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Exodus 21:12-27

Forty-third Message

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PRESERVING THE SANCTITY OF LIFE WITHIN A COMMUNITY

SERIES: CREATING COMMUNITIES OF SHALOM IN DAILY LIFE

For the last several days, the news media has been riveted on the little community of Nickel Mines, Pennsylvania, where five children were gunned down in a small one-room schoolhouse. Violence always has a way of making the front page, but what kept the attention of the world was the response of the Amish community. In the midst of their deep grief they offered comfort and extended forgiveness to the shooter's family just hours after the shooting. One of the farmers whose three grandnephews were inside the school during the attack said of the family, "I hope they stay around here and they'll have a lot of friends and a lot of support."¹ The whole world wonders what gives these simple farmers such strong convictions and deep faith to extend love in the wake of violence. The answer may have something to do not just with their theology, but also in their rich experience of community.

The Book of the Covenant speaks of all of Israel's ethical concerns in terms of community. Last week, we examined the first relational issue, the care and protection of debt slaves. The text not only uncovered God's ultimate concern that financial debt should never lead to financial exploitation, but also his uncanny methods to subvert an institution that was prone to be destructive to community. God's method was to place strong relational components within the management of debt, so that in the process of being freed from the burden of debt, relationships rather than profit became the ultimate driving force for the community. In this new family, gifts replace wages and loving service, duty and obligation.

Following the topic of debt slavery, the Book of the Covenant addresses the issue of preserving the sanctity of life within the community. Israel's theology of creation gave a worth and dignity to both men and women that was light years beyond anything in the culture of the Ancient Near East. Because Israel was called to be a light to the nations, it was absolutely critical that she be as passionate about preserving the dignity of mankind as God is. The fact that mankind was made in God's image (Gen 1:26,27) means that every individual, male and female, bears that sacred image. Therefore God's people are to have the highest regard for the sanctity of human life, and a keen awareness of the things that are destructive to life within their communities. The image of God must not be defamed, maimed or destroyed.

The arrangement of this material has been considered by many scholars as loose and haphazard, to some even the result of "laziness, undeveloped legal technique"² that reveals that laws were simply inserted at random rather than subjected to a logical scheme. I would grant that the material is a bit rough hewn and not as highly developed as it will later be in Israel's history, but I suspect there is more unifying coherence and meaning in its structure than most scholars are willing to admit. In the overall scheme, as we move from the theme of slavery to murder, we find a similar structure in the Ten Commandments. As Alter points out, "Cassuto notes a general structural parallel to the Decalogue. The list of laws begins with regulations about slavery, just as the first commandment begins by mentioning the liberation from slavery. The next group of laws begins with murder, just as the second half of the Decalogue does."³

Our text has two sections. The first deals with four crimes that destroy the life of the community and deserve the death penalty (21:12-17).

The purpose of the severity of these laws is to make these crimes too costly to be entertained, for if left unchecked, their effects will unravel the very fabric that holds a community together. The second section (21:18-27) gives more detailed instructions in the form of case law ("if this ... then do this") on protecting and restoring life to victims of assault. After examining these laws in the context of Israel's world we will look ahead to what Jesus and the apostles identified as the real threats to community life in the New Covenant, and how we ought to respond to threats of violence.

I. Four Grave Threats to Life in the Community Exodus 21:12-17

A. Manslaughter (21:12-14)

He who strikes a man so that he dies shall surely be put to death. But if he did not lie in wait for him, but God let him fall into his hand, then I will appoint you a place to which he may flee. If, however, a man acts presumptuously toward his neighbor, so as to kill him craftily, you are to take him even from My altar, that he may die. (Exod 21:12-14 NASB)

In the ordinary course of community life it is inevitable that individuals will provoke one another to anger that leads to an actual physical assault. And on some occasions someone will inevitably receive a blow of such force that he dies as a result. How is the *shalom* of a community restored when unrestrained anger leads to the shedding of innocent blood? God gives an unequivocal answer: that person "shall surely be put to death." The Hebrew verbal form is emphatic ("dying he shall die"), and is identical to the wording in Genesis 2, when God solemnly warned Adam that he must not to eat from the tree of the knowledge of good and evil, "for when you eat of it you will surely die" ("dying you will die," Gen 2:17). In the Old Testament, because human beings bear the divine image, shedding the blood of an innocent individual could only be atoned for by the life of the killer.

