

EXODUS—WEEK 16

THE LAW TEACHES



F. Michael Slay
A DEEP Study

The Fellowship of Ailbe

*The Cover Picture is Moses at Mount Sinai by Jacques de Létin (1597–1661)
on display at Musée des beaux-arts in Troyes, France*

Here we see a number of significant advances in law. Unborn children have rights, as do slaves. Details matter, particularly with stolen property or negligence.

Even loaning is regulated.

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Thank you.

Exodus 21:22–22:15 — *The Law Teaches*
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1 Exodus 21:22–25 (ESV)

“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. But if there is harm, then you shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.”

The ESV translates this literally here. The Hebrew says, word for word, “*so that her children come out.*” It even uses the normal word for children (יְלֵדָה, yeledaha). This is one of the strongest pro-life passages in the Bible, but some argue that it allows for the miscarriage of the child without penalty. In addition to butchering the Hebrew, that interpretation makes no sense in context.

Obviously, this passage gives weight to the woman’s pregnancy; the presence of the unborn *yeledaha* changes the rules. Even if there is no harm, payment must be made. Yet, some people interpret this passage so as to treat the loss of this child as a non-event. They want to apply the words, “*there is no harm*” and, “*if there is harm*” to the mother only. Suddenly, the children—who are obviously important in the rest of the passage—don’t matter.

That shift in meaning, right in the midst of the opposite perspective, is absurd. It’s an impossible stretch—a desperate attempt to defend the indefensible. It would be amusing if it weren’t for the dreadful practice it’s attempting to defend.

This passage treats children in utero not merely as valuable as other children, but more valuable. They are more vulnerable, so this makes sense.

God gets to make this call, and He has made his preferences clear.

The issue of abortion has divided our nation for decades, and overturning *Roe v. Wade* didn’t fix that. Why haven’t we achieved great things?

Well, maybe we have. Maybe the grand scheme of things is something else. Maybe I can’t see the whole truth.

Of course I can’t. Finite minds can’t comprehend God’s priorities. Besides, the Bible is clear on this.

*For as the heavens are higher than the earth,
so are my ways higher than your ways.* — Isaiah 55:9a (ESV)

There must be something else, something we cannot see, something totally other.

That something else must be more important than abortion. Of course, the answer is God’s glory—with the gospel as the sub-answer.

Sometimes we don’t get to see how things are going to play out (in this life anyway).

2 Exodus 21:26–32

“If a man strikes the eye of his male or female servant, and destroys it, he shall let him go free for the sake of his eye. And if he knocks out the tooth of his male or female servant, he shall let him go free for the sake of his tooth.

“If an ox gores a man or a woman to death, then the ox shall surely be stoned, and its flesh shall not be eaten; but the owner of the ox shall be acquitted. But if the ox tended to thrust with its horn in times past, and it has been made known to his owner, and he has not kept it confined, so that it has killed a man or a woman, the ox shall be stoned and its owner also shall be put to death. If there is imposed on him a sum of money, then he shall pay to redeem his life, whatever is imposed on him. Whether it has gored a son or gored a daughter, according to this judgment it shall be done to him. If the ox gores a male or female servant, he shall give to their master thirty shekels of silver, and the ox shall be stoned.”

Verses 26 and 27 lay out an important rule, one that obviously was not observed in antebellum America. Mistreatment of slaves is virtually banned; something as minor as knocking out a tooth leads to a total liberation of the slave.

This is such a great restriction that it changes the concept of ownership. A master does not totally “own” a slave the way he owns an ox. Thus does the claim that the Bible tolerates slavery take another hit. The word “slavery” remains, but the practice, as typically understood, doesn’t. This is a significant step forward in human rights.

The rules for oxen seem pretty obvious at first glance. But the rule about an ox that is *tended to thrust with its horn in times past* is intriguing. The provision that *it has been made known to his owner* is similar to many things in modern American case law. For example, on-the-job sexual harassment is (except for assault) only actionable when the harassment continues after a warning has been issued. However, it took a number of cases for our courts to reach this consensus.

