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Luther on Tamar: A Subaltern Response¹

Monica Jyotsna Melanchthon²

The Judah and Tamar story in Genesis 38, found at the beginning of the Joseph Novella (Genesis 37-50) follows the sale of Joseph into slavery by his brothers after Judah convinced them to sell him instead of killing him. The chapter has been categorised as an independent, irregular, mysterious, curious and isolated unit, secondarily woven into the Joseph narrative.³ Scholars have marginalized the chapter suggesting that it interrupts the flow of the Joseph story, by bringing focus on Judah, the older brother of Joseph. They question its theological significance,⁴ since it recounts an event in the life of only one of Jacob's sons, namely Judah. Others have sought to defend its place.⁵ It narrates an obstacle and emergency in the life of Judah and underlines the dangers and difficulties that confronted and almost sabotaged the divine promises of offspring land and nation. It also foresees Israel's life in the land of promise, and the continuation of the promise of progeny into the monarchy. Since it makes mention of people who play a role in the life of King David, the narrative is placed in a wider context, that of the Davidic monarchy. "This chapter is understood ... to foreshadow Judah's future leadership role, not only as an individual, but as the tribe from which King David will emerge."⁶

¹An early and shorter version of this paper was first presented to a group of Lutheran scholars at a seminar on "Luther and The Subaltern: The Alternative Luther" organized by the University of Aarhus from 29-31 of October 2015 in Sondjberg, Denmark.

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³ Claus Westermann, *Genesis 37-50* (London: SPCK, 1987) 49; Gerhard von Rad, *Genesis: A Commentary* (Philadelphia: Westminster Press, 1972) 356; Mark Leuchter, "Genesis 38 in Social and Historical Perspective," *JBL* 132, no. 2 (2013): 209. Walter Brueggemann, *Genesis. Interpretation: A Bible Commentary for Teaching and Preaching* (Atlanta: John Knox, 1982), 288.

⁴ Joan E Cook, "Four Marginalized Foils—Tamar, Judah, Joseph and Potiphar's Wife: A Literary Study of Genesis 38-39," *Proceedings EGL & MWBS* 21 (2001): 115.

⁵ Yairah Amit argues that the chapter has been inserted here into the Joseph narrative for two reasons: One, to highlight the pivotal role Judah plays in the actualization of God's salvific plan. Thanks to Judah's intervention (Gen 37:39), Joseph is sold, instead of being killed and arrives in Egypt where he later is able to be of help to his brothers. Two, the chapter provides the genealogical connection between Perez and Judah and "underlines David's Canaanite origins." "The case of Judah and Tamar in the Contemporary Israeli Context," in Athalya Brenner, et al., *Genesis* (Minneapolis: Fortress, 2010) 215-16. Aaron Wildavsky suggests that chapter 38 has been inserted, in order to show what one might do in order to assure the survival of one's people. However, this cannot be done at the expense of the moral law. "The story of Tamar and Judah is aimed at those who seek safety by violating moral principles. Just as Judah is concerned with the survival of his family, for if Shelah dies Judah will have no heir, so Joseph claims that he did what he had to do as Pharaoh's administrator in order to secure the survival of the Hebrew people who otherwise would have died of famine." In "Survival must not be gained through sin: The Moral of the Joseph Stories Prefigured through Judah and Tamar," *JSOT* 62 (1994) 38.

⁶Zvi Ron, "Rescue from Fiery Death: Daniel chapter 3 and Genesis Chapter 38," in the *Jewish Biblical Quarterly* 41, no 1 (January 1 2013): 26. It is significant that the tribe from which David will emerge is not from the tribe of the first born but that of a fourth born son. Hence, the chapter like the rest of the book of Genesis

The figure of Tamar recedes in such readings.⁷ However, most women readers read this chapter as an independent unit and by doing so enable Tamar and not Judah to become the main character and hero. It becomes the story of a woman who succeeds against many odds, at securing justice for herself, and “one of the most hopeful narratives in Genesis.”⁸ Among the specific features included in the story is the role of marginalization – complicating and enhancing the overall story of these Israelite ancestors.

Tamar’s story resonates particularly with many women caught in the web of cultural traditions and practices that are restrictive and prohibitive to women’s freedom and agency. The story offers one women’s strategy to overcome the restraints placed on her to fulfilling what she saw was her role and to experience liberation.

I am drawn to this narrative particularly because of my feminist leanings and the many significant issues it raises that are pertinent to a subaltern context such as that of women in India. As we commemorate this 500th anniversary of the Reformation and attempt to reclaim, reaffirm and celebrate Luther and his work, and recognize his impact on 500 years of the Church’s tradition, it is perhaps essential that we also read Luther from perspectives that have until now not been welcomed or sidelined. Luther himself did theology on the move, his hermeneutic honed, in reaction to varied situations and in the face of many ethical and political challenges. I am curious to see what might arise in this conversation between Luther, the biblical text and the subaltern context of India. I therefore hope to analyse the text from a subaltern perspective and I will do so in conversation with Luther’s reading and interpretation of this narrative⁹. I seek to understand what Luther says about this narrative; to highlight what he may have missed; and to isolate insights, social and theological, that are helpful and perhaps unhelpful for those in the Indian subaltern context. By drawing on insights offered by feminist scholarship and subaltern studies I give voice to a woman - marginalized and stigmatized (read: subaltern) by centuries of interpretation and analyse the issues surrounding her and her condition from the perspective of the subaltern¹⁰ in India.

Luther on Genesis 38: A Subaltern Response

contributes to reversing the law of primogeniture and about election through a younger son, namely Judah. cf. Robert Alter, *Art of Biblical Narrative* (New York: Basic Books, 1982), 5-9.

