not eat from it, neither shall you touch it, lest you die."

[162]Barr, James, *The Garden of Eden and the Hope of Immortality: The Read-Tuckwell Lectures for 1990* (London: SCM Press, 1992), p. 8.

he was taken, and to dust he will return. Yes, indeed, but this is
not death 'in the day that' they disobeyed, it is not death in itself
that is God's response to the disobedience: rather, the punishment
lies in the area of *work*.[163]

The ground (האדמה) is cursed and will therefore bring forth "thorns and this-
tles" (v 17–18) thus making for "pain and failure in work, toil and frustration in
toil, and the final frustration is death, the final proof, far off in the future, that
all his work will get him nowhere."[164] Lastly, the man's death "will mean his
own returning to that same refractory soil which has made his life so bitter":[165]
"until you return to the ground (האדמה) for out of it you were taken; for dust
you are (עפר) and to dust you shall return" (v 19). Barr's highlighting of
the curse of the ground and condemnation to the lifelong toil of labouring for
bread as also being central to the man's punishment is significant and should
not be overlooked. What has been lost for the man is not just the hope of
immortality, but also a life in paradise, a life in stark contrast to an agricul-
tural life of labour whereby one must "eat of the plants of the field" (v 18) and
bread "in the sweat of the brow" (v 19). Because of the relationship of the
man (האדם) to the ground (האדמה), the fate of the latter is bound up with the
former. This thematic polarity between אדם and אדמה is not simply confined
to Gen 2–3. It persists throughout the whole Primaeval History.[166] האדמה is

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[163]Barr, *The Garden of Eden*, pp. 8–9.

[164]Barr, *The Garden of Eden*, p. 9.

[165]Barr, *The Garden of Eden*, p. 9.

[166]See, for example, Miller's analysis of the אדמה motif in the Cain and Abel story (Miller,
Genesis 1–11, pp. 39–40.) Also, in the story of the flood Noah's name is interpreted to
signify his "giving rest" from the toil and labour which is the curse laid upon אדם: "Out of
the ground (האדמה) which the LORD has cursed this one shall bring us relief from our work
and from the painful toil of our hands" (Gen 5.29. See Miller, *Genesis 1–11*, pp. 40–41).
Thus Miller concludes, the "account of creation, of life under God and rebellion against God,
of creaturely existence, sin and judgment, of human vocation and community, is all set as a

cursed because of האדם—האדם is doomed to return to the "dust" (עפר) of

האדמה from whence he was taken. The vocation of the man is now no longer

that of the gardener of Eden; now he must labour and gain his sustenance from

the אדמה.[167] Lastly, the *spatial* orientation and significance of this punishment

should not go unnoticed. The garden which lies within Eden is the location

of the very presence of God. The man and woman are not simply driven from

the garden, they are driven out of Eden itself. It is *outside* where האדם will

labour through all of his days, and where also he will die. In the middle of

the garden stands the tree of life; now outside of Eden, is the realm of death.

Ultimately, the man's banishment is a prototype of the כרת-penalty—the man

and the woman are "cut off" from Eden. The paradox of the divine warning "in

the day that you eat of it you shall die" and the seemingly *deferred* sentence

of death is resolved when the story is understood ultimately as symbol for the

Tabernacle and Temple. The holy sanctuary is the "centre of life" on account

of God's presence within it. Thus, the expulsion of the man and the woman

from the garden was "in the narrator's view the real fulfilment of the divine

sentence. He regarded their alienation from the divine presence as death."[168]

Thus the "fall" of the man and the woman is analogous and parallel to the

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story about *'ādām* and *'ădāmāh.*" (Miller, *Genesis 1–11*, p. 41.)

