

# PSHUTO SHEL MIKRA

From the Teachings of Rav Yehuda Copperman zt"l

## PARSHAS MIKETZ

### The Subjective Element within Direct (Quoted) Speech

אָבֵל אֲשָׁמִים אֲנַחְנוּ עַל אַחֵינוּ אֲשֶׁר רָאִינוּ צָרַת נַפְשׁוֹ בְּהִתְחַנְּנוֹ אֵלֵינוּ וְלֹא שָׁמְעָנוּ:

*Indeed, we are guilty concerning our brother, for we saw his soul's anguish when he beseeched us and we did not listen. (Bereishit 42:21)*

### Reconciling Objective Truth with Subjective Feeling

So far, we have learned that direct (quoted) speech cannot be understood in exactly the same way as the Torah's "own" words. A deeper level of the principle at work here is that direct speech contains two elements which, at first glance, are selfcontradictory. On the one hand, direct speech is personal and reflects a subjective feeling. On the other hand, everything that is written in the Torah, "from Hashem's 'Mouth' to Moshe's ear,"<sup>1</sup> is absolute, objective truth!

The resolution of this contradiction is the following principle; direct speech in the Torah reflects the absolute truth regarding the subjective feeling of the person. It does not, however, necessarily mean that Hashem agrees with that feeling. Thus, for example, we find that Elisha, upon seeing his *Rebbi*, Eliyahu, ascend to heaven, calls out (*Melachim II*, 2:14), "אֵיִה ה' אֱלֹקֵי אֵלֵיהוּ" — *Where is Hashem the God of Eliyahu?*" Elisha felt that it was appropriate to use the term "אֱלֹקֵי" with regard to Eliyahu, and not just in relation to the *Avot*. As we

<sup>1</sup> Ramban's introduction to his *peirush* on the Torah.

know, Hashem “*paskened*” differently in this matter, for we may only use the term “אָלקי” with regard to the Avot. As R’ Eliyahu Mizrachi puts it (*Bereishit* 12:2, “He [Elisha] said it of his own understanding.” In other words, this was Elisha’s personal exclamation and not an objective assessment.

## The Brothers’ Admission of Guilt

In our *parshah*, we find two responses on the part of the brothers to the events which befall them.

The first instance is when the brothers are accused of being spies, and Shimon is being held hostage until they bring Binyamin down to Mitzrayim. Even though twenty years had passed since they sold Yosef, his sale still remains firmly in their consciousness, either because their father has been in mourning this entire time, or (according to Rashi, based on Chazal) because they had decided to take advantage of their trip to Mitzrayim to also search for Yosef and bring him back to his father. It should come as no surprise, therefore, that when one of them is placed in jail and they are commanded to bring their younger brother from home, they begin to look for the cause of this distressing situation. They surely noticed that nothing even remotely similar happened to any of the other people who came to Mitzrayim to buy food! The brothers say (*Bereishit* 42:21):

אָבֵל אֲשָׁמִים אָנַחְנוּ עַל אֶחָיו אֲשֶׁר רָאִינוּ צָרַת נַפְשׁוֹ בְּהִתְחַנְּנוּ אֵלָינוּ וְלֹא שָׁמְעֵנוּ עַל כֵּן  
בָּאָה אֵלָינוּ הַצָּרָה הַזֹּאת:

*Indeed, we are guilty concerning our brother, for we saw his soul’s anguish when he beseeched us and we did not listen; therefore, this trouble has come upon us.*

## The Brothers’ Perspective

In the brothers’ words, we find a cause (“we are guilty”) and an effect (“therefore”). Everything is understood as happening *מדה כנגד מדה*, measure for measure. The *Seforno* (s.v. *be’hitchanenu*) explains the brothers’ thought process during their time of distress: “We were cruel to our brother even though we judged him to be a *rodef*;<sup>2</sup> nonetheless, we should have had compassion on him when he beseeched us. [Therefore,] corresponding to our display of cruelty, this man is now being cruel to us.”

