PREFACE

The legal texts before us are meant to provide a picture of the meanings associated with purity in earlier rabbinic Judaism, ultimately to lead us into the consciousness and world-view of the rabbis who shaped that Judaism. The purpose in examining the laws remains historical knowledge in a narrow and precise sense, even though the sources are almost wholly legal, non-historical in any sense. We want to know what purity meant to the people who made up laws about purity, the view of reality which the self-evidently obsessive-compulsive life legislated by the rabbis was intended to impose and convey. That is why we have with close attention to attend to the laws in their historical unfolding, hoping to learn something of what is in the minds of the people behind them. Professor Ramsey MacMullen (Roman Social Relations, 50 B.C. to A.D. 284 [New Haven and London, Yale University Press: 1974]) concludes his preface (p. ix) with words which well serve as apologia for the diverse means of the present work:

Such, among others, are the devices that must be resorted to in any attempt to understand social feelings and the sense of place in antiquity. But the task is very difficult. "I can call up spirits from the vasty deep," boasts Shakespeare’s Glendower. To which Hotspur replied, "But will they come when you call for them?"

We do not know. But we may be sure that if we do not call in their language and patterns of thinking about, and making statements on, reality, they surely will not come.

Since the effort carried forward here is to uncover the structure and historical development of Talmudic Judaism, specifically, the history of the ideas of Talmudic Judaism in their earliest stages, we have to explore the structure and development of the laws of Mishnah-Tosefta. For that document comes earliest in the formation of Talmudic literature and most reliably tells us about the fundamental stratum of Talmudic Judaism as a system of ideas. Mine is not the first fundamentally historical approach to these ideas, of course. Five important scholars based their historical work in Talmudic Judaism upon the history of legal ideas: Y. I. Halevy, Louis Ginzberg, G. Allon, and, among the living, Louis Finkelstein and Yiśḥaq D. Gilat. I believe Halevy was the first to insist upon the priority of law in the study of the history
of the Jews revealed in Talmudic texts. In many ways his work, unjustly reviled and neglected at the same time, stands as a guide and inspiration to those that follow. But in no way is it useful any longer, except for episodic exegesis of specific pericopae. The effort to use law for history does not predominate in the corpus of Louis Ginzberg and never was systematically worked out, except, once again, for primarily exegetical purposes. The greatest achievements of G. Allon are his essays. He left no history; the published lecture notes are embarassing. The major work which he might have given us was not done. The conceptual limitations of the work we do have, for example, "Teḥuman shel hilkhot ṭohorah," (Meḥqarim betoledot yisra'el [Tel Aviv, 1957], I, pp. 148-176), are alluded to in my *Idea of Purity in Ancient Judaism* (Leiden, 1973), pp. 3-4. The acute insight of Allon's work endures as a guide and standard for all which follows. But, as in the case of Ginzberg, Allon did not produce a sustained account of the historical development of the law or any large part of it in the centuries before (or after) Mishnah-Tosefta. Two scholars did, Finkelstein, to whom Part XVI is offered in homage, and Yišaḥaq D. Gilat.

Gilat is the only scholar whom I believe I have wronged, gratuitously so, in critical remarks, and I take this occasion to apologize. In my *Eliezer ben Hyrcanus. The Tradition and the Man* (Leiden, 1973) II, p. 286, having cited Gilat's English summary of his *The Teachings of R. Eliezer b. Hyrcanos and their Position in the History of the Halakha* (Hebrew) (Tel Aviv, 1968) and entered specific objections to some of the main points, I concluded with a judgment which, upon reflection, I find stupid, altogether too harsh and uncomprehending. Gilat correctly rebuked me for it, and I accepted his rebuke. The friendship which has followed has been both intellectual and personal, a source of much blessing. A master of law, Gilat shares with me perplexity about how law produces history, but exceeds my capacities at the analysis of the law's conceptions. I offer this work in his honor, a gesture of collegial friendship.

My students, Professors Richard Sarason and Tzvee Zahavy, kindly took time from their work to read the manuscript of this book and further to check it against the original text and commentaries. I am deeply obliged to them and express my thanks.

Sustaining a project of the length and exacting requirements of the present one is not easy. I have to repeat procedures, techniques, and methods which already are proved tried and true. What makes the work continue to be interesting is the substance of the results alone,
since there are no further methodological problems—or surprises—to be worked out for the present purpose. (The tradiental-redactional inquiry can be undertaken only with the whole Order of Purities in view, that is, in the introductory studies which come at the end.)

But there is a second source of continuing interest and vitality in the work, the intellectual collaboration of my graduate students at Brown University, of my former students, now teaching in American, Canadian, and Israeli universities, as well as of other colleagues, in both universities and seminaries, who are engaged in work on pertinent and even parallel problems of historical interpretation. I have been deeply gratified by the reception accorded to my earlier projects, those which led to the present one, and by the interest currently expressed in the volumes of Commentary and Problems in connection with Purities. I thank those many men and women, old and young, who share my conviction that the way forward lies through the halakhic literature, who even tolerate my belief that a fresh exegesis of literature studied for seventeen centuries now is required, and, above all, who constructively criticize and kindly propose corrections of what they deem to be in error. I thank them for their correction, but even more, for their understanding and good will.

There is no more discouragement. There is only an open road. What is especially gratifying is that earlier work of mine has been rendered obsolete by new work of others, both of my own students and of people I do not know, except in mind, at all. The present project, of course, must be carried through to a conclusion for the whole of Mishnah-Tosefta. The inquiries which then will become possible now can scarcely be imagined.

Since much of the present work is taken up with translation, which is one form of exegesis, and with interpretation as well, I found much insight and wisdom in George Steiner, After Babel. Aspects of Language and Translation (New York and London, 1975). I think he there provides us with a profound and right understanding of our work as translators and commentators—therefore as historians. I found there, too, those words which speak for all of us engaged in work of unending detail and limitless opportunity for small error. He cites (p. 311-312) Horace:

nec semper feriet quocunque minabitur arcus.  
verum ubi plura nitent in carmine non ego paucis  
offendar maculis, quas aut incuria fudit  
aut humana parum cavit natura, quid ergo est?
ut scriptor si peccat idem librarius usque,
quamvis est monitus, venia caret; ut citharoedus
ridetur chorda qui semper oberrat eadem:
sic mihi qui multum cessat fit Choerilus ille,
quem bis terve bonum cum risu miror: at idem
indignor quandoque bonus dormitat Homerus?

Pope's variant in the *Essay on Criticism* is given by Steiner:

> Whoever thinks a faultless piece to see,
> Thinks what ne'er was, nor is, nor e'er shall be.
> In every work regard the writer's end,
> Since none can compass more than they intend;
> And, if the means be just, the conduct true,
> Applause, in spite of trivial faults, is due

And from *Hints from Horace*, Byron's version also is given:

> Where frequent beauties strike the reader's view,
> We must not quarrel for a blot or two,
> But pardon equally to books or men,
> The slips of human nature, and the pen.

It remains to express thanks to Professor Jean Ouellette, whose continuing work, both in improving my own on Aphrahat and in developing new lines of research, is of special interest to those who follow these inquiries. To facilitate access to his research among those whose primary interest is in ancient Judaism, rather than Semitics, I include his current paper.

J. N.