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The Mishnah:

An Introduction

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The Mishnah as Literature

IDENTIFYING THE MISHNAH

How do you read a book that does not identify its author, tell you where it comes from, or explain why it was written—a book without a preface? And how do you identify a book with neither beginning nor end, lacking table of contents and title? The answer is you just begin and let the author of the book lead you by paying attention to the information that the author does give, to the signals that the writer sets out. Accordingly, you can make only a single assumption before you begin to read this unknown book. It is that you *can* read it and make sense of it—until you find that you cannot. You read on the premise that the writer and you, the reader, share a common mode of thought, and that therefore you can receive an intelligible message from the writer. The reader and the writer make that reciprocal gift, one of trust and mutual respect. I trust the writer to intend something other than gibberish, and the writer trusts me, the reader, to be willing to listen and learn, however odd the mode of discourse the author has chosen.

The Mishnah is a book without a title page, preface, table of contents, introduction, beginning or end. It just starts and stops. It provides information without establishing context. It presents disputes about facts hardly urgent outside of a circle of faceless disputants. Consequently, we start with the impression that we join a conversation already long under way about topics and issues that we can never grasp anyhow. Even though the language (when translated) is our own, the substance is

not. We understand the words people say, but are baffled by their meanings and concerns, above all by the urgency in their voices: What are you telling me? Why must I know it? Who cares if I do not?

By way of setting forth the simple problem of identifying the Mishnah, let us turn to its opening and its closing passages, seen without analysis as simple paragraphs:

From what time do they recite the *Shema* ["Hear O Israel, the Lord our God, the Lord is one"] in the evening? From the time that priests enter their homes to eat food in the status of priestly rations, "until the end of the first watch," the words of R. Eliezer. And sages say, "Until midnight." Rabban Gamaliel says, "Until the rise of dawn."

MISHNAH TRACTATE BERAKHOT 1:1

What? no title page, no table of contents, no preface, no introduction? Just "From what time. . ."? And, leaping to the other end, how does the Mishnah conclude?

Honeycombs: from what point are they susceptible to uncleanness in the status of liquid? The House of Shammai say, "When one smokes out [the bees from the combs, so that one can get at the honey]." The House of Hillel say, "When one will actually have broken up [the honeycombs to remove the honey]."

MISHNAH TRACTATE UQSIN 3:11

What differentiates the first from the final paragraph? Subject matter, that alone. There is no reference to where we are heading or whence we come, to an argument commencing or one concluding. Otherwise we have no reason to put one paragraph at the beginning, since it starts nothing, nor the other at the end, since it hardly draws anything to a conclusion. We begin nowhere, without a clearcut purpose or proposition, in the middle of a conversation, and we end up in the middle of some other conversation. From the viewpoint of organizing a systematic argument, the two paragraphs are interchangeable; neither serves a purpose beyond itself, for instance, announcing where we are starting and why, or explaining, at the end, what we have proven. Not only that, but were I to

choose at random twenty other paragraphs, in tone and quality of discourse they would be interchangeable with these. What kind of a book is it that allows me to put anything anywhere, that is, with no beginning, middle or end, no program or direction?

And that is not the whole story! If we return to the opening unit, we find ourselves an excluded audience. For no one tells us what is going on; the author addresses no "you," as in the implicit, "Let me tell you the story of. . ." which invites us into a story or a book. Without explanation, moreover, we can scarcely grasp what is at stake. What is the *Shema*? Who are the priests? Why do Eliezer and Gamaliel disagree about the matter and who are they anyhow? What is "priestly ration" (more familiarly translated as "heave-offering," by the way)? Talk about starting in the middle! And reverting to the conclusion, what is uncleanness, and what governs susceptibility to uncleanness? What can I not do if I am unclean, which I can do if I am clean? Why do honeycombs matter in context? Who are these "houses," and who are the fathers or founders thereof? Clearly, some sort of historical data is taken for granted, but it is not given.

Read inductively, autonomously, therefore, the Mishnah is gibberish, or so it seems. Compare the beginning of another book written about events in the Land of Israel only a short while earlier, the Gospel of Luke in the New Testament:

Inasmuch as many have undertaken to compile a narrative of the things which have been accomplished among us, just as they were delivered to us by those who from the beginning were eyewitnesses and ministers of the world, it seemed good to me also, having followed all things closely for some time past, to write an orderly account for you, most excellent Theophilus, that you may know the truth concerning the things of which you have been informed. In the days of Herod. . .

Now that's the beginning of a book, with a "you," a program, an argument, and a promise. And Luke ends with the end of his story, "And they returned to Jerusalem with great joy and were continually in the temple, blessing God." The author of the Gospel of Luke starts somewhere, identifies his "you," explains his purpose, begins his story—and tells it. And at the end, there is an ending. You may argue, indeed so, but *that* is narrative, and *this* is something else. But what else? It is our task to find out.

If we do not adopt as premise a wide variety of allegations made about the Mishnah long after it was published, but simply ask the

writing to tell about itself, we adopt the sole correct means of reading a book in its own terms, as its initial authorship produced it. But then no one can take for granted that what is before us makes sense in any context but the Mishnah's own, inaccessible world. Each step in the inquiry into the meaning and importance of the document must be laid forth with ample preparation, taken with adequate care. For before us is a remarkable statement of concerns for matters not only wholly remote from our own world but, in the main, alien to the world of the people who made the Mishnah itself. It is as if people sat down to write letters about things they had never seen, to people they did not know—letters from an unknown city to an undefined and unimagined world: The Mishnah is from no one special in utopia, to whom it may concern.

As we now realize, the Mishnah does not identify its authors. It permits only slight variations, if any, in its authorities' patterns of language and speech, so there is no place for individual characteristics of expression. That much is clear from the superficial comparison of the two paragraphs we have observed. The Mishnah nowhere tells us when it speaks. It does not address a particular place or time and rarely speaks of events in its own day. There is scarcely a "you" in the entire mass of sayings and rules. There is no predicting where it will commence or explaining why it is done. Where, when, why the document is set forth are questions not deemed urgent and never answered.

Indeed, the Mishnah contains not a hint about what its authors or authorship conceive themselves and their work to be. As to themselves, were they few or many? We cannot say. All we do know is that the author or authors—hence "authorship"—wrote in a uniform prose, beginning to end, appealing to a single rhetoric patterning language and syntax, and making use of a single logic to make sense-statements. So while there may be many authors, a single convention of discourse and code of communication governed their writing. Then what about the classification of the book? The passages we have examined give rules. So we might ask whether the Mishnah is a code of law. The passages include explanations and arguments, so is it a school book? Since, as we already have seen, it makes statements describing what people should and should not do—or rather, do and do not do—we might suppose it is a legal code. Since (as we shall see presently) it covers topics of both practical and theoretical interest, we might suppose it is a school book. But the Mishnah never expresses a hint about its authors' intent.

The reason is that the authors do what they must to efface all traces

not only of individuality but even of their own participation in the formation of the document. So it is not *only* a letter from utopia to whom it may concern. It is *also* a letter written by no one person—but not by a committee, either. Nor should we fail to notice, even at the outset, that while the Mishnah clearly addresses Israel, the Jewish people, it is remarkably indifferent to two further and important considerations: First, its authorship, from beginning to end, does not situate itself in time and space. The opening and closing units are intelligible without knowledge of when, where, or under what circumstances, the rules pertain and the writers set them forth. Second, its authorship proves remarkably indifferent to the fact that they work in the framework of an established history and culture, that is to say, in the structure defined for all time by the Hebrew Scriptures. That fact is noteworthy and will dictate the reception and future history of the Mishnah and, therefore, of the Judaism that was built upon it and that became normative, classical, authentic, orthodox, and unique: the Judaism of the Dual Torah, written and oral, of which the written part is identified as the Hebrew Scriptures, and the "oral" part as the Mishnah and the writings that explain and expand it, mainly the Talmud of the Land of Israel (Yerushalmi) and the authoritative and definitive statement of that Judaism, the Talmud of Babylonia (Bavli), which is a sustained commentary on the Mishnah and the Hebrew Scriptures.

The Mishnah makes no effort at imitating the Hebrew of the Hebrew Bible, as do the writers of the Dead Sea Scrolls. The Mishnah does not attribute its sayings to biblical heroes, prophets or holy men, as do the writings of the Pseudepigrapha (that is, those ancient books which purport to be biblical but were not accepted as part of the Hebrew Bible). The Mishnah does not claim to emerge from a fresh encounter with God through revelation, as is not uncommon in Israelite writings of the preceding four hundred years; the Holy Spirit is not alleged to speak here. So all the devices by which other Israelite writers gain credence for their messages are ignored. Perhaps the authority of the Mishnah was self-evident to its authors. But, self-evident or not, they in no way take the trouble to explain to their readers why people should conform to the descriptive statements contained therein. So much for the problem of identifying the Mishnah. Relying on what its author has given us, we simply cannot say what the book is or why it matters or what it says or means to accomplish: nothing but an unfeilt and inchoate mass of words and episodic propositions lacking all sense. So it would seem. But wait.

USING THE EVIDENCE IN HAND

Let us return to the opening and closing paragraphs and ask what, if anything, we can learn about the document from them. At this point we have to invent some signs by which we can differentiate one thing from another. Three signs that convey messages suffice. First, we have to mark what we conceive to be a whole unit of thought and meaning in our language, a sentence that bears, on its own and entirely, some sort of intelligible message. For that purpose, I use a letter, beginning with A. Second, for convenience-sake, we have to mark within a tractate the chapter-number and paragraph-number that are now conventional in all printed texts of the Mishnah. For that purpose, I use the first numeral for the chapter of a tractate, and the second for the paragraph, within a chapter, designated by the printed Mishnah. Thus "1:1.A" signifies the first sentence of the first paragraph of the first chapter of a tractate, and so throughout. Without some sort of numbering system, we cannot undertake any sort of analytical work at all. This is the system I have invented for the rabbinic literature and have now applied to nearly every document in that literature. I have found no need to invent more symbols to permit simple analytical work. Now to return to the opening paragraph, analyzed in this simple way:

- A. From what time do they recite the *Shema* in the evening?
- B. From the time that priests enter their homes to eat food in the status of priestly rations.
- C. Until [what time do they recite the *Shema* in the evening?]
- D. "[until] the end of the first watch," the words of R. Eliczer.
- E. And sages say, "Until midnight."
- F. Rabban Gamaliel says, "Until the rise of dawn."

