

Exodus 22:1-4

<https://thebiblesays.com/commentary/exod/exod-22/exodus-221-4/>

These are the judgements for theft.

The eighth commandment prohibited stealing, and the ninth commandment prohibited coveting another's property. This statute establishes the appropriate restitution for the theft of livestock. Specifically, *if a man steals an ox or a sheep and slaughters it or sells it*. If the livestock is still alive, and *in the possession* of the thief, it was to be returned. However, it was to be returned with an additional payment that was *double* the value of what was taken. So presumably the injured party would receive back his own *sheep* plus one additional *sheep*.

But if the livestock had been slaughtered (to be consumed) or sold, then it could not be returned. In order to make restitution for stealing and then selling livestock (dead or alive) *he* (the thief) *shall pay five oxen for the ox and four sheep for the sheep*. The statute requires the *thief* to repay *five oxen* for every one stolen and *four sheep* for every one stolen. This steep fine was likely imposed to create a deterrence. A calculating thief would have to consider themselves to have significantly greater than an 80% chance of not getting caught in order to take the risk of stealing an ox.

Perhaps the ox has a steeper penalty because oxen were used to plow, and would directly connect to someone's ability to put food on the table.

Verses 2 – 3 describe a theft in the form of breaking and entering. The first scenario is *if the thief is caught while breaking in and is struck so that he dies, there will be no bloodguiltiness on his account*. This seemed to imply that the *breaking in* (the Hebrew word is used only here and [Jeremiah 2:34](#)) occurred at night, when people are more vulnerable. So, if the intruder was killed when he broke in at night, it was considered "justifiable homicide." No punishment, or *bloodguiltiness*, could be dealt to the owner for the death of the *thief*.

The exception is in verse 3. It stipulated that *if the sun has risen on him*, meaning that the break-in occurred during the day, *there will be bloodguiltiness on his account*. So, killing the thief was justified if there was the apparent risk of personal harm, but if the *thief* was killed in the daytime

(presumably a less dangerous situation), it would not be justifiable. The presumption seems to be that in the daytime, the *thief* could be apprehended or deterred, and taken before the court to make *restitution*.

But if the thief was alive, *he shall surely make restitution*. Even if the thief is caught before he made off with something, there appears to be the need to pay the premium, such as four sheep for one. However, if the *thief owns nothing, then he shall be sold for his theft*. The *thief* was required to restore what he stole with the premium. If he could not make *restitution*, he himself was *sold* as a slave because of what he stole.

Slavery in Israel was an economic arrangement, like a prepaid work contract. People would trade their labor for a period of time in exchange for an upfront payment of money or some other material benefit. In this case it would be for sufficient funds to pay the required restitution. But a Hebrew slave's indenture period was not allowed to exceed six years ([Exodus 21:2](#)).

By spelling out these clear expectations for *restitution*, there was a true deterrent for theft, as well as a deterrent to the rise of blood feuds based on disputes about appropriate levels of *restitution*. In each case, the penalty is proportional to the harm done. God set up a self-governing nation. These laws recognize the fallen nature of man, creating a structure for economic and physical punishment as deterrence to property crime. Note that in each case justice occurs between citizens, and all payments are paid to the aggrieved to make restitution.

Biblical Text:

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. ⁴If what he stole is actually found alive in his possession, whether an ox or a donkey or a sheep, he shall pay double.