

Chapter 1

The definition of a Mishnaic list

1. Introduction

It is important for the purpose of this study to determine some concept of what constitutes a Mishnaic list. The Mishnah certainly presents us with a very wide variety of text forms, including lists and stories. Some of these categories can themselves be meaningfully further subdivided into other categories. We will see in Chapter 3 that the list can assume a number of different styles. We also find in the Mishnah passages that possess varying degrees of conformity to what we might call a list. We find some lists such as those noted in Tables 5 and 6 at the end of the dissertation, that contain either a deixis (These are ...), or a numerical element in the opening phrase. These passages are highly stylised and a modern reader would have no difficulty in identifying them as lists. However, there are also texts that have some of the characteristics of what we would call a list, but lack others. Several of these passages are certainly very ambiguous in terms of their potential classification as lists, as will be seen in the case studies that will follow in the next section. On occasion, these ambiguous passages could be made to look more like lists if changes, some quite minor, were made. It must be stressed that the majority of the Mishnah is not in list form and most of the text appears to me to make no pretence to be a list.¹

In the next section I will examine a selection of passages to illustrate the range of list-like texts presented in the Mishnah. The grammatical, syntactical and literary features of these passages will be explored with a view to determining what makes a Mishnaic list appear list-like. This seems to be the best available procedure of exploration. It is not always possible to look at these lists using the tools of logic or formal semantics. The use of the terms of a *genus* and members of a set (or class) is not always helpful in the Mishnah because in a number of examples that we will meet in the course of this thesis, the *genus* is very unclear and open to debate.

In modern written works, lists may be presented in tabular form and hence can be easily recognised visually. However, I suggested in the Introduction to this thesis that the Mishnah was initially transmitted orally and hence, graphical representation of the text in tabular form was not an option. Admittedly, the earliest Mishnaic fragments preserved in writing have been found in the Cairo Genizah,² and date from the late seventh or early eighth century. So, for approximately the last thousand years the mode of transmission has been heavily dependent on writing. However, no cases of Mishnaic lists in tabular form seem to have been located in any manuscript or printed text of the Mishnah.

There is some evidence of the existence of an authentic tradition of voice modulation or tune that accompanied the recitation of the Mishnah, which if known to us today may have yielded some useful information about the text.³ This lack of knowledge is in complete contrast to the Bible, which had an ancient tradition of cantillation. The Bible that we use today is usually printed with musical notation above and below the text. Dotan provides several Talmudic quotations referring to the cantillation of the Bible according to a Masoretic tradition.⁴ He speculates that the practice of having written musical notes may date to the first half of the fourth century C.E., although the tradition of singing the words to a specific tune may date back to

¹ Cf. Introduction section 3.c. table of what proportion of text Neusner classifies as a list.

² Stemberger *op. cit.*, p. 140 gives an account of the Genizah fragments as well as other important manuscripts.

³ See Bayer, 'Oral Law in the "Oral Law"'.
⁴ *Op. cit.*, col. 1412.

Tananitic times, if not earlier.⁵ It is interesting to note that the Masoretic Bible contains one list of the ten sons of Haman who were hung on a gallows in Esther 9:7-10, written in what we may call a tabular form. However, these list items (i.e. the sons) do not possess a uniform cantilation.

The problem of defining a Mishnaic list is made more complex by the fact that, although a researcher living in twenty-first century England may be able to identify the characteristics of what he/she considers to be a list, there is no guarantee that those characteristics would be the same as those discerned by a scholar living in third century Israel. Cases that a modern writer could consider as marginal may not have appeared marginal in the view of the Sages of the Mishnah and *vice versa*.

A number of different passages will be analysed to show the nature of the problem. The cases have been specifically chosen to illustrate the range of variation among list-like structures, and the possible sources of ambiguity as to whether a passage may be termed a Mishnaic list. By highlighting the sources of this ambiguity, I will be able to identify some key literary and grammatical characteristics of a Mishnaic list.

After the analysis, a tentative solution to the problem will be offered as to possible characteristics by which a modern scholar might recognise a Mishnaic list, and I suggest that this will at least suffice to provide a working foundation for this investigation. It is to be hoped that, as our knowledge and understanding of linguistics progresses, some new techniques will become available so that a future scholar, armed with improved tools, will be able to reassess this problem.

Four key terms used in linguistics will be used frequently throughout the work and we will define them before we proceed with our study of Mishnaic lists.

1. A *pro-form* is a specific type of verbal substitute for words in a text. The following definition is given by D. Crystal:⁶

A term used in some grammatical descriptions to refer collectively to items in a sentence which substitute for other items or constructions. The central class of examples (from which the term is derived by analogy) is pronouns which substitute for noun phrases. Other pro-forms replace adjective phrases (e.g. *so* in *John is very tall and so is Mary*) prepositional phrases (e.g. *then, there*) verb phrases (e.g. *do* in *I like films and John does too*) and even whole clauses or sentences (e.g. *so* as in *I said so*). Terminology such as pro-verbs, pro-nominal, pro-locative and pro-NP, etc. is, therefore, likely to be encountered.

