



## Potted Plants During *Shemittah*

The mitzvah of *shemittah* is to let the land of *Eretz Yisrael* rest on the seventh year of every seven-year cycle. More specifically, the mitzvah extends to produce as well as other areas.

There are three aspects of *shemittah* that pertain to the land. The first aspect prohibits working the land through the performance of certain types of labor. These are prohibited on a biblical level and others on a rabbinical level. The second aspect is the obligation to relinquish ownership of produce that grows during *shemittah*, including vegetables, fruits and grains. The third aspect relates to the proper treatment of *shemittah* produce in regards to preparing, eating, and discarding remainders. These three *mitzvot* are obligatory in the land of *Eretz Yisrael*, during the *shemittah* year, on land that is owned by a Jew.

### The status of potted plants

Do these rulings equally apply to produce grown in containers, or only to those directly planted in the ground?

In Talmudic literature our Sages distinguish between two types of planters: an *atzitz nakuv* (a perforated pot) and an *atzitz sh'eino nakuv* (a non-perforated pot). They rule (*Bavli Shabbat* 95a; *Mishnah Otkzin*

2:10; *Yerushalmi Orlah* 1:2) that produce grown in perforated pots (*atzitz nakuv*) has the same laws as produce grown in the ground. Thus, *terumot* and *maas'rot* (tithes given to *kohanim* and *levi'im*) need to be taken from produce grown in perforated pots, and the laws of *orlah* (refers to the first three years of a plant's life in which its fruit is forbidden for consumption) apply to the fruit. Although a non-perforated pot or planter (*atzitz sh'eino nakuv*) is not biblically obligated in any agricultural mitzvot, our Sages decreed that such containers should be treated as if they were perforated (like an *atzitz nakuv*).

Rav Shlomo Zalman Auerbach (*Minchat Shlomo* 41:4) explains that our Sages were concerned that if non-perforated pots have no halachic significance, people would mistakenly come to consume *orlah* or untithed produce from perforated pots as well, which are biblically forbidden. Consequently, they decreed that non-perforated pots have the same laws as perforated ones. While he did not rule this way in practice, Rav Auerbach suggested that there is room to be lenient in the realm of *shemittah*, as opposed to *orla* and tithes. He bases this on the assumption that the Sages' decree would not apply equally to outdoor plants in non-perforated pots during *shemittah*, since people would take more care to keep a *halachah* occurring only once in seven years.



### **Shemita** in a closed structure

The *Talmud Yerushalmi* (*Orlah* 1:2) discusses whether the laws of *shemita* apply to plants in an enclosed building. The doubt regarding this issue is derived from the wording of the verses regarding *shemita*. The Torah (*Vayikra* 25:4) uses the term “*sadecha*” meaning one’s field. The *Talmud Yerushalmi* then suggests that perhaps a roofed building is not considered a field, as a field is always under the open sky.

Rav Yisrael of Shklov (one of the primary students of the *Gr”a*, who moved to Israel as a result of the teachings of his rav) in *Pe’at HaShulchan* (20:52) ruled that anything grown under a roof is not subject to the laws of *shemita*. He based this on the fact that, according to most authorities, *shemita* in modern times is not a biblical obligation but rather a rabbinic one. Considering that our Sages debated over the status of plants grown indoors, and since in areas of doubt the ruling is always to be lenient regarding a rabbinic obligation, Rav Yisrael ruled accordingly. He maintained that all agricultural labor within a building is permitted, including planting and harvesting large quantities. In addition, he ruled that indoor produce does not have *kedushat shevi’it* (the holiness of the seventh year).

The *Chazon Ish* (*Shevi’it* 22:1) did not accept the ruling of the *Pe’at Hashulchan* that indoor plants are not included in the laws of *shemita*, nor that of Rav Shlomo

Zalman that non-perforated pots outside are exempt. However, regarding a plant that is both indoors and in a non-perforated pot, the *Chazon Ish* was lenient. Thus, a plant or tree in a non-perforated pot in a roofed building is completely exempt from the laws of *shemita*.

Modern *poskim* accept the ruling of *Chazon Ish* that indoor non-perforated pots have no *shemita* obligation whatsoever. However, these are very complex *halachot* with more aspects to consider. In the coming weeks, we will expand on the issue of plants in containers and their obligation during *shemita*.

#### **In summary:**

- The three aspects pertaining to the land on *shemita* are relinquishing ownership of the produce, not working the land and proper treatment of *shemita* produce.
- The laws of *shemita* apply to Jewish owned land in *Eretz Yisrael*.
- Plants and trees in perforated pots are obligated in the laws of *shemita*.
- Some hold that plants in non-perforated pots are not obligated in the laws of *shemita*.
- In practice, plants in non-perforated pots that are found in an enclosed structure are not obligated in certain laws of *shemita*.

### **Kashrut Questions in Israel?**

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