

## Sifre Devarim, Piska 13

Commentary to Deuteronomy 1:13

*Pick from each of your tribes men who are wise, discerning, and experienced, and I will appoint them as your heads.*

*Get for yourselves:* *Get* (קָבוּץ) always means *counsel* (עֲצָה), as in *Give* (קָבוּץ) *your counsel what we shall do* (2 Sam. 16:20), *Come* (הִבָּה), *let us deal wisely* (בְּתוֹחֵכֶמָה) *with them* (Ex. 1:10).

*Men:* Did you think it would say "women"? Why then does it say *men*? To indicate men who are experienced and many-sided [in their learning], men who are trustworthy and suitable.

*Wise:* With regard to this Arios asked Rabbi Yose, "Who is a *wise* man?" He replied to him, "Whoever maintains his learning." [Arios asked,] "But is this not a *discerning* person?" He replied to him, "[Persons who are] *discerning* has already been mentioned."

What is the difference between a wise person and a discerning person? A wise person resembles a rich money changer. When someone brings him [money] to examine he examines it, and when no one brings him [money] to examine he takes out his own and examines it. A discerning person resembles a poor money changer. When someone brings him [money] to examine he examines it, and when no one brings him [money] he sits waiting anxiously.

*Experienced* (יָדָעִים) *from each of your tribes:* That they be known (יָדָעִים) to you. For when each one wraps himself in his cloak and comes and sits before me, I do not know from which tribe he comes, but you recognize him, for you grew up among them. Therefore it says, *known to each of your tribes*, that they be known to you. Rabbi Simeon ben Gamaliel says: As soon as every court is seated (appointed), people complain about it, saying, "What makes so-and-so fit to be appointed, and what makes so-and-so unfit to be appointed?" Therefore it says, *known to each of your tribes*, that they be known to you.

*And I will appoint them as your heads:* One might think that Moses meant, "If you appoint them, they would be [legitimately] appointed; but if not, they would not be appointed." [Therefore] Scripture teaches, *I will appoint them as your heads*. If I appoint them, they are [legitimately] appointed, but if not, they are not appointed. One might think [that Moses meant], "If you place them in high positions, they would [legitimately] be in high positions, but if not, they would not be in high positions." [Therefore] Scripture teaches, *I will appoint them as your heads*. If I place them in high positions, they are in high positions, but if not, they are not in high positions.

Another interpretation [of And I will appoint them as your heads]: If you obey (שמר) your leaders, your heads will be guarded (שמור) [from harm]; but if not, your heads will not be guarded [from harm].

Another interpretation: Read not *I will appoint them (וְאֶשְׂיָמָם) as your heads*, but "their guilt (וְאֶשְׂמָם) is upon your heads." This teaches that Israel's guilt is upon the heads of their judges. As it says, *Now, O mortal, I have appointed you a watchman for the House of Israel; and whenever you hear a message from My mouth, you must transmit My warning to them. When I say to the wicked, "Wicked man, you shall die," but you have not spoken to warn the wicked man against his way, he, that wicked man, shall die for his sins, but I will demand a reckoning for his blood from you. But if you have warned the wicked man to turn back from his way, and he has not turned from his way, he shall die for his own sins, but you will have saved your life* (Ez. 33:7-9).