

The Priority of Torah Over Theology in Jewish Thought

The Priority of Torah Over Theology

Some fourteen years ago Neil Gillman, then a young Jewish thinker in the forefront of a revival of Jewish theology, commented on the noteworthy flourishing of Jewish theological reflection. He pointed to “the engagement of a group of competent, trained traditionalist thinkers in Jewish theological debate.”¹ While delighting in this upsurge in activity, he also lamented the lack of teaching in what he called “Jewish models of religious authenticity.” Jewish theology represents an interesting enterprise, but is not the central concern of Jewish learning. Beyond theological education lies training in Jewish spirituality and religious living. The pedagogical task is to teach students “how to live a Jewish life.”² What does such a task entail? Ivan Marcus, in another essay in the same anthology in which Gillman writes, tells of how the anthropologist Victor Turner distinguished between “tree peoples” and “book peoples”—and included Judaism among the latter. A member of the audience objected noting that the Jewish book, the *Torah*, is also a “tree.”³ Jewish religiousness grows out of the dynamics of *Torah* as a living tree. Only that dynamic approach to the Jews as a “book people” can reveal both the theologies within Judaism and the reason that *Torah* is a priority over any theology. Before looking for the place of theology in Jewish thought, one must first explore how a book people that is also a tree people derives authentic religious life from scriptures.

Nearly half a century ago, in 1957, Eugene Borowitz recognized the priority of a life of Torah to a view of the divine and proposed using it as the criterion by which to determine the Jewish authenticity of any proposed theological option.⁴ Borowitz points out that rabbinic writings confine theology to the realm of *aggadah*, lore rather than law. He contends that they

exhibit a humility concerning the human ability to understand the divine by doing this by stressing “the limits of human reason in this regard.” He concludes that this allows considerable freedom in determining Jewish views of the divine. The qualification it demands for any such view, however, is that an “idea of God must be such as to make possible...the life of Torah.”⁵

Borowitz’s approach suggests that the idea of God comes first, then comes a life devoted to Torah. Some rabbinic texts suggest the opposite. There is a theology of Jewish identity that centers around texts and learning—a recognition that to be a Jew means to be connected to the divine precisely through the Jewish textual tradition. A fascinating rabbinic text (found in the Jerusalem Talmud, Haggigah 1:7 and in *Pesikta De Rav Kahana*, “Eichya,” 120b-121a) offers what appears to be a strange theological statement. The context of the statement is a reflection on the importance of the study of Torah and the disastrous consequences brought about either by the neglect of such study or, even worse, the abandonment of such study by formerly devoted rabbinic scholars. In that context Rav Huna points to a biblical text Jeremiah 9:11-13 which announces that God will destroy Jerusalem and make the land into a wilderness “because they have forsaken my Torah and not heeded my commandments to follow them.” Rav Huna suggests that God forgave Israel for the three most grievous sins of idolatry, sexual misconduct, and murder. Yet for their rejection of the Torah, they were never forgiven. To this comment Rav Hiyya adds the following sentiment attributed to the divine. God is saying, in effect, “If they were to forsake me, I should forgive them, for they may yet keep my Torah. For if they should forsake me but keep my Torah, the leaven that is in the Torah will bring them close to me.”⁶ Jewish theology aims toward the divine, but it points in that direction through Torah, through study. A distinction between Israel as a people of “the book” and as a “literary” culture may be

valid, but that distinction does not create a “religious” and “non-religious” option. Both alternatives share a single theological underpinning that requires examination. The Jews are a theological people and study as such rather than the content of that study, whether “the book” or a national library, provides the pathway to the divine.

The term “Torah” as a synonym for Jewish learning needs further explanation. While the Hebrew term has a basic meaning of “instruction” or “guidance,” it often carries a restricted connotation of the first five books of the Hebrew Bible. As used here, the study of Torah goes beyond that narrow usage. Torah refers to the entire breadth of Jewish literary productivity—from the Bible through the rabbinic writings and down to contemporary Jewish thinkers. Torah, understood this way, refers to those texts which reflect the meaning of existence and reality as Jews experience them. Jewish mystics have understood this dimension of the Torah. They see the Torah as more than just a document—it is the blueprint of creation and a key to the dimensions of the divinity. Abraham Joshua Heschel (1907-1972), the descendant of a famous mystical family, philosophically a phenomenologist, and theologically an astute commentator on American Jewish life and thought expressed this idea well. He explained that the Torah is not just a book or even a set of books; it is a term that refers to an inexhaustible source of knowledge. The Torah, for the mystics as well as for normative rabbinic leaders, was the model by which God created the world. In this way learning Torah is a key to the structure of the cosmos. Yet the mystics also understand Torah as a secret manual concerning the nature of God. It provides a key to God’s nature. Because, Heschel explains, “The universe is an image of the Torah and the Torah is an image of God” through the study of Torah human beings “draw the secret wisdom and power of insight into the essence of things.”⁷ Judaic learning and study point

beyond the particular to the universal—both the universal structure of the world as a whole and the universal nature of the deity. The priority of Torah study to theology arises in Judaism from a conviction that Torah study itself leads to knowledge of both the divinity and of the world. How this occurs takes up the rest of this investigation.

The Passion For Torah

The study of Torah infuses a person with passion, with desire. Simon Rawidowicz describes how Maimonides understands the love of God. He sees it in terms of desire; it represents a passion of the mind—an infinite yearning for the apparently unobtainable knowledge of the divinity.⁸ How did Maimonides come to this view? Rawidowicz examines the seeming contradiction of the mystical evocation of this love of and unity with the divine at the end of Maimonides' *Guide For the Perplexed* and the rationalist program of education and philosophy that precedes it. Did Maimonides retreat from reason in his old age (Abraham Heschel seems to think that he did)? Were the entire first and second part of the *Guide* merely an exercise in futility? Rawidowicz points out that only the scholar can attain the true love of God. The risk of philosophy, he claims is what enables a person to reach the higher stage—that of passion. When Maimonides claims that the three biblical figures—Moses, Aaron, and Miriam—dies with God's kiss he means a “deliverance from death” that comes from transcending philosophy, not from avoiding it. The kiss of God is for Maimonides the mystical reward for a passion stimulated by the pursuit of rationality and knowledge.⁹

