



Nig'ei Batim: the Manifestation of Tzara'at on Houses
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The first half of Parashat Metzora continues the presentation of laws introduced in the previous section, in Parashat Tazria, dealing with the phenomenon of *tzara'at* (generally mistranslated as "leprosy"). As we discussed last week, Maimonides, following the predominant view found in Talmudic writings, identifies *tzara'at* as a supernatural, metaphysical occurrence, rather than simply a medical disorder. The Torah laws governing *tzara'at* and the particularly strict measures associated with the *tum'a* (ritual impurity) generated by this phenomenon, must, in Maimonides' view, be seen as punitive measures, rather than medical precautions. Towards the end of his discussion of *tzara'at* in his *Code* (Hilkhhot Tum'at Tzara'at, chapter 16), as well as in his commentary to the Mishna (Nega'im, 12:5), he proves this approach from the variety of scientifically unrelated manifestations of *tzara'at*. The Torah and the Sages include under one general category of *nega'im* ("afflictions") skin infections, discoloration of garments, and discoloration on walls in people's homes. Clearly, Maimonides argues, wall discoloration does not result from any medical disorder; necessarily, then, we cannot possibly view the system of *tzara'at* laws as a medical handbook. Rather, he writes, these manifestations of *tzara'at* resulted from spiritual failure, particularly, as the Sages emphasize, the transgression of *lashon ha-ra* – negative speech about others. God would first issue a warning to violators by afflicting their homes; if they continued to transgress, *tzara'at* would surface on their clothing, and, ultimately, upon their bodies, in which case they must be banished from their towns and cities.

This week, we will focus our attention on the phenomenon of *nig'ei batim*, the form of *tzara'at* affecting the walls of people's homes, a topic to which the Torah devotes a lengthy section Parashat Metzora (14:33-53). Through the lens of Maimonides' rulings and later commentaries, we will consider a possible, fundamental distinction between this manifestation of *tzara'at* and the other two categories (bodily *tzara'at*, and *tzara'at* on clothing and linens).

"Ke-nega" – "Something like an affliction"

We begin with a passage from the 14th chapter of Maimonides' Hilkhhot Tum'at Tzara'at, where he outlines the procedures for determining the presence of *tzara'at* in one's home. In the fourth law of this chapter, he writes:

When one sees an affliction in the home – even a scholar, who knows with certainty that this is an affliction [meeting the criteria of *tzara'at*] – he should not state definitively, "an affliction has appeared to me in the house," but he rather says to the *kohen*, "Something like an affliction has appeared to me in the house."

This ruling, which Maimonides cites almost verbatim from the Mishna (*Nega'im*, 12:5), is based on the verse in Parashat Metzora describing the process of *tzara'at ha-bayit*. It indeed states that when one notices a discoloration upon the wall in his home, he "shall come and tell the *kohen*, saying, 'Something like an affliction has appeared to me in the house'" (14:35). From here the Sages established that the homeowner must not tell the *kohen* unequivocally that his home has been stricken by a *tzara'at* affliction, but should rather express uncertainty in this regard – "something like an affliction." Regardless of his proficiency in the field of *tzara'at*,

and his certitude that the discoloration in his home qualifies as formal *tzara'at*, he must speak to the *kohen* with a degree of doubtfulness.

Before exploring the possible reason or reasons for this provision, we must first take note of the context in which it appears in the Mishna and in Maimonides' code. Both works present this law specifically amidst the guidelines concerning *nig'ei batim* – house *tzara'at*. Neither in the Mishna nor in Maimonides' treatment of *tzara'at* laws do we find any reference to such a provision concerning the other forms of *tzara'at*. It appears, at first glance, that when a person discovers a discoloration on his skin or clothing, he can express himself however he wishes when inviting the *kohen* to inspect the suspicious skin or garment. Apparently, the procedure concerning house *tzara'at* differs from that required in cases of the other manifestations.

