Exodus, Part 14

Last session we looked at the subject of “slavery” in Israel under the Mosaic Covenant and saw that what we know as “harsh” slavery was not condoned, but they did have a form of indentured servitude where someone destitute could sell themselves into the service of another. That service was to last no longer than six years. In the seventh year, they were to be released from service. This applied to Hebrew men and Hebrew women who were not married to the master or his son. The latter were usually wives, concubines, or secondary wives of the master or one of his sons. As such, they were treated with respect as family. The rules for Canaanite slaves or other non-Hebrews were not as limiting (Ex 21:4).

Furthermore, according to the Law, these Hebrew indentured servants were to be treated fairly and honorably by their masters and were to share in any blessings the master received during their service. This system was a foreshadowing of the Church Age Christian’s relationship to our Master. We are to serve Him, and such honorable service will be rewarded in eternity.

Our study of the giving of the Law now shifts to a series on punishment for crimes in Exodus 21:12-32. These are related to the sixth commandment against murder. Those are followed by the biblical laws of restitution (Exodus 21:33-22:15) based on the principle that the punishment should match the crime. These regulations were given to assure fairness in compensating people for injuries. This is stated most clearly in the well-known but generally misunderstood, “law of talion”: *life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise* (21:23–25; *cf.* Lv. 24:17–21; Dt. 19:21, more on this later). This is not a “law of the jungle” but an expression of fair payment for injuries received so that the judges would not demand more or less than what was right.

> **Exodus 21:12** “Whoever strikes a man so that he dies shall be put to death. **13** But if he did not lie in wait for him, but God let him fall into his hand, then I will appoint for you a place to which he may flee. **14** But if a

man willfully attacks another to kill him by cunning, you shall take him from my altar, that he may die.

God considers murder (by deliberate intent) and manslaughter (by accident) two different things. This passage makes it clear that striking someone and causing them to die is murder. But if it was not pre-mediated ("did not lie in wait for him") such as defending oneself from an attack or killing someone by accident, or otherwise in circumstances not amounting to murder such is then considered to be manslaughter, the crime of killing a human being without malice aforethought. But if the act is pre-meditated then it is indeed murder and he is to die for his crime.

God made a provision in the Law for those who accidentally killed someone (manslaughter) and became the target of revenge by an avenging relative. They could seek shelter in a "city of refuge" that God had designated, "I will appoint for you a place to which he may flee" (v. 13). There were six such cities of refuge designated in Israel.

Numbers 35:6 "The cities that you give to the Levites shall be the six cities of refuge, where you shall permit the manslayer to flee, …"

Numbers 35:9 And the Lord spoke to Moses, saying, **10** "Speak to the people of Israel and say to them, When you cross the Jordan into the land of Canaan, **11** then you shall select cities to be cities of refuge for you, that the manslayer who kills any person without intent may flee there. **12** The cities shall be for you a refuge from the avenger, that the manslayer may not die until he stands before the congregation for judgment. **13** And the cities that you give shall be your six cities of refuge. **14** You shall give three cities beyond the Jordan, and three cities in the land of Canaan, to be cities of refuge. **15** These six cities shall be for refuge for the people of Israel, and for the stranger and for the sojourner among them, that anyone who kills any person without intent may flee there.

Designated to serve as priests in the Temple, the Levites were not given a share in the land like the other tribes but were given forty-eight towns within the tribal areas. Six towns of the forty-eight were to be designated "cities of refuge". The three cities of refuge on the west bank of the Jordan were

Kedesh, Shechem, and Hebron. On the east bank of the Jordan, were three more: Golan, Ramoth, and Bezer.

Their purpose was that one guilty of accidental homicide might have a safe haven within easy reach in whichever part of the land he happened to be. It would not be immediately clear to others, of course, whether the one who sought refuge in the city was innocent. The city, therefore, was not meant to give unconditional protection to all comers. The city's purpose was to make sure that anyone accused of murder had a fair trial rather than being exposed to the revenge of the dead person's relatives.

