

# CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

## WHAT DOES G-D THINK OF YITRO'S ADVICE?

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Rambam writes (Introduction to the Commentary on the Mishnah) that the tasks of a prophet in the name of G-d can be divided in twain. The first part is

שיתנבא בשם ה'

ויקרא ויזהיר על עבודתו

ויאמר שה' הוסיף על המצות מצוה או גרע מהם מצוה

מכל המצות שכלל אותם ספר התורה.

ואין הבדל בין שיוסיף ויגרע במקראות או שיוסיף ויגרע בפירוש המקובל,

*That he prophesy in the name of Hashem*

*declare and caution regarding His service*

*and say that Hashem added a mitzvah or subtracted a mitzvah from all the mitzvot included in the Torah.*

*It makes no difference whether this is done by adding or subtracting from the text*

*or rather by adding or subtracting from the received interpretation.*

Rambam declares that any **post-Mosaic** prophet making such claims is obviously false and should be executed. Post-Mosaic prophets are bound by the Mosaic verse that Torah "is not in Heaven ... rather the matter is very close to you, in your mouth and in your heart ...," which Rambam understands to refer to Written Torah (ironically *in your mouth* because recited) and Oral Torah (*in your heart* because derived intellectually). However, Mosheh Rabbeinu himself was continually adding mitzvot and interpreting prior mitzvot via prophecy. While Mosheh lived, the Torah was still in Heaven.

The second set of prophetic tasks is

שיקרא לעבודת ה' ויזהיר על תורתו,

ויצוה בני אדם על שמירת התורה בלי תוספת ולא גרעון,

כמו שאמר אחרון הנביאים זכרו תורת משה עבדי ...

ויבטיח טובות לשומריה ועונש לעוברים עליה

כמו שעשו ישעיה וירמיה ויחזקאל וזולתם.

ויצוה צווים ויזהיר אזהרות שלא בעניני הדת,

כגון שיאמר הלחמו על עיר פלונית או אומה פלונית עכשיו,

כמו שצוה שמואל את שאול להלחם בעמלק אז.

או שיזהיר מלהרוג ...

*To call to the service of G-d and caution regarding His Torah, and to command people regarding observance of the Torah without addition or subtraction*

*as the last of the prophet said: Remember the Torah of Mosheh*

My servant ...

*and to guarantee good things to those who observe it and punishment to those who transgress it*

*as did Yeshayah and Yirimiyah and Yechezkel and others*

*and to command commands and caution cautions that are not about religious matters,*

*for example to say 'Make war on City X (or Nation X) now!'*

*as Shmuel commanded Shaul to make war against Amalek then, or to caution not to kill . . .*

Rambam may derive this expansive list from Mosheh's self-justification to Yitro in Shemot 18:15-16.

וַיֹּאמֶר מֹשֶׁה לְחֹתְנוֹ

כִּי־יָבֹא אֵלַי הָעָם לְדַרְשׁ אֶ־לֹהִים.

כִּי־יִהְיֶה לָהֶם דְּבַר בָּא אֵלַי

וְשִׁפְטֵתִי בֵּין אִישׁ וּבֵין רֵעֵהוּ

וְהוֹדַעְתִּי אֶת־חֻקֵּי הָאֱלֹהִים וְאֶת־תּוֹרֹתָיו.

*Mosheh said to his father-in-law:*

*Because the nation comes to me to lidrosh Elokim*

*When they have a matter – it comes to me*

*I will judge between a man and his fellow*

*I will make known the chukkei haElokim and His torot.*

We can read this as Mosheh as providing a long description of the single task of judging lawsuits (Rashbam), or read verse 16 as a detailed explanation of "lidrosh Elokim" from verse 15 (Shadal, HaKtav veHaKabbalah). But I suggest that Rambam read *lidrosh Elokim* as a separate phrase, which referred specifically to the prophetic statements that are not about religious matters, but rather about vital national policy questions. This reading is also adopted by Seforno:

הנשיאים וראשי הדור

הבאים על עסקי הרבים וסדרם באים אלי

בהכרח לדרוש אלהים,

כי על פי ה' יחנו (במדבר ט:כ).

