

Advance Praise for *Discovering the Jewish Holidays*

Dr. Richard Hidary has written a thorough and comprehensive study of foundational *sugyot* about the Jewish calendar year. Each chapter is deeply researched, clear, and highly accessible, even as it offers academic rigor with literary sensitivity. This book will make Jewish learners better Talmud students, Jewish educators better teachers, and Jewish lay people more informed, more methodical, and more honest as readers.

– Dr. Erica Brown
Yeshiva University

The very title of Richard Hidary's pioneering book of Talmudic readings reflects the multidimensional nature of the Talmud. Far more than a legal code, it encompasses literary, historical, and philosophical dimensions – not only in its aggadic passages but even within seemingly technical halakhic material. With methodological clarity and rich examples, the book invites the reader to view Judaism's greatest human creation, the Talmud, with fresh eyes. This is a masterful synthesis of traditional learning and academic rigor that reveals hidden depths of the Oral Law.

– Rabbi Dr. Yakov Nagen
Yeshivat Otniel

Had Richard Hidary's *Discovering the Jewish Holidays* merely given us a fresh and captivating perspective on the festivals we thought we knew so well, it would have been enough. Had he only delivered a moving meditation on the Talmud and its inner workings, *Dayenu*. But Hidary's masterful work contains multitudes, demonstrating how even texts studied by many for millennia can still deliver new insights that are as riveting as they are relevant. No lover of Talmud, Jewish life, or, for that matter, of reading should neglect this edifying and clarifying work.

– Liel Leibovitz
author of *How the Talmud
Can Change Your Life*

Discovering the Jewish Holidays

Eight Talmudic Readings



Richard Hidary

DISCOVERING
THE JEWISH
HOLIDAYS

EIGHT TALMUDIC READINGS

WITH CONTRIBUTIONS BY

Yosef Bronstein
Elinatan Kupferberg

Yeshiva University Press
Maggid Books

Discovering the Jewish Holidays
Eight Talmudic Readings

First Edition, 2026

Maggid Books
An imprint of Koren Publishers Jerusalem Ltd.

POB 8531, New Milford, CT 06776-8531, USA
& POB 4044, Jerusalem 9104001, Israel
www.korenpub.com

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The publication of this book was made possible through
the generous support of *The Jewish Book Trust*.

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ISBN 978-1-59264-727-9, *hardcover*

Printed and bound in the United States

The volume is generously sponsored by

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Dedicated to my parents-in-law

Ronnie and Linda Benun

*For their constant love, guidance, and inspiration
through their example and their Torah*

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Introduction

The Talmud – the spirit wrestling with the letter – would not have been able to keep up its struggle if it were not all the wisdom of the world before the letter.¹

– EMMANUEL LEVINAS

When Maimonides sat down to write a Sefer Torah, he relied on the carefully corrected and most authentic copy of the Tanakh, now known as the Aleppo Codex. Similarly, when he sat to compose his magisterial *Mishneh Torah*, he made sure to base his legal decisions on the oldest and best copies of the Talmud. Regarding one law about repaying loans, he notes that the *Geonim* had ruled one way based on a mistaken reading of the Talmud. Although he does not usually elaborate on his sources, here Maimonides felt the need to back up his ruling:

I have researched ancient versions of the text.... In Egypt, a portion of an ancient text of the Talmud written on thick parchment – as was the custom in the era approximately five hundred years before the present era – came to my possession.²

Counting five centuries before him brings us to around 700 CE, making this perhaps the earliest written copy of the Talmud ever documented.³ Living three centuries before the first printing of the Talmud, Maimonides did not have the luxury of opening a handsome and easy to read volume of a Bomberg Talmud. Along with all his accomplishments as a great halakhist, philosopher, physician, and communal leader, he also spent his valuable time, money, and energy to ensure he had access to the earliest and most authentic text of the Talmud.⁴

The oldest manuscripts of rabbinic literature we possess today were found in Maimonides' hometown, in the Cairo Geniza. Some of these pieces of parchment indeed date back to the eighth century, but they are also only fragments, none comprising more than a few pages of Talmud. Why can't we find any written copies of the Mishna or Talmud from earlier centuries? The answer is simple: they never existed. The Oral Torah was transmitted, literally, orally.⁵

The words of our ancient Sages have traveled a long and circuitous path to reach our ears and eyes. We are blessed that so much of their wisdom has indeed survived: 191,563 words of Mishna, 814,642 words of Talmud Yerushalmi, and 1,864,120 words of Talmud Bavli.⁶ All this knowledge was transmitted primarily by heart until around the ninth century, when it was copied as handwritten manuscripts. The invention of printing established a uniform text – and today, students have the benefit of new commentaries, translations, free digital access, and multimedia explanations.

Nevertheless, the claim of this modest volume is that for all this advancement, the full depth of the Talmud remains yet to be discovered. How can I say this when tens of thousands of students pore over these texts for hours a day and have done so for generations? Consider an analogy from recent developments in the study of Tanakh.

For generations past, the study of *Humash* in religious contexts comprised reading each verse with Rashi and other traditional commentaries. Over the past few decades, scholars like Nahum Sarna and Rav Yoel Bin-Nun (to name two amongst hundreds), have drawn upon historical and academic biblical research to bring the best of those findings and methodologies to more traditional Jewish communal education. This includes knowledge of Ancient Near Eastern background and texts, archaeology, literary readings, poetic techniques and keywords, structure, themes, and much more. These new methods have not supplanted but rather combined with the study of *Rishonim* and *Aḥaronim* in creative ways that inform and continue to transform Yeshiva day school curricula, rabbis' sermons, and personal home study.

Umberto Cassuto demonstrates how the creation story teaches monotheism by polemicizing against ancient mythology, all the way down to the mention of *taninim* as God's creations and not primordial divinities of the sea.⁷ Rabbi Joseph B. Soloveitchik picked up on the contradictory narratives of Genesis 1 versus Genesis 2–3, a potentially dangerous threat to the divine unity of the Torah, and transformed the data points into a profound and relevant psychological analysis of the dual aspect of human nature.⁸ Leon Kass elaborates on the orderliness and purpose of creation in Genesis 1 as a background for the unique status, opportunities, responsibilities, and challenges of human free will in Genesis 2–3. He encourages us to read not only historically but also philosophically, anthropologically and morally, “to see clearly and experience powerfully the primary sources of many of our enduring moral dilemmas.”⁹

These and other foundational ideas have been embedded in the Torah's verses hidden from view until these modern minds built upon the wisdom of the Sages to reveal for us more of the unending layers of significance of the Torah that are especially impactful for our time. A similar trend in Talmud study has begun but still requires a stronger push for it to sustain its momentum. One can hardly make it through a few words of Talmud without the guiding hand of Rashi and other *Rishonim* and *Aḥaronim*. Nevertheless, the wellsprings of Talmud offer still deeper interpretations and insights to those willing to build upon the commentaries of the past and discover more of the profound beauty and precious inspiration sometimes buried deep within a legal formulation or aggadic turn of phrase.¹⁰

The goal of this book is to offer a model for a Talmud edition that incorporates an accurate text, clear translation, commentary, and analysis that at once presents our best understanding of the original contextual meaning of the *sugya* as well as its legal and philosophical significance. The extent to which these readings accomplish these goals depends on choosing the best methodologies and applying them consistently and thoughtfully. I present here a set of guidelines that I have learned from my many teachers and that I have employed in this book. I know that there will be much to improve upon both at the theoretical level and in the details of these readings. But it is precisely my hope that this small contribution will help others learn both from its strengths and even more so from its shortfalls.

HOW TO UNPACK AND APPRECIATE A SECTION OF TALMUD

To paraphrase the Sages: Upon three pillars does the study of Talmud stand – on the text, on the context, and on the subtext.¹¹ Once a student of Talmud gains

the skills to read the give and take of a *Bavli sugya*, whether with the guidance of Rashi and *Rishonim* or with the help of the Artscroll Schottenstein edition, the Noé edition Koren Talmud Bavli, or any other of the many printed and online tools, that's when the fun begins. It is best to attempt to read the text first without commentaries to have a fresh reading that tries to piece it together and make note of difficulties. That is why this book presents the text and translation upfront as a block. Only then can the reader appreciate the contributions of the commentaries. When reading any commentaries, one should always return to the primary text to make sure the explanation flows smoothly. If not, those bumps in the text may be clues to something deeper beneath the surface. The following methodologies will help resolve various categories of problems in the text, bring understanding to much of the strangeness of the Bavli's content and argumentation, and reveal deeper layers of significance often hidden in its web of meaning. The first step is to establish an accurate version of the talmudic text.

THE TEXT

The standard page layout of the Talmud Bavli has remained remarkably resilient for over five hundred years, a testament to its aesthetic beauty and practicality. With the main text in the center of the page and commentaries huddled all around it, the layout resembles a teacher surrounded by students, each asking questions to the master and arguing with each other about every word they hear. Each *daf* (a folio consisting of two sides) bears a unique variation of framing that long-time learners come to recognize like familiar faces. The dynamics of the page bring to life the excitement of the proposals, challenges, resolutions, proofs, and disproofs that make up the contents of the Talmud.

Joshua Solomon Soncino and Gershom Soncino first introduced this handsome layout in the twenty-five volumes of Talmud they printed from 1483–1519.¹² Daniel Bomberg, having secured the exclusive right to print the Talmud from the Venetian Senate as well as an endorsement from Pope Leo X, printed the full set of Talmud Bavli from 1520–23, copying Soncino's layout and adding features. For tractates already published by Soncino, Bomberg simply copied the text from Soncino's edition. Bomberg was a good Christian who learned and loved Hebrew and who also knew that Jews make good customers of sacred books. He employed several learned Jews in his print shop and impressively succeeded in publishing the first editions of *Mikraot Gedolot*, Talmud Bavli, Talmud Yerushalmi, *Mishneh Torah*, and several other codes and commentaries.¹³

Soncino and Bomberg acquired manuscripts of the Talmud on which they based their printed editions. This set of manuscripts, which is no longer extant, mostly originated from Italy and France, thus overrepresenting the version of the text more common in Ashkenaz.¹⁴ At the same time Soncino began printing in Italy, Solomon Alkabetz (the eponymous grandfather of the author of *Lekha Dodi*) printed several volumes of Talmud in Spain based on Spanish manuscripts. The long-term success of Bomberg means that modern editions from Vilna, down to Schottenstein and Sefaria leave a student without easy access to the Talmud text that was likely in front of the *Geonim* in Babylonia and Maimonides in Egypt.

When Rabbi Raphael Nathan Rabinovicz wanted to document Talmud variants, published in his magisterial *Dikdukei Sofrim* (1867–1886), he needed to devote his life to traveling to libraries and museums throughout Europe to compile his notes by hand. Today, all you need is to register for a free account at *The Friedberg Project for Talmud Bavli Variants* at bavli.genizah.org. Entering the “Hachi Garsinan” database, readers have immediate access to virtually all manuscripts, meticulously digitized and automatically collated in charts.¹⁵ Still, staring at all the variants in a chart can be overwhelming and make a student confused as to which option to prefer. So here is a quick and simplified guide of the methodology this book adopts for evaluating manuscripts.¹⁶

At the top menu of the Hachi Garsinan site under “Ref. Materials” and “Introductions,” there is a list of complete manuscripts by tractate. In addition, if you pull up a chart for any page in the Talmud, there is a blue tab on the upper right, reading “List of Textual Witnesses.” This provides the library and catalogue number of each manuscript along with its date and place. The date and place are rarely noted in the manuscript, so this identification is generally based on paleography (handwriting) and orthography (spelling). As a rule of thumb, the earlier the manuscript the better. Still, there are significant exceptions, and every chapter and variant requires its own careful analysis. Nevertheless, here is a general overview of text types from what we can consider most to least authentic:

- Geniza Fragments – Recovered from a storage closet in the Ben Ezra synagogue in Cairo, these manuscripts were discarded – but, fortunately for us, they were never taken out to be buried. Thousands of Talmud fragments have been catalogued, ranging from a few pages long down to tiny pieces of parchment with just a few words. Most of these fragments date to the eleventh and twelfth centuries, making them earlier than most of the complete manuscripts. Some Geniza fragments date to the tenth and even the ninth

centuries. This collection presents a version of the Talmud overall closer in time and place to the Babylonian academies of the *Geonim*; it is therefore the most accurate record of the Talmud as studied and transmitted soon after its composition. In fact, the text version found in the Geniza fragments best matches citations from the Talmud recorded in Geonic works and in early commentaries like Rabbenu Ḥananel (980–1055), Rabbi Yitzhak Alfasi (1013–1103), and Rabbi Yosef ibn Megas (1077–1141)

One drawback of using Geniza manuscripts as a primary text is their fragmentary nature. Also, some Geniza fragments are from much later centuries, some traveled there from Ashkenaz, and some are simply not copied accurately and therefore are not always useful for reconstructing an authentic text.¹⁷

- **Yemenite Manuscripts** – The Yemenite community traveled to Israel with hardly any belongings except for precious manuscripts that they safeguarded and recopied since ancient times. Astoundingly, they copied these manuscripts by hand mostly in the sixteenth century – even after printing was invented – because they did not have access to their own printing press but knew that the textual version in their manuscripts had to be preserved, despite the availability of the printed text. Their manuscripts of the Talmud are superior to all others, as demonstrated by comparison with Geniza fragments and citations in *Geonim* and the Sephardic *Rishonim* listed above, as well as the version used by Maimonides.¹⁸ Yemenite manuscripts exist for only ten tractates. Although their base text retains a high level of authenticity, they often contain late glosses with short commentaries that are clearly not part of the original talmudic text.
- **Sephardic Manuscripts** – This category includes writings from the Middle East, North Africa, and Spain. These manuscripts as well as Geniza fragments and Yemenite manuscripts all originate in countries under Islamic rule. Between 889 and 928 CE, the Yeshivot of Pumbedita and Sura on the Euphrates both moved to Baghdad, the capital of the Abbasid Empire. Due to ease of communication and movement, Jewish communities throughout the Muslim world supported and heeded the guidance of these Babylonian schools. The influence of the Babylonian *Geonim* included transmission and explanation of the talmudic text. There was some correspondence to Europe but much less compared to Islamic lands.¹⁹
- **Italian and Byzantine (Greece and the Balkans) Manuscripts** – These countries were under Christian rule and so, despite being on the Mediterranean,

they are not considered Sephardic manuscripts. Byzantine manuscripts comprise their own category and display influence from both the Middle East and Ashkenaz.²⁰ Italian rites and customs remained different from both Ashkenaz and Sepharad, but for the purpose of codicology (study of manuscripts), Italian manuscripts are a subset of manuscripts from Christendom alongside Ashkenaz. The earliest and most accurate complete copy of the Mishna is the Kaufmann manuscript, written in 12th-century Italy. Mishna citations in this volume come from this Italian masterpiece.