The nation had no police force, and the elders in each city constituted a "court" to consider capital crimes. If the person who slays another has no murderous intent, he deserves the right to a trial to state his case and save his life. This was the purpose of the cities of refuge. He or she needed some kind of protection because it was legal for a member of the slain person's family to try to avenge the blood of the slain relative. The person who killed another was in danger of his own life because the "avenger of blood" (usually a near kinsman of the dead victim, or an elder from his city) could kill him before the slayer had a chance to prove himself innocent.

A person guilty of killing someone could flee to one of these cities and find refuge there from the avenger of blood until he stood trial. The slayer had to flee to the nearest such city, where the elders would meet him, hear his case, and hold a trial. If they decided he was guilty of deliberate murder, he could not be spared in the city of refuge. The avenger of blood would put him to death (Numbers 35:6–21).

If the slaying was accidental, then the person would be allowed to live in the city under their protection, and the avenger of blood could not touch him. If, however, he ventured outside the walls of the city, the avenger of blood could execute him without being culpable. The fugitive was required to remain in the city of refuge until the death of the high priest. Only then would he be free to return to his own city safely.

> **Deuteronomy 19:11** "But if anyone hates his neighbor and lies in wait for him and attacks him and strikes him fatally so that he dies, and he flees into one of these cities, **12** then the elders of his city shall send and

take him from there, and hand him over to the avenger of blood, so that he may die. 13 Your eye shall not pity him, but you shall purge the guilt of innocent blood from Israel, so that it may be well with you."

Attached to this provision for cities of refuge are other laws bearing on murder. More than one witness was required before a man could be executed for murder. No ransom could be accepted for the life of a murderer. This implies that a ransom might be accepted for other capital crimes. In other words, the judges had some discretion in certain capital cases but not when the offense was murder. The general principle here is that bloodshed pollutes the land. Only by the shed blood of the murderer could there be an atonement for the land. Otherwise, the land became defiled and God could not dwell there. The ultimate concern here is the purity of the land. Failing to execute murderers polluted and defiled the land! (Numbers 35:29–34).

Types of Christ

These six cities of refuge are beautiful types of Christ, to whom we "have fled for refuge to lay hold upon the hope set before us" (Hebrews 6:18).

- They were appointed by God. This was an act of grace, for all men are sinners and deserve to die. Moses did not choose the cities, for the Law cannot save anyone. Though these were priestly cities, it was not an earthly priest who appointed them. Their appointment and the sending of the Messiah both came from the loving heart of God. "God so loved the world that He gave His only begotten Son" (John 3:16).
- They were announced in the Word. The six cities are named in Joshua 20:7–8, and they could never be changed. On the authority of the Word of God, a slayer could enter a city and no one could forbid him! So it is with our salvation: it is promised to us in the Word, and this can never change. There were cities in Israel that were larger and more prominent, but none of them could shelter the sinner. There are many "religions" today, but there is only one way of salvation as announced in God's Word—faith in Jesus Christ (Acts 4:12).
- They were accessible to all. If you consult a map of the Holy Land, you will find that the six cities were arranged so that no tribe was too far from the place of safety. On the west side of Jordan were Kedesh in the north, Shechem in the central area, and Hebron in the south.

Right across the river on the east side were Golan in the north, Ramoth in the central section, and Bezer in the south.

- These cities were accessible. Some of them were located on mounts so as to be even more prominent. Tradition tells us that the priests made sure the roads were in good repair leading to these six cities, and that regular landmarks were put up to guide the fleeing person. We are also told by the rabbis that the gates of these cities were never shut. What a picture of Christ! The "way to the city" is clear! No one need ever wonder who the Savior is or how to come to Him, for we come to Him by faith. He will never turn any sinner away (John 6:37). There is one point of contrast between the cities and Christ: when the slayer came to the city, he was admitted but he was also tried. With us, there is no trial, for we are already condemned! The elders of the city admitted someone who was innocent of murder, but Christ receives guilty sinners. What grace!
- They were adequate to meet the need. So long as the slayer remained in the city, he was safe, and he would be freed when the high priest died. This does not suggest that we may "leave Christ" and lose our salvation, for we do not build doctrines on types; rather we interpret types on the basis of doctrines. The true Christian can never perish, but by failing to "abide in Christ" he or she opens the door to spiritual and physical dangers. Our High Priest will never die, and because He lives, we live also.

