

# VOWING AWAY THE FIFTH COMMANDMENT: MATTHEW 15:3-6//MARK 7:9-13

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## I. Introduction

Religious vows are prominent in ancient Judaism. This study examines the evidence that in the first-century CE a son could make a vow that would keep him from honoring his parents as commanded in the fifth of the Ten Commandments (Exod 20:2; Deut 5:16). This practice, mentioned in Matt 15:3-6//Mark 7:9-13, had the effect of vowing away the fifth commandment. The practice may have been rare and controversial, but it was a phenomenon that could occur in ancient Judaism.

Since God required that vows be kept, problems arose when a vow was made that violated the Torah. In this study, I trace the development of such vows within Judaism and show that the NT bears witness to the practice by which a person could make a vow that superseded requirements of the fifth commandment. I also show that such vows encountered opposition by the rabbis and eventually became unthinkable for pious Jews by the time of the Babylonian Talmud.

## II. Significant Terms

A vow is a promise made in a religious context, usually to God. Vows tend to be promises to perform, or to abstain from, specific actions. In biblical and rabbinic Hebrew, the most common terms for "vow" are the verb נָדַר and the noun נֶדֶר. The corresponding Aramaic terms are the verb נָדַר and the noun נֶדֶר.<sup>1</sup> The most common Greek terms for "vow" are the verb **ευνομαι** and the noun

<sup>1</sup> F. Brown, S. R. Driver, and C. A. Briggs, *Hebrew and English Lexicon of the Old Testament* (Oxford: Oxford University Press, 1907; repro 1981) 623-24 (hereinafter cited BDB, *Lexicon*); M. Jastrow, *A Dictionary of the Targumim. the Talmud Babli and Yerushalmi. and the Midrashic Literature* (New York: Judaica, 1903; repr. 1985) 879-80 (hereinafter cited Jastrow, *Dictionary*).

**עֲוָה**<sup>2</sup> A vow is a solemn promise or assertion *directed toward God*. Vows in ancient Judaism can be divided into two basic types. The positive vow promises to perform an act or to offer a gift or sacrifice as a votive offering. The negative vow promises to abstain from something, imposing a prohibition on the one who made the vow or others.<sup>3</sup>

Vows in ancient Judaism were closely related to oaths, and sometimes the terms were used interchangeably. The common Hebrew terms are יְהִי לְךָ אֵלֹהִים "oath" and שָׁבַע "swear, take an oath."<sup>4</sup> The Greek terms are ὄρκος, "oath," and ὀμνῶ, "swear, take an oath."<sup>5</sup> An oath is a solemn, formal calling upon God as witness to the truth of words directed toward other human beings.<sup>6</sup>

Another important term is the Hebrew noun קָרַבְּתָן. In rabbinic Hebrew this noun introduces a vow to abstain from something by declaring an object to have the status of a consecrated offering as far as the one prohibited by the vow is concerned. This usage is a development from biblical Hebrew in which the term occurs frequently but simply to denote a literal "gift, offering, or sacrifice."<sup>7</sup> In

<sup>2</sup> H. Liddell and R. Scott, *A Greek-English Lexicon* (9th ed., H. Jones and R. McKenzie; Oxford: Oxford University Press, 1940) 739 (hereinafter cited LSJM, *Lexicon*); W. Bauer, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (trans. W. F. Arndt and F. W. Gingrich, 2nd ed. rev. F. W. Gingrich and F. W. Danker; Chicago: University of Chicago Press, 1979) 329 (hereinafter cited BAGD, *Lexicon*); J. Hermann and H. Greeven, "εὐνομία," *TDNT* 2:775-808.

<sup>3</sup> "Vows and Vowing," *Encyclopedia Judaica* (ed. Cecil Roth; 16 vols.; New York: Macmillan, 1971) 16:227-28; "Vow," *Dictionary of Judaism in the Biblical Period: 450 B.C.E. to 600 C.E.* (ed. Jacob Neusner and William Scott Green; 2 vols.; New York: Simon & Schuster/Macmillan, 1996) 661-62; "Vows and Oaths," *The Oxford Dictionary of the Jewish Religion* (ed. R. Werblowsky and G. Wigoder (Oxford: Oxford University Press, 1997) 716-17.

<sup>4</sup> BDB, *Lexicon*, 989-90; Jastrow, *Dictionary*, 1511, 1515.

<sup>5</sup> LSJM, *Lexicon*. 1223, 1252; BAGD, *Lexicon*. 565, 581; J. Schneider, "ὀμνῶ," *TDNT*, 5:176-185; idem, "ὄρκος" et al., *TDNT*, 5:457-67.

<sup>6</sup> E. Klinger, "Vows and Oaths," *The Encyclopedia of Religion* (ed. Mircea Eliade; 15 vols.; New York: Macmillan, 1987) 15:301. In this study it will be evident that the Jews often blurred the distinction between oaths and vows, especially in regard to vows that negatively affected others.

<sup>7</sup> BDB, *Lexicon*. 898; Jastrow, *Dictionary*. 1411; J. Kliehewein, "קָרַבְּתָן" *Theological Lexicon of the Old Testament* (ed. E. Jenni and C. Westerman; trans. M. Biddle; 3 vols. (Peabody: Hendrikson, 1997) 3:1164-69; R. Averbeck, "קָרַבְּתָן," *New International Dictionary of Old Testament Theology and Exegesis* (ed. W. VanGemeren; 5 vols.; Grand Rapids: Zondervan, 1997) 3 :979-82. The noun occurs 80 times in the Hebrew Bible, with 40 of those occurrences in Leviticus. Both the noun and cognate verb are associated with the Israelite concept of drawing near to God in worship by presenting a consecrated gift as a sacrificial offering. While the law specified many gifts such as burnt offerings, grain offerings, and peace offerings, it also was possible to vow voluntarily to God other gifts from one's property. After the loss of the Temple, even the study of the Torah concerning

rabbinic literature it is used both as a designation for actual sacrificial offerings [ and as a technical term that introduces a vow of abstinence from some object consecrated to God. In rabbinic texts, to avoid use of the actual word for sacrificial offering, the term commonly is replaced by the euphemism קִוְיָם.<sup>8</sup>

### III. The Hebrew Bible

The Hebrew Bible indicates that vows were important in Israelite religion from an early period.<sup>9</sup> With a vow a person was placed under solemn obligation to God to do something or to refrain from doing something. Vows were voluntary. Yet, once taken, they were to be fulfilled. The motive for vows was often a desire to obtain divine favor. They regularly have the form "If God does something for me, then I will do something for God." Except for the Nazirite vow, negative vows or vows of abstinence are rare in the Hebrew Bible. Vows intended to affect others negatively are even less common.