- Ashkenazic Manuscripts – The vast majority of extant Talmud manuscripts come from France, Germany, and other Christian lands extending north and east. These manuscripts often contain ancient authentic readings. However, the scribes of these manuscripts also tended to add clarifications, standardize terms, and “fix” words that pose interpretive difficulties. Rabbenu Tam (1100–1171, France) in fact complains about and attempts to stem this trend of scholars and copyists: “It is not enough that they corrupt texts that seem to be glosses, but they even corrupt the words of the *Tanna'im* and *Amora'im* themselves. This is inconceivable for anyone who fears God.”²¹ Although Rashi and Rabbenu Tam were themselves careful to note textual emendations only in their commentaries or as added notations in their Talmud manuscripts, later scribes and printers often incorporated their emendations into the main text without leaving a trace of the original. Despite the limited communication from Ashkenaz to Babylonia and despite the tendency for creative emendations in these manuscripts, a higher-quality Ashkenazic manuscript can still be preferable to a late Geniza fragment or a sloppily copied Sephardic manuscript.

The classification above provides only a bird’s-eye view, supported by clear patterns where Geniza fragments and Sephardic/Yemenite manuscripts overall agree against a sampling of Ashkenazic manuscripts. However, when delving into particular texts, one finds that more often than not, manuscripts contain a mixture of text types. This is because there was always some communication between all these communities, which shared texts, commentaries, and queries that copyists incorporated into subsequent generations of manuscripts. In sum, although one finds an abundance of cross-pollination between manuscript types, one can often identify two branches of transmission: Eastern/Sephardic manuscripts that conservatively retain a Talmud text closer to its “original”; and Western/Ashkenazic manuscripts that more actively emend the text to resolve difficulties, smooth out transitions, and standardize stylistic and formulaic aspects of talmudic dialogue.

Again, these are only very general patterns, and each chapter and word variant requires its own evaluation.

How do we account for the rise of textual variants to begin with, and how do we evaluate them and decide what to present in a scholarly edition? The writings of the *Geonim* demonstrate that there were multiple versions of phrases throughout the Talmud already registered and discussed in the Babylonian yeshivot. This, however, does not imply that there was more than one edition or version of the Talmud in circulation – for example, from different learning centers or different times. The opposite is true: overall, the talmudic text is remarkably uniform and stable, which points to there having initially been one publication. But that publication did not occur on a single date in a single authoritative manuscript. Even after much of the talmudic text was concretized, introductory *sugyot*, explanatory glosses, and halakhic decisions were added to it. This suggests a gradual finalizing of the text that left some room for fluidity. Furthermore, the Talmud Bavli was primarily published, transmitted, and studied orally in the Babylonian yeshivot, even if some written copies existed as private notes. The earliest record of the Bavli having been written down is when Natronai ben Hakhinai Gaon visited Spain at the end of the eighth century and wrote down the Talmud for them from memory!²²

One can therefore distinguish between variations that occurred during oral transmission and those originating in the written transmission. For example, one can sometimes distinguish variants stemming from two words that sound alike from words whose letters look alike. Another common scribal error is when the copyist's eye skips backward or forward between two repeated phrases in his source text, resulting in a repeated line (dittography) or an omitted section (haplography). Generally, there is more textual fluidity in stories and dialogue than in legal statements. Even though most textual variants do not impact the meaning of the talmudic argument, on just about every page of Talmud there will be at least a handful of significant differences that can be a key to a better understanding of the talmudic argument or provide a source for a reading assumed by one of the *Rishonim*. Since it is often not possible for us to determine which reading is the original (if there indeed was just one original), scholarly editions indicate at least the most significant variants.

The clearest way to present all manuscript variants is in a chart that lines up all the textual witnesses word by word, so one can clearly see the differences by scanning the columns vertically and horizontally. Hachi Garsinan computes these synopsis charts on the fly with multiple display and download options.

The companion website to this volume makes comprehensive charts accessible for all the talmudic sections analyzed here. It also highlights the text chosen in the body of the chapters.

These charts, however, can feel overwhelming by providing too much information when a student simply wants a clean and easy-to-read text. In this book, we have therefore chosen a single best manuscript as the base text, correcting it based on other witnesses only when there is a gap or clear corruption in that base manuscript.²³ Most deviations from the base text are indicated in endnotes, and a full comparison is relegated to the online synopsis charts.²⁴ For the choice of the base text, we generally follow the manuscript used in the Maagarim Historical Dictionary Project available at <https://maagarim.hebrew-academy.org.il/>. This database was created by the Academy of Hebrew Language, and its editors and expert advisors have analyzed all the manuscripts and chosen the one that they feel best represents the text and its original spelling and morphology. However, for any given talmudic chapter or *sugya*, a different manuscript may record the overall text more accurately.

Texts in this book are punctuated and vocalized with the help of Dicta Nakdan Pro.²⁵ In addition, all texts are accompanied by original translations that aim at a flowing but literal representation of the original language. Explanations appear in the commentary rather than added within the translation. The Hebrew text is broken up into short sections, labeled by letters for reference, and laid out to reflect the structure of each *sugya*.

CONTEXT AND INTERTEXT: PARALLELS AND COMPOSITION

Once we have established the text as accurately as possible and noted significant variants, we analyze the context of the *sugya*, including its placement within the tractate and chapter as well as parallel rabbinic texts. Although the Bavli is structured as a commentary on the Mishna, its discussions often flow into tangents from one topic to another in a stream of consciousness. The repeating names or keywords that connect one statement to the next may serve as mnemonic devices or point to thematic stand-alone units. Nevertheless, we can often learn significant lessons from the placement of a *sugya* in a given chapter or connected with a certain law. For example, the Bavli places the Oven of Akhnai story after a mishna about verbal wrongdoing because the primary lesson in the Bavli version of the story is to warn against mistreating a great Sage.²⁶ The destruction of Jerusalem narratives appear in the fifth chapter of Gittin, which lists bold rabbinic

enactments, because the stories lament that rabbinic inaction allowed the tragic historical events to unfold.²⁷ In Chapter 4, I argue that the Hānukka mini-tractate is literarily juxtaposed with the laws of Shabbat lamps because both are ways to elevate the holiness of the home.

The second aspect of context requires situating the overall *sugya* and each of its elements within the broad ocean of the Oral Torah. Here, it is critical to find the sources that the *sugya* cites, in whole or in part, and parallel intertexts that range from word-for-word copies to traditions that differ in style or even contradict the local *sugya*. One way to locate these sources and parallels is to perform a keyword or phrase search in the Bar-Ilan Responsa Project, at alHatorah.org, or at Sefaria.org. Still, while these are essential tools, searching can be tedious and often fails to locate parallels that use different wording or spelling. Luckily, several geniuses have compiled lists of parallels for us using their own brain power and superb memories. Rabbi Yehoshua Boaz's (d. 1557) *Torah Or* indicates the source for each biblical citation, and his *Masoret haShas* lists parallel *sugyot* in the Bavli and some tannaitic works. More citations have been added to *Masoret haShas* in subsequent editions, culminating with the current *Oz veHadar* printing. The back section of Vilna editions also offers the important commentary, *Yefe Enayim* by Rabbi Aryeh Leib Yelin (1820–1886, Poland); in addition to tannaitic sources, this work discusses parallels and differences between the Bavli and the Yerushalmi. For its ease of use, I recommend the citations on the margin of the original Hebrew Steinsaltz Edition (1965–2010), which includes references to Mishna, Tosefta, tannaitic Midrash, amoraic Midrash, Yerushalmi, and Bavli.²⁸

After identifying the sources and parallel texts, we can compare them with the local *sugya*. If the Bavli is citing a text known from the Mishna, Tosefta, or tannaitic Midrash, then we want to see if the quotes match or if the Bavli records a different version. Do the differences derive from a tannaitic controversy, accidents of transmission, or a purposeful change in the Bavli's version? What might this change teach us about the viewpoint and goal of the Bavli *sugya*?²⁹

We will see examples of this method, ranging from banal to stunning, in chapters 3, 7, and 8. In Chapter 8, a Tosefta records just one opinion while the Bavli cites a longer version with three opinions. In Chapter 3, the Bavli cites only the opinion of Rabbi Yose from the *Mekhilta* that heaven and earth are separate realms, because the Bavli is analyzing the *sekhakh* which serves as a boundary between heaven and earth. The Bavli leaves out the first opinion that heaven bent down to earth and only hints to that idea in the conclusion to make the point that even a boundary like the *sekhakh* can be a point of connection to the *Shekhina*. In Chapter

7, Rav Avdimi says that God overturned the mountain upon the Israelites as a threat; however, the origin of this imagery from the *Mekhilta deRabbi Ishmael* pictures the mountain as offering protection to the Israelites. This comparison helps us appreciate the boldness of Rav Avdimi's claim, which flips the earlier message on its head, but that also resonates with a different set of midrashim.

The next step is to identify parallel discussions in the Yerushalmi or elsewhere in the Bavli. Sometimes the Yerushalmi, which was completed some two centuries before the Bavli, already included a *sugya* with most of the building blocks that then get further fleshed out in the Bavli. Other times, there is just one statement in the Yerushalmi that is similar in wording or content to a line in the Bavli. Either way, we can analyze whether any differences are a result of loose transmission or more fundamental disagreement. In Chapter 2, a short Yerushalmi *sugya* mentions three laws that form the skeletal structure of the *Bavli sugya*, which expands with more details and stories. In Chapter 3, the Bavli adds a layer of symbolic meaning on top of the more straightforward legal derivation of the Yerushalmi. More dramatically, Chapter 1 shows how a Yerushalmi *sugya* that assumes an annual judgment of the world, gets reworked and reinterpreted in the Bavli to promote the view that God judges the world daily.

For Bavli parallels, we seek to identify which *sugya* is in its original context and which is merely a copy, added in as a related tangent. If there are substantive differences between them, then we can try to reconcile the contradictions in a method analogous to *Tosafot*. However, a historical and contextual approach would suggest that the two *sugyot* derive from different schools or discussions and that we should therefore explain where and why they argue.

After laying out all the building blocks of the *sugya* from its sources and parallels, we are ready to identify the chronological layers and deep structure of the *sugya*. Like an archaeological tell, a *sugya* is built up from tannaitic sources, upon which generations of *Amora'im* comment and argue, culminating with the anonymous editorial layers that produce the final product. Tannaitic sources are relatively easy to identify by the Bavli's citation keywords ("tenan," "we learned," for a mishna; "tenu rabbanan," "the Sages learned," for a *baraita* from a work like *Tosefta*, *Mekhilta*, *Sifra*, or *Sifrei*; and "*tanya*," "it was learned," for a *baraita* that is not part of an authoritative collection).³⁰ Tannaitic sources are the grist for the talmudic mill; the Talmud devotes much of its energies to collecting, comparing, and reconciling tannaitic sources related to any given mishna. Sometimes, the Bavli's goal is simply to clarify the various tannaitic opinions, and it often seeks to direct the halakha toward a certain opinion by propping up one viewpoint and

reinterpreting, limiting, or relegating to a minority opinion the other viewpoints. We discuss this further in Chapter 1, especially in connection with an important methodological principle set forward by Sherira Gaon.

The word “*Tanna'im*,” referring to the Rabbis from 50–220 CE, is Aramaic for “the repeaters” because their teachings were memorized through constant repetition. The title “Mishna,” which comes from the same root in Hebrew, appropriately refers to the collection of tannaitic traditions published orally around 220 CE and that continued to be transmitted from memory. The word “*Amora'im*” in Aramaic literally means “the speakers” and refers to the human loudspeakers who would amplify a teacher’s lecture to a large audience, sometimes adding their own clarification. The Sages of the Amoraic period (220–500 CE) were the figurative loudspeakers who repeated, explained, and elaborated on the tannaitic sources.³¹

While the *Tanna'im* were active in the Land of Israel (notwithstanding the small number who originally hailed from Babylonia), the *Amora'im* taught students in both countries. *Amora'im* from Israel are identified with the honorific “Rabbi,” as opposed to those in Babylonia, who bore the more modest title “Rav.” Five generations of *Amora'im* were active in the Land of Israel before the Talmud Yerushalmi was compiled late in the fourth century. The editing of the Talmud Bavli continued for at least another century and includes citations extending over some seven generations of named *Amora'im*. The commentaries in this book provide short biographies of the *Tanna'im* and *Amora'im* as they appear because this chronological context is often essential for tracing the historical development of a law or idea, and one can see how later generations add to, argue with, or interpret earlier ones.³² It also allows us to situate an *Amora*’s view within the context of his views elsewhere and understand them against the backdrop of his biographical details and personality as portrayed in narratives. While stories about Sages in the Talmud are not necessarily literal, they certainly work to create a literary persona, whether or not that description perfectly matches the historical person. In our discussion of Purim in Chapter 5, we will encounter a colorful dispute and story that comes to life when connected with the characters’ biographies that appear elsewhere in the Talmud.

Although the *Amora'im* surely presented lengthy riveting lectures, none have been preserved in full; we only have student-recorded snippets of the bottom-line takeaways. Students also recounted the basic outline of the sources and issues subject to dispute, not as a word-for-word transcription but as summaries in order to review, refine, argue with, or confirm the contents and conclusions of the lecture. Each generation of *Amora'im* added layers of teachings and

interpretations to those of the preceding generations. However, it was only after the amoraic period that the Sages compiled and organized this vast body of tradition, crafting the well-structured, flowing dialogues and persuasive arguments that we now call a *sugya*.

Modern scholarship assigns the bulk of the composing and editing of the Talmud to a group of anonymous Sages that they call the *stam*. This significantly updates the traditional view that Rav Ashi, the sixth-generation *Amora* and head of the academy at Sura, completed the Talmud with his colleague Ravina. That view derives primarily from Bavli Bava Metzia 86a, which reports that the first-generation *Amora* Shmuel saw written in the heavenly book of Adam that “Rabbi and Rav Natan are the end of the Mishna. Rav Ashi and Ravina are the end of teaching (*hora’ah*).” However, the traditional view depends on the meaning of the term *hora’ah*, which is not clear. Early scholars thought *hora’ah* should be understood as a parallel with Mishna and so must refer to another major rabbinic compilation after the Mishna, namely the Babylonian Talmud. However, *hora’ah* elsewhere simply means an authoritative ruling.³³ The statement actually means that Rav Ashi and Ravina mark the end of the amoraic period in that they are the last to legislate with the authority of the *Amora’im* and have their teachings officially recorded in an apodictic style.³⁴ Sherira Gaon, who equated the end of *hora’ah* with the end of the Talmud, could not accept that Rav Ashi finished editing the Talmud since there are a number of Rabbis quoted in the Talmud who lived after Rav Ashi, such as Mar bar Rav Ashi and Rabba Tosfa’a. Sherira Gaon therefore explains that the Talmud actually refers to Ravina bar Huna and Rav Assi, both seventh-generation *Amora’im*.³⁵

The second major source for ascribing the editing of the Talmud to Rav Ashi is the report of Ravina that Rav Ashi taught a certain law one way in his first “*mahadurah*” and a different law in his last “*mahadurah*” (Bava Batra 157b). Early scholars understood the word *mahadurah* in accordance with its modern usage to mean an edition of Talmud. Sherira Gaon explains, partly based on the customs of his day in the geonic yeshivot, that Rav Ashi taught for almost sixty years, during which he reviewed two tractates each year during the two kallah sessions, thus twice completing the sixty tractates of Mishna.³⁶ However, *mahadurah* can simply refer to the second time that Rav Ashi happened to teach that subject, having nothing to do with an official publication of the Talmud.

