



Rabbi Joseph Dweck | Senior Rabbi

הרב יוסף דוויך | רב הראשי

Touring the Talmud: Shebu'ot 18-24 (Shabbat Vayigash)

In our discussions thus far we have examined the nature of our various roles in life and how one might assume them. We discussed last week, the Torah's approach to inclusion and exclusion in society and groups. As the tractate (finally) begins to discuss the subject matter for which it is named (Shebu'ot - oaths) we explore the question of our interaction in society and how we define ourselves through speech. Speech as interaction and involvement is examined including specifically some principles that we glean from the Talmud's treatment of the issues regarding oaths, bonds and vows. We look at how and why we restrict or permit ourselves in our interactions with the world and in what way must we care for how we will commit to doing something in the future or verifying what we have done in the past. Finally, it explores what the problem is with breaking an oath that was made with nothing more than words. These questions and more are the underpinnings of our legal discussions this week. — RJD

Words are Things

“Words are things. You must be careful...They get on the walls. They get in your wallpaper. They get in your rugs, in your upholstery, and your clothes, and finally in to you.”

— Maya Angelou

Words are things. What we say about ourselves, our environment, our feelings and others affects what we do and how we think. When we speak we give birth to our thoughts and they take life. In Hebrew ‘word’ and ‘thing’ are both called דבר - *dabar*. It is when God spoke that Creation began.

We become aware of our thoughts and sensitivities best when we speak them out. Thoughts do not exist for us in the same manner that words do. One can hear and understand a language in one's mind but not be able to properly articulate it. We can comprehend an idea but find it difficult to explain. Words are more powerful than thoughts and because they are so potent their effects on us are enormous. When they can heal, withholding them is like keeping medicine from someone who is ill, and when they hurt they cut like daggers. Words mend hearts and break them.

There are those who speak like the thrusts of a sword, and the words of the wise ones heal. (Proverbs, 12:18)

We use the great power of words to define and tame the wide-open, miscellaneous nature of our world. The names we call things and the words we use to define them, all help sort the vast universe into a system that we can speak of, share and understand.

We also use words to tame ourselves. In the utter freedom of the human mind we suffer the fact that we cannot rely on ourselves without a great deal of rigour and work in self-mastery. We tend to initially believe that we will feel tomorrow (or an hour from now) as we do today only to be shocked at how, as the days pass, our minds and feelings can change to such a degree that sometimes we feel as though we become different people. In order to find consistency in the randomness of our own minds, at times we choose to use our words to create restrictions or commitments for ourselves in order to guide our actions and behaviours. We both self-



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limit and self-motivate with speech in order to hold ourselves accountable and disciplined so that we may build a self that we and others can rely on, a self that can maintain faithful interactions within society. But as freedom would have it, at times we also make oaths that are to our detriment. And even then, we are held to the reality that we create.

When a person utters an oath to bad or good purpose—whatever a man may utter in an oath...when he realises his guilt in any of these matters, he shall confess that wherein he has sinned. (Lev. 5:4)

To bad or good purpose: *To do bad or good to himself. As in saying 'I will or will not eat'. (Rashi, ibid.)*

The last five pages of our studies this week, which open the third chapter of our tractate, address the subject matter for which the tractate is named: *Shebu'ot* — oaths. Here we deal almost entirely with how one verbally articulates an oath and the difference that the specific utterance makes in how it obligates or binds us. We are to treat these words as realities and failing to do so is so serious that it requires atonement and rectification¹.

When he realises his guilt in any of these matters, he shall confess that wherein he has sinned. And he shall bring as his penalty to God, for the sin of which he is guilty, a female from the flock, sheep or goat, as a sin offering; and the priest shall make expiation on his behalf for his sin....(Lev. 5:5-6)

In a world filled with infinite possibilities and as human beings with broad, inherent liberties, few of our available paths lead us to viable ends. The words that we use to speak of ourselves and the world make all the difference. They can both save and condemn us. We therefore, are implored by Torah to strive to speak truth and to act as we speak, so that we may develop hearts and minds that see the world and our lives as they are and not as we wish them to be.

