

### **PART III**

#### **THE PROHIBITION OF BLASPHEMY**

##### **Including the Laws of Vows**

This section explains details of the following four prohibitions and one obligation that are included in this commandment to Gentiles and its offshoots:

1. Not to curse God. An extension of this is not to curse any person.
2. Not to show contempt or disrespect toward God. This prohibition includes any mentioning of God's name in vain.
3. Not to destroy any writing that includes one of the holy Names of God, or something that is designated for a holy purpose, such as holy books or a synagogue.
4. Not to swear falsely. This prohibition includes saying a lie.
5. To fulfill an oath or vow that one verbalizes.

## INTRODUCTION

*by Rabbi J. Immanuel Schochet*

Rabbi of Congregation Beth Joseph  
Toronto, Canada

At the very center of this world is *homo sapiens*, the human being Divinely endowed with intellect. This intellect allows us analytical thought and examination of ourselves and the world around us. Without Divinely-endowed criteria for truth and moral values, however, our critical thinking is abstract and theoretical at best, and obviously susceptible to error.

Thus God revealed to mankind knowledge of His inscrutable Will by means of His prophets and the Torah, to know what is right and what is wrong, what is good and what is evil. The Divine revelation of the Torah at Mount Sinai, and the Divine designation of Moses as the foremost prophet for all time, set forth the ultimate test for the truth of future prophets, i.e., compatibility with the Torah and its eternal commandments. Even so, this legal and moral code is meaningful only when applying the other special gift endowed upon humans, namely freedom of choice to follow or reject proper conduct.

Open-minded and consistent reasoning readily leads to a realization that there must be a Supreme Cause for our most complex yet intricately precise world. Thus we arrive at the recognition and acknowledgment of God as Creator, Sovereign and Sustainer of the universe. This acknowledgment is not only an intellectual conclusion, but of itself has practical implications.

Noting that life, health and all human needs and blessings emanate unceasingly from the Creator, we must surely acknowledge this in thought, speech and action. We ought to express gratitude for the Divine benevolence on which we are continuously dependent, and make ourselves into worthy recipients thereof. This is the concept of worshipping God that applies equally to all, Jews and Gentiles alike.

The diametric opposite to this ideal of reverence for God is the crass and sinful conduct of deprecating God or His Sovereignty. This is referred to as blasphemy.

In common usage, the word “blasphemy” is generally defined as any form of uttered impiety, irreverence or sacrilege against God. These

are acts of defiance seeking to impair the appropriate respect and reverence for God.

In the Torah the sin of “blasphemy” is circumscribed in terms of “cursing God.” In this religious context, blasphemy is regarded as so unimaginable a rebellion and offensiveness that the traditional Hebrew terminology for it is the euphemism *birkat HaShem*. Literally this means *blessing The Name* (i.e., God), thus the very opposite of what it is used to signify. The Torah has two explicit references to this offense: (a) Exodus 22:27 states, “You shall not curse God.” The Hebrew word used here is *te'kalel*, from the root-word *kal*. It means “to degrade,” to hold in light esteem and despise.<sup>1</sup>

(b) Leviticus 24:10-17 relates the incident of one who violated the cited injunction of Exodus 22:27, and the Divine edict declaring this to be a capital sin. Furthermore, it states there, “*ish ish* (any man) who curses his God shall bear his sin.” Why the double expression of “*ish ish*” (literally: “a man, a man”)? To include all mankind, both Jews and Gentiles. Blasphemy thus is prohibited to Gentiles as a capital sin even as it is for Israelites.<sup>2</sup>

This reiterates the earlier prohibition of the Noahide Code expressed in the all-inclusive verse of Genesis 2:16, “And *HaShem* [Y-H-V-H], God, commanded...”: the citation of the Tetragrammaton Name<sup>3</sup> in this verse alludes to the prohibition of blasphemy to Gentiles.<sup>4</sup>

A Gentile would be guilty of this offense when uttering a blasphemous statement that invokes any of the explicit Divine Names in the Torah’s Hebrew text (those which are forbidden to be erased

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<sup>1</sup> Ibn Ezra and Ramban, *ad loc.*; Rashi on Deuteronomy 22:23.

<sup>2</sup> Tractate Sanhedrin 56a; Rambam, *Hilhot Melachim* 9:1,3.

<sup>3</sup> The Tetragrammaton is the essential four-letter Name of God (Y-H-V-H), which was uttered only by the *kohanim* (Jewish priests) at certain points of their service in the Holy Temple of Jerusalem. Beyond this prescribed usage one is not allowed to pronounce this Name as it is written, thus also known as “the ineffable Name.” In sacred service, as public Torah-readings, it is substituted by the Name *Ado-nai*, and in vernacular speech and writing by the Hebrew term *HaShem* (lit. “the Name”), which is also the general non-sacred substitution for the term “God.” (In this and other Names of God in Hebrew, one or more dashes or apostrophes are inserted in the word to avoid writing an actual Divine Name that is forbidden to be erased or dishonored.)

<sup>4</sup> Tractate Sanhedrin 56b; Rambam, *Hilhot Melachim* 9:1.

when spelled out in full, as explained in Chapter One below; for example, *Ado-nai*, *E-lohim*, *Y-ah*, etc., and of course the Tetragrammaton itself), or any appellation clearly referring to God (e.g., the Supreme Being, the Almighty, the Creator, the One Above, etc.), or “attributive” names – i.e., terms distinctly referring to the Divine attributes and identified with God (such as the Merciful, the Compassionate, etc.), *in whatever language it may be*.

(Normally one is punished only for offenses involving an action. The sin of blasphemy, however, is one of a very small group of offenses where speech on its own is deemed tantamount to criminal action. While actual articulation alone in this context will incur full penalty, blasphemous thoughts, too, are serious sins.)

Conceptually, blasphemy is closely linked to heresy and idolatry. Like the other Noahide Commandments, however, it is really a comprehensive category, which subdivides into a number of bylaws. By definition it involves not only a generic prohibition, but of itself implies a number of obligations. An early authority thus notes: “Do not err about the well-known enumeration of the seven precepts of the Children of Noah as cited in the Talmud. In truth these seven are like seven comprehensive principles which contain numerous particulars.”<sup>5</sup>

The very idea of there being a Divinely ordained “Noahide Code” presupposes an acknowledgement of (a) the existence of God; (b) the authority of God as Supreme Being; (c) the reality of Divine Revelation instructing mankind with regards to proper conduct (the bond or covenant between the Almighty and His creatures); and (d) the principle of Divine retribution, i.e., that man is accountable for obeying or disobeying these instructions, because a legal code devoid of consequences is ineffective.

More specifically, the Noahide prohibition of blasphemy derives from an acceptance of the supremacy and sovereignty of God which *ipso facto* demands respect or appropriate reverence for God. It follows then that –

(1) All Gentiles are subject to the precept of awe and reverence before God, more commonly referred to as the “fear of God.” *Sefer HaĦinuĥ* states clearly: “This precept applies everywhere, at all times, and to the

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<sup>5</sup> *Sefer HaĦinuĥ*, section 416 (ed. Chavel, section 424). Also note Tractate *Sanhedrin* 74b: “Them [the seven precepts] and all that pertains to them.”



whole human species!”<sup>6</sup>

(2) A Gentile is not to use God’s name in vain. To use God’s name in vain (a Torah prohibition stated explicitly for Jews in the third of the “Ten Commandments”) is closely allied with the principle of blasphemy. It is clearly a form of disrespect. This would then also include a prohibition to swear falsely. Thus we find in the Torah that from the earliest times the concept of an oath was regarded as a sacred obligation by Gentiles as well. (See for example Gen. 21:22ff.; *ibid.* 26:28ff.)

(3) A Gentile must likewise respect God’s creatures, and thus one is not to curse or harm humans, for they are created by God “in His image and likeness” as it were. (The “image of God” within mankind is not the form of the human body, God forbid, which would be a false and idolatrous concept, but rather the unique capacity for intellect and speech that is possessed by the human enlivening soul, and its ability to distinguish between good and evil.)

