And No One Gave the Torah to the Priests: Reading the Mishnah's References to the Priests and the Temple

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This past fall, I taught an undergraduate Mishnah course at the Jewish Theological Seminary, one that is required for students majoring in Talmud and is as well a course for non-majors who wish to fulfill a requirement of one of two Talmud courses. I had ten students in my class, ideal for a seminar focused on teaching students how to read the Mishnah closely. About a third of these students were graduates of Jewish high schools and had studied Mishnah before; a third were students who knew little or no Hebrew and had never seen the Mishnah before last fall; and a third were upperclassman, who had experience studying all types of Jewish texts. Although my goals in teaching students to read Mishnah are many, during this semester, I wanted to teach the students to read the material about the priests and the Temple critically. It occurred to me early in the semester that the students seemed entirely comfortable reading the Mishnah with the idea that the rabbis swiftly took over to lead the Jewish people when the Temple was destroyed in 70 CE, and that the rabbis also had made every effort to incorporate vestiges of this “Temple past” into their present—preparing for a future with a rebuilt Temple. The Mishnah, my students all thought, was a positive testament to the rabbis, whom they believed had to create a type of Judaism that could function without the Temple. In other words, they believed rabbinic Judaism was a natural outgrowth of Temple Judaism in response to the crisis of the destruction, and references to the Temple in the Mishnah offered evidence of an actual Temple that would be rebuilt one day.

I was struck by how tightly the students held onto this narrative, using it to read the Mishnah. As their teacher, I questioned if I had paid enough attention to how powerfully embedded this understanding of the Temple was in the Jewish upbringing of our students, in this class and perhaps in others as well. Most of my students had been making reference to the Temple in their prayers and had been directed to read about and construct images of the Temple in school and in camp. Many had even visited the outside wall of the Temple in Jerusalem with various youth groups and participated in teen programs, where they were taught to think about this site as the holiest of Judaism's shrines.¹

I determined that teaching my students how to read the Mishnah, therefore, needed to include an objective that incorporated teaching them how to read the Mishnah's references to the Temple critically, and, more specifically regarding the priests, analytically. My objective became for them to leave class more suspicious of the rabbis' references to the Temple and to enrich, if not complicate, their sense of the relationship of the rabbis to the priests and the Temple. Rather than approaching the material with a set of installed pre-set conclusions about the rabbis and the Temple and asking students to answer my questions by drawing from what they had learned prior to entering my classroom, I wanted them to *read for the questions that the rabbis were asking themselves* regarding the priests and the Temple.² These

- 1 Since teaching this Mishnah class, I have thought a lot about Eli Gottlieb and Sam Wineburg's question, "Is the hallmark of mature historical thinking [even academic thinking] the understanding that knowledge is constructed and fallible? Or is it the ability to remain firmly committed to one's heritage despite this knowledge?" As a professor teaching in an academic institution that is also a seminary, should I be teaching my students to undo what they know? Indeed, I need to think more about the balance between developing critical thinking skills and the importance of recognizing the commitment of many of my students to a particular sense of the past. See Eli Gottlieb and Sam Wineburg, "Between Veritas and Communitas: Epistemic Switching in the Reading of Academic and Sacred History," *Journal of the Learning Sciences* 21 no. 1 (2012): 87.
- 2 See Robert B. Bain, "Rounding Up Unusual Suspects: Facing the Authority Hidden in the History Classroom," *Teachers College Record* 108, no. 10 (2006): 2080-81, where he makes reference to Richard H. Brown, "Learning How to Learn: The Amherst Project and History Education in the Schools," *The Social Studies* 87, no. 6 (1996): 267, and notes the following: "School history appears to be shaped by the assumption that 'students learn best and most usefully ... [when] being asked to master the conclusions of scholars about questions the students only dimly comprehend.' In reversing the

issues solidified that I did not want my students to approach the Mishnah as a finished and closed book that simply described a group of early rabbis and their laws, nor did I want them to presume there was only one perspective on the Temple communicated within the Mishnah. I wanted them, instead, to see the many different ways that the rabbis describe, discuss, and think about the Temple, from the legislative dicta to the well-orchestrated narratives, examining what each could possibly mean. When their analyses began to problematize their initial conception of the link between the Temple and the rabbis, I would know they had learned to read Mishnah.

Overall Structure of the Class

My Mishnah class met once a week for two hours, with the goal of reading one chapter of Mishnah each week from the twentieth-century Hebrew edition, edited by Pinhas Kehati. This particular edition provides the students with a clear vocalized Hebrew text and an easy-to-read modern Hebrew commentary, summarizing classical commentators.³ Most mishnayot we read closely, word-for-word, translating, while others we merely referred to, so as to cultivate a sense of the development of ideas within one entire chapter and then, ultimately, to compare chapters from different tractates of the Mishnah, one to the other. I intended for the students to compare one chapter on holiday ritual, for example, to another on capital punishment, in the name of giving them a sense of the Mishnah as a whole document. This approach supported a pedagogical decision to root my course in an approach that presumed an intentional reworking of source materials by a strong redactional hand with an ideological agenda, albeit while making students aware of other text-critical approaches via secondary readings we discussed in class—rather than teaching my students

historian's logic of questions and answers, teachers *first* definitively and confidently provide answers and *then* pose the questions. Suspicions are rarely raised, except the suspicion that the students have not yet mastered the facts found in the texts and classroom materials."

3 Although Pinhas Kehati's edition of the Mishnah (Jerusalem: Mekhon ha-mikdash, 1997) has been translated into English, I discouraged the students from using it, and we never used it in class. We also did not do any manuscript work, as this was an undergraduate survey course of the Mishnah.

to read mishnayot through the lens of other tannaitic sources available to them in the Tosefta, Palestinian, and Babylonian Talmuds.⁴ I did this for the sake of teaching my students to read *the* Mishnah alone, that is, to focus their attention on what is included in this one collection only. I knew that most entered my classroom with a sense that the Mishnah was one book, and I felt that looking at too many other parallel sources would make learning to read the Mishnah daunting and overwhelming. I also did not feel that in a thirteen-week course we would cover much ground if I did not approach the Mishnah synchronically—I wanted my students to experience as many mishnaic texts as possible—or at least as many complete chapters as possible.

Before reading each mishnah, we began with several questions of inquiry, such as “What is the underlying issue with which the mishnah is grappling?” This enabled us to give each mishnah an introductory organizing title that we inserted into an ongoing outline that I prepared with the students in class. After class, I would update the printed copy and send a new, revised version to them. Following a few introductory set-up inquiry questions related to the main topic of the chapter, I turned to the fundamentals of translation, asking students to tell me which words do not make sense to them, which concepts are confusing, what seems contradictory, and what continues to confound them. The terse mishnaic Hebrew, the students soon learn, is not easy to translate. Relying on their knowledge of modern Hebrew often draws them off course. Many are fooled by what looks on the surface like easy Hebrew, guessing at the meaning of various words and phrases. When I observed the students struggling with my instructions to draw diagrams of what was occurring in a mishnah or arguing over how to dramatize a mishnah, I knew that

4 Students read sections of Jacob Neusner’s *Evidence of the Mishnah* (Chicago: University of Chicago Press, 1981); Seth Schwartz’s “The Political Geography of Rabbinic Texts,” *Cambridge Companion to the Talmud and Rabbinic Literature* (Cambridge: Cambridge University Press, 2007), 75-98; and Shaye J. D. Cohen’s critique of Neusner’s *Evidence of the Mishnah*, “Jacob Neusner, Mishnah and Counter-Rabbinics: A Review Essay,” *Conservative Judaism* 37, no. 1 (1983): 49-53. Also note Christine Hayes, “What is (The) Mishnah? Concluding Observations,” *AJS Review* 32, no. 2 (2008): 291-97, for a brief overview of more recent studies of the Mishnah and Mira Balberg’s comments on reading the Mishnah in her book, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014), 12-13.

the difficulties with translating these texts had become apparent to them. Part of learning to read was about learning how to work through their confusion, and so together, as a class, we worked on translations, evaluating which worked better than others.⁵ Students were required to defend their preferences, and sometimes, we were left with no choice but to adopt two opposing translations. Through these practices, students began to realize that learning to read Mishnah was about recognizing that the texts could support more than one translation and learning to defend the best reading, an accomplishment of critical skill.

