

## D'var Torah – Bemidbar

May 27, 2011 - 39<sup>th</sup> day of the Omer 5771

*By Rabbi Maurice Harris*

This week's Torah portion is called *Bemidbar*, and it begins the 4<sup>th</sup> of the Five Books of Moses, the Book of Numbers. The Torah portion deals extensively with a census that Moses is instructed to take of the Israelites some 13 months after their escape from slavery in Egypt. This census data will be used to provide some important areas of governing, such as determining what kind of military force the 12 tribes will be able to muster now that they're on their own, and determining certain streams of revenue for the official priestly system of worship.

Two weeks ago we also studied a section of the Torah that deals with issues of governing, and tonight I'm going to draw heavily from that Torah portion in my remarks. Towards the end of the last book of the Torah, Leviticus, in the parashah known as *Behar*, we read a series of laws that involve having a government that regulates agriculture, commerce, and labor practices, among others. *Behar* offers 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* has been voted the favorite parashah of regulatory administrators. Okay, not really...

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.

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.

My purpose tonight is not to support or criticize this particular political ideology. I believe that there are some good historical reasons why Americans have, on the whole, embraced a suspicion of 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's just not the Torah's central question about 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. And that question is: what is a *just* government?

The Torah is coming from an assumption that people *need* to govern themselves. Anarchy is viewed poorly in the Hebrew Bible. According to the Torah, we have *a moral obligation* to have a government. 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 government, restricting its authority and reach. The biblical system of government for ancient Israel even included an important power division within the structure of government, separating the monarchy from the priesthood, and making each serve as a check and balance against the other. This system also established the Torah as the constitution that the kings or queens of Israel were bound to follow, and it 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 their rationale is generally 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. As I said, 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.

So we've established that 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, in the name of safeguarding free enterprise, would refuse to intervene to help the poor, the widow and the orphan 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... ancient Israelite soil conservation policy in the Torah... I wonder if Moses had to deal with a noisy faction among the Israelites who, despite the scientific knowledge that over-farming really does degrade the soil, nevertheless insisted that this theory was nothing but a hoax conjured up by environmentalists who wanted to hamper agricultural business? Maybe these people tried to get the law changed so that they could farm even during the 7<sup>th</sup> year.

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. Conservatives would accept the importance of having some government play a serious role in regulating, taxing, and limit-setting, but would view society as tending to do better in the long run when these necessary governing functions are kept as simple and as locally centered as is practical. Liberals would accept the importance and creativity of market-places and freedom of commerce, but would tend to view society as doing better in the long run with strong government support for core social standards and needs. If they formed their ideas in response to the Torah's central question about government, both liberals and conservatives would be trying to achieve the same goal and would be in general agreement about core principals. This leads me to feel that the Torah simply asks a better question about government, and makes me want to work for a time when we will come to ask the same question in our American society. These thoughts of mine are a work-in-progress, and I'm curious to know what you think – feel free to let me know after services!

Shabbat shalom!