

Exodus 21 - Civil Law

II. Israel's Covenant: Instruction to be redeemed nation (Ex 19:1—40:38)

(2) Covenant text (Ex 20:1—23:33)

(B) Book of the covenant supplementing the Decalogue (Ex 20:22—23:33)

(b) Laws involving slavery (21:1-11)

(c) Laws concerning bodily injuries (21:12-36)

Exodus 21

(b) Laws involving slavery (21:1-11)

1 "Now these are the ordinances which you are to set before them:

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1 Now these are the judgments which thou shalt set before them.

2 "If you buy a Hebrew slave, he shall serve for six years; but on the seventh he shall leave as a free man without a payment *to you*.

2 "If you buy a Hebrew slave, he shall serve for six years; but on the seventh he shall go out as a free man without payment.

2 "When you acquire a Hebrew servant, he is to serve for six years, and in the seventh he is to go out a free man without paying anything.

2 If thou buy an Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing.

- Slavery was widely practiced in the ANE

— The Mosaic Law protected slaves in Israel much better than laws of other nations protected their slaves

3 If he comes alone, he shall leave alone; if he is the husband of a wife, then his wife shall leave with him.

3 If he comes alone, he shall go out alone; if he is the husband of a wife, then his wife shall go out with him.

3 If he came in by himself, he is to go out by himself. If he was married, his wife is to go out with him.

3 If he came in by himself, he shall go out by himself: if he were 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 belong to her master, and **he shall leave alone.**

4 If his master gives him a wife, and she bears him sons or daughters, the wife and her children shall belong to her master, and he shall go out alone.

4 If his master gives him a wife and she bears him sons or daughters, the wife and children belong to her master, and he is to go out by himself.

4 If his master have given him a wife, and she have born him sons or daughters; the wife and her children shall be her master's, and he shall go out by himself.

- "...he shall leave alone" - unless he pays a ransom for them (Cf. Lev 25:25-28)

Why Did God Permit Slavery?

Slavery as a social institution becomes evil when others disregard the human rights of slaves. God's Law protected the rights of slaves in Israel. Paul did not urge Philemon to set his slave Onesimus free, but rather to treat him as a brother (Philemon 15-17).

Slavery, according to the Mosaic Law, for all practical purposes, was more indentured servanthood similar to Victorian England, than slavery as was known in the US in the 1700-1800s.

5 But if the slave plainly says, 'I love my master, my wife, and my children; I will not leave as a free man,'

5 But if the slave plainly says, 'I love my master, my wife and my children; I will not go out as a free man,'

5 But if the servant, in fact, says, 'I love my master, my wife, and my children, and I won't go out a free man,'

5 And 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 to God, then he shall bring him to the door or the doorpost. And his master shall pierce his ear with an awl; and he shall serve him permanently.

6 then his master shall bring him to God, then he shall bring him to the door or the doorpost. And his master shall pierce his ear with an awl; and he shall serve him permanently.

6 then his master is to bring him before the judges and he is to bring him to the door or to the doorpost. His master is to pierce his ear with an awl, and he is to serve him permanently.

6 Then his master shall bring him unto the judges; he shall also bring him to the door, or unto the door post; and his master shall bore his ear through with an aul; and he shall serve

him for ever.

7 "Now if a man sells his daughter as a female slave, she is not to go free as the male slaves do.

7 "If a man sells his daughter as a female slave, she is not to go free as the male slaves do.

7 "When a man sells his daughter as a servant, she won't go out as the male servants do.

7 And if a man sell his daughter to be a maidservant, she shall not go out as the menservants do.

- Females did not enjoy as much freedom as males in the ANE or in Israel. They were subject to the fathers or husbands in authority over them, as well as to God.

- Verses 7-11 describe a girl whom her father sells as a "slave" (Heb. *'amah*, v7) for marriage, not for slavery

— In such a case, the girl would become the "slave" (or maid) of the father of her husband-to-be, who would then give ("designate," v8) her to his son as his wife

— She would remain in her prospective father-in-law's household, unless or until someone redeemed her before the consummation of her marriage

8 If she is displeasing in the eyes of her master who designated her for himself, then he shall let her be redeemed. He does not have authority to sell her to a foreign people, because of his unfairness to her.

8 If she is displeasing in the eyes of her master who designated her for himself, then he shall let her be redeemed. He does not have authority to sell her to a foreign people because of his unfairness to her.

8 If she's displeasing to her master who selected her for himself, he must let her be redeemed. He does not have the right to sell her to foreign people, because he has dealt unfairly with her.

