

**[Wednesday, January 25, 2017] Exodus Series, Exodus chapter 21, verse 7-36 – Craig Thurman**

Moses has drawn near to the LORD and the people have removed themselves and stand afar off.

*Ex 20:21 And the people stood afar off, and Moses drew near unto the thick darkness where God was.*

Beginning in verse one of this chapter the LORD speaks to Moses those judgements which he shall set before national Israel. These are civil or social judgments. God commands the people of Israel to behave themselves as they relate to one another, socially. (cf. 21.1-23.13)

Verses 1-6 directs those who bought a brother (which could be a woman, Deu.15.12) to be his servant. In this instance there was a six year service. In the seventh year *he shall go out for nothing*. The parallel text of Deuteronomy (15.12-18) adds that the master *shalt not let him go away empty*. In the event that the servant will not leave because he loves his master, the master was to take him to the judges (אֱלֹהִים, *elohim*; Ex.21.6; 22.8, 9). There before these judges the master pierced through with an awl the ear of the servant and fastened it to the door or door post. By this act the servant is received forever to the house and service of the master.

In Leviticus, which appears to address the servant who *sells himself* by a contractual agreement for up to 49 years of service, being released in the 50<sup>th</sup> year, the year of jubilee. (Lev.25.39-55; vs.40, 53 supplies the contractual aspect of this service) However, he is freed to return to his own family and the possession of his fathers when the redemption price is paid and the debt is satisfied.

The day of Jubilee appears to be a day when almost the entire economy (property and persons) of Israel was restored to its original allotments, in most cases.

The following verses, 7-11, are difficult to understand. It will take a very careful reading of the Scripture. At first glance this would almost seem to suggest a form

of legalized prostitution among his people, the nation of Israel. But the Word of God rejects this notion altogether.

*Le 19:29 Do not prostitute thy daughter, to cause her to be a whore; lest the land fall to whoredom, and the land become full of wickedness.*

*prostitute*, חָלַלְתָּ, t<sup>e</sup>-chal-lel, Piel (intensive active) fut., 2psm. of חָלַל; KJV, *wound, defile, profane, pollute, break.*

*whore*, לְהַזְנוֹתָהּ, l<sup>e</sup>-haz-no-ta-ah; prefixed לְ, *to, for, at* + Hiphil (causative active) inf. of זָנַח, w/3ps suff.; KJV, *played the harlot, go a whoring, commit fornication, committed whoredoms.*

What is necessary to understanding this is the biblical teaching of betrothal, which is also called espousal.

## Chapter 21

### 7 *And if a man sell*

*his daughter to be a maidservant,*

And when a man sells [for a dowry?]

for a maidservant,

*sell*, וְכִי־יִמָּכַר, *and when sells*, יִמָּכַר, Qal fut. 3psm. of מָכַר; always has to do with *selling*.

*to be a maidservant*, לְאָמָה, prefixed לְ, *for or to*; fem. sing. noun אָמָה, a-mah; KJV, *maidservant, bondwoman, maid, handmaid.*

The purpose for this seems to go beyond the sphere of the previous six year commitment because it is attached to a betrothal. This arrangement makes a concubine, who is also called a wife. (cf. to Abraham's Hagar; Jacob's wives' handmaids, and others)

It is to be noticed that fathers arranged not only the marriages of their daughters, but also their sons. (v. 9)

הַעֲבָדִים

*she shall not go out as*

*the menservants do.*

the [men, the masc. pl. noun] servants

The father sells his daughter to become the servant to another man to satisfy debt and in this way receives a dowry. The arrangement seems to be related to the desire for the man to marry the maidservant, thus the betrothal contract is considered in what follows. The betrothal does not mean that they *are married*, but that the arrangement is towards that end.

*Mt 1:18 Now the birth of Jesus Christ was on this wise: When as his mother **Mary was espoused to Joseph**, before they came together, she was found with child of the Holy Ghost.*

*Lk.1.26 ¶ And in the sixth month **the angel Gabriel was sent** from God unto a city of Galilee, named Nazareth,  
27 **To a virgin espoused to a man whose name was Joseph**, of the house of David; and the virgin's name was Mary.*

During this betrothal period she is called the man's wife and he is called the woman's husband.

*De 20:7 And what man is there that **hath betrothed a wife, and hath not taken her?** let him go and return unto his house, lest he die in the battle, and another man take her.*

*Mt 1:19 Then Joseph her husband, being a just man, and not willing to make her a publick example, was minded to put her away privily.*

מִרְעָהָּ בְּעֵינֵי אֲדֹנָיָהּ

**8 If she please not her master,**

If she is bad in the eyes of her master

רָעָה, an adj. of רָע; see also the verb root רָעָה; KJV, *evil, bad, wicked*; combined with the Hebrew for eyes or ears is translated *pleased* (cf. Ge.28.8; Nu.11.1; 1Sa.29.7); with *face* it is translated *sad* (Ge.40.7).

