

“An Eye for an Eye”  
Exodus 21:12-36  
(Preached at Trinity, March 30, 2008)

I’m supplying these notes for the benefit of busy pastors who may be engaged in bi-vocational work, feeling the pressure of preparing to preach twice on the Lord’s Day while trying to balance full-time secular work as well as caring for their families. While the notes of another man are no substitute for personal study, I pray that these may aid in the process of preparing to preach.

**Disclaimer:** These are the actual notes I bring with me to the pulpit, which I follow loosely. They are not designed for publication. While I try to make every effort to give proper credit to my sources from the pulpit, adequate citations will sometimes be absent from my notes. If anyone feels their intellectual material has been used without adequate citation, please contact me and I’ll make immediate correction giving credit.

1. As we’ve seen, this section of the Book of Exodus God begins to give a lengthy application to the Law given on Mount Sinai. It lasts for three chapters. In **Chapter 24** we find that this section of Exodus was called the “Book of the Covenant.”  
**Exodus 24:7** – “And he took the book of the covenant, and read in the audience of the people: and they said, All that the LORD hath said will we do, and be obedient.”
2. We’ve seen that the first section of the “Book of the Covenant” speaks on the subject of masters and slaves.
  - A. There was a strict principle of mercy to be practiced in the treatment of slaves. When a Hebrew slave was set free his master was required to give him liberal provisions so that he would be able to start his new life.
  - B. The reason the masters were required to demonstrate mercy was clearly given. They were to show mercy because they had been slaves themselves and God showed them mercy.  
**Deuteronomy 15:15** – “And thou shalt remember that thou wast a bondman in the land of Egypt, and the LORD thy God redeemed thee: therefore I command thee this thing to day.”
3. As we continue with **Verse 12** and on to the end of the chapter we find God’s principle for justice. Here He gives instruction as to the punishment for crimes. God sets forth capital punishment for some crimes. For others He sets forth a strict system of equity. He also restrains excessive vengeance – “You broke my tooth, I’m going to kill you.”
  - A. Often we see abuses our judicial system and we can all recount cases where we doubt that justice carried out fairly.
  - B. This is particularly true with our glut of civil lawyers each vying for clients who see a lawsuit as a quick way to get rich.
  - C. The Bible gives us patterns and principles that, if followed, would provide for the administration of justice. Divine justice is always perfect.
5. This passage is divided into three sections:  
**Capital Crimes (12-17), Personal Injuries (18-27), Criminal Negligence (28-36)**
  - I. Capital Crimes
    - A. The first case is that of murder -  
**Exodus 21:12** – “He that smiteth a man, so that he die, shall be surely put to death.”
      1. As we saw in the Sixth Commandment, God places a high value upon human life
        - a. Human beings were created in the image of God

- b. We witness God's attitude towards murder when Cain killed Abel  
When Adam sinned the ground was cursed. When Cain sinned he was cursed.  
**Genesis 4:10-11** – "And he said, What hast thou done? the voice of thy brother's blood crieth unto me from the ground. And now *art* thou cursed from the earth, which hath opened her mouth to receive thy brother's blood from thy hand;"
2. After the flood God stated clearly the penalty for murder. If a man takes the life of another he shall forfeit his own life  
**Genesis 9:6** – "Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.")
- a. Murder is the ultimate crime against another man
- b. There is no way to undo it. There is no way to make restitution.
- c. There is also no way to reverse the death penalty – this is why no one could be executed on the testimony of one witness
3. The civil magistrate is the God ordained authority for carrying out the penalty of death upon the one who takes another man's life
- a. In **1 Peter 2:14** we read that they "are sent by him for the punishment of evildoers."
- b. In **Romans 13** we see that God has given the civil magistrate the power of the sword  
**Romans 13:4** – "For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to *execute* wrath upon him that doeth evil."
- c. John Murray – "To the civil magistrate is given not only the power, but as the minister of God, the right, the authority, to use the sword for the infliction of death as the penalty for crimes which merit this retribution. If we were to attempt to draw up a catalogue of such crimes we would encounter difficulty. But one thing is plain; in terms of biblical teaching the one crime that is placed beyond all question as falling into this category is that of murder."
4. Capital punishment points forward to divine punishment
- a. All of us have committed capital crimes against God. All sin is a capital offense before God  
**Romans 6:23** – "For the wages of sin *is* death . . ."  
Physical death, spiritual death, second death – eternal separation
- b. God will execute perfect justice – our own sins will witness against us and all will stand condemned – there are none righteous
- c. All will receive the penalty of the second death  
**Revelation 21:8** – "But the fearful, and unbelieving, and the abominable, and murderers, and whoremongers, and sorcerers, and idolaters, and all liars, shall have their part in the lake which burneth with fire and brimstone: which is the second death."
- d. The only way to redeem sinners from the curse of sin was through the sacrifice of His own Son – by the giving up of His life.  
**John 15:13** – "Greater love hath no man than this, that a man lay down his life for his friends.'