The next term we need to define is *deixis*. We will see that a deixis can also act as a pro-form. Levinson writes the following introduction to the subject of deixis:⁷

The single most obvious way in which the relationship between language and context is reflected in the structures of languages themselves, is through the phenomenon of **deixis**. The term is borrowed from the Greek word for pointing or indicating, and has as prototypical or focal exemplars the use of demonstratives, first or second person pronouns, tense specific time and place adverbs like *now* and *here*, and a variety of grammatical features tied directly to the circumstance of utterance.

⁵ *Op. cit.*, col. 1413.

⁶ *A Dictionary of Linguistics and Phonetics*, p. 310.

⁷ *Pragmatics*, p. 54.

Essentially, deixis concerns the ways in which languages encode or grammaticalize features of the context of an utterance or speech event and thus it also concerns ways in which the interpretation of utterances depends on the analysis of that context of utterance. Thus the pronoun *this* does not name or refer to any particular entity on all occasions of use; rather it is a variable or place-holder for some particular entity given by the context ...

He notes that there are several different categories of deixis including person, place, time and discourse deixis.⁸ The latter category is of particular importance for this study and the main type of deixis to be used in the description of the list.

On the term discourse deixis he writes that it:⁹

... has to do with the encoding of reference to portions of the unfolding discourse in which the utterance (which includes the text referring expression) is located.

We will see how the deictic term "these" (אלו) is often used at the commencement of a list, and how the expression can announce to the reader that a list will follow.

Often we find that in the Mishnah a legal norm is presented as a hypothetical case, which is called a *case schema*. This is another term that I shall use regularly, sometimes also employing another expression: protasis-apodosis unit (PAU). The PAU is a conditional literary structure that can be divided into two parts. The first part, containing an implicit or explicit "if", is called the *protasis*, and the second, containing either an implicit or explicit "then", is called the *apodosis*. The following example of a PAU is from Miqwa'ot 1:1.

[If] a man that was unclean drank from it and afterwards a man that was clean drank from it [then] he becomes unclean.

The opening phrase, "[If] a man that was unclean drank from it and afterwards a man that was clean drank from it" is the protasis. The next phrase "[then] he becomes unclean" is the apodosis. The protasis-apodosis unit is a common literary format in the Mishnah. It can be found in lists as well as in non-list passages in the Mishnah. The word "if" need not appear explicitly in the sentence for it to be classed as a protasis-apodosis unit.¹⁰ This passage, just like many other PAUs in the Mishnah is also a case schema, that is, it expresses a legal norm. Indeed, the terms PAU and case schema as used by me are synonymous in many instances.

Before proceeding further in our investigation of lists, I wish also to introduce very briefly two terms that I use to describe certain key parts of a list, the *caption* and the *list items*. These terms will be explained in far greater detail in Chapter 2, but can be illustrated here by the opening sentence of B.Q. 1:1, which I will argue later in this Chapter, is a good example of a Mishnaic list.¹¹

⁸ P. 62.

⁹ P. 62.

¹⁰ The types of sentences that lack the explicit use of the words "if" and "then" are discussed in M. Azar, "The Conditional Clause in Mishnaic Hebrew".

¹¹ We will cite in Chapter 5 section 3.b. an opinion that B.Q.1:1 is a later addition to the Mishnah text. However, this does not impinge on the usefulness of the passage as a good example of a list structure.

Caption [There are] four types (lit. fathers) of damages:
List items the ox, the pit, the crop-destroying beast and the outbreak of fire.

The caption in this case states or describes the set of items that are to be listed. For the purpose of illustration in this example only, we can usefully employ the term *genus* to describe the caption. The list items in this case are elements of the set described in the caption. Another, less formal, initial approach is to describe the relationship of the caption and lists items by suggesting that the description stated in the caption is equally applicable to all members of the list items. Hence the "ox" is one of the "types of damage". In the next Chapter I will define the caption more rigorously, but this initial sketch is sufficient for our present purpose.

2. Case studies of list-like passages in the Mishnah

Let us now commence our study of selected passages from the Mishnah to see how and why they are list-like. From here we can start to discern the characteristics of a Mishnaic list. The first example illustrates an unambiguous case of a list in my opinion, and I will progress to less clear cases of list-like text structures.

Type 1 B.Q. 1:1

I have just used this passage to explain the terms "caption" and "items". The format found in B.Q.1:1 appears so many times in the Mishnah that it must have been a well-recognised and standard fashion of presenting information:

[There are] four types (lit. fathers) of damages:
the ox, the pit, the crop-destroying beast and the outbreak of fire.

The text segment looks very clearly like a list and we can suggest several reasons why this example is so list-like.

