

# ***Small Tastings of Torah, Judaism and Spirituality***

**From Rav Binny Freedman**

**(Vayeshev)**

*Compromise: such a challenging word; ranging from the very noble, to the very naïve. How does one know, truly, when compromise is called for, and even laudable, and when, on the other hand, it is actually a tragic mistake?*

*In the military, compromise can be a dangerous thing, and orders, once received, must, out of necessity, be carried out to the letter. There is no room for variance. But sometimes, when orders contravene principals, following those orders may be an unacceptable compromise, and the challenge becomes how to know where the line one cannot cross actually lies.*

*In all the years I served in the Israeli army, I only once knowingly and willfully refused a direct order, because a commander of mine drew a line in the sand I was not willing to cross; it was a compromise I could not and would not accept.*

*For some reason, when I arrived at the Armored Corps Tank commanders' course, all the challenges I had faced till then were apparently not enough, and G-d must have decided to give me one more. As it turned out this one was a whopper, and it appeared in the visage of one eighteen-year-old baby-faced commander by the name of Avichai.*

*I had joined the army only after a couple of years of post-High School study, so by the time I got to Sergeants course I was already twenty-one, which may have been part of the reason this commander seemed to have issues with me, or maybe it was because I was the 'religious' guy with the kippah on his head, and Avichai, who had grown up on a religious kibbutz, had dropped his kippah somewhere deep into his locker, along with his tefillin and any other vestige of a religious upbringing. But whatever the reason, all the guys agreed that this sergeant had it in for me. Somehow, I was always being 'volunteered' for extra KP duty, or being spot checked for knowing the material or being on top of my maneuvers. Finally, one Friday, Avichai went too far.*

*We were stuck on base for Shabbat, and Friday was spent servicing and cleaning the tanks we had been training on all week. All day we cleaned out the shell casings, serviced, checked, and cleaned the machine guns, greased the tank treads, and completed the long checklist of items that would make each tank battle-worthy again after a week of maneuvers.*

*The sun was getting lower in the sky, and I took comfort in the fact that nothing could stop the sun from setting, and Shabbat was coming. In the Israeli army, there are no training maneuvers on Shabbat, only tasks related to actual military preparedness, so when you are in a course, everything pretty much stops on Shabbat, save for a little bit of guard duty. I was really looking forward to a nice long shower and a chance to catch up on sleep, of which one gets very little in sergeants' course, and it took me a while to realize all the other guys had finished up and I was the only one left on the tank platform, along with Sergeant Avichai.*

*Every time I thought we were done, he would come up with another seemingly critical task that would not let me go. The tanks were all done, Shabbat was fast approaching, and I was still stuck in the belly of my tank, checking and re-checking things we had finished hours early, and I finally started to realize that Avichai was trying to make some kind of point at my expense.*

*"Organize the tool bins (bins on the sides of the tank containing all the equipment for working on the tanks) and make sure they are done".*

*"Check that all the tread wheels have been greased."*

*"Let's run a spectronics (fire extinguishing system) test."*

*Now, in addition to the fact that all these tests and tasks had already been done that day, each one was a particularly tiring task. Checking the tread wheels meant crouching into the tank treads and finding the grease nozzle for each of fourteen tread wheels and being sure grease had poured out which showed they were fully greased.*

*And checking the tool bins meant climbing all the way back up on the tank, climbing in to turn on the 24-volt batteries and rotating the turret to allow each bin to be opened, one at a time.*

*But the dead give-a-way that he was just having 'fun' with me was the expression on his face, almost daring me to argue or complain, and taking obvious pleasure in the frustration that must have showed on my face.*

*Finally, with about fifteen minutes left till Shabbat, having finished the last of his sadistic orders, I jumped off the tank, ready to trot back up to the base and get showered. He waited till I jumped down, picked up my gun and turned towards the base and, timing it perfectly, and pretending to look the other way (as if not noticing that I wanted to head back to shower) yelled out:*

*"Binny! Check the battery in the driver's night vision equipment".*

*Now, this meant climbing back up onto the tank, turning the 24 volt back on, turning the turret aside where I could slide into the tiny driver's compartment, maneuvering myself into the seat and closing the hatch, and then releasing the night scope from its tied up spot, removing it from its encasement, opening the battery and flipping it over, then inserting the night scope into its proper slot in the hatch and seeing if the battery worked and whether the appropriate green light in the scope indicated it was functioning properly, after which I would have to reverse all these procedures before leaving the tank as it was meant to be left, all of which would take longer than the fifteen minutes I had left, not to mention the fact that I would be forced to enter Shabbat without a hot shower, covered in oil and grease.*