- e. This was the greatest thing Christ could give.  
This is why it is so glorious that Jesus took our place. He became sin for us
  - B. The second case is that of accidental death  
**Exodus 21:13** – “And if a man lie not in wait, but God deliver *him* into his hand; then I will appoint thee a place whither he shall flee.”
    - 1. Death committed as an unintended accident is not a capital offense but instead mercy is to be shown.
    - 2. In ancient culture the perpetrator would have been killed by the victim’s relatives.
    - 3. In these cases God set up cities of refuge to which a man might flee
      - a. Once they entered into Canaan they would establish 6 cities – three on each side of the Jordan as a place of asylum for those who shed blood innocently
      - b. Investigation was to be made by the elders and guilt or innocence established.
    - 4. We can also see Christ in these cities of refuge – have you fled to Christ?  
<sup>ESV</sup> **Hebrews 6:18** – “. . . we who have fled for refuge might have strong encouragement to hold fast to the hope set before us.”  
How firm a foundation, ye saints of the Lord  
Is laid for your faith in His excellent Word!  
What more can He say than to you He hath said,  
To you who for refuge to Jesus have fled.
  - C. Thirdly, God gives us some other various applications
    - 1. To rise up against a parent was a capital crime – **Verses 15, 17**
      - a. The word implies a vicious attack.  
This is the ultimate sign of incorrigibility  
Augustine – “If anyone fails to honor his parents, is there anyone he will spare?”
      - b. **Verse 17** speaks of a total disregard for parental authority.  
Remember, the Fifth Commandment provides the foundation for authority upon the earth. This is speaking of a person who will not submit to authority – a rebel
    - 2. **Verse 16** speaks of kidnapping. This used to be a capital crime in our own nation. God will not have a man unjustly robbed of his liberty. It is an assault upon a man’s life.
- II. The next category of law in this chapter is that of Personal Injury – **Verses 18-27**  
These are accidents that require restitution  
Personal injury can happen in many different ways but these are some basic principles
- A. **Verses 18-19** speaks of an injury that is inflicted upon another person
    - 1. In such a case the victim is owed all that he lost  
Medical bills, lost wages etc.  
**Exodus 21:19** – “. . . he shall pay *for* the loss of his time, and shall cause *him* to be thoroughly healed.”
    - 2. This is a simple rule. If it were followed law suits would be greatly diminished. In other words the perpetrator is responsible for the actual loss of the victim. This is matter of simple math – actual out of pocket expenses.

