

Exodus 21:18-32

Introduction

One of the things we may wonder as we read our passage this morning is why these specific examples are chosen and why these specific rules are given. The “righteous judgements” section of Israel’s “Book of the Covenant” is only three short chapters! But how can this possibly be long enough or thorough enough? Ancient Near Eastern law codes were very different from the law codes we have today. The point of the case laws was not to anticipate every possible scenario, but rather to provide paradigms, or examples, to *guide* the judges in their rulings. The point of these sample case laws is to **model** the perfect righteousness and justice of **all** God’s judgments. And then, as these **models** of righteousness and justice were **carefully studied and pondered**, Israel’s judges would learn **true wisdom**, enabling them to judge justly and righteously in every conceivable situation. So with this very important background in place, let’s take a closer look at these “samples” of the perfect wisdom and righteousness of God.

I. Exodus 21:18–19 — When men quarrel and one strikes the other with a stone or with his fist and the man does not die but takes to his bed, then if the man rises again and walks outdoors with his staff, he who struck him shall be clear; only he shall pay for the loss of his time, and shall have him thoroughly healed.

Here's a situation where two men are arguing and quarreling with words. As the words and the quarreling keep heating up, it escalates to the point that one of the men ends up striking the other one with a stone or with his fist. The man who was hit doesn't die, but he's injured to the point of being confined to his bed for a limited period of time. Eventually, though, the injured man recovers enough to begin walking around outdoors with his staff. So what should be done? What does justice look like in this situation? What is the righteous judgment of God?

“He who struck him shall be clear.” In other words: “He who struck him shall not be punished.” Now, at first, this might not make sense to us. Didn't he do “wrong”? Yes, he did. Shouldn't he be punished? Apparently not. The role of human courts is not to take the place of the final judgement when we will all stand before the judgment seat of God. Yes, on that day the man who struck the other with a stone may well inherit *eternal* **punishment**. And so also might the man who was injured, because of his hateful and murderous thoughts and words. But this day in a human court is not that day – the day of the final punishment of the wicked. And so, on this day, the only real issue is justice—or we could say **fairness and equality**—between a man and his fellow man.

The fact is that **both** of the men were quarreling. **Neither one** of the men was willing to abandon the quarrel. But if you won't abandon the quarrel, then you shouldn't be surprised when the other person eventually attacks you physically. Indeed, if he hadn't attacked you first, it might have been you who threw the first punch. So, here's a clear-cut case where no one deserves to be punished. Or we could say that they *both* deserve to be punished; but that's a punishment that must await the judgment seat of God. For right now, in this human court, the issue simply becomes one of justice (of fairness and equality) *between these two men*.

So here is the righteous judgment of Yahweh: “*Only he shall pay for the loss of his time, and shall have him thoroughly healed.*” On the one hand, he has to pay for his medical expenses, and on the other hand, he has to reimburse him for the money he loses from being out of work. This *should* make you think twice before striking a person, but it’s not intended as a punishment. The point is that this is simply **just** and **fair**. After all, the other person wasn’t able to strike you back so that you were relegated to your bed as well. If that had been the case, then there would be justice already. So, beyond this, no one was allowed to go. There was to be no jail time, no flogging, and no suing for mental and emotional damages. There was only to be **justice** between a man and his fellow man. And that’s exactly what we have here: **Abundant** justice and **perfect** equity.

II. Exodus 21:20–21 — When a man strikes his slave, male or female, with a rod and he dies under his hand, he shall surely be avenged. But if he survives a day or two, he is not to be avenged, for he¹ is his money.²

Why would a man be striking his slave with a rod? In the Bible, the “rod” is connected with discipline or punishment for rebellion and disobedience.

➤ Proverbs 10:13 & 14:3 & 26:3 — A rod is for the back of him who lacks sense... By the mouth of a fool comes a rod for his back... A whip for the horse, a bridle for the donkey, and a rod for the back of fools.

