Volume 2, Issue 34

פרשת כי תצא

Bet Horaah Shaare Ezra

בית הוראה שערי עזרא

Parshat ki tetzei

Zmanim for New York:

Candle Lighting: 6:56pm

Shabbat ends: 7:55pm

R"T: 8:26pm

We would like to show our deepest הכרת הטוב to our generous donor who made it available for us to continue printing the newsletter. May Hashem grant him with a good, happy, healthy and successful new year. May Hashem help that his children will grow to be big Talmidei Chachamim.
Thank you.

Shaare Ezra is a one of a kind, multi-faceted organization that's there for the community. Under the leadership of HaRav Shay Tahan שליט"א. Shaare Ezra feels that proper Halachic guidance should be accessible to everyone, therefore we offer the community the opportunity to call, text, WhatsApp, or e-mail any halachic questions they may have, through the Bet Horaah, where qualified, trained and ordained Rabbis are available to answer your questions in English, Hebrew and Russian. Shaare Ezra is from the community—for the community.

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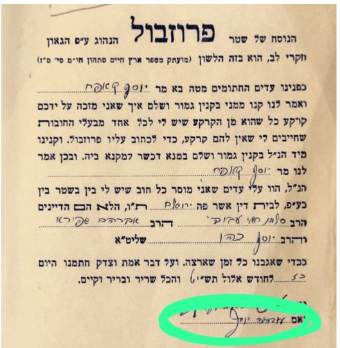
Debts written off

Rabbi Shay Tahan

subscribe to our new email NOW ParashaDelight@shiurenjoyment.com
Subject RabbiShayTahan

This year is a Shmita year. Shmita comes on a cycle of every seven years and has various Halachic ramifications which are mainly applicable in Erets Yisrael. There is one Halacha which is very relevant in all places and that is the law of canceling debts. All debts on this coming Rosh Hashana (which is the end of the Shmita year) are automatically written off.


פרוזבול
הנוסח של שטר פרוזבול הנהוג ע"ס הגאון
וזקרי לב, הוא בזה הלשון (מועתק מספר ארץ חיים סתהון חו"מ סי' ס"ז)
כפנינו עדים החתומים מטה בא מר יוסף קאפח
ואמר לנו קנו ממני בקנין גמור ושלם איך שאני מזכה על ידכם קרקע כל שהוא מן הקרקע שיש לי לכל אחד מבעלי החובות שחייבים לי שאין להם קרקע, כדי לכתוב עליו פרוזבול. וקנינו מיד הנ"ל בקנין גמור ושלם במנא דכשר למקנא ביה. ובכן אמר לנו מר יוסף קאפח
הנ"ל, הוו עלי עדים שאני מוסר כל חוב שיש לי בין בשטר בין בע"פ, לבית דין אשר פה ירושלים ת"ו, הלא הם הדיינים
הרב סלמן חוגי עבודי הרב אברהם שפירא
והרב יוסף כהן שליט"א
ככדי שאגבנו כל זמן שארצה. ועל דבר אמת וצדק חתמנו היום כג לחודש אלול תשי"ו והכל שריר ובריר וקיים.
עובדיה יוסף

Pruzbul signed by Chacham Ovadia Yosef Z'TL

When one lends money to another or has other unpaid debts, on Rosh Hashanah they are all erased, as it says in the Pasuk (דברים טו,א):

מקץ שבע שנים תעשה שמטה , וזה דבר השמטה שמוט כל בעל משה ידו אשר ישה ברעהו לא יגש את רעהו ואת אחיו כי קרא שמטה לה'

"At the end of the period of seven years you shall forsake all debts. This shall be the nature of the remission, all creditors shall remit the due that they claim from their fellow, they shall not claim it from their fellow or brother, for the remission proclaimed is for Hashem''.

When one claims his debt after Rosh Hashanah, he violates the positive Mitzvah of : (דבריםטו,ב) " שמוט כל בעל משה ידו, every creditor shall release that which he has lent;"

He also violates the prohibition of collecting debts after Shmita year: לא יגוש.

