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C0638 – October 11, 2006 – Ex 21:33-22:15 – Theft

The issue in the ordinances regarding personal property and stealing relate to the seventh commandment, “You shall not steal.” The Hebrew verb for “steal” is *ganab* and means “to take that which belongs to another without his consent or knowledge”. In the OT, stealing included taking another person’s possessions as well as kidnapping. God gives each of us our livelihood and stealing someone’s possessions is taking that life from someone else because we expend our life to earn things (e.g. some forms of mooching, pilfering, professional). All these methods enable a person to live at the expense of someone else’s life. Kidnapping was included because it is the stealing of life. The penalty for kidnapping was capital punishment.

In the Greek NT the verb is *klepto* and means the same thing “to take that which belongs to another without his consent or knowledge”. In Eph 4:28 Paul commanded the Ephesians to “stop stealing”. The implication is that there were stealing continually from the local markets. Paul’s answer for stealing was not to merely “stop stealing” but also to “start working” so that eventually they would have enough to share with others. In John 10:10 Jesus said, “The thief comes only to steal and kill and destroy; I came that they may have life, and have *it* abundantly.” The context here is stealing vs giving life. The thieves were Christ’s opponents. They come to steal life but, like most thieves, if they couldn’t steal life then they would kill and destroy it, murder (James 4:2). Christ came to give life and to give it abundantly.

The source of the overt sin of stealing is the covert sin of coveting. But the source of coveting is the lust of the flesh. Or as I like to say, “Looking leads to liking and liking leads to buying”, but, if you don’t have the money to buy then you steal. Stealing is done ultimately to gratify the lusts of the flesh.

The only way to stop this problem is to master the lusts of the flesh by means of the Spirit filled life.

The bottom line is that labor is exhausting and stealing requires little effort. In a very real way stealing someone's possessions is stealing their life since they had to expend their livelihood in order to acquire them.

In the OT, restitutionary fines were very steep in order to discourage stealing as well as to cover losses incurred by the owner during the time his possessions could not benefit him.

VIII. Ordinances Regarding Property

A. Killing Someone's Animal (21:33-36)

To damage or destroy another person's property is stealing because people spend their life working hard to acquire and maintain property. To damage or destroy it is to steal their life and hard work. Restitutionary justice is required to right the wrong.

First, we have ordinances regarding restitution for damaging and destroying someone else's animal. Animals are living creatures that were originally placed under the dominion of man to aid in ruling (Gen 1:28).

Exodus 21:33 **"If a man opens a pit, or digs a pit and does not cover it over, and an ox or a donkey falls into it,**

³⁴ the owner of the pit shall make restitution; he shall give money to its owner, and the dead *animal* shall become his.

³⁵ "If one man's ox hurts another's so that it dies, then they shall sell the live ox and divide its price equally; and also they shall divide the dead *ox*.

³⁶ "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.

In the first case **if a man opens a pit**, one that he previously dug and covered and now he uncovers it again, **or digs a pit and does not cover it over**, so that what we have here is a pit left uncovered. This is negligence on

the part of the **man**. And then **an ox or a donkey falls into it**, implying that it died, then **the owner of the pit shall make restitution**. Notice it is not 'life for life'. That's because animals are not made in God's image. Rather than 'life for life' **the owner of the pit shall make restitution**. Now, this is demonstrating the principle of restitutionary justice. Today, restitutionary justice is referred to in legal arenas as "compensation". The Mosaic Law equated the two terms. What the Mosaic Law prescribes is full compensation or **restitution** for the loss of an animal due to negligence. The **owner of the pit...shall give money to the owner** of the animal and the dead animal shall **become his**, that is, "full compensation" shall be made. Restitutionary justice is an important element of divine justice. The Bible does not condone rehabilitary justice system where the accused spends time in jail to make up for losses suffered by another. Rehabilitation is not justice at all because society ends up making restitution for the crime through increased taxation and increased pricing. The OT set the standard of restitutionary justice in order to prepare the world for Christ's death on the cross. On the cross Jesus Christ made full restitution for the world's sin. Sufficient for all and of infinite value.

