EXODUS

THE GOD WHO REDEEMS

SESSION OBJECTIVE: EXODUS 22:1-15

To understand more about the importance of respecting private property.

Read the Text:

If a man steals an ox or a sheep, and kills it or sells it, he shall repay five oxen for an ox, and four sheep for a sheep. 2 If a thief is found breaking in and is struck so that he dies, there shall be no bloodguilt for him, 3 but if the sun has risen on him, there shall be bloodguilt for him. He shall surely pay. If he has nothing, then he shall be sold for his theft. 4 If the stolen beast is found alive in his possession, whether it is an ox or a donkey or a sheep, he shall pay double. 5 If a man causes a field or vineyard to be grazed over, or lets his beast loose and it feeds in another man's field, he shall make restitution from the best in his own field and in his own vineyard. 6 If fire breaks out and catches in thorns so that the stacked grain or the standing grain or the field is consumed, he who started the fire shall make full restitution. 7 If a man gives to his neighbor money or goods to keep safe, and it is stolen from the man's house, then, if the thief is found, he shall pay double. 8 If the thief is not found, the owner of the house shall come near to God to show whether or not he has put his hand to his neighbor's property. 9 For every breach of trust, whether it is for an ox, for a donkey, for a sheep, for a cloak, or for any kind of lost thing, of which one says, 'This is it,' the case of both parties shall come before God. The one whom God condemns shall pay double to his neighbor. 10 If a man gives to his neighbor a donkey or an ox or a sheep or any beast to keep safe, and it dies or is injured or is driven away, without anyone seeing it, 11 an oath by the LORD shall be between them both to see whether or not he has put his hand to his neighbor's property. The owner shall accept the oath, and he shall not make restitution. 12 But if it is stolen from him, he shall make restitution to its owner. 13 If it is torn by beasts, let him bring it as evidence. He shall not make restitution for what has been torn. 14 If a man borrows anything of his neighbor, and it is injured or dies, the owner not being with it, he shall make full restitution. 15 If the owner was with it, he shall not make restitution; if it was hired, it came for its hiring fee. (Exodus 22:1-15, ESV)

Study the Text:

Personal Property and Neighborly Responsibility

Exodus 22:1-15 continues with a number of laws similar to what we encountered in Exodus 21, but instead of these laws primarily being about the value of human life, these laws move into the value of personal property and the responsibility of the covenant community to be a good neighbor. After all, one of the great commandments is "to love your neighbor as yourself" (Lev. 19:18; Matt. 22:39). The nation of Israel, as a legitimate nation, would need governing standards to bind them together and prevent anarchy from occurring. Thus, the people needed laws to guide them. Most of these laws seem fairly foreign to us, given the time and place in which they occurred, but there are some very practical takeaways from them.

A LAW FOR STOLEN LIVESTOCK (VS.1-4)

The law for stolen livestock is fairly straightforward, although there are a few important details to mention. As far as the repayment goes, if the stolen livestock dies or is killed, the thief is to repay "five oxen for an ox, and four sheep for a sheep" (Ex. 22:1). The reason for the disparity between the oxen and the sheep is unclear, but some scholars have argued that perhaps the wandering nature of a sheep makes them easier to steal and thus less harsh of a penalty is incurred. If the animal does not die and is not killed, the thief simply repays double (Ex. 22:4).

The law takes on a little more complexity concerning the time of day when the thief breaks into the private property of another individual to commit his crime. If the thief breaks into private property from sundown to sun-up, the owner of the property is permitted to protect his land with lethal force. However, if the crime occurs during day time, the owner is still permitted to protect his property, but he is not permitted to use lethal force. The reasons for this distinction should be fairly obvious, but for the sake of clarity, more should be said. For one, thievery was not a capital crime, meaning the penalty was not death. To take the life of an individual, then, who was breaking and entering for the purposes of stealing property, was not permitted. This should be alarming to our American sensibilities. Whether it is lawful or not to steal is not the question. The question is, does God's law condemn thievery as a capital crime? The answer is, "no." The value of your property, no matter how hard you worked for it, is not of the same value as a human life in the sight of God.

However, nighttime prevents the homeowner from really understanding the intentions of a thief with sobriety. More than that, if a homeowner is awakened in the middle of the night, he cannot be expected to act with same kind of sober judgment that he would possess midday. For these reasons, lethal force was permitted in the event that the thief was breaking and entering for the purposes of harming the land owner. Similar laws are in place today. The *Castle Doctrine*, for example, is a legal principle that allows a person to use reasonable, and sometimes deadly, force to defend themselves against an intruder in their home without a duty to retreat. The way in which this doctrine is evaluated is greatly impacted by whether or not the force used occurred during the day or at night. If force is used at night, typically there is a greater chance for the home owner to face no legal repercussions, based on the same principles of Exodus 22:1-4. Regardless, the inclusion of this clause in the law of Exodus 22:1-4 would have given the would-be thief pause before considering stealing during the night on the grounds that their life was at greater risk.

