

INTRODUCTION TO THE SYMPOSIUM: WHAT IS (THE) MISHNAH?

by

Steven D. Fraade

The following four papers originated in a special session of the History and Literature of Early Rabbinic Judaism Section at the annual meeting of the Society of Biblical Literature, November 19, 2006, in Washington, D.C. The panelists were asked to review and constructively critique one another's recent works on the Mishnah, with an eye toward setting each within the larger corpus of recent scholarship on the Mishnah and its broader literary and historical context while addressing how each contributes to the larger question, what is (the) Mishnah?¹

The question is adapted from B. Kiddushin 49a, where it appears, without the definite article, in a *baraita*, referring not to a particular textual compilation (e.g., *the* Mishnah of R. Judah the Patriarch) but more broadly to *mishnah* as a form of oral teaching and learning. Two tannaitic responses are therein preserved, with no resolution between them: "R. Meir says halakhot; R. Judah says *midrash*." At issue is the question of a man who proclaims to his intended wife, "Be betrothed to me on the condition that I am learned (*shoneh*)." What constitutes minimally sufficient learning, within the rabbinic curriculum of oral studies, to fulfill the terms of his condition for betrothal—the mastery of laws alone (what becomes the Mishnah) or of their exegetical derivations (what becomes the legal *midrashim*)?²

We appropriated this question for two reasons: first, to suggest that the question of defining both *mishnah* (as discourse) and *the Mishnah* (as document) is as old as rabbinic literature itself, and second, to suggest that there continues to be, notwithstanding tremendous advances in mishnaic scholarship, a lack of consensus as to what exactly is the Mishnah (both as document and as discourse). Stated differently, what is the Mishnah's *purpose*? Is it, as is variously argued by major scholars of rabbinic literature, an authoritative law code, a collection of received

1. A similar session comprising three papers was held at the annual meeting of the Association for Jewish Studies, December 16, 2006, in San Diego, California. The papers at that session were presented by Beth A. Berkowitz, Chaya Halberstam, and Judith Hauptman, once again reviewing one another's recent work on the Mishnah. Their works are referred to in the following papers, and it is hoped that their papers will be published separately.

2. Although later talmudic commentators and legal codes presume these terms here to refer to specific corpora of either the Mishnah or the tannaitic *midrashim*, it is highly unlikely that this is what the talmudic text has in mind.

Steven D. Fraade

legal sources, or a legal teaching manual? This question has important implications for how the Mishnah should be understood and employed for the study of Jewish history and the history of Judaism, both rabbinic and prerabbinic, all of which would be largely impossible without recourse to the Mishnah.³ Needless to say, the question continues to be an important one that demands continually to be re-asked, as it is by each of the following papers, each in its own way.

What, then, differentiates the work of the scholars who follow from their predecessors? In each case, but in different ways, they are seeking to answer the timeless question, what is (the) Mishnah? through a combination of close study of the mishnaic text (or parts thereof) by means of the sharpest philological and text-critical tools, with study of the same mishnaic text through the lenses of contemporary academic disciplines, mainly of literary and cultural studies, all the while cognizant of the risks involved in such a fusion, as those academic disciplines have been forged on entirely different literatures and cultures.

Another characteristic of the work of these scholars is that they seek to understand the Mishnah as a text in its own right and in its own time and cultural context, without subsuming it within the broader corpora of rabbinic literature, or simply viewing it retrospectively through the eyes of its own later “readers,” while still appreciating that the Mishnah cannot be understood only “in its own terms,” that is, apart from the thicker intertextual web of rabbinic discourse of which it is a central component. An important part of their approach to the Mishnah in its own right is to ask not simply, what is (the) Mishnah? (what information does it contain?), but also, what does it *do*? How does it rhetorically or pedagogically engage its auditors in performing its textual and cultural work? How does it do so in tandem with, yet in distinction from, other forms of early rabbinic discourse? Alternatively, we could have titled this symposium “Why Mishnah?” Why did it come into being when and where it did, and why does it continue to attract the attention of so many gifted scholars of rabbinic literature, Judaism, and Jewish history?

As already noted, the following papers and the works that they review focus on different parts of the Mishnah rather than systematically on the Mishnah as a whole. In some cases, they focus on parts of the Mishnah that legislate or narrate practices, or presume institutions, no longer functioning in the aftermath of the destruction of the Second Temple in 70 CE and the failed Bar Kokhba revolt of 135 CE, whereas in others they examine rules applicable to contemporary practice in the century thereafter, but often lacking in clear-cut directives. These differences will give rise to such questions as, what is the relation, in each case, between memory and imagination, or between prescription and practice, or between law and narrative?

3. For recent (inconclusive) surveys of the possibilities, see H. L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash*, trans. Markus Bockmuehl, 2nd rev. printing (Minneapolis: Fortress Press, 1996), 135–38; Yaakov Elman, “Order, Sequence, and Selection: The Mishnah’s Anthological Choices,” in *The Anthology in Jewish Literature*, ed. David Stern (New York: Oxford University Press, 2004), 53–80, esp. 65–70; and Moshe Simon-Shoshan, “Halachah Lema’aseh: Narrative and Legal Discourse in the Mishnah” (PhD diss., University of Pennsylvania, 2005), 82–99.

Introduction to the Symposium

While I have, so far, emphasized what these scholars share in common, readers will soon see how their approaches diverge from one another, that is, the rich diversity of approaches that the fusion of ancient text with modern disciplines has produced. Is this simply a function of the different kinds of mishnaic texts upon which they lavish their attention, and if so, is it possible to find one model that fits the Mishnah *as a whole*? Does the whole of *their* varied approaches to various parts of the Mishnah add up to something larger than the sum of its parts? Those are questions best left unanswered for now.

In organizing this symposium in its original oral format, our own purpose was to engage a group of scholars in critically constructive dialogue with one another's work, in part to encourage them to be more self-reflective on their own, in part to bring that work and dialogue to a wider audience. We hope that in translating the symposium from an oral to a written register, both purposes will be further extended and fulfilled.

Steven D. Fraade
Yale University
New Haven, Connecticut