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On Gaining Access to the Holy

by **Rabbi David Greenstein**

Parshiyot Acharei Mot - Kedoshim — Leviticus 16:1-20:27

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The new documentary film, *Hineini*, which tells of Shulamit Izen's courageous struggle to make a safe space for herself and other queer students at New Jewish High School near Boston (now called Gann Academy), includes a disturbing scene. Shulamit is studying with one of her teachers and mentors, and as they sit close together, the teacher offers her sheltering presence, speaking in a soft, caring voice. Shulamit is trying to fathom how the Torah that she loves can seem to reject her very being. She wants to believe that there is another way into God's loving Presence. The teacher mentions the story of the death of Aaron's two sons, Nadav and Avihu. The mysterious, tragic story tells of the shocking and fatal response of God to the attempt by these two young men to offer God a "strange fire." The teacher's gentle tones convey a firm message. "Beware, Shulamit," she seems to be saying, "for your quest to draw close to God as a lesbian is fraught with the same hubris and the same lethal potential as the attempt of Nadav and Avihu." I remember watching that scene with a growing sense of discomfort. Here was someone who seemed so convinced that she was speaking in the voice of holiness, while to me it was clear that hers was the voice of falsehood and oppression, attempting to drive this young student away from the sphere of holiness.

How do we know whether we have been invited to enter the sphere of holiness or whether we are trespassing and defiling that sphere? *Aharei Mot-Kedoshim*, our double Torah portion this week, is very much concerned with this problem. It begins with detailing the ritual of the High Priest on the Day of Atonement, the one day of the year that he was commanded to enter the Holy of Holies. As if to highlight the danger inherent in entering into the sphere of the holy, the Torah portion opens by saying that all these instructions were imparted "*Aharei mot / after the death*" of Aaron's two sons.

So how does Aaron, or any subsequent High Priest, have the guts to enter the sacred sphere? The Torah answers, "*B'zot yavo Aharon / Aaron shall enter with this.*"(Leviticus 16:3) The text continues with a list of animals and sacrificial items. But our mystical tradition read the verse differently. "*Zot / this*" is a reference to

the *Shekhinah*, the Divine Presence. Aaron can enter to meet the Divine Presence because Aaron carries the Divine Presence with him already. Moreover, the word "zot" is considered an appropriate name for the *Shekhinah* because it connotes indicative awareness. The Divine Presence dwells in our "this-ness"—in who we actually are. We are commanded to enter the sacred sphere when we can carry that conviction with us.

Subsequent tradition added more elements to this ceremony of Yom Kippur. The Mishnah tells us that the Priest would read from a Torah scroll to the people. He would read from this very portion, but he would conclude by saying: "There is more written here than what I have read to you." (*Yoma* 7:1) There is a double meaning here. One point is that there is more to the Torah than any one portion or any one verse (or two). But another meaning is that there is more to the Torah than the text as written. How we choose to read a story or a verse makes all the difference in the world.

Which brings me to Leviticus 18:22 and 20:13, the two verses, which appear in this week's portions and that have been read for millennia as the Torah's condemnation of homosexuality. How should we read these verses as we enter the sacred sphere with "zot," with our conviction that we carry the Divine Presence with us—straight or queer—as we are?

I submit that we may read these verses in a new way, a way that removes them entirely from the topic of homosexuality. What follows is a summary of my suggested reading. (For a more extensive discussion please consult my essay in the *Journal of the Academy for Jewish Religion*, to appear in May 2007.)

What does the Torah mean in Lev. 18:22 by using the term *to'evah*—commonly translated as "abomination"—when it says "*V'et zakhar lo tishkav mishkeve ishah to'evah hi*"? It is not necessary to account for all instances of the use of *to'evah* through the Bible in order to offer a possible understanding of its use here. In the very first occurrence of the concept, the Torah tells of the meeting of Joseph and his brothers in Egypt. Joseph, Viceroy of Egypt, has ordered that his brothers (who do not as yet recognize him) shall dine with him. The Torah tells us: "And they served him [- Joseph] by himself, and for them by themselves, and for the Egyptians, who ate with him, by themselves; because the Egyptians might not eat bread with the Hebrews; for that is an abomination [*to'evah*] to the Egyptians." (*Gen.* 43:32)

What was the *to'evah* for the Egyptians? We are presented with a situation in which all parties are expected to eat a meal. There is nothing offensive about that. What was offensive was the inclusion of alien elements into the acceptable group. Hebrews could eat by themselves without offending Egyptians. But they could not eat along with Egyptians. What was offensive was to ruin a situation that was innocuous in itself by introducing an unwelcome element.

