## Parashat Emor Disqualified: The Laws of Physical Disabilities for the Priesthood Rabbi Eliot Malomet May 17, 2025 19 Iyyar 5785

Here are the laws that bar the disabled from the priesthood:

וַיְדַבֵּר הי אֶל מֹשֶׁה לֵּאמֹר. דַבֵּר אֶל אַהְרֹן לֵאמֹר אִישׁ מִזַּרְעֵּךְ <mark>לְדֹרֹתָם</mark> אֲשֶׁר יִהְרֶה בוֹ מוּם לֹא יִקְרַב לְהַקְרִיב לְחָם אֱלֹהָיו... וְלֹא יְחַלֵּל אֶת מִקְדָּשׁי <mark>כִּי אֲנִי הי מְקַדְּשָׁם</mark>. וַיְדַבֵּר מֹשֶׁה אֶל אַהֲרֹן וְאֶל בָּנִיו וְאֶל כָּל בְּנֵי יִשְׂרָאֵל. (וִיקִרא כא:טז-כד) יִשְׂרָאֵל. (וִיקִרא כא:טז-כד)

The LORD spoke further to Moses: Speak to Aaron and say: No man of your offspring throughout the generations who has a defect shall be qualified to offer the food of his God. No one at all who has a defect shall be qualified: no man who is blind, or lame, or has a limb too short or too long; no man who has a broken leg or a broken arm; or who is a hunchback, or a dwarf, or who has a growth in his eve, or who has a boil-scar, or scurvy, or crushed testes. No man among the offspring of Aaron the priest who has a defect shall be qualified to offer the LORD's offering by fire; having a defect, he shall not be qualified to offer the food of his God. He may eat of the food of his God, of the most holy as well as of the holy; but he shall not enter behind the curtain or come near the altar, for he has a defect. He shall not profane these places sacred to Me, for I the LORD have sanctified them. Thus Moses spoke to Aaron and his sons and to all the Israelites. (Lev. 21:16-24)

Modern readers of the Bible are justifiably troubled by this passage. The unequivocal banning of anyone with a physical disability from serving as a priest offends our moral sensibility. During the last half century, accessibility for the disabled has entered the public consciousness resulting in the passing of the landmark **Americans with Disabilities Act** (1990). More on that below. One strategy for interpreting the biblical laws is to put them in their



context, an era which perceived the integrity of the body, (the male body, to be sure) its wholeness, health, and perfect functionality, as a prerequisite for admission into the holiest zones. Jacob Milgrom writes that this was normal in the ancient Near East: *One should not be* 

surprised to find that the ancients took pains to compose detailed lists of the blemishes that disqualified their priests and all others (e.g., Mesopotamian diviner) who claimed to have access to the gods. After all, they also required physical perfection for royal attendants and leaders. Another interpretive strategy is to read these rules in the context of the sacrificial culture of biblical Israel. Mary Douglas notes that this list of priestly blemishes corresponds with the list of banned blemished behemot (animals) (Lev. 22:21-24). She writes: Only the perfect body is

fit to be consecrated, no animal with a blemish may be sacrificed, no priest with a blemished body shall approach the altar.<sup>3</sup> Each society in antiquity had its own list of banned blemishes. If you traveled deep into Mesopotamia you would discover that other temple cults disqualified priests who were cross-eyed, had a chipped tooth, a mutilated finger, rashes, freckles, and pimples. We can accept the view that these rules were part of a cultural context in which the body of a priest had to be "perfect", and that the gods (or God!) needed to be surrounded by perfect, beautiful human specimens. And yet it is possible to give a subversive reading to this text as well. After all, almost everyone has some physical defect or another. How could any community sustain a priesthood based on these laws? Sooner or later, they would run out of people who were eligible to be priests! This issue underlies some of the oldest rabbinic rulings on the subject:

Ray Huna said: A priest whose eyes are constantly tearing up may not lift his hands to recite the Priestly Benediction. The Gemara asks: Wasn't there a certain priest with this condition in the neighborhood of Rav Huna, who would spread his hands, and recite the Priestly Benediction? The Gemara answers: That priest was a familiar figure in his town. Since the other residents were accustomed to seeing him, he would not draw their attention during the Priestly Benediction. This is also taught in a baraita (a ruling of the Mishnaic era, not included in the Mishna): One whose eyes tear up excessively should not lift his hands to recite the Priestly Benediction, but if he is a familiar figure in his town, <u>he is permitted</u> to do so. Rabbi Yohanan said: One <mark>who is</mark> blind in one eye may not lift his hands to recite the Priestly Benediction because people will gaze at him. The Gemara asks: Wasn't there a certain priest who was blind in one eye in the neighborhood of Rabbi Yohanan, and he would lift his hands and recite the Priestly Benediction? The Gemara answers: That priest was a familiar figure in his town, and therefore he would not attract attention during the Priestly Benediction. This is also taught in a baraita: One who is blind in one eye may not lift his hands and recite the Priestly Benediction, but if he is a familiar figure in his town, he is permitted to do so. We learned in the mishna that Rabbi Yehuda said: One whose hands are spotted should not lift his hands to recite the Priestly Benediction. It was taught in a baraita: If most of the townspeople are engaged in this occupation, dyeing (which causes stains on the hands), he is permitted to recite the Priestly Benediction, as the congregation will not pay attention to his spotted hands. (Megillah 24b:9-14)

<sup>&</sup>lt;sup>1</sup>Daniel was eligible to serve in the court of Nebuchadnezzar because he was a youth *without blemish, handsome, profi-cient in all wisdom, knowledgeable and intelligent* (Dan. 1:4). Absalom is similarly described: *No one in all Israel was so admired for his beauty as Absalom; from the sole of his foot to the crown of his head he was without blemish.* (2 Sam. 14:25).

