

Sermon 87, Theft, Borrowing, and Fornication, Exodus 22:1-17

Proposition: Biblical justice for property crimes is all about proportional restitution.

- I. Proportional Restitution for Animal Theft, vv. 1-4
- II. Proportional Restitution for Fodder Theft, vv. 5-6
- III. Proportional Restitution for Lost and Stolen Items, vv. 7-13
- IV. Proportional Restitution for Borrowed Items, vv. 14-15
 - A. God Cares About How You Borrow
 - B. You Are Responsible for the Full Value of the Borrowed Item, v. 14
 - C. You Are Not Responsible for the Full Value of the Rented Item, v. 15b
- V. Proportional Restitution for Stolen Virginity, vv. 16-17
 - A. Virginity Is Valuable
 - B. God Protects Vulnerable Women

Introduction

Dearly beloved congregation of our Lord Jesus Christ, we continue this evening to pursue our studies in the Book of the Covenant. As we have seen, this is a short account of how to be the people of God. It centers on the twin themes of justice toward man and piety toward God. Being a people in covenant with God requires both of these, both love for God and love for neighbor. One major way in which you love your neighbor is by having and enforcing a uniform code of justice. We saw last week one huge principle of justice is the law of talion, that is, the principle that the punishment must be directly proportional to the crime. This week, we will see another major principle of justice: Justice for property crimes is all about proportional restitution. We see a number of cases set out in the passage before us. What they all have in common is some kind of financial crime or loss — and in each case, the insistence that the crime is to be made good by financial restitution. God commands that we love our neighbor and justly require proportional restitution for all property crimes.

I. Proportional Restitution for Animal Theft, vv. 1-4

The first set of laws here requires proportional restitution for animal theft. If you only steal the sheep or ox, but don't have time to fence the stolen animals, then you simply have to pay double. That is, if you take five sheep, you have to return ten.

We might say “Well, simple justice would require that you simply return what you took.” It may be the case indeed that the person you stole from only deserves back what he lost. But God also provides in justice that the thief be punished by losing the exact amount he had thought to gain. You thought you would walk away with an extra \$500? Instead, you're going to lose \$500. The justice of God is so perfect. It is utterly right.

If you have persisted in your theft for a longer time and successfully sold the stolen animals, you have to pay five oxen for an ox and four sheep for a sheep. How is this just? Because you cannot return the one you stole. Not all animals of the same age and breed are

worth the same amount. There are plenty of exceptional horses in this world that are worth five ordinary horses. The same goes for oxen and sheep. As to why oxen require more restitution than sheep, no one knows. People say “Larger animal,” or “more valuable because they can pull a plow and a sheep can’t.” But we don’t know for sure.

While God is speaking of theft, He takes a moment to describe the difference between night and day. At night, when the identity and intentions of the thief are unclear, it is right to use deadly force to protect your property. The guy is only a thief, not a murderer, but in the dark you can’t know that. But human life, even the human life of thieves, is worth more than property. Thus, you have no right to kill a thief in daylight, when it is clear that he is only taking your stuff. If you kill someone for a property crime, you will suffer the full penalty of murder.

This is not like the ANE culture around Israel. In those places, if you had some property, you were considered justified in murdering someone who tried to take it. Not so among the people of God. The right to life relativizes others’ right to their own property.

Notice, too, the statement that a thief is to be sold for his theft. If he cannot come up with the money to make restitution, he has to go into slavery. The one from whom he stole receives the purchase price of the thief.

This sort of debt slavery, as we saw two weeks ago, was tightly regulated. There were strong safeguards around it. But again, it is perfectly just, both to the thief and to the one from whom he stole. Under the American legal system, if the thief is caught but has nothing, he goes to jail, while the one from whom he stole simply has to eat the loss. In other words, the thief is enslaved but no attempt is made to get him to contribute the value of what he took back to society. Anyone else see the obvious injustice here?

II. Proportional Restitution for Fodder Theft, vv. 5-6

Well, when a man allows the theft of fodder, whether through sending out an ox to graze on someone else’s pasture or by negligently allowing fire to break out and burn someone else’s pasture, he has to make full restitution. He can’t restore low-quality hay or forage either. He has to make restitution from the very best of his own field or vineyard.

Now, in this case, it appears that the thief only has to restore what he took. But since what he took was consumed, either by his animal or by fire, he ends up out the amount that he took from his neighbor — mostly. Obviously his animal received however much it ate from the neighbor, and so in one sense all the thief loses is the cost of harvesting and transporting the fodder to his neighbor.

Regardless of how you split the details, the main point is abundantly clear: proportional restitution is to be made for this property crime, just like the other ones. This too is a function of the just character of a just God.

III. Proportional Restitution for Lost and Stolen Items, vv. 7-13

The next section gets into the question of lost and stolen items. I don’t know what it is about me, but I have frequently been asked to keep something for a neighbor. When I was a kid, my parents had friends park fourwheelers in their garage. Another friend, more recently, has had me store his folding cot and oil change ramps pretty much indefinitely. When I was a kid taking piano

lessons, my piano teacher was piano-sitting for a friend who was in Europe for a year — leaving my teacher with two grand pianos side-by-side in his small living room. It was pretty cool.

