Part Two

THE FUNCTION OF PLANS
IN THE MISHNIAC SYSTEM
Chapter Three

Plans in the System of Purity

A person sometimes intends to perform an action before taking any concrete steps towards its execution. For example, a man may decide to go to the marketplace to sell his produce before he has made any preparations for the trip. When he first forms the intention, he has not yet performed any overt act. He has merely calculated how he will act in a future situation. This type of intention we shall call a person's plan.\(^1\) Two questions form the focus of the present inquiry. First, we wish to know the function that plans serve in the mishnaic system. That is, what type of legal effect do plans produce? Second, our study investigates when and why plans precipitate those consequences. As we shall discover, in some cases the Mishnah stresses the importance of a person's plans, whereas in other contexts, it completely ignores what a person intends to do. By determining how such cases differ from one another, we can adduce the Mishnah's theory as to when and why plans matter.

To answer the above questions, we trace through the mishnaic system the Hebrew word which designates a person's plan, namely, the word \textit{mahshabah}. This word almost always refers to the answer an Israelite would give to the question, "What do you plan to do with the object at hand?"\(^2\) For example, the sages employ a form of the word \textit{mahshabah} when referring to a person's decision to use a piece of leather for sandals. To provide an example in their own language, the sages say the leather is susceptible to impurity "if a man intends it (\textit{hsb clyw}) for [use] as sandals (M. Kel. 26:9)." By this they mean that the Israelite plans to use the leather in question for shoes.

The 'Magical' Effects of Planning

In the mishnaic system, the plans a person formulates often produce a kind of 'magical' effect. Merely by formulating a plan to use an object in a given way, a person changes the most important property of the object in question, namely, its capacity to absorb or withstand cultic contamination. For example, the intention to eat a given substance makes that item capable of absorbing impurity.\(^3\) Prior to the formulation of the intention, however, the substance could not become contaminated under any conditions.

Let me explain the mechanism by which intention produces such effects. When a person plans to use an object in a given way, his or her plan has the
96 The Function of Plans in the Mishnaic System

effect of classifying that object. For example, the plan to eat a given substance, automatically places that substance into the category of food. The idea that intention can classify things finds a parallel in our own frame of reference. Suppose you tell your spouse that you plan to drive to Indianapolis to visit a friend. By expressing your intention to use the car, you have effectively classified the car as "yours for the day." If your spouse subsequently wants to take the car, therefore, you would refuse, claiming that the car has already been reserved for your use.

This analogy captures the mishnaic idea that plans have the effect of classifying things. From the Mishnah's standpoint, when an Israelite intends to use an object for a particular purpose, he or she automatically places that object into one of the classifications which are deemed to be important. Objects may fall into opposing categories, such as "sacred" and "profane," or "useful" and "useless." Therefore, an Israelite who plans to put an object to sacred use ipso facto classifies it as a sacred thing. For instance, an animal that an Israelite intends to sacrifice becomes a holy thing from the moment he conceives of his plan and puts it into words. Just as a person reserves the car for his or her use by expressing an intention of using it, so an Israelite designates an animal as a holy thing by formulating a plan to sacrifice it. In the mishnaic system, therefore, the mere formulation of a plan effectively determines the classification of the object in question.

In the system of the Mishnah, the classification of an object is extremely important, because it determines whether or not that object can absorb impurity. For example, substances belonging to the category of food can become contaminated by impurity. But objects which fall under the rubric of waste cannot become unclean even if they come in contact with sources of contamination. The same distinction applies to useful and useless objects. When useful objects are brought in contact with sources of impurity, they are rendered unclean. Useless objects, by contrast, cannot become contaminated under any conditions.

Moreover, upon entering a given category an object becomes subject to divinely ordained rules which govern that class of thing. Sacred objects, for example, must be used only in the Temple precincts and only for sacred purposes. Profane things, by contrast, may be used wherever an Israelite wishes and for any purpose. Similarly, the Mishnah expects Israelites to keep useful objects from coming in contact with sources of impurity. This restriction does not apply to useless things. Since God has ordained the rules governing the various classes of objects, an Israelite who wishes to obey the divine will must determine the classification of each object that he or she owns and treat it according to the appropriate rules. If one fails to determine the object's correct classification, one will inevitably violate God's law by obeying the wrong set of restrictions. For this reason, the Mishnah discusses thousands of objects that an Israelite might encounter in one's daily routine, ranging from broken tables to
dead cows. In each case, the Mishnah categorizes the object in question and thereby determines the rules governing that object's use.

Let me make the above ideas more concrete by referring to several specific cases. The following rule illustrates both the power of intention to classify objects and the capacity of classification to alter the properties of an object. Here, the Mishnah discusses the power of a person's plan to determine whether a table top belongs to the category of objects that can absorb impurity or to the category of objects that cannot. To understand the role of intention in this case, we first need to familiarize ourselves with the Mishnah's conception of purity, which in many respects derives from Leviticus.

According to Leviticus, God has declared certain objects to be sources of impurity, such as a corpse, a dead reptile, and certain body fluids, such as menstrual blood and semen (Lev. 11 and 15). These sources of impurity, among others, can contaminate various types of objects such as human beings, food, or household vessels. According to the authors of Leviticus, God expects Israelites to maintain the Temple and its cult in a state of cultic purity. Israelites involved in the cult, therefore, must avoid introducing contaminated objects into the Temple precincts, and prevent themselves from becoming contaminated, so that their entrance into the Temple does not jeopardize the purity of the sacred place.

In appropriating the levitical rules of purity, the Mishnah alters the levitical scheme in two significant respects. To begin with, it extends the rules of cultic purity to the Israelite household. In the Mishnah, God expects each householder to treat his home as he would treat the Temple. Consequently, Israelites must prevent impurity from contaminating household objects and food. Second, the Mishnah grants human beings a central role in determining which objects can and cannot absorb impurity. For reasons we shall explore later, only objects that serve a purpose can become contaminated by impurity. Useless objects, by contrast, cannot absorb impurity under any conditions. A table, therefore, which by definition is useful, absorbs impurity if it comes in contact with a dead reptile. A broken table, however, cannot contract impurity because it is useless.

Turning our attention to the rule at hand, we see that an Israelite's plan serves as a criterion for determining whether a given object falls into the category of useful or useless things. By intending to put an object to use, one ipso facto places that object into the category of useful things, with the result that it can subsequently contract impurity. Conversely, if the Israelite intends to discard the object, it falls into the class of useless objects and cannot absorb impurity under any conditions.

A. [Concerning] a table [which normally stands on three legs, and subsequently] one of its legs was removed [with the result that it can no longer function as a table]--

B. it is clean [that is, it is cannot absorb impurity, because it falls into the category of a useless thing].
The Function of Plans in the Mishnaic System

C. [If] a second [leg was removed], it is clean [that is, it cannot absorb impurity because it remains useless].

D. [If] the third [leg] was removed [that is all of its legs]--

E. it [can contract] impurity only when [an Israelite] intends [to use] it [for some purpose, such as a tray to set upon the knees].

M. Kel. 22:2

In this rule, a person's plan has the power to classify objects around the household. Merely by intending to use a table top, a householder in effect classifies it as "useful." Consequently, the table top can subsequently absorb impurity should it come in contact with one of the sources of contamination (E). A person's mere formulation of a plan, therefore, can produce significant legal consequences, which affect the other members of the household. Since the table top can now contract impurity, all members of the household must prevent it from coming in contact with sources of uncleanness. If they fail to do so, the table top will become contaminated and can no longer remain in the household. We now see why the issue of classification preoccupies the Mishnah's framers. In their system, an Israelite who wishes to live a life in accordance with divine law must know the mishnaic principles of classification. One who does not know these rules cannot determine which possessions are susceptible to contamination.

Just as intention determines whether an object falls into the category of useful or useless objects, it also serves as a criterion for distinguishing "food" from "waste." If a person intends to eat a certain substance or to sell it for human consumption, it falls into the category of food. Conversely, if someone intends to discard it, it is classified as waste. As previously discussed, whatever falls under the rubric of food can absorb cultic impurity, whereas waste products cannot contract impurity. For example, a piece of meat contracts impurity if it comes in contact with a source of impurity, with the result that an Israelite may no longer eat it. By contrast, rotten vegetables cannot become contaminated because they belong to the category of waste. The case at hand involves a pigeon which has died by falling into a wine vat. As we shall now see, the bird's classification depends upon the plan of the person who owns the wine vat.

A. [As regards] a young pigeon that fell into a wine vat [and died]--

B. if [the owner] intended to remove it (hsb clyw) [from the vat] for [sale to] a gentile,

C. [the pigeon] is impure, [that is, it is subject to the rules governing food impurity]. Since the Israelite intends to sell it for consumption, the pigeon falls into the classification of food, and hence, it is subject to the restrictions governing food products.

D. [If, however, the owner intended to remove the pigeon from the vat] for a dog,

E. [the pigeon] is clean. [that is, it cannot contract impurity because the Israelite did not intend to use it for human consumption].

M. Toh. 8:6
By deciding what to do with the dead pigeon, the Israelite at hand determines whether it falls into the classification of human food or waste. The intention to sell the pigeon for human consumption makes it fall into the category of food, with the result that it is subject to the laws governing the purity of food (C). If the owner decides to throw it to a dog, it becomes waste, and hence the rules governing the purity of food do not apply (D-E).

Plans play a classificatory role in only one context outside the system of cultic purity, namely, in the laws regulating the sacrificial system. These laws in many respects take up the same sorts of problems examined in the system of cultic purity. In the laws of cultic purity, the Mishnah discusses the procedures for maintaining the home in a state of cultic purity. Similarly, in the laws of sacrifice, the Mishnah takes up the procedures for carrying out the Temple cult in accordance with God's wishes. As we shall now see, plans play a central role in the sacrificial system. Merely by formulating a plan, an Israelite priest determines whether the animal he sacrifices belongs to the category of a holy offering or to the category of a profane slaughter.

A. [Concerning a priest who, while slaughtering an animal, forms the intention] to eat an olive's bulk [of its flesh] outside the place [God has designated for its consumption],

B. and [who while collecting, transferring, and sprinkling the blood forms the intention] to eat an olive's bulk the following day [that is, after the period of time specified for its consumption has elapsed]...

C. [the offering] is invalid.

M. Zeb. 2:5

Here, the priest's plans have the power to desacralize an animal designated for a sacrifice. Since the priest intends to eat the meat at a place of his own choosing, and not in the place specified by God, he has in effect classified the cow as an animal slaughtered for secular purposes. His intention, therefore, effectively removes the animal from its classification as a holy thing, with the result that God repudiates the sacrifice. Once again, merely by forming an intention to put an object to a particular use, an Israelite alters the classification and hence the status of that object.

While intention serves similar functions in the sacrificial system and in the system of purity, there are several important differences. For this reason, we shall discuss the function of plans in the sacrificial system in the subsequent chapter. In the discussion to follow, we focus exclusively on the role of intention in the Mishnah's system of purity. This brings us to the critical question of the present inquiry: how do we make sense of the notion that human intention can determine the status of things?
The Power of Plans to Classify: The Underlying Significance

In the context of the mishnaic system, the capacity of intention to determine whether an object can absorb impurity constitutes an extraordinary power. For the sages, the distinction between pure and impure is constitent of reality. By this I mean that the line dividing clean and unclean things constitutes one of the two fundamental distinctions that give order to the sages' world. According to the Mishnah, the world is neatly divided into two grand dichotomies: 1) clean and unclean 2) sacred and profane. We know these two categories are primary because all other distinctions which the Mishnah makes are related to them. We saw, for example, that the Mishnah distinguishes carefully between useful and useless objects, and between food and waste. But these oppositions are merely a variation on the more basic distinction between pure and impure. Useful things and food can absorb impurity, whereas useless objects and waste are immune.

Perhaps an analogy would be helpful in understanding the significance of these distinctions in the mishnaic system. The dichotomy between pure and impure can be compared to the distinction between hot and cold. Impure objects, like hot things, are dangerous and need to be avoided. Being unable to distinguish between clean and unclean things or between things which absorb and withstand contamination, therefore, would be tantamount to not sensing the difference between hot and cold. One would be able to discriminate between objects on the basis of other criteria such as shape or color. But a crucial feature of the environment would be lacking. Moreover, without a sensitivity to hot and cold, everything would be potentially dangerous, because it would be impossible to know whether one was getting burned. To be sure, the sages of the Mishnah do not consider the risk of contamination to be a health hazard. But it does jeopardize their living a life in accordance with divine law. This analogy, therefore, suggests what the sages' world would be like were they unable to distinguish pure and impure things.

We can now appreciate the importance of intention in the Mishnaic system. In determining whether an object can become contaminated, intention in effect defines an important aspect of the sages' reality; it determines, so to speak, whether objects are hot or cold, and consequently how humans should treat those objects. In this sense, intention plays a critical role in shaping the character of the world. Stated still more abstractly, the Mishnah ascribes to human intention the power to domesticate reality itself. As I will argue in more detail below, the Mishnah thus perceives an analogy between human intention and the divine will. Just as God created the world through an exercise of will, humans impose order on their world by formulating intentions. By so doing, humans carry forward the divine work of creation. Having discussed the importance of planning, we must now consider the extent to which the framers derived their views from Scripture.
The Power of Plans to Classify: Mishnaic Innovation or Scriptural Inheritance?

The idea that a person's plans can determine whether an object absorbs or withstands impurity clearly represents a mishnaic innovation. In biblical law, human intention plays absolutely no role in the system of purity. In fact, in Leviticus, which provides the foundation for the Mishnah's system of purity, the term for human plans (*mahshabah*) does not even make its appearance. This is because according to the priestly writers God alone determines which objects fall into various categories. Whereas in the Mishnah "food" refers to substances which people plan to use for food, in Leviticus, "food" refers to substances which God has designated for Israelite consumption. Thus, when the writers of Leviticus state that "any food that might be eaten" can contract impurity (Lev. 11:34), they mean that any substance which God permits Israelites to eat can become contaminated. By contrast, when the Mishnah says that an object falls into the category of food it is because someone has decided to use it for that purpose. We see, therefore, that the biblical rules of purity do not place any stress at all on human intention.

