

EXODUS

Lesson 22 - Chapters 21 and 22

Last week, a lot of you walked out with headaches and puzzled looks as we started our study of “The Law” with an extensive expose’ on Exodus 21:1. You’ll be relieved to know that this week isn’t going to be nearly so intense. However, it is my hope that you gained some understanding of why Hebrews have, since Moses, sought so diligently to follow God’s instructions to them; and, that we need to be very careful how we **characterize** His rules of living that God set out before man prior to the advent of Christ. We saw last week that what Hebrews and Christians alike term “the Law”, God refers to as His **Mishpat**, and mishpat in no way means law, it means justice. Further we saw that **Mishpat**, when referring to God’s **mishpat**, is speaking of His overall system of justice. And, today, we are about to begin looking at the specifics of God’s justice system.....God’s detailed standard of right.....individual rules and regulations that were set down in the Mosaic Covenant. To put an even finer point on it, what we are getting ready to study is the development of the Gospel: quite literally, The Gospel, Act One.

Let’s quickly review a few things from last week:

1. Man’s righteousness and God’s righteousness, our **tzedek** and His **tzedek**, are not the same. Actually, that shouldn’t be difficult to swallow, because God is not a man. Man can’t develop or work to achieve the type of righteousness God has. God’s righteousness, even if we’re not really able to fully grasp all that it entails, is primarily about the salvation of mankind. God’s righteousness (His tzedek) refers to His saving will, His saving purposes and goals, and all that happens at His direction to create a people set-apart for Himself.
2. Accordingly, Man is the OBJECT of God’s saving will, God’s righteousness; Man’s righteousness is achieved when a human being has accepted God’s saving will, Yehoveh’s saving plan, for his own life. Since the coming of Christ a righteous man is one who is a Believer in the Christ.
3. The Gospel is generally defined as “the revealed Word of God’s plan of salvation for all mankind”. That is, the Gospel is simply the name or title we have given to a body of information in the Bible that makes known God’s incredible plan of salvation for US, AND, our need for it.
4. However, over the centuries, the term Gospel has been so narrowed down by many theologians and the Institutional Church, as to make the term simply refer to the story and purpose of Christ.....His birth, life, death and resurrection, and nothing else. That is completely wrong and unscriptural. Christ certainly is the center-point, the focus, and the cornerstone of God’s plan of salvation. But as we saw last week the first awareness of the plan of salvation by man was given to Abraham, and much had to happen in the Salvation process **before** Yeshua came, and much has to happen before

He comes again. And all of it, not just the NT part, forms the Gospel. In reality, the OT is where the Gospel is found. The NT simply identifies who the Messiah of the OT Gospel is, and it gives us some teaching on what this means for us now that the Messiah has come. We need to remember that Jesus and all the Apostles taught the Gospel using ONLY the O.T., for there was no such thing as a N.T. until decades after their deaths.

5. And finally as we begin to look at the laws in the Covenant of Moses let's remember that the Israelites intended with fierce dedication to be obedient to God's instructions and principles. The Hebrews had no articulated sense of an afterlife in those ancient times, or of living an eternal life with God. In fact, they thought that life ended at the grave, Sheol, and that death permanently separated them from the Almighty. So in their minds their physical lives were their ONLY time to show their gratitude to Yehoveh for His grace towards them at making them a member of the set-apart people. The Hebrews may not have fully grasped what true Salvation is, or what the full purpose of the Law was; but for Christians today to accuse Hebrews of legalism simply for doing what God commanded is nonsense. We, as Christians, have forgotten that in addition to our saving relationship with Yehoveh we also have **the duty** to be obedient. If you have any doubt about that fact read the book of James, Jesus' brother. Though obedience is not a **condition** of our attaining OR keeping our Salvation, nor should obedience take the focus off of our relationship with God, it absolutely must be our response. Obedience to God's system of justice is NOT legalism, unless we misuse it as a system of self-justification.