To see the adequacy of Jesus Christ to meet our every need, consider the names of the cities.

- Kedesh means "righteousness," and this is our first need. When we come to Christ, He gives us His righteousness and forgives all our sins (2 Cor 5:21, Col. 2:13).
- Shechem means "shoulder," and suggests that we find in Christ a resting place, a friend on whom we can lay our burdens.
- Hebron means "fellowship," suggesting our fellowship with God in Christ, and also our fellowship with other believers.
- Bezer means "fortress," suggesting the protection and victory we have in Christ. The safest place in the world is in the will of God.
- Ramoth means "heights" and reminds us that believers are seated "together in heavenly places in Christ" (Eph. 2:4–10). Sin always

leads a person down, but Christ lifts us up, and one day we shall be caught up together in the clouds to meet the Lord in the air!
- Finally, Golan means “circle” or “complete” and suggests that in Christ we are complete (Col. 2:9–10). Some say it means “happiness,” and certainly the Christian is a happy person, despite the trials and problems of life.
- Note that the slayer is told to flee to the city. Such a person could not afford to delay! Nor can lost sinners today afford to delay in fleeing to the only refuge, Jesus Christ.

The Dispensational Meaning

Some students see these cities as a picture of Israel and her rejection of Christ. Israel killed their Messiah in ignorance and blindness.

> **Acts 3:14** But you denied the Holy and Righteous One, and asked for a murderer to be granted to you, **15** and you killed the Author of life, whom God raised from the dead. To this we are witnesses. **16** And his name—by faith in his name—has made this man strong whom you see and know, and the faith that is through Jesus has given the man this perfect health in the presence of you all.
> **17** “And now, brothers, I know that you acted in ignorance, as did also your rulers.
>
> **1 Cor. 2:8** None of the rulers of this age understood this, for if they had, they would not have crucified the Lord of glory.
>
> **Luke 23:34** And Jesus said, “Father, forgive them, for they know not what they do.”

This means Israel is treated like a manslayer and not a murderer, and that there is forgiveness and safety for Israel. However, today Israel is “in exile” as was the manslayer in the city of refuge. God is protecting Israel and one day will bring her forth in forgiveness and blessing when she sees her Messiah.

> **Zechariah 12:10** “And I will pour out on the house of David and the inhabitants of Jerusalem a spirit of grace and pleas for mercy, so that,

when they look on me, on him whom they have pierced, they shall mourn for him, as one mourns for an only child, and weep bitterly over him, as one weeps over a firstborn. 11 On that day the mourning in Jerusalem will be as great as the mourning for Hadad-rimmon in the plain of Megiddo. 12 The land shall mourn, each family by itself: the family of the house of David by itself, and their wives by themselves; the family of the house of Nathan by itself, and their wives by themselves; 13 the family of the house of Levi by itself, and their wives by themselves; the family of the Shimeites by itself, and their wives by themselves; 14 and all the families that are left, each by itself, and their wives by themselves.

Zechariah 13:1 "On that day there shall be a fountain opened for the house of David and the inhabitants of Jerusalem, to cleanse them from sin and uncleanness.

Back to Exodus 21

Exodus 21:15 "Whoever strikes his father or his mother shall be put to death.

The Hebrew word for "strike" is *nakah /naw·**kaw*** means to strike, smite, hit, beat, slay, or kill. This is not simply slapping your mother or father. It is far worse and can even refer to homicide or at least assault that causes wounding. The crime is a violation of the fifth commandment to honor your father and your mother.

The term "Put to death" is two forms of the Hebrew verb *muwth* and should be better translated as "dying you shall die". This is the same term used elsewhere in the OT. We might want to consider the use of the same Hebrew construction as was first used Genesis 2:17.

Genesis 2:17 but of the tree of the knowledge of good and evil you shall not eat, for in the day that you eat of it **you shall surely die**."

The phrase can be literally translated from the Hebrew biblical text as "dying you shall die" or "dying you shall surely die". In this Hebrew phrase, we have the imperfect form of the Hebrew verb (you shall die) with the

infinitive absolute form of the same verb (dying). This presence of the infinitive absolute intensifies the meaning of the imperfect verb, hence the usual translation of “you shall surely die”. This grammatical construction is quite common in the Old Testament, not just with this verb but others also, and does intensify the certainty of the action.

