



# fulfilling the mitzvah of **Maaser Ani**

<b>5775</b> (2014–2015)	<b>5776</b> (2015–2016)	<b>5777</b> (2016–2017)	<b>5778</b> (2017–2018)
Shemittah Year	<b>Year 1</b> Maaser Sheini	<b>Year 2</b> Maaser Sheini	<b>Year 3</b> <b>Maaser Ani</b>

**The year 5778, which is the third year of the Shemittah cycle, is a Maaser Ani year.**



## When does one begin to separate *maaser ani* from foods?

*Maaser ani* is separated from vegetables that are picked after Rosh Hashanah 5778 (2017).  
*Maaser ani* is separated from *kitniyot* that reached a third of their growth anytime during 5778.  
*Maaser ani* is separated from fruits that are picked after Tu B'Shevat 5778 (2018).



## **Safeik Tevel (סִפֵּק טֵבֵל) – Food From Which One is Unsure Whether Terumot and Maasrot Have Been Separated.**

Most occasions where *terumot* and *maasrot* are separated in the home is from what is called *safeik tevel*, which is food that was bought in a store, and we are uncertain as to whether *terumot* and *maasrot* have been properly separated.



## How is *maaser ani* separated from *safeik tevel*?

Someone who is separating *terumot* and *maasrot* from *safeik tevel* does the regular *terumot* and *maasrot* separation procedure.

1. A small amount, of slightly more than one percent of the total food, is placed to the side of the rest of the food.
2. The regular *nusach hahafreshah* declaration is said, as usual. The wording states that in the event that *maaser ani* is necessary, the foods on the south side of the pile of food becomes *maaser ani*.
3. After saying the declaration, the small amount that was placed on the side of the rest of the food is wrapped and respectfully discarded.

The remaining food may be eaten, and, since it was *safeik tevel* the *maaser ani* portion need not be given to the poor.



## Why isn't the *maaser ani* separated from *safeik tevel* actually given to the poor?

This is based on the halachic principle of *המוציא מחבירו עליו הראיה*, *proof is required to collect something from another person*; a debt need not be paid to someone who is unsure whether or not he is in fact a creditor and deserves this money. *Safeik tevel* is food from which we are *unsure* as to whether or not *terumot* and *maasrot* – including *maaser ani* – has already been separated. A poor person is thus unable to compel someone to give him the *maaser ani* portion, for perhaps *terumot* and *maasrot* were already separated, and the *maaser ani* separated now is in fact unnecessary and is in fact regular food.

Although the *maaser ani* separated from *safeik tevel* need not be given to the poor, the regular *nusach hahafreshah* declaration said when *terumot* and *maasrot*, including the mention of *maaser ani*, is still said. **The food may not be eaten until the full *hafreshah* declaration is said!**



## Must the entire *nusach hahafreshah* declaration be said when separating *terumot* and *maasrot* during a *maaser ani* year, including the parts discussing *maaser sheini*?

Yes. The entire *terumot* and *maasrot* declaration is said, including the parts stating that *maaser sheini* is separated and its sanctity transferred to a coin.



## Why?

The *maaser ani* year immediately follows a *maaser sheini* year, so foods grown in the *maaser sheini* year are still being marketed. It is often difficult for a layman to differentiate between the *maaser sheini* foods grown before the cutoff date, and the *maaser ani* foods grown afterwards. A person separating *terumot* and *maasrot* should therefore say the full *terumot* and *maasrot* declaration, which specifies that *maaser ani* is separated if this food requires *maaser ani*, and *maaser sheini* separated if *maaser sheini* is required.



## Should one continue their membership in *Keren HaMaasrot/ The Maasrot Foundation* during the *maaser ani* year?

Yes, for the same reason that the full *nusach hahafreshah* declaration is said. Throughout much of the year, much of the fruits, vegetables, and other foods available in stores, was grown during the *maaser sheini* year. Maintaining one's membership allows a person to use the coins of the *Keren HaMaasrot/ The Maasrot Foundation* to remove the *maaser sheini* sanctity from these foods, as well.



