

SECURED TRANSACTIONS AND PERSONAL EXEMPTIONS, Part 1

On Exodus 22:26-27 and Deuteronomy 24:6,10-13

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As most Christians are aware, Christ claimed that the Old Testament Law foreshadowed his person and work.¹ This ought to excite us as Christians because it means that even the Law can teach us a great deal about our savior. But in order to understand what the Law teaches and implies about Christ, we must first understand the Law in its proper context. Today we're going to focus on some specific laws in Exodus 22:26-27 (part of the Book of the Covenant) and Deuteronomy 24:6,10-13 (from the second giving of the Law to God's people, this time on the verge of entering the Promised Land).

Loans in Israel were not commercial but charitable, granted not to enable a trader to set up or expand a business or to allow a consumer to enjoy yet more material goods, but to tide a peasant farmer over a period of poverty. The Israelite economy remained predominantly agricultural up to the end of the Monarchy. Hence, the Mosaic legislation does not contain mercantile regulations, but exhortations to live as the society of God. Israelites who enjoyed financial security had a moral obligation to ensure that their less fortunate compatriots were not deprived by force of circumstance of the necessities of life. It is not charity in the sense of almsgiving that is being called for; rather, it is charitable disposition and conduct toward the needy person who pledges to repay the loan in due course. Israelites were expected to mirror the compassionate nature of the God they worshipped.

In the organization of the Book of the Covenant, Exodus 22:26-27 falls within the category of "cases of oppression." It is worthy of note that section has a required finding of fact (typical of *mishpatim*): "If you take..." This finding of fact is followed by a conclusion of law: "You shall return..." Note, too, that section of the Book of the Covenant has its own motive clauses, both positive and negative, in verse 27.

Deuteronomy, in turn, reveals an updating and renewal of the Sinaitic covenant in light of the new situation. Thus, we expect to see some additional detail and we are not disappointed. Verses 10-13 minimize the oppressive power of taking pledges. Indeed, the creditor must wait outside until the debtor brings the pledge out to him. This instruction served a twofold purpose: it preserved the privacy of the debtor's home and, by leaving the selection of the pledge to the debtor, it prevented the creditor from pressuring the borrower into payment by carrying off something the poor man could not spare. The reference in Exodus to a person's cloak is not without significance. The sort of cloak or garment to which

¹ E.g. Luke 24:27,44; John 5:39,46

God alludes is not simply one's outerwear for the day. Rather, it was the average person's bedroll and protection from the elements rolled into one. Not to return someone's cloak at night would be to subject them to great inconvenience and perhaps illness or even freezing to death during the forty years of wandering. Deuteronomy's reference to the millstones, by contrast, speaks to an agrarian lifestyle into which the people would be entering by their invasion of Canaan in a few weeks.

Note that the pledge of the cloak was allowed during the day, but that one of millstones was not. A cloak was not necessary to preserve life during the day, but millstones were: no poor Hebrew family could live more than a day or two without grinding grain for their daily bread.

Thus, we see how God's laws were intended to contribute to the well-being of the society of Ancient Israel. On the one hand, they encouraged lending to the needy poor rather than creating dependency through mandatory "gifts." On the other hand, there was provision for the life and privacy of the poor in spite of their poverty. Next time we will examine how the prophets applied these concerns in their day, and how Jewish tradition worked with these concepts in a subsequently developing commercial context.