What we obviously have to assume here in Exodus is that this master is striking his slave *because* he’s been playing the part of the fool. Number one, he’s refused to submit to his master’s God-given authority. And number two, it’s highly likely that he’s broken God’s law by actually stealing from his master or defrauding his master in some other way. There’s no way we should be assuming an “innocent” slave here – in the same way that we shouldn’t be automatically assuming a harsh and cruel master. The God-given right of the master was to discipline or punish his slave (as a member of his household) with the rod. And the more serious the offense was, the more *severe* the discipline (the striking with the rod) should naturally be expected to be. Our ideas about corporal punishment today are not only not “historically grounded,” (cf. Stuart) they’re not *biblically* grounded. So, the problem is not that the slave has been severely disciplined with the rod. The problem arises only if the slave dies *during* the disciplining. If this happens, then it’s obvious that the master lost all control of his actions in a fit of rage **with the result that he now has blood on his hands**. For *this*, the slave “shall surely be avenged.”³

But what happens if the slave survives his discipline for at least a day or two, and *then* dies? What does *justice* look like in this situation? Here’s what God says: “[The slave] is *not* to be

¹ In the Hebrew text, “slave” appears only once at the beginning of verse 20. I translate literally with the personal pronouns in order to better highlight what I believe to be the double emphasis in the closing words, “he is his money.”

² The NIV translation cannot be supported by the Hebrew text as there is no foundation at all for the addition of the word “after.”

³ In Hebrew, the word for “avenged” is repeated twice, emphasizing that the blood of the slave must be avenged on his master. It seems clear to me that this obviously means the death penalty, especially in light of the law in verse twelve.

avenged [on the master], for the slave is [the master's] money." The point here is *not* that the slave is the master's "*property*" (chattel). There's going to be a whole section of laws relating to "*property*" right after *this* collection of laws relating to human *life*. The point *here* is simply this: If the guilty slave survived his master's disciplining for at least a day or two, then the assumption is that it was *not* the master's *intention* to kill his slave. Therefore, when God says, "he is not to be avenged, for he is his money," I believe He is reminding us first of all that while all human beings are created equal, not all relationships are created equal. If the slave has died, then as far as the slave is concerned, he has died only as a result of the exercise of his master's **rightful authority** in response to his own rebellion and **insubordination**. That's the first point, but then there's also this: It's therefore quite *enough* of a "hardship" for the master that he's now lost *all* of the money and service represented by his slave, with no hope of ever recouping it. If there was some guilt in the thoughts and motives of the master, then he will one day stand before the judgment seat of God, who sees all and knows all. For that matter, even the slave's death may only be followed by a much severer judgment on the final day. But for right now, the issue is *only* one of justice (of fairness and equality) between two men – who are both accountable to God. And that's exactly what we have here: **Abundant** justice and **perfect** equity.

III. Exodus 21:26–27 — When a man strikes the eye of his slave, male or female, and destroys it, he shall let the slave go free because of his eye. If he knocks out the tooth of his slave, male or female, he shall let the slave go free because of his tooth.

Once again, *why* would a man be striking his slave? The obvious assumption is that he didn't just fall off and hit him out of the blue and for absolutely no reason. Once again, I think we have to assume some kind of disobedience or insubordination on the part of the slave. But on the other hand, there's no mention of the "rod" here. And the rod was for the back, not for a slave's face. So what it seems that we have here is a slave's disobedience or insubordination followed by the master lashing out in an illegitimate way.