In fact, Rav Ashi’s statements and activity in the Talmud itself show that he could not have been its final editor. Many passages in the Talmud cite and analyze teachings or practices of Rav Ashi, demonstrating that a later group of editors

received traditions from Rav Ashi and discussed them just as they did for other *Amora'im*. When Rav Ashi remarks, “I have protected Mata Meḥasya from being destroyed,” an anonymous questioner asks, “but it has been destroyed” (Shabbat 11a). The questioner here must have lived many years after Rav Ashi. The Talmud is sometimes unsure whether a certain statement was said by Rav Ashi or someone else; other times it debates which source text was the subject of interpretation by a certain comment of Rav Ashi. This would not occur if Rav Ashi himself were the editor.³⁷ Nevertheless, Rav Ashi clearly contributed significantly to the substance of the Babylonian Talmud. The Talmud mentions Rav Ashi’s name well over a thousand times, often in the center of the debate together with the illustrious Sages of his generation.

When one separates the named amoraic statements in the Talmud from the anonymous statements, one finds that the anonymous voice functions as the narrator: introducing questions, adding glosses, and directing our attention to challenges and proofs. While the apodictic legal statements and primary dialogue are amoraic, the anonymous material is the glue that holds it all together. The anonymous editor(s), called the *stam(maim)*, are like the conductor who orchestrates all the amoraic voices, determines the order in which they appear, directs the flow of the presentation, adds interpretation and nuance, and determines the goal of the composition, even while hiding his/their own identities in the background. Chapter 6 presents an instructive example that foregrounds the anonymous voice not only as the narrator of the *sugya* but also one that develops an added layer of significance to reclining at the Seder.

The *Rishonim* often make note of the activity of the anonymous layer and comment that certain words are not from the original *baraita* or *Amora* but rather an added explanation of the “Gemara” or “Talmud” or “the words of the Shas.”³⁸ By reading the words of the *Amora* on their own, we can sometimes discover the original meaning of the *Amora*’s statement, which may be different from the way it is interpreted by the *stam*. When we can back up that reading from a parallel statement in the name of the same Sage as it appears in the Yerushalmi or in another *Bavli sugya*, then we can make a strong case that the *stam* editor reinterpreted a source. The next step will then be to figure out how this reinterpretation fits into the flow of the argument and the educational goal of the *sugya*. Shamma Friedman lists fourteen indications that can help the reader distinguish between amoraic and stammaitic layers. Here are the most useful:

1. A sudden change from the Hebrew of the *Amora*'s original legal pronouncement to the Aramaic of the *stam* gloss.
2. *Stam* explanations use verbose language compared to amoraic laws, which are more succinct.
3. When an *Amora* poses a question, followed by a lengthy explanation and then a repetition of the original question, this signals that the explanation is stammaitic. This is known as resumptive repetition.
4. If you leave out the proposed stammaitic addition then the sentence reads more smoothly.
5. A phrase that refers to something that will only be introduced later on in the *sugya*.
6. Phraseology or linguistic forms not found in any amoraic statements but only in anonymous layers or geonic works.
7. A preponderance of manuscript variants of the wording or placement of a sentence indicates a later insertion. If a phrase is lacking in several manuscripts, that indicates an even later (geonic) gloss.
8. When a commentary from the *Geonim* or *Rishonim* explicitly says that a certain section is a late addition.

Just one or two of these criteria would not be sufficient to prove a late insertion, but a coinciding of many of them makes a strong case for separating out those words as a later comment on the original words of the source.³⁹

Besides interpolating explanations into prior sources, the stammaim are also responsible for the latticework of the *sugya*: the anonymous questions like “From where do we know this?” and “But there is a contradiction”; response formulas like, “if you want I can say” and “there is no difficulty;” and conclusions like “the halakha follows this Rabbi” or “this question is left standing.” The *stam* composer or editor leads the reader through the logical flow of the *sugya* and its voice, although unnamed, is in some ways the dominant perspective leading the audience through its exploration of the sources and arguments toward a given educational, legal, or philosophical goal. It is therefore essential to first take apart the *sugya* to understand its component parts in their original meaning, contemplate how else the various sources could be related to each other (a perspective often aided by a Yerushalmi or Bavli parallel *sugya*), and then appreciate how and why the *stam* editor put all those pieces together to create what is often a subtle and artful mosaic whose whole packs more meaning than the sum of its

parts. This appreciation will be the focus of the compositional analyses in this book, which brings us to the third pillar of interpretation.

SUBTEXT AND SIGNIFICANCE

Once a learner has waded through the manuscripts to establish a reliable text, and has done the hard work of tracking down sources and parallels, separating the layers of the *sugya*, and understanding how the later layers build on the former ones to form a whole *sugya*, then one is ready to explore the wider significance and impact of the *sugya*. The driving force of a *sugya* may be understandable only in the wider cultural context of its authors. In these cases, knowledge of Greco-Roman or Persian law, beliefs, or politics can be essential. In other cases, the *sugya* may be promoting a certain legal or philosophical view that pushes up against the view of other Sages or the common practice of communities. Often, the full significance of a *sugya* is not front and center but hidden between the lines in allusions and subtexts awaiting an insightful student to come along and discover it.

These more subtle aspects of the message of rabbinic texts often reveal themselves only when reading the work as poetry. The Mishna, for example, has been endlessly studied as a code of Jewish law or a legal textbook. Recently, however, Avi Walfish has pointed out aspects of rhythm, rhyme, structure, and especially repeating keywords that not only make the Mishna easier to memorize but are essential conveyors of the deeper themes and meanings of the Mishna.⁴⁰ Yakov Nagen furthers this methodology to uncover philosophical meanings in the details of mishnaic law.⁴¹ Using literary methodologies, a whole world of meaning has only in the past few decades been unpacked in the study of both tannaitic and amoraic Midrash.⁴²

For the Talmud Bavli too, there are many fine examples of literary readings of both legal and aggadic *sugyot*.⁴³ The Bavli often makes reference to or assumes knowledge of Persian culture and Zoroastrian religion, and many stories and laws comment on, borrow, and polemicize against these surrounding influences.⁴⁴ Greco-Roman educational methods, forms of reasoning, mythology, fables, stoic philosophy, and science are all part and parcel of the world of the Rabbis, who engage in both filtering in and debating against all these aspects of the dominant cultural trends.⁴⁵ Several Bavli dialogues and stories embed explicit and implicit polemics against Christian biblical interpretations and beliefs.⁴⁶ Reconstructing all of these aspects of realia can bring the talmudic Sages and their teachings to life.⁴⁷

Focusing within the rabbinic corpus by tracing the development of rabbinic teachings from tannaitic works, to the Yerushalmi, and through the layers of the

Bavli, one can appreciate the dramatic evolution of laws and ideas across time and space. Noting these trends helps us understand the way the Sages held fast to the traditions of the Oral Law but also interpreted and directed them for the spiritual and practical needs of each generation. Especially in law, it is necessary that change happens gradually and without weakening the overall structure of the halakha so that the development feels organic and even imperceptible. The complex dialectics of harmonizing contradictory sources, creative biblical exegesis through midrashic methodology, and the rewording and reinterpretation of tannaitic traditions all serve to generate a wellspring of guidance and teachings that “renew the old and sanctify the new.”⁴⁸

One particularly impactful methodology requires us to integrate the full gamut of genres that the Talmud interweaves, especially halakha (which includes apodictic rulings, cases, derivations, and debates) and Aggada (which includes stories, folklore, medicine, dream interpretation, philosophy, wisdom, midrash on non-legal biblical verses, and everything else that isn’t halakha). Historically, most students of the Talmud have privileged the legal sections of the Talmud over the Aggada. The *Geonim* looked to the Talmud as the basis for legislation and therefore wrote off Aggada as non-authoritative. Rabbi Isaac Alfasi extracted only the bottom-line halakha from the Talmud and stripped away stories and even legal dialogues. Many *Rishonim* skipped or wrote only a small amount of commentary on Aggada, and students in modern yeshivot also tend to rush through stories to focus on legal discussions. A prominent exception to this trend is Rabbi Yaakov ibn Habib, author of *Ein Yaakov*, who extracted and wrote a commentary on only the Aggada of the Talmud to complement and counterbalance the code of Rabbi Alfasi.⁴⁹ However, even as it champions the lessons of faith and morals that students can derive from Aggada, *Ein Yaakov* maintains the separation of the two genres.

In his foundational 1922 essay “Halakha and Aggada,” Hayyim Nahman Bialik urged readers to see the two genres as two sides of the same coin: “Halakha is the crystallization, the ultimate and inevitable quintessence of Aggada; Aggada is the content of halakha. Aggada is the plaintive voice of the heart’s yearning as it wings its way to its haven; Halakha is the resting-place, where for a moment the yearning is satisfied and stilled.”⁵⁰ The two forms of teaching, Bialik argues, mutually inspire each other to continually renew and flourish. He calls on modern researchers to uncover the depths of meaning hidden in these texts, which are sure “to awaken astonishment and to excite the curiosity of the archeologist” and “bring us suddenly beneath a new heaven.” Through this methodology, “an

obscure and baffling remnant of ancient days, when we probe its mystery and make it speak to us, may transport us at a bound to the yonder-side of a thousand generations.”⁵¹

In 1955, Abraham Joshua Heschel continued this theme, writing: “Halakha represents the strength to shape one’s life according to a fixed pattern; it is a form-giving force. Aggada is the expression of man’s ceaseless striving which often defies all limitations. Halakha is the rationalization and schematization of living; it defines, specifies, sets measure and limit, placing life into an exact system. Aggada deals with man’s ineffable relations to God, to other men, and to the world.”⁵² However, even these eloquent words extolling the contribution of and necessity for both genres do not capture the extent to which the two forms are inextricably intertwined throughout the Talmud. For example, legal narratives are short snippets of interactions and discussions by rabbis and their neighbors that have legal implications, whether they are real events, theoretical cases, or fantastic legends.⁵³ These stories straddle the boundary between Aggada and halakha as narratives that also have practical normative applications. In the opposite direction, many rules and biblical derivations are formulated with such poetic beauty and symbolic imagination that they teach more about the spiritual goals and values encoded in these laws than the details of how to practice them.⁵⁴

Appreciating the Talmud’s multifaceted genres requires a renewed paradigm of law itself and its relationship to society and literature. Robert Cover, a foremost American and Jewish legal scholar, writes that law should not be reduced to merely a means of social order and control. Rather,

law becomes not merely a system of rules to be observed, but a world in which we live. In this normative world, law and narrative are inseparably related. Every prescription is insistent in its demand to be located in discourse – to be supplied with history and destiny, beginning and end, explanation and purpose. And every narrative is insistent in its demand for its prescriptive point, its moral.⁵⁵

Precepts, rituals, and customary practices are a rich language of signification by which a society communicates its personal and communal expectations, moral goals, taboos, standards of cooperation, struggles, ways to deal with tragedy, sources of joy, and hopes for an ideal future. Cover himself points to the Torah as an exemplar of how stories in Genesis depend on and stand in tension with laws in Deuteronomy. The Talmud continues this model and interweaves (the literal

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meaning of *masekhet*, tractate, is a web) genres into a complex but artistic mosaic of meaning. One goal of the readings in the upcoming chapters is to unravel and map out some of these paths (the literal meaning of *sugya* is a path, way to travel, or line of reasoning), highlighting how they embed deeper meanings under and between layers of ancient tradition and careful redaction.

CHAPTER SUMMARIES

Here is a short summary of the subtexts and significations of the talmudic readings in this book. In Chapter 1, we consider a talmudic passage navigating the tension between the mishna that lists annual judgments of the world and other *Tanna'im* who argue that God judges the world every day. On the surface, the Gemara merely seeks to identify the anonymous mishna, show how various sources and opinions correlate, and expand on their derivations. But a structural and compositional analysis – especially a comparison with the Yerushalmi – reveals that this *sugya* aims to teach that repentance and atonement are not limited to the high holidays but are available at all times.

Chapter 2 showcases a *sugya* that combines legal directives for how to apologize together with narratives that both apply and problematize those very rules. The wrongdoer and the forgiver, the *sugya* teaches, both have legal obligations toward each other to achieve reconciliation and atonement. The aim of the *sugya* is to explore the complexity of human interactions, especially when tensions run high, sensitize us to the psychological subtleties of forgiveness, the likely pitfalls and obstacles, and ways to navigate through and beyond the strict regulations. Ultimately, however, the *sugya* acknowledges the tragic reality that in some cases, forgiveness may be forever beyond reach.

On the surface, the gemara presented in Chapter 3 reads like a straightforward legal analysis of the source for a *sukka's* dimensions. Literary and compositional analysis, however, reveals that the *sugya* reads the technical details of *sukka* architecture as symbolic encodings of profound philosophical meditations about the limits and possibilities of the human encounter with the Divine.

Chapter 4 analyzes the *baraita* on the miracle of Hanukka within the literary context of the mini-*masekhet* of Bavli Shabbat 21a–24a as well as on the background of Second Temple sources. On the surface, the *sugya* simply discusses legal details about the type of oil, how many lamps, placement of the lamps, benefitting from them, relighting them, blessings, and other halakhic requirements. However, literary and historical analysis of the derivations for these laws reveals an abundance of connections to the rituals and symbols of the Temple and of Sukkot. The *baraita's*

focus on the Menora oil miracle and the requirement to light lamps at home communicate the transfer of the holiness of the Temple and its public showcasing of the Divine Presence among Israel from the Temple to each Jewish home.

Chapter 5 argues that the law requiring excessive drinking on Purim and the strange tale of the rabbi who slaughtered his friend and resurrected him is a parody and a comedic lament of living in exile. Far from a serious ruling with a supporting story, a literary and manuscript analysis unveils a biting critique against those who would remain in exile and further provoke unfriendly forces against the Jewish community. The story reenacts the Purim narrative but highlights the absurdity of the traumatic cycle of near-death experiences and sad celebrations of just barely surviving that make up much of Jewish experience in exile.

In Chapter 6, Elinatan Kupferberg majestically traces the development of the requirement to recline during the Seder from its origins in the Greco-Roman symposium to a ritual requirement in the Mishna. The *Amora'im* also conceptualize reclining as an individual obligation, viewing it as an inherent gesture of freedom associated with eating matza. Finally, the anonymous compiler of the *sugya* associates reclining while drinking the four cups with reliving the Exodus over the course of the timescape of the Seder. This helps explain the *sugya*, which otherwise seems like an overcomplicated attempt to resolve two conflicting versions of an amoraic tradition. A historical and literary analysis instead reveals that this technical ritual discussion encodes a profound meditation on how to maintain faith and celebrate freedom while still living in the servitude of exile.

In Chapter 7, Yosef Bronstein brilliantly unpacks the deep tensions and competing sources that come together in a multi-voiced symphony of derashot about the Giving of the Torah. The imagery of a threatening mountain over the heads of Israel is shown to be an inversion of an older midrash from the school of Rabbi Yishmael about a protective mountain. In fact, the compositional analysis delineates three distinct models from Second Temple and tannaitic sources about the basis of Israel's obligation to the Torah: willing consent because of God's favors, coerced allegiance to a new master of redeemed slaves, or the foundational basis of creation. Bronstein demonstrates how the Bavli interweaves and integrates all three ancient traditions into a flowing and multifaceted whole.