READ EXODUS CHAPTER 21 all

What we have read here is Yehoveh's ordering of the new Hebrew society. But we need to also recognize (and it will become obvious as we move through Exodus and Leviticus) that while there are many rules and ordinances contained within these passages, this is hardly a comprehensive legal code such as the Code of Hammurabi. In other words not every area of life is covered in detail by these ordinances. Marriage, commerce, inheritance and how property is transferred is either only barely touched on or not mentioned directly at all. Rather most of these so-called "laws" were examples that tended to amend previous practices of the Hebrews or they were new concepts altogether. No matter their purpose they were ALWAYS extensions of the first 10 laws that we call the 10 Commandments. Therefore Israel's leaders necessarily devised practices and rules that both covered areas the Law did not address or it filled in gaps of very broad principles. These practices and rules were called Oral Tradition, or later, just Tradition.

And, while this chapter begins with a practice we find abhorrent in our nation, it was obviously permitted in ancient days: slavery. Now one human owning another is not God's ideal. Yet for His own reasons Yehoveh has permitted slavery to exist and here he sets out its boundaries. As we go through the next 3 chapters there will be many Biblical practices that seem primitive, harsh, barbarian, or just plain unfair to our minds. While we might have occasion to discuss some of these individual laws, what I intend to do is look at these rules and regulations more from a standpoint of the God-principle they embody because, as Believers, it is not necessarily our duty to follow Hebrew cultural traditions and rituals that were developed by Sages and

Rabbis over the centuries; but it IS our duty to follow the principles BEHIND those traditions and rituals, and to obey plainly written Torah commands that are timeless.

Let's begin by noting that, using the 10 Words as the foundation, the first group of laws given to Israel are contained in Exodus 21, 22, and 23. And, they are divided into two fundamental categories: first, the civil and social position of all Israelites as they relate to one another, that is, human to human interaction; and second, Israel's position as they are to relate to Yehoveh. So category one, which is delineated in Ex.21: 2 through Ex. 23:12, has to do with how the Israelites are to deal justly (do *mishpat*) with their fellow man. Category two, in Ex. 23:13-19, speaks of how the Israelites are to deal righteously with GOD.

And what we should take immediate notice of is that God has just turned the common world social ladder upside down. Unlike any civil and social system ever devised by man, the one given to Israel by Yehoveh BEGINS by its concern with dealing fairly with those who are the lowest on the social scale: slaves. God lays down *rights* for these slaves, male and female; people who are totally dependent upon the mercy of their masters. Slaves were but property in the ancient world, tools and beasts of burden, as it still is in many places on this earth today. But by ordaining sacred personal rights upon this lowest social class God changed the very dynamic by which slavery could even exist. Hebrew slaves were given the position of PEOPLE.....not animals or possessions. Underline the word HEBREW, for that is the key. We must understand that Hebrews held two classes of slaves: Hebrew and foreigner (gentiles). These rules are made for *Hebrew* slaves. They do NOT apply to foreign slaves that Hebrews might own. However later on in the Torah instructions will be issued by Yehoveh that foreign slaves who wish to give up their *gentile* tribal or national identity and become Israelites should be allowed to do so. The act of changing loyalties did NOT set them free, but it certainly DID make them Hebrew slaves and gave them a bill of rights that they did not have previously as a "foreigner". Even more Yehoveh makes it clear that any foreigner who joins Israel and becomes a Hebrew by choice is not to be considered a second-class citizen. Therefore if *a foreign* slave owned by a Hebrew declares his desire to join Israel and he goes on to become a Hebrew... he also becomes equal in status and rights to a natural-born Hebrew *slave*. Once that naturalized slave becomes free he is a Hebrew freeman with rights and status equal to natural born Hebrew freemen.

By the way, notice Ex.21:6; this is where a male slave gets his ear pierced, and although it doesn't say it, he also has a ring of some sort put into it. This is an indication that this man, as a head of his family, has voluntarily committed himself and his family to lifelong servitude to his earthly master. The master of this slave family is NOT obligated to free them after 6 years, which was Hebrew law. Although, by mercy, a master could free a slave whenever he chose.