1. It would appear that one reason why this text segment appears to be a clear example of a list is that the caption is the *semantic equivalent* or pro-form of the list items that follow. In other words the "contents" of the list is referred to twice: once by the phrase "types (lit. fathers) of damages" and one by the words "the ox, the pit, the crop-destroying beast and the outbreak of fire". Moreover we find in this case that the caption contains not only a very good (if figurative) description of the class that will be listed, but a doubling of the import of the phrase "the ox, the pit, the crop-destroying beast and the outbreak of fire" in the words "types [lit. fathers] of damages". The caption also contains the word "four" which, although not a pro-form, also acts as a type of doubling of the list items that follow. We can therefore suggest that the caption of B.Q. 1:1 contains a redoubling of the list items: one doubling stemming from the pro-form "types [lit. fathers] of damages", and once from the word "four". The emphasis given to the caption stems from the re-doubling, and appears to be crucial to the clear identification of this segment as a list. If this is correct, then we could predict that a text segment which would contain even more pro-forms may be an even more emphasised caption and would appear to be even more list-like, and this assumption will be tested shortly.

2. There is a clearly defined caption, which is followed immediately by the relevant items. There is also a significant break between them and, in my translation, I have used a colon to mark the dividing point. When reading B:Q 1:1 out aloud in English, one would pause slightly at this place.¹² However, the fact that this gap is present in a modern English reading of the text is no guarantee that the Sages of the Mishnah would have read the text in that way, as there is no evidence of formal punctuation of the text. It is possible that, if the text was sung to a tune, as was speculated in the introduction to this Chapter, then the tune may have contained a pause at this juncture. No evidence is available to support this suggestion.

3. From the numerical element in the caption, "four", the reader can reasonably predict that a definite number of list items will follow.

We will shortly test these premises by investigating a text segment that does not contain a doubling of the potential caption. In this case we would expect the text to be less list-like and the caption to be less emphasised.

My hypothesis would also lead to the prediction that the presence of more pro-forms than in B.Q. 1:1 will result in an even more emphasised caption. We will now see a rare case of a Mishnah text that contains not only a numerical element but also two deictic expressions in the caption, in addition to the segment acting as a pro-form for the list items. The words that are pro-forms or doubling elements for the set being described are in bold type.

Pes 10:5

Rabban Gamaliel used to say, "Whoever has not said [the Biblical verses concerning] **these three things** on Passover has not fulfilled his obligation. And **these** are they ...".

There is a very clear case of a list with a well defined caption, which suggests that it will be followed immediately by a given number of list items. This case is of particular interest as the subject of the list, i.e. the Biblical verses that must be recited on the eve of Passover to fulfil one's obligation, are mentioned once in their own right in the caption, a further time in the pro-form "things" and twice further in the deixis "these". There is also a doubling effect arising from

¹² On the structure of sentences in terms of the breaks between words and their representation, see Nespor and Vogel, *Prosodic Phonology*, pp. 7-8.

the word "three". Thus the caption has several doublings of the list items and is highly conspicuous and re-doubled.

This is a very clear case of a list, and I argue that the strength of clarity of the example derives from the repetition of the list items by means of the pro-forms employed, i.e. the deictic elements and the numerical element in the caption together with the word "things" that anticipates them. The word "things" here acts in a way similar to the word "fathers" in the B.Q. 1:1 example, in that it contributes to the expectation that some list elements will follow. While the presence together of a summary term "three" plus at least one deictic expression and numerical element in the caption would appear to create the clearest form of a list, it is not very common. Usually only one of these elements is present. Hence, I do not designate this arrangement as a separate type or use it regularly as an example in this thesis.

Type 2 Eduyyot 2:10 (2:9)¹³

He [R. Aqiba] used to say, "A father determines through his merit his son's beauty, strength, wealth, wisdom and (length of) years; and the generations before him [i.e. the son] with him [i.e. the son] being at the end as it says ...".

This type of literary structure consists of a text segment that does not contain a doubling element and this is intuitively less list-like than B.Q. 1:1. Here list-like appearance seems to stem from the string of nouns, each separated by a comma in the English translation. However, Hebrew lacks this type of punctuation and therefore we will shortly find a way to describe a Hebrew string of nouns. Though I still consider this type of arrangement to be a list, and therefore within the scope of the material that comes within the sphere of this study, I will concentrate in this dissertation on the Type 1 arrangement where there is a caption containing a summary term, and usually also a numerical element and/or a deixis that serves as an added pro-form.

I suggest that in this passage there are no words in the text that can be extracted verbatim to state the common element(s) of the items that follow and hence, there is no pro-form of the list items. The lack of an enumerating term, or deixis or other pro-form in the caption means that the reader is not sure whether to expect list items to follow. It is only after the second list item, which is presented without an "and", that the reader can anticipate that there are subsequent list items to follow and that the nouns are part of a list. However, for the purpose of this thesis I argue that the segment, "He [R. Aqiba] used to say, 'A father determines through his merit his son's'" is not a caption. It does not appear to be a pro-form for the words "beauty, strength, wealth, wisdom and (length of) years". Nevertheless, these latter words seem to function as list items, and they all appear to be equally applicable to the words "He [R. Aqiba] used to say, 'A father determines through his merit his son's'", and therefore it would be arbitrary to say that this is *not* a list.

