

Zera Shimshon

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Chapter XII: Vayechi (Gen. 47:28–50:26)

Essay 3. Jacob's selection of Joseph to arrange his burial

מדרש רבה "ויקרא לבנו ליוסף", למה לא קרא לא לראובן ולא ליהודה, וראובן הוא הבכור ויהודה הוא מלך, אלא בשביל שהיה ספק בידו לעשות, לפיכך "ויקרא לבנו ליוסף", ולפי שהשעה מסורה לו עכ"ל. והוא תמוה בהא דמסיים, לפיכך "ויקרא לבנו" וכו', הא בזה התחיל מתחלה. ועוד קשה למה נמן שתי טעמים, שהיה ספק בידו לעשות ושהשעה מסורה לו.

There is a **Midrash Rabbah**:

“And when the time approached for Israel to die, **he called to his son Joseph . . .**”¹ **Why didn't he call to Reuben and why not to Judah? Reuben was the firstborn, and Judah was the king. Rather, [he did not call them] because [Joseph] had the ability to do so [i.e., to fulfil his burial instructions], therefore “he called to his son Joseph.” Also, because the hour was given to [Joseph].**

- Midrash Rabbah 96:5

This Midrash is strange in its conclusion, “therefore, ‘he called for his son, for Joseph.’ ” It started with this question in the beginning, so why is it necessary to repeat the words? Also difficult is why did it give two reasons: he had the ability to do so, and that the hour was given to him.

ונראה שהמדרש בא לתרץ למה נמן מעלה זו ליוסף עתה שהוא בסוף ימיו שנתראה שמקיים גדולת יוסף על שאר אחיו שתהיה לעולם כף. והלא יהודה עתיד להיות מלך כמו שבבכורו יעקב עצמו "לא יסור שבט מיהודה", וראובן הוא הבכור שהרי לא אבד חלק בכורתו אלא לענין נחלת הארץ, כדאימא במדרש על פסוק "ויהי בשפן ישראל בארץ ההוא", בכורת ממון נטלה ממנו ולא נטלה ממנו בכורת יוחסין, שאפילו בשעת הקלקלה אין מיתסין אלא לראובן דכתיב "בני לאה בכור יעקב ראובן". ועוד שם, ראובן בכור לעיבור, בכור ללידה, בכור לבכורה, בכור לעבודה, בכור לתשובה, ואף בכור לבואה, דכתיב "תחלת דבריה" בהושע.

It seems that the Midrash came to explain why [Jacob] gave this privilege to Joseph now that he was at the end of his days. It appears that he established the greatness of Joseph

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¹ Gen. 47:29.

over his other brothers, and that it would be so always. But wasn't Judah destined to be a king, as Jacob himself blessed him, "The scepter shall not depart from Judah"²?

Also, Reuben was the firstborn, and didn't lose any portion of his birthright other than related to not receiving a double portion of the inheritance of the Land of Israel, as is brought in the Midrash on the verse, "While Israel stayed in that land, Reuben went and lay with Bilhah, his father's concubine; and Israel found out."³ The Midrash states:

The birthright in respect to monetary rights was taken from him, but the birthright in respect to genealogy was not taken from him, for even at the moment of corruption, one reckons only Reuben as the firstborn, as it is written, "Now, the sons of Jacob were twelve in number. The sons of Leah: Reuben, Jacob's firstborn, and Simeon, and Levi, and Judah, and Issachar, and Zebulun."⁴

- Gen. Rabbah 82:11

Also, it is written there:

Rabbi Yudan [said] in the name of Rabbi Acha: **Reuben was the first in conception, first in birth, first in birthright, first in inheritance, first in Temple service, first in repentance.** Rabbi Azarya said: **First for prophecy as well, as it is written: "[When] the L-rd first spoke to Hosea"**⁵ [which Rabbi Azarya had interpreted as "The L-rd spoke first to Hosea."]

