

PREFACE

The present work is an exercise in inductive reasoning applied to the internal evidence of Mishnah-Tosefta for the Order of Purities for the purpose of describing the redactional and formulary traits of that document. Questions susceptible of answer through the examination of internal evidence alone are asked. Those which cannot be answered upon the basis of the analysis of the facts in our hands to begin with are not raised. The inquiry, moreover, is logically formulated from the largest questions to the smallest ones. We deal with the principal building blocks of the Order of Purities, the tractates, then with their intermediate divisions ("chapters"), finally with their smallest whole components (pericopae). The fact that Mishnah is organized in major divisions, intermediate or subdivisions, and cognitive units is demonstrated from internal evidence. The way in which these divisions are put together and formulated then comes under study. Once more, the actual traits of the organization and syntactical-linguistic formalization of the tractates are adduced as evidence of the intentions of those responsible for that organization and formalization, the redactors and tradents themselves. The same questions and criteria for finding their answers then are systematically addressed to Tosefta. The sole undemonstrated axiom is that people did things the way they wanted to do them, and that what we have in hand therefore testifies to the program and policy of the people who stand behind the document. To state matters simply: we presuppose only that Mishnah-Tosefta is the work of reasonable and rational minds, the reason and rationality of which resemble those of our minds. Upon the foundation of that epistemological theory the inductive analysis of internal evidence is undertaken.

The concluding chapter asks, What do we learn about people from the *way* they say things? Since the intent of this project from the beginning has been to uncover the history, structure, and system of nascent Rabbinic Judaism as revealed in one principal component of its thought and life, I implicitly raise central, encompassing, and organizing questions. Only some of these are to be answered upon the basis of the external traits of the literary monuments. The same questions will be explicitly repeated in the context of the description of the unfolding of Rabbinic thought on purity: What do we learn about people from *what* they say?

My hope is that the present work in the reader's judgment will prove congruent to its professed purpose, which is to show, solely on the basis of internal evidence, exactly what we can and do know about the formulation and redaction of Mishnah-Tosefta and the people who stand behind it. If inductive reasoning about a sequence of questions, from the large to the small, produces answers which are as compelling to the reader as they are to me, the reason is, as I stress, that the documents themselves are the work of minds of remarkably logical character and highly reasonable structure. These minds are no different from our own in their adherence to the syntactical grammatical patterns of language¹ and Hellenistic modes of abstract and orderly philosophical thought. That fact makes all the more curious the things about which they spoke, to which they devoted their minds: the obsessive-compulsive world of unseen, immaterial contamination and ineffable purification. Transforming the raw and, to them, disgusting data of that world into materials for the ordering of life's sustaining function, nourishment, in accord with time, circumstance, context, and human intention, they accomplished the feat of transcending those data. They made of the meanest and humblest obsessions the foundations for an abstract intellectual structure of surpassing meaning on the character of the human will and the reality-shaping force of the human mind.

The history of the Mishnaic law of purities is the story of how intellectuals reshape gross matter and mindless obsession into testimony to the strength of the decisive and uncompelled mind, of how rational meanings are discerned in irrational compulsions, and of how mindful system is imposed upon chaotic phobia. If this notion of the history of the law here is made to the reader to be as self-evident as it is to me, it is my sole contribution to the matter.

As I review the manuscript, I realize that most of what I have done is to compile long lists of diverse phenomena, setting up definitions of what is to be collected, then gathering all of the pertinent exempla. The book could have been a great deal shorter—but also less useful. If I wanted to prove, as I do, that the principal method of organization is thematic, and that themes are worked out in terms of a rigid and disciplined inner logic, then I could merely have said so with a few examples. Instead I have outlined the whole of the Order of

¹ On the language of Mishnah and Rabbinic Hebrew in general, see Baruch A. Levine, "Rabbinic Hebrew," in *Cambridge History of Judaism* (forthcoming).