“God created man in His image, in the image of God He created him, male and female He created them” (Genesis 1:27). This is reiterated in the Noahide Code in the context of the prohibition of murder: “Whosoever sheds the blood of man, by man shall his blood be shed, for in the image of God He made man” (Genesis 9:6). Thus it is also said of the Torah’s “golden rule” to love your fellow as yourself (Lev. 19:18):

Rabbi Akiva said, “ ‘Love your fellow as yourself’ – this is the main principle of the Torah.” Ben Azzai responded (quoting Genesis 5:1): “ ‘This is the book of the descendants of Adam – in the day He created man He made him in the likeness of God.’ This is an even greater principle! [Thus, if you put another human being to shame, know and realize who you put to shame, for] He made him in the image of God!”<sup>7</sup>

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<sup>6</sup> Section 432 (in ed. Chavel, section 430). Indeed one may add here that a Gentile ought not only attain the fear of God but also the love of God. Maimonides writes that the Israelite’s commandment to love God (Deuteronomy 6:5) includes also an obligation “to call upon all mankind to His service and to have faith in Him. For if you love someone, you will praise and extol him and call upon people to love him as well...” There is, then, an implication that all mankind ought to love God.

<sup>7</sup> *Sifra* on Lev. 19:18 and *Bereishit Rabbah* 24:7. See *Likkutei Siḥot* vol. 17, p. 215.

## CHAPTER 1

## The Obligation to Respect God's Name, and What is Forbidden as Blasphemy

1. Gentiles are warned against “blessing God’s Name” (the term is euphemistic, and means cursing God),<sup>1</sup> and they are liable for this. Adam, the first person, was warned about this, as it says,<sup>2</sup> “And the Lord God commanded [upon] Adam ...” This means that God commanded His Divinity and authority upon Adam. The three meanings of this statement are:

“I am God; do not exchange Me” – for another god, this being the prohibition of idolatry.

“I am God; do not curse Me” – this being the prohibition of blasphemy.

“I am God; the fear of Me shall be upon you” – this being the obligation to fear God. Fearing God is a part of the general commandment to guard one’s self against committing blasphemy.<sup>3</sup>

This prohibition was again commanded explicitly in the Torah regarding Gentiles, as it says,<sup>4</sup> “*Any man* who will blaspheme his God shall bear his sin, and one who pronounces blasphemously God’s Name<sup>5</sup> shall be put to death [by an empowered *Beit Din* court] ...”<sup>6</sup> Thus Moses received and transmitted additional details and clarifications about this Noahide prohibition.

### 2. What is the definition of “pronounces blasphemously God’s Name”

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<sup>1</sup> \*I.e., stating that God should harm Himself (God forbid).

<sup>2</sup> Genesis 2:16.

<sup>3</sup> Tractate *Sanhedrin* 56b. Although the Talmud states there: “*My fear shall be upon you* – this is the commandment to establish *dinim* (courts of law),” this does not change the simple meaning. The main intent of “My fear” is that one should have “fear of Heaven” (i.e., fear of God). This obligation to fear Him is further understood to teach about the obligation to fear the courts.

<sup>4</sup> Leviticus 24:15-16.

<sup>5</sup> \*This verse refers to the Explicit Name of God in Hebrew, which He revealed when He spoke the 10 Commandments at Mt. Sinai (Ex. 20:2).

<sup>6</sup> See Tractate *Sanhedrin* 56a: “*Any man* who will blaspheme – this comes to include Gentiles ...”

in the above-cited verse, which refers to the Explicit Name of God?<sup>7</sup>

The Explicit Name of God is *either* the Tetragrammaton (which is represented by Y-H-V-H) or the Name *Ado-nai*<sup>8</sup> (meaning “Lord” in Hebrew, in the literal sense of Supreme Rulership). (Even though their articulations are different, these are two alternative expressions of the Explicit Name.)<sup>9</sup>

The capital sin of blasphemy is committed if a person clearly requests (with his mouth) a curse from God upon the Explicit Name. How? By invoking one of the holy Names of God, or one of His attributive names, against the Explicit Name (i.e., that God, as He is called by one of His Names, should do such-and-such a harm to Himself, as He is called by the Explicit Name).<sup>10</sup>

(See topic 3 below, about forbidden speech that is not a capital sin.)

One is liable if this is stated in a way of “May Yosai strike Yosai.”<sup>11</sup> (The nickname “Yosai” is used as a euphemism, to avoid explaining this with the actual Explicit Name in such a negative context; using the euphemistic name Yosai does not carry any liability.) Equally forbidden are blaspheming in a way of “May Yosai curse Yosai,”<sup>12</sup> or “May the Merciful One (or Compassionate One, etc.) curse Yosai” (i.e., using an attributive name along with one of the expressions of the Explicit Name). This obviously applies if one cursed God’s Explicit Name with the same Name, such as *Ado-nai* with *Ado-nai*.

What is considered a holy Name (other than the Explicit Name), and what is considered an attributive name? The holy Names of God

<sup>7</sup> The Hebrew word used in the verse, “one who pronounces blasphemously (*v’nokev*) God’s Name,” literally means both to clearly pronounce the Explicit Name, and to curse it, as is explained in Tractate *Sanhedrin* 56a, and Rashi on Leviticus 24:16.

<sup>8</sup> Rambam, *Laws of the Worship of Stars [and Idols]* 2:7.

<sup>9</sup> Rambam, *Laws of the Foundations of Torah* 6:2, states that, “The Name written Y-H-V-H is the Explicit Name, and is [also] written *Ado-nai*.” On this, it is explained in *Kesef Mishneh* that it is only one Name, Y-H-V-H being its spelling and *Ado-nai* its pronunciation, and even though in other cases they are considered as two separate Names, that is only in regard to writing them, but not in regard to pronouncing them.

<sup>10</sup> Rambam, *Laws of Kings* 9:3.

<sup>11</sup> Based on Rambam, *Laws of the Worship of Stars [and Idols]* 2:8.

<sup>12</sup> Rashi on Tractate *Sanhedrin* 56a.

(specifically in Hebrew) are those that are forbidden to be erased after they are written down in a permanent fashion.<sup>13</sup> In addition to the Explicit Name (Y-H-V-H or *Ado-nai*), these Names are *Ai-l*, *E-lohim*, *E-loha*, *Sha-dai*, *Tziva-ot*, *Ehe-yeh* and *Y-ah*, as well as any variant of *E-lohim*, such as *E-lohehah* (“your God,” if “your” is singular), or *E-lohaihem* (“your God,” if “your” is plural), or *E-lohainu* (“our God”)<sup>14</sup> – all these have the same holiness as the Name *E-lohim*.

The attributive names are “the Merciful One,” “the Compassionate One,” “the Creator,” and the like,<sup>15</sup> and any other attributive name (**including a name in any language other than Hebrew**) by which a person clearly is referring to God, Who is the Creator of the universe.

3. If one cursed against any name of God, even the Explicit Name, without invoking against it another name of God, he is not liable for capital punishment by a court of law (although it is still forbidden).

Even if one says, “May Yosai strike Himself,” since he did not clearly curse against the Explicit Name (nor did he invoke names of God twice, as the recipient and the source of the harm), he is not liable for punishment by a court.<sup>16</sup> If one cursed against a holy Name (that is forbidden to be erased) other than Y-H-V-H or *Ado-nai*, with another

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<sup>13</sup> \*Text characters encoded electronically, or projected optically or electronically, are not permanent forms of writing.

<sup>14</sup> Rambam, *Laws of the Foundations of Torah* 6:2.

\*These are the Names of God in Hebrew (which is the “holy language”), with which God was called by the Israelite prophets through Divine inspiration, as recorded in the words of the Hebrew Bible.

<sup>15</sup> It is apparent from Rambam, *Laws of Kings* 9:3, that for cursing the Explicit Name with one of the other holy Names that may not be erased, a Jew is nonetheless liable. Thus, the only difference between the liability of Jews and Gentiles is regarding a “*kinuy*” (attributive) name, such as the “Compassionate One,” the “Merciful One,” and the like (as expressed by Rambam, *ibid.*, in that Gentiles are liable for blaspheming with a “*kinuy*” in any language, for which Jews are not liable).

