

PARASHAT EMOR

Leviticus 21:1–24:23

Parashat Emor presents the laws regulating the lives of priests, who presided over the sanctuary and its sacrifices. Mention is made of the donations and offerings that are acceptable for the sanctuary. This portion also includes a calendar of celebration, including the Sabbath, Pesach, Shavuot, Rosh Hashanah, Yom Kippur, and Sukot. It concludes with the laws dealing with profanity, murder, and the maiming of others.

OUR TARGUM

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Rules concerning the holiness of priests are presented to Aaron and his sons. They are not to touch a dead body except that of an immediate relative. They are not to shave their heads or the side-growth of their beards, or deliberately cut their skin to leave marks upon it. Neither are they allowed to marry divorced women. Only one without any physical impediment can become a priest.

A priest who has a skin disease, has touched a dead body, or has had a sexual emission is considered unclean and may not officiate in the sanctuary, nor may he take donations or offerings from the people. After sunset he is to be declared clean, and he can eat once again from the donations and offerings. Lay people, except those belonging to

the priests, may not eat from the donations or offerings.

All offerings, whether donated by Israelites or non-Israelites, are acceptable in the sanctuary. However, any blemished or contaminated offering is to be rejected by the priests.

Moses reminds the people that the purpose of “faithfully” observing all these commandments is to “sanctify God,” to demonstrate their love and loyalty to God.

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Moses continues by presenting the people with the *moadei Adonai*, the “sacred times or occasions [festivals] of God” that they are to observe.

The Sabbath is to be celebrated every seventh day as a time of complete rest—a day of no work.

On the evening of the fourteenth day of the first month (Nisan) and for the next seven days,

Pesach is to be celebrated. The first and last days are to be treated as sacred occasions during which work is prohibited.

Seven weeks are to be counted from the first day of Pesach until the festival of Shavuot, or "Weeks." Special offerings of grain, two bread loaves, choice flour, one bull, two rams, and seven unblemished lambs are to be brought to the priests for offerings on the fiftieth day. It is to be observed as a sacred occasion, a day of no work.

In the midst of presenting the sacred calendar of celebration, Moses reminds the people that, when they reap their harvests, they must leave the edges of the field and the gleanings of the harvest for the poor and the stranger.

He then tells the people that the first day of the seventh month (Tishri) is to be celebrated with loud blasts of a horn and is to be a sacred day of no work.

Ten days later they are to observe Yom Kippur, a sacred day of no work, of "self-denial" and fasting. It is to be a day of complete rest from evening to evening.

For seven days from the fifteenth day of the

seventh month (Tishri), the festival of Sukot, or "Booths," is to be celebrated. The people are to build booths and, during the festival, reside in them as a reminder that the Israelites lived in booths when they were freed from Egyptian slavery. On the first day of the festival the people are to bring the fruit of the hadar tree, the *etrog*, or "citron"; branches of palm trees, the *lulav*; boughs of leafy trees, myrtle; and branches of willow to the sanctuary. The first and eighth days of the celebration are rest days of no work. Burnt offerings, meal offerings, sacrifices, and libations are to be brought to the sanctuary.

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The Israelites are also told, as they were in Exodus 27:20-21 (see *Parashat Tetzaveh*), to bring clear oil of beaten olives to fuel continually the lamps of the sanctuary.

They are also instructed to bake twelve loaves and place them in the sanctuary along with pure frankincense as a token offering for the bread. Afterwards the priests are to eat the loaves.



Moses reports an argument between an Israelite man and another man whose mother was an Israelite and whose father was Egyptian. The man, whose Israelite mother was a woman named Shelomith daughter of Dibri of the tribe of Dan, profaned God's name and was placed in custody.

Moses orders him to be taken outside the camp and to be stoned to death, declaring that whoever profanes God's name shall be punished with death.

He also declares that, if one person murders another, he shall be put to death. If one causes bodily harm to another, then the same will be done to him or her as punishment. In other words, declares Moses, "fracture for fracture, eye for eye, tooth for tooth." Furthermore, whoever takes the life of an animal shall make restitution for it. In all these matters, Moses tells the people, Israelites and non-Israelites shall be treated with the same standard of justice.

THEMES

Parashat Emor contains two important themes:

1. The evolution and meaning of the three festivals: Pesach, Shavuot, and Sukot.
2. Eye for eye: Retribution or compensation?

PEREK ALEF: *The Jewish Festivals: Pesach, Shavuot, and Sukot*

Rabbi Abraham Joshua Heschel observed that "Judaism is a religion of time aiming at the sanctification of time. Unlike the space-minded man to whom time is unvaried . . . homogeneous, to whom all hours are alike . . . the Bible senses the diversified character of time . . . Judaism teaches us . . . to be attached to sacred events, to learn how to consecrate sanctuaries that emerge from the magnificent stream of a year." (*The Sabbath: Its Meaning for Modern Man*, Farrar, Straus and Giroux, New York, 1951, p. 8)

Parashat Emor contains the calendar of sacred celebrations through which Jews have sanctified time, setting aside days for uplifting, enjoying, and sharing the meanings of human existence. Chapter 23 of Leviticus describes the weekly Sabbath, Rosh Hashanah (known within the Torah as "the first day of the seventh month" and "the day of blowing of the horn"), and Yom Kippur, as well as the three festivals of Pesach, Shavuot, and Sukot.

