

Freebird

The Strange Case of the Bird That Lived

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Two individuals, alike in many ways, their fates intertwined. Brothers, raised similarly, stand together facing comparable prospects, until suddenly their destinies take radically different turns. One is killed, his blood violently spilled. The other is banished by the word of God, exiled to the harsh wilderness. This is Cain's fate, punishment for the cold-blooded murder of Abel his brother. Unable to bear such a desperate and doomed existence where "whosoever finds me shall slay me," Cain begs God for mercy. God grants him a mark of protection, and Cain lives as "a fugitive and a wanderer on the earth."

Variations on the theme of the first Biblical murder, the shedding of blood and the subsequent banishment, can be found elsewhere in the Torah, sometimes in rather unexpected places. Two such variations, though perhaps not immediately apparent, are the Yom Kippur service as described in *Aharei Mot*, and the purification rite of the leper in *parashat Metsora*. Both of these rituals strongly allude to the Cain and Abel story.¹ Each involves

* The authors would like to thank Rabbi Shalom Carmy for years of devoted teaching and guidance. It is their hope that this article, which seeks to better understand *peshat*, *derash*, and *halakha* by means of a passage from literature, is a fitting tribute to Rabbi Carmy's commitment to the study of all aspects of Torah as universal truth and to his openness in searching for its eternal values in diverse areas of human inquiry.

1. Hyam Maccoby, in *Ritual and Morality* (Cambridge University Press, 1999), pp. 134–140, has pointed out that the motif of a pair where one is killed and the other banished is found in ancient myths, and

identical pairs of animals, (goats in the former and birds in the latter), that meet fates similar to those of Cain and Abel: one of the set is killed and the other is sent off to the wilderness. By causing the world's first death, Cain's fratricidal jealousy brought the first *tuma* into the world, the *avi avot ha-tuma*, the paradigm of all other forms of impurity.² The Yom Kippur and *metsora* rituals both serve to eradicate impurity. In the attempt to regain *tahara* and eliminate *tuma*, these rituals deliberately invoke the story of the sinful deed that brought impurity about, reenacting the first instance of *tuma* entering the world.

The Yom Kippur ceremony is well known, and is retold yearly in poetic form as the central focus of the *Musaf* service. The details of the *metsora* rite are perhaps somewhat less familiar.

Through whichever lens we view it, the case of the *metsora* and his elaborate purification process is perplexing. Whether examined on the level of the plain meaning of the text, the Midrashic interpretations, or the practical, legal rulings as formulated in the Talmud, many of the details regarding the "leper" (or, more accurately, one suffering from some sort of skin disease)³ and

is echoed in such stories as Romulus and Remus. Yonatan Feintuch discusses the *Azazel* theme in *Bereshit* in his article "Shenei Se'irei Yom Ha-Kippurim," in *U-Ve-Yom Tsom Kippur Yehatemun, Studies on Yom Ha-Kippurim*, ed. Amnon Bazak (Alon Shevut: Tevunot Press, 2005), pp. 80–81.

2. Jacob Milgrom advocates the notion that all ritual impurity stems from a connection to death. Others, including Maccoby, disagree. But all would acknowledge the primacy and severity of corpse *tuma* and note that the first instance of severe *tuma* would have been Abel's lifeless body.
3. To quote Rav Shalom Carmy (in an online post) (Mail.Jewish, Volume 19, Number 19):

"There is no reason to identify the tsaraat of Tanakh with the modern leprosy. There is nothing to indicate that Biblical 'leprosy' is contagious. The identification is based on the [Targum Shivim] who translated tsaraat as 'lepra.' See commentaries of R. SR Hirsch and RDZ Hoffmann for detailed evidence on this point.

"Contemporary lepers refer to their affliction as Hansen's Disease. Hansen's is

the procedures required to gain reentry into the community from which he has been banished as a result of his affliction, are puzzling, even granting that when it comes to purification rites in the Bible in general, we are in enigmatic territory.

