

# God's Law on Restitution

## Table of Contents

History of Modern Prisons .....	1
The Injustice of the Prison System.....	3
The Bible's Solution .....	5
The Law of Hammurabi .....	6
Destruction of Property: Exodus 22:5 and 6.....	8
Stolen Property Held in Trust .....	9
Unsolved Loss of Property .....	11
Borrowed Property Damaged .....	12
Kidnapping .....	13
Lost and Found—and Retained .....	13
The Advantage of Repentance.....	14
It's About Forgiveness.....	16
Conclusion.....	17

---

Suggested Price: \$2.50 each  
**Special Price — 10 Books for \$18.00**

**Published by:**  
**Port Austin Bible Center**  
**Box 444**  
**Port Austin, MI 48467**  
**USA**

© copyright 1983  
First Revision 1999  
Second Revision 2002  
All Rights Reserved  
Printed in U.S.A.

# God's Law on Restitution

By

**Dr. Stephen E. Jones**

It is a well-known principle of natural law that labor is our most basic property right and is the source of all lawful wealth. We are born with a certain amount of inherited wealth (which represents the labor of our forebears) and a capacity to labor, representing potential property, or wealth.

Theft is taking property that belongs to another, or using it without the consent of the rightful owner. Theft is the opposite of labor, and thus, in Scripture, labor is the antidote to theft.

## History of Modern Prisons

It occurs to few people that there might be an alternative to the modern practice of handing out prison sentences for property crimes. And yet, strange as it may seem, this practice is only about 200 years old. Our modern penal system is the most expensive and perhaps the least effective method of handling crime in the history of the world. It is also far from humane by biblical standards, though we admit that it was certainly more humane than the way it was usually handled in Europe prior to this time. Putting a man in prison for stealing a loaf of bread in America was far better than hanging him in Europe. Even so, the Bible has a far better solution.

Prisons have existed for thousands of years, but rather than using them to warehouse criminals as we do today, they were used almost exclusively to detain political prisoners.

In 1776 Massachusetts had a law that thieves be whipped or fined for their first offenses. On second offenses the thieves had to pay three times the value of the stolen property to their victims as restitution and forced to sit on the gallows for an hour with the rope around their necks. On their third offenses they were hanged.

William Penn, the founder of the state of Pennsylvania, is the father of the modern penal system, although Queen Anne prevented him from implementing his ideas in Pennsylvania. A century later, however, after the Revolutionary War, there was a reaction against the excessive and cruel penalties being meted out in the name of "justice." (This was also a reaction against what was considered to be "British thinking.") Unfortunately, the most influential reformers were more schooled in the philosophy of the Humanist

Enlightenment than in Bible Law. Thus, they began to advocate prison sentences as punishment for most crimes, rather than restitution to the victims, as the Bible demands.

In 1796 Philadelphia established the first “penitentiary” in history, its purpose being to give criminals opportunity to be penitent. The criminal was put into solitary confinement with nothing to do but read the Bible and pray. After he had been given ample time for soul searching, he was given small work projects, under the theory that the prisoner (now bored to death) would appreciate anything to do. Thus, he was in a position to learn industriousness before being returned to society.

The lawmakers in New York had some different ideas. They allowed the inmates to work and eat together, though they were not allowed to converse or even to glance at each other. In their utopian desire to create a perfect environment to rehabilitate the criminal, they felt that Pennsylvania’s system of solitary confinement was too damaging psychologically to the offenders.

And so the great debate raged over the proper method of producing a crimeless society. At the time there were few who questioned the value of prisons themselves. But within a century the utopian dreams of a crimeless society had long been forgotten. Few prisoners had become penitent or rehabilitated when released, and the problem seemed only to have been aggravated.

But in spite of the failure of the Great American Prison Experiment, the system goes on for lack of a better idea (or for ignoring the better idea set forth in Scripture). So long as the majority of the people manage to stay out of prison, they care little for those who are sent there. In our self-righteousness we curl our lips and point our fingers at the “criminals,” having little sympathy for them. The only ones who seem to care at all are the liberals—the philosophical children of the Enlightenment that had launched the experiment in the first place. The conservative Christians generally advocate locking them up and throwing the keys to the crocodiles.

