

SEPHARDIC INSTITUTE

511 Ave. R Brooklyn, NY 11223-2093
Rabbi Moshe Shamah, Director

718 998 8171 Fax: 718 375 3263
Rabbi Ronald Barry, Administrator

בס"ד

The Torah's Judgment on Jacob's Early Actions Part I

1. Introduction

The Torah does not provide any explicit criticism of Jacob's acts of deception in acquiring the blessings from his father. (Neither does it provide any explicit criticism of his exploitation of his brother's hunger in purchasing his birthright.) This should not be misconstrued as an indication that the Torah sanctions Jacob's actions. On the contrary, from the Torah's pointed presentation of several striking events later in his life, and from a number of suggestive literary allusions, its position is crystal-clear – Jacob's machinations were wrong and regrettable and he received a great deal of divine censure for having resorted to them. Eventually, following an "educative" process and an intense internal struggle, he realized the wrongness of his tactics and took corrective measures. Ultimately he ascended to the level of being a patriarch of the nation covenanted with G-d.

With few exceptions, the Torah does not distinctly express moral judgment on the individuals it portrays. This reflects the reality that matters of character and motivation are invariably multifaceted which often involve dynamic turns as well as simultaneous movements in different directions. They do not lend themselves to brief literary descriptions and can best be apprehended when viewed in their full context.

Particularly in the case of Jacob, the complexity of human personality and action are eminently manifest. His unethical deeds were sincere acts with worthy intentions – he felt he was the worthy son to carry on the new legacy. He took enormous risks with his personal welfare in perpetrating those acts. Their setting is in the early stages of the evolving nation, before establishment of the full-blown development of the standards of the Torah. The punishments for his misdeeds are embedded in the narrative together with the portrayal of his exalted stature as the one who was divinely elected to carry on the covenant G-d

established with Abraham. At critical points G-d provides him comforting and encouraging communications regarding his personal welfare and his future role as progenitor of the nation of Israel. Indeed, shortly after perpetrating his deception of his father, upon fleeing from Esau, he receives such a prophecy, confirming his potential as the inheritor of Abraham and Isaac's divine commission to found a nation that will bring blessing to the nations of the world (Gen. 28:13-15)!

It is evident that G-d greatly cares about Jacob and has much invested in him. As He made clear to Rebekah in the oracle granted her, tremendous things were expected from her younger son. However, it is also the case that "all His ways are just...righteous and straight is He" (Deut. 32:4). His great satisfaction with Abraham was based on the latter's demonstration that "he will instruct his children and household after him to observe the way of Hashem, to do righteousness and justice" (Gen. 18:17-19). He demands of man a commitment to ethical behavior in all his interactions with others: "You shall not deal deceitfully and you shall not lie, a man to his fellow" (Lev. 19:11). A man must honor and have reverence for his father (Exod. 20:12; Lev. 19:3). These are categorical prescriptions that apply at all times, even when one's purpose is to achieve a commendable goal.

In the words of *Midrash Hagadol*, stated specifically regarding Jacob: "Even to the צַדִּיקֵי עוֹלָם (the most righteous of the world) the Holy One Blessed Be He recompenses measure for measure" (see *Torah Sheleimah* Gen. 37:31). The ends do not justify the means. G-d is patient, especially where ancestral merit and covenantal responsibility come into play, and He will engage in leading man to acknowledge his shortcomings, but wrongdoing is not overlooked and justice is served.

To careful readers of the Torah, the larger narrative

provides a sublime lesson reminding them of the ready possibility of committing grave wrongdoing even while imbued with admirable intentions. It fosters conscientiousness in interacting with others and promotes introspection, particularly in those that would be members of the nation of G-d.