While the biblical rules of purity place no stress on intention, we need to consider whether other strands of biblical thought shaped mishnaic thinking. In looking for the biblical antecedents of the Mishnah's theory, it seems only natural to examine the term *mahshabah* in its biblical contexts, as this is the term which the Mishnah employs to designate a person's plans. A survey of this term in its biblical setting reveals that aspects of the Mishnah's theory are indeed anticipated in the biblical writings. Specifically, the biblical writers treated the human capacity to plan as an important factor in the divine-human relationship. In the view of the priestly writer, for example, God decided to destroy the world because he "saw how great was man's wickedness on earth, and how every plan (*mahshabah*) devised by his mind was nothing but evil all the time. And the Lord regretted that He made man on earth, and His heart was saddened (Gen. 6:5-6)." Similarly, the writers of Proverbs proclaim, "Evil thoughts (*mshbt*) are an abomination to the Lord, but pleasant words are pure (Prov. 15:26)." "The purposes (*mshbt*) of the righteous are just, the schemes of the wicked are deceit (Prov. 12:5)."

These biblical statements anticipate the mishnaic concept of plans in several respects. First, the biblical writers believe that God cares, not only about what humans do but also about what they plan. Furthermore, we note that the biblical writers make an implicit connection between the human capacity to make plans and the divine will, for they use the same word (*mahshabah*) to describe human plans and divine thoughts. People are most like God when they make plans in accordance with divine will. Conversely, when they devise evil plans, they repudiate God, for they have pitted human will against divine will. As we saw previously, the Mishnah expresses similar ideas. In the Mishnah, the human capacity to plan enables humans to carry forward the divine will by categorizing
the world into the categories God deems important. Moreover, human intention is like the divine will in that it has the power to shape reality.

While we find some similarities between the biblical and mishnaic conceptions of human plans, we also note an important difference. When the biblical authors invoke the notion of human plans, they frequently refer to situations in which a person repudiates God's will. In addition to the three examples provided above, consider the following. According to Ezekiel, the Lord says, "On that day, a thought will occur to you and you will conceive a wicked design (hshb mhsbt rch). You will say, 'I will invade a land of open towns' (Ezek. 38:10-11)."

Similarly, God says to Jeremiah, "I have heard what the prophets say, who prophesy falsely in My name: 'I had a dream, I had a dream.' How long will there be in the minds of the prophets who prophesy falsehood—the prophets of their own deceitful minds—the plan (hhsbym) to make My people forget My name (Jer. 23:25-27)?" The biblical writers, therefore, often equate the human capacity to plan with the inclination to rebel against God. In the biblical literature, when a person forms a plan, it generally signifies the pitting of human will against the divine will. The Mishnah, by contrast, does not employ the term "plan" to designate the human inclination to rebel against God. On the contrary, in the Mishnah it is the capacity to plan which enables people to carry out the divine will by classifying the world into the categories God has defined as important.

Among those biblical passages in which the term mahshabah is used, the following reveals the most similarities to the Mishnah's conception of human planning. This passage, written by the priestly authors, describes how God commissioned Bezalel to design the Temple.

And Moses said to the people of Israel, "See, the Lord has called by name Bezalel the son of Uri, son of Hur, of the tribe of Judah; and He has filled him with the Spirit of God, with ability, with intelligence, with knowledge, and with all craftsmanship, to devise artistic designs (lksb mhsb), to work in gold and silver and bronze, in cutting stones for setting, and in carving wood, for work in every skilled craft (mlkt mhsbt). And He has inspired him to teach, both him and Oholiab the son of Ahisamach of the tribe of Dan. He has filled them with ability to do every sort of work done by a craftsman or by a designer (hwsb) or by an embroiderer in blue and purple...by any sort of workman or skilled designer (hwsb mhsbt). Bezalel and Oholiab and every able man in whom the Lord has put ability and intelligence to know how to do any work in the construction of the sanctuary shall work in accordance with all that the Lord has commanded (Ex. 35:30-36:1).

This passage anticipates many of the ideas we have discovered in the Mishnah. First of all, we note that the term mahshabah frequently appears in this passage and that it bears a meaning that closely corresponds to its meaning in the mishnaic system. Here, mahshabah denotes the human capacity to design an artistic work, which by definition involves formulating plans about how to utilize the various materials at hand. This idea is similar to the mishnaic notion
that plans have the power to classify things. More importantly, this story makes explicit the notion that God appoints human beings to carry out divine plans. Here, Bezalel acts as God's partner in a joint venture of creation. God reveals a blueprint of the Temple and asks him to oversee its construction. As I previously suggested, the Mishnah also conceives of humans as acting as God's partner when they categorize the world. According to the Mishnah, God has instructed humanity to implement a divine scheme of classification. Hence, by classifying an object, one carries out the divine will. Of all the passages in Scripture that speak about the human capacity to plan, therefore, this passage bears the most similarities to the Mishnah's conception.

Nonetheless, critical elements of the Mishnah's theory are noticeably absent from this passage as well. We find, for instance, no indication that the classification of an object plays a fundamental role in determining its character. In my judgment, therefore, we need to look elsewhere to find the biblical roots of the Mishnah's theory. In what follows, I will argue that it is the two biblical myths of creation which provide the foundation for the Mishnah's theory of intention.

From Biblical Mythology to Mishnaic Theology: The Creation Stories and the Mishnah's Theory of Classification

The priestly account of creation (Gen. 1:2-4) emphasizes precisely those themes discovered in the Mishnah. The priestly writer, for example, stresses the importance of classification in defining the character of the world.

When God began to create the heaven and the earth...God said, "Let there be light"; and there was light. God saw that the light was good, and God separated the light from the darkness. God called the light Day, and the darkness He called Night...God made the expanse, and separated the water which was below the expanse from the water which was above the expanse. And it was so. God called the expanse Sky...God said, "Let the water below the sky be gathered into one area, that the dry land may appear." And it was so. God called the dry land Earth, and the gathering of waters He called Seas (Gen. 1:1-9).

According to the priestly writer, one of the central tasks in creation was classifying the world and giving things names. God separated light from darkness, the heavens above from the waters below, and the dry land from the seas. Upon categorizing the world, God named each of the things that was created. This myth anticipates the Mishnah in an important respect. It conceives of classification as instrumental in determining the character of the world. In this account, the divine act of classification is what gives the world its texture. As I argued previously, the Mishnah also conceives of classification as playing a fundamental role in determining the character of reality. When the classification of an object is altered, its basic character changes as well. As we have seen, the Mishnah ascribes these powers to human beings. By implication, therefore, the Mishnah equates the human capacity to classify with the divine work of creation.
This explains why in the Mishnah the act of classifying an object alters that object's basic properties. In the Mishnah, as in Genesis 1, classification is an aspect of creation. Consequently, human acts of categorization, like God's, have the power to change the basic character of reality. When humans classify their world, therefore, they carry forward the divine act of creation.

The idea that human acts of categorization can affect the status of things obviously has no counterpart in the priestly story of creation. This biblical myth nowhere ascribes a role to humanity in classifying the world. For the priests, the basic dichotomies were established by God at creation. This is why in Leviticus, which was also written by the priests, humans have no role at all in classifying the world. In my judgment, the Mishnah based this conception on the other biblical story of creation, which is attributed to the Yahwist (Gen. 2:4-24):

And the Lord God formed out of the earth all the wild beasts and all the birds of the sky, and brought them to the man to see what he would call them; and whatever the man called each living creature, that would be its name. And the man gave names to all the cattle and to the birds of the sky and to all the wild beasts (Gen. 2:19-20).

The author of this passage conceives of Adam as acting like God when he brings order out of chaos. By giving names to the animals, Adam completes the work of creation by labeling and thereby distinguishing one type of animal from another. As a result, he participates with God in imposing order on the world. Adam, of course, is the prototype for humanity. The Yahwist, therefore, like the writers of the Mishnah, compares the human capacity to classify with God's power to create the world through an exercise of divine will.

This myth anticipates the Mishnah's theory in a second important respect. The biblical idea that Adam names the animals corresponds in fundamental ways to the mishnaic idea that human beings classify objects by planning to use them. To begin with, in planning how to use an object, a person in effect gives that object a name. For example, when a person decides to eat a dead bird, he or she effectively labels the bird "food." In this respect, planning how to use an object and naming an object are two sides of the same coin. More importantly, within the context of their respective systems, naming and planning fulfill identical roles.

The correspondence between naming and planning emerges when we consider the significance of naming in the biblical literature. We noted above that in the biblical myth, God gave names to the various things which were created. In biblical thought, naming is in some sense equivalent to creating. This is why the biblical writers represent a change in a person's character by changing his or her name. The priestly writer claims, for example, that when God formed a covenant with Avram and Sarai, he changed their names to Abraham and Sarah (Gen. 17:15). Furthermore, by giving something a name, one defines its character and thereby gains mastery over it. In several biblical accounts,
therefore, an angel refuses to reveal its name to a human being. This prevents the person from gaining control over the angel (see Gen. 32:30, Jud. 13:17-18).

The notion that God permits Adam to name the animals, therefore, implies that God confers on humanity the power to define the character of wildlife and thus master it. This idea thus corresponds to the mishnaic idea that human beings classify the world by planning how to use things. Just as in biblical thought naming an object defines the character of that object, so in the mishnaic system people define the character of objects by planning how to use them. Of all the biblical passages, therefore, the Yahwist story of creation comes closest conceptually to the Mishnah's theory of intention.

Conceptual similarities by themselves are insufficient to demonstrate the Mishnah's dependence on these biblical myths. However, other evidence supports my claim that the biblical stories of creation are at the core of mishnaic theology. The Mishnah cites Genesis 1 a number of times to justify certain rulings and to support certain theological propositions.

First, it appeals to Genesis 1 in clarifying the rule that an animal and its offspring cannot be sacrificed on one day (Lev. 22:28). Specifically, the Mishnah wants to determine what constitutes "one day." Does one reckon a day from sunrise to sunrise or from sunset to sunset? The Mishnah concludes that a day begins and ends at sunset, because Genesis 1 says, "And there was evening and there was morning, one day (Gen. 1:5 )." This verse implies that God considered a day as beginning at sunset and continuing until sunset the next day (M. Hul. 5:5).

Second, the Mishnah cites the priestly account of creation in discussing the obligation of Israelites to procreate. According to one sage this obligation applies both to men and women. He bases his view on the fact that Genesis says "God blessed them and God said to them, 'Be fertile and increase (Gen. 1:28)." Since the command is addressed to the first man and woman, both men and women fall subject to the obligation. The same Mishnah passage also cites God's activity at creation to support the view that the obligation to procreate is only fulfilled when one has given birth to a son and a daughter. Genesis says that when God created humanity, "male and female He created them (Genesis 5:2, 1:27)." Because God produced a male and female at creation, an Israelite is also expected to have a son and daughter (M. Yeb. 6:6).

Third, the Mishnah specifies blessings which Israelites must say over the food they are about to eat. Significantly, the substance of these blessings refers to God's act of creation. For example, over wine one says, "Blessed art thou...who has created the fruit of the tree," and over vegetables one says, "Blessed art thou...who creates the fruit of the ground (M. Ber. 6:1)." Over items like meat and fish, one says "Blessed art thou...by whose word all things exist (M. Ber. 6:2-3)." We see, therefore, that the Mishnah expects Israelites to reflect routinely upon the divine act of creation. Every meal or snack is an occasion for celebrating God's creation of the world.
Fourth, the Mishnah discusses at some length the significance of the fact that Adam was created alone:

Only a single person was created to teach that anyone who kills a single soul from Israel, Scripture deems it equivalent to destroying the entire world. Anyone who saves an Israelite life—Scripture deems it equivalent to saving the entire world. [A single person was also created] for the sake of harmony among humankind. This prevents one person from saying to another, "My ancestor was greater than yours [since everyone derives from the same ancestor]." It also prevents sectarianism from saying "There are many powers in heaven." [Finally, the creation of a single person] testifies to the greatness of the Holy One, the Blessed, for humans make many coins from a single mold [with the result that] each resembles the other, but the King of Kings, the Holy one the Blessed, made all human beings with one mold and yet no one looks alike (M. San. 4:5).

As the above passages suggest, we have ample evidence that Genesis 1 plays a fundamental role in shaping mishnaic thought.

More significantly, in two instances the Mishnah explicitly links its system of purity to God's activity at creation. First, it claims that materials which are susceptible to impurity were created on alternate days of creation.

A. On the first day [of creation] something was created which is susceptible to impurity [when made into a vessel], but on the second day of creation [nothing was created] which is susceptible to impurity.

B. On the third day [of creation], something was created which is susceptible to impurity, but on the fourth and fifth days, nothing [was created] that is susceptible to impurity...

C. Everything that was created on the sixth day of creation is susceptible to impurity.

M. Kel. 17:14

It is significant that the Mishnah seeks to link the types of materials which are susceptible to impurity to the creation story. In so doing, the Mishnah is claiming that God's act of ordering the world is directly related to the classifications which govern the Mishnah's system of purity. By distinguishing things which can and cannot absorb impurity, therefore, Israelites carry forward a basic distinction that God implanted in the world at creation.

