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PARASHAT HASHAVUA

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PARASHAT YITRO

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**“Listen to me; I will give you counsel, and may God be with you”**

**By Rav Gad Eldad**

a. **“I pray you, do not leave us”<sup>1</sup>**

On his visit to Moshe and *Bnei Yisrael* at their encampment in the wilderness, Yitro observes his son-in-law's daily routine as the nation's sole judge. He offers a suggestion aimed at increasing efficiency and ensuring that Moshe will not end up collapsing under this impossible burden:

“You will surely wear away – both you and this people that is with you, for this thing is too heavy for you; you are not able to perform it yourself alone. Listen now to me, I will give you counsel, and may God be with you: Be yourself the link between the people and God, that you may bring the cases to God, and you shall teach them the ordinances and the teachings, and shall show them the way in which they must walk and the work that they must do. Moreover, you shall provide out of all the people able men, such as fear God, men of truth, hating unjust gain, and place such over them, as rulers of thousands and rulers of hundreds, rulers of fifties, and rulers of tens, and let them judge the people at all times. And it shall be that every great matter they shall bring to you, but every small matter they shall judge, so it shall be easier for you, and they shall bear the burden with you. If you shall do this thing, and God command you so, then you shall be able to endure, and all this people shall go to their place in peace.” **So Moshe listened to his father-in-law and did all that he had said.** (*Shemot* 18:18-24)

The concluding formula sounds like a happy ending, creating the impression that Yitro's advice proved itself and all was well. We will propose a reconsideration of this conclusion, based on the textual account later on.

The Torah expounds at length on the Revelation at Sinai, followed by the construction of the *Mishkan*, which in turn invites a listing of the laws of the sacrifices. At the beginning of *Sefer Bamidbar*, with the Israelite camp organizing itself to journey on, we suddenly encounter another dialogue between Moshe and his father-in-law:

And Moshe said to Chovav, son of Re'uel, the Midianite, Moshe's father-in-law, “We are journeying to

the place of which the Lord said, I will give it to you; come with us and we will do good for you, for the Lord has spoken good concerning Israel.” And he said to him, “I will not go, but I will depart to my own land and to my birthplace.” And he said, “Do not leave us, I pray you, since you know how we are to encamp in the wilderness, and you may be to us instead of eyes. And it shall be, if you go with us, it shall be, that what good the Lord shall do to us, we will do the same to you.” (*Bamidbar* 10:29-32)

The appearance of this unit in *Sefer Bamidbar* is a source of perplexity among the commentators. If Yitro had already gone home in *Sefer Shemot*, then how is it that we encounter this scene in *Sefer Bamidbar*, with Moshe trying to deter him from leaving?<sup>2</sup>

On the basis of the plain text, we might suggest that the Torah cites the exchange in *Sefer Bamidbar* for the purposes of continuing the narrative from the point where it left off prior to the building of the *Mishkan* and the sacrifices. Following this lengthy break, the Torah returns to the encounter between Moshe and Yitro in order to resume the story. However, if we accept this explanation, then we must ask why this dialogue introduces the series of complaints and crises that follow. And in order to answer this question, we must focus on a different aspect of the development of *Am Yisrael*.

b. **“By their families, by their fathers' houses”**

Yaakov's household came to Egypt and multiplied there exceedingly, becoming a nation. Nevertheless, it seems that the nuclear family framework remained the people's most significant framework of association, as we see from the manner in which they observe the Pesach:

Speak to all the congregation of Israel, saying: On the tenth day of this month they shall take to them every man **a lamb according to their fathers' houses; a lamb for a house.** (*Shemot* 12:3)

Similarly, the distribution of the manna follows a household-centered format:<sup>3</sup>

This is the thing which the Lord has commanded: Gather of it every man according to his eating, an *omer* for every man according to the number of your persons

<sup>2</sup> The *Mekhilta*, commenting on the beginning of *Parashat Yitro*, records different opinions as to when Yitro visited the Israelite camp. The debate continues in *Massekhet Zevachim* 116a and on to the *Rishonim*; see, for example, Ramban's lengthy exposition at the beginning of the *parasha*.

<sup>3</sup> There are many points of comparison between the Pesach sacrifice and the distribution of the manna. See, for example, R. Yonatan Grossman's article, “*Ha-Man Ve-Korban Pesach*,” *Alon Shvut* 153, pp. 115-135. These sources indicate that consumption of the manna entailed an aspect of sanctified eating, like the Pesach sacrifice. This reinforces the idea that the family framework is the most appropriate arrangement for the resting of the Divine Presence amongst Israel.

