



## WEEKLY PARASHA

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**A Marriage of Equals?**

In the Torah story of Avraham's servant and his interaction with Rivka, her brother, and her mother, we saw that society in Padan Aram had an unusual family structure. As a matrilineal society, households were comprised of the children of the same mother, and the head of the household was the mother's oldest brother, perhaps at times working in conjunction with the matriarch. We encounter these differing societal realities again in this week's *parasha* when Yaakov flees to Padan Aram to escape Esav and to seek a wife.

When Yaakov first encounters Rachel, her father Lavan is the head of the family. While this may suggest that society in Padan Aram is now working within the normal patriarchal configuration, this is not necessarily the case. Let us not forget that Lavan was the head of the family at the time that Rivka was living there, and may have remained so now. It is also possible that Lavan's wife had died and had no older brothers, thus leaving him as head of the household (cf. Rashi, 29:12 and 30:27).

The first evidence in our *parasha* that points to the continued existence of the matrilineal structure is the repeated reference to Lavan as Yaakov's mother's brother and, conversely, to Yaakov as Lavan's sister's son. This is repeated three times in one verse (29:10) and five to six times more in the three following, and there are earlier, similar references in 28:2 and 28:5. Consider what this means in a matrilineal society: as his sister, Rivka is considered part of the family of which Lavan is the head. Her children, then, are ultimately part of his family. Yaakov is thus a quasi-son to Lavan. Hence Lavan's declaration, "Behold you are my flesh and bones," and more significantly his assertion when he catches up with a fleeing Yaakov that "the daughters are my daughters and the sons are my sons and the flocks are my flocks; all that you see is mine" (31:43). This claim seems totally baseless until we realize that, from the matrilineal perspective, Yaakov was a member of his household, and thus Yaakov's children and his wealth all belonged, ultimately, to Lavan.

It is also worth noting the frequent use of the word "brother" in reference to Lavan's relationship with Yaakov, Lavan's family members, and Yaakov's family members (see 29:12, 15 and 31:23, 25, 32, 37, 46, 54). This is another indicator that the family was organized more laterally than vertically, that is, through the brother rather than the father.

This brings us to a deeper understanding of the events surrounding Yaakov's decision to return to his ancestral home. When he realizes that it is time to leave, he calls Rachel and Leah out to the field to solicit their opinion (31:4). This is unusual in itself. While Avraham listened to Sarah and Yitzchak listened to Rivkah when they spoke up, this is our first example of a husband soliciting his wife's (or wives') opinion. Not surprisingly, the only time prior to this when a woman is asked her opinion is when Rivkah is asked if she would agree to go with Avraham's servant. It is here, in Padan Aram, that women have a say. More than that, part of Yaakov's challenge in extracting himself is that in Padan Aram he is not the head of the household. He is part of his wives', and therefore also Lavan's, household and cannot leave without their permission.

Rachel and Leah's response to Yaakov is, on the face of it, quite puzzling:

And Rachel and Leah answered and said unto him, "Is there yet any portion or inheritance for us in our father's house? Are we not counted of him strangers for he has sold us, and has quite devoured also our money?" (31:14–15).

Rachel and Leah are outraged that Lavan has made it clear that they will be denied a portion of his estate. But why is this surprising? It was not until hundreds of years later, when the daughters of Tzlafchad complained to Moshe, that daughters were considered to be heirs to their father's estate, and then only in the absence of sons. Clearly things were different in Padan Aram. Daughters inherited as a rule, and Rachel and Leah are outraged that they will be robbed of what is rightfully theirs.

They are similarly outraged that Lavan has sold them, which obviously refers to Lavan having married them off in exchange for fourteen years of labor from Yaakov. They are offended that they have been treated as mere property, as chattel to be sold. But we may again ask why this is so unusual. In many places the Torah refers to a *mohar* given to the father of the bride by a groom as a means of effecting a marriage (see Shemot 22:15–16). This was a large sum of money (fifty *shekalim* according to Devarim, 22:29) and is understood by many scholars as a bride price, that is, a purchase price paid to the father. Assuming this is the correct meaning of the institution of *mohar* and that it was the norm, why are Rachel and Leah so offended by having been treated this way?

The answer again lies in the different nature of their society. While this might very well be the practice in patriarchal societies, where women did not have a say and could at times be treated like property, this was not the case in Padan Aram. Remember that Rivkah was asked her opinion about whether she wanted to marry Yitzchak, and that, while Avraham's servant did give gifts to Rivkah's mother and brother, he did not give them a bride price. Thus, to ask for and receive a bride price was decidedly against the norms of this society, and Rachel and Leah rightly objected to this treatment.

This then brings us to the last part of their statement. What did they mean when they said that Lavan had devoured their money? How is this different than stating that he had sold them? The answer lies in understanding that the *mohar* could function in two ways. In some societies it was undoubtedly a bride price whereas in others it may have functioned as a proto-*ketuvah*, money held for the sake of the wife, money on which she could live in the event that her husband died or divorced her. In fact, Rashi understands this to be the general meaning of *mohar* in the Torah (Shemot, 22:15), and although that is debatable (Ramban, *ad. loc.*), it certainly served for the Rabbis as a model for the Rabbinic *ketuvah* (whose value was set at 200 *zuz*, the equivalent of the Biblical 50 *shekalim*). In fact, the Yerushalmi (Ketuvot, 8:11) explains that the *ketuvah* was originally given up front to the father to hold onto, in escrow, for the bride, and only at a later stage did it become an outstanding debt of the husband to the wife.

It is possible, then, that the work that Yaakov did for Lavan was not seen initially by Rachel and Leah as representing their purchase. Perhaps it was a proto-*ketuvah mohar*; perhaps it would be banked for them for their future benefit. What Lavan had done with the money made it clear that this was not the case: he used it

for himself! If that's what he did, then it is clear that this was not *ketuvah* money but rather a purchase price. In fact, the JPS translation phrases it exactly this way: "... that he has sold us and used up our purchase price." We know that he has sold us because he pocketed the money.

This explanation also clarifies the meaning of the word *nachriyot*, usually translated as "strangers." The word *nachri*, however, has another meaning: "foreigner." What they are saying is clear: Our father, Lavan, is treating us like foreigners, like we are from a different country, from a society which is patriarchal, from a society in which we have no rights. This is evident from the fact that he has sold us, the type of thing done to daughters in a patriarchal society. Given that, he will likewise disinherit us, again applying to us the rules that govern women in a foreign, patriarchal society.

If this is how things stand, Rachel and Leah are saying to Yaakov, then the wealth that you have earned is yours, and you are free to return to your land. You and your property are not, in this patriarchal figuring, a part of Lavan's household. And as for us, if we are being treated as members of a patriarchal society anyway, then there is nothing keeping us here; we might as well go with you to the land of Canaan."

So begins Yaakov's return to Canaan. And while he was returning to a very different society than that of Padan Aram, an interesting hybridization was beginning. For the exact rights that Rachel and Leah felt robbed of—the right to inherit, the right to a *ketuvah*, and the right to participate in marriage instead of being sold into it—would ultimately become a part of the *halakhic* system, a part of our *mesorah*, a *mesoret avot* and a *mesoret imahot*, a tradition of our fathers and a tradition of our mothers.

## Shabbat Shalom!

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