The Mishnah also refers to the priestly version of creation when determining whether seas can serve as an immersion pool (mikveh) for cleansing a person of ritual impurity (M. Par. 8:8, M. Miq. 5:4). One sage cites Genesis 1:10 as evidence that the seas can serve that function. In his judgment, the fact that God called the gathering (mikveh) of water "seas" proves that the sea can serve as an immersion pool (mikveh) for the purposes of ritual purification. These two sources, therefore, testify that the priestly account of creation functions as a paradigm for the Mishnah's system of purity.
Finally, we find a linguistic connection between the Mishnah’s interest in classification and the priestly version of creation. The Mishnah often discusses whether two items belong to the same category of thing. Significantly, one of the expressions the Mishnah uses to express this idea is related to an expression which appears several times in Genesis 1. The Mishnah frequently says that "one type of produce is or is not of the same kind as another (myn bmynw or myn bs’ynw mynw)." This formula is apparently related to the biblical idiom "according to its own kind (lmynkw or lmynw). It turns out that it is only in Genesis 1 that Scripture uses this expression in referring to plant life (Gen. 1:21, 24, 25).

It is more difficult to demonstrate the Mishnah’s reliance on the Yahwist story of creation (Gen. 2:4-25). In fact, no mishnaic passage explicitly cites this story. Nonetheless, the Mishnah’s debt to this biblical myth is suggested by the terminology which the Mishnah employs in articulating its theory of classification. The Mishnah frequently refers to classifying objects as "calling them a name (lqrw’ smw)” (see, for example, M. Dem. 4:3, 4:4, 7:6, M. Ter. 3:5, 5:1, M. M.S. 4:4, 5:9, M. Pes. 3:3). This is precisely the same expression that appears in the passage regarding Adam's naming of the animals. God brought the animals to Adam "to see what he would call them; and whatever the man called each living creature, that would be its name. And the man gave [lit. called] names (wyqr’ smwl) to all the cattle and the birds of the sky and to all the wild beasts." In addition, the Mishnah uses the biblical word "name (sm)” to mean "category.” For example, when two objects do not belong to the same category, the Mishnah says that they do not derive from the [same] name (ynw mn hsm) (M. Ker. 3:4, M. Mak. 3:9). The Mishnah did not have to rely on this biblical expression to express the idea of category. Mishnaic Hebrew provides other words to express the idea of category (i.e., b’lkll or bkll). The fact that the Mishnah appropriates language from Genesis 2, therefore, strengthens my claim that this biblical myth provides the conceptual foundations of the Mishnah’s theory of classification.

In this connection, it is interesting to note that the Mishnah frequently refers to God as "The Name (hsm).” At the simplest level, this expression is a circumlocution for the tetragrammaton. But given the importance of the word "name" in the Mishnah’s theory of classification, one wonders whether this expression resonates on another level for the Mishnah's sages. As we have seen, the Mishnah uses precisely the same expression when referring to an object’s category. For example, when the Mishnah says that two objects do not belong to the same category, it says they "are not [from] the name" (hsm) (M. Ker. 3:4, M. Mak. 3:9). It is as if the sages give linguistic expression to an idea which we have shown is at the heart of the mishnaic system, namely, the idea that God is the ultimate classifier or the ultimate source of classification. This point, however, is impossible to prove and must remain a matter of speculation.
To return to the main point of our inquiry, one final piece of evidence substantiates a connection between the story of Adam naming the animals and the Mishnah's theory of intention. The Mishnah, as we shall now see, conceives of human beings as serving as God's agent when they categorize things. Indeed, the Mishnah implies that God actually commissioned humanity to complete creation by sorting various things into their respective categories.

**Humanity as an Agent of God**

In the biblical myth, God asked Adam to give the animals names. In appropriating this conception into their own system, however, the framers of the Mishnah develop an idea which is only implicit in the biblical narrative, namely, the idea that God appointed human beings as agents to carry out the work of classification. To be sure, the biblical account conceives of Adam as being a partner of God in completing the work of creation. The sages of the Mishnah, however, give this idea a distinctive twist. In the Mishnah, appointing someone as an agent has a technical sense. It means that both the principal (i.e., the person who appoints the agent) and the agent resemble one another in certain fundamental respects and are legally bound by certain reciprocal rights and duties, which I shall spell out below. In what follows, I will argue that the mishnaic conception of agency provides the conceptual framework for all that the Mishnah says about the role of humans in the system of purity. In making this claim, I am ascribing to the Mishnah a view which is never explicitly stated. However, an inductive study of the Mishnah's rules shows that the mishnaic conception of agency informs the sages' discussion. In other words, we find that the mishnaic laws which govern the relationship between a principal and agent in other parts of the mishnaic system correspond to the rules governing the divine-human relationship in the Mishnah's system of purity.

In the mishnaic system, the problem of agency forms an important topic of discussion in its own right. The Mishnah discusses numerous situations in which one Israelite appoints another to act on his or her behalf. For example, the sages consider cases of an Israelite man who asks someone to carry out his obligation of setting aside produce for the temple (M. Ter. 4:4), or to deliver a writ of divorce to his wife (M. Git. 1:4, 4:1), or to espouse a woman on his behalf (M. Qid. 9:4). In contemplating these situations, the sages discuss the reciprocal rights and duties that an agent and the principal have to one another. Specifically, three rules govern the relationship between principal and agent.

First, the Mishnah states unequivocally that by appointing someone as an agent, an Israelite transfers his or her own legal powers to that person. For example, a child has neither the duty nor the right to dedicate heave-offering to the Temple. But if a householder, who by definition has such a right, appoints his son as an agent, the son may carry out this task (M. Ter. 3:4). By assigning this task to his son, the householder in effect confers on the child the legal
power to sanctify produce. An agent, therefore, can create the same legal consequences as the principal.

A similar idea appears to underlie the sages' conception of the human role in classification. Because the Mishnah conceives of humans as acting as divine agents, it ascribes to human beings powers which are analogous to God's. In the mythic story of creation, it was the divine acts of classification which gave shape to reality. The sages treat human acts of categorization as tantamount to creation. This is evident in the fact that the Mishnah attributes profound consequences to human acts of classification. When a person puts an object into a given category, he or she determines its most fundamental characteristic, namely, whether it can absorb or withstand impurity. In appointing humanity to classify the world, therefore, God in effect transferred divine powers to human beings.

This brings us to the second way in which the Mishnah's conception of agency is implicit in its system of impurity. In mishnaic law, an agent must resemble the principal in certain fundamental respects. In particular, the agent must be permitted to perform for his or her own benefit what the principal has requested. If the law does not permit a person to perform a given act, then such a person cannot perform that act for someone else. The Mishnah says, for example, that by hearing a minor, a deaf-mute, or retarded person blow a ram's horn, an adult Israelite male does not fulfill his religious obligation to hear the ram's horn on the New Year's day. Since these Israelites do not have the religious obligation to hear the horn blown, they cannot perform that act on behalf of someone who has this obligation, namely, an adult male (M. R.H. 3:8, M. Meg. 2:4). For similar reasons, a minor, deaf-mute, and retarded person cannot serve a writ of divorce. Since these people lack the legal capacity to enter into a marital relationship, they cannot act on behalf of someone who has that power. The Mishnah treats these Israelites differently from others because it conceives of them as lacking certain rational faculties. Because they do not have the capacity to understand the full implications of the task involved, they cannot act as agents for Israelites who have such capabilities. From the Mishnah's standpoint, therefore, a person can transfer legal powers only to someone who has the capacity to understand the full implications of the assigned task.

In the Mishnah, humans can act on God's behalf because they are fundamentally like God in that they have the capacity to think, or more specifically, the capability of analysing the world around them. It is this rational capacity which enables human beings to understand the order of creation and to imitate God's act of classifying the world. We have seen, for example, that in the mishnaic system an Israelite who wishes to fulfill divine law must learn the rules governing the classification system. Failure to understand the divine theory of classification will result in an infraction of divine law. The laws of blessings also illustrate the importance of the rational faculty in carrying out God's will.
We recall that the Mishnah requires Israelites to recite certain blessings over the foods which they eat. In order to choose the correct blessing, an Israelite must identify the item's proper category. For example, one must learn to distinguish "fruit of the ground" from "fruit of the tree." In addition, an Israelite must understand the relationships among the various categories. One must know that fruit of the trees is a subcategory of fruit of the earth. Therefore, one satisfies one's religious obligation by saying "Blessed are You...who creates the fruit of the ground" over an apple, because an apple is included in the category "fruit of the ground." But one does not satisfy one's religious duty by saying "who creates the fruit of the tree" over a potato, because a potato is not included in the category "fruit of the tree." The Mishnah, therefore, expects one to have mastered the various classifications which God established in nature. Failure to understand the divine order makes one incapable of praising God. Insofar as humans have the mental capacity to understand and therefore imitate the divine ordering of the world, they have powers like God's.

It follows that Israelites who lack rational faculties will not have the power to classify the world. This explains why in the mishnaic system the plans of children, deaf-mutes, and retarded persons have no power to classify objects. From the Mishnah's standpoint, these persons do not resemble God in the same way as a mentally fit adult, for they lack full mental capacities. Since they do not resemble God in this critical respect, they cannot serve as God's agent for classifying the world. Accordingly, the plan formulated by any of these persons has no power whatsoever to determine the classification of an object (M. Kel. 17:15, M. Toh. 8:6, M. Makh. 3:8).

A third mishnaic principle governing agency also finds a parallel in the Mishnah's theory of classification, namely, the principle of vicarious liability. Vicarious liability means that the principal assumes responsibility for his or her agent's action, as long as the agent follows the principal's instructions. Suppose, for example, that a man appoints an agent to espouse a woman on his behalf. If the agent carries out that task as he was directed, the principal is betrothed to the woman in question (M. Qid. 4:9). We see, therefore, that as long as an agent executes his task as instructed, he produces legal effects binding upon the principal. In this respect, the agent exercises power over the principal. Consider, for example, the case of a man who appoints an agent to divorce a woman, but while the agent is en route, the man changes his mind and decides he does not want the divorce. Unless he reaches the agent before the writ of divorce has been delivered, the divorce is valid. As long as an agent acts in good faith, the principal must accept the legal consequences of the agent's action.

If, however, an agent disobeys instructions, no legal effects are produced. Thus if a man asks an agent to espouse a particular woman in Jerusalem, but the agent espouses her in Tiberias, the betrothal is invalid (M. Qid. 2:4). Since the agent violated the terms of his agency, his action produces no binding legal consequences.
A parallel conception underlies the mishnaic theory of classification. In the sages' view, human acts of categorization alter an object's status only when divine instructions have been obeyed. But if people ignore the terms of their agency, their intentions lack the power to affect the status of objects. To fully understand this idea, we must first consider what, from the Mishnah's standpoint, constitute the terms governing human agency.

The framers believe that God's instructions to humanity are recorded in Scripture, especially in the book of Leviticus. In that book, God specified a scheme of classification and assigned humans a role in implementing that scheme. In the Mishnah's understanding of Leviticus, God assigned people the task of determining which objects would be capable of absorbing impurity. This is why in the Mishnah, humans determine whether objects fall into the following two pairs of categories: food and waste, and useful and useless things. As we have already seen, the objects that fall into the first category of each pair (i.e., food and useful things) can contract impurity, whereas objects that fall into the second category in each pair (i.e., waste and useless things) cannot absorb impurity. By giving humanity this particular assignment, the Mishnah asserts that God empowered people to decide what objects would contract impurity and which objects would be immune.

We find, however, no mishnaic cases in which humans determine whether something is a source of impurity. Certain substances, such as flesh from a corpse, semen, and certain types of dead animals are by definition sources of impurity. Humans cannot affect the status of these things. The implication of this fact is self-evident. According to the sages, God did not commission humankind to determine what objects are sources of impurity. That task was reserved for God alone. God has said that these things impart impurity and humanity has no input into the matter (Lev. 11:29-32). Whereas God determines which objects are sources of impurity, humans determine which objects can contract impurity from them. This, then, constitutes the terms of human agency.

On what do the sages base this understanding of Leviticus? Apparently, they pick up on an ambiguity in the levitical law. The writers of Leviticus did not bother to enumerate the types of substances that can absorb impurity. Leviticus says that "as to any food that might be eaten, it shall become unclean if it came in contact with water; as to any liquid that might be drunk, it shall become unclean if it was inside any vessel (Lev. 11:34)." Similarly, Leviticus says that "anything on which a swarming thing falls when dead shall be unclean: be it any article of wood, or a cloth, or a skin, or a sack—any such article that can be put to use ...(Lev. 11: 32). "Leviticus does not provide an extensive list of what constitutes food and useful things. This is in striking contrast to the way in which Leviticus enumerates ad nauseam the types of things which are sources of impurity (Lev. 11:2-32; 13:15). The sages of the Mishnah apparently understood this to be a mandate for humanity to determine what constitutes food and useful objects. In their view, since Leviticus did not spell out in detail the kinds of
items that constitute food or useful things, God must have meant for human beings to define these categories.

Having now spelled out the terms of human agency as the Mishnah understands it, we shall see that this plays a fundamental role in determining whether a person's intention can produce legal consequences. The Mishnah ascribes powers to human intention only when people carry out the task that God assigned them. But when they ignore divine instructions, their intentions produce no consequences at all.

The following mishnaic passage illustrates this point. The Mishnah contrasts two cases: one in which human intention has the power to determine the status of an object, and a parallel case in which intention is ineffective. Specifically, the first case involves an Israelite who slaughters a pregnant cow according to the correct ritual procedure. Upon cutting open the carcass, he discovers the fetus of a baby cow. The contrasting case also involves an Israelite who finds a fetus inside a slaughtered cow. Here, however, the Israelite has slaughtered the mother cow improperly.

Separate questions of classification occupy the sages in the two cases. In the first case, they wish to know whether the fetus of the cow belongs to the category of food or waste. The answer to this question, as we now expect, determines whether the fetus can become contaminated by impurity. In the second case, the sages want to know whether the fetus belongs to the category of the animal's meat, or to the category of its entrails. This distinction is important because in mishnaic law the meat and entrails of an improperly slaughtered animal have a different status. The meat of the animal is a source of uncleanness and makes anything it touches impure. The entrails, however, do not impart impurity (Lev. 7:24, M. Hul. 9:1). By asking whether the fetus belongs to the category of meat or entrails, therefore, the sages wish to know whether it is a source of impurity.

