



Trellised vines

The sixth *perek* begins by asking “What is an *aris*?” We discover that the *Mishnah* is referring to trellised vines. We learnt previously about the debate between *Beit Shammai* and *Beit Hillel* regarding the minimum number of rows of vines that constitutes a vineyard. In this *Mishnah* however we learn that if there are five trellised vines in a single row, then everyone agrees that it is considered a vineyard. Recall that this is important since one need only leave six *tephachim* from an individual vine, while one must leave a space of four *amot* from a vineyard before planting other produce.

The *Mishnah* continues by recording a debate between *Beit Shammai* and *Beit Hillel* regarding the point from which the four *amot* space is measured. *Beit Shammai* maintain that it is measured from the base of the vine, while *Beit Hillel* argue it is measured from the fence on which the vines are trellised. The *Rishonim* debate regarding about which case *Beit Shammai* and *Beit Hillel* are arguing.

The *Rambam*¹ understands that the debate is where the vines are on one side of the fence and one wants to plant on the other. That being the case, *Beit Hillel* present the more stringent opinion as he requires one to measure from the fence. If however one wanted to plant on the same side as the vine, then everyone agrees that the space is measure from the vines.

The *Raavad* however finds this position difficult as we have learnt that a fence constitutes a sufficient barrier allowing vines and produce to be planted on either side while being in close proximity. The *Kesef Mishnah* defends the *Rambam* explaining that this case is different since the vines are trellised on the fence. Consequently, the fence, according to *Beit Hillel*, are considered like the base of the vine.

According to the *Raavad* however the debate is when one wishes to plant on the same side as the vine. According to this understanding the position of *Beit Hillel* is lenient. The *Kesef Mishnah* however finds this position difficult. He argues that if, for example, the vines are planted at a distance of three *amot* from the fence, then according to *Beit Hillel* one would only be required to leave one *amah* from the vines prior to planting. Why would we be more stringent with respect to the wall than the vine itself? The *Tosfot*

Chadashim suggests that when referring to the base of the vines, then it is treated like a normal case in which a single row is not considered a vineyard and only six *tephachim* need to be left. The *aris* however is recognizable from its branches, consequently the law of *aris* and its requirement to leave four *amot* is measured from the wall.

Returning to the *Rambam*'s explanation, a further difficulty raised is that if *Beit Hillel* is indeed stringent in this case, why is it not listed amongst the other cases where *Beit Hillel* rule more stringently than *Beit Shammai*? (*Eduyot* 4). On the strength of this question, the *Tifferet Yisrael* takes a third position that *Beit Hillel* always measure from the fence, irrespective of which side one wishes to plant. This would mean that when planting on the side with the vines, *Beit Hillel* is indeed lenient (as reasoned by the *Raavad*).

The *Kesef Mishnah* however answers that this *Mishnah* is different since it continues with the position of *R' Yochanan ben Nuri* who disputes whether *Beit Hillel* ever held this position; he explains that the measure of four *amot* for an *aris* is for a different law entirely. The *Radvaz* adds that it is possible that the *Tana* in *Eduyot* agreed with the position of *R' Yochanan ben Nuri*.

The *Mishnah Rishona* finds support for the position of the *Rambam* in the answer he proposes to a different question. The *Mishnah* opened by asking “What is an *aris*?” without any prior reference to one.² The *Mishnah* should have first mentioned the law that one needs leave four *amot* from an *aris* and then asked for the definition. The *Mishnah Rishona* suggests that this *Mishnah* is referring to an earlier one (4:7). The *Mishnah* there records a debate between the *Tana Kama* and *R' Yehuda* regarding whether a fence on which a vine has been trained can still constitute a separation. Consequently, the *Mishnah* here is asking in which case involving an *aris* do the *Chachamim* agree with *R' Yehuda* that the fence no longer constitutes a separation. In other words, the *Mishnah* teaches that if there are at least five vines, then everyone agrees that the fence is *batel*. The *Mishnah Rishona* reasons that this explanation suits the position of the *Rambam* who maintains that according to *Beit Hillel* a separation is required even when planting on the other side of the fence (in contrast to the *Raavad*).

Yisrael Bankier

¹ As per the *Rambam*'s ruling in the *Mishnah Torah*, *Kilayim* 8:3, in contrast to the *Rambam*'s commentary to the *Mishnah*.

² See the *Melechet Shlomo* who also asks this questions.

Revision Questions

כלאים ה' ד' – ו' ט'

- How can one plant a single vine and grain within the same ditch? (ה' ד')
- Can one plant produce inside a house surrounded by vines? (ה' ד')
- How many vines are made *assur* if a vegetable is planted in the centre of vineyard, whose spacing between each of the vines is: (ה' ה')
 - 4 *amot*?
 - 5 *amot*?
 - 6 *amot*?
 - 7 *amot*?
- If someone finds a vegetable growing in his vineyard, does he need to remove it immediately? If not, when does leaving it become problematic? (ה' ו')
- What are the four cases the *Mishnah* lists of unintentional planting and why is this important? (ה' ו')
- Is one allowed to leave thorns growing in his vineyard? (ה' ח')
- Explain what is meant by the term *aris*? How much space must be left from vines planted in this manner, and from where is the spacing measured? (ה' א')
- If the side of a mountain is divided in to levels (like a staircase) and an *aris* is constructed on one of the levels, how much space must be left between that vine and produce that will be planted on the next level? (ה' ב')
- Do two rows of vines planted on bordering levels combined to define the area as a vineyard? (ה' ב')
- If someone is growing vines on a lattice frame, can they plant other produce under the frame that is not yet covered by the vine? What is the law if someone does plant grain that that area? (ה' ג')
- Does that same ruling (as the previous question) apply if the person uses a fruit tree in place of the lattice frame? (ה' ד')
- What is the ruling (with respect to the previous question) if a person used a non-fruit bearing tree in place of the lattice frame? (Explain the debate regarding what is considered an *ilan s'rak* with respect to this law.) (ה' ה')
- How large must a breach be in an *aris* such that grain can be planted in the gap? (ה' ו')
- Explain what is meant by the *mishnah* when it says the following:
 "עריס שהוא יוצא מן הכותל מתוך הקרן וכלה"
 And what is the ruling in such as case? (Note different opinions in the *Rishonim*) (ה' ז')
- When is one allowed to plant underneath the reed extending out from an *aris*? (ה' ח')
- The *mishnah* list three forms of extension under which one is not allow to plant other produces – what are they? (ה' ט')

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Sunday -Thursday

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www.shemayisrael.com/mishna/

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Rabbi C. Brown
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SHIUR ON KOL HALOSHON

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
24 July י"ח תמוז	25 July י"ט תמוז	26 July כ' תמוז	27 July כ"א תמוז	28 July כ"ב תמוז	29 July כ"ג תמוז	30 July כ"ד תמוז
Kilayim 7:1-2	Kilayim 7:3-4	Kilayim 7:5-6	Kilayim 7:7-8	Kilayim 8:1-2	Kilayim 8:3-4	Kilayim 8:5-6