Love of Torah leads to a love of the divine. Rational study is the key to passionate religious devotion. Perhaps nowhere does this idea find as romantic an exemplification as in the case of the talmudic master, Rabbi Aqiva ben Joseph. Aqiva was not only unlearned but an

opponent of the study of Torah. He said of himself that before he became a student of Torah he would have bitten a talmudic scholar in the fashion of a wild dog. How did he become a scholar? The story (Nedarim50a) tells that Aqiva's beloved, Rahel, the daughter of the rich man Kalba Sabua, married him despite her father's opposition. Condemned to poverty Aqiva and Rahel lived in a stable. Once he picked straw from her hair and declared, "I wish I could give you a 'yerushalayyim shel Zahav' – a Jerusalem of Gold." At that moment God sent Elijah to him in the appearance of a poor man at the door wanting straw for his pregnant wife who's about to give birth. Aqiva suddenly realized that there were those poorer than himself. Convinced that Rahel can live without him, he went off to study. At the how of study he was always questioning. He would ask why an aleph is drawn in such and such a way, why one word is used in a passage rather than a synonym (Avot drabbi Natan version A chapter 6) . He also learned how good intentions can lead to bad results. The story is told (Y Nezir Chapter 7:56a and B.Semahot Perek 4) that Akiva reported of himself that he once saw a dead body and carried it 3 times the sabbath limit to find a suitable place to bury it. When he related this to his teachers they informed him that each step made him worthy of death for dishonoring the dead, a body must be buried where it was found. He thought—if while intending to do a mitzvah I committed a sin, then when I have no such intention how much more sinning will I be doing! From his questioning and his errors he learned how difficult education is, how elusive knowledge is. His story then is a parade example of the progress of a person from ignorance to learning and from their to a passion for God.

The Myth of Rabbi Aqiva

In the introduction to his 1936 study of Rabbi Aqiva, Louis Finkelstein claims that this

rabbi shares with Moses the prophet and Moses Maimonides the philosopher a dominant place in eighteen centuries of Jewish life.¹⁰ Far from denying myth, the story of Aqiva shows, the rabbis themselves established the myth of a hero who could replace Moses. The rabbis delighted in similarities between Moses and Aqiva and pointed to the same chronology__ both lived as outsiders for forty years, both trained to be leaders for forty years, and both served in positions of authority for forty years. The story begins with Aqiva as an outsider, as alienated from his people as Moses was from his. Finkelstein remarks that "Aqiva hated those to whom he should rightly have belonged..."¹¹ He stood outside of traditional scholarship, an "am haaretz," of proverbial ignorance and boorishness. He rose from this position to become a leader of his people who demonstrated a novel way of serving God. His alienation from the scholar class turned into imitation through the catalyst of love, through a romantic attachment. Strangely enough, however, the theme of alienation continues even through this emphasis on love. Aqiva, in order to become a scholar, must be estranged from his wife, first for seven years and then for another set of seven years. As with Moses, one alienation leads to another. Only when Aqiva returns to his wife as a great scholar does he overcome this gap of alienation and draw her to him, informing his disciples that all he has become and all that they have derived from him comes ultimately from her.

The tradition does not focus on this theme of alienation and return, but it does compare Aqiva to Moses as creative thinkers who reshape Jewish religion. Each hero offers the sharp critique of external evaluation, of distance, together with a sense of belonging, of self_association. For Jews to whom leadership means scholarship, however, the image of Aqiva, turning from a life of ignorance to one of knowledge, holds greater power and

significance than that of Moses. The myth of alienation as the basis for return to tradition takes on power for a nation of students when that alienation applies to the one sphere in which they feel most at home. The image of Aqiva replaced that of Moses precisely because the alienated Jews of the rabbinic period found in him a more accurate revelation of how the divine interacted in their own situations.

Aqiva's contribution as a Jewish teacher, as a hero of scholarship, came from his innovative approach to understanding the Torah. While his decision to become a scholar represents a turning point in his life, his conversion may be identified with his choice of Nahum Ish Gamzu rather than Eliezer ben Hyrcanus as his mentor. The difference between these teachers lies in their flexibility and responsiveness to human needs. Eliezer, a staunch traditionalist, insisted on the rigorous acceptance of past authority. Nahum, whose influence on Aqiva, according to Finkelstein, extended basically to the teaching of a method by which to interpret the Torah, represented the "poverty and...cheerful resignation in the face of the most dreadful personal disasters."¹² Learning this new method, however, changed Aqiva. He became "completely transformed...his interests now transcended his provincial origin."¹³ At the same time, however, he heard the echo of his older affiliation, his roots with the common Jew. Heeding that echo, he created a responsive view of Torah that "could have no other aim than the increased prosperity of Jerusalem, and especially of its workers and artisans."¹⁴ In this way he remained true to his origins. Unlike the elite, such as Eliezer ben Hyrcanus, Aqiva recalled the common person, the ignorant and the abandoned. His concern for these forgotten ones led him to develop a means of exegesis that challenged even Mosaic creativity.

The most audacious comparison of Aqiva to Moses comes when the rabbis claim that even

Moses could not comprehend everything that Aqiva would teach. According to the story, Moses complained to God concerning the small "crowns" (the "tittles") adorning the Hebrew letters of the Bible. God replied that a later scholar, Aqiva, would interpret them and derive mountains of law from them. Moses asked to visit this sage, and God obliged. Moses, however, could understand nothing of Aqiva's discourse, being comforted only when a disciple assured him that this was "the law of Moses." This variation on the theme of "his father's voice" deserves comment. Aqiva contributes to his people because in the midst of his distance from his roots he still hears the echoes of those who do not understand the mysteries of Torah. Finkelstein notes that "Aqiva drew on every source of experience. Sometimes he would even fall back upon his knowledge of animal anatomy..." His compassion for the poor, for women, for the beleaguered middle classes, suggests that his leadership stemmed from an ability to listen to voices from the past, to background echoes.¹⁵

Whereas Moses became a leader when he discovered the voices of his past in his place of exile, Aqiva's leadership lay in his ability to hear the voices of the forsaken exile even when he becomes part of the Jewish elite. Once again the difference in setting plays an important role in the choice of mythic heroes. A people devoted to Torah may become lost, not through the temptation of external persuasions, but through an insensitivity to those within their own midst. Moses left his relatives behind because he had assimilated into an alien culture. Aqiva's temptation lay in the possibility of forgetting his humble origins. For rabbis prone to self-indulgent piety, the father's voice heard in a distant land has less relevance as a mythic symbol than the ancestral voices of the average Jew echoing through esoteric scholarly debates. Such a lesson, that God's hand directs scholars to remember their roots, provided balance in

rabbinic leadership.

