

Stolen Goods, Broken Trust: the Law and Gospel of Restitution

by John Smith

Can your neighbor trust you with his or her goods, and can you trust him/her with yours? What happens when trust is broken? Can it be “fixed”?

These are the sorts of questions which God addressed in the Old Testament laws of restitution. To answer these questions we are going to first look at the meaning of restitution as it is used in the Bible, and outline the requirements for it in God’s law. Then we will look at the principles which underlie these laws and draw out some implications for the Christian life today.

We sometimes neglect the Old Testament civil and ceremonial laws that governed Israelite society, but there is a gospel message hidden within that we still need to hear today.

What does the word mean?

What does restitution mean? In Hebrew, the language in which the Old Testament was first written, there are two expressions for making restitution. The two are very close in meaning. In fact they’re used interchangeably. For example, both are found in Exodus 21:33-34:

If a man uncovers a pit or digs one and fails to cover it and an ox or a donkey falls into it, the owner of the pit must *pay* for the loss; he must *pay* its owner, and the dead animal will be his.

The NIV has the word “pay” twice, but the Hebrew actually has two different expressions.¹

One of them is the verb *shûv*. This word has a very broad range of meanings: it can simply mean “to bring something back,

restore,” and it is also used for God’s acts of retribution and reward, so not every occurrence has to do with restitution.

The other verb is *shillem*. Notice that it resembles *shalom*, the Hebrew word for peace. In the Old Testament, making restitution is not just about restoring the goods that you’ve stolen, it’s also about restoring the relationship that you broke when you stole from the neighbor. Hence the title of this article: “Stolen Goods, Broken Trust.”

Allow me one more comment about these Hebrew words. Already before Christ was on earth, the Jews had made a Greek translation of the Old Testament (called the Septuagint). The translators used several different Greek words to translate the two Hebrew words. These several Greek words are also found in the New Testament, which allows one to draw lines from the instruction of the Old Testament to that of the New.

Restitution, and injury to our neighbor

Now let’s have a look at the Old Testament laws of restitution. These laws are found in Exodus 21:28-22:15, Leviticus 6:1-7, Numbers 5:5-10, and Deuteronomy 22:1-4.

Preventing loss

The Lord taught his people to take responsibility for their neighbors’ belongings, for instance in Deuteronomy 22:1-4:

If you see your brother’s ox or sheep straying, do not ignore it but be sure

to take it back to him. If the brother does not live near you or if you do not know who he is, take it home with you and keep it until he comes looking for it. Then give it back to him. Do the same if you find your brother’s donkey or his cloak or anything he loses. Do not ignore it. If you see your brother’s donkey or his ox fallen on the road, do not ignore it. Help him get it to its feet.

Accidental loss

An Israelite was also responsible if he caused his neighbor to experience a loss. There were different levels of responsibility. Let’s say, for example, that the loss was accidental, beyond human control. One can find an example in Exodus 21:35: “If one man’s bull injures another man’s bull so that it dies, the owners are to sell the live bull, split the proceeds, and also split the dead animal between them.” Each party is left with equal value. The guy with the stronger bull does not gain; both suffer the same loss.

Negligent loss

Now let’s take it a step further. “If it was known that the bull had the habit of goring, yet the owner did not keep it penned up, the owner must pay, animal for animal, and the dead animal will be his” (Ex. 21:36). This is a case of negligence: the owner could have foreseen that an accident might happen, but failed to take precautions, so he has to pay at a level of one for one, and he also has to do the work of disposing of the dead animal.

Exodus 21:33-34 describes another

situation: "If a man uncovers a pit or digs one and fails to cover it, and an ox or a donkey falls into it, the owner of the pit must pay for the loss; he must pay its owner, and the dead animal will be his." Again, this is a case of negligence: the owner of the pit could have foreseen the danger and prevented it, so he is liable for the value of the animal.

Deliberate loss

A step beyond negligence is theft. If a thief stole an animal, but the animal was found alive in his possession, he had to pay back double (Ex. 22:4). If in the meantime he had profited further from the theft by selling or slaughtering the animal, and therefore could not restore it, then he would have to pay back five head of cattle for an ox, or four sheep for the sheep (Ex. 22:1).

