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PREACHING AGAINST THE TEXT

An Argument in Favor of Restoring Leviticus 18 to Yom Kippur Afternoon

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This essay will seek to argue for the restoration of Leviticus 18 to its traditional place as the Torah reading during our Yom Kippur *Minchah* services. To be sure, at first glance this will be a most unpopular idea. There is, after all, much that is strongly objectionable about the contents of this infamous chapter. This author is cognizant of, and particularly interested in, the tragic and painful history surrounding Leviticus 18:22 and its problematic and complicated impact on Western and Jewish sexuality.

It would be easy (and politically correct) for us¹ to designate Leviticus 19 (or another appropriately themed passage) as the proper reading instead. Nonetheless, I shall seek to argue that doing so would constitute a missed opportunity for our communities and their GLBTQ constituents/allies.

Introduction

Baruch Levine sums up the chapter in question as follows:

Chapter 18 is the most systematic and complete collection of laws within the Torah dealing with the subject of incest and other forbidden sexual unions. It outlines in detail which unions among relatives within the ancient Israelite clan are forbidden on grounds of incest, adultery, and so on; and in so doing, it indirectly defines the limits of the immediate family.²

Our halachic tradition reads the verses of this chapter as the foundation for the set of prohibitions known as *gilui arayot* (uncovering of nakedness).

Our more particular concern, here, is 18:22. In some parts of the Conservative³ and Orthodox worlds today, that verse's prohibition against gay male sex still carries the weight of law to varying degrees. Thus, ArtScroll notes, in absolute terms:

The chapter of [sexual] immorality ends with two forms of sexual perversion: homosexuality and bestiality. The harshness with which the Torah describes them testifies to the repugnance in which God holds those who engage in these unnatural practices.... None of the relationships given above are described with this term of disgust, because they involve normal activity, though with prohibited mates. Homosexuality, however, is unnatural and therefore abominable.⁴

It need not be stated here, in this forum, that the Reform Movement's modern understanding of sexuality and sexual orientation diverges from the traditional Jewish view. We have sought to position ourselves at/near the forefront of the gay rights movement within the wider Jewish community. As early as 1977, the UAHC resolved to support equal rights for gays and lesbians, and to work against discrimination aimed at the gay community.⁵

In that spirit, it is not surprising to find such a different reading of Leviticus 18:22 in the URJ/WRJ's *The Torah: A Women's Commentary*:

In the early 21st century, this is one of the most misinterpreted, abused, and decontextualized verses in the Torah. This verse, ripped from its place in the system of levitical laws, is often mobilized to justify discriminatory legislation and behavior against

homosexuals and their families. While the act of anal intercourse would present a problem to the person who organized his life according to the levitical laws, it has no place in judicial systems not governed by the total system of Leviticus—and does not cohere with contemporary sexual notions of mutual consent and sexual preference.⁶

Those of us (and our communities) who agree with this approach (and who, by extension, seek to lift up those who identify as GLBTQ) face a unique problem. How are we to navigate the annual question of whether or not to read Leviticus 18 on Yom Kippur afternoon, as Jewish tradition indicates? How do we resolve the tension between honoring the tradition that has been passed down to us, on the one hand, with our contemporary interpretation of that tradition, on the other?

Why Do We Traditionally Read Leviticus 18 on Yom Kippur Afternoon? Do Any Non-Orthodox *Machzorim* Still Follow the Custom?

The custom of reading Leviticus 18 on Yom Kippur afternoon comes to us from the Babylonian Talmud. *M'gilah* 31a notes, “On [the morning of] the Day of Atonement we read from the section that begins with *acharei mot*. . . . At *Minchah* we read the *arayot*.”

Why was Leviticus 18 chosen for the afternoon service? Rashi, commenting on *M'gilah* 31a, implies that Yom Kippur reminds us of all of the prohibitions that we are supposed to follow. Yet, at the same time, he highlights sexual transgressions. For Rashi, there is something unique (and threatening) about the ability of a person’s “carnal desire” to “overwhelm” his ability to make good choices. This, according to Rashi, explains the Rabbis’ choice of a Torah reading that is aimed at convincing people to refrain from the particular prohibitions of Leviticus 18.

Steinsaltz echoes Rashi by noting, “These readings are meant to arouse the sinners to repentance, and to evoke feelings of remorse

among those who have not yet sinned, but who may yet be carried away by the desires of their hearts.”⁷

Quoting *Otzar HaGeonim* (an early twentieth-century anthology of geonic Talmud commentary),⁸ Agnon offers a similar explanation for the reading:

The reason why the section about incest [Leviticus 18] is read during the Afternoon Prayer on Yom Kippur is because there is no atoning for sins on Yom Kippur until one has turned in Teshuvah. Hence, we read the section about incest so that if, God forbid, one of the children of Israel shall have broken the prohibition against incest, he will remember his transgression as soon as the prohibition is read before him, and will turn in Teshuvah, that he may be forgiven.⁹

Like Rashi, *Otzar HaGeonim* privileges sexual ethics above the rest of the values that constitute Jewish morality. Both believe that if there is one subcategory of transgressions that is especially problematic—one kind of sin that Judaism should specifically convince violators to stop committing—then this is the one. And our sources imply that the best way to do that is by shining the proverbial spotlight on this sin: by reading Leviticus 18 on Yom Kippur afternoon.

