

Sedra Emor (Leviticus 22:1 – 24:23)

KNM

Robert Stone, 5 May 2018

עֵין תַּחַת עֵין תַּחַת שֵׁן תַּחַת שֵׁן

“... an eye for an eye; a tooth for a tooth ...”

(Leviticus 24:20)

As I wrote in *Reflections* three years ago, today’s Sedra is mostly a catalogue of laws – about the priesthood and about fixed times like Shabbat and the festivals – but the Sedra ends with a story. That is worth noting, because there are only two stories in the whole Book of Leviticus. They are both very short and they are both horrible. The first story is that of Aaron’s sons, Nadav and Avihu, who offered “alien fire” before God, and were consumed by fire (10:1-8). The second story, at the end of the Sedra, is about the blasphemer who is stoned to death (24:10-23).

Moses consults God about what should be done with the blasphemer and God commands that he should be stoned to death. But at the same time, God also lays down the infamous law of talion – the *lex talionis* – “If any man maims his fellow, as he has done so shall it be done to him: fracture for fracture, eye for eye, tooth for tooth.” The law of talion is the law of the Mikado in Gilbert and Sullivan’s opera – “to let the punishment fit the crime, the punishment fit the crime.”

What are we to make of this? The Rabbis sought to prove that the law of talion cited here should be interpreted to require a monetary punishment and not pure retaliation in kind. I accept that argument entirely, of course, in the real world, but I would still ask why it is expressed that way, and why here, and why is the blasphemer nevertheless stoned to death?

In *Leviticus a Literature*, Mary Douglas, the great anthropologist, argued on the basis of the language of the Sedra that the stoning is actually an example of the law of talion. The word for stoning – רָגַמְוּ – simply means to hurl (though it is always used in the context of stoning). The son of Shelomit hurled insults at the Name of God, so stones are to be hurled at him.

The hurler of insults at God’s name had stones hurled at him. Nadav and Avihu offered alien fire before God and were punished by being consumed by fire. There are only two stories in Leviticus, and they are both about retaliation.

But there are other horrible things in our sedra, though not apparently about retaliation.

Early in the sedra, God tells Moses to speak to Aaron about his descendants, the Priests. God says:

“Speak to Aaron, saying, ‘No man of your seed to their generations in whom there is a defect shall come forward to offer God’s bread. For no man in whom there is a defect shall come forward, no blind man nor lame nor disfigured nor malformed, nor a man who has a broken leg or a broken arm, nor a hunchback, nor a midget nor one with a cataract in his eye nor scab nor skin flake nor crushed testicle. No man from the seed of Aaron the priest in whom there is a defect shall draw near to bring forward the fire offerings of the Eternal God. There is a defect in him.’” (Leviticus 21:16-21)

This looks truly horrible, and it goes on in this tone for three more sentences. How can we reconcile this attitude to disability with what many of think Judaism teaches? Did we not read in last week’s sedra in no uncertain terms, “You shall not insult the deaf, or place a stumbling block before the blind. You shall fear your God; I am the Eternal.” (Leviticus 19:14)?

And there are examples of a different Rabbinic approach to disability, like the famous story about Rabbi Simeon ben Eleazer, one of the greatest scholars in the Talmud, who had been studying Torah with the great Rabbi Meir and was returning home completely caught up in the joy of his studies.

He happened to pass a man who was extremely ugly. The man said, “Shalom to you, Rabbi!” But Rabbi Simeon said, “What an idiot! How ugly that man is! Could it be that all the people of your city are as ugly as you?”

The man said, “I do not know, Rabbi, why not go to the Craftsman who made me, and tell Him, ‘How ugly that vessel is that You made!’”

