

Thinking Torah

By Rav Alex Israel – www.alexisrael.org

Parashat Yitro: Yitro's visit.

An entire chapter of our parsha is devoted to the visit of Moshe's father-in-law, Yitro. He is described as arriving suddenly, without warning, bringing with him Moshe's family who - unbeknown to us¹ - had been left in Midyan. He is welcomed by Moshe, and is given a full account of the Exodus story. Expressing astonishment at the incredible kindness that God has bestowed upon Israel, Yitro offers ceremonial *korbanot* (sacrifices) to God.

What follows is the famous story in which Yitro outlines an entire legal infrastructure for the fledgling Israelite society. Yitro, touring the camp, witnesses Moshe surrounded by a throng of tired people, all waiting for Moshe's attention. Apparently the people are standing in line to have a private hearing with Moses who will "seek the Lord" on their behalf. From the context it would appear that this phrase implies that Moshe is acting as Judge, arbitrator, informing the people of God's law for all the quibbles and disputes that arise in any society. Yitro suggests the employment of incorruptible individuals to act as judges in an elaborate system of legal courts. This arrangement would facilitate greater access to the law and a shorter waiting time. It would also relieve the immense workload from Moshe.

Chavruta Study

1. Read the chapter - Perek 18.
What questions come to mind?

2. The mepharshim all wonder as to the timing of this story. Is it before Matan Torah? After Matan Torah?

To understand the issues a little better - understanding the questions raised within the Torah text itself - look at the following sources:

a) Trace the positions of the Israelite camp by comparing 19:1 as opposed to 17:8. Then note where the camp is when Yitro arrives - 18:5. What does this imply as to the placing of the parsha?

b) See 18:27. How does this parsha end? Now see Bamidbar 10:29-32 - another story about Moshe and his father in law (although there he has a different name! According to Rashi - 18:1 - this is the selfsame Yitro.) The Bamidbar story happens in the second year of the Midbar in the 20th of Iyar (See Bamidbar 10:11.)

- How do the two stories fit together? What does this information tell us about the positioning of our parsha vis-a-vis Matan Torah?

For some answers, see :

* Rashi 18:13 (D"H *va'yehi mimochorat*).

¹ See Shemot 4:18-20 where it would seem that Moshe is leaving his father-in-law, but travelling to Egypt together with his family. Nowhere are we told that his wife had been "sent back home", until now! (See Rashi on 18:2 and also the Chizkuni.) Indeed the ambiguity here allows room for any number of theories. The Ibn Ezra offers three possible options in his Peirush Hakatzar. Note also, that this is not the only detail that is new to us in these pesukim. This is also the first time that we discover the identity of Moshe's second son (see 2:22 and 4:20).

What two options does he suggest? Which does he adopt? Why?

* Ramban on 18:1

* Ibn Ezra on 18:1 and Rashbam (much more concise (!) on 18:13)

Each commentator has a different way of understanding the chronology here. See if you can work out for each view:

* The basic thesis?

* Which verses / parshiot work better according to this theory?

* Which verses / parshiot work LESS well according to this view?

3. See also Devarim 1:9-18.

- What is the relationship between this story and the Yitro narrative?
- In each case who initiates the introduction of the "chiefs of thousands and chiefs of hundreds etc."?
- In each case, is the move to the new system born out of crisis or is it ideally conceived?

Shiur:

The episode of Yitro's visit is somewhat confusing. Yitro's arrival, his intense interest and emotional reaction at the miracles that were performed on Am Yisrael's behalf, and even his sound (albeit, relatively straightforward) advice, are all described at tremendous length and with painstaking detail. Why do we need to hear this story? What does it add to the narrative. After all, we have been dealing with a string of miraculous events: Death of the firstborn, splitting of the sea, Mara, manna, water from the rock, Amalek. The next in the chain would seem to Matan Torah and the revelation of Ma'amad Har Sinai. Why does the very ordinary story of Yitro interrupt the flow?

PART A – PARSHANUT

Please note that this section is an analysis of text and its problems. It will be infinitely more understandable if you have a chumash open in front of you.

It will be impossible to assess this event and this parsha, its significance in religious terms in the absence of a clear idea as to when it occurred. Is this story supposed to be an introduction to the Parsha of Matan Torah or a tailpiece to Yetziat Mitzrayim? Does this story "belong" here chronologically or was it "inserted" here artificially in order to make a point?! [This is a general methodological question within studying TaNaCH. We have to understand the connection between parshiot in order to understand the composite message that a book, or a wider story, is trying to convey. Here we must understand the context of the Yitro story. Then, we will look at its content to assess its message.]

