Priests & Rabbis Determine Ritual Reality

The Torah allows the removal of vessels from a house before the priest quarantines it for tzaraʿat, understanding impurity here not as the result of physical reality but of a human declaration. This idea is developed further by the rabbis, who apply it to other areas of Jewish law.

[Prof. Martha Himmelfarb](https://www.thetorah.com/author/martha-himmelfarb)



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The Torah laws about *tzaraʿat* (Leviticus 13–14), a type (or types) of skin disease that features the person’s skin becoming white, begins with a person concerned about a skin ailment approaching a priest for a diagnosis.

ויקרא יג:ב אָדָם כִּי יִהְיֶה בְעוֹר בְּשָׂרוֹ שְׂאֵת אוֹ סַפַּחַת אוֹ בַהֶרֶת וְהָיָה בְעוֹר בְּשָׂרוֹ לְנֶגַע צָרָעַת וְהוּבָא אֶל אַהֲרֹן הַכֹּהֵן אוֹ אֶל אַחַד מִבָּנָיו הַכֹּהֲנִים. יג:ג וְרָאָה הַכֹּהֵן אֶת הַנֶּגַע בְּעוֹר הַבָּשָׂר...

Lev 13:2 When a person has on the skin of his body a swelling, a rash, or a discoloration, and it develops into a scaly affection on the skin of his body, it shall be reported to Aaron the priest or to one of his sons, the priests. 13:3 The priest shall examine the affection on the skin of his body…

Whatever *tzaraʿat* may have been, it is the job of the priests to be able to recognize it, and begin the process of quarantining the afflicted people, and eventually purifying them.

At the very end of these laws, we find an addendum dealing with *tzaraʿat* in houses (Lev 13:33–53). The text again begins with a person noticing some sort of affliction, and going to the priest to find out what it is:

ויקרא יד:לד כִּי תָבֹאוּ אֶל אֶרֶץ כְּנַעַן אֲשֶׁר אֲנִי נֹתֵן לָכֶם לַאֲחֻזָּה וְנָתַתִּי נֶגַע צָרַעַת בְּבֵית אֶרֶץ אֲחֻזַּתְכֶם. יד:לה וּבָא אֲשֶׁר לוֹ הַבַּיִת וְהִגִּיד לַכֹּהֵן לֵאמֹר כְּנֶגַע נִרְאָה לִי בַּבָּיִת.

Lev 14:34 When you enter the land of Canaan that I give you as a possession, and I inflict an eruptive plague upon a house in the land you possess, 14:35 the owner of the house shall come and tell the priest, saying “Something like a plague has appeared upon my house.”

If the text were to follow the procedure for *tzara‘at*in human beings, the priest would immediately come to the house to look at the affliction and decide whether to quarantine it or not. Instead, the text adds a preliminary step of removing the contents of the house:

ויקרא יד:לו וְצִוָּה הַכֹּהֵן וּפִנּוּ אֶת הַבַּיִת בְּטֶרֶם יָבֹא הַכֹּהֵן לִרְאוֹת אֶת הַנֶּגַע וְלֹא יִטְמָא כָּל אֲשֶׁר בַּבָּיִת וְאַחַר כֵּן יָבֹא הַכֹּהֵן לִרְאוֹת אֶת הַבָּיִת. יד:לז וְרָאָה אֶת הַנֶּגַע...

Lev 14:36 The priest shall order the house cleared before the priest enters to examine the plague, so that nothing in the house may become unclean; after that the priest shall enter to examine the house. 14:37 The priest shall examine the affection…

Why was this step added?

Saving a Person’s Possessions

Once the process of determination begins, everything in the house— whether made of cloth, leather, hair, or metal—is subject to impurity.[1] Moreover, the text later discusses how clothing is rendered impure by spending time in a quarantined house:

ויקרא יד:מו וְהַבָּא אֶל הַבַּיִת כָּל יְמֵי הִסְגִּיר אֹתוֹ יִטְמָא עַד הָעָרֶב. יד:מז וְהַשֹּׁכֵב בַּבַּיִת יְכַבֵּס אֶת בְּגָדָיו וְהָאֹכֵל בַּבַּיִת יְכַבֵּס אֶת בְּגָדָיו.

Lev 14:46 Whoever enters the house when it is closed up shall be unclean until evening. 14:47 Whoever sleeps in the house must wash his clothes, and whoever eats in the house must wash his clothes.

The Torah’s main concern in insisting on the clearing of the house in v.36 is likely about objects made of earth, i.e., ceramic pottery. While the Torah never explicitly discusses what happens to ceramic objects contaminated with *tzaraʿat*, it elsewhere states that impure ceramic vessels cannot be purified. For example, in the case of impurity contracted by contact with creepy-crawlies:

ויקרא יא:לג וְכָל כְּלִי חֶרֶשׂ אֲשֶׁר יִפֹּל מֵהֶם אֶל תּוֹכוֹ כֹּל אֲשֶׁר בְּתוֹכוֹ יִטְמָא וְאֹתוֹ תִשְׁבֹּרוּ... יא:לה וְכֹל אֲשֶׁר יִפֹּל מִנִּבְלָתָם עָלָיו יִטְמָא תַּנּוּר וְכִירַיִם יֻתָּץ טְמֵאִים הֵם וּטְמֵאִים יִהְיוּ לָכֶם.