One might, however, still insist that this law applies equally in all instances of *tzara'at*. Perhaps, the Torah, for whatever reason, introduced this law in the context of *nig'ei batim*, but once it did, the law takes effect with regard to all three categories. One could argue that the Mishna articulates this provision specifically amidst its discussion of *nig'ei batim* not because it is restricted to that category of *tzara'at*, but rather because it is in this regard that the Torah introduced this *halakha*. And Maimonides, then, simply followed the Mishna's lead. Furthermore, the work *Chazon Nachum* (a two hundred year old commentary to the order of *Taharot*), claims that Maimonides here relied on his earlier ruling (13:14) establishing halakhic parity between the various forms of *tzara'at*. As Maimonides cites, the concluding verses of the Torah's *tzara'at* section bring together all the manifestations of this phenomenon: "Such is the ritual for every eruptive affection – for scalls, for an eruption on a cloth or a house" (14:55). This association indicates that all types of *tzara'at* share similar properties, and from this association Maimonides deduces the minimum size of a discoloration necessary to generate *tum'a*. Accordingly, the *Chazon Nachum* suggests that Maimonides had already codified the general parity between all the categories of *tzara'at*, and thus the provision that a homeowner should not speak definitively when reporting to the *kohen* applies equally to all cases of *tzara'at*.

Clearly, however, the straightforward reading of Maimonides' code suggests otherwise; had this provision indeed applied to all forms of *tzara'at*, he should have given more explicit indication to this effect. Seemingly, then, Maimonides indeed draws a distinction between *nig'ei batim* and the other categories. The parity he establishes between the different categories in chapter 13 likely relates only to the physical properties that render a given mark or discoloration ritually impure. Concerning other procedures, it appears, Maimonides distinguishes between the categories, and it thus behooves us to understand the basis for this distinction.

Let us, then, examine the reason underlying this *halakha*, forbidding the homeowner who discovers a discoloration on his walls from definitively determining its *tzara'at* status, and consider why it might apply only to house *tzara'at*. At first glance, this law seems difficult to understand. As Maimonides clearly establishes (*Hilkhot Tzara'at* 9:2), only a *kohen* is empowered to confer the status of *tum'at tzara'at* upon an individual, garment or house. The ruling of a non-*kohen*, regardless of his level of proficiency in the *tzara'at* laws, has no effect at all on the person or item in question; only a *kohen*'s declaration renders *tum'at tzara'at*. Why, then, would the Torah forbid the homeowner from speaking in definitive terms when reporting the suspicious discoloration to the *kohen*? Given that his report is of no consequence whatsoever with respect to the status of his home, why did Torah legislate the manner in which he formulates this report?

The *Tosfot Yom Tov*, a classic commentary on the Mishna, brings three possible reasons why the Torah demanded that the homeowner report to the *kohen* in an indecisive manner, all of which involve general modes of proper conduct. Firstly, as the Talmud recommends in *Masekhet Berakhot* (4a), "Accustom your tongue to say, 'I don't know'." It is generally preferable to express oneself indecisively, so as to avoid errors and misjudgments. Secondly, the homeowner's doubtfulness serves as an expression of respect and deference to the authority of the *kohen*, who has the exclusive right to determine the status of the home. Finally, the *Tosfot Yom Tov* writes, a famous rabbinic dictum advises, "*al tiftach peh la-Satan*" – literally, "do not open Satan's mouth." Meaning, one should avoid raising the prospect of crisis and calamity, and should instead speak of unfortunate events only once they occur. Discussing a tragedy that has not transpired gives the impression that one anticipates the misfortune. The compendium *Torah Sheleima* (Vayikra, chapter 14, note 164) cites several rare Midrashic manuscripts which explicitly associate this *halakha* with the concept of "*al tiftach peh la-Satan*."

As the *Tosfot Yom Tov* comments, all these reasons appear to bear no particular relevance to *nig'ei batim* as opposed to the other manifestations of *tzara'at*. Hence, if we accept any or all of these explanations for this rule, we have no reason to distinguish between the various categories.

The same can be said for the reason suggested by the Maharal of Prague, in his Torah commentary, *Gur Aryeh*. He claims that given the *kohen's* sole authority to confer the status of *tum'at tzara'at*, one's definitive claim of the presence of *tzara'at* constitutes falsehood. Since an affliction attains the formal status of *tzara'at* only after the *kohen's* declaration, one cannot honestly describe the discoloration with the word *nega* ("affliction") prior to the *kohen's* examination, regardless of his certainty of the outcome. Again, this explanation applies equally to all forms of *tzara'at*, and does not justify the distinction indicated by Maimonides between the various categories.

