

Bereishit 25 - Rav Korman's Understanding Of The Sale

Parashat Toldot 5778 - R' Yisroel Meir Rosenzweig

What exactly was the "bechorah" that Esav sold? Three Classic Approaches

1. Rashi [1040 – 1105, France], Bereishit 25:31-34 [translation from <http://mg.alhatorah.org>]

(לא) בכרתך - לפי שהעבודה בכורות, אמר יעקב אין רשע זה כדאי שיקריב להקב"ה:
(לב) הנה אנכי הולך למות - (מתנודדת והולכת היא הבכורה שלא תהא כל עת העבודה בכורות כי שבט לוי יטול אותה ועוד) אמר עשו מה טיבה של עבודה זו, אמר לו כמה אזהרות ועונשין ומיתות תלוין בה, כאותה ששנינו אלו הן שבמיתה שתויי יין, ופרועי ראש. אמר אני הולך למות על ידה, אם כן מה חפץ לי בה:
(לד) ויבז עשו - העיד הכתוב על רשעו שביזה עבודתו של מקום:

(31) **THY BIRTHRIGHT** - Because the sacrificial service was then carried out by the first-born sons, Jacob said, "This wicked man is unworthy to sacrifice to the Holy One, blessed be He" (Genesis Rabbah 63:13)

(32) **BEHOLD I AM IN PERIL TO DIE** - The birthright is something unstable, for not always will the sacrificial duties be performed by the first-born, for the tribe of Levi will assume this. Further Esau said: What is the nature of this Service? Jacob replied, "Many prohibitions and punishments and many acts involving even the punishment of death are associated with it — just as we read in the Mishna, (Sanhedrin 22b): The following priests are liable to death: those who carry out their duties after having drunk too much wine and those who officiate long-haired. He said: If I am going to die through it, why should I desire it.

(34) **THUS ESAU DESPISED** - Scripture testifies to his wickedness: that he despised the Service of the Omnipresent!

2. Da'at Zekenim MiBa'alei HaTosafot [first published in 1783] *ibid.*

(לא) מכרה כיום. כמה שהיא שוה היום דהיינו בטובת הנאה דבר מועט שהרי אם תמות בחיי אבא לא תירשנו ולא תועיל לך הבכורה כלום:

As is, at its current value - that is "prospective" benefit," which is a nominal amount since you could die while our father is alive and, therefore, not inherit. If so, the *bechorah* won't do you any good!

3. Gem. Sotah 13a [translation from Koren/Sefaria]

כיון שהגיעו למערת המכפלה, אתא עשו קא מעכב, אמר להן: ממרא קרית הארבע היא חברון - ואמר רבי יצחק: קרית ארבע - ארבע זוגות היו: אדם וחוה, אברהם ושרה, יצחק ורבקה, יעקב ולאה, איהו קברה ללאה בדידיה, והאי דפייש דידי הוא. אמרו ליה: זבינתה. אמר להו: נהי דזביני בכירותא, פשיטותא מי זביני? אמרו ליה: אין, דכתיב: בקברי אשר כריתי לך, וא"ר יוחנן משום ר"ש בן יהוצדק: אין כירה אלא לשון מכירה, שכן בכרכי הים קורין למכירה כירה. אמר להו: הבו לי איגרתא, אמרו ליה: איגרתא בארעא דמצרים היא. ומאן ניזיל? ניזיל נפתלי, דקליל כי איילתא, דכתיב: נפתלי אילה שלוחה הנותן אמרי שפר, א"ר אבהו: אל תקרי אמרי שפר אלא אמרי ספר. חושים בריה דדן תמן הוה ויקירן ליה אודניה, אמר להו: מאי האי? ואמרו ליה: קא מעכב האי עד דאתי נפתלי מארעא דמצרים. אמר להו: ועד דאתי נפתלי מארעא דמצרים יהא אבי אבא מוטל בבזיון? שקל קולפא מחייה ארישיה, נתרן עיניה ונפלו אכרעא דיעקב, פתחינהו יעקב לעיניה ואחיד. והיינו דכתיב: ישמח צדיק כי חזה נקם פעמיו ירחץ בדם הרשע. באותה שעה נתקיימה נבואתה של רבקה, דכתיב: למה אשכל גם שניכם יום אחד, ואע"ג דמיתתן לא ביום אחד הוא, קבורתן מיהא ביום אחד הוא. ואי לא עסק ביה יוסף, אחיו לא הוה מעסקי ביה? והכתיב: וישאו אותו בניו ארצה כנען! אמרו: הניחו לו כבודו במלכים יותר מבהדיוטות.

