

Exodus 21:28 – 22:17

^{21:28} If an ox gores a man or a woman to death, the ox shall surely be stoned and its flesh shall not be eaten; but the owner of the ox shall go unpunished. ²⁹ If, however, an ox was previously in the habit of goring and its owner has been warned, yet he does not confine it and it kills a man or a woman, the ox shall be stoned and its owner also shall be put to death. ³⁰ If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him. ³¹ Whether it gores a son or a daughter, it shall be done to him according to the same rule. ³² If the ox gores a male or female slave, the owner shall give his or her master thirty shekels of silver, and the ox shall be stoned. ³³ If a man opens a pit, or digs a pit and does not cover it over, and an ox or a donkey falls into it, ³⁴ the owner of the pit shall make restitution; he shall give money to its owner, and the dead animal shall become his. ³⁵ If one man's ox hurts another's so that it dies, then they shall sell the live ox and divide its price equally; and also they shall divide the dead ox. ³⁶ Or if it is known that the ox was previously in the habit of goring, yet its owner has not confined it, he shall surely pay ox for ox, and the dead animal shall become his. ^{22:1} 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. ² If the thief is caught while breaking in and is struck so that he dies, there will be no bloodguiltiness on his account. ³ 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. ⁴ If what he stole is actually found alive in his possession, whether an ox or a donkey or a sheep, he shall pay double. 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. ⁶ If a fire breaks out and spreads to thorn bushes, so that stacked grain or the standing grain or the field itself is consumed, he who started the fire shall surely make restitution. ⁷ 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. ⁸ 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. ⁹ 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. ¹⁰ 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, ¹¹ 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. ¹² But if it is actually stolen from him, he shall make restitution to its owner. ¹³ 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. ¹⁴ 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. ¹⁵ If its owner is with it, he shall not make restitution; if it is hired, it came for its hire. ¹⁶ 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. ¹⁷ If her father absolutely refuses to give her to him, he shall pay money equal to the dowry for virgins.

Historical and Cultural Background

- *Restorative vs. Retributive Justice:* In an Akkadian law code, if a thief was caught at night, the punishment was death. In the Babylonian Code of Hammurabi, the thief was hanged publicly outside the entrance to his break-in point. If someone was caught stealing property from a burning home, he was thrown into a fire.¹ For lesser thefts, like stealing seed, the thief's hand was cut off. By contrast, in Israel, the thief had to restore more than the value of the livestock to its owner. The thief also had to feed, nurture, and watch over the animals. This was ostensibly to teach the thief the value of the animals to their rightful owner, and to restore trust between the thief and the victim.
- *Dowry Laws:* A marriage involved an exchange of gifts between the two families. The bride's family gave a dowry to accompany her, representing the bride's share of her inheritance from her father to the children she and her husband will have.² The husband and his family gave a 'bride-price' (*mohar*) to the wife's family, which 'transferred' her inheritance of land and children from her family to his. It was in no sense saying that a daughter was merely property. If a man seduced a young woman, he devalued her, jeopardized the future of a potential child, and showed blatant disrespect to her family. Under the circumstances of the Israelite communal village, the seduction was viewed as probably mutual, but the Sinai Law gave the woman's family the right to refuse marriage.

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

² Victor H. Matthews and Don C. Benjamin, *Social World of Ancient Israel 1250-587 BCE* (Peabody, MA.: Hendrickson, 1993), 128, quoted in Waldemar Janzen, *Exodus* (BCBC; Scottdale, Pa.: Herald Press, 2000), 306.

Questions

1. Focus on 21:28 – 36. How does God view the issue of stealing life or health from someone by your careless neglect?
 - a. God placed safety laws even on animals. If an animal took a human life, it was immediately destroyed. If an animal had a previous track record of violence, and the owner did not keep it confined, then if the animal killed a person, the owner paid for it with his own life (Ex.21:28-29).
 - b. Illus: What would God and Moses say to Ford about pricing a human life at \$200,000 and then planning to let people die at a certain known probability? See Ford's exploding Pinto problem (see http://en.wikipedia.org/wiki/Ford_Pinto; 'fuel tank controversy'). Ford had a problem with their Pinto car in the 1970's. The fuel cap would leak gasoline if the car was struck from behind. The gas could spill out under the car and catch fire. The cost to recall the cars and trucks was \$11 per vehicle! But Ford did a math calculation, and decided it wasn't worth it to fix. See the notorious 'Ford Memo' (http://www.autosafety.org/uploads/phpq3mJ7F_FordMemo.pdf), p.6, which said that the benefits they'd have to pay out was less than half the cost of recalling the cars.

BENEFITS:

Savings – 180 burn deaths, 180 serious burn injuries, 2100 burned vehicles

Unit Cost – \$200,000 per death, \$67,000 per injury, \$700 per vehicle

Total Benefit – $180 \times (\$200,000) + 180 \times (\$67,000) + 2100 \times (\$700) = \underline{\$49.5 \text{ million}}$

COSTS:

Sales – 11 million cars, 1.5 million light trucks

Unit Cost – \$11 per car, \$11 per truck

Total Cost – $11,000,000 \times (\$11) + 1,500,000 \times (\$11) = \underline{\$137 \text{ million}}$

