YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic *Aggadot***

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Dedicated by the Wise and Etshalom families

in memory of Rabbi Aaron M. Wise,

whose yahrzeit is 21 Tammuz. Yehi zikhro barukh.

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Shiur #31: Moshe on High (Part I)

# Introduction

# Although our next two *shiurim* relate to *Matan Torah* and would therefore seem most relevant to the time period of Shavuot, this discussion is actually quite timely, as the second part of the *aggada* that we will discuss relates to the period of mourning that is about to commence.

# This *aggada* appears in Tractate *Menachot* and is quite well-known and recognizable, but it has received a reappraisal in the past few years.[[1]](#footnote-1) By integrating a number of ideas, I hope that wemay arrive at some innovative approaches in this forum as well.

First, let us consider the narrative itself.

**The *Aggada***

1. R. Yehuda said in the name of Rav: When Moshe ascended on high, he found the Holy One, blessed be He, engaged in affixing crowns to the letters.
2. Moshe said, “Master of the Universe, Who stays Your hand?”
3. He answered, “There will arise a man, at the end of many generations, Akiva ben Yosef by name, who will expound upon each stroke mounds and mounds of laws.”
4. “Master of the Universe,” said Moshe, “show him to me.”
5. “Turn around,” said He.
6. Moshe went and sat down eight rows back [in the study hall]. Not being able to follow their arguments, he felt powerless; but when they came to a certain subject and the disciples said to the master, “From where do you know it?” and the latter replied, “It is a law given unto Moshe at Sinai,” he was comforted.
7. Thereupon he returned to the Holy One, blessed be He. He said to Him, “Master of the Universe! You have such a man, yet You give the Torah through me?”
8. He replied, “Be silent, for this is My design.”
9. Then said Moshe, “Master of the Universe! You have shown me his Torah; show me his reward.”
10. “Turn around,” said He.
11. Moshe turned around and saw them weighing out his flesh at the market-stalls.
12. He said to him: “Master of the Universe! This is Torah, and this is its reward?”
13. He replied, “Be silent, for this is My design.” (*Menachot* 29b)

**Structure of the Narrative**

When we consider this narrative in the light of others, it becomes clear that it is a composite narrative that can be presented in one of two ways. The first is relatively simple, splitting the narrative according to its content:

1. Lines 1-6 deal with the gap between the Torah that Moshe receives on Mount Sinai and the way in which R. Akiva expounds and teaches it many years later.
2. Lines 7-13 deal with Moshe’s questions about the ways of God.

This division is justified by a very prominent distinction between the two parts, as seen in God’s reaction to Moshe’s question and the corresponding way Moshe experiences the situation. In the first part, God responds to Moshe affably and at length, and He answers with every detail. Thus, this section ends with Moshe being comforted (line 6). Ostensibly, the narrative could conclude here and there would be nothing missing. If indeed this were to happen, this would become a classic narrative of *aggada* in which a difficulty is raised and then resolved. Tension is created by Moshe’s perplexed reaction to the crowns on the letters, which is compounded later when Moshe cannot understand R. Akiva’s teaching about the Torah that the former received at Sinai. There is then a resolution of the question and release of the tension, so that Moshe is soon comforted.

However, the *aggada* does not conclude here, but rather goes on to tell of a debate between Moshe and God, in opposition to the first section. The response of God to Moshe’s question is brief, blunt, and dismissive: “Be silent, for this is My design.” The story abruptly ends without telling us of Moshe’s reaction, but it is abundantly clear to the reader that he cannot be experiencing any sense of relief. Why, then, does the *gemara* cite the second half of the story, introducing a foreign element into a cohesive narrative?

The truth is that the situation is even more complex than that. We may divide the narrative in another way, creating a different structure. This is a tripartite structure based on the form of the narrative, the structure created by the terminology used in it:

1. Lines 1-3: Moshe asks his questions about the crowns on the letters and God’s responds.
2. Lines 4-8: Moshe sees R. Akiva at the height of his greatness in the study hall and asks why the Torah was not given through him.
3. Lines 9-13: Moshe sees R. Akiva at his lowest point, tortured and executed by the Romans, and asks why this is his “reward.”

The two latter parts may be presented in the following table, which illustrates the parallel between them and the reason for the division. The words in bold are those that appear in both parts.

