

Sedra Highlight

- Dr Jacob Solomon

B'HAR-B'CHUKOTAI

If you follow my statutes and keep and act according to my laws... then I will grant peace in the land... and no one will make you afraid (26:3-6).

B'har and B'chukotai address the people at the community level. Their content and implications convey G-d's covenant and macro-economic socially-calibrated model for Am Yisrael in the Land, which together present the following principles:

(a) All property belongs to G-d. Am Yisrael's presence in Eretz Yisrael is in the capacity of His honoured tenants (25:23).

(b) With the exception of the tribe of Levi, all coming into the Land become eligible to take the portion of land that would be their ancestral heritage. As long as they follow His Statutes and act according to His laws, G-d actively guarantees their safety and their prosperity, granting the full enjoyment and the full benefits of the Land (26:3-13).

(c) If they do not, as the Ramchal explains, He withdraws that special protection. That leaves Am Yisrael open to the inevitable fate of all the small nations that appear and vanish in the comings and goings of

powerful empires and countries. The TOCHACHA graphically portrays the horrors that inevitably follow. They include eviction from the Land, exiled into the 'lands of their enemies' (26:41).

(d) On the whole, the economy should work on market principles. Buying and selling is the order of the day, with goods and services allocated by demand and supply. The Torah does not seem to be concerned that some will become richer and others will become poorer because of the economic forces inherent in the market. It accepts the implication that market practices promote overall growth in economic well-being, enlarging the proverbial cake even through invariably some will end up with larger pieces of cake than others. It does not regard the more fortunate as moral delinquents. However, the Torah does emphatically regulate markets by fairness. There are strict prohibitions of fraudulent overcharging above the market price (25:14). The Halacha regards such sales as voidable.

(e) Urban and rural property may be bought and sold, but only temporarily, with the lease terminating in the Yovel year. Then the land returns to the owner of the ancestral heritage. That implies consideration of the needs of the poor, bearing in mind why the land was sold in the first

place. A person is typically personally attached to his ancestral home and farmland will only sell them if facing dire poverty with no way out. Such poverty, the Torah ensures, should be only be temporary. He should have the peace of mind that eventually the property will go back to him, and he may speed up the process in the meantime if he comes up with the money to buy it back before it legally returns to him in the Yovel year (25:24-28).

(e) There Torah specifies an exception to the leasehold rule: the sale of property in a walled city. The seller has a year to buy it back. If that does not happen, it belongs to the buyer, for ever (25:29-30). For this, the Ramban offers a nuanced explanation. Losing one's home is extremely painful when it happens, but in contrast to ancestral farmlands which are sources of livelihood, the painful effect should wear off in time. He can always buy a new and better place if his fortunes improve. At the same time, the Torah also bears in mind the state of mind of the purchaser. As time passes beyond the first year, the buyer feels the house (and the local urban community within the walled city) as being part of him...

(f) It is better to prevent poverty than to rescue from poverty. The Torah strongly promotes supporting

the financially vulnerable by 'strengthening them': offering them money to establish themselves on a more secure and productive footing in the form of a non-exploitative loan to be paid back (25:35-36, see Rashi). Not as a gift: give the person the dignity of being a borrower rather than a taker. Implied is that we help the less fortunate to help themselves in a framework of responsibility, not mendicancy. As Rambam declares, the highest level of tz'daka is to help people to help themselves.

(g) Elsewhere, the Torah redistributes wealth to those in the service of the whole community and for the upkeep of institutions, for example as t'rumot and as ma'aserot. It also includes helping the poor by allowing them to help themselves to the left-overs from the harvest (23:22) that invariably occur in a way that the rich won't miss and the poor will be grateful.

(h) For six years those in farming community enjoy their produce, and profit from selling their surpluses. (Remember that farming was typically small-scale subsistence to feed the family, with the extra for sale in the market, as in many developing countries today.) The seventh year is sh'mita. G-d declares that all the produce belongs to everyone - young folk, old folk, rich folk, poor folk (25:2-6). The whole

agricultural cycle resets and the soil naturally replenishes its nutrients.

(h) The Torah reluctantly accepts slavery as the only opening available to the utterly destitute of Am Yisrael. It goes along with it, yet it implies its uneasiness by regulating the way the slave must be treated respectfully (25:39-43). It emphasizes that such enslavement is only a temporary phase and that it should ultimately lead to a better future for him as a free person in the community. Indeed, elsewhere we are told that the owner must give the slave a handsome severance pay to enable him to start off again in the free world (D'varim 15:14).

(i) The Torah also recognizes that a member of Am Yisrael may be so destitute that he sells himself as a slave to someone on the fringe or outside the community. In such a case every effort must be made to redeem him, but not at the expense of the outsider's welfare. He must be fairly and duly compensated (25:47-54).

In short, the Torah speaks for AM KADOSH B'ERETZ YISRAEL as a society that maximizes opportunities for personal and communal prosperity while at the same time balances the needs and prospects of the less fortunate and less established (e.g. the ger toshav). It does not per se advocate communism and the demonizing of the wealthy, however

much these might appeal to the inexperienced, the penniless, and the self-seeking power grabber in the mask of social justice for all.

That is a simplified picture of the society that G-d wishes from Am Segula and Am Kadosh. It sets the social, economic, and business compass for our people. (It also contains many elements that have progressively served as a light to the nations.) G-d gives His personal guarantee that it works.

"If you follow My statutes and keep and act according to My laws... then I will grant peace in the land... and no one will make you afraid". Keeping My statutes and acting according to my laws includes running society in ways compatible with the principles discussed.

Sadly, the choices our people made meant that things did not always work that way. Despite Yeshayahu, Yirmiyahu, and Amos railing about the exploitation of the less fortunate people and classes, the people did not listen. As forecast in the tochacha, famine and exile followed. And the land rested - involuntarily.

These principles frame our challenge. May the time come when we may fully use them as the compass for full improvement and progress, spiritually and physically. 🌿📖