<sup>16</sup> Rambam, *ibid.* His wording also supports this: “A Gentile who curses the Explicit Name **with** the Explicit Name or **with** an attributive name...,” and not merely “A Gentile who curses the Explicit Name or an attributive name.” This implies that a Gentile is liable for blasphemy only if he utters a two-part curse, with the Explicit Name as the object of the curse, and either with a holy Name or an attributive name being called upon to deliver the harm.

holy Name (for example, by saying “*Sha-dai* should hit *Tziva-ot*”), he is also not liable for punishment by a court. Even if one cursed against another of the holy Names by invoking the Explicit Name (for example, by saying, “*Ado-nai* strike *E-lohim*”) he is not liable.

These curses against God are all forbidden to be said. But there is no capital sin for a Gentile to warrant a capital punishment unless one curses against the Explicit Name by invoking a name of God.<sup>17</sup>

4. One who blasphemes and then regrets his words and retracts them – even immediately – is still liable for capital punishment from a *Beit Din* court if he sinned by cursing God’s Explicit Name, and it is proven by valid testimony.<sup>18</sup>

5. One who curses the Explicit Name by invoking against it a name of God in any language (whether with a translated name of God or His attributes, and likewise the wording of the curse may be in any language), is liable for a capital sin. If the words of the language he uses are clearly calling on God<sup>10</sup> to harm the Explicit Name, he is liable according to the definition of blasphemy. In particular, one is not liable unless he pronounces the object of the curse in correct Hebrew, as Y-H-V-H or *Ado-nai*. However, if a person translates this object of the curse into another language, he is exempt from punishment.<sup>19</sup>

6. If someone curses God in the name of idolatry (by saying, “May such and such an idol strike *Yosai*”), he is not to be judged or punished by a court, but he is still committing a grave sin, for which he will be punished by Heaven.<sup>20</sup>

A zealot is only given permission to strike down a blasphemer (one who verbally curses the Explicit Name of God) at the time he hears the

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<sup>17</sup> This is as it says, “one who curses” (as explained in footnote 7), meaning that one mentions the Explicit Name and curses it with another name of God, but not that he uses the Explicit Name to curse a different name of God.

<sup>18</sup> Rambam, *Laws of the Worship of Stars [and Idols]* 2:9. Rabbi Y. Shteif, in *Mitzvot Hashem* p. 374, says this Torah Law also applies to Gentiles.

<sup>19</sup> This is because by definition, the “Explicit Name” implies the way that it is explicitly pronounced in Hebrew, the holy language. But a name for God in another language is only an attributive name, as explained by Rambam in *Laws of the Courts* 26:3, and *Shulḥan Aruḥ* in *Hoshen Mishpat* 27:1.

<sup>20</sup> Rambam, *Laws of the Worship of Stars [and Idols]* 2:9.

blasphemy being uttered, and only if he hears the blasphemy himself.<sup>21</sup> However, if he heard from others that a person blasphemed, or if he waits a short period of time after the transgression was committed, he has no permission to kill the blasphemer.

7. One who hears another person mention the Explicit Name and then he curses the Name that he hears, without mentioning the Explicit Name himself, is exempt from punishment, even if he cursed with the Explicit Name or with another holy Name.<sup>22</sup>

8. All the above explains when one would be liable in a *Beit Din* court. However, it is obvious that it is always forbidden to curse God in any other way, since that is included in the general sense of “blasphemous speech,” and one who does so has committed a grave sin that is punishable by the Heavenly court, as it says, “Any man who will blaspheme his God shall bear his sin ...”<sup>23</sup>

Moreover, it is forbidden to speak of God in any degrading way, and this is also included in the general prohibition against blasphemy.<sup>24</sup> Even if one says unclear words that may or may not be understood by others, if he intends it as a disgrace to God, it is forbidden, and he is liable to be punished from Heaven for this.<sup>25</sup>

9. It is forbidden to write words of blasphemy or other insults towards God, which is included in the general prohibition of blasphemy.

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<sup>21</sup> One need not blaspheme before an audience of at least ten for a zealot to be permitted to kill him. Rather, it applies when there is an audience of at least two witnesses other than the zealot himself. Thus, the total audience is required to be at least three, as Meiri says on Tractate *Sanhedrin* 81b.

\*If the zealot asks for permission, he is not granted permission from the court to do so, and is instructed not to harm the blasphemer. For by the very act of requesting permission, he relinquishes his status as a zealot.

<sup>22</sup> See Rashi on Tractate *Sanhedrin* 55b.

<sup>23</sup> As explained in the footnotes to topic 1:1 above, based on Tractate *Sanhedrin* 56a, this prohibition applies to Gentiles as well.

<sup>24</sup> \*Nevertheless, one should always be assured that through sincerely repenting to God and striving to correct his ways, he can be granted atonement for sinful thoughts, speech or actions.

<sup>25</sup> In *Mitzvot HaShem*, p. 375, Rabbi Yonatan Shteif explains that a Gentile is judged from Heaven for his thoughts as well as for his actions.

## CHAPTER 2

**Obligations to Revere and Fear God**

1. Gentiles are commanded to fear and honor God.<sup>26</sup> This is included in the Torah's prohibition of blasphemy, as God commanded Adam (Genesis 2:16):

“I am God” – do not curse Me;

“I am God” – the fear of Me shall be upon you.<sup>27</sup>

It is obvious that the primary reason for the prohibition of blasphemy is the obligation to honor and fear God. Thus in the explanation of the verse,<sup>28</sup> “You shall not curse God,” the Hebrew word for “curse” has the same root as the term for “disgrace.”<sup>29</sup>

From this it can be understood that any action that causes a desecration of God's Name, and the opposite of bringing honor to God's Name, is forbidden. For this reason, the particular prohibitions discussed in this chapter are branches of the prohibition of blasphemy, although they were not spelled out explicitly for Gentiles in the Hebrew Scriptures.

2. One who swears falsely in God's Name<sup>30</sup> also desecrates His Name, as it says,<sup>31</sup> “You shall not swear in My Name falsely, and desecrate the Name of God; I am God,” for by doing so one denies the truth of the One whose Name he swears by, since he effectively is saying that

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<sup>26</sup> *Sefer HaHinuh* Commandment 432: “For all people...”

<sup>27</sup> Tractate *Sanhedrin*, 56b.

<sup>28</sup> Exodus 22:27.

<sup>29</sup> Rashi, on Deuteronomy 21:23.

<sup>30</sup> See *Mishneh Li'Meleh Hilhot Mela'im* 10:7, which discusses whether false or vain oaths are included in the prohibition of blasphemy. However, the discussion is in regard to the prohibition and the punishment, since there is no clear warning to Gentiles in the Torah about such oaths. Nevertheless, this is forbidden based on logic, since swearing in God's Name in vain, and needless to say doing so falsely, is a disgrace to His Name, worse than uttering a Divine Name in vain (see topic 2:4 below). Therefore, oaths that are a disgrace to His Name are also forbidden.

<sup>31</sup> Leviticus 19:12.

just as his words are false, so is the existence of God false.<sup>32</sup> It is likewise forbidden to lie, or to falsely deny that he had promised or made an oath. Furthermore, one who changes his word is considered as if he serves idols<sup>33</sup> (except with justified need; see Part II, topic 12:2).

3. It is even forbidden to swear in God's Name in vain, i.e., to swear about something for which an oath is unnecessary (as will be explained in topic 3:12), since it is a disgrace to the honor of His Name to mention and swear by His Name in vain.<sup>34</sup>

Whether one swears by one of the Names of God, or by one of His attributive names, it is the same, as long as he clearly intends to mention God by this – for example, one who swears “by the One Whose name is the Compassionate,” or “by the One Whose name is the Merciful” and the like, whether in Hebrew or in any way these attributive names are translated in other languages.<sup>35</sup> This is considered a vow in God's Name,<sup>36</sup> and if one does so falsely or in vain, he profanes God's Name.