Halakhic Reasons

Others, however, suggested a more specific, halakhic factor warranting the homeowner to speak to the *kohen* in a specifically indecisive manner. A contemporary writer, Rabbi Binyamin Sorotzkin, who authored a scholarly work on *Maskehet Nega'im* entitled, *Nachalat Binyamin*, views this provision as a natural outgrowth of another *halakha*, which by nature relates only to house *tzara'at*. The Torah writes that before the *kohen* enters the house to examine the discoloration, he must first "order the house cleared before the *kohen* enters to examine the plague, so that nothing in the house may become unclean" (14:36). Given that all utensils, garments and linens in the house contract *tum'at tzara'at* the moment the *kohen* confers impure status upon the home, the Torah requires emptying the house of its contents before the *kohen's* examination. And according to Maimonides (*Hilkhos Tum'at Tzara'at*, 14:4), this includes even those items that are not susceptible to ritual impurity. (Items contract *tum'a* only if they have a formal status of a functional "utensil" or "garment"; stacks of wood, for example, are not susceptible to *tum'a*.) In his view, then, the requirement to empty the house is not merely intended for the practical purpose of sparing the homeowner immense financial loss, as earthenware utensils that had become *tamei* can never again regain their status of purity. Rather, the Torah here introduces a unique *gezeirat ha-Melekh* – a divine decree whose reason eludes human reasoning – that the initial examination must occur after the house is emptied. Hence, the entire process of examining the discoloration on walls of one's home

cannot begin until after the house is emptied of its contents. For this reason, Halakha forbids one from making any definitive assessment regarding the discoloration before removing the house's contents.

According to this approach, then, Maimonides in truth draws no fundamental distinction between *nig'ei batim* and other manifestations of *tzara'at*. The unique provision requiring the homeowner to speak doubtfully does not stem from any intrinsic quality of this category of *tzara'at*, but rather from the extraordinary provision legislated by the Torah requiring emptying a home of its contents before the *kohen's* examination.

However, one may challenge this approach on several grounds. For one thing, there is considerable discussion among the later scholars as to why Maimonides requires removing from the home even those items that do not contract *tum'a* (see *Mishneh Le-melekh*). According to some views, Maimonides was of the opinion that all objects – even those that ordinarily cannot become ritually impure – indeed attain the status of *tum'a* if they are present in the home at the time of the *kohen's* initial declaration. If so, then this requirement must be seen as merely a practical measure, and there would thus be no reason to avoid examining the discoloration before removing the house's contents, so long as they are removed before the *kohen's* declaration. Secondly, it is difficult to understand why the homeowner's assessment, which, as we have seen, has no bearing at all on the home's status, should be considered part of the examination and must therefore be delayed until after the house's contents are removed.

Additionally, there is evidence that Maimonides indeed acknowledged a fundamental distinction between this category of *tzara'at* and its other manifestations. As observed by the aforementioned *Chazon Nachum*, the possibility of such a distinction appears to hinge on a debate recorded in the Talmud, in *Masekhet Mo'ed Katan* (8a). The Talmud brings two views, represented by Abayei and Rava, as to the Scriptural source for the requirement that *tzara'at* inspections be held specifically during daytime hours. Rava points to the verse of which we have been speaking: "something like an affliction has appeared to me in the home." This verse, Rava argues, establishes that the affliction in question must be visible to the naked eye, without artificial illumination; as such, the examination must take place during the day. Abayei, however, argues that from this verse we can establish the visibility requirement only with regard to this category of *tzara'at* – afflictions on homes. This verse cannot serve as a source for a provision applicable to the other categories of *tzara'at*. Abayei therefore cites another verse as the source for this *halakha* as it pertains to the other categories – a verse appearing in the context of bodily *tzara'at* that speaks of an examination held specifically by day (13:14).

Seemingly, Abayei and Rava debate the fundamental relationship between the relationship between house *tzara'at* and the other forms of afflictions. Abayei distinguishes between them, and thus the *halakhot* applicable to *nig'ei batim* cannot necessarily be transferred to bodily and garment afflictions. Rava, however, appears to equate the guidelines concerning the different categories, and therefore establishes a general rule of *tzara'at* based on a verse appearing in the specific context of *nig'ei batim*.

Significantly, Maimonides, in codifying the requirement to examine suspected *tzara'at* infections specifically during the day (Hilkhos Tum'at Tzara'at 9:6), cites the verse advocated by Abayei, rather than that of Rava. (Rabbi Chayim Ben Atar, in his work, *Rishon Le-tziyon*, addresses the issue of why Maimonides accepts Abayei's position, when Halakha generally follows Rava's view in his debates with Abayei. He explains that this principle does not apply in this instance, when Abayei and Rava debate the Scriptural source of a *halakha*, rather than a specific matter of direct halakhic import.) This would suggest, then, that Maimonides indeed acknowledges a fundamental distinction between house *tzara'at* and its other manifestations –

consistent with his implication that specifically with regard to house *tzara'at* must the individual approach the *kohen* with an indecisive demeanor.

