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# **The Place of the Hebrew Bible in the Mishnah**

by

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**A thesis submitted to the Faculty of Graduate Studies and Research  
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## **Abstract**

### **The Place of the Hebrew Bible in the Mishnah**

**The Mishnah depends on the Bible for its authority, vocabulary, and much of its contents. Nearly six hundred Bible citations are distributed in fifty-three of the Mishnah's tractates and are quoted from all but six biblical books. Most citations are from the Torah and are used for proof-texting. The Mishnah uses thousands of words derived from or related to the Bible (e. g., Shabbat, Peah, Kohen). Its content is unquestionably tied to that of the Bible (e. g., Seder Moed is based on the discussions of the various holy days in Exodus). Finally, the Mishnah contains multiple discussions of Biblical characters and events, of Bible reading, interpretation, and teaching.**

**The works of Georg Aicher, Samuel Rosenblatt, Peter Acker Pettit, and Jacob Neusner help examine the Bible-Mishnah relationship. The first three discuss the use of Bible citation in the Mishnah. Neusner uses form-analysis to examine its historical development and describes the Mishnah by viewing it as a whole. Our approach, an examination of the Mishnah's details, is more in line with those of Aicher, Rosenblatt, and Pettit. The dependence of the Mishnah on the Bible is demonstrated by examining the distribution and use of Bible citations, comparing the content of the Mishnah to that of the Bible, and analyzing various Mishnaic passages.**

## Résumé

La Bible est la source de l'autorité, du vocabulaire, et d'une grande partie du contenu de la Mishnah. Il y a presque six cent citations bibliques dans cinquante-trois des traités de la Mishnah et tiré de tous sauf six des livres bibliques. La plupart des citations sont prises de la Torah et sont utilisées comme preuves des leçons des Tannaim. La Mishnah utilise des milliers de mots qui sont dérivés ou qui ont rapport à la Bible (par exemple: Shabbat, Peah, Kohen). Ses sujets sont sans contredit liées au contenu de la Bible (par exemple: Seder Moed est basé sur les discussions des jours sacrés dans le livre de l'Exode). Enfin, la Mishnah comprend plusieurs discussions des personnages et événements bibliques et de la lecture, l'interprétation et l'enseignement de la Bible.

Les oeuvres de Georg Aicher, Samuel Rosenblatt, Peter Acker Pettit, et Jacob Neusner aident à l'examen de la relation entre la Bible et la Mishnah. Les trois premiers discutent de l'emploi des citations bibliques dans la Mishnah. Neusner approche la Mishnah comme un tout et utilise l'analyse de la forme pour l'examen de son développement historique. Notre méthode qui consiste en un examen des détails de la Mishnah, se rapproche plus de celles d'Aicher, Rosenblatt et Pettit. Le fait que la Mishnah se base sur la Bible est démontré par l'examen de la distribution des citations bibliques, la comparaison du contenu de la Bible et de la Mishnah, et l'analyse des textes Mishnaïques.

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## Chapter 1

### Introduction

This research seeks to find the place of the Bible in the Mishnah. Place, is an indication of two significant scholarly pursuits, both to be presented here. Place first indicates location; that is to say, where does Bible-related material appear in the Mishnah? In which tractates and mishnayot<sup>1</sup> is biblical material encountered?

Second, place indicates function. What is the role of the biblical material found in the Mishnah? The following presents an overview of the types of Bible-related material found in the sixty-three<sup>2</sup> tractates of the Mishnah. It examines the methodologies with which the Tannaim (the rabbis of the Mishnaic period, those who lived prior to its final redaction in approximately 200 CE) examined this material, and it presents a summary of the various approaches that contemporary scholars have used to begin to understand and explain the nature of the Scripture-Mishnah relationship.

The question of the relationship between Mishnah and Scripture is as old as Mishnah itself and generally has been raised in an apologetic or polemical

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<sup>1</sup> The subdivisions of the Mishnah for purposes of our discussion are as follows: Order: Tractate: Chapter: Mishnah. As well, מִשְׁנָה has been transliterated as Mishnah except when it is transliterated as part of a citation from another secondary source. In this latter event the transliteration used in the source has been preserved.

<sup>2</sup> While the nature of the relationship between Abot (more commonly, if incorrectly, known as *Sayings of the Fathers*) and the rest of the Mishnah has been a topic for much scholarly discussion, I have included it as part of the Mishnah for all literary and statistical analysis. In brief, Abot deviates from the other tractates of Mishnah in its literary form. It is far more concerned with the presentation of aggadah, while the remainder of the Mishnah is halakhically focused. For an overview of the "relationship" issue see A. Guttman, "Tractate Abot – Its place in Rabbinic Judaism," *Jewish Quarterly Review*, 41 (1950) pp. 181-193; A. Saldarini, *Scholastic Rabbinism* (Atlanta: Scholars Press, 1982) pp. 17-18. and R. T. Herford, *Pirké Aboth* (New York: Jewish Institute of Religion Press, 1930) pp. 5-9.

The nature of the relationship between Abot and the rest of Mishnah, is not the only cause for concern in respect to their being sixty-three tractates of Mishnah. H. L. Strack and G. Stemberger point out in their *Introduction to Talmud and Midrash* (Minneapolis: Fortress Press, 1992) pp. 133-134; that originally the "three gates" (Baba Qamma, Baba Mesia and Baba Batra), were one tractate called Neziqin, that Kelim had once been called Toharot and had also been divided into three gates (a trait which still appears in the Tosefta), and that Sanhedrin and Makkot were also one tractate. Thus the original number of tractates in the Mishnah was sixty, and not sixty-three.

context. The early Rabbis had to address this question in order to substantiate their claims to salvific authority in the Jewish community as possessors of the true and complete divine revelation. The link between Written Torah, the authority of which was generally acknowledged, and Oral Torah was achieved in two ways: 1) through post facto formal exegesis of Scripture, and 2) through mythic history.<sup>3</sup>

Both elements, exegesis of Scripture and mythic history, are found in the Mishnah. They appear in the use of Bible citations and in explicit discussion. The biblical content of the Mishnah can be divided into three major sub-categories: 1) the use of terms and statements that allude to the Bible, 2) the use of Scriptural citations and their interpretation (both for the purpose of developing law and explaining the Bible), and 3) discussions about the Bible, its events, its characters, and its study. On occasion, these materials overlap. For example, in discussing a biblical character, the Mishnah may cite the Bible to enhance its point.

As well, the Mishnah contains dozens of terms that allude to biblical concepts. That is to say, that the Mishnah makes use of words that find their source in the Bible but have become part of the Mishnah's vocabulary. For example, the terms Priests (כֹּהֲנִים) and Levites (לֵוִיִּם) appear throughout the Mishnah. They refer to those men who had specific roles in the functioning of the Temple. The terms are taken from the Bible - Priests from Aaron and his sons, Levites from the Tribe of Levi - yet within the realm of the Mishnah, the appearance of these terms is not intended to be a short citation from the Bible but a title that defines a specific role. The term finds its source in the Bible but is a part of the Mishnah's language. As such, it may allude to its biblical source, but it is not necessarily intended to speak of the priests and Levites of the biblical period, but those who would be subject to Rabbinic teachings in the contemporary world of the first and second centuries of the common era. Without a doubt, the use of such terms taken from the Bible strengthens the relationship between Scripture and Mishnah. But, the sheer quantity of these terms, and the difficulty in establishing that they do, in fact, take their source from the Bible and not an earlier oral tradition necessitates disregarding them. The Mishnah's content is often shaped by what Scripture has to say about a given topic. While the Mishnah frequently discusses topics

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<sup>3</sup> R. Sarason, "Mishnah and Scripture: Preliminary Observations on the Law of Tithing in Seder Zera'im" in W. S. Green, *Approaches to Ancient Judaism* Vol. 2 (Atlanta: Scholars Press, 1979) pp. 81-96.

without so much as citing Scripture, its discussions clearly allude to Scripture. This is best exemplified by Tractate Megillah in the Order Moed. Megillah devotes the better part of its pages to discussions relating to the celebration of the holiday of Purim. While the text never cites the Book of Esther (found in the Hagiographa), it cannot help but point to it. In fact, Esther is the only textual source of information about the holiday assumed by the Mishnah. In its final chapter it lays out the details of how the holiday was celebrated, many of which are repeated or expanded in the Mishnah.

Scriptural citations, in fact, almost six hundred of them, appear throughout the Mishnah. Sometimes they are used as proof-texts to lend credibility to a sage's teaching, and other times they are the springboards to discussion. Just how and why these citations appear is not clear. It is clear that there were fixed rules for attempting to understand and explain these citations in the time of the Tannaim. With an average of one biblical citation in every two pages of Mishnah text, biblical citation must play a significant role in helping to establish the nature of the Mishnah-Scripture relationship. Further, if one includes the hundreds of allusions (see below) to the Bible made by the Tannaim (e. g., the use of biblical terms), the average number of references to the Bible per page of Mishnah increases tremendously.

Finally, the Mishnah often makes explicit statements about the Bible, its characters, events, and how it is to be studied. For example, in the Tractate Sotah, in the Order of Nashim, Moses is discussed.

#### Sotah 1:9

- E. Moses had the merit of burying the bones of Joseph, and none in Israel was greater than he, since it is said, *And Moses took the bones of Joseph with him* (Ex. 13:19).
- F. We have none so great as Moses, for only the Holy One blessed be He took care of his [bones], since it is said, *And he buried him in the valley* (Dt. 34:6).<sup>4</sup>

<sup>4</sup> J. Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988) p. 449. For the ease of the reader, certain conventions have been adopted for presenting these two texts, Bible and Mishnah. Unless otherwise indicated, the Hebrew text of the Mishnah is cited from one of the six volumes of Hanoch Albeck's *סדר משנה* (Tel-Aviv: Dvir, 1956-59) without the vocalization of Hanoch Yalon. The absence of vocalization preserves the linguistic ambiguity, which allowed many of the early Rabbinic exegetical techniques to be employed. When a biblical verse is cited in the Mishnah, it is presented as rendered by Albeck, albeit also without vocalization. When a biblical citation is used in our



Further comments on the Bible appear all over the Mishnah in the form of discussions of its events. For example, Tractate Sanhedrin, Order Neziqin, chapter ten, alludes to the story of Noah and the Flood, the building of the Tower of Babel, and the story of the destruction of Sodom, all found in Genesis 6-13. A reader of the Mishnah could not understand its content, if he or she were not already familiar with the biblical narratives.

#### Sanhedrin 10:3

- A. The generation of the flood has no share in the world to come,
- B. and they shall not stand in judgment,
- C. since it is said, *My spirit shall not judge with man forever* (Gen. 6:3)—
- D. neither judgment nor spirit.
- E. The generation of the distribution has no share in the world to come,
- F. since it is said, *So the Lord scattered them abroad from there upon the face of the whole earth* (Gen. 11:8).
- G. *So the Lord scattered them abroad*—in this world,
- H. *and the Lord scattered them from there*—in the world to come.
- I. The men of Sodom have no portion in the world to come,
- J. since it is said, *Now the men of Sodom were wicked and sinners against the Lord exceedingly* (Gen. 13:13)—
- K. *wicked*—in this world,
- L. *And Sinners*—in the world to come.<sup>5</sup>

References to the Bible and its study are also present. One of these has become a catch phrase for biblical interpretation. Tractate Abot 5:22 contains a comment on the nature of the Bible:

- A. Ben Bag Bag says [in Aramaic], "Turn it over and over because everything is in it.
- B. "And reflect upon it and grow old and worn in it and do not leave it,
- C. [in Hebrew], "For you have no better lot than that."<sup>6</sup>

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own discussion, it is presented from the *תנ"ך* (Jerusalem: Koren Publishing, 1986). English translations of the Mishnah are presented as rendered in Jacob Neusner's *The Mishnah: A New Translation*. When biblical citations are included in the cited Mishnah, they have been preserved as rendered. The translations of biblical verses, when used in our own discussions, have been presented as they appear in *The Tanakh: The New JPS Translation* (Philadelphia: Jewish Publication Society of America, 1985).

<sup>5</sup> *Ibid.*, pp. 604-605.

<sup>6</sup> *Ibid.*, p. 689. For a more extensive analysis of this passage see Chapter 5.

## Defining the Mishnah

Just what the Mishnah is, or is not, is not necessarily clear. Herbert Danby has called the Mishnah

...a deposit of four centuries of Jewish religious life and cultural activity in Palestine, beginning at some uncertain date (possibly during the earlier half of the second century B.C.) and ending with the close of the second century A.D. The object of this activity was the preservation, cultivation, and application to life of 'the Law' (Torah), in the form in which many generations of like-minded Jewish religious leaders had learnt to understand this law.<sup>7</sup>

Danby's understanding continues the historical myth that the Mishnah was the logical outcome of interpreting the Bible. Jacob Neusner has countered this argument;

The fact that Mishnaic thinkers not only selected a given topic but also framed their own ideas on that topic in response to what they found in Scripture tells us much about those ideas and that response. What we learn is how the philosophers evaluated various portions of Scripture and what they found important in them—a considerable statement. It follows that we must not be taken in by the obvious links between Scripture and Mishnah—links of theme, links of fact, links of conception. In no way may we now suppose that the Mishnah is the natural and obvious outcome of the purpose and message of Scripture.<sup>8</sup>

For Neusner, the Mishnah is not an attempt to anthologize previous centuries of legal teachings. It is rather a statement of a new religious world view. While it drew from older traditions, it also sought to document a new Jewish way of life that was developing in the latter half of the first century in light of the wars that culminated in the destruction of the Temple.<sup>9</sup>

Dov Zlotnick has argued that the interpretation of the Bible was a central task of the Tannaim. He has identified four juristic goals of the scholars.

1. To define those laws of Scripture in need of clarification.
2. To discover new meanings in Scripture and, as a result, formulate additional legislation.

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<sup>7</sup> H. Danby, *The Mishnah* (Oxford: The Clarendon Press, 1933) p. xiii.

<sup>8</sup> J. Neusner, *Judaism: The Evidence of Mishnah* (Chicago: Chicago University Press, 1981) p. 170.

<sup>9</sup> *Ibid.*, p. 25.

3. Whenever feasible, to find a biblical root for practices that evolved chiefly out of an oral tradition
4. To systematize and define the many laws that multiplied without direct biblical antecedents.<sup>10</sup>

### A Summary of the Mishnah

"Given today's knowledge, it is no longer possible unequivocally to determine whether M[ishnah] was originally conceived as a collection, a teaching manual or a law code."<sup>11</sup> What can be said, given today's knowledge, is that the Mishnah appears to be a collection of both legal and wisdom teachings attributed to men who lived between the period of the destruction of the Temple in Jerusalem in 70 CE and the end of the second century. These teachings are presented by topic, and the Mishnah is divided into six divisions or orders:<sup>12</sup> (1) *Zeraim* - Agricultural rules; (2) *Moed* - rules for the appointed seasons; (3) *Nashim* - rules related to the transfer of a woman from the household of her father to the household of her husband; (4) *Neziqin* - the legal system of civil and criminal law; (5) *Qodashim* - rules for the cult and the temple; and (6) *Toharoth* - rules for the preservation of ritual purity.<sup>13</sup>

The first order, *Zeraim*, The Division of Agriculture, contains eleven tractates. *Berakhot* discusses the regulations that surround the recitation of the Shema, the daily liturgical rituals, and benedictions recited before and after eating. *Peah* includes information concerning the nature of the fields from which a corner must be left for the poor. How much land constitutes the corner of the field (the *peah*) and what types of agricultural products must be left are also discussed. *Demai* contains discussions of the regulations concerning what is to be done in cases where there is doubt about whether the tithe has been taken from produce. *Kilayim* outlines the regulations concerning the mixing of different kinds (i. e., what types of seeds can be sown together in a field, or what kind of materials can be mixed

<sup>10</sup> D. Zlotnick, *The Iron Pillar - Mishnah* (New York: KTAV Publishing House, 1988) p. 108.

<sup>11</sup> H. L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress Press, 1992) p. 154.

<sup>12</sup> More accurately the term *seder* refers to a recitation and is an indication of the oral tradition from whence the Mishnah stems.

<sup>13</sup> J. Neusner, *Oral Tradition in Judaism: The Case of Mishnah* (New York: Garland Publishing, 1987) pp. 3-16.

when producing a garment). Shebiit discusses the rules concerning the seventh year, when all slaves must be freed, the land must be left to lie fallow and all debts are canceled. Terumot, Maaserot, Maaser Sheni, and Hallah outline the regulations concerning the various tithes due to the Levites and Priests and taken from produce and baked goods produced by the community. Orlah discusses when it is permitted to begin making use of the fruit that grows on recently planted fruit trees, and where these rules apply geographically. Bikkurim discusses requirements for making sacrificial offerings from the first-fruits, who is required to offer them and how they are to be brought to Jerusalem.

The Mishnah's second order, Moed (The Division of Appointed Times or Festival Days) contains twelve tractates. Shabbat and Erubin contain the laws regulating Sabbath observance. Pesahim outlines the regulations concerning the holiday of Passover, particularly, the removal of leaven and the slaughtering of the Pascal Lamb. Sheqalim is a discussion of the taxes used to support the Temple and its functioning. Yoma contains discussions of the Yom Kippur (the Day of Atonement); the means of atonement, prohibitions for the day, and the preparation and role of the high priest are discussed. Sukkah describes the nature of the holiday of Sukkot (Booths). Specifically discussed are the rules for constructing the booths and regulations concerning activities that take place in and out of the booths. Rosh Hashanah outlines the four types of New Year, but most significantly concerns itself with the New Year celebration that takes place in the month of Tishrei and its rules. The nature of the blowing of the shofar and the Rosh Hashanah feast are also described. Taanit discusses the fast days of the Jewish year, fast days called to bring rain, and regulations concerning when one does or does not fast. Megillah discusses rules concerning the holiday of Purim. It also contains material essential to the theme of this research, as it includes discussions of which texts from the Torah and Prophets may be read publicly and which texts can or cannot be translated publicly into the vernacular. Moed Qatan describes what is to be done on minor festivals, such as what is prohibited on the middle days of Passover and Succoth. The final tractate, Hagigah, discusses regulations concerning the sacrifices made on the three pilgrimage festivals, Passover, Shavuoth, and Succoth.

The third order, Nashim (the division of Women) contains seven tractates. Its first tractate, Yebamot, concerns itself with levirate marriage and when it must be performed. Also discussed is the ceremony for canceling the obligation to perform the marriage. Ketubot, the second tractate, outlines the details of a marriage contract, also special conditions and responsibilities of marriage. Nedarim, discusses the qualities of a vow, who is allowed to make vows, when they are invalid, and how they are canceled. Nazir describes the rules concerning taking a vow to become a Nazir. Specifically discussed are the prohibitions of behavior placed on one who has taken the vow, particularly when they are allowed to cut their hair and the types of sacrifices they must make when they are defiled. Sotah discusses the actions that must be taken when dealing with a woman who is a suspected adulteress. Also discussed are what is to be done when a murderer remains at large, as well as the signs of the coming of the messiah. Gittin contains the requirements for writing, delivering and retracting a writ of divorce. The final tractate, Qiddushin, is a collection of discussions concerning the acquiring of a wife and property and the various religious requirements of men and women.

The fourth order, Neziqin (The Division of Damages), contains ten tractates. The first three, Baba Qamma, Baba Mesia, and Baba Batra used to be one. They are concerned with civil damages including theft and bodily harm. Also discussed are assessing and compensating one who has incurred damages, what is to be done with objects that have been found, hiring workers, renting property, and the division of property. Sanhedrin, the fourth tractate, is a discussion of the various law courts, who can be an arbitrator and his requirements, and who can testify before the court. The difference between civil and criminal justice is also discussed, as are capital crimes. Makkot is a discussion of the punishment of whipping and how and when it is applied. Shabuot, the sixth tractate, contains discussions of the various types of oaths and when they need be taken. The seventh tractate, Eduyot, is mostly comments by students about the teachings of their masters. Abodah Zarah is a discussion of strange worship, particularly idolatry and regulations concerning contact with idolaters. Abot is a collection of teachings, mostly anonymous and mostly concerning the proper ways of going about living one's life. Horayot contains

discussions of poor or incorrect judgments in religious law and, if necessary, how they can be corrected.

The Mishnah's fifth order, Qodashim (the division of Holy Things), contains eleven tractates. Zebahim is a discussion of the correct intention for offering a sacrifice (of a living creature), the order of offerings and other sacrifice related issues. Menahot is concerned with similar issues concerning meal offerings and sacrifices of inanimate objects. The third tractate, Hullin, concerns itself with the slaughter of animals not intended for sacrifice and other rules concerning the preparation and consumption of animal foods. Bekhorot discusses the regulations concerning the redemption of first born donkeys and unclean animals. Also discussed are reasons that one might be unfit to be a priest and the inheritance rights of the first-born. Arakhin outlines regulations concerning the monetary amount one must pay to redeem oneself from a vow. Temurah further discusses the temple sacrifices, particularly, exchanging sacrifices. Keritot is an attempt to explain the punishment of "being cut off from Israel," which is applied in the case of thirty-six specific sins. Meilah discusses issues related to taking from consecrated things for one's own benefit. Tamid contains discussions of the daily burnt offering, the night watch in the sanctuary, the high priest's service, the priests blessings and the Levites' songs. Middot contains descriptions of the Temple, its gates, the Temple mount and its assorted furnishings. Qinnim contains discussions of and regulations concerning pigeon offerings.

The sixth order, Toharot (the division of Purities), contains twelve tractates. Kelim outlines issues connected to which types of utensils can become impure and impart their impurity. Ohalot is concerned with impurity connected to contact with a dead body, as well as issues related to dealing with corpses and graveyards. Negaim is concerned mostly with discussions of leprosy, how it is diagnosed and how a leper is purified. Parah is concerned with the preparation of the red heifer for use as a purifying agent. Toharot is concerned with issues of defilement imparted by contact with impure items, particularly liquids. Miqvaot is concerned with regulations concerning the construction and use of ritual baths. Niddah outlines issues of impurity raised by contact with a menstruating women or one who has borne a child. Makhshirin is concerned with that which can become impure by coming in contact with seven particular liquids. Zabim discusses issues of impurity related to bodily

emissions. Tebul Yom is concerned with one who remains impure until sunset although he or she may have immersed in a ritual bath. Yadayim describes how the hands become impure and how they are purified. Finally, Uqsin is a discussion of how stalks, kernels, and peels impart impurity on the rest of the fruit.

### The Study of the Mishnah

Jacob Neusner has defined three forms of Mishnah study, traditional, historical, and modern. The traditional study of the Mishnah "...pays close attention to the exegesis of individual words and sentences, to the interpretation of their meaning, and to the application of that meaning to legal problems. The problems emerge chiefly from the contents of the text; and solutions are weighed by criteria internal to the text."<sup>14</sup> Almost from the beginning, the Mishnah was accepted as authoritative in Rabbinic Judaism. Like the Pentateuch, the approach to studying the Mishnah was to examine and comment on it in a "verse by verse" fashion. The first commentary on the Mishnah was the Gemara, and the two became completely intertwined in the Talmud. Joel Zaiman<sup>15</sup> has made the point that, almost from the beginning, Mishnah was neglected in favour of the study of Talmud. In support of this, he cites the Babylonian Talmud, Baba Mesia 33a-b.

Our Rabbis taught: they who occupy themselves with the Bible [alone] are but of indifferent merit; with Mishnah, are indeed meritorious, and are rewarded for it; with Gemara—there can be nothing more meritorious; yet run always to the Mishnah more than to the Gemara. Now, this is self-contradictory. You say, 'with Gemara—there can be nothing more meritorious;' and then you say, 'Yet run always to the Mishnah more than the Gemara!' —Said R. Johanan: This teaching was taught in the days of Rabbi; thereupon everyone forsook the Mishnah and went to the Gemara; hence he subsequently taught them, 'Yet run always to the Mishnah more than to the Gemara.'<sup>16</sup>

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<sup>14</sup> J. Neusner, *The Study of Ancient Judaism I: Mishnah, Midrash, Siddur* (New York: KTAV Publishing House, Inc., 1981) p. 4.

<sup>15</sup> For a more extensive survey of the history of traditional Mishnah study see J. Zaiman, "The Traditional Study of the Mishnah" in J. Neusner, *The Modern Study of the Mishnah* (Leiden: E. J. Brill, 1973) pp. 1-10. It is also reprinted in J. Neusner, *The Study of Ancient Judaism I: Mishnah, Midrash, Siddur* (New York: KTAV Publishing House, Inc., 1981) pp. 27-36.

<sup>16</sup> I. Epstein, *Seder Neziqin* Vol. 1 (London: The Soncino Press, 1973) p. 206.

In a real sense, the first commentary on the Mishnah was the Gemara. Although the Tosefta was produced not long after the redaction of the Mishnah, its role does not seem to be that of a commentary.

The connections between T[osefta] and M[ishnah] can be summarized as follows:

1. T agrees verbatim with M or varies only slightly.
2. T offers authors' names for sentences which are anonymous in M, or augments M by additional glosses and discussion.
3. T functions like a commentary on unquoted M material.
4. T offers additional substance without direct reference to material in common with M especially more haggadic and midrashic material).
5. T contradicts M in halakhah or tradents' names.
6. The arrangement of material parallel to M is largely the same in T, but also frequently different. T often seems to have the more original arrangement as well as the more primitive form of halakhah itself.
7. The style of T is not as succinctly formulated and polished as that of M.<sup>17</sup>

When the process that produced the Gemara ended sometime between 500 and 700, commentaries on the Gemara came to be considered commentary on the Mishnah as well. As a consequence, the earliest commentaries on the Mishnah, produced after the close of the Gemara, were limited to commenting on those tractates of Mishnah for which no Gemara had been composed. By the end of the eleventh century several fairly complete commentaries on the Gemara existed (e. g., Rashi and R. Hananel), but commentaries on the Mishnah alone remained rare and fragmentary. The oldest extant commentary on the Mishnah is a collection of Geonic materials on Seder Toharot.

The first known commentary on the entire Mishnah was composed by Maimonides in Arabic and completed in 1168. Maimonides had as his goals:

- 1) To learn the true meaning of Mishnah
- 2) To enunciate final rulings in the Mishnah
- 3) To serve as introduction to the study of the Talmud
- 4) To serve as a permanent record of Mishnaic knowledge<sup>18</sup>

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<sup>17</sup> H. Strack and G. Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress Press, 1992) p. 171.

<sup>18</sup> F. Rosner, *Maimonides' Introduction to his Commentary on the Mishnah* (Northvale: Jason Aronson, Inc., 1995) p. xxxi.



The Rabad (Abraham b. David of Posquieres, 1120-1198), a French contemporary of Maimonides, produced commentaries on Edduyot and Kinnim. Samson b. Abraham of Sens (1150-1230) commented on the Divisions of Agriculture and Purities but excluded comment on the tractates of Berakhot and Niddah which had Gemara in the Babylonian Talmud. Rabad's commentary "...gave the Mishnah a modicum of literary independence, but the cross references to the Talmud caused the two to remain substantially interwoven."<sup>19</sup> The primary source for Samson ben Abraham's commentary is the Talmud, as is demonstrated by his use of the cross reference as a tool of explanation.

Other "traditional" students of the Mishnah continued this pattern of commenting on those tractates of the Mishnah for which no Gemara appeared. Asher b. Yehiel (1250-1328) wrote a commentary that was based on the teachings of earlier commentators and contained his own glosses on these comments. Zaiman has noted that most Mishnah commentaries (e. g., Asher b. Yehiel's commentary, which appeared in the Amsterdam printing of the Talmud in 1715) first appeared printed as part of a Talmud commentary. "It was not expected that the Mishnah would be studied as an independent discipline."<sup>20</sup> Menahem ben Solomon Meiri (1249-1316) completed his *Beit ha-Bekhirah* in 1300. The work follows the order of the Mishnah and summarizes the halakhah and meaning of the Talmud.

Maimonides' commentary appeared with the first printed edition of the Mishnah in Naples, 1492. With the Venice edition of the Mishnah printed in 1548, the commentary of Obadiah ben Abraham of Bertinoro (b. 1500) appeared. His commentary, on the entire Mishnah followed Rashi's commentary on the Gemara. That is to say, his understanding of the Mishnah was shaped by Rashi's. For those tractates where there was no Gemara, and hence, no commentary by Rashi, Bertinoro followed the commentaries of Samson of Sens and Maimonides. "Though now printed in separate editions, so that technically it was easier to study the Mishnah independently, the apparatus provided to facilitate such study, that is Bertinoro's commentary, once again made the Mishnah subservient to the Talmud."<sup>21</sup>

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<sup>19</sup> Neusner, *Judaism: The Evidence of Mishnah*, p. 6.

<sup>20</sup> *Ibid.*, p. 7.

<sup>21</sup> *Ibid.* The Mishnah continues to play a subservient role to the Talmud in Ashkenzi circles. Zimmels in his comparative study of Ashkenzaim and Sephardim asserted that this difference is due to a medieval phenomenon. "In Spain the Talmud was regarded as a branch of Jewish literature like any other. The study of it was considered as not being confined to a special class of scholar's only..." H. Zimmels,

Rabbi Yom Tob Lippman Heller (1579-1654) was next in line to compose a commentary on the Mishnah. More accurately his *Tosafot Yom Tob* is a commentary on the work of Bertinoro. His commentary was followed by that of Israel Lipshutz (1782-1860), which was also based on Bertinoro's commentary. His objective was to connect the Mishnah to current halakhic practice, which he often does by citing Joseph Karo's *Shulkhan Arukh* and its commentaries.

#### The historical study of the Mishnah

...stands outside the Mishnah and asks questions extrinsic to the individual sentences and to their meanings. Historical study begins with questions about the Mishnah as a whole, its origins, and the development of the law. When, however, the answers to the historical and literary questions are arrived at from other criteria in addition to the information supplied by the early students of the Mishnah on the basis of their theological presuppositions, and when that information is critically evaluated in the light of the motives behind it and the external evidence, then we have entered the modern era in the study of the ancient text. What is "modern" about the modern study of the Mishnah is not merely an interest in historical, as opposed to exegetical and legal, problems, but the critical evaluation of the evidence.<sup>22</sup>

Two scholars stand out for their contributions to the modern study of the Mishnah. These are Jacob Epstein particularly his *Mavo Le-Nusah Ha-Mishnah* (Introduction to the text of the Mishnah) and Hanoch Albeck in his *Mavo La-Mishnah* (Introduction to the Mishnah) and *Shisha Sidrei Mishnah* (The Six Orders of Mishnah).

Jacob Epstein (1878-1952) was a Lithuanian born Professor of Talmud Studies at the Hebrew University of Jerusalem. The author of several works, his *Mavo Le-Nusah Ha-Mishnah* was the only book published in his lifetime. Its premise is to establish the requirements for producing a critical text of the Mishnah. The outcome of his study implied that producing a critical Mishnah text was impossible, because a single authoritative

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*Ashkenazim and Sephardim* (New York: Ktav, 1996) p. 152. In the Medieval Franco-German Schools Talmud study was for the elite student. As such, the Mishnah was important only as it related to Gemara. In the Spanish school both Mishnah and Talmud were seen as pieces of a larger corpus of Jewish literature, both deserving of appropriate study.

<sup>22</sup> J. Neusner, *The Study of Ancient Judaism I: Mishnah, Midrash, Siddur* (New York: Ktav, 1981) p. 4.

Mishnah text never really existed. Around the time Judah the Patriarch was compiling his Mishnah, many similar texts circulated.<sup>23</sup>

As evidence of this thesis, Epstein points to several facts. First, the Mishnah (as we have it) is compiled from various sources. These earlier collections contained their own variations based on the primary sources that they used. When the Mishnah was being compiled, these earlier variations, contradictions, and differences of teaching were preserved. Because printing was not to be invented for another millennium, the editions that Judah the Patriarch produced contains scribal errors and modifications from one manuscript to another. Finally, other collections existed before and after Judah the Patriarch completed his Mishnah. The greatest difficulty that Epstein's work presents is that the current written tradition does not accurately preserve the Mishnah as cited in the Talmud.

Albeck devoted much of his life to the study of the Mishnah. In 1936 he completed his first work, *Untersuchungen uber die Redaktion der Mischna*. This was followed by *Mekhqarim be-Baraita ve-Tosefta ve-Yahasan la-Talmud* in 1944. His first edition of the Mishnah with commentary began appearing in 1952, and he followed it with *Mavo La-Mishnah*, an introduction to the Mishnah in 1959. The book offers an overview of the development of the oral law, discussion on the differences between Classical and Rabbinic Hebrew, and a section on the various Mishnah commentaries. Albeck's *Mavo* is an attempt to explain the development of the Mishnah. His basic premise is that during the Babylonian exile and the return to Palestine an oral tradition that explained the written Scriptures developed. He argues that this development was logical, because anything written can be interpreted in multiple ways. Albeck views the Mishnah as a compilation of earlier sources. He presented the idea that Judah the Patriarch was its one and only compiler, and that he only collected and arranged the sources. Frequently Albeck points out that the compiler "never changed the order of the writings...and never changed the mishnayot from the condition in which he received them."<sup>24</sup> The Mishnah Judah the Patriarch compiled is based on earlier sources that, like the Mishnah, were collections of material. Because he never

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<sup>23</sup> Saul Lieberman has noted that there was likely more consistency in the various manuscripts because prior to being written down "A regular oral....edition, of the Mishnah was in existence, a fixed text recited by the Tannaim of the college." *Hellenism in Jewish Palestine* (New York: The Jewish Theological Seminary of America, 1962) p. 88.

<sup>24</sup> Translated from H. Albeck, *Mavo La-Mishnah* (Tel-Aviv: Dvir, 1959) p. 102.

changed his sources, one can divide up the Mishnah text by looking for sections organized in a manner that does not incorporate its material by topic. If the redactor did not change the material, these sections, which are organized differently, must be earlier, or they would be organized like the rest of the material.

Both Epstein and Albeck fall into the category of historical students of the Mishnah. Both accept certain historical presuppositions (for example, the existence of other versions of the Mishnah), as historical fact, without demonstrating solid evidence for them. While a professor at Brown University, Jacob Neusner edited a series of essays describing the primary scholars in the field of Mishnah Studies. His *The Modern Study of the Mishnah*, "...lead to the conclusion, that this stage of Mishnaic studies [the stage to which Albeck and Epstein belonged] was no longer dominated by pre-modern issues of religious authority and moral or halakhic inquiry, but neither did it yet show the character of being truly modern."<sup>25</sup> Neusner has frequently stated that the error of these writers was in taking all sources [those found in Rabbinic literature] as historical.<sup>26</sup>

The modern study of the Mishnah has not proved to be an enterprise based in universities, but rather has remained primarily an exercise in Judaic theology. None of the modern scholars of the Mishnah taught in a non-Jewish setting, either in a secular university or in a research institute. Indeed, except for those at the Hebrew University, Epstein, Goldberg, and Albeck, and DeVries at Tel Aviv University...most of the scholars never held university posts at all. They were Rabbis or teachers in various communities...most did not do their work within the critical discipline or framework of discourse of universities...and...That fact helps account for the insularity and methodologically primitive conceptions of most of the scholars of the Mishnah in modern times.<sup>27</sup>

According to Neusner, a critical approach to the study of Rabbinic material began at the end of the twentieth century. While Wellhausen in the last part of the nineteenth century

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<sup>25</sup> P. Pettit, *Shene'amar: the Place of Scripture Citation in the Mishnah* (Doctoral dissertation) (Claremont: Claremont Graduate School, 1993) p. 6.

<sup>26</sup> See J. Neusner, *A History of the Mishnaic Law of Damages Volume 5*, (Leiden: E. J. Brill, 1974), p. 181; or J. Neusner, *The Study of Ancient Judaism I: Mishnah, Midrash, Siddur* (New York: KTAV Publishing House, Inc., 1981) p. 4; or J. Neusner, *The Modern Study of the Mishnah* (Leiden: E. J. Brill, 1973) pp. xx-xxi.

<sup>27</sup> J. Neusner, *The Study of Ancient Judaism I: Mishnah, Midrash, Siddur* (New York: Ktav, 1981) p. 13.

began his critical approach to the Bible, it has taken longer for this approach to permeate the field of Rabbinic literature.

The work of Jacob Neusner stands at the forefront of contemporary Mishnah scholarship. Neusner has written hundreds of articles and books on the Mishnah and related rabbinic material (including translations of the two Talmuds, the Tosefta, and many of the Midrashim). His most significant contributions were his series of studies, *History of the Mishnaic Law*.<sup>28</sup> In addition to his own writings, Neusner's students have produced hundreds of additional articles and books.<sup>29</sup> While his "school" is the most prolific producer of publications on the Mishnah and Rabbinics, it is certainly not the only one. The last quarter century has seen much Mishnah scholarship. Of particular interest are four areas of study: manuscript research, the redaction of the Mishnah, gender studies and intertextuality (i. e., comparisons of the Mishnah to other texts).

While complete manuscripts of the Mishnah and fragments from the Cairo Geniza had already been reproduced by the mid-1970's (see Appendix B) a complete critical text of the Mishnah has yet to be published. Critical editions of several individual sedarim and tractates have appeared.<sup>30</sup>

As we noted earlier, Neusner has presented the difficulty in accepting Rabbinic sources as historically accurate, particularly with respect to the formation and redaction of the Mishnah. This topic has been taken up in several recent articles, and there continues to be a struggle between those scholars who accept Rabbinic sources as fact (e. g., Albeck,

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<sup>28</sup> J. Neusner, *The History of the Mishnaic Law of Appointed Times* (Leiden: E. J. Brill, 1981) I-V; *The History of the Mishnaic Law of Women* (Leiden: E. J. Brill, 1979-80) I-V; *The History of the Mishnaic Law of Damages* (Leiden: E. J. Brill, 1982) I-V; *The History of the Mishnaic Law of Holy Things* (Leiden: E. J. Brill, 1978-79) I-VI; *The History of the Mishnaic Law of Purities* (Leiden: E. J. Brill, 1974-77) I-XXII.

<sup>29</sup> E. g., A. Avery-Peck, "Scripture and Mishnah: The Case of the Mishnaic Division of Agriculture" *Journal of Jewish Studies* 38 (1987) pp. 46-71; I. Mandelbaum, "Scripture and the Interpretation of the Mishnah - The Case of Tractate Kilayim" *World Congress of Jewish Studies* 9C (1986) pp. 15-22; R. Sarason, "Mishnah and Scripture: Preliminary Observations on the Law of Tithing in Seder Zera'im" in W. S. Green, *Approaches to Ancient Judaism* 2 (1979) pp. 81-96; M. Jaffee, "Deciphering Mishnaic Lists: a Form Analytical Approach" in W. S. Green, *Approaches to Ancient Judaism* 3 (1981) pp. 19-34.

