

In the presence of *Beis Din*

בפני בית דין –

OVERVIEW

The גמרא cites a ברייתא which states that an ox does not become a מועד, until he is warned in the presence of the owners and in the presence of בי"ד [as it is written]¹ בפני בי"ד. Our תוספות explains how we know that it needs to be בפני בי"ד.² [והועד בבעליו]

זוהו מסברא³ דמי יקבל עדות אם לא בפני בית דין:

This that the testimony needs to be in the presence of בי"ד is **logical**; it is not derived from the פסוק, **for who else will hear the testimony if not in the presence of בי"ד.**

SUMMARY

Once the תורה tells us והועד בבעליו, it is obvious that this testimony must be בפני בי"ד.

THINKING IT OVER

Why did the ברייתא mention together the בפני בעלים ובפני בי"ד and say that they are (both) derived from the פסוק of והועד בבעליו,⁴ since בפני בי"ד is derived מסברא, and not from a פסוק?!

¹ שמות (משפטים) כא, כט.

² The bracketed area is added by the מהר"ם (on the גמרא). See 'Thinking it over'.

³ We derive from the פסוק of והועד בבעליו that it must also be in the presence of the owner, but no פסוק is required that it needs to be in the presence of בי"ד.

⁴ See footnote # 2.