

Parshah Acharei Mot  
May 7, 2016

A few weeks ago, as I was walking out of shul, I yelled this to my daughter across the foyer and over several strollers: “Nora, do you still have cards in your underwear?” Most people, who were also preoccupied with causing children to leave the building with everything they came in with, didn’t turn a hair. But Daniel Weinberg turned to me – as he was holding the door for a steady stream of small people – and said, deadpan, “Before I had children, I would have found that question odd.”

Before I had children, I might have found the series of commands and prohibitions contained in this week’s parshah... well... more odd. These days, I myself often issue a barrage of unrelated, and often peculiar, demands: Brush your hair. Don’t lick your brother. You’re whining; stop it. We don’t shower with all of our neighbors (don’t ask). Please don’t do that. If you touch me again while I’m eating, I’ll [fill in the blank].

Sometimes I issue justice, sometimes mercy. Sometimes I am trying to teach. Sometimes I am demonstrating my power. Sometimes I am building a citizen and a mensch! Other times, I just want peace and quiet, for my house to be MY house. And in any case, sometimes I am heeded, sometimes not.

For all the other joys of parenting, this is, frankly, a bit of a frustrating way to live. But it turned out to be a useful headspace to be occupying when Josh asked me to prepare a d’var on a parshah from Leviticus, the one with all the commands. (In fairness to Josh, he suggested I just discuss the deaths of Aaron’s sons.) Afflict yourselves once a year, God tells us in Acharei. Don’t slaughter your offerings to demons. Don’t eat blood, or I’ll cut you off from your people. Don’t have sex with a relative. I said, don’t have sex with a relative. How many times do I have to tell you? Or a *niddah*. Or your neighbor’s wife. And no, don’t give your children to a demon, either. No, you can’t lie with a man as with a woman. No, also not an animal.

This may sound flippant, but it represents one way to grapple with a section of the Torah which can be enormously difficult for a liberal, modern sensibility. The commands are absolute and stark: they are not comfortably couched in a narrative, a human story that we can use to make sense of them. They threaten: don’t do this or else. The threats are serious. And they demand some things of us that may seem to go against our sense of justice, the very sense of justice that is instilled in us by

this same Torah, this same God. I am standing up here trying to explain to you – really, to myself – the passages that have been used – whatever their original intention – for and by generations to discriminate against and abuse women and LGBT people. (Oh Josh, why didn't I just talk about Aaron's sons? Is it too late now?)

And so – having stubbornly set out to understand this thing that generations of Jews and Christians have failed to come to terms with – this is what I first arrive at: God as a frustrated parent, trying to keep up with a willful child who keeps thinking up unlikely and probably unhealthy pastimes. But that only gets me so far, because while I can certainly imagine myself as the willful child, God must be more than myself as the frazzled and imperfect parent. This is the particular, and it is useful. It makes the situation recognizable, graspable. But what is the abstract? What is the lesson? What can I take away from this recognizable situation that will help me transcend that frazzled imperfection? I need to zoom out, away from the small everyday tensions of my living room, of the witching hour when everyone needs to go to bed.

The abstract – the thing to understand here – is, I think, the question of how people are persuaded to do, or not to do, things. If Leviticus works, how and why does it work? And if it doesn't work, how and why not? Kol Sasson is an ideal place to ask these questions, because this community is living proof both that it works – that these commandments, even ones that seem in some contexts to be illogical or outdated, have been compelling for thousands of years – and proof that it doesn't – that pieces of it demand to be reworked, differently understood or at least differently prioritized. A demand that is, sometimes, more insistent than the commandment in its original form. Sometimes we listen, sometimes we don't. For better or for worse, sometimes we are persuaded, sometimes we are not.

Here are the very first lines of Acharei: “God spoke to Moses after the death of Aaron's two sons, when they approached before God, and they died. And God said to Moses: Speak to Aaron, your brother – he shall not come at all times into the Sanctuary, within the curtain, in front of the Cover that is upon the Ark, so that he should not die.” Rashi tells us that the prohibition on Aaron had to come in the context of his son's deaths, so that he would fully understand the consequence of violating that prohibition. “R'Elazar ben Azariah compared this to a sick person who had to be cautioned not to eat cold food or sleep in a damp place. One doctor merely gave him the instructions, without elaboration, but a second doctor told him, ‘Unless you avoid cold food and damp places, you will die as so-and-so

died.’’ This second strategy is much more effective (Just ask my mother-in-law, who is an expert at it – to this day, I’m a little afraid of large bathroom mirrors).

