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Exodus 22:1-17

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PROPERTY: IT'S PERSONAL!

SERIES: CREATING COMMUNITIES OF SHALOM IN DAILY LIFE

Have you ever been robbed? While one of our church families was away on a vacation last year, a highly sophisticated network of criminals succeeded in forging their identities, breaking into their managed investments and selling their entire portfolio of assets. Hundreds of transactions went undetected by our friends as the ring of thieves jammed their e-mail accounts with thousands of spam e-mails for weeks prior to the crime. They were essentially bankrupt when they returned home, their life savings having been diverted out of the country to a Russian bank. The amazing thing is that in our high tech world, the thieves were able to do all this with no violence or physical intrusion; the transaction was achieved purely online. These criminals never had to put a face on their victims. Yet, for the defrauded, the pain was just as real as if they had been beaten and mugged in a back alley.

Nothing destroys the well being of a community more than greed: "For the love of money is a root of all sorts of evil" (1 Tim 6:10). When possessions become more important than people, the glorious image of God is crushed and ground up under grinding cogs of avarice and every kind of despicable evil.

In our world, we punish crimes of theft and sexual exploitation by isolating criminals in jails for a determined length of time, depending on the severity of the crime. Instead of the criminal paying for the damage caused, society must foot the bill for his food, shelter and protection. Israel's laws, by contrast, were not designed to punish but to restore peace and harmony in the community through "making restitution" (*shalem* - the key word found 15x in our text). In Israel, all property was to be treated as the sacred extension of an individual, thus violating someone's property was considered a violation of his person. Therefore, after a crime was committed and the criminal caught, the *shalom* of the community was restored by reconnecting the criminal with his victims to first bring about repentance, by his personally facing the pain he had caused, and second, responsibility, by paying back the damages in full. In the end, both the victim and the perpetrator became better people, and in the best of all worlds, bonded friends. Israel's laws were not designed to inflict criminals with permanent and shameful scars, but to give them a new start in life by becoming productive members of society. The New Covenant community followed suit; though the means were spiritual, all discipline in the church was designed to be redemptive (Matt 18:15-18; 1 Cor 5:5; Jas 5:19-20).

Our text gives seven guidelines on restoring *shalom* to the community after property has been violated. After we briefly examine each guideline in its context, we'll compare and contrast its application in the New Covenant community. In the end, we will discover what God considers to be our most precious possessions.

I. To Catch A Thief Exod 22:1-4

If a man steals an ox or a sheep and slaughters it or sells it, he shall pay five oxen for the ox and four sheep for the sheep. If the

thief is caught while breaking in and is struck so that he dies, there will be no bloodguiltiness on his account. But if the sun has risen on him, there will be bloodguiltiness on his account. He shall surely make restitution; if he owns nothing, then he shall be sold for his theft. If what he stole is actually found alive in his possession, whether an ox or a donkey or a sheep, he shall pay double. (22:1-4 NASB)

Stealing farm animals in Israel's agricultural economy was not what we might consider a misdemeanor or petty theft, but a serious felony, as animals like oxen and sheep represented the means of production. Because not all thefts were equal, restitution varied, depending on how opportunistic and successful the thief. The minimum payback was double the loss, so that the thief not only restored what he took, he also experienced the identical loss he had attempted to cause another. If he had made a whopping profit from the sale, then the payback increased to four or five times, representing the potential profit he had stolen from the owner. The greater amount for the ox reveals its greater value, as the ox was the backbone and engine of production of the family farm. Once a thief was caught, no court allowed him to make the excuse that he was unable to make restitution because he was destitute. The judge would simply say, "With your crafty mind and strong body, I hereby grant you a new job effective immediately. For the next term you'll be working the victim's farm until such time as the debt is paid in full. Case dismissed!"

To add to the deterrent of stealing, the law gives a short side bar on "burglary defense." Stealing sheep from pastures by day was a terrible crime, but not as serious as tunneling into someone's home by night. If a thief startled a homeowner in the dark and was struck and killed, there was no bloodguilt, even if the intruder was not armed. But if the sun was shining, so that the owner could identify the criminal, he was allowed to defend his property, but not with unrestrained violence. In a small village where everyone was known, the thief would easily be identified, and the owner was expected to use the due process of law. Even a criminal caught in the act in Israel had certain protections under law.

