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בס"ד

## Parashat Mattot Part I On *Neder* and *Shebu'a* (Vows and Oaths)

### 1. On Placement

After transmitting the details of the sacrificial program for the year, Moses presents a group of laws regarding one who makes a *neder* or *shebu'a* (generally translated as “vow” and “oath” respectively). He addressed these laws to the heads of the tribes, the only instance of this in the Torah. This is especially remarkable because the tribal heads were not instructed to pass on these laws to the Israelites. This gives the impression that they were the keepers of these laws. We will propose an explanation of this matter in our next study.

This passage (Num. 30:2-17) may have been placed immediately following the sacrificial program because of the general practice in biblical times that vows and oaths were most commonly uttered in connection with the offering of a sacrifice. Indeed, the previous section had concluded with, “The foregoing you shall offer to Hashem on your set days, besides your vows and votive offerings (לְבַד (מִנְדְּרֵיכֶם וּנְדָבָתֵיכֶם, whether your ‘*olot*, your *menahot*, your libations or your *shelamim*” (Num. 29:39; see Num. 15:3). The Rashbam even interprets the opening clause of our passage regarding vows, אִישׁ כִּי יִדָּר לָדָר לָהּ, as meaning “when one vows to bring a sacrifice to Hashem,” viewing the connection as virtually explicit.

Others have suggested that the vows passage was placed at this point because it has a connection to the narrative that follows shortly concerning the request of the Gadites and Reubenites for Transjordanian territory. The petitioners make a pledge and Moses brings up to them the matter of the solemnity of one’s pledge. Indeed, Moses’ concluding words to those tribes – וְהִצֵּא מִפִּיכֶם תְּעֲשׂוּ – (“and that which issues forth from your mouths you

must do” [Num. 32:24]) – parallels the formulation of the basic principle that appears at the opening of our passage, כָּכֹל הִצֵּא מִפִּי יַעֲשֶׂה (“according to all that issues forth from his mouth he must do” [Num. 30:3]). (It is only the narrative of the battle against Midian that separates the vows passage from the request of the Gadites and Reubenites; it was the capture of land suitable for raising livestock that prompted those tribes to make their request.)

Ibn Ezra goes so far as to suggest that the vows passage was originally formulated after the request of the Gadites and Reubenites; it “sanctified” the demand that was made of those tribes to abide by their word. He assumes that the reason Moses directed the vows passage to the heads of the tribes was because he charged them (in that case “the heads of the fathers’ [clans] of the tribes” [Num. 32:28]) along with Eleazar the high priest and Joshua to ascertain that the Gadites and Reubenites fulfilled their pledge before finalizing the grant of Transjordanian territory to them. He reads the words of לְבָנֵי יִשְׂרָאֵל (“the Israelites”) that follow “the heads of the tribes” in our opening verse as meaning that the heads of the tribes should transmit these laws to the Israelites. But the widely accepted meaning of the complete clause is “the heads of the tribes of the Israelites”; in 32:28 there are no laws to transmit to the Israelites and the similar clause reads, “the heads of the fathers’ [clans] of the tribes of the Israelites.”

But he does not provide a compelling explanation as to why the vows passage was placed before the battle with Midian if it was formulated after it, and is unconvincing in his attempt to answer the question why these laws were directed only to the heads of the tribes. Furthermore, the vows passage contains many complex laws that do not have any connection to the battle against Midian or to the request of the Gadites and Reubenites.

## 2. *Neder*

Ibn Ezra defines a *neder* as a request made of G-d to which the individual (or group) making the *neder* attaches a commitment on condition. As he explains, “[One might say] ‘if such and such an outcome will transpire I will give such and such to Hashem or I will fast.’” (Fasting or engaging in any type of self-denial, if associated with repentance – as expressed in the Yom Kippur laws of self-affliction – is considered doing something positive in the realm of service of G-d.) If the desired outcome does not result the party making the vow would not be required to fulfill the associated commitment. Indeed, most of the biblical attestations of a *neder* in a narrative context comprise a petitionary prayer to G-d with a conditional commitment to Him that would only become due when and if the prayer were fulfilled. The pledged “giving” may be anything considered done for G-d.

