

BACKGROUND

The oven of *akhnai* – תנור של עכנאי – According to Rabbi Eliezer, if an oven is cut widthwise, according to the parallel lines in the illustration, it is considered a broken vessel incapable of contracting ritual impurity, even if it is later reassembled.



Likeness of the oven of *akhnai*, based on an oven discovered at Masada

Cubit [amma] – אמה: Several different lengths are referred to by this name. The physical origin of the cubit is the distance from the elbow to the end of the middle finger. This part of the body is called *ama* in Hebrew. The standard cubit is six handbreadths long, equaling 48 cm according to one opinion and 57.6 cm according to another. In the Talmud one also finds mention of a short cubit, which is five handbreadths long. In addition, there were two other cubits that were used in the Temple for special measurements: A compressed cubit, which was half a fingerbreadth longer than the standard cubit, and an expansive cubit, which was a full fingerbreadth longer than the standard cubit.

וזה הוא תנור של עכנאי. מאי עכנאי? אמר רב יהודה אמר שמואל: שהקיפו דברים בעכנא זו וטמאווה. 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. חור ואמר להם: אם הלכה כמותי אמת המים יוכיח. חורו אמת המים לאחוריהם. אמרו לו: אין מביאין ראיה מאמת המים.

חור ואמר להם: אם הלכה כמותי – בותלי בית המדרש יוכיחו. הטו בותלי 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 רבי אליעזר, ועדין משין ועומדין.

חור ואמר להם: אם הלכה כמותי – מן השמים יוכיחו. יצאתה בת קול ואמרה: מה לכם אצל רבי אליעזר שהלכה כמותו בכל מקום!

And this is known as the oven of *akhnai*.⁸ 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,⁹ 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,⁸ 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 stream⁹ 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 emerged⁹ 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?

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That they surrounded it with their statements like this snake – שהקיפו דברים כעכנאי: Just as a snake coils into a circle to prevent any possible escape, so too the Sages surrounded Rabbi Eliezer with answers and refuted all his claims, leaving him with no response (Rabbeinu Nissim Gaon).

Carob tree...stream – אמת המים: The early commentaries discuss this passage extensively. They explain that just as miracles were performed for the prophets in biblical times, so too they are performed for the righteous throughout the generations. Since Rabbi Eliezer was seeking to ascertain the truth of Torah, God came to his assistance by performing these wonders (see Rabbeinu Hananel and Rabbeinu Nissim Gaon). The Maharsha offers homiletic interpretations to explain the fact that the miracles were performed specifically with the carob tree, the stream, and the walls of the house of study. Rabbeinu Hananel cites an explanation that these miracles appeared as a vision seen in a dream

by one of the Sages of that generation. Since it was a vivid dream with an aspect of prophecy, they gave credence to his dream.

A Divine Voice emerged – יצאתה בת קול: The commentaries discuss at length how this Divine Voice could have supported Rabbi Eliezer's opinion, when in fact the *halakha* was not in accordance with his opinion. Some explain that the Divine Voice was ambiguous and did not explicitly state that the *halakha* is in accordance with the opinion of Rabbi Eliezer. Alternatively, it was a test to see if the Sages would stand firm in their opinion (Rabbeinu Nissim Gaon). Rabbi Shlomo Molkho explains that Rabbi Eliezer was correct. Fundamentally, the *halakha* is that the oven is ritually pure. Nevertheless, the Rabbis decreed it ritually impure lest one fashion a similar oven without placing sand between the segments, which everyone agrees would be susceptible to ritual impurity. Because they established a safeguard to prevent violation of Torah law, there is a basis and a source for their opinion.

It is not in heaven – לֹא בַשָּׁמַיִם הִיא: From the verse: "It is not in heaven," one derives that a prophet cannot innovate a *halakha* in the Torah by claiming that he was told to do so in a prophecy. Even if a prophet performs wonders and miracles, if he claims that God has sent him to add or subtract mitzvot from the Torah or seeks to reinterpret a mitzva or a *halakha*, he is a false prophet (Rambam *Sefer HaMadda*, *Hilkhot Yesodei HaTorah* 9:1).

NOTES

My children have triumphed over Me – נִצְחוּנִי בְּנֵי: The commentaries discuss at length why God smiled while He said this. Some explain that God was pleased with the Rabbi's persistence, as their rejection of the Divine Voice demonstrated their belief in the eternity of the halakhic decision process set forth in the Torah, which cannot be changed even by a prophet. See Rambam's introduction to *Mishne Torah*.

And they...ostracized him – בִּרְכוּהוּ: According to Rashi, Rabbi Eliezer was ostracized (see *Tosafot*). The Ramban and other commentaries hold that this was more serious than ostracism, and Rabbi Eliezer was actually excommunicated. The Rabbis did this because he refused to accept the majority opinion and agitated against them. He was like a rebellious elder (see Rashi on *Berakhot* 19a).

