



## Guide to Garden Maintenance on and Leading Up to Shmita

Under the guidance of Rashei HaKollel: Rav Moshe Ehrenreich and Rav Yosef Carmel

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Based on Eretz Hemdah's [Morenu Program](#)

All references are to the [units in the program](#)

### Before Shmita

In the time of the Beit HaMikdash, preparing the ground before the Shmita year was prohibited. This is not the case now, when there is no Beit HaMikdash.<sup>1</sup>

### Planting Trees and Seeds Right Before Shmita

There are two prohibitions concerning planting trees and seeds right before Shmita:

1. One may not plant fruit trees so that the first year of their *Orla* will be the Shmita year.
2. One may not time planting so that the first roots will form during Shmita itself.<sup>2</sup>

#### Therefore:

- Fruit trees must be planted by the 15<sup>th</sup> of Av.
- Trees that do not bear edible fruit and bushes can be planted until the 15<sup>th</sup> of Elul.
- Flowers can be planted until the 26<sup>th</sup> of Elul.<sup>3</sup>
- Given the additional issues with planting vegetables, grains, legumes<sup>4</sup> and other plants that require intensive treatment when they are first planted<sup>5</sup> (such as grass) it is best to consult a Halachic authority before planting.

If the plant has already formed proper roots, then it may be planted any time before Rosh Hashana.

#### Therefore:

- A tree or bush potted in soil, whose pot has openings at least 2cm wide (so that the soil is exposed to the ground) – can be planted until Erev Rosh Hashana.

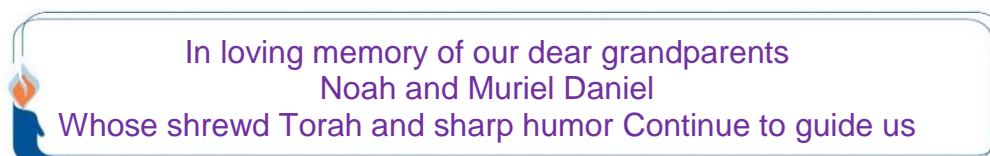
### Garden Upkeep During Shmita

#### What is Prohibited During the Shmita Year?

“You shall not sow your fields or prune your vineyards” (Leviticus 25:4).

Two main actions are prohibited *d’Oraita* during the Shmita year: sowing and pruning. Some hold that plowing, too, is considered an *issur d’Oraita*.<sup>6</sup>

Other kinds of gardening (watering, fertilizing, weeding, spraying) are prohibited *deRabbanan*. Rav Kook is of the opinion that performing these *deRabbanan* actions regularly effectively constitutes an *Issur d’Oraita*.<sup>7</sup>



## Planting

There is a dispute as to whether planting trees – נטיעה - during Shmita is considered an *issur d'Oraita* or *d'Rabbanan*.<sup>8</sup> (In Hebrew, the word זריעה refers to planting seeds, whereas נטיעה refers to planting trees. So while the Torah prohibits sowing seeds, the question is whether planting trees is also considered an *issur d'Oraita*, or whether it is an *issur Rabbanan*).

Practically, it is forbidden to plant any tree, bush, or seed during Shmita. **Therefore, nothing may be added to the garden.**<sup>9</sup>

As for houseplants, there is a dispute as to whether one may plant inside one's home, and whether one may plant inside a closed pot (or one with small openings, so that the soil is not considered connected to the ground).<sup>10</sup> **Practically, if necessary, one may plant seeds inside closed pots, inside the home.**<sup>11</sup> For the same reason, one may care for potted houseplants as usual.

The definition of a "closed" (unperforated) pot: a pot that does not have holes on its bottom, or which has holes but is placed on some kind of tray or drainage plate (that is **not** earthenware or ceramic). If the plant is kept on the second floor of one's home, or one lives in an apartment that is not ground level, then this is considered sufficiently detached from the ground.

There is a dispute regarding planters (window box) attached to someone's home, but it is best to be stringent and treat the planters like pots with large holes.<sup>12</sup>

## Pruning

Pruning is an *issur d'Oraita* – one may not prune the tree to improve its growth.