So from the beginning, this parshah is raising provoking questions about how people can be convinced to do what is asked of them. It begins by suggesting that God is a master of rhetoric, of persuasive language, of context. That the Torah doesn’t take for granted that people who have accepted the covenant will continue to abide by it. Convincing and persuasion are built in. So how do we get to this? [This is going to be Leviticus 18, verses 6-22, and I’m reading from the translation in the ArtScroll Chumash, which is different in interesting ways from the translation in the ones we have here, so if you’re following along, notice the differences.]

6) Any man shall not approach his close relative to uncover nakedness; I am Hashem. 7) The nakedness of your father and the nakedness of your mother you shall not uncover; she is your mother, you shall not uncover her nakedness. 8) The nakedness of your father’s wife you shall not uncover; it is your father’s shame. 9) The nakedness of your sister – whether your father’s daughter or your mother’s daughter, whether born to one who may remain in the home or born to one who must remain outside of it – you shall not uncover their nakedness. 10) The nakedness of your son’s daughter or your daughter’s daughter – you shall not uncover their nakedness; for they are your own shame. 11) The nakedness of your father’s wife’s daughter, who was born to your father – she is your sister; you shall not uncover her nakedness. 12) The nakedness of your father’s sister you shall not uncover; she is your father’s flesh. 13) The nakedness of your mother’s sister you shall not uncover; she is your mother’s flesh. 14) The nakedness of your father’s brother you shall not uncover; do not approach his wife, she is your aunt. 15) The nakedness of your daughter-in-law you shall not uncover; she is your son’s wife, you shall not uncover her nakedness. 16) The nakedness of your brother’s wife you shall not uncover; it is your brother’s shame. 17) The nakedness of a woman and her daughter you shall not uncover; you shall not take her son’s daughter or her daughter’s daughter to uncover her nakedness – they are close relatives, it is a depraved plot. 18) You shall not take a woman in addition to her sister, to make them rivals, to uncover the nakedness of one upon the other in her lifetime. 19) You shall not approach a woman in her time of unclean separation, to uncover her nakedness. 20) You shall not lie carnally with your neighbor’s wife, to contaminate yourself with her. 21) You shall not present any of your children to pass through for Molech, and do not profane the name of your God – I am Hashem. 22) You shall not lie with a man as one lies with a woman, it is an abomination. 23) Do not lie with any animal to be contaminated with it; a woman shall not stand before an animal for mating, it is a perversion.

How do we get to this exhaustive, and exhausting, series of commands, and what do we make of it? Is this masterful rhetoric? Effectively persuasive language? Aesthetically, the repetition is emphatic, even lovely... but also lulling. The content of the commands can potentially get lost in the rhythm of “do not,” “do not, “do not” or *eruvah, eruvah, eruvah*. More importantly? When I say “Put on

your coat. Put on your shoes. Don't forget your lunch. Don't forget your backpack" I am rarely – perhaps never – met at the door by a child who is fully prepared to leave the house. And even a cursory glance at the Prophets tells us Jews throughout the ages have rarely – perhaps never – managed this level of sexual propriety. As a community, we have failed and failed again to keep everyone's nakedness covered.

But God as parent is *not* frazzled, not hopelessly flawed. So how do we make sense of the fact that this rhetoric seems to be? That both its language pattern and its history hint at a failure to persuade? If God gives us free will but knows what we will do with it, then unpersuasive rhetoric must be deliberate – must have some other meaning or function.

So. We often focus on the messages conveyed by the stories in the Torah, the long narrative portions. Eve hid. Sarah laughed. Jacob went down to Egypt. But we generally take the commandments as merely commands. Subject, perhaps, to some Mishnaic clarification, some adjustment by the Poskim, but intended to teach us through what they actually *say*. But what I hope to communicate in this d'var is the idea that we can learn from their form as well as their content, learn as we do from the Torah's stories by identifying with them as events and extrapolating from their successes *and* failures.

