

## YadAvNow.com Weekly Video Series: Mishpatim

Rabbi Yosef Kalatsky

Why the Extra Connecting Vav?	CLICK TO VIEW!	Þ
Where the Sanhedrin is Located	CLICK TO VIEW!	Þ
How to Qualify a Judge for a Jewish Court	CLICK TO VIEW!	D
Purchasing a Hebrew Slave	CLICK TO VIEW!	D
The Offerings and Their Components	CLICK TO VIEW!	Þ

Ramchal: Minchas Chinuch, "The Knowing Heart"

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#### **Mediation Is Not Surrender**

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- 1. The 10 Commandments: "You should not have designs on all that is your fellow's."
- 2. Sforno: The portion of the Court adjudicating between two defendants determines ownership and claim rights.
- 3. To maintain harmony in a community one must respect one another's ownership rights.
- 4. Midrash: A Torah Sage establishes justice in the land, and the one who removes himself from communal responsibility causes destruction.
- 5. Gemara: It is a mitzvah for the court to encourage mediation between two defendants.

- 6. If the context of the adjudication is justice, meaning innocent or guilty, the one who is found guilty believes he was wronged.
- 7. If mediation was agreed upon, each defendant leaves satisfied at some level.
- 8. This process addresses the issue to not have designs on what one's fellow possesses.
- 9. Ethics of Our Fathers: "Who is the rich man? The one who is satisfied with his lot."
- 10. Chofetz Chaim: If one is satisfied with what is "truly his," he is truly rich.

#### The Corollary Between the High Court And Its Location

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- 1. The High Court of Israel: 71 judges convened in the Chamber of Cut Stone adjacent to the sanctuary.
- 2. Each community had a Lower court of 23 judges.
- 3. Both could render judgments regarding the death penalty and monetary penalties.
- 4. The laws pertaining to the court are near the portion of the altar: the High Court must convene adjacent to the sanctuary.
- 5. If the High Court vacates its location the Lower Courts can't render capital crimes.
- 6. Ramchal: Every living species is endowed with a Nefesh, a life source, that is totally physical.

- 7. The Human's intellect is also rooted in his Nefesh.
- 8. One's ability to process spiritual information, i.e. the Torah, is based on Divine assistance.
- 9. To come upon the truth of Torah is a spiritual endowment.
- 10. We supplicate G-d three times a day "It should.... to rebuild the Temple.... and give us our share in your Torah."
- 11. There is a direct corollary between the rebuilding of the Temple and receiving one's share in Torah.
- 12. The High Court convened alongside the sanctuary to receive the Divine assistance that is necessary to render a truthful verdict.

#### **Supreme Intelligence & Renown Kept in Check**

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- 1. The High Court must convene on the Temple Mount alongside the sanctuary.
- 2. Testimony of witnesses to be admissible in court must be heard directly from the witnesses.
- 3. Members of the High Court were proficient in seventy languages.
- 4. They were fully versed in the entire Torah.
- 5. Gemara: "The Torah cannot be acquired or retained only by a person who is humble."
- 6. How could the Members of the Sanhedrin, with their superior intelligence and renown, remain humble?

- 7. Rabbinic fences are not applicable on the Temple Mount.
- 8. A fence is promulgated by the Rabbis to protect the Torah from being violated.
- 9. The transgression only comes about due to a lack of cognizance.
- 10. On the Temple Mount one always felt the presence of G-d, and reverence & fear; so no need for fences.
- 11. The Temple Mount was the location for the Sanhedrin to convene to maintain their humility.



#### **Yad Avraham Institute**

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#### The Breadth of One's Scope

At the time of the splitting of the Sea G-d's revelation was at such a level that His Presence was tangible and obvious to all the Jewish people. The *Torah* states that the Jewish people had said, "This is my G-d and I will extol him..."

Gemara in Tractate Shabbos: We learn from the verse "Ze Keili v'anveihu – This is my G-d and I will extol Him..." that when one performs a mitzvah one must do so in the most elaborate manner. This is referred to as "hidur mitzvah – the beautification of the mitzvah". The Gemara states that when one purchases a talis (four cornered garment with fringes) or a Torah scroll, etc. these items should be of the best and most attractive quality. By performing a mitzvah in the most elaborate manner one demonstrates one's reverence for the mitzvah because it is G-d's Will. It is only because one esteems the mitzvah that one performs it in the most elaborate manner.