<sup>30</sup> See, for example, Sacks, N., *The Mishnah with variant readings collected from manuscripts, fragments of the 'genizah' and early printed editions and collated with quotations from the Mishnah in early Rabbinic literature as with Bertinoro's commentary from manuscript: Order Zeraim I-II* (Jerusalem: Hotsaat Makhon ha-Talmud ha-Yisraeli ha-Shalem, 1972); A. Goldberg, *Perush la-Mishnah, masekhet Eruvin: nusah ketav yad Kaufmann ve-nusah defus rishon im shinue nus'haot me-kirve yad atikim* (Jerusalem: Magnes Press, 1986).

Epstein, and most recently E. P. Sanders<sup>31</sup>) and those who will only accept as fact those texts for which there is historical corroboration (e. g., Neusner and his students).

As with other fields of research gender issues have also been raised with respect to the study of the Mishnah. In the past ten to fifteen years, several dozen articles and books on the role of women as defined in the Mishnah have appeared. The most prolific authors on the subject have been Judith Wegner (a former student of Neusner) and Judith Hauptman,<sup>32</sup> while Jacob Neusner has also written several related articles and books.<sup>33</sup>

The past twenty-five years have also seen the publication of a large number of articles on the relationship between the Mishnah and other texts, including the Midrashim, the Dead Sea Scrolls, the New Testament and other secular texts.<sup>34</sup> Of our particular concern are those studies which compare the Bible and the Mishnah.

Neusner's general conclusions about the relationship between the Bible and the Mishnah can be summarized as follows. He describes an ambiguous relationship between Scripture and the Mishnah. The Mishnah is both completely dependent on and completely independent of Scripture. On one occasion Neusner states "The Mishnah rarely cites a verse of Scripture, links its own ideas to those of Scripture, or lays claim to have originated in what Scripture has said... Formally, redactionally, and linguistically the Mishnah stands in

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<sup>31</sup> While Sander's does not accept all Rabbinic claims as fact, he is not as quick as Neusner to disregard them. For his criticism of Neusner see the final chapter of his *Jewish Law From Jesus to the Mishnah*, (Philadelphia: Trinity Press International, 1990).

<sup>32</sup> See, for example, J. Wegner, "Dependency, Autonomy and Sexuality; Women as Chattel and Person in the System of the Mishnah" In J. Neusner, *Religion, Literature, and Society in Ancient Israel* 1 (1987) pp. 89-102; *Chattel or Person? The Status of Women in the Mishnah* (New York: New York University Press, 1988); "Public Man, Private Woman: the Sexuality Factor and the Personal Status of women in the Mishnaic Law" *Jewish Law Association Studies* 4 (1990) pp. 23-54. Wegner's general conclusion is that in most areas women are treated as people in the Mishnah. However, with respect to a woman's sexuality she is considered property. Some of her work has been questioned by Judith Hauptman, *Rereading the Rabbis: A Woman's Voice*, (Boulder: Westview Press, 1998). "Judith Wegner...maintains that women are treated as chattel with respect to any matter affecting a man's proprietary interest in their sexuality or reproductive abilities and as a person with respect to all others. However, the details do not tally with this theory. For example, in sexual areas she was not chattel, since she had conjugal rights...; in civil areas she was not equal, because as long as she was married to him she had no right to dispose of any of her property..." p. 74.

<sup>33</sup> See, for example, J. Neusner, *Androgynous Judaism: Masculine and Feminine in the Dual Torah* (Macon: Mercer University Press, 1993).

<sup>34</sup> Some recent examples include D. Goldenberg, "The Halacha in Josephus and Other Tannaitic Literature" *Jewish Quarterly Review* 67 (1977) pp. 30-43; A. Houtman, "The Job, the Craft and the Tools; Using A Synopsis for Research on the Relationship(s) Between the Mishnah and the Tosefta" *Journal of Jewish Studies* 48, 1 (1996) pp. 91-104; M. Lehmann, "Jewish Wisdom Formulae; Ben Sira, the Dead Sea Scrolls, and Pirke Avot" *World Congress of Jewish Studies* 11A (1994) pp. 159-162.

splendid isolation from Scripture.”<sup>35</sup> He has also stated that the “...Mishnah depends in a deep way, for both thematic agendum and the facts of its topics and rules, upon Scripture.”<sup>36</sup>

One of Neusner’s central arguments, often repeated, is that the concepts and concerns of the Mishnah could not be predicted based on Scripture. As such, the choice of what to include or to exclude from discussion lay in the hands of the framers of the Mishnah. Throughout the Mishnah, the Torah plays an essential role as a primary source of facts for the authorities to frame their legal teachings. At the heart of his historical summaries, Neusner has attempted to present individual mishnayot of each tractate topically within the tractate. Each of these topics is then broken down historically, so that the development of thinking about a given topic can be demonstrated. Generally, Neusner makes use of the sages cited to demonstrate the date of a given idea. The earliest group of authorities was those who were active in the period before the destruction of the Temple in 70 CE. The second group consists of those authorities who lived between the destruction of the Temple and the beginning of the Bar Kochba revolt in 132 CE.<sup>37</sup> The third group are those who lived and studied following the Bar Kochba revolt and died before the final decades of the second century. The final group includes those authorities who studied during decades of the second century and as such likely played a role in the formation of the Mishnah.

The present study, approaches the Mishnah with a critical, modern eye. It seeks to use the internal evidence, material taken from the Mishnah, to examine further the nature of the Mishnah-Scripture relationship. Neusner has been the essential force in Mishnah study for the past twenty-five years. He has “...left unaddressed most of the issue of scripture citation in the Mishna.”<sup>38</sup>

By examining the citation of Scripture in the Mishnah, the relationship of the contents of the Mishnah to the contents of the Bible, and outright comments on the Bible, perhaps more light can be shone on the ambiguous relationship between the Bible and the

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<sup>35</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 217.

<sup>36</sup> *Ibid.*, p. 172.

<sup>37</sup> Neusner often refers to the second and third periods as “Yavnean” and “Ushan,” which reflects the centers of Rabbinic learning in those periods.

Mishnah. The goal of this work is not to delegitimize Neusner's work. "...Neusner does not trouble himself with details either in the analysis of the Mishnah or in the presentation of his results, and does not engage in the close reading of texts. Neusner interprets the Mishnah and its constituent elements (the tractates) as organic wholes."<sup>39</sup> We have engaged in the close reading of the Mishnah text and in an examination of its details. The details present a different picture of the Mishnah than that perceived using Neusner's approach. Based on the details, the nature of the relationship between the Bible and the Mishnah is not nearly as ambiguous as he has described it.

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<sup>38</sup> P. Pettit, *Shene'emar: The Place of Scripture Citation in the Mishnah* (Claremont: Claremont Graduate School, 1993) p. 16.

<sup>39</sup> S. Cohen, "Jacob Neusner, Mishnah, and Counter Rabbis: A Review Essay" *Conservative Judaism* Vol. 37 (1983) p. 49.



## Chapter 2

### Scripture Citation in the Mishnah

The Mishnah contains five hundred and fifty-seven biblical citations, a fact that stands in stark contrast to Jacob Neusner's presentation of the relationship between Scripture and Mishnah. Neusner has noted on several occasions, but most clearly in his introduction to *The Mishnah: a new Translation*, that

...Scripture plays little role in the Mishnaic system. The Mishnah rarely cites a verse of Scripture, refers to Scripture as an entity, links its own ideas to those of Scripture, or lays claim to originate in what Scripture has said, even by indirect or remote allusion to Scriptural verse or teaching... Formally, redactionally, and linguistically the Mishnah stands in splendid isolation from Scripture.<sup>1</sup>

While the Mishnah does not contain numbers of biblical citations analogous to other works of Rabbinic literature (e.g., Sifra, which is formulated as a verse by verse commentary on Leviticus), the almost six hundred biblical citations that do appear cannot be ignored. The Tannaim (those rabbis cited in the Mishnah) *did* make use of the Pentateuch, Prophets, and Hagiographa in teaching their legal decisions. While all citations of the Bible in the Mishnah do not function as proof-texts, the majority does, and thus Neusner's insinuation that the Mishnah is independent of the Bible is simply not correct. Neusner notes that the Mishnah is unlike the texts that preceded it. The pseudepigraphal books claim to be written by biblical characters and thus claim equal authority to the Bible. The texts that followed the Mishnah make plentiful use of biblical citation and constitute "...both an apologetic for, and a critique of, the Mishnah [that] is shown in the correlative response to the Mishnah, namely, the Sifra and its exegesis of Leviticus."<sup>2</sup> The five hundred and fifty-seven citations found in the Mishnah demonstrate, at least in part, the deference of the Tannaim to Scripture. Further, fifty-three of the sixty-three tractates include biblical

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<sup>1</sup> J. Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988) p. xxxv.

<sup>2</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 219.

citations and only six books (four of the Minor Prophets and two books from the Writings) of the Bible are left unaccounted for. Statistically, the numbers of biblical citations are quite significant. They establish that Rabbis of the Mishnah (the Tannaim) were particularly dependent on certain biblical books for their teachings and that certain sections of the Mishnah cited the Bible frequently.

Initially, producing a list of biblical verses cited in the Mishnah does not appear to be a task requiring a tremendous amount of effort, but different patterns of Bible usage, as well as variants in manuscripts and printed editions of the Mishnah ensure the need for a clear definition of what constitutes a Bible citation.

To produce the list of citations (see Appendix A), five versions of the Mishnah text and an additional list of citations from Peter Acker Pettit's doctoral thesis *Shene'emar: The Place of Scripture Citation in the Mishnah*<sup>3</sup> were used. Henech Albeck's *Shishah Sidrei Mishnah*<sup>4</sup> proved to be the most thorough source of citations. Although his multi-volume work contains no index of biblical citations, the marginal notes in which he annotates the citations are quite thorough. I also examined *The Bar Ilan Judaic Library Version 4.0*<sup>5</sup> on CD-Rom, Herbert Danby's translation *The Mishnah*<sup>6</sup>, Philip Blackman's multi-volume *Mishnayot: pointed Hebrew text, etc.*<sup>7</sup>, and Jacob Neusner's *The Mishnah: A New Translation*. With the exception of Albeck and the Bar Ilan CD-Rom, the texts all included indices of biblical citations. A master list of citations was produced by compiling the biblical indices of Neusner, Pettit, Danby and Blackman. A list produced from the marginal notes of Albeck and a list produced from running the names of the books of the Bible through the CD-Rom database were also added to the compilation.

Lists of citations were compiled from each of the above mentioned sources, in addition to a list I prepared by reading the Mishnah and compiling the citations. From this "master list" several citations have been excluded to produce the list that appears in

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<sup>3</sup> P. Pettit, *Shene'emar: The Place of Scripture Citation in the Mishna* (doctoral dissertation) (Claremont: Claremont Graduate School, 1993).

<sup>4</sup> H. Albeck, *Shishah Sidrei Mishnah* (Hebrew, six volumes) (Tel-Aviv: Dvir, 1957)

<sup>5</sup> *Bar Ilan's Judaic Library Version 4.0* (Spring Valley: Torah Education Software, 1994).

<sup>6</sup> H. Danby, *The Mishnah* (Oxford: Clarendon Press, 1933).

<sup>7</sup> P. Blackman, *Mishnayot: pointed Hebrew text...* (Gateshead: Judaica Press, 1990).

Appendix A. Excluded from the list of citations are those biblical words and passages that have become technical terms. For example, in Order Zeraim, Tractate Peah, the term *peah* (פאה) is a technical term taken from a biblical citation.

Leviticus 19:9

When you reap the harvest of your land, you shall not reap all the way to the edges of your field [לֹא תבילה מאת שדך], or gather the gleanings of your harvest.

When a biblical verse has been adopted as part of the liturgy and the liturgical piece is quoted in the Mishnah the biblical citation is not included in the master list. For example, Berakhot 2:2.

- A. The following are [the breaks] between the paragraphs:
- B. Between the first blessing and the second [of those which precede the *Shema*];
- C. between the second blessing and [the paragraph which begins] *Shema* (Dt. 6:4-9);
- D. and between [the two sections which begin] *Shema* and *And it shall come to pass if you hearken* (Dt. 11:13-21)

The daily prayer, *Shema* (שמע), receives its name from Deuteronomy 6:4. Because the word *Shema* (שמע) has become a technical term referring to a specific prayer, references to it have been excluded from the list of biblical references. When the Mishnah uses the word *shema* (שמע), its intention is not to point the reader to the Bible but to the prayer. Other words of this sort, e.g., *Pesach* (פסח) and *Shabbat* (שבת), have also been excluded from the list of citations (as they are not citations). Examples of this sort appear in Berakhot 2:1-2; Megillah 2:3; 3:4-6; Sotah 7:1,2,58; Yoma 7:1; Bikkurim 1:4; 3:2, 4, 6; Makkot 3:14; and Yadayim 3:5. Together they include fifty-three references to Bible passages.

The same exclusions hold for biblical verses that mark the beginning (and thus the name) of Torah portions which are read as part of the liturgy. For example Yoma 7:1.

- E. The high priest rises and receives it and reads *After the death* (Lev.16), and *Howbeit on the tenth day* (Lev. 23).
- F. Then he rolls up the Torah and holds it to his heart and says, "More than what I have read out before you is written here."

G. *And on the Tenth* (Num. 29) which is in the Book of Numbers he reads by heart.

The biblical passages in Yoma 7:1 are not citations. While they are taken verbatim from the Bible, they are the “titles” of liturgical portions of the text. As titles these references are technical terms and not citations.

With an established criterion for what does or does not constitute a biblical citation and an established list of citations, the foundation for analysis of the list is set.<sup>8</sup> These technical terms and names of liturgical texts may be direct allusions to biblical texts and are perhaps taken verbatim from the text, but they are not citations and, as such they have not been included in the master list. The intention is not to suggest that they are unimportant to this research. While they are a secondary concern, the use of technical terms taken directly from the Bible only serves to strengthen the argument that there is an essential bond between the two texts and a dependency of the Mishnah on the Bible for its vocabulary.

Briefly, one need only examine an index to the Mishnah to begin to understand the immense number of terms that allude to the Bible.<sup>9</sup> The Mishnah contains the names of various biblical characters in one hundred and forty different chapters;<sup>10</sup> contains forty-five references to the Books of the Law, Holy Scriptures and named biblical books, at least thirty references to events (e. g., Creation, Exodus, Flood); ninety-five chapters where the Temple is discussed, and one hundred and fifty-four chapters wherein references to sacrifices and offerings are found. Furthermore, thirty-eight chapters discuss the priests; sixty-six refer to the Levites. Various biblical holidays and the Sabbath are discussed in two hundred and sixty-two locations. This list, superficial to say the least, points to nearly nine hundred different chapters of the Mishnah (of a total of approximately 4100) that include

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<sup>8</sup> The differences between the list that has been compiled for this research and those included in printed volumes of the Mishnah are not tremendously significant. Usually, they are due to the inclusion of biblical references (and not citations) or the mention of biblical verses that are cited as a part of the liturgy. In general, there were no more than five or six of these variants when compared with our own list.

<sup>9</sup> The following statistics have been compiled using the index that appears in H. Danby, *The Mishnah* (London: Oxford University Press, 1933) pp. 812-844. While each of the index references has been confirmed by examining the Mishnah, that there are references excluded from the index remains a possibility.

<sup>10</sup> These are the number of chapters where a reference can be found. There may be multiple references in each chapter, but this phenomenon has not been calculated. Conceivably, if one were to tally the number of times each name actually appears the number of references could very well double or triple.

one or more references to biblical characters, events, or concepts. Even if one were to assume that these were the entirety of references to the Bible, when added to the five hundred and fifty seven citations they increase the distribution of biblical references from one every second page to one and one quarter references per page; well over double. Theoretically, because the number of terms that allude to the Bible may be triple what is presented here, the quantity of references could, on average, be two or three per page of the Mishnah. Thus, the dependence of the Mishnah on the Bible is far more clearly established.

#### A Statistical Analysis of Biblical Citation in the Mishnah

A statistical analysis<sup>11</sup> of the biblical citations found in the Mishnah is presented below in two parts. The first outlines the distribution of the citations in relation to the Bible. That is to say that it responds to the questions: 1) From which section of the Bible (Torah, Prophets or Hagiographa) are most verses cited? 2) What percentage of the citations appear in each section? 3) Are the percentages proportional to the percentage of the Bible that each section represents? 4) Do particular biblical books stand out as being disproportionately quoted?

The second part of the analysis is focused on the distribution of the biblical citations in the Mishnah. The questions responded to include: 1) Do certain orders or tractates contain a disproportionate number of biblical citations? 2) Are particular orders or tractates more or less dependent on citations from a specific biblical book?

#### The Distribution of Citations in Relation to the Bible

The books of the Torah represent approximately 23% of the text of the Bible, while the Prophets<sup>12</sup> and Hagiographa represent 45 and 32% respectively. These proportions are not preserved in the way in which citations in the Mishnah are dispersed. Of the 557 citations found in the Mishnah, 388 are from the Torah, 89 are from the Prophets, and 80 are from the Hagiographa. The citations from the Torah represent 70% of the total citations,

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<sup>11</sup> For a similar, yet briefer, review of these statistics as they appear in the Talmud see D. Kraemer, "Scripture Commentary in the Babylonian Talmud: Primary or Secondary Phenomenon?" *Association of Jewish Studies Review* 14,1 (Waltham: 1989) pp. 1-15.

<sup>12</sup> The Prophets can also be subdivided into Early and Later Prophets. The Early Prophets account for 19% of the biblical text and 4.6% of the total citations. The Later Prophets account for 26% of the Bible and 10.5% of the total citations.

three times the number of citations that would be proportionate to the size of the text. The Prophets account for just over 15% of the total citations, significantly less than might be expected from the half of the Bible text this unit represents. Finally, the Hagiographa, which accounts for one quarter of the Bible text, represents just under 15% of the citations in the Mishnah.

### Citations from the Torah

It is clear that the number of citations from the Torah is disproportionate to its size. This is explained easily enough in that the Mishnah is not nearly as concerned with explaining the contents of the Torah as it is in establishing law. As the Prophets and Writings are far more concerned with narratives and poetry, it is understandable that they are not cited as often as the Torah. The Torah is cited more often because, like the Mishnah, it is far more concerned with legalities.

Within the Torah itself, Genesis, which represents just over one quarter of the Torah, is only cited 6% of the time (22/388 verses). Exodus is cited 16% of the time (62/388 verses) although it represents 21% of the Torah text. Leviticus is cited 30% (116/388 verses) of the time, almost double the 15% of the Torah text that it represents. Numbers is cited 13% (51/388 verses) of the time, compared to the 21% share of the Torah. Deuteronomy is responsible for the greatest number of citations of any biblical book. There are 137 citations from Deuteronomy representing 35% of the total citations from the Torah and 25% of the total biblical citations. This is a far greater representation than the 18% of the Torah and 4% of the Bible text that it represents.

The disproportionate distribution of the citations is best explained by a comparison with the distribution of the 613 mitzvot. According to the *Encyclopædia Judaica*'s listing of the mitzvot from Maimonides' *Sefer Ha-Mitzvot*,<sup>13</sup> less than 1% of the mitzvot are from Genesis, 19% are from Exodus, 40% from Leviticus, 8% from Numbers, and 32% from Deuteronomy. As with citations found in the Mishnah, Leviticus and Deuteronomy are disproportionately overrepresented and Genesis is grossly underrepresented. The pattern of citation is more than reasonable in light of the concern of both these documents for legal

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<sup>13</sup> A. Rabinowitz, "Commandments, The 613" in *Encyclopædia Judaica* Vol. 5 (Jerusalem: Keter Publishing, 1972) cols. 763-782.

issues. Since Leviticus and Deuteronomy are dominated by legal discussions it is sensible that they are cited frequently by documents that need proof-texts for legal teachings. Genesis, Exodus, and Numbers contain prolonged narratives that provide little material for legal discussion. Their under-representation in legal documents is quite comprehensible.

The Books of the Prophets represent slightly less than half the text of the Hebrew Bible and account for 15% of the citations in the Mishnah. Pettit has noted that Neusner in his *Judaism: The Evidence of Mishnah* has stated that “...the whole corpus of prophecy and history is neglected in the Mishnah,” ignoring nearly 100 hundred explicit verse citations from Prophets and Hagiographa.”<sup>14</sup>

#### Citations from the Prophets

Of the twenty-one books into which the section of Prophets is divided, Isaiah, Ezekiel, Samuel I-II, and Jeremiah play the most significant part in the Mishnah. These five books together account for the majority of the citations from the Prophets (some 73%). There are 28 verses from Isaiah, representing 5% of the total biblical citations; Isaiah makes up 8% of the Bible text. It is cited less often than could be predicted based on its size in relation to the Bible as a whole. Jeremiah is also cited disproportionately. It represents greater than 8% of the entire Bible text but accounts for less than 1% of the citations found in the Mishnah.

The books of Joshua, Judges, I and II Kings, Hosea, Joel, Amos, Jonah, Micah, Haggai, Zechariah and Malachi each represents less than 1% of the total citations found in the Mishnah and together they represent only 4%. Excluded entirely from the list of citations are Obadiah, Nahum, Habakkuk and Zephania. Together these four books represent only 1.5% of the Bible and as such it is statistically insignificant that they are not quoted.

#### Citations from the Hagiographa:

The Hagiographic books represent 32% of the biblical text. Together their 80 verses represent only 14% of the citations in the Mishnah. Psalms (with 25 citations) and Proverbs (with 36) are the most highly quoted in the Mishnah. Together these two books represent 76% of the 80 citations from the Hagiographa. The Book of Psalms, which represents less

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<sup>14</sup> Pettit, *Shene'emar*, pp. 16-17.

than 10% of the Bible text, is disproportionately cited by the Mishnah. Almost 5% of the total citations are taken from Psalms. The Book of Proverbs accounts for just less than 4% of the Bible text, yet it is cited some 6.5 % of the time.

The Books of Daniel and Nehemiah are not cited at all in the Mishnah. Job, Song of Songs and Ecclesiastes each represents between 0.5 and 0.75% of the total citations. Ruth, Lamentations, Esther,<sup>15</sup> Ezra and I and II Chronicles each represents less than 0.25% of total citations.

In general, almost the entire collection of citations are quoted from only twelve of the biblical books. The five books of the Torah provide 70% of the citations. Five books from the Prophets, Samuel I and II, Isaiah, Jeremiah and Ezekiel, make up another 11%. Finally, Proverbs and Psalms make up an additional 11%. Joshua, Judges, I and II Kings, the Twelve Minor Prophets, Job, the Five Scrolls, Daniel, Ezra, Nehemiah and I and II Chronicles make up the final 8%. That is to say that 59% of the Bible is the source for 92% of the biblical citations.

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<sup>15</sup> It is interesting to note that although most of Tractate Megillah is devoted to issues raised by the biblical Book of Esther, the only biblical citation from the Book of Esther appears in Tractate Abot.



Figure 1.

Book		Percent book represents compared to Bible	Percent Book represents compared to Section	Number of citations	Number of Citations used for Halakhic Purposes	Percent of Total Section Citations	Percent of Total Bible Citations
<b>Torah</b>							
Genesis		5.5	24.4	22	10	5.6	3.9
Exodus		4.7	20.8	62	49	15.9	11.1
Leviticus		3.4	15.1	116	106	29.8	20.8
Numbers		4.8	21.5	51	43	13.1	9.1
Deuteronomy		4.1	18.3	137	123	35.3	24.5
<b>Total</b>		<b>22.5</b>	<b>100.1<sup>16</sup></b>	<b>388</b>	<b>331</b>	<b>89.7</b>	<b>69.4</b>

Early Prophets <sup>17</sup>									
Joshua		2.8	14.8	6.2	4	3	14.8	4.4	0.7
Judges		2.8	14.8	6.2	3	1	11.1	3.3	0.5
1 Samuel		3.6	19.0	7.9	9	2	33.3	10.1	1.6
2 Samuel		3.1	16.0	6.7	7	3	28.0	7.8	1.2
1 Kings		3.5	18.1	7.6	2	0	7.4	2.2	0.3
2 Kings		3.3	17.3	7.2	2	2	7.4	2.2	0.3
	Subtotal	19.1	100	41.8	27	11	100	30	4.6

<b>Later Prophets</b>									
Isaiah		7.3	27.5	16.0	28	9	45.2	31.4	5
Jeremiah		7.5	28.1	16.4	6	1	9.7	6.7	1
Ezekiel		5.8	21.8	12.7	11	2	17.7	12.3	1.9
Hosea		1.0	3.6	2.1	1	1	1.6	1.1	0.1
Joel		0.5	1.8	1.1	3	0	4.8	3.3	0.5
Amos		0.8	3.0	1.8	3	0	4.8	3.3	0.5
Obadiah		0.2	0.6	0.4	0	0	0	0	0
Jonah		0.2	0.9	0.5	1	0	1.6	1.1	0.1
Micah		0.6	2.4	1.4	2	0	3.2	2.2	0.3
Nahum		0.3	1.2	0.7	0	0	0	0	0
Habakkuk		0.3	1.2	0.7	0	0	0	0	0

<sup>16</sup> The imperfections in percentage totals is due to the rounding of figures to one decimal place.

<sup>17</sup> Under the two categories "Percent Book Represents Compared to Section" and "Percent of Total Section Citations" the left side of the column indicates "compared to Early Prophets" or "compared to Later Prophets" and the right side indicates "compared to the entirety of the Prophets."

Zephaniah	0.4	1.5	0.9	0	0	0	0
Haggai	0.2	0.6	0.4	1	0	1.6	1.1
Zechariah	1.1	4.2	2.5	2	0	3.2	2.2
Malachi	0.4	1.5	0.9	4	0	6.5	4.4
<b>Subtotal</b>	<b>28.6</b>	<b>99.9</b>	<b>58.6</b>	<b>62</b>	<b>25</b>	<b>99.9</b>	<b>69.1</b>
<b>Total</b>			<b>100.3</b>	<b>89</b>	<b>36</b>		<b>99.1</b>

#### Writings

Psalms	9.6	30.1	25	4	31.2	4.4
Proverbs	3.6	11.4	36	8	45	6.4
Job	3.8	11.9	6	0	6.2	0.8
Song of Songs	0.6	1.8	3	0	3.7	0.5
Ruth	0.4	1.3	1	1	1.2	0.1
Lamentations	0.8	2.5	1	0	1.2	0.1
Ecclesiastes	0.9	2.8	4	1	5	0.7
Esther	0.9	2.8	1	0	1.2	0.1
Daniel	1.7	5.3	0	0	0	0
Ezra	1.0	3.3	1	1	1.2	0.1
Nehemiah	1.6	5.1	0	0	0	0
1 Chronicles	3.1	9.8	1	0	1.2	0.1
2 Chronicles	3.9	12.1	2	0	2.5	0.3
<b>Total</b>	<b>31.9</b>	<b>100.2</b>	<b>80</b>	<b>15</b>	<b>99.6</b>	<b>13.6</b>
<b>Gr. Total</b>	<b>100.1</b>		<b>557</b>	<b>382</b>		<b>96.1</b>

## **The Distribution of Citations in the Mishnah, Outlined by Tractate**

Biblical citations are not dispersed homogeneously throughout the six orders and sixty-three tractates of the Mishnah. Neusner's translation of the Mishnah contains 1136 pages of text. With 557 biblical citations in the Mishnah, an average distribution would find one citation approximately every two pages.

The six orders of the Mishnah are not of equal size, nor are the tractates of which they are composed. The first order, Zeraim (Agriculture), represents approximately 15% of the Mishnah. The second order, Moed (Appointed Times), represents approximately 13%; the third order, Nashim (Women) 14%; the fourth and fifth orders, Neziqin (Damages) and Qodashim (Holy Things), each represents approximately 17%. The sixth and largest order, Toharoth (Purities), represents 21% of the Mishnah. Three of the orders have an appropriate representation of biblical citations. Moed, Nashim, and Qodashim each contains a number of citations almost identical to the percentage of citations that the orders represent in the Mishnah. The orders of Zeraim, Neziqin, and Toharoth are greatly misrepresented in their use of citations. Zeraim, 15% of the Mishnah, contains 6% of the total citations. Neziqin, 17% of the Mishnah, contains 38% of the citations. Toharoth, one fifth of the text of the Mishnah, contains only 5% of the citations.

### **(1) Zeraim**

The Order Zeraim contains thirty-five biblical citations, distributed throughout its eleven tractates. Of the eleven, three tractates (Demai, Maaserot, and Orlah), which combined make up 18% of the text, contain no biblical citations. Berakhot contains eleven citations. Three tractates (Kilayim, Maaser Sheni, and Hallah), which combined make up 26% of Zeraim, each contains only one verse. Berakhot represents 6% of the text of Zeraim, but contains 31% of the citations found in that order. Peah makes up 12% of the text and with eight citations is responsible for 23% of the citations. Shebiit is 14% of the text of the order and contains 11% of the citations. Terumot contains 8.5% of the citations but represents 15% of the order. Bikkurim contains 17% of the biblical citations but represents only 7% of the order. In Zeraim, 91% of the citations can be found in five tractates that represent only 56% of the text. Of the thirty-five citations, twenty-six (74%) are from the Torah, two (6%) are from the Prophets, and seven (20%) are from the Hagiographa. The

Torah percentage is to be expected; the Prophets are tremendously under-represented, and the Prophets are over-represented, by 5%.

## **(2) Moed**

The second order, Moed, contains twelve tractates equal to 13% of the Mishnah text and sixty five citations. Thirty three citations are from the Torah, nineteen from the Prophets, and thirteen from the Hagiographa. The Torah is underrepresented at 51% of the citations. The Prophets have double representation at almost 30% and the Hagiographa is slightly overrepresented at 20%. Two tractates, Erubin and Besah, contain no citations, and Sukkah contains only one. Together, these three tractates represent 26% of the order. The largest tractate, Shabbat, contains twelve citations, approximately 18.5% of the total and represents 18.5% of the text of the order. Pesachim makes up 14% of the order and contains 11% of the citations. It is interesting that all the citations contained in this tractate are from the Torah and are directly related to the holiday of Passover (Exodus 12:6, 13:7-8, Numbers 9:3,10) which is the central theme of the tractate. Sheqalim contains 14% of the citations and represents only 9% of the text. Yoma also represents 9% of the order but contains 17% of the citations. Rosh Hashanah and Taanit each represents 5% of the text of the order and contains 11 and 16% of the citations respectively. Megillah and Hagigah each contains 5% of the citations, and each is responsible for 5% of the text. Moed Qatan is responsible for 3% of the citations and almost 3% of the text. Eighty-six percent of the citations in the Order Moed can be found in six tractates that represent 61% of the text.

## **(3) Nashim**

The third order, Nashim contains seven tractates and one hundred and five biblical citations. The citations are 18.5% of the total found in the Mishnah and Nashim makes up some 14% of the Mishnah text. Seventy percent of the citations are from the Torah, 23% are from the Prophets, and 7% are from the Hagiographa.

Yebamot is the largest individual tractate in the Mishnah. It makes up almost 4% of the entire Mishnah and 24% of the order. It contains only 9.5% of the total citations and less than half the number that would make the distribution proportional. All ten of the citations in this order are taken from the Torah, two from Genesis, three from Leviticus, and five

from Deuteronomy. Ketubot makes up 17% of the order but contains less than 3% of the citations. Nazir is 10% of the order and contains 6% of the citations. Gittin contains 5% of the citations but is almost 13% of the contents of Nashim; Qiddushin contains 7% of the citations and is 10% of the text of the order. Of the seven tractates, six are under represented in the distribution of citations. Sotah contains sixty-two of the one hundred and five citations in Nashim. That is to say that an order that represents only 11.5% of the total Mishnah text contains 59% of the citations. It should also be noted that Sotah alone contains almost one-fifth of the entire number of citations from Deuteronomy found in the Mishnah. Of Sotah's sixty-two citations from the Bible, thirty-four are found in non-legal discussion (see below). This is reasonable in light of the assumption that there is no need to cite Scripture when a biblical law is well established. However, in the case of non-legal discussions, the material is new and thus, it is necessary to cite the Bible to establish new facts.

#### (4) Neziqin

The Order of Damages (Neziqin) contains ten tractates and the greatest number of citations of any order. Its 214 citations represent almost 38% of all the biblical citations, 64% of the citations are from the Torah, 13% from the Prophets, and 23% from the Hagiographa. It is important to note that 61% of the total citations from the Hagiographa can be found in Neziqin. Of the ten tractates, seven are proportionately under-represented in the collection of citations. Baba Qamma, Baba Mesia, and Baba Batra, together represent 41% of the text of Neziqin but contain only 16% of its citations. Shabuot is 10% of the order but contains less than 2% of the citations. Eduyyot and Horayot each contains 3% of the citations; respectively they make up 11 and 5% of the text. Abodah Zarah contains almost 5% of the citations and represents 6% of the text.

Of most significance are the tractates Sanhedrin, Makkot, and Abot. Together they make up 28% of the text of Neziqin and contain 71% of the citations. Sanhedrin contains sixty citations (28%) and makes up 13% of the order's content. More than three quarters of the citations are Pentateuchal, with 10% coming from both the Prophets and the Hagiographa. Makkot contains twenty-seven citations (13%) and is less than 6% of the total text of Neziqin. Of its twenty-seven citations, twenty-six are from the Torah and the other is

from Isaiah. Of the twenty-six Torah citations, nineteen are from the book of Deuteronomy. The tractate of Abot contains sixty-six citations. Thirty-nine citations are from the Hagiographa, particularly from the book of Proverbs (twenty-two citations). If, as has been suggested, Abot was not an original part of the Mishnah, the balance between Torah, Prophets and Hagiographa would be altered tremendously. Without Abot, there would only be four hundred and ninety-one citations in the Mishnah. Of these, three hundred and seventy-seven would be from the Torah (77% compared to 70%), seventy-three from the Prophets (a similar 15%), and, forty-one from the Hagiographa (8% compared to 15%). Further, there would be only thirteen of the thirty-six citations from Proverbs. Abot contains two-thirds of all the citations from Proverbs, certainly a reasonable quantity when it is considered that both Proverbs and Abot are wisdom literature.

#### (5) Qodashim

The Order of Qodashim contains eleven tractates and one hundred and six biblical citations. Qodashim makes up 17% of the Mishnaic text and contains 19% of the citations. Eighty-seven percent are from the Torah, 11% from the Prophets and 2% from the Hagiographa. Of the one hundred and sixteen total citations found from Leviticus in the Mishnah, fifty-one can be found in Qodashim.

Zebahim contains only twelve citations, all from the Torah. Of these, ten are from Leviticus. It represents 17% of the text of the order and contains 11% of the order's citations. Like Zebahim, Menahot also represents 17% of the text. It contains 18% of the citations; eighteen of nineteen citations are from the Torah. Hullin contains 17% of the citations and represents 11% of the order. Bekhorot and Arakhin each contains 14% of the order's citations and respectively represent 12% and 7% of the text. Neither Bekhorot nor Arakhin contains citations from the Prophets or Hagiographa. Temurah and Keritot each contains approximately 7% of the total citations; neither contains any citations from the Prophets or Hagiographa, and each represents approximately 7% of the text of Qodashim. Tamid and Qinnim each contains two citations; each represents just over 5% of the contents of the order. Meilah contains no citations and Middot contains eight, all taken from only the books of the Prophets.

## **(6) Toharot**

The final order of the Mishnah, Toharot, makes up almost one-fifth of its total text. Toharot contains only thirty-two biblical citations. That is to say, Toharot's 21% of the Mishnah text contains only 5% of the Bible citations in the Mishnah. Seventy-five percent of the citations are from the Torah; the Prophets and Hagiographa are each 12.5%. Four of the twelve tractates (Kelim, Ohalot, Toharot, and Tebul Yom) contain no citations, although, together, they make up 48% of Toharot. Each of three tractates (Miqvaot, Niddah, and Uqsin) contains two citations; together they represent 18% of the order. Two tractates, Makhshirin and Zabim, contain one citation each. Negaim contains twelve citations. It makes up 13% of the text but is responsible for 38% of the citations in the order. Parah contains four citations, 12.5% of the citations, and is 9% of the text of Toharot. Yadayim's eight citations make up 25% of the total in the order, but it is responsible for only 3% of Toharot's text.

Figure 2.

