The laws of Parah again illustrate the simple but encompassing fact that Pharisaism proposes to construct a realm of cleanness outside of the Temple. The Written Torah, Numbers 19:1-20, takes for granted that the rite is conducted in uncleanness, since it is not performed in the tent of meeting, that is, the Temple. Participating in the rite makes a person unclean. The Oral Torah before us assumes that a high degree of cleanness is to characterize all those who participate in the rite, as well as the utensils used therein. Our tractate proceeds to spell out the requirements of cleanness in the preparation of the ash of the red cow, in the drawing of water for mixing with the ash, and for those who wish to carry out the rite. It is this simple idea which is worked out in exquisite detail in our tractate.

As with Kelim we may be tempted to take for granted that the underlying stratum of conceptions just now summarized derives from Pharisaism. Yet the substantive issues of the tractate are different from those of Kelim, and not quintessentially Pharisaic. No one among those known to us but a Pharisee can have imagined that the cleanness of domestic utensils mattered. On the other hand, the laws of burning the red cow cannot be supposed to interest Pharisees only. The preparation of the ash for purification was vital for the conduct of the Temple’s rites, specifically for the purification of priests. Accordingly, while the principle of our tractate harmonizes with what we take to be an irreducible fact about Pharisaism, the topic of the actual laws hardly can be regarded as unique to, or even distinctive of, people who propose to keep the cleanness-laws of the Temple in the secular world. Temple priests who burned the cow—if any did—had to answer precisely the same questions as are raised here. Some of them can have given exactly the same answers, based upon the analogy comparing the rite of slaughtering the red cow, the hatat, to sacrifice inside the Temple—or the rejection of that analogy.

Accordingly, the four tractates studied thus far hardly are comparable to one another in the origins of their fundamental ideas.

Kelim, as I said, assuredly originates in Pharisaism. Negaim, by contrast, seems to be a highly “rabinic” tractate, in which antecedent Scriptural laws and possibly traditions—originating we know not where—were reworked in accord with an agendum deeply characteristic...
of late first- and second-century rabbinism: the centrality of the sage, “expert in them and in their names,” and, in complement, the formal, but not substantive, place assigned to the priest.  

Ohalot need not derive from Pharisaism at all. Its fundamental notion of the tent as Tent, that is, other than the house or tent in which people live, but something capable of retaining, or preventing the entry of, that which exudes from the corpse upon death, is philosophical or, in a loose sense, metaphysical. The philosophy or metaphysics can have originated in any circle devoted to reflection upon the fate of the soul after death. I see nothing in the deepest layers of the tractate to link it to Pharisaism. Those layers surely derive from a period long before 70.

Until now, therefore, we have had one tractate which reveals, in its beginnings, convictions distinctive to Pharisaism before 70, another engaged by the issues of rabbinism, arising probably a generation thereafter, and a third, a curious and difficult semi-philosophical treatise, of no clear origins or provenance. As I said, Parah falls somewhere between Kelim, in its affirmation of the basic conviction of Pharisaism about attaining cleanness outside the cult, and Ohalot, in its philosophical or metaphysical interest in profound issues of cleanness and holiness, uncleanness and profaneness, Temple and secular world.

To be sure, by the time all four tractates reach Rabbi, they consist of a mass of details. But the main points, the underlying conceptions, turn out to form the foundation for and unify these details and, indeed, in the main to come before the earliest attested or assigned pericopae. I am inclined therefore to think that the materials surviving the destruction of Jerusalem, of its schools as well as of its Temple, consisted of strikingly generalized ideas, on the one side, and sherds and remnants of carefully formulated and fixed phrases, on the other. But much of the work of the earliest Yavneans must have been to sort out these barely intelligible sherds and remnants and make sense of them.

