

5784 – Deuteronomy 21-25 - Ki Tetze (When You Go In)

Hi, everybody. This is Rabbi David Fohrman and welcome to *Parshat Ki Tetzei* ...¹

This week's *parsha* introduces a bizarre set of laws, but it also uses bizarre language to describe these laws.

The Bible's Laws for When a Man Has Two Wives

כִּי־תִהְיֶנָּה לִישׁ שְׁתֵּי נָשִׁים (ki tih'yenah l'ish shtei nashim), when a man will have two wives (Deu 21:15)—in those times, polygamy was permissible—הָאֵחָת אֲהוּבָה וְהָאֵחָת שְׂנוּאָה (ha-*achat ahuvah v'ha-achat s'nuah*), a wife that he loves **and a wife that HE HATES**.

A wife that HE HATES? Such a mean thing to say. Why does the Torah say it that way? Just say: you know, he has two wives, a wife he loves, **a wife he doesn't love quite as much**. A wife **HE HATES? What's he doing married to her if he hates her so much?** Why would the Torah talk about it this way?

Now, just so we understand the context here, what the Torah is about to tell us is that when the man is married to these two wives, one of which he loves more than the other, **he has to treat the child who is biologically born first as his בְּכוֹר (b'chor), as his firstborn. He shouldn't give in to the temptation to treat the child that he loves more, in other words the child from the loved wife, as his firstborn if that child is in fact younger. That's going to be the point of the Torah here.**

But now, let's come back to the question I just asked you. Why would the Torah use such a jarring phrase to describe this wife that he loves less? Why would it call her a שְׂנוּאָה (*s'nuah*) (hated one)? And the answer, the tentative answer I'd like to suggest to you is that the Torah is playing a little game with us, because it turns out that that word, *s'nuah*, appears before—**and only one time before in the entire Five Books of Moses**. There actually is a woman who gets called that, a real, live woman, in the narrative section of the Torah.

Parallels to Senuah—the Hated Wife—in the Bible

Who is called a *s'nuah*? And yes, you probably guessed it. That woman is Leah, Jacob's wife. Now, before you just dismiss this as sounding crazy, isn't it kind of interesting that actually, the situations match up? Which is to say that Jacob's family situation matches up exactly with what's being described here in this legal section of text.

Jacob did have two wives; **one which he loved more than the other**. Jacob loved Rachel more than Leah. More than that, these two wives both had children. The firstborn child of Leah was Reuben. The firstborn child of Rachel was Joseph. I mean, the situations match up. Think of the implications.

The Torah is telling you that the Jacob man has to treat Reuben, the oldest child, as his *b'chor* (firstborn) and can't treat Joseph, who is relatively younger than Reuben, as his *b'chor* instead. Do you understand what's going on here? **It's like the Torah here in Deuteronomy is leveling this retroactive kind of criticism of Jacob and saying he didn't do it the right way**. Or at the very least, it's saying that in the future you can't do it that way, you have to do it differently.

Now, right around here you just sort of have to stop and just shake yourself back to reality and say, one second, is any of this real, Rav Fohrman, or are you just getting completely carried away with yourself? Great, so you found one work, *s'nuah*, you matched it up over there and great, their family situations match up. But how do you know that's real? Maybe you're just getting carried away with yourself here.

How would we know? Well, in order to know, you would have to have some other compelling evidence that the story here being told in the Deuteronomy, the legal story really is patterned after Genesis. Does that evidence exist?

I would like to suggest to you that it does exist and it comes in the form of three awkward phrases that seem to be out of place in the Deuteronomy narrative.

The Rights of the Firstborn Son in the Bible

So, כִּי־תִהְיֶנָּה לִישׁ שְׁתֵּי נָשִׁים (ki tih'yenah l'ish shtei nashim), so there is this man, he has two wives, הָאֵחָת אֲהוּבָה וְהָאֵחָת שְׂנוּאָה (ha-*achat ahuvah v'ha-achat s'nuah*), **a wife that he loves and a wife that he doesn't love as much**, we have already remarked that *s'nuah* seems to suggest Leah.

וַיֵּלְדוּ־לוֹ בָּנִים הָאֲהוּבָה וְהַשְּׂנוּאָה (v'yaldu-lo vanim ha-a'huvah v'hasnuah), and these two women, they both have children and it turns out that, וְהָיָה הַבֵּן הַבְּכוֹר לְשֵׁנִיָּאָה (v'hayah haben ha-b'chor lasniah), the oldest child is born to the wife that the man does not love as much. וְהָיָה לּוֹ בְּיוֹם הַנְּחִילוֹ אֶת־בְּנָיו אֶת־אֲשֶׁר־יָהִי לוֹ (v'hayah b'yom hanchilo et banav et asher yih'yeh lo), it shall be on the day that he apportions his inheritance to the sons and he has to figure out who his first born is (21:16).

