

“Theft and Restitution”
Exodus 22:1-15
(Preached at Trinity, April 6, 2008)

I’m supplying these notes for the benefit of busy pastors who may be engaged in bi-vocational work, feeling the pressure of preparing to preach twice on the Lord’s Day while trying to balance full-time secular work as well as caring for their families. While the notes of another man are no substitute for personal study, I pray that these may aid in the process of preparing to preach.

Disclaimer: These are the actual notes I bring with me to the pulpit, which I follow loosely. They are not designed for publication. While I try to make every effort to give proper credit to my sources from the pulpit, adequate citations will sometimes be absent from my notes. If anyone feels their intellectual material has been used without adequate citation, please contact me and I’ll make immediate correction giving credit.

1. As we’ve seen, this section of the Book of Exodus God begins to give a lengthy application to the Law given on Mount Sinai. It lasts for three chapters. In **Chapter 24** we find that this section of Exodus was called the “Book of the Covenant.”
Exodus 24:7 – “And he took the book of the covenant, and read in the audience of the people: and they said, All that the LORD hath said will we do, and be obedient.”
2. The “Book of the Covenant” is based on the Ten Commandments. It contains civil laws based upon the Moral law. Although it is speaking to the specific social context of Israel it also has much to say in how we should live today. The principles still speak to us with authority although the judicial penalties are no longer binding.
3. It should cause us to see and understand the righteousness of God. We can see His goodness and justice. This should enliven our affection for God and kindle our praise. We serve a good and merciful God.
4. We’ve seen that the first section of the “Book of the Covenant,” **Verses 1-11 of Chapter 21**, speaks on the subject of masters and slaves.
The second half of **Chapter 21** deals with matters of personal injury. It is divided into three sections: **Capital Crimes, Personal Injuries, Criminal Negligence**
5. As we continue into **Chapter 22** God continues to give practical application to the Moral Law in the daily lives of His people. **Verses 1-15** deal specifically with the matter of personal property. **Verses 1-4** deal with robbery or theft.
Verses 5-15 deal with negligence or carelessness.
6. We saw in **Chapter 20** that the Eighth Commandment speaks with regard to personal property. It presumes the right of ownership. We are to respect the property of others and never be the cause of another person losing what belongs to him.
 - A. We saw that the Eighth Commandment gives a command not to steal. We must not be the cause of someone losing something that rightfully belongs to him.
 - B. In the instructions in this section of the “Book of the Covenant” we do not find the command not to steal but what to do in the case where someone does steal. In other words, they are civil laws based upon the Moral Law.
God is describing the just and merciful way of dealing with a situation when someone is the cause of another person losing what rightfully belongs to him.
7. These passages are speaking of justice as it ought to be.
 - A. In our nation we pass laws and have penalties for those who break the law. The State is seen as the representative of our society and when an infraction is made the guilty party is seen as being responsible to the State as the representative of the society. Thus we hear the expression that a convicted criminal is “paying his debt to society.” The State might levy a fine or imprisonment or both.
 - B. In criminal cases, however, little or no regard is given to the victim.

