

# The Israel Koschitzky Virtual Beit Midrash

Parshat HaShavua  
Yeshivat Har Etzion

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This parasha series is dedicated  
in memory of Michael Jotkowitz, z"l.

## PARASHAT YITRO

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Dedicated in loving memory of Sol Okon, on the occasion of his yahrzeit.

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## YITRO

By Rav Yaakov Medan

### A. For what reason did Yitro visit the camp of Israel?

At the conclusion of the war against Amalek, Yitro comes to the Israelite camp. There are two ways of understanding his visit:

- a. The reason that he himself provides: the news of the Exodus (18:1). Yitro has a strong personal connection with the Exodus, since he is the father-in-law of Moshe, the savior of Israel. Therefore, he comes to the camp with Tzipora, Moshe's wife, and their two sons.
- b. The reason is left unstated, but it seems very likely, on the basis of the juxtaposition of the two episodes in the text, that as Amalek's neighbor and ally, Yitro comes to make peace with Israel after Amalek's defeat at Refidim.

While the beginning of the *parasha* presents the Exodus as the exclusive reason for Yitro's appearance, both reasons find expression in the Torah:

"Moshe told his father-in-law all that God had done to Pharaoh and to Egypt for the sake of Israel; all the tribulations that had come upon them on the way, and how God had saved them." (18:8)

"All that God had done to Pharaoh" – referring to the Exodus, while "all the tribulations that had come upon them on the way" – refers, as we understand it, to the war against Amalek.

Both possible explanations that Rashi provides for the expression, "*va-yichad Yitro*" (18:9), which appears no-where else in *Tanakh*, are correct. It expresses pleasure ("chedva") over the Exodus and Yitro's sense of partnership in the wonders of God's miracles, or alternatively (or at the same time) sorrow ("his flesh became covered with goose-bumps – '*chidudin*;' *Sanhedrin* 94a) over the defeat of his ally, Amalek. In his declaration of praise to God, Yitro gives thanks for the Exodus while ignoring Israel's victory over Amalek:

"Yitro said: Blessed is God Who has saved you from the hand of Egypt and from the hand of Pharaoh, Who has saved the nation from the hand of Egypt." (18:10)

When Yitro comes to offer a sacrifice to God, Moshe builds an altar for this purpose. To our understanding, this is the altar of "God is my banner (*Hashem nissi*)," over which Moshe proclaims God's war against Amalek for all generations (17:15).

## **B. "And it was, on the next day..."**

The episode of Amalek does not conclude with Yitro's appearance; it continues in the next verse:

"And it was, on the next day, that Moshe sat to judge the nation; the nation stood before Moshe from the morning until the evening" (18:13).

What were these lengthy legal procedures about?

It is possible that Moshe was occupied with the distribution of the booty from the war against Amalek (admittedly, I have found no midrashic source to support this possibility). Many years later, David was to set down most forcefully his rule as to a just allocation of the booty of the war against Amalek:

"Then all the evil and worthless men of the people who had gone with David said: 'Since they did not go with us, we shall not give them of the spoils that we have recovered; only to each man his wife and children, that they may lead them away and go.' Then David said: You shall not do so, my brethren, with that which God has given us – Who has preserved us and given the troops that came upon us into our hands. Who will obey you in this matter? Rather, the portion of he who goes down to

battle shall be the same as he who remains by the equipment; they shall share alike.' And it was so from that day onward, and it became a statute and law for Israel until this day." (*Shemuel I* 30:22-25)

David is not satisfied with a fair allocation of spoils among the soldiers:

"David came to Tziklag, and sent of the spoils to the elders of Yehuda, to his neighbors, saying: Behold, here is a blessing for you from the spoils of God's enemies." (*Shemuel I* 30:26)

The reason that David gives for the fair distribution of the booty from the war against Amalek is the same reason that the Torah provides for a fair allocation of water and manna (see last week's *shiur*): "That which God has given us."

Two separate laws, then, pertain to the war against Amalek. Both share the same foundation: "God is at war with Amalek" – the war against Amalek is God's war. Sometimes the booty is for God alone, sometimes it is shared equally among all of Israel.

This first law is realized in Shaul's war against Amalek:

"Now go and smite Amalek, and destroy utterly all that is theirs... including oxen and sheep, camels and donkeys" (*Shemuel I* 15:3)

Shaul sins in this regard; he sets aside the best of the sheep and cattle, and the prophet rebukes him:

"Why have you not listened to God's voice, diving upon the spoils and doing that which is evil in God's eyes?" (*Shemuel I* 15:19)

Likewise we find in the war against Arad, which Chazal maintain as having involved Amalek (Tanchuma Chukkat, 18. See also *Rashi Bamidbar* 21:1 and the proof from *Shoftim* 1:16):

"...They utterly destroyed them and their cities, and called the name of the place Chorma" (*Bamidbar* 21:3).

