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**D'var Torah for LBT - May 4, 2007; 16 Iyar 5767: Emor**

There is no question the Book of Leviticus, with its precise instructions on animal sacrifice, poses particular challenges for contemporary readers. Indeed, in my search for modern commentaries on the Internet, it wasn't surprising to find a piece entitled, "Leviticus or 150 Ways to Kill a Bull." Leviticus is also quite often the "source text" for religious leaders who would consign gays and lesbians to eternal damnation and politicians who would consign them to second-class citizenship – or worse. There is also plenty in Leviticus to offend feminists and all who champion gender equality, as well as individuals with disabilities and those who advocate for their fair treatment.

Of course, as you might guess, I do see something more in the Book of Leviticus and indeed would not be standing here to talk about it tonight if that were not the case. Some months ago, I had a conversation with Rabbi Chasen about a public health issue that I felt merited the attention of the LBT community. Rabbi Chasen asked me to select a Torah portion and speak about that public health issue here on a Friday night. Although I did not select a parsha immediately, I did tell Rabbi Chasen that I would choose something from the Book of Leviticus. A couple of weeks later, I emailed Rabbi Chasen to tell him my “first choice” of torah portions. As might be expected at a flourishing, vital synagogue community such as LBT, that torah portion was “taken;” there were other plans for that Shabbat evening. I chose another portion: tonight’s torah portion, Emor, which, fortunately, was still “available.”

I mention these details because I want to share with you that, in going through the exercise of reading and re-reading Leviticus – not as a rabbi, not even as a rabbinical student, but as a fundamentally secular person seeking relevant messages in these ancient texts – I became

convinced that the Book of Leviticus as a whole and tonight's torah portion in particular have critically important – indeed urgent – messages for our time. In studying these passages, I even – more than once – forgot entirely about the public health issue that prompted me to speak to Rabbi Chasen, and became mesmerized with the broader wisdom in these verses. So much so that I cannot resist taking you – just a little ways – down the path I traveled in reading and re-reading these verses, before getting back to the “public health announcement” that prompted this exercise.

To begin that path, it is a widely held view – among biblical historians and also among many reform rabbis – that the Torah, also known as the “first five books of the Hebrew Bible” is the product of five primary authors: “J” the Yahwest, who is the author of the oldest and most dramatic parts of the Books of Genesis and Exodus; “E” the Eloist, author of the “Elohim” passages in those books, “P” the Priestly author, who wrote Leviticus; “D” the Deuteronomist, and “R” the redactor or editor. Well, it's easy to see who wins the 2000-year popularity contest: “J” the author of Genesis; the creator of our cherished, morally ambiguous, larger-than-life biblical heroes and heroines. The ones who change history in moments of bravery – *or trickery* – against a backdrop of supernatural occurrences that have puzzled and inspired not only centuries of theologians but also painters, poets, novelists, movie directors, and creators of Broadway musicals. If “J”, “E”, “D”, “P” and “R,” were, through some miracle of space-time, able to return to us today, it's easy to imagine that “J” is the one we would want at our cocktail hours and dinner parties, or, for that matter, at our temple fundraiser.

And, at the opposite end of the spectrum would be “P,” the author of Leviticus, with his seeming fixation on human bodily secretions, animal sacrifice, and obscure ritual. But while we might want “J” as a our story teller and dinner companion, I submit to you that – right here and

now, in Los Angeles and elsewhere in 2007 – we desperately need to hear what “P” would be trying to tell us and what he can tell us now through the book of Leviticus, if only we would listen.

In the book of Leviticus we are told, “*You shall be holy.*” This is the “theme” of the book. Critically, the message is not, “*You are holy*” or even “*You are my chosen people.*” Rather, it is “*You shall be holy*”: an injunction that *we*, as human beings possessed of free will, must make the *choice*. The text goes on to make clear that the “holiness” that is asked of us is achieved chiefly through *action*, not meditation or even prayer. It is in Leviticus that we are told:

“You shall love the stranger as yourself,”

“The wages of a laborer shall not remain with you until morning.”

“You shall not curse the deaf or place a stumbling block before the blind.”

“You shall not stand idly by while your neighbor’s blood is shed.”

“You shall not go about as a talebearer (or gossipmonger) among your people.”

“Do not hate your brother in your heart.”

“Do not take revenge or bear a grudge.”

