Yotzei Dofen: Valuing Exceptional Jewish Lives

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Rabbinic Thesis: *Yotzei Dofen*: Valuing Exceptional Jewish Lives
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Summary: This rabbinic thesis lifts up the Talmudic example of Ben Azzai—unmarried and childless, for his "soul thirsts for Torah" (*Bavli Yevamot* 63b)—in a pastoral attempt to communicate to our unmarried, childless congregants that their lives might add value to our Jewish communities. Methodologically and theoretically informed by queer and feminist theory, it takes as a basic assumption the human need for narratives with which we can identify (see chapter 1). Primary sources are taken from rabbinic literature (mainly Talmud and Codes) as well as from liturgy (rabbinic manuals).

The work comprises four chapters. Chapter One, "Introducing Ben Azzai: A Case Study in Exceptionalism," introduces the character of Ben Azzai and translates the main primary text (*Bavli Yevamot* 63b) and proposes considering his story an example among many for a valuable Jewish life—rather than an anomaly. Chapter Two, "Valuing Marriage versus Valuing Torah: Ben Azzai's Conflict," reads Ben Azzai's bachelorhood in the context of rabbinic ambivalence about the relationship between sexual passion (in marriage) and passion for Torah study. Chapter Three, "Generation of Value: Exceptions as Examples," traces Ben Azzai's appearance in the legal codes and argues for the reclaiming of his character as an example of Jewish generativity. Chapter Four, "Aspiring to Exceptional Community," offers a concluding analysis of this exceptional figure and includes a coda section, "Souls who Thirst for Torah, A Communal Shavuot Ritual," a suggestion for liturgical use of this material and of Ben Azzai's tale. Throughout, an analysis of gender and an attention to the centrality of narrative underlies the argument.

CHAPTER 1
INTRODUCING BEN AZZAI: A CASE STUDY IN EXCEPTIONALISM

We welcomed our son into the covenant of the Jewish people on a beautiful summer morning in HUC's New York City chapel. The melodies were warm and inviting and, for many in the room, familiar. But when we reached the blessing that bestowed upon him his Hebrew name, our guests who planned to sing along were surprised. "Just as he has entered into the covenant, so may he enter [into a life] of Torah, of marriage, and of good deeds," they expected. *Torah, chuppah, u'maasim tovim*. These values the Jewish community wishes to bestow upon every blessed child. How surprised were these smiling guests, wholeheartedly adding their voices to the blessing of our ceremony's leader, to hear instead the words *Torah, ahavah, u'maasim tovim*. Our sincere prayer for our son: "Just as he has entered into the covenant, so may he enter [into a life] of Torah, of love, and of good deeds."

Don't get me wrong. I have nothing against marriage *per se*. And this thesis is not a treatise against Jewish marriage. It is, however, a call for us to look more broadly at what it means to live a valuable Jewish life that contributes to the vitality of our Jewish community. It is a call to think pastorally about the stories and narratives we highlight as clergy and as educators. As a queer theorist, as a citizen concerned with rights for the queer community, as a lesbian *ima*, and as a Jew, I have thought long and hard about the values essential for a meaningful, productive, fulfilling, and communally valuable life. In the past, queer people were pushed out of the community because it was believed (and in some circles, still is believed) that our lives tarnished Jewish values; when some of us declared a wish to stand under the *chuppah* and enter the institution of marriage, we were welcomed. And I was certainly grateful. Yet still I worried, that summer morning, that

wishing for my son love that can be found only under the *chuppah* meant discounting so many passions essential to our Jewish community: from the love of a mother for her son to the love of a teacher for his student to the love of a community member for her elders.

I want to lift up the tale of one non-conforming Jewish leader, a figure in the Talmud who relinquished married life, not on a personal whim or to pursue the trivial or the banal, but rather to satisfy his thirst for Torah: for study, for teaching, for the enrichment of the Jewish community through our sacred texts, alive in a dialectic of questions and responses. Shimon ben Azzai seems certainly to have been blessed with Torah and with good deeds, but not with *chuppah*. Yet his life, as recorded in the Talmud, was valued by the Jewish people. I write for the Ben Azzais in our midst and for the clergy and teachers who would refuse to imply that their lives—without marriage, without children—are nothing more than a consolation prize.

Though our HUC-JIR/NY campus community *minhag* of celebrating milestones and accomplishments on our monthly "*Simcha* Thursday" was originally envisioned as a space to honor a broad range of blessings and contributions, often we gather on our fifth-floor lounge for the affectionately named (among some of us) "parade of heterosexual happiness."[1] Engagements, marriages, pregnancies, and births (admittedly, for both straight and gay families, though, statistically speaking, heterosexual families are more often those we're celebrating)—and rightly so. The establishment of new Jewish families committed to raising the next generations of Jews dedicated to Torah, to honoring father and mother, to accompanying the dead for burial, to making peace between one human being and another[2]—such is indeed a blessing and a source of blessing. But what does

our blessing imply—implicitly or explicitly—to the single, the never-married, the childless?

In *Gates of Mitzvah*, its 1979 simplified and accessible introduction to Jewish practice for Reform Jews, the Central Conference of American Rabbis acknowledges the marginal status of single people in synagogue life in particular and in Jewish life more broadly. Readers are warned that too many "traditional rituals" serve only to "compound the loneliness and emphasize the deviance from the Jewish norm."[3] With some methodological help from feminist and queer theory, I want to exert pressure on those words—"deviance" and "norm"—by highlighting Ben Azzai's story. When we say "norm," do we indicate a "statistical mean," or do we intend to say "ideal"? When we encounter a Jew whose life does not fit this norm, do we call her a "deviant" or an "exception"? *Gates of Mitzvah* offers us one very bleak view of the unmarried, childless Jewish life: it is an accident, a tragedy, a catastrophe, a mistake. We Reform Jews are encouraged to reach out in pity or compassion: "Every temple and every Jewish family should fulfill the *mitzvah* of assisting victims of family tragedy to continue their synagogue memberships, their children's Jewish educations, and their full participation in the temple and in home ritual."[4] To be sure, many single and childless Jews are single or childless because of accident or, God forbid, tragedy. But some are not. When these people—our community members, our friends and neighbors—read in *Gates of Mitzvah* the section entitled "Marriage and the Jewish Home" for advice on home rituals of all kinds, can they help but wonder, *Can I have a Jewish home without a marriage*?[5]

To assert that a Jewish life without *chuppah* and parenthood could be valuable *as a Jewish life* in some ways flies in the face of tradition. We read in *Pirkei Avot*, for

example, that marriage firmly represents an expected aspect of mature Jewish life; the typical or ideal life (and it's hard for us to evaluate which, based on one text alone) follows a pattern:

> Five years [is the age] for *mikra* [i.e. the study of scripture], ten for *mishna*, thirteen for *mitzvot*, fifteen for *Talmud*, eighteen for *chuppah* [i.e. marriage], twenty for 'pursuing' [i.e. a career], thirty for strength, forty for understanding, fifty for advising, sixty for mature age, seventy for turning white, eighty for [additional] strength, ninety for a bending posture, one hundred as though he is dead and passes and ceases from the world.[6]

Though the age of marriage has shifted over time, both the Jewish community and our surrounding culture perpetuate a value judgment against people who remain single for "too long." As queer theorist Michael Warner writes, married people "are taken more seriously than unmarried people."[7] Married persons are favored in federal tax and immigration law, in health care policy, and in other areas of communal life.[8] Perhaps our society encourages marriage, rewarding spouses with health care coverage and tax breaks and other privileges, because, as *New York Times* columnist David Brooks writes, "The surest way people bind themselves is through the family."[9] State institutions, policies, and laws strengthen those bonds and encourage, in the best of possible outcomes, a sense of responsibility between and among persons united in marriage. Brooks writes, "As a practical matter, the traditional family is an effective way to induce people to care about others, become active in their communities and devote themselves to the long-term future of their nation and their kind."[10] Yet, Brooks acknowledges, recent and rapid demographic changes prove that "the two-parent family is obviously not the only way people bind themselves."[11] Brooks cites statistics claiming that, in 2012, 28 percent of Americans live alone; that represents a significant increase from just 9 percent in 1950.[12]

These unmarried Americans undoubtedly sit in the pews of our Reform congregations. What messages do we send to them about their contributions to the Jewish community?

Queer theory teaches us that difference abounds.[13] Warner, for example, writes, "You [i.e. members of the queer community] learn that everyone deviates from the norm in some context or other and that the statistical norm has no moral value."[14] Jewish discussions on the value and centrality of marriage to Jewish life do engage an evaluation of which lives are morally valuable. I want to ask these questions pastorally: What makes a valuable Jewish life? When we say that *chuppah* and parenthood are Jewish values, do we mean that a Jewish life without *chuppah* and parenthood is simply *worthless*? Some might wonder why we would even open the question. As I will outline in chapter 2, plenty of Jewish texts warn against life without marriage and parenthood. Observant Jewish men are obligated to sire offspring, and a man who has no children, some of our Sages imply, is in some sense not a man. All the major movements of Judaism welcome children into the covenant and into the community with repeated wishes for the blessings of Torah, *chuppah*, and good deeds.[15] Isn't our only approach simply to argue that, *lekhathila* לכתחילה (a legal term meaning "from the outset," i.e., the ideal state) Jews must be married and produce children, but בדיעבד *bedi'avad* ("after the fact"), we can (perhaps reluctantly, perhaps in pity) console them by refusing to exact any punishment against them for neglecting such a crucial *mitzvah*? I find this response to be pastorally and ethically inadequate. It smacks of the "tolerance" too many praise in the public sphere when it comes to the inclusion of gays and lesbians in "mainstream" institutions. As Janet Jakobsen and Ann Pellegrini argue in their book *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance*, tolerance sends a clear message about value and hierarchy:

a valued, secure "us" merely tolerates a marginal and lesser "them."[16] How can we, as clergy and educators, praise the special relationships established under the *chuppah* and support those who create new Jewish families while also valuing the unmarried persons (by choice) in our congregations? And, just as importantly, how can we do so without discouraging marriage or destroying families? When we look into the eyes of our unmarried congregants, do we see destroyers of worlds? Do we see failures in need of our pity? Do we see lives utterly bereft of blessing? And, for that matter, have we but one blessing to bestow?[17] Looking to Ben Azzai for inspiration, I challenge us to dig into the richness of our textual tradition, highlighting not only the stories of Abraham and Sarah and the miraculous birth of Isaac or Hannah's prayer for her beloved Samuel, but also the stories of those who, like Ben Azzai, contribute to the generativity of the Jewish people through the study and transmission of Torah.

Our Jewish texts provide narratives with which we can identify—examples of lives into which we can imagine ourselves. One of the major contributions of queer scholarship has been to highlight the crucial importance of fostering a variety of cultural narratives: stories into which we can *all* imagine ourselves, tales that inspire us to dream ourselves into a fulfilling future. Too many in the queer community suffer, trying (and failing) to force themselves into restrictive narratives that do not allow for same-sex attraction or relationships. It is in this spirit that I write my rabbinic thesis on the narrative example of Ben Azzai. As scholar of rabbinics David Biale argues, "Texts […] do more than merely reflect experience; they also *shape* experience or, rather, the way people view their experience."[18]

Philosopher Hannah Arendt places narrative at the height of the human experience; it is our life with others that helps us to produce the life story we will leave behind.[19] Italian philosopher Adriana Cavarero expands Arendt's treatment of narrative in her own work, claiming, "[T]he story reveals the meaning of what would otherwise remain an intolerable sequence of events."[20] Each year at Passover, the *Haggadah* urges us to interpret our own "series of events" as part of the ongoing story of the Jewish people—a story whose ultimate meaning might be summed up by the commandment to care for the stranger, for we were strangers in the land of Egypt. Our "foundation stories," as Rabbi Lori Lefkowitz and others assert, "play a significant role in the formation of self."[21] Rachel Adler concurs:

> We and God are characters in the foundational narratives that constitute the *nomos*, the universe of meaning in which we live as Jews, like the Exodus story, and in the interpretations, visions, biographies, and memories that augment them or transform them. Without stories, there is no Judaism, because without stories, there is neither the God of Israel nor Israel itself.[22]

How many of our community members are we relegating to lives without stories? In turning to Ben Azzai's tale, I am taking up Adler's call: to turn to narratives to interrupt the torrent of legal argument that threatens to bury individuals in our communities who, through their study and teaching and dedication to Torah, receive and bestow blessing.[23]

Shimon ben Azzai, a young scholar of the second generation of Palestinian Tannaim,[24] appears throughout the Talmud as a lively participant in *halakhic* debate and as the subject of various *aggadic* tales, including the mysterious and mystical story of the four scholars who entered the Orchard (*Pardes*). "Four entered the *pardes*," the story seductively begins, relating the tale of four remarkable and unconventional scholars who bravely delve into mystical studies despite the fact that such endeavors are known to be

risky.[25] These are men who "occupied themselves with the deepest secrets of the Torah."[26] Ben Azzai, Ben Zoma, *Aher* (literally, "the Other," Elisha ben Abuya, who lost his faith in Judaism and became an apostate—certainly a marginal figure), and Rabbi Akiva (himself "exceptional" in his high status and reputation) all achieved, according to many commentators, an incredibly high level of closeness to God through their study. Though beautiful, the *Pardes* is a realm in which nothing is what it seems; only Rabbi Akiva emerges unscathed from his close brush with the Divine. Ben Zoma went mad; *Aher* "cut what had been planted"—that is, abandoned the established ways of the Jewish community. Ben Azzai "glanced and died."[27] Not so much a punishment as an inevitable consequence of looking upon the Divine, Ben Azzai's death serves, according to the legend, as the inspiration for the verse, "Far too costly in the eyes of the Eternal is the death of his devout ones."[28] So we learn that Ben Azzai is a devout one of God, so dedicated to study that he, along with three exceptional and unique companions, enters a realm of spiritual exploration that very few attempt. His curiosity draws him to throw caution to the wind and to glance, for just a moment, at Divinity. His dedication to Torah carries him far beyond the realm of the safe or the conventional and into the Divine Orchard of mysteries.[29]

Our exceptional Ben Azzai offers a countercultural opinion on women in a Talmudic discussion of the ritual of the "bitter waters," first outlined in the Torah as the prescribed manner for adjudicating a case of suspected adultery.[30] The involved ritual follows the accusation by a jealous husband that his wife has been unfaithful or at least has acted in such a way as to arouse suspicion. Ben Azzai's opinion appears in an extended discussion of a hypothetical case of a suspected woman who refuses to drink the

bitter waters.[31] A guilty woman undergoes the ritual and her body betrays her guilt as her face turns green and her eyes protrude from her head, but a woman who has "merit"? Her punishment is suspended, delayed.[32] How might a woman be encouraged to merit a suspension of her punishment? Ben Azzai makes a surprising suggestion: "A man is obligated to teach his daughter Torah, so that if she drinks she will know that merit suspends her [punishment]."[33] Ben Azzai's statement flies in the face of much traditional teaching, which mandates that a man teach Torah to his son, but not to his daughter.[34] Ben Azzai, in contrast, implies that perhaps it is the very study of Torah that will grant a woman merit enough to save her, albeit temporarily, from the gruesome punishment of the bitter waters. But, as Maimonides summarizes, a woman's Torah study is strongly discouraged, for "most women cannot concentrate their attention on study, and thus transform the words of Torah into idle matters because of their lack of understanding."[35] Indeed, Rabbi Eliezer counters Ben Azzai's bold suggestion, declaring, "Anyone who teaches his daughter Torah, teaches her *tiflut*"[36]—that is, frivolity, trivialness, even licentiousness![37] A woman who studies Torah, Eliezer implies, will study only for the purpose of manipulating the system, locating loopholes to save her from punishment for her adulterous behavior.[38] In a world that fears women are sexually excitable and even insatiable—a world in which, as we shall see, sexual desire and desire for Torah are at times diametrically opposed—Ben Azzai encourages fathers to teach their daughters Torah as a protection against the cruel ritual of the bitter waters. At nearly every turn, Ben Azzai surprises.[39]

Of the same generation as Rabbi Akiva, Ben Azzai, according to one source, married none other than that illustrious rabbi's daughter—but other sources contradict

this suggestion, saying he divorced or was permanently separated from her.[40] Indeed, Ben Azzai has something of a reputation when it comes to women. It is not as Akiva's son-in-law that he is most famously known, but as the Talmud's firmest bachelor. And herein lies Ben Azzai's exceptional nature: a confirmed bachelor (despite the few sources suggesting his marriage, and perhaps only a brief one at that, to Akiva's daughter) not only teaches Torah and enjoys a celebrated place in the world of the *beit midrash*, but remains ensconced in our tradition as at best an exemplary scholar and at worst an eccentric man—never, it seems, a complete outcast, though he dies as a consequence of his mystical quest. In his Talmud commentary, Adin Steinsaltz claims an illustrious reputation for Ben Azzai, though he offers no citations supporting his statement: though he was never "ordained" and therefore never referred to by the title of "Rabbi," Steinsaltz argues, Ben Azzai "was considered one of the greats of the Sages and his great wisdom was as an example throughout many generations [למשל במשך דורות רבים]."[41] Far from a definitive historical assessment of Ben Azzai and his influence on rabbinic Judaism, Steinsaltz's claim highlights the ambivalence Ben Azzai engenders in most of his readers: what does it mean to serve as a *mashal*—a parable or example? Is he example or deviant, exemplar or failure? Steinsaltz's unsupported claims on Ben Azzai's scholarly influence and respected reputation demonstrates an anxiety that someone who so blatantly refuses to uphold a central Jewish law could be presented without being roundly condemned or expelled from the rabbinic record (like *Aher*).