A few examples will demonstrate the importance of positive vows in the Hebrew Bible.<sup>10</sup> Jacob vowed that if God would keep him safe, fed, and clothed until he returned, he would make the pillar at Bethel into a sanctuary and pay tithes (Gen 28:20-22; 31:13). The people of Israel vowed that if God would give them the land of Canaan, they would destroy its cities (Num 21:2). Jephthah vowed that if God would bring him home victorious, he would offer as a sacrifice whatever first came out of his house when he returned (Judg 11:30-40). Hannah vowed that if God would give her a son, she would dedicate him to God (1 Sam 1: 11). In addition, the Psalms include many texts associated with making and fulfilling vows (Pss 22:22-31; 50:14-15; 56:12-13; 61:8; 65:1-4; 66:13-20; 116:12-14).

Much of the information concerning vows is in the Pentateuch. Everything offered in fulfillment of a vow was to be of the highest quality (Lev 22:17-25). The vow of valuation allowed one person to vow another person, an animal, a building, or a portion of land, but then redeem what had been vowed by paying sacrifice was considered an offering to God.

<sup>8</sup> Jastrow, *Dictionary*, 1335.

<sup>9</sup> The text of the Hebrew Bible used for this study is the Hebrew-Aramaic text of E. Elliger and W. Rudolph, *Biblia Hebraica Stuttgartensia* (Stuttgart: Deutsche Bibelstiftung, 1977), and the Greek text of Alfred Rahlfs, *Septuaginta* (Stuttgart: Deutsche Bibelgesellschaft, 1935). English quotations are taken from *The New Oxford Annotated Bible with the Apocryphal/Deuterocanonical Books: New Revised Standard Version* (ed. B. Metzger and R. Murphy; New York: Oxford University Press, 1991).

<sup>10</sup> F. W. Cartledge, "Vow," *The International Standard Bible Encyclopedia* (rev. G. W. Bromiley; 4 vols.; Grand Rapids: Eerdmans, 1979-1988) 4:998-999; idem, *Vows in the Hebrew Bible and the Ancient Near East* (JSOT Supplement Series 147; Sheffield: JSOT Press, 1992).

what it was worth to the priests (Lev 27:1-33). Whether made by a man or a woman, vows were absolutely binding (Num 30: 1-2). However, a vow made by an unmarried woman could be annulled the same day by her father, and a vow made by a married woman could be annulled the same day by her husband (Num 30:3-16). Vows were to be fulfilled at the place God chose: the temple in Jerusalem (Deut 12:6-18). Payment of a vow was not to be made with money obtained by immoral means (Deut 23: 18); and even though vows were voluntary, they were most serious:

If you make a vow to the LORD your God, do not postpone fulfilling it; for the LORD your God will surely require it of you, and you would incur guilt. But if you refrain from vowing, you will not incur guilt. Whatever your lips utter you must diligently perform, just as you have freely vowed to the LORD your God with your own mouth (Deut 23:21-23).

The most notable vow of abstinence is the Nazirite vow. It required a person to abstain from grape products, from cutting the hair, and from contact with the dead (Num 6:1-21; Judg 13:4-5; 1 Sam 1:11; Amos 2:11-12). Another negative vow is the vow made by David that he would not enter his house, go to bed, or sleep until he had found a place for God's house (Ps 132:1-5). Also worth considering is an oath imposed by Saul upon Israel (1 Sam 14:24-45), when Saul laid an oath on the people, saying, "Cursed be anyone who eats food before it is evening" (1 Sam 14:24).

Later passages suggest that vows created practical difficulties and conflicts with the Law. Vows resulted in promises people failed to fulfill (Mal 1:14). The author of Ecclesiastes advises: "When you make a vow to God, do not delay fulfilling it; for he has no pleasure in fools. Fulfill what you vow. It is better that you should not vow than that you should vow and not fulfill it" (Eccl 5:4-5). Similarly, the book of Sirach teaches: "Let nothing hinder you from paying a vow promptly, and do not wait until death to be released from it. Before making a vow, prepare yourself; do not be like one who puts the Lord to the test" (Sir 18:22-23).

#### IV. Qumran

The most relevant source from Qumran is the Damascus Document (CD).<sup>11</sup> Two incomplete medieval copies of this document were discovered in an old Cairo synagogue in 1896. Extensive fragments of the document were later found

<sup>11</sup> The text used for this study is *The Dead Sea Scrolls: Hebrew, Aramaic and Greek Texts with English Translations* (ed. J. Charlesworth; 10 vols.; Louisville: Westminster/John Knox, 1994-) vol. 2: *Damascus Document, War Scroll, and Related Documents*. English quotations are from *The Complete Dead Sea Scrolls in English* (ed. G. Verines; New York: Penguin, 1997).

in Caves 4,5, and 6 at Qumran. The oldest fragments date from the early first century BCE. The most important text for this study begins at CD 16:6 and continues to CD 9:1.<sup>12</sup>

And concerning the saying, "You shall keep your vow by fulfilling it (Deut 23:24 )," let no man, even at the price of death, annul any binding oath by which he has sworn to keep a commandment of the Law. But even at the price of death, a man shall fulfill no vow by which he has sworn to depart from the Law. Inasmuch as He said, "It is for her husband to cancel her oath (Num 30:9)," no husband shall cancel an oath without knowing whether it should' be kept or not. Should it be such as to lead to transgression of the Covenant, he shall cancel it and shall not let it be kept. The rule for her father is likewise. No man shall vow to the altar anything unlawfully acquired. Also, no Priest shall take from Israel anything unlawfully acquired. And no man shall consecrate the food of his house to God, for it is as he said, "Each hunts his brother with a net (Mic 7:2)." Let no man consecrate. . . . And if he has consecrated to God some of his own field. . . he who has made the vow shall be punished. . . . Every vow by which a man vows another to destruction by the laws of the Gentiles shall himself be put to death.

