

DHW

LESSON 19

The Book of Exodus

Chapter 21

INTRODUCTION

This chapter together with the following two chapters (22 & 23) has been called *the book of the covenant* taken from 24:7.¹ These three chapters contain laws that deal with the civil, criminal, and ceremonial aspects of the life of the Israelites. The laws do not cover all the aspects relating to the life of the people, but rather specific situations that relate to the treatment of slaves, injury to persons, moral and religious duties, and human and property rights. They can be viewed as applications of the Ten Commandments (20:1-17).

It has been criticized prior to 1902 that these unique law codes

¹Exodus 24:7 *And he took the book of the covenant, and read in the audience of the people: and they said, All that the LORD hath said will we do, and be obedient.*

could not have happened in the time of Moses (around 1445 B.C.), and that they were of a much later date. But the discovery of the famous law code of Hammurabi (around 1728-1686 B.C.), which was discovered in January 1902, totally debunked such dubious thinking. Although the Hammurabi Code contains some similarities with *the book of covenant*, it does not mean that Moses copied from the Hammurabi code. This is what the critics now argue about. Again a comparison of the two reveals that there are significant differences.² The Bible clearly states that the laws of *the book of covenant* were given by God directly to the people of Israel through Moses at Mount Sinai (20:22).

The study of these laws will help us to formulate the right ethical principles of fairness, justice, punishment and compassion.

The following is an outline of the chapter:

² For a discussion of this controversy, refer to John J. Davis, *Moses and the Gods of Egypt* (Grand Rapids: Baker Book House, 1971), pp.213-216.

- 1) The laws relating to servants (vv. 1-11);
- 2) The laws relating to the penalty of death (vv.12-21);
- 3) The laws of equity relating to personal injuries (vv. 22-27);
- 4) The laws relating to injury on account of an owner's animals (vv. 28-36).

STUDY THE WORD

The Laws Relating to Servants

Human slavery was a common phenomenon in the ancient world. These slaves were treated as the property of their owners and they had no rights whatever. That God should address this first is understandable since the Israelites were slaves in Egypt, and they had been treated cruelly. While God permitted this practice then, the *judgment* or laws were given to further protect and safeguard the rights of the slaves. They were given to regulate the practice. The laws here concerned Hebrew slaves. Hebrew slaves were acquired by

purchase. The father could either sell his children only to another Hebrew to pay for his financial obligations or sell themselves to pay a debt.

When a Hebrew bought another Hebrew to be a servant, the servant should serve him only for a period of six years, and in the seventh year the latter must be set free with no compensation (v.2). The Hebrew slaves would not serve permanently nor would he serve against his will. This was unique in the practice of slavery in Israel as contrasted with the practice of slavery in the Ancient Near East.

If he came alone, he would leave alone after six years. If he came with his wife, then his wife would leave with him after he had completed his servitude (v.3). But if his master gave him a wife, and children were born to him, after six years, he would have to leave alone, and his wife and children would remain with the master (v.4). This may seem harsh. But we must consider the economic and cultural

conditions at that time. The freed servant could not support his wife and family. If his wife and family left with him, the extra mouths and accommodation to provide would be a deterrent for another master to consider taking them in. The imposition of not letting him take his wife and family was to ensure that his family could have continued support and sustenance. In addition to these, the freed servant had a better chance of serving another master, if he was alone. However, the servant could of his own free will choose to remain with his master. In that case, this would be formally done. His master would bring the matter before the judges and then he would pierce his ear. He with his family would then serve his master permanently.

In the case of a man, who sold his daughter to be a maidservant, the conditions of her release after serving six years would not be the same as the male servants. If her master, who had wanted her in the

first place to be his wife or secondary wife, but she refused to do so, he must let her be redeemed by another Hebrew. He was forbidden to sell her to a foreigner (vv.7, 8). Moreover, if the master had acquired her to be married to his son, then the master must deal with her as his own daughter with all the benefits and privileges. If her husband took another wife, her provision, her clothes, and her marriage rights remain intact. If any of these essentials or her rights were broken she was to be freed and her father would not have to pay any compensation (vv. 9-11).

These laws governing slavery were unique in the ancient world. They were more superior for they promoted the welfare of the slaves and they protected their basic human rights.

In our modern society, working for a company is like working as a slave or a servant. However, the workers enjoy certain rights and privileges. The point is that as workers serving a company,

they ought to be faithful and loyal to the company insofar as they are not to do anything that contravenes the Law of God. Moreover, the Christian worker should adopt the attitude that he serves the Lord Jesus Christ rather than men.

The Laws Relating to the Penalty of Death - Murder

The Word of God is very clear regarding premeditated murder. This intentional murder is punishable by death (v.12). God who created and gave life to man holds a high regard or value on the life of a person for he is made in the image of God. The truth is that the life of a person belongs to God. Only God has the right to determine whether that life should be shortened or extended. No man has that right to take the life of another person. By doing so he usurps the position of God, deprives another person of his right to live and enjoy life, and has violated the law of God (the Sixth Commandment), and he forfeits his own right to live. The

judge could sentence the man to be put to death because the sentence was sanctioned by God. The judge does not commit murder in this case, for he acts as an instrument of God for justice.³

If the killing of a man is not premeditated as suggested by the phrase, *lie not in wait*, and if God delivered (or permitted) the one who killed to fall into the hands of the authority, the man, who committed the fatal blow could escape the death penalty, but he would be remanded in a place which God would reveal later on.⁴ This second case is akin to present law concerning culpable homicide not amounting to murder. In such cases, the guilty party shall escape the penalty of death but shall be imprisoned.

