

V

THE STRUCTURE OF BABYLONIAN TALMUD ROSH HASHANAH

Whether or not the Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. The preceding chapters therefore have pointed toward the presentation set forth here.

By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further

identify the purpose and perspective, the governing system of thought and argument, of those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well. The Mishnah follows a highly rational outline, the Tosefta is organized around the Mishnah by appeal to three distinct relationships.

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior system that defines the order. To the contrary, the possibility of forming a coherent

outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Sotah derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-paragraphs of our tractate are discussed in no other place in the entire Talmud of

Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Sotah is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

*This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites — footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining. Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

1. the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose,

or

2. the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Rosh Hashanah 1:1

A. THERE ARE FOUR NEW YEARS: (1) THE FIRST DAY OF NISAN IS THE NEW YEAR FOR KINGS AND FESTIVALS:

1. I:1: What is the purpose of this rule? Said Rav Hisda, “It is because of legal documents.

2. I:2: Our Rabbis have taught on Tannaite authority: As for a king who ascended to the throne on the 29th of Adar—as soon as the first of Nisan has arrived, a full year in office is credited to him. But if he ascended to the throne on the first of Nisan itself—they do not count a full year of his reign until the next first of Nisan arrives.

3. I:3: Our Rabbis have taught on Tannaite authority (T. **R.H. 1:1**): If the king died during Adar, and another king took power in his place during Adar, in writing legal documents during that same month they count the year as the last year in the reign of this one who died or as the first year in the reign of that one who assumed the throne. If the king died during Nisan, and another took power in his place during Nisan, in writing legal documents during that same month they count the year as the last year in the reign of this one who died or as the first year in the reign of that one who assumed the throne. If the king died during Adar, and another king assumed power in his place during Nisan, they count the former period, up to Nissan, as the reign of the first king, and they count the latter period, after the beginning of Nisan, as the reign of the second king.

4. I:4: Said R. Yohanan, “From what verse in Scripture do we know concerning kings, that they only count the years of their reign from Nisan?”

5. I:5: Now, might I not reason that new year is in Iyyar, the second month? Then might I not reason that new year is in Sivan, the third month? But why not propose that new year is in Tammuz the fourth month, Ab the fifth month, or Adar the twelfth month?

a. I:6: A Tannaite teaching on a detail of the foregoing: From what verse in Scripture do we know concerning kings, that they only count the years of their reign from Nisan?

6. I:7: Said R. Hisda, “They taught that Nisan is the new year for kings only for the case of Israelite kings. But in the case of kings of other nations, we count the years of their reign from Tishré.”

a. I:8: Said R. Joseph, and some say R. Isaac, “From what Scriptural verse do we know that Cyrus became wicked?”

B. (2) THE FIRST DAY OF ELUL IS THE NEW YEAR FOR TITHING CATTLE. R. ELEAZAR AND R. SIMEON SAY, “IT IS ON THE FIRST DAY OF TISHRÉ:”

1. II:1: Is new year for festivals indeed on the first of Nisan?

C. THE SPECIAL PROBLEM OF IMPROPERLY POSTPONING THE FULFILLMENT OF VOWS BEYOND THE PASSAGE OF THE YEAR IN WHICH THEY ARE TAKEN

1. II:2: This rule, M. **R.H. 1:1B** has implications for determination of the point at which one who makes a vow has transgressed, Deu. 23:22's precept that one not delay fulfilling his obligation.

2. II:3: Our Rabbis have taught on Tannaite authority: Those who owe the assessment of an object to be redeemed and Valuations, things that have been declared herem and things that have been declared sanctified, sin offerings and guilt offerings, burnt-offerings and peace-offerings, gifts of charity and tithes, firstlings and tithe of cattle and the Passover, gleanings, forgotten sheaves, and that which is left growing in the corner of a field—one violates the law against postponing the keeping of one's obligation only once the festivals of an entire year have gone by. R. Simeon says, "This is so in the case of three festivals in their proper sequence, with the festival of unleavened bread coming first. R. Meir says, "One violates the law against postponing the keeping of one's obligation as soon as one festival has gone by." R. Eliezer b. Jacob says, "One violates the law against postponing the keeping of one's obligation as soon as two festivals have gone by."

a. II:4: From what verse in Scripture are these rules of the foregoing derived?

3. II:5: Our Rabbis have taught on Tannaite authority: "That which has passed your lips"—this refers to the positive commandments. "You shall be careful to perform"—this refers to the negative commandments. "And you shall do"—this is an admonition to a court, that it should compel you to do what you have vowed. "What you have voluntarily vowed"—this refers to a vow. "To the Lord your God"—this refers to sin-offerings, guilt-offerings, burnt-offerings, and peace-offerings. "A freewill offering"—this refers to the word's literal meaning. "That you have stated"—this refers to the things sanctified for the repair of the Temple. "With your mouth"—this refers to charity.

4. II:6: Said Rava, "As soon as any one festival has passed, an individual who has not sacrificed an animal he consecrated has transgressed a positive commandment." And said Rava, "Once three festivals have passed, on each additional day that he fails to offer the sacrifice he again transgresses the restriction against delaying fulfillment of his obligation."

a. II:7: We return to the body of T. **Ar. 3:18**, cited at II:6: All the same are the firstling and tithe and all other Holy Things that one has sanctified. Once a year has passed, even if it did not encompass three festivals, or three festivals have passed even if they did not encompass a full year, he has transgressed the commandment against delaying. Granted, it is possible for three festivals to pass without there having yet been a full year. But, a year's passing without there being three festivals! How is this possible?

5. II:8: R. Zera asked, "What is the law whether or not the prohibition against delaying applies to an heir?"

6. II:9: R. Zera asked, "As for a women—what is the rule whether or not she is subject to the prohibition against delaying?"

7. II:10: They asked them, “As for a firstling—from when do they count the year within which it must be sacrificed?”

8. II:11: Our rabbis have taught on Tannaite authority: The first day of Nisan is the new year for months, leap years, and for use of the heave-offering of the sheqel collected in the preceding month of Adar. And some say: also for the renting of houses.

a. II:12: The first day of Nisan is the new year for months, leap years, and for use of the heave-offering of the sheqel. How do we know that leap years are determined from Nisan?

b. II:13: The first day of Nisan is the new year for months, leap years, and for use of the heave-offering of the sheqel. How do we know this from Scripture?

I. II:14: Said R. Judah said Samuel, “As for communal sacrifices brought on the first of Nisan—it is a commandment to bring them, that is, to purchase them from new contributions. But if one brought them from old contributions, he has fulfilled his obligation and the sacrifice is valid, except that he has failed to fulfill a commandment.”

c. II:15: The first day of Nisan is the new year for months, leap years, and for use of the heave-offering of the sheqel. And some say: also for the renting of houses. Our Rabbis have taught on Tannaite authority: One who rents a house to his fellow for a year counts twelve months from the exact day of the rental to the same day in the month, twelve months later. But if he said that the rental is, “For this year,” then even if the tenant only took possession on the first of Adar, as soon as the first of Nisan arrived thirty days later, his year of rental is deemed completed.

D. THE FIRST DAY OF ELUL IS THE NEW YEAR FOR TITHING CATTLE:

1. III:1: Which Tannaite authority stands behind this statement?

E. R. ELEAZAR AND R. SIMEON SAY, “IT IS ON THE FIRST DAY OF TISHRÉ:”

1. IV:1: Said R. Yohanan, “Both authorities in this dispute reached their views by interpreting the same verse of Scripture.”

F. (3) THE FIRST DAY OF TISHRÉ IS THE NEW YEAR FOR THE RECKONING OF YEARS:

1. V:1: What is the purpose of this rule?

2. V:2: Rav Nahman bar Isaac said, “M. **R.H. 1:1E** refers to the final judgment, as it is written (Deu. 11:12), ‘The eyes of the Lord your God are always upon it, from the beginning of the year to the end of the year,’ which means: ‘From the beginning of the year’ what will occur at the end is determined. From what passage in Scripture do we know that this takes place in Tishré? For it is written (Psa. 81: 3), ‘Blow the trumpet at the new moon, when the moon is covered on our feast day.’

a. V:3: Further on a proof text in the foregoing: Our rabbis have taught on Tannaite authority: The verse, “For it is a statute for Israel, an ordinance

or: (time of) judgment of the God of Jacob” teaches that the heavenly court does not assemble to sit in judgment unless the earthly court has sanctified the new month.

G. FOR SABBATICAL YEARS:

1. VI:1: From what verse of Scripture do we know this?

H. AND FOR JUBILEES:

1. VII:1: Is the new year for Jubilees indeed on the first of Tishré? Rather the new year for Jubilees is on the tenth of Tishré!

2. VII:2: A different Tannaite teaching states: Lev. 25:11 indicates: “A Jubilee shall the fiftieth year be to you.” What is the point of this verse?

a. VII:3: And regarding the claim that commonly one lengthens sanctified time by continuing it into secular time—from what verse in Scripture do we know this?

3. VII:4: Our rabbis have taught on Tannaite authority: Lev. 25:10 states, “It is a Jubilee.” This means that it is a Jubilee even though they did not observe the release of fields and even though they did not sound the horn. Might I think that it is deemed a Jubilee even though they did not dismiss the slaves? To indicate the contrary Scripture at Lev. 25:10 states: “It is a Jubilee.”

I. FOR PLANTING TREES:

1. VIII:1: From what verse in Scripture do we know this rule regarding planting?

2. VIII:2: Our rabbis have taught on Tannaite authority: The same rule applies to one who plants a tree, plants a shoot, or grafts a branch onto a tree on the eve of the Sabbatical year, thirty days before the New Year: on the first of Tishré that which was planted is credited with a full year of growth, so that it is permitted to let it continue growing during the Sabbatical year. If it was planted fewer than thirty days before the New Year, on the first of Tishré it is not credited with a full year of growth, so that it is forbidden to let it continue growing during the Sabbatical year. Even though the age of the tree is counted from the first of Tishré, the produce of such a sapling is forbidden until the fifteenth of Shevat of the year in which the tree’s produce becomes permitted for common use. When the tree is orlah that is, in its first three years of growth it remains in the status of orlah until the fifteenth of Shevat, even though the tree will have completed its third year on the preceding first of Tishré. And when the tree is in its fourth year of growth it remains subject to the prohibitions of the fourth year until the fifteenth of Shevat.

J. WHAT DOES TISHRÉ COMMEMORATE?

1. VIII:3: It is taught on Tannaite authority: R. Eliezer says, “In Tishré, the world was created; in Tishré, the patriarchs Abraham and Jacob were born; in Tishré, the patriarchs died; on Passover, Isaac was born; on New Year, Sarah, Rachel, and Hannah were visited; on New Year, Joseph left prison; on New Year, bondage was removed from our ancestors in Egypt; in Nisan, they were redeemed; in Tishré, they are destined to be redeemed again.” R. Joshua says, “In Nisan, the world was created; in Nisan, the patriarchs Abraham and Jacob were born; in Nisan, the

patriarchs died; on Passover, Isaac was born; on New Year, Sarah, Rachel, and Hannah were visited; on New Year, Joseph left prison; on New Year, bondage was removed from our ancestors in Egypt; in Nisan, they were redeemed; in Nisan, they are destined to be redeemed again.”

a. VIII:4: Gloss of a detail of the foregoing. “Isaac was born on Passover.”

b. VIII:5: As above.

c. VIII:6: As above.

2. VIII:7: Our rabbis have taught on Tannaite authority: The sages of Israel date the calendar from the flood, in accordance with the view of R. Eliezer, but date the four annual cycles according to the view of R. Joshua. The sages of other peoples date even the flood in accordance with the view of R. Joshua, holding that the New Year for years is in Nisan.

K. AND FOR VEGETABLES

1. IX:1: It is taught on Tannaite authority: The first of Tishré is the new year for vegetables, tithes, and vows.

2. IX:2: Our rabbis have taught on Tannaite authority (T. **R.H. 1:9**): If one picked vegetables on the eve of the new year before sunset and went back and picked more after sunset, they do not designate heave-offering or tithes from this batch on behalf of that other batch, since they do not designate that which is new as heave-offering and tithes on behalf of that which is old, and do not designate that which is old as heave-offering and tithes on behalf of that which is new. If it was the second year of the Sabbatical cycle and the third year was beginning, that which was picked before New Year, in the second year, is subject to the separation of first tithe and second tithe; that which was picked after New Year, in the third year, is subject to the separation of first tithe and poor-man’s tithe.

a. IX:3: Glossing IX:1: And for vows: Our rabbis have taught on Tannaite authority (T. **R.H. 1:10**), One who took a vow not to derive benefit from his fellow for a year reckons as the period of prohibition twelve month from the day of the vow to the same day a year later. But if he said, “The vow is for this year,” then even if he took it only on the twenty-ninth of Elul, once the first of Tishré arrived, his year is up.

