

## Mishna - Mas. Kilayim Chapter 1

MISHNAH 1. WHEAT AND DARNEL<sup>1</sup> DO NOT CONSTITUTE KIL'AYIM<sup>2</sup> ONE WITH THE OTHER.<sup>3</sup> [LIKEWISE] BARLEY AND OATS, OR SPELT AND RYE, OR BEANS AND CHICK-PEAS, OR BITTER PEAS<sup>4</sup> AND TOFAH,<sup>5</sup> OR WHITE BEANS AND KIDNEY BEANS, DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.<sup>3</sup>

MISHNAH 2. CUCUMBERS AND CUCUMBER-MELON<sup>6</sup> DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. R. JUDAH SAID THEY DO CONSTITUTE KIL'AYIM. GARDEN-LETTUCE AND WILD<sup>7</sup> LETTUCE, OR ENDIVES AND WILD<sup>8</sup> ENDIVES, OR LEEK AND WILD<sup>8</sup> LEEK, OR CORIANDER AND WILD<sup>8</sup> CORIANDER, OR MUSTARD AND EGYPTIAN MUSTARD, OR THE EGYPTIAN AND THE BITTER-APPLE,<sup>9</sup> OR EGYPTIAN BEANS<sup>10</sup> AND BEANS IN CAROB-SHAPED PODS DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.

MISHNAH 3. TURNIPS AND RADISHES,<sup>11</sup> OR CABBAGE AND CAULIFLOWER, OR BEET AND GARDEN-ORACHE DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. R. AKIBA ADDED: ALSO GARLIC AND SMALL WILD GARLIC, OR ONION AND SMALL WILD ONION, OR LUPINE AND WILD LUPINE DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.

MISHNAH 4. AS FOR TREES, THE PEAR AND THE CRUSTUMENIAN PEAR,<sup>12</sup> OR THE QUINCE AND SORB-APPLE, DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. THE APPLE AND THE CRAB-APPLE, OR THE PEACH AND ALMOND, OR THE JUJUBE<sup>13</sup> AND LOTE, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, YET CONSTITUTE KIL'AYIM<sup>14</sup> ONE WITH THE OTHER.

MISHNAH 5. HORSE-RADISH AND RADISH,<sup>15</sup> OR MUSTARD AND CHARLOCK,<sup>16</sup> OR THE GREEK GOURD WITH THE EGYPTIAN GOURD OR [THE GREEK GOURD] WITH THE BITTER-APPLE, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, ARE NEVERTHELESS,<sup>17</sup> KIL'AYIM ONE WITH THE OTHER.

MISHNAH 6. A WOLF AND A DOG, OR A WILD<sup>18</sup> DOG AND A JACKAL, OR A GOAT AND A DEER, OR A GAZELLE AND A EWE-LAMB, OR A HORSE AND A MULE, OR A MULE AND AN ASS, OR AN ASS AND A WILD-ASS, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, CONSTITUTE NEVERTHELESS, KIL'AYIM<sup>19</sup> ONE WITH THE OTHER.

MISHNAH 7. IT IS NOT PERMITTED TO GRAFT FROM ONE TREE TO ANOTHER,<sup>20</sup> OR FROM ONE HERB TO ANOTHER,<sup>21</sup> OR FROM A TREE TO A HERB, OR FROM A HERB TO A TREE. R. JUDAH PERMITS IT FROM A HERB TO A TREE.<sup>22</sup>

MISHNAH 8. IT IS NOT PERMITTED TO PLANT HERBS IN A TRUNK OF A SYCAMORE. IT IS NOT PERMITTED TO GRAFT RUE ON WHITE CASSIA, SINCE THAT IS [GRAFTING] A HERB ON A TREE. IT IS FORBIDDEN TO PLANT A YOUNG FIG-SHOOT IN A CISTUS SHRUB<sup>23</sup> FOR THE PURPOSE OF PROVIDING SHADE<sup>24</sup> FOR THE LATTER, OR TO INSERT A VINE-SHOOT INTO A MELON IN ORDER THAT THE LATTER MIGHT CONTRIBUTE<sup>25</sup> ITS MOISTURE TO THE FORMER, SINCE THAT IS [GRAFTING] A TREE ON A HERB. IT IS PROHIBITED TO PLACE GOURD SEED INTO THE JUICE OF A MALLOW FOR THE PURPOSE OF PRESERVING THE FORMER,<sup>26</sup> SINCE THAT CONSTITUTES [GRAFTING] A HERB ON A [HETEROGENEOUS] HERB.

MISHNAH 9. ONE WHO BURIES<sup>27</sup> TURNIPS OR HORSERADISH<sup>28</sup> BENEATH A VINE,

WITH SOME OF THEIR LEAVES UNCOVERED,<sup>29</sup> NEED HAVE NO APPREHENSION AS TO TRANSGRESSING THE LAW OF KIL'AYIM,<sup>30</sup> OR THE LAW OF THE SEVENTH YEAR,<sup>31</sup> OR THAT OF TITHES,<sup>32</sup> THEY MAY ALSO BE PULLED UP ON THE SABBATH.<sup>33</sup> IF ONE SOWS A WHEAT-GRAIN AND A BARLEY-GRAIN WITH ONE THROW OF THE HAND IT DOES NOT CONSTITUTE KIL'AYIM.<sup>34</sup> R. JUDAH SAID IT IS NOT KIL'AYIM UNLESS THERE BE TWO WHEAT-GRAINS AND ONE BARLEY-GRAIN, OR ONE WHEAT-GRAIN AND TWO BARLEY-GRAINS, OR A WHEAT-GRAIN, A BARLEY-GRAIN AND A SPELT-GRAIN.<sup>35</sup>

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- (1) This Mishnah deals with grain and pulse which can be ground into flour.
- (2) 'Mingled seeds' within the meaning of the Biblical precept, (Lev. XIX, 19) prohibiting the sowing of such.
- (3) Despite such dissimilarities there is between the two of each pair.
- (4) פרקדן T.J. 27a, גולבינא which according to Jast. quoting Fleischer (in Levy Talm. Dict.) is *Vicia sativa*, *Lathyrus cicerea*.
- (5) Jast. An aquatic plant like the colocasia.
- (6) מלפפון.
- (7) Lit., mound: or 'hill'.
- (8) Lit., 'field'.
- (9) רמוצה (דלעת), a kind of gourd made edible by rolling in hot ashes.
- (10) Colocasia. (Jast.).
- (11) A species having foliage like carrots and taste like radishes.
- (12) *Crusimimum* (*pyrum*).
- (13) *Zizyphus*.
- (14) In respect of grafting only.
- (15) V. supra 3, n. 11.
- (16) A plant resembling the mustard plant.
- (17) On account of dissimilarity of flavour.
- (18) Lit., 'village'.
- (19) In respect of crossbreeding., v. Lev. XIX, 19, Deut. XXII, 10.
- (20) Sc. dissimilar to it in accordance with Mishnah 4. This prohibition applies to grafting as between one fruit tree and another dissimilar to it, between a fruit tree and a non-fruit tree, but not as between one non-fruit tree and another.
- (21) Sc. dissimilar to it in accordance with the classifications already given. 'Herb' (ירק) is the term for vegetables, garden produce planted in rows.
- (22) Or vice-versa, since they never coalesce to form a hybrid species, even though one may draw nourishment from the other. The original Tanna of the Mishnah held that the latter consideration is decisive, and his opinion prevails.
- (23) Used for hedging.
- (24) Or, cooling.
- (25) Lit., 'inject', 'infuse'.
- (26) Until it germinates in the soil (L.).
- (27) For keeping fresh; not 'plants'.
- (28) In bundles, so that it is clear that the purpose is not planting.
- (29) This proviso is immaterial except in respect of their being pulled out on the Sabbath.
- (30) Since only the sowing of 'mixed seeds' in a vineyard is prohibited (Deut. XXII, 9), not the burying.
- (31) Since only sowing (i.e., for purposes of reproduction), not burying (for purposes of keeping fresh) is prohibited in the Sabbatical Year. (Lev. XXV, 4).
- (32) Produce is subject to tithes only as harvested off the tree or ground (v. Lev. XXVII, 30). These vegetables had, it is presumed, been duly tithed already; they do not require tithing again by reason of having been buried underground to be kept fresh.
- (33) The prohibition of 'plucking' (תולש) on the Sabbath applies only to produce attached by roots to the ground; these vegetables had been 'plucked' already. Also the (indirect) 'handling' of the soil involved in the moving of the soil adhering to the vegetables, does not come within the prohibition of 'handling' on the Sabbath (v. Shab. 123a), since it is done for the purpose of what is permissible for use on the Sabbath.

(34) Since the word kil'ayim is a dual, it would follow that the sowing of the minimum of two heterogeneous seeds comes under the prohibition.

(35) Since Scripture says: Thou shalt not sow thy field with two kinds of seed (Lev. XIX, 19) it follows, according to R. Judah, that the sowing of two diverse seeds becomes prohibited only when it is on 'Thy field' i.e., on ground in which at least one other seed has been, or is being sown; the prohibition thus applies only to the sowing of a minimum of three seeds, either all three heterogeneous, or comprising two like seeds and one heterogeneous to them.

## Mishna - Mas. Kilayim Chapter 2

MISHNAH 1. IF A SE'AH<sup>1</sup> CONTAINS A QUARTER [OF A KAB]<sup>2</sup> OF A HETEROGENEOUS SPECIES, ONE SHOULD REDUCE [THE PROPORTION OF THE LATTER]<sup>3</sup> (R. JOSE SAID ONE SHOULD PICK [IT ALL OUT]).<sup>4</sup> WHETHER IT [THE ADMIXTURE] CONSISTS OF ONE SPECIES OR OF TWO<sup>5</sup> SPECIES.<sup>6</sup> R. SIMEON SAID: THEY SAID THIS<sup>7</sup> ONLY IF IT CONSISTS OF ONE SPECIES.<sup>8</sup> THE SAGES SAID: [ONLY] THAT WHICH IS KIL'AYIM VIS-A-VIS THE [MAIN CONTENTS OF THE] SE'AH COUNTS IN MAKING UP THE QUARTER.<sup>9</sup>

MISHNAH 2. IN RESPECT OF WHAT [MIXTURES OF PRODUCE] ARE THE [ABOVE] RULES<sup>10</sup> STATED? IN RESPECT OF [AN ADMIXTURE OF] GRAIN [OCCURRING] IN [HETEROGENEOUS] GRAIN, OF PULSE IN [HETEROGENEOUS] PULSE, OF GRAIN IN PULSE, AND OF PULSE IN GRAIN.

IT IS AN IMMEMORIAL RULE:<sup>11</sup> GARDEN-SEED OF A KIND WHICH IS NOT USED AS FOOD,<sup>12</sup> COUNTS QUANTITATIVELY. [IN THE MATTER OF KIL'AYIM] IF [WITHIN A SE'AH OF PRODUCE] IT FORMS [AS LITTLE AS] ONE TWENTY-FOURTH OF THE QUANTITY [OF SUCH SEED] THAT CAN BE SOWN IN A BETH-SE'AH.<sup>13</sup> R. SIMEON SAID: EVEN AS THEY RULED<sup>14</sup> THUS [IN CIRCUMSTANCES WHEN THE APPLICATION OF THE RULE IS CALCULATED] TO RESULT IN A STRINGENCY,<sup>15</sup> EVEN SO THEY RULED THUS [IN CIRCUMSTANCES WHEN THE APPLICATION OF THE RULE IS CALCULATED] TO RESULT IN A LENIENCY.<sup>16</sup> [ACCORDINGLY,<sup>17</sup> IN THE CASE OF AN ADMIXTURE OF] LIN SEED<sup>18</sup> IN GRAIN THE QUANTITY [OF THE FORMER] COUNTS WHEN IT FORMS [AS MUCH AS] ONE TWENTY-FOURTH OF THE QUANTITY [OF SUCH SEED] THAT CAN BE SOWN IN A BETH-SE'AH.<sup>19</sup>

MISHNAH 3. IF ONE'S FIELD IS SOWN WITH WHEAT AND ON SECOND THOUGHTS HE DECIDES TO SOW IT WITH BARLEY, HE MUST WAIT UNTIL IT [THE WHEAT] ROTTS,<sup>20</sup> THEN HE TURNS [THE SOIL].<sup>21</sup> AND, THEREAFTER, HE MAY SOW [THE BARLEY]. IF IT HAS ALREADY GROWN,<sup>22</sup> HE MUST NOT SAY: 'I SHALL [FIRST] SOW [THE BARLEY] AND, THEREAFTER TURN [THE SOIL]'<sup>23</sup> BUT HE MUST TURN [THE SOIL] [FIRST], AND, THEREAFTER, HE MAY SOW [THE BARLEY]. TO WHAT EXTENT SHOULD ONE [IN THE ABOVE CIRCUMSTANCES] PLOUGH? FURROWS SUCH AS ARE PLOUGHED AFTER<sup>24</sup> THE [FIRST] RAINY SEASON.<sup>25</sup> ABBA SAUL SAID: [ONE SHOULD PLOUGH] SO THAT ONE DOES NOT LEAVE [UNPLOUGHED] AS MUCH [GROUND]<sup>26</sup> AS HOLDS A QUARTER [KAB] TO A BETH-SE'AH.

MISHNAH 4. IF ONE'S FIELD HAS BEEN SOWN [WITH GRAIN, OR PULSE, OR GARDEN-SEED'], AND ON SECOND THOUGHTS HE DECIDED TO PLANT IT [WITH VINES], HE MAY NOT SAY: I SHALL [FIRST] PLANT [THE VINES] AND THEREAFTER TURN [THE SOIL], BUT HE MUST [FIRST] TURN [THE SOIL] AND THEREAFTER HE MAY PLANT [THE VINES].

[IF IT WAS] 'PLANTED' [WITH VINES]<sup>27</sup> AND ON SECOND THOUGHTS HE DECIDED

TO SOW IT [WITH GRAIN ETC.], HE MAY NOT SAY: 'I SHALL SOW [THE GRAIN ETC.] AND AFTERWARDS I SHALL UPROOT [THE VINES],' BUT HE MUST [FIRST] UPROOT [THE VINES] AND THEREAFTER HE MAY SOW [THE GRAIN ETC.]. IF HE DESIRES IT, HE MAY CUT DOWN [THE VINES] TO LESS THAN A HANDBREADTH [ABOVE GROUND], WHEREAFTER HE MAY SOW [THE GRAIN ETC.] AND LATER, UPROOT [THE VINES].

MISHNAH 5. IF ONE'S FIELD IS SOWN WITH COMMON CUMIN<sup>28</sup> OR WITH LOF,<sup>29</sup> HE MUST NOT SOW<sup>30</sup> ON TOP OF THEM, SINCE THEY PRODUCE CROPS ONLY AFTER THREE YEARS.<sup>31</sup> [A FIELD OF] GRAIN AMONG WHICH SPRANG UP SOME AFTERGROWTH OF ISATIS [TINCTORIA].<sup>32</sup> LIKEWISE THE AREA OF A THRESHING-FLOOR IN WHICH MANY SPECIES<sup>33</sup> SPRANG UP, LIKEWISE [A FIELD OF] FENUGREEK AMONG WHICH GREW UP A NUMBER OF SPECIES OF HERBS,<sup>34</sup> HE IS NOT OBLIGED TO WEED THEM OUT.<sup>35</sup> BUT ONCE HE HAS DONE SOME WEEDING OUT OR [EVEN ONLY] CUTTING DOWN,<sup>36</sup> HE IS TOLD: 'UPROOT ALL EXCEPT ONE SPECIES.'<sup>37</sup>

MISHNAH 6. IF ONE WISHES TO LAY OUT HIS FIELD IN LONG BEDS EACH SOWN WITH A DIFFERENT SPECIES, BETH SHAMMAI SAY: [HE SHOULD SEPARATE THEM BY THE WIDTH OF] THREE FURROWS OF NEWLY BROKEN LAND,<sup>38</sup> WHILE BETH HILLEL SAY: BY THE WIDTH OF A SHARON YOKE.<sup>39</sup> THE DICTUM OF THE ONE IS IN EFFECT APPROXIMATE TO THE DICTUM OF THE OTHER.<sup>40</sup>

MISHNAH 7. IF THE POINT OF A TRIANGLE<sup>41</sup> OF [A] WHEAT [FIELD] OVERLAPS INTO<sup>42</sup> [A] BARLEY [FIELD].<sup>43</sup> IT IS PERMITTED SINCE IT IS APPARENT THAT IT IS THE END OF HIS FIELD.<sup>44</sup> IF ONE MAN'S FIELD IS OF WHEAT, AND THAT OF HIS NEIGHBOUR OF ANOTHER SPECIES, THE FORMER IS PERMITTED TO SOW [IN HIS OWN FIELD] CLOSE TO HIS NEIGHBOUR'S FIELD, SOME OF THE SPECIES OF THE LATTER.<sup>45</sup> IF ONE MAN'S FIELD IS OF WHEAT AND THAT OF HIS NEIGHBOUR LIKEWISE OF WHEAT, HE MAY SOW CLOSE THERETO A ROW OF FLAX,<sup>46</sup> BUT NOT A ROW OF ANY OTHER [HETEROGENEOUS] SPECIES.<sup>47</sup> R. SIMEON SAID: IT IS ALL THE SAME WHETHER HE SOWS FLAX OR ANY OTHER SPECIES.<sup>48</sup> R. JOSE SAID: EVEN IN THE MIDDLE OF ONE'S FIELD IT IS PERMITTED TO SOW, FOR EXPERIMENTAL PURPOSES, A ROW OF FLAX.<sup>49</sup>

