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Author(s): John C. Poirier

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JACOB NEUSNER, THE MISHNAH, AND VENTRILOQUISM

JOHN C. POIRIER,
Jewish Theological Seminary of America

ABSTRACT

Jacob Neusner's ideas on the Mishnah have already been roundly criticized. Nevertheless many of Neusner's extraordinary ideas still need to be examined. This response to Neusner's reading of the Mishnah raises questions in four areas: (1) his treatment of all documents as manifestos that in some way disclose their authors' self-definitions; (2) his adduction of the Mishnah's ritual map as a datum that helps locate it among the philosophies of the ancient world, as if philosophies of sacred space were the exception and not the rule (thus typifying the Mishnah through what does not distinguish it, since the concept of "sacred ontology" typified the Mediterranean world); (3) his use of the Mishnah's "ahistorical" language (including its choice of verb tense) as evidence that the Mishnah has no interest in history (thus again typifying the Mishnah through what does not distinguish it, in that it is not present at all); and (4) his unprofessed but evident use of structuralist analysis to use conclusions about the Mishnah's "ahistorical" language as a corroboration and refinement of his "discovery" of the Mishnah's "sacred ontology." He ends up talking about an anti-eschatological Judaism that hierarchizes the cosmos in the same way as Aristotle. These unusual results are based not so much upon the data of the Mishnah as upon Neusner's eisegetical reading of the text.

Jacob Neusner has written more on the Mishnah than anyone else. This article asks what we have gained from his efforts. As the title suggests, this review will argue that Neusner's works on the Mishnah have not provided us with *exegesis* but rather *ventriloquism*. In his long list of commentaries and studies on the Mishnah, we continually hear Neusner's voice recast in the guise of "the Mishnah's philosophy." Some of the substance of this study can be found elsewhere—the trenchant criticisms by Cohen, Maccoby, Sanders, and Evans should not be missed—but Neusner's proposals about the Mishnah are so ambitious and extraordinary that they have not tired of criticism.¹ In further justification of another review of Neusner's

¹ Shaye J. D. Cohen, "Jacob Neusner, Mishnah, and Counter-Rabbinics: A Review Essay," *Conservative Judaism* 37 (1983) 48–63; Hyam Maccoby, "Jacob Neusner's Mishnah," *Midstream* 30/5 (May 1984) 24–32; idem, "Neusner and the Red Cow," *JSJ* 21 (1990) 60–75; E. P. Sanders, *Jewish Law from Jesus to the Mishnah* (Philadelphia,

treatment of the Mishnah, I intend to make some comments that are not wholly concentric with earlier reviews.

Neusner's work, though in a real sense methodologically tedious, suffers gross methodological lapses throughout. In a way this seems contradictory, but the fact is that Neusner has invested so much in the rhetoric of method that he often has successfully accomplished a reordering of the data before their proper consideration. This is the irreducible Neusner, and it is where, for the sake of rabbinic scholarship, his methods should be questioned.

If the falsity of Neusner's methodological "purism" is not so readily apparent, it is only because rabbinics is a difficult field to begin with. Neusner has, in fact, exploited the relative inaccessibility of historical and redactional circumstance—by using a stratospheric rhetoric—to impose a pretzel logic upon the Mishnah. The greatest of Neusner's shortcomings lies in the unreasonableness of virtually all his burdens of proof. Scholarly restraint should not be used as an excuse for smuggling wildly speculative histories into texts. Methodologies should not be so heavy-handed that they obscure the data, and I will argue that this is exactly what Neusner has done.

I. NEUSNER AND WHAT DOCUMENTS REVEAL

Before pointing out the most serious flaws in Neusner's approach to the Mishnah, I should indicate a couple of valuable cautions that Neusner has brought to the fore of the debate. Presenting these astute "methodologems" in the form of quotations from one of Neusner's essays should put the shortcomings in context and locate more conspicuously his logical missteps. One of his central theses is as follows: "All work in the history of the formative age of the Judaism of the Dual Torah that treats documentary lines as null and attributions as invariably valid must be dismissed. . . ."² This call for the wider application of modern composition criticism is a welcome motion. The use of this criticism in the study of ancient Jewish writings is long overdue. Neusner also correctly claims that the goal is "to situate the contents of writings into particular circum-

1990) 309–331; Craig A. Evans, "Mishna and Messiah 'In Context': Some Comments on Jacob Neusner's Proposals," *JBL* 112 (1993) 267–289.

² Jacob Neusner, *From Literature to Theology in Formative Judaism: Threë Preliminary Studies* (Atlanta, 1989) 198. My ellipsis replaces the words "as a mere curiosity." These four words take me beyond comfortable agreement.

stances, so that we may read the contents in the context of a real time and place.”³ In this day the value of such an approach will hardly be missed.

