



## A Vineyard in Two Fields

It is very important to define when a collection of vines becomes a vineyard. One reason is that one is not allowed to plant within six *tephachim* of individual vines, while one cannot plant within four *amot* of a vineyard. This week we have learnt about the minimum number of vines and the required spacing to constitute a vineyard. Interestingly, the *Mishnah* (4:7) teaches that if one has a single row of vines on the edge of their field that is next to a single row of vines in their neighbour's field, they combine to be considered a vineyard. Note that this is despite the two rows being in different fields and owned by different people.<sup>1</sup>

The *Bartenura* explains that *R' Shimon* would agree with the ruling in our *Mishnah*. To explain, the later *Mishnah* (7:4) records a debate regarding one that trains the branches of his vine over his neighbour's produce. The *Chachamim* explain that since the prohibition of *kilayim* has been violated and the produce would need to be burnt, he is responsible to pay for the damage caused. *R' Shimon* however argues that "*ein adam mekadash davar sheino shelo*" – one cannot make his friend property prohibited. The *Bartenura* there explains that this is not to be confused with the fact that one can make his friend's food non-kosher by mixing in something prohibited. *Kilayim* is different since the *Torah* writes, "you shall not plant **your** vineyard *kilayim*". The *Barterura* here explains that this case is different. Since there are two rows of vines, *R' Shimon* would agree that it is defined as a vineyard.

The *Mishnah Achrona* notes that the *Bartenura* is based on the *Yerushalmi*. He explains further that there is a debate regarding the opinion of *R' Shimon*. One opinion is that while he cannot affect the produce in his friend's field, his vines however do become *assur*. The other opinion is that since he cannot make his friend's wheat *assur*, his vines are similarly *mutar*. One might think that the *R' Shimon* would maintain that this case is the same and since one cannot make their friend's field *assur*, the rows would not combine to define the space as a vineyard thereby making a larger area around the vines in his own field *assur*. The novelty then is that in this case *R' Shimon* would agree the vines combine.

The *Mishnah Achrona* however finds this understanding difficult. Each of the parties do not have enough vines to constitute a vineyard, so why should they combine? If we consider the opinion of *R' Shimon*, then it should be defined as *ze ve'ze gorem*. In other words, the case is arising from a combination of something that is *mutar* and *assur*. He cites the *Mishnah* in *Orlah* (2:11) that rules that in such a case it is *mutar*. The question remains unresolved.

An insight from the *Derech Emuna* can help in answering this question. The *Derech Emuna* asks, what would be the law if there was one row of vines, and he planted some grain six *tephachim* from the vines. The friend then planted another row of vines in his field next to these, thereby defining the region as a vineyard and the grains as being planted too close. *R' Chaim* suggests that perhaps in this case, since the seeds were already planted prior to the neighbour planting his row of vines, *R' Shimon* would maintain that the neighbour does not have the capacity to make that grain *assur*. When the *Yerushalmi* taught that *R' Shimon* would agree with the ruling in our *Mishnah*, that is referring to those items planted close to the newly defined vineyards, after both rows of vines were planted.

Perhaps we can suggest that difference as follows. *R' Shimon* maintains that *ein adam mekadash davar sheino* with respect to an action. Consequently, training one's vines over another's wheat or creating a vineyard next another's grain cannot have the result of making that grain prohibited. One cannot actively make another's produce prohibited through *kilayim*. Our *Mishnah* however is dealing with the definition of a vineyard - when a collection of vines turns into a vineyard. The *perek* that our *Mishnah* is part of is focused on the definition of a vineyard. Consequently, the *Mishnah* teaches that two rows, even in separate fields constitutes a vineyard. It is not a question of being *mekadash davar sheino shelo*. While it is true that it will mean the region around those vines in which one is forbidden from planting is increased, the vines or ground itself is not becoming *assur*.<sup>2</sup>

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<sup>1</sup> The *Mishnah* teaches that the only thing that would divide the two rows is if a fence separated them.

**Revision Questions**

כלאים ד' ז' - ו' ג'

- How wide must the spacing be between two rows of vines so that the region is not defined as a vineyard? (ד': ח')
- 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) (ד': ט')
- If a field contains vines that have been planted haphazardly, can it still be defined as a vineyard? (ה': א')
- What is the minimum spacing between rows of vines such that the area can be defined as a vineyard? (ה': ב')
- Can grain be planted in a hole in the vineyard that is used for pressing wine? (ה': ג')
- When can a watchmen's hut in a vineyard not be used for planting grain? (ה': ג')
- How can one plant a single vine and grain within the same ditch? (ה': ד')
- Can one plant produce inside a house surrounded by vines? (ה': ד')
- How many vines are made *assur* if a vegetable is planted in the centre of vineyard, whose spacing between each of the vines is: (ה': 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? (ה': ו')
- What are the four cases the *Mishnah* lists of unintentional planting and why is this important? (ה': ז')
- Is one allowed to leave thorns growing in his vineyard? (ה': ח')
- 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? (ה': ט')
- If the side of a mountain is divided in to levels (like a staircase) and an *aris* is constructed on one of the levels, how much space must be left between that vine and produce that will be planted on the next level? (ו': ב')
- Do two rows of vines planted on bordering levels combined to define the area as a vineyard? (ו': ב')
- If someone is growing vines on a lattice frame, can they plant other produce under the frame that is not yet covered by the vine? What is the law if someone does plant grain that that area? (ו': ג')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
17 April ט"ז ניסן	18 April י"ז ניסן	19 April י"ח ניסן	20 April י"ט ניסן	21 April כ' ניסן	22 April כ"א ניסן	23 April כ"ב ניסן
Kilayim 6:4-5	Kilayim 6:6-7	Kilayim 6:8-9	Kilayim 7:1-2	Kilayim 7:3-4	Kilayim 7:5-6	Kilayim 7:7-8

