

TRINITY LECTURE 3 - Bible Study

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[0 : 00] I'm reading from Exodus 21, chapter 21 and from verse 22.

If you want to follow it in our Bible, the Pew Bible, the Black Bible there, it's on page 59. Exodus 21, verse 22.

When people who are fighting injure a pregnant woman so that there is a miscarriage and yet no further harm follows, the one responsible shall be fined what the woman's husband demands, paying as much as the judge determine.

If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.

When a slave owner strikes the eye of a male or female slave, destroying it, the owner shall let the slave go, a free person, to compensate for the eye.

[1 : 19] If the owner knocks out a tooth of a male or female slave, the slave shall be let go, a free person, to compensate for the tooth.

When an ox gores a man or a woman to death, the ox shall be stoned and its flesh shall not be eaten.

But the owner of the ox shall not be liable. If the ox has been accustomed to gore in the past and its owner has been warned but has not restrained it and it kills a man or a woman, the ox shall be stoned and its owner also shall be put to death.

If a ransom is imposed on the owner, then the owner shall pay whatever is imposed for the redemption of the victim's life. If it gores a boy or a girl, the owner shall be dealt with according to this same rule.

If the ox gores a male or female slave, the owner shall pay to the slave owner 30 shekels of silver and the ox shall be stoned.

[2 : 45] Well, I hope you spotted the stem cells in that Old Testament reading. Of course, the Old Testament law does not prescribe for every situation imaginable.

Of course, it doesn't prescribe for stem cells. And there's no clear law on deliberate abortion either. But having said that, even for Old Testament folk in Old Testament times, the Old Testament law does not prescribe for every circumstance and every situation.

Rather, the Old Testament laws prescribe in a variety of circumstances. And it seems that the role of the judges or the judicial officials for ancient Israel was in part to work out what was the right law in a particular situation that the law may not have addressed explicitly.

So it seems to me that the judges of the Old Testament would most likely have spent time looking at the variety of laws in the Old Testament and gaining from them various principles that might impinge on the circumstance that's before them, a difficult case that's brought before the judges, as is prescribed at different times in the Old Testament.

That is, the laws give principles, but usually embedded in a particular situation. From that situation, the principles are then used to apply in other situations.

[4 : 19] And I'm going to try and demonstrate what I think comes out of that tonight from this little mix of laws in Exodus chapter 21.

For those of us who are Christians, there's another step involved. We have to exercise, I think, the same step that Old Testament legal officials would have exercised, and that is, what are the principles that this law gives us?

But for us, living beyond the time of Christ, we need to then see whether those principles are shaped in any distinctive way through the New Testament before we then apply them in a certain circumstance for us.

It may be that principles are annulled in the New Testament. It may be, for example, the food laws and what's behind the food laws, the distinction of Israel from other nations.

It may be that the principles in the law are reinforced. Most of the time, I suspect that that's the case. It may be that the principles are actually heightened. So loving your neighbour, in one sense we could argue the New Testament maybe more explicitly extends that, reinforces it or strengthens it to love your enemy.

[5 : 35] Or we think of adultery as a sexual act, but the New Testament, certainly in Jesus' teaching and the Sermon on the Mount, strengthens that to include our thoughts as well as our actions. It may be, though, in complex examples where various principles, some may have continuity, some discontinuity and some modification.

Earlier in the year I was teaching here, I think in January, on Deuteronomy 7 and the laws about warfare. That's a very complex example which does have a variety of continuity and discontinuity because Israel leads into the church, which is different from but similar to ancient Israel.

It's not a nation, but it is the people of God. There are standards in the principles of holiness that still apply, the justice of God, the judgment of God. But the geography does change.

So the matter of transferring Old Testament laws to modern-day Christians is a complex one in times. But it seems to me that those who try to simply dismiss most Old Testament laws and say, it's for ancient Israel, it's not for us, let's put it to one side, we do what the New Testament tells us full stop, I think throw our babies with bathwater.

