

PSHUTO SHEL MIKRA

From the Teachings of Rav Yehuda Copperman zt"l

PARSHAT EMOR

Pshat Reflects the Severity of a Prohibition in Dinei Shamayim

לֹא יִקְרְחוּ קַרְחָה בְּרֹאשָׁם וּפֹאת זָקְנָם לֹא יִגְלְחוּ

They shall not make a bald spot on their heads, and they shall not shave the corner of their beard (Vayikra 21:5)

Pesukim said to Yisrael and Pesukim said to Kohanim

The opening section of *Parshat Emor* deals with the special mitzvot that apply to *Kohanim*. It is very interesting to note, therefore, that the two prohibitions stated in our *pasuk* with reference to Kohanim are also stated elsewhere with regards to B'nei Yisrael in general:

1. The prohibition of making a bald spot¹ is mentioned in *Devarim* (14:1): “וְלֹא תִשְׂמוּ קַרְחָה בֵּין עֵינֵיכֶם — *You shall not place a bald spot between your eyes.*”
2. The prohibition of shaving the corners of the beard² is mentioned earlier in *Vayikra* (19:27): “וְלֹא תִשְׁחִית אֶת פֹּאת זָקְנְךָ — *Do not destroy the corner of your beard.*”

1 [As a sign of mourning].

2 [With a razor].

One Mitzvah, or Two?

The first question which needs to be addressed here is: Are the prohibitions stated in our *parsha* with reference to Kohanim separate to those which are stated to B'nei Yisrael generally? If this is the case, then a Kohen who shaves the corner of his beard would violate two prohibitions: A) The general prohibition which applies to all of B'nei Yisrael, and B) the additional prohibition which applies to *Kohanim* specifically. Similarly, a Kohen who made a bald spot would violate two prohibitions.

With regards to this question, the Rambam (*Sefer HaMitzvot, lo taaseh* §170) states explicitly that these are in fact not two separate prohibitions, but rather two elements within the one prohibition of shaving one's beard.

Additionally, by applying the principles of *midrash halachah*, Chazal derive the precise parameters of this prohibition by combining the elements stated within the two *pesukim*, so that, in terms of practical halachah, the guidelines of the prohibition are identical both for *Kohanim* and for B'nei Yisrael.³

Paying Attention to Context

If we reflect on what we have seen so far, it is fair to say that the *midrash halachah* does not ascribe significance to the location where the various elements of the prohibition are stated. In other words, it makes no difference that some aspects were stated in a *parsha* dealing with *Kohanim* while others were stated with regards to B'nei Yisrael generally; at the end of the day, the prohibition derived from both *pesukim* is identical for both of those groups.

However, *pshuto shel mikra* **does** require us to pay attention to the context where these *pesukim* are stated. If the practical halachah is identical with regards both *Kohanim* and the rest of Yisrael, why were some aspects said to *Kohanim* specifically and others to B'nei Yisrael generally?

In response to this question, the Netziv writes in his peirush, **Haamek Davar** (*Vayikra* 19:27, s.v. *lo takifu*):

One who is of elevated status would take special care that no hair of his beard is destroyed, while one who is of lesser status would not take special care, however, it would be a degradation for him to have it removed completely.

From the way the prohibition is expressed in this pasuk⁴ it would imply that it is specifically the complete removal of the beard that is forbidden, whereas with reference to the Kohanim it states “לא יגלחו” — they shall not shave,” implying that shaving any portion of the beard is forbidden, even two hairs, in keeping with his elevated status. However, all this only relates to the pshat of the pasuk as written, while practically speaking, the matter relies on the tradition we have, as derived through a gezeirah

3 See *Makkot* 21a. The principle used by Chazal is *gezeirah shavah*, whereby a key word that features in two different places in Torah allows us to learn *halachot* from one to the other, in this case with the word “פאת” linking the two *pesukim*.

4 I.e., the *pasuk* stated with reference to Yisrael generally: “לא תשחית.”

shavah, that Yisrael are also forbidden to shave even two hairs.

However, we have already explained elsewhere that wherever the Torah writes something explicitly, the punishment in terms of Heavenly justice (בדיני שמים) for violating that prohibition is greater than for something which is learned through kabbalah (tradition), for example, via a gezeirah shavah.

With these words, the Netziv has revealed a truly fascinating dimension of *pshuto shel mikra*. Even in a case where the halachah is determined entirely by the *midrash*, with no practical difference emerging from *pshat* considerations such as context, nonetheless, the *pshat* still serves to inform us regarding the various levels of severity that apply to the prohibition as expressed in each setting, with the outcome affecting *Dinei Shamayim*, the level of accountability in terms of Heavenly justice. The halachah states that both a Kohen and a Yisrael are forbidden to shave even two hairs of their beard. Nonetheless, since that aspect was stated in the *pasuk* which was directed at the *Kohanim*, we are being taught that this *d'oraita* prohibition has more severe consequences for a Kohen than it does for a Yisrael.