MISHNAH 8. IT IS FORBIDDEN TO SOW<sup>50</sup> MUSTARD OR SAFFRON CLOSE TO A CORN-FIELD,<sup>51</sup> BUT IT IS PERMITTED TO SOW MUSTARD OR BASTARD SAFFRON CLOSE TO A VEGETABLE FIELD.<sup>52</sup> ONE MAY SOW [HETEROGENEOUS SPECIES] CLOSE TO FALLOW LAND<sup>53</sup> OR TO PLOUGHED<sup>54</sup> LAND,<sup>53</sup> OR TO A LOOSESTONE FENCE, OR TO A PATH, OR TO A FENCE TEN HANDBREADTHS HIGH, OR TO A TRENCH TEN [HANDBREADTHS] DEEP AND FOUR WIDE, OR TO A TREE FORMING A TENT OVER THE GROUND, TO A ROCK TEN [HANDBREADTHS] HIGH AND FOUR WIDE [ON EITHER SIDE OF THE INTERVENING OBJECT OR SPACE].<sup>55</sup>

MISHNAH 9. IF ONE WISHES TO DIVIDE HIS FIELD KARAHATH<sup>56</sup> BY KARAHATH EACH TO BE SOWN WITH A DIFFERENT SPECIES, HE SHOULD DIVIDE IT INTO TWENTY-FOUR KARAHATH, A KARAHATH TO A BETH-ROBA',<sup>57</sup> AND HE MAY THEN SOW IN EACH WHATEVER SPECIES HE DESIRES.<sup>58</sup> IF THERE IS ONE KARAHATH OR TWO,<sup>59</sup> HE MAY SOW THEM WITH MUSTARD, BUT IF THERE ARE THREE<sup>59</sup> HE MAY NOT SOW THEM WITH MUSTARD, SINCE IT WOULD LOOK LIKE A FIELD OF MUSTARD.<sup>60</sup> THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAID:<sup>61</sup> NINE KARAHATH ARE PERMITTED,<sup>62</sup> TEN ARE FORBIDDEN. R. ELLEZER B. JACOB, SAID: EVEN THOUGH THE WHOLE OF ONE'S FIELD IS A BETH-KOR, HE MAY NOT MAKE WITHIN IT BEYOND ONE KARAHATH.<sup>63</sup>

MISHNAH 10. WHATEVER<sup>64</sup> THERE IS WITHIN A BETH-ROBA' [WHICH SEPARATES HETEROGENEOUS SPECIES] IS INCLUDED IN<sup>65</sup> THE AREA OF THE BETH-ROBA'. THE SPACE OCCUPIED BY VINE ROOTS,<sup>66</sup> LIKEWISE A GRAVE,<sup>67</sup> OR A ROCK,<sup>68</sup> IS INCLUDED. [A KARAHATH SOWN WITH] GRAIN WITHIN [A FIELD OF HETEROGENEOUS] GRAIN [MUST BE SEPARATED BY] A BETH-ROBA';<sup>69</sup> [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF HETEROGENEOUS] VEGETABLES [BY] SIX HANDBREADTHS [SQUARE];<sup>70</sup> [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF] GRAIN, OR [A KARAHATH SOWN WITH] GRAIN WITHIN [A FIELD OF] VEGETABLES [BY] A BETH-ROBA'.<sup>71</sup> R. ELIEZER SAID: [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF] GRAIN [NEED BE SEPARATED BY] SIX HANDBREADTHS [SQUARE].<sup>72</sup>

MISHNAH 11. [EARS OF] CORN BENDING OVER ON TO [EARS OF HETEROGENEOUS] CORN,<sup>73</sup> OR VEGETABLE [LEAVES] ON TO [LEAVES OF A HETEROGENEOUS] VEGETABLE,<sup>74</sup> OR [EARS OF] CORN ON TO VEGETABLE [LEAVES],<sup>74</sup> OR VEGETABLE [LEAVES] ON TO [EARS OF] CORN,<sup>74</sup> ALL THIS IS PERMITTED,<sup>75</sup> EXCEPT IN THE CASE OF THE GREEK GOURD.<sup>76</sup> R. MEIR SAID: '[EXCEPT] ALSO IN THE CASE OF THE CUCUMBER OR EGYPTIAN BEANS;<sup>77</sup> BUT I RECOGNIZE THEIR<sup>78</sup> DICTUM AS MORE ACCEPTABLE THAN MINE'.<sup>79</sup>

(1) Of produce about to be sown.

(2) Also known as a log. 4 log == 1 kab; 6 kab == 1 se'ah.

(3) Either by adding to the main species or by taking away from the lesser admixture, so that the latter is less than one twenty-fourth of the bulk.

(4) Once he has to remove the admixture he should remove the whole of it. (T.J.). Otherwise it would appear as if he is positively maintaining, or even, as if he is deliberately bringing about kil'ayim. (T.B., B.B. 94b and Rashi *ibid*).

(5) Or more.

(6) Even if one of them is not kil'ayim vis-a-vis the main species. One must in either case reduce the proportion of the total of the admixture(s) to less than one twenty-fourth of the bulk. R. Jose's view is not accepted.

(7) I.e., the authorities ruled thus.

(8) Sc. but not of two or more species, as long as these do not together amount to the greater part of the bulk; if they do, R. Simeon agrees that the proportion of the combined admixtures must be reduced.

(9) E.g., a se'ah of grain consisting substantially of barley and partially to the amount of the minimum of a quarter kab — of oats and spelt. Now whilst spelt is kil'ayim vis-a-vis the barley, oats are not. In such a case, the Sages said the spelt and oats do not 'combine' to form a quarter kab condemning the whole se'ah as kil'ayim (and there is, therefore, no need to reduce the proportion of the oats-cum-spelt); according to the anonymous original Tanna of the Mishnah they do 'combine' (and one should 'reduce'); according to R. Simeon even if both (or all) of the constituents of the quarter-kab of admixture are kil'ayim towards the main contents of the se'ah, they do not 'combine'.

(10) Lit., 'words'. Sc. regarding the proportion of admixture to bulk, viz., 1 to 24, rendering kil'ayim.

(11) באמת אמרו 'As a matter of (trustworthily tradited and undisputedly accepted) truth they said', a phrase which, according to R. Eleazar in T.J. to this Mishnah, introduces a rule held to have been orally communicated by God to Moses at Sinai. V. Frankel, *Darke* (ed. Warsaw 1923) p. 304, and Bacher, *Tradition*, p. 41.

(12) E.g., turnip-seed or parsley-seed or any seed which, by reason of fineness or any other reason, requires extensive area for sowing.

(13) A standard measure of area — to wit 2,500 square cubits — designed for sowing a se'ah of wheat. In relation to our problem it works out thus: Since 'garden-seed' is so much finer than wheat and its produce takes up more space, only 1 1/2 kab of it can be sown in a beth-se'ah. A twenty-fourth of that quantity viz., one sixteenth, of a kab of 'garden-seed' forming part of a se'ah of wheat, is, accordingly, sufficient to render it kil'ayim.

(14) Viz., that the proportion of produce which renders kil'ayim is one twenty-fourth of the quantity of that same produce which can be sown in a beth-se'ah. According to Maim. this refers to the rule in Mishnah 1 regarding an admixture consisting of one or two species. See latter part of n. 2, p. 93.

- (15) Viz., necessitating the reduction of the proportion of an admixture of fine seed even when there is no more of it than one sixteenth kab within a se'ah of grain or pulse.
- (16) I.e., when the admixture is of a seed coarser, or which is sown more closely, and therefore requires less area than wheat.
- (17) Maim., however, says that what follows is not a continuation of R. Simeon's statement, but a resumption of the words of the anonymous original Tanna of the Mishnah., v. n. 2, p. 93, latter part.
- (18) Which is sown more compactly than wheat, so that three se'ahs of it can be sown in a beth-se'ah.
- (19) One need not reduce the proportion of linseed in wheat unless there is as much as 3/4 kab of the former within a se'ah of the latter. Maim. construes the Mishnah text thus: R. Simeon said: Even as they ruled (that two heterogeneous species do not 'combine') to effect a stringency (as implied in his statement in the preceding Mishnah., v. ibid. n. 8), even so they ruled (that two heterogeneous species do not 'combine') to effect a leniency. An instance of the latter is cited, by way of example in T.J. ad loc: A mixture measuring a se'ah (i.e., twenty-four quarter kabs) consists of twenty-two and a half 'quarters' of wheat, half 'quarter' of barley, and less than one 'quarter' of lentils. Now if 'combining' two or more species were permitted, then one might consider that, since the half 'quarter' of barley is too small a quantity to render the mixture (of twenty-two and a half quarter wheat plus half quarter barley) kil'ayim, the wheat and barley may be taken as forming a combined quantity of twenty-three quarters and since the maximum amount of lentils, viz. .9 'quarter'. is less than one twenty-fourth of 23.9 (the whole of the mixture) the lentils do not render the mixture kil'ayim, and there would consequently be no need to 'reduce' the lentils which, of course, is a 'leniency'; but, says, R. Simeon, 'combining' is not allowed whatever the consequence, be it a stringency or a leniency. The position according to R. Simeon is that .9 'quarters' lentils got mixed with twenty-two and a half 'quarters' wheat, and .9 being more than one twenty-fourth of (22.5 plus .9), the lentils alone are sufficient to render the mixture' kil'ayim, and the proportion of these must be reduced.
- (20) Or, 'until it shoots forth thin worm-like roots in the soil'. In well-watered ground this takes three days; in dry soil it takes longer.
- (21) With a plough; so as to destroy the first-sown crop.
- (22) And the wheat is already visible above ground.
- (23) Thinking to himself: 'I shall be able, after sowing the new grain, to see the sprouting first-sown grain to destroy it'.
- (24) So Rash. and Bert., but Maim. (Yad, Hilch. Kil'ayim II, 13) 'before'.
- (25) I.e., wide furrows, there being no need to plough close furrows.
- (26) Either in one plot, or in an aggregate of more than one lesser patch.
- (27) So the commentators, since with regard to other trees only grafting of a tree with a heterogeneous tree, or of trees with 'herbs', is prohibited.
- (28) Edd. קנבום (= hemp) which is impossible here, but read (with R. Isaac Sipponte) קרבם.
- (29) לוף, a plant of the bulb type.
- (30) Sc. a heterogeneous species.
- (31) These species stay intact in the soil for a long time without rotting. Ploughing up the soil will, therefore, not avail to destroy their productivity, so that even with 'turning the soil' a heterogeneous seed sown on top of these would constitute kil'ayim.
- (32) אטמים. It is injurious to grain.
- (33) Which spoil the threshing-floor.
- (34) Which are noxious to fenugreek when the latter is intended for human consumption.
- (35) Because (a) the strange species have not been deliberately sown there; (b) their presence there is not welcome, and, consequently (c) no person noticing the mixed species will even suspect the owner of intentionally sowing kil'ayim. Weeding out means, of course, pulling out by the roots.
- (36) Either of one or of some of the species springing up from the threshing-floor. This would show, or, at least, suggest, that the intention is not to clear the threshing-floor, but merely to get rid of only some of the growths and to retain the others.
- (37) As otherwise it would appear as if he is purposely maintaining kil'ayim.
- (38) Representing a distance of two cubits.
- (39) A yoke, or team, as used in the plain of the Sharon, was wider than the yoke driven in the hilly districts.
- (40) I.e., The Hillelite standard represents also about (but rather less than) two cubits. According to T.J. it is sufficient as long as at some place between the two long beds there is this distance, even if further on the intervening space narrows

down, since it is already clear that the intention, so far from sowing kil'ayim, was, in fact, to keep the heterogeneous species apart.

(41) ראש תיר . Most commentators take תור as meaning originally, a triangular feminine ornament. (v. S.S. I, 10); Others as 'ox', an 'ox-head' suggesting a triangle.

(42) Or (as seems from the illustration within the text of Maim.'s commentary), abuts on.

(43) The possibilities visualized by commentators are: —

(44) The prohibition, according to Scripture, is only against sowing heterogeneous seeds with one and the same throw of the hand; otherwise the prohibition extends only to circumstances in which it would appear to strangers that kil'ayim had deliberately been sown. In this case it is clear to all that there was no such intention and that it is just a case of: here one field ends, and the other begins.

(45) So the majority of commentators. Rash attempts an alternative rendering. The reason for permissibility here is that (a) in strict law it is permitted, and (b) there is not even a likelihood of suspicion on the part of a stranger, since anyone not acquainted with the actual facts would assume that the heterogeneous crop belonged to the other man's field, where its presence is perfectly proper.

(46) No one will think that he sowed the one row of flax for its actual yield, but will assume that he did it as an experiment to test the suitability of the soil for flax.

(47) Since, even if his intention is experimentation, a stranger seeing it would not, as a matter of course, assume it.

(48) Either is prohibited; so Maim. and Rash. But according to T.J. ad lec. R. Simeon held that either is permitted., v. L. to our Mishnah.

(49) Because its legitimate purpose cannot be mistaken.

(50) Where A's field adjoins B's.

(51) This is forbidden, because a stranger will assume, correctly, that mustard etc. being harmful as a neighbour to corn, A would have objected to B sowing the former, and therefore, that A must have sown it himself, and, incorrectly, that it had been done with 'one and the same handthrow'.

(52) Which is not harmed by the proximity of mustard etc.

(53) Being in area at least a beth-roba' i.e. , capable of being sown with a roba' (quarter kab) of wheat, viz., 104.15 square cubits; as long as there is this space somewhere between the two species, it does not matter if elsewhere the latter converge to within a narrower distance between them.

(54) But unsown.

(55) If the branches hang over until they reach to within three handbreadths from the ground, they are considered in law, as forming an effective partition.

(56) Lit., 'a bald or bare patch'. A term for a piece of ground as yet unsown, forming a part of a field, and quadrilateral, approximately square in shape, and, therefore, substantial enough to sight to be readily distinguishable in its surroundings.

(57) Since a beth-se'ah == 2,500 square cubits, a beth-roba' (one twenty-fourth of a beth-se'ah == 104.15 square cubits), i.e., an area of 10.205 cubits square.

(58) Since the various species each occupy an easily distinguishable plot, nobody will mistakenly think that heterogeneous species have been sown 'with one handthrow'; there is therefore no need for any object or space to separate one species from another.

(59) Sc. together.

(60) Considering that it is not usual to sow large areas of mustard, three beth-roba' thereof constitute a field, and a field within a field of heterogeneous species is prohibited.

(61) With regard to the subject of the first part of R. Meir's statement.

(62) The idea is that there must be a beth-roba' separating heterogeneous species. A field of a beth-se'ah should, thus, be divided into twenty-five squares. Since between each karahath to be sown there must be a beth-roba', i.e., a square approximately 10.205 X 10.205 cubits, the former will measure 9.86 X 9.86 cubits (approx), (After Maim.), thus. V. Diag. (a). Rash. visualized it similarly, except that he seems content to divide the beth-se'ah into 25 equal squares, and to accept an intervening unsown space of 10 X 10 cubits, instead of the strict beth-roba' which is 10.205 X 10.205 cubits. According to T.J., however, the scheme should be either of the following. V. Diag. (b). The objection to (b) would be that the centre square though not adjoined by another sown patch is, nevertheless, 'bound' at its four corners. It is true that this junction at corners is not forbidden as it comes under the rule at the beginning of Mishnah 7, but it might be thought that it is too much to extend such permissibility to a case where a sown patch is 'tied', at all of its four corners to

heterogeneous species. Diagram (c) whilst fulfilling the conditions of T.J. (viz., that three patches be sown in the first line, two in the second, one in the third, two in the fourth, and one in the fifth) avoids even that possible objection.

(63) What R. Eliezer b. Jacob meant was, apparently, that however large the field (one kor == thirty se'ah), it is permissible to have with it only one karahath sown with a heterogeneous species.

(64) Even if the space occupied thereby be unfit for sowing, e.g., a ditch or gutter filled with water.

(65) I.e., the space occupied thereby is not deducted.

(66) Calculated to be six handbreadths from the vine in all directions, within which space it is forbidden to sow anything else.

(67) Which is forbidden for other use, including sowing.

(68) On which it is impossible to sow. In view of the rule at the end of Mishnah 8, the reference here must be to a rock less than ten handbreadths in height and four in width.

(69) Which is the minimum for a grain plantation to be termed a grain field.

(70) The minimum for a vegetable plantation to be termed a vegetable field.

(71) I.e., when both are 'fields'; but when there is only one row of vegetables adjoining a grain field, an intervening space of six by six handbreadths is sufficient.

(72) In his opinion we should not, in a case of a karahath and a field, be more stringent than in a case of a row and a field.

(73) Sc. although originally sown at the required distance from one another, and/or because, though separated by the required space at one place, the furrows or beds converge further on (cf. supra 8, n. 4).

(74) V. p. 99, n. 10.

(75) Since the heterogeneous species touch, one might have thought that on account of the appearance of kil'ayim, this is prohibited. The Mishnah therefore makes it clear that it is permitted.

