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What is the Mishnah?: Discovering Judaism's Philosophy of Harmony

Dovid Campbell is the creator of NatureofTorah.com, a project exploring the Torah's role in revealing the moral beauty of the natural world.

Charles Reznikoff's *Testimony* (1978) is a classic example of "found poetry," a poem assembled from excerpts of other texts.[1] It weaves together American court records from the years 1885–1915 to convey the conflicts, tragedies, and injustices of the period. Ezra Pound's *The Cantos* (1933) similarly includes passages from official government documents and historical letters. These works—sometimes perplexing but often profound—challenge us to reflect on what truly defines a work's genre, and they may even shed light on Judaism's earliest rabbinic text.

Imagine reading a found poem but with no awareness that it is meant as poetry. Which qualities of the text would eventually signal to you that it is not a mere court record or bureaucratic

[1] I would like to thank rabbis Simi Lerner, Yisroel Meir Rosenzweig, and Benjamin Gabbai for their valuable comments on an earlier version of this essay, and Lehrhaus editor Chesky Kopel for greatly improving the piece's quality and presentation.

notice? We can propose a few possibilities. Generally, a found poem will not include the borrowed text in its entirety, so the incompleteness of the document will be an early clue. Additionally, the overall structure will be dictated not by the goals of the borrowed text but by the unique message of the poem. So, whereas a typical court record will present a linear progression of testimony and findings, the found poem may rearrange these events to suit its own narrative or focus. Insertions of unambiguously poetic material would also be illuminating, and we might even consider the text's usage—whether it is being recited in a courthouse or a coffeehouse tells us a lot.

We can apply a similar analysis to the Mishnah, a text that unquestionably stands at the core of the Jewish legal tradition. The Talmud takes the Mishnah as the starting point for its legal explorations, and all later commentaries, beginning with Maimonides in the twelfth century, underscore the Mishnah's halakhic focus. At the same time, the Mishnah seems to forego essentially all of the qualities that we would expect to find in a standard legal text. It is far from a complete presentation of Jewish law, omitting even basic observances. It is often self-contradictory or ambiguous in its final verdicts. Its organization is so loose and fluid that locating all the relevant laws on a particular subject requires extensive legwork through its often digressive tractates. Atop all this, and quite uncommonly for the ancient world, the Mishnah is silent regarding its own authorship, authority, and purpose.

In the same way that the legal material in Reznikoff's poetry so clearly fails to function as a coherent legal work and thereby invites a more nuanced reading, the Mishnah may be aiming at something beyond halakhic instruction. This possibility is acknowledged and explored by Dr. Yaakov Elman, who enumerates the leading theories for the Mishnah's genre:

> Among the many definitions that have been proposed for its genre we may single out five: (1) a code, (2) a collection of halakhic sources for study, (3) an introductory textbook of halakhah, (4) Rabbi [Judah Ha-Nasi]'s lecture notes, and (5) a philosophical work.[2]

Elman lays out various challenges to each of these views, ultimately concluding that late antiquity's distinctions between code, anthology, and textbook may not have been as concrete as they are for the modern reader. The Mishnah is a singular work, and its "manifest incompleteness remains a puzzle, whether we consider its redactors' intention as having been to produce a code or an anthology."[3] But this pronouncement raises the question of whether Elman's fifth genre,

[2] Yaakov Elman, "Order, Sequence and Selection: The Mishnah's Anthological Choices," in *The Anthology in Jewish Literature*, ed. David Stern (Oxford University Press, 2004), 53–80; citation at 54.

[3] Ibid., 75.

a philosophical work, might not do a better job of explaining this puzzling incompleteness. Could the Mishnah be a work of "found philosophy," selectively incorporating Jewish law for a broader philosophical purpose? What would it even mean to read the Mishnah philosophically?

Elman identifies Professor Jacob Neusner as the foremost proponent of this view. In Neusner's own words:

> The philosophers of the Greco-Roman philosophical tradition could have perceived the Mishnah's Judaic system as philosophical not merely in method but also in message. The Mishnah's method of hierarchical classification in important ways is like that of Aristotle's natural history, and the central component of its message is congruent to that of Neoplatonism. … The repeated proof through the Aristotelian method of hierarchical classification demonstrates in detail that many things — done enough times, *all* things — really form a single thing: many species, a single genus; many genera, an encompassing, well-crafted, and cogent whole.[4]

Elman's primary issue with Neusner's theory is that it ignores Judaism's traditional understanding of the Mishnah: "It has always been read as a legal work of some type. No one, until Neusner, ever thought of reading it as a philosophical work — not even Maimonides!"[5] This is a powerful and commonsensical critique, and Neusner has arguably invited it by narrowly defining this philosophy in terms of Aristotelian and Neoplatonic notions. Yet, if we expand "philosophy" to encompass any attempt "to better understand ourselves, our world, and our place in it,"[6] then we can indeed point to philosophical readings of the Mishnah that far predate Neusner.

Our earliest indication of a philosophical agenda for the Mishnah comes from another major Tannaic work, the Tosefta. Though scholars continue to debate the precise relationship between these two corpuses, the traditional understanding is that the Tosefta is posterior to the Mishnah, with Maimonides explaining that its purpose is "to add points which can be derived

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[4] Jacob Neusner, *The Transformation of Judaism: From Philosophy to Religion* (University of Illinois Press, 1992), 27.

[5] Elman, "Order, Sequence and Selection," 74.

[6] This is the definition of philosophy offered by the Department of Philosophy at McGill University. See McGill University Department of Philosophy, "What is philosophy?," McGill University, accessed March 5, 2025, https://www.mcgill.ca/philosophy/undergraduate-2010/what. A similar definition is used by Michigan State and Florida State universities; see Michigan State University Department of Philosophy, "What Is Philosophy?," Michigan State University, accessed March 5, 2025, https://philosophy.msu.edu/what-is-philosophy/; Florida State University Department of Philosophy, "What is Philosophy?," Florida State University, accessed March 5, 2025, https://philosophy.fsu.edu/undergraduate-study/why-philosophy/What-is-Philosophy.

from the Mishnah, although with much effort, and he [R. Hiyya] deduced them in order to teach us how to learn and infer from the Mishnah."[7] Given this, it is particularly significant that the Tosefta often discerns philosophical lessons in the Mishnah's laws.

