

VAYEISHEV

The Paternity Suit

2008 · Rabbi Yerachmiel Seplowitz

VAYEISHEV (Genesis, 37:1-40:23) “The Paternity Suit”

Destiny is very important.

A man marries, hoping to build a family. After he is gone, his children and grandchildren will carry on his name. But tragedy strikes. The young man dies, leaving his wife childless. What will become of his dreams? What of the children that he was going to bring into the world? Is he going to leave the world without a trace, without leaving a remnant of his life?

No. The Torah gives life to a dead man. When a man dies without children, there is a Mitzvah of “*Yibum*”, levirate marriage. (See Deuteronomy, 25:5-9) The brother of the deceased is required to marry the widow, and their firstborn child is considered to be the spiritual offspring of the deceased. Through this marriage, the memory of the departed lives on.

[If the brother refuses to marry the widow, there is a ceremony called *Chalitzah*, which severs the tie to his sister-in-law, and permits her to marry someone else. Nowadays, levirate marriage is not performed; *Chalitzah* is the only option.]

Judah was a righteous man. It was destined that the kings of Israel would descend from him. His oldest son Er married Tamar, a righteous woman who wanted to be the mother of the royal house of Judah. Her husband, however, died, leaving her childless.

Judah told his second son Onan to perform the Mitzvah of levirate marriage, in order to carry on the memory of his departed brother. He married her, and then he, too, died. Now what? Would Shelah, son #3, be the next “victim”?

Judah did not want Shelah to marry Tamar. He was afraid that Shelah too would die. Therefore, Judah told Tamar to return home to her family until his son got a little older. But Judah had no intention of the marriage ever taking place.

Tamar waited patiently. There would some day be a King David. There would some day be a Messiah who would bring peace to the world. Tamar wanted to be part of that destiny. Yet, Judah wasn’t summoning her to marry Shelah. What should she do?

The Mitzvah of *Yibum* is performed by the brother of the deceased. However, before the Torah was given on Mount Sinai, the Mitzvah could also be fulfilled by the father. Tamar made her decision; if Judah would not allow Tamar to marry his son, she would just have to marry Judah instead!

Tamar put on a veil and wrapped herself up and sat out by the crossroads, waiting for her father-in-law. When he saw her, he thought she was a prostitute. In what many of the commentaries go to great lengths to explain, this righteous man was overcome by desire. He solicited her services. Tamar asked what his payment would be.

Sforno explains that she started speaking to him in the hope that he would recognize her, and legitimately fulfill the Mitzvah of levirate marriage. It didn't work; he didn't recognize her. They completed the financial negotiations, and Judah gave her some of his personal effects as collateral for payment. They were intimate. Tamar's intent was to do a Mitzvah; Judah's intent was not. (Some commentaries say that Judah, who was at that time a widower, gave her some of his possessions as an act of marriage. See Daas Zekainim on verse 17.)

Judah later sent payment, hoping to retrieve his collateral. The prostitute was gone, along with his collateral.

Soon word got out that Tamar was pregnant. Judah was incensed. Tamar had played the harlot; she needed to be punished:

"Take her out and have her burned!" said Judah. (Genesis, 38:24) There is no tolerance for immorality within the Nation of G-d.

Tamar had a dilemma. Judah had accused her of committing a terrible sin. But she had done nothing wrong. She had fulfilled the Mitzvah of levirate marriage. She had carried out the will of G-d. She was carrying the legitimate children (twins) of Judah, the ancestor of the House of David. If anyone had done something wrong, it was Judah. He had not allowed her to marry his son as was required. She had been forced to trick him into helping her to do G-d's will.

What Tamar had to do now was to bring out the facts. She simply needed to tell Judah, in the presence of the community, that HE was the father of her unborn children! He was trying to castigate her for being immoral; she should point the finger of guilt right back at him!

So what did she do? Almost nothing. She refused to shame Judah, even at the risk of her own life. She simply sent his collateral back to him and informed him that she was carrying the offspring of the owner of those articles. If he admitted the truth, it would be well and good. But if not, she would die.

