

Studies in Exodus No. 24

Exodus 20:22-21:11

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Remember, we are in the midst of the covenant making ceremony that began in chapter 19. The Lord has spoken the Ten Commandments to Israel from the mountain. We said last time that they amount to a summary or an epitome of the entire covenant. In biblical scholarship this next large section, that extends from 20:22 to the end of chapter 23, is known as “The Book of the Covenant” after the phrase used in 24:7 to describe these commandments as Moses wrote them down. It supplies an application to life situations of the principles of the covenant already enunciated in the Ten Commandments.

Text Comment

- v.22 This section is a conclusion to the previous one, and a transition to the next as the law code itself does not begin until 21:1.
- v.23 The repetition of the phrase “You have seen for yourselves” from 19:4 – exactly the same Hebrew phrase here and there though rendered slightly differently in the NIV – and the repetition of commandments one and two form a kind of *inclusio* for the entire section. These repetitions set off this section – chapters 19-20 – as a separate section.

The juxtaposition of vv. 22 and 23 seems to make the point that since Israel has *heard* the Lord from heaven – that is, he was present but unseen – they should not make a visible image of him. That is not how the Lord revealed himself to his people.

- v.24 The altars now to be described are impermanent: made of earth and undressed stone. They are for temporary use until, first, Israel should have the tabernacle and its altar and, second, until Israel should be settled in the Promised Land and build a permanent temple.

The “wherever I caused my name to be honored” disabuses the Israelites of supposing that Sinai is some special place of God’s dwelling. When they leave Sinai, they will not be leaving God or his presence behind them. In any case, it has long been wondered why these commandments about worship occur here. It may be because Israel is preoccupied with the presence of the Lord on the mountain above her.

- v.25 The idea is that the altar is a place of special holiness because of its use in the worship of Yahweh – it is the place of closest contact between Israel and Yahweh – and so the stones used to build it should not be cut and shaped by human hands.
- v.26 Ritual nakedness was a feature of ANE worship. The regulation here was designed to forbid any form of ritual nakedness in Israel’s worship. The linen trousers that the priests would later wear had not yet been introduced.

- v.1 After the absolute form of the ten commandments we now have case laws, formulated according to hypothetical situations. That is, “if a man does such and such...”
- v.2 If you wonder why the Book of the Covenant begins with regulations governing the treatment of slaves, remember that Israel was a nation of recently freed slaves. [Alter, 435]

Now what we have in vv. 2-11 is a kind of miscellany of laws. Certain specific situations are covered; many others are not. The case laws given indicate how general principles are to be applied; they do not begin to cover all possible situations.

A Hebrew became a slave – or, perhaps more precisely an indentured laborer (there is no chattel slavery for Israelites in Israel – an utterly unique situation in the ANE) – in order to repay debts. He might have sold himself into slavery or been sold by someone else. But the purchaser had no right to take advantage of the man’s temporary need. The slave, as we shall see, retained basic human rights and had to be treated in keeping with those rights. In Israel, in particular, he had to be released in the seventh year, the Sabbath year (Lev. 25) and no fee could be charged for his freedom. He goes free without cost to himself or his family. This requirement is elaborated as the laws of jubilee in Leviticus and Deuteronomy.

- v.4 The principle is obviously that the woman was and remains the master’s property. But even then, the husband of this slave woman has a right to his family, though at some cost to himself. It is not made clear but perhaps should be assumed that the slave who had been freed did retain the right to ransom his family and deliver them from slavery altogether by that means. [Cassuto, 267]
- v.6 The NIV’s “before the judges” is literally “bring him to God.” That is, presumably, to the sanctuary, where this act will be witnessed. It seems likely that the ear was pierced so as to attach some ring or tag that would indicate the slave’s relationship to his master.

It is not entirely clear what circumstances govern the regulation here that seems to deny to the woman the right to be released after seven years. In Deut. 15:12 the general regulation is that both men and women are to be freed in the seventh year.

- v.7 We have an instance of the selling of a child to pay debts in 2 Kings 4:1. But, as the following verses indicate, the assumption in this legislation is that the girl had been sold to become a concubine or wife in her new home. As such she retains certain rights and these are the focus of the following regulations. These statutes, very clearly, are enacted *for the benefit of the girl*.
- v.8 The Hebrew is literally “to a strange family,” that is, a family unknown to her, either Israelite or not. The reason is given: he has acted treacherously toward this girl or young woman. Israelite men and slave owners may not do this with impunity.

- v.9 What we seem to have here is the custom of providing ahead of time a wife for one's son – perhaps as a way of avoiding a much steeper bride price later. Rearing the daughter-in-law-to-be within the family ensures that she will fit in. Such a custom abolishes slavery except in name.
- v.10 The word translated “food” perhaps should be rendered “meat,” with the idea of food that, in quality, goes beyond the ordinary subsistence allowance that any slave would receive. In other words, she had a right to better treatment than an ordinary slave. Marital rights may refer to the right to bear children. That too must not be taken from her. If her rights are violated, she goes free.
- v.11 That is, she goes free without the payment of a ransom by her family.

