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FEDERATION

Halachah

MAASERTEXT WEEK 7: WHAT ABOUT CHUTZ LA'ARETZ?

Having concentrated in previous weeks on the practical aspects of separating terumos and maasros, in this week's article, Dayan Y.D. Hool takes an in-depth look at the obligation to separate terumos and maasros in chutz la'aretz.

Does one need to separate terumos and maasros from Israeli produce which has been exported to chutz la'aetz?

The ruling of the Federation Beis Din is that one should separate *terumos* and *maasros*. This *psak* is based on the opinion of the majority of Rishonim (early *halachic* commentators): Ra'avad, Bartenura, Ra"sh, Kol Bo (quoting Rabbenu Yonah end of *perek* VI of Brochos), Yereim (148), Sefer Hachinuch (284) and Rivma"tz, and is the also the view of the Shulchan Aruch according to the consensus of the *poskim*. They all rule that one is required to tithe produce of Eretz Yisroel even once it has been exported to *chutz la'aretz*.

Are there opinions that do not require one to separate terumos and maasros outside Eretz Yisroel?

The Rambam (Terumos, 1:22) and Shulchan Aruch (Y.D., 331:12) write that exported produce is not subject to the requirement to separate *terumos* and *maasros*; the Bach's reading of the Rambam is consistent with this approach. However, most opinions interpret the Rambam (and the Shulchan Aruch) differently. Among others, the Mishneh Lemelech, Radvaz and Maaseh Rokeach explain that the Rambam and Shulchan Aruch are referring to cases in which the produce was taken out of Eretz Yisroel prior to *gmar melochoh* – the final stages of the harvesting. In this view, nowadays, as virtually all produce that is exported has passed the stage of *gmar melochoh*, the Rambam and Shulchan Aruch would agree that *terumos* and *maasros* must be taken from Israeli produce.

What are the opinions of contemporary poskim on this matter?

In terms of *halachic* instruction, there are clear indications in the writings of many Acharonim that one should tithe Israeli produce in *chutz la'Aretz*. This would appear to be the opinion of R' Akiva Eiger (Hagahos to Challoh, 2), as well as the Admas Kodesh (O.C., I:3) and the Gr"a (Yerushalmi, *Maasros*, 5:1) and is the *psak halacha lema'aseh* of the Sheilas Dovid, (Y.D., 18) and the Aruch Hashulchan (Aruch Hashulchan He'asid, *Terumos*, 57:3).With regard to contemporary *poskim* – the Chazon Ish (D'mai, 5:3,4), Mishnas R' Aharon (I:40), R' Moshe Feinstein (Igros Moshe, Y.D., III:127), Minchas Yitzchok (I:84), Chelkas Yaakov (II:78), R' Shlomo Zalman Auerbach (Maadanei Eretz, *Terumos*, 1:22) and R' Chaim Kanievsky (Derech Emunah, *Terumos*, 1:22:197) all *pasken* that *terumos* and *maasros* must be separated. Imrei Binah (end of I:11) testifies that this was also the commonly accepted practice. Locally, Rav Chanoch Padwa Zt"l (Cheshev Ha'ephod, II:18) also *paskens* that one should separate *terumos* and *maasros*, and notes that this is the prevalent custom in London.

Why have I not heard before of people separating terumos and maasros in the UK?

In the past, Israeli produce (other than Jaffa oranges) were not commonly found in UK stores. (Wines and manufactured and canned goods from Israel invariably bear a *hechsher*, and thus have had *terumos* and *maasros* separated at source). Nowadays though, depending on the season, it is much more common to find fresh Israeli fruit and vegetables in UK supermarkets; these are almost inevitably *tevel*. (Some, but not all, of the Jewish-owned supermarkets have rabbinic supervision that ensures that all Israeli produce has been tithed before going on sale.) As noted there is a minority opinion which is lenient on this matter and does not require one to separate *terumos* and *maasros* from Israeli produce in *chutz la'aretz*. Some Rabbonim may rely on this source. However, the majority opinion and the established historical norm in many Diaspora communities is that one should take *terumos* and *maasros*. It should be noted that many of those who rule leniently include in their decision the assumption that there is a possibility that the produce was tithed before export. Experts in the field have told us that in today's market this is almost always not the case.

MaaserText was set up to raise public awareness of this important issue, and to provide simple instructions and all the necessary requirements at the touch of a button, so that this important *mitzvah* can be kept without any difficulty. By performing the *mitzvos* of separating *terumos* and *maasros*, and the *mitzvah* of redeeming *maser sheni*, you will be able to buy Israeli produce with confidence, support the Yishuv and enjoy a new-found connection with Eretz Yisroel, its *kedushah* and its special *mitzvos*.

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לע"נ שמעון בן שרגא ז"ל

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2. Rashi (1:11) brings that Moshe was saying over two blessings. One from Hashem and one from Moshe to multiply a thousand times. Surely Hashem's blessing is all inclusive and if so how could Moshe add anything? Why bless them specifically with the number of a thousand times more?