

THE TEXT OF EXODUS
TRANSLATION

21 Now these are the ordinances which thou shalt set before them.

(2) If thou buy a Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing. (3) If he come in by himself, he shall go out by himself: if he be married, then his wife shall go out with him. (4) If his master give him a wife, and she bear him sons or daughters; the wife and her children shall be her master's, and he shall go out by himself. (5) But if the servant shall plainly say, I love my master, my wife, and my children; I will not go out free: (6) then his master shall bring him unto God, and shall bring him to the door, or unto the doorpost; and his master shall bore his ear through with an awl; and he shall serve him for ever.

(7) And if a man sell his daughter to be a maid-servant, she shall not go out as the men-servants do. (8) If she please not her master, who hath espoused her to himself, then shall he let her be redeemed: to sell her unto a foreign people he shall have no power, seeing he hath dealt deceitfully with her. (9) And if he espouse her unto his son, he shall deal with her after the manner of daughters. (10) If he take him another *wife*; her food, her raiment, and her duty of marriage, shall he not diminish. (11) And if he do not these three things unto her, then shall she go out for nothing, without money.

(12) He that smiteth a man, so that he dieth, shall surely be put to death. (13) And if a man lie not in wait, but God deliver *him* into his hand; then I will appoint thee a place whither he shall flee. (14) And if a man come presumptuously upon his neighbor, to slay him with guile; thou shalt take him from mine altar, that he may die.

(15) And he that smiteth his father, or his mother, shall be surely put to death.

(16) And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death.

(17) And he that curseth his father or mother, shall surely be

put to death.

(18) And if men contend, and one smite the other with a stone, or with his fist, and he die not, but keep his bed; (19) if he rise again, and walk abroad upon his staff, then shall he that smote him be quit: only he shall pay for the loss of his time, and shall cause him to be thoroughly healed.

(20) And if a man smite his servant, or his maid, with a rod, and he die under his hand; he shall surely be punished. (21) Notwithstanding, if he continue a day or two, he shall not be punished: for he is his money.

(22) And if men strive together, and hurt a woman with child, so that her fruit depart, and yet no harm follow; he shall be surely fined, according as the woman's husband shall lay upon him; and he shall pay as the judges determine. (23) But if any harm follow, then thou shalt give life for life, (24) eye for eye, tooth for tooth, hand for hand, foot for foot, (25) burning for burning, wound for wound, stripe for stripe.

(26) And if a man smite the eye of his servant, or the eye of his maid, and destroy it; he shall let him go free for his eye's sake.

(27) And if he smite out his man-servant's tooth, or his maid-servant's tooth; he shall let him go free for his tooth's sake.

(28) And if an ox gore a man or a woman to death, the ox shall be surely stoned, and its flesh shall not be eaten; but the owner of the ox shall be quit. (29) But if the ox was wont to gore in time past, and it hath been testified to its owner, and he hath not kept it in, but it hath killed a man or a woman; the ox shall be stoned, and its owner also shall be put to death. (30) If there be laid on him a ransom, then he shall give for the redemption of his life whatsoever is laid upon him. (31) Whether it have gored a son, or have gored a daughter, according to this judgment shall it be done unto him. (32) If the ox gore a man-servant or a maid-servant, there shall be given unto their master thirty shekels of silver, and the ox shall be stoned.

(33) And if a man shall open a pit, or if a man shall dig a pit and not cover it, and an ox or an ass fall therein, (34) the owner of the pit shall make it good; he shall give money unto the owner thereof, and the dead *beast* shall be his.

(35) And if one man's ox hurt another's, so that it dieth, then they shall sell the live ox, and divide the price of it; and the dead also they shall divide. (36) Or if it be known that the ox was wont to gore in time past, and its owner hath not kept it in; he shall surely pay ox for ox, and the dead *beast* shall be his own.

EXPLORING EXODUS: CHAPTER TWENTY-ONE
QUESTIONS ANSWERABLE FROM THE BIBLE

1. What does Ex. 21:1 entitle the section that follows it?
2. For how many years was a Hebrew servant (slave) obligated to serve his master? (21:2)
3. What did the servant have to pay upon his release? (21:2)
4. Could a Hebrew slave take his wife and children with him when he left free? (21:3-4)
5. Did the Hebrew slave have a choice of going free or remaining as a servant? (21:5-6)
6. To whom did a slave's owner bring a servant who did not want to be freed? (21:6)
7. What act was done to indicate that a slave had bound himself permanently to his master? (21:6)
8. Were maidservants freed in the seventh years as menservants were? (21:7)
9. What was to be done and NOT done with maidservants who were displeasing to their masters? (21:8)
10. To whom might a man arrange for his maidservant to be given? (21:9)
11. From 21:10 we see that the "maidservant" was regarded as practically equivalent to what?
12. What was the penalty for striking a man fatally? (21:12)
13. Can a man's death be an "act of God"? (21:13). How might this occur?
14. What was to be done by a man who unintentionally killed another? (21:13; Compare Num. 35:9-28).

GOD'S COVENANT ORDINANCES 21:1-36

15. Was a murderer safe while at the altar of God (21:14; I Kings 2:28-34)
16. What was the penalty for striking parents? (21:15) For cursing parents? (21:17)
17. What was the penalty for kidnapping? (21:16)
18. What was the penalty for wounding a man or disabling him in a fight? (21:18-19)
19. What was the penalty for fatally beating one's own slave? (21:20-21)
20. Who determined the fines upon men who caused a woman to suffer injury and miscarriage? (21:22)
21. Did the laws about "eye for eye," etc. entitle people to take revenge for themselves? (21:22-25; Compare Matt. 5:43-46)
22. What was the penalty for destroying the eye or tooth of one's slave? (21:26-27)
23. What was the penalty upon a man-killing ox and upon its owner? (21:28)
24. What intensified the penalty upon the owner of a man-killing ox? (21:29). Was any variation allowed in this penalty? (21:30)
25. What penalty was imposed upon an ox and its owner if it killed a slave? (21:32)
26. What rule was given concerning the deaths of animals that fell into pits that were not covered over? (21:32-34)
27. What was the rule about one ox killing another ox? (21:35-36)

EXODUS TWENTY-ONE: GOD'S COVENANT ORDINANCES

1. The Hebrew servant; 21:2-11
2. Capital offenses; 21:12-17
3. Injuries to people; 21:18-27
4. Injuries by and to oxen; 21:28-36.

