

PREFACE

This book joins *Nedarim* and *Nazir*. That is perfectly natural, since the two tractates address themselves to an identical, or nearly identical, agenda, and since they work out pretty much the same sorts of conceptual principles and problems in pretty much the same way. As we shall see, moreover, the two tractates speak to one another. The translation is meant to show the form-analytical traits and problems of the two tractates. The explanation gives a clear and straight-forward account of the exègetical results of form-analysis. It therefore spells out the original, primary meaning, intended by the framers of the several pericopae and of the tractate as a whole. *Tosefta* is explained very briefly and often in a perfunctory way, principally in relationship to *Mishnah*. I no longer treat *Tosefta* as an independent object of exegesis and now permit that compilation to play only a limited role in what follows.

The translation and explanation serve a single, very particular purpose, and in no way address all, or even most, of those many exegetical problems which occupy the great classical literature of *Mishnah*-exegesis and study of the *halakhah* of *Mishnah* and *Talmud*. My notion is that I herein explain what it is that the people who made up these sentences meant at the time that they made them up. The exclusion, of course, is self-evident: all those many issues generated by later thinkers and addressed to these same sentences for their (implied) judgments and responses. The intellectual structure and history of Rabbinic Judaism are one of the formidable achievements of the human mind. Surely an account of what lies at the very foundations of that structure and at the commencement of that history serves its purpose (achieved in the concluding part of the whole) without having to attend to those many legitimate issues and interests which arose later on, after *Mishnah* came to closure. Many times I have contemplated presenting only the conclusions, without an account of the texts and the meanings I believe inhere in their original form and sense. Each time I have concluded that conclusions without texts serve no important scholarly purpose, even though at the outset, the work of discovery and presentation would be greatly facilitated for me, and the reception of the results made easier for the reader.

Just as each division of *Mishnah* takes for granted the existence of the others, so no work on *Mishnah* may pretend to accomplish the whole of the work of description, interpretation, and philosophico-legal reconstruc-

tion and to take up the pretense that other works of reference and of scholarship are unavailable. One minor consequence is that I do not even trouble to list parallel passages, e.g., where a given pericope of Mishnah or Tosefta is alluded to or cited; these are exhaustively listed, for Tosefta, in Lieberman, and, for Mishnah, in Romm's edition. One major consequence is that, when I offer my simple conception of what it is that a pericope wishes to tell us at the very commencement of its historical journey, I no longer trouble to report other conceptions and why I reject them.

Let me now specify what the work aims to achieve. The purpose of the present work is to investigate the history of the formation of Rabbinic Judaism, down to the redaction of Mishnah in ca. 200. Even though attainment of that purpose presently seems remote, depending as it does upon the completion of the historical analysis of all of Mishnah-Tosefta, we have to keep in mind why we do the work and what we hope to learn. The sole issue here is *historical*. All discussion, both in the four exegetical parts and in the synthetic one to follow, is shaped to address the historical question announced in the title of the work. Questions of the history of exegesis and of the formation, formulation, transmission, and redaction of the literature of Mishnah-Tosefta, to which a fair amount of intellectual energy is devoted in *Purities*, here are not raised, as they were not dealt with at length in *Holy Things*. The reason is that the answers to these questions do not materially advance the single inquiry at hand, an investigation of the history of religions and of ideas. Methods for the finding of answers to certain long-standing literary and exegetical questions have proved their validity and do not require further demonstration in the present work. For the present purpose, moreover, it suffices to follow the text and pointing of Albeck-Yalon. Variant readings, while always interesting, have never made much difference to the historical results attained heretofore, despite their importance in ascertaining details of the law itself.

To conclude: This work is not called a *commentary*, but "translation and explanation," which I hope will more adequately define and delimit my purpose. A commentary may serve any number of useful and important purposes. It may be "scientific," that is, as the word is presently used, archaeological or philological. It may raise a wide range of quite distinctive and valid exegetical purposes, e.g., harmonistic, *halakhic*, atomistic, text-critical, and the like. It may constitute a supercommentary, not to Mishnah at all, but to a particular trend of Mishnah-commentaries. My contribution is defined by my purpose, to repeat: to attain a *history* of the Mishnaic law of women.

The history cannot be laid forth without a systematic, careful, and complete presentation of the relevant sources. This is accomplished in the *translation*.

These sources have also to be interpreted and explained, since no reader can be expected to effect the rather complex task of exegesis only at the time of turning to what I might offer in Part V as the history of these (by me, unexplained) texts. That is why, in addition to a fresh translation (the first in English of Tosefta, the first form-analytical one for Mishnah), I offer what I call an *explanation*, as I said, a simple and straightforward account of what I believe each pericope meant to the person who made it up.

Turning directly to the historical parts of the project without first learning the texts upon which they are based will not serve any useful purpose.

This book and its companions thankfully are dedicated to those universities which, in various ways, have chosen in the past few years to grant recognition to my scholarly efforts.

J.N.