

The Torah instructs one who has defrauded another.

אוּ מִכֹּל אֲשֶׁר-יִשָּׁבַע עָלָיו לְשָׁקֵר וְשָׁלַם אֹתוֹ בְּרֵאשִׁי וְחִמְשָׁתָיו יִסַּף עָלָיו לְאִשֶּׁר הוּא לוֹ
יִתְּנֶנּוּ בְיוֹם אִשְׁמֹתוֹ:

“Or from all that, which one swore upon it in falsehood, and he makes him whole the principal and a fifth added upon it, for that He shall give it to him, on his guilt-day.” (Vayikra 5:24).

This is part of the pesukim that talk about how one makes himself whole even after committing criminal theft or fraud. The pasuk already says he makes the owner whole and even adds a fifth. Who is the “he” at the end of the pasuk? Also, there is only one option here for korban – so it seems – a ram. (Ibid 5:25). What if he cannot afford it? Also, it says the Kohen then shall make forgiveness for him before Hashem. (Ibid 5:26). Is he not forgiven when he makes recompense?

The sins here are elaborated. He falsely denies a deposit, monies, or he robs or withholds funds (ibid 5:21), or he finds a lost object and keeps it (ibid 5:22). Simple theft sins can be compensated by making the owner whole. The Torah says so. “And it shall be because he sinned and was guilty and he returns the loot that he stole, or the funds that he withheld, or the security deposited to him, or the article that that he found.” (Ibid 5:23). This leads to our pasuk.

However, this sin is more than just a theft and making the owner whole. נֶפֶשׁ כִּי תִחַטָּא וְיִמְעַלָּה מֵעַל בָּהּ “A soul because he sins and trespasses against Hashem.” (Ibid 5:21). These are not simply sins between man and his fellow. The word “soul” and not “man” is a clue. These are sins against Hashem. How? “By dealing deceitfully.” (Ibid). It is understandable that these sins of theft are acting with deceit and fraud. But how does that make it against Hashem more than to the person that was wronged? The Torah clarifies: וְנִשְׁבַּע עַל-שָׁקֵר “And he swore on falsehood.” (Ibid 5:22). It is not simply about the theft. He swore falsely about it. “On any one from all that a man does to sin likewise.” (Ibid). These are examples of sins but this is not the exhaustive list. The sins talked about here are more than the theft, it is the swearing falsely. That is the sin to Hashem, and that is what the korban is forgiving.

“And it shall be because one sinned and became guilty.” (Ibid 5:23). He was already guilty and already sinned with the theft. The extra אָשָׁם “guilt” refers to the swearing on the falsehood.

“Or from all.” This is from any of the enumerated sins. It is also from any other type of sin, not so enumerated, where one causes a loss or damage to another and then swears falsely about it. Perhaps this includes property damage—lying about causing

damage to another or inflating the value of the damage that was done to him. The Torah deals with the underlying civil and criminal penalties elsewhere. This section talks about the wrong to Hashem for the false or frivolous swearing.

“That he will swear upon it.” It does not say “swears falsely.” This is not necessarily about false swearing. He could be telling the truth. However, it was his action that caused the swearing to have to take place. For instance, if he denies a deposit with him. He swears and keeps it. If he immediately returned the deposit, he would not have to swear at all, even if he swears honestly that he has the deposit with him and he wants to return it. These cases are all ones that he makes amends. Therefore, it is possible he is honest by the swearing stage. However, dealing as he did—in fraud and deceit—is caused him to have to swear, even honestly. “Do not raise the name of Hashem in vain.” (Shmos 20:7). This includes even for the truth, but unnecessarily. That is why it says “swears upon it.”

“For falsehood.” The swearing is for falsehood. Either because he swears falsely, and thereby—of course—the oath is false. Or he swears honestly now, but his falsehood caused him to swear. Since it was an act of fraud that cause the oath, he is now swearing toward that underlying conduct of falsehood—even if telling the truth.

“And he makes him whole, the principal.” Literal translation is “and he pays it its head.” The word for paying is similar to making whole because that is what paying does. It makes the worker whole for the labor, seller whole for the product, the lender whole for the loan, and the plaintiff whole for the damages done. He is paying it, retuning the deposit or lost object, or monies. That is the principal. That is the “head” of the matter. First, he must make the person whole before anything else can happen. It also can mean *he pays it to him first*. Before correcting the sin between man and Hashem the sinner must correct the sin between man and his fellow. That is a prerequisite to having the opportunity for full atonement.

“And fifth of it is added upon it.” This is to make the person whole. It is remuneration for the time that the person did not have his object or money or deposit returned. It is a penalty and also helping making the owner of the object or funds whole for the time duration of the theft. This is not usury or *ribbis* because it is not a loan but a penalty for being taken without permission.

“For that He gives it to him.” This is Hashem giving the sinner a chance at redemption. The rest of the pasuk already talked about making the victim whole. Now Hashem is giving the sinner a chance at expiation.

“On his guilt-day.” On the day he admits his guilt, comes clean, makes recompense, and then brings the ram for atonement.

The korban is a אֵיל תְּמִים מִן־הַצֹּאן בְּעֶרְכָּהּ “ram, pure, from the flock in its equivalency.” (Vayikra 5:25). The equivalency means any substitution as is similarly brought in other places for those who cannot afford the initially prescribed korban. (See *ibid* 5:7). In *ibid* 5:15, when sinning with sacred monies, then a ram is prescribed or its money equivalent. However, with other sins, there is the exchange. (See also *ibid* 5:18).