Our question, then, returns, on what basis does Maimonides distinguish between the different categories of *tzara'at*?

Another Distinction

The first clue, perhaps, arises from yet another unique, halakhic feature of house *tzara'at*. Amidst his discussion of *nig'ei batim*, Maimonides writes, "Jerusalem and the Diaspora are not subject to impurity through *tzara'at*, as it says (Vayikra 14:34), 'upon a house in the land you possess'." The verse cited in this passage appears in the Torah's introduction to its discussion of house *tzara'at*. The fact that the Torah speaks of *tzara'at* surfacing upon a home "in the land you possess" indicates that full possession of the home is a necessary prerequisite for the formal halakhic status of *tzara'at*. Therefore, this status can take effect only in the Land of Israel, the only territory that the Israelite nation truly "possesses" in the full sense of the term. Likewise, as Maimonides here codifies, these laws do not apply in Jerusalem, given the principle known as *Yerushalayim lo nit'chalka li-shvatim* – the city of Jerusalem was never assigned as the territory of a single tribe, but rather remains the joint property of the entire nation. Since an individual cannot technically enjoy full monetary ownership over a home in Jerusalem, homes in that city are not candidates for *tzara'at*.

This *halakha*, too, appears only here, in the context of house *tzara'at*, implying that the other forms of *tzara'at* apply in all locations. Indeed, the anonymous *Sefer Ha-chinukh*, generally a loyal follower of Maimonides' rulings, writes explicitly that the laws concerning bodily *tzara'at* apply in all locations (170). The famous work *Minchat Chinukh*, an extensive commentary on the *Sefer Ha-chinukh*, ascribes this view to Maimonides, as well, as strongly indicated by the absence of any reference in his writings to a geographic limitation on the *tzara'at* laws, other than this passage regarding house *tzara'at*. (Nachmanides, by contrast, in his commentary to 13:47, asserts that the *tzara'at* of garments applies even outside the Land of Israel.)

Furthermore, the Talmud (*Yoma* 12a) establishes that even once the Israelites entered the Land of Israel, the laws of *nig'ei batim* did not take effect until after the completion of the process of conquest and settlement. It appears, then, that this manifestation of *tzara'at* – more so than the other forms – relates somehow to the concept of possession. These laws apply only upon a home that the owner can be said to "possess" in the absolute sense. What might this particular feature reflect about the unique nature of *nig'ei batim*, which sets these laws apart from the rest of the laws of *tzara'at*?

Tzarut Ayin – Stinginess

The significance of the concept of "possession" with respect to house *tzara'at* is eloquently developed by prominent German commentator and philosopher, Rabbi Samson Refael Hirsch, in his commentary to Parashat Metzora:

This quite definitely shows that the *nega* [affliction] does not refer to the building as such, but to the personality of its inhabitant to whom it is evidently addressed. It is not the house which is affected but the "home," the domesticity, the sphere which individualizes a human life towards the

general community, which the house represents. That, too, is why it is only a *nega* if it appears on the walls, which are really the "isolating" element of a house, and on the actual material of the walls, the stone, wood and plaster...

Amongst the social wrong-doings which in general provoke *nega'im* as the mark of God's displeasure, our *Chakhamim* [Sages] name one as being quite specifically the one to which *nig'ei batim* are primarily directed. And that is selfishness which shuts itself up against being of service in neighborly kindness.

The particular manifestation of *tzara'at* on the walls of one's home responds specifically to the spiritual ill of selfish withdrawal from society and the community. The Torah here describes the homeowner as *asher lo ha-bayit* – "he to whom the house belongs" (14:35). The Talmud (*Arakhin* 16a) detects in this description an allusion to the homeowner's possessiveness, and explains that the Torah here refers to "one whose home is designated only for him." The home stricken with *tzara'at* belongs to a person who refuses to lend his property to his neighbors, who sees himself as having exclusive rights to his home and its contents. The Talmud thus draws proof from this verse that *tzara'at* at times serves as divine punishment for *tzarut ayin* – stinginess. For this reason, as Rabbi Hirsch beautifully explains, house *tzara'at* can occur only on the walls – the symbol of this individual's isolation and withdrawal. (See as well the *Keli Yakar* commentary to this section.)

