Large-Scale Reading of Laws and Tractates

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Laws tell stories. Laws are not merely rules that guide behavior. Their very wording reveals a particular position, a picture of the world, a glimpse of ways of life. The formulation of a norm holds within it a worldview that evokes particular associations; it expresses a particular social and cultural context, or a utopian conception of such a context, behind which lies valuable information about the world of those who formulated the law. With his characteristic acuity, Bialik captured the fact that law, or halakhah (Jewish religious law), can contain much in very little. Of the ruling that "all the sacred writings may be rescued [on the Sabbath] from a fire," Bialik wrote: "A minor detail of halakhah, a trifling dispute—is that not so? Yet who could fail to recognize at once that this small, dry ruling contains, in an extraordinarily compressed but as complete a form as possible, an entire, vivid picture of the historical and psychological relationship of various factions within the nation to two of its chief possessions: its literature and its language."[1] It is no accident that Bialik's example comes from the Mishnah. The Mishnah is a canonical text, an original Jewish work written in Hebrew, and the source of all the halakhic codes. It was redacted by Rabbi Judah the Patriarch around 200 CE and preserves the views of the sages, the Tannaim, who lived in the two centuries preceding the destruction of the Temple and in the period down to its redaction. In this book I propose a new way of understanding the Mishnah: reading its tractates as stories in their own right, and thereby uncovering the existential dilemmas and problems they seek to confront.

Traditional philological and historical scholarship on the Mishnah focused on the origins of words and on cultural influences embedded in the text, such as Hellenistic or Roman influences. Philologists assumed that understanding the Mishnah depended on establishing its precise wording and the historical context in which it was written. Their work centered on close study of the other languages of the period and on comparing different textual versions with manuscripts from that period. Other scholars adopted a more distinctly literary approach, emphasizing that this was a text recited orally. To make the Mishnah readily memorable, its formulators and editors worked into it recurring turns of phrase, wordplay, and aphorisms that would leave an imprint on the memory. These might appear, for example, at the beginning and end of a chapter, in connection with seemingly unrelated matters. The shared literary language points both to a unified redaction and to a common meaning linking the different subjects.

Another approach to the study of the Mishnah combined philological and historical scholarship with cultural criticism. This approach embraces the effort to establish precise wording by comparing manuscripts, as well as the study of classical sources and the languages of the period. It does not, however, regard the meaning thus uncovered as an "archaeological find" that provides a definitive explanation of the text and its linguistic system. Its basic premise is that reading texts always involves a perspective informed by particular theories, views, and

1 H. N. Bialik, "Halakhah and Aggadah," in *The Collected Works of H. N. Bialik* (Dvir, 5731 [1971]), p. 217 (Hebrew).

cultural and ideological worldviews. Interpretive reading therefore calls for caution and transparency.

I propose another way of reading the Mishnah, which I call the "large-scale reading." A large-scale reading treats the tractates of the Mishnah as stories. At the heart of a story—any story—are a problem and its solution, a dilemma and its resolution. A story usually involves a protagonist who encounters an obstacle, undergoes a process, and finally overcomes the obstacle or finds a way to deal with it. In the same way, I seek to read a halakhic collection as a story and to uncover the dilemma it seeks to resolve.

Attentive readers of texts in any genre—a newspaper article, a statute, a novel, or a poem—naturally try to understand the text as a whole, or as a reflection of a dialectic of ideas expressed through its arrangement. The text's editorial layers, or the revisions made to it, are important and interesting in their own right. But the question that preoccupies the attentive reader is what story the text tells, what question it sets out to answer, or what problem it seeks to solve. A halakhic collection, too, was redacted to address problems that troubled its authors and editors. The rulings and disputes it contains both reflect the problem and grapple with it.

The large-scale reading seeks to understand not only the direction of a single chapter within a tractate, but the editorial purpose of an entire tractate. Its guiding assumption is that the tractate is the basic, self-contained textual unit within the six orders of the Mishnah. It has one central subject and allows for textual development by virtue of its length. These features make the tractate the more interesting unit of the Mishnah.

Tractate Sotah offers a good example. Only its first six chapters deal with the ritual performed for a woman suspected of adultery; the remaining three deal with rituals recited only in the sacred tongue. At first glance, these three chapters seem to have been included by association: chapter seven opens with rituals that may be recited in any language, including the ritual for the suspected adulteress, and then proceeds to rituals recited in the sacred tongue. But a large-scale reading requires us to understand the connection between the two subjects and the problem that their conjunction seeks to address. We must try to explain the deeper connection between the argument taking shape in the tractate's opening chapters and the one developed in its final chapters.