Where are the Priests? Encountering the Problem and Developing a Teaching Strategy

I began my Mishnah course with a simple but direct prompt to my students to think about what the Mishnah had to say about itself, before we began our reading of full chapters. For this exercise, I had the students read M. Eduyot 1:4-6; 5:6-7, M. Hagigah 1:8, and M. Avot 1:1. Our discussion of M. Avot 1:1, which presents the chain of transmission suggesting that Moshe received the Torah from Sinai and then passed it down, served as an important classroom moment, sensitizing me upfront to my students' prior assumptions. M. Avot 1:1 states:

Moshe received the Torah from Sinai and transmitted it to Joshua and Joshua to the elders and the elders to the prophets and the prophets transmitted it to the men of the Great Assembly.

After a long struggle in class over how to define the meaning of the word Torah and whether the Mishnah was considered by the rabbis as "Torah," I recall we entered into a lengthy discussion over what the students viewed as a surprising omission. They wanted to know, "Where were the *kohanim*, the priests, in this chain of transmission?" They seemed to expect a reference to the priesthood and were bothered by the fact that this mishnah failed to make reference to them. Did the priests not receive the Torah and the laws of the cultic system? Did they not need to pass this part of Torah

5 See Sam Wineburg, "Reading Abraham Lincoln: An Expert/Expert Study in the Interpretation of Historical Texts," *Cognitive Science* 22, no. 3 (1998): 321.

down to the next generation if the Temple was to be operative?⁶ It had not occurred to me that this omission of the priests would create a stumbling block. I had never thought about the priests as proto-rabbis or as transmitters of what developed into a rabbinic tradition. The image the rabbis had constructed for me, whether it was historically true or not, was of a priesthood that performed ritual and passed it down to the next priest. Put simply, the rabbis represented to me a different line of individuals, who transmitted ideas that were not necessarily present in the written Torah to their rabbinic disciples. For the rabbis of M. Avot, as I perceived them, the priests were not relevant to the history of Torah transmission through oral Torah study, and this took the students by surprise. But, this was also a wake-up call for me. I made a note in my teaching journal that same afternoon, reminding myself to pay careful attention to how my students, current and future, read texts that mentioned the Temple and the priests (10/2/13). I had to recognize linearity was important to them and how much they wished to fit what they knew about Judaism (quite a bit for some of them) into a coherent if not linear system. Would I be able to dissect the rabbis' references to the Temple in such a way as to represent them as men struggling in their relationship with the priests, rather than simply as men inheriting all that the priests represented and moving forward with as many pieces of this priestly legacy as they could, without a Temple? Would the students be able to resist reading the Mishnah as simply a collection of historical records of a past Temple reality, and, instead, be open to reading the texts of the Mishnah as attempts by the rabbis, not to describe their own world as it was, but to construct it as they wished it to be?⁷ Would they be able to see that the rabbis of the Mishnah were a group of Jews grappling with self-identity and legitimacy at a time when they had little authority? Would they be able to read the Mishnah and see a group of men who were asking the question, "Who are we and who do we want to become?" Would they be able to integrate

6 See Peter Schäfer, "Rabbis and Priests, or: How to Do Away with the Glorious Past of the Sons of Aaron," *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World*, ed. Gregg Gardner and Kevin Osterloh (Tübingen: Mohr Siebeck, 2008), 166-72, for discussion of this omission of any reference to the priests.

7 Samuel S. Wineberg, "On the Reading of Historical Texts: Notes on the Breach between School and Academy," *American Educational Research Journal* 28, no. 3 (1991): 499.

references to the Temple into their understanding of the answer to this question without falling back on their prior assumptions? If the students demonstrated those levels of complex inquiry, I noted in my journal, I would feel confident that they had learned to “read” the Mishnah (10/2/13). As the next class session began, I was silent about my concerns and held back from revealing my own views. I wanted them to react to the texts in such a way as to begin laying the groundwork for reading the material about the priests, the sacrifices, and the Temple critically. The question remained, “How would I lead my students to this end, this more subtle but complex understanding?” The texts themselves were very complex and referred to the Temple in so many different ways.

The strategy that I began that day and continue to develop involves making certain that students take note of the array of ways that the mishnayot describe Temple-related issues. It is key to my strategy that the students grapple with the various ways the Mishnah approaches the Temple, even within one chapter. I want them to confront both narrative and legislative references, differentiating between the types of ideas the rabbis wished to convey via each genre and topic. I intended to present to them the same set of questions over and over again, beginning always with what they thought the issue was that the rabbis were struggling with.⁸ I wanted them to articulate a question or describe an issue upon which the rabbis constructed the Mishnah. While some students answered my questions, many more posed questions to my questions—indeed, they were a participatory group. In truth, I saw this asking of questions as part of reading well. I was hoping that they would feel troubled and perplexed, if not confused. Their questions meant that they were trying to juggle multiple variables in order to work through their confusion. All of this, I hoped, would help them to challenge the very clear-cut impressions they had of the Talmud when the semester began.

8 The collective nature of the Mishnah compiled by different people over a long period of time means that there is no one narrating voice, and we cannot speak of an author in the way that we imagine an author today. I used the term “the rabbis” often throughout the semester, even though I did not wish to convey to my students that they should think of the Mishnah’s early rabbis as one monolithic group. See also Balberg, who discusses the difficulties of describing this multi-layered document and its ideas in *Purity, Body, and Self*, 12-13.

Becoming Comfortable with the Strategy of Questioning: Our Classroom Study of Tractate Yoma

In doing a quick read for an overview of tractate Yoma, my students were immediately struck by a lengthy narrative regarding the observance of Yom Kippur in the Temple. When we began our close reading of M. Yoma 1:1, the students soon learned that preparing the high priest for the central Yom Kippur rite involved separating him from his household a week before the holiday.⁹ After examining this mishnah very closely and then reading the remainder of the chapter, they observed that tractate Yoma began with an utterly detailed account of the Yom Kippur Temple rite, one that bore no resemblance to anything they recognized about Yom Kippur today. They were convinced that the Mishnah was entirely descriptive, and that the purpose of preserving such a detailed record emerged from a rabbinic belief that the Temple would be rebuilt, and the priests would resume cultic worship. They found no signs of psychological struggle and no conflict over the rebuilding of the Temple, just an accurate historical record of what was and what would eventually be. Some correctly called it nostalgia, but none could make sense of why Mishnah Avot failed to mention the priests and why, in contrast, so much of Mishnah Yoma focused on them. A level of confusion was percolating in our classroom, generating questions about the tension created by this comparison. That, for me, was an important step in the process of learning to read the Mishnah.¹⁰

Matters became more complicated when the students read, translated, and outlined M. Yoma, chapter 8, the last chapter in the tractate. The prohibitions associated with this holiday, which included fasting, made the

9 Once one reads this mishnah fully, it appears that the reference to “household” is actually a reference to the priest’s wife. In rabbinic literature, a man’s wife is referred to in an idealized way as “his house.” See also B. Shabbat 118b; and B. Gittin 52a. See Tamara Or, *Massekhet Betsab: A Feminist Commentary on the Babylonian Talmud* (Tübingen: Mohr Siebeck, 2010), 20; Tal Ilan, *Massekhet Ta’anit: A Feminist Commentary on the Babylonian Talmud* (Tübingen: Mohr Siebeck, 2008), 26-28; Cynthia Baker, *Rebuilding the House of Israel* (Stanford: Stanford University Press, 2002), 35; and see Charlotte Fonrobert, *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender* (Stanford: Stanford University Press, 2000), 40-67.

