

The Church and God's Law (11)

By Andrew McColl, 16/7/2013

If men struggle with each other and strike a woman with child so that she gives birth prematurely, yet there is no injury, he shall surely be fined as the woman's husband may demand of him, and he shall pay as the judges decide. But if there be any further penalty, then you shall appoint as a penalty life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise (Ex.21:22-25).

Though what has occurred was an accident, God requires that responsibility must be accepted by one of the men fighting: "he shall pay as the judges decide." We can deduce from this that injury through accidents lessen responsibility, but they do not remove it. Though there was not criminal intent, it is still criminally negligent.

What does this mean?

Every person has a measure of responsibility for the life and welfare of his neighbour. Later, God commanded the children of Israel,

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 (Deut.22:8).

Liberty is a great thing, but the Bible is clear: "do not turn your freedom into an opportunity for the flesh, but through love serve one another" (Gal.5:13).

The birth of a child due to an injury to its mother required compensation. Clearly, the level of negligence involved in the fight, and the injury to the woman, would determine the amount of compensation that the judges would determine was due to the woman's husband.

This is the initial passage of the case-laws which specifically spells out God's law of restitution. Regrettably, the Church of the modern era has completely and tragically misunderstood this principle of *lex talionis*.

The "eye for eye" principle is known by the Latin phrase *lex talionis*, or "law of retaliation." The English word, "retaliate," is derived from the same Roman word as "talionis." Today, "retaliate" means to inflict injury, but earlier English usage conveyed a broader meaning: to *pay back or return in kind*, including good will.¹

Simply put, this is not a law that permits retaliation or the taking of vengeance. For men to take vengeance is specifically prohibited in the Bible. "Never take your own revenge, beloved, but leave room for the wrath of God, for it is written, 'Vengeance is Mine, I will repay, says the Lord'" (Ro.12:19).

"Eye for eye" does not mean, "you have destroyed my eye. Therefore I am legally able to destroy yours." It means that the victim of crime is entitled to be financially compensated for

¹ Gary North, "Tools of Dominion," 1990, Vol.2, p.387.

what has taken place. Depending on the crime and the level of culpability, this could be one for one (see Ex.21:36), or much more, as we will discover later. The punishment must fit the crime.

“The intention of the talion was not, therefore, to *inflict* injury-as it might sound to us today-but to limit injury.”²

The birth of a child that resulted from an injury resulting from a brawl between two men required restitution to the father to be made, via the judges. How much more, when an abortionist and a woman (and possibly the child’s father) conspire together to deliberately end the life of a baby in the womb? Clearly, that would be murder.

Conclusion:

*The principle of “eye for eye” is easily understood. It allows people to evaluate in advance their potential liabilities for actions that inflict physical harm on others. This encourages personal responsibility. It also encourages people to make accurate assessments of potential costs and benefits of their actions. This is the Biblical principle of counting the cost (Luke 14:28-30). It is basic to Biblical liberty that individuals count the costs of their behaviour.*³

² Boecker, “Law and the Administration of Justice,” p.174. Quoted in North, p.394.

³ North, p.398.

The Church and God's Law (12)

By Andrew McColl, 23/7/2013

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. 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 shall be put to death. If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him. Whether it gores a son or a daughter, it shall be done to him according to the same rule (Ex.21:28-31).

In the Bible, ownership or stewardship of assets always implies and requires responsibility for those assets. This is why God could legitimately hold Adam and Eve accountable for their disobedience in the Garden. The requirement given later in the law, that the builder of a new house erect a parapet on the roof of a house to prevent people from falling to their injury or death (Deut.22:8), is an example of this. An injury or death could conceivably arise from a person being on the roof without a parapet, and God thus held the owner responsible. The ideal of “victim’s rights” before the law is a Biblical one.

It is important to note that no blame was to be attached to the owner of an ox that killed a person, but had no history of goring. “...*the owner of the ox shall go unpunished.*” Most animals are generally predictable in their actions, and their predictability as working animals is one aspect of their asset value. Working with a large but trusted animal is much different to working with one with a bad history, known to be untrustworthy.