But an all-important distinction is made in Israel's law between spontaneous anger that ignites and breaks out of control in the heat of the moment, with no intention of killing, and murder that is pre-planned and thought through with motive and intent. The phrase, "God let him fall into his hand," does not mean that God caused it, or that the victim deserved it, but that "The man did not know what he was doing,"⁴ in contrast with the term "craftily." He basically lost control of himself. If there was no actual intent and the killing was accidental, the perpetrator was free to flee to one of several cities of refuge that God would designate throughout the land (Deut 19:1-13; Josh 20:1-9). Within the security of its walls he could find safety and refuge from vengeance by the victim's family. There he could place himself under the due process of the court to determine circumstance and motive. If, however, there was clear intent and premeditation, he was to be sentenced to death. Only the shedding of his blood would restore *shalom* in the community.

From the context of the community, God now speaks of abuse within the home.

B. Striking a parent (21:15)

“He who strikes his father or his mother shall surely be put to death” (21:15)

By placing this commandment immediately after the issue of manslaughter, I suspect that God is making an important connection between the two. The dignity of life is first learned in the home through the honor and respect given to one’s parents. Honor is granted not only in obeying parents when the child is growing up, but also by providing physical and emotional care for them in their old age. The commandment has in view not a youth but an adult child, most likely the oldest son, who is at the age when he is as physically strong if not stronger than his parents. It may be, as some scholars suggest, that the parents are now at the age when they are dependent on the oldest son for their care. But instead of giving honor, this son physically batters his mother or father. “Such conduct toward parents is so utterly wrong that anyone who engages in it undermines the foundation of society and has lost the right to live.”⁵

C. Kidnapping (21:16)

“He who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death.” (21:16)

In contrast to debt slavery, where a person willingly sells himself for a limited time to his creditor to pay off his debts, this law addresses forced slavery, where a free citizen is kidnapped and sold for commercial profit against his will. This common practice in the ancient world shaped the fabric of our nation for centuries. Today, it is still common practice in Third World countries. It is estimated some 10 million children worldwide have been sold as sex slaves to support their families or commercial pimps. The U.S. is no exception. The U.S. Central Intelligence Agency estimates that 50,000 people are trafficked into or transited through the U.S.A. annually as sex slaves, domestics, garment, and agricultural slaves.⁶

To bring it closer to home, last year, immigration agents raided several brothels in San Francisco and found that children as young as nine years old were involved in prostitution. This is just the tip of the iceberg. It is estimated between “200,000 to 300,000 children are involved in prostitution nationwide.”⁷

One can hardly think of a crime more destructive to community life than destroying families by stealing their children and selling them to foreigners for sex. For this reason the law stated unequivocally that the perpetrators were to be put to death.

D. Disgracing a parent (21:17)

He who curses his father or his mother shall surely be put to death. (21:17)

At first glance, the penalty of this commandment seems totally out of proportion to the crime. But again, if we first examine the context, further light is shed on its meaning in relation to the previous commandment. The term “curse” has a wide range of meanings. Its root (*qalal* - “to be light, slight, swift”) is the opposite of “honor” (*kabal* - “to be weighty”) and often means to “vilify” or “curse.” If a verbal curse is implied by the commandment, then it suggests that children are to learn that there is a strong connection between their words and their deeds. Abusive words not only cut deeply, they burn and fester. And the closer the relationship, the greater is their effect. With just one word a son or daughter can light the fuse to the hidden storeroom of a family’s nuclear waste, and in an instant everything is in flames. Physical wounds can heal, but emotional ones remain. Perhaps this is why Jesus in the Sermon on the Mount made such strong connection between words and deeds, when he said that the guilt incurred from an angry word is identical to the act of murder (Matt 5:21-22).

The term may also carry more significance than a mere verbal curse

(Ezek 22:7). Houtman prefers to translate it as “treat disgracefully,” suggesting that it could be referring to the actual “abandonment of the parents or even casting them out. 21:15, 17 taken together evoke the picture of parents who, physically and verbally, are forcibly turned out of the house.”⁸ We can see both of these ideas brought together in Proverbs 19:26:

He who assaults his father and drives his mother away

Is a shameful and disgraceful son. (Prov 19:26)

Once again, the juxtaposition of these commands suggests that it is within the home that children are inculcated with the sacred value of human life. When children take seriously the command to honor parents in their old age, they are in fact bringing a special sacredness to their own lives that will travel with them wherever they go in community. On the other hand, the son or daughter who treats his or her elderly parents with disgrace by driving them out of the home is no different than the kidnapper who tears sacred family bonds apart to steal and sell children for profit.