3. IX:4: There we have taught on Tannaite authority: at M. **Ma. 1:3**, referring to the point at which produce becomes subject to tithes: fenugreek—when the seeds are able to sprout; grain and olives—when they reach a third of their mature growth. What is referred to by the phrase when the seeds are able to sprout? This means from the point at which it sprouts sufficiently to be used for seed. Grain and olives—when they reach a third of their mature growth—What is the scriptural basis of these rules?

a. IX:5: At Exo. 23:16, the word “ingathering” means “harvest,” and serves to support the rabbis’ rule regarding the significance of produce’s reaching a third of its mature growth. Responding to that interpretation R. Hanina objected, “How can you say that this ‘ingathering’ is the ‘harvest’? For indicating a contrary meaning it is written at Deu. 16:13: ‘You shall

keep the feast of tabernacles seven days, when you make your ingathering from your threshing floor and your wine press.’ Now, explaining this verse a master said, ‘With the word “ingathering” Scripture speaks of what is left on the threshing floor and of the dregs of the wine press.”

4. IX:6: There we have taught on Tannaite authority at M. **Sheb. 2:7**: Once harvested rice, durra, millet, and sesame that took root before New Year of any year in the Sabbatical cycle are tithed according to the rules that apply to produce of the previous year in which they were planted. And if they were planted in the sixth year, they are permitted during the Sabbatical year. Even though these items are picked during the Sabbatical, they are subject to the rules of the sixth year, in which they took root. This is just as A states. But if they did not take root before the New Year, but during the Sabbatical year itself, they are forbidden during the Sabbatical year under the Sabbatical restrictions, as we would expect. And they are tithed according to the rule which applies to produce of the year following the one in which they were planted. They are tithed, that is to say, according to the rule for the year in which they take root, just as the preceding rules already have indicated. Said Rabbah, “The rabbis state that the tithing year for fruit of a tree is determined by when it blossoms; the tithing year for grain and olives is determined by when they reach a third of their growth; the tithing year for vegetables is determined by when they are picked.”

5. IX:7: It is taught on Tannaite authority: R. Yosé the Galilean says, “Deu. 16:13 states: ‘You shall keep the feast of tabernacles seven days, when you make your ingathering from your threshing floor and your wine press.’ This suggests that just as the produce on the threshing floor and in the wine press, which is distinguished by having grown as a result of the waters that is, rains and irrigation of the past year, is tithed according to the rules that applied in that same past year, so every kind of produce that grows as a result of This excludes from this rule vegetables, which grow from the water of the coming year after the one in which they are planted and which are tithed according to the rules that apply in that same coming year.”

L. THE FIRST DAY OF SHEVAT IS THE NEW YEAR FOR TREES, IN ACCORD WITH THE OPINION OF THE HOUSE OF SHAMMAL. THE HOUSE OF HILLEL SAY, “ON THE FIFTEENTH DAY OF THAT MONTH IS THE NEW YEAR FOR TREES.”

1. X:1: What is the reason? Said R. Eleazar said R. Oshaiah, “It is because by then most of the year’s rain has passed, but the greater part of the cycle of the winter solstice is still to come.”

2. X:2: Our rabbis have taught on Tannaite authority: An incident occurred concerning R. Aqiba, who picked a citron on the first of Shevat and treated it as subject to two tithes, one which followed the teaching of the House of Shammai, and the other following the teaching of the House of Hillel.

a. X:3: R. Yosé bar Judah says, “In separating two tithes, Aqiba did not follow the practices required by the distinct perspectives of the House of Shammai and the House of Hillel. Rather, he followed the practices required by the distinct perspectives of Rabban Gamaliel and R. Eliezer at M. **Bik. 2:6**.”

b. X:4: Said Rabbah bar Rav Huna, “Insofar as Rabban Gamaliel said that, like a vegetable, a citron is tithed according to when it is picked, he further should hold that, like a vegetable its new year is on the first of Tishré.”

c. X:5: R. Yohanan asked R. Yannai, “As for the citron tree—when is its new year?”

d. X:6: Rava asked Rav Nahman, and some say R. Yohanan asked R. Yannai, “As for a leap year—what is the rule? Do we make the New Year in Shebat which comes next to Tebeth, or in First Adar, which takes the place of Shevat in this year?

e. X:7: Said Rabbah, “A citron that blossomed in the sixth year of the Sabbatical cycle that continued growing in the Sabbatical year is exempt from tithing and is exempt from removal. And a citron that blossomed in the Sabbatical year that continued growing in the eighth year is exempt from tithing but is subject to removal.”

I. X:8: Gloss on foregoing.

3. X:9: Our Rabbis have taught on Tannaite authority: A tree the fruit of which blossomed prior to the fifteenth of Shevat is tithed according to the rules for the prior year in which it blossomed. A tree that blossomed after the fifteenth of Shevat is tithed according to the rules for the coming year, that is, again, the year in which it blossomed and, in this case, is picked.

4. X:10: Said R. Yohanan, “In respect to the carob tree, the people followed the law as set by R. Nehemiah in the preceding unit.”

II. Mishnah-Tractate Rosh Hashanah 1:2

A. AT FOUR SEASONS OF THE YEAR THE WORLD IS JUDGED: AT PASSOVER THROUGH GRAIN;

1. I:1: At M. **R.H. 1:2B** which “grain” is meant? Shall I assume that it is grain that at Passover already exists ready to be harvested, having been sown the preceding fall?

2. I:2: Which authority stands behind the Mishnaic passage at M. **R.H. 1:2**? It is neither R. Meir, R. Judah, R. Yosé, nor R. Nathan.

a. I:3: Said R. Hisda, “What is the basis in Scripture for the position of Yosé that humans are judged every single day?

I. I:4: And said R. Hisda, “When the king and the community await judgment, the king enters in first for judgment, as it is said at 1Ki. 8:59: ‘...to do the judgment of his servant Solomon and then the judgment of his people Israel.’”

b. I:5: Said R. Joseph, “Whose authority are we following when, these days, we daily pray for the sick and the ailing?” That of R. Yosé, who holds that judgment occurs every day.

3. I:6: It is taught on Tannaite authority: Said R. Judah said R. Aqiba, “Why does the Torah state that the Israelites must offer the omer at the time of Passover?

Because Passover is the season of the harvest of grain. The holy one, blessed be he, said, ‘Offer before me an omer at the time of Passover so that the grain in the fields might be blessed for you.’... “God further said, ‘Also, say before me on New Year the Scriptural passages concerning kingship, remembrance, and the blowing of the ram’s horn: ‘Kingship—so that you will proclaim me king over you. ‘Remembrance—so that memory of you may rise favorably before me. ‘And through what will that memory be made to rise? Through the ram’s horn.’”

B. JUDGMENT AT THE NEW YEAR OF TISHRÉ. THE CHARACTER OF DIVINE JUDGMENT AND MERCY

1. I:7: Said R. Abbahu, “Why do we blow a ram’s horn? Said the holy one, blessed be he, ‘Blow a ram’s horn before me so that I will remember in your favor the binding of Isaac, the son of Abraham, and will credit that act to you, as though you bound yourselves before me, willing to offer yourselves as a sacrifice.’” Now, said R. Isaac, “Why do we sound the ram’s horn on New Year?”

a. I:8: And R. Isaac said, “As for any year at the beginning of which they do not sound the Teqi‘ah—at the end of it evil will occur.”

b. I:9: And said R. Isaac, “As for any year which is poor at the beginning—at its end it becomes rich.

c. I:10: And said R. Isaac, “A person is judged only on the basis of his actions up to that time, as it is said Gen. 21:17: ‘The angel of God called to Hagar from heaven, and said to her, “What troubles you, Hagar? Fear not, for God has heard the voice of the lad as he is.”’

d. I:11: And said R. Isaac, “Three things call to mind a person’s iniquities. These are they: a shaky wall, testing of prayer, and requesting divine judgment upon one’s fellow.”

e. I:12: And said R. Isaac, “Four things cancel a person’s judgment. And these are they: charity, crying out in supplication, change of name, and change of character.”

f. I:13: And said R. Isaac, “A person is obligated to pay respects to his master that is, teacher on each festival.”

g. I:14: And said R. Isaac, “A person is obligated to purify himself on each festival.”

2. I:15: Said R. Kruspedai said R. Yohanan, “Three books are opened by God on the New Year: one for the thoroughly wicked, one for the thoroughly righteous, and one for middling people. The thoroughly righteous immediately are inscribed and sealed for continued life. The thoroughly wicked immediately are inscribed and sealed for death. Middling people are left hanging from New Year until the Day of Atonement.”

3. I:16: It has been taught on Tannaite authority: The House of Shammai say, “There will be three groups on the Day of Judgment when the dead will rise: one comprised of the thoroughly righteous, one comprised of the thoroughly wicked, and one of middling people. The thoroughly righteous immediately are inscribed

and sealed for eternal life. The thoroughly wicked immediately are inscribed and sealed for Gehenna.”

4. I:17: Israelite wrongdoers who sin with their body and gentile wrongdoers who sin with their body go down to Gehenna and are judged i.e., punished there for twelve months. After twelve months their body is consumed in fire, their soul is burned, and a wind scatters them under the feet of the righteous.

a. I:18: Gloss of foregoing.

l. I:19: As above.

b. I:20: As above.

5. I:21: Rava said, “As for anyone who passes over his right to exact punishment against another, they pass over all of his transgressions.”

6. I:22: Rab Huna pointed out an apparent inconsistency: “It is written Psa. 145:17: ‘The Lord is just in all his ways.’ And in the continuation of the same verse it is written, ‘and kind in all his doings.’” The point is that at first God is “just” and then, at the end, he is “kind.”

7. I:23: R. Eleazar pointed out an apparent inconsistency: It is written Psa. 62:12: ‘And to you, Lord, belongs kindness.’ And in the continuation of the same verse it is written, ‘For you requite a man according to his deeds.’”

8. I:24: Ilpi, and some say Ilpa, pointed out an apparent inconsistency: It is written Exo. 34:6: ‘and abounding in kindness.’ And in the continuation of the same verse it is written, ‘and truth.’”

9. I:25: Said R. Yohanan, “Great is the power of repentance, which obliterates a person’s final judgment.”

10. I:26: Now, the rule for the final judgment of an individual is under dispute by Tannaite authorities. For it is taught on Tannaite authority: R. Meir used to say, “As for two men who took to bed with the same illness, and so in the case of two men who ascended the scaffold to be punished for the same offense— this one leaves bed alive, while this other one does not leave the bed alive, this one escapes death, while this other one does not escape death. Why did this one leave bed alive, while this other one did not leave the bed alive, this one escape death, while this other one did not escape death? In each case this one who was saved prayed and his prayer was answered, while this other one who was not saved prayed, but his prayer was not answered. Why was this one answered while this other one was not answered?

This one offered a sincere prayer and therefore was answered, while this other one did not offer a sincere prayer and therefore was not answered.”

a. I:27: Now, can the final judgment of a community indeed be revoked whether before or after passing of the final judgment?

l. I:28: Our rabbis have taught on Tannaite authority: There once was a family in Jerusalem whose members would die at the age of eighteen years. They came and informed Rabban Yohanan b. Zakkai. He said to them, “Perhaps you are of the house of Eli? For concerning them it is written 1Sa. 2:33: ‘And all the increase of

your house shall die as young men.’ Go and engage yourselves in study of Torah that you might live!”

b. I:29: Said R. Samuel bar Inia in the name of Rab, “From what verse in Scripture do we know that the final judgment of a community is never sealed?”

c. I:30: As for an individual—when should he call upon God so as to alter his sentence? Said Rabbah bar Abbuha, “During the ten days between New Year and the Day of Atonement.”

C. AT PENTECOST THROUGH FRUIT OF THE TREE; AT THE NEW YEAR ALL WHO ENTER THE WORLD PASS BEFORE HIM LIKE TROOPS, SINCE IT IS SAID PSA. 33:15: “HE WHO FASHIONS THE HEARTS OF THEM AND WHO CONSIDERS ALL THEIR WORKS;”

AND ON THE FESTIVAL OF TABERNACLES THEY ARE JUDGED THROUGH WATER.

1. II:1: What is the meaning of the term “Benei Maron,” translated here “like troops”?

III. Mishnah-Tractate Rosh Hashanah 1:3

A. ON THE OCCASION OF SIX NEW MOONS MESSENGERS GO FORTH: (1) AT NISAN, BECAUSE OF PASSOVER; (2) AT AB, BECAUSE OF THE FAST:

1. I:1: Now, messengers should also go forth at Tammuz the seventeenth of which is a fast day and Tebet the tenth of which is a fast day!

a. I:2: Secondary exegesis of proof-texts cited in the foregoing.

I. I:3: It was stated on Amoraic authority: Rab and R. Hanina say, “As a result of the destruction of the Temple the Scroll of Fasting has been nullified.” Fasting and mourning no longer are precluded on the days enumerated in the Scroll, which recalls miraculous or joyous days in Israelite history. R. Yohanan and R. Joshua b. Levi say, “The Scroll of Fasting has not been nullified.”

II. I:4: This issue, disputed by Amoraic authorities, is disputed by Tannaite authorities. For it is taught on Tannaite authority: “On those days recorded in the Scroll of Fasting—whether during the period in which the Temple exists or in the period in which the Temple does not exist—people are forbidden from fasting”—the words of R. Meir. R. Yosé says, “During the period in which the Temple exists, people are forbidden from fasting, since each listed day is a time of joy for them. But when the Temple does not exist, they are permitted to fast on days listed in the Scroll of Fasting, since it is a time of mourning for them.”

