THE FORMS AND FUNCTIONS

OF LISTS IN THE MISHNAH

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ABSTRACT OF THESIS submitted by Roy Shasha **for the Degree of** Doctor of Philosophy **and entitled:** The Form and Function of Lists in the Mishnah. **Month and Year of Submission: April 2006**

This study investigates from a synchronic standpoint the forms and functions of lists in the Mishnah, one of the most important legal works of Rabbinic Judaism, redacted in the third century C.E.

The analysis is based on a comprehensive collection of lists in the Mishnah partly represented as Appendices to this thesis. Salient common features of Mishnaic lists are noted. Within the passages that a modern reader would call a list, two major types can be discerned. One type has a distinct and detached heading which is called a caption, and the second type does not. Further analysis of the type with a caption shows that these lists exhibit an effective doubling of the individual items. This doubling can be made explicit by use of a linguistic pro-form in the caption such as a number of the individual members of the list (e.g. "*Three* things…") and/or a deixis (e.g. "*These* are the things…"). There are about 300 cases of lists with such an emphatic redoubling of the list items, approximately equally divided between captions containing a deixis and captions containing a numerical component, although some contain both. These 300 cases provide the bulk of the material discussed in the thesis. The set of lists with captions can be further divided into passages containing only one list, and passages containing more than one list (usually two) variously juxtaposed or combined. The phenomenon of placing in close proximity two or more separate yet thematically related lists is also examined. The type of Biblical lists that have been called graded numerical dicta are compared with apparently similar Mishnaic lists, with a view to discerning Biblical influence in the formulation of the Mishnah text. However, there is no clear evidence of such influence.

The lists of the Mishnah perform several functions in the text. A statistically significant number of the tractates and subsequent chapters commence with lists. The linkage between the list and the material that comes before it and after it is examined. Considerable variation in the strength of the connection between the lists and the surrounding material was found. The role of the list in text organisation is examined and found to be significant for some lists. Lists are also shown to possess internal literary coherence as well as contributing to the coherence of parts of the same tractate and at times between tractates.

Lists are used in the Mishnah to compare and contrast different entities implicitly or explicitly in a variety of ways. The list caption may distinguish two or more groups of list items, or two or more lists are placed next to each other whose captions contain similar wordings. A further implicit method of comparing is to list diverse items as members of a common set. The numerical element in the caption can occasionally be clearly shown to act as a filter that removes data to create relationships between objects or events that would otherwise be unconnected.

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Acknowledgements

Dedication

To Ruth, David, Adam, Daniel and Michelle.

Abbreviations

Abbreviations for frequently used terms
ANE   Ancient Near East
B.T.   Babylonian Talmud
PAU   Protasis-Apodasis Unit

Abbreviations for tractate names
A.Z.   Avodah Zarah
B.B.   Bava Batra
Bek   Bekhorot
Ber   Berakhot
B.M.   Bava Metsi'a
B.Q.   Bava Qamma
Ed   Eduyyot
Git   Gittin
Ket   Ketubbot
Mak   Makkot
Miq   Miqwa'ot
Naz   Nazir
Pes   Pesahim
Qid   Qiddushin
R.H.   Rosh Hashanah
San   Sanhedrin
Shab   Shabbat
Sheq   Sheqalim
Yeb   Yevamot
Zeb   Zevahim

Introduction: The theme of this study

Introduction

The idea for this study of Mishnaic lists grew out of my M.A. dissertation which investigated the form and function of definitions and specifications in the Mishnah, the third century C.E. legal work of rabbinic Judaism. I had noticed that many tractates of the Mishnah commenced with lists, a number that was far greater than the total proportion of lists in the text that I could discern at a brief glance. I found, during the course of this study, that a number of other scholars had previously made similar observations. I was fascinated by this phenomenon and wanted to investigate it in depth. I was also curious as to how lists interacted with the surrounding text, as well as with other similar and possibly related texts, in different tractates. I had noticed that some lists were repeated in an identical or almost identical way in different places and this, too, interested me. Many of the early rabbinic texts are of uncertain date and even their relative chronology is the subject of considerable dispute, and I wanted to know if a study of the lists in the Mishnah could inform this debate.

I soon discovered that the scope of these and other questions was very great, and eventually some of them had to be put to one side as they could not all be dealt with in this thesis. I decided to concentrate on the question of the different forms that a list can assume and what the lists contribute to the Mishnah not only in their specific locations, but also in how they relate to the rest of the Mishnah text. This work will, I hope, provide the basis for myself and others to pursue this area of research more fully, particularly the diachronic issues raised that could only be given a cursory treatment here.

In looking at the relationship of the list to the surrounding text, it became clear that some of the lists themselves were formed in different ways. I began to distinguish various types of lists, and I describe these in this thesis. Lists also appeared to have very different functions in the text. Some lists apparently set out an agenda of issues that were subsequently picked up and developed further on in the text, whereas others seemed to be self-contained. Also, some lists were constituent members of a larger textual unit that sometimes contained other lists. A wide diversity in the strength of the relationship with the surrounding text was also observed. These issues form the main areas of research in the present work.

The task of investigating the forms and functions of the Mishnaic list will be accomplished in several stages, each one corresponding to a chapter of this work. This introduction will provide a brief survey of the nature of the Mishnah and a summary of some of the research that has been carried out on this text to date. The phenomenon of lists in the Mishnah will be placed not only in the context of Biblical and early rabbinic literature, but also in the context of the works of other authors of the Ancient Near East (henceforth abbreviated to ANE). This survey encompasses writers up to the time of the redaction of the Mishnah, and includes early Christian and Hellenistic authors. In the first Chapter, I try to identify the formal features of what I am going to call a Mishnaic list for the purpose of this study. The second Chapter identifies the obligatory and non-obligatory components of what I define as lists in the Mishnah. In Chapter 3, I investigate how these parts are assembled into different list configurations, while I describe configurations of special interest in Chapter 4. The fifth Chapter investigates how the lists interact with other text in the Mishnah. I summarise my

main findings in the Conclusion. In the Epilogue I suggest areas of diachronic research that have been opened up by this synchronic study. Finally, there are some tables and appendices. The first appendix contains some unanswered questions that the thesis raises, but that are outside the scope of this present study. The second appendix is a brief comparison of lists in the Mishnah and the Tosefta. There follows a set of tables that provide the supporting data for this study, and references to specific textual features dealt with in the main body of the thesis. The first table highlights lists found in the opening of the first three chapters of the Mishnah, as well as those found on the opening passages of the Tosefta. Lists found in the opening *mishnah* of each tractate are compared with the corresponding passages of the Tosefta, thus highlighting the unusually large number of tractates in the Mishnah that commence with lists. In Table 2, I collate the lists in the Mishnah that contain the possibly ambiguous term "things" in their heading. Table 3 collates all the examples of a specific form of list that has been called the "graded numerical dictum". Table 4 is a collation of all the cases where there are pairs of lists in the Mishnah which are intimately related. The final two tables contain the occurrences of lists with numerical or deictic components in their headings.

1. The text of the Mishnah and its history

1.a. The text of the Mishnah

Mishnah is the name given to a legal text which many scholars believe was redacted around 200 C.E. by R. Judah the Prince. The subjects covered in the text span almost the whole spectrum of Jewish Law (*halakhah*). Before making any remarks concerning the lists in the Mishnah, the structure and origins of the work will be briefly discussed.

The Mishnah is divided into six sections, which are called "Orders". These Orders have names that denote their general subject areas, the titles of which are, "Seeds", "Appointed Times", "Women", "Damages", "Holy Things" and "Purities". These Orders are sub-divided into tractates of which there are 63. The number of tractates per Order ranges from seven in the Order of "Women", to twelve in the Order of "Purities". These tractates deal with sub-topics of the Orders. The Order of "Appointed Times", for example, includes a tractate entitled Yoma, which deals with Yom Kippur (the Day of Atonement), and a tractate called Pesahim which deals with the festival of Passover. Each tractate is further split into chapters (*pereq*, plural *peraqim*) and each chapter contains individual text units, each one being called a *mishnah* (plural *mishnayyot*). The individual units often contain the equivalent of two or three sentences in English and sometimes more. The *mishnayyot* have at some stage been numbered, and are the smallest units of reference for the Mishnah text. Of this sub-division of the document into individual units, Stemberger writes, "The sub-division of chapters into *halakhot* or *mishnayyoth* is in any case old and presupposed by the Talmuds".[1] There is broad agreement between many manuscripts and printed texts as to the sub-divisions of the text. For the purpose of this thesis we will assume that the divisions of *mishnayyot*, chapters and tractates as found in MS Kaufmann, represents a faithful reproduction of the original text and its sub-divisions.

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[1] See G. Stemberger, *Introduction* p. 121.

Over the course of the Mishnah's transmission, variant readings developed, which are found in manuscripts and printed editions. The oldest fragments of the Mishnah, some of which are vocalised, were found in the Cairo Genizah and date from the seventh or eighth centuries and the largest collection of these is in the Cambridge University Library.[2] However, numerous fragments are found in different libraries around the world. A smaller number are located in the Rylands Library in Manchester, which came from the collection of Dr. M. Gaster, and these are currently in the process of being catalogued.[3] A project is in hand to digitalise all the known Genizah fragments worldwide and make them available on the Web. This project may be of great service to future scholars of the Mishnah.