EXODUS TWENTY-ONE: SERVANTS, SECURITY, SAFETY

I. Servants; 21:2-11.

II. Security; 21:12-22.

1. Security guaranteed by capital punishment; 21:12-17.
2. Security guaranteed by punishment of smiters; 21:18-27.

III. Safety; 21:28-36.

1. Safety from animals; 21:28-32.
2. Safety from hazards; 21:32-34.
3. Safety for property; 21:35-36.

 EXODUS TWENTY-ONE: GOD'S ORDINANCES, A PROTECTION!

1. Protection for servants; 21:2-11.
2. Protection from killers; 21:12-14.
3. Protection for parents; 21:15, 17.
4. Protection from kidnappers; 21:16.
5. Protection from financial loss; 21:18-19.
6. Protection for slaves; 21:20-21, 26-27.
7. Protection for women; 21:22-24.
8. Protection from animals; 21:28-32.
9. Protection from negligence; 21:33-34.
10. Protection from property loss; 21:35-36.

 GOD'S CARE FOR THE SLAVE; 21:2-11

1. His term of service as strictly limited; 21:2.
2. He was set free without charge; 21:2.
3. His service was such that it might be preferred to freedom; 21:5.
4. Women could be slaves only on condition of marriage; 21:7-11.

GOD'S COVENANT ORDINANCES 21:1-36

5. Kidnapping and selling into slavery was a capital offense; 21:16.
 6. A slave's life and limb were protected by law; 21:20; 26-27.
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EXODUS TWENTY-ONE: RIGHTS AND RESPONSIBILITIES

I. RIGHTS.

1. Freedom; 21:2, 11.
2. Service at the place of one's own choice; 21:5.
3. Protection from assault; 21:12-14.
4. Protection from kidnapping; 21:16.
5. Protection from injuries; 21:18-19, 22.
6. Payment for damages; 21:18-19, 22, 32, 35.
7. Protection from hazards; 21:33.

II. RESPONSIBILITIES.

1. Respect men's right to freedom; 21:2, 7, 8.
 2. Respect for parents; 21:15, 17.
 3. Must pay for damages; 21:18-19, 22-24, 32.
 4. Must practice safety; 21:22-25.
 5. Must avoid negligence; 21:29, 33, 36.
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CRIMES THAT FORFEITED LIFE!

1. Smiting and killing a man; 21:12.
2. Smiting father or mother; 21:15.
3. Stealing and selling a man; 21:16.
4. Cursing father or mother; 21:17.
5. Neglecting warnings about dangerous animals; 21:29.
6. Sorcery (witchcraft); 22:18.
7. Lying with a beast; 22:19.

8. Sacrificing to other gods; 22:20.

(Note: God still hates these sins, and they will be punished in hell. But the "church" does NOT now have authority from God to execute wrongdoers, for example witches!)

GOD'S INDIGNATION AGAINST ABUSING PARENTS!

1. Against smiting father or mother; 21:15.
 2. Against cursing father or mother; 21:17.
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GOD'S DISAPPROVAL OF BRUTE FORCE!

1. The smiter who kills must die; 21:12.
 2. The smiter who injures must pay damages; 21:18-19, 26.
 3. The fighter may be afflicted as he afflicts others; 21:23.
 4. The laws protect all victims - men, women, even slaves.
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NEGLIGENCE! (21:28-36)

I. Examples of Negligence

1. Not keeping in a goring ox; 21:29, 36.
2. Not covering a pit; 21:33.

II. Penalties for Negligence

1. A goring ox must be killed; 21:28.
 2. A heedless ox-owner slain; 21:29.
(A ransom might be paid instead.)
 3. Money charged for damages; 21:32, 34.
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THE ORDINANCES OF GOD
(EXODUS 21-23)

1. The ten commandments are simple and comprehensive principles. But human character and life is crooked and complex. Is all killing murder? Are all sexual wrongs of the same seriousness? To bridge the gulf between the simple absolute principles of the ten commandments and everyday life, many ordinances were needed. These are found in the "book of the covenant" (Ex. 21-23; 24:7), and in Leviticus, and Deuteronomy. (Adapted from Ramm, *op. cit.* p. 132)
2. Many of the ordinances in Ex. 21-23 are extremely attractive to us. Read Ex. 23:1-9 for example! All of these laws derive their force from a personal relationship with God. See Ex. 23:25.
3. Some of the laws in Ex. 21-23 will seem strange to you at first, perhaps even shocking.

Remember that God revealed His will in many "divers portions" (Heb. 1:1). Things which we have known as God's truth for centuries had not all been revealed in Moses' time.

Also many of the laws which seem at first glance to be harsh and even sub-Christian served a very beneficial purpose. For example, the laws about slavery, as strange as they seem to us, served a very needful social purpose. See Ex. 21:2-4, 20-21. Every nation must do something about its destitute people, and Israel's "slavery" system cared for this need. And besides this, the Israelites were to carry out these laws in a kind, non-rigorous manner. See Lev. 25:39-55; Deut. 15:12-15.

4. The laws in Ex. 21-23 dealt with a wide variety of subjects, covering practically all aspects of life. There were laws about servants (21:2ff), criminal laws (21:12), property laws (21:35), moral laws (22:16), laws of personal conduct (22:21-27; 23:1-9), laws about religious ceremonies (23:14ff), etc.

No people can have a functioning society without a culture system of rules and beliefs. The ordinances of God provided an instant, ready-made cultural basis for Israel as a society.

5. The principles illustrated by these laws have endless applications. For example, the law about releasing your enemy's overloaded and fallen donkey (23:4-5) establishes a principle of kindness that is applicable in countless situations.
6. We must not assume that the covenant ordinances in Ex. 21-23 constitute a complete and systematic code of law. Numerous regulations are mentioned without giving enough details to make clear how the commandments were to be carried out. For example, Ex. 22:16 speaks of "the dowry of virgins" without indicating how much it was. (Compare Deut. 22:28-29). Ex. 23:14-17 mentions the three annual compulsory feasts to be kept by all Israelites. But the text tells very little about how they were to be observed. These details were added later in the laws in Leviticus (Chap. 23) and Deuteronomy.

