

What Does a Contemporary Bais Din do When Someone is Obligated to Make a Shavuah?

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Question: The Gemara speaks about many cases where there is an obligation for one party to make a *shavuah*. How do contemporary batei din deal with that?

Answer: Today's *batei din* will never tell someone to make a *shavuah*. This is because we are concerned about the punishment a person may incur from making a vow, even if it is true. Therefore, a case where someone is obligated to make a *shavuah* according to halacha will typically be solved with a *pshara*.

The Divrei Malkiel notes that working out a *pshara* in such a case is not an exact science. Each case is different and must be evaluated on its own merits to see what type of compromise is most appropriate.