

Zera Shimshon

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Chapter XXXIX: Chukat (Num. 19:1–22:1)

Essay 16. Jephthah's vow

פְּסוּק "וְאֵלֶּכָה וְנִרְדַּמְתִּי עַל־הַהַרִים וְאָבָהָה עַל־בְּתוּלִי אֲנֹכִי וְרַעוּתִי". קִשָּׁה מָה עֲנִינָם שֶׁל רַעוּתֶיהָ לְבָכוֹת, וְדוּחַק לִזְמַר שְׂיִבְכוּ עַל צַעֲרָה מְחֻמַּת אֶהְבֵּתָם אוֹתָהּ.

This essay considers **a verse** that follows after the haftorah. The haftorah for the parshah is Judges 11:1–33. In the haftarah, Jephthah vowed that if G-d would deliver the Ammonites into his hand, then he would offer as a burnt-offering whatever first came forth out of his house to meet him when he returned. The haftorah concludes with his victory over the Ammonites. The verses following the end of the haftorah are:

When Jephthah arrived at his home in Mizpah, there was his daughter coming out to meet him, with timbrel and dance! She was an only child; he had no other son or daughter. On seeing her, he rent his clothes and said, “Alas, daughter! You have brought me low; you have become my troubler! For I have uttered a vow to the L-rd and I cannot retract.” “Father,” she said, “you have uttered a vow to the L-rd; do to me as you have vowed, seeing that the L-rd has vindicated you against your enemies, the Ammonites.” She further said to her father, “Let this be done for me: let me be for two months, **and I will go down upon the mountains, and bewail my virginity, I and my friends.**” “Go,” he replied. He let her go for two months, and she and her friends went and bewailed her virginity upon the hills. After two months’ time, she returned to her father, and he did to her as he had vowed.¹ She had never known a man. So it became a custom in Israel for the maidens of Israel to go every year, for four days in the year, and chant dirges for the daughter of Jephthah the Gileadite.

- Judges 11:34–40

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¹ The implication is that Jephthah sacrificed his daughter, which demonstrates the level to which some Jews had fallen, for human sacrifice is antithetical to Judaism. Other commentators, such as Rabbi David Kimchi (the “Radak”) (1160–1235) and Rabbi Levi Ben Gershon (the “Ralbag”) (1288–1344), believe that Jephthah only kept his daughter in seclusion, though that too is against the Torah. The proper approach is obviously not to utter a vow to start with, but even if one has made a vow, and it would not be proper to fulfil it, he should have it invalidated, such as by the High Priest in Jephthah’s time, or by a rabbinical court today.

A difficulty, is what is the point of her friends crying, and it's hard to say that they would cry out of grief because of their love for her.

ויובן במה שכתב הר"ן בפרק ב' דקידושין על עובדא דובנינהו לנכסיה אדעתא למיסק לארעא דישראל וכו'.

This incident will be understood by what the Ran² writes on the second chapter of tractate Kiddushin (50a): “Regarding an incident in which one sold all his property with the intent of ascending to the Land of Israel.” The Ran writes that someone can retract a sale based on an unstated intent more readily than one can retract a sale based on a spoken intent. The Haftorah quotes Jephthah, “For I have uttered a vow to the L-rd.” Thus, it wasn't really a thought in his heart, but a spoken intent, and Jephthah must have thought that could not be broken.

והאי דאמרינו בפרק מרובה מעשה באשה אחת שהיה בנה מצר לה וקפצה ונשבעה כל מי שיבא עלי איני מחזירתו, וקפצו עליה בני אדם שאינם מהוגנים. אמרו חכמים לא נתפונה זו אלא להגון לה, דכשנשבעה בידוע שלא היה רעתה לכל הקופץ אפילו מנוול ומופה שחין אלא נדאי להגון לה נתפונה עכ"ל.

This is what it says in the seventh chapter, entitled “More broadly,” of tractate Bava Kamma:

And [there was] an incident involving a certain unmarried woman who had a son who was distressing her, and she jumped up and vowed impulsively: Any man who comes [to marry me and will discipline my son], I will not turn him away. And unworthy men jumped at [the opportunity to marry] her. The Sages [exempted her from the vow, and they] said: She didn't intend this, but rather one worthy for her, that when she vowed it was known that her longing was not for everyone who would jump even including one who was hideous, and one covered with boils, rather certainly one who was worthy for her is what she intended.

- Bava Kamma 80a

ואם כן כששמעה בת יפתח שאביה נדר ורוצה לקיים נדרו, אף על פי שהינו יכולים לומר לא נתפונן זה אלא לדבר הרואי והגון למזבת, אמרה אם כן אף אם אשה אחת תשבע כל מי שיבוא עלי איני מחזירתו לא נאמר שלא נתפונה אלא להגון לה אלא לכל הקופץ דנקא, ומשום הכי אמר "אנכי ורעותי", שגם הו יש להן לבבות, שאם תקפוצ[נ]ה ותשבענה אין להן תקנה אלא שתנשאנה לכל הקופץ.

If so, we can gain insight of what happened when the daughter of Jephthah heard that her father had made a vow and wanted to fulfill his vow. Even though we could say that [including his daughter in the vow] wasn't his intent, but he only intended something that would be suitable and worthy of the altar, that didn't matter to him. I.e., while the rabbis would

² Rabbi Nissim ben Reuven (the “Ran”) (1320–76), Spanish Talmudist.

annul the vow, her father chose to carry it out. So **she said, “If it’s so that even if a certain woman vowed, ‘Any man who comes to me, I will not turn him away,’ it’s not to be said that she only intended that for someone worthy of her, rather the woman should be taken literally as meaning truly any [man] coming to her. Because of this, [Scripture] said, “I and my friends,” for [her friends] also have reason to cry, for if they should ever imprudently jump up and vow to take any man, they would have no remedy other than to marry any man who should jump at the opportunity.**

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