

[Wednesday, February 1, 2017] Exodus Series, Exodus chapter 22, verse 1-15 – Craig Thurman

The topic of judgments continues. (cf. 21.1-23.13) There are so many practical things in this portion of Scripture that can be applied so well to our present-day living.

In the first part of the last chapter the issue of buying and selling men and woman to satisfy debts states a reality of life in that day. There can be no better rule for a society than what is revealed to us through the Word of God. Lest we have a misunderstanding, these are judgments of the Lord. There is nothing wrong with these at all. Keep that in mind.

Ro 7:12 Wherefore the law is holy, and the commandment holy, and just, and good.

Remember the purpose for the law of God.

*1Ti.1.8 But we know that the law is good, if a man use it lawfully;
9 Knowing this, that **the law is** not made for a righteous man, but **for the lawless** and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers of fathers and murderers of mothers, for manslayers,
10 For whoremongers, for them that defile themselves with mankind, for menstealers, for liars, for perjured persons, and if there be any other thing that is contrary to sound doctrine;
11 According to the glorious gospel of the blessed God, which was committed to my trust.*

The implication is that men would do otherwise and need to be regulated to contradict their contrary behavior. The government is established of the Lord to rule people. That unregenerate society which is most blessed with civil order will be that which laws most resemble the Law of God.

Is this what we see today? Nearly all personal liability for debt is removed if criminality is not involved. People may run up a very sizeable debt, file for bankruptcy, a chapter 7 or 11, get a slap on the wrist, and in a few years start all

over again. Who is really punished for the unpaid debt but those who lent? Who pays for unrecovered debts but the taxpayers and consumers? Whenever we buy anything at the store there is factored in that price things which covers for *loss*: unrecovered debt, theft and theft prevention (which we consider in our text today).

Today's insurance-based economy has disconnected us from a proper sense of personal liability for our actions. It's like paying property taxes.

Most property owners give very little thought to what they actually pay in property taxes because the tax and the mortgage payments have been lumped together. This convenience desensitizes property owners to the amount of property taxes every year. However if these two liabilities were divided into two separate payments property owners would be sensitized to their tax liability again. Doubtless, the attendance for municipal assembly meetings would dramatically increase every time an issue came forward which would reflect an increase in the mil rate, or property taxes. When a society is personally liable for their actions it will do better than a society that is removed from the sense of personal liability. The judgements of the Lord teach us a lot about how to love our neighbor. I think most of us that have the Spirit of God desire to do these things but the society that we live in may have clouded our judgment so that we need to have a better frame of mind towards one another.

Chapter 22

1 ¶ If a man shall steal an ox, or a sheep, and kill it, or sell it;

a man steals, יִגְנוֹב-אִישׁ, steals, yig-nov, Qal 3ps. masc. of גָּנַב; KJV, steal, secretly bought (1), stealth (1).

Livestock was a very important resource for the house. A strong beast like an ox could be used for plowing fields, hauling carts and wagons, and grinding at the mill. The flesh of this beast could be made into leather, which in turn could be made into belts, shoes, bags, reins, harnesses, etc; and the meat for food. Sheep likewise was a great source for food, the skins for coverings, and the wool for making clothing, blankets, etc. Also, livestock could be bartered, sold, or rented.

Theft is not restricted to only these two beasts. For example, verse 4 adds the donkey. At least the naming of these particular animals likely establish a baseline judgment for property evaluation. Doubtless a thief would have interest in poultry or goats, and a number of other livestock .

The Law of God, the 8th Commandment states very simply, *Thou shalt not steal*. God condemns stealing. Now it is to be regulated among men. The implication is that man desires to do contrary to the commandment. Given the opportunity many men have a propensity to take to themselves what belongs to another.

I say '*many*' men because not all men are equally affected to sin. But all men are sinner. Sinners that are thieves might have scruples against the arsonist. Sinners that are adulterers might have scruples against the homosexual. Sinners that are liars might have scruples against the murderer.

James, brother to our Lord Jesus, in Ja.2.1-13, corrects the Christian because he puts himself in the place of God when he thinks to judge another based on externals: for example, his outward appearance. A very evil thing called *respect of persons*, or *partiality*. He shows this to run inconsistent to the law of God which states that *Thou shalt love thy neighbor as thyself*. (v.8)

9 But if ye have respect to persons, ye commit sin, and are convinced of the law as transgressors.

10 For whosoever shall keep the whole law, and yet offend in one point, he is guilty of all.

11 For he that said, Do not commit adultery, said also, Do not kill. Now if thou commit no adultery, yet if thou kill, thou art become a transgressor of the law.