On the day Adam ate the fruit of the Tree of the Knowledge of Good and Evil, he died a spiritual death. Disobedience to God is sin, sin separates us from God, and separation from God is spiritual death. But Adam did not die physically until some 930 years later. Had he not disobeyed God’s commands, Adam would have physically lived forever feeding from the Tree of Life. His physical death was a result of spiritual death, so the phrase “dying you will die” is the most accurate way that the Lord could convey the relation between eating the fruit (spiritual death) and his later physical death, both of which came as a result of his sin of disobedience.

In our Exodus passages, this warning is not one of judicial punishment in that the offender is to immediately be taken out and stoned. Rather the idea is that the offender has violated a commandment of God and thus sinned against God. Sin separates us from God, we die spiritually, and eventually, we experience physical death.

Context can make a difference in how this is interpreted. In the case of Adam’s sin, it refers to his spiritual death resulting in his eventual physical death when he was not previously subject to either. Here in Exodus, the application is also a reference to the idea of sinning, thus “dying” spiritually, then experiencing eventual physical death. But here I think it should be viewed as a warning of the possibility of experiencing the “sin unto death” administered to believers who stubbornly resist the leading of God and persist in living in sin. Sin results in spiritual death now. Persisting in sin, and becoming a poor witness for God, will result in the administration of the sin unto death when God removes the recalcitrant believer from this life (physical death).

> **Exodus 21:16** “Whoever steals a man and sells him, and anyone found in possession of him, shall be put to death.

We looked at this before. God does not condone slavery here spoken of in the context of being involved in harsh slavery and the capturing of men and women and selling them as slaves. Since other's lives are involved, the crime calls for the possibility of the death penalty. Here I believe the context suggests that the death penalty is warranted for slavers.

> **Exodus 21:17** "Whoever curses his father or his mother shall be put to death.

The Hebrew word for "curses" is *qalal /kaw·**lal**/* and means to treat with contempt or dishonor. Some translations translate it as "dishonors" and the Septuagint translates it into Greek for "reviles".

I don't believe this is saying that the offending child should be dragged out of the house and stoned. I lean toward the interpretation that the offending child has violated the fifth commandment to honor his parents and has thus sinned. Such sins are likely not "one-off" but are often repeated, and the warning is that continued rebellion will result in the sin unto death.

Compensating Personal Injuries

The biblical laws were based on the principle that the punishment should match the crime. This is stated most clearly in the well-known, but generally misunderstood, 'law of talion': *life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise* (21:23–25; *cf.* Lv. 24:17–21; Dt. 19:21). At first sight, the law of talion appears to be a rather barbaric way of ensuring justice. Yet, within the development of law in the Ancient Near East it represented an important advance. In the earliest known collections of laws, monetary fines were imposed in cases of assault and bodily injury. The weakness of such fines was that they failed to take into account an individual's ability to pay. For an unemployed laborer, a fine of what amounts to a thousand dollars imposes great hardship; to a millionaire, it is a mere trifle. The law of talion removed all such discrepancies by ensuring that the punishment should be no less or no more than the crime demanded.

> **Exodus 21:18** “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, 19 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.

Severe assault that endangers life but not actually taking it is placed under the same head as homicide. If death results in such a case, the crime is, of course, murder or manslaughter, according to the attendant circumstances. But if death does not result, it is aggravated assault only. In such cases, the law therefore imposed a fine that was to be fixed at an amount that would compensate the sufferer for the loss of his time and defray the cost of his cure.

> **Exodus 21:20** “When a man strikes his slave, male or female, with a rod and the slave dies under his hand, he shall be avenged. 21 But if the slave survives a day or two, he is not to be avenged, for the slave is his money.

“He shall be avenged.” Here is another of those double verbs adding emphasis to the action. This stresses the brutality of striking servants and emphasizes the discipline of the master for beating a slave. The law largely controlled the brutality of masters who had to emancipate their slaves if they did them any serious injury. The law gave their lives the same protection, or nearly the same, as the lives of freemen. “Striking” was allowed as a discipline, but such striking that resulted in death was, as a general rule, punishable like any other homicide. The only exception was if the slave did not die for some days. In that case, the master was considered not to have intended the slave's death (manslaughter) and to be sufficiently punished by the loss of his property.