If the war against Amalek is God's war, then the spoils are His.

The second law is realized in David's war against Amalek. If the booty belongs to God (and there is no special command to destroy it all), then it must be allocated in the same way as the manna that descended from the heavens: "Gather of it each man

according to his eating" - a fair and equitable distribution, since we are all God's children and we are all equal in His eyes.

Similar to David's war was the war against Amalek in Refidim. On the day after the altar was established, Moshe sat in judgment to allocate the booty through "*chok u-mishpat*" – "statute and ordinance" (a concept discussed at length in last week's *shiur*). Just like David, Moshe faces a difficult task; his camp, too, includes "evil and worthless men." Moshe's father-in-law, witnessing his difficulty and the stress of the nation (and perhaps remembering Moshe's equitable allocation of the well-water among Yitro's daughters and the other shepherds, in Midyan), offers his suggestion as to appointing officers of thousands and officers of hundreds, officers of fifties and officers of tens.

### **C. Yitro's advice**

We have discussed thus far the news that reached Yitro and caused him to visit the Israelite camp. We mentioned the views of the *Tanna'im* – that Yitro heard about the Exodus and the splitting of the Red Sea (according to R. Eliezer), and/or that he heard about the war against Amalek (according to R. Yehoshua), and we examined the relevant verses. What both approaches agree upon is that this *parasha* appears in the correct chronological place; Yitro appeared at the Israelite camp in between the war against Amalek and the giving of the Torah.

But the Gemara records a third opinion:

"R. Eliezer ha-Modai says: "He heard about the giving of the Torah, and he came." (*Zevachim* 116a; *Mekhilta Yitro*)

According to this view, the entire episode of Yitro's visit is not recorded in its chronological place; it belongs after the giving of the Torah. The *Amoraim* and the commentators are divided on this issue. Ibn Ezra follows the opinion of R. Eliezer ha-Modai, explaining at length his claim that this episode actually took place later on. His main argument is that from Moshe's words in *Sefer Devarim*, when he recalls the appointment of the judges (*Devarim* 1:9-18), it appears that this happened after God told them, at Chorev, "You have dwelled for too long at this mountain; take yourselves off and go to the mountain of the Emori..." (*Devarim* 1:6-7), rather than before the giving of the Torah.

The difficulty inherent in this interpretation is the question of why the Torah then records the story of Yitro prior to the giving of the Torah. The commentators propose several different explanations; we shall not elaborate on them here. Still, it seems, the

difficulty is not solved. The Ramban maintains that the events here are indeed recorded in their chronological order.

In between Ramban and Ibn Ezra there is also an intermediate position: that of Abarbanel and of the Malbim, who divide the *parasha* into two parts (Rashi offers his own approach, likewise dividing the *parasha*). The first part (verses 1-23) takes place prior to the giving of the Torah, in accordance with the order of events in the Torah, and we read here of Yitro coming to the Israelite camp and then, the next day, advising Moshe to appoint judges. The second part (verses 24-27) takes place in the second year, before *Benei Yisrael* leave their encampment at Mount Sinai, and here Moshe heeds his father-in-law's advice and appoints judges for Israel. Indeed, this accords with the description in *Devarim* (1:9-18), where the appointment of the judges comes only after the nation has dwelled for some time at Chorev, and after they have been commanded to leave the mountain and journey towards *Eretz Yisrael*.

Still, this interpretation requires us to explain why Moshe postpones putting his father-in-law's advice into practice for a full year, and why he ultimately accepts it. We shall adopt the division of the *parasha* as proposed by Abarbanel and Malbim, adding support for their view from a comparison of the *parashiyot* in *Shemot* (chapter 18), in *Bamidbar* (chapter 11) and in *Devarim* (chapter 1). This comparison offers, to our view, conclusive proof in favor of their interpretation, upon which we shall base our sketch of what happened in the camp following Yitro's advice.