And, of course, throwing our babies maybe is sort of hinting at where we're heading tonight, maybe. Anyway, let's look at Exodus chapter 21, and I'll try and illustrate what I mean, at least for Old Testament folk, if not maybe drawing a couple of strings to us who are New Testament folk.

[7 : 10] And I want to begin in verse 28. Exodus 21, verse 28. An odd place to start, you might think, when we're looking at stem cells. When an ox gores a man or a woman to death, the ox shall be stoned and its flesh shall not be eaten, but the owner of the ox shall not be liable.

That's the basic law for this particular circumstance. I imagine that it could apply to other animals, like dogs, for example, those horrible beasts. I imagine that this is not meaning to be exclusive about oxen.

I think it's an example from which you could extrapolate. So if you were a person who had been gored by your neighbour's dog and you went to the judge, my guess is in Old Testament times, they would read this law and think, well, there's no reason why this law's principles doesn't apply to a dog as well.

And they would say, has this dog gored before? And if not, then the dog might be put to death, but the owner is not liable. But in verse 29, if the ox has been accustomed to gore in the past and its owner has been warned but has not restrained it, in fact, one might actually wonder whether the owner should have put the ox to death, although it may not have gored to death.

It may just have gored for injury but not death. Then, then this ox who's got a tradition of goring kills a man or a woman.

[8 : 40] The ox shall be stoned, of course, and its owner shall also be put to death. The owner has become liable because of the track record or history of the ox.

In the first case, one assumes in one sense an innocence and often the Old Testament laws like this. The owner, presumably, because there's no track record of goring, is not liable.

All of a sudden this ox does something. But once it's gored somebody in the past, maybe not to death, presumably, then now the owner is liable for his animal.

And this person has not restrained it and therefore the owner is put to death because the principle, looking back to verse 26, 7 and 8, sorry, verse 23, 4 and 5, at the end of verse 23, life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, etc.

Something that we think is a bit harsh, the Latin for this is the *lex talionis*, the law of retaliation in a sense, or fair sort of punishment for a crime.

[9 : 49] But it's actually limiting vengeance. It's not encouraging vengeance, it's limiting vengeance. And so if the goring loses an arm, presumably the owner might have to lose an arm if there was a tradition of goring.

But if it's a life that's lost, then a life needs to be paid in balance for it. That's the *lex talionis*, a very famous law, but wrongly read as encouraging vengeance, it actually limits it.

And if you compare the laws of the Old Testament with the equivalent laws from ancient Babylon or Egypt or other ancient Near Eastern countries, we actually find that the laws of the Old Testament are in one sense fairer and also a bit more lenient by way of punishment on the whole than those other comparisons from the ancient Near East as well.

So the death of the man or the woman by this ox that has a tradition of goring will lead to the owner of the ox being put to death.

Verse 31, the same rule applies if the victim is a boy or a girl. That's striking because if it's the man, in a sense the man is, to be honest, the number one because he's usually the breadwinner and often in ancient societies, more weight and more compensation or more vengeance was allowed for a man's death or victimhood than for a woman, but the man and the woman are equal and so are their children here.

[11 : 20] So the lives of male, female, adult, child are regarded equally in this law, which is a little bit striking, I think, compared to other ancient Near Eastern laws by and large.

But we also need to take note of an exception in all of this to death. In verse 30, if a ransom is imposed on the owner, then the owner shall pay whatever is imposed for the redemption of the victim's life.

Now what seems to be behind that verse is that you imagine that your husband has just been gored to death by this man's ox.

It's within your right to say this man ought to be put to death because this ox has got a tradition of goring. But you could say, I want this man's life spared.

This is the ransom or literally compensation, really, to be paid. And an amount would be levied as a compensation.

[12 : 28] We're not told here how much or whether it's agreed to. It could be quite high indeed if it's the breadwinner of the family. But notice how the Old Testament has got within it then this capacity for some compassion.

There's still justice because compensation is done. And it's the victim's family that offers the possibility of compensation here. It's not some third party or court here.

