

Parashat Miketz

A Higher Responsibility

"And the famine was heavy in the land. And it came to pass, when they had eaten up the grain which they had brought out of Egypt, that their father said to them: 'Go again, buy us a little food.'" (43:1-2)

Yaakov's casual, nonchalant language as he talks about going to "buy us a little food" in Egypt hides his fears, his deep terror in the face of the excruciating decision that he knows he must take. The family's food supply is depleting. Yaakov is fully aware how badly they need the grain, but he wants to avoid sending Binyamin. He therefore opens a conversation as if hoping that he can procure the grain without paying the awful price. Yaakov is reluctant and worried. He wants to refuse to allow Binyamin to make the trip to Egypt. They all know the facts. Yosef is gone, presumed dead. Shimon is incarcerated in Egypt. But the family cannot survive without grain. They have many mouths to feed. And the only way in which to procure food, and to free Shimon is to send Binyamin along to Egypt. But if anything befalls Binyamin, then the elderly and heart-broken Yaakov will surely die in his distress, in his deep sorrow. And the xenophobic Governor of Egypt is unpredictable to the extreme. One minute he is threatening and suspicious, the next moment, friendly and reassuring. Anything is possible. But the family grain supply is almost gone. What shall they eat?

The family is stuck. Yehudah is brave enough to present Yaakov with the zero-sum game:

"The man carefully warned us: You shall not see my face, unless your brother is with you. If you will send our brother with us, we will go down and buy thee food; but if you will not send him, we will not go down, for the man said unto us: You shall not see my face, unless your brother be with you." (43:3-5)

In other words, Yehudah says to his father. Please do not tell us to "buy a little food" in Egypt. Do not play with us. We are waiting exasperated, for you to give us the go ahead. It's all about Binyamin. Without Binyamin, there is no food!

But Yaakov is still unready to take the decision. He is still thinking about how things might have been different. Why did "fate" deal him the cards so cruelly?

"And Israel said: 'Why did you deal so cruelly with me, telling the man that you had a brother?' And they said: 'The man asked about ourselves, and regarding our home, saying: Is your father yet alive? Have you another brother? And we told him the answers of these questions; could we in any way know that he would say: Bring your brother down?'" (43:6-7)

Yaakov is expressing wishful thinking here, and the brothers defend themselves, reminding Yaakov that they are mere victims; - Had he been in their place, he would have said the same things! We might think of Yaakov's words here as him voicing his wishes aloud, a "therapy" of sorts, allowing Yaakov to process the issue yet another time. We see the restless turmoil in Yaakov's brain, his mental torture, his tormented mind. It would appear that Yaakov realises at this point that his back is against the wall. He is fully aware of the

answers to the questions which he himself has vocalised. But he is seeking reassurance rather than information, he is asking himself whether this is in fact the sole option, he is searching for a way out that he knows does not exist. He is building up the strength so that he may reluctantly take the grim, painful decision to allow Binyamin to leave and travel to Egypt, and to face unknown danger.

YEHUDAH FINDS A WAY

But he is still unready to take the dreadful decision. Until Yehudah speaks up:

"Yehudah said to his father, Israel: Send the boy in my care, and let us be on our way, that we may live and not die – you and we and our children. I myself will be surety for him; you may hold me responsible. If I do not bring him back to you and set him before you, I shall stand guilty forever. For we could have been there and back twice had we not dawdled." (43:8-9)

At this point, Yaakov decides. He gives permission for his sons – including Binyamin - to travel to Egypt. And here we reach the question. How did Yehudah persuade Yaakov? What in his words created the "tipping point?" What phrase found a place in Yaakov's heart? What was it that induced a change of decision?

When I look at Yehudah's argument here, I am rather perplexed. What does he add? He gives no reliable assurances. He simply says that he will take personal care of Binyamin, that he personally will vouch to keep him safe. It is true that when Binyamin is accused of the robbery of Joseph's cup, it is Yehudah who valiantly steps forward (44:18) and pleads desperately that Binyamin be spared. Yehudah is true to his word. He looks out for Binyamin.

But if we may examine his promise, we must understand that Yehudah had no real knowledge that he could carry through on his promise. If the Governor of Egypt had not been Yoseph, then Binyamin would certainly have been incarcerated in jail, and Yehudah would have had to return empty-handed and helpless to his father. He accepts that he would bear the sin, the guilt, "forever." But this would have hardly consoled his father. Yehudah's promise seems rather empty. How did it convince Yaakov?

I would like to offer a novel suggestion

THE LAWS OF THE SHEPHERD¹

Let us take a step back from the story for a few moments. Let us venture into the laws of shepherding. Parashat Mishpatim gives us the following law:

"If a man gives a donkey, an ox, a sheep or any other animal to his neighbour for safekeeping and it dies or is injured or is taken away while no one is looking, the issue between them will be settled by the taking of an oath before the Lord that the neighbour did not lay hands on the other person's property . . . **If it was torn to pieces by a wild animal, he shall bring the remains as evidence and he will not be required to pay for the torn animal.**" (Shemot 22: 10-13)

¹ The basis of my thinking on this topic comes from this article by Rabbi Sacks http://www.ou.org/index.php/ou/print_this/9129/

Here the Torah transcribes the laws of the guardian. If somebody deposits an article with me and it mysteriously goes missing, I can take an oath in Beit Din at the law courts, swearing that I am not culpable of taking the object for myself nor guilty of negligence. I can thereby claim my innocence and I am not obligated to pay for the lost object.

