

POSITIVE AND NEGATIVE LIBERTY

A commentary on *Parashat Shemini*

By Rabbi David Mason

44 כִּי אֲנִי יְהוָה אֱלֹהֵיכֶם וְהִתְקַדְּשֶׁתֶם וְהִיִּיתֶם קְדוֹשִׁים כִּי קְדוֹשׁ אֲנִי וְלֹא תִטְמְאוּ אֶת־נַפְשֵׁיכֶם בְּכָל־הַשָּׂרֵץ הָרֹמֵשׁ עַל־הָאָרֶץ:

For I the LORD am your G-d: you shall sanctify yourselves and be holy, for I am holy. You shall not make yourselves unclean through any swarming thing that moves upon the earth.

45 כִּי אֲנִי יְהוָה הַמַּעֲלֶה אֶתְכֶם מֵאֶרֶץ מִצְרַיִם לְהִיִּית לָכֶם לֵאלֹהִים וְהִיִּיתֶם קְדוֹשִׁים כִּי קְדוֹשׁ אֲנִי:

For I the LORD am He who brought you up from the land of Egypt to be your G-d: you shall be holy, for I am holy.

I would like to suggest that hidden away at the end of this *Parasha*, is something quite fundamental about how we understand *mitzvot* (commandments). The second part of the *Parasha* contains a long list of various animals that we are permitted to eat, as well as those that are forbidden. At the conclusion, we are told that ‘*For I am the Lord your G-d and you shall sanctify yourselves and be holy, for I am holy...*’ (*Vayikra* 11,44). The next verse, in continuing to extol the importance of holiness, then brings in the theme of the Exodus from Egypt. It continues, ‘*For I the LORD am He who brought you up from the land of Egypt to be your G-d: you shall be holy, for I am holy*’ (verse 45).

It is the framing of the Exodus from Egypt here at the end of the laws of *Kashrut* that interests me. The Exodus, the ending of the Jewish slave presence in Egypt is clearly an inspiration to affirming human rights down to the present day. Campaigns to end slavery still continue and the desire to prevent or end oppression and persecution is an important part of human rights legislation internationally.

According to Isaiah Berlin, in his ‘Four Essays on Liberty’ (1969)

there are two basic concepts of liberty, ‘negative liberty’ and ‘positive liberty’. Berlin explains that ‘negative liberty’ exists when one is prevented from achieving a specific goal. He states that ‘If I am prevented by others

from doing what I could otherwise do, I am to that degree unfree; and if this area is contracted by other men beyond a certain minimum, I can be described as being coerced or, it may be, enslaved.’ (122). On the other hand, regarding ‘positive liberty’ Berlin writes that ‘I wish my life and decisions to depend on myself, not on external forces of whatever kind. I wish to be the instrument of my own, not other men’s’ acts of will. I wish to be a subject, not an object. I wish to be somebody, not nobody...and not acted upon by external nature or by other men as if I were a thing, or an animal or a slave incapable of playing a human role’ (131). This dual definition may be comparable to Rabbi Joseph Soloveitchik’s dual definition of the ‘covenant of fate’ and ‘covenant of destiny’. In the former, we are subject to fate and the possibility of suffering. It is that suffering and oppression from which we require the ‘negative liberty’ of Berlin. A ‘covenant of destiny’ involves acting on history and the world in a more positive and active manner.

And so in our *Parasha*, the ability to understand Jewish law, the difference between *kosher* and *non-kosher* species of animal, at first is consequent from the freedom from slavery that resulted from the Exodus from Egypt. But the process of Hashem, becoming our G-d, evident in the phrase ‘*to be a G-d unto you*’ may well involve both individual and national will. The learning and understanding of law and commandment, was a process through which we would positively choose a relationship with G-d, thus replacing the ‘negative liberty’ of the Exodus experience with the ‘positive liberty’ of building a national relationship with G-d.

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