We can deduce from this that there are limits to the culpability of individuals, which are based on the limited knowledge we all have. There is no such thing as a risk free life, and while we all should seek to minimise the risks we are taking, as responsible stewards of our life before God, the pursuit of a risk free existence is utopian, and futile.

The knowledge that an ox “*was previously in the habit of goring and its owner has been warned,*” clearly placed an obligation on its owner. He should either heavily restrict access to this ox, so that its opportunity to harm a person is minimised, or else he should kill it before it has harmed someone, and he is held liable. Once the ox has shown its tendency to gore, it has become like the house roof without a parapet, or the swimming-pool without a fence; an accident waiting to happen.

The owner becomes legally liable because what was, in fact, a dangerous animal has been publicly treated by him as if it had been safe. *The owner deliberately or inadvertently misinformed the public about the risks.* He did not place restraints on it. The victim died because of the neglect of the owner. The owner should have placed restraints on the beast, or else he should have placed warnings for bystanders.⁴

In the case of an ox goring someone to death, and the owner having been previously warned, he is deemed to be culpably negligent, and is to be put to death. Alternatively, the family of the slain individual could demand a ransom. No amount of money can bring back the slain family member,

⁴ Gary North, “Tools of Dominion,” 1990, Vol 2, p.459.

but sizeable compensation would offset the loss. This illustrates that the owner's level of culpability is certainly very high, but not necessarily high enough to absolutely require capital punishment as would be the case with murder, which involves intent. For him, paying a ransom whatever the size, is better than death.

An important example of this is that of drunk-driving. A drunk-driver who causes an accident, or injures or kills another is criminally negligent, because he has refused to accept the appropriate self-disciplines necessary for driving a vehicle. As anyone knows, a motor vehicle is potentially much more dangerous than any ox. He knows that his use of a vehicle when under the influence of alcohol is dangerous, but he persists in driving while under the influence, in the same way that the owner of an ox that has previously gored has not prevented it from causing further harm. While there is no intention to kill or maim, this does not protect him from prosecution for serious criminality.

This means that not only are there theoretical or moral obligations to behave as responsible individuals, there must also be legal and practical ones, too. This is what Jesus' story of the Good Samaritan (Luke 10) illustrates:

This was selfless assistance. The Samaritan had no guarantee of repayment. Still, he helped the man. Why? Because he understood that the man was his neighbour. They were both on the same road, facing the same risks. They shared a common environment. They were therefore neighbours. The Samaritan understood Jesus' ethical principle, which we call the golden rule: "And as ye would that men should do to you, do ye also to them likewise" (Luke 6:31).⁵

Hayek suggests that there are three legal principles undergirding a free society: general rules that 1) distinguish private from public spheres of action; 2) provide legal predictability; and 3) provide equality before the law. The judicial principle of *lex talionis* supports all three.⁶

We should also add Rushdoony's comments:

*"In Biblical law the goal is not punishment but restoration, not the infliction of certain penalties on criminals but the restoration of godly order."⁷ Restitution to the victim restores the victim's position prior to the crime, plus it increases his holdings to compensate him for the trouble the crime causes him...the criminal now knows that his debt is paid, and that *the burden of guilt is removed.*"⁸*

This shows us that Biblical justice is infinitely superior to humanistic "justice," which places a burden on the victims of crime to support criminals by paying for their maintenance in gaols.

There is no basis for gaols in a godly society; the Bible never endorses the notion.

⁵ Gary North, "Treasure and Dominion," 2000, ch.20: "The Good Samaritan and the Concept of Neighbour."

⁶ See North, "Tools..." Vol. 2, p.400.

⁷ Rousas Rushdoony, "The Institutes of Biblical Law," 1973, p.515, quoted in North, "Tools...", p.400.

⁸ North, p.400- 401.

The Church and God's Law (13)

By Andrew McColl, 30/7/2013

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, the owner of the pit shall make restitution; he shall give money to its owner, and the dead animal shall become his (Ex.21:33-34).

