



MISHNAS CHAYIM

משנת חיים

MISHNAH ON THE PARSHAH

פרשת ויגש תשע"א

Parshas Vayigash 5771

HAVE PERMISSION, WILL TRAVEL

After learning that his long-lost son, Yosef, was alive and well and quite prominent in Mitzrayim (Egypt), Ya'akov set out on a journey. He had been invited to reunite with his son and relocate his family. Pharaoh dispatched wagons to transport the patriarch and his family down to Mitzrayim.

A careful scrutiny of the *pesukim* seems to reveal that Ya'akov did not immediately use them. The first stop along the way was in Be'er Sheva. The verse states, "And Yisrael journeyed... to Be'er Sheva" (*Bereishis 46:1*); no mention of any wagons. Only upon resuming the journey en route to Mitzrayim do we find that he avails himself of Pharaoh's service. As the verse states, "And Ya'akov arose from Be'er Sheva, and the B'nei Yisrael transported their father... on the wagons that Pharaoh had sent." (*ibid. v. 5*). Ya'akov's initial reluctance to use the wagons warrants explanation.

FIXING THE ITINERARY

What took place during the Be'er Sheva visit raises yet another point. Ya'akov stopped there to offer sacrifices and commune with G-d. Hashem told him not to fear the descent to Mitzrayim and assured him of the eventual return to the Holy Land.

Of note is the manner in which the sacrifices are described. The *passuk* does not simply report that he offered them to Hashem, but supplies a distinct characterization: "offerings to the L-rd of his father, Yitzchak" (*ibid. v. 1*). Why were they so designated, specifically at this time?

R' Moshe Mordechai Epstein, famed Rosh Yeshivah of Slobodka, demonstrates how all of Ya'akov's actions here were precisely calculated.

Firstly, it is apparent that – despite the incredible longing to reunite with his son – Ya'akov had serious reservations about undertaking this journey. Leaving Eretz Yisrael and settling in Mitzrayim involved considerable spiritual danger. Would his household be contaminated by foreign influences? Perhaps it would be better if they would just stay put.

This concern helps to explain Ya'akov's actions in Be'er Sheva. He sought to determine if Hashem sanctioned the journey. Ya'akov's father, Yitzchak, was the "*olah temimah*" (unblemished offering). Having undergone the ordeal of the *Akeidah* – the trial in which he was to be sacrificed to Hashem – Yitzchak was "consecrated." As such, he was forbidden to leave the Holy Land.

Ya'akov wondered if he fell into the same category. True, he had not participated in an actual *Akeidah*, but he had many reasons to remain within the confines of the Land (as previously explained). Perhaps, he thought, the ban of leaving also applied to him. And so he directed his sacrifices to "the L-rd of his father, Yitzchak," to ask if he should duplicate this aspect of his father's life. Hashem reassured Ya'akov, though, that his own descent to Mitzrayim was part of the Divine plan. He should resume his journey, and Hashem would be with them.

The hesitancy to use Pharaoh's wagons also sprang from this concern. To appreciate the calculation, some background information is in order.

CHOSHEN MISHPAT (LEGALISTIC) CONCERNS

The third chapter of Bava Metziah discusses the laws of deposit. One party deposits his object under the

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jurisdiction of his fellow, with the understanding that the property owner will safeguard it.

The Mishnah in Bava Metzia (3:9) describes such a scenario, where something went awry:

המפקיד חבית אצל חברו... וטלטלה ונשברה... לצרכו, חגיב, לצרכה, פטור.

“Someone deposited a barrel by the property of his fellow. The homeowner moved the barrel, which (subsequently) broke. If it was done for personal concerns, the homeowner is liable (to make restitution). If done for the barrel’s sake (to afford better protection), he is exempt.”

The key factor in determining the homeowner’s liability is the event preceding the barrel’s precipitous demise. If he moved the barrel because he thought that it’s current position left it open to damage, he has acted within the bounds of his charge.

It’s a different story, however, if the watcher decides to put the barrel to personal use. He might feel that it would make a good footstool, enabling him to

reach some items he needs from a high shelf. It’s lying around the house anyway, and, after all, what’s the harm? It’s not like he’s keeping it for himself or anything; he plans on putting it right back and resuming his watchful activities as soon as he gets his drill down. Things did not go as planned, however, and the barrel breaks. According to the Mishnah, he must make restitution.

Why, in this case, is he liable? The Gemara explains (*ibid.*, 41a) that by making unauthorized use of his friend’s object, the homeowner is categorized as a *sho’el shelo mida’as* (a borrower – without the owner’s permission). Although the user thought his actions were harmless, the Gemara states otherwise. Borrowing and using an object without obtaining the owner’s permission is actually a form of *gezeilah* (stealing).

One who steals an object becomes responsible for its safety and complete return; if something should happen to it, the robber will have to pay. By using the barrel as a stepstool, the homeowner became a robber and automatically resumed full responsibility of making restitution for any subsequent damage.

It was this *halachah* that drove Ya’akov’s actions as well. Pharaoh had sent the wagons for the purpose of transporting Ya’akov to Mitzrayim. Until he received Hashem’s assurances at Be’er Sheva, Ya’akov was unsure if he would actually travel to Mitzrayim. En route to Be’er Sheva, the possibility existed that Ya’akov would not end up leaving Eretz Yisrael. If he would have travelled to Be’er Sheva using Pharaoh’s wagons – only to discover that he would be staying in the Land – the wagons would have been used for a purpose *other than that which was intended by the wagons’ owner* (Pharaoh).

As such, Ya’akov felt that his usage of the wagons for the Be’er Sheva trip was unauthorized by the owner, rendering him a *sho’el shelo mida’as*. To avoid the possibility of unauthorized borrowing, Ya’akov refrained from travelling on the wagons – until he left Be’er Sheva. At that point – with the itinerary now set for Mitzrayim – he knew that the wagons were being used as intended (*P’ninim Mishulchan Gavohah, parshas Vayigash*).

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