

Prologue

I. The Thesis of This Book

This book proposes to demonstrate that the authorship of Sifra composed the one (and the only truly successful) document to accomplish the union of the two Torahs not merely formally but through the interior structure of thought. It was by means of the critique of practical logic and the rehabilitation of the probative logic of hierarchical classification (*Listenwissenschaft*), in particular, that the authorship of Sifra accomplished this remarkable feat of intellect. That authorship achieved the (re-)union of the two Torahs into a single cogent statement within the framework of the written Torah by penetrating into the deep composition of logic that underlay the creation of the world in its correct components, rightly classified, and in its right order, as portrayed by the Torah. Specifically, by systematically demolishing the logic that sustains an autonomous Mishnah and by equally thoroughly demonstrating the dependency, for the identification of the correct classification of things, not upon the traits of things viewed in the abstract, but upon the classification of things by Scripture, the framers of Sifra recast the two parts of the Torah into a single coherent statement through unitary and cogent discourse.

At stake, therefore, for our authorship is the dependency of the Mishnah upon Scripture, at least for the encompassing case of the book of Leviticus.¹ So in choosing, as to form, the base text of Scripture, the authorship of Sifra made its entire statement *in nuce*. Then by composing a document that for very long stretches cannot have been put together without the Mishnah and, at the same time, subjecting the generative logical principles of the Mishnah to devastating critique, that same authorship took up its mediating position. The destruction of the Mishnah as an autonomous and free-standing statement, based upon its own logic,

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Jacob Neusner

Excerpt

[More information](#)

2 UNITING THE DUAL TORAH

is followed by the reconstruction of (large tracts of the Mishnah) as a statement wholly within, and in accord with, the logic and program of the written Torah in Leviticus.² Quite how they did so requires the studies presented in this book, each in its logical position, beginning to end. I, therefore, represent as a triumph of intellect the work of the authorship of Sifra, as we now know it in its recurrent and fixed forms of rhetoric and logic and equally permanent protocol of relationships with other documents, particularly Scripture and Mishnah (with Tosefta). What we have in Sifra is simply one of the great, original, and successful works of the critical mind (and, in an odd sense, I should claim also, aesthetics.³) in the Judaism of the dual Torah as it emerged from late antiquity. Let me explain the question that is answered in this book by inquiry into the deep structure of the logic of coherent discourse and cogent thought expressed in uniting the Torah through rewriting Scripture.

The former, and dominant, approach to uniting the two Torahs, oral and written, into a single cogent statement, involved reading the written Torah into the oral. In form, this was done through inserting into the oral Torah a long sequence of proof texts. That is the solution taken by the authorities who received the Mishnah, the initial and authoritative writing down of the oral Torah, and who subjected it to four hundred years of amplification, paraphrase, and internal augmentation. They carried out that solution through the Tosefta, ca. A.D. 300, then the Talmud of the Land of Israel, ca. A.D. 400, and then, in the most successful and thorough manner, through the Talmud of Babylonia, ca. A.D. 600. The other solution required reading the oral Torah into the written one, by inserting into the written Torah citations and allusions to the oral one, and also by demonstrating, on both philosophical and theological grounds, the utter subordination and dependency of the oral Torah, the Mishnah, to the written Torah – while at the same time defending and vindicating that same oral Torah.

II. Dating Sifra, Documentary Discourse and an Authorship

We do not know when Sifra reached closure, or precisely what “closure” might mean. Indeed, to say precisely what we mean by “Sifra” requires attention. For we cannot be certain that everything now printed in what we call “Sifra” was there at the outset, when the document was finally closed by its original authorship. An incremental process of copying, adding, and changing affects all writings that reach us from antiquity; before printing, everything was in flux. Although, as in the case of many documents out of Greco–Roman antiquity, we have rich manuscript traditions on the basis of which to produce critical texts, in the case of

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Excerpt

[More information](#)

PROLOGUE 3

the Judaic holy books, we have paltry evidence, none of it within centuries of the time at which, people generally assume, Sifra was finally redacted. In fact, manuscript testimony begins long after the Muslim conquest of the Middle East brought to an end the period we identify as "late antiquity," that is, the age in which the Judaism of the dual Torah took form and produced its principal documents. Although Sifra, among other writings, is nearly universally held to have been redacted before the Talmud of Babylonia, the final document of the formative age of the Judaism under study, in ca. A.D. 600, that premise has no bearing upon our work. As stated previously, I do not propose to explain a trait of the document, let alone an opinion expressed in the writing, by appeal to a particular historical event, identifying the particular historical setting or context in which our authorship concluded its work, and to which (as a matter of definition) that authorship proposed to make its statement. There is no *terminus ante quem* that plays a role in the argument of this book. I also do not know that statements attributed by our authorship to particular authorities of a period prior to the (unknown) time of redaction really were said by those to whom they are assigned. Accordingly, we have no *terminus a quo*.

