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חרות ואחריות

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ONE DAY, (NEARLY) ONE DAF (BEHIND): WHERE AND WHY I GOT STUCK

Rabbi Aryeh Klapper, Dean

Daf Yomi restarted today (Sunday). Like everyone else, I started from the first Mishnah. With unprecedented personal discipline, I avoided the question of whether “until the end of the first watch” was a statement of Rabbi Eliezer or rather an anonymous editor. I resisted the temptation to read David Zvi Kalman’s dissertation argument that time-telling devices were not publicly available in the time of the Tannaim. I steadfastly refused to fixate on why the Mishnah mentions the burning of fats and organs when the Sages never set midnight as the endpoint for that, or why the Mishnah doesn’t mention the Omer harvesting, which is elsewhere paired with burning of fats and organs as an example of an all-night obligation the Sages left as-is. I reviewed at superspeed my old *chiddush* about why Rashi mentions that the Evening Shema obligation is fulfilled by the first paragraph. On to the gemara!

Ok, not quite. Why is this the first Mishnah? My friend Jeff Spitzer has a great *vort* on this. At the end of the opening unit of Mishnah, we are told that wherever the Sages set midnight as a halakhic end boundary, the relevant obligation actually applies until dawn. The Sages set the earlier time “in order to distance a person from sin.” Obviously, this strategy was effective only for non-Sages, who would not be aware that the halakhic clock was deliberately set six hours ahead. The first Mishnah trusts us with that information. It thereby welcomes us into the ranks of the learned.

This amazing reading suggests that the Mishnah is intended to be read **in order**. Let’s assume that’s true. What about the gemara? Is there a reason that this is the first *sugya*?

Many beautiful explanations have been written for why it is – most recently my friends Chaim Saiman and Yaakov Nagen have weighed in. But what if there is no order, and the first *sugya* is whatever the Sages had to say about the first Mishnah? How can we know?

The gemara opens with a five-word question:

תנא,

היכא קאי,

דקתני "מאימתי"?

*The one who taught this unit of Mishnah –**where is/was he,**that he taught “From when?”*

This is a very odd question indeed. Why would it matter where he was located? (It can matter sometimes; on Shabbat 73b, the Talmud explains that sowing precedes plowing in the Mishnah’s list of prohibited Shabbat labors because “The one who taught this

unit of Mishnah was in the Land of Israel, where they first sow and afterward plow.” Rashi explains that they actually plow both before **and** after sowing. But I digress. Discipline!

I turned to Rashi for help. His comment is surprisingly extensive; it might be called a paraphrase, or perhaps even a rewrite.

תנא

מהיכא קא סליק

דתנא ביה חובת קריאת שמע.

שהתחיל לשאול כאן זמן הקריאה?

*The one who taught this unit of Mishnah**where had he left off from**that included in its teaching the obligation of reciting the Shema,**that here he began by asking the time of the recitation?*

Rashi makes clear that the issue is not a physical location. In the process, he replaces “where was he” with “where had he left from”. This substitution seems unnecessary.

One possibility is that Rashi had a different text. But <https://fjms.genizah.org/> records no such variant, so that seems unlikely.

Maybe Rashi thought that **היכא קאי** usually refers to physical location, whereas **מהיכא קא סליק** does not. To check that out, we need to see whether either phrase appears elsewhere in Rabbinic literature.

According to the Bar Ilan Responsa Project, there are no questions in Chazalic literature of the form **מהיכא קא סליק**. However, **היכא קאי** shows up in 10 other contexts (all in the Talmud). Three of them (Eiruvin 32a and 34a, and Zevachim 113b) refer to physical location. Another three of them (Pesachim 43b, Yebamot 27b, and Nazir 14b) refer to halakhic context.

What does the question mean in the remaining four contexts? The clearest evidence comes from Eruvin 26a-26b. The Mishnah there states

בכל מערבין

One can make an eruv (chatzeirot) with anything.

The Talmud opens as follows:

אמר רבי יוחנן:

"אין למידין מן הכללות

" ואפילו במקום שנאמר בו חוץ."

מדקאמר "אפילו במקום שנאמר בו חוץ",

מכלל דלאו הכא קאי,

היכא קאי?

*Said Rabbi Yochanan:**“One cannot derive specific cases from general statements*

even where (the general statement) says 'except for.'"

Because (Rabbi Yochanan) says "even if the general statement says 'except for.'"

we can derive that his general statement doesn't relate to our Mishnah (which does not say "except for").

So היכא קאי?

