

# Shmittat Kesaffim - Money's Rest?

## Deuteronomy, Chapter 9:1-9

מקץ שבע-שנים, תעשה שמיטה. ב וזה, דבר השמיטה--שמוט כל-בעל משה ידו, אשר ישנה ברעהו: לא-יגש את-רעהו ואת-אחיו, כי-קרא שמיטה ליהוה. ג את-הנכרי, תגש; ואשר יהיה לך את-אחיו, תשטמ ידך. ד אפס, כי לא יהיה-בך אביון: כי-ברך יברכה, יהוה, בארץ, אשר יהוה אלהיך נתן-לך נחלה לרשתה. ה רק אם-שמוע תשמע, בקול יהוה אלהיך, לשמור לעשות את-כל-המצוה הזאת, אשר אנכי מצוך היום. ו כי-יהוה אלהיך ברכה, באשר דבר-לך; והעבטת גוים רבים, ואתה לא תעבט, ומשלת בגוים רבים, ובך לא ימשלו. {ס} ז כי-יהיה בך אביון מאחד אחיו, באחד שעריך, בארץ, אשר-יהוה אלהיך נתן לך--לא תאמץ את-לבבך, ולא תקפץ את-ידך, מאחיו, האביון. ח כי-פתח תפתח את-ידך, לו; והעבט, תעביטנו, די מחסרו, אשר יחסר לו. ט השמר לך פו-יהיה דבר עם-לבבך בליעל לאמר, קרבה שנת-השבע שנת השמיטה, ורעה עינך באחיו, ולא תתן לו; וקרא עליך אל-יהוה, והיה בך חטא.

Every seventh year you shall practice remission of debts. **2** This shall be the nature of the remission: every creditor shall remit the due that he claims from his fellow; he shall not dun his fellow or kinsman, for the remission proclaimed is of the Lord. **3** You may dun the foreigner; but you must remit whatever is due you from your kinsmen. **4** There shall be no needy among you—since the Lord your God will bless you in the land that the Lord your God is giving you as a hereditary portion— **5** if only you heed the Lord your God and take care to keep all this Instruction that I enjoin upon you this day. **6** For the Lord your God will bless you as He has promised you: you will extend loans to many nations, but require none yourself; you will dominate many nations, but they will not dominate you.

**7** If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the Lord your God is giving you, do not harden your heart and shut your hand against your needy kinsman. **8** Rather, you must open your hand and lend him sufficient for whatever he needs. **9** Beware lest you harbor the base thought, “The seventh year, the year of remission, is approaching,” so that you are mean to your needy kinsman and give him nothing. He will cry out to the Lord against you, and you will incur guilt. **10** Give to him readily and have no regrets when you do so, for in return the Lord your God will bless you in all your efforts and in all your undertakings. **11** For there will never cease to be needy ones in your land, which is why I command you: open your hand to the poor and needy kinsman in your land.

- What are the different commandments in this passage? How are they connected?
- What is the connection to agricultural shmitta we've been learning about?

## Gittin, 36A - Prozbul

הלל התקין פרוסבול וכו'. תנן התם: פרוסבול אינו משמט, זה אחד מן הדברים שהתקין הלל הזקן, שראה את העם שנמנעו מלהלוות זה את זה ועברו על מה שכתוב בתורה (דברים ט"ו) השמר לך פן יהיה דבר עם לבבך בליעל וגו', עמד והתקין פרוסבול. וזה הוא גופו של פרוסבול: מוסרני לכם פלוני דיינין שבמקום פלוני, שכל חוב שיש לי אצל פלוני שאגבנו כל זמן שארצה, והדיינים חותמים למטה או העדים.

Hillel instituted the Prozbul. We have learnt elsewhere: A prozbul prevents the remission of debts [in the Sabbatical year]. This is one of the regulations made by Hillel the Elder. For he saw that people were unwilling to lend money to one another and disregarded the precept laid down in the Torah, Beware that there be not a base thought in your heart saying, etc. He therefore decided to institute the prozbul. The text of the prozbul is as follows: "I hand over to you, So-and-so, the judges in such-and-such a place, [my bonds], so that I may be able to recover any money owing to me from So-and-so at any time I shall desire"; and the prozbul was to be signed by the judges or witnesses.

- How does a prozbul work?
- Why did Hillel create prozbul? Do you like it? Why or why not?

## Rambam, Hilchot Shemita, Chapter 9 - Some More Info

The nullification of debts applies according to Scriptural Law only in the era when the Jubilee year is observed and [the sale of] land is also nullified, for the land [that has been sold] returns to its original owners without financial payment. This matter was conveyed through the chain of tradition. Our Sages declared: In the era when you nullify [the sale of] land, you nullify debts everywhere, whether in *Eretz Yisrael* or in the Diaspora. In the era when you do not nullify [the sale of] land, you do not nullify debts anywhere, even in *Eretz Yisrael*.