Unless we realize that the ordinances in Ex. 21-23 are only a "sampler" of the more complete laws given later, we may be perplexed by their lack of completeness and orderliness.

EXPLORING EXODUS: NOTES ON CHAPTER TWENTY-ONE

1. *What is in Exodus chapter twenty-one?*

Exodus 21 contains the first group of the "judgements" (or ordinances) of the LORD. These extend on through chapter 23. This chapter contains laws about slaves, crimes requiring the death penalty, offenses involving injuries, and property losses.

We must keep in mind that as Christians our conduct is to "establish" the law (Rom. 3:31). We cannot be less concerned about the lives and safety of people than God required people under the law of Moses to be. While we are not under the law, we *fulfill* the law by loving our neighbor as ourselves (Rom. 13:9-10).

2. *What are ordinances (or judgments)? (21:1)*

Judgments (Heb., *mishpatim*) are judicial decisions, decisions at law, legal rulings. The uses of this word in Ex. 21:31 and Deut. 1:17 illustrate this meaning.

But the word *judgments* implies yet another conception: that of JUSTICE. The Hebrew word for *judgment* is often translated *justice*. See Ex. 23:6; Deut. 16:19. This fact implies that perfect justice for all social relationships is found in God's ordinances. It surely has not been found in men's ordinances!

The word *Now* (Heb., *and*) at the start of 21:1 links the ordinances that follow with the words of God that preceded them in chapter twenty. All are from God and all are part of the same covenant.

Radical critics assume that these "judgments" presuppose a society settled a long time into the land, and that they were therefore written long after the time of Moses. We cannot accept such a notion. Moses had already judged many cases (Ex. 18:13). He knew the types of questions that would arise and need written precedents to guide future judges. Furthermore, Moses had very probably studied the legal system in Egypt, and he had observed Midianite tribal laws. He was probably acquainted with Near Eastern law codes, such as that of Hammurabi.

But all of these arguments are second-rate evidence of the Mosaic origin and divine authority of these "judgments." The plain assertions that GOD gave these ordinances to Moses is the basis of our faith in them. They were revealed words of Jehovah (23:3).

3. *How long did a Hebrew servant serve his master? (21:2)*

He served six years. In the seventh year he went out free, for nothing, without payment of any redemption or ransom price. In fact, he was to be given liberal gifts of food and livestock (Deut. 15:12-15). The same rule applied to women servants (Deut. 15:12).

The word translated *servant* means a bondservant or slave. But we should not picture in our minds the Hebrew slave as a victim of a harsh cruel system. The slavery actually served

the social purpose of caring for the destitute. The service of Hebrew bondmen to their masters was rather mild. Their masters were not to treat them as bondservants, but as hired servants. They were not to rule over them with harshness (Lev. 25:39-43). Servants were to rest on the Sabbath days and be refreshed like the rest of the family (Ex. 23:12).

The year of a servant's release was the seventh year of his service, which was not necessarily the Sabbatical year, which occurred every seventh year and was observed by all Israel (Ex. 23:10-11).

Servants were also to be freed in the year of Jubilee, every fiftieth year, even if that occurred one year after they signed on. Lev. 25:10, 39-41.

The Law of Hammurabi (No. 117) said that if because of obligations a citizen sold his wife, or son, or daughter to service to someone else, they would serve *three* years in the house of their purchaser, and then go free in the fourth year. Hammurabi did not provide for generous gifts to be given to the liberated servant, as the Hebrew law did. Neither did his law ordain the generous loans and credit assistance that were in the Hebrew law (Lev. 25:35-37; Deut. 15:7-11). These provisions probably kept many poor people from having to sell themselves or members of their family into servitude.

Laws like 21:2ff that are formulated from cases and are introduced by "If," are called *casuistic* (or case) laws. The law codes of the ancient Near East (like Hammurabi's law) have almost all of their laws in this casuistic form: "If such and such an event occurs, then this is what the law requires to be done." Casuistic law is distinguished from apodeictic laws, which concisely state principles for conduct, often in negative form. Laws like "Thou shalt not kill" are apodeictic. The presence of many apodeictic laws in Exodus suggests the intrinsic, divine authority of the laws. The presence of casuistic laws in Exodus shows that God expressed His word and laws to Moses in literary and legal forms familiar to men. God's word comes to men in men's language!

4. *What was a HEBREW servant? (21:2)*

We feel that *Hebrew* is here synonymous with *Israelite*. Indeed, Jer. 34:9 later equated Hebrew with Jew. This identification is supported by the parallel passage Deut. 15:2, which says, "If thy *brother*, a Hebrew man, or a Hebrew woman, be sold unto thee," This is further indicated by the fact that Lev. 25:44-46 says that strangers and foreigners bought by Israelites were kept as bondmen *for ever*, in distinction to the requirement to release a *Hebrew* in the seventh year.

This question might seem to be a matter of no significance. Our reason for bringing it up is that some interpreters (Cassuto, for example) feel that the word *Hebrew* is here equivalent to a broader term *Habiru* (or 'Apiru, or Khapiru), which is found frequently in writings of Mesopotamia, Egypt, and Canaan prior to Moses' time. The Habiri were alien peoples who were employed as servants or took other subordinate service. They existed outside of the normal societal system, something like "gypsies." Sometimes they are referred to as predatory conquerors. In the Amarna letters (written by Canaanite city-rulers to the kings of Egypt shortly after the time of Moses), the Habiri are said to be taking over the land. We feel that the Habiri referred to in these letters included the Israelites, but also included other invading settlers.

If the term *Hebrew* in 21:2 were equivalent to *Habiri*, then the command about releasing slaves in the seventh years had a very broad application to peoples of numerous races. However, the evidence cited above makes us think that the term *Hebrew* here meant only an Israelite, a descendant of Abraham.¹ The Egyptians and Babylonians would have considered the Israelites as Habiri (or Hebrews), while including other racial groups within that term. Thus Joseph was called a Hebrew (Gen. 39:14), as was Abraham (Gen.

