

מפני¹ שלא שוו בשיעוריהם – Because their measurements are not equal

OVERVIEW

The משנה stated that all the different items mentioned in the משנה cannot be combined with each other to make up a שיעור (so that one would be חייב if he carried this mixture), since the שיעורים of the various items are different. תוספות qualifies this ruling.

אבל אותם ששוו כגון עמיר² ועלי שום ועלי בצלים לחים מצטרפין³ -

However those items whose שיעורים are the same, such as עמיר and עלי שום ועלי, כגרוגרת is שיעור, whose שיעור, they do combine -

וכן חמור לקל⁵ כגון תבן לעצה למלא פי גמל⁷ -

And similarly if we combine an item which has a stricter (smaller) measure with an item which has a more lenient (larger) measure, for instance if one combines תבן with עצה so in total there is a שיעור of גמל פי מלא, he is liable for carrying it -

ואפילו לא יהא תבן ראוי לגמל⁸ שמא אגב העצה הואי ראוי:

And even though the תבן may not be suitable for the גמל, nevertheless he is חייב, for perhaps when mixed together with the עצה the תבן is suitable for the גמל.

SUMMARY

Equal שיעורים are מצטרף. Smaller שיעורים are מצטרף to larger שיעורים, provided they are somewhat suitable for the intent of the larger שיעור.

THINKING IT OVER

¹ Others suggest that this משנה is referencing the משנה (directly).

² The ברייתא (as stated previously in the משנה) which is equal to a גרוגרת (as stated in our משנה) is עמיר of שיעור.

³ If one carried out a mixture consisting of a third of a גרוגרת of עמיר and a third of עלי שום and a third of עלי בצלים (לחים), גרוגרת, he will be חייב, since they all have the same שיעור. See 'Thinking it over' # 2.

⁴ The גמרא actually says this shortly. See 'Thinking it over' # 1.

⁵ A smaller שיעור is a חומרא (he is חייב for carrying even a smaller amount), while a larger שיעור is a קולא (he is not חייב unless he carries a larger amount).

⁶ (עצה) the amount required for. Therefore the תבן is even for a פרה which is less than a גמל מלא פי גמל. (עצה) the amount required for. Therefore the תבן is more חמור than the עצה.

⁷ Therefore if one carried a mixture which contained (for instance) sixty percent of עצה and forty percent of תבן, and together it equaled גמל פי גמל, so even though there is not enough עצה for גמל פי גמל, and not enough תבן for מלא פי מלא, nevertheless he is חייב, for the חמור (תבן) combines with the קל (עצה) to complete the שיעור of גמל פי גמל.

⁸ תוספות is troubled how can we combine the תבן with the עצה; if a גמל does not eat תבן, he is not carrying something which is normally carried; no one carries תבן to a גמל (and there is not enough תבן for פרה מלא פי פרה), so why should he be חייב. See 'Thinking it over' # 2.

⁹ Therefore there is a proper שיעור; people may take out such a mixture for their גמל.

1. The גמרא states clearly that they are מצטרף לקל שבהן;¹⁰ what is תוספות teaching us?
2. It is apparent from תוספות that if the חמור (the תבן) would not be ראוי at all for the גמל, even when it is mixed with the קל (the עצה), it would not be מצטרף, and he would not be חייב.¹¹ What is the ruling when שיעוריהם שווין, do we also require that it should be ראוי (for the other),¹² or in such a case it does not matter, since שיעוריהם שווין?¹³

¹⁰ See footnote # 4.

¹¹ See footnote # 8.

¹² This may have a bearing on the previous אידי תוס' ד"ה אידי משנה that the משנה wrote כמלא פי טלה (not כגורגרת) in order to teach us why they made this שיעור. If the שיעור is simply כגורגרת because that is the usual שיעור as it is by עלי שום ועלי כמלא פי, so they are certainly מצטרף, for there is nothing for which they have to be ראוי. However if the שיעור is כמלא פי עלי שום ועלי, then if we maintain that even by שיעוריהם שווין they need to be ראוי, so we will need to say that the עלי שום ועלי are (somewhat) ראוי for a טלה (at least when mixed with עמיר); otherwise they cannot be מצטרף. This may perhaps be the מחלוקת between the משנה (which states כמלא פי טלה) and the ברייתא (which states כגורגרת). והבן ודו"ק.

¹³ See הגהות רא"מ הורוויץ.