10 See Wineburg, “Reading Abraham Lincoln,” 340, where he summarizes the approach of a teacher to reading and interpreting texts unfamiliar to him.

portrayal of Yom Kippur in this chapter more similar to what the students knew of their present-day observance. The students, however, were taken by surprise when they confronted references to the Temple cult even in this final chapter which described the post-Temple Yom Kippur. As we read, I reminded them to take careful note of when anything Temple related was mentioned and to pay careful attention to the issue with regard to which Temple-related material appeared. I reminded them to think about what was at issue for the rabbis, that is, “What did they think was bothering the rabbis?” Hoping that at some point in the lesson the students would articulate their questions, I prompted them with my own. I wanted them to begin to unravel the texts by asking, “Why is the Mishnah making reference to something Temple-related in this context? How does the Mishnah speak about the Temple?” And, finally, “How does this reference compare to others that we have seen?” I cautioned them to read slowly and not to skip passages that seemed foreign to them.

We began with fasting and the prohibitions listed in M. Yoma 8:1 that defined Yom Kippur as a day of affliction in keeping with the biblical commandment in Leviticus 16:29, “In the seventh month, on the tenth day of the month, you shall practice self-denial.”¹¹ By M. Yoma 8:3, the mishnah reveals that a person who forgets that the day is Yom Kippur and eats inadvertently is required to offer one *hatat*, a sin offering. One of my students then asked, “If the Mishnah was redacted after the Temple was destroyed, how could the rabbis legislate for bringing sacrifices?”¹² By challenging the text, she was absolutely on the right track. But then I asked her, trying to refocus the entire class toward what questions to ask first when they read the Mishnah, “So what issue are the rabbis grappling with here? What is bothering them about the Temple and the cult? What questions do you think they were asking themselves?” M. Yoma 8:8 also presented the idea that not

¹¹ See also Lev 16:31, 23:29; Num 29:7.

¹² I have left out the names of my students to protect their privacy, but have noted the date a comment was made. As I was not able to teach and write down their comments word-for-word during class, and an audio-recording presented too many complexities in altering the class atmosphere, I wrote the students’ and my comments/questions from memory immediately after class into my journal. For this reason, what I have placed in quotes are how I remembered an exchange between students and myself and are not exact quotes, except those from tests or submitted writings.

only could Yom Kippur atone for one's sins, but so too could sin offerings and guilt offerings. "Sin offerings and guilt offerings again?!" a student asked, surprised. The student conveyed that she was not even sure that the reference to sin offerings and guilt offerings in M. Yoma 8:8 referred to Yom Kippur. The chapter seemed to shift focus from Yom Kippur to other related and unrelated issues, and this unnerved her. At that point, I went back to my questions about the Temple, asking, "What issues are the rabbis grappling with here? What is bothering the rabbis? Why is the mishnah making reference to something related to the Temple cult in this context?"

Most students argued that the rabbis were trying to remember the past, believing that someday they would reintroduce rituals like the sin and guilt offerings. To "write out" offerings would mean that they were discrediting the priests and the cult. Surely, the rabbis would not have intended that. On the surface, my students seemed to be reading well. Their attempt to make sense of the material by placing it into familiar rubrics was a good sign. However, drawing such conclusions as they did only convinced me that their reading skills were not sufficiently honed. They were holding on too tightly to their past understandings. They were not looking for what was implicit in the text; they were not assuming there might be polemical impulses at work on the part of the authors of the texts they were reading. The students seemed only to be summarizing what they read in the Mishnah, relying on *familiar answers* to questions about the Temple after its destruction. It occurred to me that my students were accustomed politically and religiously to the idea of communal pluralism and so, in their minds, the rabbis were bringing a priestly ritual past into their present. In addition, I realized that some of the students were simply outside of their comfort zone. Because the Mishnah was unlike anything that they had ever read, it was unfamiliar territory. Indeed, they were trying to make the strange familiar and the impenetrable penetrable by falling back on what they knew.¹³ The students did not consider that the rabbis were

13 See Samuel S. Wineburg, "Historical Problem Solving: A Study of the Cognitive Processes Used in the Evaluation of Documentary and Pictorial Evidence," *Journal of Educational Psychology* 83 (1991): 73-87. See also Wineburg, "Reading Abraham Lincoln," 322. In the end, while I was trying to make the strange familiar so that the students would feel more comfortable reading the Mishnah, I was more intent on making their familiar notions

placing themselves in a position of knowledge about the cult so that they could assert rabbinic authority over all legal matters, including those matters that had once been relegated only to the priests.¹⁴ This power dynamic was on my mind, as I noted in my journal at the end of class, but not on the minds of the students (10/9/14).

Recognizing the way the students were answering the question regarding what was at issue for the rabbis, I needed to suggest to students that they think about the texts as less descriptive and more constructive—less as historical artifacts and more as the product of people imagining a different future. I asked them to consider the question, “Did the rabbis really want to return to Temple Judaism?” “Possibly,” I argued in return, and continued, “The rabbis mentioned the Temple cultic rites in M. Yoma 8 in order to think through the difference between Temple Judaism and rabbinic Judaism. Possibly, the rabbis wanted to present their own rituals as doable and observable, something sacrifices had never been.” A few of the students began to challenge me with their reading of the final mishnah in M. Yoma, chapter 8, describing it as nothing other than a nostalgic text. Even though I disagreed with their reading, I was comforted by their ability to oppose me, which, in my mind, displayed evidence of reading skills that were developing. Below is a summary of what transpired that day during the remainder of class.

Reaching the final mishnah, the students noted that M. Yoma 8:9 used the metaphor of a *mikveh* (a ritual bath used to clear a person of ritual impurities). They were well aware that the priests could not offer sacrifices and perform their priestly duties unless they were ritually pure. They knew that purity and impurity were central to the running of the Temple, and, therefore, they correctly argued that a *mikveh* was a central part of the priests’ institutional life.

about the Temple strange. See Jonathan Z. Smith, introduction to *Imagining Religion: From Babylon to Jonestown* (Chicago: University of Chicago Press, 1982), xiii; Jonathan Z. Smith, *Relating Religion: Essays in the Study of Religion* (Chicago: University of Chicago Press, 2004), 383, 389, where he argues in his essay, “God Save this Honorable Court: Religion and Civic Discourse,” 382–89, that making the familiar strange enhances a person’s perception of what they have always held to be familiar, readying them to see it in a new way. See Smith’s, *Relating Religion*, 382–89.

14 At that moment, I was thinking of Naftali Cohn’s argument; see Naftali S. Cohn, *The Memory of the Temple and the Making of the Rabbis* (Philadelphia: University of Pennsylvania Press, 2013), 2.

M. Yoma 8:9 compared the *mikveh* to God, stating that “just as a *mikveh* cleanses impure ones, so too does God cleanse Israel.”¹⁵ Formulating the notion of spiritual forgiveness for sinning by using the image of transitioning from impurity to purity in a *mikveh* conjured up, for the students, a reference to the priesthood and the Temple, not to mention of a cult that cleared the people of their sins. “The notion of repentance, mentioned for the first time in M. Yoma 8:8 and then here in M. Yoma 8:9, was brilliantly intertwined with a Temple metaphor,” a student argued, supporting the case of most of the students that the rabbis were amalgamating their past and their present comfortably.

Rather than rushing to offer my own view, I tried to focus the students to read the mishnah differently. I said, “Do you all agree? Is this the only way to read M. Yoma 8:9? How does it fit together with the material regarding the sacrifices that you read about earlier in the chapter? How does it align with offering a sin or a guilt offering? Reading Mishnah means that you need to recognize ambiguities, places where things do not fit together, and to raise questions about them.” I also pointed out that the rabbis probably picked the *mikveh* as an image because a ritual bath could be built and was used even in the absence of the Temple. And then one student rebutted, weaving together disparate elements:

In this case, though, God poured the water. God did the cleansing and not the actual bath. This is different from the sin and guilt offerings that were proffered by individuals via a priest-intermediary and which were mentioned in the same chapter. Why place both of these images side-by-side in the same chapter, if not to convey something through that juxtaposition? Maybe, offering sacrifices is not the same as fasting or of going through a personal process of repentance, as a result of which God cleansed a person directly in the image of the waters of a ritual bath.