Meanwhile, God judges us with an ever-increasing crime rate that costs more and more money to build more and more prisons. Taxes can only go higher, which in turn spawns a tax revolt among the people who must pay for a system that does not work. The system is destined to fail eventually, and Christians had better have a good system to replace it. The purpose of this book is to give Christians the solution that God set forth in His Word many years ago. Hopefully, this will inspire many to work with government officials and representatives to make the necessary changes that will stop victimizing the taxpayers and inmates alike.

## The Injustice of the Prison System

Suppose a thief steals \$100 worth of merchandise from a department store, but that he is caught some time after he has “fenced” the goods. He has by this time spent the money and is flat broke when brought to justice. The owner of the store knows that he will never be repaid for his losses, but the only way to discourage such thieves is to press charges and put him in prison. So the store must pay an attorney to handle the case, which may cost him more than the stolen goods were worth in the first place.

The thief is then assigned a court-appointed attorney, since he cannot afford to hire one himself. Thus, the taxpayers (including the department store owner) are made liable for the crime, as though somehow “society” is at fault for providing a poor environment, forcing the thief to steal for a living.

The thief is finally convicted and sentenced to a year in prison, where the innocent taxpayers (or “society”) must house him, feed him, clothe him, and guard him at the cost of about \$60,000 per year. During this time spent in the cage, he is given a number, dehumanized, and treated like the scum of the earth in order to ensure “law and order.” Instead of praying penitently, he is embittered and taught to hate those responsible for putting him there. But all is not lost, for he has also been given an unprecedented opportunity to learn how not to get caught next time. Prisons are well known as Crime Colleges.

Meanwhile, the family of the thief has lost its means of support and must go on welfare and food stamps, provided to them by the innocent taxpayers, who have been made liable once again for someone else’s crime. Is that family grateful? How could it be grateful to a society who has taken a husband from his wife and a father from his children? The divorce rate among inmates is horrendous. Family units are a huge casualty of the prison system.

Let us suppose, however, that the thief manages to overcome the bitterness of prison life and come to know Jesus Christ. Let us suppose he becomes truly “reformed” and sincerely desires to follow Christ and the laws of God. When he is released from prison, he must then find work in a lawful occupation. Now he finds that no one wants to hire him because of his past “criminal record.” He must now go through the rest of his life handicapped. The prison sentence continues for the rest of his life, and society continues to punish him long after he has supposedly “paid his debt to society.”

He finds that the people seldom forgive the thief, because they have all been victimized without receiving restitution. The taxpayers

have had to pay huge sums of money to imprison him, and they also know that few inmates are able to overcome the huge odds against them and emerge from prison truly reformed. Most emerge full of bitterness and anger and must also adjust to the freedom itself. It is difficult, after being told to do nearly everything for so long, to make even basic personal decisions. They are largely unprepared for normal life in society.

Little wonder, then, that the odds of an inmate being rehabilitated and turned into a productive citizen are so slim. According to Judge Albert Kramer of Quincy, Massachusetts, “*the failure-rate of jails is about 90%.*” He was not talking about a failure to house them without their escaping. He was talking about the failure of jails to rehabilitate them. It is often said, even on television, that the system is flawed, but it is the only system we have. While this is true, this does not mean we cannot change the system. In fact, we must do so as quickly as possible, not only for the sake of the general public, but also for the sake of the inmates.

Legislators appear to have no answers. The conservatives in America—many of whom claim to be Christians—usually advocate stiffer sentences and want to make prisons as close to sheer hell as possible as a deterrent to crime. The liberals, knowing that criminals are not rehabilitated by harsher sentences, can only advocate spending *more money* on prison programs and educational opportunities. This is quite unpopular to the taxpayers who must fund everything.

Both sides have lost their early idealistic vision of a crimeless society. The problem seems insurmountable. No matter how we build the prison cells, we have not solved the most crucial problem—**Justice**. Instead of a single victim of the crime, we now have three: the original victim, the taxpayer, and the criminal himself. Is there any answer to this horrible situation?

