



## Exodus - Chapter Twenty Two

### II. Exodus 19:1-40:38 - The Covenant at Sinai (continues)

#### II.b Exodus 20:1-23:33 - Covenant Words and Rules (continues)

##### Summary of Chapter Twenty Two

The first part of the chapter deals with the Laws of Restitution, dealing with the compensation to be paid by a thief to the owner of any property that has been stolen. In addition, it deals with reparations to be paid when property or livestock are damaged or killed by a person other than the owner. If there are no witnesses in these matters they are to be brought before the Lord and an oath in his presence from the accused would be accepted as the truth.

The final passages deal with a wide range of social and religious issues, with details of any reparations or punishments to be made for each.

#### II.b.vi Exodus 22:1-15 - Laws of Restitution

These laws relate to loss of animals and property. In addition to laws governing damage to or theft of property owned by a person, this section describes circumstances in which a person has been given either property or animals by another for safekeeping, and what was entrusted to him has been stolen (vv.7-9) or injured (vv.10-13).

<sup>1</sup> When someone steals an ox or a sheep, and slaughters it or sells it, the thief shall pay five oxen for an ox, and four sheep for a sheep. The thief shall make restitution, but if unable to do so, shall be sold for the theft.

## Exodus 22:1

When someone steals an ox or a sheep. The command against theft was already stated in the Ten Commandments (20:15). Here are more specific principles given to judges, so they could apply that principle in the daily life and administration of justice among the people of Israel.

Slaughters it or sells it. There is a heavier fine for this, since such action presumably shows deliberate intent to steal.

The thief shall make restitution. The Mosaic Law did not send a person to jail because of theft. Instead, the thief was required to restore what he stole, plus an additional penalty. This can be regarded as a positive approach to the punishment of criminals, putting them to productive restitution and compensating the victims of their theft. Other examples of restitution in the Bible include: <<*Then David's anger was greatly kindled against the man. He said to Nathan, 'As the Lord lives, the man who has done this deserves to die; he shall restore the lamb fourfold, because he did this thing, and because he had no pity'*>> (2 Samuel 12:5-6), <<*Thieves are not despised who steal only to satisfy their appetite when they are hungry. Yet if they are caught, they will pay sevenfold; they will forfeit all the goods of their house*>> (Proverbs 6:30-31), and: <<*Zacchæus stood there and said to the Lord, 'Look, half of my possessions, Lord, I will give to the poor; and if I have defrauded anyone of anything, I will pay back four times as much'*>> (Luke 19:8). These principles are too often ignored in the modern administration of justice.

The thief shall make restitution, but if unable to do so, shall be sold for the theft. If the person was unable to pay back what he stole, the thief was sold as an indentured labourer, with the money from the sale going to the victim.

<sup>2</sup> If a thief is found breaking in, and is beaten to death, no blood-guilt is incurred; <sup>3</sup> but if it happens after sunrise, blood-guilt is incurred.

## Exodus 22:2-3

If a thief is found breaking in, and is beaten to death, no blood-guilt is incurred. A property owner had the right to protect his property with force, but only with reasonable force. The assumption was that if it was daylight, the property owner had the ability to defend himself short of lethal force.

If it happens after sunrise. As just stated, this condition distinguishes between what is permissible retaliation when a thief is caught breaking in during the night vs. during the day. The stipulation protects both the one who is surprised by a thief at night and the thief himself, who could be identified during the day and should be brought before the judges for punishment.

<sup>4</sup> When the animal, whether ox or donkey or sheep, is found alive in the thief's possession, the thief shall pay double.

#### Exodus 22:4

When the animal is found alive in the thief's possession. In such cases, the animal can be given back to its rightful owner, who will be compensated at the cost to the thief of an additional similar animal to the one returned or its cash equivalent, i.e. the thief shall pay double.

<sup>5</sup> When someone causes a field or vineyard to be grazed over, or lets livestock loose to graze in someone else's field, restitution shall be made from the best in the owner's field or vineyard.

#### Exodus 22:5

When someone causes a field or vineyard to be grazed over, or lets livestock loose to graze in someone else's field, restitution shall be made. The owner of an animal was responsible for the grazing of his animals. He was obliged to respect his neighbour's property, i.e. the grazing land. Restitution must come from the best produce that the owner of the animal has to offer. He cannot offer his inferior product as compensation. This was a fair punishment, and significant enough to give a farmer a reason to not allow his animals to carelessly and destructively graze.