Incidentally, King David was aware of this law. Think back to the story of David and Bathsheba, how the prophet Nathan came to David to rebuke him for his

sin. Nathan did that by telling a parable about a rich man who received guests but did not want to slaughter one of his own animals; he selfishly took a poor man's only pet lamb and slaughtered it instead. Remember David's reaction: he became angry and said, "As surely as the LORD lives, the man who did this deserves to die! He must pay for that lamb *four times over*, because he did such a thing and had no pity." Nathan said, "You are the man!" (2 Sam 12:5-7). By his reaction David had condemned himself: he had taken Uriah's wife when he already had so many, and he had taken Uriah's life. There was no restitution for murder. Leviticus 24:21 says: "Whoever kills an animal must make restitution, but whoever kills a man must be put to death."²

In the case of material possessions such as money or goods, the amount of restitution was set at double the value: "If a man gives his neighbor silver or goods for safekeeping and they are stolen from the neighbor's house, the thief, if he is caught, must pay back double"

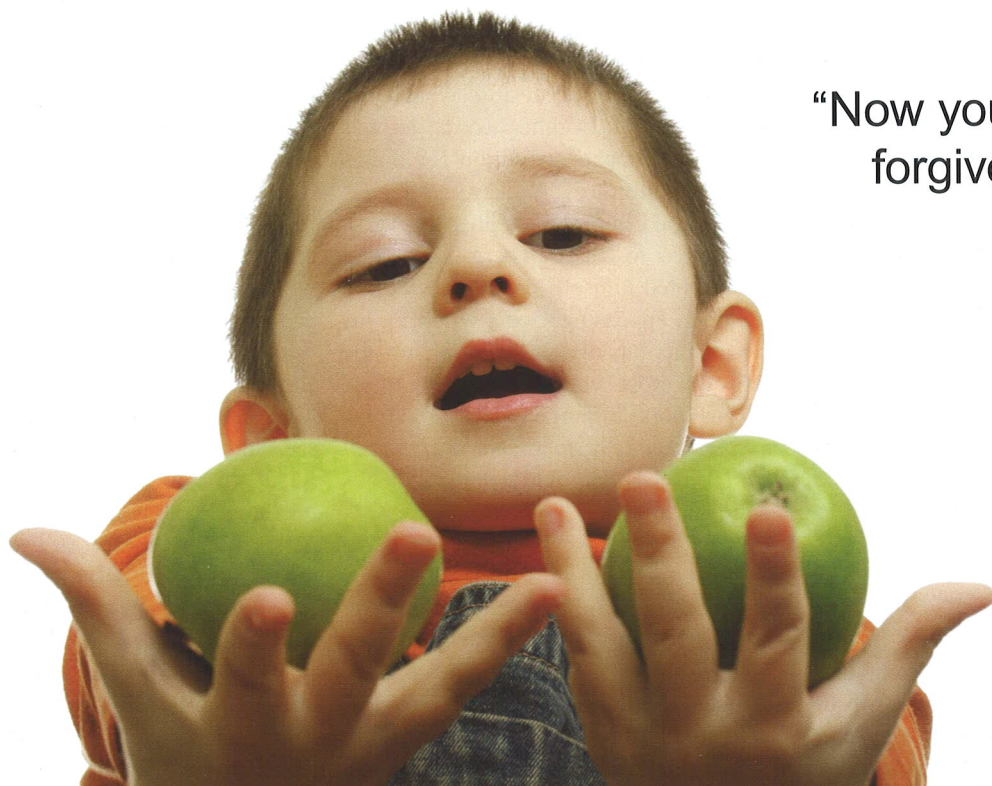
(Ex. 22:7). In the New Testament, Zacchaeus went beyond the letter of the law. He said, "Look, Lord! Here and now I give half of my possessions to the poor, and if I have cheated anybody out of anything, I will pay back four times the amount" (Luke 19:8). We find an extreme statement in Proverbs 6:30-31:

Men do not despise a thief if he steals to satisfy his hunger when he is starving. Yet if he is caught, he must pay sevenfold, though it costs him all the wealth of his house.

The point is that poverty was no excuse for avoiding restitution.³ In Exodus 22 we read that if a man could not pay it back, he would be sold into slavery, and the money raised by selling him would function as the restitution payment (v. 3).

Willingness to offer restitution was a sign of godly character. Think of Samuel's farewell speech in 1 Samuel 12. He said,

Here I stand. Testify against me in the



"Now you *have* to forgive me!"

presence of the LORD and his anointed. Whose ox have I taken? Whose donkey have I taken? Whom have I cheated? Whom have I oppressed? From whose hand have I accepted a bribe to make me shut my eyes? If I have done any of these, I will make it right.

