

PREFACE

This book answers four questions which study of the tractates of the division of Appointed Times raises in our minds.

First, how do the twelve tractates fit together to form a complete statement about their assigned topic, and what statement do they make (Part One)?

Second, in what way did the principal conceptions and ideas of the twelve tractates take shape (Part Two)?

Third, how shall we relate the history of the laws of the tractates, viewed as a whole, to the history of the period in which the laws of these tractates unfolded (Part Three)?

Finally, what are the place and meaning of Mishnah's system of Appointed Times in the larger world-view expressed by Mishnah as a whole (Part One)?

Behind these four questions is a theory of what is important about the facts we have studied in the first four parts of the present work. In my judgment what is interesting is the historical unfolding of the laws. Of special concern is the relationship between the inner issues and tensions of the laws, which lead to the formation of a given conception or fact, and the larger setting in which the Mishnah's sages did their work. Behind that judgment of the centrality of history and context in the interpretation of the materials we have studied is yet a further, deeper conviction about the way in which the work of description and interpretation should take place. Stated simply, the governing proposition is that the work of description and interpretation must focus upon a complete system, defined within a carefully delineated context. That is why we do not speak about festivals in general. Rather, we are concerned with the *system* of Appointed Times within Mishnah's larger frame of meaning and order, that is, as a subset of Mishnah's total system, viewed as a whole.

Our purpose, achieved through systemic description and analysis, is to discover the structure and history of Mishnah, down to 200. We seek to locate the correct framework for the interpretation of the Judaism of the two Torahs, Scripture and Mishnah, which has predominated for two thousand years and which continues to constitute the normative version of Judaism.

Self evidently, Mishnah draws upon a sizable antecedent corpus of facts and even of conceptions, materials shaped within prior kinds of Judaism. But these it makes its own, for that is the very nature of a system. All things are drawn together and reshaped into what Mishnah wants to make of them and made to say what Mishnah wants to express through them. That is why the critical issue of the historical work is the character, in context, of Mishnah's system as a whole.

In the opening chapter I explain why I think this division of Mishnah may be deemed to constitute a system and to define a world-view worthy of sustained inquiry. But it is only after each of the principal components of the system has been analyzed as to its chief traits—its issues, themes, and recurrent, generative inquiries—and has been described in its historical unfolding that the systemic question is fully answered. The important questions are the obvious and simple ones.

The most troublesome question in the study of Mishnah is why Mishnah chooses to deal with the six topics on which it does its work, and not some other set of six topics, or one, or three, or twenty-four topics. In this connection appointed times are no more self-evidently important than systems of laws concerning holy meals, priests, Levites, or gentiles, which we do not have, or systems of laws concerning damages, women, Holy Things, and purities, which we do. What demands the systematization represented by a system of laws, unfolding through the massive exegetical labor required for the formation of a division, with its tractates and chapters? It is, to begin with, a principle of selection, operative throughout and applicable everywhere. Until that principle of selection is clarified, all else remains neither fully explained nor properly interpreted.

I call attention to a textbook which I have written to present to students an account of the more important exegetical methods, on which this history of Mishnaic law is based. This book, *Form-Analysis and Exegesis: A Fresh Approach to the Interpretation of Mishnah* (Minneapolis, 1980: The University of Minnesota Press), uses Mishnah-tractate Makhshirin as a case-study. Reviewing the principal exercises of interpretation and reconstruction given in my *History of the Mishnaic Law of Purities. XVII. Makhshirin* (Leiden, 1977: E. J. Brill), I present an account and explanation of how the work is done and the reasoning behind it. I have done the same sort of reprise for students in *There We Sat Down. Talmudic Judaism in the Making* (Second Edition. N.Y., 1978: KTAV Publishing House), for *A History of the Jews in Babylonia* (Leiden, 1965-1970: E. J. Brill), and in *From*

Politics to Piety. The Emergence of Pharisaic Judaism (Second Edition. N.Y., 1979: KTAV Publishing House), for *The Rabbinic Traditions about the Pharisees before 70* (Leiden, 1971: E. J. Brill) I-III. In this way I hope to introduce the coming generation to the methods and to some of the results of these more sizable works.

I further wish to refer the reader to the appendix, "A Statement of Method," printed at the end of *Damages V. The Mishnaic System of Damages*. In that appendix, which began as a plenary lecture for the Society of Biblical Literature, I review the immense project of method which began in 1969 with my work on *Development of a Legend: Studies on the Traditions Concerning Yohanan ben Zakkai* and which draws to a conclusion with the publication of this book and *Damages V*. It is important that readers have a full account of the purposes of the long, sustained inquiry, conducted by myself and my students and former students. This inquiry is into the variety of appropriate uses of the rabbinical literature for the description and interpretation of the formative centuries of that kind of Judaism that has predominated for nearly two thousand years, and of its various systems. We begin with a set of problems and questions, and we conclude having dealt in a complete way with those problems and questions. On the foundations of the results, work of a quite different (and probably more interesting) character can now get underway. What then began, now is complete, and the works of the original program of histories of traditions, ideas, and systems, are nearly all in print and available for scrutiny.

