

# Orchos HaAmud

Weekly Presentation Highlighting an Amud of the Week



## AMUD HAYOMI PROGRAM DETAILS



**Daily Amud**  
7 Amudim weekly



Completion of Shas  
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## BERACHOS 37A

BY RABBI AVIGDOR BERENSTEIN

“Once, Raban Gamliel and the Elders were reclining in an attic in *Yericho* and were served dates. They ate, and Raban Gamliel gave Rabi Akiva permission to *bentch*. Rabi Akiva immediately said one *brocha* condensed from three *brochos* (the *brocha* of “*al hapeiros*”). Raban Gamliel said to him: Akiva, until when will you stick your head into *machlokes*? He replied: Our master, although you say one way and your colleagues say differently, you, our master, have taught us that when an individual disagrees with the majority, the *halacha* follows the majority.” (*Brochos* 37a)

The Gaon, Rav Chaim Kanievsky *ztz"l* used to visit his illustrious father-in-law, the Gaon, Rav Yosef Shalom Elyashiv *ztz"l* several times a year, usually when he would travel to *Yerusholayim* on *Chol HaMoed* of *Pesach* and *Succos*. As one may well imagine, every visit of these Torah giants was filled with words of Torah and discussion of *halacha*. Rav Chaim *ztz"l* recorded one such amazing pearl of wisdom in his *Sefer Taamo Dikro* (*Sh'mos* 23:2).

Rav Elyashiv *ztz"l* asked his son-in-law that Raban Gamliel's words, “until when...” imply that this was not the first time that he had this complaint against Rabi Akiva. Where is this found?

On the spot, Rav Chaim *ztz"l* quoted the *Tosefta* in *D'mai* (5:26) “Once, our masters gathered in the cities of the *Kusim* near the Jordan River and they were served vegetables. Rabi Akiva immediately tithed them as if they surely required tithing. Raban Gamliel said to him: Akiva, how dare you transgress the opinion of your colleagues? Who gave you permission to tithe?” We see that there was a *machlokes* how to tithe in a certain case and Rabi Akiva acted in accordance with the majority, disregarding the opinion of Raban Gamliel who held differently.

Similarly, the *Tosefta* in *Beitzta* (2:8) tells of a *machlokes* about straightening a candelabra that fell on *Yom Tov*. Raban Gamliel prohibits it and the *Chachomim* allow it. “Once, on the night of *Yom Tov*, a candelabra fell, and Rabi Akiva got up and straightened it. Raban Gamliel said to him: Akiva, what is this that you stick your head into *machlokes*? He replied: My master, you taught us that the majority rules; although you prohibit it and they allow it, the *halacha* follows the majority.”

Thus, we see that whenever there was a *machlokes* between the majority and an individual, even if that individual was Raban Gamliel the *nasi*, Rabi Akiva wanted to publicize the rule that the *halacha* follows the majority and one should act accordingly even in the *nasi's* presence. Therefore, at every opportunity, he hurried to act publicly in accordance with their opinion.

Based on the above, Rav Chaim *ztz"l* answered Rav Elyashiv *ztz"l*, our *Gemara's* language, “until when will you stick your head into *machlokes*”, is readily understandable, for we may assume that the two incidents in the *Tosefta* happened before the one mentioned in the *Gemara*. Therefore, when Raban Gamliel saw that Rabi Akiva did this repeatedly, he said “until when will you...”.

We may add that there Raban Gamliel's criticisms in the two cases in the *Tosefta* are different. It would seem that the incident in *D'mai* happened before the one in *Beitzta*. Therefore, in *D'mai*, Raban Gamliel criticized only the specific act of tithing against his opinion, whereas in *Beitzta*, having seen the same behavior twice, he criticized the approach of acting according to one opinion of a *machlokes*. Then, the third time that he saw Rabi Akiva do the same, he reacted more sharply, “until when...”.

*Amud HaYomi recently began its 1st cycle through Shas with Masechta Brachos! This historic initiative will enable deeper comprehension of Shas. Additionally, there are optional monthly bechinos with stipends, which affords one a much greater opportunity to be koneh Shas through Dirshu's proven retention and accountability methods.*

We learn many important lessons from these *Gedolim's* conversation. From Rav Elyashiv's question, we see his love and respect for every word and nuance of *Chazal*. He asked this question, not because he wanted to say an answer, but because he sensed that something deeper lay in their words.

From Rav Chaim's answer, we see the importance of remembering every line of *Chazal* with all its details, to be able to relate it to their words anywhere else, everyone according to his ability.

We also see the amazing precision of every word of *Chazal* and how much lies hidden in every statement and phrase they used.

From Rav Chaim's explanation of Raban Gamliel's words, we can also learn an important lesson about *chinuch*. When a parent or educator sees the need to call his child's or student's attention to correct a particular behavior, he must carefully plan both the content and the style of his rebuke. If it happens just once, he should comment only about the act itself. If it happens again, he should comment about the tendency and manner, and guide his child or student to a different path. If it happens again, the rebuke should also include a reminder that he was already reproached for this tendency, and that he should have taken it to heart and acted accordingly.

### UPCOMING AMUD HAYOMI LIMUD SCHEDULE

DAF HAYOMI	AMUD HAYOMI	DATE	תאריך	יום
בבא קמא נב	ברכות לו:	12/24/23	יב טבת	א
בבא קמא נג	ברכות לז:	12/25/23	יג טבת	ב
בבא קמא נד	ברכות לז:	12/26/23	יד טבת	ג
בבא קמא נה	ברכות לח:	12/27/23	טו טבת	ד
בבא קמא נו	ברכות לח:	12/28/23	טז טבת	ה
בבא קמא נז	ברכות לט:	12/29/23	יז טבת	ו
בבא קמא נח	ברכות לט:	12/30/23	יח טבת	שבת
בבא קמא נט	ברכות מ:	12/31/23	יט טבת	א
בבא קמא ס	ברכות מ:	1/1/24	כ טבת	ב
בבא קמא סא	ברכות מא:	1/2/24	כא טבת	ג
בבא קמא סב	ברכות מא:	1/3/24	כב טבת	ד
בבא קמא סג	ברכות מב:	1/4/24	כג טבת	ה
בבא קמא סד	ברכות מב:	1/5/24	כד טבת	ו
בבא קמא סה	ברכות מג:	1/6/24	כה טבת	שבת