⁷ Cf. Paul E Koptak, “Reading Scripture with Kenneth Burke: Genesis 38,” *Covenant Quarterly* 55, no. 2-3 (1997): 84-94.

⁸ Christiana de Groot, “Genesis,” in *The IVP Women’s Bible Commentary*, eds Catherine Clark Kroeger and Mary J Evans (Downers Grove, IL: IVP, 2002), 24. Susan Niditch calls attention to the fact that this chapter (unlike 2 Sam 13 or Gen 35:22 because of their immoral content - incest), can both be translated and read aloud at a Sabbath service in the Synagogue. Niditch claims that this chapter gains its strength from the fact that Tamar uses a sexual act in a moral manner repairing the social fabric instead of marring it. “The Wronged Woman Righted: An Analysis of Genesis 38,” *HTR* 72 (Jan-Apr 1979): 149.

⁹ Cf. *Luther’s Works* (hereafter LW), Volume 7, Lectures on Genesis Chapters 38-44. Pages 3-50.

¹⁰ The perspective of the ‘subaltern’ is seeing things from the “below” - making ‘subaltern’ classes of people subjects in the making of their own history. Subaltern studies have spread outside of India and beyond those who initiated this project and have taken on contextual overtones lending to variations in the definition of subalternity.

For if the divine Scriptures are treated in such a way as to be understood only with regard to the past, and not to be applied also to our own manner of life, of what benefit will they be? They are cold, dead, and not even divine.¹¹

Luther had a very dynamic understanding of both Scripture and Tradition. The authority of scripture lay in its proclamation than in the written text. In fact, it is by speaking (proclaiming) that we bring life to the written word. The Word is a living word, which needs to be read and heard afresh in each and every new context. The “sacred character of scripture does not lie in past interpretations of its passages, but in its meaning for present day readers.”¹² Luther put this conviction into practice by reflecting on biblical texts in light of the circumstances – political, social and economic – of his own community. His interpretation of texts that had women protagonists was certainly influenced by interpretations and positions held by his contemporaries. Luther’s own position was distinct in that it arose out of his own marriage and his relationship to female siblings. Undaunted by any challenges posed by Genesis 38, Luther enters into its world, “enthusiastically, never hesitating to imagine the biblical characters into his world or himself into theirs.”¹³

Luther’s approach and method is theological and his reading of this chapter is based on the hermeneutic of how it shows forth Christ, and glorifies the graciousness and mercy of God. The reading therefore emphasizes the wrongdoings of the characters and provides some explanation as to why they do the things do. It seeks to highlight the fact that Jesus’ ancestry is both Jewish and Gentile, an ancestry rooted in individuals who were sinful. It shows how God responds to their sin – both as God the executioner, and as God merciful, understanding and kind. Luther’s approach is therefore not historical critical or sociological although he does pay limited attention to socio-historical questions surrounding the lives of the characters in ancient Israel as he seeks to make sense of this narrative for himself and his audience.

Working with and discovering a purpose in difficult texts:

Luther identifies this chapter as one of “the disgraceful scandals” and reflects on why such texts have been included within the Holy Bible. Luther asks,

Why did God and the Holy Spirit want to have these shameful and abominable matters written and preserved to be recounted and read in the church? ...Who would believe that the teaching of such matters can be useful for the salvation and edification of the church? He recounts that Judah departed from his brothers and he married a foreigner, and that afterwards he polluted his daughter in law with incest. It would have been better for this to be covered up and buried in perpetual oblivion.¹⁴

¹¹ LW 25, 472. Lectures on Romans, 1515-1516.

¹² Jillian E Cox, “Martin Luther on the Living Word: rethinking the principle of *sola scriptura*,” *Pacifica: Australian Theological Studies* 29, no. 1 (February 2016): 15.

¹³ Mickey Leland Mattox, “*Defender of the Most Holy Matriarchs*”: *Martin Luther’s Interpretation of the Women of Genesis in the “Enarrationes in Genesin” 1535-45* (Leiden: Brill, 2003), 1. As cited by Robert Kolb, *Luther and the Stories of God: Biblical narratives as a Foundation for Christian Living*, (Grand Rapids, MI: Baker Academic, 2012), 31-32.

¹⁴ LW, 7: 10-11.

However, Luther does not bury it in oblivion. Instead, he attacks those who would want to evade such texts on the grounds, that it propagates concubinage and fornication by the Jews. He calls them stupid, “swine and asses” for speaking about matters of which they have insufficient knowledge and understanding.¹⁵ He defends the Holy Spirit as knowing what is to be written and set before the church.¹⁶

Determining the function of Old Testament narratives is a precarious endeavour conditioned by many complicating factors. Luther wrestles with this difficult and controversial text, and finds a purpose within it. He justifies its inclusion as a text that says something about the genealogy of Christ. These ancestors of Christ, namely Judah and others, were not without blemish and yet God guides them in a wonderful manner. The major function of such texts according to Luther is not for setting up “a moral example” but for “the purpose of teaching and consolation!”¹⁷

examples of this kind are recounted to us for the purpose of teaching and consolation, and for the strengthening of our faith, in order that we may consider the immeasurable mercy of God, who has saved not only the righteous – namely Abraham, Isaac and Jacob, but also the unrighteous – namely Judah, Tamar, Reuben, Simeon and Levi who were outstanding sinners. Consequently, no one should be presumptuous about his own righteousness or wisdom and no one should despair on account of his sins.¹⁸

As examples, texts such as these that speak about the sin of the patriarchs, teach us about repentance and the grace and mercy of God. “This is the real reason why narratives full of the most disgraceful scandals are intermingled with the legends or histories of the saintly patriarchs.”¹⁹ He continues that texts such as Genesis 38 were written for Christ’s sake – so that Christ could “sink into sin as deeply as possible” – “besmirched with incest and born from incestuous blood.”²⁰ It was to show that Christ was born “from a flesh outstandingly sinful and contaminated by a most disgraceful sin,”²¹ an “incestuous union,” – flesh that was “contaminated and horribly polluted.”²² Christ was born from flesh and blood corrupted, “by original sin in Adam, but in such a way that it could be healed.