Stemberger observes that the text of the Mishnah assumed in the Babylonian and Palestinian Talmuds is not the same, and cites two examples, Ber 1:1 and Shab 2:6 in support of this contention.[4] In the relevant places in the Palestinian Talmud, the Gemara assumes a Mishnah text different from the one actually printed alongside. Stemberger suggests that this state of affairs came about because some early Talmud manuscripts did not contain any Mishnah text. The inclusion of a Mishnah text in the Palestinian Talmud only commenced with the printed editions of the text. Stemberger's observations would suggest that the issue of textual variants emerged fairly early in the transmission of the document. Different textual traditions also exist concerning divisions in the text into smaller textual units or *mishnayyot*.

The oldest complete manuscript of the Mishnah (except for one missing page) is probably MS Kaufmann, which is in the Library of the Hungarian Academy of Sciences.[5] It is currently thought to have been completed at the beginning of the thirteenth century.[6] In this study, the text of MS Kaufmann been used consistently.

References made to textual divisions will always follow MS Kaufmann. However, where the divisions differ to those in the printed editions, both references will be given. We can mention here M. Bar Asher's comments on the writings of Kutscher.[7]

> According to Kutscher, MS Kaufmann was the most reliable manuscript of the language of the Tannaim in general, and the language of the Mishna in particular.

Several critical editions of the Mishnah text are available today. An, as yet, incomplete edition known as the Giessen series, contains an eclectic text based on different manuscript readings.[8] In this edition the variants are noted in a critical apparatus. Another scholarly edition of the text has been completed by Chanokh Albeck and Chanokh Yallon..[9] Albeck contributed the notes and the introductory chapters. The text is an eclectic text, edited and vowelled by Yallon, who also prepared an introduction explaining his method. Bar Ilan University has produced a version of the Mishnah, together with other Biblical and rabbinic

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[2] *Op. cit.*, p. 141.
[3] At the time of writing, this cataloguing is still in process and it is not yet clear if any fragments are of the Mishnah text. Once the classification is completed, the importance of the Mishnah fragments can be assessed.
[4] *Introduction*, pp. 175-6.
[5] Beer, *Faksimile-Ausgabe*.
[6] Stemberger, *op. cit.*, p. 141.
[7] "Different Traditions of Mishnaic Hebrew". See in particular p. 2.
[8] *Die Mischna*.
[9] ששה סדרי משנה, 6 vols., with an introduction and notes by Ch. Albeck. Text edited and vowelled by Ch. Yallon.

texts, on a CD-ROM.[10] The source of the Mishnah text used is stated to be an edition with 73 commentaries but the precise details are not given, and neither are variant readings recorded.[11] There are also facsimile reproductions of original manuscripts, including MS Kaufmann mentioned above.

Other, more popular, texts of the Mishnah recently published, include the edition by P. Kehati[12] and the ArtScroll[13] edition. The Kehati edition contains copious background notes and explanations, but only rarely cites variant readings. It was written in Hebrew, and has recently been translated into English.[14] The ArtScroll edition, which has not as yet been completed, has an English translation and has considerably longer notes than the Kehati edition. It too very rarely records the existence of variant readings, and in common with the Kehati edition, the sources of the variant readings are not normally mentioned. Both these commentaries rely almost exclusively on the Talmud and classical rabbinical commentaries for the material in the notes. In this thesis the translations given are based on the translations of Danby and Blackman, but these have been modified occasionally to clarify the meaning.

1.b.   The meaning of the word mishnah

Several possible meanings have been advanced for the word *mishnah*. Stemberger notes that the Hebrew verb שנה, meaning *to repeat*, in this case means *to learn* or *teach*, namely the Oral Law by repeated recitation.[15] This stands in contrast to the verb קרא meaning *to recite* from the Bible. He adduces support for his translation from Tannaitic and Amoraic sources. Stemberger only cites one reference from the Mishnah, Avot 3:9, to buttress his suggestion. It may be added that the Mishnah itself uses the phrase משנה ראשונה in five places to denote an earlier, as opposed to a later formulation of a law.[16]

The *Arukh*, a Talmudic dictionary by Nathan ben Yechiel of Rome (1031-1106), derives the meaning from the word שני meaning two, and suggests that the word Mishnah means "second" in relation to the Pentateuch.[17]

M. Jastrow records two meanings of the word Mishnah.[18] The first is that of repetition, which we have already noted, as also favoured by Stemberger. He also cites the meaning of copy/duplication. To illustrate the translation of Mishnah as *repetition*, Jastrow cites Genesis Rabbah section 3 where the book of Deuteronomy is called משנה תורה, the book of the "Repetition of the Law". He also cites a number of sources, including the Sifre on Deuteronomy section 161, to support the meaning of copy/duplication.[19]

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[10] *The Responsa Project*. Version 7, CD-ROM.

[11] The text used is the Vilna edition printed at the Romm press 1929-32 in 12 volumes. This was established in an e-mail exchange with the publishers. The publishers have since undertaken to include this information on the next version of the disc.

[12] משניות מבוארות בידי פינחס קהתי.

[13] *ArtScroll Mishnah Series*.

[14] ששה סידרי משנה, 21 vols., Hebrew text and the notes of P. Kehati.

[15]*Introduction*., p. 109.

[16] Ket 5:3, Naz 6:1, Git 5:6, San 3:4, and Ed 7:2. The precise significance of this term is discussed by D. Hoffman in *The First Mishnah*.

[17]Part 2, p. 46b.

[18] *A Dictionary of the Targumim*, p. 857.

[19] Jastrow does not cite the edition used. However, his reference tallies with Finkelstein ed. published on the Bar Ilan CD.

This debate as to the meaning of the word does not directly inform our investigation of lists in the Mishnah. However it does suggest that rabbinic statements, of which lists form a part, were part of a strongly oral tradition of didactic material. It may be that orality had an influence on the form of the lists in that the numerical component(s) in the introductory part of Mishnaic lists, may have provided an aid to memorisation.

1.c.   The history of the rabbinic oral legal tradition until the redaction of the Mishnah

There is little definite evidence concerning the origins of the Mishnah and its purpose. To some extent the suggestions made are related to the perspectives of the researchers concerned. It may be convenient to distinguish initially between what might be called the traditional Jewish approach and the approach that evolved in the nineteenth century from scholars of the *Wissenschaft des Judentums*. It would be wrong to believe that different scholars within each camp held identical views on all aspects of these topics, but one can make broad generalisations. Traditional Jewish scholars believe in a divine revelation on Mount Sinai, where almost the entirety of the Pentateuch was given to Moses. The text of the Pentateuch that we have today contains certain apparent contradictions and oddities of wording. The traditional camp explains these by suggesting that at Sinai along with the giving of the written laws (the Pentateuch), an oral tradition (the Oral Law) was given, which was intended to make the written law comprehensible. The Oral Law is identified in substance and partly also in form, with the text now known as the Mishnah. Inconsistencies in the text and oddities of wording served as memory aids to particular interpretations of the text. The *Wissenschaft des Judentums* scholars do not necessarily believe in a divine revelation and suggests that there was an evolution of both written and oral texts. They explain the Biblical contradictions and textual oddities as being the result of the work of an editor or editors collating pre-existing texts from disparate sources. However, both groups do agree that orality was a major feature of transmission of the Mishnah over a period of time.

What may be called a typical, traditional rabbinic view of the Mishnah text is the description given in the *Epistle of Sherira Gaon*.[20] In response to an enquiry by the congregation of Kairouan, Sherira Gaon set down his understanding of the history of the text. Sherira Gaon suggests an unbroken tradition of transmission of a written text and an oral tradition from Sinai to explain it, though not in the format of the Mishnah, from Moses via a chain of Sages to R. Aqiba, and thence to his pupil R. Meir. Before the time of R. Judah the Prince, the material of the Mishnah existed in a semi-ordered state but without standardisation of wording and Sherira Gaon suggests that R. Judah the Prince rigorously checked and then ordered the material for fear of the tradition being lost. However, the traditional rabbinic view is not monolithic on this issue. Sherira's *Epistle* merely formed the platform on which subsequent rabbis and some academics and rabbinic scholars such as David Hoffman, based their work.[21]

The Mishnah is only one of a number of early rabbinic texts. Other works such as the Sifra and the Sifre contain passages, including lists, which are similar or identical to material in the Mishnah. Some of these documents, including the two already mentioned, are organised in the order of parts of the books of the Pentateuch. However, many topics are dealt with in

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[20] B. M. Lewin, אגרת רב שרירא גאון.
[21] *The First Mishnah*.

several diverse locations in the Pentateuch. Hence, one topic in the Bible may be found in more than one rabbinic location. There is some debate as to the relationship of the Mishnah to these texts, and whether a Biblical ordering of material preceded a more strictly thematic ordering or *vice versa*. A number of scholars, such as D. Hoffman and J. Lauterbach[22], have argued that the Mishnah evolved from a desire to have a more strictly thematic ordering than the Sifra and the Sifre. Other scholars such as J. Neusner suggest that the Sifra and the Sifre were redacted after the Mishnah.[23] R. Reichman has argued against Neusner's opinion.[24]

1.d. The purpose of the text

The purpose of the Mishnah is unclear, and this to some extent complicates the study of the text. The text has no introduction or a conclusion that a modern reader would recognise. Nor does it give clear evidence as to its purpose.[25]

One particular feature of the Mishnah is that it frequently reports arguments of the rabbis without signifying which of the conflicting opinions is regarded as normative. These disputes are often analysed in the Gemara. The Gemara also occasionally seeks to limit the rulings of the Mishnah to a situation that is not stated explicitly in the Mishnah. Also the wording of the Mishnah is occasionally unclear and needs information from an outside source such as a passage from the Tosefta to clarify its meaning. J. Hauptman cites several examples of this phenomenon in her article on the relationship between the Mishnah and the Tosefta.[26]

The presence of these textual features has contributed to considerable speculation about the purpose of the Mishnah text. Stemberger[27] summarises the three main views on this question: Albeck suggests that the Mishnah is a collection of opinions of the Sages, Abraham Goldberg sees the Mishnah as a teaching manual, while J. N. Epstein suggests that the Mishnah is a legal canon. Stemberger concludes his summary by suggesting that:[28]

> Given today's knowledge it is no longer possible unequivocally to determine whether M [Mishnah] was originally conceived as a collection or a law code.