This passage emphasizes the solemn nature of oaths and vows. It allows for annulment of vows of women that violate the law. It prohibits vows that dedicate wrongfully acquired property. It forbids vowing or consecrating personal property to affect others negatively. And it condemns the practice of vowing another person to destruction. The entire passage is based on Deut 23:21-23 (Matt 23:22-24) and Num 30:2-15 (Matt 30:3-16). However, the texts from the Hebrew Bible have been paraphrased, and the terms for oath and vow are used interchangeably. In addition, CD 16:6-18 uses **הָרָם** ("something consecrated, dedicated, removed from profane use, vow"), **נְדָבָה** ("freewill-offering, donation"), **קִדְּשׁ** ("sanctify, consecrate, dedicate"), **קָוָם** ("swear, vow"), **שְׁבוּעָה** ("oath"), and **שָׁבַע** ("swear, take an oath").<sup>13</sup>

The text upholds the inviolability of the Law, requiring individuals to pay the price of death rather than transgress a commandment. The text does address the annulment of oaths and vows made by women, but any such annulment is limited only to oaths or vows that violate the community's covenant. Significant for this study are the admonitions concerning unacceptable vows, particularly the ruling "No man shall consecrate the food of his house to God, for it is as he said,

<sup>12</sup> D. Dimant, "Qumran Sectarian Literature," *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus* (ed. M. Stone; CRINT; Philadelphia: Fortress, 1984) 490-97. Manuscript evidence from Qumran indicates that CD 16 originally was followed by CD 9. See Charlesworth and Vermes.

<sup>13</sup> BDB, *Lexicon*, 355, 356, 21,872, 873; Jastrow, *Dictionary*, 503, 504, 877, 1319, 1320.

'Each hunts his brother with a net' (Mic 7:2)." The prohibition is supported by a quotation from Mic 7:2: אִישׁ אֶת רֵעֵיהוּ יִצְוֵדוּ קָרָם. In CD 16:15, the noun קָרָם should be understood as "something consecrated, dedicated; vow;" rather than the homonym meaning "trap, net, snare." According to Fitzmyer, the text forbids "the dedication of any food to God so that it might not be used to help one's neighbor."<sup>14</sup>

#### V. Philo

Philo of Alexandria, who lived from about 20 BCE to 50 CE, provides still another link in the tradition concerning vows.<sup>15</sup> He regularly uses **ευχῆ** and **ευχῶμαι** for "vow."<sup>16</sup> His most extensive treatment of vows occurs in *On the Special Laws*. In 1.247-54 he discusses the 'great vow' of the Nazirite. In 2.1-38 he discusses rash oaths and vows, oaths and vows of women, and vows of valuation, all under the category **ευρκια**, "fidelity to one's oath, the duty of keeping oaths."<sup>17</sup> In 2.16 he comments on people who make oaths that negatively affect others. Here Philo uses **ορκῶ**, "oath," rather than **ευχῆ**, "vow." But he often uses the terms interchangeably, and his statements in this text show how negative oaths or vows affecting others could be made by Jews in his time contrary to the law or good moral judgment:

But there are some who, either because through excessive moroseness their nature has lost the sense of compassion and fellow-feeling or because they are constrained by anger which rules them like a stem mistress, confirm the savagery of their temper with an oath. They declare that they will not admit such and such a person to their board or under their roof, or again, that they will not render assistance to so and so or accept anything from him till his life's end. Sometimes they carry on their vindictiveness after that end has come and leave directions in their wills against even granting the customary rites to the corpse.

Although the practice was not considered acceptable by Philo, this example provides evidence that oaths, and probably also vows, were used by Jews in his .

<sup>14</sup> J. Fitzmyer, "The Use of Explicit Old Testament Quotations in Qumran Literature and in the New Testament," *New Testament Studies* 7 (1961) 323. See also L. Schiffman, "The Laws of Vows and Oaths in the Zadokite Fragments and the Temple Scroll," *Revue de Qumran* 15 (1991-1992) 199-214.

<sup>15</sup> The Greek and English texts used for this study are from F. H. Colson, G. H. Whitaker, and R. Marcus, *Philo* (Loeb Classical Library, 10 vols.; Cambridge: Harvard University Press, 1929-1962).

<sup>16</sup> Philo, *Allegorical Interpretation* 1.17; 2.63; *On the Unchangeableness of God* 87; *On Husbandry* 175; *On Drunkenness* 2; *On Mating with the Preliminary Studies* 99; *On Flight and Finding* 115; *Life of Moses* 1.252; *On the Decalogue* 126; et al. See also Eusebius, *Preparation for the Gospel* 8. 7.

<sup>17</sup> LSJM, *Lexicon*, 725.

day to prohibit individuals from receiving any assistance from the one who made the oath or vow.

### VI. Archaeological Evidence

Two archaeological discoveries provide valuable information regarding the Jewish practice of making vows during the Second Temple period. In each case the term **קרבן** was used to deny others the use of something by declaring an object to have the status of a consecrated offering.