Purities. Likewise, proposing to show how intermediate units are organized and to demonstrate that it is the confluence of theme and distinctive form which delineates the boundaries of the intermediate units, I have simply listed every unit in the Order and shown why, on the basis of internal evidence, I think it forms a cogent and distinct "chapter." I could have given my several criteria and illustrated each. And the same is so for the description of the forms of the cognitive units. I could have defined each and given five examples, instead of laboriously listing all of them. But in all cases readers wishing to test my allegations would have had to make up their own lists. Problems in the application of the stated criteria would not have been pointed out. The matter of the declarative sentence and its peculiar formalization within intermediate units would never have become clear. And, to begin with, I do not think many readers would have taken the trouble to do the work. Too much of the available scholarship in this field consists of a generalization followed by two or three examples.

The net results of the present work, moreover, are so completely at variance with the established consensus that I should have commanded no hearing whatsoever without doing exactly what I have done. Whether or not the provision of a complete and thorough account of the data will secure a hearing of course I do not know. The generality of people to begin with interested in the redaction and formulation of Mishnah includes many who substitute for reading what is written the inquiry into the opinions of authorities assumed to have read and understood what is written. Trading in opinions takes the place of forming one's own viewpoint in response to concrete data, which are hard and demand concentration upon detail.

But truth lives only in the details. My great teacher, Morton Smith, taught me that, and I owe it to him, who spent ten years impressing upon me a love for specificity and detail, to do things in just this way.

The net result of the present inquiry is to see the formulation of Mishnah as we know it as the work of the ultimate redactors, indeed to turn matters around and to perceive formulation as an aspect of redaction, rather than *vice versa*. While the history of Mishnah's ideas goes back for approximately two and a half centuries, as we shall see in Part XXII, the redactional structure and linguistic formalization of Mishnah are the work of the generation which flourished from ca. 170 to 200, the successors of the Ushans. This picture con-

flicts with the conception universally held in earlier accounts of Mishnah's literary history. Confusing content with formulation and redaction, people generally maintain that Mishnah is the end product of many generations not only of thought but also of literary work.

The picture contrary to mine is summed up by E. E. Urbach, "Mishnah." *Encyclopaedia Judaica* 12:93-109, who states, "These differences [in linguistic style as well as in the presentation of statements] are to be explained as due alike to the lengthy history of the *halakhab* and the varied sources of its growth, as well as to the sages' different ways of transmitting, teaching, and arranging *halakhot*." And again, "The great diversity which has been found in the sources of the *halakhab* provides grounds for assuming that the transmission and preservation of certain *halakhot* were the monopoly of the circles in which they originated and were developed." And finally, "All that has thus far been said about the existence of various *mishnayot* collections and their incorporation in our Mishnah clearly shows that Judah ha-Nasi embodied in his Mishnah most of the *mishnayot*."

While there are self-evident obscurities in Urbach's sentences—he is arguing that ours is the best of all possible Mishnahs and that the *whole* antecedent corpus is in Mishnah, and if so, how does he know?—the gist of the argument is clear.¹ It also is clearly wrong. But the philological phenomena which have led to this false picture have to be considered, for, while the historical reconstruction is faulty, the facts are what they are. It is important, therefore, to stress the present issue, which is, *the formulation and redaction of Mishnah as we know it*, and not the formation in antecedent periods of ideas and even sentences embedded in Mishnah as we know it. The "special collections of *halakhot*" which are set up around a given theme, around the name of a particular authority, or around a recurrent apophthegm, show us other theories of redaction than that which is operative in the bulk of our Order of Mishnah. Whether or not

¹ Urbach is not to be blamed for not having read and assimilated the sustained inquiry in *The Modern Study of the Mishnah* (Leiden, 1973), since his article appeared in 1971. When my students and I reread the principal works on the problem, we found exceedingly confusing the diverse meanings attributed to such words as *mishnah*, *Mishnah*, *mishnayot*, *halakhab*, *halakhot*, and the like, not to mention the exact claims made by the several scholars about the nature of the sources allegedly used by Judah the Patriarch. The confusion and conceptual obscurity of Urbach's article accurately replicate the state of the question at the time at which he discussed it. The whole agendum of inquiry in fact was awry, and the inevitable consequence is the sort of rather opaque and illucid account as is given by Urbach.

they prove that there were antecedent collections, Mishnahs, or, cognitive units, "*misbnahs*" upon which Judah the Patriarch drew is a quite separate question, which neither Urbach nor those he cites have yet investigated in its own terms. In the present context, these "special collections" constitute nothing more than intermediate divisions, the history and antecedents of which remain to be considered. So far as the results of my inquiry prove diametrically the opposite of the results of earlier ones, the faults of the former are two: first, flawed and illucid definition of the terms and issues at hand, and second, deductive and *post facto* methodology.

