THIRTY-TWO

Neither Oppress nor Allow Others to Oppress You

Parashat Behar (Leviticus 25:1–26:2)

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When Moses
broke the sacred tablets on Sinai, the rich
picked the pieces carved with:
"adultery" and "kill" and "theft,"
the poor got only "No" "No" "No."
—Ilya Kaminsky, "American Tourist," *Dancing in Odessa*

The queer perspective questions all norms—not only norms of gender role and definition or sexual orientation but *all* norms. From a queer perspective, norms are human attempts to simplify, classify, and regulate the complexities of reality. Reality, however, is inevitably messier than the categories we impose. There are always exceptions that do not conform to our classifications. The establishment of norms of any kind, therefore, is a process that essentially and inevitably excludes and pushes difference to the periphery, forcing diversity to mold itself into preset categories and condemning that which does not fit in. It is inherently oppressive.

Among the most pervasive of normative assumptions that a queer perspective challenges is that hierarchy is natural and inevitable: economic hierarchy, social class distinctions, hierarchies of power. We are encouraged to assume that the state of inequity is built into reality. Some people are always wealthier than others; we can upend the current hierarchy, but when we do, the new order will itself be hierarchically ordered. *Parashat Behar* calls this assumption into question. It is a powerful text on which we can ground the queer perspective, because it subverts the legitimacy of class distinctions.

Leviticus 25, the first chapter of *Behar*, contains the only regulations in the Torah about land tenure and the rights of landowners to sell or mortgage their land.[1] The law of *Shemitah*, or the sabbatical year, requires that in the seventh year, the land is to have a Sabbath (Lev. 25:2–7). No sowing, reaping, or pruning is permitted.

The Torah, however, is not content to explain *Shemitah* once. It does so three times. The version of this practice described in Exodus 23:10–11 arises out of a concern for the poor, who are given exclusive access to the growth of the land in the sabbatical year. The version in Deuteronomy 15 emphasizes the remission of debts and the freeing of indentured servants.

By contrast, Leviticus 25 seems unconcerned with either of these rationales. Instead, it declares, "In the seventh year the land shall have a Sabbath of complete rest, a sabbath of the Lord." The text is focused on the sanctity of the land itself, and on God's ownership of the land. We are to let the land rest as a periodic reminder that it does not belong to us. Rather, it is ours temporarily, as an *ahuzah*, a long-term lease.[2]

There is significant evidence that the *Shemitah* year was observed in ancient Israel. There is little evidence, however, for the observance of the ritual of land tenure, the *Yovel*, the Jubilee year,[3] which is mentioned only in Leviticus 25. At the beginning of the fiftieth year, the shofar is sounded, and release (*dror*) is proclaimed to all the inhabitants of the land,[4] all of whom reclaim the right to their ancestral lands. That is, any sale of land is temporary; every fiftieth year (the Jubilee), ownership of the land reverts to its original owner—to the descendants of those who were originally allotted their tribal portions by Joshua at the time of the original conquest of the Land of Israel. "The land must not be sold beyond reclaim, for the land is Mine; you are but strangers resident with Me. Throughout the land that you hold, you must provide for the redemption of the land" (Lev. 25:23–24). If poverty has forced you to sell your land, or if you have hired yourself out as an indentured servant, in the Jubilee year, everything is equalized, all inequality rectified.

The practice of the *Shemitah* and *Yovel* years reflects an extraordinary concern of the Torah to attend to the needs of the poor and to prevent excessive class distinctions. These institutions represent an acknowledgment of economic inequity and a regularly set attempt to ameliorate its consequences. *Parashat Behar* is a central text in ongoing discussions about the political leanings of Jewish tradition.

Contemporary interpreters disagree about whether the consistent tendency of Jews in the modern world to be more liberal than their non-Jewish neighbors can be traced to ancient Jewish teachings and core Jewish values. Some argue that the centrality of the narrative of the Exodus from slavery in Jewish ritual and consciousness[5] helps to explain why American Jews, for example, were prominent among the leaders of the labor movement, were early supporters of the civil rights movement, and consistently vote to the left of their own economic interests.[6] They believe that Judaism stands with the oppressed and the powerless and that, ideally, Jews ought to work toward the elimination of class distinctions.

Other interpreters resist, citing the long historical experience of Jewish communities in the Diaspora, under both Muslim and Christian rule. They note that community *kehillot* were ahead of their time in caring for orphans, widows, released hostages, and all those community members in economic need but that the needy were assisted according to their class history—that the orphaned daughter of a wealthy family, for example, was matched, and her wedding feted, very differently than was a woman whose parents had been poor.[7] They acknowledge that Judaism mandates a social safety net that provides for the basic needs of the poor, but they do not agree that Jewish principles demand a commitment to radical egalitarianism.

Parashat Behar allows us to transcend the debate. The Jubilee text may describe an ideal that was never implemented, but its utopian character is precisely what gives

it such breathtaking power. It questions all social and economic distinctions in the agrarian society of ancient Israel. It questions all *norms*, even as basic an economic practice as owning a piece of land that you have bought.

Acknowledging the existence of economic oppression, of foreclosures and slavery, it assails the existence of these de facto realities on the most radical of bases: the land belongs to God, so it is not yours to sell, no matter how dire your economic straits.[8] And since the Israelites are God's servants, they cannot sell themselves into permanent slavery.[9] This text itself serves to queer the economic and social status quo in ancient Israel.