	Number of Pages in Mousner's Mishnah	Number of Citations	Percent of Order	Percent of Citations in the Order	Percent of Mishnah	Percent of Citations compared to total	Number of Citations used for Halakhic Purposes
<b>I-Zeraim</b>							
1\1 Berakhot	11	11	6.3	31.4	0.9	1.9	9
2\2 Peah	22	8	12.5	22.8	1.9	1.4	5
3\3 Demai	13	0	7.4	0	1.1	0	0
4\4 Kilayim	19	1	10.8	2.8	1.6	0.1	1
5\5 Shebiit	25	4	14.2	11.4	2.2	0.7	4
6\6 Terumot	27	3	15.3	8.5	2.3	0.5	3
7\7 Maaserot	11	0	6.3	0	0.9	0	0
8\8 Maaser Sheni	16	1	9.1	2.8	1.4	0.1	1
9\9 Hallah	11	1	6.2	2.8	0.9	0.1	1
10\10 Orlah	8	0	4.5	0	0.7	0	0
11\11 Bikkurim	13	6	7.4	17.1	1.1	1	6
<b>Total</b>	<b>176</b>	<b>35</b>	<b>100</b>	<b>99.6</b>	<b>16</b>	<b>5.8</b>	<b>30</b>
<b>II-Moed</b>							
12\1 Shabbat	29	12	18.4	18.4	2.5	2.1	12
13\2 Erubin	21	0	13.3	0	1.8	0	0
14\3 Pesachim	22	7	13.9	10.7	1.9	1.2	7
15\4 Sheqalim	14	9	8.9	13.8	1.2	1.6	6
16\5 Yoma	14	11	8.9	16.9	1.2	1.9	7
17\6 Sukkah	12	1	7.6	1.5	1	0.1	1
18\7 Besah	8	0	5.1	0	0.7	0	0
19\8 Rosh Hashanah	8	7	5.1	10.7	0.7	1.2	4
20\9 Taanith	9	10	5.7	15.3	0.7	1.7	2
21\10 Megillah	8	3	5.1	4.6	0.7	0.5	2
22\11 Moed Qatan	4	2	2.5	3	0.3	0.3	0
23\12 Hagigah	9	3	5.7	4.6	0.7	0.5	1
<b>Total</b>	<b>166</b>	<b>65</b>	<b>100.2</b>	<b>99.5</b>	<b>13.4</b>	<b>11.1</b>	<b>42</b>
<b>III-Nashim</b>							
24\1 Yebamot	41	10	24.7	9.5	3.6	1.7	10
25\2 Ketubot	26	3	16.9	2.8	2.4	0.5	3
26\3 Nedarim	24	12	14.5	11.4	2.1	2.1	5
27\4 Nazir	17	6	10.2	5.7	1.4	1	2
28\5 Sotah	19	62	11.4	59	1.6	11.1	34
29\6 Gittin	21	5	12.7	4.7	1.8	0.8	4
30\7 Qiddushin	16	7	9.6	6.6	1.4	1.2	2
<b>Total</b>	<b>166</b>	<b>105</b>	<b>100</b>	<b>99.7</b>	<b>14.3</b>	<b>18.4</b>	<b>60</b>



#### IV-Neziqin

31\1Baba Qamma	25	16	12.8	7.4	2.2	2.8	16
32\2Baba Mesia	30	17	15.3	7.9	2.6	3	17
33\3Baba Batra	25	1	12.8	0.4	2.2	0.1	1
34\4Sanhedrin	26	60	13.3	28	2.2	10.7	48
35\5Makkot	11	27	5.6	12.6	0.9	4.8	24
36\6Shabuot	19	4	9.7	1.8	1.6	0.7	4
37\7Eduyyot	21	7	10.7	3.2	1.8	1.2	1
38\8Abodah Zarah	12	10	6.1	4.6	1	1.7	8
39\9Abot	17	66	8.7	30.8	1.4	11.8	0
40\10Horayot	10	6	5.1	2.8	0.8	1	6
<b>Total</b>	<b>198</b>	<b>214</b>	<b>100.1</b>	<b>99.5</b>	<b>16.7</b>	<b>37.8</b>	<b>123</b>

#### V-Qodashim

41\1Zebahim	33	12	17	11.3	2.9	2.1	12
42\2Menahot	33	19	17	17.9	2.9	3.4	16
43\3Hullin	22	18	11.3	16.9	1.9	3.2	18
44\4Bekhorot	23	15	11.9	14.1	2	2.6	15
45\5Arakhin	14	15	7.2	14.1	1.2	2.6	15
46\6Temurah	12	8	6.2	7.5	1	1.4	8
47\7Keritot	15	7	7.7	6.6	1.3	1.2	7
48\8Meilah	11	0	5.7	0	0.9	0	0
49\9Tamid	11	2	5.7	1.8	0.9	0.3	1
50\10Middot	10	8	5.2	7.5	0.8	1.4	1
51\11Kinnim	10	2	5.2	1.8	0.8	0.3	0
<b>Total</b>	<b>194</b>	<b>106</b>	<b>100.1</b>	<b>99.5</b>	<b>16.6</b>	<b>18.5</b>	<b>93</b>

#### VI-Toharoth

52\1Kelim	57	0	23.2	0	5	0	0
53\2Oholoth	31	0	12.6	0	2.7	0	0
54\3Negaim	31	12	12.6	37.5	2.7	2.1	12
55\4Parah	23	4	9.3	12.5	2	0.7	4
56\5Toharot	23	0	9.3	0	2	0	0
57\6Mikvaot	19	2	7.7	6.2	1.6	0.3	2
58\7Niddah	18	2	7.3	6.2	1.5	0.3	2
59\8Makhshirin	13	1	5.3	3.1	1.1	0.1	1
60\9Zabim	9	1	3.7	3.1	0.8	0.1	1
61\10Tebul Yom	6	0	2.4	0	0.5	0	0
62\11Yadayim	8	8	3.3	25	0.7	1.4	1
63\12Uqsin	8	2	3.3	6.2	0.7	0.3	0
<b>Total</b>	<b>246</b>	<b>32</b>	<b>100</b>	<b>99.8</b>	<b>21.3</b>	<b>6.3</b>	<b>23</b>
<b>Gr. Total</b>	<b>1136</b>	<b>667</b>			<b>97.3</b>	<b>96.9</b>	<b>371</b>

## The Use of Citations for Halakhic Purposes

Of the 388 verses from the Torah, 331 (85%) appear in halakhic discussions.<sup>18</sup> Ten of Genesis' 22 citations, 49 of Exodus' 62 citations, 106 of Leviticus' 116 citations, 43 of Numbers' 51 citations, and 123 of Deuteronomy's 137 citations are used for purposes of establishing law.

Of the 89 citations quoted from the books of the Prophets, 25 are used for halakhic purposes; only 15 of the Hagiographa's 80 citations are used in discussions of halakhah.

Of sixty-three tractates, 28 use citations only for halakhic discussions. In the Order Zeraim, 30 citations are used for halakhic purposes; only 14% are found in non-legal discussions. Two-thirds of Moed's citations are used for legal purposes, as are two-thirds of those found in Nashim. One hundred and twenty-three of Neziqin's 214 citations are used for halakhic purposes. Of the remaining 91 citations, 66 are found in the tractate Abot, which never uses citations for legal discussion purposes. Qodashim is significant because 93 of 106 citations are used in halakhic discussion. Of the remaining thirteen citations, eight are found in Middot, and are all cited from Prophetic books. Finally, 23 of Toharoth's 32 citations are used in legal discussions.

There is an ambiguous relationship between the contents of the various tractates and their use of biblical citations. In other words, just because an individual tractate can trace the source of its content to the Bible does not ensure that it will cite this material specifically; often it does not. While chapter four of this thesis deals in detail with the relationship between the content of the Mishnah and that of the Bible, a brief overview is appropriate here.

In *Judaism: The Evidence of Mishnah*, Jacob Neusner has noted that "With the exception of Tractates Berakhot and Demai, the topics of Mishnah's tractates in the division of Agriculture originate in Scripture."<sup>19</sup> This statement finds no parallel in the distribution of biblical citations throughout the order. Tractate Berakhot, whose contents, according to Neusner, do not originate in Scripture, contains eleven of the order's 35 citations. Of these,

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<sup>18</sup>These statistics are based on a table found in P. Pettit, *Shene'emar: The Place of Scripture Citation in the Mishna* (Claremont: Claremont Graduate School, 1993) pp. 376-390

<sup>19</sup> Neusner, *Judaism: The Evidence of Mishnah*, p. 172.

nine are used expressly in the development of halakhic discussions.<sup>20</sup> Furthermore, of the other nine tractates, two contain no citations and three contain one citation each.

This ambiguous relationship continues in the other orders of the Mishnah. "Most of the tractates which take up the cult in appointed times begin in Scripture, and whatever secondary layer of facts and ideas they build, it is without moving far from Scripture."<sup>21</sup> The Division of Appointed Times can trace the sources of its contents in every tractate to the Bible. This, however, is not reflected in its use of citations. The best example of this fact is demonstrated by Tractate Megillah. More than half of the contents of this tractate are about the celebration of the holiday of Purim. The only source of this material is found in the Book of Esther in the Hagiographa. While the tractate's contents and the Bible's are intertwined, Megillah contains only three biblical citations, and they do not come from the book of Esther, as might be expected, but from Exodus. The polar opposite can be viewed in the case of Tractate Pesahim. Its seven citations are all taken from relevant portions of Scripture. It cites each of Exodus 12:6, Exodus 13:7-8, and Numbers 9:10 twice, and Numbers 9:3 once. Exodus 12:6 provides information about the Pascal Lamb; "You shall keep watch over it until the fourteenth day of this month; and all the assembled congregation of the Israelites shall slaughter it at twilight." Exodus 13:7-8 describes the nature of the holiday of Passover: "Throughout the seven days unleavened bread shall be eaten; no leavened bread shall be found with you, and no leavened bread shall be found in all your territory. And you shall explain to your son on that day, 'it is because of what the Lord did for me when I went free from Egypt.'" Numbers 9:10 pertains to the Passover sacrifice: "...Speak to the Israelite people, saying: When any of you or of your posterity who are defiled by a corpse or are on a long journey would offer a passover sacrifice to the Lord..." Numbers 9:3 also discusses the sacrifice: "...you shall offer it on the fourteenth day of this month, at twilight, at its set time; you shall offer it in accordance with all its rules and rites."

Seder Nashim, the Division of Women,

...is essentially distinct from Scripture at those points at which the Mishnah treats the topics critical to the Mishnah's own definition of the distinctive

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<sup>20</sup> The role of the citations in the tractates where they are contained is expressed in table form in Pettit, *Shene'emar: The Place of Scripture Citation in the Mishnah*, pp. 376-390.

<sup>21</sup> *Ibid.*, p. 182.

problematic of its theme. Specifically, tractates which discuss the transfer of women and of property associated therewith, Ketubot, Gittin, Qiddushin, and, above all, Yebamot, are either totally independent of Scripture, as in the case of the first three, or essentially autonomous of Scripture, though using Scripture's facts, as in the case of the fourth. Where the Division of Women goes over ground already treated in Scripture—vows, the Nazirite vow, and the right of the accused wife—the Mishnah's repertoire of ideas complements those of Scripture.<sup>22</sup>

Neusner's comment on Ketubot, Gittin, Qiddushin and Yebamot is reflected in the division's use of citation. With the exception of Qiddushin, all citations contained in the other three tractates are used in legal discussions. Qiddushin is relatively distinct in the order, as the majority of its citations appear in non-legal contexts.

Sotah, like Qiddushin, also has a high percentage of its citations used in non-legal discussion. Sotah's citation usage is so distinct that it inspired the following comment by Neusner: "Sotah, for its part, shows us what a Mishnah tractate looks like when the Mishnah has nothing important to say about a chosen topic."<sup>23</sup> Of Sotah's sixty-two citations, twenty-eight (just less than half) are used for purposes other than establishing law. These citations appear mostly in its first, fifth, and seventh chapter. In the first chapter, the citations appear in the context of discussions of biblical characters (Samson and Miriam). The citations appear for similar reasons in chapter five (a discussion of Job), and in chapter seven (discussion of the wandering of the Israelites in the wilderness).

The Division of Damages, Neziqin, is by far the most densely populated with biblical citations. While it represents only 17% of the Mishnah text, it contains 38% of the biblical citations. Even if Tractate Abot and its sixty-six citations are excluded from the order (all of its citations are used for supporting the teachings [wisdom, not law] of the various sages), the citations are still greatly over-represented in the order. Without Abot, the order contains 148 citations, of which, 123 appear in the context of legal discussion. It is clear that the focus of the Mishnah, as a whole, is on legal matters.

The Mishnah treats as fact everything Scripture has to say about the present division [Damages], even while taking no perceptible interest in how Scripture organizes them. Once more we shall observe that the framers of the

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<sup>22</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 190.

<sup>23</sup> *Ibid.*, p. 194.

Mishnah have their own very clearly perceived purposes in doing their work. For them Scripture is a source of information, not of modes of organizing or structuring information...this Division is essentially independent of Scripture. That is so even where Scripture plays a commanding role in what the Mishnah will say about a given topic or in a given tractate.<sup>24</sup>

The Order of Holy Things, likely has the most consistent use of Scriptural citation in its pages. It represents 17% of the text of the Mishnah and contains 18% of the citations. With just over one hundred citations in the order, recognizing the significance that one citation makes, the citations are almost homogeneously distributed. Ninety-three citations appear in halakhic discourse, and Neusner's statement that the "...Mishnah's Fifth Division repeats, amplifies, and organizes conceptions in Scripture..."<sup>25</sup> is easily supported by the order's use of citation.

The Division of Purities is autonomous and distinct from Scripture in respect to the second and third of the three parts of the system of Purities: objects of uncleanness (including food and drink) [Tractates Kelim, Toharot, and Uqsin], and means for the removal of uncleanness [Miqvaot, Parah, and Yadayim].<sup>26</sup>

The Order Toharot (Division of Purities) is least dense in Bible citations. It is more than one-fifth of the Mishnah but contains only 5% of the citations. Its second part, as described above, represents 37% of the order and contains only 6% of its citations. The Order's perspective is similar to that of Scripture, as is also suggested by its use of citation. The same does not hold true for its third part. Together Miqvaot, Parah, and Yadayim, constitute 20% of the order but they contain 43% of the citations. The first part of Toharot makes up 44% of the text and contains 50% of the total citations. As such, the one section that finds its source in the Bible, makes consistent use of citation to find support for its teachings. In fact, all of the citations found in the first part of the order are used for halakhic purposes.

To conclude, the relationship between the use of citations and the contents of the various chapters remains ambiguous. Various tractates whose contents are dependent on the

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<sup>24</sup> *Ibid.*, p. 211.

<sup>25</sup> *Ibid.*, p. 214.

<sup>26</sup> *Ibid.*, p. 211.

**Bible use no citations to lend credence to their teachings. While other chapters, whose sources are other than the Bible, are densely populated with Bible citations.**

**A brief examination of the list of citations found in Appendix A presents the reader with an interesting phenomenon. Certain individual mishnayot contain a remarkable number of biblical citations. Seventeen mishnayot contain four citations, five mishnayot contain five citations, and four contain between six and ten citations.**

- 1) Berakhot 9:5 contains five citations. Four of the five verses are used to establish appropriate behavior on the Temple Mount and when blessings are to be said. The final verse is proverbial in nature.**
- 2) Sheqalim 6:6 contains four citations. Each of the citations is used to establish the characteristics of an appropriate sacrifice (i. e., quantity of material to be sacrificed).**
- 3) Nedarim 3:11 contains five citations. Three are used to establish the legal ramifications of a specific vow, and the others explain the merits of circumcision.**
- 4) Nedarim 9:4 contains four citations used in a discussion of the how one can have a vow renounced.**
- 5) Nazir 9:5 uses four citations to establish that both Samson and Samuel were Nazirites.**
- 6) Sotah 1:8 contains four citations, all used to explain the punishments of Samson and Absalom.**
- 7) Sotah 1:9 uses its six citations to explain the greatness of Miriam, Moses and Joseph.**
- 8) Sotah 5:1 contains four citations used to explain the nature of the future relationship between an adulterous, her husband, and the former lover.**
- 9) Sotah 7:5 contains four citations and is a discussion of the events that took place at Mount Ebal.**
- 10) Qiddushin 4:14 uses its four citations to establish that a man's merit stems from studying and observing the Torah.**
- 11) Baba Mesia 5:11 contains five citations. The Mishnah highlights the specific regulations that borrowers and lenders may violate.**

- 12) Sanhedrin 1:6 contains five citations and establishes the composition of the courts.
- 13) Sanhedrin 2:4 contains six citations and repeats the regulations concerning a king as they are found in Deuteronomy 17.
- 14) Sanhedrin 10:3 contains ten citations. It is a discussion of who does not have a place in the "World to Come".
- 15) Sanhedrin 10:6 uses its four citations to establish what is to be done with spoils of war.
- 16) Makkot 3:15 contains four citations. Two are used to explain that doing mitzvot counterbalances past transgressions; one is used to explain that one who has endured the punishment of flogging must also bring their tithes, and the fourth is used to establish that the consuming of blood is a violation of the commandments.
- 17) Abot 3:6 uses its four citations to prove that ten men who study Torah together have the presence of God amongst them
- 18) Abot 4:1 uses its four citations to explain the nature of one who is a sage, rich, strong, or honored.
- 19) Abot 6:3 uses its four citations to establish that one must respect a person who teaches them only one word of Torah as their teacher.
- 20) Abot 6:7 uses its eight citations to establish that long life is granted to one who follows the Torah.
- 21) Abot 6:8 contains five citations. It is a discussion of the merits of being aged.
- 22) Abot 6:10 contains eight citations. They are used to prove that God has five possessions: (1) Torah, (2) The Heavens and the Earth, (3) Abraham, (4) Israel, and (5) the Temple.
- 23) Hullin 11:2 contain four citations that establish the characteristics of the "Tithe of the First Fleece".
- 24) Hullin 12:3 contains four citations used in discussion of the rule that a mother bird must be let go if she still has young in the nest.
- 25) Arakhin 8:6 contains four citations. It explains that items declared *herem* for the priests must be given to them and cannot be redeemed.

26) Negaim 12:6 uses its four citations to establish the regulations concerning shutting up a house that has a plague therein.

27) Yadayim contains four citations. The first is used to establish that an Ammonite or Moabite cannot enter the Temple. The latter three verses are used to establish whether these people can be distinguished from other ethnic groups

Of the 27 mishnayot where clusters of verses can be found, eleven (Sheqalim 6:6, Nedarim 9:4, Sotah 5:1, Baba Mesia 5:11, Sanhedrin 1:6, 2:4, and 10:6, Hullin 11:2 and 12:3, Arakhin 8:6, and Negaim 12:6) have legal discussion at their base. Twelve mishnayot (Nazir 9:5, Sotah 1:8, 1:9, and 7:5, Qiddushin 4:14, Sanhedrin 10:3, and Abot 3:6, 4:1, 6:3, 6:7, 6:8, and 6:10), are used in aggadic type discussion. Four mishnayot (Berakhot 9:5, Nedarim 3:2, Makkot 3:15, and Yadayim 4:4), contain both types of material. There is clearly an even split between legal and non-legal material. If one were to exclude the material from Abot and split the four mishnayot that contain both types of material, 62% of the mishnayot contain legal material. When this compared to the general statistic of 76% (371/491 verses) it would seem to suggest that there is a denser distribution of citations in non-legal discussions. However, because there are so few chapters that contain clusters, the difference between eleven legal mishnayot and thirteen non-legal is statistically insignificant.

While there seems to be no consistency as to when the Tannaim cited Scripture, the details of how they cited and used the citations are the subject of chapter three.



## Chapter 3

### The Use of Scripture Citation in the Mishnah: An Overview of the Work of Aicher, Rosenblatt, and Pettit

Only three works of the last century have made the use of the Bible citation in the Mishnah their central concern; Georg Aicher's *Das Alte Testament in der Mischna*,<sup>1</sup> Samuel Rosenblatt's *The Interpretation of the Bible in the Mishnah*,<sup>2</sup> and most recently, Peter Acker Pettit's doctoral dissertation *Shene 'emar: The Place of Scripture Citation in the Mishna*.<sup>3</sup> Conceivably the work of Jacob Neusner should be included here. He has devoted much scholarly discussion to the relationship between the Bible and the Mishnah. However, he has been excluded from this chapter because he has not written a work that focuses on the use of Bible citations in the Mishnah and as such, his work differs from that of Aicher, Rosenblatt, and Pettit. Several important, modern books<sup>4</sup> have discussed Rabbinic hermeneutics but, other than the three works mentioned above, none has made Bible citation in the Mishnah its central focus. Their understanding of interpretive techniques tends to be shaped by the Talmud and Midrash, rather than the Mishnah text. Therefore, they have been excluded from this overview.

Aicher's work contains two parts. The first concerns the Mishnah as a part of the Jewish canon (*Die Wertung der Heiligen Schriften in der Mischna* – The Value of the Holy Scriptures in the Mishnah); the second, the more essential part for this study, concerns the use of the Bible in the Mishnah (*Die Verwertung der Heiligen Schrift in der Mischna* – The

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<sup>1</sup> G. Aicher, "Das Alte Testament in der Mischna" *Biblische Studien* 11:4 (Breisgau: Herder, 1906).

<sup>2</sup> S. Rosenblatt, *The Interpretation of the Bible in the Mishnah* (Baltimore: The John Hopkins Press, 1935).

<sup>3</sup> P. Pettit, *Shene 'emar: The Place of Scripture Citation in the Mishna* (doctoral dissertation) (Claremont: Claremont Graduate School: 1993).

<sup>4</sup> See, for example, H. Strack and G. Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress Press, 1992) pp. 35-49; A. Steinsaltz, *The Talmud: A Reference Guide* (New York: Random House, 1996) pp. 147-154; and J. Mulder (ed.), *Mikra: Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity* (Minneapolis: Fortress Press, 1990) pp. 547-594.

Utilization of the Holy Scripture in the Mishnah). As of yet, no English translation of Aicher's work exists. The only English language analysis of it appears in Pettit's dissertation and in some of Rosenblatt's comments. It is these two sources that provide the basis for our analysis.

Aicher established that two streams of interpretation of the Bible in the Mishnah, the explicative (Schriftauslegung) and the applicative (Schriftenwendung), existed before the destruction of the Temple in 70CE and were in place before the final compilation of the Mishnah. Explicative interpretation of a citation is an attempt to explain what the text means, but even "...the explicative was unable to plumb the exegetical depths to gain the true understanding of scripture, and so took on the arbitrary, artificial character seen typically in the more applicative endeavor."<sup>5</sup>

The Applicative process does "...not explain scripture, but rather...impute[s] to scripture, [it presses] scripture to some contemporary advantage...The literal sense of the text accordingly has to stand passive in the face of interpretation."<sup>6</sup> Primarily, in the applicative process the Bible is brought forth to confirm an idea previously conceived. New notions required a basis in the Bible for authority.

Aicher created two taxonomies of Bible interpretation in the Mishnah (see Tables A. B. below). Despite his argument that explicative interpretation begins with the Bible and that applicative interpretation starts with a preconceived notion, his taxonomies clearly demonstrate that most of the citations catalogued as explicative "...plainly function in the Mishna in ways exactly parallel to the citations labeled applicative"<sup>7</sup> For example, in Parah 8:8, Genesis 1:8 is cited, and Aicher categorizes the interpretation as "explanation of uncommon words or phrases,"<sup>8</sup> or item I in his Taxonomy of Scripture Explication (see Table B.). However, the explication of the verse is for the specific purpose of establishing a legal ruling.

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<sup>5</sup> Pettit, *Shene'emar: The Place of Scripture Citation in the Mishna*, p. 33.

<sup>6</sup> *Ibid.*, p. 33.

<sup>7</sup> *Ibid.*, p. 35.

<sup>8</sup> A list of citations classified in this category appears on pages 108-109 of Aicher, *Der Alte Testament in der Mischna*.

Parah 8:8

- A. "All seas are like a pool מִקְוֵה<sup>9</sup>[not like a spring]"
- B. "as it is said, *And the gathering of water he called seas* (Gen. 1:10)." the words of R. Meir.
- C. R. Judah says, "The great sea is like a pool מִקְוֵה.
- D. "Seas is said only concerning that which contains many kinds of seas."
- E. R. Yose says, "All the seas render clean when running [like springs.
- F. "But they are unfit for *Zabs* and lepers and to mix [with ashes] for purification water."

In other words, while Aicher has classified the usage of citation here as explicative, it is used for an applicative purpose as well. Aicher essentially concludes, although it was apparently not his intention to do so, that Bible citation in the Mishnah serves a purpose. While his taxonomies suggest that there is a class of citations that appears only because the Tannaim felt it necessary to explain them, the overlapping of categories from both taxonomies suggests otherwise. Pettit has argued that one could accuse Aicher of supporting the idea that Rabbinic Judaism was solely concerned with citation for the role of proof-texting.<sup>10</sup> He may be right in his accusation, but "proof-texting" was certainly not the only reason for citing the Bible in Rabbinic Literature.<sup>11</sup> In Rosh Hashanah 3:8 the Bible is cited solely for the purpose of explaining the cited verses.

- A. *Now it happened that when Moses held up his hand, Israel prevailed, and when he let his hand fall, Amalek prevailed* (Ex. 17:11)
- B. Now do Moses' hands make war or stop it?
- C. But the purpose it to say this to you:
- D. So long as the Israelites would set their eyes upward and submit their hearts to their Father in heaven, they would grow stronger. And if not, they fell.
- E. In like wise, you may say the following:
- F. *Make yourself a fiery serpent and set it on a standard, and it shall come to pass that everyone who is bitten, when he sees it, shall live* (Num. 21:8).

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<sup>9</sup> Hebrew insertions do not appear in Neusner's translation; they are my own.

<sup>10</sup> Pettit, *Shene'amar*, p. 40.

<sup>11</sup> See D. Halivni, *Peshat & Derash: Plain and Applied Meaning in Rabbinic Exegesis* (Oxford: Oxford University Press, 1998) pp. 23-27. He argues that the Rabbis understood that verses could be understood and explained within their original context and be explained and used by taking them out of context. Citations were cited both for the purpose of proof-texting and for the purpose of their own explanation.

- G. Now does the serpent [on the standard] kill or give life? [Obviously not.]
- H. But so long as the Israelites would set their eyes upward and submit to their Father in heaven, they would be healed. And if not, they would pine away.

The two verses cited above are not cited for the purpose of proving some pre-established notion or for grounding an innovative idea in the Bible. The sages perceived a problem; Do objects used in rituals have innate power? The Bible seems to suggest that they do. They responded to text-based problems and explained the cited verses.

Table A. Aicher's Taxonomy of Scripture Application<sup>12</sup>

- I. Temporal and personal details are generalized
  - a) Legal stipulations of a limited scope are applied broadly
  - b) Individualized facts become characteristics of generalized types
- II. Texts are read without constraint to their original meaning
  - 1. Building on the immediate biblical context
  - 2. Leveling the value of scripture's elements
    - a) Through direct comparisons implied in the text
    - b) Elaborating on casual emphases in the text
    - c) Concretizing abstract and poetic language
    - d) Taking a chance phrase as a formula
  - 3. Breaking the literal sense with figurative readings
    - a) Taking prophetic fictions for reality
    - b) Making metaphors concrete
  - 4. Pouring "new wine into old skins"
    - a) Retrojecting rabbinic *realia* into the biblical text
    - b) Removing sentences and phrases from their context
    - c) Shifting the accent of a text to fit the example better
    - d) Giving new meaning to biblical vocabulary
    - e) Changing the tense or mode of a verb
    - f) Reconfiguring the grammar of a sentence
    - g) Implicitly changing the text ( without implying a "real textual variant")
      - α) substitution of words
      - β) re-vocalization
- III. Inference from only partial correspondence between elements of the cited text and the Mishnaic application
- IV. Straightforward presentations of interpretations, indicated by the use of the technical term פירש
- V. Application of the natural sense of the biblical text, indicated by use of the technical terms משום and על

<sup>12</sup> Pettit, *Shene'emar*, p. 42. The taxonomies are based on the numbered sections that appear on pages 67 through 140 of Aicher's German work.

**Table B. Aicher's Taxonomy of Scripture Explication<sup>13</sup>**

- I. Simple exegesis of uncommon words and phrases**
- II. Logical deduction**
  - a) *A fortiori*, or *a minori ad maius* deduction (קל וחומר)
  - b) By similarity of wording in two texts
  - c) By induction
  - d) By inference from opposites, or converse reasoning
- III. Principles which function as exegetical norms**
  - 1. Words signify numbers, either contextually or by *gematria*
  - 2. Precedence is given to that which scripture names first
  - 3. Words in parallel constructions have the same meanings
  - 4. Uses of a term in different parts of the Bible are mutually relevant and illuminating
  - 5. Nothing in the Bible is accidental, so superfluous words and elements carry special meaning
    - a) by methods already seen in scripture application
      - α) accentuation of the superfluous element
      - β) giving new meanings to superfluous words
      - γ) changing the parsing of verbs in pleonastic sentences
      - δ) reading the pleonastic text in a reconfigured grammar
      - ε) reading a superfluous word as a different lexical item
      - ζ) giving numerical significance to superfluous words
    - b) transferring meaning from superfluous words to other texts where the same words appear
    - c) implying generalized application of the particular
    - d) establishing an analogy between the case described in pleonastic language and another in which the superfluous element also appears
    - e) indicating additional subjects to which the verse applies
  - 6. As with the superfluous, so "unusual" forms gain meaning
  - 7. Unusual material can serve as a springboard for allegory

<sup>13</sup> *Ibid.*, p. 43. See the previous note for origins of this taxonomy.

Samuel Rosenblatt criticized Aicher's work. "The work of George Aicher on the Old Testament in the Mishna...fails to note the deeper philological implications of the Mishnaic interpretations of the Bible."<sup>14</sup> Rosenblatt's desire was to produce "...a thorough and systematic investigation of the rabbinic exegesis of the Bible, with a view especially of ascertaining how the rabbis conceived the פשוט or literal meaning of the text, what methods they used in establishing it and what terms they used in their philological remarks."<sup>15</sup> Rosenblatt argues that the Tannaim engaged in literal exegesis, that is to say they desired to know the literal meaning of the biblical text. Citations introduced by certain formulae<sup>16</sup> and those for which there are more than one interpretation presented are indicative of a literal reading.<sup>17</sup> Rosenblatt fails to acknowledge that two halakhot or aggadot could be hung on the same biblical citation because the verse served as a mnemonic, not as a proof-text. Finally, Rosenblatt excludes those citations used solely for applicative purposes and establishes a third category of literal interpretation for those citations that remain after the first three filters are applied to the list of citations. While Rosenblatt attempted to use his monograph for establishing that the sages of the Mishnaic period did in fact desire the literal meaning of the biblical text, he ends up profiling all sorts of tangential issues including biblical and Mishnaic grammar and an attempt at English translations of biblical citations based on the interpretation they received in the Mishnah.

With respect to how the Rabbis interpreted Scripture Rosenblatt, like Aicher, attempted to classify citations according to their usage. He outlined Tannaitic exegetical techniques as follows. "...The tannaitic exegetes were assisted in their Bible interpretation by traditions regarding the meanings of words and popular usage, as well as by their knowledge of neo-Hebrew and Aramaic languages, which were current in their milieu."<sup>18</sup>

<sup>14</sup> S. Rosenblatt, *The Interpretation of the Bible in the Mishnah*, p. 1.

<sup>15</sup> *Ibid.*

<sup>16</sup> See Rosenblatt, p. 5 and notes p. 58. Rosenblatt's view is that when citations are introduced by any of the following formulae, **זו אומר**, **האומר בתורה**, **כמשמעו**, **האומר**, **כלומר**, **כמשמעו**, **האומר**, **אין אלא**, **אין אומר**, it is the sages attempting to understand the literal meaning of the text.

<sup>17</sup> "The fact that two or more different constructions are put on the same expression is, as I. H. Weiss observes in his *History of Jewish Tradition*, a sure indication that the halakha or agada was the result of the exegesis or midrash, not its cause." Rosenblatt, p. 5. The *History of Jewish Tradition* referred to actually appeared in Hebrew as *Dor Dor Ve-Dorshav*, Vilna: Romm, 1904.

<sup>18</sup> *Ibid.*, p. 26.

As well, they made use of the following techniques, when previous tradition and their linguistic knowledge did not supply them with an adequate understanding of the verse at hand (See Table C).

Table C. Rosenblatt's Taxonomy of Scriptural Interpretation<sup>19</sup>

- A. Words elucidated by their ground meanings
  - 1. Equating the corresponding members of parallel portions of a verse<sup>20</sup>
  - 2. Apposition<sup>21</sup>
  - 3. Predication<sup>22</sup>
  - 4. Causal explanation<sup>23</sup>
- B. Meaning inferred by context:
  - 1. Contrast<sup>24</sup>
  - 2. Elimination<sup>25</sup>
  - 3. Logical incompatibility<sup>26</sup>
  - 4. A verse intimates the significance of an expression<sup>27</sup>
- C. Advanced Exposition
  - 1. Using adjacent verses to establish meaning<sup>28</sup>

<sup>19</sup> This table is based on paragraph headings found in Rosenblatt, pp. 25-32. The footnotes that follow each of the categories present the examples that Rosenblatt provides on pages 26 through 28 of his study.

<sup>20</sup> Sanhedrin 10:3 cites Ps. 1:5 *דְּרִיכִים בְּעֵדוּת חֲסִידָיו בְּמִשְׁפַּחַת יִשְׂרָאֵל* where *בְּמִשְׁפַּחַת* is parallel with *בְּעֵדוּת דְּרִיכִים*.

<sup>21</sup> Hullin 5:5 cites Gen. 1:5 where *וַיְהִי עֶרֶב וַיְהִי בֹקֶר יוֹם אֶחָד* might imply that *יוֹם אֶחָד* = *עֶרֶב וּבֹקֶר*.

<sup>22</sup> Nedarim 3:11 cites Jer. 9:25 *כִּי כָל הַגִּוִּים עֲדֵלִים* where *עֲדֵלִים* = *הַגִּוִּים*.

<sup>23</sup> Nazir 9:5 cites Jud. 13:5, *כִּי נָזִיר אֱלֹקִים יִהְיֶה תַעֲרֹךְ מִן הַבֶּטֶן*, and therefore there is a causal relationship between the Nazir and the razor. Because he is a nazir, a razor will not come near his head.

<sup>24</sup> Rosenblatt cites Lev. 27:32, *וְכֹל-מַעֲשֵׂר בָקָר וְצֹאֵן כָּל אֲשֶׁר יַעֲבֹד תַּחַת חֶשְׁבֶּת הַעֲשִׂירִי יִהְיֶה קָדֹשׁ לַיהוָה*, as a verse the Rabbis interpreted by the "contrast" method, suggesting that *צֹאֵן* cannot mean sheep because it is contrasted with *בָּקָר* and therefore must mean *kleinvieh* or small domesticated animals (Rosenblatt, p. 27). The problem is that this example does not appear in the Mishnah. Pettit's criticism of Rosenblatt is that "Rosenblatt brings into consideration interpretations from other Tannaitic and even Amoraic Literature..." Pettit, p. 28.

<sup>25</sup> Baba Qamma 6:4 cites Ex. 22:5, *אֵת הַבְּעֵרָה* *אֲשֶׁר תִּצְמַח קִצְוֵה וְנֹאכַל גֵּרִישׁ אֶת חֲקֵמָה אֶת חֲשֵׁדָה שְׁלֵם יִשְׁלֵם הַמְּבֵעֵר*, *אֵת הַבְּעֵרָה*. Since all that grows in the field is mentioned and *חֲשֵׁדָה* is the alternative, *חֲשֵׁדָה* can only refer to the soil.

<sup>26</sup> Menahot 11:5 cites Num. 2:20, *וְעָלִיו מִטָּה מִנֶּשֶׁה וְנִשְׂאָ לִבִּי מִנֶּשֶׁה בְּמִלְיָאֵל בֵּן פְּרוּחָדָה*. The *עָלִיו* in *עָלִיו* cannot logically mean on and therefore must mean near. Rosenblatt, p. 27.

<sup>27</sup> "It is evident from *וְנִשְׂאָ לִבִּי מִנֶּשֶׁה* *וְנִשְׂאָ לִבִּי מִנֶּשֶׁה* (Jer IX 19) that *קִינָה* is a sort of anti-phonetic lament." Rosenblatt, p. 27.

<sup>28</sup> Hullin 8:4 cites Deut. 14:21, *כִּי עִם קֹדֶשׁ*, *לֹא תֹאכְלוּ כָל גִּבְלָה לִבְנֵי אִשְׁרָיִךְ בְּשַׁעֲרֶיךָ תִּתְּנֶנָּה וְאָכְלָהּ אֶת מִסֵּר לִבְנֵי כִּי עִם קֹדֶשׁ*, *לֹא תֹאכְדָּךְ לֹא תִבְשֵׁל גִּיד בְּחֹלֶב אִשׁוֹ* where *גִּיד* can only refer to the prohibited carcass of a young animal as proven by *לֹא תֹאכְלוּ כָל גִּבְלָה* at the beginning of the verse.



2. Understanding a word by understanding it in another context (גזירה שמה)<sup>29</sup>
3. Harmonizing conflicting passages
  - a) They apply to different matters<sup>30</sup>
  - b) Expounding one verse so that it complies with the other<sup>31</sup>
  - c) Giving one verse precedence over the other<sup>32</sup>

Rosenblatt established that the Rabbis were not playing with the Bible text. They took the act of interpretation seriously. It "...was from careful scrutiny of the Bible as a whole that disclosures as to the correct interpretation of an expression or a passage were derived."<sup>33</sup>

Pettit, the author of the most recent work on biblical citation in the Mishnah, disregarded Rosenblatt's attempt for four reasons and developed a new taxonomy. He noted that Rosenblatt did not limit himself to explicit biblical citations. We demonstrated earlier that often the Mishnah makes use of biblical words that have become technical terms in the vocabulary of the Mishnah. In some instances Rosenblatt has included these terms as biblical citations. Pettit cites Peah 4:10 as an example of this error. The first line of the Mishnah wishes to find out the types of produce that are subject to the "law of gleanings." The term "gleanings" is taken from Leviticus 19:9-10, but the Mishnah uses it as the name of the law; Rosenblatt cites it as an example of Bible interpretation.<sup>34</sup>

Pettit's second criticism is that Rosenblatt's taxonomy is not based on the citations in the Mishnah but rather on materials found in other Tannaitic and Amoraic sources.<sup>24</sup> Thirdly, Pettit argues, Rosenblatt's categories are not even. The characteristics that classify a

<sup>29</sup> Sotah 6:3 compares Deut. 24:1 מביט כי יקח איש אשה ובעלה חיהם לא תמצא וכן בענין כי מצא בה ערות and Deut. 19:15, יקום דבר לא יקום עד אחד באיש לכל עון, דבר וכתב לה ספר כריתת נטות בידה ושלחה to establish the meaning of דבר.

<sup>30</sup> Eduyyot 2:9 cites both Genesis 15:13, כי גר יהיה זרעך בארץ לא להם ועבדם ועט אתם ארבע מאות שנה, and 15:16, וזרד רביעי ישוב חנה, and seems to suggest that they refer to two different periods of time.

<sup>31</sup> Makkot 3:10 cites both Deut. 25:2, מיתה אם בן חבת הרשע חסילו חספס חכוה לפניו כדי רשעתו במספר, and Deut. 25:3, ארבעים יכע לא יסוף מן יסוף לחכות על אלה מכה רבה תקלה אחד לעיניך. The conflict between ארבעים and מספר is resolved by flogging the person being punished just less than forty times, i. e. a number near forty.

<sup>32</sup> Rosenblatt notes that this method does not appear in the Mishnah and offers examples from the Talmud. Rosenblatt, p. 30.

<sup>33</sup> S. Rosenblatt, *The Interpretation of the Bible in the Mishnah*, p. 32.

<sup>34</sup> *Ibid.*, p. 39.

citation in one group are not established on the same ground as those that might classify a different citation.

Formal characteristics of the citations serve as criteria for some categories, contextual criteria others, and substantive criteria a third set...Rosenblatt's categorization is also unclear, as he enumerates two groups of citations, then "deduct[s]...these two classes as well as those which the Bible is quoted on for the sake of application or...to bring out the general implications of the text," and "obtain[s] a third category." This category seems to have no positive criterion characterizing it – it is merely the remainder after several subtractions. Curiously, at least eight of the citations in the group are also included in one of the previously-mentioned groups already presumably "deducted."<sup>35</sup>

His final criticism of Rosenblatt is the compilation of citations he used for the study. Because Rosenblatt includes some technical terms as biblical citations, it seems rather odd that his final tally of citations is significantly less than those found by Pettit, who in fact excluded Abot from his research. "Rosenblatt's extensive tallying of references is not at all exhaustive, as he fails to account for nearly 100<sup>36</sup> citations..."<sup>37</sup>

*Shene'emar: The Place of Scripture citation in the Mishnah* is an attempt to locate scripture citation in the Mishnah in three dimensions: 1) their location in the Mishnah, 2) the exegetical technique by which they are brought into Mishnaic discourse, and 3) the function of the citations. These results are also compared to Neusner's History of Mishnaic Law (see Introduction) to examine Scripture citation in the various periods of the Mishnah's development. Pettit's first priority was to compile a list of citations in the Mishnah. Our list differs from his on two accounts. The first is that we have chosen to include the entirety of Abot, while he has excluded it. There are legitimate reasons for either decision, but as Abot is included in the contemporary printed Mishnah<sup>38</sup> we have chosen to retain it. Second, we differ, on occasion, as to which citations to include. For example, the idea of not cooking a kid in its mother's milk appears three times in the Torah,<sup>39</sup> each time in similar wording. In

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<sup>35</sup> P. Pettit, *Shene'emar*, p. 29.

