

With Liberty and Justice  
The Fifty-Day Journey from Egypt to Sinai



Senator Joe Lieberman  
with Rabbi Ari D. Kahn

**WITH  
LIBERTY  
AND  
JUSTICE**

**The Fifty-Day  
Journey  
from Egypt  
to Sinai**

The Samson Family Edition

Maggid Books and OU Press

*With Liberty and Justice*  
*The Fifty-Day Journey from Egypt to Sinai*

First Edition, 2018

*Maggid Books*  
*An imprint of Koren Publishers Jerusalem Ltd.*  
POB 8531, New Milford, CT 06776-8531, USA  
& POB 4044, Jerusalem 9104001, Israel  
[www.maggidbooks.com](http://www.maggidbooks.com)

*OU Press*  
*An imprint of the Orthodox Union*  
11 Broadway, New York, NY 10004  
[www.oupres.org](http://www.oupres.org)

© Joseph Lieberman 2018

The publication of this book was made possible  
through the generous support of *Torah Education in Israel*.

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ISBN 978-1-59264-501-5, *hardcover*

A CIP catalogue record for this title is  
available from the British Library

Printed and bound in the United States

*This sefer is dedicated in loving memory  
and in commemoration of the twenty-eighth, כ"ח, yahrzeit of*

**Julius L. Samson, Esq.**  
**יהונתן בן אליהו מנחם הלוי**

*whose exemplary character,  
boundless love of learning Torah,  
and awe and love of the Law  
continue to guide and inspire us every day*

כה אמר ה' עשו משפט וצדקה  
*"Thus says the Lord: Execute justice and righteousness"*  
(Jer. 22:3)

*Dedicated by*

**Lee and Anne, A"ח, Samson**

January 2018 / Shevat 5778

*In Loving Memory of Our Parents*

**Joseph and Gwendolyn Straus**

**יוסף שמואל בן בנימין**

**גיננדל בת משה יעקב**

*Dedicated by*

Moshael and Zahava Straus

Daniel and Joyce Straus

*To Hadassah Freilich Lieberman  
my love and life partner*

*And from both of us to our children  
Matt, Becca, Jacob, Ethan, Ariela, Hani, and Daniel  
and grandchildren*

*Tess, Willie, Maddy, Camilla, Eden, Yitz, Yoav,  
Akiva, Binyamin, Meir, and Avraham Shmuel*

*with the prayer and faith that they will work for and  
enjoy liberty and justice throughout their lives*

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## *Introduction*

**P**assover, the Festival of Freedom, is by far the most widely observed of the Jewish holidays, with the Passover Seder, held on the first night of the holiday, particularly popular with Jews of all backgrounds and denominations.

Shavuot, the Festival of Receiving the Law, which occurs just seven weeks later, is the least observed of Jewish holidays. Many Jews, and most non-Jews, are unaware of Shavuot's existence, though it celebrates a formative experience in Jewish and world history: the Giving of the Law at Mount Sinai. The values reflected in this Law, particularly in the Ten Commandments, have had enormous influence on civilization ever since.

Despite this discrepancy, however, Passover and Shavuot are bound together. In fact, the holiday of Passover is "completed" with the observance of Shavuot, which, with no designated calendar date in the Torah, is determined by the count of days and weeks from the second day of Passover.

## Introduction

The Passover story, in which God hears the cries of the Children of Israel from their slavery in Egypt and reenters history to liberate them, teaches us that freedom is the God-given birthright of everyone. But the Bible also makes clear that the Israelites were not emancipated merely to be free. They were emancipated in order to serve God by accepting and obeying the Law given by God at Mount Sinai, agreeing to live by the values of the Ten Commandments, and disseminating those values throughout the world. This mission has shaped the Jewish people as a nation and defined its eternal destiny. And this understanding explains why observing Passover without following through to Shavuot is at best a half step.

The Bible does not actually describe the fifty days between the two festivals as a journey from slavery to freedom to law. The biblical account of Shavuot is purely agricultural. The Israelites were commanded to bring a grain offering – an Omer – to the Temple on the second day of Passover, in gratitude to God for the first harvest. They were also commanded to count forty-nine days until Shavuot, when they would bring the first harvested fruits – *bikkurim* – to the Temple.

