

Exodus 22
Psalm 94
Romans 12

“The Book of the Covenant II: Doing Justice”

May 28, 2017

Read Exodus 21:33-23:9

It's a little strange reading this more than 3,000 years later.

Our social, political, and economic structures have changed dramatically since then!

And yet, people haven't changed that much since then!

I've studied a fair amount in legal history,
and one of the basic principles of legal history
is that when you read that so-and-so passed a law,
that *doesn't* mean that everyone followed the law.
Rather, the reason why they passed the law
was because it *wasn't* happening!

In other words, all this emphasis on the importance of *not* mistreating sojourners –
What does it mean?

It means that Israel had a bad habit of mistreating sojourners!

It means that Israel had a problem with men seducing young women.

It means that there were lots of property disputes.

It means that people regularly spread fake news and sought to use their wealth to “influence” others
without regard for truth and justice...

Yeah, aren't you glad that human beings have changed *so much* in the last 3,000 years?!

This is why we need to sing Psalm 94.

Because things haven't changed that much.

People haven't changed that much.

And we need God to fix them.

We need the judge of all the earth to *do right* and bring vengeance.

God is very clear that *we* should not take vengeance.

Why?

Because “vengeance belongs to the LORD.”

If you leave me to take vengeance for myself, I will screw things up.

So we ask God to overthrow the wicked rulers and make things right.

Sing Psalm 94

Read Romans 12

Introduction: Israel and the Church – the Importance of Equity

Romans 12 is doing some very similar things to the Book of the Covenant in Exodus 20-23.

There is a similar way of rooting ethics in worship.

Because all of our relations to one another are rooted in our relationship to God.

And there is similar sort of string of commands – imperatives –

all of which are rooted in the same gospel –
the same story of salvation –
a story that results in God drawing his people *near* to himself.

Exodus 20-23 is the “Book of the Covenant” (which Moses will read in Exodus 24).
The Book of the Covenant is God’s basic direction to Israel
to show them how they are to live as his people.

Exodus 20 starts with the Ten Commandments – Israel’s fundamental law.
Exodus 21-23 consists of particular rulings
that are now written down in order to guide the judges of Israel
in establishing righteousness and justice in the land.

No one would have read this as a “statute book”
containing the precise verdict that every judge must enforce.

After all, the statutes in the Book of the Covenant
are woven together in the five books of Moses
with the story of Israel coming to Sinai.

The Law – the Torah – combines the narrative of salvation (the gospel)
together with God’s commandments and precepts.

So a wise judge will understand the principles of the Law in the context of the gospel,
so that he can apply them appropriately to the cases that come before him.

After all, that’s the way ancient law works.

For instance, we have the Code of Hammurabi – a Babylonian king from around 1750 BC
(around the time of Abraham).

“Code” is the wrong word for it.

It is a collection of rulings that Hammurabi made –
which was written down as a guide to judges.

Hammurabi is effectively saying
if you would be a wise judge,
then you should make rulings like this.

It is not a “legal code” in the modern sense.

It is simply a collection of “Hammurabi’s greatest hits” as judge.

Think back to what we saw in Exodus 18.

Moses has been judging Israel – inquiring of the LORD how to rule in various cases.

Here in Exodus 21-23 we have a collection of God’s answers to those cases.

They are phrased in the generic “whoever strikes his father or mother...”

but they are not designed as comprehensive rules –
but as illustrations of how to apply the Ten Commandments.

I have provided two general headings for our passage today:

First, “accept responsibility for your actions”

and second, “God and the sojourner: the pattern of justice.”

You were sojourners in Egypt.

You remember what it was like to be oppressed.

So don’t do that to others!

And what is more, *God* rescued you –
and thereby God showed you how to treat sojourners.

1. Accept Responsibility for Your Actions (21:33-22:17)

The first part of our text for today focuses on property.

Much of this could be said to be an application of the eighth commandment:
You shall not steal.

a. Restitution Is Due for Accidents

You can easily imagine how verse 33 came about:

³³ *“When a man opens a pit, or when a man digs a pit and does not cover it, and an ox or a donkey falls into it, ³⁴ the owner of the pit shall make restoration. He shall give money to its owner, and the dead beast shall be his.*

In the case of an accident – a genuine mistake –
the one who failed to cover the pit should pay for the animal
as though he was purchasing it.

