

Parashat Toldot

Birth Rights

Our parasha this week unveils the tragic drama between Jacob and Esau; two brothers who fight with each other over the right to blessings and position. We see twins who are clearly very different in their physical appearance, their personalities and their interests (25:25-27). There is strong tension between them, Esau being 'loved' by his father and Jacob preferred by his mother Rebecca (25:28). The competition between them comes to a climax as we watch Jacob deviously masquerading as Esau in order to receive the special blessings from their blind and elderly father, Isaac (Ch.27). What exactly are these brothers vying for? What is the source of this intense rivalry?

We shall focus our attention on the birthright episode in which Jacob sold Esav that auspicious red pottage. We will be required to examine the language extremely closely, and then ask questions as regards motive, intent and character assessment.

Chavruta Study

1. See the story itself: Bereshit 25:29-34
(Maybe it would also be useful to review the background: 25:19-28.)

2. Look at the parsha carefully:

- * Which words / phrases tell us key information about Esav's personality?
- * Later Esav claims that Yaakov tricked Esav out of his birthright:

"Jacob tricked me twice: First stole my birthright and now he has taken away my blessing!" (27:36).

- From your close reading of the parsha, would you say that this is true?
- Is Yaakov taking undue advantage of Esav?
- Does Esav view the bechora as meaningful?
[Clue: relate in particular to the phrase "Vayivez Esav et Habechora" (25:34) and see the commentaries there]

3. "Behold I am about to die" (25:32).

How is this traditionally understood?

- See the Ibn Ezra, Rashbam (v.30 and 32) and Rashi.
- How do their readings differ from the standard understanding? Do you share their approach here?

4. Does the birthright confer special "rights" or possibly, a special role of "duty"? Use the mepharshim.

Shiur:

We will begin with questions: What is the birthright? What are the implications of having a birthright? And can a birthright be sold? If a birthright is for the firstborn, then how can that position be transferred by a sale (paid for by a bowl of pottage, no less!)? Either you are the firstborn or you aren't!

Additional questions are raised by this family incident. Is Jacob taking advantage of Esau? Is he not "stealing" the

birthright, gaining it by extortion?

But we may also pay special attention to Esau's attitude to the birthright. Esau "spurned" the birthright. Did he resent it, did he wish to lose this birthright position, or was it taken from him under duress? Did Esau desire to rid himself of his birthright? If so, then why? Is a birthright a burden rather than a benefit?

INHERITANCE RIGHTS

The Hebrew word for the birthright - bechora - appears in only one place outside the Jacob-Esau story. It appears in connection with children's inheritance rights. In Jewish law, the firstborn receives an inheritance double the size of his brothers. This is standard practice as recorded in Deuteronomy 21:17 :

"...allot to him a double portion of all he possesses; since he is the first fruit of his vigour, the birthright is his due."

This source anchors the birthright in the financial sphere. The birthright designates the firstborn as the major beneficiary of the father's will. And following this line of argument, it would seem that this story is about Yaakov buying future inheritance rights from Esav. This reading of the story fits well with the phraseology of our parsha. Let us see this approach in the words of the IBN EZRA:

" FIRST SELL ME YOUR BIRTHRIGHT : The meaning of the term "birthright" is receiving a double portion of the father's wealth.

And as for the logic of his statement : I AM AT THE POINT OF DEATH (lit. walking towards death) : Every day, when hunting, Esav put his life in danger, there being animals who might kill him. It was a clear possibility that he might die before his father."

Esav tells Yaakov that there is no point in his holding on to the birthright as he is "going to die". Esav does not expect to see the money of his father's inheritance. He expects to die in the course of his life's career as a hunter. In that case, he might as well cash in his future options now.

It would seem that the pottage itself was not necessarily the payment for these future rights. The verse specifies that Esav sold his birthright to Yaakov. According to the Rashbam (who shares the approach of the Ibn Ezra), Yaakov paid for these rights with real money. The withholding of the pottage was Yaakov's way to force Esav to contemplate the fragility of his life. Timing, after all, is of the essence. He chose to confront Esav with the birthright issue at a moment when he knew that Esav was famished, possibly having been chased by a wild animal (bears and lions were common place in the Land of Israel before this century.) As Esav is considering the dangers of his profession and the thin line which separates life and death, life's ephemeral nature, Yaakov asks him to sell him his rights to his father's estate. Esav considers his dangerous lifestyle and readily agrees to the deal.

"HE TRICKED ME TWICE!!"