William Penn did not have the answer, because (as a Quaker) he relied only on “inner light” and put away the divine Law. Thus, in his zeal to follow the voice of the Holy Spirit, he mistakenly ignored the words which the Holy Spirit had written in the past to guide our way. In so doing he preached Christianity, but then often practiced the principles of Humanism in real life. And we are paying the price for that error today.

It may be hard to believe, but the Bible has the answer. God’s justice restores all losses to the victim of the crime without making the taxpayers liable, and the thief is restored to a productive position of full citizenship with justice and forgiveness to all.

## The Bible’s Solution

In a nutshell, it is a principle of Bible Law that *justice has not been done until full restitution has been made to all the victims of injustice*. In other words, the original lawful order must be restored, rather than creating new injustices to try to balance or patch up the old ones. Whenever the nature of the crime is such that restitution is impossible, or when the thief refuses to make restitution to restore the lawful order, the penalty is death. And finally, the thief must take full responsibility for his actions and is the only one liable for his crime.

The basic guideline for handling property crime is defined in Exodus 22:1-4.

**<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. <sup>2</sup> If the thief is caught while breaking in, and is struck so that he dies, there will be no blood-guiltiness on his account. <sup>3</sup> But if the sun has risen on him, there will be blood-guiltiness on his account. He shall surely make restitution; if he owns nothing, then he shall be sold for his theft. <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.**

The Scripture mandates double restitution be paid to the victim, provided the thief is able to restore the original item that he stole. If he has already damaged the item or sold it, and it is not possible to recover the stolen item, then the thief must repay four or five times the value of the stolen item. Normally, this would be four times the value of the stolen item, such as a sheep or a car. However, if he has stolen the tools of a man’s trade—such as an ox in ancient times—the thief must repay five times the value of such tools.

Thus, the Bible did not sentence thieves to prison, but mandated that they repay their victims a precise amount calculated upon the value of the merchandise that was stolen. The judge had no right to increase or decrease that amount. To decrease that amount would defraud the victim; to increase that amount would defraud the thief. Only the victim had the right to forgive the debt in whole or in part, even as the repentant thief would have the right to give the victim more than what the law required.

## The Law of Hammurabi

Let us compare God's Law with the law code of Hammurabi—the common law of Canaan during the days of Moses. Paragraph 8 reads:

*“If a man has stolen ox or sheep or ass or pig or ship, whether from the temple or the palace, he shall pay 30-fold. If from a poor man, he shall render 10-fold. If the thief has not wherewith to pay, he shall be put to death.”*

It appears from this paragraph that the average common thief who stole from a neighbor had to pay ten-fold restitution. However, since the majority of thieves could not repay such an amount, it is probable that many of them were executed, rather than rehabilitated through labor. Thus, the Bible shows much more mercy toward the thief than does the law of Hammurabi.

The Code of Hammurabi also discriminates between the rich and the poor in a great many of its laws. It demands thirty-fold restitution for theft of a rich man's property, an amount so unreasonable that it surely amounted to a death sentence in almost all cases. The death penalty was mandated in cases of theft of property from a temple or palace, as we read in Paragraph 6:

*“If a man has stolen the goods of temple or palace, that man shall be put to death. Further, he who has received the stolen thing from his hand shall be put to death.”*

Perhaps the most prominent feature of the Code of Hammurabi is its class distinctions. In these two paragraphs we see at least four classes of people: the poor, the rich, the temple priests, and the political rulers of the palaces. This is in sharp contrast with the divine Law, where all men are guaranteed equal justice before the Law. There are tribal distinctions, of course, along with the distinctions between Israelites and non-Israelites (citizens and aliens), but in the matter of justice, all are equal.

In Exodus 22:2 and 3 we read that if a man is killed while burglarizing a home at night, it is considered justifiable homicide (self-defense). This is because at night it is difficult to see if the burglar is armed or not. Thus, burglars enter at their own risk.

On the other hand, if the burglary occurs during daylight hours, when he can be recognized and more easily apprehended, he is not to be killed unless it is clear that he is threatening someone's life. God rules that burglary is not to be penalized by death, nor can a man shoot the burglar in order to prevent him from escaping.