And so, we come to the tale of Ben Azzai's bachelorhood, the tale that inspires my search for Jewish narratives to lift up as examples for those in our congregations who seek a life of learning and teaching above all else:

> It was taught: Rabbi Eliezer says, "Anyone who does not occupy himself with procreation,[42] it is as if he spills blood, as it is written: 'The one who spills the blood of humankind, by humankind his blood will be spilled' (Genesis 9:6), and it is written after, 'And [as for] you—be fruitful and multiply.'" Rabbi Yaakov says, "[Anyone who does not occupy himself with procreation is] as if he had diminished the [Divine] image, as it is written, 'For in the image of God he made the human being' (Genesis 9:6), and it is written after, 'And [as for] you—be fruitful,' etc." Ben Azzai says, "[Such a person is] as if he spills blood *and* diminishes the [Divine] image, as it is written, 'And [as for] you—be fruitful and multiply' (Genesis 9:6)." They said to him, to Ben Azzai, "There is one who interprets well and fulfills well, and one who fulfills well but does not interpret well—yet you interpret well but do not fulfill well!" Ben Azzai said to them, "But what shall I do, that my soul lusts for the Torah? It is possible for the world to be maintained through others.[43]

A champion of the mitzvah of procreation, Ben Azzai nonetheless follows a different path than the one he teaches, prompting his colleagues and students to label him a hypocrite. His defense? His very being draws him inexorably to the Torah. Ben Azzai makes a claim for a deep, personal pull away from marriage but toward an admirable level of dedication to Jewish learning and teaching. It is not his baser instincts but his very soul that leads him from the expected *chuppah* to the hallowed halls of the *beit midrash.* Ben Azzai might be motivated by lust, but it is an exceptional lust: the lust not of the body but of the soul. I will examine Ben Azzai's self-declaration and reactions to it in the legal codes and in contemporary Jewish scholarship. Ben Azzai serves as a limit case, an exception—to what end? Might we look to Ben Azzai as a source of inspiration for those unmarried Jews in our communities—a narrative we can lift up to demonstrate that a Jewish life without marriage and children, but with the richness of Torah and its study, can add value to Judaism and serve as a source of blessing? In holding out Ben Azzai's tale, I follow in the footsteps of feminist and queer readers of Jewish tradition like Ilana Pardes, who underlines "the heterogeneity of the Hebrew canon."[44] With so many stories in our vast library, we have an opportunity to weave for our communities a

rich tapestry of examples of valuable, exemplary, and fulfilling Jewish lives. My very simple claim is that Ben Azzai's tale ought to be among these.

I acknowledge that my claim is, of course, far more complex, and that it challenges deeply held notions about the centrality of marriage and procreation to Jewish life. It carries also the specter of procreation outside of marriage—the institute of *pilagshut* or concubinage. I will not be able to address all of these concerns in these pages, in part because the institutions of marriage and concubinage are so steeped in gender inequality, hierarchy, and a transactional model of marriage as to require a much more comprehensive analysis of how Jewish views on marriage have radically changed over time. But I do take these potential criticisms seriously. In the tradition of countless queer readers, I hear and consider seriously the "charge that people who try to justify pluralism, egalitarianism, and especially homosexuality textually are guilty of eisegesis by projecting their opinion or desire onto the text."[45] Yet, along with these admirable queer scholars, I firmly believe that reading from multiple perspectives and through interdisciplinary methodologies can only increase our ability to reach, to teach, to affirm, and to challenge ourselves and our communities. In lifting up Ben Azzai, I hope to inspire the Ben Azzais who already sit among us, listening to our singular praise of the *chuppah* and wondering if their lives will ever be, in our eyes, Jewishly worthwhile.

Many questions and challenges will accompany us as, together, we explore Ben Azzai's bold declaration and consider the stakes it raises, the unintended consequences it might bring, and the potential pastoral uses to which we might put his narrative. Do we highlight Ben Azzai at the risk of encouraging selfishness and narcissism—a generation of Jews who eschew marriage to pursue the pleasures of unattached lives devoid of any

and all responsibilities? Can we champion an ideal without demeaning any life that falls short of such an ideal? Can we think of lives that do not conform to the ideal as anything other than failures? In many ways, these questions exceed the scale of a rabbinic thesis and beg for an extended theoretical and textual analysis of a whole host of concepts—from the *kedusha* (holiness) of Jewish marriages based in *kinyan* (acquisition) of women to the statistical and moral notions of the "normal."[46] Are the only options we offer our communities to be "normal" under a *chuppah* or to be "pathological" and single? [47] How can we address and encourage the long history of idealizing marriage and procreation in Judaism while refusing to undervalue and even devalue altogether the contributions of unmarried and childless Jews whose lives are otherwise dedicated to learning and teaching Torah? I grant that my exploration here only begins to address the larger questions Ben Azzai's story begs us to pose. But I believe firmly that beginning here, with Ben Azzai's lust for Torah, is crucial in offering a pastoral response to those in our community who long for a place to belong, to feel valued, and to be blessed. Ben Azzai's tale is just one possibility we can hold out to demonstrate, for those in our community who desperately need to know this, that "just as Judaism has always recognized that procreation does not exhaust the meaning of sexuality, so having children does not exhaust the ways in which Jews can contribute to future generations."[48] Though the possibilities for a meaningful, valuable *Jewish* life are not limitless—else such a life might wander far afield of Judaism—is there not enough room to admit the possibility that a life like Ben Azzai's might, too, "help Jews make *Jewish* responses, to give their lives *Jewish* depth and character"?[49]

[1] Statistically, more often we celebrate heterosexual engagements and marriages, though queer students are certainly allowed and encouraged to share their engagement and marriage news as well. A visitor to the

school might, on any given Thursday, get the impression that we *only* celebrate engagements, weddings, and pregnancies.

[2] *Mishnah Peah* 1:1, adapted into our daily *siddur*.

[3] Mark L. Winer, "The Single Person, the Single-Parent Family and *Mitzvot*," Committee on Reform Jewish Practice of the Central Conference of American Rabbis (W. Gunther Plaut, Chairman), *Gates of Mitzvah*, Ed. Simeon J. Maslin (New York: Central Conference of American Rabbis, 1979), 118-120, 119.

[4] *Ibid.* 120. This essay in *Gates of Mizvah* speaks specifically to single people and to single-parent families, and it seems to assume that all such Jewish community members are suffering after a divorce, a death, or another tragedy. There is little or no room for imagining a person or a family "single" by choice.

[5] In a footnote to the editor's introduction, the CCAR acknowledges, "There are people who, for a variety of personal reasons, may not be able to perform certain *mitzvot* suggested in this book," including the unmarried. The changing reality of the Jewish family, the CCAR notes, means that we must think more broadly about the observance of the commandments: "while the performance and application of certain *mitzv ot* may differ due to personal circumstances, the principles which undergird them apply to all Jews" (CCAR *Gates of Mitzvah* 5).

[6] *Mishnah Avot* 5:21.

[7] Michael Warner, *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* (Cambridge: Harvard University Press, 1999), 109.

[8] See Janet Jakobsen and Ann Pellegrini, *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance* (New York: New York University Press, 2003), 105.

[9] David Brooks, "The Age of Possibility," *The New York Times*, Op-Ed Section (November 15, 2012).

[10] *Ibid.*

[11] *Ibid.*

[12] *Ibid.*

[13] Think, for example, of Eve Kosofsky Sedwick's very first axiom in *Epistemology of the Closet*: "People are different from each other" (Sedgwick, "Introduction: Axiomatic," *Epistemology of the Closet* (Berkeley: University of California Press, 1990) 1-66).

[14] Warner 70.

[15] See, for example, the Orthodox movement's *RCA Lifecycle Madrikh* (ceremony for welcoming a baby girl and *brit milah* ceremony, pp 2-5, 12-17), the Reform *CCAR Rabbi's Manual* (*ibid.*, pp 12, 22), and the Conservative *Moreh Derekh* (*ibid.*, pp 5-6, A-10, A-21).

[16] See Jakobsen and Pellegrini's chapter "What's Wrong with Tolerance?"

[17] First-born son Esau, tricked out of his birthright by his mother Rebecca and his twin Jacob, begs Isaac, "Bless me, too, father" (Genesis 27:34).

[18] David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (Berkeley: University of California Press, 1997), 7.

[19] Hannah Arendt, *The Human Condition*, Second Edition (Chicago: The University of Chicago Press, 1998 (1958)), 184.

[20] Adriana Cavarero, *Relating Narratives: Storytelling and Selfhood*, Transl. Paul Kottman (New York: Routledge, 2000 (1997 *Tu che mi guardi, tu che mi racconti*)), 2.

[21] Lori Hope Lefkovitz, "Introduction," *In Scripture: The First Stories of Jewish Sexual Identities* (London: Rowman & Littlefield Publishers, Inc., 2010): 1-12, 1.

[22] Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Boston: Beacon Press, 1998), 96.

[23] See Adler 52.

[24] H.L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash*, Transl. and ed. Markus Bockmuehl (Minneapolis: Fortress Press, 1996 (1982)).

[25] *Bavli Chagigah* 14b.

[26] Steinsaltz to *Chagigah* 14b.

[27] *Bavli Chagigah* 14b.

[28] *Ibid.*, quoting Psalm 116:15.

[29] As Dr. Wendy Zierler points out, the tale of the *Pardes* depicts four men willing to "go out on a limb for Torah," to disastrous consequences for all but Akiva! She suggests that Ben Azzai's death in the Orchard might be "the literalization of a metaphor": a man who "foregoes procreation for the sake of Torah […] dies in Torah, with no descendant" (personal communication).

[30] Numbers 5.
[31] *Bavli Sota* 20a.
[32] *Ibid.*
[33] *Ibid.*
[34] See, for example, *Kiddushin* 29b, *Mishneh Torah Hilchot Talmud Torah* 1:13 and *Shulhan Arukh Yoreh Deah* 246.
[35] Maimonides, *Mishneh Torah, Hilchot Talmud Torah* 1:13.
[36] *Bavli Sota* 20a.
[37] See Rashi and Steinsaltz to *Sota* 20a and Jastrow's *Dictionary of the Talmud.*
[38] Steinsaltz to *Sota* 20a.
[39] As Dr. Zierler notes, Ben Azzai's surprising position is perhaps not so surprising, given his other views: the man who views Torah study as the "ultimate good"—indeed a good "that one is willing to die for"—would most certainly advocate Torah study in any situation (personal communication).
[40] *Bavli Ketubot* 63a (on his marriage to Akiva's daughter), *Sota* 4b (on their divorce), and *Tosafot* to *Bavli Yevamot* 63b (on the controversy regarding his marital status).
[41] Steinsaltz to *Yevamot* 63b. As Dr. Wendy Zierler notes, Steinsaltz's claim about Ben Azzai's reputation is bolstered by Ben Azzai's preservation as one of the authoritative voices of the *haggadah*.
[42] Literally, "being fruitful and multiplying."
[43] *Bavli Yevamot* 63b.
[44] Ilana Pardes, "Preliminary Excavaions," *Countertraditions in the Bible: A Feminist Approach* (Cambridge: Harvard University Press, 1992): 1-12, 159-161; 3.
[45] Joshua Lesser, "The Parade of Families: Rosh Hashanah," *Torah Queeries: Weekly Commentaries on the Hebrew Bible*, Ed. Gregg Drinkwater, Joshua Lesser, and David Shneer (New York: New York University Press, 2009): 285-289, 286.
[46] The work of Michael Warner undergirds my thinking on the concept of the "norm." Warner warns us, "[N]orman came to mean right, proper, healthy. What most people are, the new wisdom meant, is what people should be" (57).
[47] Warner 59.
[48] Judith Plaskow, "Speaking of Sex: Authority and the Denominational Documents," *The Coming of Lilith: Essays on Feminism, Judaism, and Sexual Ethics, 1972-2003*, Ed. Judith Plaskow and Donna Berman (Boston: Beacon Press, 2005): 206-222, 209-210.
[49] CCAR, *Gates of Mitzvah,* 4.

CHAPTER 2
VALUING MARRIAGE VERSUS VALUING TORAH: BEN AZZAI'S CONFLICT

It might appear that Ben Azzai simply throws up his hands, shrugs his shoulders, and offers a poor excuse for neglecting one of the foundational commandments for the human race: "And God blessed them and said to them, 'Be fruitful and multiply […]'" (Genesis 1:28). It is as though Ben Azzai had said, "Sorry, God, I know You created us human beings to 'be fruitful and multiply,' but I much prefer the quiet life of the scholar, without all that other stuff." At least, that is what his students and colleagues seem to accuse: that he chooses to abandon a crucial precept—one Ben Azzai himself argues as central to living a Jewish life. And yet Ben Azzai makes the claim that his move is not precisely a choice. His soul pulls him in a different—and an admirable—direction. Ben Azzai suggests that his deep dedication to Torah prevents him from being capable of marriage and parenthood. Are study and parenthood diametrically opposed? Ben Azzai's story might imply that, indeed, they are: he eschews marriage and fatherhood to enable himself to dedicate all of his energy to the Torah. Yet, we know of plenty of Sages who also maintain marriages and father children (with wives, of course, who do the crucial work of raising and caring for those children!). By his own account, Ben Azzai lusted for Torah; his love for Jewish study consumed his erotic drive and represented the driving passion of his entire life. This all-consuming desire for Torah left him utterly spent; he had nothing left to devote to the commandment to be fruitful and multiply. To appreciate Ben Azzai's exceptional status, we must examine this apparent contradiction between passion for Torah and passion for marriage. We must tackle the ambivalence of rabbinic Judaism's attitude toward women and marriage, and we must address the gendered

assumptions underlying this discourse. Such an exploration represents far more than an academic exercise; rather, it can help illuminate the isolation and loneliness that unmarried Jews in our communities feel. If marriage is a Jewish value, are Jewish lives without marriage simply *worthless*?

Jewish codes of law clearly and directly outline the expected life narrative of the observant Jewish male: "It is a commandment upon a man that he marry a woman when he is 18 years old."[50] Such weight does this commandment carry that a *beit din* even "compels [a man of the age of 20] to marry in order to fulfill the commandment 'be fruitful and multiply.'"[51] At the same time, our complex and rich tradition acknowledges that legislating procreation means legislating intimate, sexual, and romantic feelings; how could a court of law mandate a person's intimate behavior? Apparently, the practice of enforcing communal adherence to the commandment to procreate sometimes gave way to affective considerations. For example, Moses Isslerles (1530-1572), in his glosses to the *Shulhan Arukh*, explains, "the custom is not to force on this" issue: a man is permitted to marry, either "because he desires her or because of her fortune," "a barren woman or an old woman" despite the impossibility of children resulting from such a marriage.[52] Fulfilling the commandment to procreate, then, does not represent the only motivation for a Jewish man to enter into marriage. Reproduction does not comprise the whole value of marriage.

