

**SESSION #51 (19 April 2011) Deut 23:24-25; The Right of Derivative Ownership**

**I. INTRODUCTION & REVIEW**

1:1-5	Introduction to God’s spokesman, the 1 <sup>st</sup> Prophet Moses
1:6-4:40	1 <sup>st</sup> Exposition of the Torah = <u>motivation</u> to obey from (1) <u>past gracious actions</u> of Yahweh and (2) <u>sovereign destiny</u> of the nation ( <u>future gracious actions</u> of Yahweh)
4:41-49	Editorial comment on context of 2 <sup>nd</sup> Exposition of the Torah
5:1-26:19	2 <sup>nd</sup> Exposition of the Torah = proper response to Yahweh in heart and soul
5:1-11:32	Loving Yahweh with <u>all the heart</u>
12:1-26:19	Loving Yahweh with <u>all the soul</u> ( <i>nephesh</i> =life)
12:1-13:18	Theological unity of Israel’s tribes and its Enforcement (esp 1 <sup>st</sup> , 2 <sup>nd</sup> , and by implication the corresponding 9 <sup>th</sup> , 10 <sup>th</sup> commandments)
14:1-21	Enforcement of Distinct Cultural Sustenance from Life to Death (a witness consistent with Yahweh’s name, see 3rd commandment)
14:22-16:17	A Distinct Culture of Theocentric Faith in God’s Economic Order (with emphasis upon the 4 <sup>th</sup> and by implication the corresponding 8 <sup>th</sup> commandment)
16:18-18:22	A Distinct Culture of Human Authority Under God’s Justice (emphasis upon human authority starting in the home—the 5 <sup>th</sup> commandment and by implication the 7 <sup>th</sup> commandment)
19:1-21:23	Protocols for Implementing True “Social Justice” (emphasis upon dealing with deployment of civil authority’s lethal force—6 <sup>th</sup> commandment)
22:1-23:18	A Distinct Culture of Life-Protecting Boundaries (emphasis upon purity of national life—the context of the 7 <sup>th</sup> commandment)
23:19-24:7	A Distinct Culture of Respect for “Human Rights” (emphasis upon the implications of the 8 <sup>th</sup> commandment)
23:19-20	The Right of Economic Freedom
23:21-23	The Right of a Promisee to Expect Performance
	<b>23:24-25 The Right of Ownership</b>

This part of Moses’ 2<sup>nd</sup> exposition deals with loving Yahweh with all one’s “*nephesh*”—details of everyday life within God’s special nation.

Some commentators have argued that Moses expounds in sequence each of the 10 commandments by the way he groups statutes and judgments. If this is true, then a given statute or judgment expresses more than one of the 10 commandments.

Limits on interest charged on charitable loans—15:1-8 and 23:19-20; occurs in a group that expresses the 4<sup>th</sup> commandment and a second group that expresses the 8<sup>th</sup> commandment.

- Under the 4<sup>th</sup> commandment, these limits express Yahweh’s demands upon [labor and rest]—that the loaner trust Him to provide for loss of income caused by the charitable loan (note **15:9-11** emphasizes the mental struggle of giving way the products of your [labor]).
- Under the 8<sup>th</sup> commandment, these limits express Yahweh’s protection of the emancipated theocratic citizen to live out a [redeemed] life (note **23:19-20** emphasizes difference between the theocratic citizen and the [foreigner]; **Prov**

22:7 in the background “*The rich rules over the poor; and the borrower is slave to the lender*” ).

- Thus a given statute or judgment can express multiple moral values and purposes  
→ Yahweh’s commands spring from a large-scale design of society.

Inclusion of oath-performance to Yahweh under the 8<sup>th</sup> commandment??

Non-performance = theft of an “owed [obligation]” created by what has “gone from your lips” (23:23).

- Analogy between God’s contractual oaths & men’s contracts → prohibition of contract violations → a promise creates a right to expect performance.
- A culture with integrity of language → develops contracts and a legal framework around them. Christianity spawned the Western concept of law.

These underlying subtleties in the statutes and judgments parallel the underlying subtleties in the 10 commandments themselves as Jesus pointed out in His Sermon on the Mount → should lead us to a greater grasp of how we [sin].

These “rights” are not granted by civil authority, majority vote, benevolent oligarchy; they come with creation by God.

Ownership—occurs under two groups: 7<sup>th</sup> commandment (22:1-4) and here.

