



Levisha and Haalah

In the final *perek* of *Kilayim* we learn about *kilayim* related to clothes made with wool and linen – *shatnez*. The *Mishnah* (9:2) taught that even if the prohibited garment is worn on top of many others it is still prohibited. That would also be the case even if it was worn to avoid illegal tax collection. In other words, even if they are worn in a manner that is not for clothing benefit, it is still prohibited.

This *Mishnah* however appears to contradict a latter one (5:2) that teaches that clothing merchants can sell their *kilayim* clothes in the “normal fashion”. In other words, if they are not wearing their products to shade them from the sun or rain, they can put them on to show the sizing to their customers. According to that *Mishnah*, intention is indeed important.

The *Bartenura* explains that the two *Mishnayot* are indeed contradictory and present two different opinions. Our *Mishnah* is according to the opinion that *davar she'eino mitkavan* is *assur* whereas the *Tana* in the later *Mishnah* maintains it is *mutar* (see *Rash* and *Rosh*). Indeed, the *Tifferet Yisrael* explains that since we rule according to *R' Shimon* that *davar she'eino mitkavan* is *mutar*, both cases would be permissible.¹ The *Rambam* however rules like both these two *Mishnayot* which would seemingly present a contradiction in his ruling (10:16,18). We shall try to understand the position of the *Rambam*.

The *Kesef Mishnah* suggests that in our *Mishnah*, even *R' Shimon* would agree that if one is wearing *kilayim*, despite the fact that *davar she'eino mitkavan* is *mutar*, one will still violate the prohibition of “you shall not wear *shatnez*”. In the later *Mishnah* the merchant was not permitted to wear the *kilayim* (*levisha*) but rather simply throwing it over him (*ha'alah*) to demonstrate the size.

The *Mishnah Rishona* however finds this distinction difficult considering that *ha'alah* is also biblically prohibited (*Vayikra* 19:19). The *Mishnah Rishona* therefore cites the *Rambam* (10:19) who explains that it is only clothing that one wears for warmth – *derech chimum* - that are prohibited, e.g., trousers, shirts, etc.¹ Other objects, e.g. purses,

bandages, would not be prohibited. The *Mishnah Achrona* therefore explains that in our *Mishnah* it is prohibited, since it is worn *derech chimum*, even if in this case the intention is to avoid the illegal tax. In the case of the merchant, since it is the standard practice for the sellers to display the clothing in this manner, it is considered like a garment that is not worn *derech chimum*.

The *Derech Emuna* (19:83) however explains that when the *Rambam* rules that only clothing that are *derech chimum* are prohibited, that is regarding those objects to which *kilayim* applies – even if momentarily not worn *derech chimum*. The *Derech Emuna* (19:75) notes that when the *Rambam* rules in the case of the merchant, he permits him to place it on his shoulder – that is *ha'alah*. The merchant however would not be allowed to wear the garment. He therefore explains much like the *Kesef Mishnah*, that there is a difference between *ha'alah* and *levisha*. Nevertheless, why should there be a difference between *ha'alah* and *levisha*?

The *Beit Ha'Levi* (1:1:6) raises the *Mishnah Rishona*'s question and answers as follows. The *Gemara* (*Yevamot* 4b) asks why both *hala'ah* and *levisha* are mentioned in the *Torah*. *Hala'ah* is needed to teach that not only wearing is prohibited. *Levisha* is needed to qualify which *ha'alah* is prohibited. Not any *ha'alah*, but only that which provides benefit to the wearer. The *Beit Ha'Levi* explains that the *Rambam* understands that the qualification that the *ha'alah* must provide benefit is only for *ha'alah* but not *levisha*. That is why for the merchants, provided it is a *davar she'eino mitkavan*, it is *mutar*. For *levisha* however that qualification does not apply, and it is forbidden to wear the clothes in all cases. The *Beit Ha'Levi* suggest that the reason that the qualification does not apply for *levisha* is from the juxtaposition in the *Torah* of the *mitzvah* of *tzitzit* and the prohibition of wearing *kilayim* (from which many *halachot* are learnt). He cites the *Beit Yosef* who rules that a garment, even if it is not worn for warmth, requires *tzitzit*. Consequently, just as the prohibition of wearing a four cornered garment without *tzitzit* applies regardless of why it is worn, the prohibition of wearing *kilayim* is the same.

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¹ We discussed the issue of *davar she'eino mitkavan* as it relates to the later *Mishnah* in a previous article, 7(18).

Revision Questions

כלאים ח' :א' – ט: ח'

- Explain the basic differences between *kil'ei kerem*, *kil'ei zeraim*, *kil'ei begadim* and *kil'ei behema*? (ח' :א')
- What is the scope of the law when the Torah forbids using an ox and donkey to plough together – does it also apply to other animals? (ח' :ב')
- What is the punishment for *kil'ei behema*? (ח' :ג')
- Would a passenger in a wagon being pulled by two different animals also transgress this prohibition? (ח' :ג')
- Can one tie a horse to the side a wagon that is being pulled by two oxen? (ח' :ד')
- Does the prohibition of *kil'ei behema* apply to a horse and an animal which is a product of *kil'ei behema* whose mother was a horse? (ח' :ד')
- If one cannot identify the parentage of mules, can they be used together for working in the field? (ח' :ה')
- Into what category do the following animals fit?
 - Hedgehog?
 - *Chuldat HaSna'im*? (ח' :ה')
 - Dog?
 - Pig?
 - Elephant and monkey? (ח' :ו')
- Does one transgress the prohibition of *kil'ei behema* if a human being and an ox are used together to pull a wagon? (ח' :ו')
- Which two fabrics when combined constitute the prohibition of *kil'ei begadim*? What two other laws relate specifically to these two fabrics? (ט' :א')
- When is it a problem to have a mattress made with linen and wool? (ט' :ב')
- Does one transgress *kil'ei begadim* if the prohibited garment is worn on top of ten other layers of clothing? (ט' :ב')
- Explain the debate regarding handtowels made from *shatnez*? (ט' :ג')
- Do the laws of *kil'ei begadim* apply to death shrouds? Why? (ט' :ד')
- When can *shatnez* saddles be problematic? (ט' :ד')
- Can a seller of fabrics hang his *shatnez* garments over his shoulder when sampling his products? (ט' :ה')
- Can a tailor rest *shatnez* garments on his lap while mending the garment? (ט' :ה')
- What do the *tznuyim* do in the above two cases? (ט' :ה-ו')
- What three necessary processes are hinted to be the word “*shatnez*”? (ט' :ח')
- What does R' Shimon learn from this word? (ט' :ח')

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1 May ל' ניסן	2 May א' אייר	3 May ב' אייר	4 May ג' אייר	5 May ד' אייר	6 May ה' אייר	7 May ו' אייר
Kilayim 9:9-10	Sheviit 1:1-2	Sheviit 1:3-4	Sheviit 1:5-6	Sheviit 1:7-8	Sheviit 2:1-2	Sheviit 2:3-4