This was quite different from the law of Hammurabi, where the burglar was to be executed on the spot and buried next to the place where he committed the crime (Par. 21). No distinction was made between night or day burglaries.

The Bible also makes a merciful provision for rehabilitating a thief who cannot repay his victim. Whereas the Code of Hammurabi prescribes the death penalty, God's Law demands that he be “sold for his theft” (Ex. 22:3). In other words, the court would determine the total debt owed, and then his labor would be sold to the highest bidder. Whoever would be willing to pay him the highest wages for his labor hired him until his debt was paid.

For example, if the thief owed \$5,000 in restitution, the price of his sale would be fixed at \$5,000. The bid may begin at six months' labor, then five, until the least amount of labor time had been bid. The winner of the auction would then take the debt note from the judge and pay the victim the \$5,000 owed. The thief would then have to work for his new master (employer) for the amount of time that he had bidden. The thief's family would go with him, live with him, and be supported by the one who had bought his labor, so the bidder would have to take those expenses into consideration while bidding for the man's labor. Thus, the thief labors to redeem himself without wasting time in prison like a caged animal.

This was not slavery in the sense that we think of it today, because those working off a debt fell under the protection of the labor laws in the Bible, which protect servants (employees) from being mistreated. The only real inconvenience was that the thief who had been “sold” could not change jobs or escape that job until his time had been completed. If he should try to escape, or if for any other reason he should refuse to restore the lawful order by paying restitution, the penalty was death (Deut. 17:12). This penalty was not imposed for the theft itself, but for contempt of court, which is the refusal to repent and be obedient to God. Society has the right to be protected from those who refuse to restore the lawful order (i.e., hardened criminals).

On the other hand, the thief likewise has the right to be treated like a human being, rather than as an animal. Many have maligned God's Law as being cruel and merciless, when, in fact, it is man's laws that are cruel. God is very merciful and has revealed His loving character in His Law. Anyone who has spent time in a modern prison for theft will see this immediately. Given a choice, most of them would be happy to work off a debt, rather than sit in a cage. Prison sentences are a sin.

The benefits of God's judicial system are obvious. The victims of crime are recompensed quickly and cheaply; the innocent are not made liable for the sins of the guilty; the thief is treated as a debtor working to repay a debt, rather than being caged like an animal and fed at the expense of the taxpayers.

Under this system, all the victims are recompensed at least double as soon as the auction is concluded. The convicted thieves are taught to work in the real world, as opposed to being given work projects at eleven cents an hour behind bars like true slaves. His family does not need to go on welfare, which makes the taxpayers happy. So justice is done without creating more victims and without creating an embittered, hardened criminal. Is it any wonder that King David wrote in amazement in Psalm 119:97 and 98,

<sup>97</sup> **O how I love Thy Law! It is my meditation all the day.**

<sup>98</sup> **Thy commandments make me wiser than my enemies; for they are ever mine.**

Is it any wonder that the Apostle Paul, lost for words, wrote in Romans 11:33,

<sup>33</sup> **O the depth of the riches, both of the wisdom and knowledge of God! How unsearchable are His JUDGMENTS, and unfathomable His ways!**

### **Destruction of Property: Exodus 22:5 and 6**

There are a number of other situations in which restitution must be paid to victims. Not all can be classified as theft, but in each case there is a question of liability for destruction of property, whether accidental or deliberate.

Before we go to our first example in Exodus 22:5, we must take note that this verse is incomplete in the King James Version. The KJV was based upon a Hebrew text which had a copyist's error of omission. However, thanks to the Septuagint and the Samaritan texts, we may now reinstate the lost words of the Law. These lost words are in italics below.

<sup>5</sup> **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 surely make restitution out of his whole field according to its yield; and if the whole field is eaten, he shall make restitution from the best of his own field, and the best of his own vineyard.***

This is simply another way of saying, *Thou shalt not harvest another man's crop for your own purposes*. The judge was to assess the damage and assign an equal portion of the offender's field or vineyard to the victim as restitution.