Man has responsibility in God's purpose. The Christian's duty is to subdue the world God has given him. Being made "alive with Christ" (Eph.2:5) has re-equipped the believer with the capacity for godly meditation, diligence and action, in accordance with God's word (Josh. 1:8), whether it be in warfare, charity, the family, politics, foreign affairs, economics, education and lawmaking.

The original commands of God to Adam have passed to him, so he is expected to "be fruitful and increase in number; fill the earth and subdue it" (Gen.1:28). Human responsibility is reiterated in Psalm 8:6: "You made him ruler over the works of your hands: you put all things under his feet." Hence, Jesus Christ requires the believer to take ambassadorial responsibility before God, to "...do business with this until I come back" (Luke 19:13).

What has this to do with digging pits that animals may fall into? Everything. We have to be able to deal with the basic issues of life with competence, as well as the lofty.

An open pit is a test of responsibility. If we opened it, will we take care to ensure an animal or person will not fall into it? If we have not, and someone's ox or donkey should fall into it, we must "make restitution." The value of the lost animal must be paid to the owner, while the dead animal becomes the property of the negligent one. If the lost animal's carcass still has value, the one responsible to pay restitution could certainly take steps to retrieve and butcher it, if it's been found before it began to deteriorate. He's paid for it: it's his.

What if the two parties cannot agree on the value of the lost animal? They should bring in an independent person to arbitrate.

In this situation, the monetary loser is he who was negligent to begin with. He has now paid for his mistake which led to the loss of the animal, while the original owner has been compensated for his loss. So far as can be achieved in this circumstance, "we're all square."

The best outcome to an unfortunate accident has been achieved.

The Church and God's Law (14)

By Andrew McColl, 6/8/2013

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. 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 (Ex.21:35-36).

The case laws of Exodus present to us a very important legal principle: victim's rights. It was the outworking of this principle that led to Nathan catching David with a legal parable, when Nathan knew David had committed adultery with Bathsheba, and murdered her husband Uriah (II Sam. 11, 12).

When David heard the parable, he unwittingly swore to Nathan, "As the Lord lives, surely the man who has done this deserves to die." As Jesus later did with the Pharisees (Mat.21:40-45), Nathan had shrewdly and successfully trapped King David when David explicitly (on hearing Nathan's parable) accepted the notion of victim's rights. It was he who deserved to die for his sin.⁹

These two case laws are similar, but are separated by an important phrase: "*if it is known...*" The owner of the aggressive ox, knowing his ox's behaviour, should have been more responsible. Knowing it was in the habit of goring, he should have taken steps to prevent his ox goring another ox. He could have done this by slaughtering it, or keeping it away from other oxen with more rigorous control.

The first case law leaves the men with a half-share each in a dead ox and a live ox. Thus the owner of the aggressive ox gains the identical outcome as the other man. The second case law leaves the victim with restitution for his dead ox, while the negligent man now owns a dead ox (which he has effectively purchased), along with his live one. Is this consistent scripturally?

Under normal circumstances, the individual who is legally and financially responsible is the owner of the offending ox that initiated the attack. But there is a problem here. Whose beast took the initiative? Can this be determined in a court of law? Were there witnesses? Can we understand the motivation of oxen? These questions are almost self-explanatory. The assessment of which animal "started it" is most problematical. The ox cannot be placed under oath and cross-examined.¹⁰

Jesus said

⁹ David repented (II Sam. 12:13); the child died (12:18), and so did three of his adult sons- Amnon, Absalom, and Adonijah - thereby making four-fold restitution on a "four lives for one" basis. Four-fold restitution was the required payment for the slaughter of a lamb (Ex.22:1). Nathan the prophet had used the analogy of the slaughtered ewe lamb in his confrontation with David (II Sam. 12:4). David recognised that the culprit was worthy of death (v.5). David therefore could not escape making the four-fold restitution to God's sense of justice (adultery and murder are both capital crimes in the Bible). Gary North, "Tools of Dominion," 1990, Vol. 2, p.403.

¹⁰ Gary North, "Tools..." p.497.