The lengthy and detailed path to the leper's purification begins with the *kohen* determining that the disease has been cured (as it is a *kohen* who determines whether the affliction is to be considered *tsaraat* in the first place). Then follows a three-part process that gradually allows the *metsora* to rejoin society and concludes the state of *tuma* that his condition had brought about. Stage one involves a set of rites reminiscent of other biblical purification procedures, but which also has unique features. This stage ends the quarantine and allows the individual to return to the camp. Stage two occurs seven days later when the *metsora* shaves his entire body and immerses in the *mikva*, rendering him *tahor* — ritually pure. The last stage takes place the following day and completes the purification process, granting the former *metsora* access even to the *mishkan*, through various sacrifices and an unusual ritual that involves anointing the purified one with blood and oil on his ear, thumb, and toe.

It is at the first stage of the process that we encounter a difficulty:

1 And the LORD spoke unto Moses, saying: 2 This shall be the law of the leper in the day of his cleansing: he shall be brought unto the priest. 3 And the priest shall go forth out of the camp; and the priest shall look, and, behold, if the plague of leprosy be healed in the leper; 4 then shall the priest command to take for him that is to be cleansed

infectious, but can be transmitted only after prolonged contact with sufferers, not by casual contact. It is one of the least contagious of maladies.

“Some years ago I received several complementary copies of the Journal of Hansen’s Disease (courtesy of a medical talmid). They are very makpid on correct nomenclature and dedicated to eradicating any confusion between their affliction and the loathsome Biblical disease. There are times when political correctness is condescending and foolish. This is not one of them, it seems to me.”

two living clean birds, and cedar-wood, and scarlet, and hyssop. 5 And the priest shall command to kill one of the birds in an earthen vessel over running water. 6 As for the living bird, he shall take it, and the cedar-wood, and the scarlet, and the hyssop, and shall dip them and the living bird in the blood of the bird that was killed over the running water. 7 And he shall sprinkle upon him that is to be cleansed from the leprosy seven times, and shall pronounce him clean, and shall let go the living bird into the open field. (Vayikra 14)⁴

The purification requires two birds. The first is killed and its blood is collected in a bowl containing *mayim hayim* — water from a running spring. The second bird, along with cedar wood, crimson, and hyssop, is then dipped in the blood of the first and set free. The parallel to the Yom Kippur service is obvious. There as well, one goat, the *sair la-Hashem*, is killed, its blood sprinkled on various places in the Temple. The other goat, the *sair la-Azazel*, is banished to an *erets gezera*, a land which is cut off, a wasteland, carrying with it the sins of the children of Israel and the *tuma* of the sanctuary, thereby “cleansing the contaminated adytum with the purification blood and transferring the released impurities to the goat for Azazel”⁵ It seems clear that the *metsora*’s second bird, which so closely parallels the *Azazel* goat, serves a similar function and is meant to carry off the *tuma*.

But herein lies the difficulty with the bird and its fate. The undesirable elements transferred to the live animal are meant to be banished forever, to be destroyed and purged from the world. But how is this to be accomplished if the bird is set free? Regarding the *Azazel* goat, the underlying assumption is that it would meet certain death in the desert. After all, as Cain already noted, banishment is a precarious state. If a wanderer cannot survive without divine intervention, a lone goat in the wilderness

4. Trans. Jewish Publication Society, 1917.

5. Jacob Milgrom. *Leviticus* (Continental Commentaries Series), p. 147

would most surely perish. A passage in the Yerushalmi describes the nomads (*serakin*) lurking in the desert waiting to kill and consume the helpless goat.⁶ The more familiar Mishna takes no chances in its portrayal of the goat's final moments. "What would he [the appointed man] do? ... He would push [the *Azazel* goat] backwards [off the cliff] and it would tumble and fall, and it would not reach even halfway down the mountain before it was torn apart limb from limb" (*Yoma* 67a).

Thus in the case of the scapegoat bearing the nation's sins and impurities, there is no fear that it would ever return. But in the case of the *metsora*, a bird released to the open field could simply fly back, carrying with it the very *tuma* that it was meant to bear away. The *beraita* (*Kiddushin* 57b), keenly aware of this problem, stipulates exactly where one should and should not stand in order to minimize the chance of the bird's reappearance.⁷ Nevertheless, the question remains: How could this bird be allowed to fly away to freedom, leaving open the possibility that it might one day return instead of being destroyed and thereby forever eliminating the impurity?

