

PREFACE

This is the first of a five-part presentation of the Mishnaic law of Holy Things—that is, matters pertaining to the Temple and its cult—containing a form-analytical translation and explanation of Mishnah and (more briefly) Tosefta of the entire Order of Holy Things. There will in addition be a volume of studies of the history of the law, its structure and system, and the larger purposes of the philosopher-legislators who stand behind Mishnah. The plan of the whole is as follows:

- I. *Zebahim. Translation and Explanation.*
- II. *Menahot. Translation and Explanation.*
- III. *Hullin, Bekhorot. Translation and Explanation.*
- IV. *Arakhin, Temurah. Translation and Explanation.*
- V. *Keritot, Meilah, Tamid, Middot, Qinnim. Translation and Explanation.*
- VI. *The Mishnaic System of Sacrifice and Sanctuary.*

Even though the project self-evidently carries forward the work begun in my *History of the Mishnaic Law of Purities*, there are many important differences, as I shall explain. For the task need not be done exactly as in the past. Much greater economy of intellectual effort and brevity of presentation and explanation of the sources facilitates our reaching our goal, which is, after all, not exegetical at all. Our ultimate purpose is to write the history of the ideas of the principal and generative document of Rabbinic Judaism, Mishnah. Let me now restate what it is that this rather sizable effort, in which my graduate students and former students now join for the history of the Mishnaic law of agriculture, is meant ultimately 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 Mishnah, we have to keep in mind why we do the work and what we hope to learn. As I said, while the present work continues that of its predecessor, it also redefines how the task is to be carried out. The sole issue here is *historical*. All discussion, both in the five 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. 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 literary and exegetical questions have proved their validity and do not require further demonstration in the present work.

In the exegesis of the Order of Purities of Mishnah-Tosefta, I devote a great deal of thought to the solution of problems of interpretation which do not materially affect the history of the Mishnaic law of purities. Much intellectual effort is invested into the reconsideration, from the fresh form-analytical perspectives created by me, of long-standing exegetical disputes, on the one side, and fresh reflection on meanings, long ago imputed to pericopae and regarded as firm and unyielding, on the other. While in my view the new exegeses produce interesting and compelling results, they do not vastly contribute to the recovery of the history of earlier Rabbinic Judaism, in particular of its principal ideas, which, as I said, is the sole purpose of this rather considerable project. Finally, in the earlier sequence I paid respectful attention to the prior exegetical literature, citing it both when it defines the meaning of a pericope and when it obscures that meaning. But there is no reason to continue this thankless work of analytical criticism of the prior, harmonistic exegesis of Mishnah. It too hardly adds to our understanding of Mishnah-Tosefta in its original condition. Recognizing that some sorts of work, once done, need not be endlessly repeated, I therefore revise very considerably my exegetical program, specifically limiting my comments on each pericope to those remarks, beyond the translation itself, absolutely necessary for an understanding of the clear, simple, and historically fundamental meaning of the pericope. The *translation* is one commentary, of course. But what follows as amplification—the second commentary—takes for granted that that commentary has been read and understood. The result, beginning in this part of the work, is a much briefer “commentary”—more precisely, *explanation*—than would have been produced by my former procedures. To be sure, it is, alas, not nearly so brief as I had hoped it would be. But it will have to serve. I can eliminate no more.

This work is not called a *commentary*, but “translation and explanation,” which I hope will more adequately define and delimit my

purpose as a commentator. A commentary may serve any number of useful and important purposes. It may be "scientific," that is, archaeological or philological. It may serve 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 Holy Things. 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 VI 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*, a simple and straight-forward 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.

I vary my former procedure in yet two more ways. First, I prepared a single, continuous, rough commentary to the entire order, and only then did I return to Zebahim and revise and rework the first version. This allows for a more continuous and coherent commentary to the order as a whole. Second, I have decided that the synthetic work, corresponding to *Purities*, Parts III, V, VIII, X, XII, XIV, XVI, and the 'weaving of the law' and other pertinent chapters of XVII, XVIII, XIX, and XX, should be done in a different way. Instead of working through the history of the law of each tractate in sequence, I decided to present the history of the tractates and of the law of the Order as a whole as part of the synthetic work of historical reconstruction. This too should provide a more cogent and tight account of the detailed history of the law and its ideas.

Finally, as I said, I omit from my program of research all further discussion of literary problems. I believe that in the relevant sections of *Purities* I have solved all the problems I planned to begin with to address, concerning Mishnah's literary character and redaction. I am certain I have no further methodological or substantive contribution to make. I believe it obvious that the solution of literary questions yields no important historical facts or insights whatsoever. Hence a

history of the Mishnaic law of Holy Things need not repeat those many literary procedures and analyses which so preoccupied us in the earlier project.

As already indicated, my goal is to present Seder Qodoshim in a much smaller corpus than the twenty-two parts required for Seder Tohorot. For the ultimate purpose, the history of the law and of its ideas, defines each and every procedure to be undertaken here.

My friend and colleague, Professor Richard Samuel Sarason, has read and criticized each page of this work. I thank him for all that he has done. I enjoy the good advice, in planning and executing the project, of Professors Morton Smith, Columbia University, Baruch A. Levine, New York University, and Jonathan Z. Smith, University of Chicago. Historian, philologist and Semitist, and historian of religions, each continues to contribute to my education and appreciation of the work.

This book inaugurates a requence of dedications to my former students, all of them professors in their own right, carrying forward the task of teaching and scholarly research begun in my seminar at Brown University. It was at Brown that they gained a vision of the reciprocal importance of teaching to learning and learning to teaching, the notion that there is no scholarship without the sharing of scholarship, and no sharing without something fresh and interesting to convey. Each one knows full well why it is that I put forth these dedications, what it is that I mean thereby to say, and why it is that this is the right time, and (alas!) the right Order of Mishnah.

J.N.

Providence, Rhode Island

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*The fourth anniversary of the death
of Max Richter of Jerusalem and Paterson*