That such “scandalous texts” are not ignored but engaged with is encouraging for me since, they often narrate experiences that resonate with the marginalized and subaltern women. Luther acknowledges that women’s lives were complex and difficult and some of that sensibility is revealed in the way he speaks of Tamar but with some limitations. I read Genesis 34 as an independent unit and begin with noting that Tamar as a subaltern subject.

¹⁵ LW 7, 10.

¹⁶ LW 7, 10.

¹⁷ LW 7, 10.

¹⁸ LW 7, 11

¹⁹ LW 7, 11.

²⁰ LW 7, 13.

²¹ LW 7, 12.

²² LW 7, 12.

Tamar – Canaanite, Twice Widowed, Childless, Subaltern, Symbol of Life

Tamar the Canaanite

The identity and ethnicity of Tamar has been the subject of much scholarly speculation. Her inclusion in the Matthean genealogy is perhaps based on the understanding that she was a gentile. However, Genesis 38 says nothing about her race or ancestry. Since no identity markers are supplied, it has been presumed that she belonged to a community that was indigenous to Canaan like Judah's wife (Gen 38: 2).²³ Luther identifies Tamar as a "Canaanite woman, just as the wife of Judah was." Having established that, he proceeds to argue in favour of the gentiles and their place within the salvific plan of God. He categorically states, "Gentile seed was mixed with that of Abraham. Hence, "Jews and gentiles are now one flesh and born from one flesh."²⁴ This mixture of Jewish and Gentile blood was made possible by God in order to ensure that the natural origins of the Messiah were to be found in both communities. "Tamar is a Canaanite woman,"²⁵ therefore, Christ has a Canaanite mother. God "does not reject the Gentiles according to the flesh" but receives and uses gentiles. Christ did not despise his Canaanite mother but was willing to be born from the seed of a rejected nation, lest the Jews exalt themselves beyond measure and boast of their blood."²⁶ The Jews are therefore denied a reason to boast, "that they alone are the seed of Abraham." This text has therefore been preserved he says, in order to console the penitent but *also* to honour the Gentiles.²⁷

Some have argued that this affirmation of the gentiles by Luther is rooted in his hostility towards the Jews. However, the division and tensions between the two communities and the rules that governed the interaction between the two bear affinity with the caste system in India. Luther's argument that Jews and gentiles are naturally brothers; that gentiles have a place in the salvific plan of God sustains the struggle of the dalits struggle against discrimination by dominant castes. It affirms them as individuals and communities with a place in the salvific work of God and enables them to embrace and uphold their identity and roots with pride and dignity.

Tamar – Twice-widowed

Luther acknowledges the challenges that came with being a widow. He is quite explicit in describing the life of widow. He concedes that infertility or death of the husband resulted in

²³ Cf. Richard Baukham "Tamar's ancestry and Rahab's Marriage: Two Problems in the Matthean genealogy" in *Novum Testamentum* 37, no. 4 (1995): 313-329. Baukham shows how the Jewish tradition saw her both as a Canaanite and as not by calling attention to varied deuteron-canonical texts. He argues that *Jubilees* 41:1, and *Testament of Judah* 10:1 where Tamar is mentioned, cannot be used to support her gentile origin. He suggests instead that the writer of the Gospel of Matthew was influenced by Pseudo-Philo (LAB 9:5), who justifies her actions in a unique way: "being unwilling to separate from the sons of Israel, she reflected and said, 'It is better for me to die for having intercourse with my father in law than to have intercourse with Gentile.'" Based on this, Baukham suggests that Pseudo-Philo perhaps assumed that Tamar was a Canaanite who became a Proselyte when she married Er. Luther too is aware of the suggestion that Tamar was perhaps the daughter of Shem, the priest. In response he writes, "I ignore these trifles, for they are despised and fabricated with equal ease." LW 7. 21.

²⁴ LW 7, 14.

²⁵ LW 7, 13.

²⁶ LW 7, 13-14.

²⁷ LW 7, 14.

being cast out or being returned to their paternal homes.²⁸ He believes that Judah scorned Tamar, perhaps holding her responsible for the death of his two sons and so he “banished her, scorned and abandoned, to her father’s house.”²⁹ He recognizes that Tamar was unhappy and like those of her sex was “decidedly servile and degraded ... forced to seek a livelihood ... by spinning and weaving.”³⁰ She must have according to Luther, “supported herself with difficulty and in a wretched manner at home with her father in the exercise of female pursuits, by weaving and washing.”³¹ Tamar waits, the third son is married off to someone else and “although she had the right to demand the third son according to the law, yet she thought: “I am a despised Canaanite, rejected and condemned. What am I to do?”³²