In the New Covenant community, while the “sword” has been given over to the state (Rom 13:4), Paul’s words to those who refuse to care for their elderly parents strike with similar force:

But if anyone does not provide for his own, and especially for those of his household, he has denied the faith and is worse than an unbeliever. (1 Tim 5:8)

In reviewing these four crimes, we may ask, Was the death penalty mandatory in all cases? Or were these laws stated with such severity to inculcate within Israel the supreme value that God places on human life? Examining Israel’s history, Moses should have been put to death for killing the Egyptian. For when he “looked this way and that” (Exod 2:12), he demonstrated intent to kill. And all of Israel’s tribal heads, except for Joseph, would have been put to death for kidnapping and selling Joseph to Ishmaelite traders (Gen 37:27). Later, king David should have been put to death for his twin sins of murder and adultery (2 Sam 11). But noting this we should also be careful to never diminish the severity of these crimes, for in doing so we deface the holiness of God and devalue the price of his Son’s atoning blood on the cross.

As a citizen, I would suggest that we should address the inequitable administration of the death penalty on the poor and minorities, who are not able to finance a fair defense, while at the same time not lowering the God’s standards that a life is worth a life. Yet the possibility of mercy should always be an option for the court, especially now that Christ has given atonement in his own blood.

In the second section, God gives more detailed instructions on protecting and restoring life to victims of assault. In each case we will discover that God is particularly concerned that care be given to the weaker and more vulnerable members of the community.

II. Protecting and Restoring Life to Victims of Assault Exodus 21:18-27

A. Addressing the upper hand among equals (21:18-19)

“If men quarrel and one hits the other with a stone or with his fist (or “tool”) and he does not die but is confined to bed, the one who struck the blow will not be held responsible if the other gets up and walks around outside with his staff; however, he must pay the injured man for the loss of his time and see that he is completely healed.” (21:18-19)

In the first case, if two men are quarreling for whatever reason, and in the heat of the moment one of them grabs for whatever is at hand to give him an advantage, whether a stone or a tool,⁹ and inflicts damage with it, he is responsible for the injuries to the other individual. If the person dies, he must be held guilty. If he doesn’t die, the perpetrator is

responsible to not only pay for the wages he lost at this work, but also give the needed care until he is completely healed. What a wonderful sight to see, a man washing the wounds of his former enemy.

Janzen comments on God's redemptive wisdom contained in the law, which is so different from our system of merely punitive justice: "This restoration serves a double purpose: first, the balance of the burden resulting from the quarrel is shared, and the injured party is helped to live on as well as is possible under the circumstances. Second, the community in which the quarrel has taken place is restored as well."¹⁰

Recently I spoke with a Lebanese pastor who has ministered in Beirut for most of his life. He shared with a group of pastors in Palo Alto how God was working in the aftermath of the horror that occurred in Lebanon this summer. As much of southern Lebanon came under attack, 700,000 Shiites fled from their homes in the south and crossed over into the Christian north. As the refugees poured in, Christians took them into their homes, basements and churches. They organized vacation Bible school for the children, while Bible societies sent thousands of Bibles to the area. Families were housed and cared for while their children learned songs about Jesus. Now that the war is over and the Shiites are returning to the rubble of their communities, several churches have gone back with them to help them rebuild their lives and their homes. This is God's way healing disputes and transforming hatred into love until all parties are "completely healed."

B. Protecting slaves from assault (21:20-21)

If a man strikes his male or female slave with a rod and he dies at his hand, he shall be punished. If, however, he survives a day or two, no vengeance shall be taken; for he is his property (lit. "his silver"). (21:20-21)

Because debt slaves were vulnerable to exploitation, the law made sure that unlike other cultures, slaves were given the same rights as free citizens. If a master struck and killed his slave, he was just as guilty of manslaughter as if he had killed a free citizen. Given the previous context, it seems that punishment would be "life for life." If the slave survived for a day or two, then there was no need to pay him for his time lost, since he worked for his master, who had only punished himself with the loss of his own "silver" (the term "his property" is better translated "his silver").

Unlike other law codes in the Ancient Near East, Israel is beginning the revolutionary process of removing all class distinctions. Though an individual was permitted to work his way out of debt for his creditor for six years, his life was deemed as sacred as a rich man's. If he was not treated as such, his master was the one who paid the ultimate price.