B. (3) AT ELUL, BECAUSE OF THE NEW YEAR; (4) AT TISHRÉ, BECAUSE OF THE DETERMINATION OF THE SET FEASTS:

1. II:1: Since messengers go forth to announce the new month of Elul, as for Tishré—why do they need to do this again?

C. (5) AT KISLEV, BECAUSE OF HANUKKAH; AND (6) AT ADAR, BECAUSE OF PURIM. AND WHEN THE TEMPLE STOOD, THEY GO FORTH ALSO AT IYYAR, BECAUSE OF THE LESSER PASSOVER OBSERVED BY THOSE UNCLEAN FOR THE FIRST PASSOVER:

1. III:1: But the notion that if the year is intercalated, messengers go forth also at Second Adar, because of Purim, is not taught at M. **R.H. 1:3B**. The absence of this rule is accounted for by the fact that the Mishnaic passage does not accord with the view of Rabbi Judah the Patriarch.

a. III:2: R. Joshua b. Levi testified in the name of the holy community of Jerusalem, regarding the two months of Adar, that they sanctify them on the day on which they are intercalated.

l. III:3: Continuation of the issue of the foregoing on whether the months of Adar consistently are full or defective continues. They sent from the land of Israel to Mar Uqba saying, "The month of Adar that precedes Nisan always is defective."

2. III:4: When Ulla came from the land of Israel he said, "They have intercalated Elul." Rabbinical authorities added an extra day to Elul to prevent a festival in Tishré from falling on a Sunday, consecutively with the Sabbath.

a. III:5: Rab Dimi of Nehardea taught the opposite on Tannaite authority: "They intimidate witnesses into reporting that they saw a new moon that in fact did not appear in its normal time, so that the month may be sanctified on the thirtieth instead of being intercalated.

D. CALCULATING THE NEW MOON THROUGH SIGHTINGS AND OTHERWISE: A TOPICAL COMPOSITE

1. III:6: Said Samuel, "I am able to set the calendar for use by the entire diaspora." Samuel knew the stages of the moon well enough to determine the lengths of the months without use of witnesses.

2. III:7: Said R. Zira said Rab Nahman, "At the time of the new moon the moon is covered and invisible for twenty four hours. In our situation in Babylonia six of these hours are attributable to the old moon and eighteen are attributable to the new moon. In your situation in the land of Israel, six of these hours are attributable to the new moon and eighteen are attributable to the old moon."

a. III:8: Gloss of a detail of III.6

3. III:9: On how to determine the calendar in the diaspora when no direct evidence is available regarding the actual appearance of the new moon in the land of Israel: Said R. Zira said Rab Nahman, "In every case of doubt for which we retroactively determine to intercalate a month by adding a day we throw it forward that is, make the following day the added one.

a. III:10: In Babylonia, it was not known that, in the land of Israel, the preceding month had been intercalated through the addition of a day. Levi reached Babylonia on what the people in Babylonia held to be the eleventh of Tishré. He said, "How tasty is the food of the Babylonians on that which, in the West, is the great day of the fast of the Day of Atonement!"

4. III:11: Decreed R. Yohanan: “In any place to which messengers announcing the new month of Nisan can arrive prior to Passover, but to which messengers announcing the new month of Tishré cannot arrive in time for Tabernacles, you must in all events observe two days both of Passover and Tabernacles.

a. III:12: Illustrative case.

b. III:13: Rava normally sat and fasted two days on the Day of Atonement. This was because he would not know whether or not, in Jerusalem, the preceding month, Elul, had been intercalated through the addition of a thirtieth day. Hence he treated both the tenth and eleventh of Tishré as the Day of Atonement.

5. III:14: Rab Huna bar Abin sent to Raba saying, “When you see that the cycle of Tebet continues until the sixteenth of Nisan, intercalate that year and don’t scruple about doing so.”

6. III:15: Said Rab Nahman to those going out to sea, “As for you who do not know how to fix the beginning of the month— “when you see the moonlight completing its appearance by day, remove the leaven in your possession, to prepare for Passover.”

IV. Mishnah-Tractate Rosh Hashanah 1:4

A. IN ORDER TO PRESENT TESTIMONY OF THE BEGINNING OF TWO MONTHS THEY PROFANE THE SABBATH BY TRAVELING BEYOND THE SABBATH LIMIT IN ORDER TO NOTIFY THE COURT OF THE APPEARANCE OF THE NEW MOON: FOR NISAN AND FOR TISHRÉ. FOR ON THESE OCCASIONS THE MESSENGERS GO FORTH TO SYRIA. AND ON THEM THEY DETERMINE THE SET FEASTS:

1. I:1: But is it really the case that for more months than these messengers do not go forth? Now, the following statement, M. **R.H. 1:3A**, contrasts with that notion: On the occasion of six new moons messengers go forth.

2. I:2: Our Rabbis have taught on Tannaite authority: From what verse do we know that only in order to present testimony of the beginning of these two months may they profane the Sabbath?

B. AND WHEN THE TEMPLE STOOD, THEY PROFANE THE SABBATH BY TRAVELING BEYOND THE SABBATH LIMIT IN ORDER TO NOTIFY THE COURT OF THE APPEARANCE OF THE NEW MOON ON THE OCCASION OF ALL OF THE MONTHS, BECAUSE OF THE NEED TO DETERMINE THE CORRECT DAY FOR THE OFFERING MARKING THE BEGINNING OF THE NEW MONTH.

1. II:1: Our Rabbis have taught on Tannaite authority: At first they would profane the Sabbath on account of all of them. Once the Temple was destroyed, Rabban Yohanan b. Zakkai said to them, “Now, is there an offering that needs to be brought, for which we must have immediate knowledge of the new moon?” They ordained that they would not profane the Sabbath except for Nisan and Tishré alone.

V. Mishnah-tractate Rosh Hashanah 1:5-6

A. WHETHER THE NEW MOON APPEARED CLEARLY OR DID NOT APPEAR CLEARLY, THEY VIOLATE THE PROHIBITIONS OF THE SABBATH ON ITS ACCOUNT. R. YOSÉ SAYS, “IF IT APPEARED CLEARLY, THEY DO NOT VIOLATE THE PROHIBITIONS OF THE SABBATH ON ITS ACCOUNT.”

1. I:1: How do we know that the word Alil translated at M. **R.H. 1:5A** as “clearly” in fact means “clearly”?
2. I:2: Exegesis that ends with reference to why two or three witnesses are required for a transaction.

B. M^CSH S: MORE THAN FORTY PAIRS OF WITNESSES PASSED ON THEIR WAY TO JERUSALEM. BUT R. AQIBA KEPT THEM BACK AT LUD. RABBAN GAMALIEL SENT TO HIM SAYING, “IF YOU KEEP BACK THE PEOPLE, YOU WILL TURN OUT TO MAKE THEM ERR IN THE FUTURE.”

1. II:1: It is taught on Tannaite authority: Said R. Judah, “Heaven forbid that R. Aqiba kept them back.

VI. Mishnah-Tractate Rosh Hashanah 1:7

A. A FATHER AND HIS SON WHO SAW THE NEW MOON SHOULD GO TO GIVE TESTIMONY. IT IS NOT THAT THEY JOIN TOGETHER WITH ONE ANOTHER TO PROVIDE ADEQUATE TESTIMONY, BUT SO THAT, IF ONE OF THEM SHOULD TURN OUT TO BE INVALID AS A WITNESS, THE OTHER MAY JOIN WITH SOMEONE ELSE TO MAKE UP THE REQUISITE NUMBER OF WITNESSES. R. SIMEON SAYS, “A FATHER AND HIS SON, AND ALL RELATIVES, ARE VALID TO GIVE TESTIMONY ABOUT THE NEW MOON.”

1. I:1: Said R. Levi, “What is the basis in Scripture for the view of R. Simeon, M. **R.H. 1:7D**?

B. SAID R. YOSÉ, “M^CSH B: TOBIAH, THE PHYSICIAN, SAW THE NEW MOON IN JERUSALEM—HE, HIS SON, AND HIS FREED SLAVE. AND THE PRIESTS ACCEPTED HIM AND HIS SON AS WITNESSES TO THE NEW MOON, BUT THEY INVALIDATED THE TESTIMONY OF HIS SLAVE. BUT WHEN THEY CAME BEFORE THE COURT, THEY ACCEPTED HIS TESTIMONY AND THAT OF HIS SLAVE, BUT THEY INVALIDATED THAT OF HIS SON.”

1. II:1: Said Rab Hanan bar Rava, “The decided law accords with the position of R. Simeon, M. **R.H. 1:7D**, which accepts testimony of relatives.”

VII. Mishnah-Tractate Rosh Hashanah 1:8

A. THESE ARE THE ONES WHO ARE INVALID TO TESTIFY ABOUT THE APPEARANCE OF THE NEW MOON: (1) HE WHO PLAYS WITH DICE, (2) THEY WHO LEND ON INTEREST, (3) THEY WHO RACE PIGEONS, (4) THEY WHO TRADE IN PRODUCE OF THE SEVENTH YEAR, (5) AND SLAVES. THIS IS THE GOVERNING PRINCIPLE: ANY

EVIDENCE THAT A WOMAN IS NOT VALID TO OFFER, ALSO THEY ARE NOT VALID TO OFFER.

1. I:1: Thus any evidence that a woman is valid to offer, also they are valid to offer.

VIII. Mishnah-Tractate Rosh Hashanah 1:9

A. HE WHO SAW THE NEW MOON BUT CANNOT GO ON HIS OWN TO TESTIFY—THEY BRING HIM ALONG ON AN ASS, EVEN IN A PALANQUIN. AND IF THERE IS AN AMBUSH SET UP AGAINST THEM, THEY TAKE STAVES IN HAND. AND IF IT WAS A LONG TRIP, THEY TAKE FOOD IN HAND. FOR: ON ACCOUNT OF A JOURNEY REQUIRING TRAVEL FOR A NIGHT AND A DAY THEY VIOLATE THE PROHIBITIONS OF THE SABBATH AND GO FORTH TO GIVE TESTIMONY ABOUT THE NEW MOON, SINCE IT IS SAID LEV. 23: 4: “THESE ARE THE SET FEASTS OF THE LORD, EVEN HOLY CONVOCATIONS, WHICH YOU SHALL PROCLAIM IN THEIR APPOINTED SEASON.”

IX. Mishnah-Tractate Rosh Hashanah 2:1

A. IF THEY IN JERUSALEM ARE NOT GOING TO RECOGNIZE HIM, THEY IN HIS OWN TOWN SEND ANOTHER WITH HIM TO GIVE EVIDENCE ABOUT HIM. AT FIRST THEY WOULD ACCEPT TESTIMONY CONCERNING THE NEW MOON FROM EVERYBODY:

1. I:1: At M. **R.H. 2:1A** what is the meaning of “another”? Presumably it means one other individual who can testify regarding the identity of the actual witness.
2. I:2: When Ulla came to Babylonia he said, “On such-and-so day they sanctified the new moon in the west that is, in the land of Israel.” Ulla’s testimony was accepted despite the fact that other individuals were not with him, to attest to his character.

B. ONCE THE MINIM HAD SPOILED MATTERS, THEY MADE THE RULE THAT THEY SHOULD ACCEPT TESTIMONY ONLY FROM THOSE WHO ARE RECOGNIZED.

1. II:1: Our Rabbis have taught on Tannaite authority: How did the minim spoil matters?

X. Mishnah-Tractate Rosh Hashanah 2:2-4

A. AT FIRST THEY WOULD KINDLE FLARES. ONCE THE SAMARITANS HAD SPOILED MATTERS, THEY MADE THE RULE THAT MESSENGERS WOULD GO FORTH.

1. I:1: How do we know that the word translated here as “flares,” conveys the meaning “burning”?
2. I:2: Our Rabbis have taught on Tannaite authority They kindle flares only for a month that came at its proper time, in order to sanctify it. And when are they kindled? On the day of its intercalation. This is to say that for defective months containing only twenty-nine days, we do it that is, kindle flares. But for full months containing thirty days, we do not do it.

B. HOW DID THEY KINDLE FLARES? THEY BRING LONG CEDAR WOOD STICKS, REEDS, OLEASTER WOOD AND FLAX TOW. AND ONE BINDS THEM TOGETHER WITH

A ROPE. AND HE GOES UP TO THE TOP OF THE HILL AND LIGHTS THEM. AND HE WAVES THEM TO AND FRO AND UP AND DOWN, UNTIL HE SEES HIS FELLOW, DOING THE SAME ON THE NEXT HILLTOP, AND SO WITH THE THIRD HILLTOP AND BEYOND.

1. II:1: Said Rab Judah, “There are four kinds of cedar: cedar, Qetros, oleaster, and cypress.

C. MISCELLANY ON VERSES OF ISAIAH, INCLUDING A REFERENCE TO ACACIA-WOOD

1. II:2: Is. 33:21 states: “But there the Lord in majesty will be for us a place of broad rivers and streams, where no galley with oars can go, nor stately ship can pass.” Said Rab, “This refers to a great, fast-sailing vessel.”
2. II:3: Said R. Yohanan, “Each and every acacia tree that gentiles took from Jerusalem the holy one, blessed be he, is destined to restore.”
3. II:4: And said R. Yohanan, “Anyone who studies Torah but does not teach it to others is like a myrtle in the wilderness which is wasted, since no one can enjoy it.”
4. II:5: And said R. Yohanan, “Woe to the idol-worshippers, for they have no remedy to atone for their sins.”