At the heart of attempts to limit the example of Ben Azzai to the status of "exception"—rather than one example among many—lie assumptions as well as ambivalence about the value of marriage. As both David Biale and Daniel Boyarin argue, rabbinic literature, even as it praises marriage and pities the man who remains unmarried,

also belies reservations and fears about the institution. Wives serve as both blessing and curse, it seems: at times they are life's joy; at others, a snare for the hopeful scholar who would otherwise devote his time, attention and energy to Torah.[53] In the legal codes, marriage remains enough of a value to warrant a commandment—even, as we have seen, to warrant coercion by a *beit din* according to some legal scholars. In our contemporary liturgy, particularly in the language of the marriage ceremony, we perpetuate a vision of marriage as the pinnacle of Jewish—even human—values. Given the high divorce rate, given the myriad constellations of family we see in our communities, given the rising support (particularly among emerging adults) for legally-sanctioned gay and lesbian marriage,[54] have our Jewish communities changed the way we discuss marriage and its value to individual and communal life? In many ways, we have not. My central aim in lifting up the story of Ben Azzai is to challenge clergy and other Jewish leaders to think from the perspective of those "exceptional" Jews in our midst who dedicate their lives to Torah (broadly defined as Jewish learning and teaching that enriches our communities) while remaining childless and unmarried. Do we still truly believe, as the Reform movement attested as recently as 1979, that a wedding alone is "the occasion for celebration by the whole community"?[55] When we claim, as Rabbi Herbert Bronstein claims in *Gates of Mitzvah*, that "of all the joyous occasions of Judaism, the heartiest *Mazal Tov* is reserved for the wedding,"[56] we reinforce a hierarchy of values that places married life at the top. At the same time, we imply that unmarried existence is merely something to be endured.[57]

Our Jewish liturgical language surrounding marriage employs the mystical, certainly the allegorical, and even approaches the hyperbolic. Linking every bride and

groom to Adam and Eve, God's first human creatures, we Jews claim that God created the world for *this moment* under the *chuppah*. On the holiday of Shavuot, we imagine the moment of revelation of the Torah as the wedding ceremony between God and Israel—the mountain, our collective *chuppah*. What of the Jew who never stands under the *chuppah*? What of a contemporary Ben Azzai whose soul thirsts for Torah but who finds no fulfillment in marriage and reproduction? In an age of permissiveness and permeable borders, the Reform movement has indeed enlarged its tent, welcoming gays and lesbians under the *chuppah*, ordaining queer and transgender folks as rabbis and cantors, and continuing to call for equality regardless of gender identity in all aspects of Jewish communal life. Yet our tent has not widened so broadly as to truly celebrate, Jewishly, the lives of our unmarried community members.[58] My aim in lifting up the exceptional story of Ben Azzai is to examine this under-valuing of unmarried Jews in Reform communities from a critical and a pastoral perspective. When we claim that "certain relationships are especially exalted," we continue a long tradition that calls marriage the "paradigm of the covenant between God and Israel."[59] Holding up an ideal need not mean devaluing harmless deviations from that ideal, but too often this is precisely how unmarried Jews feel. Unmarried, they might worry that their own Jewish community sees in them an utter lack (or inability) of "willingness to enter wholeheartedly into a sacred covenant with another person."[60] The stories of the "exceptional" Jews in our midst—Jews whose voices we rarely hear—affirm the truth of queer theorist Michael Warner's bold claim: "Marriage sanctifies some couples at the expense of others. It is selective legitimacy. [...I]f you don't have it, you and your relations are less worthy. Without this corollary effect, marriage would not be able to endow anybody's life with significance."[61]

Warner makes a radical claim against marriage altogether; I seek a way for us to both honor the *kedusha* of Jewish marriages and to publicly and explicitly value the lives of those Jews in our congregations who never stand under the *chuppah.* I seek a way for us to pastorally and liturgically refuse to say to these Jews, "you and your relations are less worthy." Orthodox Rabbi Chaim Rapoport, writing of homosexual men who must, in his opinion, remain both unmarried and celibate to remain within the Jewish faith, notes "that acceptance of life as an unmarried person is difficult and may be demoralizing."[62] Can unmarried Jews—of all sexual orientations—lead meaningful Jewish lives, or is our begrudging acceptance of them into our congregations merely a consolation prize?

As we shall see in the following chapter, Jewish legal writers, including both Maimonides (1138-1204) and Joseph Karo (1488-1575), concede that some Jewish men, like Ben Azzai, will be unable to fulfill the mitzvah to "be fruitful and multiply." Over and over again, these exceptions are treated as exceedingly rare, revealing an anxiety about the longevity and appeal of the institution of marriage and the practice of procreation. In taking up Ben Azzai as an alternative model, I am inevitably highlighting a tension apparent in Jewish sources from the Talmud through the contemporary debate on homosexuality in *halakhic* denominations: exceptions inevitably exist; these exceptions are human beings who live and love in Jewish communities all over the world. Can we affirm and support them without threatening the entire enterprise of the Jewish people? What are the stakes inherent in embracing those who are "like Ben Azzai"?

At the crux of these queries lay a theological concern of cosmological consequence: Does marriage represent humans' Divinely-intended and -ordained teleological essence? The Reform's movement's slim volume *Gates of Mitzvah,* a guide

to life-cycle ritual and home practice for Reform Jews, boldly and baldly asserts that "the Bible describes marriage as the natural state intended by God."[63] After all, we learn in Genesis of the creation of Eve from Adam's rib, and, at the story's conclusion, we read, "Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh."[64] Some secular readers might interpret this verse as an etiological origin story for human sexual practices; others, for the institution of (heterosexual) marriage in human history. The Central Conference of American Rabbis' *Gates of Mitzvah* reads it as a theological and moral claim about the very purpose of human existence: God created human beings *so that* we might cling to one another in marriage. Indeed, Talmudic discussions on a Jewish man's obligation to "be fruitful and multiply" often cite this very creation tale; for example, Rabbi Nachman, teaching in the name of Rav Shmuel, stipulates that a man must be married, given the Biblical prooftext in which God unequivocally declares, "It is not good that the human be alone."[65] Rabbis writing from the time of the Talmud to the historical context of the *Shulhan Arukh* understand marriage itself—not merely fathering children—to be an obligation upon each and every Jewish man (with the possible exception of a man who, "like Ben Azzai," is constitutionally disinclined toward marriage).[66] Jacob ben Asher (1269-1343) opens the *Tur*'s section on the commandment to "be fruitful and multiply" with praises to the God who "desired good for His creatures, who knew that 'it is not good that the human be alone' and therefore made for him 'a helpmeet opposite him.'"[67] Indeed, says Joel Sirkis (1561-1640) in his commentary on the *Tur*, "the purpose of the Exalted One in making the [first] human being male and female, and calling their name 'human,' was nothing other than to enable humans to fulfill the commandment 'be fruitful and multiply.'"[68] As

David Biale notes in *Eros and the Jews*, a comprehensive analysis of Jewish discourse on sexuality from Biblical to contemporary times, "For the rabbis, procreation is essential to the definition of humanity in this world."[69] All of human existence—including the fact of our having been created both male and female—points, in this worldview, toward the centrality of procreation and (heterosexual) marriage to God's vision for humanity.

The rabbis of the Talmud and the legal codes deem both marriage and procreation crucial to fulfilling God's design for us as human beings. Procreation alone (outside or independent of a marital couple) does not encompass our ontological and moral pinnacle; God designed us to cling to one another not solely to ensure that we would biologically perpetuate our kind, but because it brings with it other values and goods—at least, so some of our sources argue. According to many sources, procreation epitomized the purpose and value of marriage. In the *Tur*, the creation story in Genesis serves as prooftext both for the obligation to marry and for procreation as the central purpose of each marriage; after introducing the story of the creation of Eve in chapter two of Genesis, the *Tur* states, "Therefore, every man is obligated to marry a woman in order to 'be fruitful and multiply.'"[70] Although there are many rabbinic and *halakhic* texts that authorize a man who has already fulfilled the commandment to "be fruitful and multiply" to marry a woman incapable of bearing children, and although modern understandings of infertility allow couples to become parents through alternative means, Jewish leaders continue to insist that "marriage without children is very distant from the Jewish ideal of marriage."[71] Further distant still, then, a Jewish life without marriage at all.

We would do well to acknowledge that stakes of being unmarried or childless differ radically for men and for women in antiquity—and, in far too many cases, in

contemporary society as well. Recall Tamar, daughter-in-law of Judah, who orchestrates an illicit sexual encounter with the patriarch so as to secure her economic position in an Israelite household as mother of Judah's heir.[72] As scholar of *halakhah* Ruther Halperin-Kaddari notes, rabbinic literature seems to assume a natural or innate desire on the part of women for marriage; a closer examination reveals that other readings are possible. Halperin-Kaddari explores the legal principle of *tav lemeitav tan du mi-lemeitav armalu* ("better to dwell as two than to dwell alone"), a statement attributed to Reish Lakish.[73] According to Halperin-Kaddari, this principle has developed through rabbinic literature and into modern *responsa* literature as an explanation of women's motives in marrying. The rabbis imagine that all women "always prefer being married—regardless of to whom—to being single."[74] In many cases, women's desire for marriage stems—say the men writing about them in a literature that had long been closed to women's voices and interpretations—from their insatiable sexual desires.[75] A critical feminist reading challenges this singular attribution of motive and instead examines the broader cultural context in which Jewish marriages took place. Indeed, Halperin-Kaddari challenges the Sages' focus on women's sexual drives in favor of what she calls "a plain, unmediated reading": the rabbinic presumption that women always prefer marriage (even a less than desirable marriage) "reflect[s] common-sense wisdom" about a whole host of human interests in the institution of marriage.[76] For women, these might just as easily be "people's (and not just women's) general need for companionship," "women's more particular need for economic support," and "women's stronger need for the social benefits that are associated with marriage, such as the legitimization of offspring, the sense of security, and higher social status in general."[77] None of these conditions

represents a "natural" or "biological" reality, but rather an ideological or socially-constructed claim about women's (and men's) ontology.[78] Are the Sages' lofty assertions about the beauty of marriage and procreation and their position as the first of all God's commandments merely back-formations intended to provide theological grounding for restrictions against prostitution, concubinage, and the abandonment of biological children by their fathers? Ben Azzai's statement on marriage cannot be read outside of the context of these *halakhic* differentiations between men and women. Today, marriage might represent love and choice, fidelity and commitment, but in antiquity it also represented the acquisition of a woman by her husband (בעל, literally "master") and the curbing of supposedly innate and natural desires—on the part of men, to simply engage in sex with no thought to responsibility for its consequences, and on the part of women, to engage in regular and pleasurable sex with a husband—and with the protection of that husband's legal obligation to provide for her and for their children.

Despite this legalistic framework and basis, the Sages offer us a depiction of marriage not as a historically-developed social or legal institution but as the perfect state for human beings created in God's image, placed in the Garden of Eden for the very purpose of cleaving together not just in sexual lust but in marriage and in commitment to become parents. Moreover, marriage carries far more value than its centrality to procreation. Indeed, the central *sugya* on marriage and procreation in *Bavli Yevamot* declares that a man who has already fathered children may abstain from "be fruitful and multiply," but by no means may he neglect to take a wife [מאשה לא ביטל].[79] Though Rabbi Nachman makes the claim [איכא דאמרי] that a man who has fulfilled his obligation to procreate can abstain both from further procreating *and* from marrying, the *stama*

d'gemara offers a corrective clarification that reveals how uncomfortable this exemption must have been for the Talmud's editor and redactor. A man who already has children, so the argument goes, is permitted to marry a woman incapable of bearing children. He is not, however, exempt from marriage altogether.[80] A central and often-cited teaching on this, attributed to Rabbi Joshua, urges that a man may *never* abstain from the commandment to procreate; therefore, he should be married and father children both in his youth and in his old age.[81]

Rabbinic literature speaks of marriage not only in terms of obligation and commandment but of blessing and *telos*. "A man without a wife is without happiness, blessing, and goodness," declares a Babylonian tradition recorded in the Talmud, adding, according to the tradition in the land of Israel, that an unmarried man lacks "Torah," "a wall" to protect him, and "peace."[82] Indeed, the *Shulhan Arukh* reports that such a one "is not called 'human'" [ולא נקרא אדם].[83] In a contemporary society that values hyper-masculinity and sexual potency, we are familiar with jabs and jokes about a man's sperm count or testosterone level. In rabbinic literature, it seems, a man who has fathered no children is not so much less of a man; he is, quite simply, less than human.[84] One wonders, then, how the rabbis measured the humanity of women. It is, after all, men who are obligated to marry a woman and men who are obligated to father offspring. It is men who fail in this cosmic endeavor that we cannot call "human." It is men who are the measure of humanity; their experience defines human obligation and purpose. A thorough and complete critique of *halakhah* as it applies to women and men (and, for that matter, to those who fall comfortably under neither label) is beyond the scope of this thesis; nevertheless, Rachel Adler's work in *Engendering Judaism*, including her critique of the

"*halakhic* discrimination" that has barred women's access to "the interpretive process that continually recreates the text" of our sacred tradition, undergirds my own thinking.[85] This gender imbalance both reflects inherent differences between biological males and biological females and creates gender-role based distinctions that are part of a patriarchal worldview.

Any discussion of the commandment to be fruitful and multiply must acknowledge that this is an *halakhic* category in which obligations fall differentially on men and women—and all this in relation to a biological function bespeaking a huge natural gender imbalance in terms of capacity: women must bear children, because men cannot, yet Jewish religious law obligates men, not women, to procreate.[86] In his *Mishneh Torah*, Maimonides simplifies the law: "a man is not permitted to live without a wife. And he should not marry a barren woman or an elderly woman who is not fit to bear children. [But] it is permitted to a woman not to be married ever [לעולם], or to be married to a eunuch."[87] We have seen that the Rabbis assumed that women far preferred to be married than to be single. Perhaps the Rabbis also felt that women were naturally inclined toward motherhood and needed no external motivation to procreate, while men needed an extra nudge. Our Rabbis might also have been motivated by a protecting or paternalistic impulse. Exempting women from the obligation to procreate avoids forcing women to assume the risks of pregnancy and childbirth. Indeed, theologian and Conservative rabbi David Novack explicitly notes this.[88] He offers an apologetic for the inherent gender imbalances (and implied hierarchy) in *halakhic* approaches to marriage and procreation, arguing that "traditionally [women] have had more latitude than men in deciding how many children to bear and when to bear them."[89] But exempting women from the

obligation to procreate effectively means exempting them from the commandment that the Rabbis called the *telos* of the human race. Modern sources tend to ignore the differential application of the commandments and the values behind them. For example, *Gates of Mitzvah* declares, "It is a *mitzvah* for a man and a woman, recognizing the sanctity of life and the sanctity of the marriage partnership, to bring children into the world."[90] There follows no discussion of the differential impact of pregnancy and birth on women and men, and no discussion of the historical application of this obligation—along with its values and rewards—to men only. Similarly, the Conservative movement's statement on sexual ethics and values speaks of the obligation to procreate in universal terms. As Judith Plaskow argues, "[I]gnoring the fact that women bear primary responsibility for childbearing […]obscures the ways in which women and men negotiate issues of family from different starting point and with very unequal access to power and resources. It thus naturalizes the status quo by failing to raise it as a subject worthy of Jewish discussion."[91]

A thorough feminist and queer analysis of Jewish marriage law lies far beyond the scope of this thesis, but such a critique must at least be noted. How can I use Ben Azzai as a new kind of exceptional example if I do not also acknowledge how essentially *anachronistic* and *counter-intuitive* is such an analogy? After all, a man—privileged, unlike women in his social and historical context, to enter the homosocial realm of the study house—who neglects marriage and procreation in favor of the exciting dialectic of Talmud seems to bear little relation to the unmarried Jews in our pews, doesn't he? Does Ben-Azzai-as-exception represent what David Biale, in *Eros and the Jews*, calls a "usable past"—a traditional source that can be interpreted and adapted in light of contemporary

concerns and discoveries?[92] The *gemara* raises the exception of Ben Azzai in a section of *Yevamot*. The rhetorical frame itself is an exceptional marital situation: *yibbum*. *Yibbum* occurs when a man dies before he has fulfilled his obligation to be fruitful and multiply; his brother is obligated to marry the widow and produce an heir in his deceased brother's name.[93] In the midst of a broad discussion of the commandment to procreate, the *gemara* presents the tale of yet another exception to the previously mentioned obligation not only to produce children but to be married, even in a marriage that cannot produce children—namely, the exception of Moses. According to the Midrash, Moses permanently separated from his wife Tziporah, neglecting his conjugal duties, but only after she had borne him two children.[94] Lest we think such a celibate lifestyle is acceptable or desirable, Hillel explains that Moses' extraordinary relationship with God mandated his celibacy.[95] Special connections with God, it seems, are incompatible with sexual connections with women; indeed, the Torah tells us that, in preparation for the revelation at Sinai, Moses told the Israelite men to purify themselves, saying, "Do not go near a woman."[96] All the more so, then, must Moses, who stands in the Presence of God for days on end, distance himself from women—even from his own wife.[97] Of course, the average Jewish man is no Moses. Such extended celibacy remains an exception.

