

Future Reference

Excerpted and adapted from a *shiur* by Dayan Yosef Greenwald

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<https://baishavaad.org/wp-content/uploads/2023/11/Z0000266.mp3>

Yaakov said, "Swear to me as this day;" he swore to him and sold his birthright to Yaakov.

Bereishis 25:34

Chazal say that with the *bechorah*, Eisav sold his future portion in Eretz Yisrael. Many *mefarshim* ask how this could be, as it is impossible to sell a *davar shelo ba laolam* (an item that doesn't yet exist or that one doesn't yet own).

Perhaps we could answer that just as when a person signs a contract to sell a house, the contract obliges him to transfer ownership to the buyer at a later date, Eisav made a commitment to transfer ownership of his portion in Eretz Yisrael when he receives it. Such a commitment, known as a *shibud haguf*, is halachically valid. It is similar to a case addressed in the Shulchan Aruch (C.M. 209) in which a buyer purchases the right to buy an item at a set price from a seller who has not yet received it.

It would seem that if the seller dies, this commitment would transfer to his heirs, so Eisav's obligation to sell his portion in Eretz Yisrael as soon as he receives it would bind his descendants.