12 So speak ye, and so do, as they that shall be judged by the law of liberty.

13 For he shall have judgment without mercy, that hath shewed no mercy; and mercy rejoiceth against judgment.

So the conclusion is that when we commit sin, whatever it might be, however prejudiced we might be in it, and we all are, then we are guilty for breaking the law of God. We that are under the *perfect law of liberty*, which is under the living law of Christ, which rules from within our hearts and would move us to do best by love, would not continue to practice, in this case, the evil of *respecting persons*.

he shall restore five oxen for an ox, and four sheep for a sheep.

There is a valuation of real property that is inflated in light of the crime of stealing. The thief owes this man five ox for the one that he stole. The thief owes this man four sheep for the one that he stole. What does this inflating of the property do? It does at least two things:

1. It protects the property owner. And,
2. It deters crime.

For another example, most of us are familiar with the ole western shows. Often they dealt with horse thieves. This was a serious crime which, if the person was caught it resulted in severe punishments, and even death. Why was this? The seemingly severe punishment was because farmers and migrants depended on their horses. These thieves left their victims helpless or greatly handicapped by the loss of their horses. The victims needed their horses for transportation and farming. What if someone stole your car? For most of us that is a serious handicap. It's not like we can just go down to the nearest car lot and pick out another car. Yet our jobs depend on our being able to get to work. We have to be able to go places and to do all sorts of things. A stolen vehicle could be devastating loss to a family. Over a period of time our society has turned to an insurance based economy. I think that there are two major ill effects that has resulted from our dependency on insurance.

1. The victim's loss is not thought to be as bad as it really is. Therefore,
2. The thief is not thought to be as wicked as he really is.

It has created a false sense of security in that it serves as a filter against all loss.

In these judgments there is a direct link between the victim and the loss. In the instance of loss suffered because of the wicked actions of others, if these judgments are not enacted speedily lawlessness will increase more rapidly.

Ec 8:11 Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil.

2 If a thief be found breaking up,

breaking up, אַמ־בַּמְחַתֵּרֶת, bam-mach-te-reth; בַּ, for בָּהּ, literally in or with the; fem. sing. noun, מְחַתֵּרֶת, mach-te-reth; the verb is חָתַר, and is translated in Job 24.16, dig through; Jer. 2.34, by secret search.

This is to be understood that the thief is caught in the act.

and be smitten that he die, there shall no blood be shed for him.

*and will smite, וְהִכִּיתִי, Hiphil (causative active) preterite, 1ps of נָכָה; Ex. 2.12, Moses slew the Egyptian; Ex.3.20; Ex.5.14, the officers **were beaten**; Ex.9.25, the hail smote every herb of the field; Ex. 7.25, the LORD smote the river; Ex. 8.16, the dust was smitten and turned to lice; **12.29; 17.5, 6**; 21.12, 15, 19,20, 26; 22.2; Nu.20.11, Moses smote the rock twice;*

As we read in the last lesson, certainly no need for a city of refuge in the death of this lawbreaker. It was not accidental death. This is a justifiable homicide. Whether we understand this or not, a thief poses a grave danger to others no matter if his deed is done in the day or in the night.

Joh 10:10 The thief cometh not, but for to steal, and to kill, and to destroy ...

Wickedness is usually committed in the darkness of night, but not always.

*Job 24.14 The murderer **rising with the light** killeth the poor and needy, and **in the night** is as a thief.*

*15 The eye also of the adulterer **waiteth for the twilight**, saying, No eye shall see me: and disguiseth his face.*

*16 **In the dark** they dig through houses, which they had marked for themselves in the daytime: they know not the light.*

17 For the morning is to them even as the shadow of death: if one know them, they are in the terrors of the shadow of death.

Thieves use illegitimate means to gain access to the things of others.