¹In the Hebrew language the name *Hebrew* seems to come from the verb *eber*, meaning "to cross over." Abraham was presumably a *Hebrew* because he crossed over the Euphrates to come to Canaan. The name of Abraham's forefather Eber (Gen. 11:16) is probably in some way also linked to this meaning.

5. *Could a liberated Hebrew slave take his family with him?* (21:3-4)

If he became a servant alone (not married), he was liberated alone. If he was married when he became a slave, his wife went out free with him. If during his slave-service his master gave him a wife and she bore him children, the man went free alone. The wife and children stayed with the master. Note that the slave had no right to contract a marriage for himself. The master had to give him the wife.

This law about not letting the slave's wife go free with him may seem severe to us. But it would have been a very expensive loss to the master when he was already rendering a valuable service to the bondman by providing for him an opportunity to work himself out of debt. Also any woman that the master may have given to him would probably have been a foreign permanent bondwoman. It is improbable that the master would have had authority to give away a Hebrew woman indentured to him for only six years. Certainly marriage to such foreign women by Israelite servants could raise racial difficulties in Israel. Also one other practical effect of keeping slave women as slaves was that the rule prevented the contracting of many marriages which could not well continue after the servant went free. We assume that in the administration of the law about marriages of bondmen that the Israelites were basically kind to their bondmen. (Ex. 22: 21; Lev. 19:33-34).

6. *How could a Hebrew slave commit himself to a lifetime of service?* (21:5-6)

He could do this by having his ear pierced through before the judges (or "before God").

The bondman's master brought him "unto God" (or, "unto the judges"), and there took him to the door and pierced through his ear with an awl. Compare Deut. 15: 16-17.

The very fact that this law is given in the law of Moses is indicative of the fact that slaves would desire permanent servitude frequently enough that a law was needed to tell the

procedure for bringing it about. The law indicates that many Hebrew masters were kind. (This is like our service to Christ, our kind master.)

The exact meaning of the expression "unto the judges," or "unto God" (Heb. *elohim*), is a bit uncertain.

In the Code of Hammurabi (law #120) we are told that a dispute over loss of grain was to be settled "in the presence of *god*," that is, in the court of the local idol. Similarly in the laws of Eshnunna (#s 36-37) a disputed property loss was to be settled by an oath taken in the gate of the main god at Eshnunna. These literary examples suggest that the Hebrew bondman went to the tabernacle of God to make his declaration and have his ear bored.

The Greek O.T. says that they were to bring the bondman to the tribunal (*kriterion*) of God. This strengthens our view that the bondman came before God's tabernacle for commitment of himself.

On the other hand, the uses of *elohim* in Ex. 22:28, 8, 9 indicate that the word sometimes meant *judges*, and this idea is as old as the Targum of Onkelos (a paraphrase of the law in the Aramaic language, dated about 400 B.C.). Perhaps the judges were looked upon as God's agents in this matter.

Commentators disagree on whether the servant's ear was bored at the door of his master's house or at the door of God's house. We feel that the Biblical text says it was at God's house. We suppose that the boring was done as the ear was placed against the door post.

"For ever" (21:6) seems to mean "for life," although the Jewish rabbis interpreted it to mean "till the year of jubilee."

Psalm 40:6 quotes God's servant (whoever he may be) as saying, "Sacrifice and offering thou hast no delight in. Mine ears hast thou opened."

This passage is applied to Jesus in Heb. 10:5, 8. On the basis of this some interpreters (e.g. Pink) have thought that the servant who pledged himself permanently to his master by having his ear bored is a type of Jesus Christ. We do not think this is a legitimate or true type. We do not see any

definite connection between Ex. 21:6 and Psalm 40:6. The word translated "opened" in Psalm 40:6 is not the same word as the word translated "bore" in Ex. 21:6. Also the type seems incongruous. Admittedly Jesus committed himself to a master (God) so that he might gain a bride (the church). But when Jesus did this the bride was in no way already in the service of the master, as was the bride in Ex. 21:4-6.

7. *Why were maidservants not released after six years? (21:7-8)*

They were not released because these women became concubines, or secondary wives, to the master. Note that the master *espoused* her to himself or to one of his sons.²

The word *maid-servant* used here (*'amah*) is applied to the slave woman Hagar (Gen. 21:10, 12, 13); to Bilhah, Rachel's maid (Gen. 30:3). Both of these women bore children in the house. Gideon's son Abimelech was born of a maid-servant (Judges 9:18). These examples show one common meaning of the term *maid-servant*.

However, the term was also employed by such primary wives as Hannah (I Sam. 1:11), Abigail (I Sam. 25:25), Bathsheba (I Kings 1:13), and Ruth (Ruth 3:9), when speaking of themselves. So the term does not always indicate a servant-concubine.

8. *What did a master do with a maid-servant who displeased him? (21:8)*

He permitted her to be redeemed (bought back). Probably she was purchased by some Israelite outside of his family because her father was too poor to buy her back. The law forbade the master to sell her to a foreign power. Hertz tells of the Saxons in England, who at the time of the Norman conquest would sell maid servants on their estates into a life of shame or into foreign slavery after associating with them

²A.S.V. margin says, "Another reading is "so that he hath *not* espoused her." This appears to be the reading of the written Hebrew text (the *kethib*). But the marginal reading in the Hebrew (the *qere*) gives "to himself," and this definitely seems to be the correct reading. See Cassuto, *op. cit.*, p. 268.

themselves.³ The Hebrews were forbidden to practice such abominations.

9. *What was to be done with maid-servants taken as wives for sons?* (21:9)

They were to be treated like daughters. Ex. 21:10 seems to say, "If he (the father-purchaser) take for him (that is, for his son) another wife, her (the first maid-servant's) food, . . ."

The old Chinese custom of buying a slave girl as a future wife for a son is an exact parallel. By buying the girl thus, he avoided paying a higher price in the years to come, and guaranteed that she would "fit in" in the future. Such a system abolished slavery in all except its name.⁴

10. *What rights did the hand-maid have?* (21:10-11)

She had the right to (1) food, (2) clothing, and (3) participation in family life. If the master did not grant these things, she could go out as a free woman, without anyone's paying money for her.

