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Center for Modern Torah Leadership



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WHAT KIND OF FREEDOM DOES THE TORAH VALUE?

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The game of freedom is not zero-sum – there can be more freedom in the world, or less. It is not an altruist's game – giving up my freedom may diminish yours as well. Isaiah Berlin's distinction between "freedom from" and "freedom to" is essential but does not make the game semantic. In short, it's complicated.

Let's start with a God's-eye perspective. When G-d was all that existed, His "freedom from" was apparently absolute. The angels opposed the creation of humanity because the existence of another being with any degree of freedom would diminish His.

But G-d chose to create humanity anyway, because the absence of other free-willed beings limited his "freedom to." He could not express generosity. Possibly He could not be loved.

Rav Yosef Dov Soloveitchik argued that the Biblical story of Creation should be read as normative, with the premise that human beings are charged with being as like G-d as they can be. So: Just as He created, so too we must create.

Having read Nietzsche, the Rav also recognized the danger of this idea. What if human beings realize that to truly be like G-d they must be utterly autonomous, create their own norms? Why would they be wrong?

One answer is that human beings cannot truly be like G-d. Imitatio dei must always remain an aspiration; it cannot actually be achieved.

A second answer is that human beings by necessity live in the world that G-d created, and in which G-d exists. So we can never have the freedom that G-d had before Creation. We can never be the only free-willed being in existence. The fantasy of unbounded freedom is what led Kayin to murder Hevel, only to rediscover G-d.

The issue between these two answers may be a matter of Biblical interpretation. Must the normative story of Creation

be interpreted in light of the subsequent 613 commandments? Or must the 613 commandments be understood in light of their normative preamble, the story of Creation? In other words: must we understand halakhah as a means for maximizing our freedom, or is it possible for halakhah, properly interpreted, to limit our freedom?

A third answer, which I prefer, is that the normative message of Creation is more complex, because G-d's creation **limited** His own freedom in one sense, and expanded it in another.

The existence of other free-willed beings (us) meant that G-d entered the sphere of ethics, that in a sense we can say that He acquired **duties** toward us. Duties toward others restrict the freedom of one's own will. This may be the underlying message of all the Rabbinic stories that portray Hashem observing the mitzvot.

On the other hand, by enabling Hashem to act ethically, to express *middot* such as *chesed*, Creation also expanded Divine "freedom to."

On this reading, the existence of mitzvot is not in tension with the norm of creation. Rather, mitzvot should be understood as opportunities to expand our "freedom to."

The challenge is that acknowledging the existence of a normative **obligation** always carries with it the *yetzer hora* to impose that obligation on others against their will. We are tempted to conclude that the mitzvot are ends in and of themselves, rather than opportunities to express human virtues.

It turns out that there are two religious paths to becoming a slave-owner.

The first is the Nietzschean/Fascist temptation, the belief that your freedom to obey G-d is limited to the extent that others have any capacity to limit your actions, and expanded by the capacity to have others do your will (and perhaps, that it is worth submerging your individual identity into a

collective that is free from external constraints). This is true – but your “freedom to” is even more limited by the inability to relate to other free beings as free. Moreover, the effort to keep others subjugated will end up controlling your life, whether as an individual or as a society.

The second is the anti-Nietzschean/Communist/Puritan temptation, the belief that freedom is not intrinsically valuable at all, and certainly not as valuable as obedience to G-d. So it is better for others’ wills to be subordinated to mine, and thereby certainly to G-d’s, than for them to be left free, which risks disobedience to G-d.

These two paths are ideologically opposed, but perfectly complementary in practice. They parallel the first two explanations above of the relationship between Creation and Mitzvot.

The narrative of *yetziyat mitzrayim* might seem to be the antidote to these ideological poisons. Here the point is as clear as can be – G-d hates slavery, and He intervenes to end it. As Rashi famously points out, the Exodus is really a second Creation. Before Creation, there was no time, and time restarts at the Exodus, with a normative component. “This month/newness/*chodesh* must be for you the head of months; it shall be the first for you, of the months of the year.” But Rashi’s question is: Why then is the narrative of the first Creation necessary? I suggest: because otherwise we might not realize that creativity is intrinsically valuable.

But the narrative of Exodus can also be normatively misunderstood. We can argue that the story is not about generic freedom from *avdut*, but only about Jewish freedom from Gentile *avdut*. On this misreading, our goal is to become *avdei Hashem* in the sense of slaves rather than free-willed servants, and we are entitled to enslave others to increase our and their obedience to G-d. (Both *yitzrei hora at once!*) After all, the regulations of *avdut* follow almost immediately after the 10 commandments, with their preamble “I am Hashem your G-d Who took out of Mitzrayim, from the house of *avadim*. Is that to teach us to read the preamble narrowly?

The correct reading is that the juxtaposition is intended to emphasize that the entire framework of law, society, halakhah – all of which constrain some sorts of freedom – must nonetheless be understood as having the purpose of maximizing freedom, and interpreted accordingly. Sometimes the world leaves human beings very few choices,

if any, to keep themselves and their families alive – with full awareness of the dangers (we call it *avdut!*), halakhah sets up a mechanism to ameliorate such situations and enable at least some degree of freedom in the present, and guarantee that the prospect of freedom is always there.

This reading is demonstrated by Yirmiyahu 34:13-14, which states that the law that an *eved ivri* must be freed embodies the covenant Hashem made with the Jews on the day He took them out of Egypt. Note that the law itself allows an *eved* contract to last six years, but the language of 34:9-10 implies that Yirmiyah demanded immediate manumission.

In the Yerushalmi (Rosh HaShanah 3:5), Rav Shmuel son of Rav Yitzchak argues, against Rashi, that the norm must precede creation. Shemot 6:13 states:

וַיִּדְבֹר יְקֹוֹק אֶל־מֹשֶׁה וְאֶל־אַהֲרֹן
וַיֹּצִיֵם אֶל־בְּנֵי יִשְׂרָאֵל וְאֶל־פַּרְעֹה מֶלֶךְ מִצְרָיִם
לְהוֹצִיא אֶת־בְּנֵי־יִשְׂרָאֵל מֵאֶרֶץ מִצְרָיִם:

*Hashem spoke to Mosheh and Aharon
He commanded them regarding Benei Yisroel and regarding
Pharaoh King of Mitzrayim
to bring Benei Yisroel out of Mitzrayim.*

What was the content of this command? The laws of freeing slaves, as referenced by Yirmiyahu.

Some contemporary rabbinic commentators note that Yirmiyahu refers to the covenant being established on the day of the Exodus, whereas this verse apparently takes place long before. Their suggestion is that the command was given at the outset, even though it took binding effect only at the Exodus. The Jews had to know the meaning of G-d’s intervention before it happened, and before they received the Torah.

אִין בֵּן חוֹרִין אֵלּא מִי שְׁעוֹסַק בְּתוֹרָה
וְאִין בֵּן תּוֹרָה אֵלּא מִי שְׁעוֹסַק בְּחֻרָת

*No one is free except the one who engages in Torah,
and no one is a ben Torah unless they engage in maximizing freedom.*

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