Both Pesach and Sukot begin on the evening of the fourteenth day of the month, at the time of the full moon, and both festivals are seven days in length. According to the Torah, the first and last days of these festivals are observed like the Sabbath: from sundown to sundown, with no

work. Shavuot is also a no-work day but is celebrated on the fiftieth day after the beginning of Pesach.

The Jewish calendar

The Jewish calendar consists of 12 months with a little more than 29½ days in each month. It is a lunar calendar with each month beginning at the time of a new moon. An entire year consists of about 354⅓ days, 11 days less than the 365¼ days of the solar calendar year. As a result, every few years, an extra month is added to the Jewish calendar to make a leap year and to keep accurate the adjustment of the months to the season. This extra month is known as Adar Sheni, or Adar II.

Months and celebrations

The Jewish calendar begins in the spring. The first month of the year is Nisan.

Nisan	15–22—Pesach
	2 —Yom ha-Shoah
Iyar	5 —Yom ha-Atzmaut
	18 —Lag ba-Omer
Sivan	6–7 —Shavuot
Tamuz	17 —Fast Day
Av	9 —Fast Day
Elul	

<i>Tishri</i>	1	— <i>Rosh Hashanah</i>
	3	— <i>Fast Day</i>
	10	— <i>Yom Kippur</i>
	15–21	— <i>Sukot</i>
	22	— <i>Shemini Atzeret</i>
	23	— <i>Simchat Torah</i>
<i>Cheshvan</i>		
<i>Kislev 25—Tevet 2</i>		
		— <i>Chanukah</i>
<i>Tevet</i>		
<i>Shevat</i>	15	— <i>Tu Bishvat</i>
<i>Adar</i>	13	— <i>Fast Day</i>
	14	— <i>Purim</i>

Just as Jewish commentators have seriously questioned the motives of biblical personalities and the reasons for the Torah's laws and commandments, they have also focused upon the meanings and evolution of Jewish holy days. What makes them "holy"? How are they unique? What do they contribute to our human quest for purpose and fulfillment?

Probing the meaning of Pesach

There are several descriptions of Pesach within the Torah. The one found in *Parashat Emor* indicates that the celebration begins on the evening of the fourteenth day of the first month of the year and is to last seven days. The first and last days are to be celebrated, like the Sabbath, as rest days. No work is to be done on them. At the evening celebration on the fourteenth of the month, a *Pesach offering to God* is to be presented. On the fifteenth, the people are to celebrate *Chag ha-Matzot*, or "Festival of Unleavened Bread." In addition, Chapter 23 of Leviticus informs us that *matzah*, or "unleavened bread," is to be eaten by the people for the seven days of the celebration, and offerings are to be brought to the sanctuary.

Other sections of the Torah offer more information about the early Pesach festival. For example, just before the tenth and last plague is sent upon the Egyptians, Moses and Aaron are told that "this month" (the spring month of Nisan) will mark the beginning of the calendar year, in other words, the "new year." On the tenth day of the month, the head of the household will pick a lamb to be set aside until the evening of the four-

teenth day. At twilight, the lamb will be slaughtered, its blood painted on the doorpost of each Israelite house, and its flesh roasted and eaten together with *matzah* and *merorim*, or "bitter herbs." Everything not eaten is to be destroyed by fire before dawn.

We are also informed that the head of each family is to wear a cloth around his loins and sandals on his feet, and he is to hold a staff in his hand. His special costume will make him look as if he were leaving on a journey. All these observances will stimulate children to ask: "What is the meaning of this ritual?" According to the Torah, he is to explain his strange costume to them by saying: "It is the *pesach* sacrifice to the Lord, because God passed over the houses of the Israelites in Egypt when God smote [killed] the Egyptian [firstborn], but saved our houses." (Exodus 12:1–27; also Deuteronomy 16)

This early description of ceremonies on the first night of Pesach contains some of the elements that are today part of the festival's *seder* ceremony. They include the *matzah*, *maror*, special meal, gathering of family, and the questions asked by the young people. While the *seder* ceremony did not evolve until the second century C.E., it is clear from the beginning that Pesach commemorates the liberation of the Jewish people from Egyptian slavery. It is a reminder of how God saved their "houses" and their firstborn and rescued them from oppression. The significance of freedom was to be dramatized at the beginning of each year, and it was to be taught to all the children.

