

איש כי ידר נדר לה במדבר לג:	[Any] man who vows a vow to God... Numbers 30:3
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The vow or oath is one of the most distinguishing features of human civilization. Without the ability to pledge, promise, or assure, we lose the possibility of creating and sustaining relationships. All vows or oaths rely on the assumption that **words have special power** and that **one's word is one's bond**. In the Bible, God creates the world with words. In our daily prayers we proclaim: **ברוך שְׁאָמַר וְהָיָה הָעוֹלָם - Blessed is the One who has spoken (words) and through them, the world came into being.** The Rabbis teach us that: **בְּעֶשְׂרֵה מֵאֲמֹרוֹת נִבְרָא הָעוֹלָם - With ten utterances the world was created** (Pirkei Avot 5:1). Proverbs adds, **חַיִּים וְמוֹת בְּיַד לְשׁוֹן - life and death are in the power of the tongue** (Prov. 18:21) which underscores that **words** also have the power to destroy. When God creates the human and blows the breath of life into the creature's nostrils, the Torah says, **וַיְהִי הָאָדָם לְנֶפֶשׁ חַיָּה - and the human became a living being.** The Aramaic translator Onkelos renders that: **וַיְהִי הָאָדָם לְרוּחַ מְמַלְלָא - and the human became a speaking spirit** (Gen. 2:7) Thus **to be, is to speak**. According to evolutionary biologists, speech is one of the key factors that contributed to the evolution of the human brain. Vows and promises have consequences. Take these three examples of vows in the Bible.

1. Jacob Vows to God upon his Escape to Haran

וַיִּדָּר יַעֲקֹב נֶדֶר לֵאמֹר אִם יִהְיֶה אֱלֹהִים עִמָּדִי וְשָׁמְרָנִי בְּדֶרֶךְ הַזֶּה אֲשֶׁר אֲנִי הוֹלֵךְ וְנָתַן לִי לֶחֶם לֶאֱכֹל וְבִגְד לִלְבָּשׁ. וְשָׁבְתִי בְּשָׁלוֹם אֶל בֵּית אָבִי וְהָיָה ה' לִי לֵאלֹהִים. וְהָאֶבֶן הַזֹּאת אֲשֶׁר שָׁמַתִּי מִצֵּבָה יִהְיֶה בֵּית אֱלֹהִים וְכָל אֲשֶׁר תִּתֶּן לִי עֲשֹׂר אֲעֲשֶׂרְנֹה לָךְ. בְּרֵאשִׁית כַּח-כ-כב	And Yaakov <b>vowed a vow</b> , saying: <i>If God will be with me and will watch over me on this way that I go and will give me food to eat and a garment to wear, and if I come back in peace to my father's house— God shall be God to me, and this stone that I have set up as a standing-pillar shall become a house of God, and everything that you give me I shall tithe, tithe it to you.</i> Gen. 28:20-22
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2. Hannah Vows to Dedicate her Son to God

וַתִּדָּר נָדָר וַתֹּאמֶר ה' צְבָאוֹת אִם רָאִה תְּרָאָה בְּעֵינֵי אֲמָתְךָ וְיִזְכְּרָתֵנִי וְלֹא תִשְׁכַּח אֶת אֲמָתְךָ וְנָתַתָּה לָאֲמָתְךָ זָרַע אֲנָשִׁים וְנִתְמַתִּיו לְה' כָּל יְמֵי חַיָּיו וּמוֹרָה לֹא יִעָלֶה עַל רֹאשׁוֹ.	And she <b>vowed this vow</b> saying: <i>O LORD of Hosts, if You will look upon the suffering of Your maidservant and will remember me and not forget Your maidservant, and if You will grant Your maidservant a male child, I will dedicate him to the LORD for all the days of his life; and no razor shall ever touch his head.</i> 1 Sam. 1:11
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3. Jephthah's Horrific Vow