Now, if the slave suffered no permanent injury, then in the end he only got what he **deserved**, and the master remains accountable for his actions only **to God**. But what if the slave suffers some permanent injury? What does *justice* look like in this situation? Once again, the slave should have been more mindful that he was the slave, and that his master was his God-ordained authority. When a slave flaunts the authority of his master, he has no moral high ground to go around whining and complaining when his master strikes him in the face. Nevertheless, it wasn't right for the master to do this – for the master to "discipline" his slave in this way. And so *should* the slave suffer any permanent injury (most likely without his master's intentions), then there must be justice – there must be fairness and equality. Of course, if I'm the slave, then I want punishment and vengeance – I want the "last day" *now*. But I should be careful what I wish for, because who is it, **really**, that deserves punishment and vengeance in the end? So here is God's righteous judgment: As a result of the loss of his tooth, or his eye, the insubordinate slave shall go free. Yes, he'll have to live for the rest of his life without a tooth or without an eye (he'll want it to be a tooth), but that's not *entirely* "undeserved." And now, while the slave has been granted his freedom (with any debts erased), the master, on the other hand, has forfeited *all* of the money and service represented by his slave, with no hope of ever recouping it. Once again, how can we not marvel at this model of **abundant** righteousness and **perfect** equity?

IV. Exodus 21:28–32 — 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. But if the ox has been accustomed to gore in the past, and its owner has been warned but has not kept it in, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. If a ransom is imposed on him, then he shall give for the redemption of his life whatever is imposed on him. If it gores a man’s son or daughter, he shall be dealt with according to this same rule. If the ox gores a slave, male or female, the owner shall give to their master thirty shekels of silver, and the ox shall be stoned.

If an ox with no previous record of aggressiveness kills someone, then the ox must be killed, but the owner of the ox is not guilty of any wrongdoing. How could the owner have known that this previously docile animal would suddenly charge and kill someone? But even though the owner was innocent, he still suffers a very heavy loss when his ox is killed and then not even allowed to be eaten. The owner isn’t being punished, but the fact remains that it’s *his* ox which has taken a *human* life.⁴ So, if the owner of the ox truly understands what human life is (the image and likeness of God!), then he won’t complain of any unfairness. Instead, he’ll be humbled before the wisdom and the righteousness of God’s judgments.

But what if the ox has been *accustomed* to gore *in the past*, and its owner has been warned but hasn’t kept it in, and now, finally, his ox has actually killed someone? Well, then the ox shall be stoned, as before, “*and* its owner also shall be put to death.” Notice that this isn’t a prison term, or a flogging. It’s *death*. The owner never *wanted* this to happen; he never *wished* for *anyone* to be killed. But this doesn’t change the fact that even though he knew his ox was in the habit of goring, and even though he’d been warned to keep it contained, **he didn’t**. He now has blood on his hands, and so my assumption is that he must die at the hands of the “avenger of blood” – or, as we saw a few weeks ago, the “redeemer of blood.” The point here **isn’t** vengeance. The point **isn’t** the punishment of the last day. The point is, on the one hand, justice and equality, and also, on the other hand, making atonement for the land for the blood that was shed in it.

➤ Numbers 35:33–34 — Blood pollutes the land, and no atonement can be made for the land for the blood that is shed in it, except by the blood of the one who shed it.

Here again, we see the wisdom and righteousness of God’s judgment.

Now it’s true that as a general rule no atonement can be made for the blood that’s shed except *by the blood of the one who shed it*. But we’ve already seen one exception to this in the case of blood that’s shed *unintentionally*. Remember that if a person kills someone unintentionally, he can flee to a city of refuge, and then he must stay there until the death of the high priest – whose death would then be accepted as a substitute for his. If that was one exception, now we’re about to see one more. In the case of the negligent owner of the ox, he’s not technically the one who has shed the blood. He may not have even been present at the scene. And so, *depending on the circumstances*, it’s possible *and* permissible for the “redeemer of blood” to let the owner of the ox live. “If a ransom is imposed on him, then he shall give for the redemption of his life whatever is imposed on him.” What’s assumed, here, is that if the “redeemer of blood” chooses

⁴ This explains, I think, why the ox is not only to be killed, but not even touched in the process (killed by stoning and then either burned up or left for the vultures and scavengers).