Nu.13.19, אֲמִרְעָהּ, is translated simply *bad*.

The master has changed his mind concerning marrying this maidservant and no longer desires to fulfill the betrothal agreement. There are the three 'ifs', Hebrew אִם־עַם, eem or im, (vss. 8, 9, and 10), which are the three conditions that are require or the betrothed (concubine, slave-wife to be) is to be released *free without money*. (v.11)

לָאֵל  
**who hath betrothed her to himself,**  
*for or to himself*

*to himself*, לָאֵל, pref. לְ, *to or for*, with a 3psm. suff. *him*; this is the כְּתִיב־קָרָא, Q<sup>e</sup>-thiv (written) Q<sup>e</sup>-re (read) meaning *it is written* but *it shall be read*; in the Hebrew text is written, but what shall be read in its place is what is shown in the margin.

*hath betrothed*, יָעַדָהּ, Qal pret., 3psm of יָעַד, w/ a 3psf. suff; KJV, *betrothed, appointed*; in Niphal, to become assembled, to meet or gather together; and so between this man and this maiden is a contract which should lead to marriage.

***then shall he let her be redeemed:***

Being the master has no intent to keep the betrothal agreement he is to allow for the release of the maiden so that she might be redeemed by another who will become her husband.

It is likely that the father of the daughter cannot redeem her if time has not lapsed so that he might have recovered himself from the poverty for which reason he has sold her to another for betrothal. So, the stipulation ...

[then] *shall he let her be redeemed*, יִקְדָּם, Hiphil pret. (causative active) 3psm. of קָדַם, w/3ps. fem suff; KJV, *redeem, deliver, ransom, rescue*.

***to sell her unto a strange nation he shall have no power,***

he shall have [no] power, מְשִׁלַּי, Qal fut. ... he has no authority as a ruler over her to do such; he has no right to rule to the contrary (reign) concerning her in this way; he has no *dominion* over to sell her otherwise.

**seeing he hath dealt deceitfully with her.**

seeing he hath dealt deceitfully - with her, בְּבִגְדוֹ-רָבָה, בְּבִגְדוֹ, 3ppl. masc suff. to a Qal infin. of בִּגְדָה; KJV, 1Sa.14.33, transgressed; Job 6.15, dealt deceitfully; Ps.73.15, offended; Is.24.16, treacherously; Pv.25.19, unfaithfully.

Judah, Jacob's son, had deceived, Tamar his daughter in law concerning the betrothal commitment that he made with her to his son Shelah.

Ge.38.11 Then said Judah to Tamar his daughter in law, Remain a widow at thy father's house, **till Shelah my son be grown**: for he said, Lest peradventure he die also, as his brethren did. And Tamar went and dwelt in her father's house.

...

14 And she put her widow's garments off from her, and covered her with a vail, and wrapped herself, and sat in an open place, which is by the way to Timnath; for she saw that Shelah was grown, and **she was not given unto him to wife**.

**9 And if he have betrothed her unto his son,**

So that now this arrangement has also become dissatisfactory to him for his son.

יַעֲשֶׂה-לָּהּ	כְּמִשְׁפָּט
<b>he shall deal with her</b>	<b>after the manner of daughters.</b>
do to	as judgment, ordinance, <b>custom</b> , charge, ceremony, disposing

after the manner, מִשְׁפָּט, root מִשְׁפָּט, mish-pat; prefixed כִּי, for as, according; KJV has this translated, Ex.15.25; Jud.18.7; 2Ki.17.33, after the manner; 2Chr.8.14, according to the order; Ezr.3.4, according to the custom.

He is to treat her as if she were his own daughter.

לֹא

10 If he take him another wife;  
for him

Taking *another* in this way means to take a wife, which can mean that he has intentions *to marry* another. It does not have to mean that they are truly married as yet.

**her food, her raiment, and her duty of marriage,**

and her duty of marriage, וְעִנְיֹתָּהּ, fem. sing. noun w/3psf. suff. of עִוְנוֹתָּהּ; only other place, Hos.10.10, *their ... furrows*; the LXX has the Greek, ὀμιλία, *converse*, which in the N.T. is translated *communications*; ὀμιλος as *company*; ὀμιλέω as *talked, communed*.

She is to continue to receive the care and support *as a wife* should expect to receive. That is part of the responsibility for having bought her to himself whether he ever marries her or not.

**shall he not diminish.**

shall he ... diminish, יִגְרַע, Piel (intensive active) fut., 3psm. of גָּרַע; KJV, *any thing taken, diminish, minish, restrain, withdraw, clip, abate, kept back, make small*.

