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## What is a *tannay*?<sup>1</sup>

Moulie Vidas

The noun *tannay* (תנאי)<sup>2</sup> appears frequently in the Palestinian Talmud. The scholarly consensus is that it has the same range of meanings as its counterpart in the Babylonian Talmud, *tanna*. Michael Sokoloff’s authoritative *Dictionary of Jewish Palestinian Aramaic* follows J. N. Epstein in offering three definitions for *tannay*, each beginning with the Babylonian term. The first is that *tannay* is a “*Tanna*, a scholar mentioned in the Tannaitic corpus”; this definition is also the primary one offered by Jastrow: “a teacher, especially *tanna*, an authority mentioned in the Mishnah,” contrasting it with *amora*. The second is a “*Tanna*, one who ordered a Tannaitic text.” The third is a “*Tanna*, oral traditionary,” a pro-

- 1 Passages from the Yerushalmi and other Palestinian rabbinic texts are cited as they appear in the *Ma’agarim* database of the Academy of the Hebrew language unless otherwise noted. I copy the text exactly as it has been transcribed there, including the critical signs, so emendations are reflected only in my translations and noted in the footnotes. Translations also standardize names of the sages regardless of their spelling. Passages from the Bavli are copied from the Friedberg Project for Talmud Bavli Variants, with manuscripts noted. Genizah fragments are cited according to the Friedberg Genizah Project database. Yerushalmi citations in medieval rabbinic works have been copied from the Talmud Yerushalmi Citation Database. Translations are mine unless otherwise noted; for the Hebrew Bible I consulted the *New Revised Standard Version*. I am grateful to Mira Balberg, Yaacob Dweck, Ishay Rosen-Zvi, and the anonymous reviewer for their very helpful comments on earlier versions of this article; and to Harry Spitzer for the most beautiful quarantine spring and masked summer a guy can ask for.
- 2 We find the word spelled in different ways, both in the singular and the plural. For ease of reading, I refer to the word in the Yerushalmi as *tannay* in the singular and *tannayin* in the plural regardless of how the word is spelled in the particular passage I am discussing.

fessional reciter entrusted with the memorization and transmission of Tannaitic teachings, in contrast – Epstein’s treatment makes it clear – with the sages themselves.<sup>3</sup>

Understanding what *tannay* means is therefore important not just because the word figures prominently in the Talmud, but because, if these interpretations are correct, it is relevant for some of the most fundamental questions in Talmudic Studies. If it can mean “a sage from the Tannaitic period,” it is crucial for understanding the sages’ own sense of their history and periodization; if it can mean “oral traditionary,” it sheds light on how the sages defined their role in distinction with other figures occupied with the study of *torah*; and if it can mean one who “ordered” a Tannaitic text or a professional transmitter of such a text it is crucial for reconstructing the mechanisms of composition and transmission of the texts that became rabbinic literature.

This article argues that, in the Palestinian Talmud, this word means none of the above and that the existing definitions draw on realities and distinctions that do not apply to that Talmud and its context. I show that there is no substantial evidence that the position of a professional reciter designated *tannay* existed in late ancient Palestine, and that the interpretation of *tannay* as referring to such specialists draws on Babylonian passages which reflect a different place and time. The definition of *tannay* as a sage mentioned in the Tannaitic corpus is similarly premised on a later Babylonian chronological distinction between *tanna'im* and *amora'im* that is not found in the Palestinian Talmud; by interpreting *tannay* as a “sage” in general this definition also misses the specific function of the word. The second definition offered by Epstein, which comes closest among the existing definitions to capture what *tannay* means in the Yerushalmi, still comes short because it relies on a distinction between “sages” and “arrangers” which the Talmudic sources do not make.

3 Michael Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period*<sup>3</sup> (Ramat Gan: Bar Ilan University Press), 678; Jacob N. Epstein, *Introduction to the Mishnaic Text*<sup>3</sup> (Heb.; Jerusalem: Magnes, 2000), 674-5; Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli, and Yerushalmi, and Midrashic Literature* (London: Luzac, 1903), 1679 (the equivalence with *tannay* is on 1680).

Instead, I offer here a single, alternative definition of *tannay* based on a comprehensive study of all of its instances in the Talmud.<sup>4</sup> Under this definition, *tannay* is a strictly interpretive term, bound completely with the text that is being interpreted. Allow me a partial analogy. When art historians specializing in prehistorical art discuss a cave painting, they may refer to the “artist” who made the painting: “the artist uses strong colors,” “the artist repeats the pattern several times in this painting.” But when they use that term, they do not mean that that person saw himself or herself as an artist, nor do they mean he or she was an artist in our modern sense. These art historians themselves might not have the notion of artist as a profession and still speak about the “artist” of a particular work. “Artist” in this sense is simply a shorthand for “the person who made the art,” a figure of speech hypothesized from that artwork rather than a designation of something beyond it.

My argument is that *tannay* similarly serves in the Talmud as a figure of thought and speech that eases analysis and discussion. It does not qualify people by period or specialization, but rather denotes a particular activity with respect to a particular object: the transmission and formulation of the recited text (*matnita*) under interpretation. Both transmission and formulation, since this term is premised, I will demonstrate, on a notion of recited texts<sup>5</sup> as both traditional and fixed to some degree, on the one hand, and malleable on the other hand: as sages were transmitting the

- 4 Following the list in Moshe Kossovsky, *Concordance to the Talmud Yerushalmi (Palestinian Talmud)* (Heb.; 8 vols.; Jerusalem: Israel Academy of Sciences and Humanities and the Jewish Theological Seminary of America, 1979-2002), 8.677-680, as well as the lists of the phrase *it tannay taney*, *ibid.*, 1.418-422, for which I have also consulted the lists in Moshe Assis, *A Concordance of Amoraic Terms Expressions and Phrases in the Yerushalmi* (Heb.; New York and Jerusalem: Jewish Theological Seminary of America, 2010), 82-90. What is said here of *tannay* applies also to the rare Hebrew equivalent *shoneh*, for which see Kossovsky, *Concordance*, 8.378.
- 5 When I discuss the texts available to the sages in this article, I do not mean *written* texts, since it seems in all probability that as a rule, the sages studied their texts in oral form (see Sussmann’s essay cited below, n. 7). What makes these sources “texts” rather than “traditions” is that they are represented in the Talmud as having a particular formulation that is to some degree fixed.

oral tradition (*matnita writ large*), they adapted it according to their own positions and understanding, resulting in the multiple versions of that tradition which is evident in the wealth of recited texts. *Tannay*, then, is the reciter – that is, transmitter and formulator – of a given recited text.

### Does “*tannay*” mean a professional reciter?

I begin with the third definition offered by Epstein, and therefore Sokoloff – that *tannay* means “traditionary” or a professional reciter. In contrast with the sense of *tannay* as “a sage of the Tannaitic period,” this sense of *tannay*, the argument goes, applies to individuals who lived in the Amoraic period and were not sages but rather specialists who assisted the sages by memorizing and reciting oral traditions, a type of living audiobook. Epstein wrote a pioneering exposition of these reciters and their role in the transmission of rabbinic traditions.<sup>6</sup> More recently they received a prominent place in Sussmann’s major article on the orality of rabbinic texts.<sup>7</sup> These scholars as well as others speak of the position of the reciter as a “unique and developed institution both in Palestine and in Babylonia.”<sup>8</sup> My argument in this section is that the evidence for the existence of this position in Palestine is very weak; that there are few – if

6 Epstein, *IMT*, 673-692.

7 Yaacov Sussmann, *Oral Law Taken Literally: The Power of the Tip of a Yod* (Heb.; Jerusalem: Magnes, 2019); the original publication is in *Mehqere Talmud III: Talmudic Studies Dedicated to the Memory of Professor Ephraim E. Urbach* (Heb.; ed. Y. Sussmann and D. Rosenthal; Jerusalem: Magnes, 2005), 209-384. Note that since the new edition also includes the original pagination, I have used that pagination to benefit those who have access only to that publication. Sussmann’s discussion of the reciters spans pages 239-245.

8 Sussmann, *Oral Law*, 241 and 244-5; Epstein, *IMT*, 674, argued that the title “*tanna'im*” for such reciters was already used in the Tannaitic period itself, in R. Aqiva’s time; all the evidence that is cited to support that claim is from the Babylonian Talmud or later sources. Another extensive discussion of these reciters that locates them both in Palestine and Babylonia is Abraham S. Amir, *Institutions and Titles in the Talmudic Literature* (Heb.; Jerusalem: Mossad Ha-Rav Kook, 1977), 38-61. Other influential treatments of these reciters include Michael Higger, *Otzar ha-Baraitot* (New York: Central Conference of American Rabbis, 1938-1948), 4.494-488 and Saul Lieberman, *Hellenism in Jewish Palestine* (New York: Jewish Theological Seminary, 1950), 88-98.

any – passages which talk about *tannayin* who are contemporary of Amoraic-era sages; and that therefore *tannay* cannot have this meaning in the Palestinian Talmud.

While evidence of professional reciters is strongest in Geonic texts,<sup>9</sup> it is certainly clear in many passages in the Babylonian Talmud that *tanna* can refer to particular individuals, contemporary with Amoraic-era sages but distinct from them, who specialize in the recitation of tradition – even if the degree of institutionalization and professionalization is not similar to what we see in the later Geonic sources.<sup>10</sup> In one passage in *Qiddushin* we find a definition of such a reciter. The passage discusses various cases in which a man says to a woman that she is betrothed to him only on condition that he has a certain possession or characteristic – “[you are betrothed to me] on condition that I am a priest”; “on condition that I am a sage” and so forth. One of the examples discussed is “on condition that I am a reciter [*tanna*],” and the passage goes on to say that the betrothal is only valid if the man can recite a certain range of traditional texts.<sup>11</sup> In other passages, the Talmud records interactions between rabbis

9 Simcha Emanuel, “New Responsa of Rav Hai Ga’on”, *Tarbiz* 69 (2000), 105-126 (Heb.).

10 The evidence here is drawn from Epstein, *IMT*, 675-6.

11 *b. Qidd.* 49b: ‘ספרא ותוספתא עד דתני הלכתא ספרא ותוספתא’ (Ms. Munich 95). Though here, too, it is not clear whether the *tanna* refers to a person who assumed a particular position in a scholarly setting or simply to a person who is well-versed in tradition – or if that distinction is indeed relevant for the Bavli here. The specific context of the mention of the *tanna* is in the analysis of the stipulation “שאני שונה,” where the Bavli distinguishes between two senses, “that I [can] recite” (תנינא) and “that I am a reciter” (תנא אגא), the latter requiring a higher level of knowledge. This may suggest that *tanna* refer to the particular designation in the rabbinic learning environment. But the discussion right before may point in a different direction, since it makes the same distinction, concerning someone who said “that I read [the Scripture]” (שאני קורא; with the manuscripts), between saying “קרינא” and “קרא אגא”, and we do not know of *qara* as a position in the same way (though see n. 80). To be sure, throughout the passage the Bavli emphasizes skills rather than roles, let alone positions; but that does not mean the examples it offers are not of well-known roles. When it gives the example of the sage, it clarifies that the person does not need to be a prominent sage or even a full time sage – we do not require him to be “like the sages of Yavneh, like R. Aqiva and his friends, but rather anyone who is asked

and such reciters: we hear of reciters emending their recitation to include an addition suggested by an Amoraic-era scholar;<sup>12</sup> and, in the other direction, we find sages asking the reciters questions when they are in doubt about recited texts;<sup>13</sup> on one occasion when the precise version of a text is questioned, one sage defends it by reporting: “I once came to the lecture of Rav Pinhas b. R. Ami, and a reciter [*tanna*] stood and recited [the text] before him, and he [R. Pinhas] accepted it from him.”<sup>14</sup> There are also more ideologically charged portrayals of these reciters: one passage compares the reciter with his Zoroastrian counterpart who recites texts mindlessly, without understanding what he recites; it goes on to state that “the reciters are destroyers of the world” and warns its audience not to mix with them.<sup>15</sup>

We find none of this in the Yerushalmi. Absent are not only the ideological representations or explicit definition, but, more important, the ordinary reports of interaction that we find in the Bavli. In the Yerushalmi, we *never* hear of sages, or anyone for that matter, asking the reciters something, or the reciters responding to what the sages say; we *never* hear of reciters reciting “in the presence” of a particular sage, as we do often in the Bavli (more on that below). This is despite hundreds of instances of the word *tannay* in the Yerushalmi. If that word referred to reciters who were ubiquitous in the rabbinic learning environment – if,

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something of wisdom anywhere and he is able to say it”; still the very fact that that clarification is necessary shows that the presumption is that a “sage” refers to a particular role or position.

- 12 *b. Zev.* 114b: דזעירי קבעוה תנאי (Bologna fragment).
- 13 See *b. B. M.* 34a, אושעיה, ר' אושעיה, ר' הייא ודבי ר' שאלניהו לתנאי דבי ר' (according to Ms. Munich; the *tanna'ei* appear also in Ms. Escorial, but they are “elders,” “סב””, in Ms. Vatican 115). See also *b. Nid.* 43a, פפי ואיכא דתני כרב הוני, שיילונהו לתנאי איכי דתני כרב הוני (Ms. Munich 95).
- 14 *b. Pes.* 100a: “אנא איקלעי לפירקיה דרב פינחס בר אמי וקם תנא ותנא קמיה וקיבלה מיניה” (Ms. Munich 95; all manuscripts record the reciter, but some erroneously skip the verb “recited” and some omit the verb “rose”; Ms. Columbia and Enelow record “did not say anything to him” as the token of acceptance).
- 15 *b. Sot.* 22a; on this passage and its context see Moulie Vidas, *Tradition and the Formation of the Talmud* (Princeton: Princeton University Press, 2014), 115-166.

as Sussmann writes, “each *yeshiva* and all the great Amoraic sages had appointed ‘*tanna'im*’<sup>16</sup> – the absence of any report of an interaction with them would be strange.

In the representation of rabbinic study we find in the Yerushalmi, recitation is performed not by specialists called “reciters” but by the sages themselves. The comparison with the Bavli is again instructive. Sussmann writes that the fact that reciters are never named indicates that they were generally “not from the ranks of the sages but younger individuals” who received “specific training” for this purpose.<sup>17</sup> He demonstrates this anonymity, among other things, with the common phrase in the Bavli, “a reciter recited before [i.e., in the presence of] Rabbi so-and-so.”<sup>18</sup> In the Yerushalmi, anonymous recitation in the presence of other sages appears rarely, and not with a “reciter” but with an elder (contrast Sussmann’s “younger” individuals): “a certain elder recited before Rabbi Zeira.”<sup>19</sup> Much more commonly, the closest Yerushalmi parallel to the Bavli’s phrase presents a sage who is reciting in the presence of another sage; this includes sometimes well-known, sometimes lesser-known sages, but all titled “Rabbi”: “Rabbi Jacob recited before Rabbi Jeremiah,” “Rabbi Yassa recited before Rabbi Yohanan,” “Rabbi Abbahu recited before Rabbi Yohanan,” “Rabbi Aha b. Papa recited before Rabbi Zeira.”<sup>20</sup> At one point, Sussmann simply reads the word *tanna* into the Yerushalmi; in order to support a suggestion that the reciters may have been designated to a special room outside the academy, he cites a passage from the Yerushalmi thus: “go out and ask [the *tanna*]... they went out and asked him.”<sup>21</sup> But if we look up the reference, we find that no *tannay* is mentioned there anywhere, and the sage is named: “Go out and ask Rabbi

16 Sussmann, *Oral Law*, 242.

17 Sussmann, *Oral Law*, 241 and n. 53.

18 See e.g., *b. Ber.* 5a: “תני תנא קמיה דר' יוחנן” (Ms. Oxford), *b. Pes.* 13b, *b. Ket.* 65b, and many other places.

19 *y. Bik.* 3:6 65d.

20 Respectively, *y. Ber.* 8:6 12b, *y. Pe'ah* 1:1 15a, *y. Yebam.* 8:2 9b, *y. Ter.* 7:2 44d and many other places – see some of the entries in Assis, *Concordance*, 1400-4 and 1423-33.

21 Sussmann, *Oral Law*, 242 n. 55.

Isaac the Great”<sup>22</sup>! To be sure, some sages were more involved in the recitation of oral traditions than others;<sup>23</sup> but they are never set apart from the rest of the sages, nor are they ever called “reciters.”

The difference in naming goes in the other direction as well. It is true that generally, we do not know the names of the recitation specialists mentioned in the Bavli; but sometimes we do hear of them: “Ahai, the *tanna* of R. Hiyya asked R. Hiyya”; “Ashian, the *tanna* of the house of R. Ammi asked R. Ammi.”<sup>24</sup> But in the Yerushalmi we *never* hear of anyone called the “*tannay*” of R. so-and-so; in fact no one contemporary with Amoraic-era sages is ever called a *tannay* at all.<sup>25</sup>

That *tannay* does not refer to a specific position or institution is also evident in comparison with another, much less common word, *matneyn*. Sussmann employs one such text to show that the reciters may have been paid for their services:<sup>26</sup>

y. Nedarim 4:3 38c

כת' "ראה לימדתי אתכם חוקים ומשפטים". מה אני בחינם אף אתם בחינם. יכול מקרא ותרגום כן. [ת'ל "חקים ומשפטי". חקי' ומשפטי' אתם מלמדים בחנם. ואי אתם מלמדין בחנם מקרא ותרגום. ו!כ!ן] חמי' מתנייתא נסבין אגריהון. אמ' ר' יודן ביר' ישמעאל. שכר בטילן הן נוטלין.

22 y. M. S. 5:1 55d: פקון שאלון לר' יצחק רובא.

23 See the comparison, at y. Hor. 3:8 48c, between the sage who arranges teachings (*sodran*) and the sages who through reasoning comes up with new ones (*pilpelan*), though overall such distinctions are more rare in the Yerushalmi than they are in the Bavli, and they are not associated with the word *tannay*. On the importance of memorizing skills among sages in Palestine, see Shlomo Naeh, “Omanut hazikaron, mivnim shel zikaron ve-tavniot shel teqst be-sifrut hazal,” in *Mehqere Talmud III* (above n. 7), 543-89.

24 b. Ber. 14a; see Sussmann, *Oral Law*, 241 n. 53.

25 Kossovsky (8.679) lists a Concordance entry according to which R. Zeira is called *tanna*; but the word there is the verb, “recited” – thus in the Academy’s edition they separated Zeira’s name from the verb with a period: “כיי [ד]מר ר' זעירא. תנא אחוי דרב: “חייא בר אשיא ודרב אבא בר חנה (y. Ber. 1:1 3a).

26 Sussmann, *Oral Law*, 243 n. 60.

It is written: “See I now teach you statutes and ordinances” (Deut 4:5). Just like I [do so] for free so [should] you [do so] for free.

Is it possible that even Scripture and its translation [*targum*] are so [i.e., taught for free]?

Scripture teaches, “statutes and ordinances” (ibid.) – statutes and ordinances you [must] teach for free, but you do not teach for free Scripture and its translation.

But we<sup>27</sup> see the teachers of tradition [*matnayta*] charging fees? Said R. Judan b. R. Ishmael: They merely take compensation for their time.<sup>28</sup>

It is true that the *matnayta* here charge fees; but these, as Epstein noted, are not the *tannayin*.<sup>29</sup> The *matneyn*, we know from here and other passages, was a teacher of traditions in the context of broad, elementary education rather than academic study. Consider the following passages:

y. Hagigah 1:7 76c

ר' יודן נשייא שלח לר' חייה ולר' אסי ולר' אמי למיעבור בקרייתא דארעא-דישראל למתקנא לון ספרין ומתניינין. עלון לחד אתר ולא אשכחון לא ספר ולא מתניין.

R. Judan the Patriarch sent R. Hiyya, R. Assi, and R. Immi to pass through the towns of the Land of Israel to appoint for them teachers of scripture [*safrin*] and teachers of oral tradition [*matneynin*]. They entered one place and they found neither a teacher of scripture nor a teacher of tradition [*matneyn*].

27 Reading “וּנְן” instead of Ms. Leiden’s “וּכְן” (“and so”), following the reading in Meiri, 149 (“ואנן”).

28 Literally, “wage of idleness,” since they are idling from other labor they could have performed in the time that they teach.