A couple of issues to consider here. First is her status as widow. No reader familiar with the canonical texts of the Hebrew Bible needs reminding of how large is the figure of the Israelite widow that looms there. She appears in unexpected, though by no means, insignificant places. Indeed – and I discovered this to my surprise—from about the exilic period, this figure has held a more or less centre-stage position in the national imaginary.³³ It could be argued that when a writer features a widow as protagonist he or she is, consciously or unconsciously making an intervention in a debate centred on this figure, a debate whose history is a history of Israelite humanism and its intimate and yet troubled relationship with Jewish feminism. In fact, only when we frame widow-narratives thus, as engaged in the elaboration-contestation of the modern subject, do other critical dimensions of the genre become apparent. It is true that in the context of Genesis, the story highlights the obstacles that threatened the fulfilment of the divine promise of progeny. However, we need to ask ‘what else might this narrative be commenting on?’ What is it saying about widows? Or about the resourcefulness of widows? Genesis 38 can be read as an intervention in a longstanding debate in Israelite society with regard to widows; indeed the flaunting of a widow protagonist suggests that it seeks to make a statement about widows. Nevertheless, what exactly is the statement? Luther identifies her as a widow and says a little about how hard life was for widows in general. While he stresses her gentile roots, he does not seem to uplift her status a twice-widowed woman and its place within the narrative framework or in his own construction of theology arising from this passage. From a theological point of view, a widow too has a place in God’s salvific plan. A twice-widowed woman is enabled to produce progeny, even if by dubious means who eventually becomes the ancestor of King David and of Jesus.

Second, the text also says something about the female body. It affirms the woman’s body, a feminist body despite its stigmata as widow. Perhaps her widowhood should not be the point of entry into the text since the narrative does not present widowhood as an impediment for the pursuit of life and for recognition. Instead, the narrative is critical of the social world that fails to sustain the widow and the widow victim. Nevertheless, this widow refuses to accept her condition. She is a subject-agent, a fleshy being with a natural appetite for life. Her resilient embodiment is the basis of her primitive, enduring personhood, and her irrepressible force as subject-agent. Nothing seems to have the power to corrode it, not even

²⁸ LW 7, 22.

²⁹ LW 7, 22.

³⁰ LW 7, 22.

³¹ LW 7, 22.

³² LW 7, 23.

³³ Ruth and Judith are two significant examples coming from this period.

the violence of a tradition that decrees marginalization and denial. The canonical authority of this body, the stigmata that proclaims its sainthood however minor, lies in its ability to survive and resurface and in its power to effect reiteration across generations and across a social map that is a map of Israel or the map of India.

Can a male reader identify with or take cues from Tamar? I say yes and I think Luther would too but he would focus on her redemption from sin by the grace and mercy of God. However, I would stress her agency and initiative. Hers is a body personhood that exceeds discipline. This body can therefore be that of a male or female – against any order, which seeks to deprive or discipline. The universal body I suggest may be represented by the female as adequately as the male is. Would Luther find this acceptable? I am not sure because Luther seems to privilege Judah over against Tamar in his assessment. I submit a feminist stance, as is Tamar’s rebellion and her bid for liberation and fulfilment.

Tamar – Childless and later a mother

As a widow, Tamar experiences social liminality and marginalization in society. She was also childless. This was not because her body failed her, but because of death and an unwilling partner, that causes her childlessness. Tamar did not conceive not out of any fault of hers, because she was “by nature fertile”³⁴ says Luther. Her childlessness affects her position in society adversely, and “catapults her into a liminal situation with little social status.”³⁵ Her childlessness forces her into adopting measures that are demeaning and mortifying in order to survive in a situation where she had few options.

Luther was appreciative of women in their role as mothers and empathizes with Tamar. He also recognizes that genealogical lists do not often mention the mother, despite the father and mother having the same flesh and blood.³⁶ He appreciates Tamar for her passionate desire to have children, seeing children as a woman’s “special dignity and adornment.”³⁷ He acknowledges women’s fear of sterility, and the contempt, which greeted a sterile woman. Sterility was seen as a curse and every woman made effort to escape this³⁸. He therefore understands Tamar’s desire for children for he saw procreation as a virtue in response to God’s command to be “fruitful and multiply.” He writes,

In this life, procreation should be regarded highly and longed for by all, just as it is desired by living beings of every kind.³⁹

He stresses that Tamar is a mother and as mother, she is “just as much the substance, blood and body of a son as the father is.”⁴⁰ As mother, she gives more nourishment to the child, than the father.

³⁴ LW 7, 19.

³⁵ L Juliana M Classens, “Resisting Dehumanization: Ruth, Tamar, and the Quest for Human dignity,” *CBQ* 74 (2012): 663.

³⁶ LW 7, 16.

³⁷ LW 7, 17.

³⁸ LW 7, 9.

³⁹ LW 7, 16.

⁴⁰ LW 7, 16.

Tamar – The Subaltern Woman

Luther recognizes her marginalization arising out of her gender, her ethnicity and her status as a childless widow. The marginality of this woman enhances the complexity of the story. The many features of marginality that nuances and characterizes Tamar, permits me to identify her as a Subaltern character. Tamar is a thrice, perhaps four times oppressed woman who was dehumanized. A situation of dehumanization occurs when an individual's ability to flourish is restricted and impaired.⁴¹ The death of a male provider/partner has had a marked effect on Tamar and diminished her worth because she belonged to a society where the worth of a woman is linked to male relatives and her ability to bear children.

