

# Do Not Follow the Majority

by [Petr Chylek](#) (February 2024)



Eine Streitfrage aus dem Talmud (A Talmudic dispute), Carl Schleicher, 19th c.

**I like the writings of** Rabbi Abraham Twerski (1930-2021). He was a Rabbi and also a Professor at the University of Pittsburgh teaching psychology. In one of the Torah study groups I attended a few decades ago, I met two people, husband and wife, who took his course. Both talked enthusiastically about his teaching. Thus, I decided to read again Rabbi Twerski's book "Messages from the Mishnah." [\[1\]](#) I started to

read, but I did not get too far. I got stuck with his first story. It was a story (called midrash) from the section of the Talmud dealing with prayers and blessings (Tractate Berachot).

The story is about Rabbi Eliezer ben Hurkanus, a Rabbi living in the first and in the early decades of the second century CE. Rabbi Eliezer was a teacher of Rabbi Akiva, who in turn was a teacher of Shimon bar Yochai, a presumed author of *Zohar*. The story about Rabbi Eliezer describes a discussion within the Sanhedrin, a Jewish assembly of 70 prominent Rabbis, concerning cleaning the oven once it became contaminated. An oven of course represents a man who committed an inappropriate action (a sin). Rabbi Eliezer declared that after the discussed cleaning procedure the oven was pure, while the majority of Rabbis said the oven remained contaminated. Rabbi Eliezer invoked the support of the heavens for his opinion and finally the voice of heaven was heard proclaiming that his opinion was a correct one.

The Rabbinic response was a proclamation that

*“Torah is not in heaven. It was given to us, and the Torah states that the majority opinion prevails.”*

Since Rabbi Eliezer would not agree with the majority, Rabbi Gamliel, the president of Sanhedrin at that time, excommunicated him. Later, Rabbi Gamliel proclaimed that he did not do it for any personal reason (Rabbi Eliezer was his brother-in-law), only to keep the unity of Jews. He said:

*“The rule of the majority must prevail.”*

There was no convincing argument that Rabbi Eliezer might have been wrong. The only evidence against him and against the voice from heaven was a vote of the majority of rabbis. For rabbis, this story became celebrated proof that a Rabbinic Assembly is the final authority in any dispute and that the voice of heaven is irrelevant. This way, the rabbis granted themselves the exclusive right to interpret Jewish scriptures and the law. This was an action similar to how the Catholic Church allocated itself the exclusive right to interpret the teaching of the New Testament.

For me, however, this is a sad story leading to the rejection of mystical experiences connected to the direct connection between inspired individual human beings and the heavenly realm. Replacing a mystical experience with a majority vote is a downfall, a departure from the divine to the sphere of politics. It finalizes the transition from the Biblical (when we had prophets and other inspired individuals) to a Rabbinic Judaism (when we have a vote of majority of selected rabbis).

I have read in recent years Torah a few times, but I do not recall seeing anywhere the statement that the majority prevails.

The Chabad website[\[2\]](#) reformulates the Rabbinic answer as

*“The Torah is not in heaven! ... We take no notice of heavenly voices, since You, have already, at Sinai, written in the Torah to ‘follow the majority’” (Exodus 23:2).*

Thus, Exodus 23:2 is cited as the source of the statement, that the majority prevails. Let me present what Exodus 23:2 says in several Christian and Jewish translations:

*“Do not be a follower of the majority for evil, and do not respond to a grievance by yielding to the majority to pervert the law.”*[\[3\]](#)

*“Thou shall not follow a multitude to do evil, neither shalt thou speak in a cause to decline after many to wrest judgment.”*[\[4\]](#)

*“You shall not be led into wrongdoing by the majority.”*[\[5\]](#)

*“You shall not follow the majority for evil, and you shall not respond concerning a lawsuit to follow many to pervert [justice].”*[\[6\]](#)

The evidence is overwhelming that the statement by Rabbi Gamliel “The rule of majority must prevail” is nowhere in the Torah, despite claims by many authors. So, how did Rabbis get the opposite of what the Torah says? I suspect that Rabbis tried to invert the Torah statement to get something in line with their intentions. Thus, instead of ‘Do not be a follower of the majority for evil’ they try to use ‘Follow the majority (for good?)’. Thus, the statement that the rule of majority must prevail, is the product of the rabbis’ modification and is just the opposite of what the Torah says.

