A TASTE OF TORAH

By Rabbi Matthew Berkowitz, Director of Israel Programs, The Rabbinical School, JTS

Binding and Releasing

At the very beginning of Parashat Mattot, the topic of words and vows is addressed. The Torah makes the importance of what one utters abundantly clear, lest there be any misunderstanding about it. Rather than addressing the entire people, however, it targets the leaders. The heads of the Israelite tribes are commanded, "If a man makes a vow to the Lord or takes an oath imposing an obligation on himself, he will not break his pledge; he must carry out all that has crossed his lips" (Num. 30:3). On the one hand, it is not surprising that the leader-politicians are addressed; often it is the leaders of the people who relate to words lightly, offering empty promises and slogans in campaigning. On the other hand, it seems that the Torah's commandment concerning vows should be addressed to the entire nation. What are the nuances of this legislation, and how may we relate to it today?

Rabbi Samson Raphael Hirsch explains,

> *Isser* is the word for actual tying up and chaining and is here transferred to the binding power of the vow or oath . . . And *lo yahel divaro* means he [the one who vowed] will not allow his word to be without result, nor allow it to be made secular. It binds him. This expression itself points to the possibility that his word, although he has spoken it, could be without result. And then the Talmud lays stress on the concept of the pronoun form and teaches, "*he* may not annul it but *others* can" (*BT Berakhot 32a*); so that in the words themselves they see the idea of what the *halacha* teaches of the mitigating power given to the sage concerning vows—for a sage may uproot a vow . . . The redress for vows, here entrusted to the heads of the tribes, consists in their finding that the one who made the vow, now regrets having done so, and if he had given the matter proper consideration he certainly would not have made it all. (*Commentary on Numbers*, 507–508)

Hirsch, like many commentators before him, is keenly interested in both preserving the integrity of the Torah and embracing rabbinic wisdom. While the Torah's laws compel us to relate to our words with a sense of profound seriousness and stringency, our Sages recognize fully that we are human—often driven by passion, emotion, and at times, irrational thought—in that which we express. The Torah is correct in underscoring the seriousness with which we must treat our utterances; we have the potential to tie, chain, and bind ourselves up in our words. But as Hirsch points out, the Rabbis were eminently wise in enabling one's release from a potentially destructive or unfulfillable vow. Far from undermining the word of the Torah, the Rabbis embolden it by making it more humane and more responsive.

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PARASHAH COMMENTARY

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The Power of Words

Are words important? This is a question that bedevils us as human beings. It is largely the ability to speak that distinguishes us from the rest of the animal world. By speech, I do not mean the mere ability to communicate information; we know that other animals are capable of this feat, each in its own way. I mean the ability to speak of past and future, the ability to imagine and conceptualize, and the capacity to employ words as, using a term coined by philosopher J. L. Austin, performative utterances. This means that our words serve not merely as description or as evidence; they also serve as instruments of action. Think, for example, of the groom or bride at a wedding who says, "I do." These words are not only testimony to the desire to be married; in part they create the marriage. The same is true of the words "*Harei at mekudeshet li*" (Behold you are betrothed to me), recited by the groom to the bride at a traditional Jewish wedding before placing the ring on her finger. Another form of performative utterance is a vow whereby one commits oneself to engage in or refrain from one or more actions. This week's Torah portion twice touches on the question of the power—and limits—of words as performative utterances.

In biblical Israel, women were largely under the control of their fathers and husbands. Because of the powerful and binding nature of vows, a daughter or wife might make a vow as a means of escaping that control. In this week's Torah portion, we are told, apparently in response to such a concern, that a father or husband may cancel his daughter or wife's vows. This admittedly oppressive law served as the basis for a rabbinic innovation that reduced the power of vows significantly. The institution of *hatarat nedarim* (literally, "the unbinding of vows") allows a sage to annul vows. To do so, the sage must determine that the person taking the vow had a faulty or incomplete understanding of the vow's consequences at the time he or she took it, rendering the vow a mistaken and therefore invalid commitment. Having so determined, the sage declares, "*Mutar lakh*" (You are unbound). One utterance has the power to undo the effectiveness of the other.

Later in the Torah portion, the tribes of Gad and Re'uven express their desire to settle on the eastern bank of the Jordan, in the land captured from Sihon, the Amorite, and Og, king of the Bashan, rather than in the land of

Canaan. After overcoming his initial anger, Moses grants the land to them conditionally. If they join their brothers in conquering the land of Canaan, they will be granted the land they seek. However, if they fail to do so, they will forfeit the land to the east of the Jordan.

