



TORAH VEHA'ARETZ

INSTITUTE

BY RABBI MOSHE BLOOM

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# The Obligation To Separate Terumot & Ma'aserot in Jerusalem Part 2

Last week we cited the Minchat Chinuch's understanding of Rambam, namely that it is possible that crops growing in the ancient Jerusalem area are biblically obligated in *terumot* and *ma'aserot*.

Rabbi Shmuel Salant (1816–1909), the rabbi of the Ashkenazi community in Jerusalem, ruled according to the Rambam and Minchat Chinuch, that crops growing in the ancient area of Jerusalem are biblically subject to *terumot* and *ma'aserot*, since the sanctity of Jerusalem and the Temple never ceased. Thus, we have two types of crops: those growing in the ancient Jerusalem area and those that grow in all other areas in the Land of Israel. It is forbidden to separate *terumot*

and *ma'aserot* from one type of crop to exempt the other, since they have two different levels of obligation.

Rabbi Tzvi Pesach Frank (1873–1960), close to Rabbi Salant, disagreed with him. He distinguished between the land-dependent *mitzvot* and the *mitzvot* tied to the Temple. As opposed to Temple-related matters with eternal sanctity, the sanctity associated with land-dependent *mitzvot* does not apply to Jerusalem, since it depends on the majority of the Jewish People living in the Land of Israel. It follows that even in ancient Jerusalem, *terumot* and *ma'aserot* are rabbinic obligations. Rabbi Yehuda HaLevy Amichay, Head of the Halachic Unit at Torah VeHa'aretz Institute, rules accordingly.

Ancient Jerusalem mentioned above does not refer to the modern greater Jerusalem area and not even to the Old City within the Ottoman walls. Rather, it is Jerusalem of Second Temple times, which includes David's City in the South and Northwest to the Russian Compound (the third wall).

To the best of my knowledge, no commercial produce is grown in these areas, there are fruits and vegetables grown in private and public gardens in the Old City and David's City. ■