
EXODUS 21:1 "Now these are the ordinances which you shall set before them."

Laws concerning servants. They shall serve for only seven years, Exo 21:1, Exo 21:2. If a servant brought a wife to servitude with him, both should go out free on the seventh year, Exo 21:3. If his master had given him a wife, and she bore him children, he might go out free on the seventh year, but his wife and children must remain, as the property of the master, Exo 21:4. If, through love to his master, wife, and children, he did not choose to avail himself of the privilege granted by the law, of going out free on the seventh year, his ear was to be bored to the door post with an awl, as an emblem of his being attached to the family for ever, Exo 21:5, Exo 21:6. Laws concerning maid-servants, betrothed to their masters or to the sons of their masters, Exo 21:7-11. Laws concerning battery and murder, Exo 21:12-15. Concerning men-stealing, Exo 21:16. Concerning him that curses his parents, Exo 21:17. Of strife between man and man, Exo 21:18, Exo 21:19; between a master and his servants, Exo 21:20, Exo 21:21. Of injuries done to women in pregnancy, Exo 21:22. The Lex Talionis, or law of like, Exo 21:23-25. Of injuries done to servants, by which they gain the right of freedom, Exo 21:26, Exo 21:27. Laws concerning the ox which has gored men, Exo 21:28-32. Of the pit left uncovered, into which a man or a beast has fallen, Exo 21:33, Exo 21:34. Laws concerning the ox that kills another, Exo 21:35, Exo 21:36.

Verse 1

Now these are the judgments - There is so much good sense, feeling, humanity, equity, and justice in the following laws, that they cannot but be admired by every intelligent reader; and they are so very plain as to require very little comment. The laws in this chapter are termed political, those in the succeeding chapter judicial, laws; and are supposed to have been delivered to Moses alone, in consequence of the request of the people, Exo 20:19, that God should communicate his will to Moses, and that Moses should, as mediator, convey it to them.

EXODUS 21:2 "If you buy a Hebrew servant, he shall serve six years and in the seventh he shall go out free without paying anything."

Verse 2

If thou buy a Hebrew servant - Calmet enumerates six different ways in which a Hebrew might lose his liberty:

1. In extreme poverty they might sell their liberty. Lev 25:39 : If thy brother be waxen poor, and be sold unto thee, etc.
2. A father might sell his children. If a man sell his daughter to be a maidservant; see Exo 21:7.
3. Insolvent debtors became the slaves of their creditors. My husband is dead - and the creditor is come to take unto him my two sons to be bondmen, 2Kgs 4:1.
4. A thief, if he had not money to pay the fine laid on him by the law, was to be sold for his profit whom he had robbed. If he have nothing, then he shall be sold for his theft; Exo 22:3, Exo 22:4.

5. A Hebrew was liable to be taken prisoner in war, and so sold for a slave.

6. A Hebrew slave who had been ransomed from a Gentile by a Hebrew might be sold by him who ransomed him, to one of his own nation.

Six years he shall serve - It was an excellent provision in these laws, that no man could finally injure himself by any rash, foolish, or precipitate act. No man could make himself a servant or slave for more than seven years; and if he mortgaged the family inheritance, it must return to the family at the jubilee, which returned every fiftieth year.

It is supposed that the term six years is to be understood as referring to the sabbatical years; for let a man come into servitude at whatever part of the interim between two sabbatical years, he could not be detained in bondage beyond a sabbatical year; so that if he fell into bondage the third year after a sabbatical year, he had but three years to serve; if the fifth, but one. See Clarke's note on Exo 23:11, etc. Others suppose that this privilege belonged only to the year of jubilee, beyond which no man could be detained in bondage, though he had been sold only one year before.

EXODUS 21:3 If he comes in by himself, he shall go out by himself. If he is married, then his wife shall go out with him.

Verse 3

If he came in by himself - If he and his wife came in together, they were to go out together: in all respects as he entered, so should he go out. This consideration seems to have induced St. Jerome to translate the passage thus: *Cum quali veste intraverat, cum tali exeat*. "He shall have the same coat in going out, as he had when he came in," i.e., if he came in with a new one, he shall go out with a new one, which was perfectly just, as the former coat must have been worn out in his master's service, and not his own.