- Gen. Rabbah 82:11

Thus, Jacob conferred on Joseph only a double portion with regard to the Land of Israel, but for all other purposes, Reuben was still the firstborn, with all other rights. The following Gemara confirms that Joseph received a double portion with regard to inheritance of the Land, as each of his sons received a full portion of the Land, but otherwise, his sons were only considered as half-tribes.

ובסוף פרק קמא דהוריות (דף ו') אמרינו "על שם אחיהם יקראו בנחלתם" לנחלה הוקשו ולא לדבר אחר. וכן פסק הרמב"ם (בפרק י"ג מהלכות שגגות), ושבת מנשה ואפרים אינם חשובים כשני שבטים לענין שגגת הוראת בית דין אלא שניהם שבט אחד עכ"ל. וזהו שמתמיה המדרש, למה לא קרא לא לראובן ולא ליהודה.

At the end of the first chapter of tractate Horayot (page 6b) it is said:

Rather, Rav Acha, son of Rabbi Ya'akov, said: The tribe of Levi is not characterized as a congregation, as it is written: "Behold, I will make you fruitful and multiply you, and I will make of you a congregation of peoples [and I will give

² Gen. 49:10.

³ Gen. 35:22.

⁴ Gen. 35:22–23.

⁵ Hosea 1:2.

this land to your descendants after you for an everlasting possession].”⁶ [It is derived from here that] any [tribe] that has [an ancestral] possession [bequeathed to it] is characterized as a congregation, and any [tribe] that does not have [an ancestral] possession [bequeathed to it] is not characterized as a congregation. [I.e., as the tribe of Levi has no ancestral land, it should not be characterized as a congregation.]

[The Gemara challenges:] If so, the 12 tribes are lacking [in number, as without the tribe of Levi there are only 11]. Abaye said [that it is stated]: “Ephraim and Manasseh shall be like Reuben and Simeon to me”⁷ [i.e., instead of one tribe of Joseph, each of his sons are counted as a separate tribe]. Rava said: But isn’t it written: “**After the name of their brethren shall they be called in their inheritance,**”⁸ [indicating that it is] **with regard to inheritance [that] they are likened [to tribes], but not with regard to another matter?** [I.e., while Levi doesn’t get an inheritance, it is still counted as a tribe. Ephraim and Manasseh are each counted as a half-tribe, so there are still a total of 12 tribes.]

- Horayot 6b

Similarly, the Rambam ruled in the 13th chapter of the Laws of Unintentional Transgressions, halacha 2, “The tribes of Efraim and Menashe are not considered as two tribes for unintentional transgressions in following [an erroneous] ruling of the high court.⁹ Instead, they are counted as one tribe.”

This is what caused bewilderment to the Midrash, why he didn’t call to Reuben, the firstborn for almost all intents and purposes, and why not to Judah, the king of the tribes.

ותירץ, בשביל שהיה ספק בידו לעשות, כלומר אדרבא אם היה קורא לראובן או ליהודה הייתי אומר שדוקא קרא לאלו לפי שהם גדולים וחסובים ואינו רוצה זה מאחרים, אמנם עתה שקרא ליוסף שהוא הצעיר, אם איתא שקרא דוקא ליוסף בשביל הגדולה שהיה לו, הכתוב היה לו לכתוב "ויקרא ליוסף" ותו לא, ומדקאמר "לבנו ליוסף" שמע מינה שקראו בשביל שהוא בנו והוא הדין לשאר בנים והאי דקרא ליוסף לפי שהיה ספק בידו לעשות.

The solution, “Because [Joseph] had the ability to do so,” is as if to say, “to the contrary, if he had called to Reuben or to Judah, I would have said that he specifically called to them because they were greater and important from Jacob’s point of view, and he wanted them to perform his burial, and he did not want this from others.

But now that he called for Joseph, who is one of the youngest, what do we say? If it was that he specifically called to Joseph because of his greatness, i.e., if Jacob had viewed Joseph as most prominent, it would have been written in Scripture, “he called for Joseph,”

⁶ Gen. 48:4.

⁷ Gen. 48:5.

⁸ Gen. 48:6.