Moses' covenantal ceremony suggests the public witness with which Jews integrate private and communal loyalties. For Jews of the rabbinic and medieval period, however, the constraints of living in a world constructed by foreign religions—Islam and Christianity—made such public ceremony natural and unexceptional. The final integration of selfhood often entails a mixture of pain and joy. That realization of the need for suffering, created the impetus to expand the myth of Jewish heroes. The mythic story of the Sinai experience remains the central narrative in Judaism, but the mythic significance of that story was often conveyed by tales of suffering and martyrdom.

A legend concerning Aqiva's death suggests that such covenantal suffering represents a transition from this world into the world to come. Aqiva's transformation from origins as an outsider into an ambivalent insider reaches its conclusion as an angel welcomes him into the life of the world to come.¹⁶ The story tells that during or after the Bar Kochba rebellion government officials the Romans forbid the study of Torah, Aqiva ignores the prohibition and, against the advice of friends, continues his teaching. A Jew, Pappus, a Roman sympathizer, argues unsuccessfully against this strategy. Predictably, Aqiva is seized and imprisoned; while in jail he meets Pappus whose crime was some trivial offense. "Happy are you, Aqiva," he exclaims, "that you were arrested for studying Torah. Woe is me, for I was arrested for foolishness." This testimony from an erstwhile opponent demonstrates that Aqiva has become a model not only for dedicated scholars but even for those who have chosen to ignore that world and its rewards. He has integrated the elite tradition of Torah learning with a sensitivity to human needs, and by so doing, he has become a hero who presents a type of religiousness that even

non_scholars can appreciate and respect.

Aqiva's mythic image attains its final shape in his courageous self_sacrifice. The drama of Aqiva's last days begun in his dramatic defiance of the Romans continues through his imprisonment, the torture he endured, and his manner of death. When finally brought out to die, the hour is that set aside for the "reciting of the Shema"__the prayer proclaiming God's unity and the Jew's duties toward God that extend even to the giving up of one's life. His disciples are amazed that Aqiva seems happy at his fate. They question his calm serenity. In reply he announces his joy at being finally able to fulfill this commandment which he had recited every day. He dies reciting that prayer declaring that God is One. A Bat Kol, or heavenly voice, sounds forth commenting, "Happy are you Aqiva that your soul departed on the word One." Aqiva has been initiated into the life of the world to come, he has recognized the purpose for which he had been created and the supernal beings recognize him as a human being whose task has been accomplished.

In this story Aqiva appears as a model for all Jews during a time of trouble. His affirmation of Jewish rituals and of the study of Torah reminds them that Judaism stands for more than convenience, it points the way to self_transcendence. Throughout the middle ages the example of Aqiva, recounted during such solemn days as the Day of Atonement, suggested to Jews the ideal goal of religious life. Alienation had led to creativity that in turn resulted in a new model of Jewish religious loyalty, that of the individual whose readiness to forfeit this life wins entrance into purity and the life to come. Three distinctive myths combine in the Aqiva narrative: a cosmic myth which justifies the divine ways of interacting with the world, an anthropological myth concerning insiders and outsiders, and a political myth that legitimates

rabbinic leadership in the world. While apparently reconciled into a single narrative, these themes actually work at cross currents to each other. No where is that more evident than in the stories of Aqiva's death. Enabling students to see how the Aqiva myth of a new Moses generates a variety of mythic responses to the world helps them realize the variety of the Judaisms they study.

The Variant Traditions Concerning Aqiva's Death

Students of the rabbinic literature have long realized that the stories about the death of Rabbi Aqiva give evidence of a long evolution. Ephraim Urbach examines those stories in the context of suffering and death in the rabbinic tradition. He concludes that originally the tale did not include a theodicy which questioned divine judgment and then resolved that question. Herb Basser goes beyond this to suggest that the Aqivan story raised the problems of theodicy that later tales like that of the martyrdom of Hanina ben Tradyon, introduce the idea of theodicy, of suffering as earning a reward in the world to come, and showing "how the Rabbis used history, Scriptures, and stories in the service of theology and faith in the most difficult times."¹⁷ Other scholars have compared different versions of the death of Aqiva to show the dynamics at work in rabbinic writings. Daniel Boyarin, for example, traces the mythic linkage of Eros and Thanatos in the Aqivan tales. He suggests that the narratives of martyrdom in rabbinic literature combine to offer an alternative to the glorification of death found in the Hasmonean stories of the Maccabees. There, he suggests, martyrdom is proof of loyalty to national values. With the Aqiva tales it becomes "the only possible fulfillment of a spiritual need."¹⁸

Michael Fishbane takes a different approach. He suggests that the variant traditions arise because a new mythology was taking shape. At the time of Aqiva, he claims, the idea of

martyrdom was undergoing a dramatic change. It shifted “away from the more general idea of given honor to God and Judaism (its norms and *mitzvot*) and toward the exclusive commitment of martyrdom.” The Akivan material illustrates this shift. Looking at the variants, Fishbane considers the talmudic version in Berachot 61b a less plausible than other versions, and thus probably later than them. He characterizes this talmudic variant as “a stylized martyrology to inspire inspiration.” As he reads the stories, then, they move from seeing martyrdom as a symbol of loyalty to Jewish tradition to martyrdom as a spiritual act to martyrdom as *the* spiritual act of affirmation of the rabbinic values of scholarship and piety.¹⁹

Aqiva's Death in the Babylonian Talmud

An approach to the texts seeking their mythic meaning rather than a historically prior original version reads them slightly differently. The context of the story in Berachot stretches over several narratives. These include tales of how Rabbi Aqiva would contend that a person should always affirm that “Whatever the Holy One Blessed be He does is done for the best,” of the struggle within every soul between the good and evil inclination, of the ambivalence of humanity made in the image of God. The story of Aqiva's martyrdom begins by narrating how the government proscribed torah study and how Aqiva refused to abide by that injunction. It includes Aqiva's confrontation with Pappus who first advises Aqiva to stop studying Torah and then, when arrested himself on a trivial charge, admits that Aqiva was wiser to be imprisoned on an important charge rather than on an insubstantial one.