These features are in very sharp distinction to the Type 1 situation of B:Q 1:1, where we saw a well defined caption, part of which could be extracted and used as a pro-form for the list items. In B.Q. 1:1 we also saw that there was a very clear separation between the caption and the list items, even though the caption and list items are all contained in one sentence. The separation between the caption and list items is more blurred in the Eduyyot quotation than in B.Q. 1:1, as the list items attach themselves to the caption with the constant repetition of the

¹³ Reference will be made initially to MS Kaufmann, divergences in printed editions will be signified subsequently in brackets.

prefix ן (with) and there are no words recognisable as pro-forms. The list items in B.Q. 1:1 are prefaced with the definite article -ן and they appear to have less formal attachment to the caption.

The information in the Eduyyot passage may be reformulated in a more list-like fashion to constitute what is unambiguously a list, by the addition of a deixis or general term, as in the Type 1 example above. The inclusion of these pro-forms makes the text far more list-like.

He [R. Aqiba] used to say, "**These** are **attributes** of a son that are determined through the merit of the father: beauty, strength, wealth, wisdom and (length of) years ...".

The above version of the Mishnaic material, reworked in Type 1 style, is very clearly a list. There is a well defined caption with a deixis, "These are attributes of a son that are determined through the merit of the father" and a number of easily discernable list items "beauty, strength, wealth, wisdom and (length of) years ...". The addition of the word "attributes (that are determined through the merit of the father)" appears to be the most important change to the text, as it serves as a pro-form for the whole set. As I said before, the inclusion of the deixis "these" also appears to add to the list-like qualities of the text. Either of these elements would make the text more recognisable as a list, and certainly the presence of both these. The fact that this *mishnah* is not formulated in this manner may have been because the list-style was not significant either for its author, or the editor of the Mishnah.

I would suggest that this passage, as presented in the Mishnah, is still a list. It has text segments that have some of the functions of a list caption and list items. However, lists like these, which lack the formal repetition of the list items by means of a pro-form in the heading, and thus a formal separation of the caption from the string of list items, are not the main focus of my study, and I have made no attempt to enumerate them at all. I will concentrate on cases that are more readily recognisable as lists to the modern reader as a means of ensuring that the conclusions reached at the end of the thesis are based on the strongest available evidence.

Type 3 List-type structures that commence with questions

The type 3 situation is possibly a more marginal case of a list structure than the previous cases. In this form, the text commences with a question, and from this question alone the reader cannot anticipate that a list will necessarily follow. The question in English is a separate sentence; therefore, there is a very definite break between the potential list caption and the potential list. The same would apply to Mishnaic Hebrew.

Ma'aserot 1:2-3

When is produce subject to the Law of Tithes?

Figs - after they have [begun] their earliest ripening;

[Cultivated] Grapes and wild grapes - after their stones have become visible;

Sumach and mulberries - after they have become red, and all red fruits [are liable] after they have become red;

Pomegranates - after they have softened;

Dates - after they have swelled;

Peaches - after they have shown red veins;

Walnuts - after their cells have taken shape. R. Judah says: Walnuts and almonds - after their kernel-skins have taken shape.

M 1:3 continues in the same style, first a noun and then the signs showing the fruit to be ready for tithing. This passage could claim to be a list on two counts.

1. The question at the commencement of a chapter functions as a type of caption, in that all the nouns relate back to the original question of when produce is subject to the laws of tithing.
2. The formulaic pattern of the phrases that are presented in the same grammatical format also suggests some element of "listness".

However, we could argue that in the heading there is no doubling of the list items from a deixis or numerical element in this question. I would suggest that this is a list, but a more ambiguous arrangement than the preceding one. The potential caption is formulated as a question and not a statement, and hence its form is disguised.

This example has been chosen because Jaffee has classed it as a list and uses it as a typical example of a Mishnaic list in this tractate.¹⁴ Jaffee's major concern is form-criticism rather than the form and function of the lists. His comments on this passage will be quoted in full to show his different agenda.

The superscription links the diverse items appended to it into a single category subject to a common principle. The task of exegesis, accordingly, is to deduce from the listed items that principle which accounts for their collection beneath the superscription. In the above example [Ma'aserot 1:2], the problem is to determine, first, why various sorts of produce become subject to the law when they do, and second what the various criteria have in common with each other. Recognition of how the list functions to convey principles is central in the criticism of those lists, which appear to include items unsuited to the superscription. When the rules of list-formation appear to be violated (cf. M.1:4a-b) there are two interpretative possibilities. On the one hand, the formulator of the pericope may be directing attention to the critical problem of the Law. The exegete, accordingly, must carefully study the relationship of the anomalous item to both the superscription and the other items in the list. On the other hand, the pericope itself may have been disturbed at some point in the post-mishnaic transmission of the text. If so MS. evidence may turn up a better evaluation of the form, which will itself have to be evaluated. However the issue is resolved, the exegetical decision emerges from careful attention to the normal use of the form.

