

PREFACE

This book answers four questions which study of the tractates of the division of Women raise in our minds.

First, how do the seven tractates fit together to form a complete statement about women, and what statement do they make?

Second, in what historical sequence did the principal conceptions and ideas of the seven tractates take shape?

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

Finally, what place and meaning does Mishnah's system of women take in the larger world-view expressed by Mishnah as a whole?

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 important is the historical unfolding of the laws and the relationship between the inner issues and tensions of the laws, which led 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 be focused upon a system. It is to be defined within a carefully delineated context, a world-view. That is why we do not speak about women in general. We are concerned with the *system* of women 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, remains the discovery of 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. That is the very nature of a system. All things are drawn together and reshaped into what Mishnah wants to make of them and are made to say what

Mishnah wants to express through them. That is why the critical issue of the historical work is the character of Mishnah's system as a whole.

In the concluding chapter I explain why I think this discussion 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 raised and answered. The important questions are the obvious and simple ones. The truth lies in the most fundamental propositions.

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 the system of women is no more interesting than systems of laws concerning priests, Levites, rabbis, or gentiles, which we do not have, or systems of laws concerning torts, appointed seasons, and purities, which we do. What provokes and 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 not fully explained or properly interpreted.

The topic of this division is of greater current interest than elsewhere. The field of women's studies is taking shape even now. I enjoyed the advice of scholars familiar with the theoretical literature of women's studies, particularly Professor Barbara Sobieszek, University of Rochester, and Ms. Elizabeth Weed, Sarah Doyle Women's Studies Center, Brown University. My rather limited frame of interest and set of questions did not do full justice to the breadth of knowledge and sophistication of perspective put forward by these generous colleagues. Professor Richard S. Sarason read the manuscript of this part of the work and made important observations, which I have printed as footnotes in his name. My dear friends, Professors Jonathan Z. Smith, The University of Chicago, Baruch A. Levine, New York University, Wendell S. Dietrich, Brown University, and William Scott Green, University of Rochester, kindly discussed with me various problems and propositions and, as always, gave me the benefit of their ideas. If this book makes some modest contribution to the field of women's studies, as well as to the field for which it is intended, which is the study of Judaism within the history of religions, I shall be very proud.

This work is dedicated to colleagues and their wives in those several universities in Germany and Britain which received me on the occasion of my tour of October, 1977. After presenting my Jubilee-lectures at the University of Tübingen, I went where I was invited during the following week. Colleagues showed cordial hospitality and gave my ideas a critical and warm hearing. I am grateful for both.

I write these concluding lines to the book in the twin cities of Minneapolis and St. Paul, during the quarter in which I serve as Hill Professor at the University of Minnesota. I thank my hosts for bestowing upon me the honor of the Hill Professorship and express my gratitude, in particular to Professor Tzvee Zahavy for his hospitality during my stay in Minnesota.

Minneapolis-St. Paul and Providence

J.N.

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The fifth *yahrzeit* of my father-in-law and friend, Max Richter, of Paterson, New Jersey and Jerusalem.