One thing begins to seem curious indeed. Thus far, we have noticed, for each tractate, a fairly precise and circumscribed set of ideas, from which all else is spun out in the later generations, and of which much else is simply elaboration and refinement. That set of ideas distinctive to a given tractate in each case seems to antedate the destruction of the

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1 The same notion, that the non-priest instructs the priest in respect to the nega\(^5\), is at CD 13:3-7, cf. Chaim Rabin, *Zadokite Documents* (Oxford, 1958), pp. 64-5. But three lines of CD hardly form an equivalent to the immense tractate of Negaim.
Temple. What I find difficult to understand is how it is that each tractate, in succession, has revealed to us its own distinctive principles, generative of the legal problems and conceptions and characteristic only of itself. Whence this larger agendum, so neatly divided that the Yavneans could take up the creative work now incorporated in Kelim, Ohalot, Negaim, and Parah? Can such “tractates” or discrete subjects for investigation have existed before 70? If they did, they cannot have consisted of much now found in the tractates given to us by Rabbi. But if there were no such tractates, then whence the neat division of principles distinctive to each?

From what source, furthermore, do the particular themes and topics come? Why a tractate on utensils, virtually bypassed in Scripture? Why one on tents/Tents—yet another on the red cow, since the two are treated in a single chapter of twenty verses in Scriptures? Negaim is not a problem of the same sort. I see no reason to doubt that Leviticus 13-14 were studied by priests, to whom the torah of the leper was addressed to begin with. Some pericopae in Negaim seem, indeed, formally arranged to facilitate memorization of Scriptural and a few extra-Scriptural rules. If this is a priestly topic, then are there other topics important to priests and yet not generative of major tractates of Mishnah? And, as I said, who has given us these substantial corpora of laws on subjects unimportant or hardly of major significance in the written laws of Leviticus and Numbers?

Later on, as the peculiar, old vocabulary, attested in the pericopae assigned to the earliest authorities of Yavneh, begins to increase in importance, we shall wonder about the rather elaborate differentiation of uncleanness, in language and concept, which obviously derives from the period before 70. In M. 10:1-6, for one instance, are taken for granted such concepts as midras and maddaf, the differentiation of moving and contact, degrees of remove from the original source of uncleanness. The Yavneans seem to have invented none of this. For the same reason that we cannot take for granted Ohalot and Parah necessarily derive from Pharisees and from no other group or class, we also cannot assume that the uncontested, detailed principles of cleanness and uncleanness and the established linguistic and conceptual differentiation in the realm of cleanness and uncleanness are Pharisaic. Self-evidently, they have been taken over by Pharisees and form part of the legacy of the Second Temple to the generation surviving after 70. These questions begin to arise because we have in hand a fair sample of the Order of Purities. But we cannot investigate them, let
alone many other interesting matters of more narrowly historical interest, for quite some time.

I have greatly enjoyed the work of exegesis and reconstruction, both literary and historical. The reason is that the materials themselves, though arcane, impose upon us their own logic, their own curious charm. Somehow, as the work has unfolded, I have come deeply to care about these laws, which, for our tractate, surely are wholly a matter of theory. The laws engage us just as much as they did the great Ushans who reworked them for Rabbi, just as much, I think, as they did the great Rabbi, who with his colleagues, working anonymously, revised the whole and gave them to us. To use a homely American simile, studying the law is like eating potato chips: it is never enough.

Anyone who has followed the work from its beginning by now has—indeed, must have—developed the same sense of fascination with the law that I have: the law for its own sake and in its own interest. If the issues of the tractate devolve upon the interpenetration of the clean and the unclean, of cleanness in the realm of uncleanness, and if the tensions and drama of our law draw down to earth transcendent issues, it is not that the abstract issues ever are, or need to be, spelled out. After a time, the details are the whole, the whole lives in the details. The study of the law turns out to create its own realm of being, and, in the intellect, that realm becomes real and important.

