

Dear Rabbi Fried,

I have a long standing monetary dispute with a local Jewish guy, who insists that we take it to a Jewish court to resolve it. I want to sue him in secular court, but want to first understand why he's so adamant about going to a Jewish one. I always heard we say "dina demelchuta dina", the law of the land is the law, doesn't that apply to a monetary dispute?

Marvin T.

Dear Marvin,

*Dina demalchuta dina*, "the law of the land is the law", means that one must uphold the laws of the land, pay taxes, etc. When it comes to a monetary dispute, secular law recognizes the right of the two litigants to have their dispute adjudicated by any mediator they mutually choose. This includes a rabbinical court, or *beit din*, which is acceptable mediation and would fall within the parameters of *dina demalchuta dina*.

Jewish law requires that two Jews take their disputes to a rabbinical court rather than a secular one. [The *beit din* would also hear the case of a Jew and a gentile, if the gentile would agree to do so, as they often do, (and save a ton of time and fees to boot)]. Jewish law equates one who takes a case to secular court, when he has the option to go to *beit din*, as if he is worshipping the sovereign religion of the court.

This means the following: The laws of jurisprudence appear in the Torah beginning in Shemos/Exodus Chapter 21, immediately following the laws of building the alter in the Temple. The rabbis explain this juxtaposition, stating that the High Jewish Court, or *Sanhedrin*, should be situated right near the alter in the Temple. (Rashi Shemos 21:1). This raises a question: why can we not build a separate courthouse, where there's peace and quiet, rather than to sit in judgement in the noisy, busy Temple?!

My late mentor, R' Shlomo Wolbe ob"m, noted that in every court of law, the seal of its country is displayed prominently. The reason is that the court judges its cases with the backing of their ruler, in accordance with the law of the country. In a similar vein, the laws of the Torah are the symbol of G-d's Kingship. The laws of the Torah did not originate by our own mutual agreement; they are G-d's commandments. The *Sanhedrin* is located in the House of G-d, because they represent His laws – laws that are the truth as they are G-d's word. To opt out of those laws in order to adjudicate by secular laws is, therefore, considered a desecration of G-d's Name and a worship of the sovereign belief.

R' Wolbe offered an additional reason the *Sanhedrin* was situated in the Temple. It is not acceptable for a Jew to separate his ritual service to G-d, such as the Temple worship, from the way he acts towards his fellow man. To be meticulous in the observance of the mitzvos between man and G-d, while derelict in his observance of the mitzvos between man and fellow man, is antithetical to the Torah way of life.

Relegating monetary matters to secular sources is making a statement about one's Judaism; that it is not applicable in real life. Of course, if the other litigant is not willing to approach a *beit din*, one can receive an allowance to resort to secular court. When possible, however, it is a tremendous mitzvah to have the matter decided in accordance with our holy Torah. This sanctifies the money matters, raising them to a new spiritual plateau.