



Exodus - Chapter Twenty One

II. Exodus 19:1-40:38 - The Covenant at Sinai (continues)

II.b Exodus 20:1-23:33 - Covenant Words and Rules (continues)

Summary of Chapter Twenty One

The first law in this chapter is the way in which both male and female slaves shall be treated and the rights they have. It states the length of their service and how they should be treated once that service is completed.

The second law deals with justice for violent crime, including who should face capital punishment for their crime and who should make reparation for lesser crimes. It spells out the principle of an 'eye for an eye.'

The third law determines the reparation for any injury or damage caused by a person's ox. Liability does not lie with the owner unless there is evidence that the animal had caused human deaths in the past and the owner had not taken appropriate safeguarding measures to prevent a reoccurrence.

II.b.iii Exodus 21:1-11 - The Law concerning Slaves

All of these laws pertain to slaves in Israel and seek to govern the movement of people in and out of a household in a way that is just – both for them and for the household of which they have been a part. Israelites are to remember what life was like in Egypt and to avoid oppressing one another in the same manner; refer also to Leviticus 25:35-46.

Although the restitution for slaves is governed by their social situation, their identity as full human beings, rather than mere possessions, is assumed, since they are not included in the laws governing the loss of property; refer also to Exodus 21:33-22:15. This is also confirmed in the comments made on 1 Corinthians 7:21, Ephesians 6:5, Colossians 3:22-25 and Philemon 18-19.

¹ These are the ordinances that you shall set before them:

Exodus 21:1

The word translated ordinances could also be rendered as rulings or judgements, i.e. decisions by a judge that could be used to mediate particular disputes between people in Israel. Moses would later remind them of the purpose of these laws: <<*Now this is the commandment – the statutes and the ordinances – that the Lord your God charged me to teach you to observe in the land that you are about to cross into and occupy, so that you and your children and your children’s children may fear the Lord your God all the days of your life, and keep all his decrees and his commandments that I am commanding you, so that your days may be long*>> (Deuteronomy 6:1-2).

Exodus Chapters 21-23 contain many laws on a wide variety of subjects, including:

- Employment law regarding the treatment of servants.
- Murder, manslaughter, and violent assault.
- Liability for one’s animals and responsibility for the animals of others.
- Theft, responsibility, and restitution.
- Rape, dowry, and the value of a woman’s virginity.
- Idolatry and sorcery.
- Treatment of disadvantaged people in society.
- Money and property lending.
- Justice and equal standing before the law.

That you shall set before them. The wide-ranging character of these laws show that God gave them both for the laws in themselves, but also for the principles and precedent they would establish for the judges appointed by Moses.

The laws decreed by God and given through Moses were the first human rights acts, in place more than two thousand years before King John of England was forced to sign Magna Carta in 1215!

² When you buy a male Hebrew slave, he shall serve for six years, but in the seventh he shall go out a free person, without debt. ³ If he comes in single, he shall go out single; if he comes in married, then his wife shall go out with him. ⁴ If his master gives him a wife and she bears him sons or daughters, the wife and her children shall be her master’s and he shall go out alone.

Exodus 21:2-4

When you buy a male Hebrew slave. With ancient Israel, as in the entire ancient world, there were people who worked for others on the principle of servitude.

They were slaves in some sense, although not necessarily in the brutal and degraded sense most think of slavery. Some think that the Bible is responsible for slavery. The opposite is true; slavery existed long before Israel or Moses. The Bible provides guidance for the elimination of slavery, not its establishment.

There were four basic ways a Hebrew might become a slave to another Hebrew:

- In extreme poverty, they might sell their liberty: *<<If any who are dependent on you become so impoverished that they sell themselves to you, you shall not make them serve as slaves>> (Leviticus 25:39).*
- A father might sell a daughter as a servant into a home with the intention that she would eventually marry into that family (v.7).
- In the case of bankruptcy, a man might become servant to his creditors: *<<Now the wife of a member of the company of prophets cried to Elisha, 'Your servant my husband is dead; and you know that your servant feared the Lord, but a creditor has come to take my two children as slaves'>> (2 Kings 4:1).*
- If a thief had nothing with which to pay proper restitution: *<<When the animal, whether ox or donkey or sheep, is found alive in the thief's possession, the thief shall pay double>> (Exodus 22:4).*

The ideas of man-stealing and life-long servitude - the concepts many have of slavery - simply do not apply to the practice of slavery in the OT. Normally, slavery was:

- Chosen or mutually arranged.
- Of limited duration.
- Highly regulated.