(M [ishnah Tractate] Ber [akhot] 1:1)

Now the paragraph is seen as a little dispute among three parties, indicated at D, E and F. A announces the problem at hand. B states a fact on which there is no dispute. Then C serves as a second announcement, introducing the three opinions, D, E, F. We have then two sentences:

"From what time do they recite the *Shema* in the evening? From the time that priests enter their homes to eat food in the status of priestly rations."

Then any one of the following will serve:

1. "Until [what time do they recite the *Shema* in the evening? Until] the end of the first watch."
2. "Until [what time do they recite the *Shema* in the evening? Until] midnight."
3. "Until [what time do they recite the *Shema* in the evening? Until] the rise of dawn."

Even without knowing what people are talking about, we may derive considerable information from how they are saying whatever it is that they are saying. We see a well-composed set of propositions, each beginning with a question and followed by an answer, and the answers are pretty closely matched with one another. There is no private or personal idiosyncrasy in the formulation. All parties to the dispute use the same syntax to say the same thing, and differ only in the detailed word-choices. What we see—so our initial hypothesis suggests—is highly patterned language. Can we test that hypothesis? Indeed so, simply by turning to our concluding paragraph:

- A. Honeycombs: from what point are they susceptible to uncleanness in the status of liquid?
- B. The House of Shammai say, "When one smokes out [the bees from the combs, so that one can potentially get at the honey]."
- C. The House of Hillel say, "When one will actually have broken up [the honeycombs to remove the honey]."

(M [ishnah Tractate] Uqs [in] 3:11)

We begin with an announcement of the topic at hand—honeycombs—and then ask our question, sentence A. We have a single sentence by way of an answer:

Honeycombs: from what point are they susceptible to uncleanness in the status of liquid? When ["it is from the point at which"] one smokes out [the bees from the combs, so that one can get at the honey].

Honeycombs: from what point are they susceptible to uncleanness in the status of liquid? "When one will actually have broken up [the honeycombs to remove the honey]."

Now it seems we have nothing different from the opening composition, a question followed by a selection of answers, and each answer can stand on its own to respond to the question. Not only that, but the simple analysis identifying successive sentences shows us how the sentences

are broken up and brought together into a single, coherent statement. This is done by creating a dispute out of several autonomous statements. We assign a statement to an authority, e.g., Eliezer, or Gamaliel, or "sages," or one or another of the Houses. Then we make all the statements bearing attributions into a sequence of responses to a simple problem, thus a dispute:

1. topic sentence: the problem or what is subject to dispute;
2. opinion of party A;
3. opinion of party B.

The Hebrew shows closer balance than does the English, since at M. Uqsin 3:11 the statements of the two Houses are made up of precisely the same number of syllables. So the match is more precise than we should have expected. We need hardly remark that it is very easy to memorize such highly patterned language. In point of fact, most of the Mishnah is written not in narrative prose, flowing declarative sentences for instance, but in these brief thought-units with a question (usually implicit) and an answer, set forth in a disciplined way. There will be a set of thought-units following a single syntactic and grammatical pattern. Put together, they will set forth three or five cases, and if you reflect on the examples, you can readily recover the principle that explains all three or five rulings. Accordingly, we deal with a piece of writing quite different from simple narrative, in that the author wants us to learn the point by putting together things that are given to us to draw a conclusion that is not spelled out for us—a very warm compliment to us as readers.

It remains to ask what can be at stake in the disputes. If we continue to follow the exposition of M. Berakhot 1:1, we find the following: "... why did sages say [that these actions may be performed only] until midnight [since the obligation to carry out the action applies until the rise of dawn]? It is in order to keep a person from sin" [thus requiring the action to be done well within the time limit in which it must be done, by midnight, not awaiting dawn]. There is then a specific rule, which concerns the correct time for reciting the *Shema* (which our authorship rightly assumes we can identify), and there also is a general principle that governs all actions that must be done within a given span of time.

The dispute in Uqsin is somewhat more complicated. The concrete issue concerns liquid, which is susceptible to the uncleanness deriving from sources of uncleanness specified by Leviticus 11-15. The premise of the question, "from what point does liquid become susceptible," is that liquid may not be susceptible to uncleanness at all. From the answers to

the question we derive the principle shared by both parties. One party maintains that the liquid of honeycombs is susceptible to uncleanness when one has smoked out the bees, the other, when one has broken the honeycombs. Clearly, therefore, when I have access to the honey, so that I may make use of it, the honey is susceptible; hence liquid that is not accessible to human use (in this context) is deemed insusceptible; Leviticus 11:34 and 37 are read to make that point. So much for the concrete issue. But what is the principle at hand? I have interpolated some words to make clear in context the issue of whether what is potential is real. That is to say, do I take account of what potentially *may* happen? Or do I treat as fact only what *has* happened? The House of Shammai say that once you have smoked out the bees, you have access to the honey. What is potential is treated as equivalent to what is actual. Since you can get at the honey, the honey can be useful to you and so is susceptible. The House of Hillel say that only when you actually have broken the honeycombs by a concrete deed is the honey susceptible. What is potential is not taken into account, only what is actual.

At stake here is the old philosophical problem of the acorn and the oak, the egg and the chicken, the potential and the actual. In other disputes, what is at stake is how correctly to classify things, so as to discover the single rule that governs a number of diverse cases. Elsewhere, the subtterranean principle concerns intention and how we assess what a person plans to do: as if it is done, as if it might be done, as if it is null until some action confirms the intention, and so on. We shall have chapters of the Mishnah in which these are the stakes. We shall see that the framers of the Mishnah address profound issues of theology, for instance, the relationship among God, Israel, and the Land of Israel; of philosophy, for example, classification, intention, and mixtures (today a matter of physics, but then a matter of philosophy), and social policy, for instance, the standing of women, the meaning of wealth, the right conduct of the market, and the like. Obviously, therefore, there is more to be said on the matter, much more. But enough has been said to justify engagement with the passage—and with the Mishnah. Clearly we are in the hands of a very odd author, who mounts discourse in three dimensions all at once: through how things are said, through what is said, and through what lies beneath the surface of things as well. That author has enormous respect for us, the readers, assuming that we read and hear with so astute and sentient an interiority as to gain the message even in the subtle media through which the message is conveyed. With such a compliment paid to us, how can we decline the invitation to read on after "From what time do they recite the *Shema* in the evening?" all the way to

the final statement, "When one will actually have broken up [the honey-combs to remove the honey]"—sixty-three tractates, five hundred thirty-one chapters in all

And in deciding to read on, we have moved very far from our starting point. Reading two paragraphs, one at the beginning of the document, the other at the end, we now realize that the authors of these materials have conveyed a vast message to us. They have alluded to a rich world of meanings, issues, and arguments. True, the information they take for granted vastly outweighs the information they have provided. But all authors do that; they do not, after all, begin by inventing an alphabet, then creating syntax and grammar, unless they are not expecting anyone else to understand them. Our authors have addressed a world in the correct assumption that that world will understand their meanings. And it becomes our task to discover that world, if we hope to grasp their meanings.

THE CONTENTS AND ORGANIZATION OF THE MISHNAH

If we turn to the contents of the document, the internal evidence of the book does not help us much in determining the place of the Mishnah's origination, the purpose of its formation, the reasons for its anonymous and collective plane of discourse and monotonous tone of voice. For the Mishnah covers a carefully defined program of topics. But the Mishnah's author never tells us why one topic is introduced and another is omitted, or what the agglutination of these particular topics is meant to accomplish in the formation of a system or imaginative construction. Nor is there any predicting how a given topic will be treated, why a given set of issues will be explored in close detail, and another set of possible issues ignored. Discourse on a theme begins and ends as if all things are self-evident—including, as I said, the reason for beginning at one point and ending at some other. Let me explain the reason that we appeal to internal evidence, if we want to know what the original author(s) had in mind.

In antiquity, paragraphing and punctuation were not commonly used. Long columns of words would contain a text, and the student of that text had the task of breaking up those columns into sections, chapters, sentences, large and small sense-units. Hence, when reading any book composed prior to the revolutionary invention of printing, we have to find out how an author or authorship told us beginnings, middles,

and endings of units of completed thought ("paragraphs"), units of completed argument, proposition, or other sustained discourse ("chapters"), and whole books. For that purpose, with the Mishnah, we start with the entire document and work our way back to the paragraphs in three rapid mental experiments.

If we had the entire Mishnah in a single immense scroll and spread the scroll out on the ground—perhaps the length of a football field!—we should have no difficulty at all discovering the point, on the five yard line, at which the first tractate ends and the second begins, and so on down the field to the opposite goal. For from Berakhot at the beginning to Uqsin at the end, the breaking points practically jump up from the ground like white lines of lime: change of principal topic. The criterion of organization, internal to the document and not merely imposed by copyists and printers, is thematic. That is, the tractates are readily distinguishable from one another since each treats a distinct topic. So if the Mishnah were to be copied out on a long scroll without lines of demarcation between the several tractates, the opening passages of each tractate would leave no doubt that one topic had been completed and a new one undertaken.

