

Rather, Rav Yosef said etc. – אלא אמר רב יוסף וכו'

Overview

introduces the concept of **מקום** ליה משויא that the intent of a person to place an object in a specific place or to remove it from a specific place renders that place a 'מקום ד'. Therefore, **תוספות** asks, since in our **משנה** there is intent to remove the object from the hand, as well as to place it in the hand, it should be considered a 'מקום ד', because of the intent. **תוספות** explains that there are different levels of intent, and in order to say **מחשבתו משויא ליה** **מקום**, the intent must be exclusive that he wants it only there, and no where else.

The רשב"א asks why is it necessary for רב יוסף and רבה

מחשבתו משויא ליה (which does not require a **מקום** to qualify the **משנה**) – **להעמיד המשנה כתנאים** **תנאים**¹, implying therefore that the **משנה** is not according to everyone, when they could say that the **משנה** is according to everyone

רב יוסף maintain for since – **והא סבירא להו בפרק בתרא דעירובין** (דף צט, א ושם) **עירובין** **פרק** **of**

that his intent suffices to render it as a significant place of ד' על ד', **דמחשבתו משויא ליה מקום**

רב יוסף said there that if he relieved himself or spit from one **רשות** to another **רשות**, **he is חייב a קרבן** **חטאת**

רב יוסף, why is he **asks** on **גמרא** there – **and** **ופריך** **והא בענן מקום ד' וליכא** **חייב**, **we require a 'מקום ד'** for an **עקירה**, and in this case **there is none**, since the place on his body from where he spit, etc., i.e. the mouth, etc., there is no **מקום ד'**, so why is he **חייב**

and the גמרא answers that his intent – that **ומשני מחשבתו משויא ליה מקום** he wants to remove the spit, etc. from this specific place in his body, his mouth, etc. – **renders it as a significant place**, and therefore he is **חייב**, because we consider the **עקירה** to be from a **מקום חשוב**

מחשבתו משויא ליה **מקום** **לי** **גמרא** **there continues to prove its point that**

for if you will not say so, that **מחשבתו משויא ליה מקום** **הכי**

Then there will be a difficulty with

רב יוסף said that if he threw an object into the mouth of a dog or into the mouth of a furnace² he is חייב etc., even though the mouth of the dog is not a **מקום ד'**, but since

¹ רב יוסף according to רבי, and רבה according to ר"ע

² See רש"י עירובין ד"ה בפי הכלב או בפי כבשן חייב כו'

he intended that it should land there, so מחשבתו משויא ליה מקום, the same³ is true in the case of רב יוסף that מחשבתו משויא ליה מקום.

We see from the גמרא in עירובין that both רבה⁵ ורב יוסף⁴ agree to the concept of מחשבתו (ר"ע ורבי agrees), so let us say that in our משנה also, everyone agrees (not only רבי), that he is חייב, even though there was no מקום ד' עקירה והנחה מעל מקום ד' because מחשבתו משויא ליה מקום since he intended to take it from the hand and place it in the hand.

The ר"ת answers that this concept of מחשבתו משויא ליה מקום

is applied only in a case where he is not content if it would be done in any other manner i.e. that he wants the עקירה to be from a specific place and/or to specific place exclusively.

as in the illustration that was given by רב יוסף – **as in** – **relieving oneself or spitting**

that it is impossible for him to relieve himself or spit in any other manner, except that it come from his mouth, etc. which is not a מקום ד'

and the same is true in רבה's case where he threw the food into the mouth of the dog

that he wants specifically that the dog should eat it – **or in** רבה's second case that he wants **that the wood should be burnt in the furnace**, only in such limiting circumstances do we say מחשבתו משויא ליה מקום,

To defend this argument that the cases quoted above are only if he specifically intended for the עקירה והנחה to be in a specific place only, תוספות says:

the text in עירובין should not read "ונה בפי כלב", **and it landed in the mouth of the dog"**

for the word 'נה' - 'and it landed' - has the connotation that he had no intention as such, but rather it just happened to land, and this cannot be so, for if it was not intended specifically for the dog's mouth, the concept of מחשבתו משויא ליה מקום would not apply, therefore the text reads (according to תוספות) **he threw it into the mouth of the dog, omitting the word 'ונה'**.

This is pertaining to the גמרא in עירובין, where רבה ורב יוסף maintain מחשבתו משויא ליה מקום **however here in our משנה he is not particularly concerned whether he receives⁶ the object in his hand or in another receptacle**, therefore the concept of מחשבתו משויא ליה מקום does not apply in our משנה.

³ See 'Thinking it Over' #1

⁴ In the case of עקירה

⁵ In the case of הנחה

⁶ עקירה refers to הנחה, the same is true about

and concerning that which the גמרא **says further** concerning a case where someone threw an object and it *landed* in another's hand, he is חייב, the גמרא asks, why is it necessary to tell me this דין, we already know from our משנה that a person's hand is considered a מקום ד', to which the גמרא responds:

that from our משנה one might think that a hand is considered a מקום ד' **only in a case where he considered [the receiver's] hand significant**, meaning that he intended to place the object in his hand, here however it merely landed in his hand, so we may think that in such a case it is not considered a מקום ד', therefore קמ"ל that it is.

We see from that גמרא that it considers our משנה a case of אחשבה לידו that he intends to place it in his hand, and that would be the reason – in the הוה אמינא – why he is חייב

even though he is equally satisfied to receive the object in another manner not necessarily in his hand, as תוספות pointed out previously, that in our משנה, he is not insistent to receive it only in his hand, for if he would insist on receiving it only in his hand, then we would say מחשבתו משויא ליה מקום (and that would be sufficient to consider it a מקום ד'), so why does the גמרא say that since אחשבה לידו, I would think, that is the reason that it is a good הנהגה, when we just stated, that in order that אחשבה should have the power to make it a מקום ד', it is only when his intent was to place it exclusively in the hand. The answer is: That in our גמרא we have not yet learnt the דין that a person's hand is like a מקום ד', and we would like it to be considered a מקום ד' because מחשבתו משויא ליה מקום, for this it is required that he insists on receiving it in his hand exclusively, and no where else, which clearly is not the case, - however

in that גמרא we are already assuming

that a persons hand is significant as a place which has ד' על ד', however in the הוה אמינא we thought that when do we say ידו של אדם חשובה לו כד' על ד', only when he intended to place it in the hand (even when the intention was not exclusive) but when it happened to fall into a hand then it is not חשוב כד' על ד', the מסקנא is however that ידו של אדם חשובה לו כ' על ד' always, even when there is no intent at all, it just fell into the hand..

however in other situations i.e. the cases of the dog or the spitting, where there is no מקום ד' at all

his intent cannot cause it to be a significant מקום – לא משוי ליה מחשבתו

unless it is a case where he is not content if it were performed in any other manner. – אלא היכא דלא ניחא ליה בענין אחר

Summary

only when his intent is to remove it from - or place it in - a specific place, exclusive of any other place.

Thinking it over

בס"ד. שבת ד,ב תוס' ד"ה אלא אמר רב יוסף

1. How may we attempt to refute the proof from s'רבה case that מחשבתו משויא ליה מקום, that it may not apply to s'רב יוסף case (based on the previous תוספות)?
2. How are we to understand מחשבתו משויא ליה מקום in the case of עקירה?
3. How does the concept of מחשבתו משויא ליה מקום differ in תוספות תירוצ' as opposed to תוספות קשיא?
4. What is the explanation of the הוה אמינא, that ידו של אדם חשובה לו כד' על ד' is only when אחשבה לידו?