The classic mepharshim are divided on the question of chronology. (If you have dealt with the chavruta questions, this will be familiar to you. If not, this discussion might get a little over technical!)

- For the Ramban, the entire chapter preceded Matan Torah.
- For the Ibn Ezra, these events transpire only after Matan Torah.
- Rashi provides a third opinion by dividing the parsha into two, placing Yitro's arrival in the lead up to Matan Torah; whereas he sees the story of the judges as post-Matan Torah.

Each opinion must take into account the following questions:

1. ORDER: The first issue is the positioning of the parsha within the order of the Torah. As the parshiot flow – IF Torah order follows Historical flow - then these events happened between the war of Amalek and the revelation at Sinai.

2. YITRO DEPARTS: The parsha (chap 18) ends with Yitro's departure. This presents a clash with a later episode (Bamidbar 11), which is dated a year after Matan Torah – in the 2nd month of the second year of the Wilderness. There, Am Yisrael are preparing to depart from Sinai, and an appeal is made by Moses to his father-in-law, to accompany the nation on their journey to the Promised Land. Thus, according to Bamidbar ch.11, Yitro is in the camp a year later. So what then, is the meaning of his departure in our chapter (Shemot 18)? Did Yitro indeed go home at the end of Shemot ch.18? Did he go home before Matan Torah? Then did he return? Why is he "back" a year later?

3. THE LAWS. In this parsha, a legal system is created. What law were they judging? If this is Pre-Matan Torah then what is the basis of Law? What was Moshe teaching the people if this story is pre-Torah?

These are just some of the issues at stake. Let us examine the primary arguments for each view amongst the Rishonim:

IBN EZRA : POST-REVELATION

The Ibn Ezra assumes that the entire chapter 18 occurred after the revelation at Sinai and after the construction of the Mishkan. He supports his theory with the parallel episode in Sefer Devarim. There, the appointment of "chiefs of thousands, chiefs of hundreds" (Devarim 1:15) occurs only AFTER the events of Matan Torah. This view has obvious advantages:

1. It identifies precisely what it was that Moshe told the nation when they came to "inquire of God: (18:15). For Moses to be teaching the "statutes of the Lord and his 'Torot'" (18:16) the Torah must have already been given.
2. Additionally, Yitro's sacrifice and the subsequent meal "before God" indicate the existence of a Mishkan!²
3. This view also explains the Parsha in Bamidbar. Yitro would seem to be around as B'nei Yisrael leave Har Sinai. This happens on the 20th of Iyar in the 2nd year of the Midbar. Did Yitro stay in the Israelite camp an entire year and then leave them? The Ibn Ezra claims that he arrived only AFTER Matan Torah and AFTER the construction of Mishkan. In that case Yitro's arrival was some time in Nissan or Iyar of the second year. "And it was the following day" (18:13) refers to his second day in the camp - the day he gave his advice - but his visit was short. He returned to his home shortly after his arrival turning down Moshe's offer to join them on their journey to Eretz Yisrael.

RAMBAN: PRE MATAN TORAH

The Ramban has two fundamental problems with the view of Ibn Ezra.

1. Why should we change the order of events different to the way in which the Torah is written? [Note that according to the Ramban, the Torah is ordered historically / chronologically. The Ramban maintains this view of a basic historical ordering of the Torah text with almost no exceptions.]

2. "And Yitro heard ... all that the Lord had done for Moshe and for Israel, how the Lord had brought Israel out of Egypt." (18:1) Yitro never mentions the miracles of Matan Torah! He talks about Pharaoh and the defeat of Egypt, but all the

references to Historical events are Exodus based. Matan Torah is not there.

For these reasons, the Ramban sees no rationale for assuming this parsha to be dated as later. It fits here! - before Sinai. This retains the integrity of the Torah's ordering system. It also explains why Yitro gets excited by the Exodus but not the Torah.

What of the parsha in Bamidbar? According to the Ramban, that was a second visit: "He went back to his land and later returned - maybe he went back to convert his family and he returned to Moses seeing that Har Sinai is not that distant from Midyan?"³

The Ramban has a few problems with the site of the camp - at "The mountain of the Lord" (18:5) when the Torah informs us that they reached Sinai only afterwards (see 19:1). His solution is to suggest that Yitro came to the Mountain of the Lord (Sinai) and from there sent word to Moses in the Israelite camp in Refidim. A little complicated but not overly convoluted.