Jaffee's comments highlight two significant points. First, he talks of the superscription that "links the diverse items appended into a single category". He then suggests that the reader has to engage in a textual exegesis to discern a common principle. The list employs term "produce" in the question. The subsequent *mishnah* talks about vegetables. It is not clear as to why these species were chosen for inclusion in the list. Jaffee does not discuss here or anywhere else that I could find, why such exegesis is necessary, and merely assumes it to be so, without supporting this assumption. However, the assumption in itself is not unreasonable.

I would suggest that this passage is a list as the text parts *function* as a list. A. Goldberg has used the expression "functional form" to describe text that functions in a certain way, in partial independence of the necessary formal traits of that mode of expression.¹⁵

¹⁴ *Mishnah's Theology*, p. 16. See also my discussion of my different use of terminology below in Chapter 2.

¹⁵ See in particular his essay "Die Funktionale Form Midrasch", in *Rabbinische Texte*, pp. 199-229.

Type 4 Shabbat 2:1-5 (2:1-4)

This case seems to be possibly an even more marginal case of a list structure than the previous texts. It too commences with a question. However, the presentation of the answer appears to be textually very complex.

Shabbat 2:1

With what [things] may one light and with what [things] may one not light the Sabbath lights?

They may not use cedar-fibre or uncarded flax or raw silk or a wick of bast or a wick of the desert plant or duck-weed; or pitch or wax or castor-oil or [Heave-offering] oil that [has become ritually unclean and] must be burnt, or [grease from] the fatty tail [of an animal] or tallow. Nahum the Mede says: They may use melted tallow. But the Sages say: whether it is melted or whether it is not melted they may not light with it.

Shabbat 2:2

[Heave-offering] oil that [has become ritually unclean and] must be burnt may not be used for lighting on a Festival-day. R. Ishmael says: Tar may not be used out of respect for the Sabbath. But the Sages permit all kinds of oils: sesame-oil, nut-oil, fish-oil, colocynth-oil, tar and naphtha. R. Tarfon says: They may only use olive oil.

Shabbat 2:3

Nothing that comes from a tree may be used for lighting the [Sabbath-lamp] except flax and naught that comes from a tree can contract uncleanness by overshadowing except flax. [If] a wick made from [a piece of] cloth was twisted but not singed, R. Eli'ezer says: It is susceptible to uncleanness and it may not be used for lighting [the Sabbath-lamp]. R. Aqiba says: It is not susceptible to uncleanness and it may be used for lighting [the Sabbath-lamp].

Shabbat 2:4

A man may not pierce an egg-shell and fill it with oil and put it on the opening of a lamp that the oil will drip from it; [it is forbidden] even if it were made of earthenware, but R. Judah permits it; but if the potter had joined it [with the lamp] originally it is permitted because it is a single vessel. A man may not fill a dish with oil and put it beside a lamp and put the end of a wick in it so that it will absorb the oil but R. Judah permits it.

Let us again analyse the structure of the above in terms of possible captions and list items. The question at the commencement of *mishnah* 2.1 may serve as a list caption. This is followed by a number of phrases that I suggest may be list items of unsuitable wicks and fuels. There is also a dispute concerning one particular fuel (tallow).

Mishnah 2:2 commences with a norm concerning kindling with oil on Yom Tov. (The topic of the use of a particular fuel on Yom Tov is raised, although Yom Tov has not previously been mentioned in this chapter). The topic of Passover is mentioned briefly in the preceding

chapter. The topic of fuels (list items) is resumed with opinions concerning particular fuels. These possible fuels relate back to the original question in 2:1.

Mishnah 2:3 returns to the topic of wicks. Some different types of wicks are mentioned immediately after the question in 2:1.

Mishnah 2:4 discusses possible container arrangements for the lamp structure and the end of the list is at the conclusion of *mishnah* 2:3.

In addition to the arguments presented in the previous case we can add other reasons for and against this passage being a list. It can be proposed as a list because:

1. The opening question may suggest that a list may follow. There is at least a suggestion that two groups of data may follow, data concerning suitable materials and data concerning unsuitable material. The question therefore functions as a text-organising tool for the data to follow. Shabbat chapters 2, 4, 5 and 6 all commence with questions phrased in a similar way, followed by what could be classed as lists. In the introductory chapter, section 2.b.ii, we noted that the work *Joseph's Bible Notes (Hypomnestikon)* consisted of 167 lists, each prefaced by a question. The parallel is interesting, but caution needs to be exercised before asserting anything other than a parallel here.
2. A number of nouns in the text that follows could function as list items.

Against the idea that these *mishnayyot* constitute a list, the following objections may be raised:

The ambiguous theme of "lighting the Sabbath lights" refers to wicks and oils, though possibly not the arrangement of the container. This meaning does not become fully clear until the end of the list items that follow. The material could have been rearranged with very clear captions that separate the subject of the wick from the subject of the oil. The topic of the fuel used for lighting the candles is preceded by, and is followed by, comments on the topic of wicks that are suitable for lighting the candles. The ambiguity and true meaning of the caption only becomes clear once the passage runs its course.