8 If she please not her master, who hath betrothed her to himself, then shall he let her be redeemed: to sell her unto a strange nation he shall have no power, seeing he hath dealt deceitfully with her.

- If for some reason her prospective father-in-law became displeased with her, he was to allow someone to redeem her (set her free by the payment of a price)

— Her "redeemer" could be herself or someone else (Cf. Deut 24:1)

— Her master was not to sell her like a slave to some other person—a "foreign" person in that sense (v8). Such treatment would be unfair to her, because it would have violated her legitimate human rights.

9 And if he designates her for his son, he shall deal with her according to the custom of daughters.

9 If he designates her for his son, he shall deal with her according to the custom of daughters.

9 If he has selected her for his son, he is to treat her according to the ordinance for daughters.

9 And if he have betrothed her unto his son, he shall deal with her after the manner of daughters.

10 If he takes to himself another woman, he may not reduce her food, her clothing, or her **conjugal rights**.

10 If he takes to himself another woman, he may not reduce her food, her clothing, or her conjugal rights.

10 If he takes another woman for himself, he may not withhold from the first her food, her clothing, or her marital rights.

10 If he take him another wife; her food, her raiment, and her duty of marriage, shall he not diminish.

- Some scholars argue that because God gave legislation in the Mosaic Law governing the conduct of polygamous Israelite men (Cf. here; Deut 21:15), He therefore approved of polygamy

— Yet God made His will concerning monogamy clear from the beginning (Gen 2:24); both Jesus (Matt 19:5; Mark 10:7-8) and Paul (1 Cor 6:16; Eph 5:31) reaffirmed monogamy

— The legislation cited in Deuteronomy is just one example of many laws that regulated the conduct of disobedient Israelites

- "...conjugal rights" - refers to her living quarters and other support provisions, not sexual intercourse

11 But if he will not do these three *things* for her, then she shall go free for nothing, without *payment of money*.

11 If he will not do these three *things* for her, then she shall go out for nothing, without *payment of money*.

11 If he does not do these three things for her, she may go out without paying anything at all."

11 And if he do not these three unto her, then shall she go out free without money.

(c) Laws concerning bodily injuries (21:12-36)

All of the crimes in v12-17 were worthy of death, and were serious in God's eyes. They either violated a basic right of a human being created in God's image, or were expressions of rebellion against God's revealed authority in the home, the basic unit of society.

12 "He who strikes someone so that he dies shall certainly be put to death.

12 "He who strikes a man so that he dies shall surely be put to death.

12 "Whoever strikes a man so that he dies is certainly to be put to death.

12 He that smiteth a man, so that he die, shall be surely put to death.

- The Torah upheld capital punishment for murder (v12), which God commanded of Noah (Gen 9:6), however the Law did not permit capital punishment in the case of manslaughter (unpremeditated murder, Cf. v13)

13 Yet if he did not lie in wait *for him*, but God caused *him* to fall into his hand, then I will appoint you a place to which he may flee.

13 But if he did not lie in wait *for him*, but God let *him* fall into his hand, then I will appoint you a place to which he may flee.

13 If he didn't lie in wait, but God let him fall into his reach, then I'll appoint for you a place to which he may flee.

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.

- In the ANE, whoever sought sanctuary in a sacred place was safe from punishment, even for premeditated murder, however the Torah removed that protection in case of murder

— God regarded the sanctity of human life as greater than the sanctity of a place

- The concept of the City of Refuge (introduced in Num 35:11-30 and amplified in the book of Joshua) was that if you were involved in manslaughter (duty of kinsman to avenge blood; Num 35:19-25; Deut 19:12) one could flee to a city of refuge (Joshua 20:7-8) and stay there until the High priest died (Num 35:19-25; Deut 19; Joshua 20)

14 If, however, someone is enraged against his neighbor, so as to kill him in a cunning way, you are to take him *even* from My altar, to be put to death.

14 If, however, a man acts presumptuously toward his neighbor, so as to kill him craftily, you are to take him *even* from My altar, that he may die.

14 If a man acts deliberately against his neighbor, to kill him by treachery, you are to take him to die even if he's at my altar.

14 But if a man come presumptuously upon his neighbour, to slay him with guile; thou shalt take him from mine altar, that he may die.

15 "And one who strikes his father or his mother shall certainly be put to death.

15 "He who strikes his father or his mother shall surely be put to death.

15 "Whoever strikes his father or his mother is certainly to be put to death.

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

- The Torah authorized the death penalty for striking your mother or father (as well as verbal dishonor, Cf. v17)

16 "Now one who kidnaps someone, whether he sells him or he is found in his possession, shall certainly be put to death.

