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בס"ד

Parashat Mattot Part II Concerning the Vows and Oaths of Women

1. General Remarks

The principle that a person must fulfill whatever vow he makes to G-d is a fundamental of religion, practically a part of “natural law.” Nevertheless, it was necessary for the Torah to state, “He shall not profane his word; as all that came forth from his mouth he must fulfill” (Num. 30:3). When circumstances change, especially when a crisis has passed, a person may be tempted to subtly reinterpret a commitment that he made, to assume that certain conditions were understood to apply to the vow or to substitute one item or action for another in its fulfillment (see Lev. 27:10). Rationalizations incessantly present themselves. The Torah’s statement demands a full measure of truthfulness with oneself and with G-d.

The verse in its simplicity is adequate for vows and oaths that were made by men. In contrast, the regulations concerning women’s vows and oaths are complex. Our passage, including the introduction, contains sixteen verses and the last fourteen of them relate to vows of women (Num. 30:4-17). These verses constitute a systematic elaboration of law that covers the various situations of marital status a woman may be in.

It is noteworthy that at the conclusion of the passage, a summary verse (v. 17) speaks only of “statutes Hashem instructed Moses between husband and wife and father and daughter.” Not only did the summary verse omit mention of a person’s responsibility to fulfill his sworn commitments but it did not even explicitly mention vows or oaths. This seems to imply that above and beyond the ritual considerations inherent in the realm of vows, an important purpose of the passage was regulating the relational bonds between a

husband and wife and between a father and his daughters who live in his home. These relationships, in the ancient world as today, were surely sometimes rife with conflicting views and were often beset with deep-seated problems that required serious attention.

Why did Moses present these laws to the tribal heads (וְיַדְבֵּר מִשָּׁה אֶל רְאֵשֵׁי הַמִּטּוֹת) [Num. 30:2]), a feature not mentioned in connection with any other biblical law? Ibn Ezra answers in consonance with his view that this passage was an introduction to the granting of Transjordanian territory to the Gadites and Reubenites. Since the tribal heads were required to monitor fulfillment of the agreed upon condition (Num. 32:28), the legislation concerning the importance of fulfilling such obligations was transmitted to them. As we have seen in our previous study, this explanation is unconvincing, especially since the great majority of the passage deals with regulations concerning women’s vows. In addition, Eleazar the high priest and Joshua were also charged with the responsibility to monitor the Gadites and Reubenites’ fulfillment of the condition, so why were they not included with the tribal heads? And why were the tribal heads not instructed to transmit these laws to the rest of Israel, considering that they had wide application?

Perhaps the reason these regulations are officially given to the tribal heads is because in the realm of women’s vows there is a unique opportunity for these leaders – particularly these leaders – to play a helpful role. Surely severe conflicts would sometimes arise within a family when a woman made a vow and her father (when she was single and living in his home) or husband disapproved, perhaps compelling her to violate her commitment. This may reflect a serious predicament – possibly a deep-rooted problem or a dysfunctional relationship – that exists in the family and which may be exacerbated by such conflict. In such cases it would be

likely that the tribal chiefs – the patriarchs of the family clans who have influence on the members of the family, indeed, more influence than any official functionaries – were called upon to preserve family peace. They would adjudicate the validity and appropriateness of whatever vows and oaths were made as well as any annulments that were called for. Meanwhile, they might be able to resolve whatever problem may be present in the family.

This responsibility of the tribal heads in the realm of vows and oaths, apparently to investigate and address the particulars of problem cases, might very well be the foundation for the concept that was later institutionalized as *hatarat nedarim* (“annulment of vows” [*b. Ned.* 78a]). This refers to the authority of the court to absolve a petitioner’s vows and oaths under certain circumstances, such as when it deems the binding utterance to have been made without having taken into account the possibility of radically new conditions that might arise or major negative consequences that might result. The value for human welfare that *hatarat nedarim* provides cannot be overestimated. The Mishnah stated regarding this principle of law: “Annulment of vows is [a law] flying in the air without a [textual] basis to rely upon” (*m. Hag.* 1:8). It may be that the court essentially replaced the tribal heads.