The inductive procedures of the present work and the explicit definitions of all terms and categories of inquiry in my judgment can lead only to the results herein presented. If redaction now turns out to be definitive of the framework of formulation, the reason is that to begin with the question is, How was Mishnah as we know it given its present literary and ideational structure? The issue of redaction and formulation is defined by the end-product: *The nature of antecedent sources can only be determined when we have isolated what must be deemed the work of ultimate redaction and formulation.* These are the questions with which the work commences. People who begin with other questions than these cannot in my opinion produce correct results, because their work rests on flawed logical foundations and fluid, imprecise, and somewhat impressionistic definitions of terms and procedures. The only thing which I offer as self-evident is the question to be answered, which is, as I have repeated, the character of the redaction and formulation of Mishnah as we know it.

Because the task performed here, the patient unpeeling of an onion, falls outside my former experience, I have turned to my associates for more than ordinary assistance in reading and criticizing versions of the manuscript. The following were so kind as to do so, setting aside their own important work to help me in mine: Professor Baruch A. Levine, New York University; Baruch M. Bokser, University of California (Berkeley); Gary G. Porton, University of Illinois; William Scott Green, University of Rochester; David Goodblatt, Haifa University; Tzvee Zahavy, University of Minnesota; Jack Lightstone, Concordia University (Sir George Williams Campus); and Ernest S. Frerichs and Richard S. Sarason, Brown University. Chapter Five began in conversations with Professor Wayne A. Meeks, Yale University, and enjoyed the critical attention, in addition, of Professor Jonathan Z. Smith, University of Chicago, and Pro-

fessor Arnold Band, University of California (Los Angeles). My thanks are due to these dear friends for their generosity. I have also to record my gratitude for the prompt and helpful counsel of Professor Noam Chomsky, Massachusetts Institute of Technology, and, even more, for the inspiration of his human and scholarly achievement. Each stage in the work began in conversations with Professor Wendell Dietrich, Brown University. As chairman of our department, scholar, companion and friend, he stands behind the academic accomplishments of us all.

Even though this study consists in the main of long lists and outlines, it means to prove, if in dull and prosaic ways, that Mishnah is poetry and that those who made it up and put it together are poets. If that proposition can be shown, then recognizing the otherness of Mishnah, its freshness in its own literary and religious context—that of ancient Israelite and Judaic sacred literature—and its uniqueness, thereafter for a thousand years, will permit us to approach an appropriate appreciation of the document. What David Rosenberg says about Psalms in my view is *a propos* of Mishnah:

Confronting the psalms in their literal context, one realizes how difficult it is to conceive of a universe for which poetry is a way to speak directly and openly.¹

So too, when we enter into the situation of the authorities of Mishnah, a world in which, in the aftermath of the Temple's destruction and Bar Kokhba's debacle, old certainties had unravelled and ancient hopes proved fraudulent, we appreciate the force of pattern, disciplined formulation, and constant repetition of deep syntactical structures. Mishnah is a document of hopeful certainty, in which, as I shall try to show, the very formalization of language creates and expresses faith. Once more, in conclusion, I invoke the words of Rosenberg, who speaks of Psalms but for me evokes the sense and larger meaning of Mishnah:

The psalmist was facing depression and not allowing himself to respond with bitterness. Instead, even as his voice speaks bitterly, he overcomes despair with his song's urge toward lightness. *Its formal repetitiveness parallels the strength of his faith in a higher being whose ear he approaches as he listens to himself.*

¹ David Rosenberg, *Blues of the Sky. Interpreted from the Original Hebrew Book of Psalms* (N.Y., 1976), p. 52.

The passage which I have given in italics encompasses all I have to say about the ultimate meaning of our document.

The friend to whom the work is offered, truly “a man for others,” embodies in mind, character, and mode of life those traits which, I try here to demonstrate, essentially characterize the authorities of the Mishnah, the sober, judicious, measured virtues of the moral intellect and mind.

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