

# CIVIL AND CRIMINAL LAW IN THE OLD TESTAMENT

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## 1. Types of Law.

- A. Religious.
- B. Ethical/moral.
- C. Ceremonial.

## 2. Civil responsibility.

- A. Respect property rights (Exod 20:17; Deut 5:21).
- B. Restore property to its rightful owner if found (Exod 23:4-5; Deut 22:1-3), even if you hate the owner.
- C. Safety:
  - (1) Build a parapet (=railing) on your roof (Deut 22:8).
  - (2) Cover your holes in the ground (Exod 21:33-34).
- D. Keep potentially violent animals under control (Exod 21:28-32).
- E. Help other people's animals (Deut 22:4).
- F. Be careful with fire (Exod 22:6).
- G. Property boundaries to be respected (Deut 19:14)
- H. Be honest with business dealings.
  - (1) Fair weights & measures required (Deut 25:13-15; Lev 19:35-36).
- I. Credit laws.
  - (1) Borrowing and renting.
    - (a) Animal dies (Exod 22:14-15):
      - i. If borrowed, restitution.
      - ii. If rented, no restitution.
  - (2) Lend to help the needy (Deut 15).
  - (3) Cannot charge interest (Exod 22:25).
  - (4) Cannot enter someone's house to get what they owe you (Deut 24:10-11).
  - (5) Remission of debts in the 7th year (Deut 15:1-2).
  - (6) Cannot take the following as collateral.
    - (a) A widow's garment (Deut 24:17).
    - (b) An upper millstone (Deut 24:6).
  - (7) Collateral which is necessary for a person must be returned on a daily basis (Exod 22:26-27; Deut 24:12).

## 3. Court.

- A. Usually held at the city gates ().
- B. Elders would be present ().

## 4. Judges (Deut 16:18; 17:8-13).

- A. Who (Deut 19:17; Exod .

- (1) Priests ().
- (2) Royal officials/kings ().
- (3) Elders ().
- (4) Other appointed people ().

B. Principles.

- (1) Justice to be pursued (Deut 16:20).
- (2) Justice to be given to the poor (Exod 23:6).
- (3) Justice to be given to foreigners (Deut 24:17).
- (4) No partiality allowed (Deut 1:17; Lev 19:15).
  - (a) Not to the rich & powerful (Deut 1:17; Lev 19:15).
  - (b) Not to the poor (Exod 23:3; Lev 19:15).
- (5) Taking bribes forbidden (Exod 23:8).
- (6) Individual responsibility (i.e., not responsible for the sins or crimes of others) (Ezek 18:2-4; Deut 24:16; 2 Kgs 14:6).
- (7) The decision of the judge was final (Exod 22:9).
- (8) Resident aliens were to be treated the same as native residents, and were subject to the same laws (Num 15:16,29; Deut 1:16; 27:19)

5. Witnesses and evidence.

- A. Definition of witness: someone with good, hard evidence (not necessarily an eyewitness).
- B. A minimum of 2 witnesses was needed (Deut 19:15f; 17:6).
  - (1) No one could be convicted on the basis of one witness.
  - (2) For unwitnessed murders, the elders of the closest city had to offer a sacrifice (Deut 21:1-7).
- C. False witness was forbidden (Exod 20:16; 23:1; Deut 5:20).
  - (1) False witnesses were to receive the punishment which would come upon the defendant if he/she were convicted.(Deut 19:18-21)

6. Lawsuits (Exod 22:9).

- A. Brought to the priest or another judge (Deut 1:16; 16:18).
- B. If you brought a lawsuit and lost, you had to pay the defendant what you were seeking (Deut 19:18-19).

7. Accidental death (Deut 19:4-7).

- A. Different from murder.
- B. Cities of refuge.

8. Types of punishment.

- A. Restitution.

- (1) Theft [2-5x as much; or sell into slavery] (Exod 22:1-5).
  - (2) Damage to another's property:
    - (a) By your animals (Exod 22:5).
    - (b) By a fire you set.
  - B. Pay for lost time and their injuries.
    - (1) If you injured someone (Exod 21:18-19).
  - C. Beating (Deut 25:1-3).
  - D. Cut off the hand of a woman who grabs the genitals of a man who is fighting with her husband (Deut 25:11-12).
  - E. Pay damages.
    - (1) Various situations.
    - (2) Causing someone to miscarry (Exod 21:22).
  - F. Equality of punishment (eye for an eye...Exod 21:22-25).
  - G. Freedom to a slave who suffers a permanent injury (Exod 21:26-27).
  - H. Forced wedding (seducing a virgin), w/no possibility of divorce (Exod 22:16-17; Deut 22:28-29).
  - I. Fines (Deut 22:19, etc.).
  - J. Capital punishment (see below).
    - (1) Stoning (witnesses first to throw the stones).
    - (2) Blood avenger.
9. Capital crimes.
- A. Murder (Exod 21:12; Lev 24:17).
  - B. Adultery (Lev 20:10).
  - C. Homosexuality (Lev 20:13).
  - D. Bestiality (Exod 22:19; Lev 20:15-16).
  - E. A woman being found to be a non-virgin on her wedding night (Deut 22:13-17).
  - F. Rape (Deut 22:25).
  - G. Incest (Lev 20:11, etc.).
  - H. Idolatry (Deut 17:1-5).
  - I. Sorcery, etc. (Exod 22:18).
  - J. False prophecy (Deut 18:20).
  - K. Violating the Sabbath (Num 15:32-36).
  - L. Blaspheming God's name (Lev 24:10-16).
  - M. Kidnapping (Exod 21:16).
  - N. Cursing a parent (Exod 21:17; Lev 20:9).
  - O. Striking a parent (Exod 21:15).
  - P. Being a consistently rebellious child (Deut 21:18-21).
  - Q. Having your ox gore someone when you knew your ox would gore (Exod 21:28-32).
  - R. Disobeying a judge's order (Deut 17:12)