Interestingly, we find one example in the Bible where *God* offers to make restitution. In Joel 2:25, after the Lord said that he would send a great plague of locusts on the land, he made a remarkable promise: “I will repay you for the years the locusts have eaten – the great locust and the young locust, the other locusts and the locust swarm – my great army that I sent among you.” To be sure, God did not owe any form of restitution to his people because the loss of crops was deserved. Yet the Lord offered restitution as proof of his goodwill towards his people, even though he was not obligated to do so. As he says in Job 41:11, “Who has a claim against me that I must pay? Everything under heaven belongs to me.” Or as the apostle Paul writes in Romans 11:35-36: “Who has ever given to God, that God should repay him? For from him and through him and to him are all things. To him be the glory forever! Amen.”

4 principles

One can detect a number of underlying principles behind the Old Testament laws of restitution.

1. Theft involves not only loss of property but also loss of trust. God legislated restitution as a means to restore both the property and the relationship between the two parties.
2. God required different levels of restitution, depending on the damage done to the property or to the relationship between the parties concerned.
3. The laws of restitution focus on the responsibility of the wrongdoer. The obligation did not lie first of all with the victim to *demand* restitution but with the wrongdoer to *offer* it

generously, to demonstrate the extent of his sorrow and his eagerness to win back his neighbor’s trust.

4. The thief not only wronged his neighbor but also sinned against God. On the same day that he gave restitution to his neighbor, he also had to bring a guilt offering to the priest. As Leviticus 6:7 puts it, “the priest will make atonement for him before the LORD, and he will be forgiven for any of these things he did that made him guilty.”

4 conclusions

I’d like to draw four conclusions, each of which has implications for the lives of Christians today.

1. *There is forgiveness for theft*

First of all, Scripture teaches that there is forgiveness for theft. The thief could bring a guilt offering to the priest who would make atonement for him. Such guilt offerings point forward to Christ. The only way for us to find relief from the guilt of theft is to believe in the work that Christ has done for us. As Psalm 69 teaches us, he can restore what we have stolen. In Psalm 69 the psalmist is suffering, and he says, “I am forced to restore what I did not steal” (v. 4). In other words, he was compelled to make restitution for things which he had not even taken. Article 21 of the Belgic Confession applies this verse of Psalm 69 to Christ. There it says that he “presented himself in our place before his Father, appeasing God’s wrath by his full satisfaction, offering himself on the tree of the cross, where he poured out his precious blood to purge away our sins ... *He was forced to restore what [he] did not steal* (Ps. 69:4). He died as the righteous for the unrighteous.”²⁴

When we believe in Christ, then we may trust that God no longer regards us as thieves but as saints: we are right with God. As the apostle Paul writes, “thieves ... will not inherit the kingdom of God. And that is what some of you were. But you were washed, you were sanctified, you were justified in the name of the Lord

Jesus Christ and by the Spirit of our God” (1 Cor. 6:10-11).

2. *Seeking forgiveness from God is not enough*

A second conclusion, however, is that seeking forgiveness from God is not enough: it does not make us right with our neighbor. The Israelite who sacrificed a guilt offering to the Lord still had to offer restitution to his neighbor. The fact that he was forgiven did not mean that he could skip the restitution part: he had to do both on the same day; in fact, he had to make restitution first, to show that his repentance was genuine (see also Matt. 5:23-24, 2 Cor. 7:10-11).

Let me explain with an example. Imagine that a boy has stolen an apple from a shopkeeper’s basket. He eats the apple, but his conscience begins to bother him, so that night before he goes to bed, he confesses his sin and prays for forgiveness. Then the next morning he goes back to the shopkeeper and says, “I stole an apple yesterday, but God has forgiven me.” The shopkeeper says, “I’m glad that God has forgiven you, son, but I still want my apple back.” Now suppose the boy says, “Well, God has forgiven me, so you have to forgive me too.” There he goes wrong: “have to forgive”? Says who – the thief?

The wrongdoer can never demand to be forgiven. After all, forgiveness is not a right, but a gift of grace. He can only ask for it humbly and pray that, in spite of all the hurt he has caused, the Lord’s grace will triumph so that the person whom he has wronged *can* forgive him. Joseph was “stolen” from his homeland and sold into slavery (Gen. 40:15). Yet he was able to forgive his brothers because he came to see God’s good purpose behind their sin (Gen. 45:5-8, 50:20). Jesus could pray for the soldiers who took his clothing and nailed him to the cross because he saw that it was God’s will to put him to shame (Lk. 23:34). It takes faith to forgive like that, faith in the grace of God.

If you want people to forgive you, then hope and pray that they experience God’s grace, and let them also receive God’s grace from your hand. Let me explain

by going back to the boy who took the apple from the shopkeeper. If he comes back with empty hands and says, "Please forgive me," then the shopkeeper is liable to say, "Why should I? I want my apple back!"