I felt like this student was reading all of the pieces of the chapter together quite successfully because she was trying to synthesize the pieces of the chapter that did not cohere with one another on the surface. She was trying

15 Note that we discussed in detail how the verses Ezek 36:25 and Jer 17:13 worked within the development of the point made in M. Yoma 8:9. Indeed, this mishnah is more complicated than I mention here.

to make sense of an apparent tension in the text and use it to see the rabbis as men struggling to differentiate themselves from the priests.

In response, I first acknowledged the perspective put forth by the students earlier in the class, claiming that, indeed, they were correct to some degree, “The rabbis were men searching on some level for continuity.” But, the rabbis of the Mishnah also made a strong argument for discontinuity as well. They were developing a different theology of sin and repentance by the end of tractate Yoma that was distinct from the way the priests approached atonement during the Temple era. The pomp and circumstance associated with the Temple rite of Yom Kippur, which centered on a high priest who cleared an entire community of their sins, ended up by the final mishnah in the tractate as an individual quest for repentance from God. And then a student interrupted, “And these are not the same. I am not sure that one could develop naturally from the other. Offering sacrifices to clear one of sin through a priest *is* spiritually and religiously different from individual repentance.” I concurred, saying, “The rabbis may have been trying to construct something different and not an ideology that was exactly continuous with what had preceded it, an ideology that could develop without the Temple and one’s reliance on the priests.” This was what I wanted the students to consider as they learned to read the Mishnah’s references to the Temple.

Reframing the Same Questions: Reading Mishnah Pesachim Chapters 8 and 10

The week that we studied tractate Pesachim, we compared two chapters (date of class: 10/16/13). I told the students in advance that we would do a close reading of chapter 10, which would appear quite familiar to them, as it outlines the Passover Seder ritual. At the same time, I told them we would peruse chapter 8, highlighting only a few specific mishnayot, in order to think about how and why the rabbis discuss the Passover sacrifice in the way they do.¹⁶ I asked the students, again, to tell me what they

¹⁶ After the cultic centralization of King Josiah, the celebration of Passover was transferred to the central Sanctuary in Jerusalem (2 Kgs 23:21-23). After the Exile, the requirement that the slaughtering, preparing, and eating of the paschal animals was to take place in the Temple continued (2 Chr 30:1-5; 35:13-14; Jub 49:16, 20). Later, because of the large

thought was at issue for the rabbis with regard to each of the mishnayot that mentioned the Temple. I was intent on making sure there was a pattern to my questions—a reading objective that I kept repeating. But, instead of moving on and asking—“Why is the Mishnah making reference to something Temple-related in this context? How does it speak about the Temple?”—I tried to make my questions more pointed, asking—“How does the Mishnah talk specifically about the Passover sacrifice in chapter 8, and how does this differ from the way it is discussed in chapter 10? And, when the rabbis refer to the Temple in chapter 10, do they always do so in the same way each time?” I was looking for the students to read by comparing and contrasting the mishnayot one to the other, as well as to do the same with the two chapters overall.¹⁷ I wanted them to be able to recognize that the Mishnah makes different types of references to the Temple and the cult.

As we began to discuss M. Pesachim, chapter 8, one student reflected his surprise over how complicated it was to offer the Passover sacrifice. At that moment, I felt as though the student was reading closely and critically. He was trying to make sense of why the Mishnah chooses to present the Passover sacrifice as it does. I let the point dangle, and we moved on to discuss how one not only needed to be registered for the sacrifice by the one performing it, signifying a person's inclusion in the offering, but, in many cases, it was imperative that a person consented to his/her inclusion. Without proper registration and consent, one could not eat from the Passover offering at all. “According to the Mishnah, when do problems arise in terms of fulfilling this commandment?” I asked them. While none of the students had linked this question to describing what they thought was at issue for the rabbis, I felt that prompting them would help them to locate what might be lying beneath the

numbers of participants, the paschal animal was killed at the Temple, but boiled and eaten in the houses of Jerusalem (M. Pesachim 5:10; 7:12). See Ernst Kutsch, “Passover,” in *Encyclopaedia Judaica*, 2nd ed., ed. Michael Berenbaum and Fred Skolnik (Detroit: Macmillan Reference USA, 2007), 15:680.

17 I agree with Sam Wineberg, who writes of the importance of creating intertextual connections across multiple sources; in my case, it was across mishnayot, rather than processing each mishnah as an independent text, “On the Reading of Historical Texts,” 515.

surface of the mishnah's words. To answer my question, we made a list of possibilities on the board:

1. When a woman's husband and her father slaughtered the Passover offering for her, and it was unclear in which sacrifice she was to be included.
2. When two guardians sacrificed the Passover offering for one orphan, it was unclear in which sacrifice he/she was to be included.
3. When a person was half-slave and half-free.
4. When a master was not specific with the instructions given to his slave in a case where he had asked him to slaughter the Passover sacrifice in his stead.

A student sounded shocked when she looked at the board, "Did they not know how to communicate with one another? Are you trying to tell me that husbands and fathers did not speak to one another before Passover and that orphans' guardians ignored one another regarding a ritual about which the Bible clearly states is punishable with *karet* (the punishment of being cut off from the people of Israel)?"¹⁸ I responded, "*I* am not telling *you* that; the Mishnah has made it its business to describe some sort of breakdown in communication when, indeed, communication happened to be necessary for performing this ritual. What do you make of that?" They had no answer. I was not sure I had one either, but I liked where the discussion had led us. I felt that the student was asking questions indicating that she was not simply translating or reporting on what the Mishnah said. Indeed, she was uncovering issues that were more implicit. This gave me a clue to her ability to read Mishnah better than she had the week prior. I wanted the meaning of the mishnayot to develop in each student as they questioned the texts. I wanted them to feel "productively" confused and to recognize that to feel confusion can be a component of reading well, precisely because it generated the kind of questions that helped to unravel ideas implicit in a mishnaic passage.¹⁹

¹⁸ See Lev 23:29.

¹⁹ See Robert Scholes, *Textual Power: Literary Theory and the Teaching of English* (New Haven: Yale University Press, 1985), 14, as quoted and discussed by Wineberg, "On the Reading of Historical Texts," 519.

Our discussion also brought to light that what made the Passover sacrifice complicated and threatened the inclusion of the entire community was the status of ritual impurity. Menstruating women (*niddot*) as well as men and women who had discharges that were not seminal or menstrual (*zavim* and *zavot*) were not fit to partake of the offering if they were still impure when the time arrived to eat. Women, together with slaves and minors, could not sacrifice the Passover offering (M. Pesachim 8:7). Performing the ritual for only one person also emerged as a concern (M. Pesachim 8:7). When I asked, “What do you make of this?” the student who was taken by surprise earlier, wondering why individuals did not communicate with one another around the Passover sacrifice, said, “I think the rabbis are trying to tell us that the rite of the Passover offering did not work smoothly. It did not unite families. It called attention to the impure and it excluded people. Something about the rite does not feel positive.” I quickly transitioned us to M. Pesachim 10 with the question, “And what led you to believe in M. Pesachim 10:1 that the Passover Seder was entirely different in flavor and feel?” I was pushing them to read texts alongside one another. I did not want them to complete chapter 8 and “file it away.” I wanted them to keep it active in their mind so as to think more about it via a comparison to other texts found in M. Pesachim 10 that would also make reference to the Temple and the Passover sacrifice.

Together we began to read the first mishnah of chapter 10. The students quickly noted that “even the poorest man in Israel was not to eat until he reclined.” One student then quickly described reclining as a symbol of free men and gravitated to the social implications, not only of making everyone recline, but of equating all people one with the other, whether poor or rich. “Such a democratic concept,” he said excitedly. The students also noted that a person had to make sure that all people had four cups of wine, even if he was feeding himself from the charity plate two meals a day,²⁰ and one student highlighted how a father taught all of his sons, the smart and the ignorant, about the rituals of Passover (M. Pesachim 10:4). The contrast to M. Pesachim 8

20 There are several ways to read this part of the mishnah. See Rashi, Rashbam, and Tosafot on B. Pesachim 99b, regarding four cups of wine and the word “*tambui*.”

was striking. In chapter 10, no one seemed left out. The ritual was constructed to be inclusive.