We will see from the conclusions drawn at the end of this thesis that what we learn from lists is broadly compatible with all three views.

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[22] "Midrash and Mishnah", in *Rabbinic Essays*, pp. 163-256.
[23] *Uniting the Dual Torah*, p. 176.
[24] *Mischna und Sifra*.
[25] Samely, *Forms of Rabbinic Literature*, in particular Chapter 3.
[26] See "Mishnah as a Response to 'Tosefta'", pp. 13-34.
[27] *Introduction*, pp. 135-38.
[28] *Op. cit.*, p. 138.

1.e. *The history of the study of the Mishnah*

The study of the Mishnah encompasses a vast body of scholarship of many different areas. I will only list and review some of the main areas here, concentrating on the work of academics over the last century.

A small number of modern academics have produced in-depth studies of particular tractates, for example Weis's study of Horayyot,[29] J. Rabbinowitz's study of Megillah,[30] Abraham Goldberg's study of Shabbat[31] and M. Jaffee's study of Ma'aserot.[32] Neusner has authored a translation and written a very extensive commentary on five Orders of the Mishnah.[33]

Many different researchers have also conducted examinations of a wide range of individual aspects of the text, as opposed to whole tractates.

Grammatical studies have been produced by a number of scholars such as M. Segal,[34] E. Y. Kutscher,[35] and M. Z. Kaddari.[36] Much of Kutscher's work on Mishnaic Hebrew was based on MS Kaufmann. M. Bar Asher continued the study of the Hebrew of the Mishnah.[37]

Lexical studies have been undertaken into the precise meanings of the entire vocabulary of the Mishnaic words including foreign loan words. Works such as the *Arukh* of Nathan ben Yechiel of Rome cited previously, and the dictionaries of M. Jastrow[38] and D. Sperber[39] exemplify this area of study.

Studies in the history of the oral law, its transmission and the Sages have been carried out by D. Hoffman,[40] I. Halevi,[41] R. Halpern,[42] J. N. Epstein[43] and E. Urbach.[44] A digest of modern approaches to the evolution of the Mishnah text and its history is found in *The Modern Study of the Mishnah*.[45]

Reference has been made previously to J. Neusner, who has written over 800 books on a wide variety of topics including early rabbinic literature, and numerous articles. Many of these deal primarily with the Mishnah or contain references to it. He is often concerned with diachronic as opposed to synchronic issues, but his vast output spans many of the areas of study listed above. The topic of lists receives only tangential mention by Neusner. However, certain points from his work will be cited where relevant.

The world of scholarship must acknowledge a debt to Neusner for his numerous publications and he has done much to raise the profile of the Mishnah as an important rabbinic

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[29] *Mishnah Horayoth*.
[30] *Mishnah Megillah*.
[31] פרוש למשנה: מסכת שבת.
[32] *Mishnah's Theology of Tithing*.
[33] *The Mishnah : A New Translation*.
His commentary on the Mishnah text in a series *A History of the Mishnaic Law*. A commentary on the Order of Seeds is forthcoming: *The Law of Agriculture*.
[34] *A Grammar*.
[35] *A History*. See in particular pp. 202-4.
[36] *Post–Biblical Hebrew Syntax*.
[37] "Different Traditions of Mishnaic Hebrew".
[38] *A Dictionary of the Targumim*.
[39] *A Dictionary of Greek and Latin Legal Terms*.
[40] *The First Mishnah*.
[41] דורות הראשונים.
[42] אתלס אץ-חיים.
[43] מבוא לנוסח המשנה.
[44] *The Sages*.
[45] *The Modern Study of the Mishnah*.

text. Indeed, his work like that of any scholar, can provide the fuel for debate and discussion. A full appreciation of his contribution is beyond the scope of this present work.

The research of scholars belonging to what has been called the "Frankfurt School in Jewish Studies" also needs to be mentioned, partly because the present work is in the mould of this approach. These scholars are directly or indirectly influenced by the methods pioneered by Arnold Goldberg, and look at text structures synchronically. The work of N. van Uchelen, who was not a direct pupil of Goldberg but was heavily influenced by his writings, typifies such research.[46] Current areas of research include the relationship of the Mishnah to the Tosefta[47] which will be surveyed in the next section, and the relationship of the Mishnah to the Bible.[48] One of the most recent compilations covering many facets of Mishnah study has been edited by Neusner and Avery-Peck.[49]

1.f.   The relationship of the Mishnah to the Tosefta

One particularly interesting facet of the study of the Mishnah is the investigation of its relationship with the Tosefta. Both works are organised in an identical way, being divided into Orders and sub-divided into tractates. However, the chapters of the texts do not always correspond exactly. The Mishnah and Tosefta have some material in common, as well as some material for which there exist no parallel texts. The order of the common material is not always the same in both texts. Scholars have been prompted to discuss which work is older, and to attempt to discern the nature of their relationship. Some scholars, including S. Lieberman, suggest that the Tosefta is a commentary on the Mishnah and therefore came after it.[50] Stemberger gives an account of many others, including J. Neusner, who have followed this line.[51] However, recently scholars such as J. Hauptman have argued that the opposite is true and that the Mishnah is a commentary on the Tosefta.[52] Y. Elman[53] takes an interesting position. He writes:[54]

> … it may be that our linguistic tools are not be refined enough to distinguish the language of the Tosefta from that of the Mishnah in the Babylonian Beraitot. In any case, early or late, the Tosefta was not known as such in Amoraic Baylonia.

A full comparison of the lists in the Tosefta and the Mishnah may add to our understanding of the relationship between the two texts. Some brief observations will be made on this topic in Appendix 1. However, this area requires extensive investigation from a synchronic and diachronic perspective before any meaningful observations can be made.[55]

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[46] *Chagigah*.
[47] Houtman, *Mishnah and Tosefta*.
[48] Samely, *Rabbinic Interpretation of Scripture in the Mishnah*.
[49] *The Mishnah*.
[50] The position of Lieberman as well as the views of some of those who have a similar outlook is succinctly summarised in the opening footnote of J. Hauptman's article, "Mishnah As a Response to 'Tosefta'".
[51] *Introduction*, pp. 152-5.
[52] See "Mishnah As a Response to 'Tosefta'".
[53] *Authority and Tradition*.
[54] P. 281.
[55] These terms are explained in section 4.a of the Introduction.

2. **The list as a record and a communicative device**

2.a. *The evolution of the list phenomenon and its importance*

There is a considerable body of academic literature that investigates sociological, psychological, literary and anthropological aspects of lists, and it is appropriate to give a very brief survey as an introduction to the topic of this thesis in order to appreciate the importance of lists as an often-used literary device in ancient and modern cultures.

Investigation of word lists in modern novels has been carried out by T. Beard[56] and H. Kenner,[57] whose work was concerned mainly on narrative texts. Conclusions reached in this sphere may not be automatically applicable to legal texts such as the Mishnah.

T. McArthur discusses the addition of the aspect "reverence" to works of "reference", considering the phenomenon in relation to the writings of two persons who authored works that could be seen as types of encyclopedia: the *Historia Naturalis* witten by Pliny the Elder (23-79 C.E.), and the *Originum sive Etymologiarium Libri* authored by Saint Isodore of Seville (c. 560-636).[58] He suggests that there already existed a reverence for written texts in general and that this reverence was increased by the fact that these texts came from the scriptoria of venerated monasteries. However, he supplies no evidence of lists, oral or written, attracting a higher degree of reverence than other types of text.