This, then, is a structuralist approach that takes an overview of the tractate. It does not contradict a close reading of individual units of the Mishnah (mishnayot) and of chapters; it complements it. By identifying the tractate's central concern, we can also shed light on individual mishnayot. In the case of Sotah, I show that a large-scale reading reveals that the problem the tractate seeks to address is, in fact, messianism. The tractate champions the institutional mediation of the sages and rejects identifying the messiah with a person living within the community. This reading leads to a further claim: if Sotah, in its final redaction comprising all nine chapters, indeed criticizes the idea of messianism—perhaps in response to the Bar Kokhba revolt—and favors the institutional mediation of the sages, then it is the first text in rabbinic literature to link messianism with idolatry: the adultery of the people of Israel, which in the Bible means idolatry and following other gods, is in fact the pursuit of the messianic idea. Similarly, a large-scale reading teaches us that tractate Makkot is concerned less with flogging than with the justification for commuting offenders' sentences, while tractate

Ta'anit is concerned less with the practices of fasting than with confronting a God who rejects and remains silent.

As I have said, laws tell stories. To be precise, they do more than preserve fragments of reality, as does Bialik's example, "all the sacred writings may be rescued from a fire." They also express a particular ideological outlook. When the House of Hillel and the House of Shammai disagree about an egg laid on a festival, they reveal two positions on a more fundamental question. Louis Ginzberg argues that the positions expressed by the two schools in various disputes reveal a conservative outlook associated with the upper middle class, represented by the House of Shammai, as against a progressive outlook identified with the lower classes, represented by the House of Hillel. Finding the larger question at stake in a small dispute is routine work for scholars of the Mishnah and scholars of law.

Yet studying the sages' disputes raises another question: why was this particular dispute chosen as the means of presenting the ideological difference between the parties? Why, for example, was the question of whether one may lay one's hands on a sacrificial animal on a festival, as part of the process of atonement, presented as the first dispute ever to arise in halakhah (Tosefta Hagigah, chapter 2)? There is, of course, the historical argument: perhaps this really was the first dispute. But if so, why was it important to state that it was the first? And what was it about laying hands on a sacrificial animal on a festival that made this the sages' first dispute?

To answer this, I think we must consider the context in which the ruling appears. As I have already suggested, collections of laws, too, tell stories. An individual ruling, especially in its casuistic form, may serve as a poetic metaphor or a symbol of an ideal state of affairs, or offer a critical view of the present state of affairs. A collection of laws, by contrast, is closer in form to prose fiction. One important feature of a prose narrative is the presence of a problem and its solution, a dilemma and its resolution. A story involves a protagonist's encounter with an obstacle, the process the protagonist undergoes, and the overcoming of the obstacle or an attempt to deal with it. Looking at a collection of laws as a story can do much to uncover the problem that the collection and its arrangement seek to address. A collection of laws is put together to address problems of a particular kind, and its laws both reflect a problem and grapple with it.

Here is a small but significant example. The Law of Return, 5710-1950, grants every Jew, as well as a Jew's family members, the right to immigrate to Israel—to make aliyah, literally "ascent." In terms of the rights it confers, this is an inclusive law: it grants that right to every Jew and to non-Jewish family members as well. Yet reading the law as a complete literary unit reveals an exclusive tendency within it, one that labels people and assigns them value. Under section 4, every Jew born in the country, whether before or after the law came into force, is treated as someone who immigrated under its provisions. The law thus tells a story of "aliyah": even someone born in the country is considered an oleh, a person who has made aliyah. In this sense, it is symbolically significant that all the Jewish residents of the State of Israel are deemed to be olim. The term "aliyah" carries positive associations and marks Jews who have not immigrated to Israel as inferior. Section 3 provides that an oleh's certificate shall also be granted to someone who, after arriving in Israel, expresses the wish to settle there. It further provides that the restriction on granting such a certificate to a person who might endanger public health shall not apply to someone who fell ill after arriving in Israel. The law states: "A

person shall not be deemed to endanger public health on account of an illness contracted after arriving in Israel." The Hebrew word le-regel, translated here as "on account of," is puzzling in this context. It is normally used in positive contexts: on the occasion of a party, on the occasion of a celebration. Its use emphasizes the favorable view of the decision to settle in Israel: even illnesses contracted there do not detract from the positive value attached to settling in the country.

