

Many of us of us have visited the Liberty Bell in Philadelphia. This week's Torah portion contains a verse that is found on the Liberty Bell:

וְקִרְאתֶם דְּרוֹר בְּאֶרֶץ לְכָל־יִשְׂרָאֵל

“Proclaim Liberty throughout all the land unto all the inhabitants thereof.” Why was this particular verse chosen for the bell?

In 1751, The Pennsylvania Assembly ordered the Bell to commemorate the 50-year anniversary of William Penn's 1701 Charter of Privileges. The Speaker of the Pennsylvania Assembly, a Quaker man named Isaac Norris, asked that this particular verse be placed on the bell. The bell was first called the "Liberty Bell" by a group trying to outlaw slavery. These abolitionists remembered the words on the bell and, in the 1830s, adopted it as a symbol of their cause.

The full verse from the Torah begins with the words, “And you shall hallow the fiftieth year,” and so it was the perfect verse chosen for this 50th anniversary occasion in the State of Pennsylvania.

The King James translation nearly trips off our tongues, “Proclaim Liberty throughout all the land,” yet we may ask if the Hebrew word, דְּרוֹר should be translated as liberty, as it is in the King James version, or if it should more properly be translated as freedom. Then it would read, “Proclaim freedom throughout the land.”

Is there a difference between liberty and freedom? Or are they synonyms?

The Talmud tells us that all rabbinic authorities agree that דְּרוֹר means חֵרוֹת or freedom. The root meaning of the Hebrew word דְּרוֹר is related to dwelling or living in a place and being able to carry out trade there. The British philosopher John Stuart Mill, in his work, *On Liberty*, was one of the first to recognize the difference between liberty, meaning the freedom to act and liberty, meaning the absence of coercion. Perhaps the Hebrew word דְּרוֹר incorporates both types of liberty that Mill described, meaning: proclaim the freedom to act, proclaim freedom from coercion throughout the land to all inhabitants thereof.

My reading these words once again from Leviticus coincided with my visiting the California State Capitol about a week and half ago. What an inspiring day in the Capitol for the Jewish community. I had just left the Assembly Floor where I had given an invocation in observance of Holocaust Remembrance Day, followed by Assemblymember Marc Levine of District 10 giving a passionate presentation proposing that our state observe at Holocaust Memorial Week on an annual basis. Caucus member after caucus member stood and spoke in support of the dictum to never forget, sending a clear message to Californians that there is no place for bigotry

in our state, the type of bigotry and racism that led to the extermination of six million Jews, and five million others including the Sinti and Roma, also known as gypsies, gays, the disabled, intellectuals, Christians and others. We were doing our part to ensure this absence of coercion that John Stuart Mill talks about: the liberty to live freely without coercion brought on by bigotry and racism.

As my fellow rabbinic colleagues and I left the Capitol, we chatted and caught up on the news with each other. Rabbi Mona Alfi, the Chaplain to the California State Senate, mentioned something that made my heart sink: Donald Sterling, the owner of the Los Angeles Clippers was recorded in private conversation with a woman named V. Stiviano. During the course of this conversation, Donald Sterling asked that she not bring African Americans with her to the Clippers games and that she not pose for photos with them and that she not post these photos to social media.

Donald Sterling is a Jew. He is a public figure and his actions impact those of us who identify with the Jewish community and who are identified by others as Jews. Even though we may try to reject association with him or with his egregious errors, Jewish tradition argues otherwise. On Yom Kippur, the Day of Atonement, we chant many a different *viddui*, or confessional prayers as a community. These prayers are in the plural – על חטא שחטאנו לפניך – for the sin that WE have committed before you. These prayers are not stated in the first person, but rather in the plural form, because when someone who is Jewish sins, it reflects on ALL of us, even if we didn't engage in that action ourselves. For us it is a *shanda*, a terrible shame, when something like this happens, and it takes us backward in realizing the values of Torah, in erasing bigotry and racism and in repairing the world in the way that God wants us to do.

But there was a second violation of Jewish norms in this debacle. Stiviano's decision to record this conversation, despite the pejorative contents, was an expression of freedom that is contrary to Jewish values. Even though recording conversation is considered legal in many states, even with the consent of only one party, it is clearly forbidden by Jewish law.

Joel Kurtzberg, a New York attorney with expertise in First Amendment and media law, state that Sterling's first amendment rights were actually not violated.

As appalling as Sterling's assertions were, it is also important that we not hold that the ends justify the means. In other words, the blatant exposure of racism made possible by Stiviano's recording of Sterling's and her conversation, is indeed not justified. Why is this, the case? We know what Judaism says about racism, but what does Judaism say about privacy?

