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Martyrdom as a Contested Practice in Rabbinic Judaism

MARTELAARSHIP ALS EEN OMSTREDEN PRAKTIJK IN HET RABBINSE JODENDOM

In een invloedrijke studie uit 1999 betoogt Daniel Boyarin dat in de tweede eeuw n.C. martelaarschap een gedeeld religieus ideaal was in zowel christendom als Rabbijns Jodendom. Deze studie betoogt dat Boyarins analyse nuance behoeft. Zo is zijn interpretatie van de Talmudische tekst waarin hij Rabbijns enthousiasme voor martelaarschap bespeurt problematisch in het licht van de handschriften, negeert hij de halachische restricties inzake martelaarschap en gaat hij te snel voorbij aan de ambigue Rabbijnse waardering voor martelaarschap. Martelaarschap was een keuze voor enkelingen in extreme politieke omstandigheden, maar lag als religieus ideaal tegelijk onder kritiek van de Rabbijnen. Het menselijke lichaam als belichaming van Tora, en de Bijbelse waardering van een lang leven als het ultieme doel van Tora, stonden al vroeg op gespannen voet met martelaarschap als bevoorrechte religieuze strategie.

To the memory of Rabbi Prof. Yehuda Aschkenasy (1924-2011), survivor of Auschwitz, teacher of Torah

Parallels in religious practices and outlooks, as well as of continuing modes of interaction, have complicated the classic and historically neat picture of Judaism and Christianity as mother-daughter religions based on a model of the 'parting of the ways'.¹ A linear genealogy of Christianity as emerging from Judaism has given way to models that see both phenomena as embedded in pluralistic Second Temple Judaism, but only emerging as separate religions as a result of the drastic changes following the destruction of the Second Temple in 70 C.E., or even later, after the Bar Kokhba Revolt.² A radical approach even questions the existence of separate religious systems in the second and third century C.E. In his latest works, Daniel Boyarin argues that Rabbinic

¹ For problems with this model, A. Becker, A. Yoshiko Reed (eds.), *The Ways that Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages*, Tübingen 2003, 16–22.

² This is the basic view defended in A. Segal, *Rebekka's Children: Judaism and Christianity in the Roman World*, Cambridge Ma. 1986.

Judaism and early Christianity should be seen as dialectical variants of a commonly shared religious language.³ Accordingly, in the initial stages it is hard to define a specific conviction or practice as either typically Jewish or Christian. Martyrdom plays a pivotal role in his paradigm, as a key witness to a shared religious language, both of practice and of underlying convictions. In this essay we will assess this paradigm by reviewing Rabbinic texts adduced by Boyarin. As we will see, some basic motifs obfuscate his model of a shared religious language and resist the view of both religions as embedded in a similar language system.⁴ In particular, we will point to second and third century C.E. Rabbinic resistance against martyrdom as a religiously significant ‘body practice’, a point somewhat overlooked in Boyarin’s elusive reading of these texts. We will note how this resistance may be influenced by a specific Rabbinic theology of Torah values and the Biblical value of physical life. First, however, we will outline Late Antique martyrdom and present Boyarin’s innovative views.

Martyrdom

The term martyrdom is derived from the Greek word *martys*, witness, and is used for the first time in Christian texts from the middle of the second century C.E.. In popular usage, martyrdom refers to the public, violent death of a person because of their steadfastness to a particular religious identity. However, violent death was not the distinctive and basic feature of ancient martyrdom, but should rather be seen as the extreme consequence of holding steadfast to one’s religious identity in the face of imminent threats. Indeed, its Rabbinic terminological equivalent, *kiddush hashem*, originally had the meaning

³ This linguistic ‘wave model’ is first brought forward in D. Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism*, Stanford 1999. D. Boyarin, *Border Lines: The Partition of Judaeo-Christianity*, Philadelphia 2004, argues how heresiologies and institutional leadership indicate the birth of Judaism and Christianity as religions only in the fourth Century C.E. This model develops the broadly accepted view of W. Bauer, *Rechtgläubigkeit und Ketzerei im ältesten Christentum*. 2e durchgesehene Auflage, Tübingen 1964 that orthodoxy and heresy were *post factum* constructions of Imperial Christianity. Recent historiography on Rabbinic Judaism argues that the Rabbinic class only became predominant in the fourth century, thus the basic thesis in S. Schwartz, *Imperialism and Jewish Society. 200 BCE to 640 CE.*, Princeton 2001. This does, however, not settle the question of whether or not Christianity and Judaism were differentiated entities before that time.

⁴ This also questions the historical picture of being part of a similar religious system, but this is beyond the scope of this article. Boyarin’s linguistic paradigm of analysing religious texts like a language with dialectical boundary crossings is heuristically appealing but has been criticized methodologically when it comes to historical evaluation; see L. Rutgers, *Making Myths: Jews in Early Christian Identity Formation*, Leuven 2009, 12. Rutgers argues to take into account material culture, a methodology followed by Schwartz, *Jewish Society*.

of sanctifying God through the performance of commandments. Only in medieval times did it become the appropriate term for martyrdom.⁵ However, terminology itself is no decisive criterion for a comparison between Jewish and Christian martyrdom. Following a functionalistic definition of martyrdom as proposed in recent scholarship, the connections between Jewish and Christian martyrdom accounts become clear. This approach bases itself upon recurring elements in Jewish and Christian martyrdom texts. Accordingly, van Henten points to the following five motifs in such texts. First, (1) an enactment of the pagan government forbidding religious practices or compelling conformation to a religiously forbidden practice sets the stage. This leads the hero of the story to a conflict of loyalty (2). Faced with the threat of imminent death, the hero chooses death rather than compliance (3). On account of this, he or she is arrested for examination or torture (4) and, finally, (5) finds his or her end in a public execution.⁶