1. When Enron collapsed those who were guilty of criminal mismanagement went to prison but thousands of people lost their pensions or investments.
 2. A man breaks into a home and steals \$5000 dollars worth of electronic equipment and jewelry which he promptly sells on the street. He is arrested and convicted and serves his time in prison but nothing is done for the family who were the victims of the crime.
8. These examples demonstrate that we have a system of justice that doesn't always render true justice. True justice must take into account the victims of the crime.
- A. When I was in fourth grade two students broke into the school during the night and vandalized the classroom. The next morning the teacher arrived to find everything in our classroom destroyed. The two young boys were caught and school officials asked each of us to write down what we had lost. These boys and their families had to replace every single item.
 - B. This was a demonstration of justice, yet it still doesn't go as far as the Biblical pattern as we shall see.
9. Are the judicial laws of Israel still binding today? No they are not. But they demonstrate some important principles of justice that we should follow. When we compare our system to God's standards of justice we find there are many areas that need correction. These passages remind us that we must pray continually for our leaders.
- 1 Timothy 2:1-3** – "I exhort therefore, that, first of all, supplications, prayers, intercessions, *and* giving of thanks, be made for all men; ² For kings, and *for* all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty. ³ For this *is* good and acceptable in the sight of God our Saviour;"
10. Let's look at the text and see what God would have us to know concerning the loss of property and restitution. It may not seem like these laws have any relevance to us today. They speak of oxen and sheep. But the principles are invaluable. We must never forget Paul statement in **2 Tim. 3:16-17**
- 2 Timothy 3:16-17** – "All scripture *is* given by inspiration of God, and *is* profitable for doctrine, for reproof, for correction, for instruction in righteousness: ¹⁷ That the man of God may be perfect, throughly furnished unto all good works."
- I. God's system of justice – of fairness and equity
- A. The first case deals with theft – A thief is required to make restitution
 1. Insurance to cover property theft describes a system that is broken – of course, not every thief gets caught.
 2. In the case of a ox that is stolen the victim must be paid five oxen – **V. 1**
 - a. We have to understand that an ox was the chief means of labor in an agrarian culture. The ox was the farmer's tractor.
 - To lose an ox represented days lost of productivity.
 - In addition, it took years to train a good ox – the loss of it was hard to replace.
 - Five oxen would help compensate for the loss
 - b. We could compare it with the theft of a computer today. A thousand dollars might cover the cost of a new computer but what about the days or even months of work lost? And even with backups how many days of work will it take to set up the new computer with all the files and programs?
 - c. Restitution requires restoring all that is lost to the victim

3. What if the thief is caught the same day? – **Verse 4**
 - a. The thief is guilty of breaking the Law of God
He must pay double as a penalty
 - b. This was meant as a deterrent.
 4. What if the thief is killed while committing the crime?
 - a. **Verse 4** – there shall be no bloodguilt for him. Of course if he is killed after sunrise, i.e. the victim hunts him down and kills him then this is murder. God doesn't allow for vigilantes.
 - b. This law is generally true today. If you kill a thief in your home in many jurisdictions you are not guilty of murder. In many cities, however, you have to prove that you felt your life was threatened.
 - c. In the ancient world most homes were made of mud bricks. If a thief wanted to break into a home he simply went through the wall. If this happened during the night the homeowner had the right to defend his property. He didn't know what the thief's intentions were.
 5. What if the thief has no way of repayment?
 - a. He would be sold into slavery until he paid in full – **Verse 3**
 - b. There are many cases today in which a person's wages would be garnished. But this isn't usually tied to the criminal case. It demands a separate civil suit. If a person doesn't have a job the victim still loses. God's justice would require the thief to enter into servitude.
- B. The second category deals with carelessness or negligence.
Where negligence leads to the loss of property restitution must be made
1. If a man allows his livestock to wander into another man's field he must reimburse the landowner of his loss
 2. If a man carelessly sets a fire that gets out of control he must make restitution to those who experience the loss.
 3. Both of these cases were accidents. The farmer didn't intend for his cattle to graze another man's field. The fire wasn't caused by arson. But the Bible teaches legal liability. In each case the restitution had to be made.
 4. God then gives laws for borrowing and lending
Verses 7-13 deal with a man leaving his property with another
 - a. During this time there were no banks. If a man went on a journey he would leave his possession with a neighbor. This was especially true of livestock.
 - b. If the items were stolen, then the thief would pay double
 - c. If the thief was not found the owner of the house would be examined as to his innocence. If he was found guilty he would pay double. If innocent, he would pay nothing.
 - d. The same were true if it were livestock. If the livestock died the homeowner would take an oath as to his innocence and no restitution was required.
 - e. We are not told why in **Verse 12** the homeowner would be required to make restitution for stolen livestock – perhaps because he should have made effort to prevent it.

5. In **Verses 14-15** we find that borrowers are responsible for the borrowed items.

This is not the case if the owner was with it or if it was rented.

II. What we need to see in this passage is God's justice was a reflection of His mercy

A. God is a merciful God – His justice reflects His mercy

1. It is obviously a mercy for the victim – God's law required restitution. The victim would be restored to his previous state

2. It was also mercy for the thief

a. In the typical judicial of the ancient world thieves were dealt with very severely.

b. Often a thief's hand was cut off making it impossible for him to work to provide for himself and his family – there's no mercy here

c. According to Hammurabi's Code theft brought severe penalties – death or extravagant restitution.