For example, Mishnah *Berakhot* 6:1 teaches which blessings are to be recited for various foods. In the parallel Tosefta passage, *Berakhot* 4:1, we are taught the following:

> A person should not taste anything until he has recited a blessing, as it is stated: "To the Lord is the earth and all it contains" (Psalms 24:1). One who derives benefit from this world without a blessing commits misappropriation (*me'ilah*), until all the commandments permit it to him. A person should not use his face, hands, or feet except in honor of his Creator, as it is stated: "Every act of the Lord is for His sake" (Proverbs 16:4).[8]

The Tosefta elaborates on the Mishnah's straightforward directives by supplying a philosophical framework that touches on humanity's place in the divine order and the necessity of sanctifying the physical. Such passages are relatively common throughout the Tosefta. If the goal of this text is indeed to reveal the implicit lessons contained within the Mishnah, then we have good reason to believe that even the most procedural Mishnaic laws seek to convey profound philosophical ideas.

The midrashic tradition also frequently takes the Mishnah as its point of departure for philosophical reflections. In his article "Mishnah as Story," Professor Tzvi Novick describes the method of the ancient *Yelammedeinu* homily, frequently found in the *Midrash Tanhuma*: "The homily begins with a legal question, which it answers by adducing a rabbinic text, usually from the Mishnah, and this text serves as a pivot into 'aggadic' reflections on biblical narrative."[9] Novick cites further examples from classical *midrashim*, redacted circa the fifth century, and *piyyut* literature of the following centuries. It is possible that these *midrashim* are intentionally appropriating Mishnaic law in a novel way, or they may reflect an awareness of the Mishnah's philosophical objectives, as we found in the Tosefta.

The Talmud (*Shabbat* 31a) seems to find philosophical significance in the Mishnah's novel organization. The six orders of the Mishnah are mapped onto Isaiah 33:6, yielding a single word

[7] Introduction to his Commentary on the Mishnah, translated by Shamma Friedman, "Mishnah and Tosefta" in *What is the Mishnah? The State of the Question*, ed. Shaye J. D. Cohen (Harvard University Press, 2022), 73-97; citation at 74 n. 5. Friedman notes that major commentators on the Tosefta, from R. David Pardo to R. Saul Lieberman, embrace this view of the Tosefta's posteriority (76).

[8] Unless noted, all translations from Hebrew are my own.

[9] Tzvi Novick, "Mishnah as Story: Aspects of the Reception of the Mishnah in Midrash and Piyyuṭ" in *Studies in Rabbinic Narrative, Volume 1*, ed. Jeffrey L. Rubenstein (Brown Judaic Studies, 2021) 93-114; citation at 93.

that describes the essence of each order. For example, *Zera'im* is "faith," *Nashim* is "strength," and *Tahorot* is "wisdom." The willingness to apply such abstract conceptual foundations to these orders indicates that Jewish sages perceived an underlying philosophical message in the Mishnah's structure since at least the time of the Talmud.

Building on this source, R. Yehuda Loew, the Maharal of Prague, wrote that "the sages, of blessed memory, divided all of reality into the six orders of the Mishnah. Even if these seem trivial to a person, this is not the case, for reality as a whole is divided into these parts." [10] How so? Maharal explains that the first two orders of *Zera'im* ("Seeds") and *Mo'ed* ("Season") encompass the physical universe, with the terrestrial realm explored in the former and the astronomical realm in the latter. The next two orders, *Nashim* ("Women") and *Nezikin* ("Damages"), are focused on the human domain, which combines the physical with the spiritual. The final two orders, *Kodashim* ("Sacred Things") and *Tahorot* ("Purities"), ascend to purely spiritual domains. The division of these six orders, so novel and difficult to justify within a purely legal context, finds eloquent explanation as a philosophical taxonomy.[11]

The Mishnah also receives a decidedly philosophical treatment in the Kabbalistic tradition, particularly in the system of the *Zohar*. One who studies Mishnah is called "one who knows how to arrange and bind together the unification of his Master properly," suggesting that the Mishnah is somehow reflective of the deepest levels of reality.[12] This approach gained traction in subsequent centuries. R. Yosef Karo's *Maggid Meisharim* (*parashat Bo* and *parashat Yitro*) assigns a mystical significance to Mishnah study, with the Mishnah itself becoming instantiated as R. Karo's personal spiritual guide; R. Hayyim Vital, a primary disciple of R. Yitzhak Luria, developed a technique of Mishnah recitation as a vehicle for mystical inspiration.[13]

These sources suggest that philosophical understandings of the Mishnah were recurrent and influential throughout the history of Jewish thought. Philosophical in a broader sense than that adopted by Neusner, these frameworks unquestionably escape the bounds of a codification, legal textbook, or the other non-philosophical genres entertained by Elman. And recent scholarship on the Mishnah only furthers the suspicion that Mishnaic law serves a broad

[10] *Tiferet Yisrael*, chapter 10.

[11] Whether this should be understood as a philosophical taxonomy *of law* or a philosophical taxonomy *using the language of law* will be explored below.

[12] *Zohar*, *Bereishit* 42a.

[13] See Lawrence Fine, "Recitation of Mishnah as a Vehicle for Mystical Inspiration: A Contemplative Technique Taught by Hayyim Vital," *Revue des études juives* (1982), 183-199.

philosophical vision.

