

## False Oath Related to Financial Irregularity (*Shvuat Hapikadon*)

Ref: *Sefer Haflaah, Hilchot Shevuot, Chapter 7 and 8*

### General rules

- Only applies to movable property i.e. *pikadon* (guarded article), *tzumet yad* (loan or money on trust), *gazel* (stolen article) or *avedah* (lost article).
- Excludes landed property, servants, and promissory notes.
- Liable for making oath to a person's *shaliach* (agent) because a *shaliach* is equivalent to the *meshaleach* (sender).
- Must be taken in a language which is understood.
- Exempt from lashes, but liable for Guilt Offering. If after swearing falsely he admits, he must pay an additional  $\frac{1}{5}$ .
- Value less than a *prutah* is insignificant. Therefore, for a *shvuat hapikadon* he would be exempt, but would remain liable for a *shvuat bituy*.

### Cases

Cases showing whether one is liable for *shvuat hapikadon*.

All these cases have different levels of financial obligation from nothing i.e. *shomer chinam*, to some or much.

Examples are:

- *Gnevah* (stealing)

#### **Reminder:**

Key Facts *Sefer Nezikin*

*Naarah Betulah* (Girl who was Seduced or Raped).

Ref: *Sefer Nashim, Hilchot Naarah Betulah, Chapter 1*



- *Anas* (rape)
- Seduction
- *Shomer chinam*

#### **Reminder:**

Key Facts *Sefer Mishpatim*

Definition of Watchmen, Borrowers etc.

Ref *Sefer Mishpatim, Hilchot Sechirut, Chapters 1–2*



- *Shoel* (lending)
- *Socher* (renting)
- *Pikadon* (guarded article)
- *Sachar* (payments)
- *Mocher* (sold)
- Etc.

Even if he exempts himself from *shvuat hapikadon* (because he has not exempted himself from financial responsibility), he will still be liable for having taken a false oath i.e. *shvuat bituy*.

General principle – Whoever does not free himself from financial responsibility by making this denial, is not liable for *shvuat hapikadon*. However, he will still be liable for a *shvuat bituy*.