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6. The Yerushalmi's tradition was that the Mishna's stating with certainty that the goat would not survive its fall from the cliff relates to an early period, but that in later times the *Azazel* goat could in fact have reached the wilderness while still alive: "All the days that Shimon the Righteous was alive, [the *Azazel* goat] would not reach even half-way down the mountain before it was torn apart limb from limb. Once Shimon the Righteous died, [the goat] would run off to the desert and the nomads would eat him" (Yerushalmi *Yoma* 6:3).
 7. "'Field' [teaches] that one must not stand in Jaffa [which borders on the sea — Rashi] and cast it into the sea, or in Gabbath [which borders on the desert — Rashi] and cast it to the wilderness, or stand without the city and throw it into the city; but he must stand within the city and throw it beyond the wall" (*Kiddushin* 57b). The rabbis were bothered by the fact that the live bird might return and bring with it the contamination that had been transferred to it from the *metsora*. One must therefore take efforts to minimize the chance of this happening. Releasing the bird toward the sea or the desert would surely result in its immediate return, since it would not be able to find food or shelter.

In a related halakhic discussion, *Hazal* debate the status of the live bird and wonder whether it should be permissible to use or benefit from it once it has been released. The initial assumption is that the bird's status should be similar to that of other animals used in ritual services performed outside the Temple, such as the *egla arufa*, the *peter hamor*, and the *Azazel* goat. In all those cases, it is forbidden to benefit from the animal even after the service is concluded.⁸ Indeed, the first *metsora* bird, that which is killed, is *assur be-hana'a*.

However, all agree that it is permissible to benefit from the second bird once it has been released. The Talmud cites three opinions regarding the source for this anomalous law, culminating in Rava's position, which derives the bird's permissibility not from any specific text but rather from logic. It is inconceivable, he maintains, that the Torah would forbid benefiting from the bird, since that would open the very real possibility that people might unwittingly transgress such a prohibition. After all, the bird could conceivably be caught at some future time and there would be no indication that it had been used in the purification service. Rava asserts, "The Torah would never say 'send it forth' to cause a mishap" (*Kiddushin* 57b). Therefore its use must indeed be allowed.⁹ The fact that multiple attempts are made to justify the exceptional status of the free bird, along with Rava's seemingly circular argument, serves to highlight the oddity of this halakha. In reality, the bird should be prohibited from use after the ritual is performed; in fact it should be destroyed to ensure that it not be inadvertently used. In view of its fundamental purpose, it should not be set free. The Torah, however, says otherwise, and

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8. The Talmud (*Yoma* 67a-b) records an argument between Rav and Shmuel as to whether the *Azazel* goat is indeed *assur be-hana'a* (see next note).
 9. This phrase appears three times in the Talmud. In addition to our case of the *metsora's* bird, the logic is applied to the *sair la-Azazel* (according to the position that its use is in fact permitted), and also to the mother bird sent off from her nest before the eggs are collected (*shiluah ha-ken*).

the Rabbis are left to work out the ramifications of this instruction. Again, we are faced with an extremely difficult challenge in understanding how the second bird could be set free.

The Midrashic interpretations only increase our problem in understanding the role of the second bird. The famous wordplay *metsora* — *motzi shem ra* and the association of *tsaraat* with *lashon ha-ra* are so ubiquitous that it is easy to forget that such a connection is not explicit in the Torah. In fact, *Hazal* present a longer list of sins which result in *tsaraat*:

R. Samuel b. Nahmani said in the name of R. Yohanan:
Because of seven things the plague of *tsaraat* is incurred:
[These are:] slander, the shedding of blood, vain oath,
incest, arrogance, robbery and envy. (*Arachin* 16a)

Derived from an examination of the characters throughout *Tanakh* who are stricken with *tsaraat*, such as Miriam, Na'aman, Gehazi, and Uziyahu, the list comprises harmful behavior *ben adam la-havero*, social transgressions which cause damage to one's fellow man and to the community at large. Rav S. R. Hirsch argued forcefully that *tsaraat* cannot be understood in terms of a physically contagious disorder, but rather as a spiritual malady. If the disease is a punishment for social deviance, then banishment is the appropriate first step on the path to repentance: the leper must leave the society he has injured and live in solitude in order to learn to appreciate the community he has sinned against. His journey back to society would entail his rejection of the habits and actions that caused the *tsaraat*, and his acceptance of more appropriate social norms. Rashi and others view the ceremonies along these lines and interpret the significance of the various items required for the purification process symbolically. To counter the slander, for example, it is specifically birds that are used, because "these chatter, as it were, continuously, with a twittering sound," and the harmful twittering and tweeting must be curbed. Cedar wood is used because this tallest of trees alludes to haughtiness, and the lowly hyssop reminds the penitent not to regard himself with too much pride.