<sup>1</sup> Based on my article, “*Rabot Machshavot Be-Lev Ish – Le-Gilguleha shel Atzat Yitro*,” *Megadim* 46.

shall you take it, **every man for those who are in his tent.** (*Shemot* 16:16)

The most prominent expression of this phenomenon is the sanctification of the firstborn. This is transmitted following the Exodus from Egypt, at which time no explanation is given:

And the Lord spoke to Moshe, saying: Sanctify to Me all the firstborn; whatever opens the womb among *Bnei Yisrael*, both of man and of beast, it is Mine. (*Shemot* 13:1-2)

A few verses later, the Torah discusses the future arrival in the land of Kena'an, and here we find the command to redeem the firstborn, along with an explanation:

And it shall be, when the Lord brings you into the land of the Kena'ani... that you shall set apart for the Lord all that opens the womb, and every firstling that comes of a beast which you possess; the males belong to the Lord... and all the firstborn of man among your children shall you redeem. And it shall be, when your son asks you in the future, saying, "What is this?" That you shall say to him, "By strength of hand the Lord brought us out of Egypt, from the house of bondage; and it came to pass, when Pharaoh refused to let us go, that the Lord slew all the firstborn in the land of Egypt – both the firstborn of man and the firstborn of beast; therefore I sacrifice to the Lord all that opens the womb, being males, but all the firstborn of my children I redeem." (*Shemot* 13:11-15)

Here we find a reason for the sanctification of the firstborn. This makes sense: since this unit conveys the command to redeem the firstborn from their sanctified status, we are left with a question as to the meaning of their sanctification in the first place. Therefore, the Torah provides what would otherwise seem like a superfluous explanation of the concept from the beginning. However, the fact remains that in the earlier unit the sanctification of the firstborn is given as a commandment with no explanation. This suggests that the sanctified status of the firstborn has significance in its own right, going beyond the context of the Exodus.

This idea would seem to sit well with the general atmosphere of that time. Since the family is the framework for the resting of the Divine Presence, it makes sense that out of each family a "*Kohen*," the firstborn, is sanctified for Divine service. Accordingly, we read at the forging of the covenant at Sinai:

And Moshe wrote all the words of the Lord, and rose up early in the morning, and built an altar under the hill, and twelve pillars, according to the twelve tribes of Israel. And he sent the **young men of *Bnei Yisrael***, who offered burnt offerings and sacrificed peace offerings of oxen to the Lord. (*Shemot* 24:4-5)

The tribes exist as a socio-demographic fact, but the Divine service is performed by "the young men of *Bnei Yisrael*," identified by *Chazal* as the firstborn (*Zevachim* 116b), as representatives of the nation. The shift to the appointment of the tribe of Levi and the family of the *Kohanim* to fulfill this role represents a fundamental change in this perception of the manner in which the Divine Presence rests amongst Israel.

c. **"And all the sons of Levi gathered themselves together to him"**

At no point does the Torah state explicitly the reason for the choice of the sons of Levi for the Divine service of the Sanctuary, as a replacement for the firstborn (or the "young men of *Bnei Yisrael*"). However, from the way in which the events transpire and are recounted, it appears to have been a result of the sin of the golden calf. In this episode, an entire tribe distinguished itself in its loyalty to God, and this event brought about a revolution in the perception of God's Presence in the midst of Israel. From this point onwards, the unit of the tribe, instead of the nuclear family, would become the fundamental unit of association with regard to the Divine Presence. The journeying and encamping of the nation around the *Mishkan* would be ordered and defined by tribe; likewise, the conquest of the land, its division and its sanctity would refer to the tribes.

We can demonstrate this revolution through two examples:

1. In the war against Amalek, soon after the Exodus from Egypt, Moshe commands Yehoshua to choose "men" – with no mention of their tribal affiliation – who will fight:

And Moshe said to Yehoshua, "Choose us **men**, and go out, fight with Amalek..." (*Shemot* 17:9).

Later on, however, in the war against Midian, the army is consolidated on a tribal basis:

And Moshe spoke to the people, saying, "Arm from yourselves men for the army, and let them go against Midian, and avenge the Lord on Midian. **Of every tribe a thousand**, throughout all the tribes of Israel, shall you send to the war." (*Bamidbar* 31:4)

2. The text describes Bil'am casting his eye over the Israelite camp:

And Bil'am lifted up his eyes and he saw Israel **abiding according to their tribes**, and the spirit of God came upon him. And he took up his discourse, and said... "How good are your tents, Yaakov, and your tabernacles, Israel!" (*Bamidbar* 24:2-3)

Even Bil'am is enveloped in the spirit of God when he looks upon Israel encamped by their tribes, and it is this order of encampment that he addresses in his blessing.

It may be that the transfer of the role of "*kohanim*" would have passed from the firstborn to the Leviim in any case, as part of the process of the nation's development. Our intention here is merely to point out that the original framework was that of the family. Practically speaking, the change commenced in the wake of the sin of the golden calf, leading to a heightened awareness of tribal affiliation, both in terms of the conduct of the people and in terms of the Divine Presence resting among them.

