

May One Sign a Contract That Says That All Disputes Will be Decided by a Secular Court?

Rav Shmuel Honigswachs

Question: May one sign a contract with another Jew that says that all disputes will be adjudicated in a secular court?

Answer: This question comes up often as many contracts have such a stipulation. At one point, I even considered that it may be a good idea to have such a stipulation, as it makes a *bais din's* ruling more enforceable because the contract is more legally binding; however, I spoke the matter over with one of the most respected *dayanim* in America, and he disagreed. Similarly, the Taz quotes a Teshuvah HaRosh, which he understands to mean that it is forbidden to sign any contract that provides jurisdiction to a secular court if the intention is to force the parties to take their disputes to such a court. My *rebbe*, Rav Shlomo Miller, also ruled that it is preferable not to sign any contract that contains such a clause.

Question: What is the prohibition of signing such a contract if you don't actually end up going there?

Answer: It would seem to be that by signing such a contract one is expressing an intent to do an *aveirah*, which is forbidden.