

Parshas Yisro

Judging the People

Yisro noticed the manner in which Moshe was judging the Jewish people and suggested a more efficient system of handling their cases. This Sicha sheds light on the reason that Moshe himself didn't create a system of multiple judges to begin with, and an appreciation for the variant levels that the Jewish people could reach.

In this week's Torah portion, Moshe's father-in-law, Yisro, visits the Israelite camp. When he arrives, he notices the curious state of affairs in which Moshe was dealing with all of the Jewish people's judicial matters, and sets out to change them.

Text 1

It came about on the next day that Moshe sat down to judge the people, and the people stood before Moshe from the morning until the evening. When Moshe's father in law saw what he was doing to the people, he said, "What is this thing that you are doing to the people? Why do you sit by yourself, while all the people stand before you from morning till evening?" Moshe said to his father in law, "For the people come to me to seek G-d. If any of them has a case, he comes to me, and I judge between a man and his neighbor, and I make known the statutes of G-d and His teachings." Moshe's father in law said to him, "The thing you are doing is not good. You will surely wear yourself out, both you and these people who are with you, for the matter is too heavy for you; you cannot do it alone.

Shemos 18:13-18

Yisro was surprised at the tremendous burden that Moshe was attempting to deal with, in judging all the judicial matters of the nation by

himself, and therefore set out to revise the system.

He advised Moshe that he should appoint judges over the nation to bear the burden along with him. He suggested a system in which there should be "leaders over thousands, leaders over hundreds, leaders over fifties, and leaders over tens." Only the supremely difficult queries should be brought to Moshe himself.

This would facilitate a workable arrangement in which Moshe would not deal with each and every query of the Jewish people, from the most trivial to the most difficult. It would even out the load, as part of the burden of judging the nation would be placed in the hands of capable judges. Moshe accepted Yisro's advice and implemented all of his suggestions.

Simple advice

This whole narrative though, appears peculiar. The difficulty of one individual judging an entire nation is rather obvious. It seems preposterous that Moshe would be able to attend to all of their needs properly without being worn out. Yisro's statement that "you cannot do it alone" is readily apparent and his advice as well, was rather obvious.

How is it that Moshe *Rabbeinu*, the ultimate Jewish leader, did not realize the apparent issue in the way he judged the Israelites? Why did he himself not initially conclude that he was unable to do it alone and appoint judges to help him in

this difficult task? Why was it that specifically Yisro, an outsider, who had only recently come to the Israelite camp, was the one to suggest and implement this most basic plan?

There is a famous dictum that “a guest for a while sees for a mile.” At times, it takes an outsider to offer good advice. All too often, it is because the person is deeply involved in a situation, that they miss the bigger picture. The person who is a newcomer is objective, and can oftentimes bring a fresh perspective and solution to the difficulties that those who have been immersed in the situation cannot see.

Accordingly, one might assume that this was the case in regards to Moshe and Yisro. It was because Yisro was new to the scene that he was able to see a difficulty and provide advice for something that Moshe had missed.

While this aphorism is indeed true in regards to a normal scenario, it is quite improbable to be the case concerning Moshe and his assessment that he was able to judge the people.

Moshe *Rabbeinu* was not just any leader—he was born to lead. Moshe was chosen by G-d himself to be the leader of the budding Jewish nation, and had already been serving in that capacity for quite some time.

It is therefore not possible to assume that he would miss this most basic point in leadership. A righteous leader of Moshe’s caliber would not err in the estimation of his ability to judge the people in *all* their issues, if he was truly unable to do so.

From this we can conclude that in Moshe’s perspective, he was indeed the only one who was able to properly judge the people, whether on small matters or large matters, and he believed he would be able to judge them properly without tiring.

This idea is expressed as well in the following statement of the Sages, regarding Yisro’s name. Yisro had numerous names and aliases but the name that the Torah uses when referring to him is Yisro:

Text 2

[Yisro] for the fact that he added on (*yiter*) a section of the Torah, [i.e.] “But you shall see [choose] (from among the entire people, men of accomplishment...)”

Shemos 18:21

The reason that the Torah refers to him by the name Yisro, as opposed to one of his other names, is because the word *yiter* means to add. Since “he added...a section of the Torah,” the Torah refers to him as Yisro.

From the fact that the expression that is used is, “that he *added*” to the Torah, versus that he merited that this *parsha* would be called after his name, it is clear that were it not for his advice, this section of the Torah would not be added.

Were it not for Yisro, Moshe would have continued to judge the Jewish people alone, and that would have been the proper Torah path. Yisro changed the original course of the Torah, so-to-speak, by implementing a *new* system of judging the nation.

