

## Bible Study # 36 Exodus 21.12–32 03–19–2021

Human life was indeed precious, because men and women had been made in God's image (Gen. 1:27). Hence to attack a fellow human being was in essence an attack upon God himself (Gen. 9:6). So serious were certain crimes in Israel that the death penalty was the appropriate punishment. Four homicides and the case of kidnapping are set out in verses 12-17, and they are expanded later in Deuteronomy 21:1-9; 24:7; 27:24-25.

Whether or not a killing was intentional was an important consideration. While the verdict of death for manslaughter is given in verse 12, the following verse indicates that if the death was not one of premeditated murder, then there could be a place of safety for the murderer.

The expression covering lack of intention to murder is unusual: lit. 'and God allowed to happen to his hand'. The verb is rare (only here and in 2 Kings 5:7; Ps. 91:10; and Prov. 12:21) but the meaning seems to be as the LXX translated, 'but God did not give into his hands'.

In such a case, the murderer could flee for safety to the place God had provided. Before Israel crossed into Jordan, three cities were designated as cities of refuge (Deut. 4:41-43), while three other cities were appointed later on the west bank (Deut. 19:1-13).

The idea was clearly that anyone killing someone unintentionally could as quickly as possible get to these cities, but the practice is only referred to in the Old Testament in 1 Kings 1:50-53 and 2:28-34. However, where deliberate and malicious intent was involved, no safety was afforded by going to the altar, for from there the murderer was to be taken and executed.

An attack upon parents was a breach of the Fifth Word ('Honor your father and your mother ...'), and such disrespect would amount to rebellion against God. The reason for this was confirmed by the promise of long life in Canaan on condition of obedience to God's commands (20:12).

Parents were appointed as representatives of God, exercising His rule in the family circle. The word used for 'strike' may well have the stronger meaning of 'strike fatally' or 'kill' (see NIV footnote).

Kidnapping was an affront to human dignity by overlooking another person's status before God, and also by treating him/her as mere property. Theft was a serious matter, but even more serious was theft of a human life, since that person had been made in God's image. There was to be no human trafficking, and if the perpetrator of the offence still had the victim with him when caught, he was to be put to death.

Alongside the offence of striking (or killing) a parent (v. 15), cursing father or mother was also punishable by death. The verb 'to curse' has the basic idea of making small or insignificant, and hence the very opposite of the demand for honor stated in the Fifth Word (20:12). It was doubly serious because it was an attack upon God's image-bearer, and also an act of defiance against God's authority delegated to parents.

Later, in the New Testament, that line of authority is recognized in the instruction to fathers to bring up their children in 'the training and instruction of the Lord' (Eph. 6:4). The New Testament also instructs that verbal cursing of another is something that should not occur, as humans have been made in God's likeness (James 3:9).

Injury inflicted after a quarrel is covered by the provision that if the victim does not die but recovers from a blow, the one who caused the injury will not be held responsible for it. However, he must pay compensation for the loss of the victim's time (and money), and also ensure that he is completely healed. Should the victim die, then the provisions of v. 12 would apply.

Another scenario is depicted in vs. 20–21. A distinction is made between two types of injury caused by the beating of slaves. If it causes the slave's death, then due punishment must be meted out (cf. v. 12). Otherwise, a couple of days walking around would demonstrate that the victim had not been fatally injured.

While the explanation is given that the slave belongs to the master by right of purchase (lit. 'for he is his money'), yet humane considerations enter into the legal provisions. These are in marked contrast with Roman law that permitted an owner to kill a slave with impunity.

The next case (vs. 22–25) is that of a pregnant woman intervening in a quarrel between two men, who then gives birth prematurely (or else, has a miscarriage) as a result of 'injury'. The Hebrew verb here for 'fighting' seems to imply the on-going nature of this quarrel, with the combatants trading blows with one another. Even though both mother and child survive, an appropriate sum of money would have to be paid.

In this case, the woman's husband would propose the amount and have it ratified by the elders sitting in judgment. However, if there is injury, presumably either to the mother or the baby, then the *lex talionis* would apply: 'eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise'.

Deuteronomy 19:21 has a slightly abbreviated list, omitting 'burn', 'wound' and 'bruise', and Leviticus 24:19-20 has some variation in restating it as 'fracture for fracture, eye for eye, tooth for tooth'. The intention was to ensure that the punishment fitted the crime, and that no punishment exceeded the hurt committed. This rule prevented harsh vengeance, and instead guaranteed justice.

Our Lord contradicted a very legalistic interpretation of this rule that the Pharisees had adopted, and rejected any idea of personal vengeance (Matt. 5:38-42).

Physical injury to a slave caused by a master's abuse of corporal punishment could not go unnoticed or unpunished. Two examples are given of how the *lex talionis* would apply. If an eye were seriously damaged and sight destroyed, then compensation had to be paid. Likewise, the loss of a tooth also required compensation. In both cases, the penalty to the master was that the slave would go free.

The formula is identical in both cases: 'To freedom he shall send him away on account of the eye [tooth]'. For unplanned injury to a slave, a master had to reckon with economic consequences. He would lose the financial gain of having the slave working for him. This was a strong deterrent against any physical abuse of slaves.

The final case of personal injury concerns being gored by an ox. The distinction is drawn between an unexpected event and one that could have been predicted. The first is the case of an ox suddenly goring a man or a woman. Immediately the provision of Genesis 9:4-6 comes into play, in which God required the life of man or animal that took human life.

He had said: 'I will demand an accounting from every animal. And from each man, too, I will demand an accounting for the life of his fellow man' (v. 5). Hence, the flesh of that animal was not to be eaten, but the owner would not suffer any other penalty. He would be innocent, i.e., free from punishment.

The second case relates to an ox with the known habit of goring. If the owner does not guard it, and it then gores a man or a woman, both the ox and the owner are to be put to death. The same law applied if the ox gored a son or daughter of the household (v. 31).

There was a way in which the owner could escape the death penalty in these cases, and this involved the payment of ransom money. Since Numbers 35:31 states that no ransom could be paid for the life of a murderer, this means that while the owner of the ox was negligent, he was not technically a murderer and so a ransom was permissible.

Presumably, the ransom price was set in a way comparable to what has been described in verse 22. The life of male and female slaves was valuable, and their rights had to be protected. They were not in the same privileged position as family members, but if gored, the ox was killed and thirty shekels of silver was paid to the slave's master. This may have been the standard figure for the redemption of a slave.

Next we will continue with Exodus 21:33–22:9.