⁹ If seven or more tribes follow an erroneous ruling of the Sanhedrin, they have to bring a communal offering. Ephraim and Manasseh would only be considered as half-tribes for such a calculation.

and nothing else. From the fact that it is said, “he called for his son, for Joseph,” hear from this that he called for him because he was his son, i.e., just one of the 12 sons, rather than because of his status, as indeed, he was neither firstborn nor king of the tribes. [Jacob] could have similarly called for the other sons. So we see that this calling for Joseph wasn’t because Jacob was trying to infer that Joseph was greater in his eyes than even Reuben or Judah, but was just a practical act, because [Joseph] had the ability to do [what his father requested]. I.e., Jacob understood that to the Egyptians, Joseph was of the greatest prominence, and thus he could carry out Jacob’s orders in a way that the other sons could not. But Joseph’s prominence in the eyes of the Egyptians did not make him the most prominent in the eyes of Jacob or the Jews; that position would continue to belong to Reuben or to Judah.

כְּדָאֲמַרְיֵינוּ פֶּרֶק ב' דִּיבְמוֹת מִצְוֵה בְגָדוֹל לְיִבְם. וְאִם קָדָם הַקָּטָן, זָכָה. דְּאִף עַל גַּב דְּכְתִיב "וְהָיָה הַבְּכוֹר" וְדִרְשִׁינוּ הַמִּנְיָם וְהָיָה הַבְּכוֹר וְהַגָּדוֹל, מִכָּל מְקוֹם הוֹאִיל דְּכְתִיב "כִּי־יָשְׁבוּ אַחִים יַחְדָּו", הוֹקְשׁוּ יְשִׁיבַת הָאֲחִים זֶה לָזֶה, וּבְכוֹר וְגָדוֹל לְאוּ דְּנִקְא אֱלָא שְׂבֻכְרָתוֹ וְגִדּוּלְתוֹ גְּרָמָה כְּמוֹ שְׂפַתְב שֶׁם הַתּוֹסֶפֶת יוֹם טוֹב וְעֵי"ש. וְאִם הָיָה אוֹמֵר וַיִּקְרָא לְבְנוֹ לְרֵאשִׁיתוֹ אוֹ לִיהוּדָה, הָיִיתִי אוֹמֵר שְׂעֵקֵב הָיָה רוּצָה שֶׁתְּהִיֶּה הַמִּצְוָה בְּרֵאשִׁיתוֹ אוֹ בִּיהוּדָה שֶׁהֵם גְּדוֹלִים וְאִם לֹא יִרְצוּ תְּהִיֶּה הַמִּצְוָה מוּטְלָת עַל שְׂאֵר הָאֲחִים כְּמוֹ בְּחֵלִיצָה. אֲבָל הַשְׂתֵּא שְׂקָרָא לְיוֹסֵף וְאָמַר "לְבְנוֹ לְיוֹסֵף" אֵין לוֹמֵר שְׂכַנּוּנָתוֹ הִיָּתָה שֶׁהַמִּצְוָה תְּהִיֶּה מוּטְלָת עַל יוֹסֵף אִם יִרְצָה וְאִם לֹא יִרְצָה תְּהִיֶּה מוּטְלָת עַל שְׂאֵר הָאֲחִים, שְׂהָרִי שְׂאֵר הָאֲחִים אֵין סָפֵק בְּיָדָם לַעֲשׂוֹת, אֱלָא וְדָאִי מִשְׁמַע שְׂלֵא קָרָא לְיוֹסֵף אֱלָא לְפִי שְׂיִישׁ סָפֵק בְּיָדוֹ לַעֲשׂוֹת, וְאֵין הָכִי נְמִי שְׂאִם גַּם אַחֲרֵים נִסְפִיקוּ הֵם שְׂוִים לְיוֹסֵף.

