

The Abhorance of Injustice
Parashat Acharei Mot-Kedoshim, 5783
By Rabbi Scott Shafrin

This past Thursday was my fortieth birthday, and when I tell that to people, they usually react in one of three ways. Some people ask me, “Do you feel old?” No, I really don’t. I’m in very good physical health, thank God, and I have plenty of people of a certain age in my life, full of experience and perspective, who constantly tell me that I don’t look old enough to be a rabbi.

Other people asked, “Do you feel a mid-life crisis coming on?” No to that as well. I have no desire to buy a red sports car, spend on luxury, or take up any activities that are more dangerous or crazy than the things I normally do. I am also blessed to have a family of amazing people, a wonderful and loving partner, meaningful work, and friends and colleagues that are simply extraordinary.

Finally, people asked, “Do you feel wiser?” This one actually made me stop and pause. It turns out, I do feel like I have gained not only wisdom and knowledge over the past four decades, but perspective and clarity on what is most important in life. The Sages of our tradition cautioned us not to study some of our more mystical texts, such as those that make up the foundation of Kabbalah (the Jewish mystical tradition), until we reach the age of forty, partially so that we have enough text learning, life experience, patience, and perspective to understand texts that are intentionally obscure, coded, and mysterious.

I have been thinking about my perspective on life a lot recently. The best way I put into words my feelings and hopes for this world come from the wisdom of Rabbi Avraham Kook, an intellectual giant of the 19th and 20th centuries:

The light of the Messiah, when it blazes in the heart, teaches one to dignify all people: "It shall be on that day that the root of Jesse will stand as a sign to the nations, and peoples will seek him, and his consolation shall be dignity (Isaiah 11:10)."

- Mussar Avikha, Midot Rayah, "Kevod" 1:9

This verse, taken from Rav Kook's thoughtful explanation of the importance of human dignity in Jewish spiritual life, opens the incredible Teshuvah from Rabbis Dorff, Nelson, and Reisner which opened the way for universal acceptance of LGBTQ relationships, marriages, and clergy within the Conservative Movement. This argument, that the importance of upholding the human dignity of all people supercedes most other halakhic concerns, comes directly from the Talmud and the writings of our Sages, who argued that preserving the dignity of another permits one to violate prohibitions of carrying on Shabbat, come in contact with a dead body, jeopardize the purity of a sacrifice, and even in delaying time-bound mitzvot.

In our double parashah of Acharei Mot-Kedoshim, we are impelled not only to take the human dignity of others seriously, but given guidelines that shape our actions in the world around this very principle. In fact, the whole of chapter nineteen of Leviticus makes the case that denying another person's basic human dignity is the greatest, most unthinkable תועבה (*to'eva*, "an abomination, or unthinkable act").

לֹא-תַעֲשֶׂוּ עֹלִי בַּמִּשְׁפָּט לֹא-תִשָּׂא פְנֵי-דָל וְלֹא תִהְיֶה רַחֲמֵי גֹדוֹל בְּצִדֶּק תִּשְׁפֹּט עַמִּיתְךָ:

You shall not render an unfair decision: do not favor the poor or show deference to the rich; judge your kin fairly. (Leviticus 19:15)

Rashi points out that one who perverts justice in their business ethics by having unjust weights and measures is called a תועבה (Deuteronomy 25:16), so how much more so are the actions of those who are responsible for administering justice unthinkable awful when those actions subvert the very justice they are meant to uphold?!

But the parashah does not stop here. The very next verse (Lev. 19:16) commands us not to stand idly by the blood of our neighbor. Rashi again adds to the verse, saying this means not only should we not be bystanders while other is hurt, but that we should not profit through any actions that harm another human being.

When Montana State Representative Zoe Zephyr, herself a trans woman, was expelled this past week from entering the capitol building for simply speaking out and telling legislators voting for a ban on gender-affirming care that they had blood on their hands, she was not being metaphorical or hyperbolic; she was channeling the same righteous indignation that appears in Parashat Acharei Mot-

Kedoshim. There are numerous documented studies showing that when anti-trans laws, public policies, and even political rhetoric increase, so too do depression, anxiety, and suicidal ideation and attempts increase in the trans population. These laws and emergency orders, which are couched in the language of protecting the integrity of sports or protecting children in fact actively endanger children. For all of us who bear witness to these harms and do nothing, and for those leaders who allow these bills and edicts to become the law of the land, you are standing by the blood of your fellow human beings.

Leviticus 19:17 builds on this same momentum, telling us that even in the case we find someone doing something wrong, EVEN THEN, we should refrain from embarrassing our fellow human beings or causing them public shame. The phrase for shaming someone else publicly in Hebrew is מלבין את פני חברו ברבים, literally “to whiten the face of one’s fellow in public.” The idea was that causing someone shame literally sucks the life out of them, depriving them of their dignity, which is essentially to their life. No one, in any situation, is given the right to cause this type of harm to another in Jewish tradition, and yet we have seen the harm that the increasing legal and rhetorical attacks on trans people have caused to the human dignity of all of our trans siblings in real time over these past months.