Martyrdom in this functional meaning is first attested in Jewish texts from the second century B.C.E. Daniel Boyarin argues, however, that a new, Late Antique type of martyrdom appears in the second century C.E. with the martyrdom of Polycarp and, somewhat later, the martyrdom of Perpetua and Felicitas.⁷ These Christian heroes are almost contemporaneous with the classical Rabbinic martyrs during the Hadrian persecutions connected with the Bar Kokhba revolt (132–135/6 C.E.): Hanina ben Teradyon and R. Akiva. Nonetheless, the accounts of the Rabbinic martyrs were edited in the third and fourth century C.E., if not later, and therefore these stories reflect concerns and perspectives of later generations as well.⁸

⁵ S. Safrai, 'Martyrdom in the Teachings of the Tannaim', in *Sjaloom: Ter Nagedachtenis aan Mgr. Dr. A. Ramselaar*, Hilversum 1983, 145–164. Note how Clement of Alexandria in his fourth book of the *Stromateis* operates with a similar, broad, concept of martyrdom as the life performance of virtues.

⁶ J.W. Van Henten, 'Jewish and Christian Martyrs', in M. Poorthuis, J. Schwartz (eds.), *Saints and Role Models in Judaism and Christianity*. Leiden 2004, 166–167.

⁷ Boyarin, *Dying*, 95 argues that Christianity and Judaism elaborated older Jewish notions present in the Jewish book 2 Macc. and the Jewish-Christian book of 4 Macc.. These early types are discussed in J.W. Van Henten, B.A.G.M. Dehandschutter, H.J.W. Van der Klaauw (eds.), *Die Entstehung der jüdischen Martyrologie*, Leiden 1989 and J.W. Van Henten, *The Maccabean Martyrs as Saviours of the Jewish People: a Study of 2 and 4 Maccabees*, Leiden 1997 and compare F. Avemarie, J.W. Van Henten, *Martyrdom and Noble Death: Selected Texts from Graeco-Roman, Jewish and Christian Antiquity*, London 2002, 42 ff. and 88. The type as discussed by Boyarin may have been present, albeit partly, in the martyrdom of Stephen (Acts 7:54–60).

⁸ Boyarin is not precise on this issue. For dating of parts of the Palestinian Talmud in fourth century Caesarea and, later, in Tiberias, and the Babylonian Talmud in the sixth century, so S. Safrai (ed.), *The Literature of the Sages. First Part: Oral Tora, Halakha, Mishna, Tosefta, Talmud, External Tractates*, Assen/Philadelphia 1987, 312–314 and 341–342. The Mishna is edited somewhere around 210 CE, in an oral form that soon became the authoritative 'text' (241–244), the Tosephta contains parallel traditions and

Boyarin lists three structural elements defining this new type which originated in Christian circles before it entered the Rabbinic world.⁹ First, the martyr performs a ritualized and performative speech act associated with a statement of pure essence that becomes the central action of martyrdom. The repeated phrase ‘christianus sum’ in Christian acts, defying Roman imperial power, is functionally similar with the expression of religious identity in Akiva’s martyrdom, the recitation of the *Shema*, the ‘Hear Israel’, the Jewish confession prayer (Deut. 6:4–9).¹⁰ Second, martyrdom appears as the fulfilment of a religious mandate. Finally, Boyarin points to ‘erotic elements’, i.e. dying for God as a form of loving God, again present in Akiva’s martyrdom story in the form of his exposition of Deuteronomy 6:5. The quintessential argument in Boyarin’s thesis is his suggestion that some Rabbinic circles emulating R. Akiva’s example propagated martyrdom as soteriological necessary, much like in Christian texts: ‘Death as a martyr was to become an actively sought-after fulfilment in the Judaism that the Talmud and the Midrash of late antiquity were producing, although not in all quarters, of course’.¹¹ He argues that this ideal of martyrdom reflects ideals present among (some of the) editors, since the historical value of the Talmud lies more in the editorial concerns that reflect contemporary matters, than in the purportedly historical information of the traditions.¹²

Martyrdom as a religious bodily practice

Astonishing as it may seem to qualify martyrdom, the annihilation of the human body, as a religious bodily practice, there are good reasons for doing so. First, the body of the martyr is exposed to violence and thus becomes the locus of religious identity and religious integrity. It is in the tortured body that we actually see the refusal to accommodate to oppressive powers or to curb one’s religious identity.¹³ Second, martyrological traditions attribute to

is edited soon after (293–295). The Mekhilta deRabbi Ishmael contains Tannaitic traditions but is edited in the second half of the third century CE, G. Stemberger, *Einleitung in Talmud und Midrasch*. 9. Auflage. München 2011, 282.

⁹ Boyarin, *Dying*, 95–96.

¹⁰ This element is present in the account of R. Akiva. The *Shema* is the recital of three biblical portions, the key text of which is Deut. 6:4–9, together with accompanying blessings, said two times a day.

¹¹ Boyarin, *Dying*, 106. Boyarin points to the martyrological practices of German Jewry during the first and second crusade.

¹² Boyarin, *Dying*, 119.