We can agree with both these positions. But at this point Neusner’s method takes a fatal turn. The following passage reveals a flaw in the logic that ruins his approach as a whole. This flaw is the crux of what this paper finds troubling about Neusner, and also happens to be the central principle of the Neusnerian method:

Documents reveal the system and structure of their authorships, and, in the case of religious writing, out of a document without named authors we may compose an account of the authorship’s religion: a way of life, a worldview, a social entity meant to realize both. Read one by one, *documents reveal the interiority of intellect of an authorship*, and that inner-facing quality of mind inheres even when an authorship imagines it speaks outward, toward and about the world beyond.⁴

Neusner wishes us to accept this as the next logical step in what he puts forward as a “documentary method,” proclaiming it as one of the “canons of criticism that govern academic scholarship.”⁵ But here Neusner is wrong both in the precise delineation of a method and in identifying it with practices accepted elsewhere. Documents, in fact, *do not* reveal “the interiority of intellect of an authorship”—at least, they do not disclose the interior state of an author’s thoughts on subjects not directly dealt with in the document. Rather, they reveal only the chance *intersection* of this “interiority of intellect” with the “generative problematic”⁶ of the document, and this intersection is almost always a very modest selection from the author’s highest canon of concerns, seldom yielding more than a sliver of insight into the author’s overarching ordering principles.⁷ The intersection is often

³ Ibid., 199.

⁴ Ibid., 201 (emphasis mine).

⁵ Ibid., 202.

⁶ Neusner’s term.

⁷ Sometimes Neusner comes close to admitting this. He states, for example, “Since the Mishnah constitutes the foundation-document of its kind of Judaism, our interest is in that document as such, and not in other ideas that may or may not also have been held by its framers” (Jacob Neusner, “Mishnah and Messiah,” in *Judaisms and Their Messiahs at the Turn of the Christian Era*, eds. Jacob Neusner, William Scott Green, Ernest S. Frerichs [Cambridge, 1987] 268). These “other ideas,” however, are what “we do not know,” and Neusner therefore absolutely excludes their possibility in defining a given document’s “authorship.” Maccoby writes, “Every now and then [Neusner] remembers that his logic should lead him to agnosticism, not negative certainty,

not even recoverable. (Please note that I am not invoking the post-modernist claim that we cannot know an author's mind.) This is simply the truism that is invoked whenever anyone refers to a text's "occasional" nature. I am reminded here of Isadore Twersky's remarks about the 16th-century *Shulḥan ʿArukh*:

[T]he *Shulḥan ʿArukh* does not even afford an oblique glimpse of the Kabbalistic posture of R. Joseph Karo, who appears here in the guise of the civil lawyer for whom 'nothing was more pointless, nothing more inept than a law with a preamble.' He was concerned exclusively with what Max Weber called the 'methodology of sanctification' which produces a 'continuous personality pattern,' not with its charismatic goals or stimuli, the ethical underpinning or theological vision which suffuse the Halachah with significance, guarantee its radical, ineradicable spirituality and thereby nurture the religious consciousness.⁸

This problem of assembling a pre-rhetorical system from occasional texts is basic to Pauline studies, specifically the problem of making sense of Romans and Galatians in view of each other. Even a "complete" canon is, after all, still accidental. In the end, Neusner's method tells us almost nothing about the author of a document, much less the author's philosophy or theology.⁹ Of course, some documents will show larger intersections between their own "generative problematics" and the authors' defining canons, but these sorts of manifestos are the exception and not the rule that Neusner suggests.

And what are the results of Neusner's ill-fated search for "intellectual interiority"?

but his sporadic awareness is soon obliterated by his desire to produce tangible results. . . . A biographer who knows with absolute certainty only one fact about his subject, that he once said, 'Pass the mustard,' may be tempted to write a biography in which this incident is treated as the most important event in his subject's life" ("Jacob Neusner's Mishnah," 31). Cf. Yaakov Elman, "The Judaism of the Mishna: What Evidence?" *Judaica Book News* 12/2 (1982) 17–25.

⁸ "The *Shulḥan ʿArukh*: Enduring Code of Jewish Law," *Judaism* 16 (1967) 153–154.

⁹ Neusner has acknowledged recently that "what authors say in a given work is not everything they think," but still does not acknowledge the corollary which upsets his own program: that one "Judaism" could have produced documents differing in their "generative problematics" ("The Mishna in Philosophical Context and Out of Canonical Bounds," *JBL* 112 [1993] 296 n. 12). Note that Neusner speaks of the "generative problematics" of both rabbinic works and "Judaisms," in a way that anticipates his one-to-one correlation of texts and forms of Judaism.

This language [of the Mishnah] speaks of ordinary things, of things which everyone must have known. But because of the peculiar and particular way in which it is formed and formalized, this same language not only adheres to an aesthetic theory but expresses a deeply embedded ontology and methodology of the sacred, specifically of the sacred within the secular, and of the capacity for regulation, therefore for sanctification, within the ordinary: All things in order, all things then hallowed by God who orders all things, so said the priests' creation tale.¹⁰

Saying this much, however, is rather uneventful. The "ordinary things" Neusner lists,¹¹ and their potential for religious significance, form a constant backdrop for the forms of Judaism encountered in, for example, Judith, Ben Sira, the Qumran Scrolls, Josephus, the Hebrew Bible, and the New Testament.¹² Indeed, I would not have expected any other "ontology of the sacred."¹³ There is no reason to

¹⁰ Jacob Neusner, *The Mishnah: An Introduction* (Northvale, 1989) 39. Most of this paragraph can also be found in Jacob Neusner, *The Philosophical Mishnah*, vol. 1: *The Initial Probe* (Atlanta, 1988) 26.