Rabbi Simeon immediately realized that he had done wrong. He dismounted from his donkey and fell down at the man’s feet, begging for forgiveness, and followed him to his city. The man forgave Rabbi Simeon only when the inhabitants of the city begged him to do so. (Talmud, Tractate Ta’anit 20a-20b)

I myself learnt this lesson even more powerfully at a *simcha* in an Orthodox synagogue not long ago. A young man with cerebral palsy was there in a wheelchair - he could barely speak, but his parents said that he was intelligent. It was his birthday, though this wasn’t his *simcha*. A Lubavitch Rabbi was hunkered down with his face level with the young man’s and I heard the Rabbi say, “Happy birthday. The day you were born was the day that God decided that the world was incomplete without you.” Not only was this a beautiful thing to say, but it hit me like a thunderbolt that as far as the Rabbi was concerned, that young man was *betzelem Elohim* - created in the image of God - just as he himself was. I’m not at all

sure that everybody thinks of people with disabilities in that way.

It certainly doesn't look as if the Torah does so either, given the passage I read out about the priest with a "defect". The passage has been interpreted in various ways that make it less offensive. For example, Midrash *Vayikra Rabbah* compares a Cohen in the Temple to a hammer used to build a house. Both are simply vessels that perform a particular function, and just as you wouldn't use a broken hammer to build a house, so God would not use a "defective" Cohen to make a sacred offering. No conclusions about human value are to be drawn from these laws. Indeed, the presence of a defect in a Cohen does not disqualify him, taking his share from the sacrifice alongside other Cohanim who did serve: his place as part of the community was unaffected.¹

To be honest, I don't find these attempts to explain away the harshness of this law very convincing, and even the monetary interpretation of the law of talion seems to be a bit like special pleading. But that does actually worry me. I am aware that precisely because our tradition is so ancient, the tradition incorporates many judgements and values and tropes that have been transmuted over time, sometimes very radically. As a historian, I do not reject our history, I grapple with it and seek to understand what the culture was like then and why and how it has changed into what it is now. I have not left behind the person I was as a child or an adolescent, they are still part of me, part of my very essence. So it is with our tradition.

So I don't want to ignore or edit out or bowdlerize the Horrible Histories and the Revolting Rhymes that permeate the Torah, I want them to be available for me to struggle with. Cantor Jackie Chernett wrote something very similar about the liturgy in the Kol Nefesh Masorti Synagogue magazine:

"With regard to the prayer text, once we mess with that we are then making choices for other people. This is why I take issue with movements that have chosen to shorten the texts, change the words to match modern sensibilities (I don't like that word!). If I daven from one of these, someone has told me that our traditions, by omission or change, don't apply to me. They have made the choice, not I!

Much more than that, they have taken away my Jewish job of being a *Yisra-el* – one who strives with God. ... I want to deal with [the text] on a much deeper level than being fed what someone says. I don't want it watered down. I don't want it to be 'rationalised'. I want to be angry and to have the right to shout at the text. I want to delve into the metaphor and imagination that these writing imprint and beg. And I don't want that right taken away from me as a Jew."

I share Jackie's sentiments entirely. In the course of that grappling with the text and the

1. Joseph Mintz, 'Do the disabled get a raw deal in the Torah?' *Jewish Chronicle*, 22 October 2009

commentaries on the text, we may find elements of ancient wisdom that have been neglected and forgotten and that could be useful to revive in the age of reductionist Twitter-mobs, such as the very subtle nuances of the actual Biblical meaning of **מום**, a defect, or **טמא**, unclean, or **טהור**, pure. These last two concepts in particular go to the very heart of Jewish spirituality. The cleanliness and purity being addressed in the Torah text does not relate to physical cleanliness but to psychological and spiritual wholeness, to a healthy psychological state that we are all constantly in danger of defiling.

The two stories, Adav and Navihu and the stoning of the blasphemer, occur at pivotal points in the succession of laws in Leviticus – between laws of purity and defilement and laws of repentance and redemption. We live in a dangerous world and our actions can have dangerous consequences. The possibility of redemption is always present, but so is the possibility that those who sow the wind shall reap the whirlwind (Hosea 8:7).

כֵּן יְהִי רָצוֹן