...that slave who knew his master's will and did not get ready or act in accord with his will, will receive many lashes, but the one who did not know it, and committed deeds worthy of a flogging, will receive but few. From everyone who has been given much, much will be required; and to whom they entrusted much, of him they shall ask all the more (Luke12:47-48).

Thus every one of us is accountable for the knowledge we have. Knowledge does place an obligation upon us but more importantly, it is also a great asset and privilege to be granted knowledge, and God expects us to utilise it.

One of the marks of fools in the Book of Proverbs is that their contempt for knowledge (see Prov.1:22, 28-31). But the godly man considers it an asset, seeks it out, and values it (see Prov.1:4; 10:14, 11:9; 18:15).

What is clear also, is that

The Biblical justice system is just, workable and effective. The *lex talionis* should not be dismissed as some sort of peculiar juridical testament of a long-defunct primitive agricultural society. What the Bible spells out as judicially binding is vastly superior to anything offered by modern humanism in the name of civic justice... A godly society's criminal justice system, organised around the *lex talionis* principle, provides criminals with a glimpse of (or preliminary down payment to) this cosmic principle of justice.¹¹

¹¹ North, "Tools...", p.435, 436.

The Church and God's Law (15)

By Andrew McColl, 13/8/2013

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 (Ex.22:1).

Despite what Plato and other humanists have claimed over the centuries, man is not primarily a political creature, but a religious one. It is the Christian emphasis that true religion is the only legitimate basis for every godly society which will ultimately prevail. In relation to this case-law, Jordan's comments are lengthy but helpful:

Restitution involves both compensation and retribution. The man robbed is compensated for his loss, and then the thief is punished by having to pay double or more. He must forfeit exactly what he sought to gain. There are three degrees of restitution in scripture.

Voluntary Restitution.

If a thief comes to his senses and voluntarily seeks to make restitution, he is to add a fifth part to what he stole when he returns it (Lev. 5:14-16; 6:1-5; 22:14; Num. 5:5-8). Thus, if a man steals a sheep, he has an incentive to return it before he is caught; the penalty is less.

Ordinary Penal Restitution.

Double restitution is the normal rule. A stolen animal found alive is returned, plus another (or its value, Ex. 22:4). Inanimate stolen property is paid back double, whether the stolen piece is destroyed or not (Ex.22:7).

Special Penal Restitution.

There are three cases of multiple restitution set out in Scripture. First of all, if a man steals an ox, signifying a revolutionary attack upon authority which entails the destruction of property, he must pay five-fold.¹² Second, if a man steals a sheep, signifying the use of power to oppress and rob the poor, he must pay four-fold...

Restitution is clearly seen in the New Testament in the history of Zacchaeus (Lk. 9:8-9); Jesus said that salvation had come to his house when he declared his intention to make restitution. Also, in Philemon, Paul declares (v.18) that he will make restitution for anything Onesimus has stolen.¹³

If a criminal is compelled by law to make restitution of at least twice what he stole, there are two important outcomes. Firstly, the victim of the crime is compensated for his loss of time and inconvenience in having to pursue the criminal to justice. Time is money. His normal life has been interrupted by criminal activity; should he not be compensated?

Secondly, the person considering criminal activity is warned: he will know he'll have to pay at least double if he is caught.

¹² Paul (I Cor.9:9-18; I Tim.5:17-18), uses the illustration from the law of Moses of the working oxen being able to eat while he works, in relation to the legitimacy of payment for Church leaders.

¹³ James Jordan, "The Law of the Covenant," 1984, p.131-132.

Thirdly, the convicted criminal in paying money to his victim and not being gaoled, is relieved of something of great significance: guilt.

Why is it that God places sheep and oxen in a special category? The Bible tells us that “a righteous man has regard for the life of his beast...” (Prov.12:10). North’s comments,

We think of the criminal’s victims as being people who have lost their animals or money. But there are other victims: the animals themselves. This is analogous to the crime of kidnapping. The restitution system that the Bible establishes for oxen and sheep reflects this special concern by God for helpless animals. What makes sheep and oxen special is their status in the Old Testament as symbolically helpless animals. So, Biblical law protects both the animals and their owners.¹⁴

Furthermore,

The thief who steals a specially protected beast must suffer greater risks for stealing it when compared to any other kind of property. The sheep or ox can easily be slaughtered and eaten. This makes it far more difficult for the civil authorities to discover who the thief is and then prove it in court. Thus, the thief who steals an ox or sheep seems to have a greater likelihood of getting away with the crime. The law therefore imposes far higher penalties in case of ox-stealing or sheep-stealing.¹⁵

¹⁴ Gary North, “Tools of Dominion,” 1990, Vol.2, p.519.

