

PSHUTO SHEL MIKRA

From the Teachings of Rav Yehuda Copperman zt"l

PARSHAT TAZRIA

D'rachehah Darchei Noam: Part Two

In an earlier chapter,¹ we discussed the principle regarding Torah formulated by Shomo Hamelech (*Mishlei* 3:17), that “דְּרָכֶיהָ דְרָכֵי נְעִים — *Its ways are ways of pleasantness.*” This principle finds expression in every area of learning and understanding Torah. Let us now resume this discussion, apropos to *Parshat Tazria*, by seeing how “*Derachehah Darchei Noam*” affects *Signon Hakatuv* — the way the Torah expresses itself.

The Sequence of Tzoraat

Rabbeinu Bachye (*Vayikra* 14:54–56) writes:

The tradition received by Chazal (Midrash Tanchuma Metzora, siman 4) describes the order of the types of tzoraat as they occur in actuality. Initially, Hashem afflicts the person's house, in order that his heart shall be contrite and he may examine his ways and do teshuvah. If he did teshuvah — well and good. If not, He afflicts his clothes. If he did teshuvah — well and good. If not — He afflicts his body itself. Nonetheless, that is not the way things are ordered in the parshiyot (sections), for the first parsha discusses “נִגַע צְרַעַת כִּי תִהְיֶה בְּאָדָם — an affliction of tzoraat if it should be in a person” (13:9), after that comes “וְהִבְגִּד כִּי יִהְיֶה בּוֹ נִגַע צְרַעַת — If a garment should have an affliction of tzoraat” (pasuk 47), and the final parsha is “וְנִתְתִּי נִגַע”

¹ See Parshat Noach.

צָרַעַת בְּבַיִת אֶרֶץ אֲחֻזְתְּכֶם — And I will place a tzoraat affliction upon a house in the Land of your possession” (14:34)!²

The reason why the Torah chose this way, namely, to mention first tzoraat of the body, then of clothing and finally of houses, is because “Derachehah Darchei Noam,” all the Torah’s ways are ways of pleasantness. Therefore, it ordered them in a way that the afflictions should not proceed in increasing levels of suffering, as is in fact the case,³ but rather in decreasing levels of suffering, as indicated by the order of the parshiyot.

In other words, the principle of “Darchei Noam” finds expression in the way in which the afflictions are presented in the *pasuk*, as going from more severe to less severe (which is a “positive approach”), and not, *chas veshalom*, from less severe to more severe. We thus see that the parameters of *pshuto shel mikra* may sometimes be entirely different than those of the halachic reality, as known to us through *kaballat Rabboteinu z”l*.

Darchei Noam in the Realm of Halachah

From the *Beit Midrash* of the *Rishonim*, we now turn to the *Gedolei Ha’Acharonim* to see from their words how the concept of “Darchei Noam” affects the way the halachah itself is written in the Torah. Let us begin with the *Meshech Chochmah* (*Vayikra* 2:14, s.v. *ve’im takriv*):

With regards to the korban omer, the Torah did not write that the remnant of the korban shall be eaten by Aharon and his sons, as it did with other korbanot minchah.⁴ Similarly, this (the Kohanim eating the remnant of the korban) is not mentioned with regards to the korban of the Sotah,⁵ rather, the Gemara Bavli (Menachot 72b) and Yerushalmi (Sotah 3:1) derives this from derashot. The reason the Torah did not write this explicitly is because barley (from which the korban omer and korban sotah are brought) is animal food, and therefore the Torah did not wish to state that Aharon and his sons should divide them, for this is not in keeping with their honor. Hashem has more consideration for the honor of His creations than He does for the honor of the Mizbeach!⁶

Yibum and Chalitzah

Perhaps, based on this principle of “Darchei Noam,” we may suggest an explanation concerning a shift in phraseology within the parsha of *Yibum*. In the event of *chalitzah*, the Torah requires the woman to say about her deceased husband’s brother “לא אָבָה יְבָמִי — He does not wish to perform Yibum with me” (*Devarim* 25:7), whereas in the very next *pasuk* the brother is required to say “לא הִפְצַתִּי לְקַחְתָּהּ — I do not wish to marry her” (*ibid.*, *pasuk* 8). The change in wording between these two *pesukim* is quite peculiar:

2 So that the order in the *pasuk* is the exact opposite of the order transmitted to us through *Kabballat Chazal*.

3 Namely, in actuality, as per *Kabballat Chazal*.

4 See e.g. *Vayikra* 2:3.

5 See *Bamidbar* Perek 5.

6 For the Torah does write explicitly that these *korbanot* of barley are offered on the *Mizbeach*.

1. Why do they not both use either the term “אבה,” or the term “חפץ”?
2. Apart from this, why does she say he does not wish “יבמי — to perform Yibum with me” while he says he does not wish “לקחתה — to marry her”?