¹³ It is this uncompromising resilience against external pressure with its strong rhetorical appeal that underlies the famous saying of Tertullian (*Apologeticum* 50) that martyrs are the seed of the Church.

martyrs visual experiences of the heavenly realm or a miraculous bodily experience.¹⁴ Moreover, the body is the place of what Boyarin typifies as eroticizing elements, i.e. passionate longing for God present in emotions such as love. Third, even if the body itself serves as a passive object of the torturers, there is an element of active choice involved in martyrdom. Finally, martyrological texts refer to the transformation of the body, since it will be resurrected or assume a heavenly nature. Thus, paradoxically, the disintegrated body becomes the focus of religious hopes such as resurrection, revenge, atonement or recompense.¹⁵

It remains questionable, however, whether Rabbinic martyrdom texts share the soteriological views on martyrdom of their Christian counterparts. Van Henten and Avemarie have offered a fine nuance by showing that the Rabbinic texts on Hanina ben Teradyon present his martyrdom much more as a problem to be solved, than as an ideal. Explaining why righteous Torah teachers suffer is the crucial topic to be solved in Rabbinic discourse. Hanina's martyrdom, for example, is depicted as a form of divine judgment for little flaws in his behaviour, up to the point where the punishment becomes bizarre and the theodicy grotesque. This motif differs from Christian martyrdom accounts.¹⁶

The Martyrdom of the Torah: Hanina ben Teradyon

Indeed, Rabbinic texts show a rather ambiguous, if not critical, appraisal of provoked martyrdom.¹⁷ Their concern is moreover the notion that not only the martyr suffers, but the Torah as well. This topic appears in the martyrdom of Hanina ben Teradyon as given in the Babylonian Talmud. Hanina was a second-century martyr who defied the Roman ban on Torah study in the wake of the Bar Kokhba revolt (132–136 C.E.). A colleague warns Hanina:

When R. Jose ben Kisma became ill, Hanina ben Teradyon went to visit him. He

¹⁴ Stephen in Acts 7:54–60; Targum Neofyti on Gen. 22:10. In the story of the three youngsters in Dan. 7, the body is not scourged by the fire. In the martyrdom of Polycarp, his burnt body experiences a miraculous event, seen by the bystanders (15:1–2). Perpetua experiences a miracle, since her breasts are not inflamed after she cannot breastfeed her baby anymore (6:7–8).

¹⁵ In third century Christianity, the ideal body was pictured in its angelic state before the fall of Adam, P. Brown, *The Body and Society: Man, Women and Sexual Renunciation in Early Christianity*, New York 1988, 160–177. Brown focuses on sexual renunciation, but martyrdom lingers in this period as a privileged strategy for reaching perfection, opposed only by Clement of Alexandria (122–139).

¹⁶ Van Henten, 'Jewish and Christian Martyrs'; F. Avemarie, 'Aporien der Theodizee: zu einem Schlüsselthema früher Rabbinischer Märtyrererzählungen', *Journal for the Study of Judaism* 34/2 (2003), 199–215; compare E.E. Urbach, *The Sages, Their Concepts and Beliefs*, Jerusalem 1977, 515, 521–522.

¹⁷ The apt term 'provoked martyrdom' is proposed by Boyarin, *Dying*, 58.

said to him: Hanina, my brother, don't you know that this nation has been given the power from Heaven? It has ransacked His House, burned His Temple, killed His faithful and destroyed His best man! And still it exists. And now I hear that you keep busy yourselves with the Torah and gather people in public¹⁸ with the Torah on your lap. (Avoda Zara 18a)

The answer of Hanina is defiant and stoic at the same time, and evokes a sharp reaction:

He said to him: Heaven will have mercy. He said to him: I tell you reasonable things and you answer me: Heaven will have mercy? I wonder if they will not burn you together with the Torah. [...] (Avoda Zara 18a)

Where Hanina appears as the hero, the provocative Jew who defies the Roman ban, Jose ben Kisma represents the quietist attitude.¹⁹ He may have been a suspicious person in the Rabbis' assessment, as Boyarin argues, yet this does not nullify his argument. For if Kisma is right that the Romans have been granted power from Heaven, concomitantly an uprising is rebelling against a Heavenly decree. This motif appears as a valid line of thinking in early and Rabbinic Judaism.²⁰ His second argument implies that since the Romans have already destroyed the Temple and killed His people, they will not hesitate to burn Hanina together with the Torah scroll. This symmetrical summing up of 'His House/His Temple', representing God's abode on earth, and 'His faithful/His best man', representing religious leaders, is highly suggestive. Now God's house is destroyed and his faithful killed, the argument focuses on the Torah, mentioned in the final clause: why would it not share the same fate? The continuation of the narrative indeed elaborates this possibility:

When the Romans returned [from the funeral of Jose ben Kisma, auth.] they found R. Hanina ben Teradyon who was sitting and teaching Torah.²¹ And he had gathered a huge crowd (מקהיל קהילות רבים) and the Torah Scroll was resting on

¹⁸ The words 'and gather people in public' (מקהיל קהילות רבים) are missing in some versions, see comments in R. Rabinowitz, *Diqduqei Soferim: Variae Lectiones in Mishna, et in Talmud Babylonicum*, München 1879; X, 44. They may have been added to link the two parts of the story, before and after the death of ben Kisma, and, moreover, connect Hanina's defiant pose with R. Akiva in the Bavli version of his arrest (b.Berakhot 61b, see further).

¹⁹ Boyarin, *Dying*, 58, who sees the text 'blaming' Kisma for his accommodating practice, since it is after his funeral that the Romans 'discover' Hanina. Boyarin is right that the text does not settle down at the provocative or the quietist strategy, but the fate of the Torah is overlooked in his reading.

²⁰ Josephus, *Bellum Judaicum* 2.390 (appeal of king Agrippa II not to start a revolt against the Romans); Rom. 13:2 (Paul, a former Pharisee, argues to comply with Roman authorities).

