

## PARASHAT HASHAVUA

This Parasha series is dedicated le-zekher nishmat HaRabbanit Chana bat HaRav Yehuda Zelig zt"l.

This parasha series is dedicated in honor of Rabbi Menachem Leibtag and Rabbi Elchanan Samet.

## PARASHAT MATOT

Dedicated in memory of Rabbi Aaron M. Wise, whose yahrzeit is on 21 Tammuz. The Etshalom and Wise families.

Dedicated in loving memory of Fred Stone, Ya'acov ben Yitzhak, beloved father and grandfather, whose yahrzeit is on 25 Tammuz.

Ellen, Stanley, Jacob, Zack, Ezra, Yoni, Eliana and Gabi Stone.

## Vows

### Rav Yehuda Rock

*Parashat Matot* starts with a unit on vows and oaths:

(3) If a man makes a vow to God or swears an oath to bind his soul with a bond, then he shall not break his word; he shall act according to all that comes out of his mouth. (4) And if a woman makes a vow to God and binds herself with a bond while in her father's house, in her youth, (5) and her father hears her vow and her bond, with which she has bound her soul, and her father holds his silence, then all of her vows shall stand, and all bonds with which she has bound her soul shall stand. (6) But if her father disallows her, on the day that he hears it, then none of her vows or bonds, with which she has bound her soul, shall stand, and God shall forgive her, since her father has disallowed her. (7) And if she marries while her vows are upon her, or she has uttered something with her lips, with which she has bound herself, (8) and her husband hears it and holds his silence on the day he hears it, then her vows shall stand, and the bonds which with she has bound her soul shall stand. (9) But if, on the day her husband hears it, he disallows her and nullifies her vow, which she has taken, and the utterance of her lips, with which she has bound her soul, then God shall forgive her. (10) And the vow of a widow and a divorcee – whatever she has bound her soul with shall stand for her. (11) And if it is in her husband's house that she vows or binds herself by a bond with an oath, (12) and her husband hears it and holds his silence and does not disallow her, then all of her vows shall stand, and every bond with which she has bound her soul shall stand. (13) But if her husband nullifies them on the day he hears them, then no utterance of

her lips concerning her vows or concerning the bond of her soul shall stand. Her husband has nullified them, and God shall forgive her. (14) Every bond and every binding oath to afflict the soul – her husband may cause it to stand, or her husband may nullify it. (15) And if her husband holds his silence for her from day to day, then he causes all of her vows or all her bonds, which are upon her, to stand. He causes them to stand, for he holds his silence for her on the day he hears them. (16) But if he nullifies them after his hearing, then he bears her sin.

The unit begins with a general exhortation as to the obligation to fulfill vows and oaths (v. 3): "He shall not break his word; he shall act according to all that comes out of his mouth." However, it is clear that the unit is not primarily about the elementary obligation to fulfill one's vows, but rather the laws pertaining to a father or husband who nullifies a woman's vows. This is clear not only from the number of verses devoted to this issue, but also from the conclusion (v. 17): "These are the statutes... between a man and his wife, between a father and his daughter, in her youth, in her father's house."

The laws of nullifying vows are formulated for five different circumstances:

- a. "If a woman vows... in her father's house, in her youth" – i.e., an unmarried girl (vv. 4-6)
- b. "And if she marries while her vows are upon her" – she makes her vows while still in her father's house, and then she marries (vv. 7-9)
- c. "The vow of a widow or of a divorcee" (vv. 10)
- d. "And if it is in her husband's house that she vows" – she vows after marrying (vv. 11-13)
- e. "Every bond and every binding oath to afflict the soul" (vv. 14-16)

The third instance (widow or divorcee) is written only to teach that there is no law of nullification. In all of the other four instances, the law is identical: if a woman makes a vow to God or a binding oath, if her father or husband remains silent on the day he hears it, the vow remains valid; if he nullifies it, it is void.

The first four cases set forth here reflect a woman's various situations in relation to her father or husband. The exception is the fifth case, which describes no specific personal situation, but rather a specific type of vow: a "binding oath to afflict the soul (*le-annot nafesh*)." This raises a question: the general law of a husband's nullification has already been stated; why does the Torah now repeat this law with respect to vows and oaths that "afflict the soul"?

Before proceeding to examine this question on the literal level of the verses, let us review the attention paid by the Oral Law to the question of the types of vows that may be nullified.

