



# A BRIEF HISTORY OF VOTING

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Whether traditional Judaism was or is democratic is hotly debated. It is a larger question than we can tackle here. But certainly *voting* is a basic part of democracy, and we can ask: Is there a precedent for the voting that takes place in the Jewish organization, the congregation in the United States, or in Israel's elections?

## *Balancing the Scale of Justice*

We know from the Bible that the Israelites sometimes chose their leaders and set policy by casting lots. But were there ballots in ancient times—a formal expression of preference? We can assume that there were, at least in the case of judges. The Torah states, "Do not side with the mighty to do wrong, and do not give perverse testimony in a dispute by leaning towards the mighty; nor must you show deference to a poor man in his dispute" (Exodus 23:1-5). Now, the new Jewish Publication Society translation may be doing justice to the text, but the Talmud preferred to isolate the words *aharei rabim lehatot* from their context, understanding them as "following the majority" instead of "leaning towards the mighty" (B.T. *Be-rakhot* 9a).

But the scriptural warning not to follow the mighty, or the multitude, seems to conflict with the rabbinic norm of following the majority! How do we reconcile these two approaches? By realizing that a legal ruling is made in two steps. First, each of the judges on the presiding panel casts a vote. Then, the court's verdict emerges by counting the

opinions. The judges are not to be cowed by the majority in casting their votes. Yet the court as a whole is bound by the majority. The medieval halakhic work *Sefer ha-Hinukh* explains it this way:

Do not follow the majority which happens to vote for the death penalty . . . without the matter being understood by you rationally. We cannot, on the other hand, assume that one must never vote to convict, for if this were true, no defendant would ever be convicted.<sup>1</sup>

In terms of modern elections, this means that while voters should not be swayed by public opinion polls in casting their own votes, in the end they must accept the choices of the majority.

How does truth emerge from the casting of votes? As a matter of fact, truth is not the issue. Majority rules, true or not. It is more *likely* that the truth will emerge from the majority, and therefore the rule is upheld. Even if it can be shown that the majority is incorrect, the rule of majority stands. And so we have the classic case where a voice from heaven declares that the minority is correct, yet the court insists on following the majority vote (B.T. *Baba Metzi'a* 59a).

How were the votes actually cast in ancient Jewish courts? Did the members respond in writing, by voice, through a show of hands, or by standing up? Rabbinic texts use the phrase, "they stood for the count" (*amdu le-minyan*). Did they actually stand? We do not know. More certain is that the ballot was not secret. Junior judges would vote first—so that they would not be overawed by their seniors.



**Who Picked Whom**

Obviously all this is not quite the same as the modern election

and the voting booth. The Sanhedrin (rabbinic Supreme Court) that voted was not itself elected but appointed, just like the high courts in the United States and in

Israel. However, much of the power of the ancient Sanhedrin was later taken over by local lay government. Several hundred years after the close of the

**The Journey Home**

*(continued from page 17)*

back on the rationalist Platonic and existential teachings I had been exposed to all my life. A rush of relief followed. Exegesis replaced argument. I made a truce with mystery. Opening the gate to the fence I had built around my heart made me feel utterly vulnerable. The world of the ancient rabbis became very

dear. Their close and personal connection to God, as I studied midrash, spoke to me.

Studying at the Reconstructionist Rabbinical College helps assuage feelings of vulnerability. (The College has opened its doors to people like me, interested in studying Torah *lishma*—for its own sake.) I attend one class a week in classical midrash. The love and faith of the rabbis spills into my heart. I revel in the warmth and concern, the caring and compassion that I find in the tradition—so absent in secular life. Heavy hardcovered volumes, notes, and papers lie all over my house. I study for at least two hours every morning, after the children leave for school and before I go to work. The harder I work, the more energized I become.

Rabbi Perlstein, my mentor, gently guides me through the intricacies of Hebrew grammar. He embodies my spiritual aspirations. He helps me make Shabbat the focal point of my week. A new arrangement with my business partner means I no longer work on Shabbat.

Even though it is often late when I get home from my antique shop, Shabbat begins when the family is all together. Dinner is festive, the challah is sweet. As I encircle the Shabbat candles, I am embracing Judaism. As an emotional channel for the love I feel, I study the Torah portion of the week on Friday morning and early Shabbat morning before

services. With the gift of the whole day, a sense of luxurious time and space surrounds me.

Every day, I get up half an hour early to *davven Shaharit* (the morning service). My family has grown accustomed to seeing me in the bay window of our old farmhouse, facing the sun as it rises over the cornfields, in *tefillin* and *tallit*. A powerful experience for me—the totem of *tefillin*.

