

## As two people and he is פטור

## כשני בני אדם דמי ופטור -

### OVERVIEW

The *הנחה* of *מלאכה* (הכנסה) requires *הוצאה* and *הנחה*. In a regular *הוצאה*, the *הנחה* is actively performed by the *מוציא* (מכניס), when he places the object in its resting place. By *זריקה* there is also the same requirement of *הנחה* and *הוצאה*. It differs however from *הוצאה* in that by *זריקה* the *הנחה* is *actively* performed when the *זורק* throws the object, because by the force of his throw, the object will come to rest at the end of its trajectory. This is the difference between *עמד במקומו וקיבל חייב* [where the receiver was at the object's original destination, from when the thrower threw it until it landed, so there is a *מכה הזורק*], and *עקר ממקומו וקיבל פטור* [where originally it would have landed at the end of its trajectory, now however it landed somewhere else (before its projected landing) because of the second person's interference, therefore we cannot consider that it landed by the force of the thrower. Hence the thrower did not make a *הנחה* and is therefore *פטור*].

The question of *רבי יוחנן* is; what if the thrower himself caught the object, which makes it *שני כחות באדם אחד*, two contradictory forces in one person. Is it comparable to when two people were involved and therefore he should be *פטור*, or since in fact this involves only one person he should be *חייב*. Our *תוספות* offers two explanations in the *ר' יוחנן* of *בעיא*.

פירוש כי היכי דבשני בני אדם פטר הראשון משום דלא עבד כלל הנחה –

The explanation of this statement is: Just like when two people would do this act, namely one throwing and the other catching it on the run, the *דין* would be that the first person, i.e. the thrower would be *פטור* because he did not perform the act of *הנחה* at all, since from his throwing force, the object would have landed in a different place, were it not for the running catch of the receiver -

הכא נמי כיון שחטפו מהילוכו ולא הניח החפץ ללכת עד מקום הילוכו –

Here too, since he (the *זורק*) grabbed it away from its trajectory and he did not allow the object to continue to its intended destination -

<sup>1</sup> *תוספות* may be saying that this is not actually a case of *שנים שעשאוה* (where one makes the *הוצאה* [by throwing the item] and the other makes the *הנחה* [by snaring it]), but rather that the cause of *פטור* by *שני בני אדם* may apply here, albeit in a different manner. By *שנים שעשאוה* the *עוקר* was *כלל הנחה* and here it is *ודו"ק*. See *לא נח מכה הזורק*, and *לא עבד כלל הנחה*. See *רש"י ד"ה כשני בני אדם* who seems to disagree with this.

לא הויא הנחה דלא נח מכח הזורק –

it is not considered a הנחה performed by the thrower for it did not come to rest as a result of the thrower's force<sup>2</sup>, but rather by negating this force through running and stopping it in a manner different from its original trajectory. Therefore the זורק is פטור, because he made no הנחה at the moment of throwing<sup>3</sup>.

או דילמא כאדם אחד דמי וכיון דעביד עקירה והנחה חייב –

or perhaps we say that since these two forces, contradictory as they may seem, nevertheless since they come from the same person, we consider it as if it is like one person doing the entire מלאכה and since this one person did both the עקירה והנחה he is חייב –

ולא דמי לשנים שעשאוה –

And we cannot compare this case where one person did both the עקירה והנחה, albeit with two separate and conflicting forces, to the case where two separate people did a מלאכה, for which they are פטור. There one person did the עקירה and the other the הנחה. Here however one person did both the עקירה והנחה.

In summation: תוספות interprets the יוחנן דר' בעיא in a case where the זורק ran and intercepted the object, not allowing it to land at its original destination.

The כשני בני"א דמי וחייב או דילמא כאדם אחד דמי ופטור גירסא, namely: ר"ח interprets the גמרא that the זורק caught the object in its original projected place and did not interfere with its trajectory.

