



## **Week 7: Oaths at Sinai: Religious Autonomy and Religious Obligation** **Sofia Freudenstein, Class of 2025**

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Shavuot marks the end of our counting of the Omer, a countdown to when we received the Torah at Mount Sinai. There are many accounts of how we received and accepted the Torah that day, each providing different frameworks for how we might see ourselves relative to God and Torah.

Two models come from the Torah itself. There are the biblical verses that detail the fear the Israelites experienced due to the thunder, fire, and lightning of the theophany. This image suggests that the Israelites might have felt pressured into serving God, as opposed to worshiping God out of their own volition and desire. This issue and potential coercion is laid out in the Talmudic passage on [Shabbat 88a](#) in which there is the metaphorical image of Mount Sinai being forced upon Israel like an overturned tub, threatening the Israelites with destruction unless they agree to follow the Torah. We also have the biblical model encapsulated by the verse [na'aseh v'nishma/we will do and we will listen](#). This foregrounds our willingness to take on the Torah, even before fully understanding what was being asked of us. Both of these models of taking on Torah—through coercion or blind devotion—present challenges. Not being coerced seems important not just from a legal culpability standpoint, but also from an ethical one. Taking on the Torah willingly, but without being aware of its contents, feels sheepish and naive. What might a more satisfying and compelling model look like? Both models come with their own drawbacks.

When learning Masechet Shavuot this year, I stumbled upon a *mishnah*, which might provide a third approach to how to relate to revelation at Sinai. Masechet Shavuot, a tractate of Talmud all about oaths, often feels a bit distant from our everyday experience, as we no longer take these formal oaths. The tractate is filled with different kinds of oaths that can be made in different circumstances, explanations of what happens when one does or does not fulfill an oath as taken, and the different kinds of oaths made in a court of law. When I think of oaths, I think of Shakespearean chivalry—a

statement or articulation on a grand scale of belief, commitment, or devotion. However, this *mishnah* complicates that framework:

If one **takes an oath to refrain from performing a *mitzvah* and he does not refrain**, he is **exempt** from bringing an offering for an oath on an utterance. If he takes an oath **to perform a *mitzvah* and he does not perform** it, he is also **exempt, though it would have been fitting to claim that he is liable** to bring the offering, **in accordance with the statement of Rabbi Yehuda ben Beteira.**

Here, the *mishnah* explains that if someone takes a vow that they will *not* perform a commandment, but then performs it anyway, he does not have to bring a sin offering for violating his oath. This is in distinction from what would happen if someone took an oath not to do a non-commanded action but then did it anyway, where he would be obligated to bring an offering. Similarly, if he took an oath that he was going to perform a commandment, but then does *not* perform it, he is also exempt. This is presumably related to the fact that failing to perform a commandment is its own category of violation. However, as the *mishnah* goes on to explain, it is not so obvious that this should be the case.

**Rabbi Yehuda ben Beteira said: Just as**, with regard to an oath concerning **an optional matter, for which one is not under oath from Mount Sinai, he is liable for breaking it**, then with regard to an oath about **a *mitzvah*, for which he is under oath from Mount Sinai, is it not logical that he would be liable for breaking it?**

The *mishnah* brings the opinion of Rabbi Yehuda ben Beteira, who disagrees with the claim made by the anonymous first voice of the *mishnah*. Applying a system of logic known as a *kal v'chomer*, Rabbi Yehuda ben Beteira points out that, if violating an oath that is not about a commandment requires an offering, should it not be even more so the case for failing to fulfill a commandment, where there are two violations—the violation of the oath *and* the failure to fulfill the commandment?!

The Rabbis **said to him: No, if you said** that one is liable **for breaking an oath** concerning **an optional action, where the Torah rendered** one liable for **a negative** oath not to perform it **like for a positive** oath to perform it, **shall you also say** one is liable **with regard to breaking an oath** concerning **a *mitzvah*, where the Torah did not render** one liable for **a negative** oath **like for a positive** oath, **since if one takes an oath to refrain** from performing **a *mitzvah* and did not refrain**, he is **exempt** ([Mishnah Shevuot 3:6](#)).

