The initial plantings **become forbidden** – עיקרן נאסרין

Overview

The גמרא states that by כלאי הכרם even the initial plantings are אסור (if and when it becomes כלאים). These initial plantings are (either saplings or) seeds which are not edible and nevertheless they are אסורים באכילה ובהנאה. This teaches us that כלאים are different from (ושביעית) ערלה where the איסור is limited to edibles; however by כלאים even non edibles such as wood, etc. is also אסור. Our תוספות explains and qualifies this ruling.

אומר רבינו יצחק שגם הגבעולים והקש שגדל ממנו נאסר כדאמרינן לקמן (דף כו,ב) –

The ר"י states that even the stalks and the straw that grew from the כלאים (mixture) **is forbidden, as** the גמרא **later cites** a ברייתא **-**

תנור שהסיקו בקליפי ערלה[1] או בקשין של כלאי הכרם חדש יותץ[2] –

'An oven that was heated with peels of ערלה fruit **or with straw of כלאי הכרם;** if it is **a new** oven (this is its first heating), **it should be destroyed.'**

This proves[3] that even the קשין of כלאי הכרם are אסור בהנאה.

תוספות asks a question:

וקשה לרבינו יצחק דבפרק האשה שנפלו (כתובות דף פ,א ושם) –

And the ר"י has a difficulty; for in פרק האשה שנפלו -

גבי מוציא הוצאות על נכסי אשתו וכולי[4] –

Concerning the case where **one laid out expenses for his wife's property, etc. -**

מפרש רב יהודה אפילו לא אכל[5] אלא חבילי זמורות –

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[1] קליפי ערלה are considered as part of the פרי; see רש"י there בקליפי ד"ה.

[2] A new oven is considered fully functional only after it was heated (the initial heating solidifies the oven walls). Since this heating was done with איסורי הנאה, it is considered as if the תנור was 'made' with איסורי הנאה and therefore non usable.

[3] תוספות proves that קשין are אסורין בכלאים from the ברייתא later, even though it is also indicated in our גמרא. However, in our גמרא it is merely an inference (since he did not ask מה לכה"כ שכן לא היתה לו שעת הכושר); but in the ברייתא it is stated explicitly that קשין של כה"כ are אסורים בהנאה.

[4] The משנה there (עט,ב) rules concerning a husband who expended monies to improve the נכסי מלוג that his wife brought into the marriage, however he never managed to derive any benefit from the נכסי מלוג. If the husband subsequently divorces his wife, the ruling is that he swears how much he spent on the נכסי מלוג and she has to pay him for his expenses (and she retains the נכסי מלוג). However, if the husband did derive benefit from the נכסי מלוג, even if it was a minimal amount, nothing is owed, and the woman retains her נכסי מלוג and the husband receives no compensation (neither does the wife receive any compensation if he derived more benefit that he invested). There are different interpretations as to what is considered a minimal amount.

[5] The word 'אכל' means figuratively that he derived benefit from the twigs; e.g. for firewood, etc.

רב יהודה explained that even if he 'ate' only bundles of twigs that is sufficient (and she owes him nothing). 'Eating' חבילי זמורות is a sufficient אכילה. The גמרא continues to explain the ruling of רב יהודה; for -

רב יהודה לטעמיה דאמר אכלה ערלה וכלאים ושביעית הוי חזקה[6] –

רב יהודה follows **his opinion** elsewhere **where he states** that if a מחזיק **'ate ערלה or כלאים or שביעית** during his (three) חזקה years **it is** considered **a** valid **חזקה -**

פירוש אף על פי שבכל אלו אין יכול לאכול רק העצים[7] שהפירות אסורין –

Meaning that even though **that by all these** cases (ערלה, כלאים, ושביעית), **he can only eat the wood because the fruits are forbidden,** nevertheless it is a חזקה.[8] This concludes the גמרא in כתובות.

אלמא עצי כלאים שרו –

It is evident from that גמרא that **כלאים wood is permitted** to be used; otherwise there is no חזקה, and here we rule that it is אסור בהנאה.

תוספות answers:

ואומר רבינו תם דהתם מיירי באותן עצים שהיו קודם זריעת כלאים[9] –

And the ר"ת answers that there in כתובות (concerning the חזקה) **it is discussing those woods that existed before the כלאים were planted -**

וקודם שהוסיף מאתים[10] –

And before the wood **added a two hundredth**, therefore it is permitted בהנאה and it is considered אכילה for חזקה purposes **-**

אבל אותן שגדילין אחרי כן אסורין מאחר שהוסיף מאתים:

However those woods **that grow afterwards** (after it was מוסיף מאתיים), then, even if they were there initially, **they are forbidden since a two**

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[6] The rule is if an alleged buyer 'ate' the produce of a field for three years, and the original owner claims that he never sold him the field, and the current resident has no bill of sale that he bought it, nevertheless he retains the ownership of the field for he has a חזקה of three years.

[7] A חזקה is valid only if the alleged buyer consumes the produce in a normal manner as an owner usually does. Here he merely consumed the wood (which ordinarily would not be considered a חזקה), but not the produce, nevertheless, it this instance it is a חזקה. The buyer consumed whatever he was able to consume, for the produce was אסור, and only the עצים are מותר.

[8] This shows that אכילת עצים is considered an אכילה (otherwise there can be no חזקה). This explains why אכילת חבילי זמורות is considered an אכילה concerning the case of נכסי מלוג.

[9] There was a ([large] permissible) grape vine growing and later כלאים was planted adjacent to it. The fruits of the vine grew an additional two hundredth (after it became כלאים), however the vine did not grow an additional two hundredth. The fruits are אסור since הוסיף מאתיים; however the (wood of the) vine is מותר since לא הוסיף מאתיים. [תוספות in כתובות ד"ה אכלה points out that this is not at all unusual for the fruit grows at a much faster rate that the vines (see [הארוך] מהרש"א).]

[10] Plants that became כלאים after they were grown do not become אסור until they add a two hundredth of their original size after they became כלאים. If the plant weighed two hundred ounces before it became כלאים it will not become אסור as כלאים until it grows (slightly more than) an additional ounce.

hundredth was added. The ברייתא of תנור can be discussing either a case of הוסיף מאתיים, or of new growth (what grew after there was כלאים) where the קשין are certainly אסור

Summary

By כלאי הכרם even the wood of the plant is אסור provided it grew באיסור (after the כלאים planting) or if it became larger by a two hundredth.

Thinking it over

When permissible plants become אסור on account of כלאים, for they were מוסיף מאתיים, is the entire plant אסור because כלאים is intermingled with it, or because the entire plant becomes intrinsically אסור מחמת כלאים?[11]

[11] See previous תוספות ד"ה מה לערלה.