#### **D. "Officers of thousands" and the Seventy Elders**

The description of the appointment of judges in *Sefer Devarim* brings together, quite clearly, two different *parashiyot*. The first is the story of Yitro:

(*Shemot* 18): "You shall seek out from all the nation men of valor, who fear God; men of truth who hate monetary gain" (21)

(*Devarim* 1): "Give for yourselves men who are wise, understanding and knowing" (13)

(*Shemot* 18) "And make them heads over the people; officers of thousands and officers of hundreds and officers of fifties and officers of tens" (25)

(*Devarim* 1) "I shall make them heads over you; officers of thousands and officers of hundreds and officers of fifties and officers of tens" (15)

(*Shemot* 18) "Any difficult matter they shall bring to Moshe, but any simple matter they shall judge themselves" (26)

(*Devarim* 1) "That which is too difficult for you, shall you bring before me and I shall hear it" (17).

The second *parasha* that is connected to the description of the appointment of judges in *Devarim* discusses the appointment of the elders as leaders of the nation, at Kivrot Ha-ta'ava:

(*Bamidbar* 11) "I cannot bear alone all of this nation" (14)

(*Devarim* 1) "I cannot bear you alone" (9)

(*Bamidbar* 11) "Six hundred thousand foot-soldiers of the nation in whose midst I am" (21)

(*Devarim* 1) "The Lord your God has multiplied you, and behold, you are today like the stars of the heavens for multitude" (10)

(*Bamidbar* 11) "To place the burden of this entire nation upon me" (11)

(*Devarim* 1) "Your troubles and your burdens and your arguments" (12)

(*Bamidbar* 11) "Gather to Me seventy men from the elders of Israel, whom you know to be elders of the nation..." (16)

(*Devarim* 1) "I took the heads of your tribes" (15)

(*Bamidbar* 11) "...and their officers" (16)

(*Devarim* 1) "And officers for your tribes" (15)

The comparison with the appointment of the elders in Kivrot Ha-ta'ava also arises because of the location of this episode in *Sefer Devarim* – after the nation is commanded to journey from Chorev, and prior to the sin of the spies, and especially because of the juxtaposition, in both sources, to the sin of the spies. In light of this juxtaposition, the sin of the spies is viewed as part of the gradual erasing of Moshe's exclusive leadership.

The fact that the story in *Sefer Devarim* incorporates the two *parashiyot* within itself gives rise to the almost inescapable conclusion that these two *parashiyot* – i.e., the appointment of the judges in the wake of Yitro's advice (*Shemot* 18) and the

appointment of the elders at Kivrot Ha-ta'va (*Bamidbar* 11) are really two parts of the same story. In light of this assumption, let us try to recreate what happened.

Contrary to what the verses seem to suggest, to our view Moshe did not take his father-in-law's advice. Yitro, a priest of Midiyan, had no goal other than "*chok u-mishpat*" – and for this purpose officers of fifties or officers of tens would suffice. Moshe, on the other hand, is concerned with "when the people come to me to seek God" (18:15): it is preferable that the teaching of God's Torah to the nation should be done by Moshe himself, rather than through agents and emissaries. A little while later the nation moves to Har Sinai, where – in the shade of the *Shekhina* which rests upon them – tempers die down. In the camp that remained for about a year in the same place there were fewer problems, Moshe – as the nation's sole teacher – did not fail them, and they did not fail him.

The great downfall came in the second year. When the cloud lifted from about the *Mishkan*, the *Mishkan* was dismantled, *Benei Yisrael* journeyed from God's mountain, and God's Ark was a great distance from the camp. It was then that the tribulations of the journey set in: complaints about food were heard once again, as though *Bnei Yisrael* had learned nothing during their year-long stay at Mount Sinai.

Let us examine the complaint that leads to the plague and – for the purposes of our discussion – to Moshe's "breakdown," such that he declares:

"I cannot bear alone all of this nation, for it is too heavy for me. If You will do this to me, then kill me, please, if I have found favor in Your eyes; let me not see my wretchedness." (*Bamidbar* 11:14-15)

A literal reading of the text would indicate that the focus of the complaint concerned a demand for meat, since *Benei Yisrael* had had enough of the manna – "this miserable bread":

"To the nation you shall say: Sanctify yourselves for tomorrow for you shall eat meat, for you have cried to God saying, Who will feed us meat, for it was good for us in Egypt – so God will give you meat, and you shall eat." (*Bamidbar* 11:18)

But this presents a problem: if the entire sin of the nation consisted of asking for meat, why is God's reaction – and that of Moshe – so severe, and so different from the reaction to the request for meat in the wilderness of Sin (which Rashi admittedly also criticizes, but certainly not on the same scale as the reaction at Kivrot Ha-ta'ava):

"Bnei Yisrael said to them: Would that we had died by God's hand in the land of Egypt, when we dwelled at the flesh-pot" (16:3).

