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EXERCISING OUR JEWISH BIRTHRIGHTS

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Can you specifically name some of your rights as an *American*?

Several are found in the Bill of Rights—to wit: freedom of religion, freedom of assembly, freedom of speech, protection against unreasonable searches and seizures, a guarantee of reasonable bail, and a speedy, public trial. Then there's a long list of miscellaneous rights, such as free public education, the right to vote, the right to emigrate, and the right to privacy.

But what do we know about our *Jewish* birthrights? Can we list them as easily and, if not, why? Is it because our birthrights as Jews are simply less important, less relevant to our lives?

What *are* our birthrights as Jews, the rights that accrue to us when we're born—whether that Jewish birth is from our mother's womb or from the convening of a *beit din* (בֵּית דִּין)—religious court)? What is it that we inherit when we're born as Jews—and *how* and *when* and from *whom* do we inherit our Jewish birthrights?

For those of us who grow up in assimilated or marginally Jewish families, the birthright of a Jew seems to be *tzuris* (צָרוֹת)—trouble or misfortune. It's the disappointment of not being permitted to celebrate Christmas when seemingly the whole world is doing exactly that. It's the aggravation of being compelled to attend religious school or synagogue services, which ironically have the effect of isolating us from our family and friends, who of course are secular Jews or assimilated. It's the embarrassment we feel when our Jewish relatives or friends act in ways that we think are uniquely ethnically Jewish, at least in ways that are different from most Christians—for example: publicly arguing, too loud, with a foreign accent. It's the fear of the covert anti-Semitism that inhibits us from openly and freely saying that we're Jewish when we're away from the safety of our home and family. And it's the subtle anxiety we feel and want to escape when watching the rising tide of worldwide hostility to Israel and Jews.

Maybe the most aggravating idea to the secular or assimilated Jew is what's required to claim one's Jewish birthrights. It's like winning the lottery, because it doesn't come automatically—you must show that you have the winning ticket. One must be prepared every day of the week—not just on Shabbat, Festivals, and High Holy Days—to declare one's Jewish citizenship, one's membership in the Jewish people.

"Yuck!" I've heard some secular Jewish young people say in response to the idea of making themselves identifiably Jewish in their day-to-day life. "Oy," their adult counterparts have said to me, "I didn't already have enough pressure and problems? I need to go around seven days a week with a star of David pinned on my sleeve?!" And I've heard marginalized Jews saying: "I'm gay"—or lesbian or African-American or a Jew-by-choice—"so I don't have the same birthrights as other 'first-class' Jews."

I've been thinking about my Jewish birthrights for a long time. I've been thinking about how, although my family was secular—uneducated, unaffiliated, and unobservant as Jews—they decided to send me to an Orthodox *cheder* (religious school) when I was 12½, so I could celebrate my bar mitzvah at 13. But with no interest or support at home for my Jewish religious education, it didn't take. Like many young people, I watched what my parents did, not what they said or told me to do. I went a couple of times and then bailed out, and their own commitment was such that they weren't willing to force the issue.

I was taught, instead, that my most valuable birthright was secular education. Higher education, by my parents' lights, was the secret of success and satisfaction in life. But although I became a vice president for a national company before I was 30 and earned a doctorate from the University of California at Berkeley—certainly a success in everyone else's eyes—my day-to-day life was clouded by chronic low-level depression. I could feel but not

articulate a palpable "hole in my soul." Somewhere within I was yearning not to do *well* but to do *good*. But I knew nothing of *what* was required of me and *where* and *how* and with *whom* I was to act. All the benefits of my unclaimed Jewish birthrights were missing.

What is a "right"—by birth or otherwise?

Certainly not what we automatically possess or exercise, but what we have a legitimate claim to, legally or morally.

How does any generation inherit rights?

They are bequeathed to the current generation by the preceding generations—*dor 'l dor* (דּוֹר לְדוֹר—generation to generation) And they are bequeathed by the current generation to the following generations. Obviously, those who fail to inherit and bequeath them make their possession problematic for the generations that follow. And notwithstanding our inheritance, we don't really experience a right until we've tried to claim or exercise it. As a well-known law professor once said: "A right is whatever the court says it is when we litigate it!"

How do we lose our rights?

We lose them by not inheriting and knowing them and, failing to possess knowledge of them, not exercising them. Thus we unwittingly abandon the public space to the exercise of competing or illegitimate claims that conflict with our rights and conflate them until they become unrecognizable, not only to others but to ourselves as well.

In *parasha* (weekly Torah reading) Toldot we learn that Esav knew little of his birthright, despite having the same early education as his brother—which, Rabbi Samson Rafael Hirsch (1808-1888) tells us, was a critical mistake made by his parents, Yitzchak and Rivka.

