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**C0635 – September 20, 2006 – Ex 21:12-21– Capital Offenses & Bodily Injury**

Israel's "Bill of Rights" expresses God's will for the individual and nation and shows that God is concerned about every area of life, from slaves, to capital offenses, to property, to finances, etc... God is concerned about every area of life because He created every area of life (Gen 1:1-2:4). Since He created every area of life He has necessarily spoken to every area of life. There is no area of life the believer is to take lightly. God is concerned about everything and we too should be concerned about everything. Our responsibility is to learn His way of thinking about the various areas of life, think that way and live that way.

The Israelites had a very simple form of worship with a very simple earthen altar and sacrifices for sin. This simple form of worship was designed to guard them against idolatry as were all the ordinances that were a part of Israel's "Bill of Rights". By obeying these ordinances they would be less likely to fall into idolatry. Last week we studied the ordinances regarding slaves and handmaids. A Hebrew could sell himself into slavery if he mismanaged his property or went into debt. However, after six years he must be released. As he went into slavery so he was to leave. If he was given a wife and had children during his slavery then he would go out alone. If he refused to go out alone because he loved his wife and children and master then he would go before God, have his ear pierced with an awl and would serve his master permanently. This showed he had an attitude of willing submission which every believer should have toward the Lord Jesus Christ. We should willingly submit to the Lord Jesus Christ in every area of life. We may or may not but we should become a committed disciple or learner of His word. Then we should teach others also.

We also studied the ordinance regarding handmaids. The handmaid was sold by her father to a master of a higher class with the intent of leading to betrothal either to himself or one of his sons. If this didn't work out she could be redeemed by a kinsman. If it did work out and she married a son then she must be treated as a daughter. If the master took her as wife but also another woman as wife he must not reduce her food, clothing or

living quarters. If he did reduce them in the least then he lost all rights as her husband and she could go out for nothing. Tonight we will look at the ordinances regarding capital offences and bodily injury.

## **V. The Ordinances Regarding Capital Offences (21:12-17)**

These ordinances relate to the fifth commandment “You shall not murder” (20:13) and the fourth commandment “You shall honor your father and mother” (20:12). They respect the image of God; human life, and the representatives of God; human parents. Violation of these God-invested rights are capital offenses.

### **A. Destroying God’s Image (21:12-14)**

The reason for capital punishment in the case of unlawful murder is explained in Genesis 9:6.

“Whoever sheds man's blood,  
By man his blood shall be shed,  
For in the image of God He made man.”

The logic of capital punishment is compelling.

- man is made in God’s image
- murdering a man is murdering God’s image
- murdering God’s image is wrong
- murdering man is wrong

No other creature is made in God’s image. Originally, man was given the plant and its seed to eat. After the flood God gave animals to man to eat (Gen 9:2-4). At that time God placed the fear of man in animals to give them a level of protection. The very fact that man is permitted to kill animals but not men reveals the important truth that man is not an animal. This sets the biblical view of man apart from the evolutionary view of man. It demonstrates that man is not the descendant of the ape, far less pre-biotic ooze. Man is distinct from nature not a descendant of nature. If evolution were true then man is a descendant of animals and logically if killing a man is wrong then killing animals must also be wrong. If one accepts the evolutionary hypothesis it is impossible to consistently hold that killing animals is right but killing a man is wrong. He must either hold that killing animals and men is wrong or killing animals and men is right. As hunting season

approaches, keep in mind that, in the end, only the Bible gives a firm basis for hunting animals but not men. The biblical argument is built upon the truth that man is not an animal. Man is essentially different from the animal because he alone is made in God's image. Therefore, on biblical grounds, hunting animals is right and hunting men is wrong.