It is therefore apparent that Moshe’s actions were indeed the proper way to act according to Torah, as it was truly only Moshe who was able to properly judge the people.

However, the question is now reversed. If Moshe would have indeed been able to judge all the queries of the Jewish people, and this initially was the proper intended path of Torah, what prompted Moshe (and the Almighty) to change

the original manner in which the judicial system was instituted, and to heed Yisro's advice?

Giving the Torah

A similar dramatic shift between the way that Moshe perceived the Israelites and the way that they actually were, occurred by the giving of the Torah.

When the Ten Commandments were given to the Jewish people, they exclaimed that it was too much for them to hear the Commandments directly from G-d, and requested that Moshe would be the one to relate them. G-d acquiesced to their request, but Moshe was not pleased that the Jewish people had suggested this.

Text 3

And you said, "Behold, the Lord, our G-d, has shown us His glory and His greatness, and we heard His voice from the midst of the fire; we saw this day that G-d speaks with man, yet [man] remains alive. So now, why should we die? For this great fire will consume us; if we continue to hear the voice of the Lord, our G-d, anymore, we will die. For who is there of all flesh, who heard the voice of the living G-d speaking from the midst of the fire, as we have, and lived? You approach, and hear all that the Lord, our G-d, will say, and you speak to us all that the Lord, our G-d, will speak to you, and we will hear and do. And the Lord heard the sound of your words when you spoke to me, and the Lord said to me, "I have heard the sound of the words of this people that they have spoken to you; they have done well in all that they have spoken."

Devarim 5: 22-25

The Israelites protested that "if we continue to hear the voice of the Lord, our G-d, anymore, we will die." They therefore asked that Moshe serve

as the intermediary between G-d and them. G-d said that "they have done well in all that they have spoken," and acquiesced to their wish.

Moshe though, was not pleased that the Jewish people desired this change and that they desired to hear the Commandments from a mere mortal instead of hearing them from the Almighty Himself.

Rashi expresses this in his commentary on the above verse:

Text 4

You weakened my strength as that of a female, for I was distressed regarding you, and you weakened me, since I saw that you were not anxious to approach G-d out of love. Would it not have been preferable for you to learn [directly] from the mouth of the Almighty G-d, rather than to learn from me?

Rashi, Devarim 5:24

According to Moshe's viewpoint, the Israelites *would* have been able to hear the Ten Commandments directly from the Almighty, and he was therefore disappointed at their request to hear them from him. G-d, however, did accept their appeal and had Moshe relate the Commandments to the Jewish people.

This incident as well seems problematic: there seems to be a great discrepancy between the way that Moshe assessed the Jewish people and the level on which they actually were holding.

How is it possible that Moshe *Rabbeinu*—the faithful shepherd of the Jewish people—was so off the mark with his assessment of his flock?

With your teacher

In truth, however, Moshe was not mistaken in his assessment. It is not that Moshe misjudged the true standing of his people, but rather that when Moshe appraised them, he evaluated their standing as they were in Moshe's presence. While they were in Moshe's presence, they indeed would have been able to hear the Commandments directly from G-d.

For, when a person is in the presence of their mentor, they stand on a higher plane than when they are alone. Although the Israelites may be holding on a lower level, in the presence of Moshe they were inspired by his presence and uplifted to a level that was more similar to his own. When the Israelites were affected by Moshe's awesome personality, they were indeed able to hear the Commandments directly from G-d.

This idea is expressed in the following Talmudic statement:

Text 5

R. Chiyya ben Ammi further said in the name of Ulla: "A man should always live in the same town as his teacher. For as long as Shimei the son of Gera was alive, [King] Shlomo (his student) did not marry the daughter of Pharaoh."

Talmud, Berachos 8a

When a person is in the presence of their teacher, their own spiritual heights are amplified. Thus, when the Jewish people were in the presence of Moshe, they were affected by him, and would have truly been capable of receiving the Ten Commandments directly from G-d. Moshe elevated them to a level closer to his own, and they were therefore able to listen directly to G-d's instructions, just as he was.

The Jewish people however, objected to this and desired to hear the Torah from Moshe. They did not want to receive the Torah on a level that had been superimposed on their existence, but instead, through the actual level on which they would holding themselves, without the impetus of Moshe's spirituality.

Text 6

A man prefers a *kav* (portion) of his own to nine of his neighbor's.

Talmud, Bava Metzia 38a

They therefore requested from Moshe that they hear the Torah on the spiritual level that they were truly holding. In order that *they* would truly internalize Torah with their own abilities, they requested to hear the Torah from Moshe instead of from G-d.

G-d agreed with the Jewish people, because through them receiving Torah on their true level, they would be internally affected by the Torah.

