



Planting a mixture of seeds

The *Mishnah* (2:1) teaches that if a *seah* of produce has a *rovah* (a quarter) *kav* of another species mixed into it, then the quantity of foreign seeds must be reduced prior to planting. Given that the volume of a *seah* is equal to six *kav* the problematic threshold for mixed grains is one twenty-fourth. *R' Yossi* however argues that if the threshold is crossed, all the foreign grains must be removed. The *Bartenura* explains that *R' Yossi* understands that once one begins removing some foreign grains, leaving any would appear as though the owner was intentionally planting these mixed seeds. How do we understand the position of the *Chachamim* that if it is crossed, one simply needs to reduce the quantity of the foreign grain until it is less than one twenty-fourth?

The *Bartenura* explains that once the foreign seed is reduced below the threshold, it becomes *batel* – annulled. The *Tosfot Yom Tov* understands that in this case according to the *Bartenura*, on a biblical level, *bitul* takes effect at *chad be'trei* – when it is in the minority. However, the *Chachamim* forbade a mixture when it is one twenty-fourth due to *marit ayin* – the appearance that the owner is intentionally planting *kilayim*.

The *Tosfot Yom Tov* however finds this explanation difficult since we do not apply *bitul* if that which we wish to annul is discernible. The *Tosfot Yom Tov* therefore understands that the prohibition of *kilayim* only applies when one wishes to plant the mixture. However, if the owner does not want the seeds that have been mixed in, then planting the mixture would not violate the prohibition on a biblical level. Nevertheless, due to concerns of *marit ayin* the *Chachamim* introduced this limit. This explains also why they allowed reducing the foreign seeds or even increasing the principle seed in order to reach the permissible proportion. Contrast this with the laws of *bitul*, where we find that one cannot deliberately force *bitul*. Indeed, the *Yerushalmi* explains that the measure of one twenty-fourth is due to *marit ayin* when explaining why one can deliberately alter the proportions to ensure the quantity of the foreign seed is below that level.

The *Rambam* (*Kilayim* 2:1) brings this rule, however he adds one further point – if one does not adjust the proportions to the permissible level and plants the mixture, he is punishable with lashes. The law is also stated in the *Shulchan Aruch* (YD 297:5). The *Gra* finds the addition difficult as it implies that a biblical rule has been violated. Yet we have already cited the *Yerushalmi* that since the mixture was not intentional, the concern is *marit ayin*, which is rabbinic.

The *Imrei Bina* (*Pesach* 10)¹ answers that the *Rambam* agrees the prohibition at this level is rabbinic. However, this is only when one's intention was not to plant the mixture. Once the *Chachamim* introduced the decree, albeit motivated by *marit ayin*, and one deliberately acts against it, it is now as if he intended to plant this mixture, which would be a biblical violation.

The *Chazon Ish* (*Kilayim* 4:12) however explains that when the *Yerushalmi* states that the issue is because of *marit ayin* it does not mean that the prohibition at these quantities is rabbinic because, as noted in the *Rambam*, even at these levels it is prohibited on a biblical level. Rather the intention is that the *Torah* forbade any mixtures that **appears** as mixtures. Below that threshold, it does not appear as a mixture since planted grains generally have a small percentage of impurities. This provides a different understanding why there is no issue of trying to deliberately cause *bitul*. Simply put, the concept of *bitul* is not relevant to this case. We are not dealing with a prohibited quantity, but rather the appearance of a mixture. Consequently, our case would be no different to building a fence between a vineyard and a field of wheat, which is permitted. The *Chazon Ish* uses this explanation to defend the *Bartenura* against the attack of the *Tosfot Yom Tov* cited in the beginning of the article. In other words, the *bitul* referred to by the *Bartenura* is not in the standard sense of annulling the prohibited component, but rather it becomes not noticeable such that there is no issue of *kilayim*.

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¹ Cited in the *Yalkut Biurim, Bava Batra* 94a

Revision Questions

דמאי ז' ג' ח'

- What is the ruling if someone has two baskets of *tevel* produce and says: (ז' ג')
 - “The *ma'asrot* of the first basket shall be in the second basket”?
 - “The *ma'asrot* of this one shall be in the other, and the other's in this one”?
 - “The *ma'asrot* of each shall be in the each other's basket”?
- What should one do if he has a mixture of: (ז' ג')
 - 100 parts *tevel* and 100 parts *chulin*?
 - 100 parts *tevel* and 100 parts *ma'aser rishon*?
 - 100 parts *chulin* and 100 parts *ma'aser rishon*?
 - 100 parts *tevel* and 90 parts *ma'aser rishon*?
 - 90 parts *tevel* and 80 parts *ma'aser rishon*?
- What should one do if when separating *ma'aser rishon* from barrels of wine, he is unaware of his intention when saying: (ז' ח')
 - The outer row shall be *ma'aser*?
 - Half the outer row shall be *ma'aser*?
 - A row shall be *ma'aser*?
 - Half a row shall be *ma'aser*?
 - One barrel shall be *ma'aser*?

כלאים א' א' ב' ג' ד'

- The first *Mishnah* list pairs of produce – would they be considered *kilayim* if planted together? (א' ג')
- The second and third *Mishnayot* lists pairs of vegetables – are they considered *kilayim*? (א' ב' ג')
- What pairs of similar things are listed in the next *mishnah* and what is the *kilayim* related concern? (א' ד')
- The next *Mishnah* returns to listing pairs of vegetables – are they considered *kilayim*? (א' ח')
- What pairs of similar things are listed in the next *mishnah* and what is the *kilayim* related concern? (hint: this time it does not refer to plants) (א' ג')
- Explain the debate regarding grafting vegetables and trees. (א' ג')
- Can someone place a vine in a watermelon if his intentions are that the vine draws water from the watermelon? (א' ח')
- What are the four concerns that the *mishnah* addresses when burying bundles of radishes at the base of a vine? (א' ט')
- Explain the debate regarding planting a single wheat seed and a single barley seed together? (א' ט')
- At what ratio of two grains that ordinarily cannot be planted together, does the prohibition of *kilayim* not become an issue? (א' ב')
- Explain the debate regarding what one can do if the above permissible proportion is not met. (א' ב')
- Does the above described measure hold for a mixture of more than two types of grain? (א' ב')
- Does the above described measure hold for a mixture including garden seeds? (א' ב')

Melbourne, Australia

Sunday -Thursday

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Mizrachi Shul
 Melbourne, Australia

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10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
3 July כ"ז סיון	4 July כ"ח סיון	5 July כ"ט סיון	6 July ל' סיון	7 July א' תמוז	8 July ב' תמוז	9 July ג' תמוז
Kilayim 2:3-4	Kilayim 2:5-6	Kilayim 2:7-8	Kilayim 2:9-10	Kilayim 2:11-3:1	Kilayim 3:2-3	Kilayim 3:4-5