Luther acknowledges her grief and pain and more or less justifies her actions. He writes,

She grieves because the highest honor of women is being taken away from her...Her wrath is justified and almost excusable ... But what is left, to the wretched woman after the dignity of motherhood, of a home, of descendants, and of the whole rule of a household has been taken away from her? Therefore, she has good reason to be indignant and she should not be condemned rashly, even if she is not excuse.⁴²

Luther makes it a point to stress that lust was not behind Tamar's intention to bed her father in law. She realized that Shelah was beyond her reach. Judah received no pressure from the community to observe the levirate law and Tamar was aware that there was no "public judgment" against Judah for giving Shelah another woman as wife.⁴³ She was impelled by this and the authority of God, by which the right of being the mistress of the house was assigned to her, she, commits a great crime."⁴⁴

In Luther's mind, Tamar submits to a higher authority, namely God and defies the lesser authority, namely, Judah, the culture and Tradition. The relationship between Judah and Tamar is the relationship between father and daughter. The father punishes and looks after his daughter. This duality of chastisement and protection is the basis of the relationship. The authority of Judah and Tamar's submission are matched by the helplessness of Tamar when Judah does not have her back so to speak. In the relationship between daughter in law and father in law is the fusion of the two opposing ideas of dominance and subordination. In Tamar's consciousness, Judah was duty bound to look after her. The authority that Judah had as father in law was "given" and "natural" and she accepted the chain of duty and moral obligation. She had faith in the moral order of levirate marriage, out of an urge to restore justice. She recognized her first identity as widowed daughter in law against Judah her father in law. She thus becomes conscious of the marks of her distinction. This is the first step of self-recognition, without which rebellion is impossible. Her submission is not to Judah or to the levirate practice. Even at the moment of abject submission, she in her own way internalizes the principle of the tradition, on whose basis she recognizes and challenges its violation. From the same belief structure, she can rationalize both defiance as well as submission. That which she has submitted to also forms the basis of her rebellion.

⁴¹ L Juliana M Classens, "Resisting Dehumanization," 661.

⁴² LW 7, 35.

⁴³ LW 7, 28.

⁴⁴ LW 7, 29.

From a subaltern perspective, Tamar exhibits through her response what one might call the 'subaltern mentality.' Defiance is not the only characteristic of the behaviour of subaltern classes. Submissiveness to authority in one context is as frequent as defiance in another. These two elements together constitute the subaltern mentality. It is because of this combination that the poor and oppressed have repeatedly, in different histories, made voluntary sacrifices in favour of the rich and the dominant, at least as often as they have rebelled against the latter. Certain assumptions made here need to be emphasized. First, the idioms of domination, subordination and revolt are often inextricably linked together; subordination or domination is seldom complete, if ever. Struggle and resistance mark the process. When sent back to her paternal home, Tamar has opportunity for self-reflection and change. Time is a transformer of destiny. It is a vehicle for recognition of power and potential. As woman in an enforced situation of seclusion, she was given opportunity to recognize her power and potential and channel it in a direction that will liberate her. She seeks to regain her dignity by resisting those forces that seek to assault, violate or obscure her dignity. "The dignity of being human made in the image of God was manifested precisely in the bearing witness to the violation and in the protest against those violations, whether the assaults were physical, emotional or social."⁴⁵ Tamar tries to hold on to her dignity by submitting to the practice of levirate marriage for she shows no resistance to the practice, and her father in law's decision to send her home. Yet it is the same custom that gives her courage as Luther also alludes and the drive to carry out her plan to become a mother when all else has failed her. Thus collaboration and resistance, the two elements of the subaltern mentality, merge and coalesce to make up a complex and contradictory consciousness.

The relationship between Judah and Tamar is the relationship between father and daughter. The father punishes and also looks after his daughter. This duality of chastisement and protection is the basis of the relationship. The authority of Judah and Tamar's submission are matched by the helplessness of Tamar when Judah does not have her back so to speak. In the relationship between daughter in law and father in law is the fusion of the two opposing ideas of dominance and subordination. In Tamar's consciousness, Judah was duty bound to look after her. The authority that Judah had as father in law was "given" and "natural" and she accepted the chain of duty and moral obligation. She had faith in the moral order of levirate marriage, out of an urge to restore justice. She recognized her first identity as widowed daughter in law against Judah her father in law. She thus becomes conscious of the marks of her distinction. This is the first step of self-recognition, without which rebellion is impossible. Her submission is not to Judah to the levirate practice. Even at the moment of abject submission, she in her own way internalizes the principle of the tradition, on whose basis she recognizes and challenges its violation. From the same belief structure, she can rationalize both defiance as well as submission. That which she has submitted to also forms the basis of her rebellion.

⁴⁵ Beverly Eileen Mitchell, *Plantation and Death Camps: Religion, Ideology and Human Dignity* (Minneapolis: Fortress, 2009), 4.

Tamar - Symbol and Intermediary for life

Her name meant a 'palm tree,' and yet she was the "killer wife"⁴⁶. The belief that certain women are responsible for their husband's deaths presumably because of some malevolent forces connected with them appears in Gen 38.⁴⁷ This is so characteristic a response in the Indian context where women are held responsible for the longevity of their husbands.⁴⁸ Judah believes that his daughter in law is to blame for the deaths of his sons Er and Onan. However, the narrator clarifies for the reader that she had nothing to do with their deaths. Rather, their death is a result of having committed 'evil' in the sight of the Lord. The narrator obliquely suggests that Judah's belief is to be rejected. The Text here strengthens the notion that a human being by his/her own voluntary actions decides his/her fate. Death results from serious sins, not from 'diabolic forces attached to women.'