As the Torah did not explicitly censure Jacob, some midrashim justified his exploitation of Esau's weaknesses and his deceit of his father. However, it is obvious to the objective reader that the sages never intended such commentary (that often include readings that poorly fit the text) as *peshat* of the Torah, but rather utilized an opportunity to achieve certain objectives. Perhaps they were indirectly commenting on the oppressive rulers of their times, giving comfort and hope to an oppressed Jewry (considering that many midrashim were formulated when the sages were not free to openly criticize the cruel, reigning regimes). Perhaps they felt particularly pressed to protect a patriarch's reputation in the eyes of masses of indiscriminating readers, who might have been subject to taunting and derision from neighbors who were familiar with the Bible's stories. Regardless of their purpose it is our responsibility to read the Torah without prejudice and learn the lessons it teaches.

As a result of Jacob's deception, Rebekah deems it necessary to have him flee from his brother who is harboring an intention to kill him. There is no hint that trying to make amends was a consideration. She prefaces her new plan to Jacob with *וְעַתָּה בְּנִי שְׁמַע בְּקוֹלִי*, ("and now, my son, listen to my voice" [Gen. 27:43]), the identical words with which she had introduced her plan to purloin the blessing (v. 8), the only times this clause is attested. Identical literary usages – especially as regards a quote that in itself does not possess much significance – points to the connection between the two statements. It implies that the manifold troubles that will now befall Jacob are a consequence of his listening to his mother to deceive his father.

It is noteworthy that the first time the Torah quoted Rebekah on *וְעַתָּה בְּנִי שְׁמַע בְּקוֹלִי*, she added *לְאֲשֶׁר אֲנִי מְצַוָּה*, ("to that which I am commanding you"). In that context, her statement was intended to guide Jacob to actions that would procure the blessings for him from Isaac. Her key words, *שְׁמַע בְּקוֹלִי* (listen to my voice) and *מְצַוָּה* (command), are a clear contrast to Hashem's explanation to Isaac in the previous chapter as to why

He was granting him the blessings. Hashem said: *עַקֵּב אֲשֶׁר שָׁמַע אֶבְרָהָם בְּקוֹלִי וַיִּשְׁמַר מִשְׁמַרְתִּי מִצְוֹתַי וְגו'*, "because Abraham listened to My voice and observed My charge, My commandments, My statutes and My teachings" (26:5). Jacob should have listened to G-d's voice and His command – the tradition from Abraham – not the command of Rebekah!

At the beginning of his journey to Laban, Jacob has a magnificent dream-prophecy. Hashem reveals Himself to him, pledges to give him the blessings, details them, and assures him that He will be with him. An unusual feature of this revelation is that Jacob perceives Hashem as saying, "I am Hashem, the G-d of your father Abraham, the G-d of Isaac" (28:13). "Father" is mentioned with Abraham but not with Isaac. Does this omission indicate that Jacob had a problem (at this point perhaps conscience-ridden) as regards the blessings and his relationship with his father? He knew that he was the son fit for the blessings. He could not understand why his father – G-d's agent in transmitting the bequest – had planned to grant Esau the blessings, which necessitated his having to procure them through deception.

2. In Haran, First Phase

Upon arriving at his destination, and while at the well, Jacob meets Rachel. The Torah draws a subtle but compelling contrast between the well scene of Abraham's servant meeting Rebekah that led to the ensuing marriage proposal he made to the family and Jacob's meeting Rachel and his marriage proposal for her to Laban. In both instances the visitor promptly meets the prospective bride, indicating divine providence at work. Laban, to whom Jacob is going, was present in that first instance also. The reader does not know exactly what he was up to then, but from the description of his behavior and his attempt to delay Rebekah from departing after his enthusiastic agreement to the marriage, we assume he had some greedy ruse in mind. However, in that case G-d's favorable intervention was manifest to all – all agreed *מֵה' יָצָא הַדְּבָר* ("from Hashem this matter has come forth" [24:50]). Rebekah surprised her family, essentially Laban, by rejecting his suggestion to delay the marriage, and all went remarkably smoothly. In Jacob's case, however, major obstacles impeded his marriage to Rachel. Divine providence was not promoting a smooth path for him.

Immediately upon Jacob's arrival, Laban begins to exploit and deceive him. A direct and tangible outcome of Jacob's having perpetuated his deception is that he lives a major segment of life – twenty years – totally subject to a master deceiver.