D. AND BEGINNING AT WHAT PLACE DID THEY KINDLE FLARES? FROM THE MOUNT OF OLIVES THEY GAVE THE SIGNAL TO SARTEBA, FROM SARTEBA TO AGRIPPINA, FROM AGRIPPINA TO HAURAN, FROM HAURAN TO BET BALTIM. BUT THEY DID NOT MOVE FROM BET BALTIM. RATHER FROM THAT VANTAGE POINT ONE WAVES THEM TO AND FRO, UP AND DOWN, UNTIL HE WOULD SEE THE WHOLE EXILE BEFORE HIM LIT UP LIKE A BONFIRE.

1. III:1: What is Bet Baltin?
2. III:2: At M. **R.H. 2:4D** what is meant by the term “Exile”?
3. III:3: At M. **R.H. 2:4D** what is mean by “lit up like a bonfire”?
4. III:4: Referring to the locales listed at M. **R.H. 2:4** said R. Yohanan, “Between each place and the next were eight parasangs.”

XI. Mishnah-Tractate Rosh Hashanah 2:5

A. THERE WAS A LARGE COURTYARD IN JERUSALEM, CALLED BET YA’AZEQ, TO WHICH ALL THE WITNESSES GATHER. AND THERE THE COURT EXAMINES THEM. NOW THEY PREPARE BIG MEALS FOR THEM, SO THAT THEY SHOULD MAKE IT A HABIT TO COME. AT FIRST, HAVING COME ON THE SABBATH AND THEREFORE HAVING NO PERMITTED AREA OF SABBATH TRAVEL, THEY DID NOT MOVE FROM THERE THE WHOLE DAY. RABBAN GAMALIEL THE ELDER ORDAINED THAT THEY MAY MOVE ABOUT FOR TWO THOUSAND CUBITS IN EVERY DIRECTION. AND THIS RULE APPLIES NOT ONLY TO THESE, BUT ALSO (1) A MIDWIFE WHO COMES TO ASSIST, AND (2) ONE WHO COMES TO HELP OUT IN THE CASE OF A FIRE, (3) IN THE CASE OF A SIEGE, (4) TO SAVE SOMEONE FROM DROWNING IN A RIVER, (5) OR FROM THE DEBRIS OF A HOUSE—LO, HAVING COMPLETED THEIR TASK, THESE ARE IN THE STATUS OF THE TOWNSFOLK, AND THEY HAVE THE RIGHT TO MOVE ABOUT FOR TWO THOUSAND CUBITS IN ALL DIRECTIONS.

1. I:1: They asked them: “At M. **R.H. 2:5A** do we teach on Tannaite authority that the name is Bet Ya’azeqas in the Mishnaic text before us or do we teach on Tannaite authority that the name actually is Bet Yazeq?

XII. Mishnah-Tractate Rosh Hashanah 2:6

A. HOW DO THEY EXAMINE THE WITNESSES? THE PAIR WHICH MAKES ITS APPEARANCE FIRST DO THEY EXAMINE FIRST. THEY BRING IN THE ELDER OF THEM AND SAY TO HIM, “TELL US. HOW DID YOU SEE THE MOON? WAS IT FACING THE SUN OR TURNED AWAY FROM IT? WAS IT TO THE NORTH OR TO THE SOUTH:

1. I:1: At M. **R.H. 2:6C** the meaning of facing the sun is certainly the same as the meaning of to the north; the meaning of turned away from it is certainly the same as the meaning of to the south. Explaining that the questions are not redundant said Abbaye, “It means is the concavity of the moon in front of that is, turned towards the sun or behind that is, turned away from the sun.”

B. HOW HIGH WAS IT, AND IN WHICH DIRECTION WAS IT LEANING? AND HOW BROAD WAS IT?” IF HE SAID, “IT WAS FACING THE SUN,” HE HAS SAID NOTHING AT ALL.

AFTERWARDS THEY WOULD BRING IN THE SECOND PARTY AND EXAMINE HIM. IF THEIR TESTIMONY COINCIDED, THEIR TESTIMONY WAS CONFIRMED. AND IN THE CASE OF ALL THE OTHER PAIRS OF WITNESSES, THEY ASK THE MAIN POINTS, NOT BECAUSE THEY NEEDED THEIR EVIDENCE, BUT SO THAT THEY SHOULD NOT GO OUT DISAPPOINTED, SO THAT THEY WOULD MAKE IT A HABIT OF COMING IN THE FUTURE.

1. II:1: One Tannaite authority taught: “If the witness says that it was leaning ‘To the north,’ his words are accepted. But if he says that it was leaning, ‘To the south,’ his statement is null.” But the opposite has been taught on Tannaite authority T. **R.H. 1:17**, with the order of the sentences reversed: If he said, “It was leaning to the south,” his words are accepted. If he said, “It was leaning to the north,” his statement is null.

2. II:2: If one of them says, “I saw it two ox-loads high,” and one says, “Three,” their testimony is accepted. If one of them says, “Three,” and one of them says, “Five,” their testimony is null, but what each states may be used to join together with other testimony to comprise the two witnesses needed to confirm the sighting.

3. II:3: Our Rabbis have taught on Tannaite authority cf., T. **R.H. 1:17**: If they say, “We saw it reflected in the water,” or “We saw it reflected in a mirror,” or “We saw it through the clouds,” they are not allowed to testify concerning it. If they say, “We saw half of it reflected in the water,” or “We saw half of it through the clouds,” or “We saw half of it reflected in a mirror,” they are not allowed to testify concerning it.

4. II:4: Our Rabbis have taught on Tannaite authority: If the witnesses say, “We saw it once but a moment later could not see it again,” they are not allowed to testify concerning it. For the whole period are they required continually to see it?

XIII. Mishnah-Tractate Rosh Hashanah 2:7

A. THE HEAD OF THE COURT SAYS, “IT IS SANCTIFIED.”

1. I:1: What verse in Scripture stands behind these words?

B. AND THE WHOLE CROWD ANSWERS HIM, “IT IS SANCTIFIED. IT IS SANCTIFIED.”

WHETHER IT APPEARS IN THE EXPECTED TIME OR DOES NOT APPEAR IN THE EXPECTED TIME, THEY SANCTIFY IT:

1. II:1: What verse in Scripture stands behind these words?

2. II:2: And the whole crowd answers him, “It is sanctified. It is sanctified” — why twice?

C. R. ELEAZAR B. R. SADOQ SAYS, “IF IT DID NOT APPEAR IN ITS EXPECTED TIME, THEY DO NOT SANCTIFY IT, FOR HEAVEN HAS ALREADY DECLARED IT SANCTIFIED.”

1. III:1: It has been taught on Tannaite authority: Pelimo says, “If the new moon has appeared at the proper time time, they do not conduct a rite of sanctification for it. If it was not in its proper time, they do conduct a rite of sanctification for it.” R. Eleazar b. R. Simeon says, “Whether the new moon appears at the expected time or not at the expected time, it is not to be subjected to a rite of sanctification. For it has been said in Scripture, ‘you shall sanctify the fiftieth year’ (Lev. 25:10), which bears the implication that while you sanctify years, you are not to sanctify months.”

XIV. Mishnah-Tractate Rosh Hashanah 2:8-9

A. A PICTURE OF THE SHAPES OF THE MOON DID RABBAN GAMALIEL HAVE ON A TABLET AND ON THE WALL OF HIS UPPER ROOM, WHICH HE WOULD SHOW ORDINARY FOLK, SAYING, “DID YOU SEE IT LIKE THIS OR LIKE THAT?”

1. I:1: But is it permitted to make such a picture of heavenly bodies at all?

a. I:2: Gloss of foregoing. But is it really permitted to make copies of those attendants that one cannot reproduce in facsimile? And has it not been taught on Tannaite authority: “You shall not make with me” (Exo. 20:23), meaning, you not make anything that looks like my attendants, who serve before me in the heights”?

b. I:3: As above. But is it really permitted to make copies of the other attendants? And has it not been taught on Tannaite authority: “You shall not make with me” (Exo. 20:23), meaning, you not make anything that looks like my attendants, who serve before me in the heights, for example, Ophannim, Seraphim, the holy Hayyot, and the ministering angels?

I. I:4: Secondary gloss..

A. I:5: Tertiary gloss.

XV. Mishnah-Tractate Rosh Hashanah 2:8B-I, 2:9

A. M'SH S: TWO WITNESSES CAME AND SAID, "WE SAW IT AT DAWN ON THE MORNING OF THE TWENTY-NINTH IN THE EAST AND AT EVE IN THE WEST." SAID R. YOHANAN B. NURI, "THEY ARE FALSE WITNESSES." NOW WHEN THEY CAME TO YABNEH, RABBAN GAMALIEL ACCEPTED THEIR TESTIMONY ASSUMING THEY ERRED AT DAWN. AND FURTHERMORE TWO CAME ALONG AND SAID, "WE SAW IT AT ITS PROPER TIME, BUT ON THE NIGHT OF THE ADDED DAY IT DID NOT APPEAR TO THE COURT." THEN RABBAN GAMALIEL ACCEPTED THEIR TESTIMONY. SAID R. DOSA B. HARKINAS, "THEY ARE FALSE WITNESSES. HOW CAN THEY TESTIFY THAT A WOMAN HAS GIVEN BIRTH, WHEN, ON THE VERY NEXT DAY, HER STOMACH IS STILL UP THERE BETWEEN HER TEETH FOR THERE WAS NO NEW MOON!?" SAID TO HIM R. JOSHUA, "I CAN SEE YOUR POSITION." SAID TO HIM RABBAN GAMALIEL, "I DECREE THAT YOU COME TO ME WITH YOUR STAFF AND PURSE ON THE DAY OF ATONEMENT WHICH IS DETERMINED IN ACCORD WITH YOUR RECKONING."

1. I:1: It has been taught on Tannaite authority: Said Rabban Gamaliel to sages, "Thus I have received a tradition from the house of my father's father. There are occasions that the moon comes by a long course and some by a short one."

a. I:2: R. Hiyya saw the old moon early in the morning of the twenty-ninth of the lunar month. The new moon could not appear for at least twenty-four hours. So he picked up a stone and threw it at the moon. He said, "This evening we want to sanctify you but you're still here! Now go and hide."

2. I:3: Our rabbis have taught on Tannaite authority: One time the skies clouded over and an image like that of the moon was seen on the twenty-ninth of the month. The people supposed it was the new moon, and the court proposed to sanctify it. Said to them Rabban Gamaliel, "Thus I have received a tradition from the house of my father's father: the reappearance of the moon takes place no less than twenty-nine and a half days, two thirds of an hour, and seventy-three parts of an hour so the new moon cannot appear on the twenty-ninth day itself."

B. R. AQIBA WENT AND FOUND HIM TROUBLED. HE SAID TO HIM, "I CAN PROVIDE GROUNDS FOR SHOWING THAT EVERYTHING THAT RABBAN GAMALIEL HAS DONE IS VALIDLY DONE, SINCE IT SAYS, THESE ARE THE SET FEASTS OF THE LORD, EVEN HOLY CONVOCATIONS, WHICH YOU SHALL PROCLAIM (LEV. 23: 4) . WHETHER THEY ARE IN THEIR PROPER TIME OR NOT IN THEIR PROPER TIME, I HAVE NO SET FEASTS BUT THESE WHICH YOU SHALL PROCLAIM :"

1. II:1: The question was raised: who is the party who was troubled? Was it R. Aqiba who was troubled, or was it R. Joshua who was troubled?

C. HE CAME ALONG TO R. DOSA B. HARKINAS. HE DOSA SAID TO HIM, "NOW IF WE'RE GOING TO TAKE ISSUE WITH THE COURT OF RABBAN GAMALIEL, WE HAVE TO TAKE ISSUE WITH EVERY SINGLE COURT WHICH HAS COME INTO BEING FROM THE TIME OF MOSES TO THE PRESENT DAY, SINCE IT SAYS, THEN WENT UP MOSES AND AARON, NADAB AND ABIHU, AND SEVENTY OF THE ELDERS OF ISRAEL

(EXO. 24: 9). NOW WHY HAVE THE NAMES OF THE ELDERS NOT BEEN GIVEN? TO TEACH THAT EVERY GROUP OF THREE ELDERS WHO CAME INTO BEING AS A COURT OF ISRAEL—LO, THEY ARE EQUIVALENT TO THE COURT OF MOSES HIMSELF:”

1. III:1: Our rabbis have taught on Tannaite authority: Now why have the names of the elders not been given? So that no one can say, “Is so-and-so like Moses and Aaron? Is so-and-so like Nadab and Abihu? Is so-and-so like Eldad and Medad?”

D. JOSHUA TOOK HIS STAFF WITH HIS PURSE IN HIS HAND AND WENT ALONG TO YABNEH, TO RABBAN GAMALIEL, ON THE DAY OF ATONEMENT WHICH IS DETERMINED IN ACCORD WITH HIS GAMALIEL'S RECKONING. RABBAN GAMALIEL STOOD UP AND KISSED HIM ON HIS HEAD AND SAID TO HIM, COME IN PEACE, MY MASTER AND MY DISCIPLE — MY MASTER IN WISDOM, AND MY DISCIPLE IN ACCEPTING MY RULINGS:”

1. IV:1: Our rabbis have taught on Tannaite authority: When he saw him, he stood up from his chair and kissed him on his head and said to him, “Come in peace, my lord and my disciple, my lord, in that you have taught me Torah in public, and my disciple, in that I make a decree over you and you carry it out like a disciple.