A. [As regards an Israelite] who slaughters an animal [according to the correct procedure] and finds a fetus within it—

B. a person with a strong stomach (nps hyph) may eat it. [Since the animal was properly slaughtered, Israelites are permitted to eat the fetus just as they are permitted to eat the meat of the animal. Therefore a person who can tolerate such food is permitted by law to eat it if he or she so desires].

C. [Although Israelites are permitted to eat a fetus, it falls into the category of waste, with the result that it] cannot contract food impurity. [This is because most Israelites consider the fetus repulsive and do not eat such things. Since Israelites do not regard a fetus as food, it does not contract the impurity of food].

D. And [in the case of a fetus that was discovered in a cow that had been slaughtered improperly, the fetus does not transmit] the impurity of carrion, [because only the meat of carrion transmits uncleanness. The
fetus, like the bones, sinews and fat does not (see Lev. 7:24, and M. Hul. 9:1).

E. [If, however, in the case of the properly slaughtered cow, the slaughterer] planned [to eat] the fetus (hsb *c*lyb) [before carrying out the slaughter] --

F. [the fetus falls into the category of food with the result that it] can contract food impurity. [In this case, the intention of the slaughterer determines the status of the fetus].

G. But [in the case of the improperly slaughtered cow, if the slaughterer plans to eat the fetus and thus clearly regards it as part of the beast's meat, it nonetheless does not fall into the category of meat, and hence] does not [transmit] the impurity of carrion. [In this case, the intention of the slaughterer is irrelevant. The fetus is treated as part of the cow's entrails even if the slaughterer considers it to be meat].

M. Hul. 4:7

The important point emerges from the contrast between the two cases at hand. In the first case, the Israelite's intention has the power to classify the fetus. By formulating a plan to eat it, he effectively classifies it as food, and hence must treat it according to the rules of cultic purity (E-F). In the contrasting case, however, the Israelite's intention is powerless to affect the classification of the fetus. Although he clearly regards it as meat, it does not fall into that category. It retains its status as entrails and hence does not transmit the impurity of carrion (G).

We can make sense of this rule by appealing to the Mishnah's conception of agency. In the Mishnah, human beings have the power to classify things only when they carry out the task that God initially assigned them. As I argued previously, in the Mishnah's understanding, humans are only commissioned to determine what things can absorb impurity. But it is God alone who determines what is a source of impurity. It is for this reason that the Israelite's intention has no power to determine whether the fetus at hand is meat or entrails. Otherwise, the Israelite would be overstepping the bounds of his authority by determining whether the fetus is a source of impurity. The Israelite's intention, however, does have the power to determine whether it is food or waste. In this instance, the Israelite is carrying out God's mandate to determine whether something is capable of absorbing impurity.

This passage is important in another respect as well. It indicates that as long as human beings obey the terms of their agency, they have absolute power to determine the classification of the object in question. For having assigned to humankind the specific task of determining what things can absorb impurity, God totally relinquished control over how humans carry out that function. The Mishnah makes this point by noting that an Israelite may classify an object in a different way than God! In the case at hand, the sages obviously believe that God considers a fetus to be legitimate food for Israelites. Otherwise, they would forbid Israelites to eat it (B). Nonetheless, the fetus is not necessarily susceptible to impurity. This is because humans alone determine what constitutes food and
waste. The Mishnah, therefore, recognizes the paradoxical conclusion that God and humans have different conceptions of food. God specified a range of substances that Israelites may and may not eat. Yet these substances do not automatically constitute food. Ultimately, their status depends on whether the Israelite community treats them as food.

The Mishnah makes the same striking point in a case which we have considered elsewhere. Here, the sages discuss whether a pigeon which has died by falling into a wine vat belongs to the category of food. According to Scripture, God does not permit Israelites to eat any animal which has died of natural causes (Lev. 7:24, 17:15, 22:8, Deut. 14:21). But consider what happens once an Israelite plans to sell the dead pigeon as food:

A. [As regards] a young pigeon that fell into a wine vat [and died]--

B. if [the owner] planned to remove it (ḥab ḫyw) [from the vat] for [sale to] a gentile, [the pigeon] is impure. [Since the Israelite intends to sell it for consumption, the pigeon falls into the classification of food, and hence, it becomes subject to the rules governing the purity of food].

C. [If, by contrast, he intended to remove it from the vat] for a dog, [the pigeon] is insusceptible to impurity [because the Israelite did not intend to use it for human consumption].

M. Toh. 8:6

According to Scripture, God has forbidden Israelites to eat any animal that has not been ritually slaughtered. Hence, the pigeon that died by falling into a wine vat cannot be consumed by an Israelite. However, according to the Mishnah, an Israelite who plans to sell the dead bird in the market place effectively puts it into the category of food, with the result that it is now subject to the restrictions governing the purity of food (A-B).

This rule, therefore, is the mirror image of the previous example. In that case, an Israelite classified as waste something that in the sages' judgment God conceives of as food. Here, an Israelite classifies as food something which the framers believe God forbade Israelites to eat. Both rules, therefore, illustrate the respective roles of God and humans in the process of classifying the world. The Mishnah claims that God specified the general categories into which the world would be divided (in this case the categories of "food" and "waste") and ordained the rules that would govern those categories. But the Mishnah also maintains that God authorized humanity to determine what items actually would fall into the designated categories. As long as people obey the divine terms of agency, therefore, they have absolute control over the classification of objects. Translated into theological language, the sages believe that when human beings properly execute their agency, they fulfill the divine will. In these circumstances, therefore, their intentions have powers which are analogous to God's. However, a person who violates the divine terms of agency, in effect repudiates the divine
will. Consequently, this person cannot exercise the powers which were conferred by God.

Having explained why human plans have such dramatic effects in the mishnaic system, we now take up the second important question of the present study: in what specific contexts does intention serve as a criterion for classification?

When and Why Plans Have the Power to Classify

In classifying an object, the Mishnah sometimes takes account of how a person plans to use it, while in other contexts, it completely ignores what the person plans. What induces the Mishnah to appeal to plans in some cases but not others? Examination of the Mishnah's rules shows that the sages appeal to a person's plans only when an object's status is equivocal. But if the status of the object is self-evident, they completely ignore how the owner plans to use it.

Let me provide an example illustrating each aspect of this theory. Suppose that an Israelite householder finds a dead cow lying in his field. Since the farmer has so far done nothing with the carcass, it is unclear whether it falls under the rubric of food or waste. On the one hand, he may sell it as food. On the other hand, he may let it rot in his field. To resolve the ambiguity, the Mishnah will appeal to the householder's plan. If the householder intends to sell the cow, the sages treat it as food, whereas if he plans to discard it, the cow falls into the category of waste. An Israelite's plan, therefore, enables the sages to predict an object's use before the Israelite has actually done anything with it. Consequently, by knowing the Israelite's plans, the sages can settle the ambiguity in the object's status.

In some cases, however, the sages consider the status of an object to be self-evident and therefore deem irrelevant what the owner plans to do with it. For example, if the cow mentioned above had died in the marketplace rather than in the field, the sages would automatically classify it as food. They would do so on the assumption that the householder would sell the cow since it was already in the marketplace. In this case, since the status of the cow is unequivocal, the sages would ignore the owner's intention. Even if he decided to let it rot, the cow would remain in the category of food and hence be susceptible to contamination.

In sum, therefore, intention only classifies an object if its status is equivocal. But if it clearly belongs to a particular category, the owner's intention is powerless to affect that item's status. Let me now demonstrate how these points actually emerge from the Mishnah's rules.

The Power of Plans To Resolve Ambiguity: The Case of Household Objects

We turn first to the familiar case of the broken table. Here, the sages consider whether a table, as it gradually loses each of its legs, can absorb cultic
impurity. The answer depends upon whether the broken table has fallen under the rubric of a useless thing. If so, then the table can no longer contract impurity. In examining this rule, we wish to know why the Mishnah invokes the householder's plan only at the point at which the table loses all of its legs:

A. [Concerning] a table [which stands on three legs, and subsequently] one of its legs was removed [with the result that it can no longer function as a table],
B. it is clean [that is, it cannot contract impurity, because it clearly falls into the category of useless objects].
C. [If] a second [leg] was removed,
D. it [remains] clean [that is, it still cannot contract impurity, because it remains useless].
E. [If] the third [leg was removed, that is, it is now missing all of its legs],
F. it [becomes susceptible] to impurity [only] when [the householder] plans [to put] it (yhsb ćlyw) [to use].
G. Rabbi Yose says, "[In order to absorb impurity] it is not necessary [that the householder formulates] a plan [to use the table top. Whether or not the householder actually plans to use it, the table can absorb impurity.]"

This rule illustrates both aspects of the Mishnah's theory. When a table loses some of its legs, it obviously becomes useless. For this reason, the Mishnah automatically declares it insusceptible to impurity. The owner's intention plays no role whatsoever in defining its status (A-D).

A dispute arises, however, over the status of a table which has lost all of its legs. The unnamed sages think its classification is equivocal. On the one hand, the householder may eventually use it as a tray. On the other hand, he may also discard it as trash. To clear up the ambiguity, therefore, the sages turn to the householder's plan (E-F). Yose, by contrast, claims that once a table loses all its legs it automatically re-enters the class of useful things. Since a table top can effectively function as a tray, Yose assumes that the householder will use it for that purpose. He takes for granted that Israelites normally do not throw away things which can serve a household function. For this reason, Yose considers the householder's intention to be irrelevant. We see, therefore, that although Yose and the sages disagree about the status of the table top, they subscribe to the same underlying theory. Intention is only of consequence when an object's status is ambiguous.

The following rule makes essentially the same point. Here, however, ambiguity arises not because the item in question has fallen apart, as in the case of the table, but because the householder has so far done nothing with the object that might indicate its status. Specifically, the Mishnah discusses whether various leather goods can absorb impurity. In order to understand this rule, we first need to familiarize ourselves with the complex laws governing the cultic purity of leather.
The sages divide leather goods into three distinct categories. First, they make the familiar distinction between useful and useless objects. Useful leather goods can absorb cultic impurity, whereas useless leather goods cannot. Second, the sages further subdivide useful leather goods into two classes: 1) those which are large enough to sit on and 2) those which are not. Different rules apply to small and large leather goods. Small leather goods, like other household objects, can absorb impurity only if they come in direct contact with a source of impurity. The larger goods also absorb impurity through contact. But in addition, they become contaminated even if they should bear indirect pressure from a source of impurity. For example, if a corpse falls on a rock that touches a leather rug, the leather becomes contaminated, even though the intervening rock is immune from impurity. Since the corpse has indirectly exerted pressure on the leather, the leather is rendered impure. In the rule at hand, the sages discuss the status of various leather objects. For our purposes, one critical question arises. Why does the Mishnah invoke the owner's intention in classifying only one of the leather goods in the list below?

A. These are the [types of] leather goods which contract impurity through the exertion of pressure:

B. a hide which [a householder] planned [to use] for a rug,

C. a tablecloth [with straps by which it attaches to the table, (see M. Kel. 16:4)],

D. a [leather] bedspread [which ties to the bedframe (see M. Kel. 16:4)],

E. a hide [used by] ass-drivers [for a saddle],

F. a hide [used by] flax-workers [to protect their hands (M. Kel. 16:6)],

G. a hide [use by] a porter [to protect his shoulders from the object he carries (M. Kel. 28:9)],

H. a hide [used by] a physician [as an apron during blood letting],

I. a hide [used for a baby's] crib (M. Par. 12:8),

J. a hide [which protects] a child's heart [a euphemism for a child's diaper],

K. a hide [which can be stuffed to serve as] a mattress (see M. Kel. 15:4, M. Miq. 7:6),

L. a hide [which can be stuffed to serve as] a cushion (see M. Kel. 16:4, M. Miq. 7:6).

M. [All of these leather goods absorb impurity] through [the exertion of] pressure.

M. Kel. 26:5

The Mishnah takes account of a householder's intention to determine the status of a leather hide (A) but not the status of the other leather goods (B-L). This is because the classification of a leather hide is equivocal, for the householder has so far done nothing with it. He may eventually use it as a rug, as a cover for a vessel, or simply cut it into sandal straps. Unless the sages appeal to the householder's plan, they have no way of predicting whether the hide will fall under the rubric of large or small leather goods. The householder's plan
to use the hide as a rug, therefore, has the effect of placing it into the category of a large useful hide. Hence, it subsequently absorbs impurity if it bears the slightest pressure from a source of impurity. Presumably, although sages do not say this explicitly, if the householder intends to use the hide as a cover for a vessel, it would fall under the rubric of a small, useful leather object. Like other small leather goods, it would contract impurity only by coming in direct contact with sources of impurity.

Intention plays no role in deciding the status of the other leather goods listed here, because their function is self-evident. Some of the objects, such as the tablecloth (C), bedspread (D), mattress (K), cushion (L), the hide for the crib (I), and the leather diaper (J) have distinguishing physical characteristics such as straps or cavities for stuffing, which indicate their purpose (see M. Kel. 16:4). Similarly, the function of the other hides (E-H), can be deduced merely by determining the profession of the person who owns them. A hide owned by a porter, for example, obviously serves to protect his shoulders (G). In each case, it is obvious that the hide in question falls into the category of a large, useful leather product. Accordingly, these hides can absorb cultic impurity through the mere exertion of pressure.