The first words Laban is quoted as saying to Jacob are, "Truly you are my bone and flesh" (29:14), supposedly graciously inviting his guest to stay by him. Jacob proceeds to do so for a month, working for his host. The next words in the text quote Laban after the month, "Because you are my kinsman shall you work for me for nothing? Tell me, what are your wages?" (v. 15). He speaks of the future, indicating that there will be no payment for the past month besides room and board.

Jacob's response to Laban's question is clear and definite: "I will work for you seven years בְּרַחֵל בְּתָךְ הַקִּטְנָה, for Rachel your younger daughter" (v. 18). In his retort, Laban gave the impression that he agreed but never actually said "yes," as we will point out shortly. He was preparing from early on for the deception of Jacob in giving him Leah for marriage.

In the next verse the Torah describes Jacob's great love for Rachel and his contentment with his agreement. The seven years he worked for her were in his eyes "as but a few days (פְּנִימִים אֶחָדִים) in his love for her" (v. 20). The words פְּנִימִים אֶחָדִים recall the only other usage of this phrase in the Five Books, that of Rebekah in prompting Jacob to go to Laban, "And remain with him for יָמִים אֶחָדִים until your brother's anger subsides" (27:44). Did Jacob think that after he weds Rachel he would return home?

Laban's deception contains so many striking elements of correspondence with the episode of Jacob's impersonating his brother to deceive his father that one cannot miss the מִדָּה כְּנִגּוּד מִדָּה, measure for measure retribution.

Jacob's ruse comprised a mother prodding her younger son to impersonate his older brother to exploit his father's blindness and so deceive him to take for himself what was designated for his brother. Laban's scheme consisted of a father (Rebekah's brother, no less) manipulating his elder daughter to impersonate her younger sister to capitalize on the darkness of night to deceive Jacob and take for herself the groom intended for her sister. The parallelism with

reversal on virtually every key detail is an unmistakable demonstration of divine censure to Jacob.

In the morning, upon discovering the deception, Jacob complained to Laban, לָמָּה רַמִּיתָנִי, "why did you deceive me?" (29:25). This clearly recalls Isaac's usage of that stem upon discovering Jacob's deception, when he declared to Esau בָּא אָחִיךָ בְּמַרְמָה, "your brother came in deceit" (27:35).

Laban's rejoinder, "Such is not done in our place, to give the later-born before the firstborn" (v. 26), serves as a multiple censure to Jacob. The phrase "in our place," which might otherwise appear to be superfluous since it is the general preference, seems to imply that perhaps in your place the later-born may precede the firstborn. Not that the reader takes it that Laban knows the details of Jacob's prior deeds, but the Torah speaks through him, pointing to divine censure at work.

In addition, Laban's use of "later-born" and "firstborn" (הַבְּכִירָה and הַצְּעִירָה), is unusual and makes the censure much more incisive. When the text referred to the two sisters some verses earlier (v. 16), they were termed הַגְּדֹלָה and הַקִּטְנָה ("the older" and "the younger"). The latter words would have been the more suitable for Laban to use here, since it is only the issue of older and younger (not firstborn and later-born) that is the critical factor in such matters. Speaking of firstborn and later-born recalls the Esau and Jacob interaction and firstborn rights.

Without awaiting a response from Jacob, Laban promptly takes further advantage of the dumbfounded victim's desire to marry Rachel. He proposes a deal: wait one week and marry Rachel for another seven-year term of service. An exorbitant price but Jacob meekly complies. It had now become clear to him (as to the reader) that even in responding to the original marriage proposal that Jacob made for Rachel – specific and clear as it was – Laban was plotting a deception. He had merely said, "It is preferable I give her to you than give her to another, stay with me" (v. 19). Laban's scheming to sell Jacob his firstborn daughter from early on parallels Jacob's early machinations to purchase Esau's firstborn rights!

Jacob was unable to protest the use of deception against him as he sensed the deeper, unspoken message of reproof. He must suffer in silence. Indeed,

from that moment on, throughout his long tenure working for Laban, until after he had already departed for home and Laban confronted him, the text does not provide a single instance of Jacob protesting any of the many deceptions Laban perpetrated against him. The Torah appears to be portraying the subtle workings of human conscience in Jacob.