(76) Whose leaves are particularly long and liable to entangle themselves with others, and thus create a very strong suggestion of kil'ayim.

(77) Their leaves and stalks are long enough and sufficiently liable to entangling to class them for the present purpose with the Greek gourd.

(78) I.e., the majority Rabbis'.

(79) R. Meir felt it his duty to record the view which had been tradited to him by his teachers, but also to acknowledge that there was more justification for the view put forward by his colleagues, and which he accepted as binding.

### **Mishna - Mas. Kilayim Chapter 3**

MISHNAH 1. IN A VEGETABLE-BED MEASURING SIX HANDBREADTHS BY SIX HANDBREADTHS<sup>1</sup> IT IS PERMITTED TO SOW FIVE [HETEROGENEOUS] VEGETABLE-SEEDS,<sup>2</sup> VIZ., FOUR [SPECIES]. [ONE] ON [EACH OF] THE FOUR SIDES OF THE BED, AND ONE<sup>3</sup> IN THE MIDDLE.<sup>4</sup> IF A VEGETABLE-BED HAS A BORDER ONE HANDBREADTH HIGH,<sup>5</sup> ONE MAY SOW THEREIN THIRTEEN [HETEROGENEOUS SPECIES]. VIZ., THREE ON EVERY BORDER, AND ONE IN THE MIDDLE. IT IS PROHIBITED TO PLANT A TURNIP-HEAD IN THE BORDER SINCE THAT WOULD FILL IT [COMPLETELY].<sup>6</sup>

R. JUDAH SAID: [IT IS PERMITTED TO SOW] SIX [SPECIES] IN THE MIDDLE.<sup>7</sup>

MISHNAH 2. IT IS FORBIDDEN TO SOW HETEROGENEOUS SPECIES OF SEEDS<sup>8</sup> IN ONE BED; IT IS PERMITTED TO SOW HETEROGENEOUS SPECIES OF VEGETABLE [SEEDS]<sup>9</sup> IN ONE BED.<sup>10</sup> MUSTARD AND SMALL POLISHED PEAS ARE A SPECIES OF SEED;<sup>11</sup> LARGE PEAS ARE A VEGETABLE SPECIES. IF A BORDER ORIGINALLY A HANDBREADTH HIGH<sup>12</sup> FELL IN HEIGHT, IT REMAINS VALID,<sup>13</sup> SINCE IT WAS VALID AT THE BEGINNING.<sup>14</sup>

IN A FURROW OR WATER-COURSE<sup>15</sup> A HANDBREADTH DEEP,<sup>16</sup> IT IS PERMITTED TO SOW THREE HETEROGENEOUS SPECIES OF VEGETABLE [SEEDS]. ONE ON ONE SIDE,



ONE ON THE OTHER SIDE, AND ONE IN THE MIDDLE.<sup>17</sup>

MISHNAH 3. THE HEAD OF A TRIANGLE<sup>18</sup> OF A VEGETABLE-FIELD OVERLAPPING INTO<sup>18</sup> A FIELD OF ANOTHER VEGETABLE, IS PERMITTED, SINCE IT IS APPARENT THAT IT IS THE END OF THE FORMER FIELD! IF ONE'S FIELD IS SOWN WITH A CERTAIN VEGETABLE AND HE WISHES TO PLANT THEREIN A ROW OF ANOTHER VEGETABLE,<sup>19</sup> R. ISHMAEL SAID: [HE MAY DO SO] AS LONG AS THE FURROW<sup>20</sup> RUNS RIGHT THROUGH FROM ONE END OF THE FIELD TO THE OTHER; R. AKIBA SAID: [AS LONG AS] THE LENGTH [THEREOF] IS SIX HANDBREADTHS AND THE WIDTH [THEREOF] ITS FULL ONE;<sup>21</sup> R. JUDAH SAID: [AS LONG AS] THE WIDTH [THEREOF] IS THE FULL WIDTH OF A FOOTSTEP.<sup>22</sup>

MISHNAH 4. PLANTING TWO ROWS<sup>23</sup> OF CUCUMBERS, TWO ROWS OF GOURDS, AND TWO ROWS OF EGYPTIAN BEANS IS PERMITTED,<sup>24</sup> [BUT PLANTING] ONE ROW OF CUCUMBERS, ONE ROW OF GOURDS AND ONE ROW OF EGYPTIAN BEANS IS PROHIBITED.<sup>25</sup> [AS FOR PLANTING] ONE ROW OF CUCUMBERS, ONE ROW OF GOURDS, ONE ROW OF EGYPTIAN BEANS AND [AGAIN] ONE ROW OF CUCUMBERS, R. ELIEZER PERMITS,<sup>26</sup> BUT THE SAGES FORBID.<sup>27</sup>

MISHNAH 5. ONE MAY PLANT A CUCUMBER AND A GOURD<sup>28</sup> IN ONE DECLIVITY<sup>29</sup> PROVIDED ONLY THAT ONE [SPECIES] INCLINE IN ONE DIRECTION, AND THE OTHER IN THE OPPOSITE DIRECTION,<sup>30</sup> OR THAT THE TIPS OF THE LEAVES OF ONE [SPECIES] INCLINE ONE WAY, AND THE OTHER THE OPPOSITE WAY,<sup>30</sup> SINCE ALL THE SAGES' PROHIBITIONS [IN THE MATTER OF KIL'AYIM] WERE DECREED BY THEM ON ACCOUNT OF APPEARANCES.<sup>31</sup>

MISHNAH 6. IF ONE'S FIELD IS SOWN WITH ONIONS,<sup>32</sup> AND HE WISHES TO PLANT THEREIN ROWS OF GOURDS, R. ISHMAEL SAID: HE MUST PULL UP TWO ROWS<sup>33</sup> [OF ONIONS]. AND PLANT [IN THE CLEARED SPACE] ONE ROW [OF GOURDS].<sup>34</sup> LEAVE THE ONION CROP OVER A SPACE OF TWO ROWS, PULL UP TWO ROWS [OF ONIONS] AND PLANT [IN THE CLEARED SPACE] ONE ROW [OF GOURDS; AND SO ON].<sup>35</sup> R. AKIBA SAID: HE MUST PULL UP TWO ROWS [OF ONIONS], PLANT [IN THE CLEARED SPACE] TWO ROWS [OF GOURDS].<sup>36</sup> LEAVE THE ONION CROP OVER A SPACE OF TWO ROWS, PULL UP TWO ROWS [OF ONIONS], AND PLANT TWO ROWS [OF GOURDS; AND SO ON].<sup>37</sup> THE SAGES SAID: IF BETWEEN ONE ROW [OF GOURDS] AND THE NEXT THERE ARE NOT TWELVE CUBITS, ONE MAY NOT ALLOW THAT WHICH IS SOWN IN THE INTERVENING SPACE TO REMAIN.<sup>38</sup>

MISHNAH 7. A GOURD<sup>39</sup> AMONG A [HETEROGENEOUS] VEGETABLE [IS TO BE SEPARATED FROM THE LATTER BY AS MUCH] AS ANY OTHER [HETEROGENEOUS] VEGETABLE.<sup>40</sup> [A GOURD] AMONG CORN IS TO BE GIVEN [A SEPARATING SPACE OF] A BETH-ROBA'.<sup>41</sup> IF ONE'S FIELD IS SOWN WITH CORN, AND HE WISHES TO PLANT WITHIN IT A ROW OF GOURDS, THE LATTER IS TO BE PROVIDED WITH A SERVICE-BORDER<sup>42</sup> OF SIX HANDBREADTHS,<sup>43</sup> AND IF IT OVERGROWS [INTO THE BORDER] HE MUST PULL UP THAT WHICH IS WITHIN IT.<sup>44</sup> R. JOSE SAID: IT IS TO BE PROVIDED WITH A SERVICE-BORDER OF FOUR CUBITS. SAID THEY TO HIM: DO YOU RULE MORE STRINGENTLY WITH REGARD TO THIS THAN WITH REGARD TO A VINE'?<sup>45</sup> — SAID HE TO THEM: 'INDEED WE FIND THAT THIS IS TREATED MORE STRINGENTLY THAN A VINE, INASMUCH AS FOR A SINGLE VINE A SERVICE-BORDER IS PRESCRIBED OF SIX HANDBREADTHS,<sup>46</sup> BUT FOR A SINGLE GOURD ONE OF A BETH-ROBA'.<sup>47</sup> R. MEIR SAID IN THE NAME OF R. ISHMAEL: IF THERE ARE AS MANY AS THREE GOURDS IN A BETH-SE'AH, ONE MAY NOT BRING [HETEROGENEOUS] SEED

INTO THE BETH-SE'AH.<sup>48</sup> R. JOSE B. HA-HOTEF THE EPHRATHITE<sup>49</sup> SAID IN THE NAME OF R. ISHMAEL: IF THERE ARE AS MANY AS THREE GOURDS IN A BETH-KOR, ONE MAY NOT BRING [HETEROGENEOUS] SEED INTO THE BETH-KOR.<sup>50</sup>

- (1) I.e., a square cubit, the smallest area for such a bed.
- (2) It is possible to effect this by sowing five heterogeneous seeds set as specified infra.
- (3) Sc. single seed (Bert.).
- (4) For diagrams v. Shab. Sonc. ed. p. 403. The shaded part is shown. (For another possible arrangement v. printed edition of the separate Mishnayoth). The main underlying principle is that there must be a distance of at least three handbreadths between seed and seed, allowing for each species a space of one and a half handbreadths for drawing sustenance without coming into contact with any of the roots of another species. The contact of the diverse seeds at the corners does not matter, as the very position shows that they belong to different beds, v. Shab, Sonc. ed., p. 403. n. 5. and Feldman W.M., Rabbinical Mathematics pp. 45ff.
- (5) And of the same width, designed for a person attending to the patch to stand on, a human foot being a 'handbreadth' in width. The whole of the area of the patch is now 8 X 8 handbreadths.
- (6) And to appearances all the species would be mixed up.
- (7) Sc. of the last bed (8 X 8 handbreadths) mentioned, (v. diagram in printed editions of the separate Mishnayoth). It is equally clear that in the first mentioned bed (6 x 6 handbreadths) also, R. Judah permitted the sowing of six species. According to Maim. R. Judah actually contested the anonymous Tanna's planning of the five species, presumably on the ground that the species on the large centre patch would predominate to such an extent as to make the whole bed look as if intended to be solely of that species and the heterogeneous species on the borders would make it appear like kil'ayim.
- (8) Such as grain and others which are usually sown in large quantities in fields.
- (9) Such as are themselves not used for human consumption, and are as a rule sown in smaller quantities in beds.
- (10) In the manner prescribed in the preceding Mishnah.
- (11) And, though used for human consumption, are not considered 'vegetable-seed', and are, consequently, not to be sown with heterogeneous varieties in the same bed.
- (12) The reference is to the case mentioned in the preceding Mishnah.
- (13) There is no need to pull up the vegetables sown on the border.
- (14) But before the next sowing it must be raised to the proper level.
- (15) When dry and fit for sowing.
- (16) And six handbreadths (= a cubit) wide.
- (17) So that there are three handbreadths between any two heterogeneous species. Rashi, followed by Bert., requires three handbreadths as the minimum in such circumstances, whereas Maim., also Rash., 'require only one and a half handbreadths, the radius of ground from which such a plant 'sucks'. In accordance with this it should be permitted to sow five heterogeneous vegetable seeds across a furrow etc., six handbreadths wide.
- (18) V. II, 7, notes.
- (19) According to Maim. it must be assumed that the new row is being kept at the requisite distance from the main field.
- (20) Either: (i) in which the new row is planted (Maim., Bert.) or (ii) which separates the new row from the crop already there (Rash.).
- (21) I.e., the width of a normal furrow, viz., six handbreadths. In accordance with Rash's interpretation of 'furrow' (supra note 1) this means that at some place between the row and the rest of the field there must be an intervening space of 6 x 6 handbreadths. Maim., however, understands the words **מלוואו רוחב** as 'the width as its full depth' i.e., whatever the depth of the furrow (in which he plants the new row) its width must be the same. On the matter of width R. Ishmael agreed with R. Akiba, but as to length the latter held that the row itself (Maim.) or the intervening space (Rash.) need be only six handbreadths.
- (22) I.e., a handbreadth (v. supra Mishnah 1, n. 5). According to R. Judah the new row (Maim.) needs only. or the space separating the new row from the rest (Rash.) should at least, measure 6 X 1 handbreadths.
- (23) A normal 'row' is four cubits wide, v. infra 6.
- (24) Since two rows of each of these species present the appearance of a whole field, and as long as between the several sets of two rows there is the requisite intervening space, there is no objection to their being alongside.
- (25) Even if they are separated, the leaves of these species are long and intertwine one with another, and thus, present an appearance of having been sown indiscriminately with one 'handthrow'.

(26) On the ground that two rows of cucumbers, though not next to one another, are yet sufficient to constitute the plot into a cucumber field, within which it is permitted, in accordance with the preceding Mishnah, to plant a row of heterogeneous vegetables. Sipponte gives as R. Eliezer's reason that these four rows are to be regarded as two separate sets of two species each, one of a row each of cucumbers and Egyptian beans and the other one of a row each of cucumbers and gourds, which, in accordance with the next Mishnah, may be planted. In T.J., R. Jannai holds that R. Eliezer's permission refers also to the case, immediately preceding, of the three rows (one of cucumbers, one of gourds, and one of Egyptian beans) in pursuance of his principle that two species combine so as to effect a permission or a leniency. According to this, in the case of the three rows, the cucumbers and gourds are (under conditions stipulated in Mishnah 5) permitted, and these two 'combine' to make the three rows together permitted; likewise in the case of the four rows.

(27) Because the two rows of cucumbers, not being close to one another, do not give the appearance of a cucumber field, and the whole of the four rows look as if haphazardly sown. According to Sipponte, the Sages' prohibition is in keeping with their principle that though two species combine to effect a prohibition, they do not combine to effect a permission.

(28) I.e., even cucumbers and gourds, although their leaves are long and liable to intertwine.

(29) Without an intervening space between the two species.

(30) This makes it abundantly clear that they were certainly not planted with 'one handthrow' (which is all that the Torah prohibits).

(31) I.e., so as to obviate all reasonable possibility of strangers getting the impression that the Biblical prohibition had been transgressed

(32) Onions are instanced merely as an example. presumably because the procedure described in this Mishnah was a common practice in onion fields (Maim.).

(33) I.e., over a space of eight cubits.

(34) I.e., in the middle of the cleared space of eight cubits, thus leaving two cubits unsown on either side.

(35) Each row of gourds would thus be separated two cubits from the adjoining onions, and twelve cubits from the nearest row of gourds.

(36) One species being, of course, separated from the other by a furrow.

(37) One plot of gourds being eight cubits from the next, thus:

(38) The Sages agree with R. Ishmael except in so far as he requires unsown spaces of two cubits each separating gourds from onions, whilst they do not, but permit onions to remain over all the space of twelve cubits (provided of course that a furrow's width separates species from species).

(39) It should be noted that wherever the gourd has been instanced it was, and is here, in consequence of its long leaves which become tangled with nearby vegetation; hence the Greek gourd is meant and no other variety.

(40) Six handbreadths, v. supra II, 10.

(41) V. *ibid.*

(42) עבודה, 'service', used here as an agricultural technical term for a border along which one has access to a plantation for watering and other purposes.

(43) A single gourd requires a large separating space. viz., a beth-roba' (approx. 10.15 cubits square), because the single gourd in the midst of a heterogeneous species would otherwise look as if haphazardly sown and constituting kil'ayim; a whole row of gourds, however, needs a separating space only like that for any other heterogeneous vegetable viz., of six handbreadths (one cubit) square, since the row by itself already presents something distinctive, and makes it clear to all and sundry that it was sown separately.

(44) If the gourd leaves have spread into the service-border separating the gourds from the corn, these leaves must be pulled up and the border kept clear.

(45) The prohibition of kil'ayim in connection with vines, extending as it does to consumption and other uses, is stricter than kil'ayim of corn, pulse, and vegetables, applying as it does only to sowing and to deliberately suffering them to remain in one's field; here R. Jose reverses the order of stringency.

(46) Cf. *infra* IV, 5.

(47) As *supra* in this Mishnah.

(48) I.e., heterogeneous species are not allowed within a third of a beth-se'ah of a gourd. So Maim. and Bert., but v. L. for another interpretation.

(49) Mentioned here only. V. Bacher, *Tradition*, p. 91.

(50) I.e., heterogeneous species are not allowed within a third of a beth-kor of a gourd., v. note I.

## Mishna - Mas. Kilayim Chapter 4

MISHNAH 1. A KARAHATH<sup>1</sup> [I.E.. A BARE PATCH] WITHIN A VINEYARD. SHOULD MEASURE, BETH SHAMMAI SAY, TWENTY-FOUR CUBITS;<sup>2</sup> BUT BETH HILLEL SAY, SIXTEEN CUBITS.<sup>3</sup> A MEHOL [I.E.. AN UNSOWN BELT OF GROUND ROUND THE OUTER EDGES] OF A VINEYARD BETH SHAMMAI SAY, SHOULD MEASURE SIXTEEN CUBITS, BUT BETH HILLEL SAY, TWELVE CUBITS. NOW WHAT CONSTITUTES A KARAHATH OF A VINEYARD? A PLOT WITHIN A VINEYARD WHICH HAS BEEN DENUDED<sup>4</sup> [OF VINES]. IF IT IS LESS THAN SIXTEEN CUBITS, THEN<sup>5</sup> ONE MUST NOT INTRODUCE SEED INTO IT;<sup>6</sup> IF IT IS SIXTEEN CUBITS. IT<sup>7</sup> IS GIVEN ITS SERVICE-BORDER, AND ONE MAY SOW THE REST.