So, the betrothal arrangement is as binding as marriage itself. And so, if he takes to himself another maidservant while this one remains unredeemed he must also provide for her as a man would for his wife. Why? Because in this arrangement she was bought for the purposes of being his wife. The master is as a husband to the maidservant.

**11 And if he do not these three unto her, then shall she go out free without**

חֵנָּם (\*Hebrew order reversed from R-L to L-R)

**money.**

silver

*free, חֵנָּם, chin-nam, adv.; KJV, Ge.29.15, for nought; Ex.21.2, for nothing, 11, free; Nu.11.5, freely; 1Sa.19.5, without a cause; Jer.22.13, without wages; Ez.6.10, in vain; vs.3, for nothing.*

Meaning that:

1. If the master will not follow through with the betrothal arrangement; or,
2. If she was intended for the son and he will not or cannot follow through with the betrothal arrangement; or,
3. If he or the son takes another and refuses to support her;

Then she is to be freed without money.

The master had rights as well, so that if the maidservant had some matter of uncleanness

translated *nakedness* in other places; and so the idea perhaps of something shameful; Ge.9.22, עָרַוּ, [g]er-vah, and so *discovered*

in her he could divorce her and send her out of his house. (Deu.24.1-4)  
Notice how strong the betrothal or espousal was. It took a writ of divorce to disannul even, what we would call, the prospect of marriage. Today, this is what we call the *engagement* period.

ἀπολῦσαι, aor. infin. act; *to put away*, in both instances ...

*Mt 1:19 Then Joseph her husband, being a just man, and not willing to make her a publick example, was minded to put her away privily.*

Mt 19:7 *They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away?*

Personal liability for death, vss.12-14

מָכָה אִישׁ נָמַת מוֹת יוֹמָת (R-L)

**12 ¶ He that smiteth a man, so that he die, shall be \*surely put to death.**

Smiting and he dies  
(Hiphil part.) (Qal pret., 3psm.) (\*Qal infin.) (Hophal fut.)

*He that smiteth, מָכָה, Hiphil (causative active) part. of נָכַח; Ex. 2.12, Moses slew the Egyptian; Ex.3.20; Ex.5.14, the officers were beaten; Ex.9.25, the hail smote every herb of the field; Ex. 7.25, the LORD smote the river; Ex. 8.16, the dust was smitten and turned to lice; 12.29; 17.5, 6;*

**21.12, 15, 19** (Hiphil part.); **Ex.21.18** (Hiphil pret.);  
**Ex.21.20, 26** (Hiphil fut.); **22.2** (Hophal, causative pass.);  
*Nu.20.11, Moses smote the rock twice.*

the verb, מָוַת, mooth, is found in verses,

Qal pret., 12 *so that he die, 20 and he die, 28 that they die, 35 that he die;*

Qal infin., 12 *surely, 14 that he may die, 15 surely, 16 surely, 17 surely* (15-17, marg. [*dying shall be caused to die;*

Qal fut., 18 *he die;* Qal part., 34, *and the dead, 35 the dead, 36 and the dead;*

Hiphil pret., 29 *but that he hath killed;*

Hophal (causative passive) fut., 12 *shall be ... put to death, 15 shall be ... put to death, 16 he shall ... be put to*

*death, 17 shall ... be put to death, 29 shall be put to death.*

A person causes the death of one by striking him. The act is premeditated murder. It would be to *lie in wait*, which (below) is translated *huntest*. The sixth commandment stated *Thou shalt not kill*. God condemned the act of killing another person. Capital punishment had been given to mankind early in the book of Genesis.

*Ge 9:6 Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.*

But this judgment, because it is part of the law covenant binds both the Israelite and the nation so that they are liable or answerable to God when murder is committed.

**13 And if a man lie not in wait, but God deliver him into his hand;**  
hunted [not] (to kill) cause him to fall to לִידוֹ

*lie ... in wait, הַצֵּדָה, Qal pret.; 1Sa.24.11 (Qal part.), huntest; Zep. 3.6 (Niphal, simple passive), are destroyed.*

*delivered, הִנָּח, in-nah, Piel (intensive active) pret., 3ps. masc. of הִנָּח, a-nah; Ex. 21.13, deliver; Ps.91.10, Pual (intensive passive), shall ... befall; Pv.12.21, Pual, shall ... happen; 2Ki.5.7, Hithpael (reflexive), see ... he seeketh a quarrel.*

*Nu 35:22 But if he thrust him suddenly without enmity, or have cast upon him any thing without laying of wait,  
23 Or with any stone, wherewith a man may die, seeing him not, and cast it upon him, that he die, and was not his enemy, neither sought his harm ...*

*De 19:4 And this is the case of the slayer, which shall flee thither, that he may live: Whoso killeth his neighbour ignorantly, whom he hated not in time past;*