We then talked about whether there was a Seder leader, like a high priest, or someone similar to a head-of-household who had once sacrificed the Passover offering. M. Pesachim 10:3, which begins, “They brought before him *הביאו לפניו* [vegetables to perform the rite of *karpas* . . .],” left us wondering—“who” brought the vegetables before “whom.” We talked about how vague the Mishnah can be in omitting subjects and objects of phrases. Many of the students were convinced that there was a leader of the Seder and the word “him” referred to that person. They appeared to draw from images of parents leading their own Seders, and certainly, the words *הביאו לפניו* could be translated to reflect that. But some were willing to argue that all of the people at the Seder were responsible for bringing vegetables before “him,” that is, before each individual sitting at the table so that everyone participated equally. Indeed, the more we read and talked about the tenth chapter, the more the difficulties and exclusions presented in the eighth chapter emerged. “Did the rabbis really want to bring back the Passover sacrifice?” one student queried and then asked further, “Why bring back a rite that excludes and that is difficult to execute? And, by the way, how do we know that all Jews could have even made it to the Temple? Was it even feasible for very many Jews to be in the Temple at the same time? Were not some excluded by virtue of being sick, feeble, too old, or too young?” Another student then piped in, “You know that father in M. Pesachim 8:3 that we read about, who engaged his sons in a competition to see who could get to the Temple first? Where was he living? How far was it from the Temple?” And another asked, “Why did the Passover sacrifice need to become a matter of competition? The Passover Seder, as narrated in M. Pesachim 10, did not pit one son against another.” “On the other hand,” she continued, “Why include the Passover sacrifice in the Mishnah at all and write about it in such detail?” The questions were getting better. This last student had begun to show that she was not simply accepting what the Mishnah said. She could do more than report on its contents. She could also challenge it with the “why” question—an important aspect of reading analytically. Even if she had no answers, I was satisfied, because learning to read did not necessarily require that she find the answer. It was about learning to ask questions that opened

up the text for further introspection. After class that day, I wrote in my teaching journal that I was feeling hopeful (10/16/13). Maybe some of the students were beginning to detect that the Mishnah's objective in including the details of the Passover sacrifice was not merely for the purposes of preservation, although I did not dismiss that argument as a possibility. What had come to light was that the Mishnah seemed to be displaying the complexities of the cult in light of a developing rabbinic ritual.

The following week, we took another look at M. Pesachim 10; that is, we focused on its references to the Temple, leaving chapter 8 aside (10/23/13). Chapter 10 also made references to the sacrificial cult and to the Temple, both of which we highlighted on our class outline in yellow. We then plowed through the chapter for a second time, paying careful attention to when and why anything related to the Temple was mentioned within the context of narrating the Passover Seder rite. At M. Pesachim 10:3, one student yelled out, completely convinced his sense was correct that the rabbis wished to preserve a very clear memory of the Passover sacrifice, in the hope, he argued, of restoring the ritual:

They brought before him matzah and lettuce and haroset and two cooked dishes [one to remember the Passover sacrifice and one to remember the hagigah sacrifice], even though the haroset is not an obligation. Rabbi Eliezer in the name of Rabbi Tzadok says: It [the haroset] is an obligation. And in [the time of the] Temple, they would bring before him the body of the Passover sacrifice.

For the student grappling with M. Pesachim 10:3, the opinion of Rabbi Eliezer, who spoke in the name of Rabbi Tzadok,²¹ represented the importance of memory. He argued that the phrase הָבִיאוּ לִפְנֵי (they brought before him) made a direct reference to the vegetables and cooked meat being brought to a person at the Seder after the destruction of the Temple as a reminder of a time when the Passover sacrifice was slaughtered in the Temple, and the roasted meat was prepared and “brought” to the people. Another student saw this ritual as merely a placeholder of sorts, readying an individual for the

21 See B. Yoma 23a and my article, “Imagining the Priesthood in Tractate *Yoma*: Mishnah *Yoma* 2:1-2 and BT *Yoma* 23a,” *Nashim: A Journal of Jewish Women's Studies and Gender Issues*, no. 28, Spring 2015: 88-105.

symbolic associations of various rites with what had once been done in the Temple. M. Pesachim 10:4, which included a version of the four questions that mentioned eating only roasted meat at the Seder, seemed also a similar reference. “Rather than being required to eat the roasted meat,” the student argued, “we needed to recite a question that conjured up a memory of it. In this way, the rabbis transformed a ritual practice into a liturgical one, all for the sake of remembering.”

“Memory, yes,” I agreed, as the mishnaic text supported the idea. “But what did the rabbis want to remember? What is really at issue here for the rabbis? What does M. Pesachim 10:5, quoted below, add to this discussion?”

Rabban Gamaliel used to say: Whoever has not said these three things on Passover, has not fulfilled his obligation and they are: Pesach, Matzah, and Maror. Pesach—because God passed over the houses of our ancestors in Egypt.

My students were beginning to think about the different ways in which one chapter of Mishnah referred to the Temple. In pressing that learning to read very closely meant continuing to ask questions, I said to them (again), “How did the rabbis refer to the Passover offering here?” This, so that these differences would emerge more clearly in class, and they could try to uncover what was at issue for the rabbis. A student keenly recognized that in M. Pesachim 10:5 the rabbis choose not to connect the familiar term for the Passover offering “Pesach” explicitly to the Temple cult. Instead, M. Pesachim 10:5 makes a direct link between the offering and the events leading up to the Exodus from Egypt. Memory was wedded to a historical narrative. It was important to remember God’s salvific powers and, of course, redemption. And so, I said to them, “Is M. Pesachim 10:5 simply about referencing the Passover sacrifice, the “Pesach,” or are the rabbis struggling with the definition of memory?” Again, I left the question dangling. It was more important to me that I modeled for them the need to keep returning to the question of what was at issue for the rabbis.

When the students turned to the liturgical discussion about the integration of the Hallel prayer into the Passover Seder, they were quick to recognize that M. Pesachim 10:6 referred to the Temple in yet another way, by

specifically expressing a desire to return to the practice of celebrating holidays and offering sacrifices in the Temple. When the mishnah asked the question, “Until where does one recite [Hallel] at the Seder?” Rabbi Akiva (d. 137 CE) pointed out that one begins with, “So may the Lord our God of our ancestors bring us to future festivals and pilgrimages which approach us in peace, rejoicing in the building of Your city and joyful in Your service, and may we eat there from offerings and from the Passover sacrifices . . .” and ends with, “Blessed are You, the Redeemer of Israel.” This meant that M. Pesachim 10:5 and 10:6, taken together, connected both the event of the past Exodus and a hope for a rebuilt Temple in the future to redemption. One student remarked, “Wow, so the Mishnah presents here a distant past defined by redemption and a distant future also defined by redemption—the rabbis *remember* in a very controlled way, as if they are carving out a space in their present for something else, something different, to develop.” At that moment, I felt that the student was trying to synthesize the mishnayot and to make sense of the chapter as a whole.²² More importantly, he had tried to figure out what was at issue for the rabbis and had brought us back to the rabbis’ struggle with memory.

However, the final mishnah in the chapter and of the entire tractate posed another challenge to this student’s theory. Steeped as it was in detailed references to matters of impurity and the cult that were foreign to my students, they were confronted with Temple ritual recorded as if the Temple was still standing. M. Pesachim 10:9 sounded as though the members of the rabbis’ community were eating the Passover sacrifice itself:

The Passover sacrifice if eaten after midnight imparts uncleanness to the hands. The *pigul* and *notar* impart uncleanness to the hands. If a person recited the blessing over the Passover sacrifice, he is exempt from saying a blessing over any other sacrificial meat that he eats. If he recited a blessing over any other sacrificial meat, he is not exempt from saying the blessing over the Passover sacrifice. This is the opinion of Rabbi Yishmael. Rabbi Akiva says: Neither of them exempts the other from a blessing.

22 Personally, I had not even thought of the chapter quite like he had; however, he had made an interesting point, something I had not thought of before. He had taught me. He had shifted my perception of a text and, to me, that was a sign of reading well.