*Now recall that this boy was from a religious kibbutz, so I imagined he had to know when candle-lighting was, and that he was pushing the limits here. I turned back around prepared, finally, to argue with him and explain that I would not make Shabbat on time; I realized it would be a waste of time.*

*So, I simply looked at him and said:*

*"Lo' Yachol, ha'mefaked." "I can't do it sir." And then I turned and walked away.*

*It was at this point that he started screaming at me, demanding that I return and fulfill his orders, warning me I would be thrown out of the course, and asking me if I knew the consequences of disobeying a direct order. At which point I turned around, looked him square in the eye, and yelled back: "Me'tzapeh la'mishpat." "I look forward to the (court-martial) trial."*

*Interestingly enough, I never heard a subsequent word about that incident, and after that Avichai never bothered me again.*

*The question for me later on, was not whether it was the right thing to do; clearly there are principles one has to stick to and lines one cannot cross. The real question is how one knows when that point comes? How do we decide when to compromise, and when to hold the line?*

This week's portion, *Vayeshev*, may actually present us with the case par excellence of the compromise gone wrong, thus allowing us to consider the parameters for compromises in general.

The story of Joseph and his brothers is certainly one of, if not *the* saddest chapter in Jewish history. Indeed, this is actually the first instance of a transgression between a man and his fellow (***chet bein adam le'chaveiro***) ever to occur amongst Jews, which may explain why, nearly four thousand years later, we still struggle with what actually went wrong.

In fact, some commentaries suggest that on *Yom Kippur*, the two central sacrifices are meant to gain forgiveness for the two central sins in Jewish history: the calf (*par*) for the sin of the Golden calf, which marks the first instance the Jewish people transgress (or rebel) against G-d (***chet bein adam la'makom***), and the goat (*sair*) for the sin wherein the ten sons of Ya'acov dipped Joseph's technicolor coat in the blood of the goat in order to cover the heinous act of selling their own brother into slavery. One of the reasons there is so much to learn from this story is precisely because it is the first time such a transgression ever occurs in the Torah, which, as the **Vilna Gaon** suggests (in his *Even Sheleimah*), makes it the paradigm of such occurrences.

Thus, this is not just one more case of a Jew transgressing against his fellow Jew; it is actually the case study for such occurrences in general, and our ability to understand what went wrong, and particularly Jewish tradition's perception of the mistakes made here, may help us to better avoid such errors in the future.

Now, there are many different levels to this story, and in the past, we have taken the view most closely associated with the context of the story. But rabbinic tradition has a fascinating viewpoint which bears consideration.

The **S'forno** (*Bereishit* (Genesis) 37: 18), based on the *Midrash Rabbah* (*Bereishit Rabbah* 84:7) suggests that the brothers viewed Joseph as a *rodef*, which is the halachic (legal) definition of someone who is pursuing someone and threatening their life.

In such an instance (as, for example, if someone is chasing me with a knife, and I believe my life to be in danger) I am actually allowed to kill before being killed, in Jewish tradition. And while the question of how the brothers could come to such an erroneous conclusion is a difficult one and does not imply a halachic (legal) conclusion today, one could certainly understand the brothers' perception that Joseph's tale-bearing ways, and his favored position in their father's eyes as witness the gift of the special coat (*ke'tonet passim*) could lead them to believe that he was edging them out of the family.

In fact, it may be that the debate between Joseph and his brothers was about the future of the fledging Jewish idea, and that just as Abraham had to choose between Yitzchak and Yishmael, and Yitzchak had to choose between Ya'acov and Eisav, so too Ya'acov would soon choose between Joseph and his brothers.

And if history was any indication, whoever was forced out of the family, lost their relationship with Judaism and G-d, such as it were. And again, while **we cannot assume legal implications today**, certainly the brothers may have assumed that if a threat to one's physical existence allowed the taking of a life, then certainly when one's spiritual existence was threatened the same might apply.

All of which leads us to a fascinating question. Put aside how the brothers came to this conclusion, if they did assume this to be so, and consider for a moment the possibility that they actually believed they had a right to kill Joseph.

Indeed, the Midrash (based on *Bereishit* 37:19-20) suggests that it was actually Shimon and Levi (whose anger and violence we are familiar with from the story of Dinah's rape in last week's portion) who plotted to kill Joseph. And assuming again, that they believed (however mistakenly) they were justified in this action, and that it was not an act of passion, it is equally clear that not everyone agreed with them.

Indeed, of the eleven sons of Ya'acov (aside from Joseph), there were at least three who did not agree that Joseph should be killed.

Binyamin was simply a youngster and was not, apparently, present.