*5 As when a man goeth into the wood with his neighbour to hew wood, and his hand fetcheth a stroke with the axe to cut down the tree, and the head*

*slippeth from the helve, and lighteth upon his neighbour, that he die; he shall flee unto one of those cities, and live ...*

***then I will appoint thee a place whither he shall flee.***

*then I will appoint, שׁוּם, sum; KJV, made, put, set, done, brought, and appoint. (Qal preterite: Ex. 2.14; 3.22; 4.11, 15, 21; 5.14; 8.12, 23; 9.21; 10.2; 15.25, 26; 18.21; 21.13; 26.35; 28.12, 26, 37; 29.6, 24; 33.22; 40.3, 5, 8, 29; Qal imperative: Ex.17.14, rehearse; 32.27, put; Qal fut.: Ex.1.11; 2.3; 4.11; 5.8; 9.5; 14.21; 15.26; 17.12; 19.7; 21.1; 22.25; 24.6; 39.7, 19; 40.18, 19, 20, 21, 24, 26, 28, 30)*

*he shall flee, יָגִיֵּס, Qal fut. 3psm. of נָגַח, to flee; cf. Deu.34.7, natural force abated; Qal future, Ex.4.3, fled; 14.25, let us flee; 21.13, he shall flee; Qal participle, Ex.14.27, fled; Hiphil, Ex.9.20, made flee.*

There is a guilt or liability incurred in both the purposeful death and the accidental death of any man. Though innocent, there is no denying that the LORD used this one to bring about the death of the other.

Then, an owner of a boat might have been upon the water with his passenger. Then a sudden storm comes up and a wave crashes onboard and the person is either tossed and hits his head on the rail or is washed overboard and drowns. There was no premeditation or animosity involved in the death, but because it was this man's boat he bears a certain relationship to the death of the other, though completely innocent.

This could be related to anything: shoveling hay from a loft and a fall from the owner's loft; climbing a steep place and causing a rock to shift, etc., etc.

Today, like driving a car and being in an accident where there are no other vehicles involved. Suddenly, the vehicle, for example, comes upon *black ice*, loses control and the passenger dies. There is no premeditation, animosity involved, but the death did result from a string of events which includes the driver.

In these instances it is almost no matter what one says, there is an implied culpability. You know, had you driven more safely, had you had a rail up in the loft, had you climbed the hill differently, and on and on. And so there is concern for the wrongful death of the one who meant no harm to the one that died; the avenger of blood.

And so there is provision made for death by the innocent and death by the guilty. The murderer must be put to death, and the innocent must flee to the city of refuge where he should reside until the death of the high priest.

A place where one can flee to for protection against retribution for the accidental death of another is called a *city of refuge*. (Nu.35.6, 6 cities)

*Nu 35:11 Then ye shall appoint you cities to be **cities of refuge** for you; that **the slayer** may flee thither, **which killeth any person at unawares**.*

*12 And they shall be unto you cities for refuge from the avenger; that the manslayer die not, **until he stand before the congregation in judgment**.*

A court of the congregation shall convene to determine whether the slayer has committed murder or not. A verdict of guilt is punishable by death, and the innocent is confined to live in the city of refuge until the death of the high priest. (Nu.35.25) There is no satisfaction for death of anyone but in either the death of the guilty, or the death of the high priest for the innocent. The guilty bears his own punishment, and the high priest bears away the punishment of the innocent when he dies. (Nu.35.24-28)

Obeying these commandments keeps the land and the people free from the *guilt* or *pollution* that would otherwise be incurred for the shedding of innocent blood.

*De 19:10 That innocent blood be not shed in thy land, which the LORD thy God giveth thee for an inheritance, and so blood be upon thee.*

**14 But if a man come presumptuously upon his neighbour,**

come presumptuously, וְכִי יִזְדּוּ, וְכִי יִזְדּוּ - and when; יִזְדּוּ, ya-zid, Hiphil (causative active) fut., 3psm. of זָדָה or זָדָה, zud (zood) or zid (zeed); Ex.18.11, dealt proudly; Jer.50.29, hath been proud; Ge.25.29, **sod** (pottage); Deu. 18.20, shall presume (also, Deu. 1.43; 17.13)

**to slay him with guile;**

with guile, בְּעָרְמָה, fem. sing. noun w/prefixed preposition, בְּ, in, with, at; עָרְמָה; KJV, Jos. 9.4, wilily; Pv.1.4, subtilty; 8.5, wisdom; 12.1, prudence.