- c. God installs 'building codes' in 21:33 with the example of digging a pit and leaving it uncovered. See also Dt.22:8, 'When you build a new house, you shall make a parapet for your roof, so that you will not bring bloodguilt on your house if anyone falls from it.' God makes 'building codes' for pits and houses so that human life is protected from accidents.
 - d. Illus: 'God was inculcating in Israel the notion that safety should always take precedence over profit in the workplace – something they had never experienced in Egypt. On two occasions my life was spared on construction jobs, thanks to safety regulations. One time I was struck in the head by a falling object. I suffered no injury, thanks to my hard hat. The second time I was unloading sheets of plywood from a forklift on the second story railing, when I slipped and tumbled over the side. Because I was forced to wear a safety harness, my fall produced only minor scrapes instead of taking my life.'³
 - e. Application: Pollution in NYC. 'Yorkville and East Harlem already have some of the worst pollution and highest asthma rates in the city, and now 100 to 500 extra diesel trucks are going to roar through an entirely residential neighborhood to dump their loads in a stinking, two acre, heavy-duty industrial facility in front of public housing.'⁴
 - f. Application: What about how we are neglecting the environment and placing the cost on our future children? With regards to pollution? Pesticides? (Leader pick an issue, research a little beforehand)
2. Focus on 22:1 – 16. What do you think about the principle of restitution?
 - a. Restitution is mentioned 9 times in this section: 21:34, 22:3, 5, 6, 11, 12, 13, 14, 15.
 - b. Why not give just 1 ox or 1 sheep back? The principles in 22:1 – 16 involve paying back 2 to 5 times as much. Because that's not a deterrent; that would make theft into a forced trade. Also, because the thief has to restore trust (22:9). Trust is an implicit part of restitution.

³ Brian Morgan, *The Sixth Commandment: Am I My Brother's Keeper?* (sermon, PBC Cupertino 11/6/2005); http://pbcc.org/learning/sermons/?sermon_id=853

⁴ Matthew Chapman, 'Why Is Mayor De Blasio Breaking 4 Promises Within 400 Yards of His Own Home? Part Four: Low-Income Housing,' Huffington Post, 10/7/2014; http://www.huffingtonpost.com/matthew-chapman/how-bill-de-blasio-breaks_b_5942584.html; see also Linda M. Rhinehart, 'Asthma: When the Air Isn't Fit to Breathe' (Bright Hub, 10/31/2012); <http://www.brighthouse.com/environment/science-environmental/articles/125885.aspx>

- c. Define restitution: Restoring the relationship through a payment for past loss or damages.
 - d. There is a big difference between restorative justice and retributive justice. See the cultural background notes. What does the comparison tell you?
 - e. Illus: If you own a store, and I'm a teenager, and I steal from you at the store, but I come back 10 minutes later and say, 'I've had a change of heart; sorry, here you go.' Am I done? You would probably say no. I have to restore trust, not just the object. So you'd be within your rights to require me to work at the store, and get to know you. Or to meet your employees and family because they would have been affected by my action.
 - f. In 22:2 – 3, why is breaking and entering during the night different than during the day? Stealing sheep from pastures by day was a crime, but not as serious as entering 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.
 - g. In 22:5, what do you think is the issue behind not tying up your ox so that it grazes in someone else's field? Or in 22:6, letting a fire spread? Negligence or carelessness. So the intention was not to steal someone else's property, but the effect is the same. In this case, the punishment is to restore the neighbor's property from the best of what you have.
 - i. Negligence in a personal relationship:
 - 1. What if you left the water running in someone else's house?
 - ii. Negligence in a system:
 - 1. See Lindsay Abram's article "Water is the new oil: How corporations took over a basic human right" at http://www.salon.com/2014/10/05/water_is_the_new_oil_how_corporations_took_over_a_basic_human_right/
 - 2. See David Akadjian's article "25 Examples of Markets 'Regulating Themselves'" at <http://www.dailykos.com/story/2014/02/03/1271430/-25-Images-of-Markets-Regulating-Themselves#>
 - 3. What would you do if you worked for one of these companies? What would you do if you had an opportunity to sue one of these companies? Or design laws that would hold them accountable?
 - h. Responsibility while borrowing in 22:7 – 15.
 - i. What if you borrowed a friend's bike or car and it got stolen from you? Who would be responsible for the loss?
 - ii. If a bank receives your money and then loses it on risky investments, should they pay you back? We think so. That's why the Glass-Steagall Act was passed in 1933, to separate commercial banks from investment banks. Investment banks have to risk their own money, not your money. It's also why the FDIC requires banks to guarantee up to a certain amount that you've deposited with the bank.
3. Focus on 22:16 – 17. Why is a woman's virginity until marriage an issue of theft that needs restoration?
- a. The man who seduces a young woman is stealing sex without paying the full 'price,' which is marriage and faithful covenant love.
 - b. He is also removing her out from the investment her family has made in her, and also the potential children she would have and what those children will experience in life.
 - c. Is it a crime against the father, that the father is paid? Is the daughter simply property? No. The father represents the entire household, and this would have been a bride-price from a legitimate suitor that passes through the hands of the father to the daughter so that the daughter really owns it, separately from her husband. In case of a divorce, the woman would still own the wealth because it did not belong to her husband to begin with; it was a gift to her from her father. '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 So it is a payment that would have passed to the daughter, I presume, if she did get married to another man and started her own household.

- d. Is this a restitution or restoration? It’s the closest thing under the circumstances. The assumption here is that there is attraction and love, hence consent by the girl. Otherwise, she would have cried out for help and it would have been rape. So if marriage is possible, then the course is open and encouraged by the law. But if the girl and/or her family views it as not wise, there is an out.
4. What do these laws reveal about God’s character?
- a. He cares about people taking responsibility, that knowledge makes you responsible
 - b. He cares about fairness
 - c. He cares about relationship and trust, not just individualistic ownership of property
 - d. He cares about people’s place in the community at the time, and in the community over time

⁵ Douglas K. Stuart, *Exodus* (Nashville, TN: B&H Publishing Group, 2006), p.509; Stuart is referring to Gordon P. Hugenberger, *Marriage as a Covenant* (Grand Rapids: Baker, 1998), *passim*