Luther too recognizes this when he credits the death of the sons to their sin and not to Tamar. He suggests that YHWH kills both the brothers because they had additional and outstanding sins. Luther imagines Onan to be a "malicious and incorrigible scoundrel." He commits "a disgraceful sin" of "unchastity, yes a Sodomitic sin," far more atrocious than incest and adultery. The spillage of semen by Onan was inflamed by "spite and hatred," and so "he deserved to be killed by God. He committed an evil deed. Therefore God punished him ... That worthless fellow ... preferred polluting himself with a most disgraceful sin to raising up offspring for his brother."⁴⁹

The image of God in this passage is upsetting to say the least. God comes across as one who is in the business of instantly executing those who are "wicked" and "displeasing" in God's sight. God is the instant Executioner.⁵⁰ The offender is killed immediately without any human intermediaries. God's use of lethal force seems excessive and perhaps unwarranted given the nature of the offense. But the same God is merciful to Judah. God is depicted as having seen the evil of the two sons (vs 7 and 10) but does God not see what Judah is doing or for that matter Tamar? Neither are slayed. Luther does not address this problem. Tamar sees what Judah is doing. She recognizes his fears and she acts "to win her right." Through her action, she spares Judah from judgment and enables Judah "to see the injustice for

⁴⁶ Mordecai A Friedman, "Tamar, a Symbol of Life: The "killer Wife" Superstition in the Bible and Jewish Tradition," *Association of Jewish Studies Review* 15 (1990): 23-61.

⁴⁷ Cf. also the book of Tobit in the Apocrypha.

⁴⁸ Married Hindu women in Northern India observe for example, a festival known as *karva chauth* a daylong festival where they fast from sunrise to moonrise for the protection, wellbeing and longevity of their husbands. The ritual is a reaffirmation of their love through an ancient. There is no similar requirement placed on the husband. There are several ways to understand this festival - as liberating since it frees women from household duties for the day, or limiting since it is a ritual that positions women into subservience to the husband, an instrument of social control that makes women responsible for the lives of their husbands. Life as a widow is hard and so, many traditional women take this ritual seriously and offer *pujas* to safeguard the lives of their spouses. This ritual is female centred, similar to other "*vrats*" or "*vratams*" (rituals) and its observance is believed to give the participants agency in shaping or reshaping their lives, bringing to them, their families and their homes auspiciousness. The festival excludes unmarried women and widows, clearly bringing focus to the man on whose behalf and for whose welfare this is observed; it compels women to observe this even in conditions of estrangement. Cf. Vijay N Shankar, *Shadow Boxing with the Gods: The Story of Mankind's Beliefs*. (Mumbai: Celestial Books, 2014).

⁴⁹ LW, 7, 20-21.

⁵⁰ Eric A Siebert, *Disturbing Divine behaviour: Troubling Old Testament Images of God* (Minneapolis: Fortress, 2009) 18-19.

himself.”⁵¹ Luther does not highlight Tamar as a symbol of life, as one who resists discriminating forces (Patriarchy, Tradition, Culture) to survive and this is significant and pertinent. I would stress that Tamar acts as the human intermediary to save both herself and Judah from death by God and assures continuance of life. Tamar is a symbol of life not only in the meaning ascribed to her name but the fact that she endures when she is marked by death and is facing death herself.

Levirate Marriage – its benefits and challenges

Luther makes a detailed response to the custom of levirate marriages. He confesses that he does not know the origin of the law⁵² but thinks that this law is old, handed down to Moses by the patriarchs. It was a law he says that was “truly difficult and troublesome,”⁵³ for one was compelled to marry a woman left by the brother without children, even without love or desire for her. He writes,

Indeed, it seems impossible to love with chaste and conjugal love a woman whom you yourself do not choose or desire, unless this is done in mad lust...Therefore it was a very harsh law.⁵⁴

This was worse when the woman is sterile. However, this law, he says, provided for the inclusion and establishment of polygamy, and concubinage. It was troublesome and intolerable to be “burdened with so many wives or concubines for whom you do not have the slightest desire.”⁵⁵ This was at the bottom of Onan’s vexation with the law. He was forced into marrying her but he did not want to sleep with her. Marriage even when there is conjugal love Luther says is difficult and troubling. The Levirate law provided for the

taming of lust, which is forced when it is unwilling and, when forced, flees from and shuns the woman who has been offered. Therefore, I think that this law was kept only by good and godly men but was disregarded and violated by wicked men.⁵⁶

Only godly men could fulfil this law since it was not an easy task

to raise and preserve descendants and heirs, to beget children for others, to rear and nourish them, and to leave them a patrimony – and all this in the name of a dead brother.⁵⁷

Being able to do this and successfully so, is a mark of “outstanding love to be faithful and diligent in protecting the goods of others.”⁵⁸

⁵¹ Paul E Koptak, “Reading Scripture with Kenneth Burke,” 89.

⁵² LW 7, 19.

⁵³ LW 7, 19.

⁵⁴ LW 7, 19.

⁵⁵ LW 7, 19.

⁵⁶ LW 7, 20.

⁵⁷ LW 7, 21.

⁵⁸ LW 7, 21.

In contrast, the Levirate system was one that provided the woman freedom, freedom to marry “in order all the brothers or relatives of any husband of theirs who had died,”⁵⁹ says Luther. This obviously was not the experience of Tamar. She was leaning on this practice for survival and it failed her. The narrative shows the custom is flawed, and it fails “when the male protagonist shirks his responsibility to act for the good”⁶⁰ of the vulnerable woman. Tamar was sent back to her family and her situation would have worsened upon the death of her father, compounding her vulnerability. She comes close to being to death. Tragedy and injustice are interweave to create the conditions for her violation.

A subaltern response would also voice *suspiciousness with regard to the practice of levirate marriage* and its ties to widowhood. In many ways, the custom was instituted it seems, for economic reasons and to control the sexuality of women – to sharpen ethnic or communal solidarities and community boundaries. In the Indian experience, studies done in colonial India have shown a correlation between census data and reforms related to widow remarriage. Let me explain this further. Traditional views in India inscribed on the widow, sexual control and constructed widowhood as a form of social death (and hence even today, their presence is shunned at events that are considered auspicious such as weddings). It enforced permanent widowhood on women and stringently alienated the widow from her own sexuality and reproduction.

