

Shemittah: The Monetary Aspects

Part II

Based on a Naaleh.com shiur by Dayan Shlomo Cohen
Summary by Devora Kaye

Generally, a debt payable at the end of *shemitta* will be cancelled by the *shemita* year. However, there are complex differences in the types of debts that are forfeited, and one should consult with a rabbi when necessary. *Chazal* observed that there was a problem with *shemitat kesafim*. When men of means saw that *shemita* was approaching, they hesitated to give loans and the poor were suffering. Therefore, they instituted the *pruzbul*. If the debt is not an individual debt but rather of *bet din*, the debt is not cancelled by *shemitta*. A *pruzbul* is a declaration that you've given over your debt to *bet din* who can claim it for you. Some opinions hold that the *pruzbul* will only work with a well-known established *bet din*. Others say any three Jews can form a *bet din* for the purposes of a *pruzbul*. You don't need to necessarily appear before a *bet din*. According to most *poskim*, you can just make a declaration in front of two witnesses and when you claim the debt, it's as if the *bet din* is claiming the debt. There are a number of different forms of the *pruzbul*. Rav Moshe Feinstein used the format of the Shulchan Aruch. Others use different wording. There are many stringencies. Some will do a *kinyan* (acquisition) in order to transfer the debt to *bet din*.

A *pruzbul* will only work for debts that were in affect before the document was written. Therefore, it should be written before *Rosh Hashana*. A shopkeeper who sells last minute items before *Rosh Hashana* on credit should make sure to writes his *pruzbul* after he closes his shop. Otherwise he will certainly end up with debts that will be canceled by the *shemitta* year. Another condition of a *pruzbul* is that the debtor must own land so that he can transfer his debts to the *bet din*. If he has none, the creditor must make his land available so that the *pruzbul* can be written. Some opinions say that as Jews we all own land in *Eretz Yisrael* and therefore there's no reason to make special inquiries whether a debtor owns land or not. Even if he doesn't have land, if he would declare that he does, then according to many opinions that would be enough.

Any Jew (over the age of 12, 13) who lent money to another Jew must make a *pruzbul*. A married women can designate her husband to be her agent. A company where the shareholders are Jewish, would need to make a *pruzbul*. If all the shareholders are religious Jews and have already made a *pruzbul*, then the company doesn't need to make a separate *pruzbul*. In Jewish law we don't look at a

company as a separate entity but as a partnership. As long as each one of the partners has made a *pruzbul* there's no problem. But if there's a chance that some have not, then the managing director of the company should make a *pruzbul* on behalf of all debts owed to the company.

If the lender forgot or didn't know to make a *pruzbul*, since *shemitat kesafim* is *m'drabanun*, the custom is that the debtor will pay the debt. Nevertheless, when the debtor comes to pay up, the creditor should tell him that his debt was cancelled due to *shemita*. The debtor must then say, "Nevertheless, I will pay." That is what *chazal* tell us should be done. The Gemara says if the debtor refuses to pay, *bet din* can compel him to do so.

The *poskim* recommend that although in our times we should make a *pruzbul* as we are not on the spiritual level to give loans and forgive them; nevertheless we should still give a small loan to a Jew and let it be cancelled to fulfill the great *mitzva* of *shemittat kesafim*. In the merit of our forgiving our loans, Hashem will then forgive our debts and extend us His kindness and beneficence.

Elul in our Times

Part II

Based on a Naaleh.com shiur by Rebbetzin Tziporah Heller-Gottlieb
Summary by Devora Kaye

The third step of *teshuva* is having a plan how to avoid the sin in the future. Simply saying, "I'll always be grateful and pleasant and happy is not going to do it." You have to have a route mapped out how to uproot the negativity. Once we've come to grips with what's wrong, experienced regret as opposed to guilt, and figured out a plan of action, we've accomplished *teshuva*, returning to who we could be.

A way to draw close to Hashem in *Elul* is to take time every day to do a life review, to tap into one's true desire to be different and good. The main thing Hashem wants is for us to be who we can be. Once we've figured out where

we went wrong, we shouldn't go back there again. Our focus should be on now and the future. That's *ani l'dodi*. The other side is *v'dodi li*. Hashem wants to help. He's there for us and understands our tests. The act of doing *teshuva* gets us closer to Hashem then we would've, had we not sinned. The Maharal explains this with an allegory.

Imagine two people bound together by a rope. Someone cuts the rope and makes a knot. Now they're closer. They cut it again and make another knot, now they're even closer. Similarly, when you sin and distance yourself from Hashem you cut the rope. When you do *teshuva*, you tie it and you're now closer than

you ever were before. However, the place of the knot is weaker than the rest. So, if you failed in the past, don't test yourself again. Don't put yourself in impossible situations. Be good to yourself. Hashem want you to succeed. Don't take steps that are too big for you. Don't put yourself in the face of temptation.

