

Say, 'whatever will be gathered'

אימא כל המתלקט –

OVERVIEW

The גמרא interpreted the משנה of צנועין (that they did not say כל הנלקט [in the past] for that would contradict the ruling of ר"י regarding ברשותו¹, but rather) that they said, whatever will be picked should be redeemed. תוספות discusses the effectiveness of redeeming כרם רבעי while it is still attached to the vine.

משמע דחל פדיון במחובר לקרקע שהרי קודם לקיטה היה מתחלל -

It seems that redemption of כרם רבעי is effective even if the fruit is still attached to the ground, for when they said כל המתלקט it meant that the redemption took place before it was picked from the vine -

שהרי אחר שנלקט שבא לרשות אחרים אין לבעלים כח בהן לחלל² -

Since after it was picked, when it entered into the domain of others (the gatherers) the owners do not have the power to redeem them since it is not ברשותם.

תוספות asks:

ותימה דבתוספתא משמע דאין חילול במחובר דתניא בסוף מעשר שני³ -

And it is astounding! For it seems from the תוספתא that there is no חילול by regarding - תוספתא מע"ש in the end of ברייתא, מחובר לקרקע

כרם רבעי בית שמאי אומרים אין פדיון אותם ענבים⁴ אלא יין ובית הלל אומרים ענבים ויין - כרם רבעי, where ב"ש maintain that one does not redeem them when they are still grapes, but rather they are redeemed once they become wine, and ב"ה maintains they can be redeemed both as grapes and wine -

והכל מודים שאין פדיון במחובר לקרקע⁵ ונראה דטעמא דילפינן קדש קדש ממעשר⁶ -

But all מחובר agree that they are not redeemed when they are (ב"ה and ב"ש) agree that they are not redeemed when they are מחובר לקרקע! This concludes the תוספתא. And it seems that the reason is because we derive it through a גזירה שוה of קדש קדש from שני מעשר.

¹ Once it was picked and in the possession of the gatherers, the owners can no longer redeem them for it is שלא ברשותו.

² This was the reason the גמרא said that they did not say כל הנלקט (in the past), for then it is not ברשות בעלים.

³ פרק ה הלכה יא.

⁴ Presumably we are discussing grapes which are intended to be made into wine.

⁵ This תוספתא which states פדיון במחובר לקרקע שאין פדיון במחובר לקרקע contradicts our גמרא which indicates that פדיון במחובר לקרקע.

⁶ See on the עמוד ב' where the גמרא derives כרם רבעי מע"ש (regarding adding a fifth if one is his own) through the גז"ש of קדש קדש. It states (in יט, כד) regarding (ויקרא [קדושים] יט, כד) that קדש קדש is derived from the גז"ש of קדש קדש. It states (in יט, כד) regarding (ויקרא [בחקותי] כז, ל) that קדש קדש is derived from the גז"ש of קדש קדש. We can also seemingly derive from this גז"ש that just as there is no כרם רבעי במחובר, similarly there is no מעשר במחובר, since there can be no פדיון מע"ש במחובר, since there can be no פדיון מע"ש במחובר.

answers: תוספות

ויש לומר דהתם לא הוי טעמא אלא משום דמחובר אין דמיו ידועין⁷ -

And one can say that there (in תוספתא מע"ש) the reason that it cannot be redeemed במחובר is only because that while the grapes are מחובר its monetary value is unknown (but not because of any גז"ש⁸ -

ולכך אין פודין אפילו על פי שלשה⁹ והיינו נמי¹⁰ טעמא דבית שמאי:

And therefore they cannot be redeemed while they are מחובר, even with three people assessing its value, and this is also the reason of ב"ש that one cannot redeem grapes, for the true value is not known until they become wine.

SUMMARY

כרם רבעי is (generally) not redeemed במחובר because there is no true evaluation of its worth until it is harvested.

THINKING IT OVER

1. Why indeed do we not derive¹¹ from the קדש קדש גז"ש that we are not כרם פודה רבעי¹² because there is no true evaluation of its worth until it is harvested?

2. How does תוספות know that the reason for במחובר אין פודין (by כרם רבעי) is because of גז"ש and not because of דמיו ידועין?

⁷ answer is that כרם רבעי can be נפדה במחובר מן התורה; it is only a דרבנן that it should not be נפדה במחובר so that we should be able to assess its value properly. However, regarding the חכמים, the מלקטים allowed the רבעי to be נפדה במחובר in order to prevent the מלקטים from transgressing the איסור רבעי.

⁸ See 'Thinking it over' # 1.

⁹ The first סנהדרין משנה states that רבעי whose value is not known should be redeemed through the assessment of three people. However, our תוספות rules, if the רבעי is still מחובר it should not be done then (even with three assessors) but rather wait until it is harvested to receive a proper assessment.

¹⁰ See 'Thinking it over' # 2.

¹¹ See footnote # 8.

¹² See נחלת משה.