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Exodus 21:28-36

Forty-fourth Message

Brian Morgan

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DO YOU KNOW WHERE YOUR OXEN ARE?

SERIES: CREATING COMMUNITIES OF SHALOM IN DAILY LIFE

Friday is my “Sabbath” day (except when I’m preaching!). Every Friday, I ride off on my bicycle with a good friend into the foothills behind Stanford University to our favorite destination, a little bakery café nestled in Woodside’s majestic redwoods. Once there, we have a sumptuous lunch in an idyllic outdoor setting. The ride is my one opportunity in the week to unwind and dream, without a care in the world, with no e-mail or cell phones invading my space. But the ride is not all bliss. At three locations along the route there are memorials to riders who lost their lives due to negligent drivers. The latest occurred last month, when John Peckham, an avid racer, was killed on Old Page Mill Road by a driver traveling in excess of 80 m.p.h. The driver fled the scene and crashed his car down an embankment. A memorial of water bottles from other bicyclists now marks the spot where John lost his life. Each time I ride past the memorial I am painfully reminded of the terrible cost that negligence can have on a community. Preserving the sanctity of human life involves more than curbing anger, violence and assault within a community, it also involves taking precautions for the potential harm that can result from negligence without criminal intent.

Today in our studies in Israel’s Book of the Covenant we take up this issue of protecting life from negligence. Because Israel had an agricultural economy based on small family run farms, the care and protection of domestic animals was extremely important to the continued well being of the community, as these animals represented the engine of the nation’s economy. What follows are four guidelines concerning Israel’s livestock as they affect relationships within the community. My title, “Do you know where your oxen are?” is designed to assess the potential threats we pose for the community by the desire to increase our personal wealth and productivity. Our text has two divisions: the first deals with negligence that threatens life (21:28-32); the second deals with negligence that threatens the economic potential of others (21:33-36).

An introductory word on “being in the world, but not of it”

Before looking at these texts in detail, it would be helpful to understand the relationship between these laws and those of the Ancient Near East as a key to knowing God’s methods of inaugurating his kingdom within a given cultural context.

God’s people are to be “in the world, but not of it.” The laws of the Book of Covenant were not given in a vacuum, insensitive to the context of Israel’s world. In fact, it may surprise you to know that the starting point for the content and shape of these laws was similar to the law codes of the Ancient Near East, especially the Code of Hammurabi. “Hammurabi (also spelled Hammurapi) was the sixth of eleven kings in the Old Babylonian (Amorite) Dynasty. He ruled for 43 years, from 1728 to 1686.”¹ During his reign he wrote an extensive collection of laws that had a wide range of influence as Babylon rose

to prominence. If you read the Book of the Covenant alongside this ancient law code, you will find many correspondences.

This suggests that God’s method of birthing his kingdom within a culture is not through *obliteration*, but *incarnation*. God delights to use the language, forms and symbols of a culture he is speaking to and then invest them with new significance, rather than “throwing the baby out with the bath water.” This is true throughout the Bible. For example, the creation story in Genesis 1 is similar in form to the Gilgamesh creation epic, but its theology is radically different; the structure and language of Deuteronomy are similar to that of ancient Hittite treaties; Egypt had similar proverbs and wisdom literature, and so on. This suggests that before God’s people transform their world they first need to consider what is to be applauded and appreciated within their culture, things that reflect the image and glory of God. The communities we create, though radically different in character from the world, ought not to be so alien to all that is good within the culture that we appear like some mystical cult from outer space.

Once we realize that God places value on anything that reflects his glory, whether it be Christian or not, we are given a freedom and openness to engage the world in an authentic way. This is especially important in our today, when most of the world considers evangelicals narrow minded and judgmental separatists. Secondly, by affirming what is valuable in these ancient laws, the differences in the Book of the Covenant take on a more distinctive, radical edge than if they had no cultural context. With that in mind, let us examine these guidelines dealing with the “goring ox.”