Many centuries later, Jews in the Land of Israel journeyed, at Pesach time, to Jerusalem. The heads of each household would slaughter the *pesach* sacrifice, prepare it for roasting, and then take it to a place where the family group would eat it. By the time of Hillel and Shammai (first century B.C.E.), the Pesach meal had evolved into an elaborate banquet with a special *seder*, or "order," to it. The festivities included four cups of wine; the blessings for the wine; the eating of *matzah*, *maror*, *charoset* (a mixture of chopped nuts, apples, wine, and honey); the asking of questions by the children; mention of the *afikoman* (entertainment after dessert); the retelling of the liberation from Egypt; and the singing of Psalms 113–118. (*Mishnah, Pesachim* 5, 10)

The importance of the Pesach celebration is, however, not lost in the festivities of the banquet. The leader reminds the family group of its origins. He tells the group, "My father was a fugitive Aramean . . ." and he concludes the reflection upon its history with "the Lord freed us from Egypt. . . ." After explaining the symbols of the *pesach*, *matzah* and *maror*, he quotes the words of Rabban Gamaliel: "In every generation a person is obligated to see himself [herself] as if he [she] went forth from Egypt."

While the first *haggadah*, or "narration" of the Exodus, does not emerge until the ninth century in Babylonia, nearly all elements of the *seder* ceremony were already known. Rav Amram, who edited the first *haggadah*, however, adds some important innovations of his own. Building upon discussions and decisions of teachers in the great Babylonian academies, he introduces the *Kiddush*, or "ceremonial blessing for the wine," at the Pesach meal, organizes the Four Questions asked by the children at the *seder*, and includes a section describing four different kinds of participants at the *seder* meal.

In Rav Amram's *Haggadah*, the *seder* has become a "family learn-in," a time for recalling and discussing Jewish history and the miracle of freedom from Egyptian oppression. Referring to an all-night Pesach discussion in the town of Lod among Rabbi Eliezer, Rabbi Joshua, Rabbi Eleazar ben Azariah, Rabbi Akiba, and Rabbi Tarfon, Rav Amram's *Haggadah*, and all others after it, suggests a model for celebration. The Pesach *seder* is for bringing family and friends together. It is for bonding Jews to their history and to one another. Its discussion emphasizes all the difficult questions we ask about freedom, and its prayers offer thanks to God for liberating the Jewish people from Egyptian slavery.

In the gradual evolution of Pesach one sees how Jewish rituals and ceremonies have changed to meet new circumstances, needs, and tastes throughout the centuries. From sharing an all-night sacrifice and meal to the development of an elaborate banquet with a carefully written script, Pesach has become one of the most popular festivals of the Jewish year. Yet its powerful message and purpose have not been lost. Pesach remains the Jewish people's great celebration of freedom.

Probing the meaning of Shavuot

Just as the rituals of Pesach changed through the centuries, so did the celebration of the festival of Shavuot. What began as a harvest festival of rest and sacrifices on the fiftieth day after the first day of Pesach evolved through the centuries into *Zeman Matan Toratenu*, or "Season [Festival] of the Giving of Our Torah."

How and why did such a transformation take place?

Within the Torah, Shavuot is also known as *Chag ha-Katzir*, or "Harvest Festival" (Exodus 23:16), and as *Yom ha-Bikkurim*, or "Day of the First Fruits of the Harvest" (Numbers 28:26). *Shavuot* means "weeks" and refers to the span of seven weeks stretching from Pesach at the beginning of the barley harvest in the Land of Israel to the beginning of the wheat harvest. For the ancients, the fifty-day countdown was a journey from one harvest to the next.

On the fiftieth day the Israelites celebrated by bringing two loaves of bread, seven yearling lambs, one bull, and two rams with their meal offerings and libations to the sanctuary. These, along with one he-goat as a sin offering and two yearling lambs as a sacrifice of well-being, were presented to the priests. The festival was observed as a Sabbath and as a day of thanksgiving for a bountiful harvest. All forms of work were prohibited.

The *Mishnah* contains a description of how offerings were made at the Jerusalem sanctuary. When the Israelite entered, he would stand before a priest and declare: "My father was a fugitive Aramean. He went down to Egypt with meager numbers and sojourned there; but there he became a great and very populous nation. The Egyptians dealt harshly with us and oppressed us; they imposed heavy labor upon us. We cried to the Lord, the God of our ancestors, and the Lord heard our plea and saw our plight, our misery, and our oppression. The Lord freed us from Egypt by a mighty hand, by an outstretched arm and awesome power, and by signs and portents. God brought us to this place and gave us this land, a land flowing with milk and honey. Wherefore I now bring the first fruits of the soil that You, O Lord, have given me." (*Mishnah, Bikkurim* 3:2-5; also Deuteronomy 26:5-10)

As we have already noted, the words “My father was a fugitive Aramean . . .” are also used at the beginning of the Pesach *haggadah*’s narration about Jewish history. Here again on Shavuot the prayer expresses the individual’s relationship to the slavery and liberation of the Jewish people. When reciting the story of oppression and freedom, one relives it, becomes part of it. By connecting thanksgiving for the harvest with gratefulness to God for liberty, the ancient Jew celebrated the fruits of the past and hope for the future.

