

## Using The Industry Board to Resolve Disputes

### **Rav Eliezer Cohen**

#### **Question:**

Two Jewish diamond dealers got into a monetary dispute. As per industry best practices, these types of disputes are usually adjudicated by the diamond board. Are they allowed to have their conflict arbitrated by the board or would that fall under the prohibition of going to a secular court?

#### **Answer:**

The common custom is a very important factor in *kinyanim*. If the common practice in a certain place is to seal a deal with a certain action, that action would be a valid *kinyan*.

When one diamond dealer enters into a deal with another individual in the diamond business, he is agreeing to abide by the market norms. For this reason, they may go to the industry board to clarify what the accepted common rules and customs are and to adjudicate their dispute according to those norms. As Rav Akiva Eiger explains, it is only forbidden to take a dispute to a secular court if the court will issue their own ruling which may conflict with Torah law. However, if all an industry board does is clarify what the accepted practices are, that is not a contradiction to halacha. The same would apply to any industry that is regulated by a board.