



## Giving *Ma'asrot* to the Intended Recipients

לעילוי נשמת  
 יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

**Question:** I understand that it is not practical to give *teruma* and *terumat ma'aser* to a *kohen* because he cannot use it (see this column, Bamidbar 5778) and we cannot eat *ma'aser sheni* in Yerushalayim with its rules, but shouldn't we give *ma'aser rishon* and *ma'aser ani* to *levi'im* and the poor, respectively?

**Answer:** The discussion breaks up into two parts. 1) *Ma'asrot* to which *hafrasha* ("taking off" – they are actually described as being set aside but only the *trumot*, not the *ma'asrot* are physically taken off) at processing centers, which is done on a mass scale. In that case, on the one hand, the *mitzva* is significant but on the other hand, it is daunting (one competes in the market with people who will not be taking off close to 20%). 2) *Ma'asrot* from produce that grew in one's garden or was bought in

a store that does not take off *ma'asrot*.

1) The major *kashrut* organizations do not require that the *ma'asrot* that were declared were given. Although there is an opinion that *hafrasha* that was done with an intention not to give is invalid, the consensus is that failure to give does not invalidate the *hafrasha*; therefore, that produce is not *tevel* (Shut Har Tzvi, Zeraim I:44). Regarding *ma'aser rishon*, going to a *levi*, it has become standard to rely on the idea (Chazon Ish, Shvi'it 5:12) that since the practice is that that we give *aliyot* to *levi'im* just on their word, we do not want a situation in which one has significant financial benefit by claiming he is a *levi*. (It may be relevant, that on the level of spirit of the law, the *mitzva* is intended to compensate members of the tribe for their full-time involvement in the nation's spiritual needs (see Bamidbar 18:31).)

There are obviously poor people who can prove their poverty, and so it is more difficult to not give to them. Presumably, *kashrut* organizations suffice with making the produce permitted to eat, and leave the decision of whether to give *ma'aser ani* (see below a way it can be done) to the farmer, who will also consider his ability to stay profitable.

2) Most produce in Israel undergoes the taking of *trumot* and *ma'asrot* at processing



**Mazal Tov to**



**Judy & Harold Gold and family**  
 on the birth of a grandson

or distribution centers. Therefore, even if one buys at a supermarket without a *hechsher*, it is rarely more than a *safek* whether it needs further tithing. Under those circumstances, one does not have to give the *ma'asrot* he "took off" (see discussion in Mishpetei Eretz, Trumot U'maasrot 17:2).

In regard to that which grows locally or can be traced to a process that does not include *hafrasha*, the situation is as follows. Regarding *ma'aser rishon*, some still rely on the Chazon Ish and do not give. Presumably, it would be wonderful to have a *levi* to give the portion of the produce that corresponds to the *ma'aser*, as a *levi* would likely be pleased to give expression to his *levi status*; he could then either keep the produce or give it back.

Regarding *ma'aser ani*, it is usually not very useful and actually insulting to be designated a recipient of *ma'aser ani* and receive minimal benefit from it. A halachically practical system is to lend money to a poor person of an amount that corresponds to the expected value of all the *ma'aser ani* of that period. The loan works with the condition that it will be paid back only with the *ani's* nominal (non-physical) acceptance (as *ma'aser ani*) and return (as loan payment) of the produce to the giver (Mishpetei Eretz *ibid.* 9). Because arranging all of this is not so simple, fine organizations (that deal with land-based *mitzvot*) arrange everything and have people sign up and pay a set fee, which includes the money for the loan that halachically facilitates the *ma'aser* giving. The

same can be done regarding giving to *levi'im*. It can also work for farmers, who would have to give a lot more than a non-producer, but for whom there is also a mechanism that makes it much cheaper than 10% of the market value of his produce (details are beyond our present scope). ■

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