

THE FIRST JEWISH FAMILY

by Rabbi Yitzchak Etshalom

On behalf of my wife, Stefanie, this shiur is dedicated in honor of Yoseph Tzvi Etshalom, whose Bar-Mitzvah is today (7 Elul) and who will be celebrating his Hiyyuv beMitzvot with his entire family and friends this Shabbat...special warm wishes and Berakhot to his brothers, Kovy, Avi and Roni and sister Ariella.

Ben Porat Yosef, Ben Porat Alei Ayin...

Shabbat Shalom

I

"DARSHINAN S'MUKHIN B'MISHNEH TORAH"

In the past few shiurim, we have focused on the Halakhot (laws) of each given Parashah from a "broad" perspective - looking at an overarching theme which binds these laws together and which explains their inclusion in Sefer D'varim, as well as the sequence of presentation.

Before addressing this week's Parashah, one note about this perspective in interpretation is in order.

The Gemara (in several place, e.g. BT Yevamot 4a) notes that although there is a dispute among the Tannaim as to whether or not it is appropriate to make contextually-driven inferences (known as "S'mukhin") in the Torah, this dispute only obtains in reference to the first four books of the Torah. In other words, whether we can infer details of one law from a "neighboring" law simply by virtue of their juxtaposition is subject to debate among the scholars of the Mishnah. This is, however, not true with regards to Sefer D'varim - there is a consensus that juxtaposition is meaningful in D'varim and that such inferences are valid. This principle is known as "Darshinan S'mukhin b'Mishneh Torah" - we allow for juxtapositionally-driven inferences in "Mishneh Torah" (D'varim).

What is the rationale behind the distinction? As we have discussed in several shiurim on Sefer D'varim (see the first two shiurim at <http://www.torah.org/advanced/mikra/5757/dv/dt.57.5.01.html> and [/dt.57.5.02.html](http://www.torah.org/advanced/mikra/5757/dv/dt.57.5.02.html)), the entire endeavor of Sefer D'varim is educational - Mosheh Rabbenu is educating the new generation and preparing them to enter the Land. The scope of Mitzvot which are mentioned in D'varim as well as the order of their presentation is not predicated on chronological considerations (i.e. in what order they were originally given), rather on pedagogic method - in what order their presentation will effect the most critical educational and spiritual messages to the new

nation. For that reason, Hazal (the Rabbis) are comfortable maintaining a consensus regarding the significance of order of presentation specifically in this, the final book of the Torah.

II

NATIONAL UNITY - > LEADERSHIP -> FAMILY

As we discussed in our shiur on Parashat R'eh, the focus of the Mitzvot of that Parashah is twofold: Actualizing the commitment we are to have towards God (loving Him and declaring His Oneness) and realizing the essential fellowship of all Jews. In our discussion of Parashat Shoftim, I pointed out that the entire Parashah is geared towards the establishment of leadership and the quadri-cameral government of the Jewish Nation.

Our Parashah, Parashat Ki Teitzei, contains many Mitzvot (along with Parashiot Mishpatim and Kedoshim, Ki Teitzei is the most critical and dense Parashah, from a legislative perspective). Unlike the Mitzvot presented in Parashiot R'eh and Shof'tim, the Mitzvot in our Parashah are presented in terse form, generally lacking the motivational features so prominent in the earlier Parashiot. For instance, there are few references to the Exodus in our Parashah, just as there are hardly any references to the ideal relationship with God, so prevalent in the presentation of Mitzvot in the previous two Parashiot. It would be easy to posit that, unlike the previous two Parashiot, Ki Teitzei is merely a law compendium, listing many laws which either expand on earlier presentations or are new laws, not seen in earlier Humashim (see Ramban's introduction to D'varim).

There is, however, a theme which ties most of the Parashah together and which is a likely candidate to follow the themes of R'eh and Shof'tim.

A subject which occupies a major part of our Parashah is marriage, divorce and related issues (e.g. adultery, rape, levirate marriage ["Yibbum"] etc.). Although there seem to be some exceptions to this generalization, the Mitzvot in our Parashah are focused around issues of family. We have moved from a definition of the national polity - both in mission and in constitution (R'eh) to the national government (Shof'tim) to the micro-unit upon which the success (or failure) of the national endeavor rests - the family.

As mentioned, there seem to be some exceptions to this categorization (such as the Mitzvah to send away the mother bird and keep the eggs) and it might take some homiletic gymnastics to "make everything fit"; yet, there seems to be a subtle theme which runs through the Parashah and helps explain the inclusion of some of these "poor fits" into our Parashah. In addition, it may give us some insight into the nature and desiderata of the Jewish family.