Re'uven, the eldest, clearly believed Joseph to be innocent, or at least not worthy of death, as he was the one to suggest that Joseph should not be killed immediately but thrown into a pit, in order to save him:

*"Va'yomer aleihem Re'uven al tishpechu' dam; hashlichu' o'to' el ha'bor ha'zeh asher 'bamidbar ve'yad al tishlechu' bo', le'ma'an hatzil oto' mi'yadam, le'hashivo' el aviv."*

*"And Re'uven said: "Don't spill his blood, throw him into this pit in the desert, and do not raise a hand against him", in order that he might save him from their hands, and return him to his father." (37:22)*

And Yehudah, who also did not want to kill Joseph, suggested instead in a moment forged in time forever, that they sell him to a passing Ishmaelite caravan:

*"Va'yomer Yehudah el echav: "Mah' betzah ki' na'harog et achinu, ve'chisinu' et damo'? Lechu' ve'nimkerenu' la'Yishmaelim ve'yadeinu' al tehi bo', ki' achinu besareinu' hu; va'yishmeu' echav."*

*"And Yehudah said to his brothers: "What profit is there in killing our brother and covering his blood? Go and sell him to the Ishmaelites and our hand will not be upon him, for he is our brother and our own flesh", and his brothers listened (to his words)." (37:26-27)*

And it is interesting to note that while Re'uven had in mind to save Joseph, he clearly did not succeed, because subsequent to his suggestion, Yehudah still had to convince them not to kill him, and they seemed to be struggling with the question of whether to actually kill him or leave him in the pit to die.(see 37: 24-26: the brothers actually sit down to eat lunch while Joseph languishes in the pit, which may mean they are so convinced of the correctness of their actions that they can actually sit down and eat lunch!)

So, it seems that the brother who is least culpable in this situation is Yehuda, who at least saves Joseph's life by affecting the compromise of selling him instead of killing him.

And yet, the Talmud (*Sanhedrin* 6b) specifically takes Yehuda to task, suggesting that whomsoever praises Yehuda for his 'compromise' is actually as good as cursing (or blaspheming) G-d!

And even more difficult is the fact that in the story that follows the selling of Joseph, Yehuda loses two of his sons, and his wife to an early death, and the Midrash learns from this story that:

*"Whoever begins a mitzvah and does not see it through (finish it) will bury his wife and children"*  
(Bereishit Rabbah 85:3)

On what grounds does Yehuda, in the eyes of the Midrash, merit such a severe punishment? Why is it that here and elsewhere, it is Yehuda who seems to bear the brunt of the blame for the tragic mistake of the selling of Joseph? After all, it is Yehuda who ultimately saves his life!

Indeed, Yehuda seems to affect the only compromise possible under the circumstances. Joseph maintains his innocence, and Re'uven wants to return him home, believing that he is not liable of death. But the brothers believe he is threatening their very existence and feel he should indeed be killed. So, Yehuda chooses the middle road, and compromises, neither killing him nor freeing him, instead selling him as a slave, where he will no longer be a threat, and neither will he be dead.

And if compromise is an ideal, then Yehuda should not be castigated, he should be praised!

Indeed, the Talmud (in the same discussion in *Sanhedrin* 6b) questions whether a judge should ideally do everything in his power to bring the parties to a compromise, or whether:

"Yikov ha'Din et ha'har!" "Let Justice split mountains!"

In other words, maybe a judge is compelled to rule according to the strict letter of the law, as that is the only path to true justice, leaving compromise as a less-than-ideal solution.

In response to this question, the Talmud rules quite clearly that a judge is obligated to do everything within his power to bring the parties to a compromise. Which leaves us with our question: what was so terrible about Yehuda's actions, if in the end he actually succeeds in arriving at a compromise the brothers accept?

**Rav Avigdor Nevehnsahl** in his *Sichot Le'Sefer Bereishit* shares an idea that has enormous ramifications not only regarding the lessons to be learned from the story of Joseph, but indeed for the tragic errors we may be making even today, nearly four thousand years later.

A compromise is a beautiful thing and is indeed lauded in Jewish tradition as bringing peace, and even G-d, into the world. But it depends upon how the compromise is reached. A compromise is only of value if it is reached with the agreement of all parties concerned. But when a judge imposes his own compromise which is not accepted by the litigants or even one of the litigants, then it is not really a compromise at all.

As an example, imagine that you buy a used car, and when it is delivered, you find that it has no engine. So you track down the seller, who claims that he made it clear the car had no engine. So you go to the judge, who decides to reach a compromise, and tells the seller to give you half an engine!

So that's not a compromise, that's an abomination! And that may well have been Yehuda's mistake. The brothers, who believe Joseph to be liable of death, are at least consistent: they insist Joseph should be killed.

