

## CRIME AND PUNISHMENT

*If a thief be found breaking up, and be smitten that he die, there shall no blood be shed for him. If the sun be risen upon him, there shall be blood shed for him; for he should make full restitution; if he have nothing, then he shall be sold for his theft.—Exodus 22:2-*

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You can't kill a man because he stole from you (there's a caveat—we'll get to it). God has very clear legal remedies for the victims of thieves in His Law-Word. Namely, restitution. Sending someone to "prison" is not in any way biblical, by the way.

However, the use of deadly force in *preventing* a "thief breaking in" is not only allowed, but often times unavoidable. But we need to be very clear on what that means—and more importantly, *what it doesn't mean*.

First let me begin by saying we are in no way to be pacifists, who deny the Biblical **mandate** (which it is) of self-preservation... that is, self-defense. Nor do I deny the judgements of God—some of which require the forfeiture of life. Even in our New Covenant Age.

I recently heard a man preaching on self-defense, and he used this passage of scripture in Exodus to make a point. But as is the custom of churchmen, he confuses the issue and misapplies the scripture. All my life I've heard them make this passage say something it does not say. I hope to clear that up today.

This man is usually quite on the level with his pro-nomian views, so I was quite surprised to hear him say in the midst of his exegesis of the passage, and I quote, "God says, if a man is breaking into your house at night, *just shoot him*". Moreover, said this preacher, if he's *even on your property*—"in a barn"—you ought to go ahead and open fire... Why? Because it's night, and there's no way to know what he was up to. So help me, that was his reasoning.

You see, he interprets the passage in the same way most do, that IF you are being burglarized at night, you can and should start blasting with the blunderbuss, but IF it happens in the day time, well, presumably you should just call the police or something. Because, I guess, we don't have electric lights inside and out at the touch of a switch, and 1,000 lumen LED flashlights, and night-vision goggles, and locked doors and windows—and for the life of us, there is no way on earth to know what is happening in the dark of night, nor to protect against it.

Friends, if a person or persons are "on your property" and it's night, "and you don't know what they're doing", that's exactly why *you wouldn't* go out with guns a-blazing. Didn't his dad teach him that you don't shoot at what you can't see or identify? I believe that's gun safety 101.

Right after ‘always treat a gun as loaded, and don’t point a weapon at anyone you don’t intend to shoot’. I wonder if this man knows how many times someone has been killed by accident because he or she was misidentified in the dark, or their actions were misconstrued... Someone—a neighbor—comes into the wrong house by mistake; a stupid teenager sneaking back in at night; or simply another house member has woken up and went outside for some reason and is heard coming in through the back door...and subsequently blasted without warning. These tragedies happen quite often. And that is simply asinine advice, typical of the Fundamental-Independent-Baptist-type preacher who’s always packing heat, day or night, just looking for the opportunity to cap someone for an indiscretion.

Speaking of which, when I used to live in the Far North there were quite a few of these types of “churches” with the aforementioned pastor-types, always mindful of the shepherding of their little flocks—or the protection of their “Stuff”. One such man, a portly and no-nonsense fellow, who had a small church-house (as they were called) in one of the outlying areas, also had a sort of ‘food bank’ ministry. This was well known in the community. The ‘pastor’ was the *Final Scrutinator* for who got what when it came time to divvy out the previously devoted bread. A known sinner need not get in the line. Which is fine, so far as it goes...

One cold and snowy night, the heat-packing shepherd was out checking on his “storehouse” as he’d heard a noise in the dark. He’d discovered a back door jimmed open and that someone had been into the food stash and was making off with some *un-scrutinized*, donated bread. It was two men (and possibly a woman), if I remember correctly, and evidently they’d heard the master of the house coming in and had made a break for it out the back. They had dropped their loaves and were running out into the night and this man gave chase, shooting them both *in the back* with his .44 magnum. One was killed dead on the spot, and the other made it to his beat-up truck, trying to get away and apparently bled out and died shortly thereafter. This churchman then tried to claim it was self-defense, although neither of the men were armed, nor threatened him, and as far as he knew, they’d only made off with some food and were in retreat, but he thought—like the preacher whose message I heard—that “iffin someone’s in your yard at night, you ought to just shoot ‘em”. Because that’s what the Bible says.

Well, if you’ve not heard before, let me be the first to tell you: *That is not what the Bible says.*

In a moment, we will see what that passage of scripture actually teaches...

But first, I’m going to go and contradict myself. Well, not entirely.

If we have a *duty* to protect life and property (and I will show that we do), then we must use whatever means we can to do it—within the context of God’s Law. [\*Lex talionis\*](#) is the “Law of Retribution” which is the concept that the punishment must fit the crime. Because God is righteous and just, so must be His Law. In order to stop a man from robbing you (or someone

else), or even to stop him from attempting to kill another does not *necessarily* require the use of deadly force. That is what the State does. In their world, all engagement with a “civilian” is open to immediate lethal force, *regardless* of the crime suspected or the actual nature of the threat to the State Enforcer. If an agent merely “feels threatened” he may begin executing the “perp” with impunity. And they are not taught to “shoot to wound” but to kill, in all situations.

