

# Open Disagreement

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P'shat- פשוט

D'rash- דרש

**1 oven of Aknai** What is this oven called the “oven of Aknai”? Aknai is a snake, but in what way is this oven connected to a snake? The simple meaning is that the arguments spawned by this oven were constricting and suffocating like a boa or instilled fear like a coiled rattlesnake about to pounce. Or perhaps this is an allusion to the serpent from *Gan Eden*. “Now the serpent was more subtle than any beast of the field which the Lord God had made” (Genesis 3:1) Being subtle is not always the most helpful tactic in terms of working out disagreements. **When you think you are the smartest person in the room are you listening to the other people?** **2 carob-tree** What is the significance of Rabbi Eliezer arguing his point with a floating carob-

**1 oven of Aknai** On another level the image of this “encompassed” snake seizing its own tail is the iconic *Ouroboros*. This symbolizes self-reflexivity or cyclicity, especially in the sense of something constantly re-creating itself. While the idea of constant renewal is very good, the symbol of the *Ouroboros* like Sisyphus also represents the idea of being stuck in eternal return, beginning anew as soon as it ends. Perhaps this encompassed snake represents this deadlocked disagreement between Rabbi Eliezer and the Rabbis **4 walls of the house of study**



tree and water flowing the other direction in the stream? The Talmud relates a story about Rabbi Shimon Bar Yochai and his son Rabbi Eleazar who were evading the government forces who wanted to kill them. At first they hid in the house of study and then later they hid in a miraculous cave. At the mouth of the cave a carob tree sprang up and a spring of fresh water gushed forth so they had what to eat and drink. After twelve years Rabbi Shimon Bar Yochai and his son emerged from the cave only to be dissatisfied with the behavior of their fellow Jews. “Whatever they cast their eyes upon was immediately burnt up. Thereupon a **Bat Kol** came forth and cried out, 'Have you emerged to destroy My world: Return to your **cave!**' So they returned and dwelled there in the cave another twelve months. A **Bat Kol** then came forth and said, 'Go forth from your cave!' Thus.; they issued: wherever Rabbi Eleazar burned up Rabbi Shimon healed (Shabbat 33b) There are some interesting connections between this story of Rabbi Shimon Bar Yochai and his son Rabbi Eleazar and our story of Rabbi Eliezer and the Rabbis. Besides the miraculous carob trees and water from the stream, both stories we have the use of the **Bat Kol**. **What else can be learned from the juxtaposition of these two stories?** **4 walls of the house of study** For the sake of Rabbi Yehoshua the walls did not fall and for the sake of Rabbi Eliezer the walls did not stand straight, but rather became permanently inclined.

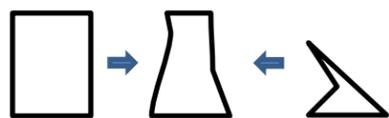
## Baba Meitzia 59a-b

**1** We learned elsewhere: If he cut it into separate tiles, placing sand between each tile: Rabbi Eliezer declared it clean, and the Sages declared it unclean; (59b) and this was the **oven of Aknai**. Why [the oven of] ‘Aknai? – Said Rav Judah in Shmuel's name:[It means] that they encompassed it with arguments as a snake, and proved it unclean. **2** It has been taught: On that day Rabbi Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: ‘If the halachah agrees with me, let this **carob-tree** prove it!’ Thereupon the carob-tree was torn a hundred cubits out of its place – others affirm, four hundred cubits. ‘No proof can be brought from a carob-tree,’ they retorted. **3** Again he said to them: ‘If the halachah agrees with me, let the stream of water prove it!’ Whereupon the stream of water flowed backwards – ‘No proof can be brought from a stream of water,’ they rejoined. **4** Again he urged: ‘If the halachah agrees with me, let the **walls of the house of study** prove it,’ whereupon the walls inclined to fall. But Rabbi Yehoshua rebuked them, saying: ‘When scholars are engaged in a halachic dispute, what have you to interfere?’ Hence they did not fall, **in honor of Rabbi Yehoshua**, nor did they resume the upright, **in honor of Rabbi Eliezer**; and they are still standing thus inclined. **5** Again he said to them: ‘If the halachah agrees with me, let it be proved from Heaven!’ Whereupon a **Bat Kol** cried out: ‘Why do you dispute with Rabbi Eliezer, seeing that in all matters the halachah agrees with him!’ But Rabbi Yehoshua arose and exclaimed: ‘It is not in heaven.’ (Deuteronomy 30:12) What did he mean by this? – Said Rabbi Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to a **Bat Kol**, because You have long since written in the Torah at Mount Sinai, After the majority must one incline. (Exodus 23:2)