¹¹ He writes that the Mishnah speaks "of pots and pans, of menstruation and dead creeping things; of ordinary water which, because of the circumstance of its collection and location, possesses extraordinary power; of the commonplace corpse and ubiquitous diseased person; of genitalia and excrement, toilet seats, and the flux of penises; of stems of pomegranates and stalks of leeks; of rain and earth and wood, metal, glass, and hide" (*The Mishnah: An Introduction*, 39).

¹² At least one of Neusner's students, Jack N. Lightstone, has noticed that the Bible and the Mishnah share the same "ontology of the sacred." To account for this, while still supporting his teacher's claim that the mishnaic ontology is somehow momentous, Lightstone claims that the scriptural canon was closed by the same rabbinic circles that compiled the Mishnah. Claiming this, which runs counter to well-known evidence for a much earlier closure of canon (in [Greek] Ben Sira, Josephus, and Luke—evidence which Lightstone neither answers nor mentions), he further argues that the "early rabbis in so imagining the contours of sacred space mirror in scriptural canon and Mishnah their social institutions and experience of the 2nd century CE"! (*Society, the Sacred, and Scripture in Ancient Judaism: A Sociology of Knowledge* [Waterloo, Ontario, 1988] 68). Sid Z. Leiman writes, "the rabbis inherited a more or less fixed biblical canon from their rabbinic predecessors. They introduced some modifications as late as the third century CE, but such modification amounted to no more than cosmetic surgery" ("Inspiration and Canonicity: Reflections on the Formation of the Biblical Canon," in *Jewish and Christian Self-Definition*, vol. 2: *Aspects of Judaism in the Greco-Roman Period*, eds. E. P. Sanders, A. I. Baumgarten, and Alan Mendelson [Philadelphia, 1981] 57).

¹³ See Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations* (Atlanta, 1993) *passim*.

turn this ontology into a philosophical burden for the Mishnah, much less to deny that it was shared by most of ancient Judaism. In other words, Neusner has produced from his study of the Mishnah a sophisticated apology for what in fact should have been regarded as an ongoing datum for understanding virtually any ancient Jewish document. He has found the unreflective ontology of the Mishnah's semitic matrix and moved it to the reflective center of the authors' concerns, as though they are newly self-aware.¹⁴ (And if Neusner's real point is not the uniqueness of the Mishnah's ontology, but rather ontology's place in the Mishnah's encoded message, we are still not told how such an unreflective aspect of Judaism could have become a kerygmatic burden.)

Thus the problem is both methodological and applicational: (1) Neusner has supposed, for an untold reason, that the more group-defining a characteristic is, the more pervasively it will be instantiated in that group's literature.¹⁵ He wields this assumption as a hermeneutic in an attempt to move backward from a given group's writings to its self-definition. (2) In the case of the Mishnah, Neusner's journey backwards from the document begins with the discovery that the Mishnah displays a certain "ontology of the sacred." The problem with this approach, as I have stated, is that Neusner has "discovered" an ontology that was typical for that day and has read a profound development into it. The next section of the paper will discuss this problem in more detail. But first much more has to be said on the purely methodological issues raised by Neusner.

To be sure, the analysis of the Mishnah undertaken by Neusner and his students has often been tedious. Unfortunately, the tedium has consisted largely of an *uncritical* application of the miscon-

¹⁴ Regular readers of Neusner know that here I have avoided an important nuance in Neusner's thesis: the widening of the "centering structures of sacred space" following upon the destruction of the particularistic sacred zone in 70 CE. Neusner has repeatedly argued that this hallowing of space was central to the Mishnah's message. We shall examine this aspect of Neusner's thesis in turn.

¹⁵ Neusner writes, "Each of the score of documents that make up the canon of Judaism in late antiquity exhibits distinctive traits in logic, rhetoric, and topic, so that we may identify the purposes and traits of form and intellect of the authorship of that document. It follows that documents possess integrity and are not merely scrapbooks, compilations made with no clear purpose or aesthetic plan" ("The Mishna in Philosophical Context and Out of Canonical Bounds," *JBL* 112 [1993] 301).

structed *critical* principle that we examined above.¹⁶ In the name of methodological purism, Neusner sets out to understand each text “on its own terms.” For Neusner, this approach involves treating all ancient documents as if they were encoded manifestos of some group or another.¹⁷ That is, he believes that a group’s self-definition is bound up (if not synonymous) with the programs of its extant documents.¹⁸ This principle, of course, further implies that two documents with different programs must have arisen from two different groups. This is clearly not the case. (Consider Romans with Galatians, or the Declaration of Independence with the Constitution of the United States, or Derrida’s *Limited Inc* with his *Positions*.) In the main, Neusner’s own methodological “refinements” are all problematic. For all the impressiveness of its catch-phrase descriptors, the proposed method suffers serious design flaws. The power of Neusner’s methodological rhetoric is both derived from and centered on the inspiring caveats strewn throughout, calculated to numb the reader to the shortcomings inherent in the method as truly constructed. Whatever approaches do not share the umbrella of Neusner’s caveats—“Let the text speak for itself,” “What we cannot show, we do not know,” “No Judaism recapitulates any other,” etc.—are clearly implied to be desultory and not worthy of a respectable modern critic.

