YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**PARASHAT HASHAVUA**

**Rav Yishai Jeselsohn**

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Dedicated in memory of

Szore bat Simen Leib (Weinberger) z”l,  
whose yahrzeit is on the 18th of Tevet.

May her soul be among the Righteous in Gan Eden.

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**PARASHAT VAYECHI**

**Yaakov’s** **Multiple Firstborns**

**I. Who bears the status of firstborn among Yaakov's children?**

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The status of firstborn occupies a central place in the Torah's stories about Yaakov. The struggle for the birthright occupied a central place already at the time of Yaakov's birth, and continued among his sons.

Reuven is Yaakov's firstborn, as we know from the descriptions of their births and as reiterated in Yaakov's blessing to Reuven:

Reuven, you are my firstborn, my might, and the first fruits of my strength; the excellency of dignity, and the excellency of power. (*Bereishit* 49:3)

However, Yehuda plays a more central role in the lives of Yaakov’s children, as expressed in several foundational events.

When Yosef comes to his brothers in Dotan, Reuven suggests to the brothers that they should cast Yosef into a pit, planning to later save him. In the end, Reuven's plan is not realized, because the brothers follow Yehuda's counsel to sell Yosef to the Yishmaelites. Despite Reuven's desire and attempt to fill the role of the leader who directs his brothers back to the right path, it is Yehuda whom the brothers obey.

The same is true during the years of famine, when the brothers try to convince their father Yaakov to send Binyamin with them to Egypt. Reuven agrees to "sacrifice" his sons for the cause:

And Reuven spoke to his father, saying: You shall slay my two sons, if I bring him not to you, and I will bring him back to you. (*Bereishit* 42:37)

Yaakov, however, refuses Reuven's suggestion. Yehuda later undertakes the same mission, and in contrast to Reuven, he succeeds.

This success is emphasized in a *midrash*:

"Yehuda said to his brothers…" (*Bereishit* 37:26). Rabbi Yehuda bar Ilai said: The verse speaks in praise of Yehuda. In three places, Yehuda spoke before his brothers and they crowned him king over them. "Yehuda said to his brothers"; "Yehuda and his brothers came… [and Yehuda said]" (*Bereishit* 44:14, when first facing Yosef after the goblet was “found” in Binyamin’s bag); "Yehuda approached him [and said]" (*Bereishit* 44:18). (*Bereishit Rabba* 84)

Of course, a third factor can be added to the "struggle" between these two brothers: Yosef. Already at the beginning of *Parashat Vayeshev*, Yosef boasts to his brothers, with his dreams and their implications, that it is he who will enjoy the birthright. Yosef also receives his father’s support, to some extent – in his favoritism and his gift of a *ketonet passim*.

Thus, three of Yaakov's sons have a claim to the birthright: Reuven, Yehuda, and Yosef.

**II. "He may not give the rights of the firstborn to the son of the beloved"**

In our *parasha*, when Yaakov "blesses" Reuven, to a large extent he officially transfers his birthright from him. This is explicitly stated in the book of *Divrei Ha-Yamim*; when the prophet lists the members of the house of Yaakov, he describes the complex status of the firstborn, which had been removed from Reuven and transferred to Yehuda and Yosef:

And the sons of Reuven the firstborn of Israel – for he was the firstborn; but, since he defiled his father's couch, his birthright was given to the sons of Yosef, the son of Israel, yet not so that he was to be reckoned in the genealogy as firstborn. For Yehuda prevailed above his brothers, and of him came he that is the prince; but the birthright was Yosef's. (I *Divrei Ha-Yamim* 5:1-2)

Rashi mentions the transfer of the birthright in his comments to our *parasha,* and also explains the reason for removing the birthright from Reuven:

“Excellency [*yeter*; “more”]in dignity [*se'et*]” – It would have been appropriate for you to be superior [*yeter*]to your brothers by being endowed with the priesthood; [the word *se'et* is] an allusion to the priests' raising [*nesi'ut*] of their hands.

"And excellency in power [*oz*]" – In royal rank, as in: "And he will give strength [*oz*] to his king" (I *Shmuel* 2:10).