J. Goody has studied lists from an anthropological perspective, suggesting that there are three broad types of list: the retrospective or inventory list that records past events, the shopping list which is a guide for future action, and the lexical list.[59] The lexical list is a series of words with a common denominator that is found in all the members of the lists, for example a list of animals or birds. Goody notes that this type of list has given rise to a particular branch of knowledge known as *Listenwissenschaft* or List-science. The meaning and use of this term will be investigated in the next section of this Introduction. Goody cites by way of example of the *Lissenwissenschaft* genre, the existence of a "… very extensive series of Sumerian tablets [that] provide a kind of inventory of concepts, a proto-dictionary or embryonic encyclopedia". He notes that this type of list was also found in quantity in Ebla.[60] Tablets were discovered there of words arranged according to themes, which included lists of animals, birds, fish and metals. He notes that "… these lists show the ways that information is ordered, formalised and categorised in order that it can be rationalised and retrieved".[61]

The categorisation of lists into three groups by Goody is of limited help in understanding the Mishnah. I will demonstrate below that the lists in the Mishnah form a small minority of the text and occur irregularly. They are sometimes found in pairs, and sometimes at the commencement of a tractate or chapter. However, we will see that these Mishnaic lists often fail to spell out clearly their parameters for including list members. It would thus not be appropriate to

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[56] *Les Bateleurs-Jongleurs.*
[57] *Flaubert, Joyce and Beckett.*
[58] *Worlds of Reference*, pp. 41-6.
[59] *Domestication*, pp. 74-112, and in particular pp. 80-1.
[60] *Interface*, pp. 238-9.
[61] P. 239.

describe Mishnaic lists as an "inventory of concepts, a proto-dictionary or embryonic encyclopedia".

The Mishnah does contain a small number of lists that record past events. These include Yoma 3:10-11, Sheq 5:1 and Qid 4:1. However, for some of these lists, relating to the functioning of the Temple, as for example Sheq 5:1 and Middot 1:1, it is not clear if they were intended only as a record of past events or as a guide in the future in case the Temple was rebuilt, in which case they would fit into the "shopping list" category of Goody.[62]

Whilst it is true that Mishnaic lists contain information that "… is ordered, formalised and categorised in order that it can be rationalised and retrieved" as Goody says, the terms listed are often of a very specific legal nature. Hence, there are lists of plants that are "... exempt from tithes and may be bought from anyone (irrespective of their observance of the Jewish rituals) in the Sabbatical year",[63] or things that "… convey uncleanness by overshadowing".[64] The functions of the Mishnaic list are therefore at best according to the classification of Goody, a hybrid between what he calls inventory lists and shopping lists. It will be seen that lists also perform other important functions, such as an introduction to a tractate or a new topic, and/or assisting in the provision of textual coherence.

The lists that are found in the Mishnah are an integral part of the discourse. They are not made to stand out by any meta-textual device, such as a table, as the text was transmitted orally. There are also no overt markers such as an announcement that there now follows a list, and hence, much of the work of Goody is not directly relevant to this study.

2.b. The context of the list phenomenon

I will now review briefly some of the literature containing lists of the ANE, giving a small number of representative samples. In attempting to survey this vast field, I have found it helpful to group the material into smaller, more manageable units. I start by looking at lists in the ANE until 200 C.E. I exclude from this discussion particular areas that I later treat separately. I then investigate, in slightly greater detail, lists in biblical and rabbinic literature, lists in Christian literature and a separate section of law codes in the ANE. This choice of the categories of the classification of the material may be seen as arbitrary. Not only is there some overlap of these classifications but also there is overlap in the relevant secondary literature as well. It is necessary perhaps to take account of the thoughts of Borges, whose Chinese list is cited below.[65] He appears to suggest that all classification is, to some extent, arbitrary.

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[62] It may be possible to divide the era between the commencement of the Common Era and the final redaction of the Mishnah into three periods: the era of the second Temple (which was destroyed in 70 C.E.), 70-132 C.E., the years after the destruction and before the crushing defeat in the war of 132-135 C.E., during which there may have been some hope of the imminent rebuilding of the Temple, and the period 135-200 C.E., when any hope of an imminent rebuilding of the Temple may have been dampened severely.

[63] Shevi'it 9:1.

[64] Oholot 2:1.

[65] …animals are divided into: (a) belonging to the emperor, (b) embalmed, (c) tame, (d) sucking pigs, (e) sirens, (f) fabulous, (g) stray dogs, (h) included in the present classification, (i) frenzied, (j) innumerable, (k) drawn with a very fine camelhair brush, (l) et cetera, (m) having just broken the water pitcher, (n) that from a long way off look like flies. From "The Analytical Language of John Wilkins", by Jorge Luis Borges translated from the Spanish 'El idioma analítico de John Wilkins'.

2.b.i.   *Listenwissenschaft*

We have seen evidence of the existence and importance of lists in the ANE. At the beginning of section 2 we noted that due to the prevalence of making lists in the ANE the term *Listenwissenschaft* had been used as a name for this scholastic activity that we may call a science. Scolnic[66] states that Benno Landsberger first used the term.[67] However, Landsberger's student, Wolfram von Soden, elaborated and developed the concept in his work *Leistung and Grenze sumerischer und babylonischer Wissenschaft*.[68] Scolnic believes that the first person to introduce the term into Biblical studies was Alt in his work *Die Weisheit Salomos* which has already been cited above. This was some 15 years after von Soden's work.

Scolnic[69] cites fascinating research of Landsberger in his *Materialien zum Sumerischen Lexicon*[70] where he demonstrates how lists that at the time of their inception were completely Sumerian, came later to have Akkadian translations and then appendices added. Some lists subsequently had sections expanded or contracted. In Chapter 5 where the relationship of the Mishnaic list to the tractate in which it occurs is scrutinised, we will encounter what I have called an "agenda list". These are lists whose components contain the seeds of the ideas that will be taken up in subsequent text. It is tempting to draw parallels between the organic growth of the Sumerian lists studied by Landberger and the agenda lists of the Mishnah. However, these diachronic issues are tantalising possibilities that lie beyond this synchronic study, because to treat the diachronic issues properly, they would have to be placed in a much larger textual and historical context. This enterprise exceeds the bounds of this modest work.

One further possible relationship between the lists of the ANE and the Mishnah may be found in the work of J. Z. Smith who argues that scribes have used lists and other ancient materials to come to terms with such political traumas as foreign domination.[71] This has some possible parallel with Neusner's suggestion that the Mishnah was a response to the catastrophe of the destruction of the Temple and the loss of autonomy that occurred in 70 C.E.

The use of the term *Listenwissenschaft* has been given a new importance in the Mishnah by Neusner, who argues that:[72]

> The logical basis of coherent speech and discourse derives from *Listenwissenschaft*.

He explains this position as follows:

> The paramount mode of reasoning in the Mishnah is 'analogical-contrastive reasoning'. The logic may be expressed very simply. All persons, things, or actions that fall within a different species of that same genus follow a single rule. All persons, things or actions that fall within a different species of that same genus follow

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[66] P. 8.
[67] In *Materialien*, vol. 9; quoted in Scolnic, pp. 7-9.
[68] In *Die Welt* 2, pp. 411-64, 509-72.
[69] P. 9.
[70] Vol. 7, p. 32.
[71] *Map is not Territory*. See in particular his essay "Wisdom and Apocalyptic", pp. 67-87.
[72] "The Mishnah's Generative Mode of Thought", p. 317.

precisely the opposite rule. Reasoning by analogy and contrast dominates in the formation of the Mishnah's rules, and is, therefore its generative mode of thought. Through hypothetical-analytical reasoning we can thus work our way back from the conclusions that the Mishnah's authorship presents through the stages of reasoning that have led to those conclusions.

Westbrook[73] when writing of the law codes of the ANE suggests that:

> The common feature of these codes mark them as originating in the sphere of Mesopotamian science. The method of Mesopotamian scientific enquiry was to compile lists.

He goes on to suggest how law codes in the ANE could have developed from these early list roots, even though the list form is not directly recognisable in the law texts that evolved.

2.b.ii. Lists in the Ancient Near East until 200 C.E.

Ancient near eastern lists have been found both in isolation and in clusters of lists that form continuous text. In Chapters 3-4 I will discuss a specific type of list which has been called the "graded numerical dictum", and which was found throughout the ANE before and after the time of the Mishnah. There are also collections of lists, usually called onomastica, which are often catalogues of people, places or objects, arranged according to a type of classification system. Ancient Egyptian lists have been discussed by Goody.[74] These often contain a numerical component in the section of the list that describes the unifying component of the list items. I shall call this text segment the *caption* of the list, and describe it the next Chapter. One onomasticon, the Onomasticon of Amenope, is suggested by A. Alt[75] as having literary parallels in some of the wisdom literature attributed to King Solomon.[76] I will return to Alt's work in the next section. Only part of this onomasticon is extant, and it has been published with notes by Gardiner.[77] The onomasticon contains 600 lists on such diverse topics as natural phenomena, agricultural produce and occupations, but there is some attempt to group lists of similar topics together. For example, there are consecutive lists of persons, court officers and occupations.[78] We will also mention in the next section the Onomasticon of Bishop Eusebius as a representative of this type of work.

Lists in documents from Egypt and the Hellenistic world have been surveyed by Towner, who investigates the works of such writers as Didymus and Aristophanes, as well as the Book of Jubilees, the Qumran literature and the writings of Philo.[79] He also makes a detailed study of the possible sources for the patterns of a specific type of rabbinic list, the type he calls the "exegetical enumeration of Scriptural examples", concluding his survey by suggesting cautiously:

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[73] "The Character of Ancient Near Eastern Law" in *idem* (ed.) *A History*, vol. 1, p.17.
[74] *The Domestication*, pp. 99-103.
[75] 'Die Weisheit Salomos'.
[76] 1 Kings 5:9-14.
[77] *Ancient Egyptian Onomastica*, 3 vols.
[78] *Op. cit.*, volume 1, p. 13*.
[79] *The Rabbinic 'Enumeration of Scriptural Examples'*, pp. 95-117.