to let the owner of the ox live, then it's God Himself who *requires* that a ransom price *must* be paid. This isn't about a family that's greedy for money, and so they'd rather fine the owner than kill him. This is about a family that truly desires to let the owner of the ox live, and so therefore the only alternative is to require that a ransom be paid. This is *not* a fine – as though it were setting a monetary value on human life. (cf. Stuart) This money has no connection at all with the life of the person who was gored. Instead, this money has *everything* to do with the life of the owner of the ox. That's why it's called a ransom – because the owner is paying a ransom price *for his own life*, which is otherwise forfeit. The point of this ransom is not vengeance; it's not mental and emotional damages. So we shouldn't imagine any huge ransom price that's going to make anyone rich. Since the redeemer of blood desires the owner of the ox to live, the point of the ransom is to symbolize that the owner of the ox has been spared only by the mercy of the “redeemer of blood,” and ultimately only by the mercy of God Himself. One thing we need to realize, here, is that just because you were a “true believer,” this in no way obligated you to let the owner of the ox live. That may sound crazy to us, but remember that it was *God Himself who required the death penalty*, while also providing for the *possible* (and perhaps unlikely) exception of a substitute ransom. We read in Numbers thirty-five:

- Numbers 35:31–32 — You shall accept no ransom for the life of a murderer... but he shall be put to death. And you shall accept no ransom for [the unintentional killer] who has fled to his city of refuge, that he may return to dwell in the land before the death of the high priest.

Here, in Exodus, we learn that at the discretion of the “redeemer of blood” a ransom *may* be accepted for the one who hasn't killed with his own hands, but who nevertheless bears responsibility because of his negligence. But whether the owner of the ox is put to death or his life is spared with the payment of a ransom **accepted by** the “redeemer of blood,” either way, we see that there is perfect justice and equity, and that all God's ways are true and right.

After clarifying that sons and daughters are to be dealt with according to the same rule (and not treated as though they were lesser humans), we finally read in verse 32: “If the ox gores **a slave**, male or female, the owner shall give to their master thirty shekels of silver, and the ox shall be stoned.” Is the owner less deserving of death just because it was a slave that was killed? Not at all! Notice, first of all, that the result for the ox is identical – it must be stoned. Why? Because a slave is just as much the image and likeness of God as anyone else. And notice, second of all, that this payment of thirty shekels of silver *is* the **ransom** for the life of the ox's owner – which *was otherwise forfeit*. So, why is it assumed that in the case of a slave's death, the owner of the ox who killed him can always ransom his life? The answer is simple! Because in the case of a slave, his or her death would mean a very significant **financial** loss for his or her master. And so, in this case, God simply **requires** that the owner of the ox ransom his life with the payment of thirty shekels of silver to the master of the slave who was killed. Notice, also, that the ransom amount was the *same* (thirty shekels) whether the slave was male or female. Once again, is there any injustice here? To the contrary! We can only marvel at the abundant righteousness and the perfect equity of all God's judgments.

V. Exodus 21:22 — When men strive together and hit a pregnant woman, so that her children come out, but there is no harm, he shall surely be fined, as the woman's husband shall impose on him, and he shall pay as the judges determine.

It seems obvious that the reason this law is included is to affirm the equal worth and value of the unborn, and also the care with which a woman—and especially a woman with child—should be treated. So if, while two men are fighting, a pregnant woman is accidentally hit, causing her to give birth prematurely, *if* there is no harm to either the mother *or* the child, then a fine must be paid. Why should there be a fine if there wasn't any harm? It's not a literal translation, but I think the *point* is captured by the NRSV when it says, "And yet no **further** harm **follows**." (cf. NLT) The point of the fine is that a premature birth "accidentally" induced by violence is already an "injury," but since it didn't ultimately affect the **life** of the mother or the **life** of the baby, true *justice* only requires—and yet it *does require*—a fine. Once again: Perfect justice and righteousness.