The Mishna (*Nedarim* 11:1) presents the law of nullifying vows that "afflict the soul": "These are the vows that he may nullify: matters that involve affliction of the soul (*innui nefesh*)." The Gemara (79b) brings a *beraita* that adds another category: "'Between a man and his wife, between a father and his daughter' – this teaches that a husband may nullify vows that are between him and her." The Gemara draws a further distinction between the two categories: a husband may nullify vows afflicting the soul (*nidrei innui nefesh*) whoever is affected by them; on the other hand, when it comes to vows "between him and her" that involve no *innui nefesh*, he may nullify only the part that affects him, not others. (We

shall not discuss the matter of "others" in this context. See the Ran, ad loc.; and the Rambam, *Hilkhot Nedarim* 12:2-3.)

All of this tells us that a husband can nullify only *nidrei innui nefesh* and those that pertain to the relationship between him and his wife. What about a father? The *Sifrei* (*Bamidbar* 155) draws a parallel between a father and a husband, as follows:

Only concerning a husband does the text tell me that he can nullify only vows that are between him and her and vows that involve *innui nefesh*. From where do I learn the same thing concerning a father... From the fact that it is written, "These are the statutes that God commanded Moshe, between a man and his wife, between a father and his daughter," we must draw the necessary conclusion concerning a father from [the law of] a husband. Just as a husband can only nullify vows that are between him and his wife and vows that involve *innui nefesh*, so the father can only nullify vows between him and her and vows that involve *innui nefesh*.

The above *beraita* from the *Sifrei* also appears in the Yerushalmi, in *Nedarim* 11a, and it is brought as the *halakha* both by the Ramban (on verse 14) and by the Rosh in his rulings (*Nedarim* 11a). The Rambam, however (*Hilkhot Nedarim*, 12:1) rules contrary to the *Sifrei*:

All vows and oaths may be nullified by the father on the day he hears them, as it is written: "All of her vows and her bonds." A husband, however, can nullify only vows and oaths that involve *innui nefesh* or matters between him and her.

In his responsum (Ch. 326), the Rambam bases his ruling on the fact that the Gemara does not cite the *beraita* in the *Sifrei* and on the literal reading of the *beraita* on *Nedarim* 79b, which states only: "This teaches that the **husband** may nullify vows between him and her." Furthermore, the Rambam bases his ruling on the literal reading of the verse, wherein - with respect to the father - the Torah does place any limits on the sort of vows involved.

Examples suggested by the Gemara of "matters between him and her" include marital relations, ornamentation, and bathing – i.e., matters related to the intimate relationship between a man and his wife. How does this category apply to a father, according to the opinion of the *Sifrei*? The Rosh, in his commentary on *Nedarim* 79b (printed on the Gemara page), explains:

This teaches that the husband may nullify matters between him and her... for example, if she vows not to minister to him or [to do or not to do] other things that cause animosity between him and her.

Apparently, the Rosh added the generalization, "other things that cause animosity between him and her" in order to give this category relevance for the father as well. In other words, the category of matters between a father and his daughter has significance, in accordance with the specific nature of this relationship. However, in the Rambam's responsum (Ch. 326), there is a comment in the name of Rabbi David, who writes:

A father nullifies only *nidrei innui nefesh* and those that pertain to the relationship between man and wife, which – if applied to her – would lessen the value that he would receive upon her betrothal; suitors would not leap at the chance to marry her if she had taken such vows, and he would lose out.

In other words, the vows that the father may nullify pertain not to the relationship between him and his daughter, but rather to matters which affect her relationship with a potential future husband.

Let us now return to the verses. At first glance, the literal reading of the verses does not seem to sit well with either of the above two approaches. The Torah seems to speak just as generally about a husband as it does about a father:

And if it is in her husband's house **that she vows or binds herself by a bond with an oath...** (v. 4)

But if her husband nullifies them on the day he hears them, **then no utterance of her lips concerning her vows or concerning the bond of her soul** shall stand... (v. 13)

Only afterwards does the Torah repeat the laws of nullifying "any vow or any binding oath to afflict the soul," as though this is a new law, rather than the qualifier of an existing law.

A close examination of the language of the verses points to one possible direction for a solution. In verse 6, we read: "But if her father disallows her, on the day that he hears it, then none of her vows or bonds with which she has bound her soul shall stand." A careful reading shows that the Torah is not presenting a formal, halakhic mechanism that enables the father to nullify the validity of the vow. Rather, it is describing a real situation: if the girl's father disallows her from fulfilling her vow, then she is not required to fulfill it. Halakha, as is its way, defines a formalization of the real-life description in the verse, and establishes that the significance of the father's disallowance, which causes the girl to be able to refrain from fulfilling her vow, is his ability to nullify its validity.