The first discovery is a fragment of a stone vessel recovered from an excavation of a first-century-BCE Herodian street near the Temple in Jerusalem.<sup>18</sup> The vessel, found among coins and other vessels, bears the inscription **קרבן** most likely representing the Hebrew noun **קָרְבָּן**. Along with this inscription is a carved depiction of two birdlike figures, suggesting some connection with the offering of two doves or pigeons (Lev 12:8). The vessel's inscription and its discovery along with coins indicate that its use was similar to the practice debated in the following passage from the Mishnah:

Any coins that are found are deemed unconsecrated, even if it was a golden denar found with silver coins. If a potsherd was found with them and on it was written 'Tithe,' they must be deemed (Second) Tithe (redemption money). If a man found a vessel and on it was written "*Korban*," R. Judah says: If it was of earthenware the vessel is to be deemed unconsecrated but its contents *Korban*; and if it was of metal it is to be deemed *Korban* but its contents unconsecrated. They said to him: It is not the way of men to put what is unconsecrated into what is *Korban* (*m. Ma'aser Sheni* 4:9-10).<sup>19</sup>

The second discovery is an ossuary found southeast of Jerusalem.<sup>20</sup> On the ossuary lid, written in a Herodian script from the end of the first century BCE, is the Aramaic inscription: **כל די אנש מתהנה בחלתט דה קרבן אלה מן דבגוה** ("Everything that a man will find to his profit in this ossuary (is) an offering to God from the one within it)."<sup>21</sup> According to Milik, **קרבן** is used as a malediction or imprecation toward others.<sup>22</sup> Fitzmyer claims the term still means "offering," but is used here as "a warning that whatever of value is in the ossuary

<sup>18</sup> B. Mazar, "The Excavations South and West of the Temple Mount in Jerusalem: The Herodian Period," *Biblical Archaeologist* 33 (1970) 55.

<sup>19</sup> H. Danby, *The Mishnah* (Oxford: Oxford University Press, 1933).

<sup>20</sup> J. Milik, "Trois tombeaux juifs récemment découverts au Sud-Est de Jerusalem," *Studii Biblici Franciscani Liber Annuus* 7 (1956-1957) 232-39; J. A. Fitzmyer, "The Aramaic Qorban Inscription from Jebel Hallet et- Turi and Mark 7.11 /Matt 15.5," *JBL* 78 (1959) 60,-65. See also J. A. Fitzmyer and D. J. Harrington, *A Manual of Palestinian Aramaic Texts* (Rome: Biblical Institute, 1978) 168-69,222-23.

<sup>21</sup> Fitzmyer and Harrington, *A Manual of Palestinian Aramaic Texts*, 168-69.

<sup>22</sup> Milik, "Trois tombeaux juifs," 235, 238, 239.

has been dedicated to God and is not intended for any profane use."<sup>23</sup>

Significantly, the tenn **ܐܘܢܐ** did not transfer the ossuary or its contents to the temple. Rather, this vow formula was used simply to declare something to be sacred and thus prohibit others from using it or obtaining benefit from it in any way.

#### VII. The New Testament

The practice of vowing is not common in the NT.<sup>24</sup> The verb **ܐܘܢܐ** is not used meaning "vow," but only "pray" or "wish" (Acts 26:29; 27:29; Rom 9:3; 2 Cor 13:7, 9; Jas 5: 16; 3 John 2). The noun **ܐܘܢܐ** is used once meaning "prayer" (Jas 5:15) and twice meaning "vow" (Acts 18: 18; 21:23).<sup>25</sup> References to oaths are more common. The noun **ܐܘܢܐ**, "oath," occurs ten times, and the verb **ܐܘܢܐ**, "swear, take an oath," occurs twenty-six times.<sup>26</sup> Most significantly, with the exception of oaths made by God or an angel, swearing of oaths is always portrayed in the NT as an undesirable act. Other significant terms include **ܐܘܢܐ** ("anything dedicated, a curse") and **ܐܘܢܐܘܢܐ** ("curse, bind with an oath").<sup>27</sup>

The one clear NT example of a negative vow forbidding the use of something by others is in Matt 15:3-6 and Mark 7:9-13. Here Jesus speaks to some Pharisees about a conflict between their oral tradition and the Scriptures. The key sentence occurs in Matt 15:5 and Mark 7:11-12. It describes a practice by which a son could make a vow prohibiting his parents from receiving any benefit from him, thus exempting him from honoring them with material support. This violated not only the commandment to honor one's parents (Exod 20:12; Deut 5:16) but also the commandment not to speak evil of one's parents (Exod 21:17; Lev 20:9). According to both Matthew and Mark, Jesus accused the Pharisees of upholding the validity of such a vow that would prevent a person from doing anything for his parents.

<sup>23</sup> Fitzmyer and Harrington, *A Manual of Palestinian Aramaic Texts*, 222.

<sup>24</sup> The Greek text used for this study is *The Greek New Testament* (4th ed., B. Aland, K. Aland, J. Karavidopolous, C. Martini, and B. Metzger; Stuttgart: Deutsche Bibelgesellschaft, 1993). English quotations are from *The New Oxford Annotated Bible with the Apocryphal Deuterocanonical Books: New Revised Standard Version*, ed. B. Metzger and R. Murphy (New York: Oxford University Press, 1991).

<sup>25</sup> BAGD, Lexicon, 329.

<sup>26</sup> BAGD, Lexicon, 565,566,581. See also: **ܐܘܢܐܘܢܐ**, "cause someone to swear"; **ܐܘܢܐܘܢܐܘܢܐ** "charge under oath"; and **ܐܘܢܐܘܢܐܘܢܐ**, "cause someone to swear"; **ܐܘܢܐܘܢܐܘܢܐܘܢܐ**, "oath, taking an oath."

<sup>27</sup> LSJM, *Lexicon*, 104-5; BAGD, *Lexicon*, 54. See Acts 23:12; Rom 9:3.

Matt 15:3-6

- 3) He answered them, "And why do you break the commandment of God for the sake of your tradition?"
- 4) For God said, 'Honor your father and your mother,' and 'Whoever speaks evil of father or mother must surely die.'
- 5) But you say that whoever tells father or mother, 'Whatever support you might have had from me is given to God,' then that person need not honor the father.
- 6) So, for the sake of your tradition, you make void the word of God."

Mark 7:9-13

- 9) Then he said to them, "You have a fine way of rejecting the commandment of God in order to keep your tradition!"
- 10) For Moses said, 'Honor your father and your mother,' and 'Whoever speaks evil of father or mother must surely die.'
- 11) But you say that if anyone tells father or mother, 'Whatever support you might have had from me is Corban' (that is, an offering to God)--
- 12) then you no longer permit doing anything for a father or mother,
- 13) thus making void the word of God through your tradition that you have handed on. And you do many things like this."

