

# CHAPTER 21

The laws recorded in this chapter relate to the fifth and sixth commandments; and though they are not accommodated to our constitution, especially in point of servitude, nor are the penalties annexed binding on us, yet they are of great use for the explanation of the moral law, and the rules of natural justice. Here are several enlargements,

**I.** Upon the fifth commandment, which concerns particular relations.

1. The duty of masters towards their servants, their men-servants (v. 2-6), and the maidservants (v. 7-11).
2. The punishment of disobedient children that strike their parents (v. 15), or curse them (v. 17).

**II.** Upon the sixth commandment, which forbids all violence offered to the person of a man. Here is,

1. Concerning murder (v. 12-14).
2. Man-stealing (v. 16).
3. Assault and battery (v. 18, 19).
4. Correcting a servant (v. 20, 21).
5. Hurting a woman with child (v. 22, 23).
6. The law of retaliation (v. 24, 25).
7. Maiming a servant (v. 26, 27).
8. An ox goring (v. 28-32).
9. Damage by opening a pit (v. 33, 34).
10. Cattle fighting (v. 35, 36).

## ~~21~~ EXODUS 21:1-11

### JUDICIAL LAWS

The first verse is the general title of the laws contained in this and the two following chapters, some of them relating to the religious worship of God, but most of them relating to matters between man and man. Their government being purely a Theocracy, that which in other states is to be settled by human prudence was directed among them by a divine

appointment, so that the constitution of their government was peculiarly adapted to make them happy. These laws are called *judgments*, because they are framed in infinite wisdom and equity, and because their magistrates were to give judgment according to the people. In the doubtful cases that had hitherto occurred, Moses had particularly enquired of God for them, as appeared, <sup>GENS</sup>Exodus 18:15; but now God gave him statutes in general by which to determine particular cases, which likewise he must apply to other like cases that might happen, which, falling under the same reason, fell under the same rule. He begins with the laws concerning servants, commanding mercy and moderation towards them. The Israelites had lately been servants themselves; and now that they had become, not only their own masters, but masters of servants too, lest they should abuse their servants, as they themselves had been abused and ruled with rigour by the Egyptian task-masters, provision was made by these laws for the mild and gentle usage of servants. Note, If those who have had power over us have been injurious to us this will not in the least excuse us if we be in like manner injurious to those who are under our power, but will rather aggravate our crime, because, in that case, we may the more easily put our souls into their soul's stead. Here is,

**I.** A law concerning men-servants, sold, either by themselves or their parents, through poverty, or by the judges, for their crimes; even those of the latter sort (if Hebrews) were to continue in slavery but seven years at the most, in which time it was taken for granted that they would sufficiently have smarted for their folly or offence. At the seven years' end the servant should either go out free (v. 2, 3), or his servitude should thenceforward be his choice, v. 5, 6. If he had a wife given him by his master, and children, he might either leave them and go out free himself, or, if he had such a kindness for them that he would rather tarry with them in bondage than go out at liberty without them, he was to have his ear bored through to the doorpost and serve till the death of his master, or the year of jubilee.

**1.** By this law God taught,

**(1.)** The Hebrew servants generosity, and a noble love of liberty, for they were the Lord's freemen; a mark of disgrace must be put upon him who refused liberty when he might have it, though he refused it upon considerations otherwise laudable enough. Thus Christians, being *bought with a price, and called unto liberty*, must not be the servants of men, nor

of the lusts of men, <sup><4173></sup>1 Corinthians 7:23. There is a free and princely spirit that much helps to uphold a Christian, <sup><4512></sup>Psalms 51:12. He likewise taught,

(2.) The Hebrew masters not to trample upon their poor servants, knowing, not only that they had been by birth upon a level with them, but that, in a few years, they would be so again. Thus Christian masters must look with respect on believing servants, Phlm. 16.

2. This law will be further useful to us,

(1.) To illustrate the right God has to the children of believing parents, as such, and the place they have in his church. They are by baptism enrolled among his servants, because they are *born in his house*, for they are therefore *born unto him*, <sup><3360></sup>Ezekiel 16:20. David owns himself God's servant, as he was *the son of his handmaid* (<sup><4836></sup>Psalms 116:16), and therefore entitled to protection, <sup><3866></sup>Psalms 86:16.

(2.) To explain the obligation which the great Redeemer laid upon himself to prosecute the work of our salvation, for he says (<sup><3406></sup>Psalms 40:6), *My ears hast thou opened*, which seems to allude to this law. He loved his Father, and his captive spouse, and the children that were given him, and would not go out free from his undertaking, but engaged to serve in it for ever, <sup><2411></sup>Isaiah 42:1, 4. Much more reason have we thus to engage ourselves to serve God for ever; we have all the reason in the world to love our Master and his work, and to have our ears bored to his door-posts, as those who desire not to go out free from his service, but to be found more and more free to it, and in it, <sup><3840></sup>Psalms 84:10.