Many slaves or bond servants, Greek *doulos*, were actually held in high regard in the family and were often involved in managing the family business, as indicated by Jesus in the Parable of the Talents: *<<For it is as if a man, going on a journey, summoned his slaves and entrusted his property to them>> (Matthew 25:14).*

He shall serve for six years, but in the seventh he shall go out a free person. In all of the four above mentioned cases, the servitude was never obligated to be life-long. The Hebrew servant worked for six years and then was set free. Just as the rhythm of Israel's life is to be six days of work and then a Sabbath of rest to the Lord (20:8-11), so there will be patterns of giving rest to a slave after six years of service, to the land after six years of cultivation (23:10-11 and Leviticus 25:1-6), and to both people and land in the Year of Jubilee after seven sets of seven years (Leviticus 25:8-22). Israel's life is to image the pattern set by the Lord in creation (Genesis 2:1-3), so that they will continually trust him for their provision.

If he comes in single, he shall go out single; if he comes in married, then his wife shall go out with him. At the end of the six years the servant went out with what he came in with. If the master provided a wife, and therefore probably children, the wife and children had to stay with the master until they had fulfilled their obligations or could be redeemed. Single is literally ‘with his back’, i.e. ‘bare back and nothing more’. The phrase is vivid and unique, but the meaning is clear. This provision may seem hard today, but the wife was presumably a perpetual slave, and therefore the master’s own property, as her children would also become.

⁵ But if the slave declares, ‘I love my master, my wife, and my children; I will not go out a free person’, ⁶ then his master shall bring him before God. He shall be brought to the door or the doorpost; and his master shall pierce his ear with an awl; and he shall serve him for life.

Exodus 21:5-6

I love my master. Debt was the most common reason that people became slaves. To employ a destitute person as a slave could be seen as a benevolent act, as it guaranteed him food, shelter and probably some income (Genesis 47:23-25). The security provided by a good employer could lead some slaves to choose to remain in that status permanently rather than face the uncertainties of life in an often harsh economic climate.

His master shall bring him before God. This describes the public and recognised ceremony before local elders and in the sight of God for recognising a willing slave, one who had fulfilled his obligation yet still wanted to serve his master out of love.

His master shall pierce his ear with an awl. In the ceremony, the servant’s ear was pierced, i.e. opened, with an awl. This was done in the presence of witnesses, and afterwards the slave shall serve his master forever. It is a remarkable thing to think of this ceremony being carried out. A servant said, “I know I have fulfilled my obligations to my master, and I have served out the time for what I have owed. Yet I love my master and am so grateful for what he has given that I will gladly obligate myself for life, not out of debt or shame or defeat, but out of love.” Psalm 40:6a later spoke of this ceremony taking place between the Father and the Son, where the psalmist spoke prophetically for the Messiah: <<***Sacrifice and offering you do not desire, but you have given me an open ear***>>. Jesus was a perfect bond-servant to the Father, for he: <<***emptied himself, taking the form of a slave, being born in human likeness. And being found in human form, he humbled himself and became obedient to the point of death – even death on a cross***>> (Philippians 2:7-8).

He shall serve him for life. Jesus provided the right for his followers to be called friends instead of servants (John 15:15). Yet the writers of the NT found plenty of glory in simply being considered bondservants of Jesus: <<*Paul, a servant of Jesus Christ, called to be an apostle, set apart for the gospel of God*>> (Romans 1:1), <<*James, a servant of God and of the Lord Jesus Christ, To the twelve tribes in the Dispersion: Greetings*>> (James 1:1), <<*Simeon Peter, a servant and apostle of Jesus Christ, To those who have received a faith as precious as ours through the righteousness of our God and Saviour Jesus Christ*>> (2 Peter 1:1), and: <<*Jude, a servant of Jesus Christ and brother of James, To those who are called, who are beloved in God the Father and kept safe for Jesus Christ*>> (Jude 1).

⁷ When a man sells his daughter as a slave, she shall not go out as the male slaves do. ⁸ If she does not please her master, who designated her for himself, then he shall let her be redeemed; he shall have no right to sell her to a foreign people, since he has dealt unfairly with her. ⁹ If he designates her for his son, he shall deal with her as with a daughter. ¹⁰ If he takes another wife to himself, he shall not diminish the food, clothing, or marital rights of the first wife. ¹¹ And if he does not do these three things for her, she shall go out without debt, without payment of money.

Exodus 21:7-11

When a man sells his daughter as a slave. If a poor family could not afford the costs of a normal wedding, i.e. the bride would need a dowry, the father might sell his daughter to a wealthy man as his slave, i.e. as a secondary wife like Zilpah and Bilhah in Genesis 29:24-29, or as a wife to the wealthy man's son. As wives from poor families, they could face exploitation, which these laws aim to prevent.