> This search through Jewish and Hellenistic writings prior to 70 A.D. for literary models or actual precedents for the Tannaitic "enumeration of scriptural examples" has provided none.

In the light of our current knowledge of the ANE it would appear to be appropriate to note that whilst the lists in Biblical and rabbinic literature may have parallels in the literature of the ANE, no strong evidence of cultural exchanges is available for the latter, and that the independent evolution of the rabbinic list tradition appears to fit best the limited available information.

Lists were also used in the Graeco-Roman world. Two examples of books of lists from this culture are the *Laterculi Alexandrini*[80] and the *Fabulae* of Hyginus.[81] The *Fabulae* were written in Latin, possibly in the second century C.E. The book consists solely of lists of persons who are categorised into various groups by the author, who culled the information from Roman and Greek sources. A flavour of the book can be gained by looking at a contiguous sample of these lists. We read for example of: [82]

> Those Who Killed Their Daughters
> Agamemnon son of Atreus killed Iphigenia but Diana saved her.
> Clymenus son of Schoenus, killed Harpalyce …
> Hyacinth, a Spartan killed Antheis his daughter …
>
> Mothers Who Killed Their Sons
> Medea, daughter of Aeetes killed Mermerus …
> Ino, Daughter of Cadmus, killed her son Melicertes …
> Althaea, daughter of Thestius, killed her son Meleager …
>
> Women Who Killed their Husbands
> Clytemnestra daughter of Thestius killed Agamemnon son of Atreus.
> Helen, daughter of Jove and Leda killed Deiphobus, son of Priam
> Agave killed Lycotherses in Illyria

The *Laterculi Alexandrini*, compiled possibly in the second or third century B.C.E., is a collection of short lists of the best *exempla* of various categories, such as the greatest rivers, the best sculptors of humans, the best sculptors of the gods, etc.

A further example of the use of lists in the ANE can be found in Cribore, who has examined Egyptian papyrus lists used in their school system.[83]

We can conclude that lists were a known literary device in the ANE at the time of the Mishnah, which a scholar living in many of the cultures of those times would most probably have encountered in his/her studies. Our knowledge of the corpus of writings of the ANE is not complete and we cannot say how widespread the list phenomenon was.

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[80] H. Diels, "Laterculi Alexandrini".
[81] *The Myths of Hyginus*.
[82] Pp. 160-1.
[83] *Writing*, p. 270.

2.b.iii. Lists in early Christian literature until 200 C.E.

The Gospels contain lists, and D. C. Charles has investigated specifically those that relate to ethics.[84] As part of his research he traces Jewish and Hellenic influences on virtue and vice catalogues in the Gospels,[85] and suggests that:[86]

> The classical period of the ethical lists begins with Zeno (mid-third century BC), founder of the Stoa, and is expanded under the Stoic teachers who followed.

Charles argues that some of the ethical lists in the New Testament are formulaic.[87] However he also cautions that:

> These [New Testament] lists resist any attempts to be reduced to a single *Urkatalog* or set pattern.

This is an important observation, which we find is true of lists in the Mishnah as well.

Although later than the Mishnah, one important book of lists, the work entitled *Joseph's Bible Notes (Hypomnestikon)* requires mention.[88] This work was probably compiled in Egypt towards the end of fourth or early fifth century C.E.[89] It consists of 167 lists compiled from the Old and New Testaments. These lists all commence with questions. The first three questions will be reproduced here, with the first part of the answers only.[90]

> How many generations were there from Adam to the coming of the Saviour?
> Adam
> Seth
> Enôs…

> How many High Priests were there beginning with Aaron?
> Aaron
> Elazar
> Phinees…

> Who was born of Kain from the beginning to the seventh generation?
> Kain
> Enoch
> Gai[a]d …

A further important early list-type work is the *Onomasticon* of Eusebius (c. 260-339 C.E.) who was appointed Archbishop of Caesarea around the year 313 C.E.[91] The *Onomasticon* was written approximately ten years after his appointment as Archbishop. The work is a list of

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[84] *Virtue Amidst Vice*.
[85] Pp. 112-17.
[86] P. 115.
[87] Pp. 123-5.
[88] Grant, R. M., and G. W. Menzies (eds.), *Joseph's Bible Notes*.
[89] *Op. cit.,* pp. 16-23.
[90] *Op. cit.,* pp. 36-53. The system of transliteration used by Grant and Menzies has been copied here.
[91] *Onomasticon*.

place names found in both Testaments of the Bible and these are arranged alphabetically. Eusebius attempts to relate the places mentioned in the Bible with place names current in his time. He also adds some geographical information, such as the size of the place, its population and distance to various towns. The work was translated into Latin and expanded by Jerome under the title *Liber Locorum*.

A number of important Coptic texts were discovered near Nag Hammadi in Egypt. Although they date from 350-400 C.E., which is after the final redaction of the Mishnah, they deserve a mention here. The texts have been investigated by a number of scholars, including W. Kelber.[92] One of the most important documents discovered, the Gospel of Thomas, has certain parallels in terms of its organisational structure to what Kelber calls a list. He writes:[93]

> GT's [i.e. the Gospel of Thomas] organization of knowledge by simple
> co-ordination brings it into close affinity with the ancient genre of lists.

We can conclude from the above survey that the list was a well-established literary phenomenon of the ANE and hence, one that the compilers of the Mishnah could have been familiar with. It is now appropriate to investigate the list in Biblical and early rabbinic literature.

2.b.iv. Lists in Biblical and post-biblical literature until 200 C.E. excluding the Mishnah

As an introduction to this investigation it is beneficial to mention the work of J. Kugel.[94] He observes that in Ancient Israel there existed "a particular notion, 'wisdom' that particularly favoured the anthological genre".[95] He discusses how not only certain books of the Old Testament such as Proverbs and Ecclesiastes can be seen as anthologies, but also how numerous later rabbinic works such as Mishnah Abot and many Midrashim, can be viewed as an expression of this unique favouring of the "anthology genre." He also notes how in the second century (or possibly earlier), the rabbis increased this anthologizing activity.[96] He does not deal with the Mishnah (other than Abot which receives only a brief mention) or the topic of lists. However, it is possible to apply this idea to many of the lists that we will examine in this thesis as anthologies.

Lists are found in Biblical and post-Biblical Hebrew literature, and these have been the object of much scholarly attention. One of the earliest writers on Biblical lists was Albrecht Alt, who was mentioned above. He suggested that the wisdom literature ascribed to Solomon had its origins in the onomastica of Egypt and other compendia of lists from Mesopotamia. Towner, in assessing Alt's work, writes that:[97]

> Alt did not propose a close specific link of Old Testament Wisdom
> forms with these extra-biblical list patterns: instead he saw the
> latter as the vehicles through which conventional knowledge about
> the world was conveyed to Israel.

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[92] "Sayings Collections and Sayings Gospel".
[93] P. 221.
[94] "Wisdom and the Anthological Temper".
[95] *Op. cit.*, p. 9.
[96] *Op. cit.*, p 8.
[97] *The Rabbinic Enumeration*, p. 4.

Towner supports this caution, but proceeds to assert that the function of the Egyptian and Mesopotamian lists was comparable to that of the Solomonic wisdom literature in that they were both used:[98]

> … as devices for systematising observations about nature, geography and man, and as pedagogical and mnemonic tools for conveying this information to students and posterity. One can assert such a functional comparability without being able to prove any historical or organic continuity between the two bodies of literature.

Another researcher, W. Roth, discussed in detail the numerical sayings of the Old Testament.[99] Roth's study, as its title suggests, concerns itself with numerical sayings only. He argues that Biblical lists can be divided into three categories: narrative numerical sayings, reflective numerical sayings, and hortative numerical sayings. In the first category Roth includes genealogical lists such as Genesis 6:10, which gives the names of the three sons of Noah, and geographical lists in Joshua 15:21-63, which names the cities and villages allocated in Israel to the offspring of Yehudah. In the category of reflective numerical sayings, Roth includes lists such as Proverbs 30:21-28 which describes four types of small animal that exhibit great wisdom. The final category, hortative numerical sayings, contains normative sayings, and includes such text as Exodus 23:14-16, which mentions the three pilgrim-festivals. Roth notes that this form of numerical saying has parallels in the ANE but does not discuss the possibility of cultural interaction.[100] He also notes in great detail the existence of a specific type of numerical saying, which he calls the graded numerical dictum. An example of this is Proverbs 30:18, "These three are too marvelous for me, [these] four I do not understand …". The occurrence in the Mishnah of a similar format of saying will be discussed in detail in Chapter 2. Roth devotes about half of this article to parallels from other texts in the ANE, and yet he stops short of saying that cultural interchanges took place. His caution is very appropriate in the absence of sufficient evidence on the issue.