“You shall not reap the corners of your vinyard, but rather leave them for the poor.”

“You shall respect the elderly.”

“You shall use honest weights and measures.”

“In judging a dispute, you shall not show undue favoritism for the poor or the rich.”

All of these exquisite – and demanding – injunctions and several others are directed to the *entire* Israelite community. I submit to you that the timeless and transcendent morality that originates in the Book of Leviticus – and that is quoted frequently in the New Testament and

echoed in the secular writings of reformers throughout history– is nothing less than a sort of blueprint for the conscience of western civilization. I say these things knowing full well that the Book of Leviticus says what is says about women, about homosexual relations, and about physical disabilities. But a socially conscious reading of Leviticus in the 21<sup>st</sup> Century requires that we look at the prejudices it articulates, recognize them for the ancient human writings they undoubtedly are, and then ask ourselves if we – members of an “evolved” civilization – have been sufficiently vigilant against the granules of prejudice that are part of *all* of our psychological DNA. Just as we study the brilliance of Thomas Jefferson – a man who lived some 2,000 years after P – but recognize that this visionary humanitarian was also someone who owned slaves, and thereby recognize the possibility in ourselves and in our heroes of human prejudice and fallibility.

And just a couple of words about those other Leviticus “prescriptions” – those involving bodily secretions and the resulting need for ritual cleansing and those involving animal sacrifice. We might say that Leviticus – or the author “P” – had a “thing” about purity. But here again, there is an eternally relevant *purpose* to the ritual cleansings and the sacrifices. The bodily secretions discussed in Leviticus – semen and menstrual blood – are universal, as are the sins for which the sacrifices are offered. In this regard, Leviticus tells us that human nature is not simply “imperfect,” but rather, “imperfectible” and that while our adherence – or, really, attempted adherence – to the ethical commandments may bring us closer to holiness, *we are mortal* and our pursuit of “purity” must be an ongoing process and one that recognizes a power higher than our own.

Another way of saying this came to me when I had occasion to hear a song by the alternative rock band, “Death Cab for Cutie.” (We’ll leave the names of 21<sup>st</sup> Century rock bands

for another midrash.) The song was titled, “When Soul Meets Body,” and there is a line in that song that goes, “Our dirty hands will wash one another.” Leviticus argues that, in fact, our mortal hands are insufficient to make us pure, that “purity” is only attained through a recognition of a power beyond our own, and that “purity” is not delivered to us “for keeps,” but is instead something that *we* must seek out on a *continual* basis. *This is a commandment for humility.*

And interestingly enough, of what might be the three most challenging vehicles for purity – kashrut, ritual cleansing, and sacrifice – only the last, animal sacrifice, has not endured in the nearly 3,000 years since Leviticus was written. Mikvahs and kashrut have, if anything, enjoyed a sort of Renaissance of interest in recent years. Though it’s horrifying to imagine a similar renewed interest in animal sacrifice, we should recognize that our modern commitment to “gemulit khesid” or “acts of lovingkindness” is directly indebted to animal sacrifice. In the year 70 C.E., after the destruction of the Second Temple, many Jews despaired that they could no longer seek atonement for their sins, since there was no longer an alter on which to sacrifice animals. In this ancient time of horrific tragedy and lamentation, Rabbi Yochanan ben Zakkai, who was then the leading expounder of Jewish law, declared that acts of loving kindness would now replace sacrifice as the means for attaining God’s forgiveness.

The requirement to perform acts of lovingkindness is part of Leo Baeck Temple’s mission statement and, like the ethical injunctions mentioned a moment ago, is incumbent on all of us. As Rabbi Joseph Telushkin observes, Judaism demands of its entire community what other religions demand of its priests.

This week’s Torah portion reveals some of the things Judaism demands of its priests. It begins: “*Speak to the Kohanim, the sons of Aaron, and say to them:*” What’s immediately clear from this language is that the Kohanim, ancient Israel’s elite, are going to be held to an even

higher standard than that required of “the entire congregation of the children of Israel.” The reminder that the Kohanim are the “sons of Aaron” also underscores that the privileged station of the Kohanim – and their lofty family connections -- will not insulate them from personal responsibility or from accountability to the community. To the contrary, these “sons of Aaron” will be held to a higher standard.

