

# UNIT 37

## LAWS ABOUT VIOLENCE

### (Exodus 21:12-27)

#### Introduction

The next section addresses the problem of violence with the famous *talionic* justice: eye for eye, tooth for tooth. This immediately raised questions about retaliation and the instruction to forgive and leave vengeance to God.

The passage can be divided into violence between free citizens (21:12-19), violence involving slaves (21:20-21), and violence involving innocent bystanders (21:22-27). The underlying point remains true today: *The people of God must treat all human life as sacred*. Naturally, the laws of retributive justice will change from society to society, but the underlying truth based on God's creation is the same.

#### Exposition

##### *I. Violence between Free Citizens (12-19)*

The first part (21:12-19) begins with the principle and then qualifies it: “Whoever smites a man and he dies, shall surely be put to death.” This law would have applied to Moses. Provision of sanctity is promised for nonpremeditative killing (v. 13), but not for premeditation (v. 14). Smiting parents, kidnapping, or cursing parents, are all punishable by death (vv. 15-17). (You will have to study *qalal*, “curse” in this regard.) One final case is that of a non-fatal attack. Here the attacker will pay damages and care (vv. 18, 19).

##### *II. Violence to Servants (20, 21)*

The second part (21:20, 21) concerns damages to servants. Less was thought of slaves than of free men—a slave was his master’s “money.” So the different law is based on the value of the person to society. All that is said here is that the guilty person must be punished. Some Jewish interpreters argued by context that the death penalty was meant—but why did it not say it that way. The penalty was

determined by the judges, but it would have been a fine. If the slave survives a few days, there is no penalty, for that is proof he did not intend to kill him, only correct him.

### *III. Violence to Innocent Bystanders (22-27)*

The third part treats of innocent bystanders. The critical line that gets all the attention is in verse 22: “If men fight and hurt a pregnant woman so that her ‘fruit’ depart from her (literally, “her children go out”) and yet no trouble follow . . . .” Several of these terms have to be studied very carefully, but “her children” needs primary attention.

The Hebrew says “her children depart” (a generic plural), but no other permanent damage results. The text seems to be describing a woman trying to intervene to separate them who is hit and has a miscarriage. The penalty is a fine. Nothing really can be said from this passage about the time when life begins, for the death of a slave did not bring capital punishment either. Valuable lives, such as free Israelites, called for talionic justice. But slaves or unborn infants that could be more readily replaced, especially if the death was not premeditated, did not.

If trouble follows, i.e., if the woman dies, or is injured, then talionic justice applies to her.

The last two verses could be taken as a fourth point, or subordinated to the third. A slave was less valuable and so the *talio* does not apply. But mistreating a slave was punished by loss of the slave.