Shavuot merged Jewish identity into a sacred partnership with the God of freedom and the harvest. The same God who liberates the seed from the darkness of earth to bloom in the bright sun and yield its fruit also liberates the Jewish people from oppression. For the ancients, Shavuot, like Pesach, was a time of rebirth, harvest, awakening, and liberation.

So how did this festival later emerge as *Zeman Matan Toratenu*, or “Festival of the Giving of Our Torah”?

No one can be sure. There are, as we may imagine, many theories. For instance, the rabbis of the Talmud point out that the Israelites arrived at Mount Sinai “on the third new moon” after their Exodus from Egypt. There they camped for three days and spent another three days creating boundaries around the mountain. That brought the date to the sixth of Sivan, fifty days after the beginning of Pesach. All of which, for the rabbis of the Talmud, proves that Shavuot is also the day on which the Israelites received the Torah at Mount Sinai. (*Shabbat* 86a)

Others, among them many modern scholars, believe that the attachment of the giving of the Torah at Mount Sinai to Shavuot coincides with the emergence of the synagogue and perhaps came after the destruction of the Jerusalem Temple in 70 C.E. With that destruction, pilgrimages to Jerusalem ceased, and the focus of the festival shifted from giving thanks for the harvest to giving thanks for God’s revelation, the “harvest” of Torah.

This theory complements the view held by many teachers whose observations were included in the Midrash. For them the journey of the Jewish people from the fleshpots of Egypt led to the glorious moment at Mount Sinai when Moses received the

Torah and the people accepted it with the pledge “We will do and we will hear.” (Exodus 24:7) Within the newly emerging synagogue with its emphasis on Torah study, the drama of giving thanks for the first fruits was superceded on Shavuot by the drama of giving thanks for God’s gift of Torah.

However—and whenever—the decision was made by the rabbis to recast Shavuot as *Zeman Matan Toratenu*, or the “Festival of the Giving of Our Torah,” they made their intentions clear when they selected the Torah portion to be read on the festival. Rather than choosing a selection of Torah that describes the celebration of first fruits at the sanctuary, they designated Exodus 19:1–8 and 20:1–14, describing the arrival of the Israelites at Mount Sinai and containing the Ten Commandments. Clearly for them, the journey of liberation from bondage led to accepting the ethical and ritual laws of Torah and to the challenge of creating a just and caring society. For the rabbis whose views are recorded in the Midrash, it was the acceptance of the mitzvot, the commandments of Torah, that gave purpose to the Jewish people and justified their existence.

Rabbi Abdimi ben Hama ben Hasa playfully makes this point in his version of what happened at Mount Sinai: He describes God as picking up the mountain and holding it over the heads of the people. They look up at the danger, and God says to them, “If you accept the Torah, you will live. If not, I will bury you under Mount Sinai.” Seeing their situation, the people respond with the words of Proverbs 3:18, “It is a tree of life to those who hold on to it. . . .”

Rabbi Abdimi’s humor is meant to emphasize the choice for the Jewish people: life, if they choose to embrace the Torah; death, if they do not. In other words, the Torah is the lifeline of the Jew, the reason for Jewish survival. Fulfilling its mitzvot, living by its ethical and ritual standards, is the purpose of Jewish existence.

Shavuot, as *Zeman Matan Toratenu*, celebrates that sacred moment at Mount Sinai when the Jewish people committed themselves and all the generations afterwards to making the Torah a “tree of life.” From its early origins as an agricultural thanksgiving day, known as *Chag ha-Katzir*, “Harvest Festival,” and *Yom ha-Bikkurim*, “Day

of the First Fruits of the Harvest,” Shavuot emerges into a festival marking the central role of Torah in Jewish life. On Shavuot, Jews return to Mount Sinai, hear the Ten Commandments, and are reminded that they are partners with God in applying the teachings of Torah to every corner of society and to their personal lives.

Probing the meaning of Sukot

What we have already discovered about the evolution of Pesach and Shavuot is also true of the seven-day festival of Sukot. Named *Sukot*, from the plural of the Hebrew word *sukah*, or “booth,” the week of celebration began as a harvest festival, but its rituals and meanings, like those of Shavuot, have changed and enlarged throughout Jewish history.

Like Pesach, Sukot begins in the middle of a month (Tishri) at a full moon. Its first and last days are sacred no-work Sabbaths. The sacrifices prescribed by the Torah for offering at the sanctuary include a fire offering, burnt and meal offerings, and libations. In addition, on the first day of the festival, the Israelites were to bring a special bouquet consisting of an *etrog*, or “citron,” together with palm, myrtle, and willow branches.