Today however, since the Yovel (jubilee) doesn't apply, this Mitzvah is not Biblical but Rabbinic; thus one doesn't violate a Torah prohibition.(רמב"ם פ"ט מהל' שמיטה ויובל ה"א)

Torah warning of not holding back from lending

The Torah knew that since the Shmita would cancel all debts, some creditors would hold back their loans in fear that they might lose their money, therefore the Torah warned all people not to do so saying : (דברים טו,ט)

''השמר לך פן יהיה דבר עם לבבך בליעל לאמר קרבה שנת השבע שנת השמטה ורעה עינך באחיך האביון ולא תתן לו וקרא עליך אל יהוה והיה בך חטא''

''Beware lest you have a thought that, the seventh year, the year of remission, is approaching, so that you are mean and give nothing to your needy brother who will cry out to Hashem against you, and you will incur guilt''.

Still, creditors were holding back their loans, thus violating this prohibition from fear that they wouldn't be able to collect their money.

But not always would it be a violation, because this prohibition is specifically for

Debts written off

those who don't want to lend money in fear that the Shmita will cancel it. However, if the creditor doesn't trust that the borrower has the means, and especially if he knows that the borrower doesn't have the ability to pay back, the lender doesn't have to lend him the money (מהרם שי"ק על המצוות (מצווה סו).

Another scenario in which one doesn't have to lend, is if he knows that the borrower isn't very careful with money or he feels that he isn't very trustworthy and wouldn't have the desire to pay his debt (אהבת חסד לחפץ חיים, דיני הלואה פרק א, אות ט').

Therefore, according to the above explanation, this prohibition would only apply in a scenario that the loan payment date is before the end of the year (as will be explained later) and the lender is scared that the borrower will push off the debt until the end of the year, thus causing the loan to be canceled.

Prozbul

When Hillel saw the above consequences of lenders who were reluctant to give loans from fear of the Shmita, he decided to try to find a solution so the creditors would feel more reassured lending their money, and therefore established what is called a "Prozbul". Prozbul is a word which is made of two words: "proz" means establishment, and "bul" means for the rich, thus it's an "establishment for the rich" to help them give loans without the risk of losing their money, and sparing them the liability of transgressing the above prohibitions.

The way Prozbul works is that the debt documents are handed over to a Bet Din. By doing so, it's up to Bet Din to collect the debt for the creditor, hence the Shmita doesn't write off that loan.(שלחן ערוך חו"מ סי' סז סי"א)

Ideally, the Prozbul's document should be done by an expert Bet Din with three Dayanim (judges) בית דין חשוב, which are very knowledgeable of the Torah laws, but since it's hard to go in front of such Bet Din, one may appoint two witnesses and declare in front of them that he is handing the documents to Bet Din to be collected (ש"ע סי' סז סעיף בא).

What is written in the Pruzbul?

The Prozbul should document the name of the creditor/lender and the names of the witnesses, it should state that he relinquishes a piece of land to the borrower, and he hands the debt collection over to Bet Din so he can collect it whenever he wishes.

Some poskim permit using witnesses which have familial relation to either party, and it's similarly permitted to write the Prozbul at night (מהריק"ש סי' סז סל"א).

There is no need to document the names of the borrowers.

If one loses the Prozbul document he can still collect his debt (יהודה יעלה ח"ב סי' קעט)

Which loans are not canceled?

Not every loan is canceled on Rosh Hashanah. A loan whose payment is due after Rosh Hashanah doesn't get canceled since the lender can't demand his money yet, as the pasuk only warns when the debt could be collected (לא יגוש (סי' סז ס"י

Salary of a worker can still be collected after Rosh Hashanah and isn't called off as many times a salary is paid late (סי' סז סט"ו).