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| --- | --- |
| 1. **“Master of the Universe,” said Moshe; “show him to me.”**
2. **“Turn around,” said He.**
3. Moshe went and sat down eight rows back [in the study hall]. Not being able to follow their arguments, he felt powerless; but when they came to a certain subject and the disciples said to the master, “From where do you know it?” and the latter replied, “It is a law given unto Moshe at Sinai,” he was comforted.
4. Thereupon he returned to the Holy One, blessed be He; he said to Him, “**Master of the Universe**! You have such a man, yet You give the Torah through me?”
5. **He replied, “Be silent, for this is My design.”**
 | 1. **Then said Moshe, “Master of the Universe! You have shown me** his Torah, show me his reward.”
2. **“Turn around,” said He.**
3. Moshe turned around and saw them weighing out his flesh at the market-stalls.
4. He said to him: **“Master of the Universe!** This is Torah, and this is its reward?”
5. **He replied, “Be silent, for this is My design.”**
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The two structures presented do not complement each other; on the contrary, they contradict each other. The first structure splits the narrative into two, with the second half starting with line 7 and continuing until the end of the narrative. In contrast, the second division breaks the first, moving lines 7 and 8 to the second segment, with line 9 opening a new segment. In other words, the structure created by the formal design of the narrative, the repeated phrases, shatters the initial structure that the reader observes based on the content of the narrative. The second segment of the second structure invades the first segment of the content-based divisions, and it does not stop at the end of the first segment but invades the second segment. Then it is cut off, and the third segment begins. Below, as we consider the meaning of the narrative, we will try to understand the significance of this phenomenon. However, before this, we will deal with the first part of the story.

**The First Segment: Lines 1-6**

1. R. Yehuda said in the name of Rav: When Moshe ascended on high, he found the Holy One, blessed be He, engaged in affixing crowns to the letters.
2. Moshe said, “Master of the Universe, Who stays Your hand?”
3. He answered, “There will arise a man, at the end of many generations, Akiva ben Yosef by name, who will expound upon each stroke mounds and mounds of laws.”

Moshe finds God “affixing crowns to the letters.” The consensus among the commentators is that these are the crowns that adorn certain letters as they are written in the Torah scroll. Moshe asks God why He feels compelled to add these to the letters. God’s answer is lengthy and complex, and it raises a number of points worth considering.

1. **Content of the Answer**: R. Akiva is destined to “expound upon each stroke (*kotz*) mounds and mounds of laws.” Some Talmudic manuscripts (perhaps more reliable than our printed version) have *kotzin* instead of *kotz*. What does this refer to? As we mentioned, some explain this as referring to the crowns on top of the letters, as *kotz*, which literally means “thorn,” is as good a description as any. There is only one problem with this approach: There is not a single instance recorded in which R. Akiva expounds the crowns on a letter! Moreover, the *gemara* uses the term crown (*keter*) in line 1, so it is not clear why the term *kotz* should be employedin line 3. Thus, it makes sense to argue that the *kotzin* actually refer either to the words or to the letters of the Torah,[[2]](#footnote-2) which R. Akiva does indeed expound intensively.

Indeed, R. Akiva is famous for expounding every letter and every word in the Torah. This distinguishes him from his contemporary, R. Yishmael, who reads the Torah in a more moderate and rational way, as he maintains that the Torah speaks in the way that people do. R. Akiva does not accept this view concerning the Torah, expounding every letter (such as *vav*) and every word (such as *et*) in the biblical text.

Why are *kotz* or *kotzin* used in this story? It appears that this is more than coincidence, as the phrase “upon each stroke mounds and mounds of laws” (*al kol* *kotz* *ve-kotz*, *tillin* *tillin* *shel halakhot*) recalls a verse from *Shir Ha-Shirim*:

How is your beloved better than others,
most beautiful of women?
How is your beloved better than others,
that you so charge us?

My beloved is radiant and ruddy,
outstanding among ten thousand.
His head is purest gold;
his locks are curled (*kevutzotav taltallim*)
and black as a raven. (*Shir Ha-Shirim* 5:9-11)

It is not difficult to see the connection between “*kevutzotav taltallim”* and “*kotz* *ve-kotz*, *tillin* *tillin,”* as another *derasha* makes explicit:

“His locks are curled” — Said R. Chisda in the name of Mar Ukva: This teaches that one may expound upon each stroke mounds and mounds of laws. (Babylonian Talmud, *Eruvin* 21b)

It is reasonable that this tradition stands behind the story in *Menachot.*

This interpretative approach is quite significant. The verse in *Shir Ha-Shirim* speaking of curly locks refers to the Beloved, while the *derasha* of Mar Ukva applies this to the Torah. The connection between the verse and the *derasha* upon it links it to a very fundamental point of R. Akiva’s worldview that we have already raised.