²¹ On 'sitting' as a mode of teaching: C. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, Tübingen 1997, 337–338.

his lap. They took him, wrapped him in the Torah scroll, put branches around him and set these on fire. They took sponges of wool, wetted these and put them on his chest, so his soul would not depart soon. (Avoda Zara 18a)

The actual execution is painted in short, brutal details: Hanina's suffering must be prolonged, which is achieved by putting wet wool on his chest. This gruesome detail with parallels in Christian accounts reflects regular torture tactics.²² Note, however, that his execution is also the execution of the Torah scroll. Hanina's fate and the fate of the Torah have become intertwined. Still, at first sight the presence of the Torah appears to be a consoling sign for Hanina:

His daughter said to him: Abba, that I have to see you like this! He said to her: If I would have been burned alone, it would have been hard, but now, everyone who asks (שמבקש מי) for the humiliation of the Torah also asks for my humiliation. (Avoda Zara 18a)

The presence of the Torah eases his mind, for his fate is subsumed under the fate of the Torah. Moreover, the reader may expect a divine reaction to this martyrdom and the burning of the Torah. Will Hanina experience a Heavenly vision within his intimacy with the burning Torah scroll? Not coincidentally the narrative shifts from Hanina's family towards the disciples.²³ This marks the shift from Hanina as a father towards Hanina as a Torah teacher.²⁴ His disciples ask the master what he sees, i.e. if he has a revelatory experience. This question may be expected, since martyrs have visions, e.g. opened heavens or angels. The answer, however, projects a terrible sight:

He said: burning parchment, and letters flying off (גליון נשרפין ואותיות פורחות). (Avoda Zara 18a)

Hanina witnesses the physical decomposition of the Torah scroll. Yose ben Kisma's warning has become true: 'I wonder if they will not burn you together with the Torah'. Let us look a little bit closer. The narrative suggests that burning a physical scroll and the teacher who is wrapped in it has implications for the fate of the Torah: its revelation will be reversed. This interpretation finds corroboration in the imagery of 'letters flying up'. What does it signify? Fire is an accompanying phenomenon of revelation and the image would refer to the letters of the Torah as indestructible since they are fire, and

²² Avemarie and Van Henten, *Martyrdom*, 165 note 185.

²³ Justifying the fate of Hanina's family is a major problem for the Talmudic sages; Boyarin, *Dying*, 69–70.

²⁴ This shift reflects the priority of the teacher over the father; m.Baba Metsia 2:11 and Kiddushin 32b.

fire cannot destroy fire.²⁵ However, it is not the indestructibility of the letters that is assessed: it is their detachment from the Torah scroll; the letters are flying up (פורחות) like embers. Even if the fiery character of letters is implied, the imagery of flying letters connotes the demise of the Torah on earth and the reversal of revelation. According to a Talmudic tradition, when Moses saw what happened with the Golden Calf (Ex. 32) he tried to hold the two tablets of the Law firm, but as soon as the writing itself flew off (פרח עצמו הכתב), the stone tablets became too heavy so he had to drop them and they broke in pieces.²⁶ Even closer in terminology is a comment on the fate of the stone tablets after the destruction of the First Temple: 'It was taught: the Tables were broken, yet the letters flew up (ואותיות פורחות)' (Pesahim 87b). Also in our narrative, God's revelation is reversed by the burning of the Torah and the upward movement of the letters. This makes Hanina's martyrdom also the martyrdom of the Torah, God's abode on earth in Rabbinic theology.²⁷

The Talmud is ambiguous with regards to its praise of Hanina.²⁸ After the executioner has shortened the death struggle of Hanina, he jumps into the flames as well. A voice from Heaven declares that both Hanina and the executioner have a place in the World to Come. There follows a statement from Rabbi (= R. Yehuda ha-Nasi, the compiler of the Mishnah) that 'there are some who earn their place in the world to come in the instant of an hour', no doubt with reference to the executioner and contrasting his fate with the lifelong labour of the Torah sage. Rabbi's comment should not, however, be seen as glorifying martyrdom as such, as it merely underlines its atoning quality. Actually, the *sugya*, the Talmudic discussion our narrative is a part of, raised the issue of theodicy before, in view of the imminent death of Hanina.²⁹

²⁵ Van Henten, 'Jewish and Christian Martyrs', 180, referring to p. Sheqalim 6:1 (49d). The parallel version of our story in Sifré Deut. 307 (ed. Finkelstein, 346) indeed testifies to the indestructibility of the letters of the Torah.

²⁶ p. Ta'aniet 4 (68c/d).

²⁷ In the short account in Sifré Deut. 307 (edited in the third century C.E., Stemberger, *Einleitung*, 302) this is explicitly voiced by a 'philosopher' who consoles the governor that he has not destroyed the Torah but 'given it back to its Master'. This underlines the futile Roman effort to suppress the Law; Avemarie and Van Henten, *Martyrdom*, 158. However, the Law requires a physical presence and the Scroll embodies this. M. Goodman, 'The Jewish Image of God in Late Antiquity', in R. Kalmin, S. Schwartz (eds.), *Jewish Culture and Society under the Christian Empire*, Leuven 2003, 139: 'In so far as any physical object could be said to embody the divinity it was the scroll of the Torah, which was carried in Titus's triumph through the streets of Rome at the end of the procession of cult objects from the Temple as a symbol of the Jewish God (Josephus, *Bellum Judaicum* 7.150).' (...) They interpreted Jewish reverence for Torah scrolls as equivalent to their own piety towards their own cult statues.'

²⁸ Van Henten, 'Jewish and Christian Martyrs', 180 concludes that Hanina is not depicted as a role model.

²⁹ Here our reading tangles up with Avemarie, 'Aporien', 211–212.

The reasons for Hanina's atonement are discussed up to the point where the punishment becomes bizarre.³⁰ The executioner, however, not only atones for his act of burning the rabbi, but for burning the Torah scroll as well, the holiest object in Rabbinic perspective. Rescuing a Torah scroll from a burning house takes precedence over the Sabbath. Burning a Torah scroll is the highest sacrilege and carries a heavy penalty.³¹

Martyrdom of Text and Body

The simultaneous martyrdom of teacher and Torah evokes a deep concern of the *sugya*. This concern is rooted in a religious and cultural value system. The connection between the eternal Torah and the bodily existence of the teacher hinges on the notion of the teacher's incorporating the Torah. Body and text in the world of the Rabbis are intimately interrelated. The study of the Torah depends on oral performances. Torah knowledge is restricted to the circles and networks of learned persons, the Sages.³² Physical texts as we know them only gradually entered the scene. Even actual texts did not remove the need for memorization and permanent actualization.³³ Moreover, Rabbis saw themselves as embodying the Torah, as living texts. Teachers embodied the living presence of the Torah, both by their knowledge and by their behaviour.³⁴

To conclude: when the text awards Hanina ben Teradyon and his executioner a place in the world to come, the Talmud comments upon the violence inflicted upon the Torah, both in its physicality as a scroll and in its embodied presence in the teacher.

