

Parshas Vayetzei – Moshe Dovid Spitzer (*reprinted*)

ט כסלו תשע"ו – 21st November 2015 – שבת פ' ויצא

The Gemoro (Yuma 38b) says that Avrohom Ovinu kept the whole Torah, and it is generally accepted that the other ovos did too. So how could Yaakov Ovinu marry two sisters?

This question has perplexed commentators through the ages; here are some of their answers:

1. Famously, the Ramban says (Bereishis 26:5, Vayikro 18:25) that the ovos only kept the Torah in Eretz Yisroel, but Yaakov married the sisters in Aram. This also explains why Rochel died just after Yaakov and his family returned to Eretz Yisroel.
2. A famous answer given by many (including Tosfos – in Daas Zekenim 25:1) is that the sisters converted before their marriage. There is a rule that 'ger shenisgayer kekoton shenolod domi', a convert is considered to be like a newborn and loses all family ties, so the sisters were no longer considered to be related.
3. The Maharal (46:10) suggests a solution. Non Jews are allowed to marry sisters. If a non Jew converts, marrying sisters is no longer allowed, but this is only a Rabbinic decree; min hatorah he can still marry them. The ovos were like converts, and thus there was no Biblical prohibition against Yaakov marrying Rochel and Leah.
4. Another well known answer is given by the Nefesh Hachaim (1:21). Keeping the Torah is necessary for the existence of the physical and spiritual worlds. The ovos recognised the beneficial implications of keeping the Torah, but Yaakov realised that here he would only be able to produce the necessary adjustments to the spiritual worlds by stepping outside the boundaries of the Torah. (This is in fact one of the reasons that Hashem did not actually give the Torah to the ovos: it was in order to allow them to act in this way.)
5. The Or Hachaim (49:3) and others take a similar approach: Yaakov did indeed accept the whole Torah without any exceptions, but rather than deciding himself to marry the sisters (as the Nefesh Hachaim says), Hashem commanded him to marry them.
6. In Chayei Soroh, Eliezer asks Hashem for a sign, that the girl who comes and offers to give him and his camels to drink should be the right one for Yitzchok. The gemora (Taanis 4a) criticises him for this: what if the first girl to offer was lame? Tosfos asks that the gemora should have asked a better question: Yitzchok could still have married a lame girl, but what if she was to have been a mamzeres? The Maharatz Chiyes deduces from here that although the ovos kept the Torah, they did not accept upon themselves the laws of forbidden relationships – so Yitzchok could indeed have married a mamzeres. This also explains why Yaakov married two sisters. (The Maharal explains why they did not accept these laws: it is not from every woman that a man merits children, so the ovos had to explore every option open to them, even though they would later be forbidden.)
7. The Rashbo answers (in his teshuvos 1:94) with some cryptic words. His answer is explained (though only a little less cryptically!) by the Radvaz (Teshuvos 2:696). As far as I can understand, he says something kabbalistic to the effect that Yaakov, the most perfect of the Ovos, and whose face appears on Hashem's kisai hakovod, was somehow 'above' keeping the law of not marrying sisters.
8. The Remo (in his teshuvos, siman 10) suggests that the gemora only talks about Avrohom keeping the Torah; his sons only kept the seven mitzvos bnei Noach. (N.B. the medrash in Tono Debei Eliyohu Rabbo 6 says that Yitzchok also kept the whole Torah.)
9. The Ramban quotes a medrash that Yaakov kept shabbos, which would seem to contradict the Remo's answer that Yaakov did not keep the Torah. However the Ramban suggests that Yaakov kept only shabbos, due to its importance—shabbos is testimony that Hashem created the world—but did not keep the rest of the mitzvos. (However, Rashi (32:4) quotes another medrash that when Yaakov returned from Lovon's house, he said that he kept all the mitzvos there.)
10. In an alternative answer, the Maharal says that only Avrohom kept the whole Torah; the other ovos only kept positive mitzvos for which they could be rewarded. Negative commandments (like not marrying sisters) do not generally carry reward, so there was no reason for them to keep them.
11. The Brisker Rov takes an original approach: before the Torah was given there was no real halachic concept of marriage, so it turns out that Yaakov was not marrying sisters.

*This dvar torah is dedicated leilui nishmas my Rebbe, Rabbi Chaim Kaufman of Gateshead, who passed away just after Simchas Torah 5766. This subject is discussed in his sefer Mishchas Shemen volume 1, chapters 50 and 120.*