מִתַּלְתֵּל

**thou shalt take him from mine altar, that he may die.**

to die

*Deu.19.11 But if any man hate his neighbour, and lie in wait for him, and rise up against him, and smite him mortally that he die, and fleeth into one of these cities:*

*12 Then the elders of his city shall send and fetch him thence, and deliver him into the hand of the avenger of blood, that he may die.*

*13 Thine eye shall not pity him, but thou shalt put away the guilt of innocent blood **from Israel**, that it may go well with thee.*

The mention of the altar to which someone might resort seems to mean the highest place of refuge. But there is no place of refuge, there can be no satisfaction for shedding innocent blood but through the shedding of the blood of the guilty. Joab resorted to the altar and was rightly removed. (1Ki.2.28-33)

The prevailing sentiment among the western world of incarcerating and educating murderers is wrong. It does not take so much time to determine whether one is guilty of murder or not. And when the guilty verdict is determined the penalty should be swiftly enacted. Rare are the instances that have been found that there has been an error in judgment. That should not be a deterrent for doing what is proper. The result of failing to honor this judgment is that there is an increase of wickedness.

*Ec 8:11 Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil.*

It doesn't take a higher education to understand that this is the case. It takes just a little common sense.

Capital punishment without shedding blood, vss. 15-17

**15 And he that smiteth his father, or his mother,**

*And he that smiteth*, וּמַכֵּה, Hiphil (causative active) part. sing. masc. of נָכַח;

This might not mean that the parent was killed, but it was a serious injury nonetheless: Ex.2.11, Moses saw an Egyptian *smiting an Hebrew*; Ex.21.19, *he that smote him ...*

***shall be surely put to death.***

**16 And he that stealeth a man, and selleth him,**

*And he that stealeth*, וּגְנַב, Qal part. act. sing. masc. of גָּנַב; many times translated with the English *steal*; only twice is it otherwise: in Pual (intensive passive), *Job 4.12, was secretly brought*; Hithpael (reflexive), *2Sa.19.3, by stealth*.

In the N.T. these persons are called *menstealers*.

1Ti.1.10, *menstealers*, ἀνδραποδισταῖς, dat. pl. of ἀνδραποδιστής, ἀνδρα a man + ποδόν, ποῦς, foot, or ποδίζω to catch by the foot (A. T. Robertson).

***or if he be found in his hand, he shall surely be put to death.***

The context seems to be that an Hebrew has enslaved a fellow, his neighbor. This is a serious offense and punishable with death. It was certainly not criminal to make slaves of captives of war, and to keep them

so for ever. That is the nature of war; or at least it is in some places. But the act of enslaving others outside of settling debts and for war. This was wrong then, and it is still wrong today. That is the criminal act that we saw done to the Israelites in Egypt. It was the criminal act done to so many of those who were from Africa. But there is proper, indentured service. Sadly, that distinction is not made today.

**17 And he that curseth his father, or his mother, shall surely be put to death.**

Again, the seriousness of pronouncing curses to the father or mother. For this a child could die. There is a two-fold stress in this commandment. Yes, how important it is for the sons and daughters of Israel to honor their father and mother; and the importance for fathers and mothers to training up their children in the nurture and admonition of the Lord. (Eph.6.1-4 is directed to children and to their fathers.)

*he that curseth*, וּמְקַלֵּל, Piel (intensive active) part. sing. masc. of קָלַל; in Qal fut., *was despised, lightly esteemed*; Niphal pret. *a light thing, vile*; Piel, *to make vile*; Pual, *to accurse*; it is to make an evil pronouncement upon (cf. Deu.23.4, *they hired against thee Balaam ... to curse thee*).

*Pr 20:20 Whoso curseth his father or his mother, his lamp shall be put out in obscure darkness.*

*Lev.20.9 For every one that curseth his father or his mother shall be surely put to death: he hath cursed his father or his mother; his blood shall be upon him. (He bears the responsibility for his own death because of his sin.)*

Personal liability for bodily injury, vss.18-32

**18 And if men strive together, and one smite another with a stone, or with his**

	וַיִּפֹּל	בְּלִמְשָׁכָו
<b>fist, and he die not, but keepeth</b>		<b>his bed:</b>
	falls	to [his] bed

and ... smite, וְהִכָּה־אִישׁ, וְהִכָּה, Hiphil (causative active) pret, 3psm. of נִכָּה; carries the meaning of to *strike* and *slay*; injury is the result.

bed, לְמִשְׁכָּב, masc. sing. noun w/prefixed , to or for; root מִשְׁכָּב; KJV, bed, lying.

**19 If he rise again, and walk abroad upon his staff, then shall he that smote him be quit:**

then shall he ... be quit, וְנִקָּה, Niphal (simple passive) pret., 3psm. of נִקָּה; KJV, *be clear, be guiltless, blameless, innocent, acquit.*

Meaning that he is released from the threat of the sentence of death for killing another. He may have to flee to the city of refuge and have the judges make determination about the incident. (?)