Judah was a man of integrity. He would not allow his personal honor to cause an innocent person to suffer:

“She is more righteous than I!” (Ibid verse 26)

It must have been devastating to Judah to make such a declaration. He was, after all, the son of Jacob, an honored and respected man. He had been designated as the father of the future kings of Israel. The simple fact that he had summoned Tamar to the court for punishment for immorality indicates that he was a leader and moral authority. To publicly admit that he had consorted with a woman whom he had thought was a prostitute must have been a painful and embarrassing confession.

“She is more righteous than I!” This is one translation of Judah’s confession. The Hebrew phrase, **ממניצדקה** – *Tzadkiah mimeni* – is broken up by the Midrash, quoted in Rashi, to be two statements: *“Tzadakh – She is righteous. Mimeni -- It is from me – I am the father.”*

Rashi quotes yet another interpretation of *“mimeni -- It is from Me.”* A heavenly voice resounded, and announced, *“It is from Me!”* G-d was announcing that He had determined that these two righteous people were to be the parents of the kings of Israel.

[It is interesting to note that G-d chose to establish the Davidic dynasty based on murky beginnings. Peretz, King David’s ancestor, was conceived in this rather humiliating event as described here. A month ago we read of Lot’s daughters, who conceived their father’s sons. (Ibid 19:30-38) The Moabite nation descended from one of those sons; their descendent Ruth married Peretz’s descendent Boaz. That relationship, too, generated controversy. Ruth and Boaz’s son Obed was the grandfather of King David.

One of the explanations given for the various less-than-honorable events that led to the birth of King David is to show that we shouldn’t be impressed by “high birth.” Many people from eminent families did not distinguish themselves with their own actions. (Case in point: Esau, son of Isaac) King David’s humble beginnings didn’t stop him from composing Psalms and becoming the king of Israel.]

Now, back to Tamar.

Let us examine the decision that Tamar made. She was being led to the fire to be punished for alleged harlotry. Her accuser was the actual father of the children, and her actions had actually been a Mitzvah. All she had to do was identify the father. She refused. She preferred to die. Tamar was prepared to give up her life rather than embarrass Judah.

Based upon this event, our sages state that it is preferable for a person to cast himself into a fiery furnace, rather than publicly embarrass someone. (Sotah 10b, quoted by Rashi)

The Talmud elsewhere states that embarrassing someone is tantamount to killing them. Thus Tamar was willing to accept her own physical death over her father-in-law's "virtual" death.

Let us develop this thought a bit further. Tamar couldn't allow herself to embarrass Judah. The thought of doing such a thing was totally unacceptable; she preferred to die. She just couldn't do it.

But what about her unborn children? She was carrying Peretz, the father of the Davidic dynasty. If Tamar were to die, the future Kings David and Solomon would burn with her. The Messiah, whom we pray for daily, would have gone up in smoke.

The entire future of Israel and the world hung in the balance. Tamar had been chosen to be the mother of royalty. But she would not shame Judah; it wasn't worth it.

Our sages use an interesting expression to describe embarrassing someone: "Whitening your friend's face." When you humiliate someone, first that person blushes as the blood rushes to his face. Then, as the blood returns to other parts of the body, it drains away, "whitening" his face. That act of the blood leaving his face is considered to be a form of murder.

When you cause a person to "lose face" you take away from him a part of what he is. He enjoys a certain status and reputation. When you take that away from him, you are, in a real sense, killing part of who he is.

Tamar was ready to burn not only herself, but the entire future of Israel that grew in her womb. Had Judah not shown the integrity to admit the truth, there would have been no King David.

How easy do we find it to glibly make comments that hurt the feelings of others? Do we stop to think about how our comments affect the feelings and status of the intended victims of our "innocent" remarks? Tamar could have felt totally justified in saying something that would be hurtful to Judah; she refused to do it.

And what of Judah? He had his own position to worry about. He could have justified his silence. "If she's not going to bring it up, why should I?"

Yet, he chose to do the right thing; he accepted responsibility for his actions.

One of the reason we are all called "Jews," although many of us do not descend from Judah, is that he taught us all the importance of being "Modeh" -- admitting the truth. (The Hebrew word "Yehudah" -- Judah -- can loosely be translated to mean "He will admit.")

These two great people -- Judah and Tamar -- teach us the importance of knowing what to say and what not to say.

Have a great Shabbos.