He wore black – לְבַשׁ שְׁחוּרִים: In deference to his teacher, Rabbi Akiva conducted himself as though he, not Rabbi Eliezer, was the one ostracized. He employed a similar style in the way that he spoke, as he did not say that his colleagues distanced Rabbi Eliezer from them, but rather that they distanced themselves from him (Maharsha).

עמד רבי יהושע על רגליו ואמר: "לא בשמים היא." מאי "לא בשמים היא"? אומר רבי ירמיה: שכתב נתנה תורה מהר סיני. אין אנו משגיחין בבת קול, שכתב כתבת בהר סיני בתורה: "אחרי רבים להטות." אשבחיה רבי נתן לאליהו. אומר ליה: מאי עבד קודשא בריך הוא בההיא שעתא? אומר ליה: קא חיד ואמר נצחוני בני, נצחוני בני.

אמרו: אותו היום הביאו כל טהרות שטיהר רבי אליעזר ושפרום באש, ונמנו עליו וברכוהו. ואמרו: מי ילך ויודיעו? אמר להם רבי עקיבא: אני אלה, שמא ילך אדם שאינו הגון ויודיעו, ונמצא מחריב את כל העולם כולו.

מה עשה רבי עקיבא? לבש שחורים, ונתעטף שחורים, וישב לפניו בריחוק ארבע אמות. אמר לו רבי אליעזר: עקיבא, מה יום מיומים? אמר לו: רבי, כמדומה לי שחברים בדילים ממך. אף הוא קרע בגדיו וחלץ מנעליו, ונשמת וישב על גבי קרקע.

ולגו עיניו דמעות, לקה העולם שלישי בזיתים, ושליש בחטים, ושליש בשעורים. ויש אומרים: אף בצק שבדי אשה טפה. תנא: אף גדול היה באותו היום, שכתב מקום שנתן בו עיניו רבי אליעזר נשרף.

ואף רבן גמליאל היה בא בספינה, עמד עליו נחשול לטבעו. אמר: כמדומה לי שאין זה אלא בשביל רבי אליעזר בן הורקנוס. עמד על רגליו ואמר: רבונו של עולם, גלוי וידוע לפניך שלא לכבודי עשיתי, ולא לכבוד בית אבא עשיתי, אלא לכבודך, שלא ירבו מחלוקות בישראל. נח הים מנעופו.

Rabbi Yehoshua stood on his feet and said: It is written: "It is not in heaven" (Deuteronomy 30:12).¹¹ 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;¹² My children have triumphed over Me.

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.¹³ 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 black¹⁴ 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 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,¹⁵ 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.

PERSONALITIES

רבי אליעזר בן הורקנוס – Rabbi Eliezer ben Hyrcanus: When the name Rabbi Eliezer occurs in the Talmud without a patronymic, it refers to Rabbi Eliezer ben Hyrcanus, also known as Rabbi Eliezer the Great, who was one of the leading Sages in the period after the destruction of the Second Temple. Rabbi Eliezer was born to a wealthy family of Levites, who traced their lineage back to Moses. Rabbi Eliezer began studying Torah late in life, but he quickly became an outstanding disciple of Rabban Yohanan ben Zakkai. Rabban Yohanan ben Zakkai remarked: If all the Sages of Israel were on one side of a scale and Eliezer ben Hyrcanus on the other, he would outweigh them all.

Rabbi Eliezer was blessed with a remarkable memory. All his life, in his Torah study and his halakhic rulings, he attempted to follow the traditions of his Rabbis without adding to them. Nevertheless, although he was the primary student of Rabban Yohanan ben Zakkai, who was a disciple of Beit Hillel, he was considered one who tended toward the opinions of Beit Shammai. Rabbi Eliezer's close friend, Rabbi Yehoshua ben Hananya, completely followed the opinions of Beit Hillel, and many fundamental halakhic disputes between these Sages are recorded in the Mishna.

Because of his staunch and unflinching adherence to tradition, Rabbi Eliezer was unwilling to accede to the majority opinion. Rabbi Eliezer's conduct generated so much tension among the Sages that Rabban Gamliel, who was the brother of his wife, Imma Shalom, was forced to excommunicate him to prevent controversy from proliferating. This ban was lifted only after Rabbi Eliezer's death. All of the Sages of the next generation were Rabbi Eliezer's students, most prominent among them Rabbi Akiva. Rabbi Eliezer's son, also named Hyrcanus, was a Sage of the following generation.