There are several other, perhaps less convincing, explanations as to why the Rabbis chose Leviticus 18 as the *Minchah* reading:

1. It seems that some of the Rabbis were convinced that service attendees would leave the synagogue after the conclusion of Yom Kippur and proceed directly to an illicit sexual encounter! Thus, *Mishnah Taanit* 4:8:

Rabban Shimon ben Gamliel used to say: The happiest days [on the Jewish calendar] for Israel were the fifteenth of Av and the Day of Atonement. For on those days the daughters of Jerusalem would go out dressed in white. . . . And what did they used to say? “Young man, lift up your eyes and select for yourself [a wife].”

1. According to this text, Yom Kippur afternoon was a time of intense joy and celebration. For the Rabbis of the Mishnah, it was

natural to celebrate the joy of the conclusion of Yom Kippur by encouraging young people to go out into the hills of Jerusalem to meet each other. Therefore *M'gilah* 31a indicates Leviticus 18 as the *Minchah* Torah reading: as a reminder to those revelers about boundaries not to be transgressed.¹⁰

2. Bernard Zlotowitz, writing in *CCAR Journal* in 1975, creatively argues that Leviticus 18 and the rest of the High Holy Day scriptural readings might be understood in the context of a commentary on Christianity. Zlotowitz asserts:

The Rabbis included *arayot* [and the other High Holy Day scriptural readings] primarily as an attack against Christianity. Paul had taught that once Jesus came, the Law was no longer obligatory. Such rituals as circumcision, dietary laws, and Sabbath need no longer be observed. But certain early Christians, in their zeal to overthrow the Torah, rejected the moral as well as the ceremonial law. . . . Under the circumstances, what would be more natural as a Scripture lesson for Yom Kippur than *arayot* as an anti-Christian polemic? Proper sexual behavior was the very foundation of Jewish family survival. . . . In the context of the times, this passage was certainly another natural refutation of Christianity.¹¹

3. Ismar Elbogen, in a footnote buried in the back of his *Jewish Liturgy: A Comprehensive History*, explains, “They would read Lev. 18 as a continuation of the morning pericope [Leviticus 16].”¹² Plainly, he observes that the Rabbis of *M'gilah* 31a designated Leviticus 18 as the Torah reading on the afternoon of Yom Kippur because they saw it as the logical “continuation” of that which had been read in the morning.¹³

Now that our survey of traditional explanations for Leviticus 18 is complete, let us survey the non-Orthodox *machzorim* of the last century to witness how those who came before us chose to navigate this question. To begin with, let us note how indebted we are to Zlotowitz¹⁴ for his comprehensive survey of liberal liturgies through the mid-twentieth century. The chart on the next page summarizes his findings with regard to Yom Kippur afternoon Torah readings:

Machzor Title	Year Published	Location	Torah Reading
<i>Seder HaAvodah</i> ¹⁵	1841	Hamburg	Lev. 18
<i>Olatb Tamid</i> (Einhorn)	1858	USA	Lev. 19:1–37
<i>Minhag America</i> (Wise)	1866	USA	Exod. 32:11–14; 34:1–10
<i>Avodath Israel</i> (Szold and Jastrow)	1873	USA	Lev. 19:1–18
<i>Seder HaAvodah</i>	1904	Hamburg	Lev. 19:1–18
<i>Seder T'filah</i>	1908	Stuttgart	Lev. 18
<i>Gebetbuch fuer die Neue Synagoge</i>	1922	Berlin	Lev. 19:1–18
<i>Union Prayer Book</i>	1922	USA	Exod. 33:12–34:10
<i>Liberal Jewish Prayer Book</i>	1923	London	Lev. 19:1–4, 19:9–18
<i>Forms of Prayer</i>	1929	London	Deut. 30:1–20
<i>Union Prayer Book</i>	1945	USA	Lev. 19:1–4, 19:9– 18, 19:33–37

Unfortunately, there are few sources at our disposal that indicate *why* these *machzorim* made the choices that they did. We can only speculate that the content of Leviticus 18 was not edifying¹⁶ in some way to the nine communities who chose to indicate new Torah readings.

The inclination to ignore *M'gilah* 31a and its advice about Leviticus 18 is a trend that has persisted in all of the following liberal *machzorim* of the last few decades:

- Our own *Gates of Repentance* (1984) offers only one choice for the reading (largely following the *Union Prayer Book* of 1945): Leviticus 19:1–4, 9–18, 32–37. Although *Gates of Repentance* does not include marginalia/commentary within the book itself, we do have access to Lawrence Hoffman's *Gates of Understanding* 2 for context on how some of the key editing decisions were made. Regarding the issue before us, Hoffman writes:

We saw above that Reform practice prefers Torah and Haftarah readings with themes appropriate to the spiritual expectations of modern worshippers. On Yom Kippur morning, for example, we read Deuteronomy 29–30, on human responsibility, rather than the traditional selection, Leviticus 16, which describes sacrifice. Here, too, it has been customary for us to replace the traditional reading of Leviticus 18 with selections from Leviticus 19, which is part of what Bible scholars call the Holiness Code. It details a series of ethical actions entailed in our striving for holiness.¹⁷

Note that *Gates of Understanding* 2 does not specify which of the many problematic elements of Leviticus 18 fail to meet the “spiritual expectations of modern worshippers” threshold.¹⁸