And it's certainly a lighter sentence than capital punishment for the man. But the capacity for that is there within the Old Testament. And the other thing I want to point out about the children being put equal with the adults, often in ancient Near Eastern laws, in a similar sort of law, if the child was gored to death, then sometimes it's the owner's child that is put to death by way of balance.

Now, that doesn't happen here. The owner's life is still the one that, in a sense, is put to death if that's the path they go down, even if it's a child who's been killed by the ox that gores, even if the ox is, with the ox who's got a tradition of goring.

And that fits in with a verse I skipped over on Monday night from Deuteronomy 24 where we're told that a parent should not be put to death for the sins of the child and vice versa. And here, I think, we find an element, again, of protection and compassion so that innocent children, even if their father's guilty of negligence, they are protected, which doesn't happen in the parallel laws in other ancient Near Eastern societies of the time.

[14 : 23] Now, what about a slave? What if a slave is killed by an ox that has a tradition of goring? In verse 32, if the ox gores a male or female slave, the owner shall pay to the slave owner 30 shekels of silver and the ox shall be stoned.

It looks like the slave's life is regarded as slightly less than the free person's life, but it's not dismissed as property either.

There is a fairly substantial compensation, the 30 shekels that's there, and certainly that does give weight to the slave's life.

It's not a trivial life that's lost, but on the other hand, it does show that the slave is a bit more than simply property, but on the other hand, the slave's life here, and this may only be a foreign slave or it may be an Israelite slave, an issue that I raised yesterday, the slave's life is regarded in a lesser way than for a free person.

Again, it's actually more sympathetic and places more value on the slave's life than other ancient Near Eastern law codes of a similar sort of period.

[15 : 41] Now, there's nothing much about stem cells there, nor is there in the verses that precede, but let's jump back a bit to verse 22. When people who are fighting, two men who are fighting, literally, injure, presumably by accident, a pregnant woman, she may or may not be the wife of one of them.

It seems that she's a bystander. She's not involved in the fight is the implication, but she's pregnant, and they injure a pregnant woman so that there is a miscarriage and yet no further harm follows, and then comes some punishment.

Now, before we get to the punishment, there are some very tricky things here by way of translation. Literally, where in the translation I just read, there is a miscarriage, literally it is, and her children come out.

Now, it doesn't mean that she's having twins. It's a general statement. The NRSV, as I say, has miscarriage. The NIV, I think, has premature birth.

The implication is most likely that the child within dies. In an ancient world, if a child was born prematurely or much prematurely, there would be almost no chance of that child surviving.

[17 : 05] But it's a tricky translation because it's not absolutely clear. And so, different English translations as indeed different ancient translations. The ancient Greek translation was different from interpretations of ancient Hebrew translations.

Is it a miscarriage? which is most likely, I think, what is the case. But it also then says, and yet no further harm follows.

Presumably, that refers to the woman rather than the child who's presumably dead from the miscarriage, from being, in a sense, accidentally but artificially brought to birth.

No further harm following. Does that mean, you know, she doesn't have a black eye or a broken tooth or a broken arm? Some suggest that maybe it's saying that she's got no further harm in the sense that she's able still to bear children.

That may or may not be the case. Of course, if it is the case, then the actual settlement of this case may take many months before somebody actually knows that she can still bear children.

[18 : 13] It may simply mean, though, that she's not incurred other injuries from being a bystander to this fight. Now, my view here is that the most straightforward way to understand this and most likely implication of the expression and the children come out is that we are dealing here with, in effect, a miscarriage or an accidental death of a fetus that was in this pregnant woman.

And as I say, most premature births would have been deaths in the ancient world. That seems to be the most likely scenario that's being anticipated in these verses. But as I say, the translation is open to a little bit of debate.

And to be honest, though, either way, I think it's most likely that the child or the fetus is dead. Now, it's not an abortion. It's not deliberate, of course. The Old Testament doesn't deal with deliberately induced abortion.

But nonetheless, what it seems to me is that this law raises some principles that are instructive to us from God's word.

In particular, on the status of a fetus. Both the goring ox and the fight are accidents.