3. Further by Laban

The reader does not even know that Laban incessantly exploited and oppressed Jacob in many ways through the years, a matter we only discover at the confrontation after Jacob's departure. At that time, in responding to Laban's criticism, Jacob finally felt compelled to remind him of these matters and reviewed the persistently grueling conditions under which he was required to work during his twenty-year sojourn in Haran. (31:38-42). It becomes clear that he had felt himself virtually a captive of Laban throughout his tenure by him and lived with the fear that he might be sent home empty-handed! When he finally departed he did so stealthily because he was afraid that Laban would "steal" his daughters away (v. 31). His salvation was G-d's intervention with Laban the night before the confrontation at the parting.

Such long-term struggling, maintaining his faithfulness to his responsibilities, and the attendant divine intervention, again confirm that despite certain shortcomings, Jacob possessed extraordinary qualities and was capable of becoming a deserving successor to his father and grandfather, as indicated to Rebekah before his birth. He required moral maturing and appreciation for the rights and feelings of others, lessons he received through the many years that he was a victim of Laban's exploitation, learning what it feels like to be the object of deception.

At their parting, Laban accused Jacob of having stolen his *terafim*. Although we are not certain what *terafim* are, it appears they are a type of household idol since they were termed *elohai* ("my gods") by Laban and *elohekha* ("your gods") by Jacob. At this time, when Jacob was finally able to vent some of his pent-up frustration, he rashly uttered a death sentence or perhaps a death-curse against whoever is the guilty party. He could not imagine a member of his family or household stealing Laban's property, whatever the rationalization. This was a telling reflection on his present moral thinking and the exemplary standard he

obviously set for his family and household, but an ironic judgment on his own past!

Jacob made a terrible mistake. It was Rachel who pilfered her father's *terafim* and it was on her that he unknowingly placed his dire decree. This is another episode that constitutes a subtle commentary on the long-term ill effects of his past deception. He deluded his father to steal his blessings; now, his beloved wife deceived her father to steal his idols that supposedly bestow blessings. As Jacob's theft caused him to be embroiled in a major confrontation with the threat of death to him, Rachel's action also brought a major confrontation with a threat of death to her. Jacob's decree on the thief was superficially resolved by Rachel's concealing the *terafim*.

While Rachel was surely experiencing a traumatic fright as her father was meticulously combing through the family's belongings we are reminded of the fright Jacob undoubtedly felt when his father was carefully examining him. The Torah describes both in terrifying detail and draws the parallel between them.

In the earlier case, the key root that carried the tension was *משש*, "to feel," referring to the blind Isaac's thorough checking for a possible imposter who might be seeking to "steal" the blessing for himself. Jacob's original reluctance to engage in the deception was because "Esau my brother is hairy and I am smooth, *אולי ימשני אבי*, perhaps my father will feel me" (27:12). To verify that it was Esau before him, Isaac says, *האָפֿן קָמֶה וְאֶמְשֶׁךְ* ("Come forward that I may feel you" [v. 21]). In the following verse, as the tension heightens, we read *וַיִּמְשֶׁהוּ* ("he felt him"), but he did not recognize him (because of the goatskin). In our case, after Laban checked the tents of Jacob, Leah and the two maids (in those cases the text pointedly avoids use of the *משש* root), he came to Rachel's tent. As he entered and the tension peaks, just before it states *וַיִּמְשֶׁשׁ לְבָן אֶת כָּל הָאֱהָרָה* ("Laban felt through the whole tent" [31:34]), we are told Rachel had removed the *terafim* to the camel cushion and sat on them, constituting a similarly close call as in the Jacob-Esau case.

When Jacob sees that Laban found nothing, he reproves him, saying, "Now that *הִמְשַׁשְׁתָּ* ("you have felt through") all my stuff what did you find?" (v. 37). Besides these five instances, the *משש* root does not appear in Genesis and is rarely found in Tanakh; it is attested three additional times in the Five Books

(Exod. 10:21; twice in Deut. 28:29) and four more times in Tanakh.