4. Any mention of God's Name for naught is also forbidden, since this disgraces the honor of God, and one receives punishment from Heaven

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<sup>32</sup> Rambam, *Laws of Oaths* 12:1; Ibn Ezra and Ramban on Exodus 20:7.

<sup>33</sup> Tractate *Sanhedrin* 92a. The prohibition against Gentiles lying or swearing falsely is not based on a specific warning, but rather on the logic that it is an obligation for them to act properly by honoring God's Name; see *Likkutei Siḥot*, vol. 38, p. 28, based on Ramban's commentary on Genesis 6:2,13.

\*The explanation of the equivalence with serving idols (based on *Sefer HaḤinuh* Commandment 70 and *Ḥidushei Agadot* of Maharal on *Sanhedrin* 92) is that the world's existence is God's speech, which is continuously commanding that the world exist. Idol worship is like putting in God's mouth words He never said, i.e., that there would be some other being or force involved in the creation or sustaining of the world. (This is the concept of *sheetuf*, or partnership, as explained in Part II, Chapter 1). Humans were created in God's image, and to them God granted wisdom and the power of speech; therefore, they must uphold truth. False speech is equivalent to saying that God's speech also is not a definite Truth of Oneness, and that it can be corrupted (God forbid).

<sup>34</sup> Ramban on Exodus 20:7.

<sup>35</sup> See *Shah Yoreh De'ah* 237:2; *Shulḥan Aruḥ HaRav Oraḥ Ḥayim* 85:3.

<sup>36</sup> Rambam, *Laws of Oaths* 2:2.



for this. Regarding this it is written,<sup>37</sup> “You shall not take the Name of God in vain; God will not hold guiltless one who takes His Name in vain” – meaning that a person remains guilty of this sin until he is punished by Heaven for profaning God’s Name.<sup>38</sup> It is also said,<sup>39</sup> “To fear the honorable and awesome Name” – since from the obligation of fearing God, it is prohibited to mention His Name for naught.<sup>40</sup>

This applies specifically to the holy Names specified for Him (which may not be erased, listed above in topic 1:2), and even His names in other languages (e.g., the name “God”).<sup>41</sup> But there is no prohibition of mentioning God’s attributive names in vain, such as “Compassionate,” “Merciful,” and the like, or other “shared” names (such as the English name “Lord” which can also refer to a person, e.g., members of the British House of Lords), since they are not exclusively denoting God.<sup>42</sup>

5. What is meant by mentioning God’s Name “in vain”? This means saying a Divine Name for no need at all. However, to mention it in a way of praise or prayer is permitted. It is likewise permitted to bless someone with God’s Name, by saying “God bless you,” and the like.<sup>43</sup>

Therefore, one who erred and mentioned God’s Name for no reason should immediately praise and give honor to Him, in order that the mentioning of His Name should not be in vain. For example, if one said “God,” he should immediately say, “Blessed is He forever,” or “Who is great and very exalted.”<sup>44</sup>

6. A person should always honor God’s Name, in any language. When

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<sup>37</sup> Exodus 20:7.

<sup>38</sup> Rambam, *Laws of Oaths* 12:1.

<sup>39</sup> Deuteronomy 28:58.

<sup>40</sup> Rambam, *ibid.* In *Mitzvot Hashem*, p. 382: Gentiles are forbidden to mention God’s Name in vain, from the commandment to fear God.

<sup>41</sup> *Shulhan Aruh HaRav Oraḥ Ḥayim* 85:3.

Rabbi Zalman Nehemiah Goldberg notes that in the Responsa of Rabbi Akiva Eiger, vol. 1:25, it is written that a Divine name in another language (other than Hebrew) is considered an attributive name, and therefore does not infringe the prohibition of mentioning God’s Name in vain.

<sup>42</sup> Responsa of Rabbi Akiva Eiger, *ibid.*; *Minhat Ḥinuḥ*, Commandment 69.

<sup>43</sup> *Shulhan Aruh HaRav Oraḥ Ḥayim* 156:2, 215:3.

<sup>44</sup> Rambam, *Laws of Oaths* 12:11.

one does mention His Name, one should think about the reason and purpose for mentioning it, in order that it not be mentioned in vain. The Sages say,<sup>45</sup> “In any place one finds the mention of God’s Name in vain, one finds poverty and death.”

When one wishes to bless and thank God, one should direct his thoughts and words in order to say words of thanks and praise to honor God’s Name. In this way the result will be that the Name of God is exalted, and not disgraced.

We see that Joseph acted in this way, where it says,<sup>46</sup> “And God was with Joseph and he was successful ... And his master saw that God was with him, and all that he did, God made successful.” Rashi explains how Joseph’s master saw that God was with him:<sup>47</sup> “The Name of God was fluent in Joseph’s mouth,” – i.e., he would constantly credit his success to God and publicize His Name, as Joseph said to Pharaoh,<sup>48</sup> “God will give Pharaoh a favorable answer.”

This was also the way of Abraham, to teach all the nations that it is fitting to praise and bless God’s Name alone, as it says,<sup>49</sup> “and there he proclaimed the Name of God, God of the universe” – meaning that he caused all people he encountered to call (i.e., to pray and praise) in the Name of the Holy One, blessed be He, and he taught every person to pray to God and praise the Name of God.<sup>50</sup>

7. One who pronounces the Explicit Name according to its spelling, as written Y-H-V-H, will be “uprooted from the world.”<sup>51</sup>

When a person reads scriptures containing God’s Names, it is permitted to read them as spelled in any language,<sup>52</sup> except for the Name Y-H-V-H, which is forbidden to pronounce; rather, one should read it “*Ad-onai*.” (Some are even more stringent, and do not to read God’s holy Names as spelled even when reading scriptures, but rather

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<sup>45</sup> Tractate *Nedarim* 7b.

<sup>46</sup> Genesis 39:2-3.

<sup>47</sup> Rashi on Genesis 39:3.

<sup>48</sup> Genesis 41:16.

<sup>49</sup> Genesis 21:33.

<sup>50</sup> Tractate *Sotah* 10b, and Rashi there.

<sup>51</sup> Tractate *Sanhedrin* 90a; Tractate *Avodah Zarah* 18a; Rosh on Tractate *Yoma* 8:19; *Tur Oraḥ Ḥayim* ch. 621.

<sup>52</sup> *Pri Megadim Oraḥ Ḥayim* ch. 215; *Mishnah Berurah* 215:14.

substitute “*HaShem*,” which literally means “The Name.”<sup>53</sup> It appears that this applies only to God’s Names written in the original Hebrew. But God’s names in other languages are considered like attributive names and may be mentioned while learning. Thus there is no extra personal merit or honor to God in stopping oneself from pronouncing them as they are translated in other languages.)

8. One who curses any person with God’s name in any language, whether he curses himself or others, or even a dead or evil person, has transgressed a prohibition, since he uses God’s Name in vain.<sup>54</sup>

9. One who mentions God’s name (in any language) and spits (in disgust), whether he does so before or after he mentions the name, has jeopardized his part in the World to Come.<sup>55</sup>

10. It is forbidden to mention any of the specified holy Names (which may not be erased; see topic 1:2 above), and even names for God in other languages, in a place where there is filth or in an undignified situation (for example, in a restroom or bathhouse, or where people are unclothed; see Part I, topic 6:7, for more details), since this is degrading to God’s Name.

The Hebrew word *shalom* is also a Name of God (based on Judges 6:24). Therefore, it is forbidden to say “*shalom*” (“peace”) as a

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<sup>53</sup> *Sha’arei Teshuva Oraḥ Ḥayim* ch. 215.

<sup>54</sup> *Minḥat Ḥinuḥ* Commandments 69, 231. In *Mitzvot HaShem* (p. 377), Rabbi Yonatan Shteif writes in the name of *Ḥemdut Yisrael* (on *Hilhot Melakhim* ch. 9) that it is forbidden for Gentiles to curse a judge, as this is included in the prohibition of blasphemy. This is also implied by Rashi on Tractate *Sanhedrin* 56b: “I am God – my fear should be upon you.” This refers to fear of judges. It is also written in *Mitzvot Hashem* (p. 488) that it is forbidden for a Gentile to curse a Jew, which is included in the prohibition of blasphemy. And clearly, it is immoral to curse any good person.