Marital relationships might, as sexual pairings at Sinai, prevent us from approaching the Divine; yet they also serve to curb human excesses and channel our natural impulses. For example, Maimonides argues that marriage—since it provides a distinct frame for sexual behavior—actually increases a man's purity of thought: "[I]t is a *mitzvah* of our Sages that a man should not live without a wife, so that he will not be prompted to [sexual] thoughts."[98] Maimonides did not neglect the female side of this

equation; he argued that marriage protects a woman from accusations of improper behavior, saying, "Similarly, a woman should not live without a man, so that she will not be suspected [of immoral conduct]."[99] Maimonides' approach does not represent an egalitarian or feminist analysis; men and women are each obligated by our Sages to marry, he argues, but for different reasons: men, because otherwise they would be given to improper sexual thoughts; women, because others might *suspect* them of improper conduct.

Sexuality, then, is a powerful force. The children—the sons—of Israel refrain from sexual connection as purification and preparation for the extraordinary, holy, and singular experience of the revelation of the law and the giving of the Torah at Sinai. As Biale, Boyarin, and Plaskow demonstrate, the Rabbinic mindset reveals ambivalence about sexuality, sex, and gender. Coupled with judgment-laden assumptions and characterizations of men's and women's sexual impulses and desiring natures, this ambivalence makes any turn to Ben Azzai's tale as a possible example for those unmarried Jews in our pews a treacherous endeavor. In search of a "traditional" narrative in which contemporary Jews might see reflected and celebrated their own "unusual" passion for Torah, I inevitably bump up against essentializing, marginalizing, and androcentric arguments. I have no easy solution to this textual dilemma and this dearth of rich, gender-varied options and examples. The universalizing trend, reflected in many non-Orthodox modern sources on marriage, for example,[100] forces us to ignore real biological differences; as Biale warns, "Without bodies, we are indeed all equal."[101] What human being has ever lived without a body? Essentialist arguments fare no better, as Plaskow argues: "Men's sexual impulses are powerful—'evil'—inclinations in need of

firm control. Women's very bodily functions are devalued and made the center of complex taboos: their gait, their voices, their natural beauty are all regarded as snares and temptations and subjected to elaborate precautions."[102] In his lust for Torah, Ben Azzai seems to be the opposite of one Rabbinic version of the quintessential woman: he is able to channel is *yetzer hara* (his "evil inclination) entirely toward the pursuit of learning. How mighty![103] But women, as Biale writes, were considered "condemned to be prisoners of their own biology, incapable of willed sexual restraint."[104] Indeed, so insatiable are a woman's sexual desires, says the Talmud, that a woman would rather endure a lesser standard of living, with less food and fewer material goods, with the assurance of good and frequent sex than enjoy a higher standard of living but remain in a sexless marriage.[105] The assumptions and ambivalences reflected in the Talmudic sources at times map on to our own contemporary constructions of sexuality—the notion that marriage serves to "rein in" insatiable male desire, the figure of woman as quintessential Temptress. Yet the categories and constructions operative in Ben Azzai's time differ from our own, too.[106] My turn to Ben Azzai is not only a move to highlight his story, moving the exception to the center, but to do so while highlighting these ambivalences. Rabbinic tradition says no *one* thing about sexuality; the aim of my thesis is not to revalue "the Rabbinic view" of a life without marriage and children, but to show that no such monolithic view ever existed, and to expose those Jews in our pews to a story that might inspire, comfort, and humanize a very real emotion.

Ben Azzai certainly inspires. His turn away from marriage and procreation is not a hermit-like turn to a life of ornery solitude—nor a turn toward a womanizing, cavalier sexuality that believes it has no responsibility for its consequences—but rather, a turn

toward Torah—or, perhaps more nearly, a pull toward Torah that he cannot ignore. His story demonstrates a rabbinic view about passion and drive that links the erotic impulse with all our creative, intellectual, and generative impulses—from producing children to producing students to producing crops. Infamously, our Sages in the Midrash dubbed the *yetzer ha'ra*, the "evil inclination," "very good."[107] Why? "[W]ithout it, a man would not build a house, marry, produce children, or engage in business."[108] Both Torah and procreation require passion that stems from the same source; if that source is also a *limited* one, then an individual must balance how much passion he will spend on Torah versus on marriage and procreation. Too much attention to one means depleted resources for the other. As Biale argues, this leads both to "competition" between study and procreation and to the notion that "[s]tudy of Torah could serve as an antidote to excessive sexual desire."[109] After all, if a man spends a good portion of his passion on Torah, he will have little left to waste on inappropriate sexual pursuits!

No one accuses Ben Azzai of committing sexual misconduct; he abandons his Jewish responsibility to procreate, but in order to pursue another Jewish value: Torah study. In a discussion on the potential conflict between study and procreation, Maimonides invokes the concept of עוסק במצווה פטור מן המצווה—that a person engaged in fulfilling one commandment is exempt from fulfilling another (when fulfilling both simultaneously is simply impossible). A man ought to be married by the age of 20, as we have learned; yet Maimonides makes allowances for one who "is occupied [עוסק] with the study of Torah and absorbed [טרוד] in this endeavor."[110] Such a man is at least "permitted to delay" marriage, for "a person who is occupied in the performance of one *mitzvah* is freed from the obligation to perform another."[111] Interestingly (and as we will see in the

next chapter), Maimonides does not apply this concept to Ben Azzai's case. Yet, we might argue that Ben Azzai spent his entire life engaged in the pursuit of a *mitzvah* that benefitted the Jewish people—though that *mitzvah* of Torah study utterly prevented him from fulfilling his equally pressing obligation to marriage and procreation. For our purposes in lifting up a story that can inspire and value childless Jews in our communities, what matters is the rabbinic belief that both procreation and Torah study are fueled by the same passion. And, behold, this passion is very good indeed.

In an androcentric context that feared passion for Torah would outweigh passion for procreation, our Sages warned that people like Ben Azzai cannot all be similarly valorized, but rather must remain marginal; at the same time, they refused to force a person to marry, to engage in sexual activity, and to bear and raise children. Maimonides allows that a person deeply engaged in the study of Torah might "delay" marriage; subsequent commentators naturally asked, *For how long?* Maimonides himself stipulates that a man may only delay marriage (past the age of 20) if he is certain that he can resist his sexual impulses; expected to uphold Jewish prohibitions against extramarital sexual activity, he must be able to withstand natural temptations.[112] Asher ben Yehiel (1250-1307, also known as the Rosh) points out that Maimonides himself puts no time limit on his allowance of delay, even to the point where such a person "would neglect [יתבטל] [the commandment to] 'be fruitful and multiply' all his days."[113] The Rosh is quick to add that "we never found this except [in the case of] Ben Azzai, whose soul lusted for Torah."[114] Ben Azzai is the exception who perhaps proves the rule—and yet… some commentators do maintain that, so long as an individual can refrain from improperly acting on his sexual impulses, "he is permitted to delay [marriage and procreation] all the time that his

[evil] inclination does not overcome him, and there is no limit to the matter."[115] From the Talmud through the legal codes, Ben Azzai serves as an exception to a very strong rule: human beings must marry and produce children; for this, God created us in God's own image. Yet there have always been people like Ben Azzai, whose souls long for Torah. Such people exist in our own communities; they are unmarried members of our congregations who contribute in myriad ways to lifelong Jewish learning.

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[50] *Shulhan Arukh, Even HaEzer* 1:3. See also *Tur, Even HaEzer* 1 (citing *Mishnah Avot* 5:21).
[51] *Ibid.* See also *Tur, Even HaEzer*1 (citing the Rosh).
[52] *Ibid.*
[53] We face, of course, the problematic reality that these ambivalences are, as Dr. Zierler notes, "expressed from the masculine point of view" (personal communication). Gender imbalance and hierarchy underlies all the texts and topics we consider here.
[54] See, for example, Robert D. Putnam and David E. Campbell, *American Grace: How Religion Divides Us and Unites Us* (New York: Simon and Schuster, 2012).
[55] Herbert Bronstein, "*Kiddushin*: A Jewish View of Marriage," Committee on Reform Jewish Practice of the Central Conference of American Rabbis (W. Gunther Plaut, Chairman), *Gates of Mitzvah*, Ed. Simeon J. Maslin (New York: Central Conference of American Rabbis, 1979): 123-130, 126. This text is cited in nearly every article I have read debating inclusion of LGBTQ folks under the banner of *kiddushin*, despite the fact that it was written before the Reform movement paid serious attention to queer issues and despite its heteronormative spin, demonstrating a need for more critical engagement of these topics.
[56] Bronstein 28.
[57] I want to be clear that, for some unmarried persons, being unmarried and childless is indeed something to be endured. But there are also those in our communities who are internally satisfied with an unmarried, childless life—but who fear to speak that very satisfaction and who fail to see support for their satisfaction and their contributions in our communities. Instead, they encounter implied or outright pity.
[58] For that matter, the Reform movement does not unilaterally support gay and lesbian marriage. It is left to the individual rabbi to decide whether s/he will perform *kiddushin* for gay and lesbian couples.
[59] Bronstein 124.
[60] *Ibid.* 29.
[61] Michael Warner, *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* (Cambridge: Harvard University Press, 1999), 82.
[62] Chaim Rapoport, "Procreation and Parenthood," *Judaism and Homosexuality: An Authentic Orthodox View* (London: Vallentine Mitchell, 2004): 90-100, 98. For an analysis on queer theological innovations, see my essay, "Blessed is God Who Changes Us: Theological Que(e)ries," in *The Sacred Encounter: Jewish Perspectives on Sexuality*, Volume 2 in the CCAR Press's Challenge and Change Series, edited by Rabbi Lisa Grushcow (forthcoming, May 2013).
[63] Bronfman 28.
[64] Genesis 2:24.
[65] *Bavli Yevamot* 61b, citing Genesis 2:18. In Hebrew האדם, here rendered as "the human," can be translated as "Adam," "the man," "the human being," or, in a midrashic play on אדמה, "the earth-creature."
[66] See chapter 3.
[67] *Tur, Even HaEzer* 1, citing Genesis 2:24.
[68] *Bayit Chadashah, Even HaEzer* 1:1.
[69] David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (Berkeley: University of California Press, 1997), 43.
[70] *Tur, Even HaEzer* 1, citing *Yevamot* 63b, among other sources.

[71] Walter Jacob, (*Responsum*) "Jewish Marriage without Children," *Marriage and its Obstacles in Jewish Law*, Ed. Walter Jacob and Moshe Zemer (Pittsburgh, PA: Rodef Shalom Press, 1999): 193-195, 195. See also David Novack, "'Be Fruitful and Multiply': Issues Relating to Birth in Judaism," *Celebration and Renewal: Rites of Passage in Judaism*, Ed. Rela M. Geffen (Philadelphia: The Jewish Publication Society, 1993): 12-31.
[72] Genesis 38.
[73] See *Bavli Ketubbot* 75a and *Yevamot*118b. See also Halperin-Kaddari, Ruth. "*Tav Lemeitav Tan Du Mi-Lemeitav Armalu*: An Analysis of the Presumption." *The Edah Journal*. 4:1, *Iyar* 5764/2004: 1-24.
[74] Halperin-Kaddari, 2.
[75] *Bavli Sota* 4a. See also Halperin-Kaddari 9, 13.
[76] Halperin-Kaddari 16.
[77] *Ibid*.
[78] See *ibid.*
[79] *Bavli Yevamot* 61b.
[80] *Ibid*.
[81] *Bavli Yevamot* 62b. These teachings are cited in the *Tur* and in the *Shulhan Arukh* in the *Even haEzer* sections on *pirya vrivya*.
[82] *Ibid.*
[83] *Shulhan Arukh, Even HaEzer* 1:1.
[84] I am indebted to my mentor, Dr. Alyssa Gray, for unpacking the meaning of this phrase in its context in the *Shulhan Arukh.*
[85] Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Boston: Beacon Press, 1998), xvii.
[86] See, for example, Maimonides, *Mishneh Torah, Hilchot Ishut* 15:2.
[87] Maimonides, *Mishneh Torah, Hilchot Issurei Biah* 21:26.
[88] Novack 15.
[89] *Ibid*. Halperin-Kaddari makes a similar argument regarding the presumption of women's great preference for marriage: since "marriage was the only state within which women could legitimately engage in sexual relations," the Rabbis' codification of their preference for marriage might represent an "empathic" stance toward women (Halperin-Kaddari 13).
[90] Bronstein 11.
[91] Judith Plaskow, "Speaking of Sex: Authority and the Denominational Documents," *The Coming of Lilith: Essays on Feminism, Judaism, and Sexual Ethics, 1972-2003*, Ed. Judith Plaskow and Donna Berman (Boston: Beacon Press, 2005: 206-222, 215.
[92] Biale, Introduction.
[93] Deuteronomy 25.
[94] *Sifrei* 99:2. See also *Bavli Yevamot* 61b-62a.
[95] *Bavli Yevamot* 62a.
[96] Exodus 19:15.
[97] *Bavli Yevamot* 62a. See also *Sifrei* 99:2.
[98] Maimonides, *Mishneh Torah, Hilchot Ishut* 15:16.
[99] *Ibid.*
[100] See Plaskow.
[101] Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture*, (Berkeley: University of California Press, (1993) 1995), 239.
[102] Plaskow 191-192.
[103] Ben Zoma calls the man "mighty" who "subdues his *yetzer hara*" (*Mishnah Avot* 4:1).
[104] Biale 57.
[105] *Bavli, Sota* 21b. See also *Sota* 4a and Halperin-Kaddari.
[106] A much broader challenge for this thesis remains the grounding of *halakhic* marriage in the notion of *kinyan,* acquisition. The ideas I explore here in some ways only point to the need for a thorough analysis (and challenge) of the assumptions underlying this hierarchical and objectifying form—and tracing the ways in which those assumptions have changed over time. As Rachel Adler asks, we must in the long term inquire whether we *kiddushin*, based as it is in *kinyan,* remains a relevant and useful foundation for

contemporary Jewish marriages; Adler herself offers the model of *shutafut*, also grounded in antiquity, and creates the *brit ahuvim*, the covenant of lovers (see *Engendering Judaism*).
[107] *Bereshit Rabbah* 9:7.
[108] *Ibid.*
[109] Biale 46.
[110] Maimonides, *Mishnah Torah, Hilchot Ishut* 15:2.
[111] *Ibid.*
[112] Maimonides, *Mishneh Torah, Hilchot Ishut* 15:3.
[113] *Beit Shmuel, Even HaEzer* 1.
[114] *Ibid.*
[115] *Ibid.*

CHAPTER 3
GENERATION OF VALUE: EXCEPTIONS AS EXAMPLES

Invoked in codes of Jewish law, Ben Azzai serves as an exception to an otherwise firm rule mandating marriage and procreation for Jewish males. In the contemporary Reform movement, might this "exception" serve rather as an example—just one example in a broadened constellation of models for Jewish lives that add value to our communities? Jewish religious law, like any system of law, navigates between the ideal and the actual, between the individual and the community, between the "norm" and the "exception." The Talmud—our central body of legal discourse—understands the crucial importance of *ma'asim*, case studies, in illustrating both the limits and the flexibility of *halakhah* in its application to lived Jewish values in a changing and complex world. Far from a cold list of "dos" and "don'ts," the Talmud records anecdotes, infamous debates, and minority opinions along with mnemonic devices for recalling its many simple and straightforward "rules." Our Sages acknowledge exceptions and make provisions for slight variations in practice, or even minor violations and infractions "after the fact" [בדיעבד]. What place does the example of Ben Azzai occupy in this complicated legal and ethical constellation? Ben Azzai's desire for Torah exempts him from the major biblical commandment to "be fruitful and multiply"; as a celebrated figure in rabbinic literature, Ben Azzai in some senses serves as an exemplar while remaining, as a celibate man, an exception. In the *Mishneh Torah*, however, Maimonides seems to transform Ben Azzai from exceptional individual to category model: "A person whose soul forever lusts for Torah and he loses himself in it, like Ben Azzai, and clings to it all his days, and does not marry a woman—there is no sin in his hand."[116] Subsequent commentators focus on Maimonides' phrase "there is no sin in his hand" [אין בידו עון] and emphasize Ben Azzai's

singular status. They imply that, while Maimonides might have expressed compassion for a person "like Ben Azzai," he certainly did not endorse or recommend a life that neglected the commandment to "be fruitful and multiply." For example, the right-leaning Talmud translation and commentary from Artscroll points out that Maimonides "does not say that bachelorhood is *permitted* to this person, but rather he is blameless if he does not marry (see *Kovetz Shiurim* II, end of 19)."[117]

Ben Azzai produces anxiety in commentators who understand that the very preservation of his story—and, even more so, the appearance of the phrase "like Ben Azzai" in legal codes—challenges the unequivocal place of procreation as a central biblical commandment. In this chapter, I will examine the rhetoric surrounding Ben Azzai and his story and the apparent investment commentators make in rendering him an exception, never an exemplar. Rereading Ben Azzai as one example among many of a valuable Jewish life, I will discuss the role of desire in the pursuit of Torah and the place of passion for learning in the contemporary Jewish community. The texts I will explore often focus on the risks inherent in accepting Ben Azzai as one example among many of a possible and valuable Jewish life. Rather than focusing on these perceived risks alone, I want to reclaim Ben Azzai as a figure whose "exceptional" life was accepted, if not celebrated.