A careful reading of section 4A dims the impression that the law embraces and includes. This section, added in 1970, grants the right of aliyah to the child and grandchild of a Jew and to their spouses as well. The natural place for this addition would have been section 1, which should have read: "Every Jew and his or her spouse, child, and grandchild, and their non-Jewish spouses, are entitled to immigrate to the country." Instead, the non-Jewish family members were added at the end of the law. This editorial decision reflects an active tendency within Israeli society to reject the non-Jewish family members who immigrated under the Law of Return and to treat them with estrangement. A law's language and arrangement are inseparable from the way it is read. They reflect an ideological position, whether consciously or unconsciously.

What, then, of the first dispute, concerning the laying on of hands on a festival? Here we have an example from rabbinic literature in which an entire chapter tells a different story, larger than the story told by each individual mishnah; bringing them together creates something new and different. The second chapter of the Tosefta to tractate Hagigah—the Tosefta being an edited tannaitic source that supplements the Mishnah—is significant in the history of tannaitic literature because it addresses three important matters that concern the nature of halakhah itself. Its first question is how, if at all, to engage with the Account of the Chariot, that is, with metaphysical or mystical questions. The second matter is an account of how disagreement arose in halakhah. The chapter describes a state of affairs in which there were initially no disputes in Israel; disputes began to arise only when there were increasing numbers of students who had not received the halakhic tradition properly and fully from their teachers. The third question concerns laying hands on a sacrificial animal on a festival: the first dispute ever to divide the sages. Anyone who reads this chapter with an eye to its structure and metaphors, treating the particular dispute as a metaphorical window onto an entire world of concepts, must account for the conjunction of these three matters. Why do the restrictions on engaging with the Account of the Chariot appear alongside the account of the development of disagreement and the description of the first dispute in the history of rabbinic Judaism? What common issue does this unusual chapter address? What question or dilemma does it seek to confront? And what does the order in which its subjects are presented express?

The second chapter of Tosefta Hagigah contains one of the best-known stories in rabbinic literature. Section 3 states:

"Four entered the orchard: Ben Azzai and Ben Zoma, Aher ("the Other"), and Rabbi Akiva. One peered and died; one peered and was harmed; one peered and cut down the saplings; and one ascended [Jerusalem Talmud: entered] in peace and descended [Jerusalem Talmud: left] in peace. Ben Azzai peered and died. Of him Scripture says: 'Precious in the eyes of the Lord is the death of his faithful ones' (Psalms 116:15). Ben Zoma peered and was harmed. Of him Scripture says: 'If you find honey, eat only your fill,' etc. (Proverbs 25:16). Elisha peered and

cut down the saplings. Of him Scripture says: 'Do not let your mouth cause your flesh to sin,' etc. (Ecclesiastes 5:5 in Hebrew numbering; 5:6 NKJV). Rabbi Akiva ascended in peace and descended in peace. Of him Scripture says: 'Draw me after you; let us run,' etc. (Song of Songs 1:4)."

This passage belongs to what scholars have called the "mystical collection": the first seven sections of the second chapter of Tosefta Hagigah, which deal with ways of discussing the Account of the Chariot. Interpretations of "Four entered the orchard" have focused on what the orchard is: does it represent mystical experience, or an inquiry into questions of justice, reward, and punishment in this world? Two points emerge from the passage's literary arrangement. First, it tells a story of mounting danger as one ventures farther into the orchard. The verb "peered" is used of each of the first three sages, yet the wording indicates that Ben Zoma's peering was not the same as Ben Azzai's. Elisha ben Avuyah is said to have "cut down the saplings" of the orchard: in his case, it is explicitly stated that he physically entered it and cut down its saplings. Elisha is right inside the orchard, felling and cutting down its trees. The baraita then explicitly describes a further physical advance by Rabbi Akiva: he went in, or ascended, but also came out, or descended. It is very difficult to understand the arrangement of this baraita—a tannaitic source "external" to the Mishnah—unless we accept that it tells a story of physical progression into the orchard: Ben Azzai's peering into it, Ben Zoma's deeper penetration, Elisha ben Avuyah's cutting down of the saplings, and Rabbi Akiva's entry and departure.