- For its Yom Kippur afternoon Torah reading, *Forms of Prayer* (Reform Synagogues of Great Britain, 1985) follows in the footsteps of its forebears by choosing Deuteronomy 30:8–20.¹⁹
- *On Wings of Awe* (B’nai B’rith Hillel Foundations, 1985), edited by Richard Levy, denotes Leviticus 18 as the primary reading and Leviticus 19:1–18, 32–37 as an “alternative reading.”²⁰
- *Kavvanat HaLev* (IMPJ, 1988–1989) offers Leviticus 19:1–18. And *Kol HaNeshamah: Prayerbook for the Days of Awe* (Reconstructionist Press, 1999) indicates the same reading, with the caveat: “Some communities that have not read *Nitzavim* (Deut. 29:9–30:20) in the morning may choose to substitute it here.”
- *Machzor Ruach Chadashah* (Liberal Judaism [UK], 2003) suggests the same reading as *Gates of Repentance*. The editors explain their reasoning in the Notes section at the back of the prayer book: “In common with many Progressive *machzorim*, we replace the traditional reading from the Torah for YK afternoon, Lev. 18, with this selection from that section of Leviticus known as the Holiness Code, whose moral *dicta* are so appropriate to this day.”²¹

Breaking the Silence

A few words must be offered here as to why this author believes that the liturgical strategy of simply offering an alternative Torah reading is inadequate on Yom Kippur afternoon. To be sure, I would generally affirm the longstanding Reform practice of choosing liturgical/lectionary selections that meet the “spiritual expectations of modern worshippers” (as Hoffman puts it). As a proud Reform clergyperson, that methodology is an important part of my rabbinate.

I would argue here, however, that Leviticus 18 (on Yom Kippur afternoon) is an extraordinary example of a reading that cannot be washed away so quickly. We are faced with a double challenge: an occasion that demands that we be even more mindful than usual of our liturgical choices; and a confrontation with the subject of homophobia, and the intolerance that it has engendered over two and a half millennia.

To read an alternate selection of Torah without explaining why the alternate reading was chosen (which is exactly what *Gates of Repentance* and all of the rest of the *machzorim* cited above do) is problematic. To do so is to argue with the Torah: in silence, and from silence. And this argument from silence, like so many others, is not convincing. It simply ignores the pain of our GLBTQ friends by pretending that Leviticus 18:22 does not exist,²² and it does not address the problems that the text raises.

Some of my colleagues will suggest that the exact opposite is true: that choosing an alternative reading on Yom Kippur afternoon in the twenty-first century does in fact address the problem at hand. For they would argue that an alternative reading is done, *davka*, out of respect for our GLBTQ friends and their allies (so as to shield them from the pain that might be caused by having to listen to Leviticus 18). But I would humbly and respectfully disagree with this assertion. To do an alternative reading without acknowledging why—without critiquing 18:22 out loud—is to miss an opportunity to do more substantial *tikkun*: to redeem our sacred but flawed Torah and bring a small measure of healing to the members of our community who have suffered under the

heterocentrism of our Jewish and secular cultures. Steven Greenberg articulates this so much more effectively, when he writes:

But while I do not wish to minimize the pain of the thousands before us who were tormented by these bits of ink and parchment, I believe these words to be a site of reckoning and of potential redemption. The Hebrew name of the Book of Leviticus, Vayikra, roughly means, “And the Lord called.” So, let us imagine that we are now all called upon to stand before the open scroll, to read, and to be read.²³

To seek “reckoning” and “potential redemption”—isn’t that what Yom Kippur is all about? How does silently acquiescing to a more tasteful Torah reading bring that about? Wittgenstein postulated that “what we cannot speak about we must pass over in silence.” That may be true. But we *can*, and must, speak about Leviticus 18. We must speak the truth and call the Torah what it is: a holy but imperfect document.²⁴

A minimalist approach to this strategy might mimic the practice of Congregation Beth Chayim Chадашим (BCC), a URJ-affiliated synagogue that seeks to sustain “a Jewish community for gay, lesbian, bisexual and transgender Jews, while welcoming all who wish to make community.”²⁵ Lisa Edwards reports that it is BCC’s practice to read Leviticus 19, but to “always” mention the traditional practice of reading Leviticus 18 on Yom Kippur afternoon.²⁶ Even as BCC follows *Gates of Repentance* in not reading Leviticus 18, they have broken the silence by offering a soft rebuke of it.

Plaskow, Not *P'shat*

Two recent non-Orthodox *machzorim* choose a more aggressive approach. They have both designated Leviticus 18 as the primary Torah reading. But, to accompany those readings, these *machzorim* offer commentaries and marginal notes. Their pairing of Torah text with modern commentary asserts that it is possible to read Leviticus 18 on Yom Kippur *and* be sensitive to the needs of our GLBTQ members and their allies at the same time.

Mahzor Hadesh Yameinu (Ronald Aigen, 2001) is one such example. The *machzor* was written by the rabbi of Canada's oldest Reconstructionist synagogue (Congregation Dorshei Emet). There we find that the primary Torah reading for Yom Kippur afternoon is Leviticus 18. An alternate reading (Lev. 19:1–18) is also offered.