The caveats themselves are not consistently followed. Thus, while the caveat “Let the text speak for itself” is applaudable, Neusner only uses its force to isolate documents one from another. When it comes to actual interpretation he does not listen to what the texts

¹⁶ As Maccoby writes, “The atomistic theory masquerades as a scientific axiom, by which piecemeal, ‘inductive’ work may proceed, but it is in fact only an assumption, and unfortunately a self-validating one, since it reproduces the fragmentizing results which are built into it at the start” (“Jacob Neusner’s Mishnah,” 27).

¹⁷ Sometimes Neusner uses “code” in the structuralist sense of a reducible medium of structure, as in his approving quotation of Mary Douglas: “If language is a code, where is the precoded message?” (Jacob Neusner, *Method and Meaning in Ancient Judaism* [Missoula, 1979] 33). Most of the time, however—and the distinction is not always clear—Neusner uses “code” in the everyday sense of a purposeful presentation of a conscious message (which is, to him, also structure) in a different guise, as when he discusses “what the Mishnah *wishes* to say.”

¹⁸ For example, Neusner writes, “When the rabbis of the late first and second centuries produced a document to contain the most important things they could specify . . .” (*Method and Meaning in Ancient Judaism*, 28).

really say but rather ventriloquizes his own version of what they *must* say. The most conspicuous example is probably the way in which Neusner constantly imposes the Temple's destruction upon a document's meaning. There is no disputing the fact that the destruction of the Temple was the most important Jewish historical event of the first century CE, and that it, more than any other event, could be expected to have triggered an existential crisis. Having said this much, however, does not justify Neusner's uncritical use of this event as a data-ordering principle. Instead of using historical and literary evidence to interpret the *significance* of the *horban*—the normal direction in which historical research proceeds—Neusner and company begin by constructing a *power of significance* for the *horban*, and then use this historical construct to interpret the historical and literary references and *lack of references* to the event.¹⁹ Thus to Neusner every document reveals a response to this “existential disruption.” If that response does not appear on its surface, then that document must be plumbed to its depths if we are to understand what it really “wants to say.” Documents that feign ignorance or relative disinterest in the event can only be doing so for heavy ideological reasons. This approach is clearly the reverse of accepted historical method.

Neusner's first step in trying to understand a particular strain of Judaism involves finding the “generative problematic” of its literature. Presumably this key would unlock the secrets of the authors' identity: “the canon recapitulates the system, not the system, the

¹⁹ Neusner writes that the catastrophes of 70 and 135 CE “define the temporal and historical framework for description and interpretation” (“Map Without Territory: Mishnah's System of Sacrifice and Sanctuary,” *HR* 19 [1979–80] 105; see idem, *Judaism: The Evidence of the Mishnah*, 111–119). This “framework” shapes nearly all of Neusner's studies, as well as those of many of his students. For example, William Scott Green's study of Honi (“Palestinian Holy Men: Charismatic Leadership and Rabbinic Tradition,” *ANRW* 2/19 [1979] 2:619–647) and Baruch M. Bokser's similar study of Hanina b. Dosa (“Wonder-working and the Rabbinic Tradition: The Case of Hanina ben Dosa,” *JSJ* 16 [1985] 42–92) both import the Temple's destruction into texts in which the Temple plays no role whatsoever, in support of Neusner's idea that the Rabbis democratized piety in new ways, and in response to the destruction. Cf. also Baruch M. Bokser, “Approaching Sacred Space,” *HTR* 78 (1985) 279–299, especially 291–292. Cohen writes, “Neusner has no evidence at all that the Mishnah was written as a response to the destruction of the Temple and the fall of Betar, and it is apparent that the catastrophe to which he refers really is that of modern European Jewry” (“Jacob Neusner, Mishnah, and Counter-Rabbinics,” 50).

canon.”²⁰ But in all literary cultures, modern and ancient, such manifestos are few and far between and are generically unmistakable. The vast majority of works are not exhaustive accounts of—and many offer little insight into—their authors’ self-definitions. (See the words of Twersky, quoted above.) We have no reason to believe that such manifestos are more prevalent in Neusner’s sampling of documents.

If all these ancient Jewish documents represent different Judaismisms, as Neusner claims, we are unable to know much of anything about any of them. We can only describe their literature. But since the “generative problematics” of these documents suggest very little about their authors’ self-definitions, we should not assume a diversity of definitions within the traditional corpus without some material suggestion from the texts themselves, such as theological polemic. In other words, Neusner’s burdens of proof should all be turned on their heads. His experimental samples are inordinately small, making them untenable for the science of self-definition. They need to be enlarged. Of course, if we use samples of a more definitive size—à la Moore, Urbach, Sanders, etc.—Neusner will invariably say that we are not being very scientific. Indeed, he would probably scold us with a lecture about method. But to make group-definitional claims of one ancient Jewish document *vis-à-vis* another, as Neusner has attempted to do in most of his bewilderingly vast bibliography, is to load this type of exegesis with an impossible task. Neusner has confused the personality of a book with its occasion. The result is an array of Judaismisms as various and narrow-minded as all the possible reasons that ancient documents might have been written.