"Food" is literally *flesh*, suggesting that she was not to get a mere subsistence diet, but meat and other quality food.

"Duty of marriage," or "marital rights" (as in R.S.V.) probably simply means (1) a place to live and (2) the right to associate with the family like all the other members of it. The Hebrew word *'onah* (unique here) comes from a verb meaning "to dwell," suggesting an abode.⁵ The Greek O.T. translated it *homilia*, meaning association or companionship. Later traditions interpreted it to mean times of cohabitation. This seems quite unlikely to us. The Bible does not present sex as a "right" that women (or men either!) cannot live without. But ostracizing and snubbing a young woman, refusing to talk with her and refusing to treat her as part of the household she dwells in is an intolerable hurt, and is forbidden here.

11. *What was the penalty for killing a man?* (21:12-14)

³J. H. Hertz, *The Pentateuch and Haftorahs* (London: Soncino, 1969), p. 307.

⁴Cole, *op. cit.*, p. 166.

⁵Cassuto, *op. cit.*, p. 269.

A person who struck another and caused him to die was to be put to death, unless it happened accidentally and unintentionally. In that case the manslayer had to flee to a place of safety prepared for this situation. But the presumptuous (willful) slayer was to be put to death, even if he fled to the Lord's altar for safety from vengeance. The "and" at the beginning of 21:14 is better rendered as "but."

This law was applied to non-Israelite foreigners, as well as Israelites. (Lev. 24:17, 21, 22).

Gen. 9:6: "Whoso sheds man's blood, by man shall his blood be shed." This law goes back to the time of Noah, when it was given to the whole human race.

In ancient times if a man was killed, his close relatives sought to avenge his death by killing the killer.

Human life is sacred according to the Torah (law of Moses). Whoever assails this sanctity forfeits his own life. But the life of the slayer is sacred too, and so his life was not to be taken if the death was accidental. But human life is so sacred that even an accidental killing brings drastic consequences, and the normal life pattern of the manslayer was interrupted.

The place for the manslayer to flee to was called a city of refuge. There were six of these designated to be set up in the land of Israel. See Num. 35:10-34; Deut. 19:1-10; 4:41-43; Joshua 20:1-9. Perhaps in the wilderness wanderings some temporary place of safety was designated.

But there was no place of security for a murderer! See Numbers 35:16-21. Killers have fled to sacred places hoping to escape punishment, both in eastern and western countries. David's general Joab and David's son Adonijah both did this, fleeing to the altar and clutching its horns. (I Kings 1:50; 2:28-34). It did not save Joab.

Ex. 21:13 describes an accidental killing as an act of God: "If . . . God deliver him into his hand; . . ." We do not know enough about God's workings in men's experiences to state positively how far this statement about God's actions should be applied. Is every man's every misfortune or

death under God's direction? Or do "time and chance" bring about events without any definite purpose or pattern? (Eccl. 9:11). We understand the scriptures to teach that "a [righteous] man's goings are ordered by the LORD" (Ps. 37:23), while recognizing that many choices are left up to us. King Saul declared that the Lord had delivered him into David's hand (I Sam. 24:18).

The idea that calamities (lightnings, windstorms, floods, etc.) are "acts of God" was widespread in the ancient Near East. Hammurabi's law (number 266) spoke about a "visitation of god" occurring in a sheepfold.

12. *What was the penalty for striking father or mother? (21:15)*

Those who smote father or mother were to be put to death. This act was a specific breaking of the commandment about honoring father and mother. (Ex. 20:12).

The verb translated *smite* (*nakah*) sometimes means to smite hard enough to kill. See Ex. 2:12. This suggests that the beating of parents referred to here was a violent striking and beating. Note that in 21:12 "smiting" could lead to death. The Jewish rabbis interpreted 21:15 to mean that only when a blow left a bruise upon parents was the death penalty to be inflicted. Certainly we do not regard their interpretation as being authoritative like the divine word itself. Neither do we consider that a non-injurious blow struck at parents is less reprehensible to God than a severe blow. It is the attitude of the heart that mattered most.

We must not disregard and dismiss this law about killing a child for smiting its parents as a "temporary cultural practice." Certainly in our Christian age we do not execute children for smiting parents. On the contrary, the prodigal son was allowed to live and was received back home with much joy (Luke 15:11-32). But God's hatred of smiting and cursing parents still continues. And unless there is a repentance (as in the case of the prodigal son), the smiter's punishment in hell will be infinitely worse than killing his body on earth!

Hammurabi's law (#195) prescribed that if a son struck

his father, his hand should be cut off. God took a more serious view of this offense than even Hammurabi did.

Compare Ex. 21:17 for more information concerning offenses against parents.

13. *What was the penalty for kidnapping? (21:16)*

The kidnapper was certainly to be put to death. God so hated this crime that He prescribed dire consequences. Men may not execute the kidnapper, but God will recompense him.

Deut. 24:7: "If a man be found stealing any of his brethren of the children of Israel, and he deal with him as a slave, or sell him, then that thief shall die: so shalt thou put away the evil from the midst of thee."

The kidnapper was condemned even if he had not yet collected his ransom and still had his victim.

The kidnapping law, of course, recalls to our minds the case of Joseph's brothers selling him (Gen. 37:25-28). God hated this act.

The Jewish rabbis held that this verse (21:16) meant that only if a person stole a man AND he was seen by witnesses in possession of the kidnapped one was he to be slain. Admittedly, the Hebrew conjunction is *and* and not *or*. Furthermore, criminals were not to be executed without witnesses to prove their guilt (Num. 35:30). Nonetheless, most commentators and translators think that the man-stealer was to be slain, even if his victim was not found with the abductor, if clear evidence of his guilt could be obtained. Possibly the ransom money or sale price money could be traced. We feel that the translation "or" in the middle of 21:16 is correct.

Other law codes in the ancient Near East also forbade kidnapping. Hammurabi's law (#14) directed that if a citizen stole the young son of another citizen, that he should be put to death. However, stealing a slave was not looked upon so seriously. Eshnunna law (#49) directed that a man caught with a stolen slave or slave girl was to surrender one slave for each one stolen.