He shall let her be redeemed. If her master did not marry her or decided not to give her to his son, the master was still obligated to respect her rights under God's law. He had to treat her well and give her the opportunity to escape the obligation of servitude.

He shall not diminish the food, clothing, or marital rights of the first wife. If the girl received into the home with the expectation of future marriage did not work out, she was not to be treated poorly. She was not to be deprived the comforts of the home; instead she must be treated according to the custom of daughters, i.e. treated like **a daughter**, not like a slave.

She shall go out without debt, without payment of money. If the household failed in their obligations toward the girl received into the home with the expectation of future marriage, she was granted freedom. These were remarkable

protections of ones who might be disadvantaged. The girl in this circumstance - out of her birth home and released by her natural parents - had no natural protector in that society. God directed the judges of Israel to be her protector.

II.b.iv Exodus 21:12-27 - The Law concerning Violence

These laws relate to situations in which someone has been injured by another person, whether there was intent or not.

¹² Whoever strikes a person mortally shall be put to death. ¹³ If it was not premeditated, but came about by an act of God, then I will appoint for you a place to which the killer may flee. ¹⁴ But if someone wilfully attacks and kills another by treachery, you shall take the killer from my altar for execution.

Exodus 21:12-14

Whoever strikes a person mortally shall be put to death. The principle for capital punishment goes back to: <<*Whoever sheds the blood of a human, by a human shall that person's blood be shed; for in his own image God made humankind*>> (Genesis 9:6). The right for the state to use the sword of execution is also stated in the NT: <<*For rulers are not a terror to good conduct, but to bad. Do you wish to have no fear of the authority? Then do what is good, and you will receive its approval; for it is God's servant for your good. But if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer*>> (Romans 13:3-4).

If it was not premeditated. God told the judges of Israel to look for evidence of premeditation and treachery. God did not place accidents or crimes of passion or neglect on the same plane as crimes of premeditation and treachery. However, there is clearly an element of responsibility to be answered in all cases.

The reference to a place to which the killer may flee looks forward to the cities of refuge that the Lord will prescribe in order to protect someone who killed unintentionally until their case can be judged; refer to Numbers 35:9-15.

You shall take the killer from my altar for execution. The principle of punishing murderers is so important to God that he denied murderers refuge at his altar. According to almost universal custom in the ancient world, a religious altar was a place of sanctuary against justice or vengeance. An accused man might find safety if he could flee to an altar before he was apprehended. One example is: <<*Adonijah, fearing Solomon, got up and went to grasp the horns of the altar*>> (1 Kings 1:50)

¹⁵ Whoever strikes father or mother shall be put to death.

Exodus 21:15

Whoever strikes father or mother. Such an act would be a direct contravention of God's fifth commandment: <<*Honour your father and your mother*>> (Exodus 20:15a). The death sentence is as much for the blatant disobedience to God as it is to the act against a parent.

¹⁶ Whoever kidnaps a person, whether that person has been sold or is still held in possession, shall be put to death.

Exodus 21:16

Whoever kidnaps a person. This instruction, repeated in Deuteronomy 24:7, indicates that the people of Israel were called to justice not only in the way they treated slaves but also in the manner by which a person could become a slave. However, kidnap does not refer to foreigners who would become enslaved when captured through warfare.

¹⁷ Whoever curses father or mother shall be put to death.

Exodus 21:17

Whoever curses father or mother. This rule is placed among other commandments that deal with either death or physical harm. Its placement here, along with the prescription of the death penalty, highlights the gravity of the command to honour one's parents: <<*Then he said to them, 'You have a fine way of rejecting the commandment of God in order to keep your tradition! For Moses said, "Honour your father and your mother"; and, "Whoever speaks evil of father or mother must surely die"'*>> (Mark 7:9-10). The principle is further illustrated in: <<*If you curse father or mother, your lamp will go out in utter darkness*>> (Proverbs 20:20). As earlier instructions have already indicated, Israel's faithfulness to the Lord is to be formed not simply through its worship but also in the life of the household.

¹⁸ When individuals quarrel and one strikes the other with a stone or fist so that the injured party, though not dead, is confined to bed,
¹⁹ but recovers and walks around outside with the help of a staff, then the assailant shall be free of liability, except to pay for the loss of time, and to arrange for full recovery.

Exodus 21:18-19

When individuals quarrel and one strikes the other. If, because of a conflict, a man was unable to work, i.e. is confined to bed, because of an injury received at the hand of another, the one who injured him must pay compensation to the man

and his family. These laws of compensation for personal injury have parallels in the Code of Hammurabi and in Hittite Laws.