According to Rabbi Yaakov ben Asher (1280-1340), withal, Esav asked: *v'lamah zeh* (ולמה זה)—so of what use is this? The Masoretic note, בי, means that this phrase appears twice in the Tanakh: (i) here … [Genesis 25:32]; and (ii) in Job (27:12), which reads: '… Why is it that you embrace vanity?' This teaches that Esav denied God's existence and followed vanity."

Or Hachayim (Rabbi Chaim ben Attar, 1696-1744) teaches us: "The Torah stresses that Esav's despising the birthright was a conscious act. … Even if Esav had not deliberately needed to trade something to obtain some of Yaakov's pottage [stew], he would have sold the birthright cheaply at any time if Yakov had asked him to."

Rabbeinu Bachya (Rabbi Bachya ben Asher, 1255-1340) relates that, "At that time the privileges connected with the birthright did not include a double portion in the father's inheritance as was legislated in the Torah later. The principal value of the birthright consisted in filling the father's position as spiritual head of the family once the father passed away. It was more a position of honor than of immediate financial advantage."

Rabbi Hirsch helps us to understand that, "… out of this whole 'sale' agreement we do not find that Yaakov derived the slightest preference or advantage. On the contrary, Esav became great as a rich prince while Yaakov was still slaving as shepherd for Lavan's sheep. So that the *bechora* (בְּכוֹרָה—right of the first-born) *gave him no material advantage at all*. The question could only have been, to whom was the *spiritual* leadership of the house to be entrusted." (Emphasis in original.)

Esav sold his spiritual birthright because he was enamored by the prospect of material wealth and power, that which he could obtain by his skills as a hunter. As a hunter he practiced the art of self-control in lurking; he understood his self-interest in acquiring and exercising superior physical strength. His purpose in life, unlike Yaakov's goal of building spiritual family, was to build and control political power to master the material world.

When we're young we tend to ignore our spiritual birthright because, like Esav, we're focused on mastery—in our education, our careers, and in our relationships. Like Esav we're looking to achieve worldly material power and control. It's only when we reach our middle age that most of us begin to appreciate that spiritual meaning, not material mastery, is the source of long-lasting fulfillment. Only then do most of us realize that we need a spiritual connection—a link between us and that which is eternal in our history and our future—to find purpose and contentment, which in the material world are often at odds.

By now you may have in mind some of our Jewish birthrights. Let's see how your list compares with mine—which includes:

- Our Jewish heritage of belief in One God and kindness to strangers, beginning with Avraham and Sarah.
- The covenant our people made with God at Mount Sinai, eternally binding together God and every succeeding generation of Jews.
- Membership in the Israelite people to whom God gave the Torah as the living voice of the Creator and Mastermind of Creation.
- Shabbat (Sabbath), especially respite from mundane labor, the possible emergence of our additional soul, and the support of a community dedicated to justice and loving-kindness.
- Eretz Yisrael (the land of Israel) as an eternal homeland and refuge—so long as we honor the Torah in deed as well as word.
- Tanakh (Torah, Prophets, and Writings—the Hebrew Bible), the history, vision, and path of the Jewish people—where we came from, who we are, where we're going, and how we're going to get there.
- The remaining sacred literature of the Jewish people, particularly the Talmud, Midrash, and rabbinic commentaries that guide our understandings and our day-to-day actions.

- The right and obligation to be both lifelong learners and teachers—to think, to question, to argue, even with God—eschewing "leaps of faith" that contradict scholarship, evidence, and commonsense.
- The right and obligation to reject "popular" beliefs, such as original sin, virgin birth, and man-as-god.
- Strange as it may seem at first blush, we may even claim anti-Semitism—said by many to be the inevitable product of our other rights—as our Jewish birthright.

Who among our contemporary Jewish brethren would want to claim anti-Semitism as a Jewish birthright, you ask?

Possibly those of us who, becoming the targets of anti-Semites, refuse to forsake the tradition of the Jewish people, might claim anti-Semitism as a Jewish birthright.

Of course, our Jewish birthrights are as much a choice for us as they were for Yaakov and Esav. Esav, on the one hand, presumably dreamed of becoming a commander-in-chief, the leader of a large army with many troops—which he came to realize—to impose his will on others. Yaakov, on the other hand, dreamed of a ladder, showing that everything earthly is to work itself upward to God. He prayed for spiritual and moral qualities, not material possessions; he needed no material blessing, only his own spirit and God's blessing.

Yaakov shows us that even when one's ambitions are limited to maintaining purity in family life, it's possible to be "borne aloft" by God's grace. So it shouldn't be surprising that he had uncommon physical strength and stamina, the result of living a morally and spiritually pure life, and that in our tradition he became the model for living a life in which material and spiritual activity are both valued and valuable.

Yaakov, given his far-reaching competence in material matters and his moral and spiritual leadership, became a blessing not only for his children and all his descendants, but for the whole world—which is a choice we too can make by owning and exercising our Jewish birthrights.

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