And what caused you to lose all this? "Unstable as water" – The impetuosity and the precipitance with which you so hastily showed your wrath, just like water that rushes headlong in its course. Therefore, "you shall not excel [*al totar*]" – you will not receive all these many prerogatives that were appropriate for you. (Rashi, *Bereishit* 49:3-4)

In his commentary to this blessing, the *Or Ha-Chaim* asks a deep question about the patriarch Yaakov, which relates directly to the struggle mentioned above. In *Parashat Ki Tetze*,the Torah describes a scenario that seems to precisely reflect the house of Yaakov:

If a man will have two wives, the one beloved, and the other hated, and they have borne him children, both the beloved and the hated; and if the firstborn son be hers that was hated; then it shall be, in the day that he causes his sons to inherit that which he has, that he may not give the rights of the firstborn to the son of the beloved over the son of the hated, the true firstborn; but he shall acknowledge the firstborn, the son of the hated, by giving him a double portion of all that he has; for he is the first fruits of his strength; the right of the firstborn is his. (*Devarim* 21:15-17)

In addition to the word "*ono*," "his strength," which connects the first born of the hated wife to the blessing given to Reuven, the stories themselves are almost parallel. A man has two wives, one beloved and the other hated – in the case of Yaakov, Rachel and Lea, Rachel being the beloved wife and Lea the hated one (*Bereishit* 29:30-31). The firstborn, i.e., Reuven, belongs to the hated wife, and yet Yaakov advances the son of the beloved wife – Yosef. These verses, which could have been written about the house of Yaakov, raise a great question for the *Or Ha-Chaim* – why did Yaakov choose to give precedence to one of his sons?

Before we begin to explain these verses, there is one investigation that we must conduct, and that is: how did Yaakov do the reverse of what is written in the Torah: "He may not give the rights of the firstborn to the son of the beloved over the son of the hated," by giving the rights of the firstborn to Yosef, the son of Rachel, his beloved wife, over Reuven, the son of Lea, the hated wife? (*Or Ha-Chaim*, *Bereishit* 49:3)

Regarding the preference that Yaakov showed Yosef over the rest of his brothers, there might perhaps have been room to say that indeed, Yaakov made a mistake, as it would appear from the Gemara’s criticism of his favoritism (*Shabbat* 10b). But the question is intensified by the fact that Yaakov repeats the same behavior in our *parasha* and gives precedence to Yehuda, a younger son, over Reuven, his firstborn. It is true that Yaakov gives a reason for doing so, but there is still explanation needed.

We have raised two questions:

1. Why does Yaakov give precedence to **Yosef** over Reuven?

2. From where does Yaakov's preference for **Yehuda** stem?

The *Or Ha-Chaim* addresses both questions. He opens his discussion with an issue we have discussed [in the past](https://etzion.org.il/en/tanakh/torah/sefer-bereishit/parashat-lekh-lekha/shiluach-hagar) – whether the patriarchs were commanded to fulfill the entire Torah, in its plain sense. This question arises here because if they did observe the Torah, then apart from the moral and conceptual problem of giving precedence one son over the others, there would also be a halakhic problem. We will not focus on this question; instead, we will devote our examination in this *shiur* to the moral question of advancing younger children over an older brother, and try to understand from what this stems.

**III. The Effect of Actions on the Soul**

The *Or Ha-Chaim* prefaces his explanation with an important introduction to the service of God and the spiritual life, which touches upon the depths of spiritual wisdom. Although I am obviously not an expert on these matters, I cannot exempt myself from trying to explain them. I will try to explain them to the best of my ability, praying that I will not make any mistakes. This is what the *Or Ha-Chaim* writes:

In order to resolve the issue: It is known that all the manifestations of spirituality in the world are divided into three aspects: One is *kedusha* (sacred, holy); one is *chol* (profane, or mundane); and one category of spirituality is *ra* (evil). Each of these produces branches and a desire for itself. The category of holiness produces branches of the good and of eternal bliss, and it desires rational ideas. The category of *chol* is characterized by the desire to eat of that which is tasty to the mouth and enjoyable to the eye, to build houses of earth and stone, and to prepare garments and the like. The category of *ra* is characterized by the desire for every abomination, to do all that God hates, choosing to steal, cheat, deceive, and to consume forbidden foods…, and it appeals to him to engage in illicit relations with a menstruant woman, a non-Jewess, a married woman, a man – all of which is remote from the aspect of holiness. (*Or Ha-Chaim*, ibid.)

In the spiritual world, everything can be associated with one of three areas: holy, *chol*, and evil. The category of the profane includes neutral matters, the category of the holy contains the commandments and the good, and the category of the evil is made up of transgressions and lusts. The *Or Ha-Chaim* goes on to explain the role of Israel in this spiritual system:

Everything that exists is within these three categories, whether of the category of goodness and purity, or of the intermediate category, that we call *chol,* or of the category of evil and impurity. Inasmuch as the Jewish people belong to the category of the holy, God commanded them not to taste [i.e., absorb] things which characterize evil, be it in the form of food or drink, speech or thought, or in sight, hearing, or scent… God decreed that the category of holiness would be commanded, and the category of *chol* would be permissible, and whenever a person associates himself with one of these elements, his soul similarly forms an attachment with the root underlying such element, be it positive or negative. (Ibid.)