Two millennia ago, after the Second Temple was destroyed and the Jewish people were forced into exile, the rabbis were determined that the important message of Shavuot not be lost. They decreed that the counting of the days connecting Passover and Shavuot be retained even though the Omer offering could no longer be brought to the Temple in Jerusalem. Each of these forty-nine days would continue to be noted, counted, and experienced, as another step on the path from Egyptian slavery to the Law on Mount Sinai. The idea was meaningful and inspired, but the holiday of Shavuot itself never caught on as did its sister holiday, Passover.

Human nature, however, continues to prove the importance of appreciating and observing Shavuot. History has taught us that the freedom God granted on Passover will inevitably lead to chaos, violence, and immorality without the law and the values God presented on Shavuot. People need standards in order to secure, improve, and enjoy their lives. Every society has learned that truth over time.

The annual progression from Passover to Shavuot is a perfect time to remind ourselves that the tension between freedom and law is an ongoing challenge to each of us and to the societies in which we live. But it is this challenge of striking a balance between two “goods,” freedom and law, that will produce justice. Americans in particular appreciate the importance of uniting these values, as is clear from our national Pledge of Allegiance to “one nation, under God, with liberty and justice for all.”

My purpose in writing this book is twofold: first, to inspire more people to appreciate the necessity and importance of law in our lives, and second, to encourage more people to appreciate and observe the Festival of Shavuot. This holiday, which celebrates the Divine Revelation at Sinai, signifies for a large swathe of humanity – including Christians and Muslims – the dawn of justice.

This book is organized as a substantive supplement to the daily counting of the Omer. It comprises fifty short essays about the Revelation at Sinai and the Law, including the biblical concept of law prior to the Revelation. I hope you will begin reading the first of the essays with the traditional counting of the Omer, on the second night of Passover, and continue to read an essay a day until Shavuot. Of course, when and how you read the essays is up to you. You may read them at your own pace or decide to wait to discuss some of them with friends at a Shavuot learning group. Today, a growing number of Jewish communities around the world convene study groups on the night of Shavuot, in a festival of Torah learning that continues until first light, when morning prayers are said and the Ten Commandments are read. In recent years, some communities in America and Israel have organized Shavuot Torah-study groups across denominational lines. To my mind, this is a perfect way to celebrate Shavuot, and a fitting reminder that the Torah, the Law in its broadest sense, belongs to each and every individual who chooses to accept it. By opening the doors of the study hall to one and all – religious or secular, Orthodox, Conservative, Reform, or Reconstructionist, Jewish, or not – we acknowledge that the Law and its values enable us to live

## *Introduction*

and grow together. While our different forms of worship or observance keep us from praying together, we can study the Law together. Shavuot is a wonderful time to do so.

I am once again grateful to Rabbi Menachem Genack, my teacher and friend, for encouraging me to write this book. Rabbi Genack is the rabbinic administrator of the Orthodox Union and the general editor of the OU Press. I also want to thank Rabbi Genack for introducing me to Rabbi Ari D. Kahn of Bar-Ilan University in Israel. My discussions with Rabbi Kahn, a gifted scholar and writer, together with his suggestions and questions, have informed and improved this book, but I accept full, personal responsibility for everything written in it.

I also want to thank the devoted and gifted teams at Koren Publishers and the OU Press, who have done so much to make ours the golden age of Jewish publishing. At Koren, I am grateful to Matthew Miller (publisher), Gila Fine (editor in chief), Tomi Mager and Shira Finson (assistant editors), Shira Koppel (content editor), and Nechama Unterman and Caryn Meltz (proofreaders). At the OU Press, I thank Rabbi Simon Posner (executive editor). A special thank you to Naomi Kahn for help in editing and organizing the manuscript. I also thank Vernell Glover, my executive assistant at Kasowitz, Benson, Torres, for her support throughout the writing and production of this book.

I write as a layperson, not a rabbi, which means I have less authority, but more latitude. Most of all I write as a committed believer in Judaism who loves Shavuot, the Law, and the law.

Joe Lieberman  
New York  
2018

## Section One

### *Passover, the Journey Begins*

*Day 1*

# My Life in the Law

**I** have spent all of my professional life in the law – proposing and enacting laws as a Connecticut state senator and United States senator, enforcing laws as Connecticut’s attorney general, and representing and counseling private clients as a practicing lawyer. It is surely possible that I would have followed the same career path had I been raised in a religion not as “law-centric” as Judaism is, but I think it would have been less likely.