This case, therefore, like the one before it, implies that the Mishnah ignores a householder's intention when the function of the object is obvious. In the following passage, the Mishnah spells out this point explicitly. Here, the sages discuss a case of a householder who plans to cut a useful leather hide into straps or soles for sandals. In mishnaic law, straps and soles of sandals by definition fall under the rubric of useless things. This is because Israelites normally make straps and soles from leftover scraps of leather. Since these leather goods generally derive from waste, the sages always regard them as useless (M. Kel. 24:12). When a householder intends to cut a leather hide into straps, as in the case at hand, he in effect plans to convert a useful object into a useless one. As we shall now see, in this situation his intention is powerless to alter the status of the object.

A. [Concerning] a [large useful] leather hide [such as an apron or bedspread] which may contract impurity through pressure--

B. [even if the owner] planned [to cut] it (hsh clyw) into straps or [into soles for] sandals, [the leather remains in the category of a useful object and hence may still contract impurity through the exertion of pressure].

C. "[But] once he touches the knife to the hide [as he begins to cut it], the hide [immediately falls into the category of useless objects, and hence] it becomes clean [that is, it can no longer contract impurity at all]," [these are] the words of Rabbi Judah.

D. Sages say, "[It falls into the category of useless objects only when the rug has been cut into pieces] smaller than five handbreadths. [When it is this size, it can no longer serve most household functions and hence it
falls into the category of useless things with the result that it can longer absorb impurity (see M. Kel. 27:2)."

M. Kel. 26:9

If an object clearly serves a designated function, the householder's intention is powerless to change the status of that object. Even if the householder plans to break or cut the object into pieces, the sages continue to treat it as a useless thing. This is why in the case at hand the householder's plan to cut a rug into useless scraps has no effect on its status. The Mishnah continues to treat the rug as useful, as is evident by the fact that it can absorb impurity. As in previous laws, the Mishnah apparently takes for granted that Israelites do not destroy valuable things. The sages, therefore, doubt whether the householder at hand will in fact carry out his plan to destroy the hide. For this reason, they simply discount the intention he has formulated.

But what happens if the Israelite actually implements his intention? Judah maintains that once the householder applies the knife to the hide, one can safely assume the householder will carry out the intended act. At the moment the knife touches the leather, therefore, the hide enters the category of useless things. The sages, by contrast, regard the hide as useless only if the householder actually cuts it into pieces. In their view, only at this point can one know for certain that the householder will no longer change his mind. This law thus draws our attention to the respective roles of plans and actions in the Mishnah's system of classification. We see that actions possess a far greater power than plans. By cutting an object into pieces, an Israelite can convert a useful thing into a useless one. The mere plan to carry out this act does not affect the status of the object at all.

We now turn to the sages' own abstract, albeit rather cryptic, formulation of their theory. In most respects, this law will tell us nothing we have not already discovered inductively. However, it is interesting to see how the Mishnah itself attempts to rise above the details of the cases to formulate its theory in abstract form. The sages begin by explaining when and why plans have the power to classify, and then proceed to contrast the respective powers of plans and actions:

A. All objects can contract impurity [once an Israelite formulates] a plan (mahshabah) [to put them to use].

B. But [objects] lose their susceptibility to impurity [only] through an act that modifies [their appearance]. That is, a useful object only becomes useless once an Israelite destroys it.

C. [The underlying assumption of A-B is that] an action may annul [the effects of a prior] act or [the effects of a prior] plan (mahshabah).

D. But a plan (mahshabah) cannot annul [the effects of a prior] action or [even the effects of a prior] plan (mahshabah).

M. Kel. 25:9

The Mishnah expounds in its own idiom the principles we have already teased out of its rules. Let us work our way through the sages' formulation of
their theory. The important point emerges from the contrasting statements at A-B. In the sages' words, plans have the power to "make objects susceptible to impurity," but have no power to make objects "lose their susceptibility to impurity." As previously discussed, only useful objects are susceptible to impurity. Translating the Mishnah's words into more abstract language, therefore, the sages are saying the following: when a person plans to use an object, he or she assigns it to the class of useful things (i.e. makes it susceptible to impurity). But once an object falls under the rubric of useful things, plans no longer can alter its status (i.e., plans cannot make the object lose its susceptibility).

The framers also contrast the respective roles of action and intention. In their own language, "an action can annul the effects of a prior act or plan (C)." But "a plan cannot annul the effects of either prior actions or plans (D)." To understand what the sages mean by this statement, we must imagine the following scenario. Suppose a person places an object into the category of useful things either by actually using it or by intending to use it. The question the sages address is this: can the Israelite subsequently alter the status of the object? In their view, he can do so only by destroying it. To return to their words, "an act [of destroying an object] can annul the effects of a previous action or intention." By contrast, a plan to destroy the object does not have the power to render the object useless, or in the Mishnah's own words, "an intention [to destroy an object] cannot annul the effects of a prior action or intention."29

In formulating their theory, the framers have articulated one point that we have not yet encountered, namely the idea that a person's plan cannot annul the effects of a prior plan. That is to say, if one intends to use an object and thereby defines it as a useful thing, one cannot alter its status by subsequently deciding to discard it. This notion, however, is merely a variation on a principle we have already discovered. Intention only matters when the classification of an object is equivocal. Since the Israelite's first intention resolves the ambiguity in the object's status, any subsequent intention is irrelevant.

We have focused thus far upon the role of intention in sorting household objects into their respective classes. Turning now to rules involving the classification of food substances, we find that intention serves precisely the same function in this context. The Mishnah appeals to a householder's plan only when an ambiguity is detected in the status of a substance.

The Power of Plans to Resolve Ambiguity: The Case of Food Substances

When a substance does not fall clearly under the rubric of food or waste, the sages take account of how the owner plans to dispose of it.30 The intention of eating or selling it places that substance into the category of food. Consequently, from the moment the Israelite formulates an intention, the substance can absorb impurity. On the other hand, if he or she plans to discard the item, it falls into
the category of waste and cannot contract impurity. To illustrate the role of plans in resolving ambiguity of this sort, we turn once again to the case of a person who discovers a fetus inside a properly slaughtered cow:

A. [As regards an Israelite] who slaughters an animal [according to the correct procedure] and finds a fetus within it--
B. a person with a strong stomach may eat it.
C. [Although Israelites may eat it, the fetus falls into the category of waste, with the result that it] cannot contract food impurity. [This is because most Israelites consider the fetus repulsive and do not eat such things.]
D. [If, however, the slaughterer] planned [to eat] the fetus [before slaughtering the cow],
E. [the fetus falls into the category of food with the result that it] can contract impurity.

M. Hul. 4:7

The Mishnah determines the status of the fetus by making reference to the slaughterer's plan. If while sacrificing the animal, he or she intends to eat the fetus, the sages assign it to the category of food substances (D-E). The sages take account of the Israelite's intention in this case because the status of the fetus is ambiguous. It is uncertain whether the fetus falls under the rubric of food or waste. On the one hand, Israelites are permitted to eat the fetus from a properly slaughtered cow, just as they are permitted to eat other parts of a cow's body (B). On the other hand, most Israelites regard a fetus as a repulsive thing. Intention, therefore, decides into which of these two categories the fetus belongs.

The Mishnah articulates the same principle in the following rules which involve the classification of substances which Israelites are forbidden to eat. In the first case, an Israelite improperly slaughters a permitted species of bird. Since he or she carried out the rite incorrectly, the bird may not be eaten. In the second case, the sages discuss an Israelite who kills a forbidden species of bird (see Lev. 11:13-19). For our purposes, one fact stands out. In either case, if the Israelite decides to sell the fowl in the marketplace, the Mishnah treats these substances as food.

I. A. [In order for] the carrion of a permitted species of bird [to enter the category of food and thus to become subject to the restrictions governing food substances],
B. it is necessary [that an Israelite form] a plan [to sell it to a gentile as food].\(^5\) That is, the Mishnah refers to a case of an Israelite who captures a species of bird which Scripture permits Israelites to eat. However, the Israelite slaughters the bird improperly. Since it falls into the category of fowl-carrion, he cannot eat the bird, because by doing so, he would become impure. If, however, the Israelite formulates the intention of selling the fowl to a gentile, it enters the category of food with the result that it can now contaminate other food products.]\(^6\)

M. Toh. 1:1 (M. Oh. 13:5)
The Function of Plans in the Mishnaic System

II. A. [In order for] the carcass\(^{33}\) of a bird of a forbidden species [to enter the category of food and thus to becomes susceptible to the impurity]

B. it is necessary [that an Israelite formulate] a plan (mahshabah) [to sell it as food to a gentile].

M. Toh. 1:3 (M. Oh. 13:6)

Israelites typically dispose of a forbidden substance in one of two ways. Either they treat it as waste by throwing it to their dogs, or they sell it to gentiles for food (see M. Toh. 8:6). Since the Israelite may choose either of these alternatives, there is no way of knowing whether the fowl at hand falls under rubric of food or waste. The Mishnah solves the ambiguity in its predictable fashion, namely, by appealing to intention. If the owner decides to sell it, the bird enters the category of food. By the same token, if one decides to toss the bird to a dog, it is regarded as waste.

The Role of Social Norms in Classifying Objects

Thus far, we have found that intention is only invoked when the sages need to clarify an ambiguity. It turns out, however, that the Mishnah recognizes a second means of resolving ambiguity. Sometimes, rather than relying upon the Israelite's intention, the Mishnah bases its classification of an object on the behavioral norms which are presumed to exist in Israelite society. For example, the Mishnah claims that most Israelites will use a dead cow as food, because it is too expensive to waste. If most Israelites are presumed to put a particular object to use, the Mishnah automatically treats all objects of the same kind as useful. The sages make reference to normal Israelite behavior for the same reason they sometimes appeal to a person's plan. By knowing how other people typically use an object, the sages can anticipate how the individual at hand will use it and thereby resolve any ambiguity in the object's status.

The Mishnah, therefore, employs two strategies for clarifying the ambiguities in an object's classification. Either it appeals to what the owner actually plans to do, or it takes account of what Israelites typically do with objects like the one in question. These two strategies, however, may potentially produce contrary results. Sometimes, a householder intends to toss out something which most Israelites put to use. Alternatively, a person may plan to use an object which most Israelites treat as useless. In either case, if the Mishnah turned to the householder's plan, it would assign the object to one category, but if the Mishnah stressed what Israelites normally do, the item would fall into the opposite category.

The fact that these two strategies of classification sometimes produce contrary results generates the fundamental issue that the sages examine in the following rules. In turning to these rules, we wish to know when the Mishnah appeals to a person's plans, and when it relies strictly on normal Israelite behavior.
The Relative Importance of Plans and Social Norms: The Case of Household Objects

It turns out that the Mishnah always subordinates intention to norms in its system of classification. By this I mean that when the sages can solve an ambiguity by appealing to normal Israelite behavior, they completely ignore what the individual in question actually intends to do. If most people are presumed to use a particular kind of object, all objects of that type are by definition considered useful, regardless of the owner's actual intention. Consequently, even if the owner plans to destroy or dispose of the item in question, it retains its status as a useful thing. In some instances, however, the sages cannot determine the object's status by appealing to the norm, because in their judgment no clearly defined norm exists. In such a case, the sages cannot resolve the object's status by appealing to typical Israelite behavior, and thus intention becomes decisive. Intention, therefore, constitutes a last resort in the sages' classification scheme. Let us now see how the Mishnah actually articulates these points.

In the rule to follow, for example, the Mishnah appeals to normal Israelite behavior to decide whether an untanned hide falls into the category of useful or useless things. As we shall now see, the sages appeal to the owner's plan only when the other strategies of classification prove inadequate.

A. [Concerning untanned] hides belonging to a householder--
B. [the householder's] plan (mahshabah) [to use them classifies them as useful things and hence] makes them susceptible to impurity.
C. But [the untanned hides] belonging to a tanner--
D. [the tanner's] plan (mahshabah) [to use them does not have the power to classify them as useful. Despite his intention, they remain in the category of useless things and hence cannot absorb impurity.]

M. Kel. 26:8

The Mishnah takes account of the owner's occupation in classifying an untanned hide. Since tanners almost never use untanned hides for any purpose, the sages automatically treat such hides as useless when they are owned by a tanner. Consequently, a tanner's intention to use an untanned hide has no power to place it into the category of useful things (C-D). The sages, however, do take account of a householder's intention (A-B). This is because some householders use untanned leather, whereas others do not. Consequently, the sages cannot determine the status of an untanned hide merely by appealing to the norm among householders, and so they rely on intention.

Although the sages cannot infer from the norm precisely what a householder will do with a leather hide, they sometimes can narrow the range of possibilities. By appealing to the normal behavior of householders, one may learn that householders usually put hides to certain kinds of uses and not others. The Mishnah considers such information important, because it provides a test for
determining whether the householder is likely to act on his intention. If a householder intends to use a hide for a purpose that it normally does not serve, the framers believe it unlikely that he will act as he planned. However, if he plans to use a hide the way other householders use them, the sages assume he in fact will put his plan into effect.

This point emerges from the following case which involves a hide which requires cleaning, stretching, and tanning. According to the Mishnah, the status of such hides is ambiguous because some householders put unprocessed hides to use, whereas others consider them useless. Nonetheless, by appealing to the norm, the sages derive a useful piece of information: when householders put an unprocessed hide to use, they almost always employ it as a saddle cover, a function for which the quality of the leather is unimportant. Unprocessed hides rarely serve any other purpose. Accordingly, the Mishnah reaches the conclusion that an unprocessed hide must be one of two things: a useless object which requires further processing or a saddle cover. Note how this assumption influences the Mishnah's classification of the hide:

A. In any case [involving leather hides] which require no further workmanship [such as cleaning and stretching and hence are suitable for a variety of household uses].

B. [if the householder formulates] a plan [to use them, he effectively classifies them as useful things, with the result that] they become susceptible to impurity.

C. [By contrast] in any case [involving leather hides which] require further workmanship [such as cleaning or stretching, in order to prepare them for household use].

