tered their animals (Mid. 3:5) and its own niche in which their vestments were kept (Tam. 5:3). Bilga's niche was, however, permanently blocked up and its ring immovable (Suk. 5:8), a sign of disgrace, because one of its members had once acted shamefully (Suk. 56b). The weekly *mishmarot* of priests were broken up into between four and nine subdivisions (*battei avot*). If there were fewer than seven, some would officiate twice during the week. If, on the other hand, there were more than seven, then on some days two would have to serve together (Tosef., Ta'an. 2:2, et al.). Furthermore, as only a small part of a *bet av* was required to serve at any given time, lots were drawn to decide which individual priests should officiate each day (Yoma 2:2–4, et al.).

A number of restrictions were placed upon members of the *mishmar* and *bet av* during their week (or day) of office. Thus, members of the *mishmar* were permitted to drink wine by night but not by day, whereas those of the *bet av* could not drink wine either by day or night, as they might be called upon to assist in the Temple service at any conceivable hour. Members of the *mishmar* and of the (Israelite) *ma'amad* alike were forbidden to cut their hair or wash their clothes throughout the week – as this should have been done earlier – except on Thursday, so that due honor be accorded the Sabbath (Ta'an. 2:7). On certain communal fast days, members of the *mishmar* and the *bet av* were permitted to eat, or else to fast only partially, so as to have enough strength to carry out their Temple duties (Ta'an. 2:6). The men of the Israelite *ma'amad*, however, would fast from Monday to Thursday on their week of service, while from Sunday to Friday they read (in sections) the chapter of Creation (Gen. 1; Ta'an. 4:2–3). Members of the *mishmar* who were not engaged in actual service would pray that the sacrifices of their officiating brethren be acceptable; while those of the Israelite *ma'amad* who could not come to Jerusalem gathered in their local synagogues (or meeting places) and prayed for the welfare of sailors, wayfarers, children, pregnant women, etc. The *ma'amadot* were considered to be of such importance that it was said that without them heaven and earth could not have survived (Ta'an. 27b; cf. the reading in Sof. 17:15). The institution of the *ma'amadot*, which dates back to the beginning of the Second Temple (see sources cited below), seems to have formed the basis of what later became the synagogal system.

History

Concerning the origins of the *mishmar* system, there are three conflicting (tannaitic) traditions recorded in rabbinic literature:

(1) Moses established eight (priestly) *mishmarot*, to which David and Samuel added another eight. Finally, on the return from the Babylonian Exile, 24 were established (TJ, Ta'an. 4:2, 67);

(2) Moses established eight (priestly and levitical) *mishmarot*; David and Samuel increased them to 24, and on the return from the Exile 24 (Israelite) *ammudim* (*ma'amadot*) were established, parallel to the priestly and levitical *mishmarot* (Tosef., Ta'an. 4:2);

(3) Moses established 16 *mishmarot*, which were later increased to 24 (Ta'an. 27a). Relative unanimity of opinion is to be found only in the account of the restoration of the *mishmar* system after the Babylonian Exile. Four *mishmarot* are said to have returned from the Exile, Jedaiah, Harim, Pashchur, and Immer. "And the prophets among them [or "in Jerusalem", according to the Tosefta; i.e., Haggai, Zechariah, and Malachi] arose and made 24 lots, and put them into an urn." Then each of the four *mishmarot* drew five lots in addition to his own, making a total of six. Finally, the *rashei mishmarot* divided them into *battei avot* (TJ, Ta'an. 4:4, 68a, et al.). It would seem (from tradition (2) above) that only at this stage were the Israelite *ma'amadot* introduced.

Thus rabbinic sources trace the first origins of the *mishmarot* via David and Samuel back to Moses. However, these accounts do not appear to have the value of independent traditions but rather to be based upon inferences drawn from scriptural passages. Thus, "… whom David and Samuel the seer did ordain, in their set office …" (I Chron. 9:22) is said to refer to the priestly and levitical *mishmarot* (Tosef., *ibid.*; cf. TJ, *ibid.*, citing I Chron. 2:4). Nevertheless, the resultant picture presented by rabbinic sources probably has considerable historical validity. The system remained unchanged even till Josephus' time (Jos., Ant., 7:363ff.; Life, 1:2).

Long after the destruction of the Temple, memories of the *mishmarot* lingered on. In Erez Israel their names were mentioned each Sabbath in the *piyyutim*. Tablets, fragments of which have survived, were fixed on synagogue walls, engraved with a list of *mishmarot* and their geographical provenance. Karaite liturgy preserved echoes of both the *mishmarot* and the *ma'amadot*. Even as late as 1034, it was still the custom in some communities to announce on each Sabbath: "Today is the holy Sabbath, holy to the Lord. Today is [the Sabbath of] which *mishmeret*? [That of] *mishmeret* … May the Merciful One restore the *mishmeret* to its place, speedily and in our days. Amen."

[Daniel Sperber]

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MISHNAH (Heb. מִשְׁנָה). The term "mishnah" is used in a number of different ways (see below), but when used as a proper noun ("the Mishnah") it designates the collection of rabbinic traditions redacted by Rabbi *Judah ha-Nasi (usually called simply "Rabbi") at the beginning of the third century

CE. The Mishnah supplements, complements, clarifies and systematizes the commandments of the Torah. The Torah, for example, commands: "Remember the Sabbath day" (Ex. 20:8). The Mishnah provides this abstract commandment with a concrete form – the *kiddush* and *havdalah* rituals which mark the beginning and the ending of the Sabbath day. The Torah commands "Observe the Sabbath day" (Deut. 6:12). The Mishnah specifies 39 categories of forbidden labor which are prohibited by this commandment, subsuming dozens of other kinds of labor under these 39 headings. The Torah commands: "When you eat and are satisfied, give thanks to your God for the good land which He has given you" (Deut. 8:10). The Mishnah spells out specific blessings to be recited before and after each kind of food, and what to do if the wrong blessing is recited by mistake. It also extends the recitation of blessings to areas other than food, detailing blessings to be recited before and after the performance of commandments, blessings of praise and thanksgiving, even establishing a regular order of daily prayers. When the commandments seem chaotic or inconsistent, as in Lev. 13–14 ("leprosy"), the Mishnah organizes these rules into a consistent system. When they are already relatively detailed and systematic, as in Lev. 1–7 (sacrifices), the Mishnah deals with additional aspects of the halakhah, either ignored or mentioned only in passing in the Torah, such as the proper intentions which should accompany the sacrifices, and the consequences of improper intention.

The contents of the Mishnah are the product of an ongoing process of elaborating and explaining the foundations, the details and the significance of the Torah's commandments. This process began long before the redaction of the Mishnah, and continued throughout the talmudic period (1st to 6th centuries CE) and beyond. Nevertheless, the Mishnah has a unique place within the rabbinic tradition. It was the central literary document of the entire talmudic period, providing the framework for the redaction of its companion volume, the *Tosefta, and serving as the foundation for both the Jerusalem Talmud and the Babylonian Talmud. Through these works the Mishnah has shaped most of the actual practice of the Jewish religion down to the present day. In the post-talmudic period commentaries were composed to the Mishnah, and together with them the Mishnah came to serve as the authoritative epitome of the talmudic tradition as a whole. In these two roles – as the foundation underlying the talmudic tradition and as the authoritative epitome of that tradition – the Mishnah has played a decisive role in the religious life of the Jewish people.

Below we will examine the formal structure of the Mishnah as a literary work, and provide an overview of certain aspects of the Mishnah's content, focusing on its two primary components – halakhah and aggadah – including an analysis of the logical structure of mishnaic halakhah. We will then discuss the sources of the Mishnah, its redaction, and its dissemination and acceptance in the later talmudic academies. After a discussion of the contributions of traditional and academic scholarship to the understanding of the Mishnah, we will provide a brief survey of editions, translations, and other aids to Mishnah study.