When I was growing up, my parents and my rabbis taught me that our lives are a gift from God, the Creator, and with this gift comes a covenantal obligation – a legal obligation – to serve God by living according to the laws and values that God gave Moses on Mount Sinai.

Of course, you don’t have to be a lawyer to serve God according to those laws and values. But if you are raised to believe that law is necessary to create justice and security in society, which gives your own life purpose, it is natural to want to be an active participant in the larger legal system. This was true for me particularly, growing up in America,



## *Day 1*

where the narrative of law and history closely overlaps the Jewish narrative of law and history.

America's Puritan-Pilgrim founders repeatedly emphasized that their mission was to build not just a new country, but a new Jerusalem of freedom and law. These founders were also influenced by Calvinism, which put the Hebrew Bible at the center of their faith. Their fidelity to the ideas of law and justice, as taught in the Bible, are reflected in the constitution they painstakingly crafted. And the ongoing interpretation and application of the constitution through laws adopted by legislators and opinions issued by judges closely parallels the application and interpretation of the Torah and Ten Commandments by the rabbis through the centuries.

My education in Jewish history and law preceded my broader education in general history and law, and surely shaped my decision to become a lawyer. I am certainly not unique in this regard, as evidenced by the disproportionate number of Jews who have been and are lawyers.

When I went to Yale Law School, I was taught to see the law first and foremost as an expression of our values – a reflection of what we consider right and wrong – but also of our aspirations for ourselves and our society. It represents the ideals and goals we have for ourselves and our country, much as the commandments and values of God-given law have done for thousands of years.

We don't always live up to the law, but it provides a standard for behavior. It makes us better than we would otherwise be.

*Day 2*

## The Show Goes On

**T**he longest-ever running show on Broadway is *The Phantom of the Opera*, a polished and engaging musical that explores a wide range of human emotions. It opened in 1988, and continues to play to sellout crowds.

But my family and I – and, I imagine, you and yours – have been performing in a dramatic production with a far longer run. It is the Passover Seder, presented annually for more than three thousand years. Every Passover Eve, all across the world, members of our extended family prepare for their roles as actors, singers, and storytellers. We provide “dinner and a show” as we tell the story of the liberation of the Children of Israel from slavery in Egypt.

Although every nationality and every family makes individual adaptations, and nuances its version of the story, and though each may sing the text to different tunes or anchor the feast with different cuisines, the Passover Seder retains its shared meaning. It is a celebration of God’s love for humanity and humanity’s God-given right to be free.

## *Day 2*

Passover was not ordained to be a singular, isolated moment in our national calendar. It is part of a cycle. The Exodus was the key with which our potential as a nation was unlocked – but what followed was the doorway to realizing that potential.

Every year, for over three thousand years, Jews have counted the days and weeks that lead from Passover, the Festival of Liberation, to Shavuot, the Festival of the Giving of the Law. Passover is only the first act in the drama. Unfortunately, despite the appeal and success of the Passover “production,” most people do not remain for the second act: Shavuot. They leave the theater, as it were, before the entire story has been told, missing the point of the annual journey from slavery in Egypt to the Law at Sinai.

The Israelites were not simply released from bondage to be free in the desert. They were not freed to be absorbed into Egyptian society. Their liberation had a purpose, already expressed in Moses’ first conversation with Pharaoh: “Thus said the Lord, the God of Israel: ‘Let My people go, that they may hold a feast unto Me in the wilderness’” (Ex. 5:1). Later, Moses repeatedly transmits God’s request to Pharaoh: “Let My people go that they may serve Me” (9:1).

As the Israelites would soon learn, the purpose of the Exodus was for them to serve God’s values by observing God’s laws. Their ultimate destination was the Holy Land of Israel, but their first stop was Sinai, where they would receive the Law, and, with it, their national objective and destiny.

In this, the Israelites were unusual. Their national purpose preceded their territorial existence – their values were conferred before their homeland – because the Revelation at Sinai provided the Children of Israel with the values they, and all the world, needed to build a new kind of just society.

Passover and Shavuot are two acts in the same drama whose plot explores how liberty and law must be joined to create justice. The immoral pre-diluvian society of Noah, and the years of Pharaoh’s cruel

## *The Show Goes On*

rule in Egypt, demonstrated what happens when people enjoy liberty without law.