Chazal: At the time of the splitting of the Sea, G-d's Presence was so palpable that the Jewish people were able to point to His Presence. Even the lowly maidservant was privy to a level of G-d's revelation that the great prophet Yechezkel was not. What did they come upon and experience that Yechezkel did not?

Every evening we say after the recitation of the Shema: "Who is like You among the heavenly powers....Your children beheld Your majesty/kingship as You split the sea before Moshe: 'This is my G-d' they exclaimed then they said, 'Hashem shall reign for all eternity...'" As a result of witnessing G-d's kingship the Jewish people exclaimed "This is my G-d and I will extol Him." Thus, the basis for their praise of G-d at the Sea was the revelation of His Kingship.

There is a law that states that one is not permitted to perform a *mitzvah* in a manner that would be considered inappropriate to present before a nobleman. This is rooted in the fact that when one

performs a *mitzvah*, he is only doing so for the sake of G-d. Although it would be considered satisfactory to present to a commoner, it would be an affront to G-d, Who Wills existence. When one may perform a *mitzvah* in a neutral manner, although he has done nothing inappropriate, he is nevertheless indicating that he is only doing the *mitzvah* to execute his obligation.

Gemara in Tractate Shabbos: There are examples of mitzvos that one should perform in an elaborate manner. These examples are mitzvos that involve material objects that can be beautified and ornamented in a qualitative and lavish manner. When one intends to beautify a mitzvah, one must ask himself the question, is he doing so in order to esteem the particular mitzvah or is it an expression of his reverence of G-d, which manifests itself by doing the mitzvah in the most elaborate manner.

One's reverence for G-d through the performance of *mitzvos* in the most elaborate manner should be equally applied without any level of discrimination. This should be done whether it expresses itself through the material quality of the *mitzvah* or the meticulousness of its performance. The Jewish people at the Sea were inspired because they witnessed G-d's kingship through His revelation, which is the basis for adorning and extolling a *mitzvah*. How can one have an inkling of G-d's kingship in a time of concealment in order to be able to extol him properly?

King David in Psalms: "The heavens speak the Glory of G-d, and their expanse declares the work of His Hands..." One may gaze upon the sky itself and behold the kingship of G-d. However, in order to be able to perceive the heavens in this manner and not merely as a beautiful evening sky, one must gaze upon it through the same eyes that King David had. It is through the eyes of an individual who is imbued with spirituality. If one is spiritualized through the study of Torah and performance of mitzvos, then one will be able to have relevance to appreciating the kingship of G-d. This will motivate and inspire him to perform mitzvos in the most elaborate and selfless manner. How is one to be impacted by the study of Torah to this degree?

Gemara: There is a Positive Commandment, "Es Hashem Elokecha Tirah -you shall fear (revere) G-d." The word "es," which in its own right has no interpretation but indicates an adjunct to the subject

matter being discussed (which is the reverence of G-d in this case), is coming to include *Torah* Sages. The *Torah* requires one to revere the *Torah* Sage no less than one must revere G-d Himself. By revering the *Torah* sage as one would revere G-d will cause the *Torah* knowledge that is imparted by the Sage to be revered as if it were given by G-d Himself. The study of *Torah* at this level will allow the individual to appreciate the kingship of G-d, thus expressing itself through praise.

#### **Realizing One's Innate Value**

Torah: After Avraham had asked G-d an inappropriate question G-d decreed, "You shall know that your offspring will be strangers in a land that is not their own. There, they will be enslaved and afflicted for 400 years. Ultimately they will go out from there with great wealth." Thus, the Jewish people were to be in exile for 400 years and be afflicted by their taskmasters. Ultimately, they would be redeemed and go out with great wealth. What was the purpose of the great wealth that they would receive at the time of their departure? One would think that simply being redeemed from a state of great suffering would be adequate.

Torah: "G-d said to Moshe, '...Please speak in the ears of the people: Let each man request of his fellow and each woman from her fellow silver vessels and gold vessels.' Hashem granted the people favor in the eyes of Egypt; moreover, the man Moshe was very great in Egypt,... in the eyes of the people." G-d had promised Avraham that after the Jewish people completed their years of bondage, they would leave with great wealth.

