

WE HAVE NO 'RIGHTS'

by Rabbi Yaakov Menken

"And Yaakov said, sell me your birthright today." [25:31]

If we look at our Sages' analysis of the sale of the birthright, we see an interesting subtext -- the difference in the underlying philosophies of Yaakov and Esav. Let us look at the commentary of Rashi, Rabbi Shlomo Yitzchaki, which is derived from the Medrash.

Our Sages say that the Torah -- not the actual document, but the substance of the Commandments and the attachment to the Divine -- was revealed by G-d to our forefathers. Shem the son of Noah, and Ever his great-grandson, even opened a Yeshiva, and Yaakov went to study there! And they took upon themselves to perform the Commandments, even though they were not obligated by G-d to do so.

Why did Yaakov ask for the birthright? Because until G-d consecrated the Kohanim, the Divine Service -- offering sacrifices -- was performed by the first-born son. Yaakov said to himself, "this wicked person isn't fit to offer sacrifices to the Holy One, Blessed be He." He realized that his older brother was unable to fulfill the obligation on behalf of Yitzchak's children, and was therefore motivated to take it upon himself in order to ensure that it was done properly.

"Esav said, 'Behold I am going to die, so what is the birthright to me?'" [25:32] Rashi explained that Esav also knew the rules. He knew that the birthright was transient -- that in several generations, the Levites were going to take the honors from the firstborn. And furthermore, he regarded the sacrifices as a potentially deadly burden -- performing the service while drunk is a capital crime. If so, he said, why do I want it?

And so he sold it, and "...Esav spurned the birthright." [25:34] Rashi says, "the verse testifies to his evil, for he spurned service of the Divine."

Esav didn't care about obligations. He cared about honors. "Some honor _this_ is! It's not going to be part of my legacy, because the Kohanim are going to take it. And I could die doing it. What do I need this for?" So he spurned it -- he decided that it was no honor, but something to denigrate, and he rid himself of it.

Yaakov, on the other hand, was motivated by the obligation. "My brother is incapable of doing this properly! And yet it has to be done." This is why he took it upon himself. He wasn't after the honor. He wasn't after the glory, the "entitlement." He recognized there was something that needed to be

done -- a family obligation -- which was not being performed. And he wanted to ensure that it was done.

Rights? Privileges? The Torah doesn't talk about those. We don't have "entitlements," we have obligations. Self-improvement comes from recognizing our obligations, and meeting them, not from demanding rights and looking for privileges.

We are living in a society where the concept of "rights" has been distorted from certain basic principles of human dignity to something which every individual can practically create and claim at will -- resulting in lifetimes spent standing up for "rights" and "entitlements" which defy common sense.

Far better, Yaakov tells us, to think about our obligations -- obligations to our spouses, to our children, to our communities, and to G-d. That is the road to self-improvement, and ultimately to self-fulfillment.