

Laws of Terumot and Ma'aserot – Rabbi Moshe Bloom

Teruma Gedola:

Devarim 18: 1-5

The Levitical priests, the whole tribe of Levi, shall have no territorial portion within Israel. ... This then shall be the priests' due from the people ... You shall also give him the first fruits of your new grain and wine and oil ... For the L-rd your G-d has chosen him and his descendants, out of all your tribes, to be in attendance for service in the name of the L-rd for all time.

לא יהיה לכהנים הלויים כל שֶׁבֶט לוי חֶלֶק וְנַחֲלָה עִם יִשְׂרָאֵל ... זֶה יְהִי מִשְׁפָּט הַכֹּהֲנִים מֵאֵת הָעָם ... רִאשִׁית דִּגְגָן תִּירָשׁ וְיִצְהָרֶךְ ... תִּתֵּן לוֹ. כִּי בּוֹ בָחַר ד' אֱלֹהֶיךָ מִכָּל שֶׁבֶטִיךָ לַעֲמֹד לְשֵׁרֵת בְּשֵׁם ד' הוּא וּבְנָיו כָּל הַיָּמִים.

Ma'aser Rishon and Terumat Ma'aser

Bamidbar 18: 21-26

And to the Levites I hereby give all the tithes in Israel as their share in return for the services that they perform, the service of the Tent of Meeting. ... Therefore, I have said concerning them: They shall have no territorial share among the Israelites. ... Speak to the Levites and say to them: When you receive from the Israelites their tithes, which I assigned to you as your share, you shall set aside from them one-tenth of the tithe as a gift to the L-rd.

וְלִבְנֵי לוי הִנֵּה נָתַתִּי כָּל מַעֲשֵׂר בְּיִשְׂרָאֵל לְנַחֲלָה חֶלֶף עֲבֹדְתָם אֲשֶׁר הֵם עֹבְדִים אֶת עֲבֹדַת אֱהֱל מוֹעֵד ... עַל כֵּן אִמַּרְתִּי לָהֶם בְּתוֹךְ בְּנֵי יִשְׂרָאֵל לֹא יִנְחֲלוּ נַחֲלָה ... וְאֵל הַלְוִיִּם תִּדְבֹּר וְאָמַרְתָּ אֲלֵהֶם כִּי תִקְחוּ מֵאֵת בְּנֵי יִשְׂרָאֵל אֶת הַמַּעֲשֵׂר אֲשֶׁר נָתַתִּי לָכֶם מֵאֲתָם בְּנַחֲלַתְכֶם וְהִרְמַתֶם מִמֶּנּוּ תְרוּמַת ד' מַעֲשֵׂר מִן הַמַּעֲשֵׂר.

Ma'aser Sheni

Devarim 14: 22-23

You shall set aside every year a tenth part of all the yield of your sowing that is brought from the field. You shall consume the tithes of your new grain and wine and oil ... so that you may learn to revere the L-rd your G-d forever.

עֵשֶׂר תַּעֲשֶׂה אֶת כָּל תְּבוּאֹת זֶרְעֶךָ הַיֵּצֵא הַשָּׂדֶה שָׁנָה שָׁנָה. וְאָכַלְתָּ לִפְנֵי ד' אֱלֹהֶיךָ בַּמִּקּוֹם אֲשֶׁר יִבְחַר לְשִׁכְּן שְׁמוֹ שָׁם מִמַּעֲשֵׂר דִּגְגָן תִּירָשׁ וְיִצְהָרֶךְ ... לְמַעַן תִּלְמַד לִירְאָה אֶת ד' אֱלֹהֶיךָ כָּל הַיָּמִים.

Vayikra 27:30

All the tithes from the land, whether seed from the ground or fruit from the tree, are the L-rd's; they are holy to the L-rd.

וְכָל מַעֲשֵׂר הָאָרֶץ מִזֶּרַע הָאָרֶץ מִפְּרִי הָעֵץ לֹד' הוּא קֹדֶשׁ לֹד'.