Anyway, I know I'm not alone. The fact is that pretty much everyone has either asked someone to store something for a time, or been asked to store something. This can range from pet-sitting to house-sitting to everything in between.

The Lord deals with several possible scenarios here. One is that the entrusted items are stolen. If the thief is caught, he pays double — that is, he impoverishes himself by the amount he thought to impoverish the one from whom he was taking.

But if the thief is not found, the one who was supposed to be watching the stuff has to pay the full value of it to its owner in every case where it simply disappeared. However, if it was an animal that plausibly walked off on its own, no restitution is necessary. Also if it was destroyed by an act of God, or an act of wild animals, no restitution is necessary.

Now, I honestly appreciate some guidance in this area. In my years of storing items for people, nothing has ever happened to the items. But what if it had? Justice says that if it lost itself, I'm off the hook. If I let a thief take it, I need to eat the loss. And if I swear that I did not touch it, you need to accept that.

IV. Proportional Restitution for Borrowed Items, vv. 14-15

Now, what about borrowed items? If you were storing something, you're doing a favor to the owner. But if you're borrowing something, he's doing you a favor. There are three major points I want to talk about in these verses.

A. God Cares About How You Borrow

The first is that God cares about how you borrow. Borrowing is a way of transferring costs. Rather than paying the cost of acquiring and storing an item that you need for only a short time, you prefer to borrow it. The most commonly borrowed things are tools or specific items of clothing, costumes and the like. That's because most other things are needed repeatedly over many years. It makes no sense to borrow a toilet, because it takes a long time to install and it is useful for decades. But to borrow a particular wrench or saw to perform a task that you will likely never perform again makes a lot of sense.

However — you need to accept that when you borrow, the person who's loaning the item to you is doing you a major favor. God cares about how you respond to that favor. He regulates borrowing.

B. You Are Responsible for the Full Value of the Borrowed Item, v. 14

Thus, let me highlight and underline this: If you borrow something and it breaks, you pay the total cost of getting it working again. If it breaks irreparably, you buy a new one. Thus, if you borrow a piece of heavy equipment that costs \$50,000, or \$250,000, you be real careful with that thing. God says that you are on the hook for its full value. If it's something you really can't afford to pay for, you're going to need to be extremely cautious about borrowing it. Now, if the owner is there watching it, the equation changes. Owners, if you loan something and stand there watching the borrower break it, that's on you.

These rules are incredibly relevant to our daily life. Even in ancient Israel, I don't know that they were enforceable in court. That's not the point. They describe justice for the people of God. If you want to borrow like a Christian, you need to know these rules and live by them. If you burn up the gasoline in the thing you borrowed, refill it. If you scratch the paint, repaint it.

C. You Are Not Responsible for the Full Value of the Rented Item, v. 15b

However, if you rent that's a different story. When a rented item breaks, the rental fee you paid already covers that. The cost of renting the thing includes the likelihood of its being broken or destroyed.

Thus, if you can't afford to replace something, you should rent it, not borrow it. Because of the rental fee you're paying, you're transferring some risk to the rental company. Now, the rental contract may say something different. As I understand it, car rental companies consider themselves entitled to the full value of the car if you total it. And if you sign that you agree, you may be on the hook for a lot of money. But morally speaking, breaking a rented item doesn't put you on the hook the same way that breaking a borrowed item does.

V. Proportional Restitution for Stolen Virginity, vv. 16-17

Well, this final law causes many commentators and Christians to question the justice of God. If He really is just, why does He put this law about taking virginity in the laws about property? Does God consider a woman to be a man's property?

The short answer is "Please stop being an idiot."

A. Virginity Is Valuable

The lost property here is not the woman, but her virginity. Virginity is valuable. It is a very expensive piece of social-relational capital. A man who takes it is required to make monetary restitution. He is not taking the woman from her father or lessening the value of the father's "property." He is lessening the value of what the woman has to offer. Once her virginity is lost, statistics show that it is much riskier to marry her just in terms of relational harmony. We're not even talking the question of her sexual faithfulness and whether you can trust that the children a non-virgin has will actually be her husband's. We are simply saying that virginity is worth something, and in the marriage market in ancient Israel it was worth quite a bit.

B. God Protects Vulnerable Women

In that era as in this, predatory men were not above sleeping with a woman in order to harvest her virginity and cut her value in the open market, thus allowing them to take sexual pleasure with her cheaply. In God's design, the price a man pays for sexual pleasure is the sum total of all his revenue for the rest of his life, for sexuality shares his total life with his wife.

Anyway, God is saying that if a man takes something valuable — in this case, virginity — from a woman, the man has to pay the full value of the thing that he took. This is the case even though he took it with the woman's consent. Her consent doesn't make it less of a theft. Sort of like the Marxist concept of objective interest, this virginity is actually valuable to the woman whether she knows it or not. That's why God demands that its loss be recompensed. You as a woman don't have a right to give away your virginity free gratis.

Well, brothers and sisters, I trust that this tour through God's laws has given you insight into His holy character. He is a God of perfect justice. If you are His people today, which you are through Jesus Christ, then you are called to live in justice, whether you are borrowing, storing, fornicating, or more. God is just, and so His people must be just too. Amen.