The same is so within the tractates ("chapters"). Intermediate segments of these principal divisions (we might call them chapters or parts of books) are to be discerned on the basis of internal evidence. That is accomplished through the confluence of theme or subject matter and the form or patterning of language. That is to say, a given intermediate segment (a chapter of a tractate) will be marked by a particular, recurrent, formal pattern in accord with which sentences are constructed, and also by a particular and distinct theme to which these sentences are addressed. When a new theme commences, a fresh formal pattern will be used. Within the intermediate segments we are able to recognize the components, or smallest whole units of thought (which we shall call "cognitive units," to be defined at greater length presently), because there will be a recurrent pattern of sentence structure repeated time and again within the unit, and a shifting at the commencement of the next theme. Each point at which the recurrent pattern commences marks the beginning of a new cognitive unit. In general, an intermediate segment (chapter) will contain a carefully enumerated sequence of cognitive units, in the established formal pattern, commonly in groups of three or five or multiples of three or five (pairs for the first division). A single rhetorical pattern will govern the whole set of topical instances of a logical proposition. When the logical-topical program changes, the rhetorical pattern will change too.

Accordingly, the Mishnah's author gives answers. The document presents its discourses as thematic expositions, with beginnings, middles, and endings, principles and secondary developments thereof. Throughout the Mishnah the preferred mode of layout is by themes, spelled out along the lines of the logic imbedded in those themes. To state matters very simply, let us ask whether we should know, without being told, where one tractate, or treatment of a topic, begins and another ends? In the case of Tractate Berakhot, which deals with saying prayers and blessings, as we already have noticed, we have had the opening statement. How does the tractate close, and what immediately follows? Here is the final paragraph of Tractate Berakhot and the opening paragraph of Tractate Peah, which immediately follows it (we could produce the same result with any other tractate of the Mishnah):

A person is obligated to recite a blessing over evil just as one recites a blessing over good. . . . One should not act foolish while facing the Eastern Gate of the Temple, for it faces toward the Chamber of the Holy of Holies. One should not enter the Temple Mount with a walking stick, overshoes, money bag, or dust on one's feet, and one should not use the Temple Mount for a shortcut . . .

(M. Berakhot 9:5A, G, H, I)

These are things which have no specified measure: the quantity of produce designated as *peah*, the quantity of produce given as firstfruits, the value of the appearance-offering, the performance of righteous deeds, and time spent in study of the Torah. . . . They may designate as *peah* no less than one sixtieth of a field's produce . . .

(M. Peah 1:1A-B, 1:2A)

These rapid sketches of the closing of one tractate and the opening of the next (or any other) show us that a general subject is treated in one tractate, then another general subject is taken up in another tractate. The subjects (hence the tractates) are conventionally grouped into large divisions, and just as we can see that one tractate has ended and another begun, so we know when one division concludes and another commences.

Seeing the writing as a whole—and here we cannot turn to an inductive examination of the evidence so the reader will have to trust me, or we shall have to lay out the entire Mishnah, which covers 1,100 pages

in my English translation!—we observe that the Mishnah is divided into six principal divisions, each expounding a single, immense topic. The tractates of each division furthermore take up subtopics of the principal theme. The chapters then unfold along the lines of the logic (to the framers) of the necessary dissection of the division.

While that mode of organization may appear to be necessary or "self-evident" (it is how *we* should have written a law code, is it not?), we should notice that there are three other modes of organization found within the document. They show us what might have been done. Since these are not utilized extensively or systematically, however, they represent rejected options. One of the three alternative ways of putting things together is to collect diverse sayings around the name of a given authority. (The whole of Tractate Eduyot is organized in that way.) A second way is to express a given basic principle through diverse topics, e.g., a fundamental rule cutting across many areas of law, stated in one place through all of the diverse types of law through which the rule or principle may be expressed. A third way is to take a striking language-pattern and collect sayings on diverse topics which conform to the given language-pattern. But faced with these possible ways of organizing materials, the framers of the Mishnah chose to adhere to a highly disciplined thematic-logical principle of organization. So internal evidence suffices to tell us that we deal with a vast exposition on various themes, divided by major subjects and by still broader classifications of divisions. Let us now outline the document as its internal evidence directs us to.

AN OUTLINE OF THE MISHNAH TOPICAL PROGRAM OF THE MISHNAH

The Mishnah is a six-part code of prescriptive rules formed—it is generally thought—towards the end of the second century C.E. by a small number of Jewish sages. Since the document takes for granted paramount events of the second century, e.g., the defeat of Bar Kokhba and the end of the sacrifices in the Temple in Jerusalem, we have sound reason to assume the writing was brought to closure after ca. 135. Writings generally assumed to refer to the Mishnah, of which the Mishnah itself gives no evidence whatever, refer to events after 200 C.E. On those flimsy grounds, we may affirm the prevailing and merely conventional view that the document was concluded around 200. It is the only fact I shall ask the reader to accept merely because people generally

affirm it. Evidence not within the Mishnah itself maintains that the document was put forth as the constitution of Judaism under the sponsorship of Judah the Patriarch, head of the Jewish community of the Land of Israel at the end of that century. That widely held view has no bearing upon the description, analysis, and interpretation of the Mishnah and plays no role in this book.

Let us then turn back to the actual facts that the Mishnah itself supplies about its own identification and character, beginning with its topical program. A brief review here suffices, since in Chapter 2 we shall pay considerable attention to the unfolding of the law of the Mishnah in successive ages, and there we shall take up the details of the tractates, one by one and in groups. It suffices for the present account of the Mishnah as literature to note that the six divisions (or orders) of the Mishnah are (1) agricultural rules; (2) laws governing appointed seasons, e.g., Sabbaths and festivals; (3) laws on the transfer of women and property along with women from one man (father) to another (husband); (4) the system of civil and criminal law (corresponding to what we today should regard as "the legal system"); (5) laws for the conduct of the cult and the Temple; and (6) laws on the preservation of cultic purity both in the Temple and under certain domestic circumstances, with special reference to the table and bed.

Let me now describe and briefly interpret the six components of the Mishnah's whole, closed system. The critical issue of economic life, i.e., farming, is treated in two parts, revealed in the first division. First, Israel as tenant on God's Holy Land maintains the property in the ways God requires, keeping the rules which mark the Land and its crops as holy. Second, the time at which the sanctification of the Land reaches a critical mass, namely, in the ripened crops, is a moment ponderous with danger and heightened holiness. Israel's will so affects the crops as to mark a part of them as holy, the rest of them as available for common use. The human will is determinative in the process of sanctification.

In the second Mishnaic division, what happens in the Land at certain times—at Appointed Times—marks off spaces of the Land as holy in yet another way. The center of the Land and the focus of its sanctification is the Temple. There the produce of the Land is received and given back to God, the one who created and sanctified the Land. At these unusual moments of sanctification, the inhabitants of the Land in their social units in villages enter a state of spatial sanctification. That is to say, village boundaries mark off holy space, within which one must remain during the holy time. This is expressed in two ways: First, the Temple itself observes and expresses the special, recurring holy time.

Second, the villages of the Land are brought into alignment with the Temple, forming a complement and completion to the Temple's sacred being. The advent of the appointed times precipitates a spatial reordering of the Land, so that the boundaries of the sacred are matched and mirrored in village and Temple. At the times of heightened holiness marked by these moments, therefore, the occasion for an affective sanctification is worked out. Like the harvest, the advent of an appointed time in Israel—a pilgrim festival, also a sacred season—is made to express that regular, orderly, and predictable sort of sanctification that the system as a whole seeks.

If for a moment we now leap over the next two divisions, the third and fourth, we come to the counterparts of the divisions of Agriculture and Appointed Times. These are the fifth and sixth divisions, namely Holy Things and Purities, those which deal with the everyday and the ordinary, as against the special moments of harvest and special times or seasons. The fifth division is about the Temple on ordinary days. The affairs of Temple, the locus of sanctification, are conducted in a wholly routine, trustworthy and punctilious manner. The one thing which may unsettle matters is the intention and will of the human actor. This is subjected to carefully prescribed limitations and remedies. The division of Holy Things generates its companion, the sixth division, the one on cultic cleanness, Purities. The relationship between the two is like that between Agriculture and Appointed Times, the former locative, the latter utopian, the former dealing with the fields, the latter with the interplay between fields and altar.

In the sixth division, too, once we speak of the one place, the Temple, we also address the cleanness which pertains to every place. A system of cleanness, taking into account what imparts uncleanness and how this is done, what is subject to uncleanness, and how that state is overcome—that system is fully expressed, once more, in response to the participation of the human will. Without the wish and act of a human being, the system does not function. It is inert. Sources of uncleanness, which come naturally and not by volition, and modes of purification, which work naturally and not by human intervention, remain inert until human will has imparted susceptibility to uncleanness, that is, until people have introduced into the system that food and drink, bed, pot, chair and pan, which form the focus of the system in the first place. The movement from sanctification to uncleanness takes place when human will and work precipitate it.

This now brings us back to the middle divisions, the third and fourth, on Women and Damages. They take their place in the structure of

the whole by showing the congruence, within the larger framework of regularity and order, of such human concerns as family and farm, politics and workaday transactions among ordinary people. For without attending to these matters, the Mishnah's system does not encompass what, at its foundations, it is meant to comprehend and order. So what is at issue is fully consistent with the rest. In the case of Women, the third division, attention focuses upon the point of disorder marked by the transfer of that disordering anomaly, woman, from the regular status provided by one man to the equally trustworthy status provided by another. That is the point at which the Mishnah's interests are aroused: once more, predictably, the moment of disorder. In the case of Damages, the fourth division, there are two important concerns: First, there is the paramount interest in preventing, so far as possible, the disorderly rise of one person and fall of another, and in sustaining the status quo of the economy, the house and household, of Israel, keeping the holy society in eternal stasis. Second, there is the necessary concomitant in the provision of a system of political institutions to carry out the laws which preserve the balance and steady state of persons.