The Mishnah as a Literary Work

Originally the term "mishnah" designated the entire content of traditional Torah study, with the exclusion of the 24 books of the Hebrew Bible – "mikra" in Hebrew. Mishnah Ned. 4:3 opposes the term "mikra" to "midrash, halakhot, and aggadot," which are themselves grouped together in Tosefta Ber. 2:12 under the general heading of "mishnah." The terms midrash and halakhot (sing. halakhah) mentioned in these passages designate the two most fundamental forms in which rabbinic tradition was studied and transmitted. In midrash, rabbinic tradition is intimately interconnected with the explication of the biblical text, and the overall literary structure of midrashic compilations follows the order of the biblical text. Halakhot contain the same rabbinic material as is found in the midrash, but without any reference to the biblical text. In the halakhot, rabbinic tradition stands on its own, the structure and order of halakhic compilations being determined solely by the content of rabbinic tradition itself.

Only two halakhic compilations have come down to us from the earliest period of rabbinic literature: Rabbi's Mishnah and the Tosefta, a supplementary halakhic work similar in arrangement to the Mishnah, and probably redacted by Rabbi's disciples. Both of these works are divided into six *sedarim* (sing. *seder* = "order"): *Zera'im, concerning agricultural matters; Mo'ed, concerning holy times and related issues; *Nashim, concerning family law; *Nezikin, concerning civil and criminal law; *Kodashim, concerning sacrifices and the Temple; *Toharot, concerning ritual purity and impurity.

These six sedarim are further subdivided into tractates (*masekhtot*, sing. *masekhet*), and the tractates into chapters (*perakim*, sing. *perek*). The further subdivision of chapters into smaller groups of halakhot varies from edition to edition and does not seem to be original. With the exception of Zera'im, the order of the masekhtot follows the number of chapters which they contain. A tractate with a larger number of chapters comes first, followed by tractates with fewer chapters. If a seder contains more than one tractate with the same number of chapters, their order may vary between different manuscripts and editions. In the past, chapters of the Mishnah were referenced by the opening words of their first halakhah. Today references are made to tractates by name, and to chapter and individual halakhah by number, according to the accepted division of the most recent editions.

The redaction and dissemination of the Mishnah in the early third century marked a turning point in the history of rabbinic literature. Scholars who were active up to the time of Rabbi and his immediate disciples were called "teachers of mishnah" – **tannaim* (sing. *tanna*) in Aramaic. The later talmudic scholars – called **amoraim* – accepted the traditions of the tannaim as authoritative, and as time went on they were increasingly unwilling to disagree with them. As a result, talmudic literature is divided into two periods – the earlier, tan-

naitic period and the later, amoraic period. The tannaitic literature consists primarily of the Mishnah, the Tosefta, and tannaitic midrashim – Sifra, Sifre, and Mekhilta, etc. Amoraic literature is included primarily in the Jerusalem Talmud, the Babylonian Talmud, and the classic midrashei aggadah – *Genesis R., *Lamentations R., *Leviticus R., *Pesikta de-Rav Kahana, etc.

Since Rabbi's Mishnah was the most important and authoritative work of halakhah to come down to us from antiquity, the term "mishnah" came to be equated with the term "halakhot," and was often used in opposition to the term "midrash." In a parallel development, the term "hilkhata" ("halakhot" in Aramaic), apparently referring to Rabbi's Mishnah, is listed in later talmudic sources (TB Shav. 41b) along with "sifra, sifre and tosefta" – apparently referring to compilations similar to the tannaitic works known by these names today.

Finally, the individual unit of tannaitic tradition was called "a mishnah" (pl. mishnayot), or *matnita* (pl. *matneyata*) in Aramaic. Here also, the unique status of Rabbi's Mishnah within tannaitic literature leads to the further distinction between *matnitin* ("our mishnah"), a tradition included in Rabbi's Mishnah, and *matnita baraita* ("an external mishnah"), or baraita (pl. baraitot) for short, a tannaitic tradition not included in Rabbi's Mishnah. The baraitot were preserved not only in the Tosefta, but were also included in and transmitted as part of the amoraic tradition in the two Talmudim.

Our discussions below of tannaitic halakhah and aggadah apply not only to Rabbi's Mishnah, but also to the Tosefta and to many of the talmudic baraitot. However, the discussions of the place of the Mishnah in the development of talmudic literature, in the history of Jewish tradition, its redaction, and so on, apply to Rabbi's Mishnah alone, but not to the Tosefta or to the talmudic baraitot.

Halakhah in the Mishnah

The Mishnah itself uses the term halakhah to designate ancient or authoritative traditions (Pe'ah 2:6, Or. 3:9, Yev. 8:3), as well as accepted religious practices (Naz. 7:4, BK 3:9, Edu. 1:5, Men. 4:3, Nid. 4:3). It is also used to refer to individual units of tradition, irrespective of their authoritative status (Avot 6:3), and even to incorrect traditions (Oha. 16:1). These traditions may involve no more than the simple restatement or brief elaboration of some custom or practice. But by far the most characteristic tendency of the individual tannaitic halakhah is the close examination of some dimension of ordinary human life or experience, and the careful categorization of certain aspects of that experience in line with a limited number of formal dichotomies.

The most obvious – and familiar – halakhic dichotomy is the one between "forbidden" (*asur*) and "permitted" (*mutar*). This dichotomy is most regularly applied to human behavior. For example, the Mishnah may categorize sexual relations between two individuals under certain circumstances as permitted, and under other circumstances as forbidden. While eating on the Day of Atonement is certainly forbidden, tannaitic halakhah lists certain exceptions to this rule and even requires children under a certain age to eat. Similarly, the halakhah permits heating food on the Sabbath under certain circumstances and forbids it under other circumstances.

A related dichotomy – applying also to a large extent to behavior – is the one between "liable" for punishment or some other formal sanction (*ḥayyav*) and 'exempt' from such sanctions (*patur*). This dichotomy is generally applicable to actions which have already been categorized as forbidden. For example, tannaitic halakhah forbids the carrying of an object in the public domain on the Sabbath. In order for the transgressor to be considered "liable" for sanctions, however, the act of carrying must conform to a number of different conditions. If any one of these conditions is not met, the transgressor is considered "exempt" from sanctions. Similarly, the halakhah forbids baking bread on a holiday for use the following day. One who transgresses this rule is, however, not necessarily liable for punishment. It is forbidden to steal. Under certain circumstances the thief will be liable to pay double indemnity, while under other circumstances he will be exempt from this additional payment. Although a person can be liable for the indirect or inadvertent consequences of his or her actions (or inaction), it is not always possible to categorize these actions as forbidden.

The dichotomy between *ḥayyav* and *patur* may also be applied to human behavior in another way – with regard to positive commandments, such as the eating of matzah on Passover. Here *ḥayyav* should be translated as "obligated [to fulfill the commandment]" and *patur* as "exempt [from fulfilling it]." The halakhah categorizes eating matzah on the first night of Passover as an "obligation" (*ḥovah*), and on the remaining days of Passover as "optional" (*reshut*). The Mishnah states that properly prepared matzah "may be used in order to fulfill one's obligation" (*yosin bo*). When prepared improperly, the Mishnah states: "it may not be used in order to fulfill the obligation" (*ein yosin bo*). The Mishnah uses the dichotomy between "fit" (*kasher*) and "unfit" (*pasul*) in a similar fashion, in order to determine whether various ritual objects – a shofar or a lulav, for example – may be used to fulfill one's obligation in performing these commandments.

Halakhic categorizations are, however, by no means limited to the field of human behavior. The Torah itself designated certain days as "holy" (*kodesh*), during which various forms of activity are forbidden. It also designated certain places as holy, such as the Temple and walled cities, from which various kinds of impurity must be excluded. The Mishnah systematically applies the dichotomy between the "holy" (*kodesh*) and the "profane" (*ḥol*) in order to constitute an elaborate hierarchy of holy times and holy places. The holiest times were defined by the most rigorous and most comprehensive set of prohibitions, and lesser degrees of holiness by more lenient and less comprehensive sets of prohibitions. Similarly, the Mishnah defines ten ascending levels of holy space (Kel. 1:6–9), each defined by stricter and stricter rules of purity.

The most highly developed area of tannaitic halakhah is to be found in its system of ritual purity. Seder Toharot ap-

plies the dichotomy between ritually pure (*tahor*) and ritually impure (*tame*) to virtually every aspect of ordinary life. These terms can signify either that an object is susceptible to becoming impure, or that it is actually impure and capable of transmitting this impurity to something else. Certain tractates define the purity or impurity of tools, garments, vessels, and places of residence. Others define the purity or impurity of foods and drinks. Others categorize certain individuals as themselves being sources of ritual impurity, and other individuals as impure as a result of contact with other sources of ritual impurity. This area of halakhah seems to have played a decisive role in the life of the tannaitic sages, even among non-priestly families, and with no obvious connection to the Temple (see Alon).