EXODUS 21:4 If his master gives him a wife and she bears him sons or daughters, the wife and her children shall be her master's, and he shall go out by himself.

Verse 4

The wife and her children shall be her master's - It was a law among the Hebrews, that if a Hebrew had children by a Canaanitish woman, those children must be considered as Canaanitish only, and might be sold and bought, and serve for ever. The law here refers to such a case only.

EXODUS 21:5 But if the servant shall plainly say, 'I love my master, my wife, and my children. I will not go out free;'

EXODUS 21:6 then his master shall bring him to God, and shall bring him to the door or to the doorpost, and his master shall bore his ear through with an awl, and he shall serve him for ever.

Verse 6

Shall bring him unto the judges - אל האלהים el haelohim, literally, to God; or, as the Septuagint have it, προς το κριτηριον Θεου, to the judgment of God; who condescended to dwell among his people; who determined all their differences till he had given them laws for all cases, and who, by his omniscience, brought to light the hidden things of dishonesty. See Exo 22:8.

Bore his ear through with an awl - This was a ceremony sufficiently significant, as it implied,

1. That he was closely attached to that house and family.
2. That he was bound to hear all his master's orders, and to obey them punctually. Boring of the ear was an ancient custom in the east. It is referred to by Juvenal: -

Prior, inquit, ego adsum.

Cur timeam, dubitemve locum defendere? Quamvis

Natus ad Euphraten, Molles quod in Aure Fenestrae

Arguerint, licet ipse negem.

Sat. i. 102. "First come, first served, he cries; and I, in spite

Of your great lordships, will maintain my right:

Though born a slave, though my torn Ears are Bored, 'Tis not the birth, 'tis money makes the lord."

Dryden.

Calmet quotes a saying from Petronius as attesting the same thing; and one from Cicero, in which he rallies a Libyan who pretended he did not hear him: "It is not," said he, "because your ears are not sufficiently bored;" alluding to his having been a slave.

EXODUS 21:7 "If a man sells his daughter to be a female servant, she shall not go out as the male servants do.

Verse 7

If a man sell his daughter - This the Jews allowed no man to do but in extreme distress - when he had no goods, either movable or immovable left, even to the clothes on his back; and he had this permission only while she was unmarried. It may appear at first view strange that such a law should have been given; but let it be remembered, that this servitude could extend, at the utmost, only to six years; and that it was nearly the same as in some cases of apprenticeship among us, where the parents bind the child for seven years, and have from the master so much per week during that period.

EXODUS 21:8 If she doesn't please her master, who has married her to himself, then he shall let her be redeemed. He shall have no right to sell her to a foreign people, since he has dealt deceitfully with her.

EXODUS 21:9 If he marries her to his son, he shall deal with her as a daughter.

Verse 9

Betrothed her unto his son, he shall deal with her - He shall give her the same dowry he would give to one of his own daughters. From these laws we learn, that if a man's son married his servant, by his father's consent, the father was obliged to treat her in every respect as a daughter; and if the son married another woman, as it appears he might do, Exo 21:10, he was obliged to make no abatement in the privileges of the first wife, either in her food, raiment, or duty of marriage. The word ענתה onathah, here, is the same with St. Paul's *οφειλομενην ευνοιαν*, the marriage debt, and with the *ὄμιλιαν* of the Septuagint, which signifies the cohabitation of man and wife.

EXODUS 21:10 If he takes another wife to himself, he shall not diminish her food, her clothing, and her marital rights.

EXODUS 21:11 If he doesn't do these three things for her, she may go free without paying any money.

Verse 11

These three -

1. Her food, שֶׁרָה sheerah, her flesh, for she must not, like a common slave, be fed merely on vegetables.
 2. Her raiment - her private wardrobe, with all occasional necessary additions. And,
 3. The marriage debt - a due proportion of the husband's time and company.
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EXODUS 21:12 "One who strikes a man so that he dies shall surely be put to death,

EXODUS 21:13 but not if it is unintentional, but God allows it to happen: then I will appoint you a place where he shall flee.

Verse 13

I will appoint thee a place whither he shall flee - From the earliest times the nearest akin had a right to revenge the murder of his relation, and as this right was universally acknowledged, no law was ever made on the subject; but as this might be abused, and a person who had killed another accidentally, having had no previous malice against him, might be put to death by the avenger of blood, as the nearest kinsman was termed, therefore God provided the cities of refuge to which the accidental manslayer might flee till the affair was inquired into, and settled by the civil magistrate.

