



# Produce That Does Not Have *Kedushat Shevi'it*

All crops, including fruits, vegetables, grains, and legumes, that grow in the Land of Israel during the *shemita* year acquire a unique holiness called *kedushat shevi'it*. Numerous laws govern such produce, restricting who may eat it, the way it must be handled, and whether it may be sent outside the Land. Before studying the detailed laws of *kedushat shevi'it*, it is essential to know which form of produce has this special holiness. For the next few weeks we will focus on this topic.

## *Yevul Chutz La'aretz*

*Yevul chutz la'aretz*, also known as *yevul chul* (literally “overseas produce”), is produce imported from areas outside the Land of Israel. This term can be found in supermarkets and online shopping sites all over Israel. It refers to produce brought from areas that are undisputedly not part of the Land of Israel, such as Europe and Africa. The source that *shemita* only applies to *Eretz Yisrael* is an explicit verse in the Torah (*Vayikra* 25:2):

דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תֵבְאוּ אֶל־הָאָרֶץ אֲשֶׁר  
אָנֹכִי נֹתֵן לָכֶם וְשָׁבַתָה הָאָרֶץ שְׁבֹת לַיהוָה:

“Speak to the Israelite people and say to them: When you enter the land that I give

to you, the land shall observe a Sabbath of Hashem.”

Our Sages (*Yerushalmi, Shevi'it* 6:1) derive that only in the Land of Israel do *shemita* laws apply. This ruling is accepted by all authorities (see *Rambam, Shemita Veyovel* 4:25), and thus, there is no *kedushat shevi'it* in produce grown abroad, including in neighboring Jordan.

It should be noted that regarding *terumot* and *ma'asrot* (the tithes taken from produce grown in *Eretz Yisrael*) our Sages decreed that land inhabited by Jews in the kingdoms adjacent to *Eretz Yisrael*, such as *Amon* and *Moav* (Transjordan), must have tithes removed from its produce (*Yerushalmi, ibid*). That was only regarding *terumot* and *ma'asrot*; *shemita* does not apply in these areas today (*Rambam, Shemita Veyovel* 4:27). The difference between *shemita* and *terumot/ma'asrot* is that since the lands of *Amon* and *Moav* are so close to *Eretz Yisrael* and Jews would travel to these areas frequently, confusion might occur regarding which tithes need to be taken. As such, our Sages extended the borders for *terumot* and *ma'asrot*. However, they felt that *shemita* is too difficult a mitzvah to be rabbinically extended to those areas, and that only the Holy Land proper has the requirements of *shemita* including *kedushat shevi'it* (*Derech Emuna* 203).

*Yevul chul* does not include crops grown on land under the jurisdiction of the Palestinian Authority by non-Jews, nor does it include areas of southern Israel. These topics



are subject to numerous halachic disputes, which will be discussed in a future article. *Yevul chul* (יבול חו"ל) can appear in a market or website as *yevul chutz la'aretz* (יבול חוץ לארץ) or in certain places *lelo chashash shemitah* (ללא חשש שמיטה).

### **Potted plants, greenhouses and hydroponics**

Fruit and vegetables can also be grown in containers, both perforated and non-perforated. *Poskim* debate the status of such produce. Rav Shlomo Zalman Auerbach (who was relatively lenient regarding labor and transporting of produce in both perforated and non-perforated pots) ruled that any vegetable or fruit grown under the sun in outdoor pots, whether perforated or not, has *kedushat shevi'it*. This seems to be the accepted position by all *poskim* (see *Shulchan Shlomo* p.84). The same would apply to produce grown in perforated pots indoors.

Regarding produce grown in perforated pots indoors, such as in greenhouses, a dispute exists among the *poskim*. Later authorities question whether *shemitah* applies at all in perforated pots inside greenhouses, since the *Talmud Yerushalmi* (*Orlah* 1:2) mentions an opinion that planting indoors might be permitted during *shemitah*. Although this opinion is not completely accepted, indoor planting in **non**-perforated pots, such as in a greenhouse, is generally permitted (see *Yabia Omer* 9:31; *Minchat Shlomo* 3:158). Others disagree, maintaining

that if the greenhouse is made specifically for plants, it is as if one is cultivating them outside and *shemitah* laws apply. It would seem that even according to the stringent opinion, since *kedushat shevi'it* is derivative of this dispute (the dispute was regarding the initial planting during *shemitah*), there is room to be lenient regarding *kedushat shevi'it* (see *Kedushat HaAretz* 20:29).

Produce grown indoors hydroponically (in a water/nutrient solution and not in earth) does not have *kedushat shevi'it* (*Chazon Ish, Shevi'it* 26:4; *Derech Emuna* 1:110).

#### **In summary:**

- Produce grown outside of the Land of Israel is called *yevul chul* and does not have *kedushat shevi'it*.
- Produce grown in Jordan has no special status regarding *shemitah*.
- Produce grown in the Palestinian Authority areas or in southern Israel have different laws and are **not** considered *yevul chul*.
- Produce grown **outdoors** in pots (even non-perforated) has *kedushat shevi'it*.
- Produce grown in non-perforated pots in **indoor** greenhouses does not have *kedushat shevi'it*.
- Produce grown hydroponically indoors does not have *kedushat shevi'it*. ■

## **Kashrut Questions in Israel?**

Call or Whatsapp Rabbi Friedman at  
050-200-4432