Tosefta Demai (2:2 ff.) describes the procedure by which a candidate is accepted into the elite association called the *ḥavura*. It lists in detail the responsibilities which the candidate must freely accept upon himself or herself in order to be considered a *ḥaver* – including the responsibility to observe all the rules of ritual purity (cf. Demai 2:3). From these descriptions it seems fairly clear that many or most of the purity rules involved no formal obligation (*ḥova*) whatsoever, but were rather purely voluntary practices (*reshut*). This example of Toharot should serve as a warning against viewing tannaitic halakhah as a legal system consisting entirely of formal obligations enforceable by earthly courts. While true in part, other aspects of tannaitic halakhah could be more accurately described as a moral or a spiritual discipline which the initiate freely accepts in order to draw closer to the ideal of divine service.

Aggadah in the Mishnah

The other primary component of the Mishnah is the aggadah. This term is notoriously difficult to define, and it has become the custom among scholars to define aggadah by means of negation – as the non-halakhic component of rabbinic tradition (Frankel, *Midrash and Aggadah*, 20). While fair enough, we must be careful in adopting this approach not to define halakhah itself too narrowly. As we have seen, the halakhah of the Mishnah can be described in part as a system of laws, but not infrequently it also has the character of a personal moral and spiritual discipline. It can be expressed in the form of concrete judgments about specific cases, but also in rules involving varying degrees of abstraction and generality. The Mishnah may even use stories to express a halakhah. This is obviously so when the story reports an explicit legal precedent. But it may also be true when a story merely describes the behavior of a notable sage, if it is understood that this behavior is worthy of imitation.

Despite these differences in form, the rules, judgments and precedents included in the Mishnah all have one thing in common. They all categorize specific forms of behavior and well defined areas of concrete experience in line with formal dichotomies of the sort described in the previous section. Aggadah, on the other hand, investigates and interprets the *meaning*, the *values*, and the *ideas* which underlie the concrete forms of religious life – as opposed to the specific rules which actually govern that life. Continuing the tendency to define aggadah as 'that which is not halakhah', we could say that the relation between aggadah and halakhah is similar in many ways to the relations between theory and practice, between idea and application, and, in the area of ethics, between character and behavior.

Starting from the last distinction, it is clear that the Mishnah makes extraordinary demands upon the external behavior of the sages and their disciples. Along with these external demands, the Mishnah makes equally extraordinary "internal" demands on the character, the faith, and the understanding of the sages and their disciples. The Mishnah contains a tractate – Avot – devoted in its entirety to these principles of character, faith, divine providence, justice, etc. Moreover, the Mishnah introduces related aggadic elements into the context of specific halakhic discussions. For example, after defining the obligation to recite a blessing on hearing bad tidings, the Mishnah adds the aggadic statement that one's love for God should never falter, "even if He takes your life" (Ber. 9:5). Similarly tractate Pe'ah, which deals with specific obligatory gifts to the poor, opens with an aggadic description of the unlimited nature of acts of loving kindness and charity, and of the rewards that await those who show love, respect and kindness to others. After defining the specific sums one is obligated to pay in restitution for assault, the Mishnah declares that "one is not absolved [of the sin] until one asks [the victim for forgiveness]" (BK 8:7). The Mishnah then goes on to state that the victim "should not be cruel" but rather should be merciful and forgiving.

It is in this sense that we should understand the programmatic statement concerning the nature and the purpose of the aggadah, found in the tannaitic midrash, Sifre Deut. 49: "If you desire to know the One who spoke and the world came to be, then you should study the aggadah, for in this way you will come to know the One who spoke and the world came to be, and *you will cleave to his ways*." As is made clear there, God's ways are the aspects of justice, mercy, etc., which both define the holy character of the righteous individual and underlie those forms of normative behavior which constitute much of the halakhah.

The aggadah of the Mishnah also deals with classic theological issues such as divine providence, theodicy and the afterlife. These issues, however, are regularly integrated into some appropriate halakhic context. For example, one of the most highly developed aggadic themes running throughout tannaitic literature is the doctrine of "measure for measure." At its foundation lies an ancient saying – "The vessel which you use to measure out [for others], will itself be used to measure for you" – which is already quoted in the New Testament (Matt. 7:2) as a warning not to be judgmental of others, lest one suffer the same fate at their hands. The tannaitic literature develops it into a general theory of divine justice. More specifically, it is used to explain and to justify the details of

divine retribution as described in various biblical passages. One of these passages concerns the sotah, a wife suspected of unfaithfulness (Num. 5). Since the oracular method the Torah gives for determining the sotah's innocence or guilt seems extraordinarily harsh and cruel, the Mishnah (Sot. 1:6) quotes the ancient saying itself, and then goes on to argue that every aspect of the biblically ordained procedure is in fact just and appropriate. In the following two mishnayot, the Mishnah summarizes the entire tannaitic doctrine of measure for measure, not only with regard to divine retribution, but also with regard to divine reward.

Another prominent aggadic theme is that of the afterlife – the "portion in the world to come." The first three mishnayot of Sanhedrin 10 present an almost halakhic categorization of actions, beliefs, and historical figures, dividing them into those who do, and those who do not "have a portion in the world to come." This discussion fits the general context in Sanhedrin – a description of the various forms of capital punishment – since the loss of one's portion in the world to come is a kind of otherworldly capital punishment. It also fits the immediate context, coming immediately after a dispute (9:6) whether a non-priest who served in the Temple is to be executed "by the hands of Heaven," and before a discussion of the inhabitants of an idolatrous Israelite city (10:4), who lose their portion in the world to come.

By a recent count there are more than 50 such aggadic passages in the Mishnah, not including Avot and those found at the ends of tractates or sub-divisions of tractates which are generally viewed as later scribal additions, and not as integral parts of the text of the Mishnah (Frankel, *The Aggadah in the Mishnah*, 655–656). While preliminary conclusions may be drawn concerning this phenomenon as a whole, there is still much room for detailed analysis of each individual case in its own particular halakhic context.

Finally, we should mention that, despite its overall literary character, the Mishnah does contain a number of midrashic passages. With regard to their content, these passages are quite unexceptional, and reflect the same kind of halakhic and aggadic content found in the overwhelming majority of non-midrashic mishnah traditions. They differ only with regard to their external form. This phenomenon has been addressed with regard to the question of possible literary dependence between the extant tannaitic halakhic and midrashic works (Melamed; Friedman, *Tosefta Atiqta*, 76). Recently the midrashic material found in the Mishnah has been used as a starting point for a general examination of early rabbinic hermeneutics (Samely). The question of the specific role which these midrashim play within the context of mishnaic halakhah has recently been addressed (Raviv), but no firm conclusions have yet been reached.

The Structure of Tannaitic Halakhah

The style of the Mishnah is deceptively simple. Most individual halakhot consist of little more than a description of some situation and a brief statement of the ruling which applies to that situation. To the undiscerning eye these halakhot seem to lack virtually all of the dialectical and conceptual elements which are so characteristic of the later forms of talmudic and rabbinic literature. If the analysis of tannaitic halakhah were to end here, we would be left with a rather difficult question: How could these tannaitic halakhot have served as the foundation for the highly dialectical and conceptually sophisticated discussions found in the later talmudic and post-talmudic halakhic literature? Yet they did, and so it would seem that the logical structure of tannaitic halakhah deserves further examination.

First it must be admitted that the Mishnah contains many halakhot of a descriptive and historical character which have little or no conceptual content. For example, tractate Middot describes in detail the physical structure of the Temple. The related tractate Tamid describes the daily Temple service in the form of a continuous narrative. The third chapter of Bikkurim describes the process of bringing and offering of the first fruits. The first seven chapters of Yoma relate in chronological order the events leading up to and culminating in the Temple service of the Day of Atonement. Certain court and priestly procedures are also related in narrative form, as in Sanh. 3:6–7, Neg. 12:5–7, and 14:1–3. Some reports of second Temple practice and restatements of biblical law may include elements of constructive reinterpretation (as in Neg. 13:1), but by and large the conceptual element in these mishnayot, if present at all, is relatively small.