We do this sort of thing all the time.

If you are in a store, and you break something,
the one who caused the accident should pay for it.

³⁵ *“When one man's ox butts another's, so that it dies, then they shall sell the live ox and share its price, and the dead beast also they shall share. ³⁶ Or if it is known that the ox has been accustomed to gore in the past, and its owner has not kept it in, he shall repay ox for ox, and the dead beast shall be his.*

We heard last time that if an ox gores a person, the owner is only culpable
if the ox had a history of goring.

In the same way, the first time an ox gores another animal,
the owner is only responsible to share the hurt with the injured party.

But if the ox has a history of goring,
then the owner is the one who should be responsible for bearing the full brunt of the loss.

b. Quadruple Restitution for Theft and Destruction

In chapter 22, we then deal with matters of theft and destruction.

²² ^[1] *“If a man steals an ox or a sheep, and kills it or sells it, he shall repay five oxen for an ox, and four sheep for a sheep.*

In verse 1, the penalty for stealing a sheep and killing it or selling it is fourfold
(an ox is fivefold, probably because the ox is the centerpiece of near eastern agriculture –
You *need* an ox to break the ground and do your heavy labor).

In verse 4, the penalty for simple theft is double.

The principle here is clear:

in the case of an accident, the responsible party should make it right –
he should restore what was broken.

But in the case of theft, it is not just a matter of restoring what was taken.

In the case of theft, there was the additional problem of *intent*.

The thief sought to impoverish the victim.

Therefore the penalty for theft follows the principle of “an eye for an eye.”

If you seek to impoverish your neighbor, you will be impoverished by the same amount.

If you steal a sheep, then not only do you have to return the sheep,
but rather than impoverish your neighbor by one sheep,
you will now enrich your neighbor by one sheep!

If you go the next step and kill the sheep (or sell the sheep),
then you not only restore double for the stolen sheep,
but you also restore double for the dead sheep –

since you have not only stolen your neighbor’s property, but destroyed it as well.

One would think that this would provide a pretty strong disincentive for theft!

If you steal \$1 million, you will have to repay \$2 million.

And if you steal a \$50,000 car and sell it – you will need to come up with \$200,000!

Notice that there is no jail time involved for theft.

It is an economic crime – therefore the penalty is entirely economic.

Verses 2-3 deal with related matters:

² ^[g] *If a thief is found breaking in and is struck so that he dies, there shall be no bloodguilt for him,*
³ *but if the sun has risen on him, there shall be bloodguilt for him.*

Again, the principle here is pretty simple:

if someone kills a thief who is breaking in in the middle of the night,
that is properly considered self-defense –
unless it’s the middle of the day,
in which case you didn’t need to kill him!

Don’t take this woodenly.

The idea is that the judges of Israel should consider the circumstances.

If the homeowner had some other way of restraining the thief,
then there shall be bloodguilt.

But if he was simply defending his family against an intruder with unknown intent,
then there shall be no bloodguilt.

At the end of verse 3, we return to the living thief:

He^[h] shall surely pay. If he has nothing, then he shall be sold for his theft. ⁴ If the stolen beast is found alive in his possession, whether it is an ox or a donkey or a sheep, he shall pay double.

Here is one of the most common ways that a man could become a slave in Israel.

If you become a thief, and you get caught,

then if you don’t have the ability to pay double or quadruple restitution,

you will be sold for your theft.
“This man owes five oxen to Hezekiah ben-Judah,
whoever will pay his debt will receive his labor for the next six years.”

If you think about it,
modern American law has taken the idea of “restitution” and transferred it to the state.
The thief in modern America pays only *single* restitution to the victim,
the double or quadruple restitution is then paid to the state in the form of jail time.
(the irony, of course, is that this now costs the state far more than it receives
in terms of his labor!).
In modern American law, almost all theft results in the thief being enslaved.
(That is, after all, what the prison system is).

In fact, when the Thirteenth Amendment
removed slavery or involuntary servitude from the Constitution,
it explicitly said, “except as a punishment for crime.”
Prison inmates *are* slaves.
Their labor does not belong to themselves, but to the state.

