

## נתכוין לזרוק שתיים וזרק ארבע כולי –

**He intended to throw two *Amos* and he threw four, etc.**

### OVERVIEW

The גמרא discusses the case where he intended to throw an object two אמות and he actually threw it four אמות;<sup>1</sup> the rule regarding שבת (if he threw it in a רה"ר) is that he is פטור, since he had no intent to throw it אמות ד'. Our תוספות discusses variations of this rule.

לענין שבת פטור ואפילו לאביי דמחייב בפרק כלל גדול (שבת דף עג,א) -

This rule, regarding שבת that נתכוין לזרוק ב' וזרק ד' is פטור, is valid even according to אביי who, in פרק כלל גדול, holds liable one who was נתכוין לזרוק ב' וזרק ד' - היינו נתכוין לזרוק שתיים ונמצאו ארבע<sup>2</sup> -

**For there in גדול he intended to throw two and it turned out to be four –**

תוספות proves that the meaning of נתכוין לזרוק ב' וזרק ד' חייב is as interpreted it:

דומיא<sup>3</sup> דנתכוין לחתוך תלוש<sup>4</sup> וחתך את המחובר<sup>5</sup> דהיינו<sup>6</sup> שסבור תלוש ונמצא מחובר -  
**For that case of נתכוין לזרוק ב' וזרק ד' is similar to the case where he intended to cut תלוש and he cut מחובר** (where אביי maintains that he is חייב); we must say there that **it means he thought it was תלוש and it turned out to be מחובר –**

ונמצא מחובר explains why it is necessary to assume that it means מחובר:

דאי נתכוין לזה וחתך זה היינו מתעסק<sup>7</sup> כדמוכח בפרק ספק אכל<sup>8</sup> (כריתות דף יט,ב):  
**For if he intended to cut this** (which was תלוש). **But he actually cut the other** (which was מחובר) **that** is a case of מתעסק (where even אביי agrees that he is פטור)

<sup>1</sup> If one throws an object four אמות in a רה"ר בשוגג he is חייב.

<sup>2</sup> He intended to throw something in order it should reach a certain place which he assumed was two אמות distance, however in reality it was four אמות distance, in that case אביי is מחייב (since his intent was fulfilled [it is a מלאכת מחשבת]; even though he was mistaken about the distance). However in our case the item went further than he intended, therefore he is פטור since his intent was not fulfilled; it is not considered a מחשבת.

<sup>3</sup> In the גמרא there the dispute between אביי ורבא regarding נתכוין לזרוק ב' וזרק ד' is mentioned after their dispute regarding נתכוין לחתוך את התלוש וחתך את המחובר (on עב,ב). Therefore we may assume that the issues are similar.

<sup>4</sup> שבת תלוש means something which is not attached to the ground and may be cut on שבת.

<sup>5</sup> מחובר are foods which are still attached to the ground and if one cuts them from the ground he transgresses the קוצר (harvesting).

<sup>6</sup> See נמצא שהוא מחובר means נתכוין לחתוך את התלוש וחתך את המחובר, where he states that שבת עב,ב תוס' ד"ה נתכוין להגביה.

<sup>7</sup> נתכוין לחתוך את התלוש וחתך את איסור (such as) is the term used where one has no intention at all of doing an איסור (מחובר). That which he intended to do, לחתוך את התלוש, is certainly permitted. However, in a case where נמצא שהוא מחובר, what he planned to do was אסור (since it was מחובר); he was just not aware of it.

<sup>8</sup> See 'Thinking it over' # 1.

**as is evident in פירק ספק אכל**. Therefore אביי cannot be discussing a case where his intention was to cut something else, but rather we must say he cut that which he intended, however his assumption (that it was תלוש) was incorrect (it was מחובר). Similarly here there is a difference whether his intention was fulfilled (in a case where 'ונמצא ד' in which case אביי maintains he is חייב, or whether his intention was not fulfilled; the item went further (ד' אמות) than he intended (ב' אמות), in which case even אביי admits that he is פטור since his intent was not fulfilled.

## SUMMARY

There is a difference whether he intended to do something מותר and accidentally did something else which is אסור (where all agree that he is פטור) or whether he intended to do something which he assumed is permitted but it turns out that it was forbidden (where אביי maintains that he is חייב).

## THINKING IT OVER

1. תוספות cites the גמרא in כריתות.<sup>9</sup> The גמרא there clearly states that מתעסק (which is נתכוין להגביה את התלוש וחתך את) (אביי) is in a case where even according to פטור לכו"ע המחובר. In this situation he had no intention of cutting at all; merely to pick up the תלוש;<sup>10</sup> how can we derive from this that if המחובר את התלוש וחתך את התלוש that there too אביי agrees that he is פטור?!

2. Does תוספות mean to compare נתכוין לזרוק ב' זרק ד' to נתכוין לחתוך את התלוש וחתך? By תלוש it is acceptable to cut תלוש; is it just as acceptable to לכתחלה throw two ברה"ר?!

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<sup>9</sup> See footnote # 8.

<sup>10</sup> תוספות may also be alluding to this, for תוספות writes 'נתכוין לזה וחתך זה', but does not write לחתוך זה וחתך זה; indicating (as the גמרא states in כריתות) that he was נתכוין להגביה זה, but not לחתוך זה.