*Jn.10.1 ¶ Verily, verily, I say unto you, He that entereth not by the door into the sheepfold, but climbeth up **some other way**, the same is a thief and a robber.*

3 If the sun be risen upon him, there shall be blood shed for him; for he should make full restitution;

Verse 2 states that if a thief dies while in the act of his crime no blood shall be shed for him. Verse 3 must mean that the day has come, his wicked acts is past, and the stolen goods have been removed. This thief is discovered through some investigative means or the testimony of witnesses. In this case the thief is to make full restitution.

How does this judgment comport with our laws? Today, whenever someone steals it is fortunate if there is a recovery of any item that might have been stolen, much less any restitution at all.

It is interesting that the notion of a penal system, now called a *corrections system*, did not originate from the LORD. This costly was set up by man.

prison, apparently originated in Egypt, Ge.39.20

Samson was put in the Philistines prison house, Jud.16.21

The prophet Micaiah was put in prison. First mention of a prison used by Israel in the O.T. 1Ki.22.27; then 2Chron.16.10; Neh.3.25; in the N.T. Acts 5.18

The Assyrians used prisons. 2Ki.17.4

Babylon used prisons. 2Ki.25.27

The Romans used prisons. Mt.11.2; Acts 12.5

Macedonia, Acts 16.23

Syria, Acts 22.4

Paul experienced these prisons often during his missionary travels.

2Co.11.23

Asia, Re.2.10

Imagine what society would be like if we applied a system where the victim was restored and the criminal made proper restitution. Well, it will be like that in the millennium that is for sure.

*Re 19:15 And out of his mouth goeth a sharp sword, that with it he should smite the nations: and he shall rule them **with a rod of iron:** and he treadeth the winepress of the fierceness and wrath of Almighty God. [This is a very odd concept for many which do not understand a millennium which will become filled with many that will be unbelievers. The rod of iron is an inflexible, severe rule. This is not the rule that we would expect if that day is as some suppose, to be filled with only raptured, glorified saints.]*

Our Lord Jesus shows us that at the least the purpose for a prison should be for the prisoner to pay the debt and make full restitution to his victim.

Mt 18:30 And he would not: but went and cast him into prison, till he should pay the debt.

if he have nothing, then he shall be sold for his theft.

*then he shall be sold, וְנִמְכַר, nim-kar, Niphal (simple passive) pret. 3ps. masc. of מָכַר; Ex.22.1, Qal pret., **sell it.***

for his theft, בְּגִנְבָתוֹ, big-ne-ba-to, fem. sing. noun [גִּנְבָה, g^e-ne-bah], w/ prefix, in, with, at, and 3ps. masc. suff.; **v.4, the theft.**

This understands that the judges issue the sentence against the thief, that he should be sold for as long as it takes for the criminal to make full restitution. The six year limited term expressed in Ex. 21.2, or the jubilee release in the 50th year does not appear to apply to the criminal. (jubilee, Leviticus chapter 25)

4 If the theft be certainly found in his hand alive, whether it be ox, or ass, or sheep; he shall restore double.

two

double, שְׁנַיִם, sh^e-na-yim, masc. dual, cardinal number: two.

If the thief is found in possession of the goods his penalty shall be less than when he has killed and/or sold them. So, whatever was stolen the thief restores two for one to the victim.

Today, if a thief stole a car, when he is found he must pay in restitution to his victim two cars. If a thief stole 100 gallons of fuel oil he must restore to his victim 200 gallons. If he stole \$200.00, he owes \$400.00. Crime is costly in more ways than one. The reputation of the person which commits this sin is damaged for a long, long time. If the matter has gone to the police that record probably never goes away. What so many do not understand is, that while sin can be forgiven, the consequences of it might haunt us for the rest of our lives. That's the truth and the seriousness of acts of unrighteousness. Then someone cries out, 'That's not fair!' But I have to ask a question in return, 'Why isn't that fair?' The victims of crime are affected by it for the rest of their lives. That's not fair! Since the victim has to bear it, the criminal certainly ought to as well.

**5 If a man shall cause a field or vineyard to be eaten,
burned**

וּמְצָאָהּ

6 If fire break out, and catch in thorns, so that the stacks of corn, or the finds

if ... breaks out, כִּי־תִצָּא, when ... breaks out, Qal fut. 3ps. fem. of יָצָא; KJV, to go forth.

