D’var Torah, mincha Yom Kippur; Parashat Metzora (Leviticus 14:1–15:33)

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 gmar khatima tova May we be sealed in the Book of Life.

 To speak on the passage from Leviticus that condemns certain same sex relations as an “abomination” is both a great opportunity and perhaps an even greater challenge. In the year just passed, the Supreme Court ruled on the legality of same-sex marriage for every state in America, a decision so celebrated – at least in the more liberal of quarters – that the evening of the announcement even the White House itself was glowing in the colors of the GBLTQA rainbow. Does such a civil victory not erode the need to revisit an ancient text that treats what is now the legal sanctity of marital intimacy as abhorrent? The rhetoric of such description, while still held in the more fundamentalist forms of many religious traditions, including our own, might seem, at least in the US, to be increasingly less consequential for how individuals can lead their lives. Of course, one should not be so naïve as to think that discrimination is suddenly eradicated by this decision, and we cannot be complacent when so many, especially those in the transgender community, continue to suffer in very real and stark ways. But with all that said, what in 5776 – 2015 – is the purpose of continuing to engage with this egregious passage?

 Along with this question, one who is asked to this task is confronted by another concern: what new thinking can be offered on this text? Since agreeing to do this *d’var*, I have been humbled by the remarkably rich commentaries that are available on this topic from many contemporary thinkers, across the spectrum of perspectives within the Jewish community. Many have written over the years so powerfully and eloquently about this, often to be shared, in articles, books, blogs, and by standing before their congregations as I do today. Writer and activist Jay Michaelson, for example, has done a truly impressive job at looking at the ways that the readings of Leviticus may be contextualized – to see its admonitions in the light of prohibitions against idolatry and sexual violence. In his commentary on the passage cheekily called “It’s the Purity, Stupid: Reading Leviticus in Context,” he argues for keeping the text in its own milieu and not attempting to interpret it in ours. Keep this passage, as he phrased it, as “ancient, cultic and strange.” He reminds us that those activities labeled as *toevah* – “abominations” – are a disparate assortment of things held together solely by early notions of impurity. As he astutely says, grouping menstruating woman, vultures, leprosy, and anal sex together was not done to expound on ethics, and thus you should not try to do so. With so much provocative, interesting thinking and wrestling done, I began to wonder if my contribution might come, not from within the borders of the text itself, but from beyond it. But from where? Michaelson made a passing comment that caught my eye, and it was from this that I found a different way to consider this passage:

“There are some readings of the Jewish tradition which hold that we can never judge what another person's romantic path is meant to be. (See the Ishbitzer rebbe on the character of Pinchas on this point.) Therefore, although we do not resolve the verse, we assume that gay people are, in ways unfathomable to us, fulfilling their own Divine destinies.”

 Although he does not go further here with this, his first sentence here seemed striking to me: “we can never judge what another person’s romantic path is meant to be.” This would suggest the act of privileging a subject – the person unlike any other – before or beyond the time in which they are subjected – to judgment, labeling, discrimination, prohibition. Here we appear to have an individual whose life - in this case intimate life - is not reducible to an existing category. Thus, if we were to think somehow not around or in the Leviticus passage but *before* it, prior to when the abomination gets framed as such, and thus creates the one who embodies it, what would that look like?

 The text that Michaelson alludes to is the *Parashat Pinchas* (Numbers 25:10–30:1), the story involving a zealous young man of that name, grandson of Aaron, who killed another man and a woman – Zimri, a Simeonite prince and Cozbi, a daughter of a Midianite elite– for what appears to have been sexual activity in the marital, or, in some interpretation making the action a far more public one, in the tent of meeting itself. Enraged by a seemingly flagrant transgression against the laws that prohibit sexual contact between the children of Israel and their neighbors, Pinchas brutally murdered the couple. Given that G-d granted Pinchas a *brit shalom* – a covenant of peace – based on this act, and that a plague was averted, it would appear that such zealotry met with divine approval. While we don't have a text where two men are caught like this – since the Leviticus passage specifically focuses on male sexuality – this story would certainly suggest that what happened to Zimri and Cozbi would have indeed been an appropriate punishment had they been a same-sex couple. This was a case of a brutal double murder, and the story has certainly been used to shore up the belief that G-d abhors those acts that the Torah identifies as sexual transgressions. This seemed so definitive, so clear cut, that it would be nearly impossible to think of this text beyond that of the story of the existence of a law, its violation and subsequent punishment, and a restoration of peace because of it. To read this alongside the chapter of Leviticus seemed to offer a clear confirmation of this. Yet there two voices, the Ishbitzer rebbe, as Michaelson noted, and the source that he drew from, that pierced the curtain surrounding this text in an unexpected way, and offered a chance to think quite differently about the story of Pinchas, and by association the Leviticus passage. But what is also very significant is that it allows us to take something from this very alternative interpretation and apply it to this very moment, and to see what we might learn that can better enable us to respond to a crisis, and a call, for the right, quite simply, to be human.

