

**And he carried it out with his mouth, he is liable - והוציאו בפיו חייב -**

### **Overview**

The (cited) משנה mentions that if a טמא ate חלב which was נותר, etc. he is חייב many for this eating. ר"מ added that if he carried it out to a רה in his mouth (while eating it), he is חייב additionally for הוצאה. Our תוספות resolves a potential difficulty:

-----  
תוספות explains a potential difficulty:<sup>1</sup>

**כולהו בהדי הדדי קא אתו דבליעתו הויא הנחה אף על פי שמהלך<sup>2</sup> -**

**All the חיוב, including the הוצאה, occur simultaneously, for his swallowing is considered a הנחה even though he is still walking -**

**כדאמרינן (לעיל דף פ,א) כתיבתן זו היא הנחתן<sup>3</sup> -**

**As ruled previously; their writing that is their הנחה -**

תוספות responds to an additional difficulty:<sup>4</sup>

**ואף על גב דפיו למעלה מ' ואינו רחב ד' בטל הוא אגב רשות הרבים -**

**And even though that his mouth is higher than טפחים י' from the ground and is not a place of דע"ד, nevertheless it is בטל to the רה"ר and his mouth is considered a מקום - רה"ר in the דע"ד -**

**ולא דמי לבוכיאר<sup>6</sup> ביריעה<sup>7</sup> דאמר בריש פרקין (לעיל דף צו,ב) דבמקום פטור קא אזיל<sup>8</sup> -**

**And the mouth is not comparable to the throwing of a בוכיאר by the curtains,**

<sup>1</sup> See ור"מ מה ענין (אכילה) [הוצאה] אצל שאר חטאות דלא אתו בהדי הדדי דבשאר חטאות מחייב בהנחת תוס' הרא"ש who writes; גרונו ובשבת בעינן הנחה בתוך מיצי. The assumption is that to be חייב for הוצאה while eating, the חיוב is only when [it finally comes to rest in his intestines] (and when he stops walking), not before, however the חטאות, which the משנה is discussing for eating, that חיוב is when one swallows it, when he has גרונו. How can ר"מ include חיוב הוצאה (which occurs later), with the אכילה חיוב.

<sup>2</sup> תוספות is teaching us two rules; first that the הנחה is by the בליעה (in his throat like the אכילה), and not when it later reaches מעי, and second that it is a הנחה even though he is walking, as תוספות proves from כתיבה.

<sup>3</sup> רבא ruled that if one carries out sufficient ink to write two letters and he wrote the letters while he was walking, he is חייב (because he made an עקירה when carrying out the ink and) he made a הנחה by writing it on the parchment. We derive that even though the person is writing while he is walking, nevertheless it is considered a הנחה, as רש"י states there (ד"ה כשהוא) that עיקר הנחת דיו על הכתב הוא (ד"ה כשהוא). Similarly here the עיקר הנחה of food is that he eats it, notwithstanding that he is still walking (or it is not yet במעי). Therefore it is considered a הנחה ברה"ר.

<sup>4</sup> The difficulty may be that even though מחשבתו משויא ליה מקום (as the גמרא states), but since he is למעלה מ' it should be considered as if his mouth is in a מקום פטור where one is פטור if the הנחה was in a מקום פטור.

<sup>5</sup> The מהרש"א explains that in order to be a רה"ר we require a ד' מקום.

<sup>6</sup> A בוכיאר is the wound up roll of thread that is used to make the ערב (the horizontal threads) in the weaving process.

<sup>7</sup> The גמרא was attempting to find זורק ד"א ברה"ר in the משכן. The suggestion was that they would throw the ד"א בוכיאר while making the curtains.

<sup>8</sup> The גמרא rejected this suggestion because the בוכיאר was thrown (and landed) in a מקום פטור for it was not wide ד' (ד"ה והא רש"י). The question is that just like by the בוכיאר it is considered a מקום פטור since it is not a ד' מקום (see ד"ה והא רש"י). Similarly here by the mouth it should also be considered a מקום פטור for it is not דע"ד (and he is למעלה מ').

where the גמרא stated in the beginning of our פרק 'that the בוכיאר is traveling in a מקום פטור –

בוכיאר replies that the mouth is not similar to the תוספות

דהתם מקום קביעות הוה טפי –

For there by the בוכיאר it is more of a permanent place, however here the mouth is not considered as being that permanent in the רה"ר, as by the בוכיאר –

ודמי לטרסקל<sup>10</sup> דאמר בפרק קמא (דף ה,א) דלמטה מי' הוי רשות הרבים –

And this case of הוציאו בפיו is similar to the case of טרסקל regarding which the גמרא states in the first פרק that when the טרסקל is below טפחים 'י from the ground it is considered a רה"ר –

והכא אפילו למעלה מי' בטל אגב רשות הרבים –

And here by פיו, even if his mouth is טפחים 'י למעלה מי' it is still בטל to the רה"ר –

ועוד דמעביר למעלה מי' כלמטה<sup>11</sup> וחשיב מונח ברשות הרבים:

And additionally since carrying 'י למעלה מי' is like carrying 'י למטה so it is considered ברה"ר מונח ברה"ר.

### Summary

The הנחה of food in the mouth is when swallowing even while walking. A person (especially when carrying) is למעלה מי' even בטל לרה"ר.

### Thinking it over

What is the difference between the last two answers of תוספות?

הדרן עלך הזורק

We will return to you

פרק הזורק

<sup>9</sup> Presumably they were weaving the יריעות in a specific place for a duration of time. Therefore that place where the בוכיאר was being thrown and landing was not בטל to the רה"ר and was considered (a separate רשות) a מקום פטור, since it was not רחב ד', however there is no קביעות for a person walking in the street, therefore his mouth is בטל to the רה"ר, and since he wants the food in his mouth we can say מקום ליה מושויא and it is considered a מקום ד' (because of מחשבתו) in the רה"ר (because it is בטל to the רה"ר since there is no קביעות).

<sup>10</sup> A טרסקל is a basket (which is דע"ד). The גמרא there initially interpreted the משנה that the עני was holding a טרסקל and דע"ד טרסקל made the הנחה into the טרסקל and it is considered as if he made the הנחה ברה"ר, even though the טרסקל is בטל לרה"ר and should perhaps be considered a כרמלית, nevertheless we say that אין כרמלית בכלים and it is בטל לרה"ר. Similarly here too his mouth is בטל לרה"ר, even though it is למעלה מי', just like the טרסקל is בטל even though it should be a כרמלית.

<sup>11</sup> See דף ק, who writes. ד"ה המוציא רש"י, and לעיל דף ק, and על כתפו מתניחין היא and concludes רש"י אין למעלה מעשרה כזורק באויר אלמא אין למעלה מעשרה רשות הרבים דווקא זורק אבל מעביר חייב דיליף מבני קהת במשכן [Therefore we cannot compare בוכיאר which is by throwing, to פיו which is by carrying, where we say that למעלה מי' is like למטה מי'].