This law is similar to that of Hammurabi, where the offender had to harvest and purchase at a set rate per acre the entire crop which his cattle had partially eaten. Many stores today have adopted the basic principle of this law by demanding that "if you break it, consider it sold."

It is a basic Law of God that all restitution be paid in kind to replace (as closely as possible) the property that had been destroyed or damaged. The two parties could, of course, agree upon a monetary sum on their own, but if not, the question would be settled by payment in kind. For instance, if a man broke your wrench, he would be required to buy you another one of equal value, or reimburse you with money. Continuing in Exodus 22:6 we read:

<sup>6</sup> **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.**

The one who lights the fire is considered to be the owner of the fire (by the law of creation). He is therefore responsible for it and liable for it if he allows it to get out of control. Thus, the same law which gives us the right to own that which we create, build, or grow with our labor is also the law which makes us responsible to oversee our possessions and govern them properly. Rights and responsibilities always go together in equal amounts.

### **Stolen Property Held in Trust**

In ancient times when a man had to make a trip and could not take all of his household goods with him, he would leave them in the care of the chief steward or a trusted neighbor. The neighbor usually did not mind doing this favor, because the day might come when the favor would be returned. Thus, laws were needed to define or limit liability in case some goods were stolen while the neighbor held them in trust. No doubt cases came up occasionally when a neighbor might not be as trustworthy as previously thought and had secretly stolen and sold the property he was guarding. The basic law on this matter is found in Exodus 22:7-13, which we will quote and comment upon as we proceed.

<sup>7</sup> **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. <sup>8</sup> If the thief is not caught, then the owner of the house shall appear before the judges [elohim] to determine whether he laid his hands on his neighbor's property. <sup>9</sup> 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 [elohim]; he whom the judges [elohim] condemn shall pay double to his neighbor.**

God's Law, of course, simply follows the principle of restitution that was established in verses 1-4, quoted earlier. It is evident that if the goods were damaged before recovery, the thief would have to pay four or five times the value, rather than merely double.

If the thief is not found immediately after the goods are missed, the owner and the neighbor are to go before the judges in court, and the neighbor is to take an oath that he has not stolen the goods. This procedure is simply the Biblical manner of appealing to the Supreme Court of God. One may do this in any judicial case and allow God to adjudicate the matter directly in His own way and time. If the neighbor truly were guilty but denied it under oath, God requites the guilty party after giving him a certain amount of time to repent and confess his sin.

Note also that the judges are called elohim (usually translated God or gods). This is because they represent the Creator and His government in the administration of His Law. Elohim literally means *a subjector*, or one who is in a position of power or authority over others. The Creator has this title, but it is also applied to those under Him in positions of government.

In the law of Hammurabi (Par. 122 and 123), whenever someone deposited money or goods with another, he had to have a receipt of deposits and witnesses, without which he could not claim his property. This law seems to be in the context of a commercial bank or storage business done for profit. Under Bible Law, if a person were to utilize such a bank or storage business, he must be sure to be able to prove in some manner that the goods are his, to guard against possible theft by the businessman. However, if identification could be made positively, a person would not need a receipt of deposit and witnesses. It would appear from the law of Hammurabi that if a man should lose his receipt of deposit, he would lose his goods no matter how many witnesses could confirm that the goods were his.

The law of Hammurabi (Par. 124 and 125) also says that the one holding property in trust is totally liable if it is stolen while in his

possession. It is his responsibility to track down the thief, and if he cannot find him or the property, he must pay the owner in full, providing the owner has his receipt. This is different from God's Law, of course, in that if there is no evidence that the trustee stole the goods, he is only required to swear in court that he did not steal it or help the thief to steal it.

### **Unsolved Loss of Property**

Exodus 22:10 and 11 legislates on the question of unsolved loss of property that has been held in trust.

**<sup>10</sup> 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, <sup>11</sup> 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 [the trustee] shall not make restitution.**

So if the property is damaged or lost while in the care of a trustee, and no witness can testify in the matter, an oath of innocence is all that shall be required of the trustee. The matter is placed in the hands of the Supreme Court for God's direct adjudication.