Life as a Reward for the Torah: resistance in the case of R. Akiva

A second notion with which the Talmud resists the idea of martyrdom as the peak of religious practice, appears in R. Akiva's martyrdom. The story is present in a Palestinian and in a Babylonian redaction. In the Palestinian Talmud,

³⁰ Avemarie, 'Aporien', 213–214.

³¹ m.Shabbat 16:1; Josephus, *Bellum Judaicum* II, 228–232 tells about a Roman soldier who burned a Torah scroll and who had to be executed in order to pacify the Jews.

³² Hezser, *Social Structure*, 329 ff..

³³ C. Hezser, *Jewish Literacy in Roman Palestine*, Tübingen 2001, 187–195; 452–463. Compare also E. Shanks Alexander, 'The Orality of Rabbinic Writing', in Ch. E. Fonrobert, M.S. Jaffee (eds.), *Cambridge Companion to the Talmud*, Cambridge 2007, 53–55 and similar notions already in Safrai, *Literature*, 75–77.

³⁴ E. Ottenheijm, 'Belichaamide Tora: Toramystiek in Avot 5:22 volgens de versie in ms.Kaufmann', *Nederlands Theologisch Tijdschrift* 63, 1 (2009), 51–66 argues on the basis of m.Avot 5:22 in the version of ms.Kaufmann that incorporating the Torah is the mystical goal of Torah study; M. Hirshman, 'Torah in Rabbinic Thought: the Theology of Learning', in S.T. Katz (ed.), *Cambridge History of Judaism: Vol. IV The Late Roman Rabbinic Period*. Cambridge 2006, 922 qualifies teachers as 'receptables' of Torah.

the occasion for his torture is not related. It focuses on Akiva's teaching of the love commandment and his resilient attitude facing torture:

R. Akiva was being tortured before the evil Turnus Rufus.³⁵ The time for reading the Shema arrived. He began to read, and smiled. He said to him: Old man, are you a sorcerer? Are you insensitive to pain? R. Akiva answered him: May fainting come upon you! I am not a sorcerer, neither am I insensitive to pain. It is that all my life I have read this verse and I was pained and hoped that all three things mentioned would be within my power to fulfil: 'And you shall love the Lord your God with all your heart and with all your might (and with all your soul)' (Deut. 6:5) I loved him with all my heart and I loved Him with all my wealth, but I had no test (לֹא הוּוֹת בְּדִיקָה) on (the commandment to love Him) with all my soul. Now that my life (soul) is at stake, and the time of reading the Shema has come and my mind is not split, I may read it and smile. He had no sooner said these words than he expired. (p.Berakhot 9:7 (14b)/p.Sotah 5 (20c); translation Safrai 1983, slightly adapted)

Akiva is able to bear his sufferings now that he knows that he is able to love God 'with all thy soul' (Deut. 6:5). Its meaning as referring to a person's death is provided in the Mishnah (m.Berakhot 9:5): 'and with all your soul: even if He takes away your soul'.³⁶ As Boyarin states, this makes Akiva's death an eroticized event, i.e. imbued with emotions towards God.³⁷ On the level of martyrdom as a way of expressing one's identity by an emotionally imbued religious act, a functional symmetry with second century Christian martyrdom texts is indeed visible and here Boyarin's analysis is convincing. However, whether the text also constructs martyrdom as a soteriological act, as Boyarin suggests, is not clear. It is more feasible to read the Talmud here as stressing the fact that Akiva was unsure whether he was able to fulfil this commandment even in the extreme situation of torture and therewith fulfilling his teaching on the verse as referring to one's moment of death. Martyrdom provided him with a test, which does not, however, necessitate a reading of his martyrdom as prerequisite to loving God. Indeed, editorial elements in the version in the Bavli underline the rather ambiguous appreciation of Akiva's martyrdom. The Bavli inserts a dialogue between the teacher and his pupils:

³⁵ According to H. Eshel, 'The Bar Kokhba Revolt', 132–135', in S.T. Katz (ed.), *Cambridge History of Judaism: Vol. IV The Late Roman Rabbinic Period*, Cambridge 2006, 124 this was referring to Q. Tineius Rufus, who was appointed procurator in 130 CE and who governed Judaea when the Bar Kokhba Revolt (132–135 CE) broke out.

³⁶ Note, however, that neither the Mishna nor the Tosefta suggest a necessary martyrological death.

³⁷ Love for God as motivation for martyrdom probably originated with R. Akiva, Safrai, 'Martyrdom', 155. Compare Boyarin, *Dying*, 109.

When they took R. Akiva to be executed it was the hour of the reading of the Shema. They raked his flesh with combs of iron, while he accepted upon himself the yoke of the Kingdom of Heaven. His students asked him: Our teacher, to this extent (עד כן)? He replied: All my life I was concerned (מצטער) about this verse: 'with all your soul' (Deut. 6:5) – even if He take your soul. I said: when will this present itself to me so that I may fulfil it? Now that it finally presented itself to me, should I not fulfil it (לא אקיימנו)? And so he continued, drawing out the word 'One' until his soul departed. (Berakhot 61b; translation Safrai 1983, slightly adapted)

The disciples' question 'to this extent?' may be understood as reflecting the *sugya's* concern as well. What does this question imply? Boyarin paraphrases it as 'is this necessary?', alluding to martyrdom as a soteriologically necessary act. The Hebrew is, however, not specific and Safrai paraphrases it as 'under these circumstances you are still able to read the Shema?'.