It seems that the expressions of nullification in the rest of the unit should be understood in accordance with this reading.

In light of this, we understand that the vows that a father or a husband may nullify are those that affect the husband's relationship with the woman or the father's rights with regard to her. Perhaps this once again represents halakhic formalization, in its sharp definition of such matters as the category of "matters between him and her" and the interpretation that even the very law of nullifying vows is limited to such instances.

According to the above, the categorization of matters between him and her is the background to the laws of nullification in the first part of the unit, and it applies to both the husband and the father. At the end of the unit, the Torah adds another category: *innui nefesh*. Halakha recognizes that this is an extension of the basic category of "matters between him and her" – as if to say that matters concerning *innui nefesh* also actually have an effect on the relationship between a (potential) husband and wife. Halakha therefore establishes that this extension applies not only to the husband, but also to the father.

Aside from the problematic exegetical assumptions upon which this explanation rests, it is also not clear, according to this explanation, why the Torah chooses to introduce the new law – of *nidrei innui nefesh* – specifically with respect to the husband, if it is equally relevant to a father.

The above explanation, despite its difficulties, is consistent with the *halakha* according to the *Sifrei*, as well as the rulings of the Ramban and the Rosh. According to the Rambam, however, a father may nullify any sort of vow or oath. This being the case, the significance of the generalization of the verses in the first part of the unit does not include an implied assumption of a category of matters "between him and her;" rather, it does indeed include every sort of vow or oath. If this is so, then the Torah uses almost exactly the same language concerning a husband as it does concerning a father – and we must conclude that the Torah is establishing a law of nullification that for a husband, too, includes all vows and oaths. This brings us back to our original question: how is it that after setting down a law of nullification of all vows and oaths, the Torah repeats this law of nullification concerning vows of *innui nefesh*, using language that does not sound like a qualification or condition, but rather like an addition? We may now also add a second question: what is the relationship between the literal meaning of the verses (according to the Rambam), establishing the right of the father and the husband to nullify all sorts of vows and oaths, and the law (according to the Rambam) which limits the husband's right in this regard to vows involving *innui nefesh* or matters between him and her?

There does seem to be an inherent contradiction between the verses that present a general, comprehensive law of nullification of all vows and oaths for a father and husband alike, and the verses that establish the laws of nullification for *nidrei innui nefesh* exclusively. This contradiction is deliberate, and it is meant to express the two poles of the real tension that exists between conflicting values.

In order to understand the significance of the two perspectives that are reflected in this single unit, let us enumerate a number of differences between them:

- As we have shown, vv. 4-13 establish a law of nullification for all vows and oaths, while vv. 14-16 limit this law to *nidrei innui nefesh*.
- In the three instances in vv. 4-13 where the Torah discusses nullification, it says, "God shall forgive her." The law of nullification in vv. 14-16 mentions no such forgiveness. In vv. 4-13, in the presentation of those instances where there is no nullification, the vows themselves are the syntactical subject of their fulfillment: "All of her vows shall stand, and all bonds with which she has bound her soul shall stand;" "Her vows shall stand, and the bonds which with she has bound her soul shall stand;" "All of her vows shall stand, and every bond with which she has bound her soul shall stand." In contrast, in vv. 14-15 it is the husband who is said to uphold the vow: "**Her husband may cause it to stand, or her husband may nullify it;**" "**He causes** all of her vows... **to stand**. **He causes them to stand**, for he holds his silence..."
- Since we are reading the verses as reflecting two separate aspects, each standing independently, it turns out that the second aspect (vv. 14-15) is not establishing the law of nullification for a father; it is speaking only of a husband.

In keeping with the above differences, we may explain the two aspects as follows:

The first aspect (vv. 4-13) comes to ease the situation of a woman who is obligated to her father or husband. If the father or husband prevents her from fulfilling her vows or oaths, God forgives her – since she is, to some extent, obligated to the man, and her time is not entirely her own. In a similar manner, the Torah exempts women and slaves from positive commandments that are time-bound, since they are obligated (to different extents, obviously; Halakha envisages practical, social commitment in the former, unlike the formal, legal subjugation in the latter), and their time is not their own. Here, too, the Torah exempts the woman from fulfilling her vow, if her father or husband prevents her from doing so – and it makes no difference what sort of vow or oath is involved. This provision is limited to the event of the father or husband expressing his objection on the day that he hears the vow. If he does not nullify it on that day, the vow is binding – with no need for someone to "cause it to stand."