<sup>55</sup> From *Shulḥan Aruḥ Yoreh De’ah* 179:8 and the commentaries there, one who utters a holy Name of God and then spits on a wound, thinking that together this might be a cure, nevertheless has no part in the World to Come, because of the disgrace to God’s Name.

This is an infraction that is as severe as uttering a holy Name of God and spitting in disgust. Uttering an attributive or translated name of God and spitting in disgust is also forbidden.

greeting while one is in such a place, but it is permitted to say the translation of the word *shalom* in other languages, since that is not considered to be God's Name.<sup>56</sup> One may, however, call a person by his given name *Shalom* in a bathhouse.<sup>57</sup>

Attributive names such as "The Compassionate," "The Merciful," "The Faithful" and the like, may even be mentioned in Hebrew in a bathhouse, even if one intends that it refers to God, since people are sometimes also described with these terms.<sup>58</sup>

11. It is forbidden to destroy holy Names and writings, as this is a disgrace to God's honor and profanes His Name.<sup>59</sup> The Hebrew Names which may not be destroyed are: Y-H-V-H, *Ado-nai*, *Ai-l*, *E-lohim*, *E-lohah*, *Sha-dai*, *Tziva-ot*, *Ehe-yeh*, and *Y-ah*, and any of the possessive versions of *E-lohim*, such as *Elo-hehah*, or *E-lohaihem*, or *E-lohainu* and the like; even to erase one letter from one of these Names is forbidden.<sup>60</sup>

However, if one only wrote part of a Name, such as "Shad" from *Sha-dai*, or "Eh" from *Eh-yeh*, or "Ado" from *Ado-nai*, since he does not complete the Names, he may erase them<sup>61</sup> if there is a need to do so. However, it is forbidden to disgrace them.

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Uttering one of God's holy Names and then spitting when there is no need is a less severe infraction, but it is also a disgrace and forbidden. It is similar to the case of erasing one of God's holy Names when there is no need, which is forbidden (as explained in the last footnote to topic 12 below).

*Shah* (*ibid.* 179:11) says that it is not forbidden for one to utter a translated name of God and spit on a wound, if the person imagines it is a cure. But he definitely would agree that uttering a translated name of God and spitting for no reason is a disgrace and forbidden, but not severely so.

<sup>56</sup> This appears to be clear, as *Shalom* is not a Specified Name, since people also use it as a given name. Thus its translation, even if intended to refer to God, is only an attributive name, and may even be mentioned in these places.

<sup>57</sup> This leniency is granted because the intent is to say the person's name (*Shalom*), and not a name of God; *Shulhan Aruh HaRav Oraḥ Hayim* ch. 84.

<sup>58</sup> *Shulhan Aruh Oraḥ Hayim* ch. 85.

<sup>59</sup> *Minhat Henuh* Commandment 69 (in his *Kometz Minhā*) writes that one who erases God's Name has done no less of a transgression than one who mentions His Name in vain, and both are thus clearly forbidden for Gentiles.

<sup>60</sup> *Shulhan Aruh Yoreh De'ah* ch. 276.

<sup>61</sup> *Shulhan Aruh* and *Rema*, *Yoreh De'ah* ch. 276.

12. It is likewise forbidden to write holy Names for no reason, as they may come to be disgraced, especially since their very writing for no reason is a disgrace to God.<sup>62</sup> It is even forbidden to erase (for no justified need) or disgrace one of the seven holy Names mentioned above when they are translated (or transliterated) in other languages.<sup>63</sup>

13. One may not disgrace a holy Name of God written in any language, for example, by putting it in the garbage or in an unclean place such a restroom (meaning a place that is designated and used for excrement or for baths or showers), and the same applies to all written verses from the holy Hebrew Bible.<sup>64</sup> If there is a need to dispose of them, one should bury them in a container, or conceal them in earthenware vessels, which is like burial.<sup>65</sup>

14. Likewise, it is forbidden to verbally mention God's Name, even in prayer, in an undignified place (see Part I, topic 6:7). This would disgrace the person's prayer and the Name he utters.

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<sup>62</sup> See *Shulḥan Aruḥ HaRav* 32:14. (The author of our text compares this to mentioning God's Name for no reason, as explained above in topic 4, and according to this, in the opinion that holds that the prohibition against mentioning it applies even to its translation, this equality would apply to writing it as well. According to the opinion that permits it, cited in fn. 41, it appears that one may write it for no reason also, and it is only forbidden to disgrace it by throwing it out, as explained in *Aḥiezer* vol. 3, ch. 32.)

\*An example of "justified need" is erasing a translated holy Name that is part of a written text, as part of the process of correcting or improving the text.

<sup>63</sup> From *Shāḥ Yoreh De'ah* 179:11 and *Shulḥan Aruḥ HaRav Oraḥ Ḥayim* 85:3, holy names in languages other than Hebrew may be erased – if a justified need arises to do so – but just to disgrace them is forbidden. Rambam, *Laws of the Foundations of the Torah* 6:5, writes that attributive names are like other holy writing and may be erased, and in *ibid.* 6:8, he writes that it is forbidden to burn or destroy Holy Writings. This means that if there is a justified need it is permitted, but not without reason.

<sup>64</sup> Rema *Yoreh De'ah* ch. 276.

\*The same also applies to the texts of the Oral Torah, such as the Mishnah, Talmud, works of Torah Law, and any traditional Jewish prayer book (which is called a *Siddur* in Hebrew, meaning "order," because it gives a set order for the prayer services).

<sup>65</sup> See *Shulḥan Aruḥ Yoreh De'ah* 282:10.

## CHAPTER 3

## Laws of Vows and Promises

1. A Gentile does not have a specific commandment to fulfill any promises or vows he makes, and the Gentiles have not been warned against transgressing their words.<sup>66</sup> In any case, even though they were not commanded regarding this, as a thing which is obligatory according to human intelligence, every person is obligated to keep his word, and how much more so not to lie about the past.<sup>67</sup>

2. It is best for a person not to swear at all, even if he is not promising in the name of God or a term referring to God, and if he did swear, he is obligated to fulfill his words. Just as it is best for a person not to swear at all, it is also best for him not to make any vows, as he will find himself obligated to fulfill things that he may possibly be unable to fulfill, and then he will find himself lying about his words. If he does make such a vow, he is obligated to keep his words.<sup>68</sup>

3. However, someone who finds himself in a desperate situation can vow to God in his prayers, so that his promise and intended good deed should stand in his merit to save him from a desperate situation. In this situation, he should say: “I hereby vow that I will do such-and-such, if

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<sup>66</sup> *Tosafot* in Tractate *Nazir* 61b. The commandment (Numbers 30:3) “... he shall not profane his word...” is directed to Jews. It appears that Rambam, in *Laws of Sacrificial Procedures* 3:2 (unlike the view of *Tosafot* in Tractate *Avodah Zarah* 5b), holds that the verse (Lev. 22:18) “*ish ish* [any man]...” only teaches us that a Gentile’s sacrifice can be accepted in the Holy Temple, but not that a Gentile is obligated in any way to fulfill his word. Furthermore, Rambam himself does not mention anywhere that a Gentile must keep his promise to bring an acceptable sacrifice.

<sup>67</sup> *Mesheh Hôhmah* Exodus 20:7; *Likkutei Sihot* vol. 38, p. 28; Responsa of *Devar Yehoshua* vol. 1, p. 357. This is also clear from Jacob, who made an oath, and God required him to keep it (Genesis 28:20 and 31:13), and Joseph’s vow to Jacob (Genesis 47:31 and 50:5-6). This is also clear from the Jerusalem Talmud, Tractate *Nazir* ch. 9, which discusses whether a Gentile can annul his vow, which implies that he must keep his vow, for otherwise there would be no need for annulment.

<sup>68</sup> Rambam, *Laws of Oaths* 12:12.