MISHNAH 2. WHAT IS A MEHOL OF A VINEYARD? [THE SPACE] BETWEEN VINEYARD [PRO PER] AND FENCE. IF IT DOES NOT MEASURE TWELVE CUBITS,<sup>8</sup> IT IS FORBIDDEN TO INTRODUCE SEED INTO IT;<sup>9</sup> IF IT DOES MEASURE TWELVE CUBITS, IT<sup>10</sup> IS GIVEN ITS SERVICE-BORDER, AND ONE MAY SOW THE REST.

MISHNAH 3. R. JUDAH SAID: THE ABOVE IS BUT A VINEYARD FENCE [GADER].<sup>11</sup> WHAT THEN IS A MEHOL OF A VINEYARD? [AN INTERVENING SPACE] BETWEEN TWO VINEYARDS.<sup>12</sup> WHAT NOW IS A [STATUTORY] VINEYARD FENCE? — ONE TEN HANDBREADTHS HIGH.<sup>13</sup> AND [WHAT IS] A [STATUTORY] TRENCH? — ONE TEN HANDBREADTHS DEEP AND FOUR WIDE.<sup>13</sup>

MISHNAH 4. [IF A VINEYARD HAS] A PARTITION OF REEDS, THEN IF BETWEEN ONE REED AND ANOTHER THERE BE LESS THAN THREE HANDBREADTHS, [THE SPACE] THROUGH WHICH A KID CAN ENTER, IT COUNTS AS A [LEGALLY EFFECTIVE] PARTITION.<sup>14</sup> IF A [STONE] FENCE HAS BEEN BROKEN THROUGH UP TO [THE LENGTH OF] TEN CUBITS, IT [THE BREACH] IS [REGARDED] AS A DOORWAY;<sup>15</sup> [IF THE BREACH IS] MORE THAN THAT, [SOWING CLOSE TO THE LINE OF THE FENCE] IMMEDIATELY OPPOSITE THE BREACH IS PROHIBITED. IN THE EVENT OF MANY BREACHES HAVING BEEN MADE THEREIN, THEN IF THAT WHICH REMAINS STANDING<sup>16</sup> EXCEEDS THAT WHICH IS BROKEN THROUGH,<sup>16</sup> IT IS PERMITTED [TO SOW CLOSE TO THE LINE OF THE FENCE OPPOSITE THE BREACHES]; BUT IF THAT WHICH IS BROKEN THROUGH EXCEEDS THAT WHICH REMAINS STANDING, IT IS FORBIDDEN [TO SOW CLOSE TO THE LINE OF THE FENCE] OPPOSITE THE BREACH [OR BREACHES].<sup>17</sup>

MISHNAH 5. WHEN A MAN HAS SOWN A LINE OF [AT LEAST] FIVE VINES, BETH SHAMMAI SAID: THESE CONSTITUTE A VINEYARD;<sup>18</sup> BUT BETH HILLEL SAID: THEY [VINES]<sup>19</sup> DO NOT CONSTITUTE A VINEYARD<sup>20</sup> UNLESS THEY BE IN TWO ROWS.<sup>21</sup> CONSEQUENTLY, IF ONE HAS SOWN IN THE FOUR CUBITS [OF THE SERVICE-PATH] WITHIN THE VINEYARD, BETH SHAMMAI SAID: HE HAS [THEREBY] CAUSED THE PROHIBITION [AS KIL'AYIM]<sup>22</sup> OF ONE ROW,<sup>23</sup> WHEREAS BETH HILLEL SAID: HE HAS CAUSED THE PROHIBITION OF TWO ROWS.<sup>24</sup>

MISHNAH 6. IF ONE HAS PLANTED TWO [VINES] OPPOSITE TWO, AND ONE [OTHER VINE] FORMING A 'TAIL',<sup>25</sup> THIS CONSTITUTES A VINEYARD. IF ONE HAS PLANTED TWO [VINES] OPPOSITE TWO, AND ONE [OTHER VINE] IN BETWEEN,<sup>26</sup> OR TWO OPPOSITE TWO, AND ONE IN THE MIDDLE,<sup>17</sup> , NEITHER OF THESE [COLLECTIONS OF VINES] CONSTITUTE A VINEYARD UNLESS THERE BE TWO OPPOSITE TWO WITH ONE [OTHER] PROJECTING LIKE A TAIL.<sup>27</sup>

MISHNAH 7. IF ONE HAS PLANTED ONE ROW<sup>28</sup> [OF VINES] ON HIS OWN [LAND] AND ANOTHER ROW<sup>28</sup> ON HIS NEIGHBOUR'S [LAND], THEN EVEN THOUGH THERE BE IN THE MIDDLE A PRIVATE ROAD,<sup>29</sup> OR A PUBLIC ROAD,<sup>30</sup> OR A FENCE LOWER THAN TEN HANDBREADTHS, THESE [TWO ROWS] COMBINE.<sup>31</sup> IF THERE BE A FENCE HIGHER THAN TEN HANDBREADTHS<sup>32</sup> THEY DO NOT COMBINE. R. JUDAH SAID: IF HE INTERTWINES THEM [THE ROWS OF VINES] ABOVE [THE FENCE, THOUGH IT BE HIGHER THAN TEN HANDBREADTHS] THEY DO COMBINE.

MISHNAH 8. IF ONE HAS PLANTED TWO ROWS [OF VINES]<sup>33</sup> AND THERE ARE NOT EIGHT CUBITS BETWEEN THEM, HE MAY NOT INTRODUCE SEED THERE [I.E., IN THE SPACE INTERVENING BETWEEN THE TWO ROWS].<sup>34</sup> IF THERE BE THREE [ROWS].<sup>35</sup> THEN IF BETWEEN ONE ROW AND ITS COMPANION [ROW]<sup>36</sup> THERE ARE NOT SIXTEEN CUBITS,<sup>37</sup> HE MAY NOT INTRODUCE SEED THERE. R. ELIEZER B. JACOB SAID IN THE NAME OF HANINA B. HAKINAI: IF EVEN THE MIDDLE ROW WAS LAID WASTE AND BETWEEN ONE ROW AND ITS COMPANION [ROW] THERE ARE NOT SIXTEEN CUBITS,<sup>38</sup> HE MAY NOT INTRODUCE SEED THERE;<sup>39</sup> ALTHOUGH, HAD HE AB INITIO PLANTED THESE [TWO ROWS], IT WOULD HAVE BEEN PERMITTED [TO SOW BETWEEN THEM] IF THEY WERE EIGHT CUBITS [APART].<sup>40</sup>

MISHNAH 9. IF ONE HAS PLANTED HIS VINEYARD ON [A PLAN OF] SIXTEEN CUBITS FOR EVERY INTER-SPACE,<sup>41</sup> IT IS PERMITTED TO INTRODUCE SEED THERE.<sup>42</sup> R. JUDAH SAID: IT HAPPENED AT ZALMON<sup>43</sup> THAT A MAN PLANTED HIS VINEYARD ON [A PLAN OF] SIXTEEN CUBITS TO EVERY INTER-SPACE; [ONE YEAR] HE TURNED THE TIPS OF THE VINE BRANCHES OF TWO [ADJACENT ROWS] TOWARDS ONE PLACE,<sup>44</sup> AND SOWED<sup>45</sup> THE PLOUGHED LAND, AND THE FOLLOWING YEAR HE TURNED THE TIPS OF THE VINE BRANCHES IN THE OPPOSITE DIRECTION, AND SOWED THE LAND WHICH HAD BEEN LEFT UNTILLED [THE PRECEDING YEAR]. THE MATTER CAME BEFORE THE SAGES, AND THEY DECLARED IT PERMITTED. R. MEIR AND R. SIMEON SAID: EVEN IF ONE HAS PLANTED ONE'S VINEYARD ON [A PLAN OF] EIGHT CUBITS [BETWEEN EVERY TWO ROWS], THIS IS PERMITTED.<sup>46</sup>

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(1) Cf. supra II, 9.

(2) Allowing for vineyard service-borders of four cubits each (v. infra VI, 1) on either side, and sixteen cubits in the middle for sowing. It should be borne in mind that Beth Shammai hold that 8 X 8 cubits is the smallest area that can be regarded as a 'field'. If therefore in our case, less than eight cubits remain, that ground is reckoned as forming a part of the vineyard, and it is forbidden to plant seeds there. As our karahath is flanked by vines on (at least) two sides there must be the minimum of eight cubits towards either side of the vineyard, i.e., a block of at least sixteen cubits in all, before it can be sown.

(3) Allowing for service-borders as above, and four cubits, the minimum 'field' after Beth Hillel, towards either side, i.e., altogether eight cubits, for sowing.

(4) \*\*. lit., 'laid waste'.

(5) Sc. in accordance with the Hillelite ruling.

(6) Even its very centre may not be sown.

(7) The vineyard.

(8) The Hillelite minimum; i.e., after allowing for four cubits of service-border and after deducting the four cubits close to the fence which are not sown, there are left less than four cubits.

(9) Since not being large enough to constitute a 'field' on its own, it is regarded as part of the vineyard.

(10) V. supra I, n. 7.

(11) I.e., the technical term for the space 'between vineyard and fence', is not mehal ha-kerem, as stated by the original anonymous Tanna, but geder ha-kerem ('the vineyard fence'), and it is to this geder ha-kerem (as long as it measures not less than six (Maim. four and a half) cubits) that the rule 'it is given its service-border, and one may sow the rest' applies.

- (12) And this must measure at least twelve cubits if it is in part to be sown.
- (13) Cf. supra II, 8. These are effective partitions and one may sow vines hard upon one side and seeds hard upon the other side of such partitions.
- (14) That a gap of less than three handbreadths does not impair the character of a partition where the law depends on the presence or absence of a partition is a law (orally imparted) to Moses at Sinai', (v. 'Er. 15a).
- (15) Which is regarded de jure as wall or fence, and it is therefore permitted to sow immediately in front of it a vine on the side of the boundary. and seed on the other just as if the fence were actually standing between them.
- (16) In the aggregate.
- (17) But it is permitted to do so where the fence still stands; if, however, the standing part is less than four handbreadths and more than three (and the broken part exceeds it) it is forbidden to sow vines on one side, and seed on the other even where the fence still stands.
- (18) And sowing of seed within four cubits thereof is prohibited.
- (19) Any number of them.
- (20) And one may sow seed at a distance of six handbreadths.
- (21) Either of three vines each, vine opposite vine (v. T.J.) or of five vines altogether set out as described infra 6.
- (22) \*\*, as used in Deut. XXII, 9.
- (23) Since, according to them this constitutes a vineyard.
- (24) Which according to them form the vineyard which according to Scripture (Deut. ibid.) becomes prohibited as a result of too close a proximity of other seed. How many and which of the vines are thus affected is discussed in detail in T.J. Our Mishnah is an instance of the rare occasions on which Beth Shammai took the more lenient, and Beth Hillel the more stringent rule. Cf. 'Ed. V, 2. (Sonc. ed.) p. 31f.
- (25) Thus: Rash and Bert.: Maim.:
- (26) Maim. and Rash: 'between either pair', thus: Bert.: in the continuation of the space between the pairs, thus: (11) Rash. and Bert.: Maim., Sipponte:
- (27) I.e., if in addition to either of the arrangements just described there is another vine 'projecting like a tail', they constitute a vineyard.
- (28) One row of two vines and one row of three vines (v. preceding Mishnah).
- (29) Four cubits wide.
- (30) The standard 'public road', דרך הרבים (referred to in Pe'ah II, 1) is sixteen cubits wide; this is taken by Maim. as meant here. Others, however, say that here a path less than eight cubits wide is to be understood, rather the kind designated in Pe'ah ibid., as שביל הרבים, 'a public path' (passable in the rainy as well as in the dry season).
- (31) Sc. to constitute a vineyard so as to forbid sowing seed either between the two rows or within four cubits from either of them. Even though according to R. Jose and R. Simeon one man's vine forming a tent over another person's produce does not cause kil'ayim (infra VII, 4). here not another person's but the man's own 'seed' is concerned; moreover the second row belongs to the first man's next-door neighbour, and this might easily give rise to a notion that the two rows belong to the same man, whose sowing seed between them causes kil'ayim.
- (32) The same applies if it is only ten handbreadths high; it is on account of what follows in this Mishnah that here it is said: 'higher than ten etc.'
- (33) Of two vines in each, without another one 'projecting like a tail'.
- (34) Because they form sufficient of a vineyard to disallow sowing in the middle of it, even though for the purposes of sowing on the outer sides they are deemed as not forming a vineyard but as just individual vines. If, however, there are eight cubits (exclusive of the ground occupied by the vines) between them, the two rows (of two vines each) are deemed as separate, unrelated rows, and one may sow even between them at a distance of six handbreadths from the vines on either side.
- (35) Of two vines each. Such three rows constitute a vineyard.
- (36) Some say (a) between the two outer rows. Others say (b) between one and the next.
- (37) The size of a karahath of a vineyard (v. supra 1).
- (38) In accordance with note 2 (a), this means only as long as all three rows are there, is a distance of sixteen cubits required between the two outer rows (before sowing can be done in the intervening space); but if the middle row has been razed, the character of 'vineyard' ceases and one may sow between them (six handbreadths from the vines) even if they are not sixteen cubits apart. In accordance with note 2 (b) it means: Three rows constitute a 'vineyard' and sowing in either inter-row space is permitted only when each of the latter measures sixteen cubits (v. 1). If the middle row is

razed, the character of the vineyard ceases, etc.

(39) Having once been a vineyard, it remains a vineyard even if any of the three vines, even the middle one, is razed, and a full-size karahath, i.e. of sixteen cubits, is essential, if the inter-space is to be sown.

(40) According to the beginning of this Mishnah.

(41) Originally so, and not when there were sixteen cubits only after the elimination of one row or more.

(42) At a distance from the vines of only six handbreadths. Even Beth Shammai concur that if, originally, rows of vines are planted sixteen cubits apart, it is permitted to sow there; they require twenty-four cubits (supra I) only when the empty space has been formed by the elimination of some vines.

(43) A place-name. Mount Zalmon is mentioned in Judg. IX, 47-48, as near Shechem.

(44) I.e., towards one another.

(45) Leaving six handbreadths clear.

(46) Because then they are deemed as individual vines, and one may sow seed at a distance of six handbreadths.

## Mishna - Mas. Kilayim Chapter 5

MISHNAH 1. IF A VINEYARD HAS BEEN [PARTLY] RAZED,<sup>1</sup> THEN SHOULD IT STILL BE POSSIBLE TO PICK TEN VINES WITHIN A BETH-SE'AH,<sup>2</sup> AND THESE ARE PLANTED ACCORDING TO THE ESTABLISHED LAW,<sup>3</sup> IT CONSTITUTES A 'POOR' VINEYARD. IF A [POOR]<sup>4</sup> VINEYARD IS PLANTED IN IRREGULAR LAY-OUT, THEN SHOULD THERE BE THEREIN AN ALIGNMENT OF [ONE LINE OF] TWO [VINES] PARALLEL AND OPPOSITE TO [A LINE OF] THREE, IT CONSTITUTES A VINEYARD;<sup>5</sup> BUT IF THERE IS NOT [SUCH AN ALIGNMENT] IT DOES NOT CONSTITUTE A VINEYARD. R. MEIR SAID: SINCE IT IS IN APPEARANCE LIKE VINEYARDS [IN GENERAL], IT CONSTITUTES A VINEYARD.

MISHNAH 2. IF A VINEYARD<sup>6</sup> HAS BEEN PLANTED ON [A PLAN OF] LESS THAN FOUR CUBITS [TO AN INTER-SPACE].<sup>7</sup> R. SIMEON SAID: IT DOES NOT CONSTITUTE A VINEYARD.<sup>8</sup> THE SAGES, ON THE OTHER HAND, SAID: IT DOES CONSTITUTE A VINEYARD, AND WE REGARD THE MIDDLE [ROWS] AS IF THEY WERE NOT [VINES].<sup>9</sup>

MISHNAH 3. IF A TRENCH PASSES THROUGH A VINEYARD, AND IS TEN [HANDBREADTHS] DEEP AND FOUR WIDE,<sup>10</sup> R. ELIEZER B. JACOB SAYS: IF IT RUNS RIGHT THROUGH FROM THE BEGINNING OF THE VINEYARD TO THE END THEREOF,<sup>11</sup> IT PRESENTS THE APPEARANCE OF TWO [SEPARATELY OWNED] VINEYARDS, AND IT IS PERMITTED TO SOW THEREIN; BUT IF IT IS NOT,<sup>12</sup> IT IS [DEEMED] AS [IF IT WERE] A WINE-PRESS. AND AS FOR A WINE-PRESS IN A VINEYARD THAT IS TEN [HANDBREADTHS] DEEP AND FOUR WIDE, R. ELIEZER SAYS: IT IS PERMITTED TO SOW THEREIN,<sup>13</sup> WHILST THE SAGES,<sup>14</sup> FORBID.<sup>15</sup> IF A WATCH-MOUND IN A VINEYARD IS TEN HANDBREADTHS HIGH AND FOUR WIDE IT IS PERMITTED TO SOW THEREIN;<sup>16</sup> BUT IF THE ENDS OF THE VINE-BRANCHES BECAME INTERTWINED THEREON,<sup>17</sup> IT IS FORBIDDEN.

