



**Lecture # 9 Part 2**

# The Ten Commandments, The Laws Governing Man's Duty To Others (Part 8): Commandment Eight Concerns Man's Property—Never Steal, [Exodus 20:15](#)

## The Eighth Commandment The Sanctity of Property “Lo tignov” ([Exodus 20:13](#)) “Thou shalt not steal”

[Exodus 20:15 \(BHS\)](#)

<sup>15</sup> לֹא תִגְנוֹב: ס

“Lo tignov”

[Exodus 20:15 \(KJV\)](#)

<sup>15</sup> “Thou shalt not **steal**.”

[Exodus 20:15 \(NASB\)](#)

<sup>15</sup> “You shall not **steal**.”

Of course, because the prohibition of abduction in the Decalogue was given to the Israelites, it is reasonable that the penalty provision was intended for them as well. There is, however, another penalty provision that relates specifically to an Israelite who commits the crime:

[Deuteronomy 24:7 \(NASB\)](#)

<sup>7</sup> “**If a man is caught** kidnapping any of his countrymen of the sons of Israel, and he deals with him violently or sells him, then that thief shall die; so you shall purge the evil from among you.”

Whereas the **first statement** makes the act of abduction a capital offense, whether the person abducted is held by the kidnapper or sold into slavery, **the second** stipulates that abduction becomes a capital offense only if the person abducted is made into a slave or is sold. In other words, the act of abduction is not in itself a capital crime. The sages, of course, had to find a way of reconciling these conflicting statements.

With regard to the stipulation “**If a man is caught** kidnapping any of his countrymen of the sons of Israel, and he deals with him violently or sells him, then that thief shall die”, the sages evidently felt compelled to raise a number of questions about it to help further define its intent and scope, and proceeded to parse the verse critically.

**First**, they implicitly asked what was meant by “**If a man is caught**.” Since the conclusion of the precept is that the kidnapper shall die, they presumed that the opening clause did not override the established requirements for a forewarning by witnesses that the contemplated crime was a capital offense, and not that any kidnapper who happened to be discovered was subject to capital punishment. **Second**, they considered the



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implication of the specification **“If a man is caught”**, and argued that this precluded its applicability to someone who was by definition not a man, such as would be the case with a minor who perpetrated a kidnapping. Moreover, they read the phrase, stealing any of his brethren of the children of Israel, as limiting the capital punishment aspect of the rule as applying to members of his community, but not to outsiders.

This should not be taken as suggesting that the sages approved of the kidnapping of strangers and selling them into slavery, which was surely not the case. Since slavery was pervasive in the world of antiquity, the biblical injunction was presumably understood as intended to restrict that practice in the community of Israel, and much biblical legislation that makes slave ownership onerous is testimony to this. The issue here is not slavery as such but communal integrity and the severity of the penalty for violating it in the described manner.

### Deuteronomy 24:7 (NASB)

**<sup>7</sup>“If a man is caught kidnapping any of his countrymen of the sons of Israel, and he deals with him violently or sells him, then that thief shall die; so you shall purge the evil from among you.”**

The phrase, of his brethren of the children of Israel, evoked the question of the redundancy of the phrase. Since the biblical injunction was addressed to the children of Israel, it would seem that of his brethren makes it clear that the text is referring to the children of Israel. Why then add of the children of Israel to the statement? The sages evidently were divided over the question. One position was that the phrase, **“of the sons of Israel”** was added purposively, “Thus including him who steals his own son and sells him, who is equally liable.” The majority of the sages, however, did not attribute any special legal significance to the inclusion of the seemingly redundant phrase and asserted: “He who steals his own son and sells him is not liable,” that is, not liable to capital punishment, perhaps reflecting the ancient view of the scope of patriarchal authority.

Another question that troubled the sages was the point at which liability for a capital crime begins. They took the position that the kidnapper becomes liable and eligible for the death penalty at the point when the person kidnapped is taken into his possession. One sage, however, took a dissenting position, arguing that capital liability began only when “he takes him into his possession and uses him, as it is said And he deal with him as a slave, and sell him,” taking the selling of the kidnapped person as a critical factor in assigning capital liability.

### Deuteronomy 24:7 (NASB)

**<sup>7</sup>“If a man is caught kidnapping any of his countrymen of the sons of Israel, and he deals with him violently or sells him, then that thief shall die; so you shall purge the evil from among you.”**

This implicitly suggested that if one kidnapped a person and did not sell him, but kept him as a slave, he would not be liable for capital punishment, an argument that the



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majority rejected. Parsing the text further, the sages also inferred a significant nuance from the phrase, “**then that thief shall die.**” That is, when all the conditions for capital liability are met, “**that (thief)—but not one who steals someone who is a slave or is a half-slave and half-free.**” That is, kidnapping someone who is already in a state of full or semi-slavery should not be treated as a capital crime, which is applicable only to one who kidnaps and sells someone who was free to begin with.<sup>426</sup>

It also should be noted that reading “**Thou shalt not steal**” in the Decalogue as focusing on the crime of abduction was actually a revolutionary concept in antiquity in that it effectively declared slave trading to be a violation of divine law, something that was clearly tolerated if not encouraged by the legal systems of the ancient world.