In his study of the relationship between Biblical lists and the rabbinic "enumeration of Scriptural examples" Towner notes that "… no hard evidence exists of generic relationship and definite functional compatibility between the rabbinic 'enumeration of Scriptural examples' … and the numerical lists of the Old Testament". [101]

The subject of lists in the Bible has more recently been explored in considerable detail by B. Scolnic, who categorises Biblical lists into five subject areas which he titles: genealogies, personnel/office bearers, geography, Israel's tribes and clans, materials and rituals.[102] He also notes that the lists are "imbedded in an ongoing context",[103] a point that will be taken up in Chapter 4, as all Mishnaic lists are part of an ongoing prose text, as opposed to being discrete textual units. However, his classification of Biblical lists is not appropriate for the subject matter of many of the lists in the Mishnah, as most deal with norms. There are very few lists that consider geography or office bearers, and even these could be normative.

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[98] *Op. cit.*, p. 4.
[99] "The Numerical Sequence x/x+1", and *Numerical Sayings in the Old Testament*.
[100] "The Numerical Sequence x/x+1", p. 30.
[101] *The Rabbinic Enumeration*, p. 4.
[102] *Theme and Context of Biblical Lists*, pp. 16-18.
[103] *Op. cit.*, p. 13.

A further problem with the work of Scolnic is that he deals only cursorily with what constitutes a list.[104] I mentioned previously the different forms of Biblical list structures that had been investigated by Roth and that similar forms existed in the Mishnah. Unfortunately, these forms receive only some passing attention in Scolnic's work.[105]

Lists are found in post-Biblical literature including the Mishnah, Midrash and the Talmud. These works have all been comprehensively described by Stemberger, who notes that there is a very widespread disagreement in the dating of many, if not most of these works. One feature of the texts of the Mishnah, Midrash and the Talmud is that the same list may appear in more than one work. Diachronic study of these texts, by scholars such as Towner, attempts to discern their evolution. However, the dating of many of these texts is unclear and these efforts are often, at best, an informed supposition or working hypothesis.

Abot de Rabbi Nathan contains many lists of the form, "There are X types of Y: Yi, Yii, Yiii, ... and Yx", particularly in parts of the later chapters. Stemberger quotes suggestions for redaction dates that range from the third to the seventh century C.E. [106] Midrash Ma'aseh Torah is constructed entirely of lists of this form. Stemberger proposes a redaction date of the ninth century, but notes that it may be composed of earlier material. [107]

Wűnsche collated over 600 enumerated lists from various Mishnaic and Midrashic sources.[108] He compares these rabbinic sayings with those found in the Bible and comes to three main conclusions:[109]

1. That the lists in Biblical and Tannaitic literature revolve around the units 1-10.
2. That the graded numerical dictum[110] almost disappears in Tannaitic literature.
3. That because of the mnemonic and didactic purpose the use of the simple single list as opposed to the graded numerical dictum became ever more widespread.

Towner notes that while Wűnsche collected over 600 lists he still omitted a considerable number.[111] Towner states that some of these are to be found in Ginzberg's *Legends of the Jews*,[112] which contains 720 lists containing the numbers three to ten in what I call the caption of the list. Although Wűnsche did not note all the evidence available to him in his study, his efforts were the basis of the work of a number of scholars that followed him. These scholars include Roth, whose work has already been cited, W. Stevenson[113] and G. Nador.[114]

A brief and useful article was written by L. Jacobs on the occurrence of lists in the Talmud in which the number of list components is specified in the heading.[115] He notes that certain numbers such as three, five and ten are found particularly frequently in these types of

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[104] *Op. cit.*, pp. 12-13.

[105] *Op. cit.*, pp. 33-4.

[106] *Introduction*, p. 227.

[107] *Op. cit.*, p. 342.

[108] "Die Zahlensprűche in Talmud und Midrasch".

[109] *Op. cit.*, p. 61 as cited in Towner, p. 18-19.

[110] The graded numerical dictum is a specific type of list exemplified by Proverbs 30:21-28, quoted previously. This form will be dealt with in more detail in Chapter 3.

[111] *The Rabbinic Enumeration*, p.19, footnote 2.

[112] Ed. B. Cohen. I assume that Towner looked at the index volume and counted the references to the numbers to arrive at this figure.

[113] "A Mnemotechnic Use of Numbers in Proverbs and Ben Sira".

[114] "Some Numerical Categories in Ancient Rabbinic Literature".

[115] "The Numbered Sequence as a Literary Device in the Babylonian Talmud".

lists, and ascribes a possible theological motive for this, by suggesting that the number ten is particularly favoured because it is also the number of commandments revealed at Sinai, and that the number five is used because it is the number of books in the Pentateuch. His main area of focus in this essay is the Talmud. However, he also gives some important references to the Tannaim. I will return to this paper in Chapter 3.

A very important study of lists in Tannaitic literature is the previously mentioned work of Towner, who wrote on lists in the Mekhilta de R. Ishmael. His comprehensive investigation considers a specific type of list, namely lists that contain an "enumeration of Scriptural examples". Towner concerns himself with the rabbinic practice of collating and listing primarily Scriptural examples of a particular phenomenon or type of action in the form of a list that contains a numerical component in the introductory phrase. Towner's work is exceedingly thorough, and not only researchers into the subject of lists in early rabbinic literature, but also scholars of the ANE, owe a debt to Towner for his efforts. He brought together a considerable body of work of previous scholars, to form a comprehensive survey of numerical lists, and made a number of significant suggestions regarding a possible history of the transmission of this genre of texts. However, this book is primarily of interest to scholars involved in diachronic research.

A number of lists were found in the caves at Qumran, which have come to be known as the Dead Sea Scrolls. S. Cohen has discussed two of these lists.[116] One of the texts he investigates (4Q339), which is in Hebrew, enumerates the false prophets in Israel. By way of contrast, the second text he researches in this article, (4Q340), is in Aramaic and gives the names of *Netinim*, a term usually translated as Temple servants. Neither of the lists he investigates has a numerical component in its introductory phrases.

Megilat Ta'anit, which was written in Aramaic, is a record of notable days in the calendar and is also a list-like Tannaitic text. T.B. Shabbat 13b states that the author was Haniah ben Hizkiah, one of the first generation of Tannaim approximately 10-80 C.E, whilst other sources, including the appendix to Megilat Ta'anit, ascribe the work to Hananiah's son Eli'ezer. Megilat Ta'anit and its importance is described by N. Glatzer.[117]

Lists in Apocalyptic literature have been investigated by M. Stone.[118] Only a few of the texts that he calls lists appear to be lists according to the definition that I will use for this study. His study pays particular attention to the books of Enoch and Baruch. He notes that the lists

> … occur as summaries of information revealed to the seers. Such
> lists are to be found either at the high point of visionary experiences
> or as summaries of the subject matter revealed in the context of later
> recapitulations of visionary experiences.

He does not cite any examples of the two major types of list that we will encounter in the Mishnah: lists with a deixis or a numerical component in the caption. In the Mishnah these two types of lists are never found as summaries of preceding information. The lists in the apocalyptic literature described by Stone do not appear to be related to the lists in the Mishnah. However they do help us to put Mishnaic lists in their historical context.

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[116] "False Prophets (4Q339), Netinim (4Q340), and Hellenism at Qumran".
[117] *Encyclopædia Judaica*, vol. 11, columns 1230-31. The text has been published with copious notes with introduction and notes by B. Lurie.
[118] M. E. Stone, "Lists of Revealed Things in Apocalyptic Literature".

2.b.v. Lists in law codes of the Ancient Near East

The previous review of lists in the Ancient world has established that this format of data presentation was a well-known and often-used literary structure. Most of the examples cited are either of individual lists or collections of lists into a literary work. The Mishnah contains lists, but they are integrated with laws, dialogue, and *ma'asiyyot* (a specific type of story) into a larger work. It is very hard to find any comparable literary parallel in other cultures of the ANE. M. Roth[119] has collated many legal texts from the ANE including the Laws of Hammurabi and the law code of Eshnuna and other Babylonian, Assyrian and Hittite legal works. The selection presented is of texts that have been dated from the end of the third millennium B.C.E. to the middle of the first millennium of the Common Era. Very large proportions of these legal documents consist of *case schemata* in the protasis-apodosis form,[120] and appear to contain no lists at all.

A major source of the law code of the Roman Emperor Justinian (527-65), known as the *Corpus Iuris Civilis* was the *Institutes* of Gaius. The date of this composition is uncertain, but Gordon and Robinson[121] suggest that Gaius lived approximately 110-179 C.E. This work contains some lists that are of a pattern encountered many times in the Mishnah. In the *Institutes* section 4 we learn for example:[122]

There are four types of overclaim, in amount, time, place or basis.

Yet, a cursory reading of the *Corpus* and the *Institutes* that I undertook suggests such lists do not appear with the frequency that they do in the Mishnah. The law code of Justinian,[123] which is dated 553 C.E.,[124] is possibly the closest comparable Latin document to the Mishnah. It contains a small number of lists including a very small number with a numerical component in the list caption. Hence for example, we read in Book II section VII:[125]

There are two kinds of gift - those in contemplation of death and those which are not.