When we meet Ben Azzai in the Midrash, he is squarely condemning those who fail their obligation to "be fruitful and multiply." In the context of a series of teachings about the severity and heinousness of the crime of murder, *Bereshit Rabbah* presents an argument between Rabbi Elazar ben Azariyah and Ben Azzai, repeated and expanded in our main text in *Yevamot*,[118] in which Ben Azzai makes the more stringent argument: one

who neglects procreation "is as if he spilled blood *and* diminished the [Divine] image."[119] Rabbi Elazar effectively calls Ben Azzai a hypocrite, jibing, "Nice words that come from the mouth of those who act upon them! Ben Azzai speaks well but does not fulfill well!"[120] Ben Azzai's retort in the Midrash differs slightly from his apparently glib reply in the Talmud; here, in *Bereshit Rabbah,* he is reported to have said, "I [act] according to [the fact] that my soul lusts for Torah, but the world will be sustained by others."[121] Ben Azzai's personal life seemingly conflicts with his extreme principles regarding the biblical commandment to procreate. For him, the stakes in neglecting "be fruitful and multiply" are immeasurably high: the man who fails in this commandment is counted as one who committed the sin of murder and as one who lessens the Divine image in the world.[122] Yet Ben Azzai promises or hopes that, despite his personal neglect in this regard, the world will indeed be continued by others—others who will, presumably, father offspring. We saw in chapter two how rabbinic attitudes toward the commandment in Genesis are extended into theological and ideological claims about the very nature of human beings. Childless men can hardly even be called "human beings," such claims argue. Yet Ben Azzai shows little or no concern for his own humanity.

The rabbis are concerned with the stakes in failing to adequately marginalize Ben Azzai. In this chapter, I am concerned with the stakes in refusing to marginalize Ben Azzai. I seek to present him as an example of a viable alternative, rather than as an aberration. What would happen if he were not confined to the fringes like some eccentric uncle and instead touted as one example of Jewish adulthood that our community members might emulate? According to Ben Azzai himself, the stakes, on the one hand, are high: each male risks the utter annihilation of the human species, should he neglect

God's first commandment to humanity—that is, each man, except, somehow, not Ben Azzai himself! Or, perhaps more nearly—each man risks the utter annihilation of the human species through his neglect to father children, but sometimes, as in Ben Azzai's own case, one's lust for Torah makes marriage and procreation impossible, and perhaps less important. Maimonides argues that a man earns much merit if he continues even in the *attempt* to father more children, after he has fulfilled his *halakhic* obligation to father one boy and one girl, "for anyone who adds a soul [הוסיף נפש אחת] to the Jewish people is as if he built a world."[123] And yet Ben Azzai considers the risk worthwhile, perhaps even necessary. "What can I do," he asks, rhetorically, *When my very soul leads me down another path?*[124]

Other sources in rabbinic literature urge anyone who would identify or sympathize with Ben Azzai to think twice before neglecting his duty to procreate. For example, *Ketubot* 62b contains several stories of men who neglected their sexual obligations to their wives and, as a result, died. And in *Yevamot* 64a, the section immediately following Ben Azzai's comment, we read that men who neglect the commandment to "be fruitful and multiply" die at tragically young ages. If that weren't enough to confirm that being "like Ben Azzai" (who, we recall from the story of the *Pardes*, dies at a young age as well) comes at too high a price, modern commentators speak not to the predicament of the passionate individual, but to the community under threat. Having many children becomes not only the fulfillment of the pinnacle of God's purpose for humanity,[125] but also a heroic response to the "persecution and natural disaster" that has "decimated our people" throughout history.[126] In contrast with those who would selfishly shrug their shoulders and claim their "souls lust for Torah," Jews

who fulfill this commandment faithfully and vigorously, at least one interpreter claims, "[w]ith their very bodies […] made a statement to God, themselves, and the world."[127] We can imagine that, according to this reading, anyone who claimed Ben Azzai as a worthy role model is likely "motivated by considerations of personal convenience and comfort"—that is, trivial, personal, idiosyncratic motivations (a charge I will address in the coming pages).[128] Even the liberal Reform movement, which "respects the right of parents to determine how many children they should have," mandates that prospective parents (and prospective Ben Azzais, for that matter) make the "repopulation" of the Jewish people a major factor in their decision-making process. In *Gates of Mitzvah*, the Central Conference of American Rabbis urges, "parents should be aware of the tragic decimation of our people during the Holocaust and of the threats of annihilation that have pursued the Jewish people through history."[129] Without ignoring the tragedy of the Holocaust, and without minimizing the contribution of those who bring and raise new Jews into the world, are these the only models through which we can understand the lives and the contributions of the childless members of our Jewish communities: as selfish people who ignore our collective tragedy, who diminish the Divine in our world, and who "murder" potential humans?

Ben Azzai's colleagues and students hear him lament the terrible consequences of neglecting the commandment to be fruitful and multiply. We can imagine them sitting, their mouths agape, or fidgeting in their seats, waiting to pounce on this teacher, a hypocrite! "There is one who interprets well and fulfills well, and one who fulfills well but does not interpret well—but you interpret well yet do not perform well!" Ben Azzai responds, "But what can I do, that my soul lusts for Torah?!" [130] This exchange in the

Talmud leaves us few clues by which to determine Ben Azzai's long-term place in the Jewish imagination: Is he an admirable nonconformist? A dangerous exception? A hypocritical teacher to be reprimanded? We get a glimpse of the conflict that sometimes arises between the strict and neat idealized statement of the law and the messy reality of its application to actual people with histories, emotions, and desires. What happens when an individual recognizes herself in Ben Azzai's story? What of the Jew who exclaims, "Me, too! My soul longs for Torah!"? For starters, for a contemporary Jew to identify with Ben Azzai's emotional exclamation, she would have to be familiar with his tale in the first place. Our liturgical traditions and cycle for reading Torah and *megillot* emphasize some stories and figures from our sacred tradition more than others. We know of Ruth's transition from outsider to insider when we read her story on Shavuot. We know of Abraham's going-forth and his near-sacrifice of Isaac. We know of Moses representing God before Pharaoh and leading the people out of Egypt, and we have come to celebrate more prominently the role of Miriam, prophetess, who leads our people in rejoicing. But we don't often hear, in Reform circles at any rate, of Ben Azzai and his lust for Torah. We don't often hear that marriage and procreation, while an idealized form of Jewish life, might not be the optimal life for all Jews. We hear instead of Hannah's prayer to become a mother, or Rachel's lament that infertility feels too much like death.

The compilers of Jewish legal codes from Maimonides to Sirkes seem to have asked the same question: What if others identify with Ben Azzai, feeling a similar desire or lust for Torah study that makes marriage and procreation undesirable or even impossible? In the Codes, a literature that favors clear rulings over case studies, Ben Azzai appears in what is perhaps an exceptional way: he becomes an individual who is

instead analyzed as a category to which other individuals might belong. As Israeli scholar Naftali Rothenberg notes, these "surprising" writers of codes who create a categorical exception based on an analogy to Ben Azzai "uncover an awareness of the extreme individualistic exception, this example of Ben Azzai"; however, he notes, "they do not recommend [ממליצים] this in any case [בשום מקרה]."[131] In other words, and perhaps strangely, with one hand, some writers of codes offer Ben Azzai as a possible category for exemption or modification of the *mitzvah* to procreate, but with the other they attempt to narrowly define the category of "like Ben Azzai" and clarify that his "lifestyle" remains less than desirable. Is there, after all, anyone "like Ben Azzai" but Ben Azzai himself? Let's take a closer look at one example from Maimonides' *Mishnah Torah*:

> When a person's soul lusts for Torah always and gets lost in it like Ben Azzai, and he clings to it all his days, and does not marry a woman—there is no sin in his hand, if he is the kind whose impulses [יצר] do not overcome him. But if his impulses do overcome him, he is obligated to marry a woman—even if he already had children—lest he come to lewd thoughts.[132]

At first, Maimonides' language ("a person's soul lusts for Torah" [חשקה נפשו בתורה]) precisely echoes Ben Azzai's own response when he says, "My soul lusts for Torah" [נפשי חשקה בתורה]. As he continues, however, Maimonides reveals concern lest too many people claim themselves exempt from their obligation to procreate. For example, he imagines a person who "gets lost in [Torah] like Ben Azzai"; the verb he employs for "gets lost," ש-ג-ה, implies errant behavior, as it can also indicate "to be confused; to reel; to err, to deviate."[133] In the very same sentence Maimonides employs the verb "clings" [נדבק], which can also mean "sticks"—as in, gets *stuck*. To complicate matters even further, this sticky word comes from the root ד-ב-ק, as in *deveikut*—a spiritual cleaving to God. Here we have a sticky, messy, ambiguous reference to Ben Azzai and others "like"

him. Such a person possesses a soul, that pure core of our being that God breathes into each of us, that lusts (itself a word that can be construed as negative) for Torah—presumably a good thing to lust after! And yet such a person gets so lost in Torah that he is perhaps led astray [ש-ג-ה], away from other crucial obligations. Instead of clinging [ד-ב-ק] to a woman, as a man does to his wife,[134] such a person clings instead to Torah; he does so consistently, "all his days." As Rothenberg notes, Maimonides turns to the language of love, implying that those impulses and "resources" inherent in our very souls that would otherwise be "designated for the love of a wife" are otherwise "focused in this exceptional case on love of Torah."[135]

In other words, Ben Azzai claims that all the resources he might otherwise dedicate to marriage and reproduction—all his "lust and love"—have been sublimated or pulled instead toward Torah.[136] Does this lifelong commitment represent an admirable dedication to Torah, or a stubborn inability to break away from Torah's pull to fulfill God's first commandment to God's human creatures? Maimonides does not say definitively that such a person errs in being swept away and caught up in Torah study; on the contrary, he writes, "there is no sin in his hand." As one of Maimonides' interpreters argues, this expression falls short of endorsing or recommending a life that resembles Ben Azzai's extreme dedication to Torah; admitting only that "there is no sin is his hand" tells us "that this is not a desirable course of action to follow."[137] Whether we agree with this assessment, we can agree that Maimonides' formulation here remains ambiguous: Is a man whose desire for Torah, like Ben Azzai's, outweighs his impulse to marry and procreate living a positive, exemplary Jewish life? We might reply, "yes," for he follows the pull of his own soul toward Torah, and clings to it as dedicatedly as a faithful husband

does to his wife. But we might also reply, "no," for such a man has become "lost" and "stuck" in the intellectual expression of God's love and law, ignoring God's charge that we "cling to" one another as well. At any rate, Maimonides continues by stipulating other characteristics that a man "like Ben Azzai" must possess, narrowing the opportunity for an individual to claim that he falls into this exceptional category. He must be the kind of person who does not give in to other lusts; it seems that all of such a person's impulses must lead him to Torah, with nothing leftover for any sexual temptations or "impure thought" [הרהור].

Maimonides employs ambiguous terms to explain this category of exception—the one who is "like Ben Azzai." For example, he stipulates that a person's "impulses" [יצר] must not "overcome" [מתגבר] him; notably, Maimonides does not specify the "evil impulse" [יצר הרע], which the Sages associate not only with lust or sexuality but with every creative human endeavor.[138] Additionally, these impulses must "overcome" a person completely; does this leave room for the slight-but-not-overwhelming influence of sexual impulses? Finally, he argues that anyone who cannot resist his sexual impulses must marry a woman in order to avoid "lewd thought" [הרהור]—a broad term that can refer more generally to "thought" or "meditation," but which in our context clearly implies its more specific connotation of "heated imagination" or "impure fantasies."[139] Maimonides offers no anecdotes or other guidelines by which a person (or his ruling rabbi) might determine whether he can claim to be "like Ben Azzai," and thus exempt from his obligation to "be fruitful and multiply."

Because they represent deviations from the rule, exceptions can serve to uphold the dominant system; as strange or anomalous incidents, they serve a hierarchy that

deems "the rule" positive and valuable—while the exception remains negative and worthless. Yet, the very persistence of exceptions, as in anomalies in scientific discourse, proves the infeasibility or inadequacy of the dominant model; anomalies to Newtonian physics, for example, eventually give way to Einstein's theory of relativity. As Daniel Boyarin posits in his work on androcentrism in Jewish literature, a methodology of "recovery of those forces in the past that opposed the dominant [system] puts us on a trajectory of empowerment for transformation."[140] Our methodology influences how we read the exceptions we encounter in our sacred literature; informed by feminist and queer strategies for reading against the grain and troubling binaries, I highlight treatments of Ben Azzai as an exception who represents a viable option for a Jewish life. Maimonides is not alone in finding in Ben Azzai more than simply an anomalous individual; several other legal commentators propose categories directly or indirectly modeled after Ben Azzai and his "lust for Torah." As part of the laws of procreation, for example, Joseph Caro's definitive code, the *Shulhan Arukh,* outlines the age at which a Jewish man must marry: at 18, though the most ideal case would be marriage at 13, and with a "grace period" of up to 20 years of age.[141] However, a person who is "occupied [עוסק] with Torah and engrossed [טרוד] in it" to the point that he fears marriage to a woman, with its attendant obligation to financially and materially support his wife, would distract him from Torah study—such a man "is permitted to delay."[142] Caro does not specify any length of time for this "delay"—a gap that is taken up by subsequent commentators. For example, in the *Tur,* Jacob ben Asher combines his discussion of the *Shulhan Arukh*'s language with a citation of the passage from Maimonides that we examined in detail above. The *Tur* reasons that both Maimonides and Caro base their exceptions or delays

on the example of Ben Azzai, who represents, in the *Tur*'s opinion, a case of the *halakhic* principle, "one who is occupied in a *mitzvah* is exempt from [another] *mitzvah*" [העוסק במצוה פטור מן המצוה].[143] If this principle applies to various ordinary cases, he reasons, then "all the more so" does it apply in the case of "one whose soul lusts for Torah."[144] In other words, to be "occupied" in the *mitzvah* of Torah study, which is such a lofty and important endeavor, surely exempts one from other *mitzvot*—even the *mitzvah* of procreation! The *Tur* goes on to specify that this is a special kind of "occupation"; quoting Maimonides, he clarifies that this exemption applies only in cases "like Ben Azzai['s]."[145] But both the *Tur*'s author and his father the Rosh note that Maimonides apparently places no limit on his ruling that such an exceptional man, who lusts after Torah all his days, may delay marriage indefinitely![146]