Elman himself cites the work of Professor Günter Stemberger, who writes:

> Given today's knowledge, it is no longer possible unequivocally to determine whether M[ishnah] was originally conceived as a collection, a teaching manual or a law code. Indeed, this alternative probably arises only for modern readers; what is more, it fails to account sufficiently for **the utopianism of M[ishnah], its idealized order of the perfect harmony of heaven and earth, and the underlying philosophy.**[14]

In other words, the attempt to compress the Mishnah into a discrete legalistic category is not only an anachronistic project; it also obscures the Mishnah's philosophical focus on social and cosmic harmony. And Stemberger is far from alone in his recognition of the Mishnah's utopian vision.

In 2022, Harvard University Press published the proceedings of a conference titled *What is the Mishnah? The State of the Question*.[15] The work explores themes such as the Mishnah's conception of holiness, its use of narrative devices, and its unique utopian ideal. Regarding this last subject, Professor Naftali S. Cohn identifies "a number of utopian elements in the Mishnah's imagined world," ranging from the smooth functioning of the long-destroyed Temple to the political independence of the Jewish people.[16] But Cohn also notes that, through its depiction of various Temple practices, the Mishnah presents "a world not only of perfectly functioning ritual, but also social harmony and inclusiveness. In these examples the Mishnah places great stress on the social interactions that take place, describing people coming together as a group, acts done jointly, and greetings or other utterances made interactively."[17] Like Stemberger, Cohn sees the Mishnah transcending a flat legal function and actively advancing a vision for the world.

Even Professor Moshe Halbertal's contribution to this volume—which approaches the Mishnah as "the emergence of *halakhah…* [with] the establishment of a dense field of highly specific instructions that are meticulously calibrated in great detail"—emphasizes an underlying philosophical motivation for the Mishnah's legal revolution.[18] Halbertal claims that "what motivates this move in the rabbinic world is an

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[14] Elman, "Order, Sequence and Selection," 72. Emphasis mine.

[15] See above, n. 7.

[16] Naftali S. Cohn, "Mishnah as Utopia" in *What is the Mishnah? The State of the Question*, 204-231; citation at 213.

[17] Ibid.

[18] Moshe Halbertal, "Mishnah and Halakhah" in *What is the Mishnah? The State of the Question*, 232-252; citation at 233.

independent interest in concepts, regardless of questions of implementation. … In this context the emergence of *halakhah* does not aim to direct behavior. It actually creates an alternative imagined universe." [19] Yet, Halbertal simultaneously recognizes a complementary direction for the Mishnah's innovation of *halakhah* that "aims at correcting the world of action and making its pattern more just. … The mishnaic positing of the law as the central realm of encounter with the Divine thus binds humans to the world with all its concreteness, directing them to reshape and sanctify the world." [20] For Halbertal, a careful study of the Mishnah reveals the legal in the service of the conceptual and the halakhic in the service of the utopian.

Philosophy *of* Law or Philosophy *through* Law?

Returning to our analogy of the found poem, we have identified much to suggest that the Mishnah's presentation of legal content is aiming at something beyond a straightforward record of the law. And yet, there are still reasons to maintain the Mishnah's traditional classification as a primarily legal text. For one, it is certainly the case that many works of law contain some elements of philosophy, without departing from the legal genre. A system of law is necessarily bound up in a larger worldview, a sense for how the world ought to be. Implicitly or explicitly, legal texts convey these worldviews to their readers. Given this, how should we differentiate between a work of law that conveys a philosophy and a work of philosophy that utilizes the language of law?

One approach may be to consider whether the text actively subordinates one domain to the other. Is philosophy being used to justify our compliance with the law, or is the law being used to shape our understanding of a philosophy? Surveying the dynamic between the Mishnah's legal and philosophical passages, we can uncover some fascinating trends.

Though the Mishnah lacks an introduction and is rarely self-referential, it frequently offers nonlegal reflections on its laws, particularly at the conclusions of its tractates. This feature has already received the scholarly attention of R. Dr. David Sabato, who writes that "in many cases, the inclusion of aggada alongside the halakhic portion does not stem solely from aesthetic considerations or as a mere rhetorical embellishment. … It is a deliberate and sophisticated editorial choice that sheds new light on the entire halakhic section." In Sabato's view, these philosophical narratives or reflections sometimes clarify a particular halakhic point in the Mishnah, but they can also function in a broader context, "to bestow a dimension of conceptual depth upon the halakhic portion that precedes

[19] Ibid., 249.

[20] Ibid., 250-251.

it."[21] If we want to better understand the dynamic between law and philosophy in the Mishnah, these concluding passages may be our best resource.

Both the first and final tractates of the Mishnah conclude with nonlegal reflections, and their messages are strikingly similar. Tractate *Berakhot* opens the Mishnah, presenting the laws for various prayers and blessings. After nine chapters delineating the circumstances and utterances through which we address the Divine, we receive a list of rabbinic enactments, concluding with the following (9:5):

> And they instituted that a person should greet his fellow with *shalom* using the Name [of God], as it is stated: "And behold, Boaz came from Bethlehem and said to the reapers: 'The Lord be with you,' and they answered him: 'May the Lord bless you'" (Ruth 2:4).

In justification of this enactment, the Mishnah then appeals to three Scriptural verses, ending with Psalms 119:126: "It is a time to act for the Lord; they have violated Your Torah." The connection between this verse and the enactment of extending *shalom* with God's Name is unclear. R. Ovadiah of Bartenura, a primary commentator on the Mishnah, explains:

> There are times when words of Torah must be nullified in order to act for the sake of God. So too in this case of one who intends to greet his fellow with *shalom*. This is the will of God, as it is stated (Psalms 34:15): "Seek *shalom* and pursue it." Thus, it is permitted to violate Torah and perform something that seems forbidden.

The entire tractate of *Berakhot* has taught the importance of invoking God's Name with reverence. There are limited situations in which pronouncing this Name is permitted; one may not utter it casually in conversation. But in this final *mishnah*, this weighty principle is dramatically subordinated to a new one: the pursuit of interpersonal *shalom*, best translated as harmony or wholeness.[22] In some sense, the Torah itself is "nullified" in the face of this pursuit.