We will survey many of the cases in Tanakh in which a *neder* was employed. Jacob vowed, “If G-d will be with me and protect me on this journey... and provides me bread to eat and clothing to wear... this stone that I have placed as a pillar shall be a house of G-d and all that You give me I shall tithe to You” (Gen. 28:20-22). Upon being attacked by the king of Arad, Israel vowed: “If You deliver this people into my hand I will proscribe their cities” (Num. 21:2-3). Jephthah vowed: “If You deliver the Ammonites into my hand, then whatever comes out of the door of my house to greet me ... shall be for Hashem and I will sacrifice it as an *olah*” (Judg. 11:30-31). Hannah vowed: “If You grant your maidservant male offspring, I will give him to Hashem all the days of his life and a razor shall not be raised upon his head” (1 Sam. 1:11). Absalom said to King David, “May I go and fulfill my *neder* in Hebron that I vowed to Hashem ... for your servant vowed a *neder* when living in Geshur of Aram that if Hashem returns me to Jerusalem I will worship Hashem” (2 Sam. 15:7-8). In Psalm 61:6 the petitioner speaks of G-d having heard his *nedarim* (שְׁמֵעַתָּה לְנִדְרָי) followed in verse 9 with the petitioner’s statement of his intention to fulfill his side of the vows (לְשַׁלְּמִי נִדְרֵי יוֹם יוֹם)

A common form of *neder* was an individual pledging to pay his or her value to the sanctuary (apparently as a type of redemption), a category of donation King Jehoash cited as an important source of revenue for the temple repair fund, although the word *neder* is not attested in that passage (2 Kings 12:5). The book of Leviticus, which does employ the word *neder* for such donations, provided guidelines for the amount to be paid through a table of valuations that were set according to age and gender (Lev. 27:1-8). In cognate languages the term *neder* has the meaning of “dedication” and “devotion,” thereby being eminently suitable for use in religious contexts.

It is not clear that Ibn Ezra’s definition that *neder* is a commitment to G-d on condition is absolute. In the case of לְנָדַר נָזִיר לְהַזִּיר לָהּ (Num 6:2), one who made a *neder* to become a Nazirite to Hashem, there is no mention that it was uttered in a conditional mode, to become operative only when and if the individual’s request had been fulfilled, although we cannot be certain. Since that passage is a legal text prescribing the relevant laws of being a Nazirite and not explicating when and why one may choose to become one, background circumstances were uncalled for. But since the passage is comprehensive it seems to imply that *neder* also applies without a condition, when an individual feels he or she would benefit from the experience. It is a case of the individual giving himself to Hashem, since for the period of time he chose to be a Nazirite “he shall be holy to Hashem” (Num. 6:8), as well as being obliged to bring certain sacrifices at the conclusion of that term.

The sailors who cast Jonah overboard and immediately witnessed the calming of the sea were so awe-inspired by Hashem’s doings that they made a sacrifice to Him (Ibn Ezra: after disembarking, although the language implies while on the ship) and made *nedarim* (Jon. 1:16). No condition was specified. It does not appear that they pledged to do things for Hashem when they have the opportunity on condition that He do more for them. They were expressing their awe and gratefulness. It thus appears that a *neder* is not necessarily conditional although the usual application of such an utterance in the Bible was with a condition. It may be used (somewhat as a *shebu‘a*) as a device to bind a person to do an act that at a particular time he recognizes as praiseworthy but which he feels he might refrain from doing for whatever the reason.

### 3. *Shebu'a*

Based on many attestations in Scripture we may say the following about שְׁבועָה (oath). When an individual chose to obligate himself to G-d or to another individual, or to an entity such as a group or a nation, concerning any kind of matter, a *shebu'a* was made, never a *neder*. This was also the case when two parties entered into mutual commitments. The *shebu'a* transformed a plain pledge into a sacred commitment.

Thus, Abimelech asks Abraham to make a *shebu'a* that he would deal kindly with his family and nation (Gen. 21:23, 31); Abraham asks his servant to make a *shebu'a* that he would seek a proper wife for his son (Gen. 24:3-4); Jacob asks for and Esau makes a *shebu'a* confirming the sale of his birthright to Jacob (Gen. 25:33); Jacob and Laban contract a covenant with mutual obligations with a *shebu'a* (Gen. 31:53); Jacob asks Joseph to make a *shebu'a* that he would bury him in Canaan (Gen. 47:31); Joseph has his brothers make a *shebu'a* that they would take his bones with them when they leave Egypt (Gen. 50:25). There are many more such cases in Scripture.

