

YeshivahAI

Asking a Rabbi in a Monetary Dispute

Reader edition · Understanding the question
and the answer

A rabbi who is not the judge
One account · The limits of guidance

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11 · Short glossary

Dayan: a judge acting in adjudication; the rabbi in our question does not hold that role.

Litigant / interested party: someone whose rights are involved in the dispute.

Hora'ah: halakhic instruction; not every instruction is a judgment binding the opposing party.

Derara de-mamona: a monetary dimension, even within a question framed as a prohibition.

Afrushei me-issura: preventing transgression; the label alone does not establish permission to answer.

Orkhei ha-dayanim: here, the concern about helping a litigant shape claims; not a complete definition of legal representation.

Ziluta la-chakham: damage to the authority of an answer that must be reversed because the account was incomplete.

Avid inish dina le-nafshei: self-help under the conditions discussed in Choshen Mishpat 4.

Siman / se'if / se'if katan: section, paragraph and commentary subsection, used in citations.

Express / inference: what a source says versus an editor's conclusion drawn from it.

01 · The question and the answer

Reuven wants to act honestly. He and Shimon disagree about money, so he asks a rabbi: must I pay, return the money, or wait? The account sounds coherent, but Shimon is not in the room. May the rabbi guide Reuven on that account alone, or must he try to hear Shimon too?

That is this booklet's question. The rabbi **is not the judge in the dispute and will not become its judge**. The parties might later appear before another rabbinic court. Our concern includes private oral guidance, not just a written ruling.

Permission to ask does not by itself determine what the rabbi may answer. Sections 04–06 explain that separate question.

The central answer: a person may ask a rabbi how to handle money properly. Permission to hear the question does not automatically permit deciding the dispute on one account. Rema expressly restricts a written ruling or opinion supplied to one party, even conditionally. Alongside that restriction, sources recognize forms of guidance and exceptions whose scope differs. This inquiry has not established a general duty requiring every advising rabbi personally to contact the other party.

The need for adequate inquiry before deciding is different from a duty to take responsibility for conducting the dispute. The rabbi may explain the law, identify missing information, decline to decide, or refer the matter for appropriate inquiry. Which response is permitted in a particular case is itself a halakhic question; calling the encounter “just a consultation” does not settle it.

YeshivahAI is a framework for study, comparison and critical discussion assisted by AI under human direction. The work is conducted under rabbinic supervision. This is a general inquiry, not a ruling in an individual dispute. The reader edition is self-contained; the companion research edition records the evidence, research rounds, objections and remaining gaps.

02 · Ten points to orient the reader

1. Asking how to deal honestly with money is legitimate and important.
2. Hearing a question and deciding a dispute are different acts.
3. A rabbi who is not the judge still faces limits on giving an opinion.
4. “If the facts are correct” does not automatically permit a written opinion.
5. “May not write” does not prove that every oral answer is permitted.
6. A sincere wish to avoid theft matters but does not establish the facts.
7. “Liability permitted; exemption forbidden” is not an adequate universal rule.
8. Sources recognize exceptions to prevent harm, conflict and oppression.
9. A need for inquiry does not establish that this rabbi must initiate it.
10. A defined disagreement and clear limits of proof are valid research outcomes.

03 · Ask—and give a complete account

Mishnah Berurah, in the laws of the eve of Yom Kippur, directs a person holding money to which another may have a claim to consult a rabbi, presenting the matter fully and truthfully. Its source is Chayei Adam, part II, rule 144, paragraph 6. The warning against relying on “his own ruling” concerns self-authorization. Chayei Adam explicitly continues: ask a halakhic authority to show the Torah’s path. [S07]

Personal questions about money therefore have a recognized place. Not every preliminary inquiry must become a lawsuit. Yet the passage addresses the questioner; it does not declare one account sufficient for every answer. An honest person may not know which detail matters.

A useful presentation includes inconvenient facts, complete documents and the other party's position as far as it is known. Distinguish personal observation, hearsay and inference. This is practical guidance for presenting a question, not a newly invented set of halakhic conditions.

04 · What does Rema restrict?