These three categories do not relate only to the momentary act, but have the power to influence the human soul. Man is born with a pure soul, but involvement with profane and evil elements causes these forces to enter into his soul:

It follows that, even though a person's soul is pure and clear, when he introduces elements from the category of evil, there is an intermingling in his soul of elements from the categories of good and evil, and this brings about a taste of bitterness for that soul, to become afflicted either in body and soul in this world or in the soul alone after his death. This is the mystical dimension of the "laundry" mentioned in *Shabbat* 152b, [where soiled souls are described as being] handed over to the "washer" [after death]. (Ibid.)

Moreover, the more a person attaches himself to evil, the more he desires it:

You should know that to the degree that evil clings to a person's soul, so that soul yearns for it. For example, if his soul has become infected with the impurity of adultery, it will develop a yearning for this aspect, as above. For every aspect desires its like, and as a person gorges his soul on aspects of evil, the desire for evil will grow and he will distance further from the aspect of good. Take this principle in hand: that there is no deed in this world, or any movement, that does not have a foundation in spirituality; and anything prohibited, that God informed us is prohibited – anyone who attaches himself to it draws evil to his soul. (Ibid.)

The *Or Ha-Chaim* provides us here with a fundamental principle in spirituality. Everything in the world has spiritual powers with the potential to influence the soul, and it is incumbent upon the people of Israel to adhere to the aspect of the holy and the good.

A weighty question has been raised by philosophers on the one hand and psychologists on the other: Is a person at birth like a blank sheet of paper, or does he begin his life with certain basic qualities, on top of which he shapes his personality? The Rambam answers this question in a clear, decisive fashion:

It is impossible that man would be endowed by nature, from the beginning of his creation, with either virtue or vice, just as it is impossible that he should be born skilled by nature in any particular practical work. It is possible, however, that he would have a natural predilection for a particular virtue or vice, so that the actions of one [trait] will be easier for him than those of another. (Rambam, *Shemoneh Perakim* 8)

Man is not born with particular virtues and attributes, but adapts them to himself over the course of his life. However, he is certainly born with certain capabilities and inclinations that influence the shaping of his character. This is also the opinion of the *Or Ha-Chaim*, who attributes those qualities to the earliest moments of the person's formation:

There are people whose nature at birth is drawn towards doing evil, and they grow up to do evil, whereas others by nature can avoid evil with no trouble at all, and who, if they desire, are able to turn back with ease. This stems from the composition [of their respective life-force] at the time of conception. If a parent concentrated on physical gratification at the time he engaged in procreation, and certainly if he fantasized about another or was preoccupied with impure thoughts… For the thought in that situation builds a framework in the child. This is a major principle, that parents are the builders of the soul of the child. If the conception was in purity, holiness descends from Heaven; if there is anything in it of the category of evil, through that will enter the aspect of evil… This is the rule: only evil yearns for evil; that which contains no evil at all will not yearn for it. (*Or Ha-Chaim*, ibid.)

These words are based on the Gemara in *Nedarim* (20b) and on the spiritual idea taught by the *Or Ha-Chaim* above – every action influences the soul, such that the actions of a person's parents at the time of his conception impact upon his soul. Of course, this influence does not predetermine the person's attributes and behavior, or there would be no room for free choice, commandments, or reward and punishment (see *Shemoneh Perakim*, ibid.), but a certain tendency is planted in his soul.

**IV. Reuven's Instability and Haste**

How do these spiritual ideas relate to our question? Let us return to the conception of Reuven. In our *parasha*, Yaakov testifies that Reuven is his firstborn and the first fruits of his strength. According to Rashi and the Midrash,[[1]](#footnote-1) Reuven was conceived from Yaakov's first act of intercourse with Lea – and at that moment, Yaakov thought she was Rachel. The *Or Ha-Chaim* sees this as the basis and root of Reuven's problem:

Let us now examine what happened with Yaakov, for at the time of Reuven's conception, Yaakov's thoughts were not perfect in the aspect of the good, in that his thought and his deed were not in the same place, and this is not at the level of good, as you find that *Chazal* considered a similar situation as children born of an exchange [where a man has intercourse with one wife while thinking about his other wife]. Even though Yaakov's situation was different in that his thought and knowledge was perfect – meaning, he thought about Rachel and to the best of his knowledge she was Rachel, and not that he knew she was Lea yet thought about Rachel, which would be called children born of an exchange – nevertheless, there was something of the impure in it.

Go out and learn from what followed from this, for Reuven went and defiled his father's couch.[[2]](#footnote-2) He performed this deed of impurity, the like of which not one of the sons of Yaakov did, not even when Yosef was tested [by the advances of Eshet Potiphar]. Even though *Chazal* said (*Shabbat* 55b): “Whoever says that Reuven sinned is in error,” nevertheless, Scripture considered it a sin, either because that is what he did, or because it is fitting to be said about him. (*Or Ha-Chaim*, ibid.)

