



"It's not in Heaven": Power to Interpret, Power to Shame : T...



# "It's not in Heaven": Power to Interpret, Power to Shame : The Oven of Akhnai

MZ by Mishael Zion



Bronfman Fellowship

## Authority, Politics and Pluralism: Behind the Scenes of the Rabbinic Intellectual Revolution

Mishnah Bava Metzia 4:10

Just as there is fraud regarding commerce, so too there is fraud regarding words. One should not say to [a merchant], "How much is this object?" if he does not want to buy. If someone was a penitent, one should not say to him, "Remember your former actions." If someone is the child of converts, one should not say to him: "Remember the deeds of your ancestors." As is written (Exodus 22:20): "You shall neither deceive a stranger, nor oppress him."

Bava Metzia 59a:12-59b:5

§ Apropos the topic of verbal mistreatment, **we learned** in a mishna **there** (*Kelim* 5:10): If **one cut** an earthenware oven widthwise **into segments, and placed sand between each and every segment, Rabbi Eliezer deems it**

**ritually pure.** Because of the sand, its legal status is not that of a complete vessel, and therefore it is not susceptible to ritual impurity. **And the Rabbis deem it ritually impure,** as it is functionally a complete oven. **And this is known as the oven of *akhnai*.** The Gemara asks: **What** is the relevance of *akhnai*, a snake, in this context? **Rav Yehuda said that Shmuel said:** It is characterized in that manner due to the fact **that** the Rabbis **surrounded** it **with** their **statements like this snake**, which often forms a coil when at rest, **and deemed it impure.** The Sages **taught: On that day**, when they discussed this matter, **Rabbi Eliezer answered all possible answers in the world** to support his opinion, **but** the Rabbis **did not accept** his explanations **from him.** After failing to convince the Rabbis logically, Rabbi Eliezer **said to them: If the *halakha* is in accordance with my opinion, this carob tree will prove it.** The carob tree was uprooted from its place one hundred cubits, and some say four hundred cubits. The Rabbis **said to him: One does not cite halakhic proof from the carob tree.** Rabbi Eliezer **then said to them: If the *halakha* is in accordance with my opinion, the stream will prove it.** The water in **the stream turned backward** and began flowing in the opposite direction. **They said to him: One does not cite halakhic proof from a stream.** Rabbi Eliezer **then said to them: If the *halakha* is in accordance with my opinion, the walls of the study hall will prove it.** The walls of the study hall **leaned** inward and began to fall. Rabbi Yehoshua scolded the walls and **said to them: If Torah scholars are contending with each other in matters of *halakha*, what is the nature of your involvement in this dispute?** The Gemara relates: The walls **did not fall because of the deference due Rabbi Yehoshua, but they did not straighten because of the deference due Rabbi Eliezer, and they still remain leaning.** Rabbi Eliezer **then said to them: If the *halakha* is in accordance with my opinion, Heaven will prove it.** A Divine Voice emerged from Heaven and **said: Why are you differing with Rabbi Eliezer, as the *halakha* is in accordance with his opinion in every place that he expresses an opinion?** **Rabbi Yehoshua stood on his feet and said:** It is written: **“It is not in heaven”** (Deuteronomy 30:12). The Gemara asks: **What**

is the relevance of the phrase **"It is not in heaven"** in this context? **Rabbi Yirmeya says:** Since **the Torah was already given at Mount Sinai, we do not regard a Divine Voice, as You already wrote at Mount Sinai, in the Torah: "After a majority to incline"** (Exodus 23:2). Since the majority of Rabbis disagreed with Rabbi Eliezer's opinion, the *halakha* is not ruled in accordance with his opinion. The Gemara relates: Years after, **Rabbi Natan encountered Elijah** the prophet and **said to him: What did the Holy One, Blessed be He, do at that time,** when Rabbi Yehoshua issued his declaration? **Elijah said to him: The Holy One, Blessed be He, smiled and said: My children have triumphed over Me; My children have triumphed over Me.**