R. Akiva’s disputant, R. Yishmael, maintains that the Torah speaks in the way that people do. God gives the Torah to human beings; the Torah descends to earth, and this means that, to a certain extent, that it is distanced from its Creator. It is human beings who must read it and fulfill it, and it is therefore written not in the divine lexicon, but in the human vernacular. The Torah consists of divine ideas translated into the human tongue, for the human reality. Accordingly, R. Yishmael expounds the Torah in more relatively rationalistic ways, such as through a fortiori.

However, Rabbi Akiva has a different view: The Torah is still a divine creation. The fact that it was given to human beings does not imply any greater distance from its Author; it still is revealed in divine speech. Since the speech is divine, the tools to dissect it are not the implements of rationalism, but rather the instruments of extreme exegesis, expounding every letter and every word. In every letter, God reveals Himself. The Torah that was crafted is Godly, and it maintains its identification with its Creator after it has been given to man.

This dispute appears to be expressed in two famous arguments between these sages about the Giving of the Torah:

“And when all the people saw the sounds [and the lights and the sound of the *shofar* and the smoking mountain]” (*Shemot* 20:14) — They saw the visible and heard the audible, according to R. Yishmael.

R. Akiva says: They saw and heard the visible. They saw a word of fire that came out of the mouth of the Almighty and that engraved itself on the tablets, as it is said (*Tehillim* 29:7): “The sound of the Lord engraves flames of fire.”

“For I have spoken to you from the heavens" (*Shemot* 20:21) — One verse says, “From the heavens" while another says, “And the Lord descended upon the mountain" (ibid. 19:20) How can both be fulfilled? The third verse reconciles (*Devarim* 4:36): “From heaven He made you hear His sound to discipline you, and on earth He showed you His great fire,” according to R. Yishmael.

R. Akiva says: One verse says, "For I have spoken to you from the heavens," while another says “And the Lord descended upon the mountain.” This teaches that God must have bent the highest parts of heaven down to [touch] the top of the mountain and then spoken with them there — from the heavens! And so it is written, “And he bent the heavens and went down, and there was darkness under His feet" (*Tehillim* 18:10). (*Mekhilta De-Rabbi Yishmael, Ba-Chodesh* 9)

In the first dispute, R. Yishmael gives an explanation that maintains the boundaries of rationalism: “They saw the visible and heard the audible.” In other words, “And when all the people saw the sounds and the lights and the sound of the shofar and the smoking mountain” is a concise way of saying that they saw the light and smoke and heard the sounds and the *shofar*. R. Akiva takes a different approach: The Israelites actually saw the sounds, as these sounds are expressed as fiery writing upon the Tablets. This underscores R. Akiva’s conceptualization of the Torah: The voice of God is itself etched into the Tablets, so that there is no gap between the Torah and its Creator.

In the second passage, R. Yishmael expands on his distinction. God stays in the heavens, and it is only His fire that descends to earth. In contrast, R. Akiva rejects this, conceiving of a bendable heaven stretched to the mountaintops. Thus, God Himself descends on the mountain, without leaving the sky.[[3]](#footnote-3)

There is another *midrash* that also opens with “when Moshe ascended on high,” but it leans in the direction of R. Yishmael:

R. Yehoshua ben Levi also said: When Moshe ascended on high, the ministering angels spoke before the Holy One, blessed be He: “Master of the Universe! What business has one born of woman amongst us?”

“He has come to receive the Torah,” He answered them.

They said to Him, “That secret treasure, which has been hidden by You for nine hundred and seventy-four generations before the world was created, You desire to give to flesh and blood?

[They cited:] “What is mankind that you are mindful of them, human beings that you care for them?” "Lord, our Lord,how majestic is your name in all the earth! You have set your glory in the heavens” (*Tehillim* 8:5, 8:2).

“Return them an answer,” the Holy One, blessed be He, ordered Moshe. “Master of the Universe” he replied, “I fear lest they consume me with the [fiery] breath of their mouths.”

“Hold on to the Throne of Glory,” He said to him, “and return them an answer,” as it is said, “He makes him to hold on to the face of his throne and spreads his cloud over him” (*Iyov* 26:9), which R. Nachman expounds: This teaches that the Almighty spread the luster of His Presence and cast it as a protection over him.

[Moshe then] spoke before Him: “Master of the Universe! The Torah which You give me, what is written therein? ‘I am the Lord your God, Who brought you out of the Land of Egypt’(*Shemot* 20:2).”