The specifics of that standard include the prohibitions against marriage to a divorcee and against officiating with any physical impairment or disability. Again, there’s no denying that these passages are offensive to contemporary sensibilities. But I believe that P is telling us – with all of the “contemporary sensibility” *he* could muster roughly 900 years before the Common Era, is that the Kohanim must at all times appear to be shining examples. Their private lives must be worthy of their positions of public trust, and they must steer clear of the *even the appearance* of impurity as well as impurity itself. This week’s torah portion also provides that the kohanim, while in a state of “ritual impurity” (through proximate bodily excretions or contact with a dead body) may not enter the sanctuary. Presumably, only the kohen himself would know, at any given moment, whether that proscription applied. He is, at it were, instructed to do the right thing, even when no one is looking, and even when no one can possibly see.

These are concepts are worthy of our attention. In the late 20<sup>th</sup> Century and early 21<sup>st</sup>, how many times have we seen the “defilement” of our public officials through scandal. How many times have we witnessed a reckless abandon for *any* concern with the “appearance” of impropriety, not only in matters of human intimacy, but also in matters of public leadership and judgment. How rarely have we seen individuals who enjoy privileged positions by virtue of their family or political connections even consider the possibility that power and privilege should not insulate them from accountability, but should instead require them to adhere strictly to the

highest of ethical standards.

Elsewhere in Leviticus, we learn that one of the duties of the Kohenim involves the inspection and diagnosis of lesions (“Tazria”) or leprosy. The manner in which the kohenim are commanded to address leprosy reveals an extraordinary approach to public health and the desirability of separating objective, clinical diagnoses from superstition and even from religious assumptions.

While the kohenim are commanded to inspect individuals for leprosy, in Leviticus, we see that they can do nothing to cure the afflicted. It’s also worth noting that the Book of Leviticus does not describe leprosy as a punishment for sin. You have to look in the Book of Exodus or Numbers to find that. Rather, some 2000 years before Susan Sontag, Leviticus puts forth an approach to leprosy as an *illness* that is unburdened with moral or metaphor.

The priests are commanded to identify those afflicted with leprosy according to a set of clinical observations and to take measures, including quarantine, when the diagnosis is made.

Critically, -- and ironically, given the notorious leper colonies that endure for centuries -- in more than one instance, Leviticus seems to express a concern that people who are (or were) diseased not be unduly stigmatized. In several instances, lesions that are unsightly, but are not spreading through the flesh, are merely scars and the priest is commanded to pronounce the person clean. Even when a person has the dreaded thing itself, once he or she is recovered, the priest must pronounce the individual “clean.” I can't help but believe these pronouncements must have functioned as a sort of exoneration: When a high priest announces that a person with an unsightly disfigurement is, in actuality, "clean," it's only logical that the rest of the community would recognize that it would be wrong to isolate or stigmatize that individual.

There are several messages that emerge from this: An ancient understanding of “public

health” as a concept; a recognition that individuals who may bear the disfiguring scars of illness should be pronounced “clean” if the illness is passed or poses no threat to others; an understanding that notorious illnesses are not divine punishment, nor are they cured by divine intervention, but are simply part of the universe of natural occurrences; a recognition that priests cannot eliminate or single-handedly cure disease and that they perform a service to the community and fulfill their sacred vows by approaching disease with humility and an unflinching eye for its symptoms and consequences.

An approach to public health in which our leaders do not arrogate to themselves a supernatural understanding, but instead look unflinchingly at human illness and suffering is an urgent message for our time. We are living in an era in which those who have some of the loudest voices in the dialogues on public health lay claim to a supernatural understanding. In the developing world, tens of millions of women now account for *one half of all* HIV/AIDS afflicted people globally. Yet our country’s Emergency Plan for Aids relief, which serves over 120 other countries, allocates more money to advocating abstinence until marriage than it does for condom distribution and prevention of mother-to-child HIV transmission. And here at home, the United States Supreme Court, which is today constituted of 8 men and 1 woman, outlawed a medical procedure, used by obstetricians and gynecologists to protect a woman’s health in instances where something has gone horribly wrong during the second trimester of pregnancy.