You are aware that other law codes from the ancient Near East have been discovered and translated, most notably the famous law code of Hammurabi, king of Babylon, who reigned at the close of the 18th century and the beginning of the 17th century B.C., that is the late 1700s and early 1600s B.C. There were certain laws and legal customs that were, apparently, common over the entire ancient Near Eastern world. There are then, as we might expect, some similarities between the Law revealed by Moses and those other law codes. The form of words in many cases bears a striking resemblance. But there are also many striking differences. One is that the laws are from God, not from the king or even from the legal custom of that day and time. Another difference is that in God's law a reason is often given for a particular regulation, usually a reason based upon Israel's unique religious and ethical viewpoint. But often the differences are found in the stipulations, the laws themselves. The laws concerning the treatment of slaves are a case in point.

In Deuteronomy 15:15, after a similar set of regulations regarding freeing Hebrew slaves in the seventh year, a rationale is provided: “Remember that you were slaves in Egypt and the Lord your God redeemed you. That is why I give you this command today.” There is, of course, nothing like this in the law codes of the ANE. The notion that the slave owner was to be ruled by obligations of fellow-feeling, compassion, and generosity is utterly unique in the laws of the world of that time.

Or take such a regulation as we find in Deuteronomy 23:15.

“If a slave has taken refuge with you, do not hand him over to his master. Let him live among you wherever he likes and in whatever town he chooses. Do not oppress him.”

All the ancient Near Eastern law codes provide for the return of runaways. Indeed, the Code of Hammurabi [Statutes 15, 16] requires the death penalty for anyone who aids a slave to escape or who harbors an escaped slave. But the law of God recognizes the misery of the status of a slave and allows runaways to escape tyranny in Israel. No ancient Dred Scott was to be returned to his master!

So we come to these regulations in Exodus 21 and find that there is, throughout, a concern to protect the rights of the slave. This is striking in the historical context of this legislation. There is in all of these laws clearly at work an underlying obligation to treat the slave lovingly and compassionately, for he was an Israelite brother, not only as a fellow Israelite, but as a sharer of the misfortunes of life. There is no sense whatsoever that slavery was a minor misfortune. Israel, who had lived too long as slaves, knew better! So even when the biblical regulation of slavery shares the common heritage of the ancient Near Eastern world, a more humane spirit breathes through its regulations and there is an unprecedented emphasis upon the just and kindly treatment of slaves.

Nevertheless, these considerations, this humanity in the laws regarding the treatment of slaves are unlikely to satisfy people who complain that the Bible not only accepts the practice of slavery in general, but even imposes such regulations upon that practice as we find in v.4, a law that requires a man to give up his freedom to remain with his wife and children (though, as I said, it is not clear that this was a general requirement, as it is not the general rule laid down in Deut. 15:12). Similarly, a distinction is made in regard to men slaves and women, as we read in v. 7. Is this not legislation that we would repudiate today as unjust? Does this not suggest that far too much the Bible was a book of its time and did not escape the injustice, the false thinking about human beings that was characteristic of that age? Should we not accept that these laws are unworthy of our faith as Christians? Was it not laws such as these that led to the disgraceful practices of American slavery and their justification by Christians?

How are we to reply to such charges? Well, let me reply in three ways.

First, it is important to recognize that slavery as it was practiced in Israel – a form of indentured servitude rather than chattel slavery – was the way in which that economic system provided a safety net for the indigent poor. It is all very well to condemn the ancient system of slavery, but first one must ask what has been put in its place in modern life. It is not clear, for example, that the modern welfare state has provided better for its poor than Israel did for hers. Every economic system must in some way order the relationship between the owners of property and capital and those who work for and are dependent upon them. It is true that no person can *own* another human being in our system, but it remains true that many, many people work under coercion of one sort or another. Very few of the workers who struck Boeing recently would say that if they didn't like the contract Boeing offered them they could simply take their labor and sell it to someone else. The sentiment in Tennessee Ernie Ford's old song, "I owe my soul to the company store," is the fear and the fact of a great many workers in modern economies. If one doesn't like it, he can take the risk of trying to manage on his own, but he may very well end up on the street. As Tolstoy observed in 1900, surveying the situation in Europe and North America, "...in reality the abolition of serfdom and of slavery was only the abolition of an obsolete form of slavery that had become unnecessary, and the substitution for it of a firmer form of slavery, and one that holds a greater number of people in bondage." Enslaving social orders have by no means disappeared from the modern world. [Robert Yarbrough, "The Hermeneutics of 1 Timothy 2:9-15," *Women in the Church*, 187-188]

As a baseball fan it is interesting to think about the way in which the labor of athletes is bound by various rules designed to benefit the owner of an athlete's labor. He may, after some years,

move his labor to another owner, but sometimes in order to do so the previous owner must be compensated. Or, if he is unwilling to work for his present owner, he may be forbidden to work for anyone else until he meets the requirements of his existing contract. We may think it preposterous to compare rich athletes with slaves, but, if you remember, they are the ones who have over the years invoked that comparison again and again.

