

**Exodus 21:33-22:15**  
*Property Damage Laws*

Have you ever had anything stolen from you?

- Animals?
- Possessions?
- Identity theft?

The sin of stealing is quite evident these days

- We read about these in the papers on a regular basis

Last week, we discussed sins that pertain to personal injury

- Manslaughter – both voluntary and involuntary
- Striking a parent
- Kidnapping a person
- Injury resulting from a fight
- A master striking his slave
- An animal causing injury to a person

This week, we take a different turn

- We will be dealing with sins that pertain to property damage

Again, we may be tempted to think, “How is this applicable to us in the 21<sup>st</sup> century?”

- I think it is extremely applicable

What should happen

- When someone is irresponsible and another person is hurt as a result?
- When a burglar breaks into a home?
- When someone starts a fire and it spreads quickly, causing damage to homes and human life?
- When you allow someone to borrow something, but it is broken or stolen?

These “real life” issues will be addressed today

- The terminology will differ, because most of us aren’t farmers
- But the principles are the same

Several of you commented after last week’s sermon about how to apply these principles

- Let me comment briefly on that

We don’t live under a theocracy as outlined in the Old Testament

- We are under a democracy

Therefore, we are not bound by the civil laws of Israel

- Some of them, no doubt, are precedents for our modern-day court laws here in the United States
- But by no means are we bound by these

God doesn’t just deal with the moral issues of the Ten Commandments

- Those are extremely important
- Those are still binding upon us

But God is also gracious to provide civil laws for His people

- Laws that will help to guide interaction with one another

It is fascinating to think about the fact that God didn't require jail or prison for these types of crimes<sup>1</sup>

- Rather, personal restitution was required

### Let's read Exodus 21:33-22:15

These verses cover a number of situations in which property damage occurs

- These would serve as precedents for future legal cases

Specifically, we will address the following broad categories related to property damage

- Negligence (21:33-36)
- Theft (22:1-4)
- Willful damage to property (22:5-6)
- Safe-keeping of items (22:7-9)
- Safe-keeping of animals (22:10-13)
- Borrowing from a neighbor (22:14-15)

#### I. Negligence (21:33-36)

21:33 “And 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.

This first example seems very straightforward

- One person opens a pit or digs a pit
- But he fails to cover it

It was quite common to have open pits<sup>2</sup>

- To have storage for grain
- To trap animals (predators or hunting purposes)
- To gather water
- To serve as trash dumps
- To capture robbers and criminals<sup>3</sup>

They were usually covered with a flat stone<sup>4</sup>

- The owner of the land was responsible to make sure this was covered

But animals wander around from place to place<sup>5</sup>

- They can occasionally fall into pits

---

<sup>1</sup> Douglas K. Stuart, *NAC, Exodus*, 500.

<sup>2</sup> R. Alan Cole, *Tyndale OT Commentary, Exodus*, 170.

<sup>3</sup> John D. Currid, *An EP Study Commentary, Exodus, Vol 2*, 86.

<sup>4</sup> John J. Davis, *Moses and the Gods of Egypt*, 237.

<sup>5</sup> Stuart, 498.

Who is at fault?

- The animal?
- The owner?

Verse 34 makes it clear, “**the owner of the pit shall make restitution; he shall give money to its owner**”

- The one who opened or dug the pit is responsible
- He is liable for his negligence

If the animal died as a result of falling into the pit, then the owner of the pit keeps the carcass

- Perhaps the hide could be used for something
- Perhaps the meat could be eaten

21:35 And 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.

Verse 35 also deals with animals

- Specifically, “**one man's ox hurts another's so that it dies**”

In verses 28-32, the examples were of animals that hurt or killed humans

- Here, it is animals that hurt other animals

If the malicious ox was not in the habit of hurting other animals, then the solution was simple

- Sell the live ox
- The two owners would split the sale price

Furthermore, the dead ox would be divided between the two owners

- Perhaps for the hide
- Perhaps for the meat

But the ox was not allowed to live!

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.

What if the ox was known for being an aggressive animal?

- What if the ox had tried to injure other animals before?

Moreover, what if the owner had been warned about this animal's behavior, but didn't take any precautions?

- Then the owner had to pay restitution

The owner would then be required to “**pay ox for ox**”

- He would have to pay for another ox to replace the one that his animal killed

The owner of the aggressive animal would be able to keep the dead animal

We see the difference between verse 35 and 36

- Whether the animal had a history of being aggressive
- Whether the owner had taken any precautions (confining the animal by itself)

These cases deal with negligence

- As much as is possible, the people failed to avoid injury
- **Negligence (21:33-36)**

## **II. Theft (22:1-4)**

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.