We tell and retell the stories of Noah, of Sarah, of David, in order to draw inspiration from their *emunah* but also practical wisdom from their mistakes. We learn what they did and teach ourselves to walk in another direction. Think of the series of commandments as also a kind of story, one with recognizable patterns of language ("Thou shalt not" as "once upon a time") and recognizable characters (the absolute authority figure, the recalcitrant underlings). Just as we can learn virtue from the content of the story, we can also draw from it negative examples – examples of what not to do.

When we do that – when we zoom out and look at the series of commands as a whole, shaped thing – we can actually see a new lesson take shape: **do not confuse a speech act with the act of hailing someone.** Let me clarify that.

Here are some speech acts:

I now pronounce you man and wife.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States

Let there be light.

A speech act is a performative utterance: the utterance makes what it says a reality. We speak (or write) and two people are – now – married. British colonies are – now – one nation, the United States of America. There is night and – now – day. The Torah, and Jewish practice generally, is full of speech acts. On Yom Kippur, which we are commanded in this parshah to observe, we remake reality by renunciation in Kol Nidre. We conjure as we confess while we chant Ashamnu; our individual and collective guilt merge because we say so. A religion characterized by both absolute power (God's) and free will (ours) is a religion that valorizes declaration, that makes the speech act central to its history and practice.

But it doesn't work on other people. As both new kindergarteners and old marrieds have reason to know, you can't make other people do what you want by sheer force of will. When we say "do not" or "you shall not," we are wishing we had the godlike power of the speech act. But all we have is hailing: our ability (or inability) to make the person we are addressing feel that we are addressing them, that what we say is important to their identity, that they recognize our relationship.

[Imagine a cop...]

Hailing, too, is an essential part of Judaism and Jewish life. We recognize ourselves as different, through the generations. A Starbucks cup which is red with green stars isn't *talking* to me, even if it doesn't have an ornament or a stocking or whatever on it. This silly example gives us a sense of the relationship between hailing and commandment. Just in this parshah, we read: "Do not perform the practice of the land of Egypt in which you dwelled; and do not perform the practice of the land of Canaan to which I bring you, and do not follow their traditions." But what is the relationship? Is our reaction (or lack of reaction) to a Starbucks cup, or a Christmas carol, or a Halloween party, taken on the basis of a commandment? Or on the basis of an internalized sense of identity? If we refuse to perform the practice of the land of Canaan, is it because of a speech act that says we don't, or because our identities are not hailed by it?

I think in terms of Jewish practice, the two are intertwined: our identities are shaped by commandments, whether or not we attend to them all. But that is a privilege of God's relationship with humans. Our relationships with one another require attention not only to our own identities, but to the other person's. We don't have the power of the speech act over other people, so what is important in persuasion is not an awareness of our priorities, incentives, preoccupations, but

theirs. It can be easy to forget – as parents, as partners, as teachers, as friends – that it is not our speaking, but their listening, that counts.

Do not, do not, do not, again and again – that tunes the listener out. No one person is doing all these things, so any one person can unconsciously assume that this isn't talking to me! And anyway, I would NEVER uncover the nakedness of my sister. This isn't talking to me. Maybe the other translation is better: you shall not. But what if I am pretty sure I shall? Then the you, isn't me. You aren't talking to me. And you say you're talking to *ish ish*, every person, all of us, women included, but then you say that I shall not lie with a man as with a woman: you are definitely not talking to me.

I don't want to affirm or deny the content of the sexual do nots in Leviticus: not only is it a touchy subject, but what needs to be said about them has mostly been said, by far more learned people than I. What I want to point out is how a barrage of commands like this opens space, a yawning space, between commander and commandee. I am so far from being the person you want me to be. You are so far from hearing my questions. Why aren't you listening to me? Why do I have to say the same thing so many times?

If God is, as we assume, a far better parent than we, more patient and more far-seeing, then a barrage of commands that he knows will in all eras, at least in part, fail makes no sense if they are only to be taken as commands. There must, I think, also be a valence of learning what *not* to do from such rhetoric, learning to hail where our speech cannot act alone, learning what is and is not persuasive when it comes to modeling and teaching values and morality.

Shabbat Shalom.