I. Negligence that Threatens Life Exod 21:28-32

A. Oxen and economics

In Israel’s agricultural economy, domestic animals were vital to the productivity of the family farm. Because of the ox’s superior strength over other animals, the animal captivated the imagination of the ancient world:

Will the wild ox consent to serve you,
Or will he spend the night at your manger?
Can you bind the wild ox in a furrow with ropes,
Or will he harrow the valleys after you?
Will you trust him because his strength is great
And leave your labor to him?
Will you have faith in him that he will return your grain
And gather it from your threshing floor? (Job 39:9-12 NASB)

Possessing such power, domesticated oxen offered exponential economic advantage to the farmer. They not only provided dietary staples like milk and cheese, but also with their massive strength they made agriculture possible in Israel’s rocky hill country, a region that normally would have been impossible to cultivate. Coupled with their strength, their physical frame and steady gait made them far

superior to horses for plowing, hauling heavy loads and threshing grain: “The humped withers of the ox, which easily accommodated a simple yoke, made it easily adaptable to pulling heavy loads without choking the beast (in contrast with the horse, which could not be used for heavy hauling until the invention of the horse collar).”²

With such a build and massive strength, it’s no wonder the ox became the quintessential symbol of economic power (“ox” is mentioned 37 times in the Pentateuch alone) in the ancient world.

**Where no oxen are, the manger is clean,
But much revenue comes by the strength of the ox. (Prov 14:4)**

But power if not managed properly can also be fraught with danger. Like our modern day automobile, an ox left unattended or uncared for could wreak havoc on personal property and innocent life. Therefore, to preserve life within the community, guidelines were put in place to deal with negligent owners of out of control oxen.

B. The case of the goring ox: One strike and you’re out! (21:28)

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. (21:28)

If someone is gored to death by an ox, the first issue at hand is to execute the ox by stoning (the Hebrew verbal form is once again emphatic: “stoning he shall be stoned”). But the owner was not liable. Israel’s community was to understand that all life has risks and that animals are sometimes dangerous and can get out of control, even with the best of care. When such an event occurs, Israel’s community may grieve corporately, but it is not permitted to assess blame or seek litigation. Brueggemann makes the astute observation that “Because an agricultural economy is not likely to be litigious, the working principle seems to be to handle damages as simply and directly as possible, so that the disruption of social relations is as minimal as possible.”³

It may seem a little odd to our modern sensibilities that the ox is sentenced like a human being to immediate execution by stoning, and that its meat could not be eaten. But these stipulations served several purposes. First, this would eliminate any possibility that the ox could gore someone else. When it came to the ox, it was “one strike and you’re out.” In Israel, the need to protect life in the community takes clear precedence over the rights of individuals to make a profit. Second, the law inculcated within Israel a close connection between the care and treatment of animals and that of humans. As the proverb declares, a righteous person pays close attention to (i.e. “internally emphasizes with”) the needs of his animals, just as he would his workers:

**A righteous man has regard for the life of his animal,
But even the compassion of the wicked is cruel. (Prov 12:10)**

Therefore, if an animal sheds innocent blood, in human-like fashion it must be executed. And third, not eating its meat was a way of preserving the sanctity of the life of the victim, by actively separating oneself from the act of violence. To profit oneself by filling one’s belly from the remains of violence is abhorrent to God.

After this initial ruling, the text gives four qualifying guidelines to assess liability and establish restitution within Israel’s community.

C. Assessing liability: Two strikes and you’re out! (21:29)

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. (21:29)

If this was not the first occasion when the ox gored someone – and the owner had been clearly warned of the danger yet still was negligent – the owner of the ox bore full responsibility and was to be executed along with his “goring machine.” Now the situation becomes “life for life,” and the law will take its due and proper course. In Israel’s world, it was “one strike and you’re out” for the ox, and “two strikes and you’re out” for the owner. Israel’s community had a zero tolerance for goring oxen, just as we should have none for drunk drivers. Had this law been enforced on the driver who killed John Peckham, John would still be alive, because the driver of the vehicle had an earlier DUI. In God’s eyes, life is so sacred that no distinction is made between the guilt incurred from taking a life criminally and the loss of life caused by gross negligence.