A close reading of the entire parsha could give one an impression that Yaakov elicits the birthright by taking advantage of the moment. He found a situation where Esav was vulnerable and seized it. Later on in the story , Esav mentions how

"Yaakov tricked me twice: First stole my birthright and now he has taken away my blessing!" (27:36).

It seems that Esav regrets the sale! Does this mean that Yaakov had forced the birthright from Esav at a moment of weakness?

The problem here is compounded however when we remember the final verse of our story. Verse 34 states that:

“Esav spurned the birthright”!

So does Esau resent the sale or is he happy to be rid of the birthright? Who is the shrewd businessman here? - Yaakov, who takes advantage of Esav, or Esav who gets good value for something he sees as worthless?

The predominant approach in the commentaries is to see Esav as having negative feelings towards the birthright. (although, if the Bechora is financial, that is a little difficult to understand. No one rejects free money!.) Furthermore, the following commentaries see the contradiction in Esav's response a sign of his inconsistency, his fickle nature, his opportunism and living for the moment.

The RASHBAM comments:

“ ESAV SPURNED THE BIRTHRIGHT: We need to be told this detail here because, as we see later on, Esav later expresses regret at the sale of his birthright: ‘He stole my birthright’ . Thus the Torah tells us (through the combination of statements) of his inconsistency and stupidity: Now, when he wants to eat he sells it and he regrets it afterwards.”

The SHADAL is more incisive in his understanding of the causes of Esav's change in attitude:

“When his father became old (27:1) and Esav realised that Isaac will die and he (Esav) might outlive him, he regretted the sale and began to see the entire incident as a trick.”

The commentaries do not take Esav's pain or regret over this incident particularly seriously. (The blessing incident is another saga completely. There, we see many expressions of sympathy with Esav in the classic literature.)

THE FAMILY PRIEST

This approach is not the only way that this episode has been understood. The Birthright is primarily financial in nature, then why does the righteous Jacob take such a keen interest in it? Moreover, this would appear inconsistent with Jacob's apparent unmaterialistic personality. After all, when Yaakov prays to God on his way to Haran, he asks for only the basics: “bread to eat and a piece of clothing to wear” (28:20). It would seem that Yaakov shows little regard for material possessions.

RASHI views the concept of a birthright not so much in terms of financial rights and benefits. He understands the birthright as a spiritual legacy and a position of religious responsibility. The firstborn of each family would be the religious representative of that family, offering the family sacrifices and performing sacred ritual. He explains the exchange of the birthright in the following way:

“SELL ME YOUR BIRTHRIGHT: Because religious worship was performed by the firstborn. Yaakov said to himself, ‘this man of evil deed is not fit to bring offerings to the Lord’

BEHOLD I AM ABOUT TO DIE: Said Esav, ‘What is the content of this service?’ Yaakov replied, ‘There are numerous warnings, restrictions, penalties and even death which are connected to the correct Temple service of God’..... Esav said ‘I will die as a result of it! Why do I need it?’ AND ESAV SPURNED THE BIRTHRIGHT: The Torah testifies to his evil ways for he ridiculed the service of God.”

In this reading, the birthright imposes not material nor any other remuneration for the firstborn. The birthright implies obligation and responsibility; even danger; for the firstborn are meant to act as priests serving God as representative of their family. Esav rejects the responsibility of the Divine Service. In a fascinating reading of the text, Rashi translates Esav's statement “Hinei anochi holech lamut” as a statement that the strict priestly laws with their death penalty . (Improper Temple service could result in death eg. Lev. 10:1,2.) might lead him to his death. Why then, bother with the priesthood? It has no particular advantages! It would also seem apparent that Esav does not particularly value this form of activity as a life's career.

This interpretation reflects a well known Biblical tradition that previous to the appointment of the Tribe of Levi as Priests and Levites, it was the firstborn who would act as Temple functionaries (See Numbers 8:15). Yaakov covets this sacred role whereas Esav finds it meaningless. According to Rashi, by transmitting this story, the Torah stresses Esav's desire for freedom, especially from this sacred role as opposed to Yaakov's desire for duty and holiness.

According to this reading, there is no pressure, no extortion. Yaakov welcomes the opportunity to play a part in the Divine Service whereas Esav is keen to be rid of it.

It is unclear why Esav regrets the sale later, but we may suggest that as he feels the increasing rivalry of Yaakov, he resents any encroachment of Yaakov on his “territory”, no matter what.