I have found no cases of the graded numerical dictum in the *Corpus Iuris Civilis*, the *Institutes* of Gaius, or the law code of Justinian. This paucity of lists as well as the absence of the graded numerical dicta suggest that the lists in the Mishnah did not have their roots in the Roman law codes.

Lists are also found in the Tosefta and Babylonian Talmuds. One example from each of these sources will now be given.

Babylonian Talmud Berakhot 7a:
And Rabbi Yochanan said in the name of Rabi Yose, "Three things Moses requested from the Holy One Blessed be He, and he gave them to him … ".

Palestinian Talmud Sanhedrin Chapter 10:

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[119] *Law Collections*.

[120] These terms will be defined in Chapter 3 section 2.b.

[121] *The Institutes of Gaius*, p. 9.

[122] P. 443.

[123] *The Institutes of Justinian*, ed. J. A. C. Thomas.

[124] *Op. cit.*, p. vii.

[125] *Op. cit.*, p. 100.

Three things Achitophel commanded his children …

Tosefta (Lieberman) B.Q. 1:9:
Four principles did R. Shim'on Ben El'azar use to say regarding damages …

I will return to the topic of lists in the Babylonian Talmud in Chapter 4 section 2.b., where I will investigate the preference for the use of literary devices based on the number three. A very brief comparison of the lists in the opening sections of the tractates of the Mishnah and the Tosefta will also be made in Appendix 2.

2.b.vi. Masoretic lists

Lists continued to play an important part in the intellectual activities of rabbinic scholars even after the close of the Talmud, and one field in which lists were of particular importance is that of the Masorah (lit. "tradition"), which concerns itself with correct spelling, vocalisation and accents of the Biblical text.[126] In an age of electronic storage and reproduction of data we can have little appreciation of the enormity or complexity of this task. Attempting to establish correct textual readings of the Hebrew Bible, scholars began to compose lists of words in the Bible with particular orthography, or unusual vocalisation. These would facilitate the proofreading of Bible texts by other scholars. The earliest clear record of the use of lists for this purpose is the work אכלה ואכלה attributed to Dosa ben Elazar (end of fourth-early fifth century C.E.) who received much of the information from previous scholars, going back to Rav Hamnuna (end of third century C.E.), the Amoraic Babylonian Sage.[127]   The work is a list of words that occur only twice in the Bible, once with and once without a conjunctive waw. Unfortunately we have no incontrovertible evidence as to when Masoretic list-making started and how it was pursued. However, it is possible that this process commenced even before the time of the Mishnah.

Some word lists have recently been discovered in the documents recovered from the Cairo Genizah and have been described in a preliminary report by A. Shivtiel.[128]   These documents are written in Judeo-Spanish and Judeo Arabic. Shivtiel is unable to date these fragments.

We can conclude that since Biblical times lists have been employed by Jewish scholars as well as the scribes and writers of the ANE.

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[126] For a full treatment of this subject see A. Dotan, 'Masorah' and J. Abel, *The Masoretic Text*.
[127] S. Frensdorff (ed.), אכלה ואכלה.
[128] "Word-lists uncovered".

3. Lists in the Mishnah

3.a. *A summary of earlier work on lists in the Mishnah*

Little work appears to have been carried out specifically on lists in the Mishnah. One article does deal with such lists found at the commencement of tractates, in so far as they contain numerical components in their opening phrase.[129] This topic will be discussed in detail in Chapter 4.

Martin Jaffee has authored two articles on lists in the Mishnah, "Deciphering Mishnaic Lists: A Form-Analytical Approach",[130] and "Writing and Rabbinic Oral Tradition: On Mishnaic Narrative, Lists and Mnemonics".[131] Using a form analytical approach, Jaffee is essentially concerned with attempting to identify earlier layers, which he feels he can do with the tools of form-criticism. He makes certain comments in his article "Deciphering Mishnaic Lists" that are relevant to this study:[132]

> On the evidence of the present list [i.e. Ma'aserot 1:5-8] mishnaic list-making is not a haphazard activity, but proceeds with specific objectives in mind.

He also makes a further suggestion that:[133]

> ... we must conclude that M.1:15-8 was formulated specifically for use in Tractate Ma'aserot at a time when the tractate was being brought to its present structural and thematic completion.

These ideas have relevance to this study. It may be suggested that none of the list-making in the Mishnah is random. All the lists that I studied also appear to be well embedded in the Mishnah text and could have been "formulated specifically for use" in the Mishnah. However, unlike the work of Jaffee, this study is primarily concerned with a synchronic study of form and function, and diachronic issues are treated only tangentially.

A number of articles have been published that investigate specific lists in the Mishnah,[134] and there are articles such as that of Jacobs mentioned previously where Mishnaic lists receive passing mention. The study of lists in the Mishnah deserves a more detailed investigation and it appears to be an area that has so far been inadequately explored.

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[129] M. Weiss, "משניות ׳ספורות׳ בראש מסכת".

[130] In W. Green (ed.), *Approaches to Ancient Judaism*.

[131] In *Journal of Jewish Thought and Philosophy* 4:1 (1994), pp. 123-146.

[132] P. 30.

[133] P. 30.

[134] An example is an article by I. Rosenson, "ארבעה ראשי שנים׳-מניין?".

3.b. The justification for the present work

In the previous section a considerable body of literature was cited that discusses lists in Biblical and rabbinic literature, as well as other cultures of the ANE. Therefore, there is some need to justify the undertaking of this study. Indeed, there are several justifications for this work.

1. Much of the work previously conducted does not consider the definition of a list, or the varieties of different forms of list. In this study a rigorous attempt is made to provide a workable definition of what a list in the Mishnah is, and then to apply that definition to different literary structures found in the text. A number of significantly different types of list exist in the Mishnah, some of which have not been given scholarly attention.

2. As was shown in the literature survey, much of the work done previously concentrates on lists containing a numerical component. However, lists without numerical components also play a significant part in the Mishnah and are worthy of academic study.

3. Many previous writers have considered the list in the realms of Midrash Agadah and there is no certainty that any conclusions reached are applicable to the realm of halakhic texts. For example, Chajes[135] suggests that there was specialisation between the realms of *Halakhah* and *Agadah* that dates back to Amoraic and possibly even Tannaitic times.

4. Previous investigations, particularly that of Towner, are mostly concerned with the diachronic study of lists. However, this thesis is primarily synchronic research. The reason for this choice is partly because of the uncertainty of the relative chronology of the Tannaitic texts and their history, and also because synchronic work is useful in its own right. Synchronic study will be discussed more fully in section 4.a. of this Introduction.

5. Earlier studies have not always considered the relationship of the list to surrounding text, which may either be another list, or non-list material, with the exception of Stone's work on lists in the Apocalyptic literature. The Mekhilta de-Rabbi Ishmael, the main focus of Towner's work, consists in many parts of discrete units of text that often have no relation to the surrounding text. By contrast, the Mishnah is divided into discrete units of text organised into chapters, which often exhibit a clear legal thematic coherence. Hence, unlike for many other rabbinic texts, the study of the relationship of a text segment to its co-text assumes greater significance for the Mishnah.

3.c.   The frequency and distribution of lists in the Mishnah

The list is one of a small number of forms of Mishnaic discourse. Other forms of Mishnaic discourse include questions, *the Ma'aseh* (a genre of story), disputes and case schemata.[136] However, these categories can also appear in combination. A list can be given in a question and answer form for example, and it may also contain a dispute. Neusner delineates four major structural forms in the Mishnah, the attributive statement (a sentence commencing אמר רבי ...), the dispute, the *Ma'aseh* (story/precedent), and the list.[137] He counts their occurrences in the Order of Purities as follows:

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[135] *The Student's Guide*, pp. 144-7.
[136] Cf. Samely, *Forms of Rabbinic Literature and Thought* Chapter 1.
[137] *A History of the Mishnaic Laws of Purities*, vol. 21, pp. 165-195.

Form	Number of occurrences
Attributive statement	Not given but very numerous
Dispute	437
Ma'aseh	6
List	69

The categorisation of what Neusner calls a list is not identical to my own.[138] However, the table above can serve to show the approximate proportion of text that can be classed as a list, for the Order of Purities. I will explain in the next chapter that I have not formally counted every passage that I call a list. We find that the distribution is not even, for some tractates, such as Avot, Eduyyot and Bikkurim appear to have many lists in them, while others appear to have very few.

4. Some basic concepts and research methods used in this study

4.a. Synchronic study

My thesis pursues an approach that is largely synchronic. The Swiss linguist Ferdinand de Saussure introduced the distinction between synchronic and diachronic into linguistics. Saussure used these terms as a tool to investigate the meaning of words and language systems, but they may also be applied to the study of texts. A synchronic study of a word examines its usage and meaning at a particular moment in time, while diachronic study is concerned with historical changes of its usage and meaning. Similarly, synchronic analysis of text is the study of the text in its present form, ignoring all its evolutionary aspects, while diachronic examination concerns itself with the evolution of the text to its present form. In this study synchronic investigation will be conducted without, however, ignoring diachronic possibilities.

