

# WHEN MAJORITY DOESN'T RULE

by Rabbi Yaakov Menken

*"You shall not follow the majority to do evil, and do not answer in a dispute [in a way that is] to turn after the majority to pervert justice." [23:2]*

Normally, we follow the majority, both collectively and individually. Where is the exception? When the majority is going towards something bad or evil, rather than good. Even if, for example, overwhelming evidence tells us that Reuven murdered Shimon, but two witnesses are lying and claiming to be the eyewitnesses necessary to convict him - that is called evil. In that case, there is certainly no Mitzvah to trek after them, and one must point out the falsehood. The Sages also learned from this verse that while we can acquit a defendant by a majority of one vote, in a capital crime one must have a majority of two votes in order to convict. One must try to avoid a bad outcome, and one must avoid following others headed in that direction.

The Ma'ayana Shel Torah records the following story: once, in a town in Europe, a group of base individuals decided to band together in an attempt to challenge the control of the Rabbi and the communal leaders over Jewish services, such as the synagogues, the schools, Kashrus and other needs. They claimed that they should be consulted, although their knowledge was clearly insufficient for them to offer educated opinions (this may sound to us like a fine call for democracy, but as matters of Jewish law were discussed, expert voices were needed).

At that point, one of the protesters challenged the Rabbi: "Rebbe!" he said, "doesn't the Torah itself say that one must decide in accordance with the majority?"

The Rabbi responded with a parable: once, all the hundreds of other organs in the body gathered in opposition to the brain. All of them were being treated as nothing but servants. The brain never consulted with them or asked any of their opinions about what to do - rather, the brain made all the decisions by itself, and whatever it felt like doing, all the other organs were obligated to do. "Can this be?" argued the other organs. "The Torah itself says that one must decide in accordance with the majority!"

But the brain responded immediately. "That verse," explained the brain, "is discussing the Sanhedrin, the Supreme Rabbinical Court, where 71 brains sat together. Therefore it was necessary to ask the opinions of each one, and in cases of disagreement they would rule in accordance with the majority.

But you don't have a single brain between all of you! Just 'tails' that think they can offer an opinion. In such a case, no one says that one must follow that majority!"

We, today, live in societies whose mores are often greatly at variance with Jewish values. Should we allow this to affect our commitment? Should we follow the doctrine of majority rule? Of course not. We must reinforce ourselves and recognize the importance of continuing study and development, in order to maintain our Jewish path. Where Judaism is concerned, we need to listen to "expert voices!"

There is another story, much older, which may also give us valuable chizuk (strength, reinforcement): an idol-worshipper once came to a Jewish Rabbi and said, "why do you not follow our ways? Doesn't your own Talmud tell you to follow the majority? Obviously, there are more of us than there are of you!"

So the Rabbi inquired: "when you get together with your children on the holidays, what happens?"

"Oh, Rabbi, don't ask," replied the man. "My oldest son is worshiping god A, and he's constantly getting into arguments with my second who worships god B. Then I have a daughter who thinks her god is stronger still, and she makes a few snide comments and everyone starts fighting."

"So you see," said the Rabbi, "whom should we follow? You have no majority at all!"

If we look at matters this way, we will realize that there isn't one ideology offered as an alternative - everyone believes something different. So even if everyone disagrees with Jewish values, why should we follow them? Is there truly a compelling alternative? Or do we simply see everyone following his own heart? It may look attractive, but we already discussed the idea of following something other than the brain...

Good Shabbos,  
Rabbi Yaakov Menken