Neusner’s grand program involves all the ancient rabbinic works, but the speciousness of his work is more conspicuous when he discusses the Mishnah. He complicates his methodological error with an equally egregious applicational error. More so than in his other enterprises, it is clear that we encounter in Neusner’s work on the Mishnah not exegesis but rather ventriloquism. In point of fact, Neusner’s rhetoric of method has found little sympathy with the less fashion-conscious, who are in a better place to recognize the axial

²⁰ Jacob Neusner, “Mr. Maccoby’s Red Cow, Mr. Sanders’s Pharisees—and Mine,” *JSL* 23 (1992) 81.

link between his dense rhetoric of method and his rarefied synthesis. Among them, it is more widely recognized that Neusner's version of "scholarly restraint" has actually *insulated* his method from self-criticism, thereby defeating the scientific purpose of "restraint."

II. THE MISHNAH'S WORLDVIEW IN THE LIGHT OF ITS RITUAL MAP

Neusner's Mishnah expresses a particular worldview that can be said to have two aspects: its ritual map and its ahistorical or anti-historical expression. But his reading of these two aspects into the Mishnah's worldview is erroneous, and in two opposing directions. In his discussion of an "ontology of the sacred," he makes an implicit claim that the Mishnah's ritual map is somehow original, whereas it had in fact stemmed from the Bible and was wholly typical of the Mediterranean world. Conversely, in construing the Mishnah's means of expression as reflecting an ahistorical or antihistorical worldview, he "discovers" an aspect which certainly would be original, but which in fact does not exist.

I am not aware that Neusner discusses anywhere the interrelation of these two aspects of his mishnaic worldview. It rather appears that he wants to fuse them into a composite, and that this is probably the intent of his discussions of purity within social dynamics.²¹ At any rate, although these two aspects might at first seem to be causally linked, they are not interdependent. Since Neusner then really joins two separate fields of data, I will treat each field on its own. This section will treat the ritual map that is instantiated throughout the Mishnah. The next section will discuss E. P. Sanders' argument about genre and what it means to Neusner's second field of data, the text's ahistorical traits. The following section will then deal directly with this so-called ahistorical worldview.

Neusner ties the first expression of his mishnaic worldview, that of the "ontology of the sacred," to the priests in particular:

²¹ These discussions display an unmistakable reliance upon the work of Mary Douglas, although she is not specifically cited in *Judaism: The Evidence of the Mishnah*. I find Douglas' work mostly persuasive, and whatever is correct about Neusner's claims for the Mishnah's worldview should be attributed to the methods Douglas delineates. I claim, however, that single documents are hardly amenable to anthropological research. Nevertheless, Neusner's mapping of ritual and his attention to the Mishnah's verb tenses are linked methodologically in structuralism. See below.

In so far as the Mishnah is a document about the holiness of Israel in its Land, it expresses that conception of sanctification and theory of its modes which will have been shaped among those to whom the Temple and its technology of joining heaven and holy Land through the sacred place defined the core of being, I mean, the caste of the priests.²²

Are we to believe that these matters were less central to the religious understanding of observant non-priests? If Neusner had wanted to make a more legitimately particularistic statement about the priests and their relation to the Temple's "technology of joining heaven and holy Land through the sacred place," he should have referred to their "core of employment," not their "core of being." For what ancient Jew did not also share this "core of being?" For that matter, what casual frequenter of Greek temples or of mystery symposia did not also organize the world into sacred and profane space? What Persian or Egyptian did not also have this view of the world? Neusner argues as if the priests had a distinctive worldview. The truth of the matter is that regardless of the proper nouns they would have employed, the priests' description of the world would have been wholly typical of the understandings then current in the Mediterranean world.²³ A description of general ancient ontology preempts Neusner's search for a profound philosophy.²⁴ It is not merely a mishnaic ontology, or a Jewish ontology, or even an oriental ontology that he discovers. It is simply *ancient*.²⁵ Notwithstanding his efforts to solemnize this

²² Neusner, *Judaism: The Evidence of the Mishnah*, 232.

²³ See especially Robert Parker, *Miasma* (Oxford, 1983).

²⁴ A comment is in order on reconstructed phenomenologies of sacred space and their relation to the existence of the Temple. It is often stated that the fall of Jerusalem saw Judaism exchange an ontology of sacred space for one of sacred time (see, e.g., Johann Maier, "Self-Definition, Prestige, and Status of Priests Towards the End of the Second Temple Period," *Biblical Theology Bulletin* 23 [1993] 139–150). Strictly speaking, however, this distinction is not true. Second Temple Judaism was sufficiently individuated that "sacred space" had already been expressed through a personalistic perspective. The practice of "gestures of approach" without reference to a geophysical cultic center or calendar represented a sacralizing of *personal* space and time, demanded not by catastrophe but by individuation. By examining these "gestures of approach," one can readily see that the notion of sacred *space* still dominated personal religion, even after the Temple's destruction. Sacred time was still inextricably bound to the traditional calendar. See Brevard S. Childs' remarks on the *quality* of space (*Myth and Reality in the Old Testament* [Naperville, IL, 1960] 83–93).

²⁵ Nevertheless, the impulses that finally conquered this ontology in the West were already alive at the time of the Mishnah.