¹ <https://members.alephbeta.org/playlist/firstborn-inheritance-laws>

לא יוכל לבכר את בן־האשה הַבְּכֹרָה (lo yuchal l'vaker et-ben-ha-a'huvah al pnei ven-hasnuah ha-b'chor), he cannot illegitimately promote the child of the loved wife to the position of בכר (b'chor) if in fact he is younger. כי את־הבכר בן־השְׁנוּאָה יכיר (ki et-hab'chor ben-hasnuah yakir), he must recognize that the child of the שְׁנוּאָה (s'nuah), of **the less loved wife**, as the b'chor if he in fact is born first (21:17).

בְּכֹל אֲשֶׁר־יִמְצָא לוֹ (latet lo pi shnayim) to give him a double portion, בְּכֹל אֲשֶׁר־יִמְצָא לוֹ (b'chol asher-yimatzei lo), in everything that is found to him, כִּי־הוּא רִאשִׁית אָנוּ (ki hu rei-shit ono) because to him is the first of his strength. לוֹ מִשְׁפַּט הַבְּכֹרָה (lo mishpat hab'chorah), to him is the right of the first born.

The Bible's Double Portion Blessing for Firstborns

Now, I kind of smoothed out in my reading some of the problems but the first problem is the word יָכִיר (yakir). When it talks about the father's obligation to give the double portion to the child of **the less loved wife**, there is a certain awkward repetition in that phraseology.

What it actually says is the first born child of **the less loved wife**, he must recognize to give him double portion but that is sort of repetitive, you could have just dropped the whole recognize thing. If you wanted to just save words, you could say the less loved child, יִתֵּן לוֹ פִּי שְׁנַיִם (yiten lo pi shnayim), you have to give him a double portion.

What do you mean you have to recognize him to give him a double portion and plus, בְּכֹל אֲשֶׁר־יִמְצָא לוֹ (b'chol asher-yimatzei lo), **in all that's found to the father**, what's that supposed to mean? In all that the father has, he has given the double portion of his estate, why talk about this estate is all that has found to the father?

And finally, כִּי־הוּא רִאשִׁית אָנוּ (ki hu rei-shit ono), because this child, the first born is the first of his strength, I mean that's very poetic phraseology, that first of his strength. **The whole section here is legal pros, what's the poetry dropping in for and plus, it is superfluous**, you just leave it out, you could just say, yeah you have to give him the double portion because לוֹ מִשְׁפַּט הַבְּכֹרָה (lo mishpat hab'chorah).

It turns out that it is not just the שְׁנוּאָה (s'nuah) piece that brings us back to the story of Yaakov, it's all of these awkward phrases; and once you see that, it turns out that everything that's happening here in Deuteronomy

is actually a commentary on what happened back in Genesis and Genesis is going to help us understand what these laws are doing here.

The Origin of the Bible's Inheritance Laws of the Firstborn

Let's start with the end, כִּי־הוּא רִאשִׁית אָנוּ (ki hu rei-shit ono), Deuteronomy tells us, key is the first of the man's strength. That poetic phrase was the exact same poetic phrase that Yaakov himself used to describe, guess who? Reuben, his actual child of the s'nuah.

Yes, that's right, in Parshat Vayechi (And he lived) when Yaakov gives blessings to all of his children, the first words of the blessing that he gives to Reuben is כֹּחִי (kochi), 'you are my power', וְרִאשִׁית אֹזְנִי (v'reishit oni), 'the very first of my strength (or vigor)' (Gen 49:3)—and it's not just the poetry. Let's go to the middle phrases that we were concerned about.

יָכִיר (yakir) and יִמְצָא לוֹ (yimatzei lo), why use those awkward phrases?

Replay those words over and over in your mind and ask yourself, what do they remind you of in Yaakov's life? **Yakir, 'recognize'. Yimatzei lo, 'found to him'. That very combination of words shows up in the most chilling moment in Yaakov's life.** The moment when he realizes his beloved child, the child of his beloved wife, the child that he might have hoped to be his first born, Joseph, is gone forever.

When the brothers sell Joseph after throwing him in a pit, they slaughter a goat and put the blood on Joseph's coat and bring the coat to father; and what do they say? זֹאת מָצָאנוּ (zot ma-tzanu), 'this we found', הַכֶּר־נָא (haker-na), 'recognize please' (Gen 37:32). It is the same words. Why is the Torah doing this, is it just being cute with us? Not being cute with us, it is explaining things to us.