These are however exceptions to the rule. The overwhelming majority of tannaitic halakhot are normative in nature, not historical. The connection between the case description and the ruling in a normative tannaitic halakhah will rarely be merely contingent or accidental. On the contrary, it will almost always reflect the judgment that in this particular case, and under these specific circumstances, the ruling given in the halakhah *must* apply.

The presumption that the connection between the case description and the ruling in a tannaitic halakhah is essential, not accidental, gives rise to a number of interpretive principles. We may illustrate this by means of an example. Mishnah BK 1:4 posits a halakhic dichotomy between two categories – *tam* (lit. "innocent") and *mu'ad*. In the Mishnah the term *mu'ad* – based on Ex. 21 29 – signifies strict liability for all damages caused by one's property. The distinction between *tam* and *mu'ad* in BK 1:4 builds upon the distinction already found in Ex. 21 35–36 between an ox which caused damage unexpectedly, as opposed to an ox that was known to have caused damage repeatedly in the past, and whose owner, despite having been warned, did nothing to prevent further damage. In the latter case, the owner is held strictly liable for all damages caused by his animal, while in the former his liability is limited to one half of the damages. The reasoning behind this distinction is quite transparent. Strict liability is associated with a situation where the owner was clearly negligent, and the Torah holds him strictly liable for full damages because of this negligence.

Continuing this line of thought, Mishnah BK 1:4 states that the owner of a domesticated animal is held strictly liable for full damages if "it ate something appropriate for it." From this one can infer that if the animal "ate something not appropriate for it," the owner would not be liable for full damages, but rather only for half-damages. This then gives rise to the following question: Why should this change in the object consumed – from "appropriate for it" to "inappropriate for it" – affect the degree of liability for the damages caused by one's animal? An answer to this question requires a determination of the extent of the owner's responsibility to anticipate possible damages. This in turn would involve a more precise definition of the exact boundary between "appropriate" and "inappropriate."

In BK 2:2 the Mishnah provides such a definition. First it quotes BK 1:4 and then explains it by means of the following two halakhot: "If the animal ate fruits and vegetables – the owner is fully liable; [if the animal ate] clothes or vessels – the owner is liable only for half-damages." The first halakhah defines the case where the animal ate "something appropriate for it." The second halakhah defines the alternative case, where the animal ate "something not appropriate for it." A naive reader of BK 1:4 would probably have understood the words "appropriate *for it*" – i.e., for the animal itself – to signify some kind of feed which the animal is accustomed to eating, and to exclude other foodstuffs, such as avocados, artichokes, etc., which are not appropriate "for it." BK 2:2 draws a very different distinction, between "fruits and vegetables," generally consumed only by humans, and "clothes or vessels," which are totally inedible. While the tanna of BK 2:2 may not have given us a very precise interpretation of the original language of BK 1:4, he has, nevertheless, expressed a very clear and unequivocal judgment regarding his understanding of the notions of responsibility, negligence, and liability which underlie that halakhah.

The procedure outlined above is very characteristic of talmudic analysis. Starting from one halakhah, taught explicitly in the Mishnah, the student infers another halakhah – parallel to the original halakhah, but differing in two ways. First, the case description of the second halakhah differs from the original with respect to one detail – e.g. "inappropriate" instead of "appropriate." Second, the ruling in the second halakhah is totally different from the original – "not liable for full damages" instead of "liable for full damages." This analysis presupposes that the difference in the rulings of these two halakhot follows necessarily from the change in their case descriptions. If we then explain *why* a certain change in the ruling follows from the change in the case description, we will, in effect, have grasped the legal principle which underlies the original halakhah. In fact, the only way we can ever understand the essential connection between the case description and the ruling in a tannaitic halakhah is by explaining why, if the case changed, the ruling would necessarily be different.

From this perspective, it becomes clear how tannaitic halakhah – even an individual tannaitic halakhah – can be considered both dialectical and conceptual. It is dialectical because the meaning of the individual tannaitic halakhah is determined only in its relation to another alternative halakhah. It is conceptual because the comparison of these two contrasting halakhot requires a conceptual distinction which can justify the difference between them.

We normally associate conceptual explanation with some form of abstract generalization. Tannaitic reasoning, however, concerns itself almost exclusively with uncovering the principles operative in particular cases. As we have seen, this involves a close comparison of two distinct but closely related halakhot. This tendency explains one of the most characteristic and widespread phenomena in tannaitic literature – the *halakhic couplet*. A mishnah of this sort contains, not one, but two distinct halakhot, parallel in form and clearly linked together by some literary device. The case descriptions of these two halakhot are very similar in form and content, and usually differ with respect to one element only. The rulings, on the other hand, are usually diametrically opposed, often reflecting alternative sides of the halakhic dichotomies described above (cf. example from BK 2:2 above). These parallel halakhot invite comparison, and their differences demand explanation.

By expressing its notions in the form of concrete distinctions, and not by means of finished and formal abstractions, the Mishnah invites the student to refine its unstated principles by means of further distinctions. These principles are implicitly conceptual, and so lead the student beyond their immediate context. Yet they are expressed in an external form which is both concrete and limited in scope. The resulting tension between these two aspects of tannaitic halakhah gives rise to an open-ended process of interpretation and analysis, reinterpretation, and renewed analysis. In this way, the cumulative body of tannaitic – and early amoraic – halakhic literature, which was the result of this process, provided fertile ground for the growth of the explicitly dialectical and conceptual discussions and analyses of later talmudic and post-talmudic literature.

The Sources of the Mishnah

When speaking of the sources of the Mishnah, we must distinguish between three senses in which the term is used. First, it is used to designate the multiplicity of fully formulated tannaitic halakhic and aggadic traditions which were accessible to Rabbi when he began to redact his Mishnah (see the following section below). The second sense in which we use the term is to designate earlier and more primitive forms of these halakhic and aggadic traditions, stemming perhaps from the first generations of tannaitic activity. The extant body of tannaitic literature often quotes and interprets such earlier traditions. An examination of the various forms in which these traditions have been preserved in the extant tannaitic works provides indirect evidence for their existence, and to a certain extent for their reconstruction. The third sense in which we speak of the 'sources' of the Mishnah is in regard to ancient pre-literary traditions, stemming from the Second Temple period,

which may have served as the background for the formulation of the earliest level of tannaitic literary activity.

With regard to this third sense, it has been claimed that the roots of tannaitic halakhah extend backward, "long before the destruction of the Second Temple" (Albeck, *Unter.* 3). In support of this position, scholars have pointed out numerous parallels between certain assumptions of tannaitic halakhah and similar positions reflected in the books of Judith and Jubilees, the Septuagint, as well as Philo, Josephus, and the Dead Sea writings (Safrai, 134–146). As further testimony to the antiquity of tannaitic halakhah, scholars have pointed to "internal evidence" within the Mishnah itself (Hoffmann, *Die Erste Mischna;* Epstein, *Tannaim*, 18ff.). This testimony, however, usually involves little more than descriptions of events or practices which supposedly took place in Second Temple times (*Tann*. 36, 57), without any concrete proof that the tannaitic formulations themselves actually derive from an earlier period. As impressive as these arguments are, they concern at best the cultural prehistory of tannaitic halakhah, but not the concrete history of the development of tannaitic literature itself. So long as this distinction remains clear, these investigations into the "roots" of tannaitic halakhah against the background of earlier periods can only contribute to our understanding of the Mishnah and its content.

We also speak (in the second sense mentioned above) of the sources of the Mishnah with regard to the earliest historical levels of tannaitic literature. Even the most conservative talmudic scholars admit that tannaitic *literature* (as opposed to tradition) is the product of a change which occurred, at the very earliest, around the end of the Second Temple period. "Our Mishnah collection is the result of the intellectual work of several generations, extending over hundreds of years, which served to preserve, transmit, and to develop the oral tradition which was transmitted along with the written teaching – the Torah. The halakhot, which up to that time remained undecided and to a certain extent fluid, received in our Mishnah a fixed form, and so were preserved and not forgotten" (Albeck, *Unter*. 3). Even the earliest strata of tannaitic sources possess a literary "form." These literary forms were capable of being repeated and memorized, and so "preserved and not forgotten." In this way "tradition" became "mishnah."