The Law here does not specify what to do if the loss were caused by the carelessness of the trustee. It only rules on accidental loss, where the trustee is not liable. This is a gap in the Biblical legislation that may yet be resolved by the Holy Spirit through prayer, appealing to God for such a ruling.

However, in other situations, when carelessness results in injury or loss, the careless person is fully liable. (See also Exodus 21:33 and 34.) Applying the principle of liability to the apparent gap in Exodus 22:10 and 11, we could reasonably assume that loss of property through the trustee's carelessness is his responsibility, and that he must replace the lost or damaged goods.

Perhaps the reason the Bible does not clearly specify the problem here is because the custom already dictated correctly what to do. That is, the law of Hammurabi needed no altering on this point. It says in Par. 263 and 267:

*263. If he has caused an ox or sheep which was given him to be lost, ox for ox, sheep for sheep, he shall render to their owner.*

*267 If a shepherd has been careless and in a sheepfold caused a loss to take place, the shepherd shall make good....*

We may conclude, then, that the principle of law regarding carelessness in the divine legislation was the same as was found in the Hammurabi Code. This principle of liability was already a well-established custom in the minds of the people, and so God felt it unnecessary to repeat it in the Mosaic Code.

### **Borrowed Property Damaged**

Exodus 22:13 simply establishes that a trustee does not have to make good an animal that has been killed by a wild beast. Again, this is assuming that the trustee was not negligent. We read then in verses 14 and 15:

**<sup>14</sup> And if a man borrows anything from his neighbor, and it is injured or dies while the owner is not with it, he shall make full restitution. <sup>15</sup> If its owner is with it, he shall not make restitution; if it is hired, it came for his hire.**

In other words, when a man borrows something from his neighbor, and he damages it while using it, or—in the case of an animal such as an ox—it dies, he is only liable if the owner was not present to supervise its use. The Bible uses examples of such things as oxen, but today we would think more in terms of a tractor to pull a plow. If a man borrows a tractor and breaks it while using it, he must fix it or pay to have it fixed. But if he hires his neighbor to come with his plow and work the field, and the tractor breaks, then the owner of the tractor is liable to fix his own machine.

The law of Hammurabi does not specify clearly whether the owner was hired with the animal or not, but the terminology implies the same as the Biblical law. The Bible makes the point clear, whereas the law of Hammurabi is unclear.

In Par. 244-249 of Hammurabi's Code, it is clear that the borrower is liable for any injury to the animal, except where a lion kills it in the open field (Par. 244), or where the beast dies by itself (i.e., "God has struck it, and it has died"—Par. 249). This would fall under the category of accidental destruction of property, which did not involve carelessness. God's Law does not word it like this, but it would certainly agree with Hammurabi in this case.

It is interesting that the two law systems treat different aspects of the same question without any real overlap. This may be taken as further evidence that God's Law was not intended to be an exhaustive Law Code, but rather was often intended to correct certain injustices or to clarify certain portions of the Hammurabi Code.

### **Kidnapping**

The law of Hammurabi called for the death penalty if a man kidnapped the son of a freeman (Par. 14). God's Law makes no distinction between classes of people, saying in Exodus 21:16,

**<sup>16</sup> And he who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death.**

Kidnapping calls for the death penalty, because there is no way one can pay double restitution without making some innocent party pay for the crime of the guilty party.

### **Lost and Found—and Retained**

Our final example of theft that we shall examine in our study of property laws is finding lost property without returning it to its rightful owner. This sin is mentioned in Deut. 22:1-3.

**<sup>1</sup> You shall not see your countryman's ox or his sheep straying away, and pay no attention to them; you shall certainly bring them back to your countryman. <sup>2</sup> And if your countryman is not near you, or if you do not know him, then you shall bring it home to your house, and it shall remain with you until your countryman looks for it; then you shall restore it to him. <sup>3</sup> And thus you shall do with . . . anything lost by your countryman . . . .**

Almost every child in America has been exposed at one time or another to the Humanist principle of "*finders, keepers; losers, weepers.*" God disagrees absolutely. All lost property is to be restored to its owner. If not, it is theft.

No penalty is mentioned in this passage, but we may assume that the penalty is the same as any other theft. If the property is returned intact, double restitution is due; if the property is damaged or sold, the restitution is four or five times the value of the retained property.