Now we can go back and consider the influence of this process on the story of Yitro.

d. **"And Moshe heard the people crying by their**

## families”

Moshe deals with various different complaints emanating from the nation, but only on one occasion does he appear to lose all composure and hope:

And Moshe said to the Lord, “Why have You afflicted Your servant? And why have I not found favor in Your sight, that You lay the burden of all this people upon me?... I am not able to bear all this people alone, because it is too heavy for me. And if You deal thus with me, kill me, I pray You, out of hand, if I have found favor in Your sight, and let me not see my own wretchedness.” (*Bamidbar* 11:11-15)

This dramatic response invites us to seek its cause in the preceding circumstances. In light of our discussion above, the key to understanding the crisis may lie in the phrase in the previous verse:

And Moshe heard the people weeping **by their families**, every man in the door of his tent, and the anger of the Lord burned greatly, and Moshe, too, was displeased. (*Bamidbar* 11:10)

Before Moshe’s eyes, the nation’s official associative frameworks are collapsing and the people are reverting to their families. There are no tribal representatives or elders to bring the people’s complaint to Moshe; rather, the people identify on their most basic sociological level – the family. All the progress that has been made is erased, as though it never happened.

Now it is clear why the text recalls Yitro, since his forecast is now being fulfilled:

“You will surely wear away – both you and this people that is with you, for this thing is too heavy for you; you are not able to perform it yourself alone.” (*Shemot* 18:18)

However, along with the realization of his prophecy of doom, Yitro’s advice is also shown to have been ineffective. Yitro had sought to propose a remedy for the problem in the form of judges who would operate on an intermediate level between the nation and Moshe. Moshe had implemented his advice, but the structure had nevertheless collapsed. What, then, was Yitro’s mistake?

### e. **“If you shall do this thing, and God command you so, then you shall be able to endure”**

Let us review the story of Yitro’s advice, this time in its full context:

And it came to pass the next day, that Moshe sat to judge the people; and the people stood by Moshe from the morning to the evening. And when Moshe’s father-in-law saw all that he did for the people, he said... “Why do you sit alone, and all the people stand by you from morning to evening?” And Moshe said to his father-in-law, “Because the people come to me to **inquire of God**... And I make known to them the **statutes of God** and His teachings.” And Moshe’s father-in-law said to him... “You will surely wear away – both you and this people that is with you, for this thing is too heavy for you; you are not able to perform it

yourself alone. Listen now to me, I will give you counsel, and **may God** be with you: Be yourself the link between the people **and God**, that you may bring the cases **to God**, and you shall teach them the ordinances and the teachings... Moreover you shall provide out of all the people able men, such as **fear God**, men of truth, hating unjust gain, and place such over them, as rulers of thousands and rulers of hundreds, rulers of fifties, and rulers of tens, and let them judge the people at all times. And it shall be that every great matter they shall bring to you, but every small matter they shall judge, so it shall be easier for you, and they shall bear the burden with you. If you shall do this thing, and **God command you** so, then you shall be able to endure, and all this people shall go to their place in peace.” So Moshe listened to his father-in-law and did all that he had said. (*Shemot* 18:13-23)

God’s Name appears in this unit seven times. Paradoxically, however, this seems to highlight His absence from the scene rather than indicating His presence. The characters speak about God, but God’s voice is not heard. The very fact that the commentators exert themselves to find some hint at consultation with God testifies to His conspicuous absence from the scene.<sup>4</sup>

If we conclude that God was not happy with this advice, we must inquire what was wrong with it. Was Yitro not correct in his assessment that eventually Moshe would collapse under the burden of the people if he continued to serve as the sole judge?

Below we shall attempt to show that with the failure of Yitro’s plan and in view of Moshe’s crisis, God sets forth His vision of leadership, which is the alternative to Yitro’s advice.

### f. **“And I shall take of the spirit which is upon you and I shall place it upon them”**

Yitro proposes that Moshe share the burden of leadership with others:

“And it shall be that every great matter they shall bring to you, but every small matter they shall judge, so it shall be easier for you, and they shall **bear the burden with you**.” (*Shemot* 18:22)

God, too, proposes that Moshe share the burden, using similar language:

“And I shall take of the spirit which is upon you, and put it upon them, and they shall **bear with you** the burden of the people, that you shall not bear it alone.” (*Bamidbar* 11:17)

<sup>4</sup> The commentators maintain that Moshe first consulted with God prior to implementing Yitro’s advice. Ramban writes (ad loc.): “‘And may God be with you’ – With this advice, he said to him, ‘Go and consult with God’ – according to Rashi. Ibn Ezra explains, ‘Listen to me and God will be your aid and bring you success through my advice.’ But Yitro then goes on to say, ‘If you shall do this thing, and **God command you** so, then you shall be able to endure’ – meaning that he should consult with God, and there is no doubt that he indeed did so.”