14. *What was the penalty for cursing parents? (21:17)*

The one cursing father or mother was most certainly to be put to death.

Lev. 20:9: "For every one that curseth his father or his mother shall surely be put to death: he hath cursed his father or his mother; his blood shall be upon him."

What does it mean to CURSE father or mother? The Hebrew verb (*qalal*) translated *curse* has several applications. Often it referred to language much like our modern slanderous profanity. See I Samuel 17:43; II Sam. 16:5. The dictionaries define it to mean "to esteem lightly, hence to revile, curse, or execrate." In Deut. 23:4 to *curse* refers to a curse of supernatural type, like voodoo or hexing. In I Sam. 2:30 the word *qalal* is translated "lightly esteem" and is set forth as the opposite of honoring. Jesus quoted Ex. 21:17 in Matt. 15:4 and Mark 7:10 to condemn the Pharisees for neglecting to care for their parents. Obviously, therefore, to *curse* parents had a very broad meaning.

Respect for parents is commanded in the New Testament in Eph. 6:1. God does not feel less strongly now about those who curse their parents than He did in Moses' time.

15. *What was the penalty for injuring someone in a fight? (21:18-19)*

One who inflicted a non-fatal injury upon someone in a fight was to pay for the loss of the injured man's time off from work and to cause him to be completely healed, that is, pay for his medical care. Aside from these requirements, he was "quit," that is, clear and free from further penalty. The guilty party had to pay workman's compensation and health benefits, to express it in modern jargon. God cares about injuries and injustices, as well as about the loss of life.

If the smitten man died, then 21:12 would apply as the rule.

It seems to us that Ex. 21:18 refers to an unplanned, impromptu fight. The use of impromptu weapons like the fist⁶

⁶Both the Hebrew and the Greek have a word meaning *fist*. The Aramaic Targums and some other versions understand it as a stick or cudgel.

and the stone suggests that the blow was not premeditated.⁷ If the smiter had planned the deed he would have carried a knife or a club. Martin Noth⁸ does not feel that the text clearly indicates by mentioning fist and stone that there was no evil intent in the smiter. We concede that the evidence is not positive. But the law could be applied, whether the blow was planned or unplanned.

Laws about personal injuries were common in ancient Near Eastern law codes. Hammurabi's law #206 asserted that if a citizen struck another citizen in a brawl and inflicted an injury upon him, that the citizen was to swear that he had not struck him deliberately, and should pay for the physician. This stipulation is similar to that in Moses' law. Hammurabi added (in laws 207-208) that if the smitten one died because of his blow, that the smiter was to swear that it was not deliberate; and if the slain man was a member of the aristocracy, the slayer should pay one-half mina of silver; but if the slain man was a member of the commonality, the slayer was to pay one-third of a mina of silver. Thus Hammurabi made class distinctions which God did not make in the Torah. (Also we wonder how honest some of the oaths were!)

16. *What was the penalty for beating a slave to death? (21:20-21)*

For beating a slave to death, his master shall "certainly be punished." However, if the slave survived the beating for a day or so, the master was not to be punished because the financial loss incurred by the slave's death was considered punishment enough. "They are your possession."

We think that this passage refers to foreign slaves. Lev. 25:44-46 declares that Israelite bondmen were not to be made to serve with rigor.

The manner of inflicting the punishment on the slave-killing master is not specified. Some think the master was executed, as 21:12 directs. But this seems unlikely to us. If the punishment for killing a slave were the same as for killing

⁷Cole, *op. cit.*, p. 168.

⁸*Op. cit.*, p. 181.

any other person, there would seem to be no purpose in this distinct law applying to slaves.

The word for *punish* is a word usually meaning "to take vengeance." This might make it appear therefore that some members of the slave's family would punish or kill the master in the usual ways of taking blood vengeance. But we doubt that foreign slaves would have relatives available to take such action.

We suppose that it was left to the Israelite authorities to instigate investigation and determine punishment in such cases.

The "rod" referred to was probably the instrument customarily used to chasten and impress a slave. See Prov. 10:13; 13:23. "Under his hand" means during the act of the beating, or very quickly thereafter.

The fact that a beaten slave lived a day or two was taken as proof that his master had not intended to kill him, and he therefore was exonerated from further penalty.

If all of this seems harsh and sub-Christian to you, consider the additional fact that the law (in 21:26-27) stated that permanent physical injuries to the slave, like loss of an eye or tooth, brought about his release from slavery. Also this very law in 21:20-21 hints that a strong public sentiment might arise in behalf of a slain slave and indignation might rise so high as to be difficult to repress without specific rules about the matter. The Israelites were not indifferent to the rights of a slave. Much less was God indifferent!

The protection of slaves afforded by this verse may seem to us a slight one. But it is the earliest trace of such protection known in legislation. God had to educate His people little by little, line upon line. He overlooked many things in olden times of which he now commands all men to repent (Acts 17:30).

Babylonian law was not concerned about the slave at all, but only about the loss to his master. If someone killed another man's slave, he had to pay one-third mina of silver and also forfeit other valuables. (Hammurabi's law #116). To the

Israelite a slave was a person, a human being created in the divine image, and whoever assaulted this divinely-given life was answerable for it and would surely be punished. This attitude and approach to the matter of slavery could eventually lead only to total emancipation.

17. *What was the penalty for accidentally causing a woman to have a miscarriage? (21:22)*

If two men were fighting and accidentally injured a woman in the fracas and caused her to have a miscarriage, the one who had caused the miscarriage was to be fined according as the woman's husband demanded and the judges gave sentence.⁹

If, however, harm followed, then the one who injured the woman was punished by being injured in a manner similar to the injury that he had inflicted.

What is this "harm" that might follow? This word (*'ason*) translated "harm" is found elsewhere in scripture only in Gen. 42:4, 38 and 44:29. In these passages it seems to signify serious harm, perhaps even death. We assume that it has this meaning here.