The data could also be split more clearly into two separate sections. One possible arrangement would be to make a list of fuels and wicks with which one may kindle the lights and then a list of fuels and wicks with which one may not kindle the lights. Alternatively, the arrangement could have been a list of wicks which one could use to light the Sabbath lights followed by a list of wicks with which one could not use for the Sabbath lights, and subsequently a list of fuels which one could use for the Sabbath lights, followed by a list of fuels one could not use for the Sabbath lights. However, the redactor did not choose to impose this type of order.

The list items lack a standard format. Some items are one-word, whilst others are sentences describing a possible scenario. Disputes and extraneous norms concerning flax also disturb the "flow" or patterning of the list items.

It is possible that any one of these points would not be sufficient to call into question the list status of the text. However, in my opinion the combination of all the points together is persuasive in suggesting that the passages do not form what I want to call a list for the purpose of this thesis.

3. Exploration of the characteristics of Mishnaic list captions and list items

As was noted in the introduction to this section, it would appear that there is a large range of text styles in the Mishnah, in a continuum from clear "listness" as in the case of B.Q 1:1 to a text that is certainly not a list (of which no example has yet been quoted). In between these

extremes are some texts that appear to have some list-like characteristics but it is not always clear if these texts can be formally defined as lists.

After investigating a number of cases in the previous section I will now articulate several features of the Mishnaic caption and list item. We have seen in the examples a wide range of conformity to what may be called a list. After suggesting possible characteristics of the caption and list items, I will return to B.Q 1:1 to illustrate the characteristics selected.

3.a. List captions

The characteristics of a list caption appear to be connected with recognisability by the reader, and its ability to help the reader to predict what is to come. We have seen that the clearest sort of caption already contains a first expression of the list items by acting as a pro-form for them.

1. A clearly emphasised caption appears to be one of the most important characteristics of a manifest list in the Mishnah. A discourse deixis or numerical element specifying the number of list elements adds considerable emphasis to the caption. This emphasis is gained by the effect of re-doubling the description of the list element. A question may also emphasise the presence of a potential caption.
2. A caption placed before the list items prepares the reader for the forthcoming list.
3. Captions are more clearly emphasised when followed by their relevant list items without a break, that is, text that separates the list items from the caption.

3.b. List items

1. The list items must be different from one another. (There should be no repetition of the same item.) This condition would exclude such passages as Sheqalim 3:3.¹⁶
2. A clear and consistent patterning in the word structure of the type of list item. Glosses, case schemata or PAUs can break the patterning of the list items if the other items are single words. Uniformity of number of words as well as the syntax of the list item also makes the "rhythm" of the list more predictable. We find that the greater the list number of items and the repetition of the patterning, the more list-like the text becomes.
3. List items that are single words or short phrases as opposed to whole or even long sentences, appear to make the text more recognisable as a list. However, this does not preclude whole sentences from being list items. The eighth chapter of Berakhot consists of sentences that are list items.
4. One of the biggest problems encountered when attempting to clarify the characteristics of a list is the question of the minimum number of items a list should have. I suggest that several factors relating to the list structure and its environment come into play here, and I argue that the answer depends on a number of criteria.

The simplest situation that I will consider is a list in the form of a simple sentence where there is no redoubling in the potential caption. If we consider the sentence, "A dog is an animal", this does not intuitively appear to be a list. The addition of a further example "Dogs and cats are animals" also does not appear to be a list. However, the addition of a third member does, I suggest, give the intuitive feel of a list.

Dogs, cats and rabbits are animals.

The presence of three list items enables there to be one list item that is without the conjunctive "and", in English. In Mishnaic Hebrew there does not appear to be any convention about the

¹⁶ The relevant text segment reads, "...and they thrice answered 'Take Terumah! Take Terumah! Take Terumah!'".

placement of the word "and" between strings of words as there is in modern English. The intuition that the above example is a list becomes stronger as the number of list items increases. In Chapter 4 section 2.b. I will revisit this topic and note the work of Gail Jefferson, who found a preference in English speech to create lists of three items where there is a choice. I would, therefore, suggest that in a Type 2 situation, i.e. a heading without a deixis or numerical element, three separate list items are needed to form a list.

We saw earlier in the Type 1 list that the presence of a pro-form for the list elements in the caption, such as a numerical element or a deixis "redoubles" the caption. I will examine the case of lists with a numerical caption, and could construct an isolated English sentence:

There is only one painting by Fragonard in the gallery: "The Girl on a Swing".
One may be hesitant to call this a list. However, if the data was part of a more complex structure, then its context may affect our decision. Let us consider two other types of list arrangement that we will encounter later in this thesis.

Arrangement 1

There are two paintings by Constable in the gallery: "The Haywain" and "Salisbury Cathedral".

There is only one painting by Fragonard in the gallery: "The Girl on a Swing".

Arrangement 2

There are two paintings by Constable and only one example of a painting by Fragonard in the gallery.

The two Constables are "The Haywain" and "Salisbury Cathedral".