2. Historical Background

To fully appreciate the impact of these laws, it must be borne in mind that in the ancient Near East, as reflected in Mesopotamian law, the legal status of women was an inferior one. It was widely accepted that a father had extensive jurisdiction over his daughter while she was single and living in his home. Upon marriage, the father’s rights passed to the husband. Of course, in certain circumstances women, like men, resorted to vows and oaths, particularly when desiring to have a child, when praying for healing, rescue, etc., invoking the name of their god. Although these utterances were seen as possessing sanctity, the authority of a father over a daughter living in his home and that of a husband over his wife was generally supreme. Inevitably, the will of the father or husband would sometimes conflict with a vow of a daughter or wife. The Torah prescribed guidelines regulating the authority of the father and husband.

The case of Jephthah’s vow to G-d provides a great deal of background regarding the ancient world’s view of vows and related matters. It illustrates the sacred nature of a vow even when a life was at stake, the lack of a man’s option for annulment of his vow, and the jurisdiction a father had over the life of his daughter. This episode occurred in ancient Israel before the Torah’s innovations had been fully internalized. Jephthah vowed to Hashem: “If You deliver the Ammonites into my hand, then whatsoever comes forth from the doors of my house to meet me upon my safe return ... shall be to Hashem and I shall sacrifice it as an ‘olah” (*Judg.* 11:30-31). When the object of his vow turned out to be his daughter, his only child, whom he absolutely did not intend in his utterance, he was greatly troubled. But he thought that the sanctity of his vow took precedence over the life of his daughter and he was thus obligated to sacrifice her. He rent his garments and stated: “You have brought me down ... for I have opened my mouth to Hashem and I cannot retract” (v. 35). She shared the same disposition: “Do to me as you vowed” (v. 36). During a two-month period that she was given to live no solution was found. Jephthah then had to fulfill his vow.

It may also have been the case that in ancient Israel many common people considered vows sacred even when uttered to commit idolatry. Shortly after the 586 B.C.E. destruction of Judah and Jerusalem, the remnant of Israelites that had gone to Egypt rejected Jeremiah’s call to them to desist from their idolatry with the words, עֲשֵׂה נַעֲשֵׂה אֵת כָּל הַדְּבָר אֲשֶׁר יֵצֵא מִפִּינוּ (“We shall surely fulfill all the particulars that came forth from our mouths” to offer incense to the queen of heaven, etc. [*Jer.* 44:17]). They applied the identical formula used in the Torah to describe one’s obligation to fulfill his or her vows to their idolatrous vows.*

With the official annulment authority that our *parasha* granted to fathers and husbands on the day they hear of a vow, the Torah promoted three monumental goals. First, it provided for greater family harmony by allowing daughters and wives to violate their vows under certain circumstances. Such vows were legally deemed null and void and those who uttered them were forgiven by G-d, relieved of any burden on their conscience. Second, vows – often thoughtless manifestations of impulsiveness – were greatly diminished in value. In cases in which they conflicted with major human needs or were deemed to cause harm, people were undoubtedly

encouraged to seek annulment, of course with a necessary formal procedure of *hatarat nedarim*. Third, by granting fathers and husbands the power to annul the vow of a daughter and wife on the day they heard of it, but *only* on that day, male jurisdiction over these women was exceedingly reduced.

The Torah thus continued the process of raising women's status from the obeisant role they played in the ancient world. The fact that fathers and husbands continued to exercise authority over daughters and wives to a limited degree was a manifestation of the Torah's methodology. It legislated a workable law by striking a compromise that did not entirely violate contemporary society's deeply entrenched view of the male prerogative to make decisions for the family unit. Providing women a more equitable role in family and society advanced the visions enunciated in the Genesis accounts of creation (Gen. 1:27, 2:24; see our study *After the Flood*), a process the sages continued promoting.

