

May One Sign a Contract That Says That Bais Din Will Pasken According to Secular Law?

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Question: Is one allowed to sign a contract that says that all will be done in accordance with secular law, and will a bais din then rule according to secular law?

Answer: Many Poskim assume that if a contract specifically accepts secular law, bais din is compelled to rule accordingly. I asked my *rebbe*, Rav Shlomo Miller, if one can initially sign such a contract. He answered that there is no prohibition against doing this but it is not advisable.

One reason it isn't a good idea is because there are Poskim who disagree and say that bais din is not permitted to follow secular law; therefore, signing such a contract may create halachic uncertainty. Furthermore, many *dayanim* are not well-versed in secular law, which will create more uncertainties and problems if they are forced to rule according to a system of law that they are not experts in.

Furthermore, there are many areas of secular law that are not "black and white", are ultimately up to a judge's discretion. Since there are gray areas in secular law, it is very difficult to force a bais din to issue a clear ruling while using that standard.

For all the above reasons, it is not recommended to sign a contract with such a clause.