

The Torah tells us that Moshe put in extremely long hours trying to counsel, judge and mediate between litigants.

(שמות יח יג)

ויהי ממחרת וישב משה לשפט את־העם ויעמד העם על־משה מן־הבקר עד־הערב

What sort of cases did Moses judge? There is a dispute among commentators as to whether the next morning, ממחרת, refers to the day after Yom Kippur when Moses descended Mount Sinai with the second set of Tablets, לוחות הברית, or whether Yitro arrived before מתן תורה and this story preceded the events at Sinai. If the story took place after מתן תורה, Moses would have the full set of laws to work with. If it was prior to מתן תורה, he would have had a more limited set of laws to work with, as Rashi (שמות טו כה) quotes מסכת סנהדרין that the people were given a subset of laws at מרה. But clearly, Yitro observed Moses judging the people. He immediately recognized that Moses was setting himself up for failure. Moses acting as individual and single judge was unsustainable.

ויאמר חתן משה אליו לא־טוב הדבר אשר אתה עשה נבל תבל גם־אתה גם־העם הזה אשר עמך כִּי־
כבד ממך הדבר לא־תוכל עשהו לבדך

The difficulties in managing litigants and trying to judge fairly would require all of Moses' resources and time. Yitro recognized that Moses had another, more important responsibility. His most important role was not Moses our judge, but Moses our teacher. If Moses dedicated his time to judging the people, when would he find the time or the strength to teach the people Gd's Torah?

Yitro had an insight into the problem Moses was facing even though Moses himself did not recognize the situation. Yitro's recommendation would allow Moses to remain connected to the people by taking on the difficult cases that the appointees were unable to handle. Yet it would make him available for his primary role of teacher and leader of the Jewish People. For it was imperative for Moses to teach the people Gd's laws and how to act appropriately in order that they merit to inherit the land.

אם את־הדבר הזה תעשה וצוך אלהים ויכלת עמד וגם כל־העם הזה על־מקמו יבא בשלום

Moses' role as teacher was emphasized at various incidents recorded in the Torah, including the golden calf and the incident at מריבה. When the people failed to

absorb the lessons and act according to the way Moses taught them for 40 years, Moses realized he failed. However Yitro's insight into Moses' role, and the need for him to dedicate himself completely to that role, was accurate

Yitro made it clear that his suggestion required Gd's approval and agreement. These events are retold in פרשת דברים, though Yitro's role is omitted, indicating that indeed this was Gd's intention all along. So what did Yitro add to the equation? In פרשת דברים, the Torah describes the qualifications required for the judges that will be appointed:

(דברים א יג)

הבו לכם אנשים חכמים ונבנים וידעים לשבטיכם ואשימם בראשיכם

If we compare this with the narrative from יתרו:

ואתה תחזה מכל־העם אנשי־חיל יראי אלהים אנשי אמת שנאי בצע ושמת עליהם שרי אלפים שרי מאות שרי חמשים ושרי עשרת

The qualifications specified are different than those in פרשת דברים. While a need to nominate wise and educated people to these positions makes sense, why did Yitro focus on the moral and incorruptibility requirements?

The Gemara says:

(שבת קלט א):

תניא, רבי יוסי בן אלישע אומר: אם ראית דור שצרות רבות באות עליו — צא ובדוק בדייני ישראל. שכל פורענות שבאה לעולם לא באה אלא בשביל דייני ישראל

Judges play an important role in any society. Without them or if they are corrupt, society cannot function, and anarchy ensues. For the Jewish People, it is even more fundamental. The land they are to inherit does not tolerate moral turpitude or societal corruption. The Judiciary must be above reproach, or the people will be exiled.

אמר רבי אליעזר בן מלאי משום ריש לקיש: מאי דכתיב "כי כפיכם נגאלו בדם ואצבעותיכם בעון, שפתותיכם דברו שקר לשונכם עולה תהגה" — "כי כפיכם נגואלו בדם" — אלו הדיינין. "ואצבעותיכם בעון" — אלו סופרי הדיינין. "שפתותיכם דברו שקר" — אלו עורכי הדיינין. "לשונכם עולה תהגה" — אלו בעלי דינין

The entire system justice, from judges through witnesses must be pure from corruption.

(פרקי אבות א ח):

יהודה בן טבאי אומר אל תעש עצמך כעורכי הדין. וכשיהיו בעלי דין עומדים לפניך, יהיו בעיניך כרשעים. וכשנפטרים מלפניך, יהיו בעיניך כזכאין, כשקבלו עליהם את הדין

The first part of the first chapter of Pirkei Avot focused on interpersonal advice how to act in order to live an ethical life. For instance, we are told עשה לך רב וקנה לך חבר. Yehuda Ben Tabay is the first to offer advice or requirements on how to ensure justice is followed. That requirement applies equally in the times of Moses and the Tanaim who lived around the period of the destruction of the second Temple. That is the lesson Yitro taught Moses. Gd's law is perfect, but human beings are not. Even the wisest and most outstanding of people can fall prey to various personal or societal vices. Chazal tell us that שונאי בצע was the most difficult quality to find among the prospective judges, Yitro's understanding of human frailties became an important input into the judicial selection process.

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