Of course, part of the challenge is that a post-industrial society is very different from an agrarian one.
In ancient Israel, most people would know each other (except for the sojourner – the stranger).
So if someone is found guilty of theft,
the whole community would know it – and could be part of the solution.

In modern America, we often *don't* know the thief!
What business would be willing to take a thief in exchange for his debt?
Yes, it would be possible to develop a system of justice
that would better prioritize restitution to the victim –
but it would require a wholesale shift in the way we think about criminal justice.

(Given the fact that the US has the highest incarceration rate of any nation on earth,
I think we *need* a wholesale shift in the way we think about criminal justice –
but that's not the purpose of this sermon!)

My point to *you* is that when you are dealing with theft –
whether as a parent, in business, or in society more generally –
these principles should guide your thinking.

If your son steals something from his sister,
it is not enough for him to “give it back” –
there should be restitution made (give back double) –
and if he ate it – then give it back fourfold!

What if he doesn't have it?
Then he becomes her slave!
Theft does not pay.

Verses 5-6 then deal with other implications of the same principles:

⁵ *“If a man causes a field or vineyard to be grazed over, or lets his beast loose and it feeds in another man's field, he shall make restitution from the best in his own field and in his own vineyard.*

⁶ *“If fire breaks out and catches in thorns so that the stacked grain or the standing grain or the field is consumed, he who started the fire shall make full restitution.*

You are responsible for your actions.

c. Double Restitution for Breach of Trust

But what about cases of fraud?

If you are the sort of person who thinks about consequences,
you may already have imagined the result of this legal system.

If I know that my neighbor will have to pay me *double* whatever he steals,
then I could falsely accuse my neighbor of theft!

And what better way to do that, then to give him something to keep safe –
and then “steal it” – and blame *him* for its loss!

Verses 7-9 addresses that sort of situation:

⁷ *“If a man gives to his neighbor money or goods to keep safe, and it is stolen from the man's house, then, if the thief is found, he shall pay double. ⁸ If the thief is not found, the owner of the house shall come near to God to show whether or not he has put his hand to his neighbor's property. ⁹ For every breach of trust, whether it is for an ox, for a donkey, for a sheep, for a cloak, or for any kind of lost thing, of which one says, ‘This is it,’ the case of both parties shall come before God. The one whom God condemns shall pay double to his neighbor.*

When it says “shall come near to God” –

that means that they are bringing their dispute to the judges (and perhaps to the priests).

[And remember, that the context of the Book of Covenant
is about how Israel can come near to a holy God!]

And it is important to note that there is a significant penalty for a false accusation.

“The one whom God condemns shall pay double to his neighbor.”

You accused your neighbor of stealing \$5,000.

There are only two outcomes possible from this case:

either he will be found guilty,

and he will pay you \$10,000;

or you will be found guilty of false accusation,

and you will pay him \$10,000.

That makes you think twice before making a false accusation!

If you are going to go to court, you better have all your evidence lined up!

(By the way, this is a really good practice in dealing with children:

if they know that a false accusation will result in *them* getting the punishment

that the *other child* would have received,
it *really* cuts down on false accusations!
Lying does not pay!)

¹⁰ “If a man gives to his neighbor a donkey or an ox or a sheep or any beast to keep safe, and it dies or is injured or is driven away, without anyone seeing it, ¹¹ an oath by the LORD shall be between them both to see whether or not he has put his hand to his neighbor's property. The owner shall accept the oath, and he shall not make restitution. ¹² But if it is stolen from him, he shall make restitution to its owner. ¹³ If it is torn by beasts, let him bring it as evidence. He shall not make restitution for what has been torn.

Verses 10-13 deal with similar themes:

if a borrowed animal dies or is injured – he should accept the word of his neighbor;
but if it is *stolen*, the borrower is responsible for that;
on the other hand, if it is torn by wild beasts – he is not responsible for that.

Of course, there is another aspect to all this (verse 14):

¹⁴ “If a man borrows anything of his neighbor, and it is injured or dies, the owner not being with it, he shall make full restitution. ¹⁵ If the owner was with it, he shall not make restitution; if it was hired, it came for its hiring fee.

If the owner is present – then the owner is responsible for his own property.

He made his own decision.

He needs to take responsibility for his own actions.

Again, all of these laws need to be understood in terms of equity.