D. [if the householder formulates] a plan [to use the hides, they do not fall under the rubric of useful things and hence] do not become susceptible to impurity.

E. unless [he plans to use them as] a saddle cover. [If, he plans to use an unprocessed hide as a saddle cover, it does fall into the classification of useful things, and hence can absorb impurity.]

M. Kel. 26:7

When a householder plans to act in an idiosyncratic manner, his intention has no power to classify the object. This explains why an unprocessed hide remains in the status of a useless thing, despite the householder's intention to use it as a rug, apron, or bedspread (C-D). The sages believe that householders almost never use an unfinished hide for a purpose other than a saddle cover. Consequently, when the individual at hand plans to use it as a rug, the sages do not believe that he will actually carry out his plan. But if he intends the hide to serve as a saddle cover, there is good reason to assume that he will put his plan into effect. After all, other householders use unprocessed hides for that purpose. In this case, therefore, his intention places the hide into the category of useful things (E).
For obvious reasons, the Mishnah cannot invoke the same line of reasoning in the case of a fully processed hide (A-B). Householders employ fully manufactured hides for a variety of purposes. Therefore, no matter what a householder intends to do, whether to use the hide as a rug, an apron, or bedspread, the Mishnah takes for granted that he will carry out his plan. Consequently, the intention to use a fully processed hide always has the effect of making it a useful object. In summary, then, social norms provide a standard against which the Mishnah compares an individual's intention. The sages ignore the intention of one who plans to act idiosyncratically, because they assume that that individual will ultimately act like other people.

To infer from societal norms how a householder or tanner will use a leather hide in his possession may seem relatively simple. But in the rule to follow, the sages claim they can even predict through which door a person will remove a corpse from his house. That is to say, if a person dies in a house, the Mishnah insists it knows ahead of time which exit the householder will use to remove the corpse. In order to follow the sages' line of reasoning, we must briefly consider the Mishnah's somewhat unusual notions of corpse uncleanness. Based on Numbers 19:14-16, the Mishnah claims that when a person dies in a house, the corpse exudes impurity into the air and thus contaminates other household things. Any permanent division in the house, such as a wall, can prevent corpse impurity from passing from one room to another, or from inside the house to the outside. A temporary division, such as a partition which can be easily removed, does not stop impurity from flowing to the other side.

Closed doors and windows, however, present a special problem. Do they fall into the category of permanent or temporary divisions? The answer depends upon whether someone will remove the corpse through the door or window in question. If that door or window will be opened, it is treated as a temporary division. Hence, from the moment of the person's death, that door or window allows impurity to pass outside the house. If it will remain shut, the door or window falls under the rubric of a permanent division, and so contains the spread of impurity. The distinction just described is but another variation on the familiar dichotomy between useful and useless objects. Here, a door or window that will serve as an exit allows impurity to pass beyond the walls of the house. Conversely, a door or window which will not function as the exit for the corpse does not permit the passage of impurity. For the present inquiry, one fact draws our attention: by appealing to normal Israelite behavior, the sages sometimes claim they know which exit a householder will use. In such circumstances, as we have learned to expect, the Mishnah completely ignores the plan that the householder actually formulates:

I. A. [Concerning] a person who dies in a house with many doors [all of which are closed]--
B. all [of the doors immediately] become impure [and allow the passage of impurity to the outside. This is because the door through which the
The Function of Plans in the Mishnaic System

corpse will be removed from the house transmits impurity from the moment that the person has died. Since all the doors potentially may serve as the exit for the corpse, all convey impurity outside the house.

II. A. [But if] one [of the doors] was opened,
   B. it becomes impure, and the other [doors revert to a] clean state. A door that is opened automatically absorbs impurity from the corpse. Hence, the sages assume that the householder will remove the corpse through this exit so as not to contaminate one of the other doors.]

III. A. [If in a case where all the doors are closed as at A] he plans ($hsb$) to remove [the corpse] through one of them [in particular],
   B. or [in the case where all the windows are closed and he plans to remove the corpse] through [one particular] window that is [at least] four handbreadths wide--
   C. he [effectively classifies that door or window as a temporary division, with the result that] he rescues the other doors [from contamination. That is, by deciding which door or window he will use, he indicates that the other exits will not be opened. Hence, they do not contract impurity].
   D. The school of Shammai say, "[In order to save the doors from becoming contaminated as at G] the householder must [formulate his] plan [to open a particular door] before the person has died." [If, however, he formulated his plan after the person died, then he cannot save the other doors from becoming unclean. This is because plans do not have the power to restore something which is impure to a pure state, (see M. Kel. 25:9).]
   E. The school of Hillel say, "Even [if he formulates his plan to open a door] after the person has died, [his plan restores the other exits to a pure state.] The Hillelites agree with the Shammaites that plans cannot restore to a clean state something which has already become contaminated. But in this case, the doors were deemed unclean only because it was unclear which exit would be used. Once the householder resolves the ambiguity by intending to open a specific exit, we know that the other exits were never unclean to begin with.]

IV. A. [In the case of a house with several doors], one [of which] is sealed [with stones]--
   B. [even if the householder] changes his mind [and decides] to open [the sealed door, that door remains pure. Despite the householder's intention to open the sealed door, the sages assume that he will not do so because that would require a great deal of effort.]
   C. The school of Shammai say, "[The sealed door allows the passage of impurity] only if he [actually] opens it four handbreadths. [At this point, the opening is wide enough to permit the passage of corpse uncleanness.]
   D. The school of Hillel say, "[The sealed door allows the passage of impurity as soon as] the householder begins [to remove the stones. At this point, it becomes obvious that, despite the effort required, the householder will in fact open this door.]

M. Oh. 7:3
One single point emerges from the four cases at hand. The householder's intention matters only when the sages cannot predict from normal Israelite behavior which door he will open. If, however, they can make such a determination, they ignore any plan that he may actually formulate. Let us see how this theory works itself out in the cases under discussion. In the first and third cases, the sages discuss a house in which all the doors are shut. Here, one cannot predict which door the householder will open, because in this situation different people would choose to open different doors (I A). By appealing to normal behavior, therefore, the Mishnah cannot resolve the ambiguity inherent in the situation. For this reason, knowing the householder's plan becomes critical. If he plans to use a specific door then only that door allows impurity to pass outside the house (III A-C).

The second and fourth cases, by contrast, illustrate instances when the sages need not take account of the householder's intention. In these situations, by appealing to normal Israelite behavior, one can anticipate which door will serve as the exit. The second case, for example, involves a situation in which one of the doors has already been opened (II A). An open door automatically falls under the rubric of a temporary division, and therefore it permits impurity to pass outside the house. In this situation, the sages assume the householder will remove the body through the open door. They base this assumption on the belief that the householder, like other Israelites, wishes to obey God's law. Accordingly, they take for granted that he will do everything in his power to keep the other doors free from contamination. Since one door is already impure anyway, he invariably will remove the corpse through that door rather than open and thereby contaminate a second door.

A similar line of reasoning is invoked in the fourth case. Here an Israelite intends to remove the corpse through a door which is sealed by stones (IV). By intending to open the sealed door, the householder has formulated an intention to act in an atypical manner, for most householders would not take the trouble to open a sealed door. Since he intends to deviate from the norm, the Mishnah simply discounts his intention. Unless he actually puts his plan into action, the sages assume he will act like other people normally do (IV C-D).

In the rules thus far examined, the sages claim they can predict how an individual will respond to the particular situation he or she faces by appealing to the norms which are presumed to operate in Israelite society. But how exactly do the sages make such a determination? The rule to follow permits us to see the sages' method at work. To begin with, the Mishnah realizes that no two situations are exactly alike. Consequently, to determine how the typical person would respond under the conditions in question, the sages take account of all the various factors which normally influence an Israelite's behavior. Only after weighing the relevant evidence can the sages infer how the typical person would act in the situation under discussion.
To understand this rule, we again must rehearse certain facts which the Mishnah takes for granted. Here, the Mishnah discusses whether various cracks or fissures in the wall of a house allow corpse uncleanness to pass through the walls to the outside. To answer this question, the Mishnah appeals to the familiar criterion of usefulness. Any hole that serves a household purpose is also large enough to permit uncleanness to pass out of the house. A light-hole (i.e., a hole that admits light to the house) or a niche for storing household goods, therefore, falls under the rubric of useful holes and hence permits impurity to pass through the walls of the house. On the other hand, useless openings prevent impurity from flowing outside.

Turning to the rule at hand, we find that the Mishnah classifies a hole in the wall in the same way that it categorizes other household things, namely, by determining whether the typical householder would employ the hole in question for some purpose. In answering this question, however, the sages first need to know two important facts: 1) the size of the hole, and 2) its origin. Only when the sages have this information in hand can they determine whether the crack under discussion would normally serve a useful purpose.

A. [If a] householder makes a light-hole [in the wall of his house, and a person subsequently dies in his house],
B. [the hole permits the passage of corpse impurity if it has attained the size of] a hole made by the large drill of the [Temple] chamber [i.e., a very small hole about the size of a coin (see M. Kel. 17:12)].
C. [By contrast], a partially sealed light-hole [permits the passage of corpse uncleanness if it is at least] two finger-breaths high by a thumb-breath wide.
D. What constitutes "partially sealed light-holes?"
E. [An example is] a window [which an Israelite] partially sealed [with dirt and stones].
F. [Concerning holes created by natural causes, for example,] when water or small animals eat through the walls,
G. or [when] salt [in the soil] corrodes [a hole through the wall]--
H. [such holes automatically permit the passage of corpse uncleanness if they attain] the size of a fist.
I. [However, if] the householder planned [to put] it to use [by employing it as a niche in which to store household goods, it allows the passage of corpse uncleanness even if it is only] a hand-breath wide. [Since he planned to use it, it enters the category of useful things even before it reaches the size of a fist as at H].
J. [If he] planned [to use] it as a light-hole, [it conveys uncleanness even if it only reaches the negligible] size of a hole [produced by] the [Temple] drill [as at A].

M. Oh. 13:1

Below, I have provided a diagram of this rule to aid us in following the Mishnah's reasoning. As we examine this chart, we shall discover that at several points, the Mishnah takes for granted that it knows whether the typical
householder would put the hole in question to use. To make such a determination, the Mishnah appeals to two criteria. To begin with, it distinguishes cracks produced by human activity from those produced by natural causes. The sages almost always treat a man-made hole as useful, because most householders make a hole in their wall only when they need it for some purpose (I A). By the same token, when householders fill in a window they normally seal up the entire opening. If they leave a crack bigger than a finger-breath, it is generally because they intend to use it for some purpose (I B).

<table>
<thead>
<tr>
<th>Types of Holes</th>
<th>Size at which hole falls into the category of useful things and allows corpse uncleanness to pass through the wall</th>
<th>Reference to Mishnah passage</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Holes produced by human activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. made from scratch</td>
<td>drill hole [smallest]</td>
<td>A</td>
</tr>
<tr>
<td>b. partially sealed light hole</td>
<td>finger-breath width [largest]</td>
<td>C-E</td>
</tr>
<tr>
<td>II. Holes produced by natural causes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. cases in which householder did not intend to use hole</td>
<td>fist [largest]</td>
<td>H</td>
</tr>
<tr>
<td>b. cases in which householder formed intention to use hole</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. intended to use it for a light hole</td>
<td>drill hole [smallest]</td>
<td>J</td>
</tr>
<tr>
<td>2. intended to use it for a niche</td>
<td>hand-breath</td>
<td>I</td>
</tr>
</tbody>
</table>

Cracks produced by natural causes, however, pose an ambiguity. Since a person did not make this hole, one cannot automatically assume that the hole is functional. Some householders use such holes for bringing light into the house or as a niche for storing household goods. Other householders simply regard the hole as a nuisance. To help resolve this ambiguity, the Mishnah turns to the second criterion: the size of the hole. If it is smaller than a drill hole, the sages treat it as useless, because most householders do not use cracks of this size for any purpose, not even for light-holes. Consequently, even if the householder at hand plans to use it as a light-hole, it remains in the category of a useless hole (II B 1). If, however, the hole widens to the size of a fist, the framers automatically classify it as useful (II A). The assumption is that the typical householder never permits a hole to reach this size unless he considers it useful.
Accordingly, even if the Israelite at hand does not specifically form the intention of using it, it nonetheless falls under the rubric of useful things (II A).

When a crack produced by natural causes falls between the size of a drill hole and the size of a fist, the Mishnah cannot resolve the ambiguity by appealing to the norm (II b 1-2). On the one hand, it is now large enough to serve a useful purpose. Yet on the other hand, householders sometimes regard such holes as useless. To settle the ambiguity, the sages have no choice but to appeal to the householder's intention. If he plans to use the hole, it falls into the category of a useful thing as soon as it is large enough to serve the designated purpose (II b 1-2).

The Relative Importance of Plans and Social Norms: The Case of Food Substances

The Mishnah appeals to behavioral norms not only to decide the status of household objects but also when sorting substances into the categories of food and waste. If most people typically discard a given substance, the Mishnah automatically assigns any substance of that type to the category of waste. If a particular individual plans to eat such a substance, therefore, the sages discount his or her intention. They assume, until proven otherwise, that the Israelite ultimately will conform to normal Israelite behavior. The Mishnah adopts the same line of reasoning in classifying substances which people normally eat. Such substances automatically fall under the rubric of food, no matter what the owner intends to do. We turn first to the sages' own explanation of how they go about assigning substances to categories. As we shall now see, they explicitly draw attention to the fundamental role of social norms in their system of classification.