[19 : 40] The loss of life in both is accidental. It's not murder in either case. The goring ox accidentally kills a woman or man or child or slave and compensation is paid, possibly even the death of the owner if there is a tradition of the ox goring.

So here with the fetus that's lost. If, because verse 22 goes on to say that the one responsible shall be fined what the woman's husband demands, paying as much as the judges determine.

What is striking is that the fetus is given in effect the same status as an adult accidentally gored to death it seems by the ox.

In both cases compensation can be demanded. In both cases you've got a sort of lex talionis life for life in verse 23. In both cases I suspect it could be that the perpetrator the one who's done this could actually be possibly put to death.

Although there's clearly more an accidental theme in verse 22 than in verse 29 where the tradition of the ox as a goring ox is known.

[21 : 05] Verse 28 is much more the accidental case. The man can demand what compensation he wants but the judges determine that. So if there's a dispute about it the judges would determine what is fair.

What it seems though the principle I think behind it is that a fetus is not discounted as though it's valueless or as though it's a light or trivial matter.

The life of the fetus is regarded in an accidental death at the same level as the accidental death of an adult or a living child.

And so it would be I think a fair inference to draw that if it were a deliberate death where life for life is clearly the case and murder then warrants capital punishment with no possibility of lenience the same I think inference could be drawn on deliberate abortion.

Certainly there are parallels in Assyrian laws a little bit later than this that argue the same sort of thing in effect against deliberate abortion and certainly that's the way that Josephus a Roman historian of the first century philo a Jewish writer of similar time argued from the Old Testament scriptures and early Christian writings that are not in the New Testament the Didache in the second century the epistle of Barnabas and the apocalypse of Peter the same sort of thing this high view of life fits the Bible's picture of life even fetal life Genesis 1's first command to humanity is be fruitful and multiply so producing life producing children is actually highly valued in the Bible Old and New Testaments as well now of course none of this helps us to determine when does life begin we can't gain principles from here or anywhere else in the

[23 : 08] Old Testament about whether life begins at conception or after two weeks or some other time but the principle of the high value of fetal life placed I think in this accidental case on a par with adult life in another accidental situation in the next paragraph actually helps us gain a principle that the New Testament doesn't in any way diminish or overthrow that the life of a fetus is regarded as significant life like an adult or a child that's living life and of course the Bible's view is that life is highly valued it's highly valued because only human life is in the image of God however that's defined and the theologians have argued that for more than 2000 years and they'll probably keep arguing it till the Lord Jesus returns but Genesis 1 makes it clear that humanity is the crowning act of God's creation only humanity male and female made in the image of God it's not an image of God that is lost when Adam and Eve are expelled from the

Garden of Eden for their sin because murder is prohibited in Genesis 9 and the reason given is because of the image of God in humanity now the image of God may be somehow spoiled or imperfect but it's still there even though humanity has fallen so human life is valued much more highly than animal life than vegetable life than property it warrants when human life is deliberately taken it warrants the highest punishment capital punishment and there is the distinction between accidental loss of life as in manslaughter and deliberate murder we're seeing that in effect here and that distinction I think is being made in that ox goring incident that is if the ox just gores and has never done it before that's a complete accident but if it's done it before the point of murder so Old Testament law I think is consistent in advocating the importance of human life and

I think the principle here shows that even the life of a fetus is regarded as on a par with human life we also have seen and we've seen that a bit in the last two nights as well but in many other places in the Old Testament laws a consistent view that God's people need to be fair without partiality in advocating for and looking after the weak and the vulnerable we saw that two nights ago and last night to do with for example slaves the landless categories the fatherless the widows as well as those who are foreigners aliens from other countries who settled in the land perhaps even more voiceless literally are the unborn and their lives I think the Old Testament implies count equally as importantly as ours in the eyes of

God and therefore it seems to me that for those who are the people of God who take seriously God's word we ought to be people who uphold his principles in caring for and protecting and even speaking out for the voiceless weak and vulnerable in this case tonight we're thinking of the unborn fetus next marine Hue is as run as■ as this past it is