Of course, we must also remember, that in the biblical view, at least in the NT, murder is not merely an external act but also the internal act of hatred. This is taught in 1 John 3:10-15 where the spirit of hatred is considered murder. This is because the spirit of hatred is that I would like to be rid of my brother, but that is the spirit of murder. Christian's are commanded not to commit covert hatred of a brother as well as the overt murder of any man, all of whom are made in God's image. Now, let's enter the details in verses 12-17. The basic case is given in verse 12 and secondary cases are given in verse 13-14

**Exodus 21:12 "He who strikes a man so that he dies shall surely be put to death.**

**<sup>13</sup> "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.**

**<sup>14</sup> "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.**

- A     He who strikes a man so that he dies shall surely be put to death**
- A'    If he did not lie in wait then I will appoint you a place to which he may flee**
- A''   If 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**

Verse 12, the basic law is if a man strikes another man with an object of his fist so that he dies then he shall be put to death (Num 35:20ff). Verses 13-14 distinguish between pre-meditated murder and unintentional murder or what we would call under our legal system, "homicide" and "manslaughter".

Verse 13, **if he did not lie in wait**, in other words, this is an unintentional murder, an accident. If that takes place **then I will appoint you a place to which he may flee**. In Num 35:13-14 God appointed three cities on the other side of the Jordan and three cities in Canaan for these refugees

**Numbers 35:14-15** You shall give three cities across the Jordan and three cities in the land of Canaan; they are to be cities of refuge. <sup>15</sup> "These six cities shall be for refuge for the sons of Israel, and for the alien and for the sojourner among them; that anyone who kills a person unintentionally may flee there.

As long as the unintentional murderer remains within the borders of the appointed refuge city he is safe from the blood avenger. If he leaves the borders and the blood avenger finds him he may slay him without any consequences. If the high priest dies then the refugee may return to his original possession.

Verse 14, **if a man acts presumptuously toward his neighbor, so as to kill him craftily**. In other words, he has carefully planned out the murder. This is a pre-meditated murder and not an accident. If this happens then **you are to take him even from My altar, that he may die**. In other cultures the temple **altar** was a safe haven for a murderer. But in the Israelite culture, the sanctity of human life was more important than the sanctity of the temple **altar**. Therefore if a malicious murderer went to the **altar** for refuge he was to be **taken even from** the sacred temple **altar** and killed. This happened over in 1 Kings 2:5-34. In this passage, a commander of Israel's army, Joab, killed, without cause, two other commanders of Israel, Abner and Amasa. As a result he fled to the altar and took hold of the horns of the altar for refuge. And when Joab refused to leave the tent Solomon had him struck down at the altar because he had taken the lives of two men more righteous than he, by use of war tactics in a time of peace, and without cause.

In conclusion, one author wrote, "Life, in essence, is the property of God; the possession of it is leased to human beings for a number of years. This lease can be extended or contracted in accordance with God's will. (Cf. 1 Kings 21:27-29; 2 Kings 20:1-6; Job 1:12-19.) When a man arrogates to himself the right of ownership in the life of human beings and interferes with the right of enjoyment of life by taking it away—that is, killing it—he has violated one of the essential laws of God and therefore forfeits his own right to the possession of life." (Davis, 221).

## **B. Violating God's Representatives (21:15-17)**

<sup>15</sup> "He who strikes his father or his mother shall surely be put to death.

<sup>16</sup> "He who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death.

<sup>17</sup> "He who curses his father or his mother shall surely be put to death.

It is more difficult to understand why these crimes are capital offenses. However, the basic reason is that parents are the representatives of God. Since God is to be honored and feared so parents are to be honored and feared. As per the kidnapper, this crime violates the image of God.

Verse 15, to strike **father or mother** is a capital offense, even if the assault is not fatal. If it were fatal it would fall under the ordinance in verses 12-14. Parents are God's representatives on earth. Since God is to be honored and feared so parents are to be honored and feared. To violate the honor of parents by striking them or cursing them is therefore punishable by death. It is interesting that if a minor struck a non-parent the penalty was not capital punishment but a fine or flogging. Parents have authority over their children not the government or the public school system (review divine institutions).