In verse 35-36 **if one man's ox hurts another's so that it dies, then they shall sell the live ox and divide its price equally; and also they shall divide the dead ox**. Both owners will share the loss since neither was negligent in the matter. In such a case it is not equitable for one man to bear the whole loss. They shall share the loss together. However, in verse 36 we have a different judgment if it was known that one of the **ox's** was in the habit of goring. In this case, **the owner has not confined it** and so **he shall surely pay ox for ox, and the dead animal shall become his**, that is, full compensation shall be made.

Also, property is important since humans spend their life working hard to acquire and maintain property. When it is damaged or destroyed it is stealing the life of those who worked so hard to attain it. Therefore, full restitution was demanded in the case of damaged or destroyed property.

B. Stealing Someone's Animal (22:1-4)

Exodus 22:1 "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.**

If a man steals an ox or sheep and slaughters or sells it he shall pay five ox for an ox and four sheep for a sheep

If thief is caught breaking in at night and he is killed the owner is not held accountable

If the thief is caught breaking in at day and he is killed the owner is held accountable.

The thief shall make restitution for what he stole or be sold into slavery

If a man steals and it is found alive in his possession then he shall pay double

The order of the verses here is odd. It would seem logical to place verse 1 and 4 together. Verse 1 **If a man steals an ox or a sheep and slaughters or sells it**, so that it is no longer in his possession and there is no possibility of returning the original ox or sheep to the owner, then **he shall pay five oxen for the ox and four sheep for the sheep**. Apparently the difference in fine for **the ox** and **the sheep** is due to the amount of time and energy that goes into raising and training an **ox**. Verse 4, **If what he stole is actually found alive in his possession**, so that the original ox or sheep can be returned to the owner who has invested time in raising and training the animal, then **whether an ox or a donkey or a sheep, he shall pay double**. Since the life of the owner invested in the **ox or donkey or sheep** has not been lost then the fine is only **double**. The thief shall return the original **ox, donkey or sheep** and give him another **ox, donkey or sheep**.

Verses 2-3 deal with the case where a thief breaks in at night versus when a thief breaks in during the day. Verse 2, **If the thief is caught while breaking in and is struck so that he dies, there will be no bloodguiltiness on his account**. It is obvious that **the thief** broke in at night when compared with the next verse. At night the owner of the house

cannot discern whether the thief has come to steal or murder. If he waits to find out it may be too late. In such a case the owner has every right to protect his life and the life of his family by striking the thief so that he dies. In such cases there is no **bloodguiltiness on his account**. As far as the law is concerned and as far as God is concerned he is free and clear.

However, verse 3, **if the sun has risen on him, there will be bloodguiltiness on his account**. The OT places inestimable value on the image of God. Therefore, if it is daytime it is not likely that the intruder has come to murder and therefore if the owner kills the intruder **there will be bloodguiltiness on his account**. As far as the law is concerned and as far as God is concerned the owner of the home is a murderer. The image of God is more valuable than anything the intruder could have stolen. It is best simply to let the intruder escape and then let the law take over and punish him without taking his life. This is what the last phrase refers to in verse 3.

He shall surely make restitution; if he owns nothing, then he shall be sold for his theft. Once the intruder is apprehended **He shall surely make restitution**. However, **if he owns nothing**, he's just a vagrant living off the land and possessions of others, for he has chosen a life of thievery, **then** this vagrancy shall stop, for **he shall be sold for his theft**. As a slave he will learn to work and produce so that he can gain possessions and become a responsible and contributing citizen.

