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“Democracy for Good but Not Evil”

The Rabbinic tradition is famous for finding support in the Torah for the things it knows it *must* find there.

One of the ways it does so is by conveniently covering up parts of a Torah verse so as to change the plain meaning of the text. By so doing, the Rabbis are able to point directly to the written Torah as “proof” of something well within the spirit of the text.

Is this honest? Depends on what you mean. Would you rather live with a Judaism that tolerates yawning injustice by sticking to the strict sense of the text, or a Judaism that cuts a corner or two to ensure justice where there is none?

Our parashah contains perhaps the best example of this technique. In Exodus chapter 23, verse 2 we read: “You shall not side with the majority to do evil, nor give perverse testimony in a dispute so as to weight it in favor of the majority.”

In Hebrew, לֹא-תִתֶּנָּה אַחֲרֵי-רַבִּים לְרָעָה וְלֹא-תִעָנֶה עַל-רֹב לְנֹטֹת אַחֲרֵי רַבִּים לְהַטֹּת:

It's actually very poetic in the original. And the plain sense seems obvious. Why would the Rabbis want to change it? It seems to suggest that “the majority,” i.e. the mob or the rabble, are hell-bent on doing terrible things, whether on the streets or in the courts and legislature. Therefore, be true to your conscience. Don't follow them, even if it is to your advantage to do so, and to your possible endangerment not to do so. Do what's right.

(As my mother would say, “Just because someone tells you to jump off the Brooklyn Bridge, would you do it?”)

However, the Rabbis knew that there was a particular feature of Hellenistic culture that was noticeably missing from the Torah tradition they inherited. That feature was “democracy,” the phenomenon by which the citizenry, or at least a multi-person body of decision makers, deliberated and voted on law and policy, rather than be subject to the singular will of a monarch or autocrat.

The Rabbis developed a sophisticated, if not systematic, methodology for taking the measure of the majority. They wanted to find a way to buttress their innovation. They looked to our verse.

Their *kuntz*, however, only works in the Hebrew, syntactically speaking. By covering the first Hebrew word *lo* (“do not”) and the last word *l’ra’ot* (“for evil”), we’re left with *tih’yeh acharey rabim* (“be after the majority”). In other words, the sawed-off verse clearly states that followers of the Torah must be followers of majority opinion. There you have it.

Skip to modern times. Mature democracies exist all over the globe. By “mature,” I mean countries that fully understand the two necessary concomitants of democracies: one, to hold free and fair elections that give decision-making power to the parties that receive a majority of the votes; and two, to assure that the majority always protects the rights of the minorities.

That second factor sometimes goes missing in newer democracies. One of those, to my mind, is the State of Israel. Israel is rightly proud to be “the only democracy

in the Middle East,” floating in a sea of kingdoms and autocracies. However, a shockingly high proportion of Israeli citizens, including some younger citizens who managed to get quoted in this week’s press, believe that because their side received even the slimmest of majorities in the November election, they should be able to carry out their sweeping agenda without interference from the judicial wing of the government.

Laws severely limiting the rights of such minorities as Palestinian Israelis, non-Orthodox religious Jews, secular Jews, LGBTQ people, immigrants, and of course Palestinians in the occupied territories, are being rushed through the K’nesset at lightning speed. Not to mention an attempt to give the K’nesset a one-vote veto over Supreme Court rulings, most of which would no doubt limit if not override this series of minority-oppressing laws.

All of this within the spirit, I suppose, of covering up the first and last words of that famous verse in *Par’shat Mishpatim*. Follow the majority!

What we need now is a return to the plain meaning of the text alongside the creative adaptation. We need to say loud and clear, “Do NOT follow the majority to do evil.” The majority should and must determine the course of any society, but never in such a way that tramples on the civil and human rights of the many minorities that make up a healthy society.

How do we know? By simply moving our thumb and reading the word that practically jumps off the scroll: *l’ra’ot*. For evil. The whole Torah is about swerving from evil and pursuing the good. About not doing that which one would find deplorable if the shoe were on the other foot.

*Sur mey'ra va'asey tov*, says the Psalm. Avoid evil, *and* do good. That really is the whole Torah. It really is that simple.

If our Jewish majority really wants to make Israel a more “Jewish” country, it will swerve from this headlong course of legislation and start applying the plain meaning of the Torah to every move it makes. Only then will we be able to say *ki mitzion tetzey Torah*. “For from Zion the Torah shall go forth.” That is, the Torah that works against evil by pursuing and protecting the good.