



Codes in Conversation

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Parashat Kedoshim 5784

The style and content of Parashat Kedoshim remind us immediately of an earlier reading: Parashat Mishpatim—back in the Book of Exodus, just after the revelation. Both *parashiyyot* are composed almost entirely of dense legal code: one law after another, for chapter after chapter. And both open with a framing statement naming a value category that characterizes the laws that follow.

With this structural similarity, the Torah places the two primary values named by the two codes—justice and holiness—into dialogue with one another. We see this in our *parashah*, whose initial focus is on holiness, but very quickly veers into justice. But the reverse process we can already see in Parashat Mishpatim, which begins with principles of justice, but eventually turns to holiness, with language that will anticipate Parashat Kedoshim.

Let's begin with the two opening value statements. Parashat Mishpatim, the earlier code, begins:

שמות כא:א

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשִּׁים לִפְנֵיהֶם.



Exodus 21:1

These are the *mishpatim* that you shall place before them.

We usually translate *mishpatim* here as “laws,” and indeed a *mishpat* can refer to a particular case of law. But the word is also used to refer to the larger concept of justice, as in its first usage in the Torah, when God resolves to share the plans to destroy the cities of Sodom and Gomorrah with Avraham whom, God says, has been chosen to follow “לַעֲשׂוֹת צְדָקָה וּמִשְׁפָּט” - the path of the Eternal, doing **righteousness** (*tzadakah*) and **justice** (*mishpat*)” (Genesis 18:19), two words often used in tandem in Tanakh.¹ That pairing of *mishpat* and righteousness is then echoed later in the same chapter, when Avraham advocates on behalf of the potential innocent victims:

בראשית יח:כה

חָלָלָה לְךָ מַעֲשֵׂת כַּדְּבַר הַזֶּה לְהַמִּית צַדִּיק עִם רָשָׁע וְהָיָה כְּצַדִּיק כְּרָשָׁע חָלָלָה לְךָ הַשֹּׁפֵט כָּל הָאָרֶץ לֹא יַעֲשֶׂה מִשְׁפָּט.

Genesis 18:25

It would disgrace You to do something like this, killing the **righteous** along with the wicked—for then the **righteous** becomes just like the wicked! It would disgrace you! Does not the **Judge** (*shofet*) of all the earth do **justice** (*mishpat*)?

In this verse it becomes clear that *mishpat* (justice) is used as a standard to evaluate the fair treatment of human beings—even by God! And principles of justice are meant to encourage righteous behavior and discourage wicked behavior.

¹ See, for example, the random sampling: Deuteronomy 33:22, Isaiah 56:1, Jeremiah 22:3, Amos 5:24, Proverbs 21:3.



The laws of Parashat Mishpatim, then, regulate principles of justice in human life. The *parashah* begins with two chapters filled entirely with cases of civil law (laws that govern the economy, public and private space, property and damages, and so on) and criminal law (cases of murder, theft, assault, and so on).

This placement makes sense, given the major narrative of the Book of Exodus: liberation from an oppressive human tyrant who implemented an unjust social order. Parashat Mishpatim, then, comes to introduce a new social order, one regulated by the “Judge of all the earth,” with laws intended to implement *mishpat* into this new society.

Parashat Kedoshim, meanwhile, begins with a very different value statement, one that names not the category of laws itself, but what appears to be the purpose of the laws to follow:

ויקרא יט:ב

קְדוֹשִׁים תִּהְיוּ כִּי קְדוֹשׁ אֲנִי ה' אֱלֹהֵיכֶם.

Leviticus 19:2

Be holy (*kedoshim*), for I the Eternal Your God, am holy (*kadosh*).

These laws are not meant to implement justice in society, but instead to instill a different principle: *kedushah*, “holiness,” in the practitioner. This code, too, fits the larger context of the Book of Leviticus, which has so far been concerned with the system of worship in the *מִקְדָּשׁ* (*mikdash*), the sanctuary, and its center, the “holy of holies.” The root of those words, *ק.ד.ש.*, which we often translate as “holiness,” refers to a designation of “separateness” and “distinction.” The rituals and systems of worship in Leviticus are regulated by such designations in order to create an atmosphere of holiness that can summon the presence of God, Who is also *kadosh*, separate and distinct from any other thing. Parashat Kedoshim,



then, teaches that not only priestly ritual but also our practice of the commandments can imbue us with a spirit of holiness, and therefore bring us into relationship with God.

That is precisely the spirit we see reflected in many of the first several laws in Parashat Kedoshim: the observance of Shabbat—which was the first thing named in the Torah as made holy (“וַיְקַדֵּשׁ אֹתוֹ” / God sanctified it,” Genesis 2:3)—and then warnings against idolatry and proper conduct when offering sacrifices, dealing with the procedures of the *mikdash*, just as Leviticus has been doing all along, only now from the perspective of the average citizen.

Suddenly, however, Parashat Kedoshim takes a turn and begins to list laws that seem to reflect principles of justice rather than holiness: leaving the corner of the field or the fallen fruits of your harvest for the poor and the stranger (Leviticus 19:9-10); not stealing, lying, or taking advantage of one another in business (19:11); not swearing falsely against someone (19:12); paying workers on time (19:13); not taking advantage of disabilities like deafness and blindness (19:14). These laws are dealing once again with human suffering and conflict resolution in everyday life, rather than ritualized forms of accessing the Divine. We are only 14 verses into Parashat Kedoshim, and already the content feels like a throwback to Parashat Mishpatim.

If all that were not enough of a signal backwards, in the 15th verse the signal becomes more explicit:

ויקרא יט:טו

לֹא תַעֲשֶׂה עֵוָל בְּמִשְׁפָּט לֹא תִשָּׂא פָנֶי דָל וְלֹא תִהְדָּר פָּנֵי גָדוֹל בְּצֶדֶק תִּשְׁפָּט עַמִּיתְךָ.