29 See Epstein, *IMT*, 676-7.

y. Qiddushin 4:13 66b

תני. ר' אלעזר או'. אף מי שיש לו אשה ובנים ואינן עמו באותו מקום לא ילמד סופרים. ר' יודן ביר' ישמעאל עבד! ד! חד מתניין (רבו): [הכין].

It was recited: R. Eleazar says: Even someone who has wife and sons and they are not with him in that place may not teach scribes.

R. Judan b. R. Ishmael removed<sup>30</sup> a certain teacher of tradition [*matneyn*] like this.

Regardless of whether the story in *Hagigah* is fiction or a reliable report, it too presents the *matneyn* as a particular position – people can be appointed to it, and there are towns which have them and towns which do not have them. The passage in *Qiddushin* similarly discusses a position, in the sense that it comes with certain stipulations and one can be removed from it. But again, none of these passages discuss the reciter, *tannay*, but rather the *matneyn*, which is a different word: whereas the Hebrew equivalent of *tannay* is *shoneh*, the Hebrew equivalent of *matneyn* is *mashne*.<sup>31</sup> The contexts of all three passages are education of youths, rather than advanced study: these teachers of tradition are paired with the teachers of Scripture as the two components of elementary education;<sup>32</sup> the sages seek to appoint them in all towns in the land, rather than in centers of scholarship. Even if the two words are close,<sup>33</sup> the pat-

30 Reading “עבר” for Ms. Leiden’s “עבד” (“made”); see Z. W. Rabinovitz, *Sh’are Torah Eretz Israel: Notes and Comments on Yerushalmi* (Heb.; Jerusalem, 1940), 462.

31 See the parallel to the passage from y. *Hag.* in *Pesiqta de-Rav Kahana, Ekha 5* (“סופרים ומשנים”), and also in the parallel to the passage from y. *Ned.* noted below in *Lev. Rabbah* 30:1 (488).

32 See also y. *Ma’as.* 3:7 50d.

33 Geonic-era authors sometimes used these words interchangeably, see Epstein, *IMT*, 689. The passages at y. *Yev.* 12:2 12d and y. *Shevi.* 4:1 35a, which are similar to the “two reciters” type explored in the next section, might seem to be exceptions but they discuss not the *matneyn*, but rather, as Epstein has interpreted, *matneyan*, “recited texts” (משניות) – see *IMT*, 249 – as demonstrated by the gender of the number. See also the Midrashic evidence discussed towards the end of this section.

tern is clear: almost all of the occurrences of *matneyn* suggest an appointed position, whereas *not any* of the occurrences of *tannay* do. My point is not only that the terms are distinct, but also that the *matneyn* passages show us what an institutionalized position *does* look like in the Palestinian Talmud: there are wages, criteria, appointments; none of these appear with respect to the *tannay*.

But it is not just that *tannay* is not an institutionalized position; the issue, again, is that it does not refer to people with whom the sages ever interact. Compare the case of the *amora*, less of an appointment and more of a role certain sages may undertake – a “speaker” or “spokesman” who would proclaim out loud and elucidate to the audience the senior sage’s words.<sup>34</sup> We find in the Yerushalmi that sages speak to their *amora* – “Rabbi [Judah the Patriarch] commanded Abedan, his *amora*: Declare to the public.... R. Hiyya b. Abba commanded his *amora*: Declare to the public....”<sup>35</sup> The interaction goes both ways; in one passage, R. Yohanan answers a question an *amora* asks him.<sup>36</sup> We know some *amora'im* by name, and they have biographies and habits. One passage tells us that “R. Pedat was the *amora* of R. Yassa,” and, when R. Yassa cited a teaching from R. Eleazar, who was R. Pedat’s father, R. Pedat would employ different citation conventions: if he also heard that specific teaching himself from his father, he would say, “thus the master said in father’s name,” but when he had not heard it himself, he would say, “thus the master said in the name of R. Eleazar.”<sup>37</sup> We find no such reports on the behavior of the *tannayin* or their personal details.

Having now surveyed some of the negative evidence – what is *not* said about the *tannayin* in the Palestinian Talmud, in comparison either with other figures in that Talmud or with the *tanna* of the Babylonian Talmud, I now turn to prominent passages scholars have invoked to support the understanding of *tannayin* as professional reciters or as contemporaries of Amoraic scholars. I begin with a passage from tractate *Shevi'it*:

34 On this position, see Amir, *Institutes and Titles*, 89-106.

35 *y. Ber.* 4:1 7c.

36 *y. Git.* 1:1 43b.

37 *y. Meg.* 4:9 75c.

y. Shevi'it 7:3 37c

ר' אילא בשם ר' שמעון בר ווא. ר' יוחנן וחברותיה הוון יתבין מקשיין אמ'. יש להן ביעור [או] אין להן ביעור. עבר ר' ינאי. אמ'. הא גברא מישאליניה. אתו שאלוניה. אמ' להן. כל דבר שדרכו לישור יש לו ביעור. ושאין דרכו לישור אין לו ביעור. ואילו מהן שדרכן לישור ומהן שאין דרכן לישור. ושרע תנייה מינה.

R. Illa [said] in the name of R. Simeon b. Abba: R. Yohanan and his fellows were sitting and questioning, saying: [the husks and pits mentioned in the Mishnah,] are they subject to [the law of] removal [and must be removed from one's possessions in the sabbatical year] or not subject to removal? R. Yannai passed by. They said: Here is a man [who would know<sup>38</sup>], let us ask him. They went and asked him. He said to them: “Anything that falls [from the tree after ripening] is subject to removal, and anything that does not fall is not subject to removal.’ And those of them [i.e., species] which some of them [the produce] falls and some of them do not fall — **and the reciter slipped off from it** [i.e., from teaching about that latter case].”

Judah Felix suggested that “the reciter” here refers to R. Yannai.<sup>39</sup> According to this interpretation we have a person, contemporary with the Talmud’s sages and interacting with them, who is called a “reciter.” But why would the Talmud suddenly call R. Yannai “the reciter” when just a few words before he was called R. Yannai? A better interpretation of this passage is suggested by a passage where a very similar phrase is used:

y. Megillah 3:1 73d

נותנין תורה על גבי תורה. וחומשים על גבי חומשים. תורה וחומשין על גבי

38 Cf. y. R. H. 4:1 59b.

39 Judah Felix, *Talmud yerushalmi: masekhet shevi'it* (Jerusalem: Zur Ot, 1980), 2.130. Felix parses the passage a bit differently than how I presented it above: he takes the sentence, “and those of them which, some of them fall and some of them do not fall” to be a question by R. Yohanan and his fellows, and “the reciter slipped off from it” as an answer specifically to that question.

נביאים וכתובים. אבל לא נביאים וכתובים על גבי תורה וחומשין. ר' ירמיה בשם ר' זעורה. תורה וחומשין ערק תנייה מינה.

They [may] put Torah [scrolls] on top of Torah [scrolls], and [scrolls of individual] Pentateuch books on top of [scrolls of individual] Pentateuch books. [They may also put] Torah [scrolls] and [scrolls of individual] Pentateuch books on top of [scrolls of] the Prophets and the Writings – but not [scrolls of] the Prophets and the Writings on top of Torah [scrolls] and [scrolls of individual] Pentateuch books.

R. Jeremiah [said] in the name of R. Zeira: Torah [scrolls] and [scrolls of individual] Pentateuch books [and whether one may be put on top of the other] – **the reciter left it.**

In this passage, R. Zeira comments that the text, which teaches which sacred books may be placed one on top of the other, neglects to tell us the ruling with respect to scenarios involving a combination between two types of sacred books, Torah scrolls and individual books of the Pentateuch. He says “the reciter left it,” a close phrase to the phrase which appears at the end of the passage about R. Yannai. But no particular person is mentioned here. When R. Zeira says “reciter” he means “whoever formulated this text”; the phrase is simply another way to say “the text left this issue out.” Back to our passage in *Shevi'it*, we can now understand “the reciter slipped off from it” not as referring to R. Yannai, but as part of R. Yannai’s answer: he notes, very much like in the passage from *Megillah*, that the recited text he had just cited leaves out a particular set of scenarios.

Epstein adduces the following passage which seems to refer to Rav’s reciter:

y. *Baba Batra* 10:6 17c

רב אמ'. עושין לו קיום בית דין. תני ר' חייה. אין עושין לו קיום בית דין. אמ' ר' ירמיה. אילו שמע רב מתנייה לא הוה מימר הדא מילתא

[Regarding someone who paid part of his debt,] Rav said: They make for him a confirmation of the court”; R. Hiyya recited:

They do not make for him a confirmation of the court. Said R. Jeremiah: **If Rav had heard from his reciter** he would not have said this thing.

But this text should be corrected, replacing one letter and reading *matnita* (מתניתה) instead of *mittannayeh* (מתנייה), a correction suggested by Assis and Rabbinowitz:<sup>40</sup> “If Rav had heard the tradition, he would not have said this thing.” There is no reason for a reciter to be mentioned here. The version reading “from his reciter” is missing the main point, the object of the sentence, what Rav did not hear. There is a readily available explanation for a scribal error here: the scribe may have incorrectly copied “רב מתנייה” because the sage by that name, R. Matanya (ר' מתנייה) is mentioned just a couple of pages before this passage (y. B. B. 9:4 17a).

The phrase “תניי דבית רבי” appears in a significant number of passages in the Yerushalmi. Kossovsky translates it as “the students of the House of Rabbi [Judah the Patriarch]” and lists instances of the phrase as a sub-entry for the noun *tannay*.<sup>41</sup> Under this interpretation, we have here references for reciters who are appointed in a specific house of study. Except the word should be read not as a plural form of the noun *tannay* but rather the third person plural of the verb “recite,”<sup>42</sup> and as with other references to houses of study, the subject of the verb should be supplied. Just as “דבי רבי נאי אמרין” means “[those] of the House of Yannai say,”<sup>43</sup> so does this phrase mean “[those] of the house of Rabbi recite.” Consider the juxtaposition, “אנן תנינן... תניי דבי רבי” (y. *Shevi'it* 2:5 33d). The first leg of the phrase is composed of a pronoun (“we”) and a verb (“have recited”), but if we interpret “תניי” as a noun, the second leg will miss the verb. The juxtaposition should be translated, “we have recited... [those] of the house of Rabbi [Judah the Patriarch] recite,” much like the juxtaposition “אנן תנינן... תני רבי הייא” means “we have recited... R.

40 Assis, *Concordance*, 1103 n. 1816; Rabinovitz, *STEI*, 507. For an alternative correction see Rosenthal, cited by Assis there.

41 Kossovsky, *Concordance*, 8.680.

42 See Epstein, *IMT*, 43 n. 2.

43 See e.g., y. *Ber.* 4:1 7c.

Hiyya recited.”<sup>44</sup> Assis recognizes that this word is a verb, and nonetheless supplies “reciters,” translating “[the reciters] of R.’s house recite”;<sup>45</sup> but there is no reason to do so.<sup>46</sup> There are other instances where the word has been perceived as a noun when it is more likely a verb.<sup>47</sup>

Sussmann quotes the following passage to support his suggestion that there were several reciters in the large academies:

m. Rosh ha-Shanah 4:9

כשם ששליה הציבור חייב כך כל (ה)יחיד ויחיד חייב. רב' גמליא' אומ'.  
(ש)שליה הציבור מוציא את [הרבים] ידי חובתן.

Just as the agent of the congregation is obligated [to pray] so do each and every individual [in the congregation] is obligated. Rabban Gamaliel says: The agent of the congregation discharges everyone of their obligation.

y. Rosh ha-Shanah 4:9 59d (par. y. Berakhot 4:7 8c)

ר' זעורה ורב חסדא הוון יתיבין תמן בתקיעתא. מן דצלון את צלותא. קם רב חסדא בעי מצלייה. אמ' ליה ר' זעירא. לא כבר צלינן. אמ' ליה. מצלינא וחזר ומצלי. דנחתון מערבייא ואמרון תמן בשם ר' יוחנן. הל' כרבן גמליאל באילין תקיעתא. ואנא דלא כוונית. אילו כוונית נפק ידי חובתי. אמ' ר' זעורה. ויאות. כל תנייא תניי לה בשם רבן גמליאל. ור' הושעיה תני לה בשם חכמים.

R. Zeira and Rav Hisda were sitting there [i.e., in Babylonia] during the *teqi'ata* [the prayers interspersed with the Shofar

44 See e.g., y. Ber. 1:1 2a.

45 Assis, *Concordance*, 1437 n. 586: “שונים [התנאים] של בית רבי.”

46 Similarly, in y. Ned. 37b 2:1 we find “תניי דבית רב פליג,” but again this is the verb – the same phrase appears just a few lines above as “תני דבית רב פליג.” Cf. y. Naz. 7:4 56b: “תניי תמן פליג על ר' אילא.” In y. Ned., Assis (*Concordance*, 1437) corrects “תניי” to “תניי” in light of the later instance, but the correction can, after all, go the other way around, and at any event both can be verbal. Assis also wonders why the text does not employ the definite form “תנייא,” but according to the interpretation offered here that is not a problem.

47 See y. Bikk. 3:3 65d, “נעביד נפשן תניי,” “let us pretend to be reciting” (rather than “let us pretend to be reciters”) and see n. 25 above.

blasts]. After they had prayed the prayer, Rav Hisda rose in order to pray [again]. R. Zeira said to him: Did we not already pray? He said to him: I pray and pray again. For the westerners [i.e., sages from Palestine] came and said<sup>48</sup> in the name of R. Yohanan: The law accords with Rabban Gamaliel in these *te-qi'ata*. And I had not directed [my attention properly in prayer]. Had I directed, I would have been discharged of my obligation. Said R. Zeira: And this is appropriate. **For all the reciters recite it [that position] in the name of Rabban Gamaliel**, and R. Hoshayah recites it in the name of the sages.

The Mishnah presents a dispute between the sages and Rabban Gamaliel on whether the leader of the prayer discharges the community of its obligation to pray: Rabban Gamaliel says he does; the majority of sages say he does not. Rav Hisda tells us he relies on a report from Palestine that R. Yohanan ruled that the law follows Rabban Gamaliel and R. Zeira praises R. Yohanan's ruling. The issue is that this ruling goes against a general rule in understanding Mishnaic disputes, evident to some degree already in the Mishnah itself: in cases where there is a dispute between the anonymous position and an attributed position, the anonymity is taken as an indication that the position is endorsed by the majority of the sages and therefore the law follows the anonymous position. This is why R. Zeira adds to his praise a comment about an alternative version of this dispute between the sages and Rabban Gamaliel: he notes that while all the reciters recite the teaching in the name of Rabban Gamaliel, as we find it in the Mishnah, R. Hoshaya recites the teaching in the name of the sages – and so according to this version R. Yohanan's ruling actually does follow the majority of the sages.

Michael Higger and Sussmann – unlike Epstein – interpret this passage to refer to Amoraic-era professional reciters.<sup>49</sup> Perhaps they consid-

48 Ms. Leiden reads here: “said there,” but this might be an error since in the story, the Palestinian scholars are situated in Babylonia.

49 Sussmann, *Oral Law*, 242 n. 55 (acknowledging that Epstein, *IMT*, 674 places it under the second definition, that of “arranger”); Higger, *Otzar*, 4.497: “There is no

er that the preference R. Zeira shows for R. Hoshaya's version over the reciters' version means that the reciters cannot be Tannaitic-era sages, as they would have more authority than R. Hoshaya. Or perhaps they think that the very comparison between the reciters and R. Hoshaya, an Amoraic-era sage, implies that both are from the Amoraic period. But neither of these reasons is convincing. To begin with, R. Hoshaya is of course also not a professional reciter, and is never called *tannay*, so however we interpret the word he is not included among the *tannayin*. More important, from another passage in the Yerushalmi which presents a very similar situation, it is clear that a version of a recited teaching attributed to an Amoraic-era sage can be compared, and even considered to be preferred, to a version of a Tannaitic-era sage:

y. Yevamot 4:10 6b (par. y. Megillah 1:3 70d, y. Ta'anit 2:8 66a)

שמעון בר בא אמ'. אתא עובדא קומי ר' יוחנן והורי כר' יוסי. והוה ר' לעזר מצטער. אמ'. שבקין סתמא ועבדין כיחדייא. אשכח תני לה ר' חייא בשם ר' מאיר. !כר' שמעון שמע לה! דתני לה ר' חייא בשם ר' מאיר אמ'. יאות סבא ידע פירקי! גיטא!.

Simeon b. Abba said: A case came before R. Yohanan and he ruled in accordance with R. Yose. And R. Eleazar was troubled. He said: "They abandon the anonymous [position] and act according to the individual [opinion]!"

It was found that R. Hiyya recited it [the anonymous position] in the name of R. Meir. When he [R. Eleazar] heard<sup>50</sup> that R. Hiyya recited it in the name of R. Meir, he said: The old man [R. Yohanan] knows his material well himself!<sup>51</sup>

Mishnah *Yevamot* 4:10 presents a dispute between an anonymous posi-

doubt R. Zeira is speaking about the '*tanna'im*' during the Amoraic period who transmitted a version of the Mishnah."

50 Correcting כר' שמעון שמע לה דתני לה, a graphic error, to כד שמע דתני לה, with both parallels.

51 Correcting גיטא, another graphic error, to גרמיה, with both parallels.

tion and other positions, one of which is attributed to R. Yose. R. Yohanan rules according to R. Yose, and R. Eleazar protests against sidelining the anonymous position for an individual position. It is subsequently discovered that R. Hiyya, a figure very similar to R. Hoshaya, recites the anonymous position in R. Meir's name; according to this version, then, R. Yohanan is siding with R. Yose not against the majority but rather against R. Meir, and R. Eleazar thus eventually approves of his ruling. In both this passage and the passage in *Rosh ha-Shanah*, a ruling by R. Yohanan which endorses a minority position is subsequently praised when a version of the dispute with different attributions is discovered. In both passages the praise is based on a version attributed to an Amoraic-era sage. The next unit in the passage in *Yevamot* shows that the version opposing R. Hiyya was perceived as stemming not from an Amoraic-era professional memorizer but from one of the most prominent Tannaitic-era sages:

y. Yevamot 4:10 6b (par. y. Megillah 1:3 70d, y. Ta'anit 2:8 66a)

ר' מנא בעא קומי ר' יודן. תמן אמ' ר' חזקיה ר' אבהו בשם ר' לעזר. כל מקום ששנה ר' מחלוקת וחזר ושנה סתם הל' כסתם משנה. והכא את אמר הכין. אמ' ליה. לא ר' דילמא חורן אמ'. מ(?)ה?) [1ן] [מה1] הן דשנה ר' מתני' מחלוקת וחזר ושנה סתם הל' כסתם. אתאי דלא אשכח ר' מתני' מחלוקת אלא אחרים שנו מחלוקת ור' שנה סתם לא כל שכן תהא הל' כסתם. אתא ר' חזקיה ור' יעקב בר אחא ור' שמעון בר אבא בשם ר' לעזר. ואפילו שנו אחרים מחלוקת ור' שנה סתם הל' כסתם.

R. Mana asked before R. Judan: But did not<sup>52</sup> R. Hezekiah [said that] R. Abbahu [said] in the name of R. Eleazar, “Every place in which Rabbi [Judah the Patriarch] recited a dispute, and then went back and recited anonymously, the law is according to the anonymous Mishnah” – and here you say thus?

He said to him: Perhaps it is not Rabbi [Judah the Patriarch], but another who said it.

52 Correcting with parallels, which have לא כן. Moscovitz, “Parallels,” 547, suggests the “there” arrived here from y. *Sot.* 6:1 20d.

But if<sup>53</sup> where Rabbi [Judah the Patriarch] recited the tradition in dispute and then went back and recited anonymously the law is according to the anonymous Mishnah, where<sup>54</sup> it was not found that Rabbi [Judah the Patriarch] recited the tradition in dispute, but rather others recited a dispute and R. [Judah the Patriarch] recited anonymously, is it not all the more so the case that the law should be according to the anonymous [Mishnah]? Came R. Hezekiah [and said that] R. Jacob b. Aha [said that] R. Simeon b. Abba [said] in the name of R. Eleazar: And even if others recited a dispute and R. [Judah the Patriarch] recited anonymously, the law is according to the anonymous [Mishnah].