What are the acts that are deemed *to'evah* by the verses in *Leviticus*? The strange term *mishk'vei ishah* is used here—the only time this term appears in the Torah. Until now, the term has been understood to refer to homosexual relations. Yet, we may note that in subsequent, rabbinic literature, the term for homosexual intercourse is *mishkav zakhar*. While the term *mishk'vei ishah* occurs only once, the term *mishkav zakhar* is found elsewhere in the Torah. Toward the end of Moses' life he is commanded by God to attack Midian in retribution for the plague that the Midianite women inflicted upon Israel by seducing them into idolatry. The army returns victorious, but Moses is angry. They have spared the Midianite women. Moses exclaims, "Now therefore slay every male among the children, and slay also every woman who has known a man carnally. But spare every young woman, who has not had carnal relations with a man" (*Numbers* 31:17-18). In these verses, the term *mishkav zakhar* is used to refer to a woman having sexual relations with a man. If we return to our verses in *Leviticus* we may understand, by analogy, that the acts forbidden by the Torah are not homosexual acts at all. Rather some situation involving a man having sexual relations with a woman is proscribed. What is that act?

When we consider the first part of the verse, the part that mentions the persons involved in the forbidden act, we read the phrase "And with a man / *v'et zakhar*." Now, the particle *et* may indicate the object of an action. Until now our verse in *Leviticus* has been read to mean that a male is prohibited to make another man the object of his sex act. But this word can have another meaning. The first place where it is unambiguous that the

word *et* is being used in another way is in the verse, "And Enoch walked with (*et*) the Almighty..." (Genesis 5:24). In that verse it is clear that the particle does not signify an object indication. Rather it means "along with."

Now we may read the verse very differently:

<i>V'et zakhar</i>	And along with another male
<i>lo tishkav</i>	you shall not lie
<i>mishkeve ishah</i>	in sexual intercourses with a woman
<i>toevah hi</i>	it is an abomination.

There is no prohibition of homosexual acts of any kind. Rather, the Torah prohibits two males from joining together to force intercourse upon a woman. This is a *to'evah* because the introduction of the second man completely transforms the act from a potentially innocent act into a manipulation that degrades the act of intercourse and makes the woman subject to violence and objectification.

Rabbi Steven Greenberg's intuition that what is meant here is some form of coercive sex act was correct. But the act is heterosexual, not homosexual. Thus, we can understand the verse in Lev. 20:13 in a simple way. The death penalty prescribed by the Torah is for the two men who force themselves upon the woman. The perpetrators are guilty; not the victim.

I wish to make clear that this reading does not claim to have uncovered the original intent of the verse. Instead it means to be a new reading, made possible only in our time, based on our newly won conviction that we carry the Divine Presence as we are. It is with "*this—zot*" that I—or anyone—may dare enter the Holy of Holies.

About the Author:



Rabbi David Greenstein serves as *Rosh Ha-Yeshivah* of The Academy for Jewish Religion (AJR), in New York. He was an exhibiting artist and a congregational rabbi for many years. He holds a Ph.D in Kabbalah and Rabbinics (New York University); an M.A. in Talmud (Yeshiva University), and an M.F.A. in Painting (Queens College). He is a Core Faculty member at The Skirball Center for Adult Jewish Learning at Congregation Emanu-El, New York; the associate editor of *The Journal of The Academy for Jewish Religion*, and a former member of the editorial board of *Conservative Judaism*. He has taught at SUNY-Stony Brook, Touro College, NYU, Reconstructionist Rabbinical College, Jewish Theological Seminary and adult programs, including Meah and Melton. He has authored essays on Jewish thought and culture. Some of his writings are available on the AJR website: www.ajrsem.org.