I will be saved from this problem.” Perhaps in the merit of his promised vow, he will be saved.<sup>69</sup>

Similarly, it is proper and praiseworthy for one to make vows in order to correct his behavior and to properly redirect his opinions. How so? One who has a negative behavior trait or habit – for example, gorging on meat, or drinking a lot of wine or other intoxicating drink in an improper way – may make a vow that he will abstain from this thing for a certain amount of time. Or someone who fixates on seeking out wealth may vow that he will not accept any gifts for a certain amount of time. All such abstinences may properly be taken on with a vow in order to correct one’s conduct. However, this is only on the condition that the person will first evaluate himself, to be confident that he is able to stand by his word, so he will not eventually transgress his vow and thus be guilty of lying.

Nevertheless, a person should not habituate himself to making vows, and he should not make many of them. Instead, he should try to separate from his improper behaviors, without making promises or vows.<sup>70</sup>

4. A Gentile who vows to bring a burnt offering to God must keep his word,<sup>71</sup> and so must one who verbally pledges money to charity.

5. Although Gentiles are commanded to honor God, it is permitted for them to swear in God’s Name to prove that their words are true, for example, in the manner of an oath that a witness takes in court that he will give truthful testimony.

One is permitted to swear in the name of a noted person, such as a king or a respectable officer, or to swear by the life of such a person, or by one’s own life. This we see from Joseph, who swore “by the life of Pharaoh.”<sup>72</sup> It is also permitted to swear in the name of a well-known righteous Gentile, even if he is not truly righteous, but the

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<sup>69</sup> This is learned from the conduct of Jacob, who made a vow in time of distress (Gen. 28:20). See *Shulhan Aruh Yoreh De’ah* ch. 203.

<sup>70</sup> Rambam, *Laws of Vows* 13:23-24; *Shulhan Aruh* *ibid*.

<sup>71</sup> *Tosafot* in Tractate *Avodah Zarah* 5b. This obligation is only based on moral human intelligence, and it is not a direct commandment.

<sup>72</sup> Genesis 42:15. One must conclude that in the days of Joseph, the pharaoh did *not* consider himself to be a god, unlike the pharaoh in the days of Moses; for otherwise, Joseph would not have sworn “by the life of Pharaoh.”

masses believe he is a righteous and faithful person.<sup>73</sup>

6. Although it is permitted for a Gentile to vow by attaching a Name of God to another entity,<sup>74</sup> such as a king, a respectable officer, or his own life, it is not fitting to do so, since some opinions say that it is a degradation to combine God's Name with another. (The law regarding swearing in God's Name in combination with that of an idol or an imagined partner to God is explained above in Part II, Chapter 12).

7. If a person is obligated to take an oath at the instruction of the court (or in another judicial framework), he is obligated to make a true oath. "True" implies two things:

(a) His words shall be true. Regarding the past he shall speak truth and not lie in his oath. Regarding a promise he makes about the future, he shall fulfill his promise.

(b) He is obligated to swear by something that is reliably true and not false. It has previously been described in this text in Part II, Chapter 12, that it is forbidden to swear by an idol, and in the case where he must swear by a deity, he should swear by the God of the universe, Who made the heavens and earth. Anyone who swears in one of His names, or attributive terms referring to God, is considered that he has sworn in the name of God.<sup>75</sup>

8. When someone swears by the Torah, or specifically the Hebrew Bible, by saying words equivalent to, "I swear by what is written in the

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<sup>73</sup> See *Tosafot* on Tractate *Sanhedrin* 63b.

<sup>74</sup> *Tosafot* on Tractate *Sanhedrin* 63b; Rema *Orah Hayim* ch. 156. However, it appears that Rambam, in *Laws of Oaths* 11:2, argues and forbids a Gentile to swear in the name of any other entity which he includes along with the Name of God, since by doing so one degrades and profanes the Name of God. Even though Rambam does not state this explicitly as a prohibition for Gentiles, it is clear that they are forbidden to do so for the above reason, for surely they are obligated to honor God and not degrade Him. The explanation of the Talmud's statement, "Anyone who combines another entity with the Name of God in an oath will be uprooted from the world," according to Rambam, applies to an entity which one does not consider to be a deity, as is explained in *Laws of Oaths* there. Thus, there is no difference with regard to which entity he swears by.

<sup>75</sup> See Rambam, *Laws of Oaths* 11:1.



Torah (or the Hebrew Bible),” or he takes hold of a scroll or book of the Torah in his hands, or only rests his hand on it at the moment when he makes his promise, it is considered that he swore by God’s Name,<sup>76</sup> for the holy Names of God are written in the Hebrew Bible.<sup>77</sup>

If someone swears by God’s holy Names that are written in the Books of the Prophets or Holy Writings (Hagiographa) that are part of the Hebrew Bible, or by God’s holy Names that are written in any other holy books, this is considered swearing in the Name of God.<sup>78</sup>

9. If a court made a Gentile liable to swear under oath, but not with a Name of God, he should merely swear without mentioning a Name of God, or even one of His attributes (in any language).

Therefore when a court makes a witness liable to swear, he should only be made to do so without mentioning any of the Names, or attributive names, or attributes of God, and without placing his hand on a holy text or object.<sup>79</sup>

10. One who swears of his own accord, or one who hears an oath announced by others, and he affirms his acceptance by answering “amen,” has made a vow and must keep his word, since anyone who affirms a vow by answering “amen” is as if he himself made the vow. Whether one answers “amen” or a word that bears the same meaning, such as “yes,” or “I am obligated in this vow,” or “I accept this vow,” or any phrase that has the same meaning, one becomes bound by the vow which one affirms.<sup>80</sup>

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<sup>76</sup> Placing one’s hand on a holy book is considered as if he is holding it.

<sup>77</sup> Rambam *Laws of Oaths* 12:4; Rema *Yoreh De’ah* 237:6.

<sup>78</sup> Radvaz *Hilhot Sh’vuot* 12:3; Rav Hai Gaon and Rashba cited by *Beit Lehem Yehudah* on *Shulhan Aruh Yoreh De’ah* ch. 212.

\*On the other hand, swearing on a non-Torah book that is considered holy by a foreign religion is at least equivalent to swearing on a *sheetuf* (Hebrew for a “partner” to God); this was explained in detail in Part II, topics 12:9-11.

<sup>79</sup> See Ra’avad on *Laws of Oaths* 11:13, in the name of the *Ge’onim* sages, that in later generations, Jewish courts nullified the practice of swearing in God’s Name because of the severity of the punishment involved, as the *Shulhan Aruh Hoshen Mishpat* 87:19 rules in regard to Jewish judges; it is therefore also fitting for Gentiles to conduct themselves likewise.

<sup>80</sup> Rambam, *Laws of Oaths* 2:1.

11. It is forbidden to swear in vain, for no purpose at all, whether one swears in God's Name or a term referring to Him, which is a desecration of His Name and is tantamount to swearing falsely in His Name. Even if a person swears in vain but not in God's Name, he at least profanes his words.

12. "Swearing in vain" denotes one of the following types of vows:

(a) One who swears about a known thing, in which there exists no doubt to its truth, like one who swears that a stone is a stone. Included in this category are those who hurry to swear when there is no true need for an oath;

(b) One who swears about a matter which all know is false, like swearing that a man is a woman, or a stone is gold, which is not only false, but needs no verification.

(c) One who swears to do something which he has no power to accomplish, like swearing not to sleep for three consecutive days and nights, or not to eat for seven days (or not to sleep or eat without giving a timeframe for his vow,<sup>81</sup> which implies that the vow exists forever), utters a vow in vain, since he will surely not be able to keep it.

One need not pain himself and deprive himself of sleep for one or two days until he goes against his vow, and likewise for deprivation of food; rather it is permitted for him to eat and sleep right away, for since his vow is in vain, his words are of no consequence.<sup>82</sup>

(d) One who swears about a prohibition he is commanded in (for example, swearing that he will eat flesh taken from a living animal, or steal, or commit adultery), has uttered a vain oath, since it is forbidden for him to keep his words, and he has no need to make such a vow.<sup>83</sup>

13. A person should not swear on the actions of others, that they will or will not do a future action, since he does not have the power to keep his words, and they are not bound by his vow,<sup>84</sup> unless they agreed to his words, in the manner described above in topic 10.