The rabbis reject Rabbi Yehuda ben Beteira's *kal v'chomer*. To them, oaths about commandments are inherently distinct from oaths that are not related to commandments, and therefore, the two cannot be compared. For a non-commandment related oath, the action or inaction would be inherently neutral if not for the oath. However, for an oath about a commandment, the action or inaction inherently has consequences, since failure to perform or violate a commandment goes against the

nature of the commandment itself. Therefore, these two kinds of oaths are not similar enough to have the same consequences extrapolated from each other.

What is going on here? It seems that this dispute is about the functionality of oaths and if one can negate previous oaths with current ones. However, if we probe deeper, we will see that actually, this specific conversation about types of oaths actually represents a larger philosophical debate about our relationship to *mitzvot*. In this way, this seemingly esoteric *mishnah* gives us a window into how both Rabbi Yehuda ben Beteira and the rabbis perceived revelation at Sinai.

By positioning *shevuat reshut she'eino mushba v'omeid mei'har sinai* (an oath that is regarding something not commanded at Sinai) against *shevuat mitzvah she'mushba ve'omeid mei'har sinai* (an oath regarding something commanded at Sinai), we learn that revelation at Sinai on Shavuot was not just an experience of passively receiving the Torah. It was a moment in history in which we—each and every Jew throughout the generations—swore to keep the *mitzvot*. When the rabbis and Rabbi Yehuda ben Beteira debate these concepts, they are imagining that we all were at Sinai swearing to keep God's Torah. This vow is so eternally binding that if I were to swear to do something against a *mitzvah* today, it would not just be a contradiction in actions. Instead, it would also be a violation of the oath I had taken during the revelation, many millennia ago.

This idea helps us rethink the Sinai experience. In contrast to the Torah models of coercion or blind commitment, the *mishnah* suggests knowing agency. The Israelites taking on an oath at Sinai, is a model of **both** religious autonomy and of religious obligation.<sup>1</sup> They are binding themselves to God, but doing so actively and willingly. The idea that taking on the Torah at Sinai as a kind of personal transformational experience is poignant. To frame one's religious practice as an intentional choice one took upon oneself long ago, welcomes a more empowering way to be thinking about ourselves in relation to Jewish law. Inside of being beholden to what our previous ancestors took upon themselves, we ourselves made an oath to keep *mitzvot* at Sinai—we too were there, along with all Jews past and future, and we all chose to take this vow.

For the rabbis, oaths are serious. The Gemara itself describes warning an individual in court before taking on an oath to be aware:

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<sup>1</sup> Beautiful passage regarding taking on of *mitzvot* as oath, and oath that evens converts and future generations took on:

From the phrase: “**But with he who stands here** with us this day” (Deuteronomy 29:14), **I have derived only that those who stood at Mount Sinai** were included in this covenant. **From where** do I derive that **the subsequent generations, and the converts who will convert in the future**, were also included? **The verse states: “And also with he who is not here** with us this day” (Deuteronomy 29:14). (Shevuot 39a)

**that the entire world trembled when the Holy One, Blessed be He, said at Mount Sinai: “You shall not take the name of the Lord, your God, in vain, for the Lord will not hold guiltless one who takes His name in vain” (Exodus 20:7) ([Shevuot 38b-39a](#)).**

If this is true for an oath in court, how much more so for an oath committing to keeping the Torah in full. But with this great responsibility, there is also great possibility—the ability to enact such powerful statements is almost Godlike. That we have power to make demands of ourselves that shake the very foundations of the world, speaks to God’s desire to empower us in our practicing of God’s Torah.

May we receive the Torah this year with full appreciation of the weighty oath we took upon ourselves at Mount Sinai. May that empower us to uphold what we ourselves committed to long ago.

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*Sofia Freudenstein graduated with an Honors Bachelor degree from the University of Toronto. Before university, Sofia competed in the International Chidon HaTanach, and participated in the Drisha High School Program, the Bronfman Youth Fellowship, and the Tikvah High School Program. She spent a gap year at Midreshet Lindenbaum, interned for the organization Ayeka, has been Co-Rosh Beit Midrash at Camp Stone for two summers, and was the Director of Experiential Education at the Drisha High School Program. While in the Core Semikha program, Sofia is also pursuing a masters degree in Jewish Philosophy at the Bernard Revel Graduate School of Yeshiva University, was the Maharat Intern for ASBI in Chicago, and spent the past year learning at Yeshivat Drisha.*