Moshe's wording

When Moshe expressed his displeasure that the Israelites did not want to receive the Torah directly from G-d, he used the phrase, "You weakened my strength as that of a female." This expression seems rather strange.

What does receiving the Torah through an intermediary have anything to do with the weakening of Moshe himself? It would make sense were Moshe to have expressed that he was pained by their choice of hearing the Commandments from him instead of from G-d, but why was Moshe weakened by their request?

According to the above explanation though, this is understood.

Switching from the mode of hearing the Torah from G-d to having it said over by Moshe, was not merely a change of source from which they heard the Ten Commandments, but, in order to enable that transition, Moshe was forced to *restrain* the way that he expressed himself to his nation.

In order for Moshe *Rabbeinu* to teach the Jewish people Torah on their own level, as they wished to receive it, he needed to ensure that he limit his own expression so that they would not only be inspired by Moshe, and reach a level that was not truly their own.

Were Moshe to have expressed himself naturally, as he had done prior to their request—according to his own lofty spiritual level—he would have automatically lifted them to a level that was not truly their own.

For the Jewish nation to receive the Torah on *their own* level, Moshe *Rabbeinu* was forced to weaken himself, so-to-speak. Only then, was he able to impart the Torah to them in the manner that they wished to receive it. The transition was thus not merely a shift of hearing it from Moshe, but was a change in the entire way that Moshe dealt with his flock.

Teaching Torah to the Jewish people

According to the above explanation regarding the giving of the Torah, we can now understand the reason why Moshe believed that it was he alone who was to teach the people Torah.

When Moshe began teaching the Torah to the Jewish people after the Torah was given, he operated under the assumption that they must hear all of its directives directly from him, as through them learning the Torah from him—the one who had directly received it from the Almighty—it would be as if they had heard it from G-d.

Moshe believed that since had heard the Torah directly from G-d, he was the only one who was able to properly convey its true intent, and with its full intensity.

This is expressed as well in the following verse:

Text 7

I stood between the Lord and you at that time, to tell you the word of the Lord.

Devarim 5:5

Moshe *Rabbeinu* was the conduit to completely express G-d's words. It was completely G-d's words that Moshe uttered when he taught Torah, without any admixture of his personal identity. Moshe therefore understood that if the Jewish people would hear the Torah from him, it would be as if they had heard it from G-d directly.

Moshe desired as much as possible to give over the true intent of Torah from G-d Himself, and to do so he needed to be the one that taught them.

This idea is expressed in Moshe's exchange with his father-in-law. When Moshe was asked why he sits the entire day, judging the Jewish people, Moshe responded:

Text 8

For the people come to me to seek G-d.

Devarim 18:15

Rashi comments there, that Moshe was saying that the Jewish people come "to seek teaching from *before* the Lord." He was answering Yisro that hearing the Torah from him was *as if* they

had come before G-d. Moshe was not only a teacher of Torah, he was the true conveyer of Torah, as coming to learn from Moshe was as if they had come to learn from G-d Himself.

As mentioned above, the level in which Jewish people learned the Torah directly from Moshe was heightened, for when the Israelites were in his presence they were automatically raised to a higher plane.

When Moshe received the Torah from G-d he didn't only *hear* the Torah, but he experienced it in a revealed way. Thus, when Moshe taught the Jewish people Torah, he didn't merely teach them, he raised them to a level where they too were able to experience the Torah in a revealed manner, in a similar manner to the way he perceived it.

When the Israelites were taught Torah in such a manner of being raised to a level where they too could experience Torah, they would have been able to learn directly from Moshe without it causing him to be worn out.

Yisro's standpoint

As an outsider however, Yisro viewed the Jewish people for who they were themselves, not in the way that they were uplifted through standing in Moshe's presence.

He therefore argued, that though it was of great value for the Jewish people to be *taught Torah* on the highest level possible, concerning the *judgment* of the Jewish people's *own* quarrels and disputes, this should be done on the level that they were holding on their own.

When dealing with their own issues they are not living in Moshe's reality, and therefore he believed that Moshe should not be the only one to judge them. When they are involved in their own quarrels he believed that they would not be able to raise themselves beyond their pettiness and to enter a higher plane.

He therefore suggested that Moshe should establish a system of smaller courts, which would be able to settle the Jewish people's disputes and deal with the Jewish people's quarrels and disputes on their own level.

In truth, Moshe's stance was true, being that even when dealing with their own issues, as they *stood* before Moshe, the Jewish people were indeed affected by his presence.

(This concept can also be understood simply, in the case of a student who stands in the same room as his teacher. The student's behavior will automatically be different, and on a higher level than if his teacher would not be present.)

This lifted them to a level in which they became proper receptacles and *were* indeed able to receive Moshe's guidance even concerning their personal quarrels.

Yisro's discussion with Moshe was not only concerning about whether it should be Moshe who judged them or others but it was about the entire manner that they would be judged. Moshe believed that the Jewish people should be uplifted beyond their pettiness and receive the Torah in its pure form, whereas Yisro countered that although this may be possible when they are *studying* the Torah, this would not be possible when the people were thinking about their *personal quarrels*.

G-d agrees

G-d ultimately agreed with Yisro's proposition— not because Moshe was wrong—but in order to ensure that there would be a system for instructing the Jewish people, even after Moshe's passing. G-d therefore instituted a system in which the Jewish people could receive the word of G-d even in a situation where Moshe was no longer alive.

Moshe himself however, did not think of adapting to a different system for two reasons:

- A) He was the leader of the generation that he was in. The leader of a generation is charged with the mission of leading his own generation. He therefore did not think to prepare for a time after his passing.
- B) Were it not have been for a later sin, Moshe *Rabbeinu* would have indeed entered the Holy Land along with the Jewish people, and the redemption would have arrived and the Jewish people would have continued to benefit from learning Torah in this higher form.

Yet, being that the Almighty was aware of this future outcome, He agreed to Yisro's suggestions, and allowed for a new system of judges to be set up.

Set up by Moshe

However, even this system of judges, established ultimately for the generations who would follow Moshe's time, needed to be set up by Moshe himself. All matters concerning Torah, even for later generations, needed to come through the medium of Moshe.

For, any novelty in Torah, even that which would be revealed at a later time, was given to Moshe at Sinai, along with the Ten Commandments.

Text 9

R. Chiyya ben Abba also said in the name of R. Yochanan: "What is the meaning of the verse, 'And on them was written according to all the words which the Lord spoke with you in the mount¹?' It teaches us that the Holy One, blessed be He, showed Moshe the minutiae of the Torah, and the minutiae of the Scribes, and the

innovations which would be introduced by the Scribes."

Talmud, Megilah 19b

In order for the innovations of later generations to be considered a *part* of the Torah, it needed to be set up by Moshe. Only then would these innovations be considered to have come from G-d himself. Were new innovations to be indeed new, and not embedded in a previous teaching of Moshe, they would not be considered to be a part of Torah.

It was therefore up to Moshe to set up the system of judges, so that this be not merely a practical solution to solving judicial disputes after Moshe's passing but a part of Torah.

Yisro therefore entreated Moshe, "*you shall see [choose].*" He wished that it specifically be Moshe who would choose the judges.

Rashi comments accordingly on the verse, with the following words:

Text 10

With the Holy Spirit that is upon you.

Rashi, Shemos 18:21

When Moshe set up the judicial system, he didn't do so merely based on his *own* logic but with the G-dly spirit that rested upon him.

Moshe's establishment of the new judicial system ensured that the continuum of judges be from the judges that were enacted by G-d, and that the ruling of the judges of future

¹ Devarim 4:10.

generations, be the ruling of Torah and therefore an expression of the will of G-d.

And you shall see

For Moshe to acquiesce to Yisro's wish he needed to lower himself from the way that he related to the Torah in order to find judges that could relate to the Jewish people on their own level.

This concept is expressed in Yisro's words:

When Yisro tells Moshe to choose judges, he tells him, "you shall see [to choose]." The words that the Torah employs for this expression are, "*v'ata tech'eze.*"

The word "*techeze*" is not a Hebrew word, but the Aramaic translation of the word for sight.

Rather than using the normal Hebrew term, the Torah uses a translation of the word which expresses a lesser degree of holiness.

This is fitting with the essential act of the appointment of judges. In order for Moshe to appoint judges to guide the nation on their true level, he needed to lower himself from the way that he saw the Jewish people, and to view them on a lower level—a level on which they were in need of judges other than himself.

This is why the name for this *parsha* is Yisro. Being that Moshe himself did not see the Jewish people in the way that Yisro saw them, it was specifically through Yisro's perspective of the Jewish people that this section of the Torah was added, and the new system of judgment was put in place.

The ultimate point

Although this seemed to be a lowering of the level for those that were not able to receive the Torah directly from Moshe, in truth, this is the ultimate purpose.

The goal of the world is to transform even the lowest parts of the world and this is done through dealing with individuals that are on this lower level.

Through lowering oneself to the level of to uplift even those that are on the lowest of levels we fulfill the ultimate purpose of transforming this lowly world into an abode for G-d Himself!

(Based on Likutei Sichos 16, Yisro 2, reworked by Rabbi Dovid Markel.

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