Three arguments support Safrai's reading in opposition to Boyarin. First, as we have seen, the parallel in the Palestinian Talmud confirms that saying the words of the Shema complies with a test: '(...) But for with all my soul, I had no test (לא הוות בדיקה)'. Thus, Akiva was concerned whether he would be able to practise loving God with an undivided mind, not looking forward to the occasion of a martyrological death as such. Second, the crucial phrase of the Bavli: 'I said: when will this present itself to me (מתי יבא לידי) so that I may fulfil it (ואקיימנו)', is missing in important manuscripts and parallels, including the first printed version, a problem not discussed by Boyarin.³⁸ Additionally, some of these versions read 'All the days of my life I taught', instead of 'all the days of my life I was worried', again strengthening the connection between 'even if He takes your soul', attributed to Akiva, and his ability to fulfil this teaching while dying. Even if this matter cannot be clarified at this moment – Safrai's conjecture regarding this passage may not be convincing either – the manuscripts testify to different editorial portrayals of Akiva's motivation. Neither on the level of traditions nor on the level of editorial reworking do we notice a clear voice that speaks for martyrdom as the necessary fulfilment of the Torah, or the shortest gateway to heaven.

Finally, the question of the students: 'Master, to this extent? (עד כן)'

³⁸ Safrai, 'Martyrdom', 156–157 mentions ms. Oxford 366, Paris 671.4, medieval and early modern sources and the first print. Note that ms. Oxford 366 is an important representative of the Spanish manuscripts. Boyarin quotes ms. Oxford Opp., without further details. Safrai, 'Martyrdom' concludes that 'R. Akiva (...) did not anticipate his martyrdom eagerly.' He suggests that the sentence was added shortly after, though. Note also the comments on the textual problem in Rabinowitz, *Diqduqei Soferim* I, 356!

should be read in connection with the law our *sugya* is commenting upon (m.Berakhot 9:5), which prescribes that ‘man is bound to bless [God] for the evil as one blesses [God] for the good’. The student’s question is not whether martyrdom is necessary, but whether one should bless God, i.e. justify His rule in extreme circumstances. Again, a question of theodicy pops up in the text: can God be justified by saying the *Shema* even in times of violent death? Akiva’s positive reply revokes the figure of Job, who blessed God in the time of his sufferings as he had done before (Job 2:10). Akiva’s defiant stance on Torah study and his ensuing death are commented upon as radical adherence to the commandments of the Torah, even under torture.

Martyrdom and Halakha

The ambivalent stance of the Rabbis towards provoked martyrdom is detectable as well in Rabbinic halakha (Law) on martyrdom. Basically, Tannaitic halakha restricts mandated martyrdom to three instances: idolatry, fornication and murder. A tradition tells about a meeting where the sages decided to limit obligatory martyrdom to these three cardinal sins:

R. Yohanan said in the name of R. Shimon ben Jehotsadaq: they voted and agreed and taught in the upper room of the house of Nitza in Lydda: All transgressions in the Torah, if one says to someone: transgress and you will not be killed (עבור ואל (תהרגו) he should transgress and not be killed, except for idolatry, fornication and bloodshed. (Sanhedrin 74a)³⁹

Martyrdom has to be avoided by transgression and only in three ‘cardinal rules’, choice of death is incumbent. Scholars disagree about the historical context of this decision. Some date it in the Bar Kokhba period, others during the Quietus uprising (115–177 C.E.). Safrai sees the ruling as the outcome of debates in the generations of Yavne. However, the first comments do not predate the fourth century. This suggests a date for this Halakha somewhere at the beginning of the third century, in line with its alleged tradent, Shimon ben Jehotsadaq. Moreover, the halakha is not in accord with an early tradition that applauds the willingness of Jews who were willing, out of love, to be killed for God, while upholding the commandments:

R. Nathan says: ‘Of them that love Me and keep My commandments’ (Ex. 20:4) refers to those who dwell in the Land of Israel and give their lives for the commandments. (Mekhilta dR. Ishmael, Bahodesh Yitro 6; ed. Horowitz Rabin 227)

³⁹ Compare also t.Shabbat 15:7 and comments in S. Lieberman, *Tosefta Ki-fshutah: A Comprehensive Commentary on the Tosefta I-VIII*, New York 1955-1973, 262–263.

This tradition of voluntary martyrdom due to steadfastness to the commandments buttresses Boyarin's claim that dying for God out of love was a practice in some quarters of the Rabbinic movement. However, Palestinian Rabbinic views on voluntary martyrdom develop towards a less enthusiastic and more restrictive position.⁴⁰ Thus, if we take into consideration the late editing of the Talmudic texts, Akiva's and Hanina's martyrdom are not commented upon as a result of any halakhic requirement.⁴¹ This is true even when we take into account the ruling of the third century teacher R. Yohanan that this applies to normal times, whereas in times of persecution one should rather be killed than transgress: Hanina's and Akiva's behaviour is, however, not a matter of 'not transgressing', as long as there was opportunity to teach Torah in private, as ben Kisma suggests.⁴² Their defiant behaviour may evoke admiration, but is not presented as following expected religious practices. Akiva's and Hanina's refusal to comply with the ban on public Torah study continues a political-religious type of Jewish martyrdom as uncompromisingly upholding all of the Law, a model present in Second Temple traditions.⁴³

Martyrdom and the Biblical validation of physical life

An underlying issue in the halakhic constraints of martyrdom is the priority of physical life over keeping every commandment in any situation. The Rabbis

⁴⁰ This tendency has been shown in A. Gray, 'A Contribution to the Study of Martyrdom and Identity in the Palestinian Talmud', *Journal of Jewish Studies* 54, 2 (2003) 242–272. S.M. Passamaneck, 'The Jewish mandate on Martyrdom', *Hebrew Union College Annual* 74 (2003), 215–241, however, points to ambiguities in Babylonian Talmudic and Medieval martyrdom texts.