A. [The sages] stated the [following] general principle concerning food purity:
B. Anything that is [normally] designated for human consumption [falls into the category of food, and hence] can absorb impurity, unless it becomes so putrid [that it is not even] fit for dog food.
C. But anything that is not [normally] designated for human consumption is insusceptible to impurity, unless [an Israelite] designates it [by thought or action] for human consumption. [If he or she indicates that it will be used for food, it is classified as food and hence it can absorb impurity.]
D. What is an example [of a case in which an Israelite classifies something as food by intending to use it for that purpose]?
E. [An example is the case of] a young pigeon that fell into a wine vat and died.
F. If [the owner] planned to remove it (hsb clyw) [from the vat] for [sale to] a gentile, [the pigeon] is impure. [That is, since the Israelite intends to sell it for consumption, the pigeon falls into the classification of food, and hence is subject to the rules governing food purity.]
G. [If, by contrast, he or she intended to remove it from the vat] for a dog, [the pigeon] is insusceptible to food impurity [because the Israelite did not intend to use it for human consumption].

H. Rabbi Yohanan son of Nuri [classifies the pigeon as food and hence declares it] susceptible to food impurity [whether or not the householder actually formed the intention of selling it to a gentile. Yohanan assumes that the householder will sell the pigeon to a gentile because most Israelites would attempt to make a profit from the dead bird.]

I. If a deaf-mute, retarded person, or minor planned [to remove the pigeon from the vat to sell as food to a gentile, but has not yet given it to him, the pigeon falls into the category of waste, and hence] cannot absorb impurity.

J. But if [a deaf-mute, retarded person, or minor actually] removed the pigeon from the vat [and sold it to a gentile] the pigeon is [classified as food and hence] can contract impurity.

K. This is because the actions [of deaf-mutes, retarded persons and minors] produce legal consequences, but their plans do not.

M. Toh. 8:6

To place substances into the categories of food and waste, the sages appeal to the normal behavior of Israelites. Substances that most people eat or sell in the marketplace are automatically treated as food. An individual's intention to toss out such a substance, therefore, has no effect on its status. In fact, the only way food can actually enter the category of waste is by becoming so putrid that even a dog would not eat it (A).

Following the same logic, the Mishnah treats as waste any substance which Israelites normally do not eat (C). Here, however, we note one important difference. By intending to use a substance as food, an Israelite has the power to remove that substance from the category of waste and place it in the category of food. This would seem to contradict our prior findings. Previously, we said that when the status of a substance is self-evident, the Mishnah ignores a person's intention. Why then can an Israelite classify as food something which most Israelites do not or cannot eat? The sages realize that gentiles often buy the very foods which Israelites do not eat. This is why the unnamed sages consider the status of a dead pigeon to be ambiguous (D-G). On the one hand, the Israelite might decide to throw it to a dog. Yet, on the other hand, he or she might sell it to a gentile. To determine, therefore, whether the bird falls under the rubric of food or waste, the sages appeal to the Israelite's plan.

Yohanan, however, registers a dissenting opinion (H). He treats the pigeon as food even if the Israelite does not specifically form an intention of selling it. Yohanan takes for granted that Israelites who live near a marketplace almost always sell the substances which they cannot eat. He therefore assumes that no matter what the householder intends he ultimately will sell the pigeon in the marketplace.

The Mishnah brings this rule to a conclusion by making a point we have also discussed in a previous context. Minors, deaf-mutes, and retarded persons
under no circumstances can place a substance into the category of food by intending to sell it. In the sages' view, only people who resemble God can classify things. Since a minor, deaf-mute, and retarded person lack certain mental capacities, God does not confer on them the power to classify the world. However, while their intentions do not produce legal consequences, their actions do, as actions by definition are observable. Hence, when they actually hand the pigeon to a gentile, it becomes obvious to all that the bird belongs to the category of food.

We turn now to a long series of cases which provide a fitting climax to the Mishnah's entire discussion of classification. Here, the sages illustrate how they infer from a given situation whether a typical Israelite would choose to sell a substance as food or simply dispose of it as waste. As in the case of household objects, they weigh all the relevant factors which might influence the behavior of a typical person. In this context, the Mishnah considers crucial the following three factors: 1) the location of the food stuff (whether in a marketplace or in a village), 2) its value (can the Israelite afford to discard it?) and 3) its marketability (will gentiles buy it?). The sages claim that by analyzing a situation in terms of these three criteria, they can often deduce how the typical person would act. Sometimes, however, even after taking account of these three criteria, the substance's status nonetheless remains ambiguous. In such instances, the Mishnah predictably solves the ambiguity by turning to the owner's intention.

In turning to the rules themselves, we shall find that the Mishnah also addresses a problem which lies outside the immediate focus of our inquiry, namely, the way in which food substances can absorb impurity. Some edible substances can absorb impurity simply by falling under the rubric of food. Other edible substances, however, can absorb impurity if, in addition to entering the category of food, they are also moistened by water. Since this distinction does not bear on the question of intention, we simply ignore this issue as we consider the cases at hand. Our task, as I spelled out above, is to examine the way the framers decide whether a person will use a given substance as food.

I. A. [The Mishnah specifies four classes into which food substances may fall based on the answer to the following two questions, 1) Do they automatically fall into the classification of food or do they enter the classification of food only when a person has first intended to use them for that purpose? 2) Do they require moistening in order to absorb impurity?]

B. (1) Some [substances] require moistening but not intention.
C. (2) [A second group of substances requires] intention and moistening.
D. (3) [A third group of substances requires] intention but not moistening.
E. (4) [A fourth group of substances requires] neither moistening nor intention.
F. [The sages now provide examples of substances that fall into each of the categories mentioned above. The following fall into the first category at
1. All edible [things generally] designated for human [consumption] require moistening but not intention. [Since most Israelites eat these items, they are classified as food whether or not the owner intends them for that purpose].

   M. Uqs. 3:1

II. A. [The following are examples of substances that fall into the second category described at I C: A sliver of flesh that one cuts from

1) a [living] person, or
2) from a [live] domesticated animal or
3) from a [live] wild animal
4) from [live] fowl or
5) from the carcass of a forbidden species of fowl [such as a vulture], and [likewise],
6) the fat [Israelites cut from properly slaughtered animals while] in villages--

B. and [as regards] 7) all wild vegetables except the truffle and mushroom--

C. Rabbi Judah says, "Except for wild spices [i.e. allium ampleoprasum] and purslane and ornithogalum."

D. Rabbi Simeon says, "Except for gundelia."

E. Rabbi Yose says, "Except for wild figs."

F. the [items listed at A-B are classified as food only if] there is an intention [on the owner's part to use them for human consumption], but they do not require moistening [in order to absorb impurity. These substances only fall into the category of food if someone intends to use them for food because their classification is ambiguous. The substances listed at II A, Israelites are forbidden to eat. Accordingly, the sages are uncertain as to whether the Israelite will discard them or sell them to a gentile for food. Likewise, the classification of wild vegetables is equivocal. Israelites may utilize them as spices, as fodder for their animals, or as kindling wood (see M. Sheb. 8:1). Consequently, the Israelite's plan serves as the criterion for classification].

   M. Uqs. 3:2

III. A. [The following items fall into the third category of substances: As regards]

1) the carcass of a forbidden species of animal [such as a camel] regardless of its location [whether in a village or marketplace], and
2) an improperly slaughtered bird of a permitted species [such as a pigeon that an Israelite has] in a village --

B. [These items are classified as food only] if there is an intention [on the owner's part to use them for human consumption], but they require no moistening [in order to absorb impurity. The Israelite is forbidden to eat the substances at hand either because they are a forbidden species of animal or because he slaughtered them improperly. Accordingly, the status of these objects is uncertain. Will the Israelite throw them away or sell them to a gentile? To resolve the ambiguity, the sages therefore take account of his intention].

C. [The following items fall into the fourth category of substances: As regards]
The Function of Plans in the Mishnaic System

1) an improperly slaughtered animal of a permitted species [such as a cow] regardless of its location [i.e., whether in a village or marketplace], and
2) an improperly slaughtered bird of a permitted species [such as a pigeon that an Israelite has] in the marketplace, and
3) the fat [Israelites cut from a properly slaughtered animal] in the marketplace.

D. These [items at III C may absorb impurity even] if there is no moistening, and [they are classified as food even] if there is no intention [on the owner's part to use them for human consumption. The Israelite is forbidden to eat the animals at hand. The sages, however, automatically classify the substances at hand as food because they assume the Israelite will sell them. Why so? In the one case he is in the marketplace and in the other case the animal is too valuable to toss out.]

E. R. Simeon says [in disagreement with the sages at A-B] "Also [forbidden species of animals, such as] the camel, rabbit, fox, and pig [that an Israelite has] in the marketplace [are classified as food whether or not the owner forms an intention to use them for human consumption. Simeon claims that the Israelite will not throw such animals away because gentiles routinely buy them in the marketplace. Hence, if the Israelite has them in the marketplace, the presumption is that he will sell them."

M. Uqs. 3:3

IV. A. Fish and grasshoppers of a forbidden species (see Lev. 11: 9-12, 22-23) [that are found] in a village [are classified as food only if] there is an intention [on the owner's part to use them for human consumption. Since he cannot eat these, the sages are uncertain whether he will throw them away or look for a buyer. Therefore, the sages take into account his intention. If, by contrast, he has these substances in a marketplace, there is no ambiguity. The sages assume that he will sell them to a gentile. Hence, even if he does not actually form this intention, they fall into the category of food.]

M. Uqs. 3:9

What draws our attention is the strategy the Mishnah adopts to determine how a typical Israelite would respond to the situation under discussion. As I said above, the sages consider three criteria important: 1) the location of the foodstuff, 2) its value, and 3) whether gentiles will buy it for food. If on the basis of these three criteria the sages can deduce what an Israelite will do with a given item, they simply ignore his or her actual plans. To understand how these points actually emerge from the data at hand, we turn to the chart provided below. Here I have catalogued all the substances mentioned by the sages. For our purposes, I place them into three groups illustrating when intention is crucial and when it is not.

In the first category, the Mishnah takes account of an object's location. If an Israelite is carrying any of these substances in a marketplace, it is automatically classified as food. Since the Israelite stands not in a village but in the marketplace, the sages assume the substance will be sold rather than thrown
away. When, by contrast, the Israelite carries the same item in the village, the framers can no longer be certain what will be done. On the one hand, the owner may decide to look for a gentile buyer. On the other hand, since the marketplace is not immediately accessible, the owner may simply decide to toss it out. Since the sages cannot predict what the Israelite will do, they rely upon intention (I A, B, C).

<table>
<thead>
<tr>
<th>Location:</th>
<th>In a marketplace</th>
<th>In a village</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of item</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**I. Category One**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. improperly slaughtered bird of a clean species</td>
<td>classified as food regardless of owner’s intention (III C, 2)</td>
<td>classified as food only if owner intends to sell it for food (III A, 2)</td>
</tr>
<tr>
<td>B. fat of an animal</td>
<td>classified as food regardless of owner’s intention (III C, 3)</td>
<td>classified as food only if owner intends to sell it for food (II A, 6)</td>
</tr>
<tr>
<td>C. fish and grasshoppers of an unclean species</td>
<td>classified as food regardless of owner’s intention (IV A)</td>
<td>classified as food only if owner intends to sell it for food (IV A)</td>
</tr>
</tbody>
</table>

**II. Category Two**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. improperly slaughtered animal of clean species (such as a cow)</td>
<td>classified as food regardless of owner’s intention (III C, 1)</td>
<td>classified as food regardless of owner’s intention (III C, 1)</td>
</tr>
</tbody>
</table>

**III. Category Three**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. dead fowl of unclean species (such as a vulture)</td>
<td>classified as food only if owner intends to sell it for food (II A, 5)</td>
<td>classified as food only if owner intends to sell it for food (II A, 5)</td>
</tr>
<tr>
<td>B. flesh from living animals</td>
<td>classified as food only if owner intends to sell it for food (II A, 1-4)</td>
<td>classified as food only if owner intends to sell it for food (II A, 1-4)</td>
</tr>
</tbody>
</table>
C. dead animals of unclean species (such as camel, rabbit, fox, pig) classified as food only if owner intends to sell it for food (III A)

D. dissenting opinion of Simeon: (camel rabbit, fox, pig) classified as food regardless of owner's intention (III E) classified as food only if owner intends to sell it for food (III E)

The Mishnah also stresses the pecuniary value of the substance in question. This is why it automatically classifies an improperly slaughtered cow as food, regardless of where the Israelite has killed it (II A). The sages assume that an Israelite cannot afford to throw the cow away as with animals of lesser value like grasshoppers and fish (I C). Therefore, even if one killed the cow in a village rather than in the marketplace, the sages assume that every effort will be made to take the meat to market in order to sell it to a gentile. Even if the Israelite does not specifically form this intention, therefore, the meat of the animal falls under the rubric of food.

The sages also take account of each item's marketability. They believe that even gentiles normally do not eat certain substances, such as flesh cut from a living animal. Accordingly, even if an Israelite brings such things to the marketplace, doubt remains as to whether it falls into the category of food or waste (III A-C). The sages, therefore, must take account of the owner's plans if they wish to classify the items in question.

In conclusion, we see that the Mishnah's method for classifying food substances corresponds in most respects to its strategy for categorizing household objects. Whenever possible, the sages determine the status of either a household object or edible substance by appealing to the behavioral norms which are presumed to exist in Israelite society. Only when this method fails do the sages actually take account of an individual's plan. However, we do discover one important difference in the way that the Mishnah classifies household objects and food substances. When assigning an object to a category, the sages often make reference to the occupation of the owner. We recall, for example, that an untanned hide belonging to a tanner by definition falls under the rubric of useful things, whereas an untanned hide belonging to a householder can fall either into the category of useful or useless things. The Mishnah never invokes a person's occupation to determine whether he will use a substance for human consumption. The reason for this is not far to seek. In the society imagined by the framers, a person's occupation (whether tanner, merchant, or householder) does not influence the way he disposes of edible substances. Other factors, such as an object's value, location, and marketability, play a more decisive role.
The Image of the Typical Israelite

Because the Mishnah places so much stress on Israelite norms, we may extrapolate from the various rules we have examined the image of the typical person that lies behind the Mishnah's discussion. The Mishnah takes for granted that the typical Israelite always wishes to act in accordance with God's law. If a person is faced with a choice between two different courses of action, the sages always assume he or she will choose to act in the way that meets with God's approval. For example, if a householder has to remove a corpse from a house, the Mishnah claims that he will invariably use the door that is already contaminated, the assumption being that the householder will do everything in his power to contain the spread of impurity. Since removing the corpse through a second door would create further contamination, the sages conclude that he will not adopt this course of action.