¹⁵ North, p.537.

The Church and God's Law (16)

By Andrew McColl, 20/8/2013

If the thief is caught while breaking in and is struck so that he dies, there will be no blood-guiltiness on his account (Ex.22:2).

Private property is important to God, and is clearly protected under the Eighth Commandment. The sin of Adam and Eve was to take what God had said was not their's, and God judged them. When criminals seek to seize another person's property by breaking in and violence ensues, the victim is certainly entitled to forcibly defend himself, and what belongs to him. The criminal breaking in has exposed himself to the householder's legitimate defensive strength and wrath. It may be the last thing the criminal does this side of facing the final judgment of God. If so, so be it.

Breaking in is a particular form of theft, and violence. The householder, if he hears a noise in his home at night, is at a disadvantage. He does not know what is happening, and cannot be expected to know. On confronting his assailant, he may still not know if the attacker is intent on murder, or rape, or kidnapping, or if the thief is only concerned to steal. And he is not obliged to determine this before he protects the lives of his family; he may kill his assailant in the process. This is the risk that the thief takes in breaking in.

This is one of the reasons why community access to firearms is so important. There is nothing like the point of a gun to stop someone committing a crime. In fact, this is an issue that often goes unnoticed.

Law-abiding citizens in America used guns in self-defence 2.5 million times in 1993 (about 6,825 times per day), and actually shot and killed two and a half times as many criminals as police did (1,527 to 606)...¹⁶

Having said this, once a criminal has been arrested from his activities, the intended victim and any assistants are obligated to desist from unnecessary violence. Their goal has not been to kill the assailant (though this may have occurred in the struggle), but to protect their household and property, and ensure the assailant is compelled to face justice. With justice will come restitution for the victim.

There is another point to this text, just as important. The Bible here shows that everyone has a responsibility in the community to help their neighbour, and to enforce godly law. The reason in other texts that an assailed person "cries out" (such as Deut.22:27), is with a hope or expectation that help may come. The notion of the citizen's arrest is Biblical in origin, and a legitimate aspect of community safety and protection.

For me to hear my neighbour's cry for help when he is attacked and do nothing, is to implicate me in the crime against him. In fact, one of the Bible's description of an evil man, is this: "When you see a thief, you are with pleased with him..." (Ps.50:18). Forceful and practical community response is a deterrent to criminals, and is obviously a means of strengthening a community.

Theft is a blight on any community. Thus every community member has a responsibility to do what he can to prevent theft, and to assist in the apprehension of thieves, and bringing them to justice. The Bible commands us to do this.

¹⁶ Pat Buchanan, "America is an Armed Camp," www.lewrockwell.com, 4/4/2012.

The Church and God's Law (17)

By Andrew McColl, 27/8/2013

But if the sun has risen upon him [the thief] there will be bloodguiltiness on his account. He shall surely make restitution; if he owns nothing, then he shall be sold for his theft (Ex.22:3).

Clearly, the time of day reduces the culpability of a thief. At night, a thief has an advantage of surprise. Firstly, the fact of darkness gives him greater flexibility and ability to move without detection. Secondly, the householders are commonly asleep. This means that an attempt to break in and steal in this circumstance is much more of a threat to a household, than in daylight hours.

The death of a thief is undesirable. God tells us, “do I have any pleasure in the death of the wicked,” declares the Lord, ‘rather than that he turn from his ways and live?’” (Ezek.18:23)

What is better for all is his apprehension, bringing to trial and conviction, and his making appropriate restitution to his victim. If he has nothing and has to be sold into slavery for the time being, so be it. But to kill him, God says “there will be bloodguiltiness on his account.” His slayer will have to give account for this.