Parents have full authority over their children while living under their roof. God does not tolerate rebels. One who honored his father and mother was honoring God and would prolong his days in the land but one who dishonored his father and mother would be cut off.

It is interesting that there was no juvenile delinquent system. Age was not a factor in the Mosaic Law. No matter one's age the punishment was the same. Minors were not given lighter sentences. In fact, in other Ancient near east law codes minors often paid heavier sentences for crimes than adults convicted of the same offense. Rebels had to be purged from society. The bottom line is this law protected the parents from rebellious children because parents are God's representatives on earth. If these rebels were permitted to continue living they would cause greater problems for the entire society.

Verse 16, **kidnapping** was a capital offense, **whether he sells him or is found in his possession**. Kidnapping is a violation of the freedom and dignity of the image of God. If someone kidnaps another person they are prohibiting the right to enjoyment of life inherent in the image of God. In a way, Joseph's brothers violated this principle by kidnapping him (before the Law was given of course, but the basis of the law was already given (Gen 9:5-6). Kidnapping is not to be taken lightly. The kidnapper **shall surely be put to death** when he is found out, **whether he sells him or is found in his possession**.

Verse 17, cursing one's **father or mother** was a capital offense. The idea of the Hebrew stem is "to take lightly" the honor due to the parents. Since the parents are God's representatives on earth then to take lightly the honor due them is to take lightly the

honor due God. Any act that dishonors the parents was punishable by **death**. Interestingly, the parents would be the one who initiated the case and not the courts.

Constable said, "All of these crimes worthy of death (in vv. 12-17) were serious in God's eyes. They either violated a basic right of a human being created in God's image or were expressions of rebellion against God's revealed authority in the home, the basic unit of society." (review divine institutions)

## **VII. The Ordinances Regarding Bodily Injury (21:18-36)**

### **A. Men Injuring Men (21:18-27)**

Here we have four basic cases (vv 18-19, 20, 22, 26) and three secondary cases (vv 21, 23, 27).

**Exodus 21:18 "If men have a quarrel and one strikes the other with a stone or with his fist, and he does not die but remains in bed,**

**<sup>19</sup> if he gets up and walks around outside on his staff, then he who struck him shall go unpunished; he shall only pay for his loss of time, and shall take care of him until he is completely healed.**

**<sup>20</sup> "If a man strikes his male or female slave with a rod and he dies at his hand, he shall be punished.**

**<sup>21</sup> "If, however, he survives a day or two, no vengeance shall be taken; for he is his property.**

**<sup>22</sup> "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*.**

**<sup>23</sup> "But if there is (*any further*) injury, then you shall appoint *as a penalty* life for life,**

**<sup>24</sup> eye for eye, tooth for tooth, hand for hand, foot for foot,**

**<sup>25</sup> burn for burn, wound for wound, bruise for bruise.**

**<sup>26</sup> "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.**

**<sup>27</sup> "And if he knocks out a tooth of his male or female slave, he shall let him go free on account of his tooth.**

**A     If men have a quarrel and one strikes the other with a stone or with his fist, and he does not die he shall only pay for his loss of time, and shall take care of him until he is completely healed**

- B** **If a man strikes his male or female slave with a rod and he dies at his hand, he shall be avenged**
- B'** **If, however, he survives a day or two, no vengeance shall be taken**
- C** **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 pay**
- C'** **if there is injury, then you shall appoint *as a penalty* life for life eye for eye, tooth for tooth...**
- D** **If a man strikes the eye of his male or female slave, and destroys it, he shall let him go free**
- D'** **if he knocks out a tooth of his male or female slave, he shall let him go free**

Verse 18, **If men have a quarrel**, that is, an argument that gets out of control, **and one strikes the other with a stone**, the ancient word for **stone** referred to weapons made of flint, **or with fist, and he does not die but remains in bed**, that is, he was injured and made ill from his injuries so that he had to **remain in bed**. Now, in such a case, **if he gets up and walks around on his staff**, a cane used to help him walk, **then he who struck him shall go unpunished**, this is assuming there is complete recovery and no permanent handicap. **he shall only pay for his loss of time** at work, **and shall take care of him until he is completely healed**, that is, he will pay all his doctors bills. This could be expensive and would certainly hinder people from allowing an argument to get out of control!