## בבא מציעא נט. -:

**1** תנן התם חתכו חוליות ונתן חול בין חוליא לחוליא  
ר"א מטהר וחכמים מטמאין  
(דף ב) וזה הוא תנור של עכנאי  
מאי עכנאי אמר רב יהודה אמר  
שמואל שהקיפו דברים כעכנא זו  
וטמאוהו  
**2** 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 ראייה  
מן החרוב  
**3** חזר ואמר להם אם הלכה  
כמותי אמת המים יוכיחו חזרו  
אמת המים לאחוריהם אמרו לו  
אין מביאין ראייה מאמת המים  
**4** 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  
**5** 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 לא בשמים  
היא מאי (דברים ל) לא בשמים  
היא  
אמר רבי ירמיה שכבר נתנה תורה  
מהר סיני אין אנו משגיחין בבת  
**קול** שכבר כתבת בהר סיני בתורה  
(שמות כג) אחרי רבים להטות

When it comes to disagreements it is interesting that we generally assume that it is a zero sum game. One side is right or the other; there is no room for compromise. On one level it seems that these walls appearing a perpetual state of **caving** in represents an idea of compromise. But on another level, that cannot be the case because the story does not resolve with a compromise. How do these walls represent or even impact the dynamics of disagreement in the house of Study? **How does this architecture of the place impact the sound dynamics?** **5 Bat Kol** What is the role of the **Bat Kol** in the story? How role does the **Bat Kol** play elsewhere in the Talmud? The Talmud relates a story that for three years there was a disagreement between **Bet Shammai** and **Bet Hillel**. The former asserted, ‘The *halachah*- law is in agreement with our views’ and the latter contended, ‘The *halachah*- law is in agreement with our views’. Then a **Bat Kol** issued announcing, “*Elu V’Elu- Both are the words of the living God*, but the *halachah*- law is in agreement with the rulings of **Bet Hillel**”. Since, however, both are the words of the living God’ what was it that entitled **Bet Hillel** to have the *halachah*- law be established in agreement with their rulings? Because they were kindly and modest, they studied their own rulings and those of **Bet Shammai**, and were even so humble as to mention the actions of **Bet Shammai** before theirs. (Eruvin 13b) **Bet Hillel** has a different way of being in disagreement then Rabbi Eliezer and the Rabbis (Baba Metzia 59a-b) or Rabbi Shimon Bar Yochai and his son Rabbi Eleazar (Shabbat 33b). It is interesting to compare the roles the **Bat Kol** plays in each of these stories. **What do we learn from Bet Hillel in regard to how we should conduct ourselves in an open disagreement?** **5 Bat Kol** Here in the story of the oven of Aknai the Rabbis overrule Rabbi Eliezer and even the **Bat**



**What is proven by the walls of the house of study?** **4 in honor of Rabbi** It seems clear from this point that the Rabbis have long ago lost the thread of the original debate. Are they still arguing about the nature of an oven or are they solely dealing with each other’s honor? Ego is

always going to be the context of disagreements, but how can we make sure that we do not lose the original content? **How do we ensure that people’s voices are honored in a disagreement so that we never let that become the content of disagreement?**

**5 Bat Kol** What is a **Bat Kol**? In Hebrew a **בת קול** is literally the “daughter of a voice” and figuratively a heavenly or divine voice which proclaims God’s will, deeds, or judgment to the world. It is hard to imagine any other voice counting in a disagreement which involves the revealed will of God. **What can happen in a disagreement that would silence voices?**

became suspicious of Echo’s relationship with Zeus and took away her voice leaving her only to repeat what other people say. About her Ovid wrote, “Echo still had a body then and was not merely a voice...By chance, the boy [Narcissus], separated from his faithful band of followers, had called out ‘Is anyone here?’ and ‘Here’ Echo replied. He is astonished, and glances everywhere, and shouts in a loud voice ‘Come to me!’ She calls as he calls. He looks back, and no one appearing behind, asks ‘Why do you run from me?’ and receives the same words as he speaks. He stands still, and deceived by the likeness to an answering voice, says ‘Here, let us meet together’. And, never answering to another sound more gladly, Echo replies ‘Together’, and to assist her words comes out of the woods to put her arms around his neck, in longing. He



Echo and Narcissus (John William Waterhouse, 1903)

runs from her, and running cries ‘Away with these **encircling hands!** May I die before what’s mine is yours.’ She answers, only ‘What’s mine is yours!’ Scorned, she wanders in the woods and hides her face in shame among the leaves, and from that time on lives in lonely **caves**. But still her love endures, increased by the sadness of rejection. Her sleepless thoughts waste her sad form, and her body’s strength vanishes into the air. Only her bones and the sound of her voice are left. Her voice remains, her bones, they say, were changed to shapes of stone. She hides in the woods, no longer to be seen on the hills, but to be heard by everyone. It is sound that lives in her.” (Book III:359-401)Heartbroken by Narcissus, Echo spent the rest of her life in lonely glens pining away for the love she never knew, crying until all that was left was her voice. Narcissus was so obsessed with his own reflection that as he knelt and gazed into a pool of water, he fell into the water and drowned. The narcissus plant sprang from where he died. Just as Narcissus is lost in his own looking, Echo is lost in her own voice. This myth comes to explain the plant by the same name that faces the water and the echoing of sound. How might this idea of **Bat Kol** being an echo change our understanding of the disagreement between Rabbi Eliezer and the Rabbis over the oven of Aknai. **How do we ensure that we are not just listening to our own voices when we are in disagreement?**