That tale leads directly into the story of Aqiva's death. It tells how when Aqiva was to be executed it was the hour for the recital of the *Shema* and that he was “accepting upon himself the kingship of heaven” just as the torturers combed his flesh with iron combs. At that point his

disciples asked him “Even unto this point?” and he explained that all his life he had wanted to fulfill the injunction of the *Shema* to love God with all his heart, life, and substance. He had achieved the first and third, now he was able to fulfill the second. At that point he died and a heavenly voice proclaimed his reward: Happy are you Aqiva since your soul has departed on the declaration of unity. Yet, despite this happiness, the angels, in the story, raise the question of theodicy. Citing several verses from the Bible they ask whether such Torah as Aqiva possessed should be rewarded by such a death. God replies that the reward is immortal life, and the heavenly voice reiterates its praise of Aqiva, this time for having inherited immortal life.

Three elements are clear in this story, each of them connected with the importance of the study of Torah. The first focuses on the importance of ritual observance. Aqiva’s students wonder whether the requirement of fulfilling the law extends to those facing imminent death. They query him as to the limits of the legal injunctions to say the *Shema*. This inquiry reflects a debate attributed to the houses of Hillel and Shammai. The school of Hillel argued that the recitation of that prayer requires no extra effort—such as rising to say it in the morning or reclining to recite it at night. The opposing view demanded that the prayer be accompanied by appropriate actions. The discussion following that argument includes a notation of times when one is not required to recite the prayer (Berachot 10b-11a). This consideration is expanded by other scholars (Berachot 16a-b). The disciples here wonder whether martyrdom constitutes one of those occasions on which it is permissible to omit the saying of the *Shema*. Aqiva responds that the prayer itself suggests the limits of loyalty required—all one’s possessions, all one’s mind, and all one’s life. This part of the story acts as a political myth, justifying the authority of rabbinic instructions, even if those instructions lead to dangerous situations. Aqiva’s answer to

his disciples is that the religious act of self-sacrifice is already included as a part of the *Shema* and therefore does not obviate the need to recite it. The prayer is the rabbinic justification of giving up oneself for the sake of loyalty to the tradition.

This theme continues into the justification of martyrdom as a means of attaining eternal life. The angels declare that Aqiva is “happy” (fortunate) because he has died with the word “One” on his lips. This suggests that the purpose of human life consists in opportunities to fulfill the commandments of the Torah. The earlier sections in the talmudic discussion of Aqiva reinforce this impression. Aqiva is lucky to have suffered for the sake of Torah rather than for the sake of some trivial matter. Suffering, then, is inevitable, but the reason for the suffering makes the difference between a lucky or unlucky human life. This legitimation of a life of Torah, however, seems to have been understood as somewhat unpersuasive. The text could have ended with the declaration of the angels concerning Aqiva’s good fortune. The fact that the story goes on with the angelic complaint to God followed by a second declaration of Aqiva’s happiness suggests that the original ending was perceived as insufficient. In the second ending the reward of martyrdom is eternal life. Loyalty not only fulfills the purpose of being human, but it leads to the final perfection of the human being in the world to come. Torah may not lead to happiness in this material world, but, the story suggests, such happiness is not the true goal of human existence. To be human, rather, means to aim for something that transcends this life, and that aim finds its realization in a life of Torah.

The conversation between God and the angels is the one place in which the question of theodicy occurs. The angels raise the issue of reward and punishment, of divine justice. They ask whether the Torah that Aqiva knows deserves such a painful consequence. The obvious

answer is that Aqiva's death is really a blessing in disguise, it is his ticket into eternal life. Yet this answer itself leads to another question. Why should God make this final blessing contingent on such painful suffering? The story never raises this question. Instead, it assumes a basic calculus in the universe—great rewards must be attained through great suffering. The cosmic vision is of a universe in which the good find their recompense in a better world than this sublunar world of pain and suffering. Why this should be so is not made clear, but is insisted upon as the basis of social and moral life. At the heart of this myth, then, is the study of Torah as the basis of human perfection and an affirmation of a utilitarian cosmology. The myth of Aqiva as developed in Berachot is a myth of Torah as politics, anthropology and cosmology. This way of reading the story, however, is not the only interpretation of cosmos, anthropology, or politics that can emerge from it. Looking at the alternative readings shows the variety of myths found in rabbinic tradition.

Aqiva's Death in the Jerusalem Talmud

The death of Aqiva can serve a very different set of mythic concerns as is evident from the rendition given in the Jerusalem Talmud. That version suggests the variety of Jewish myths possible from a single story. Michael Fishbane recognizes the mythic elements in the report of Aqiva's death in the Babylonian Talmud and considers the report given in the Jerusalem Talmud (Berachot 9:14b) to be a more "plausible sequence of events and motivations."²⁰ Other scholars also turn to the alternative account because of its special elements.²¹ Even traditional accounts of the events in later Jewish literature, like the *Midrash Proverbs* incorporate parts of this tale because they are so striking. According to this rendition, Aqiva was brought before the wicked Tinneius Rufus and scourged in public. When the time came for the recitation of the *shema*,

Aqiva began reciting and laughed. At that point Rufus inquires whether he is a magician or impervious to pain. Aqiva then points to himself and says “this person is granted a special pleasure,” and explains that whenever he had previously read the verse requiring self-sacrifice for the sake of God, he had been saddened at the thought that he could not fulfil it. Now that the time for self-sacrifice and the time for reciting that verse coincided, he no longer felt the disturbance he had before. No sooner had he finished making this statement, the text declares, than Aqiva gave up his soul in death.

