

Exodus 21:18-27

<https://thebiblesays.com/commentary/exod/exod-21/exodus-2118-25/>

Here are the judgements for four instances of violence done to a person where the victim does not die. The four instances are: violence between free people, violence done to servants, violence done to a pregnant woman which causes the loss of her baby, and bodily injury to a servant.

The first case covered the situation whereby two men *have a quarrel* that escalates to physical violence resulting in debilitating injury. The injury could have occurred when *one strikes the other with a stone or with his fist*, but the result was that the injured person *does not die but remains in bed*. This was a situation where a verbal altercation came to blows, an argument that escalated from verbal sparring to sparring *with a stone or with a fist*, causing bodily injury serious enough to land a person *in bed*. For a person to be *in bed* (lit. “fall into bed”) means that he was not able to work and support himself or those dependent upon him.

But *if he gets up and walks around outside on his staff*, the judgment was to be that *he who struck him shall go unpunished*. In other words, the one who injured the other person was not subject to any kind of retribution. Instead, *he shall only pay for his loss of time, and shall take care of him until he is completely healed*. Therefore, if a person injures another seriously enough to keep him from working, the attacker must compensate the victim for wages lost and pay for maintaining his lifestyle *until he is completely healed*.

The second case concerns a master striking a servant. Specifically, *If a man strikes his male or female slave with a rod and he dies at his hand, he shall be punished*. A servant’s life was to be protected just as much as anyone else, so if a servant dies from being abused to the point of death, the master must be *punished* (or “avenged”). Since life is sacred, a servant’s life cannot be taken at the whim of a cruel master. Whether this means the death of the master is unclear, but probably not.

If the servant *survives a day or two, no vengeance shall be taken; for he is his property*. Given the servant’s survival, this meant that it is not the master’s intention to kill his servant. Thus, no punishment (or avenging) should be imposed on the master. The phrase here *he is his property* could be seen to be at odds with other provisions that indicate servants are not to be treated

with dignity, as humans created in the image of God, and not as property. The word translated *property* is most often translated “silver.” It might be better understood as “value.” In the prior case of injury, the injured party is to be compensated by the person who injured him until he is well. But in the case of a master injuring his own servant, the master created a monetary loss to himself. Therefore there is no compensation due.

The third case involved a physical altercation between two men, but it also involved injury to an innocent bystander. In this situation, *two men struggle with each other and strike a woman with child so that she gives birth prematurely*. This was a fight that harmed a pregnant woman in such a way that she miscarried, *yet there is no injury*. Other than the miscarriage, the woman was unharmed. The penalty was that the one who caused the miscarriage *shall surely be fined as the woman’s husband may demand of him, and he shall pay as the judges decide*. The attacker was not subject to reciprocal damages for the miscarriage, but he was obligated to pay for the damages he inflicted on the family of the woman. The damages are to be set by the *woman’s husband*.

The exception to this rule is in verses 23-25. It says *if there is any further injury, then you shall appoint as a penalty life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise*. In each case, the punishment is to be proportional to the crime. A bruise is not very serious. If the damage is not serious, then the compensation ought not be either. But if the further damage costs the life of a person, the just payment is the life of the perpetrator.

One cannot conclude from these verses when life begins. This passage has been used by abortion advocates to support the idea that the fetus is not a human. The thinking is that if the fetus were human, the death penalty would apply. But this is not the case here. Verse 22 describes a miscarriage that was the result of an accident and was not planned or deliberate, as an abortion is. This verse does not support the idea of abortion and should not be used to do so. The Bible does not speak of abortion per se, but it does make clear that an unborn child is a person, created in the image of God ([Psalm 139:13](#)). Scripture also condemns the pagan practice of child sacrifice ([Jeremiah 19:5](#); [Deuteronomy 18:10](#); [Ezekiel 16:21](#)).

Also, the famous “eye for an eye” verses (24 – 25) is an example of grace. Often, someone who is injured wants not only just compensation but also retribution. Thus, a person whose tooth is knocked out by another might have a desire to knock out two (or five) teeth of his attacker. Or perhaps poke out

their eye. Losing an eye is a severe loss, while losing a tooth is more of an annoyance. The payback for a person's injury was to be similar to the injury itself but no more. Thus, the "eye for an eye" provision here was designed to limit punishment for an offense. This principle carries forward to modern day, "the punishment should fit the crime."

The last case in this group concerned a free man inflicting permanent injury on a servant. There are two situations mentioned here. First, *if a man strikes the eye of his male or female slave, and destroys it, he shall let him go free on account of his eye*. So, if a master injured a servant (notice that the rule here applies equally to male and female servants) that resulted in permanent loss (the servant's eye in this case), the servant was to be set *free*. Verse 27 has a less serious injury in view. Here, if the master *knocks out a tooth of his male or female slave, he shall let him go free on account of his tooth*. Even though the loss of a tooth was not as serious as the loss of an eye, the result was the same—freedom for the servant. Thus, it seems clear this provision is intended to deter abuse of servants by masters.

Once again, in contrast to other law codes of the time, a servant's life was considered sacred and was to be protected from abuse by a master. Violation of this resulted in a loss of the labor of the servant, but it did not qualify for retaliation upon the master.

Biblical Text:

¹⁸ "If men have a quarrel and one strikes the other with a stone or with *his* fist, and he does not die but remains in bed, ¹⁹ if he gets up and walks around outside on his staff, then he who struck him shall go unpunished; he shall only pay for his loss of time, and shall take care of him until he is completely healed.

²⁰ "If a man strikes his male or female slave with a rod and he dies at his hand, he shall be punished. ²¹ If, however, he survives a day or two, no vengeance shall be taken; for he is his property.

²² "If men struggle with each other and strike a woman with child so that she gives birth prematurely, yet there is no injury, he shall surely be fined as the woman's husband may demand of him, and he shall pay as the judges *decide*. ²³ But if there is *any further* injury, then you shall appoint *as a penalty* life for life, ²⁴ eye for eye, tooth for tooth, hand for hand, foot for foot, ²⁵ burn for burn, wound for wound, bruise for bruise.

²⁶ **“If a man strikes the eye of his male or female slave, and destroys it, he shall let him go free on account of his eye. ²⁷ And if he knocks out a tooth of his male or female slave, he shall let him go free on account of his tooth.**