C. Stealing Someone's Land Produce (22:5-6)

⁵ **"If a man lets a field or vineyard be grazed *bare* and lets his animal loose so that it grazes in another man's field, he shall make restitution from the best of his own field and the best of his own vineyard.**

⁶ **"If a fire breaks out and spreads to thorn bushes, so that stacked grain or the standing grain or the field *itself* is consumed, he who started the fire shall surely make restitution.**

Verse 5, **If a man lets his own field or vineyard be grazed bare**, that is, he mismanaged his own property, he let it be overgrazed so that now his animals don't have enough food and to solve this dilemma he **lets his animal**

loose, that is, his animal goes over and treads down another **man's field** which causes physical damage to the land **so that it grazes in another man's field**, that is, his animal goes over and eats the produce of another **man's field**. If this happens then **he shall make restitution from the best of his own field and the best of his own vineyard**. Israel was an agricultural society of course. In this case the **man** does not just have to return what was destroyed by treading or lost by eating but must **make restitution from the best of his own field and the best of his own vineyard** to teach him a lesson that he should not steal from another man who has been responsible for his land and who deserves the produce of his own land. What may appear to be a minor thing is actually stealing someone else's livelihood.

Verse 6, **If a fire breaks out**, that is, a fire that was supposed to be controlled was set at a time and place that resulted in it spreading over into someone else's field. It **spreads to thorn bushes**, which easily catch fire, **so that stacked grain or standing grain**, that is harvested or not harvested, either way, or if **the field itself is consumed** by the fire, then **he who started the fire shall surely make restitution**.

D. Stealing Someone's Possessions (22:7-14)

⁷ **"If a man gives his neighbor money or goods to keep for him and it is stolen from the man's house, if the thief is caught, he shall pay double.**

⁸ **"If the thief is not caught, then the owner of the house shall appear before the judges, to determine whether he laid his hands on his neighbor's property.**

⁹ **"For every breach of trust, whether it is for ox, for donkey, for sheep, for clothing, or for any lost thing about which one says, 'This is it,' the case of both parties shall come before the judges; he whom the judges condemn shall pay double to his neighbor.**

¹⁰ **"If a man gives his neighbor a donkey, an ox, a sheep, or any animal to keep for him, and it dies or is hurt or is driven away while no one is looking,**

¹¹ **an oath before the LORD shall be made by the two of them that he has not laid hands on his neighbor's property; and its owner shall accept it, and he shall not make restitution.**

¹² **"But if it is actually stolen from him, he shall make restitution to its owner.**

¹³ **"If it is all torn to pieces, let him bring it as evidence; he shall not make restitution for what has been torn to pieces.**

¹⁴ **"If a man borrows *anything* from his neighbor, and it is injured or dies while its owner is not with it, he shall make full restitution.**

¹⁵ **"If its owner is with it, he shall not make restitution; if it is hired, it came for its hire.**

Verse 7, **If a man gives his neighbor money or goods to keep *for him*,** perhaps while he is away from his home on a journey and cannot protect his own home from thieves, **and it is stolen from the man's house,** while he is away. **if the thief is caught, he shall pay double.** If he stole \$5,000 then he would pay \$10,000. However, **"If the thief is not caught, then the owner of the house shall appear before the judges, to determine whether he laid his hands on his neighbor's property.** The case will have to be tried because the owner of the house could lie and say it has been stolen from his home but he could have stolen it himself. The judges will **determine** through thorough investigation if he himself stole **his neighbor's property** which is, of course, a breach of trust. He is lying. A similar case is found in the NT with Ananias and Sapphira in Acts 5:1-10. They lied and in a sense stole since they said they were giving the whole price of the land they had received but were not. **"For every breach of trust, whether it is for ox, for donkey, for sheep, for clothing, or for any lost thing about which one says, 'This is it,'** that is, one sees his property being used by someone else. He recognizes it by distinct characteristics/markings. In high school I had a mustang and I had headlight covers on the car and I woke up one morning and they were gone and I saw them on another guys mustang in the school parking lot. I knew the guy and he did not have those headlight covers and he had asked me about them before. He had even tried to buy them and I didn't want to sell for the price offered and so the lust of his flesh resulted in covetousness which led to stealing. So, I saw them on his car and I said to the principal, "This is it" and I got the headlight covers back. But if this had been in the OT the text says I would have got **double**. So, in such a case where you find your possessions being used by someone else then **the case of both parties shall come before the judges; he whom the judges condemn shall pay double to**

his neighbor. So, this also opens the door for the prosecutor to be lying. Maybe he says, "That's mine" and he's lying. Either way the case would go to court and the judges would use interrogation and wisdom to figure out who the item belonged to. This happened with Solomon and the two mothers, one of whom had lost her child and stolen another woman's child. Solomon was able to use great wisdom to decipher which woman was the child's true mother.