The value of human life in the Book of the Covenant stands out in sharp contrast to the Code of Hammurabi. In the latter, only a fine was levied for the loss of life, and fines were based on one’s social status: “If an ox, when it was walking along the street, gored a seignior to death, that case is not subject to claim. If a seignior’s ox was a gorer and his city council made it known to him that it was a gorer, but did not pad its horns (or) tie up his ox, and that ox gored to death a member of the aristocracy, he shall give one-half mina of silver. If it was a seignior’s slave, he shall give one-third mina of silver.”⁴

Another radical distinction in Israel was that the law was not rigid. Because the death occurred without premeditation, there was room for mercy to be extended by the victim’s family.

D. Forgiveness extended with restitution (21:30-32)

If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him. Whether it gores a son or a daughter, it shall be done to him according to the same rule. 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. (21:30-32)

How gracious of God to grant the possibility of mercy to the negligent party to pay a fine which covered his bloodguilt before God. This arrangement would also give the offended party the opportunity of experiencing the power that extending forgiveness has to heal wounds. In the end, God is much more pleased when a community is eager to come back together to embrace one another in forgiveness than when justice is administered to the letter of the law, with no compassion. Even in Israel’s old dispensation she was never enslaved to the literalness of the law, but was encouraged to take the high road and exhibit the character of the God she served. Yes, a life is always worth a life, and the guilt incurred for negligence is identical to that of murder, but healthy communities learn to forgive and forget by refusing to allow past pain to paralyze future relationships. But even then forgiveness does not come cheaply, as the guilty party must willingly place himself under the authority of the victim’s family and be prepared to contribute his life’s savings to begin the process of healing.

Unlike the Code of Hammurabi, Israel’s law also made sure that there were no age or sexual distinctions in the application of the fine. The loss of a son or daughter was considered just as valuable as an adult. With regard to slaves, the fine was set at a standard fee of thirty shekels of silver. Most scholars view this as a lesser compensation for slaves, but I suspect, given the culture’s prejudice, God might be

placing a stake in the ground, indicating that slaves should never be overlooked or discounted, especially since they were working outside the protection of their home and did not have a family member to present their case or negotiate a ransom. Therefore, the fee was set at a standard price that was non-negotiable. Thirty shekels was not an insignificant sum, as 15 shekels bought two tons of grain, or a brand new car (i.e., an ox). And it is not without significance, when we reflect on the precious life of our Lord, who came as a bondservant to all, that his life was exchanged for a similar price (Matt 27:9).

Israel's laws were shaped with the supreme purpose of keeping Israel's community intact. As Houtman suggests, "Sin, guilt, uncleanness and the like are like dynamite. Unless rendered harmless, neutralized, they 'blow up' human society. They undo YHWH's blessed presence."⁵ But as the guilty party steps forward to release the tension and repair the rupture in relations, a healing balm is made possible, and with it the redemption of the situation for good. So important is this to the health of a community that Jesus says it takes precedence over our worship of God:

Therefore if you are presenting your offering at the altar, and there remember that your brother has something against you, leave your offering there before the altar and go; first be reconciled to your brother, and then come and present your offering. (Matt 5:23-24)

If we take Jesus' words seriously, before taking the offering we should ask the question, Could this money have been put to better use by being spent to restore a broken relationship? God is more pleased with the investments we make to heal broken relationships than he is with the finances we give to the church. Just as in the Book of the Covenant, both Jesus and Paul exhorted their disciples to restore wrongs in the community as simply and directly as possible, so that the breaches in relationships could be healed quickly and not escalate out of control by engaging a potentially costly and complicated legal process (Matt 5:25; 1 Cor 6:1). Paul even asserts that the New Covenant community is healthier when the wronged party forgives a wrong, without restitution, rather than achieving a just, but coerced restitution in a court of law (1 Cor 6:7). What good is your money secured in justice, when it comes at the permanent loss of a relationship, not to mention our lost witness to the world before whom the trial was fought?