*That Supreme Court decision* should be of particular concern to the Jewish community. The public health issue that originally prompted my discussion with Rabbi Chasen was genetic disease, specifically Tay Sachs and other genetic mutations for which we are at risk. My great aunt, of blessed memory, was a woman who would have been ineligible to marry a Kohen. She

was an artist who married 4 times, traveled widely, and remained a clothes horse and a flirt well into her 80s. She was also someone who, in her first marriage, in the 1940s, lost a child to Tay Sachs, the devastating and 100% fatal disease for which 1 in 30 Ashkenazi Jews is a carrier. A Tay Sachs baby is born perfectly normal. But six months later, blindness will set in. Seizures and *unconscionable suffering* will follow at about age 3 and death, *in 100% of cases*, by about age 4. My aunt, who went through her childbearing years when abortion was illegal, did not try to have another baby. She rarely, if ever, spoke of the child she lost. As I stand here tonight, I am – shamefully – unable to remember the child’s name. But across the miles traveled, the four marriages, and the Heaven-knows-how-many lovers, that tragedy stayed with her for some 50 years. In 1993, I served as the executor of my aunt’s estate. Amidst the lifetime of paper, pictures, gloves, scarves, and bric-a-brac that was crammed into every crevice in every drawer in her condominium, I found a plastic bag containing a tiny and discolored crocheted bonnet and jacket, with the note, “I made this for my daughter.”

Not long after my aunt’s death, my husband and I learned that we were carriers of Tay Sachs. We did the responsible thing and alerted other family members, including my husband’s cousins in New York, a very young couple who married in their early 20s who learned that they, too, were both carriers. They took the news rather well. They were young and had time to try several times; abortion was of course legal (this being the nineties); and amniocentesis at 14 weeks could determine conclusively whether or not the fetus was afflicted. Predictably enough, they are today the parents of two irresistibly adorable little girls. But the road to their first healthy child was a little rockier than statistics might predict. When two parents are carriers of a defective gene, the chances are 1 in 4 that the fetus will be afflicted. Like many couples in their situation, our cousins focused on the 75% or glass “3/4 full” chances for a healthy baby. But

while statistics were on their side, luck was not. As it happened, before having their first beautiful and healthy child, there were three pregnancies that had to be terminated after an amniocentesis revealed – *each of three times in a row* – that the fetus was afflicted with Tay Sachs. One pregnancy was particularly wrenching. Eager to learn the results of their amnio, our cousins called their doctors’ office to find out. A nurse checked their chart and told them: “Your chromosomes are all normal, go celebrate!” And they did. But tay sachs is revealed by an enzyme test, not the standard chromosomes test. And a week later the doctor called to say the fetus was, in fact, afflicted. These were times of indescribable, unspeakable anguish for our family. They were also, of necessity, occasions for second term abortions and made use of procedures that our Supreme Court has made illegal.

I submit to you that the decision to outlaw a standard medical practice in second-term abortions, with no exceptions for the health of the mother, does not really merit the descriptor, “pro-life.” There are many, many women out there – a great number of them mothers, wives, and partners – who made the personal choice for marriage and family and never dreamed of having an abortion, but were caught by surprise when their own bodies developed life-threatening complications or when prenatal testing showed the fetus was afflicted with a fatal illness or was missing half its brain tissue.

Perhaps the five male Supreme Court justices who voted to overturn one of the core protections of *Roe v. Wade* would rather not consider these – not uncommon – scenarios or considered that no scenario was capable of overcoming their visceral objection to the procedure they resolved to make illegal.

But a contemporary application of the ethical guidelines handed down to us from

Leviticus -- the requirement that those charged with carrying out public health regulations do so with humility; the duty to assess, unflinchingly, the potential consequences of physical conditions; and the duty to make diagnoses ethically and without pretense to supernatural understanding – might lead us and our leaders to a different understanding.

There is a related and critically important “public health message” that deserves mention. All of us who are either in or in advance of our childbearing years must be tested for genetic disease. As unpleasant – or even scary – as it may be to contemplate the possibilities for ourselves and our loved ones, we are far better off knowing than not knowing. In the temple lobby are pamphlets from the Jewish Genetic Disease Consortium. I urge you to familiarize yourself with these materials . And, bear in mind that the diseases identified *are in the general population*. Cajuns and French Canadians are at high risk for some of the same genetic diseases that are prevalent among Ashkenazi Jews. *All of us who are either in or in advance of child bearing years should be tested.*

And may all of us approach our world’s public health challenges with compassion, humility, and the courage to look, unflinchingly and without supernatural pretension, at medical realities and at our own limitations.