16 "He who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death.

16 "Whoever kidnaps a person, whether he has sold him or whether the victim is still in his possession, is certainly to be 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.

- Kidnaping and selling into slavery held a punishment of death

17 "And one who curses his father or his mother shall certainly be put to death.

17 "He who curses his father or his mother shall surely be put to death.

17 "Whoever curses his father or his mother is certainly to be put to death.

17 And he that curseth his father, or his mother, shall surely be put to death.

- Verbal dishonor of parents warranted the death penalty

18 "Now if people have a quarrel and one strikes the other with a stone or with a fist, and he does not die but is confined to bed,

18 "If men have a quarrel and one strikes the other with a stone or with *his* fist, and he does not die but remains in bed,

18 "If people quarrel and one strikes the other with a rock or his fist, and he does not die but ends up in bed,

18 And if men strive together, and one smite another with a stone, or with his fist, and he die not, but keepeth his bed:

19 if he gets up and walks around outside on his staff, then he who struck him shall go unpunished; he shall only pay for his loss of time, and shall pay for his care until he is completely healed.

19 if he gets up and walks around outside on his staff, then he who struck him shall go unpunished; he shall only pay for his loss of time, and shall take care of him until he is completely healed.

19 and the injured person then gets up and walks around outside with the help of his staff, the one who struck him is not liable, except that he is to compensate him for his loss of time and take care of his complete recovery.

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.
- The Torah made no distinction in the penalty assessed based on an aggressor's intentions (v18-28). Striking another person was wrong regardless of the reason for doing so.

20 "And if someone strikes his male or female slave with a rod and *the slave* dies at his hand, he shall be punished.

20 "If a man strikes his male or female slave with a rod and he dies at his hand, he shall be punished.

20 "If a man strikes his male or female servant with a stick and he or she dies as a direct result, the master must be punished.

20 And if a man smite his servant, or his maid, with a rod, and he die under his hand; he shall be surely punished.

21 If, however, *the slave* survives a day or two, no vengeance shall be taken; for *the slave* is his property.

21 If, however, he survives a day or two, no vengeance shall be taken; for he is his property.

21 But if the servant survives a day or two, the master is not to be punished because the servant is his property.

21 Notwithstanding, if he continue a day or two, he shall not be punished: for he is his money.

- As with other people, slaves also enjoyed protection from murderers (v20; Cf. v12)

— However, the slave owner likewise experienced protection from execution, if his punishment of a slave was not the direct cause of the slave's death

— In such a case, the law regarded the loss of the slave as sufficient punishment of the master (v21)

22 "Now if people struggle with each other and strike a pregnant woman so that she gives birth prematurely, but there is no injury, *the guilty person* shall certainly be fined as the woman's husband may demand of him, and he shall pay as the judges *decide*.

22 "If men struggle with each other and strike a woman with child so that she gives birth prematurely, yet there is no injury, he shall surely be fined as the woman's husband may demand of him, and he shall pay as the judges *decide*.

22 "If two men are fighting and they strike a pregnant woman and her children are born prematurely, but there is no harm, he is certainly to be fined as the husband of the woman demands of him, and he will pay as the court decides.

22 If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished, according as the woman's husband will lay upon him; and he shall pay as the judges determine.

23 But if there is *any further* injury, then you shall appoint *as a penalty* life for life,

23 But if there is *any further* injury, then you shall appoint *as a penalty* life for life,

23 If there is harm, then you are to require life for life,

23 And if any mischief follow, then thou shalt give life for life,

24 eye for eye, tooth for tooth, hand for hand, foot for foot,

24 eye for eye, tooth for tooth, hand for hand, foot for foot,

24 eye for eye, tooth for tooth, hand for hand, foot for foot,

24 Eye for eye, tooth for tooth, hand for hand, foot for foot,

25 burn for burn, wound for wound, bruise for bruise.

25 burn for burn, wound for wound, bruise for bruise.

25 burn for burn, wound for wound, and bruise for bruise.

25 Burning for burning, wound for wound, stripe for stripe.

- God intended the "eye for eye" provision to limit punishment, rather than to give free reign to it

— The "law of retaliation" (Latin *lex talionis*) became common in the ancient Near East. It sought to control the desire to take revenge in someone who had only suffered a minor injury but wanted to take major revenge.

— For example, a man might want to kill the person who beat up his brother (Cf. Gen 4:23). God forbade such excessive vengeance among His people, and was limiting their actions, so that they would only exact equal compensation for offenses committed against them—and no more.

26 "And if someone strikes the eye of his male or female slave and destroys it, he shall let the slave go free on account of the eye.

