

What Would Yitro Say?
Parashat Yitro
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I've long been intrigued by the story at the very beginning of today's parashah. We read that Yitro, Moses' father-in-law, reunited with Moses and Tsiporah (Yitro's daughter), and their children in the Wilderness. Then—it must have been “Bring Your Father-in-law To Work Day”—he spent the next day observing Moses at work. All day long, Moses sat, from morning to night, judging disputes that came before him.

“What are you doing?” Yitro asked him.

Moses told him: “People come needing their disputes resolved; people come needing to know the law; and I give them the answers they need.”

“This is not the way,” Yitro tells him. “If you keep this up, you're going to exhaust yourself, and you won't be serving the people properly.”

“You must,” he says, “you simply *must* appoint additional judges—judges who will take the load off of you. This will help you do your job, and it will help your people as well. They'll be able to get justice quicker, with less effort, and *everyone* will benefit.”

This is so reasonable, isn't it? I've often reflected on this advice of Yitro. Someone I know thought for a while of becoming a consultant. He thought of calling his firm, “Yitro Associates,” because Yitro was perhaps the first organizational consultant—and the only one I know of in the Bible.

Usually, I think about Yitro's advice in terms of work-load distribution. I don't usually think about it in terms of its ethics. But there's an ethical dimension to it. Yitro isn't just interested in helping his son-in-law relax more. He's interested in furthering the place of Torah in Jewish life; he's interested in helping the Jewish People. He sees his advice as advancing the fundamental fairness and usefulness



of the legal system that Moses is instituting. He seems, instinctively, to know that justice delayed is justice denied.

That advice seems about as neutral as it could be. Yitro has no vested interest—as far as I can determine—with any particular outcome. He just wants to help his son-in-law, and his son-in-law’s people.

He knows that unless things change, Moses is going to burn out, and his people are going to become impatient. They simply must have more judges to judge their disputes.

Notice that Yitro urges Moses to appoint judges of tens, and fifties and hundreds and thousands. According to one recent article, this meant that thousands of judges were appointed

(http://www.myjewishlearning.com/texts/Bible/Weekly_Torah_Portion/yitro_bronfman.shtml?p=2 .) That’s an awful lot of judges—but then again, six hundred thousand Israelites were said to leave Egypt. Six hundred thousand Israelites can get into a lot of disputes.

Again, Yitro doesn’t seem to have any vested interests. He is not trying to move things in one direction or another: he just realizes that without judges judging, the work of resolving disputes, the work of interpreting the law, of applying the law --- the work of helping the society live by the law is not about to happen.

We can see a similar phenomenon occurring in our own country. We are fortunate. We already have a system of federal courts. We don’t just have a Supreme Court: we have district courts that hold trials, and we have appellate courts that hear appeals from district court rulings, and only after going through those two layers do disputes reach the Supreme Court. And yet, there are many, many vacancies in those courts. As I understand it, there are now 94 vacancies in federal courts in this country. 52 candidates are awaiting approval.

(<http://www.uscourts.gov/JudgesAndJudgeships/JudicialVacancies.aspx> .) An additional 19 vacancies are expected during the next two years.

So long as those vacancies remain unfilled, the work of the courts is slowed down. People are denied their rights. The law is less and less effective.

Just think if Moses would have resisted Yitro’s advice. Just think if one of the other Israelite leaders, such as Korach or Datan or Aviran—leaders who later in the Torah are revealed to have opinions different from those of Moses—had taken steps to thwart the implementation of Yitro’s advice. The Torah would have read

very differently, wouldn't it? We would probably have read of frustration, and disillusionment. Resisting Yitro's sound advice would have seemed contrary to the national interests of the Jewish people.

That's how I feel about efforts to stop the appointment of judges in this country. Such efforts seem—to me, at least—as so **un-civic-minded, so UN-YITRO-LIKE.**

By the way, blocking nominations of qualified candidates for judgeships for political reasons is not confined to one party or the other. (See: <http://blogs.wsj.com/washwire/2013/11/21/do-obama-nominees-face-stiffer-senate-opposition/> .) So this is hardly a partisan issue.

It is interesting: I was bothered by this issue for a while, but it wasn't until I realized that I knew one of the people who had been nominated but who was in limbo for a long time, that the issue became personalized for me. Many years ago, I taught at the Commonwealth School, and one of my students, Nina Pillard, went on to go to law school (we overlapped there) and become a law professor. She was nominated to become a judge seven months ago, and her nomination remained up in the air for about six months. Finally, she was confirmed in December. Somehow, knowing a real person behind the headlines personalized the impact of the gridlock, for me at least. (http://en.wikipedia.org/wiki/Nina_Pillard)

Each of us could write to our representatives and our senators, and urge that, when it comes to judicial appointments, we try to put civic duty above politics. Let's urge that the Senate come up with neutral, non-political criteria for determining judicial qualifications. They might want to start with the criteria employed by Yitro.

Let's urge that our representatives, and their colleagues, use those criteria, and the others that have been developed in the Jewish tradition by, among others, Maimonides (see attached study sheet), to choose worthy judges to resolve our disputes and determine the constitutionality of our laws.

Let's try to relieve the congestion in the courts, and thereby help our society be as effective at enforcing the law and infusing the law into our society as Moses, following Yitro's advice, was able to be.

Shabbat shalom.