<sup>36</sup> This number jumps to just over 150 if we include the citations found in Abot.

<sup>37</sup> P. Pettit, *Shene'emar: The Place of Scripture Citation in the Mishnah*, p. 30.

<sup>38</sup> Abot also appears in MS Kaufmann A 50, MS Parma De Rossi 138, and the earliest printed edition of the Mishnah with Maimonides' commentary, Naples, 1482.

<sup>39</sup> Exodus 23:19, 34:26, and Deuteronomy 14:21.

this case choosing how to annotate the passage, that is to say, deciding which verse the sage had in mind when he cited it, is a difficult task. As well, typographical errors when creating lists of numbers accounted for some of the differences.

In order to examine the citations by the technique with which they are introduced, Pettit was compelled to create a new taxonomy. As we noted earlier, Rosenblatt's taxonomy was based on a broad body of Rabbinic texts, and Pettit desired to employ a taxonomy "...developed inductively through the course of repeated analysis of the citations of the Mishna."<sup>40</sup> Aicher's taxonomy proved unusable, because "...he presupposed a distinction between the application and the explication of scripture which [belied] the common ground of technique underlying scripture citation throughout the Mishna."<sup>41</sup>

Pettit's taxonomy includes two major divisions. The first attempts to read the biblical verse literally and is subdivided into three parts. The largest of these lists cases where a verse is read literally in its biblical context. The second includes those cases where citations are read literally but apart from their biblical context. The final, and smallest division includes mishnayot where verses are read literally in their biblical contexts, but used as a model for a comparable situation in the Mishnaic time period.

The second major division, which includes the majority of citations, consists of a cluster of techniques that make use of "...the semantics of a cited verse, in the topical or logical sphere established by the semantics of the verse, or in the purely formal aspects of the verse, including its grammar." In this second division, whenever possible, Pettit included the exegetical techniques defined in Rabbinic sources, i. e., the *middot*.<sup>4</sup> He has noted that *middot* such as *gezera shava* and *heqesh* appear infrequently in the Mishnah, and more esoteric methods like *gematria* and *notarikon* are almost totally absent. A third category contains very few citations: "Only on extremely infrequent occasion do we see a Mishnaic authority resort to sheer invention and to outright textual emendation."<sup>42</sup> (See Table D.)

In addition to classifying citations by the exegetical technique by which they are understood, Scripture citations can also be classified by function. Pettit discerned four

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<sup>40</sup> P. Pettit, *Shene'emar*, p. 53.

<sup>41</sup> *Ibid.*, p. 52.

<sup>42</sup> *Ibid.*, p. 54.

categories of function: 1) Scripture can be presented as fact, to provide information; 2) for establishing halakhah; 3) to be interpreted, in other words, to explain the verse in context; or 4) for a poetic aim. Citing the Bible as fact serves a scientific aim; citing it as halakha serves an instrumental aim. It is applicative; Citing it for interpretation corresponds to a rhetorical aim. The poetic aim is geared to emotion. It,

is best exemplified by those scripture citations with which certain tractates of the Mishnah end; they stand without substantive integration into the issues mooted in the tractate but appear to serve to bring the composition to an aesthetically or morally satisfying conclusion—to offer a “happy ending”.<sup>43</sup>

For example, Tractate Taanit ends as follows:

- A. Said Rabban Simeon b. Gamliel, “There were no days better for the Israelites than the fifteenth of Ab and the day of Atonement.”
- B. For on these days Jerusalemite girls go out in borrowed white dress—so as not to shame those who owned none.
- C. All the dresses had to be immersed.
- D. And the Jerusalemite girls go out and dance in the vineyards.
- E. What did they say?
- F. “Fellow look around and see—choose what you want!
- G. “Don’t look for beauty, look for family:
- H. “*Charm is deceitful and beauty is vain, but a woman who fears the Lord will be praised* (Prov. 31:30).”
- I. And so it says, *Give her of the fruit of her hands and let her works praise her in the gates* (Prov. 31:31).
- J. And it says, *Go forth, you daughters of Zion, and behold King Solomon with the crown which his mother crowned him in the day of his espousals and in the day of the gladness of his heart* (Song of Songs, 3:11).
- K. *The day of his espousals*—This refers to the day on which the Torah was given.
- L. *The day of gladness of his heart*—this refers to the building of the Temple—
- M. “may it be rebuilt quickly, in our days, Amen.”

The Mishnah begins with a discussion of fast-day related material, but ends with multiple citations that lead to a prayer for the rebuilding of the Temple. The citations are not applicative, their interpretation serves an entirely poetic aim.

Of the three studies, Pettit’s is the most relevant for our work. Aicher, and Rosenblatt in particular, are important in that they present the Rabbis’ interpretation of the

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<sup>43</sup> *Ibid.*, p. 141.

Bible in the Mishnah as a serious endeavor. In order to counter Neusner's claim that the Rabbis were trying to distance themselves from the Bible, it is important to demonstrate that their use of the Bible was taken seriously, that their study of the Bible was thorough. Pettit's study is important, as his results confirm the findings of our second chapter.

Pettit confirmed that Scripture citation appears throughout the Mishnah, and that there is a clustering phenomenon. He further noted, that there was a tendency to end Mishnaic tractates with a citation providing an edifying ending.

The dominant picture is of an individual text, drawn usually from a segment of scripture relevant to the issue under consideration in the Mishna, and cited as a foundation for either a halakhic assertion or non-halakhic interpretive statements.<sup>44</sup>

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<sup>44</sup> P. Pettit, *Shene'emar*, p. 369.

**Table D. Pettit's Taxonomy of Techniques of Scriptural Interpretation<sup>45</sup>**

- A. Literal reading of the biblical text**
  - 1. Literal reading in a biblical context<sup>46</sup>
  - 2. Literal reading removed from biblical context<sup>47</sup>
  - 3. biblical cases as model for the Mishna<sup>48</sup>
- B. Extended Reading of the biblical text**
  - 1. Extended through semantic technique
    - a. Designation of textual details (קביעת מילים; designation)<sup>49</sup>
    - b. Specification of textual details (מפרט; Specification)<sup>50</sup>
    - c. Paronomasia (לשון נטיל על לשון; מעל; Pun)<sup>51</sup>
    - d. Gezera Shava (גזירה שוה; Gezera Shava)<sup>52</sup>
  - 2. Extended through logical and topical techniques
    - a. Topical analogy (חקש, Analogy)<sup>53</sup>
    - b. Logical inference (הגיון חסרונים, Logical extension)<sup>54</sup>
  - 3. Extended through formal techniques
    - a. Grammatical and semantic formalities (דקדוק; Grammatical)<sup>55</sup>
    - b. Pleonastic expression (רבי, Superfluous)<sup>56</sup>
    - c. Juxtaposition of sections (סמיכות מילים, Juxtaposition)<sup>57</sup>
    - d. Gematria (גמטריה, Gematria)<sup>58</sup>
    - e. Notarikon<sup>59</sup>
    - f. Miscellaneous formalities (Form)<sup>60</sup>
- C. Imputed reading of the biblical text**
  - 1. Textual emendation (חילוף תוספתאות; Emendation)<sup>61</sup>
  - 2. Invention<sup>62</sup>

<sup>45</sup> *Ibid.*, p. 87.

<sup>46</sup> E. g., Qiddushin 4:14

<sup>47</sup> E. g., Aboda Zarah 3:5

<sup>48</sup> E. g., Hullin 9:5

<sup>49</sup> E. g., Sotah 9:2

<sup>50</sup> E. g., Maaser Sheni 5:10

<sup>51</sup> E. g., Hagigah 1:1

<sup>52</sup> E. g., Nazir 9:5

<sup>53</sup> E. g., Hullin 8:4

<sup>54</sup> E. g., Zebahim 14:1

<sup>55</sup> E. g., Makhshirin 1:3

<sup>56</sup> E. g., Berakhot 1:5

<sup>57</sup> E. g., Sanhedrin 3:7

<sup>58</sup> E. g., Uqsin 3:12

<sup>59</sup> E. g., Kilayim 9:8

<sup>60</sup> E. g., Pesahim 9:2 "There is a supraliteral dot on a letter." (Pettit, p. 84)

<sup>61</sup> E. g., Bekhorot 7:5

Comparison of his work with Neusner's *History of Mishnaic Law*<sup>63</sup> provides an important insight. While we were previously left to question why certain tractates have significantly more citations than others, Pettit has found correlation with the time of composition of the material in each tractate.

The number of scripture citations in each of the six orders of the Mishna shows some correlation with the period in which the order was most actively developed—the dominantly Ushan orders of Damages, Holy Things and Women contain the greatest numbers of citation units, followed by the order of Appointed Times, which still shows considerable Ushan development, albeit less than the first three. The orders of Agriculture and Purities, both of which were more fully developed in the earlier periods of the Temple and Yavne, show the fewest citation units. Since these are the largest orders among the six, the paucity of citation units proportionately is even more striking. There is some ground to support the view that the earliest Mishnaic discourse is independent of scripture and that later contributors to the Mishna, like the post-Mishnaic commentators of Tosefta [sic] and the talmuds, took greater care to develop Mishnaic issues with support from scripture.<sup>64</sup>

The value of this finding for confirming the strength of the relationship between the Bible and the Mishnah is staggering. It establishes, that as the Mishnah drew to a close, the Sages involved in its development were more concerned than their immediate predecessors, with linking their teachings with Scripture. It also seems to suggest that Judah the Patriarch, the Mishnah's final redactor, would have been more inclined than his predecessors to include biblical citations. This increase in use of citations over time, as is demonstrated by the enormous numbers of biblical citations in the Babylonian Talmud (some fifteen thousand citations compared with our almost six hundred in the Mishnah) explains the location of citations in the Mishnah. More significant, however, is that Neusner's own arguments may need to be reexamined. In his introduction, Pettit noted that discussion of

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<sup>62</sup> E. g., Hagigah 1:7 In this case "...we are unable to discern any technique by which the reading accorded the verse is derived." (Pettit, p. 83)

<sup>63</sup> J. Neusner, *A History of the Mishnaic Law of Appointed Times*, 5 vols. (Leiden: E. J. Brill, 1981-3); *A History of the Mishnaic Law of Damages*, 5 vols. (Leiden: E. J. Brill, 1983-5); *A History of the Mishnaic Law of Holy Things*, 6 vols. (Leiden: E. J. Brill, 1979); *A History of the Mishnaic Law of Purities*, 22 vols. (Leiden: E. J. Brill, 1979-80). For a brief overview of his method see our introduction.

<sup>64</sup> Pettit, *Shene'emar*, p. 370.

biblical citation plays a minimal role in Neusner's work.<sup>65</sup> If, as Pettit has demonstrated, Mishnaic authorities turned to the Bible more frequently as the source of their own teachings' authority, the Mishnah is aiming towards a closer relationship with the Bible, not attempting to distance itself as Neusner has tried to establish. This is not an attempt to discredit Neusner's work. From a global perspective the Rabbis of the Mishnah did in fact make minimal use of Bible citation (when compared to other Tannaitic literary works like the Mekhilta). For Neusner, whose concern was the form and structure of the Mishnah, the global picture painted is different from the one painted when the details of the Mishnah are examined, as is the case here. As E. P. Sanders' noted in his critique of *Judaism: The Evidence of Mishnah*, Neusner often makes arguments based on what does not appear in the Mishnah.

'What [the Rabbis] put in they think essential, and what they omit they do not think important.'...The Rabbis can not have attached much importance to 'the great issues of theology', such as sin and atonement, suffering and penitence, divine power and divine grace, since there are no tractates on such topics. Topics are everything. What is not a topic is opposed; things that are topics, when added together, are a world view."<sup>66</sup>

Neusner has examined the big picture without focusing on the details. From the perspective of form and structure the Mishnah and the Bible are distant. From his perspective, the lack of citations and the difference of structure between the Bible and the Mishnah are clear indicators of the lack of interest in the Bible on the part of the framers of the Mishnah. Aicher, Rosenblatt and Pettit have all demonstrated that it is in the details that the relationship between the Bible and the Mishnah is most clearly expressed.

Pettit's taxonomy of exegetical techniques demonstrated that verses were interpreted in three ways; literally, by some semantic extension, or by reading into the text and imputing to the text a meaning that we can no longer demonstrate derives from the text. "The literal sense of the biblical text is a significant influence on the exegesis done by Mishnaic authorities, and it is rare to see those authorities developing meaning from the texts without some explicit characteristic of the text serving as ground to the interpretation."<sup>67</sup> With

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<sup>65</sup> *Ibid.*, pp. 16-17.

<sup>66</sup> E. P. Sanders, *Jewish Law From Jesus to the Mishnah*, p. 314.

<sup>67</sup> *Ibid.*, p. 371.



respect to the function of the citations, three dominant lines emerged. "...halakhic and rhetorical/interpretative, with comparatively few citations serving the scientific function of factual information or classification, and hardly any serving a poetic function..." Further, the citations are more often only a part of the chain of support of a given teaching rather than the primary component of the evidence.<sup>68</sup>

Finally, Torah dominates nearly all discussion of exegetical techniques and function as compared to the Prophets and Writings. However, Pettit notes, in discussions where the Bible citation is not directly related to the matter at hand (e. g., at the end of a tractate), a different pattern emerges. The Prophets and Writings are cited more frequently.

The work of Rosenblatt, Aicher, and Pettit is important for understanding the role of citations in the Mishnah. The seriousness with which the sages took their Torah study and the increasing dependence on the Bible as the source of their authority are essential in understanding the nature of the Bible-Mishnah relationship and clearing up the ambiguous presentation of the relationship established by Neusner. Based solely on the use of biblical citation, the relationship seems to be one of increasing dependence, not an expanding distance between the two.

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<sup>68</sup> *Ibid.*, pp. 371-372.

## Chapter 4

### The Relationship Between the Content of the Bible and the Content of the Mishnah

The following is an outline of the ways in which the content of the individual tractates of Mishnah are related to the Bible. Jacob Neusner and his students have devoted much time and effort to analyzing this relationship. In *Judaism: the Evidence of Mishnah*, Neusner, attempted to summarize his “school’s” view. Our chapter began as an attempt to briefly describe Neusner’s results, but, as Strack and Stemberger have noted, “Only a precise analysis of every single M[ishnah] tractate, indeed of every complex of laws, can lead to a more accurate definition of the relationship of M to the Bible.”<sup>1</sup> Our work does not provide an analysis of “every complex of laws” but examines the Mishnah tractate by tractate, and often, chapter by chapter.

In *Canon and Connection: Intertextuality in Judaism* Neusner presented a four part taxonomy for establishing the relationship between a text belonging to the oral cannon and the Bible. While he presented the taxonomy for the purpose of comparing Rabbinic texts based on their relationship to the Bible, it is essential for presenting a picture of the relationship between the Mishnah and Scripture.

#### **1. Proportion of Units of Discourse in which Verses of Scripture Play A Role**

A Document may make frequent reference to Scripture, or seldom resort to Scripture.

#### **2. Redaction**

Some documents depend on Scripture for their overall arrangement of units of discourse, others do [not].

#### **3. Citation of a Verse of Scripture: Probative or Propositional**

Some units of discourse draw upon verses of Scripture to supply proof for propositions framed on grounds independent of Scripture. These

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<sup>1</sup> H. Strack and G. Stemberger, *Introduction to the Talmud and Midrash*, p. 144.

units make use of such verses as proof-texts or even as pretexts. Other units of discourse focus upon the sense and propositions of verses of Scripture.

#### **4. The Propositions of Scripture**

Some compositions are made up of units of discourse that take up the propositions of Scripture - whether or not these propositions are given in the exact wording of a verse of Scripture - and focus discourse on those propositions, thus centering on points that Scripture wishes to make. Other compositions ignore the substantive interests particular to Scripture and pursue different propositions from those supplied by Scripture.<sup>2</sup>

Items one and three have been addressed in Chapters 2 and 3 above. This chapter addresses the issues raised by items 2 and 4. That is to say, our concern here is the relationship between the content of the Mishnah and the Bible; both with what they have to say and how they are laid out.

Jacob Neusner has argued that,

The framers of ideas ultimately to be located in the Mishnaic system drew heavily and informedly upon what they found in the Scriptures. But they drew upon materials they found relevant to concerns already defined, framed essentially independent of issues and themes paramount in Scripture itself. That is to say, once people had chosen a subject, they knew full well how to develop their ideas about that subject by examining and reflecting upon relevant verses of Scripture.<sup>3</sup>

The Mishnah is not a Bible commentary. It does not respond on a verse by verse basis to the Bible, presenting the reader with the supposed interpretation or explanation of each verse. Instead the Mishnah is a topical presentation of material. While many of the topics are found in Scripture they are not presented according to the biblical order, nor does the Mishnah include comment on the entirety of potential topics available from the Bible. A significant editing process took place in the formation of the Mishnah. Two possibilities exist for the way Bible related material was placed in the Mishnah. Either interpreting Scripture was the general aim of the material as Dov Zlotnick has suggested (see Introduction), or topics of importance to the editor(s) were chosen and then the Bible was

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<sup>2</sup> J. Neusner, *Canon and Connection: Intertextuality in Judaism* (Lanham: University Press of America, 1987) p. 108.

<sup>3</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 168.

approached for its comment on various issues. It is more likely that in different sections of the Mishnah both of these methods were used.

The examination of the way the content of Mishnah is related to the Bible does not provide any clear answers. At best the relationship between the two is ambiguous although, contrary to Neusner, it leans towards dependence on the Bible, not as an attempt to distance itself. While the Mishnah attempts to separate itself from Scripture by referring infrequently to it as the explicit source of its laws, it often presents the information found in Scripture on given topics. At times the Tannaitic teachings are original and at other times they are a literal presentation of those found in Scripture.

The superficial relationship of the Mishnah to Scripture is ambiguous only because the Mishnah never links its legal statements to Scripture or claims that it rules in accord with Scripture. On the surface, the Mishnah wishes to stand anonymous of Scripture and to claim that the source of its laws is other than scripture...the Mishnah, whatever it claims to be or to do, in no way links itself to Scripture. But... hardly a second glance is needed to reveal the opposite.. that the Mishnah depends in a deep way, for both thematic agendum and the facts of its topics and rules, upon Scripture.<sup>4</sup>

While Neusner's conclusion accurately reflects the ambiguity of the relationship between the Mishnah and the Bible, his use of absolutes (i.e., "the Mishnah never...") does not allow for a nuanced representation of the situation. In order to support his view, Neusner must eliminate Tractate Abot from the Mishnah. The opening verse of Abot attempts to create a direct relationship between the Oral and Written Torah. It appears to be an attempt on the part of its composer to place authority in the hands of the Tannaim. It makes the Tanna both the authority on the meaning of Scripture and the primary teacher of Scripture.

- A. Moses received Torah at Sinai and handed it on to Joshua, Joshua to the elders, and elders to prophets.
- B. And prophets handed it on to the men of the great assembly.
- C. They said three things:
- D. "Be prudent in judgment."
- E. "Raise up many disciples."
- F. "Make a fence for the Torah"

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<sup>4</sup> *Ibid.*, pp. 171-172.

Neusner is not the only scholar to put forward the notion that Abot is not an original Mishnah tractate, but other positions are equally possible. E. P. Sanders, in a response to Neusner, refutes this idea. He is quick to point out that while the attribution of teachings to teachers who lived later than Judah the Patriarch might imply, as Neusner says, that the entirety of Abot is later than the Mishnah, it is also possible that these are simply later additions to the tractate.<sup>5</sup> Further, in his commentary on Abot, *Torah From Our Sages*, Neusner noted that at the very least "...the framers who composed the tractate as a whole believed these authorities [the rabbis cited] comprised a chain of instruction that could be traced all the way back to Moses at Sinai. They say so in the opening statement of Abot."<sup>6</sup>

As noted in *The Modern Study of the Mishnah*, the early "modern" scholars of the Mishnah accepted, for the most part, that there was a direct line between the Torah in particular - but more generally, the Bible - and the Mishnah (see above). Their assumption of the validity of this version of the "history" of the Oral Law seems reasonable in light of the internal evidence of the Mishnah. Neusner's approach to text and its history is at odds with these earlier scholars. They seem to suggest that the events presented in the Rabbinic Literature are considered fact, until such time as they can be disproved. Neusner clearly prefers the opposite possibility; that none of these texts is to be considered historical fact until it can be corroborated by another source.

Because of this difference in approach, Neusner can close his eyes to the Tannaitic teachings when they attribute their teachings to Moses from Sinai. For example, both Peah 2:6 and Eduyyot 8:7 present Tannaim who attribute their teachings to Moses at Sinai. If, as most scholars have suggested, the Mishnah is a compilation of material that circulated orally, the inclusion of statements like those below certainly raise reasonable doubt about Neusner's claim that the Mishnah never makes an internal statement about where it receives authority for its teachings.

#### Peah 2:6

##### A. Simeon of Mispah sowed [his field with two types of wheat].

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<sup>5</sup> E. P. Sanders, *Jewish Law from Jesus to the Mishnah*, p. 327.

<sup>6</sup> J. Neusner, *Torah From Our Sages: Pirke Avot* (Dallas: Rossel Books, 1984) pp. 5-6.

- B. [The matter came] before Rabban Gamliel. So they went up to the Chamber of Hewn Stone, and asked [about the law regarding sowing two types of wheat in the field].
- C. Said Nahum the Scribe, "I have received [the following ruling] from R. Miasha, who received [it] from the Pairs, who received [it] from the Prophets, [who received] the law [given] to Moses on Sinai, regarding one who sows his field with two types of wheat:
- D. "If he harvests [the wheat] in one lot, he designates one [portion of produce as] *peah*."
- E. "If he harvests [the wheat] in two lots, he designates two [portions of produce as] *peah*."

#### Eduyyot 8:7

- A. Said R. Joshua, "I have a tradition from R. Yohanan b. Zakkai, who heard it from his master, his master from his master, as law revealed to Moses at Sinai,
- B. "that Elijah is not going to come to declare unclean or to declare clean, to put out or to draw near,
- C. but only to put out those who have been brought near by force, and to draw near those who have been put out by force."

While the passages from Abot, Peah, and Eduyyot do not establish a concrete link between the Mishnah and the Bible, they certainly begin to make the case for a Mishnah based claim, that its traditions are as old as written Scripture and share authority with the Bible. Further, if both the Mishnah (at least its contents) and the Torah stem from Sinai,<sup>7</sup> they cannot be independent of each other, even if the Mishnah was compiled only much later.

Jacob Weingreen has argued that the connection between the content of the Bible and that of the Mishnah may be stronger than suspected. He has attempted to demonstrate that the Mishnah is modeled on the Book of Deuteronomy.

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<sup>7</sup> "As part of the Oral Law, a number of laws, possessing biblical authority but neither stated in Scripture nor derived by hermeneutical principles, are stated in rabbinic literature to be "laws given to Moses at Sinai."...The medieval commentators point out that on occasion the term, *halakhah le-Moshe mi-Sinai*, is used in much later enactments and is not always taken literally, but refers to a *halakhah* which is so certain and beyond doubt that it is though it were a *halakhah* given to Moses at Sinai..." L. Jacobs, "Halakhah le-Moshe mi-Sinai" *Encyclopædia Judaica*, Vol. 7 (Jerusalem: Keter Publishing, 1971) col. 1167. See also the discussion of this topic in *Intziqlopedia Talmudit* Vol. 9 (Jerusalem: Hotsa'at Intziqlopedia Talmudit, 1959) col. 365-387.

The main features of the legal portions of the Mishna...are that, while some biblical laws are restated as they appear in the Pentateuch, a number are modified and their scope extended, while fresh laws, derived from the biblical texts or independent of scriptural warrant, are added. This triple division of legal matter precisely describes the character of the legal sections of Deuteronomy...Deuteronomy is not...a literary source of the Pentateuch, but...was designed as a Mishna on certain items preserved in what became the three preceding books.<sup>8</sup>

Weingreen's theory is only one interpretation of the data. Yes, there is evidence that the Tannaim used interpretative techniques that are likely modeled in the biblical text. This certainly does not prove that the Mishnah was modeled on the Bible. It is a possibility, but, the Mishnah's exegetical techniques also appear in other interpretive legal texts. If this is the case then perhaps the Mishnah is modeled on texts from Qumran or in the Pseudepigrapha. "Evaluated as a whole, the corpus [The Dead Sea Scrolls] offers forerunners and parallels to all the types of interpretation we find in the later Jewish tradition as transmitted by the Rabbinic sources..."<sup>9</sup>

In order for Weingreen's theory to even begin to mirror the truth, the relationship of the content of the Mishnah to the content of the Bible must be ascertained. At the most basic level, if it can be demonstrated that the majority of the Mishnah's content finds its source in the Bible, then it *must* have a relationship that is unambiguous. A large number of biblical sources for Mishnaic material would demonstrate that the relationship is one of dependence.

#### (1) Zeraim<sup>10</sup>

Of the eleven tractates in Seder Zeraim, the topics of nine originate in the Bible, while two, Berakhot and Demai function independently. Seder Zeraim deals primarily with laws regarding agriculture, and particularly with the nature of agricultural gifts that must be given to the priests, the Levites, and the poor. The Bible contains pertinent passages in Exodus (23:19, 34:26), Leviticus (27:30-33), Numbers (18:8-32), Deuteronomy (12:17-19,

<sup>8</sup> J. Weingreen, *From Bible to Mishna* (Manchester: Manchester University Press, 1976) p. 143.

<sup>9</sup> L. Schiffman, *Reclaiming the Dead Sea Scrolls* (New York: Doubleday, 1994) p. 222.

<sup>10</sup> For a more extensive examination see; R. Sarason, "Mishnah and Scripture: Preliminary Observations on the Law of Tithing in Seder Zera'im" in W. S. Green, *Approaches to Ancient Judaism V.2* (Atlanta: Scholars Press, 1979) pp. 81-96; and A. Avery-Peck, "Scripture and Mishnah: The Case of the Mishnaic Division of Agriculture" *Journal of Jewish Studies* 38, 1 (London: 1987) pp. 56-71.

14:22-29, 18:4-5, 26:1-19), Ezra (44:30, 45:13-17), and Nehemiah (10:35-39, 12:44-47, 13:10-12). While the contents of these various biblical passages are used consistently throughout the order, it is important to note that most of these passages are never explicitly cited by the Mishnah. Deuteronomy 26:13 is cited in once in Maaser Sheni 5:10; Exodus 23:19 is cited twice in Bikkurim 1:2 and once again in 1:9; Deuteronomy 26:3 is cited in Bikkurim 1:4; and Deuteronomy 26:10 is cited in Bikkurim 1:5. The Order Zeraim contains thirty-seven biblical citations. Of these, only twenty-percent come from those passages which play the most dominant role in establishing the content of the order and its teachings.

In the Mishnah the Levitical and Deuteronomic tithes (e. g., Deuteronomy 14:22) become the first and second tithes, the Welfare tithe of Deuteronomy 14:28-29 becomes the Mishnah's "poor man's tithe," and the "tithe from the tithe" required in Numbers 18 becomes the "terumah."<sup>11</sup>

Tractate Berakhot is almost completely independent of the Bible. Its primary concerns are the three daily liturgies, the recitation of the Shema and the benedictions that are to be said before and after meals. However, the recitation of the Shema prayer is in fact the recitation of Deuteronomy 6:4-9. At the very least Berakhot is connected to the Bible in that it continues the belief in the centrality of the Bible, particularly, for liturgical purposes. The Bible is central to the Mishnah's depiction of the relationship between God and Israel.

The purpose of Tractate Peah is solely that of building on the information available in the Bible. Leviticus 19:9-10 establishes the rules for leaving a corner of the field unharvested for the poor, and Peah picks up from there. Tractate Demai is in no way related to the Bible. It contains no citations and the concept of problems being raised by produce that may not have been tithed is completely foreign to the Bible. However, as the idea of tithing in general finds its source in Scripture, dealing with issues of the sort found in Demai may be the logical outcome of discussing the issue of tithing in general as raised by Scripture.

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<sup>11</sup> R. Sarason, "Mishnah and Scripture: Preliminary Observations on the Law of Tithing in Seder Zera'im" in W. S. Green, *Approaches to Ancient Judaism V.2* (Atlanta: Scholars Press, 1979) p. 84.



Kilayim<sup>12</sup> finds its source entirely in the Bible. Both Leviticus 19:19 and Deuteronomy 22:9-11 deal with the concept of mixing "diverse kinds." Seemingly, Deuteronomy adds details to the verse in Leviticus. For example, while Leviticus suggests that one should not wear a cloth made of two types of material, Deuteronomy specifies linen and wool.

Tractate Shebiit finds its beginnings in the Bible. Exodus 23:10-11, 25:11, and Leviticus 25:4-5 present the Sabbatical year and its details with respect to agriculture. The fields must lie fallow and all crops that grow, aided or unaided, must be left. Also established in the Bible are the ways in which the community can survive in light of the fact that no crops are to be sown or harvested. The fifteenth chapter of Deuteronomy introduces the idea that in the seventh year, not only must fields lie fallow, but all debts are to be annulled. The heart of Shebiit is devoted to elaborating on and restating the biblical regulations. Shebiit 1:1-2:10 and 10:1-10 introduce concepts that are foreign to the Bible. In 1:1-2:10 the Mishnah forbids certain labors in the sixth year that will provide benefit to the community in the seventh year, an idea that is entirely foreign to the Bible and which makes no mention of the activities of the sixth year. Shebiit 10:1-10 introduces the idea of the *prozbul*, a contractual document that continues to allow the lender to collect his debts beyond the sabbatical year.

Tractate Terumot finds its source in Numbers 18:8-14. These biblical verses outline those parts of the Temple sacrifices that belong to the priests. "It is unclear whether or not... [Number's] "offering of their gift...the best of the oil, and all the best of the wine and of the grain" in fact refers to an agricultural offering distinct of the "first fruit" which the continuation of the passage deals. However that may be, the Mishnah clearly understands the passage as referring to a separate offering."<sup>13</sup> As such, this is not a case of the Mishnah attempting to create law independent of Scripture, but rather, attempting to interpret Scripture.

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<sup>12</sup> For a more extensive study of Tractate Kilayim see: I. Mandelbaum, "Scripture and the Interpretation of Mishnah - The Case of Tractate Kilayim" *World Congress of Jewish Studies* 9C (Jerusalem: 1986) pp. 15-22.

<sup>13</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 178.

Tractate Maaserot discusses issues far beyond the scope of the Bible. The Bible serves as source of information for the discussions in the Mishnah, but they are not directly related to the content of the Bible. The various biblical sources for sacrifices aid the tractate in establishing the types of produce that must be tithed. However, the situations described by the Mishnah are solely the outcome of the continued discussions amongst the authorities cited. The first chapter of Maaserot expands on Scripture, providing the details of when a given fruit or vegetable is “ripe” for the tithing. The latter chapters describe situations - perhaps real, perhaps imaginary - in which one might find oneself, and their ramifications for tithing. “Scripture’s concern is that the required offerings are properly removed by landowners, and, after removal, are consumed by the designated individuals.”<sup>14</sup> While the discussions of the latter part of the Mishnah find their source in the Bible, they are not the logical outcome of that which is found in Scripture. For example, the Bible offers no evidence of ever having conceived of the discussion in Maaserot 5:7.

- A. Anthills which remained overnight beside a stack [of grain] from which tithes had yet to be removed—
- B. lo, these [kernels found in the anthills] are liable [to the removal of tithes],
- C. for clearly [the ants] have been dragging [grain] from the processed batch all night long.<sup>15</sup>

The discussions are the logical outcomes of discussion of Scripture and not the logical outcome of Scripture. In Maaser Sheni, the larger part of the tractate is devoted to amplifying facts found in Deuteronomy 14:22-27. This passage details the fact that a farmer must eat his tithe in Jerusalem. Maaser Sheni devotes its time to examining the implications of only being allowed to eat the tithe in Jerusalem. The second portion of Maaser Sheni deals with the implications of Leviticus 27:30-31, which explains the outcome of selling consecrated produce and transferring the consecrated status onto the coins. The final portion of Maaser Sheni deals with fruit of a tree and how it is tithed since, in the first three years of growth, a tree's fruit may not be eaten (see Lev. 19:23-25).

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<sup>14</sup> *Ibid.*, p. 179.

<sup>15</sup> *Ibid.*, p. 131.

Tractate Hallah takes up discussion of the Heave offering found in Numbers 15:17-21. Half of the tractate is devoted to defining the nature of bread dough, and generic bread dough as compared to Israelite bread dough. While this issue is not taken up in the Bible, without the demand for the heave offering this latter discussion, this would not have been included in the Mishnah at all.

Tractate Orlah amplifies the details found in Leviticus 19:23. The Bible states that for the first three years of a tree's growth its fruit may not be eaten. The Mishnah raises questions, particularly about what happens to fruit that is picked too early and, as such, is prohibited. The focus of the tractate, however, is on material raised in the Bible.

Finally, Tractate Bikkurim is completely dependent on the Bible. The tractate devotes itself to retelling the information found in Deuteronomy 26:1-11. It explains that one must set aside the first fruits, which must then be presented before the priests in Jerusalem.

## (2) Moed

If one order of the Mishnah can be declared to be completely dependent on the Bible, it is Moed. This order, devoted to the examination of the various holy days of the Jewish year, has no basis for discussion without the material found in the Bible. "Most of the tractates which take up the cult in appointed times begin in Scripture, and whatever secondary layer of facts and ideas they build, it is without moving far from Scripture."<sup>16</sup>

The regulations with respect to the Sabbath, as found in the Bible, relate to a handful of passages. Exodus 16:29-30 limits travel on the Sabbath; Exodus 16:22-26 restricts the preparing of food; Exodus 20:8-11, 31:12-17, 34:21, 35:2-3, Leviticus 23:3 and Deuteronomy 5:12-15 restrict various types of labor. Exodus 23:12 holds that the same relief is due on the Sabbath to one's slaves and animals and Numbers 15:32-36 presents the deliberate violation of the Sabbath as a capital crime. The Order of Moed contains two tractates devoted to the discussion of these various topics, Shabbat and Erubin. Between them all the matters discussed in the Bible are covered, but their major concern stems from Exodus 16:29-30.

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<sup>16</sup> *Ibid.*, p. 182.

Mark that the LORD has given you the Sabbath; therefore He gives you two days' food on the sixth day. Let everyone remain where he is: let no one leave his place on the seventh day. So the people remained inactive on the seventh day.

Chapters one and seven through eleven of tractate Shabbat and the entirety of Tractate Erubin are concerned with the nature of domains. The nature of *his place* is at the heart of the discussion. The topics discussed in Shabbat and Erubin include:

1. The distinction among domains
2. The recognition of the Sabbath limits of a village
3. The preparation of a meal as the signification of where one will spend the Sabbath
4. The provision of a common meal as a sign of common ownership of a courtyard or an alleyway
5. The quantity of material that must be carried from one domain to another to constitute a violation of the Scriptural rule.<sup>17</sup>

Here too, Neusner's general argument that these discussions are not the logical outcome of an attempt to interpret the Bible, needs be more specific. Yes, the discussions are not in the Bible. Yes, a single biblical citation is the leaping off point for the discussions, but clearly, if the Bible included all of these discussions, the only role of the Mishnah would then be to codify the biblical regulations. While this is what happened in the Mishnah on some occasions, Tractates Shabbat and Erubin highlight the Mishnah's role as a collection of discussions in which the Bible is interpreted, not merely restated.

The content of Tractate Pesahim derives entirely from Exodus 12:1-28. Neusner has noted that the Mishnah picks up on the same themes, but it reorders them.<sup>18</sup> While the Bible establishes the rules concerning the setting aside of the Pascal lamb and the prohibition of leaven, the Mishnah first discusses the preparations for the festival and the removal of leaven and then the Passover sacrifice.

The Tractate Sheqalim simply amplifies what Exodus 30:11-16 presents. A half-sheqel is required to be collected from each Israelite for the dual purpose of funding the

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<sup>17</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 184.

<sup>18</sup> *Ibid.*, p. 186.

“Tent of Meeting” and for personal expiation. Tractate Sheqalim sets forth the directions for collecting the money and its use and then proceeds to discuss the Temple finances.

Tractate Yoma is strictly a retelling of the information found in Leviticus 16, which outlines the procedures for the Day of Atonement. Tractate Sukkah functions both to repeat the information found in the Bible (particularly Leviticus 23:33-43) and to add complimentary material. The Bible specifies that the Holiday of Succoth is to be celebrated by the taking of the *fruit of a goodly tree*, palm branches, branches of leafy trees and willows of the brook, celebrating before the Lord, and dwelling in booths. The Mishnah explains how the booths are to be built, how the various agricultural products are to be prepared, and the various observances for the different days of the holidays. While these issues all find their source in the Bible, the Mishnah expands on them.

Tractate Besah seeks to expand on Exodus 12:16.

You shall celebrate a sacred occasion on the first day, and a sacred occasion on the seventh day; no work at all shall be done on them; only what every person is to eat, that alone may be prepared for you.

The Bible establishes a contrast between the Sabbath and the festival. On the Sabbath food may not be prepared. The Mishnah develops this contrast further. It discusses the nature of food preparation. If food for the festival can be prepared on the festival, can acts indirectly involved in food preparation also be performed? For example, Besah 1:2 establishes that one can slaughter a fowl for use on the festival, but whether one is permitted to dig a hole to cover the animal’s blood becomes the center of discussion because it is not an act needed to prepare the food. The fowl can be slaughtered and cooked without covering its blood.

Fundamentally, Tractate Rosh Hashanah is dependent on Scripture and serves to complement it. The idea of a month that heads the year is established in Exodus 12:1-2; Leviticus 23:23-25 and Numbers 29:1-6 establish the arrival of the new moon of this month as the day of the sounding of the *Shofar*. These two topics, the sounding of the *Shofar* and the affirmation of the new moon form the basis for the majority of the Mishnah’s discussion. The details of the declaration of the new moon and the process of communicating the declaration are unique to the Mishnah, as are the details about the nature of a *shofar*.

However, the Mishnah merely serves to provide the details of activities established in the Bible.

The Tractate Taanit stands almost completely independent of the Bible. The primary concerns of the Tractate are the use of fasting and prayer (including the ritual blowing of the Shofar) to bring rain. Secondly, the Tractate includes discussion of the fast on the Day of Atonement, as well as, the minor fasts for the 17<sup>th</sup> of Tammuz and the 9<sup>th</sup> of Av. Neusner has stated that "...the tractate must be declared entirely outside the framework of Scripture and not generated by ideas, or even facts, important in Scripture's account of the festivals and special occasions."<sup>19</sup> This argument seems out of place in the light of several issues. By virtue of the fact that the Day of Atonement finds its source in the Bible, discussion of the Day of Atonement, is a discussion of things biblical. The Prophets also discuss fasting (e. g., Isaiah 58:3-4 and Joel 2:12-13. As well, the fasts on the 17<sup>th</sup> of Tammuz and the 9<sup>th</sup> of Av are performed for the purpose of commemorating biblical events (see Jeremiah 39:2 and 52:12-13) and therefore discussion of rituals for those days alludes to the Bible. Finally, the first two chapters of Taanit consist almost entirely of discussions of fasting to bring rain and the liturgy used for that purpose. These discussions are based on a biblical precedent. The idea that one might fast as a way of petitioning God is biblical (likely pre-biblical and pagan in origin).