3. Structural and Literary Analysis

Five subsections of law concerning women's vows/oaths are elaborated in our passage.

1) The first case concerns the girl who is *בְּבֵית אָבִיהָ* (in her father's home, during her youth). The word *בְּבֵית אָבִיהָ* translates as the time when a woman is a lass, here referring to the time when she is single, living in her father's home. In peshat, the term *na'ara* is not restricted to the meaning given it in the halakhic sphere by most talmudic sages as referring to the six-month period between twelve and twelve-and-a-half years of age (provided she developed normal signs of puberty) after which time a father no longer had jurisdiction over his daughter. There is no hint of such a restricted definition in the Torah. In addition, the absence of any mention of the *bogeret* category (the girl above *na'ara*) in such an orderly and comprehensive legal statement as our passage would be inexplicable if the *na'ara* stage concluded at such an early age. (The Tannaitic sages differed concerning the age of transition from being a minor to being an "adult." The Mishnah [*m. Nid.* 5:6] established the law as the child having passed twelve complete years for a

girl and thirteen complete years for a boy, with special consideration for vows in the year preceding attainment of these ages.)

Any vow or oath made by an unmarried daughter living in her father's home is subject to her father's approval on the day that he hears of it. On that day he may annul it. Subsequently, it becomes firmly established and he may no longer annul it. (The Mishnah codified the power to annul as extending until evening of the day he heard; some sages interpreted the verse as granting the father a full day, that is, twenty-four hours.)

When the father exercises his right of annulment it is understood that the daughter would violate her commitment. The Torah states regarding this, *וְה' יְסַלַח לָהּ* ("Hashem will forgive her"). Although the commitment was officially subject to the father's approval, the fact that it had been pronounced and G-d's presence had been invoked accords some status to the action, necessitating G-d's forgiveness for her "violations." What normally would be considered a serious breach of religious law with dire consequences is permitted. In essence, peace within the family is elevated to a status above that of an oath since the law made the oath yield to it. Society could not yet conceive of a young daughter living in her father's home being sufficiently independent of him so as not to require his approval on her commitments, perhaps to rescue her from an untenable situation that might result from her impulsiveness. No such corresponding law applied to a male youth.

Does the statement "Hashem will forgive her" imply that in an ultimate sense annulling a vow comprises something negative? Perhaps. But a sudden and complete revocation of the controlling power fathers previously took for granted could have resulted in domestic resentment, conflict and abuse. As per the following cases, the same must be said for the rights of husbands concerning vows of their wives.

2) The passage's second case moves forward methodically. It refers to the girl who made vows or oaths while in her father's home that her father did not annul, but who then got married with her vows or oaths in effect upon her – *וּנְדָרֶיהָ עִלְיָהּ*. (This follows the translation of *Targum Jonathan* and the interpretations of Rashbam, Ibn Ezra, Abarbanel and others.***) On the day the husband hears of them, but not subsequently, he

is granted the right of annulment on all previously made vows even though the father had approved them. Once again, the text states Hashem will forgive her. Here too, the Torah recognized the reality of a husband-wife relationship in which prior to the Torah a husband had possessed virtually unlimited powers over his wife's commitments, and significantly restricted them.

