

Abayeh interpreted it by M'chiktoh

תרגמה אביי במחיקתא¹ –

OVERVIEW

The גמרא cited a ברייתא that the שוכר is חייב if he brought sixteen סאה שעורין (instead of fifteen חטין סאה); this contradicts the view of אביי that he merely has to add three קבין (half-a-סאה) to be חייב (not a whole סאה). The גמרא answered that we are discussing a case of מחיקתא. There is a dispute between רש"י and תוספות whether we can uphold the גאונים' explanation of מחיקתא.

מה שהקשה בקונטרס² לפי תשובת הגאונים נראה דלאו פירכא היא -

This which רש"י asked according to the explanation of the תשובת הגאונים, it does not seem to be a refutation according to תוספות -

דכי אם התנה עמו להוליך ברזל או אבנים והוליך סובין או נוצה הכי נמי דאם יוסיף יהא חייב:
For will it be so, if the שוכר stipulated with the משכיר to transport iron or stones (which are extremely heavy) of a certain volume (and weight), and instead the transported bran or feathers (which are very light), will the ruling also be that if he added one thirtieth³ (of bran/feathers) to the volume stipulated he will be liable?!⁴ Of course not!⁵

SUMMARY

An addition of one thirtieth (of volume) to be מחייב is only when the relative weights are not that far apart. Otherwise more volume needs to be added

¹ See מחיקתא ד"ה מחיקתא, where he cites רש"י, who interprets מחיקתא to mean barley which spoils by being infested with worms and therefore they are lighter than regular barley and require that one add an extra סאה (not the usual three קבין) in order for the שוכר to be חייב.

² רש"י asks; we should disregard the weight of the barley, since there is a לתך (fifteen סאה) of שעורים plus an additional three קבין, the שוכר should be חייב since נפח קשה כמשוי so there is a volume of a לתך plus three קבין for which אביי maintains that the שוכר is חייב.

³ The addition required to be חייב (according to אביי) is 1/30th. There are fifteen סאה in a לתך and six קבין to a סאה; there are 30 half-סאה (3 קבין) to a לתך.

⁴ תוספות argues that the ruling of אביי that נפח קשה כמשוי is only when the relative weights (of חטין and שעורים) are not that far apart (about 6.7 %). However when there is a great discrepancy between their weights, where the iron weighs multiple times more than the bran, we cannot say that adding 1/30th in volume it is too heavy for the donkey. If for instance the donkey can carry 100 pounds of iron in a volume of 1 cubic foot, can we say that it cannot carry 10 pounds of bran which take up (even) 1.5 cubic feet! It makes no sense! תוספות assumes that when the barley is worm infested, the weight of the barley is relatively much less than the weight of the wheat, much more so than the relative weight of normal barley to wheat. Therefore by wormy barley an addition of a full סאה is required to make the שוכר liable.

⁵ See 'Thinking it over'.

THINKING IT OVER

תוספות states that if there is a great discrepancy (like between wheat and wormy barley) we do not say נפח קשה כמשאוי (in the amount of $1/30^{\text{th}}$).⁶ However, our משנה states, תבואה והביא עליה תבן חייב מפני שהנפח קשה כמשוי. Seemingly the disparity in weight between grain (תבואה) and straw (תבן) is as great as (or greater than) the disparity between wormy barley and wheat, and nevertheless the rule of נפח קשה כמשאוי applies there in the amount of $1/30^{\text{th}}$ according to אב"י!⁷

⁶ See footnote # 4 & 5.

⁷ See footnote # 7. אוצר מפרשי התלמוד and מהר"ם