

## **Bible Study # 37 Exodus 21:33–22:9 03–20–2021**

The focus shifts, at this point, as the laws now address property matters. In essence, this section is setting out the principles that flow out of the Eighth Word (20:15) and applying them to various settings.

The situation here is when a person may negligently fail to cover a pit. A neighbor's animal wanders on to his property, falls into the pit, and dies. The outcome is that the dead animal belongs to the man who owns the pit, but he is required to pay recompense to the owner for the loss he has sustained. Careless actions that had consequences for men or animals had a financial penalty imposed (for humans, cf. Deut. 22:8).

Damage to, or death of, an animal because it was attacked by a neighbor's animal has monetary consequences. The live animal is to be sold, and the money from the sale and the body of the dead animal are to be divided between the two owners. Both suffer loss, but that financial loss is shared equally for the common good.

Like the earlier provision regarding fatality caused by an unwatched ox (21:28-32), so now provision is made for the case where an animal with a history of attacking humans does so again. In this case, the owner of the bull that attacked the other one had to accept full responsibility for the accident. Payment had to be made, and then the dead animal was his.

22:1 commences a series of situations relating to theft. Stealing animals, whether cattle or sheep, was probably one of the easiest forms of theft, as there was no 'breaking and entering' involved. While animals were out grazing, one could be stolen to be eaten, or else sold to someone else.

A different price had to be paid for the larger animal. For an ox, five times was required, while for a sheep four times. This differential was probably related to the work involved in caring for the ox and sheep respectively, or the time, trouble, and cost in replacing a dead animal.

In vs. 2–4 Three cases incidents are cited regarding a thief caught in the very act. While killing a thief who was breaking into a property at night was not a punishable offense, to attack and kill in daylight was to make the killer guilty of bloodshed. Even a thief had rights that had to be protected.

By daylight such a thief could be identified, caught, and made to pay restitution. If when caught he did not have the stolen goods, and has no means of making an appropriate payment, he must be sold into slavery (see comment on debt slavery on 21:2).

The third case involves a thief who is caught red-handed with a living animal – whether ox, or donkey, or sheep – and he would have to repay double. The person from whom the theft was made would get back the equivalent, and more to compensate for what had happened, making clear the unacceptable behavior of the thief.

Three aspects about taking care of someone else's possessions are dealt with in vs. 5-15 but today we are only going to study through v. 9. Having private possessions was a right you needed to recognize the same rights for others was also important.

Straying herds or flocks could easily cross on to a neighbor's land and graze, and the resulting deprivation of crops could not be fixed easily. Negligence like this had to be recompensed by using the owner's best quality crops, an action of generosity on his part, and also an assurance of the quality. This provision is looking ahead to the time when Israel would be settled in Canaan, and such boundary disputes would become more common.

The next case relates to letting a fire burn out of control, and thus destroying much of a neighbor's property. A fire that started in a thorn bush could easily spread to surrounding properties, devouring all the grass set aside for feed for animals. Suitable restitution had to be paid to the farmer to cover the cost of the lost crops.

Verses 7-9 cover the regulations when articles left on deposit with someone else are stolen. These could be 'silver' or 'goods'. If the thief is caught, then he must pay a double amount. A different procedure was set in place if there was any suspicion that the one keeping the valuables took them for himself.

If no thief was discovered, then the person must 'draw near to God' (elohîm). While elohîm was translated as 'God' in 21:6, here it is more probable that the judges are in view. The actual procedure is not set out, but probably it involved a solemn oath of some kind, whereby the man under suspicion declared his innocence.

The full oath is not given, but the beginning words in v. 8 in the Hebrew, are often used elsewhere in the Old Testament as an oath formula. If there was disputed ownership with two saying, 'This is mine' (v. 9), both parties had to come before the judges at the city gates, who would make a determination in the matter. The losing party would then have to pay the equivalent of double the value for the missing items.

Several times of late we have referred to the 'lex talionis.' This means, the law of retaliation. In the Bible we are familiar with the version saying, "An eye for an eye, a tooth for a tooth, etc." (cf. Lev. 24:17-23, Matt. 5:38-42).

Many have interpreted this as my right to retaliate, even almost a requirement to retaliate. Read the Leviticus section first and then Jesus' words in Matthew. Certainly, Jesus removes the idea that retaliation is required. The 'lex talionis' should be seen as a proper limit on punishment.

Our current way of saying this is, "Let the punishment fit the crime. I think this section of Scripture is a good way to evaluate our criminal justice system philosophy. I think it is unfortunate that we focus primarily on punishment and not on rehabilitation.

Our next study will be Exodus 22:10-31.