Rabbi Daniel Silver (1928-1989), in his book *The Story of Scriptures*, [\[7\]](#) describes the method occasionally used in midrash:

*“... the midrashist had no qualms about taking a phrase or a word out of what we could call its context, or giving the text a reading that common sense does not permit.”*

Going back to Rabbi Eliezer’s story. If a divine voice was

heard from heaven that interpretation by Rabbi Eliezer is correct, this voice cannot provide evil advice. An opposite to the heavenly voice may be evil.

This is why Jesus rebukes Pharisees of his time in several places in the New Testament (e.g. Mark 7:7-9):

*“In vain do they worship me teaching for doctrines the commandments of men.”*

*“For laying aside the commandment of God, you hold the tradition of men...”*

*“Well, you reject the commandment of God, that you may keep your own tradition.”*

Jesus was a Jew, really a Jewish Rabbi. Very likely also a Pharisee. Here he is arguing against the replacement of the commandment of God by Jewish tradition. He is not arguing against Judaism, just against Pharisaic innovations, against replacing the commandment of God (Torah) with Jewish tradition (Oral Law that later became the Talmud).

Rashi (1040-1105) a famous commentator on Torah [\[8\]](#) expressed a disagreement with the interpretation of Exodus 23:2 by earlier rabbis:

*“But I say: You shall not go after the many to do bad. If you see wicked people perverting justice do not say, since they are many, I will then follow them. Rather state your opinion of the judgment as it is, truthfully, and let the chain of responsibility for false judgment hang from the neck of the wicked majority.”*

Similarly, Rabbi Bachya (1255-1340) in his commentary on Exodus 23:2 states [\[9\]](#):

*“Do not be a follower of the majority for evil. The plain meaning of these words is that even if you see a vast majority of people acting in a forbidden manner, do not make the fact that they constitute the norm an excuse to follow in their footsteps.”*

The last quote summarizes well the advice: Even if you see a majority of people acting like that, do not follow in their footsteps. This is exactly what Rabbi Eliezer did. His excommunication seems to be unjustified. The majority rule can be misused in the old as well as in present times. It is of course left to us, to each individual to decide which one of many possibilities is the evil one.

Next, I tried to find out, how the members of the Sanhedrin (the assembly of Rabbis that voted on the decision) were selected. I asked a few rabbis I know, and no one was able to answer my question. It seems that nobody knows. From my reading of “The Tannaim & Amoraim,” [\[10\]](#) by Rabbi Nosson Wiggins, I deduce that there had been no elections of members and that the composition of Sanhedrin was modified by its Nasi (director or president) as he saw fit. Thus, it seems that we are dealing with a democratic vote of undemocratically selected members.

The Rabbis seem to expect general opposition to what happened to Rabbi Eliezer. Trying to justify their action, they produced a supporting story (a midrash) that said that God when learned about the event, God said “My children have defeated me.” [\[11\]](#)

All kinds of persecution of those who claim mystical experience or mystical knowledge in both Judaism and Christianity have a long-documented history, from burning books to excommunication, to all kinds of persecution, to the Inquisition, and burning people at the stake. Amen.

[1] Abraham Twerski, *Messages from the Mishnah*, Shaar Press, Brooklyn, New York 2013.

[2]

[https://www.chabad.org/library/article\\_cdo/aid/5437548/jewish/Why-Is-the-Law-Like-Beit-Hillel.htm](https://www.chabad.org/library/article_cdo/aid/5437548/jewish/Why-Is-the-Law-Like-Beit-Hillel.htm)

[3] *The Chumash*, Mesorah Publications, Brooklyn, New York 2005.

[4] *Holy Bible, King James Version*, Collins World.

[5] *The New English Bible*, Cambridge University Press, New York, 1961.

[6] [Exodus, Chapter 23 \(Parshah Mishpatim\) – Tanakh Online – Torah – Bible \(chabad.org\)](#)

[7] Daniel Silver, *The Story of Scriptures*, Basic Books, New York 1990

[8] Rashi, *Commentary on the Torah*, Mesorah Publications, Brooklyn, NY 1999

[9] Bachya ben Asher, *Torah Commentary*, Translated by E. Munk, Lambda Publishers, Brooklyn, NY

[10] Nosson Wiggins, *The Tannaim & Amoraim*, The Judaica Press, Brooklyn, NY 2019

[11] My Children Defeated Me, *New English Review*, April 2022.

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