Concerning maid-servants, whom their parents, through extreme poverty, had sold, when they were very young, to such as they hoped would marry them when they grew up; if they did not, yet they must not sell them to strangers, but rather study how to make them amends for the disappointment; if they did, they must maintain them handsomely, v. 7-11. Thus did God provide for the comfort and reputation of the daughters of Israel, and has taught husbands to *give honour to their wives* (be their extraction ever so mean) as to the *weaker vessels*, <sup><4087></sup>1 Peter 3:7.

## EXODUS 21:12-21

### JUDICIAL LAWS

Here is,

**I.** A law concerning murder. He had lately said, *Thou shalt not kill*; here he provides,

**1.** For the punishing of wilful murder (v. 12): *He that smiteth a man, whether upon a sudden passion or in malice prepense, so that he die, the government must take care that the murderer be put to death, according to that ancient law (Genesis 9:6), Whoso sheddeth man's blood, by man shall his blood be shed.* God, who by his providence gives and maintains life, thus by his law protects it; so that mercy shown to a wilful murderer is real cruelty to all mankind besides: such a one, God here says, shall be taken even *from his altar* (v. 14), to which he might flee for protection; and, if God will not shelter him, let him *flee to the pit, and let no man stay him.*

**2.** For the relief of such as killed by accident, *per infortunium* — *by misfortune, or chance-medley*, as our law expresses it, when a man, in doing a lawful act, without intent of hurt to any, happens to kill another, or, as it is here described, *God delivers him into his hand*; for nothing comes to pass by chance; what seems to us purely casual is ordered by the divine Providence, for wise and holy ends secret to us. In this case God provided cities of refuge for the protection of those whose infelicity it was, but not their fault, to occasion the death of another, v. 13. With us, who know no avengers of blood but the magistrates, the law itself is a sufficient sanctuary for those whose minds are innocent, though their hands are guilty, and there needs no other.

**II.** Concerning rebellious children. It is here made a capital crime, to be punished with death, for children either,

**1.** To strike their parents (v. 15) so as either to draw blood or to make the place struck black and blue. Or,

**2.** To curse their parents (v. 17), if they profaned any name of God in doing it, as the rabbies say. Note, The undutiful behaviour of children towards their parents is a very great provocation to God our common

Father; and, if men do not punish it, he will. Those are perfectly lost to all virtue, and abandoned to all wickedness, that have broken through the bonds of filial reverence and duty to such a degree as in word or action to abuse their own parents. What yoke will those bear that have shaken off this? Let children take heed of entertaining in their minds any such thought or passions towards their parents as savour of undutifulness and contempt; for the righteous God searches the heart.

**III.** Here is a law against man-stealing (v. 16): *He that steals a man* (that is, a person, man, woman, or child), with design to sell him to the Gentiles (for no Israelite would buy him), was adjudged to death by this statute, which is ratified by the apostle (<sup>541D</sup>1 Timothy 1:10), where *men-stealers* are reckoned among those wicked ones against whom laws must be made by Christian princes.

**IV.** Care is here taken that satisfaction be made for hurt done to a person, though death do not ensue, v. 18, 19. He that did the hurt must be accountable for damages, and pay, not only for the cure, but for the loss of time, to which the Jews add that he must likewise give some recompence both for the pain and for the blemish, if there were any.

**V.** Direction is given what should be done if a servant died by his master's correction. This servant must not be an Israelite, but a Gentile slave, as the negroes to our planters; and it is supposed that he smite him with a rod, and not with any thing that was likely to give a mortal wound; yet, if he died under his hand, he should be punished for his cruelty, at the discretion of the judges, upon consideration of circumstances, v. 20. But, if he continued a day or two after the correction given, the master was supposed to suffer enough by losing his servant, v. 21. Our law makes the death of a servant, by his master's reasonable beating of him, but *chance-medley*. Yet let all masters take heed of tyrannizing over their servants; the gospel teaches them even to forbear and moderate threatenings (<sup>406B</sup>Ephesians 6:9), considering with holy Job, *What shall I do, when God riseth up?* (<sup>381B</sup>Job 31:13-15).