There was no welfare state in the ancient world; but there was slavery as a way to provide for the poor. There was much injustice in that system, to be sure, as there is in ours today; but if the laws governing slavery in Israel were obeyed – there were not always obeyed – it was a humane way of providing for people who couldn't maintain themselves or their families. It would be a long time before another economic system made a different approach possible.

Second, I have already made the point that the legislation governing slavery in Israel was dramatically different from the legislation that governed slavery in other ancient lands. It was more personally interested, more humane, and radically enlarged the rights of slaves above anything then known in the ancient world. It required them to be released after some years of service, to be treated generously upon their release, and so on.

The fact is it should have been and, we hope it often was a good thing to be a slave in Israel if one had to be a slave. And Israel's law always recognized that no one wanted to be a slave. It never spoke condescendingly about the virtues of slavery. But in Israel, one solved his financial problems without losing his chance to start fresh again. He was treated, not as a piece of property, but as a worker whose labor the owner could count on for a fixed period of time. He knew when he would be released from his obligation. His family life was protected by law. He could not be separated from his wife and children against his will. This was not so in other ANE countries and that fact is immensely important. Within the context of ANE cultural, Israelite law as God revealed it to his people, was revolutionary. It was different from the law and custom of the ancient world *at precisely the point where it would make the most different to actual human beings who had the misfortune to be slaves.*

It is worth our remembering that early American slavery and the slavery of the American South before the Civil War was as terrible as it was *precisely because it violated the biblical norms.* The legislation of Moses was more enlightened than that of Christian America. It cannot be said that American slavery is what one gets when Moses is followed. The proof of that is that this is precisely what the religious leaders of the American South *were themselves saying* before the Civil War. It is true that Robert Dabney and James Henley Thornwell did seek to justify slavery as an institution from the Bible. But it is also true that in the years before the Civil War they were often demanding that the southern states alter their laws governing slavery lest the South be punished by the Lord for their mistreatment of their slaves. Southern slavery was structurally, in its very nature, a violation of the biblical law. God's law, as we will read in 21:16, made it a capital offense to kidnap a person and sell him into slavery. And virtually every black slave that ever came to North America had been kidnapped and sold. The captains that brought their slave cargoes to America's shores should have been dragged from their ships and hung. And the slaves by the express provision of God's Law, should have been set free and welcomed to live anywhere in the country they pleased. So, at the outset there was no rescuing American slavery from biblical condemnation. But, more than this, as even prominent Southern Christians such as

Thornwell and Dabney realized, these slaves, many if not most of whom were professing Christians, were being oppressed, mistreated in precisely those ways the law of God forbade. There was no year of jubilee, of course. But worse still, slave families were being forcibly broken as husbands were sold away from wives and parents from their children. What is more, every Southern state had on its books a law forbidding the teaching of slaves to read – an assault on the ministry of the gospel itself, the place of the Bible in the lives of these people. The slave laws of the Bible all were designed to protect the oppression of Israelites by Israelites and many of them warned of God’s wrath should such a spiritual brotherhood be violated.

A great many ministers like these warned of the consequences to the South if these sins against slaves were not repented of and if laws were not enacted that protected the rights of slaves. Fewer such sentiments were heard during the war, but an impressive number of southern voices could be heard at war’s end expressing the conviction that the South’s devastation was divine judgment for the mistreatment of her slaves. [Eugene Genovese, *A Consuming Fire*] Fact is, it is not hard to see how, had the law of Moses been applied strictly in the American South, the national experience of slavery would have been very, very different and altogether better and less hurtful to the slaves and to the republic. It would have been slavery in name but a very different thing than folk think of as slavery nowadays.

Third, and finally, I must say this. The fact is these are laws revealed by God himself. There are, therefore, in the nature of the case, good and right. If we struggle to see the justice in them, then we are at fault not God. If we find that they don’t rise to our standard, then it is our standard that must be at fault. It is true, of course, than modern people find the laws governing slavery in the Bible simply impossible to defend.

But we need to remember that it is hardly those laws only against which the modern mind rebels. There are many other laws they find utterly inconceivable. Laws against fornication. Has it now sunk in how utterly alien to this modern culture is the idea that a person should have sex only with his or her spouse, never before marriage and never after? People think that idea simply preposterous; as preposterous as slavery. Or the biblical laws touching divorce and remarriage. It is simply inconceivable to modern people that they might be required to stay in an unhappy and unfulfilling marriage. If God’s law requires that, so much the worse for God’s law. And the same thing could be said about gambling. We have got so used to the numbers racket in our modern American culture – to states providing lotteries or encouraging its citizens to gamble – that we forget how recently those activities were crimes!

Or what of the sanctification of the Lord’s Day, or prohibitions against abortion, or the gender distinctions enforced by God’s law.

We will find no escape from modern criticism of biblical law by accepting the force of that criticism here, in regard to laws touching slavery. They will not stop there. They will not stop until we have surrendered a great deal of God’s law – both that found in the OT and that found in the NT. We are safest accepting that the law of God is good and right and we are obliged to acknowledge its justice. If we don’t fully understand its goodness, then we simply have to study harder. Sinful man will never find God’s law acceptable. He will always quarrel with it. He will

always suppose he has discovered a better, a higher way. He is always wrong! The living God spoke these laws.