

Is Bald Beautiful or *Tzara'as*?

Parshios Tazria and *Metzora* detail the laws of the *Metzora*. There are multiple types of *Tzara'as* and many Mitzvos relating to the identification of *Tzara'as*, the laws of impurity, and the procedures for purification.

Tzara'as is essentially a skin disease, and the identification of specific skin diseases as *Tzara'as* is unclear and based mainly on educated guesses. Despite this, it is possible to identify Halachic *Tzara'as* according to the descriptions given in the *Torah*, as interpreted by *Chaza"l*, and as codified by the *Rambam* (*Hilchos Tumas Tzara'as*).

In recent years, discussion has arisen among the *Poskim* as to the practicability of the laws of *Tzara'as* nowadays, especially following the publication of an essay of *haGaon* Rav Asher Weiss *Shlit"l* in *Minchas Asher, Parshas Tazria* (*Siman 27*¹). In a subsequent article in *Assia*², R' Dr. Sodi Namir also addressed this question, quoting several sources and referring to the *Minchas Asher*. In the last part of his article, he presents a wide variety of contemporary skin diseases that can be associated with the various forms of *Tzara'as* in the *Torah*.

The subject is broad; we will not be able to review it exhaustively. We will briefly consider some key sources and discuss a question of practical relevance relating to the use of various products for the treatment of hair loss.

The *Sifra* (*Metzora* 1:1) clearly states that the Mitzva of *Metzora* is practiced *b'Zman haZeh*. It also relates (*ibid.* 3) that R' Yehuda said that R' Tarfon (who was a Kohen) told him that he purified three *Metzora'im*, even though he lived after the destruction of the *Beis Hamikdash*. The *Kesef Mishna* (*Hilchos Tumas Tzara'as* 11:6) writes that the *Rambam* derived from the *Sifra* that the laws of *Tzara'as* apply even after the destruction of the *Beis HaMikdash*.

On the other hand, the *Midrash Lekach Tov* (*Pesikta Zutrassa, Shemos* 4:6) cites Rabbi Yochanan who said explicitly: "*There is no impurity of the Metzora following the destruction of the Beis Hamikdash*".

In the *Sifrei haPoskim*, we find almost no reference to the laws of *Tzara'as* nowadays. They are also omitted by the *Tur* and the *Shulchan Aruch*³ and there is almost

¹ *Siman 23* in the first printing.

² "*Tzara'as b'Zman HazeH – Basis Hilchati*", *Assia* 101-102, pp. 19-28, 2016.
<https://www.medethics.org.il/article/צרת-בזמן-הזה-בסיס-הלכות>

³ The *Shulchan Aruch* does refer to the laws of the *Metzora* in several places. For example, in *Orach Chaim* 38:13, he rules that a *Menuda* (a person in *Cherem*) and a *Metzora* are prohibited from putting on *Tefillin*. A more detailed *Halacha* referring to a *Metzora* (though tangential to *Hilchos Mila* in which it appears) is found in *Yoreh Deah* (266:1): "*Circumcision, whether before or after its time, sets aside*

no reference to them in the halachic responsa throughout the generations.

At the end of his introduction to *Maseches Negaim* - "Marei Kohen" (39), the *Tiferes Yisroel* states:

I have always wondered why they don't practice this today. I recalled that in my childhood I posed this question to the great Gaon, R' Akiva Eiger zt"l and he responded that he was also puzzled by this and that he had no plausible answer.

The most common approach to this question assumes that we do not practice these Halachos today because our knowledge of *Negaim* is deficient. This approach is proposed by *haGaon* Rav Asher Weiss *Shlit"a* in *Minchas Asher (ibid.)* based on an inference from the *Sefer haChinuch* (Mitzva 170, 171 and 173). The *Sefer haChinuch* usually states, at the end of each Mitzva whether it is practiced in our time and who is obligated to do so. Regarding the Mitzva of *Tzara'as*, he emphasizes that these Mitzvos are only practiced when there is a Kohen who is an expert in *Negaim*. For example, in Mitzva 170 he states: "*It applies to males and females, wherever and whenever there is a learned Kohen to see the Negaim*".⁴

This implies that although, in principle, the Mitzva applies even after the *Beis haMikdash* was destroyed, it is not practiced because there is no one who can deal with the laws of *Negaim* due to a lack of expertise.

Rav Asher notes that it is astounding to say that there is a Mitzva that applies nowadays but rabbis over the generations did not bother to teach their students, children, and grandchildren its details and specifics as they did for all the other Mitzvos.