MISHNAH 4. IF A VINE IS PLANTED IN A WINE-PRESS OR IN A DEPRESSION,<sup>18</sup> IT IS ALLOWED ITS SERVICE-BORDER,<sup>19</sup> AND ONE MAY SOW IN THE REST.<sup>20</sup> R. JOSE SAYS: IF THERE ARE NOT FOUR CUBITS THERE,<sup>21</sup> ONE MAY NOT INTRODUCE SEED THITHER.<sup>22</sup> AS FOR A HOUSE THAT IS WITHIN A VINEYARD, IT IS PERMITTED TO SOW THEREIN.<sup>23</sup>

MISHNAH 5. IF ONE PLANTS A VEGETABLE OR SUFFERS IT TO REMAIN IN A VINEYARD, HE RENDERS PROHIBITED [AS KIL'AYIM] FORTY-FIVE VINES. WHEN? IN THE EVENT OF THEIR HAVING BEEN PLANTED ON A PLAN OF EITHER FOUR OR FIVE [CUBITS TO AN INTER-SPACE].<sup>24</sup> IN THE EVENT, HOWEVER, OF THEIR HAVING BEEN PLANTED ON [A PLAN OF] EITHER SIX OR SEVEN [CUBITS TO AN INTER-SPACE] HE

RENDERS PROHIBITED AS KIL'AYIM [THE VINES WITHIN AN AREA OF] SIXTEEN CUBITS IN EVERY DIRECTION, IN THE FORM OF A CIRCLE, NOT OF A SQUARE.<sup>25</sup>

MISHNAH 6. IF ONE<sup>26</sup> SEES A VEGETABLE IN A VINEYARD, AND SAYS: WHEN I REACH IT I SHALL PLUCK IT', [ALL THAT HAS GROWN THERE] IS PERMITTED;<sup>27</sup> [BUT IF HE SAYS:] 'WHEN I COME BACK I SHALL PLUCK IT', THEN IF IT [THE VEGETABLE] HAS [IN THE MEANTIME] INCREASED BY A TWO-HUNDREDTH,<sup>28</sup> IT [ALL THAT HAS GROWN THERE] IS FORBIDDEN.<sup>29</sup>

MISHNAH 7. IF, WHEN ONE HAS PASSED THROUGH A VINEYARD, SEEDS HAVE FALLEN FROM HIM, OR [SEEDS] HAVE GONE [INTO THE FIELD] WITH MANURE OR WITH [IRRIGATION] WATER, OR IF AS HE WAS [IN A CORNFIELD] SCATTERING SEED, THE WIND BLEW SOME BEHIND HIM [INTO A VINEYARD]. NO PROHIBITION APPLIES;<sup>30</sup> IF THE WIND BLEW THE SEED BEFORE HIM [INTO A VINEYARD]<sup>31</sup> R. AKIBA SAID: IF<sup>32</sup> IT HAS PRODUCED BLADES, HE MUST TURN THE SOIL;<sup>33</sup> IF IT HAS REACHED THE STAGE OF GREEN EARS,<sup>34</sup> HE MUST BEAT THEM OUT;<sup>35</sup> IF IT HAS GROWN INTO CORN,<sup>36</sup> IT MUST BE BURNT.<sup>37</sup>

MISHNAH 8. IF ONE SUFFERS THORNS TO REMAIN GROWING IN A VINEYARD, R. ELIEZER SAID: [THEREBY] HE EFFECTS A STATE OF PROHIBITION,<sup>38</sup> BUT THE SAGES SAID: NOTHING CAUSES SUCH A STATE OF PROHIBITION EXCEPT THAT WHICH IT IS A COMMON PRACTICE [IN THE PLACE CONCERNED] TO PERMIT TO GROW.<sup>39</sup> IRIS,<sup>40</sup> IVY,<sup>41</sup> AND THE KING'S LILY,<sup>42</sup> LIKEWISE ALL MANNER OF SEEDS<sup>43</sup> [OTHER THAN THOSE ALREADY SPECIFICALLY DEALT WITH]<sup>44</sup> ARE NOT KIL'AYIM IN A VINEYARD.<sup>45</sup> [AS FOR] HEMP, R. TARFON SAID: IT IS NOT KIL'AYIM, BUT THE SAGES SAY IT IS KIL'AYIM.<sup>46</sup> ARTICHOKE<sup>47</sup> ARE KIL'AYIM IN A VINEYARD.

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(1) Not a substantial patch (karahath) denuded of vines within a vineyard, but a vine, or a few vines missing here and there.

(2) An area of 2,500 square cubits (v. supra II, 9).

(3) 'Two vines opposite two, with one projecting like a tail', (v. supra IV. 6). and not more than sixteen cubits apart (supra IV, 9).

(4) So some versions.

(5) R. Zera in T.J.

(6) Of three or more rows of three vines in a row.

(7) I.e., less than the minimum distance required for attendance on a vineyard (with a yoke of oxen) v. infra VI, 1.

(8) Sc. but the vines are regarded as single vines, at a distance of six handbreadths (one cubit) from which it is permitted to sow other seed.

(9) But intended for fuel only. Close planting of vines would seem according to this to have been practised with a view to utilizing only the best rows for their fruit, but not the inferior ones. According to the Sages the latter, if they are inner rows, are virtually eliminated (they may even be trained to hang over corn, without bringing about kil'ayim) and the remaining ones are sufficiently apart to constitute a vineyard. R. Simeon's view is (v. T.J.) that all the vines, including those regarded by the Sages as so negligible as if nonexistent, are an essential part of the plantation (one does not plant vines with a view to pulling them out), which is therefore not a vineyard in respect of the law requiring inter-spaces of four cubits.

(10) V. supra IV, 3.

(11) Cf. supra III, 3.

(12) Either ten handbreadths deep, or four wide, or it does not traverse the plantation from end to end.

(13) Since, owing to its dimensions, it is deemed a separate domain.

(14) As well as R. Eliezer b. Jacob.

(15) Since it is within a hollow space formed by a vineyard.

(16) Cf. supra II, 8. The Sages and R. Eliezer are agreed on this.



(17) So rendered by Rash. (who insists on adding 'of their own accord and not trained by hand') and others. Maim. renders 'reach and touch'. Some render the verb used here, viz., כּוֹתֵשׁ, in the sense in which it is used in the Bible, viz., 'pound', 'pulverize', and say that the point here is that if the vine branches reach the top of the mound, they will rub the soil and powder it so that the wind blows it off and the mound becomes lower than ten handbreadths and/or narrower than four. (v. Rosh. and Rash. and cf. Pe'ah II. 3 and commentators a.l.).

(18) Measuring two to three cubits in length and three handbreadths in width (T.J., v. Rash. and Sipponte).

(19) Of six handbreadths, like an individual vine.

(20) Sc. of the wine-press or depression.

(21) Either in length or in width.

(22) But if there are four cubits, R. Jose agrees with the anonymous Tanna.

(23) Even if the vines hang over the house; since the house has a roof over it.

(24) In an area planted at intervals of four cubits (especially if it be four cubits clear, exclusive of the thickness of the vines), a circle with a radius of sixteen cubits (v. infra in this Mishnah) will contain forty-five vines. In an area planted, at intervals of five cubits, such a circle will actually contain only thirty-seven vines, but as the circumference passes only just four cubits (the width of a statutory service-border for a vineyard) from the outermost rows, we must visualize a virtual circle having a twenty cubit radius, which too, would contain forty-five vines. So Maim., Asheri, and Bert.

(25) In the six-cubit plan, twenty-four, in the seven-cubit plan, twenty-one. vines become kil'ayim. The numbers mentioned in this and the preceding notes can be easily verified by drawing appropriate diagrams.

(26) In this case, either the owner or an employee.

(27) Because his evident readiness to remove the vegetable (or corn) shows that the latter is there without his knowledge or intention, whereas the Torah says: (Lev. XIX, 19) Thy field thou shalt not sow etc., and (Deut. XXII, 9) Thou shalt 'not sow thy vineyard etc., a prohibition, explain the Rabbis, only against such making or maintaining kil'ayim as is as deliberate as the act of sowing.

(28) Since the processes of growth and withering are one the inverse of the other, it was assumed that the time taken by any species of produce to grow is the same as taken by that same species to become dried up after it had been cut or plucked, which period was of course, easily determinable by experiment.

(29) Since he had knowingly allowed the 'offending' vegetable or corn to remain among the vines for a substantial period.

(30) Since in each case the introduction of the seed was unintentional. If and when he notices it, he must of course remove it, as indicated in the preceding Mishnah.

(31) Sc. and he has noticed it, then the prohibition applies, and he must retrieve the seed.

(32) In the event of his having failed to retrieve the seed soon enough.

(33) So as to ensure that they do not grow again.

(34) I.e., before it has reached a third of its normal full growth.

(35) And make no use of either grain or stalk. So R. Johanan; but in R. Hoshai's view only the grain is prohibited, but the stalks are permitted. (T.J.).

(36) Having attained a third of its possible normal growth.

(37) The rule of burning kil'ayim is derived from Deut. XXII, 9, which says: Thou shalt not sow thy vineyard with kil'ayim; lest the fulness of the seed which thou hast sown be forfeited with the increase of the vineyard. The Hebrew word for 'be forfeited' viz. תִּקְדָּשׁ, is explained as signifying 'it shall be burnt'.

(38) Sc. of kil'ayim; since thorns are deliberately allowed to grow in some countries, e.g.. Arabia, for camel's food, this reason, primarily local, for ruling that they produce a state of kil'ayim in a vineyard, is deemed, by extension, as making the ruling applicable universally.

(39) Thus only in places where thorns are suffered gladly do they render a vineyard kil'ayim, but not elsewhere.

(40) אָרִים.

(41) קִיסוֹם.

(42) שׁוֹשַׁנַּת הַמֶּלֶךְ rendered by T.J. קִירִינְטוֹן which according to Kohut, is the lily flower, white in colour. Maim. renders (in Arabic) נַעֲמָן i.e., anemone. Danby renders 'fritillary'; there is a type called Fritillaria imperialis.

(43) Viz., grain and vegetables.

(44) Such as legumes, which also come under the term 'seeds' (zera'im).

(45) The reason being, according to Maim., that they are 'seeds', but not vegetables (or grain) which alone constitute kil'ayim in a vineyard; or, according to Rabad, that even though (in his view) both 'seeds' and vegetables are prohibited

in a vineyard, the specimens mentioned here are permitted because it is not the usual thing to let them grow in a vineyard. In Rabad's view, it appears, the Mishnah found it necessary to state specifically that these species do not constitute kil'ayim, because otherwise one might have thought that they do, on the analogy of the Sages' principle in the matter of thorns, inasmuch as both iris and ivy are, on botanical authority, eaten by cattle. The same uses probably apply to the 'king's lily'. The permissibility, however, is only as far as the purely Pentateuchal requirements are concerned. The Rabbis, however, have, some say, on the authority of a prophetic tradition, extended the prohibition to include other types of 'seeds' (Men. 15b). Some are of the opinion that they are prohibited also by Pentateuchal law though no penalty of stripes is prescribed for sowing these 'seeds' in a vineyard.

(46) Because hemp resembles grapes.

(47) קינרם , cynara.

## Mishna - Mas. Kilayim Chapter 6

MISHNAH 1. WHAT IS AN 'ARIS<sup>1</sup> [WHICH IS REGARDED AS A VINEYARD]?<sup>2</sup> IF ONE HAS PLANTED A [SINGLE] ROW CONSISTING OF FIVE VINES BESIDE A FENCE TEN HANDBREADTHS HIGH,<sup>3</sup> OR BESIDE A TRENCH TEN HANDBREADTHS DEEP AND FOUR WIDE,<sup>3</sup> IT IS ALLOWED ITS SERVICE-BORDER OF FOUR CUBITS.<sup>4</sup> BETH SHAMMAI SAY: THE FOUR CUBITS ARE TO BE MEASURED FROM THE BODY OF THE VINE TO THE FIELD;<sup>5</sup> BUT BETH HILLEL SAY: FROM THE FENCE TO THE FIELD.<sup>5</sup> R. JOHANAN B. NURI SAID: ALL WHO SAY SO<sup>6</sup> ARE MISTAKEN;<sup>7</sup> IN FACT [WHAT WAS SAID<sup>8</sup> WAS]: IF THERE BE FOUR CUBITS FROM THE BODY OF THE VINES TO THE FENCE, THE APPROPRIATE SERVICE-BORDER IS ALLOWED, AND THE REST MAY BE SOWN.<sup>9</sup> AND HOW MUCH IS THE SERVICE-BORDER OF A VINE? SIX HANDBREADTHS IN EVERY DIRECTION;<sup>10</sup> R. AKIBA SAID: THREE.<sup>11</sup>

MISHNAH 2. AS FOR AN 'ARIS WHICH PROJECTS FROM A TERRACE, R. ELIEZER B. JACOB SAID: IF A PERSON STANDING ON THE [LEVEL] GROUND IS ABLE TO PICK ALL OF IT, [SUCH AN 'ARIS] PROHIBITS [THE SOWING OF SEED IN] FOUR CUBITS OF THE FIELD;<sup>12</sup> IF [HE IS] NOT [ABLE TO DO SO], IT PROHIBITS [THE SOWING OF SEED] ONLY [IN] THE [SOIL] WHICH IS DIRECTLY OPPOSITE<sup>13</sup> IT.<sup>14</sup> R. ELIEZER SAID: LIKEWISE,<sup>15</sup> IF ONE HAS PLANTED ONE ON THE GROUND, AND ONE ON A TERRACE, THEN IF IT IS TEN HANDBREADTHS ABOVE THE [LEVEL] GROUND, ONE DOES NOT COMBINE WITH THE OTHER;<sup>6</sup> , IF IT IS NOT [SO HIGH] ONE DOES COMBINE WITH THE OTHER.

MISHNAH 3. IF ONE HAS SUSPENDED VINE-BRANCHES OVER SOME OF THE LATHS [OF A TRELLIS], HE MAY NOT INTRODUCE SEED [INTO THE SOIL] BENEATH THE REMAINDER [OF THE TRELLIS]; YET IF HE DID INTRODUCE HE HAS NOT THEREBY BROUGHT ABOUT A PROHIBITED STATE.<sup>16</sup> IF, HOWEVER, NEW [TENDRILS] HAVE SPREAD [OVER THE 'REMAINDER']. THAT [WHICH HAD BEEN SOWN UNDER THE 'REMAINDER'] IS PROHIBITED.<sup>17</sup> EVEN SO IS IT WHEN ONE SUSPENDS VINE-BRANCHES OVER SOME PART OF A NON-FRUIT-BEARING<sup>18</sup> TREE.

MISHNAH 4. IF ONE SUSPENDS [BRANCHES OF] A VINE ON PART OF [THE BRANCHES OF] A FRUIT TREE,<sup>19</sup> IT IS PERMITTED TO INTRODUCE SEED BENEATH THE 'REMAINDER';<sup>20</sup> IF A NEW [GROWTH] SPREAD [OVER THE REMAINDER']. HE MUST TURN IT BACK.<sup>21</sup> THERE WAS THE CASE OF R. JOSHUA WHO WENT TO R. ISHMAEL IN KEFAR 'AZIZ,<sup>22</sup> AND THE LATTER SHOWED HIM A VINE [WITH ITS BRANCHES] SUSPENDED ON PART OF [THE BRANCHES OF] A FIG-TREE. HE [R. JOSHUA] ASKED HIM [R. ISHMAEL]: 'WHAT [IS THE LAW? MAY] I INTRODUCE SEED BENEATH THE REMAINDER?' HE ANSWERED HIM: IT IS PERMITTED'.<sup>23</sup> HE TOOK HIM TO BETH-HAMMAGGANYAH<sup>24</sup> WHERE HE SHOWED HIM A VINE [WHOSE BRANCHES WERE] SUSPENDED ON PART OF A BEAM<sup>25</sup> BELONGING TO THE TRUNK OF A

SYCAMORE,<sup>26</sup> WHICH HAD MANY BEAMS.<sup>25</sup> HE SAID TO HIM: BENEATH THIS BEAM IT IS PROHIBITED [TO SOW].<sup>27</sup> BUT BENEATH THE REMAINDER IT IS PERMITTED'.<sup>28</sup>

MISHNAH 5. WHAT IS A SERAK<sup>29</sup> TREE? ANY TREE WHICH DOES NOT YIELD FRUIT. R. MEIR SAID: ALL TREES ARE SERAK, EXCEPT OLIVE AND THE FIG TREE.<sup>30</sup> R. JOSE SAID: ALL SUCH TREES AS ARE NOT PLANTED IN WHOLE FIELDS, ARE SERAK TREES.