The mythic elements here are more subtle than in the Babylonian Talmud. The cosmology here does not require the theodicy elaborated in the previous text. For this story, the world is made for the maximization of pleasure and minimization of pain. The theory of reality behind the tale is a this-worldly rather than other-worldly utilitarianism. Neither Rufus nor Aqiva disagree with the principle that it is good to experience pleasure and bad to experience pain. They differ, however, in their evaluation of what constitutes the greatest pain. For Rufus, physical pain is the most severe. He thinks only someone superhuman can withstand it. Aqiva, however, explains that psychological pain is far more devastating. The joy of no longer undergoing that psychological disruption which he had previously felt over the recitation of the *shema* outweighs the physical suffering he undergoes. From this perspective, the purpose and meaning of life lies in avoiding the worst possible pain which is psychological rather than merely bodily.

That view of the world colors the view of humanity entailed here as well. Rufus and the Romans understand what it means to be human no less than does Aqiva. Unlike the Babylonian Talmud, this anthropology does not distinguish between insiders and outsiders. The Romans and

the Jews share a common human condition. They both live life in similar ways. Torah practices do not alter human nature in this story the way they seem to in the Babylonian Talmud. The Romans can appreciate the psychological message that Aqiva gives to them. The mythic message here testifies to a natural affinity that binds all people to one another.

That anthropological statement resonates with a political myth as well. Aqiva treats his tormentors as students; he gives them a courteous and honest response. He neither upbraids them for their actions against him nor condemns them for persecuting the people of God. Aqiva appears in this story not as a revolutionary activist who has provoked the Romans into killing him, but as a civil member of society who regards the rulers of the community with respect. This portrait of Aqiva fits with stories found about him in the Babylonian Talmud as well. The Babylonian Talmud in *Baba Batra* 10a describes an intellectual debate between Aqiva and Rufus. Rufus asks Akiva why God allows poverty to exist if God loves the poor. Aqiva answers that the poor provide the more well to do with an opportunity to please God by helping them. Rufus suggests that God should be angry if human beings help those whom God has seen fit to punish with poverty. Aqiva gives a clever response to this by suggesting that as a king will look the other way if someone cares for the king's son who has, presumably justly, been put in prison. So too God will honor those who help the poor, even if that poverty is divinely ordained. The content of this story, like that of the confrontation in the Jerusalem Talmud, assumes that both Aqiva and Rufus use the same logic, respond to life from the same human perspective. Beyond that, this story like the one of Aqiva's martyrdom shows the sage treating the ruling power with respect and honor. That message of obedience to government expresses a myth of political power as a divinely given ordinance, as a fact of life that must be respected rather than resisted.

Another story of Aqiva and Rufus underlines this political concern that Jews be acceptable to the Romans (Tanhuma Tazria 4-5). No Jewish practice so outraged the Romans as the practice of circumcision, which they saw as mutilation of the body. One discussion between Rufus and Aqiva focuses on this issue. Rufus wonders whether human or divine actions are more attractive. Aqiva sagely answers that human deeds are. Bread, for example, is more attractive and edible than wheat as it grows in the field. Nature needs human improvement to be useful. In this way, Aqiva can claim that circumcision is a necessary improvement on nature. The illustration continues, however, with Aqiva noting that everyone agrees that a newborn's umbilical cord must be cut upon birth. Not only circumcision, but ordinary birthing transforms nature for the sake of human existence. Aqiva has shown that Jews are not doing anything unusual by circumcising infants. They are merely practicing a generally human effort to improve reality.

The Jerusalem Talmud thus offers a more universalistic, humanistic, and quietistic view of Aqiva's death than does the Babylonian Talmud. It evokes a world of cooperation and human compassion, even while relating a tale of torture and suffering. Both Talmuds, however, have a general sense of logic and reason in their telling of their tales. While the cosmology of the Babylonian Talmud is that of divine fiat, the context in which that arises is placed within an angelic sphere, a supernatural realm where such answers might be expected.

Aqiva and Moses: Aqiva's Death in Menachot 29b

A third version of the death of Aqiva emphasizes the unusual and supernatural to an even greater extent than the tale of the Babylonian Talmud. In that version the cosmology, anthropology, and political meaning of the myth of Aqiva's death takes on extraordinary

significance as an almost magical event. The context of this final description of Aqiva's death consists of what has been termed a "charter myth" of rabbinic teaching. According to Rabbi Yehudah, Rav taught that when Moses ascended to heaven to receive the Torah he found God sitting and decorating the letters with crowns. Moses asks why God takes the time for such delaying flourishes, and God responds by saying that a future scholar will be able to derive heaps of laws from this decorations. Moses asks to be shown this wondrous scholar and is transported to Aqiva's lectures where he cannot understand a word of what is being said. This disturbs Moses until a student asks Aqiva to give the source of the laws he's teaching. Aqiva responds "These come from the legal tradition given Moses at Sinai." That response calms Moses' spirit.

The political implication of this myth is fairly clear. The story reflects rabbinic recognition that much of their teaching seems unrelated to the biblical texts they claim to interpret. They contend through this story that even Moses at Sinai recognized this apparent problem. Their seemingly tangential derivations of law, however, are authorized by a power higher than Moses, that of the divinity. More than that, Moses acquiesces in affirming the appropriateness of tracing the legitimacy of those teachings back to Sinai. The myth answers the question of how the tradition of Torah interpretation used by the rabbis began—through divine intention. It begins, as does all Torah, with Moses, even though Moses would not comprehend much of that interpretation. Self-identification with Mosaic authority, rather than actual correspondence to Mosaic intention, provides legitimacy for rabbinic exegesis.

While this political dimension of the myth is clear, the cosmological dimension, equally prominent in the talmudic passage, has often been overlooked. When analyzing the martyrdom of Aqiva, Michael Fishbane notes that while the passage in Berachot 61b has the angels raise the

question of theodicy, in the Menahot passage, Moses does.²² Yet that is not the first place in this passage where Moses questions divine wisdom. After returning from the study session with Aqiva, Moses asks in wonder, “Master of the world, you have a man such as this and you would send the Torah by means of me?” God replies here, as he does not to the angels in Berachot 61b, “Shut up! That’s what I think is best.” Here the arbitrariness of the divine finds explicit expression. God does not look at the talents and capabilities of human beings and judge them accordingly. The teaching of Torah is not either as a means of potentiating human abilities or an example of a generally human experience. The anthropology of Berachot 61b, which sees Torah as a gift that improves human nature or the anthropology of the Jerusalem Talmud which understands the effects of Torah on Jews as parallel to effects of other stimuli on other human beings give way before a different view entirely. In this version of the Aqiva story, human life and destiny follows an entirely arbitrary pattern. Neither human nature nor acquired learning account for a person’s experience. Instead, that experience reflects an incomprehensible divine whim which human beings cannot understand. Luck rather than human nature or divinely given instruction lies at the heart of a person’s life story.

