

May One Take a Secular Jew to Secular Court?

**Rav Shmuel Honigswachs**

**Question:** Am I allowed to take an irreligious Jew to a secular court if he is unlikely to agree to go to bais din?

**Answer:** Unfortunately, this question isn't limited to irreligious Jews. It also applies in a case where one has a claim against a religious Jew but knows that he will probably refuse to come to bais din.

The Minchas Yitzchok writes that one should always summon the other party to bais din, even if he thinks that he will probably not agree to come. He goes so far as to say that one should even invite a non-Jew to bais din before taking him to court. While it does not seem that the common custom is to invite gentiles to bais din, when dealing with a Jew one should first summon him to bais din and only take him to court after it becomes clear that he won't show up to a *din Torah*.

This is true when there is at least a small chance that the defendant will agree to go to bais din. If one is 100% positive that he will not come to a *din Torah*, many Poskim say that the plaintiff may summon the defendant to court immediately where there is literally no point in sending any *hazmanah* to bais din.