Special accommodations were also commanded. The Israelites are to construct *sukot*, or “booths,” and they are to eat and sleep in them during the seven days of celebration. Our Torah portion makes clear the purpose of dwelling outside the comforts of one’s home. The Israelites are to live in booths for the same reason they are to celebrate Pesach: The Israelites are to celebrate in booths for seven days “in order that future generations may know that I made the Israelite people live in booths when I brought them out of the land of Egypt.” (Exodus 23:37–43) The booths are a reminder of their liberation from oppression.

Furthermore, Sukot is also known in the Torah by the terms *he-Chag*, or “the Festival,” and *Chag ha-Asif*, or “Festival of Ingathering.” As the fall harvest celebration, it was a time of thanksgiving for all the earth’s bounty. Yet the festival also focused on the future. Farmers living in ancient times, like those of today, were concerned with adequate rains to guarantee a plentiful harvest in the next season. The uncertainty haunted them. Would the skies fill with rain clouds or would their crops wither and their flocks and herds die beside dry water holes?

Such concerns explain the ancient ceremony of bringing to the sanctuary the Sukot bouquet of the *etrog* and myrtle, willow, and palm branches. During Temple times, we are told that on each day of the holiday a procession would carry water from the Pool of Shiloach in Jerusalem to the Temple sanctuary. There the priests would pour the water onto the altar. The people would then wave their Sukot bouquets and beat them on the ground around the altar. Commenting on this ceremony, the rabbis make it clear that its purpose is to ask God for rains in the coming year. (*Rosh Hashanah* 16:1)

Today such rituals are defined as forms of “sympathetic magic.” They imitate the wishes of those who employ them and remind God to fulfill them. In combining the rituals of pouring water on the altar and waving a palm branch, or *lulav* (which makes the sound of cracking thunder and falling rain), together with the myrtle and willow branches (which grow near water), it was hoped that these sounds of water would cause God to give plentiful rain for the next growing season.

If that was the meaning of Sukot rituals to the ancients, what may these rituals mean today? Can the *sukah*, or “booth,” be more than a reminder of the booths used by the wandering Israelites? Is the Sukot bouquet more than a quaint form of sympathetic magic or a rite for rain?

In seeking answers for such questions, Torah interpreters have suggested many significant insights. For instance, Rabbi Akiba and a majority of his contemporaries declared that the *sukah* “must have the character of a nonpermanent residence.” While one is to enjoy it with family and friends and eat and sleep in it, the roof of the *sukah* must be open to the stars. It is to be decorated with the fruits of the harvest and with *shach*, palm or tree branches, all of which will decay. (*Sukot* 23a; *Yoma* 10b; *Betzah* 30b; *Kitzur Shulchan Aruch* 134–135)



Rambam (Maimonides)

According to Maimonides, while beautifying the *sukah* with tapestries, streamers, and the use

of special holiday dishes is praiseworthy, one must never make of it a permanent dwelling. (*Mishneh Torah, Sukot 6*)

The temporary nature of the *sukah* may be the key to its deeper meaning. Beyond reminding those celebrating the festival of the booths used by the Israelites after their liberation from Egypt, the *sukah* may also symbolize the nature of human life. This is the meaning Jewish philosopher Philo of Alexandria (20 B.C.E.–40 C.E.) suggests in his discussion of Sukot. He writes that the purpose of the *sukah* is to remind you “in wealth to remember your poverty. When you are popular and highly regarded . . . remember your insignificance. When you are in high office . . . remember that you are a humble citizen. When you enjoy peace . . . recall war. When you are on land . . . remember the storms at sea. When you are surrounded by friends in the city . . . remember those who are lonely and desperate for company.” (*The Special Laws 204, 206–211*)

This association of the *sukah* with the fragile and constantly changing nature of human life was quite obviously in the thoughts of the rabbis who chose the Book of Ecclesiastes for reading and study on the Sabbath of Sukot. The message of Ecclesiastes, like the message of the *sukah*, is that life is fragile, constantly changing. There are moments for joy, then sadness; followed by times for laughter, then tears; succeeded by seasons for gathering, then losing; for love, then hatred; for war, then peace. (See Ecclesiastes 3.) Sitting in the temporary *sukah*, which has been built and made beautiful by harvest decorations, one not only senses gratefulness for the bounty of nature but also realizes all the varying seasons of human existence—of how quickly human beings journey from birth to death.

It was the custom of Levi Isaac of Berdichev to invite to his sukah simple, unlearned people. Once his students asked him: “Master, why do you ask these people to be here with us each year?” Levi Isaac replied: “In the world to come, when the righteous are sitting at the holy feast in the heavenly sukah, I shall come there and seek to be admitted. But they will refuse me. For who am I that I should sit among the great, righteous

ones? Then I shall present my case. I will tell them how I invited simple and unlearned persons into my sukah. And they will allow me to enter.”