Lev 11:33 And if any of those falls into an earthen vessel, everything inside it shall be unclean and the vessel itself you shall break…. 11:35 Everything on which the carcass of any of them falls shall be unclean: an oven or stove shall be smashed. They are unclean and unclean they shall remain for you.

Similarly, in the discussion of contact with a man suffering from a genital discharge:

ויקרא טו:יב וּכְלִי חֶרֶשׂ אֲשֶׁר יִגַּע בּוֹ הַזָּב יִשָּׁבֵר וְכָל כְּלִי עֵץ יִשָּׁטֵף בַּמָּיִם.

Lev 15:12 An earthen vessel that one with a discharge touches shall be broken; and any wooden implement shall be rinsed with water.

Thus, it is reasonable to assume that the Torah would also require the owners to destroy ceramic objects if they were to contract *tzara‘at*.

Protecting the Ceramic Vessels

The significance of Leviticus 14:36 was teased out by the Mishnah, the earliest rabbinic document,[2] which, in its gloss on the words וּפִנּוּ אֶת הַבַּיִת, “clear out the house,” offers three opinions on what exactly should be removed (m. Negaim 12:5):

וַאֲפִלּוּ חֲבִילֵי עֵצִים, וַאֲפִלּוּ חֲבִילֵי קָנִים. דִּבְרֵי רַבִּי יְהוּדָה.

“Even piles of wood; even piles of reeds [which are not subject to impurity]”—these are the words of Rabbi Judah.

רַבִּי שִׁמְעוֹן אוֹמֵר: עֵסֶק הוּא לַפִּנּוּי?!

Rabbi Simeon says: “Would this just be busywork for him to clear out his things?! [Rather he should only clear out things that can become impure.]”

אָמַר רַבִּי מֵאִיר: וְכִי מָה מִטַּמֵּא לוֹ. אִם תֹּאמַר, כְּלֵי עֵצָיו וּבְגָדָיו וּמַתְּכוֹתָיו, מַטְבִּילָן וְהֵן טְהוֹרִים. עַל מֶה חָסָה הַתּוֹרָה. עַל כְּלֵי חַרְסוֹ וְעַל פַּכּוֹ וְעַל טִפְיוֹ.

Rabbi Meir said: “What of his is becoming impure? His wooden implements? His clothing? His metal implements? He can just immerse these [in a ritual bath] and they will be pure! Rather what is the Torah concerned about? His ceramic implements, such as his jugs and juglets.”[3]

This interpretation is adopted by Rashi (ad loc.),[4] and while it is likely that many would prefer to save themselves the trouble of washing their belongings by simply dragging them outside, the thrust of R. Meir’s interpretation is likely correct. The Torah here wishes to avoid forcing homeowners to destroy their ceramic vessels.

In other words, to spare the person time, money, and anguish, the Torah permits—even encourages—the homeowners to clean out their homes before the priest enters and evaluates it.[5] This would have been especially helpful for people incurring a major expense, either to repair the house or even to rebuild it from scratch if the *tzaraʿat* continues to spread.

A Legal Loophole: Intention in Law

Once the priest recognizes the signs of *tzaraʿat*, shouldn’t the vessels and furniture be automatically impure ipso facto, even if removed—after all, they were in an impure house! How does removing the vessels protect them from impurity?

The legal loophole used here seems to reflect a role for human intention in law. Physical reality alone does not convey impurity. At least in regard to house *tzaraʿat*, until the priest decides to close the house for a seven-day quarantine, it and the objects inside it remain pure.

Intention in Jewish Law

Human intention and engagement play an important role in rabbinic law. For example, people must intend to fulfill the commandment to hear the sound of the shofar in order to fulfill the commandment. Just physically hearing the note of a ram’s horn is insufficient to make it count as a ritual act of shofar blowing (m. Rosh Hashanah 3:7–8). Similarly, when offering a sacrifice, the priests must make sure that their mental engagement is correct. Simply performing the sacrificial acts properly is insufficient (m. Zevahim 1–4).

Most relevant for our purposes is the famous story of the aftermath of the mistaken proclamation of the new month of Tishri by Rabban Gamliel’s court on the basis of false testimony (Rosh Hashanah 2:8–9). This mistake means that Yom Kippur, the holiest day of the year, which falls on the tenth of Tishri, will be observed on the wrong date.

Following the debate in court, R. Joshua declares that Rabban Gamliel’s decision was mistaken and he believes the new month really began on the following day. This leads Rabban Gamliel to quash any attempt to buck his authority:

שָׁלַח לוֹ רַבָּן גַּמְלִיאֵל, גּוֹזְרַנִי עָלֶיךָ שֶׁתָּבֹא אֶצְלִי בְּמַקֶּלְךָ וּבִמְעוֹתֶיךָ בְּיוֹם הַכִּפּוּרִים שֶׁחָל לִהְיוֹת בְּחֶשְׁבּוֹנְךָ.