If, indeed, we attribute house *tzara'at* to the specific, unfortunate phenomenon of *tzarut ayin*, we can more easily understand the unique features of this manifestation of *tzara'at*. It can occur only in the Land of Israel, and only in a home over which the owner enjoys full possession, because it is precisely this situation that has given rise to the selfishness to which the occurrence of *tzara'at* responds. Likewise, this function of *nig'ei batim* perhaps justifies the need for the homeowner's humble indecisiveness when approaching the *kohen*. In an attempt to destroy the "walls," the barriers that this individual has erected between him and his community, the Torah mandates that he experience a sense of dependence upon the *kohen*. The homeowner until now has followed the approach referred to by one view as *midat Sedom* (*Avot* 5:10) – the attitude of the corrupt city of Sedom, whose population adhered to the policy of *sheli sheli, ve-shelakh shelakh* – "what's mine is mine; what's yours is yours." In response, he must now avoid expressing himself with self-sufficiency and confidence; instead, he demonstrates his reliance on the *kohen* for guidance and instruction, thereby reinforcing his sense of communal responsibility and the need for cooperation and mutual assistance among neighbors and friends.

Tzarut Ayin and Lashon Ha-ra

Admittedly, it may be very difficult to ascribe to Maimonides this approach to the underpinnings of *nig'ei batim*. In his discussions of *tzara'at* in the *Guide to the Perplexed* (3:47), his *Code* (end of Hilkhot Tum'at Tzara'at) and his commentary to the Mishna (12:5), he points specifically to the transgression of *lashon ha-ra* – negative speech about others – as the offense in response to which *tzara'at* surfaces. He explains the various manifestations of *tzara'at* as an incremental progression in severity, whereby God warns the violator first by afflicting his house, then his garments, and, finally, his flesh. Seemingly, Maimonides does

not accept the Talmud's attribution of *nig'ei batim* to selfish conduct, and views this manifestation in the same light as he does the other forms of *tzara'at*.

Nevertheless, the halakhic distinctions drawn by Maimonides between house *tzara'at* and the other categories perhaps compel us to assign a unique function to this particular form of *tzara'at* within the *lashon ha-ra* warning system. A tendency to engage in *lashon ha-ra* can, potentially, result from two opposite attitudes: indulgent preoccupation in the affairs of others, and insularity. The first, perhaps more familiar, phenomenon occurs when one displays excessive interest in other people, and entertains himself by learning about the personal failures and shortcomings of those around him. For others, however, *lashon ha-ra* stems from the barriers they erect between themselves and their peers, a sense of condescending indifference and disregard for others. This second group engage in negative talk not due to obsessive interest in their neighbors' affairs, but to the contrary, as part of their effort to distance and isolate themselves from their community.

We might speculate that bodily *tzara'at*, which demands sequestering the afflicted person outside his city (13:46), addresses the first type of *lashon ha-ra*, which evolves from a preoccupation in the private affairs of others. To correct this improper conduct, the violator must dwell in total isolation, where the only personal matters on which he can focus are his own. By contrast, the occurrence of *nig'ei batim* comes in response to the second category of *lashon ha-ra* - condescending isolation and withdrawal. A house determined to have been afflicted by *tzara'at* must be entirely dismantled (14:45). As punishment for his social isolation, the homeowner must relinquish his private life and build it anew. Whereas the person suffering bodily *tzara'at* is sentenced to isolation, the owner of a *tzara'at*-infected home loses his privacy and lives in the street, in the public sphere. He is forced to destroy the barriers he erected between himself and his community, and learn to engage and cooperate with his neighbors, rather than withdraw from them. (We obviously have not spoken of the third category of *tzara'at*, which affects clothing, a topic requiring independent treatment in a separate context.)

Thus, although Maimonides attributes the phenomenon of *tzara'at* exclusively to the violation of *lashon ha-ra*, the different manifestations of *tzara'at* may likely correspond to the different manifestations of *lashon ha-ra*. These differences perhaps account for the unique features of *nig'ei batim*, which, unlike the other cases, responds specifically to the *lashon ha-ra* of arrogant isolation and withdrawal, and is intended to bring the individual back into the public sphere that he has rejected heretofore. Rather than remaining in his home criticizing and scoffing at the world around him, he must now leave the confines of his house and experience a sense of dependence upon, and identification with, the community and society in which he lives.