Number 8 of the Code:

“If any one steal cattle or sheep, or an ass, or a pig or a goat, if it belong to a god or to the court, the thief shall pay thirtyfold; if they belonged to a freed man of the king he shall pay tenfold; if the thief has nothing with which to pay he shall be put to death.”

Number 22 of the Code:

“If any one is committing a robbery and is caught, then he shall be put to death.”

d. There were different penalties depending on the status of the victim.

e. God's law was accompanied by mercy. There was equal justice for all.

While the thief may be worthy of death, God provided a means of settling his debt even if it meant settling the debt through servitude.

B. The greatest demonstration of God's mercy is found in Christ.

1. We are all criminals worthy of death, only our debt is so great it could never be paid. Christ came and settled our debt completely.

2. When Jesus hung on the cross He had a thief to either side

a. One of the thieves railed upon Christ

Luke 23:39 – “. . . If thou be Christ, save thyself and us.”

b. But the other saw something different

Luke 23:40-41 – “But the other answering rebuked him, saying, Dost not thou fear God, seeing thou art in the same condemnation? And we indeed justly; for we receive the due reward of our deeds: but this man hath done nothing amiss.”

c. As they hung on the cross every breath was a labor of pain. Every word took great effort but the thief spoke.

Luke 23:42 – “Lord, remember me when thou comest into thy kingdom.”

The text doesn't give us every detail of the mind of the thief but he knew he was guilty and condemned. His conscience slew him. He also knew that Jesus was holy and that He was Christ the King.

- d. When he spoke Jesus didn't look away, He didn't give a reproach, He didn't tell the thief that He'd consider it. It was impossible for Him to say no for He had pledged himself to this task. Jesus will always save the sinner who cries out. He spoke clearly,
Luke 23:43 – "Verily I say unto thee, To day shalt thou be with me in paradise."
- 3. We are criminals guilty and worthy of death. Jesus has made full restitution for us. We
- C. There is one more thing we need to see as we look at the man who has stolen.
 - 1. God says he must make restitution – from double to five fold.
 - a. What would his attitude have been? Would he have seen God's mercy?
 - b. No! He's a thief. He didn't care about the property of his neighbor. Paying restitution would have been seen as a terrible imposition.
 - c. This is the heart of us all. We are all thieves. We live in constant fear of theft because we are surrounded by thieves. We are all selfish. We are not concerned about our neighbor. We are all greedy and selfish.
 - 2. God is able to change us. He is able to transform us.
 - 3. But what about the man who has been transformed by God's grace and mercy? What about the man transformed by the mercies of Christ? What about him? How would he look upon restitution?
 - 4. There was a man named Zacchaeus. He was a tax collector who routinely took advantage of the people – he was a thief.
Luke 19:2 – "And, behold, *there was* a man named Zacchaeus, which was the chief among the publicans, and he was rich."
 - a. On this particular day he climbed into a tree in order to see Jesus.
Luke 19:3-4 – "And he sought to see Jesus who he was; and could not for the press, because he was little of stature. And he ran before, and climbed up into a sycamore tree to see him: for he was to pass that way."
 - b. Jesus looks upon him and with His commanding voice spoke:
Luke 19:5 – "Zacchaeus, make haste, and come down; for to day I must abide at thy house."
 - (1) Jesus is saying, Zacchaeus, I have come to Jericho for you today.
 - (2) Although the text doesn't give the full details, the Holy Spirit had prepared the heart of Zacchaeus.
 - (3) Zacchaeus had been driven into that tree
 - 5. The text tells us a several things about Zacchaeus after Jesus spoke to him
 - a. The text tells us he made haste to come down – **Verse 6**
 - b. He came down to receive Christ – to make Christ his own
 - c. He received Christ with joy – Christ had become most precious to him. His heart was overflowing with the prospect of knowing Christ.

- d. Zacchaeus demonstrated the reality of regeneration – he had been changed.
Luke 19:8 – “And Zacchaeus stood, and said unto the Lord; Behold, Lord, the half of my goods I give to the poor; and if I have taken any thing from any man by false accusation, I restore *him* fourfold.”
- e. The grip in Zacchaeus’ heart had been broken. He now had a heart for Christ.