Finally, Chapter 8 unpacks a short and simple *sugya* listing the Torah and *haftara* readings for Tisha B'Av. An analysis of its sources and wider context uncovers a significant shift from earlier stricter laws about how and how much to mourn over the Temple to a lessening of the mournful practices by the time of the Bavli *Amora'im*. The change in the choice for Torah reading thus reflects a

gradual but significant shift from grief and pain to sadness mixed with patience and faith. The literary analysis brings out the *sugya*'s goal to provide a nation in exile with hope to keep their identities and commitments strong and hold out for a future redemption.

CHAPTER STRUCTURES AND AUDIENCE

Each chapter of the book follows a similar structure: a brief introduction to the *sugya*, the primary text with translation and a short commentary below the text, followed by a deeper analysis. The analysis sections vary from chapter to chapter depending on the topic but include some of the following: literary analysis, compositional analysis, historical analysis, sources and parallel texts, halakhic reception, and manuscript analysis. Translations of primary texts are original by the authors, unless otherwise indicated, and aim for a readable, flowing, but strict translation that reflects the terseness and ambiguities of the original Hebrew and Aramaic rather than insert long elucidations into the English text. This contrasts with current English editions like Artscroll and Koren elucidations that insert short and long glosses within the translation. Instead, information required to understand the text, as well as basic historical background, significant manuscript variants, and interpretive issues are discussed in the commentary below the text, with further elaboration in the endnotes.

This phrase-by-phrase commentary draws on both academic and traditional interpretations, summarizing their insights in a clear, accessible manner. Other modern editions rely almost exclusively on Rashi and other *Rishonim* and *Aḥaronim*. Koren includes also realia of geography, botany, archaeology as well as etymologies and rabbinic biographies. This commentary includes some of the above, with particular emphasis on noting the generation and geography in which each sage was active, information that is often essential to understanding the discussion.⁵⁶ Academic commentaries are not always readily accessible or understandable to non-experts. This book aims to include the findings of the vast field of the academic study of Talmud including editing, redaction, source analysis, comparing parallels, literary structure, and cultural context in a style that will be accessible to students and community learners.

My goal is that this volume be the first in a series of Talmud commentaries that will cover some of the most widely studied chapters of the Bavli and unpack many relevant, significant, and paradigmatic *sugyot* applying the methodology and format in this volume. This volume contains two chapters by guest authors, both former students of mine and talented scholars in their own right, Elinatan

Kupferberg and Dr. Yosef Bronstein. Their contributions demonstrate that many researchers can join in this shared project and maintain similar format and standards even while each brings his own interests and style into the commentary. A team of researchers producing a series of volumes will not only stand at the cutting edge of Talmud study, but also be an invaluable and lasting resource for scholars, teachers, students, and all those who feel the powerful pull of talmudic debate and the sense that there is so much more for us to learn from them.⁵⁷

It is a pleasure to work with the phenomenal professionals at Koren/Maggid Books. Their devotion to Judaism expresses itself in their commitment to bringing great Jewish content to the world. My thanks to publisher Matthew Miller, Rabbis Reuven Ziegler and David Silverstein, Ita Olesker, Rabbi Tzvi Sinensky, Aryeh Grossman, Tani Bayer, Tomi Mager, Esther Shafier, and all the staff.

ENDNOTES

- 1 Emmanuel Levinas, *Nine Talmudic Readings* (Indiana University Press, 1994), 24.
- 2 *Mishneh Torah, Hilkhot Malveh VeLoveh*, 15:2.
- 3 David Rosental, “Mishna Aboda Zara – A Critical Edition with Introduction,” (PhD diss., Hebrew University, 1980) (Hebrew), 96–106. Earlier still may be the mosaic inscription on the floor of the seventh-century synagogue in Rehov, which includes text similar to Yerushalmi Demai 2:1; see https://cojs.org/steven_fine-the_rehov_synagogue_inscriptions-the_earliest_preserved_text_of_the_talmudic_literature/.
- 4 See further at Alexander Tal, “Hakhra’at haRambam beSugyat haMalveh et Havero beEdim,” *Alon Shevut* 117 (1987), <https://etzion.org.il/he/talmud/seder-nezikin/massekhet-shevuot-הכרעת-הרמבם-בסוגיית-המלוה-את-חבירו-בעדים>.
- 5 Yaakov Sussmann, *Oral Law – Taken Literally: The Power of the Tip of a Yod* (Magnes Press, 2019) (Hebrew).
- 6 Ezra Brand, “Words of Wisdom: Word Counts of Classical Jewish Works,” https://www.academia.edu/106385574/Words_of_Wisdom_Word_Counts_of_Classical_Jewish_Works.
- 7 Umberto Cassuto, *A Commentary on the Book of Genesis: Part One – From Adam to Noah* (Magnes Press, 1978), 49–51.
- 8 Joseph B. Soloveitchik, “The Lonely Man of Faith,” *Tradition* 7 (1965), 5–67.
- 9 Leon Kass, *The Beginning of Wisdom: Reading Genesis* (Free Press, 2003), 54.
- 10 See, for example, Levinas, *Nine Talmudic Readings*, 5, who sets his goal to “to extricate the universal intentions from the apparent particularism” of the Talmud. He elaborates, *ibid.*, p. 4:

It is certain that, when discussing the right to eat or not to eat “an egg hatched on a holy day,” or payments owed for damages caused by a “wild ox,” the sages of the Talmud are discussing neither an egg nor an ox but are arguing about fundamental ideas without appearing to do so. It is true that one needs to have

- encountered an authentic Talmudic master to be sure of it. To retrace one's steps from these questions of ritual – which are quite important for the continuity of Judaism – to philosophical problems long forgotten by contemporary Talmudists would indeed demand a great effort today.
- 11 Louis Ginzberg, *A Commentary on the Palestinian Talmud*, 4 vols. (Jewish Theological Seminary of America, 1941), (Hebrew), 1:17, writes: "On three things does the explanation of all written text stand: on the text, on its understanding, and on analysis." Eliezer Shimshon Rosental, "HaMoreh," *Proceedings of the American Academy for Jewish Research* 31 (1963), 15, updates this list when summarizing the methodology of Saul Lieberman: "On three things does a philological-historical interpretation stand: on the text, on the grammar, and on the literary context and historical realia altogether." Shamma Friedman, *Talmud Arukh: Perek haSokher et haUmanin: Bavli Bava Metzia Perek Shishi: Mahadurah al Derekh haMehkar im Perush haSugyot* (The Jewish Theological Seminary of America, 1990), 1:3, updates the list yet again to reflect the development of the field: Any edition of the Talmud "must be founded on three things: the text, the parallels, and the explanation." While all versions begin with establishing the text, and all have some version of analyzing the parts of the text in diachronic historical context, my version here emphasizes the added step of putting the parts back together synchronically to discover its philosophical, legal, or spiritual meaning.
 - 12 Raphael Nathan Rabinovicz, "Ma'amar al Hadpasat haTalmud," in *Dikdukei Sofrim* (Or haHokhma, 2002), 7.
 - 13 See further at Marvin Heller, "Earliest Printings of the Talmud," in *Printing the Talmud: From Bomberg to Schottenstein*, ed. S. Liberman, S. Mintz, and G. Goldstein (Yeshiva University, 2004), 61–88.
 - 14 Alexander Marx, "The Choice of Books by the Printers of Hebrew Incunabula," in *To Dr. R.: Essays Here Collected and Published in Honor of the Seventieth Birthday of Dr. A. S. W. Rosenbach*, ed. P. Lawler (1946), 160. There are, however, exceptions like Bava Metzia, where the Soncino edition reflects the Spanish version 75% of the time; see Friedman, *Talmud*, 70.
 - 15 See also the resources at www.lieberman-institute.com.
 - 16 See Malachi Beit-Arié, *Hebrew Codicology: Historical and Comparative Typology of Medieval Hebrew Codices based on the Documentation of the Extant Dated Manuscripts from a Quantitative Approach* (Preprint, 2019), 74–83, available on the author's Academia.edu page; Menaḥem Katz, "Surviving Manuscripts of the Talmud: An Overview," <https://theGemara.com/article/surviving-manuscripts-of-the-talmud-an-overview/>; Menahem Katz, Asael Shmeltzer, Hillel Gershuni, and Sarah Prais, "The Complete Manuscripts of the Babylonian Talmud," available on the Hachi Garsinan website Genizah.org; and Shamma Friedman, *Talmudic Studies: Investigating the Sugya, Variant Readings and Aggada* (Jewish Theological Seminary of America, 2010) (Hebrew), 157–385.
 - 17 See further at Stefan Reif, *A Jewish Archive from Old Cairo: The History of Cambridge University's Genizah Collection* (Curzon Press, 2000), 121–48; Yaakov Sussmann, *Thesaurus of Talmudic Manuscripts* (Yad Izhak Ben-Zvi, 2012) (Hebrew), 15–22; and Binyamin Richler, *Hebrew Manuscripts: A Treasured Legacy* (Ofeq Institute, 1990), 130–31.

- 18 Mordechai Sabato, *A Yemenite Manuscript of Tractate Sanhedrin and its Place in the Text Tradition* (Yad Izhak Ben-Zvi, 1998) (Hebrew); idem., *Talmud Bavli, Sanhedrin Chapter 3: Critical Edition and Commentary* (Bialik Institute, 2018) (Hebrew), and his further commentaries on other chapters; and Rabin Shushtri, “Can Two Walk Together, Except They be Agreed?’ The Yemenite Version of Tractate Sukka (Babylonian Talmud) and its Relation to Maimonides,” *JSIJ* (2010) (Hebrew), 45–87.
- 19 Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (Yale University Press, 1998), 35–48, 123–34.
- 20 For the Talmud, only one high-quality manuscript from Byzantium has survived; it serves as the best textual witness for Ketubot and Gittin and was selected by Menahem Kahana as the base text for his edition of *Tikkun Olam (Repairing the World): Babylonian Talmud Tractate Gittin, Chapter 4* (Magnes Press, 2020) (Hebrew).
- 21 Rabbi Yaakov ben Meir, *Sefer Hayashar*, Introduction, cited at Avraham Reiner, “Textual Variants and Textual Criticism in the Works of Rabbenu Tam: Between Theory and Practice,” *AJS Review* 44 (2020), 150.
- 22 Robert Brody, “Geonic Literature and the Talmudic Text,” in *Mehqeri Talmud*, eds. D. Rosenthal and Y. Sussmann (Magnes Press, 1990) (Hebrew), 237–44; Rosenthal, “Mishna Aboda Zara,” 99.
- 23 See Robert Brody, “Gibush Nusah Text biSfarim Lahem Ede Nusah Rabim,” in *Sefer Bet haVa`ad*, eds. E. Soloveichik and Y. Katan (Bet HaVaad LeArikhat Kitvei Raboteinu, 2003), 75–84.
- 24 See manuscript variant charts online at <https://www.rabbinics.org/holidaybook>.
- 25 Available at <https://nakdanpro.dicta.org.il/>. Punctuated texts are available at <https://github.com/Dicta-Israel-Center-for-Text-Analysis/Talmud-Bavli-with-Nikud/find/master>.
- 26 See Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Johns Hopkins University Press, 1999), 35–36.
- 27 Ibid., 160–65.
- 28 For descriptions of these rabbinic works, see relevant entries in Encyclopedia Judaica or Wikipedia. For further reading on contemporary scholarship, see H. L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash*, trans. Marcus Bockmuehl (Fortress Press, 1992); Shmuel Safrai, ed., *The Literature of the Sages, Part One* (Philadelphia Fortress Press, 1987); Mira Balberg, *Gateway to Rabbinic Literature* (The Open University of Israel, 2013) (Hebrew); Shaye Cohen, ed., *What Is the Mishnah?: The State of the Question* (Harvard University Press, 2022); Anat Raizel, *Mavo laMidrashim* (Tevunot – Mikhlelet Herzog, 2010).
- 29 For guides to the academic study of Talmud see Robert Brody, *Perush Masekhet Ketubot min haTalmud haBavli* (Yad Harav Nissim, 2021), 1–84; Kahana, *Tiqqun Olam*, 9–19; Joshua Kulp and Jason Rogoff, *Reconstructing the Talmud: An Introduction to the Academic Study of Rabbinic Literature* (Hadar Press, 2017); eidem., *Reconstructing the Talmud: Volume Two* (Hadar Press, 2019); Friedman, *Talmudic Studies*; and David Weiss Halivni, *The Formation of the Babylonian Talmud*, trans. Jeffrey Rubenstein (Oxford University Press, 2013).

- 30 This terminology is a scribal convention that scribes applied inconsistently. There are many instances of *tenan* introducing a *baraita* that may be similar to a mishna, and *tanya* introducing a mishna. Furthermore, the Bavli editors did not have before them the Tosefta and Midrashim in the form that we have them, so we cannot always know what tradition was or was not found in a particular collection that they had. In general, though, the Mishna is more authoritative than other tannaitic works, and *baraitot* that were transmitted individually were less authoritative than those in respected collections. One must also be aware of Babylonian *baraitot* that may be early traditions but that do not derive from the Land of Israel; see Louis Jacobs, “Are There Fictitious Baraitot in the Babylonian Talmud,” *HUCA* 42 (1971), 185–96; and Shamma Friedman, “Uncovering Literary Dependencies in the Talmudic Corpus,” in *The Synoptic Problem in Rabbinic Literature* (Brown Judaic Studies, 2000), 43–57; and below the chapter on Hanukka, p. 83 and 95 n. 39.
- 31 Richard Hidary, *Rabbis and Classical Rhetoric: Sophistic Education and Oratory in the Talmud and Midrash* (Cambridge University Press, 2018), 80–81.
- 32 The breakdown of the *Amora'im* into generations and many of their biographical details derives from the Letter of Sherira Gaon to the Jewish scholars in Kairouan, available at https://www.sefaria.org/Epistle_of_Rav_Sherira_Gaon.
- 33 See, for example, Bavli Yevamot 92a.
- 34 Halivni, *Formation*, 85–98.
- 35 See Benjamin Lewin, ed., *Iggeret Rav Sherira Gaon* (Makor, 1972), 95 and 97.
- 36 Ibid., ed., *Iggeret Rav Sherira Gaon*, 93–94.
- 37 Julius Kaplan, *The Redaction of the Babylonian Talmud* (Bloch Publishing, 1933), 104–127.
- 38 Friedman, *Talmudic Studies*, 12–15.
- 39 Idem., *Talmudic Studies*, 22–27.
- 40 See Avraham Walfish, “The Literary Method of Redaction in Mishnah based on Tractate Rosh Hashanah,” (PhD diss., Hebrew University, 2001) (Hebrew) and his many articles.
- 41 Yakov Nagen, *The Soul of the Mishnah* (Dvir, 2016).
- 42 See Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Indiana University Press, 1990); Moshe Halbertal, *Interpretive Revolutions in the Making: Values as Interpretive Considerations in Midrashei Halakhah* (Magnes Press, 1999) (Hebrew); Azzan Yadin, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (University of Pennsylvania, 2004); Gerald Bruns, “The Hermeneutics of Midrash,” in *Hermeneutics Ancient and Modern* (Yale University Press, 1992); James Kugel, “Two Introductions to Midrash,” *Prooftexts* 3 (1983), 131–155; David Stern, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature* (Harvard University Press, 1991); and Steven Fraade, *From Tradition to Commentary: Torah and Its Interpretation in the Midrash Sifre to Deuteronomy* (State University of New York, 1991), just to name a small sampling of my favorite works.
- 43 For some examples of literary readings of Bavli *sugyot* see David Kraemer, *Reading the Rabbis: The Talmud as Literature* (Oxford University Press, 1996); Aryeh Cohen, *Rereading Talmud: Gender, Law and the Poetics of Sugyot* (Scholars Press, 1998), 71f.; Michael Chernick, “An Analysis of BT Berakhot 7a: The Intersection of Talmud

- Criticism and Literary Appreciation,” in *Through Those Near to Me: Essays in Honor of Jerome R. Malino*, ed. Glen Lebetkin (United Jewish Center, 1998); Rubenstein, *Talmudic Stories*, and David Gordis, “Two Literary Talmudic Readings,” in *History and Literature: New Readings of Jewish Texts in Honor of Arnold J. Band*, ed. William Cutter (Brown University, 2002).
- 44 Yaakov Elman, “Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition,” in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte Fonrobert and Martin Jaffee (Cambridge University Press, 2007), 165–97; Shai Secunda, *The Iranian Talmud: Reading the Bavli in Its Sasanian Context* (University of Pennsylvania, 2013); and idem, *The Talmud’s Red Fence: Menstrual Impurity and Difference in Babylonian Judaism and its Sasanian Context* (Oxford University Press, 2020).
- 45 Richard Hidary, “The Greco-Roman West and Rabbinic Literature in Palestine and Babylonia,” in *The Literature of the Sages: A Re-visioning*, ed. Christine Hayes (Brill, 2022), 311–43, and see the other review essays in that volume.
- 46 Michal Bar-Asher Siegal, *Jewish-Christian Dialogues on Scripture in Late Antiquity* (Cambridge University Press, 2019); eadem, *Early Christian Monastic Literature and the Babylonian Talmud* (Cambridge University Press, 2013); Peter Schäfer, *Jesus in the Talmud* (Princeton University Press, 2009).
- 47 Daniel Sperber, “On the Legitimacy, or Indeed, Necessity, of Scientific Disciplines for True ‘Learning’ of the Talmud,” in *Modern Scholarship in the Study of Torah: Contributions and Limitations*, ed. Shalom Carmy (Jason Aronson, 1996), 197–225.
- 48 A guiding adage of Rabbi Avraham Isaak Kook; see Marc Shapiro, *Renewing the Old, Sanctifying the New: The Unique Vision of Rav Kook* (Littman Library, 2025).
- 49 See Marjorie Lehman, *The En Yaaqov: Jacob ibn Habib’s Search for Faith in the Talmudic Corpus* (Wayne State University Press, 2011); and Richard Hidary, “Review of Marjorie Lehman, *The En Yaaqov: Jacob ibn Habib’s Search for Faith in the Talmudic Corpus*,” *H-Judaic* (2012).
- 50 Hayyim Nahman Bialik, *Revelment and Concealment: Five Essays*, trans. Zali Gurevitch (Ibis, 2000), 46.
- 51 Ibid., 68.
- 52 Abraham Joshua Heschel, *God in Search of Man: A Philosophy of Judaism* (Farrar, Straus and Cudahy, 1955), 336.
- 53 Barry Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (University of Pennsylvania, 2011).
- 54 See for example Chapter 3 on Sukkot.
- 55 Robert Cover, “Nomos and Narrative,” in *Narrative, Violence, and the Law: The Essays of Robert Cover*, ed. Martha Minow, et al. (The University of Michigan Press, 1995), 5.
- 56 Writing rabbinic biographies leads to methodological difficulties involving deciding between manuscripts, separating later layers of interpretation on earlier stories, and verifying the accuracy of geonic works like *Seder Tannaim vaAmora’im* and *Iggeret Sherira Gaon*. Some take a cynical approach in our ability to rely on attributions and even basic information about locations; see Simha Gross, “Where Did Rav and Shmuel Preside? Lingering Institutional Assumptions in the Study of the Late Antique Rabbis,”

Jewish History 36 (2022), 203–30, and references cited there. I believe that an extreme cynical approach will lose more historical information than an uncritical approach will get wrong. I therefore suggest that, using methodological caution with every assertion, we make a best educated evaluation as to the cities in which each sage primarily taught, and which generation they belong to, which is invaluable in understanding the relationships between the interlocutors in the Talmudic discussion and their historical backdrops.

- 57 Thank you to all those who have given me feedback in classes, in discussions, and who have reviewed and improved the manuscript, especially Steven Fine, Moshe Halbertal, Stephanie Idy, Menachem Katz, Aaron Koller, Mordechai Schiffman, David Silverstein, Moshe Simon-Shoshan, Zvi Sinensky, Miriam Zami Edeson, the Sephardic Synagogue Fellows, and my Yeshiva University students.



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Cambridge University Library T-S F 2(2).43
Bavli Rosh HaShana 16a

Chapter 1 – Rosh HaShana

Every Day Is Judgment Day

The work of repentance requires a set date: to enable this work to take place every day, there must also be a day reserved especially for repentance.

– EMMANUEL LEVINAS¹

“E very day is Mother’s Day” is a phrase only spoken by children who didn’t buy anything for their mothers, or mothers who aren’t satisfied with receiving gratitude just once a year. But for most of us, it is helpful to designate one day a year for a special show of appreciation.

An annual day of judgment wields a similarly double-edged sword. For many, it serves as a helpful time to take stock of one’s actions, character, relationships, and life direction, thereby prompting strategies for improvement. But designating one day for atonement can cause people to only reflect once a year or assume they cannot change their divine verdict at other times. The following dialectical *sugya* is a profound meditation on finding the right balance between a single annual concentrated deep cleansing and a daily self-assessment. This chapter will argue that while the Yerushalmi follows the majority tannaitic teaching that focuses on an annual judgment, the Bavli instead props up the minority tannaitic view of daily judgment, inviting prayer and repentance all year round.

The Torah describes the holiday on the first day of the seventh month, later called Tishrei, only as “a commemoration with a horn blast” (Lev. 23:24) and “a day of a horn blast” (Num. 29:1). This blast signifies coronating God as king,² and the annual re-enthronement ceremony in turn recalls and celebrates God’s creation, triggering God’s judgment of His creations.³ The Sages derive that Rosh HaShana is a day of judgment from Psalms 81:4: “Blow a shofar at the New Moon... a judgment of the God of Jacob.”⁴ The assassination of Gedaliah on this day adds to its ominous character.⁵ This date gains further historical significance as both a day of contrition and joy when Ezra reads the Torah at the gate of Jerusalem and the audience cries out in guilt, but Ezra encourages them to go eat and rejoice because it is a holy day.⁶

The Torah’s designation of the tenth of this month as the Day of Atonement suggests that God’s judgment extends beyond the first of the month, a point central to our *sugya*. Mishna Rosh HaShana 1:2 lists four periods of judgment, three of which relate to the agricultural cycle and the rituals associated with each holiday:

MISHNA ROSH HASHANA 1:2⁷

At four junctures is the world judged: (1) On Passover for grain. (2) On Shavuot for the fruits of the tree. (3) On Rosh HaShana all who come into the world pass before Him like a legion, as Scripture states, “He Who fashions the hearts of them all, Who examines all their deeds” (Ps. 33:15). (4) And on Sukkot they are judged for water.

בְּאַרְבָּעָה פְּרָקִים הָעוֹלָם
נִדְוֵן: (1) בִּפְסַח עַל הַתְּבוּאָה
(2) וּבַעֲצֵרֶת עַל פְּרִי תְּרֵמֶת הָאֵילָן
(3) וּבְרֹאשׁ הַשָּׁנָה כָּל בְּאֵי
הָעוֹלָם עוֹבְרִים לִפְנֵי כְּכֹנָמְרוֹן⁸
שְׁנֵאמֹר הַיּוֹצֵר יַחַד לָבָם הַמְבִּין
אֶל כָּל מַעֲשֵׂיהֶם (תְּהִלִּים לָג, טו)
(4) וּבַחֹג נִדְוֵנִים עַל הַמַּיִם:

Four junctures: This mishna picks up on the four heads of the year listed in Mishna Rosh HaShana 1:1 and offers another list of four junctures for judgment. The two lists have only Rosh HaShana in common. Interestingly, the Book of Jubilees also lists four new moons of the year, different from those in the Mishna, as days of remembrance and festivals in accordance with its solar calendar. The Mishna’s enumeration may serve as a polemic against the sectarian solar calendar in favor of the rabbinic luni-solar calendar as maintained by the Sages of the Sanhedrin.⁹

On Passover: Even though Tishrei is the first month for counting years, such as for the Jubilee, Nisan is the first month in the Torah (Ex. 12:2) and it begins

the festival calendar (Mishna Rosh HaShana 1:1). This mishna therefore begins with Passover in Nisan and continues in chronological order. Passover is when grains begin to ripen, starting with barley. Rabbi Akiva derives that God judges the grain yield on Passover from the wave offering of barley (*omer*) performed on the second day of this holiday, which expresses hope for a successful crop.¹⁰

Shavuot is also called “the Day of the First Fruits (*yom habikkurim*)” (Num. 28:26) in the Torah, but is called *atzeret* in the mishna.¹¹ The offering of two wheat loaves on this day, which are called *bikkurim*, or first produce (Ex. 34:22; Lev. 23:17), associates this day with judgment and blessing of fruit trees, which are also called *bikkurim*.¹²

Rosh HaShana: This name for the holiday on the first of the seventh month first appears in the mishna. As noted in the introduction to this chapter, the Torah calls this holiday “a day/commemoration of a horn blast.”

all who come into the world: This line has a longer parallel in Tosefta Rosh HaShana 1:11. The idea that all people are judged on Rosh HaShana also finds expression in the early liturgy of Rav, cited below in the Yerushalmi Comparison.¹³ A pre-mishnaic version of this view is preserved in Pseudo-Philo, *Biblical Antiquities*, 13:6:

On the festival of trumpets there will be an offering on behalf of your watchmen. Because on it I review creation, so as to take note of the entire world. At the beginning of the year, when you present yourselves, I will decide the number of those who are to die and who are to be born.¹⁴

like a legion: גומרון derives from the Greek word νοῦμερον, Latin *noumeron*, meaning a legion of soldiers. The imagery is that of a Roman legion passing single file before their general or the emperor to be inspected.¹⁵ This explanation is provided in Bavli Rosh HaShana 18a in the name of Shmuel: “Like the soldiers of the House of David.” Other opinions explain the imagery as sheep passing through a narrow corral opening to be counted, or like people passing through the narrow straits of the ascent of Beit H̄oron.¹⁶ Later scribes unfamiliar with the ancient Greek word split it into two words and wrote כבנו מרון, or כבני מרון. The understanding of sheep made its way into *Unetaneh Tokef*, the Ashkenazic poem widely recited on Rosh HaShana and Yom Kippur.

He Who fashions: Connecting the two halves of the verse, the mishna derives that on the anniversary of the day of the creation of humans, God examines and judges their deeds.¹⁷

water: The rain season begins in the fall. The water libation on Sukkot ritualizes the hope for blessings of rain, and the mention of rain in the prayers begins at this time.¹⁸

judged: The verb is repeated in this final clause because the long explanation for Rosh HaShana interrupts the flow of the list.

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The Talmud, not cited here, begins its commentary on the mishna by clarifying that the grain judgment on Passover applies to both the last stages of the current crop and to the growth of the upcoming season's crop until the following Passover. The Talmud now attempts to identify the anonymous author of the mishna, thereby opening an opportunity to cite and evaluate divergent opinions:¹⁹

Question	Who is the author of the mishna? It is not Rabbi Meir, and not Rabbi Yehuda, and not Rabbi Yose, and not Rabbi Natan.	מִי מִתְּנִיתִין? לֹא רַבִּי מֵאִיר וְלֹא רַבִּי יְהוּדָה וְלֹא רַבִּי יוֹסִי וְלֹא רַבִּי נָתָן.
Baraita that is the basis of the question	As is stated in a <i>baraita</i> : Everything is judged on Rosh HaShana and their final sentencing is sealed on Yom Kippur. These are the words of Rabbi Meir. Rabbi Yehuda says: Everything is judged on Rosh HaShana and their final sentencing is each sealed individually: on Passover for grain, on Shavuot for the fruits of the tree, and on Sukkot for water. But humans are judged on Rosh HaShana, and their final sentencing is sealed on Yom Kippur. Rabbi Yose says: Humans are judged every day, as Scripture states, "You inspect him every morning" (Job 7:18). Rabbi Natan says: Humans are judged every moment, as Scripture states, "You examine him every minute" (Job 7:18).	דִּתְּנִיָּה הַכֹּל נִידוּנִים בְּרֹאשׁ הַשָּׁנָה וְגִזְרֵי דִין שְׁלֵהֶם נֶחְתָּם בְּיוֹם הַכַּפּוּרִים דְּבַרִּי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר הַכֹּל נִידוּנִין בְּרֹאשׁ הַשָּׁנָה וְגִזְרֵי דִין שְׁלֵהֶם נֶחְתָּם אֶחָד אַחֵר בְּזִמְנֵהוּ. ²⁰ בְּפֶסַח עַל הַתְּבוּאָה בַּעֲצֶרֶת עַל פִּירוֹת הָאֵילָן וּבַחֲגֵג ²¹ עַל הַמֵּים וְאַדָּם נִידוּן בְּרֹאשׁ הַשָּׁנָה וְגִזְרֵי דִין שְׁלוֹ נֶחְתָּם 22 בְּיוֹם הַכַּפּוּרִים. רַבִּי יוֹסִי אוֹמֵר אָדָם נִידוּן בְּכָל יוֹם שְׁנֹאמֵר וְתַפְקְדָנוּ לְבִקְרִים (אִיּוֹב ז', יח). רַבִּי נָתָן אוֹמֵר אָדָם נִידוּן בְּכָל שָׁעָה שְׁנֹאמֵר לְרִגְעִים תִּכְחַנְנוּ (אִיּוֹב ז', יח).