If this were the whole story, the historical study of the Mishnah would be quite simple. However, "the simple fact is that the Mishna found its final redaction only by the end of the second century C.E., and that much development had taken place in the Tannaitic period which preceded" (Safrai 133). At some point in the history of the tannaitic period, these early mishnaic sources became the object of intense study and analysis, and, as we saw in the previous section above, tannaitic analysis can result in radical reinterpretation of these earlier mishnaic sources.

Albeck described in detail (*Unter.* 5–13) many of the ways in which later tannaim interpreted and expanded earlier, relatively primitive halakhic sources. Sometimes, taking a relatively short and simple tradition as their starting point, they would posit a series of additional layers of interpretation and elaboration. Sometimes later scholars would analyze the words of an earlier Rabbi, concluding that his halakhah reflected a more general principle. They would then take his words from their original context and copy them over, virtually verbatim, in another context, in which, according to their understanding, they should equally apply. Sometimes they would "interpolate" the original halakhah, i.e., insert interpretive comments of various lengths into the language of the original source. Albeck showed that these interpretive additions were sometimes drawn from other mishnaic sources found nearby in the same tractate. Sometimes an identical source was preserved in different schools or in different tractates within the Mishnah itself. In this case, the same original source might be expanded and interpolated in different ways, resulting in divergent, and even in contradictory versions of the same original tradition.

Other scholars went further than Albeck, asserting that tannaitic interpolation could also involve the *elimination* of words or passages from an original source, or even the *reformulation* of the original language itself, in line with some interpretation accepted by a later Rabbi. Epstein, for example, held that even the most ancient traditions "were *reworked* by later tannaim, and passed through the channels of intermediate redactors, who added to them and *subtracted* from them" (*Tann*. 57). Albeck explicitly rejected both of these notions (*Unter.* 12), and the reasons for his position will be examined below in the following section. It is nevertheless quite clear that the extant tannaitic sources cannot be relied upon to preserve traditions in the original form in which they were studied by earlier generations of tannaim.

This reservation should be kept in mind, not only with regard to the earliest literary layers of the Mishnah, but also with regard to traditions ascribed to the intermediate and later generations of tannaim. The tannaim who were active from the destruction of the Temple and up to the time of Rabbi are usually divided into four generations. The earliest tannaitic traditions – ascribed to Bet Hillel and Bet Shammai – are often the subject of debate, not only regarding the correct interpretation of their words, but even with regard to the words themselves. Similar disputes, however, are also found concerning Rabbi Joshua, Rabbi Eliezer, as well as Rabbi Akiva and his disciples, Meir, Simeon, Judah, etc. The attempt, therefore, to analyze the text of Rabbi's Mishnah into four distinct literary levels, and then to assign each level to a particular historical period or personality – as attempted by A. Goldberg in his commentaries on the Mishnah – is suggestive, but remains somewhat problematic for the reasons outlined above.

The most promising method for recovering earlier forms of tannaitic tradition remains the exhaustive analysis of *particular cases*, based on the detailed reconstruction of the process of interpretation and interpolation which resulted in the various parallel versions of a given source which we possess today. Albeck, and most notably Epstein, provide solid models and many excellent examples of this kind of analysis.

In the short span of these four generations, the tannaim produced a considerable body of halakhic and aggadic traditions – traditions which served as the immediate literary sources (in the first sense mentioned above) for Rabbi's Mishnah. Much of the evidence for these literary sources is found in the other extant tannaitic works, the Tosefta and the tannaitic midrashim, which were edited in the Land of Israel in the generations immediately following Rabbi, and in part by his own disciples. These works preserve many parallel traditions to those included in the Mishnah, in forms which often seem to be more original than those found in Rabbi's Mishnah itself. The comparison of these parallel traditions, together with the results of the critical analysis of the Mishnah text itself, provides the basis for an examination of the redaction of the Mishnah.

The Redaction of the Mishnah

The question of the form and purpose of the final redaction of the Mishnah has long been a topic of scholarly debate. In the twentieth century this debate focused on the question whether the Mishnah should be seen as a code of relatively self-consistent and authoritative religious practice (Epstein), or as an anthology of frequently contradictory sources (Albeck). As so formulated, this dispute seems somewhat artificial. On the one hand, there is no reason to assume that the final redaction of the Mishnah was governed by one single overriding principle. On the other hand, the redaction of the Mishnah could reflect a preliminary, but as yet incomplete, effort to bring order and consistency to the body of tannaitic halakhah. Beneath the surface of this discussion, however, lies a far more fundamental and significant disagreement concerning the way in which Rabbi adapted and modified his source material in the redaction of the Mishnah.

Albeck's views on this issue are laid out in his German work, *Untersuchungen ueber die Redaktion der Mischna* (1923). This work, which is based almost exclusively on a critical examination of the Mishnah itself, describes a range of significant literary phenomena. From these phenomena Albeck drew a number of important conclusions, some of which are highly persuasive, others less so. Among the phenomena which Albeck described: (1) literary units including more than one topic, brought intact in more than one tractate, even though only part of the unit is relevant in each place; (2) parallel material found in more than one tractate, to which additions have been made in one tractate only, even though these additions seem equally relevant in the other tractate as well; (3) halakhot found in a given tractate, which do not belong to the subject matter of that tractate, and which are not found at all in the relevant tractate; (4) halakhot found in more than one tractate, which in one place contain conditions and alternative positions not found in the other tractate; (5) alternative versions of the same halakhah in different places in the Mishnah which present the same content in different language; (6) lists of phenomena with a common characteristic, which fail to include similar elements listed elsewhere in the Mishnah which seem to share the same characteristic. On the basis of these and many other similar phenomena, Albeck concluded that the final redaction of our Mishnah did not reflect a comprehensive and sustained effort to revise, adapt, and reorganize its source material into a consistent and unitary whole (*Unter.* 39). On the contrary, the evidence seems to show that the final redactor (Rabbi) preserved much material in the form and in the context in which he received it, even when this material did not wholly correspond, or was even contradictory, to material included elsewhere in the Mishnah.

This conclusion – as far as it goes – seems highly persuasive. However, on the basis of this evidence Albeck went on to conclude "that the Tannaitic schools, including the final redaction of the Mishnah, arranged the individual mishnayot in the context and in the form in which they were originally learned; that they did not allow themselves to interfere in any way with their internal composition, neither did they dare to separate elements which originally belonged together; but rather that they conscientiously and faithfully transmitted these mishnayot, and systematized them" (*Unter.* 12). Albeck here seems to move beyond his evidence in two respects. First, on the basis of extensive, but still limited, evidence, he posits a universal, rather than a limited rule. Second, on the basis of this general rule, which has at most the status of an empirical observation, he posits a *necessary* rule – telling us not only what the Rabbis did or did not do, but rather what they *would not allow* themselves, or *would not dare* to do.

While Albeck's view of the Mishnah as an anthology has been accepted by recent scholars (cf. A. Goldberg, Literature, 214), it would seem that the more fundamental position which underlies his view has remained largely unexamined. For example, it is unclear how Albeck would reconcile his description of Rabbi's ultra-conservative approach to the final redaction of the Mishnah, with his own description (see above) of the creative interpretive process which gave rise to the multiplicity of sources which were available to Rabbi. Did the earlier tannaim "dare" to modify traditional sources in a way which the later tannaim viewed as illegitimate? Alternatively, is there some fundamental difference between modifying the interpretation of an earlier tradition by means of addition, interpolation, and transfer from one context to another, on the one hand, and subtraction and restatement on the other? Epstein's rather brief discussion of the issue (*Tann.* 225–226) hardly does justice to the complexity of Albeck's work. Moreover, the recent surveys of Albeck's work seem to have neglected the extensive evidence brought in his early research written in German, and to have based their assessment of his work solely on his late, popular summaries, published in Hebrew (*Modern Study*, 209–224). The fundamental validity of the substance of Albeck's claims is not in question, but rather only the apodictic and universal form in which he expressed them. It is this aspect which must first be reexamined, in order to make room for alternative insights into other aspects of Rabbi's redactional activity. For this purpose, one clear counter-example will suffice.