How can we distinguish between an exception that must remain marginal—a "deviant"—and an exception that can serve as an example—an "option"? Myriad types of "exceptions" appear throughout biblical and rabbinic literature when it comes to normative family constellations and the "ideal" Jewish life. In the realm of procreation, for example, none other than Moshe Rabbeinu—our teacher and exemplar par excellence, Moses himself!—technically failed his *halakhic* obligation to father at least one daughter and one son.[147] Moses' tale emerges in the context of a fierce debate between longstanding *halakhic* opponents Beit Shammai and Beit Hillel. The former uses Moses as a prooftext for their assertion that a Jewish man fulfills his obligation to procreate when he fathers two sons, since Moses, the ultimate Jewish exemplar, fathered just two sons.[148] The latter—and the school whose opinion becomes definitive law— argues that Moses would have persisted in attempting to father at least one daughter, in compliance

with the *halakhah*, but he did not "because of his exceptional situation"—namely, his exceptionally close relationship and contact with God.[149] If, as the Torah states, all of Israel were instructed to "go not near a woman" in preparation for the revelation at Sinai, in which God's Presence appeared directly to the people, then Moses must have been required to eschew contact with his own wife for most of his days, for he "receives God's word at any and all times."[150] Boyarin cites the very same midrashic source to bolster his claim that the rabbis of the land of Israel used Moses as an exception to prove the rule that celibacy—even if temporary—could not serve as a normative practice.[151] Boyarin's analysis addresses a Babylonian practice described in the Talmud whereby Torah scholars would separate (geographically) from their wives for long periods of time to study abroad. Were these ordinary scholars simply continuing, in short stints, the admirable example of Moses? Because his extended—even permanent— holy and elevated celibacy represents "the practice expected of, and permitted to, only Moses in all of history," Boyarin argues, this *midrash* "manages both to remain faithful to a powerful received traditon and at the same time to counter it."[152] David Biale credits the story of Moses' celibacy for a good measure of the ambivalence our Sages demonstrate when it comes to sexuality and celibacy among Jews in general and among rabbis and Torah scholars in particular. He asks, "Was Moses' celibacy a mark of the holy man to be emulated by other rabbis? […]Or, as the text itself seems to confirm by stating that Moses was unique among prophets, perhaps celibacy may have been necessary only for Moses and not for the other rabbis."[153] Furthermore, even if we could definitively determine what the tale of Moses' celibacy means for the ordinary Torah scholar, we still

need to find examples of celibate rabbis who are more "like us" than Moses—a person to whom we might make a closer analogy to our own lives.[154]

A more ordinary exception can be found in the tale of Rav Sheshet, an unmarried man whose strange story appears in the same section of *Yevamot* as Ben Azzai's declaration of lust for the Torah. Here is the story of a man who becomes sterile (a fact he keeps secret) through the act of Torah study and who subsequently refuses to marry and consequently sire more children. Known to have had just one daughter, but several grandsons, Rav Sheshet attempted to argue that serving as the ancestor to living grandchildren fulfilled his obligation to father one daughter and one son. "The sons of my daughter," he claimed, "they are *my* sons!"[155] The *gemara* explains that Rav Sheshet is *halakhically* incorrect: grandchildren do not "count" toward a man's obligation to procreate. Rather than offering a legal argument, the *stama d'gemara* insists, Rav Sheshet was attempting to cover over the embarrassing fact that he was "sterile [איעקר] from the lectures of Rav Huna."[156] The joke, in fact, is on Rav Sheshet's teacher, Rav Huna, whose lectures were so notoriously long that his students, forced to sit for extended periods of time, apparently became sterile![157] The *stama d'gemara* seems here uncomfortable with Rav Sheshet's refusal to comply not only with his obligation to sire more children but with his obligation to be married, in any case. Yet even this joke about sterility that results from a long-winded teacher of Torah contradicts the rabbinic importance placed on marriage. As Steinsaltz notes, Rav Sheishet's sterility is "no explanation for the question of why he does not need to heed the words of Shmuel and others, that every man needs to be married *even if* he has already fulfilled the *mitzvah* of procreation."[158] Steinsaltz can think of only one possible explanation for Rav Sheishet's

neglect not only of procreation but of (even childless) marriage: he must be *like Ben Azzai*! Steinsaltz cites the Rambam, who argues, "One might say that according to the true reason, Rav Sheishet himself behaved like Ben Azzai (*Yevamot* 63b), who intended that he would sit and be occupied all his days with the Torah—he had the permission [היתר] not to marry a woman."[159] Again, we see an extraordinary tactic: Rambam makes an analogy between one exception and another! Many commentators, rather than isolating the tale of Ben Azzai's celibacy, create an entire category of exceptionality from the supposedly unique tale of Ben Azzai and his lust for Torah.

The exceptional Ben Azzai is himself the student of an exceptional teacher: Rabbi Akiva, who spends more time deeply engaged in Torah study away from his beloved wife—at whose insistence Akiva travels to *yeshiva* in the first place—than he does in her bed. In this oft-told story, Akiva wishes to marry Rachel, the daughter of Ben Kalba Savua—a marriage between a lowly, poor, uneducated (but pious) man and the daughter of someone rich and powerful.[160] Rachel agrees to the betrothal, but only on the condition that Akiva depart for twelve years of study at a faraway *yeshiva*; upon the completion of these twelve years, she sends him back for *another* twelve, enabling him to grow great in Torah, amassing students and building his still-impressive reputation and status.[161] Rabbi Akiva is exceptional—in his rags-to-intellectual-riches tale, in his marriage to an exceptional woman who goes to extraordinary feats to support his Torah study and teaching, and in his long periods of celibacy. According to one source in the Talmud, Ben Azzai himself did marry—and he married none other than the daughter of Rabbi Akiva and his exceptional self-abnegating Rachel![162] The Talmud implies that, like her mother did for Akiva, Akiva and Rachel's daughter supported and enabled Ben Azzai's passion

for Torah, giving him leave to live apart from her for years on end so that he might intensely study Torah. In *Sotah*, however, the Talmud reported that the two were "divorced"—or, at least, "separated," depending on your translation.[163] Whether divorced or merely separated (like Akiva and Rachel), Ben Azzai and his "wife" serve in the Talmud primarily to counter the extraordinary—and disturbing, according to the *stama d'gemara*—fact of Ben Azzai's prolonged celibacy.[164] The rabbis who redacted and edited the Talmud, then, seem to go to great lengths to confine Ben Azzai to the status of exception rather than example. Their efforts betray their anxiety, lest Ben Azzai become just one model that future Jews might emulate, claiming, "I am like Ben Azzai!" As Biale writes of the exceptional *midrashim* on the celibacy of Moses, "It is often just such cases at the margins, which are not meant to be emulated, that betray the contradictory values of those who live within the limits."[165]

Perhaps Ben Azzai is merely "the exception who proved the rule" that an unmarried life simply cannot be a legitimate Jewish option.[166] Can we determine whether Ben Azzai is a deviant or, like Rabbi Akiva, a *tzaddik*? Rothenberg calls Ben Azzai "חריג," a word that can mean "exceptional" or "unusual" as well as "anomalous," "irregular," or "strange."[167] He stresses, "The Talmudic story does not leave the example of Ben Azzai open, nor Ben Azzai unmarried."[168] In his marriage to Akiva's daughter, Ben Azzai experiences "the continuation of a manifestation of partial celibacy," and, according to Rothenberg, this complete tale of Ben Azzai suggests that "the only place for bachelorhood is in a case like this most exceptional incident [כמקרה חריג ביותר]."[169] In other words, *only* Ben Azzai—and not someone "like Ben Azzai"—can be exempted

from his obligation to marry…and *even Ben Azzai* eventually succumbed, though he married a woman who allowed him to continue his celibacy and his Torah study.

Exceptional people might, like Rabbi Akiva, serve as community exemplars—ideals people strive toward, but whom the ordinary person assumes she can never truly emulate. But exceptional people can also feel like pariahs—relegated to the margins, looked upon as ones who simply fall short of "the way things are supposed to be," possessors of some kind of lifelong consolation prize. Out gay Orthodox Rabbi Steven Greenberg, himself an admirable exception whom some label "deviant," wonders how Ben Azzai might have felt in the split-second before responding to his students' and colleagues' taunt, "There is one who interprets well and fulfills well, and one who fulfills well but does not interpret well—but you interpret well yet do not perform well!"[170] Greenberg writes, "One gets the feeling […] that [Ben Azzai] is being coerced by his colleagues into voicing a *halakhic* opinion on a profound failure in his life."[171] Do contemporary Reform Jewish leaders send the message that the unmarried among our congregants are nothing other than profound Jewish failures? It seems to me that far too many single people in congregations across America feel precisely this way—and such is, as queer theorist Michael Warner puts it, "the trouble with normal." He writes, "Nearly everyone, it seems, wants to be normal. And who can blame them, if the alternative is being abnormal, or deviant, or not being one of the rest of us?"[172] Warner warns against the too-easy slippage between the notion of "statistical norms," on the one hand, and "evaluative norms," on the other.[173] Evaluative norms inevitably introduce shame into the equation. Warner claims, "It does not seem to be possible to think of oneself as normal without thinking that some other kind of person is pathological. What

could have been seen as healthy variation is now seen as deviance."[174] Ultimately, I am asking, can we see *benign* difference—rather than harmful deviation—[175]in the lives of those Jews who, through their commitment to Torah study, enrich the Jewish people without every marrying or producing children? The stakes are indeed high, for the reasons *Gates of Mitzvah* outlines—perpetuating the Jewish people and raising Jewish children is important. But can we remain supportive, and celebratory, of the parents among us, while refusing to shame and even condemn the unmarried? Can we do so while still claiming a commitment to Jewish continuity and vibrancy?

In the *Shulhan Arukh*, those who are "like Ben Azzai" appear to represent merely one option—albeit still an extreme version of the less radical loophole, elucidated in the *Mishneh Torah*, of the possibility of a prolonged delay in the age of marriage for a Jewish man. The category is a provisional one; a man cannot be counted as "like Ben Azzai" unless "he is the kind whose *yetzer* does not overcome him."[176] Following Maimonides, Karo argues that "one whose soul lusts for Torah [חשקה נפשו בתורה], like Ben Azzai, and he is stuck to it all his days [ונדבק בה כל ימיו], and he does not marry a woman, there is no sin in his hand."[177] As David HaLevi (1586-1667) clarifies in his *Turei Zahav* (referred to as the *Taz*), the ruling is conditional: "'he is permitted to delay [marriage]' – [only for] all the time that his *yetzer* does not overcome him."[178] Though the *Shulhan Arukh* states that such an exceptional man has "no sin in his hand," the *Taz* also warns, "Nevertheless, *lekhathila* [i.e. from the outset] he does not behave this way."[179] In other words, such a life might be tolerable after the fact, and such a person may not be roundly condemned, but anyone who from the outset *chooses* to be "like Ben Azzai" and neglect the obligation to marry and to procreate falls under a different category altogether.

Several other legal commentators emphasize the very *exceptionalness* of Ben Azzai—even though he appears in the Codes as a stand-in, apparently, for a category. These commentators take great pains to claim that his is a category of just one individual—that is, not really a category at all! These commentators ask, essentially, How far one can take an exception before it becomes too threatening to the rule? Ben Azzai appears in discussions of the man who is permitted to delay the age of marriage because of his extraordinary devotion to Torah study—his soul lusts for Torah. The *Beit Shmuel* cites the Rosh, who importantly noted that Maimonides put no limit on the length of delay such a man is permitted—even to the extent that he "would neglect [יתבטל] procreation all his days."[180] Though the text suggests that "we never found this except for Ben Azzai"—that is Ben Azzai remains an example, and this delay serves as a theoretical exception only—*Beit Shmuel* ultimately acknowledges that, rare though such a man may be, anyone who is like Ben Azzai in his lust for Torah *and* whose *yetzer* does not overcome him *and* who would face material burdens if he were to be married—*this* person is "permitted to delay all the time that his *yetzer* does not overcome him, and there is no limit to the matter."[181]

Ben Azzai's accusatory colleagues do not get the last word; the tale in *Yevamot* concludes with his own self-declaration that his "soul lusts for Torah."[182] The Talmud, we must note, was never intended as a simple listing of definitive legal rulings; its function remains to preserve debate and dialectic. The preservation of Ben Azzai's exceptional "failure" to uphold an otherwise binding *mitzvah*, as Rothenberg stipulates, may very well "create[] an opening for the possibility for the fulfillment of an individual phenomenon of refusal of marriage," but "it is important to emphasize that this possibility

is not explicit in the Talmud, which […] criticizes bachelorhood generally and the behavior of Ben Azzai in particular."[183] Rothenberg implies that there are many ways a reader might interpret—and identify with—Ben Azzai's story—including the possibility of reading his tale *against the normative grain.* The very fact that he "gets the last word," so to speak, represents a glimmer of openness that itself challenges the dominant or normative voice of the Talmud—the voice that renders Ben Azzai always and only a deviant. Modern commentators like Biale and Boyarin emphasize that Ben Azzai is "the exception that proves the rule"—"a limit case" whose tale merely tests the applicability of rabbinic law without threatening the entire system.[184] However, as both Biale and Boyarin note, such stories do belie the fact that "on the margins of [the] dominant and hegemonic discourse, there was something else happening."[185] Finding pastoral and liturgical inspiration in Ben Azzai, I am, as Boyarin suggests, seeking "a place to creep back into" [186] the world of this exceptional scholar whose desire for Torah trumped his own dedication to the *mitzvah* of procreation, and who, the Codes propose, might have served as a kind of category for other people who similarly felt a draw not toward marriage and parenthood but toward a passion for Jewish study.

Passion, lust, and desire are at the root of Ben Azzai's apparent conflict. Biale argues that "the Jewish tradition cannot be characterized as either simply affirming or simply repressing the erotic"; rather, he urges, we ought to examine "the *dilemmas* of desire, the struggle between contradictory attractions, rather than the history of a monolithic dogma."[187] Though rabbinic texts clearly demonstrate a strong preference—even a mandate—for marriage and procreation as the ideal Jewish adult life, Ben Azzai's self-declaration persists as part of a dialectic struggle between "the twin values that

animated rabbinic culture"—namely, "Torah study and procreation," each of them fueled by desire.[188] In rabbinic parlance, "desire" or "drive" is *yetzer* [יצר], and it can take two forms: *yetzer hatov* (the "good impulse") and *yetzer hara* (the "bad impulse." Such a characterization might imply a hierarchy, but rabbinic texts warn us strongly against thinking we might rid ourselves of that pesky and harmful "bad impulse." As Judith Plaskow writes, this "evil impulse" was the same force the rabbis acknowledged as absolutely essential "to the creation and sustenance of the world."[189] For example, in the *Midrash*, the rabbis return to the very moment of creation, when "God saw all that [God] had made, and it was very good."[190] "'Good' refers to the *yetzer hatov*," they concede, but "'very good' refers to the *yetzer hara*." How can this be? "Because, were it not for the *yetzer hara*, an individual would not build a house, take a wife, birth children, or engage in commerce."[191] Of course, in Ben Azzai's self-declaration, we see not the term *yetzer hara* but instead the concept of lusting, thirsting, or desiring: "My soul lusts for torah" [נפשי חשקה בתורה].[192] Desires and impulses, like the rabbis' assessment of *yetzer hara* as a crucial if dangerous human reality, inherently involve risk. Critical theorist Diana Fuss, for example, comments on desire's slipperiness: the licit can suddenly become illicit.[193] When Ben Azzai says his soul "lusts"—or, as many translations render it, "thirsts"—for Torah, he is using a verb with a wide range of possible meanings: "to lust," "to yearn after,"[194] even "to press, tie, surround."[195] Like Ben Azzai's tale in its entirety, the central word with which he expresses his relationship and orientation to Torah remains ambivalent: it can be sinister like "to covet," pathetic as "to long for," broad and not necessarily sexual as "to want," romantic as "to love," or directly erotic as "to lust."[196] God rewards the one who "desired" or "was devoted to" God: "Because he is

devoted to Me [כי בי חשק] I will deliver him; I will keep him safe, for he knows My name."[197] Here, then, we see intimacy ("he knows My name"), caring, and loyalty. In Isaiah, the prophet marvels, "Behold, for my well-being I had such great bitterness. You desired my soul [חשקת נפש, that is, saved my life] from the pit of nothingness."[198] Perhaps, then, Ben Azzai experiences a sort of reversal of Isaiah's rescue: rather than God's desiring Ben Azzai's soul, it is Ben Azzai's very soul that desires to be elevated through engagement with Torah. Yet, at least one other biblical verse pairs ח-ש-ק with נפש, and it is decidedly not a positive one: after the rape of Dina, Shechem's father asserts, "'My son Shechem, his soul longs/lusts [חשקה נפשו] for your daughter.'"[199] Here we find desire's darker side: uncontrollable and uncontrolled, crossing boundaries that ought not to be crossed.