[167]Miller notes that "twice, in verses 19b and 23, the narrator reiterates for emphasis the important point made at the beginning that *'ădām* was taken or formed from the *'ădāmāh*. The repetition of these themes indicates clearly that the *'ădāmāh* references are not casual or secondary to the intention of the narrative." (Miller, *Genesis 1–11*, p. 39.) Galambush has further noted that the different origins of the man and the woman in the narrative of their respective creations, אדם from אדמה and אשה from איש (Gen 2.23), account for the unique punishments allotted to each. The man is punished vis-à-vis the ground. "The *'ādām* will work (literally, 'serving' [*'bd*]) the *'ădāmâ*" which however will yield thorns and thistles, thus the anguish of his toil. . . . [But by contrast, the woman] "will suffer in her own body and in her relationship to the *'îš*." (Galambush, Julie, ' *'ādām* from *'ădāmâ*, *'iššâ* from *'îš*: Derivation and Subordination in Genesis 2.4b–3.24', in M. Patrick Graham, *et al.* [eds.], *History and Interpretation: Essays in Honour of John H. Hayes* [JSOTSup, 173; Sheffield: JSOT Press, 1993], pp. 33–46 [40–41].)

[168]Wenham, 'Sanctuary Symbolism', p. 404.

fall of Israel in the wilderness narratives. Their transgression too, like the Is-
raelites, is one of *encroachment*.[169] Their punishment is similarly analogous to
that of Israel—a death sentence is pronounced but the death is not instanta-
neous, it is deferred. Like the old generation of Israel condemned to die in the
wilderness outside of the promised land, the man and the woman are banished
from Eden; they live the remainder of their mortal life outside of paradise.

Read within this cosmological paradigm, the symbolism of the heifer re-
veals itself. The preparation of the ashes for the מי נדה is a *recapitulation of
man's expulsion from the garden of Eden and the punishment laid upon him—*
mortality and a return to the dust of the ground from which he was taken.
The colour of the cow is the first conceptual link which the ceremony of the
Red Heifer makes with the story of man's creation. It is symbolic paranoma-
sia. The cow is אֲדָמָּה ("red-brown"), like the אדמה from which אדם has been
fashioned. Symbolic of the punishment of האדם, the *entire cow* is to be anni-
hilated by burning (שרף) *outside of the Tabernacle precincts and the camp of
Israel*—reduced to ash (אפר), the "dust" (עפר) of the earth outside of Eden
from which האדם has been taken and to which he must inevitably return.
Rooted in these keyword associations, the parallels of the rite to the narrative
of man's expulsion and mortality extend to other aspects. Obviously, there is
the spatial dimension. The Tabernacle in the midst of the wilderness is, as has
been seen, a symbol of archetypal Eden in the midst of which is the garden and
the tree of life, the fruit of which gives immortality. The holiness spectrum is
analogous to this spatial arrangment—on the one end of the spectrum is the

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[169]The woman's recollection of the prohibition certainly highlights this sense of the trans-
gression as an encroachment: "And the woman said to the serpent, "We may eat of the fruit
of the trees of the garden, but of the fruit of the tree that is in the midst of the garden God
said, 'You shall not eat of it and neither shall you touch it, lest you die' " (Gen 3.2–3). Sim-
ilarly, the serpent's temptation is that of encroachment upon divine prerogatives: ". . . when
you eat of it your eyes will be opened, and you will be like God, knowing good and evil"
(Gen 3.5).

most holy place corresponding to the centre of the garden, the tree of life and the presence of God; on the other is the wilderness, the realm of death and complete alienation from God. The Red Heifer ceremony is thus a symbolic analogue to the narrative of man's expulsion from Eden. For the ritual is, as has been noted,[170] the *only* instance of a חטאת sacrifice where slaughter occurs "outside the camp" (Num 19.3), the nether-region between the community of Israel gathered around the Tabernacle and the desolation of the wilderness, the realm of death and uncreation. It is spatially here, like the man, that the heifer is returned to עפר "dust" of the earth like the man condemned to die outside of Eden. With this analogy in mind, the spatial stipulation of the ceremony grows in significance. The cow is given to Eleazar the priest and is taken outside of the camp and slaughtered. The text reads: ושחט אתה לפניו (Num 19.3). Understanding "the camp," מחנה, to be the antecedent to the pronoun,[171] the cow is said to be "taken outside the camp and slaughtered *to the east of it* (NEB)" (literally: "to the face of it"). Not only does this interpretation resolve the issue of *who* slaughters the heifer—most naturally this would be Eleazar—it also places the slaughter in a symbolic space. The slaughter is a *death*, not a sacrificial offering.[172] Likewise, the ashes are a death. Their production and manipulation are also defiling. The death of the heifer, its transformation into dust and ashes *to the east of* the camp of Israel, thus symbolically corresponds to the narrative of expulsion of the man from the garden as described in Gen 3.24: "He cast him out, and to the east of the garden of Eden he stationed the cherubim and a sword whirling and flashing to guard the way to the tree of life" (NEB).