Finally, as I have already suggested, I cannot demonstrate that everything now in our hands was in that original (theoretical) Sifra that supposedly was closed at a particular time in a particular place; I should never exclude the probability that, prior to printing, copyists added materials they thought belonged in this document. The state of manuscript evidence, so satisfyingly assembled for us in the part now published by Professor and Rabbi Louis Finkelstein, does strongly suggest that what we have is what those original redactors gave us, more or less, and that variations in contents contributed by later copyists proved trivial.⁴ But even though I believe Finkelstein has demonstrated that fact for the generality of our document, in no way does my thesis concerning it appeal to the "original" Sifra or exclude from discourse and analysis a single line I deem to be "added later." That entire mode of scholarship seems to me to yield uninteresting results, precisely because it aims at a positive judgment, a precision, not possible in the state of the evidence with which we deal.

What I do maintain is that our document reveals a fixed rhetorical, logical, and even topical program, which we may distinguish from the fixed rhetorical, logical, and topical programs of other documents of its classification. It is a singular species within its genus. I demonstrate that fact in the companion work, *Sifra in Context*, and need not review the demonstration here. The result may be stated very simply, and with heavy emphasis.

Fundamental to our document are certain recurrent structures of

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Jacob Neusner

Excerpt

[More information](#)

4 UNITING THE DUAL TORAH

rhetic, logic, and topic. These must be identified as the generative and definitive structures of the writing. People can, and surely did, borrow from a corpus of ready-made statements, for example, paragraphs, but what they did with them when they were making Sifra was always dictated by a protocol of a highly conventional and formal character, conventional in logic, formal in rhetoric, and fixed as to program and proposition.

Now whether a single authorship made the whole, or whether the document grew incrementally over the period of a week, a month, a year, a century, or a millennium, I do not know; no one does. However, it is beyond doubt that throughout the period of formation the process was not agglutinative but patterned and paradigmatic, and that the paradigm established its paramount presence at the very onset of the process of agglutination. The very formal, conventional character of the writing before us, its structurally repetitive character, its limited repertoire not only of forms but also of intellectual initiatives – these demonstrated traits define Sifra and only Sifra and, therefore, were present at the point at which, whatever antecedent conceptions of writings were utilized, the authorship of Sifra undertook to form and frame this document in particular. To express that fact, I have appealed to the conception of not a single author, which is beyond demonstration though possible, but of an authorship, a body of composers, working at an indeterminate time and place, all bound by a single protocol of generative conceptions and a distinctive protocol as to rhetoric and logic.

III. What Do We Mean by an Authorship?

By definition a composite document such as ours has no single author. But since it exhibits a cogent character, a work such as Sifra, therefore, derives from a considered set of decisions of a rhetorical, logical, and topical order. To be sure, as I have stressed, we do not know for how long the authorship that formed Sifra flourished. Until medieval times, we have no authoritative evidence in the form of dated manuscripts for any document of the Judaism of the dual Torah. In addition, we do not know that what we now call Sifra existed in late antiquity. However, we do stand on solid ground in maintaining that the cogent discourse that defines the document's rhetoric, topic, and logic marked the document from its original stages. Logic prescribes that, if we are unable to assign the document to a particular point of origin, we gain out of the definitive paradigm of rhetoric, topic, and logic a clear picture of the sustaining position of the authorship at hand *ab origine*. Others, joining the creative work of handing on the document, added what they chose, but, as we recognize, solely in line with the established principles of public discourse.

Accordingly, a composite document such as ours has no single author. But as I show in the companion study of *Sifra in Context*, as a coherent statement in both form and proposition, Sifra exhibits a cogent character. Therefore, it derives from a considered set of decisions of a rhetorical, logical, and topical order, that is, Sifra derives from an authorship, a collectivity of consensus about this particular writing.⁵

Again, it is the uniformity of rhetoric, topic, and logic that justifies the claim to treat the document as cogent, even though later tradents joined the process of formulation and formation. When in due course I propose to relate the indicative traits of the document to the circumstance within the unfolding canon I believe definitive for the document, I refer not to any single paragraph or chapter, let alone a statement within one, but to the definitive and indicative traits of the whole, logic, rhetoric, topic alike, and these in the larger context of the canonical program of the framers of the dual Torah in the late fourth, fifth, and sixth centuries.