According to Mark 7:11, the vow was introduced by the formula "Whatever support you might have had from me is Corban." The term **korban** is simply a transliteration of the Hebrew קָרְבָּן or the Aramaic קָלְרָבָן. Mark explains this term with the clause **olestin dwfon**, "that is, an offering to God."<sup>28</sup> Matthew simply has the translation **dwfon**. Thus קָרְבָּן or קָלְרָבָן was understood in the first century CE to mean "gift, offering" while also functioning as a technical term in a vow formula that prohibited others from deriving benefit from that which was dedicated.

Scholars are divided over whether a vow formula like the one preserved in Mark 7: 11 actually dedicated the designated object to the temple or simply declared the object to have the status of consecrated property as far as certain individuals were concerned.<sup>29</sup> Derrett has argued that the person who made the vow could not continue to use the property, but was required to give the property

<sup>28</sup> BAGD, *Lexicon*, 210-11.

<sup>29</sup> S. Zeitlin, "Karban," *Jewish Quarterly Review* 33 (1962) 160-63; G. W. Buchanan, "Some Vow and Oath Formulas in the New Testament," *HTR* 58 (1965) 319-26.

or its value to the Temple.<sup>30</sup> However, Derrett's argument is based entirely on later rabbinic rulings concerning vows of valuation and does not consider earlier evidence.

In an age when the Temple still stood, the formula may well have been used to dedicate property that would subsequently be given as an offering to God. Yet the previous evidence examined in this study suggests that the formula was also used to prohibit others from using something by declaring it consecrated as far as they were concerned. The person who made the vow could retain possession of the property as before, and only those toward whom the vow had been directed could have no further use of it. Still, the effectiveness of this vow was based on the belief that such a declaration gave objects consecrated status, even if only with limited application.<sup>31</sup>

However, would the Pharisees actually have upheld a vow that violated the Law of Moses? For scholars such as E. P. Sanders, this would not have been possible. At least not as it is portrayed in the Gospels. According to Sanders, even if some odd Pharisee may have done this at some time, the Pharisees as a whole were not guilty of teaching people to act in this way. Instead, according to Sanders, most Pharisees would have condemned the practice just as Jesus did. Thus the story preserved by Matthew and Mark must be considered part of the anti-Jewish or anti-Pharisaical polemic of the early church and not dependable evidence for an accepted practice within the tradition of the Pharisees in the first-century CE.<sup>32</sup>

In response to Sanders, it must be pointed out that his claim is based on the presupposition that the teaching of the Pharisees is preserved in later rabbinic texts. However, the tradition passed on by the Pharisees was not identical with that of the later rabbis, but underwent considerable development? One area in which such development occurred was the tradition concerning vows. As Saul Lieberman has shown, the practice of making all kinds of oaths and vows

<sup>30</sup> J. D. M. Derrett, "**KORBAN, O ESTIN DWRON**" *NTS* 16 (1970) 364-68.

<sup>31</sup> J. Hart, "Corban," *Jewish Quarterly Review* 19 (1907) 615-50; H. Strack and P. Billerbeck, *Kommentar zum neuen Testament aus Talmud und Midrasch* (4 vols.; Munich: C. H. Beck, 1922-1928), vol. 1: *Das Evangelium nach Matthaus*, 711-17; Z. Falk, "On Talmudic Vows," *HTR* 59 (1966) 310; K. Rengstorf, "**korban, korbanaj**," *TDNT* 3:862-63.

<sup>32</sup> E. P. Sanders, *Jewish Law from Jesus to the Mishnah* (Philadelphia: Trinity Press International, 1990) 55-57; idem, *The Historical Figure of Jesus* (New York: Penguin, 1993) 218-19.

<sup>33</sup> J. Neusner, *The Rabbinic Traditions about the Pharisees before 70* (3 vols.; Leiden: E. J. Brill, 1970); E. Schärer, *The History of the Jewish People in the Age of Jesus Christ* (rev. and ed. G. Vermes et al.; 3 vols.; Edinburgh: T&T Clark, 1973-1987) 2:381-403.

presented a constant challenge to rabbis in the formative period of Judaism.<sup>34</sup> Albert Baumgarten has argued very convincingly that the Pharisees of the first-century CE probably taught that only a limited number of vows could be released and that they probably would have required a son to fulfill a vow even like the one recorded in the Gospels.<sup>35</sup>

The vow described by Jesus may have been due to anger, selfishness, or even misguided religious zeal. However, to uphold the sacredness of vows, the Pharisees were apparently bound by oral tradition to enforce and not annul such avow.

#### VIII. Josephus

The writings of the Jewish author Josephus contain two passages that include **korban**, a transliteration of either the Hebrew noun קָרְבָן or the Aramaic noun קֶרְבָן similar to Mark 7:11.<sup>36</sup> In *Antiquities* 4.73, Josephus says that the term **korban** was used as a vow by those who declared themselves a "gift," **dwfon**, for God, apparently referring to the vow of valuation (Lev 27:1-33). In *Against Apion* 1.167, he reports that according to Theophrastus the use of **korban** as an "oath" (**ofkoj**) was forbidden by the people of Tyre. Josephus then comments: "Now this oath will be found in no other nation except the Jews, and, translated from the Hebrew, one may interpret it as meaning 'God's gift.'" Josephus's translation "God's gift," **dwfon qeou?** confirms that the idea of an offering or consecration of something to God was still behind the formulaic use of the term in the first century CE.

#### IX. The Mishnah

The Mishnah treats oaths and vows at length.<sup>37</sup> Although primarily informative regarding the time of its completion around 200 CE, the Mishnah also provides some insight into earlier development of Jewish law. The rulings on vows before 70 CE dealt with the invalid nature of vows made in error or under constraint. From 70-140CE, general principles for abrogating vows were

<sup>34</sup> S. Lieberman, *Greek in Jewish Palestine: Studies in the Life and Manners of Jewish Palestine in II-IV Centuries C. E.* (New York: Jewish Theological Seminary of America, 1942) 115-43.

