היה טעון אוכלין ומשקין מבעוד יום כולי –

He was laden with **food and drink from Friday, etc.**

Overview

ר' חייא cited a ברייתא (in support of s'רבי ruling that עקירת גופו כעקירת חפץ דמי) which states that if a person was laden with objects from before שבת, and subsequently carried out these items on שבת he is חייב; proving that עקירת גופו כעקירת חפץ דמי. Our תוספות qualifies this ברייתא and explains why it mentions ש"ער and not שבת.

כשעמד לפוש[1] משחשכה איירי דבלא עמד לא מיחייב –

The ברייתא **is discussing** a case **where he stopped to rest after it became dark** (after the onset of שבת) and then carried it out; **for if he did not stop** to rest after the onset of שבת **he would not be liable** for a קרבן –

תוספות explains his ruling while responding to an anticipated difficulty:

אף על גב דעקירת גופו כעקירת חפץ דמי[2] לא בטלה עקירה ראשונה[3] -

Even though עקירת גופו is considered as if there was an עקירת חפץ, nevertheless he is not מיחייב, since **the first עקירה** (which was made מבעו"י, when he was laden with the אוכלין ומשקין) **was never nullified -**

כדאמר לקמן (דף ה,ב) המפנה חפציו מזוית לזוית ונמלך עליהן להוציאן פטור –

As the גמרא **states later, 'one who moves his articles** with the intent of moving them **from** one **corner to the** other **corner** of the same room, and while he was moving them **he decided to take them out** to the רה"ר **he is פטור.** The reason is -

שלא היתה עקירה משעה ראשונה לכך -

because the initial עקירה was not for this purpose. The first עקירה was a permissible עקירה (to move the objects within the same room). That עקירה was never nullified since he never stopped moving the objects. The subsequent עקירת גופו is not considered an עקירה since there was

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[1] תוספות states specifically עמוד לפוש to exclude עמד לכתף (where he stopped [merely] to adjust his load). עמד לכתף is not considered a proper הנחה and would not suffice to make the following עקירה a proper עקירה.

[2] Seemingly, when he took the last step from the רה"י [and entered the רה"ר] it should be considered as if he made an עקירה ברה"י (and a הנחה ברה"ר), since עקירת גופו כעקירת חפץ דמי; he should therefore be חייב for הוצאה!

[3] The person placed אוכלין ומשקין on himself מבע"י (this is considered an עקירה of פטור [on ערב שבת]). If he was not עומד לפוש from the onset of שבת, he never made an עקירה on שבת. The rule of [כעקירת חפץ דמי] עקירת גופו is similar to a regular עקירה. An עקירה can be made only if the item is at rest; otherwise it is not considered an עקירה. Here too since he was not at rest since the onset of שבת, the only עקירה is when he picked up the items initially before שבת and placed them on his body. There was no subsequent הנחה, therefore that עקירה was never nullified and there can be no subsequent עקירה unless a הנחה (such as עמד לפוש) is made first.

never a הנחה after the permissible עקירה. Similarly here too, there was no הנחה after the עקירה של היתר on ש"ער, therefore there can be no subsequent עקירת גופו of חיוב.

תוספות responds to an apparent difficulty:

ונקט מבעוד יום[4] לאשמעינן דעקירת גופו כעקירת חפץ דמי –

And the ברייתא **mentions** that he was laden **מבעו"י** (and not משחשכה), **in order to teach us that עקירת גופו is considered as if it was עקירת חפץ.** תוספות explains -

דאי הוה נקט טוען עצמו[5] משחשכה ועמד לפוש לא היה משמע מידי –

For if the ברייתא **would have stated, he loaded up after dark and then stopped to rest** and if he was then מוציא he is חייב, **it would not have taught us anything -**

דאפילו אי עקירה והנחת גופו לא הויא עקירה והנחה חייב משום עקירה ראשונה[6]:

For even if עקירת גופו and הנחת גופו are not considered an עקירה והנחה, he would still **be חייב on account of the first עקירה** which took place משחשכה [when he subsequently placed it down in the רה"ר].[7]

Summary

עקירת גופו is כעקירת חפץ provided that גופו was at rest before the עקירה of חיוב.

Thinking it over

1. תוספות explains that if the ברייתא would teach its ruling when he loaded up משחשכה we would not know that עקירת גופו כעקירת חפץ דמי.[8] Seemingly if the ברייתא would have taught this case where another person loaded him משחשכה, we could also derive that עגכעח"ד, why was it necessary to mention מבעו"י.[9]

2. תוספות states that (even) if עקירת גופו והנחת is not כעקירת חפץ דמי, nevertheless if he was טעון משחשכה and עמד לפוש and was then מוציא he would be חייב for the first עקירה.[10] [There would therefore be no proof from the ברייתא that עקירת גופו כעקירת

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[4] תוספות taught us that this rule of חייב הי' טעון אוכלין ומשקין וכו' is only if he was עמד לפוש משחשכה. The anticipated question is why teach us this case where he was טעון מבעו"י and carried it out משחשכה (which is slightly unusual) the same ruling would apply if he was טעון משחשכה and עמד לפוש and then was מוציא he will also be חייב, since there was חשכה after עקירת גופו.

[5] See 'Thinking it over' # 1.

[6] However now that he was טעון מבעו"י he cannot be מחויב for the initial עקירה, therefore (since he was עמד לפוש) there is proof that עקירת גופו is כעקירת חפץ דמי (for otherwise why is he חייב even if עמד לפוש).

[7] See 'Thinking it over' # 2.

[8] See footnote # 5.

[9] See (לר' מנחם דוד טעמקין) ויברך דוד.

[10] See footnote # 7.

חפץ דמי.] Seemingly when he was עמד לפוש, the first עקירה was נתבטל (even if we maintain הנחת גופו לאו כהנחת חפץ דמי)[11], for if someone took the item from his body and was מוציא, the second person would be חייב, for it is considered an עקירה from a מקום מונח.[12] Therefore since the first עקירה was נתבטל and if we would maintain עקירת גופו לאו כעקירת חפץ דמי, how can he be חייב?! There was no עקירה of חיוב! The fact that the ברייתא would say חייב would prove that עקירת גופו כעקירת חפץ דמי![13]

[11] The הנחת גופו is not considered a הנחה to be מחייב him since there was no act of הנחה; the item was not removed from its place on the body (it always remains in the same place), nevertheless the item is considered at rest which means the effects of the first עקירה are nullified. There is a distinction between the act of הנחה (which it may not be if הנחת גופו לאו כהנחת חפץ דמי) and a status of being מונח (at rest) which is not dependent whether הנחת גופו כהנחת חפץ דמי.

[12] This is evident from the משנה which states חייב מתוכה והוציא או שנטל regardless how it got to be in the hand from where it was taken.

[13] See חי' רעק"א, שפ"א, אשי ישראל and ב מנחת אריאל אות.