In order to actualize this promise, G-d had instructed the Jewish people to borrow from their masters silver and gold vessels. The Egyptian people agreed to release their most precious items to their slaves not because they had been decimated by the nine plagues that had come upon them, but rather only because the Jewish people found special favor in their eyes. G-d performed a miracle so that the Jew should be perceived as someone special by their Egyptian masters.

Since the Egyptians believed that all they had left was their own material wealth, they could not be compelled to give their valuables upon request unless they felt that they were the beneficiaries. That was the purpose of the miracle of causing the Jew to finding special favor in the eyes of the Egyptians. The objective of the redemption from Egypt was so that the Jewish people should accept the *Torah* at Sinai and become G-d's holy nation. This was not only the objective of redemption but also of Creation itself.

Chazal: The opening words of the Torah allude to the fact that existence only came into being for the specific purpose for the fulfillment of Torah, which is the ultimate. Another interpretation of Chazal for the opening words of the Torah is that G-d created the world for the sake of the Jewish people who are referred to as "reishis (chosen). In essence, the world was created only for the fulfillment of the Torah; however, because the Jewish people are the only ones qualified to receive it, it is the considered to be the equivalent of the world being created for them.

After the Jewish people received the *Torah* at Sinai they were commanded by G-d, "Make for Me a dwelling place so that I may dwell amongst you..." The Jewish people were commanded to build the *Mishkan* to be the dwelling location for the Divine Presence. This elaborate and intricate edifice needed to be constructed from gold, silver, and an assortment of precious and rare items. The Jewish people, being in the desert needed to have sufficient materials in order to build the *Mishkan*. Therefore, they were in need of an abundance of wealth in order to provide the materials that were needed to build the *Mishkan*, without experiencing a sense of loss.

Midrash: The least amount of wealth that was taken out by any Jew was the equivalent of forty pack animals laden with riches. This was the degree of wealth of the Jewish people after they had left Egypt. However, we see that the importance of the wealth that was granted to the Jewish people goes beyond the building of the Mishkan.

Chazal: After the sea closed upon the Egyptian army that was pursuing the Jewish people, the sea spit out their remains upon the shore. In addition to their remains, all of the chariots and horses that were bedecked with gold and diamonds were also cast upon the shore. The spoils of the sea dwarfed the wealth that they had taken out of Egypt. The wealth at the sea was more than enough to provide the materials that was necessary to build the Mishkan. If

so, then what was the value of the wealth that the Jewish people had taken out of Egypt itself?

Before the Jews were redeemed from Egypt, they were considered to be slaves of their Egyptian masters. They were the equivalent of the chattel of the Egyptian. They were fully subjugated and subject to the whims and wishes of their masters. They had no independent identity or value.

Rather than compelling the Egyptian to give his wealth through intimidation, G-d performed a miracle so that the Jew found favor in the eyes of his master. He was no longer seen as a slave by the master but rather as a peer of elevated status. The Egyptian felt that he was the beneficiary of lending the Jew his most precious articles. Had they left Egypt with the wealth that came about through extortion, they would have seen themselves as slaves who had revolted against their masters and plundered their wealth.

It was of the utmost importance that after being slaves in Egypt for hundreds of years, that there was a period of transition in order for the Jewish people to see themselves as truly freemen ascending to becoming the Chosen people of G-d. It was necessary for the Jewish people to view themselves as a kingly nation comprised of princes. The value of the wealth of Egypt was not for its own sake but rather it was a medium to uplift the Jewish people. However, the spoils of the sea, were more than sufficient to provide all the necessary materials for the *Mishkan*.

#### **How Does One Come Upon Truth?**

Torah: "Yisro, the minister of Midian, the father-in-law of Moshe, heard everything that G-d did..."

Midrash: "There are those who listen and hear but do not gain from what they had heard. There are those who hear and benefit from it. As it states in the Song at the Sea, 'The nations heard...they trembled with terror.' However, despite what they had heard regarding the miracles that had come upon Egypt, they did not change their evil ways.

"In contrast, Yisro heard and he benefited. He had been a high priest of idolatry; however, after he had heard everything that G-d had done, he abandoned his position of prestige and attached himself to

Moshe. (Although Moshe had been married to Yisro's daughter for many years, it was not until he heard about the miracles that G-d had performed on behalf of the Jewish people that he felt privileged to be the father-in-law of Moshe).

