

Parashat Aharei Mot: Live By Them

Rabbi Joshua Rabin, Astoria Center of Israel, Astoria, New York¹

Vayikra 18:5	
וּשְׁמַרְתֶּם אֶת־חֻקֹּתַי וְאֶת־מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אֲתָם הָאָדָם וְחַי בָּהֶם אֲנִי יְהוָה: {ס}	You shall keep My laws and My rules, by the pursuit of which human beings shall live: I am יהוה.

Bavli Avodah Zarah 27b	
וחי בהם ולא שימות בהם	The verse “ he shall live by them ” teaches that one should live by God’s mitzvot, and not die by them .

1. “Live By Them” in the Talmud

Bavli Avodah Zarah 3a	
ולא והתניא היה רבי מאיר אומר מנין שאפילו עובד כוכבים ועוסק בתורה שהוא ככהן גדול תלמוד לומר (ויקרא יח, ה) אשר יעשה אותם האדם וחי בהם כהנים לויים וישראלים לא נאמר אלא האדם הא למדת שאפילו עובד כוכבים ועוסק בתורה הרי הוא ככהן גדול	And are they not rewarded for fulfilling those mitzvot? But isn’t it taught in a <i>baraita</i> that Rabbi Meir would say: From where is it derived that even a gentile who engages in Torah study is considered like a High Priest? The verse states: “You shall therefore keep My statutes and My ordinances, which if a person do, and shall live by them ” (Leviticus 18:5). It is not stated: Priests, Levites, and Israelites, but rather the general term “person.” From here, you learn that even a gentile who engages in the study of Torah is like a High Priest. This demonstrates that gentiles are rewarded for fulfilling mitzvot, even though they are not commanded to do so.

Bavli Sanhedrin 74a	
ועבודת כוכבים לא והא תניא א"ר ישמעאל מנין שאם אמרו לו לאדם עבוד עבודת כוכבים ואל תהרג מנין שיעבוד ואל יהרג ת"ל (ויקרא יח, ה) וחי בהם ולא שימות בהם	The Gemara asks: And should one not transgress the prohibition of idol worship to save his life? But isn’t it taught in a <i>baraita</i> : Rabbi Yishmael said: From where is it derived that if a person is told: Worship idols and you will not be killed, from where is it derived that he should worship the idol and not be killed? The verse states: “You shall keep My statutes and My judgments, which a person shall do, and he shall live by them ” (18:5), thereby teaching that the mitzvot were given to provide life, but they were not given so that one will die due to their observance .

¹ All translations are from Sefaria, unless otherwise noted.

Bavli Yoma 85b

רבי שמעון בן מנסיא אומר: "וְשָׁמְרוּ בְּנֵי יִשְׂרָאֵל
אֶת הַשַּׁבָּת", אָמְרָה תוֹרָה: חֵלֶל עָלָיו שַׁבָּת אַחַת
כְּדִי שִׁשְׁמֹר שַׁבָּתוֹת הַרְבֵּה. אָמַר רַב יְהוּדָה אָמַר
שְׁמוּאֵל: אִי הוּא הַתָּם, הִנֵּה אָמִינָא דִּידִי עָדִיפָא
מִדִּידֵהוּ: "וְחִי בָהֶם" — וְלֹא שְׁיָמוּת בָּהֶם.

Rabbi Shimon ben Menasya said: It is stated: **"And the children of Israel shall keep Shabbat**, to observe Shabbat" (Exodus 31:16). **The Torah said: Desecrate one Shabbat on his behalf so he will observe many Shabbatot.** Rav Yehuda said that Shmuel said: If I would have been **there** among those Sages who debated this question, **I would have said that my proof is preferable to theirs**, as it states: "You shall keep My statutes and My ordinances, which a person shall do **and live by them**" (Lev. 18:5), **and not that he should die by them**. In all circumstances, one must take care not to die as a result of fulfilling the mitzvot.

2. Torah Is Not A Suicide Pact

Book of Maccabees I 2:30-44

Then many that sought after justice and judgment went down into the wilderness, to dwell there: Both they, and their children, and their wives; and their cattle; because afflictions increased sore upon them. Now when it was told the king's servants, and the host that was at Jerusalem, in the city of David, that certain men, who had broken the king's commandment, were gone down into the secret places in the wilderness, They pursued after them a great number, and having overtaken them, they camped against them, and made war against them on the sabbath day.

And they said unto them, Let that which ye have done hitherto suffice; come forth, and do according to the commandment of the king, and ye shall live. But they said, We will not come forth, neither will we do the king's commandment, to profane the sabbath day So then they gave them the battle with all speed. Howbeit they answered them not, neither cast they a stone at them, nor stopped the places where they lay hid; But said, Let us die all in our innocency: heaven and earth will testify for us, that ye put us to death wrongfully. So they rose up against them in battle on the sabbath, and they slew them, with their wives and children and their cattle, to the number of a thousand people. Now when Mattathias and his friends understood hereof, they mourned for them right sore. And one of them said to another, If we all do as our brethren have done, and fight not for our lives and laws against the heathen, they will now quickly root us out of the earth. At that time therefore they decreed, saying, Whosoever shall come to make battle with us on the sabbath day, we will fight against him; neither will we die all, as our brethren that were murdered in the secret places.

Robert Cover, "Nomos and Narrative," in *Narrative, Violence, and the Law*, 95-96

No set of legal institutions or prescriptions exists apart from the narrative that locate it and give it meaning. For every constitution, there is an epic, for each Decalogue, a scripture.

Rabbi Steven Greenberg, *Wrestling With God & Men: Homosexuality in the Jewish Tradition*

In fact, my coming out was largely ignored by the organized Orthodox community. The worst written statement came from a rabbinic scholar at Yeshiva University who was asked to respond to my announcement. He replied that a gay Orthodox rabbi is an absurdity as inconceivable as an Orthodox rabbi who eats cheeseburgers on Yom Kippur. There is no such thing as a gay Orthodox rabbi...

[In response,] I wrote that while commitment to halakhic norms is central to the definition of Orthodoxy, the rabbi's comparison was absurd. Human sexuality is not a gastronomic whim, and lifelong intimacy is not a cheeseburger. Nobody jumps off a bridge because he or she is deprived of cheeseburgers. No one sinks into clinical depression or submits to electroshock therapy for the sake of a ham sandwich.