Leviticus 19:15

You shall not distort **justice** (*mishpat*); do not favor the poor nor show deference to the rich; **judge** (*tishpot*) your kinsman **righteously** (*be-tzedek*).



Now it is clear that Parashat Kedoshim is deliberately weaving together the holiness laws with *mishpatim*, the justice laws. The remainder of the chapter will move back and forth between these categories, including ritual laws that represent holiness—regulating diet, haircutting, and proper worship—and also laws that mandate compassionate treatment of the stranger and honest weights in business dealings. The message seems to be that *mishpat*, justice, is a part of *kedushah*, and that one becomes holy not only through contact with holy things and maintenance of ritual purity, but also through righteous conduct in my interactions with others. After all, if the injunction is to be holy because God is holy—that is, in an act of *imitatio dei*—and God is the “Judge of all the earth” who does justice, then we must also judge fairly and act justly to one another.² Here in the local context, Parashat Kedoshim appears to be proposing a bold new synthesis.

However, if we turn back to Parashat Mishpatim, we find that there is already the seed of holiness embedded in that ostensibly justice-themed code, although this time the switch-over does not come as quickly. Toward the end of the *parashah*, after two full chapters loaded with *mishpatim*, we get this phrasing:

שמות כב:ל

וְאַנְשֵׁי קֹדֶשׁ תִּהְיוּ לִי וּבֶשֶׁר בְּשָׂדֶה טֶרֶף לֹא תֹאכְלוּ לְכָלֵב תִּשְׁלַחֵן אֹתוֹ.

Exodus 22:30

You shall be a **holy** people to me; you must not eat flesh torn by beasts; you must throw it to the dogs.

² See Maimonides, Guide of the Perplexed 1:54: “A person’s goal should be to make himself, as far as possible, similar to God: that is to say, to make his acts similar to the acts of God, or as our Sages expressed it in explaining the verse, “Be holy” (Leviticus 21:2): ‘Just as God is compassionate, so be you also compassionate. Just as God is merciful, so be you also merciful.’”



A dietary regulation, with no obvious social benefit or moral principle, is a classic case of a “holiness” law. So it seems that long before Parashat Kedoshim called on the Israelites to be holy, a similar call had been attached to Parashat Mishpatim.³

Now we have *mishpat* appearing in Parashat Kedoshim, and *kedushah* making an appearance in Parashat Mishpatim. Each of the Torah’s first two great legal codes contains an element of the other, as if they had traded phrases. This means that the interweaving of the two values is not only a move that Parashat Kedoshim makes, but a dialogue that the Torah has been setting up since Exodus. And if the inclusion of justice principles in the laws that ostensibly guide us toward holiness implies that justice itself can make one holy, then so, too, the inclusion of holiness in these laws that ostensibly regulate a just society means that the Torah’s concept of a just social order includes holiness. The two primary values of the books of Exodus and Leviticus are not competing or contrasting ethical systems, but interdependent ones, that the Torah means for us to integrate. The Torah’s legal and ethical vision is thus not centered around Justice, nor around Holiness, but around an integration of the two.

The synthesis of *mishpat* and *kedushah* is given its most explicit symbolic expression in the form of one object from the “בגדי קֹדֶשׁ - holy garments” of the High Priest, described in Parashat Tetzavah. The breastplate, you may recall, is called the “Hoshen Mishpat”—that is, literally, the “Breastplate of Justice.”⁴ Its description gives us the only verse in the Torah with both the words *mishpat* and *kodesh* in it:

שמות כח:כט

וְנָשָׂא אֶהָרֶן אֶת שְׁמוֹת בְּנֵי יִשְׂרָאֵל בְּחֹשֶׁן הַמִּשְׁפָּט עַל לְבָבוֹ בָּבֹאוּ אֶל הַקֹּדֶשׁ לְזָכְרָן לִפְנֵי ה' תָּמִיד.

³ This phrase also seems to refer back to some previous laws that also have to do with *kedushah*, like bringing the best offerings to God.

⁴ In context, it also means the “ordered breastplate,” since the 12 stones on it are “ordered.” The connotations of “justice” and “order” are related in the term *mishpat*, as they are in the phrase, “a just social order.”



Exodus 28:29

And Aharon is to carry the names of the Children of Israel on the Hoshen **Mishpat**, upon his heart, when he comes into the **kodesh**, as a reminder when he is before the Eternal.

What is Aharon being reminded of when he is in the holiest place performing the holiest service? Us—all of us and our tribes and their conflicts and their needs—and the *mishpat* that must take us all into account and give us a just order we can survive in. Without that, there will be no possibility of maintaining a sanctuary or a priesthood, no semblance of order at all. So the High Priest, at the very moment he enters into holiness, must remember its integration with justice.

And so Parashat Kedoshim reminds us of that integration in the reverse order. We non-High Priests, who go on about our everyday lives, hoping for safe passage and fair treatment; we who are engaged in business, and in conflict, and in the project of trying to build a better society—we must remember to strive to be holy (קדושים תהיו), as God is Holy, the same God Who is “the Judge of all the earth” (השופט כל הארץ). Can we, too, judge with holiness? And can we be sanctified through righteousness, just as the Prophet Isaiah once described God:

ישעיה ה:טז

וַיִּגְבֹּהַּ ה' צְבָאוֹת בַּמִּשְׁפָּט וְהָאֵל הַקְדוֹשׁ נִקְדָּשׁ בַּצְדָּקָה.

Isaiah 5:16

The Lord of Hosts will be elevated through justice, and The Holy God will be made holy through righteousness.