Tosefta Ḥullin 8:6 transmits a tannaitic dispute about a case in which a drop of milk fell into a pot containing pieces of meat. Rabbi Judah adopted a strict position, while the sages adopted a more lenient position. The Tosefta then states: "Rabbi said: The position of Rabbi Judah seems reasonable in a case where he didn't stir or cover the pot, and the position of the sages in a case where he stirred and covered the pot." Rabbi's position in the Tosefta represents a compromise between the extreme positions of Judah and the sages. The parallel anonymous halakhah found in Mishnah Ḥullin 8:3 matches precisely the compromise position ascribed to Rabbi in the Tosefta. This case of Mishnah and Tosefta Ḥullin provides a somewhat unusual opportunity to observe all three stages in Rabbi's redaction of a tannaitic tradition: (1) "raw" source material received from the previous generation of tannaim (R. Judah and the sages); (2) Rabbi's own editorial comments upon this source (Tosef. Ḥul. 8:6, end); (3) the final result of the editorial process (Mishnah Ḥullin 8:3). It would stretch the limits of credulity to maintain that Rabbi did not "interfere in any way with the internal composition" of his sources in the redaction of Mishnah Ḥullin 8:3. On the contrary, it is quite clear that he adopted part of R. Judah's ruling, part of the sages' ruling, and applied them to new and modified case descriptions, introducing the distinction between a situation where he "stirred and covered the pot" and one where he "didn't stir or cover the pot" – a distinction which neither R. Judah or the sages ever entertained.

This example shows that Rabbi indeed "dared" and "allowed himself" to add, to subtract, and to reformulate his source material in the process of redacting the Mishnah. Epstein, in his various works, adduced many examples of this kind of creative redactional activity. Recently, S. Friedman has revisited this issue in an extended redactional study of the parallel traditions found in Mishnah and Tosefta Pesaḥim (*Tosefta Atiqta*). Nevertheless, the question still remains open as to the relative weight we should ascribe to these two competing redactional tendencies – the creative (Epstein, Friedman) and the conservative (Albeck) – within Rabbi's literary activity as a whole.

The Later Development of the Text of the Mishnah

In the generations following its redaction, Rabbi's Mishnah achieved an unparalleled prominence and authority in the religious life of the Jewish communities both in Erez Israel and in Babylonia. To a large extent this story belongs to the history of later tannaitic and amoraic literature. In one regard, however, it is relevant to the history of the Mishnah itself. During – and as a result of – this gradual process of disseminaton and acceptance, the Mishnah changed. Instead of a single uniquely authoritative Mishnah as redacted by Rabbi, the amoraic period is characterized by a multiplicity of *different versions* of Rabbi's Mishnah. The Mishnah as studied and transmitted in the Babylonian rabbinic tradition differed significantly from the Mishnah as studied and transmitted in the Palestinian rabbinic tradition. Moreover, there are clear indications of considerable differences between different versions of the Mishnah as studied and transmitted in the various rabbinic academies within the Babylonian and the Palestinian communities themselves.

These different versions of the Mishnah are reflected in the divergent citations of individual Mishnah passages in the Talmud Yerushalmi and the Talmud Bavli, as well as in the variant readings of medieval manuscripts and early editions of the Mishnah. This multiplicity of versions of the Mishnah text presents difficulties, not only for the student of the Mishnah, but also for the scholar who wishes to understand the origin and significance of these variant texts. The classic analysis of these phenomena is found in Epstein's *Introduction to the Text of the Mishnah* (1948). For a preliminary survey of its contents, see Bokser, *The Modern Study of the Mishnah*, 13–36. For an evaluation of its continued importance and its impact on modern scholarship outside of Israel, see Neusner, *The Study of Ancient Judaism I*, 9–12.

While the opening pages of Epstein's book have been the object of intense analysis and debate, it is primarily the second (pp. 166–352) and third (pp. 353–404) sections of his work which concern us here. The question Epstein deals with in these sections is the attitude of the early generations of amoraim to the text of Rabbi's Mishnah, and the impact of their studies on the development of the Mishnah text itself. After an exhaustive analysis of the activity of the first several generations of amoraim, Epstein concluded that the most significant variants in the textual tradition of Rabbi's Mishnah were not the result of errors in transmission, but rather reflected the cumulative impact of an ongoing process of conscious emendation of the text of the Mishnah. He summarized these findings in the following words: "From here we learn to recognize the fundamental nature of the 'emendations' of the Amoraim (at least the early ones), that they – like the 'emendations' of the Tannaim – are never strictly speaking emendations as such, but rather *textual variants* – if one may speak in such a fashion – reflecting *editorial revision*, whose cause and source is a dissenting opinion" (p. 218).

For Epstein the term 'emendation' signified the attempt of a later scholar to restore a corrupt text to its earlier original form. "Editorial revision," on the other hand, signified the conscious modification of an historically correct original text, in order to bring it in line with some external standard of authority or truth. The "dissenting opinion" which could provide, according to Epstein, the justification for an "editorial emendation," was regularly to be found in a tannaitic *baraita* – an alternative authoritative halakhic tradition. One should not, however, exclude the possibility that the individual halakhic judgments of some of the leading scholars among the first generations of the amoraim could also provide sufficient grounds for "editorial emendations" of the text of the Mishnah. In general, the very notion of "editorial emendations," as developed by Epstein, seems to presuppose that Rabbi's Mishnah was accepted as a fundamental study text in the amoraic academies some time before it was finally accepted as a uniquely authoritative corpus of normative halakhah.

As the amoraic period went on, the text of Rabbi's Mishnah became more and more sanctified in the eyes of the talmudic scholars. As a result, emendations of the Mishnah text became rarer and rarer. When confronted with an apparent contradiction between the text of the Mishnah and an alternative halakhic position, found in a baraita or in the words of an early amora, the later talmudic tradition had recourse to various kinds of forced interpretation of the Mishnah. In this way it 'resolved' contradictions between these competing sources of halakhic authority. These forced interpretations of the Mishnah often bear a striking resemblance to the 'editorial emendations' of the earlier generations of amoraim. Epstein went to great lengths to distinguish between these phenomena, as well as to describe and to categorize the various forms in which they appear.

By providing a comprehensive analysis and categorization of both the real and the apparent textual variants of the Mishnah attested in talmudic sources and in medieval manuscripts, Epstein's work was supposed to provide the foundation for a critical edition of the Mishnah. After more than 50 years since the publication of his work, this critical edition is still "in preparation." Various other attempts have been made to produce modern scientific editions of different parts of the Mishnah, and in the meantime scholars are still involved in the analysis and assimilation of the ramifications of Epstein's groundbreaking research for the future study of the Mishnah.

Finally, we should note that Epstein's notion of 'editorial emendation' has far-reaching ramifications for the entire field of talmudic research: for the relation between Mishnah and Tosefta; for the relation between talmudic baraitot and parallel traditions in tannaitic works; for the relation between the various redactional levels of talmudic texts; for the understanding of the textual variants found in the manuscript traditions of the Babylonian Talmud. At the same time, it must be emphasized that this notion was unequivocally rejected by Albeck and by a number of his followers. The reasons for Albeck's position (and some reservations regarding it) were outlined in the previous section.

The Traditional Interpretation of the Mishnah

Evidence for the interpretation of Rabbi's Mishnah can be found in the statements of the earliest amoraim – their *memrot* – many of which take the form of comments and additions to the text of the Mishnah. Also, the talmudic *sugya* (discussion) as a literary whole often takes as its starting point the text of the Mishnah and its interpretation, and even when a sugya begins elsewhere, the text of the Mishnah and its interpretation usually come up at some point in discussion, playing a significant role in the development of the argument. The sugya may begin by asking for the scriptural source of the halakhah of the Mishnah, and then proceed to quote the relevant parallel text from the *midrash halakhah*. The sugya may ask about the identity of the tanna who taught an anonymous halakhah brought in the Mishnah. In answer, the sugya will often quote a parallel *baraita* which ascribes the halakhah of the Mishnah to a particular tanna by name, and then goes on to inform us of alternative halakhic positions held by this tanna's contemporaries, and passed over by Rabbi's Mishnah.

While these talmudic sugyot, together with the parallel traditions in the Tosefta and the tannaitic halakhic midrashim, provide the starting point for any informed commentary on the Mishnah, they can also frequently be misleading. The parallel tannaitic traditions may reflect positions similar to, but not identical with, those recorded in Rabbi's Mishnah. The talmudic sugya may take the text of the Mishnah and its interpretation as its starting point, but along the way it also entertains other positions, both tannaitic and amoraic. The synthetic bottom line of the sugya, therefore, will not necessarily correspond – in any simple sense – to any of these individual traditions taken in isolation.

