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Inspecting a Metzora on Sunday

This week we began *masechet Negaim* which deals with the identification and treatment of *tzara'at* affecting the body, clothing and houses. *Tzara'at* was no ordinary affliction. Its cause did not have a scientific reason, and its healing process, at the very least, would today be considered alternative. The reason for this difference is despite the illness having a physical manifestation, the cause and remedy were both spiritual.

One would only become a *metzora* with the *kohen's* inspection and declaration that he is indeed a *metzora*. In some cases a *metzora* can be subjected to two, seven day quarantines; referred to as a *metzora musgar*. At the end of each seven day period (including the first day of inspection) the *metzora* is reassessed and it is determined whether the *metzora* is *tahor*, *tameh* or must undergo another seven days of quarantine.

The *Mishnah* (1:4) stated a concern which then takes the form of debate. The *Chachamim* ruled that judgements (*dinim*) cannot be performed on *Shabbat* out of concern that those ruling, would write the details of the judgement down, thus violating a prohibition of *Shabbat*. The *Bartenura* explains that the inspection of a person suspected of being a *metzora* falls under this prohibition. The *Tifferet Yisrael* explains that this is because the inspection requires a high level of expertise and weighted analysis.

While the above law is accepted by all, the debate is about whether the initial inspection can be performed on a Sunday or Monday. The reason is that potentially the inspections after the first and second seven day quarantines could fall on *Shabbat*. *R' Channina segan Ha'Kohanim* rules that the initial inspection cannot be performed on Sunday and Monday so as to prevent the potential conflict. Since the timing of the review being after seven days is *Torah* law, while the initial inspection is not, that potential conflict must be avoided.¹ *R' Akiva* however rules that the initial inspection is not delayed and nevertheless performed on Sunday and Monday. This is despite the potential future

conflict. In the case that a subsequent inspection falls on *Shabbat* then that inspection will be pushed off till after *Shabbat*. The *Mishnah Achronah* explains, in his second answer, that since at present there is no current need there is no justification for delay.

In the first answer brought by the *Mishnah Achronah*, he explains that this debate is not based on logic alone but hinges on something else. Next week we will learn (3:2) that if a groom develops a *nega*, his initial inspection is not performed till after the festive week – the first week of marriage. Similar the initial inspection of anyone that develops a *nega* during one of the three festivals is also delayed till after the festival. The *Gemara* (*Moed Katan* 7b) brings a *Beraita* that records a debate regarding this law. *R' Yehuda* maintains that it is derived from the *pasuk* that states "On the day that it is seen [on the *metzora*]" implies that there are particular day that the *nega* is not seen, i.e., in the event of a *mitzvah*. *Rebbi* argues that such a derivation is unnecessary, for the *pasuk* already stated that when the *kohen* came to inspect a *nega* on a house, "The *kohen* shall instruct them to empty the house [of its contents]... so that everything in the house should not become *tameh* [when he declares it so]". *Rebbi* explains that if for mundane matters the inspection can be delayed then certainly this would be the case for the sake of a *mitzvah* (e.g. *simchat yom tov*). The *Gemara* explains that the practical difference between the positions of *R' Yehuda* and *Rebbi* is whether the initial inspection can only be delayed for a *mitzvah* or for other matters as well (*davar reshut*).

The *Mishnah Achronah* explains that this is indeed the debate in our *Mishnah* as well. He explains that delaying the initial inspection from occurring on a Sunday would be considered a *davar reshut* since currently there is no *mitzvah*-need. *R' Channina* maintains that even for a *davar reshut* one can delay and consequently rules that the inspection must be pushed off till Tuesday. *R' Akiva* on the other hand insists that a *mitzvah* driven reason is the only basis for delay and therefore the initial inspection must be performed.²

Yisrael Yitzchak Bankier

¹ The *Tifferet Yisrael* explains that while it is true that the *Chachamim* have the ability to overrule *Torah* law when instructing one to take no action (*shav ve'al ta'aseh*), nonetheless *R' Channina* maintains that this licence should not bring it about *l'chatchila*.

² The *Mishnah Achronah* however cites the *Rambam* who rules like *R' Akiva* that initial inspections can be performed on any day (except *Shabbat*

and *Yom Tov*), yet cites the explanation of *Rebbi* for delaying the inspection of a groom. The question is left for further thought.

Revision Questions

אהלות י"ח:

- Which ten places do not have the status of *m'dor go'im*? (י"ח:י)

נגעים א' – ג'ב:

- Explain the following statement: (א:א)

מראות נגעים שנים שיהן ארבעה...
- Explain the debate regarding the previous question. (א:א)
- Explain the debate regarding the colour of אדמדם (א:ב).
- Explain how the different colour *negaim* combine: (ג:א)
 - Liftor*? (Include all cases.)
 - Lehachlit*? (Include all cases.)
 - Lehasgir*?
- How many *mar'ot negaim* do the following *Tana'im* maintain there are: (ד:א)
 - R' Channina segan ha'kohanim*?
 - R' Dosa ben Harkinas*?
 - Akavya ben Mahalalel*?
- According to *R' Channina segan ha'kohanim* on which days does the *kohen* not inspect *negaim* and why? (ד:א)
- Who argues with *R' Channina segan ha'kohanim*? (ד:א)
- In what ways is the other opinion more lenient? (ה:א)
- In what ways is the other opinion stricter? (ה:א)
- Explain the debate regarding how the colour of a *nega* is assessed with people that have varying natural skin colours. (ב:א)
- What are the two opinions regarding the time of day that a *nega* should be inspected? (ב:ב)
- Can a *kohen* that is blind in one eye inspect *negaim*? (ג:ב)
- If a house does not have windows, are windows created to allow natural light in for the purpose of inspecting its *negaim*? (ג:ב)
- Explain how *negaim* that are in concealed places are inspected? (ד:ב)
- What other process uses the same method? (ד:ב)
- What are the two opinions regarding the limit on whose *negaim* a *kohen* is allowed to inspect? (ה:ב)
- For what other laws does a similar limit apply? (ה:ב)
- Which people do not become *tameh* through *negaim*? (א:ג)
- What is the difference between whether a *kohen* or *yisrael* inspects *negaim*? (א:ג)
- Describe how a *yisrael* can assist a *kohen* in this task? (א:ג)
- Is one allowed to inspect two *negaim* at once? (א:ג)
- Can a *kohen masigir* a *muchlat*? (א:ג)
- What is the law if a *chatan* develops a *nega*? (ג:ב)
- What other case shares the same law? (ג:ב)

Local Shiurim

Sunday -Thursday

After maariv
Mizrachi Shul

Friday & Shabbat

10 minutes before mincha
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
6 th September י"ז אלול	7 th September י"ח אלול	8 th September י"ט אלול	9 th September כ' אלול	10 th September כ"א אלול	11 th September כ"ב אלול	12 th September כ"ג אלול
Negaim 3:3-4	Negaim 3:5-6	Negaim 3:7-8	Negaim 4:1-2	Negaim 4:3-4	Negaim 4:5-6	Negaim 4:7-8

