

Classification of Oaths (Shevuot)

Ref: *Sefer Haflaah, Hilchot Shevuot, Chapters 1 and 11*

4 Types of oaths

- *Shvuat Bituy* (Oath of Expression)



Not to swear in G-d's name falsely¹

If a person takes an oath and falsely declares one of the following, he has taken a *shvuat bituy*.

- That an event occurred in the past
- That an event did not occur in the past
- That he will do something in the future
- That he will not do something in the future

Punishment, if done wilfully, is *malkot* (lashes).

Even though speech is not regarded as a deed, this is an exception where *malkot* are still given.

Same reason for *malkot* for a *shvuat shav* (following).

If inadvertent, he needs to bring an *oleh veyored* sacrifice (adjustable according to wealth) – Sin Offering.

Reminder:

Asham Oleh Veyored for Inadvertent Transgression (*Shogeg*).

Ref: *Sefer Korbanot, Hilchot Shegagot, Chapter 10*



Pack on Punishment for *Sefer Haflaah*



Oleh Veyored for Inadvertent Transgression (*Shogeg*)

Ref: *Sefer Korbanot, Hilchot Shegagot, Chapter 10*

	<i>Yoledet</i>	<i>Tzaraat</i>	<i>Shvuat Haedut</i> (whether accidentally or intentionally)	<i>Shvuat Bituy</i> (accidentally)	<i>Tamei</i> and eats consecrated food (accidentally)	<i>Tamei</i> and enters Temple (accidentally)
Sacrifices if wealthy	1 sheep in 1st year • <i>Olah</i> + 1 dove / turtledove • - <i>Chatat</i>	3 animals • 1 sheep as <i>Olah</i> • 1 sheep as <i>Asham</i> • 1 ewe as <i>Chatat</i>	1 ewe / she goat	1 Ewe / she goat	1 Ewe / she goat	1 Ewe / she goat

Sacrifices if not wealthy	2 doves / Turtledoves • 1 Olah • 1 Chatat	2 doves / Turtledoves • 1 Olah • 1 Chatat 1 sheep Asham	2 doves / Turtledoves • 1 Olah • 1 Chatat	2 doves / Turtledoves • 1 Olah • 1 Chatat	2 doves / Turtledoves • 1 Olah • 1 Chatat	2 doves / Turtledoves • 1 Olah • 1 Chatat
Poor			1/10 ephah flour Minchat Chotei	1/10 ephah flour Minchat Chotei	1/10 ephah flour Minchat Chotei	1/10 ephah flour Minchat Chotei
Explicit mention in Torah	Yes	Yes	Yes	Yes	 Mipi Hashmuah	 Mipi Hashmua
King and anointed Priest	N/A	N/A	Same as above	Same as above	Same as above	Same as above

Reminder:

Pack on *Korbanot* (Sacrifices)



• *Shvuat Shav* (Oath taken in Vain)



Not to take G-d's name in Vain²

Examples

- Took oath on a known matter and said the opposite e.g. said a man was a woman
- Took oath on a known matter e.g. said the sky is the sky
- Took oath to nullify a *mitzvah* e.g. took oath not to put on *tefillin*
- Took oath on something he was unable to perform e.g. said he would fast for seven days

Punishment, if wilful, is *malkot*.

If inadvertent, he is exempt.

• *Shvuat Hapikadon* (Oath regarding an Entrusted Object)



Not to deny having received an Entrusted Object³

Punishment, if wilful or inadvertent, is to pay the principal (plus 1/5 if he admits) and to bring an *Asham Vaday* (Definite Guilt Offering).

Reminder:

Definition of Watchmen, Borrowers etc.

Ref: *Sefer Mishpatim, Hilchot Sechirut*, Chapter 1 and 2.

Shvuat Hashomrim. Ref: *Sefer Mishpatim, Hilchot Sheelah Upikadon*, Chapter 6.

