



## [Jerusalem Talmud Rosh Hashanah 1:2, 57b](#)

Imagining a heavenly court that reflects a Greco-Roman model rather than rabbinic procedures

**Date:** 360 CE to 400 CE

**Place:** Syria Palaestina

**Language:** Hebrew and Aramaic

**Category:** Jewish

**Literary genre:** Talmud

**Title of work:** Jerusalem Talmud

**Reference:**

Rosh Hashanah 1:2, 57b

### **Commentary:**

This selection from the Jerusalem Talmud appears in a discussion of Rosh ha-Shanah (the Jewish New Year) as a day of judgment. According to Mishnah Rosh Hashanah 1:2, on that day, all of humanity – not only Jews – stands in judgment before God. Significantly, the Talmud (and the parallel in Pesiqta de Rav Kahana 5:13 [ha-?odesh haze], Mandelbaum edition, p. 102) envisions the heavenly court much like a Roman court. This description is especially noteworthy, given the rabbinic rejection of certain components of the Roman judicial system, which are an integral part of the heavenly trial on Rosh Hashanah as described in the Talmud.

Our teaching, which is attributed to Rabbi Simon, a second- or third-generation amora who was active in the third century CE, presents two interpretations of what makes Israel a “great nation,” as stated in Deuteronomy 4:8 “And what other great nation has statutes and ordinances as just as this entire law that I am setting before you today?” (NRSV). Rabbi Simon then quotes two sages: Rabbi Hamma bar Rabbi ?anina, a second generation amora (second half of the third century), and Rabbi Hoshaya, a third-generation amora (late third- and early fourth centuries); however, another Rabbi Hoshaya, a first-generation amora who was active in the first half of the third century could be intended. While the Talmud does not specify which sage delivered either teaching, in Pesiqta de Rav Kahana, the second tradition is ascribed to Rabbi Hoshaya.

Both teachings associate the greatness of Israel with the heavenly trial that is held on Rosh ha-Shanah. The first highlights Israelite preparation for this judgment, which displays their faith in God, who performs wonders on their behalf. This tradition compares typical conduct before a trial – wearing black garments and refraining from shaving, namely acts of mourning (see, Josephus, *Jewish Antiquities* XIV. 172) – to the Israelites’ celebratory customs of wearing white clothing, shaving their beards, and feasting. Thus, Israel displays its greatness on Rosh ha-Shanah by demonstrating their trust that God will judge them favorably.

The second teaching ascribes Israel’s greatness to their control over the calendar, which affects both human society and heavenly conduct. The Jewish calendar detailed in rabbinic texts is a lunar cycle with solar adaptations: since twelve lunar months have fewer than 365 days, an additional month is inserted every few years to maintain the holidays in their designated seasons. Rather than creating a fixed calendar, rabbinic sources grant the authority to declare the start of a new month (marked by the appearance of the new moon), and to add a leap month, to human agency (see Mishnah Rosh Hashanah 2:1-3:1). Thus, an Israelite court determines the beginning of the New Year, when humanity is placed on trial before heaven. This concept, together with the citation of Psalms 81:5 to affirm that Israel has the power to set the date of Rosh ha-Shanah, also appear in Tosefta Rosh Hashanah 1:11. Indeed, verses 4-5 are central to the liturgy of this festival: “Blow the horn on the new moon, on the full moon for our feast day. For it is a law for Israel, a ruling for the God of Jacob” (Psalms 81:4-5, based on JPS). The Talmud expands on the Tosefta’s terse reference to Israel’s role in determining the New Year, contrasting a robber (*listis*, from the Greek *l?st?s*), who has no influence on the date of his hearing in a Roman court, with Israel, who sets the date for their own judgement, which God instructs the angels to follow. The stature of Israel is thus exemplified by being entrusted to elect the date of their own trial. As mention above, Mishnah Rosh Hashanah 1:2 defines Rosh ha-Shanah as the day each year when humanity is judged by God. Although our passage, which discusses that mishnah, does not explicitly mention non-Jews, it may highlight a reversal of roles: whereas, under Roman rule,



Jews had little political or juridical authority, here they are responsible for determining the trial date before God for themselves as well as the Romans.