**only he shall pay for the loss of his time,**  
give

he shall pay, root נָתַן, nathan; Qal fut. is translated to *give, yield, to let, suffer, make pay, deliver, put, pour cause, yield, would, moreover, utter, grant, bring*; in Exodus the Qal fut. is used in 3.19, with לֹא; 12.23, 25; 16.3, with construct מָן; 21.19, 32; 22.7, with construct כִּי, 10; 30.14, 33.

for the loss of his time (marg. *his ceasing*), שְׁבַתוֹ, masc. sing. noun w/3psm. suff.; root שָׁבַת; KJV, Pv.20.3, *to cease*; Is.30.7, *to sit still*; related to the noun שְׁבַת, shabbath, Sabbath, and the verb שָׁבַת, shavath, *rest, cease, put away, still.*

**and shall cause him to be thoroughly healed.**

shall cause ... to be ... healed, Piel fut. of רָפָה; 1Ki. 18.30, Piel fut., *And he repaired* the altar of the Lord.

thoroughly, Piel infin. of רָפָה.

He is to pay for his loss of time and the cost of recovery.

**20 And if a man smite his servant, or his maid, with a rod,**

*a rod*, בִּישָׁבֵט, com. sing. noun w/ a prefixed preposition בְּ; שֵׁבֶט, she-  
vet; KJV, *sceptre, tribes, rod, darts, pen, staff, correction*.

The rod was not an instrument of death. Had he used a sword this would have been otherwise.

נָקָם יִנָּקֵם

**and he die under his hand; he shall be surely punished.**

(*marg. avenging he shall be avenged*)

*he shall surely be punished*, נָקָם and יִנָּקֵם, root נָקַם; to avenge, to take vengeance, to revenge.

**21 Notwithstanding, if he continue a day or two, he shall not be punished:**

*he continue*, יַעֲמֵד, Qal fut. 3psm. of עָמַד; to stay, stand.

כֶּסֶף

**for he is his money.**

silver

Either, this means that the servant is able to return to service and the master's liability for punishment is removed, or, that the servant did not die immediately, but a day or two later. In either case, the master sustained personal loss for the loss of his servant.

*Le 24:22 Ye shall have one manner of law, as well for the stranger, as for one of your own country: for I am the LORD your God.*

וְיִנָּצְוּ

**Ex.21.22 ¶ If men strive,**

**And when**

*strive*, יִנָּצְוּ, yin-na-tzu, Niphal (simple passive) fut. 3pplm, of נָצַח; always translated as *strive*.

**and hurt a woman with child,**

*and hurt*, וַיַּגִּפוּ, Davidson has Niphal (simple passive) pret. 3ppl. and Wigram has Qal pret. of וַיַּגִּף; KJV, *hurt, smite, plague, stumble, slain, beaten, put to the worse.*

*with child*, הַרְהָה, ha-rah, fem. adj.; KJV, *with child, shalt conceive*, her womb to be always *great*; the verb is translated *conceived, with child*, and *progenitors*.

The Scriptures are clear about the life that is in the womb and before birth. It is a child. This one does not become a child. The mother brings forth a child.

*Mt 1:18 Now the birth of Jesus Christ was on this wise: When as his mother Mary was espoused to Joseph, before they came together, she was found **with child** of the Holy Ghost.*

*Mt 1:23 Behold, a virgin shall be **with child**, and shall bring forth a son, and they shall call his name Emmanuel, which being interpreted is, God with us.*

*Lu 2:5 To be taxed with Mary his espoused wife, being great **with child**.*

*Joh 16:21 A woman when she is in travail hath sorrow, because her hour is come: but as soon as she is delivered **of the child** (or, when she brings forth the child), she remembereth no more the anguish, for joy that a man is born into the world.*

**so that her fruit depart from her,**  
her children

*so that depart*, וַיִּצְאוּ, Qal pret. 3ppl. of יָצָא.

יְלִדִיָּהּ, masc. pl. noun w/ 3ps fem. suff.; יָלַד, ye-led; KJV, *young man, child, children, a boy, young ones, fruit.*

**and yet no mischief (injury) follow:**

*mischief, אָסוֹן, masc. sing. noun; Ge.42.4, 38; 44.29; Ex. 21.22, 23, mischief; Keil/Delitzsch, injury.*

There is no subsequent disability in the wife or the child; to the child, other than being delivered early.

