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9-2-2011

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Bruce Ledewitz

Duquesne University, ledewitz@duq.edu

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Repository Citation

Ledewitz, B. (2011). September 2, 2011: Hilary Putnam Misinterprets the Oven of Aknai Story. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/574>

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Title: Hilary Putnam Misinterprets the Oven of Aknai Story

Date: 2011-09-02T04:32:00.004-04:00

9/2/2011—In the Talmud, there is a story that has seemingly become the most important story for American legal and political commentators—the story of the Oven of Aknai at Baba Mezia 59a. Here is how the noted American philosopher Hilary Putnam tells the story in his book, *Jewish Philosophy as a Guide To Life*: “in a dispute with some of the other members of the group at Jabne, Eliezer ben Hyrcanys called for a series of miracles (which then occurred) including a ‘heavenly voice’ (bat kol) to prove that he was right and *lost the debate in spite of the heavenly voice and the miracles*. ‘We pay no heed to a heavenly voice,’ the rabbis told God, ‘for you have already written in the Torah at Mount Sinai, ‘to incline after a multitude.’ The Talmud goes on to give us God’s reaction. Rabbi Nathan, it relates, ‘happening upon’ the prophet Elijah, asked what God had done at that hour. ‘He smiled,’ Elijah said, ‘and said: My children have vanquished me, my children have vanquished me!’”

Putnam concludes that in this “crucial” event, Judaism took a turn away from the numinous, from the direct experience of the divine: “Human autonomy was henceforth to have a voice in determining what the Divine Commandment means. ...[T]he position of the traditional Jew is one of feeling a profound experience of being Commanded by a God of whom she or he has *not* had a numinous experience. The ‘trace’ of God’s presence is the tradition that testifies to the Commandment and the interpretive community that continues to work out what it means.”

The misinterpretation here is the omission of the Talmud’s radical critique of the position of the majority. Here is what actually happened next, which American commentators and liberal Jews generally, leave out. (taken from a law review article I wrote in 2003). The sages were not content with carrying the day against Eliezer on just the point of law concerning the oven. They declare unclean “all” the objects upon which Eliezer had given his judgment of clean and then burn these objects. After the burning, the sages vote to excommunicate Eliezer.

As the sages feared, the excommunication of Eliezer sparks disorder in the natural world. Disasters of all sorts occur—including the destruction of a third of the olive, wheat and barley crops, which would have been a catastrophe indeed in that economy.

In the midst of these events, a huge wave threatens to swamp the boat of Rabban Gamliel, the head of the Academy. Gamliel addresses God directly, the same God who had been “defeated” by the sages. Gamliel says that the action against Eliezer was not taken out of ego, but to avoid factionalism—“so that strife may not multiply in Israel.” The sea then subsides.

All the same, Gamliel eventually is killed by heaven's hand because of the treatment of Eliezer. Ima Shalom, who is both Gamliel's sister and also Eliezer's wife, continually distracts Eliezer from prayer after his excommunication, because of her fear of the possible consequences of Eliezer's prayer. But one day she fails to prevent Eliezer's from praying and Gamliel immediately dies. Thus, concludes the text, referring to an earlier Talmudic discussion, wounded feelings have the greatest access to heaven.

The Talmud does not celebrate the hubris of human reason trumpeting its autonomy from God. The Talmud both warns against it and considers it an inevitable temptation. Jewish commentators who ignore this do the tradition, and by extension, the Enlightenment and secular thought generally, no favor.