



שבת הארץ

בס"ד

CHICAGO RABBINICAL COUNCIL MONTHLY SHEMITTAH NEWSLETTER

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The cRc is proud to present a monthly newsletter series on *shemittah*. Each edition will feature Rabbi Dovid Cohen as well as one of the cRc Dayanim.

Greenhouse Produce

by Rabbi Dovid Cohen

Administrative Rabbinical Coordinator, cRc Kosher

One innovative way for Israeli farmers to grow vegetables during *shemittah* is through the use of specially constructed greenhouses. In this installment we will consider the two possible reasons why greenhouse produce should not be considered "*shemittah* produce":

1. It does not derive any nourishment from the ground (עציץ שאינו נקוב).
2. It is grown indoors (זורע בבית).

עציץ שאינו נקוב

Items which grow in flowerpots that have no holes in them (עציץ שאינו נקוב), are *mid'oraisah* (according to Torah law) not considered to be growing in the "ground," because the plants cannot draw nourishment from the ground. However, it is generally assumed that *mid'rabannan* (according to rabbinic law) they are considered to be attached to the ground.

During the *shemittah* year, some companies

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Shemittah: A Mitzvah for the Land and for Man

by Rabbi Aaron Kraft

Dayan, cRc Beth Din

The Torah discusses the *mitzvah* of *shemittah* in two primary locations, each emphasizing two different foci of the *mitzvah*: *Parshas Mishpatim* (*Shemos* 23) and *Parshas Behar* (*Vayikra* 25). The section in *Parshas Mishpatim* introduces the *mitzvah* of *shemittah* in the context of *mitzvos* involving the fair and compassionate treatment of others. The Torah instructs us to work the land and harvest its produce for six years and to allow the land to lay fallow in the seventh year so that the indigent members of the Jewish people can eat whatever produce grows on its own.

Later, in *Parshas Behar*, the Torah presents this *mitzvah* in the context of the land. The section begins by framing this *mitzvah* as one that

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line the floor of their greenhouses with thick plastic sheeting to guarantee that the growing qualifies as being in an *עציץ שאינו נקוב*, and in modern Hebrew, produce which is grown in this manner is known as being from a *מצע מנותק* (disconnected bed), and will often be labeled as such.

זורע בבית

The *Talmud Yerushalmi* is unsure whether foods that grow in a house (זורע בבית) are subject to the *halachos* of *shemittah*, and there is a debate in the *Acharonim* as to what the *halacha* is. Rav Ovadiah Yosef is lenient since the obligation of *shemittah* nowadays is merely *d'rabannan*, but others follow *Chazon Ish* who takes a stricter approach regarding items grown in a house. *Chazon Ish* states that he would personally assume that the same stringency should apply if the growing was indoors and also in an *עציץ שאינו נקוב*, but says that one should not protest against those who are lenient in that case.

However, *Chazon Ish* suggests that the *Yerushalmi* only considers that one may plant in a house during *shemittah* when doing so is detrimental to the growth of the plants. In cases, though, where one covers or encloses a plant in a manner that protects and helps it, there is no question that such plants are included in all restrictions of *shemittah*. If that is accurate, then in many cases the leniency of זורע בבית will not be applicable. The *poskim* take a few different approaches in relating this to the greenhouses used nowadays:

- Rav Ovadia Yosef disagrees with this suggestion of *Chazon Ish*.
- Dayan Weiss accepts *Chazon Ish* and therefore rules that one cannot rely on זורע בבית for contemporary greenhouses.



- Dayan Yisroel Yaakov Fisher accepts the basic premise of *Chazon Ish* but argues that greenhouse produce is not as tasty as similar items grown in the traditional manner, and therefore one may plant in such an environment during *shemittah*.

- Rav Moshe Shternbuch basically agrees with the strict approach but says that as relates to *marror* on Pesach, one should be lenient on this issue rather than eat "regular" romaine lettuce and take a chance of eating bugs (which would be an *issur d'oraisah*).

Sale to Non-Jews

It has been suggested that the "flowerpots" and their contents can be sold to a non-Jew, and then non-Jews can do all *melachos d'oraisah* for the plants. This type of sale has many advantages over the well-known *heter mechirah*, and Rav Yosef Shalom Elyashiv zt"l found this arrangement

acceptable if it is done in conjunction with זורע בבית and *עציץ שאינו נקוב*.

Rav Shmuel Vosner zt"l agreed with the *halachic* portion of this position but argued that exploiting this type of loophole on a grand scale is against the spirit of *shemittah*, and doing so will lead people to erroneously believe that the general *heter mechirah* is acceptable.

Items grown in this manner might still be subject to the *halachos* of *kedushas shevi'is* as per the two opinions to be discussed in a future installment.

In addition, some *poskim* are inclined to be lenient as relates to the use of romaine lettuce for *marror* to help consumers avoid the *issur d'oraisah* of eating bugs.

IN SUMMARY: There are multiple opinions as to if and when greenhouse produce is excused from the *halachos* of *shemittah*. Consumers should be aware of these standards before choosing produce that may be relying on a specific position.

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begins only after entering the Land of Israel and specifically in this context elaborates on many of the *mitzvah's* details that have to do with restrictions on working and harvesting the land. Only here does the Torah apply the term "Shabbos" to the land, indicating that the *shemittah* year functions as a year of rest for the land parallel to our Shabbos, a day of rest for the people. In fact, any mention of the underprivileged benefitting from the produce that grew on its own during the Sabbatical year is absent from this section of the Torah.