The sages of the late first and second centuries produced a document to contain the most important things they could specify; they chose as their subjects six matters of which, I am inclined to think, for the same purpose we would probably reject at least four, and possibly all six. That is, four of the divisions of the Mishnah are devoted to purity laws, tithing, laws for the conduct of sacrifice in the Temple cult, and the way in which the sacrifices are carried out at festivals—four areas of reality which, I suspect, would not find a high place on a list of our own most fundamental concerns. The other two divisions, which deal with the transfer of women from one man to another and with matters of civil law—including the organization of the government, civil claims, torts, damages, real estate, and the like—complete the list. When we attempt to interpret the sort of world the rabbis of the Mishnah proposed to create, therefore, at the very outset we realize that that world in no way conforms, in its most profound and definitive categories of organization, to our own. It follows that the critical work of making sense and use of the Mishnah is to learn how to hear what the Mishnah wishes to say in its own setting and to the people addressed by those who composed it. For that purpose it is altogether too easy to raise our questions and take for granted that, when the sages seem to say something relevant to our questions, they therefore propose to speak to us. Anachronism takes many forms. The most dangerous comes when an ancient text seems readily accessible and immediately clear. The portions of the Mishnah

that I present in the shank of this book, Chapters 2-4, are given in *their* framework and in *their* terms, not ours. We have then to do the work of translation from one world to another of values that, when grasped, turn out to address perennial and utopian issues of social existence, applicable at all times and everywhere. So the most interesting encounter begins when we remember that the Mishnah is separated from us by the whole of Western history, philosophy, and science. The critical problem is to recognize the distance between us and the Mishnah. Our task is to allow strange people to speak in a strange language about things quite alien to us, and yet to learn how to hear what they are saying. We have to learn how to understand them in their language and on their terms. Once we recognize that they are fundamentally different from us, we have also to lay claim to them, or rather, acknowledge their claim upon us. And that realization draws us back to the matter of language: What do we learn about people from the way in which they express themselves?

THE RHETORIC OF THE MISHNAH: PATTERNING LANGUAGE

World-view and ethos are synthesized in language. The synthesis is expressed in grammatical and syntactical regularities. What is woven into some sort of ordered whole is not a cluster of sacred symbols; the religious system is not discerned with such symbols at all. Knowledge of the conditions of life is imparted by the Mishnah's authorship principally through description of the commonplace facts of life, which symbolize, stand for, nothing beyond themselves and their consequences, e.g., for the clean and the unclean or liability and exemption from liability. That description is effected through the construction of units of meaning, intermediate divisions composed of cognitive elements. All is balanced, explicit in detail, but reticent about the whole; balanced in detail, but silent about the character of the balance. What is not said is as eloquent and compelling as what is said. The medium of patterned speech conveys the meaning of what is said. The Mishnah's authorship conveys its message through aesthetic, as much as philosophical, expression: how things are said matters as much as what is said.

To learn how to read the Mishnah, we have once more to turn back to an inductive inquiry. Our task is to find out, first, how the language works, and second, how the language is made to produce an intelligible exchange of thought. The Mishnah's authorship took as its mode of expression not the statement of generalization, but the implicit commu-

What was at stake in this formation of language in the service of permanence? Clearly, *how* things were said was intended to secure eternal preservation of *what* was said. Change affects the accidents and details. It cannot reshape enduring principles, and language will be used to effect their very endurance. What is said, moreover, is not to be subjected to pragmatic experimentation. The unstated but carefully considered principles shape reality and are not shaped and tested by and against reality. The use of pat phrases and syntactical clichés divorced from different thoughts to be spoken and different ways of thinking testifies to the prevailing notion of unstated, but secure and unchanging, reality behind and beneath the accidents of context and circumstance.

To conclude: The Mishnah is cogent not only in the order and sequence of its sentences, whether episodic and miscellaneous or sustained and protracted in proposition and discourse. The Mishnah tractates are cogent, beginning, middle and end, from one sentence to the next, and that is because their cogency derives, wholly and not only in part, from the exposition of the topic at hand—and from one other thing: the proposition concerning that topic that the framers of the Mishnah wish to lay forth. The Mishnah's authorship appealed to only a single logic of cogent discourse, and it is the same logic that serves for the presentation and demonstration of propositions, philosophical logic of a syllogistic character. The correspondence between the logic itself and the rhetoric which conveys that logic constitutes powerful testimony to the cogency of the document as a whole. Rhetoric joins to topic and logic in the expression of philosophy. The arcane and tedious detail of the Mishnah, as we shall see, comprises a set of statements on a program of philosophy and metaphysics, ethics and politics. When, in a later chapter, we ask about the system of the Mishnah, we shall understand why the framers of the Mishnah chose the forms of rhetoric and the modes of logical discourse that they did in order to convey the message they wished to present through the construction of the system that they created.

The traits of rhetorical forms and modes of logical cogency characteristic of a document have allowed us to see the Mishnah not as a random collection of this and that, but as a well-crafted and carefully composed statement, one that can be read on its own terms and by rules that apply in particular to it. The systemic statement of the Mishnah shows us how carefully chosen the rhetorical and logical conventions of the document are. It suffices at this point to point out that analytical tools do permit us to demonstrate the autonomy of a document which, in the case of the Mishnah, exhibits cogent traits of aesthetics and intellect and shows itself to be a closed and coherent systemic statement. What

about the numerous writings of the canon of the dual Torah that are organized not along autonomous lines of topics and program, but as commentary to another, prior writing? We turn to an account of how the same methods used for the Mishnah sustain the argument that compilations of Midrash likewise form autonomous statements.

THE PURPOSE OF THE MISHNAH: LAW CODE OR SCHOOLBOOK?

Upon first glance at this curious opus, one might readily imagine that it is a rulebook. It appears on the surface to be a work lacking all traces of eloquence and style, revealing no evidence of system and reflection, serving no important purpose—yet another shard from remote antiquity, no different from the king-lists inscribed on other ancient shards, a catalogue of (to us) useless, meaningless facts: a cookbook, a placard of posted tariffs, detritus of random information accidentally thrown up on the currents of historical time. Who would have wanted to make such a thing? Who would now want to refer to it?

The usual answer to those questions is deceptively straightforward: The Mishnah is important because it is a principal component of the canon of Judaism. But that answer begs the question. Why should some ancient Jews of the Holy Land have brought together these particular facts and rules into a book and set them forth for the Israelite people? Why should the Mishnah have been received, as much later on it certainly was received, as half of the "whole Torah of Moses at Sinai"? After it was compiled, the Mishnah was represented as that part of the "whole Torah of Moses our Rabbi" which had been formulated and transmitted orally, so that it bore the status of divine revelation right alongside the Pentateuch. Yet it is already entirely obvious that little in the actual contents of the document evoked the character or the moral authority of the written Torah of Moses. Indeed, since most of the authorities named in the Mishnah lived in the century and a half prior to the promulgation of the document, the claim that things said by men known personally to the very framers of the document in fact derived from Moses at Sinai through a long chain of oral tradition blatantly contradicted the well-known facts of the matter. So this claim presents a paradox even on the surface: How can the Mishnah be deemed a book of religion, a program for consecration, a mode of sanctification? Why should Jews from the end of the second century to our own day have deemed the study of the Mishnah to be a holy act, a deed of service to God through the study of an

important constituent of God's Torah, God's will for Israel, the Jewish people?

Nevertheless, the Mishnah is precisely that, a principal holy book of Judaism. The Mishnah has been and still is memorized among those who participate most fully in the religion of Judaism. Of still greater weight, the two great documents created around the Mishnah and so shaped as to serve in part as commentaries to the Mishnah, namely, the Babylonian Talmud and the Palestinian Talmud, form the core of the curriculum of Judaism as a living religion. Consequently, the Mishnah is necessary to the understanding of Judaism. It hardly needs saying that people interested in the study of religions surely will have to reflect upon the same questions I have formulated within the context of Judaism, namely, how such a curious compilation of materials may be deemed a holy book. And, self-evidently, scholars of the formative centuries of Christianity, down to its recognition as a legal religion in the fourth century, will be glad to have access to a central document of the kind of Judaism taking shape at precisely the same time that the Christianity studied by them was coming into being. In all, we need not apologize for our interest in this sizable monument to the search for a holy way of life for Israel, as represented in this massive thing, the Mishnah.

Nor is the Mishnah a corpus of "traditions," that is, true teachings which lay claim to authority or to meaning by virtue of the authorities cited therein. That is why the name of an authority rarely serves as a redactional fulcrum. It is also why the tense-structure is ahistorical and anti-historical. Sequences of actions generally are stated other than in the descriptive present tense. Rules attain authority not because of who says them but because (it would seem) no specific party, at a specific time, stands behind them. The Mishnah, as I have already emphasized, is descriptive of how things *are*. It is indifferent to who has said so, uninterested in the cumulative past behind what it has to say. These are not the traits of a corpus of "traditions." I am inclined to think that such terms as legal code, schoolbook, and corpus of traditions, all are not quite to the point in the accurate characterization of the Mishnah.

Yet, if not quite to the point, all of those terms nonetheless preserve a measure of proximate relevance to the definition of the Mishnah. The Mishnah does contain descriptive laws. These laws require the active participation of the mind of the hearer, thus are meant to be learned through reason, not merely obeyed as ritual, and self-evidently are so shaped as to impart lessons, not merely rules to be kept. The task of the hearer is not solely or primarily to obey, though I think obedience is taken for granted. The Mishnah calls one to participate in the process of

discovering principles and uncovering patterns of meaning. The very form of the Mishnaic rhetoric, the function and formalization of that form—all testify to the role of the learner and hearer, that is, the student, in the process of definitive and indicative description (not communication) of what is, and of what is real.

