

Asham Gezelot (Guilt Offering of Robbery)

Ref: *Sefer Nezikin, Hilchot Gezeleh Vaaveidah, Chapter 7*

Denial of financial obligation with a false oath and then admits obligation. (Could be any financial obligation including robbery.)

The penalty is capital & $\frac{1}{5}$ & *Asham Gezelot* (Guilt Offering of Robbery)

Reminder

Pack on *Korbanot* (See section on *Shogeg*)



Applies when:

- Defendant owes money because of his own actions. (If he owed money because of his father, he only needs repay capital and not the additional $\frac{1}{5}$).
- Defendant denies obligation.
- Defendant takes a false oath.
- Defendant later admits his obligation.

This penalty applies to

- Robber
- Thief
- Loan
- Entrusted article
- Lost object
- Dispute between partners

NOTE:

- It is unusual that a defendant needs to take an oath. Generally, a Scriptural oath is only taken when
 - He admits part of the claim.

Reminder

Pack on Oaths
Pack on Witnesses



– There is one witness against him.



- The **additional** $\frac{1}{5}$ plus sacrifice were instituted for the defendants atonement. Therefore these would not be due if the defendant does not admit his guilt. I.e. defendant voluntarily admits guilt (and not testified against).
- Return of money to owner.
 - If defendant took a false oath, the defendant himself has to seek out and deliver his due to the owner. (Because the false oath would have made the owner give up hope of retrieval.)

- If defendant had robbed but not taken an oath, and later admitted his guilt, the defendant is not liable to seek out the owner.
- Return may be made to the Courts.
- If a person denies and then admits many times on the same article, he has to pay **Principal plus $\frac{1}{5}$** for every false oath.

How is $\frac{1}{5}$ calculated.

- $\frac{1}{4}$ of principal

E.g. if principal is 4, then $\frac{1}{4} \times 4 = 1$, and payment is 4 (principal) & 1 = 5 (result is $\frac{1}{5} \times 5 = 1$)

Reminder

Pack on Fines



The obligation to pay the additional $\frac{1}{5}$ does not apply to

- Landed property
- Eved Cnaani
- Promissory notes

Also, landed property never become the property of a robber, even if it was sold multiple times, and even if the owner gave up hope of its return. It has to be returned to its original owner without penalty.