NOTES

From the house of the father of my father – מבית אבי אבא – *Tosafot* and the *Ritva* explain that Rabbi Eliezer's wife received this tradition from Rabban Gamliel himself, or from his father, Rabban Shimon.

Except for the gates of prayer of victims of verbal mistreatment – חוץ משערי אונאה – Although the Sages acted properly, they were punished for Rabbi Eliezer's pain and anguish (Ya'avetz).

HALAKHA

Distressing a convert – אונאת הגר – One must make certain neither to exploit a convert in monetary dealings nor mistreat him verbally or physically, as the Torah warned against doing so in several places (*Shulhan Arukh*, *Hoshen Mishpat* 228:2).

LANGUAGE

His family [*deyotkei*] – דיותקיה – From the Middle Iranian *dūdāg*, meaning family.

אימא שלום דביתהו דרבי אליעזר אחתיה דרבן גמליאל הואי. מההוא מעשה ואילך לא הוה שבקה ליה לרבי אליעזר למיפל על אפיה. ההוא יומא ריש ירחא הוה, ואיחלף לה בין מלא לחסר. איכא דאמרי: אתא עניא וקאי אבבא. אפיקא ליה רפתא.

אשבחתיה דנפל על אנפיה, אמרה ליה: קום, קטלית לאחי. אדהכי נפק שיפרא מבית רבן גמליאל דשכיב. אמר לה: מנא ידעת? אמרה ליה: כך מקובלני מבית אבי אבא: כל השערים ננעלים חוץ משערי אונאה.

תנו רבנן: המאנה את הגר עובר בשלשה לאוין, והלוחצו עובר בשנים.

מאי שנא מאנה – דכתיבי שלשה לאוין: "וגר לא תונה", "וכי גור אתך גר בארצכם לא תונה אותו", "ולא תונו איש את עמיתו" – וגר בכלל עמיתו הוא. לוחצו נמי, שלשה כתיבי: "ולא תלחצנו", "וגר לא תלחץ", "ולא תהיה לו כנשה" – וגר בכלל הוא! אלא: אחד זה ואחד זה בשלשה.

תנא, רבי אליעזר הגדול אומר: מפני מה הזהירה תורה בשלשים וששה מקומות, ואמרי לה בארבעים וששה מקומות בגר – מפני שסורו רע.

מאי דכתיב: "וגר לא תונה ולא תלחצנו כי גרים הייתם בארץ מצרים"? תנינא רבי נתן אומר: מום שבך אל תאמר לחברך, והיינו דאמרי אינשי: דוקיף ליה זקיפא בדיותקיה לא נימא ליה לחבריה "זקיף ביניתא".

מתני' אין מערבין פירות בפירות אפילו חדשים בחדשים.

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:^N All the gates of Heaven are apt to be locked, except for the gates of prayer for victims of verbal mistreatment.^N

§ The Sages taught: One who verbally mistreats the convert violates three prohibitions, and one who oppresses him in other ways violates two.

The Gemara asks: What is different with regard to verbal mistreatment, that three prohibitions are written concerning it: “And you shall neither mistreat a convert” (Exodus 22:20); “And when a convert lives in your land, you shall not mistreat him” (Leviticus 19:33); “And you shall not mistreat, each man his colleague” (Leviticus 25:17), and a convert is included in the category of colleague? With regard to one who also oppresses a convert as well, three prohibitions are written: “And you shall neither mistreat a convert, nor oppress him” (Exodus 22:20); “And you shall not oppress a convert (Exodus 23:9); “And you shall not be to him like a creditor” (Exodus 22:24). This last prohibition is a general prohibition, in which converts are included. Consequently, it is not correct that one who oppresses a convert violates only two prohibitions. Rather, both this one, who verbally mistreats a convert, and that one, who oppresses him, violate three prohibitions.

It is taught in a *baraita* that Rabbi Eliezer the Great says: For what reason did the Torah issue warnings in thirty-six places, and some say in forty-six places, with regard to causing any distress to a convert?^H It is due to the fact that a convert's inclination is evil, i.e., he is prone to return to his previous way of living.

What is the meaning of that which is written: “And you shall not mistreat a convert nor oppress him, because you were strangers in the land of Egypt” (Exodus 22:20)? We learned in a *baraita* that Rabbi Natan says: A defect that is in you, do not mention it in another. Since the Jewish people were themselves strangers, they are not in a position to demean a convert because he is a stranger in their midst. And this explains the adage that people say: One who has a person hanged in his family [*bidyotkei*],^I does not say to another member of his household: Hang a fish for me, as the mention of hanging is demeaning for that family.

MISHNA One may not intermingle produce bought from one supplier with other produce, even if he intermingles new produce with other new produce and ostensibly the buyer suffers no loss from his doing so.