You want to really understand what the brothers were saying to their father when they presented him with the bloody coat? Deuteronomy is going to teach you what they were saying. Go back to those awkward words in Deuteronomy, yakir and yimatzei lo. What did those words signify, in the legal text, what do they mean?

The Meaning of the Double Portion Blessing in the Bible

Well, yakir means that the father has to recognize who his true b'chor is. Yimatzei lo, found to him, were the words that described the fathers estate. Now, take the connotations of those words from Deuteronomy and now plug them back into Genesis and you will understand what the brothers were actually telling their father.

Zot ma-tzanu, they were saying, 'Dad, this is your estate', haker-na, they weren't just saying do you recognize whether this is Joseph's coat. They were saying do you recognize whether this ought to be Joseph's

coat? What are the words being in Deuteronomy? The father must recognize the right of the child that was not loved as much.

הַכְּתֹנֶת בְּנֵי (hak'tonet bin'cha), does it belong to Joseph? Or maybe, it doesn't really belong to him. What was this coat after all? **It was the coat of the first born. Whose was the extra coat?** Listen to the name, Joseph. The name Joseph means added upon. Isn't it a strange name in light of these laws?

What happens to a first born? He gets an added portion. What did the father—in this case, Yaakov—what did he add for this child who means added upon? He added this coat—and you see it by the way, when the brothers strip him of it. When the brothers strip him of his coat, strangely the Torah mentions the coat twice. וַיִּפְשְׁטוּ אֶת-יוֹסֵף אֶת-כְּתֹנֶתוֹ אֵת־ אֶת־ עֲלָיו (va-yafshitu et Yosef et kutanto et-k'tonet hapasim asher alav), they strips him **off his coat, off his special coat** that was upon him.

Rashi asks the obvious question, why mention it twice? You know what Rashi's answer was? Guess what, there were two coats, one coat all the brothers had, everybody had a coat but the other, one was added upon all the other brothers. It's the double portion, **that coat meant, he is my b'chor. Which is my b'chor? The first born child of the loved wife.**

The Lesson Behind the Bible's Firstborn Inheritance Laws

For ever more the Torah is telling you, look at the pain and suffering that that choice caused. Look what the brothers said to their father without really being able to say it to him. At face value, **all Yaakov heard was a forensic question, who does the coat belong to? But the brothers longed to say so much more, it was hidden in their words, they couldn't bear to confront their father directly and the reader just wonders, and what if they had?** What if they been able to, how much pain would have been saved if they only could have told their father instead of selling their brother?

In the end, Deuteronomy gives us an insight into the brothers thinking that we would otherwise not have access to and Deuteronomy patterns its law in such a way to make sure that that pain won't happen again. That brothers in the future will not have to cry out to their father, and then another sale of Joseph with its dramatic, painful ramifications for all of Jewish history, will not take place again.

1. *A wife that HE HATES? Such a mean thing to say. Why does the Torah say it that way? Just say: you know, he has two wives, a wife he loves, a wife he doesn't love quite as much. A wife HE HATES? What's he doing married to her if he hates her so much? Why would the Torah talk about it this way?*

a. Malachi 1:1-4 (cf., Rom 9:1-14)

¹An oracle: The word of the LORD to Israel through Malachi.

²"I have loved you," says the LORD. "But you ask, 'How have you loved us?' "Was not Esau Jacob's brother?" the LORD says. **"Yet I have loved Jacob, ³but Esau I have hated ... "** ⁴Edom may say, "Though we have been crushed, we will rebuild the ruins." But this is what the LORD Almighty says: "They may build, but I will demolish. They will be called the Wicked Land, a people always under the wrath of the LORD.

b. In Luke 14:26 (Yeshua) says: "If someone comes to me and does not hate his father and mother...he cannot be my disciple."

From (this) translation, it appears that (Yeshua) desired his disciples to despise their parents; however, that seems difficult to suppose, since honoring father and mother is one of the Ten Commandments (Ex 20:12). In the Luke 14:26 context, the word 'hate' does not carry the meaning it normally has in English usage, but seems to be used in a Hebraic sense. If we found these words in a first-century Hebrew inscription or manuscript, we would translate them to English as follows: "If a person comes to me and doesn't love his father and mother less (than me)...he cannot be my disciple."²

In Hebrew, 'hate' can also mean 'love less' or 'put in second place,' and 'love' can mean 'love more' or 'prefer.' For example, Genesis 29:31 states that Leah was 'hated' (by Jacob), but the context indicates that Leah was not unloved, but rather loved less than Jacob's other wife Rachel. Rachel was Jacob's *favorite* wife. Notice that the preceding verse specifically says that Jacob loved Rachel more than Leah.