## EXODUS 21:22-36

### JUDICIAL LAWS

Observe here,

**I.** The particular care which the law took of women with child, that no hurt should be done them which might occasion their mis-carrying. The law of nature obliges us to be very tender in that case, lest the tree and fruit be destroyed together, v. 22, 23. Women with child, who are thus taken under the special protection of the law of God, if they live in his fear, may still believe themselves under the special protection of the providence of God, and hope that they shall be saved in child-bearing. On this occasion comes in that general law of retaliation which our Saviour refers to, <sup><4158></sup>Matthew 5:38, *An eye for an eye*. Now,

**1.** The execution of this law is not hereby put into the hands of private persons, as if every man might avenge himself, which would introduce universal confusion, and make men like the fishes of the sea. The tradition of the elders seems to have put this corrupt gloss upon it, in opposition to which our Saviour commands us to forgive injuries, and not to meditate revenge, <sup><4159></sup>Matthew 5:39.

**2.** God often executes it in the course of his providence, making the punishment, in many cases, to answer to the sin, as <sup><4100></sup>Judges 1:7; <sup><2311></sup>Isaiah 33:1; <sup><3103></sup>Habakkuk 2:13; <sup><4155></sup>Matthew 26:52.

**3.** Magistrates ought to have an eye to this rule in punishing offenders, and doing right to those that are injured. Consideration must be had of the nature, quality, and degree of the wrong done, that reparation may be made to the party injured, and others deterred from doing the like; either *an eye shall go for an eye*, or the forfeited eye shall be redeemed by a sum of money. Note, He that does wrong must expect one way or other to receive *according to the wrong he has done*, <sup><5125></sup>Colossians 3:25. God sometimes brings men's violent dealings upon their own heads (<sup><4176></sup>Psalm 7:16); and magistrates are in this the ministers of the justice, that they are *avengers* (<sup><4134></sup>Romans 13:4), and they shall not bear the sword in vain.

**II.** The care God took of servants. If their masters maimed them, though it was only striking out a tooth, that should be their discharge, v. 26, 27. This was intended,

1. To prevent their being abused; masters would be careful not to offer them any violence, lest they should lose their service.
2. To comfort them if they were abused; the loss of a limb should be the gaining of their liberty, which would do something towards balancing both the pain and disgrace they underwent. Nay,

**III.** *Does God take care for oxen?* Yes, it appears by the following laws in this chapter that he does, *for our sakes*, ~~400~~ 1 Corinthians 9:9, 10. The Israelites are here directed what to do,

1. In case of hurt done by oxen, or any other brute-creature; for the law, doubtless, was designed to extend to all parallel cases.

(1.) As an instance of God's care of the life of man (though forfeited a thousand times into the hands of divine justice), and in token of his detestation of the sin of murder. If an ox killed any man, woman, or child, the ox was to be *stoned* (v. 28); and, because the greatest honour of the inferior creatures is to be serviceable to man, the criminal is denied that honour: his *flesh shall not be eaten*. Thus God would keep up in the minds of his people a rooted abhorrence of the sin of murder and every thing that was barbarous.

(2.) To make men careful that none of their cattle might do hurt, but that, by all means possible, mischief might be prevented. If the owner of the beast knew that he was mischievous, he must answer for the hurt done, and, according as the circumstances of the case proved him to be more or less accessory, he must either be *put to death* or ransom his life with a sum of money, v. 29-32. Some of our ancient books make this felony, by the common law of England, and give this reason, "The owner, by suffering his beast to go at liberty when he knew it to be mischievous, shows that he was very willing that hurt should be done." Note, It is not enough for us not to do mischief ourselves, but we must take care that no mischief be done by those whom it is in our power to restrain, whether man or beast.

2. In case of hurt done to oxen, or other cattle.

(1.) If they fall into a pit, and perish there, he that opened the pit must make good the loss, v. 33, 34. Note, We must take heed not only of doing that which will be hurtful, but of doing that which may be so. It is not enough not to design and devise mischief, but we must contrive to prevent mischief, else we become accessory to our neighbours' damage. Mischief done in malice is the great transgression; but mischief done through negligence, and for want of due care and consideration, is not without fault, but ought to be reflected upon with great regret, according as the degree of the mischief is: especially we must be careful that we do nothing to make ourselves accessory to the sins of others, by laying an occasion of offence in our brother's way, ~~643~~ Romans 14:13.

(2.) If cattle fight, and one kill another, the owners shall equally share in the loss, v. 35. Only if the beast that had done the harm was known to the owner to have been mischievous he shall answer for the damage, because he ought either to have killed him or kept him up, v. 36. The determinations of these cases carry with them the evidence of their own equity, and give such rules of justice as were then, and are still, in use, for the decision of similar controversies that arise between man and man. But I conjecture that these cases might be specified, rather than others (though some of them seem minute), because they were then cases in fact actually depending before Moses; for in the wilderness where they lay closely encamped, and had their flocks and herds among them, such mischiefs as these last mentioned were likely enough to occur. That which we are taught by these laws is that we should be very careful to do no wrong, either directly or indirectly; and that, if we have done wrong, we must be very willing to make satisfaction, and desirous that nobody may lose by us.