

## Stop Sign

February 8, 2024

**Q** I'm filling out a legal form that concludes, "By signing below, I hereby swear that the information provided is true." May I sign this, either by hand or digitally via DocuSign?



**A** Many *psukim* and *ma'amarei* Chazal emphasize the extreme severity of a false *shvuah*. For this reason, swearing was eliminated from *bais din* procedure centuries ago. The Chasam Sofer (Teshuvos C.M. 90) strongly backs this custom and proves from many sources that it is forbidden to swear even truthfully, and that this must be avoided at all costs. See also *Minchas Yitzchak* (4:52), addressing a professional who was required to swear when submitting his reports, who ruled that he must refuse, even if it meant losing his livelihood.

The common English translation of the verb "*nishba*" is "swear" (see *Chochmas Adam* 93:5 regarding the Yiddish "*shverin*"), so using that word to confirm one's statement is a full-fledged *shvuah*.

The *Acharonim* debate the status of a written *shvuah* or affidavit. The *Noda Bihudah* (Y.D. 1:68) rules that a nonverbal expression is not a *shvuah*. But the Chasam Sofer (Teshuvos Y.D. 220) says that it is (and is even stronger than a verbal one).

Many *Acharonim* suggest that a written oath is only a *shvuah* if one writes the words "I swear," but not if he affixes his signature to a text that already contains *shvuah* language (see *Noda Bihudah* *ibid.*, and others cited in *Tzitz Eliezer* 7:50). The Chasam Sofer (*ibid.*), however, rules stringently.

Recent *poskim* dealt extensively with the question of whether digital text is considered *ksav* with regard to the prohibition of writing on Shabbos (see *Dirshu Mishnah Brurah siman* 340 note 58). Some authorities consider it to be *ksivah mide'Oreisa*, which has ramifications for the question of *shvuah* as well.

Therefore, you should not sign the document, whether physically or digitally, even if it means a financial loss. If you risk a severe loss or severe legal difficulties, a *rav* should be consulted about whether you may sign

digitally.