

Enactment of Pruzbol

Introduction

20. Hillel HaZakein saw in the time of Bayis Sheini that the wealthy were refraining from lending to the poor out of concern the poor would not repay before the end of shemita, when the debt would be canceled. In doing so, the wealthy were violating the words of the Torah: "שמר פן יהיה דבר עם לבבך בליעל לאמר קרבה שנת השבע". Hillel enacted a special solution for everyone's benefit: lenders would draft a pruzbol, which would prevent the cancelation of loans and enable collection even after shemita. The poor also gained because now they could find people to lend them money (שביעית פ"י משנה ג' ד').
21. **Pruzbol.** The word *pruzbol* is an abbreviated form of two Aramaic words: **pruz**, enactment, and **buli**, the wealthy. In other words, it is an enactment for the benefit of the wealthy by preventing them from losing their money (גמ' גיטין דף ל"ו ע"ב, ע"י ב"ה ס"ז ס"ח).

Nature of the Enactment

22. According to most Rishonim, Hillel's enactment was based on the concept of giving shtaros to beis din (above, 19). When a lender gives his shtaros to beis din, the borrower's debt is to beis din, to whom the issur of claiming payment after shemita does not apply. Hillel's enactment did three things: 1) removed the need to actually give the shtaros to beis din – one may simply declare to beis din that he gives them his debts; 2) worked even for loans without a shtar; 3) allowed the lender himself to collect payment as beis din's shaliach (רמב"ן ור"ן גיטין שם).

Who Should Write a Pruzbol?

23. **Every man.** Every man should write a pruzbol before Rosh Hashanah even if he does not know he is owed money, as he may have lent a small sum and forgotten. Also, people inevitably have various debts that shemita cancels, e.g., loans between neighbors or with banks, business arrangements, etc., and this can easily lead to violation of the issur (תשובות והנהגות ח"ג סי' תמ"ז).
24. **Women.** A married woman or single girl supported by her parents who does not have money that is specifically hers does not need to write a pruzbol. Her husband's/father's pruzbol suffices.
25. A married woman with her own money, e.g., a bank account under her name alone that she deals with or money she has that her husband does not have authority over, must arrange her own pruzbol (תשובות והנהגות ח"ג סי' תמ"ז), but she can appoint her husband as a shaliach to arrange it. Similarly, a widow, divorcée, or self-sufficient single woman must arrange a pruzbol. She can do this through a shaliach.
26. **Bochurim.** Bochurim who learn in yeshiva far from home and have their own money must arrange a pruzbol. Similarly, seminary girls who do not live at home must arrange a pruzbol; this can be done through a shaliach.
27. **Katan.** Ketanim do not need to make a pruzbol since they do not have their own money. Even if a child has money from Bituach Leumi in his name under the Chisachon L'kol Yeled plan, the child never acquired the money and is thus not in charge of it. Strictly speaking, no pruzbol is necessary for this (הרבה פוסקים ופסק עדה"ח).

Verbal Pruzbol Declaration

28. Even if one does not have a formal pruzbol shtar, he can write one by hand; it does not need to be printed. Some hold that if one cannot do this, he can deliver it verbally by saying the nusach of "רמא סי' ס"ז ס"ח" as it does not need to be written (מוסרני וכ"ו). Others hold that only talmidei chachamim, not the general public, can rely on a verbal pruzbol (ש"ע שם, חכ"א שער"צ שער מצות הארץ פכ"א).
29. **Authoritative beis din.** Some hold that a pruzbol can only be written by a prominent beis din with expert dayanim accepted by the people of the city (ש"ע סי' ס"ח, שו"ת דב"ז ח"א סי' קע"ו). Sephardim follow this.
30. **Any three-member beis din.** Others hold that any three-member beis din can write a pruzbol (רמ"א שם). Ashkenazim, who go by the Rama, follow this. However, it is best to use bnei Torah who understand the concept and halachos of a pruzbol (קצשו"ע סי' ק"פ).

31. **Night.** The poskim argue whether a pruzbol may be written at night (ערך לחם הג' ש"ע סי' ס"ז ס"ח, אור שמח פ"ט ה"ח, שו"ת מנחת יצחק ח"י). Therefore, it is best to write one by day (הגרי"ש, שבות יצחק עמ' ל"ד).
32. **Relatives.** The poskim similarly discuss whether a pruzbol can be written by dayanim who are related to each other or to the lender or borrower (ערך לחם ס"ח, דרך אמונה פ"ט ה"ו). If a prominent beis din is necessary (above, 29), it is likely that they must also be unrelated. However, according to the opinion that any three-member beis din is good enough, relatives are likely fine (שו"ת מנחת יצחק ח"י סי' ק"מ, שו"ת שבט הלוי ח"ט סי' רפ"ח).
33. **Any language.** A pruzbol may be written in any language (פ"ר שמיטת כספים כהלכתה סוף פ"ג). Therefore, in places where people do not know Lashon HaKodesh, it can be written in English, French, Spanish, Russian, etc.

Debts for Which a Pruzbol Is Effective

34. A pruzbol is effective for both debts with a shtar and debts without a shtar.
35. **Debts incurred after it was written.** A pruzbol only works for money lent before it was written. Loans made after a pruzbol was written are canceled by shemita. Therefore, some wait until right Erev Rosh Hashanah to write a pruzbol so that it covers all loans until that point. Many people do it with the three kosher Yidden they used for hataras nedarim. One can also do it earlier, being mindful of subsequent loans. Some intentionally lend a small sum of money after writing a pruzbol and then forgo the money owed to fulfill the mitzvah in the most ideal way.

Time in a Pruzbol

36. **Date.** One must write the time in a pruzbol, i.e., on which date in Elul the shtar was written. If the shtar is postdated, e.g., the shtar was written on 25 Elul but has the date 28 Elul, it is completely invalid. Otherwise, one could use it to collect payment for loans made after the shtar was written when in actuality, shemita canceled them (above, 35). However, a backdated shtar is fine (ש"ע ס"ב).
37. **Time.** It is not necessary to indicate the time when the shtar was written (שו"ת מנחת שלמה ב"ג תנינא סי' קכ"ג, שו"ת שבט הלוי ח"ט סי' רצ"א). A lender is trusted to say what time it was written.
38. **Lender's location.** When it comes to pruzbol, the lender's location is what is important since the lav and aseil of shemita apply to the lender. Thus, as long as a lender makes a pruzbol before shekiyah of Erev Rosh Hashanah, it is kosher even if it is past shekiyah of the borrower's location, e.g., if the lender is in the United States and the borrower is in Eretz Yisroel.

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**We wish all our readers,
Kesiva Vechsim Toiva**



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