Another key phrase in Jacob's remarks to Laban is הָכִיר לְךָ "recognize for yourself" (31:32). With these words he virtually challenged Rachel's father to search for that which she had stolen. This connects with the וְלֹא הִכִּירוֹ ("he did not recognize him") of 27:23, exactly the phrase that relieved the tension before Isaac granted the blessing to Jacob. In Part II of this study we will see this root continue to play a prominent role in Jacob's "measure for measure" retribution.

In drawing a parallel between the deceptive acts of Jacob and Rachel, it seems that the Torah comments on the worthlessness of the blessing Jacob procured. In essence, the Torah equates the value of his stolen blessing with the imaginary benefit that was erroneously thought to be derivable from the *terafim*. A legitimate blessing could not be compared to the idolatrous *terafim*. G-d does not honor blessings procured through deceit even when pronounced by the most righteous of people. This was a lesson Jacob learned the hard way.

Unquestionably, Jacob overreacted to Laban's accusation, hastily pronouncing the extreme decree of death upon the guilty party, whether through human agency or curse. (It should be noted that the Torah never mandates death for theft.) Jacob's strong stand appears to reflect the guilty conscience that often accompanies sincere remorse, especially when there was not an opportunity for rectification. Jacob could not countenance the possibility that a member of his family or household would engage in such deception. The lesson is clear: Deception is a deadly practice that one way or another backfires on its users.

The Torah does not comment on the effect Jacob's curse or decree of death had on Rachel. However, there are grounds to speculate that it may have played a role in her premature death. She dies immediately after leaving Bethel, the site where Jacob and his entourage had a major spiritual experience. Out of fear of being discovered, she may have committed the sacrilegious act of not ridding herself of the *terafim* beforehand as was necessary (see our discussion on this in our *Parashat Vayishlah Part III* study).

Rebekah's major role in devising the impersonation scheme for Jacob, persuading and assisting him in carrying it out, does not at all exempt him from a full

measure of moral responsibility. Adults are required to heed their conscience and use their common sense; that is, they must use their personal judgment in what they do. Accordingly they are held accountable even when others prompt them.

And retribution to Jacob does not exonerate his mother. She must live for what may have been the rest of her life in mortal fear that one of her sons was intent on killing his brother, her beloved son. She must endure Jacob's prolonged absence. Upon sending him away, she thought it would be גְּמִיּוֹת אֶחָדִים, a short time. She stated her intention that she would send for him when Esau's anger subsides and he "forgets what you did to him" (27:44-45). As a mother, she may have originally been naïve about her son's evil potential. Nevertheless, since she never sent for Jacob, it is evident that she never sensed a change of heart in Esau. It does appear that that was the correct evaluation of him, confirmed by his traveling a significant distance with four hundred men, a regular militia, to "greet" his brother upon his return. Indeed, Esau's attitude did not change until Jacob initiated reconciliation with him.

And above all, Rebekah had to live with the conscience pangs that she unnecessarily caused the terrible situation to come about (see our study on *Parashat Toldot Part I*).

Endnote

* In the Midrash (*Gen. Rab.* 74:4, 9), Rachel's premature death is attributed to Jacob's curse. His statement "shall not live" was described as, "Like an error that proceeds forth from a ruler" (*Eccl.* 10:5). The view of these sages seems to be that although Jacob would never have uttered it had he known it would apply to Rachel, it becomes fulfilled, as she did indeed steal the *terafim* and Jacob's status is such that his decrees, like those of a ruler, have standing. It should be recalled that when Rebekah first broached the idea to Jacob of deceiving his father to get Esau's blessing, his response was, וְאִנִּי יִמְשְׁנִי אָבִי, "and I will bring upon myself a curse" (*Gen.* 27:12). Yet he did the act he feared might bring a curse upon himself, and in the "measure for measure" reverberations of it he placed a curse upon his beloved wife, which in essence was also a curse upon himself.