

PREFACE

This part of the work presents few surprises. I believe that in 'the weaving of the law' we are able to account for virtually every pericope, to find an appropriate temporal location for all ideas presented in the tractate. In this regard success is complete. The reliability of the proposed sequences of ideas, moreover, is considerable, since nearly all Ushan items turn out to stand in close logical relationship to Yavnean ones. Of still greater interest, in some important legal themes we are able to perceive four logical-chronological sequences, from the period before the Houses, through the Houses and Yavneh, and finally to Usha. It is heartening to observe that where we have legal sayings assigned to the fathers of the Houses, they do relate in theme and conception to the problems before the Houses, and the same holds true for the Yavneans, who take up and develop conceptions under debate by the Houses and work them out—it seems to me—within the pre-suppositions maintained by the House of Hillel (!). Not only so, but at one important point Ushans really do carry forward a theory of 'Aqiva, in diverse and divergent ways to be sure. It would be difficult to think of a more satisfying result for the history of the ideas of the rabbinic tradition than one which confirms, at least at some points, the history of that tradition put forward by its own historians from the second century onward. This does not happen often, to be sure, so is to be celebrated all the more.

As the work unfolds, I see ever more clearly the cogent and distinctive character of the thought, expressed through laws, of Pharisaism and its rabbinical succession. It seems to me one simple idea throughout the law is expressed in exquisite detail, and that is, that cleanness is to be attained outside the Temple. At Parah we found out the ways in which pre-70 authorities, who we take for granted to be Pharisees, provide for a sacrifice in conditions of cultic cleanness, yet not in the Temple. Here we see how authorities in the first century B.C., before Shema'iah and Avtalyon, Shammai and Hillel, provide for a mode of purification distinct from that presented in the Priestly Code, and, I believe, originally intended for the attainment of cleanness outside of the cult. To be sure, this other and different way of becoming clean rapidly was assigned the same effectiveness as the ways made available in the Priestly Code, but, in the first instance, I suspect that was not the

intention. For the Pharisees did not claim, so far as I can see, that being clean for a meal at home and being clean for a sacrifice in the Temple were equivalent. One was *like* the other; it was not the other. Their analogical mode of thought preserves the otherness of the analogy. Table is like cult. It does not constitute and does not replace cult. This new matter—the relationship between the gathering of still water, which has derived from rain, and the flowing water, which has bubbled up from subterranean wells and springs—is worked out, as best I can, at Chapter Eighteen. The main point, that Scripture knows nothing of the purificatory capacity of water other than living water, commonly specifying that what is washed, laundered, or rinsed in water is *unclean* and only becomes clean at sunset, is spelled out there.

The match for Miqvaot, as I said, is Parah. Both provide for the world outside the Temple what the Priestly Code takes for granted is not possible in that world, the one, a sacrifice in the world, the other, purification in a mode and substance different from those of the Temple (and both mode and substance are involved). In both instances it is the difference that is decisive: the world is not the cult but can be clean like the cult. Specifically, when the economy of nature, disrupted by unnatural things or events, is restored through natural means, then cleanness in the world is attained. *Nature conforms to supernatural, world to cult, and, Parah requires that we add, clean to holy.*

Pleasure in the work for me is enhanced by the friends and teachers mentioned in the earlier parts as well as by the students who come to us at Brown. Now that the first generation of students begins to publish its books and articles, I find that my own earlier work not only is corrected and improved, but rendered obsolete at important points, by my former students. ! בני נצחוני I cannot think of a richer or more complete reward. Better approaches than mine to the history of traditions assigned to individual authorities, particularly at Yavneh, now have been worked out. The work of investigating Babylonian Talmudic literature for historical purposes goes forward upon a far more secure linguistic and textual basis. And, as will be seen in the future, the history of Mishnaic law is subjected to minds of more intelligence and patient discernment, not to mention erudition of various kinds, than my own. This to me is the meaning of perceiving one's world in one's lifetime.

The first reviews of Parts I-V, moreover, come to hand as this part of the work goes to press. I do not think anyone has ever been accorded a fairer or more thoughtful hearing than have I in these reviews, in

particular in *Catholic Biblical Quarterly*, *Journal of Jewish Studies*, and *Journal of Biblical Literature*.