The dual identity of *shemittah* – a *mitzvah* for the land and a *mitzvah* for man – that emerges from the above two sections of the Torah manifests itself in the explanations provided by *Chazal* and by the *Rishonim* for the *mitzvah* of *shemittah*. While we generally believe that, as human beings, we cannot know the reasons for any given *mitzvah* with certainty, studying and appreciating different reasons and values associated with *mitzvos* can enhance our understanding of the *mitzvah* and inspire our performance thereof. When it comes to the *mitzvah* of *shemittah* we find two categories of explanations from our Sages, each corresponding with one of the major themes we identified in the above *pesukim*.

Many commentaries emphasize the *Parshas Behar* description of *shemittah* and focus on the land. For example, the *Midrash Agaddah* (*Parshas Behar* 25:3) relays that *shemittah* is in some ways compensation for the land due to the sacrifice that it has made on behalf of the world and the Jewish people. When Adam sinned, the land was cursed (see *Bereishis* 3). When the *dor hamabul* sinned, the land was destroyed (see *Bereishis* 6). When the people of Sodom sinned, the land was overturned (see *Bereishis* 19). In return, says the *Midrash*, Hashem commanded us to provide a respite for the land every seven years. More traditionally, the *mitzvah* of *shemittah* is explained by some as a way of ensuring that the land remains fertile and strong for future production (see Rambam *Moreh Nevuchim* 3:39 in his second explanation).

Other commentaries highlight the aspect of this *mitzvah* that relates to mankind. This, in fact, is the

first explanation provided by the Rambam (*Moreh Nevuchim* *ibid.*), namely that one of the goals of the *shemittah* year is to lead to pity and help for all men. This perspective certainly emphasizes the benefit that *shemittah* has for those who are less fortunate, giving them access to free produce that cannot be harvested by the farmers or sold to consumers. Others point out that the *shemittah* year benefits mankind in an additional manner. Besides providing free sustenance for the poor, it grants the farmers an opportunity for reflection and growth. Because the farmers refrain from working the land, they have an abundance of free time that they can now dedicate to growing through Torah learning and *mitzvah* performance (see Ibn Ezra *Devarim* 31:10-12).

In addition to the aforementioned aspects of *shemittah*, there is a third theme that some commentators develop, namely awareness of Hashem. The *Sefer Hachinuch* (*Mitzvah* 84) suggests three values that emerge from the *mitzvah* of *shemittah*, each of which serves to make us, as *shemittah* observers, more cognizant of Hashem's presence in our lives. He explains that *shemittah* reminds us that it is not we alone who bring forth the produce from the earth, but that it is Hashem Who partners with us and enables us to cultivate the earth. Furthermore, by observing *shemittah* and not planting or harvesting for one full year, we express our confident belief that Hashem will indeed provide for us and that we need not be concerned that we will lack sustenance. Lastly, it reinforces Hashem as Master and Creator of the universe by paralleling the institution of Shabbos. Shabbos reminds us that the world did not come into being out of nowhere, but that Hashem in His abundant wisdom and generosity created it on our behalf (*Shemos* 31). *Shemittah*, as the seventh year during which the land rests after six years of arduous work, certainly evokes similar imagery in our minds. It is ultimately this recognition that Hashem is the Master, Owner and Creator of the land that underlies the previously discussed explanations of *shemittah*.

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We suspend mastery of the soil to benefit the land because it is not ours, but Hashem's (see Rav Hirsch *Devarim* 15:1). We relinquish ownership of any production and allow others to enjoy it to show that we recognize that our ownership of our possessions is merely an illusion; everything really belongs to Hashem. We devote our newfound extra time to the service of Hashem because if it were not for our connection to Him, our lives would be empty. We

even forgive outstanding debts – *shemittas kesafim* – because we acknowledge that ultimately all our possessions (even beyond real property) come from Hashem. The spiritual and philosophical values that emerge from the *mitzvah* of *shemittah* should help inspire us all, both in Israel and the Diaspora, to appreciate that which Hashem provides for us and to grow closer in our relationship with Him.

Did You Know?

WOMEN

Shemittah comes every seven years and would seem to be a classic example of a time-bound positive *mitzvah* (מצווה עשה שהזמן גרמא) that women should be excused from. If so, why does *Sefer HaChinuch* (*Mitzvah* 84 & 112) say that all *mitzvos* of *shemittah* apply to women? Here are four answers:

1. Fruits which have "*kedushas shevi'is*" maintain that status permanently, such that the *mitzvah* is not completely time-bound (*Minchas Chinuch* 84:1).
2. Anytime a *mitzvah* has positive and negative components – like *shemittah* – women are obligated in the positive portion even if it is time bound (*Minchas Chinuch* 112:3).
3. The *mitzvos* of *shemittah* are primarily on the land and women are only excused from time-bound *mitzvos* which are obligatory on the person (*Minchas Chinuch* *ibid*).
4. The *mitzvos* of *shemittah* are structured as "positive" (מצווה עשה) but in essence are directions to refrain from certain actions (wasting *shemittah* produce, eating after *biur*, working the land) and women are obligated in those types of positive *mitzvos* (*Chasam Sofer* OC 1:150).



WE WOULD LIKE TO HEAR FROM YOU!

If you have any comments or questions, please send them to office@crcweb.org.
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