Returning debts

Although the lender isn't allowed to accept the debt, the borrower may still attempt to pay it back and is considered a positive act in doing so (משנה שביעית פ"י משנה ט') רוח חכמים נוחה הימנו. At that moment, the lender should tell the borrower that he can't accept it by saying משמט אני, and if the borrower insists by saying אף על פי בן, encouraging him to please consider it a gift, then the lender may accept it. (ש"ע סי' סז סעיף לו)

In the event that the borrower didn't come to give the money, though the lender may not ask for his money but he may do different things to get the money. For example, he may talk to the borrower about the money in order to make him feel uncomfortable and even look at him in a way that would get him embarrassed (ר"ן, ריטב"א גיטין לז). He may also talk to others about the loan so they would tell the borrower that he didn't do things correctly (מאירי שם).

Losing on the Mitzvah

Since the remission of the debt is a mitzvah, it comes out that by doing a Prozbul one loses out on a mitzvah, why then should that be done?

As we all know Mitsvot aren't free and many Mitz-

Debts written off

vot cost money, such as buying a Lulav set for Sukkot and buying Matsot for Pesach, buying Tefillin and Mezuzot, therefore the Ben Ish Chai (פרשת כי תבוא אות כה) established in his city Baghdad that after doing the Prozbul, each person should give a small loan to his friend which is not covered by the Prozbul since it's given after the Prozbul was handed over; thus, after Rosh Hashanah when the borrower will come to return the debt, the lender would tell him that he doesn't accept it in order to fulfill the Mitzvah.

Elul. close encounter

Wow, Elul is here.

We all know what Elul means.

We know it means that we need to connect with Hashem, but how do we do that?

Moreover, for many of us, we don't even feel anything. How can we connect when our feelings are numb? We all know the stories of the Gedolim which felt Elul months before it even came, but we just can't feel that way even in Elul itself and the days pass by, is it our fault? We go from summer vacation, immediately into the most serious month, not getting a chance to adjust to the new reality.

How do we change that feeling of summer fun to the very intense month of Elul? And what if we like staying in that summer mood?

Well, that indeed is the big challenge of Elul. Understanding what is the real good. When one sits in a dark room for a while he doesn't feel the darkness anymore. In fact, he grows so accustomed to it that he actually starts seeing well, not realizing that when he'll turn on the light he'll be able to see much better. The same can be said to the very feeling we feel now. Connecting with Hashem is like going from that dark room to a well lit room; but we can't understand that unless we actually walk into that room.

So how do we do that?

The Ramchal (דרך השם חלק רביעי, פרק חמישי) addresses this scenario and explains that when one is in the midst of spiritual darkness and feels very far from Hashem, he can easily connect while standing in prayer. When one prays, he is in very close proximity to Hashem and is actually in a totally different atmosphere, so to speak; a spiritual atmosphere. He explains that this is the reason that prior to commencing the Amidah, we take three steps forward, because we are leaving our surroundings on 'planet earth' and are elevated to Hashem's spiritual world. In the same vein, at the end of the Tefila, we take three steps backwards to express that we are back to Earth. By reaching those new heights we instantly connect with Hashem and He Himself inspires us.

But why is it that Elul was chosen to be that month of inspiration by connecting through prayer?

To understand this correctly we need to go back in time to the event of Moshe Rabenu receiving the Torah.

Moshe goes up on Shavuot to Har Sinai to receive the Torah. He stays there for 40 days and 40 nights. On the 17th of Tamuz he goes down to hand the nation the great gift of the Torah, only to find that the people have sinned with the golden calf. Immediately, he breaks the Luchot and the next day goes back to the mountain to plead with Hashem for the nation. At that time, Hashem was angry. He didn't want to hear from Moshe, and told him that He is planning to destroy the nation and create a new nation instead. But our great leader didn't give up and kept on pleading with Hashem until He eventually accepted his request and told him to make a new set of Luchot.

This event took place on Rosh Chodesh Elul. Chazal tell us that Hashem was then appeased. This was an opportunity for Moshe to plead and ask Hashem further for the nation.

Finally, 40 days later on Yom Kippur, Hashem said to Moshe that his prayers were answered and He had forgiven the nation. Hashem was happy with us.