Based on the biblical laws prohibiting intrusion (Deuteronomy.24:10-11), the Rabbis maintain that these laws bar not only physical trespass, but also visual

penetration of a person's domain. In the book of Numbers, when Bila'am stands and looks down on the Israelites' tents and says, :How fair are your tents, O Jacob, your dwelling places, O Israel: (Numbers 24:5), the medieval French commentator RASHI tells us that the tents were so situated that the tent openings did not face each other. In other words, the reason the tents were so fair to Bila'am, is because the Israelites respected each other's privacy.

Later rabbinic law draws on this story and its interpretation to insist that two joint landowners contribute equally to erect a wall between their respective halves of the property to serve as a deterrent to visual intrusion, and they prohibit making a hole in the wall opposite the neighbor's window. They also deny the option to either or both parties to waive their rights to this protection of their mutual privacy because the wall was not only supposed to safeguard the privacy of each party but was also intended to deter each one from the temptation to intrude on the other.

In the Middle Ages, when the mail system expanded,) the rabbis prohibited mail carriers and others from reading other people's mail lest they learn trade secrets or spread gossip. Violators would be subject to excommunication even if they did not publicize the improperly read letter. Privacy was thus recognized as an important value in its own right apart from its importance in protecting people from harm.

Moreover, intrusion, as understood in Jewish sources, is thus not limited to forbidden entry (physical, visual, or aural) into another person's property or personal space, but also forbidden use of what one learns when one does that: I may not read another person's letter without permission, and, if I do, I may not tell anyone else the contents.

One last example, Judaism holds so strongly, the idea that you can't view another person if they can't view you, that in traditions around death, dying and mourning, the rabbis note that the deceased is seen but cannot see. Therefore Jewish tradition prohibits opening the casket and allowing people to look at the deceased as the comforters are then spectators and the deceased is an object of seeing.

Mill's recognition of the difference between liberty - meaning the freedom to act and liberty - meaning the absence of coercion is an important distinction for us as Americans and as Jews. We all can agree that the absence of coercion is a good thing and we all can agree that the freedom to act is a good thing. But our freedom to act, Judaism teaches us, is not unbridled. Again, even if Stiviano's recording was legal and even if it further exposed Sterling's racist views and even if it brings us into a deeper conversation and toward actions to eradicate racism, it was wrong. It may be easier for us to stand up against racism and to fight for the absence of coercion against any group, than it will be for us to navigate the increasingly difficult path of negotiating

privacy in a digital age. How do we take the biblical and rabbinic views on tent openings facing away from each other, neighbors' walls protecting privacy and on guarding the dignity of the dead and bring those ideas into the digital realm?

The following rabbinic values shape the Jewish approach to privacy:

Kavod Ha Briyot: Respect for all humanity. Privacy is necessary for human dignity to preserve our relationships with each other. In addition, privacy is a prerequisite for the bond of friendship, which includes sharing confidential feelings and vulnerabilities. A free and tolerant society needs an assurance of privacy, because each person has secrets and weaknesses that we dare not reveal to a competitive world, dreams that others may ridicule, past deeds that bear no relevance to present conduct or desires that a judgmental and hypocritical public may condemn.

B'tzelem Elohim: We are made in the image of God. Jewish texts also depict God as in part known and in part hidden; God is made manifest to human beings through revelation and through divine acts in history, but no human being, even Moses, can know God's essence (Exodus 3:6; 33:20-23). As God keeps God's own confidences, then, we too must preserve both our own privacy and that of others to enable us to be like God. When we honor God's creatures we honor God, and, conversely, degrading people is tantamount to dishonoring God.

Am Kadosh – We are meant to be a holy people. God intends that the Israelites be a kingdom of priests and a holy people (Exodus 19:6), not just a nation that observes the minimal necessities of maintaining order and providing for basic needs. As the Torah specifies, to be a holy people require that we not intrude into our neighbor's home and that nobody be a talebearer among the people (Leviticus 19:16). Thus both intrusion and disclosure are forbidden so that a person's home, reputation, and communication are all protected as part of the effort to create a holy people.

As much as we value privacy and should advocate for its proper place, even in a digital world, we also know that one of the best safeguards to adopt is drawn from the Talmud: Know before whom you stand. God can see it all and there is no hiding from God. If we are comfortable before God, with what we say, what we hear and what we say, this will give us the truest *dror*, the truest liberty of all that we may proclaim liberty throughout the land for ALL of its inhabitants, where there is an absence of coercion, a freedom to act and an ability to restrain. Where we value

God's creatures and we strive to be God-like and to live as a holy people. Know before whom you stand and you will be remembered in the world to come.
Shabbat Shalom.