

Independence Day: The Meaning of Freedom
Chukat Balak 5780

I.

There can be little doubt that, as our nation, under God, marks its two hundred forty fourth year of independence, it does not celebrate as on a regular year.

On the contrary, in the midst of an unprecedented, raging, uncontrolled pandemic that is now infecting over one hundred thousand of our fellow citizens every forty eight hours, the fourth of July this year is not a day of festivity, but a solemn day of reflection, of deep personal and national soul searching, and of prayer.

This mighty scourge which has afflicted our nation these last four months has brought the world's finest hospitals to their knees; it has brought bereavement to homes and apartments across the breadth of this land; and it has left economic ruin unseen since the days of the Great Depression.

To be certain, the effects of this great plague have not been equally borne, but have rested disproportionately, both with respect to health outcomes and economic devastation, on communities of color and minority populations. It is surely no coincidence, even if the proximate cause was the brutal murder of George Floyd on the streets of Minneapolis, that the

greatest racial protests in some sixty years, righteously condemning systematic injustice, have occurred in these last six weeks.

To our great amazement and confusion, many of those fellow citizens duly elected to protect the interests of this nation have been caught wholly unprepared, and failed in every possible way to respond to the challenges, great as they are, of this virus.

To this day, when pressed for a coherent and strategic response, the chief executive of our federal government informs the citizens it is his sacred duty to protect, that it is his “hope” that it shall simply disappear. Most distressingly, this was precisely the plan offered *before* one hundred thirty thousand of our fellow citizens perished in this plague.

There is no patriotic American, of every race, creed, religion, political persuasion, who can receive these words without alarm.

Even as Maimonides banished anger from his moral universe altogether, there can be no believer in our Sages’ timeless maxim that “all humankind is beloved for it has been created in the image of God” who is not infuriated by those avoidable elements of the cataclysm which has engulfed this land.

II.

The double Torah portion this week, Chukat-Balak, offers us two distinct perspectives through which we may view our present circumstances, as devout Jews, and as patriotic Americans.

Parshat Chukat is about one central motif: death. In this parshah, Miriam, the great visionary of redemption, the great protector of he would be the vehicle through which the Almighty would bring freedom to the slaves, perishes. Shortly thereafter, her younger brothers, Aharon and Moshe, are also sentenced to death in the desert, and Aharon dies at the summit of Hor HaHar. Moshe's actual death will wait another few months, but the pall cast by his condemnation at the Waters of Merivah defines not only this section of narrative, but the rest of the Torah.

It is striking, and hardly accidental that this portion begins with the halakhic passage of the Parah Adumah, which purifies those who have been defiled by death *tumah*. It is introduced with the famous words, “Zot Chukat HaTorah,” this is the great and paradigmatic Chok of the Torah, the law which was inscrutable even to the wisest of all men, King Solomon himself. Yet, another interpretation is possible: perhaps the great *chok*, the great unknowable aspect of this passage is not the specific *means* of purification through the slaughtering of a perfectly red, unblemished, unworked cow, but the *mysterium tremendum* whose effects it seeks to remediate- death itself.

Commenting on these words, *Zot Chukat HaTorah*, Rashi notes “it is a decree from Me, and you have no right to challenge it.” God wills man's mortality, “for you are dust, and you shall return to dust”, and it is thus.

Indeed, we may view our present circumstances through this lens. Almighty God, Master of the Universe, willed, in his wisdom which is beyond human comprehension, in His justice which is beyond human understanding, that this plague must come, and so it has. *Zot Chukat HaTorah*.

This perspective carries with it much truth. The sheer potency, virulence, and transmissibility of this virus would have brought terrible suffering and disruption to humanity, and these shores, irrespective of any human effort at containment and mitigation. If nothing else, let us all be humbled by this fearsome force of God and nature.

And yet, I believe this perspective, while necessary, and valuable, is insufficient. It is only a partial truth.

III.

The second of the two portions has a diametrically opposite message, the power of human agency. There are two central narratives in the text. First, we read of an Aramean sorcerer, Bilaam, who defies the Almighty Himself and chooses to curse His chosen people.

While God does not permit Bilaam ultimately to curse the Jews, He does not stop this invidious man from setting forth on the path to do so. As our Sages observe about Divine allowance of Bilaam's insidious mission, Providence makes great allowances for human initiative, "on the path that a person wishes to travel, so is He led."

The second, much briefer narrative surrounds an incident of public immorality in the Jewish camp, at the very entrance to the tabernacle. This grievous breach of the defining standards of the Jewish camp leaves the leadership paralyzed, and unleashes a horrific plague amongst the people, leaving tens of thousands of dead. Pinchas, grandson of Aharon, rises up

and cuts down the perpetrators of this licentious act, bringing a swift end to the plague which had engulfed the camp. In so doing, he creates a new identity for himself, as he is elevated to the priesthood and given an eternal covenant of peace.

As Rambam notes in a celebrated passage in his magnum opus, Mishneh Torah, the entire foundation of the Torah, and meaning of human life at the universal plane, is inextricably linked with unmitigated human agency and free will. Our choices define our spiritual destiny, our impact upon the world, and the legacy that we mortals will leave behind.