Likewise, Ramban's understanding of Moshe's consultations with his people is enlightening:

"THE PEOPLE COME TO ME TO SEEK GOD: To pray for their sick, to find out the fate of items that they have lost, for this is the meaning of the phrase "seeking God" and this is true of all prophets (Shmuel I 9:9, etc.) ... and also (with Rivka), "And she went to seek God" (Bereshit 25:22). In addition, I judge them 'when they have a matter etc.' (18:17) and I also teach them the laws of the Torah, "I tell them the statutes of God and his laws.'(ibid.)" (Ramban on 18:15)

Moshe is not sitting in a judiciary role, but rather functioning on a much broader front, fielding a wide range of questions. The suggestion that Moshe was functional in a solely legal mode is difficult to accept. A nation has all manner of quibbles, problems, and matters of controversy that need adjudication or consultation. The fact that prophecy aims to provide answers to sickness, lost property and really, any problem that man faces is a refreshing one that lifts prophecy out of its heavy institutional context, setting it in a far more human environment, allowing it to function as the nexus point on earth between the everyday problems of man and God who is concerned with His people. Possibly, it gives further impact to the parallel (most eloquently expressed by Rav Soloveitchik in Lonely Man of Faith) that prayer (which deals with our everyday needs) is a reverse reflection of prophecy.

Nonetheless, according to this, are we to suggest that the Officers of Thousands, Hundreds etc. all had prophecy? Were they able to field these "prophetic" questions?⁴

³ An interesting question, according to this view, will be whether Yitro stayed for Matan Torah itself? The Ramban quotes a rather incredible Midrash which might give a very different tone to Yitro's departure pre-Matan Torah and his return afterwards. This Midrash indicated that his presence was not considered as desirable:

"...and in his joy he will not enjoin the stranger' (Mishlei/Proverbs 14:7) God said, 'My children were enslaved, building with bricks and mortar, and Yitro sat back in his house in peace. Now he wants to experience the joy of (the giving of) the Torah with my Children?' That is why "Moses sent away his father-in-law" (18:27), and immediately, "On the third month ... they arrived at Sinai." (19:1) " (Midrash Tanchuma Hayashan - Buber #11)

² No mention is made of the construction of an altar especially for the occasion. . The assumption is made by the Ibn Ezra that a working altar is already functioning in the Mishkan.

⁴ See the Netziv who seems to suggest a threefold role of Moses, and that the Judges only took on a segment of Moses' responsibilities.

Furthermore, if according to Ramban, the appointed leaders did serve in some Judicial manner as would appear from the storyline, for how long did they function? After all, not a few days later was Matan Torah and with the receipt of a new law, might they not have become redundant and unqualified? One wonders whether a quantum shift in the legal framework of the nation – on the level of Matan Torah – would not inevitably generate change. Certainly it would be strange to leave a system of amateur judges intact!

RASHI: A SPLIT PARSHA

Rashi's opinion is the most complex of all⁵. For him, the Chapter is split down the middle.

- The first section of the Parsha - Yitro's arrival (v.1-13) occurred at this point, pre-Matan-Torah.
- The second section - the judges and Yitro's advice (13-27) - occurred post-Matan Torah.

The phrase which is dreadfully problematic according to this approach is: "And it was the next day," (18:13) that would appear to refer to the day following Yitro's arrival. Rashi explains otherwise. Based on the Sifrei, Rashi explains that the "next day" is the day after Yom Kippur. Why Yom Kippur? – Because from the moment that the sin of the Golden Calf occurred, Moses was occupied in a hectic process of forgiveness and repair of the covenant. It is on Yom Kippur that Moshe returned with the word of atonement for the nation, the second tablets of stone, the mitzvot. This was the day that the Golden Calf furore was over, and life in the camp returned to some state of normality. (This would also explain the massive number of people in Moshe's waiting room. After all he had been busy with the aftermath of the Golden Calf sin for the past 3 months. A lot of time for quibbles and disagreements to happen.)

