

## Does Shemitas Kesafim Apply to Other Debts Besides Loans?

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**Question:** We know that *shemittah* wipes out loans. Does it also erase other forms of debt, such as money owed for damages or payments?

**Answer:** First of all, *shemitas kesafim* does not apply to all kinds of loans. *Shemitas kesafim* applies to what is known as *halav'os*, but not to what is known as *she'ailos*. The difference between these two categories of loans is that when one makes a *halva'ah*, he does not return the exact same item he borrowed.

If someone borrows money, he does not return the same dollars he was given. Rather, the lender gives him a hundred dollar bill, and he uses that money and returns him a different hundred dollar bill. Similarly, if one borrows a dozen eggs, he uses those eggs and returns other eggs. This form of borrowing is known as a *halva'ah*, and such loans are erased by *shemittah*.

If someone borrows a car or hammer, on the other hand, he returns the exact same car or hammer. Such borrowing is known as *she'ailoh*, and *shemittah* does not erase such loans.

As far as other types of debts, there are a number of cases where *shemitas kesafim* will not apply.

1. Regarding one who owes a store credit, the halachos are a bit complex and subject to numerous factors. If it is relevant, one should ask a *shailah*.
2. If someone obligated himself to give a gift, for example, he promised to support his children, that is not a loan and *shemittah* does not nullify this.
3. If someone lends money to a tzedakah organization to give out to poor people or use for some other mitzvah, *shemittah* will not erase this debt.
4. Regarding payments for a job: If an employee is usually paid at a set time and, for whatever reason, he was not fully paid and is owed money by his employer, most Poskim say that this is considered a loan and *shemittah* would erase the debt if there is no *pruzbul*. A minority view disagrees and says that *shemittah* will not erase this debt.

In any case, it is always preferable to write a *pruzbul* in order to avoid such *shailos*.