



“He must recognize the firstborn, the son of the hated one, to give him a double portion”

Yaakov Avinu Secretly Left the Kedushah of the Birthright for Reuven Who Paved the Way for Ba’alei Teshuvah

This week we read parshas Ki Seitzei. We will begin our discussion by examining the fascinating connection between the parsha and the month of Elul, the month of teshuvah. We will present the interpretation of our master, the Arizal, in Likutei Torah concerning the opening pesukim of the parsha (Devarim 21, 10):

”כי תצא למלחמה על אויביך ונתנו ה' אלקיך בידך ושבית שבי, וראית בשביה אשת יפת תואר וחשקת בה ולקחת לך לאשה, והבאתה אל תוך ביתך וגלחת את ראשה ועשתה את צפרניה, והסירה את שמלת שביה מעליה וישבה בביתך, ובכתה את אביה ואת אמה ירח ימים, ואחר כן תבוא אליה ובעלתה והיתה לך לאשה.”

When you will go out to war against your enemies, and Hashem, your G-d, will deliver him into your hand, and you will capture its people as captives; and you will see among its captives a woman who is beautiful of form, you will desire her and you will take her to yourself for a wife. You shall bring her to the midst of your house; she shall shave her head and let her nails grow. She shall remove the garment of her captivity from upon herself and she shall sit in your house, and she shall weep for her father and her mother for a full month; thereafter you may come to her and live with her, and she shall be a wife to you.

According to the Arizal, with these pesukim, HKB”H informs us of the sacred task incumbent upon every Jew during the month of Elul. It is our sacred duty to release the neshamah—depicted as **“a beautiful woman”**—who is being held captive and constrained by the physical, material body. The physical body, influenced by the yetzer hara, has been

sullied by countless sins. Hence, the neshamah is cloaked in a garment woven by the klipah from man’s sins. It is incumbent on us to cry for **“a full month”**—the month of Elul—lamenting our transgressions, in order to release the neshamah from its captivity and rid it of its shameful garment of captivity.

He writes that the bodily limbs are more familiar with the yetzer hara, because it enters a person’s body at birth; whereas the yetzer hatov does not enter a person until he is thirteen years old. Thus, the battle being referred to in these pesukim, is the battle of teshuvah that we wage against the yetzer hara and the rebellious, physical limbs it has influenced and recruited.

Upon recognizing the state of the holy neshamah within us—the **beautiful women in captivity**—we must rescue her. We must **shave her head**; this means removing her false, negative, blasphemous beliefs. Cutting her nails means limiting the body’s excesses with regards that to things that are permitted. **Removing her garment of captivity** refers to the body of sins that enclothes her. Once this is done, she can cry to **her father**—HKB”H—and **her mother**—the Shechinah—lamenting all of her wrongdoings **for an entire month**—the month of Elul, the days designated for teshuvah.

The Juxtaposition to the Case of the Man with Two Wives

Now, the Gemara asks (Yevamos 4a): **”סמוכים מן התורה מנין”**—from where in the Torah do we know that it is possible to elucidate and derive connections from pesukim and passages

that are juxtaposed? **שנאמר סמוכים לעד לעולם עשויים באמת**—**for it is states** (Tehillim 111, 8): **“They are joined forever and for eternity; they are fashioned in truth and uprightness.”** Additionally, there is a dispute in the Gemara (ibid.) as to whether juxtaposed passages are to be expounded throughout all the books of the Torah or not: **“אפילו מאן דלא דריש סמוכים בעלמא במשנה תורה דריש”**—**even one who does not expound juxtapositions in general, but in Mishneh Torah** (Sefer Devarim), **he does expound them.** In other words, everyone agrees that the juxtaposition of passages in Sefer Devarim should be expounded.

The Shitah Mekubetzet explains the rationale for this principle: **Because Mishneh Torah are the words of Moshe. And even though they were all spoken by the Almighty; nevertheless, since they were originally said in a certain order, and now he is repeating them in a different order, when he juxtaposes things with each other, they are certainly being juxtaposed for the sake of exposition, since they are not arranged in the original order.**

Thus, we learn that seeing as Sefer Devarim was transmitted by Moshe Rabeinu via “ruach hakodesh,” he arranged the passages intentionally in a particular order, so that we would expound juxtaposed passages. This being the case, let us expound on the juxtaposition of the opening passage of the parsha—interpreted by the Arizal as referring to the teshuvah of the month of Elul—with the passage that immediately follows (Devarim 21, 15):

“כי תהיין לאיש שתי נשים האחת אהובה והאחת שנאה, וילדה לו בנים האהובה והשנואה והיה הבן הבכור לשנואה, והיה ביום הנחילו את בניו את אשר יהיה לו, לא יוכל לבכר את בן האהובה על פני בן השנואה הבכור, כי את הבכור בן השנואה יכיר לתת לו פי שנים בכל אשר ימצא לו, כי הוא ראשית אונו לו משפט הבכורה.”