When a calamity, human or natural, threatened or struck a whole community, a public fast was proclaimed. Thus, Israel observed fasts in its wars against Benjamin (Judges 20:26), the Philistines (I Samuel 7:6; 14:24), and its Transjordanian enemies (II Chronicles 20:3); similarly fasts were observed in the hope of averting annihilation by the Babylonians (Jeremiah 36:3, 9) and by the Persians (Esther 4:3, 16). The purpose of fasts during wartime was to seek God's direct intervention (e. g., I Samuel 7:9) or advice as transmitted through an oracle (e. g., Judges 20:26-28). Fasting served as a means of supplicating God to end a famine caused a plague of locusts (Joel 1:14; 2:12, 15).<sup>20</sup>

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<sup>19</sup> J. Neusner, "Innovation Through Repetition: The Role of Scripture in the Mishnah's Division of Appointed Times" *History of Religions* 21,1 (Chicago: University of Chicago, 1981) p. 63; and J. Neusner, *Judaism: The Evidence of Mishnah*, p. 187.

<sup>20</sup> J. Milgrom, "Fasting and Fast Days: In the Bible" *Encyclopædia Judaica*, Vol. 6 (Jerusalem: Keter Publishing House, 1971) col. 1190. For further discussion of fasting in the Biblical Period see R. Patai *Man and Temple* (New York: Ktav, 1967) pp. 188-189.

Taanit, like any other Mishnah Tractate cannot be both dependent and independent of the Bible. Either Taanit is dependent on the Bible, i. e., it builds on a biblical foundation, or it is independent of the Bible and only minimally alludes to it. It seems unlikely that the Tannaim created the ritual to bring rain independently. For this to have occurred, the Tannaim would have to have been completely ignorant of the concept of fasting in the Bible, and there is no evidence of that.

Tractate Megillah is primarily concerned with the ritual reading of the Bible. The first half of the tractate deals particularly with the reading of the Scroll of Esther on the holiday of Purim. The remainder deals with qualifications of the reader, how one is to read and or write a scroll and the liturgical readings from the Pentateuch and Prophets. The concept of reading the Scroll of Esther and the questions that arise in the Mishnah stem clearly from the scroll itself (see Esther 9:16-32). The latter portion of the tractate, while not directly derived from the Bible, concerns itself with the utilization of the Bible. At the very heart of this chapter, there is a clear depiction of the continued reverence demonstrated for the Bible.

The general concern of Moed Qatan is the restrictions on behavior during the intermediate days of Passover and Succoth. The Bible indicates only that there are to be special offerings on these days, but limits on labor and related activities seem limited to only the first and last days of these festivals.<sup>21</sup> While the idea of restricted activities on these days is not found in the Bible it seems clear that they are the outcome of discussion of the biblical material. The Bible is not the direct source for the rules found in Moed Qatan, but without the Bible as a primary source for the general concepts (e. g., the notion of holidays with intermediate with different activities) the ideas in the tractate would not have been formulated.

Finally, Tractate Hagigah is completely dependent on the Bible for its contents. The sacrifices offered on the three Pilgrimage Festivals all find their source in Scripture. The *Appearance Offering* is found in Exodus 23:4, the *Festal Offering (Hagigah)* is found in Deuteronomy 16:14, and the *Peace Offering* is found in Deuteronomy 27:7.

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<sup>21</sup> See Exodus 12:16, Leviticus 23:7-8, 35-36, and Numbers 28:18, 25, 29:12-15.

The other unit of the tractate, dealing with the principle that on the festival day ordinary people are considered to be in a state of cultic cleanness, is independent of Scripture only in the sense that Scripture in any case cannot provide a merely descriptive statement of such a character. But since it is Scripture which imposes the duty of pilgrimage and cultic cleanness in the tent of meeting, one hardly may be surprised that the consequent issue of the presumed status of ordinary folk in the Temple and Jerusalem is addressed in that very tractate in which the pilgrim's offerings are explicated.<sup>22</sup>

Without the Bible, there is no need for Seder Moed. The Bible establishes the dates and the primary rules for festival celebrations. Without these biblical indications there is certainly no basis for these festivals. Further, even secondary material, that is to say ideas like fasting to bring rain, find their source in the Bible.

### (3) Nashim

Seder Nashim is a collection of seven tractates. Five are concerned with the establishing or dissolving of marital bonds. Three, Yebamot, Ketubot, and Sotah, are directly connected to the Bible. Two, Gittin and Qiddushin, are minimally connected. The remaining two tractates, Nazir and Nedarim, find significant biblical support.

Yebamot is the largest of Nashim's tractates. Its discussions can be divided into three categories; those relating to levirate marriage, those relating to the marriage of a priest, and finally, ways other than divorce, that a marriage might be ended. While each of these divisions can be subdivided further, these general categories are adequate for comparison to the Bible. The first two categories evolve directly from the Bible.

Levirate marriage finds its source in Deuteronomy 25:5-10.

When brothers dwell together and one of them dies and leaves no son the wife of the deceased shall not be married to a stranger, outside the family. Her husband's brother shall unite with her: he shall take her as his wife and perform the levir's duty. The first son that she bears shall be accounted to the dead brother, that his name may not be blotted out in Israel. But if the man does not want to marry his brother's widow, his brother's widow shall appear before the elders in the gate and declare, "My husband's brother refuses to establish a name in Israel for his brother, he will not perform the

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<sup>22</sup> J. Neusner, "Innovation Through Repetition: The Role of Scripture in the Mishnah's Division of Appointed Times" *History of Religions* 21,1 (Chicago: University of Chicago, 1981) p. 64; and J. Neusner, *Judaism: The Evidence of Mishnah*, p. 188.



duty of a levir." The elders of his town shall then summon him and talk to him. If he insists, saying, "I do not want to marry her," his brother's widow shall go up to him in the presence of the elders, pull the sandal of his foot, spit in his face, and make this declaration: Thus shall be done to the man who will not build up his brother's house! And he shall go in Israel by the name of "the family of the unsandaled one."

Yebamot does not concern itself with the ceremony of *halisah* (the act of removing the brother's shoe and spitting in his face). Instead it turns to a discussion of those conditions when the brother of the deceased cannot marry his widow. As a basis for its teachings Yebamot turns to the prohibitions in Leviticus 18:6-18.

None of you shall come near anyone of his own flesh to uncover nakedness...Your father's nakedness, that is the nakedness of your mother, you shall not uncover...Do not uncover the nakedness of your father's wife; it is the nakedness of your father. The nakedness of your sister—your father's daughter or your mother's, whether born into your household or outside—do not uncover their nakedness. The nakedness of your son's daughter, or of your daughter's daughter—do not uncover their nakedness, for their nakedness is yours. The nakedness of your father's wife's daughter, who was born into your household—she is your sister; do not uncover her nakedness. Do not uncover the nakedness of your father's sister; she is your father's flesh. Do not uncover the nakedness of your mother's sister; she is your mother's flesh. Do not uncover the nakedness of your father's brother: do not approach his wife; she is your aunt. Do not uncover the nakedness of your daughter-in-law, she is your son's wife; you shall not uncover her nakedness. Do not uncover the nakedness of your brother's wife; it is the nakedness of your brother. Do not uncover the nakedness of a woman and her daughter; nor shall you marry her son's daughter or her daughter's daughter and uncover her nakedness: they are kindred; it is depravity. Do not marry a woman as a rival to her sister and uncover her nakedness in the other's lifetime.

The prohibitions from Leviticus are reflected by such texts as Yebamot 2:3 and 3:6. In 2:3, the prohibitions of Leviticus 18 are referred to explicitly; in 3:6 the reference is implied.

#### Yebamot 2:3

A. A general rule did they lay down in regard to the levirate woman [widow of a deceased childless brother]:

- B. (1) Any [sister-in-law] who is prohibited as one of the forbidden degrees [of Leviticus Chapter Eighteen] neither executes the rite of *halisah* nor is taken in levirate marriage...
- C. (2) [If] she is prohibited [to her brother-in-law] by reason of a prohibition on account of a commandment or a prohibition on account of sanctity, she executes the rite of *halisah* but is not taken in levirate marriage...
- D. (3) [If] her sister is [also] her sister-in-law [widow of her childless brother-in-law], she either executes the rite of *halisah* or is taken into levirate marriage.

**Yebamot 3:6**

- A. Three brothers—
- B. two of them married to two sisters—
- C. and one of them [the third] married to an unrelated woman—
- D. and one of the husbands of the sisters died, and the brother married to the unrelated woman married his [the deceased, childless brother's] widow,
- E. and [then] he [the brother who was married to the unrelated woman and also the widow of the deceased, childless brother went and] died—
- F. the first woman goes forth [without *halisah* or levirate marriage] as the sister of his wife, and the second on the grounds of being her co-wife [neither one therefore entering into levirate marriage or requiring the rite of *halisah* with the surviving brother].

In the first example, the prohibition is stated in line B. In the second the prohibitions are alluded to by nature of the discussion. In Yebamot 2:3D, because of Leviticus 18:18, which prohibits a man from marrying two sisters, the widow must not marry her husband's brother because then both she and her sister will be married to the same man. The case is the same in line F of Yebamot 3:6, because there is no longer an available brother. Two are dead and the third is married to the sister of the childless widow. What the Mishnah has established, an idea not found explicitly in the Bible, is that even in the case where a man should fulfill the duty of a levir, this duty is superseded by the prohibitions of Leviticus 18.

Beginning in chapter 6, the second part of Yebamot is based on information provided by Leviticus 22:10-16. The primary discussion of Yebamot 6-9 is that priests, their families and their slaves are the only people who eat holy things, particularly the heave offering. These chapters make very clear, as does Leviticus, that the daughter of a priest who marries someone who is not a priest, does not continue to eat holy things. However, should

she divorce or be widowed and return to her father's household, she also returns to eating holy things.<sup>23</sup>

The third part of Yebamot begins with chapter ten. It is made up of discussions of multiple topics that conceivably could be included elsewhere. Chapter 10 deals with cases whereby a woman's remarrying is based on an erroneous report of her husband's death. Chapter 11 discusses the issues involved in marrying a woman who has been raped. Chapter 12 returns to the discussion of *halisah*, particularly with the number of judges required at the court to have the ceremony performed. Chapter thirteen deals with the marriage of minors. Chapter 14 discusses the marriages of deaf-mutes, both when deaf-mutes marry each other and when they marry partners of sound-senses. Chapters 15 and 16 deal with the acceptance of evidence of a husband or levir, on the part of a woman who returns from abroad. According to Neusner, "None of these topics seems...to relate to any facts of Scripture."<sup>24</sup> It is clear that while the third portion of Yebamot is not directly related to the Bible (although *halisah* and levirate marriage are both biblical), that "...we should have no tractate Yebamot without Deut. 25:10-15 [*sic*], Lev. 18 and a few other verses."<sup>25</sup>

The primary concern of Tractate Ketubot is that there is a marriage settlement that functions to provide adequate financial care for a woman in case of a divorce or the death of her husband. This settlement is included in a document, a ketubah, which is a binding contract between husband and wife. Chapters 1 and 2 deal primarily with the quantity of money payable to the father of a virgin upon her marriage and the differences in the marriage process and the ketubah if the bride is not a virgin. These two chapters find their source in Exodus 22:15-16, Deuteronomy 22:13-21, and 22:28-29. The verses from Exodus establish that, if a man has sexual relations with a virgin, he must take her as a wife and pay the bride-price to her father. The first verses from Deuteronomy lay down the rule that if a man claims that his wife is not a virgin and chooses to divorce her, then her parents must bring evidence of her virginity to the elders of the town. If the charge proves true, the girl is stoned to death; if they prove false, the man is required to pay a hundred shekels of silver to

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<sup>23</sup> To see this fact highlighted compare Leviticus 22:12-13 with Yebamot 6:3.

<sup>24</sup> J. Neusner, "From Scripture to Mishnah: The Origins of Mishnah's Division of Women" *Journal of Jewish Studies* 30,2 (London: 1979) p. 146; and *Judaism: The Evidence of Mishnah*, p. 196.

<sup>25</sup> *Ibid.*

her father. He is flogged and is never allowed to divorce her. The latter verses from Deuteronomy, like those from Exodus, establish that a man who seduces a virgin must take her as wife and pay the bride-price to her father.

Chapters 3 and 4 take up rape and seduction, issues established in Deuteronomy 22, particularly with respect to the seduction of a virgin. The remaining nine chapters have very little to do with facts found in the Bible. Chapters 5 and 6 are concerned primarily with the duties incumbent on both husband and wife for each other (e. g., she must prepare food for her husband and children and he must provide her with clothing). Chapter 7 deals with the conditions under which a woman can demand a divorce. Chapters 8 and 9 deal with her right to own property, and 10 deals with the problems of conflicting claims, in the case of polygamy, of multiple wives upon their husband. Chapters 11 and 12 deal with the rights of the widow, and 13 deals with the merit of living in Israel. In fact, it is so meritorious, that a man may divorce his wife if she refuses to move there with him. Material that can be related directly to a biblical source can be found only in the first four chapters of Ketubot. Like other portions of the Mishnah, the remaining eight chapters make use of biblical vocabulary for describing various issues.<sup>26</sup>

Both Nedarim and Nazir expand on material taken directly from the Bible. Both "...contain fresh and original conceptions, still the tractates serve essentially to complement Scripture, not to build, alongside Scripture, structures meant to stand independently."<sup>27</sup> Nedarim is based on Numbers 30. Numbers indicates that a man who makes a vow is bound by it; a woman who still lives in her father's household is bound by her vow, providing her father does not object to it. If a woman marries while her vow is still in force, she continues to be bound by it unless her husband objects to it. Widows and divorcees are bound by their vows. These restrictions are mirrored in Nedarim. Chapter 1 deals with formulas for vows

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<sup>26</sup> See Ketubot 9:1, where, for example Rabbi Simon ben Gamliel comments that if anyone includes a condition which is contrary to the law in a ketubah then it is null and void. In this particular case, a man claims in his ketubah that he has no right or title to the property of his wife. Rabbi Simon ben Gamliel points out that he does inherit her property after her death because his condition is contrary to the Law, in this case Numbers 27:11. Danby explains it as follows, "Num. 27:11 has a superfluous 'and he shall possess it (f.)', interpreted to mean 'and a man shall inherit from his wife'." H. Danby, *The Mishnah* (Oxford: Clarendon Press, 1933) pp. 259-260. While this is not the only example of implicit discussion of the Bible, it demonstrates clearly that even those chapters of Ketubot that do not find their source in the Bible cannot divorce themselves from its details or its vocabulary.

<sup>27</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 192.

that are binding and chapter 2 deals with those that are not. Chapter 3 is concerned with vows that are not binding due to lack of intent. There is a short digression on the importance of circumcision, which also finds its source in the biblical covenant between God and Abram.<sup>28</sup> Chapters 4 and 5 involve making vows that are restraints on others or forbid benefits to others. Chapters 6 and 7 discuss the formulas for vows concerning produce. Chapter 8 discusses vows related to events that take place at specific points in time; chapter 9 is concerned with the absolution of vows.

Nazir is based on the discussion of the Nazirite vow in Numbers 6:1-21. The primary concern of Numbers is to establish that one who has taken a Nazirite vow must avoid wine, cutting one's hair, and being exposed to a corpse. At the end of the specified period of time the Nazir must bring special offerings to mark the end of the vow. The Mishnah seeks to complement the material provided in Numbers. Chapters 1 and 2 discuss the formula used to take a Nazirite vow upon oneself, the duration of the vow, and the possibility of only accepting some of the restrictions. Chapter 3 discusses events that might prevent the proper completion of the vow. Chapter 4 deals with the possibility of imposing Nazirite vows on others. Chapter 5 discusses erroneous Nazirite vows. Chapter 6 discusses the Nazir's duties and the obligation of bringing sacrifices upon the completion of the duration of the vow. Chapters 7 and 8 further discuss issues of contamination of the Nazir and when this prevents the completion of the vow, as well as breaches of the vow. Chapter 9 discusses who may take the vow and whether the biblical prophet Samuel was a Nazir. "The Mishnah takes up and asks its own questions about a topic introduced and treated in its own way by Scripture. But the Mishnah also provides further reflection on what Scripture says about the same topic."<sup>29</sup>

Tractate Sotah is entirely dependent on the Bible for its contents. Its primary concern is the material found in Numbers 5:11-31. This biblical portion outlines the rites performed when dealing with an accused adulteress. Chapters 1-4, the first mishnah from Chapter 5, and Chapter 6 all deal with the material provided in Numbers. These chapters repeat the fact that, if a man believes his wife has committed adultery, he must bring a jealousy offering;

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<sup>28</sup> See Genesis 17:10-12.

<sup>29</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 194.

and that she must drink the “water of bitterness” prepared by the priest and, if unharmed by it, she clears herself of wrong-doing. The remaining portion of chapter 5 dedicates itself to a discussion of teachings taught on the day that Eleazar ben Azariah deposed Rabban Gamliel as the *nasi* (leader) of the community. Each of the five *mishnayot* found in chapter 5 contains at least one biblical citation. Each of the teachings is based on the expounding of the biblical verses. Chapter 7 is a discussion of biblical passages that must be read in Hebrew. Chapter 8 begins with a discussion about the priest who is annointed for war and the address he must make (Deuteronomy 20:3-4) to the troops. The latter part of the chapter is concerned with exemptions from military service and includes discussions of the biblical accounts of Joshua’s conquest of Canaan and the wars of King David. Chapter 9 discusses the fact that, after the destruction of the Temple immorality among the people increased and therefore the rites of the *eglah arufah*<sup>30</sup> and “the waters of bitterness” were abolished. In short, Sotah is undeniably bound to the Bible. Its focal discussion of the adulteress is merely the repetition of facts found in Numbers, and even its digressions are directly related to the Bible. Further, it contains material that is tremendously dense with biblical citations (see above, Chapter 2).

The tractates Gittin and Qiddushin stand almost entirely autonomous of the Bible. Gittin, discussion of bills of divorce and how they are written and presented, finds little base in the Bible. When there is a need to find Scriptural support, the Rabbis turn to Deuteronomy 24:1-4.

The priority of these verses is to establish that a man cannot remarry a woman he has divorced, if she has remarried and divorced or been widowed in the interim. The Mishnah’s priority is establishing the content of the bill of divorce, the *get*; the way it must be written; and the way it must be presented in order to actually establish the separation of husband and wife. While the tractate expands on the almost insignificant quantity of source material in the Bible, it is concerned far more with the details of the process than is Deuteronomy.

Qiddushin, the final tractate of Seder Nashim, has very little source material from the Bible. Chapter 1 discusses the idea that a woman is betrothed to her husband by three

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<sup>30</sup> The rite of *eglah arufah* is prescribed in Deuteronomy 21:1-9. Briefly, it is the act of breaking the neck of a heifer when a murder cannot be solved. The heifer must be taken to where the human corpse was found and the accused must wave their hands over it and proclaim their innocence.

modes, money, writs, and sexual relations. The second chapter is concerned with Qiddushin by proxy. Chapter 3 deals with doubtful and conditional betrothals; chapter 4, with questions of genealogy. The latter half of Chapter 3 and the earlier mishnayot of Chapter 4 are connected to the prohibitions mentioned in Leviticus 18 (see above). For example, Qiddushin 3:12 describes the status of a child born to a woman who had sexual intercourse with a man who could not legitimately have intercourse with her because of the prohibitions of Leviticus 18. While Qiddushin does not take its teachings directly from the Bible, both implicit and explicit connections are scattered throughout its teachings.

Nashim as a unit is intertwined with the Bible. While they do not necessarily share the same world view, the Mishnah is clearly more concerned with the role of women in society, the necessity for the inclusion of the Bible to support its rulings cannot be denied.

#### (4) Neziqin

Of the ten tractates in Neziqin, eight deal primarily with civil law and the administering of justice. Two, Eduyyot and Abot, are entirely unrelated to these topics and are collections of testimonies of sages and proverbial wisdom.

The Mishnah treats as fact everything Scripture has to say about the topics of the present division, even while taking no perceptible interest in how Scripture organizes them...For them Scripture is a source of information, not of modes of organizing or structuring information...Where the framers of the Mishnah are able to draw heavily on Scripture for the purpose of working out the systematic plan, the assuredly do so...Scripture is a reference book, not a ground plan or architect's design for the edifice built by the Mishnah.<sup>31</sup>

While the Mishnah does not follow the order of discussions that are laid out in the Bible, the order is dependent on the Bible for the establishment of facts on given topics. In the other sections of this chapter, tractates have been discussed in the order in which they appear in contemporary printed editions of the Mishnah. With respect to Neziqin, it seems worthwhile, due to the different nature of Abot and Eduyyot, to discuss them at the end, discussing first the civil law related portions of the order.

The three gates, - Baba Qamma, Baba Mesia, and Baba Batra - cannot be understood without reference to the Bible, as the three find all of their essential facts therein. Baba

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<sup>31</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 198.

**Qamma is concerned with four essential issues: damages caused when an animal falls in a pit, damages caused by a goring animal, a flock of animals that destroy someone's crops, and damages caused by fire. The Mishnah merely repeats issues discussed in Exodus 21:33-36 (oxen and pits) and 22:5-6 (fire). Exodus 21:28-32 provides for the stoning of an ox that has gored repeatedly as described in Baba Qamma 4:8. The Mishnah (e. g., Baba Qamma 7:2) further discusses various amounts of financial compensation paid by a thief to the owner of a stolen animal. The statements relied upon in the Mishnah find their source in Exodus 22:1-4 and 21:18-19.**

**Baba Mesia is also dependent on Scripture for its facts. Its discussion (Baba Mesia 1:1-2:11) of returning lost objects to their owners is based on Deuteronomy 22:1-4. Leviticus 25:35-37 and Deuteronomy 23:20-21 are the source for the Mishnah's rules concerning not taking interest, as is found in Baba Mesia 5:1 and 5:11, for example. The right of workers to be fed and their right to prompt payment for services rendered, as found in Baba Mesia 7:1-11, are based on facts described in Deuteronomy 23:24-25, Leviticus 19:13 and Deuteronomy 24:14-15. Finally, taking and returning pledges is described in Exodus 22:25-27.**

**Baba Batra receives fewer facts from the Bible than do the first two "gates." Baba Batra's primary concerns are with real estate and the rights of property owners. These issues tend to be too detailed for Scripture; they are out of its realm of concern. However, in Baba Batra 6:8-7:4 the issue of respecting just weights and measurements is discussed. This issue finds its source in Leviticus 19:35-36; Deuteronomy 25:13-16, Amos 8:5; Hosea 12:8; Micah 6:10; Proverbs 11:1; 16:11; 20:10. The Laws of Inheritance as described in Numbers 27:8-11 and Deuteronomy 21:15-17 are repeated in discussions found in Baba Batra 8:1-9:10, with particular reference to Zelophehad's daughters (Num. 27:7) in Baba Batra 8:3.**

**Tractate Sanhedrin's primary concern is the establishment of courts and the way the rulings are carried out. Deuteronomy 16:18-20 establishes the requirement to form courts. Independently of the Bible, the Mishnah establishes which matters are to be dealt with by the varying courts of three judges, twenty-three judges, and seventy-one judges. While the distribution of cases is left to the Mishnah's framers to decide, the issues they are to judge are taken from the Bible. For example, Sanhedrin 1:1 states,**



- A. (1) Property cases [are decided] by three [judges];
- B. (2) those concerning theft and damages, before three;
- C. (3) [cases involving] compensation for full damages, half-damages [Ex. 21:35], two-fold restitution [Ex. 22:3], fourfold and fivefold restitution [Ex. 21:37], by three;
- D. (4) “[cases involving] him who rapes [Dt. 32:28-29], him who seduces [Ex. 22:15-16], and *him who brings forth an evil name* (Dt. 22:19), by three,” the words of R. Meir.
- E. And sages say, “He who brings forth an evil name is [tried] before twenty-three,
- F. for there may be a capital case.”

In other words, while the details of a given issue may not be established by the Bible, the framers of the Mishnah must use the Bible as a source of vocabulary for describing various events, rules, and phenomena.

Deuteronomy 17-8:13 provide the source of the fact that cases can be appealed to higher courts as is described in Sanhedrin 11:2. Numbers 25:30 and Deuteronomy 17:6-7 establish the provision of two witnesses for a capital case as is described in Sanhedrin 5:3. Leviticus 21:10-12 is the source of the Mishnah's rules (e. g., Sanhedrin 2:1) concerning the high priest. Sanhedrin's rules for the king in 2:2 are found in Deuteronomy 17:14-20. The “stubborn and rebellious son” of Sanhedrin 8:5 is found in Deuteronomy 21:18-21. Deuteronomy 13:12-18 is the source for discussions of entire towns that turned to idolatry in Sanhedrin 10:4-10:6.

Makkot consists of the three chapters. The first is concerned with the laws of witnesses who plot together (*zomemim*), and the types of testimony that constitute plotting. The source for this discussion is found in Deuteronomy 19:16-20. The second chapter contains discussion of the circumstances under which a person who inadvertently committed murder is banished to a city of refuge (Num. 35:6 and Deut. 19:2). The chapter also expands on the return of the murderer to his own town upon the death of the high priest as is described in Numbers 35:25. The final chapter provides a list of offenses for which flogging, described in Deuteronomy 25:1-3, is the appropriate punishment.

Shabuot is in its entirety an attempt to elucidate Leviticus 5 and 6. Chapter one begins with a discussion of two types of oaths, that is to say, with the two oaths described in Leviticus 5:3, *shebuoth bittui* (oaths of utterance). The second chapter is concerned with

oaths in regard to ritual impurity and is an expansion of Leviticus 5:1-13. Finally, the third chapter returns to the discussion of the types of oaths and their formulae, as it had begun to do in the first chapter.

Abodah Zarah consists of five chapters. Their primary concerns are: 1) prohibitions in dealing with non-Jews, including interaction with them before and during the times of their religious celebrations, as well as commercial trade; 2) restrictions placed on interactions with a gentile accused of murder or rape; 3) laws concerning the use of articles that belong to gentiles because they may have been used for idolatrous purposes; 4) the prohibition against owning idolatrous objects and the methods of ridding oneself of them.

The sources for these issues can be found in the Bible. The following list provides only some of many biblical discussions of idolatry and idolaters. Exodus 23:13 states that one should not mention other gods; Exodus 23:24 states that one should not bow down to idols and should in fact tear them down. Exodus 23:32-33 declares that the Israelites should not form bonds with idolatrous groups and that they should be cast out from amongst the Israelites, lest they influence them and cause them to turn from God. Deuteronomy 7:1-5 provides that when the Israelites conquered Canaan they were to drive out the nations that were there and could not interact with them to avoid being swayed away from God by them.

Horayot cannot be understood without reference to the Bible. It serves to explain Leviticus 4 (particularly verses 1-5, 13-21, 22-26) and Numbers 15:22-26. The first chapter focuses on erroneous judgments made by the courts, and most importantly with those that led to idolatry. These issues are raised in Leviticus 4:1-5. The second chapter is concerned with erroneous decisions on the part of the high priest (cf. Lev. 4:22-26). The third chapter is concerned with the transgressions made by priests and rulers both during their reigns and after their "retirements" (cf. Num. 15:22-26).

Both Abot and Eduyyot are anthologies of statements by sages. In the case of Eduyyot these statements or testimonies concern various halakhot. Almost all of Eduyyot's seventy-four mishnayot contain a discussion of halakhot derived from the Bible, Bible characters and events, or citations to back up proverbial wisdom. For example, Eduyyot 2:10 states,

A. Also he [R. Aqiba] would list five things which [last for] twelve months:

- B. (1) the judgment of the generation of the Flood is twelve months;
- C. (2) the judgment of Job is twelve months;
- D. (3) the judgment of the Egyptians is twelve months;
- E. (4) the judgment of Gog and Magog in the time to come is twelve months;
- F. and (5) the judgment of the wicked in Gehenna is twelve months,
- G. as it is said, *It will be from one month until the same month [a year later]* (Is. 66:23).

Similar types of material appear in Abot,<sup>32</sup> as do discussions of the Torah and its study. Abot's statements are proverbial in nature. Of its more than one hundred individual teachings, fifty-one contain explicit discussions of the Torah, and ten more contain proverbial statements backed up by Bible citations. For example, Abot 4:9 states,

- A. R. Yonatan says, "Whoever keeps the Torah when poor will in the end keep it in wealth.
- B. And whoever treats the Torah as nothing when he is wealthy in the end will treat it as nothing in poverty."

Neziqin is almost entirely dependent on the Bible. Only Abot and Eduyyot stand relatively autonomous. The Bible is the source of much of the content of the order as well as for its vocabulary. While it may not be the source of the issues that the framers chose to discuss, whenever possible they turned to the Bible for information on the topics that they selected.

#### (5) Qodashim

As the Order of Qodashim is primarily concerned with the sacrificial system, the majority of issues raised find their root in Numbers and Leviticus. It is apparent that the unit takes its vocabulary from the Bible and uses the Bible in four ways. These modes of usage include repeating the teachings of the Bible, amplifying them, and organizing them in a way other than that of the Bible itself. Also, the Mishnah asks questions raised by issues discussed in the Bible, but not explicitly asked in the Bible.

Zebahim's primary focus is the preparation and slaughter of animals and fowl for the Temple sacrifices. It "...takes for granted the whole corpus of Scripture's facts on animal

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<sup>32</sup> An extensive overview of this material and analysis of certain specific passages is found in chapter 5.

offerings and constantly alludes to them. [It] refers only to sacrifices listed in Scripture, the tractate depends entirely on what Scripture has stated."<sup>33</sup> Tractate Zebahim cannot exist independently of the Bible. Chapter 5 is essentially a list of sacrifices performed in the Temple. The list provides names for sacrifices that appear only in the Bible. For example, Zebahim 5:1 contains a description of the slaughtering of a bullock by the high priest on the Day of Atonement. The fact that a bullock and a he-goat must be slaughtered on the Day of Atonement is found in Leviticus 16:6-10. Aaron is told to bring his own bullock and two he-goats. Of these, the bullock and one of the goats are to be sacrificed and the remaining animal is to be used as a scapegoat and sent out into the wilderness. Zebahim 5:1 indicates further that the blood of the sacrifice is to be sprinkled over the altar, an act depicted in Leviticus 16:14-15.

Chapter 5 is not the only one in Zebahim that is directly related to the Bible. Chapters 1 through 4 are concerned with the fact that improper intent in performing a sacrifice contaminates the action. Chapter 7 is concerned with the sacrifice of birds and the final chapters of the tractate include discussion of the Temple vessels and the altar used for the sacrifices.

Tractate Menahot is concerned with issues similar to those in Zebahim but with respect to meal offerings rather than animal sacrifice. While its questions do not derive from the Bible, i. e., the questions raised are those of the sages and their answers are not found explicitly in the Bible, the source of all discussion is the Bible. Meal offerings cannot be discussed without reference to the material available in Leviticus and Numbers.<sup>34</sup>

Essentially, Tractate Hullin and its concern for the proper slaughter of animals for human consumption is an outgrowth of the fact that Exodus 22:30, "*You shall be a holy people to Me: you must not eat flesh torn by beasts in the field; you shall cast it to the dogs,*" indicates that Israelites eat only animals that have been killed and not those that die on their own or at the hand of other animals.<sup>35</sup>

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<sup>33</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 205.

<sup>34</sup> See Leviticus 2 and 6:7-16, as well as, Numbers 5:15, 18, 25-26.

<sup>35</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 208.

Chapters 1 through 4 deal with the act of slaughter itself, the preparation of the animals and tools. Chapter 5 discusses the biblical injunction (Leviticus 22:28) against slaughtering a mother and child (animals) on the same day. Chapter 6 deals with Leviticus 17:13; "And if any Israelite or any stranger who resides amongst them hunts down an animal or a bird that may be eaten, he shall pour out its blood and cover it with earth." Chapter 7 discusses the prohibition against eating the sinew of the hip mentioned in Genesis 32:33. Chapter 8 concerns itself with not consuming milk and meat. This idea finds three source texts, Exodus 23:19, 34:26, and Deuteronomy 14:21. Chapter 10 deals with the portions of a slaughtered animal that become the property of the priests as described in Deuteronomy 18:3. Deuteronomy 18:4 "the first of the fleece" is discussed in chapter 11. The last chapter deals with taking only the young from a nest but allowing the dam to remain as discussed in Deuteronomy 22:6-7.

Bekhorot is a Scripture-based discussion of the sacrifice of firstlings. It "...does little more than elaborate and amplify (uncited) Scriptural laws."<sup>36</sup> These laws as a whole find their place in the first chapter of Bekhorot which describe the various types of animals that need to be redeemed. Chapters 2 through 6 deal primarily with the firstlings of clean animals and develop the question of blemishes that make firstlings unfit for sacrifice as raised in Deuteronomy 15:21. Chapter 7 is a digression from the topic of sacrifices. It discusses Leviticus 21:17-23, which establishes the possibility of blemishes that render a priest unfit for service. Chapter 8 deals with first born children and their redemption and with inheritance laws (Deuteronomy 21:15-17) and how they pertain to first-born children. The final chapter is concerned with the tithing of cattle and finds its root in Leviticus 27:32 and II Chronicles 31:6.

Qodashim's sixth tractate, Arakhin, is a discussion of the valuation of items vowed to God and those devoted to the Temple. The entire tractate is based on material from Leviticus. Arakhin is built around biblical structure as well. It begins with discussion based on Leviticus 27:1-8 and ends with a discussion of facts taken from Leviticus 27:16-25 and 27:28-29. "Overall...Arakhin is an effort to amplify and augment the basic rules of Scripture,

<sup>36</sup> See Exodus 13:2, 11-13; 22:28-29; 34:19-10; Leviticus 27:26; Numbers 3:12-13; 18:15-18; Deuteronomy 14:23; 15:19-23; Nehemiah 10:37. J. Neusner, "From Scripture to Mishnah" *Journal of Biblical Literature* 98,2 (Philadelphia: 1979) p. 276.

and it certainly does not take up an initiative on matters relevant to the topic but in no way adumbrated by Scripture.”<sup>37</sup> Tractate Temurah serves to respond to Leviticus 27:9-10.

Tractate Temurah discusses who may make substitutions of sacrificial animals; which types of animal are subject to the restrictions and which are exempt; and the formula for substituting animals. Without exception, no part of Arakhin serves any purpose without reference to Leviticus.

The seventh tractate of Qodashim, Keritot, derives its name from a series of thirty-six sins mentioned in the Torah for which the punishment is *karet* (“cutting off,” suffering a premature death ordained by heaven).<sup>38</sup> Chapter one outlines the sins. One suffers *karet*: for having sexual relations with his mother or the wife of his father (Leviticus 18:7-8), with his daughter-in-law (Leviticus 18:15), with a man (a homosexual relationship, Leviticus 18:22) or with a beast (Leviticus 20:16), with a woman and her daughter (Leviticus 18:17), with a married woman (Leviticus 18:20), with his sister (Leviticus 18:9) or his aunt (Leviticus 18:12-13), with his sister-in-law (Leviticus 18:16), with a menstruating woman (Leviticus 18:19); committing blasphemer (Numbers 15:30) or idolatry; for offering sacrifices to Molech (1 Kings 11:7), or seeking a soothsayer (Leviticus 20:6), profaning the Sabbath (Exodus 31:14), if he is ritually unclean and contaminates holy things or enters the Temple (Leviticus 22:3, 15:31), if he eats forbidden parts of an animal (Leviticus 19:8), if he slaughters and offers animals outside the Temple court (Leviticus 17:4,9), if he eats leavened bread during Passover (Exodus 12:15), if he profanes the Day of Atonement (Leviticus 23:29, 30), if one contaminates the holy oil (used for installing priests) or sacrificial incense, (Exodus 39:33, 38) or if he anoints himself with oil (Exodus 30:33, 38), or, if he transgresses the positive commandments, the laws of Passover (Numbers 9:13) or circumcision (Genesis 17:30).

The remainder of chapter 1 discusses the sacrifice brought by a woman after giving birth, found in Leviticus 12:6. The second, third, fourth chapters outline who is required to bring sin offerings.<sup>39</sup> Sin offerings are discussed throughout the Bible.<sup>40</sup> Chapters 6 and 7

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<sup>37</sup> *Ibid.*, p. 277.

<sup>38</sup> See Sifra, *Emor*, 14:4 and The Babylonian Talmud, Moed Qatan 28a.

<sup>39</sup> While the common translation of *חטאת* is “sin offering” it might more accurately be translated as “purification offering”. “Since antiquity there has been a tendency in many languages to juxtapose ritual

concern the commission of certain transgressions that require sin offerings and what happens to an animal if it has been slaughtered but not offered up, and it is discovered that no sin was committed. The final chapter is a digression. Meilah's six chapters are devoted to discussion of Leviticus 5:15-16.

If one inadvertently makes use of things devoted to the Temple for his or her own purpose then (s)he must bring a guilt offering to the Temple. Chapters 1 and 2 discuss the various holy things to which the rules of Meilah apply. Chapter 3 discusses exceptions to the rules when inappropriate use is made of "holy things." Chapters 4 and 5 discuss the quantity of holy things that must be used to constitute an infraction; chapter 6 discusses when someone's agent inadvertently makes use of "holy things" while carrying out a task. While these issues are not specifically discussed in the Bible, the Mishnah is completely dependent on the Bible for the source of its discussion. Without the discussion in Leviticus there is no need for Tractate Meilah.

Tractate Tamid is not dependent on the Bible for its facts. Essentially it is a narrative that explains how the daily offerings in the Temple were offered up, amongst other tasks needed to maintain the Temple. However, the daily sacrifice, *olat tamid*, is prescribed in Exodus 29:38-42 and Numbers 28:1-8.

Tractate Middot stands fundamentally apart from the Bible. Other than the fact that it discusses the Temple, none of the information provided therein is from the Bible. The tractate is a description of the construction of the Temple. According to Albeck it is not based on a plan drawn up in Temple Times but is rather an early mishnah based on the eye-witness accounts of sages who saw the Temple while it still stood in Jerusalem.<sup>41</sup>

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and legal concepts. Even today, we use the word "fault" to connote both a physical or structural imperfection as well as a misdeed. In the context of ritual, one is perceived as either pure or impure, which implies a physical, or nearly physical, state. In the context of law, one is innocent or guilty, which relates primarily to behavior. In the Levitical codes of the Torah, as in many other ancient traditions, these two contexts have been blended, so that what is sinful is at the same time impure; conversely, the forgiven person is at the same time purified. Consequently the *hatta't* sacrifice can be viewed both as a form of purification and as the removal of one's guilt." B. Levine, *The JPS Torah Commentary: Leviticus* (Philadelphia: The Jewish Publication Society of America, 1988) p. 19.