Now we deal with instances that break the 8<sup>th</sup> Commandment, “**You shall not steal**” (Ex 20:15)

- These are outright violations of what God said Israel should not do<sup>6</sup>

To steal is to take away what God has entrusted to another

- It is a failure to love one’s neighbor as yourself

In this instance, a person steals “**an ox or a sheep**”

- These were common animals in this day and age

Furthermore, a person’s wealth was measured in livestock<sup>7</sup>

- Not jewelry
- Not bank accounts
- Not investment stock

To steal one’s ox or sheep would be like stealing someone’s money today

- To take what doesn’t belong to you

Notice that it doesn’t matter whether the thief intended to “**slaughter**” the animal (to eat it) or “**sell**” it (to benefit financially)

- The thief still had to pay

In the case of killing another animal or selling it, the thief had malicious intent<sup>8</sup>

- He deliberately stole the animal

What exactly was the restitution price?

- “**five oxen for the ox and four sheep for the sheep**”

That seems very high, doesn’t it?

- If I stole one ox, then I would have to buy five
- If I stole one sheep, then I would have to buy four

If nothing else, what was God teaching as a principle about stealing?

- It doesn’t pay to be a thief

There is great irony here

- The thief stole in order to benefit himself
- But in the end, he paid out more than he gained through stealing

---

<sup>6</sup> Walter C. Kaiser, Jr., *The Expositor’s Bible Commentary, Exodus*, 436.

<sup>7</sup> John L. Mackay, *A Mentor Commentary, Exodus*, 382.

<sup>8</sup> Cole, 171.

22:2 If the thief is caught while breaking in, and is struck so that he dies, there will be no bloodguiltiness on his account.

Verses 2-3 take a break in the situation dealt with in verse 1

- We will come back to that in verse 4

What happens if a thief is caught breaking into a home at night?

- What happens if the homeowner kills the thief?
- This is the case of “breaking and entering”<sup>9</sup>

The simple truth is that the homeowner is not guilty of murder

- If this burglary happened at night

We have to keep in mind that there were no nightlights, outside security lights, alarm systems, etc. during these days

- These are modern-day luxuries that the people of Israel didn’t have

Most of the homes were made of mud<sup>10</sup>

- So a break-in would be just that
- Someone would dig their way through a wall

The homeowner had the right to defend himself and his family<sup>11</sup>

- At night, visibility is low
- It is nearly impossible to determine the motives of someone breaking in

22:3 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.

Things were different, however, in a break-in that occurred during the day

- If the burglar was killed during the day, then there were consequences for the homeowner

The homeowner would suffer “**bloodguiltiness**”

- He would be held guilty for killing an intruder

The burglar, however, would “**make restitution**”

- The specifics are not listed, however

What happened if the burglar didn’t have the finances to pay back damages?

- Then “**he shall be sold for his theft**”

The burglar would become an indentured servant

- Presumably for the six years as outlined in Exodus 21
- He would work off his debt

---

<sup>9</sup> Kaiser, 436.

<sup>10</sup> Mackay, 383.

<sup>11</sup> Philip Graham Ryken, *Preaching the Word, Exodus*, 723.

22:4 If what he stole is actually found alive in his possession, whether an ox or a donkey or a sheep, he shall pay double.

Verse 4 goes back to the case discussed in verse 1

- A thief who steals an ox or sheep

In verse 1, the animal was either killed or sold

- The thief didn't have the animal in his possession
- This was why the restitution was so high

What's different here in verse 4 is that the animal is in the possession of the thief

- The animal hadn't been killed or sold yet
- The theft was relatively new

In this case, the restitution price was lessened

- It was only "double"

Yet again, we see that the penalty for stealing was at least 100% greater than any potential benefit

- If you stole one sheep and were caught with it, you were required to give the stolen animal back
- But then you had to give another animal like it to the owner

In the case of a thief having already killed or sold the animal, the penalty was worse

- Five oxen for an ox
- Four sheep for a sheep

The difference is easy to understand

- If the living animal was found, then there was no need for retraining of the animal

An ox was like a tractor to modern-day farmers

- A farmer couldn't do much without his ox

These strong animals took years to train properly

- Hence, their loss was severe
- A farmer was without work if he lost his ox

The sin of stealing really disturbs a society

- It causes ripple effects throughout the community

- **Negligence (21:33-36)**
- **Theft (22:1-4)**

### **III. Willful damage to property (22:5-6)**

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.

Here in verse 5, another case of negligence is listed

- But it is willful negligence
- Something that could have been avoided

The one looking over the animals should have exercised greater supervision

- He should not have allowed the animals to go into another person's field

In this scenario, the one who was negligent with the animals had to “**make restitution from the best of his own field and the best of his own vineyard**”

- The damages required would be from the “**best**” of what he had
- Not leftovers

22:6 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.