If a man has two wives, one beloved and one hated, and they bear him sons, the beloved one and the hated one, and the firstborn son will be from the hated one; then it shall be that on the day that he wills what he owns to his sons, he may not give the right of the firstborn to the son of the beloved one ahead of the son of the hated one, the firstborn. Rather, he must recognize the firstborn, the son of the hated one to give him a double portion of all that he possesses; for he is his initial vigor, to him is the right of the firstborn.

In an Aggadic Midrash, our blessed sages point out that these pesukim apply magnificently to the situation of Yaakov Avinu, who had two wives, Rachel and Leah:

In Sefer Bereishis (Chapter 29), the Torah states explicitly that Yaakov loved Rachel more than Leah. It even intimates that Leah was hated. Furthermore, the firstborn son, Reuven, was born to Leah, the so-called “hated one.” Thus, the Torah states that when the time would come to parcel out Eretz Yisrael to his sons prior to his death, he is prohibited from showing preference and willing the rights of the firstborn to Yosef rather than to Reuven.

Although Yaakov says (Bereishis 48, 22) explicitly that he has given Yosef one portion more than his brothers, nevertheless he is not referred to as Yaakov’s firstborn. That distinction belonged to Reuven, as he states explicitly (ibid. 49, 3): “Reuven, you are my firstborn.” Yaakov acknowledged to the world that he was his initial vigor, and the birthright was lawfully Reuven’s; the birthright did not lawfully belong to Yosef.

Yaakov Announced to All of Yisrael that Reuven Was the Bechor

Upon further analysis of the Midrash, it appears that our blessed sages meant to answer a significant difficulty that troubled the commentaries. How is it even conceivable that Yaakov Avinu, the pillar of Torah, who observed all the precepts of the Torah, transgressed this explicit mitzvas lo-ta’aseh? How could he have taken the rights of the firstborn away from Reuven and given them to Yosef? After all, the Torah states explicitly: **“He may not give the right of the firstborn to the son of the beloved one ahead of the son of the hated one, the firstborn. Rather, he must recognize the firstborn, the son of the hated one to give him a double portion.”**

Hence, the Midrash teaches us a tremendous chiddush. In reality, Yaakov Avinu did not intend to confiscate the birthright from Reuven. It proves this by citing the words Yaakov addresses to Reuven prior to his passing away: **“ראובן בכורי אתה וראשית אוני יתר שאת ויתר עז, פחו כמים אל תותר כי עליית משכבי”**—**Reuven, you are my firstborn, my strength and the first of my vigor, superior in rank and superior in power. Unstable as water, you shall not take**

more, because you mounted your father's bed; then you defiled my couch by going up. If Yaakov truly intended for Reuven to relinquish the birthright, then why does he announce so definitively: **"Reuven, you are my firstborn, my initial vigor."** He could have simply said: **"You were my initial vigor."** And even though you should have been the "bechor," **"you were as unstable as water"**; so, you forfeited your status and privilege.

This leads the Midrash to conclude that with the initial pronouncement: **"Reuven, you are my firstborn,"** Yaakov was acknowledging to all of the other shevatim for all future generations that Reuven is the "bechor." However, since he performed an improper, indecent deed, Yaakov reprimanded him by saying that he was **"unstable as water and (you) will not take more"**—making it seem as if he took the rights of the firstborn away from him, even though they rightfully belonged to him.

Understood this way, Yaakov Avinu did not transgress the lo-ta'aseh of: **"He may not give the right of the firstborn to the son of the beloved one ahead of the son of the hated one, the firstborn."** For, in reality, Reuven retained the birthright; however, Yaakov felt it necessary to reprimand him for rearranging his father's bed. So, on the one hand, he acknowledges Reuven's status as the "bechor" of Yisrael, but, on the other hand, because of his unstable, improper behavior, Yaakov could not give him what he deserved as a firstborn. As for the extra portion given to Yosef, the commentaries explain that it was categorized as a gift given while Yaakov was still alive, and it was not given as part of his inheritance.

Notwithstanding, we still need to reconcile the conclusion of the passuk: **"Rather, he must recognize the firstborn, the son of the hated one to give him a double-portion of all that he possesses; for he is his initial vigor, to him is the right of the firstborn."** After all, Shevet Reuven was not actually allotted a double portion in the land. According to the commentaries, this is because Eretz Yisrael had not yet been officially acquired by the holy Avos. By law, a bechor only inherits a double portion of what his father has already acquired. So, how indeed did Yaakov Avinu fulfill his parental obligation to bequeath to Reuven, the **"son of the hated one,"** a double portion?