“*But for ye it shall not be so...*” As Jesus [told His disciples](#) in speaking of the Roman State and the exercise of their so-called authority. Therein He outlaid the Prime Directive for His servants in how they were to conduct the government of the assemblies (ecclesias).

Before we continue, let’s see if in fact we, as Christians, ARE required to protect life and property... Exodus 20... That should suffice. But further reading is recommended here—especially to understand the *duty* we each have as protectors of ourselves *and* our neighbors. In fact, this duty even applies to the life (and property) of an *enemy’s*, which we are to save, if at all means possible, upon seeing it in jeopardy (Exodus 23:4-5).

However, in our lawful use of force to defend persons or property, we must be much more discerning and disciplined than the Roman soldier or the average cop. We must use the *least* amount of force necessary to stop the threat. Part of that discernment is in making a distinction between treating a crime *in* commission versus a crime that seems *imminent* to be committed. In other words, stopping someone from *threatening* an attack or robbing you would require a more reserved use of force than in stopping someone *actually in the commission of doing it*. In the former, you may only need to brandish a weapon, whereas in the latter, where life is in immediate jeopardy, unloading the magazine into the attacker may be justified. Especially if the attacker is engaged in a capital crime, such as attempting to murder, rape or kidnap someone. At that point, they’ve forfeited their right to life anyway.

Someone caught red-handed with your TV under his arm, *or a loaf of bread*, and running away does not deserve the same response as someone running off with your toddler whom he just stole out of her crib. For one thing, the mere thief is not a lethal threat to you, nor has he done anything worthy of death, and—this is crucial to our main point—**you are no longer acting to prevent the crime, but now are acting in retaliation.** In the case of the kidnapped baby, of course, the man-stealer must be stopped at all costs, and with prejudice.

The text in Exodus which we’ve used to set this case up establishes a very important principle. And it is in essence very simple: “*Vengeance is mine, sayeth the Lord*”. We are only to take vengeance when God has clearly established our duty to take it. Otherwise, in all other cases, *it belongs to Him*. And that can indeed be harder to parse, but oftentimes things are pretty cut and dried.

Before Moses gave the Old Covenant to Israel, there already existed a law against murder. We recall from Genesis, as God commanded Noah:

*“Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.”*

This was part of the [Noahic Covenant](#) which God made with him and his sons. The Moral Law of God had been handed down to Noah and passed down to his descendants... And *“Abraham obeyed my voice, and kept my charge, my commandments, my statutes, and my laws...”* (Genesis 26:5). He knew them before Moses. And Moses himself knew them *before* he was even given the Law at Sinai, as we see in Exodus 18. There Moses sat “from morning till evening” while the people came to him with disputes:

*“When they have a matter, they come unto me; and I judge between one and another, and **I do make them know the statutes of God, and his laws.**”*

Again, that was before Sinai. Before they were codified and written with the finger of God.

So we've established that Yahweh has always expected His people to obey His statutes. This has [not changed](#) in the New Covenant. We have been commanded to disallow the shedding of blood (murder) by being given the sanction of death for the murderer. No exceptions (Deuteronomy 19:13, Exodus 21:12-17, Numbers 35:31). In Numbers 35, we are told the consequences of *not* keeping this statute:

*“So ye shall not pollute the land wherein ye are: for blood it defileth the land: **and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it.**”*  
(verse 33)

Our land is polluted and defiled in a large part because we have permitted shedders of blood to walk free. Occasionally they are [imprisoned for a short time](#), but almost always are given back their liberty to do it again, if they choose, and they usually do. See the story in the link for a particularly egregious example. There is no repentance, nor fear of retribution from the victim's family, nor from society at large. The punishment meted out is frequently *desired* by the murderer to gain street-cred. Often, prison life is just an extension of their former barbarous existence in the hood anyway, but with free food, cable TV and better digs in general.



*The killer's family in court ensuring his sentence isn't overly harsh*

Do we really understand that the land **cannot be cleansed** of the oceans of blood that have been shed therein because our countrymen have failed to obey God's Laws for generations now? Remember, here in America we're up to [63 million infanticides](#) now at the hands of "medical practitioners" since it was "legalized"... But who's keeping count? Well, Yahweh is.

But back to our discussion. God has commanded us to take vengeance on the shedders of blood, it is true. He has made no provision for prisons in any case, but requires *restitution* for crimes of property and personal injury. The restitution is to go to the victim, not to the State. But we, as Christians, are not to take personal vengeance on our enemies. Nor are we to presume to avenge criminal wrong-doings against us, on our own accord and by our **own judgement**—in the way that that pastor did. This means that we must abide by God's Law in all cases and must be exceedingly careful in [seeking justice on our own](#)—*after the fact*<sup>[1]</sup>. [Psalm 149](#) gives us another interesting perspective, but some guidance here is important. We'll let Peter demonstrate that for us in a moment.