In many situations, however, a person must choose between two courses of action, neither of which involve violating God's law in any way. For example, suppose a man finds a dead animal in his field. In the mishnaic system, God does not care whether he decides to sell it or give it to his dog. Yet, even in cases such as these, the sages sometimes claim to know how the normal Israelite will act. This is because the sages picture the typical Israelite as a rational person, primarily concerned with his economic well-being. In case after case, the framers assume that a householder will not waste something that he could readily sell for a profit (M. Toh. 8:6, M. Uqs. 3:1-3, 9).

In addition, the Mishnah regards the typical Israelite as a practical person who always chooses the most sensible or easiest course of action. He or she will consider, for example, the amount of energy that must be expended to pursue a given action and will choose the path of least resistance. For this reason, they assume that a householder generally will not take the trouble to unseal a door closed with stones (M. Oh. 7:3). In the conception of the Mishnah, Israelites do not act without analysing all the relevant facts. They take account of all aspects of a situation, weighing the benefits and losses of each possible course of action. In the Mishnah, therefore, the ideal Israelite is a rational, practical person whose behavior is always predictable. In stressing this point, the sages return to the one point which consistently draws their attention: it is the exercise of one's mental capacities, whether to formulate a plan or to analyse a situation, which enables human beings to fulfill the divine will.

The Subordination of Intention to Actions and Norms in the Mishnah's Classification Scheme

The rules previously considered provide a fully worked out theory of classification. In the Mishnah's system, actions provide the most important criterion for determining an object's status. Actions override all other criteria. Therefore, once an Israelite puts an object to use, it automatically falls under the rubric of a useful thing. It remains in that category until the Israelite performs
another action which makes it useless, for example, by cutting it into pieces. However, for one reason or another an Israelite might not yet have done anything with the item in question. In this case, an ambiguity arises in determining whether the object belongs to the category of useful or useless things. To resolve ambiguities of this sort, the sages first appeal to normal Israelite behavior. If most Israelites use such objects, the sages automatically classify the object at hand as useful. Conversely, if it turns out that most people treat objects like this one as waste, it enters that category.

In some instances, the Mishnah cannot determine an object's status even by appealing to Israelite norms, because Israelites treat such objects in a variety of ways. It is only in circumstances such as these that the sages actually turn to the owner's intention. We have now discovered a paradoxical fact about the role of intention in the mishnaic system. Intention is the least important of the criteria the sages use in classifying things. However, this does not mean intention is unimportant in the mishnaic system as a whole. On the contrary, as the cases above have demonstrated, the sages frequently cannot decide an object's status on the basis of other criteria, and consequently, often have no choice but to rely on intention.

In the Mishnah's classification scheme, therefore, plans play a less important role than either a person's action (i.e., what he or she does with an object) or normal Israelite behavior (i.e., what most people do with such an object). It is obvious why the sages consider actions more important than plans. Once a person has either put an object to use or thrown it away, the sages know its status. For this reason, the person's plan is of no consequence.

But why do social norms play a more prominent role in the Mishnah than an individual's plans? We have already examined this problem in the previous chapter. The cases examined here support the theological interpretation I proposed in that context. Specifically, I argued that the emphasis on norms derives, at least in part, from the sages' conception of Israelite society as a holy community founded on divine law. Consequently, the norms produced by this community by definition embody God's will. The model "citizen" is the person who adheres to the conventions of God's holy society. By the same token, a person who deviates from the norm in effect repudiates God. This proposition is evident in the fact that these laws implicitly encourage Israelites to take account of social norms at various points in their daily routine. In fact, the Mishnah implies that the failure to do so will result in an infraction of divine law. We saw, for example, that if most Israelites treat a substance as food, that substance is automatically defined as food, even if the owner of the substance decides to let it rot. Consequently, an Israelite must never base his classification of an object on his own idiosyncratic plans. Although he intends to discard it as waste, it may in fact belong to the category of food and hence be susceptible to impurity. The failure to pay attention to the norm, therefore, may lead a person to treat something as insusceptible to impurity when it in fact can become
contaminated. These rules, therefore, suggest that the norms of society are prescriptive for Israelite behavior in general.

**Classifying Actions and Classifying Objects: A Comparison**

Having analysed the Mishnah's scheme for classifying objects, we see that the Mishnah treats objects in precisely the same fashion that it treats actions. The theory of classification exposed in this chapter corresponds to the theory we discovered in Chapter Two. The following diagram illustrates the similarities between the two schemes of classification. Column A represents the method which the Mishnah uses to determine whether an action constitutes a transgression of divine law. Column B represents the sages' strategy for classifying objects.

<table>
<thead>
<tr>
<th>A. Scheme for classifying actions</th>
<th>B. Scheme for classifying objects</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Most important criterion:</td>
<td></td>
</tr>
<tr>
<td>purpose</td>
<td>function</td>
</tr>
<tr>
<td>II. Secondary:</td>
<td></td>
</tr>
<tr>
<td>social norms</td>
<td>social norms</td>
</tr>
<tr>
<td>(purpose an action normally serves)</td>
<td>(function an object normally serves)</td>
</tr>
<tr>
<td>III. Least important:</td>
<td></td>
</tr>
<tr>
<td>actor's subjective purpose</td>
<td>person's plan</td>
</tr>
</tbody>
</table>

We begin our comparison by noting that intention occupies the least important role in both schemes (III A, B). In deciding whether to treat an action as a transgression or fulfillment of divine law, the sages take account of an Israelite's subjective purpose only as a last resort. Similarly, in placing objects into categories, the Mishnah appeals to an Israelite's plan only when all else fails. In both cases, therefore, the intention an Israelite actually formulates plays the least important role in the overall strategy of classification.

Second, in both schemes societal norms play a more important role than an individual's intention. If an action normally serves a distinctive purpose in Israelite society, the Mishnah automatically ascribes that purpose to the actor at hand, and simply ignores the purpose the person actually had in mind (II A). The sages carry out a similar operation when assigning objects to their respective categories. If people typically put an object to a specific use, the framers assume that the Israelite at hand will utilize that kind of object in precisely the same way. They therefore automatically place the object into the category of useful things, regardless of the plan the owner actually formulates.
Finally, both schemes of classification ultimately rest on the same standard. The sages evaluate an action by appealing to its purpose (I A). Similarly, they determine an object's status by appealing to its function (I B). The criteria of function and purpose are essentially identical. To begin with, in our everyday speech, the terms "purpose" and "function" are sometimes interchangeable. For example, we can speak about either the function or purpose of an object. Moreover, both terms are teleological. By this I mean that when we refer to the function of an object or the purpose of an action, we are describing both the object and the action in terms of its end or *telos*. When we say that the function of an object is "x", we mean that the object can or will bring about x. Take, for example, the statement that "the function of the heart is to convey oxygen to extremities of the body." By the heart's function, we refer to the end which is being realized, namely, the transfer of oxygen. Similarly, when we describe an action in terms of its purpose, we refer to the end towards which the action is directed. For example, if we say that the purpose of an action is to commit murder, we mean that that action is meant to bring about someone's death.

There is, to be sure, one important difference between the two schemes of classification. Whereas one may determine the function of an object by knowing what a person does with it, one cannot determine the purpose of an action without appealing to either social norms (what people normally mean by that kind of act) or the purpose the actor has in mind. So while we can point to mishnaic cases in which the sages deduce the function of an object from how a person uses it, we find no corresponding cases which speak about an actor's purpose. Whenever the Mishnah refers to an actor's purpose, it is speaking either about the purpose as deduced from normal Israelite behavior or the purpose the person actually has in mind.

Nonetheless, we find a near perfect correspondence between the method the sages use to evaluate human action and their strategy for assigning objects to categories. This is significant, because it demonstrates a link between the Mishnah's theory of actions and its more general theory of taxonomy. Moreover, in both instances, we have detected the same tendency to relativize the priestly view of the world as recorded in Scripture. To repeat what I said in Chapter Two, the Mishnah departs dramatically from the biblical theory of liability by making the actor's purpose the decisive criterion for determining whether a transgression has occurred. In the biblical laws, especially the priestly legislation, the actor's purpose plays no role at all. Consequently, in Scripture the same action performed on two different occasions is always treated in the same way. For example, donning a garment of mixed weave will be a transgression regardless of the actor's purpose. In the Mishnah, however, an action has no fixed status. It may or may not be a transgression, depending upon the purpose with which it was done.

We see the same effort to relativize Scripture in the Mishnah's theory of taxonomy. According to the priests, the classification of objects is established
by God at creation. Consequently, the classification scheme is rigid and fixed; humans play no role at all in deciding an object's status. But in the Mishnah, humans are given the definitive role over at least one part of the system. What they do and think determines what kinds of things can absorb impurity and what kinds of things remain immune. Consequently, the same kind of object may or may not absorb impurity depending upon the intention of the owner. In sum, the mishnaic emphasis on the telos of objects and actions serves to undermine the conception of reality articulated in the priestly writings of Scripture.

Conclusion

The capacity to formulate plans is one expression of human beings' rational faculties. In formulating a plan, one weighs various aspects of the situation and forms a judgment about what would constitute an appropriate course of action under those conditions. The Mishnah treats the capacity to formulate rational plans as analogous to the exercise of divine will in the mythic story of creation. Just as in the mythic story of creation God willed the world into existence, so by planning an action a person has the power to turn substances into food, or objects into useful things. The Mishnah claims, therefore, that like God, humans have the power to change the character of the world merely by exercising their intellectual capacities. At the core of the Mishnah's system of classification, therefore, we find the priestly story of creation. The very texture of reality stems from divine acts of classification. Because humans share the capacity of classifying things they too can determine critical aspects of their reality. Human acts of categorization can transform the world because classification is tantamount to creation itself.

Despite the remarkable similarities between the Mishnah's theory of classification and the priestly version of creation, one fundamental difference emerges. The priestly writer nowhere assigns humans a role in classifying the world. As I argued, the Mishnah derived this notion from the other biblical account of creation in which Adam is given the task of naming the animals. In the Mishnah, humanity continues to carry out the task that God had originally assigned to Adam in that mythic story of creation. In that story God asked Adam to name the animals. In the Mishnah, Israelites carry forward that mandate by naming the objects and substances around their homes. They decide whether to call them food or waste, useful or useless. Paraphrasing the words of Scripture (Gen. 2: 19), "Whatever a person calls an object that will be its name."

In absorbing this biblical myth into their own system, however, the sages interpreted it in light of their own understanding of agency. They thus speak about the human role in classifying the world in precisely the same terms they use to discuss agency in general. Let us briefly review what this means. To begin with, in the mishnaic system an agent must resemble the principal in certain fundamental respects. For this reason, a man cannot appoint a minor, deaf-mute, or retarded person as his agent, because they lack the mental capacity,
and hence, the legal power to act on his behalf. In the mishnaic system, God appoints human beings as divine agents because the human capacity to think and plan makes humans able to understand and imitate the divine work of creation.

In the Mishnah, furthermore, God and humanity are both bound by the same reciprocal rights and duties which bind a human principal and agent. First, by appointing another person to be an agent, one confers on that person one's own legal powers. In commissioning humanity to classify the world, God confers on human beings the power to affect the basic properties of reality. Second, an agent has complete autonomy of the principal as long as the terms of the agency have not been violated. The same principle underlies the sages' discussion of classification. If people obey the divine instructions, they have complete control over the classification of an object. Although the sages' assert that God deems a substance to be food, its ultimate classification for the purposes of defining its status in the system of purity depends upon what people think and do.

Finally, in mishnaic law, an agent's actions or words do not produce legal effects if the agent has violated the terms of appointment. The sages also invoke this principal in their discussions of classification. In their view, God assigned the task of determining which objects can absorb cultic impurity. Consequently, a person's intention can change the property of a substance only if that intention relates to the object's status as either food or waste, or as a useful or useless thing. But if a person repudiates the divine instructions by trying to determine which objects constitute sources of impurity, that person's intention has no power whatsoever. Since the terms of agency have been broken, the person ceases to exercise the powers which were conferred by God.

The Mishnah also recognizes other limitations on the power of human intention. It turns out that the sages appeal to a person's plans only if they have first exhausted two alternative methods of classifying an object. First, they take account of what a person has actually done with the object in question. If he or she has previously put the object to use or thrown the object into the trash, they need not appeal to plans because the object's status is self-evident. If the Israelite has so far done nothing with the item in question, the sages turn to a second criterion, namely, behavioral norms of Israelite society. If the object normally serves a function, the sages automatically assign it to the class of useful things. By the same token, if people typically toss out objects of this type, the Mishnah treats it as useless. When the sages are unable to determine an object's status by either of the two methods just mentioned, they resort to human plans. At this point, what the owner of the object intends to do is decisive in defining the object's status. Among the criteria the Mishnah uses in classifying things, therefore, intention is the least important. This does not mean, however, that intention is unimportant in the mishnaic system. On the contrary, the sages often find that their other strategies of classification are inadequate. Consequently, we find numerous cases in which plans are the decisive criterion in deciding an object's status. In sum, the Mishnah asserts that human intention
plays a critical role in maintaining the order which God established once upon a time.