<sup>35</sup> A. Baumgarten, "Korban and the Pharisaic *Paradosis*," *Journal of the Ancient Near Eastern Society* 16 (1984) 5-17.

<sup>36</sup> The Greek text and English translation used for this study are from Josephus (Thackeray, LCL).

<sup>37</sup> The Hebrew/Aramaic text of the Mishnah used for this study is *Shishah Sidrei Mishnah* (ed. C. Albeck; 6 vols.; Tel Aviv: Dvir, 1959), with comparison of *Mishnavoth* (2d ed.; ed. P. Blackman; 7 vols.; New York: Judaica, 1963-1964). English quotations are from the *Mishnah* (ed. H. Danby; Oxford: Oxford University Press, 1933).

worked out. After 140 CE, the language of vows was subjected to greater clarification. The general trend was to restrict frivolous vows and to annul unacceptable ones.<sup>38</sup>

The main treatment of oaths is found in tractate *Sebu'oth* ("Oaths").<sup>39</sup> The most extensive treatment of vows is found in tractates *Nazir* ("Nazirite Vow"), *'Arakin* ("Vows of Valuation"), and especially *Nedarim* ("Vows").<sup>40</sup> According to Neusner, the predominate concern of the tractate *Nedarim* is "the power of a person to affect his or her concrete and material relationships with other people through invoking the name of heaven."<sup>41</sup> In this tractate, the rabbis attempt to regulate the practice of vowing, to prevent improper vows, and to provide for release from harmful or unjust vows because "vows will be taken primarily under emotional duress and express impatience and frustration. They are not predictable and never follow upon a period of sober reflection."<sup>42</sup>

The passages in the Mishnah of primary interest for this study are those that deal with negative vows, or vows of abstinence or prohibition. Many of these passages use *קָרַבְתָּ*.<sup>43</sup> Even more frequent is the euphemism *קָרַבְתָּ*.<sup>44</sup> The following passages from the Mishnah are significant because they include the use of these terms in negative vows, or vows of abstinence intended to prohibit the use of something by someone other than the person who made the vow:

(If a man said to his fellow,) "May I be to thee as a thing that is banned!" he against whom the vow is made is forbidden (to have any benefit from him); (if he said,) "Be thou to me as a thing that is banned!" he that makes the vow is forbidden (to have any benefit from the other); (if he said,) "May I be to thee and thou to me (as a thing that is banned)," then each is forbidden (to have any benefit from the other). (m. *Nedarim* 5:4)

<sup>38</sup> J. Neusner, *Judaism: The Evidence of the Mishnah* (Chicago: University of Chicago Press, 1981) 59, 61, 93.

<sup>39</sup> See also m. *Seqal*. 2: 1; m. *Ketub*. 8:5; 9:2; 10:5; 13:1-4; m. *Ned*. 1:1,2; 2:1, 2, 3; 3:4; m. *Git*. 4:3; 5:3, 4; m. *Kidd*. 1:5; m. *B. Qam*. 9:5; 10:3; m. *Baba Mezi'a* 1:1,2; 3:1, 2; 4:7; 6:8; 7:8; 8:2; 9:12; m. *Sanh*. 3:2.

<sup>40</sup> See also m. *Sebu*. 9:7; m. *Ter*. 1:3; m. *Hal*. 1:2; m. *Sabb*. 24:5; m. *'Erub*. 3:1; m. *Meg*. 1:6,7; m. *Mo'ed Qat*. 3:1,2; m. *Hag*. 1:8; m. *Yebam*. 2:10; 13:13; m. *Ketub*. 7:6; m. *Git* 4.-3; m. *Qidd*. 2:5; m. *Sanh*. 3:2; 7:6; m. *Menalz*. 12:2; m. *Hul*. 8:1; m. *'Arak* 5:1; m. *Nid*. 5 :6.

<sup>41</sup> Jacob Neusner, *Nedarim, Nazir*, vol. 3, *A History of the Mishnaic Law of Women* (5 vols.; Leiden: Brill, 1980) 4.

<sup>42</sup> Neusner, *Nedarim, Nazir*, 5.

<sup>43</sup> m. *Nedarim* 1 :2-4; 2:2, 5; 9:7; 11 :5; m. *Nazir* 2: 1-3; m. *Ma 'aser Sheni* 4: 10.

<sup>44</sup> m. *Nedarim* 1:2, 4; 2:1-2, 5; 3:1-4, 11; 4:6; 5:3; 6:1-4,7, 10; 7:3, 6-8; 9:2-3, 7-10; 11:1-4,6, 11; m. *Gittin* 4:7; m. *Baba Kamma* 9:10; m. *Sebu 'oth* 3:4.

If a man was forbidden by vow to have any benefit from his fellow, and he had naught to eat, his fellow may give (the food) to another as a gift, and the first is permitted to use it. It once happened that a man at Beth Horon, whose father was forbidden by vow to have any benefit from him, was giving his son in marriage, and he said to his fellow, "The courtyard and the banquet are given to thee as a gift, but they are thine only that my father may come and eat with us at the banquet." His fellow, said, "If they are mine, they are dedicated to Heaven." The other answered, "I did not give thee what is mine that thou shouldst dedicate it to Heaven." His fellow said, "Thou didst give me what is thine only that thou and thy father might eat and drink and be reconciled one with the other, and that the sin should rest on his head!" (*m. Nedarim* 5:6)

So, too, if a man said to his fellow, "Konam be the benefit thou hast from me if thou come not and give my son a kor of wheat and two jars of wine!" R. Meir says: The vow is binding until he gives (him them). But the Sages say: He, too, may break his vow without recourse to a Sage, and he can say to his fellow, "Lo, it is as though I had already received them." (*m. Nedarim* 8:7)

R. Ehezer says: They may open for men the way (to repentance) by reason of the honour due to father and mother. But the Sages forbid it. R. Zadok said: Rather than open the way for a man by reason of the honour due to father and mother, they should open the way for him by reason of the honour due to God; but if so, there could be no vows. But the Sages agree with R. Eliezer that in a matter between a man and his father and mother, the way may be opened to him by reason of the honour due to his father and mother. (*m. Nedarim* 9:1)

