



Conducted by
Frank Worgan

I have been asked to comment on a passage of scripture about which, during Bible study in a certain congregation, there has arisen some disagreement.

The passage, which I suggest you might first care to read, is **Exodus 21 vv. 21-25** in the 'King James Version', used by the questioner, and the questions that have arisen are, in essence, as follows:-

1. What is meant by '*her fruit depart from her*'?
2. Does '*mischief follow*' refer to the child, or to illness after the loss of the child?
3. What is the significance of '*an eye for an eye...*' etc.

A General Observation.

It is in this section of the book of Exodus that we see how immeasurably kinder was the Law of Moses, than any other moral code that existed in ancient times. Critics of the Bible are fond of pointing out that there were other legal codes that controlled social life in the ancient world, long before the Law was presented to Israel. Indeed, we know that such laws existed in many cultures. But they were never as consistently just and compassionate as those laid down in the Mosaic Law.

The 'Code of Hammurabi'

The best known of these ancient legal-codes is that known as the Code of Hammurabi, who is regarded by some scholars as the 'Amraphel, King of Shinar', mentioned in Ex. 14:1,

If that is correct, this man lived in the days of Abraham. Certainly, Hammurabi was King of Babylon, or 'Shinar', and numerous copies of this Code have been found in the Middle East.

The point to bear in mind is that Hammurabi did not devise the 300 or so, laws of which the Code consists. He only 'codified' them, because they existed before this time, and, whilst they constituted a useful standard with which communal life could be regulated, that standard fell short of the generous and compassionate laws that operated among the Israelites.

Look, now, at Exodus 21:22-25.

The law laid down in Ex.21 is what is known as '*lex talionis*' - the law of '*like for like*'.

It is a law that was intended to control retaliation or revenge, and to ensure that any reaction to injury or loss that an individual might have suffered through the action of another person was not excessive, but was equal in both kind and degree to the damage that had been incurred.

1st. It seems clear that what is envisaged in these verses is a fight between two men, during which the pregnant wife of one of them is injured and suffers a miscarriage. She loses the baby. This is what is meant by '*her fruit departs from her*'.

2nd. It must also be obvious that the abortion is caused through the action of the husband's protagonist, because, when the *husband* demands compensation for the loss

of the baby, the man responsible must pay compensation as set by the judges.

3rd. The phrase, which follows; '*and yet no mischief (ie. harm) follow*', means that the woman suffers no injury beyond the loss of the child. In other words, no *further* harm follows.

4th. The expression '*And if any mischief follow, then thou shalt give life for life*', refers to the possible death of the woman herself. It cannot relate to the loss of the baby, because that matter has already been covered by the words, '*her fruit depart from her*'.

It means that, if the woman dies, the man who caused her death must be held accountable for her death, according to the law laid down in both the Mosaic Law and in the more ancient law, recorded in Gen. 9:6. The penalty would be the death-sentence.

5th. We are all aware that we live today in a 'compensation-driven' society, in which '*an eye for an eye*' is often quoted, not simply as an excuse for exacting retribution or revenge, but as justification for seeking to extract as high a compensation as possible, from the person responsible for the pain, inconvenience or loss, that another may have suffered.

But this is a flagrant abuse of the passage.

The purpose of the law which said '*an eye for an eye*' was to control excessive demands of that kind. It meant that, if an eye had been lost, *the most* that could be required of the person responsible was an eye; if a tooth, *only* a tooth could be demanded. (The loss of an eye was regarded as the greatest possible loss and the loss of a tooth, the least).

Not Applies Literally.

What is more, we should understand that this principle was never intended to be taken literally. And, of course, the people understood this. Had it been literally applied, it might have created a society of one-eyed, one-armed, one legged people!

In practice, the rule meant that, if a person were responsible for causing the loss of an eye, the most that would be expected from him, would be compensation *to the equivalent value* of the eye.

Furthermore, regardless of any desire for revenge that an injured party might feel, he could never, under any circumstances, be allowed to put out both eyes of the guilty person!

His demands could not be permitted to be disproportionate.

Possible Complications.

Notice, also that whilst this law in Exodus 21 is quite simply stated, its application was fraught with complications, and there were exceptional circumstances in which it had to be modified. Verse 26 presents one of these special circumstances. Here were are told what should happen if a master was responsible for an injury to his servant (slave).

The very real difference in their social status would make the strict application of '*an eye for an eye*'; extremely difficult and most unlikely because society would never regard a slave as being as important as his master.

How must the slave be recompensed for the loss of an eye?

Since this loss was, as I have already stated, regarded as the most serious physical injury that one could possibly suffer, short of the loss of life itself, the Law said that, as compensation, the slave must be given his freedom, and his master must lose all rights over him.

Here we see the superiority of the Mosaic Code over the Code of Hammurabi.

The Babylonian code said that, if a slave caused his master to lose an eye, that slave should be put to death. But if the master caused his slave to lose an eye, the slave should be given a sum of money as compensation!

'One law for the rich and one for the poor' have been in the world for a very long time.

It is worth bearing in mind that the most humane and equitable laws in today's world have come down to us from these ancient laws, presented by God to Israel. They were laws which were designed to discourage the spirit of vengeance and to promote justice and right-conduct.

*(All questions please, to: Frank Worgan, 5 Gryfebank Way, Houston,
Renfrewshire, PA6 7NZ, Scotland)*