Levirate marriages were enforced as the most effective and socially valid form of control over the property, labour, sexuality and fertility of widows.⁶¹ Control over a widow’s sexuality was crucial for Hindu patriarchy, for sexuality and reproductivity of the widow was seen as a profound danger to Hindu patriarchy. What was most valuable to the husband in his lifetime, turned into an awesome menace to his community after his death. Outside the protection of the domestic identity of the chaste female, the widow represented both an invitation and a threat. A widow was considered dangerous because of her sexual urge.⁶² Ascetic widowhood thus remained the highest model. Widow re-marriage was allowed because in the wake of Hindu-Muslim population ratios and increasing fears of a supposed decline in Hindu numbers. There was anxiety about conversion of Hindu widows by Muslims and suggestions made that the reproductive capacities of widows could enhance Hindu numbers leading to subtle shifts in debates around widow remarriage.

A well-known Hindu poet Ayodhyasingh Upadhyaya “Hariaudh” writing in 1928 states,

We have made our daughters and daughters in law lie in the lap of Islam and Christianity. We have suffered loss. By not respecting widows, we have dwindled in numbers.⁶³

⁵⁹ LW 7, 20.

⁶⁰ L Juliana M Classens, “Resisting Dehumanization,” 662.

⁶¹ Prem Choudary, *The Veiled Women: Shifting Gender Equations in Rural Haryana* (Delhi: Oxford University Press, 1994).

⁶² The basis of these assertions was the idea that women had eight times more sexual urge than men, and that it was extremely difficult to control, especially in the case of widows, who did not have ‘legitimate’ access to sex.

⁶³ Upadhyaya (ed.) *Vidhwa*, 1, as cited by Charu Gupta, *Sexuality, Obscenity, Community: Women, Muslims and the Hindu public in Colonial India* (Delhi: Permanent Black, 2001), 316.

I am not certain if there was a similar concern behind the imposition of Levirate marriage. In the context of post exilic Israel, and concerns surrounding purity of race and the fear of the Jewish religion being tainted by foreign religions, it is plausible. Levirate marriages were a sure way of guaranteeing that women's sexuality is controlled, and that land remained within the family or community. Was the practice spearheaded by fear about the small numbers in postexilic Judah? Was this law a mechanism to curb widows from marrying foreigners perhaps?

Tamar the widow becomes pregnant and when Judah finds out that he was responsible – he reverses his judgment. Nevertheless, the impact of the reversal is not that Tamar can now become the wife of his son. The text notes explicitly that Judah did not have further sexual relations with her. No reference to a marriage with the third son or anyone else can be seen. Rather, Judah's judgment establishes Tamar's right to have the child he was guilty of blocking. A basic injustice has been corrected. The levirate custom demands not only conception of a child but also marriage of the widow. She gains the right as widow to conceive a child but she remains a widow. This is reminiscent of the Indian custom of *Niyoga*.⁶⁴ In any case, Tamar is satisfied. Judah is satisfied. Justice finally wins out but not because Judah become the *levir*. His non association with Tamar is perhaps indicative of his continued suspicion of her role in the death of his sons and resolves to stay away from her.⁶⁵

Sin

Luther sees the entire chapter through the lens of sin. Sin is overwhelmingly present in the lives of all the characters. He suggests for example, that both brothers were killed by YHWH, in response to additional outstanding sins.

He acknowledges Judah as sinner. That he veered away from the obligations of Levirate Law was understandable in Luther's eyes, although he finds fault with his "inflexibility" and for causing Tamar to be unhappy. Judah eventually becomes a widower not too long after Tamar was sent home. Luther states that several months of mourning were required on Judah's part. However, he believes that Judah was only twenty-seven years at the time of his wife's death and so was "sound and in vigorous health ... Judah abstained from marriage but not from women."⁶⁶ The reason? Judah like the rest of the fathers,

must be described as being like us in all things according to the flesh, sin, and death, in order that the immeasurable and in effable mercy and love with which God attends us may be glorified.⁶⁷

So "Judah was happy and with his head held high went up to shear his flocks."⁶⁸ Luther does not ascribe any explicit sin to Judah at this point.

Tamar's sin Luther says, is that she veils her identity, adorns and decks herself at the entrance "that is at a place where two ways meet" to deceive her father in law – "a plan rash

⁶⁴ Where the union lasts only until the woman is pregnant thereby providing a heir for the dead.

⁶⁵ Esther Marie Menn, *Judah and Tamar (Genesis 38) in Ancient Jewish Exegesis: Studies in Literary Form and Hermeneutics*. (Leiden: Brill, 1997), 46.

⁶⁶ LW 7, 23.

⁶⁷ LW 7, 23-24.

⁶⁸ LW 7, 24.

and dangerous enough, to be sure, and also linked up with a very great sin.”⁶⁹ It was not lust but the injustice of her father in law who refused to give to her his third son in marriage that drove her. She does this to “assert her right.”⁷⁰ She was by law the wife of Shelah and they were inseparably joined but Judah tore the union asunder and hence “Tamar rages and not without cause.”⁷¹ “The law gives her courage.” Luther says,

reverence for the blood relationship should have deterred her. For this is incest. ... indignation and because she is unable to bear that reproach and abuse, she has the audacity to perpetrate a disgraceful crime altogether unbecoming to her.⁷²

Several factors edge her towards committing this inexcusable sin—impatience and the censure of widowhood and childlessness, the craving for children and her longing to become a mother in the house, “in which a law of God had assigned her the right of maternity. She wants this even if she must get it from her father in law himself.”⁷³ Her impatience drives her to sin against

the laws of reverence and modesty...this is incest. For since she cannot be a mother from the son of a relative, she incites and provokes her father in law himself to sexual intercourse. She does with complete irreverence and shamelessness.⁷⁴

She exerts her right of being mistress of the house and she decides, “I, too, will do something altogether out of the ordinary.”⁷⁵ Judah and Tamar are rendered sinners, “not at God’s order but by His permission.”⁷⁶ Her sin leads him (Judah) to sin.