A man who swears to marry a woman, and vice versa, is not considered to have uttered a vain oath, since the intention is such that

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<sup>81</sup> *Shulḥan Aruḥ Yoreh De'ah* 236:4.

<sup>82</sup> Rambam, *Laws of Oaths* 5:20.

<sup>83</sup> *Ibid.*, 1:4-7.

<sup>84</sup> *Ibid.*, 5:1-2; *Shulḥan Aruḥ Yoreh De'ah* ch. 236.

if the second person consents, then the first person will be obligated to keep the vow. When this happens, the first person does become bound by the oath. Likewise, in any case where one person swears on condition that a second person will do something, this oath is not in vain and is binding as soon as the condition is met.

14. It is permitted for a Gentile to swear to keep one of the Seven Noahide Commandments, even though he is already obligated in them, since he sees this as a necessary vow in order to encourage himself to keep the commandment.<sup>85</sup>

15. One who intends to swear and resolves a certain matter in his heart, but does not actually voice the commitment, is not bound by it as by a vow. Likewise, if one resolved in his heart to prohibit himself from doing a certain action, and erred and mentioned another vow which he did not intend, like one who intends to swear not to eat with person A, and erred and voiced a promise not to eat with person B, may still eat with both of them, as one is only bound by a vow which he both intends and voices in accordance; but resolve alone, or an errant spoken vow, are not binding.

If one resolved in his heart not to eat bread made from wheat, and then swore not to eat bread without specifying the type, he is only forbidden to eat wheat bread, as his heart and mouth were alike on this matter. In contrast, if one swears and says, “I swear such and such with your consent,” he cannot say that he had other thoughts in mind, since his heart and spoken words were in accordance that the oath would depend on the consent of others. Therefore this is a complete vow, and

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Rabbi Zalman Nehemiah Goldberg notes that such a vow is not necessarily in vain, for if it was, it would be considered in vain whether others kept the vow or not. The reason, it appears, is because one who swears to sin or do an impossible action intends that his vow should enable him to do so, and it is therefore said in vain.

In contrast, one who swears that others will do an action does not intend that they must do so, but rather that he knows the future and can predict that the others will do the action, and he does not necessarily swear for naught. Therefore, one who swears that rain will or will not fall the next day does not swear in vain, but rather swears on his ability of foresight, like a meteorologist who predicts the weather.

<sup>85</sup> Rambam, *Laws of Oaths* 11:3.

the consent of the others takes the place of his consent.<sup>86</sup>

16. If one swears or promises, and then rescinds his oath in a short period of time (equal to the time required to say, “Peace unto you, my teacher”), and says “I regret it,” or “This is not a vow,” or “I have reconsidered,” and the like, then the vow is not binding. This is comparable to one who made a mistake, and did not really have intention in his heart for his vow.<sup>87</sup>

17. Likewise if others told him “Reconsider it,” or “This is not binding for you,” and he verbally accepts their words immediately (in the short time period defined above) by saying “Yes,” or “I regret it,” the vow is not binding. If he waits longer than this amount of time, he may not rescind his vow.<sup>88</sup>

18. If one swears verbally and reconsiders the vow in his heart before the specified time limit, but does not voice his regret, then he does not rescind it. If others told him, “Reconsider it,” or “This is not binding for you,” and he accepts their words in his heart during the specified time, he has accomplished nothing until he voices his intentions.<sup>89</sup>

19. There is a type of vow that is not made through speech, but is committed through action, in a community where this action is accepted as a vow, and this oath is binding with all the rules of a vow. For example, in places where a vow is communicated by an action at the time of the declaration – for example, by shaking hands, raising the right hand, or placing one’s hand on a Hebrew Bible – then these actions are considered vows.

However, in places where businessmen commonly shake hands over a business deal, this is only considered an informal agreement and an endorsement of the deal, and it is not considered to be a vow.<sup>90</sup>

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<sup>86</sup> *Ibid.*, 2:10-15.

<sup>87</sup> *Ibid.*, 2:17.

<sup>88</sup> *Ibid.*, 2:18.

<sup>89</sup> *Ibid.*, 2:19.

<sup>90</sup> *Shulḥan Aruḥ Yoreh De’ah* ch. 239; *Shulḥan Aruḥ Ḥoshen Mishpat* 81:28.

\*Even a signed document that is recognized by a court is not a vow. It only serves to establish or validate a business agreement.

## CHAPTER 4

**Annulment of Vows and Promises, and Vows Made  
According to the Public's Understanding**

1. If one makes a promise or vow to do a certain thing or not to do so, and he then regrets his vow and decides that he will be distressed if he holds himself to keeping it – or if something occurs later which he did not foresee, and he reconsiders his promise or vow because of this – then he may request annulment for the vow according to the instructions below. Once his vow becomes annulled, he is allowed to do a thing that he swore not to do, or he does not have to do the thing he promised to do.<sup>91</sup> Even if he swore to the promise by God's Name, he may request annulment for the vow.<sup>92</sup>

2. It has been explained in the previous chapter that a person should not rush to make promises or vows, and if one has already done so, he should keep his word and not annul his vow. He should endure distress to uphold what he swore verbally, rather than annul the oath (for anyone who swears and then annuls his vow is like a liar).<sup>93</sup> Only if one sees that the vow he uttered is causing him much distress, or if it becomes a stumbling block, or causes him or others to sin, should he then have the vow annulled.<sup>94</sup>

After the fact, if he requests annulment for his vow and receives it, even if it was not fitting for him to do so, he is then no longer bound by the vow.

3. One cannot annul his own vow;<sup>95</sup> rather others must annul it for him. Even one person can annul another person's vow, provided he is knowledgeable in the precepts regarding annulment of vows, and he

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<sup>91</sup> Based on Rambam, *Laws of Oaths* 6:1.

<sup>92</sup> *Shulhan Aruh Yoreh De'ah* ch. 228, 230.

<sup>93</sup> This can be shown from what happened to King Zedekiah, who was killed by Nebuchadnezzar for annulling the vow he swore to him, as explained in Tractate *Nedarim* 65a.

<sup>94</sup> Based on Rambam, *Laws of Oaths* 12:12 and *Laws of Vows* 13:25; *Shulhan Aruh Yoreh De'ah* ch. 203.

<sup>95</sup> Rambam, *Laws of Oaths* 6:3.

knows what is considered valid regret from the outset, and how to find an opening for establishing that the necessary regret is there.<sup>96</sup>

Even a friend or relative, as long as they are knowledgeable in these laws, is allowed to annul a vow that a Gentile made.<sup>97</sup>

4. How is an oath annulled? The person who took the oath says before those who are annulling it: “I took an oath concerning such and such, and I have changed my mind. If I had known that I would feel so much discomfort concerning this matter, or that such and such a thing would happen to me as a result, I would not have taken the oath. If at the time of the oath, my understanding was as it is now, I would not have made the oath.”

Those who are annulling the oath say to him: “Have you already changed your mind?” He answers: “Yes.”

They then tell him: “The thing is permitted for you,” or “The promise is released for you,” or the like, with this intent and in any language.<sup>98</sup>

There is no annulment for a vow unless the one who made the oath regrets it and rescinds, declaring: “If I had known what I know now, or if I would have thought about this at the time of my vow, I would not have made it,” and rescinds his vow in the presence of those who are annulling it.

Whether one comes forward to request an annulment on his own accord, or if another person initiates the annulment and asks him, “If you had known such and such at the time of your vow, would you have

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<sup>96</sup> See Jerusalem Talmud, Tractate *Nazir*, beginning of ch. 9: Rabbi Yosay and Rabbi Avahu have the opinion that a Gentile does not need to request annulment from a scholar specifically, but may even do so from any ordinary person. The law follows their opinion, as seen from Tractate *Sotah* 36b, that Pharaoh said to Joseph, “Go and annul your vow.” So we see that annulment of vows also applies to Gentiles. It appears that the annulment may equally well be made through an ordinary Jew or an ordinary Gentile.