It is a world lived above time and beyond history. As we face the intricacies of the law, we listen to the ideas of others who faced, and who face with us, these same intricacies. The Toseftan commentators, in places so bold and daring, some of the rabbis of the Talmud, Maimonides, Tiferet Yisrael, Melekhet Shelomo, the radical text-critic, Elijah of Vilna (GRA), Mishnah Aharonab, and the incomparable Saul Lieberman—these are our companions in the common task. Our friends and teachers, they always are at hand, whether in the morning or in the middle of the night, to tell us about how they see a problem. When we are ready to listen, they talk. They cannot bore us, disappoint us, betray us. The problems, once set forth—by the middle of the second century—last forever. We converse, in a very exact sense, about them with people who, for those who care, endure for all times.

Still, I came to this work in a natural sequence, a logical and step-by-step progression. I am grateful to my teachers of the past, teachers in history, in the study of texts, in literary- and historical-criticism and method, both for Jewish and for other sources. My books form a kind
of intellectual autobiography, to be shared because the intellect is always one in the indivisible rigor of logic and ineluctable order. What I share I share because, to begin with, it is not mine. Or, whatever is right is not mine, but common and self-evident.

We who do this work owe much to many who came before and therefore must try to give something to those to come later. What I should like to give is a helping hand in working out the meanings of the labor which spoils the water, of the relationship of the Temple on the holy Mountain to the place in which the cow is burned, the Mount of Olives, of the Tent to the utensil, of the stages of the plague-mark, of the broken oven and the little girl’s hair-net. If that help consists only in helping others perceive the poetry of the law, framed as it is in its little, perfect units, balanced disputes, and deceptively simple sentences, spun out from generation to generation like a thread, like a web, that suffices. And if the law is seen to be mysterious and beautiful, in its form and in its substance, then it will capture others, as it has taken my mind and heart, and as it has engaged the intellects of so many, much greater learners, for a lifetime of centuries, the second to the twentieth.

It is never superfluous to express my thanks to Saul Lieberman, both for Tosefet Rishonim, and for his gifts of grace and love; to my dear friends and co-workers in all things, Baruch A. Levine and Jonathan Z. Smith, who, in their work on the religions of ancient Israel and of antiquity, respectively, pursue nearly the same questions and whose learning guides me throughout; and to my students—there are now so many of them—who take up the work on their own and carry forward in diverse and interesting ways the same inquiry.

It also is not possible too often or too much to thank my colleagues in Brown University, who share in all I do, as I share in all they do, and who do not mind talking about matters somewhat distant from the commonsense world. Why Horst Moehring, Wendell Dietrich, ‘Jock’ Reeder, Ernest Frerichs, ‘Barney’ Twiss, Stephen Gero, and David Blumenthal should want to know which hand the priest uses for the collection of the blood of the slain red cow I cannot say. But they talk with me about such matters and kindly read and comment on drafts of parts of my work.

Another group of friends mean much, those in Old and New Testament and in the study of Judaism in the period of the Second Temple. John Strugnell, Wayne Meeks, Brevard Childs, and James Sanders teach me, for they know far more than I about the period before 70,
to which, time and again, my path leads. Just now Brevard Childs, opening a new path in a new way, has given us a commentary—The Book of Exodus—to show what a commentary can and should be.

And there is my first and only teacher, Morton Smith. As these words are written, he moves into his seventh decade. His tribute is in the books created by so many and edited by me. In all, I did not know, when I began to work with Morton Smith, what I should find. But I never expected that the rewards would be what they have become.

My student, Rabbi Richard Sarason, kindly read Parts IX and X in manuscript and contributed not only many corrections but also insights derived from his own learning. His teachers at Hebrew Union College and at the Hebrew University have given him much, from which I benefit.

When I studied Babylonian Jewry in Arsacid and Sasanian times, the works of Geo Widengren proved consistently illuminating. He opened many ways in which I walked. Later on, I came to know him as a friend, a warm-hearted senior scholar who looked upon a younger colleague as a co-worker. My visit in Uppsala and his visit in Providence left happy memories. Now that he takes up a life of retirement in Stockholm, continuing his wide-ranging studies, I offer him this token of cordiality and good will.

J. N.