

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*.