

## Escalation of a Court Issue

### Ref: *Sefer Shoftim, Hilchot Mamrim, Chapter 1*



To follow the directives given by the *Bet din Hagadol* (Supreme *Sanhedrin*)<sup>1</sup>

Do not deviate from their words<sup>2</sup>

The Supreme *Sanhedrin* in *Yerushalayim* is the undisputed guardian of all *Torah* decisions for the whole of *Klal Yisroel*.

Anyone who does not follow the directives of the Supreme *Sanhedrin*, commits a transgression. *Malkot* are not given for transgression of this *mitzvah*.

In general there are 3 categories of directives:



- *Mipi Hashmuah* (Oral Tradition) – *Torah shebeal peh* (Oral Law)
- *Torah Nidreshet* – Official method of *Torah* Exegesis – Decided by debate and vote
- *Syag Latorah* – Matters of safeguarding *Torah* – Decided by debate and vote

The rebellious elder needs further definition, but if found guilty his penalty is execution by *chenek* (strangulation)

The order of escalation of an issue of *halachah* was as follows:

- Issue brought before local court of that city (**3 to 23 judges**)
- City court brings issue to Court on Temple Mount
- If unresolved, brought to Court at Gate of Nicanor (Woman's Courtyard)
- Finally if still unresolved, to Supreme *Sanhedrin* in Chamber of Hewn Stone.

While *Sanhedrin* no longer exists, if there are two Courts which differ with each other on an issue, and one doesn't know which opinion is correct, and it is a matter of Scriptural Law, one goes with the more strict view. If it is of Rabbinic Law one goes with the more lenient view.