If the injured party recovers and walks around outside with the help of a staff the guilty party was only required to pay for his medical recovery and for his lost time. This is a general principle that still stands although one that can be abused by greedy claimants seeking a more substantial reward.

²⁰ When a slave-owner strikes a male or female slave with a rod and the slave dies immediately, the owner shall be punished. ²¹ But if the slave survives for a day or two, there is no punishment; for the slave is the owner's property.

Exodus 21:20-21

These verses provide a general rule relating to cases in which a slave has been severely beaten by his master, i.e. strikes his slave with a rod. The instruction not to avenge a slave who survives such a beating because the slave is the owner's property relates only to the financial circumstances of the one he serves; it is neither a description of how a slave as a person is to be understood, nor a prescription for how a slave is to be treated. The expectation for how Israelites were to treat one another, and particularly those who were typically oppressed or overlooked, is indicated in the repeated statements at the end of this section of laws: <<*You shall not wrong or oppress a resident alien*>> (Exodus 22:21-24 and 23:6-9).

The slave dies immediately, the owner shall be punished. This shows that in ancient Israel servants could be murdered. In many other cultures, the master was held blameless if he murdered a servant, because the servant was not considered a person. The great advance on ancient thinking is that the slave is considered here as a person and should only be judged according to the law.

²² When people who are fighting injure a pregnant woman so that there is a miscarriage, and yet no further harm follows, the one responsible shall be fined what the woman's husband demands, paying as much as the judges determine. ²³ If any harm follows, then you shall give life for life, ²⁴ eye for eye, tooth for tooth, hand for hand, foot for foot, ²⁵ burn for burn, wound for wound, stripe for stripe.

Exodus 21:22-25

These verses contain phrases that are difficult to interpret. The situation in view is a brawl between men. A pregnant woman nearby is accidentally hit. This results in either a premature live birth or a miscarriage where the child dies. This much is clear, but interpreters disagree about the exact meaning of the Hebrew

traditionally rendered there is no further harm, any harm follows, and the judges determine. According to the traditional view, harm is suffered by either the woman or her baby. Depending on the extent of loss, i.e. the death of the baby, injury to the baby or to the mother, the man who caused the injury shall pay as the judges determine, presumably according to the eye for eye principle.

The one responsible shall be fined what the woman's husband demands. This is an example of a case of retribution, where a pregnant woman was injured in a conflict, and she gave birth prematurely. A penalty was only to be assessed if there was lasting damage. If no lasting damage resulted, there are no damages awarded. Perhaps this was recognition that the law cannot address every loss or consequence, and that only permanent consequences are justly compensated. The husband was the legal guardian of his wife and therefore responsible for making the claim on behalf of his wife.

As the preceding and following laws show (vv.26-32), an eye for eye was not taken literally. It was simply a formula for proportionate punishment or compensation. One implication, however, is that the death of the baby seems to be judged according to the same principles that apply to the taking of other human life, e.g. the death of the mother. The alternative view understands the obscure terms quite differently. This view presupposes that the baby has died, and the issue is who is to pay the penalty for the death of the baby and the injury to the mother. In a fight, it may not be obvious who is responsible for the damaging blow. If the offender is identifiable, he alone must pay for the loss of life – as much as the husband demands.

The eye for eye principle was never intended to provide the right for personal revenge but was always intended to be judged by those in a rightful position to do so. In Israel that would be the elders and religious leaders; in modern countries it would be the judiciary.

If the offender cannot be identified, the community, i.e. you, shall give or pay. This principle also applies to compensation for injuries the woman may have suffered according to the eye-for-eye principle as already noted. By either interpretation, the OT attributes human personhood to the developing baby in the womb, which is confirmed by: <<*Indeed, I was born guilty, a sinner when my mother conceived me*>> (Psalm 51:5), and: <<*For it was you who formed my inward parts; you knit me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; that I know very well. My frame was not hidden from you, when I was being made in secret, intricately woven in the depths of the earth. Your eyes beheld my unformed substance. In your book were written all the days that were formed for me, when none of them as yet existed*>> (Psalm 139:13-16); but the law also distinguishes between death due to wilful murder and death due to negligence.

However understood, this law demonstrates the Bible's concern to protect life, including life in the womb.

The general principle in Israel is that restitution for a life taken or harmed shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe; refer also to Leviticus 24:17-22 and Deuteronomy 19:21. In relation to taking human life, the rule is grounded in humanity being made in God's image and in the way that bloodshed defiles the land in which a holy God dwells with his people; refer to Numbers 35:30-34. A number of scholars now hold that, as the surrounding context makes clear, the principle is not applied literally in every case, but the application of the principle takes into account differing. In Matthew 5:38-42, Jesus shows that this principle, which was meant to guide judges in assessing damages, was never intended as the rule for ordinary interpersonal relationships in which the faithful should seek to imitate God's own generosity.