The other aspect comes not to ease up on the woman, but to establish that there are spheres that lie outside of her domain: "Every bond and every binding oath to afflict the soul – her husband may let it stand, or her husband may nullify it." Since *innui nefesh* pertains to the relationship between a woman and her husband, the Torah sets down that the ability to make such a vow in the first place is in the husband's hands. The Torah entrusts him with the power to nullify a vow or to cause it to stand. If the vow stands, it is only because the husband approves it and causes it to stand. And in this realm there is no need for God's forgiveness: the woman makes a vow concerning something that is not altogether within her domain, and its nullification arises from a deficiency that is inherent in it from the outset. All of this applies only to a husband, not to a father.

The Torah sets forth two contrasting aspects so as to express the tension between the Divine attribute of compassion and kindness, which demands some allowances for a woman who, in her social framework, is not altogether a free agent; and the sanctity of vows and oaths, which requires their fulfillment and prohibits their violation. A woman who seeks to come closer to God and makes a vow to this effect or swears in His Name must keep her word. However, her circumstances – which may make the fulfillment of the vow difficult – must also be taken into account.

The Torah, as is its way, depicts each of these poles independently, so as to reinforce the independent value of each in its pure state. Halakha, as is its way, arrives at a compromise between the two aspects and sets down the practical boundaries between them. The ruling, according to the Rambam's approach, is different for a wife than for a daughter: for a husband, nullification of a vow can concern only *nidrei innui nefesh* – and, as an extension of this category, other matters pertaining to their marital relationship. In the case of a woman and her father, nullification may apply to all types of vows and oaths. The reason for this seems to be that the practical subjugation of a girl to her father, in his house, is greater than that of a woman towards her husband. For this reason, Halakha stipulates that there is greater leniency for a daughter whose father prevents her from fulfilling her vows, and therefore the law of nullification covers all types of vows that the daughter may take upon herself. Concerning a wife, however, the sanctity of a vow supersedes the attribute of mercy: she is obligated to fulfill any vow that she takes upon herself in those realms that are within her domain. Only matters of *innui nefesh* or those pertaining to the marital relationship lie beyond her domain, and here the law of the husband's nullification or confirmation applies.

We may now formulate an explanation based on the above aspects for the approach of the *Sifrei*, too. There is no necessity to assume, as we proposed above, that the approach of the *Sifrei* is a halakhic formalization based on a harmonious, unified interpretation of the unit. Perhaps the *Sifrei*'s approach is simply a different halakhic conclusion for the same elements set forth in the *parasha*. According to the *halakha* in the *Sifrei*, the Oral Law offers no compromise between the two aspects, leaving some practical expression for each in a different area. Rather, it offers a ruling on the practical level: the principle embodied in the second element supersedes the principle embodied in the first. The sanctity of vows requires that even for a daughter, there is no room for leniency when it comes to the fulfillment of vows and oaths: "Let the law pierce the mountain" (*Sanhedrin* 6b). Only in those spheres that lie outside of her domain – *innui nefesh* and matters pertaining to the relationship between man and wife – is there room for nullification, whether the woman concerned is a daughter at home or a married woman.

This "victory" of the second aspect is on the practical, halakhic level. On the educational level of values, however, there is a lesson to be learned from the first aspect. The message that arises is the value of "God shall forgive her": the demands made on a person in the realm of Divine service take into consideration his circumstances and the practical and social limitations that apply to him. From a practical perspective, every person must strive with all of his might to fulfill his commitments and to progress and ascend in his Divine service as far as he is able. However, there is also solace for a person who is unable to achieve what he would have liked to in coming closer to God.

Let us conclude with a point that is illuminated in light of the above, and perhaps represents further proof of our contention. The literal meaning of vv. 7-9 is that a husband may nullify vows that his wife had taken upon herself before they married. However, Halakha states that "a husband does not nullify pre-existing (vows)" (*Nedarim* 67a; the verse is interpreted there in relation to a different specific *halakha*). This discrepancy between the Written Law and the Oral Law may be explained in light of our discussion above: the above verses belong to the first aspect, where the basis for the nullification of a vow is the husband's preventing his wife from fulfilling it. Clearly, it makes no difference when she makes the vow – before the marriage or after. According to Halakha, however, the nullification of a vow (by a husband, in any event) is based on the fact that the vow, at the time it is made, concerns a realm that is not altogether within the woman's domain. This is relevant, then, only for a vow that she makes once she is already married.

Translated by Kaeren Fish