

Short Comments on Aharei Mot Kedoshim
Rabbi Eliot Malomet April 29, 2023 8 Iyyar 5783

וְשָׁמַרְתֶּם אֶת חֻקֹּתַי וְאֵת מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אִתְּם הָאָדָם וְחַי בָּהֶם אֲנִי ה' . וַיִּקְרָא יְהוָה:	You are to keep my laws and my regulations, which when a human does them, he lives by [means off] them, I am God! Lev. 18:5
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וְחַי בָּהֶם - This chapter deals with forbidden sexual relations. This is to distinguish the Children of Israel from *the way of life of the Egyptians among whom you dwelled and the way of life of the Canaanites to which I am bringing you.* (18:3). The implication is that those two cultures did not prohibit consanguinity - marriages among blood relations or first-degree relatives. What makes this interesting, is that if you were to be looking at the world from a heavenly perspective, ie. the perspective of God, you would see the Israelite encampment in the desert in a *bubble zone* between Egypt and Canaan. Having been ejected from Egypt and having received the Ten Commandments at Sinai, they are now very much in the process of formation as a nation. Critical to their formation is the code by which they will perpetuate and grow, which of course requires marriage and the building of families. The nucleus of the people of Israel is a family. We have to recall that Abraham married a half-sister (according to some), that Isaac married a first cousin, and that Jacob married two sisters who were also his first cousins. With the exception of Judah, who marries a Canaanite woman, we don't know who Jacob's sons marry (but we presume that they also marry Canaanite women, ie. non-relatives). It's quite possible that Egyptian and Canaanite cultures saw advantages in consanguineous marriages because they would enable families to control property and, in the case of elite or royal families, they would enable these families to protect themselves from infiltrations. The Torah finds all of this objectionable. Beyond the obvious genetic advantages (of which they may have been aware anecdotally but not scientifically) the norm that you marry outside your family - but still within your people - contributes to the equalization of all families. Shadal expresses this in his comment.

וְחַי בָּהֶם: תְּתַקִּימ הַחֲבֵרָה בְּשָׁלוֹם, שֶׁאִם יִתְחַבֵּר אָדָם עִם קְרוּבוֹתָיו, תְּהִיָּה כָּל מִשְׁפַּחַת חֲבֵרָה לְעַצְמָהּ נִבְדָּלָת מִזּוֹלָתָהּ.	And live by them: (So that) the society will survive in peace. Because if a man (incestuously) marries his relatives, every family will become a distinct society unto itself and be separated from the others.
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This implies that, aside from the inherent objectionable nature of incest, the Torah's ban on various forms of intra-family relationships encourages the intermingling of families so that the nation which results from that intermingling is comprised of people who are all related to one another. And thus, it will survive in peace. If we examine everything said this past week in celebration of Israel's 75th anniversary, we will note from that every major speaker invoked the idea that Israel is a *family*. *We are all brothers. We are all sisters.* We may have our disputes, but we are in the end, one big family. *Brothers in arms* are buried next to one another no matter what their political ideologies or religious persuasions were. Family is more important than ideology. And, despite the cacophony of ideologies, the Jewish people is one family. Indeed, one of the metrics of measuring the health of that family is the degree to which individuals within the various political, religious, or ideological "tribes" marry one another. We note today that in Israel, as well as the rest of the Jewish world, there is a fair degree of marriage between Ashkenazi and Mizrahi Jews. Arguably, there is probably also a fair degree of marriage between Jews of different political persuasions. But, anecdotally speaking, there is markedly less "inter-marriage" when it comes to marriages between religious and non-religious Jews. To what degree that will have an impact on the future of the unity of the Jewish people is a subject of great debate.

The verse cited above is better known however, for providing the basis for one of the most important concepts in Judaism: **פְּרִיקוּתָ נֶפֶשׁ - the saving of a life.** The following phrase is one of the classic iterations of the idea:

— "וְחַי בָּהֶם" וְלֹא שִׁימוֹת בָּהֶם.	"You shall keep My statutes and My ordinances, which a person shall do and live by them " and not that he should die by them. Yoma 85b
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We can think of many situations in which this idea applies. Here is how Maimonides uses it in his classic code, Mishneh Torah, Laws of Shabbat 2:3

וְאִסּוּר לְהִתְמַהֵמָה בְּחִלּוּל שַׁבָּת לְחֹלֶה שֶׁיֵּשׁ בוֹ סִכְנָה שְׁנֵאמַר (וַיִּקְרָא יְהוָה: אֲשֶׁר יַעֲשֶׂה אִתְּם הָאָדָם וְחַי בָּהֶם וְלֹא שִׁימוֹת בָּהֶם.	It is forbidden to hesitate before transgressing the Sabbath [laws] on behalf of a person who is dangerously ill, as [reflected in the interpretation in the phrase of Leviticus 18:5.] "which a person shall perform to live through them," as "[to live through them]' and not to die through them."
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The tradition extrapolates this idea to include many situations in which one must suspend halakha for the sake of preserving life. For example, a diabetic may not fast on Yom Kippur because of the risk to health. One may eat non-kosher food where no other food is available, lest one starve to death. You can use all sorts of equipment on Shabbat to rescue someone, even if there is a doubt that the person is still alive. One can readily see that the argument of **pikuah nefesh** can be used to justify many things, especially during unusual circumstances. During the pandemic, for example it was often cited as a justification for suspending stringencies in observance. The question is always raised, what constitutes saving a life and how far do you go?