<sup>6</sup> When fire breaks out and catches in thorns so that the stacked grain or the standing grain or the field is consumed, the one who started the fire shall make full restitution.

#### Exodus 22:6

The one who started the fire shall make full restitution. Restitution was also required in cases of vandalism or foolish negligence, even if one kept the property of another. The Mosaic legal system had a high view of personal responsibility, even with the property of others. This translates into a proper concern for the property of others today. A Christian, if he backs into someone else's car, will certainly leave a note and make good the damage. All Christians will have proper insurance, guaranteeing they can compensate for someone else's loss.

<sup>7</sup> When someone delivers to a neighbour money or goods for safe keeping, and they are stolen from the neighbour's house, then the thief, if caught, shall pay double. <sup>8</sup> If the thief is not caught, the owner of the house shall be brought before God, to determine whether or not the owner had laid hands on the neighbour's goods.

### Exodus 22:7-8

When someone delivers to a neighbour money or goods for safe keeping. If someone gives a Christian something to hold for them, they are then responsible for it as a faithful steward or manager. This principle also includes what God gives them to manage or steward for him.

The thief, if caught, shall pay double. Restitution was paid according to a pre-determined amount or percentage; it was not left to the whim of either the victim or the judge.

The owner of the house shall be brought before God. If the thief is unidentified and no witness is available to corroborate the theft claims, then the owner will be questioned by the appropriate authority under oath to God to determine whether he played any role in the theft: <<*Suppose two persons have a dispute and enter into litigation, and the judges decide between them, declaring one to be in the right and the other to be in the wrong*>> (Deuteronomy 25:1).

<sup>9</sup> In any case of disputed ownership involving ox, donkey, sheep, clothing, or any other loss, of which one party says, 'This is mine', the case of both parties shall come before God; the one whom God condemns shall pay double to the other.

### Exodus 22:9

In any case of disputed ownership. In the law of Israel, an owner did not lose ownership simply because the object was lost. If another found the object and owner laid claim to it, with a dispute following, it was to be decided by judges. The classic cases of disputed ownership was that of two women who came before King Solomon to claim a baby as their own; refer to 1 Kings 3:16-28.

In this case, lying about being the victim of a thief is the means by which a person acts like a thief and takes his neighbour's property; refer also to v.12. Thus, the person shall pay double to the other, which is the restitution required of a thief (v.4). The person would say this is mine to indicate this is the item in dispute.

<sup>10</sup> When someone delivers to another a donkey, ox, sheep, or any other animal for safekeeping, and it dies or is injured or is carried off, without anyone seeing it, <sup>11</sup> an oath before the Lord shall decide between the two of them that the one has not laid hands on the property of the other; the owner shall accept the oath, and no restitution shall be made. <sup>12</sup> But if it was stolen, restitution shall be made to its owner. <sup>13</sup> If it was mangled by beasts, let it be brought as evidence; restitution shall not be made for the mangled remains.

### Exodus 22:10-13

When someone delivers to another a donkey, ox, sheep, or any other animal for safekeeping, and it dies or is injured or is carried off, without anyone seeing it. This law considered the situation when something suspicious happens - an animal in the care of another dies, is hurt, or driven away. Yet, it happened with no witnesses. Shall the testimony of the accused be accepted in such cases?

An oath before the Lord shall decide between the two of them that the one has not laid hands on the property of the other; the owner shall accept the oath. In such cases, the owner of the animal was obligated to accept the sworn testimony of the accused given before God, unless there was evidence that gave reasonable doubt to the truthfulness of the accused. This principle is the foundation of the idea that a man is innocent until proven guilty. In this case, the man's oath was taken as true unless proof to the contrary could be found.

King Solomon called upon God to be the judge in such cases during the dedication of the temple: *<<If someone sins against another and is required to take an oath and comes and swears before your altar in this house, may you hear from heaven, and act, and judge your servants, repaying the guilty by bringing their conduct on their own head, and vindicating those who are in the right by rewarding them in accordance with their righteousness>> (2 Chronicles 6:22-23). The NT confirms that believers trust him to do so: <<Human beings, of course, swear by someone greater than themselves, and an oath given as confirmation puts an end to all dispute>> (Hebrews 6:16).*

No restitution shall be made. Although the owner of the animal suffered loss, he was not allowed to compensate the loss by accusing and winning damages against an innocent party. He had to accept the outcome, even though justice left him uncompensated. There is a parallel thought in the NT, that believers should avoid taking legal disputes among themselves to secular judges. They should allow the matter to be judged by the church; refer to 1 Corinthians 6:1-8.