Was the *harm* that done to the mother, or to the unborn child, or both? We feel that it was the harm done to the mother because her violently-aborted fetus probably would die in nearly all such cases. The Jewish rabbis and the Targum of Onkelos understood the "harm" as referring to the death of the mother.¹⁰ We think that this certainly was one possibility that the verse relates to, and that this is indicated by the "life for life" judgment in 21:23. But the other penalties that are suggested ("eye for eye, tooth for tooth, etc.") suggest that this law dealt with other possible injuries and effects besides the woman's death. The text says that the woman was *hurt* so as to have a miscarriage. She was not just frightened to the point of losing her baby (something that

⁹"As the judges determine" is a permissible but loose translation. Literally the text says only "In (or among, amidst) judges. . . ."

¹⁰Keil and Delitzsch, *op. cit.*, p. 135.

does indeed happen).

The law was general enough that it could apply in many different situations, both in cases when the women just happened to be too near men who started fighting; or when as wife of one she interfered with their quarrel. (Compare Deut. 25:11-12.)

The expression "that her fruit depart" could be literally translated "and her children go out" (of her womb). The word "children" is plural because it might be twins.

The word translated "fruit" is *yeled*. This word is almost always translated "child." (It is rendered that way seventy-two times in the King James Bible. See Gen. 21:8; Ex. 2:3, 10.) Sometimes it is rendered "boy" (Zech. 8:5), "son" (Ruth 1:5), or "young man" (Gen. 4:23; I kings 12:8).

The use in Ex. 21:22 of the word *yeled* to describe the woman's aborted fetus is surely no comfort to the advocates of "legalized" abortion. Some writers have used Ex. 21:22 to argue that a fetus is not really a child, and that the abortion of a fetus is not regarded in the law as equally serious to the death of a person after birth.¹¹ (Note Ex. 21:12). But the same term (*yeled*) describes the unborn child that refers to the child after birth.

The Greek O.T. renders 21:22, "And the child come out not perfectly formed." We do not consider this to be an authoritative translation; but it is worth noting that the Greek-speaking Jews understood the verse to refer to a non-liveable fetus.

Hammurabi (Laws 209-212) dictated that if a citizen struck another citizen's daughter and caused her to have a miscarriage, he was to pay ten shekels of silver for her fetus. If the woman died they were to put the striker's *daughter* to death. Hammurabi then decreed that if a citizen caused a commoner's daughter to have a miscarriage, he was to pay five shekels of silver; but if that woman died, he was to pay one-half mina of silver. The law of Moses did not make such

¹¹Surprisingly even Keil and Delitzsch, *ibid*, makes this allegation.

class distinctions among people.

18. *What was to be done if harm followed a miscarriage? (20:23-25)*

In such a case, the one who brought on the miscarriage by hurting the woman was punished in a degree according to what he had done - "life for life, eye for eye, tooth for tooth, etc." This is the so-called *lex talionis*, a Latin expression meaning law of retaliation. Compare Lev. 24:17-21.

The *lex talionis* may seem severe, but it is not a bad law. It makes the penalty fit the crime. It prevents extreme harsh retaliations. It was more valuable as a deterrent than as a penalty.

Cassuto¹² thinks that it is very unlikely that accidentally killing a pregnant woman was punishable by "life for life," when 21:13 says that accidental killers were not to be executed. Also Num. 35:31 indicates that a ransom was to be refused only for the life of a murderer. This led Cassuto to hold that the formula "life for life" is a stereotyped legal saying meaning that the punishment for a crime was to correspond generally to the crime itself, but did not always require exactly the same infliction as punishment. Thus "life for life" sometimes meant only a fair monetary compensation. We feel that this is probably correct; and that "life for life" here probably meant that the slayer was to spend his life in a city of refuge working to repay to the husband the loss of the life of the mother and baby.

Although there is no mention of the decision of *judges* in 21:23-25, the reference to judges in 21:22 causes us to think that the penalty to be inflicted was decided upon by judges. The references in Deut. 19:18-21 to judges deciding in another situation how to administer the "life for life, eye for eye" law strengthens our view that the judges decided the punishments of Ex. 21:23-25.

In ancient times wrongdoings were sometimes punished by the *law of unlimited revenge*. According to this system a

¹²*Op. cit.*, p. 276.

wrongdoer's entire family was wiped out for his misdeed (Gen. 34:25-31). In later times the "eye for an eye" law prevented such extreme punishments, and functioned as a *law of limited revenge*. While this was progress in human relationships, even it will not solve the fightings and enmities of society. To achieve this, men must accept the law taught by Christ, the *law of unlimited forgiveness*: "If thine enemy hunger, feed him; if he thirst, give him drink." (Rom. 12:20).¹³

Matthew 5:38-39: "Ye have heard that it was said, An eye for an eye, and a tooth for a tooth: but I say unto you, Resist not him that is evil: but whosoever smiteth thee on thy right cheek, turn to him the other also."

The Jewish rabbis regarded "eye" and "tooth" as typical of all sorts of injuries, and this is probably true. They enumerated twenty-four bodily organs which come within the operation of this law. Probably that did not exhaust all the possible applications of the law.

Hammurabi gave several laws about personal injuries. He also employed the *lex talionis*, and decreed that if a citizen destroyed the eye of a member of the aristocracy, they should destroy his eye; and if he broke another citizen's bone, they should break his bone. Also if a citizen knocked out a tooth of a citizen of his rank, they were to knock out his tooth. (Laws 196-197, 200). Hammurabi's application of this law shows it was *not* always interpreted to mean that one paid the *value* of a tooth when he knocked one out. His own tooth was knocked out!

19. *What was the penalty for injuring slaves? (21:26-27)*

If a man inflicted permanent injury upon his slave, like destroying his eye or knocking out a tooth, the slave or slave girl was set free for the sake of the eye or tooth. We presume that other permanent injuries also brought about emancipation. Compare this law with 21:20-21.

¹³The author learned these three laws of human relationship from Dr. Najib Khouri, a gracious, wise, elderly Arab Christian of Beit Hanina, Israel.

Hammurabi (law 199) decreed that if a citizen destroyed the eye of another citizen's slave or broke the bone of another man's slave, he was to pay one-half his value. Hammurabi says nothing about a man's injuring his own slave.