Such Midrashic interpretations, however, do not resolve the problem of the bird that is set free. Regarding the symbolism of this bird, Rashi is silent, though *darshanim* throughout the ages have proffered various suggestions. The bird that is sacrificed represents the sinning *metsora*, while the bird that lives represents the *kohen*. Or, the sacrificial bird corresponds to the *Yetser Hara*, and the bird set free, the *Yetser Tov* (after all, in any social setting it is important not only to refrain from acting improperly, but also to act properly) (*Sefat Emet*). The first bird represents improper actions, while the second stands for improper thoughts, intangible and fleeting, which can be just as harmful (*Ben Ish Hai*). Alternatively, the first bird represents words of malevolent gossip, while the second bird stands for discourse in the words of Torah (*Keli Yakar*). All of these explanations provide deep insight into the nature of sin and repentance. But the various interpretations, which point in such diverse directions, seem to not adequately explain the specific action of freeing the second bird. Nowhere else in the entire corpus of ritual usage of animals is any beast or fowl ever set free.

Regardless of how one approaches the *metsora*'s purification process, the bird that is liberated to live unfettered and unscathed challenges our understanding.

Unless, of course, the second bird meets an entirely different fate. Such a possibility is offered by Hizkuni (13th cent. France), who proposes a radically different and original perspective on the scenario.

And the living bird [is dipped] in the blood: So that it will be colored and let go to the open field, and its fellows who recognize it and see that it has changed will gather against it and kill it ... (Vayikra 14:6)

This one brief, remarkable clarification provides an instantly compelling solution to the problem of the second bird; it is indeed set free, only to meet a gruesome death,¹⁰ corresponding to the death

10. In private conversations with ornithologists, the authors have

of the *sair la-Azazel*, which permanently removes the *tuma*. The Torah is not worried that the *metsora's* bird will return and carry back the impurity just as it is not concerned that one might benefit from the bird should it be caught again. These realities could never transpire, since the blood-soaked bird could not survive in the wild and would certainly be destroyed. Hizkuni's insight receives unexpected confirmation and is fleshed out in graphic detail in a major work of Holocaust literature, Jerzy Kosinski's controversial *The Painted Bird*. The novel describes the experiences of a young boy, abandoned by his parents, wandering in the Polish countryside during World War II. Alone and neglected, marked by physical features that set him apart, he struggles to survive in a harsh, hostile environment. Frequently abused and brutalized, he is exposed to the random cruelty, the callousness, violence, and viciousness of the rural population.

At one point in the story, the boy finds himself in the farmhouse of a peasant named Lekh.

... Lekh would become possessed by a silent rage. He would stare solemnly at the birds in the cages, mumbling something to himself. Finally, after prolonged scrutiny, he would choose the strongest bird, tie it to his wrist, and prepare stinking paints of different colors which he mixed together from the most varied components. When the colors satisfied him, Lekh would turn the bird over and paint its wings, head, and breast in rainbow hues until it became more dappled and vivid than a bouquet of wildflowers.

Then we would go into the thick of the forest. There Lekh took out the painted bird and ordered me to hold it in my hand and squeeze it lightly. The bird would begin

confirmed that this would indeed be the case. A wild bird dipped in blood and carrying mixed and unusual scents would either be attacked by its own kind when rejoining the flock or, alternatively, a bird of prey would see and smell the blood and, assuming injury, immediately pounce on the unfortunate quarry.

