

Chukat: Para Aduma, Democracy and Human Constitutions

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There are very few commandments as evocative as parah adumah- the ceremony of the red heifer. This sacrifice is processed and burnt outside the Mikdash, while its ashes are mixed with spring water and sprayed upon someone who has come into contact with the dead. This extraordinary but inexplicable mitzvah is introduced as the prototypical "chok": Zot chukat haTorah.

Traditionally, the term "chok" designates illogical mitzvot. Many mitzvot can easily be decoded but some lie beyond the realm of human comprehension; their logic defies human interpretation. Parah adumah is a double 'chok' because it is not just illogical – it is also internally contradictory. The priests who officiate over this ceremony which relieves halachik impurity, are, themselves, rendered impure. The logic of this mitzvah is both impenetrable and, seemingly, inconsistent- at least if judged through human analysis. It is for this reason that parah adumah is coined the ultimate 'chok'.

Death is the ultimate mystery for which human beings possess no solution and little understanding. When we encounter the mystery of death, we require a Divinely coded experience – beyond human rati on and beyond human cognition- to resolve our “predicament” and redeem us. Parah adumah is the perfect illustration of the experience of illogical religion.

This model “chok” highlights that even 'logical' mitzvot contain deeper levels of meaning far beyond human logic. Many Rishonim- most notably the Rambam- assembled ‘reasons’ for mitzvot- known as ta'amei ha'mitzvot. Amongst those who opposed this agenda, some were concerned that mistaken reasons would be asserted, causing the abandonment of mitzvot. However, some were opposed to the very concept of binding a mitzvah to human-based logic or comprehensible reasons. Mitzvot are all Divine commands and they all possess layers of meaning far beyond human consideration. Offering logical reasons for mitzvot may "flatten" mitzvot which are, in truth, celestial and otherworldly.

An additional but lesser known meaning of the term "chok" is a law which is "foundational" or "seminal". For example, the korban Pesach is referred to as "zot chukat haPesach" even though the ceremony is completely logical, as it commemorates our emancipation from Egypt and our genesis as a nation. Pesach is a "chok" not because it is a mystery but because it is seminal to Jewish identity. The label "chok" sometimes denotes that a mitzvah is part of the "constitution" of Judaism and not 'merely' one of 613 mitzvot. In fact, in modern Hebrew, the word 'chukah' - a derivative of the term "chok" - refers to an actual political Constitution (which the State of Israel has yet to craft!)

These two meanings of the term "chok" – seemingly "illogical" mitzvot as well as "foundational" mitzvot are interrelated. Human logic is always temporary and fluctuates with the changing circumstances of history. Divine logic extends beyond time and space and is therefore both incomprehensible to humans as well as immutable to the changes of history. Since only Divine logic is perpetual, only G-d can install absolute and unchanging rules which apply regardless of changing circumstances. Only G-d can create permanent Constitutions which outlast changing cultures and contexts. Human logic is trapped within a "period" or a "place" and their laws are never unalterable and can never form an absolute Constitution. As G-d soars above time and place, His logic is impenetrable but also enduring. Ultimately His will is enduring and absolute for precisely the same reason that it is unfathomable!!

This week the greatest modern democracy celebrates its Independence Day. Democracy has reshaped the human condition, alleviating centuries of unjust political rule, thereby freeing humans from political persecution and unleashing human imagination and creativity. Democracy, and its economic cousin, Capitalism have, together, propelled 300 years of unparalleled human welfare. We believe that G-d desires human welfare and therefore we celebrate the advent of democracy- imperfect, but yet, the best political system which humans have been able to install.

However, blindly worshipping democracy without acknowledging its religious danger is a modern form of idolatry. After the American Revolution a Constitution was absolutely vital toward the founding of the modern political experiment of Democracy; it provided a baseline

upon which to build a fair and just democratic system. However, the Constitution was drafted in a particular context and in response to specific historical factors. Assuming that its authority is unchangeable traps us in mind prisons of outdated paradigms. For example, the right to bear arms, enshrined in the Second Amendment, was intended to protect against the aggression of a foreign empire. Today, it is unlikely that handheld guns could be of much use in actual warfare; widespread handgun ownership serves only one purpose- the murder of fellow citizens. Yet some still obstinately cling to their "right to bear arms" claiming their sacred freedoms as protected by the Bill of Rights. This modern form of idol worship – blindly worshipping human Commandments- carries a grave price tag in human blood. The worshippers of the Second Amendment are modern worshippers of "Molech"- their worship spills the blood of children in schools across the country.

Likewise, it has been scientifically proven that face masks dramatically diminish the risk of Covid-19 infection. It is sad to witness reckless people who refuse to wear masks. Some are just lazy or inconsiderate, but others defend their behavior based on their Constitutional right to freedom of expression. This application warps the Constitution, is historical folly as well as a moral breakdown. Freedom of expression was intended to allow free speech and to enable the exchange of ideas, views and political positions- all of which are vital to vibrant democracies. The digital revolution has reminded us of the power of speech and information. Applying freedom of expression to the avoidance of face masks and the endangerment of life is reckless and intellectually dishonest. Weaponizing freedom of expression at the risk to human life is a modern form of idolatry: it assumes that humans can craft timeless principles which are so seminal that they can even over tally the preservation of human life.

Much controversy has erupted over the past few weeks surrounding statues which are associated with unfair social institutions which, in the past, supported racial injustice. Abraham Lincoln was a great opponent of slavery and the Lincoln Monument is therefore acceptable to the consensus. Indeed, the towering man sitting courageously on his "throne of law" is one of the most iconic American symbols. As a Jew, I find the notion of any human sitting upon a mighty throne- even a throne of law-

to be abrasive. Only G-d sits atop His Throne of Glory, hovering above human experience and delivering immutable laws which shape and govern human experience in each century. Humans can, and should, draft laws, but they cannot issue Constitutions which are taken as absolute and immutable. Only G-d can issue timeless commandments which are so sweeping that they must be applied unconditionally. The world of “chok” is the unique province of G-d.

At Sinai G-d issued ten eternal Commandments. The founding fathers of the USA registered ten Amendments in the original Bill of Rights, which are important “guidelines” for democracy but are not absolute Commandments. We await the arrival of Moshiach and the processing of the tenth para adumah in history !!