Despite the seeming similarity, these are in fact two different perceptions of leadership. Yitro proposes a list of traits that should characterize the judges:

“Moreover, you shall provide out of all the people able men, such as fear God, men of truth, hating unjust gain...” (*Shemot* 18:21)

These are indeed all important personal and professional qualities that are required for a judge who deals in truth and justice. These qualities are essential for the establishment of a legal system that will maintain law and order. Within this system, Moshe is the “Supreme Court,” in the sense that he is the highest authority for interpretation of the law. When necessary, he is capable of addressing God, the Legislator, the Source of knowledge and justice, and asking Him to clarify His intention.

In the alternative system proposed by God, another element is introduced, changing the entire picture:

And the Lord said to Moshe, “Gather to Me seventy men of the elders of Israel, whom you know to be the elders of the people and officers over them, and **bring them to the Tent of Meeting**, that they may stand there with you. And I will come down and talk with you there, and **I will take of the spirit which is upon you, and will put it upon them**, and they shall bear the burden of the people with you, that you do not bear it yourself alone.” (*Bamidbar* 11:16-17)

While Yitro focuses on the social order and the human need for authority so as to facilitate living together with others, God highlights the legal system as an element of the broader vision of the Divine Presence resting amongst the nation. For this reason, the appointment of the judges takes place near the Tent of Meeting, and as part of the inauguration ceremony the judges achieve the level of prophecy:

And the Lord descended in a cloud, and spoke to him, and took of the spirit that was upon him and gave it to the seventy elders, and it came to pass that when the spirit rested upon them, they prophesied, but did not continue. (*Bamidbar* 11:25)

The difference in the aims of these two different legal systems is explained by the Ran in his *derashot*:

It is well known that human beings need judges to judge between them, for otherwise “one man would swallow the other alive” (*Avot* 3:2), and the world would be corrupt. And every nation requires some sort of government... And Israel needs this just as the other nations do. But they also need [judges] for another reason, and that is to enforce the laws of the Torah and to punish those liable for corporal punishment, or for capital punishment at the hands of the *beit din* for violating the laws of the Torah, whether or not their violation is harmful to the social order... And the blessed God assigned each of these functions to a separate authority, commanding that judges be appointed to render judgment that is righteous and true, as it is written, “And they shall judge the people with righteous judgment” (*Devarim* 16:18)... This indicates that the purpose of their appointment is to

judge the people with judgment that is righteous and true in and of itself, and their jurisdiction does not extend beyond this. But because the social order cannot suffice with this alone, God also provides for the appointment of a king...

Therefore, I maintain (and indeed it should be believed) that just as the statutes do not enter at all into the maintenance of proper government, but rather have their own justification in causing the Divine blessing to be invested, so likewise **the judgements of the Torah are both the reason for the Divine essence among us and a matter of maintaining proper social order**. And it is possible that they are orientated more to the more lofty goal than they are to the matter of the social order, for this latter order is complemented by the king that we appoint over us. **The function of the judges and the Sanhedrin, in contrast, is to judge us with judgments which are true and righteous in and of themselves, and which cause the Divine essence to cleave to us, whether or not they fulfill completely the social function. And for this reason it may be that some of the judgments and laws of the nation may be more effective in maintaining the social order than are some of the laws of the Torah**. But we lack nothing in this regard, for whatever is deficient in this area is complemented by the king... At the same time, we enjoy a great advantage over them, for since the laws of the Torah are just in and of themselves (as the Torah states, “And they shall judge the people with righteous judgment” [*Devarim* 16:18]), they cause the Divine essence to cleave to us. (*Derashot Ha-Ran*, 11)

Yitro, observing the scene from the outside, seeks to institute a Torah-based legal system that will serve the social order and facilitate proper government. But Yitro has no experience or knowledge of a legal system whose aim is to draw the Divine Presence to dwell within the society in which it operates. Such a system is more complex and requires a complementary system of human justice, headed by the king, as the Ran explains.

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Ultimately, the substance of the legal system was “upgraded,” in keeping with the unique spiritual character of *Am Yisrael*. However, the Torah shows honor to Yitro for his efforts to introduce regulation into the system of authority over the people. And with this aim in mind, the correction to or upgrading of his advice is not made explicit. The casual reader is led to believe that his advice was implemented and maintained for generations to come.<sup>5</sup>

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<sup>5</sup> Of course, attention must be given to Moshe’s words in *Sefer Devarim*, chapter 1, where he mentions once again the appointment of the judges. For further discussion, see the article noted in n. 1 above.