## II. THE RIGHT OF OWNERSHIP (23:24-25)

23:24 **vineyard. . .may eat. . .not. . .container. . .**

23:25 **standing (ripe) grain. . .pluck. . .not sickle. . .**

Limited incursion: time wise—only at harvest; quantity wise—only immediate hunger

Limited property: basic rural crops → special

- (1) Primary engine of Israel’s life (beginning of the food chain)
- (2) Land was granted by Yahweh for the nation

“Ownership of land, seeds, and prior labor did not entitle him to that portion of the crop which a neighbor could pick and hold in his hands. That is, *his prior investment was not the legal basis of his ownership*. Legal title in Israel had nothing to do with some hypothetical original owner who had gained legal title because he had mixed his labor with un-owned land – John Locke’s theory of original ownership. The kingdom grant preceded any man’s work. The promise preceded the inheritance. In short, *grace preceded law*.” G. North

What is ownership?

- New London, CT case & eminent domain issue → state has ownership of all property in Gentile nations by concession to sin and tyranny (**Dan. 2:37-38**).
- Bible → God is absolute Owner by virtue of His creation work; man is given [derivative] ownership (Adam in garden but not all -- one tree excepted); by excluding even a tiny portion of man’s property, God reveals His absolute right of ownership and man’s derivative right of ownership.

What is ownership in theocratic Israel?

Yahweh gave the land to the entire nation so [all] residents shared in its blessings—tribal families could not totally exclude neighbors from this tiny incursion

Derivative ownership applied to the most sacred things in Israel

**1 Sam. 21:1-6** David and the Shewbread

**21:1 Ahimelech the priest**

Legitimate ecclesiastical authority at the Tabernacle

**afraid when he met David**

David NOT the king BUT he has been anointed by Samuel (**1 Sam 16**).

**21:2-3 king's business**

Deception to survive Saul's persecution (Saul chose to wage war against Yahweh's anointed replacement), so this situation is like the Rahab incident that also involved wartime operations and treasonous acts.

Actually David was about the King's business!!

**21:4-6 no common. . . holy bread. . . kept themselves from women. . . taken from before the Lord**

No bread because it was a Sabbath. But on the Sabbath the showbread was changed out (**Lev. 24:8**). Priest had no problem with David eating the showbread since he was on "the king's business"; his only concern was with Moses's command in **Ex. 19:15** to abstain from sexual relations for 3 days prior to the theophany at Sinai.

Even the tabernacle showbread was not [absolutely] owned by the priesthood—other Israelites could share in it under certain conditions.

**Luke 6:1-5** Jesus, His disciples, and Pharisees

**6:1 on Sabbath**

**6:2 plucked the heads. . . ate**

Following the law of **Deut. 23:25**.

**Pharisees. . . not on the Sabbath?**

NOT accusing disciples of theft → understanding of **Deut 23:25** confirmed

ARE accusing them of Sabbath violation (4<sup>th</sup> commandment)

**6:3-5 David. . . took and ate the showbread. . . not lawful for any but the priests to eat?**

**Son. . . Lord of the Sabbath. . .**

If David on the "king's business" could eat the bread of the tabernacle [on the Sabbath], then the Son of Man and his disciples could, too.

PRINCIPLE: No human ownership, even the ownership of the God-ordained priests, is *absolute*. God makes exceptions to reveal this truth.

However, these are *exceptions*—rare instances involving only rural land, not all property and only at harvest time—so ownership is honored by the 8<sup>th</sup> commandment.

Historical distortions of this principle:

Classic paganism held to the idea that a Golden Age once existed in which all things were held in common:

- (1) Aristophanes (445-388 BC) in one of his plays has Praxagora say "*All shall be equal, and equally share all wealth and enjoyment, nor longer endure that one should be rich and another be poor. . . All this I intend to correct. . . now all of all blessings shall freely partake, one life and one system for all men I'll make.*"
- (2) Virgil, Georgics, "to mark the field with bounds was unlawful. Men made gain from the common store."

- (3) Seneca the Stoic, “[Philosophy] . . . has told us that with the gods lies dominion, and among men, fellowship—This fellowship remained unspoiled for a long time until avarice tore the community asunder and became the cause of poverty. . . .But avarice broke in. . .and by its eagerness to lay something away and to turn it to its own private use, made all things the property of others. . . .”