Precisely for what does Ben Azzai transgress? Is his soul inclining toward Torah—rich Jewish learning that enriches the whole community—or toward the fulfillment of his own personal desires? Does it matter whether it is one, or the other, or both? As the Central Conference of American Rabbis emphasizes in a section on weddings in *Gates of Mitzvah*, pleasure is not a "dirty word" in Judaism. Even the (appropriately channeled into marriage, of course) achievement of sexual pleasure represents a Jewish ideal. *Gates of Mitzvah* clarifies, "Judaism does not project asceticism as an ideal. Pleasure, especially sexual pleasure, has a legitimate and important role in the life of the Jew."[200] Indeed, the *Talmud Yerushalmi* suggests that pleasure represents a basic human need: "It is forbidden to live in a city in which there is no healer, no bathhouse, and no *beit din* […]. Rabbi Yose […] said, 'It is even forbidden to live in a city that has no greenery in its gardens.' […] In the future, [each] man will have to give a

judgment and account for every thing that his eye beheld that he did not eat!"[201] Generally speaking, Liberal philosophy looks at pleasure with suspicion: is it the hedonism of ancient Rome? the inability to consider the good of the many in favor of a selfish focus on the good of the one? Jewish legal commentators, as we will further see, express anxiety that Ben Azzai—or others who might claim to be sufficiently "like Ben Azzai" as to merit an indefinite delay on marrying and procreating—merely pursues his own pleasure, his own whim. For example, the *Bayit Chadashah*, responding to the *Tur*'s notion that any exemption to the *mitzvah* of procreation could possibly be permitted, staunchly criticizes any man who might identify with Ben Azzai. Focusing on the verse in Genesis that immediately precedes the creation of Eve and the origin-story of human sexuality and reproduction, Joel Sirkis, author of the *Bach*, emphasizes that it was none other than God who determined, "'It is not good for the human being [man, אדם] to be alone'" and who resolved, "'I will make for him a fitting helper [עזר כנגדו].'"[202] What shall we make, then, of those "few people [מקצת בני אדם]" to whom "it occurs [מעלים בדעתם]," Why, was it not "for *my* good that He [i.e., God] made me the helpmeet? […] Look, I don't desire the 'good' of this one"?[203] Such a person might—mistakenly, Sirkis clearly believes—decide that, "according to his [personal] opinion it would be better for him if he remained without a wife and found for himself a helpmeet *in a friend and a brother to whom his soul is bound up in his soul*" [עזר ברע ואח אשר נפשו קשורה בנפשו].[204] We might read this as a warning against gay or homoerotic relationships; we certainly can also read it as a warning that friendship or *hevruta* is somehow "not enough" to fulfill God's purpose for human beings. Here, an individual who firmly believes that his soul can be fulfilled through a relationship other than a romantic or sexual marital bond is

told, No, you're wrong: God has told you what "good" means, and what "helpmeet" means, and marriage is the only way. In so many ways, our congregations tell our members that marriage and parenthood are *the only paths to a fulfilling and fulfilled Jewish life*. While many unmarried and childless Jews identify with Hannah, deeply desiring the normative life, others find fulfillment in the single life. And we tell them, No, you don't. You are mistaken.

For Sirkis, part of the problem is the individual's desire to find fulfillment independent of the Divinely-ordained assessment of what is ultimately "good" for human beings. Sternly, he writes, "Not according to the thought of the heart of a man who errs in his opinion to find for himself a 'helpmeet' according to his own wishes"—this is not the way to human happiness and Jewish fulfillment.[205] Reform Judaism has declared that, while "not all Jews need to do the same thing […], that even within the realm of each *mitzvah* various levels of doing or understanding might exist," "[n]evertheless all Jews who acknowledge themselves to be members of their people and its tradition thereby limit their freedom to some extent."[206] It is immensely difficult to find a balance between the fulfillment of the individual and the good of the community, or to measure between the mere "whim" of one person and the group's ethical obligation to allow each person to find his or her "fitting helpmeet"—perhaps *even if that helpmeet is Torah and study.* Pleasure, I believe, plays an integral part. Queer theory pressures the common liberal suspicion of pleasure, noting how different the stakes are in pleasure and fulfillment for subjects relegated to the margins, whose pleasure is often defined as deviant or even pathological. For example, Eve Kosofsky Sedgwick asks, "What makes pleasure and amelioration so 'mere'?"[207] When we encounter pastorally the unmarried, childless Jews

in our pews, can we make the claim that their pleasure and fulfillment simply does not matter to us?

As is so often the case with the queer community, it seems the only "way out" of the pleasure dilemma is to make an appeal to essentialism—to say, in other words, that a man like Ben Azzai is not making a choice, for he is simply and utterly "born that way." The conservative Artscroll Talmud translation and commentary, for example, engages in veritable *halakhic* gymnastics to try to claim that, "given his situation, [Ben Azzai] was *forced* to remain a bachelor"—or, at least, this is what Artscroll believes Ben Azzai's self-declaration implies.[208] They claim that Ben Azzai is making a legal argument—namely, that "he is similar to someone who is coerced to perform a transgression."[209] Artscroll's anxiety stems from the simple fact that Ben Azzai remains the sole (and uncondemned) example of a person who is exempt from a crucial *mitzvah* because of his devotion to Torah study; as they note, "Generally, of course, one is not exempt from the performance of *mitzvos* [sic] even if he is involved in Torah study to the extreme."[210] What if Ben Azzai did have a choice, and he chose Torah? In Deuteronomy, the very verb Ben Azzai employs appears in parallel to a verb for "to choose"—and this is a choice that runs against all cold logic, following instead love and passion that are messy and inexplicable. Moses reminds the people Israel, "It is not because you are the most numerous of peoples that the Eternal has longed for you [חשק יי בכם] and has chosen you [ויבחר בכם]—indeed, you are the smallest of peoples."[211] Similarly, he declares, "[I]t was to your fathers that the Eternal was drawn in love for them [חשק יי לאהבה אותם], so that [God] chose [ויבחר] you."[212] For some few "exceptions" in our own communities, is it

possible that their lust and their longing for Torah—emanating from deep in their souls—leads them to a life-affirming and Jewishly-positive choice?

What is Ben Azzai choosing when he abandons his own principled argument for the crucial importance of the commandment to "be fruitful and multiply" and follows instead the longings of his soul for the Torah? Ben Azzai foregoes an intimate, partnered *mitzvah* in favor of one that, while in some cultures might be solitary, in Jewish tradition is profoundly social. Procreation requires an intimate sexual partner. Torah study also requires a partner, or a group of discussants, a teacher, a school or communal learning center. As we have seen in chapter two, rabbinic tradition is loath to mandate that anyone engage in (married, procreative) sex against his or her will. Indeed, "While the *mitzvah* [of procreation] is taken seriously, its fulfillment was not understood as a technical matter independent of human relationships."[213] Contemporary Reform rabbis in *Gates of Mitzvah* importantly note, "It should be understood that any *mitzvah* prescribed in this book is a *mitzvah* only for those who are physically and emotionally capable of fulfilling it. Those who cannot are considered no less observant and no less Jewish."[214] Even in the case of "homosexual" Jews, one Orthodox rabbi argues that God would not force any individual—created in God's own image—to marry and to procreate when such actions would cause immense suffering. Chaim Rapaport writes, "The halachic mandate to fulfill the positive commandment does not apply in circumstances where considerable, prolonged and inestimable suffering may be caused as a result."[215] How much suffering do we cause those unmarried and childless Jews in our pews who thirst for Torah, and who contribute to our communities through learning and teaching, by telling them that their lives are failures on a cosmological, theological, profoundly Jewish level? When

Ben Azzai, vulnerable to criticism and ridicule and potentially rejection, responds to his accusers, he makes an appeal to his soul—נפשי. The נפש represents our very life-force. The longing Ben Azzai feels is inextricable from his very being. How can we deny deep human fulfillment to our brothers and sisters and siblings?

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[116] Maimonides, *Mishneh Torah, Hilchot Ishut* 15:3.
[117] Schottenstein to *Bavli Yevamot* 63b.
[118] See introduction for a full presentation of this text.
[119] *Bereshit Rabbah, Parashat Noah* 34.. See also *Bavli Yevamot* 63b.
[120] *Ibid.* See also Naftali Rothenberg, "The Knowledge of Love in the Period of the *Mishnah* and the *Talmud*," *Where Love Leads: What Jewish Sources Have to Say about Love and Partnership* (Jerusalem: *Hutzaat Carmel*, 2000): 51-93, 85.
Naftali Rothenberg, *Where Love Leads: What Jewish Sources Have to Say about Love and Partnership.* chapter two on Talmud. Jerusalem 2000: page numbers, 85.
[121] *Ibid.*
[122] *Ibid.*
[123] Maimonides, *Mishneh Torah, Hilchot Ishut* 15:16.
[124] *Bavli Yevamot* 63b.
[125] See chapter two.
[126] Walter Jacob, (*Responsum*) "Jewish Marriage without Children," *Marriage and its Obstacles in Jewish Law*, Ed. Walter Jacob and Moshe Zemer (Pittsburgh, PA: Rodef Shalom Press, 1999): 193-195, 194.
[127] David Novack, "'Be Fruitful and Multiply': Issues Relating to Birth in Judaism," *Celebration and Renewal: Rites of Passage in Judaism*, Ed. Rela M. Geffen (Philadelphia: The Jewish Publication Society, 1993): 12-31, 14.
[128] *Ibid.*
[129] Committee on Reform Jewish Practice of the Central Conference of American Rabbis (W. Gunther Plaut, Chairman), *Gates of Mitzvah*, Ed. Simeon J. Maslin (New York: Central Conference of American Rabbis, 1979), 11.
[130] *Bavli Yevamot* 63b.
[131] Rothenberg, 85.
[132] Maimonides, *Mishneh Torah, Hilchot Ishut* 15:3.
[133] Jastrow's *Dictionary of the Talmud.*
[134] See Genesis 2:24.
[135] Rothenberg 85.
[136] *Ibid.*
[137] Rabbi Eliyahu Touger to *Mishneh Torah, Hilchot Ishut* 15:3, citing *Turei Zahav* 1:6.
[138] See, for example, *Bavli Yoma* 69b and *Bereshit Rabbah* 9:7.
[139] Jastrow's *Dictionary of the Talmud.*
[140] Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, (1993) 1995), 227.
[141] *Shulhan Arukh, Even HaEzer* 1:3.
[142] *Ibid.*
[143] *Tur, Even HaEzer, Hilchot Pirya v'rivya* 1.
[144] *Ibid.*, repeating Maimonides' language in *Mishneh Torah, Hilchot Ishut* 15:3.
[145] *Ibid.*
[146] *Ibid.*
[147] *Bavli Yevamot* 61b-62a. See also *Sifrei* 99:2. I also discuss this *midrash* in chapter two.
[148] *Bavli Yevamot* 62a.
[149] *Ibid.*
[150] *Ibid.*

[151] Boyarin 164.
[152] *Ibid.*
[153] David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (Berkeley: University of California Press, 1997), 34 (citing *Bereshit Rabbah*, see note 4).
[154] And of course there is the huge challenge of gender! How is a female scholar—or any Jewish woman—to find herself in these stories? Are we relegated to the roles of Tzipporah and Miriam—the unsatisfied wife and the sister who learns of Tzipporah's sexually unfulfilling marriage and who lashes out against her brother, only to be punished by God (*Sifrei* 99:2, after Numbers 12).
[155] *Bavli Yevamot* 62b.
[156] *Ibid.*
[157] Steinsaltz to *Yevamot* 62b and Rashi to *Berachot* 44b.
[158] Steinsaltz to *Yevamot* 62b.
[159] Rambam to *Yevamot* 62b.
[160] *Bavli Yevamot* 63a; see also *Ketubot* 62b and *Nedarim* 50a.
[161] *Ibid.*
[162] *Bavli Ketubot* 62a.
[163] *Bavli Sotah* 4b.
[164] I am grateful to my teacher, Dr. Alyssa Gray, for our conversation on this passage. As Dr. Gray notes, the historical accuracy of the Talmud's claims about Ben Azzai's biographical details matters less, for the purposes of this argument, than the rheotorical use to which these "facts" are put.
[165] Biale 34.
[166] *Ibid.*
[167] Rothenberg 85.
[168] *Ibid.* 86.
[169] *Ibid.*
[170] *Bavli Yevamot* 63b.
[171] Rabbi Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Madison: The University of Wisconsin Press, 2004), 160.
[172] Michael Warner, *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* (Cambridge: Harvard University Press, 1999), 53.
[173] *Ibid.* 56.
[174] *Ibid.* 60.
[175] This question owes much to Gayle Rubin's foundational work in queer theory: "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality" (1984), *The Lesbian and Gay Studies Reader*, ed. Henry Abelove, Michèle Aina Barale, and David M. Halperin (New York: Routledge, 1993): 3-44.
[176] *Shulhan Arukh, Even HaEzer* 1:4.
[177] *Ibid.*
[178] *Turei Zahav, Even HaEzer* 1:3.
[179] *Turei Zahav, Even HaEzer.* 1:4.
[180] *Beit Shmuel* to *Even HaEzer* 1:3.
[181] *Ibid.*
[182] *Bavli Yevamot* 63b.
[183] Rothenberg 85.
[184] Boyarin 135.
[185] *Ibid.* 242.
[186] *Ibid.*
[187] Biale 5.
[188] *Ibid.* 35.
[189] Judith Plaskow, "Speaking of Sex: Authority and the Denominational Documents," *The Coming of Lilith: Essays on Feminism, Judaism, and Sexual Ethics, 1972-2003*, Ed. Judith Plaskow and Donna Berman (Boston: Beacon Press, 2005): 206-222, 209.
[190] Genesis 1:31.
[191] *Genesis Rabbah* 9:9.
[192] *Bavli Yevamot* 63b.
[193] Diana Fuss, *Essentially Speaking: Feminism, Nature, Difference* (New York: Routledge, 1989).

[194] Evan-Shoshan's *New Concordance*.
[195] Jastrow's *Dictionary of the Talmud.*
[196] Evan-Shoshan.
[197] Psalms 91:14.
[198] Isaiah 38:17.
[199] Genesis 34:8.
[200] CCAR, *Gates of Mitzvah* 127.
[201] *Talmud Yerushalmi, Kiddushin* 4:12.
[202] Genesis 2:18.
[203] *Bayit Chadashah, Even HaEzer* 1:1.
[204] *Ibid*.
[205] *Ibid*.
[206] CCAR, *Gates of Mitzvah* 4.
[207] Eve Sedgwick, "Paranoid Reading and Reparative Reading; or, You're So Paranoid, You Probably Think This Introduction Is about You," *Novel Gazing: Wueer Readings in Fiction*, Ed. Eve Kosofsky Sedgwick (Durham: Duke University Press, 1997): 1-37, 22.
[208] Schottenstein to *Bavli Yevamot* 63b. Though the text does not specify it, one cannot help but wonder if Artscroll's commentators are worried that, without the sublimation of Torah study, he would have fallen into homosexuality. Given the *Bach*'s similar anxiety that a man might interpret the "helpmeet" God intended for him as a *male* study partner rather than a wife, the reading is not entirely off-base.
[209] *Ibid.*
[210] *Ibid.*
[211] Deuteronomy 7:7.
[212] *Ibid.* 10:15.
[213] Greenberg 160.
[214] CCAR,*Gates of Mitzvah* fn 11.
[215] Chaim Rapoport, "Procreation and Parenthood," *Judaism and Homosexuality: An Authentic Orthodox View* (London: Vallentine Mitchell, 2004): 90-100, 93.

CHAPTER 4
ASPIRING TO EXCEPTIONAL COMMUNITY

How exceptional Ben Azzai appears in the Talmud: an ardent champion of procreation who nonetheless eschews marriage and parenthood in favor of a life of study—and a man so dedicated to the power of Torah that he even advocates teaching Torah to daughters, an endeavor other scholars forbid. And how exceptional that the writers of Jewish legal codes transform his idiosyncratic choice into a model of sorts: the one who "like Ben Azzai" feels that the very core of his being pulls him toward a passion for learning, rather than a passion for a partner in marriage. How will our communities change if we embrace the Ben Azzais in our midst?