A second illustration of this particular Hebraic shade of meaning of the word 'hate' is found in Deuteronomy 21:15: 'If a man has two wives, one loved and the other hated....' Here, too, the context shows that the 'hated' wife **is only second in affection and not really hated in the English sense of the word.**

In summary, the meaning of (Yeshua's) saying (is): 'If a person comes to me and does not love me more than his father and mother ... he cannot be my disciple' ... (Yeshua) was saying that his disciples should make him (or, make study with him) their first priority?

What's the bottom line? **The meaning of (Yeshua's) important saying (is) almost the exact opposite of the Greek, and its usual English translation!** Instead of 'hate,' the meaning of the verb (is) 'put in second place.' This would make more sense and solve a difficult textual problem.

² <https://www.jerusalemerspective.com/13305/>

2. In Parshat Vayechi (And he lived) when Yaakov gives blessings to all of his children, the first words of the blessing that he gives to Reuben is ... 'you are my power', ... **'the very first of my strength (or vigor)'** (Gen 49:3)—and it's not just the poetry. Let's go to the middle phrases that we were concerned about ... why use those awkward phrases? Replay those words over and over in your mind and ask yourself, what do they remind you of in Yaakov's life? **Yakir, 'recognize'. Yimatzei lo, 'found to him'. That very combination of words shows up in the most chilling moment in Yaakov's life.** The moment when he realizes his beloved child, the child of his beloved wife, the child that he might have hoped to be his first born, Joseph, is gone forever.

a. Genesis 49:1-4

¹Then Jacob called for his sons and said: "Gather around so I can tell you what will happen to you in days to come ... ²"listen to your father Israel. ³"Reuben, you are my firstborn (בְּכֹרִי), **my might, the first sign of my strength** (אוֹנִי), excelling in honor, excelling in power. ⁴Turbulent as the waters, you will no longer excel, for you went up onto your father's bed, onto my couch and defiled it.

1) 1Chronicles 5:1-2

¹The sons of Reuben the firstborn of Israel (he was the firstborn, but when he defiled his father's marriage bed, **his rights as firstborn were given to the sons of Joseph** son of Israel; so he could not be listed in the genealogical record in accordance with his birthright, ²and though Judah was the strongest of his brothers and a ruler came from him, the rights of the firstborn belonged to Joseph) ...

b. Genesis 37:3-4

³Now Israel loved Joseph more than any of his other sons, because he had been born to him in his old age; **and he made an ornate robe for him.** ⁴When his brothers saw that their father loved him (i.e., *favored him*) more than any of them, **they hated him and could not speak a kind word to him.**

c. Genesis 37:31-32

³¹Then they got Joseph's robe, slaughtered a goat and dipped the robe in the blood. ³²They took the ornate robe back to their father and said, "We **found this** (זאת מצאנו). **Examine it** (הִכְרֵנוּ) to see whether it is your son's robe."

3. Now, take the connotations of those words from Deuteronomy and now plug them back into Genesis and you will understand what the brothers were actually telling their father.

Zot ma-tzanu, they were saying, 'Dad, this is your estate', haker-na, they weren't just saying do you recognize whether this is Joseph's coat. They were saying **do you recognize whether this ought to be Joseph's coat?** What are the words being in Deuteronomy? The father must recognize the right of the child that was not loved as much.

a. Luke 15:11-24—"The Prodigal Son"

¹¹Yeshua (said): "There was a man who had two sons. ¹²The younger one said to his father, **'Father, give me my share of the estate.'** **So he divided his property between them.** ¹³"Not long after that, the younger son got together all he had, set off for a distant country and there squandered his wealth in wild living ...

1) The plot ... involves **a father and his two sons—it begins and ends with all three of them.**³

a) Traditional interpretations tend to focus on **the younger son**—the one who "squandered his wealth on wild living" and **the character of the father** who forgives the repentant young man and welcomes him back into the family.

b) However, **the parable is about a man with "two sons"**—both sons have needs and, **they are both lost**, but in different ways.

c) The story, then, is (about) a loving father who had two boys, one of whom walled himself off from his father's love by doing evil, while the other walled himself off from that same love by doing good ... In both cases the sons were prodigals, for they were estranged from their father, and the love relationship between them and him was broken.⁴

2) The request of the younger son, who wants his inheritance more than he desires the life of his father, was tantamount to seeking his father's death.