After defining the terms and noting yet another way of making references to the Temple cult, I asked the students to think about why the rabbis imagined themselves eating the Passover sacrifice in the present? Why end tractate Pesachim this way? Maybe this was a source about keeping the rituals of the cult alive so that there would be a record for some future time?" And then, one student observed, "So, why did tractate Yoma end with a metaphorical reference to purification, whereas, here, we are made to feel as though the Temple is still standing, and its rituals are still observable?" The student was comparing tractate to tractate—precisely what I had wanted to occur. I argued for the possibility that the Mishnah communicated different perspectives and that one could not generalize about what it says. I noted that the rabbis were, indeed, struggling and did not have all of the answers to their own questions.

Several students remained convinced that the rabbis were committed to establishing a sense of continuity in a seamless way between their past, present, and their future. I was disappointed that some of their prior assumptions had not begun to unravel. They continued to hang on to the notion that the rabbis preferred the cult and longingly wished to bring back the Passover sacrifice—hence, ending the tractate with the sacrifice itself. But then, one student's comment captured everyone's attention. He felt that the final mishnah, which included an opinion by Rabbi Akiva, robbed the priests of their authority. "Where were the priests' voices? Why were the rabbis—and not the priests—legislating for ways to offer and eat the Passover sacrifice? Rabbi Akiva lived alongside priests, so why record his opinion as if he was not in conversation with them?" This student recognized in the rabbis of the Mishnah a desire for authority as a way of legitimizing themselves over and above the priests. The student continued, "I have a feeling that the rabbis did not see themselves as provisional leaders, ready to step aside when the Temple was standing once again. Therefore, didn't the rabbis need to present themselves as men knowledgeable about the cult?"²³ Another student, recalling material she had read in

23 While not relevant to the discussion of the Passover sacrifice, I did make a mental note about teaching mishnayot from tractates Nega'im and Niddah. I wanted to push the point further that the rabbis cultivated an image of themselves in the Mishnah as the ultimate interpreters of biblical texts as well as the most knowledgeable arbiters of purity law. See Mira Balberg, "Rabbinic Authority, Medical Rhetoric, and Body Hermeneutics

an article describing the perspective of Jacob Neusner,²⁴ raised the following point: “The Mishnah, as Neusner has argued, is a document that reflects rabbinic self-interest, their ideology, their ideas—so isn’t it arguable that the rabbis were interested in how they could claim authority? Knowing about the cult, teaching about the cult, and speaking about the cult as if it was happening was to speak in their own self-interest. Maybe they would be able to convince priests to join their ranks. Maybe they would look like they knew about all matters of law, including sacrificial law. Maybe they were savvier than we think. The fact is, the voices in the Mishnah, at least here in M. Pesachim 10:9, belong to the rabbis alone.”²⁵

I felt like these students had gotten somewhere. They had let go of prior assumptions and had begun to understand that reading the Mishnah was intimately connected to being suspicious of their prior views. Reading the Mishnah was also dependent on asking question after question. While I told my students that all of the pieces might not ever fit together smoothly, it was clear that some of them were beginning to detect that the relationship between the rabbis and the priests was far more complicated than they had

in Mishnah Nega'im, *AJS Review* 33, no. 2 (2011): 326. See also Charlotte E. Fonrobert, *Menstrual Purity: Rabbinic and Christian Reconstructions*, 126-27, where she discusses how the rabbis construct a rabbinic system of knowledge about women's bodies, despite the problems that arose for them in doing so.

- 24 I was probably smiling at that moment, as this student managed to draw from secondary material in order to read primary source material. I always assign various articles in any given semester, hoping that the students will learn how to integrate the points made within them into their study of rabbinic texts. This, in my mind, is part of learning how to read, and I spend time at the beginning of each new unit talking about how to “read” these articles as well as summarizing the questions the authors ask and the answers they offer. I noted these questions and answers on the outlines I sent to the student each time we completed a unit of texts, hoping that doing so would help the students in their understanding of the articles’ usefulness.
- 25 Although we did not read Naftali Cohn’s scholarship, his work informed the way that I responded to the student. Cohn argues that the rabbis fully intended to assert their authority over all of Jewish ritual, even ritual that was no longer practiced. They wanted to present themselves as the legal experts over all matters. Indeed, they wanted others to seek them out with respect to their legal opinions. The rabbis may have lacked real authority, but they wished to convey that their role was critical to the preservation of true tradition and practice. See Naftali S. Cohn, “The Ritual Narrative Genre in the Mishnah: The Invention of the Rabbinic Past in the Presentation of Temple Ritual,” (PhD diss., University of Pennsylvania, 2008), 225, and Cohn, *Memory of the Temple*, 2.

originally thought. “Ambiguities and contradictions mean something in the Mishnah,” I noted to them.

I then added, “Neusner believed that the Mishnah did not contain archives of raw data, but texts seeking to create a fictive sense of reality for polemical purposes. So, were the rabbis polemicizing against the priests? Was the student right? Did he have a point?”²⁶ I then raised the idea that epigraphic and archeological remains, in addition to Jewish literature from this period, reveal that priests continued to identify as priests and that the rabbis did not win them all over in the first generations after the Temple was destroyed. The priests maintained their economic standing by continuing to receive tithes, to observe purity and impurity laws, and to play a role in the religious and political affairs affecting the Jewish community, even after the destruction of the Temple.²⁷ I suggested that the rabbis may have represented a small community of Jews at the time who were feeling a sense of insecurity, even threatened by the continuing, stable presence of the priests. The Mishnah was a way in which they could “write” themselves into authority.

Two students held to their original ideas about the rabbis and claimed that they were trying to follow in the footsteps of the priests. The rabbis were not trying to reject the priesthood or critique it. The rabbis were merely dealing with the crisis of the destruction of the Temple, struggling for continuity. They brought passages from M. Pesachim 10 that reemphasized the rabbinic commitment to symbolically remembering the Passover sacrifice, and, indeed, they were making a good case. I wrote in my journal that day after class that the students were reading very differently from one another (10/23/13),

26 See Seth Schwartz’s, “Political Geography of Rabbinic Texts,” 85-87 for an overview of Neusner and other scholars on the reading of rabbinic texts. My students were assigned this article and asked to comment on which scholarly approach to the study of rabbinic texts they most preferred and why.

27 While my students had not read this material, I was referring to Matthew Grey, “Jewish Priests and the Social History of Post-70 Palestine,” (PhD diss., University of North Carolina, 2011), 6-12, 84. See also Grey’s more extensive discussion, where he makes note of the fact that some priests were active in the rabbinic movement, p. 44. For a larger discussion, see Seth Schwartz, *Josephus and Judean Politics* (Leiden, Neth.: E. J. Brill, 1990), 58-109; and Stuart A. Cohen, *The Three Crowns: Structure of Communal Politics in Early Rabbinic Jewry* (Cambridge: Cambridge University Press, 1990), 158-71; Catherine Hezser, *The Social Structure of the Rabbinic Movement* (Tübingen: Mohr Siebeck, 1997), 487.

virtually each displaying her or his own individual view. However, what I really wanted was for them to see that the Mishnah conveyed *more* than one perspective and for them to hold two or more perspectives simultaneously. I wanted them to see evidence in the Mishnah of nostalgia for the Passover sacrifice, but also recognize that the rabbis were engaged in a struggle with that very past. They were wrestling with how to assert their own sense of legitimacy and authority and to differentiate themselves from the priests.

The Case of Bikkurim: Thinking about Temple Narratives

M. Bikkurim enabled my students to think more about the Mishnah's inclusion of detailed narratives describing Temple rites. M. Bikkurim 3 contained a description of the well-orchestrated ceremony of bringing first fruits to the Temple. For now, I will put aside a discussion of the complex relationship between this rite and the pilgrimage holiday of Shavuot and focus on how the students began to think about why the rabbis would have preserved such a detailed description of rites they no longer performed, vestiges of which were never incorporated into any future observance. As we all noted in class, even the symbols that might have been used to remember the rite of bikkurim seemed somehow lost entirely, unlike anything we had seen with respect to the Passover sacrifice. I framed our study of M. Bikkurim both within readings of the biblical material on bringing first fruits (Exod 23: 14-17, 19; Exod 34:22-26; Deut 16:9-12 and 26:1-11) and Jonathan Smith's secondary source article on the purpose of ritual.²⁸ The students had to prepare M. Bikkurim 1:1-2 as well.