Uktzin is the final tractate of the Mishnah, and its conclusion (3:12) therefore closes the Mishnah as a whole:

> R. Shimon ben Halafta said: The

[21] David Sabato, "Halakhah and Aggadah in the Mishnah," *Netu'im* 18 (2013), 39-68; citations at 39-40. [Hebrew].

[22] *Shalom* connotes synthesis or integration in a way that is not necessarily captured by the word's standard translation as "peace." See R. Samson Raphael Hirsch's commentary to Leviticus 3:1, s.v. "shalom."

> Holy One, Blessed be He, found no vessel that could contain blessing for Israel except for *shalom*, as it is stated: "The Lord will give strength to His people; the Lord will bless His people with *shalom*" (Psalms 29:11).

What makes this teaching an appropriate finale for the entire Mishnah? R. Yisrael Lipschitz offers a beautiful and cogent explanation:

> If someone did not find blessing in his home through all his toil in Torah, it is because he lacked the vessel of *shalom* in his home. … For he was not meticulous in his obligations toward others and was in strife with his companions and household members, since he did not fulfill his obligations to them as required. *Shalom* and blessing are interdependent. … When Israel dwells in *shalom* and unity, then even if they do not fulfill the will of Heaven, God forbid, the power of *shalom* is great enough to pour forth blessings and goodness in full measure upon them. And even when they engage in idolatry, as it is said in Genesis Rabbah (38:6) regarding the verse: "Ephraim is joined to idols—leave him be" (Hosea 4:17), meaning that even if Ephraim is attached and bound to idols, the Merciful Father says: "Leave him be," and I will avert My eyes from his sins and refrain from punishing him. However, if their "hearts are divided" from one another, lacking in the obligations they owe each other, then "Now they shall be found guilty" (Hosea 10:2).[23]

It is difficult to imagine a more subversive message with which to conclude a legal text, yet it beautifully complements the parallel conclusion of *Berakhot*. The Mishnah not only chooses to bookend its countless laws with the concept of harmony, but it goes further, explicitly *subordinating* its laws to this value.

There is a third tractate that places a similar emphasis on *shalom. Eduyot* is referred to by the Talmud as *behirta*—the "choicest" of tractates—because its rulings are considered final and authoritative.[24] It is an eclectic collection of halakhic rulings, featuring some mutually unrelated matters that were decided on the day that the yeshiva of Yavneh was opened up to a larger number of students. The resulting explosion of dialogue and insight among the sages—itself an embodiment of *shalom*—allowed them to conclude many halakhic debates that had remained unresolved.

[23] *Tiferet Yisrael* to *Uktzin* 3:12, s.v. "amar R. Shimon ben Halafta."

[24] Rashi to *Berakhot* 27a, s.v. "be-vehirta."

In its final *mishnah* (8:7), *Eduyot* examines the purpose of the future arrival of Elijah the prophet in the messianic era. Some sages claim that Elijah will clarify halakhically problematic cases of ancestry and lineage, and another sage believes he will resolve all halakhic disputes, but the majority view is that Elijah will come "to make *shalom* in the world, as it is stated, 'Behold, I send to you Elijah the Prophet… and he will return the heart of the fathers to the children and the heart of the children to their fathers' (Malachi 3:23-24)."

In the Mishnah's worldview, it is not genealogical or even halakhic ambiguities that are most in need of Elijah's intervention. Rather, it is the baseless hatred that abides between human beings. Once again, we have a concluding *mishnah* that underscores the value of *shalom*, explicitly elevating a utopian vision of harmony over the resolution of legal ambiguities.

To the extent that we can identify a central, broadly philosophical message running through the Mishnah, this would seem to be it. It is indeed concerned with revealing a "cogent whole," as Neusner claimed, but it is specifically the question of how humanity may integrate itself into this whole that animates Judaism's earliest rabbinic text. It lays out a vision for an "idealized order of the perfect harmony of heaven and earth," as Stemberger argued; an attempt at "correcting the world of action and making its pattern more just," in the words of Halbertal. Every *mishnah* asks us to reflect on our relationship with some aspect of reality in order to discern a more attuned way of being. We can observe this by exploring the various ways in which the Mishnah uses law to convey the nature of reality and our unique place within it.

Found Philosophy

Tractate *Sotah* deals with the case of a wife suspected of infidelity by her husband. The Torah prescribes a procedure that will miraculously determine if she has been unfaithful, and which entails her being publicly disgraced. If she is guilty, she will perish through a swelling of the thigh and abdomen" (Numbers 5:27). Amidst the details of this procedure, *Sotah* 1:7 suddenly inserts a meditation on divine justice:

> In the measure that a person measures, so is it measured for him. She adorned herself for sin—so God disgraced her. She revealed herself for sin—so God exposed her. Her thigh was the first to engage in sin, followed by her belly—therefore, the thigh will be struck first, and afterward the belly. And the rest of the body will not escape judgment.

What was a highly detailed and enigmatic ritual procedure becomes an example of a universal principle of divine justice. The Mishnah goes on (Ibid. 1:8-9) to list biblical figures who were judged measure for measure, whether in a positive or negative sense. Samson strayed after his eyes; therefore his eyes were gouged out by the Philistines (Judges 16:21). Miriam waited for Moses by the riverbank; therefore the Jewish

people waited for her in the wilderness (Numbers 12:15). The *sotah* ritual is suddenly our window into a cosmic force that guides the major events of Jewish history.

Tractate *Yoma* details the complex Yom Kippur service, through which the High Priest effects atonement for the Jewish people. To conclude the tractate (8:9), R. Akiva exclaims, "How fortunate are you, Israel! Before Whom are you purified, and Who purifies you? Your Father in Heaven!" Despite the tractate's focus on exacting ritual, this final *mishnah* orients us to the true source of all atonement, Who abides even when the Temple does not.[25]

At the conclusion of *Bava Batra* (10:8), R. Yishmael states that "one who wishes to become wise should study monetary laws," the central theme of the tractate. As R. Yisrael Lipschitz explains, it is specifically in these laws that "the Torah has granted the human intellect freedom to soar according to its ability; to delve, investigate, and decide according to what appears correct in one's eyes."[26] The extensive and complex laws of the tractate are thereby recast as a means to general wisdom; a Torah-guided training in broad mental acuity.