“discovery” with extended discourses on method, Neusner’s discussion of the self-definition of the Mishnah’s framers has amounted to the declaration “We are ancient.”

Neusner is correct to find an ontology of sacred space in the Mishnah. He is wrong, however, in suggesting that this finding somehow is or bears innovation. Furthermore, he is wrong to find implications of his mishnaic “philosophy” in this ontology.

III. THE GENRE OF THE MISHNAH

The second side to the Mishnah’s worldview has an apparent yet tenuous relation to the first that demands exploration. It is a view of a static ahistorical world, as opposed to a dynamic historical world. The Mishnah presents us with “a portrait of the world at rest, in which . . . events take place, but history does not.”²⁶ Thus Neusner claims that the Mishnah opposes eschatology, the theological medium of 2 Baruch and 4 Ezra. Or, to put it another way, “the Mishnah presents us with a kind of Judaism that has an eschatology without the Messiah.”²⁷ I discussed this side of the Mishnah’s worldview above—it is the tale of an expanded system of “gestures of approach”: the “ontology of the sacred.” Apparently Neusner thinks of these two viewpoints as parts of a whole, since he uses them almost interchangeably. We will deal directly with Neusner’s ahistorical Mishnah in the next section. Before that, however, we need to attend to the matter of the Mishnah’s genre.

Neusner’s notion that the Mishnah is concerned with stasis has been roundly criticized by E. P. Sanders. Sanders handily and forcefully shows that all the evidence that Neusner has marshalled in support of this “worldview” is in fact characteristic of the legal genre. Neusner adduces the Mishnah’s use of the present tense to argue that the mishnaic view of time is kairological, not chronological. Sanders points out that the use of the present tense is a generic feature, and has nothing to do with the worldview of the Mishnah’s framers.²⁸

²⁶ Neusner, “Mishnah and Messiah,” 269; also verbatim in Jacob Neusner, *Messiah in Context* (Philadelphia, 1984) 24.

²⁷ Neusner, *Messiah in Context*, 20. On Neusner’s historical Messiah and ahistorical Mishnah, see Evans, “Mishna and Messiah,” 267–289.

²⁸ Sanders, *Jewish Law from Jesus to the Mishnah*, 309–331. Although it is not accounted for by genre, students of the Gospels know that Mark is also marked by the use of the present tense. I wonder what Neusner would make of this.

Sanders characterizes the Mishnah as a law code, but many have expressed the opinion that it cannot be so neatly classified as legal. The point of the lack of consensus, however, is moot. As long as we can identify the genre of the mishnaic *material* upon which Neusner bases his theories, the genre of the Mishnah as a *document* does not matter. While Neusner finds his telltale present tense within the Mishnah's legal material, he bases his disregard of the generic propriety of the present tense upon the genre of other passages entirely, which are not characterized by this tense.²⁹ But if the Mishnah is considered to be a document *sui generis*, there can still be little doubt about the genre of most of its material. Neusner's antimessianic perception of the Mishnah's framers stems from a full set of misfounded criteria. If the Mishnah barely mentions "the footsteps of the Messiah," it also does not contain the antimessianism that Neusner finds in it.

Neusner thus commits opposite errors in reading these two elements into the Mishnah's worldview. He claims that the Mishnah's ritual map is original, but it is not. His claim that the Mishnah's worldview is ahistorical or antihistorical, would be original if it were true, but it is not.

IV. NEUSNER'S AHISTORICAL MISHNAH

Neusner, not entertaining an argument about genre to explain the ahistorical characteristics of the text, imposes a structuralist methodology in his *Judaism: The Evidence of the Mishnah* in order to derive a meaning from the structure of the Mishnah's spatial order. For the sake of reading ease, his avoidance of structuralist jargon is welcome,³⁰ but it unfortunately leaves the uninitiated reader in the dark concerning the method's currency, not to mention its philosophical bases. Instead, Neusner writes as if the method were wholly his and self-evidently logically cogent.³¹ Perhaps he regards

²⁹ I cannot make sense of Neusner's response to Sanders' argument from genre. He asks, "who ever heard of a genre comprised of a single book?" ("The Mishna in Philosophical Context and Out of Canonical Bounds," *JBL* 112 [1993] 294 n. 8). I do not understand why Neusner thinks he has framed a troubling question—or a sensible one, for that matter—and I do not understand why he thinks he can therewith sidestep the question of genre.

³⁰ This avoidance is not complete, as terms like "lines of structure" and "homology" do crop up.

³¹ For an explicit attestation of Neusner's acceptance of structural analysis, see his *Beyond Historicism, After Structuralism: Story as History in Ancient Judaism* (Brunswick, ME, 1980); also published in *Henoch* 3 (1981) 171–199.

his version of structuralism to be idiosyncratic enough to justify arrogating the method to his own credit.