VI. Exodus 21:23–25 — But if there *is* [further] harm, then you shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.

In other words, for all the numerous situations and circumstances not sampled here, or anywhere else in the Book of the Covenant, you shall apply the *wisdom* that you've learned from your *careful study* of these righteous judgments in order to be sure that *true justice* and *righteousness* is always done. (cf. Lev. 24:10-23; Deut. 19:15-21) You see, the point of "eye for eye" and "tooth for tooth" is not personal vengeance. The point is not even that these verses are to be woodenly or literally applied. Many of the righteous judgments we've seen this morning don't "literally" apply these verses. But what they *have* done is perfectly **modeled** the *principle* that's summed up in these verses, which is: Equity, fairness, justice, and righteousness.

Conclusion

One "conservative, evangelical" commentator dares to say of one of our sample case laws this morning: "If there is a law without which the OT would be none the less for wear, it could be this one." (Hamilton) Another "conservative, evangelical" commentator says of one of the other laws we looked at this morning: "The clear implication is that the life of a free person is worth more than that of the servant." And so these "conservative, evangelical" commentators set themselves up as the "righteous judges" of Yahweh Himself. But before we judge them too quickly, what about you, and me? How many of us have ever been "embarrassed" of these verses? How quickly do we "**justify**" the **righteous judgments** of Yahweh as "concessions" only made necessary by the culture and the times, and the hardness of people's hearts? Or, on the other hand, how often do we try too hard to *make* the text fit better with **our ideas** of what's just and fair? I would suggest that *nowhere* in this Book of the Covenant does God ever make any concessions to *anyone* or *anything*. *Everywhere* in the Book of the Covenant, all that we see is the **ideal** application of **perfect** righteousness and justice. Indeed, it should almost literally take our breath away. But if we can't see this, then where does the problem lie? – In God, or in us? Certainly, the answer is, "*in us*." Either we haven't rightly understood God's righteous judgments, *or* we've been blinded to the beauty of those righteous judgments by our own so-called "wisdom."

Have we set ourselves up as the “righteous judges” of God? Or, do we humbly desire to carefully *study and ponder* all His ways, that we might learn *true wisdom* – that we might learn to truly think *His thoughts after Him in every single situation and circumstance of life*? The Bible isn’t about a comprehensive list of “proof texts.” It’s about teaching us true wisdom and the fear of the Lord so that we might choose the path of righteousness in every single part of our lives. **Do you carefully study and ponder all God’s ways, that you might learn *this wisdom* – that you might learn to truly think *His thoughts after Him in every single situation and circumstance of life*?**

After this morning, how can I not humbly bow before this display of the infinite wisdom and perfect righteousness of all God’s judgments? And how can I not long for the day when God creates new heavens and a new earth in which there will be ***only righteousness***? (2 Pet. 3:13)

- Isaiah 11:1–5 — There shall come forth a shoot from the stump of Jesse, and a branch from his roots shall bear fruit. And the Spirit of the LORD shall rest upon him, the Spirit of wisdom and understanding, the Spirit of counsel and might, the Spirit of knowledge and the fear of the LORD. And his delight shall be in the fear of the LORD. He shall not judge by what his eyes see, or decide disputes by what his ears hear, but with righteousness he shall judge the poor, and decide with equity for the meek of the earth; and he shall strike the earth with the rod of his mouth, and with the breath of his lips he shall kill the wicked. Righteousness shall be the belt of his waist, and faithfulness the belt of his loins.
- Isaiah 42:1–4 — Behold my servant, whom I uphold, my chosen, in whom my soul delights; I have put my Spirit upon him; he will bring forth justice to the nations. He will not cry aloud or lift up his voice, or make it heard in the street; a bruised reed he will not break, and a faintly burning wick he will not quench; he will faithfully bring forth justice. He will not grow faint or be discouraged till he has established justice in the earth; and the coastlands wait for his law.