<sup>14</sup> When someone borrows an animal from another and it is injured or dies, the owner not being present, full restitution shall be made. <sup>15</sup> If the owner was present, there shall be no restitution; if it was hired, only the hiring fee is due.

### Exodus 22:14-15

When someone borrows an animal from another. The principles of responsibility and restitution also applied to borrowing and lending.

The owner not being present; if the owner was present. The assumption was that if the owner was with the animal or tool, or whatever, as it was used by

another, the owner was responsible for the care and use of the object while in his presence. If the owner was not present, the borrower was responsible.

**Full restitution shall be made.** This was the simple principle meant to guide the judges. The guilty party had to make it good. Distinctions were to be made according to fairness and justice, not simply to reward whoever suffered loss. It recognises that sometimes loss is suffered and no one is to blame.

#### II.b.vii **Exodus 22:16-31 - Social and Religious Laws**

The instruction for Israel not to wrong or oppress an alien frames the section from 22:21-23:9, which seeks to help the people recognise that they are called beyond keeping the basic rules for a civil society, to embodying the very character of the Lord in caring for those who are easily oppressed and even those who may be predisposed against them.

<sup>16</sup> When a man seduces a virgin who is not engaged to be married, and lies with her, he shall give the bride-price for her and make her his wife. <sup>17</sup> But if her father refuses to give her to him, he shall pay an amount equal to the bride-price for virgins.

#### **Exodus 22:16-17**

This rule relates to the practice of a man paying **the bride-price** to his future father-in-law in order to marry his **virgin** daughter. Although the expression referring to the one who **seduces** the daughter most likely implies some mutual consent, the consequence focuses on the responsibility of the man to provide, both through marrying the woman, unless the father utterly **refuses**, and by paying her father. This law also covers the rape of the unmarried woman, which is further described by: *<<If a man meets a virgin who is not engaged, and seizes her and lies with her, and they are caught in the act, the man who lay with her shall give fifty shekels of silver to the young woman's father, and she shall become his wife. Because he violated her he shall not be permitted to divorce her as long as he lives>>* (Deuteronomy 22:28-29). Since the bride-price was equivalent to several years' wages, v.17 amounts to the threat of huge damages in the case of premarital intercourse. The Hebrew *betulah* describes an unmarried girl who was always presumed to be a virgin.

**This law emphasised the principle that there is no such thing as casual sex. Both Old and New Testaments state that sexual relations carry lasting consequences: <<Do you not know that your bodies are members of Christ? Should I therefore take the members of Christ and make them members of a prostitute? Never! Do you not know that whoever is united to a prostitute becomes one body with her? For it is said, 'The two shall be one flesh'>> (1 Corinthians 6:15-16).**

<sup>18</sup> You shall not permit a female sorcerer to live. <sup>19</sup> Whoever lies with an animal shall be put to death. <sup>20</sup> Whoever sacrifices to any god, other than the Lord alone, shall be devoted to destruction.

### Exodus 22:18-20

These rules each carry the penalty of death because they are contrary to Israel being a holy people who worship a holy God: the presence of a female sorcerer: <<You shall be holy to me; for I the Lord am holy, and I have separated you from the other peoples to be mine. A man or a woman who is a medium or a wizard shall be put to death; they shall be stoned to death, their blood is upon them>> (Leviticus 20:26-27), having sex with an animal: <<You shall not have sexual relations with any animal and defile yourself with it, nor shall any woman give herself to an animal to have sexual relations with it: it is perversion>> (Leviticus 18:23), and offering sacrifices to other gods (20:3) are all things that make Israel unclean and are reasons that the Lord is about to judge the nations in Canaan; refer to Leviticus 20:22-26. Sorcery, bestiality and paganism were regularly practiced in the ancient world, and here God commanded specifically against them.

Among the ancients, the practice of sorcery had two associations. Firstly, contact with dark or demonic powers or persons; secondly, altered states through drugs and potions. There was understood to be a connection between drug taking and occultist practices. The law shows that such communication is possible, and the penalty shows that it is dangerous. This was considered a severe enough threat that sorcery was considered a capital crime. This combination of occult practices and drug-induced altered states was seen as destructive to the culture and moral fabric of ancient Israel.