As is evident from this discussion, the composer of this passage understood the version which recites the teaching anonymously to be R. Judah the Patriarch's. And that makes sense – after all, it is in his *mishnah*, “the” Mishnah. This passage does suggest reasons to prefer the version in the Mishnah in halakhic decisions – but none of the reasons mentioned is that the version of an Amoraic-era sage like R. Hiyya or R. Hoshaya is *a priori* inferior in authority to that of a Tannaitic-era sage; they are all concerned with the specific authority of the Mishnah and the particular way the tradition developed.<sup>55</sup> There are other places where the Talmud speaks of Tannaitic-era sages varying in whether they recite a teaching anonymously or with attribution, using a language very similar to our

53 Reading the Leiden text, prior to its correction, as *מה אין הן*, with Assis, *Concordance*, 929 n. 335.

54 Correcting *אתר* to *אתאי*, with parallels.

55 The Yerushalmi here applies a rule by R. Eleazar, “Every place in which Rabbi [Judah the Patriarch] recited a dispute, and then went back and recited anonymously, the law is according to the anonymous Mishnah,” but it applies it differently than in the other passages in the Yerushalmi in which it appears. In the other passages, the rule applies to the sequence of the Mishnah: if there is a law that appears contested in the Mishnah but subsequently, in a later passage in the Mishnah, the same law appears anonymously, it must be endorsed (see y. *Or.* 2:1 61d, y. *Pes.* 3:3 30b, and y. *Sot.* 6:1 20d). Here, the rule applies to the development of the tradition, to anonymization of an attributed tradition by R. Judah the Patriarch (which is also posited, in a different context, at y. *Sot.* 3:6 19b).

passage.<sup>56</sup> Thus we can conclude that “all reciters” in the passage in *Rosh ha-Shanah* are similar to R. Judah the Patriarch in the passage in *Yevamot*: both are the formulators of the texts in which the attribution under discussion appears, and their positions are inferred from their texts. The “all” in R. Zeira’s statement refers to all formulators of the teachings, of which we have two surviving texts – the passage in the Mishnah and another one in the Tosefta.<sup>57</sup>

A few passages in the Yerushalmi report that sages heard certain reciters. Modern scholars have taken these to mean that these sages encountered and heard people called reciters. The following text is adduced as an example by Epstein, Sussmann and Sokoloff:

y. Bikkurim 3:3 65c

כשהנשיא נכנס כל העם עומדין מפניו ואין רשות לאחד מהן לישב עד שיאמר להם שבו. אב בית דין שנכנס עושין לו שורות. רצה נכנס בזו רצה נכנס בזו. חכם שנכנס אחד עומד ואחד יושב אחד עומד ואחד יושב עד שמגיע ויושב לו במקומו.

ר' מאיר הוה יליף סלק לבית וועדא והוון כל עמא חמיין ליה וקיימון ליה מן קומוי. כד שמעון ההן תנייא תני בעון למיעבד ליה כן. כעס ונפק ליה. אמ' לון. שמעתי שמעלין בקודש ולא מורידין.

ר' זעירא הוון בעיין ממניתיה ולא בעי מקבל עלוי. כד שמע ההן תנייא תני. חכם חתן נשיא גדולה מכפרת. קביל עלוי ממניתיה.

“When the patriarch enters, everyone rises, and not one of them has permission to sit until he [the patriarch] tells them, “sit down.” [...] When a sage enters one sits and one stands, one sits and one stands, until the he [the sage] arrives and sits at his place.”

When R. Meir would enter the meeting house, everyone saw him and rose before him [as the practice is for the Patriarch, even though R. Meir is merely a sage]. **When they heard this**

56 See y. *Shevi*. 2:1 33c: “ר' מאיר שנייה מחלוקת ור' שמעון שנייה כדברי הכל”, R. Meir recited it disputed and R. Simeon recited it as everyone’s words.”

57 t. *R. H.* 2:14.

**reciter reciting**, they wanted to do so with him [i.e., having just one rise and one sit at a time]. He got angry and came out. He said to them: “I heard that we [should] increase in [matters of] holiness and not diminish.”

They wanted to appoint R. Zeira [for an official position], but he did not want to accept it upon him. **When he heard this reciter reciting**, “a sage, a groom, and a patriarch – greatness atones for them” – he accepted upon himself to be appointed.

This passage records two instances in which individuals change their behavior after they hear “this reciter reciting” a text. In the first instance, attendees of the meeting house learn from the text that they do not need to pay as much ritual respect to R. Meir as they have been, and reduce, to his annoyance, the honorific behavior they have been according him until that point. In the second instance, R. Zeira, who has been reluctant to take on an official appointment, learns that undertaking it may atone for his transgressions and then accepts it. In neither of these instances there is any interaction with the reciter. In both cases, “this reciter” can simply refer to the sage speaking in the anonymous text, reciting the tradition from which these individuals learn something new that changes their behavior. This is clearer in the following passage employing a similar phrase:

y. Bava Batra 2:3 12c

תני. באמת ביין התירו א'פ שממעטו. אלא שמשביחו. רב הושעיה כד שמעו  
הדין תנייה יהב חמריה גו אגריה דבני. אסריה חמריה. אמ'. המשנה היטעתי. לא  
שהיטעתי המשנה אלא דריחא דבני מסרי חמריה.

[The ruling in *m. B. B. 2:3* prohibits someone to open a heat-producing shop, such as a bakery, below another person’s food storehouse, since the heat coming up from the shop would damage the goods in the storehouse. The ruling makes an exception in the case of wine.]

It has been recited: “It is true that in [the case of a storehouse of] wine they permitted [for someone to open a heat-producing shop

beneath it, since] even though it reduces it [in quantity], it improves it [in quality].”

Rav Hoshaya, **when he heard this reciter**, placed his wine on the roof of the bathhouse [thinking the heat would improve his wine], and the smell of his wine turned stinky. He said: “The tradition [*ha-mishnah*]<sup>58</sup> misled me.” Not that the tradition misled him,<sup>59</sup> but the smell of the bathhouse makes the wine stink.

In this case, R. Hoshaya hears a reciter who explains that a heat-producing shop was permitted to be placed under stored wine because heat improves the quality of wine. He decides to put his own wine on top of a bathhouse, and when the wine’s odor turns bad, he blames the tradition for misleading him. For Rav Hoshaya, “the reciter” and “the tradition” are one, since “reciter” is simply the persona behind the tradition, the speaker in the text. If “reciter” here meant professional reciter, we would expect Rav Hoshaya to blame the reciter – a convenient target for accusation. Indeed, Kossovsky understand the object of Rav Hoshaya’s criticism as *mashneh*, the teacher of tradition discussed earlier in this article, probably because of the reference to *tannay* in this passage;<sup>60</sup> but that is an unlikely reading: as we have seen, *mashneh* and *shoneh* are two

58 For an alternative reading of this word, see below. Asevilli cites the text as “a reciter of the house of Rav Hoshaya placed his wine on the roof of the bathhouse and it became stinky. He [the reciter] said to Rav Hoshaya, ‘the tradition misled me.’ Not that the tradition misled him but the bathhouse’s smell makes it stink” (*Novellae on Bava Batra*, 20a). But this version would make this passage very exceptional in the Yerushalmi’s descriptions of reciters: the reciter speaks to a sage and performs an action that is not reciting – which never happens in the Yerushalmi. It is more likely that this version is based on a mistaken reading of the phrase “when he – [Rav Hoshaya] heard this reciter” – understanding it as “when this reciter heard [this teaching].” Rabbenu Hananel records “Rav Hoshaya heard this tradition [*matnita*],” and similarly Meiri (except the sage there is Rava).

59 Reading “הטעתו” rather than “הטעתי,” following Ms. Escorial, taking this sentence to be an anonymous comment about Rav Hoshaya rather than part of his own statement. The possibility that it is a recanting by Rav Hoshaya is less likely since we would expect something like “he retracted and said” (“הזור ואמר”).

60 Kossovsky, *Concordance*, 8.378.

different things, and furthermore, the verb here is in the feminine form, so the reading must be *mishnah* rather than *mashneh*.<sup>61</sup> It seems, then, that both in *Bava Batra* and in *Bikkurim* the preferable interpretation is that the reciter is not a contemporary, real-life professional reciter but rather the person speaking in the anonymous text cited.

The last two passages I offer for analysis seem like compelling evidence for the “professional reciter” sense of *tannay*. There are good reasons, in both of them, to consider that meaning the most preferable reading of the text, to the point where other interpretations might feel stretched. At the same time, it is important to bear in mind that without the Bavli and the Geonim, we would not have had knowledge of these professional reciters, that the comparison between the Babylonian and Palestinian sources undertaken above suggests that such reciters did not exist in the time and place of the Yerushalmi, and therefore it is important for us to try to imagine what the following passages could mean without recourse to information we know from other contexts.

The first of these passages is very similar to the last two we have seen, about “hearing” the reciters:

*y. Horayot 2:4 46d*

ר' יונתן שלח שאל לר' שמעון ביר' יוסי בר לקונייא. אזהרה למשמש עם הטמאה מניין. וטען כיפה מיזרוק בתרייה. אמ' ליה. מילה דמיינוקייא אמרין בכנישתא בכל יום את שאיל לי. "ואל אשה בנידת טומאתה לא תקרב לגלות ערותה". אמ' ליה. לא צריכא ליה הדא. ולית צורכא דלא. היה משמש עם הטמאה חייב. היה משמש עם הטהורה ואמרה לו. נטמאתי. פירש מיד. מהו שיהא חייב. אמ' ליה. אנא ואת צריכא לן. נצא לחוץ ונלמד. נפקין ושמעון קליה דתנייא תני כהדא דחזקיה. "ואם שכב ישכב איש אותה". אין לי אלא משמש עם הטמאה חייב. היה משמש עם הטהורה ואמרה לו. נטמאתי. פירש מיד. מהו שיהא חייב. ת'ל "ותהי נדתה". ואפי' פירשה עליו נדתה.

R. Yonatan sent and asked R. Simeon b. R. Yose b. R. Laqonaia: “Where from [in scripture] do we derive a warning to someone who has intercourse with an impure [woman]?” He

61 As Epstein, *IMT*, 808, implies.

picked up a rock to throw at him. He said to him: “You ask me about something that children say every day in synagogue? [The verse is] *You shall not approach a woman to uncover her nakedness while she is in her menstrual uncleanness*” (Lev. 18:19). He said to him: “This is not what is needed for me [to learn]. What is needed is only this: if the man was having intercourse with an impure [woman], he is liable; if he was having intercourse with a pure woman and she told him, “I have become impure,” and he immediately withdrew, what about him being liable?

He said to him: “It is needed for both you and me [to learn this; i.e., even I do not know].” Let us go outside and learn.

**They went out and heard the voice of the reciter reciting** [a tradition] like that<sup>62</sup> [tradition] of Hezekiah<sup>63</sup>: “*If any man lies with her* (Lev 15:24) – I have only [the sense that] a man who has intercourse with an impure woman is liable; if he was having intercourse with a pure woman and she told him, “I have become impure,” and he immediately withdrew, what about him being liable? Scripture comes to teach: *her impurity shall be [upon him]* (ibid.) – even if he withdrew from her, her impurity is upon him.

R. Yonatan and R. Simeon wonder about the scriptural source of the liability for someone who had intercourse with a woman who told him she has become impure in the middle of the intercourse, and he withdrew immediately (see *m. Shevu'ot* 2:4). Neither know the verse, so they decide to go out to learn, and hear a recited teaching which provides them with an answer: the verse is Leviticus 15:24, when properly understood.

There is one word in this passage which makes it different than

62 Assis, *Concordance*, 1151 n. 159 corrects to “כהדא,” which is possible but not necessary.

63 Cf. *b. Shev.* 18a, which indeed attributes a similar teaching to Hezekiah: אזהרה למשמש עם הטהורה ואמרה לו נטמאתי ופירש מיד מנא לן דחייב אמ' חזקיה אמ' קרא ותהי נדתה עליו (frag. Bologna; Ms. Munich 95 omits Hezekiah's name but that is probably a scribal error, skipping from one אמר to the next).

the passages we have seen earlier. Whereas those passages used the phrase “when he (or they) heard this reciter,” this passage tells us that the sages “heard the *voice* of the reciter.” This seems to be a clear indication that these sages heard a real-life individual who was reciting this teaching outside when they came out.

But there are some reasons to question this word here. Throughout the Yerushalmi, when we are told that someone “hears the voice” of someone else, it means the latter did not direct the speech to the former, or at the very least that the former did not initiate it; the phrase appears in the context of eavesdropping, accidental hearing, and once in the context of purposely sitting in on a lesson, but it never appears in the context of an exchange.<sup>64</sup> In contrast with those passages, there are good reasons to think that our passage implies the sages asked to hear this particular verse. There are four other passages in the Yerushalmi where sages who are in dispute or in doubt about a certain matter say, “let us go out and learn,” and, when they go out, hear a teaching that is relevant to them.<sup>65</sup>

y. Terumot 5:4 43c (par. y. Sukkah 2:7 53a)

ר' יודן בר פזי ור' אייבו בר נגרי הוון יתבין אמרין. תנינן. "אחר שהו(ר)[1ד]?" מי הו! ר!ה למי. בית שמי לבית הלל או בית הלל לבית שמי. אמרין. נצא לחוץ ונלמד. נפקון ושמעון. ר' חזקיה ר' אחא בשם ר' יודה בר חנינה. לא מצינו שהו! ר!ו בית שמי לבית הלל אלא בדבר זה בלבד.

R. Judan b. Pazi and R. Aybo b. Nagari were sitting and saying: We have recited [in the Mishnah, concerning a dispute between the houses of Hillel and Shammi], “after they had conceded.”<sup>66</sup> Who conceded to whom? The House of Shammai to the House of Hillel or the House of Hillel to the House of Shammai? They

64 See, e.g., y. Ber. 2:3 5a; y. Pe'ah 8:7 21a, y. Pe'ah 8:9 21b.

65 The instances are listed in Assis, *Concordance*, 1151; in addition to the passages from *Horayot* and *Terumot* (with its parallel in *Sukkah*), see y. *Shevi.* 2:3 33d (par. y. *M. S.* 1:1 52c), y. *Shab.* 2:5 5a, y. *A. Z.* 5:12 45b.

66 Throughout this passage, the scribe erroneously copied “instructed” (“הורו”) instead of “conceded” (“הודו”); the first instance was corrected later but the rest were left as they were. The parallel at y. *Suk.* has “conceded” throughout.

said: Let us go outside and learn. They went outside and heard: R. Hezekiah [said] R. Aha [said] in the name of R. Judah b. Hanina: We did not find that the House of Shammai conceded to the House of Hillel, except this one case.

It seems likely that in all these passages there is an implied stage of the story, not explicitly mentioned, in which the sages ask what they need to learn. We have already seen, in the passage about R. Isaac the Great, that questions, especially about *mishnah*, were asked by going outside: “go out and ask R. Isaac the Great, whose entire tradition I have examined; they went out and asked R. Isaac the great”; “go out and ask Hananiah b. Shmuel, for whom I have recited [a tradition about this]; he went and asked him.”<sup>67</sup> It would be an odd coincidence or a providential event if it just happens that the sages went outside and suddenly heard exactly the teaching they needed; this miraculous situation does not seem to be what these passages are about – the sages deliberately go outside to learn: “let us go outside and learn.” But this implied stage does not square with the phrasing in our passage in *Horayot*, “they heard the voice of the reciter” since that phrasing means that the reciter did not intend the recitation for them. Furthermore: none of the other passages which follow the “went out and heard” pattern tells us from whom the sages heard the teaching. These short passages just say what teaching they have heard, skipping both the stage in which the sages ask for it and the identity of the person communicating it to them. All of this makes the version “they heard the voice of the reciter” stand out.

In the first printed edition of the Babylonian Talmud, published in Venice, tractate *Horayot* has a special appendix: the printers could not find the Tosafists for that tractate, so they compensated by supplementing the Babylonian Talmud with a text of the Palestinian Talmud. Saul Lieberman showed that the manuscript which served as a basis for that printing is different from the Leiden manuscript on which all later printings were founded, and that while that appendix version contained a lot of errors and “Babylonianizations” of the Yerushalmi, it also contained

67 y. *M. S.* 5:1 55d and y. *Dem.* 2:1 22d.

some valuable readings that are preferable to those found in the Leiden manuscript.<sup>68</sup> One variant reading which Lieberman does not discuss concerns our issue. Instead of the sages hearing “the voice of the reciters reciting,” they hear the “the verse” they were looking for – the difference is between two similar letters, between *qaleh* (“קליה”) and *qerayah* (“קריה”),<sup>69</sup> followed by a citation of the recited tradition which explains how the law derives from the verse. It was, after all, the verse that the sages were after here – and it is the verse, as interpreted in a recited source, that they hear here. This version mentions no voice, and therefore does not necessitate positing real-life reciters. Given not just the problem of “voice” in this specific passage, but also the general considerations raised in this article about the meaning of *tannay*, this version seems preferable to me.

I now turn to the passage which, seemingly, offers the most compelling support for interpreting *tannay* as a specialized reciter:

y. Bezah 1:3 60c

יהודה בר' חייא נפק לברא. שאלון ליה. סולם שלעלייה מהו. אמ' לון. שרי. כד דאתא גבי אבוה. אמ' ליה. מה מעשה בא לדיך. אמר. היתרתי להן סולם שלעלייה. ואקים תנייה קומי ותנא. במ' דבר' אמ'. בסולם שלשובך. אבל בסולם שלעלייה אסור.

[In the Mishnah, the House of Hillel permit moving a ladder from one dovecot to another on the festival day.] Judah b. R. Hiyya went out [on a circuit]. They asked him: What about a ladder to the upper room [can it be moved on the festival day]? He said to them: It is permitted.

68 Saul Lieberman, “Yerushalmi horayot” in *Sefer ha-yovel le-rabbi Hanokh Albeck* (ed. Y. L. Maimon; Jerusalem: Mossad Ha-Rav Kook, 1963), 283-305.

69 “נפקון ושמע' קריה תני תני כהדא דחזקיה” – “they went out and heard the verse, the reciter reciting like that one of Hezekiah...” (*Babylonian Talmud, Tractate Horayot*, ed. Venice, Yerushalmi Horayot appendix, 17a). It is possible that a “*de-*” is missing here before the *tannay* – it would make the sentence smoother and is attested in Ms. Leiden: “they went out and heard the verse, which the reciter recited, like that one of Hezekiah....”.

When he came to his father, he [R. Hiyya] said to him: What case came to you? He said: I permitted to them a ladder to the upper room. **And he raised a reciter before him and recited:** “In which [case] are these words [i.e., the permission by the House of Hillel] said? In [the case] of a ladder to a dovecot. But in [the case of] a ladder to an upper story it is prohibited.”

In this passage, we hear that R. Judah b. R. Hiyya, out on a ruling circuit, was asked a question about the laws of festival days; he ruled, he thought, in accordance with Beit Hillel’s ruling in the Mishnah – they allowed moving a ladder from one dovecot to another, so he allowed moving a ladder that goes up to the upper room of the house. When he came back to his father and told him about it, his father corrected him by adducing a text which clarifies that the original permission referred only to a ladder going up to a dovecot. For us, what matters is how that text is adduced. We are told that R. Hiyya (presumably) “raised a reciter before him and recited”<sup>70</sup> that source. This passage seems clearly to portray someone titled “reciter” as being summoned by a sage in the context of reciting a text.

There are, however, a couple of problems with this interpretation. The Talmud’s formulation – the “and” before the verb “recite” – suggests that it is R. Hiyya who is doing the reciting, not the reciter himself. If that is the case, why does R. Hiyya need the reciter at all?<sup>71</sup> Isaac Halevy’s solution is that R. Hiyya, having seen that people such as his son err in the interpretation of the Mishnah, taught this text *to* the reciter, so that the

70 The phrase is attested not just in Ms. Leiden but also in two Genizah fragments: T-S F 17.34 the phrase appears in full; there is a tear in the other fragment, T-S 12.751, where only the last two words of the phrase (“קומוי ותגה”) can be seen.