to twitter and attract a flock of the same species which would fly nervously over our heads. Our prisoner, hearing them, strained toward them, warbling more loudly, its little heart, locked in its freshly painted breast, beating violently. When a sufficient number of birds gathered above our heads, Lekh would give me a sign to release the prisoner. It would soar, happy and free, a spot of rainbow against the backdrop of clouds, and then plunge into the waiting brown flock. For an instant the birds were confounded. The painted bird circled from one end of the flock to the other, vainly trying to convince its kin that it was one of them. But, dazzled by its brilliant colors, they flew around it unconvinced. The painted bird would be forced farther and farther away as it zealously tried to enter the ranks of the flock. We saw soon afterwards how one bird after another would peel off in a fierce attack. Shortly the many-hued shape lost its place in the sky and dropped to the ground. When we finally found the painted bird it was usually dead. Lekh keenly examined the number of blows which the bird had received. Blood seeped through its colored wings, diluting the paint and soiling Lekh's hands.

... Lekh, sulking and glum, removed one bird after another from the cages, painted them in still gaudier colors, and released them into the air to be killed by their kin. One day he trapped a large raven, whose wings he painted red, the breast green, and the tail blue. When a flock of ravens appeared over our hut, Lekh freed the painted bird. As soon as it joined the flock a desperate battle began. The changeling was attacked from all sides. Black, red, green, blue feathers began to drop at our feet. The ravens flew amuck in the skies, and suddenly the painted raven plummeted to the fresh-plowed soil. It was still alive, opening its beak and vainly trying to move its wings. Its eyes had been pecked out, and fresh blood streamed over its painted feathers. It made yet

another attempt to flutter up from the sticky earth, but its strength was gone.¹¹

Kosinski's painted birds and the *metsora's* bird share the same fate, and setting the second bird free is therefore not an anomaly but is in fact precisely analogous to the *sair la-Azazel*. But the bird parallels extend further. The boy in the novel is himself a type of painted bird, physically different from the peasants among whom he seeks to survive. He is an outsider, an alien, the quintessential Other who is fair game for the antagonism and aggressiveness of the rest. The brutality of which he is a victim is merely a less extreme form of the fate of the painted birds.

The *metsora* too shares the characteristics of the painted birds and of his own purifying bird. Doomed to draw attention to his Otherness not only by his physical appearance but by constantly having to proclaim *tamei, tamei*, he will not be physically assaulted by his fellow men. He is, however, psychologically tormented, isolated, shunned, an object of fear and loathing. Analogies, however, must not be pressed too far. The boy in Kosinski's novel, experiencing so much suffering, is an innocent victim. The *metsora*, on the other hand, though a victim too, is not in the category of undeserved affliction or the object of a crazed peasant's sadism. His social isolation is intended to arouse and foster repentance, so that the purification process can begin. The cruelty involved in that process is a stark reflection of the severity of his sin. His disease is a punishment, and the ostracism he endures is not an instance of random malice or savage inhumanity. After all (at least according to the Midrash), he himself was guilty of the very same behavior in treating his companions with malice and contempt. Only with the death of the second bird will he be restored to the society that he wronged and that in turn banished him. The *metsora's* return to society, his reintegration into the community that spurned him as long as he was *tamei*, is a painful

11. Jerzy Kosinski, *The Painted Bird* (Houghton Mifflin, 1965), chap. 5. <note added, OK?>

procedure requiring the shedding of innocent blood, blood that might otherwise have been the sinner's own. The second bird is, in fact, a surrogate for the *metsora* and serves a function similar to that of other sacrificial animals, as the Ramban, when speaking of *korbanot* in general, writes: "and it is appropriate that his own blood be spilled and his own body be burned were it not for the *hesed* of the Creator who accepts a replacement in his stead" (commentary to *Vayikra*, 1:9).

The literal fate of the birds is exactly the punishment that Cain finds too great to bear. Condemned to become a restless wanderer over the earth, an outcast, a pariah, he sees himself as a potential victim of societal hostility: anyone who meets him may kill him. Without the special mark granted him by God, at once an affirmation of his outsider status and a guarantee of his safety, he would not be able to survive among his fellow humans. Perhaps another reason the *metsora* ceremony alludes to the story is that Cain's act was the first social transgression, the first *avera ben adam la-havero*. Both crime and punishment parallel those of Cain, and, once reformed, the *metsora* can only rejoin the community by means of the bird that is cast out upon the open field.