In response to why Judah does not recognise her, Luther explains,

Imagination takes away perception and reflection, For he who is seriously intent on one thing neither sees nor hears what meets his ears or eyes...Judah is completely under the impression that a harlot is sitting there, and because his heart and his eyes are paying attention to this one thing alone, he notices neither the woman’s voice nor her eyes.⁷⁷

If this is not a satisfying explanation, Luther offers an alternate one: “it might have been a miracle, or God or perhaps the devil blinded Judah.”⁷⁸ Luther speculates that Judah perhaps frequented prostitutes⁷⁹ and Tamar took advantage of his weakness. Nevertheless, Luther hesitates from pondering on this and proceeds to declare that Judah was a good man and hence Tamar takes the risk of obtaining her right in this way. Her action was self-serving

⁶⁹ LW 7, 26.

⁷⁰ LW 7, 27.

⁷¹ LW 7, 27.

⁷² LW 7, 28.

⁷³ LW 7, 28.

⁷⁴ LW 7, 28.

⁷⁵ LW 7, 28.

⁷⁶ LW 7, 28.

⁷⁷ LW 7, 29-30.

⁷⁸ LW 7, 30.

⁷⁹ Cf. also J. A. Emerton, “Some Problems in Genesis XXXVIII,” *Vetus Testamentum*, Vol XXV, Fasc 3 (): 354.

- the Holy Spirit does not move or impel anyone to fornication and incest. Judah's sin is lust and fornication. "Therefore we conclude that both were sinners and guilty, although later the sin was remitted and forgiven."⁸⁰

Luther does not excuse or cover Judah's sin. However, Luther believes that Judah absolved Tamar of her sin by transferring all the blame to himself when he declares her righteous. The Midrash teaches that Judah demonstrated his leadership qualities by publicly admitting that he was wrong about Tamar in 38: 26.⁸¹ Judah had few options before him at this point. To condemn Tamar would be to condemn himself.⁸² Judah was unwilling to risk his son for the sake of the community. He lets go his belief in the promises of God and refuses to make his last son available for the solidarity and future of the community. He was unwilling to risk his reputation, now precariously held in the person of the defenceless widow.

It is significant that Luther accuses only Tamar of incest or adultery. According to Luther, Tamar commits adultery against Shelah and incest by sleeping with her father in law. Judah on the other hand, did not commit incest he did not know that he had slept with his daughter in law. Even when her pregnancy became known he did not know it was him. Judah did not commit adultery (since he was a widower and sleeping with a prostitute is not adultery).⁸³ The only sin of Judah is 'lust and fornication.'

I find Luther's suggestion that the woman has committed a bigger sin than the man, hard to accept. Luther emphasizes individual sin with no reference whatsoever to structural sin. We need to move on to identifying structural sins and enslavements that confine women to lives of servitude, subjugation and oppression. Luther's interpretation locks Tamar down in a situation where she is supposedly betrothed/married and yet does not experience the benefits of marriage. Tamar's problem weakens the social fabric of Israelite society. Perhaps her case is representative of many other women since men were either hesitant or shirking their responsibility to observe the law. She adopts a preservationist method and through her dramatic and dangerous action convinces Judah that he had a duty. Why does that make her guilty? Tamar is more in the right because she fulfils her obligation under the law while Judah lacks the fear of God and faith in God's promises that God's moral law will triumph in the end.⁸⁴

In conclusion

My last question is with regard to power and the kenotic theology of Luther. I leave this as a question. I come from an honor and shame culture. Would letting go of all that might traditionally earn you respect and honor for the sake of life be counted as being kenotic? Drawing inspiration from Mary Elise Lowe's chapter on queering kenosis,⁸⁵ and her critique of Luther's kenotic theology, I would say that this woman divests the power that comes from

⁸⁰ LW 7, 31.

⁸¹ Exodus Rabbah 30:16; *Mekhilta*, Beshallah, Va-yehi 5 as cited by Zvi Ron, "Rescue from Fiery Death: Daniel chapter 3 and Genesis Chapter 38," in the *Jewish Biblical Quarterly* 41, no. 1 (January 1 2013): 26

⁸² Miguel de la Torre, *Genesis* 313.

⁸³ Miguel de la Torre, *Genesis*. (Louisville, KY: Westminster John Knox Press, 2011) 310-311.

⁸⁴ Aaron Wildavsky, "Survival must not be gained through Sin, 43.

⁸⁵ Mary Elise Lowe, "Queering Kenosis: Luther and Foucault on Power and Identity in Jennifer Hockenbery Dragseth, ed., *The Devil's Whore: Reason and Philosophy in the Lutheran Tradition* (Minneapolis: Augsburg Fortress, 2011).

being recognized as a good woman. Some might translate her submission to Judah and his whims as part of this kenotic action. Who benefits from this submission, other than Judah? I will suggest that she gave up her good name, took the risk of being scorned and reviled and being put to death. She does not have Judah's type of power and therefore pleads to a greater justice by using the power of her sexuality, her body; she divests herself of all that is considered respectful – submission, reputation – and she risks her life in order to have and to give life.