דַּבֵּר אֶל כָּל עַדְת בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם קְדוֹשִׁים תִּהְיוּ כִּי קְדוֹשׁ אֲנִי ה' אֱלֹהֵיכֶם. וַיִּקְרָא יְיָ:	<i>Speak to the entire community of the Children of Israel, and say to them: Holy are you to be, for holy am I, God your God!</i> Lev. 19:2
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Be holy. We need to pay attention to the fact that this commandment, which we have pointed to so often as one of the foundational and defining commandments of Judaism, is stated in the plural. **You (plural) shall be holy**. Not *You* (singular). In Judaism the individual attains holiness not by excessive personal piety, and not by acts of asceticism, leaving society, or by sequestering oneself with others for indefinite periods, but by being part of a community, living a communal life that is shaped by the ethical precepts such as the ones listed in this chapter: revering parents, keeping Shabbat, leaving a corner of the field for the poor, not stealing, lying, mistreating employees, not taking advantage of other people's handicaps, pursuing justice and commitment to the welfare of one's fellow human being. It's hard to do all of that if you live alone, or if you remove yourself from the community. Holiness, as implied by the plural form of the verb in this verse, means that you become by creating a holy community.

אֲנִי ה' אֱלֹהֵיכֶם אֲשֶׁר הִבְדַּלְתִּי אֶתְכֶם מִן הָעַמִּים. וַיִּקְרָא כֹּכַד:	<i>I am God your God, who has separated you from the [other] peoples!</i> Lev. 20:4
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This verse is located in another series of laws relating to the practices of the people who inhabit the land of Canaan. What is interesting here is that it functions as an identifier to God. Many commandments are worded in the form, *do such and such, I am the Lord*. We understand that to be a form of emphasis, almost like saying, *because I said so*. But here it's slightly different. While the

signature phrase *I am the Lord* is found dozens of times in the Torah the phrase *I am the Lord that...* is only found in 7 instances (and two more as אֲנִי from the Ten Commandments in Exodus 20:2 and Deuteronomy 5:6) In every other place the phrase occurs, it is joined with: *who took you out of Egypt* (or in the case of Abraham in Gen. 15:7 *who took you out of Ur Kasdim*). Only here does it say, **I am the Lord your God who separated you**. That ought to arouse our curiosity. Clearly it is more important for the Torah to emphasize God as *redeemer* rather than God as *separator*. When we think of all the ways that God could have identified himself such as: *I am the Lord your God who created the world*, or *I am the Lord your God who breathed life into the first creature*, or *I am the Lord your God who judges all humanity*, etc., - the idea that God is almost always recalling the redemption of Israel from Egypt suggests that freeing human beings is the most important thing to God, and that God really abhors the subjugation of some human beings by others. So what is going on here? This verse is a piece of evidence that while the Torah is one book, there are many voices within the Torah. This is the Priestly voice. It is a voice that is concerned with the precise definition of categories such as pure and impure, and the proper adjudication of those categories was seen as crucial to their role. Determining what is permitted or forbidden, holy or profane, proper or improper, this was their function. And so their world-view consists of creating and adjudicating boundaries, and establishing the criteria for differentiation in order to keep God's presence in the midst of the people. The blurring of these boundaries is an anathema to that worldview, and, by extension, to God. Where else do we find that worldview? In the first chapter of Genesis, (which is considered to be the Priestly voice as well) in which God creates the universe not only by bringing things into being by means of speech, (ie. "Let there be...") but by differentiating things and making divisions.

וַיִּבְדֵּל אֱלֹהִים בֵּין הָאֹר וּבֵין הַחֹשֶׁךְ. וַיֹּאמֶר אֱלֹהִים יְהִי רָקִיעַ בְּתוֹךְ הַמַּיִם וַיְהִי מִבְדֵּיל בֵּין מַיִם לַמַּיִם. וַיֹּאמֶר אֱלֹהִים יְהִי מֵאֲרֶת בְּרָקִיעַ הַשָּׁמַיִם לַהֲבַדִּיל בֵּין הַיּוֹם וּבֵין הַלַּיְלָה	<i>God separated the light from the darkness. Gen. 1:4</i> <i>God said: Let there be a dome amid the waters, and let it separate waters from waters! 1:6</i> <i>God said: Let there be lights in the dome of the heavens, to separate the day from the night 1:14.</i>
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But this is not the dominant voice of the Torah. With the exception of this one place, the Torah is always more concerned with human freedom and dignity than Israel's separateness. Shabbat Shalom!

This parasha sheet is sponsored by Sharon Frant Brooks and Kenneth Brooks to commemorate the **yahrzeit** of Sharon's father, Milton Frant, z'l.