Writing and Rabbinic Oral Tradition: On Mishnaic Narrative, Lists and Mnemonics

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Introduction

The present essay explores the interpenetration of oral and written modalities of early rabbinic tradition from roughly the second through the fourth centuries CE, as exemplified in the received text of the Mishnah. My purpose in this exercise is, in large measure, to provide empirical grounds for enriching simplistic characterizations of the "orality" of rabbinic tradition enshrined in the historiography of rabbinic Judaism. At the same time, I

1 In this study I use the text of C. Albeck, ed., The Six Orders of the Mishnah: With New Commentary, Introductions and Supplements (Jerusalem: Bialik and Tel Aviv: Dvir, 1965). The versions of the Mishnah preserved in the discussions of Palestinian and Babylonian Amoraim and reflected in the manuscript traditions of the middle ages and printed editions since the sixteenth century all differ in a variety of ways from each other. None of these versions, in any event, can be regarded as identical with the early third-century compilation ascribed in talmudic tradition to the work of Judah the Patriarch. Moreover, attempts to reconstruct "early Mishnahs" or the "original Mishnah of Rabbi Judah the Patriarch" have been unsuccessful, although it is certainly possible to discern sources imbedded in the present versions. This means that the Mishnah that can be studied as an historical document is in fact a product of talmudic and, to a lesser degree, medieval scribal culture. It is for this reason, in part, that the term "tannaitic" for the Mishnah and associated works should be used advisedly. While the authorities cited in such works are regarded by third century authorities as "tannaim," the works themselves are the product of a later period. For purposes of the present study, I regard the received versions of the Mishnah as testifying by and large to a late third century recension of Rabbi's compilation. For a good bibliography and summary of the present state of discussion on the Mishnah's text, see H.L. Strack/G. Stemberger, Introduction to the Talmud and Midrash, tr. M. Bockmuehl (Clark: Edinburgh, 1991), pp. 119-120, 145-160. Discussion of the various witnesses to the text of the Mishnah is provided by M. Krupp in S. Safrai, ed., The Literature of the Sages. First Part: Oral Torah, Halakha, Mishna, Tosefta, Talmud, External Treatises (Assen/Maastricht: Van Gorcum and Philadelphia: Fortress, 1987), pp. 252-259.

2 The most influential work in this regard has been B. Gerhardsson, Memory and Manuscript: Oral Tradition and Written Transmission in Rabbinic Judaism and Early Christianity, tr. E.J. Sharpe (Lund:
hope to increase appreciation of the peculiar ways in which the “literacy” of rabbinic tradition consistently feeds and is fed by a fertile rabbinic oral culture.


From the present perspective, a common flaw in all these works is a tendency to treat writing as a passive recording device which leaves unchanged the essentially oral content of the tradition (see n. 3). It is for this reason that most of the above scholars were so confident that rabbinic texts provide unproblematic access to historical events and persons described within them. The model of interpenetration which I propose, to the contrary, remains sceptical regarding the historical accuracy of rabbinic tradition, for in the reciprocal passage from performance to text and back again the content of tradition is continually reframed in increasing distance from recoverable “events.”

The major contribution of Jacob Neusner to this discussion (see ns. 4–5 for a short list) deserves special mention here. Insofar as he places the work of formulation and redaction in the late second century, he has insisted that the veracity of all historical accounts in this literature must be demonstrated rather than assumed. With this I entirely agree. Neusner, however, has consistently regarded the Mishnah in particular as a conventional literary work — he usually calls it a “document” — composed for memorization. In this view the “oral tradition” of Sages flows essentially out of a fixed literary foundation, and the “Oral Torah” is essentially an apologetic construction legitimating the textual authority of the Mishnah. In seeking to enrich conceptions of oral and written textuality in the Mishnah, therefore, I hope to dislodge Neusner’s textual conceptions even as I build upon his results. Of primary interest to me is not what we can no longer learn from the Mishnah about historical events; rather, what can we learn about the literary culture of the Sages who constructed the idea and the life of Oral Torah? How is the idea of Oral Torah enmeshed in the social reality of rabbinic learning?


Contemporary theory in the study of orality and literacy has moved substantially beyond the positivist of an exclusively oral register of poetic composition which shapes the foundational work of