Lastly, we come to what Rabbi Akiva, one of the greatest Sages of the Mishna and of the entire Jewish tradition, called the foundational precept of the Torah: “Love your neighbor as yourself/וְאָהַבְתָּ לְרֵעֶךָ כְּמֹדֶךָ” (Leviticus 19:18). This is one of the most poured over and discussed verses in all of Torah. I believe that Rabbi Avraham ben Meir Ibn Ezra, the 12th century Spanish commentator, summarized it best saying, “Its meaning is that one should love that which is good for one’s neighbor as he does for himself.”

Love ONLY what is good for your neighbor. You cannot argue what is good for someone else if you do not know. When you have dozens, hundreds, thousands of people screaming their testimony that a law would NOT BE GOOD FOR THEM, that it would endanger their lives and well-being, ignoring them is not showing them love, nor is it even paternalistically looking out for their best interests.

Believe people when they tell you what their needs are. If they tell you that gender-affirming care works for them, that it makes them happier and has allowed them to be more completely themselves as never before, BELIEVE THEM.

You cannot be a person of faith while actively harming other people or even ignoring the plight of those who come to harm. A person of faith, according to the Kli Yakar (Shlomo Ephraim ben Aaron Luntschitz, 1550 – 1619) must coexist in two interdependent worlds, one in which they constantly endeavor to better their relationships with other human beings, which in turn enhances their relationship with The Holy Blessed One, which helps them to connect more with the world, and on and on in an endless cycle of spiritual refinement. You cannot be holy, as we are told to become when Parashat Kedoshim begins (Lev. 19:2) unless we can connect with the Source of holiness expressly in order to bring that holiness down to earth in our dealings with one another.

Just as one who does business in bad faith or deceitfully is called an abomination, so too are those who do not abide by this simple philosophy: God wants us to care for one another. Not only ourselves. Not only our own interests. Not only for God.

Right now, this week, on my birthday, our government was trying to deny our trans siblings the right to exist. Our AG used a twisted misinterpretation of a law governing business ethics to take away full personhood and life-giving medical

care simply because he doesn't understand what it is, and we fear and demonize what we don't understand. He is conflating having deceitful weights and measures, which is justifiably called an abomination by Rashi, with helping trans people live life as their truest self. In doing so, he has become a who both renders an unfair decision (Lev 19:15) and one who deals basely with his neighbor (Lev 19:16). In one fell swoop, he has violated three mitzvot in Torah, and for what?! To score political points? To protect people who aren't being harmed, who have actively asked for our government to desist from this so called "protection"? To have power over others?

All of these are things the Torah forbids. The actions of our government are in a clear violation of not only democratic ideals, not only any notion of justice, fairness, or respect for other human beings, but they violate the core of Torah.

If Rabbi Akiva is to be believed, if loving our neighbors and affording them the same rights and treatment we would wish for ourselves is THE basic, foundational tenet of the Torah, then we cannot condone these attacks on our trans siblings. It is in your best interests to have a system where people are treated fairly. Beyond the moral concern for others that Torah, the Sages of our Tradition, and

years of Jewish guilt have tried to foster in each of us, having fair treatment of others is actually in our own best interests. Because we have seen all too often that oppression never stops with one person, one group, one piece of identity. If trans people cannot be their truest selves, we cannot insure that anyone could either.

If people are barred from being themselves, from embracing the fullness of their being, which hurts ABSOLUTELY NO ONE, but only preserves the dignity of others, where does it stop? Even if these restrictions never go into effect and the laws the legislature and Governor Parsons are trying to enact get thrown out in court, their arguments and attempts tell the public that it is acceptable to shame people for being themselves, that we can erase people from our communities by denying their whole humanness.

This is not the reality I want to live in, nor is it the vision of how we as a society can live together ethically as depicted in the Torah. The vision of a messianic utopia that Isaiah paints is one in which the dignity of the other is of the greatest concern and importance, and the Kli Yakar reaffirms that honoring that dignity goes hand in hand with honoring the Divine.

But a world like that will only come if we make it so. No one is coming from on high to defend those in need, to protect our trans siblings who are under attack. No miracle will rise up in the eleventh hour to protect those who most need our compassion and our strength from the pernicious harms that are being visited upon them by those who swore an oath to serve ALL the people of the State of Missouri, not only those with whom they agree.

In the weeks ahead, I have no doubt that you will see these issues debated in the legislature. You will see lawsuits progress and decisions rendered by judges. It is always a good idea to contact your representatives, senators, and the governor to urge them to stand up for trans people. Even if they don't want to listen, I have seen the tide of dissenting voices block bad legislation before, and I hope we can do it again.

More than that however, I hope you will also see in the coming weeks a groundswell of love and support to tell our trans siblings, "You matter. You belong here. You are loved. You are holy." Call the people in our community, because our trans siblings and neighbors, as well as their families, are not ok. Use social media,

post, re-post, tweet, send a meme, create a TikTok video, whatever you can to show your love to the trans people in our community and state.

You have the power to refrain from creating injustice in our midst. You have the power to act, instead of standing idly by. You have the power to fight the narrative that shames trans people for living honestly as their truest selves by overwhelming the hate we see and hear with a wave of love and care that cannot be ignored.

"Let the dignity of your fellow human being be as dear to you as your own."

May we soon merit to live in such a world.

Shabbat Shalom.