In opposite ways, Bilaam and Pinchas choose who they wish to be, and it is this legacy of spiritual self determination that stands at the bedrock of the halakhic worldview. “And you shall choose life”, **ובחרת בחיים**, is no less notable for the fact that it is life, and not death, that we are enjoined to choose, than it is for the fact that it is, in so many ways, our own choice to make. The ball lies in our court.

IV.

On this Independence Day, we would do well to remember that our republic, if we should keep it, as Dr. Franklin was said to have remarked at its very inception, chiefly depends on our own choices, our agency. This great exercise in self-government demands much, to this very day, of each and every person privileged to live in this land of the free.

Each citizen is afforded the great privilege denied to so many billions of humans in other parts of this planet, to freely choose who will serve them in

public office, a privilege denied once again this week to the people of Russia, who Vladimir Putin will now rule through 2036.

And yet, this great privilege entails enormous responsibilities not required of the average citizen in other parts of the globe, to educate ourselves sufficiently regarding critical challenges to choose, **ובחרת**, and to choose judiciously.

This land of liberty affords us far more discretion than is given to humans in other parts of the planet. Our behavior, even in the midst of this horrific scourge, is left by our government in the hands of the people to a degree those living under the thumb of the Chinese Communist Party, including those being rounded up today in Hong Kong, will likely never know. And yet, this freedom imposes a great burden on us, to act responsibly, wisely, morally, and willingly accept sacrifices today so that we might protect ourselves, our more vulnerable members of society, and our teetering health care system itself.

While halakha, *de jure*, in fact absolutely demands this behavior of us through the overarching principles of **וּחַי בְּהֵם**, as well as the injunction to protect those around us, **לֹא תַעֲמֹד עַל דַּם רֵעֶךָ**, neither God, nor, *l'havdil*, our governmental authorities will not make such demands in practice. Collectively, we can only demand it of ourselves.

V.

Democracy is not, as such, a form of government, but, in a broader sense, it is a way of life. And, at the epicenter of that way of life is the power of personal choice and self determination.

Those of us who are not directly involved in drug discovery and vaccine development may sometimes feel powerless in the face of this novel virus. Nothing could be further from the truth. For, while the potential for those therapies and vaccines to come on-line and dramatically alter the landscape of this virus, that potential, however promising, is both uncertain and still very much in the future.

And yet, what is absolutely certain, what is here right now, is that the power to stop the spread of this virus, and its horrific consequences, remains squarely with us. Distancing and mask wearing will save tens of thousands of lives and livelihoods.

Aggressively pursuing and maintaining these mitigating steps is not an infringement on anyone's liberty.

On the contrary, is the ultimate expression of the highest form of liberty, to willingly sacrifice a small measure of comfort for the life and livelihood of one's neighbor, community, and country.

It is not a sign of weakness nor a symbol of fear, but the proud and deliberate act of a reasoned mind and a moral soul.

And, as devout Jews, whose every act is taken with an eye towards the great expectations of the Creator of All Flesh and Giver of the Torah, we dare not take wanton liberties with our own lives, nor the lives of others.

As descendents of Abraham, whom our Sages contrasted with Bilaam in three ways, we must affirmatively choose a lifestyles that is marked by an *ayin tovah*, generosity of spirit towards others, *ru'ach nemuchah*, a humility

expressed in a more altruistic way of life, and *nefesh shefalah*, a minimalism when it comes to personal luxury, especially when that contraction from certain person pleasures is necessary for others to live and maintain their very livelihoods.

Unsurprisingly, these were also the characteristics of the Greatest Generation of Americans that has been felled not only by this virus, but, painfully, by their descendents' corpulence, entitlement, and complacency in combating it.

Can it really be possible that those whose sense of duty and sacrifice stretched to storming Omaha Beach and Okinawa under every form of fire known to mankind have been followed by those whose sense of sacrifice does not encompass wearing of masks in public spaces?

Let us, on this Independence Day, be reminded of the true meaning of the word. In this time of national tragedy, we do not merely revel in those rights which this republic confers upon us. Rather, on this Independence Day, we reflect on the responsibilities and duties that this great land requires of all of its citizens.

This should be familiar to us as devout Jews: our Sages taught us, *Charut al ha-Luchot*, should be pronounced as *cherut*, freedom: "There is no free person other than one who freely accepts the yoke of Torah." We understand freedom not in the sense of freedom from obligation, but freedom to choose a life of responsibility and righteousness, which ennoble us all.

In this most solemn hour, let us, in the words of perhaps the greatest American of all, highly resolve to take increased devotion to that cause for which so many, over two and a half centuries, gave the last full measure of devotion, to secure this democracy by assuming those responsibilities which must be expected of every citizen.

And so, in this hour, more than perhaps any in living memory, we ask for God's blessing. God, in turn, asks us for responsibility.

Should we be able to answer in the affirmative, as we surely can, as we surely *must*, we will honor our heritage in this great land. Americans as yet unborn will draw inspiration from these great acts of citizenship, each one small and modest, and yet, in the aggregate, sufficiently powerful to end the most deadly pathogen in a century.

We will leave a legacy to future generations that will testify that when we were called to confront the enormous challenges that He willed us to face, we were equal to the task.