בס"ד

Elul. Close encounter

Hashem went from being angry after the 17th of Tamuz to being appeased on the month of Elul, to finally being happy on Yom Kippur.

Now, let's imagine a father who was angry with his son. After the son repeatedly tries to get back with his father finally he was able to make peace with him, wouldn't the father want his beloved son to get very close to him? That is exactly what has happened with Moshe; and this resembles the 'state of mind' so to speak of Hashem in the month of Elul. He is appeased and waits for us to come closer to him. What an opportunity, it's not only that we want to come closer to him but rather he wants us, wow!!!

כתיבה תמה

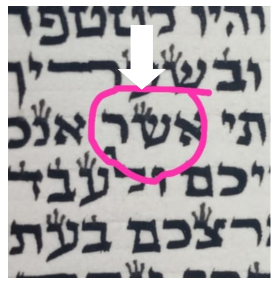
Whenever part of a letter touches itself, even with a very thin line, it is pasul (משנ"ב במשנת סופרים אות שי"ן).

Since there is a machloket whether it's permitted to erase the line connecting the limbs of the letter, one should be machmir on a sefer Torah not to erase it but can be lenient with Tefilin and Mezuzot to erase it.

The difference between the two is as follows: since the sefer Torah doesn't have to be written in order (כסדרן), therefore one should erase the entire letter and rewrite it. By Tefilin and Mezuzot however, which must be written in order and if a letter was erased one may not rewrite it, we can't erase the entire letter. For that reason, one may be lenient to save the parchment and erase only the connecting line, relying on the majority of the poskim which allow doing so (משנ"ב שם).

Still in all, there is a difference in Halacha when it comes to the thickness of that line. In a case where the line connecting is thick, the letter lost its original shape and if thus pasul and may not be fixed (חזון איש סי' ט סק"ד).

Some poskim bring that if the line connecting isn't from the letter itself, it is even worse (כתיבה כהלכתה מהגימ"ש עמוד שמט)



Here the Tagim (The Crowns) are touching both heads of the letters in a thick connection rendering it pasul and can't be fixed.

Excerpts From the New Sefer

יש רבים שנוהגים לומר תהלים מר"ח אלול ואילך אחר התפלה במטרה לגמור קריאת שני ספרי תהלים לפני ראש השנה .ועכ"פ הרוצה בתשובה ירבה בימים אלו ובעשי"ת
בקריאת תהלים.

כתב המטה אפרים (סי' תקפא ס"ח :)"נוהגין בכל יום של ימי החול מר"ח אלול ואילך אחר התפלה אומרים בצבור עשרה מזמורים תהלים ומתכוונים לגמור כל תהלים שני פעמים קודם ראש השנה, והיא עולה כמנין כפ"ר .ומתחילין אחר ראש חודש כדי לומר יהי רצון המסודר אחר אמירת תהלים בשלימות עם התחנונים וכו ...'ובימי התשובה שבין ראש השנה ליום הכיפורים אומרים יותר מעשרה מזמורים כדי לגמור התהלים פעם שלישית קודם יום הכיפורים".
והביא דבריו המשנ"ב (סי' תקפא סק"ג .)וכן הוא בקיצור ש"ע (קכח ס"ב)בדיניו על חודש אלול : "נוהגין לומר תהלים בציבור בכל מקום לפי מנהגו". והחיד"א בספרו עבודת הקודש (חלק מורה באצבע סי 'ח 'אות רמח) כתב : "אשר חנן לו אלקים עושר ,חטאיו בצדקה יפרוק ,וירבה בימים אלו (ימי אלול ועשרת ימי תשובה) בצדקה ובלימוד זוהר ,תיקונין, משניות ותהלים".

Thank you Rabbi Ephraim Cwibeker and Rabbi Moshe langsam for helping us spread our newsletter throughout Monsey. We truly appreciate it!
Special thanks to Rabbi Nissan Rehanian for leading the money operation, We truly appreciate it!