וְנֹאכֵל

standing corn, or the field, be consumed therewith;

be eaten

Niphal pret

he that kindled the fire shall surely make restitution.

burns

he that kindleth, הַמִּבְעֵר, ham-mav-[g]ir; prefixed definite article, הַ; Hiphil (causative active) part. sing. masc., root בָּעַרָה; the verb is בָּעַר.

Whoever it is that sets the fire, he is the one responsible for restoring any owner whose field suffered damage as a result of his actions. It doesn't have to be necessarily a malicious intent. Every neighbor is accountable for the welfare of the others.

Think about where we live. Most of us live in the woods. As a result, and given the unique Alaskan soil (tundra and peat moss), brush and black spruce trees we have a tender box for easy starting fires and for fires to quickly get out of control. The State of Alaska and the Federal government have guidelines for controlled burning to protect habitat and humanity. These are good laws. It just common sense. Have I followed the law for suitable containment? Is a water source ready and near at hand. What am I saying? We are not only responsible for ourselves, but for our neighbors' welfare. We are not allowed to live haphazardly. When we do we not only jeopardize ours, but theirs.

כִּי־יִתֵּן אִישׁ כֶּסֶף אֶל־רֵעֵהוּ כֶּסֶף
7 ¶ If a man shall deliver unto his neighbour money or stuff to keep,
When shall give silver anything else

shall deliver, יָתַן, Qal fut., 3ps. masc of יָתַן, nathan; Qal fut. is translated *to give, yield, to let, suffer, make pay, deliver, put, pour cause, yield, would, moreover, utter, grant, bring*; in Exodus the Qal fut. is used in 3.19, with לֹא; 12.23, 25; 16.3, with construct מִן; 21.19, 32; 22.7, with construct כִּי, 10; 30.14, 33.

his neighbor, אֶל־רֵעֵהוּ, masc. noun of רֵעַ; re-a[g]; **This noun is found 7 times in this chapter and is translated neighbor (vss.7, 8, 9, 10, 11, 14. 26);** KJV, *Ge.11.3 another; Ge.38.12, friend; Ex.2.13, fellow; Ex. 11.2, neighbor; Ex.18.7, other; Job 39.20 companion; Deu.24.10, brother; Jer.3.1 lovers; Jer.3.20, husband;*

A neighbor is anyone with which we might have dealing. A neighbor is one that should feel safe being next to us. (Pv.3.29; Lk.10.27) Neighbors are not necessarily our friends. (Lk.11.8; 15.6) We have neighbors that might be our friends and family. We have neighbors that might not be of our friends or family.

Friends and family are also distinguishable in the Word of God. (Jos.6.23 defines family; cf. 2Sa.3.8; 1Ki.16.11; Pv.17.17; 18.24; 27.10; Lk.14.12) Friends are not necessarily of our family, though some might be. The terms neighbor, friends, and family are not synonymous. Each tell of the various relationships that we have to others.

stuff, אוֹ-כֵלִים, irr. masc. pl. noun, כֶּלִי; KJV, *Ex.3.22, jewels; Ex.22.7, stuff; Ex.25.9, instruments; Ex.25.39, vessels; Ex.35.14, furniture; Lev.6.28, pot; Lev.13.52, thing; Nu.35.18, weapon; 1Sa.14.1, 6, armour; 1Sa.17.22, carriage (baggage); 1Sa.17.49, bag; as it is defined this could be anything other than currency.*

Verse 7 does not appear to mean that the neighbor was *hired* for the purpose of *watching* his stuff. The neighbor **assumes the responsibility** for

watching *the silver and the stuff* for his friend. (vss.7-13, the owner delivers to the neighbor for safekeeping)

and it be stolen out of the man's house; if the thief be found, let him pay double.

Like the livestock that is found in the hands of the thief the amount to be restored to the owner is doubled.

בַּעַל־הַבַּיִת

8 If the thief be not found, then the master of the house shall be brought

ba-al-ha-ba-yith

The lord of the house

אֶל־הָאֱלֹהִים

unto the judges, [to see] whether he have put his hand

el-elohim

שָׁלַח

sent forth

cf. 21.6; 22.8, 9, 20, 28.

unto his neighbour's goods.

or into

unto ... goods, בְּמִלְאָכָה, fem. sing. noun, מְלָאכָה, w/prefixed בְּ, *in, with, at*; KJV, Ge.2.2, *work*; 33.14, *cattle*; 36.7, *stuff*; Le.13.48, *thing made*; 1Chron.26.29, *business*; Jon.1.8, *occupation*.

