

PREFACE

Unlike Nedarim and Nazir, which belong together from many perspectives, Sotah, Gittin, and Qiddushin bear little in common. To be sure, some intermediate divisions of Qiddushin are evidently artificial and modeled upon equivalent chapters of Gittin. But there is nothing in the subject matter, generative tensions, or conceptual problematic of Gittin and Qiddushin to warrant joining the two tractates. All three are given together merely for the sake of convenience. Each of them is presented in form-analytical translation and explanation. The translation points up the form-analytical traits and problems of the three tractates. The explanation then gives a clear and straight-forward account of the exegetical results of form-analysis. It is meant to spell out the primary meaning intended by the framers of the several pericopae and of the tractate as a whole. Tosefta is treated with great brevity, principally in relationship to Mishnah. It here is not an independent object of exegesis and plays 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 decided 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, furthermore, so no work on Mishnah-Tosefta may pretend to accomplish the whole of the work of description, interpretation, and philosophico-legal reconstruction 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 great 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 longstanding literary and exegetical questions have proved their validity and do not require further demonstration in the present work. For the present purpose it suffices to follow the text and pointing of Albeck-Yalon. Variant readings, while 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.

Because of its considerable length, I gave thought to presenting Sotah as a single volume. But the intellectual substance of the tractate, as distinct from the formidable volume of its materials, seemed to me too thin to warrant laying it forth all by itself.

This book is dedicated to my hosts on the occasion of my lectures in honor of the five hundredth jubilee celebration of Tübingen, a token of thanks for all they did to make it a richly educational experience for me.

J.N.