C. Protecting the unborn and their mothers (21:22-25)

"If men struggle with each other and strike a woman with child so that she gives birth prematurely, yet there is no injury, he shall surely be fined as the woman's husband may demand of him, and he shall pay as the judges decide. But if there is any further injury, then you shall appoint as a penalty life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise." (21:22-25)

The third law in this series of four addresses injury done to a pregnant woman who gets involved in a scuffle when her husband comes under attack. She is obviously the most vulnerable, not only because she is a woman, but also because she is carrying another innocent life within her womb. If she is struck, whether inadvertently or deliberately, and the blow causes a pre-mature birth (the Hebrew text reads "and her children came out"),¹¹ whatever incited this particular struggle would seem to pale compared to the gravity of the moment. To prevent the husband's rage from retaliating and escalating the violence further, the law permitted him the freedom to determine damages. This serves to give him full

assurance he will be given a voice in court to express his pain. But he is not given a blank check. His proposal must be backed with the approval of the community, which prevents exorbitant payoffs.

If, however, there is further injury and a death occurs, presumably either to the mother or her children (though the Hebrew is ambiguous),¹² then the penalty is life for life. This expression, known as *lex talionis*, was designed to limit punishment to fit the crime and to curb vengeance in the community. Israel's application of the law was much more spiritually sensitive than other cultures: "The law of retaliation is applied with great literalness in the Code of Hammurabi...there if the injured woman is the daughter of a member of the aristocracy and dies, the injurer's daughter (not the injurer himself!) is to be put to death. If the woman is the daughter of a commoner or of a slave, varying amounts of payment are sufficient. In the OT, by contrast, *an eye for an eye* has come to be synonymous with punishment in fair proportion to the offense. Furthermore, it seeks equality between rich and poor..."¹³

D. Crossing the line to freedom (21:26-27)

"If a man strikes the eye of his male or female slave, and destroys it, he shall let him go free on account of his eye. And if he knocks out a tooth of his male or female slave, he shall let him go free on account of his tooth." (21:26-27)

If a master's anger escalated to the point where he became physically abusive and caused a permanent injury to a debt slave, whether the loss of an eye or a tooth, this was crossing the line and was considered to be a crime that no amount of financial remuneration could compensate. The slave was immediately released from his master's service, his debts wiped clean, and he became free. How different this was compared to the current conditions of slaves in the ancient world. If this law had been in effect during Israel's sojourn in Egypt, the whole nation would have been set free within a month. Just think how busy the tooth fairy would have been!

To preserve the dignity of persons, God says there are definite lines to be drawn that must never be crossed, especially with the weaker, more vulnerable members of the community. If that line is crossed, the relationship that bound them is severed to protect the image of God from mutilation. With God, people are infinitely more valuable than money.

In summary, we find that God's concern in each of these four guidelines is that the sanctity of life be preserved among those who are most vulnerable in society and cannot protect themselves. And, as in the case of handling debt, God's administration of wrongs is not merely to pronounce equitable sentences, but whenever possible to establish stronger relational bonds to restore the community in the bonds of love.

III. Preserving the Sanctity of Life in New Covenant Community

A. God maintains the same concerns

First, God's basic concerns have not changed. He is just as passionately concerned about preserving the sanctity of human life among the weak and vulnerable in society today as he was in Moses' time. He cares deeply about equal rights for women, the life of the unborn, the care of the elderly, health care for the poor and the plight of the homeless. It seems rather ironic that while we deplore Israel's tolerance of debt slaves, it was a far more humane system to process debt than our impersonal corporate world that unabashedly strives to make debt an addiction that leaves thousands homeless. As Christians we ought to be on the front lines to speak out wherever we see God's image threatened by the powerful. Perhaps the individual who was the purest voice in this regard was Mother Teresa. Addressing the issue of abortion she once said, "The greatest destroyer of peace is abortion, because if a mother can kill her own child, what is left for me to kill and you to kill me? There is noth-

ing between.”

B. But He administers those concerns differently

But, while God’s concerns are the same, he administers them differently. Unlike Israel, the Church does not bear the sword, which means the kingdom of God is never advanced by coercion. As citizens we must work to create good and just governments, yet all the while knowing that the kingdom of God works in a higher dimension that transcends government (2 Cor 10:3-4), and is not dependent on what happens in Sacramento or Washington D.C. (Isa 40:15-17). One of the most revolutionary things about the gospel is that it can work within any culture and subvert any institution. Its liberating power is not dependent on the policies of politicians, generals, or CEO’s. Christians are always working on two levels. We strive to bring change within all our institutions, from our schools to business to politics, but regardless of the progress we make, we are always free to reach out and love in radical ways.