Ma'aser Ani

Devarim 26:12

When you have set aside in full the tenth part of your yield—in the third year, the year of the tithe—and have given it to the Levite, the stranger, the fatherless, and the widow, that they may eat their fill in your settlements.

כִּי תִכְלֶה לַעֲשֹׂר אֶת כָּל מַעֲשֵׂר תְּבוּאֹתֶיךָ בַּשָּׁנָה הַשְּׁלִישִׁית שָׁנַת הַמַּעֲשֵׂר וְנָתַתָּה לְלוֹי לְגֵר לְיָתוֹם וְלָאִלְמָנָה וְאָכְלוּ בְשַׁעְרֶיךָ וּשְׂבָעוּ:

Rosh Hashana 12b

"When you have made an end of tithing all the tithes of

"כי תכלה לעשר את כל מעשר

your produce in the third year, which is the year of the tithe" [Devarim 26:12]. [This refers to] a year when there is only one of the two tithes. How so? [One sets aside] first tithe and poor man's tithe, and second tithe is nullified [that year]. Or it is not so, but even the first tithe is nullified [during the third year and only the poor tithe is given]? ... The verse juxtaposes [the first tithe] to an inheritance [of the land]: just as with regard to inheritance there is no interruption, so too, with regard to the first tithe there is no interruption ... "And the Levite shall come;" whenever [the Levite] comes, give him.

Rambam, Hilchot Terumot 3:12

The *mitzvah* [to separate] *terumat ma'aser* is for a Levite to separate it from the tithe [given] him, as [Vayikra 18:26] states: "When you take the tithe from the Children of Israel ..." An Israelite may separate *terumat ma'aser* and give it to a priest and then give the tithes to a Levite after separating the *terumat* [*ma'aser*] from it, i.e., a tenth of a tenth.

תבואתך בשנה השלישית שנת המעשר - שנה שאין בה אלא מעשר אחד, הא כיצד? מעשר ראשון (ללוי) ומעשר עני (רש"י: 'לגר ליתום ולאלמנה' - והוא מעשר עני), ומעשר שני יבטל.

או אינו אלא אף מעשר ראשון נמי יבטל? ... הקישו הכתוב לנחלה, מה נחלה אין לה הפסק אף מעשר ראשון אין לו הפסק. ... 'ובא הלוי' כל זמן שבא תן לו.

מצות תרומת מעשר שיפריש אותן בן לוי ממעשרו שנאמר 'וכי תקחו מאת בני ישראל את המעשר' ויש לישראל להפריש אותה וליתנה לכהן, ויתן המעשר ללוי אחר שיפריש ממנו תרומתו שהיא מעשר מן המעשר.

Gift	Amount given today	Amount given in Temple times	Recipient	Sacred (<i>Kodesh</i>)/ Mundane (<i>Chullin</i>)	Years
<i>Teruma gedola</i>	Something	1/40, 1/50, 1/60	Kohen	Sacred	1-6
<i>Ma'aser rishon</i>	?	10%	Levi	Mundane	1-6
<i>Terumat ma'aser</i>	1%	1%	Kohen	Sacred	1-6
<i>Ma'aser sheni</i>	Transferred to a coin	9%	Owner, eaten in Jerusalem	Mundane (after redemption)	1,2,4,5
<i>Ma'aser ani</i>	?	9%	Poor person	Mundane	3,6

How Much?

Yerushalmi Terumot 4:3

What is the amount to exempt one's untithed produce according to the Torah? ... Said Rabbi Mana: Is there no set amount? The verse states: "The first of your grain, wine, and oil" – that is: even the slightest amount.

עד כמה אדם פוטר טבלו דבר תורה? ... אמר רבי מנא לית כאן שיעורא? דכתיב 'ראשית דגנך תירושך ויצהרך' ואפילו כל שהוא.

Mishna Terumot 4:3

The amount of *teruma*: A generous amount: one-fortieth... the average amount: one-fiftieth. A stingy amount: one-sixtieth.

שיעור תרומה עין יפה אחת מארבעים... והבינונית מחמשים והרעה מששים.