What is intimidating, nonetheless, is what lies before. I do not think that the history of the earlier phases of rabbinic Judaism, those phases documented in Mishnah-Tosefta and related literature, and all the more so, the history of the Jews in the Land of Israel from the destruction of the Second Temple to the end of the second century A.D., is yet possible. Until we have a clear picture of the history and structure of the ideas of each tractate of Mishnah as a self-contained unit as well as a reasonably comprehensive notion of the modes of thought characteristic of each of the major authorities of Yavneh and Usha, in particular, Eliezer, Joshua, Gamaliel, and ^cAqiva, for Yavneh, Yosé, Meir, Simeon, Judah, Eleazar/Eliezer, and a couple of others, for Usha, the analytical history of the ideas of earlier rabbinism cannot be attempted. For the whole must be characterized, as well as the parts, the tractates; and the parts must be in hand, in mind, as well as the smaller units, the discrete pericopae.

Not only so, but the interpretation for historical purposes of the various stories out of which at least some of the larger historical setting must be reconstructed is exceedingly perplexing. Some negative tests have yet to be passed. For example, the possibility is to be explored that stories bear no historical meaning, do not describe things which actually happened, but intend only to make in concrete ways various theological points. A further problem is to find relationships, within the materials pertinent to a single authority, between legal traditions and the ideas expressed therein, and biographical and theological, including exegetical, sayings attributed to the same authority. Thus far, the best I have been able to suggest is that the latter sorts of materials contain nothing incongruent to either the times in which the authority under study flourished, on the one hand, or the legal materials assigned with good reason and solid attestation to him, on the other. That constitutes a very limited and trivial observation. Yet how is the history of the Jews of the place and time possible, if the extant Jewish literary sources of the period seem to reveal little about that history. The only answer, I believe, lies in the use of the literary sources for the sort of history which those sources, in all their distinctiveness and peculiarity, make possible. An answer is worked out in my *History of the Jews in Babylonia*, and certainly is susceptible of attainment, with appropriate revisions and adaptations of method in response to a somewhat different sort of data, for the Land of Israel in the second century. But it is

premature, I believe, to undertake this larger historical task until the results of work on Mishnah-Tosefta are properly in hand. And that will be the cumulative contribution of many people, over many years, as the unavoidably large proportions of the present project make clear.

I do regret that the project goes on through so many parts. But if a fresh exegesis is required before the exercises of the *Problems*-volumes are attempted, then there is no alternative but to attempt the exegesis. Others will criticize details of the exegesis; I welcome that criticism. But it must be perfectly evident by now that the laborious reworking of each pericope is called for, even though the upshot is to say what "we already know" in the established exegetical literature. At the very minimum, we now know it in a different way, affirm the datum for other reasons. But that minimum is here and there exceeded. And, as I said, nothing in the literary and historical parts of the work is possible or plausible except upon the foundation of the exegetical ones.

Professor Abraham Goldberg was my teacher when, in 1957-1958, I held a Fulbright Scholarship at the Hebrew University, Jerusalem. Since that time he has remained my teacher, through his published work and through his comments upon, and reviews of, mine. Even though our interests converge at only a few points, and then with conflicting results, we have covered much the same ground, in reference to *Ohalot*, on the one side, and to the large issue of Mishnah-Tosefta relationships, on the other. Since workers in the same craft are not supposed to appreciate one another, I do not take for granted the fact that Abraham Goldberg reads with critical, yet cordial appreciation, my materials on subjects he himself has investigated. This is a matter of public record.

What imposes a still greater burden of gratitude is his friendship over more than fifteen years, his continuing effort to help both me and my students, who now go to study with him, in both educational and personal matters. I believe that he exemplifies the traits of character and conscience, the dedication to learning for the sake of illumination, and to fellow-learners for the sake of Talmud Torah, which the rabbinic tradition means to inculcate. In a world and in a time in which erudition is no guarantor of character and conscience, let alone of intelligence and discernment, and in which the separation of Jewish learning from its classic social and cultural context has imposed painful division between learning and virtue, *Torah* and *derekh erez*, Abraham Goldberg stands as both exemplar and exemplification of their union. I thank him for his instruction and example.

J. N.