



Volume 13. Issue 16

## Spacing in a Vineyard

This week we made the transition from discussing *kilei zerayim* to *kilei kerem* – *kilayim* in a vineyard. There is a difference when dealing with individual vines or a vineyard. We learnt, that one must leave a distance of six *tephachim* prior to planting any produce near a vine. However, when considering a vineyard, a region of four *amot* around the vineyard (referred to *avodat hakerem*) is considered part of the vineyard and nothing may be planted there.

It is therefore critically important to understand when a collection of vines becomes defined as a vineyard. We have learnt that the definition relates to the number, configuration and spacing between the vines. We also learnt (4:9) that if the vines are spaced sixteen *amot* apart then one is able to plant other produce between the vines. The *Bartenura* explains that at this spacing, the vines are each treated independently and one need only leave a space of six *tephachim*.

The *Mishnah* also however includes the opinion of *R' Meir* and *R' Shimon*, who maintain that as long as there is eight *amot* between the vines, one would be able to plant in the region between the vines. The *Bartenura* notes that we learnt in the beginning of the *perek* that if a region was destroyed in the middle of the *kerem* – *karachat hakerem* – the *Mishnah* required sixteen *amot* prior to planting in the region. The *Bartenura* explains that the difference as follows. A *karachat hakerem* is in an existing and established vineyard and therefore requires this extra space. In our *Mishnah* we are dealing with the initial configuration of a collection of vines, and according to *R' Meir* and *R' Shimon* spacing the vines eight *amot* apart is enough for them to be considered individual vines.<sup>1</sup>

In between recording these two opinions, *R' Yehuda* presents an incident in *Tzalmon* in support of the position of the *Tana Kama*. An individual planted his rows of vines sixteen *amot* apart. Each year he would alternate the side that the branches would grow, in order to leave a large empty space in between the rows with no overhanging branches, in which he would plant produce. *R' Yehuda* ends that this practices was

approved by the *Chachamim*. The *Bartenura* explains the farmer behaved in this manner so that the branches would not cover the produce. What is the issue?

The *Rashbam* (*Bava Batra* 82b) explains that had the farmer not train the branches to one side, then as the branches would grow, they would reduce the space between the vines to be less than sixteen *amot* which would thereby prevent any produce from being planted between the vines. The *Rashash* understands that this is a rabbinic stringency only for the laws of *kilayim*. The significance of this explanation is that in the *Gemara* we find that if one purchases three trees in another's field then he also acquires the land along with it. This however is only if they are not spaced too far apart. The *Rashash* understands that since this is a stringency for *kilayim*, the spreading of branches would not have an impact on property law. In other words, the spacing would be measured from the base of the trees and not the branches.

The *Maharsha* explains that the *Tosfot* also agrees that the branches reduce the space. Once the space is reduced between two rows, they are defined as a vineyard. That being the case, this would still impact those regions between the rows that with no branches covering it. Since the pairs of rows are defined as a *kerem*, one would need to leave four *amot* next to the vines on each side of the space and then only plant in the remaining eight *amot* wide region.<sup>2</sup> The *Maharsha* notes that this is in contrast to the opinion of the *Rash* and *Bartenura* who maintain that only six *tephachim* need to be left. How do we understand their opinion?

The *Tosfot HaRid* argues with the position of the *Rashbam*. He explains that we always measure the distance from the base of the vines and the branches do not impact the spacing. Why then was the farmer particular to train the branches to one side? He explains that even if one plants produce at the required distance away from the vine, if the branches grow over the produce, it would make it *assur*. In other words, in this case the farmer simply wanted to maximize the space he could plant his produce without concern for issues of *kilayim* developing.

*Yisrael Bankier*

<sup>1</sup> See the *Rambam* who rules that if the vines are spaced eight *amot* apart, then one need only leave six *tephachim* when planting between the vines, but must leave four *amot* when planting outside them. See the *Tosfot Yom Tov*.

<sup>2</sup> The *Mishnah Rishona* however appears to understand that according to the *Tosfot* only six *tephachim* need to be left. Perhaps because the status stems from a stringency – see *R' Yonah*.

### Revision Questions

כלאים ג' ו' – ה' ג'

- Explain the debate regarding inserting rows of pumpkins into a field of onions? (ג' ו')
- What spacing must be left between: (ז' ו')
  - A pumpkin planted in a vegetable field?
  - A row of pumpkins planted in a vegetable field? (both opinions)
- What is *karachat hakerem* and what is its minimum size? (Include both opinions) (ד' א')
- What is *machol hakerem* and what is its minimum size? (Include both opinions) (ד' א-ב')
- How does *R' Yehudah* define *machol hakerem*? (ג' ד')
- How high must a fence be to be considered an adequate division? (ג' ד')
- How large can a breach in the fence be without rendering it unusable as a continuous division? (ד' ד')
- How many minor breaches can a fence have without rendering it unusable as a continuous division? If there are too many breaches, can one plant next to the existing fence? (ד' ד')
- How many vines are needed to define the region as a vineyard (include both opinions) and why is this important? (ד' ה')
- Which of the following vine configurations would define the region as a vineyard? (ד' ו')



- (a) (b)
- If two rows of grapes were divided by a fence, when is the regions still defined as a vineyard? (ז' ד')
  - How wide must the spacing be between two rows of vines so that the region is not defined as a vineyard? (ח' ד')
  - How wide must the spacing be between each row of vines in a field that has many rows of vines so that the region is not defined as a vineyard? (Include both opinions) (ט' ד')
  - If a field contains vines that have been planted haphazardly, can it still be defined as a vineyard? (ה' א')
  - What is the minimum spacing between rows of vines such that the area can be defined as a vineyard? (ה' ב')
  - Can grain be planted in a hole in the vineyard that is used for pressing wine? (ה' ג')
  - When can a watchmen's hut in a vineyard not be used for planting grain? (ה' ג')

### Melbourne, Australia

#### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

#### Friday & Shabbat

10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

### Efrat, Israel

*Shiur in English*

#### Sunday -Thursday

Rabbi Mordechai Scharf  
 9:00am  
Kollel Magen Avraham  
 Reemon Neighbourhood

### ONLINE SHIURIM

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

*Rabbi E. Kornfeld*  
*Rabbi C. Brown*  
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

### SHIUR ON KOL HALOSHON

*Rabbi Moshe Meir Weiss*  
 In US dial: 718 906 6400  
 Then select: 1 – 2 – 4

### Next Week's Mishnayot...

| Sunday              | Monday              | Tuesday             | Wednesday           | Thursday            | Friday              | שבת קודש            |
|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| 17 July<br>י"א תמוז | 18 July<br>י"ב תמוז | 19 July<br>י"ג תמוז | 20 July<br>י"ד תמוז | 21 July<br>ט"ו תמוז | 22 July<br>ט"ז תמוז | 23 July<br>י"ז תמוז |
| Kilayim 5:4-5       | Kilayim 5:6-7       | Kilayim 5:8-6:1     | Kilayim 6:2-3       | Kilayim 6:4-5       | Kilayim 6:6-7       | Kilayim 6:8-9       |

