

It is not a vineyard

אינו כרם –

OVERVIEW

rules that if the rows of vines in a vineyard are separated from each other less than four אמות it is not considered a vineyard. תוספות explains how this is relevant.

ואין צריך להרחיק זרע ד' אמות אלא שלשה טפחים¹ כעין כרם² יחידי –

And it is not necessary to distance planting seeds from this vineyard four אמות, but rather only three טפחים similar to a single vine (where one cannot plant seeds within three טפחים of this vine).

תוספות offers an additional example where it is relevant:

ולענין מי שנטע כרם ולא חיללו³ דאינו חוזר מן⁴ המלחמה:

And it is not considered a כרם regarding the law of 'whoever planted a כרם and did not redeem it'⁵ (where by a regular כרם he would be able to return from the battlefield) however by this כרם he does not return from the battlefield.

SUMMARY

One may plant seeds within אמות ד' (but outside טפחים ג') of a כרם whose rows are separated by less than אמות ד', and such a כרם does not exempt him from battle.

THINKING IT OVER

See ת"ק⁶ where the משנה cites a מחלוקת regarding a גפן יחידי, where the ת"ק requires distancing six טפחים and ר"ע requires only three טפחים. Why is it that תוספות chooses the view of ר"ע (יחיד)⁷ over the view of the ת"ק (רבים)?!⁸

¹ See 'Thinking it over'.

² The הגהות הב"ח amends this to read גפן (instead of כרם).

³ See דברים (שופטים) כו, ו.ומי האיש אשר נטע כרם ולא חיללו ילך וישב לביתו פן ימות במלחמה ואיש אחר יחללנו.

⁴ The הגהות הב"ח amends this to read מערכי המלחמה.

⁵ The grapes of the first three years (from the planting of the כרם) are ערלה. The grapes of the fourth year are either taken to ירושלים to be eaten there, or are redeemed and the money is taken to ירושלים and spent there on food. The owner of the כרם did not have the opportunity yet to redeem his כרם (it is not four years since he planted it).

⁶ פ"ו מ"א.

⁷ See footnote # 1.

⁸ See (פב, ב תוד"ה וזרע) רש"ש.