In Choshen Mishpat 17:5, after discussing a judge hearing one party, Rema also addresses “any scholar.” He restricts writing a ruling or opinion for a litigant before hearing both parties. This includes writing “if so”: on the premise that the questioner's factual account is true. It also includes “his opinion without a ruling.” [S01]

Two concerns are stated: the questioner may learn how to reshape his claims, and the other party may present a different account requiring the scholar to reverse himself. Calling the document an “opinion” rather than a “ruling,” or adding a disclaimer, does not by itself remove the restriction.

The wording also has limits: Rema says “write.” Later authorities discuss oral answers. Neither automatically extending every rule about writing to every conversation nor assuming that all oral answers are permitted is justified.

Rivash 179 illustrates the concern. Initially he understood that the writer was seeking the law after hearing the parties, and answered on that premise. Later he learned that the writer was himself a party and received a different account; he compared the accounts and answered the other party too. That continuation is not blanket permission for an initial one-sided answer. [S03]

05 · Why good intentions may not suffice

Rivash 175 contains a particularly close case: the questioner says that if the law requires returning money already received, he will return it because he wants no theft. Nevertheless, once a dispute over the account emerged, Rivash did not treat that initial request as sufficient; he required further clarification. [S02]

This does not prove that an honest person may never receive an answer. It proves something narrower: “I want the truth” does not convert disputed facts into established facts. “May I withhold payment?” may therefore ask for a decision at the very heart of the dispute.

Conversely, these sources do not establish that a rabbi may only impose liability and may never clarify an exemption. The questioner’s property also deserves protection. Declaring a legal obligation differs from proposing a voluntary concession or settlement. The basis and setting of the guidance matter, not only who benefits.

06 · Oral guidance and exceptions

Pitchei Teshuvah 17:11 collects distinctions involving law independent of contested claims, a brief oral answer, a religious need, and a questioner whose sincerity the scholar knows. It also records objections to leniencies. Its collection must not be read as agreement by every authority with every exception. [S04]

Shevut Yaakov worries that even an oral answer may lead a questioner to evade a Torah proceeding after learning that he will lose, especially where attendance cannot effectively be compelled. The concern is not limited to a document shown to others. [S05]

Aruch HaShulchan states a broad restriction, yet adds that when the scholar sees that silence will cause harm or conflict, or leave an oppressed person without help, answering for the sake of Heaven is a mitzvah. The paragraph does not expressly confine this exception to oral or temporary guidance. A questioner’s assertion of oppression does not, however, establish the situation the paragraph describes. [S06]

The result is neither unrestricted permission nor a ban on every piece of advice. Consider the kind of question, the factual inquiry, the answer's purpose and its possible use in the dispute. This is an interpretive synthesis, not a single test quoted from one authority.

The more permissive strand also deserves recognition. Quoted passages from Maharshdam YD 153 distinguish scholarly instruction from judging; Rashbash 230 describes an answer premised on the stated facts, with local judges examining and applying it. Knesset HaGedolah entry 19 is cited among lenient opinions, but his own conclusion has not been verified in the original. These are quotations, not independent readings of those books. Be'er Esek, as quoted by later authorities, permits a brief oral statement of the law; Shevut Yaakov remains concerned in the circumstances he describes. These permissions must not be merged into a test accepted by every author. [S09; S10; S11; S13]

07 · Must the rabbi contact Shimon?

Once the limits of answering Reuven are clear, a further question arises: must the rabbi initiate contact with Shimon?

The sources examined have not established an independent general duty for every advising rabbi to initiate contact with Shimon. That is not a claim that no duty to inquire or act could ever arise. Aruch HaShulchan itself recognizes circumstances requiring an answer. [S06]

The firmer conclusion concerns the limits of deciding: where both sides' positions are needed, one must not present a decision as though the matter has already been established. It is therefore reasonable to infer that the rabbi may decline to decide

and refer the matter, without taking over the dispute. This is an inference from the sources, not an express universal exemption from initiative.

