

Gneivah (Theft) Liability

Ref: *Sefer Nezikin, Hilchot Gneivah, Chapters 1–2*

⌘ | Not allowed to steal property worth **1 prutah or more**¹, Laws of the *ganav* (thief).²

Ganav (thief) – steals quietly

Gazlan (robber) – steals in broad daylight and with force

🔔 Reminder

Pack on Misbehaviour



A thief must pay back double what he stole **2x**. After testimony of **2** witnesses.

🔔 Reminder

Pack on Witnesses



Someone who admits liability only pays back what he stole i.e. **principal 1x**.

The theft of sheep requires a fine of **4x**.

The theft of an ox requires a fine of **5x**.

The stolen article continues to belong to the owner if

- 1) He does not despair of its return (*yiush*).
- 2) The article does not undergo a major change (*nishtanit*). Example living animal becomes slaughtered. If the stolen sheep bears lambs or is shorn, these should also be returned to owner. (Unless owner had despaired of its return.) Therefore changes which occur to animal while in thief's possession are judged according to the above factors i.e. who does the animal belong to.

If thief sanctified it before owner despairs of its loss, it's not *hekdesh* and therefore if he sells or slaughters stolen sheep he has to pay 4 or 5x value, but sheep belongs to new purchaser.

	Liable for fine
Man	✓
Woman	✓ If she is married and can't afford to pay, she must pay once she becomes a widow or is divorced
Minor	✗ But stolen article should be returned and corporal punishment administered. Do not need to pay when they become adults.
Servant	✗ Corporal punishment is administered. But they need to pay once they are freed

Liability.

Assessment

The assessment of liability depends on the balance of various factors.

- Factors as stated in Torah.
- What is the current status of ownership of article.
- Does thief admit his guilt.

Examples

	Liability
Steals from Gentile	✓ Only principal (1x). Torah obligates 2x payment from colleague
Steals from consecrated property	✓ 1x (also not a colleague)
Steals servants	✓ 1x . Torah obligates 2x payment items worth money and this does not apply to servants
Steals promissory notes	✓ 1x Because promissory note not worth money
Steals landed property	✓ 1x Landed property equated with servants
Steals firstling donkey	✓ 2x
Steal <i>tevel</i>	✓ 2x They are still private property of owner
Steals <i>trumah</i>	✓ 1x No longer belongs to owner
Thief slaughters stolen animal properly or sells	✓ 4 or 5x
Thief slaughters in unacceptable manner	✓ 2x only. Because this is not considered slaughtering
Steals and gives as present	4 or 5x (i.e. same as selling)
Someone who admits theft	✓ 1x only
Stole in owners domain i.e. did not remove it (or acquire it by lifting it up)	✓ 1x only Still belongs to owner