71 *‘Ale Tamar* offers first the following explanation (before accepting Halevy’s): “If someone objects to the words of his fellow, that they are against the words of the Tosafists in a particular tractate, if he brings the Talmud copy and shows him with his finger the words of the Tosafists, then the objection penetrates better to his fellow’s heart.” But while this interpretation explains why R. Hiyya would summon the reciter even though he himself knows the source, it does not explain why R. Hiyya is doing the reciting.

reciter would introduce it into his recitation when he recites the relevant passage in the Mishnah, and thus future sages will not err the way R. Hiyya's son did.<sup>72</sup> But if that is the case, the result – that the *tannay* accepted it and introduced it to his recitation – is not stated. Thus in this text too we do not find the kind of mutual interaction that we find relatively frequently in the Bavli.<sup>73</sup> Furthermore, we would have expected that the verb would be accompanied with a pronoun; that is the case in three passages in the Yerushalmi where one sage summons another sage (all named) and recites a text for him.<sup>74</sup>

It seems more likely to me, given that R. Hiyya is performing the recitation, that “reciter” here means what it means in every other place in the Yerushalmi, the authority who formulated the recited text, and that R. Hiyya is presenting his son with such textual authority. It is true that the

72 Isaak Halevy, *Dorot Harischonim: die Geschichte und Literatur Israels* (Heb.; Berlin and Vienna: Benjamin Harz, 1922), 2.127-8.

73 Azzikri, who is followed by *QE*, has a different interpretation of this passage. He compares the phrase “and he raised a reciter before him and recited” to the Bavli phrase “and he raised an amora upon him and expounded” (וְאִמְרָא עָלֵיהּ וְדַרְשׁ). That is, that R. Hiyya assigned an amora who would go back with his son to the people he ruled for earlier as he informs them of the prohibition (Israel Francus, *Talmud Yerushalmi Tractate Bezah: With the Commentary of Eleazar Azzikri*<sup>2</sup> [Heb.; New York: Jewish Theological Seminary, 1995], 92). Francus (*ibid.*, n. 198) dismisses this interpretation as does Halevy (*Dorot*, *ibid.*). But it is not as far fetched as it at first seems: there is a considerable similarity between our passage in the Yerushalmi and the passages in which the Babylonian phrase appears. In all nine of them the issue is correcting a mistake: in three of them, one sage takes an *amora* in order to teach in opposition to what another sage taught before (*b. Ta'an.* 8a, *b. San.* 44a, and *b. Hul.* 100a), and in six of them, more suggestively for our purposes, describe one sage who is corrected by another about a particular issue, and then returns with the amora to admit his mistake to the public (*b. Er.* 16b, *b. Er.* 104a, *b. Git.* 43a, *b. B. B.* 127a, *b. Zev.* 94a, *b. Nid.* 68a). The main problem with this interpretation, as Halvey said, is that a *tanna* does not assist sages with public instruction. But “raising” an *amora* is also mentioned in the Yerushalmi (though in a different type of context, see *y. Ber.* 7:5 11c) – is it possible that Azzikri's interpretation is correct, except our passage should read *amora* rather than *tannay*?

74 See *y. Sot.* 3:2 18c: “R. Zeira brought R. Isaac Atoshaya and recited for him” (אֵייתִי לֵיהּ זְעִירָא לְרִי יִצְחָק עֲטוֹשָׂיָא וְתָנָא לֵיהּ), see similarly *y. Git.* 2:1 44a and *y. Git.* 6:5 48a.

passage uses language that is suggestive of interaction with people or physical movement: the verb “to raise” can certainly be used to denote physically making someone stand up or appointing people;<sup>75</sup> but the verb, in the same *af’el* construction that is used here, can also be used figuratively: R. Zeira praises R. Ami who “establishes” (*meqim*) a matter clearly.<sup>76</sup> While this figurative explanation of this passage posits unusual usage, so do the existing interpretations which assume that it refers to a reciter; in other words – the passage is unusual either way, but the interpretation offered here has the advantage that it fits better the Talmud’s formulation and, more important, that it does not necessitate importing the Babylonian notion of the reciter which is otherwise not attested in the Yerushalmi.

In addition to the Talmud, there are two other kinds of sources that may be taken as evidence for *tannay* as a professional reciter in Palestine. First there are Palestinian Midrashic texts, where the word appears very rarely – as far as I could find, in only two distinct passages. One, in *Genesis Rabbah*, employs a phrase we also find in the Talmud, “there is a reciter reciting,” the meaning of which is discussed below.<sup>77</sup> The other Midrashic instance of *tannay* is found in a passage preserved in three works:

*Leviticus Rabbah* 30:1<sup>78</sup> (par. *Pesiqta de-Rav Kahana, Veleqahtem* 1; *Shir ha-Shirim Rabbah* 3:6)

כד דמך ר' אלעזר בר' שמעון היה דורו קורא עליו מי זאת עולה מן המדבר  
כתמרות עשן מקוטרת מור ולבונה מכל אבקת רוכל. מהו מכל אבקת רוכל.  
אלא דהוה קרוי ותניי קרוב ופויטס.

When R. Eleazar b. R. Simeon died, his generation was reading about him [the following verse,] *What is that coming up from the wilderness like a column of smoke, perfumed with myrrh and*

75 See, e.g., for making stand y. *M. Q.* 3:1 81a, and for appointing: y. *Pe'ah* 8:7 21a.

76 y. *Yevamot* 15:4 15a: והוה ר' זעירא מקלס ליה דו מקים מילתא על בררה.

77 *Gen. Rab.* 78:6 (ed. Albeck 923-4).

78 Ed. Margulies, 690. The Paris (BN 149) manuscript reads: דהוה קרוי ותנויי ופויטס ודרשן.

*frankincense, with all the fragrant powders of the merchant?* (Song 3:6). What is *with all the fragrant powders of the merchant?* He was well-versed in Scripture [*qaray*], well-versed in tradition [*tannay*], a *qarov* and a poet.<sup>79</sup>

This eulogy of the deceased R. Eleazar b. R. Simeon applies the expression from Song of Songs, “with all the fragrant powders of the merchant” to say that this sage had many skills. The first are that he was a *qaray* and *tannay*. But just as *qaray* does not refer to an individual in the rabbinic academy specializing in the reading of Scripture, but simply means someone well-versed in Scripture,<sup>80</sup> *tannay* equally means someone versed in oral tradition. This instance does not conform with the particular technical meaning of the word *tannay* in the Talmud, but it also does not support any of the normal meanings ascribed to that word; it is simply a more general use of the word to connote mastery. Compare a very similar list we find in the Yerushalmi:

y. Yevamot 12:6 13a

בני סימונייא אתון לגבי ר'. אמרין ליה. בעא תתן לן חד בר נש דריש דיין והזן ספר מתניין ועבד לן כל צורכינן. ויהב לון לוי בר סיסי.

The people of Simonias came to R. [Judah the Patriarch]. They said to him: “We want you to give us one person [who is] a preacher, a judge, a *hazzan*, a teacher of Scripture and a teacher of *mishnah*, and he would perform all our needs.” And he gave them Levi b. Sisi.

79 On the last two items here, see M. B. Lerner, “On the Beginnings of Liturgical Poetry: Midrashic and Talmudic Clarifications”, *Sidra* 9 (1993), 13-34 (21) (Heb.).

80 Moses Aberbach, *Ha-himukh ha-yehudi bi-tekufat ha-mishnah veba-talmud* (Jerusalem: Reuven Mas, 1982), 36, argued that on similar passages to ours and on the basis of designations in the Bavli (e.g., R. Hinana *qara*, R. Hiyya *qara*) that *qara* was a designation for someone who taught Scripture to children. But teaching Scripture is not emphasized in any of the occurrences of that designation that I have seen. Consider also the Aramaic lamentation, “דהוה בה חמש מאה ספרין מקריין קדם כל חד וחד”. See also n. 11.

Whereas the context of the list in the *midrashim* is a eulogy, here it is a request for particular job qualifications. And appropriately, those specifying the qualifications specify them in terms of recognized tasks. Among them are not *qaray* and *tannay* as our previous passage had it, but rather the teachers of scripture and Mishnah.<sup>81</sup> *Tannay*, again, is not a position; *matneyn* is. Just a few lines above this passage in *Leviticus Rabbah*, the *mashenim* are mentioned for their wages.<sup>82</sup>

The second group of texts outside the Talmud that has been used as evidence for the *tannay* is early Christian writings. Eusebius, Epiphanius, and Jerome all make references to δευτέρωσις, which seems to be a Greek translation of *mishnah* or *matnita*, and the agents who teach that δευτέρωσις, the δευτερωται.<sup>83</sup> Consider Eusebius, speaking of Jewish education:

Moreover they had certain δευτερωται of primary instruction (for so it pleases them to name the interpreters of their scriptures), who by translation and explanation made clear what was obscurely taught in riddles, if not to all, at least to those who were fitted to hear these things.<sup>84</sup>

Here as in another passage,<sup>85</sup> Eusebius describes the δευτερωται as interpreters of Scripture. But in a third passage, he associates them with oral

81 See also the parallel of this story in *Gen Rab* 81.2: רבינו הווה עבר על סימוניה. יצאו אנשי סימונייא לקראתו. אמרו לו. רבי. תן לנו אדם אחד שייהא מקרא אותנו ומשנה אותנו ודן את דינינו. נתן להם לוי בן סוסי.

82 The text is parallel to the text from *y. Ned.* discussed above.

83 See most recently Hillel Newman, "A Patristic Perspective on Rabbinic Literature", in *The Classical Rabbinic Literature of Eretz Israel: Introductions and Studies* (Heb.; ed. M. Kahana et al.; Jerusalem: Yad Ben-Zvi, 2018), 681-704 (Heb.). For a critique of the identification of these terms with their rabbinic equivalents, see Seth Schwartz, "Rabbinization in the Sixth Century," in *The Talmud Yerushalmi and Graeco-Roman Culture III* (ed. P. Schäfer; Tübingen: Mohr Siebeck, 2002), 55-69.

84 Eusebius, *Preparation of the Gospel*, 11.5 (Greek from *TLG*, English translation by E. H. Gifford, accessed through <http://www.tertullian.org/>).

85 Eusebius, *ibid.*, 12:1.

traditions: “those who are called δευτερωταί among them are very proud of these traditions,” referring to the “traditions of the elders” (τὰς παραδόσεις τῶν πρεσβυτέρων) he mentions earlier in the passage.<sup>86</sup> In Epiphanius’s *Panarion*, they come up in the discussion of the Scribes as a Jewish sect: he describes the Scribes as δευτερωταί of the law (τοῦ νόμου), who teach it like some sort of grammar.<sup>87</sup> Perhaps most suggestive is Jerome, who writes that he visited Lydda, where he heard someone whom the Jews call “a wise man and δευτερωτής” tell a story.<sup>88</sup> Several scholars have posited that since δευτέρωσις is a Greek translation of *mishnah*, then δευτερωτής is the Greek translation of *tannay*, both in the sense of a sage from the Tannaitic period and in the sense of a reciting specialist in the Amoraic period, since these authors also write of the δευτερωταί as their contemporaries.<sup>89</sup> If that is the case, we have here evidence for the existence of this position in late ancient Palestine. But as Seth Schwartz has argued, there are sufficient incongruities between the Christian sources and the rabbinic sources to question how directly they testify to specifically rabbinic traditions and institutions.<sup>90</sup>

More important, for our purposes: if δευτέρωσις is the equivalent of the Hebrew *mishnah* and Aramaic *matnita*, then it is equally possible – in fact, more likely – that δευτερωτής is the equivalent of the Hebrew *mashneh* and Aramaic *matneyn*, as Bacher and Lieberman suggested.<sup>91</sup> There is nothing in the description of the δευτερωτής that suggests the

86 Eusebius, *Commentary on Isaiah* (trans. J. J. Armstrong; Downers Grove, Illinois : InterVarsity Press, 2013), 111. Greek text accessed through *TLG*.

87 “After these Sadducees came the Scribes—part way through their time or even exactly contemporary with them. Scribes were persons who repeated the Law as though they were teaching it as a sort of grammar” (Frank Williams, *The Panarion of Epiphanius of Salamis*<sup>2</sup> (Leiden: Brill, 2009), 141).

88 PL 25, 1301: *adivi liddae quendam de Hebraeis qui sapiens apud illos et δευτερωτης vocabantur*.

89 See e.g., Safrai, “Oral Torah,” 76; Newman, “Patristic Perspective,” 668.

90 See Schwartz, “Rabbinization,” 64.

91 Lieberman, *Hellenism in Jewish Palestine*, 57 n. 82, and see the references to Bacher there. For reasons that I do not understand, Lieberman goes on to say that Eusebius is “obviously... referring to the elementary-school Tanna who taught the children Mishnah and Midrash.” But he had just suggested it is the *matneyn*!

particular emphasis on rote memorization or recitation that we would expect with the oral traditionary, on the one hand; on the other hand, most of the contexts in which the δευτερωται come up are educational, which conforms with what we know of the *matneyn*. It is true that these passages do not fit the *matneyn* perfectly either – the emphasis on scripture in Eusebius, for example, seems still out of place; and yet the description is closer to the *matneyn* than to the Babylonian *tanna*, and we know the *matneyn* as a designation for a teacher of *mishnah* in Palestinian rabbinic sources.

This section aimed to provide alternative explanations for passages previously taken to refer to reciters in the Palestinian rabbinic learning environment, explanations which take seriously the dearth of evidence we have for such reciters. In almost all of these cases, there is a readily available alternative interpretation or reading, sometimes backed up by extant versions. Even if readers are not convinced by this or that interpretation of one of these passages, my hope is that it is clear that the picture which arises from the Yerushalmi is very different from what scholarship has painted so far: the existence of a developed, distinct, and widespread institution of reciters in late ancient Palestine is either largely or entirely a projection of later Babylonian realities into the earlier period.

### **Does *tannay* mean “a sage mentioned in the Tannaitic corpus” or a “Tannaitic-era sage”?**

The primary definition of *tannay* in traditional and modern scholarship is that of “a sage mentioned in the Tannaitic corpus” or a Tannaitic-era sage. This interpretation is premised – as is clear in Jastrow’s definition – on the distinction between *tanna'im* and *amora'im* as sages from two different periods of classical rabbinic history, the Tannaitic and Amoraic period. But we find nowhere in the Yerushalmi that these terms are used as periodical markers.<sup>92</sup>

92 The rabbinic periodization, the distinction between the Tannaitic and Amoraic periods, has not yet received critical assessment as a discursive practice; this essay (and its planned sequel on the Bavli) aims in part to contribute to such an assessment. The classical essay on this topic is still S. Z. Havlin, “‘Al ‘hakhatimah ha-sifrutit’ ke-yesod ha-khaluqah li-tequfot ba-halakhah” in *Researches in*

The picture here is similar to the one we find with respect to the professional reciters. The strongest evidence for the use of the terms *tanna'im* and *amora'im* for periodization comes from Geonic documents, but this usage seems to be attested already in several passages in the Babylonian Talmud. While the word *tanna* in the Bavli can mean, as we have seen above, a professional reciter, and the word *amora* continues to mean, as it does in the Palestinian Talmud, the “speaker” of a sage communicating his words to the audience, both of these words are also used side-by-side to denote sages of different periods. In one passage, the Bavli has R. Zeira criticize Rav Hisda for choosing to follow a ruling by Rav as opposed to multiple sages cited earlier in the text: “and you disregarded all these *tanna'ey* and *amora'ey* and acted in accordance with Rav?!”<sup>93</sup> Another passage asks why Queen Esther invited Hamman to the banquet (Esther 5:4) and cites several answers by Tannaitic-era and Amoraic-era sages; after all those answers are cited, we are told that Rabbah bar Abbahu asked Elijah the Prophet which one is correct, and the prophet replied: “[Esther did] as all *tanna'ey* and all *amora'ey* [said; i.e., all of the above sages, both the Tannaitic-era and Amoraic-era ones].”<sup>94</sup> In tractate *Sanhedrin*, Rav Papa refers to mistakes in judicial discretion in cases where “two *tanna'ei* or two *amora'ei* are disputed one with the other, and it is not mentioned whether the law follows one or the other.”<sup>95</sup> In none of these passages would it make sense to posit the referents of these words as professional reciters and speakers, respectively;

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*Talmudic Literature* (Heb.; Jerusalem: Israel Academy of Sciences and Humanities, 1983), 148-192; but Havlin argues or assumes that rabbinic periodization was done *contemporaneously*, by sages living in each period (150), and is not sufficiently critical of the sources (see his discussion on the *tanna'im* in 152 which repeats Epstein's Tannaitic dating of the term, above n. 8). Amir, *Institutes and Titles*, 176 and 184 is exceptional in arguing that the chronological use of *tannay* is later (but he opts for the definition of the professional reciter).

93 *b. Ber.* 49a (Paris 671): “ושבקת כל הני תנאי ואמוראי ועבדת כרב.”

94 *m. Meg.* 15b (BL 400): “אשכחיה רבה בר אבובה לאליהו א' ליה כמן חזת אסתר דעבדא הכי אמ' ליה ככולהו תנאי וככולהו אמוראי.”

95 *b. San.* 6a (Munich 95): “גגון תרי תנאי או תרי אמוי דפליגי אהדדי ולא אתמי הלכי לא כמר ולא כמר.”

they refer to chronological groups of sages.

While the pairing of *tanna'im* and *amora'im* in the Bavli is not very common, we find the chronological sense of *tanna'ey* in one fairly common term employed throughout the Bavli, *ke-tanna'ey*. This term frequently introduces disputes between named Tannaitic era sages, often explicitly in comparison with Amoraic-era sages (but without using the term *amora*):

*b. Berakhot* 40b (Oxford, Bodleian 366)

אמ' רב הונא. הוץ מן הפת ומן היין. ור' יוחנן אמ'. אפ'י פת ויין. נימ' כתנאי. ראה את הפת ואמ'. כמה נאה פת זו. ברוך המקום שבראה. יצא. ראה את התאנה ואמ'. כמה נאה התאנה. ואמ'. ברוך המקום שבראה. יצא. דברי ר' מאיר. ר' יוסי אומ'. כל המשנה ממטבע שטבעו חכמים בברכות לא יצא ידי חובתו. נימ' רב הונא דאמ' כר' יוסי ור' יוחנן דאמ' כר' מאיר.

[*m. Ber.* 6:2 rules that if someone recited the blessing “that everything came into being through his” – i.e., God’s – “words,” he has fulfilled the requirement to bless over the food even though he did not use the specific blessing for that food type.]

Said Rav Huna: [The Mishnah’s ruling applies to all food] except for bread and wine. And R. Yohanan said: Even bread and wine.

Let us say that it [this dispute] is like [the following dispute among] the *tanna'ey*: “If someone saw bread and said, ‘How great is this bread, blessed is God who created it,’ he has fulfilled [his obligation to bless]. If someone saw a fig and said, ‘How great is this fig, blessed is God who created it,’ he has fulfilled [his obligation to bless]” – the words of R. Meir. R. Yose says: “Anyone who changes the coinage coined by the sages in blessing has not fulfilled his obligation.” Let us say Rav Huna said like R. Yose and R. Yohanan said like R. Meir.

In this type of passage, a dispute between two Amoraic-era sages is compared to a dispute between two Tannaitic-era sages. The latter are explicitly called *tanna'ey*, in the context of this contrast with the Amoraic-era

sages. *Tanna* here seems to mean, therefore, a Tannaitic-era sage.

Again, we find none of this in the Yerushalmi. There are no passages in the Yerushalmi – or early Palestinian rabbinic literature more broadly – which mention *tannay* and *amora* as contrasting or complimentary terms. In one passage, *tannayin* are contrasted with *rabbanin* – but both appear to refer Tannaitic-era sages.<sup>96</sup> Nor do we find in the Yerushalmi the common structure in which opinions of Tannaitic-era sages are introduced with the word *tannay*.

To be clear, my point is not that there are no distinctions between Tannaitic-era statements and Amoraic-era statements in the Yerushalmi. There certainly are, and they inform the root *t.n.y.* in all its forms including the noun *tannay*. The more precise distinction in the Yerushalmi is between “recited” texts (*matnita* – a term which covers both “our” Mishnah and what the Bavli terms *baraita*) and “heard” or “learned” texts (*shemu'ata* or *ulpan*) respectively.<sup>97</sup> In general, only sages who lived prior to and during R. Judah the Patriarch’s composition of the Mishnah, what we call the Tannaitic period, are mentioned in the *matnita*; similarly, when the Yerushalmi identifies an anonymous *matnita*, only sages from that period can be identified as the speakers behind it. Sages living after the composition of the Mishnah, what we now call the Amoraic period, may adduce a *matnita*, but again they cannot be mentioned in one or be said to have composed one.<sup>98</sup> In other words, the sages who shaped the Talmud understood recited texts to be malleable up until the composition of R. Judah the Patriarch’s Mishnah. This is why almost all individ-

96 y. *Ter.* 7:1 44d (par. y. *Meg.* 1:5 71a, y. 3:1 *Ket.* 27c), “על דעתיה דר' שמעון בן לקיש מה בין אילין תניי לאילין רבנין.” My interpretation that *rabbanin* here may refer to Tannaitic-era sages is based not so much on the traditional commentators’ identification of them with the sages who dispute R. Meir in the Mishnah, since that identification seems uncertain to me, but rather on the fact that the Talmud asks how R. Simeon b. Laqish, a relatively early Amoraic sage, accounts for the difference between the *tannayin* and *rabbanin*.