Leviticus 18 might seem like a surprising choice, given the Reconstructionist Movement's long history²⁷ of welcome/openness to lesbian and gay congregants. Note, however, how the *machzor* seeks to offer an alternative understanding of Leviticus 18. Here is what Aigen writes for the explanatory note that accompanies 18:22:

The term *to'eivah*, “abhorrence,” is used in the Torah to describe a wide variety of objectionable practices, from forbidden eating practices (Genesis 43:32); to the prohibition of remarrying a divorced wife if she had subsequently married and been divorced from a second man (Deuteronomy 24:4); as well as the proscription against using unjust weights and measures (Deuteronomy 25:16). In all these cases, the term *to'eivah* refers to behaviors which are assumed to be learned and volitional. The biblical view of homosexuality did not share the contemporary understanding of sexual orientation, whether heterosexual or homosexual, as a biological given. It is on the basis of this understanding of homosexuality that contemporary liberal communities have declared that the biblical category of *to'eivah* should no longer apply in this case. Homosexual males and lesbian females ought not to be condemned for who they are, but rather fully included in the life of the community together with their partners and children.²⁸

A similar strategy of printing progressive commentary on the margins of the traditional lectionary reading can be found in *Machzor Lev Shalem* (Rabbinical Assembly, 2010). In addition to appropriate historical and anthropological explanations of Leviticus 18, the *machzor* quotes a passage by Elliot Dorff on the connection between our own individual (sexual) choices and the way that those ethical choices reflect on the rest of the Jewish people: “In this, as in other areas of life, our actions should be a *kiddush hashem*, a sanctification of God’s name.”²⁹ The *machzor* then goes out of its way (like *Hadesh Yameinu*) to address 18:22

and the overriding question of the status of lesbians and gays by offering two important pieces of commentary contributed by Judith Plaskow.

Here, we must note the significant influence that Plaskow's 1997 article "Sexuality and *Teshuvah*: Leviticus 18"³⁰ had on the editors of both *Hadesch Yameinu*³¹ and *Machzor Lev Shalem*.

Plaskow begins that piece by situating herself:

As someone who has long been disturbed by the content of Leviticus 18, I had always applauded the substitution of an alternative Torah reading—until a particular incident made me reconsider the link between sex and Yom Kippur. After a lecture I delivered in the spring of 1995 on rethinking Jewish attitudes toward sexuality, a woman approached me very distressed. She belonged to a Conservative synagogue that had abandoned the practice of reading Leviticus 18 on Yom Kippur, and as a victim of childhood sexual abuse by her grandfather, she felt betrayed by that decision. While she was not necessarily committed to the understanding of sexual holiness contained in Leviticus, she felt that in quietly changing the reading without communal discussion, her congregation had avoided issues of sexual responsibility altogether.³²

Plaskow goes on to argue that Yom Kippur is an occasion for Jewish communities to "connect the theme of atonement with issues of behavior in intimate relationships." Like Rashi, Plaskow privileges sexual acts by putting them into a category that deserves special attention on our Day of Atonement. All of this in the hope of bringing a greater sense of healing to victims, perpetrators, and our communities.

Plaskow suggests that Leviticus 18 can be a valuable teaching tool. The text, she argues, has the ability to prompt important and frank conversations. For Plaskow, the possibility of these conversations is not limited to sexual abuse; rather, she reminds us that Leviticus 18 can be a useful opening for reflections on sexuality and on sexual ethics in general. Each in their own way, *Hadesch Yameinu* and *Machzor Lev Shalem* (as well as Levy 1985, through his translation of 18:22) have sought to do this. Using strategically chosen commentary (in *Lev Shalem*'s case there are two selections³³ borrowed from Plaskow's

article), the editors of these *machzorim* have indicated to worshipers that the Torah text has something to offer us that goes beyond the offensive and problematic *p'shat*.

Plaskow reminds us that we have a choice. We need not avoid Leviticus 18 for fear of making our communities uncomfortable. For our tradition doesn't just give us permission to read this difficult text out loud. It also empowers us to *use* it: for our purposes and our agenda.

Plaskow suggests one possible use: coupling the reading with a conversation about sex ethics. To illustrate her vision, she appends a document to her article that summarizes her own *chavurah*'s values on this important topic. Selections from "The Su Kasha Ethic"³⁴ can be used as a study text in communities that might be open to that kind of creative discussion experience on Yom Kippur afternoon.

To take up Plaskow's suggestion (as *Lev Shalem* in particular has done)³⁵ would be a noble and worthwhile expression of *tikkun* and *t'shuva*h in and of itself. When we use Leviticus 18 for our purposes (rather than the purposes that are implicit in the *p'shat* reading of the text) we begin to redeem a broken and shameful text.

It is this author's contention, however, that *Hadesh Yameinu* and *Lev Shalem* could have gone further. The commentaries and marginal notes that they include do not adequately express the pain and hurt that so many generations of our gay and lesbian ancestors have suffered because of the close-mindedness of this text.

Thus, we are presented with an opportunity. As our new CCAR *machzor* is drafted, and as we come together to reimagine newly relevant, challenging, and uplifting High Holy Day worship, we don't just have the chance to follow in the worthy footsteps of *Hadesh Yameinu* and *Lev Shalem* by opening a conversation on Yom Kippur about Jewish sex ethics in general. We can also take up *Hadesh Yameinu* and *Lev Shalem*'s cause and move it one step forward: by having our new *machzor* instruct (or by worship leaders enabling) our communities to actively preach against the text.