XVI. Mishnah-Tractate Rosh Hashanah 3:1

A. IF THE COURT AND ALL THE PEOPLE OF ISRAEL SAW THE NEW MOON ON THE THIRTIETH DAY, AND THE WITNESSES WERE EXAMINED, BUT THEY HAD NO CHANCE TO SAY, “IT IS SANCTIFIED,” BEFORE IT ACTUALLY GOT DARK, LO, THIS MONTH COMING TO AN END IS AN INTERCALATED MONTH:

1. I:1: Why is it taught on Tannaite authority at M. **R.H. 3:1A**: If the court and all the people of Israel saw the new moon....? The rule at M. **R.H. 3:1A-B** seems obvious and need not be stated.

2. I:2: Now, since it is taught on Tannaite authority that the court and all the people of Israel saw the new moon, why do I need the additional fact that the witnesses were examined? Since all the people saw the new moon, why are witnesses required at all?

3. I:3: Now, since it is taught on Tannaite authority: they had no chance to say, “It is sanctified,” before it actually got dark, lo, this month coming to an end is an intercalated month, why should I have taught on Tannaite authority about the examination of the witnesses at all? Since the declaration “It is sanctified” was not made prior to when it got dark, whether or not the witnesses were examined is irrelevant. In either case, the preceding month must be intercalated.

B. IF THE COURT ALONE SAW IT, LET TWO OF THEM GET UP AND GIVE TESTIMONY BEFORE THE REST OF THEM, AND THEN THEY SHOULD SAY, “IT IS SANCTIFIED, IT IS SANCTIFIED.”

1. II:1: But why? Since the entire court saw the new moon, why is testimony required at all? Surely, contrary to what is indicated by the Mishnah’s rule hearing about what occurred should not be given greater weight than actually seeing it oneself!

C. IF THREE OF THEM SAW IT, AND THEY COMPRISE THE ENTIRE COURT, LET TWO OF THEM ARISE, AND LET THEM SEAT SOME OF THEIR COLLEAGUES WITH THE REMAINING JUDGE, AND GIVE TESTIMONY BEFORE THEM, SO THEY MAY SAY, “IT IS SANCTIFIED, IT IS SANCTIFIED.” FOR AN INDIVIDUAL IS NOT REGARDED AS TRUSTWORTHY BY HIMSELF TO PRONOUNCE THE SANCTIFICATION OF THE MONTH.

1. III:1: But why? Since the entire court saw the new moon, why is testimony required at all? Here too contrary to what is indicated by the Mishnah’s rule hearing about what occurred should not be given greater weight than actually seeing it oneself!

2. III:2: M. **R.H. 3:1C-D** and E suggest that one who is able to act as a witness may be designated a judge. Since it suggests this I can argue that the Mishnaic passage does not accord with the view of R. Aqiba.

XVII. Mishnah-Tractate Rosh Hashanah 3:2

A. ALL SHOFARS ARE VALID, EXCEPT FOR THAT OF A COW, BECAUSE IT IS A HORN. SAID R. YOSÉ, “BUT ARE NOT ALL SHOFARS CALLED HORNS, AS IT IS SAID JOS. 6:5, ‘AND WHEN THEY MAKE A LONG BLAST WITH THE RAM’S HORN, AS SOON AS YOU HEAR THE SOUND OF THE SHOFAR, THEN ALL THE PEOPLE SHALL SHOUT WITH A GREAT SHOUT’?”

1. I:1: Correctly has R. Yosé stated matters, at M. **R.H. 3:2C**, holding that all shofars are called horns. But, as for the Rabbis, who stand behind the anonymous rule of M. **R.H. 3:2A-B**—what can they say to support their position?

a. I:2: Secondary expansion of a detail of the foregoing.

b. I:3: Secondary expansion of a detail of the foregoing.

c. I:4: Secondary expansion of a detail of the foregoing.

I. I:5: Secondary expansion of a detail of the foregoing.

II. I:6: Secondary expansion of a detail of the foregoing.

III. I:7: Secondary expansion of a detail of the foregoing.

IV. I:8: Secondary expansion of a detail of the foregoing.

V. I:9: Secondary expansion of a detail of the foregoing.

XVIII. Mishnah-Tractate Rosh Hashanah 3:3-5

A. THE SHOFAR FOR THE NEW YEAR DERIVES FROM AN ANTELOPE. IT IS STRAIGHT:

1. I:1: Said R. Levi, “The religious obligation of the New Year and the Day of Atonement is carried out with curved shofars, while that of the rest of the year is carried out with straight shofars.”

a. I:2: Expansion on a detail of the foregoing.

B. AND ITS MOUTH IS OVERLAID WITH GOLD:

1. II:1: But suggesting the contrary thus we have taught on Tannaite authority at T. **R.H. 2:4**: If one overlaid it with gold at a place the mouth touches, it is invalid. If it is overlaid with gold at a place the mouth does not touch, it is valid.

C. AND AT THE SIDES OF THE ONE WHO BLEW THE SHOFAR ARE TWO WHO BLOW TRUMPETS. THE SHOFAR IS SOUNDED FOR A LONG NOTE, AND THE TRUMPETS ARE SOUNDED FOR A SHORT NOTE, FOR THE RELIGIOUS OBLIGATION OF THE DAY APPLIES TO THE SHOFAR.

1. III:1: Now this seems unacceptable, since can two sounds be distinctly heard at once? The affect of playing the shofar and trumpets together is that the shofar will not be heard. This would result in a violation of the religious obligation to hear the shofar.

2. III:2: The implication of the preceding unit is stated. This is to say that if one hears the end of the blast but not the beginning of the blast, he has fulfilled his obligation to hear the shofar. And it goes without saying that if he heard the beginning of the blast but not the end of the blast, he has fulfilled his obligation.

D. AND THOSE USED ON FAST DAYS ARE RAMS' HORNS. THEY ARE CURVED AND THEIR MOUTH IS OVERLAID WITH SILVER.

AND IN THE MIDDLE OF THOSE WHO BLEW THE SHOFAR ARE TWO WHO SOUND THE TRUMPETS. THE SHOFAR IS SOUNDED FOR A SHORT NOTE, AND THE TRUMPETS ARE SOUNDED FOR A LONG NOTE, FOR THE RELIGIOUS OBLIGATION OF THAT DAY APPLIES TO THE TRUMPETS.

1. IV:1: What is distinctive there in the case of the shofar used for New Year, M. **R.H. 3:3C**, such that gold is used?

2. IV:2: Rab Pappa bar Samuel intended to do things as described in the Mishnah, that is, using both a shofar and trumpets. Said to him Raba, "They gave that instruction only for the sanctuary."

E. THE PROCLAMATION OF THE YEAR OF JUBILEE IS EQUIVALENT TO THE NEW YEAR IN REGARD TO THE SOUNDING OF THE SHOFAR AND TO THE BLESSINGS. R. JUDAH SAYS, "ON THE NEW YEAR THEY SOUND THE RAMS' HORN, AND AT THE JUBILEE YEAR THEY SOUND ANTELOPES' HORNS."

1. V:1: Said Rab Samuel bar Isaac, "Nowadays, on whose authority do we pray on New Year: 'Today is the beginning of your works, the commemoration of the first day'? On whose authority? On the authority of Eliezer, who said, "In Tishré, the world was created."

XIX . Mishnah-Tractate Rosh Hashanah 3:6-7

A. A SHOFAR WHICH CRACKED AND WHICH THEY STUCK TOGETHER IS INVALID:

1. I:1: Our Rabbis have taught on Tannaite authority (T. **R.H. 2: 4**) If a shofar was long and one cut it down, it is valid. If one shaved it down, and left it as thin as its coating, it is valid. If one overlaid it with gold at the place the mouth touches, or if one added to it any amount at all, even of the same substance, it is invalid. If one overlaid it at a place the mouth does not touch, it is valid. If one overlaid it with

gold on the inside, it is invalid. If one did so on the outside—if the sound is altered from the way it had been, it is invalid. But if not, it is valid.

2. I:2: Our Rabbis have taught on Tannaite authority (T. **R.H. 2: 4**): If one shaved it down, whether inside or outside, it is valid. If one shaved it down, and left it as thin as its coating, it is valid. If one set one shofar inside another shofar and sounded them— If he heard the sound made by the inner one, he has fulfilled the obligation to hear the shofar. But if he heard the sound of the outer one, he has not fulfilled his obligation.

3. I:3: If he softened the shofar and turned it inside out, he has not fulfilled his obligation.

B. IF ONE STUCK TOGETHER THE SHREDS OF SHOFARS, THE SHOFAR CONSTRUCTED IN THAT WAY IS INVALID. IF IT WAS PERFORATED AND ONE FILLED UP THE HOLE— IF THE FILLED HOLE AFFECTS THE SOUND OF THE SHOFAR, IT IS INVALID. BUT IF NOT, IT IS VALID.

1. II:1: Our Rabbis have taught on Tannaite authority (T. **R.H. 2: 4**): If one added to it in any amount, whether of the same substance or of some different substance, it is invalid. If it was perforated and one filled up the hole, whether with the same substance or with some different substance, it is invalid. R. Nathan says, “If it is with the same substance, it is valid; but with some different substance, it is invalid.”

2. II:2: They sent the father of Samuel the rule: If one pierced it and anyway used it for the required blast, he has fulfilled his religious obligation.

C. HE WHO SOUNDS THE SHOFAR INTO A CISTERN, CELLAR, OR LARGE JAR—IF HE HEARD THE SOUND OF THE SHOFAR, HE HAS FULFILLED HIS OBLIGATION. BUT HE HEARD THE SOUND OF THE ECHO, HE HAS NOT FULFILLED HIS OBLIGATION. AND SO TOO: HE WHO WAS GOING ALONG BEHIND A SYNAGOGUE, OR WHOSE HOUSE WAS NEAR A SYNAGOGUE, AND WHO HEARD THE SOUND OF THE SHOFAR OR THE SOUND OF THE READING OF THE SCROLL OF ESTHER—IF HE DIRECTED HIS HEART THEREBY INTENDING TO CARRY OUT HIS OBLIGATION, HE HAS FULFILLED HIS OBLIGATION. BUT IF NOT, HE HAS NOT FULFILLED HIS OBLIGATION. EVEN THOUGH THIS ONE HEARD AND THAT ONE ALSO HEARD, ONLY ONE OF THEM HAS FULFILLED HIS OBLIGATION, FOR THIS ONE DIRECTED HIS HEART, AND THAT ONE DID NOT DIRECT HIS HEART TO WHAT HE HEARD.

1. III:1: Said Rab Huna, “They did not teach this rule to apply except to those who are standing on the edge of the cistern. Such people have fulfilled their obligation only if they hear the sound of the shofar itself, not an echo. But those who are standing in the cistern itself, and who hear the shofar being blown into the cistern, have fulfilled the obligation of hearing the shofar.” Such people are assumed to have heard the shofar, not the echo.

2. III:2: Said Rabbah, “If one heard part of the blast while in the cistern and having stepped out part of the blast on the edge of the cistern, he has fulfilled his obligation. If one heard part of the blast prior to dawn and part of the blast after dawn, he has not fulfilled his obligation.”

a. III:3: This is to say that Rabbah reasons that if one hears the end of the blast but not the beginning of the blast, he has fulfilled his obligation to hear the shofar. And it goes without saying that if he heard the beginning of the blast but not the end of the blast, he has fulfilled his obligation.

4. III:4: Said Rab Judah, “One may not blow a shofar from a burnt-offering, but if he blew such a shofar, he has fulfilled his religious obligation. One may not blow a shofar from a peace-offering, and if he blew such a shofar, he has not fulfilled his religious obligation.”

5. III:5: Said Rab Judah, “With a shofar from an animal used for idolatry one should not blow, but if he blew such a shofar, he has fulfilled his obligation. With a shofar from an animal from a dedicated city as at Deu. 13:12-17, one should not blow, and if he blew such a shofar, he has not fulfilled his obligation.”

6. III:6: Said Raba, “As for one who vows not to benefit literally: derive enjoyment from his neighbor—that neighbor in all events is permitted to blow the required Teqi‘ah sound for him. Comparably one who vows not to benefit from a particular shofar is permitted to blow the required Teqi‘ah on it.”

7. III:7: They sent to the father of Samuel saying: If on Passover they compelled a person to eat unleavened bread, by doing so he fulfilled his obligation to eat unleavened bread. This is the case even though he did not intend to fulfill the religious obligation. Said Raba, “This rule that states that an act not intended to fulfill a religious obligation still is efficacious suggests: One who blows a shofar simply to produce music in all events fulfills his obligation.”

D. DOES THE PERFORMANCE OF RELIGIOUS OBLIGATIONS REQUIRE INTENTION?

a. III:8: Alluding to the foregoing: I can say that Raba reasons that the performance of religious obligations does not require intention?