Moreover, according to the story, this progression entails danger, but the danger is spiritual rather than physical. The physical harm described in the story diminishes as the spiritual harm grows. Ben Azzai peers and dies. Ben Zoma, who, as the baraita progresses, crosses farther into the orchard than his companion, is physically harmed but does not die. Elisha ben Avuyah, who actually enters the orchard, suffers no physical harm, but something has clearly happened to his personality with devastating consequences. Rabbi Akiva, who spends the longest time physically within the orchard, since he enters it and leaves it, suffers neither physical nor spiritual harm. In other words, distance from God, or the nature of cleaving to God, is the subject of this baraita. Its governing logic is that of drawing near, the danger in drawing near, and the right way to draw near.

In the Tosefta, then, the orchard is a metaphor for the proper relationship with God. At first glance, it is difficult to infer from the baraita the character of each model of closeness presented by the sages. The greatest question concerns Rabbi Akiva: how does he escape danger while spending the longest time in the orchard? Yet the baraita leaves clear signposts for understanding each model. Each sage is "assigned" a book from the Jewish canon. Psalms is Ben Azzai's book: "Precious in the eyes of the Lord is the death of his faithful ones" (116:15). Psalm 116 celebrates the hierarchical relationship between God and the human being: "O Lord, I am your servant; I am your servant, the son of your maidservant; you have loosed my bonds" (verse 16). On this reading, worshiping God with the consciousness of a servant before a master is the least dangerous form of worship and marks a safe distance from God. This makes a crucial point about martyrdom and the sanctification of God's name. Martyrdom does indeed signify closeness to God, but in terms of distance and the character of the relationship, it symbolizes a great distance from God and arises from a servant's relationship to

a master. This closeness may be extremely dangerous physically, but it poses no spiritual threat, nor does it involve entry into the divine realm. It involves only peering into the orchard.

Proverbs is assigned to Ben Zoma, whose peering, by the logic of the story, suggests a deeper entry into the orchard. Proverbs is a book of practical wisdom with a conservative worldview: it upholds the doctrine of reward and punishment and cultivates an optimistic view of the world. Ben Zoma draws nearer to God. He goes a little farther into the orchard; his peering involves setting a foot inside. This approach entails less physical danger: he is merely harmed, whereas Ben Azzai dies. The verse cited for Ben Zoma is "If you find honey, eat only your fill, lest you have too much of it and vomit it up." It addresses the question of the proper distance directly. The next verse says: "Let your foot be seldom in your neighbor's house, lest he have his fill of you and hate you" (verse 17). What is celebrated is moderation in a relationship: moderation and distance. The verses counsel keeping a distance from one's neighbor and visiting at appropriate intervals. Reducing the distance and visiting frequently—as we all know, features of any intense interpersonal relationship—endanger the relationship and may result in vomiting and hatred.

What is the nature of Ben Zoma's relationship with God? Ben Zoma wants to understand God. He examines God's ways from a conservative perspective, thereby giving meaning to the world and ascribing morality to God. This is a drawing near, because it involves a desire to understand God in human terms. Yet the prior assumption that suffering in the world has an a priori moral meaning marks, according to the baraita, a distance from God.

Elisha ben Avuyah is paired with Ecclesiastes. In form, Ecclesiastes appears to be a book of practical wisdom, with its short verses, for example. In fact, it is a work of speculative, philosophical wisdom that casts profound doubt on God's justice and his ways in the world. Elisha is very close to God: he is inside the orchard, but he cuts down its saplings. In terms of closeness, cutting down the saplings represents a relationship in which self and other are so close that the boundaries between them become blurred, and each person's self is so exposed that injury becomes inevitable. There is no physical danger inside the orchard. The close, intimate relationship of cleaving to God poses a spiritual danger alone.

The optimal model, according to the passage, is Rabbi Akiva's: he ascended in peace and descended in peace, and the book assigned to him is the Song of Songs. The relationship between a man and a woman, rather than that between servant and master, is thus the baraita's prescription for the relationship between human beings and God—particularly the relationship portrayed in the Song of Songs. It is not one of cleaving and union between the man and the woman. There is physical closeness—"his left hand is beneath my head, and his right hand embraces me"—but mystery, desire, and missed encounters are the book's hallmarks. "Draw me after you; let us run" is the verse said of Rabbi Akiva. It speaks of "running after," rather than "walking with." Whereas Proverbs makes a priori assumptions about God's morality, and Ecclesiastes rejects those very assumptions, the Song of Songs is written out of love. It does not attribute a dogmatically positive meaning to God, but considers his deeds with the generosity reserved for lovers.