Taken as a whole, I believe all of the above adequately demonstrates the meaning of our (seemingly ambiguous) text in Exodus 22. Let's read it again in another version:

*"If in the place of breaking in, the thief be found and is smitten so that he dieth, there is due for him no shedding of blood: should the sun have risen upon him, there would be due shedding of blood for him, he is surely to make restitution..."* (Rotherham's Emphasized)

That rendering should make it clearer. The phrase, "breaking in" is the Hebrew, [mahteret](#). It is used twice in the Bible. It means here, plainly, a burglary—caught in the act. The second time is in Jeremiah 2:34, wherein it is used in the negative sense of '*not in the act of breaking in*'—or done in secret. **The word has nothing to do with it being in the day or at night.** This meaning is simply being read into the passage.

The NIV goes so far as falsely inserting the phrase after the word (which is not in the text):

*“If a thief is caught breaking in **at night**...”*

Whether the translator’s method here was intentional—so as to mislead—or just following the common erroneous rendering, I can’t say. But it’s still a lie.

The fact is, most “breaking in” is done at night. For obvious reasons. Perhaps, the Scripture presumes that *all* burglaries happen at night, just as a general statement. Jesus made reference to this in Revelation 16:15, speaking of His coming in judgement as being *unexpected* upon the wicked. As in, ‘while they slept’...

*“Behold, I come as a thief. Blessed is he that watcheth...”*

Likewise, do both Peter and Paul reference Christ’s coming as a surprise—the wicked being caught in the act, as it were:

*“For yourselves know perfectly that the day of the Lord so cometh as a thief in the night...”*

Jesus Himself alluded to the nature of thieves working in the night when the soldiers came to arrest Him in the darkened garden of Gethsemane:

*“And Jesus answered and said unto them, Are ye come out, **as against a thief**, with swords and with staves to take me?”*

Recognizing that if a thief is caught in the act, men would naturally and rightfully respond with weaponry to thwart it...

The text in Exodus therefore is not instructing us to NOT protect our property or defend against a thief “breaking up” with weapons or the use of force—in the daytime. Rather, it is *presuming* that the thief works at night, and therefore the act would be caught at night, and it follows that IF in the process of thwarting the burglar in the act, the thief is injured or killed, this is not to be considered a **murder** accountable to the victim. It has simply nothing to do with the time of day.

Contrarily, the phrase, “but if the sun be risen upon him” implies that the thief was caught *after the fact*—that is, the next day. In such an event, the victim would have no warrant in using deadly force against him, as the deed was done. At that point, the thief is subject to the proper response as found in the remainder of the text:

*“...for he should make full restitution; if he have nothing, then he shall be sold for his theft.”*  
(Exodus 22:3)

That is God's prescription for thieves—not being gunned down in the street when found, or shot in the back after retreating. Plainly, as the text says, killing a thief in retaliation is murder.

ALL of these laws regarding crime and punishment have been abrogated in our society. It's no wonder we are reaping what we've sown as a people, and as a nation. It's not helping that churchmen are preaching a form of lawlessness either. We as Kingdom believers need to understand properly how to live and walk in righteousness and the proper application of justice. We cannot take the common stance of the "church" on anything or presume they've got it right—especially on issues of life or death. We must know these things ourselves, and become confident in them—so that we may ultimately become *competent* in applying them.

We are not to be pacifists or to let the wicked walk upon us and simply take from us what they want. But nor can we change the world by force of arms. We are currently outmanned and outgunned. Some things are not wise or timely, and in any case, we're not going to blast our way into the Kingdom. Yet, Jesus told His disciples at that last night before He was to be taken from them to "sell your garment and buy a sword" if they did not have one. He didn't mean this as merely a show of force either, but told them that previously He'd been physically with them and they were fully under His protection and care... as little children. But *henceforth*, they would need to learn to be adult Christians—able to fend for themselves and care for one another.

*And they said, Lord, behold, here are two swords. And he said unto them, It is enough...*

Evidently Peter took the lead and fastened one on his belt. And their first object lesson of Christ's command was in Peter's foolish use of his sword later in the Garden against the mob that had come to take Christ. Jesus then rebuked him for [his misapplication](#) of it—'there's a time and a place, Peter...this ain't it.'

*"The cup which my Father hath given me, shall I not drink it?"*

Afterwards, they would understand. And He simply told Peter to *put it back into its sheath*. He would undoubtedly have plenty occasion to use it later.

I say all this to bring us to remembrance that our King has given us our instructions, fully. They are still valid and in effect, and are to be found in *the Scriptures*, rather than the pulpits. Especially in our days. If we are careful to study them (unlearning the errors we have been taught), we will be prepared to apply them properly, and to become sure of ourselves that we are indeed following orders—and those of the Righteous Potentate, rather than the posers and their unrighteous commands. And it's not always easy—because sometimes, on certain rare occasions, there's a very fine line between them.

[<sup>1</sup>] For the record, while I think it unwise what [Gary Plauché](#) did in taking out the trash that day in 1984, I don't condemn him for it. However, Biblical Law would have required him to pay restitution for the carpet he ruined in the airport foyer.