

Illegal Parking – Parashat Kedoshim

Nobel Prize winner Gary Becker was running late for an important meeting one morning when he chanced upon an illegal parking spot, far closer to where he was situated than the municipal garage towards which he had been slowly making his way. An economist through and through, Becker quickly computed the rough probability of getting caught in the unlawful location and multiplied it by the approximate fee of the potential fine; then, with such a cost-benefit analysis completed, he decided that the financial risk was worth it in this situation and made a calculated decision to commit the improper act. I don't know whether Becker, indeed, ended up with a ticket that morning or whether he made it through the day scot-free. But this chance incident turned the professor on to an interest in criminology, surmising that other illicit acts, too, might be rationally weighing such factors as possibility of apprehension and harm of punishment against things like potential gain and current opportunity (or lack thereof). All this, of course, points at the larger existential question of why and what we choose – not only the thieves and thugs amongst us, but also the ordinary, everyday folk. Is behavior undertaken based upon logical considerations, motivated by promise of reward and threat of punishment? Or are there grander ethical principles to which we consider ourselves beholden, choosing right because it is the right thing to do?

“Kedoshim t’hiyu” – we read in this week’s Torah portion, *Parashat Kedoshim*. “You shall be holy for I, the Lord your God, am holy.” Without being too sacrilegious, I’ve sometimes felt that this iconic line of Scripture reads a little like one of my parents’ most exasperating retorts from childhood when, upon being asked “why” my brother and I had to do something we invariably didn’t want to do, the answer would come back, “Because I’m the Mom and I said so.” On the face of it, *kedoshim t’hiyu* is a reason

without a reason, an explanation that doesn't really explain very much. What does it mean that God is holy? And why should that holiness make particular demands upon us as human beings?

To begin with we notice that whatever "holiness" is, it seems to be located very much in the realm of human action and behavior for what encompasses the bulk of *Parashat Kedoshim* is a set of extensive and far-ranging laws. Holiness may sound abstract and amorphous but it's actually quite concrete, according to Torah, it's lived out in the choices that we make each day. Not only that, but the particular laws described in our *parasha* are not relegated only to what one might typically think of as "religious" – rules about sacrifice and keeping Shabbat and refraining from worshiping false gods, although these *mitzvot* do find expression in our *parasha*. Rather, "holiness" includes something much broader – something related not just to how we treat our God but also to how we treat our fellow human beings – providing for the poor, paying laborers on time, honoring the elderly and those with disabilities, being fair and impartial in matters of justice. Many of us will know from personal experience the "pious" individual who dutifully attends services three times a day and scrupulously observes kashruth only to be dishonest in business dealings or neglect his aging parents. This, asserts Torah, is a false kind of piety. Holiness makes demands on the entirety of our being. It governs how we act at work, at home, in the supermarket, and on the street just as much as it governs how we act in the synagogue.

The fact that *Parashat Kedoshim* contains both *mitzvot bein adam l'Makom* (commandments between human beings and God) and also those *bein adam l'chavero* (commandments between one human being and another) is significant not only because it places ethical behavior squarely in the sphere of religious concern but for another reason as well. And here, it is instructive to return to Becker's example of the illegal parking spot – the idea that unlawful behavior may be chosen on the basis of rationality rather than on the basis of ethics. While most of us, probably, feel comfortable with the