According to the mystical text known as the *Zohar*, it is not enough to construct, decorate, and enjoy a *sukah* by eating, sleeping, and studying in it. One must also share it with guests of two different kinds. First, there are seven illustrious Jewish heroes, Abraham, Isaac, Jacob, Joseph, Moses, Aaron, and David, one for each day. However, according to the *Zohar* (*Emor 23*), they will not automatically visit the *sukah*. They will arrive only if those who have built the *sukah* first invite the other category of guests, the poor and needy. In other words, the meaning of the *sukah* is to remind us to share our good fortune with others. It is to be shared with guests—friends, great Jewish leaders of the past, and, above all, with the hungry and homeless.

Regarding the Sukot banquet of the *etrog*, *lulav*, myrtle, and willow, interpreters suggest a variety of meanings.

Many of the rabbis teaching after the destruction of the Jerusalem Temple explain that the *Arba'ah Minim*, or the “Four Species,” symbolize the Jewish people. In one commentary, the *etrog*, which has both taste and odor, is compared to Jews who know Torah and practice good deeds; the *lulav*, which has taste but no odor, is equated with Jews who know Torah but fail to practice good deeds; the myrtle, which has odor but no taste, is likened to those who practice good deeds but know nothing of Torah; the willow, which has neither odor nor taste, is compared to the person who knows no Torah and fails to practice any good deeds. Since they are all Jews, God, the rabbis say, binds them together in a bouquet and says: “Let them atone for one another’s failings.” (*Leviticus Rabbah 30*)

This use of the Sukot bouquet as a means of teaching God’s tolerance and concern for all Jews is also found in another commentary. The author points out that both the *etrog* and *lulav* produce fruit while the myrtle and willow do not. For the Sukot bouquet to be brought into the sanctuary, however, all four kinds must be bound and held

together. "Just as the four kinds must be brought together," says the interpreter, "so the people of Israel will not be allowed to return to their land unless they are united." (*Yalkut Shemoni, Emor, 188a*)

What is particularly significant about these interpretations of the Sukot bouquet is not only their concern for Jewish unity but their acceptance of pluralism, of differences, within Jewish life. Each segment of the Jewish people, like each of the Four Species in the Sukot bouquet, has something special to contribute. They depend upon one another. Without respect for differences, people will never reach the Promised Land—the fulfillment of all their hopes and aspirations.

Twentieth-century teacher Rabbi Ya'akov Israel in his book *Knesset Israel* puts the argument for pluralism this way: "When Jewish groups stand apart, each in its place, and each claiming that it alone has justice on its side, and they refuse to listen to one another, then no cure will ever come to the Jewish situation. . . . The Four Species symbolize peace and unity. For just as they differ in taste, odor, and form but are united together, so, too, the different parties of our people must form one alliance and work together for the good of the people."

Underlying this interpretation of the Sukot bouquet is a concern for the future survival of the Jewish people. The insistence of binding all the various segments of the community together, of accepting differences and promoting unity, is seen as the only way of guaranteeing the vitality and future of the community. The bouquet of four kinds held together as an ancient prayer for rain to assure new harvests and survival is transformed into a symbol for holding the people together. Its purpose is to remind all segments of the Jewish community that their future depends upon mutual appreciation, cooperation, and unity.

A concluding comment about Pesach, Shavuot, and Sukot

Each of the festivals mentioned in *Parashat Emor* continues to play a central role in the celebration of the Jewish people. As we have seen, their ritual expressions have changed and evolved through the centuries. As the people adjusted to new circumstances—from the desert sanctuary to a Temple

in Jerusalem; from the destruction of the Temple with its sacrifices to the creation and exclusive use of the synagogue; from living in the Land of Israel to exile and dispersion throughout the world; from pogrom and persecution to lands of safety; from the Holocaust to the birth of the State of Israel—Jewish rituals have taken on new forms, meanings, and significance.

Whether it is the addition of a *haggadah*, or the transformation of Shavuot from a harvest day to a celebration of the giving of the Torah, or the reinterpretation of the Sukot bouquet, each emerging ritual contains traces of its origins. While Jewish tradition has altered its rituals, even abandoned some, it has consistently retained and developed the original themes of the festivals. Pesach has remained the Festival of Freedom, Shavuot a harvest of thanksgiving for the fruits of nature and of Torah, and Sukot a celebration of thanksgiving and concern for the future. The relevance of these ancient themes underscores the continuing importance of these three Jewish festivals.

PEREK BET: Eye for an Eye, Tooth for a Tooth: About Lex Talionis

Three times within the Torah we find a formulation that deals with compensation for physical harm inflicted by one person upon another.

In *Parashat Emor* we are told: "If a man kills any human being, he shall be put to death. One who kills a beast shall make restitution for it: life for life. If anyone maims his fellow, as he has done so shall it be done to him: fracture for fracture, eye for eye, tooth for tooth. The injury he inflicted on another shall be inflicted on him. . . . You shall have one standard for stranger and citizen alike: for I the Lord am your God." (*Leviticus 24:17–22*)

In *Exodus 21:22–25* we are told that, if one is involved in a fight and pushes a pregnant woman causing a miscarriage, the husband of the woman may ask for compensation for the loss of life. However, "if other damage ensues, the penalty shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise."