I. III:9: Raba said, “The fulfillment of a religious obligation does not require intention. Transgression of the prohibition against adding does require intention.”

II. III:10: Said R. Zira to his servant, “Focus your intention upon fulfilling the religious obligation and then blow the shofar for me to hear.” Based on this I can say he reasoned that the one who makes the blast heard must have the intention to fulfill the obligation.

XX. Mishnah-Tractate Rosh Hashanah 3:8

A. “NOW IT HAPPENED THAT WHEN MOSES HELD UP HIS HAND, ISRAEL PREVAILED, AND WHEN HE LET HIS HAND FALL, AMALEK PREVAILED.” NOW DO MOSES' HANDS MAKE WAR OR BREAK IT OFF? RATHER, THE POINT OF THE VERSE IS TO SAY THIS TO YOU: SO LONG AS THE ISRAELITES WOULD SET THEIR EYES UPWARD AND SUBMIT THEIR HEARTS TO THEIR FATHER IN HEAVEN, THEY WOULD GROW STRONGER. AND IF NOT, THEY FELL. SIMILARLY, YOU MAY SAY THE FOLLOWING, “MAKE YOURSELF A FIERY SERPENT AND SET IT ON A STANDARD, AND IT SHALL COME TO PASS THAT EVERY ONE WHO IS BITTEN, WHEN HE SEES IT, SHALL LIVE.” NOW DOES THAT SERPENT ON THE STANDARD KILL OR GIVE LIFE? RATHER: SO

LONG AS THE ISRAELITES WOULD SET THEIR EYES UPWARD AND SUBMIT TO THEIR FATHER IN HEAVEN, THEY WOULD BE HEALED. AND IF NOT, THEY DECAYED FROM THE BITES.

THE SHOFAR BLASTS OF A DEAF-MUTE, IDIOT, AND MINOR DO NOT FULFILL THE OBLIGATION OF THE COMMUNITY. THIS IS THE GOVERNING PRINCIPLE: WHOEVER IS NOT OBLIGATED TO CARRY OUT A PARTICULAR DEED CANNOT EFFECT THE OBLIGATION OF THE COMMUNITY EITHER

1. I:1: Our Rabbis have taught on Tannaite authority (T. **R.H. 2: 5**): All are obligated regarding sounding the shofar: priests, Levites, Israelites, converts, freed slaves, disqualified priests, netins, mamzers, one of uncertain sex, hermaphrodites, and one who is half slave and half free. One of uncertain sex does not perform a religious act so as to exempt from that act either one of his own kind or one who is not of his own kind. A hermaphrodite may perform a religious act so as to exempt from that act one who is of his own kind but not one who is not of his own kind. One who is half slave and half free does not perform a religious act so as to exempt from that act either one of his own kind or one who is not of his own kind.

a. I:2: One who is half slave and half free does not perform a religious act so as to exempt from that act either one of his own kind or one who is not of his own kind. Said Rab Huna, “But he may perform a religious act so as to exempt himself.” Said Rab Nahman to Rab Huna, “What is distinctive about the case of others, such that he may not perform a religious act so as to exempt them? For his enslaved side cannot act on behalf of others’ freed side.”

2. I:3: Ahaba the son of Rab Zira taught on Tannaite authority: “As for all blessings—even though one already has recited them, so as to fulfill his own requirement, he still may recite them again, so as to exempt others from the obligation. This applies except for the blessings over bread and wine, in the case of which, if he has not yet fulfilled his obligation, he may fulfill the obligation on behalf of others, but if he already fulfilled his own obligation, he may not fulfill the obligation on behalf of others.”

a. I:4: Our Rabbis have taught on Tannaite authority: A person should not break bread and say the blessing for visitors unless he is going to eat with them. But he may break bread and say the blessing for his children and the members of his household even if he is not going to eat with them, in order to teach them about the performance of religious obligations.

XXI. Mishnah-Tractate Rosh Hashanah 4:1-2

A. THE FESTIVAL DAY OF THE NEW YEAR WHICH COINCIDED WITH THE SABBATH—IN THE TEMPLE THEY WOULD SOUND THE SHOFAR. BUT NOT IN THE PROVINCES.

1. I:1: What is the source in Scripture of this rule at M. **R.H. 4:1A+C**, that the shofar is not blown on the Sabbath?

B. WHEN THE TEMPLE WAS DESTROYED, RABBAN YOHANAN B. ZAKKAI ORDAINED THAT THEY SHOULD SOUND THE SHOFAR IN EVERY LOCALE IN WHICH THERE WAS A COURT.

1. II:1: Our Rabbis have taught on Tannaite authority: Once, New Year coincided with the Sabbath, and the people of all the cities came together in Yabneh, to hear a representative of the court blow the shofar, as described at M. **R.H. 4:1D**. Said Rabban Yohanan b. Zakkai to the people of Beterah, “Let us blow the shofar!” They said to him, “Let us discuss the issue, to determine whether the prohibition against blowing the shofar on the Sabbath should extend even to cities in which there is a court.” Yohanan said to them, “Let us blow the shofar first and discuss afterwards!” After they had blown the shofar they said to him, “Now let us discuss the matter!” Yohanan said to them, “The horn already has been heard in Yabneh, and, after the fact, one does not reconsider.”

C. SAID R. ELEAZAR, “RABBAN YOHANAN B. ZAKKAI ORDAINED ONLY FOR THE CASE OF YABNEH ALONE.”

1. III:1: The authorities introduced by the statement “They said to him” hold the same view as the first cited Tannaite authority that is, Yohanan, M. **R.H. 4:1D**, who says that wherever there is a court, the shofar is blown on the Sabbath.

D. THEY SAID TO HIM, “ALL THE SAME ARE YABNEH AND EVERY LOCALE IN WHICH THERE IS A COURT.”

1. IV:1: Said R. Huna, “Now, the point of M. **R.H. 4:1F** is that the shofar is blown on the Sabbath only with a court.”

E. AND IN THIS REGARD ALSO WAS JERUSALEM AHEAD OF YABNEH: IN EVERY TOWN WHICH IS WITHIN SIGHT AND SOUND OF JERUSALEM, AND NEARBY AND THE RESIDENTS OF WHICH ARE ABLE TO COME UP TO JERUSALEM, THEY SOUND THE SHOFAR. BUT AS TO YABNEH, THEY SOUND THE SHOFAR ONLY IN THE COURT ALONE.

1. V:1: Objected Raba, “What is the significance of the terms And in this regard also? Shall I say the text means exactly that which it says without the need to interpolate any additional considerations? If that is the case it should lack the word also and say simply, And in this regard was Jerusalem ahead of Yabneh...”

a. V:2: There are those who, on Tannaite authority, relate literally, “teach” this statement of Rab Huna that the shofar is blown on the Sabbath only in the presence of a court to that which is written Lev. 25: 9: “On the day of atonement you shall make proclamation with the trumpet throughout all your land.”

2. V:3: Inquired R. Zira, “If the members of the court had gotten ready to rise, but had not yet risen, what is the rule whether or not the shofar may be blown?”

F. IN EVERY TOWN WHICH IS WITHIN SIGHT AND SOUND OF JERUSALEM, AND NEARBY AND THE RESIDENTS OF WHICH ARE ABLE TO COME UP TO JERUSALEM...:

1. VI:1: The reference to sight excludes from blowing the shofar on the Sabbath one located in a valley. The reference to sound excludes one located on the top of

a mountain. The reference to being able to come to Jerusalem excludes a person separated from it that is, the city by a river.

XXII. Mishnah-Tractate Rosh Hashanah 4:3

A. IN OLDEN TIMES THE LULAB WAS TAKEN UP IN THE TEMPLE FOR SEVEN DAYS, AND IN THE PROVINCES, FOR ONE DAY. WHEN THE TEMPLE WAS DESTROYED, RABBAN YOHANAN B. ZAKKAI MADE THE RULE THAT IN THE PROVINCES THE LULAB SHOULD BE TAKEN UP FOR SEVEN DAYS, AS A MEMORIAL TO THE TEMPLE:

1. I:1: From what verse in Scripture do we know that we should create a memorial to the Temple?

B. ...AND THAT THE DAY THE SIXTEENTH OF NISAN ON WHICH THE OMER IS WAVED SHOULD BE WHOLLY PROHIBITED IN REGARD TO THE EATING OF NEW PRODUCE:

1. II:1: What is the reason for this? The Temple may soon be rebuilt, and the people will say, “Last year did we not eat the new grain on the sixteenth of Nisan beginning with day break? Now too let us eat it immediately after day break on the sixteenth.”

2. II:2: Nahman bar Isaac presents a different explanation of Yohanan b. Zakkai’s ordinance. Said Rab Nahman bar Isaac, “At M. **R.H. 4:3C** Rabban Yohanan b. Zakkai followed the legal perspective expressed by R. Judah. For Judah said, ‘Lev. 23:14 states: “And you shall eat neither bread nor grain parched or fresh until this same day”—this means that one may not eat it until the end of the substance of that day.’ And Judah reasoned from the fact that Lev. 23:14 uses the word ‘until’—holding that the term ‘until’ encompasses the period to which it refers, such that ‘until this same day’ in all circumstances means ‘until the end of this day’.”

XXIII. Mishnah-Tractate Rosh Hashanah 4:4A-E

A. AT FIRST THEY WOULD RECEIVE TESTIMONY ABOUT THE NEW MOON ALL DAY LONG. ONE TIME THE WITNESSES CAME LATE, AND THE LEVITES CONSEQUENTLY WERE MIXED UP AS TO WHAT PSALM THEY SHOULD SING. THEY MADE THE RULE THAT THEY SHOULD RECEIVE TESTIMONY ABOUT THE NEW MOON ONLY UP TO THE AFTERNOON OFFERING. THEN, IF WITNESSES CAME AFTER THE AFTERNOON OFFERING, THEY WOULD TREAT THAT ENTIRE DAY AS HOLY AND THE NEXT DAY AS HOLY TOO. WHEN THE TEMPLE WAS DESTROYED, RABBAN YOHANAN B. ZAKKAI MADE THE RULE THAT THEY SHOULD ONCE MORE RECEIVE TESTIMONY ABOUT THE NEW MOON ALL DAY LONG.

1. I:1: In what way were the Levites mixed up as to what psalm they should sing, in line with M. **R.H.4:4B**?

a. I:2: It is taught on Tannaite authority (M. **Tam. 7: 4**): R. Judah says in the name of R. Aqiba: “On the first day what did they sing? Psa. 24, which begins: ‘The earth is the Lord’s and the fullness thereof, the world and they who live therein.’ This psalm was used because on Sunday God took possession and gave possession and was ruler over his world without the

heavenly hosts, who were created on the second day. On the second day what did they sing? Psa. 48, beginning: ‘Great is the Lord and highly to be praised in the city of our God, even upon his holy hill.’ This psalm was used because on Monday, God divided that which he created into the upper and lower worlds and was sovereign over them. On the third day they did sing Psa. 82, which begins: ‘God stands in the congregation of God, he is a judge among the gods.’ This psalm was used because on Tuesday, God revealed the dry land in his wisdom and prepared the earth for his congregation. On the fourth day they did sing Psa. 94, which begins: ‘Lord God to whom vengeance belongs, you God to whom vengeance belongs, show yourself.’ This psalm was used because on Wednesday, God created the sun and moon and was destined to exact punishment from those who serve them. On the fifth day they did sing Psa. 81, which begins, ‘Sing aloud to God our strength, make a joyful noise to the God of Jacob.’ This psalm was used because on Thursday, God created birds and fish, which bring glory to his name. On the sixth day they did sing Psa. 92, which begins, ‘The Lord reigns; he is robed in majesty.’ This psalm was used because on Friday, God finished his work and ruled over all he created. On the seventh day they did sing Psa. 92, which begins, ‘A Psalm, a song for the Sabbath day’—a psalm for the day that is wholly Sabbath rest for eternity.”

b. I:3: At the Sabbath additional sacrifice, what Psalm did they say?

c. I:4: At the afternoon sacrifice on the Sabbath, what Psalm did they say?

I. I:5: They asked them, “Regarding these passages, are they all recited on every Sabbath or, perhaps, on each Sabbath they recite only one passage?”

2. I:6: Said R. Judah bar Idi said R. Yohanan, “The divine presence made ten journeys in leaving Israel prior to the destruction of the first Temple.”

XXIV. Mishnah-Tractate Rosh Hashanah 4:4F-G

A. SAID R. JOSHUA B. QORHA, “THIS RULE TOO DID RABBAN YOHANAN B. ZAKKAI MAKE: EVEN IF THE HEAD OF THE COURT IS LOCATED SOMEWHERE ELSE, THE WITNESSES SHOULD COME ONLY TO THE LOCATION OF THE COUNCIL TO GIVE TESTIMONY, AND NOT TO THE LOCATION OF THE HEAD OF THE COURT:”

1. I:1: Illustrative case. As for a certain woman who was summoned to appear in court before Amemar in Nehardea—before she appeared Amemar went to Mahoza, but she did not follow him and, hence, failed to appear. He therefore wrote out a warrant against her. Arguing that this was not an appropriate response said Rab Ashi to Amemar, “But to the contrary have we not taught on Tannaite authority: Even if the head of the court is located somewhere else, the witnesses should come only to the location of the council to give testimony, and not to the location of the head of the court?”

