

PREFACE

Makhshirin brings to the stage of acuteness what heretofore has been a chronic dilemma: how to interpret attributions of disputes to the Houses before 70. In the tractate before us, Houses' disputes focus upon a single principle, expressed in diverse exemplifications. Ushans turn out to dispute exactly the same principle. In assessing the history of the law, therefore, we cannot avoid making a judgment upon the value of the attributions of materials to the Houses and how these attributions express the purposes of the tradents who imposed them. The issues disputed by the Houses and Ushans, respectively, treat highly sophisticated and subtle issues. These express conceptions of the interplay between nature and the human will, based upon the relativity of uncleanness to time, circumstance, and intention, and encompass deeply philosophical, abstract concerns. They not only rise above the primitive, material conceptions of purity-taboos but quite reverse the established conception of a concrete, real contamination imparted by sources of uncleanness. When uncleanness is relative to something else, not absolute and uncontingent, then uncleanness ceases to constitute a substantial taboo. It moreover is made to express a judgment upon entirely distinct and autonomous issues.

I have already shown that it is distinctive to materials attributed to Ushans, and not characteristic of pericopae assigned to authorities before 70, to relativize taboos and regard them as immaterial and contingent, rather than as material and absolute. The state of the question at Yavneh provides a substantively significant criterion of judgment. If Yavneans know nothing of relative and contingent conceptions of uncleanness, then it is hardly likely that notions assigned both to the Houses and to Ushans in fact belong to the Houses. The inexorable course of thought, in the materials examined to this time, moves from simple to complex, from primitive to developed and sophisticated conceptions. What Yavneans lay down as simple rules Ushans take up and greatly complicate. Too many times have we seen this progression, whether from Yavneh to Usha, or from the period before 70 to Yavneh (or even from Scripture to the period before 70, or to Yavneh, or to Usha) for us now to deem likely the presence both before 70 and at Usha, but not at Yavneh, of exactly the same mooted principles.

If I had assigned a subtitle to this work, it would have been, perhaps as an oversimplification, *A History of the Mishnaic Law of Purities: From Religion to Philosophy*. That is, the overall movement is from a material and substantive conception of uncleanness as a religious taboo to a relative and immaterial notion of uncleanness as expressive of a philosophy, or, in a loose sense, metaphysic of the human will and its affects. For the result of our work in tractate after tractate has shown exactly that singular and recurring movement. Makhshirin, as is clear, allows us to test earlier results. Formal considerations are suggestive but not probative. All Houses' disputes in our tractate bear Ushan attestations. These attestations leave no doubt that the formulation, in Mishnah, of a dispute between the Houses is the work of Ushans, to whom diverse versions of said dispute are assigned. But only substantive considerations are interesting. This is especially the case because, while we have no way of testing, therefore of falsifying, attributions, we do have a fair way of subjecting to the test of falsification the allegation that people before 70 and people after 140, but not those between 70 and 140, dealt with identical philosophical matters. In the entire enterprise, our examination of 'the weaving of the law' will, therefore, prove decisive. And nothing in that work is possible without the fresh exegesis of Mishnah-Tosefta upon which, at every point, it is based.

In quantity the exegetical task is substantially smaller than that in the foregoing. Our tractate has only six chapters; its Tosefta is remarkably small. If Tosefta to Makhshirin were quantitatively proportionate to Tosefta to Niddah, we should have a minimum of twice as many pericopae as we do have. But exegesis is no less engaging than that in the earlier tractates, because Makhshirin is a highly abstract and subtle tractate. The laws bear no weighty practical consequences. Unlike Niddah, with its odious subject-matter, here the topics of the laws are interesting in proportion to their abstraction and practical irrelevance. While the laws themselves, treating as they do the capacity of liquid to impart susceptibility to uncleanness to dry produce, bear a full share of practical significance, and while the tractate includes two stories which claim people did keep the law, the tractate is not about practical law. It is, as I have already said, about the affect, upon natural processes, of human will and intention. The practical (and perhaps practiced) law is made to serve as unformed material to be shaped into an

abstract construction, a figure in no way portraying the concrete matter under discussion. In the hilltowns of provincial Galilee, people talked about great and perennial issues of philosophy in terms so abstruse and arcane that recovery of the deeper meanings of their discussions requires a fair measure of patience and imagination.

I express my gratitude to Brown University, which paid the cost of typing the manuscript. University Professor Maurice Glicksman, Acting Dean of the Faculty for Academic Affairs, arranged that matter with the promptness, cordiality, and good will which persistently have characterized the Brown administration in such matters. His explicit words of encouragement, beyond the measure of the law, are still more appreciated. I do not believe that any generation of scholars in Jewish learning has enjoyed the material and concrete advantages accorded to ours.

It is never superfluous to acknowledge with thanks those who make this endless work less tedious and lonely, colleagues at Brown University and elsewhere, students, and former students. All have already been named in the earlier parts of the work. Dr. Richard S. Sarason read and corrected the manuscript. No words suffice in thanks.

The dedication is to a friend of many years, who also has helped me in both practical and scholarly ways. Dr. Charles Berlin, Lee M. Friedman Bibliographer in Judaica in the Harvard College Library, is responsible for the fact that that library, though not the richest among Judaica collections, is assuredly the best organized and the best managed. The highest standards of the profession of library science have been effected and exemplified in Judaic studies by Dr. Berlin. The scholarly and intellectual achievement represented by his curatorship is insufficiently understood, though the practical benefits are appreciated. Bibliographic learning requires more than simply knowledge of how to assign a number to a book and see that it finds its rightful place in the bowels of Widener Library. It requires more, too, than efficiency and conscientiousness. Dr. Berlin brings to Judaic bibliographical science impressive erudition but also exceptional scholarship. My own experience has taught me to appreciate not only his professional skills but also his intelligent, critical judgment, his gifts of thought and discernment. Those of us who founded the Association for Jewish Studies, moreover, find much gratification in Dr. Berlin's typically efficient and

thoughtful management of its affairs, his tactful leadership in its everyday and ongoing activities. It is now more than fifteen years since he and I met from week to week and shared many pleasant lunch-hours. For the counsel, loyalty, and friendship of these years, and for many more I hope, I express my thanks.

J. N.