Without law, freedom cannot guarantee anyone a secure or good life. That is the point of the second act, Shavuot, in which the rest of the story unfolds, as you will see, if you stay in your seat and experience it.

*Day 3*

## Our Open-Door Policy

**A**s anyone who has ever attended a Passover Seder knows, one of the key sections of the Haggada is built around the give-and-take with four virtual children. One of them is described as the “Wicked Son.”

I would like to argue that the “Wicked Son” is not really wicked and that the question he asks – “What is the meaning of this service to you?” – is exactly the kind of question we should be asking each other in our discussions on our journey from Egypt to Sinai.

What is so evil about this query? The rabbis explain that in choosing “you” over “us,” this child separates himself from the community and from Judaism and is thus “wicked.” To me, though, this is the question of someone who has come to the table to learn.

I believe that this child is trying to understand not just what is happening but what it means and what lessons we can take with us from the Seder. That is not “wicked.” That, in contemporary terminology of our hi-tech economy, is disruptive. He is a challenger. But his question – if respected – can, in fact, make everyone at the Seder table better, and

### Day 3

earns him the title of the “Challenging Son.” This child cares enough about Judaism to come to the Seder. He returns, metaphorically, every year, and is welcomed back by his family, friends, and community. That is a very important lesson for us today.

Too often, we focus on the things that divide us. We define ourselves religiously, by our denomination; politically, by our party; ethnically, by our tribe. One of the main virtues of the Passover Seder is that even those who claim to be outside our community, those who would never pray in *our* synagogue or perhaps any synagogue, make the effort to show up and be part of the conversation. The welcome presence of even the most vocal challengers makes a dramatic and hopeful point: we remain – despite our divisions – one people, united by a shared history, shared values, and a shared vision of a better future.

That is certainly also true of the celebration of Shavuot. We may not all pray together, but we can study the Law and its values together, imbibing this spirit of genuine inclusiveness and the willingness to ask questions as incisive and important as the one posed by the “Challenging Son.”

*Day 4*

## Good Debates Produce Good Laws

**D**ebate is a time-honored Jewish tradition. Hopefully, we will engage in it as we journey through the Omer together. The Talmud itself is a collection of debates, disagreements, and resolutions. Through argument, our ideas are refined, honed, and ultimately strengthened. The following talmudic anecdote about what happened to R. Yoḥanan, the head of the Academy, when his friend and study partner, Resh Lakish, himself a great scholar, died, poignantly illustrates this point:

Resh Lakish died, and R. Yoḥanan was plunged into deep grief. Said the rabbis: “Who shall go to ease his mind? Let R. Elazar b. Pedat go; his teachings are very sharp.” So [R. Elazar b. Pedat] went and sat before [R. Yoḥanan], and on every dictum uttered by R. Yoḥanan, [R. Elazar b. Pedat] observed: “There is a teaching which supports you.”

## Day 4

“Are you like the son of Lakish?” complained [R. Yoḥanan]. “When I stated a law, the son of Lakish used to raise twenty-four objections, to which I gave twenty-four answers, which consequently led to a fuller comprehension of the law; while you say, a *baraita* has been taught which supports you! Do I not know myself that my rulings are correct!?” Thus he went on, rending his garments and weeping: “Where are you, son of Lakish, where are you, son of Lakish!” And he cried thus until he lost his mind. Thereupon the other rabbis prayed [that God have mercy] on him, and he died. (Bava Metzia 84a)

R. Yoḥanan had no use for a partner who was simply a “yes-man.” He longed for the constant challenges posed by the “adversarial” Resh Lakish, who forced him to step outside the comfort zone of his own certainty, to see things from a different point of view and to reexamine his own ideas through a more critical lens.

As we study the Law, we must remember the value of hearing opinions that differ from our own. By opening ourselves up to reconsidering them from another point of view, we may bring our own ideas and values into sharper focus – or maybe even revise them. Such is the spirit of respectful debate and discussion that I hope to animate through the essays in this book.

This principle is important, not only in studying the Ten Commandments and the Bible, but – and I can tell you this from personal experience – it is critical for those involved in making laws and running governments, as well. People of different ideologies and political parties increasingly argue without listening to each other. They deprive themselves and their ideas of the challenges that can strengthen them and the laws they enact. The result is that too many elected leaders and lawmakers in modern democracies like America have become unable to discuss, negotiate, and compromise. They thus limit their abilities to adopt laws that make the government work, help their constituents, and advance the values of their countries.



