

PREFACE

Rabbinic Judaism came into being between 70 and 170. It took shape in the aftermath of the destruction of the Second Temple in 70 and within less than a century produced the structures which, with much modulation and expansion, persisted to the present day. In the first two parts of this book I examine central problems in the formation of Rabbinic Judaism, and in the third I deal with the context in which it developed.

Since what makes Rabbinic Judaism distinctive is its concept of the Oral Torah, contained within Mishnah-Tosefta, going back to Sinai and equal with the written Torah revealed to Moses "our rabbi," I begin with the most basic question, the phenomenon of Oral Torah. Rather than citing numerous rabbinic sayings on that subject, I prefer to seek evidence in the character of Mishnah-Tosefta itself. Since it is Mishnah-Tosefta which the rabbis claim is Oral Torah, I ask exactly what is that Oral Torah, and, of greatest importance, how does it relate to the written Torah, the other half of the "one whole Torah" of Our Rabbi Moses? Much more work has to be done on Mishnah-Tosefta, as well as on the Tannaitic Midrashim, before we shall have a fair picture of what Oral Torah actually meant to the second century rabbis. I believe, however, that by taking seriously the rabbis' own claim in behalf of Mishnah-Tosefta—that is, in relationship to what they actually have given us—I have reshaped the definition of the problem. I hope, too, that we may now set aside the circumscribed agendum supplied by earlier historians of Judaism: What in Mishnah is "early" or "goes back before 70"? The real problem is not what in Mishnah is early, but what Mishnah is.

The next two papers turn to the period in which Rabbinic Judaism as we now know it began to take shape. In the second essay I describe the several responses to the destruction of the Second Temple produced by various groups within Judaism. In the third I take up the problem of shaping viable definitions for both Pharisaism and Rabbinism and attempt to make use of those definitions in analyzing the character of the traditions attributed to the earliest authorities of Yavneh.

Another major problem is presented by the literary traits of the rabbinic sources. It is commonly alleged that when the rabbi spoke

of "Oral Torah," they referred, in particular, to the ways in which traditions were formulated and handed on. We have therefore to ask whether that allegation is found in the rabbinical sayings about the Pharisees before 70. Just as in the opening paper, I prefer to turn aside from sayings *about* a subject in favor of an inductive inquiry into the data themselves, here too I ask about the evidence of oral formulation and transmission contained within the sources which the rabbis themselves assign (whether rightly or not) to authorities before 70. (By "Pharisees" in this context I mean simply those figures who appear in stories obviously set in the period before the destruction of the Second Temple and those "rabbis" named in the chain of tradition contained in M. Avot Chapter One.) It seems to me we can hardly claim in behalf of the Pharisees before 70 more than the rabbis themselves said about them.

To be sure, there are numerous sayings in Mishnah-Tosefta and other relatively early compilations which do not have names attached to them, and these too "may go back before 70," so it is claimed. However, I believe that in my *History of the Mishnaic Law of Purities* the unattributed sayings and whole pericopae are shown to be susceptible of assignment to specific strata in the formation of the law. In those tractates on which the work is done, Kelim and Ohalot, I know of not a single unassigned saying which cannot be shown to depend upon an assumption or principle demonstrably later than 70. In the fourth paper, I lay out the problem of oral formulation and oral transmission of traditions in the period before 70 as well as the internal evidence pertinent to the matter of memorization. In the fifth paper, by contrast, I show that the evidence is ambiguous and may well suggest formulation and transmission of traditions in writing. I believe that, having defined what is meant by Oral Torah as represented in Mishnah, I have in any case given reason to regard the matter of oral formulation and oral transmission as simply beside the main point. The sixth paper then carries forward the form-critical work, unimpeded by false or impertinent issues and assumptions.

In the last set of papers, I confront still another problem of method, this time in the interpretation of archaeological evidence for the study of the history of Judaism. The seventh, eighth, and tenth papers are review-essays. The seventh introduces the now-abandoned conception of "Normative Judaism." It is difficult to realize that for fifty years that conception formed a major obstacle in the study of archaeological data, because the literary evidence produced by "Normative," that is,

Rabbinic, Judaism seemed to make no room for what archaeologists had revealed. Today I cannot think of a single important scholar of the history of Judaism who conceives Rabbinic Judaism to have been “normative” in a descriptive, historical sense. To be sure, relics of discredited conceptions persist. But they do not stand in the path or impede the flow of scholarship. When Erwin Goodenough first began to lay out the archaeological evidence on symbols important in ancient synagogues, however, “Normative Judaism” stood as a massive presence and, I believe, diverted him from more central matters. The eighth paper lays out what I think is important for the study of the history of Judaism in Goodenough’s first eight volumes. The ninth is an effort to restate the problem of synagogue art in a way I believe more fruitful than Goodenough’s. The tenth is an account of two approaches to the problem of the interpretation of the art of the synagogue at Dura-Europos. In the final paper I suggest areas for further inquiry in the study of Jewish symbols in ancient synagogues. All of these papers were written while Goodenough was alive and in response to his presence. In behalf of none of them do I claim more than to offer some notations in the margins of his great work, glosses from the perspective of the history of Judaism, and, in particular, of Rabbinic Judaism.

I wish to thank the editors of the several journals in which these papers originally appeared for permission to reprint them here. I have revised the papers primarily by deleting materials which duplicate what is said elsewhere in this book, secondarily by removing ideas which I no longer hold.

The dedication, to Rabbi Daniel Jeremy Silver, is a token of thanks to a loyal and good friend. For many years Dan Silver edited the *Journal of the Central Conference of American Rabbis*, during which time he made the journal into a forum for the discussion, before a large audience, of scholarly issues and problems. I was able many times to present my ideas under his auspices. At the same time he served as president of the National Foundation for Jewish Culture, attempting to build that Foundation into a strong support for Jewish learning in America. As a member of the academic council, I learned to respect his scholarly taste, judgment, and discernment. A scholar himself, he has devoted much effort to make possible the scholarly work of others. I express my appreciation for what he has done for me and for many others.

Dr. Charles Berlin, Harvard College Library Judaica Curator,

kindly helped in locating copies of articles of mine no longer in my possession. Professor William Scott Green, University of Rochester, assisted in the selection and organization of the several papers. I thank them both.

J. N.