For a final and particularly striking example, *Sanhedrin* 4:5 shows us how the Mishnah uses law to convey its message of universal harmony, even when that law relates to capital punishment. We are taught that the judges of a capital case must impress upon the witnesses the ramifications of their testimony—a human life hangs in the balance. The *mishnah* then veers into biblical exegesis, and we read the following:

> Man (Adam) was created alone to teach you that whoever destroys a single soul from Israel, it is considered by Scripture as if he destroyed an entire world. And whoever sustains a single soul from Israel, it is considered by Scripture as if he sustained an entire world. And this was also done for the sake of *shalom* among people, so that a person would not say to his fellow: "My father is greater than your father." And so that the heretics should not say: "There are many authorities in Heaven." And to tell of the greatness of the Holy One, Blessed be He, for a human mints many coins with one stamp, and they all come out identical. But the King of kings, the Holy One, Blessed be He, minted every human being from the seal of the first man, and yet no one is identical to another. Therefore, each and every person must say: "For my sake, the world was created."

[25] *Tiferet Yisrael* to *Yoma* 8:9, s.v. "amar R. Akiva" interprets this teaching differently but along similar lines.

[26] *Tiferet Yisrael* to *Bava Batra* 10:8, s.v. "amar R. Yishmael."

The Mishnah uses the creation of man to embody its message of *shalom* at three distinct levels. First, the individual incorporates all human life in a biological sense—a whole world ultimately descended from one man. Next, there is an aspect of societal *shalom*—none of us can lay claim to a nobler lineage, since we are all the children of one original father. Finally, the individual embodies a theological idea—the creation of a single human reflects the existence of a single Creator. All three of these levels—the biological, the societal, and the theological—find expression in the Mishnah's laws of execution.[27]

So far, we have seen examples of legal passages being contextualized by adjacent nonlegal passages for the purpose of imbuing them with philosophical relevance.[28] Yet, it is important to note that the Mishnaic sages were also willing to derive philosophical ideas directly from the legal passages themselves. In Ruth Rabbah, chapter 6, R. Meir is asked how he plans to save his teacher, Elisha ben Avuyah, from the fires of Gehinnom, given that he died an apostate. R. Meir replies, "Is it not a *mishnah*? We save the case of the Torah scroll along with the scroll itself, and the case of the *tefillin* along with the *tefillin* itself (*Shabbat* 16:1). [So too,] we save Elisha by the merit of his Torah." The cited *mishnah* discusses objects that may be saved from a fire on Shabbat, when carrying such objects is generally prohibited. But in R. Meir's interpretation, this straightforward law conveys a profound and actionable spiritual lesson. Additionally, his initial response—"Is it not a *mishnah*?"—suggests that he wished to present his allegorical reading as obvious or uncontroversial. This *midrash*, and many similar ones, indicate that even the legal portions of the Mishnah could be interpreted philosophically by the Mishnaic sages themselves.[29]

We can point to one final quality that further suggests the Mishnah's philosophical focus: its ubiquitous use of literary devices to convey conceptual meaning. R. Dr. Avraham Walfish has pioneered this approach to Mishnah study, arguing that "considerations of language and style play a far greater role than has previously been suspected. This presents the student of Mishna with both an opportunity and a challenge – to understand what meanings might underlie those Mishnaic arrangements that frequently prefer the formal to the topical and the associative to the logical."[30] In other words, the topical fluidity of the

[27] Additionally, this *mishnah* emphasizes the value of each person's unique individuality, indicating that the Mishnah's vision of *shalom* is not a call for homogeneity but rather for harmonious coexistence.

[28] For further examples of this trend, see the conclusions of *Pei'ah* (on poverty, charity, and divine recompense), *Shevi'it* (on keeping one's word), *Ta'anit* (on the relationship between God and Israel), *Kiddushin* (on the superiority of Torah study to all other occupations), and *Menahot* (on the priority of positive intention in divine service). There are many more examples.

[29] R. Yehuda Leib Ginsberg's *Mussar HaMishnah* (Denver, 1939) draws on a wide range of Talmudic and midrashic sources to reveal implicit philosophical lessons in the Mishnah.

[30] Avraham Walfish, "Power and Beauty: The Mishna's Celebration of Creation in *Berakhot* Chapter 6," *Tradition* 49:2 (2016), 9-31; citation at 10.

Mishnah is indeed intentional and designed to encode meaning—but not necessarily legal meaning. Walfish demonstrates that in the case of *Berakhot* chapter 6, these literary devices serve to convey "the *main message* of the chapter – the power and beauty of God's Creation."[31]

R. Dr. Yakov Nagen, a student of Walfish, further develops this approach, arguing that the final chapter of *Berakhot*, which deals with situations in which one is required to bless God, "can shed light on the general question of His place in the world," and that tractate *Pei'ah* reveals a profound conception of the property rights of the poor.[32] R. Dov Berkovits similarly argues that the primary purpose of the Mishnah's unique formulation "is not review and retention, but rather to teach a way of life—one that engages not only with legal rulings but also with deepening the meaning and ideas that accompany the practical understanding of mishnaic law."[33] For these rabbinic scholars, the Mishnah's organizing principles flow primarily from its philosophical worldview, not the coherence of its legal categories.

Conclusion

The case for the Mishnah as a work of "found philosophy" now rests on multiple layers of evidence. Elman draws on broad scholarship to show the text's "manifest incompleteness" as a codification or legal anthology. Early Tannaic and Amoraic writings, such as the Tosefta and early midrashim, find philosophical lessons implicit in Mishnaic law, while Maharal cites the Talmud to demonstrate that the Mishnah's organization is essentially philosophical. Kabbalistic sources also ascribe a profound metaphysical significance to Mishnah study.