The law of Hammurabi prescribed the death penalty for those who laid claim to someone else's lost property. It also mandated death to anyone who should purchase lost or stolen property, if he could not produce a written receipt and witnesses to the transaction. Thus, buyers and sellers without a receipt and witnesses ran the risk of being executed (Par. 9 and 10). Once again, the divine law is shown to be far more merciful than the Babylonian law of Hammurabi. How could anyone despise God's Law or claim that it is cruel and unreasonable?

## The Advantage of Repentance

God's Law was not given to make punishment an end in itself. The law is rehabilitative and corrective in nature. Yet at the same time there are many crimes committed where there are no witnesses and no conviction before a judge. The question arises, what shall a man do if he gets away with a crime, but later repents? The answer is found in Leviticus 6:2-5.

**<sup>2</sup> When a person sins and acts unfaithfully against the Lord, and deceives his companion in regard to a deposit or a security entrusted to him, or through robbery, or if he has extorted from his companion, <sup>3</sup> or has found what was lost and lied about it and sworn falsely, so that he sins in regard to any one of the things a man may do; <sup>4</sup> then it shall be, when he sins and becomes guilty, that he shall restore what he took by robbery, or what he got by extortion, or the deposit which was entrusted to him, or the lost thing which he found, <sup>5</sup> or anything about which he swore falsely; he shall make restitution for it in full [i.e., return all stolen property], and add to it one-fifth more. He shall give it to the one to whom it belongs on the day he presents his guilt offering.**

This law, along with its penalty, presumes that the guilty party had no witnesses who could testify against him in court, for if there were, he would have to restore at least double to the victim. It is the judgment of God that sinners should be rewarded for repentance and confession of sin without having to be dragged into court with witnesses to force the issue to a judicial resolution.

The Scripture says that if a man were given property in trust and lied about its whereabouts (in order to steal it), and if he later repents of it when he seemingly could have gotten away with it, he is required to pay only one-fifth restitution while restoring the item that was stolen.

The same is true if a man finds a lost item and decides to lie about it and keep it instead of returning it to the owner. If he later repents and confesses his sin, he is required to pay only one-fifth restitution while restoring the property to the rightful owner.

In Numbers 5 we are told of this principle in very clear terms.

**<sup>6</sup> Speak unto the sons of Israel, When a man or woman commits any of the sins of mankind, acting unfaithfully against the Lord, and that person is guilty; <sup>7</sup> then he shall**

**confess his sins which he has committed, and he shall make restitution in full for his wrong, and add to it one-fifth of it, and give it to him whom he has wronged.**

Verse 6 tells us that this is applicable to ANY SIN that men do as a trespass against the Lord. Some may think this refers only to sins against God and not against our fellow men. However, the seventh verse tells the sinner to give the fifth part "*to him whom he has wronged.*" Further, the next verses tell us that if the person is deceased already, he is to give the one-fifth restitution to his nearest of kin, and if he has none, he is to give it to the temple. It is plain that this is referring to sins against one's neighbor.

Normally, such sins would be judged with at least double restitution. It is plain, however, that if the thief confesses his sin before being charged with it, he is to pay one-fifth of the value of the item stolen in addition to returning the item itself. This encourages sinners to repent and shows us the mind of God in that the purpose of God's Law is to correct and restore the lawful order, rather than merely to punish.

Another case where a mere one-fifth restitution is required is found in Leviticus 5:16. If a man commits a sin through ignorance in regard to the holy things of the Lord, he was to bring a sacrifice for sin, return the stolen property "*and add to it one-fifth of it.*" This is a case where a man mistakenly took for his own use that which had been given to God in the temple. It is also implied that no one caught him taking it, and that the man repented when he discovered his error. Leviticus 22:14 bears witness to this:

**<sup>14</sup> But if a man eats a holy gift unintentionally, then he shall add to it a fifth of it and shall give the holy gift to the priest.**

It is clear that this cannot be a simple matter of theft, where restitution would be at least double the value of the item stolen.

