

Ask Away – January 22

1) What was Esau’s “birthright” and how could he “sell” it to Jacob? (Gen 25:31)

The “birthright” was the privileged status which belonged to the firstborn son, who was regarded with special favor (cf. Exod 13:2; 34:19–20; Lev 27:26; Num 3:12–13). Jacob said of Reuben: “You are my firstborn, my might, and the firstfruits of my strength, preeminent in dignity and preeminent in power” (Gen 49:3; cf. Ps 78:51; 105:36). The birthright of the firstborn son consisted of “a double portion” of all that his father owned (Deut 21:17). This was appropriate since the firstborn acted as head of household for the family and had the responsibility of caring for his mother and siblings.

The Mosaic Law protected the rights of the firstborn and prevented fathers from displacing them simply because they favored the son of another wife (Deut 21:15–17). However, in certain circumstances, the father could transfer the birthright from the firstborn to a younger son. For instance, Abraham displaced Ishmael in favor of Isaac, the son of promise (Gen 21:10–13; 25:5). Also, Jacob displaced Reuben in favor of Joseph “because [Reuben] defiled his father’s couch” (1 Chron 5:1; cf. Gen 49:4).

Although the father had primary authority in bestowing the birthright, ancient Near Eastern records indicate that inheritance rights were the object of purchase and sale among brothers. Indeed, there is a Nuzi tablet which describes a man named Tupkitilla transferring his inheritance rights regarding a grove to his brother Kurpazah in exchange for three sheep.¹ Thus it was not unheard of for one brother to seek the inheritance rights of another. The fact that Esau swore to the arrangement and later stated that he no longer had the birthright (Gen 27:36) confirms that the contract was indeed binding (note that Isaac does not contradict Esau’s statement).

The irony here is that there is no record of Jacob receiving *any* of his father’s property or possessions. His attempt to take advantage of his brother ended up bringing him nothing but trouble and heartbreak.

¹ Cyrus H. Gordon, “Biblical Customs and the Nuzi Tablets,” *The Biblical Archaeologist* Vol. 3, No. 1 (February 1940): 5. See also Nahum N. Sarna, *Understanding Genesis: The Heritage of Biblical Israel* (New York: Schocken Books, 1970) 185–188 and Shira Weiss, “The Ethics of Price Gouging: Jacob’s Purchase of Esau’s Birthright,” *Journal of Religious Ethics* 45.1 (March 2017): 142–163.