Neusner undertakes both syntagmatic (Proppian) and paradigmatic (Lévi-Straussian) structural analysis of the Mishnah.³² His syntagmatic analysis delineates types of truth statements and attends to the tense of the Mishnah's verb system. His paradigmatic analysis limits the geophysically-centralized cult of the Bible to a paradigm with no ongoing significance for the Mishnah's framers other than that which it lends to their system as its prototype. Thus Neusner uses the Temple cultus as an entirely external gauge. The mishnaic system is assumed to have arisen not from the historical outlay of the cult but from the pre-instantiated convictions about sacredness and space that underlie it. Of course, Neusner would say that the home-cult³³ of the Mishnah did adopt certain patterns of the cult, but it did not have its logical origin in the cult *as history*. For the most part Neusner assumes this point without trying to prove it, although he often argues for it by asking why the Mishnah would bother to record Temple regulations.

Neusner often reorders the data before he interprets them through structuralism. His claim that the Bible knows only of purity obtaining within the Temple is an imposition, but a necessary one if structuralism is to yield the profound results that Neusner wants.³⁴ The purpose of this imposition is evidently to link the mishnaic concept of extra-Temple purity with the Temple's "lines of structure." For example, Neusner assumes that the biblical participants in the rite of the Red Cow become impure because all extra-Temple rites are necessarily impure, whereas the Mishnah clearly maintains that purity can be maintained outside the Temple. Thus Neusner considers the

³² Helpful introductions to these methods are found in Elizabeth Struthers Malbon, "Structuralism, Hermeneutics, and Contextual Meaning," *JAAR* 51 (1983) 207–230; and Michael Lane, "Introduction," in his *Introduction to Structuralism* (New York, 1970) 11–39.

³³ My term, Neusner's idea.

³⁴ Neusner writes on the Red Cow, "[The] Mishnah presupposes what Scripture takes for granted is not possible, namely, that the rules of purity apply outside of the Temple, just as the rules of Temple slaughter apply outside of the Temple" (*Method and Meaning in Ancient Judaism: Second Series*, 61; also verbatim in his *A Religion of Pots and Pans? Modes of Philosophical and Theological Discourse in Ancient Judaism* [Atlanta, 1988] 33). Sanders writes, "Neusner supposed that biblical purity laws applied only to the priests and the Temple, so that accepting *any* purity law showed the desire to live like a priest" (Sanders, 176; more generally on the issue, 131–254).

mishnaic prescriptions on the rite to be highly innovative: “[T]he priestly author of Numbers cannot imagine that cleanness is a perquisite of the ritual. He says the exact opposite. The ritual produces contamination for those who participate.”³⁵ As Maccoby has pointed out, Neusner can only reach this conclusion about the biblical Red Cow by ignoring both Num 19:9 (“And a man who is clean shall gather up the ashes of the heifer, and deposit them outside the camp in a clean place”), which tells us that purity in the Red Cow rite is possible outside of the Temple, and Lev 6:27 and 16:27–28, which show that performing a cultic rite was sometimes thought to bring uncleanness on a clean person.³⁶ As mentioned above, Neusner also reorders the Mishnaic data. He rightly emphasizes that we cannot know the true age of any mishnaic saying whose attributed tradents cannot be verified, but he will not let these threads hang loose, as the admission “we cannot know” implies one should. Instead, he weaves them back into the document. He treats the *terminus ad quem* of a saying to be its *Sitz*. By thus synchronizing the mishnaic material with its redaction, Neusner has produced a more responsive specimen for his structuralist analysis.³⁷

Neusner’s goal with this approach is to enlarge the field of data that he had invoked in his phenomenology of sacred space, and possibly also to nuance whatever statement might arise from such data. Actually, his use of structuralism is more pervasive than my breakdown might seem to imply. Most of Neusner’s distinctive views

³⁵ Neusner, *A Religion of Pots and Pans?*, 46. Neusner brings added moment to every mishnaic reference to extra-Temple purity. For example, he refers to the inclusion of noncultic utensils in the purity laws as “the most fundamental and original conception of all,” although it is found already in Lev 11:33 and Num 19:14–15 (*A History of the Mishnaic Law of Purities* [Leiden, 1974] 3:383). The Pharisaic requirement for extra-Temple purity does bear innovation, but it does not represent as violent a “wobbling pivot” as Neusner envisions. The Pharisaic program is an account of the heightened individuation of the biblical religion, not its total remapping.

³⁶ H. Maccoby, “Neusner and the Red Cow,” 60–75. Cf. the addendum in Joseph M. Baumgarten, “The Pharisaic–Sadducean Controversies about Purity and the Qumran Texts,” *JJS* 21 (1980) 169–170.

³⁷ Neusner notes that while the Mishnah discusses the Red Cow from Numbers 19, Matthew, Philo, and the Essenes do not. He concludes that “[o]ther Judaisms [than mishnaic] found nothing in those same verses” (!; Jacob Neusner, “Mr. Maccoby’s Red Cow, Mr. Sanders’s Pharisees—and Mine,” 82). Thus continues his assumption that a document exhaustively reveals what is important to a group.

on the Mishnah owe an obvious debt to structuralism. Neusner's "hermeneutic of profundity" has influenced the final configuration of his mishnaic worldview more than any other reading principle. Structuralist analysis, however, runs a close second. Recognizing this goes a long way toward explaining some of the otherwise unpredictable conclusions that Neusner reaches. Structuralism might even have influenced Neusner's mishnaic worldview in its formative stages, giving direction to the profundity that had to be there somewhere. It seems to be a method that works well in tandem with his "hermeneutic of profundity." For all its presence in his work, Neusner should have acknowledged the history of structuralism more explicitly than he did.