Rambam, Hilchot Terumot 3:1

There is no minimum requirement for *teruma gedola* according to Scriptural Law, as [implied by *Devarim*]: "The first of your grain," i.e. even the slightest amount. Even one kernel fulfills the requirement for the entire heap. Optimally, one should separate only according to the measures specified by our Sages [1/40, 1/50 or 1/60]. In the present age, when [the *teruma*] will be burnt because of impurity, a person may separate even the smallest amount as an optimal measure.

תרומה גדולה אין לה שיעור מן התורה, שנאמר 'ראשית דגנך' כל שהוא, אפילו חיטה אחת פוטרת הכרי. ולכתחילה לא יפריש אלא כשיעור שנתנו חכמים (1/40 או 1/50 או 1/60). ובזה"ז שהיא עומדת לשריפה מפני הטומאה - יש לו להפריש כל שהוא לכתחילה.

Tevel

Rambam, Hilchot Ma'achalot Asurot 10:19

Any produce from which one is obligated to separate *teruma* and tithes is called *tevel* before one separates the portions. [In that state,] it is forbidden to partake of it ... When a person partakes of an olive-sized portion of *tevel* before he separates *teruma gedola* and *terumat ma'aser*, **he is liable for death by the hand of heaven.**

כל אוכל שהוא חייב להפריש ממנו תרומה ומעשרות קודם שיפריש ממנו נקרא טבל ואסור לאכול ממנו... והאוכל כזית מן הטבל קודם שיפריש ממנו תרומה גדולה ותרומת מעשר חייב מיתה בידי שמים.

Giving (*netina*) vs. Separation (*hafrasha*)

Rambam, Introduction to Hilchot Ma'aser

The laws of *ma'aser* contain one positive commandment: To **separate** the first tithe (= *ma'aser rishon*) [from the crops] in each of the years [when crops] are sown and to **give it** to the Levites.

הלכות מעשר מצווה אחת, והוא להפריש מעשר ראשון בכל שנה ושנה משנת הזריעה וליתנו ללוים.

Ramban's Gloss on *Sefer HaMitzvot* (by the Rambam), Root 12

If so, it would be proper to count two *mitzvot* for *teruma*: its separation from the verse "You shall set some aside as a gift to the L-rd." (*Bamidbar* 15: 19) and giving it to a priest, from the verse "You shall give him" (*Devarim* 18:4).

ואם כן ראוי שנמנה שתי מצוות בתרומה, הפרשתה מפסוק "תרימו תרומה לה'", ונתינה לכהן מפסוק "תיתן לו"...

What do we do with *teruma* today?

Shulchan Aruch YD §331:19

Shulchan Aruch: *Teruma gedola*...

Rema (Rabbi Moshe Isserles) : Note: And give [*teruma*] today to any priest that he wants, whether a colleague [=knowledgeable of Torah] or an ignoramus, even if he is not pedigreed—as long as he is known to be a priest. And it is meant to be burned, and he can use it for fuel, as he can benefit from it when it is burning.

שו"ע:
תרומה גדולה...

רמ"א: הגה: ונותן בזמן הזה לכל כהן שירצה, בין חבר בין עם הארץ, ואפילו אינו מיוחס רק שמוחזק בכהן, והוא שורפה, ויכול להניחה ולשרפה, שיכול ליהנות ממנה בשעת שריפתה.

Mishnah *Terumot* 11:9

Vetches of *teruma* may be fed to cattle, to wild beasts, or fowls [belonging to a priest.]

כרשיני תרומה, מאכילין אותם לבהמה ולחיה ולתרנגולים [של כהן].

Year of *Ma'aser*:

Type of Plant	New Year	Stage of Growth
Vegetable	1 Tishrei	Harvest
Fruit	15 Shevat	<i>Chanata</i> (blooming)
Grains and legumes	1 Tishrei	<i>Onat hama'aserot</i> (tithing season)

Indoor plants: subject to *terumot* and *ma'aserot*?

Rambam, Hilchot Ma'aser 1:10

A tree that is planted inside a house is exempt from the obligations of the tithes, as it states [*Devarim* 14:22]: "You shall certainly tithe all the produce of your crops that grow in the **field**" [and a house is not called a field]. It appears to me that tithes must be separated from this produce according to Rabbinic Law ...