The same courts that make a big deal out of posting the Ten Commandments on their walls could have saved themselves a lot of time by reading the rest of Exodus.

Americans tend to take our blessings for granted. Sure, we pay lip service to how we’re free to worship the one true God and free to tell others about Him. We also recognize that we have a legitimate, stable government that allows us to prosper.

But we don’t seem to realize how extraordinary all that is. The path that got us to this point was filled with twists and turns and narrow escapes. We do pay homage to the military, whose sacrifice and bravery got us through many of those narrow escapes, but do we fully appreciate that it was all God all along?

The long and winding road that led to liberty and justice for all began with the system of laws laid down by God at Sinai. We’ve updated a few details here and there, but this section of Exodus is roughing in the basic structure of western civilization. Praise God from whom this blessing flows.

3 Exodus 21:33–36

“And if a man opens a pit, or if a man digs a pit and does not cover it, and an ox or a donkey falls in it, the owner of the pit shall make it good; he shall give money to their owner, but the dead animal shall be his.

“If one man’s ox hurts another’s, so that it dies, then they shall sell the live ox and divide the money from it; and the dead ox they shall also divide. Or if it was known that the ox tended to thrust in time past, and its owner has not kept it confined, he shall surely pay ox for ox, and the dead animal shall be his own.”

In 1986, when the Maryland legislature was debating the state’s first mandatory seat-belt law, the law, as written, was virtually unenforceable. It did not allow a policeman to stop a car for a seat-belt violation; the stop had to be for something else. Only then could a ticket be given for failing to wear a seat-belt. Opponents argued, rightly, that virtually no tickets would be written.

But the law passed because experts testified that the ethical standard set by the law would lead to a significant increase in seat-belt use. Thus, it would still save many lives.

It did. Even an almost unenforceable law teaches.

Here we see laws that teach people not to be negligent. If you do something irresponsible and things go wrong, then you are responsible for the damages—even if you didn’t intend for those things to happen. Preventable accidents are the fault of the person who created the hazard.

But the key principle introduced here is that the law will be more than just a schedule of penalties for various crimes. The law teaches people how to think.

That’s what fathers do.

Christians rarely study the Old Testament law. Jesus fulfilled it, so we are liberated from it. In some ways (like with the dietary laws), that’s pretty much the end of it, but knowing the law can still be useful.

“But this is the covenant that I will make with the house of Israel after those days, says the LORD: I will put My law in their minds, and write it on their hearts; and I will be their God, and they shall be My people.” — Jeremiah 31:33

This passage is quoted three times in the New Testament (Rom. 2:15, Heb. 8:10 and Heb. 10:16) and assumed elsewhere (e.g., 2 Cor. 3:3). It’s obviously important, but how should we respond? Are we supposed to study the law so as to write it on our hearts?

Jeremiah 31:33 says otherwise. Memorizing the Old Testament law is the Old Testament way. We get something better. The Holy Spirit writes the law on our hearts.

Still, all scripture is God-breathed. We are called to study it.

4 Exodus 22:1–6

“If a man steals an ox or a sheep, and slaughters it or sells it, he shall restore five oxen for an ox and four sheep for a sheep. If the thief is found breaking in, and he is struck so that he dies, there shall be no guilt for his bloodshed. If the sun has risen on him, there shall be guilt for his bloodshed. He should make full restitution; if he has nothing, then he shall be sold for his theft. If the theft is certainly found alive in his hand, whether it is an ox or donkey or sheep, he shall restore double.

“If a man causes a field or vineyard to be grazed, and lets loose his animal, and it feeds in another man’s field, he shall make restitution from the best of his own field and the best of his own vineyard.

“If fire breaks out and catches in thorns, so that stacked grain, standing grain, or the field is consumed, he who kindled the fire shall surely make restitution.”

The hierarchy of penalties for cattle rustling is well designed to deter it. If you’re caught with a stolen animal, you have to give it back, plus another one just like it. Many common thieves don’t have another one to give. (If they did, why steal one in the first place?) In that case, they lose their freedom. (That’s what, “*if he has nothing, then he shall be sold for his theft*” amounts to.) Six years of indentured servitude is a daunting prospect.