<sup>40</sup> E. g., Exodus 29: 14, 36; Leviticus 4; 5:9, 11-12; 6:18, 23; 8:10-14; 10:1-13; 14; 16:6, 11, 25, 27; Numbers 19:9, 17; 28:22-38; 32:23; II Chronicles 29:23-24; and Ezekiel 40:39; 42:13; 43:21-25; 45:19-22; 46:20.

<sup>41</sup> H. Albeck, *Shishah Sidrei Mishnah 5* (Tel-Aviv: Mossad Bialik, 1959) p. 314.

The final tractate of Qodashim, Kinnim, discusses birds that were used for obligatory and voluntary offerings. The use of birds for offerings is discussed in the Bible at Leviticus 1:14-16; 5:1-10; and 12. The second concern of the chapter is the sprinkling of blood on the alter, an act mentioned in Leviticus 16: 14-15 and elsewhere.

With the exception of Tractate Middot, Qodashim is dependent on the Bible. Even in the case of Middot the vocabulary used for measurements and parts of the Temple are biblical.

#### (6) Toharot

Seder Toharot is divisible into three parts. This first of its parts, sources of impurity, come directly from the Bible, while its second and third parts, objects of impurity and ways to remove impurity are issues raised by the Mishnah to serve its own agenda.<sup>42</sup> However, because the Mishnah does not add any sources of impurity not already included in the Bible, the latter two sections are dependent on the first - the Bible related portion - for their starting point. As such, they too at least minimally require information whose only source is the Bible.

In its thirty chapters, Kelim, the first tractate in Toharot, discusses the various types of impurity or impurity to which vessels of all kinds are susceptible. The first chapter deals with various degrees of impurity. Chapters 2 through 10 discuss assorted earthen vessels and ovens, as found in Leviticus 11:35,<sup>43</sup> and unsealed vessels, as in Numbers 19:15. Chapters 11 to 14 deal with vessels made of metal and chapters 15 to 19 deal with vessels made of natural materials (e. g., wood and bone). Chapters 21 through 25 are concerned with articles made from multiple pieces (e. g., a table) and chapters 26 to 28 deal with garments. Chapter 29 is concerned with accessories that are attached to various articles and garments; chapter 30 is concerned with glassware. The ability of an impure object to transfer impurity to another object with which it comes into contact is confirmed in Leviticus 15:4-6, 9-12 and 19-24.

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<sup>42</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 211.

<sup>43</sup> Leviticus 11:29-35 is the source for the idea that utensils and vessels can become impure.



The second tractate, Ohalot, is concerned with transferring the impurities contracted by contact with a corpse. Numbers 19:14-16 establishes that a dead body conveys ritual impurity to those things with which it comes in contact.

This biblical passage serves as the basis for the central discussion that takes place in Ohalot. However, from Ohalot 3:6 through 16:2 the central discussion is the nature of impurity and how its transmission can be avoided. Discussion of these details is foreign to the Bible, but the discussion is an outgrowth of the idea that impurity can be transferred, as discussed in Numbers 19.

Leviticus 13 and 14 describe in great detail the nature of leprosy and the rituals involved in dealing with a leper. These ideas are repeated in Tractate Negaim. The tractate has little additional information to add to the biblical source. For example, the Mishnah describes the color of the affliction, who may examine and diagnose it, the related symptoms, and what to do when it is not clear if someone is a leper. "No primary theme or supposition of Negaim diverges from what is explicit in Scripture."<sup>44</sup>

Parah is a re-presentation of material found in Numbers 19:1-20. With the exception of Parah 8:4-7, 11:4-6 and 12:8-10, which discuss various types of impurity, the entire tractate is devoted to the details of the preparation of the red heifer, the water used in the ritual, and the priest who performs the various rituals. These three issues are all raised in the Bible.

Toharot bears little connection to the Bible. Its basic premise is biblical, but its discussions are generally far afield. Toharot picks up on the fact that the Bible states the foods and liquids can convey impurities. Any food "...shall be unclean if it came into to contact with any [contaminated] water; as to any liquid that may be drunk, it shall become unclean if it was inside any [contaminated] vessel."<sup>45</sup> "In the matter of removes of impurity as related to degrees of sanctification of such food, the clear evidence is that these notions in no way are rooted in a simple reading of Scripture."<sup>46</sup>

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<sup>44</sup> J. Neusner, *Judaism: The Evidence of Mishnah* (Chicago: University of Chicago Press, 1981) p. 212.

<sup>45</sup> Leviticus 11:24

<sup>46</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 216.

While the Mishnah's teachings may not stem from the Bible, that is to say that they do not repeat biblical teachings, they make tremendous use of biblical ideas. In its first chapter Toharot discusses the nature of things that make clean birds unclean. The notion of a clean bird comes directly from Leviticus 11:13f.

The existence of a hierarchy of degrees of impurity is implied in the Bible. In Numbers 14 we are told that contact with a corpse leaves a person unclean for seven days; in Leviticus 11, that contact with various animals makes one unclean until evening. The contrast of these texts demonstrates clearly that contact with different sources of impurity makes one impure for varying time periods, suggesting that there are varying degrees of ritual impurity, and it is this idea on which Toharot builds.

Tractate Miqvaot deals entirely with the details of baths for ritual immersion of both people and utensils. The tractate classifies miqvaot (places where one could immerse in water to regain ritual purity) by the degree of impurity, how to purify a miqveh if it becomes impure, what types of natural water sources constitute miqvaot, and the types of vessels that a miqvah can purify. While the Bible contains little discussion of a formal structure called a miqvah, the idea of immersing oneself in water to restore ritual purity is biblical. Numbers 19 discusses the use of immersion to purify someone who has become unclean because of contact with the dead. Leviticus 15 provides the idea that immersion purifies someone who has an unclean bodily emission, particularly a menstruating woman. Similarly, Numbers 31:22-23 discuss the use of immersion for purifying unclean vessels. "Mishnah-tractate Niddah begins in Scripture. The first rule that bodily excretions of women, in particular, menstruants, women after childbirth, and the Zabah (Lev. 15:1ff.), are unclean. That rule is developed and augmented. But the expansion of that rule is entirely in accord with Scripture's own conceptions."<sup>47</sup>

Tractate Makhshirin is based on the biblical concept that food can become ritually impure when it is moistened; the source texts are Leviticus 11:34 and 37-38. Primarily the tractate is based on 11:38, "...but if the water is put on any seed..." From this text the sages derived the idea that the act of moistening the food must be an intentional act. The tractate

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<sup>47</sup> J. Neusner, "From Scripture to Mishnah: The Origins of Tractate Niddah" *Journal of Jewish Studies* (London: 1978) p. 135.

details every way possible a food might become moist and discusses whether the level of moisture affects its susceptibility to becoming impure.

Tractate Zabim discusses the impurity of a *zab*, a man who suffers from gonorrhea, called "a discharge, flow, flux, and issue."<sup>48</sup> The tractate is based on Leviticus 15:2-18, 25-30 and is devoted to discussion of both the impurity of the *zab* and the impurity that is conveyed to other people by contact with him, his garments, and things he touches.

Tractate Tebul Yom discusses the fact that a person or object on a given day remains impure until sunset of that day. The idea finds its source in Leviticus 22:6-7. "...the person...shall be unclean until evening and shall not eat of the sacred donations unless he has washed his body in water. As soon as the sun sets, he shall be clean..." The Mishnah takes this idea for granted. It does not seek to expand it, but rather concerns itself with asking questions about the status of such a person between the time of immersion and sunset.

Tractate Yadayim is particularly concerned with the use of water for purifying the hands. "The notion that there are special rules concerning the impurity of hands and their process of purification is unknown to Scripture."<sup>49</sup> While the central discussion of Yadayim is not Bible-related, the tractate contains discussion of biblical ideas at four points. Yadayim 3:4 and 3:5 discuss the impurity conveyed by the blank spaces in a Torah Scroll and the fact that various books of the Bible convey impurity to the hands (see Chapter 5, below). Yadayim 4:5 discusses the fact that the Aramaic passages in Daniel and Ezra convey impurity; 4:7 describes a dispute between the Sadducees and the Pharisees over the impurity conveyed to the hands by the Holy Scriptures.

Tractate Uqsín has very little relation to biblical material. It is concerned with the impurity that husks, shells and the like convey to the fruit. Other than the fact that the Bible introduces the fact that food and drink can be impure, there is no connection between this tractate and the Bible with respect to content. Although, the final mishnah of the final chapter contains two citations, Psalms 29:11 and Proverbs 8:21, even this tractate that is distant from Scripture, is not completely independent.

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<sup>48</sup> P. Blackman, *Mishnayot: Order Taharoth* (Gateshead: Judaica Press Limited, 1983) p. 695.

<sup>49</sup> J. Neusner, *Judaism: The Evidence of Mishnah*, p. 217.

In the final analysis, the relationship between the Mishnah and the Bible is not totally consistent. In some spots, the Mishnah repeats biblical teachings almost verbatim, but, the framers of the Mishnah are not dependent on the Bible for all the subjects they choose to discuss. Even so, once the sages established the topic of discussion, they used the Bible as a source of facts and vocabulary. Few tractates contain no biblical material or allusion to it. The sages had their own agenda and read and used the Bible in its light. In this respect, they differ little from any other reader of the Bible. Their goal was not to create a commentary on the Bible in the Mishnah, but ultimately the Bible, particularly the Torah, remains the source of their authority, and they understood it as such.

## Chapter 5

### Discussions About the Bible in the Mishnah

In addition to numerous citations of the Bible and allusions to it, the Mishnah contains several passages that discuss the Bible and its interpretation explicitly. Some of these passages illuminate our knowledge of the biblical canon at the time of the composition of the Mishnah, some expand our knowledge of the Bible and its translation, and, most importantly, some highlight the Rabbis' understanding of their task in respect to the Bible.

According to Neusner, in Antiquity, people used the Bible as the source of their authority. They pretended to "...talk like Moses and write like Moses, claimed to cite and correctly interpret things that Moses had said, or even alleged to have had a revelation like that of Moses and so to stand on the Mountain with Moses."<sup>1</sup> While Neusner does not support the idea that these phenomena appear in the Mishnah, these claims do exist, and for good reason. At the turn of the millennium there were numerous groups fighting for control of the religion that continued the chain back to the Hebrew Bible. The early Christians, the Pharisees and Sadducees were only a few of the groups in this struggle.

Having been...placed in permanent contact with the Hellenistic (later Greco-Roman) world, the Jews came under its influence to varying degrees. In certain circles, the influence was profound enough to weaken the structures of the observance of the law and even, sometimes, the observance of monotheism. We catch glimpses of groups on the fringes of Judaism and paganism that drew inspiration from both Judaism and paganism, groups who no doubt came from both sides.<sup>2</sup>

"More than 2000 years ago, the Pentateuch was the premier religious text in [the] region at the eastern end of the Mediterranean Sea. Various groups identified with it, and

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<sup>1</sup> J. Neusner, *The Mishnah: A New Translation*, p. xxxv.

<sup>2</sup> M. Simon, *Jewish Sects at the Time of Jesus* (Philadelphia: Fortress Press, 1967) pp. 2-3.

much ideological debate centered on the proper way to interpret and apply it.”<sup>3</sup> The opening passage of Abot (Text 1) is an example of an attempt to link the Rabbis’ teachings back to Sinai as a way of demonstrating authority.

#### Text 1

Abot 1:1	מסכת אבות פרק א
A. And Moses received Torah at Sinai and handed it on to Joshua, Joshua to elders, and elders to prophets.	A. משה קבל תורה מסיני ומסרה ליהושע ויהושע לזקנים וזקנים לנביאים
B. And Prophets handed it on to the men of the great assembly.	B. ונביאים מסרוה לאנשי כנסת הגדולה

According to Text 1, the Tannaim saw themselves as the heirs of a divinely granted tradition, the proper way to understand and apply the Written Torah. The inclusion of this passage in the Mishnah is a clear attempt on their part to reinforce their authority. Two passages in the Mishnah (Texts 2 and 3) present attacks on the other groups vying for authority. The Mishnah lists eleven types of people who have no share in the “world to come.” Sanhedrin 10:1 (Text 2) presents the first six and Abot 3:11 (Text 3); the latter five.

#### Text 2

Sanhedrin 10:1	מסכת סנהדרין פרק י א
A. All Israelites have a share in the world to come,	A. כל ישראל יש להם חלק לעולם הבא
B. As it is said, <i>Your people also shall be righteous, they shall inherit the land forever; the branch of my planting, the work of my hands, that I may be glorified</i> (Is. 60:21).	B. שנאמר (ישעיה ס) ועמך כולם צדיקים לעולם יירשו ארץ נצר ממעי מעשה ידי להתפאר
C. And these are the ones who have no portion in the world to come:	C. ואלו שאין להם חלק לעולם הבא
D. (1) He who says, the resurrection of the	D. (1) האומר אין תחיית המתים מן התורה

<sup>3</sup> B. B. Levy, *Jewish, Christian and Moslem Responses to the Hebrew Bible* (Draft) (Montreal: McGill University, 1997) p. 10.

<sup>4</sup> The Hebrew Mishnah text has been included in this chapter to respond to the “translation is interpretation issue.” Unfortunately, translating a text does not always preserve the integrity of the nuances of the original text. To avoid this problem the Hebrew text is presented here alongside an appropriate English translation.

<p>dead is a teaching which does not derive from the Torah, (2) and the Torah does not come from Heaven; and (3) an Epicurean.</p> <p>E. R. Aqiba says, "Also: He who reads heretical books,</p> <p>F. "and he who whispers over a wound and says, <i>I will put none of the diseases upon you which I have put on the Egyptians, for I am the Lord who heals you</i> (Ex. 15:26)."</p> <p>G. Abba Saul says, "Also: he who pronounces the divine Name as it is spelled out."</p>	<p>(2) ואין תורה מן השמים (3) ואפיקורס</p> <p>E. רבי עקיבא אומר אף הקורא בספרים החיצונים</p> <p>F. והלוחש על המכה ואומר (שמות מז) כל המחלה אשר שמתי במצרים לא אשים עליך כי אני ה' רופאך</p> <p>G. אבא שאול אומר אף ההונה את השם באותיותיו</p>
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### Text 3

<p>Abot 3:11</p> <p>A. R. Eleazar the Modite says, "(1) He who treats holy things as secular, and (2) he who defiles the appointed times, (3) he who humiliates his fellow in public, (4) he who removes signs of the covenant of Abraham, our father, (may he rest in peace), and (5) he who exposes aspects of the Torah not in accord with the law,</p> <p>B. "even though he has in hand learning in Torah and good deeds, will have no share in the world to come."</p>	<p>מסכת אבות פרק ג' יא</p> <p>A. רבי אלעזר המודעי אומר (1) המחלל את הקדשים. (2) והמבזה את המועדות. (3) והמלביץ פני חברו ברבים. (4) והמפר בריתו של אברהם אבינו עליו השלום. (5) והמגלה פנים בתורה שלא כהלכה.</p> <p>B. אף על פי שיש בידו תורה ומעשים טובים. אין לו חלק לעולם הבא:</p>
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Before these texts can be properly analyzed it is important to note some textual problems. In Sanhedrin 10:1 (Text 2) the phrase about the person who claims that the resurrection of the dead is not derived from the Torah requires further scrutiny. The term מן התורה does not appear in either the Kaufmann Manuscript<sup>5</sup> or the Codex Parma de Rossi.<sup>6</sup> It does appear in the first printed Mishnah (that remains extant as a complete text) with the

<sup>5</sup> MS Kaufmann (circa late 11<sup>th</sup> or early 12<sup>th</sup> c.): Library of the Hungarian Academy of Sciences, Budapest, Collection Kaufmann A 50. Reproduced by G. Beer, The Hague, 1929, and reprinted Jerusalem, 1968. See G. Beer, *Faksimile-Ausgabe des Mischnacodex Kaufmann* (Jerusalem, 1968) pp. 302-203.

<sup>6</sup> MS Parma (circa 11<sup>th</sup> c.): Biblioteca Palatina, De Rossi 138. Reproduced in Jerusalem, 1970 in two volumes. See *Mishna Codex Parma (De Rossi 138): An Early Vowelized Manuscript of the Complete Mishna Text* Vol. 1 (Jerusalem: Kedem Publishing, 1970) p. 203.

commentary of Moses Maimonides, Naples 1492.<sup>7</sup> As such, the Mishnah can be read in two ways. One might deny completely the possibility of the resurrection of the dead or simply assert that it is an idea that is not derived from the Torah. The second textual issue is that Abot 3:11 (Text 3) does not include "one who embarrasses a friend" in all the manuscripts. As was the case with Sanhedrin 10:1 this phrase appears in the first printed edition but not in the two Manuscripts.<sup>8</sup>

Levy argues that these two Mishnah passages (Texts 2 and 3) are, in fact, attempts on the part of the Rabbis to delegitimize various sectarian groups and to convince people to abandon them and their Torah interpretation. "Except for the person who embarrasses a friend, which does not fit the pattern of the others and is absent from many manuscripts of the Mishnah and medieval commentaries on it, the ten other cases can be shown to reflect the debates about the Torah conducted in ancient times."<sup>9</sup> The statement (see Text 3) "even though he has in hand learning in Torah and good deeds, [he] will have no share in the world to come" confirms that these texts are commenting on an issue that is even more serious than learning and practice. People who "do" one of these eleven acts, in spite of the fact that they are learned and follow the law, have no place in the world to come. "He who despises sacred things, and repudiates the covenant of circumcision, and acts in defiance of the Thorah [*sic*], cannot be saved by good works."<sup>10</sup> Therefore, whatever it is they are doing by performing a condemned act, must be connected to something else, seemingly the difference between the way the Rabbis interpreted the Bible and the way the sectarians did. This is corroborated by Ephraim Urbach,

Our first information about the Sages' taking a stand against the Christians and about any contact with them dates from the time of Rabban Gamliel of Jabneh. Indeed, we possess a dictum from this period that seems to be a reaction to Paul's teaching. The contemporary of Rabban Gamliel, R.

<sup>7</sup> See M. Haberman, *Mishnah im Peirush ha-Rambam: Dafus Rishon Napoli 1492* (Jerusalem: Makorot, 1970). No page numbers are listed, see Sanhedrin 10:1.

<sup>8</sup> See the following reproductions: MS Kaufmann, p. 341; MS Parma, p. 229; First Printing, Abot 3:11.

<sup>9</sup> Levy, *The Hebrew Bible*, p. 10. This explanation can be contrasted with the traditional understanding of these passages. Maimonides, in his comments on Sanhedrin 10:1 (in fact, he tells his readers to also examine Abot 3:11), sees these various acts as contrary to essential Jewish beliefs, rather than issues of understanding the Bible. See F. Rosner, *Maimonides' Commentary on the Mishnah: Tractate Sanhedrin* (New York: Sepher Hermon Press, 1981) pp. 134-159.

<sup>10</sup> C. Taylor, *The Sayings of the Jewish Fathers* (Jerusalem: Makor, 1970) p. 51.



Eleazar of Modi'im, said: 'If a man profanes the hallowed things, and despises festivals, and gives (a wrong) interpretation of the Torah [Hebrew: מגלה פנים בתורה *mégalle pānīm ba-Tôrā*, literally: 'discloses a face (= aspect, meaning) in the Torah'], and makes void the covenant of Abraham our father, and puts his fellow to shame, even though he has good works to his record, he has no share in the world to come.'<sup>11</sup>

According to Levy, he who denies the resurrection of the dead or that its source is in the Torah is associated with the Sadducees.<sup>12</sup> He notes that reading external books<sup>13</sup> would have allowed books like Jubilees and the Temple Scroll to compete with the Torah's authority. The book of Jubilees is a pseudepigraphic retelling of Genesis and part of Exodus, and the Temple Scroll is a similar reworking of the legal parts of the Torah. Both claim to be of divine origin. By stating the people who read "external books" have no place in the world to come, the Sages pushed the sectarian groups to the periphery.<sup>14</sup> One who reads outside books, reads books that belong to the sectarians, rather than those approved of by the Rabbis. Whether read here means to read or recite them, or whether it is for religious edification or not, is not clear.<sup>15</sup> The condemnation of voiding circumcision may be a response to the potential interpretation of Paul's statement in the New Testament,

<sup>11</sup> E. Urbach, *The Sages: Their Concepts and Beliefs Vol. 1* (Jerusalem, Magnes Press, 1975) pp. 293-294.

<sup>12</sup> See also, M. Mansoor, "Sadducees: Beliefs and Doctrines" *Encyclopædia Judaica Vol. 14* (Jerusalem: Keter Publishing House, 1971) col. 621. "The Sadducees...rejected the Pharisaic supernatural beliefs...They denied the doctrine of the resurrection of the body." This issue is also raised in the Talmud, Sanhedrin 90B. "Sectarians asked Rabban Gamliel: Whence do we know that the Holy One, blessed be He, will resurrect the dead? He answered them from the Torah, Prophets, and Hagiographa, yet they were not convinced." I. Epstein, *Soncino Talmud: Nezikin Vol. 3*, pp. 604-605.

<sup>13</sup> ספרים החיצונים "external books" in may refer to the books of the Apocrypha. These are books which were excluded deliberately from the Hebrew Bible. As such, people who read them, were countering Rabbinic decisions to exclude specific books from the Bible.

<sup>14</sup> R. Yitzhak Alfasi, the eleventh century North-African Talmudist, understood this passage as referring to "...the books by heretics, who interpreted the Torah, Prophets, and Writings according to their own opinion, and did not rely on the expositions of the Sages." P. Kehati, *The Mishnah: Seder Nezikin Vol. II* (Jerusalem: World Zionist Organization, 1988) p. 139. His understanding further supports the argument that these two texts are polemical against those who attempted to wrestle authority for interpreting and applying Scripture away from the Rabbis.

<sup>15</sup> "Scholars disagree concerning the meaning of [qore'] in our passage. Krochmal, Ginzberg, Bloch, and Haran define [qore'] as a technical term denoting the reading of a liturgical text in the Synagogue or an instructional text in the schools. Thus, one forfeits his share in the world to come if he reads from or expounds and outside book in public. The purpose of the ban was to maintain the integrity of Scripture by differentiating it from uninspired literature; the two were not to be treated alike. According to this view, R. Akiba did not ban the private reading of outside books. Other scholars take [qore'] in its more general sense and extend R. Akiba's ban to the private reading of outside books as well." S. Leiman, *The Canonization of Hebrew Scripture: The Talmudic and Midrashic Evidence* (Hamden: Archon Books, 1976) p. 87.

Circumcision indeed is of value if you obey the law; but if you break the law, your circumcision becomes uncircumcision. So, if a man who is uncircumcised keeps the precepts of the law, will not his uncircumcision be regarded as circumcision? Then those who are physically uncircumcised but keep the law will condemn you who have the written code and circumcision but break the law. For he is not a real Jew who is one outwardly, nor is true circumcision something external and physical. He is a Jew who is one inwardly, and real circumcision is a matter of the heart, spiritual and not literal. His praise is not from men but from God.<sup>16</sup>

Urbach further notes that the,

interpreter of the Torah, referred to by the Mishna, is one who expounds the Torah in an allegorical sense, leading to the annulment of the festivals, the condemning of the hallowed things, and the abolition of the covenant of Abraham. Such an interpreter of the Torah has no portion in the world to come...<sup>17</sup>

The comment on the Law not being from heaven is anti-heretic. An Epicurean is one who professes Greek philosophy over religious belief.<sup>18</sup> The Epicurean appears elsewhere in the Mishnah (see Text 4).

#### Text 4

Abot 2:14	מסכת אבות פרק ב, יד
A. R. Eleazar says, "(1) Be constant in learning of Torah.	A. רבי אלעזר אומר הוי שקוד ללמוד תורה
B. "(2) And know what to reply to an Epicurean.	B. ודע מה שתשיב לאפיקורוס
C. "(3) And know before whom you work,	C. ודע לפני מי אתה עמל
D. "for your employer can be depended	D. ונאמן הוא בעל מלאכתך שישלם לך שכר

<sup>16</sup> Romans 2:25-29, *Bible: Revised Standard Version* (New York: Council of Churches of Christ, 1973).

<sup>17</sup> E. Urbach, *The Sages*, p. 296.

<sup>18</sup> "...the Gemara explains: this [an Epicurean] is the one who mocks a scholar, and certainly the one who mocks the Torah; this includes the person who denies the existence of God and His Oneness, the one who refutes prophecy, as well as the one who denies the Oral Torah, the one who mocks the Festivals, or desecrates the sacrifices, as well as anyone who commits transgressions with a high hand (i. e., provocatively, in public, and in a heretical manner), and the person who denies the coming of the Messiah. All these cause the destruction of the Torah, and they are included in the general category of "apikoros" (*Hameiri*). *Rambam* states that *apikoros* is an Aramaic word, from the same root as *hefker*, abandoned, for he abandons and despises the Torah. According to another explanation, the word comes from the name of the Greek philosopher Epicurus, who disseminated heretical ideas and taught people to seek physical pleasures. The Sages gave this name to those who despise the Torah." P. Kehati, *The Mishnah: Seder Neziqin Vol. 2 of 4* (Jerusalem: The World Zionist Organization, 1987) p. 139.

Urbach has noted that,

...the Epicurean is counted among those who have no share in the world to come, but it is not explained wherein lay the Epicurean's disqualification. This we can learn, however from the teaching of R. Eleazar b. 'Arakh (*M. Avot ii, 14*)...The knowledge of 'before whom you labor', that is to say, the relationship between man's acts and his God, is linked with the answer to the Epicurean, for this knowledge clearly posits God's interest in his creatures.... He who does not believe that God governs the world is an 'Epicurean'...

"One who utters charms over a wound" uses the Bible for magical purposes. "One who profanes hallowed things" does not perform the sacrifices as the Rabbis saw fit. "One who defiles the holy days" does not follow the same religious calendar that the Rabbis did.<sup>19</sup> "One who reveals aspects of the Torah that are contrary to halakhah" is a polemic against anyone who does not interpret the Bible as the Rabbis do.

Each of these ten cases [one who embarrasses a friend is excluded] is about an issue of Torah transmission or interpretation, not just general doctrine or practice. Moreover, each is a documented sectarian issue that was of some moment in Greco-Roman times. In other words, these two texts demonstrate extensive awareness of the rabbis' opponents' efforts to interpret the Torah, and they simultaneously deny access to the world to come to those who disagreed with the rabbis' interpretations. This excommunication is not based upon behavior, as might be expected in a Jewish sectarian dispute, but on the beliefs about the proper method and content of Torah interpretation, and ultimately on the authority of the rabbis to interpret the text and apply it.<sup>20</sup>

The Rabbis knew they were interpreting the holy texts and clearly understood the way "others" interpreted and applied them. Lauterbach stated that "...the Mishnah, represents the Halakhah as an independent work, giving its dicta as such, without any scriptural proof, and teaching them independently of and not connected with the words of

<sup>19</sup> "In Hasmonean and Herodian times the Saducees and Boethusians each had their own calendar as did—subsequently in talmudic and post-talmudic periods—the Karaites and other less well-known sects." The Editorial Board, "Sectarian Calendars" *Encyclopædia Judaica* Vol. 5 (Jerusalem: Keter Publishing, 1971) cols. 50-51.

<sup>20</sup> B. Levy, *Jewish, Christian, and Moslem Responses to the Hebrew Bible*, p. 11.

the written law.<sup>21</sup> Within the Mishnah itself the Rabbis acknowledged that the situation was not as Lauterbach later described it. The Sages understood that two sources of halakhah existed, both intertwined with the Bible. Sometimes laws were derived by exegesis, that is to say, the Rabbis interpreted the Bible and discovered rules. The second way was by eisegesis. The Rabbis had a rule from tradition and found a verse in the Bible, which they then interpreted as a proof text. In Hagigah 1:8 (Text 5) the Sages acknowledged the relationship between their teachings and the Bible.

### Text 5

Hagigah 1:8	מסכת חגיגה פרק א. ח
A. The absolution of vows hovers in the air, for it has nothing [in the Torah] upon which to depend.	A. התר נדרים פורחין באויר ואין להם על מה שיסמכו
B. The laws of the Sabbath, festal offerings, and sacrilege—lo, they are like mountains hanging from a string,	B. הלכות שבת חגיגות והמעילות, הרי הם כהרים התלויין בשערה
C. for they have little Scripture for many laws.	C. שהן מקרא מעט והלכות מרובות
D. Laws concerning civil litigations, the sacrificial cult, things to be kept cultically clean, sources of cultic uncleanness, and prohibited consanguineous marriages have much on which to depend.	D. הדינן והעבודות הפהרות והפומאות ועריות
E. And both these and those [equally] are essentials of the Torah. <sup>22</sup>	E. יש להן על מה שיסמכו הן הן גופי תורה

While this passage clearly presents the Sages' notion of a dual Torah, one that consisted of both written Scripture and oral tradition, it stands in contrast to a teaching in Abot which seems to suggest that all the Sages' teachings can be found in the Torah.

<sup>21</sup> J. Lauterbach, "Midrash and Mishnah" *Rabbinic Essays* (Cincinnati: Hebrew Union College, 1951) pp. 163-164.

<sup>22</sup> For discussions of these relationships see our discussions of absolution of vows, pp. 36-37, 77-78; the laws of the Sabbath and festal offerings, pp. 69-73; civil litigation, pp. 80-84; the sacrificial cult and cultic uncleanness, pp. 84-89; and prohibited marriages, pp. 74-75.

## Text 6

Abot 5:22	מסכת אבות פרק ה' כב
<p>A. Ben Bag Bag says [in Aramaic], "Turn it over and over because everything is in it.          B. "And reflect upon it and grow old and worn in it and do not leave it,          C. [in Hebrew], "for you have no better lot than that."</p>	<p>בה א. בן בג בג אומר הפך בה והפך בה דכולא          B. ובה תחזי וסיב ובלה בה ומנה לאתווע          C. שאין לך מדה טובה הימנה</p>

The first line of this passage suggests that if one rereads the Torah text eventually he will find what he is looking for, because everything can be found within it. This idea would seem to counter the notion in Hagigah 1:8 (Text 5) that suggests that some teachings have no Scriptural support. Ben Bag Bag's statement is even more radical in the variant readings of this text. It appears as follows in the Parma manuscript.

בן בג בג אומר הפך בה והפך בה דכולא בה ובולך בה ובה  
 תחזי. וסיב ובלה בה ומנה לאתווע שאין לך מדה טובה הימנה.

The first line in the manuscript version reads, "Turn it and turn it, for all is in it, and all of you is in it." This suggests that both all of the Torah and all of the reader - i.e., his or her questions, needs, situations, etc. - can be found in the Torah."<sup>23</sup>

A different version appears in the Kaufmann manuscript.

בן בג בג אומר הפך בה והפך בה דכולה בך ובולך בה  
 ובה תחזי. וסיב ובלה בה ומנה לאתווע שאין לך מדה טובה  
 הימנה

Here the text reads, "Turn it and turn it, for all of it is in you, and all of you is in it." This wording sounds post-modern in that it links closely the interaction between the reader and the text. The readers must place the Torah in themselves and themselves in the Torah to find the value, the truth, and the pleasure of Torah study that the Mishnah seems to be recommending."<sup>24</sup> Within the Mishnah itself, the study of Torah is emphasized. The passage from Abot 5:22 (Text 6) states that there is no greater reward than the study of Torah.

<sup>23</sup> B. Levy, *Ha-Tanakh Sheli - Unit 2: Real and Apparent Ambiguities* (Montreal: B. Levy, 1996) p. 118.

<sup>24</sup> *Ibid.*

Abot 5:21 (Text 7) establishes that the study of Torah is the first step, and the basis for all other steps, in living a full life. Before anything else can be studied and religious duties fulfilled, one must study Torah.

#### Text 7

Abot 5:21	מסכת אבות פרק ה, כא
<p>A. He would say, "(1) At five to Scripture, (2) ten to Mishnah, (3) thirteen to religious duty, (4) fifteen to Talmud, (5) eighteen to the wedding canopy, (6) twenty to responsibility for providing for a family, (7) thirty to fullness of strength, (8) forty to understanding, (9) fifty to counsel, (10) sixty to old age, (11) seventy to ripe old age, (12) eighty to remarkable strength, (13) ninety to a bowed back, and (14) at a hundred—he is like a corpse who has already passed and gone from this world."</p>	<p>A. הוא היה אומר (1) בן חמש שנים למקרא (2) בן עשר למשנה (3) בן שלש עשרה למצוות (4) בן חמש עשרה לתלמוד (5) בן שמונה עשרה לחופה (6) בן עשרים לרחוק (7) בן שלשים לכח (8) בן ארבעים לבינה (9) בן חמשים לעצה (10) בן ששים לזקנה (11) בן שבעים לשיבה (12) בן שמונים לגבורה (13) בן תשעים לשוח (14) בן מאה כאלו מת ועבר ובטל מן העולם</p>

In three Mishnah passages (Texts 8, 9, and 10), the Sages enumerated issues that could not be expounded for various reasons under certain circumstances. The lists seem to be directly connected to the anti-sectarian polemics of Abot 3:11 and Sanhedrin 10:1 and demonstrate the Rabbis' attempts to control the interpretation of the Bible.

#### Text 8

Hagigah 2:1	מסכת תגינה פרק ב, א
<p>A. They do not expound upon the laws of prohibited relationships [Lev. 18] before three persons, the works of creation [Gen. 1-3] before two, or the Chariot [Ezek. 1] before one, B. unless he was a sage and understands his own knowledge.</p>	<p>A. אין דורשין בעריות בשלשה. ולא במעשה בראשית בשנים ולא במרכבה ביחיד B. אלא אם כן חכם ומבין מדעתו</p>

Just why expounding different issues before certain numbers of people was condemned is not clear. However, the reasons that these issues could not be discussed

publicly is more easily explained. In the case of the works of creation and the Chariot, the teachings are esoteric. In the case of creation,

...the Book of Genesis, with its obscurities and discrepancies, presented [the Sages] with problems and difficulties. There were still current among the people legends that resembled the remnants of the mythical epics that are to be found in the Scriptures themselves. Ideas and motifs borrowed from the cosmogonic teachings of the Persians, Greeks and Gnostic sects infiltrated into the circles that came in contact with them. All these were sufficient to make the study of the 'Work of Creation' an esoteric doctrine...<sup>25</sup>

In other words, by discussing the issue of Creation publicly, the problems with the Bible text are exposed, opening it up to the criticism of outsiders, and their teachings. A similar issue is raised with respect to the chariot (ma'aseh merkavah). The Sages were forced into a situation where the issues surrounding it needed to be kept from the public for fear of outside influence.

In the second century Jewish converts to Christianity apparently conveyed different aspects of Merkabah mysticism to Christian Gnostics. In the Gnostic literature there were many corruptions of such elements, yet the Jewish character of this material is still evident...<sup>26</sup>

By establishing rules that limited discussion of these two topics,<sup>27</sup> the Sages limited the ability of outsiders to influence their followers. By ensuring that certain issues were not discussed publicly, they did not become the subject of debate, and the only teachings passed were from Sage to student. Therefore, a student only learned of these issues from his own teacher and the Rabbinic understanding was preserved without being questioned.

The Rabbis were not only prepared to limit discussions of issues, they limited public recitation and translation of various Bible passages that were part of the liturgy. Megillah 4:9-10 (Texts 9. and 10.) describe various portions of the Bible that were only to be presented publicly in accordance with the Sages' regulations.

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<sup>25</sup> E. Urbach, *The Sages*, p. 184.

<sup>26</sup> G. Scholem, *Kabbalah* (Jerusalem: Keter Publishing House, 1974) p. 376.

<sup>27</sup> Discussion of prohibited marriages is dissimilar to these two cases because it seems more likely that it could not be expounded because it would lead to inappropriate thoughts. (see Blackman, Volume 2, p. 494). In all three cases discussion of an inappropriate nature may occur, but in the case of Creation and the Chariot, the sectarian influence on the discussion, and the non-Rabbinic understanding of the Torah, needed to be avoided.

## Text 9

<p>Megillah 4:9</p> <p>E. If a man paraphrases<sup>28</sup> the laws about the forbidden degrees [Lev. 18], they put him to silence.</p> <p>F. If one translates [into Aramaic], <i>And though shalt not give any of thy seed to pass though to Molech</i> [Lev. 18:21] as <i>And though shalt not give any of thy seed to a heathen</i> [Aramean] woman to become pregnant, they must silence him with a rebuke.<sup>29</sup></p>	<p>מסכת מגילה פרק ד, ט</p> <p>E. המכנה בעריות, משתקן אותו.</p> <p>F. האומר ומזרעך לא תתן להעביר למולך ומזרעך לא תתן לאעבד בארמיותא משתקן אותו בגזיפה</p>
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## Text 10

<p>Megillah 4:10</p> <p>A. The tale of Reuben [Gen. 35:22] is read but not translated.</p> <p>B. The tale of Tamar [Gen. 38:1ff.] is read and translated.</p> <p>C. The first tale of the calf [Ex.32:1-20] is read and translated.</p> <p>D. The second one [Ex.32:21ff.] is read but not translated.</p> <p>E. The blessing of the priests [Num. 6:24-26], the story of David [II Sam. 11:2ff.] and of Amnon [II Sam. 13:1ff.], are not read and not translated.<sup>30</sup></p>	<p>מסכת מגילה פרק ד, י</p> <p>A. מעשה ראובן נקרא ולא מתרגם</p> <p>B. מעשה תמר נקרא ומתרגם</p> <p>C. מעשה עגל הראשון נקרא ומתרגם</p> <p>D. והשני, נקרא ולא מתרגם</p> <p>E. ברכת כהנים מעשה דוד ואמנון לא נקראין ולא מתרגמין</p>
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<sup>28</sup> Perhaps by altering the pronominal usages.

<sup>29</sup> The translation to verse E. is taken from Danby's Mishnah, F. is taken from Blackman's *Tractate Moed*. In this instance their combined translation best renders the text into English. The paragraph structure follows Neusner's model.

<sup>30</sup> The Rabbis often tried to make Bible characters appear better than the contemporary people. The Biblical characters were beyond human. For this reason, events which cast a shadow over a character whom the Rabbis wished to place on a pedestal were censored out of the text. In Sanhedrin 2:3 the Rabbis polish King David.

- A. [If] he [the king] suffers a death in his family, he does not leave the gate of his palace.
- B. Judah says, "If he wants to go out after the bier, he goes out,
- C. "for thus we find in the case of David, that he went out after the bier of Abner,
- D. "since it is said, *And King David followed the bier* (II Sam. 3:31)."
- E. They said to him, "This action was only to appease the people."