As it is said in the second chapter of Yevamot: “It is a mitzva for the eldest to perform the levirate marriage. But if the younger [brother] preceded him, he merits [the woman as his wife].”¹⁰ It is written, “The firstborn shall be accounted to the dead brother, that his name may not be blotted out in Israel,” [which the rabbis] explain that the one performing the levirate marriage should be the firstborn and eldest. Nevertheless, since it is written, “When brothers dwell together and one of them dies and leaves no offspring, the wife of the deceased shall not become that of another party, outside the family. Her husband’s brother shall unite with her: he shall take her as his wife and perform the levirate duty.” The dwelling of the brothers are likened to each other, so the levirate marriage can be performed by any of them. Thus, it’s not necessary that it be the firstborn or eldest, rather that one’s status as firstborn or eldest give him priority, as the Tosefet Yom tov writes there, and see there.

If [Scripture] had said “he called for his son, for Reuben” or “for Judah,” I would have said that Jacob had wanted that the mitzvah would be with Reuben or with Judah, for they were most prominent. If they hadn’t desired the mitzvah, then it would be imposed upon the remaining brothers, as with levirate marriage.

But now that he called for Joseph, and it is said, “for his son, for Joseph,” you can’t say that his intent was that the mitzvah would be imposed upon Joseph if he should desire it, and if he should not desire it, it would be imposed upon the other brothers. For the other brothers didn’t have it in their power to do what Jacob wanted. Rather, we certainly hear that

¹⁰ Mishnah Yevamot 2:8.

he only called to Joseph because he had the power to do it. Indeed, if the others had had the power, they would have been equal to Joseph.

אָלֶּא שְׁלִפִּי זֶה הָיָה לוֹ לְכַתּוֹב "וַיִּקְרָא לְבְנוֹ יוֹסֵף" וּמֵהוּ "לְיוֹסֵף", אֲלֵּא וַדַּאי לְפִי שְׂצַפָּה בְּרוּם הַקִּדְּשׁ שְׂעֵתִיד יוֹסֵף לְהִיּוֹת מִתְעַסֵּק בְּקַבּוּרָתוֹ וְשֹׂאֵר אֶחָיו יִנְיָחוּ זֶה הָעֵסֶק לוֹ לְבַדּוֹ לְכַבּוֹד יַעֲלֵב לְפִי שְׂהַשְׁעָה מְסוּרָה לוֹ. מִשּׁוּם הֵכִי אָמַר "לְבְנוֹ לְיוֹסֵף" דְּמִשְׁמַע שְׂגַם הֵם נִתְרַצּוּ בְּכֶד, כְּדֹאֲמַרֵּינוּ בְּפֶרֶק קמ"א דְּסוּטָה שְׂאָמְרוּ הַנִּיחּוּ לוֹ כְּבוֹדוֹ בְּגְדוּלִים יוֹתֵר מִבְּקֻטְנִים.

But according to this understanding, [Scripture] should have written, “and he called for his son Joseph.” What is the meaning of “for his son, for Joseph”? I.e., the Hebrew prefixes a *lamed* to Joseph’s name. Without this *lamed*, the verse would mean, “he called for his son Joseph,” while with the *lamed*, the verse means, “he called for his son, for Joseph.” This shows an emphasis on Joseph.

Rather, it’s certainly because he saw by divine prophecy that Joseph was destined to be occupied with his burial. Also, he saw that the rest of his brothers would let it be [Joseph’s] business alone, in honor of Jacob, since the hour was given to him.

Because of this, it is said, “for his son, for Joseph,” which means that [the brothers] too desired this, as it is said in the first chapter of Sotah, “It is more of an honor for him [to be buried] by [one of] the great men than by lesser ones [like us].”¹¹

Thus, the first reason of the Midrash was that Joseph had the ability to fulfil Jacob’s actions, in recognition of the pragmatic element that the Egyptians held Joseph in the highest esteem, even though Jacob recognized that Reuben and Judah were still the firstborn and king, respectively. The second reason of the Midrash was that it was Joseph’s hour, that Jacob still did recognize that Joseph had achieved a certain prominence that even his brothers had accepted.

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¹¹ Sotah 13b. Rather than discussing Jacob being buried by Joseph, the Gemara actually discusses the later incident of Moses being the one to take Joseph’s bones out of Egypt.