C. The real threats to life in the community

Yet, both Jesus and the apostles instructed the early Church that there were still enemies that posed a serious threat to the life of the New Covenant community. These enemies were more difficult to detect, yet were far more dangerous than Rome, for they could destroy the life of a whole community before anyone realized it. These were “murderers” of the new order. Who were they? you ask. The so-called righteous religious leaders who insisted on total control of the spiritual life in Israel. These were the ones who loved rules more than people, and in the process murdered the spiritual life of people.

In the age of the New Covenant, the greatest threat to our lives is not violence, but legalism. It is not governments that persecute us; it is religious leaders who want to control us. Spiritual abuse can be more damaging than physical abuse. The mark of a true leader is that he is a slave to all and controls no one.

D. Former abusers are forgiven and loved

How then does this new community relate to those who once abused them? Here the cross changes everything. Under the old dispensation, murderers were executed, but in the new, because the death penalty was exacted on Jesus, there is the possibility of forgiveness and restoration. Saul of Tarsus was one of the most violent religious leaders in Israel. He was obsessed with destroying the life of the early Church. Yet in one of his most violent moments, he looked into the face of a dying young man and heard him say, “Lord, do not hold this sin against them” (Acts 7:60). Those words haunted him until one day he had a living encounter with that Lord, and at that moment Saul became Paul, the apostle to the Gentiles. This former abuser ended up creating more loving communities, where there was neither Greek nor Jew, slave or free, rich or poor, than any other apostle. Yes, the cross changes everything. This was the reason that little Amish community in Nickel Mines, Pennsylvania could offer not only forgiveness to the shooter’s family after their children were murdered, but also the warm embrace of fellowship.

I have asked Moni Mihai Hanneman to share her story of the power of forgiveness that transformed her family. [see insert]

Tribune, October 12, 2006. <http://www.chicagotribune.com/news/opinion/chi-0610120013oct12,1,7806638.column?coll=chi-opinionfront-hed>.

2 This is Daube’s view (*Biblical Law*, 74-77, 85-89), quoted by Durham in John I. Durham, *Exodus* (WBC; Waco: Word, 1987), 322.

3 Robert Alter, *The Five Books of Moses, A Translation with Commentary* (New York: Norton, 2004), 438.

4 Cornelis Houtman, *Exodus* (HCOT; Kampen: Kok, 1996), 3:145.

5 Houtman, *Exodus*, 3:147.

6 “Human Trafficking & Modern-day Slavery,” (<http://www.gvnet.com/humantrafficking/USA.htm>).

7 Leland Y. Yee, San Francisco Chronicle, Feb 17, 2005. (<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2005/02/17/EDG6VBC64E1.DTL>).

8 Houtman, *Exodus*, 3:148.

9 Durham translates this rare Hebrew term, whose root means “sweep, scoop away,” as “tool.” “The term occurs only here and in Isa 58:4, and though it is generally read ‘fist’, there is no good reason why some kind of tool may not be intended.” John I. Durham, *Exodus* (WBC; Waco: Word, 1987), 312.

10 Waldemar Janzen, *Exodus*, (BCBC; Scottdale, PA: Herald Press, 2000), 296.

11 It is difficult to know whether this is a miscarriage or a birth of viable offspring. “The Samaritan text and the Septuagint both have ‘and her fetus came out.’” Alter, *The Five Books of Moses*, 439. Compare with the Code of Hammurabi, who ruled from 1728-1686 B.C.E., “If a seignior [i.e. master] struck a(nother) seignior’s daughter and has caused her to have a miscarriage, he shall pay ten shekels of silver for her fetus. If that woman has died, they shall put his daughter to death.” James B. Pritchard ed., *The Ancient Near East, An Anthology of Texts and Pictures* (Princeton: Princeton University Press, 1958), 1:162.

12 Because of the ambiguity of the Hebrew, scholars are divided whether further injury applies just to the woman or to her children as well. If it was the latter, then a fine was seen as compensatory for the miscarriage and was designed to prevent retaliation by her husband.

13 Janzen, *Exodus*, 298.

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1 Clarence Page, “The Amazing Virtue of Forgiveness,” *The Chicago*