Keep far from falsehood! (Ex., 23:7)

You must fulfil what has crossed your lips and perform what you have voluntarily vowed to God your Lord, having made the promise with your own mouth. (Deut., 23:24)

¹ There are many modes of oath in Torah. A swear or *shebu'a* is special and more severe than other types because it is a mode of defining how we will relate to something as opposed to defining how an external object will relate to us. For example, if I say 'I swear I will not eat meat' I am making a *shebu'a*. If I say 'Meat is off limits' I am making a *neder*. With the former I am defining myself, with the latter, the meat. In many cases the outcome may be the same, but there are practical detailed differences that result from me being someone who doesn't eat meat as opposed to meat being something that is not for me to eat. The *shebu'a* is more severe in that it requires a sacrifice be brought in the Bet HaMikdash if done unwittingly (Rambam, *Shebu'ot*, 1:3) whilst one who transgresses a *neder* unwittingly is not culpable. It is for this reason that we find the respective tractates of *Nedarim* and *Shebu'ot* in different orders of the Mishna. *Nedarim* is found in the order dealing with marital laws (*Nashim*) while *Shebu'ot* is found in the tractate that deals with judicial systems and punishments (*Nezikin*). (See also Rambam, *Hilkhos Nedarim*, Ch. 3 for further differences)



We are encouraged to speak language that is holy:

Therefore impress these My words upon your very heart: bind them as a sign on your hand and let them serve as a symbol on your forehead, and teach them to your children...(Deut., 11:18-19)

Teach them to your children: When a child begins to speak, his father should speak to him in the holy language and teach him Torah....(Sifre, Ekeb 10)

Ribbi Yehuda HaNasi said:...Be as careful with a light commandment as with a weighty one... (Pirke Abot, 2:1)

And that he said: 'be careful with a commandment that one thinks is light' - like... the study of the Holy Language.... (Rambam, Commentary on Mishna, ibid.)

And to never speak language that is wicked or evil in nature:

There is a much more serious sin than [gossip]...One who speaks wicked language (Leshon Hara) is someone who sits and relates: 'This is what so and so has done;' 'His parents were such and such;' 'This is what I have heard about him,' telling disparaging things. Concerning this [transgression], the verse (Psalms 12:4) states: 'May God cut off all sly lips, the tongues which speak haughtily...' (Rambam, De'ot, 7:2)

The ante is raised the more emphatically real and severe we intend the words to be. If it is a vow² (נדיר) and we lie or make it in vain we receive lashes. If it is an oath (שבועה) that we break or make in vain we must atone with a sacrifice. If we speak the name of God in our oath, He does not forget...³

The Gemara asks: From where do we derive that one who takes a false oath is flogged? Rabbi Yohanan says in the name of Rabbi Shimon ben Yohai: The verse states: "You shall not take the name of the Lord your God in vain; for the Lord will not absolve of guilt he that takes His name in vain" (Exodus 20:7)...Now that it is written: "For God will not absolve of guilt," the verse teaches that it is the Lord Who will not absolve one who takes His name in vain....but the earthly court flogs him, and in doing so absolves him of guilt. (Daf 21)

Words are things. The ones we choose create our realities. One of the most important endeavours, therefore, of a human being is to spend time learning to speak in the way we can best express the truth. When we speak truth we fortify our lives with it. Those who live in lies fear such fortifications and in their fear attempt to destroy them. But true words stand strong and steadfast and they weather many storms of falsehood. True words abide and endure for all time.

² Technically a vow or *neder* applies to an external object, whereas an oath or *shebu'a* applies to oneself.

³ Cf. Daf 21a



Truthful speech abides forever, A lying tongue for but a moment. (Proverbs, 12:19)

When we speak the truth we draw from the breath of God within us Who blessed us with the gift of speech...

*And God The Lord, formed man from the dust of the earth. He blew into his nostrils the breath of life,
and the human became a living being. (Gen. 2:7)*

A living being: a speaking spirit. (Targum Onkelos, ibid.)

This gift enables us to create, build, encourage and heal, so that we might resemble and connect with He who spoke and created the Universe.

Shabbat Shalom,
Rabbi Joseph Dweck

Touring the Talmud: Shebu'ot 18-24 Summary/Outline

MISHNA

The case previously mentioned, of a person becoming impure within the Temple, is compared to a woman seeing (menstrual?) blood while her male counterpart is within.

Different opinions of what constitutes as awareness (as learned by each scholar from verses):

R"Eliezer: A person is guilty only if they forget that they have become impure by the carcass of a dead critter. If they forget the sanctity of the Temple while aware of their own impurity, they are not guilty.

R"Akiva: A person is guilty only if they forget that they have become impure. If they forget the sanctity of the Temple while aware of their own impurity, they are not guilty.

(Their point of contention is debated in the Gemara)

R"Yishmael: A person can be guilty either by forgetting their own impurity or by forgetting the sanctity of the Temple.

