



Houseplants During *Shemittah*

The laws of *shemittah* surrounding agricultural labors and the handling of holy produce (*kedushat shevi'it*) are dependent on numerous factors. One such factor is whether a plant is grown directly in the ground or in a container. It is accepted by many authorities (*Shevet HaLevi* 8:246; *Minchat Asher*, *Shevi'it* 32) that the laws of *shemittah* do not apply to plants or trees grown in non-perforated pots which are located in a roofed building. This article explains what constitutes a non-perforated pot.

Non-perforated pots

In order for a pot to be considered an *atzitz sh'eino nakuv* (non-perforated pot), it has to be completely sealed on all sides. A hole which allows any water to escape (even on the side of the pot) would render the pot an *atzitz nakuv* (perforated pot), and all laws of *shemittah* would apply (*Mishpitei Eretz* 8:5).

Materials of pots

Early authorities discuss if the material that non-perforated pots are made of has halachic significance. *Rashi* on *Massechet Gittin* (7:b) explains that a non-perforated

pot made from earthenware is considered an *atzitz nakuv*. Many commentators try to explain the rationale behind *Rashi's* perspective. The *Tosafot* disagree with *Rashi* regarding earthenware, although they rule that a non-perforated pot made from wood is considered an *atzitz nakuv*. The *Chazon Ish* (*Dinei Orlah* 32) rules like *Rashi* and cites proof against the *Tosafot*. It is accepted that an earthenware planter is considered an *atzitz nakuv*, even if it is sealed on all sides.

A sealed pot made from solid materials such as metal, glass or plastic is considered an *atzitz sh'eino nakuv*. An optimal solution for earthenware planters or pots is to put a plate made of one of the above materials under the earthenware pot in order to change its status into an *atzitz sh'eino nakuv*.

Size of the pots and plants

In order to be considered an *atzitz sh'eino nakuv*, the pot must be easily movable. Authorities rule that planters or pots that are too large to move around because of their size and weight are considered part of the ground. Therefore, many laws of *shemittah* apply to them even if they are inside a roofed building (*Kedushat Ha'aretz* 23:39). Similarly, some authorities rule that any planter that holds more than 330 liters (40 *se'ah*) is considered an *atzitz nakuv* (see *Derech Emuna* 1:110).

Placement of the non-perforated pot

Authorities debate the status of an indoor



tree whose branches protrude beyond the perimeter of its pot. The *Mishne Lamelech* (*Hilchot Bikurim* 2:9) and others rule that in such a case, the pot is considered an *atzitz nakuv* even if it is completely sealed. The logic being that since the branches are over the ground, they feed off the moisture from the floor and are considered as if they are connected to the ground. However, later authorities point out that only when the floor is made of earth does this law apply. Thus, if the floor is made of wood or overlaid with carpeting or PVC, the extending branches would be of no consequence (see *Mishpitei Eretz* p.110-111).

Some *poskim* rule that if a sealed pot is on a tiled floor made of ceramic or earthenware material, the pot is considered an *atzitz nakuv* and the laws of *shemitah* apply. However, there is room to dispute this, since the plants do not actually draw up water and nourishment through the flooring.

Additionally, many *poskim* accept that if the tiled floor is not on the ground floor, rather on a higher level (from ground floor and up), earthenware tiles have effect and the pot is considered an *atzitz sh'eino nakuv* (*Minchat Shlomo* 1:41). Being that in most modern houses even the ground floor is on a cast concrete slab, there is often room to be lenient. One should consult a rav.

Air is not considered a barrier between the ground and the planter. As such, a perforated planter hanging above a floor is

considered as if it is resting on that floor (see *Shulchan Aruch, Choshen Mishpat* 67:22 and *Mishpitei Eretz* 8:5).

In summary:

- Plants and trees in non-perforated pots grown in a closed structure are exempt from the laws of *shemitah*.
- Non-perforated pots must be completely sealed on all sides.
- According to halachah, in order for a pot to be considered non-perforated (*atzitz sheino nakuv*), it must be made of a material other than earthenware.
- In a case where a pot is made from earthenware, a plate made of another material may be placed beneath it in order for it to be considered a non-perforated pot.
- Non-perforated pots that hold more than 330 liters or which are not easily portable are not considered halachically non-perforated.
- In a case where the branches of non-perforated pots protrude beyond the perimeter of the pot, some halachic authorities say that it is no longer considered non-perforated.
- A perforated pot hanging in the air is still considered perforated even though there is space between the pot and the ground.

Kashrut Questions in Israel?

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