By contrast, in a similar Akkadian law code, if the thief was caught at night, the punishment was death, pure and simple. In the Code of Hammurabi, the thief was publicly hanged outside the entrance to his tunnel; if someone was caught stealing property from a burning home while attempting to put the fire out, he was to be thrown into the fire.¹ For lesser thefts, like stealing seed, the thief's hand was cut off. What a contrast in Israel where, instead of execution or mutilation, the thief was re-educated about the real value of property by feeding, nurturing and watching over his master's animals. And in the process of taking care of his new master's property, he gained not only a sense of value that responsibility gives, but also the ultimate satisfaction of contributing to the welfare of others. With his debt was finally paid, no longer was he a thief living for self-interest, but

a covenant-keeping worker whose eyes had been trained to look out for the needs of others above his own.

After the Holy Spirit was poured out on Pentecost, the new community was so overcome by a spirit of generosity that Christians began selling their possessions and sharing with all who had legitimate needs (Acts 2:44-45). But it wasn't long before the gift of generosity was being abused. Many Christians quit their jobs, feeling it was their right to be supported by the church. Paul taught his followers that there may be times when they are in need of the financial support of others, and then it is the church's responsibility to bear their burden and so fulfill the law of Christ (Gal 6:2). However, those times should not be normative. The goal of every individual should be to work hard to make more money than he needs, so that he is able to contribute to the needs of others:

He who steals must steal no longer; but rather he must labor, performing with his own hands what is good, so that he will have something to share with one who has need. (Eph 4:28)

This became an acute problem in Thessalonica. Because of their belief in the imminent return of the Lord, many had left their jobs to become self-appointed "last days" preachers. Not only was their ministry a deviant delusion, stirring confusion in the body of Christ, it was also irresponsible and detrimental to their witness to the world, as they were living unruly lives, with no accountability (1 Thess 4:11-12; 2 Thess 3:6). So widespread was this attitude in Thessalonica that Paul refused his right to receive financial support from the church, choosing instead to work his trade as a tent maker and thus model the importance of hard work within the community of believers (1 Thess 2:9; 2 Thess 3:7-9).

This is an important attitude that we must teach our youth as more and more of them head out on short-term mission trips and seek ministry opportunities. These experiences offer a wonderful opportunity to get a taste for serving and using their spiritual gifts in Third World situations; the spiritual benefits are incalculable. If individuals can't afford to pay their own way, the door is usually open for them to raise support among the congregation, which often responds generously. The danger enters when young people interpret this generosity as a right and step out of the work force too quickly, thinking the church should support them for whatever they feel "called" to do before they have been adequately trained, tested and publicly recognized. The remedy to this modern tendency is simply, "Get a job," as work is the normative path to ministry and service.

The next guidelines are designed to protect a neighbor's property from damage due to exploitation or negligence.

II. The Line of Responsibility Between Neighbors Exod 22:5-6

A. When Boundaries Are Violated Deliberately (Exod 22:5)

If a man lets a field or vineyard be grazed bare and lets his animal loose so that it grazes in another man's field, he shall make restitution from the best of his own field and the best of his own vineyard. (22:5)

In the first case, an individual is described as having no regard for the sanctity of his own land by permitting his livestock to "over-graze" it (*bi'er* – "burn," "consume," "utterly remove"). But what is worse is that now, bereft of good pasture, he views his neighbor's lush field as his to exploit for his hungry beasts. The Hebrew assesses greater culpability to his actions than our English translations sug-

gest: "he [deliberately] *sent* his beast" into his neighbor's field to feast on his crops. With its love for word plays and evocative imagery, the Hebrew employs three different uses of the cognate root "to burn" (*ba'ar*) to describe this situation. It is used as a rare term for "beast," the verb "cause to graze," and in the next law, in the sense of "to set a fire." The threefold use of the term achieves its maximum effect, making this individual appear as a potentially dangerous "fire" to the community. Anyone who gets close to this individual is liable to get burned.

In reality, he is no different than a blatant thief; therefore restitution requires him to pay back the neighbor he wronged, and from the very best of his vineyards and fields. The act of giving generously to his neighbor from the best of his land is designed to teach him that a person's property is an extension of the individual's life and is not to be violated for self interest. *Shalom* in a community is maintained when God's people are content to live within their means. If we insist on consuming more than we can produce, we end up being a threat to everyone around us, as our appetites blind us to basic boundary markers that keep life sacred.