You need to understand the principles of justice that are enshrined in these laws.

Then you will know how to apply these principles of justice
in the radically different culture around us today.

d. Don't Sleep Around

And we see how radically different in verses 16-17!

¹⁶ “If a man seduces a virgin^[l] who is not betrothed and lies with her, he shall give the bride-price^[k] for her and make her his wife. ¹⁷ If her father utterly refuses to give her to him, he shall pay money equal to the bride-price for virgins.

I should start by pointing out that seduction is *not* rape.

This is consensual.

It may seem strange to us to see this in connection with all the economic laws.

And it may also seem strange that her *father* is viewed as the “wronged” party.

But in pre-modern culture, a woman's virginity was valuable.

It had a price tag on it.

In the ancient world, wealth largely consisted in *land*.

If you had land, then you had wealth – and the possibility of making a *name* for yourself.
But you're going to die – and then what will happen to your land – your wealth – your name?
That is why *land* and *seed* so often go together.

Without *children* you have no future –
and particularly, without a *son* to inherit the land.

But you'd really like for it to be *your* son.

If your wife is sleeping with someone else – then it might not be *your* son!
So in the ancient world, a woman's virginity before marriage
is a demonstration that she is not inclined to be sleeping around after marriage.

So, if a man seduces a virgin who is not betrothed and lies with her,
then one way or the other, he is going to pay the bride-price.

The bride-price could vary – depending on the wealth of the family.

Abraham paid a very high price for Rebekah.

Likewise, Jacob paid seven years of labor for Leah – and another seven for Rachel.

So you could be looking at \$350,000 for one night of “having fun”!

We live in a very different world.

Modern wealth is measured differently.

Modern inheritance is conducted differently.

And modern sexual ethics are different.

What's the principle here?

We like to think that modern society is so different –

but in fact, we still link sex with wealth and inheritance.

We give men “paternity tests” to determine whether they are obligated to pay child support.

If you have sex with a woman, you are responsible for any offspring that result –
even if you don't marry her.

But it's also important to think of this from the father's perspective.

Sometimes people think of this in terms of the extreme options:

“Either marry him, or never see him again!”

But that's not the point here.

The point here is that those who are responsible need to take responsibility for their actions.

Sex is inextricably bound to babies and inheritance.

That's not going to change.

And there is a message for the daughters as well:

if you love him, don't let him sleep with you yet!

It's so easy to think, “Oh, but we're *going* to get married...”

And I've known more than one young couple who thought,

“maybe if we sleep together, our folks will *have* to let us get married...”

Our culture seems to think that sex is about having fun.

But that's *not* what sex is for.

Sex is *for* making babies.
Yes, it should be enjoyable.
After all, God is good –
 and all that he has made he called *good* –
 but when you pursue something for its own sake –
 when you pursue something that God made – for your own pleasure –
 that is idolatry.

And Paul puts it this way in 1 Cor 6:12ff:

“All things are lawful for me, but not all things are helpful.
All things are lawful for me, but I will not be enslaved by anything.
 Food is meant for the stomach and stomach for food –
 and God will destroy both one and the other.
 The body is not meant for sexual immorality, but for the Lord,
 and the Lord for the body.
 And God raised the Lord and will also raise us up by his power.”

What was God teaching in this “law of the virgin”?

He was teaching us that the virgin body is for the Lord.
Most emphatically in the Virgin Mary –
 whose virginity was essential to her ability to bear the Lord Jesus!
(If Joseph had tried to sleep with his wife – I can’t even imagine!)

But Paul does not say that therefore every Christian needs to remain a virgin.

Rather, the Christian needs to abstain from sexual immorality.
All Christians are called to sexual purity.
If Jesus gives you a husband or a wife,
 then you are to be faithful to your spouse –
 because you belong to Jesus.
And if Jesus does not give you a husband or a wife,
 then you are called to be faithful to him –
 because you belong to Jesus.

2. God and the Sojourner: the Pattern of Justice (22:18-23:9)

In verse 18, the pattern of the text shifts.

Until now, the text has used an “if...then...” structure.

The “if...then...” structure has the effect of providing case studies.

“In this sort of situation, here is the sort of thing you should do.”

But now the text shifts to three basic capital crimes.