II

THE FIRST THREE PARASHIOT:

AN INAUSPICIOUS BEGINNING

(I strongly recommend that you use a Tanakh or Humash to follow the rest of the shiur).

Our Parashah opens with three brief parashiot:

A) "Y'fat To'ar" (beautiful woman taken as a captive in war); B) "Ben haS'nu'ah" (firstborn of the rejected wife) C) "Ben Sorer uMoreh" (rebellious son)

(Note that the Midrash, quoted by Rashi, connects these three and understands that there is a causal relationship between them - i.e. if you marry the "Y'fat To'ar", you will come to despise her and her son (who is your first-born) - and that son will ultimately become a rebellious child. Another example of "S'mukhin" in D'varim).

This is certainly an unpleasant slice of family life - taking a woman as a "captive wife" on account of her physical appeal, "hating" a wife and your own flesh-and-blood who you sired with her - and a rebellious child. Why does the Torah begin the series of "family-oriented" Mitzvot on such a sour note?

III

"KADESH/K'DESHAH" AND "ET'NAN ZONAH"

There are a couple more Halakhot mentioned in our Parashah which don't seem to "fit" with the theme. Besides the more obvious "intrusions", we find the following law in the middle of Halakhot directly related to issues of family: No Israelite woman shall be a "K'deshah", nor shall any Israelite man be a "Kadesh". You shall not bring an "Et'nan Zonah" (fee for a whore)...[as an offering]. (23:18-19) Note that these two laws, which are joined together in one parashah, are presented in between laws directly related to family (22:13-23:9 and 24:1 ff.). Why are they mentioned here?

An almost immediate passage is even more startling: "If you make a vow to Hashem your God, do not delay fulfilling it..." (vv. 22-24)

What is the reason for the placement of these verses here?

One final question: Even though the theme of this Parashah is family, as noted above, the Parashah ends on a seemingly unrelated note: The Mitzvah to wipe out - and preserve the memory of - Amalek and their wickedness. What does this have to do with "family"?

SUMMARY

In sum, we have several questions about the inclusion and sequence of several Mitzvot in our Parashah:

1. Why does the Parashah begin with the laws of the Y'fat To'ar and rejected wife/firstborn?

2. Why is the Kadesh/K'deshah law, along with the "Et'nan Zonah" law, placed in the middle of laws relating to family?
3. Why is a section relating to fulfilling vows in a timely fashion placed in the middle of that same section?
4. Why does our Parashah end with the Mitzvot relating to Amalek and their remembrance?

IV

THE "UNDERCURRENT" OF OUR PARASHAH: OUR FIRST FAMILY

Although we generally consider Avraham to be the first father of our people, we do not refer to ourselves - nor does the Torah refer to us - as B'nei Avraham (this is the appellation reserved for converts - a subject we will take up in next week's shiur). We are not called B'nei Yitzchak either - for the same reason. The nations of Yishma'el can equally claim lineage from Avraham - and the seed of Esav can refer to themselves as the children of Yitzchak. The first of our fathers who is our father and our father only is Ya'akov - hence, we are known alternatively as B'nei Yisra'el (=Ya'akov) or Beit Ya'akov.

The first "Jewish" family (certainly an anachronistic cognomen, considering that the first person to be called a Jew lived roughly a thousand years after Ya'akov) is the family of Ya'akov. Ya'akov and his two wives, his two concubines, his twelve sons and one daughter - that is the first in the chain of Jewish families.

The Torah seems to be reminding us of this identification specifically in the Parashah devoted to family, as follows:

A) Ki Teitzei - Vayetze.

The beginning of our Parashah uses the verb "Y* Tz* A*" - to go out: "When you go out to war against your enemies..."

Although certainly not a unique verb, it appears in the opening of only one other Parashah - "Vayetze Ya'akov miB'er Sheva..." (B'resheet 28:10). Even though he didn't know it at the time, Ya'akov was "going out to war" against the man who would prove to be his most difficult enemy - father-in-law Lavan. This subtle reminder at the beginning of our Parashah sets the tone for the next two Parashiot.

B) Y'fat To'ar. There is only one woman in the Torah who is described as "Y'fat To'ar" - and that is the beautiful Rachel, the beloved of Ya'akov. (B'resheet 29:17). Once again, we are given a strong reminder and association with Ya'akov and his family.

C) Ishah S'nuah In the next parashah, we are told about a man who has two wives - one beloved and

the other "S'nuah" (hated/rejected). Again, there is only one wife or woman in the Torah who is described this way - Leah, the first wife of Ya'akov and Rachel's "competition".

