

CURRENT TALMUD PASSAGE

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BH

RABBI AKIBA JOUSTS WITH RABBAN GAMLIEL

In rabbinic literature, the law follows the majority, no matter how great the status of the person offering the minority opinion may be. In this very early text (Tosefta, 220 C.E., that is just 20 years, or one generation, after the Mishnah was finished), we find that Rabban Gamliel makes a ruling which is overruled by the majority and Rabbi Akiba follows the majority which irritates Rabban Gamliel.

The issue under discussion is what kind of benediction is to be said after one eat foods that do not require the entire Grace after Meals (Birkat Hamazon). After a meal at which bread is served, one says the full Grace. But after a snack of cake or fruits grown in Israel, i.e., grapes, figs, pomegranates, olives or dates (alluding to the species specified in Deuteronomy 8:8 which include these plus wheat, barley, rye, oats or spelt) one says a shortened form of the Grace after Meals.

(There is an even shorter blessing called Borei Nefashot, "the Creator of Souls", which is said after eating anything else: "Blessed are You, Lord our God, King of the universe, who creates many souls and [provides for] all the needs of what You created to keep alive the bodies of all living things. Blessed is the Life of the Universe!")

[Regarding] any food that is [made from one] of the seven kinds [of produce] or a kind of breadstuff-Rabban Gamliel says, "One recites three benedictions (i.e., the full grace after meals) after [eating] it and sages say, "One benediction [abbreviated grace, M. Berachot 6:8]. Rabban Gamliel and the elders were seated at table in Jericho. They brought before them dates and they ate them. Rabbi Akiba precipitously recited one [blessing] after [eating] them. Said to him Rabban Gamliel, "Akiba, why do you poke your head into disputes?" He said to him, "Did you not teach us 'One should follow the majority (Exodus 23:2)?' Even though you rule one way and your fellows rule another way, the halakhah follows the ruling of the majority." (T. Berachot 4:15)

We have to remember who is speaking here. Rabban Gamliel is the ruler of the Academy and comes from a long and distinguished line of sages. Rabbi Akiba, on the other hand, came from a poor background, with no family ties of his own to speak of, besides those of his wife who had been excommunicated by her father at any rate. Yet, Rabbi Akiba feels now compunction about following the majority rule before Rabban Gamliel.

Rabbi Akiba was seen, by Rabban Gamliel and by many others, as an expert in midrash on ritual purity. So Rabban Gamliel is rather irked by Rabbi Akiba's precipitously jumping into a halakhic dispute. Nonetheless, Rabbi Akiba correctly cites and uses the halakhah in this case. Rabban Gamliel tells Rabbi Akiba to stay out of this business which is not his area of expertise, even though Rabbi Akiba seems to be well-versed in the law here.

Discussion Questions:

1. There is a longstanding tradition in rabbinic literature of having the majority's opinion accepted but that the dissenting opinion is also recorded. Why is this one of the most important features shaping the Talmud? How would it make the "political machinery" of the sages' lives work better?
2. It is evident that Rabban Gamliel sees Rabbi Akiba as a bit of a trouble-maker, stirring up disputes which Rabban Gamliel would rather forget. What point do you think Rabbi Akiba was trying to make to Rabban Gamliel here?