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[170]See §2.6.

[171]See the discussion at §3.2.3.

[172]see the discussion at §3.2.4.

The character of the victim is also described as תמימה אשר אין־בה מום "without defect, in which there is no blemish." As has been noted,[173] the sense of תמימה as "without blemish" is understandable here in the light of the parallel at Lev 22.21, a cultic, technical use of תמים;[174] although the adjective is perhaps also somewhat suggestive of the more basic sense of "whole, complete"[175] and thus evocative of the concept of a perfect, completed creature. The other stipulation אין־בה מום is a characteristic required not just of other sacrificial animals but, as a cultic requirement, extends also to the priesthood (Lev 21.16–24). Lev 21 is specific about the prohibition—priests who are not "without blemish" may not approach (יקרב) "to offer" (להקריב, Hiph. קרב) the "bread of his God" (v 17, 21) or the Lord's "offerings by fire" (v 21), nor are they to approach the פרכת-veil or the altar, lest they profane the "sanctuary" (מקדש, v 23), a sin of encroachment. But the prohibition does not extend to their priesthood *per se*. Indeed, such priests may still "eat the bread of his God—of the most holy and of the holy things" (v 22). The prohibition is thus entirely spatial in nature. Their "blemished" character essentially prohibits such priests from entering the sanctuary and carrying out the priestly ministrations therein. The analogy to Gen 2–3 in the case of the heifer becomes apparent. The heifer, as תמימה and in which there is no מום, is like the original אדם, fit for the presence of God, for dwelling and serving within the sanctuary/Edenic precincts. But like the original אדם, the heifer is subsequently taken away and reduced to dust.

In the light of all the above, the last stipulation falls into place. It is necessary that "no yoke has gone upon" the heifer (לא־עלה עליה על), in other words, it has never been employed for profane, agricultural labour. The parallel

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[173]§3.2.2.

[174]Kedar-Kopfstein, 'תָּמַם', p. 706.

[175]On the basis of this sense ancient interpreters thus understood it as an adverb modifying the colour of the heifer: "entire red." See §3.2.2.

to האדם in Gen 2–3 is striking: of the man in the garden one could also say "no yoke was upon him." For, as argued above, his paradisal vocation is narratively set in *contrast* to the punishment of "tilling the ground," a punishment laid upon him after his expulsion from Eden. Thus yet again, the character of the heifer is symbolic of האדם. But, on the symbolism of the nature and character of the victim one nagging question remains—why a *cow*? Nowhere else in the Levitical legislation is the cow a stipulated animal for a sacrificial rite. Here we enter into the realm of speculation, drawing now wholly from a narrative reading of Gen 3 vis-a-vis the ceremony of the Red Heifer. The expulsion from the garden is a fate shared by both the man *and* the woman (האשה). The relationship of the ceremonial aspects of the Red Heifer to the punishment of the man are clear (Gen 3.17–19); the punishment culminates with the return to the dust of the ground. But the woman is also, uniquely, assured of posterity (זרע, Gen 3.15) And so "the man called his wife's name Eve, because she was the mother of all living" (Gen 3.20). As an analogue to the man *and* the woman, the heifer participates in this paradox. Condemned to die in the manner of her husband, outside of Eden, she nevertheless is the source of life. So also the heifer, reduced to dust outside of the sanctuary and the encampment of Israel, brings about separation from the impurity of death, reintegration with Israel and renewed access to the sanctuary, the source of life. Just as the old generation of Israel, which dies in the wilderness outside of the promised land, gives birth to the new; just as the man and the woman, condemned to die outside of Eden, have hope in the promise given to Eve, the mother of all the living; so also the heifer, turned to dust outside the camp, gives new life to those who are overcome by the shadow of death.