Gnevah (Theft) Liability Ref: *Sefer Nezikin, Hilchot Gnevah*, Chapter 1, 2.

Aveda (Lost Articles). Ref: *Sefer Nezikin, Hilchot Gezelah Vaavedah*, Chapter 11, 12, 13.



Pack on Fines
Pack on *Korbanot* Basics
Pack on Finances

- *Shvuat Haedut* (Oath regarding Witnesses)

📖 | Not to swear falsely when denying financial obligations⁴

E.g. Witnesses know testimony about a monetary claim, but they take an oath denying this knowledge.

Punishment, whether wilful or inadvertent, is an adjustable *Offering* (*Oleh Veyored*).

🔔 **Reminder:**

Obligation to testify in Court. Ref: *Sefer Shoftim, Hilchot Edut*, Chapter 1
Edim Zomemim (Conspiring witnesses). Ref: *Sefer Shoftim, Hilchot Edut*, Chapter 20.
Pack on Witnesses



STATEMENTS AND INTENTIONS

When one takes one of the 4 oaths or answers *amen*, he is liable.

In general, the following factors must be in the place for an oath to be effective:

- Hashem's Name is mentioned – either Main Name or even His Descriptive Names
- Different terminologies for 'oath' are acceptable
- His words and intention (heart) must be the same

Even although intent carries weight, a person is not liable for an oath until he expresses it with his lips.

- Appending onto someone else's oath is unacceptable
- The intent of others can also carry weight

Oath can be retracted if it is verbally retracted within the time it takes to say '*Shalom alecha Rabbi*'.

There is also a positive *mitzvah*

📖 | To swear truly in His name⁵.

One is obligated to take a scriptural oath under **3** circumstances.

- *Shomer* (watchman) who claims article was lost, or stolen etc....
- *Modeh Bemiktzat* (admits liability for portion of movable property).
- *Ed echad* (one witness) and defendant denies liability of movable property.

acronym
of שמע

Shvuat Hadayanim – Oaths of judges

These are oaths which the judges ask litigants to take. They could be both Scriptural oaths or Rabbinic.

2 categories

- Oaths of a definite claim
– E.g. *Shvuat Sachir* (worker)
- Oaths of a doubtful nature

– E.g. *Shvuat Shutafin* (partners)

There is another oath issued by the judges - *shvuat hesset*. But this does not come into the category of *shvuat hadayanim*.

Procedure of taking *shvuat hadayanim*.

- Person taking oath holds a *Sefer Torah* (could also be *tefillin*).
- Stands up.
- Judges administer oath in language that can be understood.
- *Iyum* (admonition) if claim of definite nature only. Any language, however it has become the custom to administer in *lashon hakodesh*. He must understand though what he's saying.

There is a slightly different procedure for the *shvuat hesset*.

- Does not hold *Sefer Torah* (but an attendant does hold a *Sefer Torah*).
- It has become a custom to administer in *lashon hakodesh*, but as above can be said in any language. Here too, he must understand what he's saying.
- No admonition (*iyum*).

Iyum (admonition)


This is issued when taking *shvuat hadayanim* (Scriptural or Rabbinic) but it must be an oath of a definite nature. (Person taking *shvuat hadayanim* of a doubtful nature, need not be subject to an admonition.)

The admonition warns the one taking the oath, of the severity of taking a false oath i.e.

- The whole world trembled when Hashem told Mosheh this command.
- Normally punishment for a transgression is on person himself, but for false oath, the person, his family and whole of Israel could be punished ו"ן.
- Complete atonement cannot be achieved etc.

This admonition is not given for oaths of doubt or *shvuat hesset*. However, the judges must plead with the litigants to admit so as to avoid the taking of any oath whatsoever.

The best outcome would be that the defendant says, 'I will pay and not take oath', or the plaintiff says that he will forfeit his demands and defendant should be released.

 **Reminder:**
Pack on Oaths