At any rate, the *Sefer haChinuch's* statement clarifies why the *Poskim* did not deal with these Halachos: they were not sufficiently known and people were not knowledgeable about them. Anyone who is not familiar with the appearance of the *Negaim* is not allowed to rule upon them (*Rambam, Hilchos Tumas Tzara'as* 9:2). The *Ra'avya* states (840):

I was not required to explain the laws of Tzara'as, because the Kohen did not see it (the Kohen did not see the Nega) nor are we [sufficiently] familiar [with the Halachos] to examine [the Nega], and all the Halachos of Metzora are not practiced today. However, we distance ourselves from them because of the danger (since there is no benefit in the Kohen seeing the Nega, one must stay away from Metzora'im for fear of danger, since Tzara'as is a contagious disease).

*Tzara'as. If there is a Baheres on the foreskin, one may cut it off with the foreskin even though cutting off the Baheres violates a Lav. However, if, after he was circumcised, the flesh has grown to the point that it does not appear to be circumcised and needs to be cut [again], if there is Tzara'as [there] it is forbidden to cut it since it is only necessary to cut it [again] mid'Rabbanan." This indicates that the Issur to cut off a Baheres applies even today. Nevertheless, the *Shulchan Aruch* does not discuss the Halachos of *Tzara'as* in a detailed and ordered way*

⁴ See also Mitzvos 171 and 173.

The *Radvaz* writes similarly in *Metzudas Dovid*. He explains that after the *Talmud* was sealed (*I.e.*, in the post-Talmudic era), they were not knowledgeable about *Negaim*. This is also stated by the *Maharam Chagiz* in his sefer *Eileh haMitzvos*: "Now we do not have a knowledgeable person who knows about the appearances of *Negaim*".

The *Aruch haShulchan he'Asid* summarizes (*Taharos 97:12*):

It is astounding that the purification of the Metzora is not practiced today. If [you argue] that it is because of priestly lineage, on the contrary, all Kohanim today have the assumed status of Kehuna, as none of them have a document [proving their] Yichus, and the [fact that they still perform the] Pidyon haBen proves it. Even at the time of the Gemara, we do not find that they practiced the purification of Metzora'im. It seems to me that we are not familiar with the appearance of Negaim for we are not even expert in the shades of red of Dam Nida, nor were the Amora'im aware of them as stated at the end of Perek 2 of Maseches Niddah (19b).

The *Acharonim* present several approaches to this subject:

1) The *Tiferes Yisrael* writes that it is impossible to purify a *Metzora* without shaving his entire head with a razor which is an *Issur d'Oraisa* but set aside by the Mitzva of shaving. Today it cannot be set aside since the Kohanim are not certain of their lineage.

Rav Asher rejects this assumption, pointing out that it does not clarify why at least the Mitzva of *Tumas Metzora* should not be practiced, given that it should not depend on whether it is possible to observe the Mitzva of *Taharas Metzora*.

2) The sefer *Toldos Adam* (1:6) cites Rav Zalman of Volozhin (the brother of Rav Chaim Volozhin), who explains that rendering *Negaim Tamei* or *Tahor* requires a *Kohen Meyuchas*, which does not exist nowadays (unlike the view of the *Ya'avetz* who writes in his sefer *Birchas Shamayim* that the Halachos of *Negaim* do apply today). Rav Asher adduces support for this approach from the *Rambam's* ruling in (*Hilchos Terumos 7:9*): "A *Metzora* is like one whose impurity comes out from his body, and a **Kohen Meyuchas** will render him *Tamei*, but before the Kohen renders him *Tamei* he is pure."

In fact, the *Radvaz* (*ibid.*) explains that this is why *Tumas Negaim* is not practiced nowadays: "For the purification of the *Metzora* applies in *Eretz Yisrael* and in *Chutz laAretz*, both before and after the *Beis Hamikdash*. Certainly, the reason we do not practice it is because a *Kohen* is not among us now."

(Rav Asher explains that the *Ya'avetz's* opinion is consistent with his comments in *Sheilas Ya'avetz* (1:138) where he opines that declaring *Negaim Tamei* does not always depend on a *Kohen*; when there is no doubt that a *Nega* is *Tamei* no *Kohen* is required at all.)

Based on the above, Rav Asher clarifies the puzzling *Machlokes* between R' Tarfon who dealt with matters of *Negaim* and R' Yochanan who ruled that they are no

longer practiced. R' Tarfon, who lived soon after the *Churban*, had certain priestly lineage and thus could render judgment on *Negaim*. However, as years passed and the number of certain Kohanim dwindled, R' Yochanan ordered that these laws were not to be observed anymore.

3) The *Or Same'ach* (*Hilchos Tumas Tzara'as* 11:6) cites the *Rambam* in *Peirush haMishnayos* (*Negaim*, end of 14⁵) who discusses whether it is permissible for a *Metzora* to be shaved – which, as stated above, is prohibited by the Torah but set aside by the *Mitzvah* of *Giluach* – at a time when there is no *Beis haMikdash* and it is not possible to offer the *Korbanos* of the *Metzora* and complete his purification.