And besides – what is the difference between the quails that came upon the camp in the wilderness of Sin, and the quails that were forcibly driven by a heavenly wind to Kivrot ha-Ta'ava?

We discussed in last week's *shiur* how the problem with the manna was not its taste – which the Torah compares to "oil cakes" and "wafers with honey." The problem lay, rather, with the feeling of hunger that persisted even after eating it. Not all kinds of food give a feeling of satiety, even if a person eats a lot.

"He afflicted you and made you hungry, and He fed you the manna, which you had not known, nor had your forefathers known it" (*Devarim* 8:3).

The verses create the impression that the complaint concerned not only the change in food, but also the change in its quantity. Moshe was dumbfounded by the quantity of meat that would be required: "From whence shall I have meat to give to this entire nation?" (*Bamidbar* 11:13); "Shall sheep and cattle be slaughtered for them, that it may suffice for them?" (*Bamidbar* 11:22) – although he never expresses such surprise over the quails in the wilderness of Sin, nor over the manna that came down for them throughout forty years in the desert. From the verses it would appear that the quantity of meat here was indeed astounding: "until it came out of their noses" (*Bamidbar* 11:20); "A day's walk in one direction and a day's walk in the other direction, all around the camp, and about two hundred piled high. So the nation arose all of that day and all of that night, and all of the next day, and they gathered the quails" (*Bamidbar* 11:31-32).

But the best testimony as to the situation in the camp is offered in the textual description, "he who gathered least took ten '*chomarim*'" (*Bamidbar* 11:31-32). Aside from the extraordinary quantity, the verse also indicates that *Benei Yisrael* were not limited in the amount that they gathered – in accordance with their request. For two days and one night, the leaders of the "*asafsuf*" (*Bamidbar* 11:4) gathered, each limited only by his strength and his ability to shove his neighbor aside and grab for himself. The digestive tracts that had become accustomed to light food in restrained quantities suddenly ballooned with meat that was being guzzled without any restraint or consideration. The terrible plague was a natural consequence. No less terrible was the sight of the unbridled snatching and grabbing (compare *Melakhim* II 7).

Moshe, who had worked so hard for months on end for the spiritual rehabilitation of the nation following the episode of the Golden Calf, now saw his nation without



a *Mishkan* and without Torah. Mount Sinai and God's Ark were each at a three-day distance in opposing directions, and in the middle – for a distance of one day's journey in every direction, there was just meat, meat, and more meat. Above all of this, the most pathetic and degraded aspect of the nation was not the meat, but rather the plundering. All the rules that had been inculcated in *Parashat Beshalach* – "each man according to his eating"; "an *omer* per person, according to the number of your souls; each man shall take for those who are in his tent"; rules of fairness and uprightness, of consideration for others, of proper allocation of resources – all of these had now disappeared into thin air. The lessons of the war against Amalek and the test at Mara were similarly forgotten. Moshe is no longer prepared to continue alone; God places the leadership of the nation upon the shoulders of the Seventy Elders together with him – a sort of *Sanhedrin* in a Hall of Hewn Stone.

Then Moshe remembers the advice of his father-in-law, from a year previously. Alongside the large *Sanhedrin*, he also appoints smaller, regional courts, responsible only for their local areas, not for the entire nation: officers of thousands and officers of hundreds, officers of fifties and officers of tens, just as Yitro had advised.

Here there arises another issue, which was brought to my attention by my friend and colleague, R. Netanel Helfgot: Yitro mentions four characteristics that are necessary for judges: "men of valor," "who fear God," "men of truth," "who hate monetary gain." All of these are human traits of greatness. In *Parashat Devarim*, Moshe mentions three different characteristics: men who are wise, understanding, and knowledgeable. Rashi (*Devarim* 1:15) combines these sets of characteristics, and posits that the ideal judge possesses seven traits: the four mentioned in our *parasha* and the three in *Parashat Devarim*; he makes no distinction between them.