In reading M. Bikkurim 1:1-2, the students were immediately struck by the fact that, like the Passover sacrifice, some individuals were included in the rite and others were excluded. That part was familiar to them. They pointed to the fact that M. Bikkurim 1:1 noted: "There are some who bring bikkurim and recite [Deut 26, which serves as the central liturgical component accompanying the offering], and there are those who may only bring [the bikkurim] but do not recite [Deut 26] as well as those who may not bring [bikkurim] or recite [Deut 26]." The Mishnah went on to provide a

28 Jonathan Z. Smith, "The Bare Facts of Ritual," *Imagining Religion*, 53-65.

definition of those excluded from the rite of bringing bikkurim, and they included not only those who did not own land, such as tenant farmers, lessees, occupiers of confiscated property, or robbers, but also those whose produce grew partially on their own land and partially on someone else's land (M. Bikkurim 1:1-2). What was less familiar was the point made in M. Bikkurim 1:2 that the key to the rite of bringing bikkurim was fulfilling Exodus 23:19, which states that one must bring "the fruits of *your* [own] land" and that land had to be located in the Land of Israel. Additionally, all of the produce brought needed to be crops that were listed in Deuteronomy 8:8, including wheat, barley, and pomegranates.

"What an exclusivist rite!" remarked one student. She was thrown by the need to own land and land in Israel in order to perform this rite. "Diasporic Jews could not participate!? Didn't Jews live outside of Israel at the time of the Mishnah!" she exclaimed. And then, the questions began to roll in. After we read M. Bikkurim 3:1, which states, "How does one separate the bikkurim?" and the students confronted the very straightforward answer of the mishnah, "When a man goes down to his field and sees a ripe fig, a ripe cluster of grapes, or a ripe pomegranate, he ties reed-grass around it, saying, 'Let these be bikkurim'"—there were many disgruntled students. "How can the mishnah speak as though everyone 'sees' a ripe fruit? We just learned that some Jews did not even own land!" And another student pointed out quite astutely, "What about droughts and an overabundance of rain that diminished crop yield or blights that destroyed crops altogether?" They were beginning to recognize the difficulties in observing this rite as the rabbis described it. And one more student said, "If the rabbis wanted us to preserve this rite, why not make allowances for a procession with any type of produce, whether grown from one's own land or not, as a way of recognizing the power of God in having enough to eat. Surely, the rabbis were trying to 'write' bikkurim out of existence. This is what was at issue for them here. It makes sense to me." And one more student was able to point to the complicated relationship the rabbis may have had with ownership of land in the Land of Israel. "By the time of the redaction of the Mishnah," she noted, "were the rabbis in control of the Land of Israel? Is this why the rabbis wanted to orchestrate a beautiful imaginary procession in the remainder of M. Bikkurim 3 that could never be performed by everyone?" The students were

posing questions that reflected their ability to challenge what they were reading, and I felt that the class had begun to read critically. They were asking and answering why it was that the rabbis chose to depict the ritual of bikkurim as they did. They seemed to feel that the rabbis were constructing the ideal rite while couching it within rhetoric that questioned its ability to be observed. The students were asking better questions and making better observations. When I thought about why, I recalled that the students had also read a seminal article about ritual written by Jonathan Smith, “The Bare Facts of Ritual.” Prior to our class, they had written two-page papers that asked them to respond to the following prompt, whereby I expected them to read the mishnayot through the lens of Smith:

Essay Assignment No. 4: The bringing of first fruits to the Temple celebrates the perfect harvest. The complex interaction between God, nature, farmer, priest, the need for food, one’s gratitude for food, and the gracious act of gift-giving are intertwined in a manner that presumes perfection. Invariably, the system does not always work in real life, because droughts occur, people falter in their farming abilities, and people question their beliefs in God and His role in the process of food production. However, in a utopian way, in the ritual performance of bringing bikkurim, all of the pieces are present and perfectly integrated. All of the variables are controlled so that the ritual is not like real-life. Contingency, variability, and accidentally have been factored out, generating a ritual that allows a person to have an ideal experience. Ritual acts as a human labor, struggling with matters of incongruity. To what extent do you think the statement made here, based on Jonathan Smith’s article, “The Bare Facts of Ritual” (*Imagining Religion*), describes or does not describe the ritual of bringing bikkurim? Why do you think the rite completely fell by the wayside? Please make sure to refer to specific mishnayot.

I believe that this assignment, based as it was on writing an essay that revolved around the reading of primary sources alongside a secondary source, contributed to the students’ ability to read the Mishnah more deeply.²⁹ The

29 Teaching my students how to read the Mishnah was also about guiding them toward secondary sources and teaching them how to read them as well. I wanted the students to learn to move from primary to secondary sources and back to primary sources. I hoped

fact that the students needed to refer to the mishnayot themselves while thinking about Smith's argument, which had nothing to do with Jewish ritual, the Mishnah, or the Temple, seemed to "productively" slow the students down.³⁰ It made them think harder about what they were reading. It seemed also that they had begun to take my question of what was at issue for the rabbis more seriously. As such, I received papers that included the following comments, attesting to my students' reading skills:

Student 1: The rabbis in M. Bikkurim 3 make the ritual of bringing bikkurim to the Temple seem like a ritual designed for an ideal world as Smith describes—but, they also admit that not everyone could participate (M. Bikkurim 1:1-2). The rabbis describe a well-orchestrated procession that could not be performed, because they recognized how imperfect this rite actually was. It was not feasible for everyone to perform it.

Student 2: Bikkurim had to be specific types of crops brought from specific areas. What if I did not grow those crops? What if these crops were ruined? The ritual would not happen at all. I think the rabbis wanted to see this rite abandoned, because it could never be perfectly executed. There were just

that reading Ishay Rosen-Zvi's article, "Orality, Narrative, Rhetoric: New Directions in Mishnah Research," would open my students' eyes to more recent contributions to scholarship on the Mishnah and help them to understand why some scholars wish to undermine what they see as a naïve conception of mishnaic texts dealing with the Temple. Rosen-Zvi argues that the Mishnah's detailed expositions, narratives, and references to the Temple made the Temple imaginatively and perpetually present through the *study* of the Mishnah. A newer ritual could be seen emerging whereby rabbis "performed" these texts in their minds and imagined them in their daily conversations, studying about the Temple together with one another, rather than actually performing these rites. We read this article in conjunction with M. Pesachim, chapters 8 and 10, in order to think about the Mishnah's references to the Temple. See Ishay Rosen-Zvi, "Orality, Narrative, Rhetoric: New Directions in Mishnah Research," *AJS Review* 32, no. 2 (2008): 242-49. Also see Jane Kanarek's chapter "What Others Have to Say" in this volume.

- 30 Regarding the importance of slowing down see this case study: Jane Kanarek, "The Pedagogy of Slowing Down: Teaching Talmud in a Summer Kollel," *Teaching Theology and Religion* 13, no. 1 (2010): 15-34; reprinted as "The Pedagogy of Slowing Down: Teaching Talmud in a Summer Kollel," in *Turn It and Turn It Again: Studies in the Teaching and Learning of Classical Jewish Texts*, ed. Jon A. Levisohn and Susan P. Fendrick (Boston: Academic Studies Press, 2013).

too many variables that “could not be factored out.” This was not a rite that would stabilize the authority of the rabbis; it would only undermine it.

Student 3: The bikkurim rite fell by the wayside because it was inherently a futile attempt to subdue the natural imperfections behind the harvest.

Student 4 (quoting Smith, p. 57): I believe that we must “perceive ritual as a human labor, struggling with matters of incongruity.” By attempting to institute the ritual of offering bikkurim as an ideal ritual that overcomes variability and accidentally, the authors of the Mishnah consciously instituted its downfall.