*Day 5*

## Go and Learn

**T**

he most famous debaters in the Talmud are Hillel and Shammai and their students, and their best-known difference of opinion is this one:

A non-Jew approached Shammai and said to him: “I will convert [to Judaism] on the condition that you teach me the entire Torah while I stand on one foot.” Shammai pushed him aside with the measuring stick that was in his hand. [The non-Jew] then came to Hillel [with the same condition], and Hillel converted him, saying: “That which is despicable to you, do not do to your fellow. This is the entire Torah; the rest is commentary. Go and learn.” (Shabbat 31a)

It seems easy for the reader of this story to pick sides. Naturally, most of us prefer the welcoming reaching out of Hillel to the disrespectful harshness of Shammai. Hillel condensed the entire Torah, all its traditions, laws, and values, into one precept. While there are those who

## Day 5

might highlight the complexity of Judaism, the myriad rules and regulations, the norms and taboos that have developed over the centuries, Hillel saw past all the detail and formulated a substantive but succinct summary, encapsulating Judaism's guiding principle: "Don't do to others what you don't want them to do to you."

Most people familiar with the story don't notice, however, or remember, that there was more to Hillel's response. It concluded with this additional phrase: "The rest is commentary. *Go and learn.*" In other words, the Golden Rule may be the essence of the "entire Torah," but it is just the beginning. With that foundation, you have a lot more to learn.

"Go and learn" has been a Jewish standard for millennia. We have learned, and we have taught. However, today, too many seem satisfied with the first half of Hillel's message, and fail to accept the proactive mission contained in the second half. After accepting Hillel's wise and embracing opinion, we must also understand the responsibility he placed upon the convert – and all of us – when he instructed him to go and learn so he could gain a full understanding of the Ten Commandments, and the rest of the Torah, and their values. I hope that we will all be motivated to "go and learn," to discover more and more knowledge, to uncover the depth of interpretation of the Torah, on our own or in ongoing conversation with others.

*Day 6*

## Shammai Revisited

**W**e have discussed the importance of debate with people of differing points of view. With that in mind, I feel obliged to ask: Was Shammai's response to the prospective convert really as unreasonable as it appears?

Would a law professor today look kindly on someone who had never studied law, and then asked to be taught the entire jurisprudential corpus in one sentence? Who was Shammai? We know that his personal motto, recorded in the *Ethics of the Fathers*, was "Greet all people with pleasantness." Clearly, Shammai was not as unapproachable and cantankerous a rabbi as his response to the convert suggests. In this case, though, Shammai lost his temper. He was angered by the question. Perhaps he felt that it belittled Jewish law itself. Shammai, we read, pushed the man away – with his builder's measure – in what may be a symbolic action with a crucial message: If you wish to build a sound and worthy legal system, you must first establish a strong foundation. A building with a weak base will eventually collapse.

## *Day 6*

But why didn't Shammai take the time and effort to explain to the man why his question was simplistic and offensive? That response might have convinced the would-be convert that Judaism is a treasure trove of moral, legal, and philosophical thought that simply cannot be summarized in one sentence. In the final analysis, therefore, I prefer Hillel's response, but I can see some reason in what Shammai did. Judaism should be studied and explored, not leapt over in a single bound.

Various talmudic passages recount how Hillel believed in an "open-door" educational policy: anyone and everyone who wished to study was invited into the Academy. Shammai, on the other hand, set standards for admission. He felt that the Academy should accept only the most gifted.

Both debaters were concerned with Jewish scholarship, Jewish practice, and the future of the Jewish people. The approaches of both to the study of the Law were well reasoned and principled. But each had a distinct approach. Shammai believed that Torah study required rigorous and systematic acquisition of the fundamentals by the most capable students as a foundation for further scholarship. The more democratic Hillel felt that anyone who wished should be afforded access to a Torah education. Both educational philosophies are valid – even indispensable. Education has been at its best when it has allowed both approaches to flourish side by side, creating universal access to education while fostering excellence among the most capable students.

The miracle of Jewish survival is explained, in part, by the capacity of the Jewish people to transmit both laws and values through the parallel systems of education represented by Hillel and Shammai.