As noted above, it is significant that this heavenly court resembles a Roman court more closely than its rabbinic counterpart. First, this court features a *bimah* (from the Greek *b?ma*), a platform erected for a judicial tribunal or where a judge would position himself; namely, “a special tribunal or platform on which the magistrate sat and which was erected when there was no regular law court” (Christine Elizabeth Hayes, *Between the Babylonian and Palestinian Talmuds*, p. 79; for the *bimah* as a symbol of a Roman court, see [Leviticus Rabbah 13:5 \[part one\]](#)).

Second, this text depicts the heavenly court with professional defenders (*sanigorin*, from the Greek *sun?goros*) and accusers or prosecutors (*qateqorin*, from the Greek *kat?goros*); both had important roles in Roman courts (see, Riggsby, *Roman Law*, p. 115; Hidary, *Rabbis and Classical Rhetoric*, p. 222; for more on these terms in tannaitic sources, see the commentary on [Mekhilta de Rabbi Ishmael, Kasfa \[Mishpatim\] 20](#)). By contrast, according to rabbinic literature, in Israelite courts, judges were responsible for examining witnesses, without the involvement of specialized defenders and prosecutors (on adversarial and inquisitorial courts, see Hidary, *Rabbis and Classical Rhetoric*, p. 217-221; in the rabbinic context, p. 222-238). Richard Hidary notes that the sages created “a system in opposition to the corruption they saw in the Roman legal system” (*Rabbis and Classical Rhetoric*, p. 241). Given the principled rejection and, therefore, absence of these positions in the Jewish justice system as portrayed in rabbinic literature, their inclusion in this talmudic depiction of the heavenly court on Rosh ha-Shanah is striking (see an explanation for this dissonance in Hidary, *Rabbis and Classical Rhetoric*, p. 240-263). In our case, the fact that God needs to re-set the court – the platform, advocates and accusers – heightens the drama and the portrayal of Israel’s supremacy.

When analyzing this text, the third-century context of these sages and the fourth-century realities of its redactors are significant: Jews lacked power under Roman rule. Yet, in the Jerusalem Talmud, Israel is responsible for their calendar, which affects the heavenly justice system and, by extension, has fundamental implications for humanity as a whole.

Keywords in the original language:

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Thematic keywords in English:

- [accuser](#)
- [beard](#)
- [bimah](#)
- [calendar](#)
- [defender](#)
- [faith](#)
- [garment](#)
- [greatness of Israel](#)
- [heavenly court](#)
- [Jewish calendar](#)
- [judge](#)
- [judgement](#)
- [New Year](#)
- [prosecutor](#)
- [Rabbi Hanina](#)
- [Rabbi Simon](#)
- [robber](#)
- [Roman court](#)
- [Roman governor](#)
- [Roman law](#)
- [Rosh Hashanah](#)

**Bibliographical references:** Hayes, Christine E., [Between the Babylonian and Palestinian Talmuds: Accounting for halakhic Difference in Selected sugyot from Tractate Avodah zarah](#) (New York: Oxford University Press, 1997)  
Hiday, Richard, [Rabbis and Classical Rhetoric: Sophistic Education and Oratory in the Talmud and Midrash](#) (Cambridge: Cambridge University Press, 2018)  
Riggsby, Andrew M., [Roman Law and the Legal World of the Romans](#) (Cambridge: Cambridge University Press, 2010)

**Other sources connected with this document:** Text

## [Leviticus Rabbah 13:5 \(part one\)](#)

The boar and the pig as symbols of Rome

- [Read more about Leviticus Rabbah 13:5 \(part one\)](#)

Text

## [Mekhilta de Rabbi Ishmael, Kasfa \(Mishpatim\) 20](#)

Rejection of Greco-Roman judicial systems that involve defenders (*sun?goros*)

- [Read more about Mekhilta de Rabbi Ishmael, Kasfa \(Mishpatim\) 20](#)

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