Verses 7-11 deals with a man who sells his daughter as a house servant, but with the idea that if she pleases her master, he will marry her; she is not to be considered among the "slave" class even during her time as a handmaiden. The first thing we should note is that this must have been a common occurrence to be so directly and specifically addressed by God. Now, the girl could well become a concubine of her master..... that is, she is NOT a wife, but holds a status similar to a wife. The main difference is that there would not have been a Chethubah, a marriage contract, drawn up, so therefore there was no legal betrothal. A Hebrew would NOT

sell his own wife; but he WOULD sell a handmaid, and on occasion a concubine. But, Yehoveh says under no circumstances may the master sell this woman to anyone outside of the tribes of Israel. And, if he chooses to make her a concubine or a wife, regardless of the fact that he had quite literally acquired her through purchase, he cannot treat her poorly should he marry another woman. Of course, we're talking about polygamy, here. His penalty for wronging this woman is that she gains her freedom. While it may not seem so to us in this cultural setting, what is really happening here is that Yehoveh is making clear that in the paternalistic society of Israel, typical of the ancient world, women have **rights**, they have **value** to God, and they are to be treated fairly and with consideration among His set-apart people.

The next thing to be addressed, after slaves and women's rights, is the **sanctity** of life. Life is so important to God that He lists the crimes of man against man for which God orders the destruction of the offender, in order that the criminal might not harm another innocent person or degrade Israel society in general. Part of this list of capital crimes we might expect, but other parts are kind of a surprise. Yehoveh sets on the same level of seriousness a) premeditated murder, b) attacking and harming (but not necessary killing) your parents, c) kidnapping, whether the victim is harmed or not, and d) even cursing your parents. That is, in His Holy eyes, all of these deserve the death penalty. God offers no mercy for these perpetrators; He offers no possibility of rehabilitation; this is punishment, pure, swift, and non-retractable.

Now just so we understand what it means to "curse" your parents: there are several words used for curse or cursing in Hebrew. They are quite specific in their meaning and range from meaning swearing an oath against someone, to being menacing and threatening. The word used for curse in the instance of Ex. 21:17 is "**qalal**"; and it is used in the sense of a son insulting or of being an embarrassment to his parents because he is of no account. This would include not performing his son-ly duty of caring for them if they needed his help. So for a son who humiliates his parents by his behavior or shows his parents disrespect or is simply a deadbeat or a bum, Yehoveh says to put him to death. Whoa. And, yet, God sees this as actually **GUARDING** life, because the people who do these things **STEAL** life from those whom Yehoveh sees as innocent and upright.

We also see the principle of **INTENTION** validated by God. That is, the intention of one's heart has everything to do with the consequences of his actions, in God's eyes. For instance if someone unintentionally kills another person, then the perpetrator is given a place to go and no one is allowed to violate that place to apprehend him. This is the principle of sanctuary. But, premeditated murder, the **INTENTION** to kill, offers **NO** such sanctuary and the perpetrator may be captured even in the holiest of places, even if he is in the midst of sacrificing at the altar of God.

These last few verses, and a couple of the following, answered the question that was raised when we studied the 6th Word..... "Thou shall not murder": and the question was, ' what is just versus Unjust killing of man'?

Next, in verses 18-27, ordinances are set down to deal with **PROTECTION** of life; dealing first with bodily harm to man, then dealing with harming animals. This reinforces the love and concern Yehoveh has for **ALL** living creatures, and so when one of His animals, in their

innocence, has to be sacrificed to atone for a transgression committed by a man against God, it grieves our Lord for this animal to die. All those millions upon millions of animal sacrifices that would follow, century after century, were no small thing for Yehoveh.....each and every one of those sacrificed lives mattered a great deal to Him.

Now what I hope you noticed is that another key principle God is showing us in these verses is “recompense”. That is, each offense is to have an equal and fair **compensation** as the consequence. See, God views compensation as better than incarceration for the offender. Compensation from the perpetrator makes some progress towards making the victim whole; it even allows the offender to go on with their life while being taught a valuable lesson. Imprisonment simply punishes the offender, and the victim’s only satisfaction is knowing that the perpetrator is being punished. Notice how, in verse 18, that if 2 men get into a fight, and one seriously injures the other, then the one who did the harm is obligated to care for the other and bear all his expenses and make up any lost wages... but there is no further obligation because the fight was a mutual attempt to harm one another in the first place. In our modern legal system we would call this the principle of shared liability.