וַיִּדָּר יִפְתָּח נֶדֶר לֵה' וַיֹּאמֶר: אִם נָתַן תִּתֶּן אֶת בְּנֵי עֲמוֹן בְּיָדִי. וְהָיָה הַיּוֹצֵא אֲשֶׁר יֵצֵא מִדְּלַתִּי בֵּיתִי לִקְרָאתִי בְּשׁוּבִי בְּשָׁלוֹם מִבְּנֵי עֲמוֹן וְהָיָה לְה' וְהָעֲלִיתִיהוּ עֹלָה.	And Jephthah <b>vowed to GOD</b> saying: <i>If you deliver the Ammonites into my hands, whatever comes out of the door of my house to meet me on my safe return from the Ammonites shall be GOD's and I shall offer it to him as a burnt offering.</i> Judges 11:30-31
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In each of these cases, the vow has consequences. Jacob's vow is a driving force that compels him to return to Canaan. As a result of her vow, Hannah dedicates Samuel to God shortly after weaning him and changes the course of Israel's history. Jephthah shows us the limits of vows. What happens when your vow conflicts with a supreme value? What happens when fulfilling a vow means committing the worst sin imaginable, shedding innocent blood? Instead of annulling his vow and saving his daughter's life, as he should have, Jephthah fulfils his vow believing that to be the right thing, and commits a moral outrage. This is how the tradition condemns him:



וַיִּפְתָּח שָׂאֵל שְׂאֵל כַּהֲגֹן, שְׁנֵאמַר: וְהָיָה הַיּוֹצֵא אֲשֶׁר יֵצֵא מִדְּלַתִּי בֵּיתִי אֲמַר הַקְּדוֹשׁ בְּרוּךְ הוּא: אֵלֹהֵי יִצְחָא גָּמַל אוֹ חֲמוֹר אוֹ כֶּלֶב, הֲיִיתָ מַעֲלֵהוּ עוֹלָה? הַשִּׁיבוּ הַקְּדוֹשׁ בְּרוּךְ הוּא שְׂאֵל כַּהֲגֹן וְזָמַן לוֹ אֶת בַּתּוֹ. נָהָי כְּרָאוּתוֹ אוֹתָהּ וַיִּקְרַע אֶת בְּגָדָיו. הָיָה יְכוּל לְהַפֵּר אֶת נֶדְרוֹ וְלִילֵךְ אֶצֶל פִּנְחָס! אָמַר: אֲנִי מֵלֵךְ, וְאֵלֶּךְ אֶצֶל פִּנְחָס? וּפְנִיחָס אָמַר: אֲנִי כֹהֵן גָּדוֹל, וְכֵן כֵּהֵן גָּדוֹל, וְאֵלֶּךְ אֶצֶל עַם הָאֲרָץ תָּה? בֵּין דַּיִן לְדַיִן גִּסְתָּה הֵיחִיא עֲלוּבָתָהּ וּשְׁנֵיהֶם נִתְחַיְבוּ בְּדַמְיָהּ. פְּנִיחָס נִסְתַּלְקָה מִמֶּנּוּ רִיחַ הַקְּדוֹשׁ... יִפְתָּח נִשְׁוֹל אֶבֶר אֶבֶר וְנִקְבָּר...	Jephthah was out of order in his proposal, as it is said, (Judges 11:31): <i>And it will be that whatever comes out of the doors of my house... God said to him: What if a camel, a donkey, or a dog had come out, would you have offered it as a burnt offering? As a consequence, God was also out of order when he responded to him and summoned his daughter to come out (Judges 11:35): And it was when he saw her, he tore his clothes. He could have annulled his vow and gone to Phinehas, but he said: I am a king, and I will go to Phinehas? And Phinehas said: I am a high priest and the son of a high priest, and I'm going to go to this ignoramus? In the meantime, this unfortunate girl was killed, and both were liable for her blood. The Holy Spirit departed from Phinehas, ... Jephthah's limbs fell off one by one and he was buried.. (Vayikra Rabbah 37)</i>
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Two things are at work here: The absurdity of the vow and the arrogance of the political and religious leaders. Would he have offered an unacceptable animal?! If not, then why does he offer his daughter?! To fulfill a vow?! Really?! Can a person that misguided? Evidently, yes. Does God even

want that? But wait, you say, didn't God ask Abraham to sacrifice Isaac out of devotion and piety? Shouldn't God have stopped Jephthah here from sacrificing his daughter the way he stopped Abraham from sacrificing his son? A close reading of the Akedah leads us to the opposite conclusion: Abraham did everything to *avoid* sacrificing Isaac. Here, Jephthah does everything to *fulfil* his ridiculous vow. Abraham *disobeyed God's word* and was regarded forever with praise. Jephthah insisted on *fulfilling his own word* and was regarded forever with scorn. Jephthah's hubris leads to catastrophe. Pinhas' pique results in peril. Both of them receive their just comeuppance. Pinhas loses his divine spirit, one breath at a time, and Jephthah loses his human body, one limb at a time.

