

Zera Shimshon

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Published Mantua 1778*

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

Essay 4. The oath to bury Jacob in the Land of Israel

פסוק "שים-נא ידך תחת ירכי". פֶּרַשׁ רַש"י, וְהַשְׁבַּע לִי. קִשָּׁה לָמָּה יוֹסֵף לֹא נִשְׁבַּע לוֹ מִיָּד, שֶׁהוֹצִיאוֹ יַעֲקֹב לְחֻזּוֹר לוֹמַר לוֹ "הַשְׁבַּעָה לִּי". וְאִם תֹּאמַר שִׁיּוֹסֵף נִשְׁבַּע לוֹ מִיָּד כְּשֶׁאָמַר לוֹ "שים-נא ידך תחת ירכי", אִם כֵּן לָמָּה חֹזֵר יַעֲקֹב לוֹמַר "הַשְׁבַּעָה לִּי", תִּרְי שְׂבוּעוֹת לָמָּה לִּי? וְעוֹד קִשָּׁה שְׂמַתְחֵלָה יַעֲקֹב אָמַר "שים-נא" לְשׁוֹן בְּקִשָּׁה כְּאִילוּ מְבַקֵּשׁ הַדְּבָר מֵאִישׁ נְכָרִי דָרָךְ מְצִיאת חֵן, וְאַחֲרַיִם שֶׁאָמַר יוֹסֵף "אֲנִכִּי אֶעֱשֶׂה כְּדַבְרְךָ" אֲזַי אָמַר לוֹ בְּלִשׁוֹן צִוּוּי "הַשְׁבַּעָה לִּי" כְּמוֹ שֶׁהוּא דָרָךְ הָאֵב לְצוּוֹת לְכַנּוֹ. וְעוֹד קִשָּׁה שְׂתִיבַת "לִי" מִיִּתְרַת.

There are **verse[s]**:

And the time approached for Israel to die, and he summoned his son Joseph and said to him, “If I have found favor in your eyes, **please place your hand under my thigh**, and deal kindly and truly with me; please do not bury me in Egypt. When I lie down with my ancestors, take me up from Egypt and bury me in their burial-place.” He replied, “I will do as you have spoken.” And he said, “Swear to me.” And he swore to him. Then Israel bowed at the head of the bed.

- Gen. 47:29–31

Rashi interpreted the words “please place your hand under my thigh” as meaning: “**and swear to me.**”

Question 1: **A difficulty is why Joseph didn’t swear to him immediately. That is, Joseph answered, “I will do as you have spoken,” but his answer wasn’t in the form of a vow, so that Jacob had to repeat himself, saying to him explicitly, “Swear to me.”**

Question 2: **If you’ll say that Joseph did swear to him immediately, when he said to him, “please place your hand under my thigh,” if so, then why did Jacob repeat himself, saying, “Swear to me”? Why do I need two oaths?**

Question 3: **Another difficulty is that initially, Jacob said “please place,” in the language of a request, as if requesting something from a stranger in the way of “finding favor.” But after Joseph said, “I will do as you have spoken,” then [Jacob] said to him, in the language of a command, “swear to me,” in the way that a father commands his son. Why the two different approaches?**

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Question 4: Another difficulty is that the word “to me” is extra, i.e., Jacob could have just said, “Swear!”

ויש לומר שמתחלה לא הנה יכול יעקב לצוות ליוסף בציווי גמור שלא יקברהו במצרים, שהרי לאו בדידיה דיוסף תליא מילתא, דדילמא פרעה לא יתן לו רשות לקברו בארץ ישראל אלא אדרבא ירצה שיקברוהו במצרים, ואין דרך האב לצוות לבנו בציווי גמור מה שתלוי בדעת אחרים. ולכן אמר לו בלשון בקשה שישבע לו לעשות כל מאמצי פחו להשתדל על זה כדי שפרעה יתן לו רשות, ויוסף השיב, "אנכי אעשה כדברך". והנה לו לומר רק "אנכי אעשה" ותו לא, אלא כד רצה יוסף לרמוז ליעקב שהדבר יהיה כדברו של יעקב שדיבר בלשון בקשה לפי שהדבר תלוי בדעת פרעה. אבל אם פרעה לא רצה ליתן לו הרשות אין פאן מקום להשבע לעשות כל מאמצי פחו, שאינו מן הדין להרבות הפצרות למלך, והשבועה תהיה בטל מעיקרא.

It can be said that initially, Jacob was not able to command Joseph with a complete command that he should not bury him in Egypt, for the thing did not depend upon Joseph on his own. The reason is that perhaps Pharaoh wouldn't give him permission to bury [Jacob] in the Land of Israel, but rather to the contrary he would want him to bury him in Egypt. It's not the way of the father to command his son with a complete command for something that depends upon the opinion of another. Therefore, he spoke with him in the language of a request, to make his utmost effort¹ to endeavor to fulfill this in order that Pharaoh would give him permission, and Joseph answered, "I will do as you have spoken."