MISHNAH 6. 'ARIS-GAPS<sup>31</sup> MUST BE EIGHT CUBITS AND SOMEWHAT MORE.<sup>32</sup> [IN THE CASE OF] ALL MEASUREMENTS [BY THE CUBIT] SPOKEN OF BY THE SAGES IN CONNECTION WITH A VINEYARD,<sup>33</sup> THERE IS NO 'AND SOMEWHAT MORE', EXCEPT IN THAT OF 'ARIS-GAPS. THE FOLLOWING CONSTITUTES AN 'ARIS-GAP: IF AN 'ARIS WAS RAZED MIDWAY, AND FIVE VINES WERE LEFT ON ONE SIDE AND FIVE VINES ON THE OTHER SIDE,<sup>34</sup> THEN IF THE GAP<sup>35</sup> BE [ONLY] EIGHT CUBITS, ONE MUST NOT INTRODUCE SEED THITHER;<sup>36</sup> IF IT BE EIGHT CUBITS AND SOMEWHAT MORE, ONE SHOULD ALLOT THE REQUISITE SERVICE-BORDER,<sup>37</sup> AND HE MAY SOW THE REST.<sup>38</sup>

MISHNAH 7. IF AN 'ARIS TURNS AWAY FROM A WALL WHERE IT FORMS AN ANGLE, AND COMES TO AN END,<sup>39</sup> IT<sup>40</sup> IS GIVEN ITS SERVICE-BORDER,<sup>41</sup> AND IT IS PERMITTED TO SOW THE REST.<sup>42</sup> R. JOSE SAID: IF THERE BE NOT FOUR CUBITS THERE,<sup>43</sup> ONE MAY NOT INTRODUCE SEED THITHER.<sup>44</sup>

MISHNAH 8. IF CANES [FORMING THE TRELIS] PROTRUDE FROM THE 'ARIS AND ONE HAS FORBORN FROM CUTTING THEM SHORT,<sup>45</sup> IT IS PERMITTED TO SOW DIRECTLY BENEATH<sup>46</sup> THEM; IF, HOWEVER, HE MADE THEM [LONG] SO THAT THE NEW [GROWTH] MIGHT SPREAD ALONG THEM, IT IS FORBIDDEN.

MISHNAH 9. IF A BLOSSOM PROTRUDED BEYOND THE ARIS, IT IS REGARDED AS IF A PLUMMET WERE SUSPENDED THEREFROM: DIRECTLY BENEATH IT, IT IS PROHIBITED [TO SOW].<sup>47</sup> IT IS LIKEWISE IN THE CASE OF A [PROTRUDING] BLOSSOM FROM A HANGING BRANCH OF A SINGLE VINE. IF ONE HAS STRETCHED A VINE-SHOOT FROM TREE TO TREE, IT IS FORBIDDEN TO SOW BENEATH IT.<sup>48</sup> IF HE MADE AN EXTENSION THERETO BY MEANS OF ROPE OR REED-GRASS, IT IS PERMITTED UNDER THE EXTENSION; IF HE MADE THE EXTENSION SO THAT THE NEW [GROWTH] MIGHT SPREAD ALONG IT, IT IS FORBIDDEN.<sup>49</sup>

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(1) ערים a plaited cradle (cf. Biblical Heb. ערש ) or trellis, on which vines are trained.

(2) And which forms, infra, a subject of dispute between the Shammaites and Hillelites.

(3) V. supra IV, 3.

(4) Thus the 'aris is regarded as a vineyard even by Beth Hillel who (supra IV, 5) require a minimum of two rows to form a vineyard within the meaning of the Scriptural precept.

(5) Either (a) to a field on the same side of the fence thus: (i) According to Shammaites: (ii) According to Hillelites: or (b) to a field on the other side of the fence, thus: (i) According to the Shammaites: (ii) According to the Hillelites: Although interpretation (b) (Maim. and Bert.) is apparently borne out by T.J. there is this difficulty, that this would constitute a stringency of Beth Hillel against a leniency of Beth Shammai, which is not mentioned in the list of such instances given in 'Ed. IV, and V, (v. Rash.). L. gets over the difficulty by explaining: A field on either side of the fence.

(6) Viz., that Beth Hillel ever, in any circumstances, recognized one row as a vineyard.

(7) They did not get the correct version of the orally transmitted tradition.

(8) By Beth Hillel.

(9) But not if there are not four cubits between the vines and the fence, in which case it is forbidden to plant seed there altogether (cf. supra V, 4).

(10) This is not part of R. Johanan b. Nuri's statement, but a consensus of opinion.

(11) שלשה == three, masc. qualifying the masc. noun טפחים 'handbreadths'. Rash. mentions a variant reading

- שלש == three, fem. qualifying, apparently, the fem. noun אמות , 'cubits' and referring to the distance between the vines and the fence. It is, however, clear from T.J. that the correct reading is the one accepted here.
- (12) I.e., four cubits in every direction outward from the edge of the plot of ground immediately beneath the 'aris.
- (13) I.e., beneath.
- (14) R. Eliezer b. Jacob's view is accepted. L. thinks that the same rule applies when a vine planted on flat ground has its uppermost branches resting on an aris.
- (15) In so far as the dictum following refers to a terrace. The consideration of an 'aris does not, according to Maim. and Bert. enter into the latter case; according to Sipponte it does. V. next note. (11) Maim. and Bert. interpret: If one has planted one row of vines on the ground and another on a terrace, one row of two vines and the other of three vines, one of which projects like a tail (v. IV, 6), then if the terrace is ten handbreadths above the level, the row on the terrace does not combine with the row on the level to form a vineyard in respect of the laws of kil'ayim. Sipponte interprets: If one has planted one vine on the level and one on a terrace, and so on, in all five vines, three of which are on the level and two on the terrace, then if those on the terrace are ten handbreadths high, the five trees do not combine to form an 'aris which requires that seed should not be sown within four cubits thereof. Rash. mentions both interpretations.
- (16) Sc. of kil'ayim.
- (17) According to Bert, this is so only if the crop of the vine increased by a two-hundredth part since the sowing under the 'remainder'. L. says, even if the increase was less.
- (18) סרק , v. infra 5. Such a tree is considered 'inconsiderable', in relation to a vine, and when the branches of the latter rest on it, the non-fruit-bearing tree is deemed the same as a trellisframe of dead wood.
- (19) Lit., '(human) food tree'.
- (20) Because such a tree retains its full individuality vis-a-vis the vine, and such ground beneath its branches over which vine-tendrils are not actually suspended, 'belongs' to the tree itself, and one may, therefore, sow seed there.
- (21) And keep it within the original bounds.
- (22) South of Hebron, v. Klein, S. Beitrage p. 52.
- (23) Because a fig-tree as a tree producing fruit for human consumption does not become subsidiary to the vine.
- (24) Near Hebron., v. Horowitz, I.S. Palestine, p. 143.
- (25) Apparently in view of the Tosef. (v. n. 6 infra) a rough beam or beams, severed from, but still resting, on the trunk.
- (26) Which is a kind of wild fig tree.
- (27) Even under that part of that beam which is not itself overhung by vine-branches.
- (28) Maim.: since the sycamore is a fruit tree. Tosef. IV, 4, however, gives the reason: Since every single beam is like a tree by itself. This would seem to suggest that the sycamore was not universally considered an אילן מאכל , 'a tree bearing fruit for human consumption'.
- (29) The term has already been used at the end of Mishnah 3, where in anticipation of the accepted definition given here, it was rendered a non-fruit-bearing tree'.
- (30) These alone, in R. Meir's minority view, do not become negligible vis-a-vis a vine in the circumstances discussed in the two preceding Mishnahs.
- (31) Explained infra.
- (32) Fixed in T.J. as one handbreadth, Tosef. as one sixth of a cubit (which is one handbreadth). Maim. both in Mishnah-Commentary and Yad (Hil. Kil. VIII, 6) also Shulhan Aruk, Yoreh De'ah Sec. 296. sub-sec. 60, say one-sixtieth of a cubit. This is due evidently to another reading in the Tosef.
- (33) L. says that from T.J. it seems to him that 'in a vineyard' should be omitted.
- (34) Less than which number do not form an 'aris.
- (35) Between the two short 'arisen newly formed out of the one long one.
- (36) In accordance with supra IV, 8.
- (37) According to R. Johanan b. Nuri (Mishnah 1), six handbreadths; according to the first-quoted Tanna (ibid), four cubits.
- (38) R. Johanan b. Nuri and the original Tanna differ on the extent of this 'rest'. V. preceding note.
- (39) Or is completed (to the number of five vines) thus: The above is the accepted interpretation of the Mishnah. Maim. interprets: If an 'aris goes forth (i.e., commences) from the angles formed by two walls with another, and comes to a point. thus:
- (40) I.e., each vine.
- (41) Of six handbreadths.

(42) Even if there be less than four cubits.

(43) This refers to the space between the two walls (Maim.) or to the length of the wail (Sipponte).

(44) In pursuance of his (R. Jose's) view expressed supra V, 4.

(45) So that the protrusion of the canes is due not to deliberation but to passivity.

(46) Lit., 'opposite'.

(47) I.e., even when the blossom extended beyond the six handbreadths (of the service-border) from the stem of the vine, within which space sowing is prohibited even when there is no blossom overhanging.

(48) But not either side of it (as long, of course, as it is not within six handbreadths of the vine itself).

(49) Since the circumstances resemble those of Mishnah 3.

## Mishna - Mas. Kilayim Chapter 7

MISHNAH 1. IF ONE HAS BENT [INTO, AND CONDUCTED THROUGH, THE SOIL] A VINE [SHOOT]<sup>1</sup>, THEN IF THERE IS NOT SOIL OVER IT TO THE HEIGHT OF THREE HANDBREADTHS, HE MAY NOT INTRODUCE SEED ABOVE IT,<sup>2</sup> EVEN IF HE BENT [AND CONDUCTED IT UNDERGROUND] THROUGH A GOURD<sup>3</sup> OR THROUGH A PIPE.<sup>4</sup> IF HE BENT [AND CONDUCTED] IT THROUGH ROCKY SOIL,<sup>5</sup> THEN EVEN IF THERE BE NOT SOIL OVER IT TO THE HEIGHT OF THREE HANDBREADTHS, IT IS PERMITTED TO INTRODUCE SEED ABOVE IT. AS FOR A KNEE-JOINT-LIKE VINE-STEM [FORMED BY BURYING AND CONDUCTING IT UNDERGROUND],<sup>6</sup> ITS SERVICE-BORDER IS MEASURED FROM THE SECOND ROOT.<sup>7</sup>

MISHNAH 2. IF ONE HAS BENT [AND CONDUCTED UNDERGROUND] THREE VINES SO THAT THEIR [ORIGINAL] STEMS ARE VISIBLE [AS WELL AS THE CONTINUATION OF THESE EMERGING ABOVE GROUND]<sup>8</sup>. R. ELIEZER B. ZADOK SAID: IF THERE IS BETWEEN THEM FROM FOUR TO EIGHT CUBITS,<sup>9</sup> THEY COMBINE,<sup>10</sup> IF NOT, THEY DO NOT COMBINE. IF A VINE IS WITHERED, IT IS PROHIBITED [TO SOW NEAR IT].<sup>11</sup> BUT<sup>12</sup> IT DOES NOT CONDEMN [THE SEED AS KIL'AYIM]. R. MEIR SAID: THE SAME APPLIES TO A COTTON-PLANT.<sup>13</sup> IT IS FORBIDDEN [TO SOW NEAR IT.] BUT IT DOES NOT CONDEMN. R. ELIEZER B. ZADOK SAID IN HIS<sup>14</sup> NAME: ABOVE THE VINE<sup>15</sup> TOO, IT IS PROHIBITED [TO SOW], YET IT DOES NOT CONDEMN.

MISHNAH 3. IN THE FOLLOWING [SOWING] IS PROHIBITED, BUT THEY DO NOT CONDEMN [SEED ALREADY SOWN THERE]:<sup>16</sup> THE REMAINDER OF A [STATUTORILY INADEQUATE] KARAHATH OF A VINEYARD,<sup>17</sup> THE REMAINDER OF A [STATUTORILY INADEQUATE] MEHOL OF A VINEYARD,<sup>18</sup> THE REMAINDER OF A [STATUTORILY INADEQUATE] 'ARIS-GAP,<sup>19</sup> THE [GROUND UNDER THE] REMAINDER OF TRELLIS-LATHS.<sup>20</sup> BUT [THE GROUND] BENEATH A VINE,<sup>21</sup> AND THE SERVICE-BORDER OF A VINE,<sup>22</sup> AND THE [GROUND WITHIN] FOUR CUBITS OF A VINEYARD,<sup>23</sup> DO CONDEMN [SEED SOWN THERE].<sup>24</sup>

MISHNAH 4. IF ONE CAUSES HIS VINE TO OVERHANG THE [STANDING] CORN OF HIS NEIGHBOUR, HE RENDERS [THAT CORN] CONDEMNED [AS KIL'AYIM].<sup>25</sup> AND HE IS RESPONSIBLE FOR IT.<sup>26</sup> R. JOSE AND R. SIMEON SAID: A PERSON DOES NOT CONDEMN [AS KIL'AYIM] THAT WHICH IS NOT HIS OWN.<sup>27</sup>

MISHNAH 5. R. JOSE SAID: IT HAPPENED THAT A MAN SOWED [SEED IN] HIS VINEYARD IN THE SABBATICAL YEAR,<sup>28</sup> AND THE MATTER CAME BEFORE R. AKIBA, WHO SAID: A PERSON DOES NOT CONDEMN [AS KIL'AYIM] THAT WHICH IS NOT HIS OWN.<sup>29</sup>

MISHNAH 6. IF A HIGH-HANDED OCCUPIER<sup>30</sup> HAS SOWN SEED IN A VINEYARD,<sup>31</sup>

AND IT LEFT HIS OCCUPATION [AND REVERTED TO THE RIGHTFUL OWNER],<sup>32</sup> THE LATTER SHOULD CUT IT DOWN,<sup>33</sup> EVEN IF IT BE DURING [THE MIDDLE DAYS OF] A FESTIVAL.<sup>34</sup> UP TO WHAT AMOUNT SHOULD HE PAY THE LABOURERS?<sup>35</sup> UP TO A THIRD.<sup>36</sup> IF [THEY DEMAND] MORE THAN THIS, HE SHOULD CUT IT IN HIS USUAL WAY EVEN IF HE HAS TO RESUME AFTER THE FESTIVAL.<sup>37</sup> FROM WHAT STAGE [ONWARDS] IS ONE TERMED A 'HIGH-HANDED OCCUPIER' ['ANNAS]?<sup>38</sup> FROM SUCH TIME AS [THE NAME OF THE ORIGINAL OWNER] HAS SUNK [INTO OBLIVION].<sup>39</sup>

MISHNAH 7. IF THE WIND HAS BLOWN<sup>40</sup> VINE-SHOOTS [SO THAT THEY] OVERHANG [STANDING] CORN, ONE SHOULD IMMEDIATELY LOP THEM OFF;<sup>41</sup> IF A MISHAP OCCURRED TO HIM,<sup>42</sup> IT [I.E., THE PRODUCE] IS PERMITTED.<sup>43</sup> IF CORN IS BENT [AND THE EARS REACH] BENEATH A VINE [LIKewise IN THE CASE OF GREENS], ONE SHOULD TURN THEM BACK, BUT [IF THIS HAS NOT BEEN DONE], IT DOES NOT CREATE A STATE OF CONDEMNATION [AS KIL'AYIM].<sup>44</sup> FROM WHAT STAGE IS CORN CAPABLE OF BEING CONDEMNED AS KIL'AYIM? FROM THE TIME IT HAS STRUCK ROOT.<sup>45</sup> AND GRAPES? FROM THE TIME THEY BECOME AS LARGE AS WHITE BEANS.<sup>46</sup> CORN WHICH HAS BECOME THOROUGHLY DRY,<sup>47</sup> AND GRAPES WHICH HAVE BECOME FULLY RIPE,<sup>48</sup> ARE NOT LIABLE TO BE CONDEMNED [As KIL'AYIM].