- However, cutting branches for other reasons (in order to use the cut branches or to cut away branches that are blocking an entrance, for example) is permitted.<sup>13</sup> It is preferable, however, to cut them roughly, rather than precisely or professionally.<sup>14</sup>
- If the lack of pruning may harm the tree, then one may prune its branches<sup>15</sup> (although this, too, should be done as needed, roughly, rather than precisely and professionally).<sup>16</sup>
- Mowing the lawn is permitted, given that its main purpose is to maintain a neat look.<sup>17</sup>
- Weeding is prohibited during Shmita – unless the weeds will harm the surrounding plants, in which case they may be removed.<sup>18</sup>

## *Issurei d'Rabbanan*

Chazal extended the *d'Oraita* prohibitions during Shmita, and, generally speaking, prohibited all agricultural activities. This prohibition refers to activities that improve and add to the garden, as opposed to gardening that merely ensures that the plants will not die during the Shmita year.<sup>19</sup>

There is a dispute as to whether this distinction also applies to a tree's fruit, or just to the tree itself. Practically, if refraining from a certain action will harm the fruit, one may perform that action.<sup>20</sup>

**Spraying Pesticides:** One may spray pesticides to prevent insects from ruining the fruit; one may also apply pesticides to kill parasites or other pests.<sup>21</sup> One may spread a net to protect growing fruit from birds and insects, as long as it does not prevent other people from picking the fruit.

**Watering:** One may maintain watering. If possible, it is preferable to water the plants less frequently for longer (rather than more frequently for shorter periods of time).

If one is able to set the watering system timer before Shmita, so that one need not deal with it during Shmita, one may set the timer to water the garden as usual.<sup>22</sup>

## Eating Fruits from the Garden – and from Other People’s Gardens

- It is best to ensure that people have access to fruit growing in the garden during Shmita. If necessary, one may close the garden and leave a sign with instructions how to enter and reach the fruit.
- When entering someone else’s garden to pick their fruit, it is best to inform the owners and ask their permission.<sup>23</sup>
- One may pick – from one’s own garden, and from other people’s gardens – an amount of fruit that can be eaten over the next few days, but not more than that.
- One may pick grapes to make wine; olives to make oil, or pick the fruits for any purpose that is considered its primary purpose (such as squeezing lemons for their juice). If the purpose makes use of the entire fruit and **none** goes to waste, then one can also use the fruit for a common purpose (as opposed to its primary purpose).<sup>24</sup> (For example – one may pick lemons to squeeze them for their juice, as that is the primary purpose of lemons. But one may not pick oranges to squeeze them for their juice, as people actually eat oranges, and juicing them wastes some of the fruit).

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<sup>1</sup> Unit #1 page 7 and on.

<sup>2</sup> Unit #3 p. 10-13

<sup>3</sup> Unit #3 P. 13-15. Chazon Ish and Rav Shaul Israeli are more lenient regarding flowers and trees that bear no fruit.

<sup>4</sup> Vegetables have the additional issue of ספיחים, Chazal's prohibition of eating vegetation that sprouted during Shmita. The implication of this Halacha may vary with different vegetables and legumes, and therefore Rabbinic guidance is recommended.

<sup>5</sup> Creating the necessity of caring for new plants may be problematic, and therefore Rabbinic guidance is recommended.

<sup>6</sup> Unit 6 p. 1-3.

<sup>7</sup> Unit 5 P. 4.

<sup>8</sup> Unit 6 P. 4-6.

<sup>9</sup> Unit 6 P. 4-5.

<sup>10</sup> Unit 6 P. 7-8.

<sup>11</sup> Unit 6 P. 8, and the הרחבות referenced there.

<sup>12</sup> Unit 6 P. 8, see במראה הבזק volume 4 (124) for similar discussion regarding gardening on rooftops.

<sup>13</sup> Unit 6 P. 10-12.

<sup>14</sup> Unit 6 P. 9-13.

<sup>15</sup> Unit 5 P. 9. Rav Kook is more stringent, we are lenient based on Rav Tikuchinsky and GRSZ Oirbach.

<sup>16</sup> Unit 6 P. 13.

<sup>17</sup> Unit 5 P. 13. Mowing consistently and often is clearly done to keep the grass short, which is permissible. Mowing after a period of neglect is done also to improve the quality of the grass. The latter would be more similar to the prohibition of זימור, and therefore the former is preferable.

<sup>18</sup> Unit 5 P. 7 and on define leniencies based on אוקמי, what is done to deter harm. If the weeds will harm the vegetation, Chazon Ish says it is considered אוקמי (חזון איש שביעית כא יז).

<sup>19</sup> Unit 5 P. 7 and on.

<sup>20</sup> Unit 5 P. 10-12.

<sup>21</sup> Unit 5 P. 10-12. Rav Kook is strict on this matter, but others, including Rav Shaul Israeli, are lenient.

<sup>22</sup> Unit 6 P. 14-16. GRSZ opposed leniency based on automated watering systems, our leniency is based on Rav Karelitz and Rav Elyashiv's ruling.

<sup>23</sup> Unit 11 P. 4.

<sup>24</sup> Unit 8 P. 10-14.