



The Rabbinic Mind (RD) Bava Metzia 59b

This famous [aggadah](#) (with practical implications) is that of the oven of Achnai and discusses who gets to decide issues of Jewish law.

Bava Metzia 59b	בבא מציעא נ"ט ב
דברים ל"א-י"ד (יא) כִּי הַמִּצְוָה הַזֹּאת אֲשֶׁר אֶנְכִּי מִצְוֶה הַיּוֹם לֹא-נִפְלֶאת הוּא מִמֶּנִּי וְלֹא רִחֲקָה הוּא: (יב) לֹא בִשְׁמַיִם הוּא לֵאמֹר מִי יַעֲלֶה-לָנוּ הַשְּׁמַיְמָה וְיִקְחָהּ לָנוּ וְיִשְׁמְעֵנוּ אֶתְּהָ וְנַעֲשֶׂנָּה: (יג) וְלֹא-מֵעֵבֶר לָנוּ הוּא לֵאמֹר מִי יַעֲבֹר-לָנוּ אֶל-עֵבֶר הַיָּם וְיִקְחָהּ לָנוּ וְיִשְׁמְעֵנוּ אֶתְּהָ וְנַעֲשֶׂנָּה: (יד) כִּי-קָרוֹב אֵלֶיךָ הַדָּבָר מֵאֵד כְּפִיךָ וּבִלְבָבְךָ לַעֲשֹׂתוֹ: Deuteronomy 30:11-14 This mitzvah (the whole Torah) that I command you today isn't too hard for you and isn't out of your reach. It isn't in the heavens so no one has to wonder, 'who will go up and get it for us so we can do it.' It isn't somewhere across a great sea so no one has to wonder, 'who will go over and get it for us so we can do it.' It is really close to you. It is right on your lips and in your heart. שמות כ"ג: (ב) לֹא-תִהְיֶה אַחֲרֵי-רַבִּים לִרְעוֹת וְלֹא-תַעֲנֶה עַל-רֵב לִנְטוֹת אַחֲרֵי רַבִּים לַהֲטוֹת: Exodus 23:2	Introduction: A group of rabbis were debating whether a particular oven was kosher. Everyone except Rabbi Eliezer said it was not kosher (impure) while Rabbi Eliezer argued that it was kosher (pure.) What mishnah that we have studied may serve as a commentary on this selection of gemara - specifically around issues of majority vs. minority? What would that mishnah have to say about this gemara? Why did the Rabbis not change their opinion when God weighed in? Are the Rabbis right to rule against Rabbi Eliezer? Is it okay to overrule God? What essential (big) questions is this text addressing? What questions do these texts raise for you? תנא באותו היום השיב רבי אליעזר כל תשובות שבעולם ולא קיבלו הימנו אמר להם אם הלכה כמותי חרוב זה יוכיח נעקר חרוב ממקומו מאה אמה ואמרי לה ארבע מאות אמה אמרו לו אין מביאין ראיה מן החרוב חזר ואמר להם אם הלכה כמותי אמת המים יוכיחו חזרו אמת המים לאחוריהם אמרו לו אין מביאין ראיה מאמת המים חזר ואמר להם אם הלכה כמותי כותלי בית המדרש יוכיחו הטו כותלי בית המדרש ליפול גער בהם רבי יהושע אמר להם אם תלמידי חכמים מנצחים זה את זה בהלכה אתם מה טיבכם לא נפלו מפני כבודו של רבי יהושע ולא זקפו מפני כבודו של ר"א ועדיין מטין ועומדין חזר ואמר להם אם הלכה כמותי מן השמים יוכיחו יצאתה בת קול ואמרה מה לכם אצל ר"א שהלכה כמותו בכ"מ עמד רבי יהושע על רגליו ואמר (דברים ל, יב) לא בשמים היא מאי לא בשמים היא אמר רבי ירמיה שכבר נתנה תורה מהר סיני אין אנו משגיחין בבית קול שכבר כתבת בהר סיני בתורה (שמות כג, ב) אחרי רבים להטות אשכחיה רבי נתן לאלוהו א"ל מאי עביד קוב"ה בהיהא שעתא א"ל קא חייך ואמר נצחוני בני נצחוני בני It was taught: On that day R. Eliezer answered all the answers on earth and they did not accept it from him. He said, "If the law is like me, the carob tree will prove it"; the carob tree was uprooted from its place one hundred Amah, some say four hundred Amah. They said: "We do not bring proof from a carob tree."... He went and said "If the law is like me the water channel will prove it"; the water channel flowed in reverse direction. They said: "We do not bring proof from a water channel." He went and said "If the law is as I say the walls of the House of Study will prove it"; the walls of the House of Study inclined to fall. R. Yehoshua protested at them, saying to them "If scholars defeat each other in the law, how does it better you?" They did not fall because of the honor of R. Yehoshua and they did not straighten, because of the honor of R. Eliezer, and they still incline and stand.... [R. Eliezer] went and said, "If the law is like me, from Heaven they will prove it"; a heavenly voice came out and

You shall not follow a multitude for evil; nor shall you bear witness in a dispute to incline after a multitude to pervert justice How do Rabbi Joshua and Rabbi Yirmiya use quoted verses from the Torah to support their position?	said, "What have you with R. Eliezer, who the law is like him in every place?" R. Yehoshua stood on his feet and said "[The Torah] is not in heaven," (Deuteronomy 30:12). What does "[The Torah] is not in heaven" mean? R. Yirmiyah said: "That the Torah was already given at Sinai, we do not pay attention to a heavenly voice, since You already wrote at Sinai in the Torah, "After the majority to incline," (Exodus 23:2). R. Natan met the prophet Elijah and said to him, "What did the Holy One Blessed be He do in that hour?" He said to him: "He smiled and said, "My sons have defeated Me, My sons have defeated Me."	What are the practical implications of this gemara, today? What does this have to do with you!?
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