IV. Defining “The” Sifra

What requires this careful definition of what we can, and cannot, mean when we refer to “*the*” Sifra? I have now emphasized that the work of the authorship of Sifra reaches us only through a long process of copying and recopying. Accordingly, we cannot be certain that the Hebrew version in our hands is the one originally sent into the world by the authorship of the document. If, therefore, we propose to represent the traits of mind and intellect of the authorship responsible for Sifra, we cannot appeal to any one detail, for example, a given paragraph or pericope. That singleton may or may not have found a place in the original version(s), produced by the authorship that bears responsibility for the writing and that has defined and guaranteed the consensus constituted, to begin with, by Sifra. We do not have the original manuscript that stated what the initial authorship wished to say. We do not even come within a millennium of that original authorship.

The state of manuscript evidence, whether rich or impoverished, settles few important questions as to the original intent and statement of the responsible authorship. If we wish to know anything at all about the document as its authorship created it, we have to appeal not to particular statements but to the character of the document as a whole, as evidenced in each and every one of its parts. General and ubiquitous traits of rhetoric and logic can be imitated by later copyist-authors, adding their own message to the document as it passes through their hands. But they cannot be invented – and, by definition, they do represent the intent and plan of the original authorship. In addition, we may even appeal to overall traits of the topical plan and program of the document for evidence of the initial program, even though one or another subject or

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Jacob Neusner

Excerpt

[More information](#)

6 UNITING THE DUAL TORAH

specific proposition cannot be reliably imputed to that original authorship. The way we solve the problem of the parlous character of the manuscript tradition and evidence of any rabbinic document of late antiquity – and every document reaches us only by means of the most dubious manuscript tradition – is to conduct an analysis of the traits of the whole: what defines in all of the parts the indicative character of rhetoric, logic, and topic? When we can answer those questions, we may “introduce” our document, that is to say, answer such basic questions about the classification and definition of the writing as permit us to understand and make sense of that writing. This method, of course, disavows those critics who argue that, until all manuscript evidence has been collated (which critics call “the making of a critical text”), no work of description, analysis, and interpretation is possible.⁶

Moreover, critics who mount an argument based on the inadequacy of available textual evidence ignore the stress, in the work done today on the history of religion for Judaism, upon the ubiquitous traits of form, including the formalization of rhetoric, the prevalence of a given (documentary) logic, and the recurrence and conventionality of a given (documentary) topical program. No one known to me composes a history of religion, for a Judaism, based on the premise that the texts we now have accurately and in every detail represent the original statement of the initial authorship. Quite to the contrary, it is because of the uncertainty of our textual tradition and its available representation that the entire emphasis lies on uniformities and continuities, within a document, of a given convention in rhetoric, logic, and topic. Therefore, whereas the internal evidence supplied by that authorship deals with no speculation on the circumstance of composition or the purpose of publication, the phenomenological study presented here rests upon sound foundations. The questions under discussion involve not the history of manuscripts but the definitive structure and generative character of the document itself.

To conclude: Whereas in antiquity books or other important writings (e.g., letters and treatises) bore the name of the author or at least an attribution (e.g., Aristotle’s or Paul’s name), no document in the canon of Judaism produced in late antiquity bore a named author. No document in that canon contains within itself a definitive statement of date of composition, a defined place or circumstance in which the book is written, a sustained argument to which we readily gain access, or any of the other usual indicators by which we define the authorship, the context, and the circumstance of a book. There is a reason for that fact. The purpose of the sages who in the aggregate created the canonical writings of the Judaism of the dual Torah is served by not specifying differentiating traits such as time, place, and identity of the author or the authorship. The canon –

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Jacob Neusner

Excerpt

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“the one whole Torah of Moses, our rabbi” – presents single books as undifferentiated episodes in a timeless, ahistorical setting: Torah revealed to Moses by God at Mount Sinai, but written down long afterward. That theological conviction about the canon overall denies us information to introduce the book at hand, that is, to say, what it is. Without the usual indicators, then, how are we to read our document on its own terms, so as to answer the question: what is this book? When, where, why was it written? What does it mean?

