

Can One Appeal a Bais Din's Ruling?

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Question: If someone loses a din Torah and is unhappy with the decision, is there any way to appeal it?

Answer: Different locales have different systems in place regarding appeals.

In Eretz Yisroel, the Rabbanut has a system where there is an appellate bais din for those unhappy with the rulings of "lower" batei din. Many have questioned how this is acceptable, as there is a concept in halacha that once a reputable bais din has issued a ruling, it is forbidden for a second bais din to rehear the same case.

The justification for this system seems to be that a bais din can make mistakes at times, and the appellate bais din is there to make sure no mistakes were made. Furthermore, it can be said that the system was previously set up in a way that the decision of a lower bais din can be appealed. Since all parties are aware and implicitly agree to this arrangement from the start, it is considered acceptable.

In America and almost everywhere else, an appeals system like this does not exist. If someone is unhappy with a *p'sak*, our bais din wouldn't mind if he takes it to his *Rov* to look over and see if he can find a mistake; in which case we will certainly look into the matter and perhaps reconsider.

However, he should bear in mind that, in all likelihood, he will not find one. The Chofetz Chaim in Hilchos Lashon Hara says that a person's obligation to judge others favorably certainly extends to a bais din as well. If a bais din issues a decision, even if one doesn't understand it, he should bear in mind that the *dayanim* are *talmidei chochomim* who heard all the arguments of the case, deliberated over it and probably issued a just ruling, and the reason he is unhappy is probably because of his personal bias.