

LAST BCC DRASH

I'm going to break a rule. I know that Gordon gave a beautiful drash last week on the Torah portion Acharei Mot/Kedoshim, and I am supposed to talk about this week's portion, Emor. But I can't. You have taken me into your community this whole year. You have trusted me and learned with me. If I did not speak about something in the Torah that was deadly to you, what kind of person would I be? Acharei Mot/ Kedoshim contains the two texts religious conservatives love to quote: the two prohibitions against male homosexual sex: Leviticus 18:22 "Do not lie with a male as one lies with a woman; it is an abhorrence." and Leviticus 20:13 which repeats the term *to'eva*, abhorrence, and decrees a death sentence for both partners. The question this brings up for me is what do we do with Torah texts that make it impossible for some people, gay men, women, or slaves, to live a Jewish life with dignity and joy? I'm not talking about texts that are aesthetically repulsive or philosophically untenable. I'm talking about texts that won't let people live. Sweeping such texts under the rug seems intellectually dishonest as does tearing them out of the scroll, as tempted as we may be. How can we understand such texts and take away their destructive power? What are some strategies for dealing with them?

The first point to make is that **the Bible is not a single consistent voice of authority**. You cannot say, "The Bible says, it is forbidden for men to have sex with men." You can only say that the Holiness code section of the book of Leviticus says so. The Bible is not a single book. It is a collection of different books, spanning eight centuries, not all of which agree with one another. I picture the authors in one big room in the next world arguing. Ezra is proclaiming that every Judean married to a foreign woman should send her away. Ruth is saying to him, "Don't be a snob. Foreign women have blessed the people Israel. King David has two foreign women in his genealogy and that means the Messiah will have those women in *his* genealogy."

Joshua is off in a corner with Judges, boasting about the conquest of Canaan. He is saying, "we smote this town, we destroyed that town." Judges is answering "Nope, never did conquer that town or that other town either or those five other strategic places. We're living side-by-side with the Canaanites there." And Leviticus? Leviticus is ranting about human sexual fluids. "Yuck!" he says. But Song of Songs is countering him. "What do you mean? Human sexual fluids are delicious! They're like wine or honey! Intoxicating! Sweet!" So "the Bible" as a single consistent point of view doesn't exist.

Another strategy for dealing with a troubling text is **to place it in its historical context and try to understand what it's worried about.** Leviticus wants to see clear boundaries, distinct categories. It sees boundary-making as the very act by which the world was created. God started with *tohu vavohu*, a big chaotic mish-mosh and carefully separated out the light from the darkness, the waters above from the waters below, the land from the sea. God created categories of birds and fish and beasts and humans and told them to be fruitful and multiply. They were supposed to do that with their own kind of creature to keep all the categories clear-cut. And males are supposed to do it with or perhaps to females. For Leviticus, when people start eroding these categories, they are uncreating the universe. But, we may object, many categories of creatures have same-sex sexual behavior and the universe hasn't caved in yet! Leviticus doesn't know of this. Moreover, Leviticus may think that a man who penetrates another man is declassing him, making him subordinate like a woman - - what Karl Marx would approvingly call class treason. And finally, as a product of the priesthood, Leviticus sees fertility as a sign of blessing. He can't foresee that gay men will have the option of becoming parents. He worries about the world being depopulated.

Except for Leviticus, the only two explicit texts we have about homosexual behavior are about rape, and really cannot be compared to a loving relationship. In both the threatened rape is the climax of a narrative that is really about a shocking lack of hospitality. According to early rabbinic commentators that is the real sin of the Sodomites. In contrast, there are two texts where David acknowledges his love for Jonathan. In David's lament (II Samuel 1:26) he says, "your love was wonderful to me, more than the love of women," but there are no explicit narratives of sexual behavior between them. Nevertheless, these texts appear in some strategies as counter-examples to Leviticus.

Contextualizing a text historically gives us some perspective on why the author thought the way he or maybe she did, and it underlines the differences between the writer's world and our world, but it leaves a big problem. These verses that won't let people live are part of *sacred* text. It is especially troubling when these texts are part of the Torah, that holy book that we hold in processions, that we kiss, that we make blessings on. We cannot just dismiss the problem by saying "that's how it was then but this is now," unless we want to make the Torah into a museum piece: Imagine tour guides saying, "that was a Torah; the Jewish people used to live by it." Besides, it isn't true that these texts were only destructive in the past. Countless murders, countless gay-bashings,

countless political initiatives by homophobes, non-Jewish and Jewish, attest that these texts still hold malignant power.

Luckily, there is one more strategy for dealing with texts that won't let people live and that is interpretation. Interpretation is in OUR hands. WE get to say what a text means for our time. Let me give you three examples of how the rabbis of the Talmud radically re-read texts that were unlivable. The first such text is a law in Deut. 21:18-21. If a man has a wayward and defiant son, who does not heed his father or mother . . .they shall bring him to the elders of the town [and state their complaint] Thereupon the men of his town shall stone him to death.”