Chapter 6

Summary & Concluding Remarks

> *In this world things are pronounced ritually clean or unclean by the*
> *mouth of a priest. But in the time-to-come the Holy One Himself*
> *will pronounce Israel clean, as is said "I will sprinkle clean water*
> *upon you, and ye shall be clean; from all your uncleannesses, and*
> *from all your idols, will I cleanse you."* (Ezek 36.25)
> —*Pĕsiḳta dĕ-Raḇ Kahăna 4.9.*

As the pursuit of the meaning and function of the Red Heifer in narrative context draws to a close the central paradox still stands—it purifies the unclean and defiles the pure. Yet a careful synchronic reading nevertheless brings many aspects of this central mystery into sharper focus. As a *ceremony*, the Red Heifer is an enactment of a much broader symbolical and cosmological paradox—the story of a death deferred and a promise given in the primordial age. As a *text*, Num 19 is deliberately *allusive*—through keywords and narrative placement it draws upon the wider literary context in which it is found and that context supplies it with its symbolic and theological meaning. Similarly, the rite itself, a legal and liturgical text, also functions *narratively*—it contributes to the narrative themes which frame it.

Investigation began with a consideration of the ceremony of the Red Heifer as an instance of the חטאת sacrifice. This involved a systematic and synchronic study of the חטאת sacrifices *in toto*, a prior and necessary task which must be pursued before any subsequent diachronic questions concerning the prior history of these rites can be considered. Here Milgrom's theology of the חטאת has proved especially valuable. Against older views which interpreted the חטאת sacrifices as exclusively propitiatory or expiatory rites concerned with the appeasement of the deity or the remission of sins, views which do not in several instances harmonise well with the actual data of the Levitical חטאת, Milgrom has made a valuable contribution with his "reinterpretation" of the חטאת. The חטאת is not principally expiatory, it is *purgative*; furthermore, it primarily purges not individuals but rather the *sanctuary* of the various sins and contracted defilements of the people. Whether of the "burnt" or "eaten" type of חטאת, for Milgrom a theological statement is made by the elimination of the sacrificial victim—impurity is swallowed up by holiness; life defeats death, a symbolism which is carried through in all of the instances of the חטאת. Purgation of the sanctuary results in a doctrine of collective responsibility: a sinner might be "unscarred by his evil, but the sanctuary bears the scars, and with its destruction, he too will meet his doom."[1] The polarity between life and death, implicit in the gradation of the sanctuary, stands behind the system of ritual impurity since sins and impurities are all manifestations of the encroachment of sin and death upon the most holy place, the presence of God and the source of life.[2] But a solution to the conundrum of the Red Heifer, its manifest inconsistencies when compared with other instances of the חטאת

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[1]Milgrom, 'Israel's Sanctuary', p. 398.

[2]Thus Israel's doctrine of pollution is, according to Milgrom, part of the ancient Near Eastern milieu which views impurity as dangerous to the sancta, but departs from this milieu in viewing impurity as being generated by man rather than inhering in nature.

sacrifice, has been found not through the invocation of presumed vestigial pagan antecedents but rather through a consideration of Marx's important corrective of the understanding of the חטאת. A systematic consideration of the purification offerings which gives consideration to all of the circumstances in which they are prescribed reveals a commonality to them all—they are all rites of passage. That the חטאת effects *separation* is central to understanding its function. The distinctive function of the Red Heifer, as a species of the חטאת complex of sacrifices, is to separate individuals from corpse contamination, the most severe of all impurities, considered in later Rabbinic reckoning to be the "father of fathers of impurity." There is also a *spatial* dimension to the ceremony—it effects not just separation from this major impurity but also transfers a person *spatially* from one realm to another. Within the narrative context of the rite, purification from corpse contamination ensures one's ability to remain among the camp of Israel gathered around the sanctuary whereas failure to purify results in the כרת-penalty and ultimate separation from that community. The Red Heifer, as a liminal rite of transition, operates within the border between the camp of Israel and the wilderness.