This was the point at which I felt as though the students had read and understood how to use Smith to understand the Mishnah. In their minds, Smith’s version of “what ritual is” simply did not work for bikkurim. One could labor hard to offer up the perfect harvest, but perfection was unachievable. There would always be those who could never participate in this rite, challenging its communal nature. Then one student remarked, “The narrative of bringing bikkurim to Jerusalem (M. Bikkurim 3) makes it sound like everyone was involved, but that is not possible. The third chapter makes this rite sound like it worked perfectly each year. In contrast, the first perek, M. Bikkurim 1:1-2, offers us a different impression when it excludes certain individuals from this rite. I almost feel as though the rabbis included such a discussion about bikkurim in M. Bikkurim 1 and 3 to convince themselves that their observances were more inclusive, even more democratic, than those of the Temple.”

And yet, there was still another student who, after offering an excellent analysis of the Mishnah through the lens of Smith, pulled back with the following view, “Perhaps the rabbis wanted to keep the people yearning for the restoration of the Temple. By leaving the people who would one day read the Mishnah with Temple rituals unfulfilled, the rabbis may have hoped to instill a never-ending drive toward reestablishing the home of the Jewish people in Israel and reestablishing a home for God in Jerusalem.” I could not argue that the student was incorrect, and I did not want to deny the hopeful tone that seemed to emanate from M. Bikkurim 3, but it proved to me how important the image of rebuilding

a past Temple was for some students. They seemed not to want to overlook this reading lens, even when they had evidence of another perspective.

Additionally, I had wanted the students to consider that the mishnaic discussion about bikkurim was a way for the rabbis to think through their attitudes toward ritual more generally. “How would rabbinic ritual differ from Temple ritual?” I asked the students. One student responded, “Possibly, for the rabbis of the Mishnah, rituals were eliminated precisely when they did not work effectively, when they could not factor out ‘incongruity’ [referring back to Smith] and when any human labor exerted to perform them did not generate an ideal experience.” “Is this why,” one student argued, “Shavuot became dissociated with bikkurim, and the notion of receiving the Torah became the reason for its observance? Everyone received the Torah.” And then one student chimed in, remembering our first class on M. Avot 1:1, “except the priests.”

At that moment, we had come full circle, and I felt that the students were ready for the final. However, in reading the finals, I was soon to learn that I had not brought everyone to the point where they were questioning the rabbis’ references to the Temple.

The Final Exam—Mixed Results

Prior to the final, the students were in possession of outlines from our classes, their own notes, a list generated by us as a class of the many ways we could characterize the Mishnah, and a review sheet. I believed that I had provided what was necessary for all of my students to succeed on the final exam and that each had learned to read the sources that mentioned the Temple critically. I believed that I had taught them to ask the right questions of the texts and to propose answers that made sense, taking into careful consideration the words of each mishnah they read. And yet, when I gave them a question about references to the Temple in the final chapter of Pesachim (10) and asked them to discuss the significance of including such passages in the Mishnah’s outline of the Passover Seder, despite the fact that by the time of the redaction of the Mishnah the Temple had been destroyed; I got a wide array of responses on the final. This was another reminder to me of how firmly some students held onto their prior assumptions about the

Temple, the priests, and the cult. Here were two responses to my question on the final about M. Pesachim 10, inasmuch as I quoted the relevant mishnayot referring to the cult for them:

Student 1: The rabbis of the Mishnah were hoping that one day the Temple would be rebuilt, and the Passover sacrifice would become, yet again, part of the Passover celebration. The rabbis were trying to maintain a relationship with their history. The Mishnah depends on the previous legitimacy of the Temple and hopes for its resurrection.

Student 2: The inclusion of references to the Passover sacrifice and the Temple in M. Pesachim 10 shows that even though there was no Temple, it remained an ideal. David Kraemer [whose article we read]³¹ states that the Mishnah can be read as a document that presents an idea for a messianic future where there are sacrifices and, therefore, the references to the Temple and the cult in these mishnayot are spoken in a positive voice. This presents an attitude that the Temple cult is to be viewed favorably and that everything must be explained in order to keep the idea of the Temple alive.

These two students each fell back on arguments that the class had made earlier in the semester and seemed not to distinguish between the four different types of references to the Temple and the Passover sacrifice that appeared in M. Pesachim 10. One student had referred to David Kraemer's perspective in his article on the Mishnah, and, therefore, I felt the student had done his homework. And yet, messianism played such a small role in our discussions. I was even surprised that this student, in particular, embraced the messianic era as a way to explain the Mishnah, knowing him as I did by the end of the semester.

I was perplexed. Why had these students fallen back on presumptions that they had made as the semester began? Why hadn't they, at least, offered a more balanced view, arguing that they could see a nostalgic group of rabbis who were also struggling with the cult? There were more students, however,

31 David Kraemer, "The Mishnah," in *The Cambridge Guide to Ancient Judaism: The Late Roman Rabbinic Period*, ed. Steven T. Katz, vol. 4 (Cambridge: Cambridge University Press, 2006): 219-315.

who grasped the deep issue of how the rabbis used the Mishnah to negotiate their own future vis-a-vis the priests in a post-Temple Judaism, writing finals that reflected the perspective of the student below:

The rabbis' description of the Passover ritual is not history, but historical fiction. The sacrifices had long ceased to have been offered by the time the Mishnah was redacted, and I am not sure they were offered exactly as the rabbis of the Mishnah describe them. But that is not what is significant here. Instead, the rabbis are engaging in an imaginative exercise intended to present signs of struggle as they attempt to create something rabbinic. How much of priestly ritual can they move to the side and how much must they embrace in order to appear legitimate and include the priests in their new order? Passages such as these depict the rabbis' nostalgia and their efforts to appropriate the best parts of the Temple for the non-Temple religion which they were molding.

When I thought back on the semester, I felt that learning to read was about more than acquiring the knowledge to translate the texts in order to understand the rabbis, to define their legal concepts, and to profess their ideas. It was also about engaging in a type of thinking that involved considering the rabbis as men constructing a future, rather than merely describing a past.³² Some of my students had a difficult time letting go of prior presumptions about the Temple, because they were reading the Mishnah as one organic book while looking for historical clues to a past era. It was comforting for them to think about the Mishnah as democratic and ethical in the way that it preserved much of the Temple rite while, at the same time, charting a provisional Judaism in a time of crisis. It was much harder to think about the Mishnah as a "thought experiment," reflecting the struggles of several generations of rabbis who were imagining themselves with the authority to create something new and different from Temple Judaism. I also feel that for some students their insecurities around taking tests, especially those that require reading and translating material in Hebrew without the help of notes, got the best of them. Possibly, for this reason, they relied on previous ideas that were well known to them.

32 Wineberg, "On the Reading of Historical Texts," 515.

Looking to the Future

Looking back on the semester, I thought that I could have been clearer with my students. Along with our outlines of the chapters of mishnayot, our lists, our highlighted references to the Temple, our questions, and our proposed answers, I should have had each of them create one additional chart. This would be a worksheet of three columns for focused references; in the first column would be every mention of the Temple they found; in a second column, they would record all of their questions regarding each reference and proposed answers; and finally, in a third column, they would have to answer the question as to why they thought the mishnah referred to the Temple as it did and to answer—“What was bothering the rabbis here?” If I had asked them to create such a chart and had they looked back over it after an entire semester, they might have seen instances where it looked like the rabbis were holding onto the past, cases where the rabbis seemed to be differentiating themselves from the past, or even instances where the rabbis were critiquing the past. They would have more readily been able to detect contradictory strands and ambiguities. They would have felt that it was impossible to fall-out on one side of the issue of why the rabbis spoke about the Temple as they did. The chart would have slowed their pace as they tried to review for the final,³³ preventing them from drawing any swift conclusions and hopefully detecting evidence of a complex relationship between the priests and the rabbis. In the end, I wanted them to understand that the Mishnah refused to erase its own struggle and the students to be able to chart that struggle. The next time I teach this course, I intend to add this strategy.

33 Kanarek, “Pedagogy of Slowing Down,” 15-34.