We see here clearly that the brothers admit that they are guilty. However, at the same time, they are convinced that they acted correctly in terms of absolute justice! They are guilty only inasmuch as they did not act *lifnim mishurat hadin* — beyond the letter of the law. On what basis did they feel their *din* was correct? Earlier on (*Bereishit* 37:18, s.v. *vayitnaklu*), the *Seforno* explains:

*They felt in their hearts that Yosef was plotting to kill them and that he was approaching*

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2 As the *Seforno* explains elsewhere, see next paragraph.

them not to seek out their welfare, but to find some pretext for condemning them, or causing them to sin, in order that either their father should curse them, or that Hashem would punish them, leaving him alone as blessed among the sons. Here [the Torah] is informing us what caused them to act the way they did; given that they were all *tzaddikim gemurim*, how could they decide together to kill their brother or to sell him? For they imagined within their heart and thought that Yosef was seeking to take their souls, and the Torah tells us (Sanhedrin 72a), “When someone comes to kill you — kill him first.”

We have before us a unique situation involving the *Shevatim*, all of whom were “*tzaddikim gemurim*.” On the one hand, they acknowledge their guilt, for how else could they explain the difficult circumstances in which they find themselves? (It is also clear to them that, barring the sale of Yosef, they have no other significant wrongdoing.) And yet, we see that even here they do not express their regret over the actual sale, for in that regard they felt that they were correct. The only thing they feel that they did wrong was that they did not act *lifnim mishurat hadin* and have compassion on Yosef when he cried out to them.

## In Their Words

This brings us to the question of direct speech. On the one hand, their words, “Indeed we are guilty...when he beseeched us and we did not listen,” reflect the absolute Torah truth — regarding what the brothers thought! This does not necessarily mean that Hashem agrees with them. It is quite possible that in terms of *Beit Din Shel Maalah* they are “guilty” for having judged Yosef as a *rodef*! If this is the case, then the entire sale was wrong, not merely on the level of *lifnim mishurat hadin*, but on the level of *din* itself! It is easier for a person to see himself as “guilty” in terms of not going *lifnim mishurat hadin* than to see himself as guilty on the level of *din* itself. Even if one is forced to admit that he is “not *b’seder*,” it is still difficult to see oneself as a “*rasha*,” but not as difficult to see oneself as “not a *tzaddik*.”

The *Seforno’s* approach, that the brothers saw Yosef as a *rodef* and therefore felt that they were acting in self-defense, is based on his understanding of the words (*Bereishit* 37:18) “וַיִּתְנַכְלוּ אֹתוֹ לְהַמִּיתוֹ.” The root of the word “וַיִּתְנַכְלוּ” is “נכל,” which means “plotting.” Here, the word is used in the *hitpa’el* (reflexive) form, which represents what **the brothers thought** about Yosef (“אֹתוֹ”), namely, that he was plotting to kill them (“לְהַמִּיתוֹ”).<sup>3</sup> Here, too, we have the Torah’s testimony regarding what the brothers felt, but nowhere do we find **the Torah itself** saying that Yosef was plotting to kill them. This brings us back once again to their later words of “אָבְלֵ אֲשָׁמִים אֲנַחְנוּ,” where the Torah tells us in which respect they thought they were guilty. Had the Torah written, “Yosef beseeched them at the time of his soul’s distress, and they did not listen and were guilty,” this would have constituted the testimony of the Torah that their sin was on the level of *lifnim mishurat hadin*. And yet, we find no mention whatsoever of Yosef’s entreaties to the brothers in the *perek* (*Bereishit* 37) that describes the actual sale! This element of the story is only mentioned much later, and even then, only through the quoted words of those who were involved.

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<sup>3</sup> We note that on a *pshat* level, the usage of the singular form — להמיתו — is difficult if the reference is to him trying to kill them.