97 See the discussion in Bacher, *Terminologie*, 2.222-3 and Sussmann, *Oral Law*, 221 n. 45.

98 For a survey of the sources (with particular arguments that one may take or leave), see Chanoch Albeck, *Studies in the Baraita and the Tosefta and their Relationship to the Talmud*<sup>2</sup>, (Heb.; Jerusalem: Mossad Ha-Rav Kook, 1969), 15-43.

uals the Yerushalmi names as *tannayin*, as we shall see, are from the Tannaitic period: *tannay* designates a formulator of a recited text and only sages from before the composition of the Mishnah can be said to have formulated such texts.

But this does not mean that *tannay* means a “sage of the Tannaitic period” or “a sage mentioned in the Tannaitic corpus.” In fact, the overwhelming majority of the instances of *tannay* refer to an anonymous text; there are only about twenty cases – out of hundreds – where *tannay* might designate a named sage. It is difficult, then, to interpret the word as referring to sages mentioned in the Tannaitic corpus (or sages mentioned anywhere). Furthermore, the passages where *tannay* does appear alongside sages – both in cases where it designates sages and where it does not – show us that the word has a meaning more specific than sage, connoting a particular activity, so that sages are called *tannayin* mostly or only when that activity is involved.

I start by focusing on one kind of passage which employs the word *tannay*: passages which speak about multiplicity of *tannayin* – usually two, on occasion, three. Such passages argue that two parts of the same teaching – or sometimes, two discrete teachings – are the result of different formulators.<sup>99</sup> Let me offer first a relatively simple example, concerning the following Mishnah passage:

*m. Pesahim 1:7*

ר' חנניה סגן הכהנים או'. מימיהם שלכהנים לא נמנעו מלשרוף את הבשר שניטמ(א) [א] ב(?)..ל?) [וול] ד הטומאה עם הבשר שניטמא(ה) באב הטומאה אף-על-פי [ש] מוסיפין לו [טומאה] על טומאתו. הוסיף ר' עקיבה. מימיהן שלכהנים לא נמנעו מלהדליק את השמן שניפסל בטבול יום בנר שניטמא בטמא מת אף-על-פי [ש] מוסיפין לו [טומאה] על טומאתו. אמ' ר' מאיר. מדבריהם למדנו ששורפים תרומה טהורה עם הטמאה בפסח. אמ' לו ר' יוסי. אינה היא המידה. מודה ר' אליעזר ור' י(ה) [ש] ושע ששורפין זו לעצמה וזו לעצמה. ועל מה נחלקו. על התלויה ועל (?)מה נח? לקו): [הטמאה]. שר' אליעזר אומ'. תשרף זו לעצמה וזו לעצמה. ור' יהושע או'. שתיהם כאחת.

99 See Epstein, *IMT*, 241-2 on R. Yohanan's use of this analytical tool.

R. Hananiah, prefect of the priests, says: “Never in their days did the priests avoid burning flesh that became impure through [contact] with a derivative of impurity with flesh that became impure through [contact] with a [primary] source of impurity, even though they [thus] added [further] impurity upon its impurity.”

R. Aqiva added: “Never in their days did the priests avoid kindling oil that has been disqualified through [contact] with the day-immersed person [whose purification process will only completed when the day passes] in a lamp that became impure through [contact] with a person who contracted corpse impurity, even though they [thus] added [further] impurity upon its impurity.

Said R. Meir: **From their words** we learned that one [may] burn pure priests-shares with impure [ones] in passover.

Said R. Yose: This is not a [valid] inference.

**R. Eliezer concedes to<sup>100</sup> R. Joshua** that one [must] burn each on its own. And in what did they dispute? [In the case] of uncertain [priests’-share] and impure [one], in which R. Eliezer says each should be burned on its own, and R. Joshua said they may be burned as one.

y. Pesahim 1:7 27d-28a

אמ' ר' יוחנן. מדברי ר' עקיבה מדברי ר' חנניה סגן הכהנים. ר' שמעון בן לקיש אמ'. מדברי ר' אליעזר ומדברי ר' יהושע. אמ' ר' זעירא קומי ר' יסי. על דעת דר' יוחנן ניהא. על דעת דר' שמעון בן לקיש! מה בא ר' ליעזר ור' יושוע לכאן. אמ' ליה. תניין אינון.

Said R. Yohanan: [When R. Meir said, ‘From their words,’ he meant] from the words of R. Aqiva [and] from the words of R. Hananiah, prefect of the priests.

R. Simeon b. Laqish said: [No, he meant] from the words of R. Eliezer and the from the words of R. Joshua.

100 Correcting ל to ו.

Said R. Zeira before R. Yose: All is well on the opinion of R. Simeon b. Laqish. On the opinion of R. Yohanan,<sup>101</sup> why would R. Eliezer and R. Joshua come here?

He said to him: **There are [two] reciters.**

The Mishnah discusses the permissibility of disposing certain *sancta* that have become disqualified through one kind of impurity along with *sancta* that have become disqualified with worse kinds of impurity. It offers the statements on the conducts of the priests from R. Hananiah and R. Aqiva, then R. Meir who derives a law from “their words,” a critique of R. Meir’s derivation by R. Yose, and a debate between R. Eliezer and R. Joshua. R. Meir does not state explicitly whose words he means when he says “their words.” In the Talmud, R. Yohanan and R. Simeon b. Laqish have two different interpretations: R. Yohanan suggests it is the preceding words, those of R. Hananiah and R. Aqiva, whereas R. Simeon says it is the opinions of R. Joshua and R. Eliezer discussed later. While R. Yohanan’s opinion might seem intuitive, given that R. Meir’s statement follows directly the statements of R. Hananiah and R. Aqiva, R. Zeira points out to R. Yose (the Amoraic-era scholar) a problem: if R. Meir derived his ruling from R. Hananiah and R. Aqiva, why would R. Eliezer and R. Joshua be mentioned here, seemingly as part of the argument? What do these sages have to do with the discussion at all? R. Yose then replies to R. Zeira that there are “two reciters” – that is, this passage in the Mishnah was formulated by two different people, and a new recitation begins with the quotation from R. Eliezer. There is thus no problem with the interpretation offered by R. Yohanan. We can call this a type of Talmudic source criticism.

There are seventeen distinct passages which employ this interpretive instrument in the Yerushalmi. It serves various functions. In the majority of passages, it resolves inconsistencies, whether they are within one unit in the Mishnah, between a teaching in the Mishnah and another teaching,

101 Ms. Leiden reads: “all is well on the opinion of R. Yohanan. On the opinion of R. Simeon b. Laqish....” – but these must be switched.

or among the teachings of a given sage.<sup>102</sup> In a couple of passages, it is used to suggest that even though a source cited three opinions, two of them agree to a degree that we can posit that the three opinions may in fact represent two formulators;<sup>103</sup> and in one passage the phrase seems to state simply that two recited sources are in dispute.<sup>104</sup>

In all of these passages, the reciters are the formulators of the recited texts, rather than the sages whose opinions are adduced in the texts. We can see this in particular in passages where “two reciters” are mentioned along named sages. Consider the following programmatic passage:

y. Pesahim 4:1 30d

ר' שמעון בן לקיש שאל לר' יוחנן. ואינו אסור משום "בל תתגודדו". אמ' ליה. בשעה שאילו עושין כבית שמי ואילו עושין כבית הלל. בית שמי ובית הלל אין הל' כבית הלל. אמ' ליה. בשעה שאילו עושין כר' מאיר ואילו עושין כר' יוסה. ר' מאיר ור' יוסי אין הל' כר' יוסי. אמ' ליה. תרי תניין אינון על דר' מאיר. ותריין תניין אינון על דר' יוסי.

R. Simeon b. Laqish asked R. Yohanan: [How could *m. Pes.* 4:1 permit following local practice?] Is it not prohibited on account of [the verse] *You shall not form sects*<sup>105</sup> (Deut 14:1)?

He said to him: [That prohibition applies] when some do as the House of Shammai [rules] and some do as the House of Hillel [rules; i.e., when there is a legal dispute, rather than merely different customs].

He said to him: [In cases of disputes between] the House of Shammai and the House of Hillel, is the law not according to the House of Hillel? [So the prohibition on following the House of

102 In addition to the passage I discuss in the main text, see also *y. Shevi.* 7:7 37c, *y. Shab.* 5:4 7c, *y. 'Er.* 1:7 19b (see Lieberman, *YK*, 236-7), *y. Meg.* 1:1 70b, *y. Ned.* 1:1 36c, *y. Ned.* 2:4 37c, *y. Qidd.* 1:2 59c.

103 *y. Shevi.* 2:3 33d and *y. Meg.* 1:1 70a.

104 *y. Sot.* 9:5 23a; see Leib Moscovitz, “On Two Obscure Yerushalmi sugyot”, *Sidra* 11(1995), 73-87 (Heb.).

105 Translation reflects the midrashic understanding of the verse; cf. NRSV: “you must not lacerate yourselves.”

Shammai is not because of the prohibition on making sects, but because the law in general follows the House of Hillel].

He said to him: [That prohibition, then, applies] when some do as R. Meir [rules] and some do as R. Yose [rules].

He said to him: [In cases of disputes between] R. Meir and R. Yose, is the law not according to R. Yose? [So the prohibition on following R. Meir is not because of the prohibition on making sects, but because the law in general follows R. Yose].

He said to him: [That prohibition, then, applies] when there are **two reciters for [an opinion] by R. Meir, two reciters for [an opinion] by R. Yose.**

The Mishnah allows for different local practices with respect to work on the eve of Passover.<sup>106</sup> R. Simeon b. Laqish asks R. Yohanan how come such a diversity of practices is not prohibited by Deut 14:1, which is interpreted here to prohibit different sects. R. Yohanan answers that what the verse prohibits is following different *laws*, rather than following different *customs*. He then offers an example for what is prohibited by the verse: if some people follow the rulings of the House of Shammai whereas other people follow the rulings of the House of Hillel, that is the sort of sectarianism that is prohibited by Deut 14:1. R. Simeon responds that such a situation is already prohibited by the fact that the law, in general, follows the House of Hillel; people who follow the House of Shammai thus already violate the law, regardless of the question of sectarianism. R. Yohanan then offers that the prohibition applies in a situation where some people follow the rulings of R. Meir and some follow the rulings of R. Yose, but again R. Simeon offers a similar answer – the rule is that the law follows R. Yose, and therefore people who follow R. Meir already violate the law.<sup>107</sup> R. Yohanan then offers another situation, where there

106 For a detailed interpretation of this passage and its context, see Richard Hidary, *Dispute for the Sake of Heaven: Legal Pluralism in the Talmud* (Providence: Brown Judaic Studies), 99-103.

107 On these rules for deciding halakhic disputes see Hidary, *Dispute*, 43-80; Yehuda Brandes, “The Beginnings of the Rules of Halakic Adjudication” (Heb.; Ph.D. Diss., Hebrew University of Jerusalem, 2002); and see also recently on their

are “two reciters” reporting differently the opinions of R. Yose and R. Meir, and people follow those different reports. *Tannayin* here are not R. Yose or R. Meir but those who report or formulate their words in a given text.

While this passage speaks about the general phenomenon of disputed formulations, we find in other passages of the “two reciters” type references to specific instances of such disputed formulations. One passage protests that R. Simeon b. Laqish is inconsistent in his interpretation of R. Aqiva: in one place, he says that R. Aqiva believes that blasphemy counts as action (rather than merely speech), but in another he says that it does not. The Talmud follows with the argument, attributed to R. Simeon b. Laqish, that there are two reciters who transmit different opinions by R. Aqiva on the subject.<sup>108</sup>

In the “two reciters” passages we have seen so far, the reciters posited by the texts are anonymous. But in three places, we find them named. The first one concerns the following series of disputes in the Mishnah:

*m. Terumot 4:7-10*

ר' א(ו) [ל]יעזר או'. תרומה עולה במאה ואחד. ר' יהושע [אומ']. במאה ועוד. ועוד [זה] אין לו שיעור [...] ר' יהושע אומ'. תאינים שחורות מעלות את הלבנות [וה]לבנות מעלות [את ה]שחורות. [...] ובזו ר' אליעזר (אומ') מחמיר ור' יהושע מקל.

ובזו ר' אליעזר מקל ור' יהושע מחמיר. בדור?ס? ליטרא קציעות על פי הכד ואין ידוע איזו היא. ר' אליעזר או'. רואין אותן כילו הן פרודות. התחתונות מעלות את העליונות. ר' יהושע אומ'. לא תעלה עד שיהא שם מאה כ?ד?ד?.

R. Eliezer says: Heave-offering [produce] is canceled out [i.e., becomes unconsecrated when it is mixed] in [a total of] one hundred and one [parts of produce]. R. Joshua says: One hun-

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context, Mark D. Letteney, “Christianizing Knowledge: A New Order of Books in the Theodosian Age” (Ph.D. Dissertation, Princeton University, 2020), 422-32.

108 y. *Shevuot* 3:1 34b: דר' עקיבה: ר' לא בשם ריש לקיש: תרין תניין אינון על דעת' דר' עקיבה: 108

dred [parts] and a bit. And this “bit” has not fixed amount...<sup>109</sup>

R. Joshua says, “Black figs [may] cancel out white ones [if they are mixed together], and white ones [may] cancel out black ones... R. Eliezer prohibits [i.e., they may not cancel each other out]...”

And with respect to this [the preceding case], R. Eliezer is stringent and R. Joshua is lenient.

But with respect to this, R. Eliezer is lenient and R. Joshua is stringent, in the case of a person stamping a pound of packed figs [of consecrated status] on top of a jar [and it fell into the jar], but it is not known which [jar] – R. Eliezer says: We consider them [the figs] as if they were separated, and the bottom ones may cancel out the upper ones [even though we know the figs fell into the upper part and thus could say that only the upper quantity should count]; R. Joshua says: It is not canceled out until there will a hundred jars there [and then the relevant quantity is the combined quantity of upper figs in all one hundred jars].<sup>110</sup>

As the Mishnah says explicitly, we find a difference in approach between R. Eliezer and R. Joshua on the issue of how to calculate the amount of unconsecrated produce that may cancel out consecrated produce that is mixed into it. In *m. Terumot* 4:8, R. Joshua is quoted as saying that similar produce that we can nonetheless tell apart may be counted together: thus black figs and white figs join in for the one hundred and a bit requirement to cancel out a one-hundredth piece of heave-offering that went into the mix. R. Eliezer disagrees: only produce that we cannot tell apart may be counted together; a black fig that fell into a mix of white and black figs only counts as having mixed with the black figs, since all the black figs may be easily separated from the white ones. But just a few lines later, in *m. Terumot* 4:10, we hear that in the case of a pack of figs

109 Throughout this passage, I skip opinions and details that are not relevant for the comment about reciters in the Yerushalmi.

110 See Leib Moscovitz, *Talmudic Reasoning* (Tübingen: Mohr Siebeck, 2002), 176.

that fell into a jar, R. Eliezer allows the lower figs be counted with the upper figs, even though it is clear that the figs did not mix into the bottom (because they are bundled) – seemingly allowing produce which we can tell apart (here: lower and upper) to be counted together, whereas it is now R. Joshua who says that these may not be counted together. On this the Yerushalmi comments:

y. Terumot 4:9 43a

הכא ר' ליעזר מחמיר ור' יהושע מיקל. אמ' ר' יוחנן. תנ(י)[1א]ין אינון:  
 נמצאת או'. בידוע לא תעלה. שאינו בידוע תעלה. דברי ר' ליעזר. ר' יושוע או'.  
 בין בידוע בין בשאינו ידוע תעלה. דברי ר' מאיר.  
 ר' יהודה או'. בין בידוע בין בשאינו ידוע לא תעלה. [דברי ר' ליעזר]. ר'  
 יושוע או'. בין בידוע בין בשאינו ידוע תעלה.

Here R. Eliezer is stringent and R. Joshua is lenient [and there, in the case of the jars, it is the opposite]! R. Yohanan said: **There are [different] reciters** [as the following source reveals]: “You thus say: ‘When it is known [which kind produce fell] it is not canceled out, but when it is unknown it is canceled out’ – the words of R. Eliezer, R. Joshua says: Whether it is known or unknown it is not<sup>111</sup> cancelled out” – **the words of R. Meir. R. Judah says:** “Whether it is known or unknown it is not canceled out – the words of R. Eliezer. R. Joshua says: Whether it is known or unknown it is canceled out...”<sup>112</sup>”

R. Yohanan’s solution to this seeming contradiction is to posit that there are different reciters transmitting differently the words of R. Joshua and R. Eliezer. A recited source is then cited which confirms that. R. Meir and R. Judah, two Tannaitic-era sages, report differently the opinions of Rabbi Joshua and R. Eliezer. These opinions are differently worded than

111 Ms. Leiden does not have “not” here, but it is necessary for the interpretation of the passage, and is the version in the parallel *t. Ter. 5:10* (Ms. Erfurt); see Lieberman, *TK Zera ‘im*, 369.

112 Skipping here the opinion of R. Aqiva which is not strictly relevant for our purposes.

they are in our Mishnah, and they introduce to it a factor that is not addressed in the same way by R. Eliezer and R. Joshua there. According to R. Meir, R. Eliezer does not allow canceling out when it is known which type of mixture occurred,<sup>113</sup> but when it is unknown he does allow such canceling out, and R. Joshua does not allow canceling out either way. This fits their opinions as reported in *m. Terumot* 4:10, where the type of mixture is unknown and R. Eliezer allows the canceling out and R. Joshua prohibits it. According to R. Judah, R. Eliezer never allows canceling out, whether the type is known or unknown, and R. Joshua *always* allows canceling out. This is consistent with their opinions as reported in *m. Terumot* 4:8.

Rabbi Yohanan refers to R. Meir and R. Judah as *tannayin*, “reciters.” But note that he refers to them as such in their capacity as *reciters*, as transmitting or formulating the opinions of *other sages* differently. This is the also the case with the two other passages of the “two reciters” type in which the reciters are not anonymous. Concerning the same passage we have seen above in *Pesahim*, on the permissibility of increasing impurity, Rabbi Mana points out a contradiction between the teaching of R. Joshua there and his teaching *m. Terumot* 8. Rabbi Shammai answers him that “these are [different] reciters – there it is R. Meir in the name of R. Joshua, but here it is R. Simeon in the name of R. Joshua.”<sup>114</sup> In *y. Yevamot*, a teaching attributed by R. Eleazar to the House of Shammai is contrasted with another teaching attributed to them, and the Talmud concludes “there are two reciters on [this opinion] of the House of Shammai.”<sup>115</sup>

This same pattern holds up when we move beyond passages of the “two reciters” type. In the majority of the instances where *tannay* directly refers to a sage, it is to that sage’s transmission, recitation, of other sages’ words rather than his own:

113 Which type of mixture, rather than which type of heave-offering produce, since what is at stake in *m. Ter.* 4:10 is the property of figs with which the heave-offering was mixed (lower/upper) rather than the type of heave-offering produce itself.

114 *y. Ter.* 8:8 46b (par. *y. Pes.* 1:7 28b): תניין אינון. תמן ר' מאיר בשם ר' יהושע. ברם הכא ר' שמעון בשם ר' יהושע.

115 *y. Yev.* 3:1 4c: “תרין תנאין אינון על דבית שמי [י(ו)הר].”

y. Pe'ah 7:6 20b (par. y. M. S. 5:3 56a)

ר' או'. לא אמרו בית שמי אלא בשביעית. אבל בשאר שני שבוע שבית שמי. יש לו חומש ויש לו ביעור. על דעתיה דההן תנויה לא למדו נטע רבעי אלא ממעשר שיני... תני רבן שמעון בן גמליאל. אחד שביעית ואחד שאר שני שבוע בית שמי אומ'. אין לו חומש ואין לו ביעור. על דעתיה דהדין תנייה לא למדו נטע רבעי ממעשר שיני כל עיקר.