The method of inquiry is not necessarily uniform. Rivash 175 contemplates a question organized by a judge who has heard both sides; Rema in Choshen Mishpat 13:3 permits written pleadings with both parties' consent. Neither authorizes relying on one letter alone, but these passages defeat a blanket requirement that every consulting scholar personally meet both parties together. [S02; S08]

Shimon's failure to answer a private rabbi is not by itself an admission. Declining a private conversation differs from refusing a valid summons issued by a rabbinic court.

08 • Cases that test the boundary

Money already held. A genuine doubt about returning it may be put to a rabbi. No advance promise should be made that every answer can be given without further inquiry; Rivash 175 illustrates precisely this tension.

Withholding wages after an alleged breach. The answer may depend on whether a breach occurred and on the other party's claims. First-person phrasing does not remove that difficulty. For wages, the payment deadline and the rules against delayed payment in CM 339 must also be examined; withholding is not neutral. Distinguishing withholding from extracting money does not authorize setoff or delay on an unverified allegation. Wage law has conditions and details not resolved in this booklet. [S08]

A signed letter to show the other party. This directly raises Rema's concerns. A condition that the account be true is not automatic permission.

An abstract question or agreed facts. Competing factual accounts may be less relevant, but one must still check that no additional claim matters. Pitchei Teshuvah records a legal question independent of the parties' claims. [S04]

Seizure and setoff. Hearsay does not establish a debt, and there is no blanket permission to seize. Conversely, Choshen Mishpat 4 recognizes self-help under conditions and disagreements, so one cannot say every action always requires a prior ruling. This booklet does not determine all the conditions of seizure. [S08]

Oppression or threatened harm. An answer may be appropriate or required, but the scholar's actual knowledge matters. A request for help is not proof that the other person is guilty. [S06]

09 · The answer this inquiry supports

A person may ask a rabbi how to act in a monetary dispute and should present the account honestly and fully. But the rabbi cannot be expected to endorse that person's position merely because he is their rabbi or will not serve as judge.

Under Rema, a written ruling or opinion in the setting described in Choshen Mishpat 17:5 is restricted even when conditional. Personal oral guidance requires attention to later authorities' distinctions and reservations; neither absolute permission nor absolute prohibition has been established as a universal consensus.

We have no proof of a general duty requiring this rabbi personally to contact Shimon. We do have a firm basis for not deciding beyond what has been established and for referral to appropriate inquiry. That distinction keeps personal guidance available without turning a one-sided consultation into an automatic substitute for resolving the dispute.

For the differing approaches, textual variants and rejected arguments, consult the research edition.

10 • Source stations

S01 • Shulchan Aruch and Rema, CM 17:5

Central restriction on a written opinion, including a conditional one.

S02 • Rivash 175

Even a questioner willing to repay may require further clarification.

S03 • Rivash 179

Initially Rivash understood the writer to be seeking the law after hearing the parties. Once his party status and a competing account emerged, he answered the other party and compared the accounts. No blanket initial permission follows.

S04 • Pitchei Teshuvah, CM 17:11

A map of distinctions: law independent of claims, speech and a known questioner.

S05 • Shevut Yaakov I:64

Concern that even an oral reply could lead to evading a Torah proceeding.

S06 • Aruch HaShulchan, CM 17:8

A restrictive rule and exceptions for harm, conflict and rescuing the oppressed.

S07 · Chayei Adam II 144:6; Mishnah Berurah 606:1

In preparation for Yom Kippur: set out the matter fully and truthfully to a rabbi. “His ruling” means the questioner’s self-ruling; the adviser’s every duty is not specified.

S08 · Shulchan Aruch and Rema, CM 4; 13:3

Control sources: conditioned self-help; written pleadings by consent.

S09 · Maharshdam, YD 153

As quoted: scholarly instruction differs from judging; abstention in monetary matters is pious conduct. Original not opened.

S10 · Knesset HaGedolah, CM 17, Tur glosses 15 and 19

Cited among lenient views; original entries and the author’s conclusion remain unverified. The my/his-view issue stays open.

S11 · Rashbash 230

As quoted: an answer premised on the account, examined and applied by local judges. Original not opened.

S13 · Be’er Esek 100; Rema responsa 112

As quoted: brief oral guidance and law independent of claims. Originals not opened.