GEMARA

Daf 18

The Gemara puts forth that when comparing a person who becomes impure within the Temple to a woman, the mishna refers to a case where the male would be guilty for both exiting as well as entering.

- The Gemara identifies the specific case the Mishna must be talking about along with the knowledge of law and mental state of the male.



Proof is brought that our Mishna indeed refers to where the male would be guilty for both entrance and exit.

It is explained that in order not to be guilty in such a situation the man must wait until he goes limp in order to exit, so as to minimise his pleasure.

- There is discussion about as to whether a person would be exempt of punishment if he had illicit relations while 'limp'.

The verse from that teaches the prohibition of exiting a woman who saw blood during intercourse before going limp is identified.

- Various teachings are brought as to the timing and behaviour of a person while intimate with his wife.

The point of contention between R"E and R"A is debated:

- R"E requires that a person know by what type of impurity he became impure while to R"A it is not necessary
- They agree on the actual law, the way they each derive it from the verses is different.

Daf 19

The case of a person who forgets both his own impurity as well as the sanctity of the Temple is discussed (according to R"E and R"A who claim that forgetting the sanctity of the Temple does not make a person guilty).

A Berayta is quoted:

There are two paths, one that is pure and one that is not; it is unknown which is which.

<u>Berayta</u>	A person enters the Temple after walking on both paths.	A person walked on the first path, entered, became pure, walked on the second path and entered the Temple a second time.
Hakhamim	Brings a Sacrifice.	Brings a Sacrifice.
R"Shimon	Brings a Sacrifice.	Exempt.
R"Shimon ben Yehuda	Exempt.	Exempt.

The Gemara provides the reasoning for R"Shimon ben Yehuda in the first case and for Hakhamim in the second case (as the respective rulings are seemingly unfitting).

Both R"Yohanan and Reish Laqish bring reasons for Hakhamim's ruling in the second case. At a first glance, the arguments that they each bring are inconsistent with the rest of their respective rulings; they are harmonized.



CHAPTER 3

Daf 20

The opening Mishna regarding oaths is addressed here directly after having spent the bulk of the first two chapters dealing with the element of the mishna that addresses one's knowledge of impurity and interaction with the Temple.

Two types of oaths are addressed in this chapter. One called an 'oath of utterance' in which we swear to do something in the future that is good or bad for ourselves ('I will or will not eat'). We also look at an oath concerning something said in the past ('I did or did not eat').

We also look at specific ways an oath takes effect. For example, if I say that I will not eat something, does that presuppose a specific amount or does the oath automatically prohibit any amount of food. We also examine different expressions of an oath and what they are taken to mean given various contextual circumstances.

We also look at cases where oaths are made as 'attachments' to previous oaths and if and how they manifest.

MISHNA

When one violates an oath making one liable to bring a sliding-scale offering, there are two types that are actually four.

Two that are explicit in Torah: e.g. 'I will eat' or 'I will not eat'. (Indicating intent of future actions)
...which are expanded to two more (that are not explicit in Torah): e.g. 'I ate' or 'I did not eat' (Indicating veracity of past actions)

R Akiba adds that when one makes an oath not to eat it includes any amount (even less than the commonly used volume of an olive - *kazayit*). The Hakhamim question this assertion. To which R Akiba responds saying 'where else do we find someone liable to bring a sacrifice for something one said?!' (Indicating that this is a unique case all around).

GEMARA

- The Hakhamim examine whether when one says 'I will eat' always means that one will indeed eat. There are cases suggested in which it could actually mean the opposite depending on the context in which it was said.

The gemara also considers that one may say the opposite of what one means because of a slip of the tongue but does not see this as a common occurrence.

The Gemara then examines the legal and practical differences between an oath - שבועה, a bond - אסר, and a vow - נדר.

- Various possibilities are entertained regarding a bond. One approach is that it is a sort of 'attachment oath' in which I add on to an already existing oath further elements of restriction.
- Proofs are brought to the meanings of the respective types of oaths. What is considered an 'utterance' - מבטא and a bond - אסר.



- Considering that bonds are additional restrictions, they are examined as they would relate to oaths and vows respectively.

Rab Dimi arrived in Babylon reporting that R Yohanan had said the following in Erets Yisrael:

An oath that is made regarding future actions and then violated is a transgression of the verse in Torah which states: *'You shall not take an oath by My name falsely, so that you profane the name of your God; I am the Lord'*. (Lev., 19:12)

An oath that is made regarding past actions which is a lie is a transgression of the verse: *'You shall not take the name of the Lord your God in vain'*. (Ex., 20:7)

Furthermore, when one makes a vow in which he forbids an item [rendering it similar to an offering] and subsequently derives benefit from it violates the verse: *'When a man vows a vow to the Lord, or takes an oath to bind his soul with a bond, he shall not break his word'*. (Num., 30:3)

Upon hearing this report the gemara objects citing a *barayta* saying that oaths that are false (future tense) or in vain (past tense) are the same transgression!

