

# Rav Kook Torah

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## Following the Majority Opinion

Adapted from Ein Eyah vol. II, p. 176  
on Berachot 37a

A story about Rabbi Akiva, when the famed second-century Talmudic sage was a young scholar...

Rabban Gamliel, the head of the Sanhedrin, hosted a gathering of scholars in the town of Yericho. The guests were served dates, and Rabban Gamliel honored Rabbi Akiva with reciting the bracha achrona, the blessing after eating. However, Rabban Gamliel and the other sages disagreed about which blessing should be said after eating dates. The young scholar quickly made the blessing - in accordance with the opinion of the other rabbis.

"Akiva!" exclaimed Rabban Gamliel. "When will you stop butting your head into Halachic disagreements?"

"Our master", Rabbi Akiva replied calmly, "it is true that you and your colleagues disagree in this matter. But did you not teach us that the law is decided according to the majority opinion?"

In fact, it is hard to understand Rabban Gamliel's criticism. What did he expect

Rabbi Akiva to do? Why was he upset?

### Two Methods to Resolve Disputes

When resolving legal disputes, there are two methods a scholar may use to decide which opinion should be accepted as law.

The first way is to conduct an extensive analysis of the subject. We examine the issue at hand, weighing the reasoning and supporting proofs for each view, until we can determine which opinion is the most logical.

However, if we are unable to objectively decide which opinion is more substantiated, we fall back on the second method. Instead of the truth, we look for consensus. We follow the majority opinion, not because it is more logical or well-reasoned, but out of the need to establish a normative position and avoid disagreement and conflict. If we seek consensus and peace, the most widely held opinion is the preferred one.

The Sanhedrin president was critical of Rabbi Akiva because he thought the young scholar had the audacity to decide which opinion was the correct one. Therefore he castigated him, "When will you stop butting your head into these legal disagreements?" In other words, where did you get the idea that you could use your head - your own powers of logic and reasoning - to decide issues that are beyond your expertise and knowledge?

Rabbi Akiva responded that he had not presumptuously tried to decide which opinion is the correct one. Rather, he

had simply applied the second method of resolving a legal dispute: deciding the issue by consensus, according to the majority opinion. 📖✍️

*Ed. note: For the interested reader, I'd like to share the Mishna that relates to the above story.*

*Brachot 6:8 states: One who eats figs, grapes, and pomegranates (or dates), says after them the full Birkat HaMazon (referred to as Shalosh B'rachot in the Mishna) - this is the opinion of Rabban Gamliel. And the Sages say, the Al HaEitz bracha (referred to as One b'racha abridged from the Three). Rabbi Akiva says, even if he only had boiled vegetables, but that is his meal, he benches Birkat HaMazon after it.*

*The halacha is like the Sages. On a bread-based meal - Birkat HaMazon. On mezonot foods, wine, and fruit of the Seven Species - B'racha Acharona. For other foods - Borei Nefashot.*