⁴¹ Pace I. Gruenwald, 'Intolerance and Martyrdom: from Socrates to Rabbi Aqiva', in G.N. Stanton, G.G. Stroumsa (eds.), *Tolerance and Intolerance in Early Judaism and Christianity*, Cambridge 1998, 7–29. The immediate pretext of Akiva's martyrdom is his public teaching of Torah: 'Our teachers teach us: once it happened that the bad kingdom (i.e., Hadrian) issued a decree that forbade Israel to learn Torah. Came Pappos ben Yehuda and he found R. Akiva who was *gathering crowds in public and taught Torah*'; Berakhot 61b). It is feasible that Akiva, like Hanina ben Teradyon, actually provoked the ban but teaching Tora in a public space also represents current praxis of Amoraic generations, see Hezser, *Social Structure*, 371. Indeed, it is only Amoraic traditions that depict early rabbis as giving lessons to the public in a public sphere, often on Sabbath.

⁴² That is, according to our main texts. Actually, the versions in Sifré Deut. 307 and the Palestinian Talmud do not provide any reason for their arrest and it is not unlikely that the historical context of their arrest is merely the Rabbi's alleged support for the zealot uprising.

⁴³ Zeal for keeping all Mosaic laws is evidently a motif in older martyrdom accounts, e.g. 2 Macc. 6:22–23; 7:2; Josephus, *Bellum Judaicum* II, 174. 195–198. Public teaching of Torah may have been assessed by these teachers as a necessary prerequisite. Hezser, *Jewish Literacy*, 473 notes that because most people only had limited abilities to read, they were dependant for their Torah knowledge on oral performance. However, whereas Rabbis in other cases are known for mediating between the communities' needs and the authorities (375–377), the public reading of Torah by Hanina and Akiva primarily appears as a deliberate act of cultural-political resistance.

based it on their reading of Leviticus 18:5: 'I am the Lord your God, and you must obey my teachings. Obey them and you will live through them. I am the Lord.' This Biblical idea of life through the performance of the commandments is explained as restricting the mandate for martyrdom:

- (A) 'And you will live through them' (Lev. 18:5) – and not die through them.
 (B) R. Ishmael was wont to say: Whence may you derive that if one was told privately to worship idols so as not to be killed, that he may transgress in order to save his life? Since it is said: 'And he shall live through them (וְחַי בָּהֶן)' (Lev. 18:5) – not to die through them. (C) What if he were offered the same choice in public? It says: 'And you shall not profane My holy Name' (Lev. 22:2). (Sifra Aharei Mot 13; ed. Weiss 86b; Sanhedrin 74a; Avoda Zera 27b)

R. Ishmael (B), a colleague of R. Akiva, justifies his teaching with the Biblical notion that earthly prosperity and physical life are the reward for keeping the commandments. His reading of this verse is based, however, on a slight shift in meaning: life becomes the very aim of the commandments, the goal of keeping the Law, not the reward. Note that the addition 'not to die through them' (A, B) is a necessary step to express the principle that in some cases commandments should be broken in order to safeguard life. In this reading, life is not only the reward but also the towering principle governing Halakha. This reading of 'live through them' in Leviticus 18:5 is adduced as well in the Halakhic context of *pikkuah nephesh*, the rule that saving human life takes priority over the mitzvot, like the sanctity of the Sabbath (t.Shabbat 14:6).

A literal reading of 'live through them' (Lev. 18:5) in the Rabbinic world is not self-evident. Rabbinic exegesis usually differentiates between life in this world and life in the world to come but the Ishmaelian reading of life resists a reading as referring to the World to Come.⁴⁴ Thus, Ishmael defends a strategy of survival by providing Biblical legitimacy for transgressing commandments. Survival is the cardinal issue here and martyrdom only becomes obligatory in a public sphere and under specific circumstances.⁴⁵

⁴⁴ Actually, the Sifra proceeds with a tradition on the martyrdom of Hananja, Mishael and Azarya, which underlines the eschatological meaning of life, thus aligning two opposing readings of 'life'; F. Avemarie, *Tora und Leben: Untersuchungen zur Heilsbedeutung der Tora in der frühen rabbinischen Literatur*, Tübingen 1996, 111. See for early-Jewish readings of 'life' in Lev. 18:5 also S.J. Gathercole, 'Torah, life, and salvation: Leviticus 18:5 in early Judaism and the New Testament', in C.A. Evans (ed.), *From Prophecy to Testament: The Function of the Old Testament in the New*, Peabody Ma. 2004, 126–145 and E. Ottenheim, "'Which if a man do them he shall live by them": Jewish and Christian Discourse on Lev. 18:5', in B. Koet, S. Moyise, J. Verheyden (eds.), *The Scriptures of Israel in Jewish and Christian Tradition: Festschrift for Maarten J. J. Menken*, Leiden 2013, 303–316.

⁴⁵ Avemarie, *Tora*, 12; Gray, 'Martyrdom', 250–252.

Readings of 'life' in the story of R. Akiva

Rabbinic discussion on the meaning of 'life' is visible as well in the Talmud's editorial frame of R. Akiva's martyrdom. The first mention of the topical word *life* is explicit in a parable of R. Akiva, preceding the death scene we discussed before. In this parable, Akiva compares the Jews with fish in a narrow pond, threatened by fishermen and invited by the fox (the Romans?) to come ashore. The fish respond:

They said to him: You are the fox of whom they say that you are the wisest of animals? You are nothing but a dunce! If now that we stand in the place of our life (במקום חייוֹתנו) it is so (that we are in danger), in the place of our death even the more. (Berakhot 61b; translation following the majority of the mss.)