 The person who first opened up that space around Pinchas– a space, I would argue, from which all these “abominations” can be considered – was Isaac Luria, known as ha’ARI, the famed Kabbalist who provided a very different reading of the Pinchas text. Luria’s understanding of the Pinchas’s murderous actions was strikingly new: although Pinchas thought he witnessed a sexual transgression, he was mistaken: he did not realize that Zimri and Cozbi had been “soul mates” whose attachment dated to the six days of creation. So, what Pinchas saw as a grave misdeed was actually the merging of two beings whose specificity, to each other, existed before the law – before there was such a thing as abomination. In the Lurianic Kabbalah, the idea of a soul mate, as he uses it in understanding the Pinchas story, is one whose connection transcends prohibition because it precedes it. What Luria opens is the suggestion that what we have come to see as Torah doctrine may be read profoundly differently if we consider the irreducibility of this pair – there can be no other Zimri for Cozbi and vice versa. Each recognized the other as particular, exquisitely, and ultimately, painfully so. In this “exquisite particularity,” there is a resistance to containment, to enclosing someone in laws, words, judgments. The couple is understood here as existing before the law that Pinchas believed he was upholding. Luria imagined a love that existed before all that attempts to regulate, control, and, for many like Pinchas, to denounce it.

 Luria’s perspective on Pinchas was returned to view in the nineteenth century by Mordecai Yosef Leiner (1801-1854) – commonly known as the Ishbitzer rebbe. The Ishbitzer cites the Lurianic reading of Pinchas in his commentaries on the Torah, later collected under the title of *Mei HaShiloach* (“Living Waters”). Here, he argues that if the story were one about what appeared on the surface - a public sexual transgression – would G-d have bothered to create a parashat for it? Rather, the Ishbitzer says, “there is a secret in this whole affair.” He explains that if what appears to be an evil inclination overcomes someone “it surely must be the will of G-d.” How is that so? Because one recognizes in the other the soul mate, thus this is not an act of pure selfishness and lust. The Ishbitzer rebbe goes to say that Moses did not sentence Zimri to death earlier because he recognized this – thus suggesting that the relationship between Zimri and Cozbi was known and Moses chose not to punish it. After all, Moses was himself married to a Midianite woman. But Pinchas was not punished for his zealous outburst either, because he didn’t know what he didn’t know: Pinchas’s response in this action is thus compared to a child in his commentary: “he didn’t have the depth of the situation.” In other words, he could not see before the category, unable to hold the possibility of a story between two people that was only theirs to tell. What Pinchas murdered were human beings; what justified this act was that he was striking out against the “idea” of the transgression embodied by them.

 Rabbi Steven Greenberg has offered a reading of Pinchas through the Ishbitzer that brings it back to Leviticus. He credits the daring of putting love before any prohibition visited upon it, identifying this as among the most subversive texts in the Hasidic tradition, written by someone who was “not widely supported in his understanding of the conflict between powerful personal emotional experience and the law.” But he also offers a way that reading this interpretation can strike out against the homophobic grain that is so obvious in a text like the Leviticus passage:

“For a 19th-century Hasidic rabbi to paint such a dramatic picture of the category-defying power of romantic love is truly amazing. Without tampering with the system, the rabbi from Ishbitz has given us a unique vision of queer love.”

This is then a powerful argument for what I called earlier the “exquisite particularity” of each person, separately and in their own very special, and irreplaceable, relationships. These texts cited above suggest an awareness of the potential for the misguided adherence to beliefs, assumptions, and fears that blind us to ineffable qualities of being human that exceed any attempt to contain and characterize them.

 I would like to conclude with what can be learned from this in a way that, like Luria’s reading of Pinchas, will seem quite unexpected. I want to apply this learning to another vast group of people who are suffering under the naming of them as impure, transgressive, destabilizing. Two week ago, I stood in the Westbahnhof, one of Vienna’s major railroad stations – from which many Jews either escaped in 1938 or were later deported to the camps – as trains from Hungary, filled with individuals fleeing from Syria, Afghanistan, and many other countries arrived, most recently having endured a horrendous passage through Austria’s neighboring country. I didn’t intend to meet the trains – it was good to welcome them, of course, but the press was everywhere, violating the signs not to photograph them, and I felt that allowing them some semblance of privacy was the best thing to do. I was coming to give a bag of children’s socks that I had purchased – it felt these might be forgotten as a necessity, especially for those who had been walking over a vast portion of the Eurasian landmass for days, if not weeks. In looking at the designs on these socks I selected – teddy bears, robots, flowers – I tried to imagine the small feet that would eventually fill them. This made this crush of individuals that I saw more real, because, quite simply, only one foot could fit into one sock. In that moment, some resemblance of who this child was who would wear the sock, before being a migrant, a refugee, and in many places they have been, called far worse names. It is heartbreaking that one of the most exquisitely particular images that helped see below the surface of these labels, these categories, was that of the Turkish policeman retrieving the drowned body of three-year-old Aylan Kurdi. The remarkable power of that image was that this was one human being; he could not be reduced to some faceless mass of those seen as such a threat that they must be contained by fences, dogs, inhuman conditions.

 Gay rights, it is often said, is the struggle for human rights, and in the course of this struggle certainly much as been learned. From this, we must take what we have gained not only to advance and preserve the right to chose who you love, but to understand the mysterious and sacred right to be one whose place no one else can take, and whose essence no words can ever fully contain.

gmar khatima tova!

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