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SHE SAID, HE SAID AND THE JOSEPH STORY, OR: RASHOMON IN EGYPT

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When a case boils down to the testimony of one person against another, there is no real possibility of justice. This is a harsh truth, and one that will reasonably be resisted by those who believe that they, or experts, are excellent truth-detectors (lie-detectors don't help as much, as there can be many reasons to lie other than guilt). The impossibility of justice is intensified in the absolutely binary world of criminal trials. We do the best we can, balancing the need to deter active criminals (even if that requires convicting a significant percentage of innocents) against the need to deter verbal criminals (even if that requires acquitting a significant percentage of the guilty).

Very possibly this is the deep truth embedded in the puzzling halakhot of *eidim zomemim*. We rule that when two sets of valid witnesses offer contradictory accounts of the same event, the result is an evidentiary standoff – no matter how many witnesses are in the respective groups. But if one group of witnesses accuses another of not having been present at the event they claim to have witnessed, the impeaching witnesses are believed – unless another group comes along and makes the same claim about them, and so on ad infinitum. The Talmud makes no effort to rationalize this, simply stating that the rules of *eidim zomemin* are a *chiddush*, meaning that they are counterintuitive, and so should not be generalized to any other area of law.

This perspective is essential to understanding how rabbinic tradition reads the story of Yosef and Potiphar's wife.

The Biblical text tells us that G-d was visibly with Yosef, and so he succeeded; in other words, he was literally charismatic. His legal master makes him master of the entire house, and everything else he owns, and G-d responds by blessing it all. So his master **abandons** all supervision. Unsurprisingly, Yosef's charisma begins to express itself in physical attractiveness, whether by design or not: "Now *it was after all these things* that Potiphar's wife raises her eyes toward Yosef and says: 'Lie with me.'"

Yosef says no – at great length, when a simple no would likely have been much more effective. Moreover, his refusal lingers lovingly over the extent of his autonomy – he never mentions the risk of being caught. Nor does he criticize Mrs. Potiphar for approaching him, or suggest that she is above him. All he says is that it would be wrong for him to give in.

Mrs. Potiphar gets both the text and the subtext. She continues her attempt at seduction daily, suggesting that he just lie next to her, or just spend intimate time together with her. He never agrees, but he also makes no effort to avoid her company.

Finally, there comes the day when the house is empty of servants, and Mrs. Potiphar forsakes all her subtlety, grabs him by the garment, and says, as she did the first time: "Lie with me." Yosef **abandons** his garment in her hand and flees outside.

Mrs. Potiphar then tells the mysteriously returned household servants a story of attempted rape, one that we know is false. She later tells a version of the same story to her husband while they are in bed together. But what is the truth?

Here are some traditional snapshots:

1. Yosef was fully aroused and sorely tempted, and refrained from consummating the relationship only because of a sudden vision of his father. In other words, Mrs. Potiphar did not attempt to rape him either, and so while Yosef did not assault her, neither did he maintain his loyalty to Potiphar. Potiphar may have felt justified in jailing him, even if he did not believe his wife.
2. Potiphar also found Yosef physically attractive, and may have been primarily or exclusively homosexual. Mrs. Potiphar was not being unfaithful to her husband; she was competing with him, and at the same time she was competing for him. Potiphar recognized her motives and jailed Yosef to protect her, and to punish him, even though he knew that her story was false.
3. Potiphar was a good man. Enraged though he was by his wife's story, and although no one would have objected had he ordered Yosef's execution, he recognized that ultimately he had no *objective* basis for believing her, and so he ordered Yosef to be imprisoned as a compromise.
4. Potiphar knew full well that Yosef was innocent. But he was unwilling to publicly tar his wife as a willing adulteress, and thereby raise the suggestion that his children were illegitimate; why should they suffer for their mother's sins? Potiphar explained this to Yosef, who took the fall with good grace.
5. Mrs. Potiphar was far more effective at seducing her husband than she was at seducing Yosef. She told her story in pantomime: "He did *this* to me, and then *that*." By midnight Potiphar had no interest at all in truth.

Human motivation is sufficiently complex for these interpretations to be complementary rather than mutually exclusive.

Here I must acknowledge that the story and its interpreters sometimes play with potentially dangerous stereotypes and fantasies – the women who cried rape, the happy and loyal slave, the irresistibly attractive chased but chaste man. I assume the existence of a modern rewrite which undoes the allegedly chauvinist narrator and explains that Mrs. Potiphar *was* raped, and another in which the entire episode is manufactured to bring down the uppity slave.

I do not think that our tradition validates those stereotypes or encourages those fantasies. It is very hard to read Genesis as denying the existence of rape culture in Egypt – have we forgotten Avraham and Sarah? And happy Egyptian slaves rather undermine the point of Exodus. Rather, I suggest, the story as interpreted helps us recognize that power dynamics are rarely as clear cut in life as they are in Marxist analysis, and get even more mixed up when sexuality is mixed in. Women and slaves were and remain moral agents, and can and should be held accountable for their virtues and vices.

The problems remain that we are often ill-equipped to recognize which of life's infinite complexities is present in any particular case, and that criminal law is an indispensable but blunt instrument. What Yosef learns from this story, perhaps, is that criminal law is useful for policy even when deliberately and fully divorced from the pursuit of justice in a particular case, and especially when aimed at the pursuit of a deeper, more systemic, justice. This learning plays out in his later treatment of Shimon and Binyamin. Like many of the lessons Yosef learns in Egypt before Yaakov joins him, it mostly needs to be unlearned.

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