ורבינו חננאל גרס איפכא כשני בני אדם דמי וחייב –

and by the ר"ח, the text reads the opposite; are these two forces in the same person viewed as if two people did the עקירה והנחה, then he would be חייב

דאמר לעיל עמד במקומו וקבל חייב –

As we previously said in the גמרא, that if the receiver stood in his place and caught the object, he is חייב, since it landed in its original destination –

והכא נמי כי קבלה הוא עצמו ולא חטפה מהילוכו ליחייב דהא איתעביד מחשבתו<sup>5</sup> –

And here too if he caught it himself, and did not grab it away from its

<sup>2</sup> In the usual case of זריקה, the הנחה is performed at the moment of throwing, not when it lands.

<sup>3</sup> This second force of his, causing the הנחה, would be considered the equivalent of a second person stopping and catching the object

<sup>4</sup> Catching the object on the run and intercepting it, may be considered as the culmination of the הנחה, and therefore readjusting, and rejoining with, the original זריקה, since it is all done by the same person.

<sup>5</sup> The הנחה was מכח הזריקה (as he intended). See 'Thinking it over' # 5.

trajectory he should be חייב, for his intention was fulfilled -

או דילמא כאדם אחד דמי ופטור דהוי כמו שנותן מימינו לשמאלו –

or do we say perhaps it is like one person and he should be פטור, the logic being for it is comparable as if someone passes an object from his right hand to his left hand, while standing still -

דאף על פי שהעבירה ד' אמות פטור<sup>6</sup> –

That even though the object traversed אמות ד' he is still פטור, because since the person is in one place, the object did not really move. Here too, since the object landed in his hand and originated from his hand, it cannot be considered that it really moved.

### SUMMARY

According to תוספות, the facts are that he ran and grabbed the object away from its intended destination. The two sides of the איבעיא are as follows: A) By זריקה the עקירה והנחה are accomplished at the moment of throwing, here however that original הנחה, was nullified by his grabbing the object away from its intended destination<sup>7</sup>, therefore it is like the case of פטור וקיבל פטור. B) In this case there was a הנחה, and even though it was altered from its original destination, nevertheless we cannot compare it to עקר ממקומו וקיבל, because there the original הנחה was negated by a second person, therefore it is שנים שעשאוה, here however it was he himself who assisted in this new הנחה מקום, therefore we cannot apply the פטור of שנים שעשאוה, for the object rested totally on account of himself<sup>8</sup>.

According to the ר"ה, the facts are that he caught the object at its original destination. The two sides of the איבעיא are: A) this is similar to where another person received the object in its original destination and therefore he is חייב. B) since he himself caught the object it is as if the object did not really move anywhere. It is comparable to a person standing still and passes an object from one hand to another, even if it traversed אמות ד' he is still פטור, since the object never left its original place, in relation to the person.

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<sup>6</sup> Presumably according to the ר"ה after he caught his own throw he never placed it down (on the ground, etc.). Receiving is not considered a הנחה on the part of the receiver (only on the part of the thrower). The comparison to שנותן מימינו לשמאלו is to prove that giving it to one's self is not considered a הנחה (for it was not taken from one place and placed elsewhere). It is only when another person receives it (in the case of עמד במקומו וקבל) that throwing is considered to be (both an עקירה and) a הנחה. See 'Thinking it over' # 6.

<sup>7</sup> We may even question whether this act of catching may be considered actively performing a הנחה at all.

<sup>8</sup> Even if the הנחה was altered, it was a self-alteration.

### **THINKING IT OVER**

1. What would תוספות maintain in the case of the ר"ח (where לא חטפו מהילוכו)? What would the ר"ח maintain in the case of תוספות (where חטפו מהילוכו)?
2. In the case of עקר ממקומו וקיבל, does it mean that the one who caught the object made a הנחה, or merely that the original הנחה was negated?
3. Why should פטור be שני כחות באדם אחד, since he made the עקירה and later the הנחה, like every (והכנסה) הוצאה?
4. Would it make a difference if the thrower initially planned to be נעקר ממקומו וחזר וקיבלו?
5. What does the ר"ח mean when he says<sup>9</sup>, "ליחייב דהא איתעביד מחשבתו"?
6. Why is the case of the ר"ח<sup>10</sup> different from a case where a person carried an object where he is חייב (even though the object remained on him all the time)?!<sup>11</sup>

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<sup>9</sup> See footnote # 5.

<sup>10</sup> See footnote # 6.

<sup>11</sup> See מנחת אריאל אות כב.