³ Romans 13:4 *For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.*

⁴ These places were the cities of refuge which God commanded Joshua to set up for people to flee. There were six such cities, three on the western part of Jordan and three on the eastern part of Jordan (Joshua 20).

Smiting Parents

Another act that carried the death penalty which God imposed on the children of Israel was when a person *smiteth his father, or his mother*, that person would be *surely* put to death (vv. 15, 17). The word “smiteth” in Hebrew *nakah* has the meaning of “to strike, beat, scourge or curse.” This was a practical application of the violation of the Fifth Commandment. This indeed shows that God takes a serious view with regard to honouring one’s parents. The sentence serves as an effective deterrent to subvert the fundamental unity and harmony of a family, which is very vital to the welfare of the nation as a whole.

Kidnapping

The Word of God is clear on the crime of kidnapping. Kidnapping a man for sale or for ransom is capital crime. It is punishable by death (v.16). This crime is a violation of the eighth and tenth commandment. Kidnapping a man is a form of stealing and to sell or demand

money for their victims is an unjust means borne out of greed and covetousness.

The Laws of Equity Relating to Personal Injuries

If two men are engaged in a fight, and one hits the other unfairly with an object or just his fist, but did not result in death, the one who hurts the other must compensate the injured for the loss of his time (to work) and for the cost of medical expenses for the healing of his wounds (vv. 18, 19). While the law is silent on the infliction of permanent injury, it would not be far wrong to understand that compensation must commensurate with the extent of the injury. In other words, the injured would be cared for the rest of his life.

If an owner strikes his manservant or his maid-servant with a rod and the servant dies *under his hand*, it would be a capital crime, and he would surely be put to death. However, if the servant lived on for one or two days, and then died, the master would be given the benefit

of the doubt, and he would be freed from the death penalty (vv.20, 21).

A Woman with Child

When men fought and one of them hurt a pregnant woman so that a miscarriage resulted, but no other damage ensued, the one responsible for the injury must pay compensation according to the amount as the husband of the woman demanded or as the judges determined. But if there were other injuries, the compensation should be *life for life, eye for eye, tooth for tooth, hand for hand, foot for foot* (vv.23-25). This is the principle of *lex taliones*, a law which was well known in the Ancient Near East. Although this was the most exact way of judgment, it nevertheless presented some problems: how was the force of a blow to be accurately measured, how much burns or wounds to be inflicted as to be equitable, what happened if one had one eye, what would be the price of his blindness. It is clear that the intention of the law was to establish

appropriate justice or fairness in giving judgments for certain criminal acts. The principle of equity is envisaged here. However, in the case of a man who struck his man-servant or maid so that one of his or her eyes was irreparably damaged, the man must let the servant go free. The same applies if the servant lost a tooth.

The Laws Relating to Injury by an Owner's Animals

If an ox should gore a man or a woman to death that ox should be stoned and its flesh could not be eaten (v.28). The owner of the ox would be acquitted. On the other hand, if the owner had foreknowledge that his ox was uncontrollable and had previously injured others, and he did nothing to prevent his ox of harming others, the owner of the ox that killed a man or woman would also be sentenced to death (v.29). But here the law provided an escape for the owner from the penalty of death. In reality, the crime of the man was

not intentional, but one of negligence. He was allowed to redeem himself by a payment of money. The amount to be paid would be determined by the judges (vv. 30, 31). In the case of the ox which killed a man-servant or a maid-servant, the redemption money was thirty shekels of silver (the redemption price of a slave). Nevertheless the ox would be killed (v.32).

Injuries Caused by Negligence

If a man left open a pit or dug one, and an ox or an ass was to fall into it, the owner of the pit should compensate to the owner of the ox or ass, but the dead animal would be given to the owner of the pit (v.33). Pits and cisterns were very common in those regions where there was a lack of rain water. These cisterns and pits were necessary for the storage of water during the dry season. They were usually covered by stone and it was the duty of one who owned that cistern to be sure that it was

covered over so that men or animals should not fall into it.

If a man's ox hurt another man's ox that one of the oxen died, then the two men should sell the ox, which was alive. The money was to be divided into half. The dead ox would also be divided into half. On the other hand, if it was known that the ox had a history of hurting other oxen and the owner did nothing to prevent such occurrence, he should pay for the ox that was killed, but the dead ox would belong to the compensator.

PRACTICAL VALUE

As we can see that the cases cited here are practical applications of the Ten Commandments to specifically regulate the life and harmony of the Israeli community. But this system of justice is being practised in many countries today. There is no better law of equity than the one that is shown in this chapter.

This is not an exhaustive list of cases. Indeed it would be

impossible and also voluminous. What can be drawn from these specific cases are the underlying principles of the decisions made to redress the wrongdoing. In this chapter it covers the relationship between a man and his slave (this can be applied to modern day employer and employee relationship), injuries to parents and persons, injuries committed by a person's animals, and injuries caused by acts of negligence. These laws and judgments are both righteous and good.

For our own guideline and benefit when we are involved in a dispute and compensation has to be considered, the principles set out in this chapter are useful as the judgment is just and equitable. Both parties should be satisfied and agreeable. AMEN