4) He also states: “*The color of Tola'as Shoni (scarlet wool) may have been forgotten just as the Techeles and Chilazon have been forgotten... thus it is not possible to purify a Metzora and houses [stricken by Tzara'as].*”

5) *Sheilas Ya'avetz* (*ibid.* 136) discusses the *Rambam's* statement that this *Mitzva* is even practiced today. He contends that “*this was only said when there was Mei Chatas in Eretz Yisroel as it was still in the days of the sages of the Talmud.*” (He means to say that the *Metzora's* purification without *Mei Chatas* water is impossible.)

However, this is far from clear, as Rav Asher pointed out. *Mei Chatas* water is nothing more than “*Mayim Chayim*” (spring water), which is easily found today and whose laws are clear. (The source of the *Ya'avetz'* contention that *Mei Chatas* was available in the times of the *Gemara* is *Nida* 6b. The *Rishonim* note that the *Gemara* implies that the ashes of the *Parah Adumah* were available in those times, though they do not make this same observation regarding *Mei Chatas*. See the *Mishneh laMelech*, *Hilchos Avel* 3.)

We must note that the foregoing approaches only explain why we no longer purify a *Metzora*, not why the laws of *Tumas Metzora* should not be practiced.

Therefore, Rav Asher offered another approach. He suggested that there is no *Mitzva* to pronounce a *Metzora Tamei* if cannot be purified. This is akin to *Chazal's* *Drasha* from the *Pasuk* of “*l'Taharo Oh l'Tam'o*” (*Vayikra* 13:59) that teaches us that the same *Kohen* who pronounces the *Metzora Tamei* should be the one to attend to his purification process. By the same token, we only practice impurity for someone whom it is possible to purify.

Rav Asher added that according to the opinion of R' Yehuda (*Moed Katan* 7a, whose opinion is accepted *l'Halacha* – see *Rambam*, *Hilchos Tumas Tzara'as* 9:8), there is another reason for not practicing *Hilchos Tzara'as* today. According to R' Yehuda, a *Chasan* does not come before the *Kohen* to find out whether he is impure with *Tzara'as* to enable him to fulfill his *Mitzva* of marriage. The same is true of somebody who potentially has *Tzara'as* on *Yom Tov*.

⁵ The reference in the *Or Sameach* is mistaken.

The same could apply nowadays. Since, for reasons delineated above, we cannot purify a *Metzora*, a person who suspects he has *Tzara'as* should not come before the Kohen who would pronounce him *Tamei* for that would prevent him from fulfilling many Mitzvos for the rest of his life.

Rav Asher also offers another approach. A person does not have to spend a lot of money, make himself sick, or endure pain to fulfill a Mitzva. The same argument may be extended to observing the Halachos of *Tzara'as*. A *Metzora* who can only become impure and can never be purified is not obligated to come to a Kohen who may pronounce him *Tamei*, for this will cause him a great deal of difficulty: he must remain outside of the camp all of his days, is forbidden from marital relations, and must observe other restrictions.

A related, practical question has arisen in recent years following the development of several treatments for hair regrowth. The discussion centers on the comments of the *Ramban* on the *Pasuk*, "*And the Nesek shall not be shaved*" (*Vayikra* 13:30) in which he states that the *Pasuk* intends to warn against passing a razor over a *Nesek* even though there is no hair on it because when the skin is scratched it stimulates the growth of hair which would purify the *Nesek*. (The *Ramban* notes that bald people attempt to regrow their hair in this manner.) The Torah forbids any attempt to purify the *Nesek* in this way.

In fact, some say that all baldness qualifies as a "*Nesek*", even when there is no change in the appearance of the skin (see the *Ra'avad*, *Hilchos Tumas Tzara'as* 8:1 and the *Kesef Mishna* and *Mishneh laMelech* *ibid.*). Thus, according to the *Ramban*, they say it is prohibited to attempt hair regrowth. Specifically, they note that according to the *Rambam*, *Hilchos Tumas Tzara'as* 10:1, the removal of signs of *Tzara'as* is forbidden even before a Kohen pronounces the *Nega* impure. If so, we can have no recourse to the aforementioned words of the *Poskim* that we do not practice the laws of *Tzara'as* because we do not have Kohanim with certain lineage.

Rav Asher, however, gave four reasons to permit it:

- 1) It is far from clear that all baldness should be considered a *Nesek*. The *Chazon Ish* (*Negaim* 3:4) states that a *Nesek* is a "sudden thing", unlike regular baldness which develops gradually.
- 2) It is likely that scratching the *Nesek* (which the *Ramban* prohibited) is considered a direct stimulation of hair growth, while the various treatments of baldness are nothing more than a *Gramma*. After all, we do not find that it is forbidden to use medicines to treat *Tzara'as*.
- 3) The other *Rishonim* do not interpret the *Pasuk* like the *Ramban*.
- 4) Even the *Ramban* offered this only as the simple interpretation of the text, not as a Halachic ruling.