As I have said, the love portrayed in the Song of Songs involves no "cutting down the saplings." The book's eroticism is preserved precisely by the distance between the two lovers. This is the baraita's optimal image of the relationship with God: love that maintains a distance.

In this sense, there is indeed a romantic element in Elisha's desire to unite with God with all his body and soul, and the image of cutting down the saplings becomes more powerful. Elisha cleaves to God, brings his body, hands, and feet into play, and is wholly absorbed in the object of his love.

The passage's literary form also points to the boundaries of discourse in the study house or the classroom. The baraita links its account of the proper distance from God and the shaping of the relationship with him to an account of the proper curriculum within the Jewish canon. Ecclesiastes is marked as a problematic and dangerous book, one that leads to cutting down the saplings. Proverbs is less dangerous, but still contains elements that require sensitivity, since it inquires into God's ways in the world and seeks to explain them. Psalms, read from the perspective of a servant addressing a master, is a book one can read without fear of spiritual harm. Surprisingly, the Song of Songs takes precedence in the proper curriculum. Its love story also becomes a model for the proper boundaries of discourse. From this perspective, the great innovation is that the Song of Songs not only describes the proper distance between God and human beings; it does so in a particular way. Its language about the relationship between God and human beings is metaphorical. The proper boundaries of discourse involve both a distance built into the relationship and a distancing within language itself, within the way the relationship is spoken of. In light of all this, the orchard, as shaped by the baraita's literary form, symbolizes both mystical experience and philosophical inquiry. The two are bound together.

A study of the second chapter of Tosefta Hagigah, which contains "Four entered the orchard," reveals that the question of the "proper distance" governs the arrangement of the entire chapter. After the "mystical collection," the chapter addresses one main subject: the emergence of disagreement in halakhah. It includes the statement "Initially there was no disagreement in Israel" (section 9), which locates the origin of halakhic disagreement in a break in the chain of halakhic tradition: "When the students of Shammai and Hillel who had not attended upon their teachers sufficiently grew numerous, they multiplied disputes in Israel, and there came to be two Torahs" (ibid.). The rest of the chapter outlines the first dispute between the pairs of sages, concerning whether one may lay hands on a sacrificial animal on a festival. The laying on of hands is intrinsically connected to the question of the "proper distance." Laying hands on the animal makes the sacrifice's atonement possible. It may symbolize the transfer of sins or, more radically, a complete transfer of identity, a substitution of the animal for the person bringing the sacrifice.

The connection between laying hands on an animal and ordaining rabbinic scholars—both called semikhah—now becomes clearer. If rabbinic scholars transmit the word of God from generation to generation, the very emergence of disagreement points to a rift that has opened in the distance between God and human beings. According to the chapter's account, disagreement arose from this rift, from the gap that developed in the transmission of God's word. The dispute over laying hands on a sacrificial animal on a festival embodies this issue. The House of Shammai forbids it because it constitutes making use of an animal on a festival, a prohibition of shevut: a rabbinic restriction intended to prevent people from coming to desecrate the Sabbath or a festival. The laying on of hands must therefore take place before the festival begins. The House of Shammai regards it as making use of an animal because it understands semikhah as a complete transfer of identity between the person laying on hands and the one

upon whom they are laid. The House of Hillel permits it not only for practical considerations affecting the system as a whole—people like to lay hands on the animal and sacrifice it immediately afterward, and forbidding the laying on of hands would mean that people would not bring sacrifices on the festival—but also because, in its view, there is no complete transfer of identity between the two to begin with. The same space that appears in the model of the Song of Songs, embodied by Rabbi Akiva in the baraita, appears in the House of Hillel's position as well. This space, with its disadvantages—it does not allow for cleaving—and its advantages—it allows entry into and departure from the orchard; it allows disagreement—is, then, the theme that governs the arrangement of the second chapter of Tosefta Hagigah.

In this book, then, I seek to understand not only the direction of a single chapter within a tractate, but the editorial purpose of an entire tractate. I call this a "large-scale reading." The guiding assumption of the approach I seek to advance is that the "tractate" is the basic, self-contained textual unit within the six orders of the Mishnah. The "tractate" presents itself as a textual unit with a central subject, and it allows for textual development since it comprises at least three chapters. These features make it the more interesting unit of the Mishnah. The tractate is, in fact, the most complete literary unit in the Mishnah.[2] The individual mishnayot and chapters that compose it are subsidiary units; they do not constitute a literary collection addressing one general subject with a beginning, middle, and end. Each mishnah and chapter does, of course, have these literary features in its own right. Yet understanding the tractate's general concern is a condition for understanding its constituent units, as with any other textual work.