אילן שנטעו בתוך הבית פטור ממעשרות, שנאמר 'עשר תעשר את כל תבואת זרעך היוצא השדה' [ובית לא מקרי שדה: דרך אמונה], ויראה לי שהוא חייב במעשרות מדבריהם...
אמר אברהם: לא נראה כן בגמרא (אלא פטור לגמרי)...

Ra'avad: Says Avraham: This does not seem to be indicated by the Gemara (rather it is fully exempt).

Additional Laws

Rambam, *Hilchot Terumot* 2:11

Similarly, produce that is declared ownerless is exempt from *teruma* and tithes. ... Nevertheless, if one planted [crops] on a field that was declared ownerless, he is obligated [to separate] *teruma* and tithes [from crops].

וכן ההפקר פטור מן התרומה ומן המעשרות... אבל הזורע שדה הפקר חייב בתרומה ומעשרות.

Rambam, *Hilchot Terumot* 1:11

[The following laws apply with regard to] produce belonging to a gentile ... If all the work involving the produce was completed in the possession of a gentile and the gentile straightened the edges of the grain heap, they are exempt, as it states: "your grain" (*Devarim* 18:4), [thus] excluding the grain of a gentile.

פירות העכו"ם... אם נגמרה מלאכתם ביד עכו"ם ומרחן העכו"ם פטורין מכלום שנאמר "דגנך" ולא דגן עכו"ם.

- **Herbs:** If the leaves are eaten, they are subject to *terumot* and *ma'aserot*; if not—subject to dispute (*machloket*).
- **Redeeming *ma'aser sheni*:** onto a *peruta* (approx. 6 *agorot*).
- **Redeeming *neta revay*:** onto a *peruta*.

Beit HaOtzar

Formula for Separating *Terumot* and *Ma'aserot*

SETTING ASIDE TERUMOT AND MA'ASEROT

✪ 1. Make sure you have a coin that is worth enough *perutot* for several *chilulim* (redemptions). Members of Beit HaOtzar have a designated coin located at the Beit HaOtzar headquarters.

✪ 2. Set aside a little more than one percent (1%) of each type of fruit or vegetable you are taking *teruma* and *ma'aser* from, and proceed as follows:

If the produce is definitely *tevel* (no one separated *terumat* and *ma'aserot* from it), make the following blessing before reciting the full text:

”ברוך אתה ה' אלקינו מלך העולם אשר קדשנו במצותיו וצונו להפריש תרומות ומעשרות:”

If the produce is definitely subject to *ma'aser sheni* and is undoubtedly *tevel*, recite the following blessing before redeeming the produce on a coin:

”ברוך אתה ה' אלקינו מלך העולם אשר קדשנו במצותיו וצונו לקדושת מעשר שני:”

The full text for setting aside *terumat* and *ma'aserot*:


✪ 3. What I am about to say applies to each type of produce separately:

- The 1% that is on the lower side of the produce I have set aside remains *tevel* for the time being. The rest of what I have set aside is *teruma gedola* for all of the produce.
- The 1% I mentioned and another 9% on the upper side of the produce is *ma'aser rishon*.
- The 1% that I previously set aside is *terumat ma'aser*.
- Another 9% on the lower part of the produce is *ma'aser sheni*, and if the year requires *ma'aser ani*, it is *ma'aser ani*.

✪ 4. What I have designated as *ma'aser sheni*, plus a quarter of its value, is now redeemed by transferring its sanctity to a *peruta*-and-a-quarter's worth of my designated coin. This redemption applies to each type of produce in accordance to its level of obligation.

If I have fruit of *neta revay* (from a tree's fourth year), the fruit plus a quarter of its value is now redeemed by transferring its sanctity to a *peruta*-and-a-quarter's worth of my designated coin. This redemption applies to each type of produce in accordance to its level of obligation.

✪ 5. To dispose of the *teruma*: Double bag the "1% plus" that you separated and place it respectfully in the trash.



Ma'aser Mehudar at Beit HaOtzar
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