

Parashat Vayeshev 5774, 2013

*Tamar: Teacher of the Jewish People*

Rabbi David Etengoff

Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon Hakohen, father-in-law, Levi ben Yitzhak, sister-in-law, Ruchama Rivka Sondra bat Yechiel, sister, Shulamit bat Menachem, Chaim Mordechai Hakohen ben Natan Yitzchak, and Yehonatan Binyamin ben Mordechai Meir Halevi, and the *refuah shlaimah* of Yosef Shmuel ben Miriam.

Parashat Vayeshev contains a number of troubling incidents. The most famous is *mechirat Yosef* (the sale of Yosef) at the hands of his own brothers. The episode that unfolds between Yehudah and his daughter-in-law, Tamar, however, while not as well known, is nearly as difficult to understand. (*Sefer Bereishit* 38:11-36) Let us now review the major incidents of the story.

Tamar was a righteous individual, in stark contrast to Yehudah's sons, Er and Onan, to whom she had been married respectively. According to *Chazal* (our Sages of blessed memory), both of her husbands refused to live with her in a normal manner, so as to not impact her consummate physical beauty (*Talmud Bavli, Yevamot* 34b). Er and Onan were subsequently punished severely for their actions (*Sefer Bereishit* 38: 7 and 10), and Tamar was left a young, vibrant, but childless widow.

At this point in the narrative, Yehudah commanded Tamar to sequester herself in her father's house, and wait for his third son, Shelah, to come of age to marry her, just as his older brother, Onan, had done (i.e. through Levirate marriage): "So Tamar went, and she remained in her father's house." (*Sefer Bereishit* 38:11, this and all Torah translation, *The Judaica Press Complete Tanach*) Next, Yehudah's wife died, after which he "was

comforted,” and traveled to Timnah to watch over the annual shearing of his flocks. Meanwhile, Tamar was languishing in her father’s home – even though Shelah had reached marriageable age.

Tamar heard about Yehudah’s movements and prepared a trap for him whereby he, hopefully, would become the father of her children: “So she took off her widow's garb, covered [her head] with a veil and covered her face, and she sat down at the crossroads that were on the way to Timnah, for she saw that Shelah had grown up, but as for her she was not given to him for a wife.” (38:14) Yehudah saw her and was immediately attracted to her: “When Judah saw her, he thought she was a harlot, because she covered her face.” (38:15) The next two and a half verses focus upon the business transaction and proposed payment that the veiled Tamar conducted with, and elicited from, Yehudah. Yehudah and Tamar had relations, and she conceived. Following this furtive activity, Tamar quickly left the region and returned to her father’s house. Consequently, Yehudah was unable to complete his payment to “the woman at the crossroads.” Tamar, however, held Yehudah’s pledge of full compensation, namely, his signet ring, cloak, and staff. (38:18)

Approximately three months later, it was clear to one and all that Tamar was pregnant: “Your daughter-in-law Tamar has played the harlot, and behold, she is pregnant from harlotry.” Judah’s response was unequivocal: “Bring her out, and let her be burned.” (38:24, because she was the daughter of Shem, a *kohan*, *Midrash Bereishit Rabbah* 85:10 and Rashi) Beyond a doubt, this was Tamar’s ultimate moment of danger - her life literally hung in the balance! Yet, instead of proclaiming to the world: “Yehudah, how dare you accuse me of harlotry when you are my child’s father!” she responded: “From

the man to whom these belong I am pregnant,” and she said, “Please recognize whose signet ring, cloak, and staff are these?” (38:25). On measure, Yehudah had now arrived at his defining ethical crossroads. Would he publicly recognize that, indeed, these items were his and he was, therefore, the father of Tamar’s child, or would he resort to lies and subterfuge? Yehudah rose to the challenge and stated: “She is right, [it is] from me [that she has conceived], because I did not give her to my son Shelah.” (38:26, brackets my own). Indeed, *Tosefta Berachot* 4:17-18 cites Yehudah’s response as one of the reasons he deserved to be the progenitor of all legitimate future kings of the Jewish people.