Notice also that verse 20 deals with the matter of a Master beating his slave to death. Again, due to God’s value of life, the slave Master can be punished.....the dead slave’s owner can be killed.....that’s the meaning, in this instance, of the term “avenged”. But if the slave lives a couple of days before he dies then because the slave owner would be simply throwing his own money down the drain by killing this paid-for slave there is to be no punishment. The idea here is that if a slave dies immediately from the punishment the Master is inflicting, then there is no doubt that the Master intended to kill; this is murder. But if the Master punishes a slave and the slave is gravely harmed as a result but does not immediately die (that’s the idea of his living a few days), but then the slave dies later, there is doubt as to the Master’s intent to kill, and there is even doubt as to whether the punishment the Master inflicted is actually the cause of death. Therefore the loss of the valuable slave is considered sufficient punishment in itself and no further consequences to the Master are ordered.

Next is what happens if a pregnant woman loses her unborn child as a result of her being harmed. And, in verses 23-25 we get the statement which just about every literate person, believer or pagan, on the face of our planet likes to quote: an eye for an eye, a tooth for a tooth, and so on. Its too bad people don’t read the several paragraphs before and after that statement because it would be much better understood if they did.

The God-principle behind the eye for an eye formula set forth is this: the consequences of accidental or unlawful actions still require equity and fairness. If someone knocks out somebody’s tooth, then equitable compensation is to be rendered. This in NO WAY indicates that the offender’s tooth is to be knocked out. Or if an eye is damaged, the offender’s eye is not to be damaged in return, but there is to be proper compensation. What’s happening in verses 23-25 is that God is saying in essence, “look, it would be a never ending law code if I took every possible way and circumstance that one person could harm another and gave a prescribed verdict containing a precise amount of compensation. Therefore HERE is the principle you are to use to decide on compensation.” And of course this principle is tied to the entire context of Exodus 21, whereby God gives only a few reasons for a death sentence, and

NONE whereby a person is **mutilated** as punishment (such as gouging out their eye). Again, the eye for an eye, tooth for a tooth, and bruise for a bruise idea is fair and equitable COMPENSATION.... One should get more compensation for losing a tooth, than just being bruised. Even greater compensation should be paid for losing an eye than for losing a tooth because the effect is greater on the victim. Too much compensation is as wrong as too little. Life for a life does NOT necessarily mean the death penalty.... it simply means a VERY high amount of compensation, probably to be accompanied with a harsh punishment. God lists very clearly the capital offenses; all other punishments are to revolve around fair and just compensation. Notice the all-important context of this eye-for-an-eye principle: it has to do with the circumstance of accidental homicide or manslaughter. It speaks of two men fighting and then an innocent bystander, a pregnant woman, somehow winds up getting knocked down. First is what happens if her unborn baby dies; but then (verse 23) says “but if other damage ensues” then the principle shall be “life for life, eye for eye, etc.”. It is key to understand that the death penalty for the taking of a human life is (according to the Torah) only to be exacted when the killing is intentional. The scenario offered here is obviously an unintended killing; therefore this absolutely is NOT suggesting the death penalty when it says “life for life”.

One more comment: as I mentioned mutilation was NOT a permitted punishment; it was NOT part of the Hebrew justice system. Now this is not to say that it didn't happen at all or that tyrannical Hebrew kings and princes didn't capriciously apply the death penalty from time to time. But it was NOT authorized by God and was generally seen by the common people as evil and wicked.

Islam loves to claim that Christians, Hebrews, and Muslims all share the same god and therefore Islam is simply scrupulously following Allah's instructions when they mutilate the offenders of the Islamic Sharia Law; that is, they cut off hands, fingers, and feet.....gouge out eyes, cut out tongues, and so on. The Bible teaches **against** such things while the Quran, the Muslim Holy Book, **commands** mutilations. This is just further proof that Allah is in no way just another culture's name for Yehoveh. Enough said.

Verse 26 once again deals with slaves; and the price for harsh treatment of a slave, even simply knocking out a slaves tooth, is immediate freedom for the slave...male or female.