Neusner's mishnaic worldview is still evolving. More recently he has carried the picture of an ahistorical philosophy into a Greek context. His *The Transformation of Judaism: From Philosophy to Religion* can be regarded as a capstone to this latest mode of Neusnerian reading.³⁸ He argues that the Mishnah's hierarchization of things was similar in form and function to "the taxonomic method of Aristotle," and that it accomplished the philosophical task of demonstrating that many things "really form a single thing." "Every time we speciate," Neusner writes, "we affirm that position."³⁹ The Mishnah classifies things, therefore the Mishnah is a philosophical treatise on the unity of all being. This puts the framers of the Mishnah on the doorstep of Aristotle. I will limit my remarks on this latest development of Neusner's Mishnah, since I do not wish to shift the focus from the fact that Neusner's analysis started off on the wrong track. It is enough to show that Neusner's "one voice of the Mishnah" continues to be his own voice.

My complaints about Neusner cannot be more securely lodged than by reading Neusner reading the Mishnah. He writes that the philosophy of the Mishnah "is a statement of an ontological order that the system makes when it claims that all things are not only orderly, but ordered in such wise that many things fall into one classification, and one thing may hold together many things of a single classifica-

³⁸ Jacob Neusner, *The Transformation of Judaism: From Philosophy to Religion* (Urbana, IL, 1992).

³⁹ Neusner, *The Transformation of Judaism*, 27.

tion.”⁴⁰ To illustrate this point, he gives an example from mKer 3.9 of a man who simultaneously violates eight negative commandments. R. Hananiah ben Hakhinai and the Sages argue over whether an additional violation could be hypothesized or whether it was “not within the same class.” And what does this mishnah have to do with an ontology? Neusner explains,

The one action draws in its wake multiple consequences. Classifying a single thing as a mixture of many things then forms a part of the larger intellectual address to the nature of mixtures. But it yields a result that, in the analysis of an action, far transcends the metaphysical problem of mixtures, because it moves us toward the ontological solution of the unity of being.⁴¹

Again, we meet ventriloquism, not exegesis. For a man accused of a combined multicriminal act to be found guilty of several different charges hardly means that the jury that judged him subscribes to an Aristotelian hierarchization. It is most unlikely that such jurists emerge from their duties with a renewed sense of the “ontological solution of the unity of being.” Only a truly subtle rhetoric could make such a claim. To try to prove that the possibility of classification means unity of being, Neusner has selected a conspicuous non-example. The Mishnah’s concern with whether the violations were all within the same “class” is aesthetic and not ontological, despite Neusner’s efforts to turn aesthetics into ontology.⁴²

The Mishnah does indeed use a logic of classification to accomplish its task. It can be found everywhere. But what Neusner calls the Mishnah’s hierarchization is really nothing more than a hermeneutic of analogy to bring all of creation under the purview of Scripture.⁴³ How else could one know what Scripture prescribes for things that fall between the scriptural categories except by analogy (with both Scripture and postbiblical casuistry)? If Neusner can think of a road not taken, I should be glad to hear it, but it can hardly be said that

⁴⁰ Neusner, *From Literature to Theology in Formative Judaism*, 24.

⁴¹ *Ibid.*, 25. The first two sentences are also in Neusner, *A Religion of Pots and Pans?*, 94, especially 55.

⁴² Neusner rightly recognizes that “Hanania’s contribution is rejected since it has nothing to do with ploughing,” but fails to notice that it merely muddles the cogency of the example (*From Literature to Theology in Formative Judaism*, 25).

⁴³ Neusner correctly calls it “analogical/contrastive reasoning.”

the Mishnah qualifies as an Aristotelian system of classification in any way that could have been avoided.⁴⁴

V. CONCLUSION

What then do we have for all of Neusner's work on the Mishnah? A worldview typical for its day, yet presented by Neusner as something revolutionary, as well as some unique methodological assumptions and procedures: (1) a treatment of all documents as manifestos; (2) a consideration of the ritual map drawn by the Mishnah as a philosophy of sacred space; (3) an adduction of what are really genre-specific characteristics as clues for uncovering this worldview; and (4) an effort to draw the ahistorical characteristics of 3 into an anthropological sketch, via a structuralist calculus, by loosely collapsing them with the "sacred ontology" data of 2. Procedure 2 is not unique to Neusner and his school, and it is the only one of the four based on sound method and leading to valid results. Unfortunately, these results are so basic for an understanding of the ancient world in general that they are meaningless, and they are made even less worthwhile by their complication with notions of an encoded anti-eschatological message (yielded by 1, 3, and 4 above).

⁴⁴ Neusner does give some "roads not taken" in his *The Philosophical Mishnah*, vol. 1, but they cannot be taken seriously: "One can organize by number-sequences, e.g., there are five this's and five that's; by names of authorities, e.g., Rabbi X rules on the following five discrete subjects; by language-patterns. . . ." (27). Plainly, none of these "roads not taken" could ever really have been the ordering principle of a document meant as a halakhic guide. On organizing by named authorities, see David Weiss Halivni, *Midrash, Mishnah, and Gemara* (Cambridge, 1986) 44–47.