EXODUS 21:14 If a man schemes and comes presumptuously on his neighbour to kill him, you shall take him from my altar, that he may die.

Verse 14

Thou shalt take him from mine altar - Before the cities of refuge were assigned, the altar of God was the common asylum.

EXODUS 21:15 "Anyone who attacks his father or his mother shall be surely put to death."

Verse 15

That smiteth his father, or his mother - As such a case argued peculiar depravity, therefore no mercy was to be shown to the culprit.

EXODUS 21:16 "Anyone who kidnaps someone and sells him, or if he is found in his hand, he shall surely be put to death."

Verse 16

He that stealeth a man - By this law every man-stealer, and every receiver of the stolen person, should lose his life; no matter whether the latter stole the man himself, or gave money to a slave captain or negro-dealer to steal him for him.

EXODUS 21:17 "Anyone who curses his father or his mother shall surely be put to death."

EXODUS 21:18 "If men quarrel and one strikes the other with a stone, or with his fist, and he doesn't die, but is confined to bed;

EXODUS 21:19 if he rises again and walks around with his staff, then he who struck him shall be cleared: only he shall pay for the loss of his time, and shall provide for his healing until he is thoroughly healed."

Verse 19

Shall pay for the loss of his time, and shall cause him to be thoroughly healed - This was a wise and excellent institution, and most courts of justice still regulate their decisions on such cases by this Mosaic precept.

EXODUS 21:20 "If a man strikes his servant or his maid with a rod, and he dies under his hand, he shall surely be punished."

EXODUS 21:21 Notwithstanding, if he gets up after a day or two, he shall not be punished, for he is his property."

Verse 21

If the slave who had been beaten by his master died under his hand, the master was punished with death - see Gen 9:5, Gen 9:6. But if he survived the beating a day or two the master was not punished, because it might be presumed that the man died through some other cause. And all penal laws should be construed as favourably as possible to the accused.

EXODUS 21:22 "If men fight and hurt a pregnant woman so that she gives birth prematurely, and yet no harm follows, he shall be surely fined as much as the woman's husband demands and the judges allow.

Verse 22

And hurt a woman with child - As a posterity among the Jews was among the peculiar promises of their covenant, and as every man had some reason to think that the Messiah should spring from his family, therefore any injury done to a woman with child, by which the fruit of her womb might be destroyed, was considered a very heavy offense; and as the crime was committed principally against the husband, the degree of punishment was left to his discretion. But if mischief followed, that is, if the child had been fully formed, and was killed by this means, or the woman lost her life in consequence, then the punishment was as in other cases of murder - the person was put to death; Exo 21:23.

EXODUS 21:23 But if any harm follows, then you must take life for life,

EXODUS 21:24 eye for eye, tooth for tooth, hand for hand, foot for foot,

Verse 24

Eye for eye - This is the earliest account we have of the *lex talionis*, or law of like for like, which afterwards prevailed among the Greeks and Romans. Among the latter, it constituted a part of the twelve tables, so famous in antiquity; but the punishment was afterwards changed to a pecuniary fine, to be levied at the discretion of the praetor. It prevails less or more in most civilized countries, and is fully acted upon in the canon law, in reference to all calumniators: Calumniator, si in accusatione defecerit, talionem recipiat. "If the calumniator fall in the proof of his accusation, let him suffer the same punishment which he wished to have inflicted upon the man whom he falsely accused." Nothing, however, of this kind was left to private revenge; the magistrate awarded the punishment when the fact was proved, otherwise the *lex talionis* would have utterly destroyed the peace of society, and have sown the seeds of hatred, revenge, and all uncharitableness.

EXODUS 21:25 burning for burning, wound for wound, and bruise for bruise.

EXODUS 21:26 "If a man strikes his servant's eye, or his maid's eye, and destroys it, he shall let him go free for his eye's sake.

Verse 26

If a man smite the eye, etc. - See the following verse.

EXODUS 21:27 If he strikes out his male servant's tooth, or his female servant's tooth, he shall let him go free for his tooth's sake.