Re'uven, who believes Joseph to be innocent, at least attempts to return him home to his father. But what does Yehuda believe? If indeed, he believes Joseph is liable then he should be put to death, just like Haman of Purim fame, who planned to destroy the Jewish people, though he had not yet actualized his plan.

If Yehuda believes Joseph is innocent, then he should set him free. But when Yehuda compromises by selling Joseph as a slave, his compromise is at Joseph's expense. If Joseph is innocent, and Yehuda believes this to be a possibility, how can he 'compromise' by allowing him to be sold into slavery?

Indeed, immediately after the selling of Joseph, the Torah tells us (38:1)

*"And Yehuda went down from amongst his brothers."*

And Rashi there points out that the brothers no longer view Yehuda as their leader, he has lost their respect, because they would have listened to him had he insisted that Joseph be returned to his father.

In other words, Yehuda's responsibility was to convince the brothers to set Joseph free. And perhaps the reason Jewish tradition takes Yehuda to task is because as terrible as the brothers' actions were, at least they were acting according to their principles and beliefs, however mistaken they may have been. But Yehuda, who was compromising with what he knew in his heart to be right, was making a mistake of much graver proportions.

When we ignore what we know deep in our hearts to be right, especially when we impose compromises that conflict with those ideals, at the expense of others, and even with disregard for their pain, then we are not bringing peace into the world, we are inviting destruction and anarchy. We are no longer spreading love and light; we are fomenting hatred and allowing darkness.

And of course, this is why, as heinous as Shimon and Levi's intentions were, they were not as vilified here for their actions as was Yehuda, because at least they were acting upon their beliefs, and behaving in a fashion consistent with their understanding.

It is, as a final point, interesting to note, that there is one way a judge can actually impose his own compromise even without the litigants' agreement, and that is when his compromise is only at his own expense.

Here too, the Talmud in Sanhedrin gives us the example of King David of whom it was said:

*"Va'yehi David oseh' tzedkah u'mishpat le'chol amo'."*

*"And (King) David would make righteousness (tzedakah) and justice (mishpat) for all his people."*  
(Samuel II 8:15)

And the Talmud explains that when judging a case where one of the litigants was poverty stricken, and the other wealthy, he would ignore his natural inclination to be merciful to the poor fellow, and find against him if the case so dictated, because that was the law, and justice had to be served. But once the verdict was given, he would often pay the poor fellow's debt out of his own pocket as an act of tzedakah.

And it is interesting, as Rav Avigdor points out, that this trait, this ability to affect a compromise at his own expense is actually something David inherits from none other than Yehuda!

Perhaps the greatness of Yehuda was his ability to learn from, and ultimately rectify his mistakes. Many years later, when Joseph is already the Viceroy of Egypt, and Binyamin is caught 'stealing' the royal goblet, Joseph (who as far as the brothers are concerned is an Egyptian) demands his imprisonment, which for all intents and purposes is a death (or at least a life) sentence. Yet, Binyamin correctly maintains his innocence. And Yehuda once again, in a replay of the tragic error of his youth stands forward to make the case. Only this time, the compromise Yehuda suggests is not at the expense of Binyamin, but at his own expense alone.

Twenty-two years later, Yehuda offers himself as a slave in place of Binyamin, and in that moment the future Royal line is born as Yehuda the outcast reclaims his place as the leader of the Jewish people.

In the end, true Kingship, and the nature of Royalty in Judaism is all about the willingness to take responsibility for one's subjects and people, and even for the world, under the most difficult of circumstances. And while there are lines we cannot cross, sometimes we have to be willing to pay the price for helping others not to cross them.

As individuals, we often struggle with this duality: where we need to compromise, such as in our relations with our fellow human beings and the opportunity to compromise at our own expense, we often stand on principle, refusing to budge. "*Let Justice split mountains!*" we say and refuse to initiate peace or to be flexible enough to allow someone else to save face.

And when we are faced with moments where we cannot, and perhaps even dare not compromise, we sometimes find it all too easy to give in, and ignore our principles, whether in our relationship with G-d or with fellow human beings, such as our ability to witness injustice in the world with no more than a sad expression or a sigh.

And this is not only true on an individual level, but it exists on a national level. If we are to learn anything from the tragedy of the brothers' selling of Joseph, it is that until we succeed in working together, we will end up working ourselves apart.

May we all be blessed with the strength of knowing when and where the "*Justice has to split mountains*", and when we need to overturn those mountains in order to find a compromise we can all, really all of us, live with, as individuals, and together as a people and a as world community.

Shabbat Shalom,

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