Discussion continues in working out the discrepancy in R Yohanan's words and the gemara's quoted *barayta*.

Daf 21

The gemara focuses on detailing the differences both in nature and culpability between an oath that is false (שקר) and an oath that is in vain (שיא).

The statement of R Akiba in the Mishna regarding an oath that one will not eat is discussed: does it automatically include any amount (as R Akiba suggested) or is it assumed to be a minimum of the volume of an olive (Hakhamim)?

Daf 22

All aspects of the issue are carefully examined in full detail. (Among these is a sub-question as to whether if one were to make two separate oaths restricting two separate foods, and subsequently ate from both less than the minimum amount for culpability, do we combine them and hold him culpable?)

The gemara concludes that unless one specifically stated a particular amount the minimum amount one is culpable for eating is the volume of an olive. (which is not in accordance with the opinion of R Akiba).

The gemara considers the law regarding one who made an oath not to eat at all and subsequently eats dirt. Is he culpable or because what he ate was not food, he is exempt?

Further discussions regarding minimum amounts one is culpable for eating after having made an oath not to eat are discussed in various scenarios.



MISHNA

- If one made an oath not to eat and subsequently ate and drank is he culpable only for eating. If he specified in the oath eating and drinking and he ate and drank he is culpable for two transgressions.
- If one made an oath not to eat and subsequently ate bread made of wheat, and bread made of barley, and bread made of spelt, he is only culpable for one transgression.
- If he specified in the oath wheat bread, barley bread and spelt bread he is culpable for each transgression.
- If one made an oath not to drink and drank a large amount he is only culpable for one transgression.
- If he specified that he would not drink wine, oil, and honey he is culpable for drinking each.
- If one made an oath not to eat and ate or drank things that are not fit for consumption he is exempt. If one made an oath not to eat and ate items that are unkosher (prohibited in Torah such as insects, and animals that died or were improperly killed) he is culpable.
R Shimon disagrees and considers him exempt.
- If one says it is off-limits for my wife to derive benefit from me if I ate today and he had eaten unkosher animals his wife is prohibited from deriving benefit from him.

GEMARA

R Hiya bar Abin said in the name of Shemuel: If someone makes an oath not to eat and subsequently drinks, he is culpable.

Daf 23

This is proven both by logical argument and by citing a verse as a source.

The gemara challenges the proofs.

Raba points out that we can understand from the mishna itself that drinking is considered an aspect of eating. From the very fact that it questions whether one is culpable for two transgressions for eating and drinking after having made an oath that he will not eat: If we assumed drinking to be different from eating we wouldn't have asked the question in the first place!

Abaye Challenges this based on the end of the mishna. Raba answers.

The gemara delves further into the definition of drinking and eating.

- Concerning the section of the mishna dealing with making an oath restricting the different types of bread in which he is culpable for each type that he eats, the gemara questions that perhaps his meaning in detailing the types of bread in his oath was to indicate that he simply was including various different food items and thus should not be culpable on each one, but culpable only once for eating various food items. The gemara answers that since he specified 'bread' each time he was being quite specific and thus he is culpable for eating each one.



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Further examination of the language of the bread oath continues.

The gemara examines the mishna dealing with the oath made not to drink wine, oil and honey and compares and contrasts it to the oath made about the different breads and what it covers.

The gemara examines the mishna dealing with the oath that one will not eat and subsequently eats inedible items and the oath in which he specifies not eating unkosher animals and compares and contrasts the two cases.

Daf 24

Further discussion regarding prohibitions that are extant (by command of the Torah) and prohibitions that one imposes on oneself.

The question is raised as to whether one can restrict oneself with an oath what Torah has already prohibited to him. The various aspects of this question are examined in detail presenting important legal principles. The gemara qualifies the mishna saying that only when one has included permitted foods with the prohibited foods in his oath is he culpable⁴. Otherwise, he is exempt because we cannot prohibit what Torah has already prohibited and the oath is invalid and not binding.

⁴ R Shimon holds that even when permitted foods are included the person is exempt. Because we cannot form a more inclusive prohibition when there is a preexisting prohibition in place under any circumstances. Halakha does not follow R Shimon.