The same sense of arbitrary and incomprehensible divine power dominates the cosmology of this text as well. After Moses has been told to shut up about why God selected Aqiva in the first place, he then asks to see the reward that Aqiva receives. At that point, God displays the torturous martyrdom that Aqiva endures. Moses, not the angels as Fishbane points out, then responds by questioning divine wisdom and justice, asking “Is this the Torah and this its reward?” Again he receives the same answer “Shut up! This is what I think is best.” That reply appears like an ironic comment on the earlier story in Berachot in which Aqiva claims that

whatever God does is done for the best. Yes, of course, it is done for what God thinks is the best. What looks like the “best” to God, however, may be rather painful and unfortunate for the human being involved. Here is a rather skeptical cosmology. The meaning of the world cannot be reduced to a utilitarian calculus of reward and punishment. Just as the biblical book of Proverbs which advocates hard work as the means to achieving a successful life finds its antidote in the skepticism of the biblical book of Ecclesiastes, so the utilitarianism of Berachot finds a retort in the arbitrariness of God’s view of what is “the best” in Menahot 29b. Human being should not question the divine decisions about a world which they cannot understand. Menahot 29b, then, represents a third alternative to the politics, anthropology, and cosmology of rabbinic Judaism. It offers a politics of interpretation rather than that of study or self-sacrifice, an anthropology of luck rather than of Torah as a special cure for human nature or as an example of a common human experience, and a cosmology of incomprehensibility rather than of either a supernaturalist or realistic utilitarianism.

The Omitted Alternative: Aqiva’s Mysticism

One characteristic of the rabbinic and post-rabbinic view of Aqiva finds no echo in the rabbinic stories of his martyrdom—that of his mysticism. A famous tale tells of Aqiva’s ascent into the heavenly spheres, into Pardes (Tosefta Hagiga, Chapter 1; Jerusalem Talmud Hagiga 2:77b, Babylonian Talmud 14b-15b).²³ Of several rabbis associated with an attempted ascent, only Aqiva is said to have entered whole and left whole, that is he was the only one who achieved mystical experience without being left impaired. Later Jewish tradition emphasizes this aspect of Aqiva’s personality so that he becomes the ideal Jewish mystic. Isaac Luria, for example, understands Aqiva’s martyrdom in terms of mystical experience.²⁴ One of the most

interesting mystical uses of the Aqiva tale is that of Luria's contemporary and rival Moses Cordovero.²⁵ Cordovero, himself someone lacking in ancestral status, emphasizes that Aqiva is described as originally ignorant and from a family without prestige. He imagines the scene between God and Moses differently. When God says to Moses "This is what I think is best," Cordovero notes that it literally means "This is what arose before me in thought." He understands that mystically – this is how a soul can arise through meditation. The death of Aqiva is an example of the mystical reparation of souls, the elevation of an originally lowly and insignificant individual to heights of spiritual achievement. Cordovero makes two points about Aqiva. The first is that he suffers greatly because he has achieved greatness. Someone who has the scholarly status of Aqiva, Cordovero insists, must pay dearly for even the slightest of his sins. In a type of mystical *noblesse oblige*, Cordovero insists that because of the special rank of the mystic, no infraction, however insignificant, occasions inordinate suffering. Secondly, Cordovero claims that because Aqiva lacks ancestral merit he must earn his own place before God. His martyrdom provides him with the ticket that for others earlier, more illustrious, forebearers supply. Aqiva creates his own heritage, just as Cordovero claims he has done for himself. These two contentions reveal the mythic pattern that a mystic might see in the story of Aqiva. First, the politics legitimates seeing hidden meaning within a text. Cordovero goes beyond any of the three explicit stories of Aqiva's death. He implicitly claims that only those exegetes who probe below the superficial story understand its message. This emphasis legitimates the mystical leader who, while not rejecting the legalist tradition, considers normative rabbinic teachings too obvious and mundane to have ultimate relevance. Secondly, Cordovero derives still another anthropology from the tale. Human beings make their own destiny and their

own history through either their own actions or their inherited merit. This anthropology negates the view of Torah as the tool by which all people meet the everyday challenges of life. Torah is rather a means to extraordinary living, to a transcendent status beyond that of ordinary people. Cordovero's anthropology also goes beyond the universalism of the Jerusalem Talmud. Only elevated souls, those tutored by the Torah, can attain the condition that Akiva, and by extension Cordovero, have reached. Torah is meant for the elite among the Jews, a status that can be earned for oneself or inherited from the past. Finally, Cordovero defends divine justice in a strange way. He does not deny that the "reward" Akiva receives is rather extreme. He claims, however, that divine justice demands that those who are greater pay a greater price for their errors. Cordovero suggests that people can indeed know what the divine intends, what makes up divine justice. That justice, however, is not merely earning a place in the world to come or achieving psychological satisfaction. It is rather a justice that is tailored to each person's status. This sliding scale of justice goes beyond either naturalistic or supernaturalist utilitarianism and also rejects the ploy of saying that divine actions lie outside of human comprehension.

Aqiva's Discovery of the Love of God and the Love of Others

According to Cordovero, Akiva achieves a mystical transcendence because his love of the divine arises from his engagement in Torah. Akiva himself seems to testify to this. A division of opinion is reported between Rabbi Ben Azzai and Akiva on the root principle of the Torah. Ben Azzai claims that the principle is that human beings are created in the image of God (Genesis 5:1). Akiva, however, disagrees. He claims that the passage in Leviticus 19:18 "love your neighbor as yourself" is the most basic principle. The image of God within each person becomes clear only through acting lovingly toward others. Akiva began by learning the needs of others—

discovering how Torah could aid the lives of Jewish people. From loving others he became aware of the presence of the divine within them and attached himself to the divinity. A statement attributed in . Avot 3:10 to Hanina ben Dosa but in Tosefta Berachot 3:3 to Akiva makes this point: Whoever pleases the spirit of other people pleases the divine spirit as well. This is how a passion for learning becomes a passion for helping other people and finally a passion for serving God.