Other Biblical passages show forth what should take place, should a thief come to his senses after criminal activity. Leviticus 6:1-7 explains that the conscience struck thief who has not been apprehended, owes his victim the item stolen, plus 20%. Why is this?

The Bible says that “he who conceals his transgressions will not prosper, but he who confesses and forsakes them will find compassion” (Prov.28:13).

Biblical law puts a premium on timely confession. The criminal who confesses receives a lighter penalty than the criminal who refuses to confess, and who is then subsequently convicted...The Bible's penalty structure for theft provides economic incentives for all parties to present accurate information to the civil authorities.¹⁷

The Bible regards all crime as serious, and theft is no exception. Always, the victim of crime is the one to be considered first, so restitution for theft is essential. But theft of itself is not a capital offence, and there are limits governing how a thief should be treated by those apprehending him, especially in the daytime.

¹⁷ Gary North, “Tools of Dominion,” 1990, p.516.

The Church and God's Law (18)

By Andrew McColl, 3/9/2013

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 (Ex.22:5).

Because the notion of private property is central to Biblical law, the abuse of another man's property through negligence necessitates sanctions. There must be restitution. The owner of the animals has not supervised them adequately, and they have gone into another man's property, and grazed there.

Without restitution, these sorts of events are liable to cause a great deal of ill-feeling between neighbours. Not only are some people negligent in the supervision of their animals, but they may secretly view the lush pastures of their neighbour as an opportunity. "His loss-my gain!" Proper restitution quickly puts an end to this.

The legal principle is that the injured party is entitled to the replacement of his damaged goods by the best of the responsible party's possessions. What is the theocentric principle that this legal principle reflects? It is this: *God, in imposing an appropriate restitution payment from rebellious mankind, is entitled to the best that man has to offer.*¹⁸

Socialists have always wanted to down-grade the notion of private property. You thought that what was your's, is your's? Well, the socialist doesn't think so. This has been evident right throughout the twentieth century, beginning with the Soviet Union.

*[In Russia], we must remove the children from the crude influence of their families. We must take them over and, to speak frankly, nationalize them.*¹⁹

*[The Soviet family] is an organic part of Soviet society. Parents are not without authority ... but this authority is only a reflection of social authority.... In our country he alone is a man of worth whose needs and desires are the needs and desires of a collectivist.... Our family offers rich soil for the cultivation of such collectivism.*²⁰

And the West certainly hasn't been exempt. The US has simply carried on the Soviet tradition, though not always as explicitly as in this case:

¹⁸ Gary North, "Tools of Dominion," 1990, Vol.3, p.542.

¹⁹ Instructions given at a congress of Soviet educators in 1918. Cited in "Separating School and State: How to liberate America's Families," by Sheldon Richman, p.xv.

²⁰ Soviet family theorist Anton Makarenko, in "The Collective Family, a Handbook for Russian Parents," p.xi-xii, 42.

*If we want to talk about equality of opportunity for children, then the fact that children are raised in families means there's no equality.... In order to raise children with equality, we must take them away from families and communally raise them.*²¹

There really is no other solution to this than a return to Biblical law. North is right:

*The Exodus [was] the archetype historical event in the life of Israel, the event to which the prophets appealed again and again in their confrontations with the rebellious Hebrews of their day. This same confrontation goes on in every era, and the contemporary prophet must be equally willing to confront the pharaohs of his day with the same theological distinctions: sovereign God or sovereign man, God's revelation or man's revelation, biblical society or the bureaucratic state, God's law or chaos. "Choose this day whom ye will serve." Serve God or perish.*²²

²¹ Dr Mary Jo Bane, Assistant Secretary of Administration for Children and Families, US Department of Health and Human Services, 1993-1996. Quoted in "The Family: It's Surviving and Healthy," by Dolores Barclay, "Tulsa World," August 21, 1977.

²² Gary North, "Moses and Pharaoh," 1986, p.10.

The Church and God's Law (19)

By Andrew McColl, 10/9/2013

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 (Ex.22:6).