Plaskow Redux: Preaching against the Text

Preaching against the text, by actively asserting that the Torah is (occasionally) wrong, is an approach that my homiletics teachers advised against at Hebrew Union College–Jewish Institute of Religion. At the time, it never occurred to me to question their advice. But since my ordination, I have come to conclude that there are many legitimate uses for such a methodology. First among them is an awareness on my part that preaching against the text affirms my progressive identity. Divine or Mosaic authorship are notions that are outside of my own theology. To assert human authorship of the Torah (as I do) is to admit that our text is sometimes flawed, just as we are.

I know that I am not alone in these beliefs among my Reform colleagues. Many, if not most, of my friends in the Reform rabbinate take these same principles for granted. Yet, how many liberal colleagues take the “risk” of preaching against the text when it violates an obvious core belief? All too often, we choose another part of the *parashah* to preach on instead, or cite a Rabbinic text³⁶ that tries to make something terribly problematic just disappear.³⁷

There is an established discourse on these matters in liberal Christian circles. For example, consider the work of the late Peter Gomes. Citing Roland Bainton, Gomes warns against “Protestant America’s bibliolatry, the worship of the text of scripture and its elevation as the sole norm of faith and practice.”³⁸ Gomes goes on to write:

In addressing a moral issue with both public and personal implications on the basis of Christian principles derived from a reading of the Bible, rather than simply on the basis of biblical practice and precedent, Bainton liberates us from a simpleminded bondage to texts whose context may be unrelated and unhelpful to our own. *In other words, to be biblical may well mean to move beyond the Bible itself to the larger principles that can be derived from Christian faith of which the Bible is a part, but for which the Bible cannot possibly be a substitute. To determine with what Christian principles one reads the Bible is to undertake an enterprise that requires more rather than less engagement with the Bible and with the cultures of its interpretation. It involves a*

rather daunting effort to see beyond the diversions of text and context, and of precedent and practice, and into the far more complex landscape of principle and teaching by which the whole is made considerably larger than the sum of its parts. Contrary to popular thinking, this invariably means giving more attention to the Bible, and more rather than less care to its study and interpretation.³⁹

Even though Gomes is writing from a Christian perspective, his teaching can easily be applied to our own faith. Note with care how he gently reminds us that our traditions and beliefs—our ultimate values—are bigger than the words of a single verse!

We know that to be true of our own Reform Judaism. We can easily articulate the Jewish values that inform our own sense of welcoming lesbian and gay Jews: a passionate belief in *b'tzelem Elohim* (being created in the image of God), the value of hospitality, and the notion of “loving our neighbors as ourselves” (to name a few).

Gomes argues that even as we would see that “the whole is made considerably larger than the sum of its parts,” we must have more, rather than less, “engagement” with the text. I would suggest that the most effective way to engage a problematic text (like 18:22) is to critique it, or to preach against it. Doing so allows us to engage with it, and see beyond it, at the very same time.

An authentically Jewish discourse on this aspect of homiletics is virtually nonexistent. Indeed, I initially failed to turn up a single reference to a source that explores a Jewish notion of “preaching against the text.” My findings were confirmed by two experts in the field.⁴⁰

I subsequently was able to identify one article on the subject. It, too, was authored by Judith Plaskow.

Her article, adapted from the 1997 ordination sermon that she delivered in Cincinnati, is aptly titled “Preaching Against the Text.”⁴¹ In it, she addresses the question of why a *darshanit* (one delivering a sermon) might choose to speak against a problematic piece of Torah, instead of “emphasizing the positive.” She writes:

My first answer to this question is that it is intellectually dishonest to focus simply on the positive aspects of tradition. Individual religious ideas and values have contexts; they are connected to other ideas. They are parts of systems that seek to express and establish particular worldviews. Why engage with tradition if we're not prepared to look at the ways it shapes us for good and for evil? . . . To wrench what we like out of context and ignore the rest is to engage in a kind of pretense, to act as if we were deriving our values from tradition when what we are actually doing is seeking support for our own convictions.

Such intellectual dishonesty might be excused were it to serve a spiritual purpose. But I would argue that failure to grapple with the hard parts of tradition is spiritually and socially corrosive because it leaves destructive ideas intact to shape our consciousness and affect our hearts and minds.⁴²

Plaskow goes on to spell out the relationship between preaching against the text and bringing about a sense of healing:

Remaining silent about the negative aspects of tradition not only leaves them to do their work in the world, it also deprives us of an important spiritual resource. In congregations, in Hillels, and in other places rabbis serve, many Jews are in pain. Sometimes they are in pain and feel they have been wounded directly by some aspect of Jewish tradition. More often, they have been hurt by injustices or abuse described and sometimes reinscribed by tradition, but not immediately attributable to its influence. In either case, what they frequently need and seek are not simply spiritual ideals they can counterpose to the bitterness of their experiences, but places to name and explore the contours and causes of their pain. . . . Viewed in this light, acknowledging those aspects of tradition that need to be repudiated and exorcised is a necessary moment in the process of creating something new.⁴³

Conclusion

Our movement is engaged, at this very moment, “in the process of creating something new.” Our colleagues on the *machzor* editorial committee are doing this formally, as they toil to produce a new text

for us. But the impending arrival of the new *machzor* means that we are newly empowered as well to wonder: what liturgical changes might we be moved to make on a local basis, to reflect the ultimate values of the institutions and communities that we are associated with?