**R. [Judah the Patriarch] says: The House of Shammai** only said that with regard to the sabbatical year, but in the rest of the years of the sabbatical cycle, on which the House Shammai [say]<sup>116</sup>, it [i.e., vine produce in its fourth year] is subject to the [laws of] added fifth and removal.

**On the opinion of this reciter**, they only derived [the laws] of vine produce in its fourth year from the [laws of] second tithe....

**Rabban Simeon b. Gamaliel recited:**<sup>117</sup> It is the same with respect to the Sabbatical year and the rest of the years of sabbatical cycle, **the House of Shammai say**, it is not subject to the [law of] added fifth and it is not subject to [the law] of removal.

**On the opinion of this reciter**, they did not derive [the laws] of vine produce in its fourth year from the [laws of] second tithe....

y. Ma'aser Shenit 4:4 55a (par. y. 'Eruvin 7:6 24c and y. Oid-dushin 1:3 60a)

ר' חנניה בשם ר' פינחס. תיפתר כהדין תנייה דתני. אשתו אינה פודה לו מעשר שיני. ר' שמעון בן אלעזר או' משום ר' מאיר. אשתו פודה לו מעשר שיני. והדין תנייה. ר' מאיר עבד יד העבד כיד רבו ולא יד האשה כיד בעלה.

R. Hananiah [said] in the name of R. Pinhas: Let it be interpreted according **to this reciter**, for it was recited: "One's wife may not redeem for him [produce in the status of] second tithe. **R.**

116 Adding the verb "say" here; see the words of Rabban Simeon b. Gamaliel.

117 Alternatively, "It was recited: Rabban Simeon ben Gamaliel [says]," and the verb "says" has been omitted.

**Simeon b. Eleazar says in the name of R. Meir:** One’s wife may redeem for him [produce in the status of] second tithing.” And [according] **to this reciter**, R. Meir considers the hand of the slave as the hand of his master, but he does not consider the hand of the wife as the hand of her husband.

In the first passage, from *Pe’ah*, both Rabbi Judah the Patriarch and R. Simeon b. Gamaliel are called reciters, but neither of them is offering here his own ruling or exegesis – rather, they offer different reports or understandings of the words of the House of Shammai. Similarly, in the passage from *Ma’aser Sheni*, “reciter” refers to R. Simeon b. Eleazar – or perhaps even the reciter of the entire source – but again, it is the transmission of R. Meir’s words that is at stake.

In another example, recognizing this particular function of *tannay* can help us see it functioning in the same way in another passage, where it is less clear. Let me start with the passage in which it is evident:

y. Sotah 6:3 21a

מתנית' דר' יהושע. דר' יהושע אמ'. מקנא מתרה לה על פי שנים ומשקה לה על פי שנים. אמ' ר' מנא. ואפי' כאהן תנא אתייה היא. דתני. ר' יוסי ביר' יהודה או' משום ר' לעזר. מקנא לה על פי עד אחד או על פי עצמו. ומשקה על פי שנים.

This *matnita* [i.e., *m. Sot.* 6:3] is R. Joshua’s. For R. Joshua said [in *m. Sot.* 1:1]: “He [the husband] must express jealousy and warn her in front of two [witnesses] and he has her drink the water in front of two [witnesses].” Said R. Mana: **But it even comes as [i.e., conforms with] this reciter**; for it is recited: **R. Yose b. R. Judah says in the name of R. Eliezer**: He must express jealousy in front of one witness or himself, and he has her drink the water in front of two [witnesses].

The anonymous statement argues that since *m. Sotah* 6:3 assumes that two witnesses are required to establish that the wife secluded with another man, it must be R. Joshua’s, since it is R. Joshua, in *m. Sotah* 1:1, who requires two witnesses to establish the seclusion, whereas R. Eliezer

there requires only one or the husband himself. R. Mana says that this passage in the Mishnah can, however, conform also with R. Eliezer's view as it is reported by R. Yose b. R. Judah. According to that view, R. Eliezer was indeed more lenient than R. Joshua, but about the witnesses of the expression of jealousy.<sup>118</sup> Both sages, according to this version, agree that two witnesses are required to establish the seclusion. "This reciter" then refers not to R. Eliezer, but to R. Yose b. R. Judah as the reciter, *tannay*, of his teaching.<sup>119</sup> This passage helps us understand another passage, where the referent of *tannay* is less clear:

m. Sotah 6:1

מי שקינא לה. אפילו שמע מן העוף הפוריה יוציא ויתן כתובה. דבר' ר' ליעזר.  
ור' יהושע או'. משישאו ויתנו בה מוצרות בלבנה.

If a man had expressed jealousy to her<sup>120</sup> [i.e., his wife, as part of the Sotah procedure], even if he heard from the flying bird [that his wife was unfaithful], he must divorce her and give her the marriage settlement – the words of R. Eliezer. And R. Joshua says: [he is not required to do so] until the moonlight spinners give and take about her.

y. Sotah 6:1 20d

ר' יוחנן בשם ר' ינאי. כל ההן פירקא } משהתרה בה ואמ' לה. אל תיסתרי עם  
איש פל'. } משקינא לה ונסתרה. ר' שמעון בן לקיש אמ'. אפי' לא נסתרה. אמ'  
ר' זעירא קומי ר' יסא. לא דר' שמעון בן לקיש פליג. אלא סבר כההן תנייה  
והוא מיקל בעידי סתירה.

118 On the implications of R. Yose b. R. Judah's transmission, see Kahana, *Sifre on Numbers: An Annotated Edition: Part II: A Commentary on Piska'ot 1-58* (Heb.; Jerusalem: Magnes, 2011), 82, Lieberman, *TK Nashim*, 609-610; Rosen-Zvi, *Sotah*, 175 n. 95.

119 See a similar reference to the same teaching in y. *Sot.* 1:1 16b.

120 Printed editions and some manuscripts read after this word: "ונסתרה," "and she had secluded." This is patently not the version that was in front of the composer of the passage in the Yerushalmi. See Epstein, *IMT*, 84, n. 3.

R. Yohanan [said] in the name of R. Yannai: All [of the laws] of this chapter [of the Mishnah apply] from when he expressed jealousy and she had secluded [with another man].<sup>121</sup> R. Simeon b. Laqish said: Even if she had not secluded herself. Said R. Zeira before R. Yose: But R. Simeon b. Laqish<sup>122</sup> thinks like this reciter and he is lenient with respect to witnesses of seclusion.

The traditional commentators as well as Epstein interpret “this reciter” to refer to R. Eliezer, who, as we have seen, is reported in *m. Sotah* 1:1 to have minimal requirements for the witnesses of seclusion.<sup>123</sup> While this interpretation makes sense conceptually, it is difficult to square with the text: why would the Yerushalmi not simply say “R. Eliezer”? More important, given that R. Eliezer is mentioned in the text R. Yohanan and R. Simeon b. Laqish are disputed about, *m. Sotah* 6, it is odd to say that R. Simeon b. Laqish follows the opinion of R. Eliezer in interpreting it: if he is discussing the part of the passage that is attributed to R. Eliezer, then of course it should be interpreted according to R. Eliezer’s statement elsewhere; and if he is referring also to the sages disputing R. Eliezer, why would their words be premised on R. Eliezer’s opinion?

“This reciter” here therefore probably refers, as it does in the two other passages discussing this issue in Yerushalmi *Sotah*, not to R. Eliezer himself but to a specific version of his words – in this case, the

121 Ms. Leiden records here a redundant clause (“from when he warned her and told her, do not seclude with a certain person”) which may have originated as a marginal gloss and entered wrongly in the text. It is missing in the Genizah fragment (T-S F 17.36) and is marked as redundant in the Academy’s edition.

122 Ms. Leiden here reads, “not that R. Simeon b. Laqish disputes, but he considers...”. The Genizah fragment is somewhat corrupted (אלא דר' שמעון בן לקיש אלא הן הוא סבר), but it is missing the notion that R. Simeon b. Laqish does not dispute R. Yohanan. The same idea is also missing in the quote by Asher ben Yehiel: אמר ר' זעירא קמיה ר' יסא ר"ל כהדין תני דהוא מקל בעידי סתירה. My translation reflects this reading: R. Simeon b. Laqish does seem to dispute R. Yohanan, and it is possible that the words “not... dispute” were copied here because they appear in the next line where they are also attributed to R. Zeira. At any event this is not relevant for the meaning of *tannay* in this text.

123 Epstein, *IMT*, 85 n. 3.

version of the anonymous reciter who recites, “He must express jealousy in front of two witnesses, and he has her drink the water [i.e., when she had secluded herself] according to one witness or himself.” R. Zeira argues that whereas R. Yohanan’s emphasis on the event of the seclusion fits also R. Yose’s version of R. Eliezer’s words, which require two witnesses for the seclusion, R. Simeon b. Laqish endorses the version as we have it in the Mishnah.

There are, all told, eleven such cases in the Yerushalmi, where *tannay* is used to refer to a named sage who transmits differently the words of another sage.<sup>124</sup> There are other cases where the word *tannay* does not refer to a sage named in a chain of transmission, but to the anonymous transmitters that are contrasted with such a chain;<sup>125</sup> we have already seen this in one of the passages from tractate *Sotah* analyzed above, which says that R. Simeon b. Laqish “thinks like this reciter,” that is, the anonymous reciter of R. Eliezer’s position as opposed to R. Yose b. R. Judah’s recitation of R. Eliezer’s words. Still we also have an example where there is no explicit discussion of transmission variance at all, but the context necessitates we understand it that way:

124 In addition to the cases discussed above, see also *y. M. S.* 3:8 54b, in reference to R. Yose, who says the ruling in question is of “the *mishnah* of R. Aqiva,” and then proceeds to recite the words of the sages; *y. Sheq.* 4:8 48c which, according to PM, refers to R. Simeon b. Judah’s transmission of R. Simeon’s words on the previous page in the Yerushalmi; and *y. Git.* 4:4 45d, where the reference seems to be to R. Hanina who adduces the words of R. Ishmael b. R. Yose (though it is not clear how why “first” is mentioned). Cf. *y. Sot.* 2:4 18b, where the “reciter” might be R. Meir, but even so he reports about the actions of R. Ishmael: it is true that there is no direct quotation, but this is still a sage reporting the position of another sage.

125 In addition to the case mentioned above, see also *y. Ma’as.* 3:10 51a and see *y. M. S.* 3:8 54b and *t. M. S.* 2:12 (on the Tannaitic texts, see Ishay Rosen-Zvi, “Introduction to the Mishnah” (Heb.) in *The Classical Rabbinic Literature of Eretz Israel: Introductions and Studies* (Heb.; ed. M. Kahana et al.; Jerusalem: Yad Ben-Zvi, 2018), 1-64 (22-3). Even though, at least in the version preserved by the Tosefta, there is no dispute between the first reciter and the *mishnah* of R. Aqiva according to R. Yose – and still the passage in *y. Ma’aserot* says, “according to this *tannay*, according to the House of Shammai,” which clearly refers to the transmission of the House of Shammai rather than directly their own position. See Lieberman, *TK Zera’im*, 740; see more on this passage in the appendix.

y. Sotah 7:5 21c

תני. ר' או'. אי איפשר לומ' [לוי] למעלן שכבר נאמר [לוי] למטן. אי איפשר לומ' לוי למטן שכבר נאמר לוי למעלן. אמור מעתה. זקני כהונה ולוייה למטן ושאר כל השבט למעלן.

ר' שמעון או'. [אי] איפשר לומ' לוי למעלן שכבר נאמ' לוי למטן. ואי איפשר לומ' לוי למטן שכבר נאמ' לוי (למטן): [למעלן1]. אמור מעתה. הראוי לשרת למטה ושאר כל השבט למעלה.

ר' שמעון או'. "שמעון ולוי". מה שמעון כולו למעלה אף לוי כולו למעלה. מה מקיים הדין תנייה "נגד הכהנים הלויים". כיי דאמ' ר' יהושע בן לוי. בעשרים וארבעה מקומות נקראו הכהנים לויים וזה אחד מהן. "והכהנים הלויים בני צדוק".

**It was recited:** [Referring to the Blessings and Curses at Mount Ebal and Mount Gerizim, see Deut 27 and Josh 8]: Rabbi [Judah the Patriarch] says: It is impossible to say that the Levites were above, since it was said that the Levites were below. It is impossible to say that Levites were below, since it was said that the Levites were above. Say then – the elders of the priesthood and [of] the Levites below, and the rest of the tribe was above. **R. Simeon says:** It is impossible to say that the Levites were above since it was said that the Levites were below. It is impossible to say that Levites were below, since it was said that the Levites were above. Say then – whoever was fit to serve was below, and the rest of the tribe above.

**R. Simeon says:** *Simeon and Levi* (Deut 27:12). Just like [the Tribe of] Simeon was all above, so was [the Tribe of] Levi all above.

**How does this reciter sustain** [the verse] *in front of the priests, the Levites*<sup>126</sup> (Josh 8:33)? As that which R. Joshua b. Levi said: In twenty-four places the priests were called Levites and this is one of them: *But the levitical priests, the descendants of Zadok* (Ezek 44:15).

126 Translated to allow for the Talmud's question; NRSV's rendition, "the levitical priests," already incorporates the understanding that the Talmud offers as a solution.

There are two contradictory opinions attributed to R. Simeon in this passage on the location of the Levites.<sup>127</sup> In the question “how does this reciter sustain [the verse],” the word “reciter” therefore cannot mean R. Simeon, since it must refer to one of those two contradictory teachings. The reference, then, is again to the formulator of the teaching, the voice that mediates for us R. Simeon’s words.

There are exceptional cases where *tannay* refers to Amoraic-era individuals. In two cases, we are told that two Amoraic scholars differ on attributing the teachings of two other Amoraic scholars:<sup>128</sup>

y. Pesahim 7:11 35b

רבנן דקיסרין אמ'. ר' חייא ר' איסי חד מיחלף וחד כהדין תנייא. מאן דמחלף לית ליה כאילין קישוויא.

[R. Jacob b. R. Aha argued that there is an inconsistency in the teachings of R. Yohanan and R. Simeon b. Laqish. R. Yohanan makes no distinction between flesh and skin animal regarding the Passover sacrifice, but does make such distinction concerning animals prohibited for consumption; whereas R. Simeon b. Laqish is reversed – in the context of the Passover sacrifice he makes such a distinction, but regarding animals prohibited for consumption he does not. On this we hear in the Talmud:]

127 I do not see a strong reason to consider the attributions here scribal errors. In *t. Sot.* 8:9 what is attributed in the Yerushalmi to R. Judah the Patriarch is attributed to R. Eliezer b. Jacob, and the first teaching the Yerushalmi attributes to R. Simeon is attributed in the Tosefta to R. Judah the Patriarch. In *b. Sot.* 37a we also find R. Eliezer b. Jacob, but what is attributed in the Tosefta to R. Judah the Patriarch is attributed to R. Josiah and there is also a third opinion attributed to R. Judah the Patriarch. But neither of these parallels record the second teaching attributed here to R. Simeon, and the variation between the Bavli and the Tosefta shows us that there was no stable scheme of attributions here.

128 The other passage is at *y. Hor.* 1:2 45d; note that in the parallel to that text in *y. Git.* 7:1 48c the same report of attribution switching appears without the word *tannay*. The parallel to the passage cited above from *y. Pes.*, at *y. San.* 8:2 26a, does not include the report about the attribution switching.

The Rabbis of Caesarea say: R. Hiyya and R. Issi, **one switches [the attributions between R. Yohanan and R. Simeon b. Laqish] and the other is like this reciter**. And the one who switches does not have these difficulties [i.e., the inconsistencies in the teachings].

The word *tannay* here refers to whoever transmitted the dispute with the attributions as the Talmud had them originally, as opposed to the individuals has the attributions switched. While this *tannay* is anonymous, he must be of the Amoraic period, since he is transmitting Amoraic teachings. This is, to be sure, exceptional – among hundreds of cases, we have two cases<sup>129</sup> where the teaching the *tannay* recites is an Amoraic teaching. This is consistent with the use of the citation term *teney* (“it has been recited”), which on rare occasions can introduce Amoraic-era teachings.<sup>130</sup> But what is interesting for our purposes is that while these cases stand out in terms of the period from which the recited teaching stems, they are actually consistent with what we see of *tannay* in terms of functions – the *tannay* as the transmitter and formulator of teachings which we have seen throughout this section.

In conclusion: other than a handful of passages – between three and eight, depending on considerations laid out in the appendix below – all passages which name sages as *tannayin* refer to their capacity as transmitters of others’ words rather than offering their own opinion. This is striking: while sages reporting their predecessors’ positions is not uncommon in the Tannaitic corpus, it is much more common for Tannaitic-era sages simply to state their own opinion on the matter. If *tannay* meant Tannaitic-era sage, we would expect the Talmud to call R. Meir, R. Judah, R. Simeon, R. Simeon b. Eleazar, Rabban Gamaliel, etc., *tannayin* even when they offer their own opinions – and that is not the case. To be sure, all sages named by the Talmud *tannayin* are Tannaitic-era sages; but that does not mean that that is the meaning of *tannay*. The sages of

129 Perhaps three, if we accept *PM*’s interpretation of *y. Naz. 7:4 56d*, but the identification of the *tannay* of that passage as R. Illa seems to me uncertain.

130 Leib Moscovitz, *The Terminology of the Yerushalmi: The Principal Terms* (Heb. Jerusalem: Magnes, 2009), 589 and n. 144.

the Talmud understood the capacity to formulate *mishnah* as reserved only for sages in the period prior to the compilation of the Mishnah; but they did not think of sages from that period as *tannayin* when they were not transmitting and formulating texts. *Tannay* is not, then, a general word for a “sage from the Tannaitic period” or a “sage mentioned in the Tannaitic corpus.”

### ***Tannay* as a reciter of *mishnah***

My suggestion is that *tannay* is the agent of a particular textual activity, the transmission and formulation of a *matnita*. This is why there is not a single instance of *tannay* in the Yerushalmi which is not connected with a specific text.<sup>131</sup> *Tannayin* are always inferred from texts that are cited or implied; they do not act in the world or have properties outside of texts. This is in contrast with how the Talmud uses collective names for sages, such as the *hakhamim* and *talmidey hakhamim* (“the sages” and “disciples of the sages”): in just the first few tractates, the Talmud tells us about how they pray, what happens when they die, that they visit the sick, that eating in the market is bad for their reputation, and that drinking wine makes their dreams good.<sup>132</sup> We hear nothing like that with respect to the *tannayin*, because they are figures hypothesized from texts, existing only insofar as their opinions and preferences are reflected in the formulation and transmission of the text under interpretation.

The same function is evident also in the word itself. While the root *t. n. y.* can mean “teaching” or even “telling” in general, it overwhelmingly refers in the Yerushalmi to textual formulation and transmission. That is the case with the noun *matnita*, a recited text; it is also the case with ubiquitous citation formulas such as *teney* (“it has been recited”), which with few exceptions introduce precise quotations.<sup>133</sup> The type of texts that are referred to by this root is implied by its sense of *seconding* or

131 It is true that *y. Pes. 4:1 30d* is not related to an actual text, but it does conjure paradigmatic texts – the different versions of positions by R. Yose and R. Meir.

132 *y. Ber. 1:4 3c*, *y. Ber. 2:7 5c*, *y. Pe'ah 1:1 15c*, *y. Ma'as. 3:4 50d*, *y. M. S. 4:12 55c* respectively.

133 See Moscovitz, *Terminology*, 589, and see on a similar phrase, at at 581.

*repetition*.<sup>134</sup> From the Tannaitic period on, such recited texts were perceived as drawn from the oral tradition, so when sages formulated them they “repeated” or indeed “recited” them rather than invented them; at the same time, already in the Tannaitic corpus we see that this oral tradition was perceived to be shaped by individual sages as they transmitted them: thus we hear in the Tannaitic corpus about “the *mishnah* of R. Aqiva,” “the *mishnah* of R. Eliezer” – the particular version of the oral tradition shaped by these sages.<sup>135</sup> In that sense, the root *t. n. y.* signifies both the transmission of existing literary material and the reshaping of it by the agent who is transmitting it, the reciting sage. We have already seen in many passages cited in the previous sections that *tannay* applies to transmitters of others’ teachings. This combination makes the literal translation “reciter” preferable over terms such as formulator and tradent, which capture only certain aspects of the activity.