20. *What was the penalty if an ox gored a man to death? (21:28-29)*

The ox was to be stoned to death, and its flesh was not to be eaten. The owner was then clear of further responsibility. However, if the ox was known to be a gorer in times past, and its owner had not kept it shut up, and it gored a man or woman to death, then the ox was stoned and its owner was also put to death. Probably injuries inflicted by other animals were settled by the example of the law about the ox.

Gen. 9:5-6: "Surely your blood, *the blood* of your lives, will I require; at the hand of every beast will I require it: and at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man."

The ox that killed a man was slain because it had killed a human life, that which is a divine gift and has the image of God. So extreme is the act of taking a life that even the beast, though it has no moral sensibilities, was removed from existence to implant horror for killing. Guilty negligence on the part of the owner was reckoned to be a capital offense, though it could be commuted by a fine.

We suppose that the ox was not eaten because in being stoned it would not be properly bled for slaughtering. Also its carcass would be bruised. Also bloodguiltiness was imputed to the ox.

Law codes in the ancient Near East had several laws similar to Ex. 21:28-29. Hammurabi's law (No. 250) said that if an ox, when it was walking along the street, gored a citizen to death, the case was not subject to claim. The law of Moses required the ox to be slain in such cases.

Hammurabi also commanded (laws #251-252) that if a citizen's ox was a gorer and the city council made it known to him that it was a gorer, but he did not dehorn it or tie up the

ox, and that ox gored to death a member of the aristocracy, he should pay one-half mina of silver. (This law resembles Ex. 21:32). Eshnunna law 54 is quite similar. We notice in these laws a somewhat less positive view of the sacredness of human life than the Torah presupposes.

21. *How might the owner of a killing ox escape execution? (21:30-31)*

The owner of the ox could escape execution if the other people involved (the family of the dead man and the authorities) agreed to lay upon him a ransom for his life. In that case he had to pay whatever was laid upon him as the redemption of his life (soul, Heb. *nepesh*). The words *redemption* and *ransom* are important words for the later teachings about salvation. Note Psalm 49:7-8.

Ex. 21:31 emphasizes the impartiality of the law. The owner of an ox that killed someone after the owner had been warned was either sentenced to death or had a ransom charged for him, regardless of whether the ox gored a son or a daughter. It is barely possible that the law in 21:31 may reflect an acquaintance with a Babylonian law (Hammurabi #229-230). This law sentenced the *son* of a house builder to death if the builder built a house and it collapsed and killed the son of the house owner; the law sentenced the builder himself to death if the house he built collapsed and killed the house owner. The Babylonian law was a severe deterrent, but it did punish the innocent son for the sins of his father. The Hebrew law put the penalty where it belonged, upon the negligent manslayer. The children were not to be put to death for the sins of the father (Deut. 24:16).

22. *What was the penalty if an ox gored a slave? (21:32)*

The owner of the ox gave to the master of the slave (whether the slave was male or female) thirty shekels of silver and the ox was stoned.

This law is one of the very few rules in Israel's law which shows a differentiation in the evaluation of bond and free men. But the slave was still a person, and the ox that gored the slave was slain.

Ex. 21:32 reveals the price of a dead slave - thirty pieces (shekels) of silver! See Zech. 11:12; Matt. 26:15.

Hammurabi's law (No. 252) prescribed a payment of one-third of a mina of silver as payment to a slave's owner if he were fatally gored, but the goring ox was not to be destroyed.

23. *What was the penalty for causing an animal's death in a pit? (21:33-34)*

If a man dug a pit and did not cover it adequately, and an animal belonging to someone else fell into it, the owner of the pit had to pay for the dead animal, and the dead beast was given to the pit owner. (A dead ox would probably be more trouble than benefit! Imagine trying to remove a dead ox from a pit!) The text does not indicate what judgment was to be given if the animal in the pit was only injured.

Pits of various types were common in Israel. They were dug into the bed rock (which is often very near the surface), for water cisterns, for grain storage, for traps for animals (II Sam. 23:20), or prisons for men (Jer. 38:6), or military defences (Jer. 41:9).

The principle of personal liability for the physical safety of people and animals is clearly stated in God's law. We who are Christians do not have in the New Testament all the detailed instructions about safety which are given in the law, such as rules about covering pits or building railings around the edges of flat roof tops. But we who are under the gospel of Christ are more obligated to protect the safety and lives of people than were the people under the law. We can receive guidance from the law and internal motivation from the Holy Spirit within.

Romans 13:9-10: "If there be any other commandment, it is summed up in this word, namely, Thou shalt love thy neighbor as thyself. Love worketh no ill to his neighbor; love therefore is the fulfillment of the law."

24. *What was the judgment if one man's ox killed another man's ox? (21:35-36)*

In such a case the live ox was sold and the money was divided between both men. The dead ox was also divided

between them. This provision very probably ended up with both men being losers, but not losers to the degree that they would have been without this protective law.

If the ox that killed the other ox was known to be a gorer in times past and the owner had been warned and had not kept it in, then the owner assuredly paid for the dead ox totally, but the dead beast was to be his (21:36).

One of the laws at Eshnunna (No. 53) was very similar to the Hebrew law. It decreed that if an ox gored another ox and caused its death, that both ox owners should divide among themselves the price of the live ox and also the equivalent of the dead ox.

The concern often expressed in the O.T. prophets for fair dealing had its roots in the law of Moses, and, of course, ultimately in the very nature of God. To a struggling Israelite farmer a fair payment for the death of an ox might mean the difference between subsistence and hunger, or between freedom and slavery for debt.¹⁴

THE TEXT OF EXODUS
TRANSLATION

22 If a man shall steal an ox, or a sheep, and kill it, or sell it; he shall pay five oxen for an ox, and four sheep for a sheep. (2) If the thief be found breaking in, and be smitten so that he dieth, there shall be no bloodguiltiness for him. (3) If the sun be risen upon him, there shall be bloodguiltiness for him; he shall make restitution: if he have nothing, then he shall be sold for his theft. (4) If the theft be found in his hand alive, whether it be ox, or ass, or sheep; he shall pay double.

(5) If a man shall cause a field or vineyard to be eaten, and shall let his beast loose, and it feed in another man's field; of the

¹⁴Cole, *op. cit.*, p. 170.