3) The vow or oath of a widow or divorcee is the third case. Having exited the father's jurisdiction upon marriage and no longer subject to a husband, vows and oaths of such women become immediately established, just as do those of men. Why was this case placed before that of a woman who made her vow or oath while in her husband's home (the fourth case), thus interrupting the two sequential cases of married women? Rabbi Ralph Tawil's explanation appears correct. In the ancient world, widows and divorcees often returned to live in their father's home, and their case may be seen as another subdivision of *בֵּית אָבִיהָ*, albeit not *בְּנַעֲרֶיהָ* (in her youth). It should be noted that if the widow or divorcee was the daughter of a priest and did not have children, Torah law returns her to her early status when she was single and a *na'ara* and permitted to eat from her father's *terumah* (Lev. 22:13). But our passage declares that the father does not regain his jurisdiction over such a daughter. Once a daughter leaves her father's domain for marriage she never fully returns to his jurisdiction even if she returns to live in his home. Her vows are those of an independent individual. This constituted a significant step forward for women's dignity.

4) Next is the case of the married woman who made a vow or oath subsequent to entering her husband's home, that is, upon the consummation of the marriage. Once again, the husband has annulment rights limited to the day he hears of the vow. Why was it necessary to state this case, considering that in case two, upon marriage, the husband received annulment rights over vows made while his wife was under her father's jurisdiction? Is it not *kal vahomer* (inference from minor to major) that surely he should have that power over vows his wife made while under his jurisdiction? The answer of course is yes, had case four not been written we would know that the husband could annul vows made within his domain, but we would not know

that even regarding such vows he was not granted greater power than he was given over vows made prior to marriage. And had case two not been written we would not be able to surmise that law from case four, as we might have reasonably thought that the husband does not possess the right to annul a vow that had been approved by the father.

At the conclusion of this case is a two-verse summation of the husband's annulment power over his wife's vows and oaths, but with a lexical difference from earlier phraseology. Previously, the husband's silence upon hearing of his wife's vow was spoken of as *וְקָמוּ* and *וְקָמוּ*, allowing the vows or oaths to become established. Now, for the first time, his silence is spoken of as actively establishing them – *וְקָמוּ*. This seems to be intended as an introduction to the final case in which it is helpful to recognize that the husband's silence is as an action and he can no longer choose the annulment option afterwards.

5) If upon hearing of his wife's vow or oath the husband remained silent until the next day, he is deemed to have actively established her commitments – *וְקָמוּ אִתָּם*. If he subsequently annuls them *וְנָשָׂא אֶת עוֹנָהּ* ("he bears her guilt"). Here, the Torah speaks of a husband who compels his wife to abide by his invalid annulment, or perhaps deceives her to think that he annulled the vow in time, and she violates her vow or oath despite it having been established by him. He then bears the sin that she commits.

Thus, we see that the Torah instituted an innovative movement toward elevating women's status. In their legislation, the sages continued the process. They interpreted the father's jurisdiction over his daughter to normally expire at her attaining twelve-and-a-half years of age (providing she manifests signs of puberty). The husband's annulment rights over his wife's vows were expounded as not extending to vows and oaths she had made before marriage after having attained twelve-and-a-half years of age. His jurisdiction on the day he hears was understood as restricted to items "between him and her," that is, vows which impinge on his rights and welfare, and to cases of his wife's imposing personal affliction upon herself.

Endnotes

* When a valid oath is described in the Torah as a commitment *לְהִרְצֵ* (Lev. 5:4; Ps. 15:4), it clearly is not to

be translated “to do evil.” Consistent with standard biblical usage, it means to do something to one’s detriment, to “have a cost” to oneself. In another realm, the Mishnah (*m. Ned. 2:2*) does recognize, as a result of a legal technicality, a *halakhic* quirk whereby a vow may indirectly preclude fulfillment of a Torah law. This application is limited to one type of case, when an individual made a *neder* to prohibit to himself an item that is indispensable for fulfillment of a positive precept, such as a *succah* (a

booth used on the Feast of Tabernacles), *lulab* (a palm-branch used on the Feast of Tabernacles) or *tefillin* (phylacteries).

** In the Talmud (*b. Ned. 67a*) this case is interpreted as the source of the Mishnah formulation that states, “A betrothed *na‘ara*, her father and husband [together] annul her vows” (*m. Ned. 10:1*) until consummation of the marriage.

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