The ideas here are profound, and I will try to explain them in a simpler way. Reuven is indeed the firstborn, but his being the firstborn was rooted in a mistake. Yaakov intended that his firstborn would come from Rachel, and only in the morning did he learn that he had engaged in intercourse with Lea. Reuven also tries to function as the firstborn, but time after time, he fails. Apart from the incidents that were mentioned above, the defilement of his father's couch is an example of this. With good intentions and a desire to assert leadership and chart a path, Reuven repeatedly does the wrong things. What happens here is an echo of what happened with his birth: a desirable intention, but an undesirable act.

Yaakov attributes this to an attribute of instability – Reuven is "unstable as water":

"Unstable like water." This means: You were hasty to defile my couch, and you failed to conquer your inclination but instead acted with haste, like an unstable person, failing to hold yourself back to vanquish the spark of evil which was rooted within you. (*Or Ha-Chaim*, *Bereishit* 49:4)

If we wish to compare Reuven and Yosef on this point, we can compare what Reuven did to the incident of Yosef and Potiphar's wife. There, though it was very difficult, Yosef manages to overcome his inclination. In fact, the root *ipuk*, "restraint," appears several times with respect to Yosef. This may be the reason Yaakov gave precedence to Yosef over Reuven.

**V. Yaakov's Preference for Yehuda**

There is a fundamental difference between Yaakov's preference for Yehuda over Reuven and his preference for Yosef. While his preference for Yosef stems, according to the *Or Ha-Chaim*, from Reuven's actions and his choosing the less good parts of his soul, Yaakov’s choice of Yehuda stems not from a flaw in Reuven but from Yehuda's actions.

Rashi draws our attention to the fact that this difference is explained in the same verses we already cited from *Divrei Ha-Yamim*:

And the sons of Reuven the firstborn of Israel – for he was the firstborn; but, since he defiled his father's couch, his birthright was given to the sons of Yosef, the son of Israel, yet not so that he was to be reckoned in the genealogy as firstborn. For Yehuda prevailed above his brothers, and of him came he that is the prince; but the birthright was Yosef's. (I *Divrei Ha-Yamim* 5:1-2)

While regarding the transfer of the birthright to Yosef, the verse describes Reuven's deficiency, regarding the transfer to Yehuda, it is Yehuda's actions that are highlighted. The *Or Ha-Chaim's* explanation of the precedence to Yehuda also strengthens this distinction, offering an explanation with regard to Yehuda that is, to a great extent, the very opposite of his explanation of the transfer of the birthright to Yosef:

When Yaakov said "You shall not excel," he further hinted that although Reuven acted with haste when he did something inappropriate, he did not act with haste when doing something positive – for he did not go first to repent. As *Chazal* said (*Bereishit Rabba* 84): "Who caused Reuven to confess? Yehuda." Even though they said: "Nobody initiated repentance before Reuven," he did not utter a confession until Yehuda came and said: "She is more righteous than I." At that time, Reuven jumped and said: "I profaned my father's couch." Thus it is brought in *Midrash Tanchuma*, that this is a tradition that they had. According to their words, we can say that for this reason, Reuven's royalty was given to Yehuda, because of the full confession that caused Reuven to confess. (*Or Ha-Chaim*, ibid.)

With respect to Yehuda and Reuven, it was actually Yehuda who acted with haste. Here, we are not dealing with an attempt to assert leadership, but just the opposite – to admit his weakness and mistake. It seems that apart from the sense of patience and judgment that a leader must display when he comes to make decisions and assume leadership, the *Or Ha-Chaim* teaches us here that with regard to admitting a mistake, there is a great advantage to haste. These words cry out from the story of Yehuda and Tamar, in contrast to the story of Reuven, which is written in the Torah in a confused matter and a lack of clarity. In other places as well, it seems that Yehuda is quick to confess before his brothers. When the brothers regret selling Yosef (42:21-22), Reuven speaks up his brothers, but he is quick specifically to justify himself:

And Reuven answered them, saying: Did I not speak to you, saying: Do not sin against the child; and you would not hear? Therefore also, behold, his blood is required. (*Bereishit* 42:22)

On the other hand, Yehuda demonstrates at the beginning of *Parashat* *Vayigash* that he is ready to admit his mistake and sacrifice his freedom because of it.

The *Or Ha-Chaim* transforms Yaakov's difficult behavior into a great lesson, both in serving God and in leadership. He teaches us to distinguish between the holy, the profane, and the evil, and to know that every choice has a great effect on the soul, not just on the momentary act. The *Or Ha-Chaim* calls upon us to be hasty in fleeing from evil, on the one hand, and in admitting a mistake, on the other – qualities that are important both for public leadership and for every individual in governing themselves.

(Translated by David Strauss)

1. See *Bereishit Rabba* 98,4. [↑](#footnote-ref-1)
2. Of course, Reuven could have overcome this urge, but we know that he failed to do so. [↑](#footnote-ref-2)