Verse 27

If he smite out his - tooth - It was a noble law that obliged the unmerciful slaveholder to set the slave at liberty whose eye or tooth he had knocked out. If this did not teach them humanity, it taught them caution, as one rash blow might have deprived them of all right to the future services of the slave; and thus self-interest obliged them to be cautious and circumspect.

EXODUS 21:28 "If a bull gores a man or a woman to death, the bull shall surely be stoned, and its flesh shall not be eaten; but the owner of the bull shall not be held responsible.

Verse 28

If an ox gore a man - It is more likely that a bull is here intended, as the word signifies both, see Exo 22:1; and the Septuagint translate the שׁוֹר shor of the original by ταυρος, a bull. Mischief of this kind was provided against by most nations. It appears that the Romans twisted hay about the horns of their dangerous cattle, that people seeing it might shun them; hence that saying of Horace. Sat., lib. i., sat. 4, ver. 34: Faenum habet in cornu, longe fuge. "He has hay on his horns; fly for life!" The laws of the twelve tables ordered, That the owner of the beast should pay for what damages he committed, or deliver him to the person injured. See Clarke's note on Exo 22:1.

His flesh shall not be eaten - This served to keep up a due detestation of murder, whether committed by man or beast; and at the same time punished the man as far as possible, by the total loss of the beast.

EXODUS 21:29 But if the bull had a habit of goring in the past, and it has been testified to its owner, and he has not kept it in, but it has killed a man or a woman, the bull shall be stoned, and its owner shall also be put to death.

EXODUS 21:30 If a ransom is laid on him, then he shall give for the redemption of his life whatever is laid on him.

Verse 30

If there be laid on him a sum of money - the ransom of his life - So it appears that, though by the law he forfeited his life, yet this might be commuted for a pecuniary mulct, at which the life of the deceased might be valued by the magistrates.

EXODUS 21:31 Whether it has gored a son or has gored a daughter, according to this judgement it shall be done to him.

EXODUS 21:32 If the bull gores a male servant or a female servant, thirty shekels of silver shall be given to their master, and the ox shall be stoned.

Verse 32

Thirty shekels - Each worth about three shillings English; see Gen 20:16; Gen 23:15. So, counting the shekel at its utmost value, the life of a slave was valued at four pounds ten shillings. And at this price these same vile people valued the life of our blessed Lord; see Zac 11:12, Zac 11:13; Mat 26:15. And in return, the justice of God has ordered it so, that they have been sold for slaves into every country of the universe. And yet, strange to tell, they see not the hand of God in so visible a retribution!

EXODUS 21:33 "If a man opens a pit, or if a man digs a pit and doesn't cover it, and a bull or a donkey falls into it,

Verse 33

And if a man shall open a pit, or - dig a pit - That is, if a man shall open a well or cistern that had been before closed up, or dig a new one; for these two cases are plainly intimated: and if he did this in some public place where there was danger that men or cattle might fall into it; for a man might do as he pleased in his own grounds, as those were his private right. In the above case, if he had neglected to cover the pit, and his neighbor's ox or ass was killed by falling into it, he was to pay its value in money. Exo 21:33 and Exo 21:34 seem to be out of their places. They probably should conclude the chapters, as, where they are, they interrupt the statutes concerning the goring ox, which begin at Exo 21:28.

These different regulations are as remarkable for their justice and prudence as for their humanity. Their great tendency is to show the valuableness of human life, and the necessity of having peace and good understanding in every neighborhood; and they possess that quality which should be the object of all good and wholesome laws - the prevention of crimes. Most criminal codes of jurisprudence seem more intent on the punishment of crimes than on preventing the commission of them. The law of God always teaches and warns, that his creatures may not fall into condemnation; for judgment is his strange work, i.e., one reluctantly and seldom executed, as this text is frequently understood.

EXODUS 21:34 the owner of the pit shall make it good. He shall give money to its owner, and the dead animal shall be his.

EXODUS 21:35 "If one man's bull injures another's, so that it dies, then they shall sell the live bull, and divide its price; and they shall also divide the dead animal.

EXODUS 21:36 Or if it is known that the bull was in the habit of goring in the past, and its owner has not kept it in, he shall surely pay bull for bull, and the dead animal shall be his own.