Where is Rashi coming from? He agrees with the Ramban as regards the first parsha: The Torah should follow the chronology of the sefer which has been historically consistent thus far. In addition the pesukim do not mention Har Sinai and Matan Torah, so it must pre-date those events. But, the problems begin with the Parsha where Moshe is judging the nation:

"IT WAS THE NEXT DAY: The day after Yom Kippur. Thus have we been taught in the Sifrei. What is "the next day"? It is the day following Moshe's descent from Mt. Sinai.

Before Matan Torah, one cannot talk of "I will inform them of God's statutes" (passuk 16), and from the time of Matan Torah until Yom Kippur Moshe did not sit to judge the people. (How so?) On the 17th of Tammuz Moshe descended the mountain (after 40 days and nights) and broke the tablets of stone. The

⁵ This is a frequent technique in Rashi. There are parshanim that follow a methodology that sees the textual flow as having its own integrity, treating it as an organic whole. For them, the text is linear and consistent. Rashi frequently will cut up a text, allowing different bits to be understood in different ways.

Another example in our parasha is in 20:15-18 which tell how B'nei Yisrael fled at the sound of God's voice.

At what point did this flight take place? The Ibn Ezra says that it happened after God had transmitted the Ten Commandments (God spoke all ten). The Ramban says that this happened before the speech of the Ten Commandments (hence, Moshe actually spoke all ten). But Rashi feels that this happened in the middle of the flow of the ten commandments: after the second command and before the third. This God spoke the first two and Moses spoke the last eight. Why does Rashi hold this complicated patchwork view? Maybe to match Midrashei Chazal (to which Rashi feels a very close responsibility.)

very next day he ascended the mountain at dawn and stayed there 80 days (praying for forgiveness) and descended on Yom Kippur. Thus, THE PARSHIOT HERE DO NOT FOLLOW A CHRONOLOGICAL ORDER." (Rashi on 18:13)

Rashi seems to base his opinion on two principles:

1. A preference for the (traditional) midrashic explanation.
2. Moshe cannot speak of teaching statutes and laws in the absence of a Torah.

PART B - THE MORAL OF THE STORY.

So much for the parshanut. We have described a complex clash of opinion amongst three of our most prominent Rishonim. But where does it lead us?

First let us say, that there is less to emphasise in the approach of the Ramban. After all, for him, this is the appropriate historical placing of these events. Since the Torah saw fit to relate them to us, here is the "natural" place to write them.

But for Rashi and more so for the Ibn Ezra, we must have a good explanation as to why these stories - which do NOT belong here historically - why these stories were written here of all places.

[This, by the way, is true for any situation in which a parsha is read non-chronologically. If the parshiot do not follow chronologically, they must be connected by some other technique. That technique might be a literary device, the technique might be a thematic, educational message, but there MUST BE an alternative ordering principle.]

In that case, why is the Yitro story sitting at this juncture between Yetziat Mitzrayim and Matan Torah?

A VERY "HUMAN" PARSHA?

One Observation might set our minds working here. The first half of the parsha - the story of Yitro's arrival - is a very human parsha. Yitro "hears". It is the impression that the reports of the Exodus have made upon his consciousness that lead him to visit the Israelite camp. The parsha is replete with expressions of Yitro's humanity. He comes simply as a father-in-law (a phrase which is repeated at least 12 times in the chapter), a family visitor. He "rejoices" at the full account of the salvation of Am Yisrael. (- or according to Rashi "feels a chill down his spine",) He blesses God and brings his own personal sacrifices in the camp of Israel. This is a personal story, a journey of realisation, of faith, of human emotion. Unlike all the parshiot that precede it, in this perek God does not act; man does!

The second section too, has a simplicity about it. It is a product of straight common sense, intuition, management skill. I wonder sometimes as to whether Yitro's advice really is so momentous. Would it be impossible for one of us to come up with a similar administration of justice? What was so great about Yitro's suggestions? No, Yitro's advice is exactly that. A level-headed piece of advice. It is quintessentially human. Again, it is not God who acts here but man.

HUMAN INITIATIVE. ANTITHESIS TO REVELATION.

And possibly this is precisely the key to our problem.

This parsha precedes Har Sinai because it is a direct contrast to Har Sinai. Yitro suggests a new way of organizing the system of the judiciary. The initiative is his. It is not God's. He suggests judges who are ordinary citizens. The aim? - for every individual to have maximum access to Torah.

This is a direct contrast to a world founded upon revelation. In a world of revelation, the source of truth is in the heavens. The prophet, Moses, has access to God he can transmit the divine message. But the people are merely pawns in the process. Yitro is a contrast to all this. Yitro is strident and confident in his ability and responsibility to change things under his own steam, his own thoughts, his own observation. He doesn't sit back and wait for God to issue a communication. He initiates.