We would like to suggest that with these shifts in nuance the Torah is demonstrating special sensitivity, both to the man and to the woman:

- ▷ The term “חפץ” reflects a desire or attraction which is not intellectual in nature, but emotional, whereas the term “אבה” represents a connection that is based on intellectual grounds.⁷
- ▷ Additionally, the term “lakach” refers to the act of *Kiddushin* (as in “כי יקח איש אשה” — *Devarim* 24:1), whereas the term “yabam” refers, of course, to the mitzvah of *Yibum*.

With this in mind, we will understand that it would not be “*darchei noam*” to require the woman to say that this man did not find her attractive to the extent that he would like to marry her, therefore, all she has to say is that he does not wish to perform the mitzvah of *Yibum* with her. On the other hand, it is also not in keeping with “*darchei noam*” to require the man to say that he is not prepared to fulfill a mitzvah of the Torah. Instead, he merely says that he does not feel sufficiently attracted on an emotional level to take this woman as his wife, which does not reflect badly on anyone involved.

Therefore, when the Torah itself describes the situation, it also says “וְאִם לֹא יִחַפֵּץ הָאִישׁ לְקַחֵת אֶת יְבַמְתּוֹ — And if the man does not wish to marry his sister-in law”⁸ (*Devarim* 25:7), and does not say “וְאִם לֹא אָבָה הָאִישׁ לְיַבֵּם — And if the man decides not to perform Yibum.”⁹

This, in my humble opinion, is the way to explain the terms used by the Torah in presenting the mitzvah of *Yibum* based on the theme of “*Darchei Noam*,” and this is especially appropriate with this mitzvah, where the Torah itself provides an alternative (*chalitzah*) in the event that the mitzvah of *Yibum* is not performed.

Darchei Noam and Taamei HaMitzvot

Taking the discussion one stage further, we should note that “*Darchei Noam*” affects not only the way the Torah writes about things, it also expresses itself in the reasons for *mitzvot*.

For example, the **Sefer HaChinuch** (mitzvah 376) explains the reason for the mitzvah of a Kohen to become *tamei* for a member of his immediate family:

A regular Kohen, even though he is sanctified, becomes tamei for them [the seven close family members]. The reason for this, it appears, is that kedushah of a Kohen devolves upon him naturally, it is not something that he chose to receive, rather he was sanctified at birth due to the kedushah of his Tribe. This means that his interaction with his family is the same as anyone else’s, for there is no difference between him and them except that there are times when he performs the Avodah in the Beit Hamikdash. But there are also times when he is residing in his home, and enjoying the company of

⁷ [The Rav does not cite a source for this distinction.]

⁸ Reflecting his lack of emotional attraction to her.

⁹ Which would represent a lack of commitment on his part in keeping *mitzvot*.

his friends. At times of rejoicing and feasting he will invite his friends and relatives. Therefore, he will become very emotionally attached to them, and they to him. And it is for this reason he is permitted to become *tamei* for them for “the ways of Torah are pleasant, and all its pathways are peace.”

There is a similar discussion of “*Darchei Noam*” and *taamei hamitzvot* in the *Beit Midrash* of **Rabbeinu Bachye** (*Vayikra* 11:30, s.v. *vehachomet*):

The Torah mentioned eight sheratzim and said (pasuk 31) “אֵלֶּה הַטְּמְאִים לָכֶם — These shall be tamei for you,” yet the snake is not counted among them. This is very strange, for it would certainly have been appropriate for the snake to be tamei and render others tamei, for he is the source of tumah and spiritual pollution, as is known from the original Snake (in Gan Eden). If so, why would the pesukim not include it among the sheratzim that cause tumah? However, the matter is on account of the ways of the Torah, “whose pathways are peace,” that it did not wish for the snake to cause tumah through contact, for if so, a person may refrain from killing a snake in order not to become tamei.

Returning to the matter of *tzoraat*, in this next paragraph we will see how the *Meshech Chochmah* (*Vayikra* 13:3, s.v. *vera’ahu hakohen*) uses the principle of “*Darchei Noam*” to explain the *pasuk al derech hapshat* in a way that is parallel to (but not in conflict with) something Chazal derived *al derech hamidrash*:

There is an obvious repetition in the pasuk,¹⁰ see the Torat Kohanim there.¹¹ It is possible to explain, based on Chazal, that the meaning of the first phrase is that he should see the nega and determine if it should be pronounced tamei, i.e. if it has a sign of tumah — white hair. The second phrase, “vera’ahu HaKohen” means the Kohen should look at the person and see if it is appropriate to render him tamei. (for example) if he is newly married, they allow him the seven days of feasting, similarly, if it is a Chag, he is given all seven days of Chag in order not to disrupt his joy (Moed Katan 7b), for “Derachehah Darchei Noam.” Therefore “vera’ahu” means to examine the person’s situation, whether it is appropriate to render him tamei at that time. And this is the meaning of the words later on (Pasuk 14) “וּבְיָוֶמֶת הִרְאוֹת בּוֹ” — and on the day it appears with it” (from which Chazal derived that) there are days when the person is not examined. In other words, this idea of choosing not to examine the person is only affected by time, and we do not say, for example, that if his emotional constitution required that he stay in other people’s company and other such considerations, that we would not examine him, rather,¹² it is only the question of timing that affects when he is seen; understand this well.