Bava Metzia 59b:6-11

The Sages **said:** On **that day,** the Sages **brought all the ritually pure items deemed pure by the ruling of Rabbi Eliezer** with regard to the oven **and burned them in fire, and the Sages reached a consensus in his regard and ostracized him. And the Sages said: Who will go and inform him** of his ostracism? **Rabbi Akiva,** his beloved disciple, **said to them: I will go, lest an unseemly person go** and inform him in a callous and offensive manner, **and he would thereby destroy the entire world. What did Rabbi Akiva do? He wore black and wrapped himself in black,** as an expression of mourning and pain, **and sat before Rabbi Eliezer at a distance of four cubits,** which is the distance that one must maintain from an ostracized individual. **Rabbi Eliezer said to him: Akiva, what is different about today from other days,** that you comport yourself in this manner? **Rabbi Akiva said to him: My teacher, it appears to me that your colleagues are distancing themselves from you.** He employed euphemism, as actually they distanced Rabbi Eliezer from them. **Rabbi Eliezer too, rent his garments and removed his shoes,** as is the custom of an ostracized person, **and he dropped from his seat and sat upon the ground.** The Gemara relates: **His eyes shed tears,** and as a result **the entire world was afflicted: One-third of its olives were afflicted and one-third of**

**Wheat was unloved. One third of its grain was unloved, and one third of its wheat, and one-third of its barley. And some say that even dough kneaded in a woman's hands spoiled.** The Sages taught: **There was great anger on that day, as any place that Rabbi Eliezer fixed his gaze was burned. And even Rabban Gamliel, the *Nasi* of the Sanhedrin at Yavne, the head of the Sages who were responsible for the decision to ostracize Rabbi Eliezer, was coming on a boat at the time, and a large wave swelled over him and threatened to drown him. Rabban Gamliel said: It seems to me that this is only for the sake of Rabbi Eliezer ben Hyrcanus, as God punishes those who mistreat others. Rabban Gamliel stood on his feet and said: Master of the Universe, it is revealed and known before You that neither was it for my honor that I acted when ostracizing him, nor was it for the honor of the house of my father that I acted; rather, it was for Your honor, so that disputes will not proliferate in Israel.** In response, the sea calmed from its raging. The Gemara further relates: **Imma Shalom, the wife of Rabbi Eliezer, was the sister of Rabban Gamliel. From that incident forward, she would not allow Rabbi Eliezer to lower his head and recite the *tahannun* prayer, which includes supplication and entreaties. She feared that were her husband to bemoan his fate and pray at that moment, her brother would be punished. A certain day was around the day of the New Moon, and she inadvertently substituted a full thirty-day month for a deficient twenty-nine-day month, i.e., she thought that it was the New Moon, when one does not lower his head in supplication, but it was not. Some say that a pauper came and stood at the door, and she took bread out to him.** The result was that she left her husband momentarily unsupervised. When she returned, she found him and saw that he had lowered his head in prayer. She said to him: **Arise, you already killed my brother. Meanwhile, the sound of a *shofar* emerged from the house of Rabban Gamliel to announce that the *Nasi* had died. Rabbi Eliezer said to her: From where did you know that your brother would die? She said to him: This is the tradition that I received from the house of the father of my father: All the gates of Heaven are apt to be locked, except for the gates of**

prayer for victims **of** verbal **mistreatment**.

PostScript:

### **The Oven of Akhnai in David Hartman's Thought**

For David Hartman, varying conceptions of God allow a narrative of theological change, of historical evolution. While the Jewish people have lived with God in a covenantal relationship throughout their history, it is not always the same kind of covenant. The fundamental character of the relationship evolves. Sometimes, the change is perceived as a response to historical and political transformations: In a world where autocratic power — whether imperial or monarchic — has lost its legitimacy, it is no longer a “live option” to imagine God as “King of Kings”; He must now be a Father or Teacher, and so on. Sometimes, however, Hartman teaches us to appreciate theological change in terms of personal growth and relational progression. The human partner in the covenant moves from obedient subject to autonomous agent, or from childlike dependency to mature independence.

More striking, relational change involves the divine partner as well. Pivotal to all covenantal discourse is the well-known talmudic story of the “Oven of Akhnai.” (BT, Baba Metzia 59b) In the story, the divine voice tries to intervene in the debates of the rabbinic academy, but is ruled out of order by Rabbi Yehoshua's declaration that Torah is “not in Heaven.” God's position is ignored, and the law is decided by majority vote. For some thinkers, the crucial point is that human institutions and procedures have come to officially supersede revelation. But for Hartman, the vital element in the narrative is God's response to the rejection of His voice: “He smiled and said: ‘My children have won against me!’” Like a parent adjusting to the emerging self-sufficiency of his or her children as they become young adults, God evolves in His covenantal role, learning to take pleasure in His children's independence.

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