<p>F. They do not use as the prophetic lection the selection of the chariot [Ezek. 1:1ff.].</p> <p>G. R. Judah permits.</p> <p>H. R. Eliezer says, "They do not use as the prophetic lection, <i>Cause Jerusalem to know</i> (Ezek. 16:1ff.)."</p>	<p>F. אין מפטירין במרכבה</p> <p>G. ורבי יהודה מתיר</p> <p>H. רבי אליעזר אומר, אין מפטירין בהודע את ירושלים</p>
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These two passages (Texts 9 and 10) demonstrate the degree to which the Rabbis went in order to control the understanding of the biblical text. It was the tradition in the ancient synagogue that after a biblical portion was read it was translated into the vernacular so that the congregation would understand what was being read. By using euphemisms in the portion of the prohibited marriages, the message would not be made clear to the population. As the punishment for transgression of these rules was *karet* (see above) it was essential that the populace understood. The same holds true for those who misinterpret the passage from Leviticus 18:21 (See Text 9). Danby notes that "to make pass" [מעבירה] also means to "render pregnant" in which case this verse is about prohibited relationships between Jew and gentile.<sup>31</sup>

It was essential that the Rabbis controlled the liturgical Bible readings and their translation. Because the Torah readings and translations were done by members of the community, rather than by the sages, there was a need to control what could be discussed publicly in order to avoid raising more esoteric issues. In a way, the Rabbis censored the Bible. Certain portions of the Bible were appropriate for the general population to know, and others should only be discussed by sages.<sup>32</sup>

Further, the struggle between the Sadducees and the Pharisees seems to be played out in Yoma 1:6 (Text 11). The passage suggests that it was the Sages or their disciples who

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In other words, David understood what he was doing was wrong, but did it anyway for the sake of the population; he risked sinning to ease the circumstances of his subjects.

<sup>31</sup> H. Danby, *The Mishnah*, p. 207.

<sup>32</sup> "The readers of the Torah were the members of the congregation themselves, who would read in turns. Wherever possible...the reading was done in Hebrew, but in an emergency the vernacular was permitted. The reading was accompanied by the translation and explication of the pericope. In all likelihood these were originally identical, for the translation was not a literal one, but incorporated a kind of commentary. But in the [Tannaitic Period] the two were already separate: The interpretation became independent, and the preachers no longer adhered to the scriptural text just read, but attached to it free and independent reflections on a theme

were to be charged with preparing the high priest for the Day of Atonement. The Rabbis were required to read and expound Scripture publicly for the high priest if he could not do so himself. In this way the Rabbis continued to control the portions of the Bible that the public heard.

#### Text 11

Yoma 1:6	מסכת יומא פרק א' ו'
A. If he [the high priest] was a sage, he expounds [the relevant Scriptures].	A. אם היה חכם דורש
B. And if not, disciples of the sages expound for him.	B. ואם לא תלמידי חכמים דורשין לפניו
C. If he was used to reading [Scriptures], he read.	C. ואם רגיל לקרות, קורא
D. And if not, they read for him.	D. ואם לאו, קורין לפניו
E. And what do they read for him?	E. ובמה קורין לפניו
F. In Job, Ezra, and Chronicles.	F. באיוב ובעזרא ובדברי הימים
Zekhariah b. Qebutal says, "Many times I read for him in the book of Daniel."	G. וזכריה בן קבוטל אומר, פעמים הרבה קריתי לפניו בדניאל

Danby states that the three books discussed - Job, Ezra, and Chronicles - are books that trigger extreme thinking that preoccupies the congregation.<sup>33</sup> By controlling how these texts were expounded the Rabbis attempted to protect the congregation from "heretical thought".

It is important to note that the anti-sectarian polemics that appear in the Mishnah never state that the Bible was not taken seriously by the various groups. The Sadducees, Pharisees, early Christians and similar groups all believed that the Bible was holy.<sup>34</sup> "M. Yadayim [Text 12] records a Sadducee-Pharisee dispute as to whether Holy Scripture (קודש) ought to defile the hands. That Scripture (and not only Torah) is holy was assumed by both groups."<sup>35</sup>

which they deemed important." I. Elbogen, *Jewish Liturgy: A Comprehensive History* (Philadelphia: Jewish Publication Society of America, 1993) p. 198.

<sup>33</sup> H. Danby, *The Mishnah*, p. 163.

<sup>34</sup> The Samaritans were, and continue to be, an exception to this rule. They accept only the Torah as a canonical text.

<sup>35</sup> S. Leiman, *The Canonization of Hebrew Scripture*, p. 172.

## Yadayim 4:6

**מסכת ידים פרק ד, ו**

## A. אומרים צדוקים

**B. קובליץ** **אנו עליכם פרושים**

C. שאתם אומרים כתבי הקודש מממאין את הידים. וספרי הומרים<sup>36</sup> אינם מממאין את הידים

D. אמר רבן יוחנן בן זכאי וכי אין לנו על הפרושים אלא זו בלבד

E. הרי הם אומרים עצמות חמור טהורים ועצמות יחנן כהן גדול טמאים

**F. אמרו לו לפי חבתן היא מומאתן**

**G. שלא יעשה אדם עצמות אביו ואמו תרודות**

H. אמר להם אף כתבי הקודש לפי חבתן היא מומאתן

I. וספרי הזמרים שאינן חביבין אינן מטמאין את הידים

**The term canon is used mainly with reference to books which are considered divine, therefore authoritative; whereas the books which are not canonized are not only of no authority and hence not binding, but are not allowed to be read.<sup>37</sup>**

<sup>36</sup> "המידם is...the reading of cod. Parma...Cod. Munich and early editions read: המידם which is almost the same as המידם (For in some Hebrew mss. it is hard to discriminate between ם and ס.). The word was corrupted (cod. Kaufmann...) into מידן. Some read here, as well as in parallel passages: מידם מידס מידס מידן. All of which are, of course, corruptions or emendations of [ה]מידס, [ה]מידס, and [ה]מידן. The ה of מידס was taken by the scribes as the definitive particle preceding a proper noun, and following correct usage they dropped it." S. Lieberman, *Hellenism in Jewish Palestine*, p. 106.

<sup>37</sup> S. Zeitlin "An Historical Study of the Canonization of the Hebrew Scriptures" *Proceedings of the American Academy for Jewish Research* 3 (1931-32) p. 121.

Sid Leiman later rebutted that there is a significant difference between books that were divinely inspired and those included in the canon.

When discussing views held in the tannaitic period...modern scholars frequently use the terms "canonical," "inspired," "biblical" book interchangeably. If a book was "not canonical," "inspired," or "biblical," it allegedly was considered uncanonical, *i.e.* it either had no special status or what was an outside book whose reading was banned. It is evident, however, that the notions of canonicity and inspiration were separate and distinct in the tannaitic period. A canonical book was a book considered authoritative for religious practice and doctrine. An inspired book was believed to have been composed under divine inspiration. By definition, then, a canonical book need not be inspired; an inspired book need not be canonical; and a book can be at once canonical and inspired. In tannaitic times, all books considered inspired were canonical, but not all canonical books were considered inspired.<sup>38</sup>

The Tannaim understood the division between Torah and the remainder of the Tanakh. According to Megillah 3:1 [Text 13] the canon was divisible into two parts, Torah and ספרים (books).

### Text 13

Megillah 3:1	מסכת מגילה פרק ג, א
<p>A. Townsfolk who sold a street of a town buy with its proceeds a synagogue.</p> <p>B. [If they sold] a synagogue, they buy an ark.</p> <p>C. [If they sold] an ark, they buy wrappings.</p> <p>D. [If they sold] wrappings, they buy scrolls [of prophets or writings].</p> <p>E. [If they sold] scrolls, they buy a Torah scroll.</p> <p>F. But if they sold a Torah scroll, they should not buy scrolls.</p>	<p>A. בני העיר שמכרו רחובה של עיר לוקחין בדמיז בית הכנסת</p> <p>B. בית הכנסת לוקחין תבה</p> <p>C. תבה לוקחין מטפחות</p> <p>D. מטפחות לוקחין ספרים</p> <p>E. ספרים לוקחין תורה</p> <p>F. אבל אם מכרו תורה לא יקדו ספרים</p>

Questions of which books were or were not divinely inspired were, in fact, raised by the Sages. Discussion of this issue also forces the question: Was the Biblical Canon closed before the Mishnah was compiled at the end of the second century? In Yadayim 4:6 (Text

<sup>38</sup> S. Leiman, *The Canonization of Hebrew Scriptures*, p. 127.

12) the issue of holy texts imparting impurity to the hands is raised. The Pharisaic argument is that only holy books defile<sup>39</sup> the hands. This is further demonstrated by the opening statements of Yadaim 3:5 (Text 15), All sacred scriptures impart uncleanness to the hands - כל הספרים - כל כתבי הקודש מטמאין את הידים מטמאין את הידים

According to Leiman, the terms ספרים and כתבי הקודש can be used interchangeably, as holy scriptures. The bigger issue is attempting to define what is implied by the fact that ספרים and כתבי הקודש defile the hands. "A scholarly consensus equates a book which defiles the hands...with "canonical book"...The issues, however, are far more complex...the notion...refers to the inspired origins of the books in question, and not their canonical status."<sup>40</sup> Eduyot 5:3 (Text 14) describes three opinions on which the Houses of Shammai and Hillel differed.

#### Text 14

Eduyot 5:3	מסכת עדיות פרק ה. ג
<p>A. R. Ishmael<sup>41</sup> says, "Three opinions of the House of Shammai's more lenient, and the House of Hillel's more stringent, rulings":</p> <p>B. "[The Book of] Qohelet [Ecclesiastes] does not render the hands unclean," according to the House of Shammai.</p> <p>C. And the House of Hillel say, "It renders the hands unclean."</p>	<p>A. רבי ישמעאל<sup>41</sup> אומר שלשה דברים מקולי בית שמאי ומחומרי בית הלל</p> <p>B. קהלת אינו מטמא את הידים כדברי בית שמאי</p> <p>C. ובית הלל אומרים מטמא את הידים</p>

It seems unlikely that Hillel and Shammai disagreed about whether Ecclesiastes belonged in the canon. Leiman's notion that this is actually a discussion of divine inspiration seems more appropriate. After all, the book of Ecclesiastes opens with a statement, "The words of Qoheleth son of David, King of Jerusalem," that places the writing of the book in the hands

<sup>39</sup> ספרים designates all or individual books of Scripture (Dan. 9:2, M. Moed Katan 3:4). In apposition to Torah, it designates the Prophets and the Hagiographa (M. Megillah 3:1). כתבי הקודש designates all of Scripture." *Ibid.*, p. 57.

<sup>40</sup> *Ibid.*, pp. 102-103.

<sup>41</sup> While H. Albeck's edition says Rabbi Ishmael, J. Epstein has noted that the proper reading here should be Rabbi Simeon. See, J. Epstein, *Mavo le-Nusakh ha-Mishnah*, p. 1193.

of a mortal. The issue is raised again in Yadayim 3:5 (Text 15) where the status of Song of Songs is also questioned.

### Text 15

Yadayim 3:5	מסכת ידיים פרק ג, ה
<p>G. All sacred scriptures impart uncleanness to the hands.</p> <p>H. The Song of Songs and Qohelet [Ecclesiastes] impart uncleanness to the hands.</p> <p>I. R. Judah says, "The Song of Songs does impart uncleanness to the hands, but as to the Qohelet there is dispute."</p> <p>J. R. Yose says, "Qohelet does not impart uncleanness to the hands, but as to the Song of Songs there is dispute."</p> <p>K. Rabbi Simeon says, "Qohelet is among the lenient rulings of the House of Shammai and strict rulings of the House of Hillel."</p> <p>L. Said R. Simeon b. Azzai, "I have a tradition from the testimony of the seventy-two elders,</p> <p>M. "on the day on which they seated R. Eleazar b. Azariah in the session,</p> <p>N. 'that Song of Songs and Qohelt do impart uncleanness to the hands."</p> <p>O. Said R. Aqiba, "Heaven forbid! No Israelite man ever disputed concerning Song of Songs that it imparts uncleanness to the hands.</p> <p>P. "For the entire age is not so worthy as the day on which the Song of Songs was given to Israel.</p> <p>Q. "For all the scriptures are holy, but the Song of Songs is holiest of all.</p> <p>R. "And if they disputed, they disputed only concerning Qohelet."</p> <p>S. Said R. Yohanan b. Joshua the son of R. Aqiba's father-in-law, according to the words of Ben-Azzai, "Indeed did they dispute, and indeed did they come to a decision."</p>	<p>G. כל כתבי הקודש מטמאין את הידים</p> <p>H. שיר וזשירים וקהלת מטמאין את הידים</p> <p>I. ר' יהודה אומר שיר השירים מטמא את הידים. וקהלת מחלקת</p> <p>J. רבי יוסי אומר קהלת אינו מטמא את הידים ושיר השירים מחלקת</p> <p>K. ר' שמעון אומר קהלת מקולי בית שמאי ומחומרי בית הלל</p> <p>L. אמר ר' שמעון בן עזאי מקובל אני מפי שבעים ושנים וקן</p> <p>M. ביום שהושיבו את ר' אלעזר בן עזריה בישיבה</p> <p>N. ששיר השירים וקהלת מטמאים את הידים.</p> <p>O. אמר רבי עקיבא חם ושלום לא נחלק אדם מישראל על שיר השירים שלא תטמא את הידים</p> <p>P. שאין כל העולם כולו כדאי כיום שנתן בו שיר השירים לישראל.</p> <p>Q. שכל הכתובים קודש. ושיר השירים קודש קדשים.</p> <p>R. ואם נחלקו לא נחלקו אלא על קהלת</p> <p>S. אמר ר' יוחנן בן יהושע בן חמי של רבי עקיבא. כדברי בן עזאי כך נחלקו וכן נטרו</p>

While the issue of Ecclesiastes' ability to defile the hands is subject to investigation in the Mishnah, its canonical status is not. It is cited in Hagigah 1:6 (Text 16) as a proof text, therefore demonstrating the Rabbis acceptance of it as authoritative.

#### Text 16

Hagigah 1:6	מסכת חגיגה פרק א' ו'
<p>A. He who did not make a festal offering on the first day of a festival makes festal offerings throughout the festival, including the last day of the Festival [of Tabernacles].</p> <p>B. [But if] the festival passed and he did not make a festal offering, he is not liable to make it good.</p> <p>C. Of such a person it is said, <i>That which is crooked cannot be made straight, and that which is wanting cannot be reckoned</i> [Eccl. 1:15]</p>	<p>A. מי שלא חג ביום טוב הראשון של חג חוגג את כל הרגל ויום טוב האחרון של חג</p> <p>B. עבר הרגל ולא חג אינו חייב באחריותו</p> <p>C. על זה נאמר מעוות לא יוכל לתקן וחסרון לא יוכל להמנות</p>

The Rabbis developed a system for dealing with texts. The first category included texts that defiled the hands (i. e., they were divinely inspired) and were canonical; The second, texts that were not divinely inspired but were canonical; and thirdly "outside books," the ספרים חנוניים referred to in Sanhedrin 10:1 (Text 2).

The first centuries following the turn of the common era, particularly following the destruction of the Temple in 70CE, were a time of struggle amongst the Jews.<sup>42</sup> The Mishnah records the attempts of the Rabbis to grasp for the leadership of the Palestinian Jewish community. As Neusner has noted many times the Mishnah records a new world view.

The loss of the Temple, and of its sacrificial rites as prescribed in the Torah, deprived the Jewish people of their mode of serving God, which so far as they thought, had begun with God's revelation to Moses at Sinai. The Temple was, moreover, the political and social center of their society.

<sup>42</sup> For an overview of the impact of this struggle as portrayed in Judaism's canonical writings see, J. Neusner, *Vanquished Nation, Broken Spirit: The Virtues of the Heart in Formative Judaism* (London: Cambridge University Press, 1987); and *Ancient Israel after Catastrophe: The Religious World-View of the Mishnah* (Charlottesville: University of Virginia Press, 1983).

Consequently, the destruction in 70 C.E. repeating the catastrophe of the destruction of the First Temple in 586 B.C.E. presented a crisis of considerable weight. The principle initiatives and propositions of the Mishnah's Judaism...prove to be either predictable on the basis of what just happened or wholly continuous with what had gone before.<sup>43</sup>

Among the issues that were a part of the dispute was control of the Holy Texts, their interpretation and their authority. The Rabbis understood that their task was one of interpretation and they took it seriously. They also took the necessary precautions to preserve their authority. They controlled the canon, they set the standard for what was a canonical book and what was an outside book, and they controlled its interpretation. This did not prevent other groups from trying to wrestle away the authority. The Mishnah records the struggle and the Rabbis tactics for dealing with it.

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<sup>43</sup> J. Neusner, *The Mishnah: An Introduction* (Northvale: Jason Aronson, 1989) p. 45.



## Chapter 6

### Conclusion

The object of this research has been to locate the place of the Bible in the Mishnah and to examine the relationship between these two texts. It has been met in three ways: 1) by examining the distribution of biblical citations in the Mishnah; 2) by examining the relationship between the content of the Mishnah and that of the Bible; 3) by examining statements in the Mishnah about the Bible.

The Mishnah contains an enormous amount of Bible-related material, so much in fact that not a page of Mishnah can be read without encountering the Bible. Clearly, the relationship between the Bible and Mishnah is one of dependence.

The Mishnah contains more than five hundred biblical citations, approximately one for every two pages of Mishnah text; thousands of biblical words adopted into the Mishnah's vocabulary; and dozens of references to the Bible, its characters, and events. Furthermore, the evidence supports the notion that the Rabbis saw their task as one of leadership in light of the destruction of the Temple. A Temple centered life was the goal of the Bible. With the Temple destroyed, the Rabbis believed it was their duty to reinterpret Scripture to continue a Bible centered religion despite the loss of its physical institutions.

The Tannaim used the Bible in several ways. They read it, expounded it, and attempted to apply it. They had teachings of unknown origin and turned to the Bible to find authoritative sources for them. They used the vocabulary and language of the Bible to discuss contemporary issues. Further, they often expounded the Bible text simply to understand the narratives and laws, to understand the historical heritage to which they were heirs.

The relationship between the Bible and the Mishnah is not ambiguous; it needs a new paradigm. Neusner is correct with regard to certain issues. The Rabbis were not dependent on the Bible for establishing those topics they discussed. They may have had an

independent source, or developed the system themselves. However, in most cases, either the issues they discussed developed from the Bible, or the Bible was used as a reference book. Fundamentally, the Rabbis may have said, "We have this topic to discuss, but first let us see what the Bible has to say about it."

Where Neusner may be too extreme is in his statement, "...that from the perspective of the Mishnah...the reason the Mishnah does not cite Scripture is that it does not have to. It stands on the same plane as Scripture. It enjoys the same authority as Scripture..."<sup>1</sup> The Mishnah cites the Bible almost six hundred times, and in the majority of these cases the Bible is used as a proof-text. Fifty-three of the Mishnah's sixty-three tractates include citations from all but four books of the Bible. If the Rabbis who compiled the Mishnah truly believed it shared authority with the Bible, they would have been better served by not citing it at all, developing their own vocabulary, and excluding discussions of the Bible's themes, characters, and events. Six hundred citations is statistically significant. If any academic scholar today published a book in which he or she cited another text repeatedly, on every second page, no question would be raised about the relationship between the two texts. The Mishnah is clearly not a commentary on the Bible. Neusner claimed that "...the written Torah plays slight part in the Mishnah...Citations of verses of Scripture to prove propositions appear so seldom, indeed, that one must ask how the authorship of the Mishnah proposes to sort out prior claims to authority..."<sup>2</sup> In fact, the Mishnah often cites the Bible for that purpose, it simply does so less often than other Tannaitic texts. The implication is not that the Mishnah is as authoritative as the Bible, but that it uses the Bible differently. Instead of citing the Bible, the Mishnah alludes to it. Often the use of one word forces the reader to turn to the Bible. When the Mishnah discusses prohibited marriages it does not need to cite Leviticus 18, it assumes the readers' familiarity with it.

Hagigah 1:8 (see above, Text 5) serves well as a model for our conclusions as to the relationship between the content of the Mishnah and the content of the Bible. There are laws that have much scriptural support, little scriptural support, and no scriptural support at all. In order to view this patterns, we needed to examine the details of the Mishnah. This differs

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<sup>1</sup> J. Neusner, *The Mishnah: An Introduction*, p. 204.

<sup>2</sup> *Ibid.*, p. 200.

tremendously from Neusner's approach of examining the whole, but we may have come to a similar conclusion. He,

...treats the Mishnah and the tractates of the Mishnah as literary works, organic wholes, each with its own themes and structure...This distinctively literary approach to the Mishnah brings Neusner to [a conclusion] which [is] so obviously correct that it is a wonder that [it was] not stated by earlier scholars...The Mishnah devotes a great deal of attention to the laws of purity, tithing, and food, to the rituals performed in the Temple, and to the rituals performed outside of the Temple...but coordinated with the Temple. In other words, many of the Mishnah's major interests coincide with those of the Pentateuchal document P.<sup>3</sup>

The Bible is not the focus of the Mishnah. That is to say, the Mishnah is not a book about the Bible. It is however Bible dependent. The Mishnah's framers recognized that many of their teachings were directly linked to the Bible. They discussed biblical characters and events, its narratives and its laws. In chapter five we demonstrated that the Rabbis identified in the Mishnah their roles as interpreters of the Bible and the protectors of its interpretation.

Questions still need to be answered about the relationship between the Bible and the Mishnah. Until such time as a scholar systematically examines every Mishnah passage for every possible biblical connection, generalities must be used to describe the relationship. Few tractates contain no biblical material. Many topics discussed in the Mishnah include a citation, an allusion, or an outright discussion of a biblical theme. As Neusner has noted, the Rabbis came to the Bible with their own set of questions. They used citation and explicit discussion of, and allusion to the Bible to answer these questions. They acknowledged clearly in the Mishnah the connection between their teachings and the Bible's contents. The relationship is not ambiguous but it is complicated. If the Bible is, as Neusner believes, a document that describes the philosophy or the world view of the Rabbis in the early part of the millennium, it is a philosophy that is different from that proposed by the Bible. But, rather than ignore the Bible and establish their world-view anew, the Rabbis turned to the Bible when they could to lend credibility to their teachings. As such, the Bible is the reference book, the foundation, upon which the Mishnah is built.

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<sup>3</sup> S. Cohen, *Jacob Neusner, Mishnah, and Counter Rabbis*, p. 8.

## Appendix A

### The Distribution of Biblical Citations in the Mishnah

<b>ZERAIM</b>			
<b>Berakhot</b>	Chapter 1:	Mishnah 3:	Deut. 6:7
<b>Berakhot</b>	Chapter 1:	Mishnah 3:	Deut. 6:7
<b>Berakhot</b>	Chapter 1:	Mishnah 3:	Deut. 6:7
<b>Berakhot</b>	Chapter 1:	Mishnah 5:	Deut. 16:3
<b>Berakhot</b>	Chapter 1:	Mishnah 5:	Deut. 16:3
<b>Berakhot</b>	Chapter 7:	Mishnah 3:	Ps. 68:27
<b>Berakhot</b>	Chapter 9:	Mishnah 5:	Deut. 6:5
<b>Berakhot</b>	Chapter 9:	Mishnah 5:	Ruth 2:4
<b>Berakhot</b>	Chapter 9:	Mishnah 5:	Jud. 6:12
<b>Berakhot</b>	Chapter 9:	Mishnah 5:	Prov. 23:22
<b>Berakhot</b>	Chapter 9:	Mishnah 5:	Ps. 119:126
<b>Peah</b>	Chapter 5:	Mishnah 6:	Prov. 22:28
<b>Peah</b>	Chapter 7:	Mishnah 3:	Prov. 22:28
<b>Peah</b>	Chapter 7:	Mishnah 7:	Deut. 24:21
<b>Peah</b>	Chapter 7:	Mishnah 7:	Lev. 19:10
<b>Peah</b>	Chapter 7:	Mishnah 7:	Lev. 24:21
<b>Peah</b>	Chapter 8:	Mishnah 9:	Jer. 17:7
<b>Peah</b>	Chapter 8:	Mishnah 9:	Deut. 16:20
<b>Peah</b>	Chapter 8:	Mishnah 9:	Ex. 23:8
<b>Kilayim</b>	Chapter 9:	Mishnah 8:	Deut. 22:11
<b>Shebiit</b>	Chapter 1:	Mishnah 4:	Ex. 34:21
<b>Shebiit</b>	Chapter 10:	Mishnah 3:	Deut. 15:9
<b>Shebiit</b>	Chapter 10:	Mishnah 8:	Deut. 15:2
<b>Shebiit</b>	Chapter 10:	Mishnah 8:	Deut. 19:4
<b>Terumat</b>	Chapter 3:	Mishnah 6:	Ex. 22:29
<b>Terumat</b>	Chapter 6:	Mishnah 6:	Lev. 22:14
<b>Terumat</b>	Chapter 6:	Mishnah 6:	Lev. 22:14
<b>Maaser Sheni</b>	Chapter 5:	Mishnah 10:	Deut. 26:13
<b>Hallah</b>	Chapter 4:	Mishnah 10:	Ex. 23:16
<b>Bikkurim</b>	Chapter 1:	Mishnah 2:	Ex. 23:19
<b>Bikkurim</b>	Chapter 1:	Mishnah 2:	Ex. 23:19
<b>Bikkurim</b>	Chapter 1:	Mishnah 3:	Ex. 23:16
<b>Bikkurim</b>	Chapter 1:	Mishnah 4:	Deut. 26:3
<b>Bikkurim</b>	Chapter 1:	Mishnah 5:	Deut. 26:10
<b>Bikkurim</b>	Chapter 1:	Mishnah 9:	Ex. 23:19
<b>MOED</b>			
<b>Shabbat</b>	Chapter 6:	Mishnah 4:	Isa. 2:4
<b>Shabbat</b>	Chapter 8:	Mishnah 7:	Isa. 30:14
<b>Shabbat</b>	Chapter 8:	Mishnah 7:	Isa. 30:14
<b>Shabbat</b>	Chapter 9:	Mishnah 1:	Isa. 30:22
<b>Shabbat</b>	Chapter 9:	Mishnah 2:	Prov. 30:19
<b>Shabbat</b>	Chapter 9:	Mishnah 2:	Isa. 61:11
<b>Shabbat</b>	Chapter 9:	Mishnah 3:	Ex. 19:15
<b>Shabbat</b>	Chapter 9:	Mishnah 3:	Gen. 34:25
<b>Shabbat</b>	Chapter 9:	Mishnah 3:	Isa. 1:18
<b>Shabbat</b>	Chapter 9:	Mishnah 4:	Ps. 109:18
<b>Shabbat</b>	Chapter 9:	Mishnah 6:	Deut. 13:18
<b>Shabbat</b>	Chapter 19:	Mishnah 3:	Gen. 34:25
<b>Pesahim</b>	Chapter 2:	Mishnah 2:	Ex. 13:7
<b>Pesahim</b>	Chapter 5:	Mishnah 3:	Ex. 12:6
<b>Pesahim</b>	Chapter 5:	Mishnah 5:	Ex. 12:6

Pesachim	Chapter 6	Mishnah 2:	Num. 9:3
Pesachim	Chapter 9:	Mishnah 1:	Num. 9:10
Pesachim	Chapter 9:	Mishnah 2:	Num. 9:10
Pesachim	Chapter 10:	Mishnah 5:	Ex. 13:8
Sheqalim	Chapter 1:	Mishnah 4:	Lev. 6:23
Sheqalim	Chapter 1:	Mishnah 5:	Ezra 4:3
Sheqalim	Chapter 3:	Mishnah 2:	Num. 32:22
Sheqalim	Chapter 3:	Mishnah 2:	Prov. 3:4
Sheqalim	Chapter 6:	Mishnah 3:	Ezek. 47:1-5
Sheqalim	Chapter 6:	Mishnah 6:	Lev. 5:19
Sheqalim	Chapter 6:	Mishnah 6:	Lev. 5:15
Sheqalim	Chapter 6:	Mishnah 6:	Lev. 5:18
Sheqalim	Chapter 6:	Mishnah 6:	2 Kings 12:17
Yoma	Chapter 1:	Mishnah 1:	Lev. 16:6
Yoma	Chapter 3:	Mishnah 8:	Lev. 16:30
Yoma	Chapter 3:	Mishnah 11:	Prov. 10:7
Yoma	Chapter 4:	Mishnah 2:	Lev. 16:30
Yoma	Chapter 5:	Mishnah 1:	Ex. 26:33
Yoma	Chapter 5:	Mishnah 5:	Lev. 16:18
Yoma	Chapter 6:	Mishnah 2:	Lev. 16:30
Yoma	Chapter 6:	Mishnah 8:	Isa. 1:18
Yoma	Chapter 8:	Mishnah 9:	Lev. 16:30
Yoma	Chapter 8:	Mishnah 9:	Ezek. 36:25
Yoma	Chapter 8:	Mishnah 9:	Jer. 17:13
Sukkah	Chapter 2:	Mishnah 6:	Eccles. 1:15
Rosh Hashanah	Chapter 1:	Mishnah 2:	Ps. 33:15
Rosh Hashanah	Chapter 1:	Mishnah 9:	Lev. 23:4
Rosh Hashanah	Chapter 2:	Mishnah 9:	Lev. 23:4
Rosh Hashanah	Chapter 2:	Mishnah 9:	Ex. 24:9
Rosh Hashanah	Chapter 3:	Mishnah 2:	Josh. 6:5
Rosh Hashanah	Chapter 3:	Mishnah 8:	Ex. 17:11
Rosh Hashanah	Chapter 3:	Mishnah 8:	Num. 21:8
Taanit	Chapter 1:	Mishnah 2:	Joel 2:23
Taanit	Chapter 1:	Mishnah 7:	Isa. 12:17
Taanit	Chapter 2:	Mishnah 1:	Jon. 3:10
Taanit	Chapter 2:	Mishnah 1:	Joel 2:13
Taanit	Chapter 3:	Mishnah 3:	Amos 4:7
Taanit	Chapter 3:	Mishnah 8:	Prov. 23:25
Taanit	Chapter 4:	Mishnah 2:	Num. 28:2
Taanit	Chapter 4:	Mishnah 8:	Prov. 31:30
Taanit	Chapter 4:	Mishnah 8:	Prov. 31:31
Taanit	Chapter 4:	Mishnah 8:	Song. 3:11
Megillah	Chapter 3:	Mishnah 3:	Lev. 26:31
Megillah	Chapter 3:	Mishnah 6:	Lev. 23:44
Megillah	Chapter 4:	Mishnah 9:	Lev. 18:21
Moed Qatan	Chapter 3:	Mishnah 9:	Jer. 9:19
Moed Qatan	Chapter 3:	Mishnah 9:	Isa. 25:8
Hagigah	Chapter 1:	Mishnah 5:	Deut. 16:17
Hagigah	Chapter 1:	Mishnah 6:	Eccles. 1:15
Hagigah	Chapter 1:	Mishnah 7:	Eccles. 1:15
NASHIM			
Yebamot	Chapter 3:	Mishnah 9:	Deut. 25:5
Yebamot	Chapter 6:	Mishnah 5:	Lev. 21:7
Yebamot	Chapter 6:	Mishnah 6:	Gen. 5:2
Yebamot	Chapter 6:	Mishnah 6:	Gen. 1:28
Yebamot	Chapter 8:	Mishnah 2:	Deut. 23:2
Yebamot	Chapter 9:	Mishnah 6:	Lev. 22:13
Yebamot	Chapter 10:	Mishnah 3:	Lev. 21:7
Yebamot	Chapter 12:	Mishnah 3:	Deut. 25:9

Yebamot	Chapter 12:	Mishnah 3:	Deut. 25:9
Yebamot	Chapter 12:	Mishnah 6:	Deut. 25:7-10
Ketubot	Chapter 3:	Mishnah 2:	Ex. 21:22
Ketubot	Chapter 3:	Mishnah 5:	Deut. 22:29
Ketubot	Chapter 4:	Mishnah 3:	Deut. 22:21
Nedarim	Chapter 3:	Mishnah 11:	Jer. 9:25
Nedarim	Chapter 3:	Mishnah 11:	1 Sam. 17:36
Nedarim	Chapter 3:	Mishnah 11:	2 Sam. 1:20
Nedarim	Chapter 3:	Mishnah 11:	Gen. 17:1
Nedarim	Chapter 3:	Mishnah 11:	Jer. 33:25
Nedarim	Chapter 9:	Mishnah 4:	Lev. 19:18
Nedarim	Chapter 9:	Mishnah 4:	Lev. 19:17
Nedarim	Chapter 9:	Mishnah 4:	Lev. 19:18
Nedarim	Chapter 9:	Mishnah 4:	Lev. 25:36
Nedarim	Chapter 9:	Mishnah 10:	2 Sam. 1:24
Nedarim	Chapter 10:	Mishnah 7:	Num. 30:14
Nedarim	Chapter 11:	Mishnah 9:	Num. 30:10
Nazir	Chapter 3:	Mishnah 5:	Num. 6:12
Nazir	Chapter 6:	Mishnah 9:	Num. 6:19
Nazir	Chapter 9:	Mishnah 5:	1 Sam. 1:11
Nazir	Chapter 9:	Mishnah 5:	Jud. 13:5
Nazir	Chapter 9:	Mishnah 5:	1 Sam. 1:11
Nazir	Chapter 9:	Mishnah 5:	1 Sam. 16:2
Sotah	Chapter 1:	Mishnah 6:	Ezek. 23:48
Sotah	Chapter 1:	Mishnah 8:	Jud. 16:21
Sotah	Chapter 1:	Mishnah 8:	2 Sam. 18:15
Sotah	Chapter 1:	Mishnah 8:	2 Sam. 15:6
Sotah	Chapter 1:	Mishnah 8:	2 Sam. 18:14
Sotah	Chapter 1:	Mishnah 9:	Ex. 2:4
Sotah	Chapter 1:	Mishnah 9:	Num. 12:15
Sotah	Chapter 1:	Mishnah 9:	Gen. 50:7
Sotah	Chapter 1:	Mishnah 9:	Ex. 13:19
Sotah	Chapter 1:	Mishnah 9:	Deut. 34:6
Sotah	Chapter 1:	Mishnah 9:	Isa. 58:8
Sotah	Chapter 2:	Mishnah 2:	Num. 5:17
Sotah	Chapter 2:	Mishnah 4:	Num. 5:23
Sotah	Chapter 3:	Mishnah 2:	Num. 5:26
Sotah	Chapter 4:	Mishnah 1:	Num. 5:29
Sotah	Chapter 5:	Mishnah 1:	Num. 5:22
Sotah	Chapter 5:	Mishnah 1:	Num. 5:24
Sotah	Chapter 5:	Mishnah 1:	Num. 5:27
Sotah	Chapter 5:	Mishnah 1:	Num. 5:29
Sotah	Chapter 5:	Mishnah 2:	Lev. 11:33
Sotah	Chapter 5:	Mishnah 3:	Num. 35:5
Sotah	Chapter 5:	Mishnah 3:	Num. 35:4
Sotah	Chapter 5:	Mishnah 4:	Ex. 15:1
Sotah	Chapter 5:	Mishnah 5:	Job 13:15
Sotah	Chapter 5:	Mishnah 5:	Job 27:5
Sotah	Chapter 5:	Mishnah 5:	Job 1:1
Sotah	Chapter 6:	Mishnah 3:	Num. 5:13
Sotah	Chapter 6:	Mishnah 3:	Deut. 24:1
Sotah	Chapter 6:	Mishnah 3:	Deut. 19:15
Sotah	Chapter 7:	Mishnah 3:	Deut. 26:5
Sotah	Chapter 7:	Mishnah 3:	Deut. 27:14
Sotah	Chapter 7:	Mishnah 4:	Deut. 25:9
Sotah	Chapter 7:	Mishnah 4:	Deut. 27:14
Sotah	Chapter 7:	Mishnah 4:	Deut. 25:9
Sotah	Chapter 7:	Mishnah 5:	Deut. 11:30
Sotah	Chapter 7:	Mishnah 5:	Gen. 12:6
Sotah	Chapter 7:	Mishnah 5:	Josh. 8:33

Sotah	Chapter 7:	Mishnah 5:	Deut. 27:15
Sotah	Chapter 7:	Mishnah 5:	Deut. 27:8
Sotah	Chapter 7:	Mishnah 6:	Lev. 9:22
Sotah	Chapter 7:	Mishnah 8:	Deut. 31:10
Sotah	Chapter 8:	Mishnah 1:	Deut. 20:2
Sotah	Chapter 8:	Mishnah 1:	2 Chron. 28:15
Sotah	Chapter 8:	Mishnah 1:	Deut. 20:3
Sotah	Chapter 8:	Mishnah 2:	Deut. 20:5
Sotah	Chapter 8:	Mishnah 2:	Deut. 20:6
Sotah	Chapter 8:	Mishnah 2:	Deut. 20:7
Sotah	Chapter 8:	Mishnah 4:	Deut. 24:5
Sotah	Chapter 8:	Mishnah 4:	Deut. 20:8
Sotah	Chapter 8:	Mishnah 5:	Deut. 20:8
Sotah	Chapter 8:	Mishnah 6:	Deut. 20:9
Sotah	Chapter 8:	Mishnah 6:	1 Sam. 4:17
Sotah	Chapter 8:	Mishnah 6:	1 Sam. 31:1
Sotah	Chapter 9:	Mishnah 1:	Deut. 21:1-2
Sotah	Chapter 9:	Mishnah 2:	Deut. 21:1
Sotah	Chapter 9:	Mishnah 5:	Deut. 21:3
Sotah	Chapter 9:	Mishnah 6:	Deut. 21:7
Sotah	Chapter 9:	Mishnah 9:	Hos. 4:14
Sotah	Chapter 9:	Mishnah 9:	Mic. 7:1
Sotah	Chapter 9:	Mishnah 11:	Isa. 24:9
Sotah	Chapter 9:	Mishnah 12:	Ps. 12:2
Sotah	Chapter 9:	Mishnah 15:	Mic. 7:6
Gittin	Chapter 3:	Mishnah 2:	Deut. 24:1
Gittin	Chapter 4:	Mishnah 5:	Isa. 45:18
Gittin	Chapter 9:	Mishnah 10:	Deut. 24:1
Gittin	Chapter 9:	Mishnah 10:	Deut. 24:1
Gittin	Chapter 9:	Mishnah 10:	Deut. 24:1
Qiddushin	Chapter 1:	Mishnah 10:	Eccles. 4:12
Qiddushin	Chapter 3:	Mishnah 4:	Num. 32:29
Qiddushin	Chapter 3:	Mishnah 4:	Num. 32:20
Qiddushin	Chapter 4:	Mishnah 14:	Isa. 40:31
Qiddushin	Chapter 4:	Mishnah 14:	Ps. 92:15
Qiddushin	Chapter 4:	Mishnah 14:	Gen. 24:1
Qiddushin	Chapter 4:	Mishnah 14:	Gen. 26:5
NEZIQIN			
Baba Qamma	Chapter 3:	Mishnah 9:	Ex. 21:35
Baba Qamma	Chapter 3:	Mishnah 9:	Ex. 21:35
Baba Qamma	Chapter 4:	Mishnah 3:	Ex. 21:35
Baba Qamma	Chapter 4:	Mishnah 4:	Ex. 21:35
Baba Qamma	Chapter 4:	Mishnah 9:	Ex. 21:29
Baba Qamma	Chapter 5:	Mishnah 5:	Ex. 21:33
Baba Qamma	Chapter 5:	Mishnah 7:	Ex. 21:33
Baba Qamma	Chapter 6:	Mishnah 4:	Ex. 22:6
Baba Qamma	Chapter 6:	Mishnah 4:	Ex. 22:6
Baba Qamma	Chapter 7:	Mishnah 1:	Ex. 22:1
Baba Qamma	Chapter 8:	Mishnah 1:	Deut. 25:11
Baba Qamma	Chapter 8:	Mishnah 7:	Gen. 20:7
Baba Qamma	Chapter 8:	Mishnah 7:	Gen. 20:17
Baba Qamma	Chapter 9:	Mishnah 7:	Lev. 6:2
Baba Qamma	Chapter 9:	Mishnah 11:	Num. 5:8
Baba Qamma	Chapter 9:	Mishnah 12:	Num. 5:10
Baba Meia	Chapter 2:	Mishnah 7:	Deut. 22:2
Baba Meia	Chapter 2:	Mishnah 7:	Deut. 22:2
Baba Meia	Chapter 2:	Mishnah 9:	Deut. 22:1
Baba Meia	Chapter 2:	Mishnah 10:	Ex. 23:5
Baba Meia	Chapter 3:	Mishnah 12:	Ex. 22:8