"It is because of *Yisro* that a Portion was added to the *Torah*. He was brought under the wings of the Divine Presence. He had criticized *Moshe* for the manner in which he was adjudicating the legal issues of the Jewish people...." It is not sufficient to be exposed to truth, but rather one must be willing to reflect upon it and then internalize its reality. One does not come upon clarity until this process has taken place. This is what *Yisro* had done.

Midrash: "Yisro advised Moshe to appoint judges who were 'men of great strength.' In what way should they be strong? Those who qualify to be judges must be powerful in Torah. As it states in Psalms regarding the angels, 'Bless G-d His angels mighty in strength (geborei koach) that do His bidding to obey the voice of His word." Angels are mighty in strength because of their degree of clarity of G-d's Will. Because they know His Will, they do His bidding.

Similarly, a *Torah* sage, because he is permeated with *Torah*, his perspective causes him to take on an unwavering initiative. He follows the Will of G-d without deviation because of his understanding that he gained through his *Torah* study. This is what qualifies one to be a judge. Regarding the tablets containing the Ten Commandments, the *Torah* uses the term "charus – engraved."

Mishna in Pirkei Avos (Ethics of our Fathers): The word "charus" (without vowels) could be read as "cheirus – freedom." Meaning, the only truly "free" person is the one who is engaged in Torah study. The only way one can act within a context of choice and make the correct choice is through the study of Torah. If one does not have a sense of his own spirituality, he is driven and controlled by his physical inclinations, which have no relevance to spiritual growth. He is a slave of his desires.

Gemara in Tractate Kiddushin: When two Torah sages initially enter into a dialogue regarding the analysis of a Torah subject they begin as being the equivalent of enemies engaged in fierce battle. However, ultimately they conclude their discussion as beloved friends because they had come upon the truth of

Torah through each other's interaction. There is a continuous battle between the inclination of man, which identifies only with the physical, the positive inclination to do the Will of G-d. The only way to be victorious in this battle is to appreciate and internalize the value of a *mitzvah*, which is a dictate of G-d. This internalization of truth can only come about to the one who is imbued with *Torah*.

#### **Yisro's Ability to Process and See Truth**

Torah: "He (through an agent) said to Moshe, 'I your father-in-law, Yisro, have come to you, with your wife and her two sons with her." Moshe was informed by Yisro's agent to come out and greet him. If he would not come for the sake of Yisro, he should do so for the sake of his wife and children.

Torah: "Moshe went out to meet his father-in-law..."

Midrash: Because Moshe went out to greet Yisro, his brother Aaron also followed him out of respect. Out of respect to Moshe and Aaron, Nadav, Avihu, the elders of Israel and the entire Jewish people also went out to greet Yisro. Literally millions of people went out to greet Yisro. This level of honor was unique. Why did Moshe afford his father-in-law such honor by going out to greet him?

Midrash: "G-d said to Moshe, 'I am the One who Willed existence. I am the One who brings close and does not push away...I am the One who brought Yisro close and did not push him away...Identically just as I do not push anyone away, now you Moshe, must not push Yisro away because he is approaching you to convert. Rather, you should bring him close and do not keep him at a distance. Immediately, Moshe went out to greet his father-in-law." In what way did G-d bring Yisro "close"?

Torah: "Yisro, the minister of Midian, the father-in-law of Moshe, heard everything that G-d did..." Yisro had heard what the nations of the world had heard, yet he was the only one who was affected. As a result of his understanding, Yisro chose to forgo his position of honor in Midian to follow the Jewish people into the desert and become attached to Moshe. Although the nations of the world also heard what Yisro had, they remained unaffected and unimpressed. The only way that Yisro was able to have such a unique

understanding of what he had heard, was because G-d had afforded him Divine Assistance. Because of this special Divine Assistance, he was the only one to be affected so profoundly that he was compelled to follow the Jewish people into the desert and come under the wings of the Divine Presence.

Without G-d's intervention, Yisro would not have been affected by what he had heard. This is how G-d brought Yisro close. Why did Yisro merit this level of Divine Assistance? One would think that perhaps it is because of the hospitality and gratitude that he had demonstrated to Moshe after he had assisted his daughters. One could also say that it was because Yisro had taken him into his house and offered his daughter as a wife, when he was a fugitive from Egypt.