But if they sold the animal—which makes it much harder to get caught—the penalty skyrockets. Add three more oxen (or two more sheep) to the restoration. Few thieves would be able to pay that. Slavery looms large in this scenario.

It’s curious that the repayment ratio is higher with oxen. There are two theories as to why this makes sense. First, oxen grow slower and, thus, are harder to replace. But I prefer the theory that making it without an ox is tougher than making it without a sheep. A sheep produces wool every spring, but an ox is useful every day as a beast of burden. Lose your ox, and much of your farming operation shuts down.

Another puzzle in this passage is the dramatic contrast in what is permissible in defending your home at night versus in the day. Remember that at this point in history, night can be pitch black. This makes fights dangerous and unpredictable. Thus, Mosaic Law is “stand your ground” at night, but only at night. This values the life of the criminal more than many states do.

<http://criminal.findlaw.com/criminal-law-basics/states-that-have-stand-your-ground-laws.html>

As we get down in the weeds of the law, the underlying wisdom of it all becomes increasingly obvious. The Mosaic Law compares well with American Law. Given how many centuries ago this was written, that’s impressive.

There’s something comforting about knowing that an all-wise God is in charge—and that we see the wisdom in God’s laws and have decided to emulate them.

But always praise God for who He is. Worship Him, not just what He has done.

5 Exodus 22:7–15 (ESV)

“If a man gives to his neighbor money or goods to keep safe, and it is stolen from the man's house, then, if the thief is found, he shall pay double. If the thief is not found, the owner of the house shall come near to God to show whether or not he has put his hand to his neighbor's property. For every breach of trust, whether it is for an ox, for a donkey, for a sheep, for a cloak, or for any kind of lost thing, of which one says, ‘This is it,’ the case of both parties shall come before God. The one whom God condemns shall pay double to his neighbor.

“If a man gives to his neighbor a donkey or an ox or a sheep or any beast to keep safe, and it dies or is injured or is driven away, without anyone seeing it, an oath by the LORD shall be between them both to see whether or not he has put his hand to his neighbor's property. The owner shall accept the oath, and he shall not make restitution. But if it is stolen from him, he shall make restitution to its owner. If it is torn by beasts, let him bring it as evidence. He shall not make restitution for what has been torn.

“If a man borrows anything of his neighbor, and it is injured or dies, the owner not being with it, he shall make full restitution. If the owner was with it, he shall not make restitution; if it was hired, it came for its hiring fee.

These rules are complex because they deal with tough cases to adjudicate. Figuring out who is guilty can be hard. In many cases, they need God’s help.

The phrase “*come near to God*” can be puzzling. While the Hebrew literally says, “come near to God”, it means “appear before the judges.” Some translations (e.g., NKJV) even translate it that way. But the expression “come near to God” highlights God’s blessing on the judicial process; the truth will come out. This, combined with the harsh penalties that can be imposed, should deter a lot of mischief.

This fits well with the high value placed on “*an oath by the LORD*”. The owner is bound to accept this oath from the keeper of his property. While the Pentateuch does not define any specific sanctions for oaths taken in vain or broken later, it is clear that oaths are very serious and totally permanent. For example, see Numbers 30.

Christians all make one essential oath— “Jesus is Lord.” Unfortunately, it seems that many Christians act like they don’t think this means anything. They aren’t thinking in terms of Jesus literally being the lord of their lives. How could we do that, anyway? How would we know what the lord wants us to do?

Taking lordship seriously mean studying God’s word to discern His will, but many Christians fail at that.

Most Christian failings aren’t big, marquee sins; we just slack off from seeking the will of our king. We call Him Lord but don’t really mean it as a practical matter. We don’t practice kingdom-living.

Teaching kingdom-living is a major focus here at The Fellowship of Ailbe. Here are some resources.

<https://www.ailbe.org/training>

Questions for reflection or discussion

1. What is your highest priority today?
2. What is your greatest blessing?
3. Have you ever had your eyes opened by learning of an OT law?
4. Name a law you don't like or think should be changed.
5. What does it mean to practice kingdom living?