As mentioned, the four traits in our *parasha* are human traits of greatness. The three others – wisdom, understanding and being known – are related to the DIVINE SPIRIT, and therefore they are suited to the context of *parashat Beha'alotekha*, concerning Kivrot Ha-ta'ava. There God commands that seventy men be gathered (with no mention of any qualities), and promises that He will bestow some of the Divine spirit that rests upon Moshe on these Seventy Elders. Wisdom, understanding and knowledge are connected specifically to the Divine spirit, as many sources testify:

"Pharaoh said to his servants: Can we find a man such as this, in whom there is the SPIRIT OF GOD? Then Pharaoh said to Yosef: Since God has MADE KNOWN to you all of this, THERE IS NONE SO ASTUTE AND WISE AS YOU" (*Bereishit* 41:38-39)

"I have filled him with the SPIRIT OF GOD, with WISDOM AND UNDERSTANDING AND KNOWLEDGE, and all types of workmanship" (*Shemot* 31:3)

"The SPIRIT OF GOD shall rest upon him – A SPIRIT OF WISDOM AND UNDERSTANDING, a spirit of counsel and might, A SPIRIT OF KNOWLEDGE and fear of God." (*Yishayahu* 11:2)

"God founded the earth WITH WISDOM, He established the heavens WITH UNDERSTANDING. BY HIS KNOWLEDGE the depths were split asunder, and the clouds drip dew" (*Mishlei* 3:19-20)

"Were you party to the COUNCIL OF GOD, but keeping WISDOM to yourself? What do you know that we do not know; what do you UNDERSTAND that is not with us?" (*Iyov* 15:8-9)

The realization of the advice is juxtaposed, in the Torah, with the advice itself; it is mentioned close to the story of Yitro. But we have already proved from *Sefer Devarim* (1:9-18) that the appointment of the officers of thousands and officers of hundreds came with Bnei Yisrael's departure from Chorev. The exact timing was after Moshe declared, at Kivrot Ha-ta'ava, "I cannot bear alone all of this nation."

Still, there is a great discrepancy between the description in *Sefer Devarim* and the description in *Sefer Bamidbar*; this will occupy the final chapter of our discussion here.

## **E. The spies**

We have already expressed our view that, aside from the lusting for meat, the Torah emphasizes, with the departure from Mount Sinai, the disintegration of the rules of behavior in accordance with "*chok u-mishpat*." The Torah describes how the orderly nation, encamped with its flags and organized groupings around God's *Mishkan*, turned into a chaotic mob of meat plunderers, alongside the dismantled *Mishkan*. The Torah is cryptic here, with no explanation for the connection to the next, and greatest, descent – the story of the spies; the shame of Israel's refusal to go out and fight for the inheritance of their forefathers. *Sefer Bamidbar* does deal with the erosion of Moshe's leadership because of the sin of *Kivrot ha-Ta'ava* and his consequent request for a joint leadership, together with the Seventy Elders (we have already noted our view that he then appointed close to eighty thousand additional judges). The continuation of the story of the elders' appointment is the episode of Eldad and Meidad, who prophesy in the camp, causing Yehoshua to fear for Moshe's leadership. If the reader stops for a

moment to question the justification for Yehoshua's seemingly exaggerated zealousness, the discussion between Miriam and Aharon at Chatzerot comes to prove to what extent Yehoshua was correct:

"Did God then only speak with Moshe; did He not also speak with us?"  
(*Bamidbar* 12:2)

With the bestowing of the Divine spirit upon the collective leadership, there is a gnawing away at Moshe's control, but the Torah does not explicitly connect this with the next *parasha*, that of the spies.

In *Sefer Devarim*, the connection is clearer. The appointment of the judges and the diminishing of Moshe's leadership are what lead to the nation's initiative, "Let us send men before us" (*Devarim* 1:22), and to Moshe being drawn after them. In contrast to previous occasions, where *Benei Yisrael* only complained about having left Egypt, here they openly declare rebellion: "Let us appoint a head and return to Egypt!" (*Bamidbar* 14:4)

Which brings us back to one of the fundamental points in last week's *shiur*: "If you have been dishonest in measurements and weights, beware of the enemy's advances" (*Rashi Devarim* 25:17).

The story of Amalek is juxtaposed with the *parasha* dealing with measurements and weights, just as the *parashat* of *Mei Masa u-Meriva* at Refidim is juxtaposed with the war against Amalek. Already there, Moshe passed before the nation together with the Seventy Elders, as happened later at Kivrot Ha-ta'ava (17:5). Already there, in that war, he did not stand at the head of the fighting forces, but sent Yehoshua. When the sin repeated itself at Kivrot Ha-ta'ava, the Seventy Elders already became fixed positions. Military initiative passed to the hands of the twelve princes of the tribes. And there we see a preview of what was to happen many years later, in Shaul's war against Amalek: from a motley crew of plunderers there can emerge no worthy military force to conquer the land.

And that day was Tish'a B'Av (*Mishna Ta'anit* 26b).

In our *shiur* on *parashat Teruma* we shall hopefully pursue this subject a little further.

Translated by Kaeren Fish