



## PARSHAS YISRO – KEITH GOLDSTEIN – “IS THE PEN MIGHTIER THAN THE WORD?”

(Based upon an idea in the sefer “Lehoros Noson” by Rabbi Noson Gestetner Zt”l )

As we know, in certain instances the Torah requires a document in order to effect a particular outcome, popular examples being a bill of marriage or divorce, a document to free a slave or a document to pass ownership of goods or land to another person. In those situations the spoken word will not suffice to achieve the desired objective. What however of the converse case where, commonly, the norm is the spoken word for the performance of a mitzvah, of an obligation or a safeguard against the commission of a transgression and a person uses writing instead of words? Examples of each category are the counting of the Omer or making a blessing before learning Torah, (according to Shulchan Aruch who holds that one does not make such a blessing on thought alone, but only if one speaks out what one is learning) a vow to perform or refrain from some action or the taking of an oath, such as an affidavit, for someone who is particular to avoid taking any oath, even one which is truthful.

We find that when Yisro had arrived in the wilderness, close to the Israelite camp he said to Moshe “I am your father-in-law, Yisro who has come to you together with your wife and your two sons with her.” Clearly the words were not uttered by Yisro personally because he had not yet arrived in the camp, as it says afterwards that Moshe went out to greet him. How then was the above statement made? Rashi explains that it was said by a messenger while Ramban says that the statement was made in a letter delivered to Moshe. The reason of the Ramban is that the statement was made in the first person, which is appropriate in a letter, but inappropriate to be uttered by a messenger, who would have used the third person, i.e. “your father-in-law Yisro has come to you etc.”

In truth the views expressed by Rashi and Ramban respectively reflect the views of Rabbi Elaazar and Rabbi Yehoshua in the Mechilta. Perhaps we can say that the cause of their disagreement is their respective views on the date of Yisro's arrival in the wilderness, namely that, according to Rabbi Yehoshua, he arrived before the giving of the Torah whereas, according to Rabbi Elaazar, he arrived after the giving of the Torah. We can say, as does the Chasam Sofer that before the giving of the Torah writing was always at least as strong as the spoken word, as a matter of logic, being something of permanence. Before the giving of the Torah it was not possible for a person to make a shaliach to perform an action for him. After the giving of the Torah it may be that where the Torah specifically states that a person has to utter something, writing will not suffice, because the Torah so decrees, or perhaps writing remains as at least a strong a medium as words, even then, and we do not infer such a decree. That question is the subject of fierce debate among the Poskim. Since, according to Rabbi Yehoshua, Yisro came to the wilderness before the giving of the Torah, he was able to send a letter, rather than a shaliach, while, according to Rabbi Elaazar, since he came after the giving of the Torah, he could send a shaliach, but not a letter, adopting the view that writing is not like speech.

The difficulty with that explanation is a statement of the Chasam Sofer that the whole question of a shaliach being considered the same as the persona of the one who sent him, and it must follow the significance of whether the written word is like the spoken word, can apply only when we are talking of the performance of a mitzvah or the carrying out of some act with a consequence such as marriage or divorce or the making of a kinyan. Seemingly, in the case of Yisro, there was no consequence to the message which he was passing to Moshe, which was simply relaying information. Also, we have yet to explain how, according to Rabbi Elaazar, the shaliach could speak in the first person.

The Targum Yehonasan explains the message which Yisro sent to Moshe as being that he had come to convert and become a Jew. It is a pre-requisite in halachah that a person wishing to become a proselyte must first state his intention so to do before the Beth Din will engage with him. Accordingly, such statement is something with a consequence and would have to be performed by the intending proselyte himself (or in writing according to the view that such counts as his words) or by his shaliach, who stands in his place, and for whom it is therefore quite appropriate to speak in the first person, just as attorneys under a power of attorney can sign in the name of the donor of the power.