



## No Excuses: Jacob's Sin and its Consequences

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To be human is to be accountable. In contrast to (other) animals, the Mishnah teaches, human beings are always held responsible for their actions (Mishnah, Bava Kamma 2:6). The Torah seeks to impart this lesson through the often sordid story of the patriarch Jacob.

One day, as Jacob is cooking a lentil stew, he is approached by his exhausted older brother, who asks, "Give me some of that red stuff to gulp down, for I am famished" (25:30). Esau is presented as brutish and uncouth—he does not care how or what he eats, as long as it fills him—but Jacob comes across as cold-hearted and conniving. He responds to his brother by demanding, "First sell me your birthright." Bible scholar Yair Zakovitch notes that "we would have expected Jacob to try to alleviate his brother's distress quickly, to give him food and drink with no conditions and without (it goes without question) expectation of payment. Not only is this not the case, but Jacob demands the highest price—the birthright—



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for a simple bit of food."<sup>1</sup> Jacob's "lack of compassion and hospitality stand in stark contrast to that of his grandfather Abraham (18:1-8)"<sup>2</sup> and his mother Rebekah (24:15-27).<sup>3</sup>

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<sup>1</sup> Yair Zakovitch, *Jacob*, trans. Valerie Zakovitch (2012), p. 23.

<sup>2</sup> Bruce K. Waltke with Cathi J. Fredricks, *Genesis: A Commentary* (2001), p. 363.

<sup>3</sup> Cf. what I have written about Rebekah's generosity (and complexity) in "People Are Complicated, Or: Sensitivity is a Dangerous Thing," CJLI Parashat Hayyei Sarah 5775, available [here](#).



Esau responds impetuously, willingly accepting Jacob's offer. But Jacob still does not share his stew, insisting that his brother first swear to surrender the birthright. Esau again consents. The text then informs us that Esau "ate and drank and rose and went away and spurned the birthright" (25:32-34). The barrage of five consecutive verbs draws out "Esau's earthly, bestial nature as a man who does not pause to consider his actions."<sup>4</sup> The picture of Esau presented in the text is disturbing, but the portrayal of Jacob is worse. As R. Isaac Abravanel (1437-1508) comments, "Had Jacob been blameless and upright, how could he have dared to tell his older brother to sell him his birthright for... a contemptible price such as a bowl of lentil stew." Esau's boorishness does not excuse Jacob's greed: "If Esau is a foolish man, Jacob should have been a just man and not tricked him."<sup>5</sup>

What comes next is even more distressing. Concerned that her husband is going to bestow his blessing on Esau, Rebekah hatches a plot for Jacob to trick his father into blessing him instead. Rebekah will cook a meal like the one Isaac expects from Esau, and then Jacob will impersonate his brother by donning Esau's clothes. Rebekah covers Jacob's hands and neck with the skins of kids, gives him the food to present his father, and things unfold as planned. Both Isaac and Esau condemn Jacob's trickery. Isaac informs his elder son that "your brother came with deceit and took your blessing." Esau responds by connecting Jacob's name (Ya'akov) with his actions—he cheated (*va-ya'akveini*) me these two times! First he took away my birthright and now he has taken away my blessing" (27:35-36). When Jacob was born, his name was explained as deriving from the word heel (*Ya'akov-akev*), one who grabbed his brother's heel (26:26). But now Esau offers a brutally critical alternative etymology: Ya'akov, he implies, derives from the word *akov*, and means "crooked one" (27:36). As if the condemnations were not enough, the text also vividly elicits the reader's pathos: Esau

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<sup>4</sup> Zakovitch, *Jacob*, p. 24.

<sup>5</sup> Translation adapted very slightly from Zakovitch, *Jacob*, p. 23.



“bursts into wild and bitter sobbing” and pleads like a small child, “Bless me too, Father” (27:34).<sup>6</sup>

Based on a series of subtle textual clues, R. Ya’akov Zvi Mecklenberg (1785-1865) argues that Jacob was “uncomfortable” with Rebekah’s plan and that he acted as he did only because he “felt compelled to do his mother’s bidding” (Ha-Ketav Ve-ha-Kabbalah to Genesis 27:12,14,16).<sup>7</sup> Yet the simple meaning of the text suggests otherwise. Jacob hesitates to carry out his mother's wishes only because he is afraid of getting caught: “If my father touches me,” he says, “I shall appear to him as a trickster and bring upon myself a curse, not a blessing” (27:12). Jacob does not worry about how his deception will hurt his brother or humiliate his father, nor does he evince concern for how his actions will reflect upon his character. Bible scholar Victor Hamilton acidly notes, “He who is later capable of wrestling with God wrestles little with his mother or with his conscience.”<sup>8</sup>