The boy is asking for grace, but he's not showing any. Or if the boy brings him a couple of apples and says, "Here's some apples; now you have to forgive me," the

shopkeeper might say, "Son, forgiveness costs more than a handful of apples."

But if the boy comes with a bag of apples and says, "I'm really sorry I stole an apple yesterday. Please forgive me. Here are some apples. I worked in the garden yesterday so that I could buy them for you. Please take them," well, you can be sure it'll bring a smile to the shopkeeper's face. Why? Because he's

got his apple back and a bag full of extras besides? No, but because he sees that the thief has had a change of heart, so the shopkeeper can trust him again. The hand that stole has become a hand that gives. The grace of God has gone to work in the boy's life. He's gone from a greedy thief to a generous saint. The grace of forgiveness has worked in him the grace of restitution.

Restorative justice reappeared in 1974

Canadian judge gave two vandals a creative, and constructive sentence

by John Smith

In May of 1974, in the little town of Elmira, Ontario, two 18-year-olds got drunk and went on a one-night vandalism spree. They punctured 24 car tires; slashed car seats; threw rocks through windows of people's homes, and through the front window of the local beer store; they pulled someone's boat into the street, flipped it over and punctured it; they damaged a traffic light at an intersection; wrecked someone's fence; damaged a gazebo; and snapped a wooden cross in front of a local church; 22 properties were damaged in the space of about two hours.

The two teens were soon arrested, and you can imagine the outrage in the community.

Now, when they sobered up, the two teens felt badly about what they had done, so when the case went to court, the probation officer suggested to the judge that the offenders be told to meet their victims and repair the damage. There was no precedent for this in Canadian law, but the judge agreed, so two officers took the boys door to door in Elmira. They had to knock on doors, identify themselves, apologize, listen to what their victims had to say, determine the amount of restitution, and ask for forgiveness.

Now some of the damage was covered by insurance, but not all of it. Over the next three months the two young men had to save money to pay for the outstanding

amount, and then they went door to door again with certified cheques in hand. They also had to fix the things that money could not repair, like the cross in front of the church. And besides all that, they also had to pay a fine and were put on 18 months probation.

Legal history

This event made history because it is the first documented case in Canadian law of what has become known as "restorative justice." I read the story in a book written by one of the offenders.⁵ He went on to become a law student and an advocate of restorative justice. He writes:

Restorative justice approaches crime as an injury or wrong done to another person rather than solely as a matter of breaking the law or offending against the state.... The word "restorative" recognizes that the goal is to restore relationships, rather than simply to determine guilt.⁶

Today there are more than 3,000 restorative justice programs being used in over 80 countries around the world.

But we should not think that it is a Canadian invention. It's been practiced for centuries by the Maoris in New Zealand and by North American

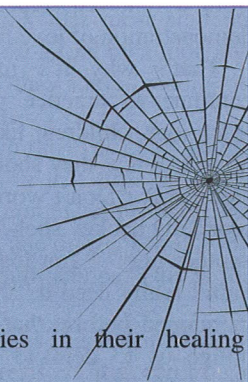
native communities in their healing circles.⁷

As such, restorative justice does not have a specifically Biblical or Christian background, but we may appreciate the fact that our criminal justice system over the past decades has begun to address the broken trust that results from stolen goods. In that context there is a place for Christians to come alongside and testify about the enduring wisdom and the gospel in the Biblical laws of restitution.

Conclusion

To be clear, I am not advocating a theonomist approach here, whereby we seek to reintroduce the Old Testament laws into society today. Those laws were given for Israel, and belong to an era that has passed away.

But the laws of the Old Testament point forward to Christ – He is the only one who can truly restore what is stolen and what is broken, through the healing power of His Spirit. So the gospel of Christ is already embedded in the laws of restitution, and that's what gives them their enduring value. As Christians we are not called to bring back the laws of restitution, but to bring out the gospel of restitution for a society that has come to see the value of restorative justice but has lost sight of Christ.



3. Restitution should be seen as a good work, of thankfulness

That brings me to a third conclusion: restitution should be seen as a good work – not in the Roman Catholic sense, that you have to do it to earn forgiveness, but in the Reformed sense, that you do it because you have been forgiven. It's a fruit of repentance, a work of thankfulness, produced by the Holy Spirit from a renewed, repentant heart; it's a demonstration of love for your neighbor.