Rabban Gamliel sent him (R. Joshua) a message: “I require you to appear before me with your staff and wallet, on the day in which Yom Kippur falls out in your counting.”

As it would be forbidden for R. Joshua to carry his staff and wallet on the holiday, by doing so, he would be demonstrating that he accepts Rabban Gamliel’s claim that Yom Kippur is the day he declared it to be, and not the day Rabbi Joshua thinks it really is.

The story continues with two different rabbinic colleagues, R. Akiva and R. Dosa ben Hyrcanus, offering R. Joshua reasons why he should accept Rabban Gamliel’s request, and it ends with R. Joshua doing so.

The reasoning offered by R. Akiva is relevant to our discussion:

הָלַךְ וּמְצָאוֹ רַבִּי עֲקִיבָא מֵצֵר, אָמַר לוֹ, יֶשׁ לִי לִלְמוֹד שֶׁכָּל מַה שֶּׁעָשָׂה רַבָּן גַּמְלִיאֵל עָשׂוּי, שֶׁנֶּאֱמַר, אֵלֶּה מוֹעֲדֵי יְיָ מִקְרָאֵי קֹדֶשׁ, אֲשֶׁר תִּקְרְאוּ אֹתָם, בֵּין בִּזְמַנָּן בֵּין שֶׁלֹּא בִזְמַנָּן, אֵין לִי מוֹעֲדוֹת אֶלָּא אֵלּוּ.

R. Akiva went out and found him (R. Joshua) upset. He said to him: “I have a way of deriving from the biblical text a proof that Rabban Gamliel’s determination [of the new month, despite its being based on faulty evidence] counts. For the Torah says (Lev 23:4) “These are the appointed times of YHWH, the holy convocations, which you (pl.) shall proclaim…”—whether they are at the right time or not at the right time, I (God) have no appointed times but these.”

In other words, God accepts the determination of the dates of the festivals as Israel proclaims them, whether or not the dates are correct from a celestial point of view. This argument allows Rabbi Joshua to carry his staff and wallet on what he considers to be Yom Kippur, despite the fact that such acts violate the rules of the festival. Since human beings have not actually declared that day to be Yom Kippur, it is not actually Yom Kippur, even if it is astronomically the tenth day from the new moon.

Legal Reality from Priests to Rabbis

A similar logic undergirds the rule in Leviticus 14. Until the priest has declared the house quarantined because of *tzaraʿat*, the house and its objects remain in a state of purity. Ritual reality is determined by human beings.

This kind of legal thinking, ubiquitous in rabbinic literature, is admittedly not common in the Torah. To the best of my knowledge, this *tzaraʿat* passage is the only such instance. The passage thus marks the beginning of a process of legal thinking that would later be developed by the rabbis and become part and parcel of how Jewish law functions.

[View Footnotes](https://www.thetorah.com/article/priests-and-rabbis-determine-ritual-reality)

1. This is a standard part of Priestly purity legislation and is referred to in several places in the Priestly legal corpus:
   * Clothing and animal hides are vulnerable to *tzara‘at,* and if the infection is persistent, they must be destroyed. (Lev 13:47-58).
   * Bedding, seats, clothing, hides, and implements as subject to impurity incurred by contact with genital emissions, and must be washed (Lev 15:4-6, 9-10, 12, 17, 20-23, 26-27).
   * Wood, cloth, leather, and sackcloth are subject to the impurity of contact with a creepy-crawly, and must be washed (Lev 13:32).
   * Objects made of leather, goats’ hair, and wood, are all subject to the impurity of contact with the dead, and must be ritually cleansed and then washed. Metals are also subject to this, and must be ritually cleansed and put through fire (Num 19:14–18, 31:20–23).
2. This section was added by the editors of *TheTorah* in consultation with the author.
3. The identical text is found in the tannatic midrash on Leviticus, Sifra, *Dibura De-Metzora*, parasha 5 §12 (The printed editions have a corrupt text, but the MSS read exactly like the Mishnah. See the Hebrew text in the Don Bari edition, as found on AlHaTorah.com.) In both versions, the text continues with a homily arguing that if God cares so much about the small vessels of wicked people, who have been punished with infected houses, how much more so must God care about the fate of the righteous.

ולא יטמא כל אשר בבית – שאם לא יפנהו ויבא כהן ויראה הנגע, נזקק להסגיר, וכל מה שבתוכו טמא. ועל מה חסה תורה? אם על כלי שטף יטבילם ויטהרו, ואם על אוכלים ומשקין יאכלם בימי טומאתו, הא לא חסה תורה אלא על כלי חרס, שאין להן טהרה במקוה.

“So that nothing in the house may become unclean”—for if he does not clear out his house, when the priest comes, and sees the affliction, he will be forced to quarantine it and everything inside it will be declared impure. And what is the Torah concerned about? If it is about washable utensils, let him immerse them in a ritual bath and they will be pure. If it is about food and drink, let him consume them during the days when he is impure. Rather, the Torah was only concerned about ceramic vessels, for they cannot be purified in a ritual bath.

1. Contrast this with the case in Numbers 19:14–15 in which a person drops dead in a tent, where no such opportunity arises.