



Parashat Tazria 2008
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Most of Parashat Tazria is devoted to the laws of *tzara'at*, different forms of skin discoloration that renders an individual *tamei* (ritually impure). The Mishna (Negaim 4:11) writes that a discoloration on a person's skin renders him *tamei* only if it surfaced prior to the discoloration of the hair on that spot of the skin. If the person's hair first turned white, and this discoloration was then followed by a whitening of the skin, the individual is not rendered *tamei*. The Mishna then proceeds to record a debate concerning an individual's status in a case where he is uncertain whether the discoloration first surfaced on the skin or on the hair. Whereas the majority view maintains that the person is indeed *tamei* in such a case, Rabbi Yehoshua was of the opinion that he is not *tamei* unless he knows for certain that the skin changed color before the hair.

The Talmud (Bava Metzia 86a) records a remarkable and startling story relevant to this halakhic debate, telling that an argument surfaced in the "heavenly academy" on this very issue. The "students" of the academy followed the majority view, rendering an individual *tamei* if he cannot ascertain whether the skin changed color before the hair, while the Almighty Himself, as it were, insisted that the person remains ritually pure in this case. They decided to summon a certain sage named Rabba Bar Nachmani, who was an expert in this area of *Halakha* and could thus provide the authoritative ruling on this issue. Rabba determined that a person in such a case is indeed *tahor*, as God Himself had argued, and the Talmud relates that Rabba Bar Nachmani's soul departed as he uttered the word "*tahor*."

Interestingly enough, Maimonides, in *Hilkhot Tum'at Tzara'at* (2:9), rules against Rabba Bar Nachmani's position, and adopts instead the majority view recorded in the Mishna in *Nega'im*. Despite the fact that God Himself, as it were, took the position that a person in this case is *tahor*, and even the students of the academy seemed prepared to submit to the decision of Rabba Bar Nachmani, Maimonides nevertheless rules that such an individual is in fact *tamei*. (Maimonides takes this position also in his commentary to the Mishna in *Nega'im*.)

Rav Yosef Karo, in his *Kesef Mishneh* commentary, explains that Maimonides ignored Rabba Bar Nachmani's ruling because of the halakhic principle of *lo va-shamayim hi*, which means that prophetic revelations have no bearing upon the halakhic decision-making process. Halakhic authorities are to reach their conclusions based solely upon the knowledge and tools transmitted through the written and oral traditions, and not based on prophecy. The *Kesef Mishneh* contends that Rabba Bar Nachmani's ruling, which was issued as his soul departed, constitutes a sort of "prophetic" ruling which cannot affect the decision-making process.

Others, however, questioned the *Kesef Mishneh's* argument, as from the Gemara it appears that Rabba issued this ruling shortly prior to – and not at the moment of – his passing.

Rav Yechiel Michel Epstein, in his *Arukh Ha-shulchan Ha-atid* (83:13-14), points to three factors that may have led Maimonides to disregard the Gemara's discussion, and codify the majority position recorded in the Mishna. Firstly, it is clear from the Gemara that nobody was present at the time when this occurred, and thus it could have only been through some kind of quasi prophecy that the Sages learned of Rabba's intervention in this heavenly debate. Accordingly, the *Kesef Mishneh* is quite correct in applying to this instance the rule of *lo va-shamayim hi*, that we do not introduce prophetically-obtained material into halakhic deliberations.

Secondly, Rav Epstein suggested, it is possible that the debate in the heavenly academy pertains to the halakha as it applies in absolute terms, whether the individual is truly *tamei* or *tahor*. In practice, however, we are bound by the rules of *Halakha* that demand following the majority position in situations of debate among the scholars. Hence, even if Rabba Bar Nachmani's ruling can impact upon the halakha in the absolute sense, it has no bearing on the practical conclusion that we must follow. Indeed, Maimonides concludes this *halakha* by adding that the individual in such a case is *tamei mi-safeik* – meaning, he has a status of "doubtful impurity." It is possible that in the absolute halakhic sense he is *tahor*, but for practical purposes he is treated as *tamei*.

Finally, Rav Epstein writes, we do not take the Talmud's aggadic (homiletic) discussions into account when deciding *halakha* if they conflict with accepted halakhic principles. The standard rule that requires following the majority position among the scholars overrides any implications to the contrary that might surface from this or any other aggadic narrative found in the Talmud. Indeed, in the introduction to the tenth chapter of Masekhet Sanhedrin, Maimonides famously denounces the approach that accepts the literal, straightforward reading of aggadic passages. Thus, whatever profound lessons and ideas the Sages sought to convey through this story of Rabba Bar Nachmani have no impact upon practical *Halakha*, and, as such, we resort to the established rule affording authority to the majority position recorded in the Mishna.