A literary approach to the mishnaic text, and particularly the treatment of a tractate as a unit in its own right, can be found in Jacob Neusner's work.[3] Neusner fully recognized the importance of the Mishnah as a text memorized and recited orally, and hence as a text with distinctive literary features.[4] Clearly, a chapter or tractate has one conceptual concern, and its language and literary arrangement point to that concern.

But the tractate's "subject" is not its declared and self-evident subject. Tractate Shabbat does indeed deal with the laws of the Sabbath. The question, however, is what problem the tractate seeks to overcome, and how it presents those laws to us. Identifying the tractate's subject—the problem its redaction seeks to confront—is our great advantage as people of the twenty-first century. We can draw on the knowledge we have accumulated about human beings and their cultures, and that knowledge, in turn, can help us identify the question the tractate addresses.

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2 "Massekhet: 1. The system of warp threads stretched on the beam of a loom; 2. a web, woven material, a single weaving of threads, a single whole; 3. [figuratively] a 'tractate,' an extensive scholarly work composed of a series of discussions, studies, and critical observations; specifically, the name of each of the collections in the Mishnah, Tosefta, Babylonian Talmud, and Jerusalem Talmud devoted to one principal subject" (*Even-Shoshan Dictionary*). The very name thus points to a close connection between the different parts of the weave.

3 See his introduction to the Mishnah: "If we had the entire Mishnah in a single immense scroll and spread the scroll out on the ground – perhaps the length of a football field! – we should have no difficulty at all discovering the point, on the five yard line, at which the first tractate ends and the second begins, and so on down the field to the opposite goal. For from Berakhot at the beginning to Uqsin at the end, the breaking points practically jump up from the ground like white lines of lime: change of principal topic." Jacob Neusner, *The Mishnah: An Introduction* (New Jersey: Jason Aronson, 1989), p. 11.

4 See Jacob Neusner, *The Memorized Torah: The Mnemonic System of the Mishnah* (California: Scholars Press, 1985).

The usual explanation for the conjunction of different subjects in the Mishnah is that they were brought together by association. They share a common element—for example, the ritual performed in the Temple for the suspected adulteress is conducted in any language so that she can understand what is said, whereas other rituals are recited in the sacred tongue, and the Mishnah therefore sets them out at length. Or they involve a common number, which makes the mishnayot easier to memorize. But taking an overview of the tractate also requires a more critical and skeptical attitude toward the "argument from association." Here is a small example. J. N. Epstein writes of tractate Ta'anit:

> *"This tractate originally dealt only with fasts decreed by the court 'for rain' and 'for any calamity, may it never come.' But the later Tannaim appended to it the laws of the Ninth of Av, from chapter 4, mishnah 6 onward. It is possible that Rabban Shimon ben Gamliel II was the last tanna to teach this tractate, and therefore concluded it with words of consolation and aggadah: 'Rabban Shimon ben Gamliel said: There were no days as festive for Israel,' etc."*[5]

Epstein's assessment of the text's genealogy may be correct. But he does not account for why these particular mishnayot were added. The range of possible associations is, after all, enormous. Any treatment of the mishnaic text, after its redaction, as a single literary text requires a more serious answer to questions of this kind.

Why, until now, has there been no in-depth analysis of the redaction of tractates? Scholars of the Mishnah have assumed that before examining the overall structure of "any book in rabbinic literature … one must establish how its original constituent units were put together: the chapter in the Mishnah and Tosefta, the section in midrash, and the sugya in the Gemara."[6] Yet this claim tries to have it both ways. It maintains that the structure of the tractate as a whole deserves study, while doubting that such a study can be undertaken before detailed research into all its constituent units. Scholars of rabbinic literature seem reluctant to make general claims about redaction. Redaction is conceived as a complex work of assembly, so that an attempt to formulate a general claim about an entire tractate is regarded as essentialist or as an unwarranted attempt at harmonization. Yet this argument can itself cut both ways. How can one study the tractate's constituent units without knowing how they fit into its overall picture? One could argue, on the contrary, that understanding the tractate's structure, the problem it seeks to confront, and the answer its arrangement offers to that problem is precisely what makes it possible to study its constituent units, chapters, and individual mishnayot, rather than the reverse.

