

***Pruzbul* Presiders**

September 2, 2022

Q I'm concerned that I might be asked to join an ad hoc bais din for a *pruzbul*, a role for which I fear I am unsuited. What are the qualifications to serve on such a bais din?

A The Shulchan Aruch (C.M. 67:18) writes that a *pruzbul* can only be written by a bais din of expert *dayanim* whose authority is accepted by the community.



This is based on the Sefer Hatrumos, who rules in accordance with Shmuel that only a bais din of *gedolei hador* can make a *pruzbul*. The Sefer Hatrumos says that a bais din accepted by the community is like a bais din of *gedolei hador*, as it too has the power to extract money (see Shulchan Aruch C.M. 2). But the Rama cites the view that any bais din can write a *pruzbul*, sourced in *Rishonim* that don't rule like Shmuel.

The Shach (67:5) quotes the Mabit (1:81) that only the greatest bais din in a city has the power to write a *pruzbul*. The Shach apparently holds this to be the halacha even for Ashkenazim. But the Kitzur Shulchan Aruch and the Shulchan Aruch HaRav write that any bais din of *b'nei Torah* is sufficient, and R' Chaim Kanievsky writes in *Derech Emunah* that that is the prevalent custom among Ashkenazim. Still, there were some *gedolim* (including the Chazon Ish, Rav Dushinsky, and Rav Elyashiv) that reportedly conducted themselves strictly and went only to the most esteemed bais din in town. It would seem that Sefardim do require a bais din that includes one of the *gedolei hador*, but R' Ovadia Yosef (Yabia Omer 3:6) rules that one may rely on the view that it is sufficient to send a signed letter to such a bais din, or to declare before witnesses that one hands over his debts via *pruzbul* to such a bais din, even if it is far away.