

In Emor, we read about how the role of the *kohanim* makes demands on their (literal) shape as people. Blemishes are outlawed; choice of mate and mourning practices are both intensely restricted. Their personal agency is merged with the role of the priesthood (Lev. 21).

Their leadership renders them as aesthetic objects, similar to actors on a stage or screen.

The perfect spectacle of the *kohanim*, their unblemished bodies and their uniform garb, must have created a sharp contrast between the mundane reality of the Israelite and the spectacular and bloody world of the sacrifice. Like a theater, the Temple had a contrived set and staging, and was cut off from the unrehearsed messiness and non-uniformity of the world. The beautiful men that moved through this strange world with practice and ease must have been admired almost as another race of people.

Today, too, we expect our leaders to be capable of things we are not all capable of.

We expect them to talk and act a certain way. A politician or a rabbi is not supposed to indulge in incoherence or vulgarity, nor should they offer public expressions of doubt or bitterness. This is part of how they are bound to us. Although set apart from us like actors on a stage, our leaders now are connected to us in a way that the *kohanim* in the Temple never were. Today, we choose our leaders, making them projections of our expectations of ourselves—our better angels—who therefore bear the responsibility of our hopes and dreams. When it's our turn to make casting choices, we should keep the possibilities and the necessities of the role in mind.



Emor 5777

אמר תשע"ז



Law, Compassion, and Justice

Rabbi Eliezer B. Diamond, Rabbi Judah Nadich
Associate Professor of Talmud and Rabbinics, JTS

In the fall of 2012, I taught a course at the Princeton Theological Seminary entitled “An Introduction to Rabbinic Literature.” I saw my mission as twofold. My stated goal was to familiarize my students with the intellectual and spiritual world of the Rabbis through the study of representative texts from each of the genres of rabbinic literature: Mishnah, Tosefta, the Talmuds, and the halakhic and aggadic midrashim.

However, my study of text had a subtext: to disabuse my Christian students of the pernicious stereotypes of rabbinic Judaism that, some would argue, were first fostered by the apostle Paul and that persist to this very day in many Christian circles. I speak in particular of the image of rabbinic Judaism as spiritless legalism, lacking in compassion for the sinner and offering no path to salvation.

I began addressing and combating this perception by presenting the rabbinic treatment of “an eye for an eye” (Exod. 21:24, Lev. 24:20, and, with slight variation, Num. 19:21). The Torah seems to be prescribing *lex talionis*, imposing the same injury on the assailant as he inflicted upon his victim. Through midrashic interpretation, however, our Sages posited that what was intended was monetary compensation rather than corporal retribution.

After completing the study of the halakhic midrashim that are employed to buttress this claim, I screened the courtroom scene from *The Merchant of Venice*. I chose the version in which Al Pacino is cast as Shylock. No actor radiates seething anger more than Pacino, and his portrayal of a scorned and despised Jew seeking murderous revenge against his Christian tormentors is raw and disquieting. Throughout the scene, Shylock insists on the authority of law and demands that it requires that his claim to a pound of his debtor Antonio's flesh be satisfied. In the midst of the proceedings a lawyer's apprentice, Balthazar—actually, the beautiful heiress Portia in disguise—arrives and seemingly takes

Shylock's side in the dispute. At the same time, she urges Shylock to exercise compassion, in what is undoubtedly the most famous speech in the play: "The quality of mercy is not strain'd." She concludes as follows:

Therefore, Jew,
Though justice be thy plea, consider this,
That, in the course of justice, none of us
Should see salvation: we do pray for mercy;
And that same prayer doth teach us all to render
The deeds of mercy. (4.1)

The notion that mercy is of supreme importance is hardly foreign to Judaism, although Shylock has clearly chosen to put aside all thoughts of compassion. However, folded into the warning that "in the course of justice none of us shall see salvation" is a specifically Christian claim that lies at the heart of Pauline Christianity; "the law [literally: the letter] kills, but the spirit gives life," as Paul proclaims in 2 Corinthians 3:6. In fact, Portia attempts to demonstrate the literal truth of this assertion in Shylock's case. Shylock, she points out, is entitled only to flesh and not to blood, and to precisely a pound, no more and no less. In other words, it will be impossible for him to exact the revenge he seeks without violating the terms of the bond and thereby becoming liable for the death penalty and the confiscation of his property. Thus, if the law is followed, death will result: Antonio's, if Shylock successfully extracts exactly a pound of Antonio's flesh without spilling a drop of blood—an impossibility—and Shylock's as well if his efforts are unsuccessful.

After watching the film—which clearly discomfited many of the students—we returned to the rabbinic analysis of the "an eye for an eye" passage. I asked the students, "What do you think the Rabbis would have said to Shylock and Portia?" They were able to see that Shylock's actions were diametrically opposed to rabbinic law: he sought to impose physical injury as payment of a monetary obligation, whereas the Rabbis were mandating monetary compensation for the inflicting of physical injury.

However, I needed them to go beyond this realization. I needed them see that the mercy of which Portia spoke was found by the Rabbis neither outside of the law nor in opposition to it, but rather within and through the law itself. God's law must embody justice, and there is no justice without compassion.

In an argument that anticipates Portia's ridicule of law, the Rabbis point out the inherent absurdity and consequent injustice of *lex talionis*:

Rabbi Simeon b. Yohai said: "An eye for an eye"—this means monetary compensation. You say it means monetary

compensation; but perhaps it is to be taken literally? Behold, if a blind assailant took out someone's eye, or an amputee caused another the loss of a limb, or someone lame caused another to become lame, how am I to fulfill in this case "an eye for an eye"? Did not Scripture state, "there shall be one law for you" (Lev. 24:22), a law in which all are treated equally!" (BT Bava Kamma 84a).

One may say that Rabbi Simeon is engaging in a bit of casuistry, and indeed the Talmud goes on to suggest proofs for their interpretation that it considers more convincing. What unites and underlies all the interpretations, however, is a fundamental belief that God would not prescribe a punishment both useless and inhumane. Compassion is and must be a guiding force when pursuing justice.

The Rabbis understood well that the law is not always just. They struggled to counteract the inequities that are sometimes its result, and they were not indifferent to the claims of compassion—because they recognized that law (halakhah) is revealed to us through Torah, which we received as a consequence of God's love for us. Law *itself* can be an expression of love when it is meant to guide us toward the good and the holy. As we read in the blessing before the Shema in the morning liturgy: "You have shown us a great love...you taught [our ancestors] live-giving laws; so too, show us favor and teach us."

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דבר אחר | A Different Perspective



Casting Call: Leaders Wanted Avi Garelick, Principal, Rebecca and Israel Ivry Prozdor High School, JTS

For the stage, an actor works himself into a role... In this respect, a role in a play is like a position in a game, say, third base: various people can play it, but the great third baseman is a man who has accepted and trained his skills and instincts most perfectly and matches them most intimately with his discoveries of the possibilities and necessities of third base. On the stage there are two beings, and the being of the character assaults the being of the actor; the actor survives only by yielding.

—Stanley Cavell, *The World Viewed: Reflections on the Ontology of Film*, 1971