MISHNAH 8. [SEED SOWN IN A] PERFORATED FLOWERPOT,<sup>49</sup> CREATES A STATE OF CONDEMNATION [AS KIL'AYIM] IN A VINEYARD;<sup>50</sup> [IN] ONE NOT PERFORATED, IT DOES NOT CREATE A STATE OF CONDEMNATION.<sup>51</sup> R. SIMEON, HOWEVER, SAID: [THE SOWING OF SEED IN] EITHER ONE OR THE OTHER IS PROHIBITED, BUT IT DOES NOT [IN THE EVENT] CREATE A STATE OF CONDEMNATION. IF ONE CARRIES A PERFORATED FLOWER-POT THROUGH A VINEYARD, THEN IF [THAT WHICH IS SOWN THEREIN] HAS GROWN A TWO-HUNDREDTH PART,<sup>52</sup> IT IS FORBIDDEN.<sup>53</sup>

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- (1) And it emerges more than six handbreadths away; otherwise the question does not arise.
  - (2) Since the roots struck by the 'seed' are then liable to penetrate into the soft vine-shoot and this would be like grafting, that is forbidden.
  - (3) Which has been hollowed out and dried; otherwise the very putting into or passing through it of a vine-shoot would constitute kil'ayim.
  - (4) Made of earthenware, which is soft enough for the roots of the 'seed' to penetrate.
  - (5) Or through a conduit of metal or other substance impervious to penetration by the roots.
  - (6) Emerging above the ground some distance from the root of the vine.
  - (7) I.e., where it emerges from the ground; this applies only if the original root and stem are completely concealed underground.
  - (8) Thus presenting six vines in two rows of three each, which constitute a statutory vineyard. In fact only two of the trees need be assumed to have been bent into the soil and conducted underground to emerge some distance away, as then the result would be five vines in two rows of two vines opposite two, and one other 'projecting like a tail'.
  - (9) I.e., not less than four, and not more than eight cubits.
  - (10) To form a statutory vineyard, and inter alia necessitate a service-border of four cubits.
  - (11) On account of appearances, sine people might think that the vine had cast its leaves only temporarily, which happens to all vines, as a rule in the autumn but in some instances also in the summer; this rule, therefore, applies throughout the year.
  - (12) Once the seed has in innocence been sown.
  - (13) צמר גפן, lit., 'vine-wool'; the cotton-plant bears resemblance to the vine.
  - (14) R. Meir's.
  - (15) When it is sunk underground, and there is not a depth of three handbreadths of soil over it (Maim. and Bert.).
  - (16) As kil'ayim.
  - (17) According to supra IV, 1, end, in a karahath of the statutory measure of sixteen cubits, four cubits are allotted on each side as service-borders, and the remaining eight cubits may be sown. Here we speak of a karahath less than sixteen

cubits, in which case the space left for sowing is less than eight cubits.

(18) V. supra IV, 1 and 2; a mehol should be twelve cubits if any of it is to be sown, i.e., to allow for a service-border of four cubits on each side leaving four cubits for sowing.

(19) V. supra VI, 6. An 'aris-gap should be eight cubits and one handbreadth.

(20) As already stated in VI, 3, it is prohibited to sow beneath those laths of a trellis which are not themselves overhung with vine-shoots, but once seed has been innocently sown there, it is not condemned as kil'ayim.

(21) I.e., beneath a vine-shoot which extends beyond the six handbreadths constituting the vine's service-border.

(22) I.e., of an individual vine not being part of a vineyard, viz., six handbreadths.

(23) I.e., its service-border. Cf. IV, 5.

(24) As kil'ayim.

(25) Just as if it were his own; especially since it was a deliberate action.

(26) He must compensate his neighbour for the amount of corn which had thus become a total loss to the latter

(27) Since Scripture says: Thou shalt not sow thy vineyard with two kinds of seed (Deut. XXII, 9); the effect of this dictum in the present case is that he has made his own vine kil'ayim<sup>1</sup>, but not his neighbour's corn.

(28) When all produce is hefker, i.e., ownerless, and at the disposal of any person wishing to help himself to it.

(29) Applied to the case in question this would mean that, in the circumstances given, neither the seed-produce nor the grapes of the vineyard are kil'ayim. The vines — themselves, however, are condemned as kil'ayim, even according to R. Akiba, since there are not hefker in the Sabbatical Year, (v. T.J., and L.).

(30) אָנָם , one who has seized property illegally and by violence.

(31) Since the public are under the impression that it is his own vineyard, the rule that 'a person does not condemn as kil'ayim that which is not his own' does not apply here.

(32) Now the position is that the person who had sown the seed in the vineyard had been operating with something not his own, and that, therefore, no state of kil'ayim had in fact been brought about.

(33) On account of 'appearances'. i.e., in order that people might not be under the impression that this man, the rightful owner, is allowing kil'ayim to stay in his vineyard.

(34) When, as a rule only such work may be done as is necessary to obviate deterioration or loss; here this consideration does not apply, but in order to remove suspicion through 'appearances', the work is permitted.

(35) For cutting the corn.

(36) Either a third more than the customary wage-rate, or a third of the value of the entire produce affected.

(37) Even though by this time the produce might have increased by a two-hundredth part. (Cf. supra V, 6).

(38) In the sense that the field is regarded as his, so that the sowing by him of seed in a vineyard results in kil'ayim.

(39) Maim. renders: From such time as he, i.e., the original owner has sunk, i.e., disappeared, withdrawn himself, hidden, to avoid terrorization by the 'annas.

(40) Maim. 'broken'; L. adds 'but not severed'.

(41) Reading יִגְדוֹר Maim. 'Our text יִגְדוֹר might mean: 'prop up (the shoots) with a fence'.

(42) Preventing him from taking the measure prescribed.

(43) Since it is there not with the owner's acquiescence.

(44) The difference between this case and the one dealt with in Mishnah 4 is that in the latter the roots of the corn are under the foliage of the vine, and here only the top ends.

(45) Reading מִשְׁתַּשְׁלִישׁ . Another version mentioned already in T.J. מִשְׁתַּשְׁלִישׁ , 'from the time it has grown a third (of its possible full size)'. Till then there is no 'fulness of the seed', required by the precept of kil'ayim (Deut. XXII, 9).

(46) Till then the 'produce (E.V. 'increase') of the vineyard' (ibid.) is not applicable.

(47) After this the term '(fulness of the) seed' no longer applies; (it is called just wheat or barley etc. Maim.).

(48) After this the expression 'produce of the vineyard' is no longer applied; (the term is just: 'grapes', Maim.).

(49) The hole being sufficient to permit a thin root to go through.

(50) Or within its four cubits service-border, just as if it had been sown in the soil of the vineyard itself; if the flower-pot stayed there long enough for the seed in it to grow a two-hundredth part of its normally possible full size.

(51) Since the earth in the flower-pot is not exposed towards the soil of the vineyard or of its service-border.

(52) Of its possible full size. For the method of calculating this, v. supra V, 6, notes.

(53) The seed; but since the flowerpot had not been set down on the ground, the vines are not affected. Maim. understands this passage thus: Carrying a perforated flower-pot across a vineyard, if in the course of transit it could grow

a two-hundredth part, is prohibited (Yad. Hil. Kil'ayim V, 23). It seems that according to Maim. it is prohibited ab initio to do this, but that in the event the seed does not thereby become forbidden.

## Mishna - Mas. Kilayim Chapter 8

MISHNAH 1. KIL'AYIM OF THE VINEYARD IT IS FORBIDDEN EITHER TO SOW OR TO SUFFER TO GROW; IT IS, MOREOVER, FORBIDDEN TO DERIVE USE THEREFROM.<sup>1</sup> KIL'AYIM OF SEEDS<sup>2</sup> IT IS PROHIBITED EITHER TO SOW<sup>3</sup> OR TO SUFFER TO GROW;<sup>3</sup> BUT IT IS PERMITTED TO CONSUME IT, AND, SO MUCH THE MORE, TO DERIVE USE THEREFROM. KIL'AYIM OF CLOTHING MATERIALS IS PERMITTED IN ALL RESPECTS, EXCEPT THAT THE WEARING THEREOF [ALONE] IS FORBIDDEN.<sup>4</sup> KIL'AYIM OF CATTLE IT IS PERMITTED TO REAR AND TO KEEP,<sup>5</sup> THE DELIBERATE CROSS-BREEDING [PRODUCING SUCH] BEING ALONE PROHIBITED. [THE DELIBERATE MATING, OR YOKING TOGETHER OF] ONE KIND OF KIL'AYIM OF CATTLE WITH ANOTHER<sup>6</sup> IS PROHIBITED.<sup>7</sup>

MISHNAH 2. IT IS PROHIBITED TO USE A BEHEMAI<sup>8</sup> WITH A BEHEMAH [OF ANOTHER SPECIES], OR A HAYYAH<sup>9</sup> WITH A HAYYAH [OF ANOTHER SPECIES], OR A BEHEMAH WITH A HAYYAH, OR A HAYYAH WITH A BEHEMAH, OR AN UNCLEAR BEAST WITH AN UNCLEAR BEAST [OF ANOTHER SPECIES], OR A CLEAR BEAST WITH A CLEAR BEAST [OF ANOTHER SPECIES], OR AN UNCLEAR BEAST WITH A CLEAR BEAST, OR A CLEAR BEAST WITH AN UNCLEAR BEAST,<sup>10</sup> FOR PLOUGHING OR FOR TRACTION, OR TO LEAD THEM [TIED TOGETHER].<sup>11</sup>

MISHNAH 3. THE PERSON DRIVING<sup>12</sup> RECEIVES THE FORTY [LASHES].<sup>13</sup> AND THE PERSON SITTING IN THE WAGON RECEIVES THE FORTY [LASHES].<sup>14</sup> BUT R. MEIR EXEMPTS [THE LATTER].<sup>15</sup> [THE TYING OF] A THIRD [ANIMAL HETEROGENEOUS TO TWO ALREADY HARNESSSED TO A WAGON] TO THE STRAPS [OF THOSE ANIMALS]<sup>16</sup> IS PROHIBITED.

MISHNAH 4. IT IS PROHIBITED TO TIE A HORSE EITHER TO THE SIDES OF A WAGON [DRAWN BY OXEN] OR BEHIND THE WAGON,<sup>17</sup> OR [TO TIE] A LIBYAN ASS TO [THE SIDES OF, OR BEHIND, A WAGON DRAWN BY] CAMELS.<sup>18</sup> R. JUDAH SAID: ALL [MULES] BORN FROM MARES, NOTWITHSTANDING THAT THEIR SIRES WERE ASSES, ARE PERMITTED ONE WITH ANOTHER;<sup>19</sup> LIKEWISE [MULES] BORN FROM SHE-ASSES, NOTWITHSTANDING THAT THEIR SIRES WERE HORSES, ARE PERMITTED ONE WITH ANOTHER;<sup>19</sup> BUT [MULES] BORN FROM MARES WITH [MULES] BORN FROM SHE-ASSES ARE PROHIBITED ONE WITH ANOTHER.<sup>20</sup>

MISHNAH 5. MULES OF UNCERTAIN PARENTAGE<sup>21</sup> ARE FORBIDDEN ONE WITH ANOTHER, BUT A RAMMAK [A MULE WHOSE DAM IS KNOWN TO HAVE BEEN A MARE] IS PERMITTED [WITH ANOTHER RAMMAK].<sup>22</sup> WILD MAN-LIKE CREATURES<sup>23</sup> ARE DEEMED AS BELONGING TO THE CATEGORY OF HAYYAH.<sup>24</sup> R. JOSE SAID: [WHEN DEAD] THEY [OR PART OF THEIR CORPSES] COMMUNICATE UNCLEANNESS [TO MEN AND TO OBJECTS SUSCEPTIBLE THERETO WHICH ARE] UNDER THE SAME ROOF,<sup>25</sup> AS DOES [THE CORPSE OF] A HUMAN BEING.<sup>26</sup> THE HEDGEHOG AND THE MOLE<sup>27</sup> OF THE BUSHES BELONG TO THE CATEGORY OF HAYYAH.<sup>28</sup> AS FOR A MOLE, R. JOSE SAID IN THE NAME OF BETH SHAMMAI: AN OLIVE'S SIZE [OF ITS CARCASE] RENDERS A PERSON CARRYING IT UNCLEAR, AND A LENTILS SIZE THEREOF RENDERS A PERSON TOUCHING IT UNCLEAR.<sup>29</sup>

MISHNAH 6. THE WILD OX BELONGS TO THE CATEGORY OF BEHEMAH,<sup>30</sup> BUT R.



JOSE SAID: TO THE CATEGORY OF HAYYAH.<sup>31</sup> THE DOG BELONGS TO THE CATEGORY OF HAYYAH,<sup>32</sup> BUT R. MEIR SAID: TO THE CATEGORY OF BEHEMAH.<sup>32</sup> THE SWINE BELONGS TO THE CATEGORY OF BEHEMAH; THE WILD ASS TO THAT OF HAYYAH,<sup>33</sup> THE ELEPHANT AND THE APE TO THAT OF HAYYAH.<sup>32</sup> A HUMAN BEING IS PERMITTED TO DRAW, PLOUGH, OR LEAD WITH ANY OF THEM.<sup>34</sup>

- (1) According to supra V, 7, it should be burnt.
- (2) Including grain and vegetables.
- (3) Only in the Holy Land.
- (4) V. Lev. XIX, 19 and Deut. XXII, 12.
- (5) For one's use. It was necessary for the Mishnah to mention both 'rear' and 'keep'. If the former only had been mentioned one might have thought that whilst rearing was permitted, it was forbidden to use the animal. If the latter only had been mentioned one might have thought that one may use such an animal only when it had been reared by a non-Israelite.
- (6) E.g., the sire of one having been a horse, and of the other, an ass.
- (7) The prohibition applies to any two kil'ayim offspring of cattle which are unlike in respect of ears, tail and the sound emitted by them.
- (8) The word rendered in E.V. 'cattle'; it is, however, used also for an individual piece of cattle and denotes a domestic, mostly horned, animal.
- (9) (One of the) animals of chase. Cf. supra I, 6. Scripture forbids ploughing with an ox and an ass together (Deut. XXII, 10), but on analogy with the prohibition of suffering one's animals to work on the Sabbath, this prohibition is understood as applying to any two animals of diverse species and likewise to birds.
- (10) The repetition of 'A with B, or B with A' in all these instances is for the purpose of making it clear that the prohibition applies whether animal A is the principal factor in the case and B secondary. or vice-versa.
- (11) Ploughing is expressly forbidden in Scripture, y. Deut. loc. cit.; the Rabbis extend the prohibition to all forms of traction and load-carrying, as well as to tying them together even if it be for the purpose only of leading them, without their drawing or carrying a load. T.J. discusses whether leading them together by means of the driver's call is also prohibited. According to T.B., B.M. 9a it would appear that 'drawing' ( מושך ) and 'leading' ( מנהיג ) are synonymous terms, the first being used in connection with camels and the latter with asses.
- (12) Lit., 'leading'. sc. two heterogeneous animals.
- (13) Prescribed as the penalty for the transgression of a negative precept (v. Deut, XXV, 3).
- (14) Since it is on his account that the wagon is being drawn.
- (15) On the ground that he takes no active part in the driving.
- (16) I.e., even though not to the wagon itself. Maim. (in his commentary) renders: 'Sitting in a third wagon tied to the straps of a second which is attached to the first wagon'.
- (17) Since the horse assists in some measure in the propelling of the vehicle.
- (18) One would think that an ass can make no appreciable difference to the propelling of the wagon already drawn by camels, since the latter are so much the stronger. The Libyan ass, however, was of a heftier species approximately to the camel, and would, when tied even to a camel-drawn vehicle, help in pulling it.
- (19) Since their sires and dams respectively were, in each case, of the same species.
- (20) Sc., for purposes of cross-breeding or use, but one is not liable to lashes. On the other hand if their respective sires were of the same species and not their dams, transgression of the prohibition is punishable by lashes.
- (21) In the case of these mules it is impossible, when they are young, to recognize whether its sire belonged to the horses and its dam to the asses, or vice-versa.
- (22) L., 'with other horses'.
- (23) אדני השדה n . Perhaps a chimpanzee or gorilla. Another reading אדמי (? constr. pl. of אדם , 'man'). Some versions, אבני השדה. Cf. Rashi to Job. V, 23. T.J. renders בר נש דטורא , 'man of the mountain' in connection with which Kohut suggests that the reading must be supposed to have been ארני (a fem. sing. adjective from the noun GR.\*\* 'mountain').
- (24) And are subject to the same laws re yoking etc., together as a hayyah. Cf. supra 2, n. 9.
- (25) v. Num. XIX, 14. Cf. Oh. II, 1.
- (26) Which means that the creatures referred to are deemed as belonging to the human species, and not to the category of

hayyah, and therefore, not subject to the laws applying to a hayyah in respect of yoking etc., together with other animals.

(27) Or, weasel.

(28) In respect of the laws of uncleanness.

(29) V. B. K. 80a. If the mole (or weasel) is identical with inn of Lev. XI, 23. it is a שרע , 'a creeping thing', a lentil's-size thereof renders unclean by contact, not by carrying; if it is a hayyah, an olive's-size thereof renders a person carrying it unclean. As there is doubt as to which category the mole belongs, both disabilities attach thereto.

(30) On the assumption that its origin is domestic. As a behemah, its heleb (fat v. Glos.) is prohibited and when it is slaughtered its blood does not require covering with earth.

(31) His assumption being that its origin is wild. As a hayyah, its heleb is permitted, and its blood requires covering.

(32) The matter is of practical importance in the event of a person entering into a contract to sell all his hayyah, or all his behemah.

(33) And is therefore forbidden with a domestic ass.

(34) I.e., a human being may pull a vehicle-drawing (or load-carrying) animal by the bridle, help to propel and guide a plough drawn by an animal, and walk beside an animal attached to him by a rope.

