

Parshat Yitro 5779

The giving of the Torah in this week's parasha is preceded by an intriguing interaction between Yitro and Moshe. First, Yitro 'hears' what G-d has done and goes to join the Jewish people. Then, he observes Moshe judging the people and offers up advice to him. There is a machloket between the Ramban and the Ibn Ezra as to whether these events actually happened before or after Matan Torah. The episode where Yitro advises Moshe on how to judge the people begins 'ויהי ממחרת'. According to Rashi, the word ממחרת - the day after, means the day after Moshe came down from Mount Sinai, which was Motzei Yom Kippur. This means that Yitro's advising of the people happens after Matan Torah, yet the Torah places it beforehand. This begs the question, why is the order switched? Why is the passage about Yitro so significant that it is placed right before Matan Torah?

To answer this, we must explore a deeper understanding of what Yitro's advice to Moshe actually was. After Yitro sees Moshe spending all day judging the people, he says it is 'not good' for Moshe to judge the people alone. Rabbi Sacks points out that the only other time the Torah uses the phrase 'לא טוב' is in Bereishit when G-d says it is 'not good for man to be alone' (after which point He creates woman). This illustrates that just as man cannot live alone, he also can't lead alone. The Netziv questions Yitro's final comments to Moshe, where he says that by splitting up Moshe's role and having numerous judges, 'all these people will reach their place in peace'. It is obvious why lightening his load will help Moshe, but why would it help the nation? The Netziv brings down a Gemara from Masechet Sanhedrin which asks whether compromise is better than strict judgement when judging a case. Rabbi Eliezer Ben Rabbi Yossi Hagalili explains that you can't mediate, you should 'let the law pierce the mountain'. This is how Moshe judged. Rabbi Yehoshua Ben Korcha explains that it's good to mediate, like Aron, who was a lover of peace. The law follows Rabbi Yehoshua. It is preferable to mediate, on the condition that the judge doesn't yet know who is right and who is wrong. If the judge knew the verdict beforehand, then a compromise would be unjust. Moshe preferred strict judgement. As the most proficient prophet ever to have lived, he knew immediately who was right and who was wrong. Therefore, there was no room to compromise, no time to even consider it. By recruiting other judges to help Moshe, it allowed room to

compromise and negotiate favourable outcomes for both parties. Therefore, by enlisting help, the nation would benefit from the less harsh judgement.

This idea explains a comment of the Kli Yakar. When an earlier pasuk describes the nation standing before Moshe whilst being judged, it says 'ויעמוד העם', but when Yitro asks Moshe what he is doing he says 'וכל העם נצב'. The Kli Yakar notes the change in language and explains that עמד is the language of standing before a judge whilst being judged whereas נצב is the language of standing before a judge after having been judged and arguing over the verdict. The Kli Yakar explains that the problem was that since there was only one of Moshe, when people were unhappy with their verdict they would stand and argue with Moshe, hence Yitro's use of the word נצב. According to the Kli Yakar, Yitro was criticising the fact that since Moshe was the only judge, when the people were unhappy they would all harangue Moshe. By having more judges the people wouldn't know who delivered their verdict and so wouldn't be able to complain. Perhaps we can use the previous idea to explain why the nation over Moshe. They couldn't handle his approach of strict judgement. It was precisely Moshe's greatness that meant there was no room for compromise, hence, by having other judges, who lacked Moshe's intuition it allowed room for compromise and negotiation. This way, Bnei Yisrael would reach their place in peace.

This episode is teaching a very significant lesson. No one, not even Moshe Rabbeinu could do everything alone. Before giving us the Torah, which in essence is a complex legal system this fundamental lesson has to be learnt. A system where too much responsibility is placed with one person will never work. The system of Halacha which exists today is one which mirrors Yitro's innovative structure. A halachic question is posed to a Rabbi of a community. If he is unsure he asks those senior to him. If they are unsure the question can go all the way to the gdolei hador, parallel to Moshe in the narrative. Before giving the Torah this system had to be in place thus whether or not this portion of the Torah is chronological, Yitro's advice had to be situated here.

Talia is studying at MMY seminary in Jerusalem. She has written this d'var torah to commemorate the first yearzeit of her great-uncle Benno Reich (Binyamin ben Mordechai Yehuda)