He should have just said "I will do it," and nothing else, but Joseph wanted to hint to Jacob that the matter would be according to the words of Jacob, who spoke in the language of request, as the matter depended upon the opinion of Pharaoh. But if Pharaoh wouldn't want to give the permission, here [Joseph] would have no place to swear to make his utmost efforts—for it's not proper to make many pleas to a king—and his oath would be null and void.

Thus, the answer to Question 1 is that Joseph didn't have the power to immediately swear to bury his father in the Land of Israel. The answer to Question 3, at least with regard to the pleasant initial language, is that Jacob understood that Pharaoh would have to be convinced.

ולכן אמר לו יעקב "השבועה לי" לעשות הדבר הנה, שאז לא יוכל פרעה למאן כמו שאמרנו ז"ל על פסוק "עלה וקבר את-אביך באשר השביעה".

Therefore, Jacob said to him, "Swear to me," to do this thing, for then Pharaoh wouldn't be able to refuse as, the [rabbis] of blessed memory said in Sotah 36b on the verse, "Go up and bury your father, as he made you promise on oath."²

The Gemara explains that Pharaoh's astrologers complained about Pharaoh's intent to appoint a former slave as viceroy. Pharaoh responded that he sensed that Joseph came from royalty. As a test, Pharaoh checked to see if Joseph knew the world's 70 languages, as sons of royalty were

¹ Job 36:9: "Will your limitless wealth avail you, all your utmost efforts?"

² Gen. 50:6.

taught. Joseph passed the test, and additionally knew Hebrew, which Pharaoh did not know. Pharaoh requested to be taught Hebrew, but was unable to learn it, and requested that Joseph vow not to reveal that Pharaoh had been unable to learn one language. Years later, when Joseph sought permission to bury his father, he told Pharaoh that his father had made him swear to bury him in the Land of Israel.³ “Pharaoh said to him, ‘Go request [the dissolution] of your vow. [Joseph] said to him: And should I also request [dissolution] for [the oath that I took] for you [i.e., that Pharaoh had been unable to learn Hebrew]?’ ” Pharaoh then gave permission to Joseph to bury his father.

Thus the answer to question 2, why a second oath was needed, and the answer to the second part of question 3, why Jacob’s second request was in the form of a command, was that Jacob first asked in a way that said, “I know it’s not completely up to you, so try to convince Pharaoh.” The second request was in the form of a command, because Jacob understood through Divine inspiration that if Joseph made an oath to him, that Pharaoh would not be able to refuse.

וזאת השבועה הוא התיקון והעצה שנתן ליוסף כדי שפרעה יהיה מוכרח ליתן לו רשות כמו שאמרו ז"ל. ולפי שהיה אפשר שאם לאחר השבועה פרעה יקשה לבו ולא ירצה ליתן לו רשות לקבורו בארץ ישראל ונמצאת השבועה בטלה. לפי הוסיף תיבת "לי" כלומר השבע לי על דעתי, ואני אין דעתי שתחול השבועה אלא כשיתן לך פרעה רשות, אבל לעין העולם היא שבועה גמורה, וכשאמר לו פרעה זיל איתשיל אשבועתך אמר ליה איתשיל נמי אדידך וכו', כדאמרינו בפרק [השבועה] דסוטה.

Thus, **this oath** that Jacob commanded Joseph to swear **is the solution and the advice that [Jacob] gave to Joseph, so that Pharaoh would have to give him permission, as the [rabbis] of blessed memory said.**

However, **it was possible that even after the oath, Pharaoh would harden his heart and wouldn’t want to give him permission to bury him in the Land of Israel, and the oath would be found to be void. Because of that, [Jacob] added the word “to me,” as if to say, “swear to me according to my view,” and my view is that the oath will not apply unless Pharaoh gives you permission, but in the eyes of the world it is an absolute oath.** Thus, the answer to question 4 is that the word “to me” was added by Jacob as a way of saying, “Pharaoh [and the world] will think that you swore an absolute oath to me,” but the truth is that you won’t be guilty of breaking the oath if Pharaoh still refused.

When Pharaoh said to him, “Go request [the dissolution] of your vow,” [Joseph] said to him, “should I request [the dissolution] for [the oath I took] for you,” as it says in the [seventh] chapter of tractate Sotah.⁴ Thus, Pharaoh felt compelled to give permission to Joseph.

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³ Gen. 50:5.

⁴ The first edition erroneously referred to the first chapter of Sotah.