Whoever sacrifices to any god, other than the Lord alone, shall be devoted to destruction. In ancient Israel, it was strictly prohibited to sacrifice to the pagan gods. This law was often broken, and this penalty was rarely applied. One rare example of its application was when Elijah executed the prophets of Baal in 1 Kings 18:40.

<sup>21</sup> You shall not wrong or oppress a resident alien, for you were aliens in the land of Egypt. <sup>22</sup> You shall not abuse any widow or orphan. <sup>23</sup> If you do abuse them, when they cry out to me, I will surely heed their cry; <sup>24</sup> my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children orphans.

## Exodus 22:21-24

You shall not wrong or oppress a resident alien. A good measure of moral character is found in how one treats a stranger. People often find it easy to treat their own flesh and blood well, but God commands his people to have a concern for others, including strangers and foreigners. The prophet shows that the people did not heed this command: <<***The people of the land have practised extortion and committed robbery; they have oppressed the poor and needy, and have extorted from the alien without redress***>> (Ezekiel 22:29). The enduring hatred and strife between ethnic and national groups in modern times shows just how little humanity has progressed.

For you were aliens in the land of Egypt. Israel's own experience of being aliens should have given them appropriate sympathy for foreigners in their midst. God's command that there be kindness and good treatment towards the alien does not mean that it is not good or fitting that foreigners should receive permission to live among a new community. The people of Israel were aliens in the land of Egypt, but at the express invitation of Pharaoh (Genesis 47:5-6). Israel was not welcomed into Canaan, and their coming was rightly regarded as a war of conquest. Governments have the right and responsibility to control borders and immigration; yet there is no doubt of the individual's responsibility to neither mistreat a foreigner nor oppress him.

Through his prophets, the Lord will repeatedly denounce the mistreatment of the widow and the orphan, a term often referring simply to a fatherless child in Israel and Judah. Examples of this are: <<***Wash yourselves; make yourselves clean; remove the evil of your doings from before my eyes; cease to do evil, learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow***>> (Isaiah 1:16-17), <<***For if you truly amend your ways and your doings, if you truly act justly one with another, if you do not oppress the alien, the orphan, and the widow, or shed innocent blood in this place, and if you do not go after other gods to your own hurt, then I will dwell with you in this place, in the land that I gave of old to your ancestors for ever and ever***>> (Jeremiah 7:5-7), and: <<***Thus says the Lord of hosts: Render true judgements, show kindness and mercy to one another; do not oppress the widow, the orphan, the alien, or the poor; and do not devise evil in your hearts against one another***>> (Zechariah 7:9-10). The widow and fatherless child were the weakest and most vulnerable members of society. In an unrestrained, survival-of-the-fittest society, they would be the first to suffer abuse and destruction. God here commanded that at the very least, they not be afflicted.

I will kill you with the sword. Because of their special vulnerability, God commanded a special care and concern for widows and orphans, promising to protect them. The punishment for not doing so was severe, bringing death to the man who neglected such people, thus leaving his own family in a similar state to

those he had neglected. Jeremiah indicates that God applied this justice to the remaining nation when he sent them into exile: <<***We have become orphans, fatherless; our mothers are like widows***>> (Lamentations 5:3).

<sup>25</sup> If you lend money to my people, to the poor among you, you shall not deal with them as a creditor; you shall not exact interest from them. <sup>26</sup> If you take your neighbour's cloak in pawn, you shall restore it before the sun goes down; <sup>27</sup> for it may be your neighbour's only clothing to use as cover; in what else shall that person sleep? And if your neighbour cries out to me, I will listen, for I am compassionate.

### Exodus 22:25-27

If you lend money to my people, to the poor among you, you shall not deal with them as a creditor; you shall not exact interest from them. Interest was prohibited on loans made to the poor and the taking of collateral had to be reasonable.

If you take your neighbour's cloak in pawn, you shall restore it before the sun goes down. The fact that one's garment could be used as collateral, under regulated circumstances, shows that these were loans, with repayment expected and secured with collateral. They were not gifts, but loans. The outer garment was often used in place of a blanket and the person should not be deprived of this necessity on a cold night. It was taken in pledge, not as a punishment. The prophet condemns Israel for openly flouting this law: <<***they lay themselves down beside every altar on garments taken in pledge***>> (Amos 2:8a).