D) B'khor haS'nu'ah The Torah here seems to take issue with Ya'akov's behavior. "When he wills his property to his sons, he may not treat as first-born (B'khor) the son of the beloved wife in disregard of the son of the unloved wife who is older" (D'varim 21:16). Looking back into B'resheet (or ahead to Divrei HaYamim I 5:1), we see that Ya'akov did exactly what the Torah prohibits here. He took the B'khorah (rights of the first-born) away from Re'uven, the firstborn son of the "hated" wife, Leah, and gave them to Yoseph, the firstborn son of the beloved wife, Rachel.

This brings up an issue which is quite beyond the scope of this shiur (but will be addressed in the shiurim on B'resheet later this year) - namely, how we regard those actions of the Patriarchs and Matriarchs which seem to contradict Toraic norms or ethics. We may note, however, that S'forno does address this problem in our Parashah and notes that if a firstborn son is not worthy of that inheritance (which includes a double portion and a position of power in the estate), it may be withdrawn from him and granted to another brother. This is why, as S'forno points out, the verse in Divrei HaYamim notes that Re'uven's sin with Ya'akov's concubine, Bilhah, was the cause of his losing the B'khorah.

Be that as it may, the Torah again calls our attention to the "first family".

E) K'deshah and Et'nan Zonah. One of the most central chapters in B'resheet - especially with regard later Israelite history - is the story of Yehudah, his sons and Tamar (Chapter 38). In that narrative, we are told how Tamar dressed up like a harlot in order to achieve union with Yehudah (read the chapter for the full story). She is the only woman in the Torah who is called a "K'deshah" (see B'resheet 38:21,22). Furthermore, the goat that Yehudah sends for her payment is, of course, the only instance of an "Et'nan Zonah" about which we read in the Torah. Again, the Torah draws our attention to the family of Ya'akov.

F) Nidrei Hekdesh and Bal T'acher As noted above, a seemingly incongruous parashah regarding fulfillment of vows and not delaying such fulfillment (a prohibition known as "Bal T'acher") is placed in our Parashah. Again, we look back to B'resheet and to the life of Ya'akov for a clue. In the aftermath of the "ladder dream", Ya'akov takes a vow (see our shiur on the topic - it's in the B'resheet archives at <http://www.torah.org/advanced/mikra/5757/br/dt.57.1.04.html>) Until the Jewish people take a vow related to the first K'na'ani war (Bamidbar 21:2), Ya'akov's vow is the only one recorded in the Torah. (Eliezer's commitment to Avraham was an oath - "Sh'vu'ah", not a "Neder"). Yet again, the Torah is creating an subconscious association with Ya'akov and his family throughout the Parashah.

G) Yibum - the levirate marriage This one is almost too obvious to mention. The only instance of Yibum in the Torah is, again, in the Yehudah/Tamar story. Yehudah's second son, Onan, refuses to perform Yibum with his dead brother's wife, Tamar, and is killed by God for this sin. Our parashah,

with its strong words about anyone who refuses to keep his brother's name alive, is a clear condemnation of Onan.

V

AMALEK

These "hints" are interesting - but why is the Torah using them to keep Ya'akov's family in the background as it presents laws relating to family?

We might find an answer in the inclusion of the Amalek section at the end of our Parashah - our final question above.

Much of our Parashah is devoted to inclusion and exclusion - who may marry into the Jewish people and who is excluded. One of the properties of exclusion is that it defines inclusion; i.e. by clarifying who may not enter, we begin to understand the unique qualities of those who may enter.

As we read in the genealogy of Esav, Amalek is a direct descendant of Ya'akov's brother. (B'resheet 36:12). Much as we maintain a powerful connection with family - even when they err (e.g. Onan), our lines are drawn around us and we can also define who is "not family". Although Amalek might be considered a "cousin", the Divine selection which firmly placed Ya'akov on the inside track - also pushed Esav out. His seed, though they may be genealogically related to us, are not our family.

This exclusion, as mentioned above, helps define the inclusion which is the undercurrent of the Parashah. Even if the sons and grandsons of Ya'akov sinned - even if we need to question grandfather Ya'akov's behavior - we are all still family with each other and we bear the responsibility that comes with that relationship.

The strong and uncompromising exclusion of Amalek helps to define the notion of Jewish inclusion for those who are truly of the family of B'nei Yisra'el and Beit Ya'akov.

This message runs underneath the explicit laws of family which form the basis of our Parashah and help us further understand our responsibilities towards each other - expanding on the second theme of Parashah R'eh - "Banim Atem laShem Eloheikhem" - You are children of God. (See our shiur there)

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