*The nesi'im and the heads of the generation,  
who come regarding the affairs of the public and how to organize them,  
necessarily come to me,*

*because they encamped at the instruction of Hashem*

Ramban fundamentally agrees as to the meaning of *lidrosh Elokim*, but he provides a very different list of non-religious matters.

– כי יבא אלי העם לדרוש א-להים –

להתפלל על חוליהם ולהודיעם מה שיאבד להם,

כי זה יקרא 'דרישת אלהים'.

וכן יעשו עם הנביאים, כמו שאמר:

לפנים בישראל כה אמר האיש בלכתו לדרוש א-להים לכו ונלכה עד

הרואה (שמואל א ט:ט),

וק: ודרשת את ה' מאותו לאמר: האחיה מחלי זה (מלכים ב ח:ח) –

שיתפלל עליו וידיענו אם נשמעה תפלתו.

“Because the nation comes to me *lidrosh Elokim*” –

*to pray regarding their sicknesses and to make known what was lost to them,*

*because this is called drishat Elokim*

*and this is what they do with prophets, as Scripture says:*

Earlier in Israel a man would say this when he went *lidrosh*

Elokim: "Come, we'll go to the seer"

*so too: You will be doresh Elokim from him as follows: "Will*

*I survive this illness?"*

*meaning to pray for him and make known to him whether his prayer was heeded.*

For Ramban, Mosheh's time was not being taken up by vital national affairs of war and peace, but rather by quotidian pastoral tasks such as finding lost objects and praying for the sick.

Netziv denies that praying for the sick was a prophetic function; one went to the prophet to find out what would happen, not to change it. However, he admits that one might respond to a prophetic doom by praying, and thereby seeking to change it, as Chizkiyah successfully did when Yeshayah prophesied his death.

But I think the most radical reorientation of the phrase *lidrosh Elokim* is found in Keli Yakar and Or HaChayyim. They understand Mosheh as arguing to Yitro that it was necessary for him to sit as the sole judge, and inevitable that people would come to him regardless of how many other judges he appointed, because he judged on the basis of substantive rather than procedural truth. He was judging not on the basis of heuristic rules and eyewitnesses, but rather because G-d told him what had actually happened and what the just outcome was.

Mosheh thought that people would never give up the confidence and certainty that their case had been decided justly. But Yitro counterclaimed that people will give up a great many things to avoid standing in line.

It is easy to see Mosheh as idealistic in this reading, and Yitro as cynically realistic about human nature. But this seems to me incorrect. The real issue is that Mosheh did not realize that time is a cost, and that correct justice inefficiently administered actually imposes unjust costs on both parties. Rabbi Abraham Halbfinger of blessed memory taught me this over and over again with regard to the Boston Beit Din.

Or to take an illustration from a different context: sometimes it takes so long to look at replays that the game itself is damaged, even though the specific call is now made correctly.

Or in a different beit din context: Even if you eventually decide every case of Jewish status correctly, the psychological costs imposed on people whose status is meanwhile left in doubt, or who can never be certain that their case won't be reopened in the future, can be so great that they overwhelmingly outweigh marginal improvements in accuracy.

Perhaps we can suggest similarly that Ramban correctly understands what Mosheh means by *lidrosh Elokim*. But Yitro argues that Mosheh is shortchanging the nation by dealing with so many details, even though he deals with them better than any substitute could. The conceptual understanding of prophecy remains the same, but Mosheh now budgets much more of his time for national issues, as per Rambam and Seforno.

A more radical reading is that Mosheh in principle opposed the idea of *lo bashomayim bi*. That is to say, he did not understand that heteronomy is a cost, and that *tzalmei Elokim* should, to the extent possible, play a role in determining the rules they live by. Everything should be directly decided by G-d.

Yitro shakes Mosheh's worldview by pointing out that G-d had not told him what was going through the minds of the people waiting on line, or how they would react if the system changed. Perhaps He would not answer even if asked - G-d did not want to decide everything, at the cost of human responsibility and freedom. And indeed, Mosheh does not ask G-d before implementing Yitro's advice.