This is true of nations as well as individuals. I wonder how much less conflict there might be in the world if our voracious appetite to consume so much of the world's natural resources was cut in half. As Christmas looms, just think of the consumption that we will plunge into almost unwillingly for the next two months. Carried away by a flood of greed under the guise of goodwill, we'll be busy buying things most of us really don't need, with money we don't have, to meet the expectations of everyone we're supposed to love. When it's all over, we'll collapse in a pile of mostly meaningless mementoes that we'll have to pack up and take to the Goodwill next year. Yet the credit card companies will keep smiling as they continue collecting cold hard cash. It makes you want to stand up and shout, "Won't somebody please put out the fire?"

B. When Boundaries Are Violated Through Negligence (Exod 22:6)

If a fire breaks out and spreads into thorn bushes so that it burns shocks of grain or standing grain or the whole field, the one who started the fire must make restitution. (22:6)

The second law concerns property loss due to the lack of supervision of a fire in one's field. If a fire spread to the property line, which was fenced with rows of thorn bushes (wood was rare in ancient Israel), it was liable to get out of control and cross over into a neighbor's property, doing considerable damage. Once again, full compensation for the loss was required to be paid to the victim: "It doesn't matter whether the grain was harvested already ('shocks of grain') or was still standing in the field ('standing grain') or both ('the whole field'); full, best quality restitution must be made in kind by the negligent farmer."²

What this suggests is that not only are we to be vigilant about what is going on in our world, we must also be attentive to events happening in our neighbor's world. There are seasons in life when our neighbors are more vulnerable to significant financial loss and other dangers. Not all time is the same; some seasons require greater public awareness than others.

As the New Covenant community was just forming, the leaders in Antioch were forewarned by several Jerusalem prophets of a great famine that was about to come upon the whole world. Sensing that the poorer Jewish believers in Judea would be especially vulnerable, the church took up a relief offering and sent it back with Barnabas

and Paul (Acts 11:27-30). The apostle treated this famine not merely as an obstacle to be overcome, but as a God-given opportunity to unite Jewish and Gentile believers who had been divided for two millennia. Caring for the financial needs of the poor, and even anticipating them, makes an easy entrance to share the good news of the gospel before a watching world.

For the past thirteen years, our high school pastor, Andy Drake, has been building relationships in the community of Mexicali, from the children of the barrios to the pastors in the churches. When a church and adjacent orphanage that his Mexican colleagues ran burned down, he immediately responded to their pleas and made a trip to Mexico. Once there, he was led to a home for sale that seemed suitable for the orphanage. Andy brought that vision home to you, and you responded with instantaneous generosity, giving above and beyond the need. Now that the home is purchased, we'll be sending our world-renowned construction crew to do the necessary renovation. But projects like these aren't just about the rich providing buildings for the poor, they are about building eternal bonds and strengthening the relationship between our two communities. The poor learn the humility of receiving, while the rich learn from the poor what it means to love with abandon and how to acquire that "rare jewel of Christian contentment."³

The next section deals with settling disputes when damage or theft occurs with property that has been given to someone else, whether borrowed or held in trust.

III. Restoring Relationships In Property Disputes Exodus 22:7-15

If a man gives his neighbor money or goods to keep for him and it is stolen from the man's house, if the thief is caught, he shall pay double. If the thief is not caught, then the owner of the house shall appear before the judges, to determine whether he laid his hands on his neighbor's property. For every breach of trust, whether it is for ox, for donkey, for sheep, for clothing, or for any lost thing about which one says, 'This is it,' the case of both parties shall come before the judges; he whom the judges condemn shall pay double to his neighbor. If a man gives his neighbor a donkey, an ox, a sheep, or any animal to keep for him, and it dies or is hurt or is driven away while no one is looking, an oath before the LORD shall be made by the two of them that he has not laid hands on his neighbor's property; and its owner shall accept it, and he shall not make restitution. But if it is actually stolen from him, he shall make restitution to its owner. If it is all torn to pieces, let him bring it as evidence; he shall not make restitution for what has been torn to pieces. If a man borrows anything from his neighbor, and it is injured or dies while its owner is not with it, he shall make full restitution. If its owner is with it, he shall not make restitution; if it is hired, it came for its hire. (22:7-15)