Self-evidently, the Mishnah's persistent citation of authorities makes explicit the claim that some men, now dead, have made their contribution and in so doing have given shape and substance to tradition, that tradition which is shaped by one and handed onward by another. Choices were made; authorities made them. So the Mishnah indeed is, and therefore is meant as, a legal code, a schoolbook, and a corpus of tradition. It follows that the purpose for which the Mishnah was edited into final form was to create such a multipurpose document, a tripartite goal attained in a single body of formed and formal sayings. And yet it is also obvious that the Mishnah is something other than these three things in one. It transcends the three and accomplishes more than the triple goals which on the surface form the constitutive components of its purpose.

The "Judaism" expressed by the Mishnah not only speaks in acutely concrete terms about what we shall later see are profound concerns and principles, what are often called simply values. Its mode of speech—the way it speaks, not only what it says—is testimony to its highest, most enduring and distinctive value. Now let us take note: This language does not speak of sacred symbols but of pots and pans, of menstruation and dead creeping things; of ordinary water which, because of the circumstance of its collection and location, possesses extraordinary power; of the commonplace corpse and ubiquitous diseased person; of genitalia and excrement, toilet seats, and the flux of penises; of stems of pomegranates and stalks of leeks; of rain and earth and wood, metal, glass, and hide. This language is filled with words for neutral things of humble existence. It does not speak of holy things and is not symbolic in its substance. This language speaks of ordinary things, of things which everyone must have known. But because of the peculiar and particular way in which it is formed and formalized, this same language not only adheres to an aesthetic theory but expresses a deeply embedded ontology and methodology of the sacred, specifically of the sacred within the secular, and of the capacity for regulation, therefore for sanctification, within the ordinary. All things in order, all things then hallowed by God who orders all things, so said the priests' creation tale. We now turn to these substantive issues.

claims for itself a place within the canon defined by the Israelite Scriptures, or it deliberately excludes itself and seeks a place outside of, but in relationship to, that same canon. Consequently, at the end of this account of the essential Mishnah, we have to ask about the relationship between the Mishnah and the Holy Scriptures which define and frame the Israelite world—world-view, way of life, social entity, that is, ethos, ethics, ethnoses—to which the framers of the Mishnah addressed themselves and within which they too took shape.

And this leads us to the problem that the Mishnah presented to those who would receive it as authoritative. In consequence of the amazing position of autonomous authority implicit in the character of Mishnaic discourse, the Mishnah demanded in its own behalf some sort of explanation of, and apologetic for, its authority. The issue would be this: "Why should we listen to this mostly anonymous document, which makes statements on the nature of institutions and social conduct, statements we obviously are expected to keep? Who are Meir, Yosef, Judah, Simeon, and Eleazar"—people who, from the perspective of the third-century recipients of the document, lived fifty or a hundred years in the past—"that we should listen to what they have to say? God revealed the Torah. Is this Mishnah, too, part of the Torah? If so, how? What, in other words, is the relationship of the Mishnah to Scripture, and how does the Mishnah claim authority over us such as we accord to the revelation to Moses by God at Mount Sinai?" The crisis precipitated by the Mishnah thus involved the issue of the role and authority of the document in the life of Holy Israel.

And the relationship to Scripture—"the written Torah," later on—formed the ways in which the crisis would be both defined and also resolved. On the surface, as we have seen, Scripture plays little role in the Mishnaic system. The Mishnah rarely cites a verse of Scripture, or refers to Scripture as an entity, links its own ideas to those of Scripture, or lays claim to originate in what Scripture has said, even by indirect or remote allusion. So, superficially, the Mishnah is totally indifferent to Scripture. That impression, moreover, is reinforced by the traits of the Mishnah's language. The framers of Mishnaic discourse, amazingly, never attempt to imitate the language of Scripture, as do the authors of the Essene writings at Qumran. The very redactional structure of Scripture, found so serviceable to the organizers of the Mishnah and its tractates, except in a very few cases (Leviticus 16, in Yoma; Exodus 12, in Pesahim).

Formally, redactionally, and linguistically, the Mishnah stands in splendid isolation from Scripture. It is not possible to point to many

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The Mishnah and the Torah: The Impact of the Mishnah on the Formation of Judaism

THE PROBLEM OF THE MISHNAH

After these sizable abstracts, we must now wonder what has happened to Scripture. For appeal to the authority and the propositions of the written Torah plays slight part in the Mishnah chapters we have studied. Citations of verses of Scripture to prove propositions appear so seldom, indeed, that one must ask how the authorship of the Mishnah proposes to sort out prior claims to authority and inherited propositions of religious truth and meaning. Indeed, by this stage in the encounter with the Mishnah, the reader might imagine that the Mishnah falls into the category of documents found in a desert cave, produced by a nascent group with no past at all, a document like the Pentateuch, addressed to a mixed multitude, to a non-people out of all historical context of tradition.

Nothing could be more wrong. Every significant creation in ancient Israel from the formation of the Hebrew Scriptures until the conclusion of the canon, at ca. 450 B.C.E., necessarily forms a response to the Torah. This Torah is the revelation of God to Moses at Mount Sinai, contained in the Pentateuch, as well as the other biblical books, known all together to the Judaism of the dual Torah as the "Written Torah," to all Israel as *Tanakh* (for *Torah, Nebim, Ketubim*, that is, Torah, Prophets, Writings), and to Christendom as the Old Testament. Each fresh creation is inevitably a reworking of available materials of revelation. Each therefore either

parallels, that is, cases of anonymous books, received as holy, in which the forms and formulations (specific verses) of Scripture play so slight a role. People who wrote holy books commonly imitated the Scripture's language. They cited concrete verses. They claimed at the very least that direct revelation had come to them, as in the angelic discourses of IV Ezra and Baruch, so that what they say stands on an equal plane with Scripture. The internal evidence of the Mishnah's sixty-two usable tractates (excluding Abot), by contrast, in no way suggests that anyone pretended to talk like Moses and write like Moses, claimed to cite and correctly interpret things that Moses had said, or even alleged to have had a revelation like that of Moses and so to stand on the mountain with Moses. There is none of this. So the claim of Scriptural authority for the Mishnah's doctrines and institutions is difficult to locate within the internal evidence of the Mishnah itself. Before proceeding, let me now state the facts of the relationship of the Mishnah to Scripture, and then we shall consider in detail the picture of the third- and fourth-century apologist-critics of the Mishnah.

First, there are tractates which simply repeat in their own words precisely what Scripture has to say, and at best serve to amplify and complete the basic ideas of Scripture. For example, all of the cultic tractates of the second division (Moed), the one on Appointed Times, which tell what one is supposed to do in the Temple on the various special days of the year, and the bulk of the cultic tractates of the fifth division (Qodashim), which deals with Holy Things, simply restate facts of Scripture. For another example, all of those tractates of the sixth division (Toharot), on Purities, which specify sources of uncleanness, depend completely on information supplied by Scripture. I have demonstrated in detail that every important statement in Tractate Niddah, on menstrual uncleanness, and the most fundamental notions of Tractate Zabim, on the uncleanness of the person with flux referred to in Leviticus 15, as well as every detail in Nega'im, on the uncleanness of the person or house suffering the uncleanness described at Leviticus 13 and 14—all of these tractates serve only to restate the basic facts of Scripture and to complement those facts with other important ones.

Second, there are tractates that take up facts of Scripture but work them out in unpredictable ways. A supposition concerning what is important about the facts, utterly remote from the supposition of Scripture, will explain why the Mishnah tractates say those original things in confronting those Scripturally provided facts. For one example, Scripture takes for granted that the red cow will be burned in a state of uncleanness, because it is burned outside the camp or Temple. The

priestly writers cannot have imagined that a state of cultic cleanness could be attained outside the cult. The absolute datum of Tractate Parah, by contrast, is that cultic cleanness can be attained not only outside of the "tent of meeting." The red cow was to be burned in a state of cleanness even exceeding the cultic cleanness required in the Temple itself. The problem which generates the intellectual agendum of Parah, therefore, is how to work out the rite of burning the cow in relationship to the Temple: is it to be done in exactly the same way, or in exactly the opposite way? This mode of contrastive and analogical thinking helps us to understand the generative problems of such tractates as Erubin and Besah, to mention only two.

Third, there are, predictably, many tractates which either take up problems in no way suggested by Scripture, or begin from facts only slightly relevant to facts of Scripture. In the former category are Toharot, on the cleanness of foods, with its companion, Uqsin; Demai, on doubtfully tithed produce; Tamid, on the conduct of the daily whole-offering; Baba Batra, on rules of real estate transactions and certain other commercial and property relationships, and so on. In the latter category are Ohalot, which spins out its strange problems within the theory that a tent and a utensil are to be compared to one another (°); Kelim, on the susceptibility to uncleanness of various sorts of utensils; Miqvaot, on the sorts of water which effect purification from uncleanness; Ketubot and Gitin, on the documents of marriage and divorce; and many others. These tractates draw on facts of Scripture. But the problem confronted in these tractates in no way responds to problems important to Scripture. What we have here is a prior program of inquiry, which will make ample provision for facts of Scripture in an inquiry generated to begin with essentially outside the framework of Scripture. First comes the problem or topic, then—if possible—comes attention to Scripture.