Discerning the Presence of the Divine

Abraham Joshua Heschel understood the way that studying texts insinuate the divine. He claims that “To sense the presence of God in the Bible one must learn to be present to God in the Bible.”²⁶ A story may seem to be telling a historical tale, focusing only on human meeting, and yet in reality it reveals the divine presence. Only by stepping into relationship and sensing the nearness of God do we recognize how study of Torah leads to theology. Heschel reminds readers that God’s presence is often hidden, recondite, requiring sensitivity to be recognized. Tales like that of King David suggest the need to discover how stories apparently devoid of the divinity actually point toward the deity.

God, Compassion, and Study

The key to discovering the presence of the divinity lies in understanding that human beings fulfill the needs of others. By recognizing the requirement to satisfy another person’s need we learn that we also satisfy the divine need. Abraham Joshua Heschel constructed his theology around this insight. He noted that human beings live to answer the needs of others. This need to be needed differs from other needs—it cannot be satisfied once you have obtained a single objective. Compassion to creatures leads one inexorably to compassion toward the

creator. After struggling to fulfill the needs of other people, a person learns the necessity to “fulfill a transcendent desire.”²⁷ Study of Torah directs attention first to the suffering of other human beings. Attention to those needs leads to sensitivity to God’s suffering and compassion. What the study of Torah teaches is first the need to care for the suffering of others and then to recognize in that compassion a care for the suffering of the divine as well.

This idea of compassion for the divinity finds striking expression in the idea of the Shekinah. Where Jews gather in the name of God, there the Shekinah, the indwelling presence joins them. Thus when Jews are suffering in exile, the Shekinah goes with them to share the pain and suffering of the people. Whenever a Jew is hurt then the Shekinah cries out "My head is being hurt! My hand is in pain!" To round off the cycle of mutuality Jews are told not to complain of personal pain. If they have a headache they are to cry, "The head of the Shekinah is in pain," if they suffer they are to lament, "O, for the suffering of the Shekinah." (See Berachot 6a_7a; Sanhedrin 46a.) The divine pathos includes the pain of non_Jews. Causing pain to them causes pain to God and thus also for Jews, whose compassion leads them to sympathize and feel as their own the divine suffering.

The study of Torah sensitizes Jews to both human and divine pain. Perhaps the most important theological consequence of such study is that our sympathy for other human beings finds its complement in God’s sympathy of the world. How does a person discover the divine—through sensitivity to the world of human existence. The patriarch Abraham was said to have deduced his view of God from his experience not from tradition. Heschel emphasizes that "All Abraham had was wonder," and that from this wonder an "answer was disclosed to him." Abraham observed the world around him, its natural order and its chaotic power. Unaided by the

views of others he relied upon the data supplied by his senses. Drawing conclusions based on this data, Abraham faced "the mystery." He discovered God not in the mystery but through responsiveness to the world he encountered.²⁸

Heschel points to an ambiguity in the tradition. All variants agree that Abraham wandered in the world like a man traveling in a wasteland from place to place. Suddenly he found himself before a great castle, and he wondered at its presence. The tradition diverges in its description of that castle. According to one variant Abraham saw a palace full of light. He wondered at its order, its beauty, the painstaking detail with which it had been prepared. Arguing from the effect to its cause, Abraham deduced that it was impossible for a castle to exist without someone to prepare it. It could not present such a picture of intention and preparation without an intelligence guiding it. In the same way the world, the rabbis conclude, manifests order and design and therefore must have a guide.²⁹

Heschel claims that Abraham recognized the incommensurability of nature with the human mind. He recognized his own lack of understanding. The rabbinic story itself describes Abraham's search for divinity as a series of failed hypotheses. At first Abraham selects the sun as god, then the moon, then the stars. None of these choices fulfills his criteria for a deity. Finally God reveals true divinity to him. Heschel comments that human creativity begins with the recognition of human inadequacy. He admits that science begins with "the discovery of reality's compatibility with the human mind" but claims that religious insight, in contrast, grows from the realization "of the world's incompatibility with the human mind."³⁰ Just as Abraham responded to this recognition by personalizing the force behind it as divinity, so people today signify their own experiences of life's incommensurability with human categories by using the

term God.

A second variant of the Talmudic story describes the castle as engulfed in flames. He could not conceive of such an event occurring without consequences. Some owner must be concerned about a palace consumed by fire. The rabbis draw the strange conclusion that Abraham recognized the existence of God by considering the evil of the world. "The world is in flames, consumed by evil. Is it possible that there is no one who cares?" The human sense that nature presents a challenge, that evil represents an obstacle to be overcome leads to belief in God.³¹ As in the former story Abraham here too personalizes this internal experience. He designates the force leading him to compassion as divinity, personifying it as the impetus towards changing reality by eliminating evil flowing from care for the world.

Heschel identifies the meeting with God with human discomfort in the world. Abraham and the Israelites learn that they must leave the comfort of their homes unless God spurred them on. The term "God" indicates that directive arising from experience leading people to abandon transient ends for ultimate ones.³² Heschel recognizes that religion includes a sense of duty, a call to rectify the world. He rejects a passive definition of religion: religion is not a feeling but a commitment to "God's sphere of interest."³³ Abraham, then, illustrates the creative power of discontent; his experience of divinity propels him into a life of action seeking to transform reality. Theology neither comes first nor last. Theology arises through reflection on Torah and then finds fulfillment through renewed commitment to that life with others that Torah demands. This function of theology explains Abraham Joshua Heschel's distrust of concepts. He saw them as secondary deductions from lived experience. "The encounter with reality," he remarks, "does not take place on the level of concepts through the channels of logical categories; concepts are

second thoughts. All conceptualization is symbolization, an act of accommodation of reality to the human mind. The living encounter with reality takes place on a level that precedes conceptualization, on a level that is responsive, *immediate*, *preconceptual*, and *presymbolic*.” Theology arises from reflecting on this encounter; study of Torah, however, is the catalyst that makes the encounter occur.