Beyond a shadow of a doubt, this is one of the strangest and most perplexing narratives in the entire Torah. Yet, in some ways, Tamar’s demure answer to Yehudah ultimately redeems the entire story. Moreover, her response became the proof text for a practical *halacha* (Jewish law) that is an essential part of the Torah:

Mar Zutra b. Tobiah said in Rab's name — others state, R. Hana b. Bizna said in the name of R. Simeon the pious — others again state, R. Johanan said on the authority of R. Simeon b. Yohai: It is better for a man to throw himself into a fiery furnace than publicly put his neighbor to shame. From where may this be derived? — From Tamar. For it is written, when she was brought forth, she sent to her father-in-law “From the man to whom these belong I am pregnant. Please recognize whose signet ring, cloak, and staff are these?” (*Talmud Bavli, Baba Metzia* 59a, *Soncino Talmud* translation with my underlining and emendations)

This Talmudic passage is repeated, with minor variations, in three other tractates in the Babylonian Talmud - *Berachot* 43b, *Ketubot* 67b, and *Sotah* 10b, as well as in a variety of Midrashic sources. In addition, the Rambam (Maimonides, 1135-1204) codified the law that is derived from these sources in his *Mishneh Torah, Hilchot Deot* 6:8:

... it is forbidden for a person to embarrass a [fellow] Jew. How much more so [is it forbidden to embarrass him] in public. Even though a person who embarrasses a

colleague is not [liable for] lashes on account of him, it is a great sin. Our Sages said: “A person who embarrasses a colleague in public does not have a share in the World to Come.” Therefore, a person should be careful not to embarrass a colleague - whether of great or lesser stature - in public, and not to call him a name, which embarrasses him, or to relate a matter that brings him shame in his presence. (Translation, Rabbi Eliyahu Touger)

Tosafot to *Talmud Bavli, Sotah* 10b, s.v. *noach lo*, appears to adopt an even stronger approach than the Rambam regarding the status of this *halacha*. They suggest that refraining from publicly embarrassing someone is in the category of *ya'harag v'al ya'avur* (suffer death rather than violate) – just like murder, forbidden physical relations, and idol worship:

**It is better for one to throw himself into a fiery furnace:** As we find in *Perek Hazahav (Talmud Bavli, Baba Metzia 58b)*, “All those who go to Gehenom ultimately arise therefrom except for three, and one of them is he who publicly embarrasses his fellow Jew.” ... It appears that this *halacha* is not mentioned (*Talmud Bavli, Pesachim 25a*) among the three cardinal sins that one may not transgress even to save one's life – namely, idol worship, forbidden physical relations, and murder – because the prohibition of embarrassing one's fellow Jew is not explicitly written in the Torah. [The list in *Pesachim*, however,] lists only those prohibitions that are written explicitly in the Torah.

Therefore, for Tosafot, it is clear that one should allow oneself to be killed, rather than publicly embarrass his fellow Jew – even though this *halacha* is not expressly written in the Torah. Rabbi Yitzhak Yosef, son of Rav Ovadiah Yosef *zatzal* (1920-2013), records in his summary of his father's halachic opinions that Rav Ovadiah's encyclopedic research convinced him that the vast majority of *poskim* (halachic decisors) followed Tosafot's ruling (*Yalkut Yosef, Tefilah II, He'arot l'Siman 128, Hilchot Nisiat Kappaim*). Nonetheless, in terms of actual halachic practice, Rav Ovadiah advocated the lenient view of Rabbi Menachem Meiri (1249-1310, glosses on *Talmud Bavli, Sotah* 10b) who maintained, “one should ever be vigilant” regarding embarrassing someone publicly. In

his estimation, *Chazal* had stated their dictum of “It is better for a man to throw himself into a fiery furnace than publicly put his neighbor to shame” solely “*b’derech he’arah*” - “in a non-literal and non-binding fashion” – and one is, therefore, not obligated to give up one’s life to avoid publicly embarrassing a fellow Jew.

Regardless as to which halachic authority one chooses to follow, it is manifestly evident that Tamar emerges, like Miriam, Sarah, Rivka, Rachel, and Leah, as a great teacher of our people. May her heroic actions ever be a beacon of light, and guide us toward authentic moral behavior. *V’chane yihi ratzon.*

Shabbat Shalom and Chanukah Sameach!

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