Clarification of the question	If you say that the author is Rabbi Yehuda after all, and the mishna is addressing the final sentencing – if so, there is a difficulty regarding humans!	וְכִי תִימָא לְעוֹלָם רַבִּי יְהוּדָה הִיא וְכִי קִתְּנִי מִתְּנִיתִין אֲגִזֹר דִּין, אִי הָכִי קִשְׁיָא אָדָם!
Answer	Rava said: The author of this mishna is the reciter of the school of Shmuel. For a <i>baraita</i> from the school of Shmuel teaches: At four junctures is the world judged: on Passover for grain, on Shavuot for fruits of the tree, on Sukkot for water; and humans are judged on Rosh HaShana, and their final sentencing is on Yom Kippur. The mishna mentioned only the beginning of judgment.	אָמַר רַבָּא הָאִי תָנָא תָנָא ²³ דְּבִי שְׁמוּאֵל הִיא דְּתָנָא דְּבִי שְׁמוּאֵל ²⁴ בְּאַרְבַּעַה פְּרָקִים הָעוֹלָם נִידוֹן בְּפֶסַח עַל הַתְּבוּאָה בְּעֶצֶרֶת עַל פִּירוֹת הָאֵילָן בְּחַג ²⁵ עַל הַמַּיִם וְאָדָם נִידוֹן בְּרֹאשׁ הַשָּׁנָה וְגִזֹר דִּין שְׁלוֹ נְחֻתָם בְּיוֹם הַכִּפּוּרִים. וְכִי קִתְּנִי מִתְּנִיתִין אֶתְחַלֵּת ²⁶ דִּין.
Analysis of <i>baraita</i>	Rav H̥isda said: What is Rabbi Yose's source? What is his source?! He already cited his source: "You inspect him every morning" (Job 7:18)! This is what we meant to ask: Why didn't he say as Rabbi Natan did? Because "examination" refers only to looking into. But "inspection" also refers only to looking into?! Rather, Rav H̥isda said, this is the source of Rabbi Yose's opinion: "To serve justice to His servant and justice to His people Israel each and every day" (1 Kings 8:59).	אָמַר רַב חֲסֵדָא מַאי טַעְמִיה דְּרַבִּי יוֹסִי? ²⁷ מַאי טַעְמִיה?! כְּדָקְאֻמַּר טַעְמִיה וְתַפְקְדָנוּ לְבָקָרִים (אִיּוֹב ז', יח)! אֲנִן הָכִי קְאָמְרִינוּ כְּרַבִּי נָתָן מַאי טַעְמָא לָא אָמַר? בְּחִינָה עֵיּוּנִי בְּעֵלְמָא הִיא פְּקִידָה נְמִי עֵיּוּנִי בְּעֵלְמָא הִיא? אֵלָא אָמַר רַב חֲסֵדָא טַעְמִיה דְּרַבִּי יוֹסִי מִהָכָא לַעֲשׂוֹת מִשְׁפָּט עֲבָדוּ וּמִשְׁפָּט עֲמוֹ יִשְׂרָאֵל דְּכָר יוֹם בְּיוֹמוֹ (מַלְכִּים א' ח, נט).
Tangent to another statement by Rav H̥isda	Rav H̥isda also said: Between a king and a member of the public, a king enters first for judgment, as Scripture states, "To serve justice to His servant and justice to His people Israel." What is the reason? If you want I can say, it is not proper manners for a king to wait outside. If you want I can say, before anger intensifies.	אָמַר רַב חֲסֵדָא מֶלֶךְ וְצַבּוּר מֶלֶךְ נִכְנָס תְּחִלָּה לְדִין שְׁנֵאֻמַּר לַעֲשׂוֹת מִשְׁפָּט עֲבָדוּ וּמִשְׁפָּט עֲמוֹ יִשְׂרָאֵל. מַאי טַעְמָא? אִיבָעִית אֵימָא לָאוֹ אוֹרַח אַרְעָא לְמִיתֵב מִלְכָּא אַבְרָאי. וְאִיבָעִית אֵימָא מִקְמִי דְלִיפּוּשׁ חֲרוֹן אַף.

Application to contemporary prayer	Rav Yosef said: According to whom do we pray nowadays for the sick and the afflicted? According to whom? According to Rabbi Yose. Or if you want I can say it is actually the Sages following Rabbi Yitzhak, for Rabbi Yitzhak said: Crying out is beneficial to a person, whether before the final sentencing or after the final sentencing.	אָמַר רַב יוֹסֵף כִּמָּאן מְצַלִּינָן הָאִידָנָא אֶקְצִירִי וְאֶמְרִיעִי? כִּמָּאן? כִּרְבִּי יוֹסִי. וְאִיבְעִית אִימָא לְעוֹלָם כִּרְבָּנָן וְכִרְבִּי יִצְחָק דְּאָמַר רַבִּי יִצְחָק יָפָה צַעֲקָה לְאָדָם בֵּין קוּדָם גִּזְרֵי דִין בֵּין לְאַחֵר גִּזְרֵי דִין.
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Rabbi Meir: The first three Sages in this *baraita* are fourth-generation *Tanna'im* and students of Rabbi Akiva (Bavli Yevamot 62b). The views of these three Sages are similarly presented in Tosefta Rosh HaShana 1:13, to which the Bavli *baraita* adds Rabbi Natan's view. An anonymous mishna is assumed to follow the view of Rabbi Meir (Bavli Sanhedrin 86a) unless proven otherwise. He cannot be the author of this mishna as he states that everything is judged on Rosh HaShana, including grain, fruit, and water.

Rabbi Yehuda bar Ilai's view is the most similar to the mishna in that he lists separate judgment days for the same four categories. However, unlike the mishna, he distinguishes between initial judgment, which is on Rosh HaShana, and final sentencing, which is on the agricultural festivals and on Yom Kippur for humans.

Rabbi Yose ben Halafta cannot be the author of the mishna because he says God judges mankind daily, not annually.

You inspect him: The full context of the verse is: "What is man, that You make much of him, That You fix Your attention upon him? You inspect him every morning, Examine him every minute" (Job 7:17–18).

Rabbi Natan was born in Babylonia and moved to Usha in the Galilee. He was also a *Tanna* of the fourth generation.

If you say that the author is Rabbi Yehuda: One can interpret the word "judged" in the mishna to mean final sentencing, in which case the mishna and *baraita* would be consistent in assigning Passover, Shavuot, and Sukkot to the final sentencing for grain, fruit, and rain, respectively. However, this would not resolve

the final judgment for humans, which would be, in this reading of the mishna, on Rosh HaShana, while the *baraita* indicates only that the initial judgment for people is on Rosh HaShana and their final judgment is on Yom Kippur.

This line in the Bavli recognizes that Rabbi Yehuda would be the most fitting author of the mishna but nevertheless rejects it based on one resolvable glitch. In fact, the mishna applies the word “judged” only to the other three holidays, while on Rosh HaShana humans “pass before Him,” which suggests initial judgment. The mishna may simply be a shortened paraphrase of Rabbi Yehuda’s formulation meant to emphasize the number four, parallel to the previous mishna. It therefore mentions only four dates, one of which must be Rosh HaShana considering the context of the tractate.²⁸ The mention of Rosh HaShana addresses humanity’s initial judgment and the other three are the final sentencing for agriculture on the other holidays.²⁹ If Rabbi Yehuda can be reconciled with the mishna, we are left to wonder why the Bavli rejects this attribution in favor of a lesser known *baraita*. See further in the literary analysis.

Rava is a fourth-generation *Amora* from the Babylonian city of Meḥoza.

a *baraita* from the school of Shmuel: While some versions read “Rabbi Yishmael” here, manuscript analysis indicates that “Shmuel” is the preferred reading. This *Tanna* (literally, one who recites) repeats an oral tannaitic teaching originating from the Land of Israel that was studied and transmitted in the Babylonian school of Shmuel at Nehardea.³⁰ The Talmuds record about fifty such traditions.

only the beginning of judgment: According to this response, the mishna is a paraphrase of Shmuel’s *baraita*, shortened to the three agricultural dates plus the initial judgment for humans, resulting in four total dates to parallel the number four from Mishna Rosh HaShana 1:1. By assigning the authorship of the mishna to this single *Tanna*, Rava opens the door to considering alternative views.

Rav Ḥisda was a third-generation Babylonian *Amora* and the teacher and father-in-law of Rava.

He already cited his source: Although Rabbi Yose provides a proof-text from Job 7:18, the second half of the same verse provides a proof-text for Rabbi Natan. The Talmud clarifies that Rav Ḥisda seeks a proof-text for preferring judgment every day rather than every moment.

To serve justice: This verse is from King Solomon's blessing upon the completion of the Temple. The contextual meaning is that God should mete out justice and punish the enemies of the king and of the Israelite people. The Talmud here turns the object of justice around to God's judgment of the Jewish people each and every day, in accordance with the view of Rabbi Yose.

Yerushalmi Rosh HaShana 1:3, 57a (cited below), and Sanhedrin 2:3, 20a, record a version of this tradition by the *Amora* Rabbi Yitzhak Nappaḥa in the name of Rabbi, teaching that God judges both the king and the public daily. Yerushalmi Rosh HaShana quotes this tradition immediately after Rabbi Yose, thereby limiting Rabbi Yose's daily judgment only to a king and the community, not individuals. The Bavli, by contrast, cites this verse to lend further support for Rabbi Yose's daily judgment of every individual. The Bavli then cites it again in the name of Rav Ḥisda only regarding the order of judgment for a king and a commoner, not to limit Rabbi Yose. See the Yerushalmi Analysis below.

each and every day: This verse mentions daily judgment of the nation.

also said: Having cited one tradition from Rav Ḥisda on 1 Kings 8:59, the Talmud goes on a tangent to cite what seems to be another statement by him on the same verse. This tradition together with two reasons cited next are also cited in Bavli Avoda Zara 2b and Rosh HaShana 8b. The latter is most likely the original context considering that it explains why Israel is judged before the nations, thus comparing the Jewish people to a king. The placement of Rav Ḥisda's statement and the two reasons from Bavli Avoda Zara 2b and here in Bavli Rosh HaShana 16a, where the discussion is less germane to the context, are tangential secondary copies.³¹

before anger intensifies: A judge's temper may increase after hearing many difficult or guilty cases. A defendant has a better chance at gaining the judge's mercy first thing in the morning. Such human temperaments are applied anthropopathically to the Judge of the world.

Rav Yosef was a third-generation Babylonian *Amora*. Bavli Nedarim 49b cites this line.³²

According to whom do we pray: If one follows the mishna, Rabbi Meir, Rabbi Yehuda, or the *baraita* of Shmuel – who all agree that the judgment occurs once

a year – what is the purpose of praying throughout the year once the verdict has already been decided? Rav Yosef explains that the common practice of daily prayer presumes the viewpoint of Rabbi Yose.

Or if you want I can say: This second answer could be a continuation of Rav Yosef's statement, but it is more likely an addition of the Talmud's editors citing a source from a separate discussion found on 18a.

Rabbi Yitzḥak was a fourth-generation *Tanna* from Nehar Pekod in Babylonia.

whether before the final sentencing... : Certainly, praying and pleading to the judge before sentencing can help the outcome. But there is no benefit to plead after the sentencing – unless the final verdict is not so final but open to appeal all year round. By incorporating Rabbi Yitzḥak's view, the *sugya* effectively interprets the views that humans are judged only once a year to be functionally equivalent to Rabbi Yose's view that they are judged every day. See further analysis of Rabbi Yitzḥak's statement, which originates in Bavli Rosh HaShana 18a, in the Literary Analysis.

LITERARY ANALYSIS

The way a society delineates and conceives of time – whether linear or circular, quantized or continuous, relative or objective – reveals a lot about its fundamental outlook and its view of the human experience. The mishna punctuates the year into four intervals both in terms of legal and fiscal deadlines (Rosh HaShana 1:1) and in terms of divine judgment (1:2). The Sages thus experience the passage of seasons and the rituals of the festivals as prompts to introspect, fulfill our Torah responsibilities, and evaluate our actions. Rabbi Menaḥem HaMeiri (1249–1315) writes that the fall season is specifically chosen as the time for judgment of humanity because:

That is the time of threshing and the time when a person becomes haughty upon filling his granaries and bringing goods into his treasuries. The wisdom of the religious path seeks to awaken him and educate him so that he does not stiffen his neck. Then, as much as his good increases, his heart will tremble for fear of God and from the glory of his honor.

An annual spiritual checkup, call to repentance, and reorientation toward gratitude to the Creator, especially when one is most vulnerable to egoistic pride,

provides great benefit to a community. Still, the Talmud makes room to discuss an alternate strategy with benefits of its own.

Before the section cited here, the Bavli wonders how the judgment for grain can occur on Passover considering that grain growth is already near its end at the start of spring. Rava, who is also a major voice in this *sugya*, concludes that each crop season is decided by two judgments: one several months before it begins and another just before it ends. This discussion already gives slight pause and adds a level of complexity to the starkness of the single comprehensive yearly judgment in the mishna. In fact, each crop is judged once for its success from sowing to growth until Passover and then again at the time of ripening and harvesting after Passover.

The Talmud analyzed here opens with a provocative question, “Who is the author of the mishna?” The significance of this question lies in the editorial methodology of the Mishna. Rabbi Yehuda HaNasi (the Patriarch), the final authority in the formation of the Mishna, chose sparingly from among the mass of views and formulations of Oral Law that developed over the tannaitic period. While the Tosefta and *baraitot* that served as his source material often include numerous named opinions, Rabbi Yehuda HaNasi typically whittled the options down to just one or two views. He further removed the name from one of the views to indicate that the anonymous view should be regarded as normative.

Remarkably, the Mishna was quickly accepted by all *Amora'im* as the authoritative curriculum and codification of Oral Law. Rabbi Yoḥanan in the Galilee even developed rules for deciding disputes in the Mishna that lacked an anonymous or majority view. In Babylonia, by contrast, *Amora'im* sometimes saw a need to give credence to the views either excluded from the Mishna or presented in the Mishna as minority opinions.³³ Rather than challenge the authority of the Mishna as a whole, which they largely accepted, the Babylonian *Amora'im* instead used other strategies to interpret their way toward alternative views.

One such method involves identifying the anonymous view of the Mishna, thereby undoing its status as the authoritative majority view and reopening the discussion over which single tannaitic view should win the day. Already 1,100 years ago, Sherira Gaon wrote about this methodology of the Talmud to assign names to anonymous views in the Mishna in order to deauthorize them:

When Rabbi Yehuda HaNasi saw fit to prefer one view and the later rabbis did not see fit to prefer it, they explained it in such a way that they would not have to rely on it. For example, if Rabbi taught a minority view

anonymously because it made sense to him [that the halakha should follow that view], but it did not make sense to the later rabbis... they would tell you it follows Rabbi or they would teach it as a minority view and we do not practice according to it.³⁴

The opening question about the authorship of the mishna is therefore not an innocent search for attribution so we can give due credit. Quite the opposite: it seeks to confine the view of the mishna to a minority position so as to explore alternate worldviews. The highly rhetorical and shocking staccato response, “It is not Rabbi Meir, and not Rabbi Yehuda, and not Rabbi Yose, and not Rabbi Natan,” perfectly serves to shift our center of gravity off the mishna down a black hole of uncertainty.

Compared to the single date for humanity’s judgment in the mishna, Rabbi Meir and Rabbi Yehuda already add a level of complexity by proposing two dates: the initial verdict on Rosh HaShana and the final sentencing on Yom Kippur. Rabbi Yose and Rabbi Natan break the mold of seasonal judgment completely and instead teach daily and continual judgment. The Talmud acknowledges that Rabbi Yehuda’s view is close to and perhaps even reconcilable with that of the mishna (see commentary above) but steers us away from that option. At this point, the mishna’s calendar, far from sounding authoritative, feels untethered and alone.