Verse 28 begins to deal with harm that animals might cause. And we get God's view of justice in this regard: an animal that kills a human must die. God makes it clear, here, that humans are above animals in inherent worth to Him (which is apparently news to several animal rights groups). But the animal's owner is NOT to be blamed or punished UNLESS that owner knew his animal had a propensity to harm humans. If the negligent owner's animal kills someone, then the owner must be put to death for such gross negligence, along with the animal itself of course. The idea is that the owner is guilty of gross disregard the life of others and therefore he pays the ultimate penalty. However there is a provision that, depending on the circumstances, if the animal's negligent owner (or kin) pays a ransom to the family of the dead person, then that can suffice as his punishment. The implication is not only as regards the exact circumstances of the situation, but that it is the judgment of the aggrieved family whether to accept money as compensation, or the offenders life as punishment. Murder can NEVER be allowed to pass without the execution of the murderer; however, strictly speaking, wanton

negligence is NOT quite the same as murder so a loophole.....an expensive “out”.... is added.

Conversely if someone’s negligence causes the death of another’s animal then the one who caused the problem is liable to pay compensation. The example given here is leaving the cover off of a water well, and an animal falls in and dies. Interestingly, the negligent person gets to KEEP the dead animal if he has to pay out compensation.

The last verse covers what happens if someone steals from another: again, the idea is compensation.....but not at an equitable level; instead, at a punitive level. Here, again, is **intention** at work. Stealing doesn’t occur accidentally.....except perhaps in America if you listen to some of our more liberal politicians and lawyers. Someone who causes loss, harm, or death to another person and does so **intentionally** is dealt with MUCH more harshly than if it was unintentional or even negligent.

READ EXODUS 22 all

Depending on your version, the first verse of Ex. 22 is sometimes the LAST verse of Ex. 21....so don’t worry about it. In reality this NEVER should have been used as a chapter division. It is but the same thought, context, and scene continuing.

In any case we continue here with the crime of thievery. And the idea surrounding these ordinances against thievery is the **protection of property**. Personally, I really wish the United States would adopt the Mosaic Covenant’s way of dealing with a thief. Notice how if you catch a thief in the act during darkness, you can legally kill him on the spot. However, if its daylight, you cannot. The practical reason being in the dark, you can’t evaluate the overall situation very well; whether it’s one thief, or more; whether or not he has a weapon; whether this man may be a known murderer on the loose. But, in daylight you CAN tell. So, if you can reasonably see that you are only in danger of losing property but not being harmed, then to kill in that instance is murder.

The part I like the best though is the restitution aspect that a thief has to replace what he’s taken and often it must be several times over. And if he refuses or will NOT follow through his promise to do so, then he can be taken into custody and sold as a slave with the money given to the person who was robbed. I say that tongue-in-cheek as I am certainly not advocating the return of slavery; although I suspect such a system would significantly slow to a trickle the epidemic of robberies and burglaries throughout the Western World if the perpetrator was subject to spending the rest of his life, if necessary, compensating his victims.

Interesting, isn’t it, that imprisonment was simply not part of Yehoveh’s justice system. Certainly one could understand how having a prison out in the Wilderness would be difficult. But this concept of recompense instead of incarceration continued right on through the time of Christ. The idea of prison was abhorrent to Jews; it was a pagan way of dealing with crime and punishment. Not that Jews didn’t eventually adopt the practice to a degree but since it was not part of God’s justice system it was never widely used. I think it’s instructional that the use of prisons has never seemed to stem the tide of crime to any degree at all. In fact we are all too

aware that people who've already been in prison today commit most crime. Even our feeble attempt to rehabilitate prisoners via schooling and knowledge during their time of imprisonment has had little success. That's because it's not the way Yehoveh created the universe to operate; God's system of justice was designed to rehabilitate the criminal **by means of his compensating** his victim.

It's always important in reading Scripture to see the order of things; this usually gives us God's sense of priorities. So first, as regards theft among herders, we get rules regarding the pilfering of animals. Next we see God's justice as concerns damage to fields and then the formula that animal life carries higher value to God than plant life. As of the time Israel was given these laws they were in the Wilderness and so they were NOT farmers, but they were herdsmen. In time they would need laws concerning agriculture because once they settled in the land of Canaan many WOULD become farmers.

Next, in verse 6, comes instruction regarding what has been given to others for safekeeping and what happens if those items are stolen.

