

Bais HaVaad on the Parsha, Parshas Dvarim

Rule of Three

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**Excerpted and adapted from a *shiur* by Dayan Yosef Greenwald**

[https://baishavaad.org/wp-content/uploads/2024/08/DEV71\\_01\\_Devarim\\_Tisha\\_BAv\\_and\\_Justice.mp3](https://baishavaad.org/wp-content/uploads/2024/08/DEV71_01_Devarim_Tisha_BAv_and_Justice.mp3)

*You shall not show favoritism in judgment, small and great alike shall you hear...*

Dvarim 1:17

The Rambam (Sefer Hamitzvos *Lo Sa'aseh* 284, based on Sanhedrin 7b) says this is a mitzvah not to appoint *dayanim* to a bais din without the requisite knowledge and wisdom to rule. He additionally codifies a mitzvas *asei* to appoint qualified *dayanim* in every district.

The classic *sfarim* note a distinction between a bais din adjudicating *dinei mamonos* and a *rav* ruling on matters of *issur veheter*: The *rav* applies the halacha to the case at hand, but every case of *dinei mamonos* is unique, so a new *psak* must be made for it by the bais din. Three *dayanim* are involved to ensure the novel *psak* is correct. A litigant cannot argue in bais din that his *rav* said he's right, because unlike in *issur veheter*, where the *psak* is only applied, the creation of a *psak* for *dinei mamonos* requires that both parties and the *dayanim* be present together to ensure accuracy.