



**DVAR TZEDEK:**  
*Inspired by the Jewish commitment to justice for 30 years*

**AJWS**  
at **30**

*The 5776 (2015-2016) cycle of Dvar Tzedek is a special one. To commemorate AJWS's 30th anniversary, we are sharing a selection of some of our favorite commentaries from past years. Each legacy commentary will be introduced with a related reflection on AJWS's work and contemporary issues.*

### Introductory Reflection

In *Parashat Vayeshev*, we learn the story of Tamar, who faced dire straits when her husband died. Because of the norms of the time, she was economically dependent on her late husband's family and couldn't own or farm land on her own. Afraid she would starve, she was forced to use her sexuality to convince her father-in-law to marry her and ensure a secure future.

In his 2010 Dvar Tzedek, Jimmy Taber describes the challenges of contemporary women who, like Tamar, suffer from patriarchal norms that endanger their survival. Jimmy introduces us to the South Africa Women's Movement, a group that worked to dismantle the legal and cultural barriers faced by women who were economically dependent on their husbands and lacked their own access to land in South Africa.

Five years later, AJWS continues to support grassroots groups that bolster the land rights and economic security of vulnerable populations, especially women. For example, Union of Peasant Organizations of Vera Paz (UVOC), in Guatemala, organizes groups of indigenous people to insist that the Guatemalan government respect and protect their right to their ancestral land. UVOC has focused especially on organizing women—empowering them, like Tamar, to take matters into their own hands and insist that women, too, are entitled to land and laws that ensure their security and survival. To learn more about this organization, [read a blog post about Sandra Caled, one of UVOC's courageous leaders](#), and read Jimmy's piece below.

## Parashat Vayeshev 5776

By Jimmy Taber

December 5, 2015

*(Reprinted from November 22, 2010)*

Over and over in the Torah, widows are singled out as a group meriting special protection by God. Along with the stranger and the orphan, the widow is recognized as an especially vulnerable member of society.<sup>1</sup> Tamar's story, as told in *Parashat Vayeshev*, can help us understand why the Torah focuses specifically on the widow, and why it is so critical to protect the rights of this vulnerable population.

Tamar finds herself widowed twice, having lost both her husbands, brothers Er and Onan, in succession. The Torah offers Levirate marriage—in which a widow is married to a man in her deceased husband's family—as a solution to

<sup>1</sup> For example, Exodus 22:21–22 reads: "You shall not ill-treat any widow or orphan. If you do mistreat them, I will heed their outcry as soon as they cry out to Me." Also see: Deuteronomy 14:28–29, Deuteronomy 24:19–22, Deuteronomy 27:18–19, Jeremiah 22:3, Isaiah 1:17, and Malachi 3:5.

her predicament.<sup>2</sup> Yet due to his belief that Tamar was actually the cause of the deaths of his two eldest sons, Tamar's father-in-law Judah refuses to allow his youngest son to marry her.<sup>3</sup> Instead he orders her to "remain a widow in your father's house until my son, Shelah, grows up." Despite this promise, it quickly becomes clear that Judah has no real intention of allowing Shelah to marry Tamar.<sup>4</sup>

In her book, *Reading the Women of the Bible*, Tikva Frymer-Kensky writes of Tamar: "By leaving her to be a 'widow in her father's house,' Judah binds her perpetually to his family without intending to provide her a secure future."<sup>5</sup> Lacking land or her own source of income, this leaves Tamar especially vulnerable, as she has been denied the economic protection offered by remarriage, yet remains chained to Judah's family.

Faced with such an untenable situation, Tamar chooses to use the only tool at her disposal: her sexuality. She disguises herself as a prostitute and offers an unsuspecting Judah her services in exchange for the pledge of his signet, cloak and staff. When Judah learns Tamar is pregnant (not realizing that he is responsible), he is enraged and wants to put her to death, but is stopped short when she asks him to identify his pledge. Judah then concedes that not only is the child his, but he is to blame for not fulfilling the laws of Levirate marriage by having Shelah marry Tamar.<sup>6</sup> Frymer-Kensky finds feminine strength in this drama. By tricking Judah, she says, "Tamar ceases to be a victim and takes her destiny into her own hands."<sup>7</sup>

Like Tamar, many women in the Global South are economically dependent on their husbands and lack their own independent access to land. When a marriage ends due to divorce or widowhood they lose their right to use the land owned by their husbands and, consequently, the means to support themselves and their children.

The experience of women in Uganda provides an alarming example of how unequal property laws impact women's autonomy and economic well-being. In Uganda, because property does not change ownership upon marriage, divorce or death of a spouse, women are unable to legally acquire land through marriage. As a result, despite Ugandan women's dominant role in agriculture (they produce 60 percent of the country's cash crops and 80 percent of its food) they represent only seven percent of registered landowners.<sup>8</sup> Divorce or widowhood, therefore, not only eliminates the source of most women's livelihood, but in turn, deprives their communities of the food produced by their labor. As Liesl Gernholtz explains, "One of the most under-used, and cheapest, mechanisms of ensuring better food security for women is to secure their access to land."<sup>9</sup> Women in these communities already have the necessary

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<sup>2</sup> "When brothers dwell together and one of them dies, and he has no children, the wife of the deceased shall not marry outside to a strange man; her brother-in-law shall come to her, and take her to himself as a wife, and perform levirate marriage." (Deuteronomy 25:5)

<sup>3</sup> Rashi on Genesis 38:11.

<sup>4</sup> Genesis 38:6–11.

<sup>5</sup> Frymer-Kensky, Tikva. *Reading the Women of the Bible*. New York: Schocken Books, 2002. p. 268.

<sup>6</sup> Genesis: 38:14–26.

<sup>7</sup> Frymer-Kensky 269.

<sup>8</sup> Kafumbe, Anthony Luyirika. "Women's Rights to Property in Marriage, Divorce, and Widowhood in Uganda." *Human Rights Review* 13 Jan. 2009: 201.

<sup>9</sup> Gernholtz, Liesl. "Women's Land Rights Can Help Battle Hunger in Africa." *The Boston Globe* 19 March 2009.

[http://www.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2009/03/19/womens\\_land\\_rights\\_can\\_help\\_battle\\_hunger\\_in\\_africa/](http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2009/03/19/womens_land_rights_can_help_battle_hunger_in_africa/)

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tools to create economic security for themselves and food security for their communities; what they lack is a legal structure that allows them to use these tools.

The sustainable solution to this problem is not remarriage, as it was in Tamar's day, but for women to gain independent access to land. South Africa's Rural Women's Movement exemplifies a grassroots movement working to dismantle the legal and cultural barriers faced by such women. By challenging inheritance laws, local customs and the lack of women's voices in decision making, the organization aims to "spread information and lift the blanket of silence that covers these issues and relegates them to the status of 'private family problems.'"<sup>10</sup> Such grassroots organizing provides an avenue for women to assert their agency and obtain their rights.

Tamar's actions were, for her, a bold step toward protecting herself from the vulnerability of widowhood; but ultimately, she remained dependent on Judah and his family. Present-day women facing similar situations in the Global South, however, have a resource that Tamar lacked: grassroots organizing. By supporting the community-based organizations that are working to challenge power structures and ensure the independent land rights of women, we can help today's widows and other vulnerable women find not only economic security but true autonomy.



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<sup>10</sup> Ngubane, Sizani. "This Land is Her Land: South Africa's Rural Women's Movement." *Plant by Plant* 16 March 2004.

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