

Exodus 22:7-15

<https://thebiblesays.com/commentary/exod/exod-22/exodus-227-15/>

These statutes concern property that is damaged in the care of someone entrusted with safekeeping it by the owner, or someone borrowing it from the owner.

The first scenario addressed is when *a man gives his neighbor money or goods to keep for him and it is stolen from the man's house*. The word for *money* is literally "silver" (Heb. "kesep"), but it could refer to anything of value. The circumstance is that *a man asks his neighbor* to help him out by maintaining something for him in safekeeping, then the protected property is stolen. The rule was to be that *if the thief who stole the property is caught, he (the thief) shall pay double*. In this instance, there is no adverse impact for the *neighbor* who was asked to keep the *money or goods* in safekeeping.

Since *the man* asked the neighbor to keep the property for him, *the neighbor* only owes *the man* a reasonable standard of care, most notably to not take the property for himself. He is not responsible to replace the property if it is stolen by a robber. If *the neighbor* had to guarantee safety, *the neighbor* would likely decline the request to watch the property. However, to make sure *the neighbor's* reputation is maintained, and ensure there is no funny business on the part of *the man*, the circumstance was to be brought *before the judges*.

In the instance where *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 a person to hand over these possessions to another for safekeeping involved a level of trust. The *neighbor* doing the safekeeping only owes a reasonable standard of care, but if there is no thief caught, the *judges* are to remove any suspicion that the *neighbor* took the things for himself.

The judges were to decide affirmatively whether there had been any breach of trust. Verse 9 states the general principle, that 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*, who would have the final say. *He whom the judges condemn shall pay double to his neighbor*. This step would prevent lingering doubts on the

part of *the man* who lost the possession, and clear any suspicion on the part of *the neighbor*. By taking this preemptive step, harmony is maintained within the community.

The Hebrew term for *judges* here is “Elohim,” which is a term used to refer to God ([Genesis 1:1](#)). It could be that the case was to be brought before a human judge which would be the same as bringing it before God Himself, since God had delegated His judicial authority to the citizens of Israel. The *judges* were authorized to *condemn* and impose restitution payments to *pay double* upon whomever they found responsible for any loss or damage. In no case was a payment to be made to the government, or to any ruler. All disputes, all payments and all judgements were between citizens. There would have been ample motivation for the judges to be fair, for they might be later be judged by those whom today they are judging. This consent of the governed is an essential pillar in God’s economy of self-governance for Israel.

In verses 10 – 13, livestock is the concern. The situation in view here was when *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*. In such a case, there would be no evidence of malice on the part of the caretaker. The phrase *no one is looking* means there are no eye witnesses, so no one knows what happened. Therefore, *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*. No compensation was necessary if both parties take an oath *before the LORD*. Implied in this is that the LORD would punish either one who lied when taking the oath.

On the other hand, *if it is actually stolen from him, he shall make restitution to its owner*. If evidence later arises that there was a theft, then *restitution* would be required. Also, *if it (the animal) is all torn to pieces, let him bring it as evidence; he shall not make restitution for what has been torn to pieces*. If the animal has been *torn to pieces*, perhaps by a predator, there is no potential benefit to the neighbor caring for the animal. There is nothing to eat, as eating such animals was prohibited. There is nothing to sell. So bringing evidence of the torn up animal is sufficient to relieve the neighbor from any responsibility to *make restitution*. We will see that there will be a higher standard of care in the instance where the neighbor has asked to borrow.

As with the previous instance, a reasonable standard of care is owed by the *neighbor* who is caring for the property of the *man*. So long as the *neighbor* has not taken the property for himself, or been grossly negligent,

then the *neighbor* owes no *restitution*. To avoid suspicion that the *neighbor* ate or sold the animal, or a situation where the *neighbor* is grossly negligent in corralling the animal and it runs away, there is a provision to bring the remains of the animal *as evidence*, should the animal be *torn to pieces* by a predator.

Verses 14 – 15 deal with borrowing and hiring. The standard of care will now increase materially. In the previous cases, the one caring for the property of another was asked to take care of it. In that case the one protecting only owed a reasonable standard of care. Now we will deal with an instance where property has been borrowed. In this case the standard of care required is much higher.

Three cases are dealt with. First, *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 the previous instances, a man asked a neighbor to keep his possessions for him, the neighbor was only required to maintain a reasonable standard of care. In this instance a man *borrow*s from his neighbor. Because the man *borrow*s, his standard of care is higher. He has full responsibility for the item he borrowed while it is in his possession.

So, if someone borrowed something from a neighbor, and an accident occurred resulting in damages or death, the borrower was required to *make full restitution*. This likely only required that the borrowed item be replaced. The borrower is fully responsible to safeguard the item. If the item is lost or damaged then the item must be replaced, irrespective of whether it was the borrower's fault. The difference here is that the borrower asked to use the asset, so he's obligated to provide a higher standard of care, vs. if the *neighbor* had asked his friend to keep the property safe for him as a favor.

This provision only applies if the borrowed item is in the care of the one who borrowed *while its owner is not with it*. If the *owner* of the property is present, then the item is deemed to be in the protection of the *owner*.

The second case involved something borrowed but *its owner is with it*. If the *owner* of the borrowed property was present when the damage took place, then the borrower *shall not make restitution*. This might be a situation where someone brought their ox over to help plow a field. If the *owner* brings his ox to help someone, and something happens to the ox (perhaps a predator harms it) then the borrower does not owe restitution, because the owner was with the borrowed property and maintained the responsibility for its proper care.

The third case did not deal with borrowing but with hiring. Borrowing implies that the borrower does not pay to use the item borrowed. But *if it is hired*, meaning that a person paid money for using an item, then *it came for its hire*. This strange phrase has been understood in different ways, but it probably means that the money paid for “hiring” covers any unintentional damage or loss done to that which was *hired*.

This passage calls for integrity within the covenant community. These statutes served to instill in each individual Israelite a proper responsibility and respect for what belongs to others. When each person understands and respects the other person’s property and rights, nobody would be victim of financial loss through dishonesty. The Suzerain God provides for each of His vassals to be self-governing.

When the people care for one another in this manner, it creates a substantial platform for human flourishing. People can share, help one another, and enact commerce among one another without fear of loss or abuse. Much of the promised blessing for obedience to God’s laws is a direct result of the practical consequences of obedience. What is described here is a prospering community based on rule of law, respect for each individual and their property, and consent of the governed, submitting to judges to decide between them.

Biblical Text:

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. ⁹For 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, ¹¹an 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. ¹²But if it is actually stolen from him, he shall make restitution to its owner. ¹³If 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.