



~~~~~

“You shall surely give Maaser of the entire crop of your planting, the produce of the field, year by year. And you shall eat it before Hashem Elokecha, in the place that He will choose to rest His Name... You may exchange it for money...and go to the place that Hashem Elokecha will choose...You shall not forsake the Levi who is in your cities, for he has no portion or inheritance with you.” (Devarim 14:22, 25, 27)

Rashi explains that the Maaser discussed here must be referring to Maaser Sheini that is given in the first, second, fourth, and fifth years of the seven year Shmittah cycle, since we have already learned that Maaser, or a tithe of 10%, is given directly to the Levi, as it says, “To the Leviim you shall speak and say to them: When you accept from Bnei Yisroel the Maaser that I have given you from them...” (Bamidbar 18:26). This Maaser given to the Levi and Terumas Maaser given to the Kohen have no restrictions as to where it may be eaten, as it says, “You may eat it everywhere” (Bamidbar 18:31). Clearly, the Maaser discussed in Parshas Re’eh is a different type of Maaser that what was discussed in Parshas Korach

The Levi is entitled to the Maaser Rishon, discussed in Parshas Korach, because ‘he has no portion of inheritance with you’. So while the other twelve tribes received one-twelfth of the land, the tribe of Levi receives one-tenth of the produce. Although this may seem like a ‘second prize’ awarded to the tribe of Levi, since they do not receive the ‘first prize’ like the other tribes, my grandfather, the first Bostoner Rebbe, Rav Pinchas Dovid of Boston zt”l, proved mathematically that the Leviim received a portion equal in amount to the other tribes.

There were ten tribes who received land in Eretz Yisroel proper as represented by the ten Nesiim listed in Parshas Maasei (Bamidbar 34:16-29). For purposes of ease in calculation, let’s say all of Eretz Yisroel yielded 1000 units of produce and each tribe yielded 100 units of produce. After Terumah Gedolah, which the Chachamim set at 2%, is given to the Kohanim, 98 units remain for each tribe. Next, we set aside 10% and give to the Leviim, which would mean that The Levi would receive 9.8 units, while the tribe would retain 88.2 units. However, we must remember that the Levi is required to give 10% of what he receives to the Kohen, what is known as Terumas Maaser, so really the Levi only retains 8.82 units after disbursing his tithe to the Kohen. If we multiply this 8.82 units that the Leviim received from one tribe times the ten tribes residing in Eretz Yisroel, the tribe of Levi ends up with 88.2 units of produce, which is the same as every other individual tribe.

In reality, just as the amount of produce of every individual farmer and every individual varies based on Hashem’s blessing, the amount received by every individual Levi varies based on the decisions of the individual farmers as to whom to give his Maaser to. However, the total amount of produce retained by the entire tribe of Levi for personal consumption comes out to the arithmetic average of the produced retained for personal consumption by the other tribes. Although there may be additional obligations of Maaser Sheini or Maaser Ani depending on the year of the Shmitah cycle, this will only change where the consumption takes place, or transfer the consumption from the wealthy to the poor within each tribe, but it will not change the amount available for personal consumption by the Leviim or the arithmetic average of all the other tribes living in Eretz Yisroel proper.

Nevertheless, in Parshas Re’eh it says, “At the end of three years you shall take out Maaser of your crop in that year and set it down within your cities. Then the Levi comes – since he has no portion or inheritance with you – and the convert, the orphan and the widow who are in your cities...” (Devarim 14:28-29). This is the source of the Mitzvah of Maaser Ani and it seems to explicitly allow a Levi to partake, which would seemingly disrupt our equilibrium of produce available for personal consumption for the Leviim vis-à-vis the rest of the tribes.

However, on the words ‘Then the Levi comes’, Rashi comments, seemingly with no primary source, and says, “and take Maaser Rishon”, referring to the annual 10% that the Levi receives as per Parshas Korach and not Maaser Ani. Seemingly, Rashi derives this from the superfluous words ‘since he has no portion...’, which are unnecessary to prove poverty, since the Levi is already juxtaposed with the convert, orphan and widow. This is the norm, as we see later in Parshas Re’eh regarding the festivals of Shavuos, “You shall rejoice before Hashem...the Levi in your cities, the convert, orphan and widow” (Devarim 16:11) and by the festival of Sukkos, “You shall rejoice on your festival...the Levi, convert, orphan and widow” (Devarim 16:14).

Instead, we could suggest the reason for the extra phrase ‘since he has no portion’ would be to refer back to the language and reasons given for Maaser Rishon back in Parshas Korach and tell us that Maaser Ani is not replacing Maaser Rishon on the third and sixth year, rather is in addition to it. We see a similar comment of Rashi on the topic of Maaser Sheini that we opened with. On what seems to be a non-sequitur, ‘You shall not forsake the Levi who is in your cities, for he has no portion or inheritance with you’, Rashi comments, “you shall not forsake to give him Maaser Rishon”.

The Binyan Tzion (Siman 54) leaves it as a Tzarich Iyun, a matter requiring more study, whether poor Leviim are entitled to Maaser Ani, citing a lack of explicit proof in the Rambam and other Poskim. In fact, the Rambam in one place (Hilchos Terumos 11:27) explicitly mentions poor Kohanim and poor Yisraelim, but omits poor Leviim, in regard to Maaser Ani. Perhaps Rashi and Rambam were also aware of this equilibrium between Leviim and the other Shvatim.

Alternatively, one could simply make the case that after Maaser Rishon and Terumas Maaser are separated, the prohibition of consumption due to Tevel has been removed and the produce of the Yisroel and Levi, respectively, are permissible. This is where we take note of equilibrium, rather than later stages of charitable giving to the poor, such as Maaser Ani, which transcends equilibrium by its nature, as poverty is subjective and indiscriminate from the human perspective, and this will not cause jealousy or animosity between Levi and the other tribes in regards to their portions.

May Hashem fulfill the Pasuk, “He will give you rest from your enemies all around and you will dwell securely” (Devarim 12:10) and may we speedily see the Geulah Shlayma and the rebuilding of the Beis HaMikdash.