We have seen how the Mishnah is "bookended" by explicit subordinations of *halakhah* to universal harmony, an insight that aligns well with Halbertal and Cohn's studies of the Mishnah's historical context and utopian vision. And we examined multiple cases in which the Mishnah seems to intentionally arrange its halakhic content for the purpose of conveying philosophical takeaways, even when that arrangement upends the Mishnah's coherence as a legal text. As Walfish and Nagen demonstrate, the Mishnah's organization is more literary-conceptual than legal-logical.

Undoubtedly, questions remain. If the Mishnah's method is to intersperse fragmented legal traditions with philosophical reflections in order to convey a broad worldview, why did it become Judaism's foundational *legal* text? Should the Talmud be understood as a continuation of the

[31] Ibid., 11. Emphasis mine.

[32] Yakov Nagen, *The Soul of the Mishna*, trans. Elie Leshem (Maggid, 2021), xix-xx.

[33] Dov Berkovits, "Those Who Bring to the Threshing Floor," in *About Economy and Sustenance: Judaism, Society and Economics*, eds. I. Brenner and A.A. Lavi (Jerusalem, 2008), 34 [Hebrew].

Mishnaic project or as a departure from it? Did the Mishnah necessarily have a single unifying objective, or was it an evolving text that aimed at shifting goals across its history? A full response to these points must await a future publication.[34]

For now, we can conclude that the Mishnah's philosophical vision, what Nagen calls "the soul of the Mishnah," has been tragically neglected. Mishnah study today is primarily approached as preparation for advanced Talmud study, and Jews seeking a philosophical framework for their halakhic observance generally turn to later works. As a result, the world has lost contact with a philosophical text unmatched in its depth and scope—more inquisitive and probing than the Socratic dialogues, more encompassing and panoramic than the Aristotelian corpus. As Maharal observed, the sages truly divided all of reality into the six orders of the Mishnah.

In the first two orders, *Zera'im* and *Mo'ed*, we receive a new conception of space and time. We cultivate a deep attentiveness to the organic world, developing a reverence for its diversity, its laws, and its bounty. We then come to appreciate our contribution to the ongoing cycle of history, encapsulated in our holidays. The orders of *Nashim* and *Nezikin* convey a vision of societal harmony, first in the microcosm of a consecrated home and then in the macrocosm of a just society. *Kodashim* advances us to a conception of holiness and constructs a discrete space for its encounter, while *Tahorot* extends that encounter into the minutiae of daily life, breathing spiritual relevance into mundane objects and subtle motions. Together, the six orders of the Mishnah suggest a way of being in harmony with the world—a philosophy of life woven from the fabric of law.

Do I Really Love Myself?: Erich Fromm Meets the Rebbe of Warka

Admiel Kosman is Professor of Jewish Studies at Potsdam University, Germany.

The core of the controversy that erupted between Gershom Scholem and his disciples and Martin Buber about Hasidism can, in my opinion,

[34] To shed some light on these questions, we can draw on R. David Zvi Hoffmann's *Ha-Mishnah Ha-Rishonah u-Pelugta de-Tannai* (Berlin, 1914), a work exploring the historical development of the Mishnah. Basing himself on Talmudic sources, R. Hoffmann explains that halakhic education prior to the Mishnah took a midrashic form, associating laws with their relevant Torah verses. This method made domain-specific learning difficult, such that students training to become scribes or kosher slaughterers required new textual arrangements that reflected their professional focus. R. Hoffmann claims that numerous Talmudic passages indicate the existence of such pre-Mishnaic arrangements, which were likely similar to our Minor Tractates in form and function (12, n. 3; 14). Purely by way of suggestion, we can propose that if such a codification process was already underway in the second century CE, Rabbi Judah Ha-Nasi might easily have justified turning his focus to a different type of work. Though written as found philosophy, the Mishnah could also function as a legal primer to some extent, its popularity eventually making it a more organic choice for subsequent legal commentaries.

be positioned rather simply on the axis between externality and internality.[1]

Scholem and his disciples saw—more or less—the God of the Hasidim as external, and they understood every expression in hasidic writings that includes reference to the service of God as submission to a God "residing" outside the human world (even though sparks of His holiness are scattered within this world), Who demands that humans bow before Him. The Scholem school sees this service as the central concern of the Hasid—who must henceforth view all worldly events as distracting and leading him away from this concentration on divine service.

Meanwhile, it was clear to Buber that the Ba'al Shem Tov refreshed the frozen Judaism of his time through deep processes of internalization,[2] based on the understanding that God is revealed to humans within their relationships with the human beings around them and with natural creatures, when human hearts are open to them in empathetic dialogue; only then does God dwell **between them**. Buber believed that at the foundation of the hasidic religious view lies the understanding that egocentrism is the central barrier to God's revelation to humans in the present moment.[3]

I believe that the following example I have collected from hasidic literature, which includes a passage formulating a hasidic interpretive tradition on the well-known commandment (Leviticus 19:18) of loving one's fellow, can demonstrate how right Buber was in his religious intuition regarding hasidic literature—and not only regarding hasidic stories, but also concerning hasidic teachings.[4]

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[1] For readers interested in a broader clarification of this controversy, see my article "Obedience to the Law versus Spontaneous Charismatic Action: Halakhah, Magic and Dialogue," (Hebrew), *Bar-Ilan Law Studies* 18, 1-2, (2002): 219-247, at 220-221. This fundamental debate was described by Idel as "the most interesting intellectual debate in twentieth-century Jewish studies." See Moshe Idel, *Hasidism: Between Ecstasy and Magic* (SUNY Press, 1995), 3.

[2] See Roee Horen, *The Ba'al Shem Tov and the Lurianic Kabbalah* (Hebrew) Bar Ilan University Press, 2020), esp. 245. According to Horen, following Erich Neumann, the difference between the "old morality" and the "new morality" (these are Neumann's own terms) is that the former identifies negative qualities in the soul and projects them onto the other as a kind of "scapegoat," while those inclined to the new morality choose not to project what exists within them onto others, since they are endowed with the ability to introspect and be fully aware of the unconscious psychological process underlying the old morality. That is why the new moralists are able to contain those 'rebellious' forces in them. According to Horen, the first to demand such introspection in Jewish sources was the Ba'al Shem Tov. Furthermore, according to Horen, in this point—which is considered a modern concept—the essence of the Ba'al Shem Tov's revolution is expressed.

