

How seriously should we take the *hava aminos*<sup>1</sup> in the Talmud, especially when they seem morally shocking?

Here is a rapid framework: The first chapter of Masekhet Eduyot mentions two reasons for the preservation of rejected opinions:

- a) So that a later court can rely on them in extreme circumstances – meaning that by citing a rejected opinion, we affirm that it is nonetheless an opinion that must be reckoned with, rather than nonsense or heresy
- b) So as to preclude any later court from ruling in accordance with it – a court has the right to overrule precedent on the ground that it has raised entirely new considerations, and preserving this opinion shows that it was in fact fully considered.

These two purposes obviously undermine each other, but that is a topic for another time - now I just want to point out that the *hava amina* is in a sense a way of preserving a rejected opinion, but generally, sometimes wholly preemptively, for reason b) above<sup>2</sup>. In other words, the *hava amina* is sometimes offered for the purpose of having it rejected unequivocally.

One such *hava amina* is the suggestion on Sanhedrin 55b that minors might be executed for their involvement in sexual crimes for “honor” purposes. One would like to say the same regarding the suggestion on Rosh HaShannah 6b<sup>3</sup> that wives might die for their husband’s failures to honor their oaths, but this seems difficult when one considers that a beraita on Shabbat 32b appears to adopt that position, and perhaps even extend it to children. One can of course seek to reconcile these sugyot, but I prefer simply to see Rosh HaShannah as rejecting absolutely the positions cited in Shabbat.

However, one tradition suggests that the position in Shabbat well explains a puzzling feature of this week’s parshah. When Yosef hears that Yaakov is sick, he comes to visit, bringing his sons. Yaakov manages to sit up, and tells Yosef that

- 1) G-d told him in Canaan that his descendants would inherit that land
- 2) Yosef’s sons Efraim and Menasheh would henceforth be considered Yaakov’s sons, equivalent to Reuven and Shimon
- 3) Rachel died on the road during Yaakov’s return to Canaan from Aram, and he buried her in situ.

Why is it necessary for Yaakov to mention Rachel’s death?

The language of the verse is *מתה עלי רחל* = “Rachel died *alai*=on me”, and the language of *neder* oath-taking is *עלי הרי*=“behold obligation x is *alai*”, so perhaps Rachel dies because Yaakov delayed fulfilling an oath. The oath is easy to find – it is the *neder* Yakov took when G-d first appeared to him – and as Yaakov returns to that spot with multiple wives and double-figure children, a delay of some sort is easy to find as well. Nonetheless, I prefer to stay with Rosh HaShannah’s rejection.

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<sup>1</sup> The *hava amina* plays a particular role in Talmudic discussion which is not easily translated. For now, I will suggest “A suggestion in the Talmud which is rejected at some later, but not necessarily unanimous or final, stage of the discussion”.

<sup>2</sup> (cf. my audio shiur ‘Dangerous Hava Aminos and Why the Talmud Preserves them [here](#))

<sup>3</sup> Which I had the pleasure of learning with my daughter Tziporah Machlah this week

Here is another midrashic reading utilizing *alai*. Rachel died because Yaakov swore that the person who took Lavan's teraphim would die, not knowing she was the guilty party, and so her death was "on him".

And here is one more, albeit one I have not yet found explicitly. When Rivkah talks Yaakov into deceiving Yitzchak, and he protests that Yitzchak might curse him, she says "*alai* is your curse, my son". Yaakov, at least after the fact, understands *alai* to be an acronym for Esav, Lavan, Yosef, and thus is deeply upset when Shimon is taken from him as well. Perhaps that teaches him that *alai* was not an acronym, but rather a statement that his intimate relationships would be the cause of all his troubles, so that he now sees Rachel's death as one of the indirect consequences of that deception (as in practice his marriages were a nearly direct consequence).

The first reading allows the suggestion that Yaakov mentioned Rachel's death to intimidate Yosef and ensure that he would not delay fulfilling his promise in last week's parashah to bury Yaakov in Israel; it is less clear how the second and third readings fit the conversation. All three readings share the understanding of *alai* as implying responsibility.

Yet another tradition, however, comments simply "a wife does not die except to her husband (and vice versa)". In other words, Yaakov is simply expressing his undying love for Rachel, as a way of reinforcing his bond with Yosef, and perhaps of justifying his last act of favoritism toward her oldest son.

I want to tie this back to the very beginning of the human story. A *beraita* on Ketubot 67b states that if an orphan comes to marry, one must provide him with housing, a bed and utensils, and a wedding. This is derived from Devarim 15:8 לו אשר יחסר לו = "Sufficient unto his lack with is lacking to him": "Sufficient unto his lack" – this refers to a house; "which is lacking" – this refers to a bed and table; "to him" – this refers to a wife, and Bereishit 2:18 similarly writes לו עזר כנגדו = "I will make for him a helper equal/opposite to him".

