Did Jethro give Moses bad advice?

Jethro’s advice

-In this week’s Torah portion, Devarim, Moses tells the people:

-And I spoke to you at that time, saying, I am not able to bear you myself alone... How can I myself, alone, bear your weight, and your burden, and your strife? [I will] choose wise and understanding men, full of knowledge, and I will make them rulers over you. And you answered me, and said, The thing that you have proposed is good for us to do.

-So I took the chiefs of your tribes, wise men, and known, and made them chiefs over you, captains over thousands, and captains over hundreds, and captains over fifties, and captains over tens, and officers among your tribes. [Deut. 1:9-15]

-This advice was given to him by his father-in-law, Jethro, in an earlier portion:

-And Moses said to his father-in-law…: the people come to me to inquire of God. When they have a matter, they come to me; and I judge between one and another, and I make them know the statutes of God, and his laws.

-And Moses’ father-in-law said to him: The thing that you do is not good. You will certainly wear away, both you, and this people who are with you; for this thing is too heavy for you; you are not able to perform it yourself alone.

-Listen now to my voice, I will give you counsel, and God shall be with you: Represent the people before God, that you may bring the causes to God. And you shall teach them ordinances and laws, and shall show them the way where they must walk, and the work that they must do.

-And you shall choose out of all the people able men, such as fear God, men of truth, hating unjust gain; and place such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens. And let them judge the people at all seasons.

-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 yourself, 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 also go to their place in peace. So Moses listened to the voice of his father-in-law, and did all that he had said. [Ex. 18:15-24]

-But later, Moses complains to God that he can’t bear even that burden:
And Moses 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?  
-And why have I not found favor in your sight, that you lay the burden of all this people upon me?  
-And have I conceived all this people? Have I fathered them, that you should say to me, carry them in your bosom…?...I am not able to carry all this people alone, because it is too heavy for me. And if you deal with me thus, kill me, I pray you, at once…  
-And the Lord said to Moses: Gather to me seventy men of the elders of Israel… They shall carry the burden of the people with you, so you won’t carry it yourself alone. [Numbers 11:11-17]

Jethro gave good advice. Reasons:

- Moses could not possibly answer every question: No time, no energy.  
- Sharing power is always a good idea.  
- Jewish law is never to judge alone. The Midrash says:

  May a Jew who has been appointed rabbi or judge of the community administer justice alone? Thus have our rabbis learned: Do not judge alone, for there is only One who judges alone. [Deuteronomy R. 1:10]  

But wasn’t this a unique case, to which unique rules may apply?  

- Major commentaries approve. Mechilta: Jethro had seven names. One of them was “Yeter”, meaning “added”. Because of the good advice he gave Moses on delegating authority, an extra portion was added to the Torah (Ex. 18:21ff).

Jethro gave bad advice. Reasons:

- Moses did not consult God for advice, just Jethro. If God wanted Moses to do less work, He would have given him a way. God was clearly in charge, even of the details.  
- Yet Moses asks only the people if it’s OK with them, not God!  
  - Why did they accept? Sifri: Because they felt they could bribe or sway a judge, but not Moses.  
    The people decided the matter for their benefit. .. They were saying [to themselves], “Many judges will now be appointed over us; if one does not know us, we shall bring him a gift, and he will show us favor.” [Sifri (Midrash), also quoted by Rashi]
-Wrong time: The idea of training people to take over after Moses was gone was sound, but the people wanted a judiciary system installed right away, and this was a mistake.

-Jethro was an idolater, an outsider. (Although he later converted.)
-Should advice be accepted no matter what the source?

-Jethro himself tells Moses to heed his advice “if God commands you so”, but God never does.

-In the entire voluminous Written and Oral laws God gave to Moses (later), there was nothing about Moses delegating authority.

-All the laws were new. Only Moses properly understood them, through the Oral Law.

-It may have gone against Moses’ personal inclination.
-He did not think of it himself.

-It prevented people direct access to the greatest prophet in Israel, Moses – an encounter they would remember their entire life and act accordingly.

-Sifri:

The people should have told Moses: "Moses, our teacher, from whom is it better to learn, from you or from your student? Isn't it better to learn from you?" [Sifri (Midrash), also quoted by Rashi]

-Sfat Emet: Would the people have responded to the report of the spies with such bitter tears had they not been insulated from the teaching and training of Moses?... The result was a stunted spiritual growth. [Sfat Emet, 19th-century Hassidic rabbi].

-Rabbi Sherman: Moses presented [Jethro's] proposal to the Jews and they answered,

"The thing that you have proposed to do is good." [Deut. 1:14]

An intelligent answer, surely. But it was one of those unintentional sins that would bear poisoned fruit for thousands of years to come. [Artscroll commentary on Megillat Eichah (Lamentations) by Rabbi Nosson Sherman, p xxxvi]

-Many people have reported that their lives were changed by a brief encounter with a great sage
-Modern example: The last Lubavitcher rebbe,
-God wants Jews to address Him directly, not through a hierarchy of priests and judges.

-Can’t find people like Moses, with all seven required attributes:
  -Able men, such as fear God, men of truth, hating unjust gain [Exodus];
  -Wise and understanding men, full of knowledge [Deuteronomy].

Midrash:
And why are not all seven [required qualities] stated together? To tell us that if men possessing all seven qualities are not available then those possessing four are selected; and if such are not available, then those possessing three qualities are selected; and if even these are not available then those possessing one quality are selected, for so it is written, “A woman of valor who can find?” (Prov. 31:10) [Deuteronomy R. 1:10]

-What are the “great” matters (left to Moses) and the “small” matters (left to judges)? Not defined.
  -Judges would be tempted to improvise, to leave their mark, rather than defer to Moses.
  -Different judges may give different answers to a question.

-Instead of asking God to lighten his burden, Moses should have asked God for the strength to bear it.
  -Another reason why he was not allowed in the Promised Land?

Conclusion
Both sides are right.
-Granted, Moses could not physically do it all, but he should have increased personal interaction with common people.
-Delegating some authority is good, but this was the wrong time to do it in such a massive, formal way.

When is the right time and what is the proper balance?