choice that Becker made in this situation – his willingness to gamble on getting caught and accept the consequences if necessary – I would imagine that we would feel quite differently if the crime that Becker was contemplating was not illegal parking but rather theft, adultery, or murder. Illegal parking is, for the most part, a victimless crime and it's not a breach of "morality" per se but rather of social convention; we restrict parking to certain areas to help our communities function more efficiently rather than to uphold grand ideas of "right" and "wrong." One can choose to park illegally, get caught and pay a fine, and still have no real blood on her hands – we don't think of an individual as morally impugned by this act. Not so in Torah! Here, even committing a victimless crime – eating a sacrifice of well-being on the third day, practicing divination, breaking Shabbat; these are all acts that take us out of the realm of being holy according to our *parasha*. It is possible, of course, to argue that acts such as these do in fact have a wronged party – the aggrieved is none other than God Godself who did not command such things only to have them ignored. But I rather think that Torah is making a larger statement about right behavior and what it is that should motivate our actions in this world. We should do good because it is the good thing to do, even if no one would necessarily be hurt by our choosing otherwise. Torah laws cannot be rationalized away by an economist's cost-benefit analysis.

The laws in *Parashat Kedoshim* are reminiscent, in many ways, of the greatest legal section in our Torah – the 10 Commandments. While the *mitzvot* in our *parasha* are found in different order than back in the book of Exodus, many of them are indeed there – honoring one's parents, keeping Shabbat, refraining from idolatry, theft, and false oaths – and both texts are punctuated by the refrain "I am the Lord Your God." Jewish tradition is not unique in terms of the kinds of laws contained within its annals – edicts regarding similar behavior certainly existed amongst other peoples of the Ancient Near East – but the particular way in which our 10 Commandments are expressed does indicate a very significant departure from the law codes of our neighbors. Our 10 Commandments display what is called an

apodictic style – absolute declarations of what one should or shouldn’t do without any concomitant punishment – while Ancient Near Eastern law in general included specific penalties for violation alongside the injunctions being promulgated. In the words of Biblical scholar Nahum Sarna, “The Decalogue’s adoption of the apodictic form is no coincidence. It goes to the heart of the meaning and significance of the document. The “You shall” prescription and the “You shall not” prohibitive form express categorical imperatives that are of eternally binding validity. They declare that there are certain God given values and behavioral norms that are absolute. Morality is the expression of the divine will. The motivation for observing the law is not fear of punishment but the desire to conform to the will of God.”¹ Put another way, Torah law is the anti-Becker. It asserts that morality, holiness, notions of right and wrong are not provisional but subjective but rather absolute. Even when it might pay to do otherwise, we are beholden to a greater system of values which makes demands upon us. Rationality cannot out run the long reach of tradition.

To be a Jew today is a fairly counter-cultural thing. In a world where the autonomy and self-actualization of the individual reign supreme, Judaism has us put the needs of the community first. In an environment of pluralistic, multi-cultural expression, Judaism has us see value not only in the universal but in the particular as well. And at a time where expediency and convenience are often seen as primary goods, Judaism reminds us that right ultimately trumps efficiency at the end of the day. In fact, the meaning of the word “holiness” is seen by the sages as being related to separateness or distinction – as in the way that Shabbat is different from the other six days of the week or one’s own spouse is different from all other people in the world. In this sense, to be a Jew today truly is to be “holy” – to be distinct, not in a hierarchical or superior way – but rather to operate according to a set of values and

¹ Exploring Exodus, p. 142.

traditions, sacred texts and holiday observances, rituals and beliefs that set us, to a large extent, apart.

Kedoshim t'hiyu – our portion reminds us – hold onto that distinctiveness, even when it is most difficult.

I close this morning with a beautiful teaching of the Chasidic Kotzker Rebbe, Rabbi Menachem Mendl of Kotzk. Recognizing the enormous challenge that our Torah portion this morning presents us with, the Rabbi framed the following query: “You shall be holy – Can God demand that a human attain that level of holiness?” Answering his own question, the rabbi continued: “This does not mean that one must attain the level of angels, something which is impossible. All that God demands is that humans attain the level of holiness of which they are capable. Be holy: in whatever circumstances you find yourself, advance a little at a time in your holiness.”

Kedoshim t'hiyu is a staggeringly large task indeed but the Kotzker Rebbe makes it far more manageable.

Aspire towards right because it is the right thing to do, one small yet determined step at a time.

Shabbat Shalom,

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