This combination of transmission and formulation is also what makes Epstein’s second definition of *tannay*, “an arranger of Tannaitic text,” lacking.<sup>136</sup> It is true that the Yerushalmi refers to *tannay* both in cases where transmission is emphasized and in cases where formulation is emphasized. But it makes no distinction between the two, in the context of the word *tannay* or the root *t. n. y.* in general,<sup>137</sup> nor does it make the distinction between “sages” and “arrangers” which Epstein makes – his group of “arrangers” is limited to a list of very specific individuals,

134 See Sokoloff, *DJPA*, 676-7.

135 For the *mishnah* of R. Aqiva see e.g., *m. San.* 3:4; for the *mishnah* of R. Eliezer see *t. Zev.* 2:17 (and par.; for which see now Yair Furstenberg, “From Tradition to Controversy: New Modes of Transmission in the Teachings of Early Rabbis” (Heb.), *Tarbiz* 85 (2018), 587-642 (602-4). On the phenomenon of early *mishnah* collections and its relationship to the Mishnah see Rosen-Zvi, “Introduction to the Mishnah,” 44-5 and the literature cited there.

136 To be sure, Epstein himself was one of the foremost interpreters of the textual conception of *mishnah* outlined here; see e.g., the first few chapters of J. N. Epstein, *Prolegomena ad litteras tannaiticas* (Heb.; ed. E. Z. Melamed; Jerusalem and Tel Aviv: Magnes and Dvir, 1957), as well as the first chapter of *IMT*.

137 The notion of “arranging” (סידור) appears very rarely in the Yerushalmi – see e.g., *y. Meg.* 1:1 70b and *y. Hor.* 3:8 48c – and even then it is not associated with *tannayin*.

but *tannay*, we have seen, applies to a broad range of sages. These distinctions reflect either concerns with authoritative hierarchy or concerns with “originals” and “versions,” but they are not made in the Yerushalmi.

The emergence of the term *tannay* and its frequent use reflect a growing interest by Amoraic sages in the literary features and processes of the texts they were analyzing. We have already seen, in the previous section, how *tannay* was used to explain that one text might reflect two opinions, to posit that one formulator might be behind what seems like two statements, or to describe alternative contradictory transmissions of a statement by the same sage. In the rest of this section, I explore other ways in which Amoraic scholars used this term to posit that the formulation or transmission of a teaching was shaped by its particular – though unnamed – reciter. Let me be clear: not all passages employing *tannay* emphasize textual activities; but the facts that more than half of them do, and that *all* of them, again, relate to particular texts, show us that the meaning of this term relates, in particular, to the shaping of texts.

We thus find the *tannay* appearing where the sages want to point to a literary feature of the text under discussion; consider this discussion about the Mishnah’s choice of examples:

*m. Shevu’ot 3:8*

איִזוּ הִיא שְׁבוּעַת שׁוֹא [...] נִשְׁבַּע [עַל] [ל] דְּבַר שְׁ[אִי] אִפְשָׁר לוֹ. אִמּוֹ. אִם לֹא רֵאִיתִי גַמֵּל פּוֹרֵיחַ בְּאוֹר. וְאִם לֹא רֵאִיתִי נֶחֱשׁ כְּקוֹרֵת בֵּית הַבַּד.

What is a vain oath? [...] <sup>138</sup> If he took an oath on something impossible, saying, “if I did not see a camel flying in the air,” “if I did not see a snake like the beam of an olive press.”

*y. Shevu’ot 3:8 34d (par. y. Nedarim 3:2 37d<sup>139</sup>)*

שְׁמוּאֵל אִמּוֹ. בְּמֵרֻבַּע. וְאִם בְּמֵרֻבַּע נִתְּנִי אִפִּי קָטָן. אִמּוֹ ר' יוֹדֵן אָבִי דֵר' מִתְּנִיָּה. כִּינִי. אֵלָא דְלִית אֹרְחָא דְתְּנִיָּא מִיתְּפוֹס אֵלָא מִלֵּיהּ רֹבְא. דְתְּנִינְן. "גַּמֵּל

138 Skipping the examples that are not relevant to the Talmud’s discussion.

139 The parallel contains some significant differences, but none of them are relevant for our analysis here.

פורה באויר". ניתני. עכבר פורה באויר.

Samuel said: “[The expression about the snake refers] to a square [snake].” If [it refers] to a square [snake], let us recite even a small one [which would still be impossible]? Said R. Judan, the father of R. Matanaya: “It is so, but **the way of the reciter is to grab the stronger expression**. For we have recited: ‘A camel flying in the air’ – let us recite, ‘a mouse flying in the air’?”

The Mishnah gives, as an example of an oath on something impossible, the case of someone swearing he saw a snake “like the beam of an olive press.”<sup>140</sup> In the Talmud, Samuel argues that the Mishnah does not refer to the large size of such a beam, but to its shape; the impossible snake is a square snake. An anonymous comment objects: if so, why give the example of something big, like an olive press beam? R. Judan answers that it is the way of the reciter – i.e., the formulator of this particular passage in the Mishnah – to speak with exaggerations; after all, the next example is someone swearing he saw a camel flying in the air, and the reciter could just as well have offered as example a mouse flying in the air. R. Yudan seems to be implying that the reciter merely gave his particular style to an existing teaching; the substance of the law is swearing about something impossible, but the particular example given has to do with the reciter’s style. The word “reciter” then is used here to discuss the person who gave shape to the particular language used in the text, in order to understand the text better.<sup>141</sup>

This brings me to the most frequent context of the word *tannay* in the Palestinian Talmud, the phrase ‘*it tannay taney*’, “there is a reciter reciting [differently],” which is used to compare different recited teach-

140 On this passage and its context in the rabbinic discourse on animals see Beth Berkowitz, *Animals and Animality in the Babylonian Talmud* (New York: Oxford University Press, 2018), 37.

141 Other examples include the two examples discussed above about reciters who “slip off” or “leave out” cases (y. *Shevi.* 7:3 37c and y. *Meg.* 3:1 73d); y. *Pes.* 7:4 34b; y. *Yom.* 6:7 43d; y. *Suk.* 2:7 53b (for which see Menahem Kahana, “On Halakhic Tolerance as It Evolved” (Heb.), *Tarbiz* 83 (2015), 401-18 (412-13 and n. 55).

ings.<sup>142</sup> There are about two hundred and fifty such unique comparisons in the Talmud employing variations of this phrase.<sup>143</sup> All these teachings are what the Yerushalmi calls *matnita*, and in about fifty of the cases the comparison involves a passage from the Mishnah. This phrase is the most common form employed in the Talmud to compare versions of the same teaching.<sup>144</sup>

Higger wrote that with respect to all these passages, “it is difficult to decide whether the Talmud refers to the principal *tanna'im* who taught [*shanu*] the statement within the *baraita*, or to the ‘*tanna'im*’ who transmitted [*masru*] the *baraita*”<sup>145</sup> – that is, whether *tannay* here means “a sage from the Tannaitic period” or a “recitation specialist.” He adduces in this context one such passage where both of the reciters transmit the words of R. Eleazar, seemingly supporting the latter among these two options.<sup>146</sup> But as we have seen, neither of these referents is likely for the word in the Yerushalmi, and the dichotomy posited here between “sages” and “transmitters” is not compatible with the fact that the Yerushalmi refers to sages as *tannayin* precisely when they are transmitters of others’

142 For a broad survey of this phrase and its function, see Moscovitz, *Terminology*, 64-68.

143 See lists in Assis, *Concordance*, 82-90; also relevant is an equivalent phrase used exclusively in tractate *Neziqin*, “תניי חורן תניי,” “another reciter recites,” for which see Assis, *Concordance*, 1438.

144 I am using the word “versions” in the general sense of texts that are similar enough to posit some identity between them, and not in the specific sense that Epstein gave the term. The distinction Epstein made (*IMT*, 1) is between “versions,” which belong to the composition history of the texts such that different versions reflect different adaptations of the same textual material, on the one hand, and “variants,” which relate to the transmission history of the text after it was composed, such that different variants reflect errors in the transmission of the text. With regard to the phrase “there is a reciter reciting,” Epstein argued that it introduces *only* versions and *never* variants of teachings (see much of the first chapter of *IMT*, and the conclusions on 74-6). In a forthcoming book chapter focusing on this phrase, I argue that Epstein’s interpretation was informed by the Talmud’s understanding of these divergences, rather than these divergences themselves.

145 Higger, *Otzar*, 4.496.

146 *y. Suk.* 4:9 54c: “אית תניי תני בשם רי אלעזר. צריך שיהא מילויין לשם ההג. אית תניי תני בשם רי. לעזר. אינו צריך שיהא מילויין לשם ההג.”

words. The passage Higger adduces about R. Eleazar conforms with what we have seen so far, that *tannayin* can transmit the words of other sages; but that passage is not typical of the phrase “there is a reciter reciting”: there is only one more passage where that phrase applies to an attributed teaching.<sup>147</sup>

Rather, these passages employ the word *tannay* because, I argue, they highlight *textual* divergences, reflecting a significant rise of interest, among Amoraic scholars, in comparing textual variance in the rabbinic tradition. While disputes and divergences are among the Tannaitic corpus’s most characteristic features, there is no reason to think, with respect to most of these disputes, that they relate to the transmission or formulation of texts.<sup>148</sup> When, for example, the Mishnah in *m. Berakhot* 1:1 tells

147 See *y. Yom.* 1:2 39a, discussed below; there are also passages where the phrase is used to report attribution switching, also discussed below.

148 To be sure, there are some Tannaitic passages that do highlight such textual divergences. Certain passages employ the expression *hīluf ha-devarim* to convey that a certain sage reversed a certain teaching either in terms of its content or in terms of its attributions (see e.g., *m. Shevi.* 4:2). Others use the expression *omer mi-shemo* to mark instances when a sage has a modified or expanded version of a teaching attributed to another sage (see e.g., *m. Ber.* 4:7). We also have the occasional references to different mishnayot (see above, n. 135), or passages such as the story of Issi the Babylonian and his differing tradition (see *t. Zev.* 2:18). But those passages are relatively rare; their terminology is not particularly specialized; and, most important their concern is almost entirely legal: what is permitted, what is prohibited, what is pure, and what is impure. Epstein, *IMT*, 2-7, adduces what might seem at first to be a significant number of instances where Tannaitic sources present disputes about the formulation of tradition. While some of these examples show that Tannaitic sources indeed employ different formulations even when they do not dispute the law, in none of the examples he offers do the Tannaitic works themselves present the matter in this way. He adduces several Tannaitic disputes “which seem like disputes about the law but are in fact are disputes about formulation” – but in all of those cases (cited on p. 2) it is the Palestinian Talmud that supplies the information that there is no dispute about the law, not the Tannaitic works themselves (and a single passage from the Talmud at that – *y. A. Z.* 2:7 42a). Other sources which Epstein adduces demonstrate variations in terminology that are not juxtaposed as a dispute at all (see pp. 2-4). There are indeed many cases where there are disputes about what certain sages said (pp. 5-7), but they are all clearly primarily about the law.

us about a dispute between R. Eliezer and the sages on the appropriate time for the recitation of the Shema, it does not seem to be telling us that R. Eliezer and the sages were transmitting a particular teaching that started with the words, “From what time do they recite the Shema in the evening? From the time the priests go inside to eat the priests’ due until...” – and R. Eliezer completed that teaching with “the end of the first watch” whereas the sages completed it with “midnight.” These disputes normally are not alternative formulations of texts but are rather disputes of opinions and rulings.

The passages employing the phrase “there is a reciter reciting” reflect a different concern focused on textual divergences – divergences stemming from the transmission of texts or resulting in their formulation. When the Talmud tells us that “there is a reciter reciting [differently],” it means not (or not only) that two sages are disputed about a particular issue, but that there seem to be two alternative formulations of the same teaching. To be sure, such divergences are not divorced from differences in ruling and opinion: one could rule differently because one has a different version of an authoritative tradition, and one could change the text one transmits because one has a different opinion about the law. Likewise, the extent to which these passages are concerned with textuality varies. A significant number of them are primarily or even exclusively about the formulation of texts. Still others look just like any other dispute in rabbinic literature. And the majority of them may be understood as disputes both about texts and about opinions. As a whole, though, these passages introduce a significant textual component to the rabbinic discourse of disputes.

There are examples of recitation divergences where the difference cannot be understood primarily as a difference in opinion about the law; rather, it is clearly first and foremost a difference about the precise formulation of the text, even if a difference of opinion may be derived from it. Consider the following example:

*m. Shabbat 11:1-2*

הזורק מרשות היחיד לרשות הרבים [או] מרשות הרבים לרשות היחיד. חייב.  
מרשות היחיד לרשות היחיד ורשות הרבים באמצע. ר' עקיבה מחייב וחכ'

פוטרים. כיצד. שתי קצוצ[ראות] זו כנגד זו ברשות הרבים והמושיט והזורק  
מזו לזו פטור.

If someone threw [an object on the Sabbath] from a private domain to a public domain, or from a public domain to a private domain – he is liable.

But from a private domain to [another] private domain with a public domain in between – R. Aqiva holds him liable, but the sages hold him exempt.

**How so?** If there are two balconies, one against the other, in the public domain, and one passes [an object] or threw [an object] from one to the other – he is exempt.

y. Shabbat 11:1 12d

אית תניי תני. כיצד. אית דלא תני. כיצד.

There is a reciter reciting “how so” [and] there is [a reciter] not reciting “how so.”

The Mishnah presents a dispute between R. Aqiva and the sages. R. Aqiva rules that if a person threw, on the Sabbath, an object from one private domain to another but the object passed through the public domain, they are liable for transgressing the prohibition of transporting from private to public domain on the Sabbath. The sages do not hold them liable, because the beginning and end points of the object were both in the public domain. The Mishnah then offers what seems to be an illustration of such a case, where there are two balconies (i.e., two private domains) facing one another, and one threw an object from one to the other on the Sabbath (so the object passed through the public domain); in such a case, the Mishnah tells us, the person is exempt – which at this point seems to reflect the sages’ opinion, as opposed to R. Aqiva’s.

The Talmud reports that there is a recitation divergence regarding this teaching. While one reciter recites the word *keyzad*, “how so,” between the report about the dispute and the description of the balconies case, another reciter does not recite this word. This is important, since without these words the balconies case is not necessarily an example of

the case in which R. Aqiva and the sages dispute – note that the Mishnah does not tell us how R. Aqiva would rule in the balconies case, and without the words “how so” the teaching might imply that in that case, he agrees with the sages. That is in fact what the Talmud suggests later in this passage – that not reciting “how so” can be correlated with the opinion that R. Aqiva agrees with the sages in the balconies case (because the balconies are more than ten cubits above ground). But while this divergence between the reciters may reflect or result in a difference of opinion, it is primarily a difference in the shaping of the text: do we or do we not recite the word *keyzad*. It is hard to imagine this kind of dispute recorded in the usual manner in which disputes are recorded in Tannaitic literature. Let me offer one more example, which does not involve the Mishnah:

y. Yoma 1:2 39a

תני. ר' או'. אומר אני שלא יטול אלא מחצה. אית תניי תני. ר' או'. אומר אני שיטול מחצה.

היך עבידה. היה שם עור אחד. רבנן אמרי. נוטל את כולו. ר' או'. אומר אני שלא יטול אלא מחצה. היו שם ארבעה חמשה עורות. רבנן אמרי. נוטל אחד. ר' או'. אומר אני. נוטל מחצה.

[Regarding the part of the sacrifice that the High Priest may take for himself given his privileged status:]

It has been recited: Rabbi [Judah the Patriarch] says: I say he takes **only** a half.

There is a reciter reciting: Rabbi [Judah the Patriarch] says: I say he takes a half.

How does it work? If there was one hide – the sages say, “he [the high priest] takes all of it,” and Rabbi [Judah the Patriarch] says: I say he takes only a half.” If there were four or five hides there – the sages say, “he takes one,” and Rabbi [Judah the Patriarch] says, “I say he takes a half.”

There is no obvious or necessary difference of opinion – or even meaning! – between these two formulations of the Patriarch’s wording. The

Talmud's anonymous commentary on this divergence proceeds to suggest that each of these formulations might apply to a different scenario. But the divergence itself does not point to a dispute about opinion, ruling or even a scenario – it relates to the precise formulation of the teaching transmitted.<sup>149</sup>

In addition to such passages, there are other types of “there is a reciter reciting” passages which clearly focus on the transmission and particular formulation of texts. In nine passages, the Talmud reports that “there is a reciter reciting and switching” the attributions of the teachings.<sup>150</sup> Such attribution switches are evident already in the Tannaitic corpus. Epstein considered such switching of attributions to have obvious halakhic significance because of the so-called rules for deciding halakhic disputations.<sup>151</sup> But these rules never come up explicitly in “there is a reciter reciting” passages, and in none of these “switched attributions” passages does the Yerushalmi treat the question of attribution as obviously implying a halakhic consequence – in fact, in a number of these passages, the questions of attribution and ruling are clearly separate.<sup>152</sup> More important, even if there is a halakhic motivation for these changes, it was expressed in the *form* in which the text is transmitted rather than in a halakhic ruling per se. Whereas in the majority of recitation divergences Amoraic sages take both variants seriously and rarely express a preference between them, in the case of attribution switching we find, in one passage, an Amoraic sage dismissing the importance of the variance,<sup>153</sup> and in three other passages that one variant is chosen over the other.<sup>154</sup>

149 In addition to the two examples given above, see also *y. Ber.* 1:1 3a, *y. Pe'ah* 7:2 20a, *y. Hal.* 4:2 59d (where the problem the Talmud raises assumes also the literary context in the Mishnah), *y. Suk.* 5:1 55a (par. *y. Suk.* 5:7 55d), *y. Ta'an.* 4:6 68d; see also the similar switches at *y. Hal.* 2:4 58c and *y. Hal.* 4:9 59d (where according to the Talmud there is no difference of opinion).

150 *y. Kil.* 6:5 30c, *y. Kil.* 9:3 32a, *y. Shab.* 6:10 8c, *y. Pes.* 3:8 30b, *y. Bez.* 1:2 61b, *y. Ta'an.* 1:3 64a, *y. Ta'an.* 2:10 66b, *y. M. Q.* 3:7 83b (par. *y. Hor.* 3:7 48b), *y. B. B.* 9:7 17b.

151 Epstein, *IMT*, 6.

152 See e.g., *y. Ta'an.* 2:10 66b.

153 *y. Bez.* 2:1 61b: אית תניי תני ומחלף. אמ' ר' לעזר. הואיל והן תנייא מחלף. צריכין אנן מיחוש.

154 *y. Kil.* 6:5 30c, *y. Shab.* 6:10 8c, *y. Pes.* 3:8 30b.

Another set of passages reports divergences in recitation of *very close-sounding* words that have the same meaning:

m. Shabbat 5:2

רחלין יוצאות שחוזות כבולות וכבונות

Ewes may go out [on the Sabbath] exposed [*sheḥuzot*; i.e., with their tails up, so that they may be mounted by the males], chained, or clasped.

y. Shabbat 5:2 7b

אית תניי תני שחוזות ואית תניי תני שוזות  
מאן דאמ' שוזות. מעתדן. כמ' דתימר "שית זונה ונצורת לב". מאן דמר שחוזות.  
כמ' דתימ'. "אין משהיזין את הסכין".

There is a reciter reciting *sheḥuzot*  
and there is a reciter reciting *shozot*.

The one who said, "*shozot*" [formulates the word in the sense of] prepared, like that which you say "decked out like a prostitute [*shyt zona*], wily of heart" (Prov. 7:10). And the one who said *sheḥuzot* [formulates the word] like that which you say, "they must not strap [*masheḥizin*] the knife" (*m. Bezaḥ* 3:7).