While the post-talmudic period saw the composition of a number of important Mishnah commentaries, the lion's share of talmudic scholarship during this period (up to about the 15th century) focused on the exposition of the Babylonian Talmud as a whole – with the Mishnah playing a distinctly secondary role within that whole. From the earliest period we possess a commentary of the *geonim* to Seder Toharot (ed. J.N. Epstein), which consists primarily of the explanation of difficult words. From the 11th century we possess a commentary by R. Nathan Av ha-Yeshivah on the entire Mishnah, also providing explanations of difficult words, along with brief comments. From the 12th–14th centuries, the period of the **rishonim* (early commentators), we possess a number of more extensive – and more substantial – commentaries, focusing on those parts of the Mishnah which have no Babylonian Talmud, such as Zera'im (with the exception of Berakhot) and Toharot (with the exception of Niddah). Extended works of this sort were composed by R. Isaac ben Melchitzedek, R. Asher ben Jehiel, R. Samson ben Abraham, and shorter ones on individual tractates, like R. Abraham ben David on Eduyot.

By far the most important Mishnah commentary from this early period (12th century) is that of *Maimonides. It is the only extensive commentary on the entire Mishnah which has come down to us from the time of the *rishonim*. Maimonides states in his introduction that his commentary is based on the full range of Talmudic sources – Tosefta, midrashei halakhah, the Jerusalem Talmud and the Babylonian Talmud. His avowed aim in writing his commentary was not to explain the simple sense of the Mishnah text as it stands. On the contrary, he wished to clarify those points that 'could never be derived by analysis' of a given Mishnah (Kafih, Zera'im-Mo'ed, 25), by providing the student with supplementary information found only in other talmudic works. Maimonides' goal was pedagogical – to use the Mishnah as a starting point from which the novice could begin to master talmudic halakhah as a whole.

To this end, Maimonides included in his commentary a number of important introductory essays – treating both halakhic and aggadic issues – to the Mishnah as a whole, and to individual sedarim, such as Kodashim, and especially

Ṭoharot. Similarly, he composed introductions to individual tractates and chapters, and even to individual halakhot, outlining the general principles and specific premises necessary for the proper comprehension of the halakhot under discussion. On the other hand, Maimonides often seems uninterested in how these principles actually apply to the specific cases mentioned in the Mishnah. He sometimes indicates that the student should focus on the general rules, the analysis of the details being relegated to a secondary role.

Maimonides' commentary was originally composed in Arabic and was revised constantly during his own lifetime. A new edition and translation by Rabbi J. Kafih has made both the final version and the various stages of revision available in an accurate modern Hebrew translation. Recent scholars have continued to expand and improve our knowledge and understanding of his commentary (Blau and Scheiber, Hopkins).

Special note should be made of two other commentaries from the period of the *rishonim*. The first is the commentary of R. *Jonathan ha-Kohen of Lunel. Although included in his commentary on the halakhot of Isaac *Alfasi, R. Jonathan's interpretations of the Mishnah are treated with a degree of attention and independence unusual for Mishnah commentaries from this period (cf. Friedman, *R. Jonathan Ha-Kohen of Lunel*, 7–9). The second commentary is that of the Meiri. While also part of his commentary to the Talmud, he included within it the entire text of Maimonides' commentary to the Mishnah and provided an extensive super-commentary of his own. The Meiri incorporates many of the issues raised by the Talmud into his commentary on the Mishnah, as opposed to other *rishonim*, who, following Rashi, tend to incorporate their commentary on the Mishnah into their discussion of the Talmud.

From the 15th century onward, talmudic scholarship underwent a series of important changes which had an impact on the study of the Mishnah. The exposition of normative halakhah gradually became divorced from the interpretation of the Talmud and began to center on the interpretation of the *Arba'ah Turim* and the *Shulḥan Arukh*, forming a new and specialized halakhic literature. As a result, the study of the classical talmudic works became more autonomous and more academic. No longer subordinated to the exposition of normative halakhah, commentaries were composed on the Mishnah, on the Tosefta, on the Midrashei Halakhah, and on the Jerusalem Talmud. While these commentaries remained, at first, rooted in traditional Talmud interpretation, they nevertheless began to investigate texts and traditions which had no direct bearing on any practical halakhic issues.

The earliest of these commentaries was that of R. Obadiah *Bertinoro. This relatively brief commentary is largely derivative in character, drawing mainly on Rashi's interpretations of the Mishnah imbedded in his commentary to the Talmud. Bertinoro also drew upon the commentaries of R. Samson ben Abraham, Maimonides, and others. Next in time is the commentary of R. Yom Tov Lipman *Heller, *Tosefot Yom Tov*. This work takes Bertinoro's as its starting point but is far more ambitious, examining both the talmudic literature and the literature of the *rishonim*, with the goal of determining the range of Mishnah interpretations imbedded within them. R. Solomon *Adeni's *Melekhet Shelomo* was composed at about the same time but was not published until the early 20th century. This extensive and scholarly commentary includes numerous critical textual notes based on manuscript evidence, as well as references to citations of the Mishnah in the Babylonian and Jerusalem Talmud, and in the halakhic codes and commentaries. Another important commentary was composed somewhat later (19th century) by R. Israel Lipschuetz. His *Tiferet Yisrael* provides a brief exposition of the simple sense of the text, alongside more elaborate analyses of various obscure points of interpretation.

Deserving of special note are the commentaries of the "Gaon" R. Elijah of Vilna (18th century) to various parts of the Mishnah, of the Tosefta, and of the Jerusalem Talmud. They deserve mention not only for their brilliance and originality, but also because they often interpret these sources without attempting to harmonize them with the normative halakhic tradition, rooted in the Babilonian Talmud. In this way, R. Elijah's work laid much of the groundwork for the modern critical interpretation of the Mishnah.

The Modern Interpretation of the Mishnah

The terms "traditional" and "modern" interpretation do not designate different periods of time, but rather different approaches to the interpretation of the Mishnah. Traditional commentaries – as described above – continued to be written throughout the 20th century and up to the present day. By far the most successful example is that of Pinḥas Kahati, which provides the contemporary student with succinct and accurate summaries of the classical Mishnah commentaries. We should also include in this category commentaries which, while written by modern academic scholars, are nevertheless oriented toward a traditional audience and agenda, like those of H. Albeck, D. Hoffman, and others.

By "modern interpretation" we mean primarily *historical interpretation* of the Mishnah. The program of historical Mishnah interpretation as set out by J.N. Epstein (see above) involves: (1) the identification (or reconstruction) of the literary sources of each mishnaic passage; (2) an analysis of the tendencies and results of Rabbi's redaction of each particular mishnah passage against the background of these sources; (3) a description of the reciprocal influences of the text of this mishnah on the later history of talmudic tradition, and of later tradition on the text and interpretation of the mishnah itself. The raw materials for this kind of commentary includes (in part): the direct witnesses to the textual tradition of the Mishnah (medieval manuscripts and geniza fragments), as well as the indirect witnesses (citations in ancient talmudic sources); the parallel tannaitic sources and talmudic sugyot which document the history of the halakhic and aggadic traditions; lexicographical and archaeological research.

While Epstein's own works contain analyses of hundreds of individual mishnah passages, he himself composed no extended or continuous commentary to the Mishnah. Commentaries and editions of individual tractates have addressed various aspects of this critical agenda, but the attempts made so far at producing a critical edition of the Mishnah fall far short of this ideal (Stemberger, 139–144). To date, the works which come closest to realizing this critical ideal are the Mishnah commentaries of A. Goldberg (Ohalot, Shabbat, Eruvin, Bava Kamma) and S. Friedman's comparative study of Mishnah and Tosefta Pesaḥim, *Tosefta Atiqta*.