I have been especially helped by the availability of a number of definitive accounts of extrinsic problems which I have to confront in this project. I have cited at some length writings by my teacher, Morton Smith, on the general view of history and time in first-century Jewish Palestine, Geza Vermes on the festivals and the calendar at Qumran, and Baruch A. Levine on the biblical account of the festivals. I express my thanks to these colleagues for their successful work, which saved me a great deal of time and trouble, and which, in any event, I could not have done so well as they did.

The bibliography, prepared by Mrs. Lee Haas, is meant to serve the topic of this project, rather than the specific inquiry of the present book. In fact the particular problems addressed here are not treated elsewhere. To my knowledge there is no other history of the Mishnaic law of appointed times; no account of the unfolding of the tractates of the division of Appointed Times; no effort to join the materials

of a given tractate, evidently produced at a particular period, to those of some other tractate created at that same period. While the books listed here go over subjects relevant to the present work, I was not able to find much help in any of them for answering the questions under discussion in my inquiry.

I want to express my thanks for the remarkable generosity of my teacher, colleague, and friend, Professor Baruch A. Levine, New York University, in giving me a copy of his unpublished notes and manuscript for his commentary on Leviticus. This set of materials ultimately will find a place in Levine's commentary to Leviticus in the Jewish Publication Society commentary to the Pentateuch, but not before one of Levine's important ideas will have made their appearance in the pages of my book. Chapter One Section Two could not have been contemplated, certainly not in its present form, without Levine's work.

My student, Mr. Alan J. Peck, kindly read and corrected the manuscript, making many important suggestions. I appreciate his taking time out from his graduate studies to help me in this way.

The John Simon Guggenheim Memorial Foundation awarded me yet a second fellowship for the year 1979-1980, and Brown University supplemented that fellowship. These sources of support enabled me to complete my history of Mishnaic law far more expeditiously than I otherwise should have been able to do. I express my cordial thanks to both the Guggenheim Foundation and Brown University.

Work on this book was completed during my tenure as a fellow of the John Simon Guggenheim Memorial Foundation. I thank the Foundation for its support of my research. The costs of typing the manuscript were paid by Brown University, for which I am grateful.

I wrote this book at the same time as *A History of the Mishnaic Law of Damages. V. The Mishnaic System of Damages*. There is a constant dialogue between the results of the two books.

I have to point out that the principal result, the account of the theory of sanctification of the system of Appointed Times presented in the opening and concluding part of the book, stands at acute difference with the notion of a "return" to "that time" or to a sacred moment, which is outlined in the great works of Mircea Eliade. What seems to me Mishnah's system expresses is a totally ahistorical, possibly even anti-historical, conception of sanctification. In this conception, curiously, historical time ("return") plays no role, beginning, middle, or end. Before us is a theory of sanctification focused upon timeless ontology, and set wholly apart from, conceived as entirely other than,

sanctification provoked by the advent of an event, whether in history, supernature or nature. This fundamentally ontological theory of sanctification is teased out of the Mishnaic sources and has to be confronted in the larger system of which it forms a critical element, I think, a key to the locked system. It is peculiarly appropriate that results so deeply at variance with those of my great teacher and friend, Mircea Eliade, should be presented in a book dedicated to Mircea Eliade.

My first encounter with Mircea Eliade took place more than twenty years ago, when I opened his *Cosmos and History: The Myth of the Eternal Return*. Since that time I have read most of his books. The first one nonetheless stands out for me as a turning in my intellectual life. At that time, just before the advent of *Rosh Hashshbanah*, I had the crass purpose of looking for ideas for a sermon I had to deliver as part of my rabbinical education at The Jewish Theological Seminary of America. Coming across Eliade's work, I was astonished to learn so much about the liturgy of the coming holy day. I wondered what philosopher's stone he had in his pocket to bring forth such penetrating, encompassing, and illuminating insights into something about which, in point of fact, he was not even writing. Since, at that point in life, I saw myself as a historian, I also wondered how this strange approach, neither history nor not-history, neither philosophy nor theology, should open up so many avenues in the description and interpretation of religions in general, and of Judaism in particular. Indeed, as I followed his later writings, I came to the conclusion that his methods and insights were shaped for the particular purpose of making sense of that peculiarly historical phenomenon, that nascent Judaism in the full light of history, which I had taken as my problem for study. It was only eight years after I first began to follow the writings of Mircea Eliade that I met the man. I was astonished to discover that so great a mind was also so modest, friendly, and kindly a man. I treasure each encounter with him. Here is true greatness, and it has been my privilege to know it.

J. N.

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The sixth *yahrzeit* of my father-in-law, Max Richter.