The Torah takes an extremely dim view of Jacob's trickery; he is made to pay for his deception for the rest of his life. Parashat VaYetzei reports that after working seven long years in order to marry his beloved Rachel, Jacob is deceived by his father-in-law

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Laban, who gives him his elder daughter Leah instead of the younger Rachel. When Jacob discovers the deception, he is outraged, demanding of Laban, “What is this you have done to me? I was in service for Rachel! Why did you deceive me?” (29:25). A midrash imagines

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<sup>6</sup> Cf. Robert Alter, *The Five Books of Moses: A Translation with Commentary* (2004), p. 144.

<sup>7</sup> R. Mecklenberg notes that: 1) Jacob says, “Perhaps (*ulai*) my father will touch me” (27:12) rather than “lest (*pen*) he touch me,” thus suggesting that he wants the plot to be foiled; 2) Jacob does what his mother orders, but since there are no verbs in the text to suggest eagerness or alacrity, Jacob’s heart must not be in it; 3) The text says that Rebekah dressed Jacob (27:16), not that he dressed himself. Clearly, then, according to R. Mecklenberg, Jacob is only a very reluctant participant in the goings on.

<sup>8</sup> Victor P. Hamilton, *The Book of Genesis, Chapters 18-50* (1995), p. 217.



Jacob lambasting Leah as well: “You are a lying daughter of a liar! During the night did I not call out ‘Rachel’ and you answered me?” Leah’s response to Jacob is searing: “Is there a school without students? Did your father not call out to you, ‘Esau,’ and you answered him?!” (Genesis Rabbah 70:17). Infuriated by the deception, Jacob is nevertheless silenced: “Laban indeed cheats Jacob, but how can the scheming Jacob protest, Jacob whom his own father has described as having ‘come with deceit and taken your blessing’ (27:35)?” This is a clear case of poetic justice, or measure-for-measure (*midah ke-neged midah*). Zakovitch notes the painful symmetry between what Jacob does and what is now done to him: “In the story of the stealing of the blessing, the mother, Rebekah, took advantage of the father’s blindness to replace his firstborn son with the younger one. In the parallel episode, the father, Laban (who is Rebekah’s brother), takes advantage of darkness... to substitute his younger daughter with the firstborn.”<sup>9</sup> Terence Fretheim rightly observes that “in matching deception for deception, the narrator must have understood Jacob’s activity in Genesis 27 as reprehensible.

Jacob must now know something of how Esau felt.”<sup>10</sup>

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“Laban said, ‘It is not the practice in our place to marry off the younger before the older’”

(29:26). The word “*bimkomeinu*,” in our place, is no doubt intended to sting. “‘In our place’—Laban pronounces—matters are not conducted as they are in Canaan, where a younger sibling can bypass the firstborn and steal his rights.”<sup>11</sup>

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<sup>9</sup> Yair Zakovitch, *Jacob*, trans. Valerie Zakovitch (2012), p. 64.

<sup>10</sup> Terence E. Fretheim, “The Book of Genesis: Introduction, Commentary, and Reflections,” in *The New Interpreter’s Bible*, vol. 1 (1994), p. 553. Fretheim adds rather tartly that Jacob “has met in Laban someone not unlike himself.”



Years later, Jacob's sons sell his beloved Joseph into slavery. Then they dupe their father into believing that Joseph is dead:

"They took Joseph's tunic, slaughtered a kid, and dipped the tunic in blood... they

said, 'We found this. Please examine it; is it your son's tunic or not?' (37:31-32). Again, poetic justice: "His sons' cruel trickery represents [another] measure-for-measure punishment for Jacob's having procured his brother's blessing: He cheated his father by using his brother's garments, now his own sons cheat him by using the garment of their brother."<sup>12</sup> As a Hebrew aphorism puts it, "Jacob betrayed with garments, and his sons betrayed him with a garment."<sup>13</sup>

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Esau is not alone in his evaluation of Jacob's behavior. Suggesting that Jacob's duplicity goes all the way back to his time in his mother's womb, the prophet Hosea proclaims: "In the womb he deceived (*akav*) his brother" (Hosea 12:4). In contrast to Genesis, where, as we have seen, Jacob's name is said to derive from the fact that he grabbed his brother's heel, in Hosea his name at birth is already a denunciation of his character.<sup>14</sup> Jeremiah goes even further. Excoriating the people for their perfidy and corruption, he accuses them all of being Jacobs: "Beware, every man of his friend! Trust not even a brother! For every brother acts deceitfully