This is not only the case in the Yitro's initiation of the Judicial system, it is true about the first half of the parsha too. How does Yitro come to a realisation that "Now I know that the Lord is greater than all gods"? (18:11) He comes to this realisation through hearing and listening. He did not personally experience Yetziat Mitzrayim. He undergoes a process of intellectual and emotional realisation by processing and responding to the information that he HEARS. When he comes to an understanding of God's power, it is due to the strength of his intellectual and emotional reasoning more than the experiences that his eyes have witnessed, and the impressive memories of his mind. It is a human process.

The contrast between Yitro's advice and the "revelation" that follows is stark and bold. After Sinai, one might well have an impression that revelation is the ONLY source of truth. One might posit that human thinking is weak, whimsical, inaccurate, unreliable. Once one has personally heard God speak, experienced the power, the truth of God, how can anything else compare? How can man innovate, tamper with, or even dare to apply divine law to human life? The divine law is supreme, perfect, overwhelming. There is no place for man.

Yitro tells us that some straight thinking has a place in the Torah. Human intellect has something to add, to contribute. Yitro's story teaches that not only Moses, the man who talks to God "face to face," will be able to analyse and prescribe God's law, but any and every upstanding, honest, God-fearing individual may do the same. The atmosphere is democratic, empowering and very human. All this gives a direct contrast to the immensely powerful, but imposing, overwhelming, even humiliating experience of Maamad Har Sinai -God's direct revelation.

"Why is he called Yitro (from the root YTR - to add)? because he added a parsha to the Torah" (Tanchuma 4)

"They say of Yitro that there was not a god that he had not served" (Mekilta Yitro)

"Yitro merited something that was denied to many personalities greater in stature than he: He added the parsha to the Torah which discovered and revealed a new wellspring of holiness. Not the wellspring whose source lies above, in the upper heavens, but rather that spring whose source lies deep down, in the inner chambers of the soul.

Moshe and Am Yisrael were unable to raise the concept of the appointment of the judges. It was beyond them, for they knew that it was not the practical legal process of practical Halakhic law that stood at the end of the long line that lead to Moses from morning to night, but rather - "for the people come to me TO SEEK GOD" - the desire to hear the fresh life-giving word of God from the source itself. ...Thus, not a soul proposed the plan that Yitro suggested.

It was specifically Yitro who was the man with the

confidence to stand up and proclaim that if it is impossible for the people of Israel to suckle from the Torah of Moses - the Torah of the heavens - then, we must seek out, and we will find, a wellspring of Torah in the depths of the human soul. It is possible to study Torah - the Torah of chiddush (innovation) - and to discover the divine word in the purity of the souls of the "capable men of truth" who emerge from the rank and file of the Jewish nation." (Rav Yaakov Medan. Daf Keshet vol.1 pg.387. Yeshivat Har Etzion)

Yitro's message is "*lo bashamayim hi*". As much as Ma'amad Har Sinai tells us that the Torah is "*min hashamayim*", Yitro's approach - which the Torah deliberately juxtaposes to the Siniatic revelation - tells us, "The Torah is not in heaven." It is given to man to understand, to philosophise, to categorise and create. Yitro's innovation opens the door for a Torah Sheb'al Peh which man has a part in. His judges must undergo that process of understanding and interpretation in order to try their cases. Yitro is the counterbalance to Ma'amad Har Sinai.

IN CONCLUSION

Yitro is a man who began in the world of idolatry. He is restless. He moved from god to god. It is in our parsha that he finally realises that Hakadosh Baruch Hu is the ultimate deity. His journey is represented by this parsha which was "added" to the Torah.

He reaches this point through his thoughts and mind. Through listening and thinking, he draws religious conclusions. Lest we say that since we were not at Mount Sinai, we did not experience revelation, how can we truly believe? How can we partake in the creation and formation of Torah? The Parsha of Yitro teaches us that the human mind, the human emotion is a most powerful tool in the world of truth and Avodat Hashem. We must receive the Torah, but at the same time, we may not become paralysed by revelation. This complex dialectic - more difficult in practice than in theory - is a product of the juxtaposition of the Parsha of human initiative and God's supreme revelation. May we be worthy to know the appropriate balance.

Shabbat Shalom.