Here again, the Bible affirms the legitimacy of private property. Private property is at the base of free-market capitalism, along with personal liability, and predictable court enforcement of private property rights.²³ Private property has its base in the Eighth Commandment: “you shall not steal” (Ex.20:8). You may like the shirt on my back, but unless you buy it from me or I give it to you voluntarily, your possession of it is nothing other than theft.

But there is more, much more. The Bible also tells us that “each of us is to please his neighbour for his good, to his edification” (Ro.15:2). Thus if you live downstream from me, what I’m pumping into the creek or river is not only important to me, but to you too. If I’m producing toxic fumes in my factory, and the prevailing wind is in your direction, you might not be happy about that! Or the neighbour’s dog that chronically barks at shadows in the middle of the night, five metres from your bedroom, frequently waking you.²⁴

The Bible also tells us that “he who despises his neighbour sins...” (Prov.14:21). Consequently, unwillingness to take this issue and law seriously has led to significant pollution problems around the world. The important thing to note about this, is that the worst offenders internationally have been nations where the notion of private property was restricted, such as the Soviet Union. Here, the record on pollution has been abysmal.

What should this teach us?

It was not necessary that God fill the Promised Land with every conceivable natural resource. It was only necessary that He give them His law and the grace to obey it, which allows men's creativity to flourish. This creativity is the basis of most economic growth.²⁵

Thinking of my neighbour, and what is in his best’s interests, saves me. It saves me from difficult and painful legal action should I neglect to consider his interests. I means he and I will have the continued opportunity to work together on projects that are mutually beneficial to us.

It means that my family and his will probably enjoy a healthy relationship with each another; something of great value to me, and presumably him. And it means I’ll probably experience the blessing of God in my endeavours, something which is linked to my attitude to and relationship with my neighbour.

There are thus manifold benefits for doing what the Bible commands, and “loving our neighbour” (Mk.12:31).

²³ Gary North, “Tools of Dominion,” Vol.3, 1990, p.542.

²⁴ A friend of mine living in a city, found his prize rooster one morning with its head cut off. It often crowed at 3-4am.

²⁵ Gary North, “Inheritance and Dominion,” 1999, ch.20.

The Church and God's Law (20)

By Andrew McColl, 17/9/2013

If a man gives his neighbour 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. 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 neighbour's property. 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 neighbour (Ex.22:7-9).

Conversion to Christ inevitably means a changed lifestyle, and Paul speaks of this. He says "he who steals must steal no longer: but rather he must labour, performing with his own hands what is good..." (Eph.4:28).

This highlights the changed life of Zaccheus. He said to 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" (Luke 19:8).

This shows us the centrality of ethics to the Christian faith. The Bible gives us guidelines to live by, and this is one of them. Without moral guidelines derived from scripture, men and women descend into anarchy. Policing is not cheap, and when individuals are frequently unable to sort out their personal disputes privately, it costs them and sometimes the community in money and lost time.

Personal trust is essential in any healthy society. When security becomes a serious concern for individuals, the costs to the community rise. This is one reason why individual responsibility is so important for a community, and is required in scripture.

Neighbours have an incentive to reduce crime in the neighbourhood... Rural neighbours are more dependent on each other than urban neighbours are... When neighbours can be trusted to care for each other's goods, a society probably has a strong covenantal bond. Residents see the thief's threat to the neighbourhood, and they cooperate in order to make the thief's task more difficult.²⁶

Why is it that in this circumstance, only double restitution is required for losses incurred in safe-keeping? What about if sheep were stolen, which would normally require four-fold restitution (Ex.22:1)?

One of the reasons why there is a higher penalty imposed for stealing and destroying a sheep or ox (specially protected because of their symbolising mankind) is that it is difficult to locate and convict the unknown thief. In the case of a neighbour, there is greater ease (i.e., less expense) of conviction; the owner knows who had possession of it last. Since there is a lower risk of detection for a stranger who commits the theft, there are increased criminal penalties to offset this lower risk.²⁷

²⁶ Gary North, "Tools of Dominion," 1990, Vol.3, p.612.

²⁷ North, p.614-615.