2. I:2: Our rabbis have taught on Tannaite authority: Priests are not permitted to go up to the priests’ platform in the Temple, from which they recite the priestly

benediction in their sandals. And this is one of nine ordinances that Rabban Yohanan b. Zakkai enacted: six found in this chapter of M. R.H., one in a preceding chapter, and the other, as it is taught on Tannaite authority: A proselyte who converts to Judaism at the present time that is, after the destruction of the Temple must set aside a quarter sheqel for his nest of pigeons, required as a sacrifice, should the Temple be rebuilt.

XXV. Mishnah-Tractate Rosh Hashanah 4:5

A. THE ORDER OF THE BLESSINGS OF THE NEW YEAR ADDITIONAL SERVICE IS AS FOLLOWS: “ONE SAYS THE PATRIARCHS, POWERS, THE SANCTIFICATION OF THE NAME, AND INCLUDES THE SOVEREIGNTY VERSES WITH THEM BUT DOES NOT SOUND THE SHOFAR; THEN THE SANCTIFICATION OF THE DAY, AND ONE NOW SOUNDS THE SHOFAR, THE REMEMBRANCE VERSES, AND ONE SOUNDS THE SHOFAR, THE SHOFAR VERSES, AND ONE SOUNDS THE SHOFAR; THEN ONE SAYS THE BLESSING OF THE SACRIFICIAL SERVICE, THE THANKSGIVING, AND THE PRIESTLY BLESSING”—THE WORDS OF R. YOHANAN B. NURI. SAID TO HIM R. AQIBA, “IF HE DOES NOT SOUND THE SHOFAR IN CONNECTION WITH THE SOVEREIGNTY VERSES, WHY DOES HE MAKE MENTION OF THEM AT ALL? BUT: ONE SAYS THE FATHERS, THE POWERS, THE SANCTIFICATION OF THE NAME, AND INCLUDES THE SOVEREIGNTY VERSES WITH THE SANCTIFICATION OF THE DAY, AND THEN SOUNDS THE SHOFAR; THE REMEMBRANCE VERSES AND SOUNDS THE SHOFAR; THE SHOFAR VERSES AND SOUNDS THE SHOFAR, THEN THE BLESSING OF THE SACRIFICIAL SERVICE, THE THANKSGIVING, AND THE PRIESTLY BLESSING.”

1. I:1: Aqiba’s challenge to Yohanan b. Nuri, M. **R.H. 4:5B** vs. M. **R.H. 4:5E-H**, is explained. Said to him R. Aqiba, “If he does not sound the shofar in connection with the Sovereignty verses, why does he make mention of them at all?” Aqiba’s challenge to Yohanan b. Nuri, “Why does he make mention of them at all?” appears unconvincing, since the Answer to Aqiba’s question answer is obvious: One mentions the Sovereignty verses because the merciful one that is, God said that they must be recited! God’s command applies without regard to whether or not the shofar is sounded in conjunction with these verses.

2. I:2: Our Rabbis have taught on Tannaite authority: From what verse in Scripture do we know that we are to recite the first benediction of the Amidah, which refers to God’s protection of the Patriarchs? And from what verse in Scripture do we know that in the New Year additional service we are to recite the Sovereignty, Remembrance, and Shofar verses?

3. I:3: Now, where in the worship service does one say the sanctification of the day? It is taught on Tannaite authority (T. **R.H. 2:11**): Rabbi says, “One says it with the Sovereignty verses.

a. I:4: Now, when the court sanctified the year in Usha, R. Yohanan b. Beroqah went down before the ark in the presence of Rabban Simeon b. Gamaliel and acted in accordance with the view of R. Yohanan b. Nuri (M. **R.H. 4:5A-D**). That is, he recited the sovereignty verses with the third benediction and did not sound the shofar after them. Said to him Rabban Simeon b. Gamaliel, “That was not the custom that we followed in

Yabneh.” On the second day of the festival R. Hanina, son of R. Yosé the Galilean, went down before the ark and acted in accordance with the view of R. Aqiba. That is, he recited the Sovereignty verses along with the sanctification of the day and sounded the shofar with them. Said Rabban Simeon b. Gamaliel, “That was not the custom that we followed in Yabneh.”

I. I:5: Gloss of a detail of the foregoing.

XXVI. Mishnah-Tractate Rosh Hashanah 4:6A-B

A. THEY DO NOT SAY FEWER THAN TEN SOVEREIGNTY VERSES, TEN REMEMBRANCE VERSES, TEN SHOFAR VERSES:

1. I:1: These ten Sovereignty verses—to what do they correspond?

B. R. YOHANAN B. NURI SAYS, “IF ONE HAS SAID THREE OF EACH SET, HE HAS FULFILLED HIS OBLIGATION.”

1. II:1: The question was posed: What is the meaning of Yohanan b. Nuri’s statement? Does Yohanan b. Nuri mean that, to fulfill the obligation, one need only recite three verses from the Pentateuch, three from the Prophets, and three from the Writings, which equals a total of nine verses, such that the difference between them that is, between the views of Yohanan b. Nuri and the anonymous view at M. **R.H. 4:6A**, which requires ten verses is only one verse? Or perhaps Yohanan b. Nuri mean that, to fulfill the obligation, one need only recite one verse from the Pentateuch, one from the Prophets, and one from the Writings, which equals a total of three verses, such that the difference between them that is, between the views of Yohanan b. Nuri and the anonymous view at M. **R.H. 4:6A** is greater?

XXVII. Mishnah-Tractate Rosh Hashanah 4:6C-E

A. THEY DO NOT MAKE MENTION OF VERSES OF REMEMBRANCE, SOVEREIGNTY, OR SHOFAR, WHICH SPEAK OF PUNISHMENT:

1. I:1: What does M. **R.H. 4:6C** mean by Sovereignty verses that speak of punishment?

2. I:2: M. **R.H. 4:6C** legislates against the use of Sovereignty, Remembrance, or Shofar verses that speak of punishment. But if one wished to recite Sovereignty, Remembrance, or Shofar verses that speak of the punishment of idolaters, one may recite them. What is meant by Sovereignty verses that speak of punishment of idolaters?

3. I:3: They do not recite a verse that concerns the remembrance of an individual, even if it is favorably.

4. I:4: “Verses referring to visitations are equivalent to verses that refer to remembrance, for instance Gen. 21: 1: ‘The Lord visited Sarah as he had said, and the Lord did to Sarah as he had promised.’ and such as Exo. 3:16: ‘I have surely visited you’”—the words of R. Yosé.

5. I:5: Psa. 24: 7-10 is analyzed to determine the number of references it contains that may be used as Sovereignty verses. Psa. 24: 7-10 reads: “Lift up your heads, O gates, and be lifted up, O ancient doors, that the king of glory may come in. Who is the king of glory? The Lord, strong and mighty, the Lord, mighty in battle! Lift up your heads, O gates, and be lifted up, O ancient doors, that the king of glory may come in! Who is this king of glory? The Lord of hosts, he is the king of Glory. Selah.”

6. I:6: (T. **R.H. 2:13**): A verse referring to remembrance that contains an allusion to the sounding of the shofar—such as Lev. 23:24: “In the seventh month, on the first day of the month, you shall observe a day of solemn rest, a memorial proclaimed with blast of trumpets, a holy convocation”—One recites it either among the Remembrance verses or among the Shofar verses—the words of R. Yosé. R. Judah says, “One recites it only among the Remembrance verses.” A verse referring to sovereignty that contains an allusion to the sounding of the shofar—such as Num. 23:21, “The Lord their God is with them, and the shout lit.: blast, the word normally used to indicate the sounding of the shofar of a king is among them”—One recites it either with the Sovereignty verses or with the Shofar verses—the words of R. Yosé.

B. ONE BEGINS WITH VERSES DERIVING FROM THE PENTATEUCH AND COMPLETES THE MATTER WITH VERSES DERIVING FROM PROPHETIC WRITINGS. R. YOSÉ SAYS, “IF ONE COMPLETED THE MATTER WITH VERSES DERIVING FROM THE PENTATEUCH, HE HAS FULFILLED HIS OBLIGATION.”

1. II:1: Yosé says specifically, “If one completed the matter with verses deriving from the Pentateuch, he has fulfilled his obligation.” This means that post facto, indeed he has fulfilled his obligation, but de jure, he may not do this. But suggesting that Yosé holds the contrary thus we have taught on Tannaite authority: R. Yosé says, “One who completes the matter with verses deriving from the Pentateuch—lo, this is praiseworthy.”

XXVIII. Mishnah-Tractate Rosh Hashanah 4:7

A. HE WHO GOES BEFORE THE ARK ON THE FESTIVAL DAY OF THE NEW YEAR—THE SECOND WHO LEADS THE ADDITIONAL PRAYER ORDERS THE BLOWING OF THE SHOFAR.

1. I:1: What is the reason that the second who leads the additional prayer orders the blowing of the shofar at M. **R.H. 4:7A**? Why is the shofar not sounded during the earlier service?

B. AND AT A TIME OF SAYING THE HALLEL, THE FIRST ONE WHO SAYS THE MORNING SERVICE PROCLAIMS THE HALLEL PSALMS.

1. II:1: we can deduce that on New Year there is no recitation of the Hallel. Otherwise, the clause would read: And when they say the Hallel, referring to New Year day, referred to in the previous lines. What is the reason that Hallel is not recited on New Year day?

XXIX. Mishnah-Tractate Rosh Hashanah 4:8

A. ON ACCOUNT OF MAKING PROVISION FOR THE SHOFAR TO BE USED AT THE NEW YEAR: (1) THEY DO NOT CROSS THE SABBATH BOUNDARY; (2) AND THEY DO NOT DIG UP DEBRIS WHICH HAS FALLEN ON IT; (3) THEY DO NOT CLIMB A TREE TO GET IT; (4) AND THEY DO NOT RIDE ON A BEAST; (5) AND THEY DO NOT SWIM ON THE WATER; (6) AND THEY DO NOT CUT IT EITHER IN A WAY WHICH TRANSGRESSES THE RULES OF THE SABBATH REST OR IN A WAY THAT TRANSGRESSES A NEGATIVE COMMANDMENT OF THE TORAH.

1. I:1: What is the reason that the actions listed at M. **R.H. 4:8B-G** are forbidden? The obligation to sound the shofar derives from a positive commandment. Reference is to Num. 29: 1: “It shall be a day of sounding of the horn to you.”

B. ...THEY DO NOT CROSS THE SABBATH BOUNDARY; AND THEY DO NOT DIG UP DEBRIS WHICH HAS FALLEN ON IT; THEY DO NOT CLIMB A TREE TO GET IT; AND THEY DO NOT RIDE ON A BEAST; AND THEY DO NOT SWIM ON THE WATER;

1. II:1: Insofar as in precluding bringing the shofar from beyond the Sabbath limit or removing it from debris, so M. **R.H. 4:8B-C** you have said that to make provision for its use rabbinic ordinances may not be violated, need the violation of Pentateuchal ordinances such as climbing or riding be mentioned at all? These proscriptions should be obvious and go without saying.

C. AND THEY DO NOT CUT IT EITHER IN A WAY WHICH TRANSGRESSES THE RULES OF THE SABBATH REST

1. III:1: This refers to use of a sickle.

D. OR IN A WAY THAT TRANSGRESSES A NEGATIVE COMMANDMENT OF THE TORAH:

1. IV:1: This refers to use of a knife. A knife regularly is used on a shofar, so that its use on the festival is precluded under the biblical prohibition against work.

E. BUT IF ONE WANTED TO PUT WATER OR WINE IN IT, HE MAY DO SO.

1. V:1: Water or wine one may indeed use, but urine he may not use.

F. THEY DO NOT KEEP CHILDREN FROM SOUNDING THE SHOFAR.

1. VI:1: This implies that they do prevent women. But indicating the contrary has it not been taught on Tannaite authority: They do not keep women or children from sounding the shofar on a festival?

G. BUT THEY PRACTICE WITH THEM UNTIL THEY LEARN HOW TO DO IT.

1. VII:1: Said R. Eleazar, “This applies even on the Sabbath.”

H. AND ONE WHO IS PRACTICING HAS NOT FULFILLED HIS OBLIGATION TO SOUND THE SHOFAR, BY DOING SO:

1. VIII:1: This implies that one who sounds the shofar to produce proper notes lit.: a song does fulfill his obligation. The individual’s intention to produce the correct sound is sufficient. He need not formulate the intention to fulfill his religious obligation.

I. AND THE ONE WHO HEARS THE SHOFAR SOUNDED BY THE PERSON WHO IS PRACTICING ALSO HAS NOT FULFILLED HIS OBLIGATION:

1. IX:1: But as for one who hears the shofar being sounded by one who sounds it only to fulfill his own obligation, what is the rule? Is it that the listener has in this way fulfilled his obligation? This appears to be the case.

XXX. Mishnah-Tractate Rosh Hashanah 4:9

A. THE ORDER OF BLOWING THE SHOFAR IS TO SOUND THREE SETS OF THREE EACH.

THE LENGTH OF THE SUSTAINED BLAST IS EQUAL TO THREE THE QUAVERING BLASTS:

1. I:1: But indicating the contrary thus it has been taught on Tannaite authority: The sustained blast is equal to the quavering blast.