The one Fragonard is "The Girl on a Swing".

In these two environments the data appears to be much more list-like as it is in the company of other apparently related lists.

There is no case in the Mishnah of an isolated list with a numerical element of one in the caption. However, there are several examples in the Mishnah of a list caption containing a numerical element of two in both the Arrangement 1 and Arrangement 2. In some cases, such as Rosh Hashanah 1:3-4, two lists that are syntactically parallel are placed consecutively. The two lists form an intimately related pair with another list that has a larger number of list items.¹⁷ We also find in Kelim 17:9 a list of two items which is not related to a larger text pattern:

There were two [standard] cubit [measures deposited] in the Palace of Shushan [Gate]:
one in the north eastern corner and one in the south eastern corner.

We also find a numerical element of one in a caption as part of an Arrangement 2 format.

Bik 2:6:

[The laws concerning] the citron tree are like [the laws of] trees in three ways and like the law of vegetables in one way.

It is like a citron tree in ...

And like a vegetable in one thing, in that the season of its gathering is the season of its tithing ...

¹⁷ See Chapter 5 section 1.b.iv. for a full discussion of this phenomenon.

In this case we can discern a text segment that we can recognise as a list, with a numerical element of one in the caption. It would, therefore, appear that the arrangement of the surrounding text can be significant in determining whether a text segment constitutes a list. I would suggest that the lowest number of items for a text to qualify as a list would be two in the case of an independent list, i.e. Arrangement 1, and one in an Arrangement 2.

Let us now examine the case of Mishnaic lists that contain a deixis. The deixis in the list caption is often a cue for a list and makes the text segment slightly more list-like than a sentence without a deixis, because of the doubling phenomenon that was discussed earlier. I would suggest that in general, isolated lists with a deixis in the caption would require a minimum of two list items to make the text segment a list. As with lists containing a numerical element in the caption we find that the context of an Arrangement 1 can call for a list of one item.

Parah 8:9-10

- (1) Smitten waters are not valid.
- (2) These are they (אלו הן) that are "smitten waters" salty water and warm water.
- (3) Intermittent waters are not valid.
- (4) These are they (אלו הן) that are "intermittent waters", waters that fail [even] once in a week of the year...
- (5) The waters of the Jordan and the waters of the Yarmouth are not valid because they are mixed waters.
- (6) These are they (אלו הן) that are "mixed waters": one [body of water] that is fit and one [body of water] that is unfit and they became mixed together.

There are three consecutive sentences in Parah 8:9-10 each containing the phrase אלו הן. In this cluster the first sentence, designated (2), contains two list items, and can be called a list. The next passage, (4), appears to contain a single list item. The function of (4) appears to be a definition of a term used in (3). The final occurrence appears in (6) and contains a single list item which explain a term used in (5). It may be that (4) and (6) are definitions and not lists. As these sentences are syntactically similar and deal with related themes I would suggest that the last two occurrences should be classed as lists. Thus textual environment also appears to be of significance in this case. The Hebrew אלו הן is used as a cue for a definition in a number of other places, and I would suggest that these are not always necessarily lists.¹⁸ This passage certainly contains borderline cases.

We can conclude that both the textual environment and the literary features of the caption are significant in determining the minimum number of items in a text necessary to create a segment that we would call a list.

5. The list items may need to be individually given and not grouped together. If a phrase declares there to be a total number of x units in a set and the following text declares this to be composed of sub-groups each containing a specified number of members without enumerating them, this may not be a list but a statement of the sum of the parts, as we can see in Oholot 1:8.

¹⁸ Shevi'it 3:9 or Shabbat 19:6 are further examples of Mishnaic definitions prefaced by אלו הן. For a study of definitions in the Mishnah see my M.A. dissertation, *The Forms and Functions of Legal Specifications*.

There are 248 members in man: thirty in every foot, six in every toe, ten in the ankle, two in the lower leg, five in the knee, one in the thigh ...

Oholot 1:8 certainly contains a potential caption. However, the actual list members are bundled together and are not enumerated individually. I would, therefore, suggest that this list is a borderline case.

6. Some lists have a marker indicating the end of the list; this phenomenon has been called a generalised list completer in modern linguistics.¹⁹ This is usually a general word to show that the list is not exhaustive; it is approximately equivalent to the expression "etcetera" in English. We will see that this is a rare but important phenomenon of Mishnaic lists.

7. There appear to be two types of enumeration of list items. Some list items are mutually exclusive, such as the different types of damage mentioned in B.Q. 1:1 as a Type 1 case. However, in Eduyyot Kaufmann 2:10 (2:9), our Type 2 list, the list items which are the attributes of a son that are influenced by the actions of the father, are not mutually exclusive. Similarly, we saw in Pes 10:5 that Rabban Gamliel requires all three Biblical verses to be recited on the eve of Passover for someone to fulfil their obligation.²⁰

The characteristics of the list caption and list items noted above may help us to assess if a text is fruitfully understood as a list. However, I accept that there is, and possibly also has to be, a degree of subjective judgement here. As mentioned in the Introduction in section 4.b., as well as in the introduction to this section, my catalogue of list characteristics is far from perfect. I can only reiterate my hope that this issue can be revisited by others who are better equipped to tackle the problem more scientifically, at a later date.