In this case the Hebrew for *goods* includes all *silver, stuff, and livestock*.

עַל־כָּל־דְּבַר־פְּשָׁע

9 For all manner of trespass, whether it be for ox, for ass, for sheep,

Against, on,

upon every matter of trespass

trespass, פְּשָׁע, pe-sha[g], masc. sing. noun; Ex.23.21, *transgressions*; Job 34.37, *rebellion*; Pv.10.19, *sin*; the first four times that this Hebrew noun is found in the O.T. it is translated *trespass* (cf. Ge.31.36; 50.17 [twice]; Ex.22.9); **these are the deeds of wrongdoing**

committed against the Lord or another; the verb form of this is not found until 1Ki.8.50, *have transgressed*.

עַל־כָּל־אַבְדָּה

for raiment, or for any manner of lost thing,
for any [or, every] lost thing

lost thing, אַבְדָּה, ^a-ve-dah, fem. sing. noun; KJV, also Lev.6.3, that which was lost; 6.4, the lost thing; Deu. 22.3, lost thing.

cf. Lev.6.1-7, restore it in the principal, and add a fifth part to it.

which another challengeth to be his, the cause
the matter

הַאֱלֹהִים

אֱלֹהִים

of both parties shall come before the judges; and whom the judges
cf. 21.6; 22.8, 9, 20, 28.

shall condemn, he shall pay double unto his neighbour.

shall condemn, יִרְשִׁיעַ, Hiphil (causative active) fut. 3ppl. masc. of רָשָׁע; KJV, to condemn, vex, trouble with a sentence against him; so it pronounces the guilty as wicked; one who has been determined to have committed wickedness.

This is the lost and found judgment. The responsibility to try to find the owner.

10 If a man deliver unto his neighbour an ass, or an ox, or a sheep, or any beast, to keep; and it die, or be hurt, or driven away, no man seeing it:

Qal pret. or part. Niphal pret. Niphal pret.

deliver, יָתַן, Qal fut., 3ps. masc of נָתַן, nathan; Qal fut. is translated to give, yield, to let, suffer, make pay, deliver, put, pour cause, yield, would, moreover, utter, grant, bring; in Exodus the Qal fut. is used in

3.19, with לָא; 12.23, 25; 16.3, with construct מִן; 21.19, 32; 22.7, with construct כִּי, 10; 30.14, 33.

It seems to say that there is no evidence of any wrongdoing on the part of the neighbor.

11 Then shall an oath of the LORD be between them both, that he hath not put his hand unto his neighbour's goods; and the owner of it shall accept thereof, and he shall not make it good.

12 And if it be stolen from him, he shall make restitution unto the owner thereof.

On the other hand, if evidence suggests that it was stolen, then the neighbor bears the responsibility to make it right. The neighbor had assumed the charge to *keep* the livestock.

אִם-טָרַף יִטָּרַף

13 If it be torn in pieces, then let him bring it for witness,

If in rending it is rent in pieces

cf. Wigram

and he shall not make good that which was torn.

, , Qal infin. absol. and Niphal fut. of טָרַף,,

Again, there is no reason to believe that there is any wrongdoing on the part of the neighbor.

14 And if a man borrow ought of his neighbour, and it be hurt, or die, the owner thereof being not with it, he shall surely make it good.

The difference now is that a man *borrow*s from his neighbor. A borrower is liable for damage to the owner's property as long as the owner is not present with him as he uses it.

As with all of these judgments this is good, common sense. When we assume to borrow something from our neighbor we also assume the responsibility until it is returned to the owner.

Common sense and gratitude says, if I borrow it I should return it in as good a condition as I received it, and clean.

15 But if the owner thereof be with it, he shall not make it good: if it be an hired thing, it came for his hire.

It is quite another thing when the owner is present. The liability remains with the owner. So what should we do? The safest thing for us to do is to live in a bubble: never lend, never borrow, never trust. Realistically, this is all a part of developing in good, lasting, loving relationships. As sinners in a sinful world the things that we try to do will not always go as we would hope. When we love our neighbor as ourselves, when things go bad we will make it right. Our neighbors trust that we will not abuse what we borrow. And they ought to be able to trust us with anything for safekeeping.