Up to this point you might have noticed that there has been this interesting "if, then" structure as Yehoveh has taught His law. "**if**" this happens, "**if** someone does this", "**Then**" this is what you are to do. The idea here is that these things **are** going to arise within the body of God's set-apart people, and they are going to have to be dealt with as part of ordinary every day life and society. It also sets up the dynamic of action and consequence: IF you do this, THEN this is what will happen to you. The point is that these are practical matters that are being dealt with; these are not theoretical possibilities. Further, societal law codes were normal for that day...The Law of Moses was not the first. The Israelites fully expected to HAVE a law code. And these law codes were all quite similar even if they didn't agree on every point. It's a bit like in modern Western Society: Europe and North America share similar philosophies of justice. We have courts of law, legal experts as representatives of the defendants, and the view that generally a person cannot be physically harmed for an offense that only involves property. Sanctioned mutilation of criminals is not allowed. The death penalty is withheld except for the most horrific of circumstances when murder is involved. What constituted a crime was generally the same for Israel as it was in all the other ancient Middle Eastern societies; and more often than not the punishments were similar. However Israel's law involved far more mercy and compassion and where it was the norm in other societies to do physical harm to a common thief, in Israel it was forbidden. Israel's law insisted on establishing that humans were more important than animals, and that animals were more important than other kinds of property.

Now we begin to encounter some laws that have an entirely different character. Beginning in either verse 17 or 18 (depending on your Bible version), starts a series of regulations stating what must NEVER occur within the family of God. That is these acts are so out of character for one who would suppose him or herself to be a part of God's set apart people that most of these laws involve the immediate destruction of that person. These are matters of morality and of the conscience rather than crimes that are committed against a fellow man.

Notice that the previous laws took circumstances and intent into consideration when deciding

what, if any, consequence should result from violation of these commands. In those listed from Ex.22: 17(18) to 30 (except perhaps for the verses about loaning money), intent and circumstance play almost no role.

So, in verse 17 the matter of sorcery is addressed; no magic of any kind is to occur among God's people. Therefore a witch (a female sorcerer) is to be summarily exterminated when found out. Sorcery, by definition, is the invoking of the names of gods and demons to do your bidding; and since monotheism recognized but ONE God, and rejects any catering to evil spirits, this was a most serious offense against the Lord. It was also dangerous because sorcery was virtually universal in ancient times and so people were easily drawn to and deceived by a sorcerer. That magic was outlawed in Israel was known far and wide in the region and thought to be most peculiar. In fact in the famous episode of Balaam and King Balak that we'll look at in the book of Numbers in a few months we'll find this statement from Balaam when he discovers this strange prohibition against occult practices among the Hebrews: "Lo, there is NO augury in Jacob, no divining in Israel....."

The next prohibition is against the practice of bestiality; this horrible perversion of a human having sexual intercourse with an animal is not some fanciful product of a vivid imagination..... it was widespread throughout the inhabitants of Canaan. Even the Hittites found this practice an abomination and we have the records of their law codes demanding the death of anyone who would do such a thing.

In verse 19 the instruction that Israel is never to worship other gods is fleshed out a bit in that Israel is never to sacrifice to another god. Sacrifice was at the heart of idolatry. So, to sacrifice upon the altar of a heathen god is here defined as deserving of complete annihilation of the one committing such an apostasy. What is informative (at least to me) is the need the Lord (and Moses) seems to have to even SAY not to sacrifice to a pagan god **after** it has already been made clear that one is not to worship or even acknowledge these other gods. What's the difference between worshipping other gods and sacrificing to other gods? Nothing unless you're looking for a reason to do what you want. The reason the issue is discussed in this way is quite simple: the Israelites were always looking for loopholes and exceptions to the rule against idolatry. Some Israelites would sacrifice to a pagan god and say, "well, I'm not WORSHIPPING another god, I'm just offering an animal sacrifice and that's not quite the same thing..." They liked their idolatry; they wanted to keep their idolatry and operate like the rest of the world. The Bible is LOADED with examples of Israel constantly falling back into idol worship and practically every time one of God's prophets called them on the carpet for doing it, they denied that what they were doing was actually idolatry until AFTER His wrath fell upon them. These Hebrews thought that what they were doing may have been CLOSE to idolatry..... maybe even right up to the line..... but their hearts were in the right place (according to their way of thinking). Well, God labeled it as idolatry and He eventually killed thousands of Israelites for it and exiled the rest from the Holy Lands.

We'll end here and finish up chapter 22 next week.