LEGACY OF LEADERSHIP

A third approach to our story regards the birthright as neither material inheritance nor priestly worship. Rather it sees this title as a leadership position within the family. This line is taken by a number of commentators. The RAMBAN states:

“It is possible that the dual portion of the firstborn was a law of the Torah but not existent previously. Rather the firstborn was to assume the father's position as head of the family, with the requisite honour of his younger brothers. This is why he said to Isaac, ‘I am Esav your firstborn’, to say that he was the firstborn, fitting to be blessed.”

According to this approach, the firstborn assumes the control of the family, with all that is included in that. Maybe another Biblical support for this image is the plague of the Death of the Firstborn in Egypt. The plague was the most severe in that the leader of each household was pinpointed. It was as if God was attributing responsibility to the family leaders.

The ABRABANEL takes this approach further :

“ The brothers were not concerned about their financial inheritance nor did Yaakov pursue the firstborn for a position of honour...The entire effort here was to determine who would inherit the

Blessing of Abraham: that God would be with him and his descendants to give them the inheritance of the Land.... this was the 'wealth and riches' that Isaac inherited from Abraham. This is also the 'money and wealth' that would be passed on to his children. Not the material wealth of herds and other benefits.

..... Yaakov presumed that the two brothers could not share this Godly inheritance. They had such different personalities. They were opposites both in their attitudes and in their occupations. Yaakov was a God fearing man desiring God's command and fitting to inherit the Divine destiny. Whereas Esav was a man who acted badly; he had no place for God in his heart.... thus it was essential that only one of them should sit on the throne of Abraham and Isaac.

.... Yaakov had grave worries. Would Esav - being the firstborn - become Isaac's heir? Or would it be - Yaakov - inherit the Abrahamic destiny due to his righteousness and purity? Because it was an impossibility to have both of them inherit as a team; one of them being pure and the other impure.... Thus Yaakov began to think of plans whereby he could acquire the birthright from Esav."

Yaakov wants to know who will be the heir to the legacy of Abraham. This is a tradition described by God when he spoke about Abraham - "For I have singled him out, that he may instruct his children and his family line to keep the way of the Lord by doing what is just and upright" (18:19) - of religion and ethical standard. Yaakov wants to be the heir to this tradition. He wants to be the father of the nation that will inherit the Land of Canaan. He feels that he can do this better than Esav who seems to show little family commitment.

FAMILIAL RESPONSIBILITY

SHADAL takes this approach a step further. He tries to explain why this incident is set in the family kitchen, Yaakov acting as cook. He notes the way that Esav marches in to get his soup and "ate, drank, stood up and left". He makes an enlightening comment:

"Yaakov was constantly concerning himself with the needs of the family home. Esav would eat daily at home but spent his days hunting - not enough to fill the family needs but he would occasionally provide a tasty joint of meat - but the traditional family trade was sheep farming and Esav gave no assistance in this area."

He describes Yaakov's feelings of resentment to his brother who took from the family but wished not to contribute.

DID YAAKOV BECOME THE LEADER?

Shadal notes also that although Yaakov buys the birthright from Esav, we never see him use it. In fact, as we see later in his speech, "I am Esav your firstborn" (27:19), it is clear that Isaac still sees Esav as firstborn years later and Yaakov knows that. Yaakov never acts as firstborn and never mentions this incident to his father. So what power does the sale have? What was it about?

Shadal suggests that:

"Yaakov did not intend to achieve any advantage in the family will nor did he wish to gain any blessing of

great import. Rather, Yaakov wished that after his father's death, that Esav should let him manage the family estate and to lead the household. Yaakov deliberately requested this particular request so that Esav could not throw him out of the house or exile him from the land, thereby preventing Yaakov from becoming the fulfillment of the "blessing of Abraham" : the promise of the Land to the descendants of Abraham."

So our third approach sees Yaakov concerned with one thing. Yaakov knows that there is a promise that has been made to Abraham. He is to father a nation that is to transmit certain messages to the world. The vehicle for this is the Nation of Israel in the Land of Israel. Yaakov wants to ensure that this spiritual destiny is left in safe hands.

A WORD ABOUT STRUCTURE

It is interesting to examine these last comments in the light of the structure of our parsha. Obviously, at a glance, one denotes three major episodes in Parshat Toldot:

Ch.25 The birth and formative years of Yaakov and Esav

Ch.26 Yitzchak's adventures in the Lands of the Pelishtim

Ch.27 Isaac's blessing; Yaakov's deception etc.

