PREFACE

As this work on the history of Mishnaic law prior to the redaction of Mishnah-Tosefta proceeds, a second, and much more difficult project goes forward apace. Professor David Weiss Halivni, Jewish Theological Seminary of America, in his Sources and Traditions. A Source Critical Commentary on Seder Nashim (Tel Aviv, 1968), and Sources and Traditions. A Source Critical Commentary on the Talmud. Seder Moed. From Yoma to Hagiga (Jerusalem, 1975) investigates a quite separate, yet parallel set of problems. He undertakes the source-criticism of Talmudic pericopae: “Source criticism seeks to differentiate between the original statements as they were enunciated by their authors and the forms they took as a consequence of being orally transmitted; that is, between the sources and their later traditions… Source criticism claims that the transmission of the Talmud was not ... verbatim, and that the text became altered in transmission, with the result that many statements in the Talmud have not come down in their original form. Instead, what survives is the form assumed in the last phase of transmissional development. While such a study is pertinent to most ancient texts, it is particularly relevant to the Talmud, which primarily consists of quotations and their interpretations.” It should be clear that Professor Weiss Halivni engages in an undertaking of revolutionary implications for the historical exegesis of Talmudic, including Mishnaic literature. The work done here is parallel in its stress upon the centrality, for the study of history, of legal exegesis. But Professor Weiss Halivni takes up far more difficult materials and investigates them with unsurpassed erudition and critical discernment. The publication of the second part of his massive and exacting labor is occasion for celebration, especially by those who share the critical agendum upon which he works, but not the learning and exegetical courage characteristic of his labor. As a lesser practitioner of the same craft, I find it easy to admire his exemplary methods and results, especially so since he also has been a friend for many years. Among the many erudite young men at Jewish Theological Seminary of American in the years, between 1954 and 1960, when I was a beginner in Hebrew and Judaic studies, David Weiss Halivni distinguished himself not only in learning, but also in the generosity of spirit and gentility of soul which gave a cordial welcome to one who was last
and least in the *havurab* of those days. Because he asked new questions, he tolerated the new issues raised by others. Because of his self-evident joy in his labors, he gave and gives pleasure to others both in their work and in his. I am thankful for the privilege accorded by him in his accepting the dedication of this part of my work.

Brown University generously paid the costs of typing the present manuscript. My students, Rabbi Richard Sarason, Mr. Jack Lightstone, and Rabbi Tzvee Zahavy, kindly read the manuscript and offered critical comment and correction.

This work involves unending detail: detail in establishing the text and translating the law, detail in interpreting each item, detail in constructing lists and charts, and much else. Inevitably, mistakes of various kinds and weight creep into such work, however many times I check and recheck each item. Further, it is entirely possible that, from time to time, I misunderstand or misinterpret the intent of one of the classical commentaries. It is inevitable, moreover, that others will opt for an interpretation different from that offered by me, even supposing that in mine I commit error. I have already shown, in one work after another, an interest in the criticism of colleagues, a willingness either to revise what I am persuaded is an error, or to print what seems to me a legitimate, alternate viewpoint. Indeed, I hasten to include in appendices long lists of criticisms, not all of which I find myself able to accept, offered by colleagues and students. I mean in so doing to underline the open-endedness of the work, the notion that there are not apt to be final and decisive interpretations of matters variously interpreted for so many centuries. I am eager to hear, from men and women of good will and common purpose, both differences of opinion and corrections of what are, in actuality, errors of fact or of judgment. These, with permission, I shall continue to make available in the later volumes of the work.

Let me repeat here what I said at the equivalent point in my *History of the Jews in Babylonia*, about two thirds of the way through the whole (Vol. III, p. xx), a viewpoint of appropriate modesty for this writer and timeliness for our bicentennial year. It is quite obvious that I have no illusions about the success of this study to date, but, mostly, criticisms of its failures. My only defense derives from a phrase in the farewell address of President George Washington: *In the discharge of this trust, I will only say that I have, with good intentions, contributed ... the best exertions of which a very fallible judgment was capable.*

J. N.