These two approaches can be seen as expressing different scholarly motivations that are not necessarily dependent on one another. The approach that takes an overview of the tractate is structuralist; the approach that examines its constituent units, individual mishnayot, and the particular words within each mishnah is one of close literary reading. One can certainly formulate significant structural arguments without knowing anything about why a particular collection was placed at a particular point within a tractate. Conversely, one can reach sound conclusions about the redaction of particular mishnayot without knowing the problem that the

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5 J. N. Epstein, *Mevo'ot le-sifrut ha-Tannaim* [*Introductions to Tannaitic Literature*] (Jerusalem: Magnes, 5717 [1957]), p. 46 (Hebrew).

6 Noam Zohar, *Be-sod ha-yetzirah shel sifrut Hazal: Ha-arikhah ke-mafteah la-mashma'ut* [*The Secrets of the Composition of Rabbinic Literature: Redaction as a Key to Meaning*] (Magnes, 2007), p. 5 (Hebrew).

arrangement of the collection as a whole seeks to address. In practice, however, every structuralist approach also uses close reading to substantiate and clarify its structural claims. Likewise, a close reading of a text generally refers to the broader subject of the tractate or chapter in which the unit under analysis appears. In this light, the tendency of current scholarship to study the "trees" rather than the "forest" is problematic.

Examining the questions that the tractate's editor or editors sought to confront, and the expression those questions found in its structure, offers another way of uncovering the meaning embedded in the tannaitic text, alongside the study of individual mishnayot and collections within the tractate. This meaning is neither wholly dependent on nor wholly independent of questions at the level of individual units. The scholarly tools at our disposal allow us to pursue both the micro and the macro approaches at once. The two should inform one another, refining and sharpening the conclusions reached through each.

Another matter to which the "large-scale reading" draws attention is the symbolic character of many rulings in the Mishnah. These symbolic aspects intersect with the book's subject. Identifying a concentration of symbolic rulings at important literary junctures, such as the opening or conclusion of a tractate, can also help us form a view of its subject. The opening of tractate Shabbat, for example, presents a ruling that is essentially symbolic:

"Transfers on the Sabbath are two that are four for the person inside, and two that are four for the person outside. How so? The poor man stands outside and the householder inside. If the poor man reaches his hand inside and places something in the householder's hand, or takes something from it and brings it outside, the poor man is liable and the householder exempt. If the householder reaches his hand outside and places something in the poor man's hand, or takes something from it and brings it inside, the householder is liable and the poor man exempt. If the poor man reaches his hand inside and the householder takes something from it, or places something in it and the poor man brings it outside, both are exempt. If the householder reaches his hand outside and the poor man takes something from it, or places something in it and the householder brings it inside, both are exempt."

The tractate opens with a typological rule, with parallels in the openings of other tractates. According to the Torah, one may not carry an object from one domain to another on the Sabbath. The opening thus gives an example of transfer between domains, from inside to outside and from outside to inside. Why did those who formulated the Mishnah choose an example depicting a poor man standing at the doorway? There is surely a social statement here, though its thrust is not entirely clear. The ruling may be pointing to a common situation in which poor people knock on doors asking for food, and to the moral obligation to respond to them, since the householder gives the poor man what he seeks in all the cases listed in the mishnah. Or the mishnah may be criticizing the prevailing state of affairs, in which poor people come knocking on the doors of members of the community who do not respond. The wording and arrangement of the first mishnah in Shabbat focus specifically on when a transfer between domains has taken place and when it has not.

One of the interesting points about tractate Shabbat is that its central concern is the prohibition on transferring objects between domains, rather than the thirty-nine principal categories of labor that we regard as the core of the Sabbath laws. As I will show in the book's concluding chapter, the use of the poor man to illustrate transfer between domains, and especially the

detailed situations in which the householder reaches out toward the poor man or the poor man reaches into the house, all point to the central concern troubling the tractate's editor: the home and the possibility of closing it off as a self-contained unit that offers protection from a threatening outside world. The poor man is a paradigm for all those things that threaten to breach the home's boundaries and disturb its inhabitants' rest. There is a social statement here about attitudes toward the poor, but also a representation of the profound fear of presences that disrupt the home's tranquility and its separation from the outside. The poor man serves both to represent a social situation or ideal and to declare the tractate's central subject: the possibility of closing off the home as a separate unit, a sanctuary in miniature that comes to replace the destroyed Temple.

