

## **Bechukotai 5771**

**May 21, 2011 – 32<sup>nd</sup> day of the Omer**

***By Rabbi Maurice Harris***

This week's parashah is called Bechukotai, and most years it is part of a double Torah portion, paired with the parashah that precedes it, which is called Behar. I'm going to take the liberty tonight to focus on the contents of Behar, because they've been on my mind for much of the last couple weeks. Behar presents us with a series of what political liberals might call good government stewardship of key ecological systems and labor standards, or what political conservatives might call big government getting in the way of the vitality and creativity of the private sector. It all depends on your point of view!

The first part of Behar describes laws regulating the ownership and the agricultural use of farm land. Every seventh year the land is to lie fallow. Every 50<sup>th</sup> year, property returns to its original family ownership. These laws form part of a larger body of Torah law that sets up the ancient economy of biblical Israel according to seven year cycles, requiring the regularly scheduled forgiving of uncollected debts, the freeing of personal slaves, and the guaranteeing of the poor having access to credit even if the lenders may not fully recover their outlays.

To enforce these laws would probably require a permanent class of professionals to oversee their implementation and resolve disputes that would inevitably arise. That is why Behar is one of the favorite parashahs of regulatory administrators.

If the Torah captures the imagination of present day liberals in its willingness to legislate and regulate the marketplace and our impacts on the environment, it also represents the values of conservatives in its insistence on limiting the power of government and – I couldn't resist saying this – by mandating prayer in school. Actually, when we look at the Torah's approach to government, I think what we find is neither a contemporary liberal nor conservative ideology, but rather that the Torah asks a different basic question about government than we do.

Ever since the early 1980s, the dominant question in American political discussion about government is whether or not it's too big. This used to be a question we reserved for shoes and pants, but for most of my 42 years of life it seems to be the question we like to ask about our government. Pretty soon we'll probably also start asking whether or not our government makes us look fat. *Do I look fat in this federal commerce policy?*

Too big a government, the argument goes, stymies the innovation of business and inhibits the people from finding solutions to their problems on a local level. According to this philosophy, big government also has a tendency to hoard power and chip away at our liberties. If we let the government get too big, it will morph into an oppressive overlord, imposing centrally planned solutions to all our life challenges whether we want them or not, and, knowing the tendencies of government bureaucracies, most of the time these top-down solutions to social problems will be inefficient and create more new problems than they solve. And, along these same lines of thought, some of the worst ways that big government spoils a free society are through taxes and regulations.

I'm not here tonight to make a punching bag out of this particular ideology, nor do I want to alienate anyone here tonight who identifies as an ideological conservative. There are some good historical reasons why Americans have embraced a suspicion of large-scale government. Early American revolutionary colonists set up a system of representative government with checks and balances, a system that severely limits the powers of its chief executive, in part because of their deep distrust of the concentration of authority in government. "Is the government too big" is a classically American question. It simply isn't the Torah's central question about the right role of government, and given that the Torah came to be in a very different historical context, that makes sense as well. As a rabbi, I look for ways that a Torah-values perspective and an American-values perspective can inform each other, and, at times, correct each other. This approach is very much a part of Reconstructionist Jewish thought, which I'm happy to say more about in personal conversation after services if anyone is interested.

In any event, the Torah has its own perspective, and it asks its own central question about government. I think the Torah's fundamental question about government goes something like this: what is a *just* government?

The Torah is coming from an assumption that people *need* to govern themselves – we have a *moral obligation* to govern. The Torah starts with this assumption and then goes on to legislate rules and regulations that sometimes limit the unfettered freedom of commerce, land use, construction, employer – employee relations, and more. In other cases, the Torah imposes limits on the authority and reach of the government itself. The biblical system of government for ancient Israel even included an important power division within the government, separating the monarchy from the priesthood, letting each serve as a check and balance against the other. This system also established the Torah itself as the constitution that the kings or queens of Israel were bound to follow, and prohibited monarchs from amassing more than a certain amount of wealth or military power.

What emerges is a balanced mix of restraints. Some of the restraints are on the freedoms that individuals or businesses may have to do whatever they please, and where those limitations exist their reason for existing is often to protect the vulnerable or disadvantaged in society from either the abuse of power or too huge an economic disparity between the wealthy few and the poorer masses. On the other hand, some of the Torah's restraints are placed on the ability of government authorities to hoard power. The Bible imposes competing governmental checks and balances, and it refuses to permit rulers to see themselves as above the law or to violate average citizens' rights and liberties. Even non-citizens living in the land have major legal protections from the intrusions of government in the Torah's system.

The question in the Torah isn't "is the government too big," but "is the government just"? If the government is over-taxing and over-reaching, then, perhaps to the delight of modern conservatives, the Bible demands that the government's power's be restrained. The Bible also provides numerous passages that tell the Israelites that government must not become an end in itself, but rather that the government is simply a vessel of service to the true authority in their lives, God. If government oversteps that function, the Bible warns that disaster will result.

At the same time, if the government is shirking its responsibility to be the guarantor of certain basic elements that keep a society decent, healthy, fair, and sustainable, then it is failing its purpose. In

these arenas, the Torah requires that government play the role of limiting the scope and the potential for abuse of power by other centers of power in society – particularly the power of concentrated wealth in the hands of the few. A government that would refuse to intervene to help the poor, the widow and the orphan in the name of free enterprise would be sinful, in the eyes of Torah. A government that wouldn't bother to enforce the laws demanding that the land not be farmed every 7<sup>th</sup> year (perhaps as part of a national soil conservation program) – such a government would be considered to be in violation of a sacred responsibility. Hmm... I wonder if Moses had to deal with a faction among the Israelites who insisted that the scientific theory that the soil will degrade if you over-farm it was nothing but a fantasy conjured up by those who want to hamper agricultural commerce?

Whether the Bible is requiring limits on the size and power of the government, or using government to regulate, tax, and supervise, the Torah's central question is, to state it a bit differently than I have already, “are we using government justly?”

What would it look like if, in our typical national discourse, we replaced the question of whether the government is too big or not with the question of whether or not we are using government justly? I would suggest that “are we using government justly” includes the question “is the government too big” within itself. The Torah's question *makes* us ask whether government is too big, while also making us ask whether government is being active enough to ensure a reasonably just, healthy, fair, and sustainable society.

If America adopted this new question, we'd still have conservative and liberal perspectives discussing and debating the issues in a robust and, I think, more meaningful way. In this instance I have to say that I just think the Torah asks a better question. I'm curious to know what you think – feel free to let me know after services!

Shabbat shalom!