Verse 10, **If a man gives his neighbor a donkey, an ox, a sheep, or any animal to keep for him**, that is a man gives his animal(s) to his neighbor who is a herdsman, a keeper of cattle. The herdsmen received payment for this work. And while under the herdsmen's care an animal **dies or is hurt or is driven away while no one is looking**, that is, there were no witnesses, ¹¹ **an oath before the LORD shall be made by the two of them**, to go **before the LORD** was the way the Hebrew expressed going to court, the oath was **that he has not laid hands on his neighbor's property; and its owner shall accept it**, that is, he shall accept the oath **and he shall not make restitution.** The **owner** could not require payment for a legitimate accident.

¹² **"But if it is actually stolen from him, he shall make restitution to its owner.** In the case of theft the owner is entitled to **restitution** since it was the herdsmen's responsibility to guard the animal against theft. If it is stolen from him then it demonstrates negligence on the part of the herdsmen. If the thief is not found then the herdsmen must **make restitution.** Of course, if the thief is found then the thief must **make restitution.**

¹³ **"If it is all torn to pieces**, that is, in the case where a lion or other beast attacks the animal and the shepherd salvages some part of the animal, such as two legs or a piece of an ear (Amos 3:12), then **let him bring it as evidence**, to the court that is; **he shall not make restitution for what has been torn to pieces.** This would prove it was an accident.

¹⁴ **"If a man borrows anything from his neighbor, and it is injured or dies while its owner is not with it, he shall make full restitution**, even in the case of an accident.

¹⁵ **"If its owner is with it, he shall not make restitution** because the owner's presence makes the owner responsible for overseeing his possessions. **if it is hired, it came for its hire**, that is, the animal's use was paid for and so his loss is counterbalanced by his gain.

In conclusion, the ordinances regarding personal property and stealing relate to the seventh commandment, "You shall not steal." The Hebrew verb for "steal" is *ganab* and means "to take that which belongs to another without his consent or knowledge". In the OT, stealing included taking another person's possessions as well as kidnapping. All stealing steals life. The issue in stealing is the expenditure of human energy. Work (after the fall) requires expending energy and when someone steals what we worked hard to attain it is stealing our lives. Kidnapping was included because it is the stealing of life. The penalty for kidnapping was capital punishment.

In the Greek NT the verb is *klepto* and means the same thing "to take that which belongs to another without his consent or knowledge". In Eph 4:28 Paul give shte instructions for how a thief can no longer be a thief. First, the person must have faith alone in Christ alone. Second, the person must recognize that he is a new man in Christ. Third, he must stop stealing. This is when most people think a thief is no longer a thief but that's not biblical. Fourth, he must start working. Fifth, he must start giving, sharing with others. Only after he has become a giver is he no longer a thief. Jesus really summed up the essence of theft in John 10:10, He said, "The thief comes only to steal and kill and destroy; I came that they may have life, and have *it* abundantly." The issue of theft has to do with "life". The thieves were Christ's opponents. They come to steal life but, like most thieves, if they couldn't steal life then they would kill and destroy it, murder. Christ came to give life and to give it abundantly.

The source of stealing goes back to the lust of the flesh which results in the covert sin of coveting and eventually the overt sin of stealing. Stealing is done ultimately to gratify the lusts of the flesh. The only way to stop this problem is to master the lusts of the flesh by means of the Spirit filled life.

The bottom line is that labor is exhausting and stealing requires little effort. In a very real way stealing someone's possessions is stealing their life since they had to expend their livelihood in order to acquire the possession(s).

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