4. *Exclusions from the category of Mishnaic lists*

There are several passages of a specific type which I want to cite with a view to excluding them from this study of Mishnaic lists. These texts contain a potential list caption, but lack some, or all the associated list items.

An example of such a text is Niddah 6:2-10, which consists of a series of headings that could be called captions if they were followed by list items. Thus Niddah 6:4 reads:

Whosoever is fit to judge capital cases is fit to judge non-capital cases; but some are fit to judge non-capital cases and are not fit to judge capital cases.

Whosoever is eligible to judge is eligible to bear witness; but some are eligible to bear witness and are not eligible to judge.

We may describe these two statements as a definition of the relationship of two classes of people; in the first case this would be the group of people fit to judge capital cases and the group of people who are fit to judge non-capital cases. However, the text does not inform us of the members of any of these classes and this absence precludes the text from being a list, in my opinion.

A further aspect of the problem of defining a list concerns the treatment of texts that have a potential list caption but that declare that they only contain part of the data purported to be available. I will examine a text segment to illustrate this feature.

¹⁹ This feature will be explained at length in Chapter 4 section 2.c.

²⁰ We find a similar phenomenon in the Mishnah, where "alternative" legal scenarios are often placed in clusters next to each other. See Samely *Forms*, Chapter 8 for a full exposition of this subject.

Shabbat 1:7 (1:4)

And these are some of the rulings which the Sages enjoined whilst in the upper room of Hananiah ben Hizkiah ben Gurion ... and they decreed eighteen measures on that day.

In the text segment we are told that eighteen decrees were made on that day, but only two of these are cited in the first chapter of tractate Shabbat, the remaining decrees are not cited here or anywhere else in the Mishnah. We will also see in Chapter 5 section 6 below that a degree of ambiguity exists in some Mishnaic lists as to whether all the possible list members are presented, or whether a selection only is given to represent a sample of the theoretical membership. In the Shabbat case we are clearly told that the norms given are part of a larger group. Despite this admission, and the deixis that in effect repeats the meaning in this heading, I am reluctant to call this a list, because it is *marked* as incomplete.

Another occurrence of the phenomenon of declaring that only a partial listing is being presented is Shevi'it 9:2.

Three lands [are distinguished in what concerns the] law of Removal:

Judea, and beyond the Jordan, and Galilee,
and each of these is divided into three lands.

[Galilee is divided into] Upper Galilee, Lower Galilee and the valley ...

And in Judea are the hill country, the plains and the valley.

The text segment, "Three lands [are distinguished in what concerns the] law of Removal: Judea, and beyond the Jordan and Galilee" can be classed as a list, as all the members are listed. However the text that follows, namely the words "... and each of these is divided into three lands. [Galilee is divided into] Upper Galilee, Lower Galilee and the valley ... And in Judea are ...", appears to be problematical, as the three lands that "beyond the Jordan" consists of are not spelled out. In this case I am unsure if this should be classed a true list, as not all the list items that are declared to exist, are spelled out. The three lands that comprise the Jordan are not stated anywhere at all in the Mishnah. However, this case is more ambiguous than Shabbat 1:7 (1:4), as at least most of the members of the list are present in the Shevi'it 9:2 list, namely two out of the three.

I also exclude *case schemata*, or hypothetical scenarios, such as Tohorot 5:3:

[If there were] two paths, one clean and one unclean [and it is not known which is which], and a man walked down one of them and afterwards prepared foodstuffs in a condition of cleanness, and they were consumed ...

In this case, one could argue that there is a caption that contains a numerical element which is also a pro-form, namely "two paths" and two list items, "one clean [path] and one unclean [path]". However, this text appears to be a description of the essential elements to create a hypothetical legal scenario, rather than describing something that actually existed, exists or is intended to exist in the future. In this case the "two paths" appear to be essential elements of a protasis in a protasis-apodasis unit, and I would suggest that this is not a list for this reason.

A similar situation exists in Ket 2:7 (2:6).

[If there were] two women that were taken captive and one said, "I have been taken captive and remained clean", and the other said, "I have been taken captive and remained clean" [then] they are not to be

believed; but when they testify thus of each other they are to be believed.

In these two cases, the number "two" appears to be describing the factors of the situation and this enumeration of situational features occurring in the scenario. This, in my opinion, takes away the list character. In this case as well as Tohorot 5:3, the *mishnah* has the form of a PAU with the most minimal changes. By way of sharp contrast, our prototypical list, B.Q. 1:1 does not readily lend itself to be transformed into a PAU.

Some of these suggestions and *a priori* exclusions may be seen as subjective and open to question. However, the conclusions reached at the end of this thesis are not particularly sensitive to the inclusion or exclusion of such cases.

Now that I have clarified the intuitive notion of what a Mishnaic list might be, let us examine in detail its component parts.