

How is a Bais Din Different Than a Secular Court?

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Question: I recently received a *hazmanah* to a *din Torah*. I have been to court before and the court summonses always stated clearly what the case is about. The bais din's *hazmanah* made no mention about what the claim against me is, which makes it very difficult for me to prepare. Can I demand that they share this information?

Answer: There are several important differences between how a secular court is run and how a bais din functions. When a bais din sends a *hazmanah*, they generally do not specify the exact nature of the complaint. The Gemara in Moed Koton tells us that someone who is summoned to bais din, has the right to know who is calling him to a *din Torah*. The Ritvah says, the reason for this is so that he should be able to prepare for the case. Beyond this bit of information however, there is a dispute amongst the Acharonim, if someone who receives a *hazmanah* has a right to demand to know what the complaint against him is. The Be'er Sheva rules that the defendant cannot demand this information. The Shach argues and says that one can, in fact, request this information. The Shach's reasoning is because if he knows what the claim against him is, he may be able to resolve the claim without having to go to bais din at all. Even according to the Shach, the one being summoned only has the right to know the general information. Which includes information that might help him settle out of bais din, such as the amount of the claim. He does not have the right to know every detail of the case against him, which would simply allow him to prepare for the *din Torah*.