Nonetheless, the commandment has also been viewed as an all-encompassing injunction that also prohibits “**stealing**” in its more conventional sense. Thus, **Ibn Ezra**, while basically in accord with the view of **Rashi** on this matter, treats the precept “**Thou shalt not steal**” in a broader context, synthesizing it with another argument presented in the Talmud, where it states, “**Ye shall not steal**” [[Leviticus 19:11](#)].

### [Leviticus 19:11 \(NASB\)](#)

<sup>11</sup> “**You shall not steal, nor deal falsely, nor lie to one another.**”

Scripture refers to the theft of property „A law is interpreted by the general context [in which it is stated]. Of what does the text [[Leviticus 19:10-15](#)] speak? Of money matters; hence this also refers to money.”<sup>427</sup>

### [Leviticus 19:10-15 \(NASB\)](#)

<sup>10</sup> “**Nor shall you glean your vineyard, nor shall you gather the fallen fruit of your vineyard; you shall leave them for the needy and for the stranger. I am the LORD your God.**

<sup>11</sup> **You shall not steal, nor deal falsely, nor lie to one another.**

<sup>12</sup> **You shall not swear falsely by My name, so as to profane the name of your God; I am the LORD.**

<sup>13</sup> **You shall not oppress your neighbor, nor rob *him*. The wages of a hired man are not to remain with you all night until morning.**

<sup>14</sup> **You shall not curse a deaf man, nor place a stumbling block before the blind, but you shall revere your God; I am the LORD.**

<sup>15</sup> **You shall do no injustice in judgment; you shall not be partial to the poor nor defer to the great, but you are to judge your neighbor fairly.”**

Accordingly, **Ibn Ezra** explains, “Stealing generally means the taking of property in secret. And there is a thief that is subject to the death penalty, such as one who steals a person ... And theft of property [may take place] both in front of the victim or behind his back, or [may involve] cheating in accounts or in measure or in weight. And this word also includes one who steals another’s heart.”<sup>428</sup>



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In **Judaic jurisprudence** the category of stealing includes not only abduction but also two distinct modes of stealing, **theft** and **robbery**, each bearing different consequences for the perpetrator. As defined by **Maimonides**: “A thief is one who takes another’s property away secretly without the owner’s knowledge, as when he puts his hand into another’s pocket and takes money out without the owners awareness, or commits a similar act. If, however, one takes something openly and in public by force, he is not a thief but a robber.”<sup>429</sup>

The prohibition of robbery is not derived from “**Thou shalt not steal**”, but has its own specific biblical commandment:

**Leviticus 19:13 (NASB)**

<sup>13</sup>“**You shall not oppress your neighbor, nor rob *him*. The wages of a hired man are not to remain with you all night until morning.**”

**Maimonides** defined a robber as “One who takes another’s property by force. Thus if one snatches an object from another’s hand, or enters another’s premises without his permission and takes articles, or if one seizes another’s slave or his animal and makes use of them, or if one enters another’s field and eats its produce, or commits any similar act, he is deemed a robber.”<sup>430</sup>

**What are most surprising about the differences between theft and robbery are the penalties imposed on the perpetrator.**

With regard to the thief there are two penalties, If the theft be found ...he shall pay double (**Exodus 22:3**) and If a man steal an ox, or a sheep, and kill it, or sell it, he shall pay five oxen for an ox, and four sheep for a sheep (**Exodus 21:36**).

**Exodus 22:3 (NASB)**

<sup>3</sup>“**But if the sun has risen on him, there will be bloodguiltiness on his account. He shall surely make restitution; if he owns nothing, then he shall be sold for his theft.**”

**Exodus 22:4 (NASB)**

<sup>4</sup>“**If what he stole is actually found alive in his possession, whether an ox or a donkey or a sheep, he shall pay double.**”

**Exodus 21:36 (NASB)**

<sup>36</sup>“**Or if it is known that the ox was previously in the habit of goring, yet its owner has not confined it, he shall surely pay ox for ox, and the dead *animal* shall become his.**”

**Exodus 22:1 (NASB)**

<sup>1</sup>“**If a man steals an ox or a sheep and slaughters it or sells it, he shall pay five oxen for the ox and four sheep for the sheep.**”