## Mishna - Mas. Kilayim Chapter 9

MISHNAH 1. NO [CLOTHING MATERIAL] IS FORBIDDEN ON ACCOUNT OF KIL'AYIM EXCEPT [A MIXTURE OF] WOOL AND LINEN.<sup>1</sup> NO [CLOTHING MATERIAL] IS SUBJECT TO UNCLEANNESS BY LEPROSY EXCEPT [SUCH AS IS MADE OF] WOOL OR LINEN.<sup>2</sup> PRIESTS DON FOR SERVICE IN THE SANCTUARY, NONE BUT [GARMENTS OF] WOOL AND LINEN.<sup>3</sup> IF ONE HAS HACKLED TOGETHER CAMEL'S WOOL WITH SHEEP'S WOOL, IF THE GREATER PART BE CAMEL'S WOOL, IT IS PERMITTED [TO MIX LINEN THEREWITH];<sup>4</sup> IF THE GREATER PART BE SHEEP'S WOOL, IT IS FORBIDDEN; IF IT IS HALF AND HALF, IT IS FORBIDDEN. THE SAME APPLIES TO HEMP AND LINEN HACKLED TOGETHER.

MISHNAH 2. [GARMENTS MADE OF A MIXTURE OF] SILK AND FLOSS-SILK<sup>5</sup> DO NOT COME UNDER THE PROHIBITION OF KIL'AYIM, BUT ARE PROHIBITED ON ACCOUNT OF APPEARANCES.<sup>6</sup> TO MATTRESSES AND PILLOWS THE PROHIBITION OF KIL'AYIM DOES NOT APPLY,<sup>7</sup> PROVIDED ONE'S FLESH DOES NOT COME INTO [IMMEDIATE] CONTACT WITH THE MIXED MATERIAL. THERE IS NO [PERMISSIBILITY FOR THE] CASUAL [WEARING] OF KIL'AYIM,<sup>8</sup> NEITHER MAY ONE WEAR KIL'AYIM EVEN ON TOP OF TEN [GARMENTS]. EVEN FOR THE PURPOSE OF ELUDING [UNAUTHORIZED] IMPOSTS.<sup>9</sup>

MISHNAH 3. HAND-TOWELS, SCROLL-WRAPPINGS,<sup>10</sup> AND BATH-TOWELS DO NOT COME UNDER THE PROHIBITION OF KIL'AYIM.<sup>11</sup> R. ELIEZER DECLARED THEM SUBJECT TO THAT PROHIBITION.<sup>12</sup> BARBERS'-SHEETS ARE SUBJECT TO THE PROHIBITION OF KIL'AYIM.<sup>13</sup>

MISHNAH 4. SHROUDS FOR THE DEAD, AND THE PACKSADDLE OF AN ASS ARE NOT SUBJECT TO THE LAW OF KILAYIM;<sup>14</sup> ONE MUST NOT [HOWEVER] PLACE A PACK-SADDLE [MADE OF KIL'AYIM] ON ONE'S SHOULDER EVEN FOR THE PURPOSE OF CARRYING DUNG OUT THEREON.

MISHNAH 5. VENDORS OF CLOTHES MAY SELL [CLOTHES MADE OF KIL'AYIM] IN ACCORDANCE WITH THEIR [TRADE] CUSTOM,<sup>15</sup> AS LONG AS THEY HAVE NOT THE INTENTION. IN THE SUN, [TO PROTECT THEMSELVES] FROM THE SUN, OR, IN THE RAIN, [TO PROTECT THEMSELVES THEREBY] FROM THE RAIN. THE PARTICULARLY SCRUPULOUS<sup>16</sup> SUSPEND [SUCH MATERIALS OR GARMENTS] ON A STICK OVER THEIR BACKS.<sup>17</sup>

MISHNAH 6. TAILORS MAY SEW [MATERIALS WHICH ARE KIL'AYIM] IN THEIR ACCUSTOMED WAY,<sup>18</sup> AS LONG AS THEY HAVE NO INTENTION, IN THE SUN, [TO PROTECT THEMSELVES THEREBY] FROM THE SUN, OR, IN THE RAIN, [TO PROTECT THEMSELVES THEREBY] FROM THE RAIN. THE PARTICULARLY SCRUPULOUS SEW [SUCH MATERIALS AS THEY ARE LAID] ON THE GROUND.<sup>19</sup>

MISHNAH 7. THE BIRRUS BLANKET OR BRINDISIAN<sup>20</sup> BLANKET, OR [NETHER GARMENTS OF] DALMATIAN CLOTH, OR FELT<sup>21</sup> SHOES, MAY NOT BE WORN UNTIL ONE HAS EXAMINED THEM].<sup>22</sup> R. JOSE SAID THAT SUCH [OF THE ABOVE] AS COME FROM THE SEA-COAST OR FROM LANDS BEYOND THE SEA, DO NOT REQUIRE EXAMINATION, SINCE THE PRESUMPTION WITH REGARD TO THEM IS [THAT THEY ARE SEWN] WITH HEMPEN THREAD.<sup>23</sup> TO CLOTH-LINED FOOTWEAR THE PROHIBITION OF KIL'AYIM DOES NOT APPLY.<sup>24</sup>

MISHNAH 8. ONLY THAT WHICH IS SPUN OR WOVEN IS FORBIDDEN<sup>25</sup> UNDER THE LAW OF KIL'AYIM, FOR IT IS SAID: THOU SHALT NOT WEAR SHA'ATNEZ,<sup>26</sup> WHICH WORD IS A COMPOUND STANDING FOR SHUA',<sup>27</sup> TAWUI,<sup>28</sup> AND NUZ.<sup>29</sup> R. SIMEON SAID: [THE WORD SHA'ATNEZ SUGGESTS THAT] HE [THE TRANSGRESSOR OF THE PRECEPT] IS PERVERTED<sup>30</sup> AND CAUSES HIS FATHER IN HEAVEN TO AVERT HIMSELF [FROM HIM].<sup>31</sup>

MISHNAH 9. TO FELTED MATERIALS THE PROHIBITION OF KIL'AYIM APPLIES, SINCE [THE STRANDS CONSTITUTING THEM] HAVE BEEN CARDED. IT IS PROHIBITED TO ATTACH<sup>32</sup> AN EDGING OF WOOL TO LINEN MATERIAL,<sup>33</sup> SINCE THIS RESEMBLES WEAVING.<sup>34</sup> R. JOSE SAID: IT IS FORBIDDEN TO USE CORDS OF RED PURPLE [WOOL] [TO TIE ROUND A LOOSE LINEN GARMENT], SINCE PRIOR TO TYING IT, ONE STITCHES IT ON. IT IS FORBIDDEN TO TIE A STRIP OF WOOLLEN MATERIAL WITH ONE OF LINEN MATERIAL FOR THE PURPOSE OF GIRDLING ONE'S LOINS THEREWITH, EVEN IF THERE IS A LEATHER STRAP BETWEEN THE TWO.<sup>35</sup>

MISHNAH 10. TO [STITCHED-ON] WEAVERS' MARKS OR LAUNDRYMEN'S MARKS THE PROHIBITION OF KIL'AYIM APPLIES. IF ONE HAS DRAWN A THREAD [THROUGH MATERIAL]<sup>36</sup> ONCE, THIS DOES NOT [IN LAW] CONSTITUTE A CONNECTION,<sup>37</sup> NOR DOES [THE PROHIBITION OF] KIL'AYIM APPLY THERETO,<sup>38</sup> AND IF ONE HAS DRAWN IT OUT ON THE SABBATH, HE IS NOT PUNISHABLE.<sup>39</sup> IF ONE MADE ITS TWO ENDS COME OUT ON THE SAME SIDE [OF THE MATERIAL], THIS CONSTITUTES A CONNECTION, AND COMES UNDER THE PROHIBITION OF KIL'AYIM,<sup>40</sup> AND ONE WHO HAS DRAWN THIS THREAD OUT ON THE SABBATH IS LIABLE.<sup>41</sup> R. JUDAH SAID: [THE PROHIBITION DOES NOT APPLY] UNTIL ONE HAS MADE THREE STITCHES. A SACK AND A BASKET [ONE HAVING A STRIP OF WOOLLEN MATERIAL ATTACHED TO IT, AND THE OTHER A STRIP OF LINEN] COMBINE TO FORM KIL'AYIM.<sup>42</sup>

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(1) Termed sha'atnez cf. infra 8. V. Lev. XIX, 19 and, more explicitly. Deut. XXII, 11. Wool for the purpose of this prohibition, is only sheep's wool, since from II Kings III, 4 it is apparent that צמר (zemer) 'wool' without any qualifying description, means, sheep's wool.

(2) V. Lev. XIII, 47ff. This is taken to apply only to undyed wool or linen. With regard to kil'ayim, however, there is no difference whether these be dyed or undyed.

(3) The priestly garments were made of byssus (fine linen) and wool dyed blue-purple, red-purple and crimson. V. Ex. XXVIII, 4-8, XXXIX, 1.

(4) The permission applies only when the two kinds of wool have been well mixed together e.g., by hackling or combing or crushing; but if a piece of cloth of camel's wool has one distinct thread of sheep's wool drawn through it, it is not

permitted to draw a linen thread through the material.

(5) כִּלְיָיִם. A vegetable yarn variously identified which in some respects resembles sheep's wool.

(6) Since the silk resembles linen, and the floss-silk wool. Likewise silk would be forbidden with wool (and floss-silk with linen) 'on account of appearances', but since silk has become a generally known commodity, the reason 'on account of appearances' has entirely fallen away, and silk is permitted with either wool or linen. V. Yoreh De'ah 298, 1. and cf. L. to our Mishnah and his בְּתֵי כִלְיָיִם 113. and Pithehe Teshubah to Yoreh De'ah, loc. cit.

(7) Since Scripture says of material which is kil'ayim: 'it shall not come upon thee' (Lev. XIX, 19) and: 'thou shalt not wear' (Deut. XXII, 11), having it beneath a person, is not forbidden. This permission is, in practice, operative only if the bolsters or mattresses made with kil'ayim are hard; but if they are soft, and there is consequently the possibility of even a thread winding itself round one's body and giving some warmth, it is not permitted to lie on them even if they are under ten permitted blankets.

(8) When the person's intention is that it shall serve him as a garment or covering.

(9) The commentators explain: By wearing garments which, had they been carried otherwise, would have been dutiable, a device not unknown nowadays. According to the Gemara in B.K. 113a (Sonc. ed. p. 662 f.) the Mishnah must have had in mind here imposts unauthorized by the proper authority, since were it otherwise, the duty of complying with the law of the land is, in Jewish teaching, beyond question; in fact the eluding of customs is denounced (Semahoth II, 9) as being as reprehensible as bloodshed, idol-worship, incest and Sabbath-desecration. In connection with an incident reported (Gen. R. LXXXII, 8) of two scholars who in time of persecution varied their garb but were, nevertheless, held up by Roman soldiers, who expressed surprise that the scholars should have attempted to save their lives by transgressing the Torah, the present writer has suggested, that since it was evidently a transgression of a biblical precept relating to clothing that was involved, it seems that the disguise consisted in wearing kil'ayim so as not to be recognized as Jews. The tax referred to in our Mishnah might thus have been the Fiscus Judaicus which was considered an affront to Jewish religious feelings. The editor has, as a comment on this surmise, brought to my notice an anonymous opinion cited in קְּשָׁרֵי מַהְרֵי קְּשָׁרֵי שְׂאֵלוֹת וְתַשׁוּבוֹת No. 84, to the effect that the impost referred to in our Mishnah might have been one enforced on Jews only. In B.K., loc. cit. the view is expressed that the legal principle involved is the question of דְּבַר שְׂאֵינוֹ מֵתְכוּוֹן i.e., the permissibility of an action which is in itself permissible, but which unavoidably, though unintentionally, results in something forbidden.

(10) Cloth bands and 'mantles' used to tie up and cover Scrolls of the Law, or cloths spread on the desk on which the Scrolls are unrolled and read.

(11) Since these are not intended for protecting or warming the human body. A table-cloth is in the same category.

(12) Since when drying oneself with either towel one does warm oneself; with a bath-towel one also covers oneself as with a cloak; when one clasps the covered Torah-scroll one derives warmth therefrom.

(13) Only if it has an aperture for the head; otherwise it is not an article of wear nor is it intended to protect the body, but one's clothes.

(14) In the case of the shrouds the reason is that on the strength of a Rabbinic interpretation of Ps. LXXXVIII, 6, the dead are declared exempt from all precepts. The saddle-cloth is exempt because it is stiff (cf. p. 135. n. 1). The exemption in the latter case operate only when the heterogeneous element is recognizable in the material but not otherwise, since one might in error use some of it for patching one's garments. (V. Nid. 61b).

(15) Either by way of carrying them over their shoulder, or by way of putting them for the purpose of displaying them before prospective customers.

(16) צְנוּעִים, lit., the 'modest', denoting a positive quality, probably nothing else but discretion or modesty 'Buchler' Types (contra Kohler who identifies the Zenu'im with the Essenes) pp. 59 ff.

(17) So that the forbidden materials or garments do not touch the person carrying them.

(18) I.e., letting them lie across one's lap.

(19) Placing the material on a board or table would answer the same purpose viz., avoid letting the material rest on one's body.

(20) הַבְּרֵסִין וְהַבְּרֵדִין. Our rendering is after last. But v. Kohut, 'Aruk s.v. בְּרֵסִין for variant readings and varying renderings; he concludes that one represents a (? woven) woollen and the other a felt material. Maim., frankly admits that he is unable definitely to identify the materials mentioned here except in so far as it is apparent from T.J. that they were woollens for covering the feet and thighs, and were often sown with linen thread.

(21) פִּינוּן, pile.

(22) To see whether they are made with linen.

(23) Since in the days of the Mishnah linen was very rare in those countries. T.J., however, says: Now that linen is common, all must be examined. Rash. (ca. 1150 — 1230 C.E.) says that in his own locality (Sens, district of Yonne, France) there was no need to examine because hempen thread was much cheaper there than linen and also made a stronger thread and was therefore commonly used; but, he adds, in England and Normandy (of which he was a native) where hemp is scarce, examination is essential.

(24) Maim., Yad. Hil. Kil. X, 15 gives as the reason that the skin of the feet is very hard and that consequently in comparison with that of other parts of the body, the foot does not derive so much warmth from the cloth lining. Kesef Mishneh to this says that the footwear spoken of in our Mishnah was lined with linen for the summer, but additionally lined with wool for the winter. Ikkar Tosaf. Yomtov rightly says that the reason for this exemption is not apparent.

(25) By the Pentateuchal law.

(26) **שעטנז**, Deut. XXII, 11. What follows is an interpretation by the Midrashic device of Notarikon.

(27) **שוע**, each thread (one of wool and the other of linen) smoothed out by the process of carding.

(28) **טווי** (each strand) spun.

(29) **נוז**. Maim., and Rashi to Nid., 61b, 'woven', but Rashi to Lev. XIX, 19, also R. Tam (v. Tosaf. to Nid. l.c.) 'twisted'. The latter is the accepted meaning, and the Mishnah is taken to mean that according to Pentateuchal law, the prohibition of sha'atnez applies only when a strand of wool and one of linen, each carded (shua'), and spun (tawui), and twisted (nuz) have been joined together (**יחדו** in the text) by weaving or sewing or tying. According to R. Tam (also Maim.), we should understand: When each strand has been carded, or spun, or twisted etc. This is accepted as a Rabbinic extension of the Pentateuchal law. Bert., prefers a rendering which he quotes (among others) from an anonymous teacher. Viz., 'When the strands have been shua' (carded), and tawui (spun), and nuz, which he renders 'woven'. This authority apparently takes the word **יחדו** 'together' in the text as adding sewing and tying to the prohibition of weaving, which according to him, is covered by nuz.

(30) **נלוז**, Naloz, another play on the last syllable of the word sha'atnez.

(31) So Maim., and others. An alternative rendering: 'And he perverts or subverts (the order willed by) his Father in Heaven (in that he joins together species which He ordained should be kept distinct)'.

(32) Either by drawing through or interlacing, or by means of an adhesive substance (v. L.).

(33) Or vice-versa.

(34) Or, 'since this (i.e., the edging) is wound round (or encloses) the woven material'.

(35) Since the woollen and linen strips will be tied together when the girdle is used. Otherwise such a combination of wool-leather-linen is not forbidden.

(36) A thread of linen through woollen material, or vice versa; or any thread through two pieces of material one woollen and the other linen.

(37) In the case of more than one piece of material, the drawing through of a thread once would not make them into one piece in respect of the laws of uncleanness, thus: If one piece becomes unclean, the other is not thereby rendered unclean; likewise if both are unclean, the ritual cleansing of the one will not restore cleanness to the other.

(38) Some stipulate: As long as the ends of the thread are not tied together, (v. L.).

(39) Even if he has done so in order later to sew up again, since it is 'tearing so as to sew two stitches' which is prohibited on the Sabbath (Shab. VII, 2).

(40) Some say: Even if the ends of the thread are not tied together, (v. L.).

(41) But only if the ends had been tied together.

(42) Sc. when the two strips are sewn together (with at least two stitches); and we do not say that each piece of cloth, being merely an appendage to the principal article, is negligible. Maim.: A garment made of wool and linen joined together by a sack or basket. Sipponte, apparently on the basis of a variant reading in Sifre, Deut. 232 (ed. Friedmann, p. 117a): If a sack, or a basket, contain wool and linen, the sack, or basket have the effect of combining the two species, so as to form kil'ayim (and it is therefore forbidden to carry such a sack or basket on one's shoulder). v. Rosh. In view of the fact that T.J. here comments: 'But tents, (covered enclosures containing wool and linen together) do not effect kil'ayim,' the latter interpretation seems to be the correct one.