## ***Tevel Vadai* (טֶבֶל וּדְאִי) – Food From Which *Terumot* and *Maasrot* Have Definitely Not Been Separated.**

*Tevel vadai* (definite *tevel*) is food that grew in Eretz Yisrael from which one is sure that *terumot* and *maasrot* have not yet been separated. For example, fruits or vegetables picked from one's yard or garden, or produce that was purchased straight from a farm, under circumstances in which one is certain that *terumot* and *maasrot* were not done.



## What is done with *maaser ani* separated from *tevel vadai*?

The *maaser ani* portion that was separated from *tevel vadai* is given to a poor person, or to a *gabbai tzedakah* or tzedakah organization who accepts the food on the poor's behalf. We will soon explain how this is done.



## Which foods are obligated in *maaser ani*?

- 1. Vegetables** picked during the Jewish year 5778, that is, between Rosh Hashanah 5778 and Rosh Hashanah 5779.
- 2. Kitniyot** that reached a third of their growth during the Jewish year 5778.
- 3. Fruits** that underwent the *chanatah* stage of growth during the Jewish year 5778.
- 4. Citrus fruits** (for example oranges, tangerines, grapefruits, pomelos, and lemons) that reached the *chanatah* stage of growth during the spring and summer months of 5777, and were picked *after* Tu B'Shevat 5778, are practically obligated in both *maaser sheini* and *maaser ani*. The sanctity of the *maaser sheini* is transferred to a coin, and the *maaser ani* is given to the poor. Similarly, the status of citrus fruits that underwent the *chanatah* stage before Tu B'Shevat 5779 (the year following the *maaser ani* year) and were not harvested until after Tu B'Shevat is uncertain, and these foods are also practically obligated in both *maaser sheini* and *maaser ani*.
- 5. An etrog** picked after Tu B'Shevat 5778 is only obligated in *maaser ani*, even if it underwent the *chanatah* stage of growth before Tu B'Shevat.



## How can the mitzvah of *maaser ani* be fulfilled through the Beit Hamidrash for Halachah in Agriculture?

First, estimate the amount of definite *tevel* from which you will be separating *maaser ani* from throughout the year. Then determine the value of this food, and transfer (either via a credit card by calling 02.648.8888, or by sending a check in the mail) this amount of money to the Beit Hamidrash. This money will be held as a **deposit** until the time that the fruits or vegetables actually grow and the food's owner separates *maaser ani* from his produce. At this point, the money will be given to a *tzedakah* organization on the owner's behalf, as the value of the *maaser ani*.

For example, a person has a lemon tree in his yard, which generally gives him ten kilo of lemons throughout the year. Let us say that the price of a kilo of lemon is six shekel. The value of the year's lemon crop is thus sixty shekel, making the *maaser ani* value, of approximately ten percent of this crop, around six shekel. This person would thus transfer a six shekel deposit to the Beit Hamidrash.



After transferring the money (and making sure that the mailed check arrived), the person separates *terumot* and *maasrot* from his definite *tevel* produce as usual, in the following manner:

1. An amount of slightly more than one percent of the total food is placed to the side of the rest of the food.
2. The regular *nusach hahafreshah* declaration is said, preceded by the following *berachah*; בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו וְצִוָּנוּ לְהַפְרִישׁ תְּרוּמוֹת וּמַעֲשָׂוֹת, *Blessed are You Hashem, King of the universe, Who has sanctified us with His commandments, and commanded us to separate terumot and maasrot.* (The *berachah* of *chilul maaser sheini* is not said during the *maaser uni* year.)
3. The amount of slightly more than one percent, that was placed on the side of the rest of the food, is wrapped and respectfully discarded.
4. The entire pile of food (besides for the part that was set to the side and respectfully discarded) may now be eaten. The *maaser ani* part may be eaten as well, for its value was given to the poor via the deposit sent to the Beit Hamidrash, that will be given to a *zedakah* organization.



## A One-Time Separation of *Maaser Ani* From Definite *Tevel*

In the event that someone comes across definite *tevel* that he wishes to eat, he may separate *terumot* and *maasrot* as usual:

1. A small amount of slightly more than one percent of the total food is placed to the side.
2. The *nusach hahafreshah* and *berachah* are said.
3. The small amount of slightly more than one percent that was placed on the side of the rest of the food is wrapped and respectfully discarded.

