

What Should a Dayan Do if He Suspects One Party is Lying?

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**Question:** If a *dayan* has reason to suspect that one of the litigants is lying, what should do about it?

**Answer:** The Gemara describes how *dayanim* would sometimes *pasken* according to "*umdenah*", i.e., their own evaluation of the situation, even if it was not fully in line with the letter of the law. The Rambam, however, says that today's *batei din* are not on the level of being able to do that. He says that if a *dayan* believes that the defendant is evading the truth, he can interrogate him to try to get to the bottom of the matter or he can suggest a *pshara*.

The Rosh goes a step further and says that if a *dayan* feels that a party is not being truthful, he can make his own evaluation and determine what he thinks is right, and enforce a *pshara* accordingly.

In any event, the *dayan* has to be extremely careful and only enforce a ruling if he is convinced that what he is doing is right and that it will lead to a peaceful outcome.