However, we see that *Yisro* offered his daughter in marriage because he recognized the special qualities of *Moshe*. He understood that it was a unique opportunity to be able to have someone of the dimension of *Moshe* as a son-in-law. *Yisro* was a man who sought truth and justice.

Gemara in Tractate Sanhedrin: Pharaoh had three advisors in his court – Yisro, Bilaam, and Eyov. Initially when Bilaam had suggested enslaving the Jewish people, Eyov had remained silent and Yisro fled to Midian as a sign of protest. He could not tolerate this level of injustice, especially after all that Yosef had done for Egypt as its Viceroy.

In the merit of this sensitivity to the Jewish people and truth, *Yisro* merited to be endowed with special clarity that allowed him to become closer to the truth. Thus, his desire for truth brought him to the ultimate truth, which was to convert and become part of the Jewish people. It was not because of his intellect that he decided to leave his position in *Midian*, but rather it was his profound attachment to truth that caused him to hear what the nations of the world did not.

#### **One's Qualification to Study Torah**

Torah: "In the third month from the Exodus of the Children of Israel from Egypt, on this day, they arrived at the Wilderness of Sinai."

Midrash: "Why did G-d not give the Torah to the Jewish people immediately after they had left Egypt? As the verse states, 'G-d said to Moshe, 'when the

people shall leave Egypt they will serve *Hashem*, Your G-d on this mountain...' Why then did G-d wait three months to give the *Torah* to the Jewish people after leaving Egypt?

"Reb Yehudah bar Shalom: It is analogous to a prince who had just recovered from a serious illness. His father the king said, 'We shall wait three months until my son recuperates fully. Only then shall he return to the house of his rebbe's to continue his *Torah* study.' Similarly, when the Jewish people left Egypt they were spiritually blemished from the years of bondage. G-d had said, 'I will wait until they recover and heal. Then I will give them the *Torah*.'"

Rambam in Laws of Torah Study: "One can only teach Torah to one who exhibits proper behavior. If one is living a life that is contrary to the ways of Torah, he must first be redirected to the proper path. It is only after this has been achieved that you may bring him to the study hall and commence to teach him Torah.

Chazal: If one teaches Torah to an inappropriate student it is similar to throwing a stone at Marculos."

Gemara in Tractate Avodah Zorah: The pagan ritual of worshiping Marculos entailed placing a horizontal stone upon a vertical stone and then throwing stones at the structure. One would think that by stoning this idol, one is actually disgracing it; however, because it is its method of worship, it is considered bona fide idol worship. Thus, one would be subject to the death penalty.

One may think that regardless of one's behavior or beliefs it would be beneficial to teach this individual *Torah*; however *Chazal* teach us differently. They equate it to the worshiping of Marculos, which is the antithesis of G-d's Will. The manner in which one processes and understands information is affected by their character, emotional condition and spiritual make up. If one has a corrupted disposition, it will distort everything that he processes and internalizes.

One who is tainted by paganism or other falsehoods will not be able to process the *Torah* correctly. He will distort and corrupt the *Torah* that he is taught in a manner that is consistent with his own issues. If G-d were to have given the *Torah* to the Jewish people immediately after they had left Egypt, where they had descended to the forty-ninth level of spiritual

impurity, they would have integrated it into their being, together with their spiritual imperfections that they possessed as a result of being pagans.

They first needed to be purified and cleansed of their pagan beliefs and spiritually rehabilitated to the point where they could be able to process the *Torah* correctly. Similar to the prince who needed to recover for three months after his serious illness. By the time the Jewish people had come to Sinai they had ascended to the forty-ninth level of spiritual purity thus qualifying them to receive the *Torah*.

Chazal: "Proper character and qualities (derech eretz) is a prerequisite for Torah." Meaning, one must possess innate qualities and character traits in order to be able to acquire and process Torah properly. If one does not naturally possess these characteristics, then they must be developed and acquired.

Rambam in Hilchos Deos: Even if one is born with deficient characteristics, one is able to establish a "second nature" within himself through positive conditioning. Through this process, he will the capacity to study *Torah* and internalize its precepts for what they truly are.