Mishnah Avot 5:9 elevates the importance of the laws of *Behar*, attributing the Destruction of the Temple and the Exile to the violation of these particular laws. The medieval commentator Ramban understands the violation of the laws of *Shemitah and Yovel* as following from the Israelites' failure to acknowledge the work of creation.[10] In Ramban's understanding, if one acknowledges that the world is created, it follows directly and clearly that one would understand that God is the sole owner of the land and that human "ownership" is always temporary.

The sabbatical year ameliorates injustice, by reminding us that the earth belongs to God and must be cultivated accordingly. The Jubilee year eradicates injustice, or it would have if it had ever been instituted in a comprehensive way. If contemporary strict inheritance taxes attempt to limit inequalities across generations, the Jubilee year eliminates them entirely. It demands that we recall that we are *all* servants of God and that all hierarchies of distinction are false. It reminds us that the earth and its fullness belong to the Lord, so that our accumulated wealth is not ours. It queers conventional assumptions about the inevitability of social and economic hierarchy.

Pursuing the objective of queering all norms, we can learn from the rationales with which *Parashat Behar* seeks to subvert economic and social hierarchies. Inasmuch as we were all slaves in Egypt and were redeemed by God, we have no right to oppress others because they are different, or to allow ourselves to be oppressed. The Torah suggests that only God the Redeemer has that right, not the very human *poskim* (halakhic authorities) who read and misread texts in order to establish norms that regulate, exclude, and oppress. Inasmuch as everything we have ultimately is a gift from its true Owner, we are not permitted to utilize our God-given resources to degrade other human beings, or to allow ourselves to be degraded.[11]

Alas, our text can only be stretched so far, because it rests on another norm—the ancient division of the land of Israel into tribal holdings that it regards as permanent and divinely ordained. It presumes that all Israelites descend from those who settled the land after the conquest of Canaan, when the land of each of the tribes was neatly divided among members of the tribe. At the Jubilee, the original position to which everyone is to return is the land that is presumed to have belonged to one's clan since the original conquest of the land. The Jubilee offers nothing to those who do not fit into an accepted, ancient category: those without clear, unblemished Israelite lineage, those without children to inherit their land, those with same-sex partners, those who do not wish to be farmers.[12] Like all utopian visions, it rests on its own assumptions of what is ideal.

Here I turn to the fragment of Ilya Kaminsky's poem quoted in the epigraph. In wryly noting the difference in the way that the commandments are experienced by the rich and the poor, the poet implicitly suggests that before Moses smashed the tablets, the commandments would have been observed uniformly by rich and poor, or perhaps that there would have been no such class distinctions. Of course, much like the never-implemented Jubilee, there never was a moment of intact tablets, intact commandments. Moses smashed them before he had delivered them to the people. And of course, if there had been such a hypothetical, ideal moment, it would have been full to overflowing with norms: Sabbath observance, respect of parents, not speaking God's name, not coveting, and so on. From a queer perspective, would we prefer the intact tablets, the broken ones, or neither of them?

Surprisingly, the rabbinic answer to this question is both of them: "Rabbi Joseph taught: '. . . that you smashed, and you shall deposit them . . .'[13] teaches us that both the tablets and the fragments of the tablets were deposited in the ark."[14] This Talmudic passage imagines that both sets of tablets were placed in the Ark of the Covenant, carried around at the center of the Israelite camp in the wilderness for forty years, and then placed in the Holy Temple in Jerusalem. The broken and the whole were at the center of the Israelite cult, the one testifying against the other in a tandem of ineffability. Like the hypothetical Jubilee text that has stood through the ages as a perpetual critique of the imperfect, unjust state of our communities, so in the rabbinic imagination, at our spatial center rested a graphic, material acknowledgment that however we try to interpret and execute the divine will, we can never get it right, because God's will is beyond transcription. How very queer!

NOTES

1. For a full discussion, see Baruch A. Levine, *The JPS Torah Commentary: Leviticus* (Philadelphia: Jewish Publication Society, 1989), 168–169, 270–274.

2. See ibid., 172.

3. Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics* (Minneapolis, MN: Fortress, 2004), 307.

4. This proclamation is the inscription on the Liberty Bell.

5. "In every generation," we recite in the Passover Haggadah, "We are required to view ourselves as if we ourselves [were slaves in Egypt] and were liberated." This theme is reinforced in every morning and evening service and is a central point in *Parashat Behar*.

6. See Michael Walzer, *Exodus and Revolution* (New York: Basic Books, 1985). Walzer makes an eloquent and persuasive case that the Exodus theme is a powerful and essential factor in the drive toward "this-worldly redemption, liberation, and revolution" (ix).

7. See Daniel Nussbaum, "Tzedakah, Social Justice and Human Rights," *Journal of Jewish Communal Service* 60:3 (1983): 228–238; Mark R. Cohen, *Poverty and Charity in the Jewish Community of Medieval Egypt* (Princeton, NJ: Princeton University Press, 2005); and S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza* (Berkeley: University of California Press, 1967).

8. See *Sifra Behar* 6:1, which has God saying, "My deed (of ownership of the land) has first priority."