Another act of willful property damage is the setting of a fire

- In Moses' day, it was common for farmers to set fire to a field
- Perhaps to clear a field to prepare it for gardening<sup>12</sup>

Fields would be separated by barriers

- To keep the animals away from the crops

At the edges of the fields, large amounts of grain would be gathered

- Then someone would come by and transport the grain to the threshing floor<sup>13</sup>

This was a real danger

- Because fire spreads quickly

We encountered this while in California

- Fires could quickly spread from county to county

In this case, the fire quickly got out of hand

- It spread to areas that it wasn't to go

Granted, this isn't arson<sup>14</sup>

- But the person who starts the fire is still held responsible
- He/she “**shall surely make restitution**”

We aren't given the specifics of what type of restitution is required

- But the damages could be astronomical since the grain represented a substantial portion of the year's crops
- **Negligence (21:33-36)**
- **Theft (22:1-4)**
- **Willful damage to property (22:5-6)**

---

<sup>12</sup> Mackay, 385.

<sup>13</sup> Mackay, 385.

<sup>14</sup> Currid, 93.

#### IV. Safe-keeping of items (22:7-9)

22:7 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.

At some point in your life, you may have given an item or animal to someone to keep for you, short-term

- Perhaps you have someone watch your animal while you go on vacation
- Perhaps you give an expensive item to someone to watch while you are out of the country

The latter case may not apply as much now with modern-day security options

- Safe deposit boxes
- Home safes
- Alarm systems

But we can understand why this would be a big deal before the days of modern security

- If you were to be gone away from your home, you might entrust someone to watch over your possessions or animals

What happened, though, if your goods were stolen when in the possession of your neighbor?

- It depends on a number of situations

Was the thief caught?

- If so, according to verse 7, then the thief was required to “pay double”

Once again, we see that it doesn't pay to be a thief!

- You have to give back double what you stole!

22:8 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.

But if the thief is not caught, then verse 8 states that the neighbor (the one watching the goods of another) “shall appear before the judges”

- The judges would then decide whether or not the neighbor was at fault
- Specifically, if the neighbor was the thief!

22:9 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.

Sometimes, however, cases would become a little more complicated

- What if multiple people claimed ownership of the same item?

What if an animal roamed away from its home and it was found?

- The owner, of course, would claim it was his
- A traveler might claim that it was his, since he found it

In these types of cases, both parties would again “come before the judges”

- The authorities would decide who was in the wrong



If the judges decided against someone, then he “shall pay double to his neighbor”

- This language is the language of stealing

This is certainly applicable today

- What happens if you give a valuable object to a friend to watch while you travel out of the country?
- What happens if it is stolen?

The Bible doesn't have the principle of “finders keepers”!<sup>15</sup>

- **Negligence (21:33-36)**
- **Theft (22:1-4)**
- **Willful damage to property (22:5-6)**
- **Safe-keeping of items (22:7-9)**

#### **V. Safe-keeping of animals (22:10-13)**

22:10 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.

Verses 10-13 are very similar to verses 7-9

- The only difference is now we are talking about animals vs. possessions/items

Again, if someone went on a journey back in Moses' day, then he probably wouldn't take all of his animals with him

- So he would leave them in the care of someone else

There are certain risks that go with watching someone's animal, right?

- It can die
- It can get hurt
- It can run away

The situation is complicated in that there were no witnesses<sup>16</sup>

- No one saw what happened

What happens then?

- What do you tell the owner when he/she returns?

Sarah and I used to dogsit for a family while we were in seminary

- You were extra careful to do exactly what the owner asked
- You were especially careful when you took the dog outside

---

<sup>15</sup> Mackay, 387.

<sup>16</sup> Cornelis Houtman, *Historical Commentary on the OT, Exodus, Vol 3*, 203.

22:11 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.

When there is a discrepancy of ownership, then the only solution is to have both people take “an oath before the LORD”

- Notice that the covenant name, Yahweh, is used here

Both people would, in essence, be bound by this oath that they had not stolen the goods

- This would be similar to our practice of raising your right and swearing under oath in court

The basis for this, obviously, is that God sees everything

- He can definitely make it known who is in the wrong

If neither one was guilty of stealing, then the owner had to accept the result

- There would be no restitution

22:12 But if it is actually stolen from him, he shall make restitution to its owner.

In the case that the owner had an animal stolen from him, then there would be restitution made

- The specifics are not given

22:13 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.

If an animal was “torn to pieces” while under the supervision of a neighbor, then things were different

- The neighbor had an obligation to bring some of the pieces of the animal as “evidence”

In other words, the neighbor couldn't say, “Well, I couldn't help it. A predator came by and stole the animal.”