Rava comes to the slight rescue, attributing the mishna to the author of a lesser-known collection of *baraitot* from the school of Shmuel. Unlike this *baraita* from the school of Shmuel, the *baraita* cited beforehand not only includes the names of four major *Tanna’im* of renowned stature, but it is also included in the respected collection of the Tosefta. Relegating the author of the mishna to an anonymous view in an obscure *baraita* significantly demotes its authority. This demotion frees the Talmud to examine alternative possibilities without bias or constraint and to weigh the benefits and reasons for each.

The Talmud next cites Rav H̥isda’s commentary, which adds further biblical support to Rabbi Yose’s view that already has a biblical basis in the *baraita*. The Talmud’s editors place Rav H̥isda’s statement here, even though he was Rava’s teacher and likely taught his interpretation before Rava offered his own. The Talmud thereby first dethrones the view of the mishna and only then directs our attention to and offers support for Rabbi Yose’s view.

The context of each of the prooftexts helps us appreciate Rav H̥isda’s contribution, besides the ambiguity of the word *pekida*, which could simply refer to looking over without yet judging. Job complains that God is overbearing and

unrelenting in His constant surveillance of people's deeds, waiting to pounce on their missteps. This verse conveys a harsh, punitive tone of judgment. The verse from Kings, by contrast, is stated by Solomon as part of a hopeful prayer that the new Temple will be a place where God will focus His loving attention and tend to humanity's daily pleas and needs.

Indeed, a single annual sentencing with no possibility of appeal or repentance for the rest of the year presents a daunting prospect. Replacing that with a Jobian daily inspection can seem even more overbearing, like a boss constantly looking over your shoulder ready to reprimand you at all times. Rav H̥isda's additional verse from Kings (parallel to Rabbi Yitzḥak Rabba's tradition in Yerushalmi Rosh HaShana 1:3, 57a), however, shifts the image to a caring mentor who is available always to offer guidance and redirection. This understanding sees in Rabbi Yose's view an opportunity and an invitation to constantly strive to improve, grow, plead for mercy, and never give up on repentance. God is always receptive to sincere prayer.

The last line of the *sugya* tests the various tannaitic opinions based on the widespread practice to pray on behalf of the sick and afflicted all year round. The theoretical opinions about the heavenly court now become very real and practical. Rav Yosef answers his own query by explaining that the common practice of making daily pleas on behalf of others follows the view of Rabbi Yose that God judges humans every day. The views that propose an annual judgment will have a difficult time accommodating the deeply ingrained spontaneous pleas to heal the sick, sentiments that also appear in the regular Jewish liturgy. Nevertheless, the final line accommodates the mishnaic view by explaining that despite the annual judgment, prayer is still beneficial and effective all year round. Before the sentencing, prayers can certainly help tip the balance to good. But even afterward, Rabbi Yitzḥak assures us that God will change His ruling should He deem the person sincere and repentant.

Rabbi Yitzḥak's statement here is an excerpt from a *baraita* that appears on Bavli Rosh HaShana 18a as part of a lengthy discussion about whether a final verdict can be changed. Rabbi Yoḥanan states that repentance has the power to cancel a negative verdict. The Talmud challenges his view from four tannaitic sources indicating that once a verdict is issued it cannot be rescinded. The Talmud reconciles Rabbi Yoḥanan with those traditions by limiting his view to verdicts that apply to the congregation where there is no way to divert the punishment except by its cancellation. However, verdicts against individuals have no possibility of cancellation. The Talmud then cites a *baraita* in which Rabbi Yitzḥak,

disagreeing with Rabbi Meir and Rabbi Elazar, states that prayer is effective even after a verdict and even for an individual:

It was taught: Rabbi Meir would say: Two people who became bedridden with equivalent diseases, or two people who ascended to the tribunal for judgment with equivalent cases. This one descended from the bed and that one did not, this one was saved from guilt and that one was not. Why did this one descend and not that one? Why was this one saved and not that one?

Because this one prayed and was answered and that one prayed but was not answered. Why was this one answered and not that one?

This one prayed a complete prayer and was answered but that one did not pray a complete prayer and was not answered.

Rabbi Elazar says: Here, it was before the final verdict but here, it was after the final verdict.

Rabbi Yitzḥak says: Crying out is beneficial for a person both before the verdict and after the verdict.

The Talmud proceeds to cite the views of Rava and Abaye that even a decree sealed with a vow can be overturned through Torah and good deeds. It confirms this with stories of individual Sages who succeeded in cancelling an ancient decree.

The structure of that passage demonstrates that while a majority of tannaitic sources proclaim a yearly final judgment with no possibility of appeal, the Bavli *Amora'im* preferred the minority tannaitic voices that verdicts can always be changed through repentance, prayer, Torah, and good deeds. The *sugya* here on 16a thus cites the single most flexible view among the *Tanna'im*, that of Rabbi Yitzḥak, that all verdicts are open to change. By associating Rabbi Yitzḥak with the mishnaic teaching of a single day of judgment for humankind, the *sugya* effectively says that the yearly verdict is only penciled in and can always be changed for the better.

Although this final line returns to the view of the mishna, which the *sugya* had worked hard to revise, its assertion that no verdict is truly final – and that repentance can always alter one's fate – effectively brings the mishna closer to Rabbi Yose's position. The resulting compromise affirms the mishna's emphasis on designating a specific time for focused introspection and self-improvement, while also integrating Rabbi Yose's view that prayer and righteous action can overturn a harsh decree at any time throughout the year.

YERUSHALMI COMPARISON

Yerushalmi Rosh HaShana 1:3, 57a records a parallel discussion that likely served as a source for the Bavli. The Bavli, however, reworks and reinterprets these earlier sources to come to a different conclusion. The Yerushalmi explains and supports the mishna's view of an annual judgment, while the Bavli promotes the daily opportunity for repentance, as demonstrated above. Here is the main section of the Yerushalmi:

[A] There are *Tanna'im* who state: Everyone is judged on Rosh HaShana, and sentencing for each category is finalized on Rosh HaShana.

[B] There are *Tanna'im* who state: Everyone is judged on Rosh HaShana, and sentencing for each category is finalized on Yom Kippur.

[C] There are *Tanna'im* who state: Everyone is judged on Rosh HaShana, and sentencing for each category is finalized in its season.

[D] There are *Tanna'im* who state: Each category is judged in its season, and sentencing for each category is finalized in its season.

Our mishna follows the one who said: [C] Everyone is judged on Rosh HaShana³⁵ and sentencing for each category is finalized in its season, for the mishna taught: And on Sukkot they are judged for water.”³⁶

The words of Rav imply that [A] everyone is judged on Rosh HaShana and sentencing for each category is finalized on Rosh HaShana, since it is stated in the shofar-blowing prayer of Rav: “This day is the beginning of Your works, a remembrance of the first day. For it is a decree for Israel, a judgment of the God of Jacob. On it will be proclaimed which countries will go to the sword and which will have peace, which for famine and which for plenty. And creatures will be examined to take account of them for life or for death.”

The mishna does not follow Rabbi Yose, since Rabbi Yose said, an individual is judged every moment. What is the source? “You inspect him every morning, You examine him every minute” (Job 7:18). “You inspect him every morning” – this refers to his livelihood; “You examine him every minute” – this refers to his food.

Rabbi Yitzḥak the Elder said in the name of Rabbi: A king and the public are judged every day. What is the source? “To look after the right of His servant and of His people Israel; each day's affairs on each day.”

The first Yerushalmi *baraita* [A] has no parallel in Tosefta Rosh HaShana 1:13 or the Bavli. The second *baraita* [B] matches the view of Rabbi Meir, and the third *baraita* [C] expresses in summary form a view equivalent or close to that of Rabbi Yehuda. The fourth *baraita* [D] has no parallel. The Yerushalmi concludes that the mishna aligns with the third *baraita* [C], which rules that sentencing occurs in each respective season, perhaps understanding that humans are both judged and sentenced on Rosh HaShana. Here is a chart summarizing all the opinions in the Mishna, Tosefta, Yerushalmi, and Bavli:

	Initial Judgment	Final Verdict
Mishna Rosh HaShana 1:2	Rosh HaShana and three festivals	
R. Meir = [B]	Rosh HaShana for all	Yom Kippur for all
R. Yehuda = [C]	Rosh HaShana for all	Yom Kippur and three festivals
R. Yose	every day	
R. Natan	every minute	
Tanna devei Shmuel	Rosh HaShana and three festivals	Yom Kippur
[A] = Rav	Rosh HaShana for all	Rosh HaShana for all
[D]	their seasons	their seasons

The Yerushalmi further submits that Rav follows the first *baraita* [A], since his Rosh HaShana prayer assumes that on that day, God judges all beings for life and death and all agricultural production to determine famine and plenty in all countries. Interestingly, Rav's prayer appears prominently in the Yerushalmi but is only partially cited in the Bavli at Rosh HaShana 27a. The Yerushalmi next notes that the mishna is not in agreement with Rabbi Yose, who says that God judges the world daily, citing the same verse as the Tosefta and Bavli *baraita* but with an added *derasha*. The next line cites the view of Rabbi Yitzḥak that kings and the general public are judged every day, but apparently not individuals.

In sum, the Yerushalmi immediately aligns the mishna with one of the *baraitot*, and reinforces another *baraita* that supports annual judgment by showing that Rav adheres to that view. It further notes that the mishna does not accord with Rabbi Yose, thereby downplaying the position that judgment occurs daily. Finally, it cites Rabbi Yitzḥak that daily judgment is reserved anyway for the king and the community but is not relevant to individuals.

After some further discussion on the differences between God's judgment of the Jewish people and that of other nations (not cited here), Rabbi Ḥiyya bar Abba wonders why grain might fail a day before Passover or why a person may die a day before Yom Kippur considering that sentencing has not yet been finalized. Rabbi Kruspa (Kruspedai in Bavli Rosh HaShana 17a) responds with the tradition that there are three ledgers: one for the righteous; one for the wicked, who are sentenced on Rosh HaShana; and one for people in the middle, who are given until Yom Kippur to repent. One who dies between Rosh HaShana and Yom Kippur, then, must have been wicked, with their sentence finalized on Rosh HaShana. Similarly, crops that fail between Rosh HaShana and Passover must be owned by a wicked person who didn't deserve a grace period to allow for repentance until Passover. This response doubles down on the absolute nature of the annual judgment that, at least for some, allows no second chance to repent. This discussion moves [C], which at least provides two dates, a little closer to [A], just as the Yerushalmi first identified the mishna with [C] but then landed on Rav's position of [A].

Rabbi Ḥiyya bar Abba's question is similar to that in the Bavli but has a fundamentally different emphasis. The Bavli's main point is that even according to the annual judgment view, each crop season ends up being judged twice: once for events before the deadline and again after that date. This introduces the Bavli's goal to deemphasize the single annual judgment view. The Yerushalmi, by contrast, emphasizes that the two dates of [C] reduce to just a single date, at least when it comes to the wicked and righteous.

Furthermore, the Yerushalmi further on assumes that final sentencing cannot be changed, as is evident in its citation of the following *baraita* at Rosh HaShana 1:3, 57b:

Rabbi Shimon ben Yoḥai taught: If Israel was found to be upright on Rosh HaShana and plentiful rain was decreed for them but then they later sinned, it is impossible to reduce the rainfall since the sentencing was already issued. What does the Holy One, blessed be He, do? He disperses the rains into oceans, deserts, and rivers, so that the earth receives no benefit from it. What is the source? "To rain down on uninhabited earth, on the wilderness with no human in it" (Job 38:26). If Israel were found not to be upright on Rosh HaShana and scarce rain was decreed for them, but they later repented, it is impossible to increase the rain since the sentencing was already issued. What does the Holy One, blessed be He, do? He

brings it down appropriately for the land and blows dew and winds so the earth benefits from it. What is the source? “Its furrows make fertile, bring down its bundles, make it fat by soft rains, bless its growth” (Ps. 65:11).

The Yerushalmi takes this tannaitic tradition – which appears also in *Sifrei* Deuteronomy 40 – at face value to mean that a final sentencing cannot be abrogated but only channeled to specific times and places. Bavli Rosh HaShana 18a, however, cites this *baraita* as one of four challenges to Rabbi Yoḥanan in arguing that repentance can always cancel a guilty sentence. The Bavli, as noted above, explains that these tannaitic traditions address only individual judgment, whereas public decrees can be abrogated by public repentance. In the case of this *baraita*, God does not need to change the decree since He can simply channel the abundant rain to go to waste or the little rain to fall with perfect benefit. But in other circumstances, God would change the decree. Contrasting the Yerushalmi and Bavli treatments of this tannaitic midrash underscores the fundamental difference between their outlooks, with the Yerushalmi continuing the majority tannaitic view about a single annual judgment, and the Bavli preferring to open the possibilities of prayer and repentance all year round.

HALAKHIC ANALYSIS

Nahmanides, in his *derasha* on Rosh HaShana, cites the Yerushalmi and explains that although the mishna rules that each category is judged and finalized in its own season, Rav follows the view that everything is finalized on Rosh HaShana. This is evident from his prayer, which states that nations are judged on Rosh HaShana for famine or plenty, and individuals for life or death. Nahmanides seems to ascribe to this view and adds that the rituals and prayers on the various holidays are only preparation for a positive judgment on the following Rosh HaShana.

However, R. Yom Tov of Seville (Ritva), in his commentary on this Bavli *sugya*, argues that the widespread view follows the mishna but with the added caveat of Rabbi Yitzḥak that the judgments during the four seasons can always be abrogated through prayer. Indeed, this conclusion follows the literary and editorial intention of this *sugya*. Meiri similarly summarizes the *sugya*’s bottom line, ending with a cryptic flourish:

Even though they said that on Rosh HaShana all people are judged and examined according to their deeds, still a person’s eyes should always be raised up

אף על פי שאמרו שבראש השנה
בני אדם נדונים ומושגחים כפי
מעשיהם לעולם יהיו עיניו של

seeking repentance every day. After all, they said, “a person is judged every day.” This is all true for those who understand.

אָדָם נִשְׁוֹאוֹת בְּתִשְׁבָּה בְּכָל יוֹם.
הָרִי אָמְרוּ אָדָם נִדּוֹן בְּכָל יוֹם
וְהַכֵּל אֶמֶת לְמַבְיָנִים.