## Recognizing Middah K'Neged Middah

The second time we find the brothers reacting to distressing circumstances, is when they are returning home after Shimon has been held hostage in Mitzrayim and find that their money has been returned to them together with the food. Once again, the brothers see a connection between these events and the sale of Yosef. The brother who has been held captive is none other than the one referred to in the pasuk (37:19) “אִישׁ אֶל אָחִיו — one to his brother” during the sale, i.e., Shimon. Moreover, the money now returned to them raises an association with the money they received from the sale. At this point they realize that their initial admission of guilt is not sufficient, and now the pasuk says (42:28):

וַיִּחְרְדוּ אִישׁ אֶל אָחִיו לְאמֹר מַה זֹאת עָשָׂה אֱלֹקִים לָנוּ:

*They turned trembling one to another and said, “What is this that God has done to us?”*

With these words they seem to be recognizing the fact that their sin was not actually on the level of *lifnim meshurat hadin*, but rather on the level of *din* itself, represented by the Name “Elokim.” The Seforno explains:

*What is it that (Hashem) has placed within this man's heart, given that he is a “ראַ אֱלֹקִים — a God-fearing person” (pasuk 18),<sup>4</sup> that he should do this (“זֹאת”) to us, to hold us captive as slaves when we first came to him, as they say later on (43:18) “וְלָקַחַת אֶתְנוּ לְעַבְדִּים” — and to take us as slaves.” This is clearly to repay us middah k'neged middah for selling our brother.<sup>5</sup> However, we did not do the sale out of any evil intent, it was only because we saw him as a rodef and deserving of death. And that we did not actually kill him was itself an act of kindness on our part, on account of him being our brother.<sup>6</sup>*

The feeling among the brothers was thus that there was some level of injustice in the *middah k'neged middah* regarding the sale of Yosef. They felt that punishment would be appropriate for an act that was bad both in content and in purpose. However, in their case, the sale of Yosef may have appeared bad on an external level, yet its goal was for the sake of a mitzvah — even as an act of *rachamim!* — for this was instead of him being killed as a *rodef*. Would it ever occur to us to punish a surgeon who amputates the limb of a dying person to save his life?

With these two episodes the Torah is showing us how even these great tzaddikim, whose

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4 For if he was not a *yerei Elokim*, but rather a *rasha*, then they would have invoked the principle of “הַכֹּל בְּיַד שָׁמַיִם” חוּץ מִירַאת שָׁמַיִם — everything is in the hands of Heaven except for the fear of Heaven,” that is, free will. See, similarly, the *Ohr HaChaim* earlier on (37:21), who writes that since man has *bechirah chofshit*, it would be possible for him to kill someone even if that person was not deserving of being killed.

5 With the word *זֹאת*, similar to the word *זֶה*, the brothers show that they can see the idea of *middah k'neged middah* here as a visible entity.

6 As if to say, we went so far as to act *lifnim mishurat hadin*; how then are we being punished now on a level of *din*?

names were engraved on the stones of the *bigdei kehunah*, both on the stones of the *Efod*,<sup>7</sup> as well as on the *Choshen Mishpat*,<sup>8</sup> are capable of avoiding recognizing exactly where they have gone wrong.

The words of the brothers are included within the *netzach* of Torah in the form of direct speech, and not as the words of the Torah itself, and thus there is no verification of whether Hashem agreed with them. Nevertheless, by having their names engraved on the stones of the *bigdei kehunah*, the Torah is affirming their ultimate status as *tzaddikim gemurim*, and establishing a way in which their descendants can partake of their *zechut* — *l'dorot!*

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7 “לְזָכְרוֹן לְפָנַי ה' תָּמִיד” — *as a constant remembrance before Hashem*” (*Shemot* 28:29), which the *Seforno* explains, “So that Hashem may remember their *zechut* (merit), and remember their children for peace in their *zechut*.”

8 *Ibid. pasuk* 30, where the *Seforno* explains that he (the *Kohen Gadol*) should daven for Yisrael that they should succeed in their *din*.