



## One Two-Hundredth

If grain or vegetables are planted in a vineyard, then many of the vines become forbidden from gaining any benefit and must be burnt (see 5:5). Furthermore, even if a product that is *kilayim* grew on its own, if the owner is aware of its presence and leaves it there, the vines will also become prohibited. The *Mishnah* (5:6) taught that in such a case, if the owner has not yet reached the *kilayim* as he works in the field and declares that he will remove it when he reaches that point, then the vineyard remains unaffected. If however the owner states that he will deal with it at a later time, then if the product grows one two-hundredth<sup>1</sup> of its size, then the vines are *assur*. This is because he has demonstrated that, at least momentarily, he is happy for the *kilayim* to remain. We shall analyse this measure of a two-hundredth.

*Rashi* (*Pesachim* 25a) explains that if produce that became forbidden due to *kilayim* is mixed with other produce, it is only *batel* (annulled) in the mixture when there is a ratio of two-hundred parts to one. Consequently, in our case until it has grown enough such that the ratio is reduced, the *kilayim* growth is *batel* in the permitted parts. This is because only that which grows after the owner's knowledge is prohibited.

Another case is mentioned that has a similar law (*Bava Batra* 2a). If a fence that divides a field and a vineyard falls, the owner of the vineyard is instructed to fix the fence. If he does not, then if the produce grows one two-hundredth, the produce is *assur*. *Rabbeinu Tam* adds that if the fence fell twice, and each time the produce grew less than one two-hundredth before the fence was fixed, even though the total growth is greater than the limit, the produce is *mutar*. The reason is that after the first

instance, the growth was already considered *batel* before the fence fell a second time.

The position of the *Rabbeinu Tam* raises an interesting question. The *Gemara* (*Avoda Zara* 73a) teaches that if a small amount of *yayin nesech* (wine used for idol worship) continually drips into a barrel of permitted wine, the mixture is permitted. The reason is that each drop is *batel* in the barrel prior to the next one.<sup>2</sup> Now recall that *Rashi* explained that in our case the measure of one two-hundredth is because of the laws of *bitul*. If in the case of *yayin nesech*, each drop could be considered *batel* prior to the one that followed, then in our case as well, each microscopic growth of *issur kilayim* should be considered *batel*!

The *Tosfot* (*Bava Kama* 100b) cites *Rabbein Tam's* answer that in the case of *yayin nesech* there is a break between each drop. Consequently each drop can be treated independently. In our case however the growth of the produce is continual and is therefore treated all at once. It follows then that if in the case of *yayin nesech*, it was poured as a continual stream than the law would be similar to our case.<sup>3</sup>

The *Ramban* (*Bava Batra* 2a) presents a different answer. In the case of *yayin nesech*, *issur* is falling into *heter*. Therefore the *heter* annuls each drop of *issur*. In our case however, the vines and produce are each independently *mutar*. Similarly, he explains, the growth of the produce is also *heter*. *Heter* cannot annul *heter*. It is only once it reaches a measure of one two-hundredth that the *issur* is born and by that time it is too late.<sup>4</sup>

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<sup>1</sup> There is a debate regarding how this measure is calculated. See the *Bartenura* and *Rosh* for two opinions.

<sup>2</sup> This topic, known as "*rishon, rishon batel*", has a number of details, limits and exception (see Y.D. 134). For example, in some cases the *batel* parts can be "reawakened" – *chozer ve'niur* (see Y.D. 99:6). As always no practical *halacha* should be drawn from these articles.

<sup>3</sup> The *Ramban* presents *Rabbeinu Tam's* answer slightly differently: In our case, the growth is happening by itself, whereas in the case of the *yayin nesech*, it is being poured by a person.

<sup>4</sup> If it is not *assur* until it reaches one two-hundredth, how do we then explain the position of *Rabbeinu Tam* in the case where the fence was mended and then fell midway. The *Ramban* explains that the reason why it is *batel* after the first rebuilding is because he actively built the fence – *bitul be'yadayim*. Alternatively, the *Ramban* explains that there are those that argue with *Rabbeinu Tam* maintaining that in that case, each of the growth periods can combine to make the measure of one one-hundredth.

**Revision Questions**

כלאים ד' ה' – ו' א'

- How many rows of vines are needed to define a region as a vineyard (include both opinions) and why is this important? (ד' ה')
- Which of the following vine configurations would define the region as a vineyard? (ו' ד')



- If two rows of grapes were divided by a fence, when is the regions still defined as a vineyard? (ז' א')
- How wide must the spacing be between two rows of vines so that the region is not defined as a vineyard? (ח' ה')
- How wide must the spacing be between each row of vines in a field that has many rows of vines, so that the region is not defined as a vineyard? (Include both opinions) (ט' ד')
- If a field contains vines that have been planted haphazardly, can it still be defined as a vineyard? (י' ה')
- What is the minimum spacing between rows of vines such that the area can be defined as a vineyard? (יא' ב')
- Can grain be planted in a hole in the vineyard that is used for pressing wine? (יג' ה')
- When can a watchmen's hut in a vineyard not be used for planting grain? (יד' ה')
- How can one plant a single vine and grain within the same ditch? (טו' ד')
- Can one plant produce inside a house surrounded by vines? (טז' ה')
- How many vines are made *assur* if a vegetable is planted in the centre of vineyard, whose spacing between each of the vines is: (יז' ה')
  - 4 *amot*?
  - 5 *amot*?
  - 6 *amot*?
  - 7 *amot*?
- If someone finds a vegetable growing in his vineyard, does he need to remove it immediately? If not, when does leaving it become problematic? (יח' ה')
- What are the four cases the *Mishnah* lists of unintentional planting and why is this important? (יט' ה')
- Is one allowed to leave thorns growing in his vineyard? (כ' ה')
- Explain what is meant by the term *aris*. How much space must be left from vines planted in this manner, and from where is the spacing measured? (כא' ו')

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**Next Week's Mishnavot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
24 <sup>th</sup> October ט"ז חשוון	25 <sup>th</sup> October י"ז חשוון	26 <sup>th</sup> October י"ח חשוון	27 <sup>th</sup> October י"ט חשוון	28 <sup>th</sup> October כ' חשוון	29 <sup>th</sup> October כ"א חשוון	30 <sup>th</sup> October כ"ב חשוון
Kilayim 6:2-3	Kilayim 6:4-5	Kilayim 6:6-7	Kilayim 6:8-9	Kilayim 7:1-2	Kilayim 7:3-4	Kilayim 7:5-6