חס ושלום! Forbid! What a shame it would be, so many of our Sages warn us as we even dare to consider analogizing the figure of Ben Azzai to contemporary Jewish lives. The *Bach* cannot imagine that any person would reject marriage and parenthood for reasons other than selfish ones—or otherwise suspect ones. When it warns, "[a person] ought to cancel out his own will and opinion in favor of the will of HaMakom" and adds, "for it is an obligation and a yoke upon the man to marry a woman, and it is not for the sake of his good alone," does the *Bach* imply that all human beings marry only out of a sense of obligation to God's commandments?[216] Or are there simply some among us lucky enough that our own personal choices, instincts, drives, and desires line up with God's will… and some unfortunates among us whose souls, like Ben Azzai's, pull us in a different direction? The *Bach* and other commentaries certainly argue that human beings were created by God for the specific purpose of being fruitful and multiplying; neglecting to procreate means choosing to flout God's design for us and failing to live up to our ideal human form. I believe that it is this scolding voice our unmarried, childless

congregants hear amplified from our own lips when we offer marriage and procreation as the only story of how to live a meaningful Jewish life.

Queer and feminist Jewish theologian Judith Plaskow acknowledges that "having children is a way of reaching out beyond our own generation" to contribute to the "continuity of Jewish community and communal values."[217] Surely such a project is a world-making endeavor. Yet, Plaskow also notes, "just as Judaism has always recognized that procreation does not exhaust the meaning of sexuality, so having children does not exhaust the ways in which Jews can contribute to future generations."[218] Indeed, the rabbis seem to have known this well, although they demonstrate great ambivalence about this fact, as Boyarin persuasively argues. Talmudic tales of learned fathers with shiftless sons—of great scholars who father ignoramuses, and of sons of the unlettered being taken under the wing of the great Sages of the age—abound in rabbinic texts. These tales illustrate "the extraordinary tension that the rabbinic culture seems to feel between the desire on the one hand to pass on the mantle of Torah from father to son and the anxiety that, in a profound sense, *people do not reproduce each other*."[219] Teachers, in our Jewish tradition, can be like parents, and we as students owe our teachers great respect. And, while it is a mitzvah upon a father to teach Torah to his son,[220] it is more generally:

> a mitzvah for each and every Sage [חכם, wise man or person] among Israel to teach all the students, despite the fact that they are not his children, as it is said, "and you shall impress them upon your children" (Deuteronomy 6:7). According to received tradition [מפי השמועה], we learned: your sons—these are your students, for the students are called sons, as it is said, "And the children of the prophets went out" (2 Kings 2:3).

To count one's students as one's children implies that Jewish generativity—the process of creating new, and newly committed, Jews—exceeds the bounds of marriage and procreation. The sustaining of this beautiful community, linked in covenant to God,

happens not solely through biological processes and the rearing of children by their parents. Rather, "impressing" the words of Torah upon our children involves committed Torah scholars—like Ben Azzai—whose very souls bind them to the holy task of perpetuating Judaism in the present and into the future. Without Jews wholeheartedly dedicated to Torah—and imbedded, as Ben Azzai was, in a community of learners and teachers—Judaism could not reproduce meaningfully. We praise married couples for contributing to God's vision for the world and the Jewish people; can we find a way to praise the Ben Azzais among us as well, and to acknowledge the ways in which they generate and nourish Jewish lives? Indeed, Maimonides urges us to treat the death of one's personal teacher as the death of one's own parent, prescribing a physical, ritual marker usually only reserved for mother and father: "And when his teacher dies, he rends all of his garments until he reveals his heart, and he never mends them."[221] Teachers and parents each contribute invaluably to our lives, in different ways. As the Talmud states, "[one's] father brought him into this world, but his teacher, who taught him wisdom, brings him into the life of the world to come."[222] Lifting up the story of Ben Azzai might risk being seen as encouraging childlessness. Burying his example in the obscurity of our vast Jewish textual tradition, refusing to highlight his way of following the yearnings of the soul for torah, most certainly risks alienating, devaluing, and discouraging Jews in our communities whose commitment to Torah learning and teaching enriches our communities.

Liturgy represents the place in our tradition where individual narratives are transformed into collective stories that comfort, challenge, and inspire us each to live in ways that build and expand Jewish values. Liturgy represents the nexus of "ideas and

experience,"[223] and has the ability to "move[] people powerfully and nonrationally [sic]."[224] As the queer community knows only too well, never seeing one's story reflected and transformed through liturgy—always having to force an analogy between oneself and the text—can be exhausting and demoralizing. While liturgy is certainly not the space of narcissism and endlessly compartmentalized stories of such specificity that we can imagine only a one-to-one relationship (my story is my story alone, and if I am not hearing my own story, then I am tuning out), I do believe it is important to highlight the variety of our Jewish stories through liturgy. We tell the tale of Isaac's trial and Abraham's sacrifice, of Sarah's grief and the Angel's intervention, of Hagar's expulsion and of Ishmael's cry to God—and we do so because the story of the *Akeida* and the covenant with the God of Israel is simply incomplete without all those narrative threads. I want to weave into our liturgy the thread of Ben Azzai; I want to include in the tapestry those who follow the Jewish, life-affirming, Torah-building pull of their God-given souls. In including liturgical suggestions, among them new prayers woven from passages on Ben Azzai, I answer in this thesis the charge Rachel Adler puts forth when she asks, "Without a means through which the stories and the values of Judaism can be embodied in communal praxis, how are they to be sustained by experiences?"[225]

God discovered, through the process of creation, that it is not good for human beings to live in isolation. Conservative commentators restrict the interpretation of this passage, reading it, as does the *Bach*, as a condemnation of anyone who refuses heterosexual marriage and parenthood. David Novak, for example, laments any life that does not involve "family," claiming this existence "takes a toll on one's humanity."[226] Indeed, I would certainly argue that a human life lived in utter isolation is no life at all.

Judaism requires a *minyan* for collective prayer; it teaches that a mourner cannot grieve without the crucial response of a community; it places the individual in a network of ties to parent and to teacher and to neighbor and to guest. We fail to uphold our obligation to *refuse* to allow our fellow human beings to live "alone" when we fail to lift up as examples the rich variety of Jewish lives our tradition preserves in its vast literature.

Souls who Thirst for Torah, a Communal Shavuot Ritual

Rationale and Description

Traditionally, Shavuot, the pilgrimage festival that marks the giving of Torah on Mount Sinai, figuratively represents the marriage of God to the people of Israel. Synagogues and homes are decorated with greenery and flowers, representing the blossoming of Mount Sinai in anticipation of the thundering revelation of the commandments and the appearance of God's Presence to the people—men, women, and children, gathered beneath the mountain. In some synagogues, canopies of flowers resembling a *chuppah* are erected, highlighting the image of the covenant with God as the Jewish people's collective *ketubah.* In many Reform congregations, Shavuot worship includes blessings and presentations for students entering a new phase in their Jewish education: confirmation. These students had received the sweetness of Torah in their youth; now they vow to carry that sweetness with them into the future as they mature into their adult Jewish lives. Shavuot, then, connected both to the concept of Torah-as-*ketubah* and the sweetness of transmitting Torah across generations, seem particularly suited to an occasion for the public acknowledgement of the "Ben Azzais in our midst."

Before such a public ritual can be enacted in a way that resonates with a congregation, the rabbi, clergy, educators, and community leaders must teach and embed

the story of Ben Azzai in other congregational contexts. Asking unmarried, childless Jews if they would like an *aliyah* to the Torah to honor their status as unmarried and childless would expose too many congregants to embarrassment, humiliation, and grief. Some unmarried, childless members of our communities are, as *Gates of Mitzvah* implies in its discussion of single people, unhappy or suffering. They long to be married, or they left painful marriages. They sit in the pews on Shavuot watching teenagers take another step on the path to Jewish adulthood and they think only of the children they might have had, or might still have, or long for desperately. These are not the Ben Azzais in our midst. The Ben Azzais in our midst will only be visible to us if we, as clergy persons especially, truly listen during our pastoral conversations and if we demonstrate our openness to the idea of the life dedicated to Torah as a viable option for those whose souls so motivate them. In pastoral encounters, the clergy person can offer the story of Ben Azzai, inviting a conversation about how the Jewish community values those whose passion is for communal learning and teaching, and not for marriage and child-rearing. These conversations can help the community's leadership determine whether and when a congregation might be ready to engage a public ritual to honor the Ben Azzais in its midst.

I envision two moments of public prayer and ritual during the Shavuot morning service when the community might honor self-identified unmarried, childless individuals who have demonstrated a commitment to learning and teaching Torah and who have, in sensitive conversation with their rabbi, indicated their willingness and desire to be honored in such a public way. We honor brides and grooms and new parents quite publicly; while unmarried status and childlessness is often seen in our communities as an

occasion for a quiet *mi shebeirach* or as a private matter—as it inevitably is for many people, of course—there will be in any congregation a small group of people who will seize the opportunity to be honored. It is these persons—those whose hearts so move them—and only these persons, whom clergy should then call to the Torah. During *birkot hashahar*, the morning blessings, when we traditionally study Torah, the community can include study texts (below) on Ben Azzai and recite *kaddish de'rabbanan*, the traditional prayer for our teachers. And it is precisely as learners and teachers that a congregation can honor the Ben Azzais in its midst on a day devoted to our communal call to "do and to heed."[227] During the Torah service, these honored congregants can be invited to the *bima* for a special *aliyah*, replete with an elaborate call to the reading by the cantor, as at an *aufruf*, the blessing over the Torah given by the groom (and, in our communities, the bride) prior to a wedding. The congregation would be asked to rise, as we rise before our teachers, for a blessing (below). The *aliyah* is intended to evoke both themes of revelation and acceptance of Torah (broadly defined as teaching and learning) as well as of covenant and commitment. The rabbi or cantor might also consider adding *iyyunim* to prepare these moments and to weave the themes throughout the rest of the service.

STUDY TEXTS WITH SAMPLE *IYYUNIM*

This morning we celebrate the moment when the entire Jewish people, united beyond the bounds of time and space—all of us, whether or not we were physically present at the foot of that awesome mountain—when we, the whole congregation of the children of Israel, received the Torah and witnessed the Presence of God. A collective experience. And yet, for each of us, unique. A moment as timeless and as precious and as

singular as each couple's moment under the *chuppah*—the same *chuppah* beneath which all married Jews stand—and yet, utterly distinct.

Today, we mark the marriage, say the Rabbis, between God and Israel. The day on which we stood under a mountain blossoming with greenery that became our *chuppah*. The day on which we received a *ketubah* called Torah. The metaphor of marriage for many of us transports us to our own day under the *chuppah*. For others of us it invites our imagination: what will that day under the *chuppah* be? For still others the image is one not of canopy and protection, but of standing to the side, only the sky above our heads.

On Shavuot, we *each* stood under a very different kind of *chuppah* than the structure of fabric and flowers on our *bima* this morning, and *not one of us* was relegated to the margins. Shavuot marks a marriage utterly unlike any other in human history: it marks a covenant between God and the people Israel. It marks a call to do and to heed ancient words. It is a day that unites the human being to God and sparks passion for learning and teaching. Today in our community, we mark the *brit*—the covenant, the commitment—that individuals in our midst have made to Torah in a unique way.

The Talmud tells the tale of a dedicated student and teacher of Torah: Shimon ben Azzai. Engaged in mystical learning with his contemporary, the great Rabbi Akiva, Ben Azzai spent all his days engrossed in the Torah and in the community of learners of his time. He taught innovative interpretations and he protected long-cherished beliefs. One day, as he taught the commandment to "be fruitful and multiply," his students and colleagues challenged him, saying, "There is one who interprets well and fulfills well, and one who fulfills well but does not interpret well—yet you interpret well but do not fulfill well!" Practice what you preach, in other words. For they knew that Ben Azzai had

no wife, no children. And how did he respond? Revealing his innermost self, he said, "But what shall I do, that my soul lusts for the Torah?"[228]

Our congregation could not be maintained—could not survive—without the dedication to Torah of our beloved [*names*], whose souls thirst so for the Torah. They wear not the bridal veil but the crown of Torah, and we honor them today with the recitation of *Kaddish de'Rabbanan*, the prayer in honor of our teachers, for it is taught,

> A person whose heart inspires him to fulfill this mitzvah [of the study of Torah] in a fitting manner, and to become crowned with the crown of Torah, should not divert his attention to other matters. (Maimonides, *Mishneh Torah, Hilchot Talmud Torah* 2:6)

ALIYAH BLESSING[229]

> מרשות האל הגדול הגבור והנורא אלהינו המלמד תורה לעם ישראל ומרשות מפז ומפנינים יקרה אפתח פי בשירה ובזמירה להודות ולהלל לדר בנהורא שהחינו וקימנו והגיענו לקבלת התורה בחג השבועות הזה זמן מתן תורתינו.
>
> With permission of the great, mighty, and awesome God, our God who teaches Torah to the people Israel, and with permission of that which is more precious than fine gold or pearls, I will open my mouth in song and melody to thank and praise the One who dwells in light, who gave us life, and sustained us, and enabled us to receive the Torah on this Festival of Shavuot, the season of the giving of our Torah.

עמדו! עמדו! עמדו!

Arise! Arise! Arise!

Give praise to the Creator, the Giver of Torah, and may God grant us the privilege to witness all in our community engaged in the study of Torah in delight.

We honor the learners and teachers among us. As they rise to bless the Torah, we rise, in keeping with the teaching:

> Just as a person is commanded to honor his father and hold him in awe, so, too, is he obligated to honor his teacher and hold him in awe. [The honor] due one's teacher exceeds that due one's father. [For a person's] father brings him into the life of this world, while his teacher, who teaches him wisdom, brings him into the

life of the World to Come. (Maimonides, *Mishneh Torah, Hilchot Talmud Torah* 5:1)

We rise to honor those whose dedication to the study and the transmission of Torah sustains this community, bringing us joy in this life, and, we pray, richness and beauty in the coming eras.

[The rabbi or cantor continues by calling each honored congregant to the *bima* by their Hebrew name. The group chants the traditional blessings before and after the reading of Torah. Before the Torah is lifted, dressed, and returned to the Ark, the rabbi or cantor continues with a *Mi Shebeirach* blessing.[230]]

מי שברך רבותינו ומורינו, מי שנתן לאלה כמו בן עזאי נשמות שחשקו בתורה, הוא יברך את [שמות] בעבור שהם עוסקים בתלמוד תורה וטורדים בה בכל ימיהם. בשכר זה הקדוש ברוך הוא ישמריהם ויציליהם מכל צרה וצוקה ומכל נגע ומחלה, וישלח ברכה והצלחה בכל מעשה ידיהם, ויקיים את הקהילה הזאת בעבור העבודה הקדושה שלהם. ונאמר: אמן.

May the One who blessed our rabbis and our teachers, the One who gave to those like Ben Azzai souls that thirst for the Torah, bless [*names*] on account of the fact that they are occupied with the study of Torah and absorbed in it all their days. May they merit from the Holy One of Blessing protection and rescue from any trouble or distress, and from any illness, minor or serious; may God send blessing and success in their every endeavor, and may God sustain this community on account of their holy service. And let us say: Amen.

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[216] *Bayit Chadashah, Even HaEzer* 1:1.
[217] Judith Plaskow, "Speaking of Sex: Authority and the Denominational Documents," *The Coming of Lilith: Essays on Feminism, Judaism, and Sexual Ethics, 1972-2003*, Ed. Judith Plaskow and Donna Berman (Boston: Beacon Press, 2005): 206-222, 209.
[218] *Ibid.* 209-210.
[219] Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, (1993) 1995), 208.
[220] Maimonides, *Mishneh Torah, Hilchot Talmud Torah* 1:1.
[221] *Ibid.* 5:9.
[222] *Bavli Bava Metzia* 33a.
[223] Plaskow 211.
[224] Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Boston: Beacon Press, 1998), 77.
[225] *Ibid.* 25.
[226] Quoted in: Rabbi Steven Greenberg's *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Madison: The University of Wisconsin Press, 2004), 160.
[227] Exodus 24: 7.
[228] *Bavli Yevamot* 63b.

[229] Based on the *aliyah* for the "groom [and, in Reform communities, bride] of Torah" on Simchat Torah (*Mishkan Tefilah* 506).
[230] Based on the *mi shebeirach* for an aliyah to the Torah (*Mishkan Tefilah* 510).

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