Starting in the 1970s, a new approach to the study of the Mishnah began to emerge, centered around the person of Jacob *Neusner, and reflecting the creation of autonomous Judaic study programs within the modern secular university. In keeping with the interests and agenda of the modern academic world, the Mishnah came to be viewed historically, not only in the context of the talmudic tradition, but also in the broader context of ancient Judaism as a whole, and as part of the general intellectual and spiritual trends of late antiquity. New questions were raised regarding the formal structure of tannaitic halakhah; the literary relations between Mishnah, Tosefta and tannaitic midrash; the historical reliability of attributions and biographical traditions; the changing agenda of the different tannaitic schools over time, and so on. The mere quantity of scholarly studies produced over a short period of time – both by Neusner himself, and by colleagues and students – make it difficult to assimilate all the innovations, regarding content as well as methodology, which this new approach has generated. For example, Neusner's monumental work on Seder Toharot, *A History of the Mishnaic Law of Purities* (22 vol., 1974–1977), has never been properly reviewed or evaluated, and Neusner found it necessary briefly to restate some of his more important conclusions (*From Mishnah to Scripture* (1984); *The Mishnah Before 70* (1987)) in order to make them available to the general scholarly community. For a brief outline of Neusner's contribution to the study of the Mishnah, see *The Study of Ancient Judaism I*, pp. 14–23, which must of course be supplemented by reference to his subsequent work, especially his four volumes on *The Philosophical Mishnah* (1988–89).

Editions, Translations, and Aids to Mishnah Study

The edition of the Mishnah printed in Naples in 1492 is usually regarded as the first edition of the Mishnah. It includes the complete text of the Mishnah and Maimonides' commentary in Hebrew translation. The edition published by Tom Tov Lipman Heller, printed in Prague 1614–17 along with his commentary *Tosefot Yom Tov*, has exerted significant influence on subsequent editions of the Mishnah (see: Goldberg, Literature, 247–248). The 13-volume Romm edition (Vilna, 1908 ff.) included for the first time the *Melechet Shlomo* commentary, in addition to Bartenura, *Tosefot Yom Tov*, and *Tiferet Yisrael*. It also included references to citations of Mishnah passages in Talmudic and rabbinic literature, alternative readings, and more than "70 commentaries." Most of these consist of little more than collections of isolated comments on sporadic Mishnah passages, but some are quite significant, including the important commentaries of R. Efraim Yitzhak (*Mishnah Rishonah* and *Mishnah Aḥaronah*) and the commentaries of the Gaon R. Elijah of Vilna. The text of the Mishnah found in most editions currently available today varies little from that of the Romm Mishnah, a notable exception being the new edition of Maimonides' Commentary to the Mishnah, translated and published by J. Kafih (1963 ff.), which includes Maimonides' own (12th century) text of the entire Mishnah. For a list of the many manuscripts of the Mishnah with Maimonides's Arabic commentary, see Krupp, 260–262.

Other works include important information relating to the text of the Mishnah. For example, a critical edition of Mishnah Zera'im, based on all known manuscripts and genizah fragments, including comprehensive references to all Mishnah citations in talmudic and rabbinic literature, was published in 1972–1975 by the Yad ha-Rav Herzog Institute for the Complete Israeli Talmud. They have also included similar material in their critical edition of the Babylonian Talmud of Seder Nashim (Yev., Ket., Ned., Sot., and part of Gittin). Critical editions of various individual tractates have also appeared (Stemberger, 143–144). For the manuscripts of the Mishnah, see Krupp, 252–257; Stemberger. 139–142, and it should be noted that digital images of many of the most important Mishnah manuscripts have been posted on the website of the Jewish National and University Library in Jerusalem, either directly (Kaufman A50, Parma de Rossi 138, Parma de Rossi 497, the original manuscript of Maimonides' Mishnah text and commentary) or through links to other libraries (Munich 95). Similarly, the Talmud Text Data Bank published by the Saul Lieberman Institute of Talmudic Research of the Jewish Theological Seminary of America (available on CD-ROM) includes all the Mishnah texts and all partial Mishnah citations found in the manuscripts of the Babylonian Talmud. For translations, see Goldberg, in Literature, 248–249 and Stemberger, 144–145, the most common English translations being those of Danby (1933), Blackman (1951–56), and Neusner (1988).

The language of the Mishnah – both its grammar and its vocabulary – represent a distinct phase in the history of the Hebrew language, and as such it has been the object of intense critical study over the past fifty years. E.Y. Kutscher, Z. Ben-Haim, H. Yalon, S. Morag and many others have examined many important aspects of Mishnaic Hebrew. Much of this work, however, has remained in the form of scholarly articles aimed at professional linguists, and the fruits of this labor have yet to be made available in a form which can be of help to the ordinary student of Mishnah. We still await a new synthetic grammar book comparable in size and scope to M.H. Segal's now outdated *Grammar of Mishnaic Hebrew* (1927). Similarly, the modern student of mishnaic Hebrew must still make use of the old talmudic dictionaries of J. Levy, A. Kohut, M. Jastrow; a notable exception to this rule is M. Moreshet's

extremely useful *Lexicon of the New Verbs in Tannaitic Hebrew* (1980). The archaelogy and realia of the Mishnah have also been treated by many scholars (most notably D. Sperber), but again no comprehensive handbooks like S. Krauss' *Talmudische Archäologie* have been produced in almost a century. J. Feliks' small book, *The Plants and Animals of the Mishnah* (1983), provides simple and useful information on these topics. A regular survey of recent books and articles dealing with different facets of Mishnah study is provided by A. Walfish in the Hebrew language journal *Netuim*.

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[Stephen G. Wald (2nd ed.)]

MISHNAT HA-MIDDOT (Heb. מִשְׁנַת הַמִּדּוֹת; "treatise of measures"), considered the earliest Hebrew geometry. *Mishnat ha-Middot* comprises various methods for determining the dimensions of various plane and solid geometric figures. Its five chapters include, among other matters, a discussion of triangles, quadrilaterals, and frusta. The Heronic formula for the area of a triangle in terms of the lengths of the sides is given. For π the value of $3\frac{1}{7}$ is used and this divergence from the biblical 3 is homiletically justified. One of the extant manuscripts has a sixth chapter dealing with the Tabernacle which is similar to sections of the *Baraita de-Melekhet ha-Mishkan. In spite of the similar names, there seems to be no connection between this work and the *Baraita de-49 Middot* which is frequently cited by medieval commentators. This treatise is written in a distinctive Hebrew that combines mishnaic style with a technical terminology that has affinities with Arabic, although it stands apart from the Hebrew mathematical terminology of the Hispano-Arabic period. In content, the *Mishnat ha-Middot* belongs to the stream of Oriental mathematics represented, e.g., by Heron, Greek mathematician (c. 100 C.E.) in the Hellenistic period, and al-Khwarizmi (c. 825 C.E.) in the Arabic period, to both of whose works it offers striking parallels. Some attribute it to R. *Nehemiah (c. 150 C.E.), and see it as a link between the Hellenistic and Arabic texts, while others assign it to an unknown author of the Arabic period.

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[Benjamin Weiss]

MISHOL, AGI (1947–), Hebrew poetess. Mishol was born in Hungary to Holocaust survivors who came to Israel in 1950. She earned her B.A. and M.A. in Hebrew Literature from the Hebrew University and published her first collection of poems *Nanny ve-Sheneinu* ("Nanny and Both of Us") in 1972. Nine further collections followed, including *Gallop* (1980) and *Re'eh Sham* ("Look, There," 1999). In 2003 appeared *Mivḥar ve-Ḥadashim* ("Selection and New Poems") with an essay by Dan Miron entitled "*Ha-Sibilah ha-Komit: Al Shiratah shel Agi Mishol*" (293–443). Mishol belongs to the great dynasty of Hebrew women poets, maintains Miron. He underlines her stylistic individualism and her humorous outlook on life and on the self as a necessary condition for personal and communal mental health. Mishol was awarded the Yehuda Amichai Prize (2002) and the Tel Aviv Foundation Award. She teaches poetry in the M.A. Program in Creative Writing at Ben-Gurion University, works as a translator and literary critic for radio and written media, and grows peach and persimmon trees in her village, Kefar Mordechai. A bilingual edition, *The Swimmers,* appeared in English (1998). For further information concerning translations see the ITHL website at www.ithl.org.il.

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[Anat Feinberg (2nd ed.)]

MISHPAT IVRI.

This article is arranged according to the following outline:

DEFINITION AND TERMINOLOGY
"RELIGIOUS" HALAKHAH AND "LEGAL" HALAKHAH
Common Features
Distinguishing between "Religious" and "Legal" Halakhah – Ritual and Civil Law