So there we have it. Some tractates merely repeat what we find in Scripture. Some are totally independent of Scripture. And some fall in between. Clearly, we are no closer to a definitive answer to the question of the relationship of Scripture to the Mishnah than we were when we described the state of thought on the very same questions in the third and fourth centuries. We find everything and its opposite. But to offer a final answer to the question of Scripture-Mishnah relationships, we have to take that fact seriously. The Mishnah in no way is as remote from Scripture as its formal omission of citations of Scriptural verses suggests. Nor can it be described as contingent upon, and secondary to Scripture, as many of its third-century apologists claimed. That it is somewhere in-between is also not the right answer. Scripture confronts the framers of

the Mishnah as revelation, not merely as a source of facts. But the framers of the Mishnah had their own world with which to deal. They made statements in the framework and fellowship of their own age and generation. They were bound, therefore, to come to Scripture with a set of questions generated other than in Scripture. They brought their own ideas about what was going to be important in Scripture. This is perfectly natural. Now to the way in which the sages of the next two centuries, from ca. 200 C.E. to ca. 400 C.E. writing in Tractate Avot ("Fathers") and in the Jerusalem Talmud, received and explained the Mishnah.

There are two important responses to the question of the place of Scripture in the Mishnaic tradition.

First and more radical: The Mishnah constitutes *Torah*. It too is a statement of revelation, "Torah revealed to Moses at Sinai." But this part of revelation has come down in a form different from the well-known, written part, the Scripture. This tradition truly deserves the name "tradition," because for a long time it was handed down orally, not in writing, until given the written formulation now before us in the Mishnah. This sort of apologetic for the Mishnah appears initially in Avot, with its stunning opening chapter linking Moses on Sinai through the ages to the earliest-named authorities of the Mishnah itself, the five pairs of sages, on down to Shammai and Hillel. Since some of the named authorities in the chain of tradition appear throughout the materials of the Mishnah, the claim is that what these people say comes to them from Sinai through the processes of *gabbalah* and *massoret*—handing down, "traditioning." The opening two chapters of Tractate Avot, which we shall examine presently, take that position.

So, from the perspective of the Mishnah's Torah-myth, the reason the Mishnah does not cite Scripture is that it does not have to. It stands on the same plane as Scripture. It enjoys the same authority as Scripture. This radical position is still more extreme than that taken by pseudepigraphic writers, who imitate the style of Scripture, or who claim to speak within that same gift of revelation as Moses. It is one thing to say one's holy book is Scripture because it is like Scripture, or to claim that the author of the holy book has a revelation independent of that of Moses. These two positions concede to the Torah of Moses priority over their own holy books. The Mishnah's apologists make no such concession when they allege that the Mishnah is part of the Torah of Moses. They appeal to the highest possible authority within the Israelite framework, claiming the most one can claim on behalf of a book which, in fact, bears the names of men who lived only fifty years before the apologists themselves. That seems to me remarkable courage.

When we consider the rich corpus of allusions to Scripture in other holy books, both those bearing the names of authors and those presented anonymously, we realize that the Mishnah claims its authority to be co-equal with that of Scripture. Many other holy books are made to lay claim to authority only because they depend upon the authority of Scripture and state the true meaning of Scripture. That fact brings us to the second answer to the question of Scripture's place in the Mishnaic tradition.

The earliest exegetical strata of the two Talmuds and the legal-exegetical writings produced in the two hundred years after the closure of the Mishnah take the position that the Mishnah is wholly dependent upon Scripture. Whatever is of worth in the Mishnah can be shown to derive directly from Scripture. So the Mishnah—"tradition"—is deemed distinct from, and subordinate to, Scripture. We shall see the expression of this position in our encounter with the Jerusalem (Yerushalmi) Talmud, and how it solves the problem of the Mishnah.

This position is expressed in an obvious way. Once the Talmuds cite a Mishnah pericope, they commonly ask, "What is the source of these words?" And the answer invariably is, "As it is said in Scripture." This constitutes not only a powerful defense for the revealed truth of the Mishnah. For when the exegetes find themselves constrained to add prooftexts, they admit the need to improve and correct an existing flaw. The polemic of the Yerushalmi is against the position that the Mishnah is autonomous. It is not independent; it is not correlative, that is, "separate but equal." It is contingent, secondary, derivative, resting wholly on the foundations of the (written) revelation of God to Moses at Mount Sinai. Therein, too, lies the authority of the Mishnah as tradition.

So, there are two positions which would rapidly take shape when the Mishnah was published:

First, tradition in the form of the Mishnah is deemed autonomous of Scripture and enjoys the same authority as that of Scripture. The reason is that Scripture and ("oral") tradition are merely two media for conveying a single corpus of revealed law and doctrine.

Second, tradition in the form of the Mishnah is true because it is not autonomous of Scripture, but secondary and dependent upon Scripture. The authority of the Mishnah is the authority of Moses. That authority comes to the Mishnah directly and in an unmediated way, because the Mishnah's words were said by God to Moses at Mount Sinai and faithfully transmitted through a process of oral formulation and oral transmission from that time until those words were written down by Judah the Patriarch at the end of the second century.

Or, that authority comes to the Mishnah indirectly, in a way mediated through the written Scriptures. What the Mishnah says is what the Scripture says, rightly interpreted. The authority of tradition lies in its correct interpretation of the Scripture. Tradition bears no autonomous authority, is not an independent entity, correlative with Scripture. A very elaborate (and insufferably dull) technology of grammatical and syntactical exegesis is needed to build the bridge between tradition as contained in the Mishnah and in Scripture, the original utensil shaped by God and revealed to Moses to convey the truth of revelation to the community of Israel.

The philosophers of the Mishnah conceded to Scripture the highest authority. At the same time, what they chose to hear within the authoritative statements of Scripture in the end forms a statement of its own. To state matters simply: All of Scripture is authoritative, but only some of Scripture is relevant. And what happened is that the framers and philosophers of the Mishnaic tradition came to Scripture when they had reason to. That is to say, they brought to Scripture a program of questions and inquiries framed essentially among themselves. So they were highly selective. That is why their program itself constituted a statement upon the meaning of Scripture.

TRACTATE AVOT CHAPTER 1

Precisely how the authorship of Tractate Avot addressed the problem of the Mishnah emerges in Chapters 1 and 2 of their document, to which we turn forthwith:

- 1:1. Moses received the Torah at Sinai and handed it on to Joshua, Joshua to elders, and elders to prophets. And prophets handed it on to the men of the Great Assembly. They said three things: Be prudent in judgment. Raise up many disciples. Make a fence for the Torah.
- 1:2. Simeon the Righteous was one of the last survivors of the Great Assembly. He would say: On three things does the world stand; on the Torah, and on the Temple service, and on deeds of lovingkindness.
- 1:3. Antigonus of Sokho received [the Torah] from Simeon the Righteous. He would say: Do not be like servants who serve the master on condition of receiving a reward, but [be] like

servants who serve the master not on condition of receiving a reward. And let the fear of Heaven be upon you.

- 1:4. Yosé ben Yoezer of Zeredah and Yosé ben Yohanan of Jerusalem received [the Torah] from them. Yosé ben Yoezer says: Let your house be a gathering place for sages. And wallow in the dust of their feet, and drink in their words with gusto.
- 1:5. Yosé ben Yohanan of Jerusalem says: Let your house be open wide. And seat the poor at your table ["make the poor members of your household"]. And don't talk too much with women. (He referred to a man's wife, all the more so is the rule to be applied to the wife of one's fellow. In this regard did sages say: So long as a man talks too much with a woman, he brings trouble on himself, wastes time better spent on studying the Torah, and ends up an heir of Gehenna.)
- 1:6. Joshua ben Perahyah and Nittai the Arbelite received [the Torah] from them. Joshua ben Perahyah says: Set up a master for yourself. And get yourself a companion-disciple. And give everybody the benefit of the doubt.
- 1:7. Nittai the Arbelite says: Keep away from a bad neighbor. And don't get involved with a bad person. And don't give up hope of retribution.
- 1:8A. Judah ben Tabbar and Simeon ben Shetah received [the Torah] from them.
- 1:8B. Judah ben Tabbar says: Don't make yourself like one of those who try to sway judges [while you yourself are judging a case]. And when litigants stand before you, regard them as guilty. But when they leave you, regard them as acquitted (when they have accepted your judgment).
- 1:9. Simeon ben Shetah says: Examine the witnesses with great care. And watch what you say, lest they learn from what you say how to lie.
- 1:10. Shemaiah and Avtalyon received [the Torah] from them. Shemaiah says: Love work. Hate authority. Don't get friendly with the government.
- 1:11. Avtalyon says: Sages, watch what you say, lest you become liable to the punishment of exile, and go into exile to a place of bad water, and disciples who follow you drink bad water and die, and the name of Heaven be thereby profaned.
- 1:12. Hillel and Shammai received [the Torah] from them. Hillel

nality of worldly wisdom, so far as they could, in the language of Scripture and its context.

THE MISHNAH AND THE JUDAISM OF THE DUAL TORAH

Among Judaisms known through history, a single one predominated from late antiquity to modern times and still remains a powerful influence among Jews today, and that is the Judaism that began with the Mishnah. It is the Judaism that, as we saw in Tractate Avot, finds its definitive statement in the myth that, when Moses received the Torah in revelation from God at Mount Sinai, God gave the Torah through two media, writing and also memory. The written Torah of this Judaism of the dual Torah is represented by Scripture or the "Old" Testament. The other Torah, formulated and transmitted orally, was handed down for many generations, from Moses to the great sages of the early centuries of the common era, when it finally was written down in the Mishnah and later, successive documents produced by sages, who bore the honorific title "rabbi," "my lord."

This kind of Judaism, inaugurated in the writing of the Mishnah, bears several titles: "rabbinic" because of the character of its leadership; "Talmudic" because of its principal document, and, for theological reasons, "classical" or "normative," as indeed became the fact from the promulgation of the Talmud onward. The Judaism that began with the Mishnah and led to the Babylonian Talmud (Bavli), which became the normative statement of Judaism from then to now, may therefore best be traced through the unfolding of its writings, because it was in writing, in study in academies, through the teaching of holy men (and women in contemporary times), qualified for saintliness by learning—specifically, mastery of the Torah through discipleship—that that Judaism took shape. We close this account of the Mishnah with a picture of the writings precipitated by the composition of the Mishnah and its reception as part of the Torah revealed by God to Moses at Sinai.