<sup>97</sup> Rambam *ibid.*, 6:6; *Shulhan Aruh Yoreh De'ah* 228:3. **Also, it should be done in person and not by telephone or video call.**

<sup>98</sup> This is the wording of Rambam (*ibid.* 6:5). It can be proven from the Jerusalem Talmud, Tractate *Nazir* (loc. cit.), that one needs to identify an opening for establishing that there is regret, without which the scholar cannot annul the vow.

made it?” and he answers “No,” this is an “opening” for the other person(s) to annul his vow.<sup>99</sup>

However, if one says that he does not regret his vow, it is impossible to release him from it. Even if one regrets the vow at the current point in time but does not regret it from the time of its acceptance, and says that what he promised was good until now, and only in the future does he want to release himself from it, he cannot receive annulment.<sup>100</sup>

Therefore, if he himself does not express regret that he made his vow, the persons he approached to grant the annulment must discuss the matter thoroughly to see if there is any opening by which to say that he does indeed regret the vow to begin with or not, and they should delve deeply into the matter, and not hasten to annul the vow.<sup>101</sup>

5. The following rules apply when a person took an oath and does not regret it, and he came before a court to carry out his oath. If the judges see that releasing the oath will lead to a good result or the end of feuding (such as making peace between a husband and wife, or between two colleagues), and carrying it out will on the other hand lead to transgression and strife, they encourage the person to take the option of having his oath annulled.

They should discuss the matter with him, pointing out the negative consequences of his oath, until he regrets that he made it. If he changes his mind because of their words, they should release his oath. If he does not change his mind and upholds his oath, he must carry it out.

What is implied? If a person took an oath that he would divorce his wife, they should tell him: “If you divorce your wife, you will cause malicious gossip to circulate concerning her children, for people will say, ‘Why was the mother of these children divorced?’ Or it is possible

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<sup>99</sup> \*The court is ruling that the person made a mistake when he vowed by not realizing the truth of the situation, including the possible negative outcomes that could result.

<sup>100</sup> *Shulhan Aruḥ Yoreh De’ah* 228:7.

<sup>101</sup> *Ibid.*, 228:4.

\*Even though it was explained in topic 3 that even one person can release a Gentile’s vow, nevertheless, when an opening is needed, it is fitting that it should be discussed among a “panel” of several knowledgeable persons to come to a decision as to whether it was truly a mistaken vow that warrants annulment.

that she may become remarried to another.” If he says, “If I had realized this, I would not have taken the oath,” they annul his oath. If he says, “All the same, I have no regret, and this is what I want,” the court is unable to release him from his oath.<sup>102</sup>

6. We do not annul an oath because of something that had not occurred at the time the oath was made, and the person had no possible knowledge of it from the outset.<sup>103</sup> What is implied? For example, someone took an oath not to derive benefit from such-and-such a person, and that person later became the city’s mayor. Since the person did not regret making the vow, even if he now says, “If I had known that this would occur, I would not have made the vow,” his vow should not be annulled, for he still does not regret his original making of the vow.

However, if he regretted and said, “If I had known that this person was fitting for prominence and honor at the time of my vow, I would not have taken it,” then this is a true and valid regret, and his vow can be annulled.<sup>104</sup> When does this apply? In regard to a normal occurrence, which a person could have foreseen as being possible at the time he made the vow.

A different rule applies if an unusual occurrence happens that one would not normally think of. Since this is a completely unforeseen condition, it should not be considered as an opening to allow the person to be granted annulment due to regret, since he does not regret that he originally made the vow. For example: if one swears not to derive benefit from such-and-such a person who was a healthy person, and that person dies unexpectedly and leaves an inheritance to the person who vowed, the court does not release him from the vow based on his statement, “If I had known that he would die, I would not have made this oath.” Since the death of a healthy person is unusual, the person would not have thought about this possibility at the time of his vow.<sup>105</sup>

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<sup>102</sup> Rambam, *Laws of Oaths* 6:10-11.

<sup>103</sup> \*After the oath was made, something new arose, that the person could not have known or anticipated at the time of the oath.

<sup>104</sup> Rambam, *ibid.* 6:12.

<sup>105</sup> *Shulhan Aruh Yoreh De'ah* 228:12.



### Vows Made According to the Public's Understanding

7. One who swears or promises upon the knowledge of one or more other people, may not request annulment without their consent.<sup>106</sup> Therefore, a court should not release such a vow unless the person has previously received permission from the others for release of his vow.

If the court nevertheless released the person from the vow, or if the other people die (in which case it is impossible to request their permission to annul the vow), or if there was an overriding need that he must annul his vow, the court has permission to do so.<sup>107</sup>

8. A vow of a person who swears based upon the consent of the public at large can never be annulled, since it is impossible to receive consent from the public.<sup>108</sup> But if there was an overriding need for the person to rescind his vow, the court may do so even in such a case.<sup>109</sup>

One who takes an oath in public is not considered to have based his oath on their consent, until he says clearly that he made the oath based on the consent of the public.<sup>110</sup>

### Vows Made in Partnership, or Under Duress, or by Mistake

9. If two people swore to each other to perform an action together, such as to make a partnership in business, or if a man and woman swore to marry each other, and one of the parties annuls the vow, the second is also not bound by the vow, since each person was only bound to begin with on condition that the other person keeps the vow.

If a man and woman became engaged with a vow and swore to get married at a specific time, or if two businessmen made a partnership

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<sup>106</sup> \*Since the vow was made on their knowledge and intention (see the end of topic 3:15), and releasing the vow is made possible by a regret from the beginning, the annulment must be granted with the agreement of all parties involved.

<sup>107</sup> Tractate *Nedarim* 65a *Tosafot* and Ran there; *Shulḥan Aruḥ* *ibid.* 228:20.

<sup>108</sup> \*This is why Abimelech brought a *group* of his friends when he wished to convince Isaac to make an oath of mutual peace, even though Isaac respected the same oath that had been given by Abraham. (*Or Haḥayim* Gen. 26:26)

<sup>109</sup> Rambam, *Laws of Oaths* 6:8-9; *Shulḥan Aruḥ* *Yoreh De'ah* 228:21.

<sup>110</sup> *Shulḥan Aruḥ* *Yoreh De'ah* 228:23.

that is dependent on time, and this time passes, and one of the parties claims that he had no choice and did not purposefully put off the date, the second party may request annulment for his side of the vow (if he so desires), and the court may release him from it.<sup>111</sup>

10. This applies only if two people swore to each other to do something together. But if two or more parties swear to do a certain thing or not to do it, such as not to speak to or do business with a certain person, and one or more of them violated the oath, this does not release the other parties involved, since such a vow is not dependent on the consent of the others.

In contrast, if two people make an oath that is dependent on each one of them, such as an oath that they will go together to a certain place, and one violates the oath, the second is exempt from keeping his part in it, since this oath depends on the actions of both together, and is comparable to the cases in the previous paragraph.<sup>112</sup>

11. One who was forced to swear – for example, by being hit until he swore, or being pushed and forced against his will to make an oath – it is not a binding vow, and it does not need to be annulled.<sup>113</sup> This applies even if he was forced to swear by consent of the public.

12. Likewise, one who swore by accident or mistake – for example, one who swears that his wife and children should not benefit from him because they stole from his wallet, and then later finds out that they really had not stolen from him – is not bound by his vow. Similarly, if one thinks something positive or negative about such-and-such a person and therefore makes an oath regarding him, and later finds out that his assumptions were wrong (for example, one who thinks that a certain person was not attending a wedding, and pledged a thousand coins to charity “if this person was at the wedding,” and later he finds out that this person was indeed there), then he has made a mistaken vow, and he is not obligated to keep his words. He is also not obligated to release his vow. All similar situations have the same ruling.<sup>114</sup>

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<sup>111</sup> *Shulhan Aruh Yoreh De'ah* ch. 236.

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*, 232:15.

<sup>114</sup> *Ibid.*, 232:6.