With a law like this in existence, few of us would have survived our teen years. But the rabbis narrowed and narrowed the requirements for application until a baraita, a Tannaitic tradition flatly states “There never was a case of the rebellious son and never will be.” Why then was the law given, the Talmud inquires? “To study and to reap the reward of studying.”(Sanhedrin 71a)

The second example of a biblical law being radically changed by interpretation is “an eye for an eye and a tooth for a tooth.” In its biblical contexts In Exodus 21:24 and Leviticus 24:20, it sure sounds like people’s eyes and teeth should be taken out if they knock out other people’s eyes and teeth. But the

Talmud in tractate Bava Qamma goes through an intricate argument to insist that “an eye for an eye” means monetary compensation, and that is the law as we have had it for the last 1900 years. There is also no biblical narrative in which eyes or teeth are extracted as an Israelite punishment.

My third example of biblical law being changed by interpretation is Hillel’s proshul. The sage Hillel saw the great hardship people were having because of the observance of the Sabbatical year, the seventh year, in which all debts were canceled. Commerce was grinding to a halt and no one would lend money to the needy. So Hillel reinterpreted two verses from Deuteronomy 15 (15:2, 9) to abrogate debt cancellation by having creditors transfer debts owed them to the court and authorizing the court to collect. The authorizing document was called a proshul. Once people were assured that they could collect on debts, the economic system was no longer stalled.

What I am trying to say is that we need not despair about the homophobia of Leviticus. Just as with Hillel and the sabbatical year, once we see that a law that was designed for the people Israel to live with and thrive with, is having the opposite effect, the process of interpretation can find new meanings in the text by which living and thriving is possible. Our texts on *mishkav zachar k’mishkevei isha*, literally, laying a man as if he were a woman might mean a ban on sex in

which one partner rules over and subordinates the other: man or woman. Moreover, some scholars have argued that homosexual rape is what these texts reference: violent, non-consensual sex. A GLBT halakhist might make a number of other arguments. But laws are meant to promote human flourishing and when they are seriously deterring human flourishing, they need to be reinterpreted rather than merely ignored. When a large constituency is ignoring a law, it casts the entire legal system into disrepute: think about Prohibition in 1920s America. In Jewish law also, we have a principle of not making legal policies that make large numbers of people into sinners.

I've given here three strategies for dealing with texts that don't let people live: **1) Reject the notion that the Bible speaks with a single voice and look for counter-narratives. 2) Contextualize historically to understand what the text's concerns were and 3) Reinterpret, because we are the ones who must determine what a text means in our time.** I have also given you three examples of radically reinterpreted Biblical texts, the rebellious son, an eye for an eye, and the text about debt remission in the sabbatical year. Now it is time for the Leviticus texts about male homosexual sex to be reinterpreted as well. My hope is that GLBT rabbis like Rabbi Steve Greenberg or Rabbi Benay Lappe, with whom you at BCC have learned Talmud, will have the courage and the

chutzpah to show us as Rabbi Benay Lappe taught this congregation, a way people can live by these texts and not die by them. For it says in Acharai Mot *va-chai bahem*. “You shall live by them” meaning by the commandments, and the rabbis comment, “and not die by them.” Not have your selfhood stifled or in hiding. Not be bullied or bashed. Not, God forbid, commit suicide. But live, pridefully and openly and joyously.

Before I leave I want to thank Rabbi Lisa who has been such a wise and generous teacher and friend and inspiration to me. Your sermons are awe-inspiring, and you have a gift for giving everyone space to exercise initiative and do all they can do for BCC. I want to thank also Cantor Juval. There are some nigunim that, when I think of them, I shall always hear them in your voice. And thank you for your insights when we learn. I want to thank all the BCC leaders I have learned from watching, all of you who have come to study with me and enriched us all with your Torah, all of you who have prayed with me this year; too many of you for me to name. What a blessing it has been to me to intern here at BCC!

And now, dear friends, I want to give you my blessing. There is a parable in tractate Ta’anit (5b-6a) of the Talmud that says exactly what I want to say to you:

A man was journeying in the desert; he was hungry, weary, and thirsty and he came upon a tree whose fruits were sweet, its shade pleasant and a stream of water flowing beneath it. He ate of its fruit, drank of the water and rested in its shade. When he was ready to resume his journey he said, Tree, O Tree with what shall I bless you? Shall I say may your fruits be sweet? They are sweet already. Shall I say may your shade be pleasant? It is already pleasant. That a stream of water should flow beneath you? Behold a stream of water does flow beneath you. Therefore I say, may it be God's will that your saplings be just like you.

BCC, shall I say may you be warm and welcoming? You are already warm and welcoming. Shall I say, may you be creative and innovative? You are already creative and innovative. Shall I say, may you be thirsty for Torah? You are already thirsty for Torah. Therefore I pray that you may have many members and that they be just like you. Ken Yehi Ratzon. Amen.