The subject now shifts from the threat of negligence leading to the loss of life, to negligence resulting in economic loss.

II. Negligence that Threatens the Economy Exod 21:33-36

A. Restitution for loss of an animal (21:33-34)

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, the owner of the pit shall make restitution; he shall give money to its owner, and the dead animal shall become his. (21:33-34)

Brueggemann writes, "Domestic animals are enormously valuable, and their loss is ominous, particularly to those who own small plots of land."⁶ These guidelines show that God is just as concerned with the material loss we cause others by our negligence, as he is for the loss of life. God is not only tender and compassionate concerning human beings, he is also intensely practical when it comes to economics. He takes just as much note about what happens on Wall Street as he does in the operating room of a hospital.

The goal of these guidelines is not punishment, but "restitution" (expressed in the verb *shalem*), which becomes the key word (found 18 times), in Exod 21:33-22:16. "Like the noun *shalom*, this verb concerns action that restores balance, harmony, and well-being. Its content is to pay back, correct a wrong, and recover equity."⁷ If an individual causes an economic loss to another individual because of his negligence, he restores the *shalom* of the community by being responsible to pay the full amount of damages; but to minimize his loss, he is allowed to keep the meat and hide of the dead animal. This implies that the offended party is encouraged to maintain a conciliatory spirit toward the one who hurt him, despite the accident. Again we find in Israel that relationships always take precedence over profit. Thus *shalom* becomes much more than the mere absence of strife. When *shalom* is present, the community lives in the sweet savor of good will and eager kindness towards one another.

B. Restitution for loss by an animal (21:35-36)

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. 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. (21:35-36)

Guidelines are once again given for an out of control ox, but the penalty is different, because the life of an animal was lost, not the life of a human being. In the first case, the loss of the neighbor's ox is considered purely an accident. Therefore, both owners bear the loss equally. The live ox is sold and the proceeds are split. There is to be no litigation or ongoing guilt assessed, which means that the offended party must forgive his neighbor and move on. To harbor resentment or nurture one's anger for accidents beyond anyone's control is an affront to the Creator and Lord of the universe. Accidents happen, pure and simple. That's life, so live with it!

However, if this was not the first offense by the ox, and the owner of the wayward ox had not heeded the warning to confine his ox, then he bore full financial responsibility for the loss of his neighbor's ox. Yet, notice that even in this case, because there was no malicious intent involved, he was allowed to keep the remains of the dead animal to offset some of his losses.

This suggests that what protects the atmosphere of *shalom* in the community is our refusal to assign motives to the actions of others; instead, we choose to be positive by believing the best about them. This is especially critical at times when we suffer loss due to the mistakes of others. At those times when we are harboring hurt, it is very easy to place the delectable spin of evil motives around someone's negligence to gain more sympathy from our hearers. This kind of cynicism destroys the *shalom* of a community. But the law, written in a conciliatory spirit of love for one's neighbor, asks the wronged party to assume the best about his offender by assuming there was no evil intent. The sage's proverb will take this attitude even a step further, encouraging the same conciliatory spirit even when evil intent is present, as Bruce Waltke so skillfully expounds:

Hatred awakens conflicts,

but love conceals all transgressions. (Prov 10:12)