The oath an individual takes to attest to the veracity of a statement is of a different order than these and is not addressed in our *Parashat Mattot* passage.

Accordingly, to strengthen one's pledge to another, an individual uttered a *shebu'a* to the other person "by the Deity." When articulated fully it would state that the *shebu'a* was *baHashem*, specifically employing the ב prefix. A *neder*, on the other hand, was *laHashem*, to the Deity, preceded with the ל prefix. A *neder* is never biblically attested between man and man. A *shebu'a* may be directed *laHashem* (to G-d), as one may swear a commitment to Him, such as in "Hashem, remember to David's favor his affliction, that he made a *shebu'a laHashem*, made a *neder* to the Mighty One of Jacob" (Ps. 132:2). As that psalm speaks of both *neder* and *shebu'a* we will look at its context.

The psalm extols David's commitment to find an abode for Hashem (Ps. 132:2). "Hashem, remember to David's favor his affliction, that he made a *shebu'a laHashem*, made a *neder* to the Mighty One

of Jacob, 'that I will not enter the tent of my house, that I will not ascend unto the bed spread for me, that I will not give sleep to my eyes, slumber to my eyelids, until I find a [holy] place for Hashem, an abode for the Mighty One of Jacob'" (Ps. 132:1-5). The statement is being said by or on behalf of a descendant of David, requesting that G-d recall the determined effort of the forerunner of the dynasty, how he made an all-inclusive commitment (with *neder* and *shebu'a*) to advance the glory of Hashem. It does not seem consistent with the spirit of the psalm that David had specified a condition with his *neder*, although there may have been background details not elaborated in the text. It appears that his *neder* as well as his *shebu'a* were techniques to keep his motivation level high.

### IV. Definitions of the Sages

In light of the above, the traditional definitions of the sages concerning *neder* and *shebu'a* seem most unusual, despite there being a degree of overlap and dispute among them in the matter. While it was acknowledged that a *neder* includes the dedication of an item to Hashem, its fundamental meaning in the law as formulated by the sages and in their discussions was focused on forbidding an item for one's use or, as concerns an item one owns, forbidding its use to himself and/or to others. This was accomplished by declaring the object to be as if it were a holy item that was dedicated to G-d such as a sacrifice. It was not necessary to mention His name explicitly but sufficient to invoke the law that proscribes receiving personal material benefit from that which is sanctified to Him. The resulting proscription was viewed as if "settling upon" that which the *neder* took effect upon. To facilitate the validity of such vows the sages interpreted words uttered by the individual making the vow in a broad manner and, to a degree, "read the intentions" of the individual, establishing a comprehensive system.

In contrast, a *shebu'a* was defined as focused on an obligation an individual places upon himself via attaching G-d's name to an assertion he makes that he will do or abstain from doing whatever it may be. By invoking G-d in the formulation of his commitment, whether directly or indirectly, the individual confers sanctity upon his utterance, rendering himself liable to punishment for violation.

One may wonder at the sages defining *neder* in what appears to be an innovative and, in a way, diversionary manner, especially given the numerous biblical attestations of the conditional designation. But then again one may wonder at the Torah granting so much significance to the *neder*, since it generally carries the connotation of “making a deal” with G-d, a category of religious service far less than ideal. On the latter point, Jeffrey Tigay’s comments are relevant: “The practice originates with pre-Israelite religions that regarded worship as a means of supporting the gods, providing them food and shelter. It was assumed that a request to the gods could be strengthened if the worshiper offered something in return ... Such forms of worship survived in the Bible, despite its view that God does not eat or have other physical needs, because they also expressed the worshiper’s

gratitude, devotion and recognition of his dependence on God, attitudes the Bible values.” (JPS Deut. Commentary, p. 218.)

Perhaps we may apply the interpretation the Rambam put forth concerning sacrifices to the sphere of *nedarim* as understood by the sages and as “processed” in the Oral Law. In the early years of the nation’s development the Israelites were not sufficiently mature in their religious outlook to be denied access to the mode of prayer exemplified in *nedarim* as originally conceived; religious commitment could not be conceived without it. We may presume that the sages were continuing the process of refining the service of G-d by refocusing the meaning of *neder*, even though conditional vows were still common in their days.

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