Our liberal colleagues of decades and centuries past chose an alternative path for Yom Kippur afternoon by designating Torah readings from outside of Leviticus 18. Imagine how much more powerful our Yom Kippur afternoon services might be if we made a different choice: by reading Leviticus 18 (and verse 22 in particular) precisely so that we might preach against it. What might this look like, practically speaking? We might consider using the marginalia of our new *machzor* (or the creative handouts that some of us use on the High Holy Days) not just to put Leviticus 18 in its proper context, but also to grant permission to our communities to do any/all of the following:

1. Read/chant Leviticus 18 (or just 18:22) *sotto voce*. There is ample precedent in our tradition for adjusting the way we chant biblical text based on its content (and our interpretation of it). Just as we try to speed through the list of Haman's ten sons on Purim,⁴⁴ so too should we change the tone of our chanting here to reflect our objection to the words. Alternatively, we might chant the reading according to the trope of Lamentations to signify the "gloom and despair"⁴⁵ that we associate with the historical implications of 18:22's edict.
2. Arrange for an openly gay or lesbian member of the congregation/staff to chant the reading. Before or after the reading, we might give them the opportunity to say a few words about their journey and the context in which they continue to be drawn to Torah and Jewish life, even as we struggle with 18:22.
3. Empower a clergyperson or a respected lay leader to preach against the text by delivering a *d'rash* that would explicitly critique the biblical author for 18:22 and name the pain and hurt that our GLBTQ friends and relatives have suffered because of its hatefulness.

This approach will not be right for every Reform synagogue. But for those of us who are comfortable doing so, wouldn't this homiletic strategy be the one that would allow us to be most welcoming of GLBTQ Jews and their allies? Doesn't this strategy, more than the other two discussed here, enable us to clarify our values and begin to fix a text that seems inherently broken?

I conclude as Plaskow did, as she faced my colleagues who were ordained in 1997: "Confronting the hard places in tradition and in our lives is neither comfortable nor easy. But it is a necessary step in shaping a Judaism that is inclusive and life-giving, in continuity with tradition and yet responsive to the contemporary world."⁴⁶

That confrontation is the challenge that lies before us. Let us pray that we might all, each in our own ways and communities, find the wisdom and courage to face it.

NOTES

1. On a micro-level, every local *sh'yach tzibur* or rabbi is empowered to decide the Torah readings for their respective communities. On a macro-level, though, we acknowledge the unique influence that our CCAR *machzor* editorial committee wields, as it makes its own decision on this matter, thereby setting a "default" tone for the rest of the Movement. As of the writing of this article in the spring of 2011, the editorial committee had not begun discussing the Yom Kippur afternoon Torah reading in earnest (e-mail from Rabbi Edwin Goldberg on May 1, 2011).

2. Baruch A. Levine, *The JPS Torah Commentary: Leviticus* (Philadelphia: Jewish Publication Society, 1989), 117.

3. See Isaac Klein, *A Guide to Religious Practice* (New York/Jerusalem: JTSA, 1992), 380–88. Note how Klein omits all reference to homosexual intimacy and/or relationships (the aspect of Leviticus 18 that this paper is primarily concerned with). Compare that with the December 2006 CJLS-approved responsum/*takanot*: Elliot Dorff, Daniel Nevin, and Avram Reisner, "Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards"; Myron Geller, Robert Fine, and David Fine, "A New Context: The Halakhah of Same-Sex Relations"; and Gordon Tucker, "Halakhic and Metahalakhic Arguments Concerning Judaism and Homosexuality." All are posted on the "Jewish Law" section of www.rabbinicalassembly.org (viewed July 27, 2011).

4. Nosson Scherman, ed., *The Chumash: The Stone Edition* (Brooklyn: Mesorah Publications, Ltd., 1993), 653.

5. Resolution entitled “Human Rights of Homosexuals,” 45th General Assembly of the Union of American Hebrew Congregations, as posted on www.urj.org (viewed April 1, 2011). See also the resolution entitled “Rights of Homosexuals” passed at the 1977 CCAR Convention, as posted on www.ccar.net.org (viewed April 1, 2011).

6. Tamara Cohn Eskenazi and Andrea L. Weiss, eds., *The Torah: A Women’s Commentary* (New York: URJ Press and Women of Reform Judaism, 2008), 692.

7. Adin Steinsaltz, *A Guide to Jewish Prayer* (New York: Schocken Books, 2000), 208.

8. Nahum Rakover, *A Guide to the Sources of Jewish Law* (Jerusalem: The Library of Jewish Law, 1994), 59.

9. S. Y. Agnon, ed., *Days of Awe: A Treasury of Jewish Wisdom for Reflection, Repentance, and Renewal on the High Holy Days* (New York: Schocken Books, 1995), 262. See also Lawrence A. Hoffman, *Gates of Understanding 2: Appreciating the Days of Awe* (New York: Central Conference of American Rabbis, 1984), 145: “Why this [Leviticus 18] should have become the reading for Yom Kippur is unclear, but a traditional view, offered, for example, in 1917 by J. D. Eisenstein, is this: ‘On Yom Kippur even the most profligate sinners come to synagogue, those who do not come again all year round, so that they must be warned against illicit sexual relations.’”