A LAW FOR NEIGHBORING FIELDS (VS.5-6)

This law concerns the protection of the neighbor's fields. Bear in mind that this was a deeply agricultural society, and therefore the importance of protecting one's land was very high. Duane Garrett notes, "After harvest, the ancient farmer might clean out the old vegetation from his fields by one of two methods. Either he could turn his livestock loose into the field to eat the plants, or he could set the field on fire."[1] If either scenario occurred, the guilty party was to make full restitution according to what was lost.

A LAW FOR BORROWED PROPERTY THAT IS STOLEN (VS.7-9)

This law concerns any property that is borrowed and subsequently stolen. In the event that the property can be recovered by the thief, the thief is then to make restitution by repaying double (Ex. 22:7). However, if no thief is found, it makes matters more complicated. Verses 8 and 9 outline what actions are to be taken. First, both parties in contention are to be brought before the altar of God to make an oath before God, swearing that they are not guilty. This, in many cases, was enough to make the guilty confess. Swearing a false oath before God at the altar was seen as one of the most egregious and potentially damning things a person could do. The "fear of the LORD" was present with the people during this time. However, in the event that both parties swore innocence, what is left? Essentially, the people were left to trust that God would bring justice in His own way and timing. This is essentially what King Solomon said in 1 Kings 8:31-32: "If a man sins against his neighbor and is made to take an oath and comes and swears his oath before your altar in this house, 32 then hear in heaven and act and judge your servants, condemning the guilty by bringing his conduct on his own head, and vindicating the righteous by rewarding him according to his righteousness." God is the ultimate judge, and He will vindicate all unrighteousness.

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[1] Duane A. Garrett, *A Commentary on Exodus*, Kregel Exegetical Library (Grand Rapids: Kregel Publications, 2014), 512.

A LAW FOR BORROWED LIVESTOCK THAT DIES, IS INJURED, OR STOLEN (VS.10-13)

Borrowing or watching over another person's livestock was common in the ancient world, and therefore laws were needed to adjudicate punishment in the event that something happened to the animal while in the possession of another person. In the event that the animal died, was injured, or driven away by natural causes or other predatory beasts, and there were no witnesses to corroborate the innocence of the person in possession of the animal, the person was required to take an oath before God (Ex. 22:10-11). Again, note the severity of oath-taking in the ancient world. However, taking possession of another person's animal incurs the risk of facing accountability for the theft of that property if it were to be stolen. Therefore, verse 12 requires the person to make restitution to the owner for it in the event of theft (Ex. 22:12).

AN ADDENDUM FOR THE LAW FOR BORROWED LIVESTOCK THAT DIES, IS INJURED, OR STOLEN (VS.14-15)

There is one additional detail given about the instance in which borrowed livestock is either injured, dies, or is stolen, and it has to do with the presence of the owner of such livestock. In other words, if such injury, death, or theft occurs and the owner was not present, the appropriate aforementioned restitution should be paid (Ex. 22:14). However, if the owner was present, no restitution was required because technically the livestock was in the possession of the rightful owner. If the animal was "hired" or "rented," the animal would have had a fee built into it as an insurance policy for such a potential loss. In this case, no further money beyond the rental fee should be incurred.

What About Now?

So what are the takeaways for such strange and seemingly foreign laws as these? Well, for one, we should take note of the responsibility we ought to have for our neighbor. If we are to love our neighbors and fulfill the great commandment, it stands to reason that loving them entails being responsible for any damage to their personal property for which we might be responsible. Secondly, we ought to reckon with the reality that personal property, no matter how valuable, is not as valuable as human life. Exercising force to protect our belongings should be done with great care and sobriety.

Study Questions

Day One

1. Read Exodus 22:1. What is the stated law? Why is there a disparity between the oxen and sheep?

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2. Read Exodus 22:2-4. Why does this law prescribe a different penalty if the crime takes place at night?

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Day Two

1. Exodus 22:5-6. What are the two instances in which a neighbor's field might be violated?

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2. Read Exodus 22:7-9. In your own words, describe the purpose of this law.

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Day Three

1. Read Exodus 22:10-11. What does this law demand in the event that borrowed livestock is either injured, dies, or is run off by natural causes?

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2. Read Exodus 22:12-13. What does this law demand if the borrowed livestock is stolen?

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Day Four

1. Read Exodus 22:14. What is required if a borrowed animal is stolen?

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2. Read Exodus 22:15. How does this requirement change if the owner of the borrowed animal is present? What about if it is a hired animal?

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Discuss the Text!

Week 63 Discussion: The Value of Property

One of the major ideas that comes out in this passage is the value of personal property. While not as valuable as human life, it is valuable and therefore laws were needed to protect it. Talk as a group about how your views of personal property are similar to or differ from God's law.

1. Icebreaker: What's your most valuable piece of personal property?
2. Does your personal property *greatly* matter to you?
3. What lengths would you go to in order to protect your personal property from theft?
4. Should you be held liable for your neighbor's property if something happens to it while in your possession? Why or why not?
5. Should a person be held liable for the damage of your personal property if you are present when it happens? Why or why not?
6. Kid Talk (For Home): Have your child imagine that one of their friends comes over and is playing with one of their toys and accidentally breaks it. Talk to them about how their relationship is more important than the toy.

Takeaways:

1. Laws were needed for the covenant community to dictate what should happen in the event that personal property was stolen or damaged.
2. Personal responsibility is tantamount to loving one's neighbor.