



Volume 7. Issue 17

## Mavrish

With the beginning of the seventh *perek*, a new case of *kilayim* relating to vineyards is introduced – *bricha*. A method of propagating vines is to bury a branch from an existing vine leaving it connected while letting a sprig of leaves to be exposed. The buried section will take root and that buried branch can be cut from the original vine leaving a new young vine. The *Mishnah* (7:1) teaches that if the vine is buried at a depth of three *tefachim* then one is allowed to plant produce in that soil. Alternatively, if the branch is surrounded by an impenetrable casing, eg rock, then one can plant in the soil above it. What are the concerns in this case behind the ruling?

The first point that must be made is that the *Mishnah* is dealing with a case where the grain is **not** being planted inside *avodat gefen* – the six *tefachim* area around a single vine. Planting within that area would constitute *kelei hakerem* regardless of any buried branches.

*Rabbeinu Gershom* (*Bava Batra* 19a) explains that if the branch is buried to a depth of less than three *tefachim* then the roots of the grain will reach the branch and the two would draw nourishment from one another. In such a case the prohibition of *kilei ha'kerem* would be violated.

The *Tosfot* however raise a difficulty with this understanding. We learnt earlier that a ten *tefachim* high fence constitutes a satisfactory separation between a vineyard and a field of grain. In such a case the regular distance between them is not required. because above the ground the mixture is not visible. This is despite the fact that under the ground they may be drawing nourishment from one another.<sup>1</sup>

Consequently, the *Tosfot* argue that in this case *kilei ha'kerem* is not the issue. Instead the concern is that the roots of the grain will enter the buried branch. This would constitute the broader prohibition of grafting. If that is the case, why then does the *Mishnah* discuss vines? The prohibition applies to all fruit trees! They explain that there is a greater concern for vines since they are softer.

A difficulty with this explanation arises in the next *Mishnah*. *R' Elazar bar Tzadok* teaches that while it is prohibited to plant grain in our case, if one does so, the grain does not become *assur*. The *Rambam* rules that the *halacha* does not follow his opinion. The *Shoshanim Le'David* asks that the *Rambam* seems to imply then that the grain is also *assur*. If the concern involved is grafting then the grain would not be *assur*. The *Chazon Ish* notes that this would seem to suggest that prohibition involved is indeed *kilei ha'kerem*.

The *Chazon Ish* answers that one can understand the position of the *Rambam* even according to those that maintain that the concern is only because of grafting. He explains that even though because the mixture is not visible there is not prohibition of *kilei zerayim*, once the seeds take root in the branch and become one underground, that this is a different story – it becomes *kilei zerayi* and the produce would then become *assur*. This also appears to be the explanation of the *Pnei Moshe* (*Yerushalmi* 7:1): "... therefore we require three *tefachim* above the vine, so that the seeds do not penetrate the vine, and become *kilei ha'kerem*."

*Yisrael Yitzchak Bankier*

<sup>1</sup> The *Rash* argues similarly based on *Mishnah* (1:8).

**Revision Questions**

כלאים ו' ב' – א' ד'

- 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')
- Does that same ruling (as the previous question) apply if the person uses a fruit tree in place of the lattice frame? (ו' ד')
- What is the ruling (with respect to the previous question) if a person used a non-fruit bearing tree in place of the lattice frame? (Explain the debate regarding what is considered an *ilan s' rak* with respect to this law.) (ו' ה')
- How large must a breach be in an *aris* such that grain can be planted in the gap? (ו' ו')
- Explain what is meant by the *mishnah* when it says the following:  
 "עריס שהוא יוצא מן הכותל מתוך הקרוך וכלה"  
 What is the ruling in such as case? (Note different opinions in the *Rishonim*) (ו' ז')
- When is one allowed to plant underneath the reed extending out from an *aris*? (ו' ח')
- The *mishnah* list three forms of extension under which one is not allow to plant other produces – what are they? (ו' ט')
- Explain what is meant by the term *mavrich*? (ו' י')
- How much earth must cover a sunken shoot such that seeds can be planted over it? When is one allowed to plant seeds if less than this amount covers the vine-shoot? (ו' יא')
- If someone is *mavrich* from three vines in a row, when does one regard all six vines as a *kerem*? (ו' יב')
- What is the law regarding planting near a dried-up vine? (ו' יג')
- What are the four cases listed in the *mishnah* where it is forbidden to plant in the area, yet if one does, the grain is not prohibited due to *kil'ei kerem*? (ו' יד')
- Explain the debate regard causing *kil'ei kerem* with one's vine in his friend's field? (ו' טו')
- What was the ruling of *R' Akiva* in the case where someone caused *kil'ei kerem* in their field during the *shmittah* year? (ו' טז')
- What should one do if their property, having been forcefully seized, was returned to them with *kil'ei kerem* during *chol ha' moed*? (ו' טז')

**Local Shiurim**

**Sunday -Thursday**

After *Ma'ariv*  
Mizrachi Shul  
 Melbourne, Australia

**Friday & Shabbat**

10 minutes before *Mincha*  
Beit Ha'Roeh  
 Melbourne, Australia

**ONLINE SHIURIM**

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

*Rav Meir Pogrow*  
[613.org/mishnah.html](http://613.org/mishnah.html)

*Rabbi E. Kornfeld*  
*Rabbi C. Brown*  
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

**SHIUR ON KOL HALOSHON**

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
31 <sup>st</sup> October כ"ג חשוון	1 <sup>st</sup> November כ"ד חשוון	2 <sup>nd</sup> November כ"ה חשוון	3 <sup>rd</sup> November כ"ו חשוון	4 <sup>th</sup> November כ"ז חשוון	5 <sup>th</sup> November כ"ח חשוון	6 <sup>th</sup> November כ"ט חשוון
Kilayim 7:7-8	Kilayim 8:1-2	Kilayim 8:3-4	Kilayim 8:5-6	Kilayim 9:1-2	Kilayim 9:3-4	Kilayim 9:5-6