A review of the written evidence for the Judaism of the dual Torah makes the leap from the Pentateuch, ca. 450 B.C.E., the written Torah as we know it, to the end of the second century. The first group of post-Biblical writings—now collectively known as "the oral Torah"—begins with the Mishnah. In its wake we know, the Mishnah drew Tractate Avot, ca. 250 C.E., a statement on the standing of the authorities of the Mishnah concluded a generation later; Tosefta, ca. 300 C.E., a compilation

of supplements of various kinds to the statements in the Mishnah; and three systematic exegeses of books of Scripture or the written Torah, Sifra (to Leviticus), Sifre (to Numbers), and another Sifre (to Deuteronomy) of indeterminate date but possibly concluded by 300 C.E. These books overall form one stage in the unfolding of Judaism of the dual Torah, which emphasized issues of sanctification in the life of Israel the people, following the destruction of the Temple of Jerusalem in 70 C.E., where, it was commonly held, Israel's sanctification had come to full realization in the bloody rites of sacrifice to God on high. This was Judaism without Christianity, because the issues found urgent in the documents representative of this phase do not address questions pertinent to the Christian *défi* of Israel at all.

The second set of the same writings—the writings of Judaism despite Christianity—includes the Talmud of the Land of Israel, or Yerushalmi, generally supposed to have concluded ca. 400 C.E.; Genesis Rabbah, assigned to about the next half century; Leviticus Rabbah, ca. 450 C.E.; Pesiqta de Rab Kahana, ca. 450-500 C.E., and finally, the Talmud of Babylonia or Bavli, assigned to the late sixth or early seventh century, C.E. The two Talmuds systematically interpret passages of the Mishnah; the other documents, as is clear, do the same for books of the written Torah. The interpretation of Scripture in the Judaism of the dual Torah is collected in documents that bear the title of *Midrash* (pl.: *midrashim*) meaning "exegesis." The single striking trait of Midrash as produced by the Judaism of the dual Torah is the persistent appeal, in relating a verse or a theme of Scripture to some other set of values or considerations than those within the verse or topic at hand. Rabbinic Midrash compares something to something else, as does a parable, or it explains something in terms of something else, as does allegory. Rabbinic Midrash reads Scripture within the principle that things are never what they seem. In late antiquity, the compilation of rabbinic Midrash attended mainly to the pentateuchal books, Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. Treatments of biblical books important in synagogue liturgy, particularly the Five Scrolls (e.g., Lamentations Rabbati, Esther Rabbah, and the like), are also supposed to have reached closure at this time. This second set of writings introduces, alongside the paramount issue of Israel's sanctification, the matter of Israel's salvation, with doctrines of history, on the one hand, and the Messiah, on the other, given prominence in the larger systemic statement.

Let me briefly expand upon this skeletal account of the documents that define the problem solved by this method of the study of Judaism. Between ca. 200 C.E. and ca. 600 C.E. when autonomous government was

again well established, the continuous movement of sages in the Jewish governments recognized by Rome and Iran as political leaders of the Jewish communities of the Land of Israel and Babylonia, respectively, wrote two types of books. One sort extended, amplified, systematized, and harmonized components of the legal system laid forth in the Mishnah. In addition to *Tractate Avot*, the work of Mishnah exegesis produced three principal documents: the *Tosefta*, the *Talmud of the Land of Israel* (the *Yerushalmi*), and the *Bavli* (the *Babylonian Talmud*). The *Tosefta*, containing a small proportion of materials contemporaneous with those presently in the Mishnah and a very sizable proportion secondary to, and dependent (even verbatim) on the Mishnah, reached conclusion some time between 300 and 400 C.E. The *Yerushalmi* closed at ca. 400 C.E. The *Bavli* was completed by ca. 600 C.E. All these dates, of course, are rough guesses, but the sequence in which the documents made their appearance is not. The *Tosefta* addresses the Mishnah; its name means "supplement," and its function was to supplement the rules of the original documents. The *Yerushalmi* mediates between the *Tosefta* and the Mishnah, commonly citing a paragraph of the *Tosefta* in juxtaposition with a paragraph of the Mishnah and commenting on both, or so arranging matters that the paragraph of the *Tosefta* serves, as it should, to complement a paragraph of the Mishnah. The *Bavli*, following the *Yerushalmi* by about two centuries, pursues its own program, which was to link the two *Torahs* and restate them as one.

The stream of exegesis of the Mishnah and exploration of its themes of law and philosophy flowed side by side with another. This other river coursed up out of the deep wells of the written Scripture. But it surfaced only long after the Mishnah exegesis was well under way and followed the course of that exegesis, now extended to Scripture. The exegesis of the Hebrew Scriptures, a convention of all systems of Judaism from before the conclusion of Scripture itself, obviously occupied sages. No one began anywhere but in the encounter with the *Written Torah*. But the writing down of exegeses of Scripture in a systematic way, signifying also the formulation of a program and a plan for the utilization of the *Written Torah* in the unfolding literature of the Judaism then taking shape developed in a quite distinct circumstance.

Specifically, one fundamental aspect of the work of Mishnah exegesis began with one ineluctable question. How does a rule of the Mishnah relate to, or rest upon, a rule of Scripture? That question demanded an answer so that the status of the Mishnah's rules, and of the Mishnah itself, could find a clear definition. Standing by itself, the Mishnah bore no explanation of why Israel should obey its rules and accept its vision.

Brought into relationship to Scripture, viewed in mythic language as part of the *Torah*, the Mishnah gained access to the source of authority operative by definition among the Jewish people. Accordingly, the work of relating the Mishnah's rules to those of Scripture got under way along with the formation of the Mishnah's rules. Collecting and arranging exegeses of Scripture as they related to passages of the Mishnah first reached literary form in the *Sifra* to *Leviticus*, and in two other *Sifre*, one to *Numbers* and the other to *Deuteronomy*. All three compositions accomplished much else. For, even at that early stage, exegeses of passages of Scripture in their own context and not only for the sake of Mishnah exegesis attracted attention. But a principal motif in all three books concerned the Mishnah-Scripture relationships.

A second, still more fruitful path also emerged from the labor of Mishnah exegesis. As the work of Mishnah exegesis got under way in the third century, exegetes of the Mishnah and others as well undertook a parallel labor: to work through verses of Scripture in exactly the same way—word for word, phrase for phrase, line for line—in which the exegetes of the Mishnah initially pursued the interpretation and explanation of the Mishnah. To state matters simply, precisely the types of exegesis that dictated the way in which sages read the Mishnah now guided their reading of Scripture as well. And, as people began to collect and organize comments in accord with the order of sentences and paragraphs of the Mishnah, they were stimulated to collect and organize comments on clauses and verses of Scripture. It reached massive and magnificent fulfillment in *Genesis Rabbah*, which, as its name tells us, presents a line-for-line reading of the book of *Genesis*.

Beyond these two modes of exegesis and the organization of exegesis in books, first on the Mishnah, then on Scripture, lies yet a third. To understand it, we once more turn back to the Mishnah's great exegetes, represented first in the *Yerushalmi*. While the original exegesis of the Mishnah in the *Tosefta* addressed the document under study through a line-by-line commentary, responding only in discrete and self-contained units of discourse, the authors of the next major work, the *Yerushalmi*, developed yet another mode of discourse entirely. They treated not phrases or sentences but principles and large-scale conceptual problems. They dealt not only with a given topic, a subject and its rule, but with an encompassing problem, a principle and its implications for a number of topics and rules. In the realm of Mishnah exegesis, this far more discursive and philosophical mode of thought produced a somewhat smaller volume but much richer contents, in the form of sustained essays on principles cutting across specific rules. And for Scripture, the work of

sustained and broad-ranging discourse resulted in a second type of exegetical work, beyond that focused on words, phrases, and sentences.

Discursive exegesis on Scripture is first represented in Leviticus Rabbah, a document that reached closure, people generally suppose, sometime after Genesis Rabbah ca. 400–500 C.E. Leviticus Rabbah presents not phrase-by-phrase systematic exegeses of verses in the Book of Leviticus, but a set of thirty-seven topical essays. These essays, syllogistic in purpose, take the form of citations and comments on verses of Scripture to be sure. But the compositions range widely over the far reaches of Hebrew Scriptures, while focusing narrowly upon a given theme. Moreover, they make quite distinctive points about that theme. Their essays constitute compositions, not merely composites. Whether devoted to God's favor to the poor and humble or to the dangers of drunkenness, the essays, exegetical in form and discursive in character, correspond to the equivalent legalistic essays amply represented in the Yerushalmi.

So in this other mode of interpretation, too, the framers of the Scriptural exegeses accomplished in connection with Scripture what the Yerushalmi's exegetes were doing with the Mishnah in the same way at the same time. We move rapidly past yet a third mode of Scriptural exegesis, one in which the order of Scripture's verses is left far behind, and which topics, not passages of Scripture, take over as the mode of organizing thought. Represented by *Pesiqta deRab Kahana*, *Lamentations Rabbati*, and some other collections conventionally assigned to the sixth and seventh centuries, these entirely discursive compositions move out in their own direction, only marginally relating in mode of discourse to any counterpart types of composition in the Yerushalmi (or in the Bavli).

At the end of the extraordinary creative age of Judaism, the authors of units of discourse collected in the Bavli drew together the two, until then distinct modes of organizing thought, either around the Mishnah or around Scripture. They treated both Torahs, oral and written, as equally available in the work of organizing large-scale exercises of sustained inquiry. So we find in the Bavli a systematic treatment of some tractates of the Mishnah. And within the same aggregates of discourse, we also find (in somewhat smaller proportion to be sure, roughly 60 percent to 40 percent in the sample of three tractates) a second principle of organizing and redaction. That principle dictates that ideas be laid out in line with verses of Scripture, themselves dealt with in cogent sequence, one by one, just as the Mishnah's sentences and paragraphs come under analysis, in cogent order and one by one.