Another way to get closer to Hashem is through *tefilah*. The beginning of *shemone esrei* tells us that Hashem is the source of everything and the one who is bringing us to where we need to go. The end tells us what he's done for us and gives us a chance to express our thanks. The middle blessings are

Continues on page 2

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Summary by Devora Kaye
Continued from Page 1

about requests. We tell Hashem, "This is what I need and only you can give it to me." It can come through people but not from people. We ask Hashem for *daaf*- the ability to know and to take what we know and let it touch our hearts. You cannot buy *chochma* or *binah* and if you don't have it, life is worthless. We ask Hashem for *teshuva*. Otherwise, we'd be locked into our mistakes. We ask Hashem to see our pain and our enslavement and that of the whole Jewish people. We ask Him for healing which can never be guaranteed or bought. It's all dependent on Him. We ask Him for sustenance. If we're not begging in the streets, it's because He's sustaining us. We ask Him to give us national redemption so that we can all come back to Him. We ask for

true judges to defeat evil and to count us among the *tzadikim* because their stories are a part of our heart. The more we let ourselves be inspired by the *tzadikim*, the more our merit and their merit are joined. The more we know who we're talking to, what Hashem has given us, and the more we express our reliance and dependence on Him, the closer we get to Him.

How does *tzedaka* change a person? *Tzedek* means justice. Hashem gives us the resources, energy, insight, and opportunities to use our money. A rich person must act as a teller in the bank. He needs some of the money, so do other people. People get attached to money because they see it as a representative and a reflection of their energy and capacity. They

also have this fear that if they don't have money, they won't be able to get by. You should recognize that Hashem gave you what you need by your making the efforts to get it. He wants you to have the satisfaction, self-expression, and development of creativity and giving, that earning a living necessitates. If you think this way, you'll find yourself deglamorizing money. You'll recognize that it's good for you to make your efforts, but you could take it a step further and participate with Hashem in ruling His world by giving *tzedakah* which draws you close to Him. There are real *baalei tzedakah* who enjoy giving and that's something to aim towards.

Travelling Through Life Accompanied by Tehillim Part 11 Part 3

Based on a Naaleh.com shiur by Rebbetzin Leah Kohn
Summary by Devora Kaye

If we understand how everything in exile was seeded in tears and then gave forth so much beyond our expectations, then we will judge what happened in galut in a very different way. Part of the pleasure of the times of Mashiach will be going through history as a nation and individuals and understanding exactly how everything was necessary to create the unbelievable reality that will be at the time of *Mashiach*. It will be an incredible pleasure, like putting on different glasses and seeing the whole world through a different perspective.

This idea is very beautifully illustrated by a famous story that is brought in the *Midrash* about the sage Choni Hamagel who slept for 70 years. The story is written in two places but in one place the focal point is that he got up and couldn't relate to the people anymore. He felt like an alien because so much had changed over a span of so many years.

The story also appears in a different version in the *Yerushalmi* and it speaks about the righteous *Choni Hamagel* who lived at the time of the first *Bet Hamikdash* close to the destruction. He had workers doing labor for him near a mountain and he went to supervise them. When he got there a storm was brewing and he took shelter in a cave and fell asleep. He slept through the destruction of the first *Bet Hamikdash*, the 70 years of exile in Babylon, and the rebuilding of the second *Bet Hamikdash*. He woke up, left the cave, and couldn't recognize the world he remembered. People asked him who he was and he told them. They said, "*Choni Hamagel's* righteousness was such that when he entered the Temple the place lit up." They wanted to know if was the same person. They took him to the second *Bet Hamikdash* and sure enough the place lit up when he entered. Our sages bring this *Midrash* in connection to the first verse in Tehillim 126.

During the destruction of the first *Bet Hamikdash*, the Jews suffered greatly. They saw the reality and it appeared bitter. This *Midrash* teaches us that our history is going from the first to the second to the third *Bet Hamikdash*. The in between stage is like a dream. It's not reality. *Choni Hamagel* went from the first to the second *Bet Hamikdash* and in the interim he slept and dreamt. Exile is like a mirage. The true reality will be in the time of *Mashiach*. We can't describe it because it will be way beyond our grasp. The situation today seems discouraging. So many Jews are far from *Torah* and *mitzvot* and there is so much suffering and pain. We have to know that it's all preparation. The very fact that we went through the crucible of exile will make us worthy to greet *Mashiach*. The *Sefas Emes* describes it as a time of *sheleimut*, where the inner part of us will shine through and we will reach perfection and eternal joy.