עָנָשׁ יַעֲנֶנּוּ

**he shall be surely punished,**

root עָנַשׁ, [g]a-nash; KJV, *Deu.22.19, and they shall amerce him; Ex.21.22, he shall surely be punished (marg. fining he shall be fined); Pr.17.26, to punish; 21.11, When the scorner is punished; 2Chron.36.3, and condemned (marg. \*mulcted); Amos 2.8, drink the wine of the condemned (marg. or, such as have fined, or, \*mulcted); and others punished.*

*\*mulct: to punish by fine, penalty*

**according as the woman's husband will lay upon him;**

*lord*

*husband, בַּעַל, KJV, Ge.14.13, confederate (marg. masters of a covenant); 20.3, a man's wife; 49.23, the archers (marg. the masters of arrows); Ex.21.3, if he were married (lit. husband of a wife); 28, but the owner of the ox; 29, to his owner (twice), 34, 36, owner (owner); creditor, men of, master, captain, and lords.*

*1Pe 3:6 Even as Sara obeyed Abraham, calling him lord (κύριον): whose daughters ye are, as long as ye do well, and are not afraid with any amazement.*

**and he shall pay as the judges [determine.]**  
give by

*as the judges determine*, בְּפָלְלִים, masc. pl. noun of פָּלַל and always translated with the noun *judges*; the verb , פָּלַל, *thought, pray, executed judgment, supplicate*.

**23 And if any mischief (injury) follow, then thou shalt give life for life,**

Mischief being injury of some lasting disability upon the wife, and/or the child, or death, which demanded full satisfaction ...

**24 Eye for eye, tooth for tooth, hand for hand, foot for foot,**

**25 Burning for burning, wound for wound, stripe for stripe.**

I'd like to attempt to walk through these two verses grammatically and show how I would diagram the various parts of these statements. Reasonably speaking we must get to the main ideas communicated, and then we can begin to understand how the subordinate clauses relate to them.

The main statements are:

Men strive together (intransitive, no object)

Men hurt (smite) a woman (object): he shall be punished (fined).

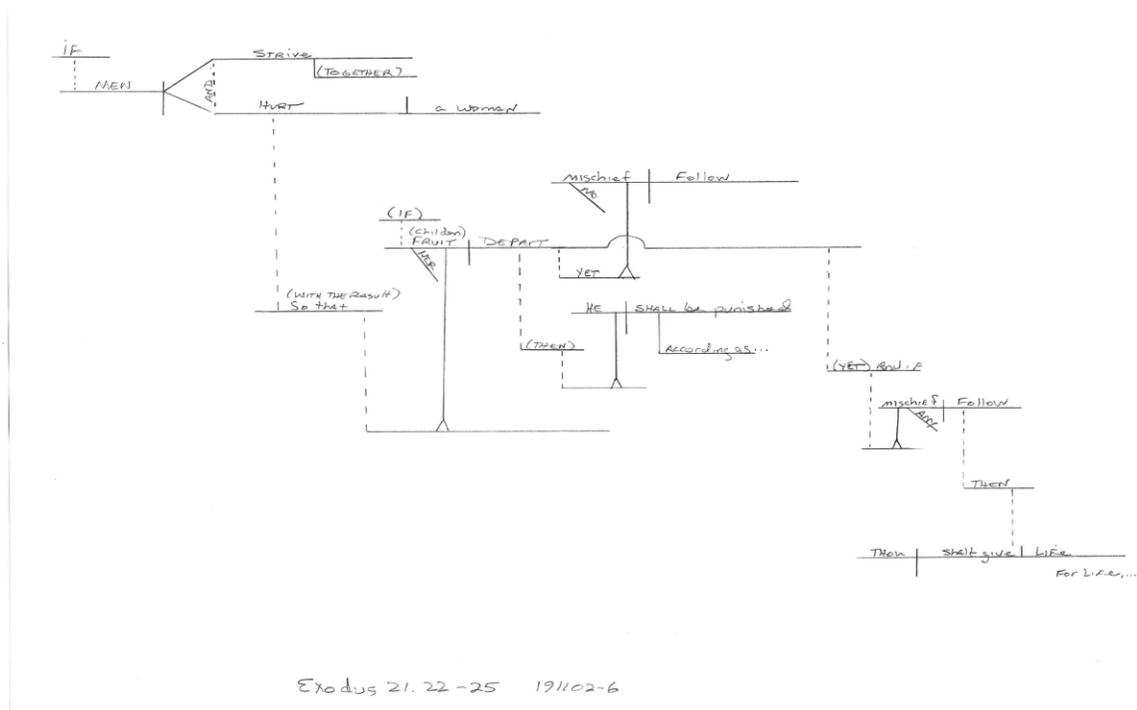
The adverbial clause is introduced by the phrase *so that*. This describes the extent to which the woman was *hurt* or *smitten* in the conflict.

So that her fruit or children depart (meaning premature birth). Then,

Another adverbial, *yet*, describes the extent of the injury to the woman's fruit or children by the premature birth (*depart*, going out [of the womb]. (v.22, *yet*, and understood in v.23 *And if*, or properly *And [yet] if*) There are two considerations here. Was there no injury to the children, or was there injury?

No matter what, for smiting the woman and bringing the injury of a premature birth to her children a fine levied against the man. But if the premature birth reveals further disability in her children the man receives equal punishment.