A shepherd has a special law in this regard. If a shepherd is given sheep to watch and one of the sheep is mauled by a wild animal, it is not by means of an oath that he may absolve himself of responsibility. Rather, he must bring evidence of the mauled animal, and thereby he "proves" the attack and his inability to defend the helpless animal against the predator. By producing the remains of the torn animal, he shows that he did not personally dispose or sell that animal, but that it was attacked and he bears no guilt.

By understanding this law of the shepherd, we understand more clearly a section of the story at the start of the Joseph saga.

"They took Joseph's coat, slaughtered a goat and dipped the coat in blood and sent the striped coat to their father and said: 'Look what we have found. Do you recognise it? Is this your son's robe or not?' Jacob recognised it and replied, 'It is my son's coat. A wild beast has devoured him. Joseph has been torn to pieces.' Jacob rent his clothes, put on sackcloth, and mourned his son for a long time. His sons and daughters tried to comfort him, but he refused to be comforted. He said, 'I will go down to the grave mourning for my son.'" (37: 34-35)

The brothers send the "evidence" to their father. They are using the code of the shepherd. Evidence of a mauling absolves the responsible party. By presentation of the bloody coat, Yaakov knows what the conclusion is: Joseph has been torn to pieces. Here the phraseology is exceptionally precise. The text in Mishpatim uses the phrase "*Im taroph yitareph*." Here too, Yaakov exclaims – "*taroph taraph Yoseph*." In other words, this is a direct application of the Torah's ethic of the shepherd. The brothers use this technique to acquit themselves absolutely of guilt for the fate of Joseph.

YAAKOV'S HIGHER ETHIC

But this is not Yaakov's personal ethic.

The brothers are not the first shepherds in the family. Their father Yaakov, was an experienced Shepherd under the most adverse conditions. Yaakov was employed by Lavan, certainly not a benevolent employer. And Yaakov had to contend with the same Shepherding problems of attacks by wild beasts and the like. It would appear, from Yaakov's own testimony, that he has a higher ethical standard than we have seen thus far. Yaakov, in an earlier parsha, flees from Aram, and Lavan's employment, as a result of his stealthy exit, Lavan calls into question Yaakov's honesty and integrity. In response to this ethical challenge, Yaakov professes to Lavan:

"These twenty years I have spent in your service, your ewes and she-goats never miscarried, nor did I feast on rams from your flock. That which was torn (*terepha*) by wild beasts, I did not bring to you; I bore the loss myself, you demanded it of me, whether snatched by day or snatched by night." (31: 39).

In other words, regarding the law of the Shepherd mentioned earlier that allows the Shepherd to absolve his personal responsibility in situations of helpless attack, Yaakov says that he never utilised this legal proviso. He always demanded a higher personal standard of responsibility, of integrity from

himself. He went beyond the call of duty – what Halakha in later times calls, *Lifnim Mishurat Hadin*. Yaakov as a shepherd always paid for animals that were mauled by predators as if he was personally responsible. Hence he reminds Lavan that throughout his 20 years of shepherding, he never brought a mauled animal to Lavan. And it was not because animals were not attacked. They certainly were. But Yaakov always absorbed the cost, adopting an ethic of responsibility in the widest sense possible.

YEHUDAH'S RESPONSIBILITY

And now, let us return to Yehudah's promise. We posed the question as to how Yehudah's words succeeded in persuading Yaakov. What did he add? And I do believe that we now have an answer. Pay close attention to the striking similarity between Yaakov's phraseology² here (in ch.31) and that of Yehudah:

31:39 *Anochi Achatena; Miyadi tevakshena*
43:9 *Anochi Aarvenu; Miyadi tevakshenu*

In other words, the brothers adopted the "standard" degree of personal responsibility of shepherding. But precisely through this "standard", they vindicated themselves of the bloodguilt for Joseph. Quite clearly, this degree of responsibility is insufficient to secure Binyamin's safety. If the brother's "lost" Joseph that way, then how can that same degree of guardianship suffice as they travel to foreign territory with Binyamin, Joseph's brother? No! If this is the extent of their trustworthiness, their reliability, Binyamin is not going!

But Yehudah understands this. He rises above the "regular" ethic of the shepherd, and adopts Yaakov's own, personal, stricter standard. He uses Yaakov's own words, indicating that he will engage in supreme efforts to safeguard Binyamin, measures that go beyond the call of duty and the standard rules of guardianship. When Yaakov hears his own high standard repeated back to him and senses that Yehudah understands that tighter security arrangements are called for, and a greater sense of dependability and faithfulness demanded, and that Yehudah is willing to shoulder that burden, it is at this point that he gives his permission to send Binyamin!

And hence, through listening carefully to the words of the Torah, and by understanding the jargon of the shepherd, we gain a critical key into the argument that allowed the story to progress a stage further to the eventual reconciliation between Joseph and his family.

Shabbat Shalom!

Written by Alex Israel 5767

² One may add a further interesting parallel between 31:39 "*Genuvti yom ugenuvti layla*," and "*gunov gunavti m'erez ha'ivrim*."