Many rulings in the Mishnah, particularly in the laws of damages but also in many other areas, such as oaths and vows, are formulated casuistically: they describe a particular case from which readers are expected to derive a more general rule. In some instances, especially at strategic points such as the opening or conclusion of a tractate—as with the poor man at the opening of Shabbat—the particular ruling contains much more than a particular case. Its very construction leads readers to sense this. Rulings of this kind set in motion an important process in the reader's consciousness, directing the reader almost immediately to imagine the symbolic state of affairs. The attentive reader interprets a concrete situation in metaphorical and symbolic terms. In other words, part of Jewish law makes its readers interpreters of reality. A poor man is not just a poor man. An egg is not just an egg. Laying hands on a sacrificial animal is not just laying hands on a sacrificial animal.

Throughout the book I will discuss further examples of these distinctive rulings. They prompt a hyper-interpretation of reality, taking the reader almost directly to the imagined state of affairs, without lingering over the concrete situation described. They form attentive readers of reality who recognize its symbolic aspects. Things are not simply what they appear to be; they always point to an earlier, more conceptual layer that stands in its own right.

Behind every law is a norm that must be identified, but a law does not necessarily change the way religious consciousness views reality. The casuistic formulation of mishnaic law does. The use of situations that are inherently metaphorical, or have a symbolic and metaphorical aspect, changes the way a person looks at the world. This consciousness of hyper-interpretation remains relevant today and underlies many rulings that appear to have become obsolete.

This book has four chapters and an epilogue. Each chapter studies a single tractate. The choice of tractates is not arbitrary: each raises questions of redaction that call for a "large-scale reading." The first chapter examines Makkot. This tractate is regarded as part of Sanhedrin rather than as an independent tractate in its own right. Why, then, was Sanhedrin divided at precisely this point? Why were the three chapters of Makkot brought together? I chose to begin with a tractate whose editorial logic seems self-evident, in order to highlight the distinctive perspective offered by the large-scale reading I seek to advance. The second chapter is devoted to Ta'anit, which has only four chapters. Its first three address the practices of communal fasting and the various circumstances in which the community fasts. The fourth describes the practices of the members of the priestly watches and the lay delegations—the priests, Levites, and Israelites who served in rotation at the Temple. What is this chapter's role? Is the fact that the members of the lay delegations fasted enough to explain its place in Ta'anit, a tractate

apparently concerned with something quite different? An analysis of Ta'anit brings out the inability of the argument from association to satisfy the attentive reader.

Sotah, the subject of the third chapter, poses a similar problem for its readers. The tractate consists of two parts of significance for Jewish culture. Its opening chapters describe the ritual performed for a woman suspected of adultery; its final chapters describe the public rituals that must be recited in the sacred tongue, Hebrew. What do these two parts have to do with one another? Why was the description of the sotah ritual joined to the description of the public rituals? Sotah is an example of a tractate that only a large-scale reading can rescue from being classified as a combination of two entirely separate subjects.

The fourth chapter examines Evel Rabbati. Evel Rabbati, also known as Semahot, is the exception among the tractates discussed here: it does not belong to the six orders of the Mishnah, but was redacted later. Nevertheless, I chose to include an analysis of it for two main reasons. First, Evel Rabbati is the classic rabbinic text on mourning. The mourning practices observed to this day derive from it. Although it was redacted somewhat later than the Mishnah, its language and style are very similar to those of the mishnaic text. Second, its redaction offers a fine example of two texts with different and opposing attitudes toward death being brought together and made to coexist side by side. My analysis of this tractate is more detailed than those of the others. I wanted to show how detailed analysis—a "small-scale reading"—works together with a "large-scale reading," neither contradicting it nor remaining indifferent to it.

I suggest that before reading each chapter, readers skim the tractate it discusses. By this I mean a quick reading that takes in the range of subjects the tractate addresses. Then, while reading the chapter, it is worth studying the mishnayot cited in it more closely. Skimming might count as a grave sin in classical scholarship on the Mishnah. For a "large-scale reading," however, it is essential if one is to take in a very broad spectrum of subjects at a glance.

The tractates of the Mishnah are a marvelous body of writing. Written in Hebrew, they form the foundation of Jewish halakhah across the generations and preserve a wide range of opinions from generations spanning some three hundred years. I seek to open another window onto them for the attentive reader. A large-scale reading of the Mishnah's tractates, alongside close readings of chapters or individual mishnayot, reveals the existential problems that troubled their editors and brings us closer to their world and their lives. The mishnaic tractates are crafted with great artistry, in both language and structure. They can convey a remarkable world of consciousness, one capable of speaking directly to readers of our own time.