

Shvuot Comparison (for Disputes)

Ref: *Sefer Mishpatim, Hilchot Toen Venitan, Chapter 1*

SHVUOT

	<i>Deoraita</i> (Scriptural Oath – holding sacred object)	 <i>Derabanan</i> (Rabbinic holding sacred object)	 <i>Shvuat Hasset</i> (Entices defendant to admit) does not need to hold sacred object. Measure to benefit the plaintiff
Denies a part of claim of movable property	✓		
Total denial			✓
Total denial but one witness	✓		
Admits a part and gives it to claimant immediately (<i>helach</i>)			✓
Admits owing but claims it was settled			✓
Admits owing barley where claimant says wheat			✓
Employee claiming his wages		✓	
Injured person seeking compensation		✓	
Collecting remaining payment of promissory note		✓	
Differences between partners		✓	
Differences between owner and sharecropper		✓	
Can revert oath to plaintiff	x	x	✓ Because this oath is not as severe as the other oaths. But if there is <i>gilgul shvuah</i> involved, then cannot reverse.
<i>Gilgul shvuah</i> (inclusion of other items in main <i>shvuah</i>)	✓	✓	✓
If defendant feels that plaintiff is trying to extract money from him unfairly by making him take the oath which he is reluctant to do (because he understands the serious nature of an oath) he can issue a temporary <i>cherem</i> against plaintiff	✓	✓	✓
Defendant cannot take main oath and reject additional ones. He must take them all.	✓	✓	✓