3) Sadly, it has not always been recognized that **both sons received their inheritance** (v. 12)—**this fact is crucial for following the plot of the story and the role of each character.**

b. Hebrews 9:15-18

¹⁵For this reason Messiah is the mediator of a new **covenant**, that those who are called may receive the promised eternal inheritance—now that he has died as a ransom to set them free from the sins committed under the first **covenant.** ¹⁶In the case of a **will**, it is necessary to prove the death of the one who made it, ¹⁷because a will is in force only when somebody has died; it never takes effect

³ Brad H. young, *The Parables, Jewish Tradition and Christian Interpretation*, (Hendrickson, 1998), p. 130.

⁴ Leslie D. Weatherhead, *In Quest of a Kingdom* (Abington Press, 1944), p. 87.

while the one who made it is living. ¹⁸This is why even the first *covenant* was not put into effect without blood.

διαθήκη (*diatheke* [*dee-ath-ay'-kay*])—בְּרִית (*b'rit*)

Gk: *Disposition, arrangement*, of any sort, which one wishes to be valid, **the last disposition which one makes of his earthly possessions after his death, a testament or will, a compact, a covenant** (Strong)

Heb: *A formal, binding agreement defining relationships and responsibilities between two or more parties*

1) **Is the author really comparing the role of the Jewish Messiah to a Greek Testator?**

—When the Messiah died, did he leave a “Last Will and Testament”?

—Is a “Last Will and Testament” similar (or identical) to a Biblical Covenant?

a) Deuteronomy 21:15-17

¹⁵If a man has two wives, and he loves one but not the other, and both bear him sons but the firstborn is the son of the wife he does not love, ¹⁶~~when he wills his property to his sons~~ (lit., **in the day of his causing his sons to inherit that which he has**), **he must not give the rights of the firstborn to the son of the wife he loves in preference to his actual firstborn, the son of the wife he does not love ...** ¹⁷**The right of the firstborn belongs to him.**

2) A last will or testament is a document by which **a person arranges for the distribution of his or her property and possessions after her death. Family members have the legal rights to property of a person but a person's will is always respected** whether he wants to leave his money to them or some (other) acquaintance ... **The will and testament regulates others' rights over one's property and family after one's death.**

When a person dies, a probate proceeding is initiated to take care of his property. The will usually names an executor—a person assigned the task of carrying out the provisions of the will. If not an executor is named by the probate court. In some States of the U.S., if the person (Testator) has died with a proper will, probate proceedings are not required. But in most states such legal proceedings are required to settle the property especially in case of intestacy (Lack of Will).⁵¹

3) **If NOT, then how does this illustration serve to illuminate the midrash to which it is connected?**

a) ¹⁸**This is why even the first covenant (inserted word) was not put into effect without blood.**

—That is why the word is inserted—but how do we know it's a covenant and NOT a will (or a Testament)?

b) ¹⁹**When Moses had proclaimed every command of the law to all the people, he took the blood of calves, together with water, scarlet wool and branches of hyssop, and sprinkled the scroll and all the people.** ²⁰**He said, "This is the blood of the covenant,** which God has commanded you to keep" (Exo 24:8). ²¹In the same way, he sprinkled with the blood both the tabernacle and everything used in its ceremonies. ²²In fact, the law requires that nearly everything be cleansed with blood, and **without the shedding of blood there is no forgiveness** (Lev 17:11).

4) **Blood was necessary for inauguration of the Mosaic covenant; (Messiah's) blood is similarly necessary to inaugurate the new covenant.**⁵

The Jewish Annotated New Testament, Hebrews 9:15-22

¹⁵For this reason, he (i.e., Messiah) is the mediator of a new **covenant**, so that those who are called may receive the promised **eternal** inheritance, because a death has occurred that redeems them from the transgressions under the first **covenant**. ¹⁶Where a (**covenant**) is involved, the death of the one who made it must be established. ¹⁷For a (**covenant**) **takes effect only at death**, since it is not in force as long as the one who made it is alive. ¹⁸Hence not even the first **covenant** was inaugurated without blood. ¹⁹For when every commandment had been told to all the people by Moses in accordance with the law, he took the blood of calves *and goats*, with water and scarlet wool and hyssop, and sprinkled both the scroll itself and all the people, ²⁰saying, **"This is the blood of the covenant that God has ordained for you"** (Exo 24:8). ²¹In the same way he sprinkled with the blood both the tent and all the vessels used in worship (Lev 16:14). ²²Indeed, under the law almost everything is purified with blood, and without the shedding of blood there is no forgiveness of sins (Lev 17:11).

5 Amy-Jill Levine and Marc Zvi Brettler, Eds., *The Jewish Annotated New Testament*, (Oxford University Press), p. 417.