10 The *pasuk* begins with the words “וּרְאָה הַכֹּהֵן אֶת הַנֶּגַע” — *And the Kohen shall see the affliction*,” and then says “וְהִכְהִין וּרְאָהוּ” — *And the Kohen shall see it*.”

11 Chap. 2, sec. 8; “*Vera’ahu* — the *nega* must be entirely visible at the same time. If it was on two sides of his nose or finger, he is not *tamei*.” In other words, the *Torat Kohanim* explains the words “*vera’ahu*” refers to the *nega* itself. In contrast, the *Meshech Chochmah* will explain that it refers to the person who is afflicted.

12 This is the *chiddush* contained within the words “*vera’ahu hakohen*,” which *Meshech Chochmah* explains is parallel to the *drashah* of Chazal on the words “*uv’yom her’ot*,” namely, that the person must be examined to see if he is able to be quarantined as a *metzora* during that time.

Darchei Noam as a Factor in Determining Halachah

So far we have seen how the principle of “*Derachehah Darchei Noam*” can affect the way the Torah writes things, as well as how it can be used to explain the reason for certain mitzvot in the Torah. We will conclude this discussion by referring to a third area that can also be “influenced” by “*Derachehah Darchei Noam*,” which is that of Chazal using this principle to determine the correct interpretation of a mitzvah in the Torah! There are occasions when the *pasuk* could have been explained in more than one way, and Chazal invoked “*Darchei Noam*,” and with that established the halachah for all time. A classic example of this is the discussion which takes place in *Masechet Sukkah* 32a regarding identifying the *arba minim*, specifically, the *lulav*:

[The Gemara asks:] Yet, perhaps the reference is to a “kufra” (Rashi: which is similar to a palm branch, except it is only one or two years old, and the wood has not yet thickened)?

Said Abaye: It is written, “derachehah darchei noam vechol netivoteha shalom” (Rashi: And these [kufra branches] are like thistles with many thorns protruding from them which can lacerate the hands).

Applying the above idea, that “*Darchei Noam*” can help determine the halachah when more than one possibility exists as to what the *pasuk* is referring to, the *Meshech Chochmah* refers us to a halachah that relates to *Avodat Yom HaKippurim*. The Mishnah (*Yoma* 1:1) states that in order for the *Avodah* to be valid, the Kohen Gadol must be married. The source of this halachah is the *pasuk* which states (*Vayikra* 16:6) “ביתו זו אשתו” — *He shall atone for himself and for his household*,” as the Mishnah explains: “ביתו זו אשתו” — “Household,” refers to his wife.” The Mishnah further states that in order to safeguard against a potential disqualification of the *Kohen Gadol’s Avodah*, another woman would be designated whom he could immediately marry in the event that his wife passed away on Yom Kippur. Concerning this enactment, the *Meshech Chochmah* (*Vayikra* 16:6, s.v. *vechiper*) comments:

The term “ביתו” can also denote his children,¹³ in which case, (the halachah should be that) if his children die on Yom Kippur it should likewise invalidate the Avodah. Nevertheless, the Torah’s “ways are ways of pleasantness,” therefore, it is reasonable to conclude that the above halachah applies only to his wife, since it is possible for him to marry another.¹⁴

And so we see that in each of the three major areas of halachah, *machshavah* and *parshanut*, the principle of “*Derachehah Darchei Noam*” is active, influential, and decisive.

13 See *Kiddushin* 22a, where the Gemara states that an *eved ivri* only stays on beyond the term of six years if the master has a wife and children. This is based on the *pasuk* in *Devarim* (15:16) which states, “כי אהבך ואת ביתך” — *For he loves you and your household*.” This teaches us that the full definition of the word “בית” as household includes both a wife and children.

14 If the term “ביתו” was taken as referring to his children as well, then in the event that they died *chas veshalom*, the tragedy of their death would be compounded by the fact that the *Avodah* of Yom Kippur — and together with it the *kaparah* of Am Yisrael — would be disqualified without the possibility of rectification. Therefore, in this instance, the principle of “*Derachehah Darchei Noam*” limits the scope of the term “ביתו” to include only his wife. To be sure, this entire idea applies only in situations where a number of interpretations are possible; for then we say that “*Derachehah Darchei Noam*” can guide us in choosing the one the Torah was referring to. In an instance when the words of the *pasuk* are unequivocal, such as the requirement to destroy an *ir hanidachat*, “*Derachehah Darchei Noam*” cannot serve to change what has been plainly stated.