[3] Buber does not say this explicitly, to the best of my knowledge, anywhere, but, in his own way, he formulates it in many places in his writings. I made this clear in my article "Buber vs. Weber: Future Sociological Research According to Buber's Proposal – The I-Thou Relationship in Scholarly Research," in Michael Welker, John Witte, Stephen Pickard (Eds.), *The Impact of Religion: On Character Formation, Ethical Education, and the Communication of Values in Late Modern Pluralistic Societies* (Evangelische Verlagsanstalt, 2021), 103-122, at 106-116.

[4] I do not mean to say that there are no hasidic texts that support Scholem's position. Tsippi Kauffman demonstrates at length that one can find both Buberian and Scholemian expressions within early hasidic literature. See Tsippi

This example will present a conception of egocentrism, narcissism, and selfishness as the central obstacles to approaching God, though it is expressed to us (as usual in hasidic literature) only by a short hint. However, deciphering this difficult passage will teach us that the main obstacle in the study of Hasidism is the barrier of a language foreign to us.

The hasidic mode of expression is difficult to understand, for, on the one hand, it appears shrouded in mystery, but, on the other hand, it sometimes appears to modern, dismissive eyes, as too simple, even "native" or "primitive." Nevertheless, reading the passage I have chosen here will prove that we are dealing with extraordinarily deep insights, which Hasidism presents seemingly in passing, without bothering to explain them to the unskilled reader. For this purpose, I will offer explanations that "translate" what is said in this passage into our modern language; these will be integrated within square brackets:

> ***"Ve-ahavta le-rei'akha kamokha***" ["And you shall love your fellow as yourself"] (Leviticus 19:18) — the holy Rabbi, our master and teacher, R. Menahem Mendel of blessed memory [R. Mordekhai Menahem Mendel Kalish (1819-1868) was the son of the first Rebbe of Warka,[5] R. Israel Yitzhak Kalish. R. Menahem Mendel was also known by the nickname "the Silent One," as he rarely spoke or gave Torah teachings except in extreme brevity.] asked in these words: "[*ve-ahavta le-rei'akha] 'Kamokha'* with a question mark?" and he answered: "*'Kamokha'* with a period" [end of quote from the Rebbe of Warka]. The question and the answer were difficult to understand [no one understood what the Rebbe of Warka meant by this, so the following interpretation of his brief words was proposed, as follows]:
>
> The holy Rabbi, our master and teacher, R. Dov Berish of Biala of blessed memory [R. Dov Berish Landa of Biala, Poland (1820-1876), who led the Warka hasidic dynasty after the passing of R. Menahem Mendel of Warka] explained it thus: "It is difficult [to understand what is written in the Scripture,

Kauffman, *In All Your Ways Know Him: The Concept of God & Avoda Be-Gashmiyut in the Early Stages of Hasidism* (Hebrew) (Bar Ilan University Press, 2007). Kauffman thus continues the work of other scholars who have already shown that the claims of Scholem and his disciples against Buber do not present a complete picture of the hasidic faith. My intention, by relying on these scholars who defended Buber's position, is to present a particularly prominent text in which this position is emphasized with great force. (I thank Chesky Kopel for reminding me of the important book of Tsippi Kauffman of blessed memory).

[5] A town in East-Central Poland located on the left bank of the Pilica river.

> where the commandment states "And you shall love your fellow"] '*Kamokha*' ['as yourself']. [What is the meaning of the word 'as yourself' in Scripture here], for [indeed] a person does not love himself — so how is 'as yourself' relevant? [Indeed, a person generally does not love himself at all, and, as will be explained later, a person often even 'hates' himself, so how can someone who hates himself transfer self-love to love of his fellow—when self-love does not exist at all?!]" He answered, [and therefore the Rebbe of Warka answered this question about what is stated in Scripture, according to Rabbi Biala's explanation, as follows:] "'As yourself' — just as a person **hates** himself with the utmost hatred [the self hates the ego that controls him and pretends to be his 'I'] — so too should he **love** his fellow with the utmost love. And the words of the wise are gracious" [Ecclesiastes 10:12].[6]

Let me now propose an explanation for this difficult hasidic passage – adapted to our contemporary mode of expression:

When a person is immersed in self-centeredness, we cannot truly say that he loves himself, since he is enslaved to the needs of his ego. We can compare this to a person addicted to hard drugs; he claims to enjoy the drugs when they are supplied to him, but, deep in his heart, in a concealed place, he knows that he is miserable, since his enslavement to the drugs does not allow him freedom. This dependence on something that destroys his freedom causes him to feel guilt, even if it is repressed (and actually even more so if it is repressed) and consequently also to 'hate' himself, with the accompanying despair also not allowing him to gather the psychological energy that could extract him from the deep pit in which he finds himself.

In other words, a person enslaved to his egocentricity cannot truly love himself; and it is not for nothing that Hebrew uses the word "*atzmi*" (self). The "*atzmi*" ("*atzmi*" is related to *atzma'aut*, meaning freedom) is what expresses the selfhood of the free person—and this is now enslaved to the ego. We can therefore determine that a human being loves himself only when he is free from the egocentricity that misleads him in its sophisticated ways.

And in a Buberian spirit—in accordance with the world of the modern reader—we can also say that Western man has sharpened even more than his predecessors in history the practical perspective that turns everything he encounters — other human beings and natural creatures around him

[6] Moshe Menahem Walden, *Ohel Yitzhak* (Piotrkow 1914), 9, letter 13. (This book actually contains three books. The page number indicated here refers to the page number in the third book).

