This **erev Rosh Hashanah**, as the **shemittah** year comes to a close, Jews around the world will fill out a **prozbul**, the legal device introduced by the sage Hillel over 2,000 years ago. This article explains what a **prozbul** is and its significance in Jewish life.

**Does the Torah take more of a socialist or a capitalist approach to society?**

The Torah, in fact, embraces aspects of both socialism and capitalism. The **Aseret Hadibrot**, Ten Commandments, concludes with a warning not to covet one’s neighbor’s property, which underscores an appreciation for individual ownership. **Masechet Avot** understands that a society that eschews personal property, where “what’s mine is yours and what’s yours is mine,” is a society of the ignoramus and is doomed to failure. At the same time, however, the Torah clearly calls for a redistribution of wealth and property with its multitude of socioeconomic welfare laws. Some of these include tithes, the commandment to leave standing grain in the corner of the field for the poor, the release of ownership of the land every seventh year (shemittah), the return of ancestral lands to the original owners in the fiftieth (yovel) year and the cancellation of all debts at the end of the shemittah year (shemittat kesafim).

**Shemittat Kesafim: Reclaiming a Forgotten Mitzvah**

Rav Ovadiah Seforno explains that the Jewish people were given Shabbat—a day devoted solely to spiritual pursuits and the negation of materialism—to emphasize that **melachah** (work) and acquisition of wealth are not the highest pursuits in life. The **Mechilta** points out that the Jewish people were already keeping Shabbat when they received the Torah and were therefore prepared to accept the many **mitzvot** that demand one forgo material pursuits for spiritual ones. These **mitzvot** include laws governing business ethics and interpersonal monetary dealings, such as **shemittat kesafim**. **Sefer Hachinuch** adds that the purpose behind **shemittat kesafim** is to help us develop the attributes of generosity and kindness. By willingly absolving all the loans we make to our fellow Jews every **shemittah** year, we will become more attuned to the Torah laws regarding interpersonal monetary dealings and will surely not take the possessions of others unlawfully.

**The Prozbul**

About a century before the destruction of the Temple, in the first century CE, Hillel observed that many people refused to loan money before a **shemittah** year, fearing that it would not be paid back before the debt was automatically canceled. In response, he devised a legal device called a **prozbul**, whose function is to transfer the debt to a Jewish court. During the **shemittah** year, all loans made to one’s fellow Jews are automatically canceled, but **shemittah** does not affect debts whose bonds belong to a court. The **Yovel** can only be observed when the majority of Jews live in the Land of Israel, which was not the case in Hillel’s time.

By **willingly absolving all the loans we make to our fellow Jews every shemittah year, we become more attuned to the Torah laws regarding interpersonal monetary dealings.**
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The word prozbul is a contraction of “pruz bili ubuti,” which translates as “an advantage to the rich and the poor.” The prozbul benefited the rich by securing their loans and helped the poor by enabling them to borrow money even with a shemittah year approaching.

In a gloss to the Shulchan Aruch, the Rema declares that prozbuls eventually fell into disuse due to the opinion held by most Rishonim that shemittah laws are no longer Biblically ordained.10

Today, the practice of writing a prozbul is becoming more popular. Since a prozbul protects only the loans made until the time it is written, it is generally completed on erev Rosh Hashanah, the last day of the shemittah year. Along with the rush to abrogate vows on erev Rosh Hashanah, many shuls therefore allocate time for congregants to fill out a prozbul.

The process is fairly simple. The creditor signs a declaration announcing his intention to collect the debts due to him. The declaration is then signed by three “judges,” who, according to the Rema, can be any three individuals. One prozbul can cover all of one’s loans, even those made to different people. One need not keep the actual document past Rosh Hashanah, because during the Hadrianic persecutions, when religious practices were forbidden under pain of death and it was hazardous to own a prozbul, the rabbis ruled that a creditor could collect his debt without producing the actual document.11 This later became normative law, such that the creditor need not prove that he has a prozbul, and is believed if he says it was lost.12

A prozbul is only effective if, at the time the document is written, the borrower owns property from which the debt can be collected. The prozbul is valid even if the debtor only owns a flowerpot or rents property. The creditor may also transfer a small parcel to the borrower to ensure the prozbul’s effectiveness.13

The prozbul, however, is not a cause for self-congratulation. It is, in a sense, a failure. Whereas the prozbul ensures that a creditor does not violate Torah law by collecting that which is owed to him, it also results in our forgetting the mitzvah of shemittat kesafim, which was intended to assist the n’t own for the year) because the banks would release all the loans he took out for the farm’s upkeep. Unfortunately, no one releases loans nowadays and the mitzvah of shemittat kesafim is on the verge of being forgotten.

To ensure that shemittat kesafim is observed, at least symbolically, I suggest the following: During Selichot services, pass around a dollar bill to everyone in shul. Each person should ceremoniously lend the dollar to his neighbor. After it has made its way around the shul, let the rabbi count down—“three, two, one.” All the congregants should then joyously cry out “Tashmet!” (“Release!”), signifying that all are absolved of their one-dollar loans.

But this is just a formality. There is a simpler way to ensure the observance of shemittat kesafim: Don’t fill out a prozbul! The end of Masechet Shemittah speaks about the praise of one who repays a loan even if a prozbul was not written. So be it. Let us also praise the one who follows the law and its spirit.

Notes
1. Shemot 20:13
2. Avot 5:13
3. Devarim 15:1. The Rosh was of the opinion that debts are released at both the beginning and end of the shemittah year. Therefore, some have the custom of obtaining a prozbul before the Rosh Hashanah of a shemittah year and then again on Rosh Hashanah of the following year.
4. Vayikra 23:1
6. Mitzvah 480
7. “Every creditor shall release that which he has lent his neighbor” (Devarim 15:2).
8. Mishnah Sheni 9:3
9. Gittin 37a. According to Marcus Jastrow, it is an abbreviation of the Greek expression meaning “before the assembly of counselors,” as the loan had to be transferred to an assembly of counselors before the court.
10. Shulchan Aruch, Choshen Mishpat 67:33
11. Mishnah Ketubot 9:9
12. Shulchan Aruch, Choshen Mishpat 67:33
13. Mishnah Sheni 10:6; Gittin 37a