Synchronic study has emerged over the last thirty years as a research tool in Mishnaic studies. This is in contrast to the study of the Old Testament, where the use of synchronic study commenced much earlier. A sharp distinction must be drawn between the synchronic study of the Mishnah, and certain other texts including the Old Testament. Some texts, including the text of the Old Testament present a number of overt textual problems. Examples of such a problem in the Old Testament are the apparent inconsistencies found at the commencement of the Book of Genesis, which begins with two consecutive and apparently contradictory accounts of the creation. In such cases the apparent textual problems require some form of diachronic study as a precursor to any kind of understanding of the text. In contrast, the text of the Mishnah does present us with a comparatively small number of problems of this type. For example, in Chapters 4-5 the phenomenon of dissonance of a list caption and the ensuing list items will be investigated. The majority of the text is apparently "seamless" and possibly very carefully edited

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[138] I define what I call a list in the next Chapter. There I distinguish between more and less pronounced list structures. In tables 5-6 of the appendices I count approximately 300 lists that contain a numerical element or deixis in what I call the list caption, this being an aid to prominence. There are approximately 4,800 mishnayyot. I would suggest that 5-7% of the Mishnah constitutes what I call a pronounced list structure.

text. Synchronic work in the Mishnah in general and this study in particular is, therefore, not being undertaken to solve particular textual problems but to see what can be learned of the structure of the text. We will see in the Epilogue, which I have entitled "*Quo Vadis*", that certain diachronic questions emerge from this study that hopefully can be addressed in the future.

4.b. Form-criticism

One of the tools of diachronic investigation of texts, which has been used in the study of the Mishnah and other ancient literature, is form-criticism. Before that, researchers tended to concern themselves more with source-criticism, which is the search for the sources that the authors of the ancient writers drew upon in their works. Form-criticism can be used to supplement source-criticism. It is the attempt to distinguish different formal literary units in the text, with a view to establishing how the text evolved. Form-criticism also concerns itself with the *Sitz im Leben* of a text, i.e. its use, rather than its evolution. Neusner, whose work will be discussed later in this Chapter, and his pupils, including M. Jaffee and W. Towner, employ this method. D. Daube has noted that form-criticism can lead to conclusions different from those that may be derived from source-criticism. [139]

4.c. A comparison of my analysis with that of Neusner

The difference between synchronic and diachronic methods has been explained above, and I will now briefly consider the difference between this synchronic study and the diachronic work of Neusner on the Mishnah. Ruth Shasha has investigated this issue in relation to questions in the Mishnah.[140]   However, the main conclusions she arrives at are equally applicable to this study. She notes, for example, one of Neusner's tools of dating text by the attribution of a statement to a named Sage.[141]   However, as Shasha observes, this system of attribution is, by Neusner's own standards, questionable.

An example of the difference of approach may be seen in a comparison of analysis of text Rosh Hashanah 1:1-2:

> Rosh Hashanah 1:1
> There are four 'New Year' days; on the first of Nisan is the New Year for .., on the first of Elul is the New Year for …, on the first of Tishri is the New Year for [the counting of] years, for Sabbatical Years, for [the counting of] Jubilee years, for the planting [of trees] and vegetables …, on the first of Shevat is the New Year for [fruit-] trees. So says the School of Shamai. And the School of Hillel says: on the fifteenth thereof.
>
> Rosh Hashanah 1:2
> At four times in the year the world is judged: at Passover … at Pentecost … on New Year's Day all those that come into the world pass before him like legions of soldiers, for it is written 'He that

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[139] *Forms of Roman Legislation*, p. 3.
[140] *The Form and Function of Questions*, pp. 26-35.
[141] Op. cit., p. 34.

> fashioneth the hearts of them all, that considereth all their works'
> (Psalms 33:15) and at the Feast [of Tabernacles] ...

This passage is analysed in great detail below in the Chapter 5 section 1 b.iv. There, its relationship with the subsequent *mishnah* is dealt with in great detail. For the present comparison of the two approaches - Neusner's and mine - it is not necessary to repeat here the analysis made in that Chapter regarding the structure of list pairs and their semantic relationship. Neusner classes the text as being of the Ushan[142] period (c.135-c.170 C.E.), without explaining why.[143] This attribution is *feasible*. However, as has been noted previously, this attribution system, by his own admission, is not reliable. He writes of the *mishnah* 1:2 that it is a "secondary explanation of what lies behind 1:1". This, too, is *possible*. However, from a synchronic perspective the co-location of two lists together with similar captions, and the nature of the semantic relationship between the captions, are also major issues to explore. We will see in the Epilogue that some synchronic issues have diachronic ramifications and also lead to specific diachronic questions. Daube's comments, cited earlier, concerning the possibility that synchronic and diachronic study can lead to different conclusions, need to be seen considered in the light of the suggestion that the two methods can, at times, also complement each other. I will suggest that synchronic work can and should be the spur for diachronic work. Synchronic work should perhaps precede diachronic work for if we do not know what a list is, how can we study its diachronic development in early rabbinic literature? Let us now examine the methods and approach used in this study

4.d. *The research method used in this study*

A study of lists in the Mishnah must entail a clear understanding of what a list is. However, whilst a twenty-first century reader can consult a dictionary to obtain a definition, there is no guarantee that the editors of the Mishnah would also consider what we today would call a list, as a list. It will be seen in the next Chapter that some Mishnaic text segments appear to be clearly discernable to us as lists. These are often phrased in standard forms that occur frequently in the Mishnah. However, a considerable number of text segments deviate to varying degrees from this standard form. In order to try and define the traits of a Mishnaic list, I shall group different examples in order of closeness to this standard form, and explain the reasons why I consider them to be list-like. From this, a catalogue of literary traits of Mishnaic lists will be drawn up.

This method is not necessarily ideal, but was found to be the most satisfactory way to deal with this problem. However, the method may be tainted with some degree of subjectivity, a possibility that is openly acknowledged here. After completing the analysis it was not possible to give a dictionary definition of a Mishnaic list. However, a number of significant list traits were noted that could give an indication of how list-like a text passage is.

In order to proceed with this study, examples were chosen almost exclusively from text segments that conformed to most, if not all, of the traits that were identified in this way. We noted in the previous section that some tractates, such as Avot, Eduyyot and Bikkurim appear to have many lists in them while others appear to have very few, and hence the distribution is very uneven. The tractates of Avot and Eduyyot are thought to be different from the other tractates,

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[142] On the Ushan period see *Introduction to the Talmud and Midrash*, p .2.
[143] *A History of the Mishnaic Law of Appointed Times. Part 5*, pp. 162-3.

an issue to which I will return. Therefore, very few examples were chosen from these two tractates. Examples were drawn from all of the orders of the Mishnah. However, some examples that appeared to me to be particularly clear and unambiguous passages were used a number of times to illustrate different facets of the function of the Mishnaic list.

The very basic outline of the method of study given at the commencement of the Introduction can now be taken up in greater detail. In the first Chapter I will attempt to define a Mishnaic list. The subsequent investigation of the form of lists in the Mishnah may be divided into two separate parts. The first part, comprising Chapters 2-4, will deal with the internal structure of the list unit as presented in the Mishnah, and Chapter 5 will consider the relationship of the list unit to the immediately surrounding text, the co-text, and longer-range textual relationships. Within the list itself, two distinct areas of analysis appear to be appropriate. The first area of analysis relates to the literary features of the list, the components or "bones", and this will be the topic of the Chapter 1. The notion of what I call the "caption" and the list "items", and their relationship to each other, as well as any special features will be discussed in this first chapter, in which I will also try to determine the traits of what I argue constitute a list in the Mishnah. The second area of analysis concerns how the components or "bones" are sequenced together to configure the list and this will be addressed in the second Chapter. The third Chapter will examine the types of list found in the Mishnah. Chapter 4 will examine special features found in some lists. Chapter 5 will then place the list in the context of the text in which it is found.

In this study, examples chosen for illustration will generally be the best examples of the class, i.e. those that are the most list-like as per the traits determined in Chapter 1. For this reason, one list may be used repeatedly in the text to illustrate different facets of the list phenomenon and its interaction with the surrounding text. However, it will be noted in the next section that the distribution of lists in the Mishnah is very unequal. Some tractates, such as Avot consist largely of lists. The origins of tractates Avot and Eduyyot may be different to the other tractates.[144] To avoid any possibility of using evidence that may be from an atypical source, I have purposely used examples from these tractates only very rarely.

As was noted previously in section 4.a., this study is largely synchronic; diachronic issues are not addressed in any detail. In Chapter 4 section 2.f the feature of text that breaks the patterning of list items will be examined. The possibility of diachronic development of these lists cannot be ignored, but epithets such as "glosses" or "inserts" have purposely been avoided in order to emphasise the synchronic nature of this study. Also in Chapter 5 some apparent textual inconsistencies will be given possible synchronic as well as diachronic solutions.

Having placed the study of the lists of the Mishnah in the context of research on other lists in the ANE, I can now proceed to try and define what a Mishnaic list is and identify its traits, as a basis for my further investigations.

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[144] See R. T. Hereford, פרקי אבות. *Pirke Aboth*, pp. 9-11, where he suggests that Rabbi Judah the Prince may have compiled the Tractate specifically as an "Epilogue to the Mishnah". On the relationship of Avot to the Avot de Rabbi Natan, which may be a commentary on Avot, see Stemberger, *Introduction*, pp. 226-7. On the history of tractate Eduyyot, see Talmud Bavli Ber 28a.