### Cities of Refuge

וְהִקְרִיתֶם לָכֶם עָרִים עָרֵי מִקְלַט תִּהְיֶינָה לָכֶם וְכִסּוּ שְׂמֹנֶה רֵצֶף מִכָּה וְנָפֶשׁ בְּשִׁגְגָה. וְהָיוּ לָכֶם הָעָרִים לְמִקְלַט מִגָּאֹל וְלֹא יָמוּת הָרֵצֶף עַד עָמְדוֹ לִפְנֵי הָעֵדָה לְמִשְׁפָּט.	<i>You are to select for yourselves [certain] towns—; towns of asylum shall they be for you, for fleeing-to for the [accidental] murderer, one who strikes down a life in error. The towns shall be for you for asylum from the [blood] redeemer, that the murderer not die until he can come before the community for judgment.</i> Numbers 35:11-12
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The whole idea of asylum is fascinating. In antiquity sacred spaces, such as temples or altars, were often considered zones of immunity because they were under the dominion of the deity, and nobody other than the deity could exercise power in that zone. Criminals and murderers could run to a temple for sanctuary to prevent the adjudication of their cases. It is not uncommon even today for people who are being pursued by the state to find sanctuary in a house of worship. While law enforcement has the right to make



arrests there, it could also become a public relations nightmare. We could compare the asylum of sacred zones in antiquity to the immunity one can attain in an

embassy today. Embassies are not governed by the laws of the state in which they reside. That means that if the host state is pursuing a foreign national, that individual could theoretically seek political asylum in the embassy of the country of their citizenship. A US national being pursued on foreign soil could seek asylum in a US embassy in that country. The problem is leaving the country without getting caught. Our case harkens back to a time when it was customary (though not legal) for next of kin to avenge the wrongful death of their family member, by killing the alleged perpetrator. Since the Temple is "God's House" one

would think that it would have been a suitable place for asylum seekers. But there are at least three problems with that. 1. What do you do when there is no Temple? 2. What if you are too far from it? 3. What if you are actually guilty? How could God, the God of Justice, countenance the presence of a murderer in the sacred zone? In order to provide geographically accessible asylum and prevent criminals, a system of cities of refuge was set up. The provision of cities of refuge makes it possible for individuals who have committed manslaughter to live out their lives protected from the chaotic exercise of vigilante justice, until a general amnesty occurred with the death of the Kohen Gadol. This system recognizes on the one hand, that these individuals are tragically connected to their victims forever for having caused their deaths by accident, and that, while not liable for the death penalty, they are still entitled to live out their lives. The mishna goes so far as insisting that if a student is banished to a city of refuge, the teacher must accompany him, to enable him to live, that is to live by the words of Torah.

It's interesting that this would be one of the last issues that Moses deals with in the desert legislation. After all, Moses himself would have been one of those individuals subject to the law of asylum. Having committed an act of manslaughter when he smote the Egyptian taskmaster, he was forced to go into exile because Pharaoh was out to kill him. He went to a place beyond the reach and jurisdiction of the sovereign/deity of Egypt and ended up in Midian. Thus, Moses himself had personal experience with manslaughter, guilt, fear of revenge, and pursuit of asylum. He is an outcast from Egypt. This legislation also links back to the beginning of the Torah when Cain kills Abel, another case of manslaughter. Cain is "exiled" and afraid that when other people come into existence, they will avenge Abel's death. God originally sentences Cain to a lifetime of vagrancy and being removed from society, after Cain's petition, God protects him from vengeance and allows him to settle and not be a vagrant. Nevertheless, he will always remain an outcast. Cain builds a city, the first city in history. This city is, by design or by accident, a city of refuge. As a result of his jealousy, Cain committed a violent act that resulted in the death of his brother. But it was not a premeditated murder. As horrible as it was, it did not incur the death penalty. What to do in that situation? On the one hand, Cain had to live his whole life with the traumatic reality that he killed his brother. On that other hand, nobody is allowed to kill him in retribution for that killing. The only solution for him is to live apart from society in an asylum of his own creation. While Moses will receive amnesty upon the death of Pharaoh, and the biblical manslaughterer receives amnesty upon the death of the High Priest, Cain never receives amnesty. He will live out his days in his own personal city of refuge.

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