

PARSHAS DEVARIM - NO NEED FOR SENATE HEARINGS

by Rabbi Yitzchok Adlerstein

No Need For Senate Hearings¹

Provide for yourselves wise and understanding men and known to your tribes, and I will establish them as your heads.

We have come to expect subtle differences between the original presentations of stories in the first four Chumashim and Moshe's retelling of them in the last forty days of his life as recorded in Devarim. The job descriptions for judges offered by Yisro and Moshe, however, appear to clash fundamentally. They seem to talk right past each other, laying down completely different requirements.

When Yisro proposed to Moshe that he ought to delegate some of his judicial responsibilities to helpers, Yisro went the extra mile. He specified as well what qualified a candidate for appointment to the bench: "Men of accomplishment, G-d fearing people, men of truth, people who despise money." [2] This is very different from what we find in our pasuk.

With a bit of insight, we can show that the lists are really identical. They use different phraseology to refer to the same virtues and strengths. Yisro's "accomplishment," is explained by Moshe's "wise and understanding men." Whereas Yisro speaks of judges who are G-d fearing, men of truth, and despising profit, Moshe crunches those descriptors down into people "known to your tribes." Presumably, what is "known" to the tribes is that certain people possessed the qualities that Yisro made explicit.

In other words, each of the two lists fleshes out certain qualifications while telescoping others. In effect, both Yisro and Moshe underscored the importance of some qualifications through more lengthy treatment, while minimizing others.

The choices they made are remarkable. When Yisro presented his plan to Moshe, he knew that judges needed to possess intellectual or academic gifts in order to properly apply the law. He referred to them only obliquely as "accomplishment." He lavished more attention on the inner qualities of character that judges needed to arrive at the truth. He knew that his son-in-law would agree that they should be focusing their attention on those traits, which would be harder to find. They knew that they would have no problem finding people with the proper intellectual training, and weighing their "accomplishment."

In our pasuk, however, Moshe addressed the people. He knew that in the popular mind, judges should be picked for their intellectual sharpness. He therefore accentuated wisdom and understanding. He then surprised them by essentially saying, "I need your help with this. I could easily find the best and brightest minds by speaking with them and testing them. But I want something more. I insist on accepting candidates whose qualifications are not readily measured by a stranger. Our judges need to be paragons of moral development and virtue. Only people close to them can know them well enough to recommend them. I therefore ask you to 'provide for yourselves' the proper candidates from those who are 'known to your tribes.' They should be known to possess the selfsame qualities that Yisro spoke about earlier."

Moshe does add a cautionary note. He tells Bnei Yisrael that while they would identify the candidates, Moshe's establishing them as heads would remove the appointments from their control. Their authority would become ex officio; people would have to respect and obey them. The people would have a hand in selecting those who wielded power, but would have to recognize authority as well - as so often is true in Torah life.

Inglorious Warriors³

You shall not provoke them, for I shall not give you of their land even the right to set foot, for as an inheritance to Esav have I given Har Seir.

This is not the typical charge to the troops before battle, where the general fires them up and tells them that they can rip the enemy to shreds. It is also not a hold-your-fire, we-have-an-arrangement-with-them speech. Rather, this pre-battle advisory taught Bnei Yisrael something about exercising military might.

Later on, the Torah will comment on the lines and boundaries we draw on maps in one short phrase: "When the Most High gave the nations their inheritance."^[4] The apportioning of the globe into different countries and spheres of influence is neither random nor the consequence of power struggles alone. Each nation receives its due through Divine Providence. What belongs to them must be respected. This is especially true in the case of the descendants of Lot and Esav, whose relationship with Avraham won them privilege.

About to enter a land of their own, Bnei Yisrael were ready to join the community of nations - at least the way the others define it. HKBH tells them His expectations for this role. They are to respect the rightful possessions of other nations, including their right to live in security without fear of a military force poised to run them over simply for the purpose of conquest. Bnei Yisrael would be strong in battle, having Hashem on their side. But they would use their might for one purpose only - to acquire and safeguard the land promised to them from the very beginnings of time.