26 "If a man strikes the eye of his male or female slave, and destroys it, he shall let him go free on account of his eye.

26 "If a man strikes the eye of his male or female servant and destroys it, he is to release him as a free man in exchange for his eye.

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

27 And if he knocks out a tooth of his male or female slave, he shall let the slave go free on account of the tooth.

27 And if he knocks out a tooth of his male or female slave, he shall let him go free on account of his tooth.

27 If he knocks out the tooth of his male or female servant, he is to release him as a free man in exchange for his tooth.

27 And if he smite out his manservant's tooth, or his maidservant's tooth; he shall let him go free for his tooth's sake.

28 "Now if an ox gores a man or a woman to death, the ox shall certainly be stoned and its flesh shall not be eaten; but the owner of the ox shall go unpunished.

28 "If an ox gores a man or a woman to death, the ox shall surely be stoned and its flesh shall not be eaten; but the owner of the ox shall go unpunished.

28 "If an ox gores a man or woman so that they die, the ox is certainly to be stoned and its flesh may not be eaten, but the owner of the ox is free from liability.

28 If an ox gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be quit.

29 If, however, an ox was previously in the habit of goring and its owner has been warned, yet he does not confine it and it kills a man or a woman, the ox shall be stoned and its owner also shall be put to death.

29 If, however, an ox was previously in the habit of goring and its owner has been warned, yet he does not confine it and it kills a man or a woman, the ox shall be stoned and its owner also shall be put to death.

29 But if the ox has gored previously, and its owner has been warned about it but didn't restrain it, and it kills a man or woman, the ox is to be stoned and its owner also is to be put to death.

29 But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death.

30 If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him.

30 If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him.

30 If a fine is imposed on him, he may pay all that was imposed on him as a ransom for his life.

30 If there be laid on him a sum of money, then he shall give for the ransom of his life whatsoever is laid upon him.

31 Whether it gores a son or a daughter, it shall be done to him according to the same rule.

31 Whether it gores a son or a daughter, it shall be done to him according to the same rule.

31 This same ordinance applies if it gores a son or daughter.

31 Whether he have gored a son, or have gored a daughter, according to this judgment shall it be done unto him.

32 If the ox gores a male or female slave, the owner shall give his *or her* master **thirty shekels of silver**, and the ox shall be stoned.

32 If the ox gores a male or female slave, the owner shall give his *or her* master thirty shekels of silver, and the ox shall be stoned.

32 "If the ox gores a male or female servant, the owner is to give 30 shekels of silver to the servant's master, and the ox is to be stoned.

32 If the ox shall push a manservant or a maidservant; he shall give unto their master thirty shekels of silver, and the ox shall be stoned.

- "...thirty shekels of silver" - 30 shekels of silver was the price of a slave

33 "Now if someone opens a pit, or digs a pit and does not cover it, and an ox or a donkey falls into it,

33 "If a man opens a pit, or digs a pit and does not cover it over, and an ox or a donkey falls into it,

33 If a man opens a pit or digs a pit and does not cover it, and an ox or donkey falls into it,

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 restitution; he shall give money to its owner, and the dead *animal* shall become his.

34 the owner of the pit shall make restitution; he shall give money to its owner, and the dead *animal* shall become his.

34 the owner of the pit is to make restitution. He is to pay money to its owner, and the dead animal will become his.

34 The owner of the pit shall make it good, and give money unto the owner of them; and the dead beast shall be his.

35 "And if someone's ox injures another's ox so that it dies, then they shall sell the live ox and divide its proceeds equally; and they shall also divide the dead ox.

35 "If one man's ox hurts another's so that it dies, then they shall sell the live ox and divide its price equally; and also they shall divide the dead ox.

35 "If a man's ox strikes his neighbor's ox and it dies, they are to sell the live ox and divide the money. They also are to divide the dead animal.

35 And if one man's ox hurt another's, that he die; then they shall sell the live ox, and divide the money of it; and the dead ox also they shall divide.

36 Or *if* it is known that the ox was previously in the habit of goring, yet its owner has not confined it, he must make restitution of ox for ox, and the dead *animal* shall become his.

36 Or *if* it is known that the ox was previously in the habit of goring, yet its owner has not confined it, he shall surely pay ox for ox, and the dead *animal* shall become his.

36 But if it was known that the ox had gored previously, and its owner didn't restrain it, he shall certainly repay ox for ox, and the dead ox will become his."

36 Or if it be known that the ox hath used to push in time past, and his owner hath not kept him in; he shall surely pay ox for ox; and the dead shall be his own.