10. Dr. Richard Sarason cautions that we not read too much into the possible relationship between the *Taanit* mishnah and the *M’gilah* gemara. The author(s) of the mishnah were recalling a pre-70 CE practice (of going out into the hills on Yom Kippur). According to Sarason, it would be historically inaccurate to presume that that practice was still occurring during the amoraic period (e-mail from Dr. Richard Sarason, May 25, 2011).

11. Bernard M. Zlotowitz, “The Torah and Haftarah Readings for the High Holy Days,” *CCAR Journal* 91 (Fall 1975): 102–3. Reprinted in Hara E. Person and Sara Newman, eds., *Machzor: Challenge and Change* (New York: CCAR Press, 2010), 137–49.

12. Ismar Elbogen, *Jewish Liturgy: A Comprehensive History*, trans. Raymond P. Scheindlin (Philadelphia and New York/Jerusalem: JPS and JTSA, 1993), 423n72. Similarly, the 2007 edition of *Encyclopaedia Judaica* (vol. 5, p. 489) notes, “During the afternoon service three men are called to the reading of the Torah of Leviticus 18, which deals with incest prohibitions (and which is a continuation of the morning reading of the Torah according to the ancient custom which still exists in Italy).”

13. The choice of Leviticus 16 for the traditional Yom Kippur morning reading makes much more sense: Leviticus 16 contains the details of the ancient cultic observance of Yom Kippur. In my research, I did not encounter any sources to explain why (according to this explanation) Leviticus 17 would be omitted from Yom Kippur Torah readings.

14. Zlotowitz, “The Torah and Haftarah Readings,” 95–98. Sarason adds to this data: “High Holy Day scriptural readings were not altered in the earliest European Reform prayer books (Hamburg, West London, Geiger), excepting that of the radical Berlin *Reformgemeinde*; that began in the 1850s in America. The traditional readings are also kept in most Conservative *machzorim* (although the Jules Harlow *machzor* of 1972 gives Lev. 19 as an alternative reading in the afternoon!)” (e-mail from Dr. Sarason, May 25, 2011).

15. Zlotowitz omits *machzor* title. See instead Michael A. Meyer, *Response to Modernity: A History of the Reform Movement of Judaism* (Detroit: Wayne State University Press, 1988), 422n61.

16. As Hoffman points out, there are plenty of aspects of Leviticus 18 that are problematic, outside of the sphere of our GLBTQ concerns. This project, however, is devoted to addressing GLBTQ concerns in particular.

17. Hoffman, *Gates*, 145.

18. According to an e-mail conversation with Hoffman (April 12, 2011), no one on the *Gates of Repentance* editorial committee ever seriously considered including Leviticus 18 as the Yom Kippur afternoon Torah reading. In his words: the issue “was moot from the start.” To them, it seemed obvious that the reading shouldn’t be included. Furthermore, Hoffman indicated that GLBTQ concerns were not a factor in their decision-making process: “I do not, however, recall much (or any, for that matter) concern altogether re GLBTQ back then. This was a time when feminism was still sexist language, for goodness sake, because too many people thought God talk still had to be masculine and hierarchical. GLBTQ was an acronym no one had heard of.”

19. Jonathan Magonet and Lionel Blue, eds., *Forms of Prayer for Jewish Worship: Prayers for the High Holydays* (London: the Reform Synagogues of Great Britain, 1985), 976–85. Note from the Editors’ Introduction: “While this liturgy was being revised, another revision was taking place in the attitudes of the society which it serves, concerning sexual injustice in general and women’s rights in particular” (pp. ix–x). To what extent did these societal “revisions” make it easier for the editorial committee of *Forms of Prayer* to ignore Leviticus 18? The *machzor* does not say.

20. Richard N. Levy, *On Wings of Awe: A Machzor for Rosh Hashanah and Yom Kippur* (Washington, DC: B’nai B’rith Hillel Foundations, 1985), 414–19. See especially p. 417 for Levy’s thoughtful translation of Lev. 18:22, in which he seeks to offer both a literal *and* interpretive take: “You shall not lie with a man as with a woman; it is an abhorrence (or, an emulation of the practices of pagan religion).” This article would be incomplete without also acknowledging the recent revision (after this article was written) of Levy’s *On Wings of Awe* (Jersey City, NJ: Ktav Publishing House, Inc. in association with Hillel: The Foundation for Jewish Campus Life, 2011). Interestingly, Leviticus 18 is not offered as an option in the revised edition. Instead, worshipers are directed to read Leviticus 19:1–18, 32–37 (pp. 510–12). In a private e-mail exchange, Levy reflected on Leviticus 18: “I included it in the original edition because the book was intended to be used by Hillel students from a variety of backgrounds, including those which customarily read that chapter in the afternoon, but in revising the book I felt that encountering Leviticus 18:22 can be taken as an insult by LGBTQ students, their friends, family, and supporters.” In our exchange, Levy went on to argue that Yom Kippur is not an appropriate day to do the kind of *tikkun* that this author calls for here. Levy wrote, “To turn our attention from work on ourselves to critiques of others distracts us from the *tikkun* we need to do with our own souls. Yom Kippur is also a day when we need to re-commit ourselves to the study and practice of Torah—and to embark on a critique of Torah distracts us from the commitment as well” (e-mail from Rabbi Richard Levy on December 12, 2011).