²⁶ When a slave-owner strikes the eye of a male or female slave, destroying it, the owner shall let the slave go, a free person, to compensate for the eye. ²⁷ If the owner knocks out a tooth of a male or female slave, the slave shall be let go, a free person, to compensate for the tooth.

Exodus 21:26-27

When a slave-owner strikes the eye of a male or female slave, destroying it, the owner shall let the slave go, a free person, to compensate for the eye. The principle of eye for eye had a different application for servants. If injured by the master, the servant received something more precious than an eye, that is, his freedom. These laws do not try to make the master feel a certain way about his slave. Instead, the laws guide the behaviour of the master, giving him incentive to protect and honour his slaves, treating them more like employees than work-animals.

If the owner knocks out a tooth of a male or female slave, the slave shall be let go. If this did not teach them humanity, it taught them caution, as one rash blow might have deprived them of all right to the future services of the slave; and this self-interest obliged them to be cautious and circumspect.

II.b.v Exodus 21:28-36 - Laws concerning Property

These laws relate to situations in which someone has been injured by an animal, particularly the large oxen that were common on farms or used for transportation.

²⁸ When an ox gores a man or a woman to death, the ox shall be stoned, and its flesh shall not be eaten; but the owner of the ox shall not be liable. ²⁹ If the ox has been accustomed to gore in the past, and its owner has been warned but has not restrained it, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. ³⁰ If a ransom is imposed on the owner, then the owner shall pay whatever is imposed for the redemption of the victim's life. ³¹ If it gores a boy or a girl, the owner shall be dealt with according to this same rule. ³² If the ox gores a male or female slave, the owner shall pay to the slave-owner thirty shekels of silver, and the ox shall be stoned.

Exodus 21:28-32

In situations where an animal gores and kills a person, the instruction that it shall be stoned is another illustration for Israel that human life is to be understood as holy to the Lord; refer also to 19:12-13.

The owner of the ox shall not be liable. This law illustrated the principle of intent and neglect. An owner of a man-killing ox could not be held guilty if the animal had no history of aggression towards people. Yet the animal must die, and the owner was forbidden to profit from the animal or its death, i.e. its flesh shall not be eaten. No one was to profit from or regard casually even accidental death.

If the ox has been accustomed to gore in the past, and its owner has been warned but has not restrained it, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. Yet, if an ox owner had an ox or similar animal that he knew to be aggressive and he failed to control the animal, he was guilty of murder and punished as such.

If a ransom is imposed on the owner, then the owner shall pay whatever is imposed for the redemption of the victim's life. It seems that if the survivors of the dead man accepted monetary restitution in lieu of the owner's death, this was an acceptable settlement and the owner would then be allowed to live.

If it gores a boy or a girl, the owner shall be dealt with according to this same rule. The same principles were applied in the death of a minor. They were regarded as people with rights to respect just as with adults.

If the ox gores a male or female slave, the owner shall pay to the slave-owner thirty shekels of silver. If a servant was killed under such circumstances, the price of restitution was thirty shekels of silver, which was considered the price of a slave. Significantly, this was the same price Jesus was sold for when Judas betrayed him (Matthew 26:15).

³³ If someone leaves a pit open, or digs a pit and does not cover it, and an ox or a donkey falls into it, ³⁴ the owner of the pit shall make restitution, giving money to its owner, but keeping the dead animal.

³⁵ If someone's ox hurts the ox of another, so that it dies, then they shall sell the live ox and divide the price of it; and the dead animal they shall also divide. ³⁶ But if it was known that the ox was accustomed to gore in the past, and its owner has not restrained it, the owner shall restore ox for ox, but keep the dead animal.

Exodus 21:33-36

Irresponsible action, such as failing to restrain the animal or not covering a pit, and previous knowledge, like an ox's tendency to gore, are to be taken into consideration when stipulating the sort of restitution that is required.

The owner of the pit shall make restitution, giving money to its owner, but keeping the dead animal. These laws communicate the principle of responsibility for the consequences of an individual's actions upon another. The example given had to do with necessary restitution when the digging of a pit caused the death of an animal.

If someone's ox hurts the ox of another, so that it dies, then they shall sell the live ox and divide the price of it. These laws required the investigation and analysis of judges, so that the application of the law took into account findings of intent and negligence. There is a sense in which these are simply applications of the general principles of justice and fairness.