B. THE LENGTH OF THE QUAVERING BLAST IS EQUAL TO THREE ALARM BLASTS:

1. II:1: But indicating the contrary thus it is taught on Tannaite authority: The length of a quavering blast is equal to three fragmented blasts. Fragmented blasts are slightly longer than alarm blasts.

C. COMPOSITE ON THE SHOFAR BLASTS AND THE SCRIPTURAL BASES THEREFOR

1. II:2: Our rabbis have taught on Tannaite authority: From what verse in Scripture do we know that the trumpet sounds on New Year must be made with a shofar?

2. II:3: And from what verse in Scripture do we know that the trumpet sounds on New Year all are preceded by a plain blast teqi'ah?

3. II:4: And from what verse in Scripture do we know that there must be three sets of three blasts each as at M. **R.H. 4:9A**?

a. II:5: Secondary analysis of the foregoing.

b. II:6: As above.

4. II:7: Now, three quavering blasts are mentioned in connection with the New Year: Scripture says Lev. 23:24: "...a day of solemn rest, a memorial proclaimed with the blast of trumpets;" Num. 29: 1: "It is a day for you to blow the trumpet;" and, Num. 25: 9, referring to the announcement of the Jubilee Year: "Then you shall make proclamation with the blast of the trumpets on the tenth day of the seventh month." And two sustained blasts accompany each quavering blast. We wind up learning that three quavering blasts and six sustained blasts were prescribed for the New Year. Two of them derive from the written Torah and one derives from the words of scribes.

a. II:8: Secondary analysis of a detail of the foregoing.

5. II:9: R. Abbahu ordained in Caesaria that there would be a sustained blast, three fragmented blasts, a quavering blast and a final sustained blast. Why do this? At issues is why Abbahu required both the fragmented and quavering blasts.

D. IF ONE SOUNDED THE FIRST SUSTAINED BLAST AND THEN SOUNDED THE SECOND SUSTAINED BLAST FOR TWICE AS LONG, HE HAS CREDIT ONLY FOR ONE SET. THE

LENGTHENED BLAST DOES NOT COUNT AS WELL AS THE BEGINNING OF THE NEXT SET.

1. III:1: Said R. Yohanan, “If one heard nine sustained blasts at nine different hours of the day, he has fulfilled his obligation to hear the sounding of the shofar.”
2. III:2: Our Rabbis have taught on Tannaite authority: On most occasions, the omission of some blasts of the shofar does not impair the validity of other blasts, and the omission of some blessings does not impair the validity of other blessings. But the omission of some blasts or blessings on New Year and the Day of Atonement does impair the validity of other blasts and blessings. That is, to be valid, everything must be done in order, with no omissions.

E. HE WHO SAID THE BLESSINGS OF THE MUSAF WORSHIP AND AFTERWARD WAS ASSIGNED A SHOFAR SHOULD SOUND A SUSTAINED NOTE, A QUAVERING NOTE, AND A SUSTAINED NOTE, THREE TIMES, ONCE EACH FOR THE SOVEREIGNTY, REMEMBRANCE, AND SHOFAR VERSES.

1. IV:1: The reason for the rule in this case is that he did not have a shofar at the beginning of the Musaf worship. This implies that, if he had a shofar at the beginning of the Musaf worship, if he is to hear those required blasts, during the course of the blessings he must hear them and not at the end, after the blessings all have been recited.
2. IV:2: And as for an individual who has not sounded the shofar—his fellow may sound it on his behalf. But as for an individual who has not recited the blessings—his fellow may not recite the blessings on his behalf. The greater commandment concerns the sounding of the shofar than concerns the recitation of the blessings.

F. JUST AS THE CONGREGATION'S AGENT IS LIABLE TO SOUND THE SHOFAR, SO EACH INDIVIDUAL IS LIABLE. RABBAN GAMALIEL SAYS, “THE AGENT OF THE COMMUNITY CARRIES OUT THE OBLIGATION ON BEHALF OF THE COMMUNITY AND THEREFORE INDIVIDUALS DO NOT HAVE TO SOUND THE SHOFAR THEMSELVES.”

1. V:1: It is taught on Tannaite authority: They said to Rabban Gamaliel, “In your view, why need the public pray the Amidah prior to the community’s designated agent’s recitation of the required prayers?” Based on Gamaliel’s argument at M. **R.H. 4:9G**, that the community’s agent carries out the community’s obligation, individuals should not need to say anything themselves. He said to them, “It is to give the agent of the community time to prepare that is, to get himself ready for prayer.”

a. V:2: Said Rabbah bar bar Hannah said R. Yohanan, “Sages who stand behind M. **R.H. 4:9F** concede to Rabban Gamaliel, so that the dispute may be deemed resolved in favor of Gamaliel.”

I. V:3: Gloss of a detail of the foregoing.

4. V:4: Said R. Eleazar, “A person should always arrange his prayers properly and only then recite the prayer.” Said R. Abba, “The statement of R. Eleazar certainly is reasonable when it comes to the blessings to be recited on the New Year and the Day of Atonement as well as at the periodical prayers for the festivals. But as to

the blessings that are recited on the ordinary days of the year, that is not the case, for then, special preparation is not required at all.”

5. V:5: Said R. Aha bar Avira said R. Simeon Hasida, “On the basis of the recitation of the liturgy by the agent of the community, Rabban Gamaliel would exempt even the people out in the fields.”

Points of Structure

1. DOES BABYLONIAN TALMUD-TRACTATE ROSH HASHANAH FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

This brief tractate shows in bold relief how the Mishnah defines the organization and structure of the Talmud. No large-scale composite stands entirely remote from the Mishnah's topical program, and most composites begin with systematic exegesis of the Mishnah's words, phrases, rules, or other salient traits.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

The Talmud is formed to spell out the sense of the Mishnah's rules, to draw out its implications, to articulate its inferences, and, in general, to amplify what the Mishnah says or to supply necessary information to clarify what the Mishnah means.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

It follows that order, how things are juxtaposed and deemed self-evidently to relate — these traits of rationality that are critical to the character of the Talmud derive from the task of Mishnah-exegesis, that alone.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

Then by appeal to that definition of rationality, what points of irrationality have we identified, that is, large-scale composites that in one way or another accomplish a task other than that of mere Mishnah-commentary and amplification? I identify these items: I.C [The Special Problem of Improperly Postponing the Fulfillment of Vows beyond the Passage of the Year in which They Are Taken]; i.J [What Does TISHRÉ Commemorate?]; ii.b [Judgment at the New Year of TISHRÉ. The Character of Divine Judgment and Mercy]; III.D [Calculating the New Moon through Sightings and Otherwise: A Topical Composite]; X.C [Miscellany on Verses of Isaiah, including a Reference to Acacia-Wood]; XIX.D [Does the performance of religious obligations require intention?]; XXX.C [Composite on the Shofar Blasts and the Scriptural Bases Therefor].

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE ROSH HASHANAH SERVE ONLY AS A RE-PRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

The answer is a qualified affirmative. Nearly the whole of the Mishnah-tractate of Rosh Hashanah is covered by the Talmud, and as to the lines that are omitted, I identify no distinctive and definitive traits that characterize them all. These seem to me random. But, as we have noted, some important composites do more than accomplish Mishnah-exegesis.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE ROSH HASHANAH AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

I divide into three parts the composites that set forth propositions or information outside of the framework of Mishnah-commentary. At the left hand margin are the important composites, which introduce topics and propositions that Mishnah-exegesis does not require. In the center are those composites that simply add valuable information to topics introduced by the Mishnah. At the right I ordinarily set those composites that in no way relate to the Mishnah-passages before us; there is none for our tractate.

I.C The Special Problem of Improperly Postponing the Fulfillment of Vows beyond the Passage of the Year in which They Are Taken

I.J What Does Tishré Commemorate?

II.B Judgment at the New Year of Tishré. The Character of Divine Judgment and Mercy

III.D Calculating the New Moon

through Sightings and Otherwise: A Topical Composite

X.C Miscellany on Verses of Isaiah, including a Reference to Acacia-Wood

XIX.D Does the performance of religious obligations require intention?

XXX.C Composite on the Shofar Blasts

and the Scriptural Bases Therefor

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

Now, when the compilers of the Bavli address the Mishnah, they define for themselves three tasks. First and paramount, they identify what they deemed to be the Mishnah's problematic, that is, what the Mishnah states that they deem to require amplification. So they clarify the Mishnah's words and phrases; they find Scriptural bases for the Mishnah's rules; they ask about the authority behind an anonymous ruling and make an effort to show that rulings belonging to a given authority may be accepted even by those who oppose his position on a parallel matter. Second, they add some sizable complexes of materials that address a topic of the Mishnah, rather than the problematic thereof, and as

we now have seen, they organize sizable compositions into composites that supplement the Mishnah's inclusion of a topic with more information about that topic. And, third, as we now have seen, the Bavli's framers make us see the Mishnah's topic in a very different way from the way that we would understand that topic absent their work. This they do at critical points in the tractate, and they accomplish their task through a shift in emphasis, rather than through introducing altogether new considerations.

The important entries introduce into the consideration of the tractate a stress that draws the entire tractate off-center and focuses it upon a single matter. The Mishnah's framers announce their perspective and intention in their opening statement: there are four New Years, each for its purpose. But most of the points at which the Talmud's framers have added large-scale composites that stand outside of the framework of Mishnah-exegesis focus upon only one of these four New Years, and that is, the new year that is the first day of Tishré, that is, New Year (Rosh Hashanah) par excellence. So a tractate that wishes to deal with four new years is now made to address only one of them. But there is more: the Mishnah announces that that new year is the new year for the reckoning of years, for Sabbatical years, and for Jubilees. But the Talmud treats the new year marked by the new moon of Tishré commemorates the judgment of the world, and the framers go on to lay heavy emphasis on the theological questions bound up with divine judgment: justice vs. mercy, repentance and atonement. In that same context two special problems find a place. The first concerns postponing vows, a matter of intentionality and fulfillment thereof. The passage of the new year that pertains without fulfilling a vow taken in the prior year will mark a transgression, a breach of faith between man and God. The second involves the role of intentionality in the fulfillment of religious duties, again, the character of the good faith that is required in relating to God.

So the four genuinely fresh entries come together to make one fundamental point, which is, at the New Year — the first of Tishré in particular — we are judged by God, and God pays special intention to breaches of faith, on the one hand, and good-faith fulfillment of the commandments, on the other. Would these points of emphasis have surprised the framers of the Mishnah? Yes and no. M. 1:2 both articulates the character of the first of Tishré as judgment day and also treats that occasion as generic and not particular, when it states in so many words: **“At four seasons of the year the world is judged: at Passover through grain; at Pentecost through fruit of the tree; at the New Year all who enter the world pass before Him like troops, since it is said at Psa. 33:15: ‘He who fashions the hearts of them and who considers all their works;’ and on the Festival of Tabernacles they are judged through water.”** But the Talmud concerns itself with only one kind of judgment, and that is, the moral judgment of the human being. What in the Mishnah is a repertoire of occasions of divine judgment in the Talmud is a crisis in the condition of humanity in particular. For the Mishnah, judgment pertains to nature and humanity, and, while not choosing to differ (why should they?), the framers of the Talmud have accorded priority to the judgment of humanity — and, within that divine scrutiny, they find heavy attention paid to matters of good faith and intentionality.

Our sages' reading of Mishnah-tractate Rosh Hashanah proves coherent with their reading of Mishnah-tractate Yoma. We recall that what mattered to the compilers of Leviticus and the Mishnah alike was the timeless rite of atonement through the bloody rites of the Temple. What captured the attention of the framers of the Bavli-tractate, by contrast, was the personal discipline of atonement through repentance on the Day of Atonement and a

life of virtue and Torah-learning on the rest of the days of the year. They took out of the Holy of Holies and brought into the homes and streets of the holy people that very mysterious rite of atonement that the Day of Atonement called forth. When the compilers of our Talmud moved beyond the limits of the Mishnah-tractate, they transformed the presentation the day and its meaning, transcending its cultic limits. And it was their vision, and not the vision of Leviticus Sixteen and the Mishnah's tractate, that would prove definitive. And so, we now see, is the case with Rosh Hashanah, transformed from generic to particular. The year, with its four beginnings, matters at only one of them, and that is, the point at which God and humanity face one another, at the sounding of the Shofar.

To generalize, the Mishnah sets forth a structure and a system for the holy community in its corporate life. The Talmud in reading some Mishnah-tractates places that holy community into the context of history — Israel's sacred history, the unfolding and manifestation of God's will for God's particular people — and, also, into the setting of the lives of ordinary persons. To claim that the Talmud has transformed the new year, which is various, into The New Year, the Day of Judgment, overstates the case, but not by much; to claim that the Talmud likewise recasts the Temple rite of the Day of Atonement into the occasion for the repentance of the private, introspective conscience of individual Israelites likewise ignores that deep roots in both Scripture and the Mishnah of the Talmud's convictions. But the upshot remains the same: what is perhaps present in potentiality is fully realized; what is a possibility is transformed into an actuality; what is a choice among choices is now accorded priority. The result is one and the same: the Judaic system of the Talmud reshapes the Mishnah's materials and imparts to them the structure that the Talmud's, not the Mishnah's, framers wish them to have.