There are therefore three distinct modes of organizing sustained discourse in the canon of the Judaism of the dual Torah. These cogent statements are, respectively, those built around the exegesis of the oral Torah, the Mishnah [1], hence the *Tosefta* and two *Talmuds*; second, those that serve to amplify the written Torah [2], the *Midrash compilations*; and finally, those that find cogency in the life and teachings of a given sage or group of sages [3]. No collections of stories and sayings about the sages emerged in the formative age, as counterparts to the Gospels, for example.

The *Midrash compilations* served a distinctive task in the formation of the Judaism of the dual Torah. The *Midrash* produced by the Judaism of the dual Torah from the fourth century onward, in particular *Genesis Rabbah* and *Leviticus Rabbah*, took as its set of urgent questions the issue defined by Christianity as it assumed control of the Roman Empire, and provided as self-evidently valid answers, a system deriving its power from the Torah, read by sages, embodied by sages, exemplified by sages. In this enormous intellectual enterprise we confront the counterpart to the evangelists' rereading of Scripture so as to answer the urgent question facing first-century Christians: Who is that people say I am? In both cases an extraordinary experience, the one in the encounter with a man beyond time, the other in the meeting of an age beyond all expectation, required the rereading of Scripture in the light of what—in each circumstance—people grasped as the ultimate issue of eternity.

Through *Midrash*, the rabbinic sages mediated between Israel's perceived condition in an uncertain world and Israel's vivid faith in the God who chooses Israel and reveals the Torah. Faced with an unredeemed world, the sages read Scripture as an account of how things are meant to be. To them, things are not what they seem, and that was a judgment made not only about this world but also about Scripture. This world does not testify to God's wish and plan, and Scripture does not record merely the stories and sayings that we read there. This world serves as a metaphor for Scripture's reality, and Scripture provides a metaphor for Israel's as well. Reading one thing in terms of something else, the rabbinic exegetes produced in *Midrash* a powerful instrument of theological renewal through Scripture.

The verses that are quoted in rabbinic *Midrash* ordinarily shift from the meanings they convey to the implications they contain, thus speaking about something, anything, other than what they seem to be saying. The "as-if" frame of mind applied to Scripture renews it, with the sage seeing everything with fresh eyes. And the result of that new vision was a re-imagining of the social world envisioned by the Mishnah, I mean,

the everyday world of Israel in its Land at that difficult time. For what the sages now proposed was a reconstruction of existence along the lines of the ancient design of Scripture as they read it. What that meant was that, from a sequence of one-time and linear events, everything that happened was turned into a repetition of known and already experienced paradigms, hence, once more, a mythic realm. The source and core of the myth, of course, derive from Scripture—Scripture reread, renewed, reconstructed along with the society that revered Scripture.

Reading one thing in terms of something else, the builders of the Mishnah systematically adopted for themselves the reality of the Scripture, its history and doctrines. They transformed that history from a sequence of one-time events, leading from one place to some other, into an ever-present mythic world. No longer was there one Moses, one David, one set of happenings of a distinctive and never-to-be-repeated character. Now, whatever happened of which the thinkers propose to take account must enter and be absorbed into that established and ubiquitous pattern and structure founded in Scripture. It is not that biblical history repeats itself. Rather, biblical history no longer constitutes "history" as a story of things that happened once, long ago, and pointed to some one moment in the future. Rather it becomes an account of things that happen every day—hence, an ever-present mythic world. That is why, in the Midrash of the Judaism of the dual Torah, Scripture as a whole does not dictate the order of discourse, let alone its character. The Midrashic compilers chose a verse here, a phrase there. In the more mature Midrashic compilations, such as *Leviticus Rabbah* and *Pesiqta deRab Kahana*, these then presented the pretext for propositional discourse commonly quite out of phase with the cited passage.

Since biblical events exemplify recurrent happenings, sin and redemption, forgiveness and atonement, they lose their one-time character. At the same time and in the same way, current events find a place within the ancient, but eternally present, paradigmatic scheme. So no new historical events, other than exemplary episodes in the lives of heroes, demand narration; through what is said about the past, what is happening in the times of the framers of Midrash would also come under consideration. This mode of dealing with biblical history and contemporary events produces two reciprocal effects. The first is the mythicization of biblical stories, their removal from the framework of ongoing, unique patterns of history and sequences of events and their transformation into accounts of things that happen all the time. The second is that contemporary events likewise lose all of their specificity and enter the paradigmatic framework of established mythic existence. So the Scripture's

myth happens every day—and every day produces reenactment of the Scripture's myth.

This brings us to the final and authoritative statement of the Judaism of the dual Torah, the Babylonian Talmud or Bavli. A tripartite corpus of inherited materials awaiting cogent composition found its way into the Bavli. Prior to that time, the framers of documents had tended to resort to a single principle of organization, whether scriptural, mishnaic, or biographical.

First, the authorship of the Bavli took up materials in various states and stages of completion, pertinent to the Mishnah or to the principles of laws that the Mishnah had originally brought to articulation. Second, they had in hand received materials, again in varying states, pertinent to the Scripture, both as the Scripture related to the Mishnah and also as the Scripture laid forth its own narratives. Finally, they collected and arranged sayings of and stories about sages. But this third principle of organizing discourse took a subordinate position, behind the other two. The framers of the Bavli organized it around the Mishnah. But they also adapted and included vast tracts of antecedent materials organized as scriptural commentary, which they inserted whole and complete, not at all in response to the Mishnah's program. And finally, while making provision for compositions built upon biographical principles, preserving both strings of sayings from a given master (and often a given disciple of a given master) as well as tales about authorities of the preceding half-millennium, they did nothing new. That is to say, the ultimate authorities of the canonical documents never created redactional compositions of a sizable order that focused upon given authorities, even though there were sufficient materials at hand to do so. God's will reached Israel through Scripture, Mishnah, sage—that is, by the evidence and testimony of each of these three media equally. That is the premise of the Judaism of the entire rabbinic canon, of each of the stories that appeal to a verse of Scripture, a phrase or sentence of the Mishnah, or a teaching or action of a sage. There is room in the one whole Torah for all three.

THE RELEVANCE OF THE MISHNAH TO JUDAISM IN THE TWENTY-FIRST CENTURY

Let us conclude by returning to the issues of our own time. If we ask why people in our own age should take an interest in that long-ago time, the answer is not difficult to find. And it is not a claim for mere antiquarianism, let alone knowledge "for its own sake"—whatever that

might mean. Nor do I recommend study of the Torah, including the Mishnah, as a mere act of ritual learning, an inquiry without questions or purpose. God is not served by the abnegation of the intellect that He gave us so that we should be like God. The Mishnah deserves attention, at the head of the oral Torah, because it addresses the human situation from the perspective of revelation. And the Mishnah proves acutely relevant to the situation of Israel, the Jewish people, as it turns toward the twenty-first century in the history of Western civilization.

The Mishnah is a document produced after disaster, one that laid the foundations for two thousand years of Judaism. The sages of the Mishnah addressed Israel at the very end of its thousand-year life of sanctification through God's service in the Temple, of anointed kings and holy priests organizing (at least in theory) the time and space of the Land in accord with the model of the sacred Temple and along lines of structure emanating therefrom. The Mishnah is the work of men who had survived the second war against Rome. When we realize that that war was fought roughly three generations after the second destruction of the Temple, we notice yet another point of importance. When the Temple had been destroyed earlier, in 586 B.C.E., the prophetic promises of divine forgiveness were kept. So the Temple was restored; Israel regained its homeland. Now, half a millennium later, the Temple lay in ruins for another three generations. A great and noble war had been fought to regain Jerusalem, rebuild the Temple, and restore the cult. But what happened was incomprehensible. The pattern established in the first destruction and restoration no longer held. Indeed, nothing stood firm. This time, not only was the Temple not rebuilt and the cult not restored, but Jerusalem itself was declared off-limits to Israelites. The very center was made inaccessible.

In this context, it is not difficult to look among survivors also cut loose from ancient moorings for points of commonality between one age of uncertainty and another. What the second-century sages of the Mishnah have to teach the generations of the last decade of the twentieth century and the first decades of the twenty-first, is how to make use of mind, imagination, and fantasy to confront, defy, and overcome chaos and disorder. Behind the Mishnah lay the ruins of half a millennium of continuous, orderly, and systematic Israelite life, which had been centered on the regular offering of the produce of field and flock upon the altar of the Temple in Jerusalem, the ordering of society around that Temple, the rhythmic division of time in response to that cult, and the placing of people and things into their proper relationship to that center. One disastrous war had ended in the destruction of the Temple. A second

war, three generations later, had made certain it would not be rebuilt in the foreseeable future—or ever as it now appears. In the aftermath of these two terrible wars, the Israelite nation entered upon an existence far more precarious in mind than in material reality. Within a century the social and agricultural effects of the wars had worn off. Galilean synagogues of the third and fourth century testify to an age of material surplus and good comfort.

But it would be a very long time before the psychological effects of dislocation and disorientation would pass. In some ways, for the Jewish people, they never have. Our age, which looks back upon the destruction of enduring political and social arrangements in the aftermath of two terrible wars (with numerous skirmishes between and since), has the ability to confront the second century's world of ancient Judaism, because, it seems, there is a measure of existential congruence between the two ages and their common problems. For both are the kind that challenge the imagination and the will and demand the use of intellect in the framing and shaping of reality. That is about all we have with which to work, but it is also what we can do with what God has made of us, in His image and after His likeness.