I don't have time to make a detailed exposition of this section, except to make two observations. First, the value that Israel attached to their neighbor's possessions was so important that disputes over damaged goods that were lost, borrowed or stolen were to be settled with due process in a court of law. Further, the testimony of the accused was to be backed by an "oath before the Lord," for which there was no higher appeal. This truly raises the bar, showing the value that God gives to a person's property. It is a serious task to be entrusted with someone's possessions, especially those on which our neigh-

bor depends to make his living (in Israel's case these were domestic animals). Because such possessions are an extension of the person, whenever someone gives them to us in trust, or if we borrow them for our own use, we should care for the property as if it was our own and return it in better condition than we received it. That means we should not borrow someone's car and return it dirty and empty of gas. Fill the tank and wash it if need be. Or if you borrowed a vehicle for a trip, you might even consider having the oil changed.

Second, the supreme example of the attention we should give to the possessions entrusted to us is included in the image of the animal that is "torn to pieces" (22:13). When an individual was charged with negligence over the death of his neighbor's ox, sheep or donkey, he could prove his innocence by bringing before the court the remains of the animal. The evidence of the animal "torn to pieces" was a clear indication that, far from being negligent, the individual had risked his life to rescue it from its predator. How many of us would risk snatching a bone from a dog's mouth, much less a sheep from the mouth of a bear? But if we understand that our neighbor's life depends on these possessions, putting our life at risk for what belongs to a neighbor is in fact preserving his life. Therefore, how we treat someone's valuable possessions is a good indication of how we treat the individual.

This image of the endangered animal in need of rescuing comes to a poignant climax in the New Testament, when Jesus uses it to contrast the negligence of Israel's leadership in caring for the flock of God with his sacrificial care. Now the notion of "rescuing a sheep" that belongs to another takes on a brand new dimension:

I am the good shepherd; the good shepherd lays down His life for the sheep. He who is a hired hand, and not a shepherd, who is not the owner of the sheep, sees the wolf coming, and leaves the sheep and flees, and the wolf snatches them and scatters them. He flees because he is a hired hand and is not concerned about the sheep. (John 10:11-13)

What a difference it makes when we are the sheep! Any young man reading the previous six case laws in the Book of the Covenant would be struck, if not stunned, with the supreme responsibility that God expects of him regarding property belonging to someone else. The whole theme can be summed up in three words: "Property: It's personal!" From these six examples it is crystal clear that if he violates his neighbor's property through theft or negligence, then he has violated his neighbor and must pay. But the seventh case raises the bar even higher. As Jesus' application of the image of the "torn sheep" brings us into the realm of human relationships, the next guideline deals with a man's most precious possession, his daughter. If holy fear hasn't yet seized this young man, God gets even more personal, facing him straight up with his sex life.

IV. The Ultimate Property Violation Exodus 22:16-17

If a man seduces a virgin who is not engaged, and lies with her, he must pay a dowry for her to be his wife. If her father absolutely refuses to give her to him, he shall pay money equal to the dowry for virgins. (22:16-17)

You can hear the shock: "I thought this was an economics class. What are we doing talking about sex?" Out of the silence you can almost hear heaven's answer, "Well, son, that is the ultimate property violation. There is nothing as personal and precious to a father as his daughter." Steal my money, crash my car or burn my house, these wound deeply, but money can be repaid, cars repaired and homes

rebuilt. But touch my daughter and you've struck me to the bone, because you've taken something you cannot give back – her dignity and innocence.

When a daughter was given in marriage, her family gave a dowry to the groom's family. That investment "transfers the bride's share of her inheritance from the household of her father to the children she and her husband will have."⁴ The husband in exchange gives a "bride-price" (*mohar*) to the wife's family, which offsets the investment of land and children from her family. Thus the "bride-price" was part of a complex social arrangement and rigorous negotiations between families to transfer their inheritances through marriage; it was in no sense saying that a daughter was merely property. The serious nature of these negotiations gave a woman worth and dignity.

If a man seduced a daughter for pleasure, he devalued her and showed blatant disregard for her worth and respect for her family. Therefore the law required him to pay the full "bride-price" to make restitution to the father whose daughter he had violated. The payment restored her honor by making her a legitimate bride.