Martin Buber provides a philosophical key to understanding this transition from concern for the world to compassion for its creator. Buber intimates this experience of divinity in his classic exposition of *I and Thou*. He suggests that human beings do not meet God directly but only through the mediacy of an encounter with others. God’s presence joins with the presence of people who relate openly and unreservedly to their fellows. Buber writes that “Extended, the lines of relationships intersect in the eternal You. Every single You is a glimpse of that, The mediatorship of the You of all beings accounts for the fullness of our relationships to them.”³⁴ If we study texts as windows to I-Thou meeting, then we recognize God’s presence, we understand how God stands behind each encounter among human beings. Study bids us look to the other creatures in the world. Attention to those other creatures leads inexorably to compassion for God.

The Priority of Torah Study to Theology

Why is the study of Torah more important than a concern for theology? We have found several reasons. The first is that Jewish identity depends upon loyalty to Torah; the sacramental study of Torah confirms this identity and conveys more than just an ethnic community but also a spiritual one. The ritual study of Torah transforms Jews from isolated individuals into partners in a consecrated task. The dangers of such an exalted identity, however, led to further

considerations. The content of the Torah studied must transcend the parochial and self-indulgent. It must awaken people to the needs of others not blind them to those needs. At the heart of the study of Torah must be an opening of oneself to other human beings. Surprisingly, when that occurs students of the Torah find that their concern for humanity has also embraced a concern for the divine. The two are intertwined and cannot be extricated from each.

Perhaps that unity of concerns explains another story told in the same section of the Jerusalem Talmud that emphasizes the priority of Torah study over theology. The presupposition of the anecdote is that love of Torah leads to compassion to God which then leads to a dedication to help other people, to calm the flames that seek to engulf creation. In that way scholars are also defenders of the people: The narrative tells of how Yudah the Patriarch sent R. Hiyya, R. Assi, and R. Ammi to travel among the towns of the Land of Israel to provide for them scribes and teachers. They came to one place and found neither a scribe nor a teacher. They said to the people, "Bring us the guardians of the town." The people brought them the citizens of senatorial class in the town. They said to them, "Do you think these are the guardians of the town? They are nothing other than the destroyers of the town." The townsfolk said to them: And who are the guardians of the town? They replied to them, The scribes and teachers." The study of Torah takes priority in Judaism because the ethics and theology of such study provide the only true guardians of a human community.

Endnotes

¹ See Neil Gillman, "Philosophy and Theology," in *The State of Jewish Studies*, eds. Shaye J.D. Cohen and Edward L. Greenstein (Detroit: Wayne State University Press, 1990), 222; see the entire essay 215-28, and Steven T. Katz's response, 229-35.

² *Ibid.*, 222.

³ Ivan G. Marcus, "Medieval Jewish Studies: Toward An Anthropological History of the Jews,"

in Cohen and Greenstein, eds., *The State of Jewish Studies*, 125.

⁴ Eugene B. Borowitz, "The Idea of God," in his *Studies In the Meaning of Judaism* (Philadelphia: Jewish Publication Society, 2002), 31-46.

⁵ *Ibid.*, 35.

⁶ See the translation given in Jacob Neusner, *The Talmud of the Land of Israel: A Preliminary Translation and Explanation* Vol. 20 Hagigah and Moed Qatan (Chicago: University of Chicago Press, 1986), 30-32.

⁷ Abraham Joshua Heschel, "The Mystical Experience," in *The Jews II*, ed Louis Finkelstein (Philadelphia: Jewish Publication Society of America, 1949), 613, see the entire essay 602-23.

⁸ Simon Rawidowicz, *Studies in Jewish Thought.*, ed Nahum Glatzer (Philadelphia, Jewish Publication Society of America, 1974), 291-304; see the entire essay "Knowledge of God: A Study in Maimonides' Philosophy of Religion," 269-304.

⁹ *Ibid.*, 314-316. See the entire essay, "Philosophy as a Duty," 305-316.

¹⁰ Louis Finkelstein in his *Akiba: Scholar, Saint and Martyr* (New York: Atheneum, 1978), 1; Note the comparisons between Moses and Aqiva throughout the book as well as the sympathetic treatment of the myth of Aqiva.

¹¹ *Ibid.*, 22.

¹² *Ibid.*, 76, 88_89.

¹³ *Ibid.*, 94.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, 155_159.

¹⁶ *Ibid.*, 235_277.

¹⁷ See Urbach, Ephraim E., "Acesis and Suffering in The System of the Sages," [Hebrew] in Salo Baron, ed., *Yitzhak F. Baer Jubilee Volume on the Occasion of His Seventieth Birthday* (Jerusalem: The Israeli Historical Society, 1960), 48-68 and Herbert Basser, *In the Margins of the Midrash: Sifre Ha'azinuy Texts, Commentaries, and Reflections* (Atlanta: Scholars Press, 1990), 52.

¹⁸ Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press, 1990) , 126; see the entire discussion "Between Intertextuality and History: The Martyrdom of Rabbi Akiva, 117-129.

¹⁹ Michael Fishbane, *The Kiss of God: Spiritual and Mystical Death in Judaism* . The Samuel and Althea Stroum Lectures in Jewish Studies. (Seattle: University of Washington Press, 1994), 70-71.

²⁰ *Ibid.*, 68.

²¹ See Boyarin, *Intertextuality* , 126.

²² Fishbane, *Kiss of God*, 82.

²³ *Ibid.*, 34-36.

²⁴ *Ibid.*, 114-116.

²⁵ See Bracha Sack, *The Kabbalah of Rabbi Moshe Cordevero* [Hebrew] (Ben Gurion University of the Negev Press, 1995), 238-239.

²⁶ Abraham Joshua Heschel, *God In Search of Man: A Philosophy of Judaism* (New York: Harper and Row, 1966), 252.

²⁷ Abraham Joshua Heschel, *Man is Not Alone: A Philosophy of Religion* (Philadelphia: Jewish Publication Society of America, 1951), 214-215.

²⁸ See Heschel, *God in Search of Man* 147, 150. Heschel cites the rabbinic source *Midrash*

Numbers Rabba 14:7 for the tradition that Abraham like Job, Hezekiah, and the Messiah arrived at truth from experience and reflection rather than from tradition.

²⁹ Ibid., 112.

³⁰ Ibid., 104.

³¹ Ibid., 113, 367.

³² Heschel, *Man is Not Alone*, 248.

³³ Ibid., 175.

³⁴ Buber, *I and Thou*, 123.