



PRUZBUL (Sephardim)

_____ came before us the undersigned witnesses, and declared: "you are my witnesses that I hereby give over to the Beis Din _____ located in _____ comprised of Rabbi _____, Rabbi _____ and Rabbi _____, that all debts owed to me, both debts that are documented in writing, and debts that were made by oral agreement, that I may collect them any time I desire."

As proof we affix our signatures today, the ____ day of the month of Elul, in the year 5775, here _____. This is all valid and in good standing.

_____ Witness

_____ Witness

Biblically, the year of Shemittah cancels debts. Hillel Hazakein observed that people refrained from lending in advance of the Shemittah year, thus violating an explicit prohibition of the Torah (Devarim 15:9). To prevent widespread violation of this prohibition, Hillel formulated a pruzbul so that loans do not become canceled during Shemittah. The pruzbul transfers the loan to beis din for collection and beis din then empowers the creditor to collect the money as their agent. Since loans are not canceled, people will not refrain from loaning money in advance of Shemittah.

There is a debate concerning the type of beis din empowered to oversee a pruzbul. The lenient opinion maintains that it may be arranged by any three adult Jewish males who understand the issues involved with arranging a pruzbul. This is the position adopted by Rema (C.M. 77:18) and accepted as the widespread custom by Ashkenazim. ([See our Pruzbul Ashkenazim](#)).

Many others contend that the beis din must be an esteemed beis din kavua that was empowered by the local residents. Shulchan Aruch (C.M. 67:18) follows this opinion and is the position practiced by Sephardim. (This document).

It is obviously challenging for many people to arrange their pruzbul with a beis din kavua and this is especially true for people who live in places where there is no local beis din kavua. Some authorities maintain that it is acceptable to transfer one's debts to a beis din kavua without appearing before them and merely declaring to witnesses that he is transferring the debts owed to him to beis din (Rema, C.M. 67:20).

Others reject this approach (Yam Shel Shlomo, Gittin 4:46, Tumim 67:21). Common custom amongst Sephardim is to follow the lenient position regarding this matter (Yabia Omer 3, C.M. 6 and Or L'Tzion Hilchos Hashmatas Kesafim).