Biblically, marriage is understood to be a formal covenant, the most important of all *human* covenants. The sign of that covenant is sexual intercourse. As Hugenberger has argued, sexual intercourse functions as the sign of the covenant of marriage whether or not the formal, legal undertakings have been completed. In other words, sexual intercourse makes a couple "one flesh" or married *virtually* even if not legally and properly (as Paul contends in 1 Cor 6:16). Thus a couple who have engaged in sexual intercourse before marriage are "as if" married, and the bride price is due the woman's family whether or not they are actually allowed to get married.⁵

But if the father vehemently opposed the union, he could veto the marriage and still keep the "bride-price." Thus the daughter's honor was maintained and she was further protected from the possible worse situation of an unhealthy or cruel marriage.

In the New Testament, we find Jesus and the apostles calling young men to the same responsibility; that is, they are not to be controlled by lustful passion, but rather to be vigilant to treat "younger women as sisters in absolute purity" (1 Tim 5:2 NIV). If we feel inclined to think these morals are prudishly outdated, the apostle Paul warns that anyone who rejects this teaching and defrauds a brother or sister in this regard is, in fact, rejecting "the God who gives His Holy Spirit to you" (1 Thess 4:8). When couples choose to live together they need to understand that they are engaging in highway robbery. The woman's purity is violated, her family is dishonored, and worst of all, the man who lives with stolen goods is robbed of the opportunity of being a responsible male.

But while the holy standards remain the same, there is also something new at work in the New Covenant community. First, it is significant that Jesus' birth was shrouded in a dark cloud of illegitimacy that seemed to follow him his entire life. What is even more surprising is that he never took time to correct that view, though he easily could have. It didn't seem to bother him that his reputation was not squeaky clean.⁶

Second, we find that Jesus offers a new level of healing and depth of shalom to wounded women that no man was ever able to give. Mary Magdalene was cleansed of seven demons (Luke 8:2); the woman caught in the act of adultery found forgiveness (John 8:11); a Samaritan woman who was living with her boyfriend following five failed marriages, was revitalized by living water (John 4:13-14); and finally, the woman who was healed after being afflicted by a bleeding hemorrhage for twelve years (Mark 5:25-29).

During that time this woman had spent all her wealth searching for a cure, but her condition only grew worse, not to mention her agonizing humiliation under the hands of physicians. Not only was she physically hampered and psychologically humiliated, she was also rendered unclean as long her condition lasted, by the cleanliness laws in Israel (Lev 15:25-30). Her bed became unclean, her garments unclean, anything she sat on became unclean, and anyone with whom she had contact became unclean. Being unclean, she was cut off from all community and worship for twelve years of shame, humiliation and isolation. But with one touch of Jesus, "immediately the flow of her blood was dried up; and she felt in her body that she was healed of her affliction" (Mark 5:29). However, the healing wasn't fully complete until Jesus looked her in the eye and called her "Daughter": "Daughter, your faith has saved you; go in *shalom*, and be healed of your affliction" (Mark 5:34). Though she had been healed physically, she was not yet fully healed until she heard her new name, "Daughter," from the lips of Jesus. That name gave her back the delight of her childhood innocence and unleashed a depth of shalom that no physical healing can touch. Yes, it is Jesus who gives back what is stolen and restores *shalom* to the most precious possessions of the community – its daughters.

1 Cornelis Houtman, *Exodus* (HCOT; Kampen: Kok, 1996), 3:188.

2 Douglas L. Stuart, *Exodus* (NAC; Nashville: Broadman & Holman, 2006), 505.

3 This is the title of the Puritan classic by Jeremiah Burroughs, *The Rare Jewel of Christian Contentment* (Edinburgh: Banner of Truth Trust, 1964).

4 Victor H. Matthews and Don C. Benjamin, *Social World of Ancient Israel 1250-587 BCE* (Peabody: Mass.: Hendrickson, 1993), 128, quoted in Waldemar Janzen, *Exodus*, (BCBC; Scottsdale, Pa.: Herald Press, 2000), 306.

5 Stuart, *Exodus*, 509. Stuart is referring to G. P. Hugenberger, *Marriage as a Covenant* (Grand Rapids: Baker, 1998), passim.

6 Although this is not entirely new, as Matthew's genealogy makes clear with the inclusion of Tamar, Ruth, Bathsheba, along with Mary (Matt 1:1-16).