Once they reached the Cave of Machpelah, Esau came and was preventing them from burying Jacob there. He said to them: It says: "And Jacob came unto Isaac his father to Mamre, to Kiryat Arba, the same is Hebron, where Abraham and Isaac sojourned" (Genesis 35:27). And Rabbi Yitzhak says: It is called Kiryat Arba because there were four couples buried there: Adam and Eve, Abraham and Sarah, Isaac and Rebecca, Jacob and Leah. Esau said: Jacob buried Leah in his spot, and the spot that is remaining is mine. The children of Jacob said to Esau: You sold your rights to Jacob. Esau said to them: Though I sold the birthright, did I also sell my rights to the burial site as an ordinary brother? The brothers said to him: Yes, you also sold to Jacob those rights, as it is written that Joseph stated: "My father made me swear, saying: Behold, I die; in my grave that I have dug [kariti] for me in the land of Canaan, there shall you bury me" (Genesis 50:5). And Rabbi Yohanan says in the name of Rabbi Shimon ben Yehotzadak: The word kira in the verse is nothing other than a term of a sale [mekhira] sharing a similar root, because in the cities overseas they call a sale kira. Esau said to them: Bring the bill of sale to me, i.e., you can't prove your claims. They said to him: The bill of sale is in the land of Egypt. They said: And who will go to bring it? Naphtali will go, for he is as fast as a doe, as it is written: "Naphtali is a doe let loose, he gives goodly words" (Genesis 49:21). Rabbi Abbahu says: Do not read it as "goodly words [imrei shafar]"; rather, read it as imrei sefer, i.e., the words of the book, as he returned to Egypt to retrieve the bill of sale. The Gemara relates: Hushim, the son of Dan, was there and his ears were heavy, i.e., he was hard of hearing. He said to them: What is this that is delaying the burial? And they said to him: This one, Esau, is preventing us from burying Jacob until Naphtali comes back from the land of Egypt with the bill of sale. He said to them: And until Naphtali comes back from the land of Egypt will our father's father lie in degradation? He took a club [kulepa] and hit Esau on the head, and Esau's eyes fell out and they fell on the legs of Jacob. Jacob opened his eyes and smiled. And this is that which is written: "The righteous shall rejoice when he sees the vengeance; he shall wash his feet in the blood of the wicked" (Psalms 58:11).

1. As per Rashi's use in Gem. Makkot 3a s.v. *keitzad samin* with regards to selling potential rights to a *ketubah* (with knowledge that one may end up not having access to the rights). I'm grateful to R' Mordechai Torczyner for clarifying Da'as Zekenim's usage of this term.

4. Bereishit 25:27-34

5. R' Avraham Korman [1917 - 2001, Poland, Israel], HaAvot V'HaShevatim, pg. 130

Therefore, it is up to us to reconstruct the events (that occurred) and the relationship between the two brothers and their family based on information preserved in *aggadita* with the background of common custom from that time period. As is known from the Torah itself, Yitzchak married Rivkah bat Betuel, sister of Lavan HaArami. Rivkah left her father's home in Padan Aram and set up her own home in Be'er Sheva. Eventually, she has two sons - Esav and Yaakov. Her brother, Lavan, also starts a family and has daughters. As was common during this time (and later times as well), parents would arrange marriages for their children, daughters in particular, as soon as they were born or soon after. This family was no different and arranged for their daughters to marry Rivkah's sons. In fact, the *aggadita* describes that Leah's eyes were weak from crying so much, mourning her destined marriage to Esav, about whom she had heard such terrible things.

- Gem. Bava Batra 123a

6. Gem. Bava Batra 16b

אמר רבי יוחנן, חמש עבירות עבר אותו רשע באותו היום: בא על נערה מאורסה, והרג את הנפש, וכפר בעיקר, וכפר בתחיית המתים, ושט את הבכורה.

Rabbi Yohanan says: That wicked Esau committed five transgressions on that day that Abraham died: He engaged in sexual intercourse with a betrothed maiden, he killed a person, he denied the principle of God's existence, he denied resurrection of the dead, and he despised the birthright.

7. R' Avraham Korman [1917 - 2001, Poland, Israel], HaAvot V'HaShevatim, pg. 131

הוא החליט על אתר לנסות להרחיקו ממנו וממנה עד כמה שניתן הדבר ואמר: מכרה כיום את בכורתך (הבכורה המיועדת לך) לי. עשו לא רצה להעליב את לאה בת דודו בנוכחות יעקב ומשפתחו. הוא ניסה להסביר את עצמו מדוע הוא מוכן למכור אותה ולא לשאתה לאשה ובתמימות מעושה אמר: אנוכי הולך למות (אני צייד ובכל רגע חיי בסכנה) ולמה זה לי בכורה. למה לי לשאת על צוארי עול אשה ולסכן את שלומה? אך רק יצא משם ויבו עשו את הבכורה בפני חבורת השותפים לפשע. בפניהם הוא לעג לה והסביר את הסיבה האמיתית מדוע הוא ויתר עליה.

On the spot, Yaakov decides to attempt to distance Esav from Leah as much as possible, saying: **Sell your birthright** (*the firstborn who has been arranged to you*) **to me today**. Esav didn't want to insult Leah in front of Yaakov and the rest of the family. So, he explains his rationale for not wanting to marry her and, with false sincerity, states: **I am going to die** (*I'm a hunter and could be killed at any moment*), **why should I need the firstborn?** *Why should I take upon myself the responsibility of supporting a wife and endangering her tranquility (were I to be killed)*. However, as soon as he leaves, **and Esav disdained the firstborn**, to his partners in crime. Before them she insults her and explains the true reason why he was willing to give up his marriage rights.

8. Bereishit 32, 33

- Yaakov had four wives, yet is apparently only worried about the safety of one of them.
- It clearly can't refer to Rachel as it says *banim* and she only had one son at that point.
- Why does Yaakov emphasize that Esav is his brother? Does it make a difference?
- Why does Yaakov state, "המחנה האחת" with *heh hayadiah*? Implies he knew which camp Esav was going to attack.
- Why is Yaakov so certain that only one camp will be attacked?
- Why was Yaakov afraid of Esav? Didn't he have trust in G-d?

9. Bereishit 50:13

- Yaakov had four wives, yet is apparently only worried about the safety of one of them.
- R' Korman doesn't think that the grave plot was part of the initial sale.
- Rather, citing midrashim, it came later and was why Yaakov appears very poor in perek 33
- Esav argued that only four couples would be buried there. The fourth and final couple should have been Esav and Leah.

10. Bereishit 49:31

- States "Leah" without "my wife" as she was buried in Me'arat HaMachpelah, not by virtue of marriage to Yaakov, but on her own merits.