As a liturgical text framed within a narrative context, the authors have implicitly assigned symbolic meaning to the ceremony of the Red Heifer by means of textual allusion through the use of keywords, juxtaposition and placement. Due attention to these literary devices and the overall narrative context of the rite within Numbers and the Torah brings clarity to several otherwise opaque aspects of the ritual. Its narrative analogues exist on several levels. As the final law given to the Sinai generation, the Red Heifer thematises Israel's own purificatory journey in the wilderness—the death of the old generation and the birth of the new. Its placement in the narrative also furthers the theme of the legitimate succession of the high priesthood, as it foreshadows the death

of Aaron and Eleazar's impending succession to the office of the high priest. Num 19 also stands at the head of a series of chapters which develop a "water in the wilderness" motif. The purifying waters are themselves a symbolic "liminal" substance. This strange concoction of ash-water and the purifications which take place on the third and seventh day thematically draw upon and reflect the primeval stories of Creation, Flood, and Exodus through the Red Sea waters. The Red Heifer thus functions as a liturgical and symbolic counterpart to these foundational narratives of separation, annihilation, renewal and deliverance. Israel's own story corresponds to the primeval story of cosmic pollution and destruction, purgation and re-creation. Similarly, the liturgy of the Red Heifer re-presents the story as a highly allusive and symbolic ritual. Lastly, the narrative of the creation of man and the garden of Eden provides the symbolic ground for the rite's most peculiar aspect—the red heifer itself. As a conceptual signal—red, unblemished, and unyoked—the victim is analogous to the archetypal man. The heifer's removal from the camp and incineration to the east of it, a return to dust and ashes, along with the destruction of the cedar, scarlet thread, and hyssop (materials which perhaps forge a further symbolic link between Adam and the Aaronic priesthood) amounts to a repetition in liturgy of the original man's expulsion from the garden and the decree of inevitable death: "for you are dust, and to dust you shall return." Even so, the ashes of death bring about separation *from* the impurity of death and restoration to the community of Israel, reminiscent of the promise of new life in Gen 3.20.

It is hoped that the present study contributes in a positive way to the perennial discussion of the Red Heifer. In particular, it is modestly offered as a corrective to the predominantly diachronic readings which comprise the current staple of interpretive approaches. For "when the concern with origins

predominates," as Klawans observes, "the search for meaningful symbolic struc-
tures is eclipsed."[3] Thus the present study, a synchronic reading, is concerned
with this very "search for meaningful symbolic structures," and towards this
end has sought for evidence of the symbolic meaning of the Red Heifer ritual in
the phenomenon of "inner-biblical allusion"[4] within the Torah, an elucidation
of its intertextual and self-referential character. The intentional juxtapostion
of law and narrative and the employment of allusive keywords are two means,
it is proposed, by which this inner-biblical allusion is established by the bibli-
cal authors. As Num 19 is but one legal text among many in the Torah to be
typified by such a juxtaposition the possiblity remains that this interpretive
method could bear similar fruit in other instances. This present focus on the
final text's self-referentiality should not be understood as a rejection of the
validity of diachronic studies and historical investigation, but rather "a con-
scious decision to focus on a given, biblical literature, and a rejection of an
appropriation of this given for inappropriate purposes,"[5] that is, the extrac-
tion from a text of an historical "meaning" which the authors and redactors of
the text in no manner intended to provide. Ultimately, the reading pursued
here is a *theological* one, a contextualised theological and symbolical reading
as operative "in the minds of those who created the biblical literature."[6] To
seek anything more from the Red Heifer would overtax even the wisdom of
a Solomon. But to seek anything less than a theological reading would be a
failure to heed his example.

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[3]Klawans, Jonathan, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006), p. 137.

[4]Eslinger, Lyle, 'Inner-Biblical Exegesis and Inner-Biblical Allusion: A Question of Cat-egory', *VT* 42 (1992), pp. 47–58.

[5]Eslinger, 'Inner-Biblical Exegesis', p. 58.

[6]Barr, 'The Literal, the Allegorical', p. 12.

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