A third example of this principle occurs in Deuteronomy 19:18–19, 21. Here the dispute between the two parties is not of a physical nature. It relates to one person's intention to harm another by deliberate falsification of testimony in court. In this situation, the Torah commands the judges to "do to him as he schemed to do to his fellow. . . . Nor must you show pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot."

Many interpreters through the centuries have sought to explain what the Torah meant by such a penalty. For example, Robert H. Pfeiffer, a modern biblical critic, suggests that "eye for eye and tooth for tooth . . ." is "the old law of the desert" practiced "among the Israelites who never forgot their desert origin." He explains that "'life for life' in its absolute form is the principle of the desert law of blood revenge. . . ." In other words, the practice sanctioned by the Torah was physical mutilation as recompense for any physical injury inflicted by others. If an eye was put out, the person responsible for the injury was to lose an eye. This was so with a foot, a tooth, a burn, a fracture, a hand. According to Pfeiffer, blood revenge is what the Torah sanctions. (*Introduction to the Old Testament*, Harper and Brothers, New York, 1941, pp. 219–220)



Sarna

Most commentators disagree with Pfeiffer's conclusion. Contemporary scholar Nahum Sarna points out that *lex talionis*, or the "law of retaliation," as it is called in Roman law, is based upon the principle that "the punishment must fit the crime." This concept, which had been a part of Israelite practice even before the people were enslaved in Egypt, was introduced by them into Mesopotamia. It represented a revolutionary idea. Rather than calling for the deliberate physical injury to others as blood revenge, the principle actually created "a law of equivalence." It allowed the injured party to be paid for damages. If an eye was lost, one paid the worth of an eye; if a tooth, the equivalent of a tooth.

Furthermore, not only in this way was the To-

rah revolutionary. Sarna points out that other cultures surrounding the Israelites introduced monetary compensation for physical damages along class lines. In the *Code of Hammurabi* we are told that "if a seignior has knocked out the tooth of a seignior of his own rank, he shall knock out his tooth. If he has knocked out a commoner's tooth, he shall pay one-third mina of silver." (200–201) In other words, within the *Code of Hammurabi*, compensation is dictated by class rank, by one's position in society. Within the Torah, however, the person's class does not apply. No one person's eye or tooth is worth more than that of another. Equal and fair compensation for damages is the right of every person within the society.

Those, like Pfeiffer, who argue that the Torah actually calls for bodily mutilation in retaliation for physical injury miss the point, says Sarna. There is no way of assessing an equivalent mutilation. What if a person only loses part of his sight or partial use of a limb? How would it be possible to enforce the law, to punish with exactly the same injury? Sarna, therefore, concludes that the Torah passages, in reality, refer to "pecuniary compensation." If one injures someone's eye, or foot, or tooth, one must pay the designated worth of that injury.

Most Jewish commentators agree with Sarna. One of the earliest discussions of the matter in the Talmud stresses the importance of financial compensation for physical injuries. Rabbi Simeon ben Yochai teaches that "eye for eye" means "money." He then clarifies his conclusion with a question: "If a blind man maims another by blinding him, how is this considered just or sufficient compensation?" In asking the question, Rabbi Simeon means to reduce to nonsense the notion of physically injuring another as a form of compensation. (*Baba Kamma* 84a) Rabbi Simeon ben Yochai's interpretation of "eye for eye" as fair monetary compensation became the standard interpretation of Jewish tradition.



Ibn Ezra

In his commentary on the subject, Abraham ibn Ezra quotes the leader of Babylonian Jewry,

Sa'adia Gaon. Objecting to those who argued that "eye for eye" should be understood literally as justifiable retaliation for physical mutilation, Sa'adia asks: "If a person deprived his fellow of a third of his normal sight by his blow, how can a retaliatory blow be so calculated as to have the same precise results, neither more nor less. . . ?"

Answering his own question, Sa'adia declares that "such an exact reproduction of the effects is even more difficult in the case of a wound or bruise that, if in a dangerous spot, might result in death." It is clear that from Sa'adia's point of view, and from the view of ibn Ezra who quotes him, the Torah's intention was never physical retaliation by mutilation of another but rather some form of equal financial reimbursement. (See discussion of Leviticus 24:17-22.)