Additionally, we will endeavor to explain the Midrash's interpretation of Yaakov's final remarks to Reuven, which seem to contradict each other. On the one hand, it appears that he was announcing that he was taking the birthright away from Reuven for brashly interfering with his marital life: **"פחז כמים אל תותר כי עלית משכבי אביך אז חיללת יצועי עליה"**. On the other hand, however, Yaakov reaffirms Reuven's status as the bechor: **"ראובן בכורי אתה וראשית אוני"**.

A Wonderful Insight from the Chasam Sofer

I would like to propose an explanation for our sages' enigmatic words based on a wonderful insight from the incredible teachings of the Chasam Sofer, zy"a, in Toras Moshe (Vayechi). He addresses Yaakov's parting words to Reuven: **"Reuven, you are my bechor!" Although he said these words in a critical tone, nevertheless, they suggest a berachah, in keeping with that which is written at the conclusion of Yaakov's remarks to his sons (ibid. 49, 28): "Each according to his blessing, he blessed them."**

He explains the matter by referring to the Midrash (B.R. 84, 19) related to the passuk (ibid. 37, 29): **"וישב ראובן אל הבור, וישיב ראובן אל הבור, ר' אליעזר אומר בשקו ובתעניתו, כשנפנה הלך והציץ לאותו בור, והיכן היה, ר' אליעזר אומר בשקו ובתעניתו, כשנפנה הלך והציץ לאותו בור, הדא הוא דכתיב וישב ראובן אל הבור. אמר לו הקב"ה, מעולם לא חטא אדם לפני ועשה תשובה, ואתה פתחת בתשובה תחילה, חייך שכן בנך עומד ופותח לפני ועשה תשובה, ואיזה זה הושע שנאמר שובה ישראל עד ה' אלקיך."** **"And Reuven returned to the pit." Where was he? Rabbi Eliezer said from his sackcloth and fast. When he finished, he returned and looked into the pit, as it is written "And Reuven returned to the pit". HKB"H said to him, "There has never been a case (until now) of a person who sinned before me and then performed teshuva. You were the first one to perform teshuva. Therefore, I swear that your grandson will stand and open the pathway to teshuva." Who is this? Hoshea, as it says (Hoshea 14, 2): "Return Yisrael unto Hashem, your God."**

Concerning Yaakov Avinu's pronouncement: **"Reuven, you are my firstborn, my strength and the first of my vigor, superior in rank and superior in power."** Rashi comments: This implies that you deserved to be superior to your brothers by having the "kehunah" (priesthood) and superior in rank by having the kingship ("malchus"). What caused you to forfeit all of these: **"You are as unstable as water, and**

you will not take more.” However, in light of the fact that Reuven was the first person to repent—perform teshuvah for his wrongdoing—and he merited having Hoshea, who established the path of teshuvah for all of Yisrael, descend from him, the Chasam Sofer interprets the words of Yaakov Avinu as follows:

“Reuven, you are my firstborn, my strength and the first of my vigor”—even though you sinned and deserved to have the birthright confiscated from you; nevertheless, since you performed teshuvah and paved the way for all of Yisrael to perform teshuvah, you deserve to be the bechor of all the ba’alei-teshuvah, who are considered to be superior to tzaddikim. As we have learned in the Gemara (Berachos 34b): **“מקום שבעלי תשובה עומדין צדיקים גמורים אינם עומדין”**—**in the place that ba’alei teshuvah stand, consummate tzaddikim do not stand.** Therefore, in this sense, you are superior to both the priests and the kings—**יתר שאת**” **ויתר עז**. But since it is yet unclear whether or not you have performed sincere, total teshuvah: **“You are considered to be as unstable as water, and you will not take more.”** But after you complete the process of teshuvah, you will merit being the firstborn of the ba’alei-teshuvah. This is the gist of his sacred explanation.

Let us embellish this concept by applying it to the passuk in this week's parsha: **"He may not give the right of the firstborn to the son of the beloved one ahead of the son of the hated one, the firstborn."** This implies that even though Yosef was a consummate tzaddik, while Reuven was a ba'al-teshuvah, nevertheless Yaakov was not permitted to show Yosef preference over Reuven with regards to the birthright. **"Rather, he must recognize the firstborn, the son of the hated one, to give him a double portion of all that he possesses."** For, as the Gemara teaches us, ba'alei-teshuvah have a higher standing than consummate tzaddikim.