Some Christian theologians adopted this concept:

- (1) “This thesis that private property came into being as a result of the Fall had great influence in the history of the church. We find it later among the Franciscan theologians and then again in Zwingli and Melanchthon. . . .Of course ‘theories of property’ like this. . .are not specifically based upon the New Testament. Appeal could be made equally well to philosophy and natural law. . . .”  
[Hengel, Property and Riches in the Early Church]
- (2) Gregory Nazianzen, Chrysostom (354-407), Basil (329-379), and Ambrose (339-397) “If only each one would take as much as he requires to satisfy his immediate needs, and leave the rest to others who equally needed it, no one would be rich and no one would be poor.”
- (3) Aquinas (1225-1274) wrote of “natural law” and “positive law.” The community of goods is part of the natural law; private property is part of the positive law. “Though private property is not contrary to the natural law, it is not itself natural, and it does not enjoy the same metaphysical or ethical status as the community of goods. While men cannot change the natural law. . . they can change positive law, and they may do so in whatever manner is expedient and moral. Several things might make such a community of goods expedient, but one makes the community of goods morally imperative: need. . . .Neither the early church theologians nor Thomas, unfortunately, informed us what need is or how it might be ascertained.” Robbins, *Ecclesiastical Megalomania: The Economic and Political Thought of the Roman Catholic Church*, pp 31, 35.
- (4) To enforce re-distribution of owned assets from the rich to the poor became the legal duty of the Roman Catholic Church when it had political power or pressuring secular rulers to do its bidding. This was expressed through papal encyclicals, especially *Rerum Novarum*, *On the Condition of the Working Class* (1891) which repeated the teaching of Marx’s *Das Capital* published only 10 years before, Pius XI’s *Quadragesimo Anno* (1931), and John XXIII *Mater et Magistra* (1961).
- (5) Roman Catholic Church opposed the economic implications of the Protestant Reformation for many years and eventually aligned itself with Marxist property theory. Thus it has promoted “Christian socialism” throughout Europe, Liberation Theology in Latin America, and quasi-socialism in US politics: “Much of the interference by federal, state, and local governments in the affairs of citizens. . . is due to Roman Catholic influence in American politics. . . .Following Vatican directives, Roman Catholic politicians, legislators, and intellectuals brought us the Progressive movement, the labor union movement, the graduated income tax, the New Deal, and the growth of government in the United States” (Robbins, p.47).

The reasoning process:

- (1) God is absolute owner; man is derivative owner;
- (2) The Roman Catholic Church is God’s civil state on earth;
- (3) Therefore, the Catholic Church represents God’s absolute ownership over all private property;
- (4) Marxism agrees economically;
- (5) Therefore, Roman Catholics in poverty situations are set up to demean private ownership and support communism (Italy, Latin America, Vietnam).

### III. CONCLUSION

Certain statutes and judgments appear in different groups. Ownership has appeared here (**Deut. 23:24-25**) in a group concerned with the [8<sup>th</sup>] commandment—emphasis upon the nature of things that can be stolen:

- (1) the redeemed theocratic citizen's right to live free of debt slavery;
- (2) the right of God, and by inference, any human promisee to expect performance of a vow or contractual promise;
- (3) the limits on the right of derived ownership

Ownership also appeared in **Deut. 22:1-4** in a group concerned with the [7<sup>th</sup>] commandment—emphasis upon God's life-protecting boundaries:

- (1) the boundary of ownership merits respect by the finder of missing property;
- (2) the boundary of created distinctions—sexual, nature-man, safeguarding human life, kinds of flock, field, and textiles;
- (3) the boundary of marriage vs. pagan promiscuity;
- (4) the boundary of theocratic citizenship vs. pagan citizenship;
- (5) the boundary of public sanitation vs. sewerage;
- (6) the boundary of theocratic freedom vs. pagan slavery;
- (7) the boundary of temple worship vs. pagan lifestyles.

Ownership is dependent upon God's design of human society—both the distinctions that preserve life itself (7<sup>th</sup> commandment) and the character of true ownership under God (8<sup>th</sup> commandment).

Statute	Group 1	Group 2
Charitable Loans	4 <sup>th</sup> C Deut 15:9-11	8 <sup>th</sup> C Deut 23:19-20
Ownership	7 <sup>th</sup> C Deut 22:1-4	8 <sup>th</sup> C Deut 23:24-25