

Introduction to Tractate Shebu'ot

Shebu'ot covers two distinct topics: imparting uncleanness to the sanctuary and its Holy Things, and oaths. These subjects are joined by reason of the written Torah's formulation of such matters; the focus in the Scripture is on common penalties for diverse sins or crimes. *Shebu'ot* sets forth penalties remedied through sacrificial offerings, particularly the guilt-offering required in Lev 5–6. The principal occasion for a guilt-offering is the violation of an oath or a transgression against a bailment. Lev. 5: 1–6 addresses three matters; the oath of testimony, the case of one in the cult who touches what is unclean, and the rash oath. All require a guilt-offering. Lev. 6: 1–7 addresses atonement for bailments in which a false oath has been taken.

- I. The uncleanness of the cult and its holy things and the guilt-offering
 - A. General introduction
 - B. Uncleanness and the cult
- II. Oaths
 - A. Oaths in general
 - B. The rash oath, the vain oath
 - C. The oath of testimony
 - D. The oath of bailment
 - E. The oath imposed by judges
 - F. Oaths and bailments

Shebu'ot, the law of oaths, defines types of oaths and the counts, or charges, on which, in the taking of an oath that turns out to be false or that is violated, one incurs culpability. The first issue concerns the assessment of the divisibility: How many counts of guilt does one incur by the violation a single oath by multiple acts? The answer derives from a close reading of the language that is used in the oath itself. If the oath is partitive, treating each component (“wine, oil, and honey”) of the oath as distinct, one is culpable for each action in violation of one of the terms of the oath. If the language is inclusive, treating a variety of categories as a group (“many different beverages”), all actions related to the group fall into the same classification and are penalized under a single count.

From rules pertinent to all oaths, *Shebu'ot* moves on to subdivide oaths into four categories: rash oaths, vain oaths, oaths of testimony, and oaths of bailment. A separate category of oaths, those imposed by the judges as part of a court proceeding, is taken up in due course. These four principal types of oaths obviously fall into two distinct categories as well, the first two being oaths of a private character, the latter two oaths involving public policy; that is, oaths taken in the courts, and oaths taken for the protection of property. Once more *Shebu'ot* distinguishes between the inadvertent taking of such an oath, in which case an offering suffices for punishment, and deliberately doing so, in which case the sanction is corporal. Taking the first two types of oath is itself culpable. In the latter two cases, it is the violating of the oath or the taking of the oath under false pretenses that is culpable. This is an important difference. The rash or vain oath is a general statement while the oath of testimony or of bailment must by its very

nature be particular to the case at hand. One is not penalized for taking a true oath of testimony or oath of bailment, but one is automatically subject to sanctions for taking a rash or a vain oath. That difference accounts also for the character of the rules that define how the law is applied, whether to men, women, relatives, or others. Oaths pertaining to the court matter only when taken by those qualified to give testimony, e.g., by men not women, by unrelated parties not relatives of the litigants, and the like. That also explains why for these categories of oaths only taking a false oath is penalized. In these cases, too, the oath must be particular to the case, that is, it is imposed on specific, named persons.