The Rabbis utilize this narrative as the template for the proper formulation of a conditional statement. For example, one of the requirements for formulating a valid condition according to Jewish law is that it be *tenai kaful* (a "doubled condition"), meaning that it must be stated in both the positive and the negative. Thus, for example, if I say, "If it does not rain tomorrow, then I will not donate $100 to charity; but if it does rain tomorrow, then I will donate $100 to charity," and it rains the next day, I am obligated to donate the $100. However, if I say merely, "If it rains tomorrow, I will donate $100 to charity," I am obligated to make the donation even if it does not rain.

Now we can explain this technically: Jewish law determines that stating "if" does not qualify my obligation. Only if I state "if and only if"—by formulating my condition in both the positive and the negative—does the condition qualify the statement and its implicit condition. Still, the law is troubling. The intent of the person who made the vow is clear; he or she only intended it to have force if the condition was fulfilled. Why then is the individual then obligated nonetheless? The answer lies in the power of words. This person's words, as currently formulated, create an obligation whether he or she intended it or not. Only a properly formulated condition can prevent that obligation from taking effect. Because this person failed to state such a condition, his or her words have obligated him or her. Here we find words having a power of their own, independent of the intentions of the person who uttered them.

We are now in the midst of the three weeks preceding the Ninth Day of Av, the day on which, tradition tells us, the First and Second Temples were destroyed. In traditional liturgy, the trauma of the destruction of the Temples permeates every page of the prayer book. For many of us whose feelings about the sacrificial cult are at best ambiguous, this loss is experienced lightly, if at all. It is the *Musaf* service, as it is formulated by Mordechai Kaplan in the Reconstructionist siddur, that helps us understand the significance of these events for all of us, regardless of our theological convictions. It may well be, says Kaplan, that we find the sacrificial system foreign and even repulsive. We must not forget, however, that when our ancestors brought sacrifices, they brought the sheep, cattle, wine, oil, and flour that they had so laboriously raised and produced over the course of the year and offered them as gifts to God. To use the contemporary vernacular, they put their money where their mouths were. In our synagogues, we offer God only words. Of what value are these when measured against the actions of our ancestors? We are confronted once again with the question of whether words matter.

At no time are the absence of the Temple and the inadequacy of words felt more strongly than on Yom Kippur. When the Temple stood, our sins were forgiven through the offerings brought and confessions made by the High Priest. We can only guess at the cathartic power of the ritual of the scapegoat, in which the burden of sinfulness could symbolically be cast off and one could imagine one's sins disappearing into the wilderness never to return. No words could possibly equal the power and majesty of the Temple rites.

The Yom Kippur liturgy responds to this challenge in a number of ways. First, to an extent unknown elsewhere in the liturgy, we re-create the Temple service itself. For a brief time, the prayer leader becomes the high priest, and we are the people of Israel gathered in the Temple courtyard. For the only time during the year, we prostrate ourselves before God as our ancestors did in the Temple. Second, we recite the martyrology, reminding God that, unfortunately, sacrifice continues after the Temple's destruction in the form of martyrdom. Third, we emphasize the 13 merciful attributes of God. According to rabbinic tradition, God taught these attributes to Moses by taking on the role of a prayer leader and reciting them. Moreover, God promised Moses that if, in times of adversity, the people recited these attributes before God, God would be "reminded" of God's merciful nature and forgive the people.

And, finally, there is Kol Nidrei. In the end, whether it is recollecting the Temple service, reciting the martyrology, or declaring the 13 attributes of God's merciful nature, we are still in the realm of words and words only. Is this nothing more than a pale reflection of the world of action and consequence? Hence, Kol Nidrei, which is—at least in its original formulation—a formula for *hatarat nedarim*. Before we begin to pray, we recite a formula reminding us that words have power; they both create and nullify obligations. Our prayers are not meaningless; words count.

But the symbolism of Kol Nidrei is double-edged. Unlike actions, verbal commitments can be undone. Our prayers do have power, but only if we mean them, only if we act upon them. On Yom Kippur and all other days, prayers are a beginning, not an end. They lead us to reflection and self-assessment. They help us chart a course of action to be followed once our prayers are concluded. Our prayers are pledges that should be honored and not cancelled.

Are words important? The answer lies with those who use them: the answer lies with us.

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