¹⁸ “*You shall not permit a sorceress to live.*”

¹⁹ “*Whoever lies with an animal shall be put to death.*”

²⁰ “*Whoever sacrifices to any god, other than the LORD alone, shall be devoted to destruction.*”

These are examples of the sorts of crimes that should result in the death penalty in ancient Israel.

Sorcery is the attempt to use occult techniques to manipulate reality.

It’s a broad term – with the basic idea of trying to use magic to bypass God.

Bestiality is a fundamental rejection of God’s sexual order –

 the one who lies with an animal is seriously mixed up.

And then sacrificing to other gods is idolatry.

It's important to note that Paul applies the OT death penalty to the church.

In 1 Corinthians 5, Paul quotes the OT's "purge the evil person from among you" in the context of talking about excommunication.

These practices – sorcery, bestiality, and idolatry – are entirely inconsistent with a Christian profession.

You cannot say that you are following Jesus and engage in these practices.

And the same is true for verses 21-24:

²¹ "You shall not wrong a sojourner or oppress him, for you were sojourners in the land of Egypt. ²² You shall not mistreat any widow or fatherless child. ²³ If you do mistreat them, and they cry out to me, I will surely hear their cry, ²⁴ and my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children fatherless.

God says that if *Israel* fails to do justice to the sojourner, the widow, and the fatherless, then God himself will come in judgment against them.

I want you to think about how this functions in the book of the covenant.

The Book of the Covenant is the fundamental law of Israel.

These are the basic principles that should guide and govern Israel when they enter the Promised Land.

God says a lot about how they ought to live.

But what is the *first thing* that God says to them that will cause his wrath to burn against them?

Is it idolatry?

No.

Sexual sin.

No.

It's if you oppress a sojourner or mistreat a widow or a fatherless child.

If you do that – then I will make your wives widows – and your children fatherless!

So what does that mean?

"Oppress the sojourner" or "mistreat the widow"?

Read verses 25-27:

²⁵ "If you lend money to any of my people with you who is poor, you shall not be like a moneylender to him, and you shall not exact interest from him.

Do not charge interest to the poor.

The ancient world knew all about moneylenders!

People who take advantage of the poor and make a living by devouring the helpless.

The point of lending to the poor is to *help them!*

Proverbs 19:17 says that "whoever is generous to the poor lends to the LORD,

and he will repay him for his deed.”

In the same way:

²⁶ *If ever you take your neighbor's cloak in pledge, you shall return it to him before the sun goes down,*
²⁷ *for that is his only covering, and it is his cloak for his body; in what else shall he sleep? And if he cries to me, I will hear, for I am compassionate.*

God cares for the poor.

Therefore you should as well!

If you serve a compassionate God,
then you should be a compassionate people.

The prophets will regularly rebuke Israel for their failure to remember this law.

a. Worship the LORD Only

Verses 28-31 deal with laws respecting worship.

²⁸ *“You shall not revile God, nor curse a ruler of your people.*

²⁹ *“You shall not delay to offer from the fullness of your harvest and from the outflow of your presses. The firstborn of your sons you shall give to me. ³⁰ You shall do the same with your oxen and with your sheep: seven days it shall be with its mother; on the eighth day you shall give it to me.*

³¹ *“You shall be consecrated to me. Therefore you shall not eat any flesh that is torn by beasts in the field; you shall throw it to the dogs.*

We already heard in Exodus 13 about the consecration of the firstborn.

Israel is the firstborn son of God –

therefore all the firstborn of Israel belong to God.

And verse 30 specifies that it shall be given to God on the *eighth day* –

this would be the day that the firstborn son is circumcised.

It is also the day that an animal will be sacrificed in his place.

The LORD is Holy.

As we’ve seen here at Mt. Sinai,

God is not saying to Israel, “stay away from me, because I don’t want you near me!”

No, God is saying, “I have brought you near to me –

now *please be careful* – because I am holy, and you are *not* –

I want you to be near me, but until you are holy, you cannot come near!

Think about how Paul said this in Romans 12:

“I appeal to you therefore, brothers, by the mercies of God,
to present your bodies as a living sacrifice, holy and acceptable to God,
which is your spiritual worship (or better, your *reasonable* worship).