Lacking clear answers to these questions, we turn to the evidence the document does provide: its salient traits of plan and program as displayed by intrinsic evidence. By plan I mean simply the literary traits before us. The intellectual program, so far as we can define it, derives from those same literary traits: From *how* the book’s authorship persistently and ubiquitously presents its messages, we hope to learn *what* important points that authorship proposed to impart. In effect these two go together: form and meaning, structure and sustained polemic. Proposing to define the document at hand, we begin from the outside, with formal traits, and work our way inwards, toward the deciphering of the messages contained within those recurrent points of interest and stress, as signified in form. Only by seeing the document whole and simultaneous will we gain the rudiments of a definition. Describing and defining bits and pieces would yield no encompassing description of the whole. If we ask, therefore, what is this book, we begin with the entirety of the document. That is the approach I have taken in succession to each document of the Judaism of the Dual Torah.

Among the three definitive or indicative traits of a piece of sustained writing – rhetoric, logic, and topic – the first is the easiest to characterize, since it is, by definition, recurrent and repetitive. The logic or principle of cogent discourse, which imparts (in the mind of the authorship) intelligibility, comes to formal expression in rhetoric, so we commonly move from description of rhetoric to analysis of the logical foundations of rhetoric. And, under normal circumstances, the third and most difficult point of entry into a definition of the document is its topical program. Here, because the authorship treats more than a single topic, that is diffuse. Furthermore, it is the indicative trait of the document least likely to form connections to other documents, authorships’ preferring, after all, to say something fresh or at least something old in a new way. By “the” Sifra, therefore, I mean the protocol of fixed traits of rhetoric, logic, and, within the methodical program outlined in the companion study, even topic that mark this document and no other, identifying “the” Sifra as a species within the genus of which it forms a component.

This statement explains why I have to ask the reader to stipulate the

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Jacob Neusner

Excerpt

[More information](#)

8 UNITING THE DUAL TORAH

result of the companion study on *Sifra in Context*, a polythetic definition of the document as a singular species within not a single genus but multiple genera. The only way I can treat the problem of uniting the Dual Torah as solved by our authorship is to ask for the reader's indulgence in conceding, for the sake of argument, the distinctive character of this piece of writing, that is to say, to permit me to speak of "the" Sifra (obviously, by merely saying, "Sifra" without further qualification). Given the challenges and problems to that mode of speech, I believe it is no small concession. But, for the moment, we will do our work as though I had demonstrated what in fact will be set forth presently. The order of argument is dictated, for me, by the simple fact that the problem at hand is the fresher and more interesting of the two: What does our authorship accomplish and why? And later on, a more familiar issue, which I have addressed, method and substance alike, for nearly all of the Midrash compilations of consequence: On what basis do I claim that our authorship has written a book of its own, not merely a formless and aimless scrapbook of this and that? Now to the issue at hand: how to unify the two constituents of the Dual Torah, the written and the oral.

Notes

¹ That our authorship can have demonstrated the same propositions of topical program and order, logic of cogent discourse, and logic of probative demonstration of propositions, for other parts of the Mishnah that relate to other legal codes in the Mosaic composite is beyond all doubt shown in the two Sifrés. We have no counterpart for Exodus, and, of course, there are sizable tracts of the Mishnah that stand out of all relationship to Scripture. But the program of our document certainly is not particular to the book of Leviticus, and the polemic and propositions encompass the entirety of the dual Torah, wherever finally written down.

² While this is a wholly phenomenological study, I might observe that an ideal historical setting in which the issues I think worked out here proved urgent will be a Karaite one, where the opposed parties either deny that there was an oral Torah at all, or affirm that the oral Torah stands wholly autonomous of the written one. The authorship before us then adopted a mediating position, within the principles of Karaism concerning the written Torah, restating the basic propositions, so far as relevant, of the oral Torah, Scripture and Mishnah, respectively. But they did this with a philosophical profundity that required closest attention to the critique of applied reason, so that the destruction of the Mishnah as a free-standing statement was accomplished not merely formally (as I originally thought in my *History of the Mishnaic Law of Purities. VII. Negaim. Sifra* [Leiden, 1976: E. J. Brill]), but, as I demonstrate, in terms of inner logical structure. Unfortunately, I do not know when Sifra reached closure. Was it only in Karaite times and did Sifra address as its distinctive and urgent question, the twin-challenges of Karaism and extreme rabbinism? Nonetheless, the same issue

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Jacob Neusner

Excerpt

[More information](#)

– sola scriptura, only a written Torah from Sinai, as against the Mishnah as oral tradition of autonomous standing – assuredly occupied much attention from the very origin of the Mishnah itself, as tractate Avot shows us. I do know that one paramount issue within the documentary statement of Sifra's authorship is the sustained attack on the taxonomic, hierarchical logic of the Mishnah and the equally protracted demonstration of the other logic that our authorship proposes. All of this becomes clear in the pages of this book and its companions, fore and aft.

