

Contemporary Loan Remission Omission: Shemitas Kesafim Nowadays
A Parsha Shuir by Rabbi Yitzhak Grossman

The concept of *Shmitas kesafim* nowadays [remission of loans] is the subject of debate in Gemara.

The general consensus of early *poskim* is that outside of *eretz yisrael* it is still in force in contemporary times, albeit only *midrabanan*.

Question: We find that many communities did not practice *shemitas kesafim*.

Potential rationales:

1. Ro"sh: regarding the community in Spain - the language of their loan documents had a clause that they can collect even in a secular forum which essentially is saying that the borrower stipulated that *shemita* will not apply.
2. Terumas Hadeshen- it doesn't apply in *artzos rechokos* akin to *terumah*.
3. Question- it's *chovas haguf*, there should be no difference?
4. Bach - the concept was never litigated since a lender is always believed to say he had a *pruzbul*.
5. Aruch Hashulchan - *shemita* was only enacted when there's a companion solution [*pruzbul*] which is dependent on a *bais din* with enforceable power. Given that *bais din* nowadays is only enforceable on a community level, the *pruzbul* option is not in effect, and by extension, *shemita*, too. Additionally, we don't have land.
6. Igros Moshe - *pruzbul* nowadays is only a *midas hachasidus*.