

It was taught: On that day [of the debate regarding the ritual purity of an oven] Rabbi Eliezer replied with every legal retort in the world, but they [the other rabbis] didn't accept his view. He said to them, "If the halakhah is according to my view, this carob tree will prove it" - the carob tree was uprooted from its place by one hundred cubits (some say, 400 cubits). They replied to him, "You can't prove it with a carob tree!" He said to them, "If the halakhah is according to my view, this stream of water will prove it" - the water flowed backwards. They replied to him, "You can't prove it with a stream of water!" He retorted to them, "If the halakhah is according to my view, the walls of the study hall will prove it" - the study house walls started to cave in until Rabbi Yehoshuah rebuked them: "Scholars are arguing with each other—what is your part in this?" They didn't fall, out of respect for Rabbi Yehoshua, but they didn't straighten out from respect for Rabbi Eliezer, and they remain thus. [Rabbi Eliezer] came back and said, "If the halakhah is according to my view, from the heavens they will prove it!" A divine voice called out, "What's with you and Rabbi Eliezer? The law is always in accord with him!" Rabbi Yehoshuah got up on his feet and said, "It is not in heaven! [Deuteronomy 30]"

What "is not in heaven?" Rabbi Yirmiah says, since the Torah was already given at Mount Sinai, we no longer listen to heavenly voices, for it says, "to follow the majority. [Exodus 23]" *

Rabbi Natan found Elijah and said to him, "What did the Holy One do at that moment?" He replied, "[God] laughed and said, 'My children have beaten me, My children have beaten me!'"

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*The use of the verse from Exodus 23 serves at least two purposes here. On the literary level, it ties the story together, for the word translated here as "to tilt" is the same word that is used to describe the tilting of the walls of the house of study at Rabbi Eliezer's command. But more important, there is a profound irony in the use of this verse. For the Torah does not apparently intend to instruct us, that the majority should always be followed. On the contrary, the simple meaning of the verse seems to be quite the opposite: that majorities can be wrong, and contrary to the will of God, and that we must take care not to follow a multitude blindly. That is why the NJV translation renders these words not as "to tilt in favor . . ." but rather as "to pervert in favor . . ." It is only by taking the last three words of the verse (charei rabim le-hakrot) out of the larger context that Rabbi Jeremiah can claim that it means that we should always "tilt" in favor of a majority! Indeed, Rabbi Yehoshua's verse "It is not in the heavens" is itself quoted out of context. For in Deuteronomy, its intent is to reassure Israel that it has access to the teachings of God and that they do not need another Moses to ascend to heaven. It does not, however, seem to suggest that God has no part or say in how the Torah's words are to be understood or used. Thus, the medium and the message here converge. The story is here to tell us something about the ways in which the Rabbis claimed the authority to interpret the word of God autonomously, and the proof texts brought are proof texts only because they are being construed in a very nonstandard way, suited specifically to the rabbinic purposes here. Heschel does not intend this to be a cynical representation of rabbinic power games, but rather an emphatic statement of the intimacy the Rabbis had with the text of the Torah, and thus the ease with which they asserted their custodianship over it.

- Gordon Tucker in Heavenly Torah, by Menachem Joshua Heschel

① R. Judah said in the name of Rav: When Moses ascended on high, he found the Holy One affixing crowns to letters. Moses asked, "Lord of the universe, [why use crowns to intimate what You wish? Who hinders Your hand [from writing out in full all of Torah's precepts? God replied, "At the end of many generations there will arise a man, Akiva ben Joseph by name, who will inter heaps and heaps of laws from each little on these crowns." "Lord of the universe," said Moses, "permit me to see him." God replied, "Turn around." Moses went and sat down behind eight rows [of R. Akiva's disciples and listened to their discourses on law]. Not being able to follow what they were saying, he was so distressed that he grew faint. But when they came to a certain subject and the disciples asked R. Akiva, "Master, where did you learn this?" and R. Akiva replied, "It is a law given to Moses at Sinai." Moses was reassured.

- Menachot 29b

④ "A king of flesh and blood had two servants whom he loved completely. He gave each of them a measure of wheat and a bundle of flax. The intelligent one what did he do? He wove the flax into a cloth and made flour from the wheat, sifted it, ground it, kneaded it, and baked it and arranged it on the table, spread upon it the cloth and left it until the king returned. The stupid one did not do anything. After a time, the king returned to his house and said to them: My sons, bring me what I gave you. One brought out the table set with the bread and the cloth spread upon it, and the other brought the wheat in a basket and the bundle of flax with it. Oh who an embarrassment! Oh what a disgrace! Which do you think was most beloved? The one who brought the table with the bread upon it... (Similarly) when God gave the Torah to Israel, God gave it as wheat from which to make flour and flax from which to make clothing through the rules of interpretation." 19

- Eliahu Zuta (Midrash)