<sup>&</sup>lt;sup>2</sup> Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics*, Continental Commentary, Minneapolis: Fortress Press, 2004. p. 261.

<sup>&</sup>lt;sup>3</sup> Mary Douglas, *Leviticus as Literature*, Oxford: Oxford University Press, 2000. p. 46.

There are rules. And there are exceptions. Reality subverts the strictness of applying the rule. Things like communal habit, honor, and familiarity all mitigate the stringency of these rules. If a community had very few kohanim, would it restrict a kohen whose eyes were teary from giving the Priestly Blessing? Would a shul ever tell a *kohen* who had been blessing them for 40 years that, all of a sudden, he was dis-qualified because he now walked with a limp? Nevertheless, it is not difficult to imagine how the who-is-a-kohen issue could cause schisms. Indeed, one of the reasons that the Dead Sea Sect separated from the Pharisees was precisely because of their strictness on issues like this. (And where are they now?) Rabbinic Judaism, on the other hand, gave room for flexibility in applying the law. As new situations developed, with their new realities and new ideas, the old texts were reinterpreted. Arguably, the subversive potential for that legal evolution can be found in the text of laws itself. We can compare this to the way the Shabbat commandment subverts Hebrew slavery:

For six days, you are to serve, and are to make all your work, but the seventh day is Sabbath for the Lord your God: you are not to make any work, you, and your son, and your daughter, your slave, and your maid, and your beast, and your sojourner who is within your gates. (Exod. 20:9-10)

When the commandment is repeated in Deuteronomy it adds: You are to bear in mind that you were a slave in the land of Egypt, but the Lord your God took you out from there with a strong hand and with an outstretched arm; therefore, the Lord your God commands you to observe the day of the Sabbath. (Deut. 5:15).

Slavery was an abhorrent feature of all ancient societies, including Biblical Israel, which the Torah permitted! But by giving the slave a day off a week - a day of freedom, a day of equality, a day of dignity - the Torah undermined the institution of slavery, such that, by the end of the Second Temple period, Hebrew slavery was all but obsolete. Likewise, the laws baning blemishes subvert the idea of the priestly "perfect body". For example: 1. By saying לדרתם throughout their generations as opposed to לעוֹלָם for eternity (curiously omitted here) the text opens up the possibility for these laws can be applied differently in different generations. 2. When the law says מום blemish it automictically raises the question, what constitutes a 212? Are we limited to this list? **3.** Other ritual laws in the Torah have consequences if they are violated. Why are there no consequences listed here for violating these laws? 4. Many laws in the Torah conclude with the divine signature. הי-I am the Lord. But here these laws end with בקדשם for I the Lord have sanctified them. A subtlety to be sure, but there is a difference in saying, These are the rules! Signed, God, and These are the rules of being holy because I, God, am the one who makes you holy. Question: Does holiness only rely on the perfection of the body? What about the perfection of moral character? What if you are a priest with a perfect body but have a cruel, despicable, and malevolent disposition? Lastly, and perhaps most obviously, what about Genesis 1:26:

נעשה אָדָם בְּ<mark>צַלְמֵנוּ. Let us make humankind, in our image</mark>? If all human beings are created in the divine image, why should any disability matter before God? *Human dignity is* not dependent on the integrity and wholeness of the body. Which brings us back to the ADA. After the end of the Vietnam War, the sight of disabled young veterans was commonplace. But public institutions, public transit, and the vast majority of buildings were simply inaccessible to them. Even a sidewalk without a curb-cut meant that a disabled veteran in a wheelchair, could not move about freely in the country for which he was prepared to sacrifice his life, let alone his body! That indignity exacerbated the physical disability! But powered by the moral energy of the Civil Rights era and driven by an evolving perspective of what constituted human dignity, American society, under bipartisan leadership, began to shift the way it related to disability. Disability was no longer viewed as an individual's problem, for the individual to deal with; it was a seen as a societal problem for the society to take care of. A new set of rights was born. Now, new construction would have to meet the new requirements of the ADA which were in turn based on an evolving perception of human dignity and disability. And the ADA continues to evolve to this day.



Karina Darchov, 21, with her family, member of the Karkal battalion, an integrated male and female battalion. Wounded in battle in southern Israel. בּסוֹף אָנֵי מָגָן דְּוֹדְּ https://www.youtube.com/watch?v=dLn-ZJEpCWA

Recently an extraordinary music video was released showing people who were wounded on or after October 7th. It is entitled: **BASOF ANI MAGEN DAVID - Ultimately I am a Shield of David.** We see each of them in scenes of rehabilitation, with and without their prosthetics, trying to engage in regular activity, carpentry, farming, basketball, and swimming. With pain and struggle, the beauty of their humanity shines through. They truly redefine our idea of what is beautiful and who is holy. **Shabbat Shalom!** 

Today is Day 589. We continue to pray for the return of the hostages being held in captivity in Gaza by *evil messengers of destruction*. May God comfort the bereaved, protect the IDF, heal the wounded and shield Israel from continued Houthi missile terror. Amen!

This Parasha Sheet is sponsored by the Dickstein/Weinstein Family to commemorate the Yahrzeit of Stephanie's mother, Natalie Dickstein, z'l.