Ba'alei Teshuvah Occupy the Inner Chambers

Following this enlightening path, we will now endeavor to achieve a better understanding of Yaakov Avinu's profound intent. As explained, his remarks to Reuven conveyed two contradictory messages. We will begin by returning to the Midrash. HKB"Y said to Reuven: **"There has never been a case (until now) of a person who sinned before me**

and then performed teshuva. You were the first one to perform teshuva. Therefore, I swear that your grandson (descendant) will stand and open the pathway to teshuva.” Who is this? Hoshea, as it says: “Return Yisrael unto Hashem, your God.”

To shed some light on the subject, we will introduce a fascinating idea brought down by the Yismach Moshe (Yisro) in the name of the great Rabbi Yehonasan Eybeschutz, ztz"l, in Ye'arot Dvash. He provides an explanation for the Gemara's statement above: **"In the place that ba'alei teshuvah stand, consummate tzaddikim do not stand."** What place is that exactly?

He refers to an elucidation in the Gemara (Chagigah 5b) related to the passuk (Yirmiyah 13, 17): "וואם לא תשמעוה" (And if you do not heed this, My spirit will cry in hidden chambers)". . . HKB"H has a place, and its name is "Mistorim." That is where HKB"H cries and bemoans the fact that Yisrael is in galus. The Gemara asks an obvious question: "ומי איכא בכיה" (קמיה הקב"ה, והאמר רב פפא, אין עציבות לפני הקב"ה, שנאמר הוד והדר לפניו עוז וחדוד במקומו). But is there weeping in the presence of HKB"H? After all, Rav Papa stated: There is no grief in the presence of HKB"H, for it states (Divrei HaYamim I 16, 27): "Glory and Majesty are before Him, might and delight are in His place!" The Gemara answers: "לא קשיא" (הא בבתי גואי הא בבתי בראי). This does not pose a difficulty. The first verse refers to the inner chambers, while the latter refers to the outer chambers. In other words, "My spirit will cry in hidden chambers" applies to the inner chambers; whereas "Might and delight are in His place!" applies to the outer chambers.

With this in mind, the Ye'arot Dvash proposes that consummate tzaddikim—who have never sinned in their lives and serve Hashem with joy—are depicted by the passuk (Tehillim 100, 2): **“עבדו את ה' בשמחה ובאו לפניו ברננה”**—**serve Hashem with “simchah”** (joy and gladness). Therefore, they are always in the outer chambers, where **“Might and delight are in His place!”** In contrast, ba’alei-teshuvah serve Hashem with broken hearts and sadness. This is consistent with words of David HaMelech, who is also responsible for the institution of teshuvah (ibid. 51, 5): **“כי פשעי אני אדע וחטאתי נגדי תמיד”**—**for my transgressions I recognize, and my sin is**

before me always. He also said (ibid. 19): **”זבחי אלקים רוח נשברה”**—**the sacrifices G-d desires are a broken spirit; a broken and contrite heart, O G-d, You will not despise.** Therefore, ba’alei-teshuvah are not allowed in the outer chambers, since there is no grief and sadness there. They are restricted to the inner chambers—of which it says, **”My spirit will cry in hidden chambers.”**

HKB”H Digs a Tunnel so that Ba’alei Teshuvah Can Enter the Inner Chambers

This poses a practical, logistic difficulty. How can ba’alei-teshuvah reach the inner chambers without passing through the outer chambers first? In general, to achieve higher levels of spirituality, to reach the inner sanctum, one must first pass through the outer sanctum. Furthermore, it is not proper or respectable to appear in the king’s outer chambers dressed in a sackcloth. So, how are ba’alei-teshuvah able to access the inner chambers?

Now, we know that HKB”H extends His right hand to receive penitents. Therefore, HKB”H digs a tunnel beneath the Kisei HaKavod to accept those who perform teshuvah. This is what is described in the case of Menashe, the King of Yehudah (Sanhedrin 103a), who was a notorious sinner but ultimately performed teshuvah. All the heavenly prosecutors opposed the acceptance of his teshuvah. So, HKB”H created a secret tunnel for him, as we learn from Rashbi: **”שעשה לו הקב”ה—this teaches that HKB”H made a type of tunnel in the firmament in order to receive him in teshuvah (surreptitiously), because of “midas hadin” (that opposed Menasheh’s entry).** In fact, HKB”H does the same for all true ba’alei-teshuvah. This provides them with a special gate and passageway to enter the inner chambers without having to pass through the outer chambers—where there is only simchah. Thus, they can serve Hashem through their grief in keeping with the concept of: **”My spirit will cry in hidden chambers.”**

This then is the meaning of the Gemara’s statement: **”In the place that ba’alei teshuvah stand, consummate tzaddikim do not stand.”** Ba’alei-teshuvah, who serve Hashem with broken hearts, stand in the inner chambers. Tzaddikim, who serve Hashem with the joy of simchah, stand exclusively in the outer chambers. These are his sacred remarks.