Why is 2:18 cited?<sup>4</sup> Superficially, the claim is that the word לו means a wife, but this seems weak, as לו is merely a possessive third person singular pronoun. So more deeply, the argument is that the ultimate subjective need is a wife.

More deeply yet, the *beraita* is pointing out that the word לו is extraneous in 2:18, which would have been perfectly intelligible had it read "G-d said: It is not good, the human being alone – I will make a helper equal/opposite to him". But in that reading, human companionship would be solving a Divine problem, an objective lack of goodness. Inserting לו tells us that G-d created/split off Eve to solve the human problem of loneliness. Creation is about us, not only about Him.

With this recognition, we can understand why the aged Yaakov told Par'oh at the end of Parshat VaYogash that his years were 'few and bad, and had not achieved the years of his ancestor' – because Yaakov did not see himself as complete – his life was 'not good' – after the death of Rachel. His only consolation is embodied in the assertion that Ephraim and Menasheh הם לי – "they are for me", even if he cannot have what is ultimately "for him".

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<sup>4</sup> I developed the ideas in the following two paragraphs just after discussing the *beraita* with Gann Academy 10<sup>th</sup> grader Joshua Lange.

The bold claim of the *beraita* is that one can justifiably ask for help even to achieve things one has never had – a single can ask for help marrying, even if as a single they are fully self-supporting. In this sense the *beraita* is fundamentally a justification for ambition.

And it is in that light that I close not only Sefer Bereishit, but the Gregorian year, with the following; if this devar Torah resonates with you, please consider supporting CMTL not only as it is, but as it could be.

Thank you as always for reading.

Shabbat shalom.

Aryeh Klapper

בראשית פרק מח:א-ז  
וְהָאֵתְחִיד בְּרַיְסָא לָהּ  
וַיֵּאמֶר רַיְסָא  
הִנֵּה אָבִיךָ חָלָה  
וַיֵּקֶם חָאָתָשׁ נִי בְּנִיּוּעַ מוֹ אֵתְמַן נִשְׁ הוּאָ תְּ פֶרֶזִים:  
וַיִּגְדַּל יַעֲקֹב  
וַיֵּאמֶר  
הִנֵּה בְּנִי רַיְסָא בָּאָא לִיךָ  
וַיֵּתֶר חֲזִיקָא רַאֲלִי  
וַיֵּשֶׁב עַל מִטָּה:  
וַיֵּאמֶר רַיְסָא קִבְּאָ לִיּוֹסָף  
אֶל־לֶשֶׁת דְּנִירָ אַהֲאֵ לִי בְּלִמְסָא רַאֲלִי עֲפִנְעָא  
וַיִּבְרַךְ אֹתָהּ יִ:  
וַיֵּאמֶר רַאֲלִי  
הַנִּמְפָּרָה  
וְהָרֵבִיתָהּ  
וְנָתַתְּ יֶלְדֵי הָעֵלְמִים  
וְנָתַתְּ יֶאֱתָרָהּ עֵה זְאֵלְזֵרָה עֵתְרָהּ וְאֵת חֲזִית עוֹלָם:  
וְעֵתְהָ  
שׁ נִי בְּנִיָּה נֹלַד יִם לְבָאָרָה מְצָרָה יִם עֵדְבָאֵ אֵל לְמִקְצָרָה יִם הַלִּיָּהּ  
אֶפְרָיִם וְיִשְׁמַעֵל נִשְׁ וְכֹה אֹבִיּוֹשׁ מִעוֹנִיָּה יוֹלִי:  
וּמוֹלַדְתָּ וְאֵשׁ הוֹלַדְתָּ וְאֵתְרָהּ יִתְּמָלְקִיָּהּ יוֹ  
עֵלְשׁ מִן חֵיהָ מְרָה אֵתְנַחֲלֵתָם:  
וַאֲנִי  
בְּבִיאָתִי פְדִימְתָּ הַעֵלְרָה חֲלָאָרָה עֲפִנְעָא רַאֲלִי עֵה עֲזָבָרָה וְרַאֲלִי עֵלְמָפְרָתָה  
וְאֵתְקִבְרָה שְׁפִדְרָה אֶפְרָיִם תְּהוּאָ בִיתְלֵחָם:  
וַאֲנִי

בבאמ' פד'מ' ת' הע'ל'ר' ח'ג'א'ר' א'נ'ע'נ'ד'ר' ה'ב'ע'ז'נ'ב'ר' ת'ר' א'ל'א'פ'ר' ת' ה'  
ו'א'ק' ב'ר' ה'ש'פ'ד'ר' א'פ'ר' ת'ה'ו'א' ב'י'ת'ל'ח'ם: