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בס"ד

Parashat Vayesheb Part II Genesis 38 – On Yehudah

1. Yehudah After the Sale

Rejected and dealt with treacherously by his brothers, a slave and alone in a strange land, at the conclusion of chapter 37 the reader knows Yosef will be severely challenged in Egypt. Before continuing with his story, however, and leaving the reader in suspense as to what transpires with him, the Torah interposes a chapter (38) dealing with Yehudah.

As we shall see in our perusal of this chapter, surely E. A. Speiser is mistaken when he comments: “The narrative is a completely independent unit. It has no connection with the drama of Joseph, which it interrupts at the conclusion of Act I” (AB, Gen. p. 299). Similarly, the Oxford Bible Commentary misses a great deal of significant linkage, stating: “Attempts to interpret it as in some way relevant to the events narrated in the surrounding chapters have hardly been convincing” (2001 ed., p. 61).

On the contrary, literary and thematic features unique to this and neighboring chapters that continue and further develop concepts relevant and distinctive to the larger Yaaqob-Yosef narrative abound. A deliberate contrasting of the two brothers who will be the progenitors of the two leading tribes of Israel (as depicted throughout the Books of the Prophets), pointing to Yosef’s extraordinary qualities and Yehudah’s maturing, is also clearly evident.

Chapter 38 begins with **וַיְהִי בְעֵת הַהוּא וַיֵּרֶד יְהוּדָה מֵאֶת אֶחָיו**, “At that time Yehudah went down from his brothers,” while the Yosef saga resumes in chapter 39 with the same verbal root “yrd,” **וַיֹּסֵף הוּרַד מִצְרַיִם**, “And Yosef was taken down to Egypt.” Perhaps these are merely statements that Yehudah descended from the Hebron hill country to the outlying lowlands of

Adullam and Yosef was taken to the lower terrain that Egypt is.

But if “Yehudah went down” was essentially a geographic note, it would be odd to link it with “from his brothers” instead of from a location or “from his father,” unless it was emphasizing a specific point connected to the narrative. And Yaaqob was not then living in the highlands for when he sent Yosef to Shechem it was from **עֵמֶק הַחֲבֹרֹן** (Hebron Valley), and it is probable that his sons lived near him. Clearly, there were different sections of Hebron as evident from the previous narratives in Genesis. Hence, it may very well be that this **וַיֵּרֶד** is to be understood as equivalent to saying Yehudah “separated” from his brothers. Following the sale of Yosef the unity of the brothers probably frayed and Yehudah separated from them. After such a deed life cannot return to normal, a consequence not foreseen in the heat of the moment when making an impulsive decision, especially while in a peer pressure situation. Depicting the life of the leader of the brothers beginning “at that time” is probably intended to shed light on the aftereffects on the other brothers also.

And the statement **וַיֹּסֵף הוּרַד מִצְרַיִם**, “And Yosef was taken down to Egypt” (39:1), as well as the details of that verse that begin the resumption of the Yosef story, repeat information from the last verse of chapter 37. The form of the repetition is such that it could not have been attached to the end of chapter 37, clearly indicating there was an intended interposition. And the **יֵרַד** root was not used at the end of chapter 37. Thus, it is highly likely that usage of the same root in the opening verses of chapters 38 and 39 was intended to associate the two brothers. The Torah contrasts Yehudah’s leaving the family, as an aftereffect of his leading role in selling his brother, with Yosef being

taken away against his will, another aftereffect of that act of Yehudah.

It also appears that the chapter concerning Yehudah spans a period of time approximately equivalent to the twenty-two years that elapsed between the sale of Yosef and the brothers appearing before him during the second year of the famine. At no point in chapter 38 do we hear of any interaction between Yehudah and his father or brothers. Indeed, throughout those years, until the famine becomes severe, the Torah does not mention Yaaqob or Yosef's brothers a single time. Perhaps the crisis of the famine reunited them.

Near the end of our chapter Yehudah is taught a powerful, life-altering lesson. Until then, however, he does not comport in an impressive manner and his life is fraught with difficulties. It is apparent in incident after incident that G-d is not with him. This is in sharp contrast to what we will soon read about Yosef.

Yehudah marries a Canaanite woman, contrary to the first choice of the family tradition, and she bears him three sons. The first, Er, marries Tamar, but dies childless. The reason is stated: He was "evil in Hashem's eyes." The second son, Onan, was called upon to perform *yibum*, to marry his deceased brother's widow for the purpose of providing a child to his brother to enable his lineage to continue. He marries Tamar but refuses to try to father a child from her because a child born of *yibum* would be considered the child of Er. Such a child would receive Er's estate and presumably inherit Er's portion in Yehudah's estate, thus impinging on Onan's patrimony. When having sexual relations with Tamar, Onan would engage in *coitus interruptus*, compounding his sin by essentially transforming the legal dispensation to marry his brother's widow into a case of incest. His behavior also was evil in G-d's eyes and he too dies childless.

Yehudah decides not to allow his one remaining son, Shelah, to perform *yibum*, fearing for his life. He sends her to live in her father's home with the pretext that Shelah is too young to perform *yibum*, but assures her that when he gets older he will do so. Yehudah is dissimulating, as he does not intend to ever allow Shelah to marry Tamar. He apparently never inquired of Tamar if there were any considerations that might

have warranted Divine retribution to his first two sons.

One may wonder if Shelah's name, which may be translated as "deception," is not a Torah comment on Yehudah's deceptive tactics in connection with that son. Interestingly, when his first two sons were born, the Torah does not state where Yehudah was at the time. But when Shelah was born the Torah states Yehudah was then in "Kezib." Since this word can be translated as "falsehood," is this a double entendre, commenting on Yehudah's moral status in that period of time? (See *Olam HaTanakh*.)

In the ancient world, when several successive husbands of a woman died prematurely and there was no apparent explanation as to the cause, the deaths were generally attributed to that woman. In a Talmudic passage concerning the *halakhic* import of this matter, some Sages were of the opinion that after three such episodes of deaths of husbands of a particular woman she was declared unsuitable for another marriage. Others were of the opinion that after two such occurrences of death the woman was declared unsuitable for another marriage. Some Sages thought that the cause of such "mysterious" deaths was attributable to the sexual contact the deceased men had with the woman, which would presumably affect a future husband. Others thought that there was a type of "bad luck" attached to her that might carry over to the next husband (BT *Yebamot* 64b).

This subject is steeped in vague concepts that the Rambam strove to place in perspective.* In any event, the Torah's critical position toward Yehudah's fears, regardless of the fact that, after all, he knew nothing about the causes of his son's deaths, was an important, enlightening influence on this subject.

2. Tamar Acts

Shelah came of age and Tamar was not given to him as a wife. Eventually, she became convinced that Yehudah was deceiving her and that he had no intention of ever permitting the union, as indeed was the case. (We may assume her family inquired and received superficial excuses.) Yehudah was thus condemning Tamar to a permanent status of *'aguna*, a forlorn woman, one living without a husband but

forbidden to get married to an “outsider.” According to the law of the times there was no way to release her from the obligation of waiting for the next-of-kin to marry her. (This points to the notable advance in women’s rights that the Torah’s liberating innovation of *halisa* (Deut. 25:7-10) brought about.) Yehudah’s selfishness and insensitivity placed Tamar in a legal bind that would last for life and deny her the opportunity to become a mother!

At a point that Yehudah was sexually vulnerable – after having been consoled for the death of his wife and upon departing for a short trip for the joyous ceremony of sheep-shearing, when everybody was in high spirits – Tamar acted. Since she was convinced that she was being deceived and had no other option, she took the law into her own hands. She removed her widow’s garments, dressed with a veil and wrapped herself, and stationed herself on the road Yehudah had to pass impersonating a harlot. Sure enough he was attracted to her. She accepted his pledge to send her a *עִזִּים מִן הַצֹּאן*, a goat from the flock as payment for the encounter, but only if he left a “guarantee” with her. For that purpose she took his personal seal with the cord that runs through it (so it can be worn) and his staff, his identifying personal effects. After the encounter she promptly returned to her widow’s garments. She became pregnant.

The episode contains a telling juxtaposition: Yehudah is fulfilling carnal desire for momentary gratification while Tamar is impelling him to fulfill the responsibility of *yibum* so that the line of her late husband, his son, may live on and that she be released from her abject state of “waiting” to be given the possibility of becoming a mother. (Although Torah legislation strictly limited *yibum* to the deceased’s brother, previous ancient Near Eastern codes had varying standards; in some, the responsibility was also dischargeable by the deceased’s father.)

Yehudah sends an emissary to pay his pledge of a goat and redeem his personal effects, but of course the “harlot” was nowhere to be found. When informed of Tamar’s pregnancy, Yehudah promptly applies the law to its maximum harshness in accordance with the prerogative then granted him as the head of the family whose honor was besmirched. Tamar had violated her status of one awaiting levirate marriage, considered as

almost “married” to the potential *yabam*. Without any investigation as to circumstances, Yehudah decreed that she should be put to death (permanently solving his daughter-in-law problem, not that such was his conscious motive).

As she was being brought forth for her punishment, she sent Yehudah his personal effects that he had left with her with the message that “to the man to whom these belong I am pregnant.” (The Sages greatly praise Tamar’s nobility of character displayed in her reluctance to publicly shame Yehudah. They assume it had a major edifying effect upon him.) She said *הִכָּר נָא*, “recognize, please,” and, of course, “*וַיִּכָּר* Yehudah,” he recognized the items together with the great injustice he had been committing and declared *צְדִיקָה מִמֶּנִּי*, “She is more righteous than I” (38:26).

The identifying evidence Tamar sent to her father-in-law is in remarkable correspondence to the “evidence” her father-in-law and his brothers – of whom he was the leader – had sent to their father, with the critical difference that her evidence bespoke truth.

The disgrace suffered by Yehudah and the family appears to be another link in the chain of events stemming from Yaaqob’s deception of his father as well as the deception perpetrated by Yehudah and his brothers against their father. In Tamar’s ruse she duped her father-in-law with a veil and a harlot’s wrapping; in addition, a goat played an important role in the episode. The key phrases of *הִכָּר נָא* and *וַיִּכָּר יְהוּדָה* (v. 26) are most prominent. These all unmistakably parallel principal elements in the brothers’ deception of their father, in which they sent him Yosef’s garment dipped in goat’s blood (37:31-33) and asked *הִכָּר נָא* followed by *וַיִּכְרֶה*. In Yaaqob’s deception of his father he wore Esav’s garments and goatskin coverings and the phrase *וְלֹא הִכִּירוּ* is most prominent (27:23). In all three of these cases the *ה-כ-ר* stem occurs at a high point of the narrative. **

It cannot be objected that since Tamar has to use words to speak and *הִכָּר* is the usual Biblical word for “recognize,” it should not be thought that its usage is significant to be associated with the other attestations of that word. The message Tamar sent to Yehudah comprises a complete expression of her thought without *הִכָּר נָא* and could stand without it. Indeed, the

three-word phrase of וְהֵאָמַר הֵרָר נָא is embellishment pointing to the linkage.

The goat Yehudah pledged was described as גְּדֵי עֵזִים מִן הַצֹּאן (a goat from the flock), an unusually lengthy phrase to use in the situation. It reminds the reader that when Ribqah asked Yaaqob to bring the goats for the deception, she said, “go to the צֹאן and bring me from there two גְּדֵי עֵזִים” (27:9). Obviously, these episodes are all connected. (In interpreting Torah symbolism, Rabbi S. D. Sassoon considered the two retributive episodes involving a goat as corresponding to the two goats Ribqah had Yaaqob bring.)

At the point in Tamar’s confrontation with him, Yehudah does not appear as deserving of respect. Given his role in the sale of Yosef, his separation from his family, the Canaanite context he reared his children in, that his first two sons were evil in G-d’s eyes and his insensitivity toward his daughter-in-law, including lying to her, ignoring her and the death sentence he had so quickly decreed against her, Yehudah did not act in accordance with the family heritage of Abraham, Yishaq and Yaaqob. He had previously exhibited leadership ability and a measure of family feeling for the victimized Yosef in suggesting and persuading the brothers to sell him into slavery rather than kill him, but that hardly qualifies as an unmitigated positive. Reuben had intended to fully rescue him but lacked the influence!

But when Tamar executed her grand deception of him, a deception reminiscent of the one he perpetrated against his father – but in her case to right the wrong he was committing – she launches a major process of redemption in him. The humiliation at her hand with the “measure for measure” retribution he received appears to have brought him to a deeper understanding of responsibility and dedication to fairness. It begins to prepare him for the critical role he eventually will play in reuniting the family and being a leader in the nation.

Twins were born from the Yehudah-Tamar liaison and again there was rivalry in the course of birthing. The midwife tied a scarlet string on the hand that protruded, beginning the birth process, declaring him first. When he retrieved his hand his brother exploited the opportunity, bursting forth and exiting first. This

appears analogous to the Esav-Yaaqob case (perhaps the scarlet string parallels the reddish Esav). From the point-of-view of national leadership, supremacy redounded to the second-born Peres, once again reversing the primacy of primogeniture. Peres was the progenitor of the national royal family as King David was born in the tenth generation from him (Ruth 4:18-22). Tamar’s decisive act, comprising a sincerely motivated rebellion against deceptive, callous authority and superstition was looked upon favorably by G-d. (See our study *On Megillat Ruth*.) And Yehudah’s early ignoble behavior did not preclude his ability to transform himself and achieve greatness of character as begun in our passage and seen in coming chapters.

3. Additional Linkages

There are additional thematic and literary devices connecting our chapter with the surrounding ones.

In the previous chapter Yehudah (as leader of the brothers) caused Yaaqob to mourn for the supposedly premature death of his son. In our chapter he himself goes into mourning for the premature death of two sons as well as for his wife.

In our chapter Yehudah is extremely concerned for the life of his remaining son because of the previous death of two other sons and that consideration plays a leading role in the unfolding of events. In the coming chapters, Yaaqob’s concern for the life of his remaining son from Rahel because of the supposed death of his first son from her is a prominent feature of the narrative and has a major impact on further developments.

Yehudah is confronted by a passing sexual temptation and immediately succumbs, willingly giving his valuable identification markers to the harlot as a pledge to fulfill his desire. In the following chapter, Yosef is confronted with ongoing sexual temptation and resists. When it became necessary, he left his personal garment with the seductress – that had been seized by her – rather than yield.

Tamar was charged with an act deemed to be an extension of adultery while the accusation against Yosef in chapter 39 was attempted adultery.

The “pledge” played an important role in Tamar’s case. The “harlot” insists Yehudah give an עֲרֵבוֹן (v. 17), he repeats the word (v. 18) and the narrative informs us that he was unable to retrieve the עֲרֵבוֹן (v. 20). This pledge – here given for a most minor purpose – appears to foreshadow his later momentous decision to pledge himself as guarantor for Binyamin. In that capacity he employs the עֲרֵב stem twice, once to his father (43:9) and once to the viceroy (44:32). These five attestations of this stem are the only ones in the Five Books with this meaning.

Our chapter thus serves an important purpose in the larger saga. It was necessary to know what had been going on with Yehudah in order to appreciate the role he will play in the denouement of the Yosef drama. So far Yehudah had not demonstrated any special commitment to the Covenant G-d had recently established with the forefathers although the beginning of a change was manifest when he admitted Tamar had been justified and he was wrong. Yosef, on the other hand, remained true to his forefathers’ values, demonstrating his steadfastness as a worthy successor of them.

Endnotes

* The Rambam formulated the halakha as follows:

A woman who had been married twice and both men had died should not marry a third man. But if she did do so she is to remain married. If she merely had *qidushin* (betrothal), the groom is to go forward and consummate the marriage. (MT *Hilkhos Isure Bi’ah* 21:31, codified almost verbatim in *Shulhan Arukh EH* 9:1)

Many have questioned his curtailed application of the Talmudic directive and, in their view, his marginalizing the danger to life that is involved. In a response he elaborated on his position and went much further toward introducing perspective in an area that had been governed by lack of medical and scientific knowledge. Following is a translation of the portion of his response cited by the *Kesef Mishneh* in his commentary on the Rambam (op.cit.):

A *qatlanit* (a woman who had two husbands die) is not prohibited. Rather, this is a matter that was distanced due to spells, fear and wonder that at times cause harm to those with weak constitutions. There is no difference between this case and that of one who eats from a bunch of vegetables that had been bundled together by the gardener [regarding which BT *Hullin* 105b states that one should not partake of because it may render him susceptible to the effects of sorcery]. Although some rabbis are of the opinion that she should not get married, we say to her, “If you find someone who wants to betroth you we will not compel him to divorce you.” And they used to circumvent the directive and perform the betrothal in front of two witnesses [so that the *bet din* will not directly contradict the Talmudic directive] and afterwards the *bet din* would write the *ketuba* for her, for they bring her into *hupah* and say the seven blessings for the couple since they had already previously been betrothed. Thus did they do in the *bet din* of *Rabenu Yischaq* author of the *Halakhot* [the Rif] and in the *bet din* of *Rabenu Yosef Halevi* his student [*Ri Migash*], and so did all those that followed them, and that is what we did in Egypt to permit.

With scientific advances and increased longevity this Talmudic directive has become largely irrelevant, applicable only to those cases of multiple deaths that defy diagnosis and point to the possibility of a sexually transmitted disease. But then there would be no difference in reverse, if multiple wives of one man died and he wanted to get married again.

** In *Beresheet Rabbah*, 85:9 and 11:

Yehudah the son of Nahman stated in the name of Resh Laqish: “The Holy One Blessed Be He said to Yehudah, ‘You deceived your father with a goat, by your life, Tamar will deceive you with a goat.’” Rabbi Yoḥanan stated: “The Holy One Blessed Be He said to Yehudah, ‘You said to your father הִקְרַתָּ לִּי, by your life, Tamar will say to you הִקְרַתָּ לִּי.’”

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