Further Examples: Korcha

A similar comment is made by the Netziv concerning the other prohibition mentioned in our *pasuk*, i.e., that of making a bald spot in one's head as a sign of mourning. As we can see from the *pesukim*, the *pasuk* which is stated in reference to B'nei Yisrael forbids placing a bald spot “בין עיניכם — *between your eyes*,” i.e. at the hairline between the eyes. The *pasuk* stated to *Kohanim*, on the other hand, mentions that it is forbidden to make such a bald spot “בראשם — *on their head*,” i.e. any place in the head. As was the case with the prohibition of shaving the corners of the beard, the halachah equates the two *pesukim* (via a *gezeirah shavah*) and derives that a Yisrael is likewise forbidden to make a bald spot anywhere on his head. Here, too, the **Haamek Davar** (*Vayikra* 21:5) writes that since the Torah explicitly forbids making a bald spot anywhere on the head in the *pasuk* which is directed at the *Kohanim*, then even though this applies to Yisrael as well, nonetheless it is a **greater violation** for a Kohen to do so than if a Yisrael were to do so.

Source in Tosafot: Avodat Yom HaKippurim

At the conclusion of his comment to *Vayikra* 19:27 (mentioned above), the Netziv refers us to *Tosafot* in *Masechet Yoma* 41a. Let us examine the words of that *Tosafot* and see how they provide precedent and support for the principle of the Netziv.

Background:

1. Within the parsha of *Avodat Yom HaKippurim* the Torah states (*Vayikra* 16:17): “וְכָל אָדָם לֹא יְהִי בְּאֹהֶל מוֹעֵד בְּבֹאוֹ לְכַפֵּר בְּקֹדֶשׁ עַד צֵאתוֹ” — *No man shall be in the Ohel Moed when he (the Kohen Gadol) enters to bring atonement in the Sanctuary until he departs.* This prohibition applies when the *Kohen Gadol* is performing the special *Avodah* in the *Kodesh HaKodashim*.

2. The Gemara (*Yoma* 41a) states that although the context in which this prohibition was stated refers specifically to the time when the *Kohen Gadol* offers *ketoret* in the *Kodesh HaKodashim*, nonetheless, the seemingly redundant word “לְכַפֵּר — *to atone*” is expounded via *midrash halachah* as referring to the time when he is sprinkling the blood of the *korbanot* there as well.
3. The Gemara then states that as a protective measure, the *Rabbanan* prohibited anyone else being even in the area between the *Ulam* (entrance to the building of the Beit Hamikdash) and the *Mizbeach* while the *Kohen Gadol* offers *ketoret*.

Tosafot (s.v. *mai lav*) find this last point quite troubling, and raise the following question:

It is a wonder to me, why did they (Chazal) differentiate and only require that no one be present between the Ulam and the Mizbeach while he is offering ketoret in the Kodesh HaKodashim, but not while he is sprinkling the blood (there), seeing as both ketoret and (sprinkling of) the blood are derived from the same pasuk?

In other words, *Tosafot* are asking: Given that there is a *d'oraita* prohibition [i.e., being in the Sanctuary] during both the offering of the *ketoret* and the sprinkling of the blood, why did the *Rabbanan* only enact a prohibition [being between the Sanctuary and the *Mizbeach*] during the offering of the *ketoret*, but not during the sprinkling of the blood?

Tosafot respond:

The Rabbanan were more inclined to enact a protective measure with regards to the ketoret, which is explicitly written in the pasuk, than they were with regards to the sprinkling of the blood, which is derived from the redundant word “לְכַפֵּר.”

These words of *Tosafot* require some contemplation. The goal of *derabbanan* prohibitions is to protect against possible violation of a Torah prohibition. If so, why should the fact that something is written explicitly in the *pasuk* make it more eligible for a *derabbanan* prohibition than something which is derived from the *pasuk* through *midrash halachah*? Are they not both *d'oraita*, with the only difference between them being one of *parshanut*?

Apparently, *Tosafot* are telling us that when a prohibition is mentioned explicitly in the Torah, it represents a higher level of prohibition than something whose prohibition is derived through *midrash halachah*. Hence, in this instance the *Rabbanan* felt that it was only the more severe prohibition, i.e. that of being in the Sanctuary during the offering of the *ketoret*, which needed to be protected by a preventative measure.

This was the intent of the *Netziv* in directing us towards this *Tosafot*, for it provides support for his approach that the aspects of a prohibition which are written explicitly in a certain context have a higher level of stringency in that context. This higher level may not always express itself practically in terms of what is permitted and forbidden, but will nonetheless reflect a higher level of liability incurred in *Dinei Shamayim*.⁵

⁵ For further examples of this principle, see *Haamek Davar*, *Bereishit* 37:22; *Vayikra* 19:19; and 19:28.