

Metzora 2014

1.

Lashon hara, who is really held accountable

Nachlas Tzvi page 285

“for the person being purified there shall be taken two live, clean birds.” (14, 4)

"וְצִוְּהָהּ הַכֹּהֵן וְלָקַח לְמִטְהָר שְׁתֵּי צִפֹּרִים חַיִּים טְהוֹרִים."

Who is taking these birds? The Cheskuni and the Eben Ezra explain that the Kohen takes his own birds. The question arises; **why must the Kohen take his birds for someone else who sinned?** Moshe was buried in the desert and did not merit entering into Israel. This was done in order that in the future when Mashiach comes and there is a resurrection, Moshe will lead those Jews who were buried in the desert into Israel, as stated in Arachin (15a). What caused the Jews to be buried in the desert? It was because they spoke lashon hora and were not rebuked by Moshe. This future event proves that **the leader of a generation is held accountable when other people sin. (See also Shabbos 54) Since the Kohen did not inform the people of his generation of the seriousness and severity of loshon hora, he is accountable for those people who become a metzora for speaking loshon hara. Therefore the two birds are taken from the Kohen as a fine rather than from the sinner.**

Similarly, nowadays it is incumbent upon the Rabbis to do whatever is in their ability to prevent others from speaking the forbidden.

2.

Why don't we have tzaras nowadays?

Why don't we have tzaras nowadays? Rabbi Yichel Mechal Epstein (Tosefos Beracha 97-98) quotes the pasuk at the beginning of the parsha “this shall be the law of the metzora on the day of his purification.” "זֶאת תְּהִיָּה תוֹרַת הַמִּצְוָה בְּיוֹם טְהוּרָתוֹ." The Toras Kohanim explains that when the pasuk states “this shall be” it is referring even to nowadays. Meaning, the halachas of the metzora are applicable even nowadays. This is deduced from the seemingly superfluous “this shall be”. The Rambam (tumas tzaraas 11, 6) writes that the halachos of tzaraas are applicable regardless of whether one is in Israel or if there is a Beis Hamikdash. This refers to all of the halachos; including the tevilah (emersion in the mikvah), shaving, haza (sprinkling of blood), slaughtering of the bird. The question is blatantly obvious due to the inapplicability of this nowadays. Rabbi Epstein writes: I have never seen or heard of such a thing before. The Sifrei writes that it is prohibited for a metzora to enter into Yerushalayim (Jerusalem). If he enters he violates the pasuk “they should not contaminate their camps” (Bamidbar 5, 3) (וְלֹא יִטְמְאוּ אֶת־מַחֲנֵיהֶם). The sanctity of Yerushalayim also exists nowadays as stated by the Rambam (Beis Habaichra end of six perek). Therefore if the halachos of a metzora are still applicable nowadays then it is prohibited for him to enter into Yerushalayim nowadays as well. It is possible to suggest the following answer; the afflictions towards the metzora are not activated until the Kohen definitively decides that one is impure as stated in the pasuk (13, 3). **Nowadays we are not 100% certain who is really a Kohen.** (בזמן הזה אין לנו דין כהן ודאי (יחוס) אין מי שיחליטנו לטומאה.) **Therefore no one can definitively**

render someone to be a metzora and the halachas are not practiced. The question is why the Rambam or others didn't point this out.