After doing this procedure, be in contact with the Beit Hamidrash (at 02.648.8888 to arrange a credit card payment, or by sending a check in the mail) to transfer the amount of money of the *maaser ani* value of this food, which will be given to the *tzedakah* organization who accept it on the poor's behalf. After this has been done, the entire pile of food (besides for the part that was set to the side and respectfully discarded) may now be eaten, including the part that was designated as *maaser ani*.

Of course, the *maaser ani* value may be given to a poor person directly, or given to a *gabbai tzedakah* in your community to give to the poor. [In the event that this money is given to a *gabbai tzedakah*, be sure to inform him that this money is for *maaser ani*.]



## Explanation of This Method of Giving *Maaser Ani*

### Where is the *maaser ani* after the *nusach hahafrashah* declaration has been said?

The *nusach hahafrashah* declaration declares each type of *terumah* or *maaser* to take effect on the food on a specific part of the pile. Saying this declaration thus fulfills the mitzvah of separating *terumot* and *maasrot*.

The food that becomes *terumah gedolah* is a small part of the piece that has been set to the side.

Food in two different places is made into *maaser rishon*. The one percent of the entire pile that was set to the side becomes *maaser rishon*. Also, the produce on the northernmost side of entire pile of food becomes *maaser rishon*, as well.

*Terumas maaser*, which is a tenth of the *maaser rishon*, is made from the *maaser rishon* in the food that was put to the side.

Finally, the foods on the southernmost part of the larger pile is made into *maaser ani*.



## What is done with the *maaser ani* foods that is on the southernmost side of the pile of food?

The fruits or vegetables on the southernmost side of the pile of food belongs to the poor. But, since in our society it is practically difficult to find a poor person who will be willing to accept such a small amount of produce (for example, think of half a cucumber or a third of an apple), we may assume that the poor person would rather have the money value of the produce, which he can use in any way he wants. We therefore give the poor money instead of the actual fruits or vegetables.

The *maaser ani* monies transferred to the Beit Hamidrash for Halachah in Agriculture are given to Rav Shaul Reichenberg *shilta*, who also serves as a *gabbai tzedakah*, to distribute these monies to the poor via one of Yerushalayim's *tzedakah* organizations.

Some people are accustomed to actually give a Levi *maaser rishon* from *tevel vaadai* in their possession, even nowadays. They too can fulfill this mitzvah of giving *maaser rishon* through the Beit Hamidrash, using the same process as *maaser ani* is given. Someone wishing to give *maaser rishon* should add the value of another tenth of the produce, (making a total of about twenty percent of the total value of the produce), and should note that these monies are for Levi'im as well as for the poor.

There is also a second, halachically enhanced way in which *maaser ani* may be given to the poor, which is practically more difficult to implement. It is discussed in the Addendum.

Questions in halachah about Eretz Yisrael's agricultural mitzvos may be directed to the Beit Hamidrash, at 02.648.888 extension 31.

## Addendum



### A Halachically Enhanced Way in Which *Maaser Ani* (From Definite *Tevel*) May be Given to the Poor, That is Practically More Difficult to Implement.

Before separating *terumot* and *maasrot*, one should transfer the estimated value of the *maaser ani* part of the produce to the Beit Hamidrash (at 02.648.8888 to arrange a credit card payment, or by sending a check in the mail), who will accept it on behalf of the poor. This money is not a deposit as it was in the regular way that *maaser ani* may be arranged through the Beit Hamidrash discussed above, **but is a loan to the poor person.**

For example, a person has a lemon tree in his yard that generally yields ten kilo of lemons throughout the year. Let us say that the price of a kilo of lemon is six shekel. The value of the year's lemon crop is thus sixty shekel, ten percent of which is six shekel. This person would thus transfer six shekel to the Beit Hamidrash, as a loan to the poor.



### How Does Someone Wishing to Use this Approach Separate *Terumot* and *Maasrot* from Definite *Tevel*?

*Terumot* and *maasrot* from definite *tevel* should be separated in the regular way:

1. A small amount of slightly more than one percent of the total food is placed to the side of the rest of the food.
2. The *berachah* and the *nusach hahafreshah* declaration is said.
3. The amount of slightly more than one percent, that was placed on the side of the rest of the food, is wrapped and respectfully discarded.



