

# THE UPWARD CALL

*Brethren, I do not regard myself as having laid hold of it yet;  
but one thing I do: forgetting what lies behind and reaching forward to what lies ahead,  
**I press on toward the goal for the prize of the upward call of God  
IN CHRIST JESUS.**  
(Philippians 3:13-14 NASB)*

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***The Kingdom of Our Lord #12.***

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## ***Restitution – Theft of Property***

The last issue of this series laid down some general principles of the law of restitution. The whole concept of restitution is vital in bringing about and maintaining righteousness and justice in kingdom nations, for the law of restitution sets forth the manner in which both civil and criminal matters are to be resolved to bring about a just and fair conclusion for all parties. Restitution goes hand-in-hand with the concepts of restoration and reconciliation. After all, God intends to restore and reconcile all things to Himself through His Son, our Lord Jesus.

To understand what follows, please read issues #03-0934, March 17, 2009, *Justice and Fairness – Making All Right*, and #03-0971, March 17, 2009, #11. *The Law of Restitution*.

Let us consider the matter of **property crimes**, that is, the theft of one's property, as revealed through Moses. We need to be reminded that the eighth commandment given by the Lord to Moses is *you shall not steal*. Thus, there are consequences for stealing. The following verses pretty much sum up how a thief is to be treated.

**(1) “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. (2) If the thief is caught while breaking in and is struck so that he dies, there will be no bloodguiltiness on his account. (3) 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. (4) 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 22:1-4 NASB)

**If the thief is caught, he shall pay double.** (Exodus 22:7b NASB)

The first thing that needs to be noted is that a thief can do one of three things with any type of stolen property: destroy it, sell it, or keep it. Obviously, if it is destroyed or sold, then the property cannot be returned to the owner. In some cases, sold property might be retrieved and returned to its owner if it is located, but this would have to be done in such a way that the purchaser is fully compensated. But then again, it could get a little more complicated if the purchaser of the stolen goods knew he was purchasing stolen goods. The return of stolen goods is addressed in Leviticus 6:2-5 and Numbers 5:6-7, where one finds something that was lost and lies about it. Of course, this requires that the person have knowledge of the nature of the goods. If he purchases goods with no knowledge that they are stolen, then he has not sinned. However, if he later discovers that the goods were stolen and he knows who the owner is, then he has an obligation to return them (make full restitution). If he does not, then he has sinned and acted unfaithfully. In this case, if caught, he would be required to pay an additional 20%.

The next thing to note is that if the property cannot be retrieved, there is a replacement value assigned to the property based on its value to the owner. Simply, the stolen item is required to be replaced with like kind. In this case, the loss of one ox requires a debt payment of five oxen (5-fold payment), and the loss of one sheep requires a debt payment of four sheep (4-fold payment).

I believe that the reason for such a higher payment is that animals are part of a man's livelihood. The ox represents the labor of the field, without which he cannot till his soil to produce a crop. The highest premium is placed on what affects a man's labor. The sheep represent a man's products, such as wool and meat. Thus, the greater the impact on one's livelihood, the greater the restitution payment.

Consequently, in modern-day society, any loss due to theft that impacts a man's livelihood requires a greater debt payment. This is to ensure that the one who suffers the loss of his property is able to continue to provide for himself and his family.

If the thief has maintained possession of the property, then he must pay the property owner double and, although these verses do not state so, it would make sense that the property be returned to its owner. Exodus 22:7b refers to stolen money or goods, so it is safe to assume that the double payment is a monetary payment based on the value of the stolen item. Obviously, an impartial judge must make these determinations.

Next, if the thief commits his crime at night and is killed by the property owner, then the property owner will not be held liable. The reason is that, due to darkness, the owner might not know if the thief is armed or not. If the property owner is threatened with bodily harm, he has a right to defend himself (self defense) and his family from the intruder. In the dark, a killing blow or gun shot could be inflicted on the intruder. However, if the thief commits the crime during the day, then the property owner does not have a right to kill the thief, for he should be able to discern the situation and avoid killing the thief. This is explained in verses 2 and 3.

But what happens if the thief is apprehended and cannot make a restitution payment? According to the latter part of verse 3, the answer is that he must work until he has fully paid his debt. Sitting in prison making pennies for menial work is not a very quick and efficient way to compensate the property owner. In fact, it would be an injustice to the one who incurred the loss due to the theft.

Some people might have a problem with anyone being sold to another, which is slavery, but actually what is being sold is his labor. Perhaps a better way to look at it is that the person becomes a servant (employee) of another. A just system may go like this: The court determines the total debt to be paid with the thief's labor, which includes not only what is owed to the property owner who incurred the loss but what it will cost to employ the thief while he is working off his debt. In other words, a value is placed on what could be called the debt note. Once the value is established, the court entertains bids from third parties willing to hire or employ the thief. The bidding is based on how long the third party will employ the thief until full payment is reached. Factored into the bidding process is how much it will cost the new employer to take care of the thief and his family during this time.

Let's say the thief stole \$10,000 and cannot pay it back. Under the law of restitution, he must pay double or \$20,000. In this case, the court might put a total value on the crime or debt note at \$40,000, the extra \$20,000 being needed to care for the thief and his family. The parties bidding on the man's labor do so based on how long they would employ him, with the debt note being granted to the party that bid for the least amount of time to employ the thief. During this time, the thief cannot change jobs or work for anyone else; he is indebted to the one who won the bid, and he remains so until the full debt is paid. In the kingdom, there will be no dead beats, that is, people who run from their debts. The purpose is to teach him the importance of working for his livelihood. You see, the purpose is to rehabilitate the thief, not destroy him and his family, which is so commonly done under most penal systems. Through this process, he is taught the importance of working and the consequences of stealing.

But there is more to the law of restitution, for the one who incurred the loss must be made whole quickly. This is accomplished when the bid is awarded. At this point, the third party pays the \$20,000 debt owed to the property owner who incurred the loss. In this way, the owner gets compensated quickly and gets back to his normal routine of life. The thief then works a set period of time at a certain wage that will pay the debt note in full. He is not separated from his family, so that they do not suffer hardship and become bitter. In turn, the employer gets the benefit of the thief's labor. In this scenario, all parties benefit, including the thief and his family, and bitterness from injustice and incarceration is avoided. This is love and justice in action.

Can you imagine how much better all our lives would be if this law were operational in our day?