

## Moses Not Recognizing Akiva's Torah

*Babylonian Talmud* Menahot 29b<sup>149</sup> tells a story meant to illustrate both the superiority of the Rabbis (or at least of Akiva, one of their pre-eminent exemplars) over Moses, and at the same time show Moses's acknowledgment of Akiva's superiority. Moses's acknowledgement testifies to the legitimacy of the teachings of the Rabbis, despite their seeming departures from Moses's Written Torah. Part of the interest and charm of this story, however, is the wry awareness that Akiva's teaching does seem to have departed radically—to the point of being unrecognizable to Moses himself.

The set-up of the story has Moses asking God about some little crowns on some of the letters in the written Torah scroll. He has “gone up on high” and found the Holy One affixing crowns to the letters. He inquires why these letters weren't already perfect without the crowns. God replies that there is a man named Akiva who will arrive after many generations who will interpret on the basis of each point of the crowns “heaps and heaps of laws.”

Moses wants to see this man, so God transports him to Akiva's study hall. Moses takes a seat in the back, but can't understand what the people are saying; he feels faint. At a certain point one of the disciples asks Akiva how he knows something he is asserting, and Akiva replies “It is a law given to Moses from Sinai.”<sup>150</sup>

One imagines a beat here, a moment for the student of Talmud to experience the almost-dizzying mixture of humor and seriousness. One might feel faint oneself, trying to see where this is intended to come down.

But Moses is portrayed as having the opposite reaction. He now regains his composure.<sup>151</sup> Even though he doesn't recognize

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149 *The Babylonian Talmud*, Menachot 29b.

150 הַלְכָה לְמוֹשֶׁה מִסִּינַי

151 נִתְיַשְׁבָּה דְעֵתוֹ

the teachings, the assertion that they came from him from Sinai establishes for him their legitimacy. He is awed by Akiva's superiority to himself. He returns and comes before the Holy One and says "How is it that you have someone like that and yet you gave the Torah through me?"

This story allows a rare peek at the Rabbis acknowledging how much has had to change. But circumstances themselves change, and Torah must move on to accommodate that. The original transmission requires deeper and deeper interpretation, or it may lose its power to inspire and guide later generations.

## Majority Rule

The Rabbinic re-making of Judaism required some astonishing assertions. The Rabbis needed the authority to over-rule any previous laws. In the future, decisions about law would be made by the consensus, or just the majority rule, of the Sages. But to make the principle as strong as possible, they established it with a story that the majority can over-rule even heaven itself. Here is the account in the *Babylonian Talmud*, Tractate Bava Metzia, 59b.

This incident involves a group of early Rabbis, ones who were alive at the time of the destruction of Jerusalem and the Second Temple in 70 CE.<sup>152</sup> The incident recounted here would have taken place some years later as the new Rabbinic form of Judaism was being worked out and put in place.

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152 Rabbi Eliezer had witnessed the destruction of the Temple and smuggled his teacher Yochanan Ben Zakkai out of Jerusalem in a coffin as the city was being destroyed. [Four rabbinic sources: Avot de Rabbi Nathan A Ch. 4, Avot de Rabbi Nathan B Ch. 6, Lamentations Rabbah 1:5 #31, and Babylonian Talmud Gittin 56 a–b. Thanks to Rabbi Jack Shlachter for these sources.]