³ There is an odd and compelling beauty in Sifra. One's first impression may well be that of tedium. But once we understand what is happening at any given passage and grasp the problem facing our authorship, we realize the resources of critical intellect and imagination that sustain the discourse they set forth. As I was developing my translation with the help of Professor Bernard Mandelbaum, I was very often taken with his admiration for the document as such, not merely for the many fine statements it contains, just as I was swept away by the flow of discourse, argument, and even rhetoric. That is why I think we have an aesthetic triumph in hand, even though, admittedly, it is one that works its magic through repetition, the wearing down of the independence of the reader and the reshaping of reading into a single fixed pattern. Recognition of the familiar is only part of the result, however. The other part is the discovery of surprise within the repeated and the familiar. This is not an exegetical–eisegetical counterpart to Ravel's interminable and offensive *Bolero* – not at all!

⁴ The exaggeration of the variety and extent of variations in readings of the ancient documents is meant to intimidate all other sorts of studies but collections and arrangements of variant readings. But no one who understands form-analysis can take fright before the fulminations of the collectors and arrangers of variants, who grasp only what they collect and do not understand the ways in which, when framing questions in one way rather than another, we amply take account of the variations in readings of this, that, and the other thing. We return to this matter in a moment.

⁵ Nothing in this book rests upon the allegation that Sifra is unique or sui generis, and no statement made alleges that our authorship was the only one to propose uniting the dual Torah in the manner set forth here. I do think that only a polythetic taxonomy permits us to compare and contrast Sifra to the two Sifrés, and, moreover, that the shared traits among the three documents ordinarily grouped as “the halakhic midrashim” (often with the Mekhilta attributed to R. Ishmael!) are imputed more than inherent. But that is a problem to be addressed elsewhere.

⁶ The single explicit statement on the matter comes from Peter Schaefer, “Research into Rabbinic Literature: An Attempt to Define the *Status Quaestionis*,” *Journal of Jewish Studies* 37 (1986): 146–152. This article in no way succeeds in its announced purpose, and its discussion of the matter at hand is uncomprehending and (alas) rather pretentious. But others in less explicit ways have raised the issue, not perceiving that that issue had formed one generative consideration for my defining my work as I have. The other was the impossibility of demonstrating which attributions to named authorities are valid, which not. Schaefer does not seem to grasp the principles of form-analysis and how that

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Jacob Neusner

Excerpt

[More information](#)

10 UNITING THE DUAL TORAH

approach to the text takes full account of the complexity of manuscript variations – when and where there is a rich manuscript tradition at all. His conception, because there are so many representations of a document, we can say nothing at all about the document in its “original” form, is not wrong; it is simply beside the point, when, as in the rabbinic writings, documents follow exceedingly well-defined and limited formal, rhetorical, and logical programs. Schaefer’s work on the Hekhalot fragments brought him into contact with a corpus of materials of a chaotic character, dealing with a document (if it ever was a single document at all) in no way comparable to the well-formed and rigidly formalized rabbinic writings, such as the Mishnah, Sifra, and the two Sifrés. So he has generalized from a set of writings that may or may not even fall into the tradition of formulation and transmission subject to the discipline of the rabbinic movement and institutions. Schaefer does not seem to have understood the results of Y. N. Epstein’s monumental study of Mishnah variants, *Mabo lenusah hammishnah*, or perhaps he has misunderstood the forest for the trees, the trees for the leaves, in pronouncing the forest and the trees to comprise only leaves. For what Epstein demonstrated was that the variations are trivial, the basic structures uniform (e.g., as to the shape and structure of the Mishnah as a whole). Furthermore, Schaefer has not understood how others, working with different types of writings altogether, indeed have taken full account of problems to which he has accused colleagues of being utterly oblivious. The ultimately nihilistic position he has propounded depends upon his own unwillingness to consider the solutions of others to problems that he has declared beyond solution, rather than to criticize those solutions if he understands them and can propose interesting criticisms of them. On the whole, I think we may value Schaefer’s own collections of variants without following him into the cul de sac defined by his anti-intellectual nihilism.