Gemara: The Torah can only be acquired and retained by one who has a humble mind. If one is not humble, then he is not seeking truth but rather is only attempting to satisfy his own needs and issues. It is the one who is truly humble who will be able to attain and retain the Torah because he is a qualified vessel for it.

# Tempering One's Ego Through the Fear of G-d

Rashi citing Chazal in the beginning of Mishpatim: "Why does the Torah juxtapose the Portion of Mishpatim (which begins with the laws pertaining to the rabbinic court of Israel /Sanhedrin) to the Portion of the building of the Altar? It is to teach us that the High Court of Israel (Sanhedrin Gedolah) needed to be placed adjacent to the Altar (the Sanctuary of the Temple). Meaning, that the Sanhedrin should convene in one of the chambers of the Temple that was located alongside the Sanctuary. This location was known as the Chamber of Cut Stone (Lishkas HaGazis)."

What is the significance of the Sanhedrin being located adjacent to the Sanctuary? Why must the

location of the Divine Presence be associated with the High Court of Israel? One could say that the Sanhedrin Gedolah, which was comprised of seventy-one judges, needed to be associated with the Divine Presence because it adjudicated issues that pertained to capital punishment, thus affording them with the necessary level of clarity. However, we see that the High Court was not the only court qualified to issue the death penalty. The lower courts comprised of twenty-three judges, which existed in every community, was qualified to issue the death penalty without being located adjacent to the Sanctuary.

Torah: If there was a dispute among the lower courts, regarding a Torah law or perspective, they would ascend to the High Court that was located on the Temple Mount in order to elucidate and resolve the matter. The verse states, "Torah goes forth from Zion... (Ki me Tzion teitzei Torah)." Meaning, the source of clarity regarding the Torah emanates from the location of the Divine Presence, which is the Sanctuary located in the Temple. Therefore, one needs to go to the location of the Sanhedrin Gedolah, who possess that special level of clarity.

The law states that if the Sanhedrin Gedolah is not in session in the Chamber of Cut Stone, the lower courts are not permitted to adjudicate cases involving the death penalty. We see from this that the clarity that the lower courts receive in order to be able to issue such rulings emanates from the High Court's relationship and proximity to G-d.

King David in Psalms: "The prerequisite (or) beginning of wisdom is the fear of G-d (Reishis chachmah yiras Hashem)" King David is stating that without the "fear of G-d" one could possess a level of genius that is unequalled, yet, simultaneously has no understanding of truth. He processes existence based on his own inner conflicts of interest. However, if one's intellect and knowledge is predicated on the fear of G-d, he will see the world within the context of G-d's perspective, which is in fact reality. If one truly fears G-d, then he will be negated, thus allowing him to see truth. His conflicts of interest will be removed.

Gemara in Tractate Sanhedrin: The Judges who were qualified to sit on the Sanhedrin were required to understand seventy languages because they needed to hear the testimony directly from the witnesses

without any intermediary. The Sanhedrin was composed of Judges that were not only proficient in the entire Torah but also many branches of knowledge because they were directly or indirectly related to their qualification to be able to render decisions.

Although one is not permitted to study the laws of witchcraft, the judges of the Sanhedrin were permitted to be fully versed in all these areas in order to adjudicate those cases properly. The judges who qualified for the Sanhedrin possessed a level of genius and understanding that we are not able to comprehend. Every person, especially one who is endowed with an exceptional level of genius is subject to ego. If one is not sufficiently humble, his ability to process truth becomes seriously impaired. The only way one can be truly humbled is to sense the presence of G-d.

King *David* in *Psalms*: The prerequisite of wisdom is the fear of G-d. Without the fear of G-d there can be no wisdom.

Rambam: Aristotle was one of the greatest geniuses that ever lived. However, because his genius was completely subjected by his ego, he did not come upon the truth of G-d. If one's genius is tempered and directed as a result of one's fear of G-d then that individual will come upon truth. This is the reason the Sanhedrin was located within the proximity of the Divine Presence. By being in the presence of G-d the judges of the Sanhedrin would remain humble, despite their dimension of person. This humility brought to them clarity in order to be able to render all levels of judgment. In addition, it was through them that the lower courts received Divine Assistance to be able to do the same. Moshe because he was the most humble person who ever lived was qualified to be the conduit of the ultimate truth, which is the Torah itself.



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