(refer to 191030-4 Doctrine Series, Abortion Is Murder-CThurman)



This regulation is likely applied to many cases to cover the damages that came from negligence. (Lev.20.19-22; Deu.19.21)

*Mt 5:38 Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth:*

*39 But I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also.*

*40 And if any man will sue thee at the law, and take away thy coat, let him have thy cloke also.*

*41 And whosoever shall compel thee to go a mile, go with him twain.*

*42 Give to him that asketh thee, and from him that would borrow of thee turn not thou away.*

*De 19:21 And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.*

But it never was meant to justify personal revenge.

***26 And if a man smite the eye of his servant, or the eye of his maid, that it perish; he shall let him go free for his eye's sake.***

***27 And if he smite out his manservant's tooth, or his maidservant's tooth; he shall let him go free for his tooth's sake.***

Distinction made between the freeman and the servant, vss.28-32

**28 If an ox gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be quit.**

*Ge 9:5 And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man.*

**29 But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death.**

Unless ...

**30 If there be laid on him a sum of money,**

*a sum of money, אָמֵ-כֶּפֶר, masc. sing. noun; KJV, Ge.6.14 with pitch (the idea of covering); Ex.30.12, ransom; Nu.35.31, satisfaction.*

**then he shall give for the ransom of his life whatsoever is laid upon him.**

*ransom, פְּדִיּוֹן, pid-yon, masc. sing. noun; only twice, פְּדִיּוֹן; Ps.49.8, redemption; פְּדִיּוֹן, twice, Num.3.49, redemption, and 51, of them that were redeemed; the verb is פָּדָה, and is translated redeem (50), deliver (5), rescue (1), ransom (2).*

By this there is a purchase and satisfaction made by the substitution of an animal or price so that there is a release from one state to another.

In this case, if the living find satisfaction by receiving a payment for the death of this one then the payment can be made for a ransom of the life of the owner of the ox.

**31 Whether he have gored a son, or have gored a daughter, according to this judgment shall it be done unto him.**

Personal liability for property damage, vss.32-36

**32 If the ox shall push a manservant or a maidservant; he shall give unto their master thirty shekels of silver, and the ox shall be stoned.**

*he shall give, נתן, Qal fut., 3ps. masc of נתן, nathan; Qal fut. is translated to give, yield, to let, suffer, make pay, deliver, put, pour cause, yield, would, moreover, utter, grant, bring; in Exodus the Qal fut. is used in 3.19, with לא; 12.23, 25; 16.3, with construct נתן; 21.19, 32; 22.7, with construct נתן, 10; 30.14, 33.*

This becomes the price for the death of a servant. (cf. Zec.11.12, 13; Mt. 26.15; 27.3, 9) This is the price paid for our Lord Jesus: 30 pieces of silver. He came the Servant of God (cf. Jn.13.4-12, washing the feet):

*Mt 12:18 Behold my servant, whom I have chosen; my beloved, in whom my soul is well pleased: I will put my spirit upon him, and he shall shew judgment to the Gentiles.*

*Is.53.11 He shall see of the travail of his soul, and shall be satisfied: by his knowledge shall my righteous servant justify many; for he shall bear their iniquities.*

**33 And if a man shall open a pit, or if a man shall dig a pit, and not cover it, and an ox or an ass fall therein;**

*cover it, יכסו, Piel (intensive active) fut. sing. masc. of כסה, w/3psm. suff.; most often to cover; but also close, conceal, hide, overwhelm; Piel pret., Ex.10.5, And they shall cover; 15.10, the sea covered them; Piel infin., Ex.26.13, to cover it; 28.42, to cover their nakedness; Piel fut., Ex.8.6; 14.28; 16.13; 24.15, 16, and covered; 10.15, they covered; 15.5, have covered; 21.33, cover it; 40.34, then covered; Piel part., Ex. 29.13, 22, that covereth.*

**34 The owner [בַּעַל, ba-al] of the pit shall make it good, and give money unto the owner of them; and the dead beast shall be his.**

**35 And if one man's ox hurt another's, that he die; then they shall sell the live ox, and divide the money of it; and the dead ox also they shall divide.**

*to smite, הָגַף, prefixed לְ, 1<sup>e</sup>, to, for; root Qal infin. of root הָגַף; to hurt smite, strike, put to the worse, slay, beat; the Qal infinitive is used twice in verse 23, and once in 27. Cf. Ex.8.2, will smite; 12.23, to smite; 27, when he smote; 21.22, 35, hurt; Ex. 32.35, plagued.*

**36 Or if it be known that the ox hath used to push in time past, and his owner hath not kept him in; he shall surely pay ox for ox; and the dead shall be his own.**

For his irresponsibility he owes the other another ox of like value, and the dead ox is his.