Epstein has shown that both recitations refer to the same verb, except in different dialects or registers<sup>155</sup>; the Talmud does not offer this type of linguistic analysis, but it too assumes that the two words have the same meaning even if they diverge in etymology. There are eight instances of this sort in the Yerushalmi (all relating to the Mishnah).<sup>156</sup>

As I have mentioned, the majority of "there is a reciter reciting" passages *can* be read as introducing divergences that are primarily about opinions or rulings. But there is a feature of these divergences – or, ra-

155 Epstein, *IMT*, 103.

156 In addition to the text cited above, see *y. Ber.* 6:8 10d, *y. Pe'ah* 8:1 20d, *y. Kil.* 8:4 31c (par. *y. Shab.* 5:1 7b), *y. Shab.* 5:4 7c (second instance), *y. Sot.* 6:1 20d (second instance), *y. Ket.* 13:3 36a, *y. A. Z.* 3:5 43a.

ther, of the way the Talmud presents these divergences – which lends them the look, if not always the substance, of a textual variant. In the majority of the cases the divergences result in relatively small differences of wording. Sometimes, the different teachings are separated by one, close-sounding letter.<sup>157</sup> In more than half the instances, the phrase introduces divergences which apply to only one or two words. The single most common type of divergence is the addition or subtraction of negation. Similarly, we find switches between binaries such as “prohibited” and “permitted,” “valid” and “invalid,” “liable” and “exempt,” etc. Another common category is switches of numbers: one reciter recites “one” or “first,” another recites “two” or “second” etc. Let me offer some examples:

y. Berakhot 5:4 9c

תני. הפורס את שמע [...] <sup>158</sup>לא יענה אחר עצמו אמן. ואם ענה הרי זה בור.  
אית תניי תני הרי זה בור. ואית תניי תני הרי זה חכם.

It was recited: “One who leads the Shema, [and other liturgical rituals] should not respond “Amen” after his own [blessing].

And if he responded, then he is a **boor**.”

There is a reciter reciting: “then he is a **boor**.”

There is a reciter reciting: “then he is a **sage**.”

y. Sukkah 3:1 53c

סוכה גזולה. אית תניי תני כשיר! אית תניי תני. פסולה.

A stolen Sukkah –

There is a reciter reciting, “it is **valid**,”

and there is a reciter reciting, “it is **disqualified**.”

y. Megillah 4:3 75b

אית תניי תני. אין אבילים עולין מן המיניין. [ואית תנויי תני. אבילים עולים מן המניין].

157 See y. Kil. 7:7 31a, y. Ter. 3:4 42b.

158 I am omitting here a list of other liturgical rituals.

There is a reciter reciting: “mourners are counted towards [a liturgical] quorum,”  
and there is a reciter reciting: “mourners are **not** counted towards [a liturgical] quorum.”<sup>159</sup>

y. Pesahim 9:6 37a

הפריש פסחו ואבד והפריש אחר תחתיו. לא הספיק להקריב את השני עד שנמצא הראשון. והרי שניהן עומדין. אית תניי תני. מצוה להקריב את הראשון. אית תניי תני. מצוה להקריב את השני.

If he designated his pascal lamb [for offering] and it was lost and he designated another one, [and] had not yet offered the second one when the first one was found, and thus both are standing:

there is a reciter reciting, “it is a commandment to offer the **first**”

[and] there is a reciter reciting, “it is a commandment to offer the **second**.”

And still in others similar words are merely switched around:

y. Yoma 5:6 43a

וכלה מכפר את הקודש. אית תניי תני. אם כילה כיפר. ואית תניי תני. אם כיפר כלה.

“When he has finished atoning for the holy place” (Lev 16:20):

There is a reciter reciting: If he has **finished**, he has **atoned**.

And there is a reciter reciting: If he has **atoned**, he has **finished**.

y. Sanhedrin 2:3 20b

אית תניי תני. הנשים מהלכות תחילה והאנשים אחריהם. ואית תניי תני אנשים תחילה והנשים אחריהם.

159 The second possibility was omitted (on account of *homoioteleuton*) in the first copying and then added.

There is a reciter reciting: the **women walk** first and the **men** after them.

And there is a reciter reciting: the **men** first and the **women** after them.

It is true that all these passages point to a difference of opinion, ruling, or scriptural interpretation. But all of them also feature differences concerning a word or two in a way that suggests that both reciters aim to transmit the same teaching but do so differently. To be sure, this applies to the way the Talmud presents these divergences, and not necessarily to the divergences themselves: we find the same divergences in the Tannaitic corpus presented in a way that does not suggest a textual variation in particular.<sup>160</sup> Furthermore, sometimes this presentation can be misleading or at least paraphrastic, since a reconstruction of the teachings in question does not lead to similarly-worded teaching.<sup>161</sup> There is also a significant number of passages in which this phrase introduces bigger differences,<sup>162</sup> but even there, after all, one could still think of the two teachings as variant texts – with a greater degree of variance. The large presence of divergences which are primarily textual and the predominance of small differences in passages employing this phrase show us how it was used to understand scholarly divergences among the sages as textual divergences. This conforms with other features of *tannay* we have observed: Talmudic sages used this hypothesized figure to discuss the textual processes and the literary qualities evident in the sources they were analyzing.

160 Compare, for example, *y. Yev.* 10:1 12c, “There is a reciter reciting: a *ḥalīzah* at night is valid. There is a reciter reciting: a *ḥalīzah* at night is disqualified” with *m. Yev.* 12:2: “If she removed [the sandal] at night her *ḥalīzah* is valid. R. Eliezer disqualifies.” For additional passages, see the list in Epstein, *IMT*, 121.

161 See e.g., *y. Qidd.* 4:8 66a (par. *y. B. B.* 8:6 16b), or similarly *y. Naz.* 9:3 77d.

162 See *y. Ber.* 1:2 3a, *y. Pe’ah* 6:6 19c, *y. ’Er.* 1:1 18c, *y. Yom.* 1:2 39a (par. *y. Hag.* 2:4 78b), *y. Yom.* 7:5 4c, *y. R. H.* 1:2 57a, *y. Meg.* 1:8 71a, *y. M. Q.* 3:7 83b, *y. Yev.* 8:1 8d, *y. Qid.* 2:1 62a, *y. B. M.* 6:3 11a.

## Conclusion

Much of this article addressed what *tannay* does not mean. We have seen that both the sense of recitation specialist and the sense of a sage of the Tannaitic period belong to the Babylonian Talmud's *tanna* rather than the Palestinian Talmud's *tannay*. Appreciating the difference between the two Talmuds' use of this term allows us to understand how these two meanings of *tanna* reflect specifically Babylonian and late developments. The fact that in Palestine recitation was not relegated to specialists, but rather was performed by the sages themselves, may indicate that the rise of such specialists in Babylonia was informed by factors specific to that environment – be it Zoroastrian influence or the particular Babylonian viewpoint of Torah study which emphasized its analytical and creative functions over its preservative, conservative aspects;<sup>163</sup> it is also suggestive that such specialists are best documented in layers of the Babylonian Talmud and in Geonic-era works which also indicate an increased institutionalization of the rabbinic academy.<sup>164</sup> Similarly, dating the emergence of the distinction between *tanna'im* and *amora'im* to later layers of the Bavli may allow us to correlate that development with other developments in the sages' conception of their history and authority in late Talmudic and early Geonic times; that distinction is closer to the world of *Seder Tannaim ve-Amoraim* or Rav Sherira's letter, with their focus on rabbinic historiography and periodization,<sup>165</sup> than it is to the world of the

163 See e.g. Tropper, *Like Clay in the Hands of the Potter: Sage Stories in Rabbinical Literature* (Heb.; Jerusalem: Merkaz Zalman Shazar, 2011), 155-95.

164 That the picture of the institutionalized academy emerging from Geonic sources is evident already in the anonymous layer of the Bavli has been argued by Jeffrey Rubenstein, "The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence," *Jewish Studies: An Internet Journal* 1 (2002): 55-68. Rubenstein concludes that this means the academy rose "in the stammaitic period."

165 On the historiographical interests of Rav Sherira's *Letter* and its Islamic context see Isaiah Gafni, "On Talmudic Historiography in the Epistle of Rav Sherira Gaon: Between Tradition and Creativity," *Tsiyon* 73 (2008), 271-96; Simcha Gross, "When the Jews Greeted Ali: Sherira Gaon's Epistle in Light of Arabic and Syriac Historiography," *JSQ* (2017), 122-144; and see especially the comments by Gerson D. Cohen, *Abraham ibn Daud: Sefer ha-Qabbalah* (Philadelphia: Jewish Publication Society, 1967), I-IV.

Palestinian Talmud. I trace these developments in the Bavli and Geonic texts more fully in a sequel to this study.

Still the Yerushalmi's *tannay* itself presents a new development. It is true that, being premised on the notion that the recitation of tradition involves both its transmission and its re-composition, it reflects ideas of textuality that Amoraic-era scholars inherited from their Tannaitic-era predecessors. At the same time, the use of *tannay* in the Talmud, we have seen, reflects an increasingly literary sense of tradition which resulted in new interpretive interests and scholarly methods focused on textual process and form. Thus *tannay* is featured in passages which discuss how *mishnah* diverges into distinct, sometimes opposing versions, and the significance of these divergences; how a single passage may betray contradictory viewpoints; how the teaching of the same sage may be transmitted in significantly different forms; how the specific formulation of tradition was the result of preferences and tendencies of the people who shaped it. *Tannay* testifies not to the periodization of rabbinic authority nor to the mechanisms of oral transmission, but to the rise of a sophisticated literary analysis of rabbinic tradition.

### Appendix: Named *tannayin* in the Yerushalmi

In the overwhelming majority of instances in the Yerushalmi, *tannayin* are anonymous. I have shown in the body of this paper that among those instances where *tannayin* are named, it is usually when sages transmit the words of other sages. What I seek to show in this appendix is that in some of the instances in which it seems like *tannay* is simply a general reference to a named sage, there are good reasons to think it might not be.<sup>166</sup>

Let me start with a couple of cases where, even though the word *tannay* follows a named sage, the unit in which the name appears must have been independent from the unit in which the word *tannay* appears. In the following passage, I think it is rather clear that this is the case:

#### y. Qiddushin 3:12 64c

תני. גוי ועבד הבא על בת יש' הוולד ממזר. ר' שמעון בן יהודה או' בשם ר' שמעון. אין הוולד ממזר. שאין ממזר אלא מאשה שהיא אסורה עליו איסור ערוה וחייבין עליה כרת. ושניהם מקרא אחד דרשו. "לא יקה איש את אשת אביו" וגו'. ר' מאיר דרש. מה אשת אביו מיוחדת שאין לו עליה קידושין. אבל (אם היה): [יש לה קידושין על אחרים והוולד ממזר. אף כל שאין {שאין} לה] עליו קידושין הוולד ממזר. ר' שמעון בן יהודה דרש. מה אשת אביו מיוחדת שאין לה עליו קידושין. אבל אם יש לה קידושין על אחרים הוולד ממזר. יצא גוי ועבד שאין לה עליו ולא על אחרים קידושין. התיב ר' שמואל בר אבא על ההיא תנייא קדמייא. הרי יבמה שזינת הרי אין לה עליו ולא על אחרים קידושין והוולד כשר.

It might at first seem as if "*tannaya qadmaya*" refers to R. Meir. But note that R. Meir does not appear in the original citation of the teaching, and R. Samuel b. Abba responds directly to that citation rather than to the statement that follows about the exegetical reasoning for each of the posi-

166 The remaining three instances of named *tannayin* are y. *Ter.* 7:1 44d (par. y. *Meg.* 1:5 71a and y. *Ket.* 27c – where the reference is to R. Nehuniah and R. Simeon b. Menasya), y. *Pes.* 5:1 31d (R. Nathan), and y. *Suk.* 5:8 55d (R. Judah).

tions. In a Genizah fragment preserving this passage, that exegetical comment (i.e., “and both interpreted one verse”) is attributed to R. Yohanan via R. Abbahu,<sup>167</sup> which makes it even more likely that it is an independent unit which R. Samuel b. Abba did not see, and which assumed the first speaker is R. Meir. The same process may be behind this case:

y. Sanhedrin 1:6 19c

"ומשה על גביהן". דבר תקנה עשה משה. בשעה שאמ' לו הקב"ה "פקוד (1ב) כל בכור זכר בבני יש"אמ'. אייזה מקבל עליו ליתן חמשת שקלים לגולגולת.

מה עשה. נטל כ"ב אלף פיטקין וכתב עליהן בן לוי. ורע'ג וכתב עליהן חמשת שקלים. והטילן לקלפי. אמ' להן. בואו וטלו פיטקיכם. כל מי שעלה בידו בן לוי היה או' לו. כבר פדאך בן לוי. וכל מי שהיה עולה בידו חמשת שקלים היה או' לו. מה אעשה לך מן השמים הוא.

ר' יהודה ור' נחמיה מתיב תנייא לחברייא. אילו כתבתני לוי סילקת. אלא כך עשה. נטל כ"ב אלף + פיטקין וכתב לוי ורע'ג וכתב עליהן } [לוי ומאתים ושבעים ושלושה כתב עליהן] { חמשת שקלים והטילן לקלפי. אמ' להן. בואו וטלו פיטקיכם. כל מי שעלה בידו לוי אמ' לו. כבר פדאך בן לוי. וכל שעלה בידו (לוי או' לו. כבר פדאך בן לוי) חמשת שקלים היה או' לו. מה אעשה ומן השמים הוא.

מתיב תנייא לחברייא. הגע עצמך שעלו כולם לוי. אמ' לו. מעשה נס היה ומסורגין עלו.

אמ' ר' שמואל. על דעת' דתנייא אחורייא מעשה ניסין. על דעת' דתנייא קדמייא אינו מעשה ניסין. אמ' ליה. כולהון מעשה ניסין היו ומסורגין עלו.

In this passage – and in the identically structured passage that follows it – it might seem that *tannay* refers to named sages several times: the anonymous comments that “the *tannay* responds to his fellow” and R. Samuel’s comment about the first and second *tannay*, both seem to refer to R. Judah and R. Nehemiah who are disputed here. But the names of R. Judah and R. Nehemiah are not well-integrated into the passage. Moreover, in the two other passages where the phrase “the *tannay* answers to

167 T.S. F 17.2; see also the uncertainty of the names of the speakers in the teaching reflected there.

his fellow” appears, it refers to the arguments of the anonymous speaker in the teaching.<sup>168</sup> It seems likely that the Yerushalmi originally had two anonymous *baraitot* (or four, if we include the similar passage that follows), and R. Judah and R. Nehemiah were added in the margins by someone who read the parallel traditions – in *Numbers Rabbah* and in *Tanhuma* – where each of the positions is clearly attributed to R. Judah and R. Nehemiah respectively.<sup>169</sup>

There are two similarly structured cases, in tractate *Shevi'it*, where *tannay* appears to be a named sage in a Halakhic ruling:

y. Shevi'it 3:6 34d

תני. אמ' ר' יודה. במ' דבר' אמור'. בזמן! שלא נתכוון! לתיקון שדהו. אבל אם  
נתכוון! לתיקון שדהו אפילו יותר מיכן מותר. אמ' רבן שמעון בן גמליאל. במ'  
דבר' אמור'. בזמן שלא נתכוון לתיקון שדהו. אבל אם נתכוון לתיקון שדהו  
אפילו פחות מיכן אסור. אמ' ר' ביבי. הורי ר' יסא כ(הן) [דון] 1 תנייא לקולא.

y. Shevi'it 6:5 37a

תני. פירות הארץ שיצאו חוץ לארץ מתבערין במקומן. דברי ר' שמעון. ר'  
שמעון בן אלעזר או'. מביאן לארץ ומבערין. דכת' "בארצך תהיה כל תבואתה  
לאכול". אמ' ר' יעקב בר אהא. הורי ר' אימי כהן תניא קמיא לקולא. אמ' ר'  
הילא. ובלבד שלא יעבירם ממקום [למקום] 1.

In both of these passages, we are told that a certain sage (R. Yassa or R. Immi) instructed “like that reciter”; in both cases the report further specifies, “leniently”; in the latter case, there is an additional specification that it is “the first reciter.” Why would these reports not simply say, as we find elsewhere in the Yerushalmi, that R. Yassa ruled according to R. Judah and R. Ami ruled according to R. Simeon? It is possible, that, as we find elsewhere, the concern was that transmitters might be switching the

168 See y. *Er.* 1:2 20a and *Meg.* 1:7 71b (for which compare *Sifra Mezora* 1:1 70b, where the arguments are simply part of the text). We might be seeing here different stages of composition.

169 See *Numbers Rabbah* 10:4, *Tanhuma Numbers* 21.

attributions.<sup>170</sup> But then, how would the word “first” help? And why not simply say, “leniently”? I think a key to both of these passages is the following passage:

y. Ma'aserot 3:10 51a

תני. החזיר את הנוף (כלפנים) מבפנים כולו כלפנים. ואית בהן תנייא קדמייא כבית שמי.

This passage notes a correlation<sup>171</sup> between an anonymous recited text and “this first reciter as the House of Shammai.” As Lieberman noted,<sup>172</sup> this is in reference is to something like the traditions preserved in the Tosefta:

t. Ma'aser Sheni 2:12

בתי {בתים}: <בדים> שפתחיהן לפנים וחללן לחוץ. פתחיהן לחוץ וחללן לפנים. בית שמיי אומ'. אין פודין בהן מעשר שני כאלו הן מבפנים. ואין אוכלין בהן קדשים קלים כאילו הן בחוץ. ובית הלל אומ'. מכנגד חומה ולפנים כלפנים. ומכנגד חומה ולחוץ כלחוץ. אמ' ר' יוסה. זו משנת ר' עקיבא. משנ!ת! ראשנה. בית שמיי. אין פודין בהן מעשר שני כאילו הן מבפנים. ואין אוכלין בהן קדשים קלים כאילו הן מבחוץ. ובית הלל אומ'. הרי הן כלשכות. את שפיתחה לפנים כלפנים ואת שפתחה לחוץ כלחוץ.

Note that there are two versions given here to the dispute between the Houses. What the Yerushalmi means, then, is that the anonymous recited teaching (“החזיר את הנוף”) conforms with “the first reciter, according to the House of Shammai” – that is, “the reciter” is not the House of Shammai themselves, but rather the reciter of the source as a whole, adducing the words of both Houses. It is true that strictly speaking, there is no difference in the words of the House of Shammai between the two versions, as we have them in the Tosefta, only in the words of the House of Hillel; but perhaps in the version before the Yerushalmi there was one, and at

170 See y. Kil. 9:3 32a.

171 Correcting the text, with Lieberman (*TK Zera'im* 740), to “ואתיא כהן תנייא.”

172 Ibid.

any event reciter here must mean the formulator of the source as a whole, or else there would be no reason to specify further “as the house of Shammai.” Back to the passages about Halakhic rulings in *y. Shevi'it*, my suggestion is that similarly the reciter there refers to the reciter of both opinions; that is why the specification “leniently” was needed<sup>173</sup>: the ruling was according to that reciter, in favor of the lenient opinion (of the two opinions that reciter recites). Perhaps the “reciter” language here was appropriate because in both cases the recited teaching is additional to the Mishnah.

Finally, in one passage *tannay* might refer to a named sage, but given other passages discussed in this article it might refer to the person who formulated his teachings:

*m. Bezah 3:6*

אין נמנים על הבהמה כתחילה ביום טוב. אבל נמנים עליה מערב יום טוב ושוחטין ומחלקין ביניהם. ר' יהודה או'. שוקל אדם בשר כנגד הכלי או כנגד הקופיס. וחכמ' אומ'. אין משגיחין בכף מאזנים כל עיקר.

*y. Bezah 3:6 62a*

ר' חייה רבה ור' שמעון בר' שקלו מנה כנגד מנה בבכור. במ' דבר' אמ'. בחול. הא ביום טוב אסור. על שם "אין משגיחין בכף מאזנים כל עיקר". רב אבון רב יהודה בשם שמואל. אפי' לתלותו בכף מאזנים מפני העכברים אסור.

אמ' ר' יוסה ביר' בון. לא מטעם הזה. אלא בגין דתנינן. "ר' יהודה או'. שוקל אדם בשר כנגד הכלי או כנגד הקופיס. וחכמ' אומ'. אין משגיחין בכף מאזנים כל עיקר". הא תנייא קדמייא סבר מימר משגיחין. הא לתלותו בכף מאזנים מפני העכברים מותר.

R. Yose is arguing that the words attributed here to the sages – that one does not look at the scales at all – should be understood in context; that we can understand what “not looking” here means by looking at the pre-

173 If this reconstruction is correct, the word “first” was added erroneously, though it is attested in both Ms. Leiden and Ms. Vatican 133.

vious reciter, who says that one might use the scales as long as one does not use weight. R. Yose argues that it is only that type of use, that is, weighing of any kind, that the sages come to prohibit. But note that he is referring to the particular literary form, both of R. Judah's statement (and the examples it gives) and the sages' statement. If he wanted to refer to R. Judah himself, he would have said: "R. Judah" – but he says "the first reciter" because the reference is to the literary formulator rather than the sage to whom the teaching is attributed.