Obviously, the parable circles around the paradoxes inherent in the definition of life. The fish have no choice but to live in the pond, but lack freedom and risk great danger of being caught by the fishermen.⁴⁶ Outside the pond, however, they will surely die, for their natural habitat is water. The parable qualifies study of the Torah as the natural habitat and the Jews as having no choice, even if it means that their physical lives will be at risk. This is confirmed by the Scriptural application, which reads 'your life' (Deut. 30:20) as referring to Torah study:

And we also: if now we sit and study Torah about which it was written, '*For it is your life* (כִּי הוּא חַיִּיד) and the length of your days to dwell on the land' (Deut. 30:20) and it is so [that we are endangered], if we go and become idle from it, all the more so. (Berakhot 61b)

Only unconditional study and practice of the Torah is life. Therefore, if death is the consequence of public Torah study, so be it. This makes his position astonishingly radical, and it opens the question whether there is really no alternative, for example hidden Torah study.⁴⁷ Astonishing, moreover, is the sheer skipping in the explanation of the second part of this verse: 'and the length of your days to dwell on the land'. The text does not offer a spiritualised reading of 'length of days' or 'land' as, for example, referring to the World to Come. Obviously, the parable's concern is that there is no life outside Torah. The possibility to read life as referring to the World to Come is raised only at the end, as a reply to the angels who protest against Akiva's fate:

⁴⁶ Boyarin, *Dying*, 106 notes that the parable offers a 'fairly simple theodicy', which is interrupted by Akiva's arrest: even if he stays in the water, he is killed.

⁴⁷ Hidden Torah study comes close to what Boyarin, *Dying*, 50 ff. typifies as the 'tricksters' strategy'. Note that the halakhic discussion on martyrdom (Sanhedrin 74a) took place in a private space: the upper room.

Said the ministering angels to the Holy-One-Blessed-be-He: This is the Torah and this is her reward? 'Rescue me from the dead, with Your hand, O Lord, from the dead etc.'. (Ps. 17:14). (Berakhot 61b)

The angels object that the reward for Torah observance should have been death by God, not the Romans. Again, the soteriological necessity of martyrdom is not understood here. Hermeneutically, the angels reiterate the reading 'live through them' in the Ishmaelian sense, prolongation of life as a reward for keeping the Torah. The *sugya* counters their objection by presenting a Heavenly voice that Akiva is rewarded life in the world to come. Nonetheless, the Ishmaelian reading of life as longevity is raised as the prime Biblical meaning and this objection is not silenced.⁴⁸

Conclusions

Boyarin's reading has made us aware of common elements in Rabbinic and Christian martyrdom accounts of the second century C.E., especially the rhetoric of dying out of love for God and the speech acts accompanying the choice for death of the martyr. The alleged soteriological motivation of Rabbinic martyrdom, however, has been less clear on the level of Akiva traditions. Moreover, the Talmudim present martyrdom in the context of different concerns. The Palestinian Talmud focuses on theodicy and is not interested in the 'historical' lay out of Hanina's and Akiva's martyrdom. Hanina is no model figure when it comes to martyrdom and, as we have seen, neither is R. Akiva portrayed as such. In the Palestinian Talmud, Akiva's martyrdom appears as a test to see whether he is able to fulfil the love commandment in extreme circumstances; in the Babylonian Talmud his martyrdom shows that one can even bless God while being tortured. However, there is no soteriological necessity for this. Akiva as well as Hanina appear as outstanding individuals who resist Roman oppression by defiantly teaching Torah in public. Both this political strategy and the ensuing martyrdom are bound to their personality, and even if Akiva is revered and justified for it, the text does not construe martyrdom as a religious necessity nor an aspired ideal of religious identity. Here, a functional dissimilarity with Christian martyrdom acts and their rhetoric of following Christ's sufferings in order to gain eternal life comes to the fore.

⁴⁸ For a different assessment, Boyarin, *Dying*, 107; on the quotation from Ps. 17, see illuminating footnote in Avemarie and Van Henten, *Martyrdom*, 157. Moses voices a similar protest when he sees Akiva's fate (Menahot 29b), and is silenced by an equally ambiguous divine reply: 'silence, this is how I have planned it'.

It is possible that the traumatic historical experiences of the Bar Kokhba War alleviated enthusiasm for martyrdom. However, the Talmud's restrained questioning of martyrological strategy does not invoke historical experiences but revolves around positive, central Rabbinic values: the fate of the Torah on earth as embodied in the teacher, and the biblical notion of physical life and well-being as goal of the commandments. Even if some Rabbis considered a life in the 'world to come' as the supreme validation of human religious enterprise, Biblical models of physical well-being and longevity continued to inform their values and corrected any one-sided reading of 'life' as referring to eternal life beyond death.

This is gradually different in Christianity, where attaining eternal life is pivotal and the martyrs emulate Christ's passion in order to gain it, even if a writer like Clement of Alexandria favoured ascetical practices over martyrdom. Both for Christians and Rabbinic Jews, martyrdom was a known body practice, construed in Second Temple times, and the development of martyrdom shows signs of reciprocal influences as well. But martyrdom soon came to be variously motivated and regulated and these theological and legal underpinnings show different discourses. This strongly suggests the nascence of separate religious realities already in the second Century C.E. Contrary to Tertullian's view of the martyr's blood as the 'seed of the Church', Rabbinic discourse on martyrology validates and limits martyrdom. It validates martyrdom as a brave bodily practice of religious resistance in the face of repression, but it limits this practice with the notion of the living human body as the ultimate goal and, indeed, embodied presence of Torah.⁴⁹

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⁴⁹ This paper was originally written as a contribution to a Conference volume, to be published in 2013. Prof. Dr. Friedrich Avemarie (Marburg) was so kind to comment an earlier draft and allow me to read parts of a book on Jewish and Christian Martyrdom he was preparing. His premature death in 2012 deprived the scholarly world of a knowledgeable and kind person.