Maimonides makes a similar point. "When the Torah uses the words 'as he has maimed a person, so shall it be done to him,' it does not mean the literal inflicting of the identical maiming on the guilty person but merely that, though the latter deserves such maiming, the person who has inflicted the damage pays the monetary equivalent." (*Yad Hazakah, Hilchot Havel u-Mazik* 1, 3-6)



Leibowitz

In commenting on Maimonides' argument, Nehama Leibowitz goes one step further in explaining why monetary compensation instead of physical retaliation was preferred by the Torah. She suggests that the body is not an ordinary machine that can be used and discarded. It is sacred because it is the house of the human soul and a gift from God. In other words, says Leibowitz, "a person cannot dispose of his limbs in the same way he can dispose of his goods since his limbs, his entire body, are not under his authority. A person is not master of his body, but God to whom belongs both soul and body is master of them." Thus no person has the right to inflict harm on another person's body or upon his own. When justice demands compensation for damages to another's body, only financial compensation will do. Honoring the body is honoring God. (*Studies in Vayikra*, pp. 245-257)

If Jewish tradition rejects the notion of physical mutilation as retaliation for injury, then how does it assess a "monetary equivalent" for damages that have been done?

Five categories of consideration are used to calculate fair compensation:

First is *nezek*, an assessment of how the permanent physical disability will affect one's future earnings. Here the task is to establish the financial difference between what one could have earned and what one will now earn as a result of the injury. The amount lost must be compensated.

The second category is *tza'ar*, or "pain." One is to be paid the difference between the amount he would have requested for amputating the limb with anaesthesia and the amount he would have asked for without anaesthesia.

Third is *rippui*, or "medical treatment." It is the total amount of medical bills from the time of the injury to the time of a complete recovery.

Fourth is *shevet*, or "loss of earnings." It is calculated on the basis of the injury. If one must remain away from work while healing, then compensation must be given for each day lost. If, however, one's injury will be permanent, compensation is calculated by determining how much a person with such a disability would be paid if employed in his original field of work.

Finally, a person injured is compensated for *boshet*, or the "indignity" suffered. This is calculated by determining the status of the person who caused the damage. If it was a child who brought harm, compensation will be different from damages brought about by an adult. If one was injured by a leader or important person whose anger caused humiliation or embarrassment, compensation must be calculated to take mental anguish into consideration. (A. Chill, *The Mitzvot*, pp. 71-74)

In addition to these five conditions, Jewish tradition also demands that the person who has physically damaged another must ask forgiveness from the injured party. Maimonides puts it this way: "No compensation is complete, no wrong is forgiven until the person who has inflicted the injury requests the victim's forgiveness and has been forgiven."

Maimonides, however, does not leave the matter there. Knowing that the victim may be hurt,

angry, and unforgiving, he warns: "It is forbidden for the injured party to be cruel and unforgiving. This is not the Jewish way . . . as soon as the guilty party has sought forgiveness, once or twice, and is sincere and regrets his action, then he must be forgiven. The quicker, the better." (*Yad Hatzakah, Hilchot Hovevi u-Mazik* 5, 9)

While other ancient Middle Eastern cultures surrounding the early Israelites allowed physical mutilation as a form of retaliation, Jewish tradition introduces the practice of monetary compensation and reconciliation. When the Torah uses the formula "fracture for fracture, eye for eye, tooth for tooth . . ." it means payment for damages. As we have seen, rabbinic tradition refines this principle of equivalent compensation by ruling that payment must take into consideration disability, pain, cost of medical care, loss of earnings, and shame. Not only must the injured party be paid damages, but the person inflicting injury must seek forgiveness.

Regard for the human body as the sacred container of the human soul is at the heart of Jewish ethics. So, too, are guaranteeing equal treatment for damages and good relations between all members of society. Realizing that injury to the body, or the loss of a limb, can never be fully compensated and could spark bloody revenge, Jewish tradition mandates a just form of compensation and reconciliation. In doing so, it advances the cause of justice and the pursuit of peace.

QUESTIONS FOR STUDY AND DISCUSSION

1. List and discuss the rituals and benefits of the Pesach *seder* ceremony. Which ones are ancient

in origin? Which are new, modern? Which are the most important and the least important to you? Why?

2. Some early rabbis suggest that the people of Israel should have received the Torah immediately after their Exodus from Egyptian slavery. Others argue that the people were not ready for its responsibilities. It was only after wandering for seven weeks in the desert that they were prepared to accept the teachings of Torah—and, even then, they abandoned God and built the golden calf. With which of these two views do you agree? Why?
3. Modern Jewish philosopher Abraham Joshua Heschel has written that "the Jewish people without Torah is obsolete." Given the celebration of Shavuot, what may Heschel mean by his bold declaration?
4. Given the differences among Jews on the interpretation of Torah and the practice of Jewish tradition, what lessons may modern Jews learn from the meanings of the Sukot bouquet and festival?
5. A mayor of a city, X, strikes a vocal and critical constituent, Y. Y's arm is broken, and he is unable to work for five months in his profession as a computer expert earning \$5,000 a month. According to Jewish tradition, how would you assess the damages? What would you have X pay Y by way of compensation? What would you have X do by way of reconciliation? Consult with insurance experts. What do modern insurance companies cover? What don't they cover? How does this compare with Jewish tradition?