According to Rabbinic Law, the nullification of debts applies in the present age in all places, even though the Jubilee year is not observed. [This is a decree, instituted] so that the concept of the nullification of debts will not be forgotten by the Jewish people.

The Sabbatical year does not nullify debts until its conclusion. [This is derived as follows: Deuteronomy 15:1-2] states: "At the end of seven years, you shall effect a remission. This is the matter of the remission." And [Deuteronomy 31:10] states: "At the end of seven years, at the time of the Sabbatical year, during the holiday of Sukkot." Just as in that instance, [the event takes place] after the seven [years], so too, the nullification of the debts takes place after the seven [years].

Therefore if one lent money to a colleague in the Sabbatical year itself, he may demand payment of his debt for the entire year. When the sun sets on the night of Rosh HaShanah of the eighth year, the debt is nullified.

## **Rabbinic Understandings of Shmittat Kessafim**

### **Sefer HaChinuch #84 (on Shemot 23:10-11)**

...And therefore the Blessed One Commanded to declare ownerless all that the land brings forth during this year (the 7th) aside from the resting during it (refraining from agricultural activities) in order for a person to remember that the (1) land that brings forth to him annually its fruits does not do so by means of its own strength or special qualities, but rather that there is a Master over it and over its owners, and when He Wishes, He Commands concerning it that it is to be declared ownerless.

And there is another benefit in the matter to acquire by means of this the quality of “giving way”, (2) because the ultimate generous individual is one who has no expectation of any sort of return.

And there is another benefit in the matter whereby (3) the individual increases his trust in HaShem, because a person who can wholeheartedly to give away and declare ownerless to the world all of the produce of his fields and the inheritance of his fathers that grow annually for an entire year, and he and his entire family become educated in doing so, he will not be excessively greedy and will not be lacking in trust in the Divine...

### **Sefer HaChinuch #477 (on Devarim 15:2)**

...And renouncing loans follows the same reasoning (that pertains to allowing the land to lie fallow), i.e., to teach our souls beneficial attributes: The attribute of generosity, as well as establishing within our hearts great trust in HaShem, Blessed be He. Then our souls will be prepared to receive Good from the Master of All in the form of Blessing and Kindness. And there also comes from this a strong fence and iron curtain to distance oneself exceedingly from thievery and from desiring the possessions of our fellow, because we will make the following logical deduction: Even if I have loaned him my money and the “Shmitta” year arrives, the Tora states, “The lender must withdraw his hand not to steal and not to violently reacquire that which is his”, all the more so I must distance myself from desiring let alone taking that which never was mine.”

### **HaKetav VeHakabbala on Devarim 15:2**

...The reason why the word “Yad” (hand) is added is because it symbolizes power, the upper “hand”, rulership and hegemony...because the lender is like the master of the borrower and his control is over him. (Mishlei 22:7; Gittin 14a) “A borrower is the slave of the lender”. And the lender makes the borrower subservient to him in terms of his body (there is the potential that he has to sell himself as a servant in order to repay his

debt) as well as his property (liens can be placed upon his real estate so that the debt is repaid). And the text is Commanding that in the Sabbatical year, the lender will relinquish all of the controls that he has over the borrower, not only that the debt does not have to be repaid, but also the potential collection from his body and from his property completely depart. For this reason the text states, “Teshamet Yadecha” (you will withdraw your hand), i.e., remove and withdraw the rulership of your hand from him, and once his subjugations are withdrawn, the lender can never again collect this debt at any future time...

### **R. S.R. Hirsch on Devarim 15:2**

...But this remission, literally, this “allowing to escape out of the hand” (fig., the rescinding of the loan; the creditor must “remove his hand”, resulting in the debtor “escaping out of his hand”) is entirely only one-sided. The creditor, the “Ba'al” (literally “master”) who by virtue of his legal claim on his neighbor had become a person in power, holding him in his hand, renounces forever his right to assert that power. But the debtor remains forever morally in his debt and duty-bound to repay him, and if the debtor offers voluntarily to discharge the debt, the creditor certainly has to declare “Meshamet Ani” (I am removing my hand) and places the “Shmitta” privilege at his (the borrower’s) disposal. But if nevertheless the debtor persists in his repayment, the creditor may accept it (see Shevi’it 10:8). Yes, it is by no means the tendency of the Tora to release people who can pay from their moral duty of discharging their moral obligations, and from such people the creditor can expect that they will make no use of the “Shmitta” favor. The “Shmitta” declaration to be made by the creditor is what the Tora demands, but the relation of the debtor to the debt remains unaltered by it...The debtor who voluntarily pays a debt which was remitted by “Shmitta” is only acting in the true sense of the Tora (Shevi’it 10:9)...