3. If the perpetrator could not afford such expense he would go into servitude until the full restitution was made.
- B. Next we have cases which involve injury to a slave – **Verses 20-21, 26,27**
1. This obviously implies the master had the right to inflict corporal punishment – but the master did not have the right to injure the slave.
  2. If the slave was killed it was a capital crime  
If the slave lived there was no compensation because the slave worked for the master – it was the master’s loss
  3. In the case of permanent injury the slave was set free
  4. This shows the unparalleled mercy of God. There was no other slave in the ancient world treated with such respect and mercy.
  5. While this has no application for us today it does teach us of God’s care and concern for the lives of all men.
- C. We also have an example of injury to a third party
1. If a woman is struck so that she goes into labor there was serious danger to the life of both mother and child
    - a. If there is any harm to mother or child the perpetrator shall pay “Eye for eye, tooth for tooth, hand for hand, foot for foot, Burning for burning, wound for wound, stripe for stripe.”
    - b. Even if both mother and child survived he would still pay a fine as determined by the elders in accordance with the demand of the husband.  
This is an example of punitive damages being paid in the most egregious situations.
  2. This would be compared with a drunk who gets behind the wheel of a car and causes bodily harm. His actions might have been accidental yet they were so careless that he would surely be brought to pay the full penalty for his actions.
  3. Another important implication for us is that God sees the unborn fetus as a life worthy of the right of protection. Injury to the unborn child was treated in the same way as injury to any other person. The abortion doctor is guilty of murder.
- III. The third category is that of criminal negligence – **Verses 28-36**
- A. Two examples are given:
1. The case of a man who owns a dangerous animal who fails to take the necessary precautions to prevent it from harming another person or his possessions.
  2. The second case is that of digging a pit without taking the necessary precautions to keep a person or animal from falling in.
- B. We are responsible for negligence
1. If the owner did not know the Ox was dangerous only the ox would pay the penalty. It was put to death.
  2. But if the owner knew and did nothing to assure the safety of others he was personally liable. He bore the responsibility.
  3. The same is true of the pit that wasn’t covered.
  4. The family of the slain victim, however, could opt for restitution instead of the death penalty. A ransom could be paid

- a. There is a clear Biblical principle of restitution. Our debt is not to the state but to the one we injure.
- b. Whenever our negligence causes the someone else's loss, we have a duty to make restitution for their loss, even if the loss was unintentional.

#### Conclusion:

1. There is a clear principle here that the punishment must fit the crime.  
**Exodus 21:24-25** – “Eye for eye, tooth for tooth, hand for hand, foot for foot, <sup>25</sup> Burning for burning, wound for wound, stripe for stripe.”
2. But you may be thinking about our Lord's teaching on the Sermon on the Mount.  
**Matthew 5:38-40** – “Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth: <sup>39</sup> 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. <sup>40</sup> And if any man will sue thee at the law, and take away thy coat, let him have *thy* cloke also.”
3. Does this mean that Jesus abrogated the Book of the Covenant? This cannot be because in the same sermon Jesus clearly said He did not come to abolish the law.  
**Matthew 5:17** – “Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfil.”
4. This law is often referred to as the “Law of Retaliation” but its purpose was to prevent retaliation, from taking revenge. Private individuals were not to take revenge but the law was to be applied by the elders. It also was more a law of compensation rather than retaliation.
5. What Jesus was saying is when we wrong someone else we need to make thing right. But when someone wrongs us we should not be quick to take offense. Rather, than claiming our rights it calls us to show mercy.
6. Paul says in Philippians 2:5 –  
**Philippians 2:5** – “Let this mind be in you, which was also in Christ Jesus:”  
**Isaiah 50:6** – “I gave my back to the smiters, and my cheeks to them that plucked off the hair: I hid not my face from shame and spitting.”  
**Luke 23:34** – “Then said Jesus, Father, forgive them; for they know not what they do.”

There is a greater truth we need to understand as we look to God's laws of justice concerning harm done to the body of another person. God puts great value upon our life and our body.

1. When Christ came He healed the sick and hurting and He forgave sins. He dealt with both physical and spiritual issues.
2. Do you place value upon your own life – your body and soul?  
Do you not know that you are eternal creatures – you will survive the grave in heaven or hell.  
We are to take every step to Christ. How foolish to gain the world and lose your soul. How terrible it will be if you lose your body and soul eternally.
3. And are you placing great value upon the body and souls of your neighbor. If God is concerned about an ox falling into a pit how much more is He concerned about your neighbor.