The *tefillin* I wear contain the parchments from the *tefillin* of my great-grandfather, Joseph Levartovsky. I never saw anyone wear *tefillin*, not even my father. He spoke with great love of his grandfather, the man who taught and prepared him for his bar mitzvah. He called him a *tzaddik* (saint). If sparks of devotion can lie dormant through three generations, perhaps they can be fanned into life?

Sometimes the *davvening* is difficult. Sometimes, I am excited by really understanding a phrase in Hebrew, by sensing a new connection. Connections within the text, connections between people. Becoming aware of my connection to the tradition, to the Jewish people, has eased my feelings of angst, of aching loneliness. Often I feel like singing. I have never felt more whole, more excited, or more committed to anything in my life. ■

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Talmud, Rabbenu Gershom (c.960-1028), renowned leader of German Jewry, affirmed that the local Jewish community had the same legal authority as the Sanhedrin in nonritual matters. European towns began to exercise such authority by the end of the twelfth century.<sup>2</sup>

Voting played a major role in local Jewish government. Generally, elections were announced in advance. A town meeting was held, and a certain quorum was required for the election itself to take place. Such meetings were not entirely democratic. They tended to be limited in any of three ways: who could vote, who could stand for office, and how the voting was done. A quick survey of voting through the ages reveals a wide range of approaches.

1. **Some leaders were elected, some appointed.** Sicilian records tell us, for instance, that in 1399 the king appointed the rabbi and the elders for life. But in the capital, Palermo, free elections were held. In 1489 the internal Jewish parliament provided for annual balloting in communal elections. Women were excluded (as everywhere until the past century); sometimes bachelors were also excluded because they were not heads of households.<sup>3</sup>

2. **Indirect elections were common.** In Valencia (Spain) in 1327, six candidates were elected, two from each of three classes of voters (poor, middle, and rich). Those six in turn elected three elders. In Poznan (Poland), 21 names were placed in a box. The first seven names chosen became electors who chose the leaders for the community. In Furth (Ger-

many) in the eighteenth century, all the names of the male members of the community were listed on the ballot. But at times, the majority would choose electors, who in turn would choose the local officials.<sup>4</sup>

Once in a while, direct elections were tried and failed. In 1600, there was a case in which voters were too lazy to come to the polls. The rabbi then drew lots from among the leading families. Those chosen were ordered to elect the officials.<sup>5</sup>

3. **Election Day varied by time and place.** Historian Salo Baron wrote, "We know very little about the electoral processes in the ancient Jewish communities. Fragmentary evidence seems to indicate that annual elections were often held after the Jewish New Year." Springtime dates are also mentioned: Pesah week, Lag ba-Omer, or May 1.<sup>6</sup>

4. **Sometimes voting was quite restricted.** In one community, all rights were delegated to a trio of respected members, who themselves were chosen by lot from a list of thirty. This group nominated the list of their successors, every three years.<sup>7</sup>

5. **Money talked—often rather loudly.** Though in theory the entire community was voting to elect a self-government, votes were often weighted according to wealth. Frequently a poll tax was levied, so that the poor could not take part, even though the town would be small enough to allow all its men to fit in a single meeting room. A minority of rich people often created a majority, as in the shtetls of Eastern Europe in modern times:

Adult males participate in the com-

munity activities, and among the most important meetings are those at which officers and delegates are elected. The actual mechanics of election vary widely, but a constant feature is the campaigning . . . the forming of factions, the influencing of the humble members by the . . . city bosses. These are of course men of the Eastern Wall, the ones who dominate all aspects of shtetl activity.<sup>8</sup>

What about the present situation? Probably you know about voting in the State of Israel. What you may not know is that Israeli democracy has its roots in the Zionist Organization, called into formation by Theodor Herzl in 1897. Elections were held every two years before its congresses. Eligibility to vote until 1960 depended on the purchase of a "shekel."<sup>9</sup>

Despite the differences between theory and practice, one conclusion remains clear. From ages past to the modern State of Israel, Jews have been casting votes for a long time. ■

NOTES

1. *Sefer ha-Hinukh*, no. 67.
2. Rabbenu (Our Master) Gershom ben Judah, responsum no. 67 (ed. Eidelberg), cited in Irving Agus, *Jewish Quarterly Review* (Oct. 1952).
3. Salo Baron, *The Jewish Community: Its History and Structure to the American Revolution*, 3 volumes (Philadelphia: Jewish Publication Society, 1942).
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. Israel Abrahams, *Jewish Life in the Middle Ages*, 1896; second edition by Cecil Roth based on the author's notes, 1932.
8. Mark Zborowski and Elizabeth Herzog, *Life is With People: The Culture of the Shtetl*, 1952 (reprinted New York: Schocken, 1962), p. 216.
9. In 1960, the name was changed to World Zionist Organization, and membership was changed to consist of groups rather than individuals.