Now in which section of the Parsha does our Bechora story belong?

It certainly doesn't relate to ch.26. So we are left with two choices. Most people would group the Bechora story together with the struggle for the blessing, for leadership, that we find in ch.27. This is the general atmosphere of that story. But the Torah sees it otherwise. Rather than including the sale of the bechora as the prologue to Chapter 27, it is placed in Chapter 25. Why¹?

This relates back to our topic of course. Is the story of the bechora an introduction to the "blessings" story? In fact it would seem to have no bearing at all upon Ch.27 where Yaakov's legal status of bearer, or buyer, of the birthright is totally amiss. Indeed, this detail, which one would hope to be significant in the story, is absolutely absent. This leads us in alternative directions if we are searching for a conceptual heading under which to consider the bechora episode.

We should then assert that in fact the Bechora story has

¹ There IS a prologue or an introduction to Chapter 27. It is actually the final two pesukim of CH.26 which deal with Esav's inappropriate marriage to local Canaanite women. This information which might be easily passed over lightly takes on new significance and impact when we read the "epilogue" to the parsha of Yaakov's deception in gaining the Berachot. This epilogue also deals with appropriate and inappropriate marriage, or should we say, marriage under the covenantal model and marriage outside that model. In pesukim 27:46-28:9 we read about Yaakov being sent to Padan Aram to Abraham's homestead to find a wife. Yaakov is acting in typical patriarchal fashion, finding his wife in the "old country" amongst the "land, birthplace, and father's house" that Abraham left! Esav gets the message. He realizes that he didn't merit the Berachot because he did not act in time honoured covenantal tradition. Esav responds by marrying aging. This time he marries "in the family."

It is striking that this topic forms the framework, or the "bookends" for the "blessings" narrative. By doing this, the Torah virtually indicates explicitly at the very outset that Esav was unsuitable! He was not a covenantal candidate!

no real long-term significance, neither legally, nor in a covenantal context. Instead, we should see this episode as a story that unveils the basic concerns, the mindsets of these two twins, and the degree to which they live in worlds apart. Esav lives in the here and now, hand to mouth world of the hunter, who scoffs at the long-term view and enjoys the moment. The quick-fire verbs of eat-drink-stand-leave gives a sense of certain hurry, maybe coarseness, but certainly not a person who wishes to live the examined and contemplative life.

Yaakov's position as responsible in some way for the business of the home and his obsessive interest in a "virtual" commodity such as a birthright demonstrates his far-sightedness and his deep concern for the future of the leadership of the family and the entire faith legacy of Beit Avraham.

In this context, we should view this story as the climax of Chapter 25. There, as we watch two very different twins born, we are unsure whether their external appearance is merely that – an outer difference – or possibly a reflection of deeper tendencies. As the boys grow into young men, we see them take entirely opposite paths in life. It is this contrast that is born out through this "birthright" story.

A FINAL COMMENT. THE BOOK OF GENESIS - ANTI-FIRSTBORN!

After all this talk about firstborn sons and birthright, we might be left with the impression that Judaism finds particular power in the firstborn. To my mind this is far from true. As we have seen in this story, however we define the Bechora; whether the bechora is an expression of inheritance rights, or religious priestly duty, or family leadership and responsibility, these rights CAN be transferred.

Moreover, a casual look at Sefer Bereshit would give a clear anti firstborn impression. Let us see: Cain is the firstborn, but Abel is preferred. Yishmael is Abraham's firstborn but Isaac becomes Abraham's heir and the leader of the family. In the next generation, Yaakov inherits the legacy of Isaac rather than Esav. The leader of Jacob's children might be Joseph, maybe Yehuda, but it would seem that Reuven, the firstborn, takes a back seat in the family leadership. Reuven is pictured consistently in a negative light as opposed to Yehuda and Joseph, the natural leaders of the brothers. (We will deal with this theme in greater detail in our shiur on Parshat Miketz) Even with Joseph's children, Yaakov gives preference to Ephraim over Menashe, the firstborn (48:14).

Moses is not the oldest nor is King David.

It would seem that the Torah is telling us something through this persistent theme. This Parsha comes NOT to emphasise the role of the firstborn and the status of the birthright but rather to lower its importance. The Torah tells us that it is good deeds and a God-fearing heart which will achieve success and honour. Birth confers no automatic rights for man. It is the actions of man which will lead him to the greatest heights.

Shabbat shalom!