> **Exodus 21:22** “When men strive together and hit a pregnant woman, so that her children come out, but there is no harm, the one who hit her shall surely be fined, as the woman’s husband shall impose on him, and he shall pay as the judges determine. 23 But if there is harm, then you shall pay 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.

Two men are fighting and a pregnant woman, presumably the wife of one of the men, attempts to stop the fight or somehow accidentally gets in the middle of it and is accidentally struck so that she miscarries ("her children come out"). In such a case, her husband is compensated according to the value he determines and as approved by the judges.

"There is no harm" in verse 22 refers to the death of the woman or the miscarried child or some bodily harm to either. If there is "harm," the one who causes the harm faces a penalty that equates to the severity of the harm – "But if there is harm, then you shall pay 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 21:23-25). If the child or the mother dies, the one who caused the death faces the death penalty – "life for life".

Verses 22–23 are basic to the pro-life position on abortion. They indicate that the aborting of a fetus was equivalent to the murdering of the child.

> **Exodus 21:26** "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. **27** If he knocks out the tooth of his slave, male or female, he shall let the slave go free because of his tooth.

Any permanent damage to a slave caused by the master was grounds for the slave to be released from bondage.

> **Exodus 21:28** "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** 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. **30** If a ransom is imposed on him, then he shall give for the redemption of his life whatever is imposed on him. **31** If it gores a man's son or daughter, he shall be dealt with according to this same rule. **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.

God gave regulations concerning injuries inflicted by animals. If a bull gored someone to death, the animal was to be killed. It would die as a murderer. “Its flesh shall not be eaten.”—An ox killed by stoning would not have been bled as called for in the Law and would be considered“unclean” food for Hebrews. According to the Rabbis, the flesh might not even be disposed of to the Gentiles but had to be buried. If this were so, whatever creature took human life was considered to be accursed.

However, if the animal had a habit of violently attacking people, and the owner did nothing to prevent it, and someone was killed, the owner and the bull were to be put to death. He could avoid the death penalty if he could come up with financial compensation (ransom) demanded by the dead person’s relatives (v. 30).

If a slave was killed by a bull, the animal’s owner had to compensate the slave owner by paying 30 shekels of silver, and the ox gets stoned.

Laws About Restitution

> **Exodus 21:33** “When a man opens a pit, or when a man 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 restoration. He shall give money to its owner, and the dead beast shall be his.
> **35** “When one man’s ox butts another’s, so that it dies, then they shall sell the live ox and share its price, and the dead beast also they shall share. **36** Or if it is known that the ox has been accustomed to gore in the past, and its owner has not kept it in, he shall repay ox for ox, and the dead beast shall be his.

The “pit” mentioned is a well or water cistern. They were usually covered with a flat stone to prevent such an accident as described here. There were generally no fences in Israel at this time, and it was common for animals to stray onto a neighbor’s property. Covering the cistern prevented accidents. If an animal fell in, he would most likely drown. The same applies to people. Even if you survived the fall and didn’t drown, climbing out might be impossible.

Oxen and donkeys were the most important animals among the livestock of the Israelites. If one fell into the cistern and was killed, the owner of the pit was to pay its full value, and the dead animal belonged to him.

If an ox that was not known to be vicious gored another man's ox to death, the vicious animal was to be sold, and its money was to be divided; the dead animal was also to be divided so that both parties bore an equal amount of damage.

If, on the other hand, the ox had been known to be vicious before, and had not been secured by its owner, he was to compensate the owner of the one that was killed with the full value of an ox, but the dead one would be his. (Since he couldn't eat it because it had not been bled according to the Law of what value was it?)

Basically, these Laws attempted to establish a system of order with protections for any who suffered because of criminal intent, negligence, or were treated wrongfully by another. It provided compensation for those wronged in some way. Though some of these laws may seem strange and even unreasonable to us today, they were created for a culture that existed over 2000 years ago that we might consider as primitive. They brought a sense of order and fairness to the lives of those who may not have experienced that before.

This is enough for today. We will resume next week with more of these details of the Mosaic Covenant.