- No, the neighbor had a responsibility to fend off predators, if possible
- If the predator had already killed the animal, then the neighbor should at least try to salvage a piece of the animal

You might ask, “What good does this do? That can't bring the animal back to life.”

- True

But it does show that the neighbor was not totally ignorant of what was happening

- He was showing that he was willing to go after the predator and retrieve at least a piece of the animal

Furthermore, the neighbor “shall not make restitution for what has been torn to pieces”

- Yet another reason why the neighbor would want to rescue as much of the animal as possible
- **Negligence (21:33-36)**
- **Theft (22:1-4)**
- **Willful damage to property (22:5-6)**
- **Safe-keeping of items (22:7-9)**
- **Safe-keeping of animals (22:10-13)**

#### IV. Borrowing from a neighbor (22:14-15)

22:14 And 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.

In verses 14-15, things are different in a case of borrowing something from a neighbor

- It does matter whether or not the owner was with the item or animal

Verse 14 covers the instance of the owner not being present

- The neighbor was therefore completely responsible for what happened to the animal or item

Suppose a man borrowed his neighbor's ox

- But while borrowing it, the ox became injured or died

In this case, the borrower needed to make "full restitution"

- Not double
- Just "full"

We can assume that it was a "like-for-like" repayment

- Not just an ox for ox
- But an ox that was as similar to the one that was injured or died

So if you had a mature, trained ox that died while under my watch, then I had to replace it with a mature, trained ox

- Not a young, untrained ox
- Not an old ox that is beyond good working years

22:15 If its owner is with it, he shall not make restitution; if it is hired, it came for its hire.

But things are different if the owner is with the animal

- If the animal is injured or dies, then the neighbor "shall not make restitution"

If God had not given these rules, can you imagine what would happen when there was property damage?

- When there was a theft?
- Where a borrowed item was damaged?

There would be chaos

- Everyone would do what he/she thought was best

What God did was give everyone the same rules

- So that there would be as few surprises as possible

Israel was living in a community with one another

- These laws taught Israel how to love one another, even when they were wronged

Sadly, Christians don't always extend grace and love toward one another when wronged

- Resentment, bitterness, and lack of forgiveness are oftentimes the result of broken relationships

As I said last week, we don't always need to insist on the maximum penalty being executed

- Sometimes, grace can override what justice requires

There was a man who lived many years ago<sup>17</sup>

- He was despised and hated by many people

You see, this man was a thief

- A very successful thief
- A very rich thief

This man had literally perfected the art of cheating people out of their money

- He would overcharge, but underreport

This man is none other than Zaccheus

- The "wee little man" that the children sing about

Zaccheus was "a chief tax-gatherer" (Lk 19:2)

- He was on top of the food chain

Tax-gatherers sat near the major roads

- They were responsible for collecting various taxes

They had a required amount that they had to charge

- But the tax gatherers frequently charged above and beyond this amount
- Of course, that surplus went into their pockets

It's no wonder that tax collectors were hated by the people

- They were shady
- They were crooked
- They were greedy

One day, Zaccheus wanted to see Jesus

- We know the story

He climbed into a sycamore tree because of his small stature

- Jesus told him to come down
- Jesus said that He wanted to go to Zaccheus' home

On the way to his home, Zaccheus told Jesus, "Behold, Lord, half of my possessions I will give to the poor, and if I have defrauded anyone of anything, I will give back four times as much" (Lk 19:8)

- This is remarkable!

Zaccheus volunteers to give up half of his possessions and give it to the poor

- He didn't have to do this!

But then Zaccheus goes a step further

- He says, "if I have defrauded anyone of anything, I will give back four times as much"

---

<sup>17</sup> Ryken, 729-30.

Again, he volunteers to repay those whom he had defrauded

- Jesus doesn't tell him to do this

This morning, we have seen the penalty for various property damage crimes

- The death penalty was not required
- But restitution was – in various forms

These crimes were for people who were caught

- People who were caught being thieves
- People who were caught setting fire to a field
- People who were negligent with another's animal or possession

This is radically different from what Zaccheus does

- He turns himself in!

What about you?

- Are you quick to confess your sins?
- Are you sensitive enough to turn yourself in?

Or do you have the mindset of “if I ain't caught, I ain't paying!”

- That's the wrong attitude to have

You see Zaccheus understood that Jesus knew his heart

- Jesus didn't have to confront Zaccheus over his sin
- This tax-gatherer knew that he had done wrong

Isn't God gracious to forgive such a wicked, sinful person as Zaccheus?

- Isn't God gracious to forgive wicked and sinful people like you and me?

We are all sinners

- We deserve eternal judgment and condemnation

But God spares us from His own wrath

- He sent His Son, Jesus Christ, to bear that wrath for us

Let's be like Zaccheus

- Quick to confess
- Quick to turn ourselves in
- Quick to fellowship with Christ