Based on this understanding, we can better appreciate what HKB”H said to Reuven: **”There has never been a case (until now) of a person who sinned before me and then performed teshuva. You were the first one to perform teshuva.”** He was telling Reuven that he was the first person in the history of mankind to be moved to teshuvah due to a broken, contrite heart. This is evident from the fact that he returned from his sackcloth and fasting. In that merit, HKB”H brought him into the inner chambers to stand before Hashem. Then, HKB”H continues: **”I swear that your grandson (descendant) will stand and open the pathway to teshuva. Who is this? Hoshea, as it says: “Return Yisrael unto Hashem, your God.”** In other words, Yisrael is being exhorted to perform sincere, total teshuvah with a broken heart to be allowed entrance into the inner chambers, where they stand before Hashem and serve Him accordingly.

Yaakov Avinu Concealed the Fact from Reuven that He Was Still the Bechor so that He Would Perform Teshuvah with a Broken Heart

We can now begin to comprehend the motives of Yaakov Avinu. Without a doubt, Yaakov yearned heart and soul for Reuven—who was his actual bechor and initial vigor—to be the bechor and the preeminent leader of all the ba’alei-teshuvah for all future generations. For, where ba’alei-teshuvah stand, consummate tzaddikim cannot stand. There was a prerequisite, however; he had to have a broken heart. For, only then would he be allowed entrance to the inner chambers, to stand in the presence of Hashem and fulfill the condition of: **”My spirit will cry in hidden chambers.”** As it is written (ibid. 34, 19): **”קרוב ה’ לנשברי לב ואת דכאי רוח יושיע”**—**Hashem is close to the brokenhearted; and those crushed in spirit, He will save.**

Therefore, Yaakov Avinu cleverly formulated his remarks to Reuven in such a way to urge him to perform sincere teshuvah. They alluded to the fact that Reuven had reason to despair and be broken-hearted; he had lost the birthright, the kehunah and the malchus. It was imperative for him to comprehend that it was necessary to perform teshuvah with his broken heart.

Yet, although Yaakov’s remarks were disheartening, they were also uplifting. For, as we know, Reuven did ultimately

perform teshuvah. Thus, Yaakov's remarks can be interpreted in a totally different manner: "ראובן בכורי אתה וראשית אוני"—Reuven, you are the bechor for all future ba'alei-teshuvah. In this merit: "יתר שאת ויתר עז"—you have achieved something greater than the kehunah and the malchus, because ba'alei-teshuvah stand in the inner chambers, something consummate tzaddikim cannot do. For now, however, until it is apparent that you have performed complete, true teshuvah: "פחז כמים אל תותר"—you will not be granted any preferential status or advantage, so that you will serve Hashem with a broken heart.

This explains beautifully why Moshe Rabeinu juxtaposed these passages in Mishneh Torah. The opening passage of our parsha relates to the month of Elul: **"When you will go out to war against your enemies"**—referring to the war against the yetzer hara. You are assured that **"Hashem, your G-d, will deliver him into your hand, and you will capture its people as captives"**—you will succeed in overcoming the yetzer and freeing the neshamah that is depicted as **"a beautiful woman."** You will accomplish this feat and make amends by lamenting your past wrongdoings during the

month of Elul: **"And she shall weep for her father and her mother for a full month."**

Then, Moshe Rabeinu juxtaposed a passage to teach us the amazing power of teshuvah: **"If a man** (alluding to Yaakov) **has two wives** (Rachel and Leah), **one beloved** (Rachel) **and one hated** (Leah), **and they bear him sons, the beloved one and the hated one, and the firstborn son will be from the hated one** (Reuven, Leah's firstborn); **then it shall be that on the day that he wills what he owns to his sons, he may not give the right of the firstborn to the son of the beloved one** (Yosef, Rachels' firstborn, a consummate tzaddik) **ahead of the son of the hated one, the firstborn** (Reuven, the ba'al teshuvah). **Rather, he must recognize the firstborn, the son of the hated one to give him a double-portion of all that he possesses** (for although the tzaddik serves Hashem with simchah, nevertheless, he remains in the outer chambers; only Reuven merits entrance to the inner chambers, because he serves Hashem with a broken heart); **for he is his initial vigor, to him is the right of the firstborn** (because he established the path of teshuvah for all of Yisrael).