ENDNOTES

- 1 Levinas, *Nine Talmudic Readings*, 15–16.
- 2 See Psalms 47:6, 89:16, and 150:5.
- 3 On declarations of God’s kingship associated with creation see Psalms 74:12–17, 93:1 and Isaiah 44:6. For God’s kingship being manifested in judgment, see Psalms 96:13, 99:4. Psalms 96:10 links all three themes together. See further at Marc Zvi Brettler, “God’s Coronation on Rosh Hashanah,” <https://www.thetorah.com/article/gods-coronation-on-rosh-hashanah>; and the ancient near eastern background at Uri Gabbay, “Babylonian Rosh Hashanah,” <https://www.thetorah.com/article/babylonian-rosh-hashanah-battle-creation-enthronement-and-justice>; and Avraham Walfish, “Composing Rosh Hashanah as a Day of Judgment,” <https://TheGemara.com/article/composing-rosh-hashanah-as-a-day-of-judgment/>, n. 4.
- 4 Tosefta Rosh HaShana 1:12; Yerushalmi Rosh HaShana 1:3, 57a; *Pesikta DeRav Kahana*, 5:13; and Bavli Rosh HaShana 8a–b. In addition, Rabbi Nissim of Gerona, in his commentary to Rosh HaShana 16a, associates the judgment during Tishrei with the astrological sign of Libra, symbolized by scales.
- 5 See Jeremiah 41:1 and the reference to the sound of the shofar at 42:14.
- 6 Nehemiah 8:1–12.
- 7 Unless otherwise noted, Mishna texts and vocalizations follow manuscript Kaufmann with major variants in notes. Translations of all rabbinic texts are by the author.
- 8 Geniza fragment JTS ENA 2076.3 of the Mishna, which reads “ככנומרון” as one word. Mishna manuscripts Kaufmann, Parma, and Lowe read “ככנו מרון” as two words (Parma adds a dagesh in the מ). Tosefta 1:11 manuscript Erfurt reads “נומרון.” All editions and manuscripts of the Bavli read “ככני מרון,” except for Geniza fragment CUL: T-S F 2(2).43 that has “ככנו מרון.” Printed editions of Mishna and Yerushalmi manuscript Leiden read “ככני מרון.” See further in the commentary.
- 9 See *Jubilees* 6:23 and Walfish, “Literary Method,” 57–58.
- 10 Tosefta Rosh HaShana 1:12, Sukka 3:16; *Sifre* Numbers 150; Yerushalmi Rosh HaShana 1:3, 57b; and Bavli Rosh HaShana 16a.
- 11 Shavuot is called *atzeret* already in Josephus, *Antiquities* 3.10.6 252–257 and Onkelos to Numbers 28:26. *Pesikta DeRav Kahana* 28:7 explains that this post-biblical name prompts us to think of Shavuot as a day added on and connected to Passover just like Shemini Atzeret attaches a day to Sukkot.
- 12 See note 10 as well as Maimonides’ commentary to Bavli Rosh HaShana 16a.
- 13 Yerushalmi Rosh HaShana 1:3, 57a. See also Leviticus Rabba 29:1, *Pesikta DeRav Kahana* 23:1, and the partial citation at Bavli Rosh HaShana 27a.
- 14 See Howard Jacobson, “Pseudo-Philo, Book of Biblical Antiquities,” in *Outside the Bible: Ancient Jewish Writings Related to Scripture*, ed. Louis Feldman, et al. (Jewish Publication Society, 2013), 502.

- 15 See Saul Lieberman, *Tosefta Kifshutah* (The Jewish Theological Seminary of America, 1955–1988) to Rosh HaShana 1:11.
- 16 On Beit Horon, see Josephus, *War*, 2.546–7; and Bavli Sanhedrin 32b. See further explanation of the term in the Mishna at Yerushalmi Rosh HaShana 1:3, 57b.
- 17 See further analysis at Walfish, “Literary Method,” 47 n. 18.
- 18 See above n. 10, Mishna Sukka 4:1 and Taanit 1:1.
- 19 Text largely follows Geniza fragment CUL: T-S F 2(2).43, which dates back to around the eleventh-century CE. Only major variants are noted here. See manuscript variant charts online at <https://www.rabbinics.org/holidaybook>. Translation is mine.
- 20 Enelow 270, Oxford 366, and St. Petersburg read “בפני עצמו.” All editions and other manuscripts read “בזמנו.”
- 21 Enelow 270, Munich 95, JTS 1608, and printed editions add here “נידונין,” perhaps influenced by the Mishna. The word is omitted in all other manuscripts.
- 22 Enelow 270 omits “נידון בראש השנה וגזר דין שלו נחתם.” Munich 95 also omits these words in the body of the text and inserts between the lines “נידון בראש השנה וגזר דין שלו.” St. Petersburg omits “בראש השנה וגזר דין שלו נחתם.”
- 23 Enelow 270 omits several words here due to homoioteleuton. Venice and Vilna editions and a minority of manuscripts read “תנא” once, but earlier printed editions and most manuscripts read “תנא תנא.”
- 24 Enelow 270, Enelow 319, British Library 400, Munich 95, Oxford 366, St. Petersburg, and the commentary of Rabenu Hananel all read “שמואל.” Munich 140, JTS 1608, Pontremoli, Geniza fragment CUL: T-S F 2(2).43 and printed editions read “רבי ישמעאל” here, as well as a few words beforehand. On the superiority of reading “שמואל” see Y. N. Epstein, *Mavo leNusah haMishna* (Magnes Press, 1948; reprint, 2000), 213; and Barak Cohen, “In Quest of Babylonian Tannaitic Traditions: The Case of Tanna D’Bei Shmuel,” *AJS Review* 33 (2009), 281.
- 25 Printed editions and JTS 1608 add here “נידונין” under the influence of the Mishna. However, this word is missing in all other manuscripts.
- 26 Enelow 270 and 319 read “אמר תחלת.” Text above follows all other witnesses, which have “אתחלת.”
- 27 Following Geniza fragment CUL: T-S F 2(2).43, manuscript British Library 400, and edition Fez 1516–1522, which read “מאי טעמא” or “מאי טעמיה.” Geniza fragment British Library Or. 5558 A/23 reads “טעמיה.” St. Peterburg inserts “מאי טעמא” in the margin. Other witnesses omit these words.
- 28 See further at Walfish, “Literary Method,” 67–70.
- 29 In fact, this reading of the mishna in accordance with Rabbi Yehuda, disjointed as it may be, finds strong support based on a comparison with the sources in the Tosefta, on which see Walfish, *ibid.*, 53–55. While the dates for the final verdicts on the three festivals in the mishna precisely match the opinion of Rabbi Yehuda at Tosefta 1:13, the language describing Rosh HaShana parallels the anonymous Tosefta Rosh HaShana 1:11. Thus, this mishna is a composite of two distinct sources: one that relates to the (presumably) initial judgment of humans on Rosh HaShana, and another that lists the final verdicts for the other three agricultural dates.

While the Bavli rejects the assignment of the mishna to Rabbi Yehuda, the Yerushalmi cited below states that the mishna agrees with a *baraita* similar to Rabbi Yehuda's opinion, albeit without attribution and without explicit mention of Yom Kippur.

- 30 Cohen, "In Quest of Babylonian Tannaitic Traditions."
- 31 Rav Hisda's second statement in this *sugya*, which is the only one paralleled in the other two Bavli contexts, seems to be his original and only statement on this verse, itself a version of Rabbi Yitzḥak's exegesis in the Yerushalmi, albeit with very different messages: Rabbi Yitzḥak discusses the scope of God's daily judgment, and Rav Hisda applies the verse only to the order of judgment in a human court. Note how the definition of the word צִיבור changes from "entire community" in the Yerushalmi presentation of Rabbi Yitzḥak, to "a commoner" in the Bavli's application of Rav Hisda. Rav Hisda's initial statement in this *sugya* appears in Aramaic (טַעְמִיָּה דְרַבִּי יוֹסִי מֵהֶבְא) and is interrupted by a series of questions and answers before being reformulated. This suggests that the version we have is a reworked application of Rav Hisda's original comment to the *sugya*'s present focus – mirroring the Yerushalmi's placement of Rabbi Yitzḥak's statement, though with the opposite aim: there, it is used to support Rabbi Yose rather than to limit him.
- 32 Bavli Nedarim 49a–b attributes this line to Rava in manuscript Vatican 110–111 and printed editions. However, Munich 95 there reads Rav Yosef, as do all versions here.
- 33 See Richard Hidary, *Dispute for the Sake of Heaven: Legal Pluralism in the Talmud* (Brown University, 2010), 43–80.
- 34 Lewin, ed., *Iggeret Rav Sherira Gaon*, 53–54, French recension. A clear example of this phenomenon is at Bavli Beitz'a 31a. See further examples at Hidary, *Rabbis and Classical Rhetoric*, 114–130.
- 35 Nahmanides in his *derasha* for Rosh HaShana cites a different reading of the Yerushalmi as aligning the mishna with [D]: "מתניתין כמן דמר כולהון נדונין בזמנן וגזר דין של כל אחד ואחד מתחתם בזמנו." This assumes that the first "in its season" refers to Rosh HaShana and the three festivals. In this reading, the Yerushalmi and Bavli largely agree in explaining that the four dates in the mishna refer to the initial judgment.
- 36 The proof seems to focus on the repetition of the word "judged" for Sukkot after "judged" in the opening of the mishna. The need to repeat "judged" indicates a contrast with the phrase "pass before him" on Rosh HaShana. Thus, Rosh HaShana is only an initial "passing before" judgment but Sukkot is the final sentencing. By extension, "judged" in the opening of the mishna also indicates the secondary stage of final sentencing for the agricultural dates.

טוב לך למשוך ואחריו שלא נשא לך פנים בעולם הזה שז"ל לא האמנתם
 כי הא אס האמנתם כי עדין לא הגיע זמן לפסד אשריך צדיקים לא ידעו שזכין
 לעצמן לא שזכין לבניהן ולבני בניהן עד סוף כל הדורות חרבה בנים היו לאהרן
 שראוי לו שיהיה כבוד ואביהווא שז"ל הנהגתם יא שזכות אביהן הועילה לך או
 לזן לדשעם לא ידעו שזכין לעצמן לא שזכין לבניהן ולבני בניהן עד סוף כל
 הדורות חרבה בנים היו לו לבניו שראוי לסמך כשבי עברו של רבן גמלי' א"ל
 שחובת אביהן נרמה לך כל המזכה את הרבים אין חסא בא על ידו שלא
 יהא הוא בניהם ותלמידיו בנ עין שז"ל לא תעזב נפשי לשאול לאתן חסידך
 לראות שחת וכל החסידא את הרבים אין מספיקין בידו לעשות תשובה שלא
 יהא הוא בנ עין ותלמידיו בניהם שז"ל אדם עשוק בדם נפש עד כור ירוח אל
 יתמכו בו" **מתני** האומר אחטא ואשוב אחטא ואשוב וכו'

למה ל' למימר אחטא ואשוב אחטא ואשוב כדכ"ב חז"ל
 דא"ל רב חונא כיון שעבר אדם עברה ושנה בה חזרה לו חזרה לו סלקא דעת
 לא אימא נעשית לו כדחתר"י אחטא ויום הכפורים מכפר אין יום הכפורים
 מכפר"י נמא מתמתין ולא כרבי דתמא לבי או כל עבירות שסותרין בין עשה
 תשובה בין לא עשה תשובה קום הכפורים מכפר אגב שז"ל עבירות שבין
 אדם למקום וכו' רמ"ל יוסף בר חבי שמיא ל' אבהו ועבירות שבין
 אדם לחברו אין יום הכפורים מכפר וכת' א"ל אחטא איש לאיש ופלו' אחרים
 אמ' ל' מאן אדם דיתא איחבי אקמא סופה ואם ל' יחטא איש מי יתפלל לו
 חבי קאמ' א"ל יחטא איש לאיש ופלו' אדם יחול לו ואם ל' יחטא איש מי
 יתפלל לו תשובה ומעשים טובים" אמ' ר' יצחק כל המקמיט את חברו אפלו
 מדינים צריך לפייסו שז"ל בני אדם ערבת לך עד תקשת לך כפך נוקשת באמרי
 פך נלכדת באמרי פך עשה זאת אפוא כע וחנצל כי באת בבקר עד לך חתופס
 ורחב רעך אם ממון יש לו בידך חתר לו פסת חיד ואם לאו חרבה עליו רעים"
 אמ' רב חסדא וצריך לפייסו בשלש שורות של שלשה שלשה בני אדם
 שז"ל ישר על אנשים ויאמר חטאתי וישר העיני ולא שוח ל' אמ' ר' יוסף
 בר חנינא כל המקמיט מיטו מחברו אל יבקש ממנו חר משלשה פעמים שז"ל אגא
 שא נא ועתה שא נא ואם מת אמ' יוסף בר חבי שמיא אמ' ר' אבהו מביא עז

עשרה בני אדם ומעמידן על קברו ואומר חטאתי ללי אידי ישראל ולפלוג
שחבלתי בו" וידמיה חזיא ליה מילתא לה אבא בחדיה אול למפקא ליה
ארעניה יתיב אבא אבא אפיק אמתיה כינשא ושראי אתא אבקא כסייד
אם עטאני אשפה מאשפות ידים אביון שמע ל אבא נפק אבתיא אבא ליה
השתא ודאי אבא מחייבנא למפקא לך ארעתך דבת לך חתרפס וחוב רשך
ו דירא כי חוז ליה מילתא בחדי אגיש חוז אול ואתי קמיה ומצי ליה
נפשיה כיחדי דמתי נפק ליה ארעניה" רב חזיא ליה מילתא בחדי חוזא
טבחה לא אתא נפק ליה ארעניה בסעלי יומא דכיפורי אמ אול אבא לבי
פגע בך רב חזא אמ ליה קאזיל אבא למיקסל אול קם על ליה חוז יתיב
קאפלי רישא דלי עניה חזיה אמ ליה אבא את לית לי מילתא בחדך
אי שתמיט נרמא איתב ליה בקועיה ומית" רב חוז קאפסיק סידרא קמיה
דדבי אתא ר חזיא חדר לרישא אתא ר שמעון דבבי חדר לרישא ארנא
בר קפרא חדר לרישא אתא ר חנינא בר חמא אמ כל חבי נחור ונחיל לא
חדר איקפרי ר חנינא אול לגביה תימר יומי דכיפורי ולא אפייס מיניח
חיבי עביר חכי והאם ר חסי בר חנינא כל חמבקש מטו מחבר אליבקש ממנו
יתר כשלשה פעמים רבה שני" ור חנינא חיבי עביר חכי והאם רבא כל
חמבעיר על מחותן מעבירין לו על כל פשע" ר חנינא חזיה לב בחילמיה
דזקפה בבבל ונמרי דמאן דזקפו ליה בחילמא הוי רישא ומשוי רישותא אמ
שמע מצח בעי למחוי רישא ומשוי רישותא בבבל לא אפייס מיניח כי חיבי
דמחיל נמרי אוריתא בבבל" תנו רבנן מצות ודוי ערב שבחנפורים עם חז
חשבה אבל אמרו חכמים יתודה קודם שיאכל וישתה שמא תטרוף דעתו בסעודה
ואף על פי שחזרה קודם שאכל ושתה מתודה לאחר שאכל ושתה שמא
אירע דבר קלקלה בסעודה ואף על פי שחזרה ערבית מתודה שחרית שחרית
מתודה במסוף במסוף מתודה במעוה במעוה מתודה בנעילה והכן אמרו ר
אחר תפלתו ושלח צבור אומר באמצע" מאי אמר רב אמר אתה יודע
רזי עולם ושמואל אמ אתה יודע מעמד חלב ולוי אמ בתורתך בתוב ור חזון
אם רבן העולם ורב יוחנן אמ רב עומתנו מלכות וחטאתנו עצמו מלספר
ורב חמנא אמ אי עד שלא נוצרתי איני בדאי ועכשו שנוצרתי בא לא נוצרתי