Verse 20, **If a man strikes his male or female slave with a rod and he dies immediately at his hand**. It was legal for a master to beat his slave but not to death. That is, if the master beats the slave to death, then **he shall be punished**. Literally it says **he shall be avenged**. What does it mean **he shall be punished** or **he shall be avenged**. Hannah says the punishment was probably not 'life for life'.<sup>i</sup> Delitzsch agrees.<sup>ii</sup> Cassuto says the punishment was 'life for life', he must be avenged.<sup>iii</sup> The Rabbi's agree in "**Command #226**, Exod 21:20, Capital punishment: "He must be avenged."<sup>iv</sup> Unger simply says the punishment is unspecified.<sup>v</sup> I'm inclined to follow Cassuto and the Rabbi's because even though the person is a slave they are still made in God's image. And the destruction of God's image always requires capital punishment. If **avenge** doesn't mean capital punishment what does it mean? Further, if the slave dies **at his hand** then the master cannot argue that he unintentionally killed the **slave** in a rage of passion. Surely **slaves** must be protected from uncontrolled masters.

Verse 21 describes a secondary case, **if the slave...survives a day or two then no vengeance shall be taken, for he is his property.** In other words, **If the slave survives a day or two** it will prove that the master unintentionally killed him. His loss will be the slave who **is his property**. He will no longer prosper financially by the hand of his slave. Whether the master would then need to flee to one of the refuge cities is not mentioned here.

In conclusion, murdering a man destroys God's image and is therefore punishable only by capital punishment. The image of God is holy and must not be murdered. In the NT, Christian hatred is equal to murder because hatred is the spirit of murder. Yet, the OT distinguishes between unintentional murder and intentional murder. If unintentional murder or manslaughter occurred then six refuge cities were set apart by God for the murderer to flee to. As long as he remained in the boundaries of his refuge city he was safe. If he left the refuge city he could be killed by an avenger without any consequences. If the high priest died then he was free to return to his property. The image of God must be held in high respect. This fact sets the Bible apart from evolutionary worldviews because it alone gives sound basis for hunting animals but not men. No evolutionist can explain why it is morally right to hunt man's ancestors but not man.

The OT also prescribed capital punishment for a rebellious child who either struck or cursed his parents. This strict punishment was given because parents are the representatives of God and they have divinely invested authority over the home. To rebel against God's representatives and their authority is subject only to the penalty of death. We can see that God takes parental authority seriously and children are not given lesser sentences. It is a serious crime to rebel against parental authority in any degree just as it is a serious crime to rebel against God in any degree.

The OT also sought to protect the rights of a slave in the case of bodily injury. If he did not die at the hand of his master then the master would only be required to pay him for missed labor as well as all his medical bills. If he died at his hand it would prove that the master was completely out of control and vengeance would be taken since he murdered the image of God, 'life for life'. However, if the slave died after a couple of days then no vengeance was to be taken because it was clearly unintentional.

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<sup>i</sup> Hannah, *Bible Knowledge Commentary*, 141.

<sup>ii</sup> Keil & Delitzsch, *A Commentary on the Old Testament, Vol 1*, 408-409.

<sup>iii</sup> Cassuto, *A Commentary on the Book of Exodus*, 273.

<sup>iv</sup> Sailhammer, *The Pentateuch as Narrative*, 291.

<sup>v</sup> Unger, *Unger's Commentary on the Old Testament*, 133.

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