That's why it's important that we continue to practice restitution and to teach our children likewise. Christians often feel that they should simply forgive and forget. "Don't worry about it!" "You broke my hockey stick? It's okay, I've got another one." "You lost my book? Oh, I didn't really need it." Now, it's true, as I mentioned before, that the law does not oblige us to demand restitution. We're allowed to show mercy to someone who has wronged us. But we should not think that it is somehow wrong or shameful to receive restitution. We should not feel obliged to turn it down if the offender offers it to us. *We should not deny the thief the opportunity to make things right.* Otherwise he may feel that we don't want to restore the relationship with him, that we don't want to trust him again. So allow the wrongdoer to repay you, but when you receive his repayment, make sure that you also receive him. Say, "Thank you for putting things right; now I know I can trust you." You see, by allowing him to repay you, you allow him to win your trust back. And then it's so important to be gracious: don't give the offender the sense that he has to buy your love, and that he still has a long way to go. No, model the grace that God has shown to you in Christ.

Be sure to teach these principles to your children. Help them to understand that restitution is a good work. Train them not to touch what's not theirs, to be careful with what they borrow, to pay for what they break, to bring back what they steal, to apologize for it, and to make it right.

Perhaps that doesn't sound like grace, but it is. You see, grace is not just something that you ask for, it's also something that you share. As I mentioned before, stealing ruins relationships, it breaks trust, it

brings misery. If you've stolen something, it's made you feel guilty and miserable. Then you ask for forgiveness, and you can believe that you are forgiven because Christ has paid for your sin; you believe in God's grace because you've experienced it for yourself; you've been forgiven, and you treasure that. But then you look at the neighbor whom you have hurt, who is suffering because of what you took from him, and you realize, "I've made it hard for him to believe in grace. I ruined it for him. I've made him miserable. I haven't just taken away his property, but I've taken away his trust. That's not right, so, thanks to God's grace in my life, I'm going to do what I can to make it right: I'm going to give him much more than I ever stole from him so that God's abundant grace to me overflows into his life!" That's the good news of the 8th commandment: God's gift of grace overpowers the offense of theft.

4. We do not need to seek repayment for our every loss

I have one more conclusion: restitution does not mean that we seek repayment for every loss that we endure. It remains true for Christians that we should be willing to suffer loss, especially for the sake of the gospel. Yet we should not cause undue loss to others, not even for a worthy cause.

There's a very fine balance here. Paul urged Philemon to receive his former slave back as a free man, even though it would cost Philemon a slave. Through Paul's work the slave had become a Christian, so one could argue that Philemon's gain was greater than his loss: he had lost a slave but gained a brother (v. 16). Still Paul added, "If he has done you any wrong or owes you anything, charge it to me. I, Paul, am writing this with my own hand. I will pay it back" (vv. 17-18). There's one of those Greek verbs that's connected with the Hebrew words for restitution.

And there's another one in Luke 14:13-14. There Jesus said, "When you give a banquet, invite the poor, the crippled, the lame, the blind, and you will be blessed. Although they cannot repay you, you will be repaid at the resurrection of the righteous." Here we can see the ultimate grace of restitution. God owes us nothing; yet in the hereafter he will repay our losses

in full. He will give back what he did not take from us. That's the gospel in the OT institution of restitution.

End notes

¹ The first is *yeshalle*m, and the second, *kesef yashir*. There's nothing wrong with the fact that the NIV has translated both with the same English word because the two have essentially the same meaning here.

² Strangely, the Lord did not assign the death penalty for David's murder of Uriah. Several factors may help to explain why not. (a) The death penalty could only be given upon the testimony of at least two witnesses. In David's case, the prime witness would have been Joab, who for whatever reason did not come forward. (b) The death penalty as prescribed by the law was meant to give guidance to the people for how to act in such instances; but in this case the Lord personally intervened through his prophet Nathan. (c) The principle of life for life still applies in David's case, except that he was deprived of the life of his child, and of peace in his family, rather than of his own life. Note especially 2 Sam. 12:10, 14. The fact that God forgave him did not take away the justly ordained consequences of his actions.

³ There is an interesting parallel for this point in recent Canadian legal history. In 1995 the federal government reviewed the Bankruptcy Act and made some amendments to it. One of the amendments is that a person who owes restitution payments because of a sexual assault or a physical assault will have to keep making such payments even if he goes bankrupt. Bankruptcy is not a way out. (Linda Silver Dranoff, *Everyone's Guide to the Law: A Handbook for Canadians* [Toronto: Harper-Collins, 1997], 215.)

⁴ Book of Praise: Anglo-Genevan Psalter (Winnipeg: Premier Printing, 2010), pages 508-509.

⁵ Russ Kelly, *From Scoundrel to Scholar ... The Russ Kelly Story* (Fergus, ON: Russ Kelly Publishing, 2006).

⁶ Kelly, 33, 34.

⁷ Kelly, x, 75.

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