And if your neighbour cries out to me, I will listen, for I am compassionate. God promised to hear the prayer of the poor man when he cried out to the Lord. God's general sympathy for the poor is reflected in the fact that Jesus came from a poor family. This is clearly seen when he was dedicated in the temple, shortly after his birth, for the sacrifice was that of a poor family: two birds rather than the more costly sheep (Luke 2:24).

For I am compassionate. One of the best known and well documented characteristics of God is his grace and mercy on undeserving sinners: <<***The Lord is merciful and gracious, slow to anger and abounding in steadfast love***>> (Psalm 103:8), <<***Return to the Lord, your God, for he is gracious and merciful, slow to anger, and abounding in steadfast love, and relents from punishing***>> (Joel 2:13b), and: <<***He prayed to the Lord and said, 'O Lord! Is not this what I said while I was still in my own country? That is why I fled to Tarshish at the beginning; for I knew that you are a gracious God and merciful, slow to anger, and abounding in steadfast love, and ready to relent from punishing'***>> (Jonah 4:2). It is a characteristic that is often called for in benedictions: <<***Grace, mercy,***

*and peace will be with us from God the Father and from Jesus Christ, the Father's Son, in truth and love>> (2 John 3).*

<sup>28</sup> You shall not revile God, or curse a leader of your people.

#### Exodus 22:28

You shall not revile God. Believers need to be careful how they speak and act for if their words and actions do not bring glory to God, they abuse his name.

Curse a leader of your people. Paul famously quoted this verse when he became angry with the high priest: *<<And Paul said, 'I did not realise, brothers, that he was high priest; for it is written, "You shall not speak evil of a leader of your people"'">> (Acts 23:5).*

<sup>29a</sup> You shall not delay to make offerings from the fullness of your harvest and from the outflow of your presses.

#### Exodus 22:29a

Another way to honour God is by giving him his due. When believers are commanded to give something to God, it is a sin to not give it or even to delay in giving it. Offerings to God are given in recognition of what he always gives so benevolently. Here, it directly relates to the produce from the fields or the vineyards, but it equally applies to everything else that is received: *<<Honour the Lord with your substance and with the first fruits of all your produce>> (Proverbs 3:9).*

<sup>29b</sup> The firstborn of your sons you shall give to me. <sup>30</sup> You shall do the same with your oxen and with your sheep: for seven days it shall remain with its mother; on the eighth day you shall give it to me.

#### Exodus 22:29b-30

The firstborn of your sons you shall give to me. According to 13:11-12, this command was to be obeyed when the people came into the land of Canaan. Much of the Mosaic Law did not make sense for Israel in the wilderness, and was given to prepare them for life in Canaan. Had they obeyed and trusted God the way they should have, they were at this point only a little more than a year away from Canaan. Because of unbelief and disobedience, they were some 40 years from Canaan, but they did not know that at this giving of the law.

On the eighth day you shall give it to me. The giving of the firstborn animals is linked to the giving of firstborn sons, who were to be circumcised on the eighth day: *<<Throughout your generations every male among you shall be circumcised when he is eight days old, including the slave born in your house*

*and the one bought with your money from any foreigner who is not of your offspring>> (Genesis 17:12).*

The giving of the firstborn son was done through redemption, the giving of money to substitute for the son (34:19-20). Money was also substituted for the firstborn among unclean animals, but the firstborn among clean animals was sacrificed to the Lord. This law regarding the giving of the firstborn to God was important because:

1. Since the firstborn was always regarded as best, it was a demonstrated way to give the best to God.
2. It reminded Israel that God regarded them as his firstborn, his favoured people.
3. It reminded Israel that God spared their firstborn when he judged the firstborn of Egypt.

<sup>31</sup> You shall be people consecrated to me; therefore you shall not eat any meat that is mangled by beasts in the field; you shall throw it to the dogs.

#### Exodus 22:31

You shall be people consecrated to me; therefore you shall not eat any meat that is mangled by beasts in the field. This was a command to act differently than the animals, who freely scavenge dead carcasses. God called Israel to be holy people, not to act like scavengers who tear at carcasses as animals do. This reinforces the basic idea of holiness: that believers are set apart for God, and are to be different: *<<But know that the Lord has set apart the faithful for himself; the Lord hears when I call to him>> (Psalm 4:3).*

Animals killed by another were unclean for two reasons. The carnivorous beasts that tore it were unclean, and the blood of such a slain animal would remain in its tissues, leaving it unclean. Instead, the people were to toss that meat to the dogs.