— into objects-for-use ("It" in the terminology of Buber), to such an extent that ultimately he has also turned *himself* into an object.

This last point, that the transformation of the self into an object of the ego causes a person to ultimately hate himself, was well emphasized in the teachings of psychoanalyst Erich Fromm (who, of course, the Rebbe of Warka did not know). Thus, writes Fromm, for example:

> Selfishness and self-love, far from being identical, are actually opposites. The selfish person does not love himself too much but too little; in fact he hates himself. This lack of fondness and care for himself, which is only one expression of his lack of productiveness, leaves him empty and frustrated. He is necessarily unhappy and anxiously concerned to snatch from life the satisfactions which he blocks himself from attaining. He seems to care too much for himself, but actually he only makes an unsuccessful attempt to cover up and compensate for his failure to care for his real self. Freud holds that the selfish person is narcissistic, as if he had withdrawn his love from others and turned it toward his own person. It is true that selfish persons are incapable of loving others, but they are not capable of loving themselves either.[7]

Here we have a modern formulation of that hasidic insight of the Rebbe of Warka, although the language in which Erich Fromm expresses himself is much more understandable to us than the extremely concise words of the hasidic Rebbe.

Later, after I had already written the previous observation,[8] I found that Buber himself expressed this unusual understanding (and I assume that he did not know the original words of the Rebbe of Warka – but rather understood it on his own).

As if in passing, while explaining the commandment to love your fellow as yourself, Buber says: "The neighbour [fellow] is to be loved 'as one like myself'" – and then adds:

> Not "as I love myself"; in the last reality one does not love oneself, but one should rather learn to love oneself through love of one's neighbour.[9]

[7] Erich Fromm, *The Art of Loving* (Harper Colophon Books, 1956), 60-61.

[8] A limited core of the idea expressed in this article was previously printed in Hebrew in the literary supplement of *Makor Rishon* (January 22, 2023). In this English version, expansions and later understandings were added. I thank Alla Mitelman for her help in translating this piece into English.

[9] Martin Buber, *Between Man and Man*, trans. Ronald Gregor-Smith (Routledge, 2002), 60.

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If indeed we have been successful, and the previous point presented to us is clear, we can now discuss the deep thought kernel concealed in the words of the Rebbe of Warka. The question troubling him is: what is the essential meaning of the biblical command "And you shall love your fellow **as yourself**?" According to the interpretation proposed here by the Rebbe of Biala, the Rebbe of Warka believed that the Torah is aware of the obstacle pointed out by Erich Fromm, and that this obstacle is precisely the reason for the biblical instruction to love the other. However, now, in light of this understanding, the Torah's command to love the other **"as yourself"** will be interpreted in a completely different way than it is usually interpreted.

This love for the other **"as yourself"** will now mean: in light of the fact that a person in his current state generally does **not** love himself at all, then, precisely from the clear knowledge that a person subject to the enslavement of the ego **cannot** love the other at all (since as mentioned, he immediately turns him into an object-for-use upon encountering him), the Torah proposes **to perform actions.** This is therefore a kind of behaviorism, but spiritual in its direction (that is now sometimes called transpersonal), since it aims to correct the egocentric distortion.

"As yourself" will therefore be interpreted according to the Rebbe of Warka as an instruction to behave toward the other in a manner opposite to how a person would usually behave under the enslavement of the ego.

Here one finds a very profound claim: my correction cannot be expressed through direct reference to my ego, since a person cannot pull himself out of the pit (into which he has sunk) by pulling on his own hair. No one can free himself from his ego through direct action aimed at removing the activity of the ego that controls him. And why? Because the operator of the action is, at the end of the day, the ego itself (arising from the ego's desire to achieve a new accomplishment, i.e., to be righteous!). In other words: the ego cannot free the self from the control of the ego!

Therefore, the Torah proposes (following to its depth the understanding of the Rebbe of Warka) the way of Jewish **commandments of practical action** as a way of life: hospitality, opening the door to the other.[10] In this action, which always

[10] The Jewish intuition of hospitality stood at the center of the phenomenological teaching of Jewish philosopher Emmanuel Levinas. As Hanoch Ben-Pazi explains in *Emmanuel Levinas – Educational Contract: Alliance, Hope, and Responsibility* (Hebrew) (Hakibbutz Hameuchad, 2016) 77:

> Hospitality is an ethical situation in which the host allows the other to come into his world and accepts responsibility for him. The moral demand is to open up to the Other – as Other. Levinas says that the guest is the one who brings the infinite into the home of the self – the host [...] The dimension of hospitality takes on the meaning of an ethical imperative for Levinas, beyond the good deed of welcoming a stranger and helping him on his way. To welcome a guest means to break through the boundaries of the ego and demand from the self openness towards someone who is different from him; it is the duty of respect towards those who sometimes seem to owe you respect, towards

starts from external action—but must be accompanied by internal awareness—is the intention that I am now acting **contrary to my spontaneous egocentric desire at the moment**. That means: when 'the guest is knocking on my door' (as a metaphor for any demand of the *mitzvah*), if I surrender to the ego, my seemingly-true desire at the moment is one and only (if I am really honest with myself): to lock the door and expel the guest from my home.

Only in this action of 'hospitality' **against my ego** can I find the way to release myself from my ego—with God's grace, of course, as we must never forget. This is the secret of the action of the commandments as a whole, of the 'walking with God' in the daily life moments when I meet the other.

The Hasidim conclude this explanation with the words "*Divrei fi-hakham hein*" ["The words of the wise are gracious"] (Ecclesiastes 10:12), for these matters are very profound.[11]

those who do not come to be part of your world, your perspective, your totality. For Levinas, the entry of the other as a guest introduces into the finite boundaries of the self the dimensions that break finitude, namely the infinite. In this sense, the entry of the other in hospitality brings the divine dimension into the human, the infinite into the finite.

[11] I have already suggested in my words above that Levinas's teaching, vast as an ocean, can be perceived as nothing more than an explanation and expansion of this brief Warka *vort* (teaching).