## Next, the mitzvah of giving *maaser ani* to the poor is fulfilled in the following way.

Go to a neighbor or to someone else who does not live in your home, and request of them to accept this pile of food (which excludes the part that was respectfully discarded), of which part of it is *maaser ani*, and say, “In raising up this food, I legally accept the *maaser ani* within it on behalf of Rav Shaul Reichenberg the *gabbai tzedakah*, who accepts it on the behalf of the poor.”

After this has been done, you may eat the food from which *terumot* and *maasrot* have just been separated, including the southernmost portion, which was declared as *maaser ani*. The reason for this is because this *maaser ani* section is being taken in partial collection of the loan that was given to the poor.

In the event that one finds it difficult to ask of someone to legally accept the *maaser ani* foods every time he separates *terumot* and *maasrot*, a person should legally “determine” that he wishes to give all of the *maaser ani* foods that he will have over the year to the poor via Rav Reichenberg and the Beit Hamidrash, by requesting of a friend or neighbor to accept the *maaser ani* on Rav Reichenberg’s behalf **the first three times** after transferring the Beit Hamidrash the loan money. After this has been done, he may continue separating *terumot* and *maasrot* in the future and eating the foods in the southernmost part that were declared *maaser ani*, on the basis of the loan arrangement made with the Beit Hamidrash.



A person should make sure that the value of the *maaser ani* that he separates throughout the year does not exceed the amount that he transferred to the Beit Hamidrash. In the event that he sees that he is going over this amount, he should be in contact with the Beit Hamidrash to transfer additional monies, which will again be used as a loan. However, in the event that the loan money ends up being *more* than the *maaser ani* foods that were actually separated, the monies will not be refunded; these are the conditions under which the loan was arranged, in accordance with the halachah.

The halachic advantage of this second approach in giving *maaser ani* is that the actual *maaser ani* food is itself legally transferred to the poor, and is then acquired back by the person who gave it, in partial collection of his loan. And, the reason why an actual physical transfer need not be done after the first three times, is because after that the *gabbai tzedakah* legally acquires it automatically, based on the legal concept of *makirei aniyim*.



### **An Explanation of this Approach of Giving *Maaser Ani***

At the beginning of the season, the food's owner gives a loan to a *gabbai tzedakah* accepting it on the poor's behalf. The *gabbai tzedakah* slowly repays this loan over the course of the year, by returning to the owner the *maaser ani* foods that the owner gives him.



### **A One-Time Separation**

In the event that someone comes across definite *tevel* from which he is separating *terumot* and *maasrot* and wishes to fulfill the mitzvah of giving *maaser ani* in the *halachically* enhanced approach, he may separate *terumot* and *maasrot* as usual:



1. An amount of slightly more than one percent of the total food is placed to the side of the rest of the food.
2. The *berachah* and the *nusach hahafreshah* declaration are said.
3. The amount of slightly more than one percent, that was placed on the side of the rest of the food, is wrapped and respectfully discarded.
4. Next, request of a neighbor or someone else who does not live in your home to accept this pile of food (which excludes the part that was respectfully discarded), of which part of it is *maaser ani*, and say, “In raising up this fruits/vegetables, I legally accept the *maaser ani* within it on behalf of Rav Shaul Reichenberg, who accepts it on the behalf of the poor.”
5. Finally, buy back the *maaser ani* section from the poor’s representative, by transferring to the Beit Hamidrash (either via a credit card by calling 02.648.8888, or by sending a check in the mail) the value of the *maaser ani* which was separated. Of course, this arrangement may also be done with a *gabbai tzedakah* living in your community.

People who are accustomed to actually give a Levi *maaser rishon* from *tevel vaadai* in their possession, even nowadays, may fulfill this mitzvah of giving *maaser rishon* through the Beit Hamidrash, using the same process as *maaser ani* is given. Someone wishing to give *maaser rishon* should add the value of another tenth of the produce, (making a total of about twenty percent of the produce’s total value), and should note that these monies are for Levi’im as well as for the poor.



## Beit Hamidrash for Halachah in Agriculture — Emunat Ish

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