Here it is clear that היכא קאי is asking for the literary context of Rabbi Yochanan's statement.

Now Rabbi Yochanan is an Amora. But this is also the meaning of the phrase as used (twice) on Eruvin 105a and Shavuot 17b. But in those cases, the question is about the literary context of statements in the Mishnah! In the latter case, the Talmud emends or interprets the Mishnah to create an immediate context. But in the former case, it baldly states that the context of the Mishnah in Eruvin is a Mishnah in Tractate Shabbat!

Let's turn now to the remaining example of היכא קאי. The opening line of Tractate Taanit is

מאימתי מזכירין גבורות גשמים?

From when must one begin mentioning "the powers of rains?"

which is understood as a reference to the phrase "Who causes the wind to blow and the rains to fall" in the Amidah.

The Talmud's opening should be very familiar:

תנא,

היכא קאי,

דקתני "מאימתי"?

The one who taught this unit of Mishnah –

where is/was he,

that he taught "From when?"

The Talmud's first answer is:

תנא התם קאי, דקתני:

"מזכירין גבורות גשמים בתחיית המתים, ושואלין בברכת השנים,

והבדלה בחון הדעת",

וקתני: "מאימתי מזכירין גבורות גשמים".

The one who taught this unit of Mishnah was relating to a Mishnah there

(Berakot 33a), which states:

"We mention the powers of rains in (the blessing of) Resurrection of the Dead..."

so he teaches "From when must one mention the powers of rains."

But this answer is deemed insufficient.

וליתני התם! מאי שנא דשבקיה עד הכא!?

So let it put our Mishnah's statement there!? Why leave it until here!?

The second and final answer is:

אלא:

תנא מראש השנה סליק,

דתנן: "ובחג נידונין על המים",

ואיידי דתנא "ובחג נידונין על המים",

תנא "מאימתי מזכירין גבורות גשמים".

Rather,

the one who taught this unit of Mishnah left off from Tractate Rosh HaShanah (16a),

where a mishnah teaches: "and on chag one is judged about water,"

and once it had taught "and on chag one is judged about water,"

it taught "from when must one mention the powers of rains."

The form of this answer exactly matches Rashi's rewrite of the opening question of the Talmud.

Here is Rashi's explanation of this passage:

אלא

לא תימא דהא דקתני "מאימתי" דהתם קאי,

דתנא מראש השנה סליק,

ששניהן בסדר אחד הן,

להכי לא מצי למימר "מאי שנא דשבקיה עד הכא".

ואיידי דתני "בחג נידונין . . ."

כלומר, אגב דתנא בחג נידונין על המים,

קסבר בנפשיה:

הואיל ונידונין בחג על המים –

שמע מינה בעין להזכיר עניינא דמיא,

לרצוין על המים דליתו לברכה –

להכי קתני "מאימתי מזכירין".

Rather,

don't say that it teaches "from when" because it relates to there (Berakhot), because the one who taught our Mishnah left from (Tractate) Rosh

HaShanah,

because the two of them are from the same Order,

therefore it cannot ask "why leave it until here!?"

and once it had taught "and on chag one is judged about water...,"

meaning: "because it had taught "and on chag one is judged about water,"

he thought on his own:

since we are judged on chag about water –

derive from there that we must mention the matter of water,

to appease regarding water so that it be given for blessing –

therefore he teaches "from when must we mention."

Rashi understands the Talmud at the opening of Taanit as rejecting the notion that a Mishnaic "from when" statement must have a direct legal context; instead, it can have a context that is one step removed.

Now, Rashi rewrites the opening statement of the Talmud so that it matches the opening of Taanit. I suggest that means that he understands that תנא היכא קאי here as well cannot be asking for a pure legal literary context. Instead, the Talmud will be satisfied with any basis for the obligation of Shema.

But – by making the opening of Berakhot exactly parallel to the opening of Taanit, Rashi also conveys that the opening question is not necessarily unique. In other words, it is not a dramatic effort to ground the Oral Torah in the Written Torah, but rather a standard literary inquiry about the Talmud. In Taanit, the response is a somewhat removed theological assertion; here it is one or another Biblical verse.

Rashi accordingly may not think that the Talmud was written to be read in order (although he plainly believes that each Order of Mishnah is a literary unit). It is therefore fascinating that Professor Yonah Frankel in his magnificent Darko shel Rashi b'Peirusho laTalmud argues that Rashi's commentary is intended to be read in order. If we are both correct, Rashi wrote with the self-conscious intention of transforming the way that the Talmud was experienced.

Three words in. Oh well – tomorrow is another day.