If a man said to his son, "Konam be any benefit thou hast of mine!" and he died, the son may inherit from him; (but if moreover he said) "both during my life and at my death!" when he dies the son may not inherit from him and he must restore (what he had received from his father at any time) to the father's sons or brothers; and if he has naught (wherewith to repay) he must borrow, and the creditors come and exact payment. (*m. Baba Kamma* 9:10)

The preceding passages demonstrate that at the time of the Mishnah negative vows could affect other people, even spouses, parents, or children. Some vows were declared with the intent of denying benefit to others. The most significant texts are *m. Ned.* 9:1 and *m. B. Qamma.* 9:10. In *m. Ned.* 9:1, in spite of debate, the Sages agreed "in a matter between one and his father and his mother," a son could be released from a vow "by reason of the honor due to his father and his mother." A vow such as that described in Mark 7:11 was a vow that could be annulled. This is a change from the situation in Mark 7:12, where Jewish teachers would not permit one who made such a vow to do anything for his parents. And in *m. Baba Kamma* 9:10, it is the *father* who declares קונא any benefit that his son might have from him. It was possible for a son to vow away obligations toward his parents, but the rabbis of the Mishnah would declare such a vow voidable. As Z. W. Falk observed, "had the son approached them, they

would have taught him to annul his vow and abide by the rules of filial duty."<sup>45</sup> Still, the Mishnah considers rules of release from vows to "hover in the air and have naught to support them" (*m. Hagigah* 1:8).<sup>46</sup>

Sometimes, he says, when money-lenders fell in with stubborn debtors who were able but not willing to pay their debts, they consecrated what was due to the account of the poor, for whom money was cast into the treasury by each of those who wished to give a portion of their goods to the poor according to their ability. They, therefore, said sometimes to their debtors in their own tongue, "That which you owe to me is Corban," that is, a gift, "for I have consecrated it to the poor, to the account of piety towards God." Then the debtor, as no longer in debt to men but to God and to piety towards God, was shut up, as it were, even though unwilling, to payment of the debt, no longer to the money-lender, but now to God for the account of the poor, in the name of the money-lender. (*Commentary on Matthew* 11:9)

### X. The Yerushalmi

The Yerushalmi, also known as the Palestinian Talmud or Talmud of the Land of Israel, is the next significant source for this study.<sup>47</sup> Completed around 400 CE, it contains a systematic exegesis of thirty-nine of the Mishnah's sixty-two tractates.<sup>48</sup> The Yerushalmi contains numerous stories concerning the sages and how they found grounds for absolving vows. Some passages speak of oaths

<sup>45</sup> Falk, "On Talmudic Vows," 311.

<sup>46</sup> Origen was a contemporary of the Mishnah's redactors and appears to have had firsthand knowledge about Jewish teaching of the time. For information on Origen and his knowledge of Judaism, see J. Danidion, *Origen* (New York: Sheed and Ward, 1955); C. Kannengiesser and W. L. Petersen, eds., *Origen of Alexandria: His World and His Legacy* (Notre Dame: Notre Dame University Press, 1988); H. Crouzet, *Origen* (San Francisco: Harper and Row, 1989). Origen preserves the following explanation of **korban**, which he learned from a Jew. The translation is from A. Roberts and J. Donaldson, *The Ante-Nicene Fathers* (rev. A. C. Coxe, 10 vols.; Grand Rapids: Eerdmans, 1980-1983).

<sup>47</sup> The Hebrew/Aramaic text of the Yerushalmi used for this study is from *Talmud Yerushalmi*, (7 vols.; New York: M. P., 1976). English quotations are taken from J. Neusner, ed., *The Talmud of the Land of Israel* (35 vols.; Chicago: University of Chicago Press, 1982-1986). There were other compilations of Jewish law produced between the Mishnah and Yerushalmi. The work *m. Aboth*, compiled around 250 CE, contains only two brief references to vows (3:14; 4:18), neither of which concerns negative vows. The Tosefta, compiled around 300 CE, omits much of the Mishnah's discussion of negative vows, especially expletive vows. Of the Mishnaic texts discussed previously, the Tosefta does not include *m. Nedarim* 5:6 and 9:1 and includes only a small portion of *m. Nedarim* 8:7.

<sup>48</sup> J. Neusner, *Judaism in Society: The Evidence of the Yerushalmi* (Chicago: University of Chicago Press, 1983), x-xi; idem, *The Oral Torah: The Sacred Books of Judaism* (San Francisco: Harper & Row, 1986) 73.

and vows interchangeably (*y. Ned. I: I VI; 5:4 IV; 9: I V*). Other passages distinguish oaths from vows by claiming that only vows were capable of being absolved by the rabbis (*y. Ned. 11:111*). According to Jacob Neusner, what is important is that "in its account of the public conduct of the rabbi, the Talmud provides ample evidence that rabbis found grounds for absolution of vows and told people about them."<sup>49</sup>

The Yerushalmi discusses *m. Ned. 5:4; 5:6; and 8:7*, but it provides no additional information. It treats *m. Ned. 9:1* more thoroughly, including some material found only herein rabbinic literature. In particular, *y. Ned. 9:1 I-IV* contains various rulings on the proper grounds for release from vows. Immediately afterward *y. Ned 9:1* in attempts to explain what the rabbis of the Mishnah must have meant in *m. Ned. 9: I* in the matter between a son and his parents:

How shall we interpret the matter? If he says, "Benefit deriving from me is forbidden to father," then we must invoke that which was said by R. Jacob bar Aha, R. Samuel bar Nahman in the name of R. Jonathan: "They force the son to provide maintenance for the father." But thus we must interpret the matter: It is a case in which he has said, "Benefit deriving from father is prohibited to me."