One-fifth is also the number of redemption, because it is twenty percent. According to Vallowe's Biblical Mathematics and Don Kistler's The Arithmetic of God, twenty is the number of Redemption. For example, in Leviticus 27:13 we read,

**<sup>13</sup> But if he should ever wish to redeem it, then he shall add one-fifth of it to your valuation.**

This was in terms of redeeming an unclean animal that was normally to be given to God. But God also required a one-fifth redemption price on the tithes. Leviticus 27:31 reads:

**<sup>31</sup> If, therefore, a man wishes to redeem part of his tithe, he shall add to it one-fifth of it.**

One-fifth, therefore, appears to be the price of redemption. Applied to the thief, it gives him opportunity to redeem himself and to obtain forgiveness without being discouraged by the greater cost of double restitution.

### **It's About Forgiveness**

The ultimate purpose of God's system of restitution for theft is *to obtain forgiveness for the criminal*. There is no forgiveness for the thief in our modern system of "justice." Why should the victim forgive the thief, when he has lost so much stolen property and then had to spend more money on attorney fees to prosecute him? Why should society forgive the thief, when they have been made liable to defend him, pay for his prison sentence, and support his family while he is in prison? Why should either of them forgive the thief, when they live in fear of the day he is released, often embittered and unrehabilitated, free now to take vengeance upon them?

And for that matter, *why should the thief forgive the victim and society in general* after they have caged him up like an animal and subjected him to dehumanizing treatment by the modern prison system? Why should the thief forgive society for sinning against God's judgments, instead of giving him meaningful work by which he may redeem himself? Sending anyone to prison is simply a legalized form of kidnapping done by an entire society. It is a crime worse than mere theft. Thus, the thief has been victimized more than all of us. And then, when he is finally released, his ability to find lawful work is seriously hampered by the label: *ex-convict*.

Americans often look with disdain at other countries, where they chop off a thief's hand for stealing. In fact, many people mistakenly believe that the law of God advocates chopping off a hand for theft, and this is one of their reasons for despising God's Law. Because they have been grossly misinformed about both God and His Law, they have allowed the modern prison system to continue victimizing everyone and rehabilitating no one. Then when the thief is released, we create for him the "ex-con" label and severely handicap him from finding work for the rest of his life. We have little right to criticize the Saudis for giving thieves a physical handicap (chopping off a hand), when we ourselves handicap them in a different way.

Under God's Law, forgiveness is mandatory (Matt. 18:21 and 22), because there is every reason to forgive the offender once he has

paid full restitution to the victims. The victim has been repaid at least doubly for his losses, and society has not been made liable in any way for the sins of others. The thief has had to redeem himself from the bondage of sin, and once the debt has been paid, he is restored to full citizenship, and his past sins are no longer remembered (Isaiah 43:25). Psalm 130:4 confirms this, saying,

**<sup>4</sup> But there is forgiveness with Thee, that Thou mayest be feared [respected].**

Obtaining forgiveness is the key to rehabilitation. In any system of justice, whether at home or in society, there must be forgiveness if we hope to restore sinners. Without forgiveness, there is only punishment, and such systems encourage rebellion and anger. Only God's judicial system knows the true value of forgiveness in its treatment of crime. Because there is forgiveness with God, we have respect for Him as a Divine Parent.

### **Conclusion**

The Great American Experiment has long been a Great American Failure. There will never be enough money to build enough prisons to house all the inmates that the unjust prison system perpetuates. The only alternative seems to be to give them shorter sentences, or to put them on parole to make room for others. The public does not like this, but they know of no alternative to the problem. They need to read the Bible, or at least to read this short booklet.

Thus, we are caught on the horns of the proverbial bull. We can choose overcrowded, wretched conditions for the inmates, which even the court system knows is cruel and unusual punishment—or we can reduce their prison sentences and put unrehabilitated thieves back on the streets, where they have great difficulty finding work and often end up stealing again.

There is only one true solution. As a nation we must repent of our own way and turn to God's perfect Law. We must stop teaching that God's Law is somehow authored by a cruel or unjust God (or Satan). We must search the Scriptures to see what God really has to say about property crime and how to resolve it as a nation. As Bible believers, let us work toward that end.