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<sup>11</sup> Zakovitch, *Jacob*, p. 64. Note, as does R. Eliezer Ashkenazi (1512-1585), that in contrast to the narrator, who refers to Leah as "*ha-gedolah*," the big one, Laban speaks of her as "*ha-bekhirah*," the older one—an allusion to Esau's status in Genesis 25:33. Laban is mocking Jacob, as if to say, "You are the younger, yet you took the birthright from your brother—but that is not the practice in our place." R. Eliezer Ashekanzi, *Gedolim Ma'asei HaShem*, Ma'sei Avot, 32, cited in Amod Frisch, "Your Brother Came With Guile": Responses to an Explicit Moral Evaluation in the Bible," *Prooftexts* 23 (2003), pp. 271-296; citation is at p. 294, n28.

<sup>12</sup> Zakovitch, *Jacob*, p. 156. Cf. also R. Abraham Saba (1440-1508), *Tzror HaMor* to Genesis 37:29.

<sup>13</sup> The wonderful alliteration of the aphorism cannot be captured in translation: "*B'BeGeD BaGaD Ya'akov, u-ve-BeGeD BaGDu bo banav*." Cited in Menorah Rotenberg, "A Portrait of Rebecca: The Devolution of a Matriarch into a Patriarch," *Conservative Judaism* 54:2 (2002), pp. 46-62; citation is on p. 61, n31.

<sup>14</sup> For a provocative historical-critical discussion of Jacob's name(s), cf. Avigdor Shinan and Yair Zakovitch, *From Gods to God: How the Bible Debunked, Suppressed, Or Changed Ancient Myths and Legends* (2012), trans. Valerie Zakovitch, pp. 149-156.



(*akov ya'akov*), every friend is base in his dealings. One man cheats the other, they will not speak the truth... You dwell in the midst of deceit (*mirmah*) [note: the same word Esau uses in decrying Jacob's actions—S.H.]; in their deceit, they refuse to know Me—declares the Lord" (Jeremiah 9:3-5).

But "crooked" is not Jacob's only name. He is also called Yeshurun, which sounds like *yashar*, meaning straight or upright.<sup>15</sup> Moreover, when the gentile prophet Balaam blesses the Israelites, he ties another of Jacob's names, "Israel," to the same root (Numbers 33:10). It is as if there are two impulses in Tanakh, one that castigates Jacob for his treachery, and another that seeks to rehabilitate him. Strikingly, though, the very first invocation of this alternative name drips with irony. Moses accuses the people of forgetting God: "So Yeshurun grew fat and kicked—you grew fat and gross and coarse—he forsook the God who made him and spurned the Rock of his support" (Deuteronomy 32:15). The very name suggesting Jacob's straightness is thus used to accuse his descendants of crookedness.

The Torah is unsparing in its criticism of Jacob's conduct. Esau is a problematic character; perhaps Jacob thinks his brother deserves what he gets. But theft is a crime

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even if the victim is no saint. The Torah describes Rebekah as the chief instigator and schemer; indeed, she tells Jacob that if he gets caught the curse will be upon her (27:13). Perhaps Jacob feels he is only fulfilling his mother's wishes. But Jewish ethics is unequivocal: We may not obey our parents when they tell us to do something morally or religiously forbidden (Midrash Sifra, Kedoshim, Parashah 1). It is God who loves Jacob and wants him to be heir of the covenant; perhaps Jacob believes he is only effecting God's will. But sacred ends do not justify crooked means, and even those who enact God's will are punished for their sins (15:14).

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<sup>15</sup> Deuteronomy 32:15; 33:5, 26; and cf. especially Isaiah 44:2.



Most of us are not consciously defiant when we go astray; we do not explicitly think, “I know this is wrong and I don’t care.” We are not brazen sinners—but we *are* inveterate rationalizers. We tell ourselves that what we did was not actually so bad or that it was not really our fault. Like Jacob, perhaps, we think the person we mistreated had it coming to her; or we insist that someone else—a parent, a mentor, a supervisor—is ultimately the one responsible; or we construct a narrative showing that what we did was necessary in order to achieve some compelling goal. In the face of all this the Torah declares: You cannot “spin” your way out of moral responsibility, even when something as important as God’s blessing is on the line. Our patriarch Jacob tragically learns this the hard way.

Shabbat shalom.

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