The rabbis of the Yerushalmi record an interpretation that the son had made a vow forbidding his father from receiving "benefit" (הַנִּיּוֹן), the financial support due to his parents.<sup>50</sup> But they conclude this could not be the correct meaning of the Mishnah. The command to "honor" one's parents was sufficient reason to absolve the vow and force the son to provide for his father. Therefore, they explain the text to mean that the son had vowed not to receive any benefit from his father.

### XI. The Bavli

The Bavli, also called the Babylonian Talmud, dates from 500-600 CE.<sup>51</sup> Like the Yerushalmi, the Bavli provides an exposition of over half the Mishnah. In addition to organizing the work around the structure of the Mishnah, the compilers of the Bavli produced a synthesis of all rabbinic literature, drawing on previous Mishnah exegesis in the Tosefta, the Yerushalmi, and previous Scripture exegesis in the various midrashim. All this material was selectively shaped into the "classical statement" of rabbinic Judaism.<sup>52</sup> As Louis Jacobs has

<sup>49</sup> Neusner, *Judaism in Society*, 169-70.

<sup>50</sup> Jastrow, *Dictionary*, 357-58.

<sup>51</sup> The text and translation of the Bavli used for this study is from I. Epstein, ed., *Hebrew-English Edition of the Babylonian Talmud* (London: Soncino, 1962-).

<sup>52</sup> J. Neusner, *Judaism: The Classical Statement, The Evidence of the Bavli* (Chicago: University of Chicago Press, 1986) 4-46, 114, 211-40.

observed, "the compilers were creative artists, reshaping all the earlier material to produce a literary work."<sup>53</sup>

The Bavli shows significant developments in rabbinic attitudes toward vows. These include emphasis on fulfilling all binding vows, opposition to vow taking in general, and increased efforts to find ways of releasing people from improper vows. In *b. Shabbath* 32b the rabbis say failure to fulfill a vow can result in the death of one's wife and children.<sup>54</sup> In *b. Ta'anith* 4a the rabbis criticize the vow of Jephthah (Judg 11:30-40) and link it with worship of Baal.<sup>55</sup> In dealing with annulling vows, *b. Yebamoth* states: "R. Nathan said 'If a man makes a vow it is as if he has built a high place and if he fulfills it, it is as if he has offered up a sacrifice upon it.'"<sup>56</sup> After quoting the biblical injunction on vows in Eccl 5:4, *b. Hullin* 2a says: "And it has been taught: Better than both is he who does not vow at all; this is the opinion of R. Meir. R. Judah says, Better than both is he who vows and pays."<sup>57</sup>

As in the Mishnah and Yerushalmi, the most extensive treatment of vows in the Bavli is *Nedarim* ("Vows"). Here the Bavli intensifies its opposition to vows, offers examples of rabbis granting release from vows, but demands fulfillment of binding vows. Numerous passages repeat that any vow that appears to violate biblical commands must not really violate them or must be annulled (*b. Nedarim* 13b; 14a; 15a; 15b; 16a; 16b; 17a; et al.). The practice of taking vows is discouraged: "Never make a practice of vowing, for ultimately you will trespass in the matter of oaths" (*b. Nedarim* 20a). Occasionally, rulings attempt to save the practice from condemnation (*b. Nedarim* 21b). However, in general, vowing is seen as undesirable, as the rabbis once told a man who sought release from a vow: "Go and pray for mercy, for you have sinned. For R. Dimi, the brother of R. Safra, learnt: He who vows, even though he fulfills it, is designated a sinner" (*b. Nedarim* 77b).

<sup>53</sup> L. Jacobs, *The Talmudic Argument: A Study in Talmudic Reasoning and Methodology* (Cambridge: Cambridge University Press, 1984) 20.

<sup>54</sup> Similar warnings concerning vows are found in *Leviticus Rabbah* 37:1, where a man's unfulfilled vows result in idolatry, fornication, and bloodshed, including the death of his wife and himself. Also *Genesis Rabbah* 81:1 explains that when a man delays to fulfill his vow, God examines his ledger.

<sup>55</sup> A similar disapproval occurs in *Genesis Rabbah* 60:3 and *Leviticus Rabbah* 37:4, where it is emphasized that Jephthah should have obtained release from his vow by appealing to Phineas.

<sup>56</sup> Opposition to vows was so strong that sayings attributed to the rabbis in *Leviticus Rabbah* 37:2-3 state that whoever takes a vow and whoever annuls a vow deserve to be stabbed with a sword. Still, anyone who makes a vow is urged to go to a rabbi and beg "for release. See also *b. Nedarim* 22a. ,

<sup>57</sup> See also *b. Nedarim* 9a; *Leviticus Rabbah* 37:1.

The passages of the Mishnah concerning negative vows of prohibition that affect others are not at all important for the compilers of the Bavli. For example, the Bavli's treatment of *m. Nedarim* 9:1 in *b. Nedarim* 64a-65a lacks the discussion that is found in *y. Nedarim* 9: I V A-B. The rabbis of the Yerushalmi concluded that the Mishnah could not have meant that a son could make a vow forbidding him from supporting his parents, but they did record the earlier view that it could happen. The rabbis of the Bavli omit all discussion of this issue. The issue had been settled, and it was no longer even a faint memory that a person seeking to live as a faithful Jew could vow away the fifth commandment.

## XII. Conclusion

A major issue in the development of Jewish law concerning vows is the possible conflict between keeping a vow and keeping the commandments of the written Torah. Evidence from the Hebrew Bible, Qumran, Philo, and archaeological information indicates that prior to the first century AD negative vows that affected others were already being made. Mark 7:9-13 shows that, in the first century CE, a son could make a vow using the term *qorban* and prohibit his parents from receiving support from him. Even though such a vow violated the fifth commandment, some Jewish teachers upheld such a vow, perhaps because of the biblical teaching on the inviolability of vows. The NT and Josephus indicate that the use of the term *qorban* as a vow formula was still associated with the idea of an offering. Later the Mishnah set forth rulings making such a vow clearly voidable because of the honor due to one's parents. For rabbis of the Yerushalmi, the practice was understandable, though rejected. By the time of the Bavli, the rabbis did not contemplate it, for one could no longer vow away the fifth commandment.

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