21. *Machzor Ruach Chadashah* (London: Liberal Judaism, 2003), 499, with thanks to Sheryl Stahl of HUC’s Los Angeles library for helping me to track down this text.

22. I wonder if this argument from silence does not also run the risk of unintentionally ignoring GLBTQ Jews. Yes, our alternative reading is not explicitly offensive to gays and lesbians. But it also ignores the reality of gay life in our communities.

23. Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Madison: University of Wisconsin Press, 2004), 76.

24. See, for example, Neil Gillman, *Sacred Fragments: Recovering Theology for the Modern Jew* (Philadelphia: Jewish Publication Society, 1990), 31–32: “As for revelation, if we are serious in affirming that no myth is a fiction, then we have in the same breath affirmed both the principle and the fact of revelation. . . . The thesis that Torah contains the classic Jewish mythic explanation of one community’s experience of the world, is clearly still a third version of what we have called the middle option on revelation. . . . In this extended sense, myth and *midrash* share many characteristics. Both are culturally conditioned, human renderings of realities that lie beyond direct human apprehension. Both exhibit startling continuities and equally surprising discontinuities as they move through history. As long as the community that shapes them remains vital, it will determine what it wishes to keep and what it prefers to discard and reshape in the light of its ongoing experience.” Like so many of my Reform colleagues, I agree that 18:22 should be “discarded.” I believe, admittedly paradoxically, that the best way to do that is by reading it out loud on Yom Kippur afternoon: to affirm the (whole) myth of our people, and to “discontinue” a part of that myth at the very same time (by publicly critiquing it).

25. <http://www.bcc-la.org/content/about/> (viewed May 10, 2011).

26. E-mail correspondence with Rabbi Lisa Edwards (April 8, 2011).

27. See the “JRF Homosexuality Report and Inclusion of GLBTQ Persons,” <http://jrf.org/node/1742> (viewed April 13, 2011).

28. Ronald Aigen, *Mahzor Hadesch Yameinu: Renew Our Days—A Prayer-Circle for Days of Awe* (Hampstead, Quebec: Ronald Aigen, 2001), 666.

29. Edward Feld, ed., *Machzor Lev Shalem* (New York: The Rabbinical Assembly, 2010), 363.

30. Judith Plaskow, “Sexuality and *Teshuvah*: Leviticus 18,” in *Beginning Anew: A Woman’s Companion to the High Holy Days*, ed. Gail Twersky Reimer and Judith A. Kates (New York: Touchstone, 1997), 290–302. Reprinted in Judith Plaskow, *The Coming of Lilith: Essays on Feminism, Judaism, and Sexual Ethics, 1972–2003*, ed. with Donna Berman (Boston: Beacon Press, 2005), 165–77. Citations below will reference the 2005 edition.

31. Aigen, *Hadesch Yameinu*, 656. With thanks to Rabbi Aigen for directing my attention to his introduction to the *Minchah* service (e-mail with Rabbi Ron Aigen, April 14, 2011), which invokes some of Plaskow’s themes.

32. Plaskow, “Sexuality,” in *The Coming of Lilith*, 166.

33. Feld, *Machzor Lev Shalem*, 363–64.

34. Plaskow, “Sexuality,” in *The Coming of Lilith*, 175–77.

35. Feld, *Machzor Lev Shalem*, 364.

36. For example, Rabbi Shimon’s comment (Babylonian Talmud, *Sanhedrin* 71a) regarding the wayward and rebellious son: “In truth, the rebellious and defiant son never existed and never will exist. Why, then, was the account about him written? So that you will expound the possible reasons for such misconduct and receive a reward for doing so.”

37. There are exceptions to this generalization, of course. We might situate certain aspects of Jewish feminism (to name a recent example) within this phenomenon. And if we are seeking individual colleagues who embrace this methodology as a regular homiletic approach, I would name Dr. Marc Saperstein as a noteworthy example. See some of his writing on the website of Leo Baeck College: <http://lbc.reformjudaism.org.uk/SermonsPapers/sermons-a-papers.html>, especially his 2010 and 2011 Shabbat Zachor sermons, as well as the one entitled “My Least Favourite Biblical Verse” (e-mail correspondence with Dr. Marc Saperstein, April 14, 2011) (sermons viewed on May 4, 2011).

38. Peter J. Gomes, *The Good Book: Reading the Bible with Mind and Heart* (New York: William Morrow and Company, Inc., 1996), 81. I am grateful to Professor Barbara Lundblad of Union Theological Seminary for her reference to Gomes.

39. Ibid., 82 (emphasis added).

40. E-mail correspondence with Dr. Marc Saperstein (April 14, 2011) and Rabbi Margaret Moers Wenig (April 15, 2011).

41. Judith Plaskow, “Preaching Against the Text,” in *The Coming of Lilith*, 152–56.

42. Ibid., 155.

43. Ibid., 155–56.

44. Joshua R. Jacobson, *Chanting the Hebrew Bible: Student Edition* (Philadelphia: Jewish Publication Society, 2005), 165.

45. A. W. Binder, *Biblical Chant* (New York: Sacred Music Press / HUC-JIR School of Sacred Music, 1959), 100, with thanks to Cantor William Tiep for referring me to Binder.

46. Plaskow, “Preaching,” in *The Coming of Lilith*, 156.

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