

Liberty Under Law

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משנה אבות ו'ב'

אמר רבי יהושע בן לוי, בכל יום ויום יוצאת מהר חורב ומכרזת ואומרת, אוי להם לבריות מעלבונה של תורה. שכל מי שאינו עוסק בתורה נקרא נזוף, שנאמר (משלי יא) גזם זהב באף חזיר אשה יפה וסרת טעם. ואומר (שמות לב) והלחת מעשה אלהים הנמה והמכתב מכתב אלהים הוא חרות על הלחת, אל תקרא חרות אלא חרות, שאין לה בן חורין אלא מי שעוסק בתלמוד תורה. וכל מי שעוסק בתלמוד תורה הרי זה מתעלה, שנאמר (במדבר כא) וממתנה נחליאל ומנחליאל במות:

Pirkei Avot 6:2

Rabbi Joshua ben Levi said: every day a bat kol (a heavenly voice) goes forth from Mount Horeb proclaiming and saying: "Woe unto humanity for their contempt towards the Torah", for whoever does not occupy themselves with the study of Torah is called "rebuked." As it is said, "Like a gold ring in the snout of a pig is a beautiful woman bereft of sense" (Proverbs 22:11). And it says, "And the tablets were the work of God, and the writing was the writing of God, graven upon the tablets" (Exodus 32:16). Read not haruth ['graven'] but heruth ['freedom']. **For no one is free unless they occupy themselves with the study of the Torah.** And whoever regularly occupies themselves with the study of the Torah they are surely exalted, as it is said, "And from Mattanah (gift) to Nahaliel (portion of God); and Nahaliel to Bamoth" (high places) (Numbers 21:19).

Philip Petit, *Republicanism*, p. 5

Being unfree does not consist in being restrained {as liberal theorists hold - BP}; on the contrary, the restraint of a fair system of law - a non-arbitrary regime - does not make you unfree. Being unfree consists rather in being subject to arbitrary sway: being subject to the potential capricious will or the potentially idiosyncratic judgement of another. Freedom involves emancipation from any such subordination, liberation from any such dependency. It requires the capacity to stand eye to eye with your fellow citizens, in a shared awareness that none of you has a power of arbitrary interference over another.

Martin Hägglund, *This Life*, pp. 11-12

To be free, I argue, is not to be sovereign or liberated from all constraints. Rather, we are free because we are able to ask ourselves what we *ought* to do with our time. All forms of freedom - e.g., the freedom to act, the freedom to speak, the freedom to love - are intelligible *as* freedom only insofar as we are free to engage the question of what we should do with our time. If it were given what we should do, what we should say, and whom we should love - in short: *if it were given what we should do with our time* - we would not be free.

The ability to ask this question - the question of what we ought to do with our time - is the basic condition for what I call *spiritual freedom*. To lead a free, spiritual life (rather than a life determined merely by natural instincts), I must be responsible for what I do. This is not to say that I am free from natural and social constraints. I did not choose to be born with the limitations and the abilities I happen to have.

Moreover, I had no control over who took care of me, what they did *to* me and *for* me. My family - and the larger historical context into which I was born - shaped me before I could do anything about it. Likewise, social norms continue to inform who I can take myself to be and what I can do with my life. Without social norms - norms I did not invent on my own and that shape the world in which I find myself - I can have no understanding of who to be or what to do. Nevertheless, *I* am responsible for upholding, challenging, or transforming these norms. I am not merely causally determined by nature or norms but act *in light of* norms that I challenge and transform. This is what it means to have a spiritual life.