The quatrain now probes the sources of good and bad communication to the way people perceive others who have wronged them and so points the way to reconciliation...Here hatred *awakens* personified conflicts or dissensions from dormant slumber. Now aroused and fully active, the conflicts spill over into violent clashes

between the wronged and the wrongdoer...By contrast, *love* cherishes the wrongdoer as a friend to be won, not as an enemy with whom to get even. Personified love *conceals* (or draws a veil over) *all* [or all kinds of] transgressions...The lover in the calculus of heaven draws the curtain down in order to conceal all transgressions, however many or bad (Jas 5:20; 1 Pet 4:8). Instead of placing the transgressor on stage and withdrawing the veil to expose his faults and so exact revenge, love endures his wrongs to reconcile him and save him from death (cf. 25:21-22; 1 Cor 13:4-7; Jas 5:20) and to preserve the peace (cf. Prov 19:11).⁸

In summary, we find that preserving the sanctity of life in community means not only being vigilant to protect the community from violence and abuse, but by being just as responsible to prevent injury to others through negligence. In Israel, the major threat came from the “ox,” which symbolized the desire to employ advanced means of production to increase one’s wealth and productivity, but at the same time had the potential of endangering the life of one’s neighbor.

The danger to which the law points is a disregard of the neighbor because one is preoccupied with one’s own interests. It requires no great imagination to see that, in a post-industrial society, preoccupation with one’s own well being and profit can lead to neglect of the neighbor’s well-being. Thus the “ox that gored” might be understood as water rights, careless chemical pollution, or the introduction of technical “advances” (i.e., smarter oxen) that endanger the environment and destroy another person’s context for a good life. “A man and his ox” – that is, a person and his or her possessions – do not exist in a vacuum.⁹

III. Jesus and the Ox Luke 13:13-16

Preoccupation with one’s means of production not only harms our neighbor, it can also blind us to value of life altogether. We can see this in one of the rare appearances of the “ox” in the New Testament (Luke 13:10-17). Teaching in the synagogue on the Sabbath, Jesus sees a woman so twisted and bent over with an arthritic condition she can barely look up. Jesus frees her from her sickness, and she immediately stands straight and tall for the first time in 18 years, giving glory to God. The synagogue official is so furious he scolds the congregation that if they wanted to get healed, they could come any other day, but not today, the Sabbath!

But Jesus shot back, “You frauds! Each Sabbath every one of you regularly unties your cow [ox] or his donkey from its stall, leads it out for water, and thinks nothing of it. So why isn’t it all right for me to untie this daughter of Abraham and lead her from the stall where Satan has had her tied these eighteen years?” (Luke 13:15-16 The Message)

Is Jesus’ scathing rebuke suggesting that these Jews were so consumed with maintaining their wealth they had lost the value of life altogether? So where are our oxen? Could it be that our technology, which was designed to increase our wealth and productivity, has actually become like Israel’s “goring ox,” blinding us to what is truly life, and causing us to neglect the very thing that matters the most, our soul?

¹ “The Code of Hammurabi,” translated by Theophile J. Meek, James B. Pritchard ed., *The Ancient Near East, An Anthology of Texts and Pictures* (Princeton: Princeton University Press, 1958), 1:138.

² “Ox,” Leland Ryken, James C. Wilhoit, Tremper Longman III, gen eds., *Dictionary of Biblical Imagery* (Downers Grove: InterVarsity Press, 1998).

³ Walter Brueggemann, “Exodus,” *The New Interpreter’s Bible* (Nashville: Abingdon, 1994), 1:865.

⁴ Pritchard, *The Ancient Near East Texts*, 1:165.

⁵ Cornelis Houtman, *Exodus* (HCOT; Kampen: Kok, 1996), 3:177.

⁶ Brueggemann, “Exodus,” 865.

⁷ Brueggemann, “Exodus,” 865.

⁸ This is Waltke’s translation of Prov 10:12. Bruce K. Waltke, *The Book of Proverbs 1-15* (NICOT; Grand Rapids: Eerdmans, 2004), 449, 461.

⁹ Brueggemann, “Exodus,” 873.