Baba Meia	Chapter 4:	Mishnah 10:	Ex. 22:21
Baba Meia	Chapter 5:	Mishnah 11:	Lev. 25:37
Baba Meia	Chapter 5:	Mishnah 11:	Lev. 25:36
Baba Meia	Chapter 5:	Mishnah 11:	Ex. 22:25
Baba Meia	Chapter 5:	Mishnah 11:	Ex. 22:25
Baba Meia	Chapter 5:	Mishnah 11:	Lev. 19:14
Baba Meia	Chapter 8:	Mishnah 1:	Ex. 22:15
Baba Meia	Chapter 8:	Mishnah 1:	Ex. 22:14
Baba Meia	Chapter 9:	Mishnah 13:	Deut. 24:11
Baba Meia	Chapter 9:	Mishnah 13:	Deut. 24:17
Baba Meia	Chapter 9:	Mishnah 13:	Deut. 24:6
Baba Meia	Chapter 9:	Mishnah 13:	Deut. 24:6
Baba Betra	Chapter 8:	Mishnah 2:	Num. 27:8
Sanhedrin	Chapter 1:	Mishnah 4:	Lev. 20:16
Sanhedrin	Chapter 1:	Mishnah 4:	Lev. 20:15
Sanhedrin	Chapter 1:	Mishnah 4:	Ex. 21:29
Sanhedrin	Chapter 1:	Mishnah 6:	Num. 11:16
Sanhedrin	Chapter 1:	Mishnah 6:	Num. 35:24-25
Sanhedrin	Chapter 1:	Mishnah 6:	Num. 14:27
Sanhedrin	Chapter 1:	Mishnah 6:	Ex. 23:2
Sanhedrin	Chapter 1:	Mishnah 6:	Ex. 23:2
Sanhedrin	Chapter 2:	Mishnah 1:	Lev. 21:12
Sanhedrin	Chapter 2:	Mishnah 2:	2 Sam. 12:8
Sanhedrin	Chapter 2:	Mishnah 3:	2 Sam. 3:31
Sanhedrin	Chapter 2:	Mishnah 4:	Deut. 17:17
Sanhedrin	Chapter 2:	Mishnah 4:	Deut. 17:15
Sanhedrin	Chapter 2:	Mishnah 4:	Deut. 17:16
Sanhedrin	Chapter 2:	Mishnah 4:	Deut. 17:17
Sanhedrin	Chapter 2:	Mishnah 4:	Deut. 17:18
Sanhedrin	Chapter 2:	Mishnah 4:	Deut. 17:19
Sanhedrin	Chapter 2:	Mishnah 5:	Deut. 17:15
Sanhedrin	Chapter 3:	Mishnah 7:	Lev. 19:16
Sanhedrin	Chapter 3:	Mishnah 7:	Prov. 11:13
Sanhedrin	Chapter 4:	Mishnah 1:	Lev. 24:22
Sanhedrin	Chapter 4:	Mishnah 5:	Gen. 4:10
Sanhedrin	Chapter 4:	Mishnah 5:	Lev. 5:1
Sanhedrin	Chapter 4:	Mishnah 5:	Prov. 11:10
Sanhedrin	Chapter 6:	Mishnah 1:	Lev. 24:14
Sanhedrin	Chapter 6:	Mishnah 2:	Josh. 7:20
Sanhedrin	Chapter 6:	Mishnah 2:	Josh. 7:25
Sanhedrin	Chapter 6:	Mishnah 4:	Deut. 17:7
Sanhedrin	Chapter 6:	Mishnah 4:	Deut. 21:23
Sanhedrin	Chapter 8:	Mishnah 1:	Deut. 21:18
Sanhedrin	Chapter 8:	Mishnah 2:	Deut. 21:20
Sanhedrin	Chapter 8:	Mishnah 2:	Prov. 23:20
Sanhedrin	Chapter 8:	Mishnah 4:	Deut. 21:19
Sanhedrin	Chapter 8:	Mishnah 4:	Deut. 21:19
Sanhedrin	Chapter 10:	Mishnah 1:	Isa. 60:21
Sanhedrin	Chapter 10:	Mishnah 1:	Ex. 15:26
Sanhedrin	Chapter 10:	Mishnah 2:	2 Chron. 33:13
Sanhedrin	Chapter 10:	Mishnah 3:	Gen. 6:3
Sanhedrin	Chapter 10:	Mishnah 3:	Gen. 11:8
Sanhedrin	Chapter 10:	Mishnah 3:	Gen. 13:13
Sanhedrin	Chapter 10:	Mishnah 3:	Ps. 1:5
Sanhedrin	Chapter 10:	Mishnah 3:	Num. 14:37
Sanhedrin	Chapter 10:	Mishnah 3:	Num. 14:35
Sanhedrin	Chapter 10:	Mishnah 3:	Ps. 50:5
Sanhedrin	Chapter 10:	Mishnah 3:	Num. 16:33
Sanhedrin	Chapter 10:	Mishnah 3:	1 Sam. 2:6
Sanhedrin	Chapter 10:	Mishnah 3:	Deut. 29:27



Sanhedrin	Chapter 10:	Mishnah 4:	Deut. 13:14
Sanhedrin	Chapter 10:	Mishnah 5:	Deut. 13:15
Sanhedrin	Chapter 10:	Mishnah 5:	Deut. 13:17
Sanhedrin	Chapter 10:	Mishnah 6:	Deut. 13:17
Sanhedrin	Chapter 10:	Mishnah 6:	Deut. 13:17
Sanhedrin	Chapter 10:	Mishnah 6:	Deut. 13:17
Sanhedrin	Chapter 10:	Mishnah 6:	Deut. 13:18
Sanhedrin	Chapter 11:	Mishnah 1:	Deut. 24:7
Sanhedrin	Chapter 11:	Mishnah 2:	Deut. 17:8-13
Sanhedrin	Chapter 11:	Mishnah 2:	Deut. 17:12
Sanhedrin	Chapter 11:	Mishnah 2:	Deut. 17:12
Sanhedrin	Chapter 11:	Mishnah 4:	Deut. 17:13
Sanhedrin	Chapter 11:	Mishnah 5:	Deut. 18:19
Makkot	Chapter 1:	Mishnah 3:	Ex. 20:16
Makkot	Chapter 1:	Mishnah 3:	Deut. 19:19
Makkot	Chapter 1:	Mishnah 6:	Deut. 19:21
Makkot	Chapter 1:	Mishnah 6:	Deut. 19:19
Makkot	Chapter 1:	Mishnah 6:	Deut. 19:21
Makkot	Chapter 1:	Mishnah 7:	Deut. 17:6
Makkot	Chapter 1:	Mishnah 7:	Deut. 17:6
Makkot	Chapter 1:	Mishnah 7:	Deut. 17:6
Makkot	Chapter 1:	Mishnah 8:	Deut. 17:6
Makkot	Chapter 1:	Mishnah 9:	Deut. 17:6
Makkot	Chapter 1:	Mishnah 9:	Deut. 17:6
Makkot	Chapter 2:	Mishnah 2:	Deut. 19:5
Makkot	Chapter 2:	Mishnah 4:	Num. 35:14
Makkot	Chapter 2:	Mishnah 4:	Num. 35:13
Makkot	Chapter 2:	Mishnah 5:	Deut. 19:3
Makkot	Chapter 2:	Mishnah 5:	Deut. 19:4
Makkot	Chapter 2:	Mishnah 6:	Num. 35:25
Makkot	Chapter 2:	Mishnah 7:	Num. 35:25
Makkot	Chapter 2:	Mishnah 8:	Deut. 19:4
Makkot	Chapter 3:	Mishnah 6:	Lev. 19:28
Makkot	Chapter 3:	Mishnah 10:	Deut. 25:2-3
Makkot	Chapter 3:	Mishnah 13:	Deut. 25:2
Makkot	Chapter 3:	Mishnah 15:	Deut. 25:3
Makkot	Chapter 3:	Mishnah 15:	Deut. 18:29
Makkot	Chapter 3:	Mishnah 15:	Lev. 18:4
Makkot	Chapter 3:	Mishnah 15:	Deut. 12:23
Makkot	Chapter 3:	Mishnah 16:	Isa. 42:21
Shabbat	Chapter 1:	Mishnah 3:	Num. 29:11
Shabbat	Chapter 2:	Mishnah 5:	Lev. 5:2
Shabbat	Chapter 2:	Mishnah 5:	Lev. 5:2
Shabbat	Chapter 3:	Mishnah 5:	Lev. 5:4
Eduyot	Chapter 1:	Mishnah 13:	Isa. 45:18
Eduyot	Chapter 2:	Mishnah 9:	Isa. 41:4
Eduyot	Chapter 2:	Mishnah 9:	Gen. 15:13
Eduyot	Chapter 2:	Mishnah 9:	Gen. 15:16
Eduyot	Chapter 2:	Mishnah 10:	Isa. 66:23
Eduyot	Chapter 2:	Mishnah 10:	Isa. 66:23
Eduyot	Chapter 8:	Mishnah 7:	Mal. 3:23
Abodah Zarah	Chapter 1:	Mishnah 9:	Deut. 7:26
Abodah Zarah	Chapter 2:	Mishnah 3:	Ps. 106:28
Abodah Zarah	Chapter 2:	Mishnah 5:	Song. 1:2
Abodah Zarah	Chapter 2:	Mishnah 5:	Song. 1:3
Abodah Zarah	Chapter 3:	Mishnah 3:	Deut. 13:18
Abodah Zarah	Chapter 3:	Mishnah 4:	Deut. 13:18
Abodah Zarah	Chapter 3:	Mishnah 5:	Deut. 7:25
Abodah Zarah	Chapter 3:	Mishnah 5:	Deut. 12:12
Abodah Zarah	Chapter 3:	Mishnah 6:	Deut. 7:26

Abodah Zarah	Chapter 3:	Mishnah 6:	Isa. 30:22
Abot	Chapter 1:	Mishnah 18:	Zech. 8:16
Abot	Chapter 2:	Mishnah 9:	Ps. 37:21
Abot	Chapter 2:	Mishnah 13:	Joel 2:13
Abot	Chapter 3:	Mishnah 2:	Ps. 1:1
Abot	Chapter 3:	Mishnah 2:	Mal. 3:16
Abot	Chapter 3:	Mishnah 2:	Lam. 3:28
Abot	Chapter 3:	Mishnah 3:	Isa. 28:8
Abot	Chapter 3:	Mishnah 3:	Ezek. 41:22
Abot	Chapter 3:	Mishnah 6:	Ps. 82:1
Abot	Chapter 3:	Mishnah 6:	Amos 9:6
Abot	Chapter 3:	Mishnah 6:	Ps. 82:1
Abot	Chapter 3:	Mishnah 6:	Mal. 3:16
Abot	Chapter 3:	Mishnah 6:	Ex. 20:24
Abot	Chapter 3:	Mishnah 7:	1 Chron. 29:14
Abot	Chapter 3:	Mishnah 9:	Deut. 4:9
Abot	Chapter 3:	Mishnah 9:	Deut. 4:9
Abot	Chapter 3:	Mishnah 15:	Gen. 9:6
Abot	Chapter 3:	Mishnah 15:	Deut. 14:1
Abot	Chapter 3:	Mishnah 15:	Prov. 4:2
Abot	Chapter 4:	Mishnah 1:	Ps. 119:99
Abot	Chapter 4:	Mishnah 1:	Prov. 16:32
Abot	Chapter 4:	Mishnah 1:	Ps. 128:2
Abot	Chapter 4:	Mishnah 1:	1 Sam. 2:30
Abot	Chapter 4:	Mishnah 19:	Prov. 24:17
Abot	Chapter 5:	Mishnah 18:	Deut. 33:21
Abot	Chapter 5:	Mishnah 18:	1 Kings 15:30
Abot	Chapter 5:	Mishnah 19:	Prov. 8:21
Abot	Chapter 5:	Mishnah 19:	Ps. 55:23
Abot	Chapter 6:	Mishnah 1:	Prov. 8:14
Abot	Chapter 6:	Mishnah 2:	Prov. 11:22
Abot	Chapter 6:	Mishnah 2:	Ex. 32:16
Abot	Chapter 6:	Mishnah 2:	Num. 21:19
Abot	Chapter 6:	Mishnah 3:	Ps. 55:13
Abot	Chapter 6:	Mishnah 3:	Prov. 3:35
Abot	Chapter 6:	Mishnah 3:	Prov. 28:10
Abot	Chapter 6:	Mishnah 3:	Prov. 4:2
Abot	Chapter 6:	Mishnah 4:	Ezek. 4:11
Abot	Chapter 6:	Mishnah 4:	Ps. 128:2
Abot	Chapter 6:	Mishnah 6:	Ezek. 2:22
Abot	Chapter 6:	Mishnah 7:	Prov. 4:22
Abot	Chapter 6:	Mishnah 7:	Prov. 3:8
Abot	Chapter 6:	Mishnah 7:	Prov. 3:18
Abot	Chapter 6:	Mishnah 7:	Prov. 1:9
Abot	Chapter 6:	Mishnah 7:	Prov. 4:9
Abot	Chapter 6:	Mishnah 7:	Prov. 9:11
Abot	Chapter 6:	Mishnah 7:	Prov. 3:16
Abot	Chapter 6:	Mishnah 7:	Prov. 3:2
Abot	Chapter 6:	Mishnah 8:	Prov. 16:31
Abot	Chapter 6:	Mishnah 8:	Prov. 20:29
Abot	Chapter 6:	Mishnah 8:	Prov. 14:24
Abot	Chapter 6:	Mishnah 8:	Prov. 17:6
Abot	Chapter 6:	Mishnah 8:	Isa. 24:23
Abot	Chapter 6:	Mishnah 9:	Ps. 119:72
Abot	Chapter 6:	Mishnah 9:	Prov. 6:22
Abot	Chapter 6:	Mishnah 9:	Hag. 2:8
Abot	Chapter 6:	Mishnah 10:	Prov. 8:22
Abot	Chapter 6:	Mishnah 10:	Isa. 66:1
Abot	Chapter 6:	Mishnah 10:	Ps. 104:24
Abot	Chapter 6:	Mishnah 10:	Gen. 14:19

Abot	Chapter 6:	Mishnah 10:	Ex. 15:16
Abot	Chapter 6:	Mishnah 10:	Ps. 16:3
Abot	Chapter 6:	Mishnah 10:	Ex. 15:17
Abot	Chapter 6:	Mishnah 10:	Ps. 78:54
Abot	Chapter 6:	Mishnah 11:	Isa. 43:7
Abot	Chapter 6:	Mishnah 11:	Ex. 15:18
Abot	Chapter 6:	Mishnah 11:	Isa. 42:21
Horayot	Chapter 1:	Mishnah 3:	Lev. 4:13
Horayot	Chapter 1:	Mishnah 3:	Lev. 4:13
Horayot	Chapter 1:	Mishnah 4:	Lev. 4:13
Horayot	Chapter 1:	Mishnah 4:	Num. 35:24
Horayot	Chapter 1:	Mishnah 5:	Lev. 4:13
Horayot	Chapter 3:	Mishnah 3:	Lev. 4:22
<b>KODASHIM</b>			
Zebahim	Chapter 8:	Mishnah 11:	Lev. 7:7
Zebahim	Chapter 9:	Mishnah 1:	Lev. 6:9
Zebahim	Chapter 9:	Mishnah 1:	Lev. 6:2
Zebahim	Chapter 9:	Mishnah 5:	Lev. 1:9
Zebahim	Chapter 9:	Mishnah 5:	Deut. 12:27
Zebahim	Chapter 10:	Mishnah 1:	Num. 28:23
Zebahim	Chapter 11:	Mishnah 1:	Lev. 6:26
Zebahim	Chapter 11:	Mishnah 1:	Lev. 6:25
Zebahim	Chapter 12:	Mishnah 1:	Lev. 7:33
Zebahim	Chapter 12:	Mishnah 2:	Lev. 7:8
Zebahim	Chapter 14:	Mishnah 1:	Lev. 17:4
Zebahim	Chapter 14:	Mishnah 2:	Lev. 17:4
Menahot	Chapter 5:	Mishnah 2:	Lev. 2:11
Menahot	Chapter 5:	Mishnah 6:	Ex. 29:27
Menahot	Chapter 6:	Mishnah 7:	Lev. 24:5
Menahot	Chapter 7:	Mishnah 2:	Lev. 7:14
Menahot	Chapter 7:	Mishnah 4:	Lev. 7:12
Menahot	Chapter 7:	Mishnah 6:	Deut. 16:2
Menahot	Chapter 8:	Mishnah 5:	Ex. 27:20
Menahot	Chapter 8:	Mishnah 7:	Num. 28:19
Menahot	Chapter 8:	Mishnah 7:	Num. 28:31
Menahot	Chapter 9:	Mishnah 3:	Lev. 14:21
Menahot	Chapter 10:	Mishnah 5:	Lev. 23:14
Menahot	Chapter 11:	Mishnah 4:	Ex. 25:30
Menahot	Chapter 11:	Mishnah 5:	Lev. 24:7
Menahot	Chapter 11:	Mishnah 5:	Num. 2:20
Menahot	Chapter 11:	Mishnah 7:	Ex. 25:30
Menahot	Chapter 13:	Mishnah 10:	2 Kings 23:9
Menahot	Chapter 13:	Mishnah 11:	Lev. 1:9
Menahot	Chapter 13:	Mishnah 11:	Lev. 1:17
Menahot	Chapter 13:	Mishnah 11:	Lev. 2:2
Hullin	Chapter 2:	Mishnah 3:	Deut. 12:21
Hullin	Chapter 5:	Mishnah 5:	Gen. 1:5
Hullin	Chapter 5:	Mishnah 5:	Lev. 22:28
Hullin	Chapter 8:	Mishnah 4:	Deut. 14:21
Hullin	Chapter 8:	Mishnah 4:	Deut. 14:21
Hullin	Chapter 8:	Mishnah 4:	Ex. 23:19
Hullin	Chapter 9:	Mishnah 5:	Lev. 11:39
Hullin	Chapter 10:	Mishnah 1:	Deut. 18:3
Hullin	Chapter 10:	Mishnah 1:	Lev. 7:34
Hullin	Chapter 11:	Mishnah 2:	Deut. 18:4
Hullin	Chapter 11:	Mishnah 2:	Isa. 7:21
Hullin	Chapter 11:	Mishnah 2:	1 Sam. 25:18
Hullin	Chapter 11:	Mishnah 2:	Deut. 18:4
Hullin	Chapter 12:	Mishnah 3:	Deut. 22:6

Hulin	Chapter 12:	Mishnah 3:	Deut. 22:6
Hulin	Chapter 12:	Mishnah 3:	Deut. 22:6
Hulin	Chapter 12:	Mishnah 3:	Deut. 22:6
Hulin	Chapter 12:	Mishnah 5:	Deut. 22:7
Bekhorot	Chapter 1:	Mishnah 1:	Num. 3:13
Bekhorot	Chapter 1:	Mishnah 2:	Ex. 13:13
Bekhorot	Chapter 1:	Mishnah 2:	Ex. 34:20
Bekhorot	Chapter 1:	Mishnah 4:	Ex. 13:13
Bekhorot	Chapter 1:	Mishnah 7:	Ex. 34:20
Bekhorot	Chapter 1:	Mishnah 7:	Ex. 21:8
Bekhorot	Chapter 1:	Mishnah 7:	Lev. 27:27
Bekhorot	Chapter 2:	Mishnah 1:	Num. 3:13
Bekhorot	Chapter 2:	Mishnah 6:	Ex. 13:12
Bekhorot	Chapter 4:	Mishnah 1:	Deut. 15:20
Bekhorot	Chapter 7:	Mishnah 2:	Lev. 21:20
Bekhorot	Chapter 7:	Mishnah 5:	Lev. 21:20
Bekhorot	Chapter 8:	Mishnah 1:	Ex. 13:12
Bekhorot	Chapter 8:	Mishnah 8:	Num. 18:15
Bekhorot	Chapter 9:	Mishnah 1:	Lev. 27:32
Arakhin	Chapter 3:	Mishnah 5:	Num. 14:22
Arakhin	Chapter 4:	Mishnah 4:	Lev. 27:7
Arakhin	Chapter 5:	Mishnah 6:	Lev. 1:3
Arakhin	Chapter 7:	Mishnah 5:	Lev. 27:22
Arakhin	Chapter 8:	Mishnah 5:	Lev. 25:34
Arakhin	Chapter 8:	Mishnah 6:	Lev. 27:28
Arakhin	Chapter 8:	Mishnah 6:	Lev. 27:21
Arakhin	Chapter 8:	Mishnah 7:	Deut. 15:9
Arakhin	Chapter 8:	Mishnah 7:	Lev. 27:26
Arakhin	Chapter 9:	Mishnah 1:	Lev. 25:15
Arakhin	Chapter 9:	Mishnah 2:	Lev. 25:15
Arakhin	Chapter 9:	Mishnah 3:	Lev. 25:30
Arakhin	Chapter 9:	Mishnah 5:	Lev. 25:29
Arakhin	Chapter 9:	Mishnah 8:	Lev. 25:33
Arakhin	Chapter 9:	Mishnah 8:	Lev. 25:32
Temurah	Chapter 1:	Mishnah 1:	Lev. 27:10
Temurah	Chapter 1:	Mishnah 2:	Lev. 27:10
Temurah	Chapter 1:	Mishnah 2:	Lev. 27:10
Temurah	Chapter 1:	Mishnah 6:	Lev. 27:10
Temurah	Chapter 6:	Mishnah 3:	Deut. 23:19
Temurah	Chapter 6:	Mishnah 3:	Deut. 23:19
Temurah	Chapter 6:	Mishnah 4:	Deut. 23:19
Keritot	Chapter 1:	Mishnah 2:	Num. 15:29
Keritot	Chapter 2:	Mishnah 5:	Lev. 19:20
Keritot	Chapter 4:	Mishnah 3:	Lev. 4:23
Keritot	Chapter 6:	Mishnah 7:	Lev. 4:28
Keritot	Chapter 6:	Mishnah 9:	Lev. 4:32
Keritot	Chapter 6:	Mishnah 9:	Lev. 12:6
Keritot	Chapter 6:	Mishnah 9:	Lev. 19:3
Tamid	Chapter 3:	Mishnah 7:	Ex. 44:2
Tamid	Chapter 7:	Mishnah 2:	Lev. 9:22
Middot	Chapter 2:	Mishnah 5:	Ex. 46:21-22
Middot	Chapter 3:	Mishnah 1:	Ex. 43:16
Middot	Chapter 3:	Mishnah 8:	Zech. 6:14
Middot	Chapter 4:	Mishnah 1:	Ex. 41:23
Middot	Chapter 4:	Mishnah 1:	Ex. 41:24
Middot	Chapter 4:	Mishnah 2:	Ex. 44:2
Middot	Chapter 4:	Mishnah 4:	1 Kings 6:6
Middot	Chapter 4:	Mishnah 7:	Isa. 29:1
Qinnim	Chapter 3:	Mishnah 6:	Job 12:20

Qatanin	Chapter 3:	Mishnah 6:	Job 12:12
<b>TOHAROT</b>			
Negaim	Chapter 2:	Mishnah 3:	Lev. 13:12
Negaim	Chapter 9:	Mishnah 2:	Lev. 13:23
Negaim	Chapter 10:	Mishnah 10:	Lev. 13:32
Negaim	Chapter 12:	Mishnah 5:	Lev. 14:35
Negaim	Chapter 12:	Mishnah 5:	Lev. 14:36
Negaim	Chapter 12:	Mishnah 6:	Lev. 14:38
Negaim	Chapter 12:	Mishnah 6:	Lev. 14:40
Negaim	Chapter 12:	Mishnah 6:	Lev. 14:40
Negaim	Chapter 12:	Mishnah 6:	Lev. 14:40
Negaim	Chapter 12:	Mishnah 7:	Lev. 14:45
Negaim	Chapter 14:	Mishnah 2:	Lev. 14:53
Negaim	Chapter 14:	Mishnah 10:	Lev. 14:28
Parah	Chapter 1:	Mishnah 2:	Num. 8:8
Parah	Chapter 2:	Mishnah 3:	Deut. 23:19
Parah	Chapter 3:	Mishnah 7:	Num. 19:3
Parah	Chapter 8:	Mishnah 8:	Gen. 1:10
Miqvaot	Chapter 5:	Mishnah 4:	Gen. 1:10
Miqvaot	Chapter 9:	Mishnah 2:	Ps. 40:3
Niddah	Chapter 5:	Mishnah 1:	Lev. 15:19
Niddah	Chapter 8:	Mishnah 3:	Lev. 15:19
Makhsheirin	Chapter 1:	Mishnah 3:	Lev. 11:38
Zabim	Chapter 2:	Mishnah 3:	Ex. 21:21
Yedayim	Chapter 4:	Mishnah 3:	Mal. 3:8
Yedayim	Chapter 4:	Mishnah 3:	Ps. 25:14
Yedayim	Chapter 4:	Mishnah 4:	Deut. 23:4
Yedayim	Chapter 4:	Mishnah 4:	Isa. 10:13
Yedayim	Chapter 4:	Mishnah 4:	Jer. 49:6
Yedayim	Chapter 4:	Mishnah 4:	Amos 9:14
Yedayim	Chapter 4:	Mishnah 8:	Ex. 5:2
Yedayim	Chapter 4:	Mishnah 8:	Ex. 9:27
Uqcin	Chapter 3:	Mishnah 12:	Prov. 8:21
Uqcin	Chapter 3:	Mishnah 12:	Ps. 29:11

## Appendix B

### Looking to the Future of Mishnah Study

The works of Neusner, Aicher, Rosenblatt, Pettit and even our own, suffer from one common flaw; they make little use of the Mishnah manuscripts. As Epstein pointed out many years ago, creating a critical edition of the Mishnah is difficult. As of yet, few volumes have appeared.<sup>1</sup> In order to analyze the Mishnah properly, a critical edition is an absolute necessity. The work of comparing each passage (or in our case each Bible citation) is long and arduous, but is important.

Outlined below is the use of Scripture citation in Tractates Rosh Hashanah, Sotah, and Sanhedrin, as they appear in Albeck's *Shishah Sidrei Mishnah*. We have compared all the citations to the Kaufmann Manuscript, a Parma Manuscript, the Paris Manuscript, and various Mishnah fragments from the Cairo Genizah.<sup>2</sup>

Together the tractates contain 129 biblical citations; approximately one quarter of all the citations in the contemporary printed edition of the Mishnah. Of these 129 citations, the usage of sixteen verses is questionable in light of manuscript evidence. The five citations in Rosh Hashanah can all be confirmed by the manuscripts, the problems arise in Sotah and Sanhedrin.

- 1) In Albeck's Sotah 1:8, Judges 16:21 is cited. It does not appear in either the Kaufmann or Parma manuscripts, but does appear in Paris 328-329.

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<sup>1</sup> Critical editions of Mishnah Order Zeraim have appeared, see Sacks, N., *The Mishnah with Variant Readings Collected from Manuscripts, etc.: Order Zeraim I-II* (Jerusalem: Hotsaat Makhon ha-Talmud ha-Yisraeli ha-Shalem, 1972); Charles Taylor's *The Sayings of the Jewish Fathers*, (reprint, Jerusalem: Makor, 1970). Critical Mishnah texts have also appeared in editions of various Talmud tractates. See, for example, the work of M. Herschler, *Masekhet Nedarim: Im Shinuei Nuskhaot mi-toch Kitvei ha-Yad shel ha-Talmud* (Jerusalem: Hotsaat Makhon ha-Talmud ha-Yisraeli ha-Shalem, 1985); *Masekhet Ketubot: Im Shinuei Nuskhaot mi-toch Kitvei ha-Yad shel ha-Talmud* (Jerusalem: Hotsaat Makhon ha-Talmud ha-Yisraeli ha-Shalem, 1972). See also the work of A. Lis, *Masekhet Sotah: Im Shinuei Nuskhaot mi-toch Kitvei ha-Yad shel ha-Talmud* (Jerusalem: Hotsaat Makhon ha-Talmud ha-Yisraeli ha-Shalem, 1977); *Masekhet Yebamot: Im Shinuei Nuskhaot mi-toch Kitvei ha-Yad shel ha-Talmud* (Jerusalem: Hotsaat Makhon ha-Talmud ha-Yisraeli ha-Shalem, 1983).

<sup>2</sup> These manuscripts have been reproduced; MS Kaufmann A 50 by G. Beer, *Faksimile-Ausgabe des Mischnacodex Kaufmann* (Jerusalem, 1968); MS Parma De Rossi 138 as *Mishna Codex Parma (De Rossi 138): An Early Vowelized Manuscript of the Complete Mishna Text* (Jerusalem: Kedem Publishing, 1970); MS Paris 328-329 by M. Bar-Asher, *Mishna-Codex Paris 328-329* (Jerusalem: Makor Publishing Ltd., 1973). Fragments of Medieval Mishnah manuscripts from the Cairo Genizah have been reproduced in two volumes; A. Katsch, *Ginze Mishna* (Jerusalem: Mossad ha-Rav Kook, 1970); I. Yeivin, *A Collection of Mishnaic Genizah Fragments with Babylonian Vocalization* (Jerusalem: Makor Publishing Ltd., 1974).

- 2) According to the Koren Bible, 2 Samuel 18:15 should read as follows, כל יסב עשרה אנשים נשא. This reading is confirmed by both the Paris and Kaufmann manuscripts. Albeck cites the verse differently כל יסב עשרה אנשים נשא. This variant is not confirmed as any more than an error on Albeck's part by either the critical apparatus of the *Biblia Hebraica* or McCarter's *I Samuel*.<sup>3</sup> The Parma Manuscript completely distorts the verse, יסב עשרה נשא כל. This rendering does not appear elsewhere in the Bible, nor can it be confirmed as a legitimate textual variant.
- 3) According to Albeck's rendering, Sotah 1:8 should also include 2 Samuel 15:6. This citation does not appear in any of the three manuscripts.
- 4) Sotah 3:2 includes Numbers 5:26, ואז יסק את האשה את המים. The citation is missing in the Kaufmann Manuscript, is confirmed by the Parma manuscript, and is mis-cited in the Paris Codex as ואז יסק את האשה את המים. It would seem that this rendering is merely a scribal error rather in a variant reading for the Bible text.
- 5) In Sotah 7:5 MS Paris records Joshua 8:33, וכל ישראל חקצו ושמעו עמרים. It preserves the citation as found in the Koren Bible. Albeck, Kaufmann, and Parma record Joshua 8:33 as follows, וכל ישראל חקצו ושמעו עמרים. This parallels a textual variant recorded in the *Biblia Hebraica*.<sup>4</sup>
- 6) Sotah 7:6 in all the manuscripts and in Albeck cites Leviticus 9:22, וישא אהרן את אל העם. The Paris Manuscript records the verse omitting אל העם. This variation does not appear in the critical apparatus of the *Biblia Hebraica* and seems either to be an error on the part of the scribe or a deliberate omission designed to save space. The latter possibility seems more likely, as the various scribes who created these manuscripts often used shorthand and other methods

<sup>3</sup> In addition to the *Biblia Hebraica* various volumes of the *Anchor Bible* have also been checked for the acknowledgment of variations in the Bible text. Y. S. Norzi's *מנחת יצחק* was also checked for the variant readings that it records. None of the variants found in our manuscripts are presented by Norzi. When variant readings can be confirmed by sources other than the Mishnah manuscripts they are indicated below, otherwise these sources were checked, but, provided no evidence.

<sup>4</sup> R. Kittel, *Biblia Hebraica: Numbers 5:26*, p. 534.

so as not to write out entire citations and preserve the justification of the columns of text.<sup>5</sup>

- 7) Sotah 8:1 contains a citation of 2 Chronicles 28:15, וְקָמוּ הָאֲנָשִׁים אֲשֶׁר נָקְבוּ בְשֵׁמֹת וְכָל מעמיזתם חליש פן השלל וילבשו וינעלו ויאכלו וישקו ויסבסו וינחלו בתמרים לכל כשל ויביאו וכל Mishnah Codex Paris excludes the underlined above and records וְקָמוּ הָאֲנָשִׁים instead of וְקָמוּ הָאֲנָשִׁים. Neither of these differences is supported by the *Biblia Hebraica* nor the Anchor Bible Commentaries.
- 8) Sotah 8:1 records Deuteronomy 20:3, וְאָמַר אֱלֹהִים שְׁמַע יִשְׂרָאֵל אִתְּם קָרִיבִים חַיִּים לְמַלְחָמָה ואמר אלהים שמע ישראל אתם קרבים חיים למלחמה ואל תהיו מפניו. It is confirmed in both the Parma and Kaufmann manuscripts. The Paris Codex provides a variation on the citation, excluding, ואל תהיו.
- 9) According to Albeck, Kaufmann and Parma, Sotah 8:6 includes 1 Samuel 31:1, וַיָּמָוּ אִישׁ אֶת אִשׁוֹ... As opposed to וַיָּמָוּ אִישׁ, the Paris Manuscript has וַיָּמָוּ אִישׁ. This variation appears in 1 Chronicles 10:1. In fact, the two passages are identical except for this variation. It is likely that rather than a scribal error, two traditions as to which verse was to be cited here existed and the manuscripts preserve them both.<sup>6</sup>
- 10) Sotah 9:15 is difficult to categorize. It is included here because in both the Paris and Parma Manuscript the citation from Micah 9:16 does not appear. However, it does not appear because the entire latter half of the Mishnah passage is missing. The end of the passage and the citation do appear in the Kaufmann manuscript and in Fragment #37 in *Ginze Mishna*. According to Danby, the latter half of the chapter "...does not belong to the Mishnah. Neither Maim[onides] nor Bert[inoro] includes it in his commentary. It is included in Mishnahs [sic] prefixed to the two Talmuds, though certain editions omit the final paragraph."<sup>7</sup> Whether the second half of the passage is or is not to be

<sup>5</sup> See, for example, Leviticus 23:4 as recorded in Rosh Hashanah 2:9 of the Parma Manuscript.

<sup>6</sup> For discussion of the relationship between 1 Samuel 31 and 1 Chronicles 10 see, S. Driver, *Notes on the Hebrew Text of the Books of Samuel* (London: Oxford University Press, 1913) pp. 227-231; P. McCarter, Jr., *1 Samuel* (New York: Anchor Doubleday, 1980) pp. 440-444.

<sup>7</sup> H. Danby, *The Mishnah*, p. 306.



included in the Mishnah is not of interest here. It is important to note that, if it is not a part of the Mishnah, one less citation is to be included in our statistics, and one of only two citations from Micah at that.

- 11) Sanhedrin 6:2 includes the citation (Joshua 7:20), **וַיֵּץ עַם אֶת יְהוֹשֻׁעַ וְאָמַר אֲמֵנָה אַנְכִי**. With the exception of the Paris Manuscript, the other Mishnah texts cite the verse as above. The Paris manuscript abbreviates it by removing the middle of the verse so that it reads, **וַיֵּץ עַם אֶת יְהוֹשֻׁעַ וְאָמַר אֲמֵנָה אַנְכִי חֲסֹאֲתִי כֹזֵאת וְכֹזֵאת עֲשִׂיתִי**. While this may suggest a textual variation in that the text remains comprehensible, there is no evidence from other Bible texts to suggest that this is a true variant reading. It is more likely an error on the part of the scribe.
- 12) According to Albeck, Sanhedrin 10:1 should include a citation from Isaiah 60:21; it does not appear in any of the manuscripts.
- 13) Sanhedrin 10:3, in Albeck's rendering, includes Genesis 11:8, 13:13 and Numbers 14:37. These citations do not appear in any of the manuscripts.
- 14) According to Albeck and MS Parma, Deuteronomy 17:13, **וְכָל הָעָם יִשְׁמְעוּ וִידְאוּ**, appears in Sanhedrin 11:4. Both the Kaufmann and Paris manuscripts cite Deuteronomy 13:12, **וְכָל יִשְׂרָאֵל יִשְׁמְעוּ וִידְאוּ**.

One more set of differences should be noted. The scribes often mixed the use of *yuds* and *vavs*. That is to say, that the scribes often cited Bible verses with words that were written *haser* as *maleh* and vice-versa. For example, Sotah 7:5 cites Joshua 8:33. According to the Koren Bible, the verse reads as follows, **וְכָל יִשְׂרָאֵל חָקְצוּ וְחִטְּרוּ וְשִׁפְּטוּ עֲמֹרִים מִזֶּה**. In Albeck and MS Kaufmann the words read, **וְחִטְּרוּ, וְשִׁפְּטוּ, עֲמֹרִים**. Differences of this sort appear throughout the manuscripts, and while they do not change the meaning of the words, recognized as textual variants these differences raise the issue of the integrity of the transmission of the Bible text.

To conclude, differences appear in approximately thirteen percent of the citations. In the case of our research, even if the thirteen percent of the total citations were removed, thus leaving approximately five hundred citations in the Mishnah, there is not a significant

change in distribution; approximately one citation would still appear in every two pages of Mishnah text.

However, if the scholarly community is ever going to truly understand the world view presented by the Mishnah, and how it was perceived by the people who wrote and compiled it, a full study of the manuscripts needs to be done and a critical edition must be completed. Further, as research continues along the lines established here, the question of whether biblical citation was a part of the “original Mishnah” will have to be explored. It would seem, that for now, most of the citations were original, but the entire Mishnah, as we have received it, needs to be examined.

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