He said to [the angels], “Did you go down to Egypt? Were you enslaved to Pharaoh? Why then should the Torah be yours? Now, what else is written therein? ‘You shall have no other gods.’ Do you dwell among peoples that engage in idol worship? Now, what else is written therein? ‘Remember the Sabbath day, to keep it holy.’ Do you then perform work, that you need to rest? Now, what else is written therein? ‘You shall not take (*tisa*) [the name of the Lord your God in vain].’ Is there any business (*masa*) dealings among you? Now, what else is written therein? ‘Honor your father and your mother.’ Have you fathers and mothers? Now, what else is written therein? ‘You shall not murder. You shall not commit adultery. You shall not steal.’ Is there jealousy among you? Is the Evil Inclination among you?”

Straightway they conceded to the Holy One, blessed be He. (Babylonian Talmud, *Shabbat* 88b-89a)

The claim put in Moshe’s mouth as a response to the angels is that the natural place of the Torah is on earth, as it addresses human beings on the earth — humanbegins who have desires, who are influenced by other peoples, who engage in physical work and need Shabbat, who at times need to be redeemed from slavery, etc.

These arguments appear to emanate from R. Yishmael’s view of the Torah as somewhat disconnected from its divine source and given to human beings, for them and in their vernacular, in response to problems that they encounter in their lives.

1. **Shifts in Tense**: God says, “There will arise a man, at the end of many generations.” As Jeffrey Rubenstein points out, the Hebrew phrasing is somewhat contradictory: “*yesh* *she-atid*.” “*Yesh*” is present, while “*she-atid*” is naturally “*atid*,” future. The contradiction between expressions of time reflects the fact that God is speaking; God Who is above time, as past, present and future are simultaneous from His vantage point. This point is important to understand the solution for the gap between the Oral Torah of *Chazal* and the Written Torah. From God’s point of view, since all time is the same, R. Akiva and Moshe are contemporaries. This is not a chronological development; rather, R. Akiva shapes the form of the Torah itself (staying God’s hand) even at the moment of its Giving.

Many have already discussed the experience of Moshe in R. Akiva’s study hall. Moshe is only comforted when R. Akiva identifies him personally as the source of a given idea. What stands behind the narrative is something that clearly troubled the sages who wrote it: the gap between the Torah and the innovative laws that they develop from it. Here, there is a sufficient answer: Although R. Akiva’s *derashot* are innovative, they have been taken into account from the start. When the Torah was given, its form was designed to support this activity, so that there is a direct line from Moshe to R. Akiva.

1. **God’s Attitude to Moshe:** There is another *midrash* that echoes the introduction of our narrative:

R. Yehoshua ben Levi also said: When Moshe ascended on high, he found the Holy One, blessed be He, engaged in affixing crowns to the letters.

He said to him, “Moshe, is there no [greeting of] peace in your town?”

“Shall a servant extend [a greeting of] Peace to his Master?” replied Moshe.

“Nevertheless,” He replied, “You should have assisted Me.”

Immediately,he cried out to Him (*Bamidbar* 14:17), “And now, I pray you, let the power of the Lord be great, according as you have spoken.” (Babylonian Talmud, *Shabbat* 89a)

It appears that the first part of our narrative in *Menachot* is based on this section. Moshe feels like a servant before his master, but God wants him to feel otherwise – as a partner. God sees Moshe in particular, and humanity in general, which receives the Torah, as a partner. The relationship and the atmosphere are appropriate; there is openness and generosity on God’s part in the dialogue and status that he offers to Moshe.

All of these change in the second half of the narrative, which we will deal with next week.

Translated by Yoseif Bloch

1. Primarily, we will discuss the issues raised by two articles about this *aggada* (although there are many more): Jeffrey L. Rubenstein, *Stories of the Babylonian Talmud* (Baltimore, 2010), pp. 182-202; Azzan Yadin-Israel, “*Bavli* *Menahot* 29b and the Diminution of the Prophets,” *Journal of Ancient Judaism* 5 (2014), pp. 88-105. [↑](#footnote-ref-1)
2. Another explanation is offered by Prof. Shlomo Naeh, who claims, based on linguistic analysis, that this term refers to a passage or paragraph in the Torah, and the intention is that R. Akiva would derive many laws from every passage in the Torah; see S. Naeh, “On Torah Script in the Words of the Sages,” Leshonenu 72 (2010), pp. 89-123. [↑](#footnote-ref-2)
3. #####  M. Hirshman, “Theology and Exegesis in Midrashic Literature,” in *Ma’anit Ha-Lev,* ed. Avraham Shapiro (Tel Aviv, 2006), pp. 121-132.

 [↑](#footnote-ref-3)