

Can Bais Din Make a Peshara After a P'sak is Issued?

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Question: I won a *din Torah* but the *dayan* is now asking me to give in and forgo some of my award. Is he acting properly?

Answer: The halacha is that once a Bais Din issues a ruling, they are not allowed to make a *Peshara*. The reason for this is because at that point the Halacha has already determined the just outcome, and asking the winning party to give up what he won would be undermining the rule of law. However, the Shach says that even after a *p'sak* is issued, there still is a mitzvah to make peace between the parties. To this end, Bais Din may try to convince the winning party to appease the losing party by giving up some of his winnings. They cannot force him to give in on anything, but they can recommend that he do so and tell him that even though the *p'sak* is binding and true, it is in everyone's overall interest to make peace by giving in. There was, in fact, a story in which the Chazon Ish ruled on a *din Torah* and then said to the winning party, "The *Din* is on your side. Now, you should be *mevater*" in order to make shalom.