Do not be conformed to this world (to this age),
but be transformed by the renewal of your mind,
that by testing you may discern what is the will of God,
what is good and acceptable and perfect.”

You have been joined to Christ.
And Christ *is* the firstborn Son – he is the true Israel – the heir of all things.
And *he* has drawn near to God in his ascension to the right hand of the Father.
And in him, we now draw near through his once offering up of himself.

The rituals of worship – as we gather on the eighth day every Sunday –
are bound up in shaping us as God’s people.

Our rituals *will* shape us.

The ritual of watching TV every night shapes us.

Your devotion to your screens – your computer games – your social media –
is conforming you to this age.

It is pressing you into a certain mold – a certain shape.

The rituals and patterns of worship are transformative
as you present your bodies as living sacrifices to God –
developing routines and practices that help you to draw near to God in worship.

This is why the Law will constantly blend together the ceremonial laws regulating Israel’s worship
with the civil laws governing their conduct.

b. Do Not Oppress the Sojourner or the Poor

23 “*You shall not spread a false report. You shall not join hands with a wicked man to be a malicious witness.* ² *You shall not fall in with the many to do evil, nor shall you bear witness in a lawsuit, siding with the many, so as to pervert justice,* ³ *nor shall you be partial to a poor man in his lawsuit.*

⁶ “*You shall not pervert the justice due to your poor in his lawsuit.* ⁷ *Keep far from a false charge, and do not kill the innocent and righteous, for I will not acquit the wicked.* ⁸ *And you shall take no bribe, for a bribe blinds the clear-sighted and subverts the cause of those who are in the right.*

⁹ “*You shall not oppress a sojourner. You know the heart of a sojourner, for you were sojourners in the land of Egypt.*

The first part of chapter 23, then highlights the importance of dealing justly with the poor in court.

Do not spread a false report.

In an age of “sharing” on Facebook,

it is really easy to spread a false report!

You can help destroy someone simply by re-tweeting a message,
or “liking” a Facebook post.

If ever you discover that you have done this,

I would encourage you to repent immediately and correct your mistake.

(And think about the principles we’ve seen today –

if you have injured the good name of someone else,

then you should seek to restore it *double*!

Don’t just “delete” the post – actively work to repair the damage.)

Beware of the crowd.

Beware of the “many” who seem to be right.

A couple of different pastor friends have told me
that I have developed a reputation

for being a defender of the little guy.

There was one time at the OPC General Assembly
where I was convinced that the Assembly was about to make a terrible decision,
which would result in the excommunication of an innocent man.
(The innocent man in question had really made a mess of things –
but when it came to the question of *had he done anything*
worthy of excommunication, the answer, it seemed to me,
was plainly NO).

So when his case came to the floor of the Assembly,
I gave two impassioned speeches on his behalf.
(In all my years at the Assembly, I gave several speeches,
but I have to say that those were the only two speeches
where I sat down convinced that I had said what I really wanted to say.)

The Assembly heeded my plea
and I am glad to say that we were able to bring a measure of justice in that case.

c. Love Your Enemy

I want to close with verses 4-5:

⁴ *“If you meet your enemy's ox or his donkey going astray, you shall bring it back to him. ⁵ If you see the donkey of one who hates you lying down under its burden, you shall refrain from leaving him with it; you shall rescue it with him.*

It's not just the sojourner – the stranger – the poor.
You must also do justice to your enemy –
to the one who hates you.

“Bless those who persecute you; bless and do not curse them.” (Romans 12:14)
Paul was quoting Jesus there (from Matthew 5),
but later in 12:17-20, Paul quotes from Deuteronomy and Proverbs –

“Repay no one evil for evil, but give thought to do what is honorable in the sight of all.
If possible, so far as it depends on you, live peaceably with all.
Beloved, never avenge yourselves, but leave it to the wrath of God, for it is written,
‘Vengeance is mine, I will repay, says the Lord.’
To the contrary, ‘if your enemy is hungry, feed him; if he is thirsty, give him something to drink;
for by so doing you will heap burning coals on his head.’”

Old and New Testament alike agree that you are supposed to love your enemy
and do good to those who hate you.

Why?

Because this is what God has done for us – he loved us when we were aliens and strangers.

Close with PHSS 225 – Hebrews 12 – we have come to Zion